

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2008-10

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE TITLE 21 SUBDIVISION CODE TO 1) REVISE DRAINAGE EASEMENTS, 2) REVISE THE STREET NAMING POLICY, AND, 3) AMEND THE SUBDIVISION VARIANCE PROCEDURE**

**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 to any person or circumstance is held invalid, the remainder of this ordinance and application to any person and circumstances shall not be affected.
3. **PURPOSE.** The purpose of this ordinance is to revise the subdivision regulations to 1) eliminate the requirement for easements along intermittent drainages, 2) reflect the policy that the Sitka Historic Preservation Commission, and not the Sitka Historical Society, makes recommendations on street names, and, 3) strengthen the subdivision variance procedure to require that drawings be prepared by surveyors. These revisions further balance development regulation and are housekeeping in nature.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that:
  - A. SGC Section 21.40.030 D Drainage Easements is repealed and reenacted consistent with the language below:
    - D. Drainage Easements.
      1. Drainage easements conforming substantially to the exterior boundaries of on-site watercourses, drainage ways, channels, or streams as determined by the city public works director shall be provided. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. Ten foot wide easements, or wider, may be required on both sides of any year around creek or stream. The planning commission may require wider easements if the stream is anadromous as determined by the board after consultation with Alaska Department of Fish and Game.
      2. Where existing site conditions make it impractical to include drainage facilities within road rights-of-way, permanent easements for such drainage facilities shall be provided in accordance with the approved site drainage plan.

3. When a drainage system proposes to convey water across private land outside the subdivision, appropriate drainage easements or other drainage rights must be secured by the applicant and indicated on the application.
4. Low lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas designated for dedication, shall be preserved and retained in their natural state as drainage ways.

- B. SGC Section 21.40.100 Street names is repealed and reenacted consistent with the language below:

21.40.100 Street names.

Names of new streets shall not duplicate existing street names unless a new street is a continuation of or in alignment with the existing street. Street names for dedicated rights-of-way may be recommended by the Sitka Historic Preservation Commission and approved by the municipality. House numbers shall be assigned in accordance with the house numbering system in effect in the city and borough.

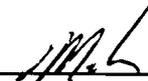
- C. SGC Section 21.48.020 {Subdivision Variance} Procedure is repealed and reenacted consistent with the language below:

21.48.020 Procedure.

- A. Application for a platting variance shall include:
  1. Sketch a plat or photocopy of an existing survey;
  2. A plat, with full dimensions, prepared by a registered land surveyor;
  3. A written explanation of the conditions, facts, and reasons why a variance should be granted;
- B. The planning commission shall have the authority to grant platting variances. In granting or denying any platting variance, the planning commission shall state its findings and conclusions that warrant granting such variance;
- C. Any aggrieved party from the action of the planning commission may appeal to the assembly.

5. **EFFECTIVE DATE.** 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 22<sup>nd</sup> day of April 2008.

  
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Marko Dapceвич, Mayor

ATTEST:

  
Colleen Pellett MMC, Municipal Clerk

**CITY AND BOROUGH OF SITKA  
ORDINANCE NO. 97-1409**

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING  
CHAPTER 2.58. OF THE SITKA GENERAL CODE TO ADD SECTION 2.58.050 TO  
ENSURE THE CONFIDENTIALITY OF THE INVENTORY DEVELOPED UNDER THIS  
CHAPTER**

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

3. **PURPOSE.** There is concern in the community that because the inventory will include the location of grave sites and other sacred sites that its treatment as a public document would compromise their safety and privacy. Federal and state law provide exceptions to the freedom of information acts for such inventories.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Chapter 2.58 of the Sitka General Code is amended to add section 2.58.050 which shall read:

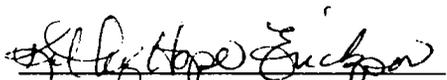
**2.58.050 Confidentiality.** The inventory is not public document and the information it contains is exempt from requests under the Federal and State Freedom of Information laws. The legal authority for withholding public access to this information is specified in AS 9.25.210, The Archeological Resources Protection Act. (16 USC 470 HH) and the National Historic Preservation Act (16 USC 470 W-3).

5. **EFFECTIVE DATE.** 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 25th day of March, 1997.

  
Bert Stedman, Deputy Mayor

**ATTEST:**

  
Kathy Hope Erickson  
Municipal Clerk

## C I T Y   A N D   B O R O U G H   O F   S I T K A

## ORDINANCE NO. 93-1150

AN ORDINANCE OF THE CITY & BOROUGH OF SITKA, ALASKA  
AMENDING SECTION 2.58.040 OF THE SITKA GENERAL CODE TO GRANT  
THE SITKA HISTORIC PRESERVATION COMMISSION MORE AUTONOMY IN  
REVIEWING AND MAKING RECOMMENDATIONS CONCERNING LOCAL PROJECTS  
AND TO BRING THE SECTION INTO CLOSER COMPATIBILITY WITH THE  
ALASKA HISTORIC PRESERVATION ACT

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

3. PURPOSE. The State Historic Preservation Officer has suggested changes to the Ordinance creating the Sitka Historic Preservation Commission which will allow Sitka to be designated as a Certified Local Government.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Section 2.58.040 of the Sitka General Code is amended as follows:

A. Subsection 2.58.040 A is amended to add the following sentence at the end: "The inventory system will be compatible with the Alaska Heritage Resources Survey (AHRS). Data will be released on a need-to-know basis to planners, land managers, qualified researchers and other appropriate users; otherwise, site location information should be held confidential to protect sites from vandalism".

