



CITY AND BOROUGH OF SITKA

Meeting Agenda

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, September 20, 2016

7:00 PM

Sealing Cove Business Center

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

- A** [PM-11](#) Approval of the minutes from the September 6, 2016 meeting.

Attachments: [September 6 2016 draft](#)

IV. REPORTS

- B** [16-00](#) Planning Regulations and Procedures.

Attachments: [Planning Regulations and Procedures](#)

V. THE EVENING BUSINESS

- C** [CUP 16-06](#) Six-month review of a conditional use permit request granted for a specialized instruction school at 213 Harbor Drive. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Terry Bartolaba. The owners of record are Gene and Terry Bartolaba.

Attachments: [Bartolaba 9.20.16](#)

- D** [P 16- 01](#) Public hearing and consideration of the final plat of a minor subdivision at 211 Shotgun Alley, zoned SFLD Single Family Low Density Residential. The subdivision would result in four lots. The property is also known as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

Attachments: [Hamberg 9.20.16](#)

- E** [P 16-09](#) Public hearing and consideration of the final plat of a minor subdivision at 204 Jeff Davis Street, in the R-2 Multifamily Residential District. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.
Attachments: [Hitchcock 9.20.16](#)
- F** [CUP 16-25](#) PULLED - Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 6-45, 500 Lincoln Street, in the P Public zone. The property is also known as a portion of ATS 15. The application is filed by Tiffany Justice and Ben Timby. The owner of record is the City and Borough of Sitka.
- G** [CUP 16-21](#) Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the P Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.
Attachments: [Parker 9.20.16](#)
- H** [P 16-11](#) Public hearing and consideration of a preliminary plat of a minor subdivision on Whale Island, zoned GI General Island. The request would result in 3 lots. The property is also known as Lot 2 Tract A US Survey 3556. The request is filed by David Russell. The owner of record is John W. Williams.
Attachments: [Williams 9.20.16](#)
- I** [P 16-12](#) Public hearing and consideration of a preliminary plat of a minor subdivision on Whale Island, zoned GI General Island. The request would result in 2 lots. The property is also known as Lot 5 Tract A US Survey 3556. The request is filed by Donald and Patricia Lehman and Eric Speck. The owners of record are Donald and Patricia Lehman and Eric Speck.
Attachments: [Lehman Speck 9.20.16](#)
- J** [CUP 16-24](#) Public hearing and consideration of a conditional use permit request for a daycare at 514 Halibut Point Road and 203 Lakeview Drive, in the R-1 Single Family and Duplex Residential District. The property is also known as Lots 1, 2, 30, and 31 of Lakeview Heights Subdivision. The request is filed by Emily Davis and Michelle Barker. The owner of record is First Baptist Church.
Attachments: [Pacific Learning 9.20.16](#)

- K** [CUP 16-27](#) Public hearing and consideration of a conditional use permit for a short-term rental and bed and breakfast at 1948 Dodge Circle, in the R-1 Single Family and Duplex Residential District. The property is also known as Lot 2 of Dodge Circle Estates. The request is filed by Brock and Patricia Bauder. The owners of record are Brock and Patricia Bauder.
Attachments: [Bauder 9.20.16](#)
- L** [VAR 16-16](#) Public hearing and consideration of a variance request for 1415 Davidoff Street in the R-1 Single Family and Duplex Residential District. The request is for the reduction of the front setback from 20 feet to 2 feet, the reduction of the easterly side setback from 8 feet to 2 feet, and substandard lot width. The property is also known as Lot 3 of Clyde Franks Subdivision. The request is filed by Sam Smith. The owner of record is Venneberg Family Trust.
Attachments: [Venneberg 9.20.16](#)
- M** [VAR 16-17](#) Public hearing and consideration of a variance request for 702 Etolin Street in the R-1 Single Family and Duplex Residential District. The request is for the reduction of the side setback from 5 feet to 4 feet, the rear setback from 10 feet to 4 feet, the front setback from 20 feet to 5 feet, substandard lot size, and substandard lot width. The property is also known as a Portion of Lot 7 Block 13 of Sitka Townsite, US Survey 1474. The request is filed by Justin Olbrych. The owners of record are Justin Olbrych and Willow Moore-Olbrych.
Attachments: [Olbrych Variance 9.20.16](#)
- N** [CUP 16-28](#) Public hearing and consideration of a conditional use permit application for an accessory dwelling unit at 702 Etolin Street, in the R-1 Single Family and Duplex Residential District. The property is also known as a Portion of Lot 7 Block 13 of Sitka Townsite, US Survey 1474. The request is filed by Justin Olbrych. The owners of record are Justin Olbrych and Willow Moore-Olbrych.
Attachments: [Olbrych CUP 9.20.16](#)

VI. PLANNING DIRECTOR'S REPORT

VII. PUBLIC BUSINESS FROM THE FLOOR

VIII. 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 planning@cityofsitka.org, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: September 12 and 14



CITY AND BOROUGH OF SITKA

Legislation Details

File #: PM-11 **Version:** 1 **Name:**
Type: Planning Minutes **Status:** AGENDA READY
File created: 8/26/2016 **In control:** Planning Commission
On agenda: 9/20/2016 **Final action:**
Title: Approval of the minutes from the September 6, 2016 meeting.
Sponsors:
Indexes:
Code sections:
Attachments: [September 6 2016 draft](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Tamie (Harkins) Parker Song
Debra Pohlman
Randy Hughey

Tuesday, September 6, 2016

7:00 PM

Del Shirley Room in Allen Hall
Sheldon Jackson Campus

I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7 PM.

Present: Spivey, Windsor, Parker Song, Pohlman, Hughey

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A Approval of the August 16, 2016 meeting minutes.

Parker Song/Hughey moved to **APPROVE** the August 16, 2016 meeting minutes.

Motion **PASSED 5-0**.

IV. THE EVENING BUSINESS

B Sitka's Economy and the Comprehensive Plan. Activities to include a Comprehensive Plan recap, a presentation on Sitka's economy, and a facilitated discussion of economic opportunities and challenges.

Barbara Sheinberg introduced herself and gave a brief overview of comprehensive planning. Sheinberg stated that her job is to listen to the community and the Planning Commission, to offer options to address issues and meet community goals, and to facilitate the development of the plan. The plan should reflect the community's values. The Assembly is the body that will officially adopt the comprehensive plan. Code revisions often follow comprehensive planning.

Michael Scarcelli gave an overview of past comprehensive plan meetings, beginning in March 2016. Sheinberg explained that the planning process will result in a land use plan and a comprehensive plan.

Sheinberg stated that the next comprehensive plan meeting would be Wednesday, October 5; the topic will be housing.

Paulette Moreno stated that it is obvious that the Planning Commission has reached out to the native community and the community as a whole, and stated her gratitude.

Sheinberg stated that the economy is the underpinning of the comprehensive plan. The plan should be economically realistic. Realistic action steps could include rezoning land or removing regulatory barriers. Sheinberg explained the triple bottom line approach to planning as one that considers the economy, environment, and social/cultural concerns.

Sheinberg discussed bringing “outside” money into Sitka, and keeping money re-circulating locally and delay it “leaking out.” Sheinberg stated that an individual’s purchase decisions are their best way of supporting the local economy. Sheinberg outlined strategies to maintain and grow the local economy: support existing businesses, maintain and increase money coming into Sitka, and create more local businesses.

Pat Alexander stated that the city needs to decide if its hospital is a service or a business.

Debra Pohlman asked if the process will address the intersections of the triple bottom line, as this presentation has focused on money. The community has a strong subsistence component, and this should be considered. Sheinberg stated that dollars that can be saved through subsistence can be spent elsewhere. These intersections will be at play in the goals and initiatives.

Charles Bingham stated that a report is available at sitkalocalfoodsnetwork.com that addresses subsistence and food security.

Sheinberg shared facts about Sitka’s economy. For example, over 1/3 of Sitka’s workers are not Sitka residents. Sheinberg shared a chart from Alaska Department of Labor that projects Sitka’s population will decline. Youth will become a smaller portion of the population, and seniors will become a larger portion. These projections were made in June 2014 and did not take into account the drop in the price of oil. Net migration is the demographic piece that the community can work to influence.

Sheinberg shared income information. 64% of Sitka’s income comes from work. 67% of Alaska’s income comes from work. Another 22% of income comes from rent, dividends, and interest, indicating that some Sitkans have wealth beyond that of other communities. Retirement payments contribute another 14%. Pohlman asked how much of that is rent, as she knows people who rent out a portion of homes as necessary for living in Sitka. Sheinberg stated that she would try to find the answer.

Pat Alexander stated that federal fiscal tightening will result in multiple families living together.

Sheinberg stated that Sitka has the fourth highest per capita income in Alaska, at approximately \$61,000. The state’s per capita income is \$54,000. Half of Sitka’s adjusted gross income (AGI) comes from 17% of all tax filers. These 790 wealthiest tax filers earn \$100,000 or more. 6% of AGI comes from 32% of all tax filers. These 1500 tax filers earned less than \$25,000. 57% of tax filers made \$50,000 or less. For a person with a \$25,000 salary, 30% of income spent on

housing is approximately \$600 per month. For a person with a \$50,000 salary, an appropriate rent is \$1250 per month.

Spivey asked about Sheinberg's definition of housing burden. Sheinberg stated that 30% is a good rule of thumb, although it is not surprising that people spend closer to 40%. Spivey stated that banks will lend for mortgages with payments of up to 40% of a person's income.

Charles Bingham stated that there are no counties in the United States where the average person is not housing burdened.

Sheinberg showed a chart of average rents across Alaska and a list of poverty indicators. Sitka's average rent is \$979 without utilities and \$1230 with utilities. 26% of Sitka students qualify for free or reduced lunch. 31% of households get SNAP benefits (13% margin of error). 7% of households are below poverty, while 27% of Alaska Native households are below poverty (12% margin of error).

Sitka has gained about 150 jobs over the last decade. Goods producing jobs have doubled over the past decade. About 1/3 of non-resident workers work in seafood processing. The maritime workforce is 26% of Sitka's workforce. In 2015, Sitka residents harvested 2.7% of the commercial fish harvested by Alaskans.

Pat Alexander stated that if maritime industry suffers, the community will suffer.

Sheinberg stated that the location quotient for manufacturing in Sitka is very high, and it's not just ocean-related. Tourism related work is 9% of the local workforce, and the national outlook for Alaskan tourism is positive.

Maegan Bosak stated that the city has lost funding through municipal revenue sharing and secure rural schools. Sitka School District support has increased, the electric bond has increased, and money available to the city has decreased \$7.5 million.

Sheinberg encouraged building on the community's existing strengths. Sheinberg read a compilation of assets and advantages as submitted by community members. Sheinberg announced a short break, and asked attendees to write economic challenges and economic opportunities on sticky notes.

BREAK

Sheinberg asked Planning Commissioners to begin the conversation by sharing opportunities and challenges. Chris Spivey stated that 5 financial institutions in town make capital available for businesses, although financing can be difficult to attain.

Charles Bingham stated that grants can be difficult to attain because of Sitka's higher income level.

Andrew Thoms stated that there has not been a good supply of individuals proposing businesses to financial institutions.

Randy Hughey stated that we should find out why seasonal fishermen choose not to live here, and see how we can promote their relocation.

Clyde Bright stated that the city needs to promote commercial docks to make Sitka a cruise destination rather than just a stop. Bright stated that land availability is a challenge.

Attendee stated that the city needs a commercial haul-out, and stated that land has been designated at Sawmill Cove.

Darrell Windsor stated that Wrangell has a superb city haul-out.

Matthew Jackson stated the opportunity to produce tiny homes locally with local wood and produce local foods via gardening.

Pat Alexander stated that Hoonah has signed multi-year contracts with large cruise lines. Sheinberg stated that cruise destinations can be competitive.

Anne Pollnow stated that Hoonah's tourism boom has been due to rehabilitation of historic properties. Independent tourists spend more money and stay longer.

Charles Bingham stated that three historic districts have been developed but not finalized.

Paulette Moreno stated her support for getting properties on the Historic Register. Moreno stated that all people have a stake in the town. Moreno stated support for a housing co-op for loans.

Garry White stated support for improved internet connectivity. White stated that some web-based workers had to fly to Juneau during the January 2016 outage to keep work going.

Pohlman stated that our federal representatives are working on our behalf to work toward better connectivity.

Bosak stated that the city is looking at pushing better connectivity as a legislative priority for FY 18.

Attendee asked what the city means by working toward better connectivity. White stated that SEDA has been working with providers to get fiberoptic cables to Sitka.

Moreno stated that she heard that Taco Bell tried to locate in Sitka in the 1980's and was repeatedly denied. Sheinberg stated that we don't know, but we hope to move forward with equal playing field for all entities.

Jackson stated that Taco Bell could threaten local businesses such as Pizza Express.

Chandler O'Connell stated interest in knowing more about the challenges experienced by manufacturing businesses, and what can be done to support them.

Michael Scarcelli stated that the city was contacted by a seaweed producer who wanted to locate in Sitka, but transportation and shipping were primary challenges.

Kevin Knox stated interest in adding value to current products, such as turning fish waste into pet food or supplement oil. This would strengthen production seasons and may result in workers relocating to Sitka.

Pat Alexander stated that the community needs more locals to be trained in technical skills such as refrigeration repair.

Clyde Bright stated that a challenge is landslide hazard mapping, and that the city may need to open up land for relocation of houses and schools.

Charles Bingham stated that many hotels do not hire locally.

Paulette Moreno introduced the idea of using Sheldon Jackson Campus as a place to provide training for locals.

Darrell Windsor stated that Sitka is a niche society, and there often isn't a need for more than 2 or 3 people to do one job.

Paulette Moreno stated that we need to envision where we will end before we begin.

Charles Bingham stated that automation will change jobs in the future.

Sheinberg wrapped up the discussion and gave a recap of the presentation. Challenges and opportunities often go together.

Randy Hughey stated that he thought Sheinberg's analysis was excellent.

V. PLANNING DIRECTOR'S REPORT

Bosak reported that Parker Song would be stepping down at the end of September, and thanked Parker Song for her service. Pierson discussed meeting scheduling with commissioners. The October meetings will be held on Wednesday, October 5 and Wednesday, October 19. Bosak reviewed the agenda for the next meeting.

VI. PUBLIC BUSINESS FROM THE FLOOR

VII. ADJOURNMENT

Windsor/Parker Song moved to ADJOURN at 9:30 PM.

Motion PASSED unanimously.

ATTEST: _____
Samantha Pierson, Planner I



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-00 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 3/22/2016 **In control:** Planning Commission
On agenda: 4/19/2016 **Final action:**
Title: Planning Regulations and Procedures.
Sponsors:
Indexes:
Code sections:
Attachments: [Planning Regulations and Procedures](#)

Date	Ver.	Action By	Action	Result
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Planning Regulations and Procedures

2007 Comprehensive Plan

Contains goals and policies in ten chapters
Land use goals and policies are sections 2.4 through 2.8

Sitka General Code

Title 21 consists of Subdivision Regulations (subdivision code)
Title 22 is the zoning code

Creators of the Subdivision Code

Boundary Line Adjustments – formal subdivision plat required – approved in house

Minor Subdivision – create up to four lots from one parcel

- Concept plat
- Final plat

Approved by the Planning Commission except PUD or if subd. appealed (then goes to the Assembly)

Major Subdivision – five or more lots from one parcel with roads and utilities built to Municipal standards

Planning Commission Approvals

- Concept plan
- Preliminary plat
- Final plat

Assembly review of final plat

Zero Lot Lines – two units attached to each other with each one on its own lot and the lot line going through the center of connecting wall

- Concept plan
- Preliminary plat
- Final plat

Approved by the Planning Commission unless appealed to the Assembly

Planned Unit Developments

Creators of the Zoning Code

Zoning ordinance text amendments

Recommendation by the Planning Commission with approval by the Assembly

Zoning ordinance map amendments

Recommendation by the Planning Commission with approval by the Assembly

Variances to allow for reductions of setbacks

Approved by the Planning Commission unless appealed to the Assembly

Administrative approvals for two foot setback reductions

Conditional Use Permits

Approval by the Planning Commission with appeal to the Assembly

Examples: Bed and Breakfasts

Short-term rentals (rental of an apartment for less than 14 days)

Other aspects of the zoning code:

Land use district shown on zoning map

Regulations for each zone such as uses, building height, setbacks, lot size

Sign ordinance

Parking regulations

Other Approvals

Street Vacations – Planning Commission and Assembly review (by ordinance)

Covered by SGC 18.12.015

Tidelands Leases – Covered by Sitka General Code Title 18 – Assembly review only

Land Sales – Covered by SGC Title 18 – Assembly review only

Floodplain Regulations – SGC Title 20

Planning Commission:

Chris Spivey
Darrell Windsor
Debra Pohlman
Randy Hughey
Tamie Parker Song

Staff :

Maegan Bosak
747-1824 (office)
Michael Scarcelli, J.D.
747-1815 (office)
Samantha Pierson
747-1814 (office)



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-06 **Version:** 1 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 3/2/2016 **In control:** Planning Commission
On agenda: 3/15/2016 **Final action:**
Title: Six-month review of a conditional use permit request granted for a specialized instruction school at 213 Harbor Drive. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Terry Bartolaba. The owners of record are Gene and Terry Bartolaba.

Sponsors:

Indexes:

Code sections:

Attachments: [Bartolaba 9.20.16](#)

Date	Ver.	Action By	Action	Result
4/19/2016	1	Planning Commission	APPROVED	Pass
4/19/2016	1	Planning Commission	APPROVED	Pass
3/15/2016	1	Planning Commission	POSTPONED	Pass



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: August 29, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-06 Six-Month Review of a Specialized Instruction School at 213 Harbor Drive

GENERAL INFORMATION

Applicant: Terry Bartolaba

Property Owner: Gene and Terry Bartolaba

Property Address: 213 Harbor Drive

Legal Description: Lot 2 Wilmac Resubdivision

Parcel ID Number: 1-0074-000

Size of Existing Lot: 4011 square feet

Zoning: CBD

Existing Land Use: Educational Facility

Utilities: Full municipal utilities

Access: Harbor Drive

Surrounding Land Use: Commercial, Public

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: Zoning Map

Attachment D: Parcel Pictures

Attachment E: Subdivision Plat

Attachment F: Approval

Attachment G: Mailing List

Permit Operations Update

Terry Bartolaba was issued a conditional use permit for a specialized instruction school at 213 Harbor Drive on April 19, 2016. A condition of approval was that the Planning Commission would hold a 6-month review to assess progress made toward occupancy requirements.

No comments have been received by the Planning Department since the permit was granted. At the meeting we'll take any public comment and provide the opportunity for any commissioner questions. The primary objective of the meeting is to determine if sufficient progress has been made toward occupancy requirements.

Bartolaba provided staff with a list of renovations that have been completed, and stated that the General Contractor is almost finished with the finish work. Staff believe that the permit holder has made sufficient progress toward meeting occupancy requirements, but renovations are still underway. Staff recommend that the Planning Commission approve this 6-month review with the condition that another 6-month review will occur.

Recommendation

Move to approve the 6-month review of the conditional use permit granted to Terry Bartolaba for a specialized instruction school at 213 Harbor Drive, with the condition that a review will occur in 6 months to assess progress toward occupancy. The property is also known as Lot 2 Wilmac Resubdivision. The owners of record are Gene and Terry Bartolaba.

Terry's Learning Center, TLC
213 Harbor Drive, Sitka, Alaska 99835
(907) 738-5516

Samantha Pierson
Planner I
City and Borough of Sitka
100 Lincoln St.
Sitka, AK 99835

August 29, 2016

RE: Review of conditional use permit for a specialized instruction school at 213 Harbor Drive.

Dear Samantha Pierson,

Although all of the recommendations have not yet been completed, they are all being addressed. Here is a brief description of what has been or is being done at present.

First List Of Requirements:

1. The emergency egress illumination is being installed this week.
2. Signs have been posted for the maximum 49 person occupancy requirement.
3. 5 smoke detectors are being installed upstairs. This will be completed on Tuesday.
4. The stair enclosure has been modified to provide a 2-hour fire separation between the stair enclosure and the upper and lower level. The fire-rated doors for both the upstairs and downstairs are scheduled to be installed in 2 weeks (apparently back ordered).
5. We are deciding on a plan to provide for the horizontal 2 hour barrier.
6. A water dispenser has been purchased.
7. Greg Johnstone, from Alaska DEC, declared TLC exempt from food service requirements other than refrigerator temperature being below 41 degrees, and having a water source other than the bathroom for drinking water and washing hands for food preparation.

Second List Of Requirements;

1. Electrical circuits have been checked out and are in good working condition.
2. Handrails in staircase are being installed this week (being replaced after the fire walls were put up.)
3. The back emergency exit has been replaced with a door with a proper panic bar.
4. Damaged ceiling tiles are being replaced
5. Circuit breakers are labeled
6. GFCI outlet in the bathroom has been installed
7. There are 4 fire extinguishers on the premises.

The General Contractor is still on site and is nearing completion of the finish work. I hope that this report is satisfactory. Please call me if more information is necessary.

Sincerely,



Terry L. Bartolaba



Michelle Barker

Conditional Use Permit Request
213 Harbor Drive



City & Borough of Sitka, Alaska

Selected Parcel: 213 HARBOR ID: 10074000

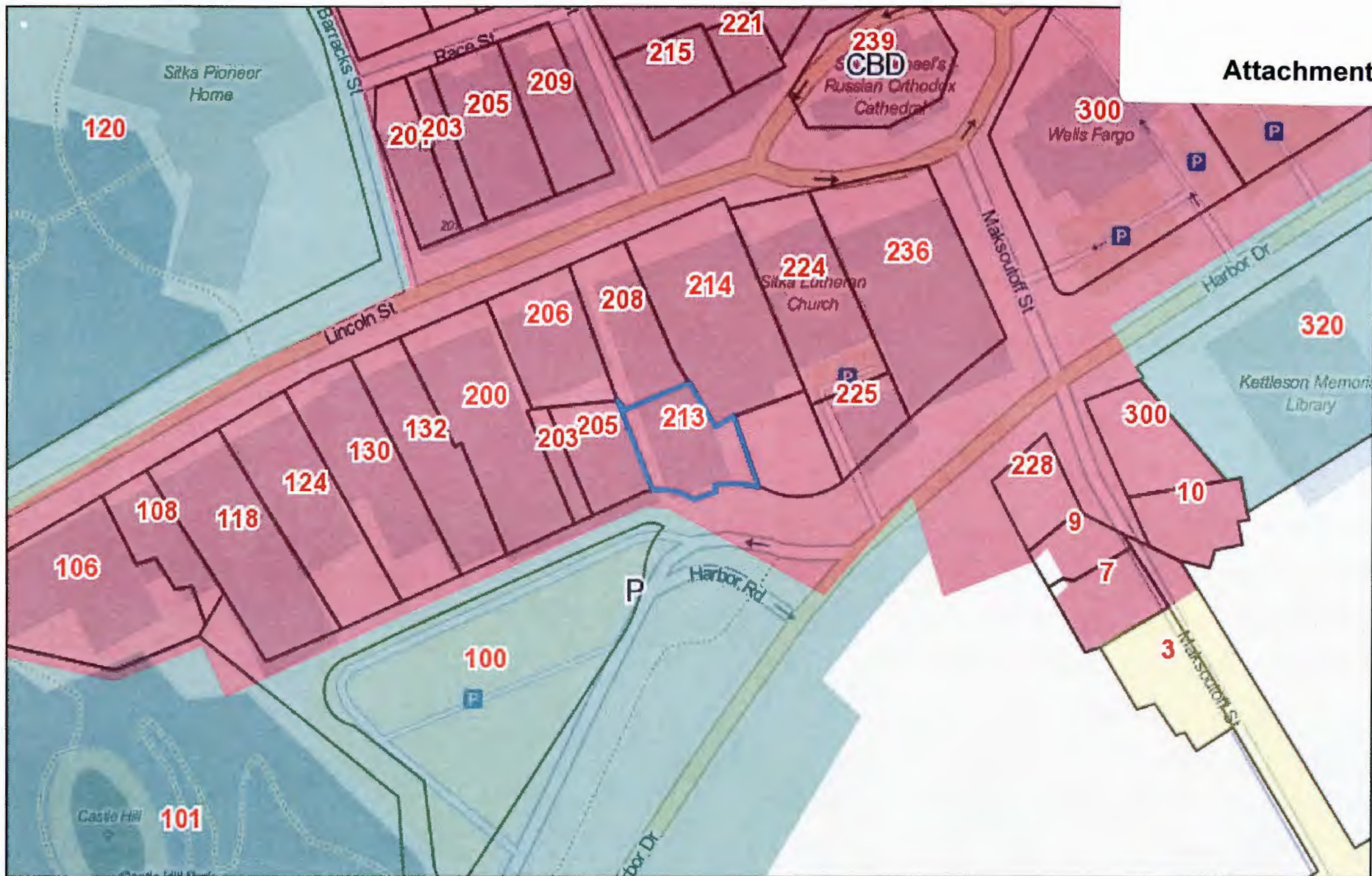
Printed on 3/4/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



This map is for informational purposes only. It is not for appraisal of, description of, or

responsibility for the information contained herein.

Michelle Barker
Conditional Use Permit Request
213 Harbor Drive



City & Borough of Sitka, Alaska

Selected Parcel: 213 HARBOR ID: 10074000

Printed on 3/4/2016 from <http://www.mainstreetgis.com/ak/sitka/internal.asp>

This map is for informational purposes only. It is not for appraisal of, description of,



no legal responsibility for the information contained herein.

Michelle Barker
Conditional Use Permit Request
213 Harbor Drive



Michelle Barker
Conditional Use Permit Request
213 Harbor Drive



Michelle Barker
Conditional Use Permit Request
213 Harbor Drive

"Notice: We make no representation that this plat nor a survey. It is furnished merely to aid you in locating the land indicated hereon and other land. No liability is assumed by the engineer hereon."

Attachment E

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND RESERVE HEREON AND THAT WE HEREBY ADVERTISE 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: 6/1/2010
Ronald P. McClain
 DISTRICT PRESIDENT (SIGNATURE)
 DATE: 6/1/2010
Ronald P. McClain
 DISTRICT PRESIDENT (SIGNATURE)

NOTARY'S ACKNOWLEDGMENT

US OF AMERICA
 STATE OF ALASKA
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 1ST DAY OF June, 2010, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, JULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Ronald P. McClain, President of Wilmac Corporation.

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND HE ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL, THE DAY ABOVE SAID, AT SITKA, ALASKA.

MY COMMISSION EXPIRES 9-1-2012.

Michelle Barker
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

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 AS RECORDED IN MINUTE BOOK, PAGE 20, DATED 6-1-10, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE: 6-1-10
Sara Peterson
 CITY AND BOROUGH CLERK, Acting

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING FULLY 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 CHARGED ON THE RECORDS IN THE NAME OF Ronald P. McClain, Wilmac Corporation, President.

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

DATE THIS 24TH DAY OF June, 2010, AT SITKA, ALASKA.

Michelle Barker
 FINANCE DIRECTOR
 CITY & BOROUGH OF SITKA

VICINITY MAP
 SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT RECEIVED (BRASS CAP)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- RECORDED DATA
- COMPUTED DATA
- MEASURED DATA

2010-12
 DATE: 6-1-2010
 TIME: 6:01 PM
 PLAT #:

SITKA RECORDING DISTRICT

CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	25°11'32"	85.00	28.58	N 83°58'09" W	28.55
C2	20°48'27"	60.00	21.79	S 73°00'43" W	21.67
C3	18°46'33"	29.12	9.54	N 74°54'00" W	9.50

SCALE IN FEET

SITKA RECORDING DISTRICT

CERTIFICATE OF STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING FULLY 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 CHARGED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF Wilmac Corp..

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 2009 WILL BE PAID ON OR BEFORE AUGUST 26, 2010, DATED THIS 1ST DAY OF June, 2010.

Michelle Barker
 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 PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 2010-12, DATED 6-1-10, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE: 6/1/2010
Michelle Barker
 CHAIRMAN, PLATING BOARD
 SECRETARY

NOTES

- THE PURPOSE OF THIS PLAT IS TO VACATE THE EXISTING ACCESS EASEMENT CROSSING LOT 1 (FORMERLY LOT 8A1) AND TO CREATE TWO NEW UTILITY EASEMENTS BENEFITTING LOT 2 (FORMERLY LOT 9A1).
- A SEWERLINE EASEMENT ACROSS LOT 1 FOR THE BENEFIT OF LOT 2 IS FURTHER DESCRIBED AS BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 1 AND THE TRUE POINT OF BEGINNING (HENCE 185°31' W 4.84 FEET), THENCE WESTERLY ALONG CURVE C1 AS DESCRIBED IN THE CURVE TABLE, THENCE N83°58'09" W 28.55 FEET, THENCE S21°54'44" E 42.24 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 440 SQUARE FEET.
- A SEWERLINE EASEMENT ACROSS A PORTION LOT 1 FOR THE BENEFIT OF LOT 2 IS FURTHER DESCRIBED AS BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 1 AND THE TRUE POINT OF BEGINNING (HENCE 185°31' W 4.84 FEET), THENCE WESTERLY ALONG CURVE C1 AS DESCRIBED IN THE CURVE TABLE, THENCE N83°58'09" W 28.55 FEET, THENCE S21°54'44" E 42.24 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 440 SQUARE FEET.
- ON APRIL 2, 1956 AN EASEMENT OF UNDETERMINED LOCATION WAS GRANTED TO THE CITY AND BOROUGH OF SITKA BY THE WILMAC CORPORATION, COVERING BOTH LOTS 8A AND 9A IN GENERAL.
- A MAINTENANCE AGREEMENT FOR WATER, SEWER AND ELECTRICITY/TELEPHONE UTILITIES IS FILED IN THE SITKA RECORDING DISTRICT UNDER SERIAL NUMBER.
- THE CITY AND BOROUGH OF SITKA IS A PARTY TO ALL ACCESS AND UTILITY EASEMENTS AND THE EASEMENTS SHALL NOT BE MODIFIED OR RELOCATED WITHOUT MUNICIPAL APPROVAL.

O'NEILL
 SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
 PHONE: (907) 747-6700
 FAX: (907) 747-7590
 EMAIL: on@oeng@aht.net

BY DATE REV.

RECORD OF

RECORDED E. O'NEILL
 JUDICIAL DISTRICT
 DATE OF PLATING: 20 JUNE 12, 2010
 SIGNED: E. O'NEILL
 ENDORSEMENT: 49

Michelle Barker
 Conditional Use Permit Request
 213 Harbor Drive

WILMAC RESUBDIVISION
 LOTS 8A1 AND 9A1
 WILMAC SUBDIVISION
 CLIENT: RON MCCLAIN

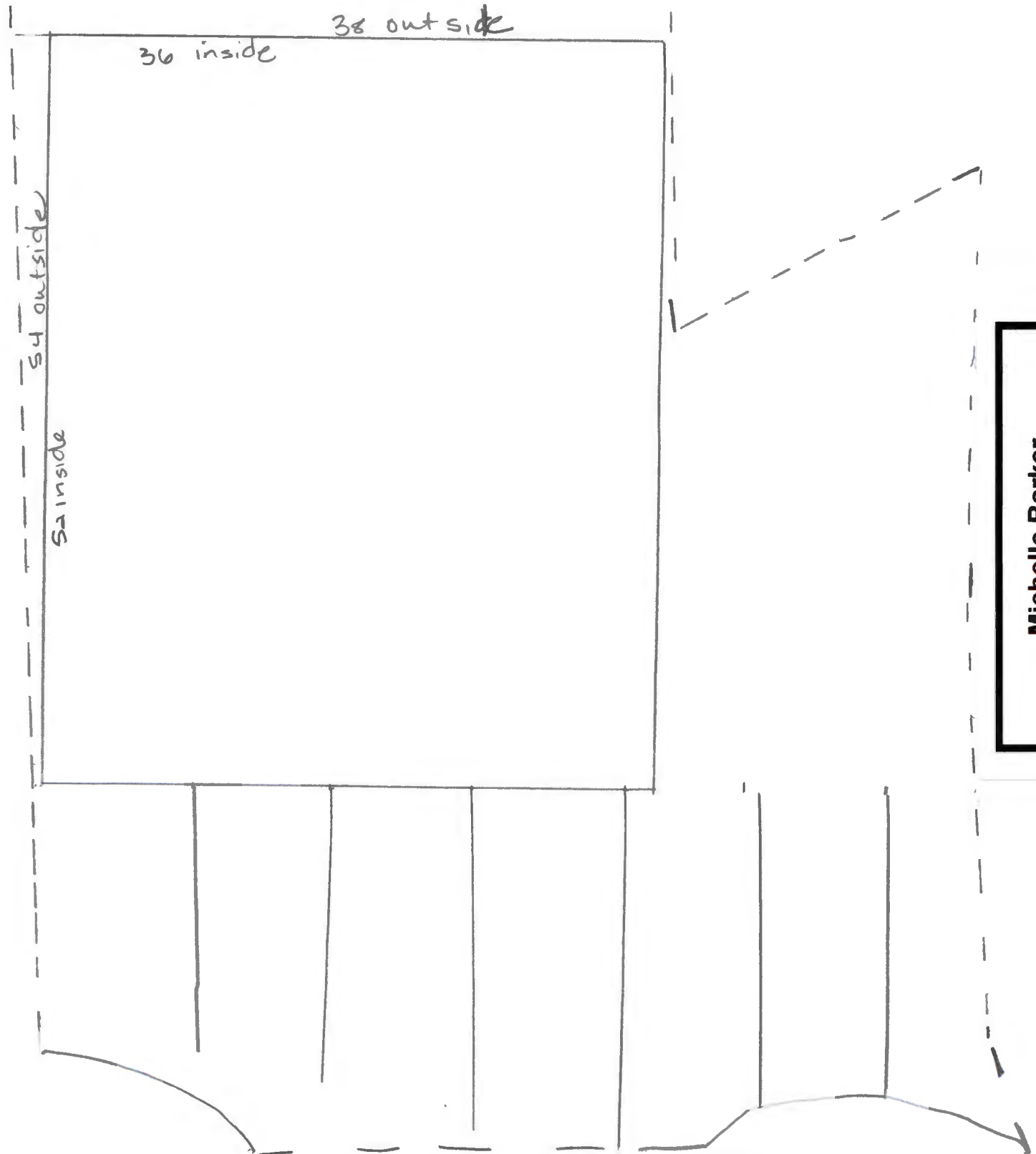
DATE: 6-1-2010
 TIME: 6:01 PM
 PLAT #:

DATE: 6-1-2010
 TIME: 6:01 PM
 PLAT #:

Lot 2 Wilmac Resubdivision
4,011 Sq ft

Lot, all structures
+ Parking

Site
Plan
213 Harbor Drive



Michelle Barker
Conditional Use Permit Request
213 Harbor Drive

IV. THE EVENING BUSINESS

F Public hearing and consideration of a conditional use permit request filed by Michelle Barker for a specialized instruction school at 213 Harbor Drive. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Michelle Barker. The owner of record is Island Fever Diving & Adventures, LLC.

Scarcelli described the request. Scarcelli stated that staff observed a pick-up time this morning, and operations appeared to go smoothly. This property offers 6 private parking spaces, which are not required in CBD. The rear of the building has a stairway that descends into the alley. Scarcelli shared information from AMCO, which did not provide a clear answer on if a tutoring center is a sensitive use in regard to marijuana. Scarcelli stated that marijuana is still speculative, as the Assembly hasn't granted final approval. Scarcelli stated that a tutoring center is not a sensitive use in regard to alcohol businesses. Scarcelli summarized a memo from the Building Official which stated that the change of occupancy would require building review. Staff recommend approval of the request. Scarcelli read a letter from Robert Purvis in support of the conditional use permit request. Windsor clarified that the conditional use permit runs with the land. Hughey asked if churches are sensitive uses in regard to marijuana. Scarcelli stated that it is, but the AMCO board makes the final decision.

Michelle Barker stated that all educational uses are conditional uses except in the Public zone. Barker stated that the intent was not to stop educational facilities. Barker stated the responsibility of the board to enforce the comprehensive plan. Barker stated that her business Sitka Bike & Hike promotes the artist community through its programs. Artist promotion is named in the comprehensive plan. Education is also addressed in the comprehensive plan. Barker stated that her business and Terry's business contribute to other local businesses. Barker stated that her business has sustained \$10,000 in loss during this conditional use process. Barker stated that the city will gain \$82,000 this year through the building sale and normal operations of her business. Barker stated that she employs 25-40 people per season. Scarcelli asked to clarify the work hours. Terry Bartolaba stated her hours as Monday through Friday, 7:30-3:30. Spivey stated that the applicant would have to come back to the commission if they choose to expand downstairs, and Bartolaba stated that she understood. Spivey stated that building may require expensive updates, and Barker stated that she was aware.

Mary Magnuson stated that Barker's business narrative is irrelevant to the discussion. Magnuson stated that she did her due diligence when she bought her location and opened her business. Magnuson stated that she has submitted a conditional use permit application for a marijuana retail facility, and the business plan is in motion. Pohlman stated that she does not understand Magnuson's concern for the Commission's process. Magnuson stated that approval would immediately make her business plan not possible. Bosak asked for clarification that Magnuson just wanted approval to be postponed until after the marijuana permit is considered. Magnuson stated that she wanted approval of the specialized instruction school to be postponed until a marijuana retail conditional use permit can be considered for her own building, and that potential building concerns of 213 Harbor Drive be

addressed.

Robert Purvis stated that he would prefer to see children at the location than a marijuana shop.

Caleb Harris identified himself as Barker's son, stated that he does books for his mother, and stated that the \$82,000 is not in arrears. Harris stated that Magnuson is speaking of speculative income from a speculative permit. Harris stated that daycares in town are full.

Linda Barker Olson stated that cannabis business is not currently legal in Sitka. Olson stated that the same business owners who wrote letters in support of Barker's permit would be asked to give comment on a marijuana permit. Olson stated that Bartolaba has a business, just as Magnuson does.

Bartolaba asked about Magnuson's marijuana timeline. Bartolaba stated that she is ready to buy the building and Barker is ready to sell.

Spivey stated that the commission cannot speculate, and should focus on what the code says. Spivey stated that concerns were raised at the last meeting about alcohol and marijuana uses, and staff have done their jobs in researching the answers. Pohlman stated that she believes that the commission has received good answers to their questions from the previous meeting. Hughey stated that it is not certain that a tutoring center would prevent marijuana retail. Hughey stated that he does not see the big deal with required buffers. Parker Song asked at what point we will know how buffers will be addressed. Scarcelli stated that the state will address buffers on a case by case basis. Hughey asked Bartolaba about the timeline for the purchase. Gene Bartolaba stated that he would like to hear the building official's requirements before finalizing the purchase. Bosak stated that the conditional use permit is not officially activated until the conditions of approval are met.

Hughey/Pohlman moved to APPROVE the required findings for conditional use permits.

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.

Motion PASSED 5-0.

Hughey/Pohlman moved to APPROVE the conditional use permit request filed by Michelle Barker for a specialized instruction school at 213 Harbor Drive, subject to eight conditions of approval. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Michelle Barker. The owner of record is Island Fever Diving & Adventures, LLC. Motion PASSED 5-0.

Conditions of Approval:

1. Contingent upon an approval by the Building Official and Fire Marshall for the proposed occupancy of all levels of the structure at 213 Harbor Drive (upstairs and downstairs). A review will occur after 6 months to assess progress toward occupancy requirements.
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.

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 meritorious issues and too mitigate any identified adverse impacts on public's health, safety, and welfare.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

G

Public hearing and consideration of a variance request filed by Richard Parmelee for 405 Hemlock Street. The variance is for the reduction in the side setback from 8 feet to 2 feet for the construction of a carport. The property is also known as Lot 11 of Tower Heights Subdivision. The request is filed by Richard Parmelee. The owners of record are Richard J. Parmelee and Marjorie A. Parmelee.

Scarcelli described the request. Scarcelli stated that the item was previously postponed to allow for neighbor discussion. Scarcelli stated that only a portion of the proposal would be within 2 feet of the property line. Scarcelli read a letter from Michael Sullivan, the renter and prospective owner of 407 Hemlock, who stated support for the carport. Staff recommend approval of a variance to 3 feet.

Richard Parmelee stated that he requests a variance to 2 feet to allow for a tail on the carport. Parmelee stated that the post will be 3 feet from the property line. Spivey stated that he had spoken to the neighbor, Mike Sullivan, and he was supportive of the carport.

Parker Song/Hughey moved to APPROVE the required findings for major structures or expansions as discussed in the staff report.

Required Findings for Variances.

1. Required Findings for Variances Involving Major Structures or Expansions.
Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, the narrowing of the lot near the rear;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to adequately protect a vehicle from rain;
- 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; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan 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 without infringing on the rights of private landowners."

Motion PASSED 5-0.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: April 13, 2016

To: Planning Commission

From: Michael Scarcelli, Senior Planner

Re: CU 16-06 Specialized Instruction School (Tutoring Center) - 213 Harbor Drive

GENERAL INFORMATION

Applicant: Michelle Barker

Property Owner: Island Fever Diving & Adventures, LLC

Property Address: 213 Harbor Drive

Legal Description: Lot 2 Wilmac Resubdivision

Parcel ID Number: 10074000

Size of Existing Lot: 4011 square feet

Zoning: Central Business District (CBD)

Existing Land Use: Commercial Retail

Utilities: Full city services

Access: Harbor Drive

Surrounding Land Use: Commercial retail, Bar with restaurant, Daycare, & 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: Access and Utility Maintenance Agreement

Attachment H: Driveway Agreement

Attachment I: Zoning Map

Providing for today...preparing for tomorrow

Attachment J: Flood Zone Map
Attachment K: Mailing List
Attachment L: Proof of Payment
Attachment M: Warranty Deed
Attachment N: Comments

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for Terry's Learning Center (TLC). TLC is a tutoring center geared towards students enrolled in Sitka School District's Home School Program. This business has provided this service to the community for over 15 years. The owner and operator Terry Bartolaba has 45 years of experience and a degree in education. Her focus is on a well-rounded education from numbers to respect.

Table 22.16.015-3, General Services, requires a conditional use permit for all educational services, including, but not limited to specialized instruction school in the Central Business District. The proposed tutoring and home-school support program would fall under this existing regulation. All educational services fall under a conditional use unless they are in the Public Lands zone.

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:

The school will have three drop-off and pick-up times at 8am, 1130-noon, and 3pm. Services are provided to about thirty students. Operations are only Monday through Thursday, and the TLC will not operate Friday through Sunday. Most of the traffic will occur in a short window of time, but it will be staggered throughout the day. The general area has retail operations that generate more trips per day than the expected trips per day by the proposed use. At the most the school would have 30 trips in three potential segments of time; whereas surrounding land uses could have anywhere from approximately 11 trips per hour up to 160 trips per hour (High Turnover Restaurant).² Therefore, the school's traffic impact would not be any more significant than surrounding land uses. In addition, the 6 on-site parking spots would help mitigate impact. There are concerns about the orientation of the lot and the curved intersection. Children's safety is always a paramount concern.

b. Amount of noise to be generated and its impacts on surrounding land use: No data quantifying any noise concerns. In addition, there will be no outdoor activity.

c. Odors to be generated by the use and their impacts: None of concern.

d. Hours of operation: 8 am to 3 pm with a morning and afternoon session, Monday through Thursdays. No services Friday through Sunday. Year Round.

e. Location along a major or collector street: Driveway Harbor Drive, near O'Connell Bridge.

¹ § 22.24.010.E

² Based on Traffic Engineer studies of general land use and traffic correlations.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:

There is some cut-through foot traffic from Lincoln to Harbor Drive. However, this fact is not created by the proposed business; therefore, it should not be considered unless it raises a safety concern directly related to the property or proposed use.

g. Effects on vehicular and pedestrian safety: Similar to any other use.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same ability as other use.

i. Logic of the internal traffic layout: Unlike many other uses in the immediate vicinity, this site provides 6 on-site parking spaces.

j. Effects of signage on nearby uses: No proposed signage. If so, must comply with signage code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The site has some distance between the building and the street provided by the parking area.

l. Relationship of the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: The Comprehensive Plan sections support: 2.1.12 providing access to high-quality education; 2.2.2 providing needs services (only similar niche business in Sitka); 2.9 meeting city's educational goals; 2.4.21 providing conditional uses that do no impact residential areas.

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

1. There is much public support from various businesses for this proposed use. Included are all written letters of support.
2. Some adjacent business are concerned that the existing operation, which technically is currently in violation of code, and the potential conditional approval of TLC would negatively impacts their ability to expand their legally operating business and long-term business plan. Some of the discussed uses are permitted, while others are conditional.
3. The state has responded to questions regarding buffers and sensitive uses as those pertain to alcohol and marijuana: The questions (in black) and answers (in red & underlined)) are below as received:

"Marijuana 500 Foot Buffers

1) Would a **tutoring center** be considered a **sensitive use** that would **trigger a 500 foot buffer** (regulations identify school, recreation, and youth center)? It is possible that a tutoring center would fall under "recreation or youth center" based on the definition given on 3 AAC 306.990 (35) which states "recreation or youth center" means a building, structure, athletic playing field, or playground

(A) run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or

(B) operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.

2) When the regulations state that the 500 foot buffer is to be **measured by the shortest pedestrian route** does that mean

- a. **As the bird flies or through legal crosswalks and legal paths** (e.g. not jaywalking or through trespass over or between properties).
The shortest pedestrian route whichever that route may be.
- b. What if an applicant made a **maze of fences or walkways** (similar to a movie or amusement park or airport security line that goes back and forth) would the path include that legal path which would extend the distance traveled and enable a marijuana business to locate within 500 linear feet of a church or school. This would be up to the board
- c. What constitutes the **outer boundary** (property line or exterior building)? For the purpose of 3 AAC 306.010 (a) where outer boundaries refers to proximity to school ground, and recreation or youth center, it means property line.

Alcohol Buffer

- 3) When measuring the 200 foot buffer for a potential alcohol establishment, does a **“tutoring center”** or other educational use that does not require a state license as a “school” trigger the 200 foot buffer under state regulations? No. It only applies to a Beverage Dispensary or Package Store licenses, and only for school grounds (pre-K – 12) or church building in which religious services are regularly conducted.
- 4) In the alternative, **does the municipality have any say** about this for or against (i.e. does the municipality have any discretion to object or override this buffer requirement for tutoring center)? A local government can make its ordinances more restrictive, but cannot override the State’s regulations.

Alcohol Licenses

In regard to expanding existing licenses and use of Mean Queen, a second, “duplicate” license would be required. Please see:

- “Sec. 04.11.090. Beverage dispensary license.** (a) A beverage dispensary license authorizes the holder to sell or serve on the licensed premises alcoholic beverages for consumption on the licensed premises only.
- (b) The biennial beverage dispensary license fee is \$2,500.
- (c) [Repealed, § 69 ch 101 SLA 1995.]
- (d) The area designated as the licensed premises under a beverage dispensary license issued to a hotel, motel, resort, or similar business that caters to the traveling public as a substantial part of its business may include the dining room, banquet room, guests’ rooms, and other public areas approved by the board.
- (e) A holder of a beverage dispensary license may not maintain upon the licensed premises more than one room in which there is regularly maintained a fixed counter or service bar at which alcoholic beverages are sold or served to members of the public for consumption unless the licensee is issued by the board, after investigation, a duplicate of the original license for each of the rooms. The holder of the beverage dispensary license shall pay to the board with each application for a duplicate license an amount equal to the fee payable for

the original beverage dispensary license under (b) of this section. If the licensed premises are located within a municipality, a duplicate beverage dispensary license may not be issued unless approved by the council or assembly, as appropriate.”

For a package store, a transfer ownership of an existing Sitka based package store to this location would be required. The number of package stores available in Sitka has reached the statutory limit, no new package store liquor licenses can be issued. For this to come to fruition, an existing package license would have to be purchased and ownership and location transferred.

A Careful Balancing of Interests

Local business has raised reasonable concerns about the financial impact upon their business and a permitted use. This raised for discussion whether a conditional use (tutoring center) should take precedence over a permitted use (restaurant and bar). In this case, the permitted use of a bar and restaurant or package store (to-go sales of alcohol) would not be limited by existence of the proposed conditional use tutoring center according to state responses to this inquiry because the state does not consider a tutoring center a sensitive use in regards to alcohol regulations.

The speculative, but highly probable use of conditional marijuana use could be impacted by the approval of a conditional tutoring center. This raises several questions: 1) Should speculative future uses be considered against existing code uses; 2) If so, should one conditional use take primary focus over another? If so, which one. Furthermore, the state may consider a tutoring center a sensitive use in regards to required buffers for licensed marijuana business as the state regulations are broader than the similar alcohol regulations. Again, should such a consideration of a future speculative code change impacts existing conditional use proposals? In staff's professional planning opinion, the answer is speculation of future land use changes should not be considered, at least in terms of analysis of land use compatibility.

Comprehensive Plan

In terms of Comprehensive Plan arguments, there is support in the Comprehensive Plan to promote business and economic development in general of which any business would include, including restaurants, bars, or future marijuana business. There is also support to encourage educational opportunities and businesses such as a private tutoring center; However, in this case, does the proposal create harmony of use for a tutoring center to go in next to an existing bar and restaurant in the Central Business District. On this point, there is Comprehensive Plan support that uses should be compatible with surrounding uses, and there is an argument education does not mix well with alcohol. There has been past precedent in this Community and by this Commission that a very similar use was compatible when even closer to a restaurant and bar. Careful consideration should be given to harmony of use.

Safety

Staff suggests that the applicant consult with the Building Department regarding any applicable state or local regulations that may pertain to building code, life and safety, and/or proposed occupancy. To that point, the Building Official has provided a memorandum to our Department, which states in part:

“A change to an educational (E) occupancy, and possibly an institutional (I) occupancy, will require a thorough review of the International Building Code to identify requirements for a change of occupancy to a more restrictive use. The applicant should be informed that if the conditional use permit is approved by the Planning Commission, there will be a permit required by the Building Department in order to change the occupancy of this building. Whether it is possible to meet the provisions of a different occupancy is undetermined as I have not been contacted by the applicant with a detailed proposal or plan.

This information should have no bearing on the pros or cons of granting a conditional use permit request, but should serve to inform the applicant that further work is required to address potential issues of changing occupancy to a more restrictive “E”, educational occupancy, or possibly an “I”, institutional occupancy.”

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: ³

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.

³ § 22.30.160.C – Required Findings for Conditional Use Permits

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 Senior Planner's analysis and required findings as found in the staff report and carefully consider the balance of competing business interests as discussed in the staff report.

Recommended Points for Consideration and Deliberation

1. Should a conditional use of a tutoring center take precedence over a permitted restaurant and bar use? (Does it truly effect this business? State answer seems to say no – in other words this is a non-issue, though it was a reasonable concern).
2. Is a proposed conditional tutoring center an appropriate use in this specific case next to an existing restaurant and bar? In other words, is the proposed use in harmony with existing surrounding land uses? Regardless of whether one use prohibits the other, should the tutoring center be located next to a bar and restaurant?
3. Should a proposed conditional use of a tutoring center take precedence over a speculative future conditional marijuana use?

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit request filed by Michelle Barker for a specialized instruction school at 213 Harbor Drive subject to the eight (8) attached conditions of approval. The property is also known as Lot 2 of Wilmac Resubdivision. The request is filed by Michelle Barker. The owner of record is Island Fever Diving & Adventures, LLC.

Conditions of Approval:

1. Contingent upon an approval by the Building Official and Fire Marshall for the proposed occupancy of all levels of the structure at 213 Harbor Drive (upstairs and downstairs).
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.
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 meritorious issues and too mitigate any identified adverse impacts on public's health, safety, and welfare.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

Parcel ID: 10001000
STATE OF ALASKA
PIONEER HOME
ALASKA, STATE OF
P.O. BOX 110690
JUNEAU AK 99811

Parcel ID: 10005000
ORTHODOX CHURCH IN AMERICA
RUSSIAN GREEK MISSION
ORTHODOX CHURCH IN AMERICA
P.O. BOX 697
SITKA AK 99835-0697

Parcel ID: 10017000
STATE OF ALASKA
CASTLE HILL
STATE OF ALASKA
6860 GLACIER HWY
JUNEAU AK 99801

Parcel ID: 10037000
SITKA JET CENTER, INC.
SITKA HOTEL
SITKA JET CENTER, INC.
1924 JACKSBORO HWY
RIVER OAKS TX 76114

Parcel ID: 10040000
LINCOLN PLACE, LLC
LINCOLN PLACE, LLC
1925 DODGE CIR.
SITKA AK 99835

Parcel ID: 10045000
STANLEY FILLER
ERNIE'S BAR
FILLER, STANLEY, J.
P.O. BOX 777
SITKA AK 99835-0777

Parcel ID: 10055000
DOUGLAS/OLGA BORLAND
BORLAND, DOUGLAS & OLGA
P.O. BOX 1268
SITKA AK 99835-1268

Parcel ID: 10060000
CITY & BOROUGH OF SITKA
CASTLE HILL PARKING LOT
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 10062000
TROY/VICTORIA DENKINGER
DENKINGER, TROY/VICTORIA
2221 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 10068000
ETHEL/NORMAN/C. STATON
STATON, ETHEL/NORMAN
JR., BARGER, C.
P.O. BOX 829
SITKA AK 99835-0829

Parcel ID: 10068001
FRANK/MARY MAGNUSON
MAGNUSON, FRANK & MARY
209 MILLS ST, APT A
SITKA AK 99835

Parcel ID: 10073000
WILMAC CORPORATION
WILMAC CORPORATION
208 LINCOLN ST
SITKA AK 99835

Parcel ID: 10074000
TERRY/GENE BARTOLABA
BARTOLABA, TERRY & GENE
443 VERSTOVIA AVE
SITKA AK 99835

Parcel ID: 10095000
STEVEN/LINDA ANDERSEN
ANDERSEN, STEVEN/LINDA
216 LINCOLN ST
SITKA AK 99835

Parcel ID: 10097000
C/B OF SITKA
BETWEEN VAN WINK & CELLAR
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 10100000
LUTHERAN CHURCH
LUTHERAN CHURCH
LUTHERAN CHURCH
P.O. BOX 598
SITKA AK 99835-0598

Parcel ID: 10105000
VENNEBERG BUILDING, LLC
VENNEBERG BUILDING, LLC
225 HARBOR DRIVE
SITKA AK 99835

Parcel ID: 10110000
FRANKLIN BUILDING CORPORATION
FRANKLIN BUILDING CORP.
FRANKLIN BUILDING CORPORATION
236 LINCOLN ST, APT 9
SITKA AK 99835

Parcel ID: 10115000
ETHEL/NORMAN, JR STATON
STATON, ETHEL/NORMAN
JR./BARGER, C
P.O. BOX 829
SITKA AK 99835-0829

Parcel ID: 10220000
JAMES/AMABEL POULSON
POULSON, JAMES, T./AMABEL, F.
112 BARRACKS ST
SITKA AK 99835

Parcel ID: 10230000
KIM/CHRISTOPHER ELLIOT/BREWTON
ELLIOT, KIM & BREWTON, CHRIS
7 MAKSOUTOFF ST
SITKA AK 99835

Parcel ID: 10240000
JOHN LONGENBAUGH
% BETSY LONGENBAUGH
LONGENBAUGH, JOHN, T. T.
319 B STREET
DOUGLAS AK 99824

Parcel ID: 10242000
MARK BUCK
BUCK, MARK, C.
16487 DEERWOOD RD
GARDEN CITY MN 56034

Parcel ID: 10245000
BARRY/CINDY BRANTMAN/EDWARDS
BRANTMAN, BARRY/EDWARDS, CINDY
10B MAKSOUTOFF ST
SITKA AK 99835

Parcel ID: 10250000
SITKA'S WOMEN'S CLUB
SITKA'S WOMEN'S CLUB
300 HARBOR DR.
SITKA AK 99835

Parcel ID: 10254000
CITY & BOROUGH OF SITKA
SITKA PUBLIC LIBRARY
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 10260000
WELLS FARGO BANK
% THOMSON PROP TAX SERV
WELLS FARGO
P.O. BOX 2609
CARLSBAD CA 92018-2609

Parcel ID: 10400000
OLD HARBOR BOOKS, INC.
OLD HARBOR BOOKS, INC.
201 LINCOLN ST.
SITKA AK 99835

Parcel ID: 10418000
RENTAL TOO, LLC
RENTAL TOO, LLC
P.O. BOX 616
SITKA AK 99835-0616

Parcel ID: 10427000
AMERICAN LEGION, SITKA POST #13
THE AMERICAN LEGION
205 LINCOLN ST
SITKA AK 99835

Parcel ID: 10428000
GALEN WEST TRUST
WEST TRUST, GALEN, D.
P.O. BOX 1792
SITKA AK 99835-1792

Parcel ID: 10475000
LINDA TRIERSCHIELD LIVING TRUST
TRIERSCHIELD, LINDA
P.O. BOX 1463
SITKA AK 99835-1463

Parcel ID: 10495000
SITKA BAZAAR BUILDING, LLC
SITKA BAZAAR BUILDING, LLC
P. O. BOX 458
SITKA AK 99835-0458

Parcel ID: 10465000
NEWSPAPER PROPERTIES, LLC
NEWSPAPER PROPERTIES, LLC
1 MAKSOUTOFF ST
SITKA AK 99835

Parcel ID: 10480000
LINDA/NANCY TRIERSCHIELD
TRUST/MCGRAW
TRIERSCHIELD BUILDING
TRIERSCHIELD, L/MC GRAW, NANCY
P.O. BOX 718
SITKA AK 99835-0718

Parcel ID: 10500000
DIOCESE OF SITKA & ALASKA
DIOCESE OF SITKA & AK, ORTHODOX
CHURCH
P.O. BOX 210569
ANCHORAGE AK 99521

Parcel ID: 10470000
LINDA TRIERSCHIELD LIVING TRUST
TRIERSCHIELD LIVING TRUST, LINDA,
D.
P.O. BOX 1463
SITKA AK 99835-1463

Parcel ID: 10490000
KARL/ROBIN STEDMAN
STEDMAN INSURANCE AGENCY
STEDMAN, KARL, E./ROBIN
P.O. BOX 6172
SITKA AK 99835-6172

Parcel ID: 10521000
KCCR PROPERTIES, LLC
KCCR PROPERTIES, LLC
P.O. BOX 614
SITKA AK 99835-0614

P&Z Mailing
September 9, 2016



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 16- 01 **Version:** 2 **Name:**

Type: Subdivision **Status:** AGENDA READY

File created: 3/2/2016 **In control:** Planning Commission

On agenda: 3/15/2016 **Final action:**

Title: Public hearing and consideration of the final plat of a minor subdivision at 211 Shotgun Alley, zoned SFLD Single Family Low Density Residential. The subdivision would result in four lots. The property is also known as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.

Sponsors:

Indexes:

Code sections:

Attachments: [Hamberg 9.20.16](#)

Date	Ver.	Action By	Action	Result
8/16/2016	1	Planning Commission	APPROVED	Pass
8/16/2016	1	Planning Commission	APPROVED	Pass
7/19/2016	1	Planning Commission	POSTPONED	Pass



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: Sept 15, 2016

From: PCDD Staff

To: Planning Commission

Re: P 16-02 Final Plat Minor Subdivision – Cedars Subdivision– 211 Shotgun Alley

GENERAL INFORMATION

Applicant: Barth Hamberg
Property Owner: Barth Hamberg
Property Address: 211 Shotgun Alley
Legal Description: Lot 2, Johnstone Subdiv. Replat
Parcel ID Number: 3-1200-002
Size of Existing Lot: 139,499 square feet
Split into Lot 1 – 15,109 square feet, Lot 2 – 15,029 square feet, Lot 3 – 80,796 square feet, Lot 4 – 28,568 square feet
Zoning: Single Family Low Density
Existing Land Use: Not developed
Utilities: None, but city services available
Access: Shotgun Alley
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 to approve the final plat

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Zoning Map
Attachment D: Flood Map
Attachment E: Parcel Pictures
Attachment F: Subdivision Final Plat
Attachment G: Current Subdivision Plat
Attachment H: Drainage Assessment

Attachment I: CBS Public Works Comments
Attachment J: Neighbor Comments
Attachment K: July 19th Minutes
Attachment L: Application
Attachment M: Warranty Deed with Covenants and Restrictions
Attachment N: Mailing List
Attachment O: Proof of Payment

PROJECT DESCRIPTION

The applicant is requesting a four (4) lot minor subdivision at Lot 2 of the Johnstone Subdivision Replat at 211 Shotgun Alley. The four lots to be divided are as follows: Lot 1: 15, 109 sq. ft.; lot 2: 15,029 sq. ft.; lot 3: 80,796 sq. ft.; and lot 4: 28,568 sq. ft. for a total of approximately 139,502 square feet (2003-22 identifies 139,499 sq. ft.).

BACKGROUND

Prior Subdivision and Restrictive Covenants

The property was part of the approved replat, the Johnstone Subdivision (Plat 2003-22), in 2003 that replatted three lots (see Plat 86-24) into the now existing lots 1 and 2 of the current Johnstone Subdivision.

Lot 2 is subject to restrictive covenants: These covenants limit subdivision of the parcel to no more than 4 lots; any sold lot shall not be further subdivided; further, the main stream shall not be filled or otherwise impacted to prevent it from flowing in a free and natural state or impact natural water levels of such stream; development shall be done with a trained soil scientist/hydrologist/engineer to prevent soil wasting or erosion to insure no adverse erosion will occur to properties located below said parcel; development shall strive to maintain the natural character of the land with an effort to emphasize the natural landscape with locally appropriate flora; and all of these restrictions and covenants shall run with the land.

Title 21 Subdivision

Plats that create no more than 4 additional lots that will become integral parts to adjoining right-of-way shall comply with Chapter 21.12, Minor Subdivisions. As advised, the applicant has participated in pre-application procedures as outlined in Section 21.32.020. Moreover, the plat, per section 21.12.020 (A)(1)(a) shall provide all dimensions, square footages. And the easements and improvements shall comply with all applicable standards in Chapter 21.40.

Chapter 21.40 Design and Construction Requirements and Documentation

Lands unsuitable for development because of potential hazards, which may be detrimental to the health, safety, or general welfare of the existing and future residents shall not be developed or subdivided and shall not be included in any building lot unless the hazards are eliminated or will be overcome by approved design and construction plans. The applicant shall submit engineered plans showing proposed design and construction in said areas for city review as part of the subdivision approval process.¹

Construction shall be completed in compliance with City and Borough of Sitka standard construction specifications to the degree determined by the Municipal Engineer.² No further design or construction plans have been requested by Public Works.

The applicant has gone through extensive review of the site by Planning and Public Works staff. The applicant has submitted a drainage report that went through two rounds of corrections and was reviewed three times. The final drainage report complies with all applicable standards for development regarding drainage and Public

¹ Section 21.40.010 (A)(3).

² Section 21.40.020

Works has no further comments. The drainage report was compliant with the specifications and modeling as found in the 2013 Storm Water Management Plan:

http://www.cityofsitka.com/government/departments/publicworks/documents/Final_Sitka_Stormwater_Plan_with_Apps_062713.pdf

Zoning

The lot to be subdivided is zoned Single Family Low Density (SFLD). Per Section 22.16.030, the intent of the SFLD zoning district is a very restrictive district and as a holding district for lands not currently served by access or utilities. In this case, the lot is served by access via Shotgun Alley and utilities are available for connection by developer. In addition, internal access is provided in the proposed subdivision. More permanent zoning districts are also envisioned by the intent section of code. Minimum lot size is 15,000 square feet and that is net of access easements.³ Short-term rentals are prohibited.⁴

Discussion Points Raised at July 19, 2016 Planning Commission

The following are topics raised at the July 19th Planning Commission discussion (see attached minutes in Attachment K for more details):

- The drainage report indicates the upstream subdivision will result in a .67 cfs increase to the downstream property. It is the Municipal Engineer's opinion that the downstream property does not have adequate drainage, regardless of whether upstream develops or not.
- The Municipal Engineer is satisfied with the drainage assessment.
- The recorded Covenants highly restrict the development to no more than 4 lots, protect the stream to flow in its natural state, require development to include review by a soil scientist, hydrologist, or engineer, maintain the natural character of land, maintain natural landscaping, preserve locally appropriate flora, and run with the land.
- Downstream property owners felt the process for grading and subdivision was flawed, want to preserve the character of the neighborhood, and feel the plans should be reviewed by an engineer.
- Drainage assessment was done after grading, but utilized averages for its coefficients and retroactively assessed the land as it was prior to development. In other words, retroactive assessment, after the fact of development, did not alter the assessment calculations and resulted in the same conclusion had it be done prior to grading.
- The Municipal Engineer views this development and drainage assessment much differently than the benchlands.
- City Attorney, Brian Hanson, does not feel an additional easement is required in this case due to an existing natural stream. Further, that the upstream property has the right to reasonably use their land.
- Collaboration or compromise between the land owners has no current code basis to require it.

ANALYSIS

Project / Site: The site is currently graded and has access to each lot. Lots 3 and 4 are accessed by a 20 foot access road, which also serves as an access and utility easement to lot 4. Lots 1 and 2 are self-served by their own access and utilities off of Shotgun Alley. There is a natural creek/stream that runs through the westerly portion of lot 3, just outside the easterly property line of lot 2, and through the eastern portion of lot 1 onto the downstream parcel of lot 1A. Density of proposed development on average is one unit per .8 acres. Densities allowable for the zone is 2.9 units per acre. The proposal is substantial below the allowable density (note this is

³ Note 1 Table 22.20-1

⁴ Section 22.16.030 (A)-(B).

also restricted by covenants).

Traffic: Minimal impact on traffic. Shotgun Alley is able to support the addition of 4 additional dwelling units.

Parking: Ample space for 2 parking spaces per dwelling unit.

Noise: Minimal noise outside of construction. Existing landscaping, trees, and other vegetation and topography will mitigate any noise from low-density residential use.

Public Health or Safety: No known safety or health effects. No comments received from Public Works Engineer or Building Official with concerns regarding safety.

Habitat: The applicant received a USACE wetland permit exemption for *de minimis* project. No significant impacts to habitat. Covenants seek to protect flora, soil, and natural stream.

Property Value or Neighborhood Harmony: Added property value of additional developable parcels.

Drainage: The applicant has submitted a drainage plan that received comments from Public Works. The two original drafts were amended to comply with direction and comments from Public Works. The Drainage Report and the comments from Public Works are attached.

To sum, the drainage report and/or comments from Public Works indicate that the development would increase flows to downstream by .67 cubic feet per second during a fifty year storm event, which is equivalent of about 1/10 of the capacity of a 18" culvert. The existing stream and culverts have approximately 5 times the capacity to handle this flow during a 50 year storm event. The drainage report and the comments also state that the downstream property is not capable of containing this flow during a 50 year storm event with or without any upstream development. In other words, the downstream property would be impacted regardless of upstream development because problematic conditions of the downstream property can't handle a 50 year storm event like the one witnessed on August 18, 2015. The problematic conditions of the downstream system include: 1) a manmade rock/log dam; 2) an artificially suppressed ditch which can't carry the predevelopment 50 year storm event; and 3) a composite culvert (small pipe in larger pipe) which is completely submerged during extreme high tide events rendering it ineffective, has a sleeve insert that may lead to blow-outs, and has bars inserted that can lead to blocking the passage of salmon or collecting debris. Planning staff walked both the upstream and downstream properties. Staff observed no visible signs of overflow or blowout of the stream of the uphill property; and the bed and surrounding area around the natural stream appeared to be in pristine condition that showed no signs of overflow or visible and contemporaneous erosion by extreme flows.

