

# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

## Planning and Community Development Department

Date: November 10, 2016

From: PCDD Staff

To: Planning Commission

Re: P 16-12 Final Plat of a Minor Subdivision on Whale Island

### GENERAL INFORMATION

Applicant: Donald/Patricia Lehmann & Eric Speck

Property Owner: Donald/Patricia Lehmann & Eric Speck

Property Address: Whale Island

Legal Description: Lot 5 Tract A US Survey 3556

Parcel ID Number: 4-9144-000

Size of Existing Lot: 5.15 acres

Zoning: General Island

Existing Land Use: Residential/Recreational

Utilities: Electric

Access: via water

Surrounding Land Use: Residential/Recreational

### 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 approve the final plat

### ATTACHMENTS

Attachment A: Aerial Vicinity Map

Attachment B: Vicinity Map

Attachment C: Zoning Map

Attachment D: Site Photos

Attachment E: Proposed Plat  
Attachment F: Current Survey  
Attachment G: Application  
Attachment H: Deed  
Attachment I: Mailing List  
Attachment J: Proof of Payment

## **BACKGROUND**

In 1959, Whale Island was subdivided into six lots. The owners of lot 5 now wish to subdivide their 5.15 acre lot into two lots. The Lehmanns will own the lot with the house, which is labeled as lot 5B and is 83,884 square feet. Speck will own the other lot, which is labeled lot 5A and is 140,093 square feet.

## **PROJECT DESCRIPTION**

The proposed subdivision would divide one lot into two lots. The current lot is 5.15 acres. The proposed lots would be 83,884 square feet and 140,093 square feet. The lots are both in excess of General Island's 1 acre minimum lot size.

The plat includes a 15 foot trail, access, and utilities easement along approximately half of the proposed property line between new lots 5A and 5B. A 15 foot beach access easement crosses the northern portion of lot 5A. Both lots abut the ocean, giving each water access. Municipal electricity is available on Whale Island, while municipal water and wastewater are not.

Staff have directed the applicant to make minor administrative changes to the prior approved preliminary plat to account for new information received from DNR. Specifically, any reference to trails, easements, and access across lot 1 be removed. Further, any easements across any other lots outside of Lot 5 and the lots subject to this specific subdivision either be removed or provide the legal support for those easements.

## **Title 21 Subdivision**

Plats that create no more than 4 additional lots shall comply with Chapter 21.12, Minor Subdivisions. The concept plat will be discussed at the first Planning Commission hearing, with the final plat to be considered at the second hearing.

## **ANALYSIS**

**Project/Site:** The proposed lots are in excess of the minimum size requirements, and both lots have ocean access. The subdivision would create the opportunity for the development of an additional residential and/or recreational property.

**Traffic:** Two lots may result in increased boat traffic when compared to one lot.

**Parking:** Lot sizes are ample to provide the required two parking spaces per property.<sup>1</sup> Residents may not have cars on the property, as it is an island.

**Noise:** Lots are large, which should provide sufficient sound buffers.

**Public Health or Safety:** No known impacts.

**Habitat:** No known impacts.

**Property Value or Neighborhood Harmony:** The proposed lots are adequately sized and should not negatively impact neighboring property values.

**Comprehensive Plan:**

The proposal is consistent with the Comprehensive Plan section 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations" by making additional secluded rural residential lots available for development.

**FINDINGS:**

Staff recommends the following findings:

- 1) That the proposed minor subdivision complies with the comprehensive plan by providing for the development of additional housing options.
- 2) That the minor subdivision would not be injurious to the public health, safety, and welfare.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the PCDD staff's analysis and move to approve the final plat of the minor subdivision of Lot 5 Tract A US Survey 3556.

