



CITY AND BOROUGH OF SITKA

Meeting Agenda

Planning Commission

Wednesday, June 7, 2023

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 23-09](#) Approve the May 17, 2023 meeting minutes.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

VI. REPORTS

VII. THE EVENING BUSINESS

B [CUP 23-11](#) Public hearing and consideration of a conditional use permit for a bed and breakfast at 604 Merrill Street in the R-1 single-family and duplex residential district. The property is also known as Lot Forty-three (43), Amended plat of Pinehurst Subdivision. The request is filed by Giovannie and Gabrielle Kelly. The owners of record are Giovannie and Gabriella Kelly.

C [P 23-04](#) Public hearing and consideration of a preliminary plat for a minor subdivision resulting in four lots at 2507 Sawmill Creek Road in the R-1 LDMH single-family or duplex low density or single-family low density manufactured home district. The request is filed by Cody Loomis. The owners of record are Marlie and Cody Loomis.

VIII. ADJOURNMENT



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Wednesday, May 17, 2023

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Stacy Mudry, Wendy Alderson, Katie Riley
Absent: Darrell Windsor, Thor Christianson (Assembly liaison)
Staff: Amy Ainslie, Coral Crenna
Public: Raymond Wampler

Chair Spivey called the meeting to order at 7:00 PM.

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 23-08](#)

M/Mudry-S/Riley moved to approve the May 3, 2023, meeting minutes. Motion passed 4-0 by voice vote.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie reported the Lake Street and Lincoln Street intersection was reconfigured. There was some ongoing notices to the public and additional signage from the State of Alaska Department of Transportation expected. The Tourism Task Force had their first organizational meeting yesterday (May 16, 2023). The summer schedule for the Tourism Task Force was undecided but there was discussion of potential subgroups to convene over the summer. Ainslie as the ex-officio member to the task force would keep the Planning Commission updated. The appeal of the Youth Advocates of Sitka (YAS), regarding the denial of a CUP 22-17 at 3411 Halibut Point Road, was postponed. The Municipal Attorney had advised there were other legal issues that required further review and would be going back to the Assembly on June 13, 2023.

Riley inquired what subgroups for the Tourism Task Force had been created. Ainslie clarified that there were no subgroups created yet, the first organizational meeting was focused on meeting rules and election of officers. There was a work session planned for the May 31, 2023 to lay out directives, decide what information was needed to accomplish directives, and identify which members were available over the summer.

Alderson asked about food trucks and if they required a conditional use permit (CUP) on private property. Ainslie provided Commissioners with a brief overview of zoning code provisions relating to food trucks and food carts.

VI. REPORTS**VII. THE EVENING BUSINESS****B** [VAR 23-02](#)

Ainslie introduced a variance request at 5318 Halibut Point Road (HPR) that the Commission was knowledgeable about. The applicant had a 2021 variance to reduce the front setback from 14 to 6 feet and an additional variance in 2022 to reduce from 6 to 3.5 feet. At the time of the 2022 request, Commissioner Windsor had recommended a zero setback and now the applicant was requesting a zero setback. The applicant had been working to build the house for several years. There had been an issue with surveys between the independent survey and the Department of Transportation survey that had been resolved. The as-built produced after the foundation was poured showed the foundation had been poured 3.5 feet from the property line. When accounting for the overhang from eaves and gutters, the house would be approximately zero feet from the property line. The right-of-way (ROW) at this section of HPR was platted as 100 feet wide, 50 feet on either side of the centerline, however the developed asphalted ROW was about 12 feet from the centerline. Staff estimated that there would be a little over 35 feet from the gutter of the house to the asphalt of the ROW. The driveway was situated on the northern end of the property and there was a garage door on the side of the house; there was no anticipated issues for egress and ingress. Previous variances had been granted as this was a challenging lot to develop with limited building area due to the steep topography and terrain which staff felt warranted a variance. Staff recommended approval.

The applicant, Raymond Wampler, was present. As a less experienced builder on a difficult lot with surveying challenges, he appreciated the Planning Commission working with him on the development.

M/Mudry-S/Riley moved to approve the zoning variance for a reduction of the front setback at 5318 Halibut Point Road in the R-1 single-family and duplex residential district subject to the attached conditions of approval. The property is known as Lot 1, Tract B-1, U.S. Survey 3670. The request was filed by Raymond Wampler. The owner of record was Raymond Wampler. Motion passed 4-0 by voice vote.

M/Mudry-S/Riley moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 4-0 by voice vote.

VIII. ADJOURNMENT

Hearing no objections, Chair Spivey adjourned the meeting at 7:13 PM.



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 23-11
Proposal: Bed and Breakfast
Applicant: Giovannie and Gabrielle Kelly
Owner: Giovannie and Gabrielle Kelly
Location: 604 Merrill Street
Legal: Lot Forty-three (43), Amended Plat of Pinehurst Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 5,000 square feet
Parcel ID: 1-8230-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Merrill Street, Baranof Street, DeGroff Street

KEY POINTS AND CONCERNS

- Property is an owner-occupied single-family home
- Property owners are renovating garage space into a direct access one bedroom with ensuite bathroom

ATTACHMENTS

Attachment A: Aerial
Attachment B: Floor Plan
Attachment C: Renter Handout
Attachment D: Site Plan
Attachment E: Photos
Attachment F: Density Map
Attachment G: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

The applicants recently purchased the property in 2022 as their primary residence. The home was built in 1965 and is located on a 5,000 square foot nonconforming lot of record. The 1,395 square foot single-family single-story home on the property has three bedrooms and one bathroom that is utilized by the applicants and their family for living/sleeping quarters. The applicants are currently working with the building department to meet the requirements for a certificate of occupancy as they are renovating the garage space into a one bedroom with ensuite bathroom and separate entrance for use as a bed and breakfast (B&B). The property has on-site parking for two vehicles which each meet standard size requirements (10' x 20'). The property has the additional benefit of being located within walking distance of the Central Business District (CBD).

SGC 22.08.090 defines a B&B as, “*a lodging use where rooms within a single-family dwelling unit or owner-occupied side of a two-family unit are provided to transient guests by a resident operator for fee by pre-arrangement on a daily or short-term basis. A breakfast meal and/or light snacks may be served to those guests renting rooms. Only limited cooking facilities, if any, may be provided in the guest rooms. Extensive stays are not encouraged by the owners and are not considered appropriate...*” The applicant’s proposal meets the definition of a B&B as it is an owner-occupied and managed unit and no more than three guestrooms are being used for the rental in accordance with the restrictions for R-1 zoning.