Site Visit, Average Precipitation, and Observed Precipitation for Week of August 7-11th and Sept 9th

Staff did a site visit on August 11, 2016 at approximately 8:30 am. Staff observed the flow of water through culverts, the creek, and across the property (see attached pictures in Attachment E). In addition, staff researched the precipitation measurements and typical annual precipitation for the past days of August 7-11th, and for the entire month of August. Staff found that the average precipitation for this time frame (7-11th) has historically been about .52 inches (NOAA and Wunderground), and the average for the month of August is about 6.85 inches (US Climate Data). The actual, observed rainfall for this week was 2.56-2.58 inches (NOAA and Wunderground). Staff observed that the creek and culvert were adequately handling the above average rainfall with room for substantial additional capacity. This observation corroborates what the drainage assessment and Municipal Engineer have stated.

Staff also visited the downhill property to observe drainage on September 9th. Staff did observe and take pictures of some run-off of the uphill property. The downstream property's drainage culverts seems to be able to handle the volume, but for the place where they were sleeved and there was blowout coming through. The narrow and shallow drainage ditch adjacent to the home was substantially full, but not overflowing. There was some pooling of water on the lawn, due to observed run-off from uphill, adjacent roof structures, and from direct precipitation. Upgrade of the downhill drainage system by the downstream property would be advised as reasonable action.

Comprehensive Plan: The following Comprehensive Plan Sections apply:

2.4.4: To resolve conflicts through the public process between residential land uses. In this case, the public review will allow comment from the public and an opportunity to be heard to request resolution of any compelling and meritorious issues.

2.4.19: Subdivision regulations are to guide land use. The subdivision shall comply with code. In this case, it appears the proposal is complying with Title 21 and 22.

2.4.6. "To provide adequate land for commercial, industrial and residential growth and public use that promotes the efficient use, value and enjoyment of the environment." If approved, the subdivision would convert 1 large 3.2 acre lot into 4 low-density single family lots, while also preserving the existing habitat at a high level.

2.5.7 "To assure lots within the City and Borough are of reasonable size and access, and to:

A. Take adequate lot width ratios into account during the subdivision review process." In this case, lot width for SFLD is 80 feet per Table 22.20-1 development standards. Lot 4 has a dimension on one segment of 54 feet, though in all other dimensions it is of adequate size and dimensions, and overall the width ratio of the entire lot 4 parcel is more than adequate to provide a lot of reasonable size and with reasonable access far in excess of development standards.

2.6.1. "To facilitate the availability of adequate land zoned for residential, commercial, industrial and waterfront development." Through approval, additional lots, several which are significantly above development standards, would be available for low-density single-family residential development.

2.6.2. "To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas..." In staff's opinion, this proposal is a reasonable and high-quality development for residential use.

Findings of Fact:

See recommended motion 1.

Staffs' Final Points and Summary:

1. Proposed final plat complies in every way with existing subdivision, zoning, and development codes and existing design specifications;
2. Drainage complies with existing Stormwater Management Plan and other pertinent design specifications;
3. Proposed final plat is a reasonable development and a reasonable use of existing land reasonably suitable for proposed development;
4. The proposal does create .67 increase of flow to the downstream property, which is an impact, but this amount is reasonable and minimal; and
5. No development on an island built upon steep slopes with specific geology that includes shallow soils, muskeg, ash, and rock, across from a Volcano, on tectonic plates⁵, that receives high amounts of precipitation is without risk; however, as proposed and as currently regulated, this proposal is complaint and reasonable. Staff sees no existing code basis to deny the proposal.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staffs' analysis and approve the findings of fact and the requested final plat for a minor subdivision subject to the attached condition of approval.

⁵ Near boundary of Pacific and North America Plate and Queen Charlotte-Fairweather Fault

Recommended Motions

- 1) Move to adopt the staffs' analysis and approve the **findings of fact** for the final plat for the Cedars Subdivision, subject to the attached condition of approval, for a 4 lot minor subdivision at 211 Shotgun Alley, zoned Single Family Low Density Residential. The property is currently legally described as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg. It is found that the project:
 - a. Complies with all applicable zoning regulations, specifically because minimum lot size and dimensions have been met by providing lots that range from 15,029 square feet to 80,796 and on average exceed the width of 80 feet, which further the intent of the zone for less density;
 - b. Complies with subdivision regulations, specifically because those criteria addressed in Section 21.40 have been surpassed, and the drainage assessment has been approved by the Municipal Engineer as complaint with the 2013 Stormwater Management Plan;
 - c. Does not pose a negative impact to the public's health, safety, or welfare because the proposal as set forth in the application, final plat, recorded covenants, and drainage assessment complies with the subdivision code and it is a reasonable development of a minor subdivision;
 - d. Has not caused any apparent unreasonable or substantial direct harm, and further that any potential for harm has been adequately and reasonably addressed in the drainage report, the condition of approval, existing restrictions and covenants, and/or through development standards and permit review;
 - e. Is a reasonable use of the property and existing natural drainage system, and that any harm experienced by the downhill property is caused by the fact that their own existing drainage system cannot handle reasonable amounts of flow regardless of development; and
 - f. Follows the objectives in the Comprehensive Plan by providing for conflict resolution, orderly development of residential land of adequate size and access without adversely impacting surrounding land uses.
- 2) Move to approve the final plat for the Cedars Subdivision, subject to the attached condition of approval, for a 4 lot minor subdivision at 211 Shotgun Alley, zoned Single Family Low Density Residential. The property is currently legally described as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg:
 - a. Condition of Approval: All subject lots, future sales, and development comply with recorded restrictive covenants of record that state to effect that lots shall not be further subdivided; further, the main stream shall not be filled or otherwise impacted to prevent it from flowing in a free state or would impact natural water levels of such stream; development shall be done with a trained soil scientist, hydrologist, or engineer to prevent soil wasting or erosion to insure no adverse erosion will occur to properties located below said parcel; development shall strive to maintain the natural character of the land with an effort to emphasize the natural landscape with locally appropriate flora; and all of these conditions shall run with the land.



Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley



City & Borough of Sitka, Alaska

Selected Parcel: 211 SHOTGUN ID: 31200002

Printed on 3/4/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

This map is for informational purposes only. It is not for appraisal or, descriptive

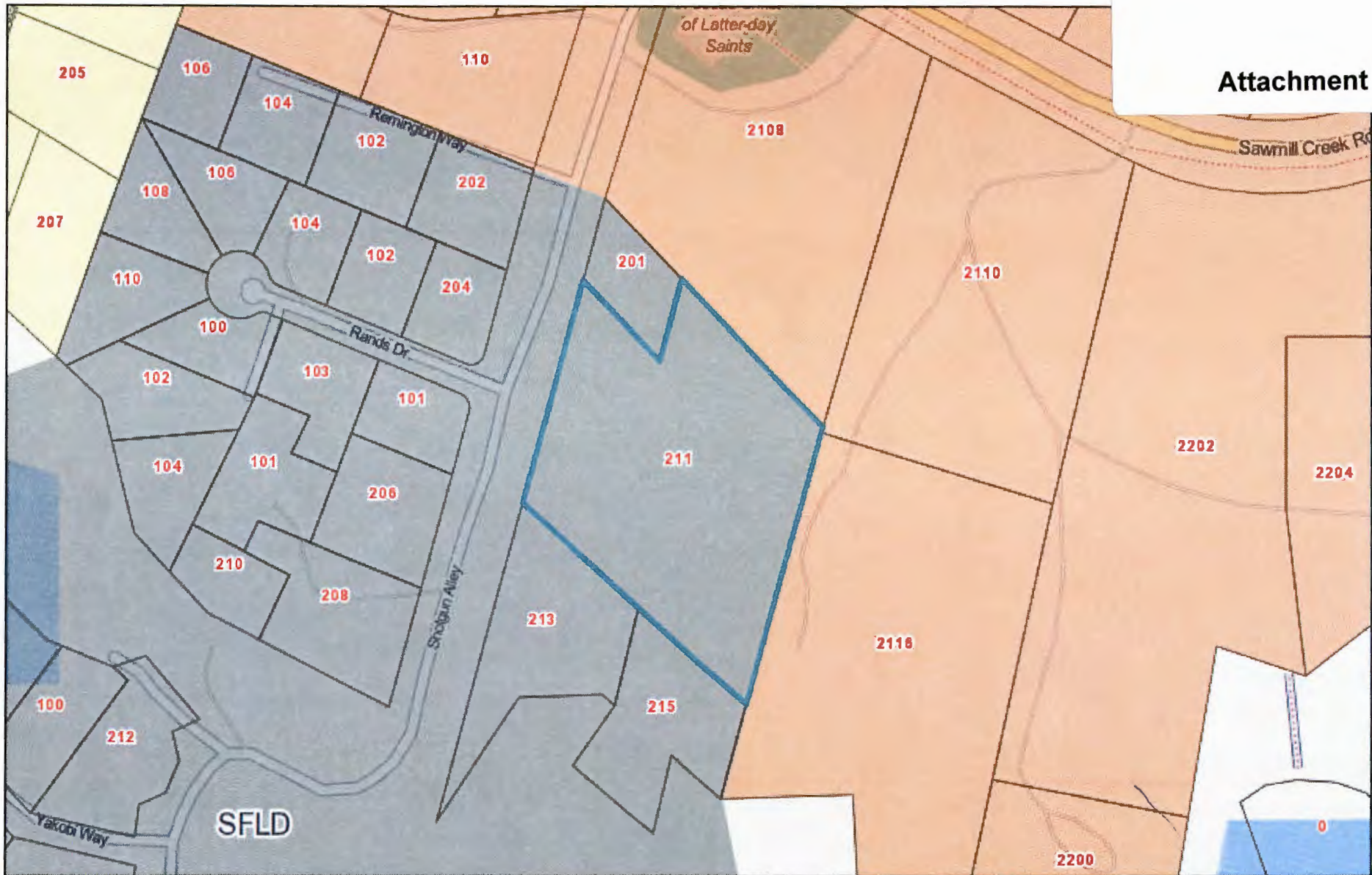


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www.mainstreetgis.com

no legal responsibility for the information contained herein.

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley

Attachment C



City & Borough of Sitka, Alaska

Selected Parcel: 211 SHOTGUN ID: 31200002

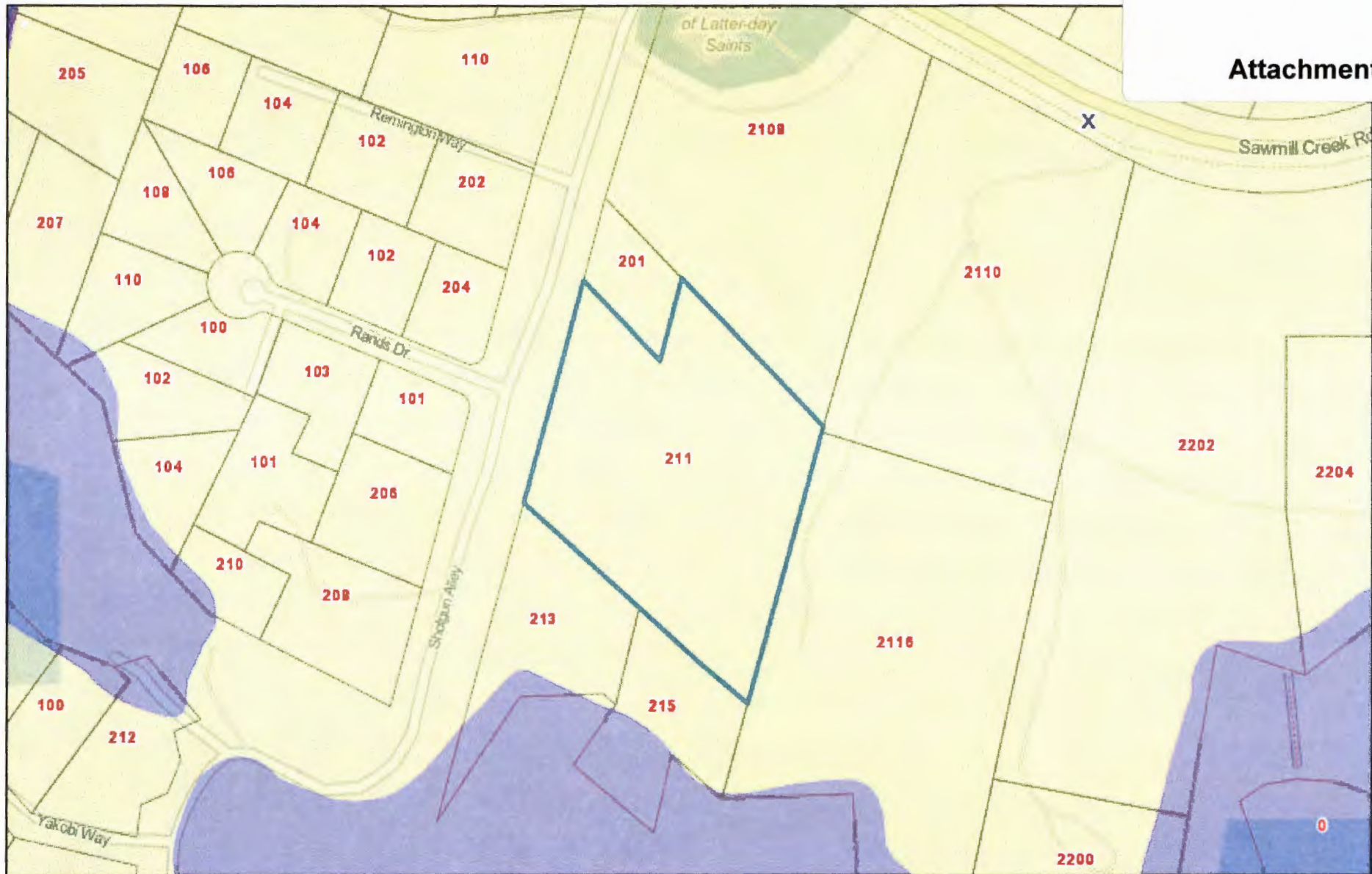
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no legal responsibility for the information contained herein.

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley



City & Borough of Sitka, Alaska

Selected Parcel: 211 SHOTGUN ID: 31200002

Printed on 3/4/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

This map is for informational purposes only. It is not for appraisal of, description of, or



legal responsibility for the information contained herein.

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



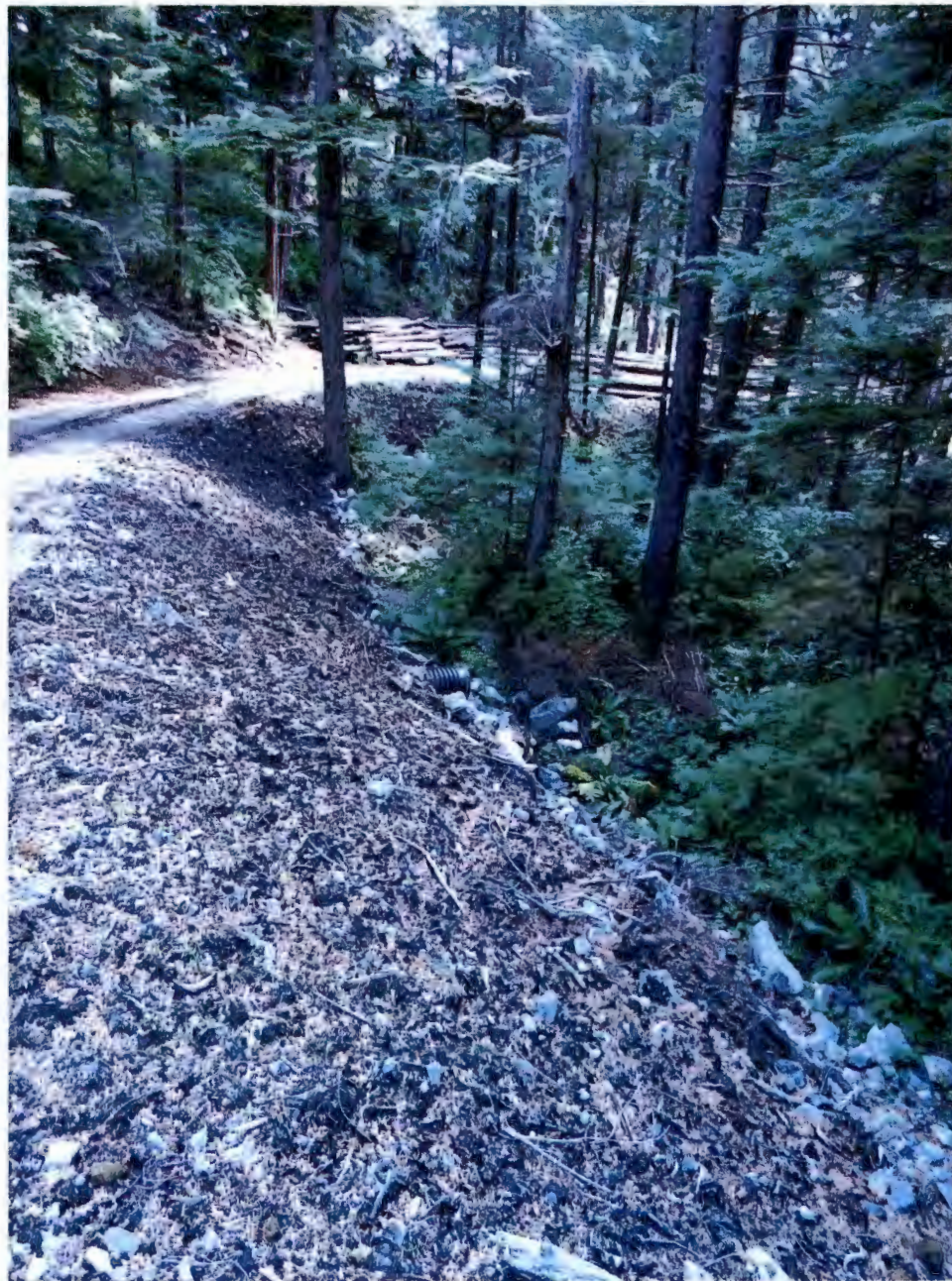
Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley



Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley



Attachment E

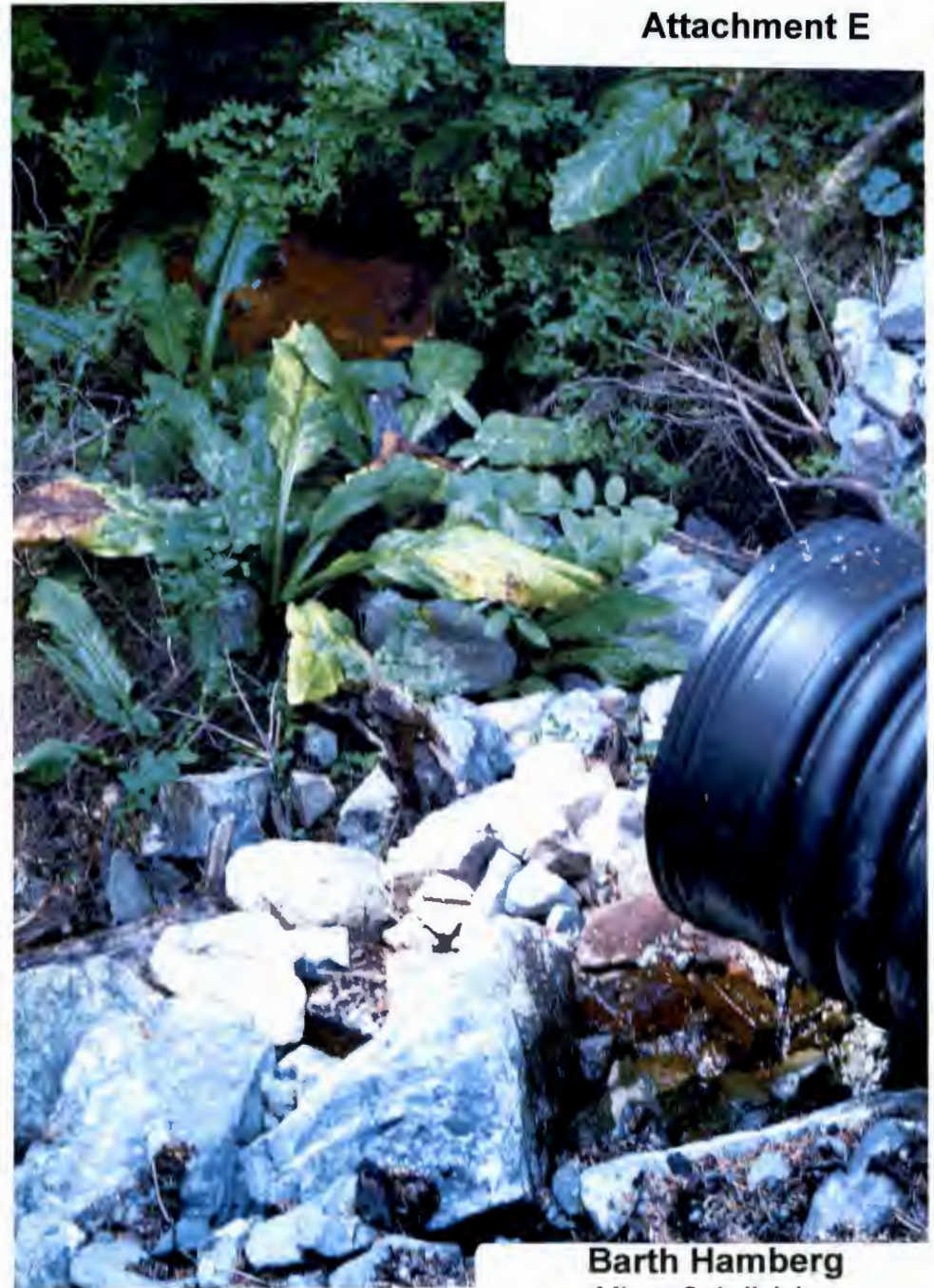


Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E




Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley



Attachment E

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment E



Barth Hamberg
Minor Subdivision
211 Shotgun Alley

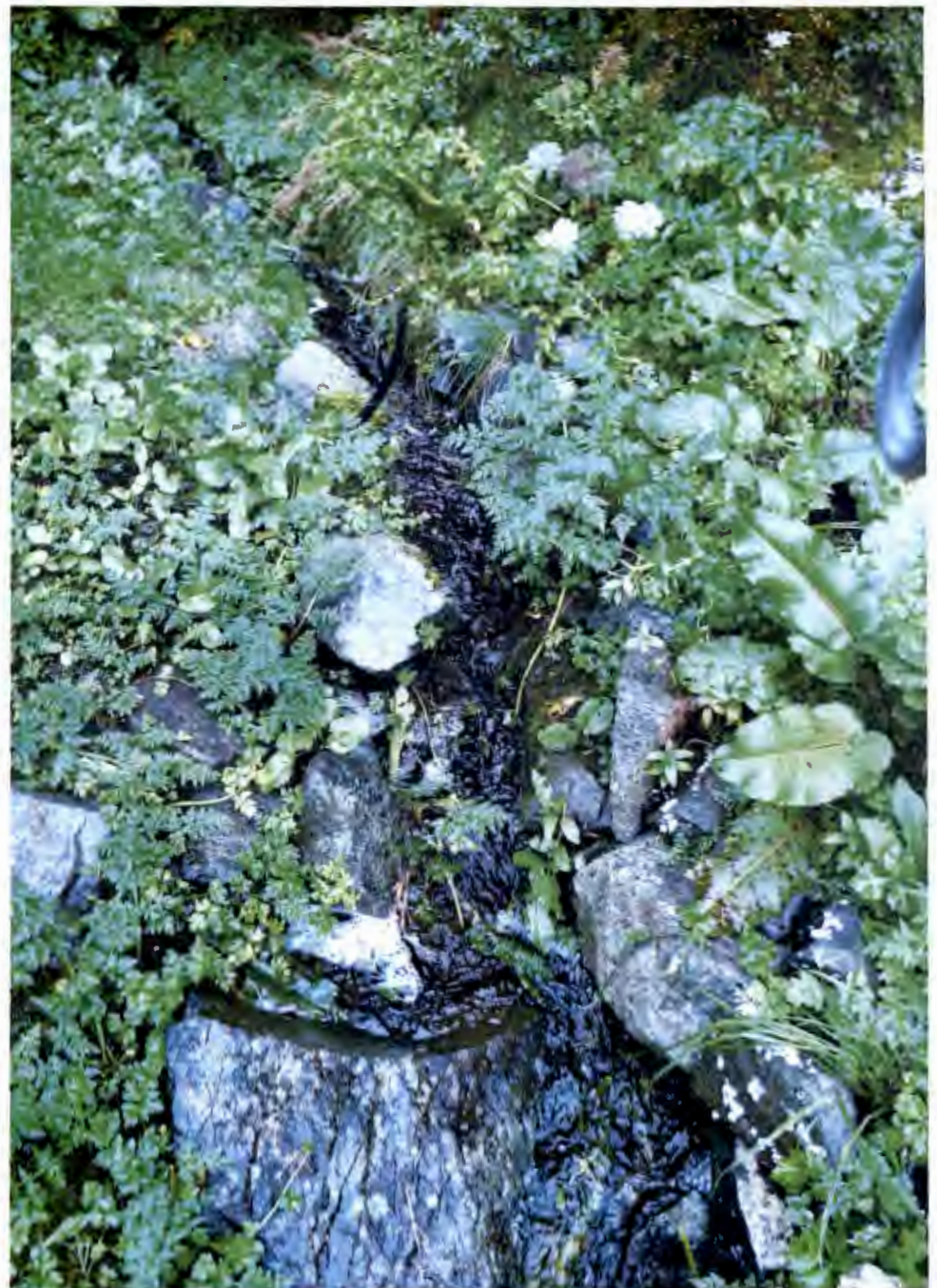
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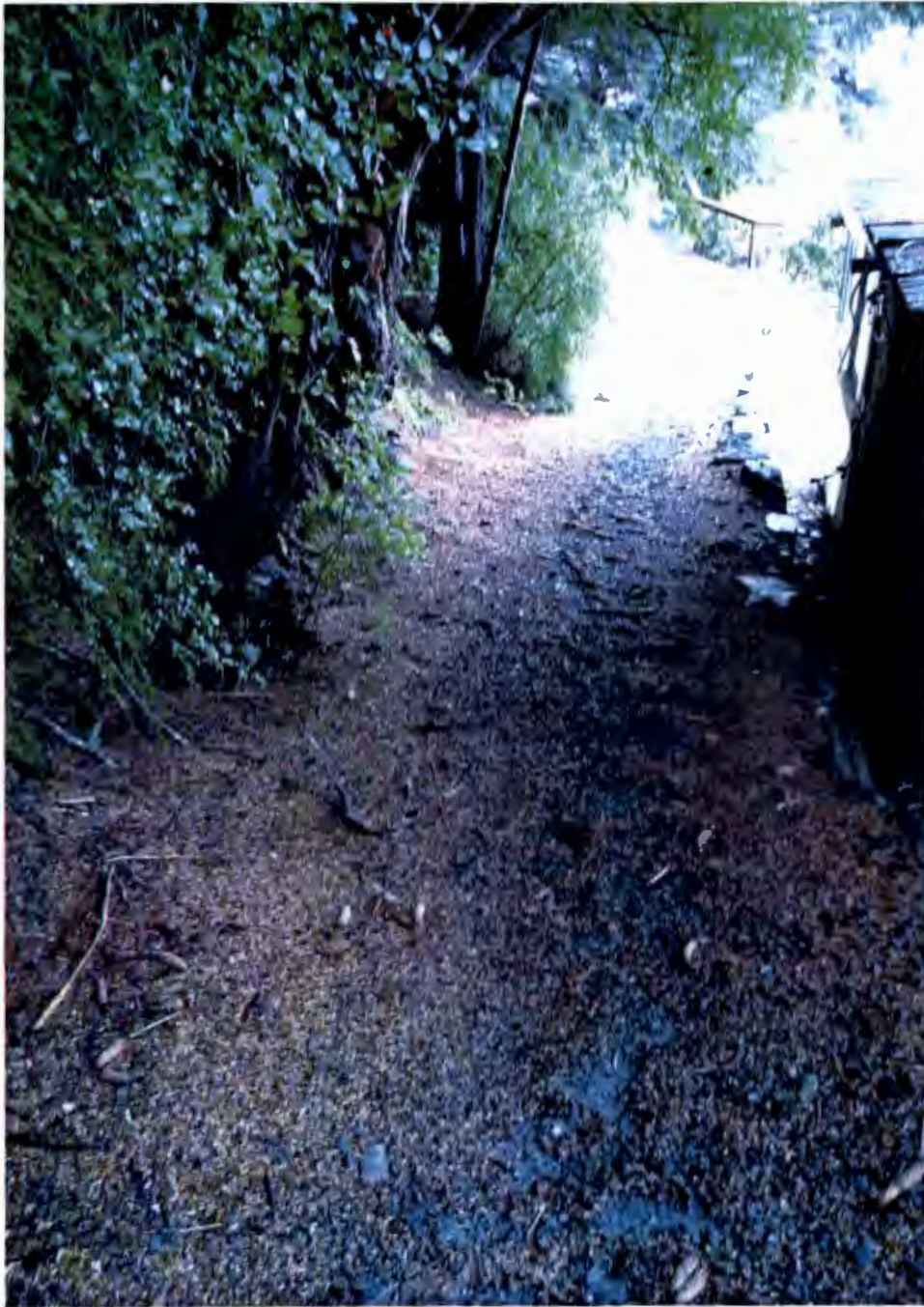


Barth Hamberg
Minor Subdivision
211 Shotgun Alley



Lubin/Busch Property





Lubin/Busch Property



Lubin/Busch Property



Lubin/Busch Property



Lubin/Busch Property

Attachment F

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HEREBY ADAPT THIS PLAN OF SUBDIVISION WITH THE CITY CHARTER AND DEDICATE ALL TRAILS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____ DESIGNER _____

DATE _____ DESIGNER _____

NOTARY'S ACKNOWLEDGMENT

US OF AMERICA
STATE OF ALASKA
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____ IN THE YEAR _____ 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 INDIVIDUALS 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.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES _____

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

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSISTANT 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 TAX RECORDS 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. THE CARRY TAXES FOR THE YEAR _____ WILL BE DUE ON OR BEFORE _____

DATED THIS _____ DAY OF _____ AT SITKA, ALASKA.

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 PLANNING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____ DATED _____ 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, PLANNING 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 _____ 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 _____

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

DATED THIS _____ DAY OF _____ AT SITKA, ALASKA.

FINANCE DIRECTOR
CITY & BOROUGH OF SITKA

SHOTGUN ALLEY

JOHNSTONE

USS 2571

RANDS DRIVE

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LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

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LEGEND

	PRIMARY CONTROL ROOM (GREENOVER)
	GLOBAL PRIMARY BASE (GREENOVER)
	SECONDARY ROOM (CITY)
	SECONDARY ROOM (GREENOVER)
	SECONDARY ROOM (GREENOVER) AT ORIGINAL NEED POST POSITION
	GREENOVER DATA
	COMPUTER DATA
	RESEARCH DATA

1. THE PURPOSE OF THIS PLAT IS TO REALIZE THE COMMON BOUNDARIES OF LOTS 2A, 2B, AND 3C OF THE JONESTONE SUBDIVISION TO FORM THE NEW LOTS 1, 2, AND 3.

2. THE CITY AND TOWN OF SEDNA IS PRUDY TO ALL ACCESS AND UTILITY EASEMENTS. ALL EASEMENTS SHALL BE RECORDED AND NO LATER SHALL BECOME VESTING RIGHTS.

2003-2
Sittka REC 007
DATE 8-25 REC
TIME 2:36 P
Requested By SCAB
Address

2010 SAT/ACT EQUATION REFERENCE			
1	$\sin^{-1} \frac{1}{2}$	$\frac{\pi}{6}$	30.0°
2	$\sin^{-1} \frac{\sqrt{2}}{2}$	$\frac{\pi}{4}$	45.0°
3	$\sin^{-1} \frac{\sqrt{3}}{2}$	$\frac{\pi}{3}$	60.0°
4	$\sin^{-1} 1$	$\frac{\pi}{2}$	90.0°
5	$\cos^{-1} \frac{1}{2}$	$\frac{\pi}{3}$	60.0°
6	$\cos^{-1} \frac{\sqrt{2}}{2}$	$\frac{\pi}{4}$	45.0°
7	$\cos^{-1} \frac{\sqrt{3}}{2}$	$\frac{\pi}{6}$	30.0°
8	$\cos^{-1} 0$	$\frac{\pi}{2}$	90.0°
9	$\tan^{-1} 1$	$\frac{\pi}{4}$	45.0°
10	$\tan^{-1} \sqrt{3}$	$\frac{\pi}{3}$	60.0°
11	$\tan^{-1} \frac{\sqrt{3}}{3}$	$\frac{\pi}{6}$	30.0°

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, WAYS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE, AS NOTED.

7/2/02  7/2/02

7/2/2003  7/2/2003

US OF AMERICA
STATE OF ALASKA
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 21 DAY OF July, 2003, BEFORE ME
THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, JULY
COMMISSIONED AND SWORN, PERSONALLY APPEARED Charles H. and
Alice S. Johnson

TO BE KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND HE/ SHE ACKNOWLEDGED TO ME THAT HE/ SHE 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

MILITARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 4-15-2009

(STATE OF ALASKA)

(FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF STOKA, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF STOKA, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED IN THE TAX RECORDS IN THE NAME OF Charles & Alice Johnson

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES DUES AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SEPA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 2005 WILL BE DUE IN SEPTEMBER. Sept. 28, 2005

DATE OF BIRTH: July 1920 AT: STELLA, ALABAMA
 PLACE OF BIRTH: For the
POST OFFICE, CITY AND COUNTRY IN STELLA

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT REGISTRATION NO. P03-5 DATED 20 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, (3-OFFICE) RECORDER, SITKA, ALASKA.

7-24-03
DATE: 7-24-03
CHINA PLAYING BIRD
S. Russell

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA, ALASKA, AS RECORDED IN PUBLIC 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.

7-18-2003

CITY AND TOWN CLERK

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

ALL TAXES (IF RECEIVED, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.B.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & JEROME OF SITKA ARE PAID IN FULL.

DATE: TUES 25, DAY OF: August
IN 03, AT SITKA, ALASKA

Aditya

CITY & HUNTER IN RETNA

O'NEILL	
SURVEYING AND ENGINEERING	

[illegible]

BOX 1249 SITKA, ALASKA 99835
PHONE: (907) 747-4700

FAX: (907) 747-1590
EMAIL: chinaurvey@att.net

[illegible]

DESIGNED BY P. SPURILL
DRAWN BY CHARRACAR
CHECKED BY
DATE OF PLAT. JUL 2, 1992, 10:50
SCALE 1" = 30'

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALABAMA, AND THAT IN PLAT 104-104-104 A SURVEY OF THE HEREIN DESCRIBED LAND 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.

1.5. 6304

LOTS 2A, 2B, AND 3C;
JOHNSTONE SUBDIVISION

CLIENT: CHUCK JOHNSTONE

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley

18 6394

**211 Shotgun Alley
Subdivision Drainage Assessment
July 10, 2016**

Submitted by:
Barth Hamberg, Owner Lot #211

Prepared/Reviewed by:
Martin Becker, Hydrologist
705 Biorka Street, Sitka, AK 99835



Vicinity Map

Introduction

This report analyzes the pre and post-development stormwater runoff from the proposed four-lot subdivision of Lot 211 Shotgun Alley. It quantifies the potential effects on the existing drainage systems (culverts and stream channel) on both 211 Shotgun Alley and on the downstream parcel at 213 Shotgun Alley.

Summary of Findings

The proposed subdivision of Lot 211 will result in an increase of .67 cfs during a 50-year storm event, a relatively small amount that is equal to 1/10 the capacity of a 18" culvert. This increase in flow can be easily handled by all downstream drainage features, except for the a 25' section that has been severely constricted by hand-placed stones and cannot carry the expected stream flow even with no development on Lot 211; however, during a flood event the stormwater would simply flood onto the adjacent lawn in this area.

Lot 211 Shotgun Alley

The stream and culvert on Lot 211 have sufficient capacity to carry, at a minimum, 5 times the 50-year storm runoff calculated to occur after subdivision development. The natural, forested stream channel is unmodified except for one 18" culvert, and deed restrictions protect the drainage long-term.

Lot 213 Shotgun Alley

There are three substantial deficiencies with the stream and culvert below Lot 211 resulting from manmade modifications to the natural stream channel:

- 1). A small log dam has been constructed on the upper portion of Lot 213 that is in danger of failure with enough sediment released to plug and reroute the stream channel below.
- 2). The stream has been narrowed for 25' in length by owner-installed stone edging which has reduced the capacity to 1.47 CFS, which is 77% of the capacity needed to carry a 50-year storm event with no development at Lot 211. However, during a flood event the water would simply flow over onto the adjacent lawn area.
- 3). The 18" culvert at tidewater has three significant deficiencies: it is improperly located so that it is entirely flooded and ineffective on high tides, it is improperly installed with a sleeve insert that leads to "blow-outs", and has bars installed in a manner that may block salmon passage or collect debris. The 18" culvert at tidewater is oversized by a factor of 2.7 times to carry the 50-year event, if it were properly installed.

Site Description

Pre-development site conditions at 211 Shotgun Alley consist of a moderately sloped, forested hillside. A review of the site survey and resulting contours show the majority of the lot except for the extreme eastern and southern corners drain into the existing natural perennial stream that flows down the western third of the parcel parallel to Shotgun Alley, and out the southern, bottom of the property. At the bottom of 211 Shotgun Alley the stream enters 213 Shotgun Alley

and runs across that property for 153 feet before ending at the high tide line on Thimbleberry Bay.

Soil Conditions

Soils within the property are mapped as type 3548D – Verstovia-McGilvery complex map unit. This soil type is in hydrologic class D which have high runoff potential when thoroughly wet. Water movement through the upper soil horizons is restricted or very restricted due a 1”-6” layer of mucky silt loam which impedes the percolation of water.

Drainage Basin Areas

The drainage basin area is 5.71 acres, which includes the area of 211 Shotgun Alley that drains into the perennial stream, the uphill properties and drainage area that contribute to the perennial stream from above, and the portions of 213 Shotgun Alley that drain to the stream.

Portions of the eastern and southern corners of the 211 Shotgun Alley do not drain into this stream. No development is proposed in these areas and therefor no change from existing condition will occur.

The drainage basin area is the same pre-development as post development as shown below:

Pre-development Basin Area

Lot 211

Upstream and adjacent drainage area (Low Density):	139,000 SF (3.2 acres)
Forest	<u>110,000 SF (2.5 acres)</u>
Total Basin area at lower property boundary	249,000 SF (5.7 acres)

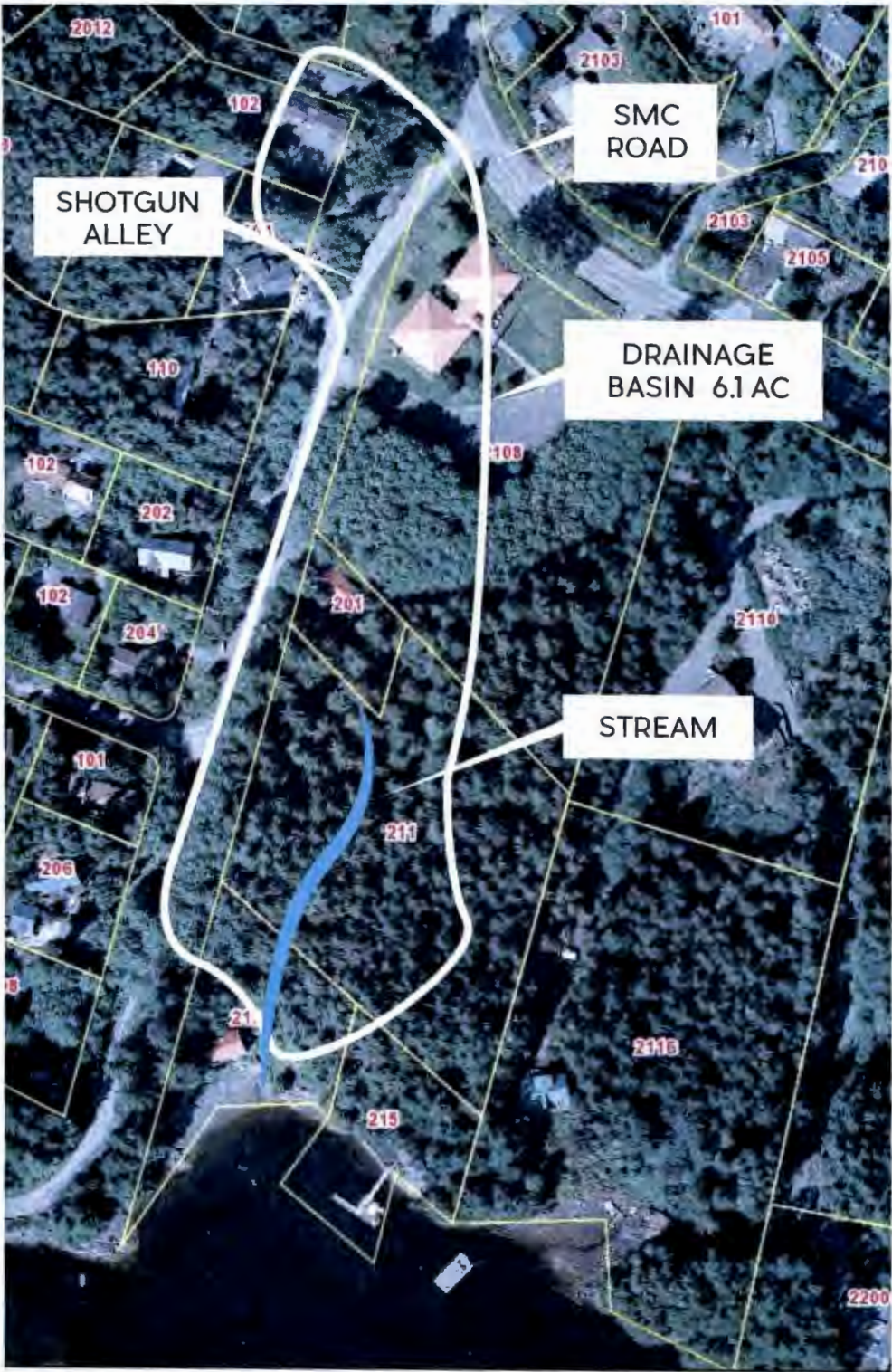
Lot 213

Low Density	<u>17,000 SF (0.4 acres)</u>
Total Area Draining to Stream	17,000 SF (0.4 acres)

Total Pre-development Basin Area	266,000 SF (6.1 acres)
----------------------------------	------------------------

Post-development Basin Area

Total Drainage Area: Upstream Area + Lot 211 + Lot 213	266,000 SF (6.1 acres)
--	------------------------



DRAINAGE BASIN AREA
- NOT TO SCALE -

Runoff calculations

The following table presents results using the methodology from the CBS Stormwater Management Plan (CBS-SWP 2013) and values provided by CBS engineers to determine the peak runoffs for a 50-year rainfall event.

Based on the SWP 2013 the drainage area above Lot 211, and Lot 213 are classified as 'Low Density Development'. Lot #211 is classified as 'Forest' in pre-development and 'Low Density Development' in post-development.

The following formula is used to calculate runoff:

$$\text{Number of Acres} \times \text{Runoff Factor} = \text{Runoff Volume (CFS)}$$

Pre-development Runoff Volume, 50 year event			
location	Acres	Runoff Factor	Runoff volume (CFS)
Area above Lot 211	3.18	Low density - 0.42	1.34
Lot 211 Drainage Area	2.53	Forest - 0.15	0.38
Lot 213 Drainage Area	0.4	Low density - 0.42	0.17
Pre-development Runoff Volume			1.89

Post-development Runoff Volume, 50 year event			
location	Acres	Runoff Factor	Runoff volume in CFS
Total Drainage Area	6.1	Low Density - 0.42	2.56
Post-development Runoff Volume			2.56

Existing Drainage Features and Capacities

Lot 211 Shotgun Alley:

Description of drainage features:

The drainage system on Lot 211 is composed of two features: a newly installed 18" culvert near the top of the property and a natural, unmodified stream channel.

The 18" culvert has a capacity of 7 CFS which exceeds the 50-year post-development runoff calculated above (1.4 CFS) by a factor of 5.2 times. See calculation details in Appendix A.

The natural stream channel has a capacity of 5.29 CFS without overtopping its banks, and the floodplain has the capacity to carry many times that amount. This exceeds the 50-year post development runoff calculated above (2.4 CFS) by a factor of at least 2.2 times. Because the capacity of the floodplain is clearly in excess of any possible future flows, the capacity of the natural stream is not a concern. See calculation details below in Appendix A.

Conclusions: All drainage features on Lot 211 are substantially oversized to carry a 50-year storm event.

Lot 213 Shotgun Alley:

Description of drainage features:

The drainage stream drainage on Lot 213 can be broken down into three distinct reaches as described below:

Reach #1

After the stream exits Lot #211, the stream flows over an old 2' high manmade impoundment made of boulders and small logs that presumably was constructed for a water supply. This structure has since nearly completely filled in with sediment and has caused the channel to widen to nearly 3 times its natural width upstream and nearly 2 times its natural width downstream. Some of the channel widening can be attributed to a change in slope of the surrounding landscape. Boulders were used to key the structure to the bank, while logs were used to back the water up. The central logs of this structure are severely rotted and its eventual failure is likely, regardless of changes in land use. When this failure occurs, approximately 1.5-2 cubic yards of sediment will be released to affect and potentially constrict the downstream drainage.



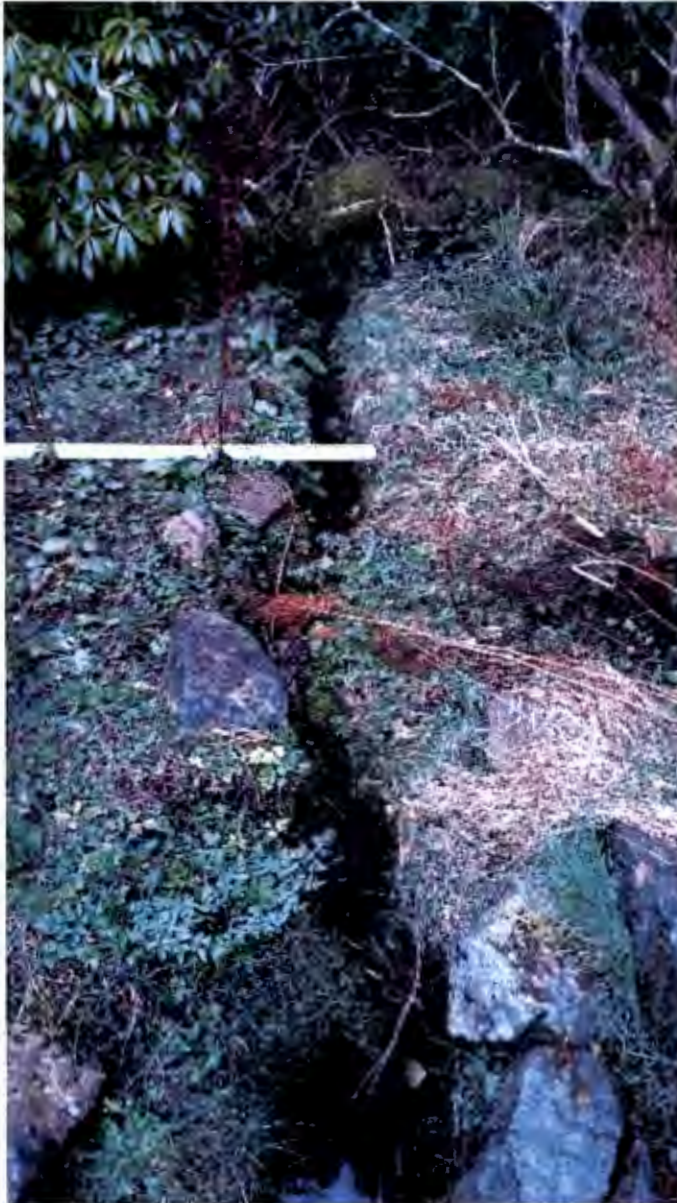
Manmade Dam



Looking Downstream at Sediment Accumulated above Manmade Dam. Dam is located at End of Pooled Water.

Reach #2

Reach #2 includes a 25'-long segment that is severely constricted by hand-placed rocks to create a channel measuring 6" wide by 8" deep at a several points. This section has a capacity of 1.47 CFS, which is less than the pre-development condition (1.89 CFS). However, the adjacent lawn area is sufficient to carry the overflow from a 50 year storm event.



Reach #3

Reach #3 is an 18" x 20' culvert that empties into Thimbleberry Bay.

The entire length of the culvert is within the tidal zone, with the outlet invert at approximately 9.0 feet above mean high tide and the inlet invert at approximately 11.5 feet above mean high tide. Due to these installation elevations, the culvert is frequently backwatered to some degree at times of tide elevations above 9 feet, and is completely backwatered into the area above the pipe at tides above 11 feet. If and when high stream flows coincide with a high tide, the culvert will be full of seawater and cannot carry drainage, rendering the culvert unserviceable and reducing channel capacity upstream. Thus, due to this improper installation, the capacity of the culvert is 0 CFS, which is less than the pre-development condition of 1.72 CFS.

In addition, this culvert has been inserted in a shorter, 12-foot long 24" culvert, apparently to protect it from crushing by a boulder wall that has been built atop. This arrangement creates a void between the larger and smaller culvert that has not been sealed with grout, which allows water to flow with force during high flow events at lower tide levels, causing substantial erosion downstream.

The gap between the two culverts allows water to flow between the two pipes. At high flow levels the water exists the larger pipe with sufficient force that it erupts from the gravel covering the culverts. During the August 18, 2016 rainfall event in Sitka, it was witnessed that the water exiting this on the downstream end, eroded the gravel along a beach access trail, (see photo below). This erosion was solely caused by the improper sleeving and sealing of two unequal sized pipes and not due to improper sizing of the culvert.

In addition, recent erosion of gravel over the top of the larger section of pipe is evident over the outlet end of the larger pipe. This erosion appears to be either from tidal backwatering and overflowing of the pipe/stream during high tide or from wave action at a high tide or a combination thereof.

Bars have also been installed on the culvert outlet and inlet which may block salmon passage or collect debris, impeding flow.

Conclusions: The existing drainage features on Lot 213 has three substantial deficiencies.

Reach #1 has a manmade dam in the natural stream channel that is in danger of failure with the potential release of a substantial amount of sediment.

Reach #2 is severely constricted landscape rocks and by cannot carry stormwater runoff, even with no development of Lot 211, however it does have an adjacent lawn area that can carry the storm flows.

Reach #3 has an improperly installed culvert that floods at high tides, is improperly sleeved leading to "blow-outs", and has bars which may prevent salmon access to the stream.

APPENDIX

Drainage details and calculations



Cross Section #1: Perennial stream on Lot #211 near lower property line

A cross section with flow calculations was conducted about 10 feet upstream of the lower property boundary with the following results:

Open-Channel Flow			
<p>This calculator uses Chézy and Manning's formula to calculate the wetted perimeter, hydraulic radius, flow area, Chézy coefficient and flow velocity.</p> <p>For experimental values of Manning's n factor, click here</p>			
Required Information			
Enter the Slope:	<input type="text" value="0.099"/>	Enter the Channel Top Width (ft):	<input type="text" value="2.3"/>
Enter the Channel Bottom Width (ft):	<input type="text" value="2.1"/>	Enter the Channel Height (ft):	<input type="text" value="0.4"/>
Enter the Flow Depth (ft):	<input type="text" value="0.4"/>	Enter the n value:	<input type="text" value="0.035"/>
Results			
The wetted perimeter is	<input type="text" value="2.9246"/>	The flow is	<input type="text" value="5.2929"/>
The flow area is	<input type="text" value="0.88"/>	The flow is	<input type="text" value="2375.454"/>
The hydraulic radius is	<input type="text" value="0.3008"/>	The velocity is	<input type="text" value="6.0146"/>
The C value is	<input type="text" value="34.848"/>		
<input type="button" value="Calculate"/> <input type="button" value="Reset"/>			

Below this dam approximately 10 feet, the stream flows under a foot bridge for a trail that access Lot #215. Directly under the downstream side of the bridge, a second cross section was completed.



Cross Section #2: Located on Lot #213 under Bridge at its Downstream Edge.

Cross section #2 calculated a bankfull channel capacity of 23.59 cfs.

Open-Channel Flow			
This calculator uses Chézy and Manning's formula to calculate the wetted perimeter, hydraulic radius, flow area, Chézy coefficient and flow velocity.			
For experimental values of Manning's n factor, click here			
Required Information			
Enter the Slope:	<input type="text" value=".16"/>	Enter the Channel Top Width (ft):	<input type="text" value="3.5"/>
Enter the Channel Bottom Width (ft):	<input type="text" value="4.0"/>	Enter the Channel Height (ft):	<input type="text" value=".75"/>
Enter the Flow Depth (ft):	<input type="text" value=".75"/>	Enter the n value:	<input type="text" value=".045"/>
Results			
The wetted perimeter is	<input type="text" value="5.5811"/>	The flow is	<input type="text" value="23.5888"/>
The flow area is	<input type="text" value="2.8125"/>	The flow is	<input type="text" value="10586.65"/>
The hydraulic radius is	<input type="text" value="0.5039"/>	The velocity is	<input type="text" value="8.3871"/>
The C value is	<input type="text" value="29.537"/>		
<input type="button" value="Calculate"/> <input type="button" value="Reset"/>			

After flowing under the bridge, the stream widens dramatically while making an 'S' turn to the left (looking downstream), before it straightens out and parallels the eastern side of that lot's house. On the right bank of this 'S' turn, additional flow enters from the parking area and margins of Shotgun Alley that visually appear to be approximately a half acre in size. Along this side drainage and within the stream channel throughout the 'S' turn, recent shovel trenching has occurred to concentrate flows. The channel also exhibits a 'fan' morphology (wide, shallow, low bank heights and multiple flow paths). Fans are also an area of deposition. Gravel deposits from

Attachment H

previous rainfall events is evident along with the previously mentioned shovel trenching which was done to direct water.

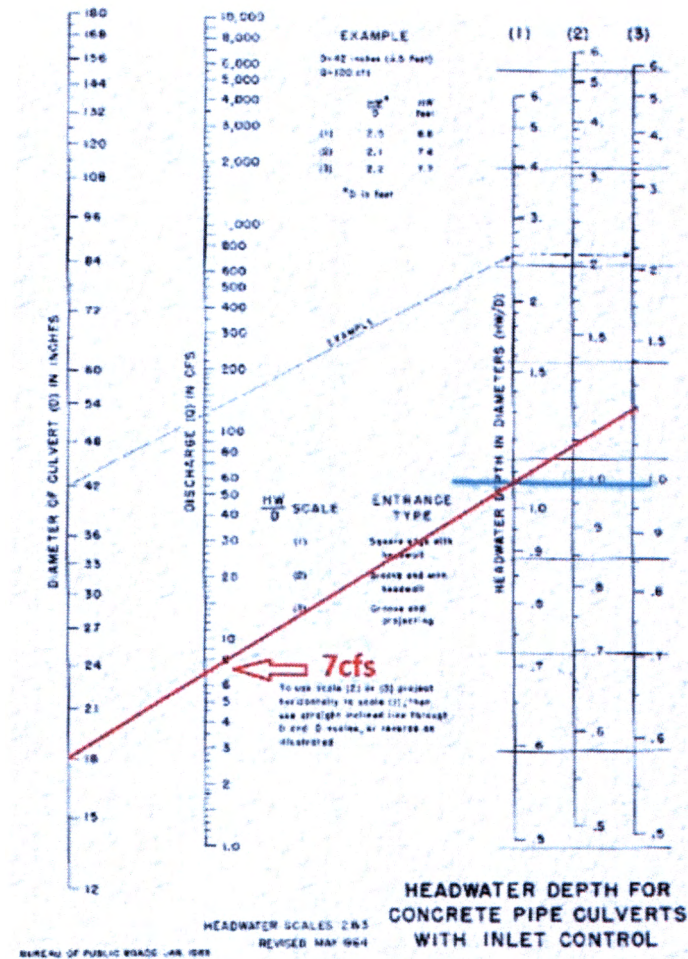


Side Drainage Entering from Right Bank. Recent Shovel Work Evident.



Mid 'S' Turn. Recent channelization on Left. Rod is extended to approximately 10' long.

When the stream straightens out below the 'S' turn, it has been greatly constricted by landscaping. At the bottom of this channel, there is a 1.5" black plastic water line of unknown origin or destination. A third cross section was completed midway along this artificially narrowed reach.



Calculation form for 18" culvert
 Headwater Depth for Culverts with Inlet Control Showing Discharge



Close-Up of Cross Section #3 location. Rod is in Meters.

Cross section #3 calculated a bankfull channel flow capacity of 1.47 cfs.

Open-Channel Flow

This calculator uses Chézy and Manning's formula to calculate the wetted perimeter, hydraulic radius, flow area, Chézy coefficient and flow velocity.
For experimental values of Manning's n factor, [click here](#)

Required Information

Enter the Slope:	<input type="text" value="0.09"/>	Enter the Channel Top Width (ft):	<input type="text" value="0.8"/>
Enter the Channel Bottom Width (ft):	<input type="text" value="0.3"/>	Enter the Channel Height (ft):	<input type="text" value="0.6"/>
Enter the Flow Depth (ft):	<input type="text" value="0.6"/>	Enter the n value:	<input type="text" value="0.035"/>

Results

The wetted perimeter is <input type="text" value="1.6"/> ft	The flow is <input type="text" value="1.4712"/> ft ³ /s
The flow area is <input type="text" value="0.3296"/> ft ²	The flow is <input type="text" value="660.2912"/> gal/min
The hydraulic radius is <input type="text" value="0.2062"/> ft	The velocity is <input type="text" value="4.4582"/> ft/s
The C value is <input type="text" value="32.7226"/>	



Inlet of 18" and 24" CMPs.



Photo of Seam Between Two Culverts on Downstream Side. Some Surface Erosion from Overland Flow or Wave Action above Lower End of Larger Culvert. High Tide Line (12.5') approximately at Margin of Grass and Gravel Above Culverts.



Outlet of 18" CMP on Lot #213 Showing Metal Bar Grating



Outlet of Culvert just after a 9.1' High Tide. Wetted Edge and Scum line Showing Extent of Tide reaching the Outlet of the Culvert.

Prepared by:
Martin Becker
Hydrologist
705 Biorka Street, Sitka, AK 99835
907-738-0454

Education: B.S. in Watershed Management / Soil Science – UW-Stevens Point 1995

Experience: 20 years working for the USFS, BLM and County Watershed Associations analyzing the effects of land management on water quality and quantity and restoration of stream channels and aquatic habitats.

Supporting Photos



Photo 1. Access road, Lot #211. View from Shotgun Alley.



Photo 2. Looking upstream at area feeding newly installed 18" CPP on access road. No defined stream channel above road.



Photo 3. Looking downslope from access road at outlet of newly installed 18" CPP. The foot of the toe slope is the start of a defined stream channel for this drainage on Lot #211.



Photo 4. Looking upstream about mid-property. Light blue line denotes location of stream channel. Access road and new 18" CMP located in background at top of blue line.



Photo 5. Looking downstream about mid-property. Light blue line denotes location of stream channel.

Site Description

Pre-development site conditions consist of a moderately sloped forested hillside. A review of the site survey and resulting contours show the entire lot except for the extreme southeast corner drains toward the center the property. Contours also identify one main drainage bisecting the length of the property on the western third. This perennial stream channel generally parallels Shotgun Alley Road. It exits the property flows under a foot trail bridge and then enters an existing 18" CMP on the Johnstone property (LOT # 213) before emptying into the ocean.



Samantha Pierson

Attachment I

From: Dan Tadic
Sent: Wednesday, August 10, 2016 4:09 PM
To: Samantha Pierson
Cc: Michael Scarcelli; Maegan Bosak
Subject: 211 Shotgun Alley Subdivision Drainage Assessment
Attachments: 211 Shotgun Alley Subdivision Drainage Report July 10 2016.pdf

Hi Samantha,

Our prior comments on the 211 Shotgun Alley Subdivision Drainage Report have been addressed. The revised report dated July 10, 2016 is satisfactory. No further comments to offer.

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

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

MEMO

To: Dan Tadic, Municipal Engineer
From: Stephen Weatherman, Senior Engineer
Re: 211 Shotgun Alley Subdivision Drainage Assessment
Date: 6/23/16

I have reviewed the revised 211 Shotgun Alley Subdivision Drainage Assessment, submitted June 21, 2016. (Note the report has a typo for the date submitted of 2106)

1. The new report requires page numbers
2. The new report addresses overall drainage basin which includes the upstream area contributing to the project area. The discussion of the Drainage Basin Areas on page 3 indicates 5.71 acres where the summary on this sheet shows 6.1 acres. The 5.71 value is only for Lot 211 not the total.
3. Page 5 calls the referenced CBS drainage plan "CBS Stormwater Protection Plan" when the documents title is "CBS Stormwater Management Plan"
4. The new report uses the 2013 Stormwater Management Plan (CBS SMP) to evaluate the drainage issues concerning the proposed subdivision. The flow rates developed from the methodology described in the CBS SMP result in the following;
 - a. Existing 50 year return period flow rate to downstream properties 1.89 CFS
 - b. Proposed 50 year return period flow rate to downstream properties 2.56 CFS
 - c. The increase of the flow rate between existing and proposed is 0.67 CFS
5. The new report evaluates the flow pathway for each differing segment of the flow pathway using hydraulic calculations.
 - a. The flow pathway within the project site is contained within the 18" culvert and the natural flow pathway through the site. The flow rate of both the 50 year return period existing and proposed condition are passed by the culvert or natural flow path. Each have a large factor of safety.
 - b. The flow pathway downstream of the project on the property receiving the drainage flow is constricted by two conditions. The first issue downstream from the property line is a small old log crib dam that may have been historically used to impound water for domestic use prior to the CBS water system being constructed. This log dam, two to three foot high retards the flow until overtopped or passing through the rotted logs. There is a small diameter plastic pipe coming out of the bottom of the dam. The dam is not constructed to pass either the existing or proposed 50 year return period flow rate.

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment I

- c. Below the dam the natural flow pathway is constricted by stones placed into the flow pathway to construct a narrow vertical channel. The channel does not have sufficient capacity to pass either the existing or proposed 50 year return period flow rate. Either flow rate would overtop the channel and flow over the lawn area toward the outfall culvert.
 - d. The final flow pathway segment is an 18 inch culver installed within a larger culvert that outfalls into the ocean. This culvert has sufficient capacity for both the existing or proposed 50 year return period flow rate except at high tide when the culver outfall is drowned by the tide.
6. The proposed 18" culverts for the project meet the standards of the CBS SMP.

From: Gale Brownell <gbrownell@sonic.net>
Sent: Tuesday, July 26, 2016 3:35 PM
To: Planning Department
Subject: subdivision request for 211 Shotgun Alley

Mr. Scarcelli and members of the Planning Commission:

My husband Phillip and I are owners of a home adjacent to 211 Shotgun Alley. We are aware that Barth Hamburg has requested a 4 lot subdivision of that Cedar Subdivision lot.

We are satisfied that Mr. Hamburg has met the requirements to subdivide the parcel, consistent with City rules, and with the covenant that runs with the title. We understand that the findings of a drainage study conducted at the request of the City by a person knowledgeable about the local site conditions found that downstream properties are unlikely to be impacted by drainage from the proposed subdivision.

Based on this body of information, we do not have any objection to the subdivision.
Gale Brownell

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment J

RECEIVED MAR 15 2016

Dear Planning Commission,

We support Barth Hamberg's application to subdivide his property into 4 lots. The east side of his property borders ours and the way that Barth has designed his subdivision takes into account the privacy of his neighbors and is sensitive towards the environment.

Sincerely,

The Neighbors at 2116 SMC

Frances Brann, Krystina Scheller and Erik de Jong

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

From: Maegan Bosak
Sent: Tuesday, January 26, 2016 11:38 AM
To: spi3050@yahoo.com; dwindsor@gci.net; Debra Pohlman (dpohlarbear@gmail.com); Tamie Parker Song; Randy Hughey
Cc: Michael Scarcelli; Samantha Pierson; Mark Gorman; Michael Harmon
Subject: FW: Shotgun Alley development activities

Dear Planning Commissioners,

Please do not respond to the public comment below as it is ex-parte contact. You all will be functioning in an adjudicatory role when considering approval of the subdivision and there will be ample opportunity for public comment at that time.

Staff has been aware and closely monitoring this property. The owner has been issued a grading permit as within his rights per code.

I imagine this case will be on an upcoming agenda.

Thank you all for your continued service.

Maegan Bosak

Planning and Community Development Director
City and Borough of Sitka
907.747.1824

From: Davey Lubin - SITKA [mailto:alaskadavey@gmail.com]
Sent: Tuesday, January 26, 2016 10:33 AM
To: spi3050@yahoo.com
Cc: dwindsor@gci.net; tamieparkersong@gmail.com; randywhughey@gmail.com; dpohlarbear@gmail.com; Michael Harmon <michael.harmon@cityofsitka.org>; Mark Gorman <mark.gorman@cityofsitka.org>; Maegan Bosak <maegan.bosak@cityofsitka.org>; Michael Scarcelli <michael.scarcelli@cityofsitka.org>
Subject: Shotgun Alley development activities

Dear Planning Commission and City of Sitka,

I write to you with concerns about the subdivision that is going on behind our house on 215 Shotgun Alley; this is not the first time I've voiced similar concerns to Sitka officials. The City of Sitka has permitted significant development to occur on the large track of previously forested land upland of our property. This has included extensive vegetation and soil removal, importation of hundreds (perhaps more) of cubic yards of rock and other materials, extensive road building and construction of multiple building sites, filling of wetlands, significant alteration of natural drainage, advertisement of multiple building lots, encroachment of adjacent property and installation (in the right-of-way) of electrical facilities intended for multiple residences.

Yet, the subdivision has not yet been approved by the Planning Commission. The only permit granted to the subdivider so far is a grading permit, granted under a single-family dwelling category. While the City has been well aware that the owner's plans involve subdividing, it has not yet required the owner to conduct

a watershed analysis, survey the property, consult the neighborhood, and notify the City of his intentions for subdivision.

I ask that you reconsider your subdivision process immediately, before the work is allowed to continue. Bringing professionals and city officials into this process now, before the entire watershed is forever changed, seems imperative and one very small lesson that could be learned from the August 18th event that caused a major landslide.