**RECOMMENDED MOTION**

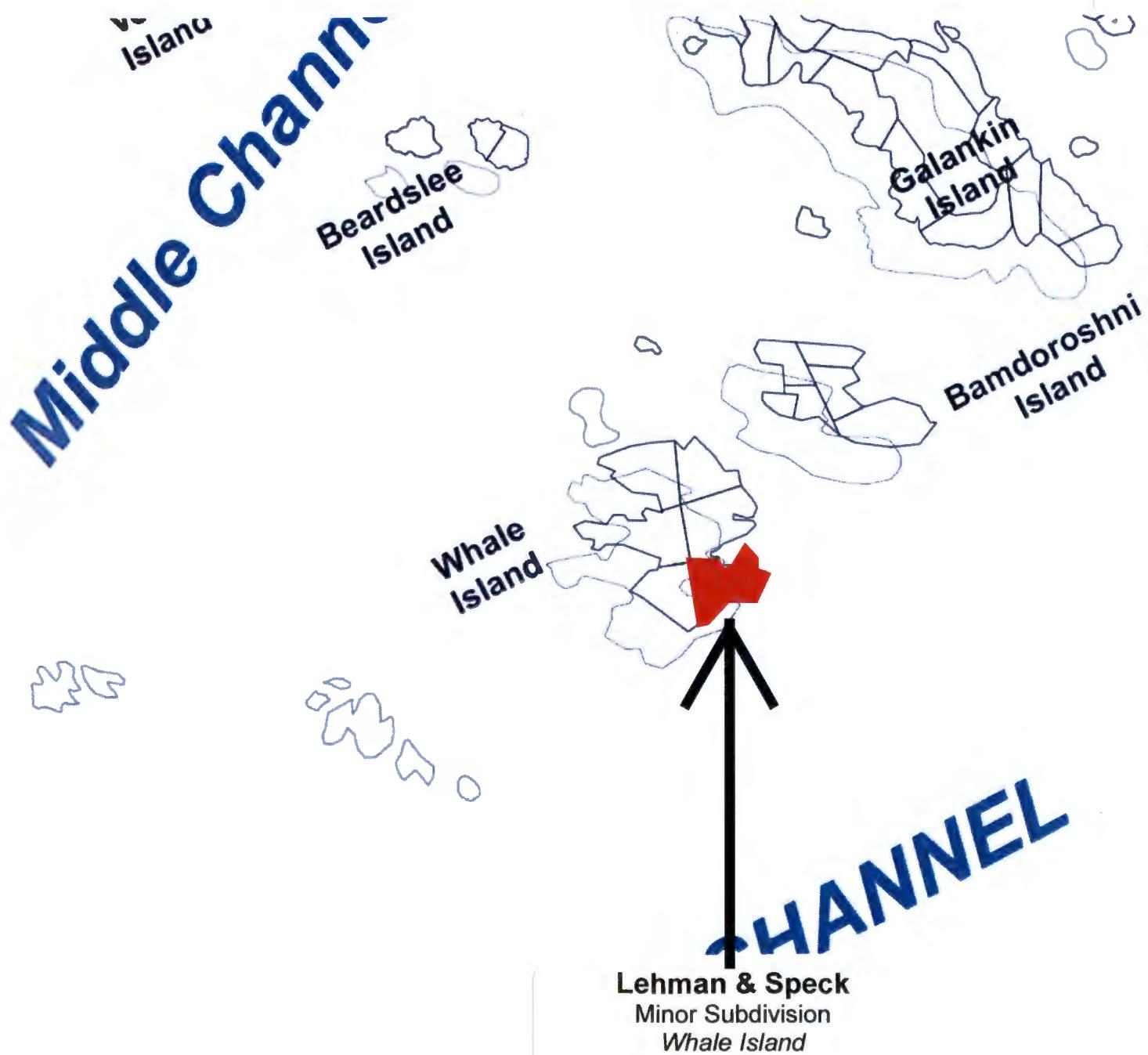
- 1) Move to approve the findings 1) that the proposed minor subdivision complies with the comprehensive plan by providing for the development of additional housing options; and 2) that the minor subdivision would not be injurious to the public health, safety, and welfare.
- 2) Move to approve the final plat of a minor subdivision of a portion of Whale Island, also known as Lot 5 Tract A US Survey 3556 subject to the attached conditions of approval. The request is filed by Donald and Patricia Lehmann and Eric Speck. The owners of record are Donald and Patricia Lehmann and Eric Speck.

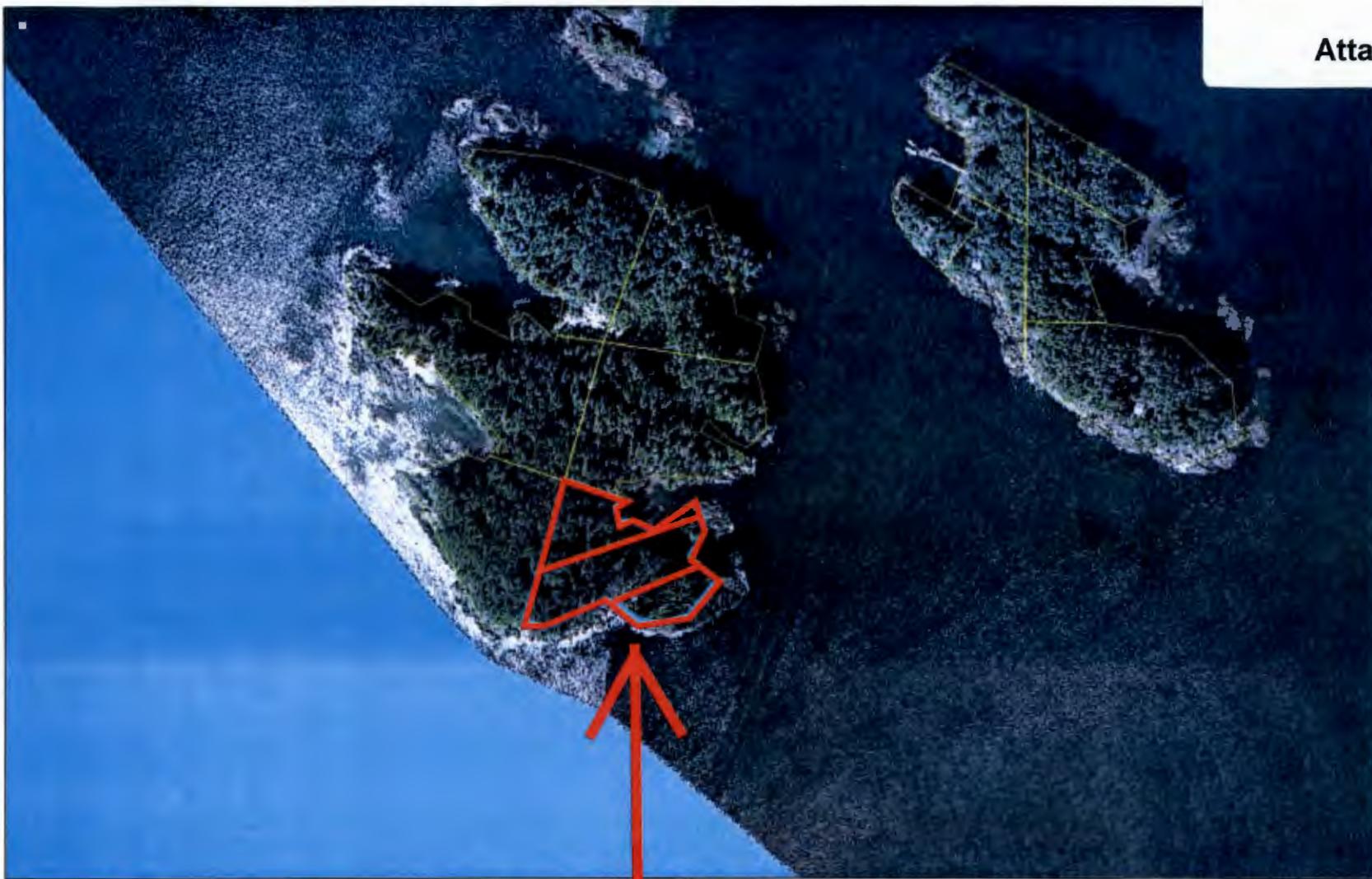
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<sup>1</sup> Section 22.20.100.G.1—Residential Uses