The parking requirement for B&B’s found in SGC 22.24.010.B.9 states, “*There shall be a minimum of one off-street parking space for every three guestrooms in bed and breakfast establishments located in single-family residential zones.*” This leaves some room for differing interpretations; it is unclear whether a parking space is required when there are fewer than three guestrooms. The prevalence of B&B’s has declined in favor of short-term rentals, meaning that there are few recent examples to compare to for precedence. However, based on the limited few between 2017-present, it would appear that this has been interpreted to mean that an additional parking space is required for B&B’s even if there are fewer than three guestrooms. With only two off-street parking spaces available, the commission has the following options to address parking:

- Reduce the parking requirement through a condition of approval (SGC 22.30.160.C)
- Reduce the parking requirement through a condition of approval and add condition(s) that limit vehicle use on the property
- Add a condition requiring the applicants to construct/obtain an additional off-street parking space
- Deny the permit

ANALYSIS

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

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

There is a small potential for increased traffic to this property, if the guests rent a car while renting the room, a maximum of one car is allowed as identified on the application. The property is located within a well-established neighborhood of Sitka, where there is daily residential traffic. The location of the property is close to CBD which could be a limiting factor as guests could walk to CBD destinations, as identified in the renter handout.

b. Amount of noise to be generated and its impacts on surrounding land use: None to minimal, as only one room with a maximum occupancy of two will be rented. The owners will be onsite to monitor noise levels, have identified on the renter handout to keep the noise down as the property is located in a quiet neighborhood and quiet hours on the application are listed from 8pm-7am.

c. Odors to be generated by the use and their impacts: Garbage management was identified in the renter handout, to keep trash in the locked bin on the side of the house as a bear deterrent. The B&B will only operate while owners are on-site, providing supervision for proper garbage handling.

d. Hours of operation: Available year-round, check out at 10am and check in at 3pm.

e. Location along a major or collector street: Located on Merrill Street, a neighborhood street.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Merrill Street is accessed from Baranof Street with the option of a direct connection to Sawmill Creek Road or turning on DeGroff Street to Sawmill Creek Road or Lake Street. All connections to Merrill Street are standard, public rights-of-way.

g. Effects on vehicular and pedestrian safety: Minimal impact to existing safety conditions as both Baranof Street and Merrill Street are dead end streets. Guests should be advised that Merrill Street is a residential street and care should be taken when driving in the neighborhood.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible to emergency services with direct access into the guestroom.

i. Logic of the internal traffic layout: Two parking spaces are available at the front of the property. As discussed in the background, the Commission will need to determine how it would like to address the lack of a parking space.

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

¹ § 22.24.010.E

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The rear of the property is buffered by a fence as is the west side of the property. The west side of the property also has mature trees and vegetation and is the side of the house where the B&B room is located. The east side of the property has no buffers.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: This proposal is supported under Economic Development Action ED 6.5, “Support growth of Sitka’s independent, cruise-related, and heritage tourism work and enterprises.” The proposal also contributes to the principle of housing affordability as prioritized in the plan, making the home more affordable for the owners/primary residents.

m. Other criteria that surface through public comments or planning commission review:
None.

RECOMMENDATION

Staff recommends approval of the request for a B&B at 604 Merrill Street subject to the attached conditions of approval. Additional conditions will need to be added: to either reduce the parking requirement, reduce the parking requirement and add vehicle-use limitations, or require the applicants to construct/obtain additional off-street parking. Potential motions are included.

Mechanisms to limit vehicle-use could include a prohibition of any vehicles being used in conjunction with the B&B, (which could also come with a requirement for the applicants to provide bicycles for renters), or limit overall vehicle-use between the single-family home and B&B to two vehicles.

Note: Generally, parking variances have been required when a conditional use permit request cannot meet the parking requirements. However, SGC 22.30.160.C states, “...*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.*” It is staff’s intent going forward to incorporate reductions in off-street parking requirements into a conditional use permit itself rather than requiring a separate parking variance when practicable. Given that no other variances are needed in conjunction with this request, this is a good example of a case in which parking reductions can be appropriately considered within the context of the conditional use permit.

CONDITIONS OF APPROVAL

1. Contingent upon a completed satisfactory certificate of occupancy inspection.
2. Contingent upon a completed satisfactory life safety inspection.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The applicant shall submit an annual report beginning in 2024, 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 began operation, bed tax remitted, any violations, concerns, and solutions implemented. 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 for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. To mitigate the impact of odor from the B&B and comply with bear attraction nuisance requirements, the property owner shall assure all trash is deposited in appropriately secured trash receptacles and only placed on street for collection after 4:00 a.m. on trash collection day.
9. To mitigate parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or B&B) shall occur off-street, on-site, and further that should off-site parking occur at any time, the conditional use permit shall be revoked.
10. Any signs must comply with Sitka General Code 22.20.090.
11. A detailed rental overview shall be provided to renters detailing directions to the unit, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general condition to respect the surrounding residential neighborhood. The renter handout shall include an advisory note to tenants to be mindful of vehicle and especially pedestrian traffic in the area, and to exercise caution coming and going from the property in motor vehicles.
12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the B&B.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motions in favor of approval

1. A motion to address parking; examples include:

- “I move to add a condition of approval reducing the required of-street parking spaces from three to two.”
- “I move to add a condition of approval reducing the required of-street parking spaces from three to two and further require _____ “
- “I move to add a condition of approval requiring the applicants to construct or obtain an additional off-street parking space before the permit can become active.”

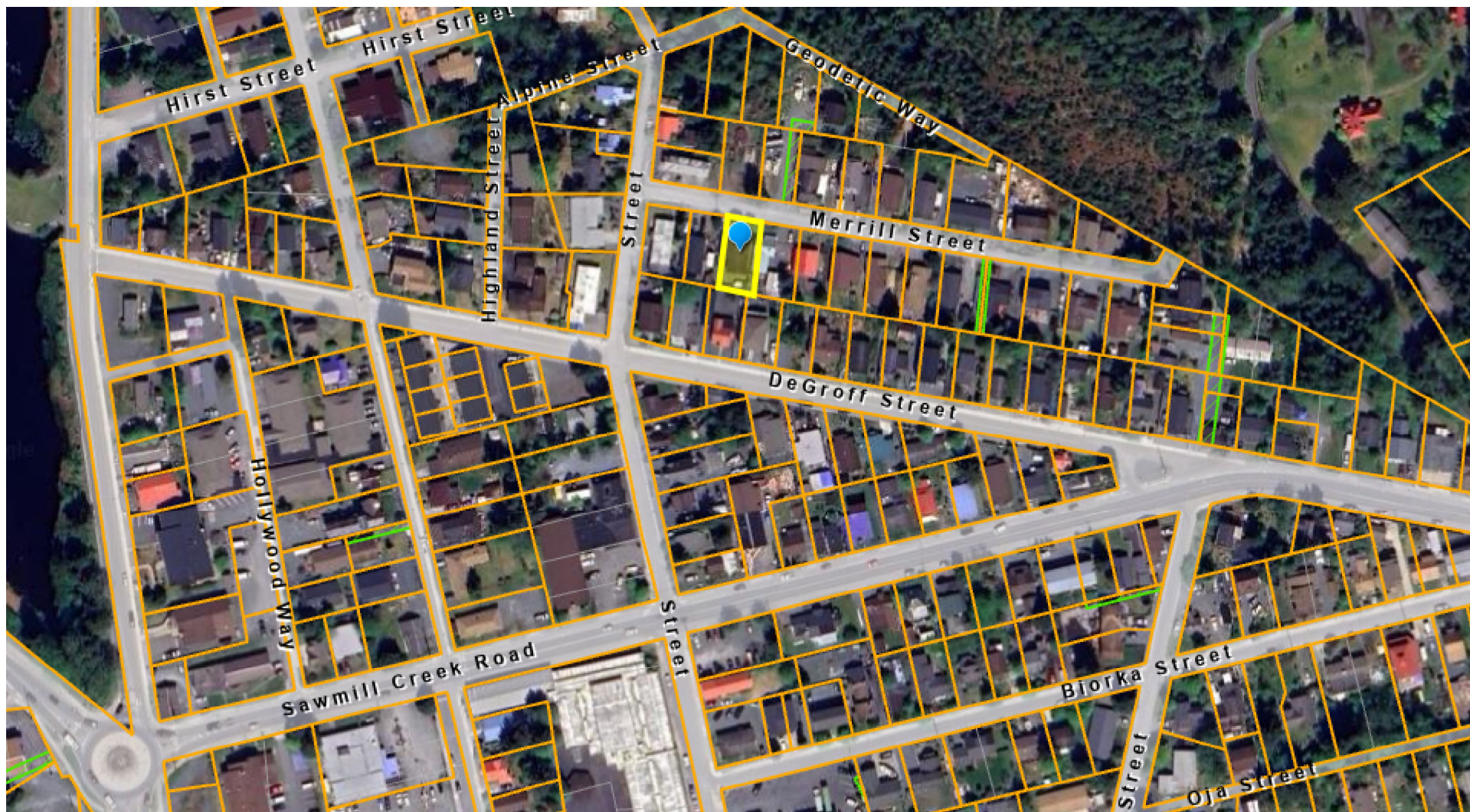
2. “I move to approve the conditional use permit for a bed and breakfast at 604 Merrill Street in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot Forty-three (43), Amended Plat of Pinehurst Subdivision. The request is filed by Giovannie and Gabrielle Kelly. The owners of record are Giovannie and Gabrielle Kelly.”