Under City code, up-slope developers are required to secure a drainage easement (as per **Subdivision code section 21.40.030 - Watershed Easements**) from the downhill property owners. This has not been requested and the drainage has already been, and is currently being, drastically altered . Additionally, the landscape has been significantly altered, apparently without regard to: **19.01.100 Chapter 17 amended—Earth support and danger trees, International Building Code Chapter 17, Special Inspections, is modified by adding a new item Section 1716 to read as follows:**

1716. The Building Official may cause to be inspected, any clearing, excavation or fill or construction project regulated by this code to identify risks to subject or adjacent property caused by damage to trees, their support systems, or disruption of the “forest canopy.”

This is not my first letter to the city, nor my first appeal for city involvement in this matter. And yet, major subdivision activities persist. I'll watch for your reply.

Thank you,
Davey Lubin

- E** Public hearing and consideration of a minor subdivision at 211 Shotgun Alley, zoned SFLD Single Family Low Density Residential. The subdivision would result in four lots. The property is also known as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg.
- Scarcelli described the request for a four-lot subdivision. Covenants restrict subdivision of this lot to four lots, whereas zoning code would have allowed more lots. A drainage plan was provided, and CBS Public Works has approved the plan. US Army Corps of Engineers issued a de minimis waiver for wetlands. Spivey requested that CBS Municipal Engineer Dan Tadic explain the drainage findings in layman's terms. Tadic stated that the channel probably carried much more water in the past than it does today, and Sawmill Creek Road likely altered local drainage. Tadic stated that pre- and post-development drainage was calculated. Tadic stated that the drainage capacity on the applicant's property is more than sufficient. Tadic stated that the downhill property has created constraints with a manmade dam. Tadic stated that the report has met his requirements.
- Barth Hamberg stated that he did not have anything to add. Spivey asked about housing sizes. Hamberg stated that he hasn't decided at this time. Bosak asked Hamberg to elaborate on the covenants. Hamberg stated that the previous owners wanted to ensure that the property was developed responsibly. Hamberg stated that the hydrologist who wrote the drainage report is very experienced and works for the US Forest Service. Pohlman stated concerns for responsible development. Hamberg stated that the deed restrictions would run with the land. Hamberg said that the property does not have an ocean or mountain view, but has a beautiful forest.
- Lisa Busch stated that she lives directly below the proposed subdivision. Busch stated concern that a grading permit was granted before the subdivision process. Busch stated that the lots have already been developed and now it seems too late. Busch stated that code states that uphill developers needs to get an easement from the downhill owners. Busch asked the commission how they would protect property owners and preserve the character of the neighborhood.
- Davey Lubin stated that he is a downhill property owner. Lubin believes the process is flawed, and that plans should be reviewed by licensed professionals before work can commence. Lubin stated that the drainage report was written by a non-engineer.
- Pohlman asked if the drainage assessment was conducted before or after grading occurred. Tadic stated that the report considers the pre-development condition, but was conducted after grading. Pohlman asked if any similar data was conducted when preparing for the Benchlands. Tadic stated that assessments were conducted with different methodology, and this situation is much different than the Benchlands.
- CBS Municipal Attorney Brian Hanson stated that the easement requirement only comes into play if the uphill owner develops an artificial drainage system. Hanson stated that the natural stream has not been altered. Hanson recommends that no drainage easement is required. Hanson stated that CBS staff required a drainage assessment and determined that no mitigation is required. Hanson stated that the proper procedure has been followed. Hanson stated that municipal code does not provide clear guidelines for what requires

mitigation, but staff have used their professional opinions and past precedence. The uphill property owner has the right to use their property in a way that does not unreasonably impact the downhill property.

Commission took a 5 minute break.

Scarcelli gave a recap of the proposed subdivision. Parker Song stated that she is inclined to grant the request. Pohlman stated a desire to reach a compromise between the property owners, although it seems that communications are constrained. Parker Song stated that she believes this proposal to be very different from the Benchlands area regarding topography and drainage. Spivey stated that some have said that the Benchlands development caused flooding issues on Sand Dollar Drive, although that has not been proven. Spivey stated that understood the drainage report to state that drainage concerns are caused by the downhill owners, not the applicant. Bosak stated that if an owner maintained the lot as a single-family property, development could impact drainage without a required drainage analysis.

Parker Song asked about requiring collaboration between the property owners. Spivey stated that the commission cannot require them to get along.

Pohlman/Parker Song moved to POSTPONE the item to a meeting when more commissioners are present.

Motion PASSED 3-0.



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

Attachment L

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.

RECEIVED FEB 29 2016

APPLICATION FOR:

☐ VARIANCE

☐ CONDITIONAL USE

☒ SUBDIVISION

☐ ZONING AMENDMENT

☐ PLAT

BRIEF DESCRIPTION OF REQUEST: SUBDIVISION OF PROPERTY
INTO FOUR LOTS

PROPERTY INFORMATION:

CURRENT ZONING: SFLD PROPOSED ZONING (if applicable): N/A

CURRENT LAND USE(S): UNDEVELOPED PROPOSED LAND USES (if changing): RESIDENTIAL

APPLICANT INFORMATION:

PROPERTY OWNER: BARTH HAMBERG

PROPERTY OWNER ADDRESS: 500 LINCOLN ST, B5

STREET ADDRESS OF PROPERTY: 211 SHOTGUN AVE

APPLICANT'S NAME: BARTH HAMBERG

MAILING ADDRESS: 500 LINCOLN ST, B5, SITKA AK 99835

EMAIL ADDRESS: BARTH.HAMBERG@GMAIL.COM DAYTIME PHONE: 907-738-9145

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: 2 BLOCK: N/A TRACT: N/A

SUBDIVISION: LOT 2, JOHNSSTONE SUBDIVISION REPEAT US SURVEY: —

OFFICE USE ONLY

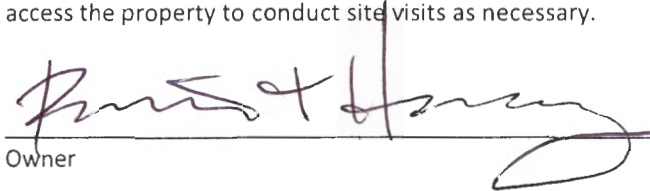
COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:**Attachment L**

- ☒ 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

Feb 29, 2016
Date

Applicant (If different than owner)

Date

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

SUBDIVISION CHECKLIST

Attachment L

The Planning Department requires an application to be complete before moving forward with administrative and commission consideration. The following checklists should be utilized to ensure the most expedient processing of your application.

BEFORE SUBMITTING AN APPLICATION:

- ☒ Ensure that taxes are current on the property.
- ☒ Obtain a concept plat drawing from a registered surveyor. This drawing should show any proposed or existing easements and utility lines. Three (3) copies should be submitted to the Planning Department.
- ☒ Flag the property with proposed boundary lines.
- ☒ Review the project with Electrical and Engineering Departments. The Planning Department will call a development review committee meeting as necessary.

MATERIALS TO SUBMIT:

- ☒ Completed application form
- ☐ Proof of filing fee payment (payable in city utility office)
- ☐ Copy of current plat
- ☐ Three (3) copies of concept plat
- ☒ Topographic information
- ☐ Proof of ownership
- ☐ Plat Certificate from a title company, if possible

Attachment L

February 29, 2016

Barth Hamberg
500 Lincoln Street, B5
Sitka, AK 99835

Planning Director
City and Borough of Sitka
Sitka, AK 99835

Planning Director and Planning Commission:

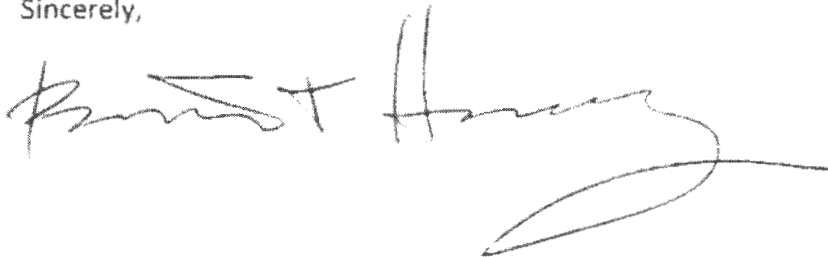
Please find attached my application for Subdivision of Lot 2 of the Johnstone Subdivision Replat, located at 211 Shotgun Alley. The proposed subdivision will make four residential lots.

Please find attached two supporting documents. One is the Statutory Warranty Deed with Covenant which includes several pertinent restrictive covenants. These covenants restrict number of lots that can be subdivided from this parcel (4), require consultation with a specialist to ensure the stream is protected, and encourage the natural character of the land is to be maintained. All of these covenants are met by this proposed subdivision.

Also attached is a Drainage Report by a hydrologist with extensive experience in SE Alaska that confirms that the stream will not be unduly affected by the proposed subdivision and related developments.

Please contact me if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Barth Hamberg', with a long, sweeping horizontal line extending from the end of the name.

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley

**STATUTORY WARRANTY DEED WITH COVENANT**

Alaska Statute §34.15.030

The Grantors, CHARLES JOHNSTON^E and ALICE JOHNSTONE, husband and wife, of 213 Shotgun Alley, Sitka, Alaska 99835, for and in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to the Grantee, BARTH HAMBERG, a single man, of 500 Lincoln Street #B5, Sitka, Alaska 99835, the following described real estate:

Lot Two (2). Johnstone Subdivision, as described in the Johnstone Subdivision Replat, plat number 2003-22, recorded in the Sitka Recording District August 25, 2003 in the First Judicial District, State of Alaska (the "property" or "Property").

SUBJECT TO the following restrictions and covenants that the GRANTEE agrees not to subdivide the property into more than four lots. Any subdivided lots sold by GRANTEE shall have specific restricted language that they shall not be further subdivided at any point in the future. The parties accordingly intend that all covenants and restrictions contained in this Deed with Covenant shall run with the land and bind all successors in interest.

SUBJECT TO the further restrictive covenant that the main stream on the property shall not be filled or otherwise impacted in any way that would prevent it from flowing in a free and natural state or would impact natural water levels of such stream.

SUBJECT TO the further restriction that development of said property shall be done in consultation with a trained soil scientist/hydrologist/engineer to prevent soil wasting or erosion to insure no adverse impacts from erosion will occur to properties located below said parcel.

SUBJECT TO the further restriction that any development to occur on the property shall strive to maintain the natural character of the land. This includes an effort to emphasize the natural landscape with locally appropriate flora.

FURTHER SUBJECT TO any reservations, restrictions, covenants, conditions, exceptions in U.S. Patent and/or Acts of Congress authorizing the issuance thereof, rights-of-way, easements, encumbrances, and other matters of record, if any.

Warranty Deed

Page 1 of 3

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley

DATE: _____

Charles Johnstone
CHARLES JOHNSTONE, Grantor

DATE: _____

Alice Johnstone
ALICE JOHNSTONE, Grantor

DATE: 10/1/2014

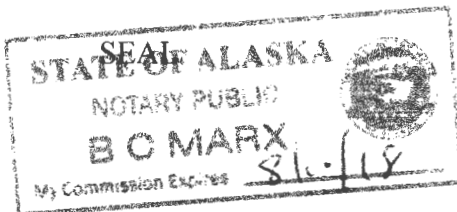
Barth Hamberg
BARTH HAMBERG, Grantee

STATE OF ALASKA)

) SS.

FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 2nd day of October, 2014, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared BARTH HAMBERG, to me known to be the individual described in the foregoing instrument, and who acknowledged to me that he executed the foregoing instrument as his free act and deed for the uses and purposes stated.



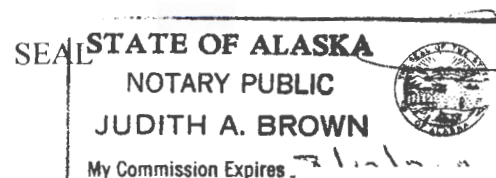
[Signature]
Notary Public in and for Alaska
My Commission Expires: _____

STATE OF ALASKA)

) SS.

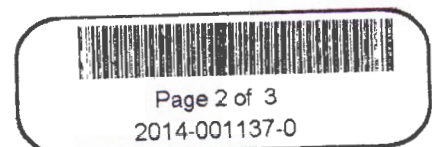
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 3rd day of October, 2014, before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared CHARLES JOHNSTONE, to me known to be the individual described in the foregoing instrument, and who acknowledged to me that he executed the foregoing instrument as his free act and deed for the uses and purposes stated.



[Signature]
Warranty Deed
Page 2 of 3

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley



Notary Public in and for Alaska

My Commission Expires: 8/12/2017

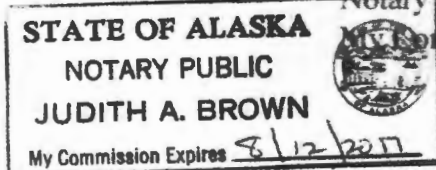
STATE OF ALASKA)

) ss.

FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 300 day of
October, 2014, before me, the undersigned, a Notary Public in and for the State of
Alaska, personally appeared ALICE JOHNSTONE to me known to be the individual described
in the foregoing instrument, and who acknowledged to me that she executed the foregoing
instrument as her free act and deed for the uses and purposes stated.

SEAL



Notary Public in and for Alaska

My Commission Expires: 8/12/2017

RETURN TO AFTER RECORDING:

BARTH HAMBERG
500 Lincoln Street #B-5
Sitka, Alaska 99835

Warranty Deed

Page 3 of 3

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley



Page 3 of 3
2014-001137-0

Parcel ID: 31101000
SANDRA BEARE-SPENCER
BEARE-SPENCER, SANDRA, E.
P.O. BOX 95
SITKA AK 99835-0095

Parcel ID: 31105000
PATRICK/MARTHA BARKER
BARKER, SR. PATRICK/MARTHA
204 SHOTGUN ALLEY
SITKA AK 99835-9729

Parcel ID: 31110000
JAMES/TERRI DIGENNARO
DIGENNARO, JAMES, H./TERRI, D.
101 RANDE DR
SITKA AK 99835

Parcel ID: 31125003
MARY-ALICE HENRY
HENRY, MARY-ALICE
206 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31200001
DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31200002
BARTH HAMBERG
HAMBERG, BARTH
500 LINCOLN ST, #B5
SITKA AK 99835

Parcel ID: 31200003
PHILLIP/GALE BROWNELL TRUST
BROWNELL TRUST, PHILLIP & GALE
955 MCFARLANE AVE
SEBASTOPOL CA 95472

Parcel ID: 31215000
CHURCH OF J.C. LATTER DAY SAINTS
ALASKA PM GROUP
CHURCH OF J.C. LATTER DAY SAINTS
P.O. BOX 771185
EAGLE RIVER AK 99577

Parcel ID: 31225000
DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31235002
STEVEN/ANDREA
REIFENSTUHL/THOMAS
REIFENSTUHL, STEVEN/THOMAS,
ANDREA
218 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31250000
FRANCES/KRYSTIN BRANN/SCHIELER
BRANN, FRANCES & SCHIELER,
KRYSTINA
2116 SAWMILL CREEK RD
SITKA AK 99835

Attachment N

Parcel ID: 31101000

**SANDRA BEARE-SPENCER
BEARE-SPENCER, SANDRA, E.
P.O. BOX 95
SITKA AK 99835-0095**

Parcel ID: 31105000

**PATRICK/MARTHA BARKER
BARKER, SR. PATRICK/MARTHA
204 SHOTGUN ALLEY
SITKA AK 99835-9729**

Parcel ID: 31110000

**JAMES/TERRI DIGENNARO
DIGENNARO, JAMES, II/TERRI, D.
101 RANDE DR
SITKA AK 99835**

Parcel ID: 31125003

**MARY HAMBERG
HAMBERG, MARY ALICE
206 SHOTGUN ALLEY
SITKA AK 99835**

Parcel ID: 31200001

**DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835**

Parcel ID: 31200002

**BARTH HAMBERG
HAMBERG, BARTH
500 LINCOLN ST, #B5
SITKA AK 99835**

Parcel ID: 31200003

**PHILLIP/GALE BROWNELL TRUST
BROWNELL TRUST, PHILLIP & GALE
955 MCFARLANE AVE
SEBASTOPOL CA 95472**

Parcel ID: 31215000

**CHURCH OF J.C. LATTER DAY SAINTS
ALASKA PM GROUP
CHURCH OF J.C. LATTER DAY SAINTS
P.O. BOX 771185
EAGLE RIVER AK 99577**

Parcel ID: 31225000

**DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835**

Parcel ID: 31235002

**STEVEN/ANDREA
REIFENSTUHL/THOMAS
REIFENSTUHL, STEVEN/THOMAS,
ANDREA
218 SHOTGUN ALLEY
SITKA AK 99835**

Parcel ID: 31250000

**FRANCES/KRYSTIN BRANN/SCHILLER
BRANN, FRANCES & SCHILLER,
KRYSTINA
2116 SAWMILL CREEK RD
SITKA AK 99835**

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

P&Z Mailing
August 5, 2016

Parcel ID: 31101000
SANDRA BEARE-SPENCER
BEARE-SPENCER, SANDRA, E.
P.O. BOX 95
SITKA AK 99835-0095

Parcel ID: 31105000
PATRICK/MARTHA BARKER
BARKER, SR. PATRICK/MARTHA
204 SHOTGUN ALLEY
SITKA AK 99835-9729

Parcel ID: 31110000
JAMES/TERRI DIGENNARO
DIGENNARO, JAMES, IL/TERRI, D.
101 RANDS DR
SITKA AK 99835

Parcel ID: 31125003
MARY HAMBERG
HAMBERG, MARY ALICE
206 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31200001
DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31200002
BARTH HAMBERG
HAMBERG, BARTH
500 LINCOLN ST, #B5
SITKA AK 99835

Parcel ID: 31200003
PHILLIP/GALE BROWNELL TRUST
BROWNELL TRUST, PHILLIP & GALE
955 MCFARLANE AVE
SEBASTOPOL CA 95472

Parcel ID: 31215000
CHURCH OF J.C. LATTER DAY SAINTS
ALASKA PM GROUP
CHURCH OF J.C. LATTER DAY SAINTS
P.O. BOX 771185
EAGLE RIVER AK 99577

Parcel ID: 31225000
DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31235002
STEVEN/ANDREA
REIFENSTUHL/THOMAS
REIFENSTUHL, STEVEN/THOMAS,
ANDREA
218 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31250000
FRANCES/KRYSTIN
BUDYNGE/SCHELLER
BUDYNGE, FRANCES & SCHELLER, K.
3875 GEIST RD, E218
FAIRBANKS AK 99709

P&Z Mailing
July 12, 2016

Barth Hamberg
Minor Subdivision
211 Shotgun Alley

Attachment N

Parcel ID: 31101000
SANDRA BEARE-SPENCER
BEARE-SPENCER, SANDRA, E.
P.O. BOX 95
SITKA AK 99835-0095

Parcel ID: 31105000
PATRICK/MARTHA BARKER
BARKER, SR. PATRICK/MARTHA
204 SHOTGUN ALLEY
SITKA AK 99835-9729

Parcel ID: 31110000
JAMES/TERRI DIGENNARO
DIGENNARO, JAMES, H./TERRI, D.
101 RANDES DR
SITKA AK 99835

Parcel ID: 31125003
MARY HAMBERG
HAMBERG, MARY ALICE
206 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31200001
DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31200002
BARTH HAMBERG
HAMBERG, BARTH
500 LINCOLN ST, #B5
SITKA AK 99835

Parcel ID: 31200003
PHILLIP/GALE BROWNELL TRUST
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955 MCFARLANE AVE
SEBASTOPOL CA 95472

Parcel ID: 31215000
CHURCH OF J.C. LATTER DAY SAINTS
ALASKA PM GROUP
CHURCH OF J.C. LATTER DAY SAINTS
P.O. BOX 771185
EAGLE RIVER AK 99577

Parcel ID: 31225000
DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
215 SHOTGUN ALLEY
SITKA AK 99835

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STEVEN/ANDREA
REIFENSTUHL/THOMAS
REIFENSTUHL, STEVEN/THOMAS,
ANDREA
218 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31250000
FRANCES/KRYSTIN
BUDYNGE/SCHELLER
BUDYNGE, FRANCES & SCHELLER, K.
3875 GEIST RD, E218
FAIRBANKS AK 99709

P&Z Mailing
April 8, 2016

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley

Attachment N

Parcel ID: 31101000
SANDRA BEARE-SPENCER
BEARE-SPENCER, SANDRA, E.
P.O. BOX 95
SITKA AK 99835-0095

Parcel ID: 31105000
PATRICK/MARTHA BARKER
BARKER, SR. PATRICK/MARTHA
204 SHOTGUN ALLEY
SITKA AK 99835-9729

Parcel ID: 31110000
JAMES/TERRI DIGENNARO
DIGENNARO, JAMES, H./TERRI, D.
101 RANDS DR
SITKA AK 99835

Parcel ID: 31125003
MARY HAMBERG
HAMBERG, MARY ALICE
206 SHOTGUN ALLEY
SITKA AK 99835

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DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
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Parcel ID: 31200002
BARTH HAMBERG
HAMBERG, BARTH
500 LINCOLN ST, #B5
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CHURCH OF J.C. LATTER DAY SAINTS
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Parcel ID: 31225000
DAVID/LISA LUBIN/BUSCH
LUBIN, DAVID & BUSCH, LISA
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SITKA AK 99835

Parcel ID: 31235002
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REIFENSTUHL, STEVEN/THOMAS,
ANDREA
218 SHOTGUN ALLEY
SITKA AK 99835

Parcel ID: 31250000
FRANCES/KRYSTIN
BUDYNGE/SCHIELER
BUDYNGE, FRANCES & SCHIELER, K.
3875 GEIST RD, E218
FAIRBANKS AK 99709

P&Z Mailing
March 4, 2016

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley

Attachment O

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

Date: 02/29/2016
Receipt: 2016-00043627
Cashier: Front Counter
Received From: BARTH HAMBERG

PLAN - Planning Permits/Zo	50.00
ning	
ST1 - Sales Tax 1st quarte	2.50
r CY	
Receipt Total	52.50
Total Check	52.50
Total Remitted	52.50
Total Received	52.50

Barth Hamberg
Minor Subdivision Request
211 Shotgun Alley



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 16-09 **Version:** 2 **Name:**

Type: Subdivision **Status:** AGENDA READY

File created: 6/28/2016 **In control:** Planning Commission

On agenda: 7/19/2016 **Final action:**

Title: Public hearing and consideration of the final plat of a minor subdivision at 204 Jeff Davis Street, in the R-2 Multifamily Residential District. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.

Sponsors:

Indexes:

Code sections:

Attachments: [Hitchcock 9.20.16](#)

Date	Ver.	Action By	Action	Result
8/16/2016	1	Planning Commission		
7/19/2016	1	Planning Commission	APPROVED	Pass
7/19/2016	1	Planning Commission	APPROVED	Pass



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: September 15, 2016

From: PCDD Staff

To: Planning Commission

Re: P 16-09 Final Plat for Minor Subdivision at 204 Jeff Davis Street

GENERAL INFORMATION

Applicant: Randy Hitchcock

Property Owner: Randy Hitchcock

Property Address: 204 Jeff Davis Street

Legal Description: Lot 17 Sheldon Jackson Campus Subdivision

Parcel ID Number: 1-8562-013

Size of Existing Lot: 17,165 square feet

Zoning: R-2

Existing Land Use: Residential

Utilities: Full city services

Access: Jeff Davis Street

Surrounding Land Use: Residential and Public

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: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Flood Map

Attachment E: Parcel Pictures

Attachment F: Proposed Plat

Providing for today...preparing for tomorrow

Attachment G: Current Plat
Attachment H: Application
Attachment I: Comments
Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

BACKGROUND

The subject property has numerous plats and agreements that reference it. The Sheldon Jackson College aka the Sheldon Jackson Campus is an important Historic Landmark for the community. Development should be careful to respect not only the various legal constraints, priorities, rights, and liabilities, but also the important character it has to the entire community and future generations.

The subject property is referenced in Plats 2008-9 (pages 1 & 2), 2008-29, and 2009-8 among others (see attached).

The subject property is also bound by the 2007 Grant of Permanent Access and Utility Easement agreement. This agreement granted an access and utility easement to CBS as the Grantee (see Document 2007-001016-0). Important language includes **“shall not be construed to prohibit the Grantor from developing any adjoining property, constructing and maintain paved or gravel driveways and parking areas**, lawns, flowers, shrubs, walkways, landscaping, etc., along, upon, over or across said easement or any portion thereof” (emphasis added). In this case, the applicant/owner is now partially in the shoes of the Grantor.

The subject property is further the subject of the 2009 Declaration of Easements and Access rights Re Sheldon Jackson Campus Subdivision (Grantor SJC and Grantee SJ C Sub – see Doc 2009-000578-0). This details more fully the scope of the 40 foot access and easement agreement and also emergency access.

Most importantly, is it incumbent upon the interested parties, especially the applicant/owner, to seek legal counsel as to the rights and liabilities associated with any applicable plats and controlling land use agreements – ultimately the landowner is the legally responsible party. The City is not the enforcer of private property rights, but wherever and whenever possible staff makes every effort to respect those.

The existing land use is residential where lot B will be located with an undeveloped portion where lot A is to be located. There is a 40 foot wide access and utility easement, with approved utility structures within a portion of the access easement, which result in restricting access to 20 feet. In addition, portions of SJ and other lots also have a legal interest in the access easement for emergency access. All of SJC has a legal interest in the utility easement in perpetuity.

PROJECT DESCRIPTION

This request is to subdivide Lot 17 of the Sheldon Jackson Campus Subdivision into two lots: lot A (gross area 8,763.82 s.f.) and lot B (8,401.34 s.f.). The proposal would result in two lots for the development of single-family homes, with access off of Jeff Davis, served by a gravel driveway and paved parking within the said easements. The zone is multifamily residential, which does envision higher-density residential use and multi-family housing as permitted land uses.

Note: The access easement reduction is no longer a part of the request. The applicant/owner feels that the 2007 agreement supports his right to pave and develop parking, while otherwise respecting the utility easement. Though he has concern about the net lot size that negates access easements from the minimum lot size.

ANALYSIS

Project/Site: Development has occurred on Lot B. Lot A has had some stub outs of utilities and some grading, but is largely undeveloped.

Traffic: No concerns.

Parking: Two parking spaces are required per dwelling unit.¹

Noise: No concerns.

Public Health or Safety: No concerns.

Habitat: No concerns.

Property Value or Neighborhood Harmony: Area has been zoned for multifamily residential and higher density use; and this would enable another lot to come onto the market in a desirable area close to downtown.

Conformity with Comprehensive Plan: The proposal follows the Comprehensive Plan by proposing a reasonable development of adequate size and with proper access (absent the variance) that would utilize desirable land for housing near downtown through a public process to identify conflicts. These followed sections include: Section 2.4.19: Use subdivision regulation for orderly development; Section 2.5.7: Assure lots of adequate size and access; 2.4.4 Resolve residential land use conflicts through public Process; and 2.4.6: Promote efficient residential development.

Flagging of Lot: The lot has been flagged pursuant to code to demonstrate lot lines to community and adjacent property owners (see Pics).

FINDINGS OF FACT: That the proposal is not detrimental the public's health, safety, and welfare nor injurious to nearby parcels, because it is a reasonable development of adequate size, access, appropriate for surrounding land use, has adequate utilities, and complies with all applicable regulations and the comprehensive plan.

RECOMMENDATION

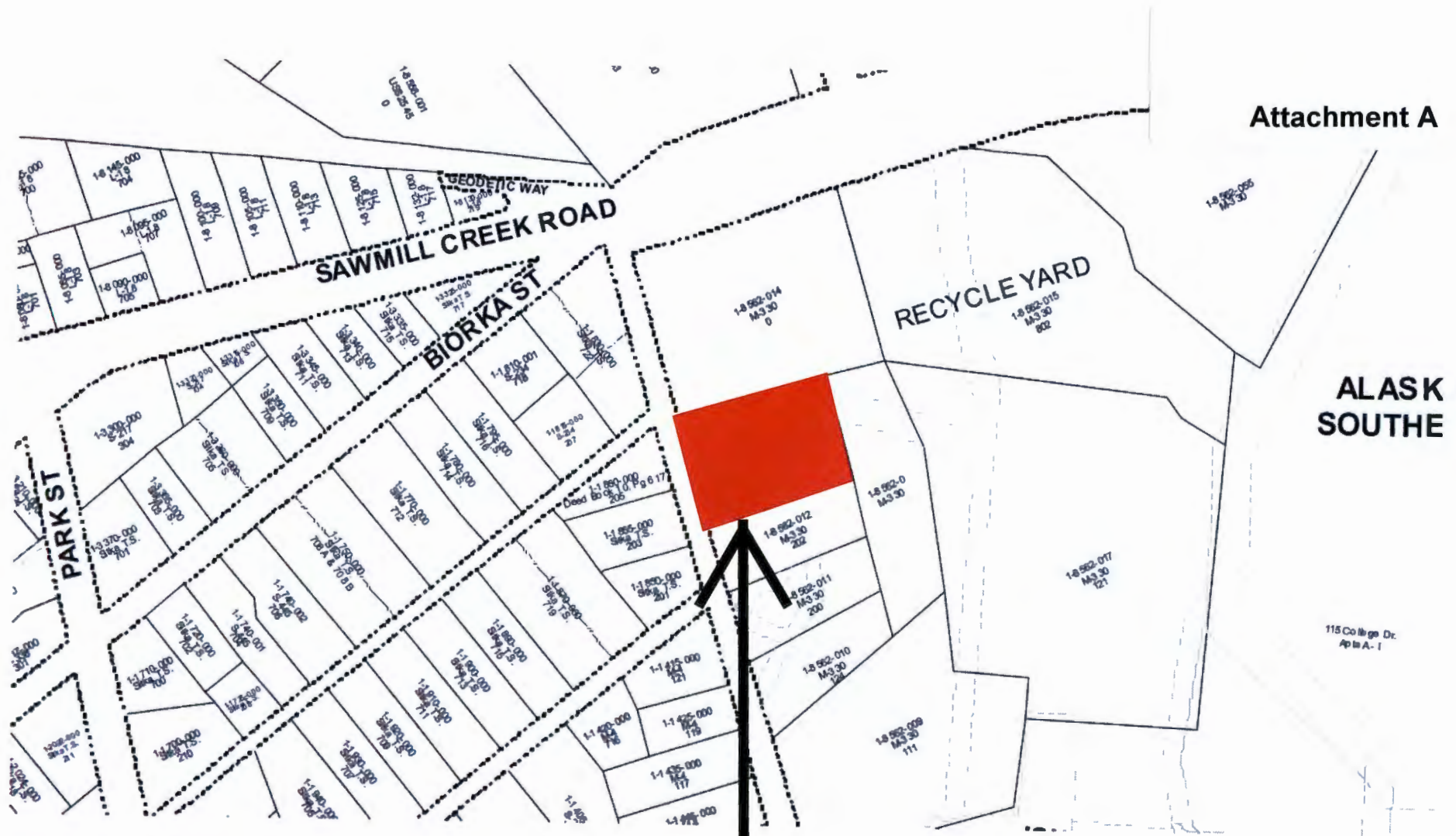
It is recommended that the Planning Commission adopt the staffs' analysis and move to approve the final plat for a minor subdivision at 204 Jeff Davis. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision.

RECOMMENDED MOTIONS

- 1) I move to adopt the staffs' analysis and approve the findings of fact that the final plat for a minor subdivision request for 204 Jeff Davis Street, in the R-2 zone, is not detrimental the public's health, safety, and welfare nor injurious to nearby parcels and that it complies with all applicable development standards and the comprehensive plan. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock.
- 2) I move to approve the final plat for a minor subdivision request for 204 Jeff Davis Street, in the R-2 zone. The property is also known as Lot 17 Sheldon Jackson Campus Subdivision. The request is filed by Randy Hitchcock. The owner of record is Randy Hitchcock

¹ Section 22.20.100.G.1—Residential Uses

Attachment A



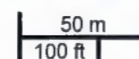
Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



City & Borough of Sitka, Alaska

Selected Parcel: 204 JEFF DAVIS ID: 13562013

Printed on 6/28/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>



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.

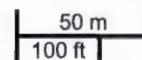
Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



City & Borough of Sitka, Alaska

Selected Parcel: 204 JEFF DAVIS ID: 18562013

Printed on 6/28/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>



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.

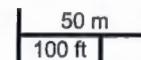
Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



City & Borough of Sitka, Alaska

Selected Parcel: 204 JEFF DAVIS ID: 18562013

Printed on 6/28/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>



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.

Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street

Attachment E



Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street

Attachment E



Attachment E



Attachment E



Attachment E



Attachment E



Attachment E



Attachment E





Attachment E





Attachment E





Attachment E

Attachment E



Attachment E



Attachment E



Attachment E



Attachment E





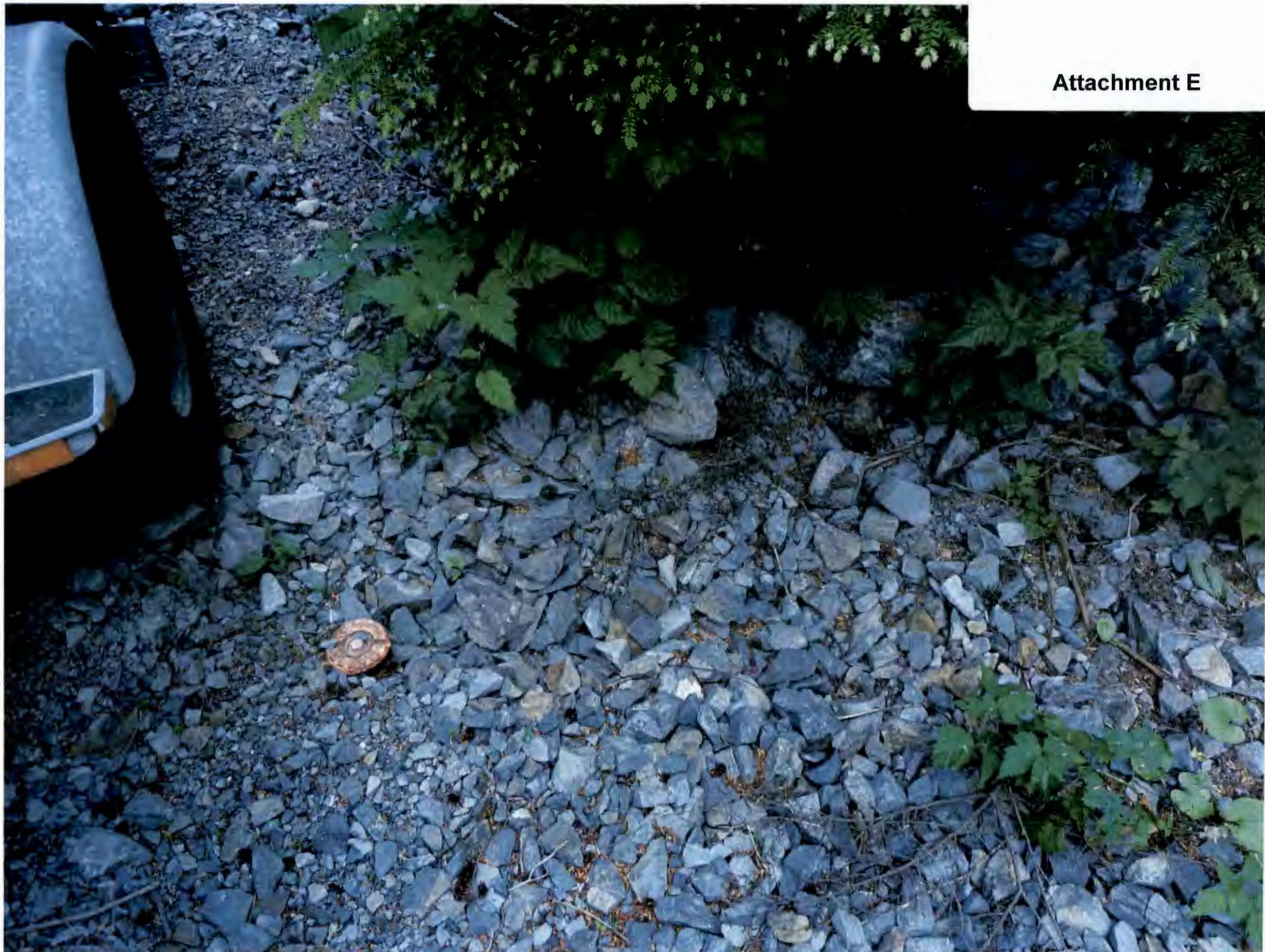
Attachment E



Attachment E



Attachment E



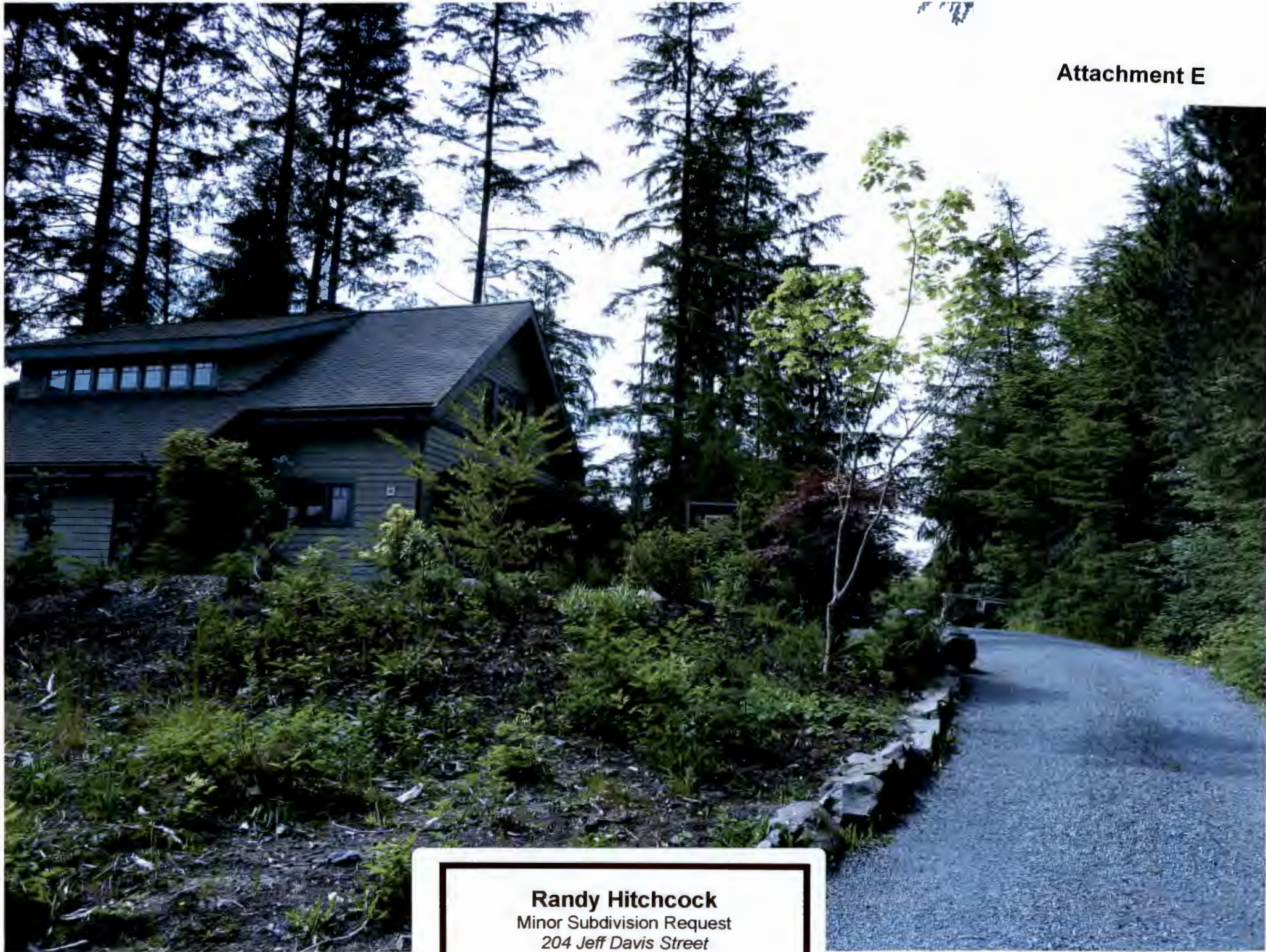
Attachment E







Attachment E



Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN 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 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 _____ DAY OF _____

ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN 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 HEREIN 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 HEREIN 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 HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ MAYOR _____

CITY AND BOROUGH CLERK _____

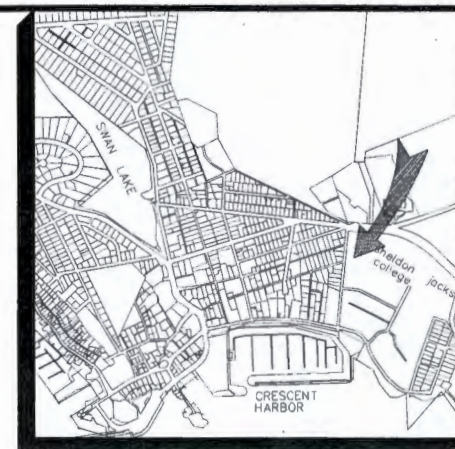
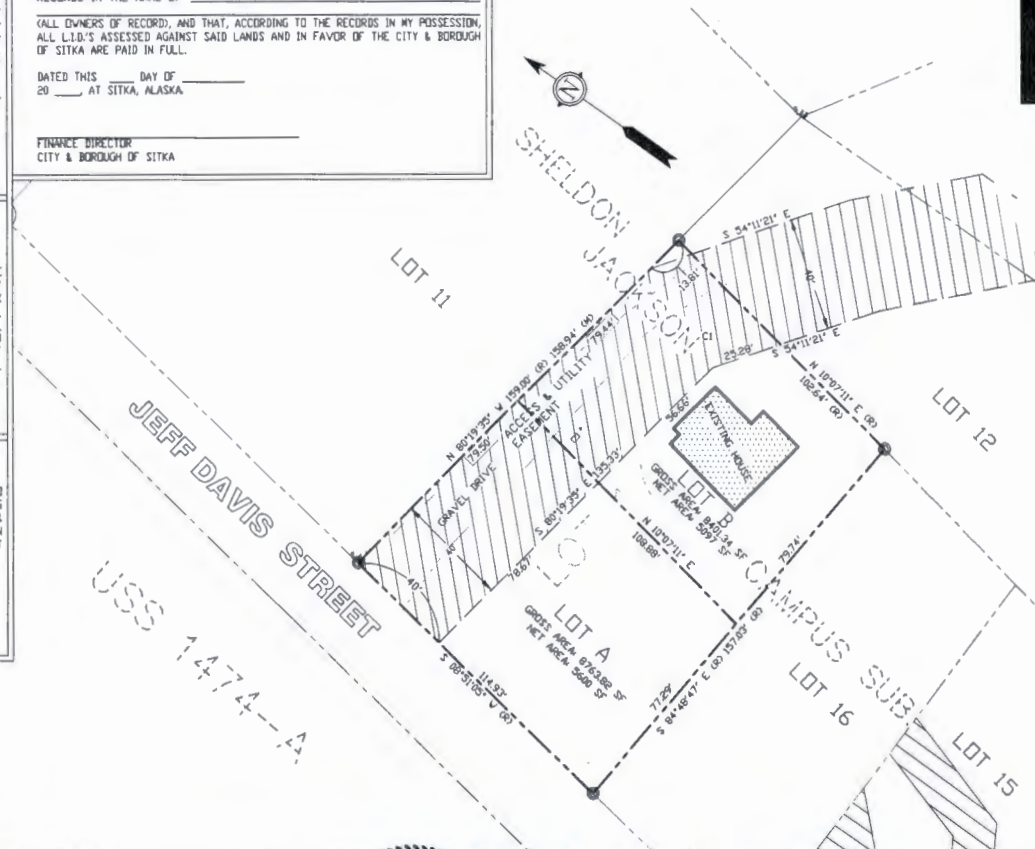
CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

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

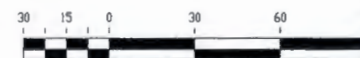
LEGEND

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

NOTES

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 17 OF THE SHELDON JACKSON CAMPUS SUBDIVISION INTO 2 LOTS.
2. SEE THE ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED UNDER SERIAL NO. _____
3. THE 40 FT. ACCESS EASEMENT IS RESTRICTED TO LOTS 12 AND 17 (NEW LOTS A AND B) ONLY, AND FOR EMERGENCY USE BY "SHARED PARKING" USERS.

PRELIMINARY



SCALE IN FEET

SITKA RECORDING DISTRICT

O'NEILL

SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
PHONE: (907) 747-6700
FAX: (907) 747-7590
EMAIL: onellengr@aol.net

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED: P. O'NEILL
DRAWN: J. WACAR
CHECKED: PKO
DATE OF PLATTING: 12.20.2016
SCALE: 1" = 30'
DRAWING NAME: 30406-09
PROJECT NO: 30406-09

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT ON _____ 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 _____ PATRICK N. O'NEILL, L.S. 6304

CAMPUS VIEW SUBDIVISION

Subdivision of Lot 17
SHELDON JACKSON CAMPUS SUBD.
PLAT NO. 2009-B

SHEET 1 OF 1

Return to: Randy Hitchcock
204 Jeff Davis St.
Sitka, AK 99835

Sitka Recording District

ACCESS AND UTILITY EASEMENT MAINTENANCE AGREEMENT

The current and future owners of Lot 17 of the Sheldon Jackson Campus Subdivision (Plat #2009-8, Sitka Recording District), upon Subdivision into Lots A and B of the Campus View Subdivision, (Plat No. _____, Sitka Recording District) agree to abide by the terms and conditions regarding the access and utility easement crossing Lot 17 (Lots A and B Campus View Subdivision) as further described in the following paragraph. The grant of this easement is in perpetuity and shall run with the land and shall be binding and be effective on all future owners.

Access through this easement is exclusively for the use of Lots 17 (Lots A & B, Campus View Subdivision) and 12 with restricted use by Lot 9 for emergency ingress and egress to the parking area southerly of the Hames PE Center. Specific details regarding access as well as maintenance, repair, and renovation within the access and utility easements is as specified in the "Declaration of Easements and Access Rights" filed under Serial No. 2009-000578-0.

All parties shall keep the access easement clear of obstructions, i.e., fences, materials, vehicles, equipment.

OWNERS

Owner Lot 17, Sheldon Jackson Campus Sub.
(Lots A & B Campus View Subdivision)

Date

Owner Lot 17, Sheldon Jackson Campus Sub.
(Lots A & B Campus View Subdivision)

Date

ACCESS EASEMENT AND MAINTENANCE AGREEMENT

Lots 17, 12 and 9, Sheldon Jackson Campus Subdivision

Page 2 of 2

NOTARY

On this _____ day of _____, 2016, 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 persons described in and who executed the above and foregoing instrument, and acknowledged to me that they signed and sealed the same freely and voluntarily for the uses and purposes herein mentioned.

In witness whereof, I hereunto set my hand and official seal.

Notary Public for Alaska

My commission Expires: _____

Attachment G

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HEREBY ADOPTE 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: 24 April 2009
 BY: Randy Hitchcock, President
Sheldon Jackson College

DATE: _____
 BY: _____
 CITY AND BOROUGH OF SITKA

NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 24th DAY OF April, 2009, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND PERSONALLY APPEARED Randy Hitchcock, President of Sheldon Jackson College.

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE VOTER PLAY AND, AND, ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SET FORTH.

WITNESS MY HAND AND NOTARY SEAL, THE DAY AND YEAR FIRST MENTIONED.

Randy Hitchcock
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES 7/1/11

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, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF Sheldon Jackson College.

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 FOR THE YEAR 2008. WILL BE PAID ON OR BEFORE August 21, 2009.

DATED THIS 24th DAY OF April, 2009, AT SITKA, ALASKA.

James A. Brook
 ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATING BOARD, AND THAT SAID PLAN HAS BEEN APPROVED BY THE BOARD BY PLAT REGULATION NO. 2008-11, DATED 04/17/2009, AND THAT THE PLAN SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT REGISTRAR, (CITY-CHARTERED RECORDS) SITKA, ALASKA.

DATE: 4/17/2009
Randy Hitchcock
 CHAIRMAN, PLATING BOARD

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN PRIVATE BOOK _____ PAGE _____, DATED 4/15/2009, AND THAT THE PLAN SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT REGISTRAR, (CITY-CHARTERED RECORDS) SITKA, ALASKA.

DATE: 4/15/2009
Sara Peterson Acting Municipal Clerk
 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 ROLL IN THE NAME OF: Sheldon Jackson College.

ALL TAXES ASSESSED TO SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 24th DAY OF April, 2009, AT SITKA, ALASKA.

Randy Hitchcock
 FINANCE DIRECTOR
 CITY & BOROUGH OF SITKA

O'NEILL
 SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
 PHONE: (907) 747-4700
 FAX: (907) 747-2990
 EMAIL: onedesign@netnet.net

BY: _____ DATE: _____ REV: _____ RESUBMISSION OF CHANGE

RECORD OF REVISIONS



VICINITY MAP
 SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT (RECOVERED)
- PRIMARY CONTROL MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- SECONDARY MONUMENT (SET)
- RECOVERED DATA
- COMPUTED DATA
- MEASURED DATA

REFERENCE DATA FOR SET MONUMENTS

POINT	DATE	BY	REMARKS
1	11-27-08	RH	SET MONUMENT
2	11-27-08	RH	SET MONUMENT
3	11-27-08	RH	SET MONUMENT
4	11-27-08	RH	SET MONUMENT
5	11-27-08	RH	SET MONUMENT
6	11-27-08	RH	SET MONUMENT
7	11-27-08	RH	SET MONUMENT
8	11-27-08	RH	SET MONUMENT
9	11-27-08	RH	SET MONUMENT
10	11-27-08	RH	SET MONUMENT

SHELDON JACKSON CAMPUS SUBDIVISION

POINT	DATE	BY	REMARKS
1	11-27-08	RH	SET MONUMENT
2	11-27-08	RH	SET MONUMENT
3	11-27-08	RH	SET MONUMENT
4	11-27-08	RH	SET MONUMENT
5	11-27-08	RH	SET MONUMENT
6	11-27-08	RH	SET MONUMENT
7	11-27-08	RH	SET MONUMENT
8	11-27-08	RH	SET MONUMENT
9	11-27-08	RH	SET MONUMENT
10	11-27-08	RH	SET MONUMENT

SCALE IN FEET

0 10 20 30 40 50 60 70 80 90 100

Sitka Recording District

DATE: 11-27-08
 TIME: 11:42 AM
 BY: Randy Hitchcock

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN SAID SURVEY, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAN 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 OF FIELDWORK: 2008-2009
 DATE OF PLAN: 2008-2009
 SCALE: 1"=1,000'
 DRAWING NUMBER: 2008-2009
 PROJECT: 30665-03-00

SHELDON JACKSON CAMPUS SUBDIVISION

LOTS 2 AND 4 OF THE SHELDON JACKSON CAMPUS SUBDIVISION OF U.S.S. 407-B (PLAT # 2008-09), THE REMAINING PORTION OF LOT 1 OF THE SHELDON JACKSON CAMPUS SUBDIVISION OF U.S.S. 407-B AS SHOWN ON THE EAST SJ CAMPUS SUBDIVISION (PLAT # 2008-09), AND LOTS 1, 2A, 2B, 2C, AND 2D OF THE SJC-LINCOLN SUBDIVISION (PLAT # 2008-09).

CLIENT: SHELDON JACKSON COLLEGE

RECORD OF REVISIONS

BY: _____ DATE: _____ REV: _____ RESUBMISSION OF CHANGE

Randy Hitchcock
 Minor Subdivision Request
 204 Jeff Davis Street



CITY AND BOROUGH OF SITKA

Attachment H

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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: 1) MINOR SUBDIVISION
AND CHANGE IN EASEMENT

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: PANDY AND BRIDGET HITCHCOCK

PROPERTY OWNER ADDRESS: 204 JEFF DAVIS STREET

STREET ADDRESS OF PROPERTY: SAME

APPLICANT'S NAME: PANDY HITCHCOCK

MAILING ADDRESS: 204 JEFF DAVIS ST.

EMAIL ADDRESS: oceansidecustomcarpentry DAYTIME PHONE: 738-2172
@hotmail.com

PROPERTY LEGAL DESCRIPTION:

TAX ID: 18562013 LOT: 17 BLOCK: _____ TRACT: _____

SUBDIVISION: SHERIDAN JACKSON SUBDIV. US SURVEY: 407-B

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:**Attachment H**

- ☐ 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.

Randy Hitchcock

Owner

MS H/K

Applicant (If different than owner)

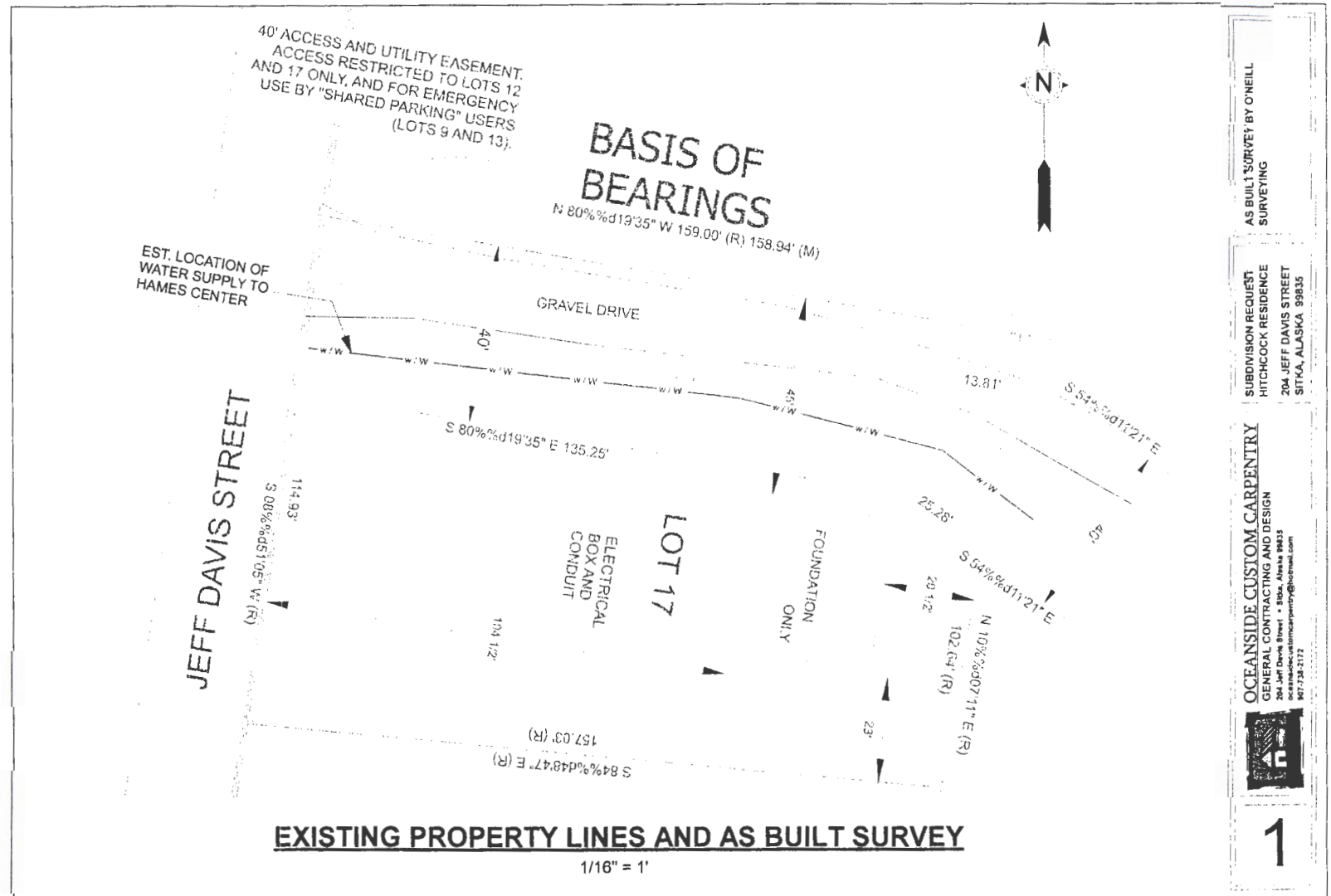
6/24/2016

Date

6/24/2016

Date

Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



OCEANSIDE CUSTOM CARPENTRY

204 Jeff Davis Street Sitka, Alaska 99835 (907)738-2172
oceansidecustomcarpentry@hotmail.com

6/24/2016

Michael Scarcelli
City and Borough of Sitka
Planning and Community Development Department
100 Lincoln Street
Sitka, Alaska 99835

Re: 204 Jeff Davis Street, Request For Minor Subdivision

Dear Michael,

This is a formal request for permission to subdivide my current property at 204 Jeff Davis Street (Lot 17, Sheldon Jackson Subdivision) into two separate lots. There are two drawings attached to this request. Attachment 1 shows the existing property lines along with the as-built of the existing principal structure. Attachment 2, drawn by O'Neill Surveying, shows the new proposed property lines, along with the proposed change in the existing easement.

This Application is requesting:

1. Permission to subdivide 204 Jeff Davis Street into 2 separate lots, as shown in the Subdivision Concept Drawing by O'Neill Surveying,
2. Permission to change the existing 40' Access and Utility Easement into 2 separate, 20' easements, as shown in the Subdivision Concept Drawing by O'Neill Surveying, and contingent upon agreement by all beneficiaries of the easement,
3. A Variance to reduce the required minimum lot size, net area minus access easements, from 8,000 square feet down to 5,090 square feet.

The long term plan for this property has been to build two principal structures for residential use. Since this property falls within the R-2 zoning classification, that will continue to be the plan regardless of the ability to subdivide the property. The main purpose for this request to subdivide is to allow for future flexibility in the sale and/or distribution of the separate dwellings.

If the existing property (approximately 17,164 square feet in size) can be subdivided along the new proposed property line, it would create two new properties (one totaling approximately 8,763 SF and one approximately 8,401 SF). Both would be above the minimum lot size requirement of 8,000 SF, except for the access easement. The new property would be granted access through the existing access easement that runs through my property. This easement currently serves access to one other property besides mine (Lot 12).

It is understood that the City requires a minimum net area of a lot (minus access easements) to be 8,000 square feet, and that the two lots would fall under that minimum area when the existing 40' wide access and utility easement is taken into account. However, I would argue that the only reason for the oversized 40' wide easement was to contain the main water supply line that serves the Hames Center (see Attachment 1). If the water line had been put under the center of the drive, there would be no need for the excessive width. A 20' wide access easement would be plenty wide enough to serve its purpose, thus resulting in the two proposed properties being much closer to the City's minimum size requirements. The request for a reduction of the "Access and Utility"

easement to 20', and a separate "Utility" easement of 20' for the remaining width (to protect the Hames Center water supply line) would keep the overall easement width of 40' the same, increase the "net area" of the property much higher than the requested reduction to 5,090 square feet, and allow for flexibility in the parking design of the new structure. All existing access, emergency use, and utility rights enjoyed by the shared users would remain the same. As far as "access" is concerned, that is the current width of the access easement that runs from the Hames Center parking lot to the back of the facility. Jeff Davis Street is barely 24' wide and serves 17 homes, the Sheldon Jackson Campus, and much more.

In relation to the issues of minimum lot sizes in this neighborhood, there are already multiple lots that fall under the 8,000 SF minimums. Three of them are directly on the other side of Jeff Davis Street from me. 201 Jeff Davis has about 5,017 SF, 203 Jeff Davis has 7,196 SF, and 205 Jeff Davis has only 4,686 SF. These small lots don't negatively impact the residential feel of the neighborhood. That higher density should be the welcomed result of a charming downtown community.

I'd like to make one more argument in favor of a subdivision. The property is already zoned R-2, which is intended to provide for higher density housing while still maintaining the residential feel of a neighborhood. I do not feel that the end product (two principal structures) would result in anything different than what is already permitted in the R-2 zone. If anything, the proposed development is minor compared to the possibilities. An example of this is the Monastery Towne Home Subdivision. It's a roughly 25,525 SF parcel packed with 9 residential units.

I feel that this request is not unreasonable, nor is it without precedent. The downtown area, and this neighborhood in particular, is perfectly suitable for this type of development proposal.

Thank you very much for your time. I look forward to answering any questions you may have related to this request.

Sincerely,



Randy Hitchcock

Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street

From: Becky Martello <beckymartello@gmail.com>
Sent: Tuesday, July 19, 2016 2:58 PM
To: Planning Department
Subject: 204 Jeff Davis/Agenda Items J, K

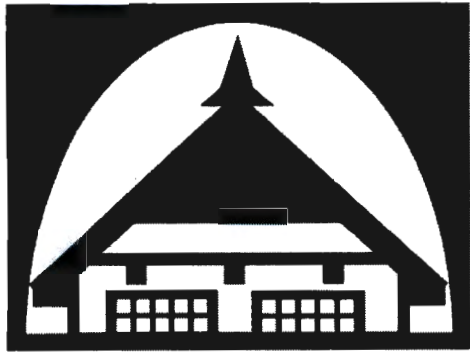
I was hoping to get some more information, or at least have this comment considered before acting on items J and K on tonight's planning committee agenda.

My question is: if Randy Hitchcock's Lot 17 becomes a substandard size lot for this R-2 zone, will each of those new lots become R-1? If it is substandard than it seems they couldn't remain R-2 individually. I ask this because it could potentially mean having 4 units on our shared property line. We bought our lot and home in this R-2 zone and understood that any of these surrounding lots could have 2 dwellings (we hope we can one day add a small cottage on our property) and we enjoy our current neighbors very much, however, if the subdivision of Lot 17 means the creation of 2 R-2 lots, that means there is a potential for 4 units to be built...netting us 4 dwellings on our shared property line in the same square footage that was formerly only 2. Also, if that is the case, it sets precedent where we, and others, could subdivide our lots and basically trade in our 1 R-2 lot for 2. This would greatly change the population density and character of this small neighborhood. Thank you for the consideration of my comment/question.

If this is moot and the 2 new lots will be converted to R-1, then please disregard. I was unable to reach anyone by phone today to answer the question.

Respectfully,
Becky Martello
204 Jeff Davis

Sent from my iPhone



ALASKA ARTS SOUTHEAST

Michael Scarcelli
City and Borough of Sitka
Planning and Community Development Department
100 Lincoln Street
Sitka, Alaska 99835

July 14, 2016

Re: 204 Jeff Davis Street, Support for changing 40 foot easement.

Dear Michael,

This is a letter of support for Randy Hitchcock's proposed lot subdivision (Lot 17 Sheldon Jackson Subdivision) and proposed change to the 40' access and utility easement that connects our Lot 12 to Jeff Davis Street and contains the city waterline to Hames Recreation Center.

Our Board executive committee, executive director Roger Schmidt, and building committee chair, James Poulson, have reviewed the proposed changes and after discussion with Dave Longtin, City Engineer, we are not opposed to changing the 40' easement to (2) 20 footers. Doing so does not change our access to repair our water line, and still provides for emergency access to and from the Campus.

We also support in principle, the development of R-2 property to provide for higher density living in downtown Sitka. Should you have any questions, please contact my cell phone 907 321 1013.

Sincerely,

A handwritten signature in red ink, which appears to read "Sam Skaggs". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Samuel D Skaggs
President, Alaska Arts SE, Sitka Fine Arts Camp

P.O. Box 3086
Sitka, AK 99835

cc: Randy Hitchcock, Oceanside Custom Carpentry, Roger Schmidt

RE: 204 Jeff Davis

Attachment I

Samuel D Skaggs

Reply |

Tue 2:20 AM

You; james poulson (photo@sitkasentinel.com)

Photos

Sounds good Randy- I will make up a packet and send this out to the Board. I will be in Sitka this coming weekend myself and will hopefully walk the easement with Roger so I can get his weigh in too.

I will get back to you as soon as I get a Board voice vote.

Regards, Sam

From: Randy Hitchcock [mailto:oceansidecustomcarpentry@hotmail.com]

Sent: Monday, June 27, 2016 6:52 PM

To: Samuel D Skaggs <sam@skaggsinvestments.com>; james poulson <photo@sitkasentinel.com>

Cc: Roger Schmidt <rschmidt@fineartscamp.org>; Bridget Hitchcock <bridgethitchcock@hotmail.com>

Subject: Re: 204 Jeff Davis

Thanks for the email Sam. I appreciate your time on this.

As far as the exact location of the water line, the location on the drawing is an estimate based on a locate the City did back in 2012 when I started the process of building the current house. It's definitely within the overall 40' easement. I'm including a surevey here from Dave Longtin at the City. This shows the water line entering the property about 25' in from the NW property corner. Since the whole "utility" easement will remain 40', it really won't matter if that service moves back and forth between the two easements.

I'm turning the paperwork into the City tomorrow. It's a slow process since this request will have to go through two Planning Commission meetings. Hopefully that will give you some time to run it by your full Board. Also, as soon as O'Neill Surveying gives me a sample of how the language of the Plat would change in relation to the easements, i'll forward that along as well. In the meantime, feel free to contact me with any questions you may have.

Thank you,
Randy

RANDY HITCHCOCK



OCEANSIDE CUSTOM CARPENTRY

204 JEFF DAVIS STREET SITKA, ALASKA 99835
(907) 738-2172

From: Samuel D Skaggs <sam@skaggsinvestments.com>
Sent: Saturday, June 25, 2016 4:39 AM
To: Randy Hitchcock; james poulson
Cc: Roger Schmidt; Bridget Hitchcock
Subject: RE: 204 Jeff Davis

Attachment I

Hi Randy- I spoke with James this evening after reviewing what you just sent, and on the surface we don't see any objections to your proposal. I still need to talk to Roger about this and run it by the full Board to give a final green light.

I do know we support creating more housing in downtown Sitka around the campus and this proposed subdivision keeps within the residential feel and density.

Maybe I missed it but it would be good to see the existing water line drawn on the proposed 20 foot utility easement just to show that it is within that easement (and it looks that way based on the existing as drawn). I also assume that the City has verified that this is the location of the water center line? I only say this because the water line on our lot on Charteris St was 10 feet further into our lot than drawn on the plat map.

Let me know what happens on Tuesday.

Sam

From: Randy Hitchcock [<mailto:oceansidecustomcarpentry@hotmail.com>]
Sent: Friday, June 24, 2016 5:42 PM
To: james poulson <photo@sitkasentinel.com>
Cc: Roger Schmidt <rschmidt@fineartscamp.org>; Samuel D Skaggs <sam@skaggsinvestments.com>; Bridget Hitchcock <bridgethitchcock@hotmail.com>
Subject: Re: 204 Jeff Davis

James,

Attached is the paperwork I plan on turning in to the City on Tuesday. The formal letter explaining the request has been edited a bit to reflect my reasoning for the request for the change in the wording of the easement. The attachment also contains a Subdivision Concept Drawing by O'Neill Surveying, which was requested by Michael Scarcelli. The application will be for permission to subdivide our current property into two separate lots. The second part of the application will be to change the easements as shown in the attachment (contingent upon agreement from owners of Lots 12, 9, and 13). I've spoken to the owner of Lot 12 and he has no concerns about the proposals.