- a. The City is a part to all easements and noted on the plat.
- b. All easements comply with the Sitka General Code.
- c. Appropriate maintenance, use, and access agreements for all plated easements be noted on the plat before final recording.

**Attachment A**





## City & Borough of Sitka, Alaska

Selected Parcel: 0 WHALE ISLAND ID: 49144000

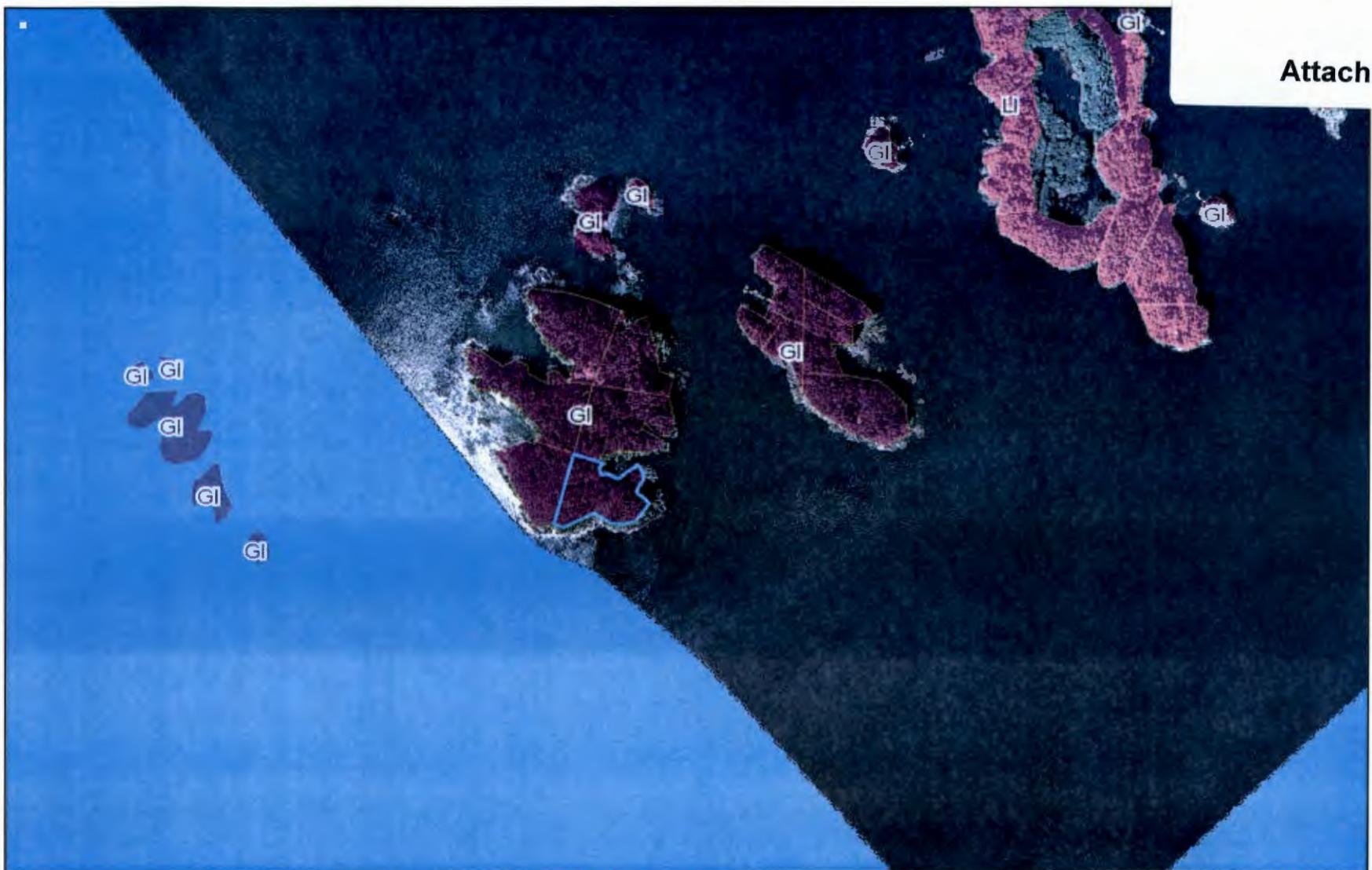
Printed on 8/25/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>