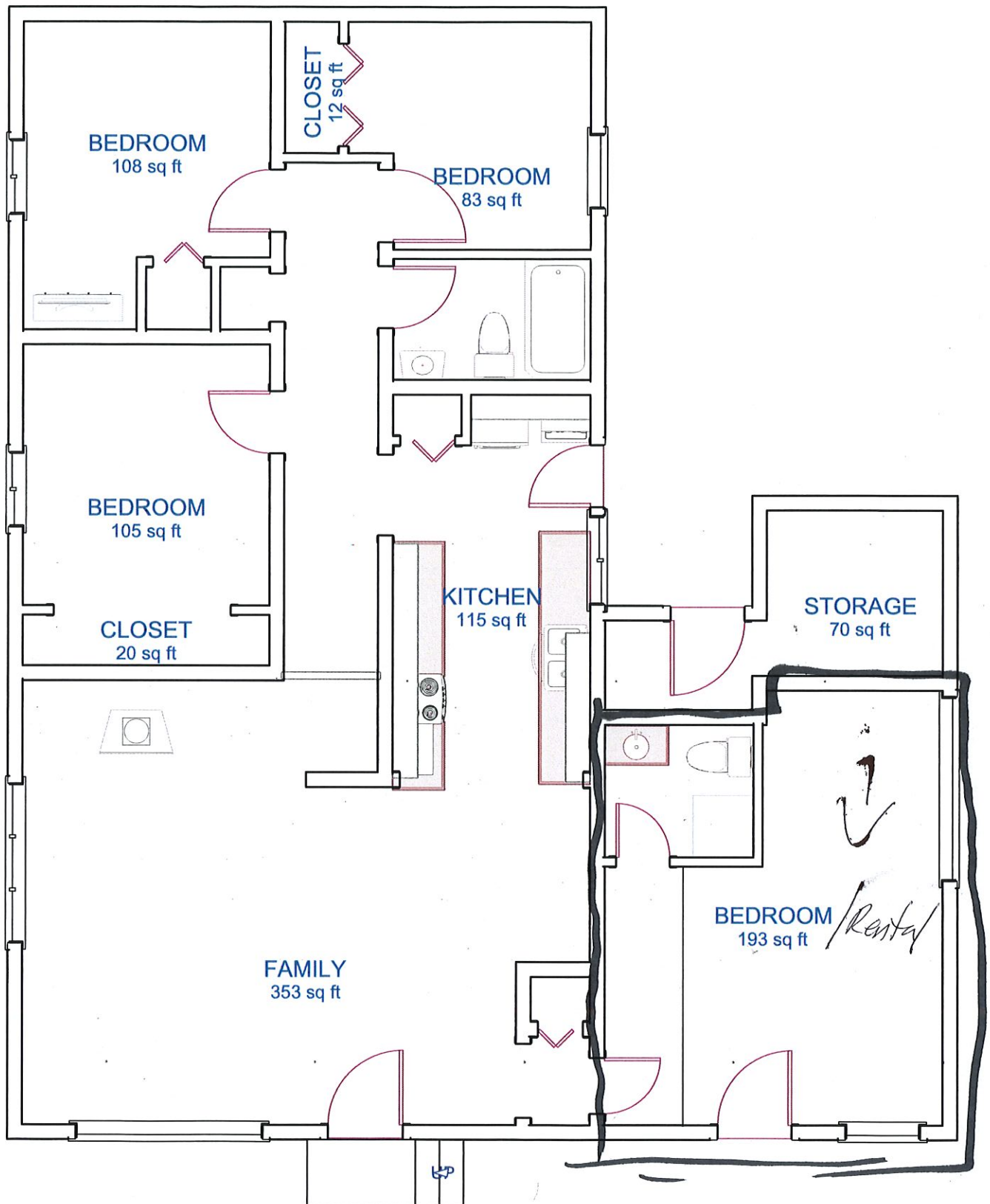
3. “I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

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; *because the property will retain its primary use as a residence and be monitored by the owner-occupant to ensure that there are no resulting impacts or disturbances that would negatively affect the surrounding vicinity.*
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 Action ED 6.5 and goals to promote housing affordability.*
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.

² §22.30.160(C)—Required Findings for Conditional Use Permits





FLOOR PLAN
1429 sq ft

604 Merrill St Sitka AK 99835

Hello and Welcome! ☺

We hope you have a great stay and feel free to contact us if any issues should arise.

We are close to downtown, shopping and the cross trail head. You will be walking distance to all your needs.

We offer a double bed in a nice, recently remodeled studio.

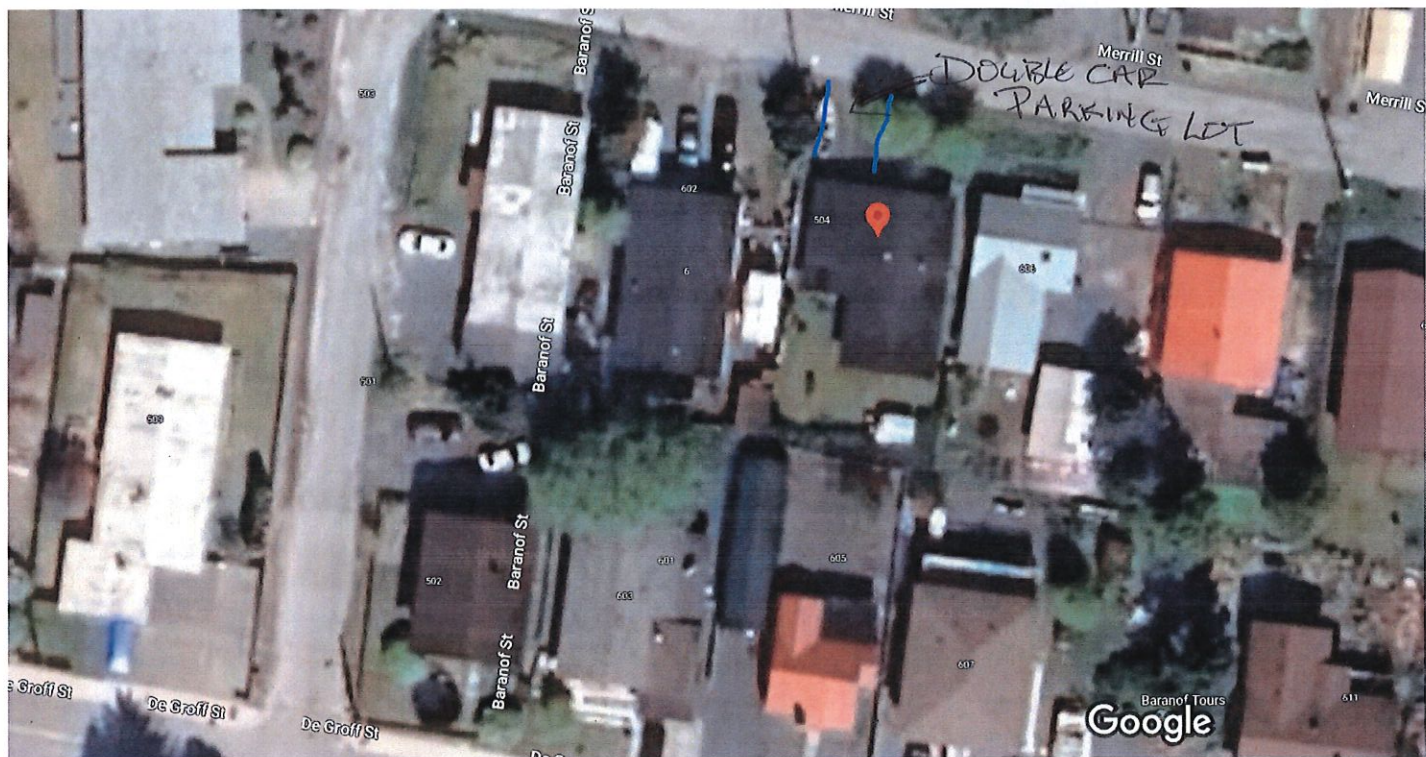
No Pets allowed. Try to keep noise down as this is a