O'Neill Surveying is also drawing up the wording in the plat notes that would accompany the easement change. I'm supposed to have it from them by Monday. I will forward that to you when I receive it.

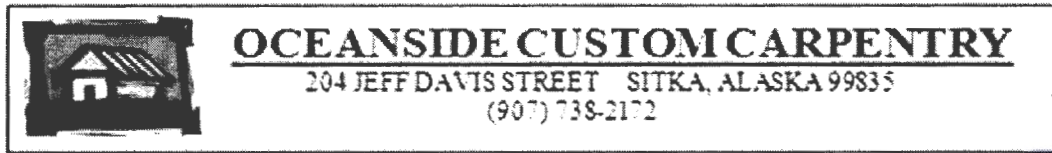
I understand that this is a busy time for you and all involved with Alaska Arts Southeast and I apologize for the inconvenience. It would be great to get some positive feedback from you about my proposal before Tuesday, but I realize that may not happen due to the timing and your busy schedules. I am fully aware and supportive of the fact that there can be **no change in the easement** without the agreement of all parties who benefit from it. Also, I hope you've seen that I have no interest in changing the basic structure and intent of the easement. The overall easement width of 40' would remain, all emergency use rights would remain, and the water line to the Hames Center would be protected within the easement.

If it would be helpful to meet face to face with any of you, please let me know. I'd be happy to do it at a time that's most convenient for you. Thanks again for your time on this.

-Randy

Attachment I

RANDY HITCHCOCK



From: james poulson <photo@sitkasentinel.com>

Sent: Wednesday, June 22, 2016 1:10 AM

To: Randy Hitchcock

Cc: Roger Schmidt; Samuel D Skaggs

Subject: Re: 204 Jeff Davis

Howdy Randy,

I am ccing our president and director.

From an Alaska Arts Southeast standpoint we need to maintain the emergency access to the back of Hames. Speaking for myself and maybe others on the board, we would like to maintain the character of the neighborhood with its fairly low density and generous green spaces.

That said, I think re-categorizing a 20-foot-wide strip of the 40-foot-wide access and utility easement into a utility easement doesn't give me too much heartburn, as long as nothing is built, except landscaping, in the reclassified utility easement, I think it would be in keeping with the original land sale agreement. Our board just met and so we won't be meeting again very soon, which is not much help to you since making a change in the easement agreement would take a board vote, I think.

Putting on my other hat:

About the historic preservation commission vote: in order to pass, the motion needed 4 yes votes (majority of the 7-person panel) in favor to recommend the subdivision proposal, since there were only 4 people at the meeting the motion failed, even though three of us voted in favor. - James

On Jun 21, 2016, at 1:44 PM, Randy Hitchcock wrote:

Hi James,

I'm sorry, but I'd like to add a bit more to the previous email. I spoke with Kelly O'Neill this afternoon about drawing up an official plat to include in the final paperwork. For a variety of reasons, he suggested that I include the request for the change in easements at this time. Would you please include your thoughts on such a request? The request would look as follows: 1) reduce the existing 40' wide "Access and Utility" Easement to 20', 2) create a 20' wide "Utility" Easement that borders and runs parallel to the "Access and Utility" Easement. Again, except for changing the official "Access" width, it would keep the overall 40' wide easement in place, protecting all utility and access rights.

I'm still unsure if I will ask for such a change at this time, but it would be nice to hear if the Fine Arts Camp has any objections to such a proposal.

Thanks again,
Randy

<OutlookEmoji-1457393986700_email.jpg>

I wanted to touch base with you about my request to the City to subdivide my property at 204 Jeff Davis Street into two separate lots. I've attached a drawing that shows the proposed subdivision, as well as the letter I provided to the City outlining my request. I'm contacting you because I've been told you are the representative for the Sitka Fine Arts Camp in relation to these matters. The Sitka Fine Arts Camp benefits from the access/utility easement that runs through the property. There exists "Emergency Use" rights, as well as the main water supply line to the Hames Center within this easement. It would be great to get some feedback in writing about any objections or concerns you may have related to this request. Some words of support would be greatly appreciated as well. The only other property that benefits from the easement is Lot 12, which is owned by Kim Rickert. I have also shared this proposal with him.

I want to make clear that I have no interest in changing the 40' wide "Access and Utility" Easement. However, I'd like to keep open the future possibility of reducing the "Access" Easement to 20' wide while still maintaining the 40' wide "Utility" Easement. This would essentially maintain the existing easements, but allow the new home to meet the City's requirement for "parking" spaces. Please keep in mind that the only reason for such a wide easement is because of the water line. A 20' wide "Access" Easement is standard.

In order to meet application deadlines for the next Planning Commission meeting, I need to submit all of my paperwork into the City by next Monday, June 28. It would be nice to get some feedback from you before then if possible. I greatly appreciate your time on this. Please call or email with any questions you may have.

-Randy

Re: City Application for Minor Subdiv.

Attachment I

Kim Rickard

Reply |

Tue 7:59 AM

You

You replied on 6/29/2016 12:43 AM.

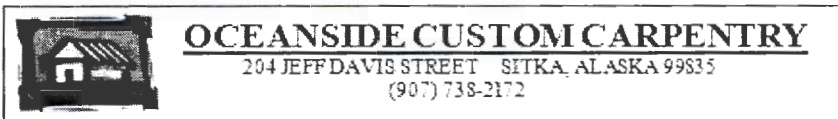
Randy, I have considered all of the detailed data you forwarded to me regarding the potential subdivision of your Lot # 17. The project shows great merit in the utilization of space on the property as well as helping to standardize the various easements in the area. As the City of Sitka has shown great flexibility in helping those who seek to make improvements in the community, I'm positive those who oversee this project will consider it worthwhile as I do. . Kim Rickard, owner of Lot # 12.

On Monday, June 27, 2016 3:50 PM, Randy Hitchcock <oceansidecustomcarpentry@hotmail.com> wrote:

Kim,

Here is the application i'm turning in tomorrow to the City. It would be great to get an email of support back from you if you don't mind. Something short will be just fine.

Thanks so much,
Randy

RANDY HITCHCOCK

Parcel ID: 11415000
ANDREW/TERESA THOMS/LORENTE
THOMS, ANDREW & LORENTE,
TERESA
121 JEFF DAVIS ST
SITKA AK 99835-7619

Parcel ID: 11795000
SCOTT/NIECHOLE ROBINSON
ATTN: JENNY
ROBINSON, SCOTT/NIECHOLE
315 SEWARD ST, STE B
SITKA AK 99835

Parcel ID: 11810001
STEVEN/SHIRLEY DALQUIST
DALQUIST, STEVEN, J./SHIRLEY, M.
P.O. BOX 45
SITKA AK 99835-0045

Parcel ID: 11815000
STEVEN/SHIRLEY DALQUIST
DALQUIST, STEVEN, J./SHIRLEY, M.
~~P.O. BOX 45~~
~~SITKA AK 99835-0045~~

Parcel ID: 11830000
PETER THIELKE
THIELKE, PETER, L.
1656 HAPPY LANE
OJAI CA 93023

Parcel ID: 11850000
NATHANIEL MONAHAN
MONAHAN, NATHANIEL, J.
P.O. BOX 875
SITKA AK 99835-0875

Parcel ID: 11855000
BARTH HAMBERG
HAMBERG, BARTH, T.
500 LINCOLN ST, #B-5
SITKA AK 99835

Parcel ID: 11860000
IRVIN KEILMAN TRUST
KEILMAN, IRVIN, W.
825 WILLANA ST
MILAN MI 48160

Parcel ID: 11870000
EVELYN CICI
CICI, EVELYN, J.
P.O. BOX 635
SITKA AK 99835-0635

Parcel ID: 18562010
STANLEY/NANCY BARGE
BARGE, STANLEY & NANCY
124 JEFF DAVIS ST
SITKA AK 99835

Parcel ID: 18562011
DANIEL/MARY PALOF
PALOF, DANIEL/MARY BETH
200 JEFF DAVIS ST
SITKA AK 99835

Parcel ID: 18562012
MICHAEL/REBECCA MARTELLO
MARTELLO, MICHAEL & REBECCA
202 JEFF DAVIS ST
SITKA AK 99835

Parcel ID: 18562013
RANDY HITCHCOCK
HITCHCOCK, RANDY
204 JEFF DAVIS ST
SITKA AK 99835

Parcel ID: 18562014
NANCY/WILLIAM DAVIS JOINT
REVOCABLE TRUST
DAVIS REV. TRUST, NANCY &
WILLIAM
P.O. BOX 6494
SITKA AK 99835-6494

Parcel ID: 18562015
CITY & BOROUGH OF SITKA
RECYCLING CENTER
~~C/B OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 18562016
KIM/MARY RICKARD
RICKARD, KIM & MARY
3315-A HALIBUT POINT RD
SITKA AK 99835-9525

Parcel ID: 18562017
ALASKA ARTS SOUTHEAST, INC.
HAMES CENTER
ALASKA ARTS SOUTHEAST, INC.
110 COLLEGE DR, STE 111
SITKA AK 99835

Attachment J

Parcel ID: 11415000
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THOMS, ANDREW & LORENTE,
TERESA
121 JEFF DAVIS ST
SITKA AK 99835-7619

Parcel ID: 11815000
STEVEN/SHIRLEY DALQUIST
DALQUIST, STEVEN, J./SHIRLEY, M.
~~P.O. BOX 45~~
~~SITKA AK 99835-0045~~

Parcel ID: 11815000
BARTH HAMBERG
HAMBERG, BARTH, T.
500 LINCOLN ST, #B-5
SITKA AK 99835

Parcel ID: 18562010
STANLEY/NANCY BARGE
BARGE, STANLEY & NANCY
124 JEFF DAVIS ST
SITKA AK 99835

Parcel ID: 18562013
RANDY HITCHCOCK
HITCHCOCK, RANDY
204 JEFF DAVIS ST
SITKA AK 99835

Parcel ID: 18562016
KIM/MARY RICKARD
RICKARD, KIM & MARY
3315-A HALIBUT POINT RD
SITKA AK 99835-9525

Parcel ID: 11795000
SCOTT/NIECHOIE ROBINSON
ATTN: JENNY
ROBINSON, SCOTT/NIECHOIE
315 SEWARD ST, STE B
SITKA AK 99835

Parcel ID: 11830000
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THIELKE, PETER, L.
1656 HAPPY LANE
OJAI CA 93023

Parcel ID: 11860000
IRVIN KEILMAN TRUST
KEILMAN, IRVIN, W.
825 WILLANA ST
MILAN MI 48160

Parcel ID: 18562011
DANIEL/MARY PALOF
PALOF, DANIEL/MARY BETH
200 JEFF DAVIS ST
SITKA AK 99835

Parcel ID: 18562014
NANCY/WILLIAM DAVIS JOINT
REVOCABLE TRUST
DAVIS REV. TRUST, NANCY &
WILLIAM
P.O. BOX 6494
SITKA AK 99835-6494

Parcel ID: 18562017
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ALASKA ARTS SOUTHEAST, INC.
110 COLLEGE DR, STE 111
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EVELYN CICI
CICI, EVELYN, J.
P.O. BOX 635
SITKA AK 99835-0635

Parcel ID: 18562012
MICHAEL/REBECCA MARTELLO
MARTELLO, MICHAEL & REBECCA
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SITKA AK 99835

Parcel ID: 18562015
CITY & BOROUGH OF SITKA
RECYCLING CENTER
~~C.B. OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Randy Hitchcock
Minor Subdivision
204 Jeff Davis Street

P&Z Mailing
August 5, 2016

Attachment J

Parcel ID: 11415000
ANDREW/TERESA THOMS/LORENTE
THOMS, ANDREW & LORENTE,
TERESA
121 JEFF DAVIS ST
SITKA AK 99835-7619

Parcel ID: 11795000
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ATTN: JENNY
ROBINSON, SCOTT/NIECHOLE
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P.O. BOX 875
SITKA AK 99835-0875

Parcel ID: 11855000
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IRVIN KEILMAN TRUST
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EVELYN CICI
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Parcel ID: 18562011
DANIEL/MARY PALOF
PALOF, DANIEL/MARY BETH
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SITKA AK 99835

Parcel ID: 18562012
MICHAEL/REBECCA MARTELLO
MARTELLO, MICHAEL & REBECCA
202 JEFF DAVIS ST
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RANDY HITCHCOCK
HITCHCOCK, RANDY
204 JEFF DAVIS ST
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Parcel ID: 18562014
NANCY/WILLIAM DAVIS JOINT
REVOCABLE TRUST
DAVIS REV. TRUST, NANCY &
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P.O. BOX 6494
SITKA AK 99835-6494

Parcel ID: 18562015
CITY & BOROUGH OF SITKA
RECYCLING CENTER
C/B OF SITKA
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Parcel ID: 18562016
KIM/MARY RICKARD
RICKARD, KIM & MARY
3315-A HALIBUT POINT RD
SITKA AK 99835-9525

Parcel ID: 18562017
ALASKA ARTS SOUTHEAST, INC.
HAMES CENTER
ALASKA ARTS SOUTHEAST, INC.
110 COLLEGE DR, STE 111
SITKA AK 99835

P&Z Mailing
July 8, 2016

Randy Hitchcock
Minor Subdivisor Request
204 Jeff Davis Street

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE:

6/28/16

To: Randy Hitchcock

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	PAID	JUN 28 2016	CITY & BOROUGH OF SITKA	75.00
Conditional Use Permit.....				
Minor Subdivision.....				50.00
Major Subdivision.....				
Zoning Map Change.....				
Zoning Text Change.....				
Lot Merger.....				
Boundary Line Adjustment.....				
General Permit.....				
Appeal of Enforcement Action (Pending).....				
Other.....				125.00
Sales Tax.....				7.50
TOTAL.....				132.50

Thank you

Randy HitchcockMinor Subdivision Request
204 Jeff Davis Street

ALASKA

2010 000557 0

Recording
5/13/2010

Attachment L



File for Record at Request of:

First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Randy Hitchcock

Address: 322 Wachusett St

Sitka, AK 99835

File No.: 0241-1567117 (JRN)

STATUTORY WARRANTY DEED

THE GRANTOR, **Sheldon Jackson College**, whose mailing address is **801 Lincoln St, Sitka, AK 99835**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Randy Hitchcock**, residing at **322 Wachusett St, Sitka, AK 99835**, the following described real estate, situated in the **Sitka** Recording District, **First** Judicial District, State of **Alaska**:

Lot 17, SHELDON JACKSON CAMPUS SUBDIVISION, subdivision of **U.S. Survey 407B**, according to **Plat 2009-8**, Records of the **Sitka** Recording District, **First** Judicial District, State of **Alaska**.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: 11 May, 2010.

Sheldon Jackson College

David Dobler president
By: David Dobler, President

Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street

0241-1567117 (TLS)

Statutory Warranty Deed-continued

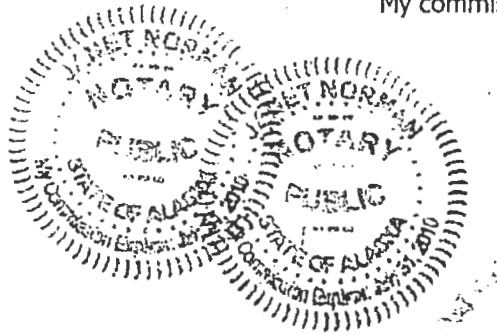
April 27, 2010

STATE OF Alaska)
) ss.
First Judicial District)

THIS IS TO CERTIFY that on this **Eleventh day of May, 2010**, before me the undersigned Notary Public, personally appeared **David Dobler, President, Sheldon Jackson College**, 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.

Notary Public in and for Alaska
My commission expires 7/31/2010



Randy Hitchcock
Minor Subdivision Request
204 Jeff Davis Street



2010-000557-10

OK

Interest

- 10T (1) (9) (2) (13) →

A
L
A
S
K
A

2009

Attachment L

Recording I

4/27/2009 11:38 AM Pages: 1 of 12



- GRANTS

- II. c. 1

- other specific language used for negative reservation

DECLARATION OF EASEMENTS AND ACCESS RIGHTS

RE SHELDON JACKSON CAMPUS SUBDIVISION

GRANTOR: SHELDON JACKSON COLLEGE

GRANTEE: SHELDON JACKSON CAMPUS SUBDIVISION

Record in the Sitka Recording District
After recording, return to:
Michael C. Geraghty
DeLisio Moran Geraghty & Zobel, P.C.
943 West Sixth Avenue
Anchorage, AK 99501

View this as A NON-EXCLUSIVE
EXPRESS, AFFIRMATIVE, APPURTENANT easement
for Access and utilities - therefore

Seems more likely servient estate MAY Subdivide,
in general.

DECLARATION OF EASEMENTS AND ACCESS RIGHTS
RE SHELDON JACKSON CAMPUS SUBDIVISION

THIS DECLARATION OF EASEMENTS AND ACCESS RIGHTS ("Declaration") for the Sheldon Jackson Campus Subdivision is made this 24th day of April, 2009, by Grantor **SHELDON JACKSON COLLEGE**, by and through its authorized representatives, with an address of 801 Lincoln Street, Sitka, Alaska, 99835 ("Grantor").

I. RECITALS

A. Grantor is the Owner of certain real property in Sitka, Alaska consisting of approximately 34.5 acres of land bordered by Davis Street on the west, Sawmill Creek Road on the north, Metlakatla Street and the Sitka National Monument on the east, and Lincoln Street on the south.

B. Grantor has submitted a plat to subdivide these properties into various parcels for marketing and sale, entitled the Sheldon Jackson Campus Subdivision ("Subdivision"). Collectively the properties within the Subdivision shall be known as the "Subject Properties."

C. Grantor recognizes that for the most favorable development of the Subject Properties, it is desirable that Grantor identify and convey certain easements and access rights as they are substantially depicted on the plat for the Subdivision dated April 8, 2009 ("SJC Plat"), along with the rights, obligations and duties relating to same, as more particularly described below.

*MOST
FAVORABLE
Develop.*

II. SPECIFIC GRANTS

NOW, THEREFORE, for and in consideration of the Recitals herein, which are deemed a material and substantive part of this Declaration, and TEN DOLLARS (\$10) and other good and valuable consideration, Grantor hereby declares, grants, covenants and agrees as follows:

A. Sage Building/Hatchery.

1. Wood Stave Easement. Grantor hereby grants and conveys to the Owner of Lot 7 of the Subdivision (where the Sage Building/Hatchery is located) an exclusive use easement ("Wood Stave Easement") that crosses several of the Subject Properties. The Wood Stave Easement is approximately 30 feet in width and runs in a southerly direction from the



Creek as depicted on the SJC Plat for a distance of approximately 600 feet until it crosses under Lincoln Street to Lot 7.

The easement, rights, and privileges conveyed with the Wood Stave Easement are exclusive to the Owner of Lot 7 and his successors in interest who shall not be authorized to convey any other easement or conflicting rights within the area covered by the Wood Stave Easement except as conditioned or described by this Declaration.

The Owner of Lot 7 shall have the duty to repair and maintain the Wood Stave Easement and keep it free and open for the benefit of Lot 7 including, without limitation, removing vegetation and cutting or trimming trees or vegetation that may encroach on the Easement or obstruct the flow of water through it.

2. Hatchery Water Line Easement. Grantor hereby grants and conveys a 20 foot Water Line Easement which starts at the edge of Sawmill Creek Road where it is encompassed, and included within, the course of the Water Canal Easement described below and as depicted on the SJC Plat. It continues southerly within the course of the Water Canal Easement for a distance of approximately 650 feet until it branches off at or near the location where the Water Canal Easement bends to the east. The Water Line Easement then continues south within its own course for approximately 700 feet where it crosses underneath Lincoln Street to serve Lot 7, as more particularly depicted on the SJC Plat. The Water Line Easement contains a 12 inch water line throughout its course that provides a source of water for the exclusive use and benefit of Lot 7.

The easement, rights and privileges conveyed with the Hatchery Water Line Easement are exclusive to the Owner of Lot 7 and his successors in interest who shall not be authorized to convey any other easement or conflicting rights within the area covered by the Hatchery Water Line Easement except as conditioned or described by this Declaration.

The Owner of Lot 7 shall have the duty to repair and maintain the water line within the Easement, including repair of leaks, mitigation and prevention of damage from flooding caused by disrepair, and shall at all times keep the Easement free and open for the benefit of Lot 7.

3. Water Canal Easement. The Creek has developed into an anadromous fish stream below the penstock intake. Grantor hereby grants



When limited specific language used.

and conveys a 40-foot easement to protect the Creek and its status as an anadromous fish stream as more particularly depicted on the SJC Plat. The Creek shall serve as the mid-line of the Easement.

The Water Canal Easement is for the use and benefit of the Subject Properties affected including, without limitation, Lot 7.

Unless otherwise dictated by operation of law or the terms of this Declaration, the Subject Properties affected by the Water Canal Easement shall have the duty to maintain the Creek and the Water Canal Easement, including any necessary maintenance, clearing and cleaning of debris, organic or otherwise, and otherwise take such actions as may be necessary to protect the Creek's status and use as anadromous fish stream.

With respect to the Wood Stave Easement and the Hatchery Line Water Easement, The Owner of Lot 7 shall assume responsibility for such upkeep and maintenance of the Water Canal Easement as may be necessary to assure the integrity and flow of water through the aforementioned Easements.

4. Reservation of Riparian Rights. All of the easements providing access to water including, without limitation, the grants described in subparagraph II.A., along with all the rights, obligations and duties accompanying same, are subject to such pre-existing water rights that have been previously conveyed to the Grantor including, without limitation, that Certificate of Appropriation (Amended) bearing designation ADL 43671, dated December 31, 1996 and recorded at Book 123, Page 770 in the Sitka Recording District.

B. Lincoln Street Properties.

1. Lincoln Electrical Line Easement. Grantor hereby grants and conveys a 12-foot utility easement along the southern edge of Lots 3, 4, 5 and 6 of the Subdivision which runs along Lincoln Street for a distance of approximately 450 feet, for the benefit of CBS ("Lincoln Easement").

The Lincoln Easement is made expressly for the use and benefit of CBS and shall be binding on its successors in interest and assigns.

It is expressly agreed that the rights and privileges conveyed with the Lincoln Easement are limited to construction, maintenance and repair of electrical power lines within the easement by CBS.



CBS shall at all times maintain the electrical power lines associated with this easement, and shall enjoy any necessary rights of access, ingress and egress reasonably necessary for the repair and maintenance of the electrical power lines. CBS shall bear any and all expense associated with same.

2. Kelly Street Access. Grantor hereby grants and conveys a 20-foot access easement along the eastern boundary of Lot 6 of the Subdivision for the exclusive use and benefit of Lot 6 and Lot 1 of the Kelly Street Subdivision, as more particularly depicted on the SJC Plat ("Kelly Street Easement").

It is the intention of this Declaration that the Kelly Street Easement be appurtenant to the above-described properties in that the easement benefits the use and enjoyment of the owners of Lot 6 of the Subdivision and Lot 1 of the Kelly Street Subdivision in providing access to those properties only.

The Kelly Street Easement shall be binding on the Owners of those lots and their heirs, personal representatives, successors in interest and assigns. The Kelly Street Easement shall be used only for the purposes of access to those two lots. The same is not intended nor shall it be construed as creating any rights in or for the benefit of the general public, nor shall it affect any real property outside of the Subject Properties.

The Owners of Lot 6 of the Subdivision and Lot 1 of the Kelly Street Subdivision shall have the duty to repair and maintain the property subject to the Kelly Street Easement at all times. The easement is limited to a right of access, ingress and egress by vehicles and pedestrians duly authorized by the Owners of Lot 6 and Lot 1 and for no other use. The Owners shall have the obligation to maintain access by removing vegetation and/or by cutting or trimming trees or vegetation that may encroach on the easement property.

C. Hames PE Center.

1. Jeff Davis Street Easement. The Hames PE Center is located on Lot 9 of the Subdivision. Grantor hereby grants and conveys a 40 foot access and utility easement running in an easterly direction from Jeff Davis Street along the northern border of Lot 17 and crossing the northern portion

Access
and utility



of Lot 12 to the eastern border of Lot 12, as more particularly depicted on the SJC Plat.

Except for the purpose of emergency access, as more particularly described in subparagraph D.2 herein, it is the intention of the Grantor that this easement is exclusively for the use and benefit of the Owners of Lots 17 and 12 of the Subdivision for access and utility purposes, as herein described. The Owners of those lots shall be responsible for all repair, maintenance, and renovation of the access easement, and shall share expenses on an agreed basis. Absent an agreement, the Owners of those lots shall share the expenses on a pro-rata basis based upon the linear feet of the easement within their respective properties.

The Declarant does further grant a perpetual non-exclusive utility easement on, over and through this Easement for the purposes of installing, maintaining and/or repairing gas, electric, phone and cable utility lines, storm drains, water and sewer mains, pipes and services and all necessary appurtenances thereto, subject to the covenants and conditions contained herein.

The Easement shall be for the benefit of, but not restricted solely to, the Owners and Permittees for the duration of their occupancy, but same is not intended nor shall it be construed as creating any rights in or for the benefit of the general public, nor shall it affect any real property outside of the two lots in questions.

Notwithstanding any other provision of this Declaration, emergency ingress and egress to the parking areas southerly of the Hames PE Center (Lot 9 of the Subdivision) shall be permitted at all times provided, however, that such use does not interfere with access rights granted to the Owners of Lots 17 and Lot 12.

2. Hames Emergency Access. Declarant grants and conveys a 20 foot access easement along the western boundary of Lot 9 of the Subdivision (Hames PE Center) for the exclusive purpose of providing emergency ingress and egress to the parking areas located southerly of the Hames PE Center ("Emergency Access"). This Emergency Access shall be kept open and unobstructed at all times, and nothing shall allow any Owner, or invitee thereof, any right to work on or otherwise obstruct access within the Emergency Access. The Emergency Access shall be for the benefit of the CBS and the Hames PE Center, but same is not intended nor shall it be

exclusively

not exclus

not exclus

shall not restricted solely to

shall not affect any real property outside 2 lots in question

Ambiguous

Utility

Access!

Lot 9



construed as creating any rights in or for the benefit of the general public, nor shall it affect any real property outside of the Emergency Access.

3. Hames Access and Utility Easement. Declarant hereby grants and conveys a 40-foot Access and Utility Easement starting at Jeff Davis Street and running in an easterly direction along the southern boundary of Lot 13 of the Subdivision until it veers north along the eastern edge of the existing parking area and reaches Lot 9 of the Subdivision (Hames PE Center).

The beneficiaries of this easement shall be the Owners of Lot 9 and Lot 13, as well as Lot 1 of the Subdivision, also known as the Core Campus Area. The purpose of this easement is to primarily access parking areas south of the Hames PE Center, but there are utility service lines running within this easement area for the benefit of Lot 9. Nothing in this agreement shall impair or prejudice the Owner of Lot 9 from using this easement for purposes of repairing, replacing or maintaining the services to that property.

There shall be a Shared Parking Agreement by and between the Owners of Lots 13, 9 and 1 of this Subdivision concerning the use and maintenance of the parking areas, as more particularly described in that agreement dated April 24, 2009, and recorded in the Sitka Recording District at 2009-000577-0.

4. Jeff Davis Utility Easements. Declarant hereby grants and conveys the following easements, as more particularly described in the SJC Plat ("Jeff Davis Utility Easements"):

(a) a 15 foot water and sewer service easement crossing the northwest corner of Lot 14 of the Subdivision and continuing across Lot 15 to the border of Lot 16, which easement shall be for the exclusive use and benefit of Lots 15 and 16 of the Subdivision;

(b) a 15 foot easement crossing the southwest portion of Lot 15 of the Subdivision for a water service line to Lot 14 of the Subdivision, which easement shall be for the exclusive use and benefit of Lot 14; and

(c) a 15-foot easement running along the northwest corner of Lot 15 for a water service line to Lot 16 in the Subdivision, which easement shall be for the exclusive use and benefit of Lot 16.

The Declarant does grant and convey to the beneficiaries a perpetual non-exclusive easement on, over and through the Jeff Davis Utility Easements depicted on the SJC Plat for the purposes of installing,



maintaining and/or repairing water and service lines serving the affected properties, subject to the covenants and conditions contained herein.

The easements, rights, privileges and obligations conveyed by the Declarant are limited to the construction, maintenance and repair of the water and service lines as described above, for the exclusive use and enjoyment of the Owners of Lots 14, 15 and 16 and their successors in interest.

The Owners of Lots 14, 15 and 16 and their successors in interest shall reasonably allow rights of access, ingress and egress on their properties as necessary for the maintenance and repair of these water and sewer lines, but shall not bear the cost of any expenses necessary to effectuate the repair and maintenance of those water and service lines except for damage occasioned by their individual fault.

5. Steam Lines.

A boiler located on Lot 10 of the Subdivision currently provides steam to the Hames PE Center. The steam lines originate in the utility corridor located on Lot 10, as depicted in the SJ Plat and proceed in a southerly direction until veering off the existing utility corridor to an area between the utility corridor and the Hames PE Center. Steam heat is currently being provided to the Hames PE Center pursuant to a cooperative agreement between the lessee of Lot 9 and the CBS.

Nothing in this Agreement shall prevent or hinder the owners or lessees of Lots 9 and 10 from entering into agreements for the provision and expense of providing steam heat to Lot 10 including, without limitation, the allocation of rights and obligations for the maintenance, upkeep and service of the steam lines that serve Lot 9.

However, nothing in this Agreement shall obligate or require Grantor to incur any expense with respect to the provision of steam heat to Lot 9, or any other expense associated with the maintenance and upkeep of the steam lines that serve Lot 9. Grantor does grant and convey an easement between those two lots for the purposes of allowing the steam lines to exist and serve Lot 9 but Grantor undertakes no on-going obligation with respect to same.

6. Hostel Parking.



Pursuant to a Letter of Understanding dated October 19, 2005, Grantor allows the owner of the youth hostel located on Lot 4 of the Jeff Davis Subdivision according to Plat No. 94-24 dated November 10, 1994, to utilize six (6) parking spaces in the paved parking lot located at the south-east corner of John Brady Drive and Jeff Davis Street on Lot 1 of the Subdivision, also known as the core campus area. ("Parking Lot"). The spaces shall be available to visitors and staff of the hostel. For so long as the benefited property is operated as a hostel, and its visitors and staff abide by the rules and regulations governing the use of the Parking Lot, Grantor conveys a parking lot easement and permission for the continuing use of the six (6) parking spaces in question. However, this parking easement, and permission to use these parking spaces, will terminate and extinguish at such time that the benefited property is no longer used as a youth hostel. Nothing in this Agreement shall permit or allow visitors and staff at the hostel to use other parking spaces located within the Subdivision including, without limitation, parking available for users of the Hames PE Center (Lot 9) or the Day-Care Center (Lot 13).

7. Existing Easements and Agreements.

The Sheldon Jackson Museum Subdivision has its own access and utility easement and two parking easements, as depicted on the plat for that subdivision and in the accompanying documents to that subdivision. Nothing in this Declaration shall be construed so as to create any conflict or disagreement with that pre-existing plat and associated agreements.

There are easements as part of utility corridors that existed within the campus area prior to the creation of this Subdivision and the SJC Plat. These include, but are not limited to, water, sewer, electrical and communication lines that were previously dedicated to CBS as more particularly described in that Grant of Permanent Access and Utility Easement dated June 22, 2007 and as recorded in the Sitka Recording District at 2007-001016-0. Nothing in this Declaration shall be construed as creating any conflict or disagreement with that previous Grant.

III. **GENERAL CONDITIONS**

A. Running with the Land. It is the intention of the Declarant that all of the easements, rights and obligations reflected in this Declaration are pertinent to the properties described and that the rights, obligations and duties attendant to



these easements are the obligation of the Owners of those properties, their Permittees, heirs, personal representatives, successors in interest and assigns, unless otherwise noted.

Permittees

B. **Rights Reserved.** Grantor retains, reserves and shall continue to enjoy the use of surface of the lands subject to the easements described in this Declaration provided, however, that Grantor's use shall not interfere with, impair or prevent the use of the easements for the specific purposes reflected in this Declaration.

C. **Conflicting Rights.** Unless otherwise noted, Grantor covenants not to convey any other easement or conflicting rights within the areas covered by the easements described in this Declaration.

D. **General Public Use.** Unless otherwise noted, none of the easements and grants described in this Declaration are intended, nor shall they be construed as creating, any rights in or for the benefit of the general public, nor shall they affect any real properties outside of the Subject Properties.

E. **Binding.** This Declaration shall be binding upon and inure to the benefit of Declarant, the Owners and Permittees of the individual Lots within the Subdivision and their respective personal and/or legal representatives, successors and assigns.

F. **Governing Law.** This Declaration shall be governed by the laws of the State of Alaska.

G. **Severability.** If any term or provision of this Declaration or the application thereof to any person or circumstances shall, to any extent, be invalid or unenforceable, the remainder of this Declaration shall not be affected thereby, and each term and provision of this Declaration shall be valid and enforceable to the fullest extent permitted by law.

H. **Mortgages.** Any mortgages encumbering all or any portion of the properties included within the Subdivision shall at all times be subordinate to the terms of this Declaration and any party foreclosing any such mortgage, or acquiring title by deed in lieu of foreclosure or trustee's sale, shall acquire title subject to all of the terms and provisions of this Declaration.



[signature page follows]



IN WITNESS WHEREOF, the undersigned has hereunto set its hand as of the date first above written.

SHELDON JACKSON COLLEGE

By: [Signature]
 Printed name: David Dobler
 Its: President

STATE OF ALASKA)
First JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this 24th of April, 2009, before me, the undersigned Notary Public in and for the State of Alaska, personally appeared David Dobler, to me known to be the President of Sheldon Jackson College, and who executed the foregoing Declaration of Easements and Access Rights re Sheldon Jackson Campus Subdivision, and acknowledged to me that he/she has read the document, that he/she believes all statements to be true, that he/she signed the same freely and voluntarily on behalf of Sheldon Jackson College, and that he/she is authorized by the College to execute said instrument for the uses and purposes therein stated.

SUBSCRIBED AND SWORN to or affirmed before me at Seika, Alaska.

Re: document:

Decl of easements &
 Access rights STC

[Signature]
 Notary Public in and for Alaska
 My Commission Expires: 7/11/11

149504 v.5



RETURN TO:

PLANNING & ZONING OFFICE
CITY & BOROUGH OF SITKA
100 LINCOLN ST.
SITKA, AK 99835

A
L
A
S
K
A

2007-007

Attachment L

Recording Dist: 103
6/28/2007 11:25 AM Pages: 1 of 6



GRANT OF PERMANENT ACCESS AND UTILITY EASEMENT

Sheldon Jackson College Foundation, the current owner of a portion of Tract B, U.S. Survey 407, hereinafter called **GRANTOR**, does hereby agree to grant, to the **City and Borough of Sitka, Alaska 99835** (100 Lincoln Street), hereinafter called **GRANTEE**, a **Permanent Access and Utility Easement**, recorded at Sitka District 103, State of Alaska. The Access and Utility Easement is located within the portion of Tract B, U.S. Survey 407 that is described as being bounded by Lincoln Street on the south boundary, by Jeff Davis Street on the west boundary, by Sawmill Creek Road on the north boundary, and by the National Park Service lands, Kelly Street (in part), and Metlakatla Street (in part) on the eastern boundary.

The Access and Utility Easement is for the use of the City and Borough of Sitka, to locate, construct, reconstruct, operate, repair and maintain facilities including, but not limited to, the electrical, water, sewer, and storm infrastructure established on the Sheldon Jackson College campus in the project described as the Sheldon Jackson College Utilities Infrastructure Project as funded by the US EPA and the US DOE. The attached Utility Easement Exhibits A, B, C, D titled, "Utility Easement Exhibit "A" (B, C, D) Por. U.S. Survey 407 B" by O'Neill Surveying and Engineering, pictorially and by metes and bounds description, describe the utility easements.

Titled access
but
described
as utility
is not
may

The **GRANTEE**, its agents, employees, contractors or subcontractors shall have the right to go upon the above described tract of land in perpetuity unless vacated by the City and Borough of Sitka. Upon completion of any such construction, reconstruction, operation, repair, or maintenance of the above infrastructure, the land of the **GRANTORS** shall be restored to the same or better condition that existed prior to the entry upon it.

to
go upon

entry.

The **GRANTOR**, their heirs, successors or assigns, agree that the tract of land over which the Permanent Easement is being granted shall be kept free from buildings, fences, and any other structure or obstruction that would interfere with the GRANTEE in entering upon said Permanent Easement for the purpose of constructing, reconstructing, operating, repairing and maintaining such improvements and appurtenances.

enter

By the granting of this easement, it shall not be construed to prohibit the **GRANTOR** from developing any adjoining property, constructing and maintaining paved or gravel driveways and parking areas, lawns, flowers, shrubs, walkways, landscaping, etc., along, upon, over or across said easement or any portion thereof.

+

Access, maintenance & 2nd rights.
expense. (often implied).

This easement is effective on the date of the signing of this document.

IN TESTIMONY WHEREOF, the said **GRANTOR** has hereunto set its hand and seal
this _____ day of June, Two Thousand and Seven.

Sheldon Jackson College Foundation
Grantor

James P. Sharpe - President, Sheldon Jackson College Foundation

Typed Name of Representative of Grantor,
and representative's title

James P. Sharpe
Signature of Representative of Grantor

JUNE 22 2007
Date

NOTARY'S ACKNOWLEDGEMENT

**UNITED STATES OF AMERICA
STATE OF WASHINGTON
COUNTY OF MASON**

This is to certify that on this 22nd day of June, 2007, before me, the undersigned, a
notary public in and for the State of Washington, duly commissioned and sworn,
personally appeared

James P. Sharpe

to me known to be the identical individual(s) mentioned in and who executed the above
and foregoing instrument, and acknowledged to me that they signed and sealed the same
freely and voluntarily for the uses and purposes herein mentioned.

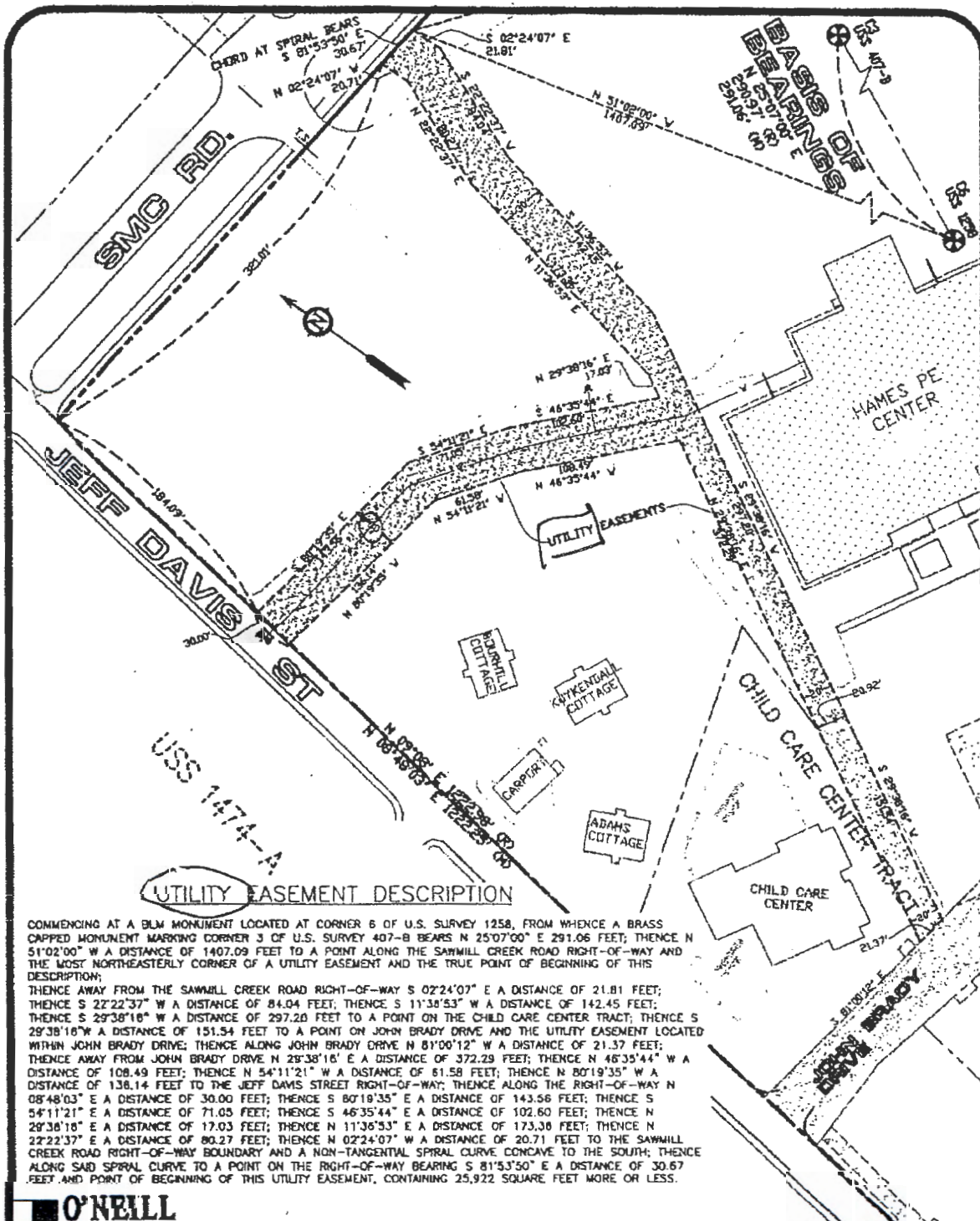
Witness my hand and notary seal the day and year in this certificate first herein written.



Jackie C. L. Ross
Notary Public in and for the State of Washington

My commission expires 9/7/2009



**O'NEILL**

SURVEYING AND ENGINEERING
 BOX 1849 SITKA, ALASKA 99835
 (907) 747-6700

FAX: (907) 747-7590
 EMAIL: oneillengr@aol.net

SCALE: P = 100'

SUBJECT:

UTILITY EASEMENT
EXHIBIT 'A'

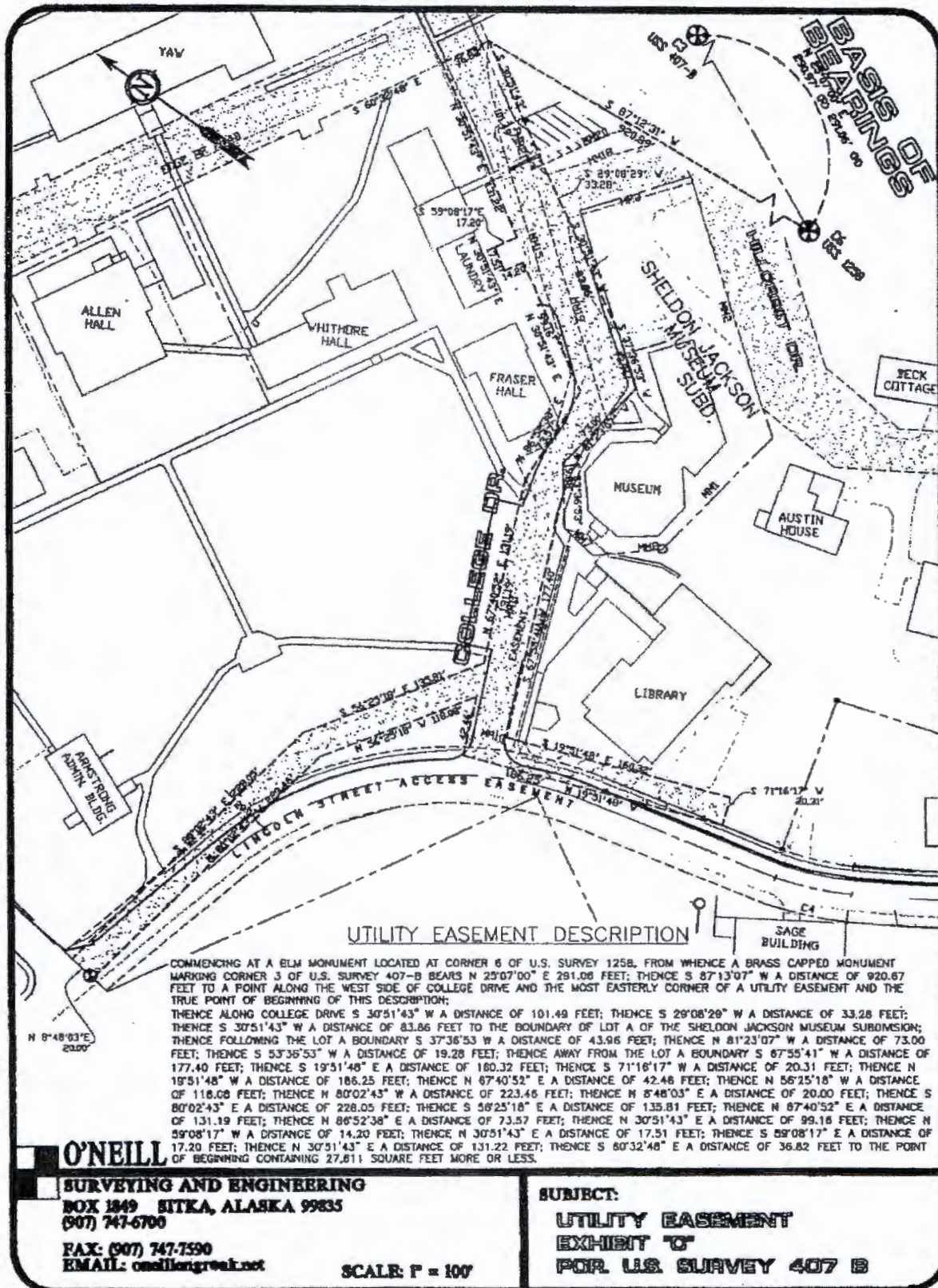
FOR U.S. SURVEY 407 B

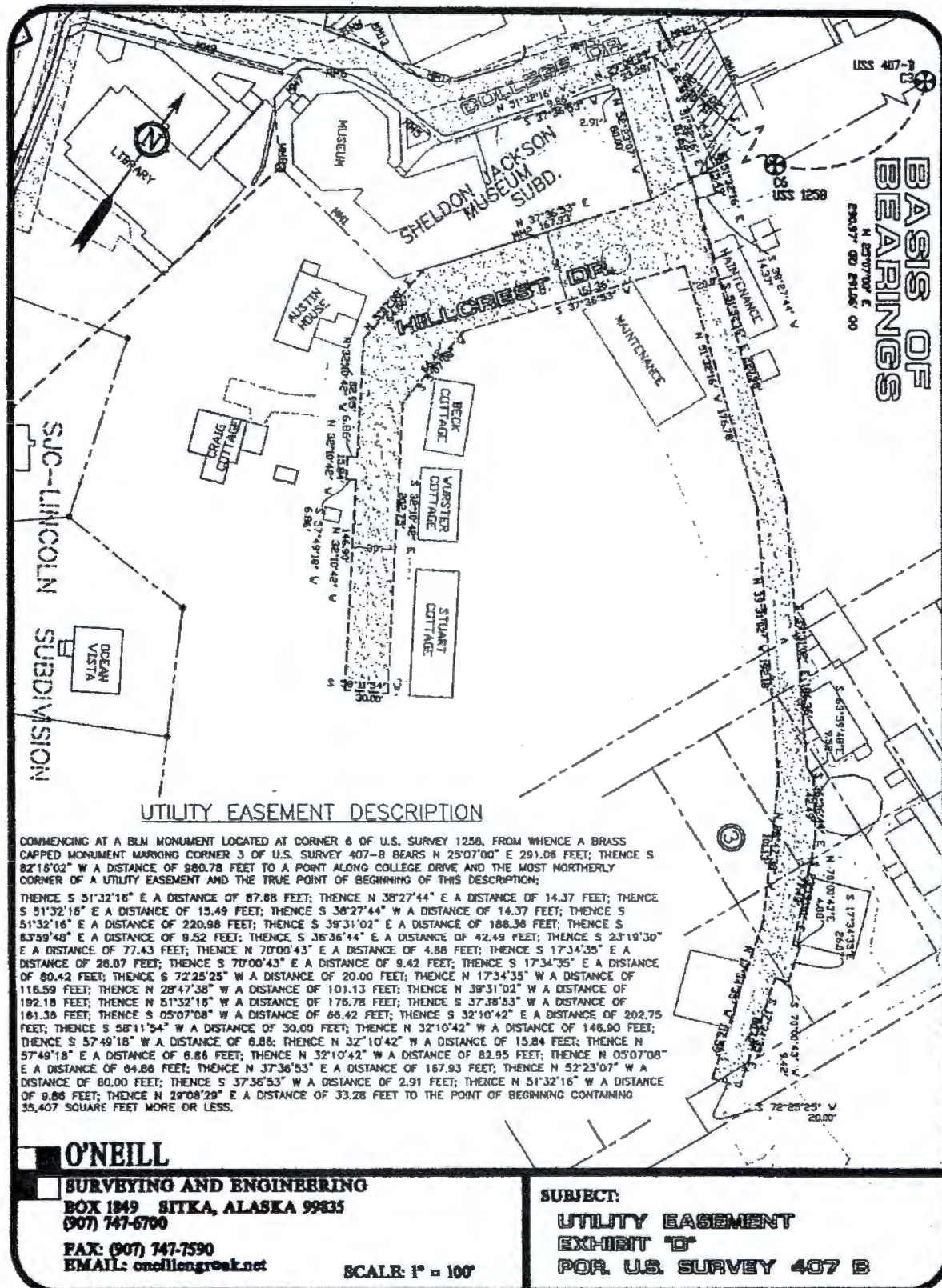


3 of 6

2007-001016-0









CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-25 **Version:** 1 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 6/28/2016 **In control:** Planning Commission
On agenda: 7/19/2016 **Final action:**
Title: PULLED - Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 6-45, 500 Lincoln Street, in the P Public zone. The property is also known as a portion of ATS 15. The application is filed by Tiffany Justice and Ben Timby. The owner of record is the City and Borough of Sitka.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
7/19/2016	1	Planning Commission	POSTPONED	Pass



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-21 **Version:** 2 **Name:**

Type: Conditional Use Permits **Status:** AGENDA READY

File created: 5/31/2016 **In control:** Planning Commission

On agenda: 6/21/2016 **Final action:**

Title: Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the P Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.

Sponsors:

Indexes:

Code sections:

Attachments: [Parker 9.20.16](#)

Date	Ver.	Action By	Action	Result
7/19/2016	2	Planning Commission		



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: September 14, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-21 Short-Term Rental at Crescent Harbor 1-24

GENERAL INFORMATION

Applicant: Bruce & Ann-Marie Parker

Property Owner: Parker Guide Service – boat
City and Borough of Sitka - harbor

Property Address: Crescent Harbor 1-24

Legal Description: Portion of ATS 15

Parcel ID Number: 10258000 - harbor

Size of Existing Lot: N/A

Zoning: Public

Existing Land Use: Public/Recreational

Utilities: Full city services

Access: Foot access from Harbor Drive and Lincoln Street

Surrounding Land Use: Public/Recreational, Residential, Commercial

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: Zoning Map

Attachment D: Flood Zone Map

Attachment E: Subdivision Plat

Attachment F: Parcel Pictures

Attachment G: Application
Attachment H: Comments
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental on a boat at Crescent Harbor 1-24. The boat includes 5 guest cabins, bathroom facilities, and a large galley. The applicants state that smoking is not permitted, and that excessive drinking will not be tolerated. Pets, onboard fishing, fish cleaning, and jumping from the vessel are not permitted. The applicants state that they will provide airport pickup and boat orientation for guests.

CBS Harbormaster Stan Eliason provided comment that the owner would need to comply with proper waste disposal protocol, and that renters may find Crescent Harbor disruptive, as it is a working harbor.

The CBS Assembly voted in May 2016 to list boat short term rentals as a conditional use in the Public Zone. This is the first such application to come before the Planning Commission.

Seattle treats short-term rentals, including those on boats, as accessory uses. Renters must comply with city tax regulations, harbor requirements, and be authorized by the city as an appropriate dwelling unit.

22.16.020 Public Lands District

The P zoning district may allow short-term rentals in harbors as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.¹

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.²

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The boat includes 5 guest cabins. Traffic will depend on whether the owners rent cabins separately or rent the boat as a whole. 5 motel rooms would be expected to generate 28 trips per day³. 1 motel room would be expected to generate 6 trips per day. The harbor and municipal parking facilities are expected to handle frequent traffic.

b. Amount of noise to be generated and its impacts on surrounding land use: Same amount of noise to slightly more as owner-occupied, but visitors/guests will be on vacation and it is common that hotel or other transient guests can be louder than long-term renters.

¹ Table 22.16.015-1

² § 22.24.010.E

³ Spack Consulting ITE Trip Generation Rates – 9th Edition

- c. Odors to be generated by the use and their impacts:** Waste in sewage tanks may create odor; however, all boats with holding tanks may create the same issue.
- d. Hours of operation:** Year-round.
- e. Location along a major or collector street:** Boat accessed at Crescent Harbor.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No concerns.
- g. Effects on vehicular and pedestrian safety:** Renters may be unfamiliar with the harbor/boating environment. Potential impacts can be mitigated by the owners providing safety orientation.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same ability as if the boat was owner-occupied.
- i. Logic of the internal traffic layout:** Not applicable.
- j. Effects of signage on nearby uses:** No proposed signage.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Not applicable.
- l. Relationship of the proposed conditional use to the goals, policies, and objectives of the Comprehensive Plan:** Conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. Proposal also complies with Section 2.8.1, which emphasizes the “encouragement of sightseeing and non-consumptive tourism” by providing a unique experience for visitors. In addition, by adding short-term rentals to boats, this will take some of the demand off the stick-built housing market.
- m. Other criteria that surface through public comments or planning commission review:** The Harbormaster has indicated that waste must be disposed of properly. Renters may be noisy, which could be bothersome to other harbor users. In addition, this harbor is a working harbor that may be noisy for the tenants.
- The Planning Commission has previously discussed concern that short-term rentals may reduce the availability and affordability of long-term rentals.

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:** ⁴
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.

⁴ § 22.30.160.C – Required Findings for Conditional Use Permits

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.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met.

RECOMMENDATION

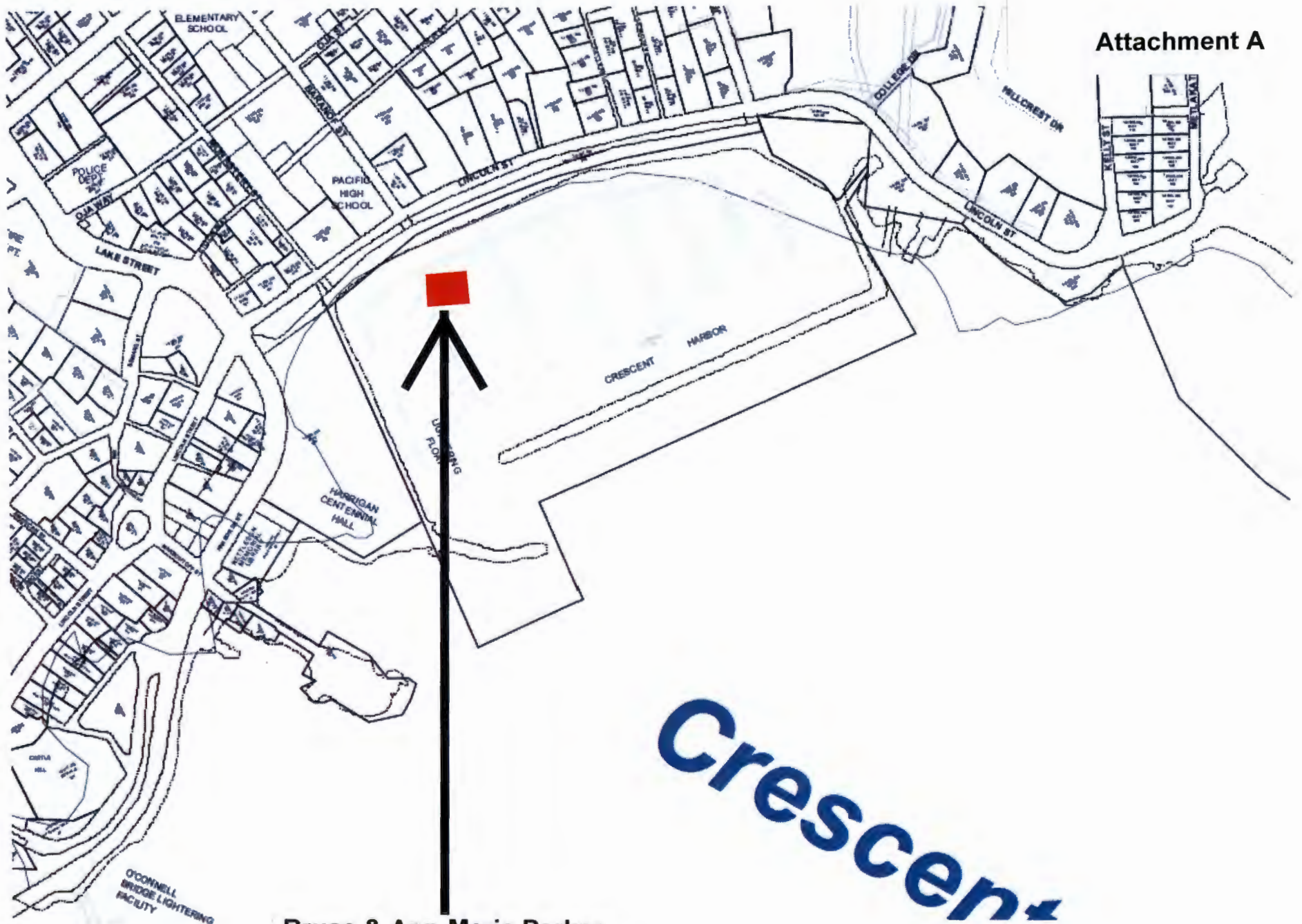
It is recommended that the Planning Commission adopt the staff's analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permit as discussed in the staff report.
- 2) I move to approve the conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the Public zone, subject to attached conditions of approval. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.

Conditions of Approval:

1. The facility shall be operated in compliance with harbor regulations concerning sewage disposal and all other matters.
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 to the Planning Commission and the **Port and Harbors Commission**, 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 and/or the **Port and Harbors Commission**, at their discretion and upon receipt of a meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
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.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. The property owner shall provide orientation information to all renters, which shall cover boat and water safety, ingress and egress, and proper waste disposal.
10. The boat must be approved by the CBS Harbor Department as a liveaboard, and appropriate liveaboard fees must be paid.
11. ~~The boat shall meet all Fire Marshal requirements, including but not limited to smoke alarms, carbon monoxide alarms, fire extinguishers, ventilation, emergency lighting, and emergency escape openings.~~ To become, ***"Pursuant to SGC, Section 22.24.010(C)(2)(C), "Upon filing for sales tax and bed tax accounts, an owner shall obtain a life and safety inspection by the building department and shall comply with the requirements proposed by the department."***
12. Shall comply with all applicable United States Coast Guard regulations regarding pleasure craft.
13. ~~Shall receive review and recommendations to Planning Commission from the Port and Harbors Commission.)~~ ***"Permit to be reviewed by the Planning Commission after 6 months to address any impacts, concerns, and to allow Port and Harbors Commission the opportunity to review and comment on the permit."***
14. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.



Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24



City & Borough of Sitka, Alaska

Selected Parcel: 500 LINCOLN ID: 10258000

Printed on 5/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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.

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24



City & Borough of Sitka, Alaska

Selected Parcel: 500 LINCOLN ID: 10258000

Printed on 5/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24



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City & Borough of Sitka, Alaska

Selected Parcel: 500 LINCOLN ID: 10258000

Printed on 5/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

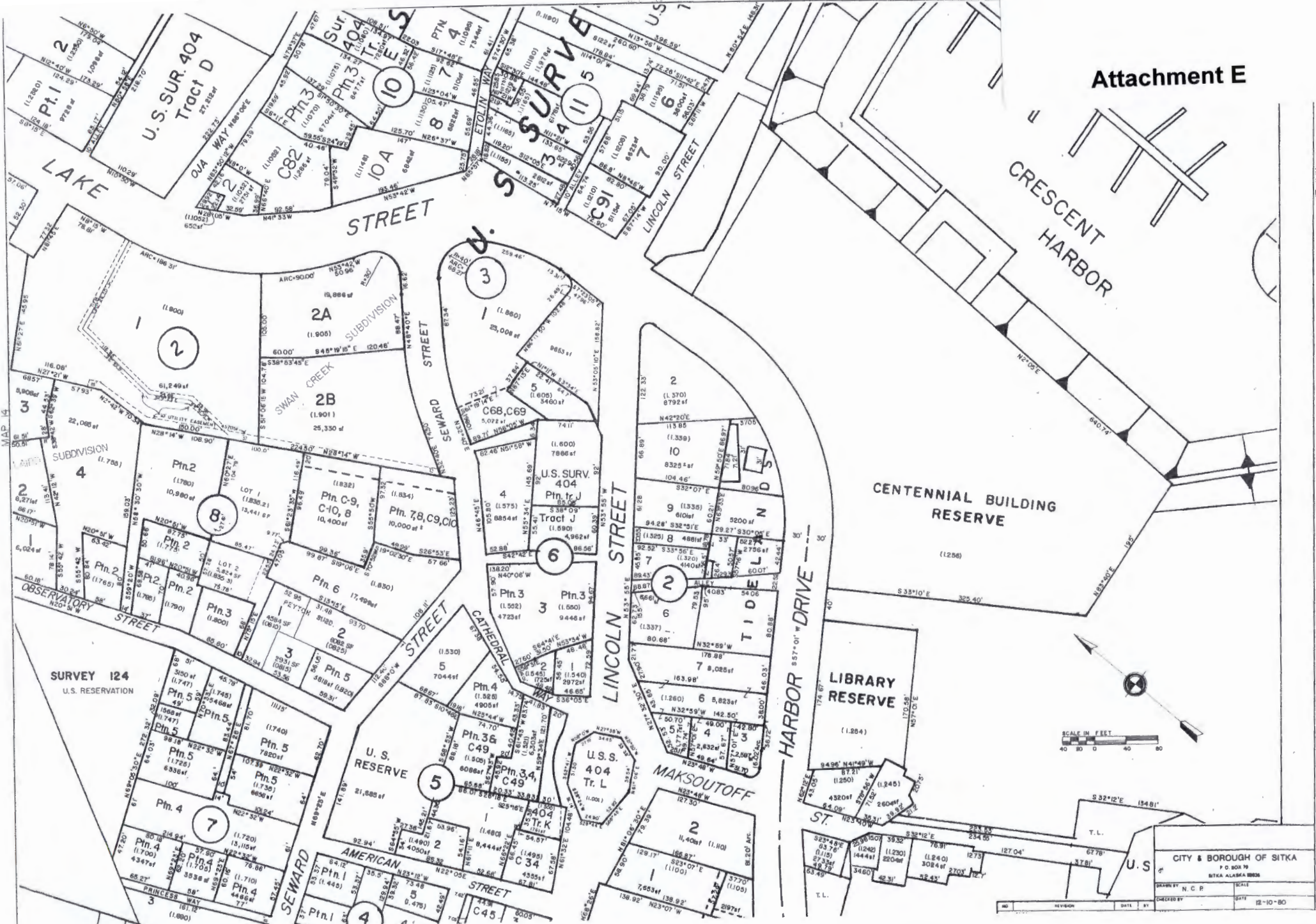


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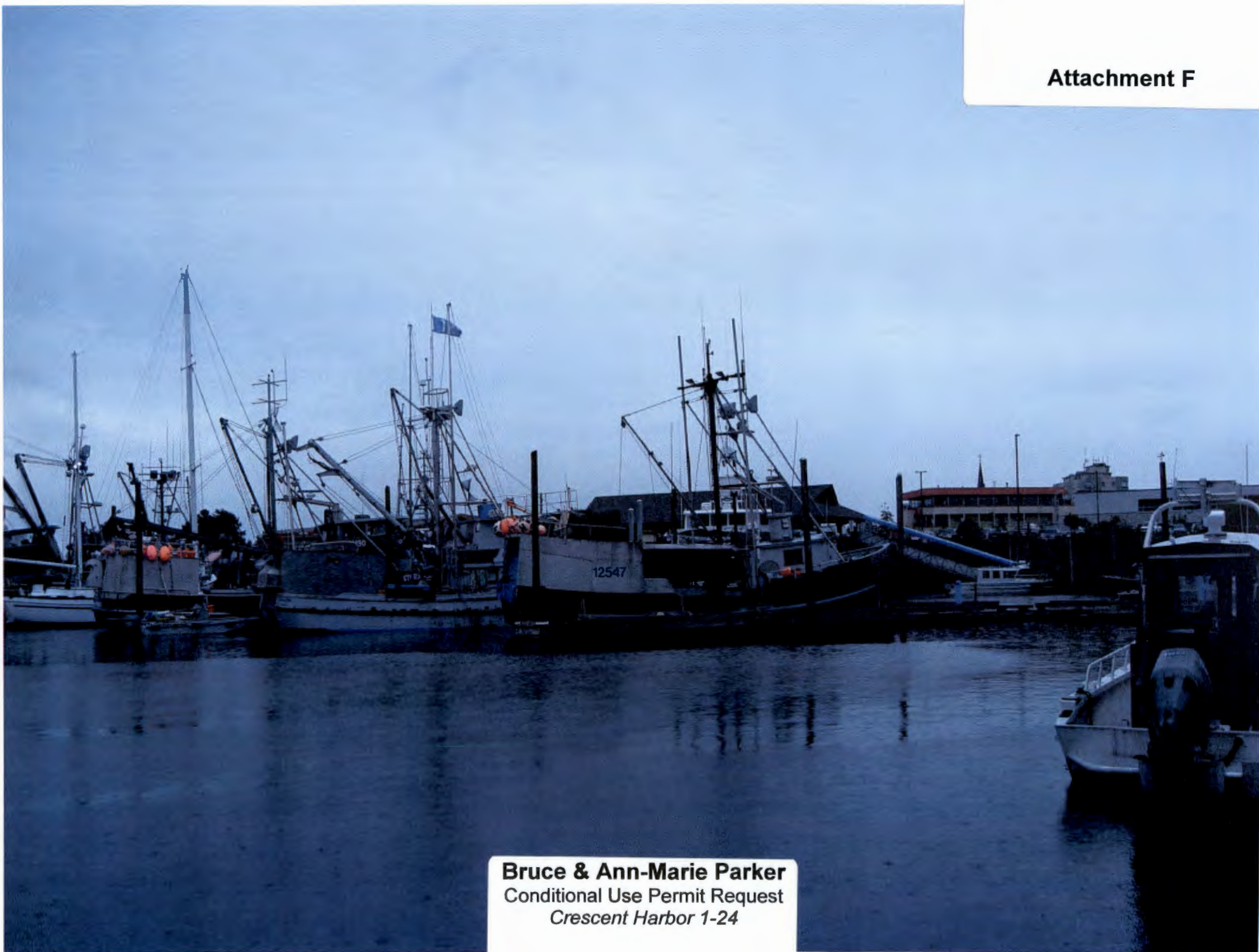
Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

We assume no legal responsibility for the information contained herein.