 **MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

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

**Lehman & Speck**  
Minor Subdivision  
*Whale Island*



## City & Borough of Sitka, Alaska

Selected Parcel: 0 WHALE ISLAND ID: 49144000

Printed on 8/25/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>

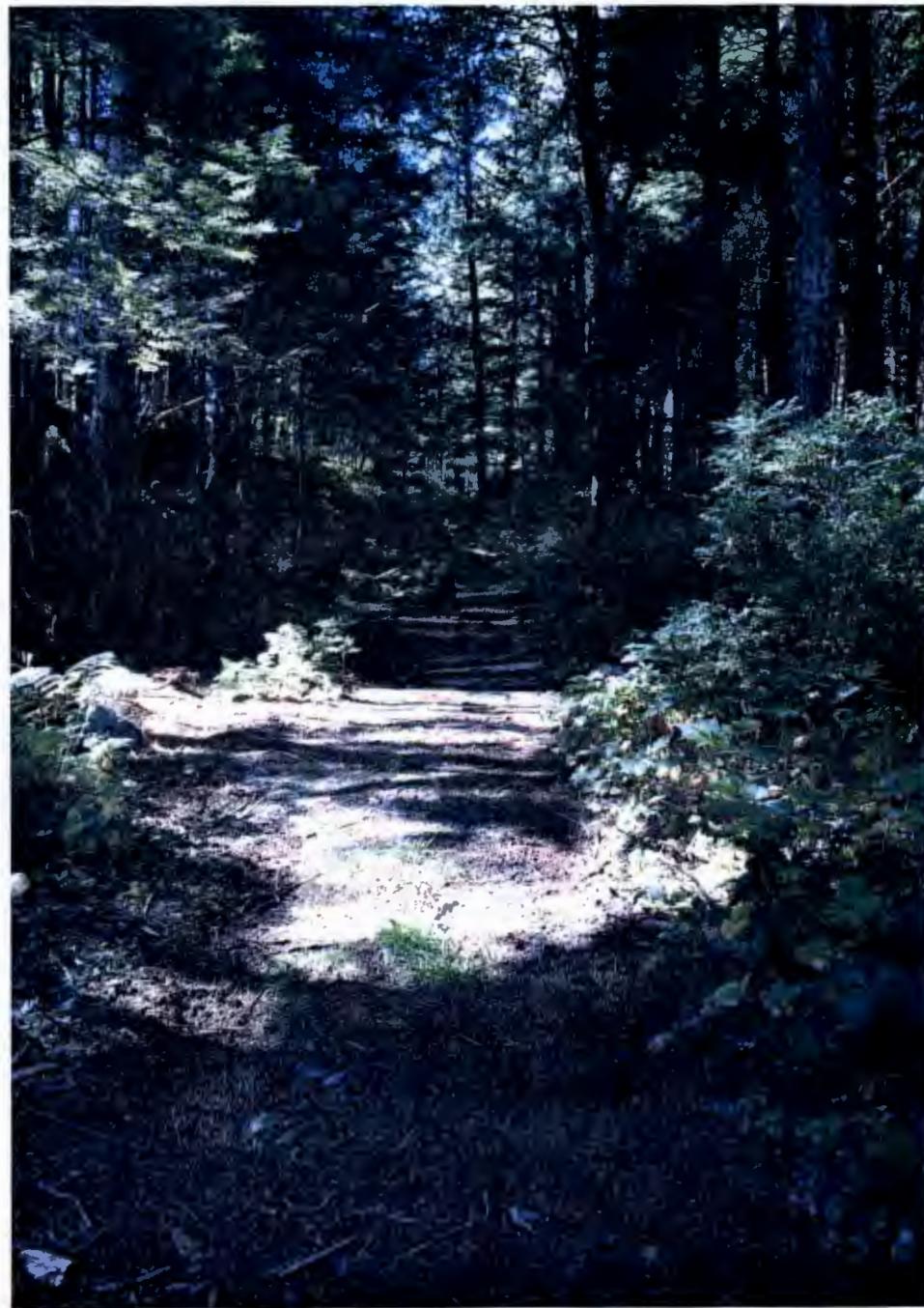
200 m  
1000 ft



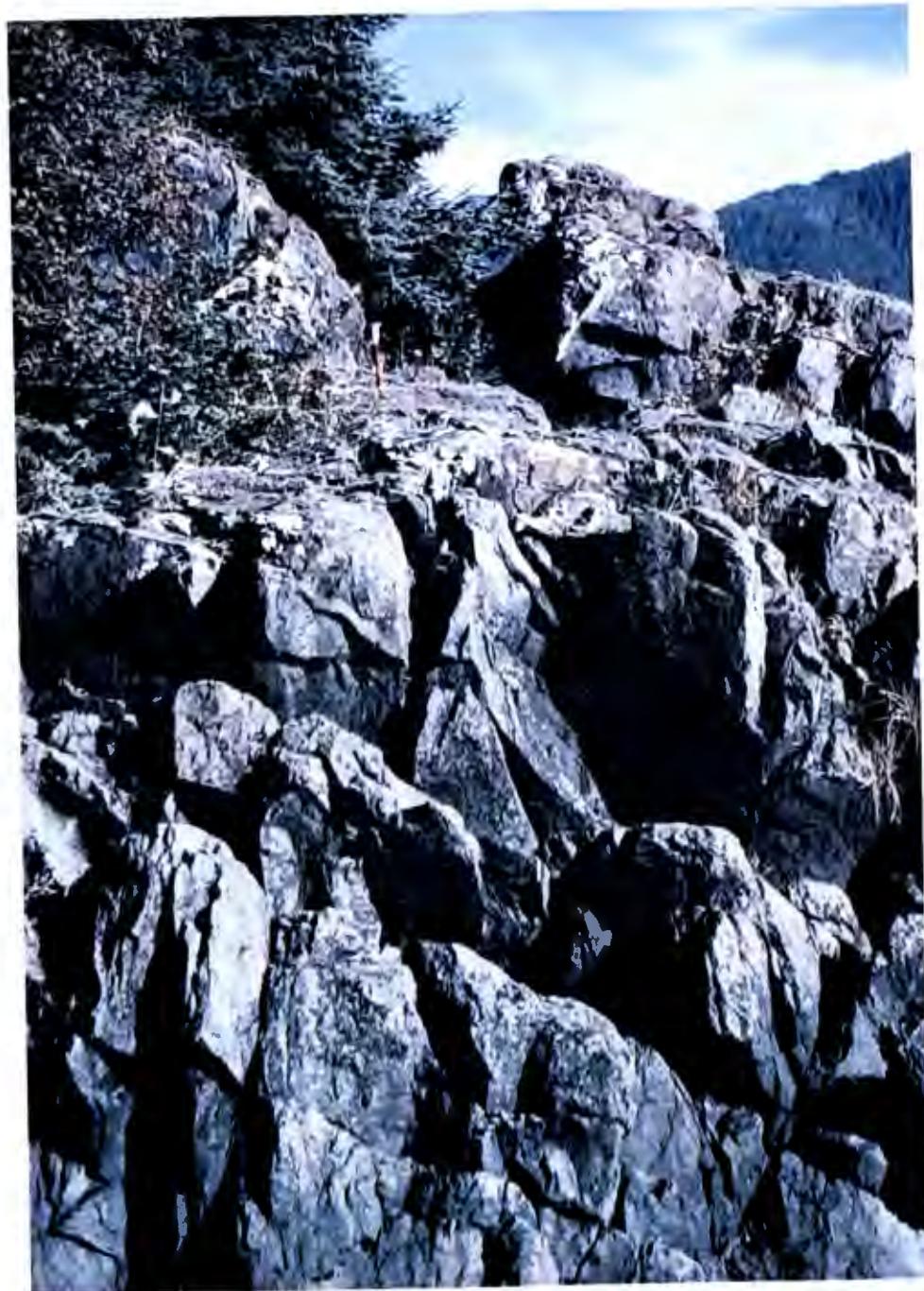
MainStreetGIS  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

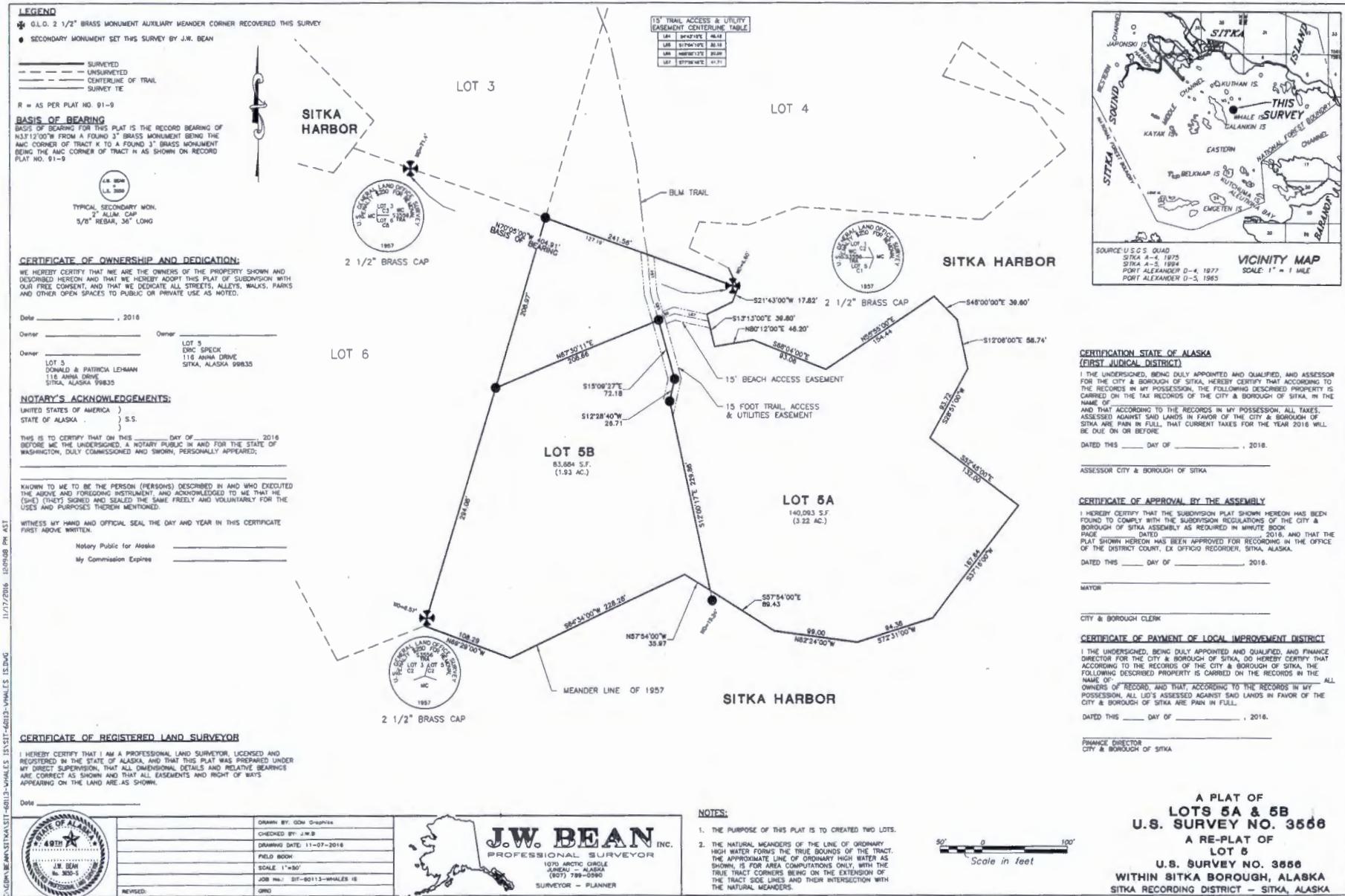
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Lehman & Speck  
Minor Subdivision  
*Whale Island*