quiet neighborhood. Remember to lock the door when you leave. All trash should go in the bin on the side of the house. We are in Bear Country so it is very important to always be bear aware and keep all trash locked up.

We hope you enjoy your stay ♡

-The Kelly Family

Google Maps 604 Merrill St



Imagery ©2023 Airbus, Map data ©2023 20 ft



604 Merrill St
Building

- Directions
- Save
- Nearby
- Send to phone
- Share

You visited yesterday

604 Merrill St, Sitka, AK 99835

604 Merrill Street



East boundary



West boundary/buffer



White door B&B entrance





CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐ VARIANCE☒ CONDITIONAL USE☐ ZONING AMENDMENT☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: We are requesting to turn a room and bathroom into a bed and breakfast type rental

PROPERTY INFORMATION:

CURRENT ZONING: _____ PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): _____ PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Giovannie & Gabrielle Kelly

PROPERTY OWNER ADDRESS: 604 Merrill St Sitka AK 99835

STREET ADDRESS OF PROPERTY: Same

APPLICANT'S NAME: Giovannie & Gabrielle Kelly

MAILING ADDRESS: 604 Merrill St Sitka AK 99835

EMAIL ADDRESS: giovanniek5@gmail.com DAYTIME PHONE: 907-623-7331
gabbyce@live.com 907-623-7920

Kelly
Last Name

3/31/2023
Date Submitted

604 Merrill St.
Project Address

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: _____

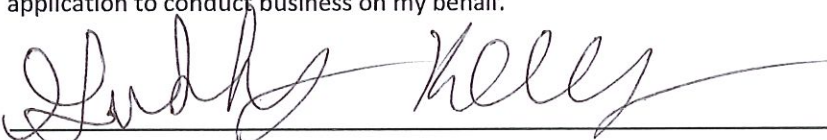
For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application


For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)
- ☐ Documentation establishing property as primary residence (motor vehicle registration, voter registration, etc.)
- ☐ Signed Affidavit of Primary Residence for Short-term Rental Conditional Use Permit

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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.


Owner

3-28-23
Date


Owner

3-28-23
Date

I certify 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.

Applicant (If different than owner)

Date

Kelly
Last Name

3/31/2023
Date Submitted

604 Merrill St.
Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
SUPPLEMENTAL APPLICATION FORM
CONDITIONAL USE PERMIT

APPLICATION FOR SHORT-TERM RENTALS AND B&B'S

CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- Hours of operation & quiet hours: Check in 3pm. Check out 10am
Quiet hours 8pm - 7am
- Number of guests: Max 2
- Location along a major or collector street: N/A
- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Max
1 car if they rent
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: They would enter from
Baranof st to Merrill st
- Effects on vehicular and pedestrian safety: Its a dead end
street off a dead in street so very
quiet. I doubt most people would even rent a
- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Easy ^{car}
Front door access right ~~near~~ by ^{b/c}
street ^{every}
^{thing}
- Describe the parking plan & layout: Our family only has ^{is}
1 car so we ~~at~~ have 2 spots. ^{walking}
If guest rent they can use another spot ^{distre}
- Proposed signage: No signage other than address
or letter on door/house

- Presence of existing or proposed buffers (ie. Fences, boundary walls, natural barriers, etc.) on the site or immediately adjacent the site:

Back yard and side yard has fences.

- Amount of noise to be generated and its impacts on neighbors: None to very miniumal

- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc):

We will make sure they know all garbage needs to be secured until garbage day because of bears

- Mitigation/ Management Plan (How will site be managed to ensure low/no impact on neighbors?)

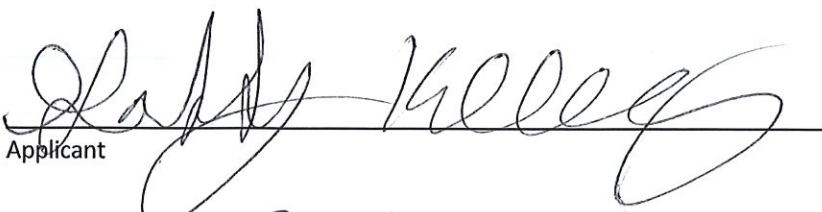
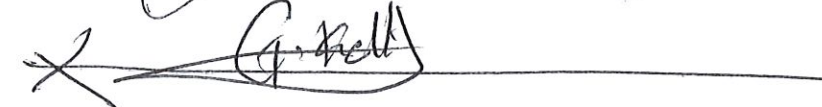
We will be living in the main part of the house

REQUIRED FINDINGS (SGC 22.30.160(C):

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:

	Initial
a. Be detrimental to the public health, safety, and general welfare;	G/K G/K
b. Adversely affect the established character of the surrounding vicinity; nor	G/K G/K
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.	G/K G/K
2. The granting of the proposed <u>conditional use</u> permit is consistent and compatible with the intent of the goals, objectives and policies of the <u>comprehensive plan</u> and any implementing regulation.	G/K G/K
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.	G/K G/K
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.	G/K G/K
5. The <u>conditional use</u> 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.	G/K G/K
6. Burden of Proof. The <u>applicant</u> has the burden of proving that the proposed <u>conditional use</u> meets all of the criteria in subsection B of this section.	G/K G/K

ANY ADDITIONAL COMMENTS _____


 Applicant


3-28-23
 Date
3-28-23



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM:

Case No: P 23-04
Proposal: Preliminary plat for a minor subdivision
Applicant: Cody Loomis
Owner: Marlie and Cody Loomis
Location: 2507 Sawmill Creek Road
Legal: Lot 13-A, M.O. Brown Resubdivision
Zone: R-1 LDMH - Single-Family/Duplex and Single-Family/Manufactured Home Low Density District
Size: 71,874 SF
Parcel IDs: 3-1629-002
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Property is partially developed and in an existing residential neighborhood.
- All lots meet minimum dimensional standards.
- Natural watercourses on the property necessitate a drainage plan prior to consideration of a final plat.