Attachment E



CITY & BOROUGH OF SITKA
P.O. BOX 79
SITKA, ALASKA 99501
DRAWN BY: N. C. R.
CHECKED BY: _____
DATE: 12-10-80



Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor 1-24



Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor 1-24



Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24



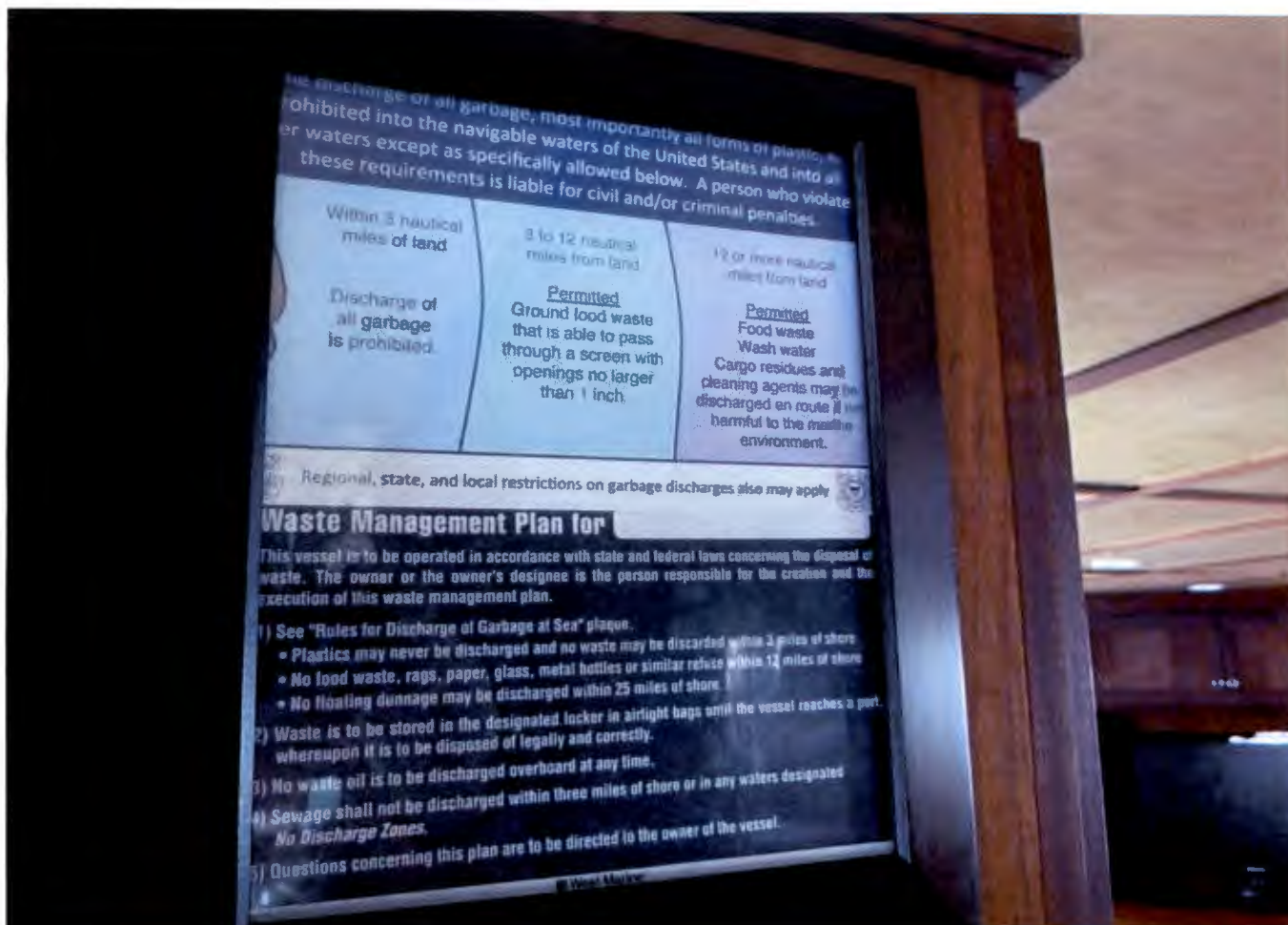
Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

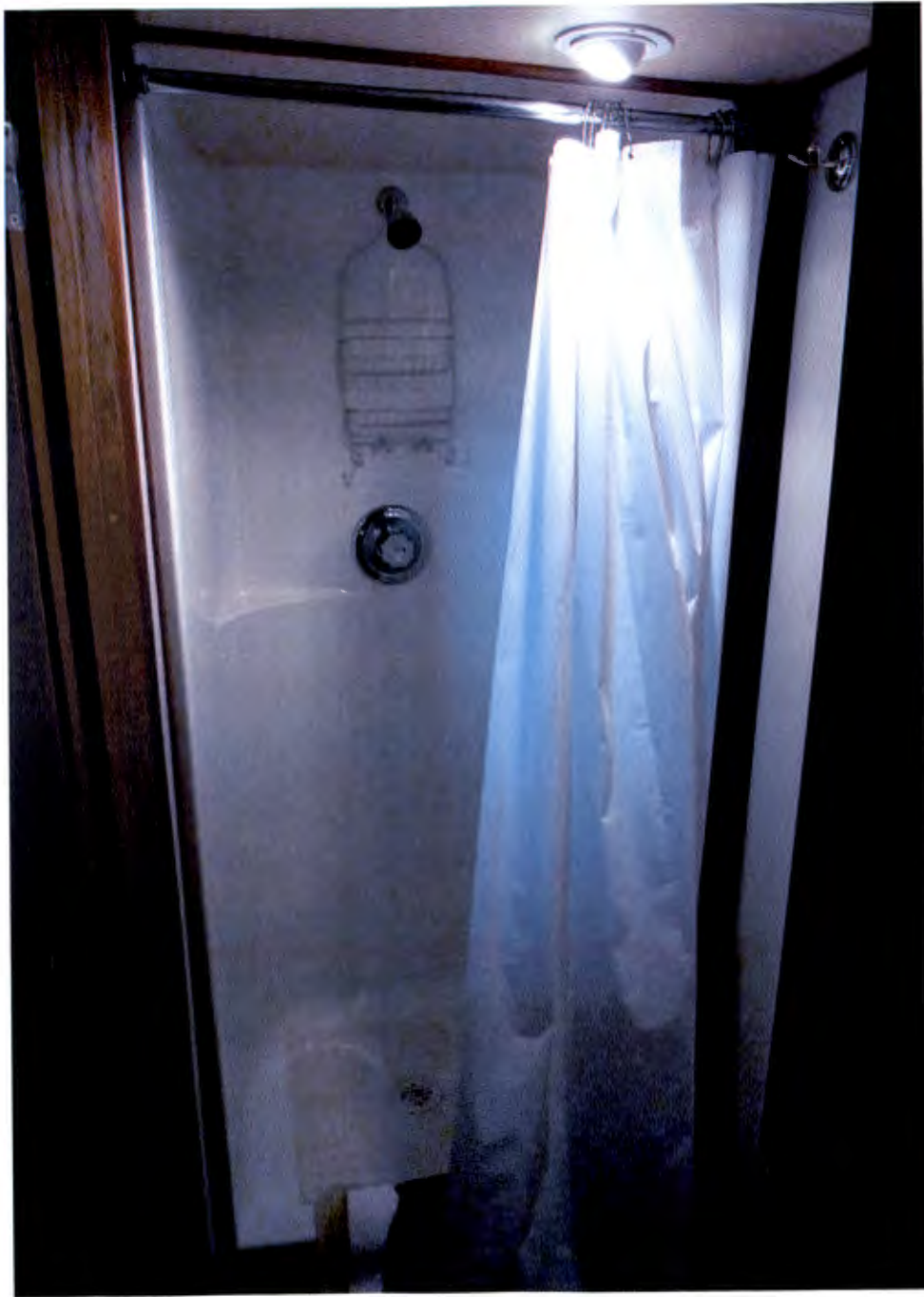


Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24











main lounge area.



upstairs bath



wheelhouse

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

you can relax in after an awesome day of sightseeing in and around Sitka.

For more information about the Alaskan Harvest Yacht
Contact Ann-Marie Parker (907) 738-6766
email: ParkerguideService@gmail.com

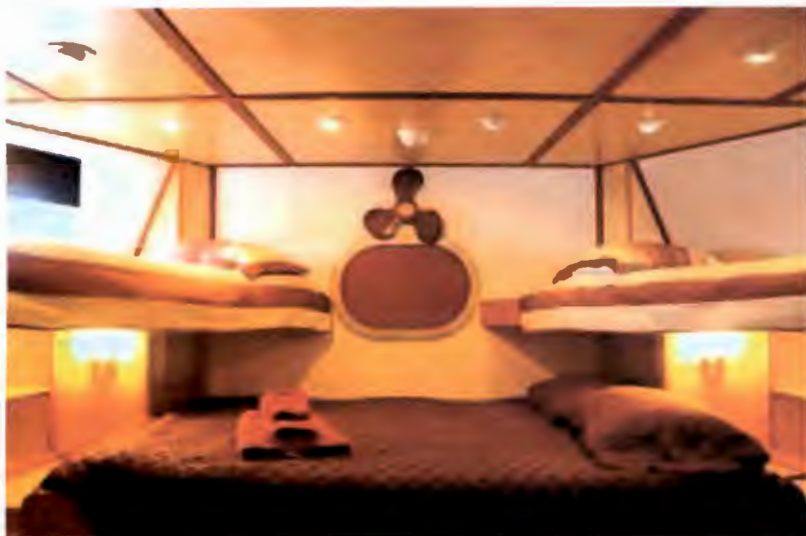


Full Galley on main level



upstairs shared full bath

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24



with private full bath.

Front stateroom sleeps four

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

PLANNING DEPARTMENT
SHORT-TERM RENTAL AND BED & BREAKFAST

Conditional
*P

Attachment G

APPLICANT'S NAME: Bruce & Ann-Marie Parker
PHONE NUMBER: 738-6766
MAILING ADDRESS: PO Box 6290 Sitka

OWNER'S NAME: Bruce & Ann-Marie Parker
(If different from applicant)
PHONE NUMBER: 738-6766
MAILING ADDRESS: PO Box 6290

RECEIVED MAY 25 2016

PROJECT ADDRESS: Crescent Harbor
LEGAL DESCRIPTION
Lot: _____ Block: Crescent 1-24
Subdivision: _____
U.S. Survey: _____ Zoning Classification: _____

☒ List specific request: Conditional use of M/V Alaskan Harvest to be used for short term rentals in Crescent Harbor.

☒ State all reasons for justifying request: New approval of this possibility by the city has given us the opportunity to allow large groups visiting Sitka & Hoonah to have options within pristine harbor setting. Our vessels are self contained water/sewer and 5 star USCG rating would be ideal for this type of visitor.

☒ List all features and details of request: requesting approval of short term conditional use permit to allow visitors to stay aboard our 80ft vessel at Crescent Harbor, C-1-24.

☒ State the schedule and timing of request: As soon as possible.

Please attach drawings, maps, and additional narrative as appropriate.

The applicant must verify, to the satisfaction of the Public Works Department, that utility lines and services are not under proposed structures.

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: Ann-Marie Parker Date: 5-21-16
SIGNATURE OF OWNER: " Date: 5-21-16
(If different from the applicant)

Approval will be based on plans submitted
or approved by the Planning Commission or Assessor
Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor 1-24

Configured to meet the needs of visitors to Sitka Alaska, our luxury yacht is a warm and comfortable way to experience our lovable town.

The main cabin, constructed with beautiful interior hardwoods includes:

- 4 Guest Cabins for 1-3 Guests Each
- 1 Guest Cabin for 1-4 Guests (5 total guest cabins)
- Large viewing windows and upper and lower deck to enjoy the views of Crescent Harbor, located in the heart of downtown Sitka.
- A lounge with plush sofas.
- A 37" flat screen TV with a full selection of movies
- A large dining area with a large table and a 4-person settee
- A large galley with full oven, stovetop, dishwasher, microwave, refrigerator and bbq on the upper deck.

We are located just a 5 minute walk from the convention center, the Sitka Fine Arts Camp campus, and right on the bus line, which can take you anywhere you want to go. Airport pick up would be included in your stay to show you the boat and go over everything.

Rules - There is no smoking is allowed on the vessel because of fuel reasons. There is a short walk up the ramp with covered areas in which to smoke. No excessive drinking or behavior will be tolerated. Pets, fishing onboard the vessel, jumping or swimming off the vessel, and processing of fish are not allowed. This is our home away from home and we would like to share it with you and yours.

More about the staterooms...

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

There are four separate guest staterooms. Each stateroom has either a double or queen and a single bunk and includes a shower, head and sink. The 80' luxurious yacht M/V Alaskan Harvest is your home on the water —a comfortable “base camp” you can relax in after an awesome day of sightseeing in and around Sitka.

**For more information about the Alaskan Harvest Yacht
Contact Ann-Marie Parker (907) 738-6766
email: ParkerguideService@ gmail.com**

Philadelphia Indemnity Insurance Company

COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

Policy Number: PHPK1450821

Agent # 100729

☒ See Supplemental Schedule

LIMITS OF INSURANCE

\$	2,000,000	General Aggregate Limit (Other Than Products – Completed Operations)
\$	2,000,000	Products/Completed Operations Aggregate Limit
\$	1,000,000	Personal and Advertising Injury Limit (Any One Person or Organization)
\$	1,000,000	Each Occurrence Limit
\$	100,000	Rented To You Limit (Any One Premises)
\$	5,000	Medical Expense Limit (Any One Person)

FORM OF BUSINESS: CORPORATION

Business Description: Guides and Outfitters

Location of All Premises You Own, Rent or Occupy: **SEE SCHEDULE ATTACHED**

AUDIT PERIOD, ANNUAL, UNLESS OTHERWISE STATED: This policy is not subject to premium audit.

Classifications	Code No.	Premium Basis	Rates		Advance Premiums	
			Prem./ Ops.	Prod./ Comp. Ops	Prem./ Ops.	Prod./ Comp. Ops.
SEE SCHEDULE ATTACHED						
TOTAL PREMIUM FOR THIS COVERAGE PART:					\$ 3,099.00	\$

RETROACTIVE DATE (CG 00 02 ONLY)

This insurance does not apply to "Bodily Injury", "Property Damage", or "Personal and Advertising Injury" which occurs before the retroactive date, if any, shown below.

Retroactive Date: NONE

FORM (S) AND ENDORSEMENT (S) APPLICABLE TO THIS COVERAGE PART: Refer To Forms Schedule

Contract Signature Date

Authorized Representative

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**BELL ENDORSEMENT**
**PHILADELPHIA
INSURANCE COMPANIES**

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

Unless otherwise stated herein, the terms, conditions, exclusions and other limitations set forth in this endorsement are solely applicable to coverage afforded by this endorsement, and the policy is amended as follows:

I. SCHEDULE OF ADDITIONAL COVERAGES AND LIMITS

The following is a summary of Limits of Liability or Limits of Insurance and/or additional coverages provided by this endorsement. This endorsement is subject to the provisions of the policy to which it is attached.

COVERAGE	LIMITS OF INSURANCE
Business Travel Accident Benefit	\$50,000
Conference Cancellation	\$25,000
Donation Assurance	\$50,000
Emergency Real Estate Consulting Fee	\$50,000
Fundraising Event Blackout	\$25,000
Identity Theft Expense	\$50,000
Image Restoration and Counseling	\$50,000
Key Individual Replacement Expenses	\$50,000
Kidnap Expense	\$50,000
Political Unrest	\$5,000 per employee: \$25,000 policy limit
Temporary Meeting Space Reimbursement	\$25,000
Terrorism Travel Reimbursement	\$50,000
Travel Delay Reimbursement	\$1,500
Workplace Violence Counseling	\$50,000



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/17/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Venneberg Insurance Inc. 225 Harbor Drive Sitka, AK 99835	CONTACT NAME: Amy Watson	
	PHONE (A/C No. Ext): (907) 747-8625	FAX (A/C No.): (907) 747-5065
INSURED Parker Guide Service, Inc. P.O. Box 6290 Sitka, AK 99835	E-MAIL ADDRESS: amy@venneberginsurance.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Philadelphia Indemnity Ins Co	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** GL 2014 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X		PHPK1149951	4/1/2014	4/1/2015	MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS						\$
	<input type="checkbox"/> NON-OWNED AUTOS						
	UMBRELLA LIAB						EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR						AGGREGATE \$
	EXCESS LIAB						\$
	<input type="checkbox"/> CLAIMS-MADE						\$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N					E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Show Michigan Corp., ShowSpan, Inc., and their officers, officials, agents, and employees are named as additional insureds.

CERTIFICATE HOLDER mollyh@showspan.com Show Michigan Corp. and Showspan, Inc. 2121 Celebration Drive NE Grand Rapids, MI	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Michael Venneberg/AJN
---	--



City and Borough of Sitka

100 Lincoln Street
Sitka, AK 99835
Phone 907-747-1843, Fax 907-747-4779
FORWARDING SERVICE REQUESTED

Website: www.cityofsitka.com

Bill Date 04/28/2016
Due Date 05/27/2016

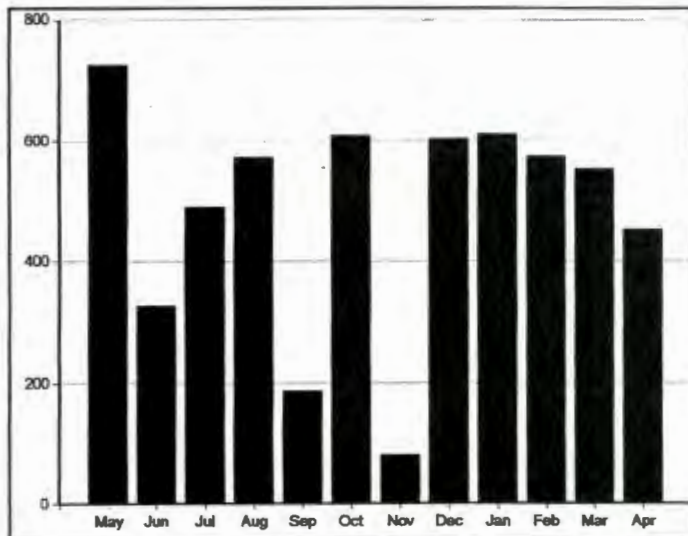
Customer Message

PARKER GUIDE SERVICE
PO BOX 6290
SITKA, AK 99835

Billing Period 03/28/2016 - 04/27/2016

Account Number		Service Address		Route Number	Number of Days in Cycle
4589-007		CRES 1-24			31
Meter Number	Previous Read Date	Previous Read	Current Read Date	Current Read	Current Consumption
000100124	03/22/2016	69,662	04/21/2016	70,116	454

Consumption	Actual	Multiplier	Billed
	454	1	454



Previous Balance 87.90
Payments - Thank You 87.90-
Adjustments 0.00
Penalties 0.00

Current Activity

EL Consumption 70.18
Sales Tax 4.22
Refuse Drop 0.00
Fuel Surcharge 0.00

Total Current Charges 74.40
Paid on Credit Card 74.40-
Balance Due 0.00

Detach and return with payment

Bill Date 04/28/2016
Account # 4589-007
Name PARKER GUIDE SERVICE
Address CRES 1-24

Current Due Date	Past Due Amount	Current Charges	Balance Due	Amount Enclosed
05/27/2016	0.00	74.40	0.00	



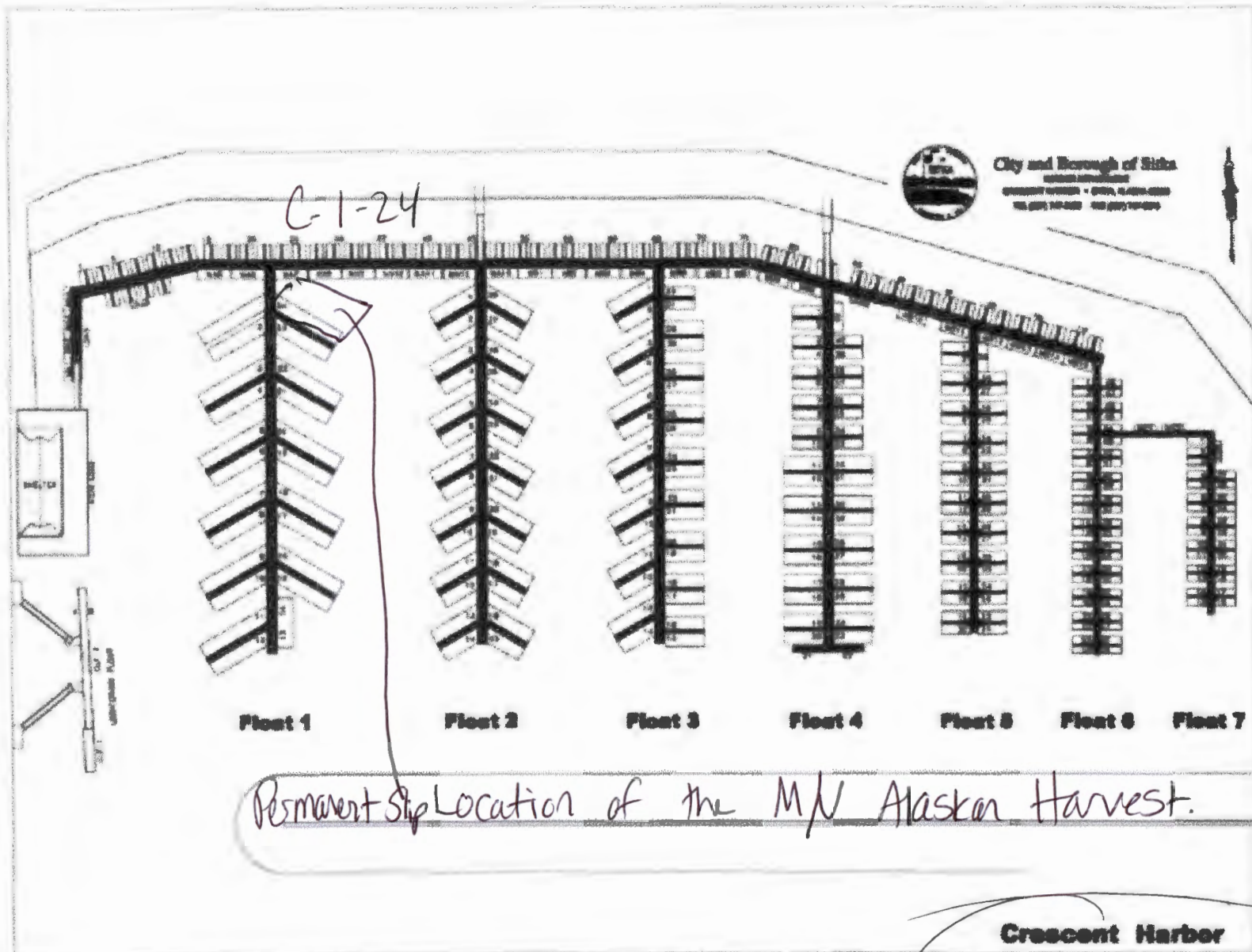
BALANCE DUE WILL BE AUTOMATICALLY PAID BY CREDIT CARD

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

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

Billing questions call 907-747-1843

Credit card payments call 907-747-1818



Bruce & Ann-Marie Parker
 Conditional Use Permit Request
 Crescent Harbor I-24

From: Stan Eliason
Sent: Tuesday, June 07, 2016 9:41 AM
To: Samantha Pierson
Subject: RE: Boat short-term rental

Samantha, we need to make it clear that this harbor is a working harbor. Commercial/Charter vessels coming and going at all times during the mornings and evenings. Their guests could find this disruptive. Also, we need to make it clear that no sewage raw or treated will be discharged into the waters of the harbor.

From: Samantha Pierson
Sent: Tuesday, June 07, 2016 9:12 AM
To: Stan Eliason <stan.eliason@cityofsitka.org>
Subject: Boat short-term rental

Stan,

We have received a request for a short-term rental for a boat in the harbor. I have attached the supporting documents. Please let me know if you have any comments or concerns. Thanks!

Sam

Samantha Pierson
Planner I
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835
(907) 747-1814

For Planning Commission

RECEIVED JUL 18 2016



City and Borough of Sitka

100 Lincoln Street

Sitka, Alaska 99835

Ph: 747-1808

Fax: 747-7403

PUBLIC COMMENT FORM

☐ Compliment

☒ Comment

☐ Complaint

Date: July 15, 2016

Name: Marcia Strand

Address: 402 Baranof

Phone: 752-0438

Statement:

LOTS of reasons overnight rentals for Visitors onto Docked boats in Crescent Harbor... *are a bad idea -*

1. Absentee boat owners -

a. Poor accountability *most likely*

b. No liability insurance required (not even by banks).

2. Clients unfamiliar (with equipment and boat life)...walk off airplane, check-in, no switches or levers to control surroundings...

leisure expectations like a motel room.

a. Little awareness of propane, carbon monoxide, grey water.

b. Budgeting electricity usage not on the "radar."

3. OTHER:

Alcohol/drug impairments more lethal results on a docked boat.

Even leisure time use of lit candles unattended away from harbors have expensive consequences let alone in all scenerios above.

life & property

4. Will hirees and city services be adequately compensated for all

above??????

For

Office Use

Only

Referred to:

Department:

Signed by:

Response/date provided (forward to Administrator):

Attachment I

Parcel ID: 11165000
SANDRA BURGESS
PARADISE COURT
BURGESS, SANDRA, K.
1494 SW GRANDVIEW AVE
CHEHALIS WA 98532

Parcel ID: 11180000
CHRIS/TAMARA FONDELL
FONDELL, CHRISTOPHER/TAMARA
P.O. BOX 1771
SITKA AK 99835-1771

Parcel ID: 11190000
GARY/RUTH MCMASTER
MCMASTER, GARY/RUTH
1722 EDGECLIMBE DR
SITKA AK 99835

Parcel ID: 11192000
U. S. PARK SERVICE
U.S. PARK SERVICE
103 MONASTERY ST
SITKA AK 99835

Parcel ID: 11195000
SITKA ART REALTY ASSOC.,LLC
SITKA ART REALTY ASSOC., LLC
419 LINCOLN ST
SITKA AK 99835

Parcel ID: 11205000
DAVID/SUSAN CONNER
BAYVIEW TRADING COMPANY
CONNER, DAVID & SUSAN
143 VALLEY VIEW DR.
OROVILLE CA 95966

Parcel ID: 11210000
CHARLES/CHRISTI HORAN
HORAN, CHARLES, E./CHRISTINE, M.
P.O. BOX 2003
SITKA AK 99835-2003

Parcel ID: 11220000
NATIONAL PARK SERVICE
RUSSIAN BISHOP'S HOUSE
NATIONAL PARK SERVICE
(DEPT.INTERIOR)
P.O. BOX 738
SITKA AK 99835-0738

Parcel ID: 11610000
EPISCOPAL CHURCH
EPISCOPAL CHURCH
611 LINCOLN ST
SITKA AK 99835

Parcel ID: 11635000
DIOCESE OF SITKA & ALASKA
BECCC LEASE
DIOCESE OF SITKA & AK, ORTHODOX
CHURCH
P.O.BOX 210569
ANCHORAGE AK 99521

Parcel ID: 11665000
THE CORP OF THE CATHOLIC BISHOP
OF JNU
CORP OF THE CATHOLIC BISHOP
P.O. BOX 495
SITKA AK 99835-0495

Parcel ID: 11670000
R. J./DIXIE MCCLINTOCK
MCCLINTOCK, R. J./DIXIE
102 BARANOF ST.
SITKA AK 99835

Parcel ID: 11675000
BOVEE IRREVOCABLE CHILDREN'S
TRUST
BOVEE IRREVOCABLE CHILDREN'S
TRUST
601-B LINCOLN ST.
SITKA AK 99835

Parcel ID: 10256000
~~CITY & BOROUGH OF SITKA~~
~~CENTENNIAL BLDG.~~
~~C/B OF SITKA~~
~~100 LINCOLN ST~~
~~SITKA AK 99835~~

Parcel ID: 10258000
~~CITY & BOROUGH OF SITKA~~
~~CRESCENT HARBOR TIDELANDS~~
~~C/B OF SITKA~~
~~100 LINCOLN ST~~
~~SITKA AK 99835~~

Parcel ID: 11165000
SANDRA BURGESS
PARADISE COURT
BURGESS, SANDRA, K.
1494 SW GRANDVIEW AVE
CHEHALIS WA 98532

Parcel ID: 11180000
CHRIS/TAMARA FONDELL
FONDELL, CHRISTOPHER/TAMARA
P.O. BOX 1771
SITKA AK 99835-1771

Parcel ID: 11190000
GARY/RUTH MCMASTER
MCMASTER, GARY/RUTH
1722 EDGE CUMBE DR
SITKA AK 99835

Parcel ID: 11192000
U. S. PARK SERVICE
U.S. PARK SERVICE
103 MONASTERY ST
SITKA AK 99835

Parcel ID: 11195000
SITKA ART REALTY ASSOC., LLC
SITKA ART REALTY ASSOC., LLC
419 LINCOLN ST
SITKA AK 99835

Parcel ID: 11205000
DAVID/SUSAN CONNER
BAYVIEW TRADING COMPANY
CONNER, DAVID & SUSAN
143 VALLEY VIEW DR.
OROVILLE CA 95966

Parcel ID: 11210000
CHARLES/CHRISTI HORAN
HORAN, CHARLES, E./CHRISTINE, M.
P.O. BOX 2903
SITKA AK 99835-2003

Parcel ID: 11220000
NATIONAL PARK SERVICE
RUSSIAN BISHOP'S HOUSE
NATIONAL PARK SERVICE
(DEPT. INTERIOR)
P.O. BOX 738
SITKA AK 99835-0738

Parcel ID: 11610000
EPISCOPAL CHURCH
EPISCOPAL CHURCH
611 LINCOLN ST
SITKA AK 99835

Parcel ID: 11635000
DIOCESE OF SITKA & ALASKA
BECCC LEASE
DIOCESE OF SITKA & AK, ORTHODOX
CHURCH
P.O. BOX 210569
ANCHORAGE AK 99521

Parcel ID: 11665000
THE CORP OF THE CATHOLIC BISHOP
OF JNU
CORP OF THE CATHOLIC BISHOP
P.O. BOX 495
SITKA AK 99835-0495

Parcel ID: 11670000
R. J./DIXIE MCCLINTOCK
MCCLINTOCK, R. J./DIXIE
102 BARANOF ST.
SITKA AK 99835

Parcel ID: 11675000
BOVEE IRREVOCABLE CHILDREN'S
TRUST
BOVEE IRREVOCABLE CHILDREN'S
TRUST
601-B LINCOLN ST.
SITKA AK 99835

Parcel ID: 12150000
~~CITY & BOROUGH OF SITKA~~
~~BARANOF SCHOOL~~
~~CITY & BOROUGH OF SITKA~~
~~100 LINCOLN ST~~
~~SITKA AK 99835~~

P&Z Mailing
July 8, 2016

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

Parcel ID: 10258000
~~CITY & BOROUGH OF SITKA~~
~~CRESCENT HARBOR TIDELANDS~~
~~C/B OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 11675000
BOVEE IRREVOCABLE CHILDREN'S
TRUST
BOVEE IRREVOCABLE CHILDREN'S
TRUST
601-B LINCOLN ST.
SITKA AK 99835

Parcel ID: 11220000
NATIONAL PARK SERVICE
RUSSIAN BISHOP'S HOUSE
NATIONAL PARK SERVICE
(DEPT.INTERIOR)
P.O. BOX 738
SITKA AK 99835-0738

Parcel ID: 12150000
~~CITY & BOROUGH OF SITKA~~
~~BARANOF SCHOOL~~
~~CITY & BOROUGH OF SITKA~~
~~100 LINCOLN ST~~
SITKA AK 99835

Parcel ID: 11665000
THE CORP OF THE CATHOLIC BISHOP
OF JNU
CORP OF THE CATHOLIC BISHOP
P.O. BOX 495
SITKA AK 99835-0495

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

P&Z Mailing
June 10, 2016



Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

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

Date: 05/25/2016
Receipt: 2016-00059336
Cashier: Front Counter
Received From: BRUCE/ANN MARIE PARKER

PLAN - Planning Permits/Zo	100.00
ning	
STL - Sales Tax 2nd quarte	
CY	6.00
Receipt Total	106.00
Total check	106.00
Total Remitted	106.00
Total Received	106.00

Attachment J

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 5/25/16

To: Bruce + Anne-Marie Parker

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	
Conditional Use Permit.....	100.00
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.....	6.00
TOTAL.....	106.00

Thank you

Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

Batch #: 19454600 / Doc #: 29 / File Date: 5/8/2014 1:25:00 PM

Attachment K

Recording Requested By:
Wells Fargo Bank, N.A.
PO Box 8203, Mac # U1851-015
Boise, ID 83707-2203

When recorded, please return to:
PARKER GUIDE SERVICE, INC.
PO BOX 8290
SITKA AK 99835-8290

RE: 1437312498FS

**SATISFACTION/RELEASE OF MORTGAGE
OR CLAIM OF LIEN**

NOTE: Prepare and submit in duplicate—one instrument must have original signatures; one may be a copy.

VESSEL NAME AND
OFFICIAL NUMBER: **Alaskan Harvest O/N 608668**

Name of Mortgagor, if any: **Parker Guide Service Inc.**

Name of Mortgagee OR CLAIMANT: **Wells Fargo Bank, National Association**

Amount of Mortgage or Claim of Lien: **[REDACTED]**

Recorded in Batch **644895** Doc ID **9053890**

Mortgagee hereby affirms that the indebtedness referenced above is to be removed from the record of subject vessel.

DATED this 30 day of April, 2014.

Wells Fargo Bank, National Association

Amber Reinecker

Amber Reinecker -Officer

STATE OF IDAHO
ss.
COUNTY OF ADA

On this 30 day of April, 2014, before me, the undersigned Notary Public, personally appeared Amber Reinecker and known to me to be the Officer, authorized agent for Wells Fargo Bank, National Association, a national banking association, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said national banking association, duly authorized by the national banking association through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument.

[Signature]
Idaho Notary Public

My commission expires: 3-7-14



Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

U.S. Department of
Homeland Security

United States
Coast Guard



Director
National Vessel Documentation Center

792 T. J. Jackson Drive
Falling Waters, WV 25419
Phone: (800) 799-8362
Fax: 304-271-2405

August 27, 2014

**PARKER GUIDE SERVICE INC
306 PRICE ST
PO BOX 6290
SITKA AK 99835**

Regarding your recent submission to the National Vessel Documentation Center

This cover letter with enclosure(s) is sent in response to a submission made to this office. If you have any questions, please contact the National Vessel Documentation Center at the number shown above.

Enclosures:

(1) Satisfaction O/N: 608668 1 PAGE(S)

TOTAL: 2 PAGE(S) (including cover page)



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 16-11 **Version:** 1 **Name:**

Type: Subdivision **Status:** AGENDA READY

File created: 8/30/2016 **In control:** Planning Commission

On agenda: 9/20/2016 **Final action:**

Title: Public hearing and consideration of a preliminary plat of a minor subdivision on Whale Island, zoned GI General Island. The request would result in 3 lots. The property is also known as Lot 2 Tract A US Survey 3556. The request is filed by David Russell. The owner of record is John W. Williams.

Sponsors:

Indexes:

Code sections:

Attachments: [Williams 9.20.16](#)

Date	Ver.	Action By	Action	Result
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City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: August 15, 2016

From: PCDD Staff

To: Planning Commission

Re: P 16-11 Preliminary Plat of a Minor Subdivision on Whale Island

GENERAL INFORMATION

Applicant: David Russell

Property Owner: John Williams

Property Address: Whale Island

Legal Description: Lot 2 Tract A US Survey 3556

Parcel ID Number: 4-9141-000

Size of Existing Lot: 5.16 acres

Zoning: General Island

Existing Land Use: undeveloped

Utilities: Municipal electric available

Access: via water

Surrounding Land Use: undeveloped

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 owner of lot 2 now wishes to subdivide his 5.16 acre lot into three lots. He plans to sell two lots to David Russell and keep one lot for his own use.

PROJECT DESCRIPTION

The proposed subdivision would divide one lot into three lots. The current lot is 5.16 acres. The proposed lots would be 87,097 square feet, 86,970 square feet, and 50,412 square feet. The lots are all in excess of General Island's 1 acre minimum lot size.

No new easements are shown on the proposed plat. All three lots abut the ocean, giving each water access. Municipal electricity is available on Whale Island, while municipal water and wastewater are not.

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 all lots have ocean access. The subdivision would create the opportunity for the development of two additional residential and/or recreational properties.

Plat note one includes an error, stating that the plat creates two lots. The plat creates three lots. This error should be corrected on the final plat.

Traffic: Three 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.¹ 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.

¹ Section 22.20.100.G.1—Residential Uses

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 preliminary plat of the minor subdivision of Lot 2 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 preliminary plat of a minor subdivision of a portion of Whale Island, also known as Lot 2 Tract A US Survey 3556. This approval is contingent upon the correction of plat note one. The request is filed by David Russell. The owner of record is John W. Williams.

Middle Channel

Island

Beardslee
Island

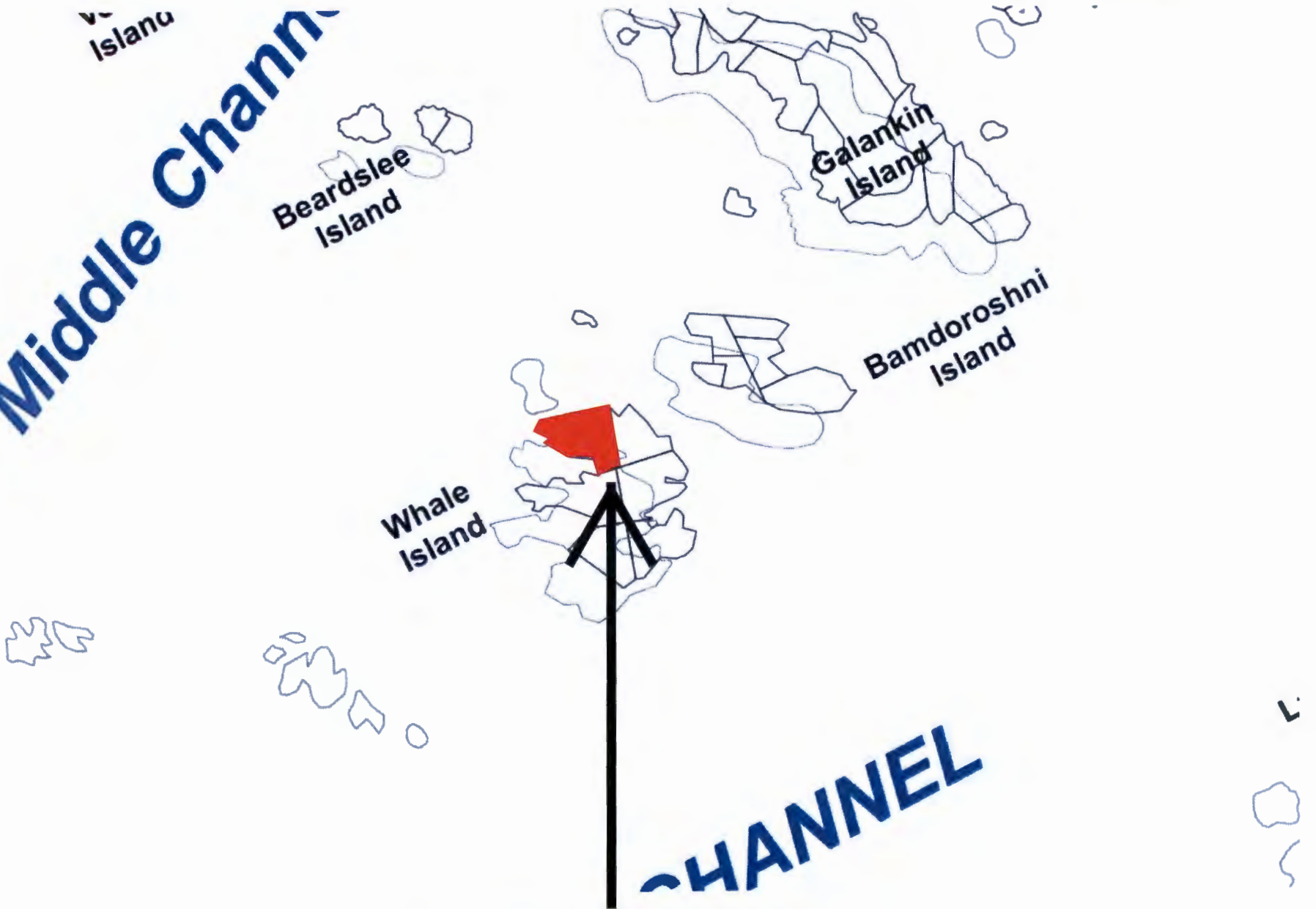
Galankin
Island

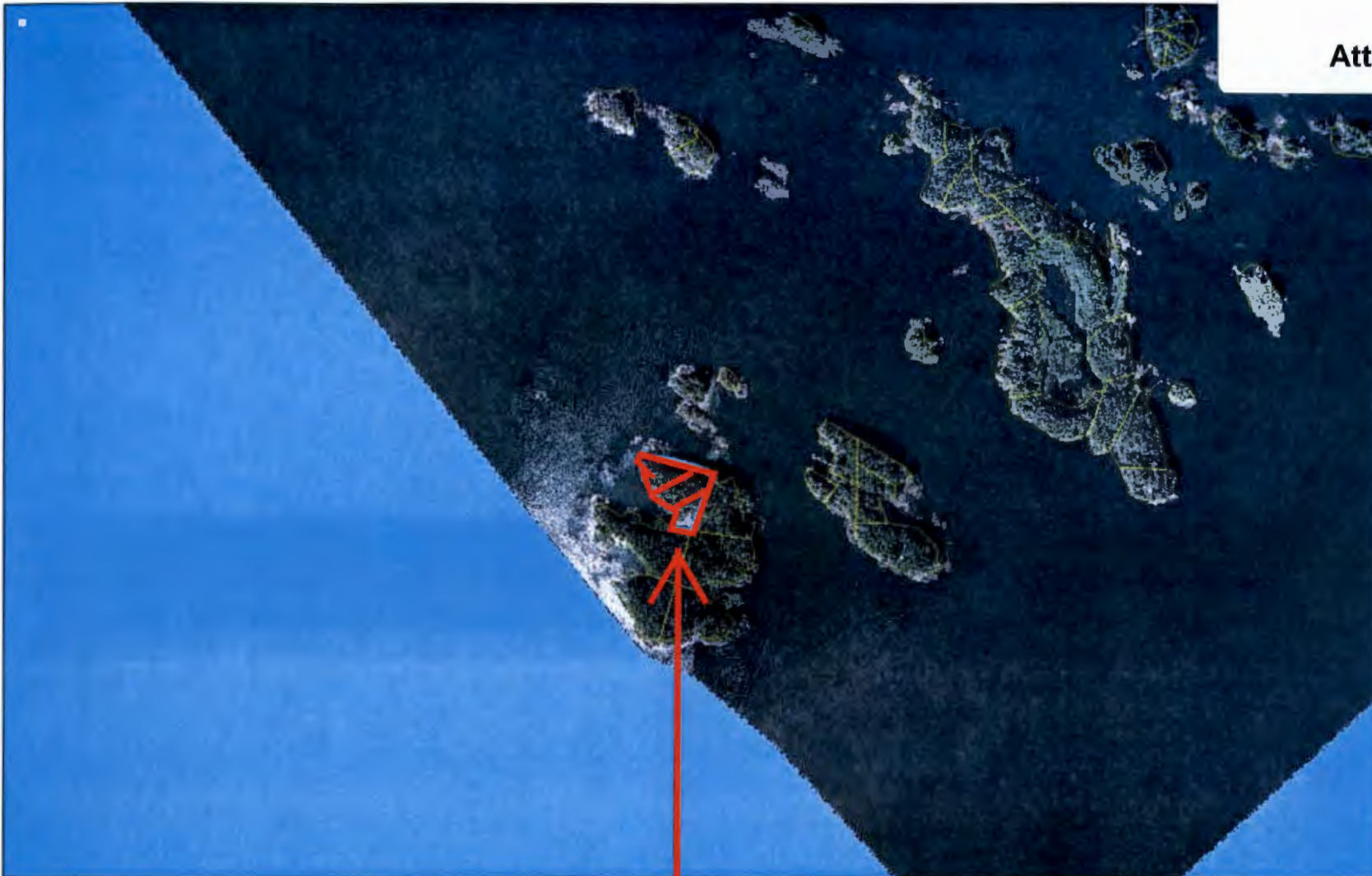
Bamdooroshni
Island

Whale
Island

CHANNEL

Russell for Williams
Minor Subdivision
Whale Island





City & Borough of Sitka, Alaska

Selected Parcel: 0 WHALE ISLAND ID: 49141000

Printed on 8/9/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>

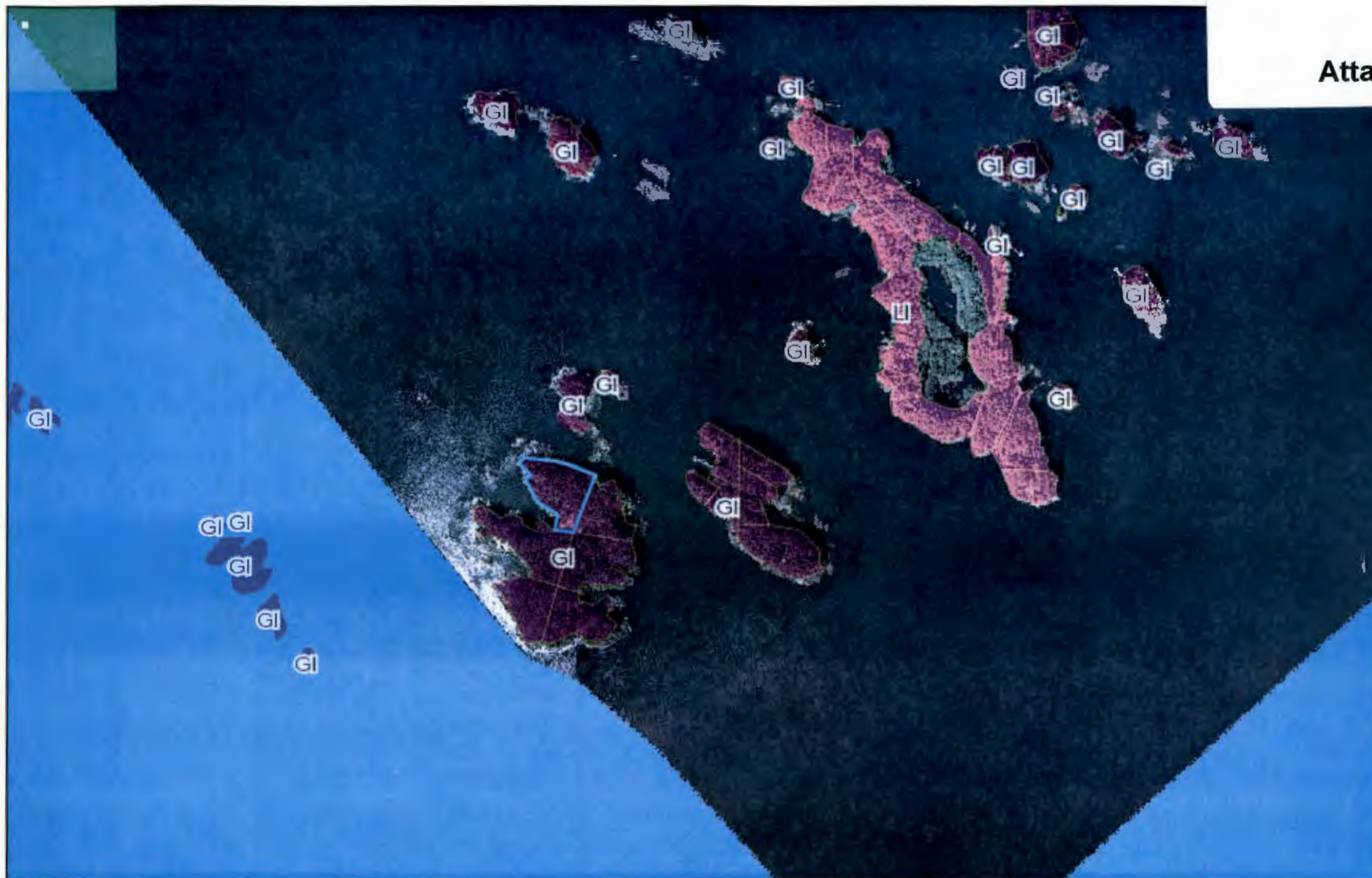
500 m
1000 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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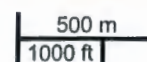
Russell for Williams
Minor Subdivision
Whale Island



City & Borough of Sitka, Alaska

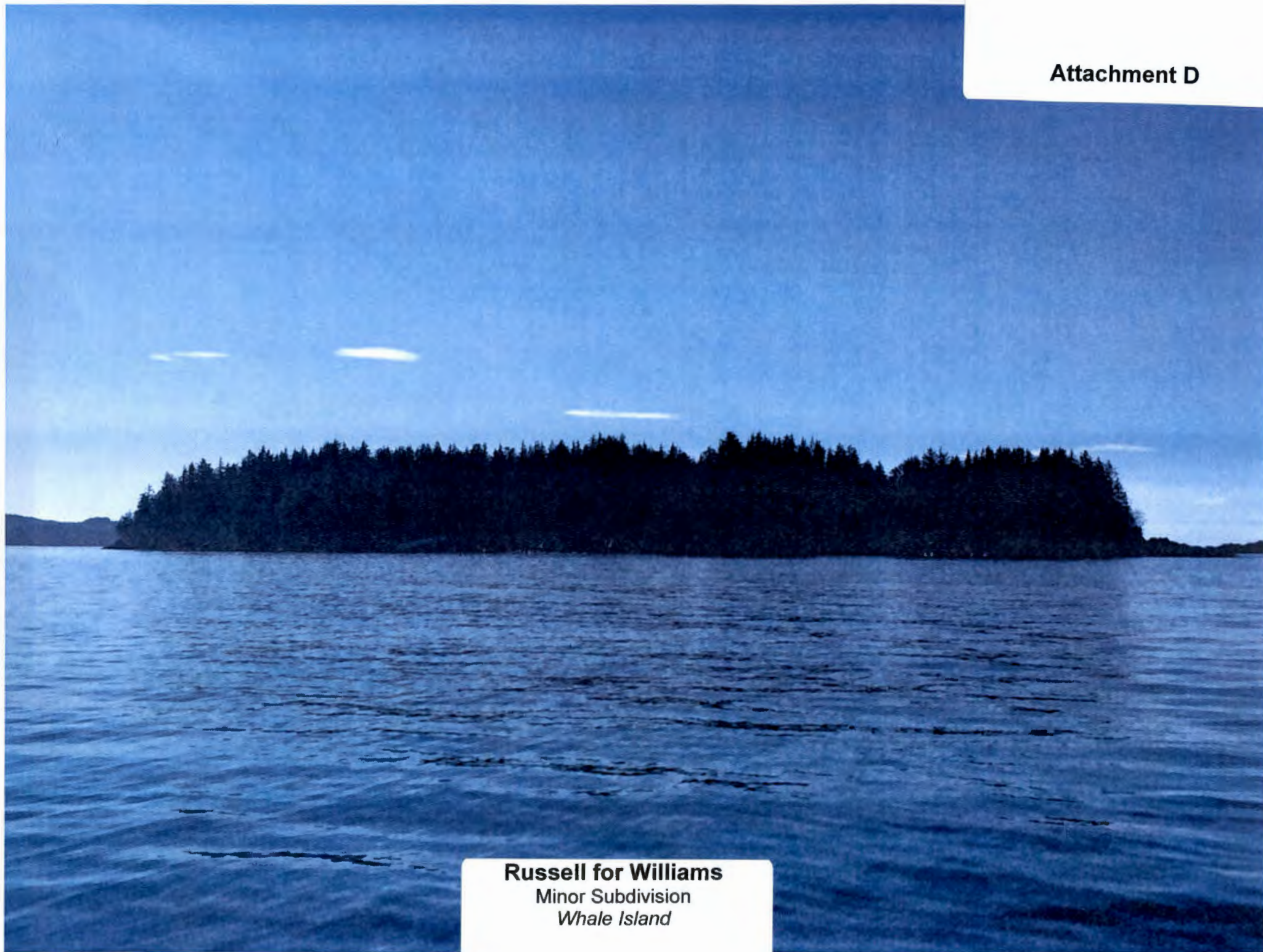
Selected Parcel: 0 WHALE ISLAND ID: 49141000

Printed on 8/9/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>

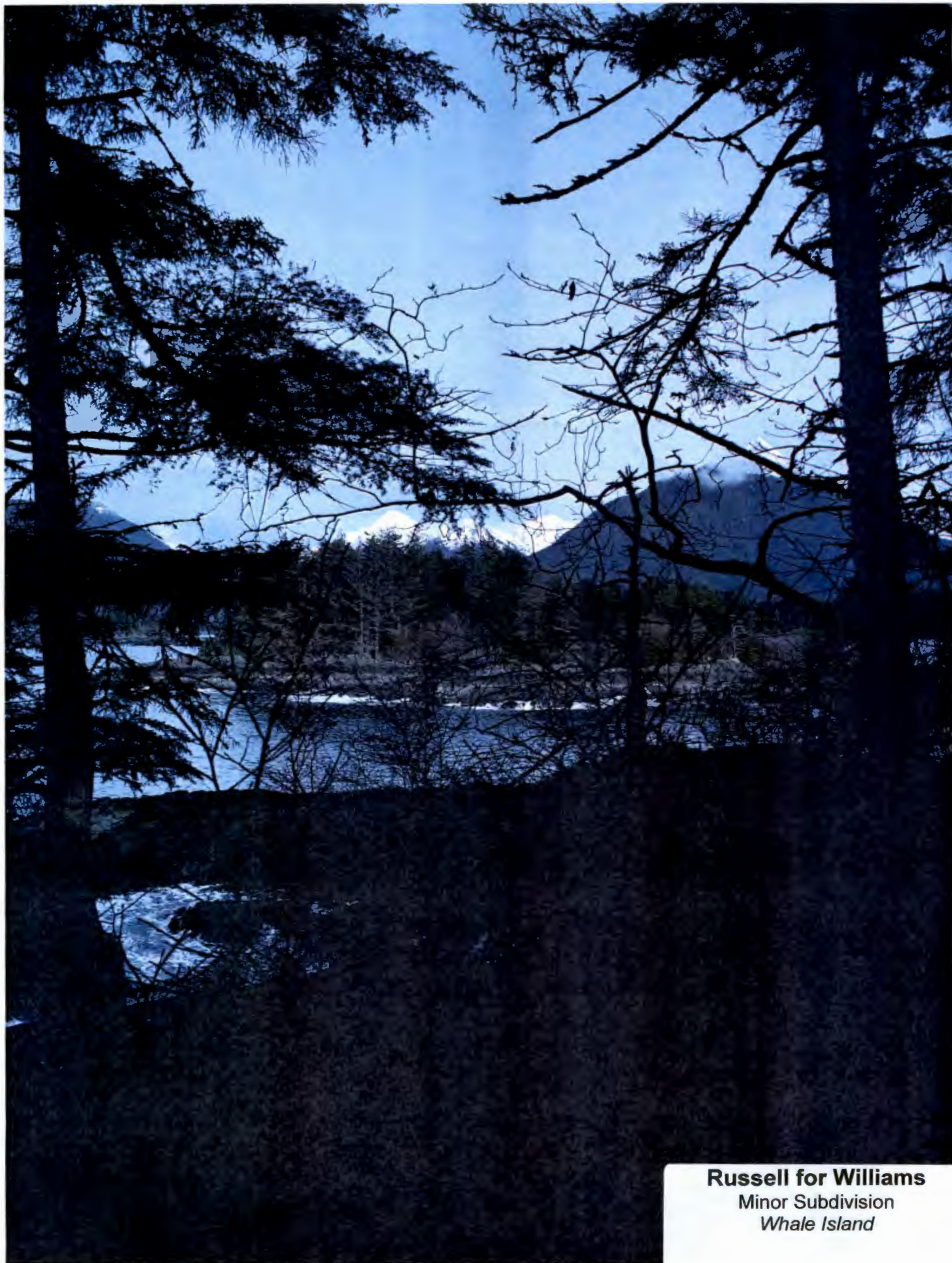


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Russell for Williams
Minor Subdivision
Whale Island



Russell for Williams
Minor Subdivision
Whale Island



Russell for Williams
Minor Subdivision
Whale Island

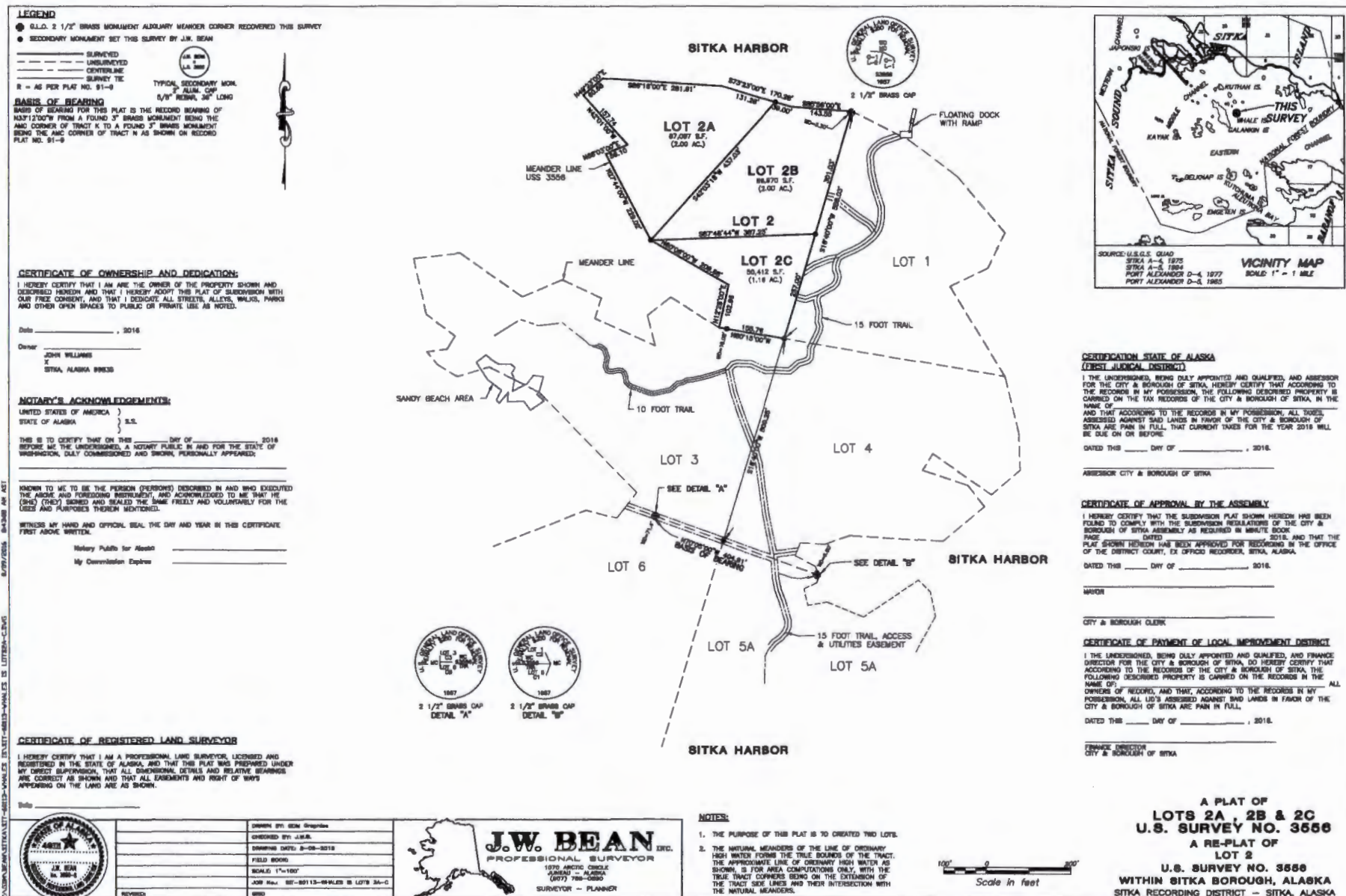


Russell for Williams
Minor Subdivision
Whale Island



Russell for Williams
Minor Subdivision
Whale Island

Attachment E



Russell for Williams
Minor Subdivision
Whale Island

Attachment F

U. S. SURVEY
No. 3556, ALASKA

Situated
In

SITKA HARBOR NEAR SITKA, ALASKA

Approximate Geographic Position

Latitude $57^{\circ}02' N$. Longitude $135^{\circ}20' W$.

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

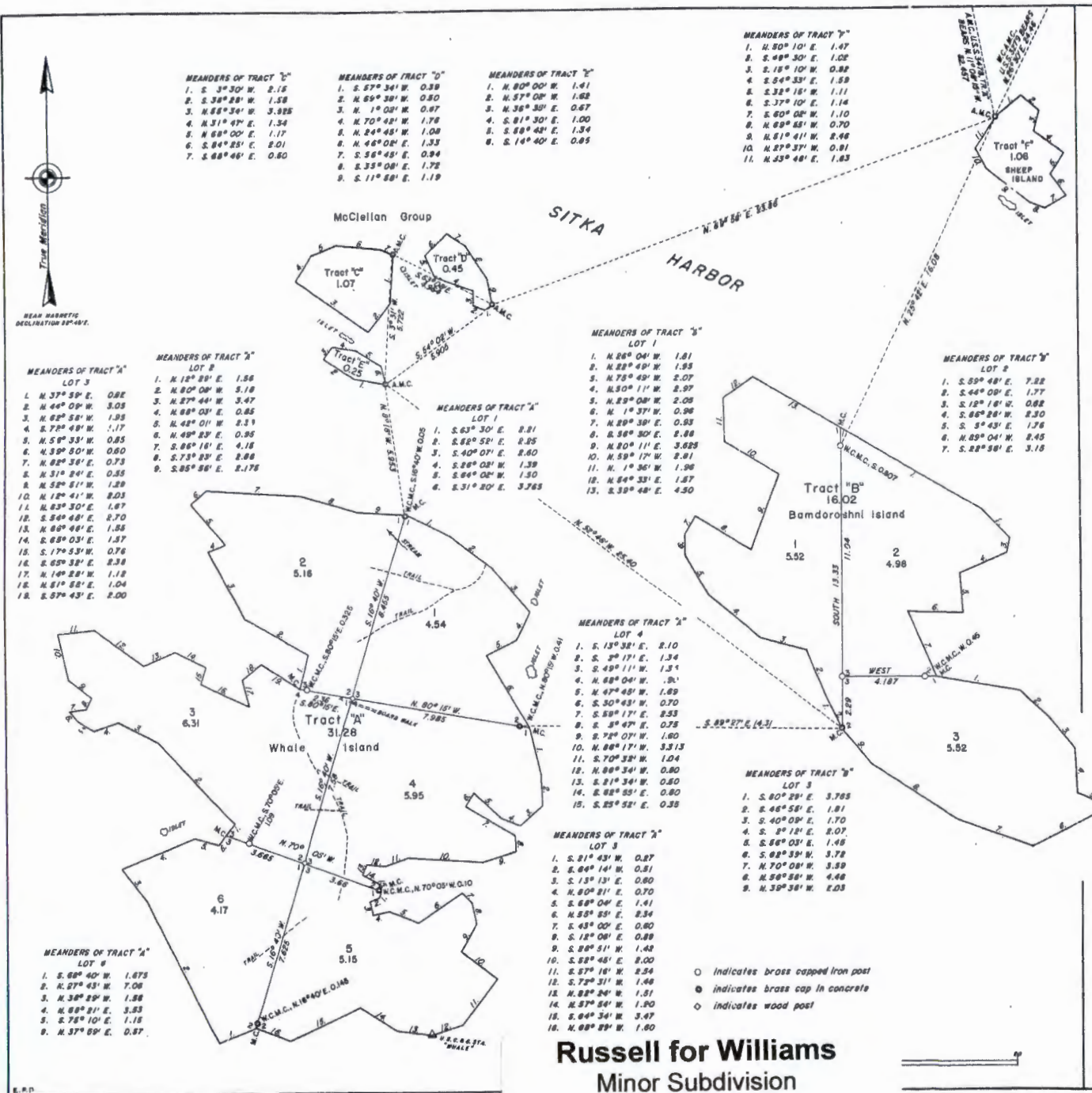
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. July 7, 1959

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

For the Director

Harold S. Harrington
Cadastral Engineering Staff Officer

Russell for Williams
Minor Subdivision
Whale Island





CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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: A minor subdivision of one 5.16 acre lot, designated as lot two (2) Tract A, US Survey 3556 Whale Island into ^{three} ~~two~~ lots designated Lot 2A (1.16 Acres) will be retained owner, John W. Williams and lot 2B (4 Acres) is being sold to David Russel

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: John W. Williams

PROPERTY OWNER ADDRESS: 102 Ocean View Drive, Sitka, AK

STREET ADDRESS OF PROPERTY: Whale Island Lot 2

APPLICANT'S NAME: David Russel

MAILING ADDRESS: PO Box 2501

EMAIL ADDRESS: duckmh@aol.com DAYTIME PHONE: 738-2261

PROPERTY LEGAL DESCRIPTION:

TAX ID: 4-9141-000-000-0000 LOT: 2 Tract A BLOCK: _____ TRACT: Whale Island

SUBDIVISION: _____ US SURVEY: 3556

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

Russel for Williams
Minor Subdivision
Whale Island

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.

John W. Williams

Owner

John W. Williams
Daniel Russell

Applicant (If different than owner)

06/06/2016

Date

06/06/2016

Date

Russell for Williams
Minor Subdivision
Whale Island

Topography Comments:

Whale Island's lot 2B offers the buyer, David Russell, ideal home sites for future island living. First, nearly his entire 4 acres is sheltered from the winter's south winds yet still has nice southerly exposure for those sunny days. The several building sites have level ground for building, overlook a private cove and have wonderful views of Mt Edgecumbe with one offering views of Mt. Verstovia and the Three Sisters behind Sitka. Water frontage is well over 400 meters and offers several possible dock location too. An area near the center of David's Lot 2B is a levelled region -levelled for R and R for troops during WWII. --- Possibly a volleyball court or perhaps for tennis. In addition a large water tank was built there that supplied the many Quonset houses on the island. A historic road was made to access this region as well as the rest of the island. Lot 2B has several distinct regions-all separate and private.; The first is on the end of the NW peninsula and I call it the "view region" with its lighthouse view of the surroundings---Then follows the upland portion with its levelled section with small pond that could be made into a nice lake for water supply or simply enjoyment. Both lots overlook a private inlet to their south as mentioned. Each region being independent with my segment of 1.16 acres in a valley with its unfinished house and an old unused mill site. Surprising to have these level regions on one of Sitka's scenic islands. That is the reason I purchased my lot in 1985 and have enjoyed living there between my world sailing adventures. I'm sure David and his wife will be a fine neighbors and be pleased with the lot's 2B's unique topography.