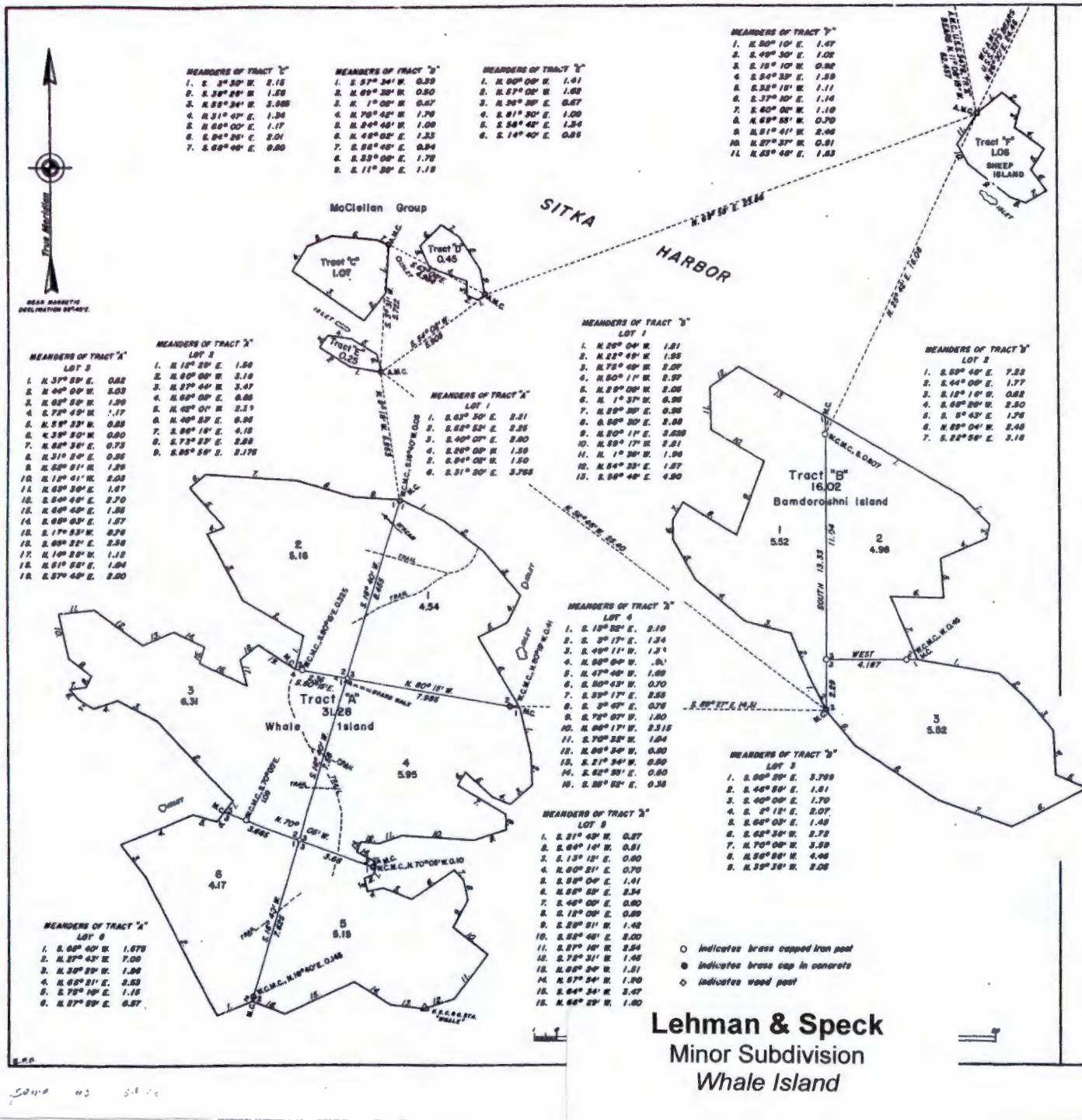


**Attachment D**





# Attachment F



## U. S. SURVEY No. 3556, ALASKA

Situated  
in

SITKA LABOR NEAR SITKA, ALASKA

Approximate Geographic Position

Latitude 57° 01' N. Longitude 135° 20' W.

Survey No. 3556 embraces 6 island tracts, numbered A through F, for a total area of 50.13 acres.