ATTACHMENTS:

Attachment A: Aerial
Attachment B: Current Plat
Attachment C: Preliminary Plat
Attachment D: Photos
Attachment E: Wetlands Delineation
Attachment F: Applicant Materials

BACKGROUND & PROJECT DESCRIPTION

The applicant would like to subdivide their property at 2507 Sawmill Creek Road into four lots. All lots meet the minimum development standards for the R-1 LDMH zoning district which require a minimum 80' lot width and 15,000 square feet in area net of access easements.

Lot 4 is currently developed with a single-family home that was built in 1976. The driveway currently runs along the west side of the property where the access easement is planned. Utilities are available via Sawmill Creek Road.

The remainder of the property is relatively flat, with a gentle uphill slope towards the back of the lot. The property abuts the National Forest Boundary. The U.S. Fish and Wildlife Service identifies the majority of the property as wetlands. Staff observed natural watercourses on the property. Based on these observations, it has been determined that a drainage plan is needed to ensure there are no adverse impacts to downstream properties resulting from development of the properties.

ANALYSIS

Site: Site is partially developed and within a developed residential neighborhood. Property has minimal slope from the front to the rear, and is vegetated.

Utilities: All utilities are available via Sawmill Creek Road. The access and utility easement planned along the western side of Lot 4 will provide a means of utility service for Lots 1-3.

Access, Roads, Transportation, and Mobility: Sawmill Creek Road is a state highway. The access easement for access to Lots 1-3 is adequate to provide for access by emergency services. However, the easement must be kept completely clear (i.e., not utilized for any parking or storage). The maintenance agreement for this easement will be required to have language prohibiting parking or storage within the easement.

Public Health, Safety, and Welfare: Generally, adverse impacts to public health, safety, or welfare are not anticipated as a result of this subdivision. The drainage plan is required to account for and mitigate potential impacts that may result from development or redirection of on-site watercourses.

Orderly and Efficient Layout and Development: The property is large enough to create four, standard sized and shaped lots. The results of the drainage study may require additional drainage easements that could constrain building pad placement on the lots.

Comprehensive Plan: This proposal is consistent with the Comprehensive Plan (2030) and specifically promotes Housing Action H1.1e, "Encourage higher density development," by creating three more buildable lots in a residential zone/neighborhood.

RECOMMENDATION: Staff recommends approval of the preliminary plat for a minor subdivision of 2507 Sawmill Creek Road

RECOMMENDED MOTIONS

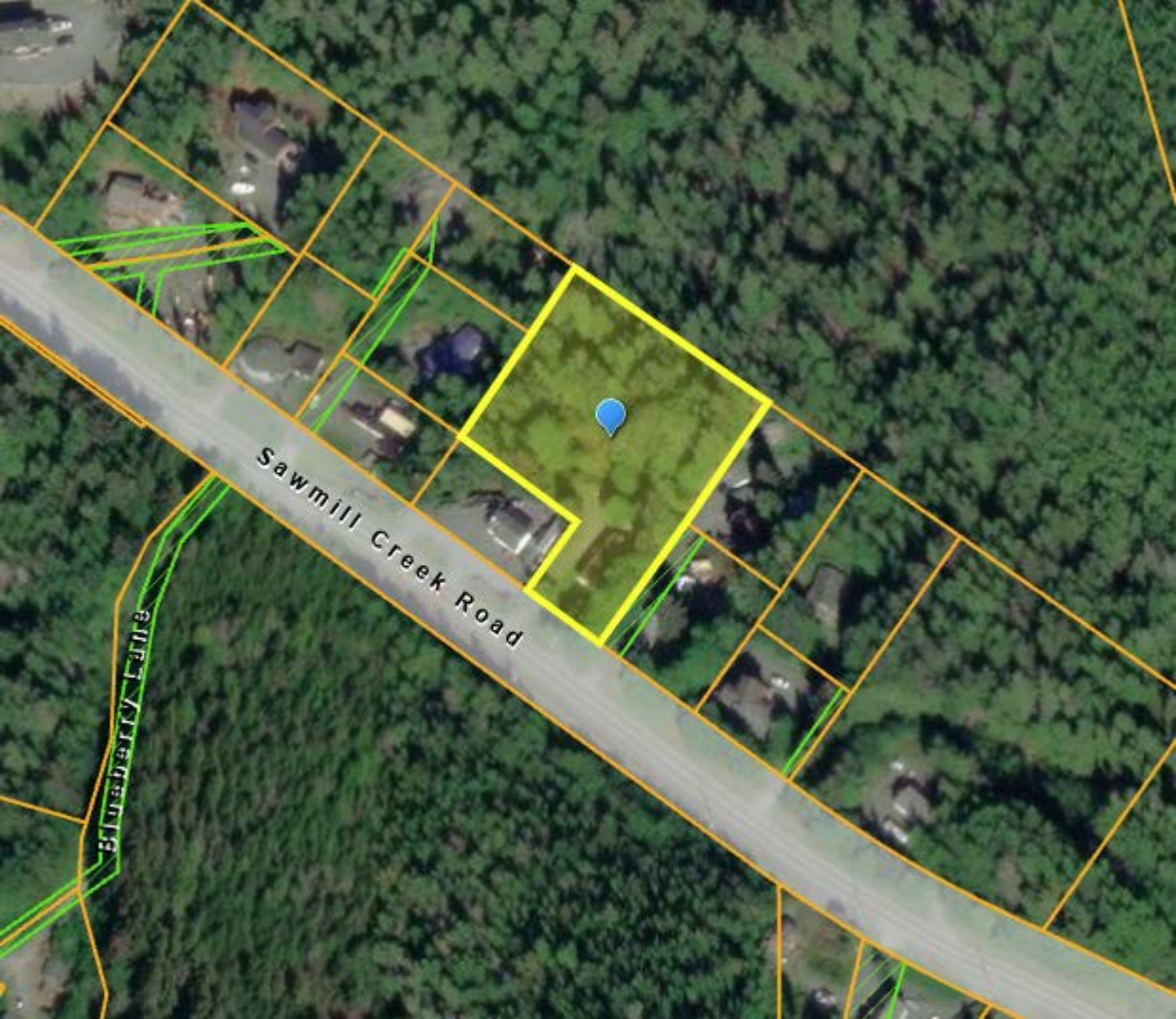
- 1) **“I move to approve the preliminary plat for a minor subdivision to result in four lots at 2507 Sawmill Creek Road in the R-1 LDMH district subject to the attached conditions of approval. The property is also known as Lot 13-A, M.O. Brown Resubdivision. The request is filed by Cody Loomis. The owners of record are Marlie and Cody Loomis.**

Conditions of Approval

- 1) All utilities, including water, sewer, and electricity shall be required to have an approved permit from the municipality; and all utility permits and design shall comply with all applicable code and design polices including, but not limited to 15.04.100, 15.04.110, 15.04.240, and 15.04.250.
- 2) This subdivision development and the plat, prior to recording, complies with all applicable Sitka General Code.
- 3) All applicable state, federal, and tribal permits, licenses, regulations, and statutes shall be followed in subdividing this land.
- 4) A comprehensive drainage plan prepared by a licensed, professional engineer shall be developed and accepted by the municipal engineer. Any easements or necessary plat restrictions resulting from the approved drainage plan shall be incorporated on the plat prior to submission of the final plat to the Planning Commission.
- 5) Easement maintenance agreements for any access and utility easements shall be developed and recorded before final plat recording.
- 6) All easement agreements will be cited via plat notes. The City and Borough of Sitka is a party to all easements.