John Williams

Statutory Warranty Deed

Attachment H

85S-8100

THE GRANTOR JOHN A. WETTELAND

for and in consideration of Ten and no/100 (\$10.00) Dollars

in hand paid, conveys and warrants to JOHN W. WILLIAMS

whose address is P.O. Box 214, Sitka, Alaska 99835

the following described real estate, situated in the Sitka Recording District,
First Judicial District, State of Alaska.

Lot Two (2), Tract A, U.S. Survey No. 3556

Subject to easements, restrictions and reservations of record, if any.

Dated this 9th DECEMBER 1985 day of

John A. Wetteland
John A. Wetteland (SEAL)

OREGON
STATE OF ~~ALASKA~~ } ss.
Judicial District
County of MARION)

On this day personally appeared before me John A. Wetteland

to me known to be the individual described in and who executed the within and foregoing instrument, and
acknowledged that he signed the same as his free and voluntary act and deed, for the
uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9th day of DECEMBER 1985.

Kenneth Surman
Notary Public in and for the State of ~~Alaska~~ Oregon
My Commission Expires: 7/30/86.

Russell for Williams
Minor Subdivision
Whale Island

This Space Reserved for Recorders Use

85-2770
OND

AFTER RECORDING MAIL TO:

Lot Two (2), Tract A, U.S. Survey No. 3556

Subject to easements, restrictions and reservations of record, if any.

Dated this 9th DECEMBER 1985 day of

John A. Wetteland
John A. Wetteland (SEAL)

OREGON
STATE OF ~~XXXXXX~~ } ss.
Judicial District
County of MARION

On this day personally appeared before me John A. Wetteland

to me known to be the individual described in and who executed the within and foregoing instrument, and
acknowledged that he signed the same as his free and voluntary act and deed, for the
uses and purposes therein mentioned.

GIVEN under my hand and official seal this 9th day of DECEMBER 1985.

Kenneth Gorman
Notary Public in and for the State of ~~Alaska~~ Oregon
My Commission Expires: 7/30/86

This Space Reserved for Recorders Use

8 5-2 7 7 0

800

RECORDED-FILED

DEC 31 10 09 AM '85

REGISTERED STAL

ADDRESS SIKA

AFTER RECORDING MAIL TO:

Filed for Record at Request of:

Russell for Williams
Minor Subdivision
Whale Island

Attachment I

Parcel ID: 49140000
AK MENTAL HEALTH TRUST
ALASKA MENTAL HEALTH TRUST
3601 C ST, STE 880
ANCHORAGE AK 99503

Parcel ID: 49141000
JOHN WILLIAMS
C/O TRACY WOLFE
*WILLIAMS, JOHN, W.
102 OCEANVIEW ST
SITKA AK 99835

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

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

Russell for Williams
Minor Subdivision
Whale Island

P&Z Mailing
September 9, 2016

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: _____

To: *David Russell*ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	
Conditional Use Permit.....	
Minor Subdivision.....	<i>50.00</i>
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	<i>3.00</i>
TOTAL.....	<i>53.00</i>

Thank you

Russell for Williams
Minor Subdivision
Whale Island



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 16-12 **Version:** 1 **Name:**

Type: Subdivision **Status:** AGENDA READY

File created: 8/30/2016 **In control:** Planning Commission

On agenda: 9/20/2016 **Final action:**

Title: Public hearing and consideration of a preliminary plat of a minor subdivision on Whale Island, zoned GI General Island. The request would result in 2 lots. The property is also known as Lot 5 Tract A US Survey 3556. The request is filed by Donald and Patricia Lehman and Eric Speck. The owners of record are Donald and Patricia Lehman and Eric Speck.

Sponsors:

Indexes:

Code sections:

Attachments: [Lehman Speck 9.20.16](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: August 26, 2016

From: PCDD Staff

To: Planning Commission

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

GENERAL INFORMATION

Applicant: Donald/Patricia Lehman & Eric Speck

Property Owner: Donald/Patricia Lehman & 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

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Attachment C: Zoning Map

Attachment D: Site Photos

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Attachment G: Application
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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 Lehmans 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.

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.¹ 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.

¹ Section 22.20.100.G.1—Residential Uses

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 preliminary 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 preliminary plat of a minor subdivision of a portion of Whale Island, also known as Lot 5 Tract A US Survey 3556. The request is filed by Donald and Patricia Lehman and Eric Speck. The owners of record are Donald and Patricia Lehman and Eric Speck.

Middle Channel

Island

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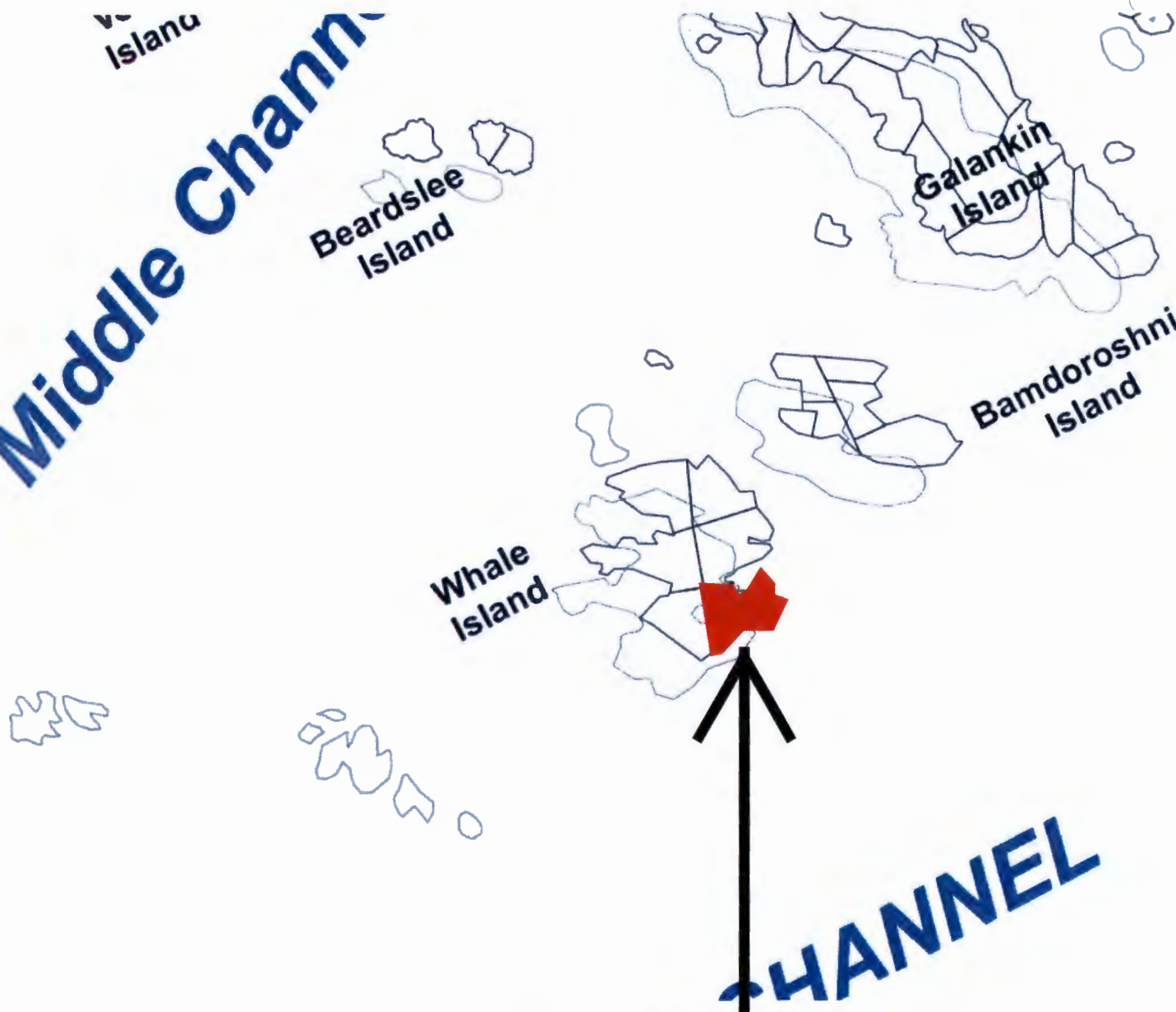
Galankin
Island

Bamdooroshni
Island

Whale
Island

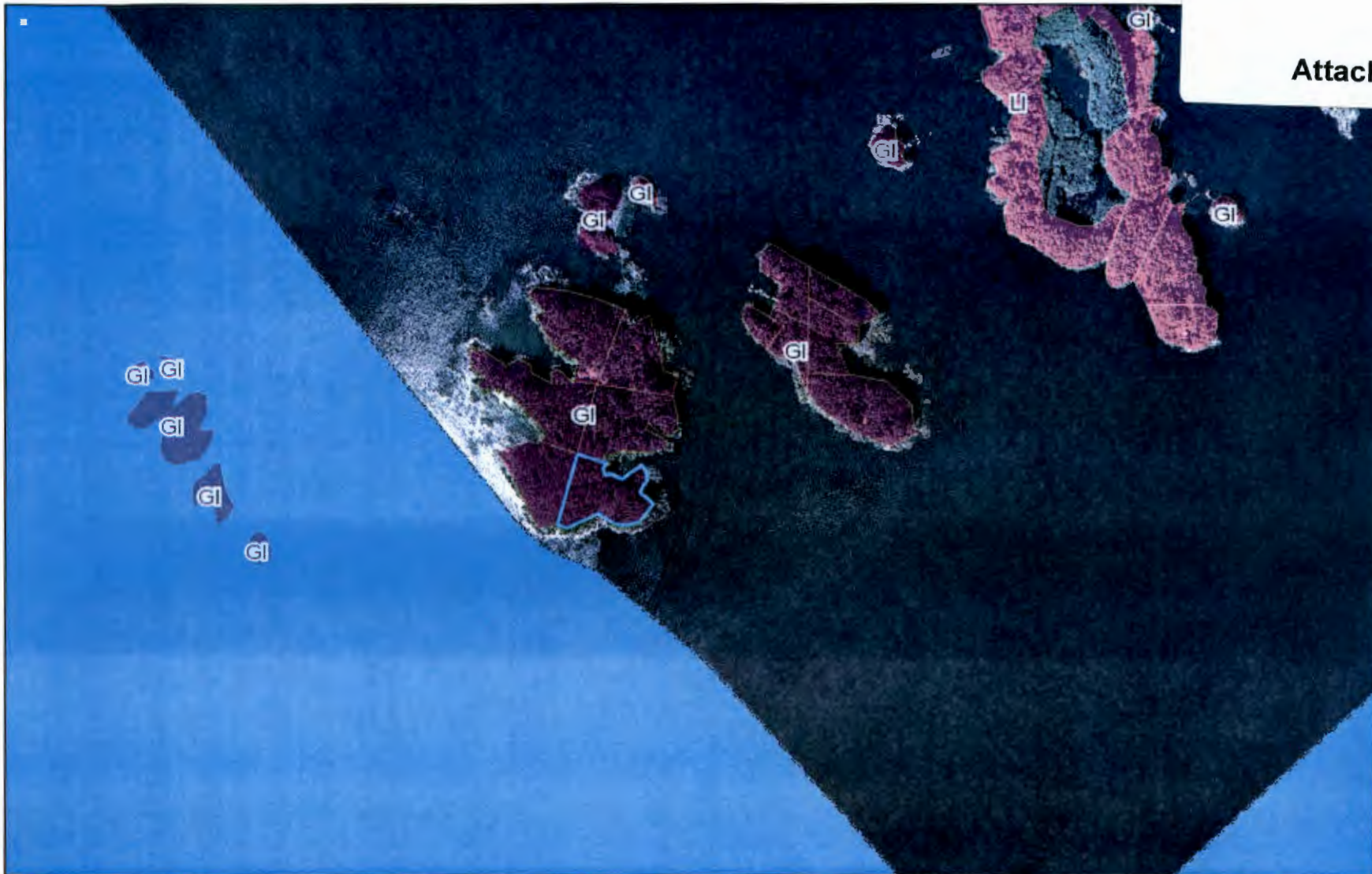
CHANNEL

Lehman & Speck
Minor Subdivision
Whale Island





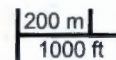
Lehman & Speck
Minor Subdivision
Whale Island



City & Borough of Sitka, Alaska

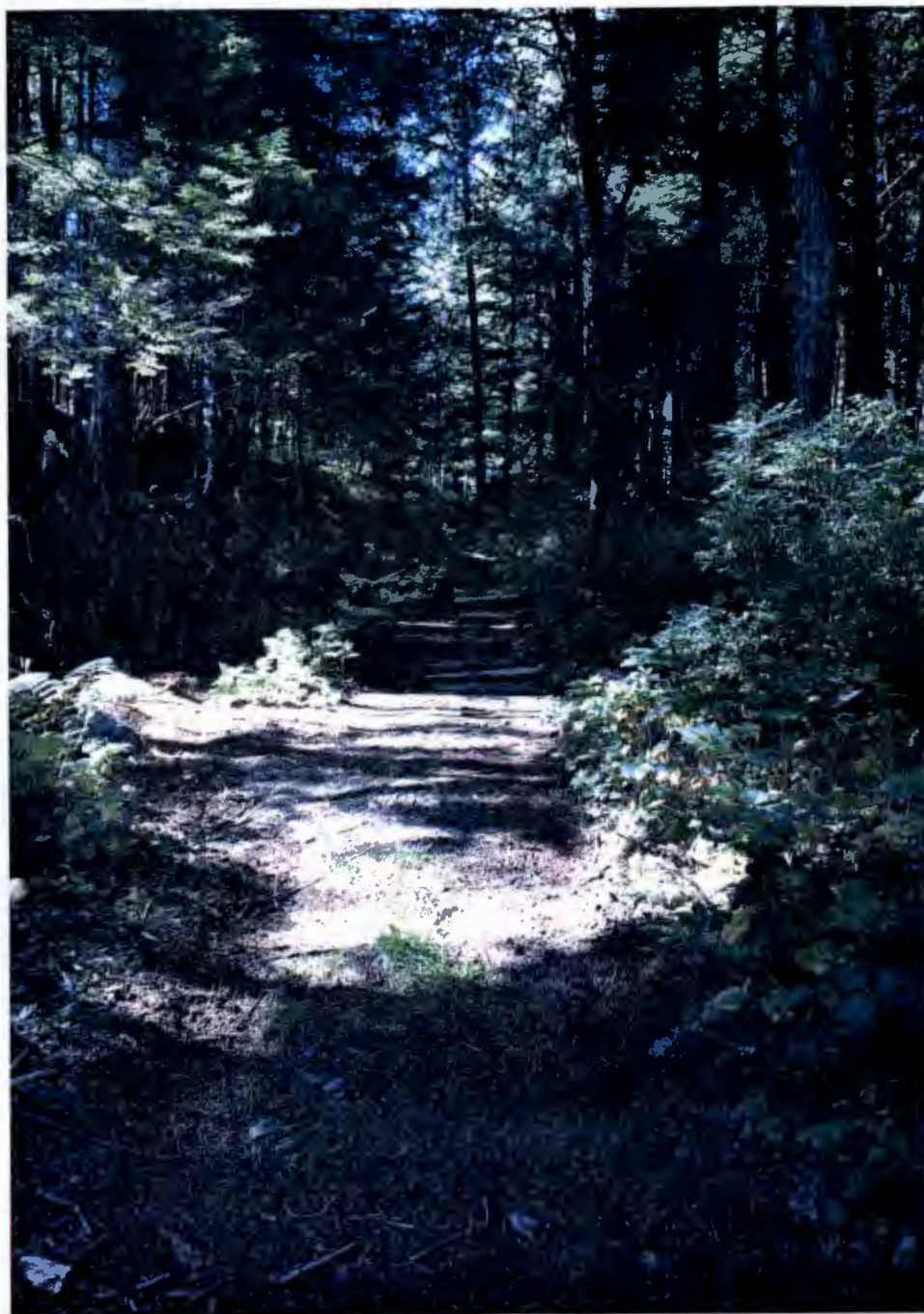
Selected Parcel: 0 WHALE ISLAND ID: 49144000

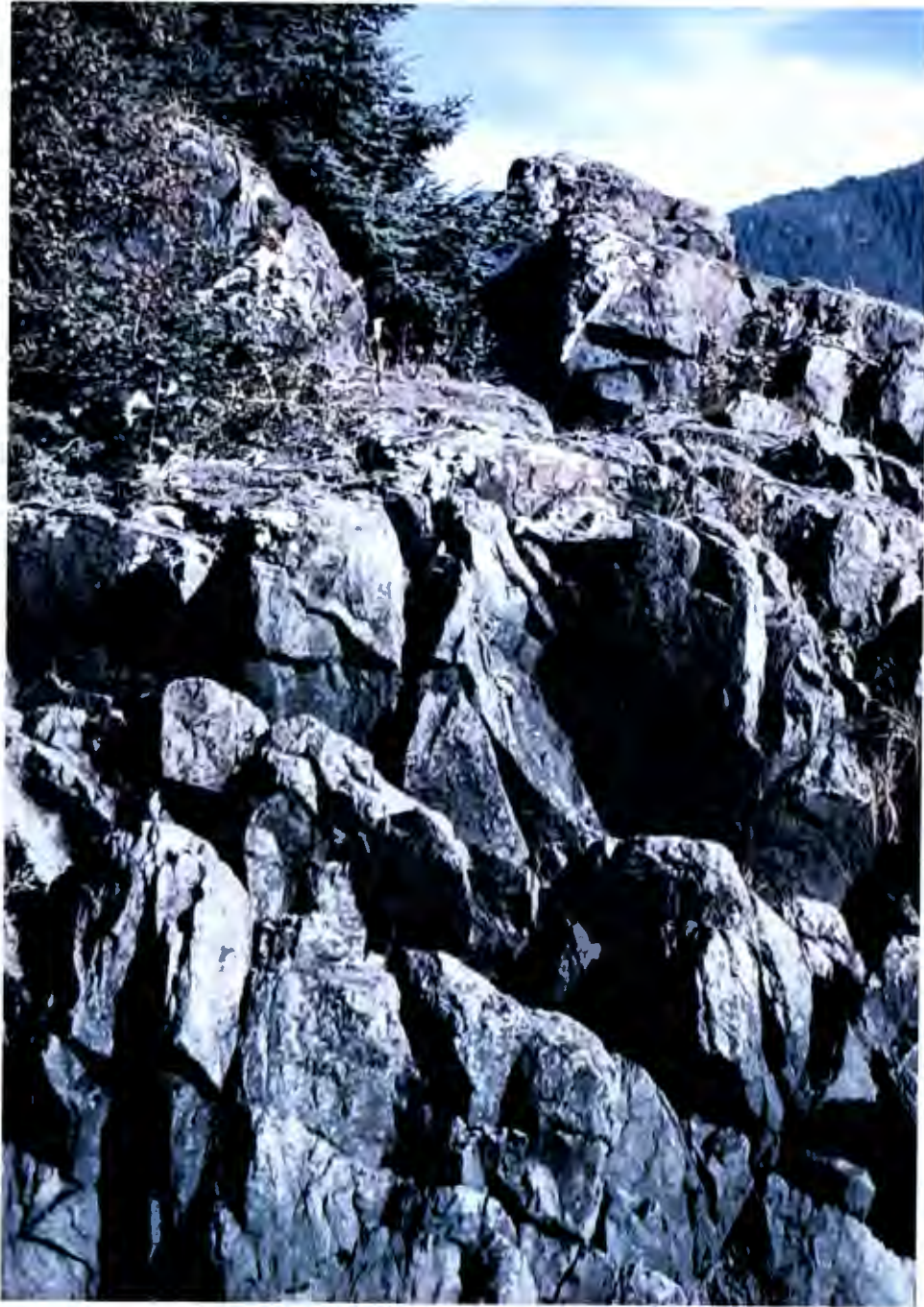
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Lehman & Speck
Minor Subdivision
Whale Island





Attachment E

LEGEND

- G.L.O. 2 1/2" BRASS MONUMENT AUXILIARY MEANDER CORNER RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN

— SURVEYED
--- UNSURVEYED
--- CENTERLINE OF TRAIL
--- SURVEY LINE
R = AS PER PLAT NO. 91-8

BASIS OF BEARING
BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF N33°12'00"W FROM A FOUND 3" BRASS MONUMENT BEING THE ANC CORNER OF TRACT K TO A FOUND 3" BRASS MONUMENT BEING THE ANC CORNER OF TRACT N AS SHOWN ON RECORD PLAT NO. 91-8

TYPICAL SECONDARY MON. 2" ALUM. CAP 5/8" REMAIN, 30" LONG

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 PLAT OF SUBDIVISION WITH OUR FREE CONSENT, AND THAT WE DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

Date: _____, 2018
Owner: _____
Owner: _____
Owner: _____
LOT 5 DONALD & PATRICIA LEHMAN 118 ANNA DRIVE SITKA, ALASKA 99833
LOT 6 ERIC SPECK 118 ANNA DRIVE SITKA, ALASKA 99833

NOTARY'S ACKNOWLEDGEMENTS:
UNITED STATES OF AMERICA }
STATE OF ALASKA } S.S.
THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2018, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED:

KNOWN TO ME TO BE THE PERSON (PERSONS) DESCRIBED IN AND WHO EXECUTED THE ABOVE AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE (SHE) (THEY) SIGNED AND SEALED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

Notary Public for Alaska
My Commission Expires _____

CERTIFICATE OF REGISTERED LAND SURVEYOR
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT ALL EASEMENTS AND RIGHT OF WAYS APPEARING ON THE LAND ARE AS SHOWN.

Date: _____

18" TRAIL ACCESS & UTILITY EASEMENT CONTINUITY TABLE

186	S84°32'10"E	45.00
188	S17°04'10"E	25.18
189	N89°07'13"E	35.00
189	S77°38'40"E	41.71
174	S71°12'30"W	43.85
175	S79°32'10"W	35.83
176	S79°54'40"W	19.04
177	S83°11'18"W	16.81
178	S87°40'37"W	10.34
179	S77°57'30"W	13.00

SITKA HARBOR

LOT 3

LOT 4

LOT 5B
83,894 S.F.
(1.93 AC.)

LOT 5A
140,093 S.F.
(3.22 AC.)

LOT 6

MEANDER LOT 5B TO SITKA HARBOR

2 1/2" BRASS CAP

15' BEACH ACCESS EASEMENT

15' FOOT TRAIL ACCESS & UTILITIES EASEMENT

NOTES:

1. THE PURPOSE OF THIS PLAT IS TO CREATE TWO LOTS.
2. THE NATURAL MEANDERS OF THE LINE OF ORDINARY HIGH WATER FORMS THE TRUE BOUNDARY OF THE TRACT. THE APPROXIMATE LINE OF ORDINARY HIGH WATER AS SHOWN IS FOR AREA COMPUTATIONS ONLY, WITH THE TRUE TRACT CORNERS BEING ON THE EXTENSION OF THE TRACT SIDE LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.

Scale in feet

VICINITY MAP
SCALE: 1" = 1 MILE

CERTIFICATION 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 LANCES IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR 2018 WILL BE DUE ON OR BEFORE _____, 2018.

DATED THIS _____ DAY OF _____, 2018.

ASSESSOR CITY & BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE ASSEMBLY
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO CONFORM WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS REQUIRED IN MINUTE BOOK PAGE _____ DATED _____, 2018, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATED THIS _____ DAY OF _____, 2018.

MAYOR

CITY & 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 LOTS ASSESSED AGAINST SAID LANCES IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS _____ DAY OF _____, 2018.

FINANCE DIRECTOR
CITY & BOROUGH OF SITKA

**A PLAT OF
LOTS 5A & 5B
U.S. SURVEY NO. 3556
A RE-PLAT OF
LOT 5
U.S. SURVEY NO. 3556
WITHIN SITKA BOROUGH, ALASKA
SITKA RECORDING DISTRICT - SITKA, ALASKA**

DESIGN BY: DON Grapentine
CHECKED BY: J.W.B.
DRAWING DATE: 8-11-2018
FIELD BOOK:
SCALE: 1"=80'
JOB NO.: SIT-20113-REVALES 18
DWG:

J.W. BEAN
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
ANCHORAGE, ALASKA
(907) 766-0960
SURVEYOR - PLANNER

REVISIONS

Lehman & Speck
Minor Subdivision
Whale Island

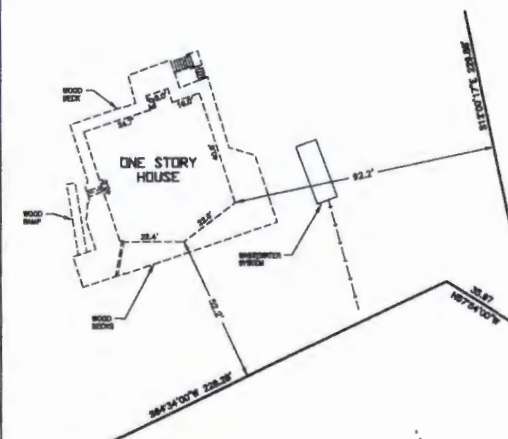
LEGEND

- G.L.D. 2 1/2" BRASS MONUMENT AUXILIARY MEANDER CORNER RECOVERED THIS SURVEY
- SECONDARY MONUMENT SET THIS SURVEY BY J.W. BEAN

SURVEYED
 UNRECOVERED
 CENTERLINE
 SURVEY TIE
 R = AS PER PLAT NO. 91-9
 TYPICAL SECONDARY MON. 5/8" BRASS, 30" LONG

BASIS OF BEARING

BASIS OF BEARING FOR THIS PLAT IS THE RECORD BEARING OF 83°12'00"W FROM A FOUND 3" BRASS MONUMENT BEING THE ANG CORNER OF TRACT R TO A FOUND 3" BRASS MONUMENT BEING THE ANG CORNER OF TRACT H AS SHOWN ON RECORD PLAT NO. 91-9



ENLARGED DETAIL
SCALE: 1"=50'

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT ALL DIMENSIONAL DETAILS AND RELATIVE BEARINGS ARE CORRECT AS SHOWN AND THAT ALL EASEMENTS AND RIGHT OF WAYS APPEARING ON THE LAND ARE AS SHOWN.

Date _____



DESIGNED BY: DCM Graphics	DATE: 8-11-2018
CHECKED BY: J.W.B.	DATE: 8-11-2018
DRAWING DATE: 8-11-2018	
FIELD BOOK:	
SCALE: 1"=60'	
JOB NO.: 811-20113-WHALES IS	
REVISED:	DATE:

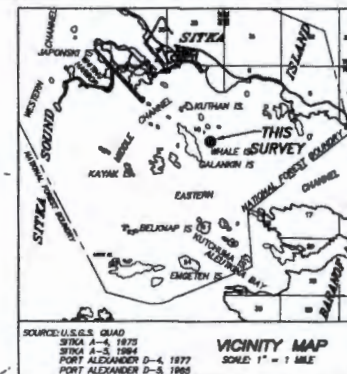


J.W. BEAN
PROFESSIONAL SURVEYOR

SURVEYOR - PLANNER

SITKA HARBOR

Scale in feet



SOURCE: U.S.G.S. QUAD
 SITKA A-4, 1975
 SITKA A-3, 1984
 PORT ALEXANDER D-4, 1977
 PORT ALEXANDER D-3, 1985

VICINITY MAP

SCALE: 1" = 1 MILE

A SUBDIVISION OF
LOT 5B
U.S. SURVEY NO. 3556
 WITHIN SITKA BOROUGH, ALASKA
 SITKA RECORDING DISTRICT - SITKA, ALASKA

Lehman & Speck
 Minor Subdivision
 Whale Island

Attachment F

U. S. SURVEY
No. 3556, ALASKA

Situated
In

SITKA LAKE NEAR SITKA, ALASKA

Approximate Geographic Position

Latitude $57^{\circ}01\frac{1}{2}'$ N. Longitude $135^{\circ}20\frac{1}{2}'$ W.

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

Executed By _____

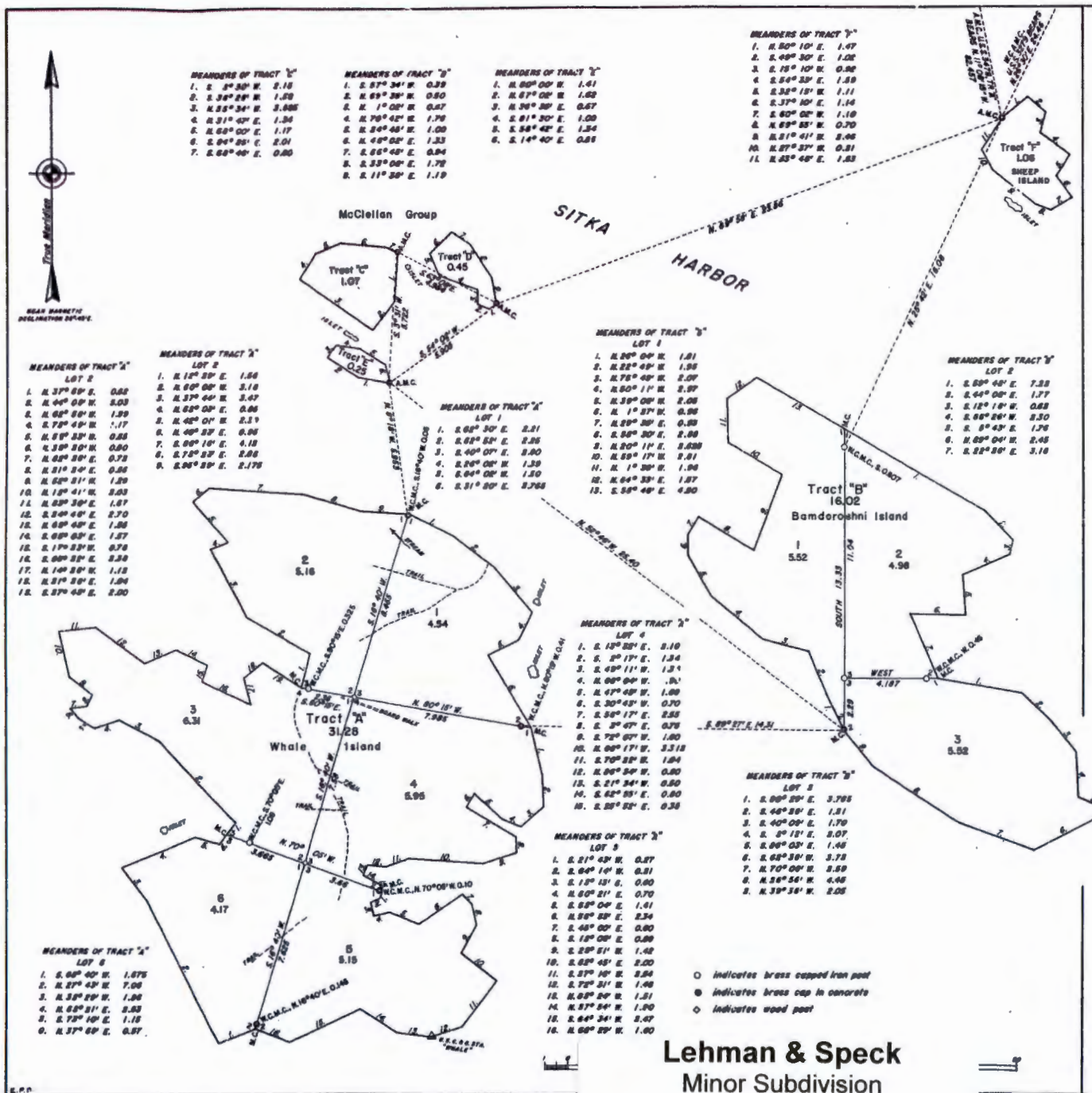
Robert Q. Pickering, Cartographic Survey Aid

September 24 to October 4, 1957

Special Instructions Dated

Special Instructions Dated

and Approved September 24, 1957



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

This plan 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

Carl G. Harrington
Coastal Engineering Staff Officer

Lehman & Speck
Minor Subdivision
Whale Island



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 ACRES
LOT INTO A 1.93 ACRES PARCEL & A 3.22 ACRES
PARCEL

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: D & P Lettmann / Eric Speck

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

STREET ADDRESS OF PROPERTY: WHARF ISCM - LOT 5

APPLICANT'S NAME: DONNA LETTMANN

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

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

PROPERTY LEGAL DESCRIPTION:

TAX ID: 4-9144-000-000-0000 LOT: 5 BLOCK: _____ TRACT: _____

SUBDIVISION: _____ US SURVEY: 3556

OFFICE USE ONLY


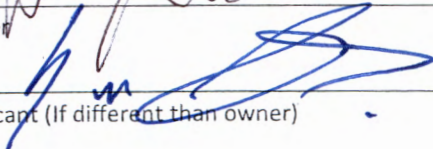
COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

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.

Lehman & Speck
Minor Subdivision
Whale Island

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

✓

WARRANTY DEED
A.S. 34.15.030

BOOK 014

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.

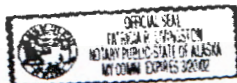
Date: February 9, 2001.

Cynthia M. Holtmann
CYNTHIA HOLTMANN
(Grantor)

Donald Lugdon
DONALD LUGDON
(Grantor)

STATE OF ALASKA }
} ss.
THIRD JUDICIAL DISTRICT }

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



Patricia R. Livingston
Notary Public in and for Alaska

Return to Grantees

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 12th day of February, 2001, by Julie Tozier.

Andrea R. Frideaux
Notary Public in and for The State of Washington
My commission expires 12-28-01

ANDREA R. FRIDEAUX
STATE OF WASHINGTON
NOTARY--PUBLIC
MY COMMISSION EXPIRES 12-28-01

000697
SITKA
RECORDING DISTRICT
2001 APR -3 A 9 16
REQUESTED BY FS

Lehman & Speck
Minor Subdivision
Whale Island

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: 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

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

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

OF SITKA

A ALASKA 99835

PLAN - Planning Permits/Zoning	50.00
ST1 - Sales Tax 3rd quarter CY	3.00
Receipt Total	53.00
Total other	53.00
Total Remitted	53.00
Total Received	53.00

PAID

AUG 16 2016

CITY OF SITKA

Customer Copy

0-320-3201.002

NG

Conditional Use Permit.....	
Minor Subdivision.....	50.00
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
TOTAL.....	53.00

Thank you

Lehman & Speck
Minor Subdivision
Whale Island



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-24 **Version:** 2 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 6/21/2016 **In control:** Planning Commission
On agenda: 7/19/2016 **Final action:**
Title: Public hearing and consideration of a conditional use permit request for a daycare at 514 Halibut Point Road and 203 Lakeview Drive, in the R-1 Single Family and Duplex Residential District. The property is also known as Lots 1, 2, 30, and 31 of Lakeview Heights Subdivision. The request is filed by Emily Davis and Michelle Barker. The owner of record is First Baptist Church.

Sponsors:

Indexes:

Code sections:

Attachments: [Pacific Learning 9.20.16](#)

Date	Ver.	Action By	Action	Result
7/19/2016	2	Planning Commission	POSTPONED	Pass



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: August 22, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-24 Daycare at 514 Halibut Point Road and 203 Lakeview Drive

GENERAL INFORMATION

Applicant: Emily Davis and Michelle Barker

Property Owner: First Baptist Church

Property Address: 514 HPR & 203 Lakeview Drive

Legal Description: Lots 1, 2, 30, 31 Lakeview Heights Sub.

Parcel ID Number: 14000000, 14005000, 14150000

Size of Existing Lot: 40,637 square feet

Zoning: R-1

Existing Land Use: Commercial (church)

Utilities: Full city services

Access: Halibut Point Road and Lakeview Drive

Surrounding Land Use: Retail, School, 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: Zoning Map

Attachment D: Flood Zone Map

Attachment E: Subdivision Plat

Attachment F: Parcel Pictures

Attachment G: Site Plan

Attachment H: Application

Attachment I: Mailing List

Providing for today...preparing for tomorrow

BACKGROUND/PROJECT DESCRIPTION

The request is for a major amendment to a nonconforming use for Pacific Learning Center, a daycare facility, located within the First Baptist Church at 514 Halibut Point Road and 203 Lakeview Drive. First Baptist Church's facilities span four legal lots. First Baptist Church is in the R-1 zone but does not have a conditional use permit, as the structure pre-existed local zoning code. The proposed daycare facility is required to seek a conditional use permit to allow a major amendment to the nonconforming use, as the daycare is unrelated to the church's operations. The R-1 zone only permits daycare operations in homes; however, the nonconforming use of the church provides the opportunity to establish a daycare as an incidental use on the property.

The business serves 30 children from birth to 12 years. Hours of operation are 7:45 am – 5:15 pm, Monday through Friday. The operation currently includes 5 employees, and is certified by the Alaska Department of Education and the Alaska Department of Health and Social Services. The applicants have relocated the operation from 205 Harbor Drive to 514 Halibut Point Road and 203 Lakeview Drive. The facility would be operated in the basement of First Baptist Church. The applicants request that the Commission grant approval of the relocation of operations from 205 Harbor Drive to 514 Halibut Point Road and 203 Lakeview Drive.

Churches do not pay property taxes in Sitka. The addition of a for-profit business would make the portion of the property used by the business taxable for property tax purposes. The applicant has been informed of this requirement.

Additionally, the church's water and wastewater is currently billed at 1.7 units. The addition of the 1.2 units for the daycare/school would result in new water and wastewater rates for the facility as a whole. The applicant should be aware that increased utility rates will result from the addition of this business to the church.

Surrounding uses make this property a prime location for a daycare. The church has ample parking available. Across Halibut Point Road is Blatchley Middle School, which necessitates a reduced speed limit. The facility is near the downtown area, which is convenient for many parents who drop off and pick up their children as a part of their daily commute.

The Building Official conducted a fire and life safety inspection on July 28, 2016, and found no deficiencies.

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:

Most of the traffic will occur during two short windows of time: 7:45-8:00 am and 5:00-5:15 pm. The church also operates with concentrated periods of traffic ingress and egress. The parking facilities are sufficient to support these pick-up and drop-off times. Direct access to Halibut Point Road keeps traffic out of residential areas.

b. Amount of noise to be generated and its impacts on surrounding land use: Children may be noisy while playing outside. Staggered play times could help mitigate potential impacts if neighbors raise concerns and if the commission wishes to add a condition of approval.

c. Odors to be generated by the use and their impacts: None of concern.

d. Hours of operation: 7:45 am to 5:15 pm, Monday through Friday.

e. Location along a major or collector street: Halibut Point Road.

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

g. Effects on vehicular and pedestrian safety: Similar to current church use. Parking lot is adequate for the proposal. Traffic speed is reduced on this portion of Halibut Point Road due to nearby schools.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same ability as current church use.

i. Logic of the internal traffic layout: The facility includes a minimum of 34 parking spaces, which is in excess of the requirement. The daycare and church will not operate simultaneously. A condition of approval should tie parking to all parcels, in the event that one or more parcels are sold.

j. Effects of signage on nearby uses: No proposed signage. If so, must comply with signage code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The rear of the building, where the daycare will be housed, is separated from the adjacent neighbors by foliage.

l. Relationship of the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Comprehensive Plan section 2.1.12 supports "access to high-quality education at all levels."

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

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:²

¹ § 22.24.010.E

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;

² § 22.30.160.C – Required Findings for Conditional Use Permits

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.

Conclusion on Findings: That the proposed conditional use as conditioned: 1) would not be detrimental to the public's health, safety, or welfare because traffic, parking, licensing, and occupancy requirements have been met; 2) complies with the Sitka General Code by seeking a non-conforming use permit for a pre-existing non-conforming use; and 3) complies with the Comprehensive Plan section 2.1.12 supporting "access to high-quality education at all levels" by continuing the operations of a daycare facility to serve the developmental and educational needs of Sitka's youngest residents.

RECOMMENDATION

It is recommended that the Planning Commission adopt the PCDD staff's analysis and required findings as found in the staff report and grant the conditional use permit.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the findings that the proposed conditional use as conditioned: 1) would not be detrimental to the public's health, safety, or welfare because traffic, parking, licensing, and occupancy requirements have been met; 2) complies with the Sitka General Code by seeking a non-conforming use permit for a pre-existing non-conforming use; and 3) complies with the Comprehensive Plan section 2.1.12 supporting "access to high-quality education at all levels" by continuing the operations of a daycare facility to serve the developmental and educational needs of Sitka's youngest residents.
- 2) I move to approve the conditional use permit request filed for a daycare at 514 Halibut Point Road and 203 Lakeview Drive subject to conditions of approval. The property is also known as Lots 1, 2, 30, and 31 of Lakeview Heights Subdivision. The request is filed by Emily Davis and Michelle Barker. The owner of record is First Baptist Church.

Conditions of Approval:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The facility shall be operated in accordance with the narrative that was submitted with the application.
3. The Planning Commission, at its discretion, may schedule a public hearing at any time to mitigate any identified adverse impacts on public's health, safety, and welfare.
4. Failure to comply with all applicable tax laws, including but not limited to

remittance of all sales tax, shall be grounds for revocation of the conditional use permit.

5. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

6. The property owner shall update the sales account prior to the Conditional Use Permit becoming valid.

7. Parking must be maintained, and is tied to Lots 1, 2, 30, and 31 of Lakeview Heights Subdivision.



1-5410-000
L-17
601
BLATCHLEY
MIDDLE
SCHOOL

1-5105-000
S-486
618

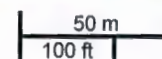
Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive



City & Borough of Sitka, Alaska

Selected Parcel: 514 HALIBUT POINT ID: 14150000

Printed on 6/13/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>



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.

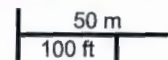
Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive



City & Borough of Sitka, Alaska

Selected Parcel: 514 HALIBUT POINT ID: 14150000

Printed on 6/13/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>



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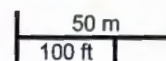
Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive



City & Borough of Sitka, Alaska

Selected Parcel: 514 HALIBUT POINT ID: 14150000

Printed on 6/13/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>



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Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

Attachment E

LAKEVIEW HEIGHTS

Copied from original
added.

Amendments

bearings of lines between Lots 50 and 51, 51
and 52, 11 and 12.
bearing and distance of lines between Lots
2 and 3, 51 and 52, 58 and 59, 19 and 20.
driveway easement on Lot 24

THIS PLAT IS BEING RECORDED IN THE SITKA RECORDING OFFICE, FIRST
JUDICIAL DISTRICT, STATE OF ALASKA, SITKA, ALASKA, AS A
REPLACEMENT COPY OF THE ORIGINAL WHICH CANNOT BE LOCATED.

SITKA HOUSING, INC.,

By: John Cline Director
Current Director on Nov. 2, 1983

John Cline, Director of Sitka Housing, Inc., subscribed
and sworn to before me this 21st day of December, 1984,
at Sitka, Alaska.

Michelle M. Hapel
Notary Public for State of Alaska
Residing at Sitka, Alaska
My commission expires: 12/1/87



Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

RECORD	12/21/84
SITKA	12/21/84
DATE	12/21/84
TIME	3:45 P.M.
Requested by	FRED GREEN
Address	Box 117
	SITKA, AK 99835

Data from survey of Aug.-Sept. 1960
by John D. Ballard
Registered Engineer 596-E
corrected to Aug. 25, 1961 J.L.H.

Scale 1"=100' 84-38

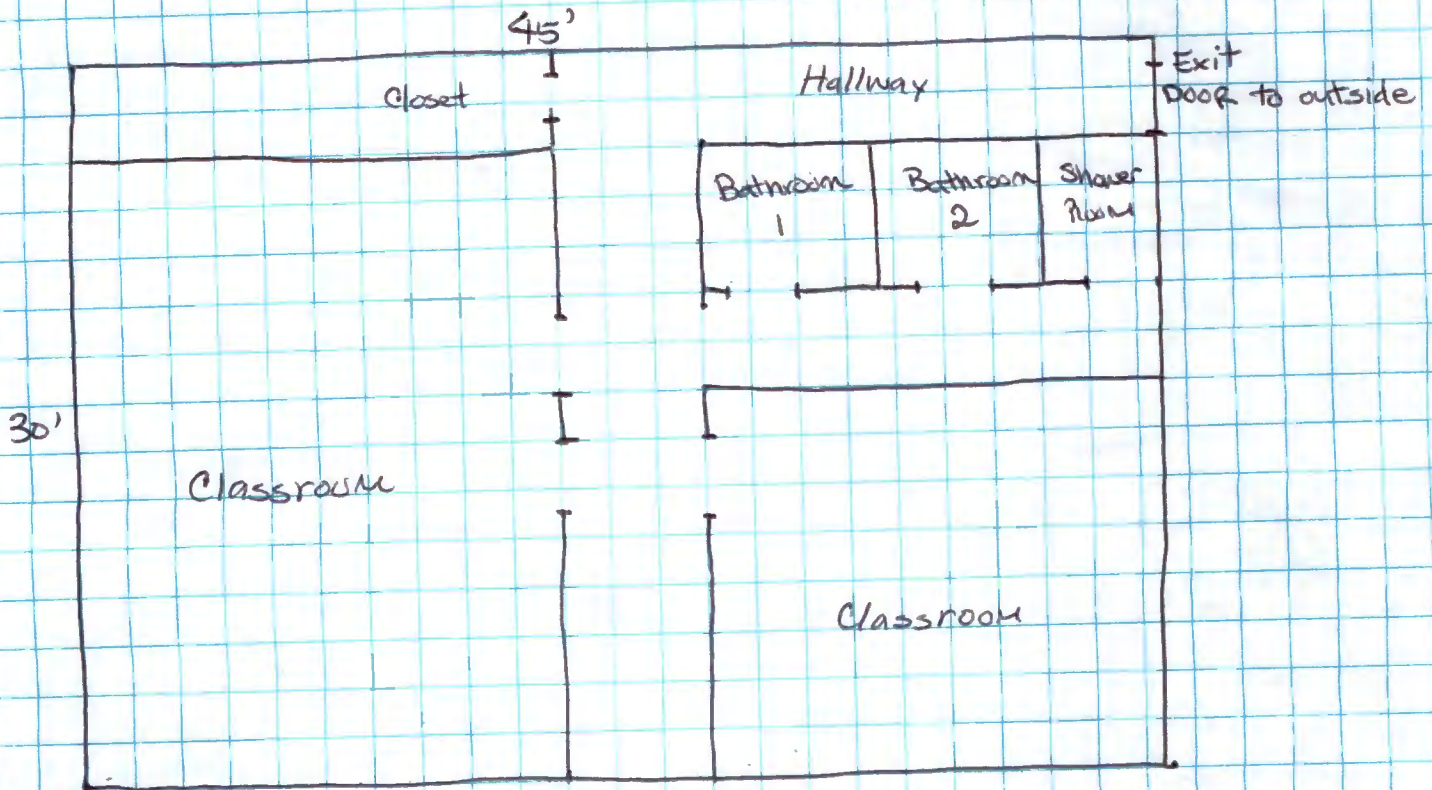
PLAT 84-38

Attachment F



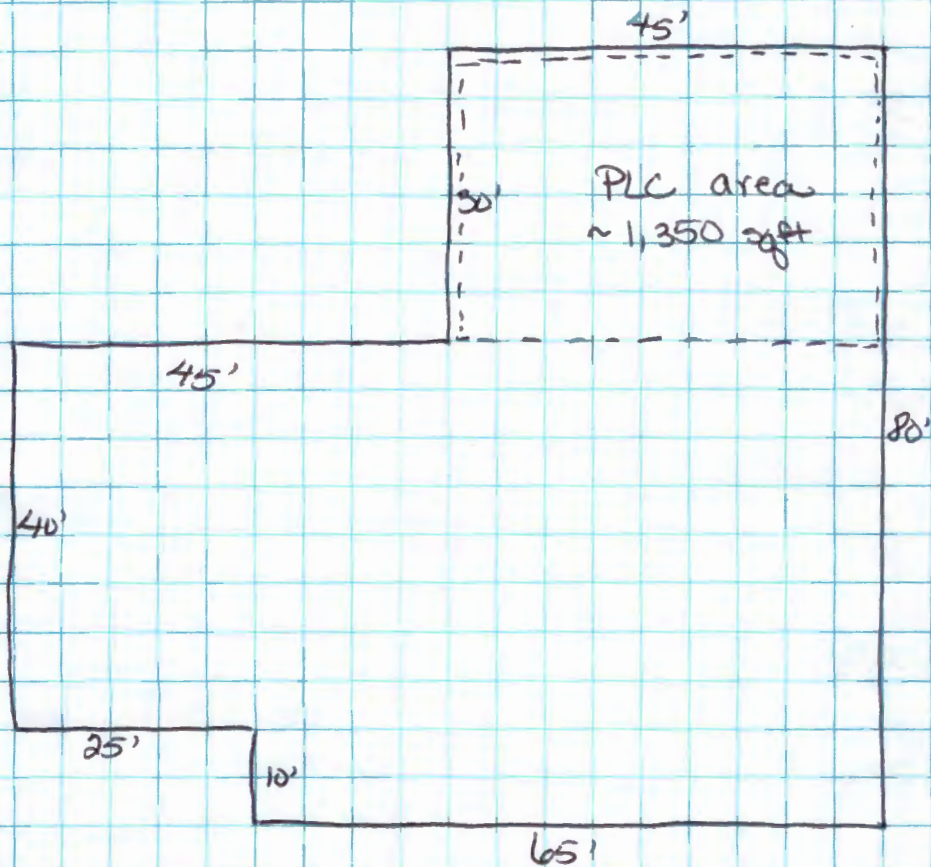
Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive




PLC Area in Detail - First Baptist Church
Lower LevelScale 1  = 2'

← Halibut Point Road →

PLC Usage on lower level of First Baptist Church

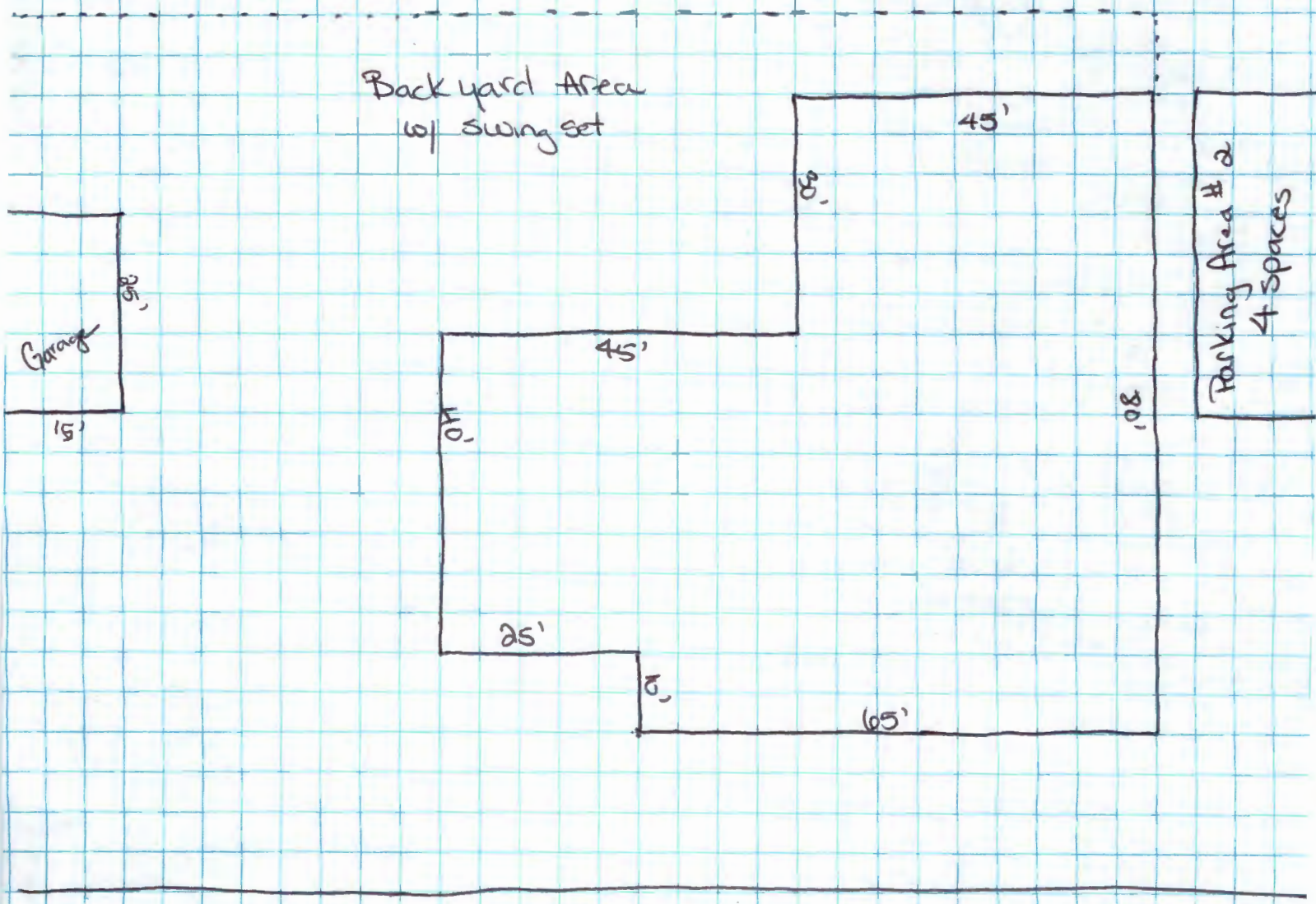


Scale 1  = 5'

← Halibut Point Road →

Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

↑ Continued onto next page ↓



Parking Area
+ 30 vehicles

Scale =
1" = 5'

First Baptist Church
514 HPR

Halibut Point Road

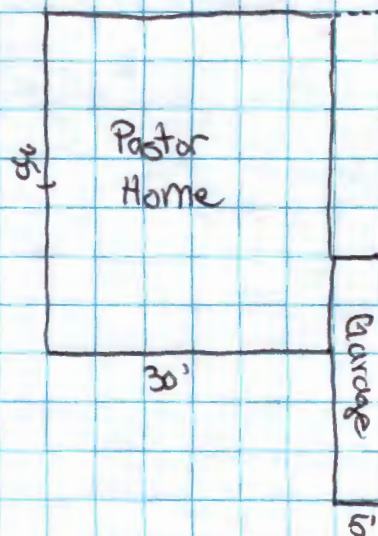
Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

Church is 2 stories
Level 1 is 5,600 sq. ft.
Level 2 is 5,600 sq. ft.

Parsonage is 2 stories
Level 1 is 1,050 sq. ft.
Level 2 is 1,050 sq. ft.

Garage is 1 story
@ 500 sq. ft.

Total Building Sq. Ft. = 13,800 sq. ft.



Continued on next page

Parking Area Cont.



CITY AND BOROUGH OF SITKA

Attachment H

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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: See attached

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: First Baptist Church

PROPERTY OWNER ADDRESS: 514 HPR Sitka, AK 99835

STREET ADDRESS OF PROPERTY: 514 HPR Sitka, AK 99835

APPLICANT'S NAME: Emily Davis & Michelle Barker

MAILING ADDRESS: PO Box 6186 Sitka, AK 99835

EMAIL ADDRESS: pacificlearning@yahoo.com DAYTIME PHONE: 907-738-1743

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____

SUBDIVISION: _____ US SURVEY: _____

OFFICE USE ONLY

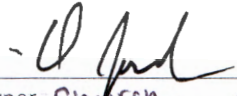
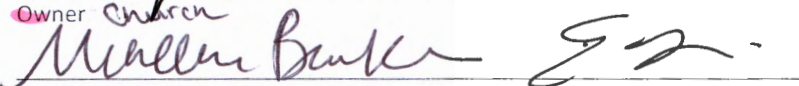
COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

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)

6-7-16
Date
6-7-16
Date

Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

Pacific Learning Center
PO Box 6186
Sitka, AK 99835

Emily Davis & Michelle Barker
(907) 738-1743
www.pacificlearning.net

The Pacific Learning Center is seeking the new location of 514 Halibut Point Road (lower level of the First Baptist Church). We are requesting a conditional use permit to offer daycare services at this location for 30 children, ages birth -12 years old, between the hours of 7:45am-5:15pm, Monday - Friday. We currently employ 5 staff members.

This location is ideal for a variety of reasons:

- There are two separate parking areas available to the PLC:
 - Parking in 30+ spaces in the main church parking lot located on the south side of the building and
 - Parking of 4 additional spaces adjacent to main PLC entry door.
- 514 HPR has a safe, large grass backyard protected by church buildings that cannot easily be accessed from any road.
- Since this building is already used with children, it already has interior classrooms and it will allow us to continue our Day Care Services
- It is a large building and the PLC will be utilizing 2 separate classrooms and two full bathrooms.
- The PLC will be utilizing about 1,350 sq feet or roughly 10% of the church

Previously, this building has been utilized as a space for Sunday school and other child related activities. Since this space has been used for children educational purposes in the past, it makes sense for the PLC to continue this type of use, especially since it is already located adjacent to an existing school zoned property.

The PLC will not be in operation during church activities and hours.

In regards to safety, we strictly adhere to the Alaska state mandates. We are continually monitored and inspected by the state to ensure that all state regulations are followed.

Currently, the PLC is state certified by both the Alaska Department of Education AND the Alaska Department of Health & Social Services. We provide preschool services to Sitka parents in a year-around setting. We have worked extra hard to have two certifications so that we can provide financial assistance to qualifying families. Following state regulations, we maintain better than the minimum of 1:10 teacher to student ratio, and 1:5 teacher to toddler ratio.

Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

Samantha Pierson

From: David Longtin
Sent: Wednesday, September 07, 2016 5:52 PM
To: Michael Scarcelli; Samantha Pierson; Dan Tadic
Cc: Larry Fitzsimmons; Amber Swedeen; Diana Spiegle
Subject: planning commission agenda items

Mike & Sam,

Here are my comments on the packet:

1. No comment on the Whale Island subdivisions.
2. For the First Baptist Church CUP, my recommendation is that we increase the water and wastewater bill by the 1.2 units added by the inclusion of a school into the building. The church is currently billed at 1.7 units, so the new water and wastewater rates would be 2.9 units each. Part of which the church would presumably pass on to the school. I've copied in Amber, Larry and Diane for their input/action.
3. For the 702 Etolin Street setback variance request, I have no objection to the request for the proposed 4' setbacks to the rear and side property lines. If the owner can provide adequate parking, I would have no objection the proposed 5' setback to the front property line.
4. For the 1415 Davidoff Street variance request, I have no objection to the proposed 2' setbacks on the front and side property lines. Unrelated to this request: There is a blatant encroachment on the Davidoff ROW on the adjoining property, 1417 Davidoff Street. A large concrete driveway consumes 20 of the 60 feet of the ROW, and makes it challenging for the future owners of 1415 to access their lot. I recommend looking into requiring that the owners of 1417 Davidoff purchase the ROW in front of their house and provide an access easement to the owners of 1415 at the risk of requiring that they remove the part of their driveway encroaching on the ROW. I didn't find anything in our residential files showing that CBS granted permission to the owners of 1417 to build their driveway.

Thank you,

Dave Longtin, P.E.
Senior Engineer
City and Borough of Sitka
Department of Public Works
100 Lincoln Street
Sitka, AK 99835
P (907) 747-1883
F (907) 747-3158

INSPECTION REPORT
CITY AND BOROUGH OF SITKA BUILDING DEPARTMENT
100 LINCOLN STREET
SITKA, ALASKA 99835
PHONE: 747-1804 FAX: 747-3158
www.cityofsitka.com

DATE 7/29/16
TIME 11 AM

TYPE OF INSPECTION

☐ FOOTING

☐ STEM WALLS

☐ SLAB

☐ UNDERSLAB

(PLUMBING/ELECTRICAL)

☐ FRAME

☐ ELECTRICAL

☐ PLUMBING

☒ FIRE & LIFE SAFETY

☐ FINAL

☒ For Childcare
Facility

OWNER Emily Davis

ADDRESS 108 W. 6136 (S14 HPR physical address)

Verified N40C (dated 6/29/16) has been corrected

No Deficiencies Noted

☒ COPY PROVIDED TO Emily Davis

☐ CALL FOR REINSPECTION
BEFORE CONCEALMENT

☐ CORRECTIONS OR ITEMS NOTED ABOVE WILL BE
REINSPECTED AT TIME OF NEXT CONSECUTIVE INSPECTION.

INSPECTOR [Signature]

☐ OTHER [Signature]

Attachment I

Parcel ID: 14000000
FIRT BAPTIST CHURCH OF SITKA
FIRT BAPTIST CHURCH OF SITKA
514 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14005000
FIRT BAPTIST CHURCH OF SITKA
~~FIRT BAPTIST CHURCH OF SITKA~~
~~514 HALIBUT POINT RD~~
~~SITKA AK 99835~~

Parcel ID: 14010000
DAVID GRAHAM
GRAHAM, DAVID, A.
408 LAKE ST
SITKA AK 99835

Parcel ID: 14015000
MARGARET/VIRGIN ANDREWS/LUTZ
ANDREWS, MARGARET, J./LUTZ,
VIRGINIA
207 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14025000
GERARD HELLAND
HELLAND, GERARD, W.
211 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14030000
KARL WOLFE
WOLFE, KARL, F.
213 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14035000
DENISE BLANKENSHIP
BLANKENSHIP, DENISE, M.
217 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14040000
ANITA VANDYCK
VANDYCK, ANITA, L.
P.O. BOX 1415
SITKA AK 99835-1415

Parcel ID: 14045000
CARLOS/CECILIA AGNE
AGNE, CARLOS, A./CECILIA, G.
P.O. BOX 2061
SITKA AK 99835-2061

Parcel ID: 14050000
TIMOTHY/LESLIE FULTON
FULTON, TIM, J. & LESLIE, A.
225 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14055000
JULIE SIMPSON
SIMPSON, JULIE, A.
227 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14060000
LINDA LITTEN
LITTEN, LINDA, K.
2774 OLD MILTON HWY
WALLA WALLA WA 99362-7153

Parcel ID: 14070000
GRIGORIUS/ALDO BEKERIS/BEKER
BEKERIS, GRIGORIUS/BEKER,
ALDONA
233 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14075000
ROBERT MILLER
MILLER, ROBERT, J.
235 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14080000
NAPOLEON MORFE
MORFE, NAPOLEON
P.O. BOX 6052
SITKA AK 99835-6052

Parcel ID: 14085000
KATERI RICHARDS
RICHARDS, KATERI
239 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14090000
FLORENCIO/ADELA UDDIPA
UDDIPA, FLORENCIO & ADELA
604 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14095000
DAVID/MARY FELTS/MABALOT
FELTS, DAVID & MABALOT, MARY
602 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14100000
THANH/NERLITA BANH REVOCABLE
LIVING TRUST
BANH, THANH/NERLITA, C.
201 CRABAPPLE DR.
SITKA AK 99835

Parcel ID: 14105000
GEORGE/KATHERIN ERICKSON
ERICKSON, GEORGE, B./KATHERINE,
M.
203 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14110000
AARON/EMILY ROUNTON
ROUNTON, AARON & EMILY
205 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14115000
DANI PEPPER
PEPPER, DANI, J.
207 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14120000
HELEN CUNNINGHAM
CUNNINGHAM, HELEN, J.
P.O. BOX 1035
SITKA AK 99835-1035

Parcel ID: 14125000
HELEN CUNNINGHAM
~~CUNNINGHAM, HELEN, J.~~
~~P.O. BOX 1035~~
~~SITKA AK 99835-1035~~

Parcel ID: 14130000
PHILIP/LINDA MOONEY/SPEERSTRA
MOONEY, PHILIP, W./SPEERSTRA,
LINDA
210 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14140000
SALVADOR/ADELIA AGNE
AGNE, SALVADOR, A./ADELIA, M.
P.O. BOX 1063
SITKA AK 99835-1063

Parcel ID: 14150000
FIRT BAPTIST CHURCH OF SITKA
~~FIRT BAPTIST CHURCH OF SITKA~~
~~514 HALIBUT POINT RD~~
~~SITKA AK 99835~~

Parcel ID: 14270000
ROBERLEY WALDRON
WALDRON, ROBERLEY, R.
1126 BROOKHOLLOW RD
ANDERSON SC 29621

Parcel ID: 14275000
JUSTIN/PATRICIA FAGER
C/O DARCIA JENNER
FAGER, JUSTIN & PATRICIA
601 PLAMER AVE
LAGRANDE OR 97850

Parcel ID: 14277000
JOSEPH/LISA PARTIDO
PARTIDO, JOSEPH, B./LISA, A.
206 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14280000
ALAIN/TERESSA SAAIMAN
SAAIMAN, ALAIN/TERESSA
4617 RIVER RD
JUNEAU AK 99801

Parcel ID: 14291000
MARTY/ELIZABETH MARTIN
REVOCABLE TRUST
MARTIN REVOCABLE TRUST,
MARTY/ELIZABETH
P.O. BOX 2752
SITKA AK 99835-2752

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

Parcel ID: 15270000
THOMAS/DARCY JONES
JONES, THOMAS & DARCY
2217 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 15300000
ROBERT/TONI MCGRAW
MCGRAW, ROBERT, S./TONI, G.
201 NEW ARCHANGEL ST.
SITKA AK 99835

Parcel ID: 15410000
CITY & BOROUGH OF SITKA
BLATCHLEY JUNIOR HIGH SCH
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 14285000
KELLY BODDY
BODDY, KELLY, A.
202 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14292000
JEREMY/JANET PHILLIPS/BAKER
PHILLIPS, JEREMY/BAKER, JANET
506 HALIBUT POINT RD
SITKA AK 99835

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

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

Parcel ID: 15305000
CANDACE BARTELS
BARTELS, CANDACE
600 DEGROFF ST, #B
SITKA AK 99835

Parcel ID: 14290000
JENSEN/AMANDA YOCUM/BAGGEN
YOCUM, JENSEN/BAGGEN, AMANDA
200 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14294000
MARY FERGUSON
FERGUSON, MARY
504 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 15225000
ALICE/SHERMAN STRAIN
STRAIN, SHERMAN & ALICE
2862 BANNER CT
MEDFORD OR 97504-5805

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

Parcel ID: 15370000
OZ KENDALL DECLARATION OF
TRUST
KENDALL, OZ
8031 BERRY PATCH DR
ANCHORAGE AK 99502

Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

P&Z Mailing
September 9, 2016

Parcel ID: 14000000
FIRT BAPTIST CHURCH OF SITKA
FIRT BAPTIST CHURCH OF SITKA
514 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14005000
FIRT BAPTIST CHURCH OF SITKA
~~FIRT BAPTIST CHURCH OF SITKA~~
~~514 HALIBUT POINT RD~~
SITKA AK 99835

Parcel ID: 14010000
DAVID GRAHAM
GRAHAM, DAVID, A.
408 LAKE ST
SITKA AK 99835

Parcel ID: 14015000
MARGARET/VIRGIN ANDREWS/LUTZ
ANDREWS, MARGARET, J./LUTZ,
VIRGINIA
207 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14025000
GERARD HELLAND
HELLAND, GERARD, W.
211 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14030000
KARL WOLFE
WOLFE, KARL, F.
213 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14035000
DENISE BLANKENSHIP
BLANKENSHIP, DENISE, M.
217 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14040000
ANITA VANDYCK
VANDYCK, ANITA, L.
P.O. BOX 1415
SITKA AK 99835-1415

Parcel ID: 14045000
CARLOS/CECILIA AGNE
AGNE, CARLOS, A./CECILIA, G.
P.O. BOX 2061
SITKA AK 99835-2061

Parcel ID: 14050000
TIMOTHY/LESLIE FULTON
FULTON, TIM, J. & LESLIE, A.
225 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14055000
JULIE SIMPSON
SIMPSON, JULIE, A.
227 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14060000
LINDA LITTEN
LITTEN, LINDA, K.
211 CRAB APPLE DR
SITKA AK 99835

Parcel ID: 14070000
GRIGORIJS/ALDO BEKERIS/BEKER
BEKERIS, GRIGORIJS/BEKER,
ALDONA
233 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14075000
ROBERT MILLER
MILLER, ROBERT, J.
235 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14080000
NAPOLEON MORFE
MORFE, NAPOLEON
237 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14085000
KATERI RICHARDS
RICHARDS, KATERI
239 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14090000
FLORENCIO/ADELA UDDIPA
UDDIPA, FLORENCIO & ADELA
604 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14095000
DAVID/MARY FELTS/MABALOT
FELTS, DAVID & MABALOT, MARY
602 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14100000
THANH/NERLITA BANH REVOCABLE
LIVING TRUST
BANH, THANH/NERLITA, C.
201 CRABAPPLE DR.
SITKA AK 99835

Parcel ID: 14105000
GEORGE/KATHERIN ERICKSON
ERICKSON, GEORGE, B./KATHERINE,
M.
203 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14110000
AARON/EMILY ROUTON
ROUTON, AARON & EMILY
205 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14115000
DANI PEPPER
PEPPER, DANI, J.
207 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14120000
HELEN CUNNINGHAM
CUNNINGHAM, HELEN, J.
P.O. BOX 1035
SITKA AK 99835-1035

Parcel ID: 14125000
HELEN CUNNINGHAM
~~CUNNINGHAM, HELEN, J.~~
~~P.O. BOX 1035~~
SITKA AK 99835-1035

Parcel ID: 14130000
PHILIP/LINDA MOONEY/SPEERSTRA
MOONEY, PHILIP, W./SPEERSTRA,
LINDA
210 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14140000
SALVADOR/ADELIA AGNE
AGNE, SALVADOR, A./ADELIA, M.
P.O. BOX 1063
SITKA AK 99835-1063

Parcel ID: 14150000
~~FIRT BAPTIST CHURCH OF SITKA~~
~~FIRT BAPTIST CHURCH OF SITKA~~
~~514 HALIBUT POINT RD~~
SITKA AK 99835

Parcel ID: 14270000
ROBERLEY WALDRON
WALDRON, ROBERLEY, R.
1126 BROCKHOLLOW RD
ANDERSON SC 29621

Parcel ID: 14275000
JUSTIN/PATRICI FAGER
C/O CAROL HITCHCOCK
FAGER, JUSTIN/PATRICIA
3408 HALIBUT POINT RD, APT A
SITKA AK 99835

Parcel ID: 14277000
JOSEPH/LISA PARTIDO
PARTIDO, JOSEPH, B./LISA, A.
206 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14280000
ALAIN/TERESSA SAAIMAN
SAAIMAN, ALAIN/TERESSA
4617 RIVER RD
JUNEAU AK 99801

Parcel ID: 14291000
MARTY/ELIZABETH MARTIN
REVOCABLE TRUST
MARTIN REVOCABLE TRUST,
MARTY/ELIZABETH
P.O. BOX 2752
SITKA AK 99835-2752

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

Parcel ID: 15270000
THOMAS/DARCY JONES
JONES, THOMAS & DARCY
2217 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 15300000
ROBERT/TONI MCGRAW
MCGRAW, ROBERT, S./TONI, G.
201 NEW ARCHANGEL ST.
SITKA AK 99835

Parcel ID: 15410000
CITY & BOROUGH OF SITKA
BLATCHLEY JUNIOR HIGH SCH
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 14285000
KELLY BODDY
BODDY, KELLY, A.
202 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14292000
JEREMY/JANET PHILLIPS/BAKER
PHILLIPS, JEREMY/BAKER, JANET
506 HALIBUT POINT RD
SITKA AK 99835

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

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

Parcel ID: 15305000
CANDACE BARTELS
BARTELS, CANDACE
600 DEGROFF ST, #B
SITKA AK 99835

Parcel ID: 14290000
JENSEN/AMANDA YOCUM/BAGGEN
YOCUM, JENSEN/BAGGEN, AMANDA
200 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14294000
MARY FERGUSON
FERGUSON, MARY
504 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 15225000
ALICE/SHERMAN STRAIN
STRAIN, SHERMAN & ALICE
2862 BANNER CT
MEDFORD OR 97504-5805

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

Parcel ID: 15370000
OZ KENDALL DECLARATION OF
TRUST
KENDALL, OZ
8031 BERRY PATCH DR
ANCHORAGE AK 99502

P&Z Mailing
July 8, 2016

Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 6/8/16

To: Emily Davis

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	
Conditional Use Permit.....	100.00
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.....	6.00
TOTAL.....	106.00

PAID
JUN 08 2016
CITY & BOROUGH OF SITKA

Thank you

Davis & Barker
Conditional Use Permit Request
514 Halibut Point Road &
203 Lakeview Drive

RO Search Menu | Name Search | Date Search | Document Number Search | Document Type Search | Book and Page Search | Historic Book Search |
 Plat Number Search | Survey Search | MTRS Search | Subdivision Search | Subdivision Name - No Plat Number | Doc.Input/UnverifiedStatus

Recorder's Office - Document Display

Selected Document: 1983-000287-0

In District: 103 - SITKA

[See Index Codes](#)

[Cannot view images?](#)

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Document Year: 1983 Number: 000287 Suf: 0	District: <u>103 - SITKA</u>
Date Recorded: 02/14/1983 Time: 09:40AM Book: 59 Page: 379 Pages: 1	
Index: M - MORTGAGES	
Desc: DEED/RECON.	
Grantor - SOUTHEASTERN TITLE AGENCY INC	
Grantee - FIRST BAPTIST CHURCH OF SITKA ALASKA	
Location: Lot: 1	Plat: D-11
Location: Lot: 2	Plat: D-11
Location: Lot: 30	Plat: D-11

More Information for additional Legal Info.