B. The second sentence of Subsection B is amended to read: "Such plan is to be compatible with the Alaska Historic Preservation Plan, and to produce information compatible with and for the Alaska Heritage Resources Survey (AHRS)."

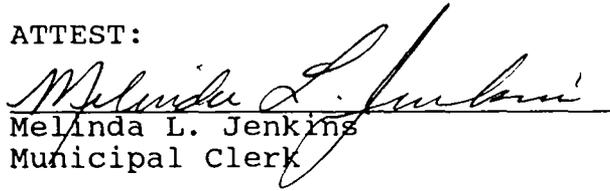
C. Subsection D is amended to delete the words: "with prior approval of the Assembly".

5. EFFECTIVE DATE. 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 13th day of April, 1993.

  
Dan Keck, Mayor

ATTEST:

  
Melinda L. Jenkins  
Municipal Clerk

## C I T Y   A N D   B O R O U G H   O F   S I T K A

## ORDINANCE NO. 92-1075

AN ORDINANCE OF THE CITY & BOROUGH OF SITKA  
 AMENDING TITLE 2 OF THE SITKA GENERAL CODE TO ADD CHAPTER 2.58  
 ESTABLISHING A SITKA HISTORIC PRESERVATION COMMISSION

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

3.     PURPOSE.       The purpose of this ordinance is to establish a local preservation commission to undertake specified historical preservation duties including survey and inventory review; nominations to the national register; preservation, education, and advice, and enforcement of local and state preservation laws.

4.     ENACTMENT.   NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that Title 2 of the Sitka General Code is amended to add Chapter 2.58 which shall read as follows:

2.58 Sitka Historic Preservation Commission

2.58.010 Establishment

There is hereby established the Sitka Historic Preservation Commission which shall be composed of seven (7) members appointed by the Assembly.

2.58.020 Membership

A.   Members of the Commission shall, to the extent deemed advisable by the Assembly, include professionals from among the fields of architecture or history, architectural history, planning, archaeology, or some historic preservation disciplines such as urban planning, American Studies, American Civilization, cultural geography or cultural anthropology. One member shall be a member of the Assembly or its representative; one member shall be a member of the Sitka Historical Society; and the Commission shall include at least two representatives of the Native Community one of whom shall be nominated by Sitka Tribes of Alaska; all other members shall be at-large members.

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B. The term of a member shall be for three years or until a successor is appointed; except, term of the member who represents the Assembly shall be for one year. The first members appointed to the Commission shall, upon appointment, determine the length of the terms so that the terms of two (2) 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 the remainder of an unexpired term.

2.58.030 Meetings

A. The Commission shall meet a minimum of two times per year at such times that the chair or, in his or her absence, the vice-chair shall determine.

B. The Commission shall give reasonable public notice of its meetings and shall comply in all respects with the Alaska Open Meetings Law.

C. The officers of the Commission shall be a Chairman, Vice Chairman, and Secretary, each of whom shall be elected by the members of the Commission at the first meeting each fiscal year and shall serve a term to expire upon election of officers at the first meeting of the following fiscal year. Should an officer resign his office prior to the expiration of his term, or be otherwise unable or unwilling to perform his duties as required of the office, the Commission may elect an officer to serve out the remainder of his term of office. In addition to the above officers, the Commission, by a majority vote of its members, may designate and elect or appoint such other officers, assistant officers, and agents as it deems necessary at such time, in such manner, and upon and for such terms as it shall prescribe. All officers and agents shall serve at the pleasure of the Commission and may be removed, by a majority vote of the Commission, whenever in its judgment the best interest of the Commission will be served.

2.58.040 Powers and Duties

The Commission shall:

A. Prepare and maintain an inventory of buildings and sites of historical, cultural, architectural, geographical and archeological significance located in the City and Borough of Sitka.

B. Develop a local historic preservation plan including provision for identification, protection and interpretation of the area's significant resources. Such plan shall produce information compatible with and for the Alaska Historic Preservation Plan (AHRS). The plan shall be subject to review and approval by the Assembly of the City and Borough of Sitka.

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C. With prior approval of the property owner, review and develop nominations to the National Register of Historic Places for properties within the City and Borough of Sitka.

D. Review and make recommendations, with prior approval of the Assembly, about local projects that might affect properties identified in the local historic preservation plan.

E. Work toward the continuing education of citizens regarding historic preservation of the community's history.

F. Support the enforcement of the Alaska Historic Preservation Act (AS 41.35).

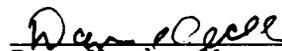
G. Act in an advisory role to the Sitka Historical Society, the City and Borough of Sitka Planning Commission, and the Alaska Historic Sites Advisory Committee on all matters concerning historical districts in historic, prehistoric and archaeological preservation in the City and Borough of Sitka.

H. Perform other activities which are necessary and proper to carry out the above duties and any other actions determined by the Assembly to be beneficial to carry out the historic preservation goals of the City and Borough of Sitka.

I. Coordinate with the Sitka Tribes of Alaska in historical matters involving Alaska Natives with the understanding that the Commission shall defer to the Tribe in matters concerning Alaska Natives in Sitka.

5. EFFECTIVE DATE. 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 13th day of October, 1992.

  
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 Dan Keck, Mayor

ATTEST:

  
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 Melinda L. Jenkins  
 Municipal Clerk