- 2) **“I move to adopt the following findings as listed in the staff report:”**

- 1) The preliminary plat meets its burden of proof as to access, utilities, and dimensions as proposed;
- 2) The proposed minor subdivision preliminary plat complies with the Comprehensive Plan by following the subdivision process and enables residential development of otherwise vacant land and expands the range, affordability, and quality of housing in Sitka;
- 3) The proposed minor subdivision preliminary plat complies with the subdivision code; and
- 4) The minor subdivision preliminary plat is not injurious to the public health, safety, and welfare and further that the proposed plat notes and conditions of approval protect the harmony of use and the public’s health, safety, and welfare.



Sawmill Creek Road

SUNBELT LANE

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

12/15/82 M.O. Brown
DATE OWNER

12/15/82 Ida V. Brown
DATE OWNER

NOTARY'S ACKNOWLEDGEMENT

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

THIS IS TO CERTIFY THAT ON THIS 15 DAY OF Dec., 1982, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED M.O. Brown TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND I HAVE ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

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

Deanna Harmon
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES May 17, 1986

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF SITKA IN THE NAME OF

M.O. & IDA V. BROWN
AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 1983 WILL BE DUE ON OR BEFORE JULY 31, 1983
DATED THIS 31st DAY OF JANUARY, 1983

Michelle L. Smith
ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 82-24 DATED 12/6/82, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER SITKA, ALASKA.

JAN. 25, 1983
DATE ACTING CHAIRMAN, PLATTING BOARD

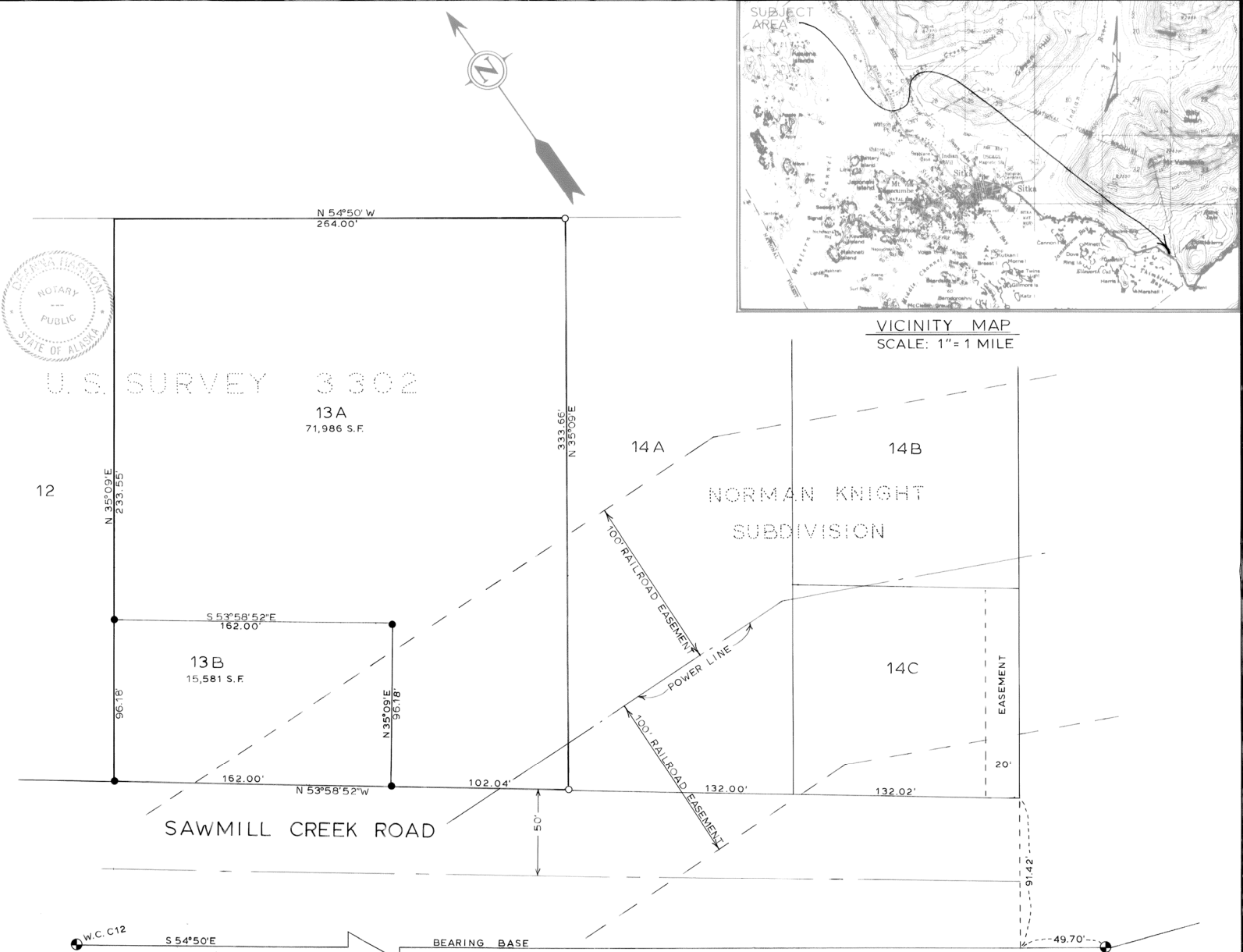
Glenda L. Boddy
SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE 19, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

1-28-83
DATE

Delores Agnew
CITY AND BOROUGH CLERK



LEGEND

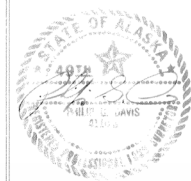
- BRASS CAP MON. (EXISTING)
- REBAR & PLASTIC CAP (SET)
- REBAR & PLASTIC CAP (EXISTING)

RECORDED FILED
SITKA
JAN. 31 1983
CITY & BOROUGH
SITKA, ALASKA 99835

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered Surveyor, licensed in the State of Alaska, and that in DECEMBER 1982 a survey of the herein described lands was conducted under my direct supervision and that this plat is a true and accurate representation of the field notes of said survey, and that all dimensions and other details are correct according to said field notes.

1-15-83
DATE



M.O. BROWN RESUBDIVISION SUBDIVISION OF LOT 13 U.S. SURVEY 3302

FOR: M.O. BROWN
2507 SWML CR RD. STAR RT.
SITKA, ALASKA

DAVIS & ASSOCIATES, INC.
LAND SURVEYORS
BOX 1849
SITKA, ALASKA 99835

DATE DEC. 31, 1982	NAME OF SURVEYOR DAVIS & ASSOC., INC.	PROJ. NO. 21387-01-00
SCALE 1" = 40'	DRAWN BY D.H.	