[Back](#)

[More Legals](#)

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Last updated on 06/13/2016.

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Davis & Barker
 Conditional Use Permit Request
 514 Halibut Point Road &
 203 Lakeview Drive

Department of Natural Resources
 550 W. 7th Ave, Suite 1260, Anchorage, AK 99501-3557
 Phone: 907-269-8400 || Fax: 907-269-8901 || TTY: 907-269-8411



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-27 **Version:** 1 **Name:**

Type: Conditional Use Permits **Status:** AGENDA READY

File created: 8/30/2016 **In control:** Planning Commission

On agenda: 9/20/2016 **Final action:**

Title: Public hearing and consideration of a conditional use permit for a short-term rental and bed and breakfast at 1948 Dodge Circle, in the R-1 Single Family and Duplex Residential District. The property is also known as Lot 2 of Dodge Circle Estates. The request is filed by Brock and Patricia Bauder. The owners of record are Brock and Patricia Bauder.

Sponsors:

Indexes:

Code sections:

Attachments: [Bauder 9.20.16](#)

Date	Ver.	Action By	Action	Result
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City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: September 15, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-27 Conditional Use Permit for STR and B&B at 1948 Dodge Circle

GENERAL INFORMATION

Applicant: Brock and Patricia Bauder

Property Owner: same

Property Address: 1948 Dodge Circle

Legal Description: Lot 2 Dodge Circle Estates

Parcel ID Number: 2-4825-002

Size of Existing Lot: 14,548 square feet

Zoning: R-1

Existing Land Use: Residential

Utilities: Full city services

Access: Halibut Point Road, Dodge Circle, Private Easement

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: Zoning Map

Attachment D: Site Plan

Attachment E: Floor Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Flood Zone Map

Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Warranty Deed

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental and a bed and breakfast at 1948 Dodge Circle in the R-1 single family and duplex residential zone. The Bauders wish to rent their 4 bedroom, 3.5 bathroom, and three story home up to year round. At times, it will be owner-occupied, but at other times, when they travel they may wish to rent out their entire home while away. Their request is to give them the flexibility to rent it out whether or not they are home and to do so year-round or seasonally for anywhere from one room to all four rooms.

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

The R-1 zoning district may allow short-term rentals and bed and breakfast as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.²

Since the owner will at times operate the rental as an owner-occupied rental it is part a bed and breakfast, but at other times without owner occupation it will act as a short-term rental. Therefore, staff has consolidated all uses into one holistic conditional use permit.

Parking requirements will based on the more intensive requirement for the bed and breakfast, which requires 3 spaces (2 for the residential use and 1 for the bed and breakfast use – 1 space for up to three rooms.) The applicant has provided 4 spaces and has room for even more.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.³

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: A short-term rental (or B&B) in addition to a single-family home can create additional parking and traffic demand. In this case, the historic residential use with the owners' children probably

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 Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

³ § 22.24.010.E

exceeded what the future commercial rental would create since typically car use by tourists is less than or the same as long-term residential use.

b. Amount of noise to be generated and its impacts on surrounding land use: Renters can be known to create more noise due to being on vacation than typical families might. However, space and buffers as well as rental overview and ability to address concerns adequately mitigate this.

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

d. Hours of operation: Year-round.

e. Location along a major or collector street: Halibut Point Road, Dodge Circle, and private easement.

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

g. Effects on vehicular and pedestrian safety: None identified that would be different than existing use or significant in impact.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: The property is near to Halibut Point Road, which provides easy emergency access.

i. Logic of the internal traffic layout: The applicant has indicated 4 parking spaces in excess of code requirements.

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

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The property has abundant foliage and elevation to provide privacy.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.6.2, which states, "To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas;" and Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.⁴ This application conforms to the above sections by creating short-term transient housing available.

⁴ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may increase long-term rental rates for the overall community.⁵

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: ⁶

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;

⁵ Planning: The Magazine of the American Planning Association, February 2016, p. 31

⁶ § 22.30.160.C – Required Findings for Conditional Use Permits

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.

Conclusion on Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staffs' analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

.....

See Next Page for Recommended Motions

Recommended Motions: (two motions - read and voted upon separately)

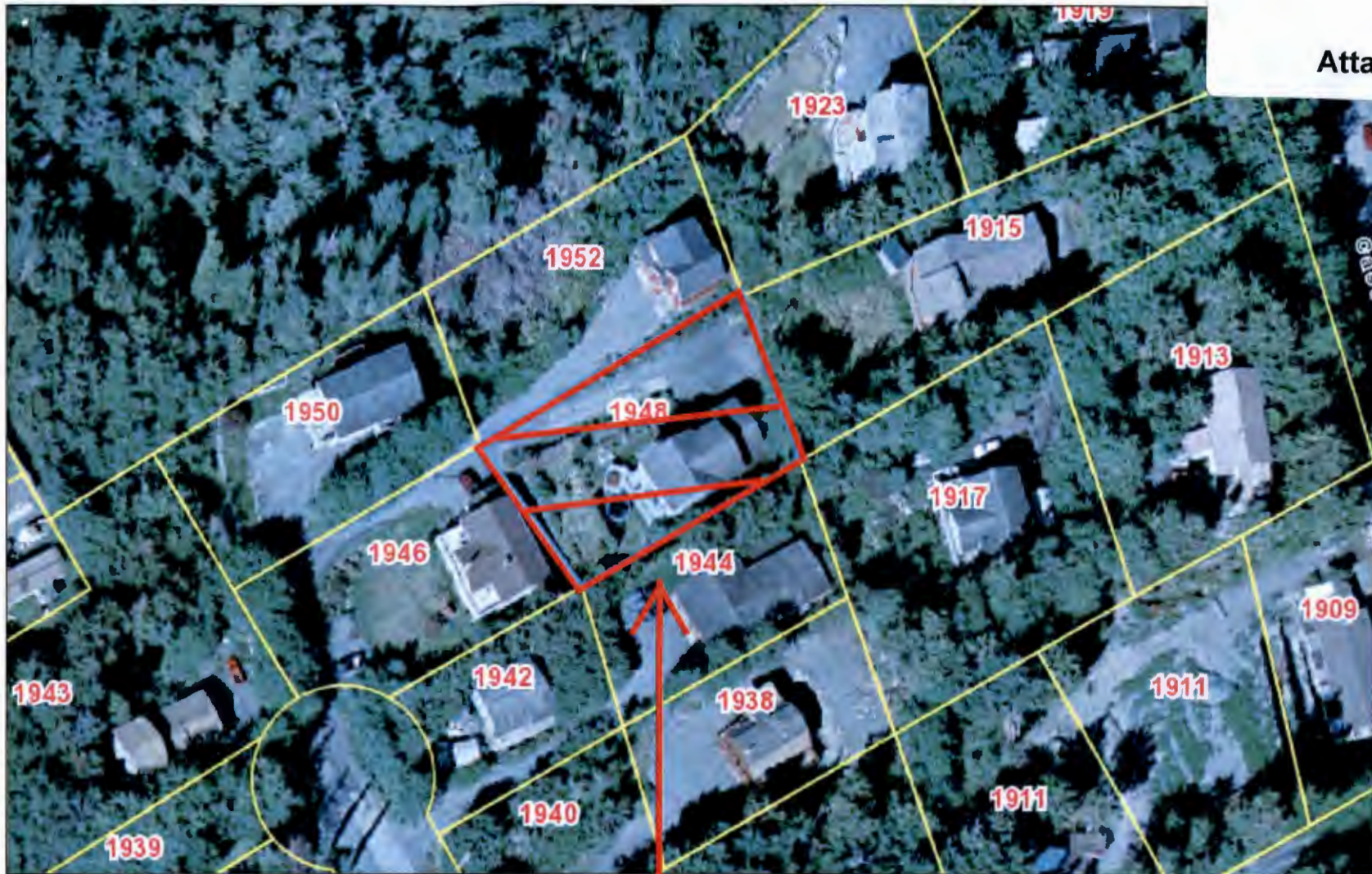
- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental and bed and breakfast at 1948 Dodge Circle, in the R-1 single family and duplex residential district. The property is also known as Lot 2 Dodge Circle Estates. The request is filed by Brock and Patricia Bauder. The owners of record are Brock and Patricia Bauder.

Conditions of Approval:

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 for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
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. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.



Baude
Conditional Use Permit
1948 Dodge Circle



City & Borough of Sitka, Alaska

Selected Parcel: 1948 DODGE ID: 24825002

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>

20 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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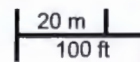
Bauder
Conditional Use Permit
1948 Dodge Circle



City & Borough of Sitka, Alaska

Selected Parcel: 1948 DODGE ID: 24825002

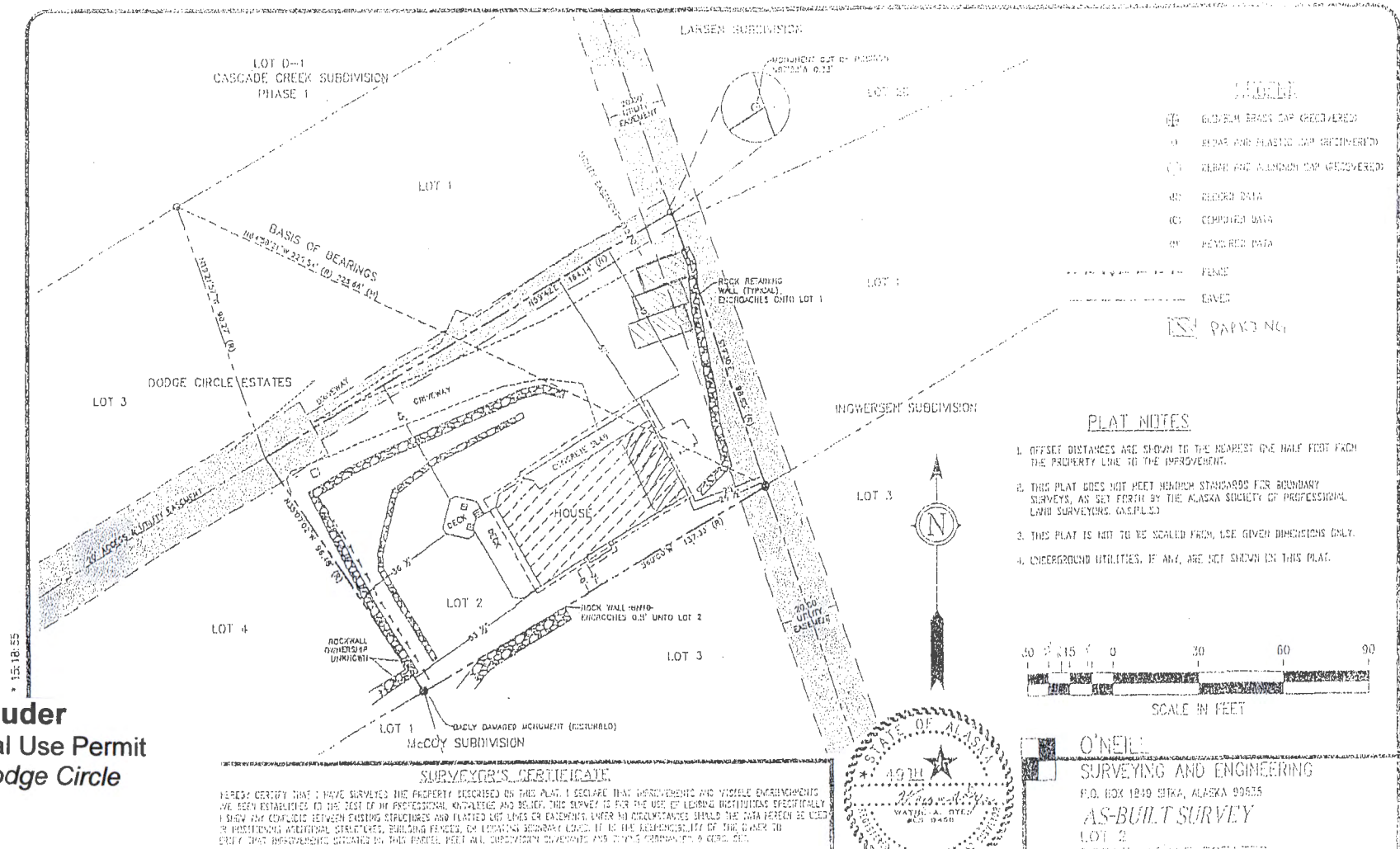
Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>



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Bauder
Conditional Use Permit
1948 Dodge Circle

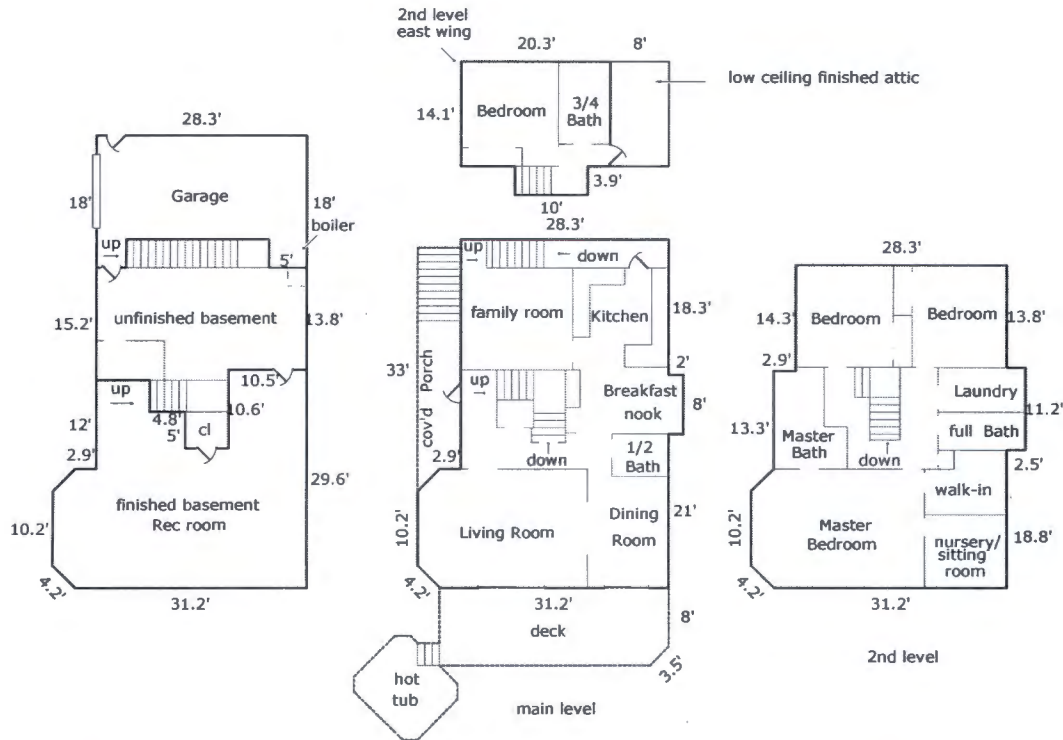
Bauder
Conditional Use Permit
1948 Dodge Circle



Building Sketch

Client	First Bank		
Property Address	1948 Dodge Cir		
City	Sitka	County City/Borough of Sitka	State AK
Borrower	Bauder, Brock & Patty		

Attachment E



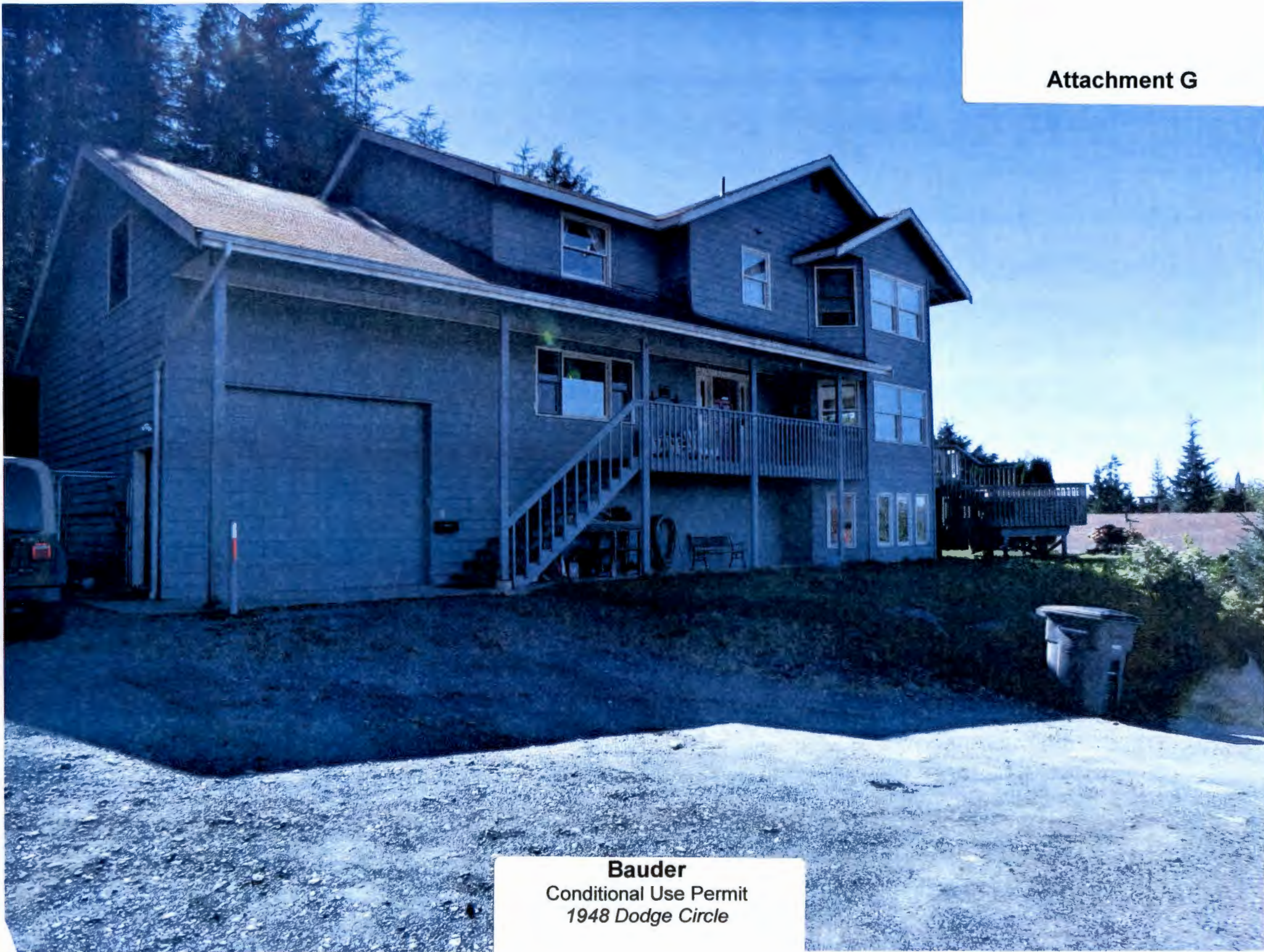
Sketch by Apex Medina™

Comments: The area labeled below as the 3rd level is actually the same elevation as the 2nd level and is labeled as the "2nd level east wing" in the sketch above.

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1441.2	1441.2
GLA2	Second Floor	1392.7	1392.7
GLA3	Third Floor	325.2	325.2
BSMT	unfinished	564.3	
	finished	825.8	1390.1
GAR	Garage	434.1	434.1
P/P	cov'd Porch	181.5	
	deck	452.5	634.0
OTH	finished stg	112.8	112.8
Net LIVABLE Area		(rounded)	3159

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
28.3	x	18.3	517.9
30.3	x	8.0	242.4
4.8	x	28.3	135.8
3.0	x	31.2	93.6
10.2	x	34.2	348.8
3.0	x	31.2	93.6
0.5	x	3.0	4.5
0.5	x	3.0	4.5
Second Floor			
31.2	x	3.0	93.6
10.2	x	34.2	348.8
0.5	x	3.0	4.5
0.5	x	3.0	4.5
5.6	x	31.2	174.7
0.5	x	30.8	15.4
10.7	x	33.7	360.6
13.8	x	28.3	390.5
Third Floor			
10.0	x	3.9	39.0
14.1	x	20.3	286.2
18 Items		(rounded)	3159

Bauder
Conditional Use Permit
1948 Dodge Circle



Bauder
Conditional Use Permit
1948 Dodge Circle



Bauder
Conditional Use Permit
1948 Dodge Circle



Bauder
Conditional Use Permit
1948 Dodge Circle



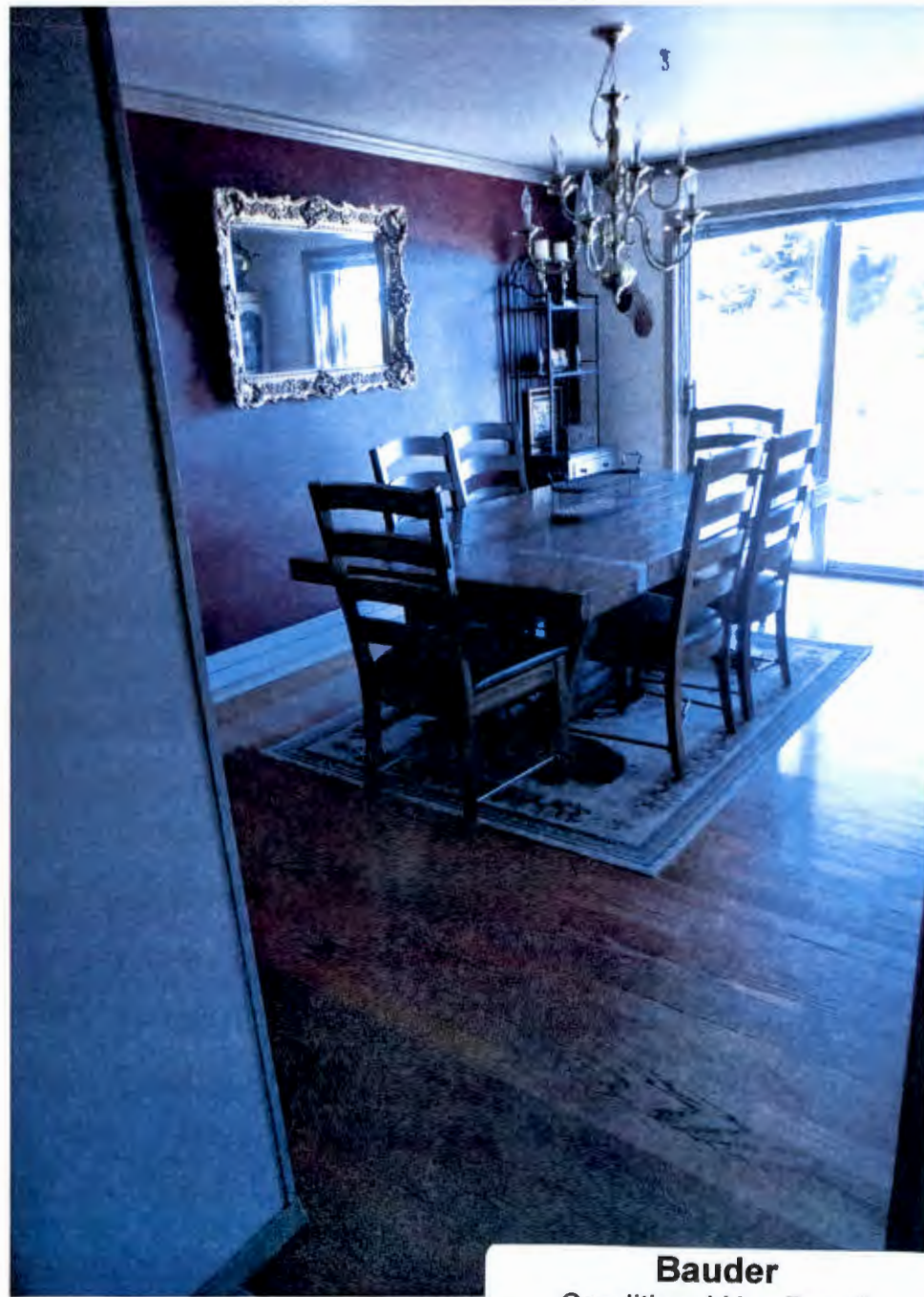
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Conditional Use Permit
1948 Dodge Circle



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Conditional Use Permit
1948 Dodge Circle



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Conditional Use Permit
1948 Dodge Circle



Bauder
Conditional Use Permit
1948 Dodge Circle



Bauder
Conditional Use Permit
1948 Dodge Circle



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

Attachment H

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: Occasionally renting a room or
rooms within our home. Mostly Owner occupied, but the
entire house will sometimes be rented too.

PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:

PROPERTY OWNER: Brock + Patricia Bauder

PROPERTY OWNER ADDRESS: 1948 Dodge Circle Sitka AK 99835

STREET ADDRESS OF PROPERTY: Same

APPLICANT'S NAME: Brock + Patricia Bauder

MAILING ADDRESS: 1948 Dodge Circle Sitka AK 99835

EMAIL ADDRESS: bauderfamily@acsalaska.net DAYTIME PHONE: (907) 738-9901

PROPERTY LEGAL DESCRIPTION:

TAX ID: 2-4825-002 LOT: 2 BLOCK: _____ TRACT: _____

SUBDIVISION: Dodge Circle Estates US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		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 

8-29-16
Date

Applicant (If different than owner)

Date

Bauder
Conditional Use Permit
1948 Dodge Circle



Brock & Patricia Bauder

1948 Dodge Circle

We are requesting approval
for a conditional use
permit, so that we may rent
our home at the end of

Dodge Circle. We will be renting anywhere from one to four bedrooms on a short term basis. Our home will mostly be owner occupied, but we will rent the entire home out on occasion. The primary season will be from April to September, but we will offer the home for the entire year. We have a three story 4 bedroom 3 1/2 bath home. We plan on listing on a couple of reputable sites that provide for the thorough vetting of guests. In addition, the guest rules and our personal oversight will ensure that the property and surrounding areas will remain clean, and noise free.

We will offer to pick up our guests at the airport, ferry, or other city locations. Our guests will however, most likely have their own mode of transportation. Our personal parking area is at the

Bauder
Conditional Use Permit
1948 Dodge Circle

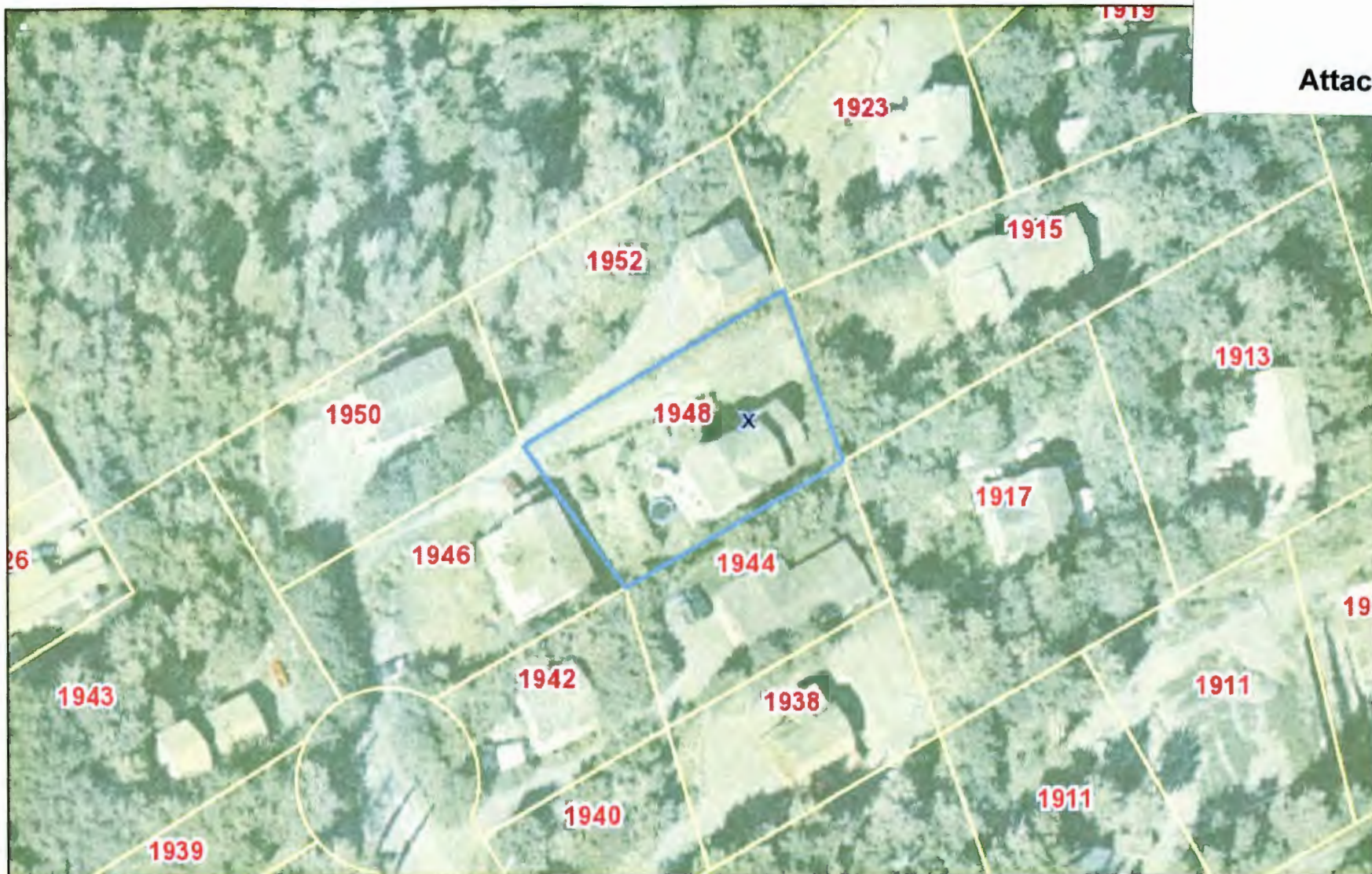
end of a 200 foot private drive that serves four houses. Parking for guest vehicles is not a problem as we have a driveway big enough to park five or more cars. The vehicular traffic with our rental guests will be considerably less than when our three children lived at home.

Our home is identifiable by the fire department provided house numbers located at the beginning of our driveway.



Emergency vehicles have easy access to our home with the large parking turnaround that we have.

We have smoke and carbon monoxide detectors, fire escape ladders and fire extinguishers available in our home.



City & Borough of Sitka, Alaska

Selected Parcel: 1948 DODGE ID: 24825002

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>

20 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Bauder
Conditional Use Permit
1948 Dodge Circle

Attachment J

Parcel ID: 24401000
ALASKA MENTAL HEALTH TLO
ALASKA MENTAL HEALTH TRUST
718 L STREET, STE 202
ANCHORAGE AK 99501

Parcel ID: 24775000
MICHAEL/ANN MORRIS
MORRIS, MICHAEL, R./ANNE, C.
1943 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24780001
MARY ANDERSEN
ANDERSEN, MARY, TODD
P.O. BOX 99
SITKA AK 99835-0099

Parcel ID: 24780002
ALAN ANDERSEN
ANDERSEN, ALAN, T.
1939 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24785001
ERICA/KRISTOPHE PEARSON
PEARSON, ERICA & KRISTOPHER
P.O. BOX 2421
SITKA AK 99835-2421

Parcel ID: 24825001
LAURINDA/ERIC MARCELLO/HARMON
MARCELLO, LAURINDA & HARMON,
ERIC
1952 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24825002
BROCK/PATRICIA BAUDER
BAUDER, BROCK & PATRICIA
1948 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24825003
GARY/SHASTA SMITH
SMITH, GARY, R./SHASTA, D.
105 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 24825004
SCOTT/KATHY MCLEOD
MCLEOD, SCOTT, P./KATHY, L.
1946 DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24831000
WALTER/MEGAN PASTERNAK
PASTERNAK, WALTER, C./MEGAN, R.
P.O. BOX 830
SITKA AK 99835-0830

Parcel ID: 24832000
MICHAEL/SUSAN MOTTI/ROYCE
MOTTI, MICHAEL, J./ROYCE, SUSAN
1919 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24833000
MASSEY/MASSEY TRUST
MASSEY, BRIAN, D.
1915 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24834000
ALLISON HACKETT
HACKETT, ALLISON, O.
1923 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24835001
STEVEN/LYNNE CAMPBELL/CIOLLI
CAMPBELL, STEVEN & CIOLLI, LYNNE
1942 DODGE CIR
SITKA AK 99835

Parcel ID: 24835002
PEMBERTON FAMILY REVOCABLE
TRUST
PEMBERTON, JOHN, S./EVELYN, M.
P.O. BOX 2955
TUBA CITY AZ 86045-2955

Parcel ID: 24835003
AMY ZANUZOSKI
ZANUZOSKI, AMY
P.O. BOX 1991
SITKA AK 99835-1991

Parcel ID: 24835004
FRANK/NICOLE BALOVICH
BALOVICH, FRANK & NICOLE
1417 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 24841000
PHILIP/EDITH WELSH
*WELSH, PHILIP & EDITH
1913 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24842000
JOHN/JANET GASSMAN
GASSMAN, JOHN, W./JANET
P.O. BOX 954
SITKA AK 99835-0954

Parcel ID: 24845000
GERALD/SUSAN FLEMING
FLEMING, GERALD, D./SUSAN, J.
1924-A DODGE CIRCLE
SITKA AK 99835

Parcel ID: 24851000
ARTHUR/JENNY EELLS
EELLS, ARTHUR & JENNY
P.O. BOX 853
SITKA AK 99835-0853

Parcel ID: 24852001
RICHARD/ROSE MACINTYRE
MACINTYRE, RICHARD & ROSE
1907 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 24852002
RICHARD/ROSE MACINTYRE
MACINTYRE, RICHARD & ROSE
1907 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 25120003
GERALD/MARY HELEM REVOCABLE
TRUST
HELEM REV. TRUST, GERALD & MARY
P.O. BOX 1811
SITKA AK 99835-1811

Parcel ID: 25120004
FRANK/GLORIA SCIGLIANO
SCIGLIANO, FRANK/GLORIA
109 SAND DOLLAR DR.
SITKA AK 99835

Parcel ID: 25122004
DANIEL/JANET GRAY/CLARKE
GRAY, DANIEL & CLARKE, JANET
P.O. BOX 311
SITKA AK 99835-0311

Bauder
Conditional Use Permit
1948 Dodge Circle

P&Z Mailing
September 9, 2016

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: AUG 30, 2016

To:

Brock Bauder

PAID
AUG 30 2016
CITY & BOROUGH OF SITKA

ACCOUNT # 100-300-320-3201.002
PLANNING & ZONING

Variance.....	75.00
Conditional Use Permit.....	
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.....	4.50
TOTAL.....	79.50

Thank you

Bauder
Conditional Use Permit
1948 Dodge Circle

A
L
A
S
K
A

2011-

Recording District
10/28/2011

Attachment L



File for Record at Request of:

First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: **Brock C. and Patricia Bauder**

Address: **1948 Dodge Circle**

Sitka, AK 99835

File No.: **0241-1767642 (JRN)**

STATUTORY WARRANTY DEED

THE GRANTOR, **Mark W. and Cynthia A. Whittington Community Property Trust, U.T.D. March 26, 2007**, whose mailing address is **34759 Mathews Rd., Eugene, OR 97405**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Brock C. Bauder and Patricia Bauder, husband and wife**, residing at **305 Cascade St., Sitka, AK 99835**, the following described real estate, situated in the **Sitka** Recording District, **First** Judicial District, State of **Alaska**:

Lot 2, DODGE CIRCLE ESTATES, according to the official plat thereof, filed under Plat Number 87-8, Records of the Sitka Recording District, First Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: October 10, 2011.

Bauder
Conditional Use Permit
1948 Dodge Circle

**Mark W. and Cynthia A. Whittington,
Community Property Trust, U.T.D. March 26,
2007**

Mark W. Whittington
Mark W. Whittington, Trustee

Cynthia A. Whittington/Trustee

STATE OF Oregon)
) ss.
Judicial District)

THIS IS TO CERTIFY that on this October 10, 2011, before me the undersigned Notary Public, personally appeared **Mark W. and Cynthia A. Whittington, Trustees of the Mark W. and Cynthia A. Whittington Community Property Trust, U.T.D. March 26, 2007**, 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.

Notary Public in and for Oregon
My commission expires March 28, 2015





CITY AND BOROUGH OF SITKA

Legislation Details

File #: VAR 16-16 **Version:** 1 **Name:**

Type: Variances **Status:** AGENDA READY

File created: 8/30/2016 **In control:** Planning Commission

On agenda: 9/20/2016 **Final action:**

Title: Public hearing and consideration of a variance request for 1415 Davidoff Street in the R-1 Single Family and Duplex Residential District. The request is for the reduction of the front setback from 20 feet to 2 feet, the reduction of the easterly side setback from 8 feet to 2 feet, and substandard lot width. The property is also known as Lot 3 of Clyde Franks Subdivision. The request is filed by Sam Smith. The owner of record is Venneberg Family Trust.

Sponsors:

Indexes:

Code sections:

Attachments: [Venneberg 9.20.16](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: September 2, 2016

From: PCDD Staff

To: Planning Commission

Re: V 16-16 Variance Request for House at 1415 Davidoff Street

GENERAL INFORMATION

Applicant: Sam Smith

Property Owner: Venneberg Family Trust

Property Address: 1415 Davidoff Street

Legal Description: Lot 3 Clyde Franks Subdivision

Parcel ID Number: 1-5785-000

Size of Existing Lot: 8217 square feet

Zoning: R-1

Existing Land Use: Undeveloped

Utilities: Full city services

Access: Davidoff Street

Surrounding Land Use: Residential, Undeveloped

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

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Flood Zone Map

Attachment E: Parcel Pictures

Attachment F: Subdivision Plat

Attachment G: Site Plan

Attachment H: Application

Providing for today...preparing for tomorrow

Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Proof of Ownership

BACKGROUND

Clyde Franks Subdivision in 1962 created this lot, which is currently undeveloped. Surrounding lots are residential and undeveloped in use.

PROJECT DESCRIPTION

The variance request is for the reduction of the front setback from 20 feet to 2 feet and the reduction of the easterly side setback from 8 feet to 2 feet for the construction of a house. The property is located at 1415 Davidoff Street, in the R-1 zone. Setbacks are measured from property lines to eaves, gutters, and drip lines.

The applicant proposes to build a 40 foot by 40 foot house on the undeveloped parcel. The applicant states that approximately 2/3 of the rear of the property is not buildable due to steep terrain. After a site visit, staff concur with this statement.

ANALYSIS

Project / Site: The lot is flat at the front of the property, but has a steep drop-off at the rear and east side. No structures currently exist on the lot. Although the plat shows the property as abutting the Davidoff right-of-way, the pavement ends before 1417 Davidoff, the property to the west of this property. A gravel drive continues to 1415 Davidoff and terminates. No developments exist immediately to the east of the parcel.

Lot development is severely restricted due to topography. The only feasible location for the placement of the home is toward the front of the lot. The eastward location of the proposed structure allows for space between the structures 1417 and 1415 Davidoff Street.

The applicant should be aware that more stringent Building Code requirements apply when building within 5 feet of a property line, and may result in increased construction expense.

In a sense, the approval of the subdivision plat granted a defacto variance for lot width. Due to topography and substandard width, this lot has clear constraints for development. Such constraints should be considered when future subdivisions are approved to decrease the need for variances.

Zone: R-1: Intent. This zone is intended to provide for primarily for single-family and duplex

residences at moderate densities.¹

Traffic: No concerns for traffic. The proposed house is at the end of the developed right-of-way.

Parking: There is enough space for parking with two spaces required per single-family dwelling unit.²

Noise: Minimal noise concerns beyond the construction period.

Public Health or Safety: No concerns for public health and safety.

Habitat: No concerns for habitat.

Property Value or Neighborhood Harmony: A residential structure would be an improvement to the property.

Conformity with Comprehensive Plan: The proposed variance for the reduction of the front setback from 20 feet to 2 feet and the easterly side setback from 8 feet to 2 feet conforms to the Comprehensive Plan Section 2.4.1 which states, *"To guide the orderly and efficient use of private and public land in a manner which 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 allowing for the development of a residential property on a lot with steep topography while minimizing impacts on the right-of-way and adjacent properties.

FINDINGS³

D. Required Findings for Variances.

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, *specifically, that geography has created a significant elevation differential between the front and rear of the lot;*
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *specifically, the ability to economically develop a residential structure on a residential lot by reducing construction and engineering cost;*
- 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

¹ Section 22.16.040—R-1 District

² Section 22.20.100.G.1—Off-Street Parking Requirements

³ Section 22.30.160(D)(1)—Required Findings for Major Variances

infrastructure, *specifically, that the proposed structure would not abut another developed property or developed right-of-way on the reduced setback sides; and*

- d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically, the variance is in line with Comprehensive Plan 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner which 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 allowing for the economically feasible development of a residential property on a lot with steep topography while minimizing impacts on the right-of-way and adjacent properties.*

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff's analysis and suggested findings, and grant the variance for the reduction of the front setback from 20 feet to 2 feet and the easterly side setback from 8 feet to 2 feet for the construction of a house.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 2) I move to approve a variance request for 1415 Davidoff Street. The variance is for the reduction of the front setback from 20 feet to 2 feet and the easterly side setback from 8 feet to 2 feet for the construction of a house. The property is also known as Lot 3 Clyde Franks Subdivision. The request is filed by Sam Smith. The owners of record are Venneberg Family Trust.



Smith for Venneberg
Family Trust
Variance
1415 Davidoff Street



City & Borough of Sitka, Alaska

Selected Parcel: 1417 DAVIDOFF ID: 15785000

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>

20 m
100 ft



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www.mainstreetgis.com

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**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



City & Borough of Sitka, Alaska

Selected Parcel: 1417 DAVIDOFF ID: 15785000

Printed on 8/31/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>

20 m
100 ft



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**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



City & Borough of Sitka, Alaska

Selected Parcel: 1417 DAVIDOFF ID: 15785000

Printed on 8/31/2016 from <http://www.mainstreetmaps2.com/ak/sitka/internal.asp>

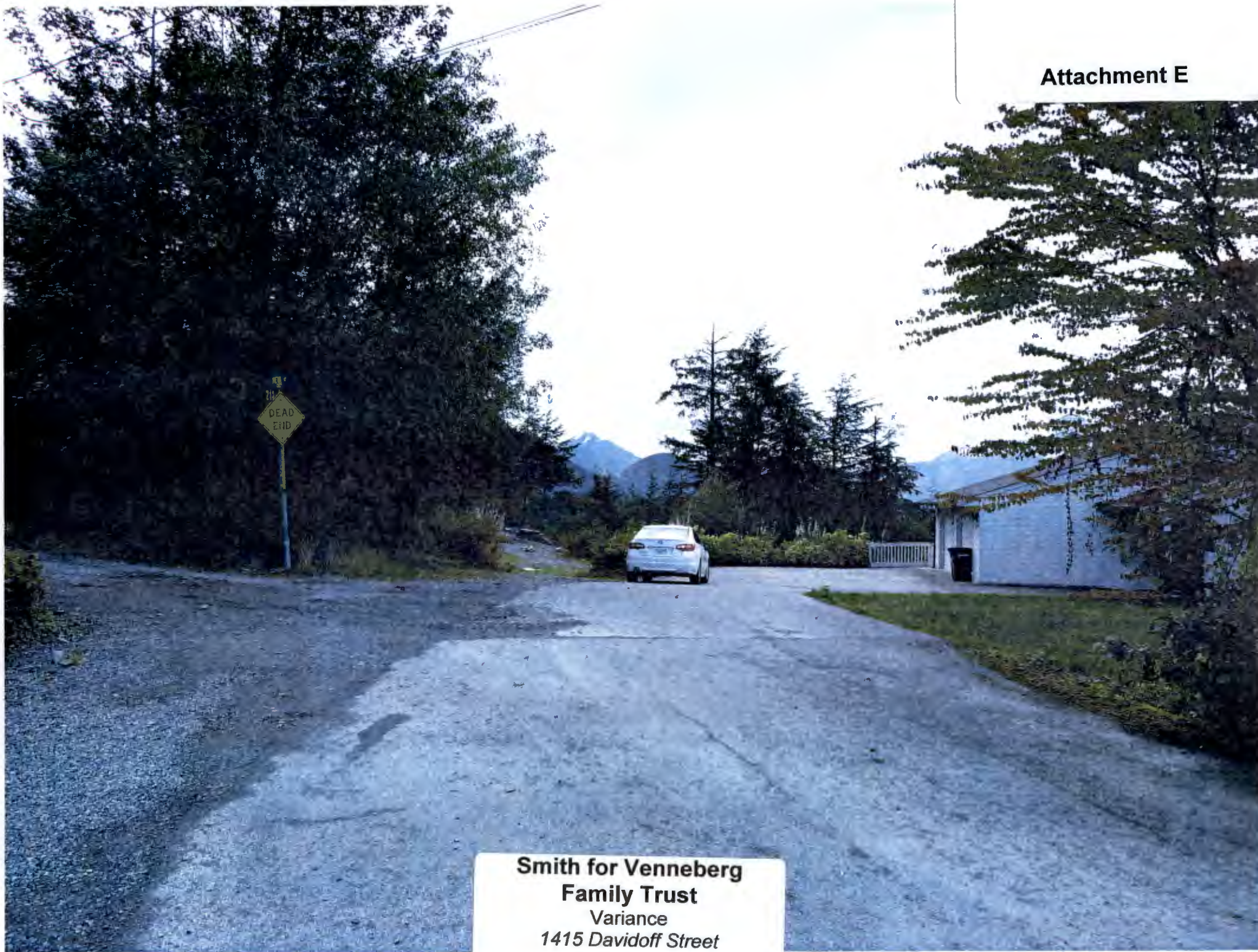
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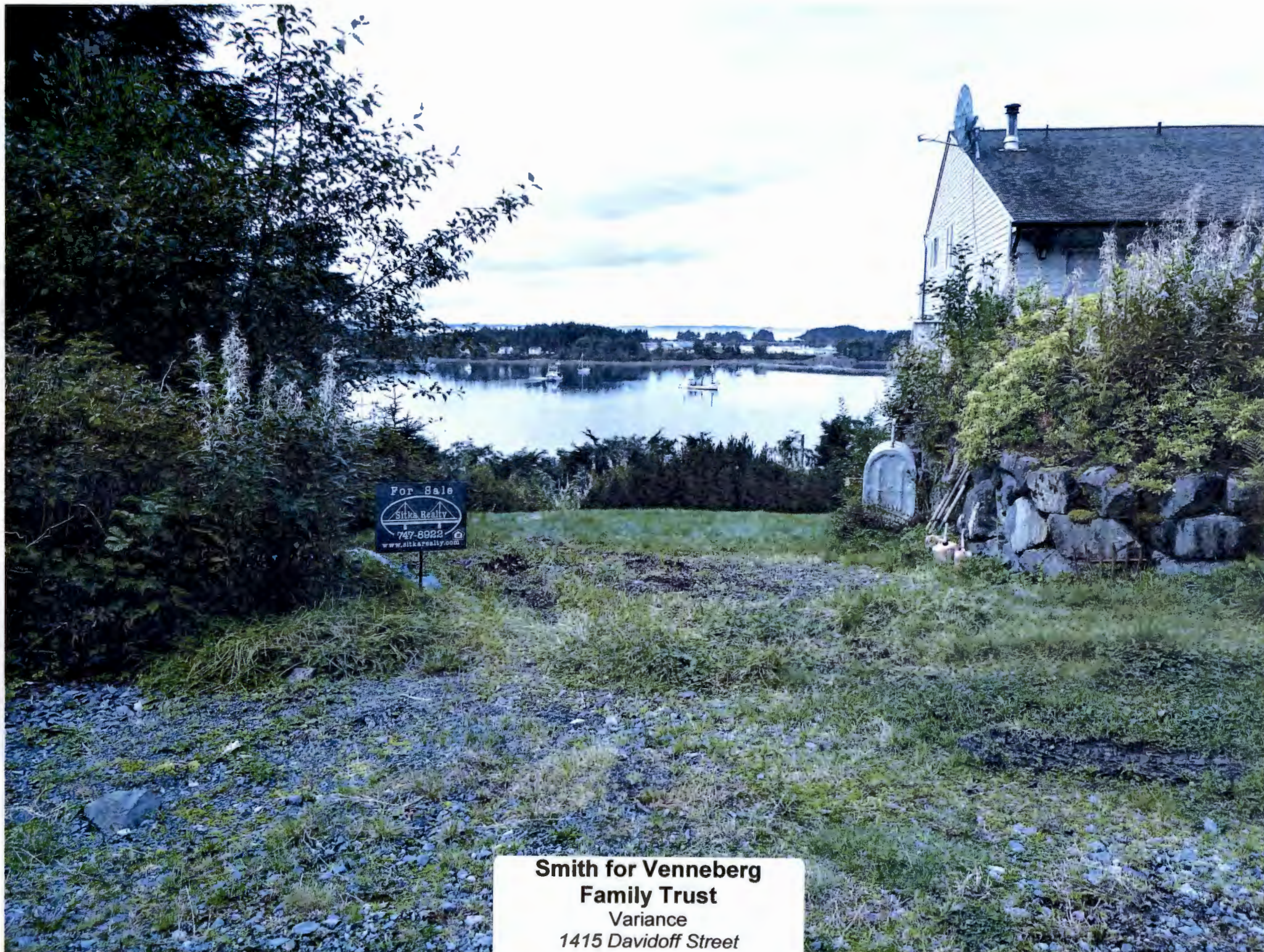
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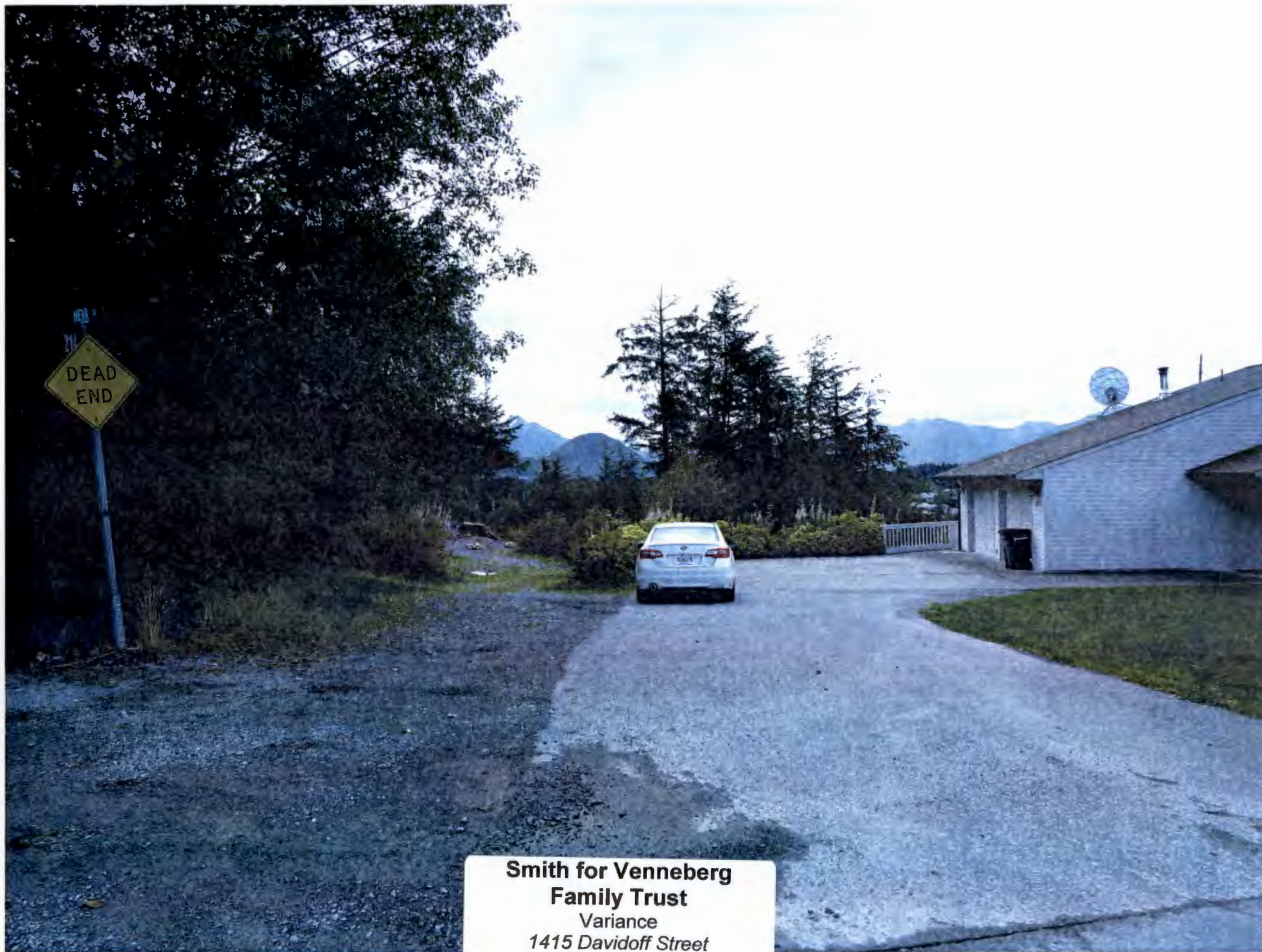
**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



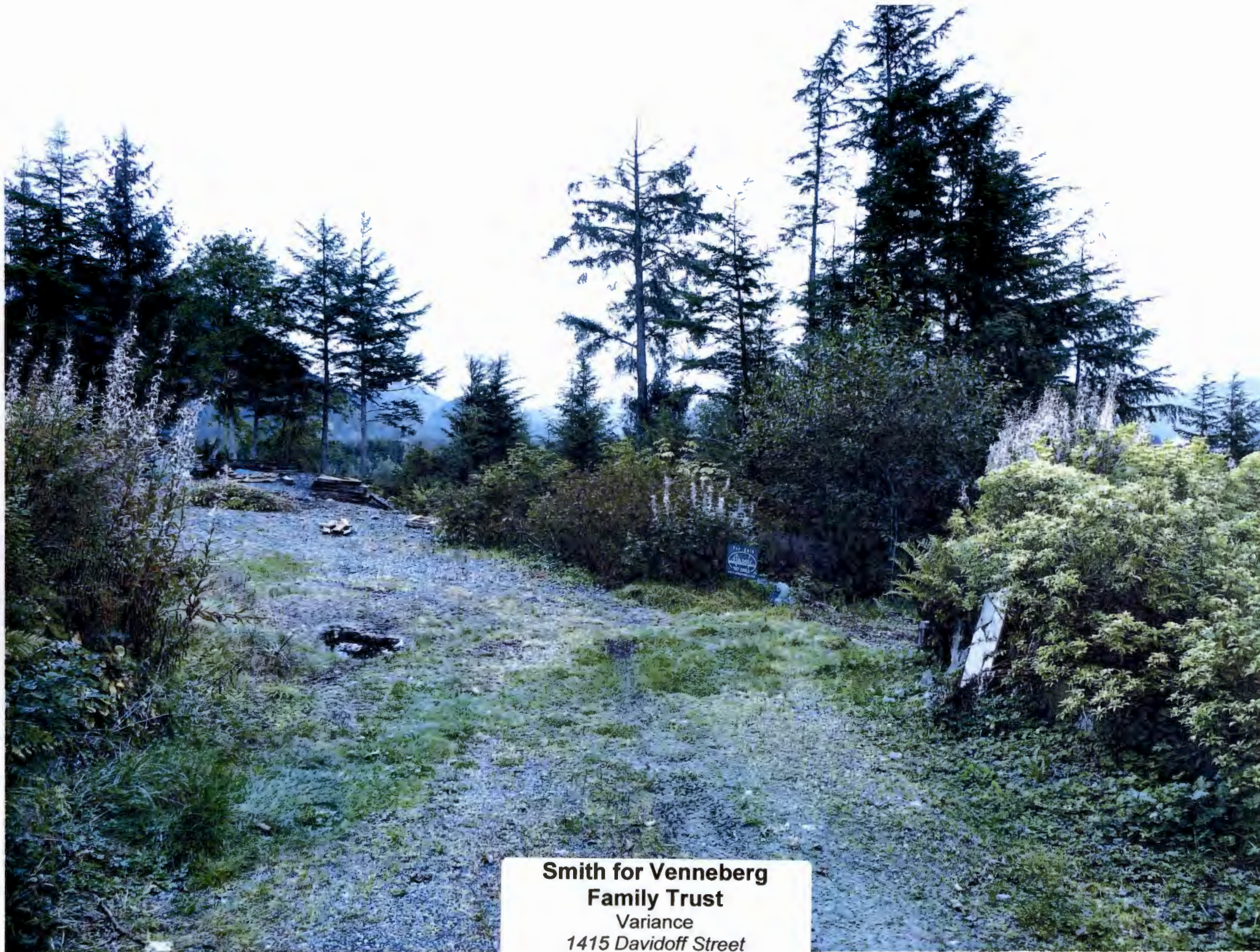
**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



**Smith for Venneberg
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Variance
1415 Davidoff Street



**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street

Attachment F

Date

Witnessed by

Witness

Witness

Notary's Acknowledgment

My Commission Expires

CERTIFICATION OF APPROVAL BY THE COUNCIL

I hereby certify that the Subdivision Plat shown herein has been found to comply with the Subdivision Regulations of the City of Sitka, and that said Plat by the Common Council as recorded in Minutes Book No. 1, page 1, and that the Plat shown herein has been approved for recording in the Magistrate, Ex officio Recorder, Sitka, Alaska.

Dated

Mayor

Attest

City Clerk

SEAL

CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered professional engineer and that this Plat represents the Survey made by me, and the monuments shown thereon actually exist as located, and that all dimensions and other details are correct.

Dated May 24, 1962

Registered Engineer

SEAL

CERTIFICATION OF APPROVAL BY THE BOARD

I hereby certify that the Subdivision Plat shown herein has been found to comply with the Subdivision Regulations of the Sitka Planning Board, and that said Plat has been approved by the Board by Plat Resolution No. 1, dated 1962, and that the Plat shown herein has been approved for recording in the office of the Magistrate, Ex officio Recorder, Sitka.

Dated Aug 6, 1962

Chairman, Planning Board

Attest

Secretary

LEGEND

BLM & BPR BRASS MONUMENTS

LOT CORNERS

BOUNDARY U.S. SURVEY 500

POWEL POLES

CLYDE FRANKS
SUBDIVISION OF A PART OF U.S. SURVEY
VACATED PORTION OF NEVA STREET, LOC.
SURVEY 3303 B, NORTHWEST, ADDITION, T
ALASKA

Total Area Subdivided 0.892 Acres

SURVEYED: May 14, 1962

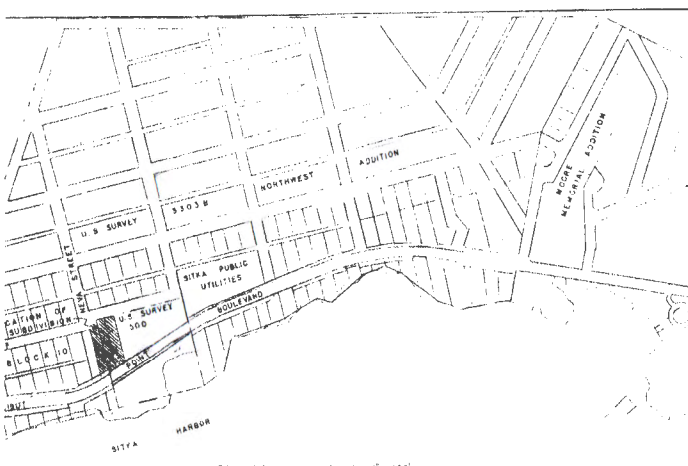
SURVEYED BY: J. H. B. O'G.

CHECKED BY:

SCALE

Drawn by

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



Plot # 24

Sub-div. of part of U.S. Survey 500
and part of Nwa St. in U.S.
Survey 3303 B, N.W. Quad,
Townsite of Siltco

Filed 8-15-62
by Clyde Frank

CERTIFICATE OF OWNERSHIP AND DEDICATION

The City of Sitka, Alaska, hereby certifies that it is the owner of the property above described shown as street areas and that it hereby adopts this plan of subdivision with its free consent and conveys and quit claims all areas not delineated and reserved on this plan of subdivision as street areas to the persons so named on the respective lots as noted. The street vacation proceedings required to convey the necessary title have been completed, after due notice and hearing, and the authority for the conveyance made herein is contained in Resolution No. 383 entitled "A Resolution of the City of Sitka, Alaska, approving the petition to vacate a portion of Baranof Street" passed the 12th day of February, 1963.