Executed By

Robert Q. Pickering, Cartographic Survey Aid

September 24 to October 4, 1957

Special Instructions Dated

September 23, 1957

and Approved September 24, 1957

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. July 7, 1959

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Earl G. Harrington  
Cadastral Engineering Staff Officer



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
GENERAL APPLICATION FORM

Attachment G

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

**APPLICATION FOR:**

VARIANCE

CONDITIONAL USE

ZONING AMENDMENT

PLAT

**BRIEF DESCRIPTION OF REQUEST:** TO SUBDIVIDE A 5.15 ACRE  
LOT INTO A 1.93 ACRE PARCEL & A 3.22 ACRE  
PARCEL

**PROPERTY INFORMATION:**

CURRENT ZONING: BL M1 PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): BL M1 Dwelling PROPOSED LAND USES (if changing): \_\_\_\_\_

**APPLICANT INFORMATION:**

PROPERTY OWNER: D. P. Littman / PRIC SPEZK

PROPERTY OWNER ADDRESS: 500 LINCOLN ST. B-13 SITKA, AK 99835

STREET ADDRESS OF PROPERTY: WHALE FISHERMAN LOT 5

APPLICANT'S NAME: Donald Littman

MAILING ADDRESS: 500 LINCOLN ST. B-13 SITKA 99835

EMAIL ADDRESS: dplittman@qci.net DAYTIME PHONE: 738-6707

**PROPERTY LEGAL DESCRIPTION:**

TAX ID: 4-9144-000-000 BLOCK: 5 TRACT: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_ US SURVEY: 3556

**OFFICE USE ONLY**

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEES		PARKING PLAN	

## **REQUIRED SUPPLEMENTAL INFORMATION:**

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

## **CERTIFICATION:**

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

Owner

Applicant (If different than owner)

8/17/16  
Date

8/25/16  
Date

**Lehman & Speck**  
Minor Subdivision  
*Whale Island*

## NARRATIVE FOR SUBDIVISION LOT 5 WHALE ISLAND

My wife, Patricia (Penny) and I, along with Eric Speck, purchased Lot 5 on Whale Island in 2001. We have always had the intent to divide the 5.15 acre lot at some point in the future.

With the full consent of Mr. Speck, we constructed a house on our portion of the lot, with building permits completed and Certificate of Occupancy issued by the City of Sitka in October of 2014. This house is our permanent, year round, residence.

We would now like to subdivide the lot to allow for separate ownership and to thus allow Mr. Speck to build a house on his portion of the lot should he chose to do so in the future.

We have agreed on the division and had a plat survey done by J.W. Bean, Inc. of Juneau dividing the lot into 5A, consisting of 3.22 acres, which will be owned by Mr. Speck, and 5B, consisting of 1.93 acres, with our house, which will be owned by my wife and I.

## Closure Report

Set description: ~~(No description)~~

Area: 140,092.83

3.22

Perimeter: 2,147.25

Closure: 0.00

Lot 5A

Point #	Direction	Distance	Northing	Easting	Elevation	Station
455	S16°40'00"W	208.97	4,520.77	4,856.53	100.00	0+00.00
2,331	N67°30'11"E	208.66	4,320.57	4,796.59	-----	2+08.97
2,318	S15°09'27"E	72.18	4,400.41	4,989.38	-----	4+17.64
2,320	S12°28'40"W	26.71	4,330.75	5,008.25	-----	4+89.81
2,321	S12°00'17"E	229.88	4,304.67	5,002.48	-----	5+16.52
1,951	S57°54'00"E	89.43	4,079.82	5,050.29	-----	7+46.40
1,041	S82°24'00"E	99.00	4,032.29	5,126.05	100.00	8+35.83
1,040	N72°31'00"E	94.38	4,019.20	5,224.18	100.00	9+34.83
1,039	N37°16'00"E	167.64	4,047.55	5,314.20	100.00	10+29.21
1,038	N52°45'00"W	132.00	4,180.97	5,415.71	100.00	11+96.85
1,037	N28°51'00"E	93.72	4,260.87	5,310.64	100.00	13+28.85
1,036	N12°06'00"W	58.74	4,342.95	5,355.86	100.00	14+22.57
1,035	N45°00'00"W	39.60	4,400.39	5,343.55	100.00	14+81.31
1,034	S55°55'00"W	154.44	4,428.39	5,315.55	100.00	15+20.91
1,033	N68°04'00"W	93.06	4,341.84	5,187.64	100.00	16+75.35
1,032	S80°12'00"W	46.20	4,376.60	5,101.31	100.00	17+68.41
1,031	N13°13'00"W	39.60	4,368.74	5,055.79	100.00	18+14.61
1,030	N64°14'00"E	33.66	4,407.29	5,046.73	100.00	18+54.21
1,029	N21°43'00"E	17.82	4,421.92	5,077.05	100.00	18+87.87
460	N70°05'00"W	241.56	4,438.48	5,083.64	100.00	19+05.69
455	N70°05'00"W	241.56	4,520.77	4,856.53	100.00	21+47.25

2,331	N16°40'00"E	294.08	4,320.57	4,796.59	-----	6+66.61
2,318	N67°30'11"E	208.66	4,400.41	4,989.38	-----	8+75.27
2,320	S15°09'27"E	72.18	4,330.75	5,008.25	-----	9+47.45
2,321	S12°28'40"W	26.71	4,304.67	5,002.48	-----	9+74.16
1,951	S12°00'17"E	229.88	4,079.82	5,050.29	-----	12+04.04

### The Grantors,

CYNTHIA HOLTMANN, a married woman, DONALD LUGDON, a married man, and JULIE TOZIER, a married woman, whose address is: 4451 Wickersham Way, Wasilla AK 99654

for and in consideration of Ten dollars, (\$10.00) and other good and valuable consideration, in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to the Grantees,

DONALD R. LEHMAN and PATRICIA B. LEHMAN, husband and wife, as to an undivided 50 % interest, and ERIC SPECK, a single man, as to an undivided 50 % interest, whose address is:  
116 Anna Drive, Sitka AK 99835

the following described real property:

Lot 5 of U.S. Survey 3556, located in Township 56 South, Range 63 East, Copper River Meridian, Sitka Recording District, First Judicial District, State of Alaska.