PLAT 83-3

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____ OWNER _____ (SIGNATURE)

DATE _____ OWNER _____ (SIGNATURE)

NOTARY'S ACKNOWLEDGMENT

US OF AMERICA
STATE OF ALASKA
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED _____

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND _____ ACKNOWLEDGED TO ME THAT _____ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

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

MY COMMISSION EXPIRES _____

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

CERTIFICATE OF PAYMENT OF TAXES (STATE OF ALASKA) (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF _____

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL THAT CURRENT TAXES FOR THE YEAR 20____ WILL BE DUE ON OR BEFORE AUGUST 31, 20____ DATED THIS _____ LOT E DAY OF _____

ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____ DATED _____, 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ CHAIRMAN, PLATTING BOARD

SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK _____ PAGE _____ DATED _____, 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ MAYOR

CITY AND BOROUGH CLERK

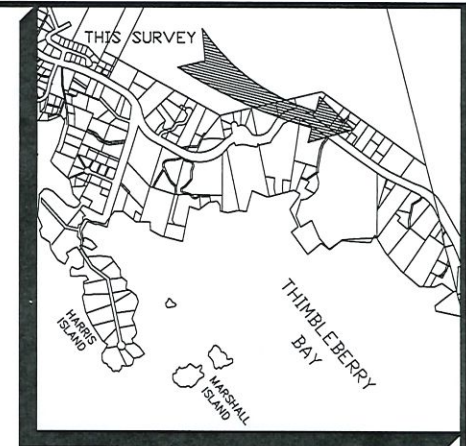
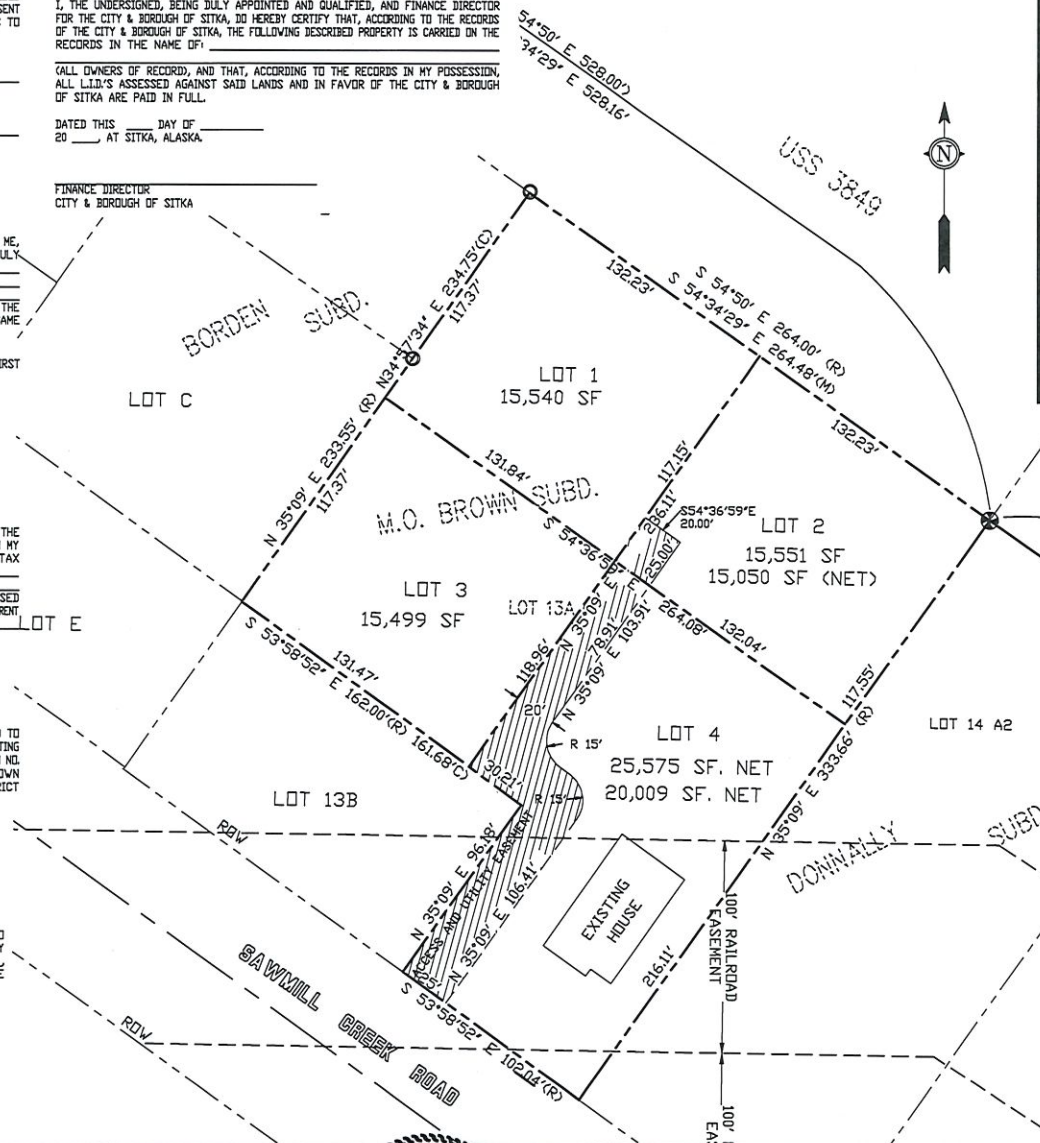
CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF _____

(ALL OWNERS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS _____ DAY OF _____, 20____, AT SITKA, ALASKA.

FINANCE DIRECTOR
CITY & BOROUGH OF SITKA



VICINITY MAP
SCALE 1"=1,000'

LEGEND

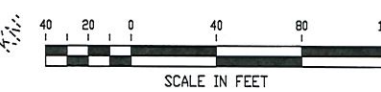
- ⊕ PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
- ⊗ BLK/GLD PRIMARY BRASS CAP (RECOVERED)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- (R) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA

NOTES

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 13A OF THE M.O. BROWN RESUBDIVISION PLAT NO. 83-3 INTO 4 LOTS.

THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE MODIFIED WITHOUT APPROVAL OF THE PLATTING BOARD. THERE SHALL BE NO ENCROACHMENTS ON CITY ASSETS OR EASEMENTS.

AN EASEMENT AGREEMENT FOR THE ACCESS AND UTILITY EASEMENT CROSSING LOT 4 AND INTO LOT 2 IS RECORDED IN THE SITKA RECORDING DISTRICT UNDER SERIAL NO. _____



SITKA RECORDING DISTRICT

NORTH 57*
LAND SURVEYING LLC
CITY 747-6780 2807 CASCADE CREEK ROAD, SITKA, AK 99805

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED: J. O'NEILL
DRAWN: JAC/ACD
CHECKED: M
DATE OF PLAT DATE/TIME: _____
SCALE: 1" = 40'
DRAWING NAME: 40463-01
PROJECT NO. 40463-01

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN _____ A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE _____ KELLY O'NEILL LS 13321

LUCKY NUMBER SUBDIVISION

LOT 13A M.O. BROWN RESUBDIVISION
(PLAT NO. 83-3)

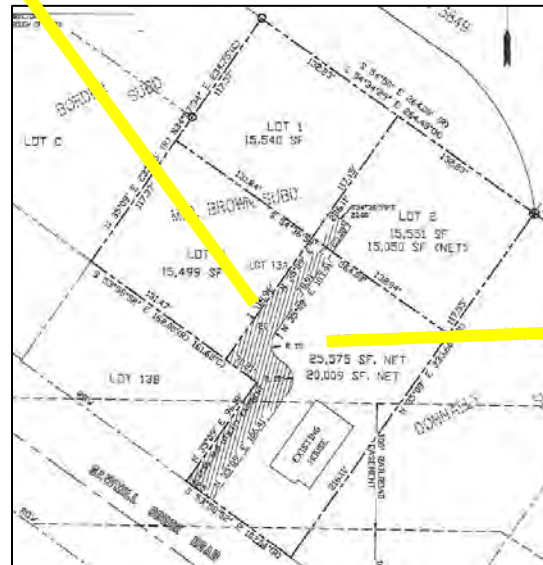
CLIENT: CODY AND MARLIE LOOMIS

Front of property (looking towards SMC Rd)





General terrain & vegetation front/middle of property (arrows approximate)



