

Valorie L. Nelson
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City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835

Attn: Municipal Attorney Theresa Hillhouse

RE: Conditional Use Permit – Menendez Day Care

February 24, 2012

Dear Ms. Hillhouse,

Please thank Ms. Joseph for emailing me the copy of your 021912 memo to the assembly regarding the Conditional Use Permit – Menendez Day Care. No disrespect intended but you are completely wrong. First and foremost, the case you cite has nothing to do with the issue at hand. It relates to charges of violations of the due processes and open meetings act and briefly addresses covenants of a private homeowners association (not a Fairbanks North Star Borough or City & Borough of Sitka required zero-lot-line party wall agreement).

The above referenced conditional use permit application was only passed on to the assembly by the Planning and Zoning Commission at their meeting of 01/17/12 for approval (as a few of them had some serious concerns) after Wells assured them you would give a satisfactory review. As a matter of fact, I have transcribed the motion approving the conditions and at approximately one hour and 25 minutes into the meeting: “The motion is to approve these conditions and that it be contingent upon a satisfactory review by the municipal attorney.” That motion was passed unanimously. The findings were then made up and approved and the final motion of three was “It is moved and seconded by the planning commission to request and recommend to the municipal attorney that she evaluate the existing party-wall agreement, specifically typed chapter 2, paragraph 1, which describes the use as a single-family residence and provide her guidance to the assembly prior to the assembly review of this case.”

While traveling outside of Sitka in late January, per requirement of Sitka General Code, I filed a timely request to the Planning and Zoning Commission for an appeal and a request for reconsideration as well as an appeal to the assembly. It appears by your memo that each one of those 3 items is being blown off as seems to be the norm for this city. Please refer to Nelson, Valorie vs. Sitka assembly, City of (1SI-92-00239CI) to be reminded that I am and can be an aggrieved person if you fail to follow the laws as written in our charter and Sitka General Code.

/s/ Valorie L Nelson