Subject to reservations and exceptions in U.S. and/or State of Alaska Patents and in Acts authorizing the issuance thereof; easements, right-of-ways, covenants, conditions, reservations, notes on plat, and restrictions of record, if any.

The Grantor warrants to Grantee that the above described real estate has never been used as a family home or homestead nor is same subject to any spousal claim as defined in A.S. 34.15.010.

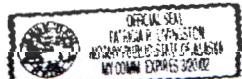
Date: February 9, 2001.

CYNTHIA HOLTMANN  
(Grantor)

**DONALD LUGDON**  
(Grantor)

STATE OF ALASKA }  
THIRD JUDICIAL DISTRICT } ss.

The foregoing instrument was acknowledged before me this 9 day of February, 2001, by Cynthia Holtmann and Donald Lugdon.



and Donald Lugdon.  
Patricia R. Livingston  
Notary Public in and for Alaska

Return to Graders

**Lehman & Speck**  
Minor Subdivision  
*Whale Island*

Date: February 12, 2001

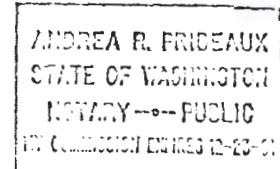
BOOK 0146 PAGE 168

*Julie Tozier*  
JULIE TOZIER  
(Grantor)

STATE OF Washington }  
COUNTY OF Pierce } ss.

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of February, 2001, by Julie Tozier.

*Julie Tozier*  
Notary Public in and for The State of Washington  
My commission expires 12-28-01



100b91  
18<sup>th</sup> APR - 3 A.M. 16  
SITKA RECORDING DISTRICT  
REQUESTED BY *FF*

Lehman & Speck  
Minor Subdivision  
Whale Island

Parcel ID: 49142000  
TRIST/DOUG & D.  
PATTERSON/MCKEAG  
MCKEAG, DOUG &  
DIANNE/PATTERSON, T.  
16275 SW CORMORANT CT  
BEAVERTON OR 97007-8415

Parcel ID: 49145000  
KENT/LINDA BARKHAU/BEHNKEN  
BARKHAU, KENT, W./BEHNKEN,  
LINDA, E.  
123 RIGGS RD  
SITKA AK 99835

Parcel ID: 49143000  
BRENT/VALERIE EDWARDS  
EDWARDS, BRENT & VALERIE  
706 SIRSTAD ST  
SITKA AK 99835

Parcel ID: 49144000  
D. & P./ERIC LEHMAN/SPECK  
LEHMAN, DONALD/PATRICIA &  
SPECK, E.  
500 LINCOLN ST, B-13  
SITKA AK 99835-7668

**P&Z Mailing**  
November 4, 2016

# Attachment I

Parcel ID: 49142000  
TRIST/DOUG & D.  
PATTERSON/MCKEAG  
MCKEAG, DOUG &  
DIANNE/PATTERSON, T.  
16275 SW CORMORANT CT  
BEAVERTON OR 97007-8415

Parcel ID: 49145000  
KENT/LINDA BARKHAU/BEHNKEN  
BARKHAU, KENT, W./BEHNKEN,  
LINDA, E.  
123 RIGGS RD  
SITKA AK 99835

Parcel ID: 49143000  
BRENT/VALERIE EDWARDS  
EDWARDS, BRENT & VALERIE  
706 SIRSTAD ST  
SITKA AK 99835

Parcel ID: 49144000  
D. & P./ERIC LEHMAN/SPECK  
LEHMAN, DONALD/PATRICIA &  
SPECK, E.  
500 LINCOLN ST, B-13  
SITKA AK 99835-7668

**Lehman & Speck**  
Minor Subdivision  
*Whale Island*

**P&Z Mailing**  
October 7, 2016

## Attachment I

Parcel ID: 49142000  
TRIST/DOUG & D.  
PATTERSON/MCKEAG  
MCKEAG, DOUG &  
DIANNE/PATTERSON, T.  
16275 SW CORMORANT CT  
BEAVERTON OR 97007-8415

Parcel ID: 49145000  
KENT/LINDA BARKHAU/BEHNKEN  
BARKHAU, KENT, W./BEHNKEN,  
LINDA, E.  
123 RIGGS RD  
SITKA AK 99835

Parcel ID: 49143000  
BRENT/VALERIE EDWARDS  
EDWARDS, BRENT & VALERIE  
706 SIRSTAD ST  
SITKA AK 99835

Parcel ID: 49144000  
D. & P./ERIC LEHMAN/SPECK  
LEHMAN, DONALD/PATRICIA &  
SPECK, E.  
500 LINCOLN ST, B-13  
SITKA AK 99835-7668

**Lehman & Speck**  
Minor Subdivision  
*Whale Island*

**P&Z Mailing**  
September 9, 2016

City and Borough of Sitka, AK  
100 Lincoln St  
Sitka, AK 99835

Date: 08/16/2016  
Receipt: 2017-00008249  
Cashier: Front Counter  
Received From: DON LEHMANN

PLAN - Planning Permits/Zo	50.00
ning	
STI - Sales Tax 3rd quarte	3.00
r CY	
Receipt Total	53.00
Total Other	
Total Remitted	53.00
Total Received	53.00

Customer Copy

0-320-3201.002  
NG

OF SITKA  
A ALASKA 99835

PAID  
AUG 16 2016

CITY & BOROUGH OF SITKA

Conditional Use Permit.....	50.00
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.....	3.00
<b>TOTAL.....</b>	<b>53.00</b>

Thank you

Lehman & Speck  
Minor Subdivision  
Whale Island