Rear of property along
National Forest boundary



Creek that runs on west side of property

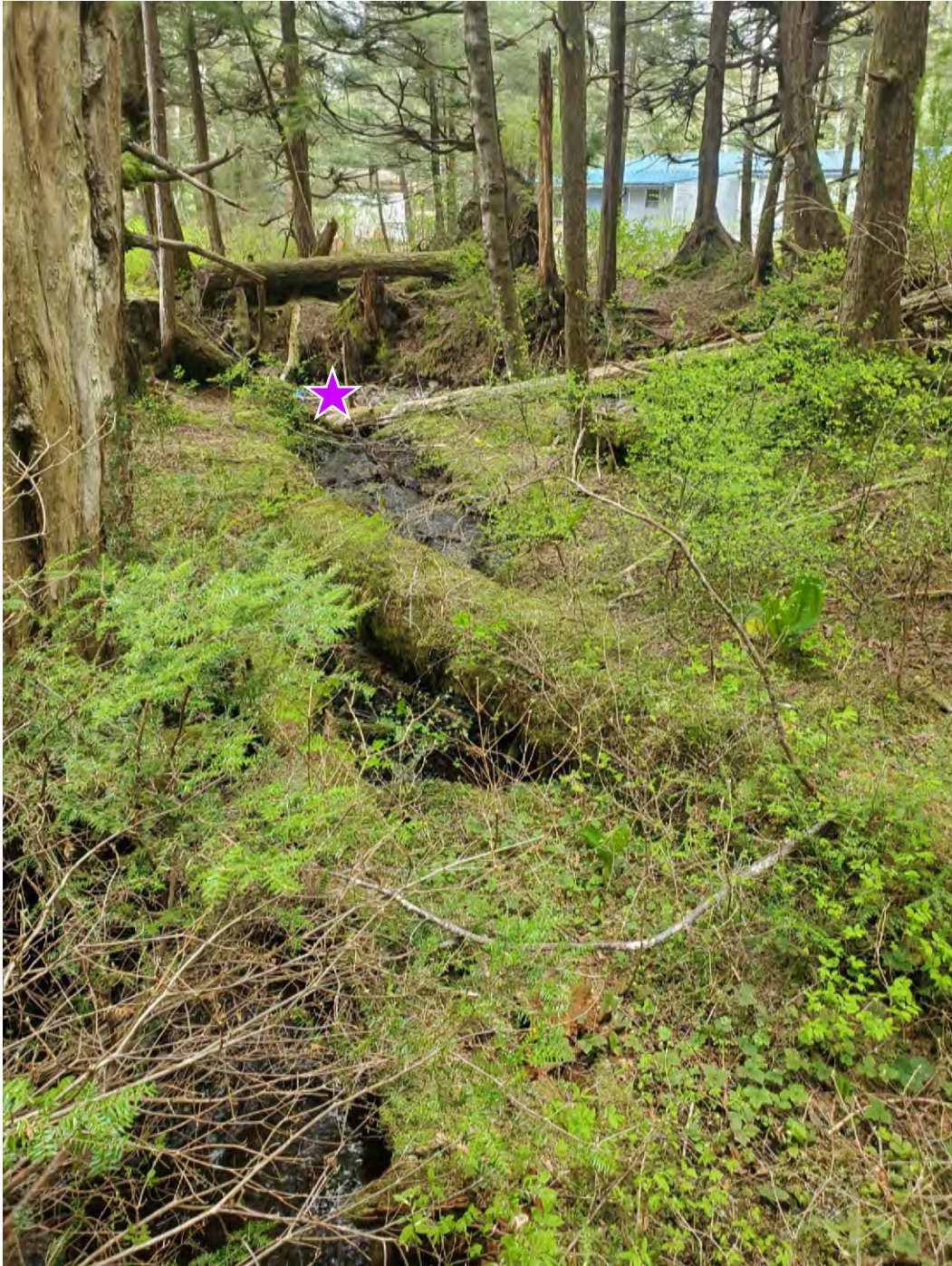




View from rear of property to front, approximately in line with proposed access easement. Not a lot of elevation change from front to back of property.

More general terrain & vegetation





Another
(more
minor)
stream on
the
property.
Joins to
creek at
purple
star





U.S. Fish and Wildlife Service

National Wetlands Inventory

2507 SMC



June 2, 2023

Wetlands_Alaska

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐ VARIANCE☐ CONDITIONAL USE☐ ZONING AMENDMENT☒ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Subdivide 2507 Sme into 4
lots, Accessed by easement, Current property accessed
by private drive.

PROPERTY INFORMATION:

CURRENT ZONING: R2-MH PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): R2-MH PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Cody Gray Lewis

PROPERTY OWNER ADDRESS: C/O Box 2222 Sitka, Alaska [99835]

STREET ADDRESS OF PROPERTY: 2507 Sme

APPLICANT'S NAME: Cody Lewis

MAILING ADDRESS: C/O Box 2222 Sitka, Alaska [99835]

EMAIL ADDRESS: actionalaska@yahoo.com DAYTIME PHONE: (907) 738-2311

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Proof of filing fee payment
- ☐ Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)
- ☐ Documentation establishing property as primary residence (motor vehicle registration, voter registration, etc.)
- ☐ Signed Affidavit of Primary Residence for Short-term Rental Conditional Use Permit

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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.



Owner

5/2/2023

Date



Owner

5/2/2023

Date

I certify 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.

Applicant (If different than owner)

Date

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM PLAT APPLICATION

APPLICATION FOR

- ☐ MAJOR SUBDIVISION/PLANNED UNIT DEVELOPMENT
☒ MINOR SUBDIVISION/HYBRID SUBDIVISION
☐ SUBDIVISION REPLAT/LOT MERGER/EASEMENT AMENDMENT
☐ BOUNDARY LINE ADJUSTMENT

ANALYSIS: (Please address each item in regard to your proposal)

- SITE/DIMENSIONS/TOPOGRAPHY: See plat by S7 north Surveying
- EXISTING UTILITIES AND UTILITY ROUTES: Upgraded and included in proposed plat by S7 north.
- PROPOSED UTILITIES AND UTILITY ROUTES: See plat proposal by S7 north.
- ACCESS, ROADS, TRANSPORTATION, AND MOBILITY: Included in proposed plat provided by S7 north Surveying.
- IMPACT OF PROPOSAL ON ANY EXISTING EASEMENTS: Rail road easement is encroached, however, current City Roads, Access driveways, and structures exist in RR easements.
- PUBLIC HEALTH, SAFETY, AND WELFARE: Increased Residential Capacity of Sitka, which is a great need.
- ACCESS TO LIGHT AND AIR: Ample

• ORDERLY AND EFFICIENT LAYOUT AND DEVELOPMENT: See proposed plat by
S7 north Surveying.

• DESCRIBE ALL EXISTING STRUCTURES, THEIR USE, AND PROXIMITY TO PROPOSED PROPERTY LINES:

Currently, a residential property exists as shown
on plat provided by S7 north. It is a dual
family, up and down rental, with its own driveway, and
will not be affected by the subdivision.

• EXISTENCE OF ANY ENCROACHMENTS: unknown.

• AVAILABILITY OF REQUIRED PARKING: Ample / adequate

• SUMMARY OF PROPOSED EASEMENT AGREEMENTS OR COVENANTS: Private road maintenance
agreement will need to be put into force, and access
easement Recorded for current property.

ANY ADDITIONAL COMMENTS _____

Gely Creeg. Jovan -
Applicant

5/2/2023
Date