John W. Connors Mayor
 Margaret M. Connors City Clerk

UNITED STATES OF AMERICA)
)
) ss.
STATE OF ALASKA)

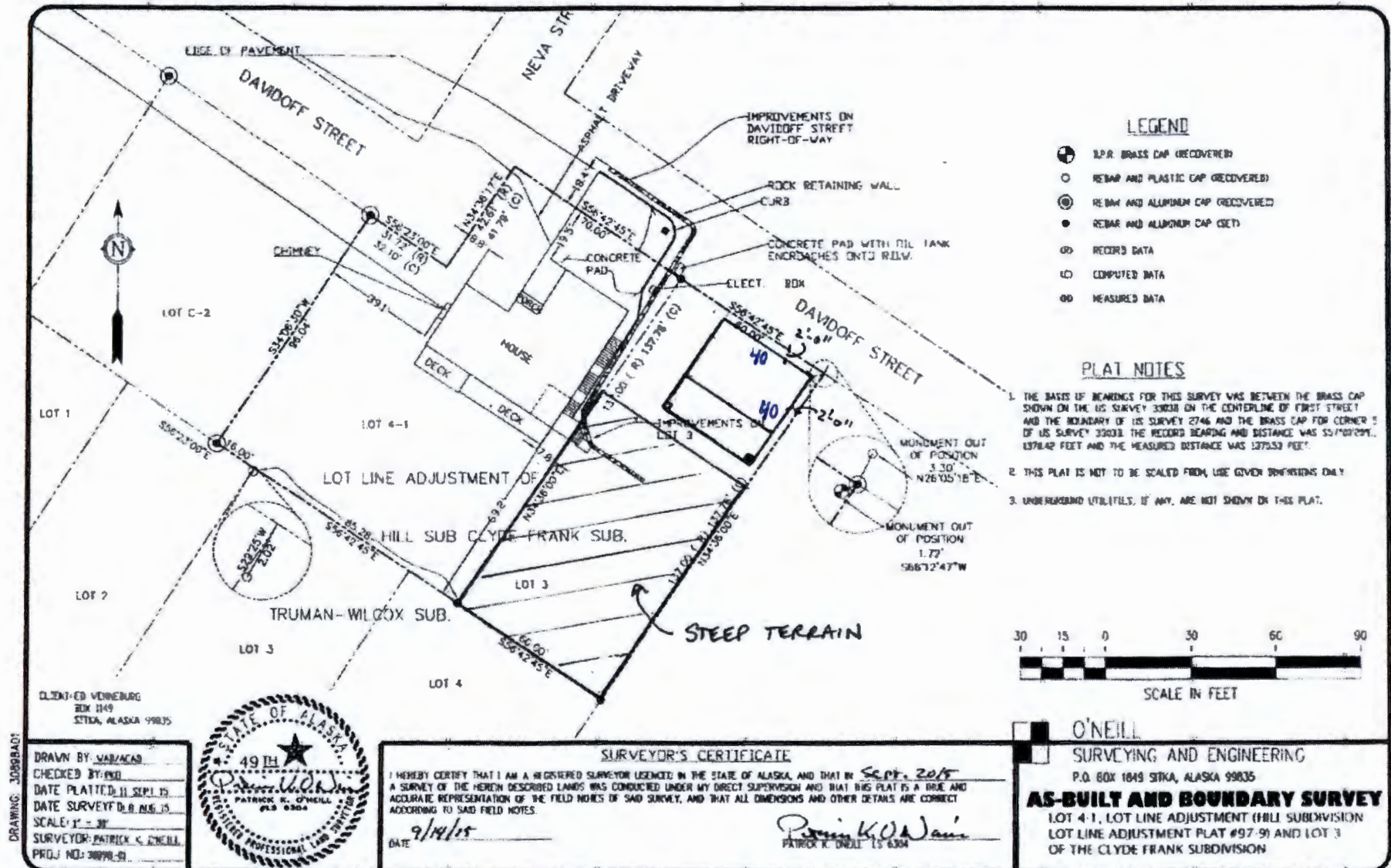
THIS IS TO CERTIFY that on this 10th day of April, 1963, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared John W. O'Connell and Margaret B. Fedoroff, who acknowledged to me that John W. O'Connell is the Mayor of the City of Sitka, Alaska, and that Margaret B. Fedoroff is the City Clerk of the City of Sitka, Alaska, and that they signed and sealed the foregoing instrument as Mayor and City Clerk of the City of Sitka, Alaska, as authorized at the meeting of the Council of said City of Sitka, Alaska, held on the 9th day of April, 1963, and record of said authorization may be found in minute book 6, page 140.

WITNESS my hand and official seal the day and year in this certificate first above written.

Natasha C. Biskeland
Notary Public for Alaska
My commission expires: Oct 12, 1965

SITKA plat 24

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



Smith for Venneberg
Family Trust
Variance
1415 Davidoff Street



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

Attachment H

1. Request projects at least TWENTY-ONE (21) 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/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: DUE TO THE STEEP TERRAIN ON THE WEST SIDE
OF THE PROPERTY AND THE CLOSE PROXIMITY TO AN EXISTING STRUCTURE (NORTH SIDE) I WOULD
LIKE TO MOVE THE PROPOSED HOUSE SOUTH AND EAST. I WOULD LIKE 2' SET BACKS FOR
EAVES ON THE SOUTH AND EAST SIDE
PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:

PROPERTY OWNER: The Venneberg Family Trust

PROPERTY OWNER ADDRESS: PO Box 1149, Sitka AK 99835

STREET ADDRESS OF PROPERTY: 1415 Davidoff St.

APPLICANT'S NAME: SAM SMITH

MAILING ADDRESS: PO Box 1451 SITKA

EMAIL ADDRESS: GAMMA ROCK C STOREMAIL.COM DAYTIME PHONE: 738-7882

PROPERTY LEGAL DESCRIPTION:

TAX ID: 1-5785-000 LOT: 3 BLOCK: _____ TRACT: _____

SUBDIVISION: The Clyde Frank Subdivision US SURVEY: 500

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ 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

For Conditional Use Permit:

- ☐ Parking Plan
- ☐ Interior Layout

For Plat/Subdivision:

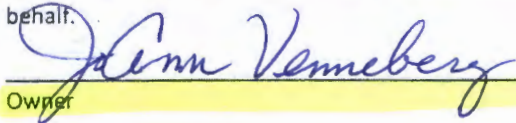
- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

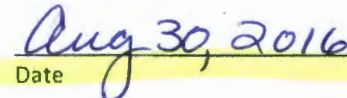
If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

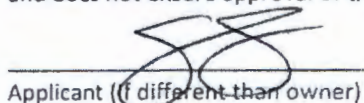
CERTIFICATION:

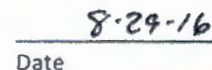
I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional 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. I authorize the applicant listed on this application to conduct business on my behalf.


Owner


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

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street

MEMO

To: Maegan Bosak
From: Chris Duguay, Building Official
Date: 9/7/16
Subject: Venneberg variance request

Page 1 of 1

It is my understanding that the Planning Commission has before it a variance request for setback reductions at the Clyde Frank subdivision, Lot 3, filed by Sam Smith. The applicants should be informed that building code requirements for structures less than five feet from a property line are more restrictive than code requirements for construction five feet or greater from a property line. One-hour fire resistive construction is required for walls built less than five feet from a property line. Additionally, one-hour fire resistive construction is required on the underside of projections (building eaves) that are less than five feet from a property line.

This information should have no bearing on the pros or cons of granting a variance request but should serve to inform the applicants that the cost and complexity of construction will be increased for building elements within the five foot set back zone.

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street

Samantha Pierson

From: David Longtin
Sent: Wednesday, September 07, 2016 5:52 PM
To: Michael Scarcelli; Samantha Pierson; Dan Tadic
Cc: Larry Fitzsimmons; Amber Swedeen; Diana Spiegle
Subject: planning commission agenda items

Mike & Sam,

Here are my comments on the packet:

1. No comment on the Whale Island subdivisions.
2. For the First Baptist Church CUP, my recommendation is that we increase the water and wastewater bill by the 1.2 units added by the inclusion of a school into the building. The church is currently billed at 1.7 units, so the new water and wastewater rates would be 2.9 units each. Part of which the church would presumably pass on to the school. I've copied in Amber, Larry and Diane for their input/action.
3. For the 702 Etolin Street setback variance request, I have no objection to the request for the proposed 4' setbacks to the rear and side property lines. If the owner can provide adequate parking, I would have no objection the proposed 5' setback to the front property line.
4. For the 1415 Davidoff Street variance request, I have no objection to the proposed 2' setbacks on the front and side property lines. Unrelated to this request: There is a blatant encroachment on the Davidoff ROW on the adjoining property, 1417 Davidoff Street. A large concrete driveway consumes 20 of the 60 feet of the ROW, and makes it challenging for the future owners of 1415 to access their lot. I recommend looking into requiring that the owners of 1417 Davidoff purchase the ROW in front of their house and provide an access easement to the owners of 1415 at the risk of requiring that they remove the part of their driveway encroaching on the ROW. I didn't find anything in our residential files showing that CBS granted permission to the owners of 1417 to build their driveway.

Thank you,

Dave Longtin, P.E.
Senior Engineer
City and Borough of Sitka
Department of Public Works
100 Lincoln Street
Sitka, AK 99835
P (907) 747-1883
F (907) 747-3158

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street

Attachment I

Parcel ID: 14711000

~~CITY & BOROUGH OF SITKA~~
~~OLD STATE SHOPS~~
~~C/B OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 14730000

PERRY/MARY BROCHAT
BROCHAT, PERRY/THORSEN-
BROCHAT, MARY
1407 EDGECUMBE DR
SITKA AK 99835

Parcel ID: 14745000

LARRY/MARYANN CALVIN
CALVIN, LARRY, T./MARYANN, E.
214 NEVA ST
SITKA AK 99835

Parcel ID: 14830000

FLORENCE WELSH
WELSH, FLORENCE, M.
1614 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 14887000

BRIAN/LOIS CHAMBERS
CHAMBERS, BRIAN/LOIS
615 N. APOLLO WAY
FLAGSTAFF AZ 86001

Parcel ID: 14940002

LARRY SHINN
SHINN, LARRY, P.
P.O. BOX 772
SITKA AK 99835-0772

Parcel ID: 14940003

CHRISTOPHER JONES
JONES, CHRISTOPHER
500 LINCOLN ST, B-8
SITKA AK 99835

Parcel ID: 14940004

JOSELITO/VALNIN VIDAD
VIDAD, JOSELITO & VALNINA
1416 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 15785000

FRANK/NICOLE BALOVICH
BALOVICH, FRANK & NICOLE
1417 DAVIDOFF ST
SITKA AK 99835

P&Z Mailing
September 9, 2016

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street

A
L
A
S
K
A

201

Recordin
2/28/201

Attachment J



**THIS COVER SHEET HAS BEEN ADDED TO
THIS DOCUMENT TO PROVIDE SPACE FOR
THE RECORDING DATA. THIS COVER
SHEET APPEARS AS THE FIRST PAGE OF
THE DOCUMENT IN THE OFFICIAL PUBLIC
RECORD.**

DO NOT DETACH

August 23, 2001

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street

When recorded mail to:

EDWARD A. VENNEBERG &
JOANN VENNEBERG
22824 N. Arellaga Drive
Sun City West, AZ 85375

Mail tax statement to the above address

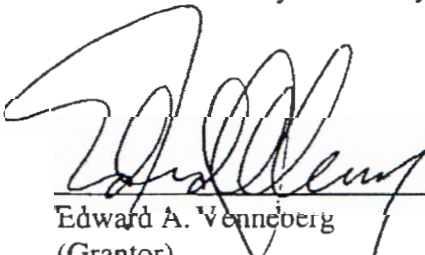
STATUTORY WARRANTY DEED

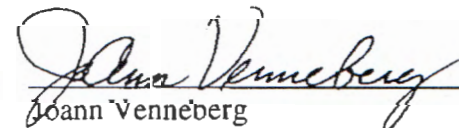
The Grantor, EDWARD A. VENNEBERG and JOANN VENNEBERG, husband and wife, *as tenants by the entirety*, of P.O. Box 1149, Sitka, Alaska 99835, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, grants, conveys and warranty to the Grantee, EDWARD A. VENNEBERG and JOANN VENNEBERG, husband and wife, as Trustors of THE VENNEBERG FAMILY TRUST dated JANUARY 12, 2012, the following real property:

All of lots Three (3) and Four (4), Clyde Franks Subdivision of a part of U.S. Survey 500 and a part of Vacated Neva Street, located in U.S.S. 3303 B NorthWest Addition, Townsite of Sitka, according to the plat thereof filed August 15, 1962 as Plat No. 24. Sitka Recording District, First Judicial District, State of Alaska.

Such property is granted with all improvement situate thereon, together with the appurtenances thereunto belonging or in anyway appertaining, but subject to easements, restrictions and reservations of records, if any.

Dated this 12th day of January, 2012.


Edward A. Venneberg
(Grantor)


Joann Venneberg
(Grantor)

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



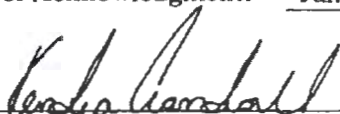
2 of 3
2012-000309-0

STATE OF ARIZONA
COUNTY OF MARICOPA

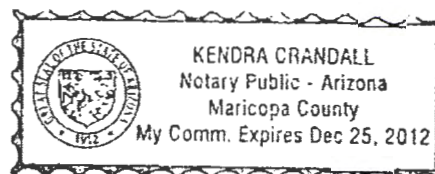
} ss

Acknowledgment. On this date, before me, a Notary Public, personally appeared: **EDWARD A. VENNEBERG** known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, is for the principal named and in the capacity indicated.

Date of Acknowledgment: January 12, 2012



Notary Public



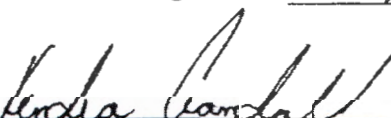
Notary Expiration Date: December 25, 2012

STATE OF ARIZONA
COUNTY OF MARICOPA

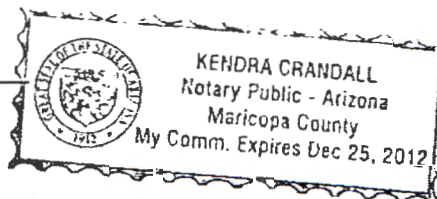
} ss

Acknowledgment. On this date, before me, a Notary Public, personally appeared: **JOANN VENNEBERG**, known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, is for the principal named and in the capacity indicated.

Date of Acknowledgment: January 12, 2012



Notary Public



Notary Expiration Date: December 25, 2012

**Smith for Venneberg
Family Trust**
Variance
1415 Davidoff Street



3 of 3

2012-000309-0

Attachment K

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

Date:
Receipt:
Cashier:
Received From:

08/30/2016
2017-00010670
Front Counter
SAM SMITH

OF SITKA

AK ALASKA 99835

PLAN - Planning Permits/Zone	75.00
ning	
ST1 - Sales Tax 3rd quarter	3.75
r CY	
Receipt Total	78.75
Total Other	78.75
Total Remitted	78.75
Total Received	78.75

Inv #: 000074 Appr Code: 063840

Total: \$ 78.75

1-320-3201.002

G

Customer Copy

PAID
AUG 30 2016
CITY & BOROUGH OF SITKA

75.00

nit.....

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.....	3.75
TOTAL.....	78.75

Thank you

Smith for Venneberg
Family Trust
Variance
1415 Davidoff Street



CITY AND BOROUGH OF SITKA

Legislation Details

File #: VAR 16-17 **Version:** 1 **Name:**
Type: Variances **Status:** AGENDA READY
File created: 8/30/2016 **In control:** Planning Commission
On agenda: 9/20/2016 **Final action:**
Title: Public hearing and consideration of a variance request for 702 Etolin Street in the R-1 Single Family and Duplex Residential District. The request is for the reduction of the side setback from 5 feet to 4 feet, the rear setback from 10 feet to 4 feet, the front setback from 20 feet to 5 feet, substandard lot size, and substandard lot width. The property is also known as a Portion of Lot 7 Block 13 of Sitka Townsite, US Survey 1474. The request is filed by Justin Olbrych. The owners of record are Justin Olbrych and Willow Moore-Olbrych.

Sponsors:

Indexes:

Code sections:

Attachments: [Olbrych Variance 9.20.16](#)

Date	Ver.	Action By	Action	Result
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City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: September 15, 2016

From: PCDD Staff

To: Planning Commission

Re: V 16-17 Variance Request for Single-Family Home and ADU within setbacks on substandard lot at 702 Etolin Street

GENERAL INFORMATION

Applicant: Justin Olbrych

Property Owner: Justin and Willow Olbrych

Property Address: 702 Etolin Street

Legal Description: Pt. Lot 7, Block 13 USS 1474

Parcel ID Number: 1-1370-000

Size of Existing Lot: 5400 square feet

Zoning: R-1

Existing Land Use: Prior SFR was demo'ed

Utilities: Full city services

Access: Etolin Street

Surrounding Land Use: Residential, Undeveloped

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

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Flood Zone Map

Attachment E: Parcel Pictures

Attachment F: Subdivision Plat

Attachment G: Site Plan/Floor Plan Proposal

Attachment H: Application
Attachment I: Comments
Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Proof of Ownership

BACKGROUND

702 Etolin had a dilapidated home that was demolished last year. The site does have infrastructure running diagonally through the property that prevents building in the middle of the lot. The lot is substandard at 60 feet wide and only 5400 square feet, where code requires 80 feet wide and 8,000 square feet. For 60 foot wide lots, setbacks are 20 (f), 10 (r), and 5 (s).¹

PROJECT DESCRIPTION

The variance request is for the reduction of the front setback from 20 feet to 5 feet for the front structure, and for the rear structure a reduction in the side setback from 5 feet to 4 feet, and the rear setback reduced from 10 feet to 5 feet. In addition, the variance requests to develop an existing legally subdivided lot that is substandard in lot size and lot width.

The applicant proposes to build a single family residence at the rear of the property and an accessory dwelling unit above a detached garage at the front of the property. To sum, staff is in support of these proposals due to unique and existing lot size and infrastructure constraints. There is an existing 10 foot drainage easement running along the rear of the property. The proposal places the rear structure within this easement. The easement is conditioned to be vacated prior to development of the rear structure within said easement.

ANALYSIS

Project / Site: The lot is 5400 square feet and has infrastructure running diagonally through the property that limits development.

The applicant should be aware that more stringent Building Code requirements apply when building within 5 feet of a property line, and may result in increased construction expense.

In a sense, the approval of the subdivision plat granted a defacto variance for lot width and size for a single family home. Here, there is an increase in density in regards to the additional structure. Overall, lot coverage is still below development standard as the proposal is about 30% or less and the max lot coverage is 35%. Therefore, though the lot is below existing lot size standards in falls in line with the ratio of floor area to lot area the current code identifies.

Zone: R-1: Intent. This zone is intended to provide for primarily for single-family and duplex residences at moderate densities.²

¹ Development Standards Table 22..20-1

² Section 22.16. (40—R-1 District

Traffic: No concerns for traffic.

Parking: There is enough space for parking with two spaces required per single-family dwelling unit.³ For 2 dwelling units, 4 spaces would be required.

Noise: Minimal noise concerns beyond the construction period.

Public Health or Safety: No concerns for public health and safety.

Habitat: No concerns for habitat.

Property Value or Neighborhood Harmony: A residential structure would be an improvement to the property. The adjacent neighbor has concerns about proximity, and other existing structures that encroach into their property.

Conformity with Comprehensive Plan: The proposed variance for the reduction of the front setback from 20 feet to 5 feet, the rear setback reduced from 10 to 5, the easterly side setback from 5 feet to 4 feet, and the variance from standard lot width and size conforms to the Comprehensive Plan Section 2.4.19(A) by considering all the relevant factors for applying a variance.

Further, SGC Section 22.24.020 established the process for variances to provide a means of altering specific code sections when the strict application of those would deprive a property of privileges enjoyed by others due to special features or constrains unique to the property. Further, when the required findings have been met, such a variance may be granted to preserve the spirit of the code and promote substantial justice so long as public welfare and safety are secured.

FINDINGS⁴

D. Required Findings for Variances.

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:
 - a) That there are special circumstances to the intended use that do not apply generally to the other properties, *specifically, the legally subdivided lot is below existing development standards in regards to width, size, and has infrastructure running diagonally through the property constraining development;*
 - b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *because here there is the inability to build in the middle of the lot due to municipal infrastructure, and but for that, the property could have been developed with similar structures;*
 - 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 the proposed structures and existing lot size would be inline with character of the neighborhood; and*

³ Section 22.20.100.G.1—Off-Street Parking Requirements

⁴ Section 22.30.160(D)(1)—Required Findings for Major Variances
V 16-17 Variance Staff Report for September 20, 2016

- d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically*, the proposed variance for the reduction of the front setback from 20 feet to 5 feet, the rear setback reduced from 10 to 5, the easterly side setback from 5 feet to 4 feet, and the variance from standard lot width and size conforms to the Comprehensive Plan Section 2.4.19(A) by considering all the relevant factors for applying a variance.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staffs' analysis and suggested findings, and grant the variance from standard lot size and width, and the reduction of the front setback from 20 feet to 5 feet, the easterly side setback from 5 feet to 4 feet, and the reduction of the rear setback from 10 feet to 5 feet for the construction of a house and detached accessory dwelling unit above a garage.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 2) I move to approve a variance request for 702 Etolin subject to condition of approval. The variance is to grant the variance from standard lot size and width, and the reduction of the front setback from 20 feet to 5 feet, the easterly side setback from 5 feet to 4 feet, and the reduction of the rear setback from 10 feet to 5 feet for the construction of a house and detached accessory dwelling unit above a garage.. The property is also known as Pt. Lot 7, Block 13 USS 1474. The request is filed by Justin Olbrych. The owners of record are Justin and Willow Olbrych.
 - a. That the existing rear 10 foot wide drainage easement running parallel to rear property line is vacated.



Olbrych
Variance Request
702 Etolin Street



City & Borough of Sitka, Alaska

Selected Parcel: 702 ETOLIN ID: 11370000

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>



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.

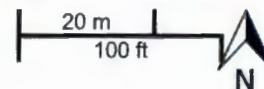
Olbrych
Variance Request
702 Etolin Street



City & Borough of Sitka, Alaska

Selected Parcel: 702 ETOLIN ID: 11370000

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>



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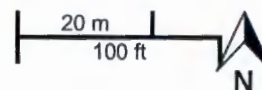
Olbrych
Variance Request
702 Etolin Street



City & Borough of Sitka, Alaska

Selected Parcel: 702 ETOLIN ID: 11370000

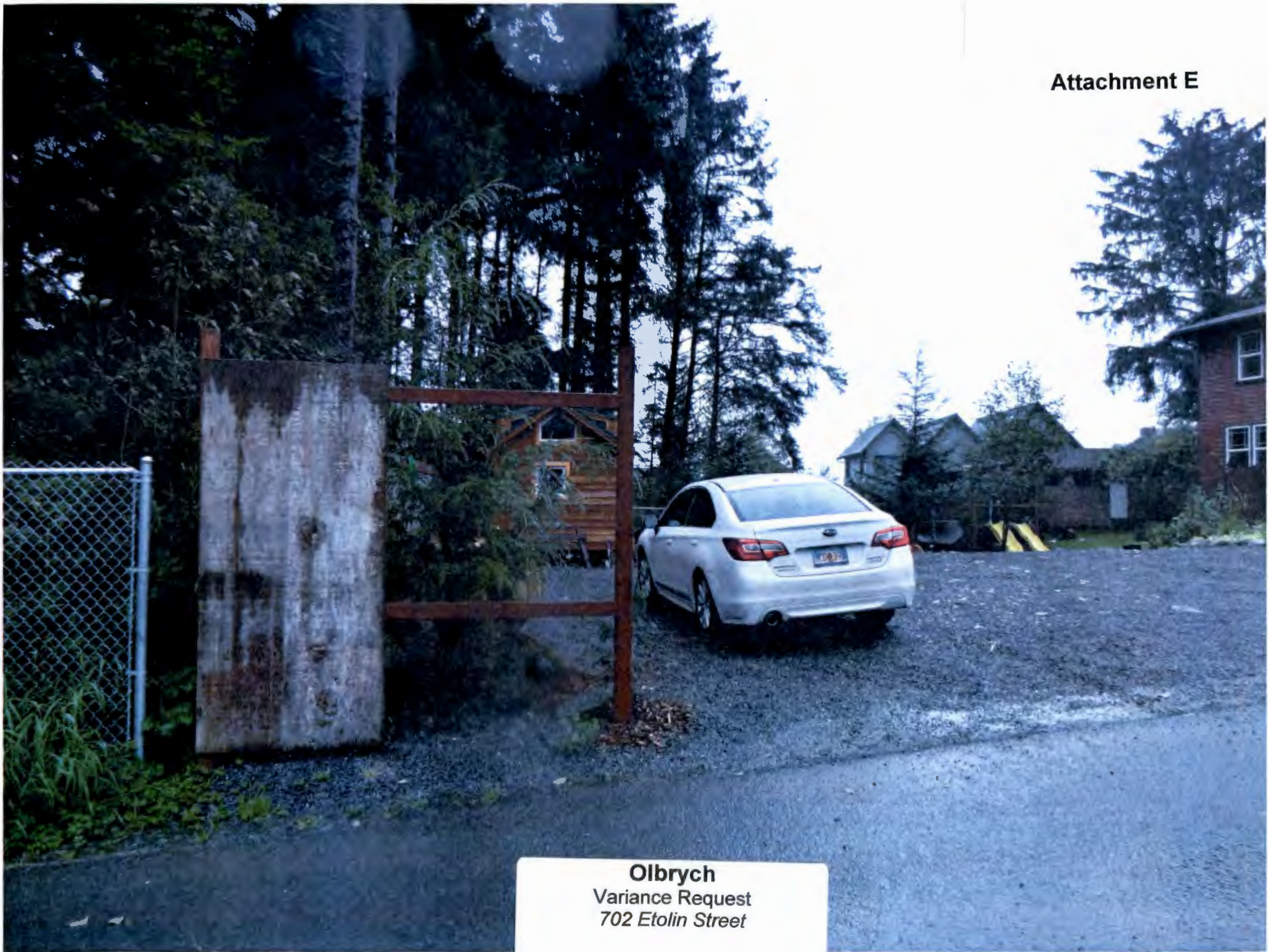
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Olbrych
Variance Request
702 Etolin Street

Attachment E



Olbrych
Variance Request
702 Etolin Street



Olbrych
Variance Request
702 Etolin Street



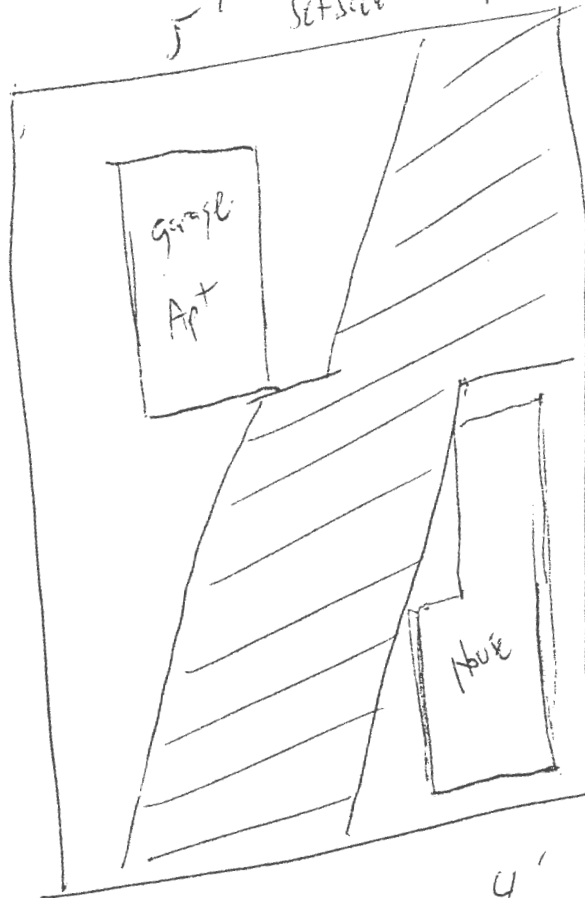
Olbrych
Variance Request
702 Etolin Street

Site Map



Olbrych
Variance Request
702 Etolin Street

Etolin St
5' Setback Request



plenty of
parking

4' setback request

4' setback request

ACU Garage + Apartment

20 x 30

two story

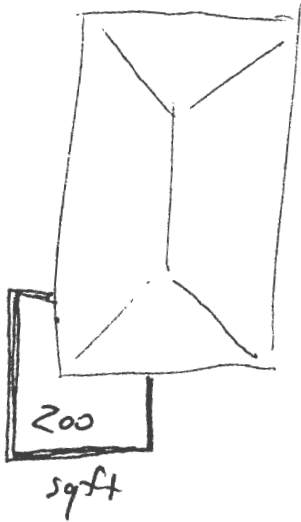
800 sq ft

25' tall

800 sq ft

5/12 roof pitch

1

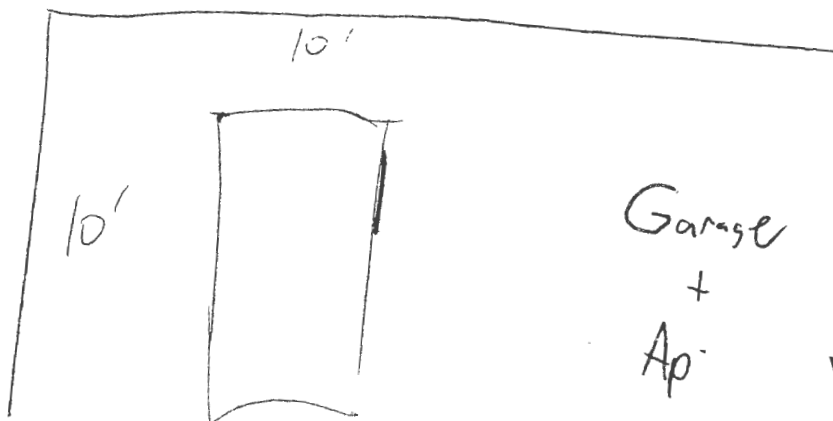


with in setback

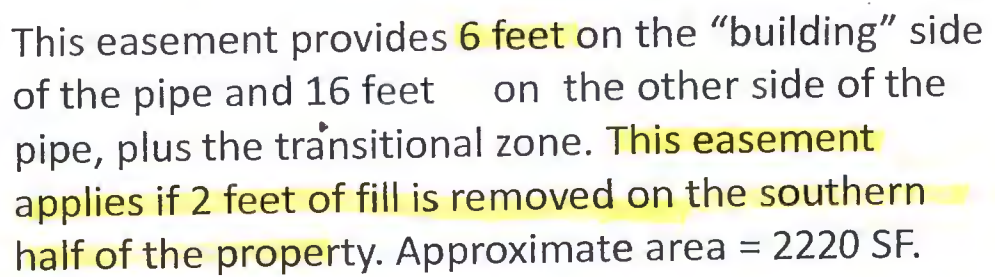


etlin

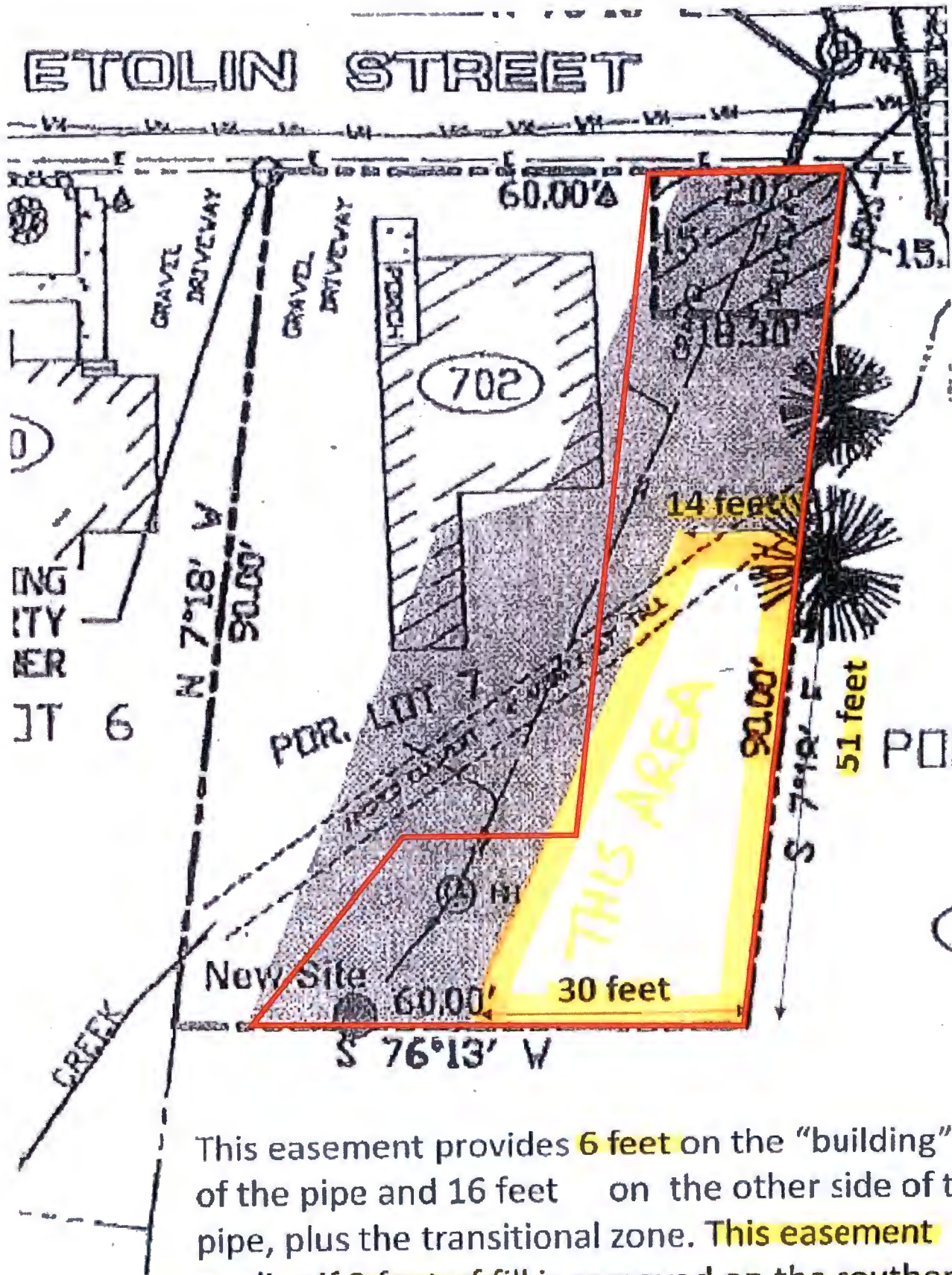
~~Single Family House~~



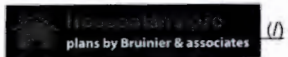
Garage
+
Ap



Olbrych
Variance Request
702 Etolin Street



This easement provides 6 feet on the "building" side of the pipe and 16 feet on the other side of the pipe, plus the transitional zone. This easement applies if 2 feet of fill is removed on the southern half of the property. Approximate area = 2220 SF.



[MENU](#)

Plan Number

GO

[Row Homes \(/plans/type/4\)](#)

[Duplex Plans \(/plans/type/3\)](#)

[House Plans \(/plans/type/1\)](#)

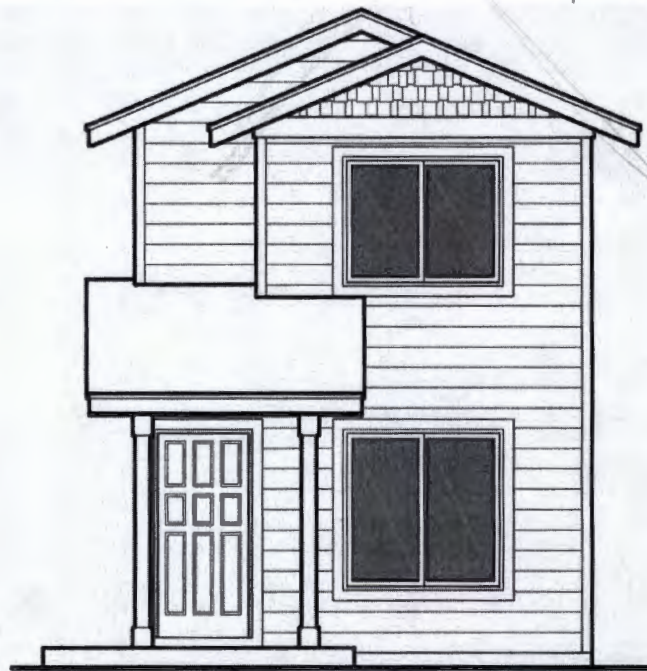
[Garage Plans \(/plans/type/5\)](#)

[Remodel Design \(/remodel_design\)](#)

[About Us \(/company\)](#)

[Builders \(/builders\)](#)

Narrow lot house plans, 2 bedroom house plans, 2 story house plans, small house plans, 1flr, 10124b



FRONT ELEVATION



FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION

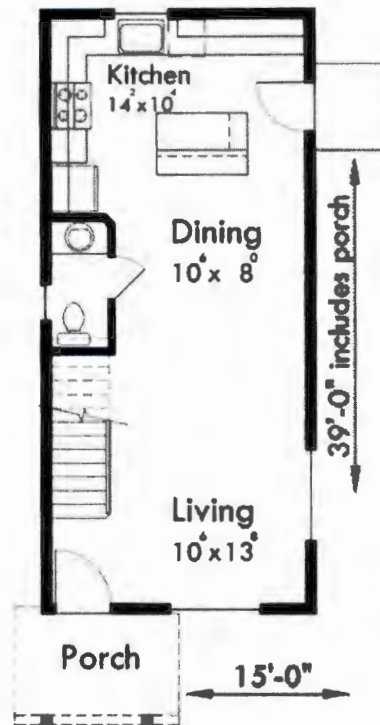


RIGHT ELEVATION



Olbrych
Variance Request
702 Etolin Street

Main Floor Plan



Upper Floor Plan



Plan 10124

Total sq. ft.: 952

Upper Floor sq. ft.: 457

Olbrych
Variance Request
702 Etolin Street



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

Attachment H

1. Request projects at least TWENTY-ONE (21) 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/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Reduce 5' setback to 4' - side

Reduce 10' setback to 4' Rear

Reduce 20' setback to 5' front

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): Vacant PROPOSED LAND USES (if changing): Small House / garage - ADU

APPLICANT INFORMATION:

PROPERTY OWNER: Justin + Willow Olbrych

PROPERTY OWNER ADDRESS: 700 Eblen St

STREET ADDRESS OF PROPERTY: 702 Eblen St

APPLICANT'S NAME: Justin Olbrych

MAILING ADDRESS: 700 Eblen St

EMAIL ADDRESS: Justin.Olbrych@yahoo.com DAYTIME PHONE: 738-9082

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: 7 BLOCK: 13 TRACT: A

SUBDIVISION: Sitka Townsite US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ 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

For Conditional Use Permit:

- ☐ Parking Plan
- ☐ Interior Layout

For Plat/Subdivision:

- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

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. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

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

Oibrych
Variance Request
702 Etolin Street

Bought the property last year with a decked house on it. Demo permit was granted, then a grading permit was not, due to a sewerline, which we did not know existed. It's not recorded. So to make best of the scenario, two small structures on either side of the sewerline is our only option.

The house will be very narrow, but at two stories, it will come in around 900-1000 sq ft. A garage/shop with an apartment on top will be an ADU. We presently live next door and will owner build, keeping in mind the aesthetics of the neighborhood. We're asking for a reduction in setbacks mostly for the eaves, keeping the walls of the house five feet from property line. Thank you.

Attachment I

RECEIVED SEP 15 2016

701 Lincoln St.
Sitka, Alaska
995835-7649

September 15, 2016

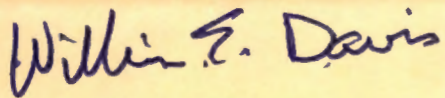
Planning Commission
City and Borough of Sitka
100 Lincoln St
Sitka, Alaska 99835

Dear Friends,

Accompanying please find my comments on Items M and N on next Tuesday, September 20th's
Agenda.

Thank you for your careful consideration of these observations.

Sincerely,



William E. Davis

WED/g
Encl.

Olbrych
Variance Request
702 Etolin Street

COMMENTS FOR SEPTEMBER 20TH 2016 PLANNING COMMISSION MEETING

I am writing about Items M and N of the Commission's agenda of September 20, 2016. I am an adjacent property owner.

I wish to protest the granting of the variances and want more details about the conditional use permit.

Variance request

No needs exist for reducing the set backs established by existing code. This is especially true for the requested rear set back from 10 to four feet. Please see Item A under comments below for my reasons.

Conditional use permit

The nature of the accessory dwelling is unclear. A pencil sketch with the agenda suggests two buildings – an apartment/garage and a house. Can this lot accommodate both?

Comments

A. A fence runs along the back of our lot at 701 Lincoln. I understand it is not up to code (too high) and possibly infringes on our property line. Abutting this fence is a shed which allegedly was built without City and Borough approval. I worry that similar infringements will happen along the rest of the property lines if the normal set backs are reduced.

B. Easements

A City sewer line runs under this property. One of the plats we have shows a man hole to access the sewer. A culvert also carries Dog Creek under the subject property. It was extended by the property owner in May of 2012. I was told the C & B of Sitka has an easement for the culvert; does this include the extension? Is there one for the sewer? Will the buildings miss them?

William E. Davis
September 15, 2016

Olbrych
Variance Request
702 Etolin Street

MEMO

To: Maegan Bosak
From: Chris Duguay, Building Official
Date: 9/7/16
Subject: Olbrych variance request

Page 1 of 1

It is my understanding that the Planning Commission has before it a variance request for setback reductions at 702 Etolin Street, filed by Justin Olbrych. The applicants should be informed that building code requirements for structures less than five feet from a property line are more restrictive than code requirements for construction five feet or greater from a property line. One-hour fire resistive construction is required for walls built less than five feet from a property line. Additionally, one-hour fire resistive construction is required on the underside of projections (building eaves) that are less than five feet from a property line.

This information should have no bearing on the pros or cons of granting a variance request but should serve to inform the applicants that the cost and complexity of construction will be increased for building elements within the five foot set back zone.

Olbrych
Variance Request
702 Etolin Street

Samantha Pierson

From: David Longtin
Sent: Wednesday, September 07, 2016 5:52 PM
To: Michael Scarcelli; Samantha Pierson; Dan Tadic
Cc: Larry Fitzsimmons; Amber Swedeen; Diana Spiegle
Subject: planning commission agenda items

Mike & Sam,

Here are my comments on the packet:

1. No comment on the Whale Island subdivisions.
2. For the First Baptist Church CUP, my recommendation is that we increase the water and wastewater bill by the 1.2 units added by the inclusion of a school into the building. The church is currently billed at 1.7 units, so the new water and wastewater rates would be 2.9 units each. Part of which the church would presumably pass on to the school. I've copied in Amber, Larry and Diane for their input/action.
3. For the 702 Etolin Street setback variance request, I have no objection to the request for the proposed 4' setbacks to the rear and side property lines. If the owner can provide adequate parking, I would have no objection the proposed 5' setback to the front property line.
4. For the 1415 Davidoff Street variance request, I have no objection to the proposed 2' setbacks on the front and side property lines. Unrelated to this request: There is a blatant encroachment on the Davidoff ROW on the adjoining property, 1417 Davidoff Street. A large concrete driveway consumes 20 of the 60 feet of the ROW, and makes it challenging for the future owners of 1415 to access their lot. I recommend looking into requiring that the owners of 1417 Davidoff purchase the ROW in front of their house and provide an access easement to the owners of 1415 at the risk of requiring that they remove the part of their driveway encroaching on the ROW. I didn't find anything in our residential files showing that CBS granted permission to the owners of 1417 to build their driveway.

Thank you,

Dave Longtin, P.E.
Senior Engineer
City and Borough of Sitka
Department of Public Works
100 Lincoln Street
Sitka, AK 99835
P (907) 747-1883
F (907) 747-3158

Olbrych
Variance Request
702 Etolin Street

Attachment J

Parcel ID: 11320000
ALICE/ADAM NUNES/MCLEOD
NUNES, ALICE & MCLEOD, ADAM
P.O. BOX 6537
SITKA AK 99835-6537

Parcel ID: 11325000
RICHARD CURRAN
CURRAN, RICHARD, J.
P.O. BOX 1336
SITKA AK 99835-1336

Parcel ID: 11340000
SUSAN KRUG
KRUG, SUSAN
2013 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 11345000
EPISCOPAL CHURCH
PASTOR'S RESIDENCE
EPISCOPAL CHURCH
611 LINCOLN ST
SITKA AK 99835

Parcel ID: 11360000
THELMA HERMAN
HERMAN, THELMA
614 ETOLIN ST
SITKA AK 99835

Parcel ID: 11365000
JUSTIN/WILLOW OLBRYCH/MOORE-
OLBRYCH
OLBRYCH, JUSTIN & MOORE-
OLBRYCH, W.S.
700 ETOLIN ST
SITKA AK 99835

Parcel ID: 11370000
JUSTIN/WILLOW OLBRYCH/MOORE-
OLBRYCH
OLBRYCH, JUSTIN/MOORE-OLBRYCH,
W.
700 ETOLIN ST
SITKA AK 99835

Parcel ID: 11380000
WILLIAM/NANCY DAVIS JOINT
REVOCABLE TRUST
DAVIS, WILLIAM & YAW-DAVIS,
NANCY
P.O. BOX 6494
SITKA AK 99835-6494

Parcel ID: 11390000
EARL NIESEN
NIESEN, EARL, J.
P.O. BOX 551
REEDSPORT OR 97467-0551

Parcel ID: 11400000
STANLEY/KATHRYN JOHNSON
JOHNSON, STANLEY/KATHRYN
108 SEAVIEW HEIGHTS
SITKA AK 99835

Parcel ID: 11405000
BRIDGET/THEODOR
KAUFFMAN/LAUFENBERG
KAUFFMAN, BRIDGET/LAUFENBERG,
THEODORE
712 ETOLIN ST
SITKA AK 99835

Parcel ID: 11470000
BENJAMIN/AMY JOHNSON
JOHNSON, BENJAMIN, S./AMY, K.
110 FINN ALLEY
SITKA AK 99835

Parcel ID: 11475000
WAYNE/LYNETTE PATTISON
C/O CARRIE PATTISON
PATTISON, WAYNE, L./LYNETTE, M.
2919 SE 2ND AVE
CAMAS WA 98607

Parcel ID: 11485000
MICHAEL/BETSY TRAINOR
TRAINOR, MICHAEL, J./BETSY
105 BARLOW ST.
SITKA AK 99835

Parcel ID: 11520000
DAVID HILL
HILL, DAVID, C.
105 FINN ALLEY
SITKA AK 99835

Parcel ID: 11523000
COLETTE/HANNAH
NELSON/GUGGENHEIM
NELSON, COLETTE & GUGGENHEIM,
HANNAH
107 FINN ALLEY
SITKA AK 99835

Parcel ID: 11525000
MELINDA YOUNG
YOUNG, MELINDA, A.
P.O. BOX 330429
KAHULUI HI 96733

Parcel ID: 11560000
GARY BAGLEY
BAGLEY, GARY, E.
107 GEORGES HIDEAWAY
SIMPSONVILLE SC 29681

Parcel ID: 11565000
CURTIS/BARBARA BAIRD
BAIRD, CURTIS, D./BARBARA, K.
111 FINN ALLEY
SITKA AK 99835

Parcel ID: 11580000
JAYE FORST
FORST, JAYE, P.
877 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 11585000
CORELLA/TIMOTHY BAGGEN/HOLDER
BAGGEN, CORELLA/HOLDER,
TIMOTHY
705 LINCOLN ST
SITKA AK 99835-7649

Parcel ID: 11600000
WILLIAM/NANCY DAVIS ANCHORAGE
RESIDENCE TRUST
DAVIS, NANCY YAW/WILLIAM
P.O. BOX 6494
SITKA AK 99835-6494

Parcel ID: 11605000
EPISCOPAL CHURCH
EPISCOPAL CHURCH
P.O. BOX 1130
SITKA AK 99835

Parcel ID: 11610000
EPISCOPAL CHURCH
EPISCOPAL CHURCH
611 LINCOLN ST
SITKA AK 99835

Parcel ID: 11635000
DIOCESE OF SITKA & ALASKA
BECCC LEASE
DIOCESE OF SITKA & AK, ORTHODOX
CHURCH
P.O. BOX 210569
ANCHORAGE AK 99521

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 JO
702 BIORKA ST
SITKA AK 99835

Parcel ID: 11725000
CAVAN/APRIL
FITZSIMMONS/HESACKER
FITZSIMMONS, CAVAN & HESACKER,
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 BJORCA ST
SITKA AK 99835~~

Parcel ID: 11930000
CHARLES/MELANIE WILBER/KABLER
WILBER, CHARLES/KABLER, MELANIE
C.
705 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: 12030000
ROBERT DENNARD
DENNARD, ROBERT, A.
209 PARK ST.
SITKA AK 99835

Parcel ID: 12085000
DANIEL/JANET EVANS
EVANS, DANIEL, R./JANET, L.
611 ETOLIN ST.
SITKA AK 99835

Parcel ID: 12105000
ROBERT MURRAY
MURRAY, ROBERT, C.
609 ETOLIN ST
SITKA AK 99835

Parcel ID: 11910000
FABIAN/EVENING GRUTTER
GRUTTER, FABIAN/EVENING STAR
711 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: 11960000
NANCY/DAVID ANTHONY/SCALCUCCI
ANTHONY, NANCY & SCALCUCCI,
DAVID
200 PARK ST
SITKA AK 99835

Parcel ID: 12024000
CLINTON/MARINA MILLER
MILLER, CLINTON, O./MARINA
P.O. BOX 1124
SITKA AK 99835-1124

Parcel ID: 12075000
BRANDON/JAMEY MARX
MARX, BRANDON & JAMEY
P.O. BOX 6171
SITKA AK 99835-6171

Parcel ID: 12090000
DANIEL/JANET EVANS
EVANS, DANIEL, R./JANET, L.
~~611 ETOLIN ST.
SITKA AK 99835~~

Parcel ID: 12110000
ERIC/BRITA SPECK
SPECK, ERIC & BRITA
607 ETOLIN ST
SITKA AK 99835-7639

Parcel ID: 11920000
ROBERT/AMY BLAIR REVOCABLE
TRUST
BLAIR REVOCABLE TRUST,
ROBERT/AMY
P.O. BOX 584

Parcel ID: 11950001
ANN DAGNILLO
DAGNILLO, ANN, T.
703 ETOLIN ST
SITKA AK 99835

Parcel ID: 12020000
ERIC/ELIZABETH HOLMGREN
HOLMGREN, ERIC, G./ELIZABETH, B.
612 BJORKA ST
SITKA AK 99835

Parcel ID: 12026000
KERRI/JACOB O'TOOLE/KIRKNESS
O'TOOLE, KERRI/KIRKNESS, JACOB
616 BJORKA ST
SITKA AK 99835

Parcel ID: 12080000
JOHN BLANKENSHIP
BLANKENSHIP, JOHN, A.
P.O. BOX 2765
SITKA AK 99835-2765

Parcel ID: 12102000
KATHRYN NEWMAN
NEWMAN, KATHRYN, E.
613 OJA ST.
SITKA AK 99835

Parcel ID: 12135000
PHYLLIS HACKETT
HACKETT, PHYLLIS, A.
707-C LAKE ST
SITKA AK 99835

Ōibrych
Variance Request
702 Etolin Street

P&Z Mailing
September 9, 2016

PAYMENT DATE
08/30/2016
COLLECTION STATION
REVS1
RECEIVED FROM
JUSTIN OLBRYCH
DESCRIPTION

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

Attachment K

2017-00010680

CASHIER
Front Counter

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																														
PLAN	Planning Permits/Zoning 100-300-320 3201.002 Planning & Zoning Permits \$75.00	\$75.00																														
ST1	Sales Tax 3rd quarter CY 100-300-302 3021.003 3rd Qtr Calendar Yr Sales \$3.75	\$3.75																														
Payments:	<table> <tr> <th>Type</th><th>Detail</th><th>Amount</th></tr> <tr> <td>Other</td><td>CC</td><td>\$78.75</td></tr> <tr> <td></td><td>Total Cash</td><td>\$0.00</td></tr> <tr> <td></td><td>Total Check</td><td>\$0.00</td></tr> <tr> <td></td><td>Total Charge</td><td>\$0.00</td></tr> <tr> <td></td><td>Total Wire</td><td>\$0.00</td></tr> <tr> <td></td><td>Total Other</td><td>\$78.75</td></tr> <tr> <td></td><td>Total Remitted</td><td>\$78.75</td></tr> <tr> <td></td><td>Change</td><td>\$0.00</td></tr> <tr> <td></td><td>Total Received</td><td>\$78.75</td></tr> </table>	Type	Detail	Amount	Other	CC	\$78.75		Total Cash	\$0.00		Total Check	\$0.00		Total Charge	\$0.00		Total Wire	\$0.00		Total Other	\$78.75		Total Remitted	\$78.75		Change	\$0.00		Total Received	\$78.75	
Type	Detail	Amount																														
Other	CC	\$78.75																														
	Total Cash	\$0.00																														
	Total Check	\$0.00																														
	Total Charge	\$0.00																														
	Total Wire	\$0.00																														
	Total Other	\$78.75																														
	Total Remitted	\$78.75																														
	Change	\$0.00																														
	Total Received	\$78.75																														
Total Amount:		\$78.75																														

Olbrych
Variance Request
702 Etolin Street

Printed by: Katja Danga-Storri

09/01/2016 09:54:39 AM

2015

Recording

9/18/2015 08:35 AM Pages: 1 of 2

Attachment L



AFTER RECORDING, RETURN TO:

Justin A. Olbrych
Willow S. Moore Olbrych
700 Etolin St.
Sitka, AK 99835

AETIA 51665

WARRANTY DEED

A.S. 34.15.030

The Grantor, LOREN AMMOND LEE, whose address is 1828 West 41 Drive, Los Angeles, CA 90062-1516, 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 JUSTIN A. OLBRYCH and WILLOW S. MOORE-OLBRYCH, husband and wife, as tenants by the entirety with full right of survivorship, Grantees, whose mailing address is 700 Etolin St. Sitka, AK 99835, the following-described real estate:

A fractional portion of Lot Seven (7), Block Thirteen (13), U.S. Survey 1474, Sitka Townsite, Sitka, Recording District, First Judicial District, State of Alaska, more particularly described as follows: Beginning at the northwest corner of said Lot 7 as Corner No. 1 hereof; thence N 76°13' E a distance of 60 feet to Corner No. 2; thence S 07°18' E a distance of 90 feet to Corner No. 3; thence S 76°13' W a distance of 60' to Corner No. 4; thence N 07°18' W a distance of 90 feet to Corner No. 1, the true point of beginning.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

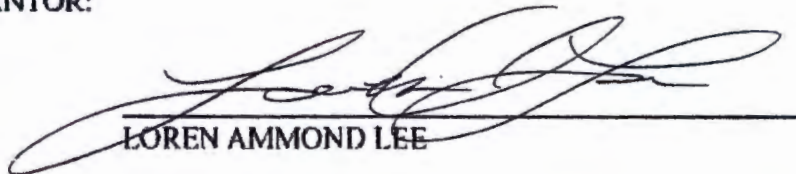
WARRANTY DEED
A-43504108\Warranty Deed

Page 1

Olbrych
Variance Request
702 Etolin Street

DATED this 3rd day of Feb., 2015.

GRANTOR:


LOREN AMMOND LEE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of Los Angeles)

On 2-3-15 before me, Jose Martin Gonzalez

(Notary Public) personally appeared LOREN AMMOND LEE, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

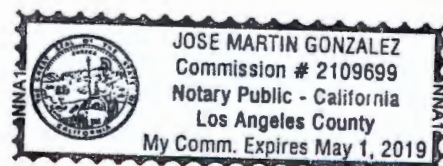
Signature:


Signature of Notary Public

Place Notary Seal Above

WARRANTY DEED
A-43504108\Warranty Deed

Page 2



Olbrych
Variance Request
702 Etolin Street





CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-28 **Version:** 1 **Name:**

Type: Conditional Use Permits **Status:** AGENDA READY

File created: 8/30/2016 **In control:** Planning Commission

On agenda: 9/20/2016 **Final action:**

Title: Public hearing and consideration of a conditional use permit application for an accessory dwelling unit at 702 Etolin Street, in the R-1 Single Family and Duplex Residential District. The property is also known as a Portion of Lot 7 Block 13 of Sitka Townsite, US Survey 1474. The request is filed by Justin Olbrych. The owners of record are Justin Olbrych and Willow Moore-Olbrych.

Sponsors:

Indexes:

Code sections:

Attachments: [Olbrych CUP 9.20.16](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: September 15, 2016

From: PCDD Staff

To: Planning Commission

Re: CU 16-28 Conditional Use Permit for ADU with Variance at 702 Etolin Street

GENERAL INFORMATION

Applicant: Justin Olbrych

Property Owner: Justin and Willow Olbrych

Property Address: 702 Etolin Street

Legal Description: Pt. Lot 7, Block 13 USS 1474

Parcel ID Number: 1-1370-000

Size of Existing Lot: 5400 square feet

Zoning: R-1

Existing Land Use: Prior SFR was demo'ed

Utilities: Full city services

Access: Etolin Street

Surrounding Land Use: Residential, Undeveloped

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

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Flood Zone Map

Attachment E: Parcel Pictures

Attachment F: Subdivision Plat

Attachment G: Site Plan/Floor Plan Proposal

Attachment H: Application

Providing for today...preparing for tomorrow

Attachment I: Comments
Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Proof of Ownership

BACKGROUND

702 Etolin had a dilapidated home that was demolished last year. The site does have infrastructure that prevents building in the middle. The lot is substandard at 60 feet wide and only 5400 square feet, where code requires 80 feet wide and 8,000 square feet. For 60 foot wide lots, setbacks are 20 (f), 10 (r), and 5 (s).¹

PROJECT DESCRIPTION

The applicant proposes to build a single family residence at the rear of the property and an accessory dwelling unit (ADU) above a detached garage at the front of the property that require a variance.

Zoning Code

Pursuant to Section 22.20.160, an ADU must seek a CUP if there is a variance on the property. The proposal is connected with V-16-17 that sought a variance from standard lot width, size, and setbacks. Therefore, to move this proposal forward, the ADU would need to be conditionally approved.

C. Accessory Dwelling Unit Requirements.

1. An ADU is a permitted use, on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance.
2. ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than ninety consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.
3. ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g., setback requirements and lot coverage standards) applicable to the primary dwelling unit, except as otherwise noted.
4. The ADU must be located on the same parcel as the primary dwelling unit.
5. Only one ADU is allowed per parcel.
6. Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.
7. ADUs shall only be located on a parcel in conjunction with a single-family dwelling unit. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.
8. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.
9. If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.
10. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.
11. The maximum size of an ADU shall be eight hundred square feet.
12. The following parking requirements are applicable for ADUs:
 - a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.
 - b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.

¹ Development Standards Table 22.20-1
CUP 16-28 Staff Report for September 20, 2016

- c. On-street parking is prohibited.
- d. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.
- 13. All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met.
- 14. Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off-street parking requirements.
- D. Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter 22.24.
(Ord. 15-08 § 4 (part), 2015; Ord. 13-14A § 4 (part), 2013.)

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.²

- a. **Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** An additional dwelling unit could generate additional traffic and parking demand.
- b. **Amount of noise to be generated and its impacts on surrounding land use:** An additional dwelling unit could generate additional noise.
- c. **Odors to be generated by the use and their impacts:** No additional odors.
- d. **Hours of operation:** Year-round residential use.
- e. **Location along a major or collector street:** Off of a smaller Etolin Street.
- f. **Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No concerns.
- g. **Effects on vehicular and pedestrian safety:** Not identified.
- h. **Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same ability as if home was built in center of lot.
- i. **Logic of the internal traffic layout:** Parking is available through middle of lot and in garage.
- j. **Effects of signage on nearby uses:** No proposed signage.
- k. **Presence of existing or proposed buffers on the site or immediately adjacent the site:** Setbacks are reduced, which impacts buffers.
- l. **Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan: SGC identifies that ADUs are consistent with Comprehensive Plan sections 2.2.15, 2.2.16, 2.4.8A, 2.5.1B, 2.5.11, and 2.10.3B, which all encourage a mix of single family and multi-family housing types to encourage access to affordable housing options, which small homes and accessory dwelling units would encourage.

² § 22.24.010.E
CUP 16-28 Staff Report for September 20, 2016

m. Other criteria that surface through public comments or planning commission review: William and Nancy Yaw Davis are opposed to the proposal due to concerns about existing shed and fence encroaching their property.

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: ³

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;

³ § 22.30.160.C – Required Findings for Conditional Use Permits
CUP 16-28 Staff Report for September 20, 2016

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.

Conclusion on Findings: That the proposed conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties; and that the required findings have been met as the proposal complies with SGC and Comprehensive Plan sections regarding ADUs and variances, and affordable housing while protecting the character of the neighborhood and the public's health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staffs' analysis and suggested findings, and grant the conditional use permit for the development of an accessory dwelling unit.

Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits for accessory dwelling units as discussed in the staff report.
- 2) I move to approve a conditional use permit request for 702 Etolin subject to the attached conditions of approval. The conditional use permit is to grant a detached accessory dwelling unit above a garage that required a variance. The property is also known as Pt. Lot 7, Block 13 USS 1474. The request is filed by Justin Olbrych. The owners of record are Justin and Willow Olbrych.
 - a. Conditions of Approval:
 - i. Applicant specifically acknowledges and shall follow all applicable development standards and zoning regulations such as required parking and height limits for structures;
 - ii. ADU shall be no greater than 800 square feet, comply with setbacks as proposed on site and approved by variance, and shall meet all applicable building codes regarding dwelling units;
 - iii. Applicant removes all encroaching structures such as sheds and fences from adjoining property; and
 - iv. Applicant does not impede, damage, or encroach upon any existing or future easements or municipal infrastructure.

Attachment A



Olbrych
Conditional Use Permit
702 Etolin Street



City & Borough of Sitka, Alaska

Selected Parcel: 702 ETOLIN ID: 11370000

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>



MainStreetGIS, LLC
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.

Olbrych
Conditional Use Permit
702 Etolin Street



City & Borough of Sitka, Alaska

Selected Parcel: 702 ETOLIN ID: 11370000

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>



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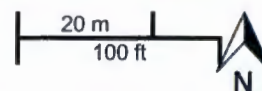
Olbrych
Conditional Use Permit
702 Etolin Street



City & Borough of Sitka, Alaska

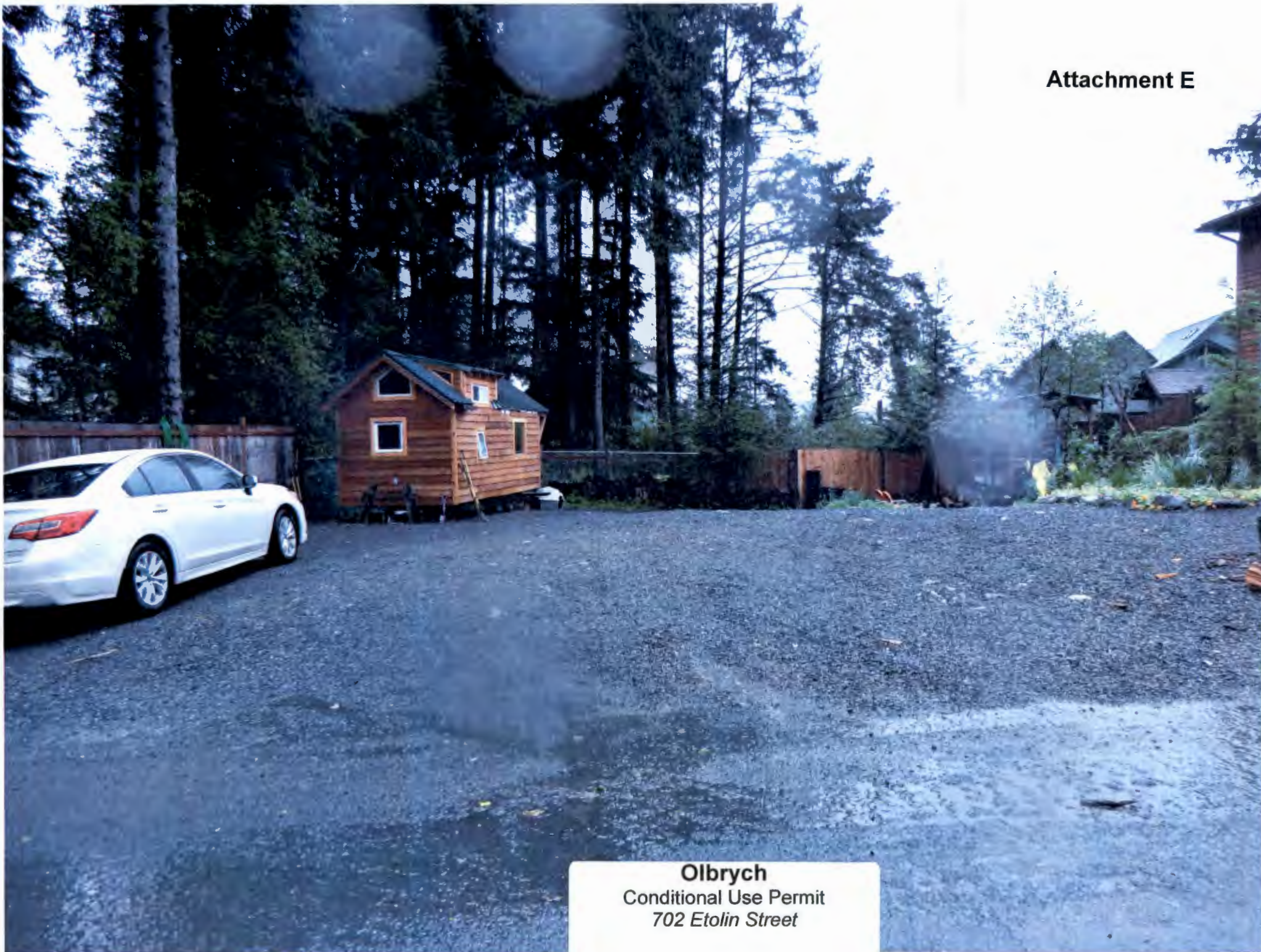
Selected Parcel: 702 ETOLIN ID: 11370000

Printed on 8/31/2016 from <http://www.mainstreetmaps3.com/ak/sitka/internal.asp>



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Olbrych
Conditional Use Permit
702 Etolin Street



Olbrych
Conditional Use Permit
702 Etolin Street



Olbrych
Conditional Use Permit
702 Etolin Street



Olbrych
Conditional Use Permit
702 Etolin Street



Olbrych
Conditional Use Permit
702 Etolin Street

Site Map

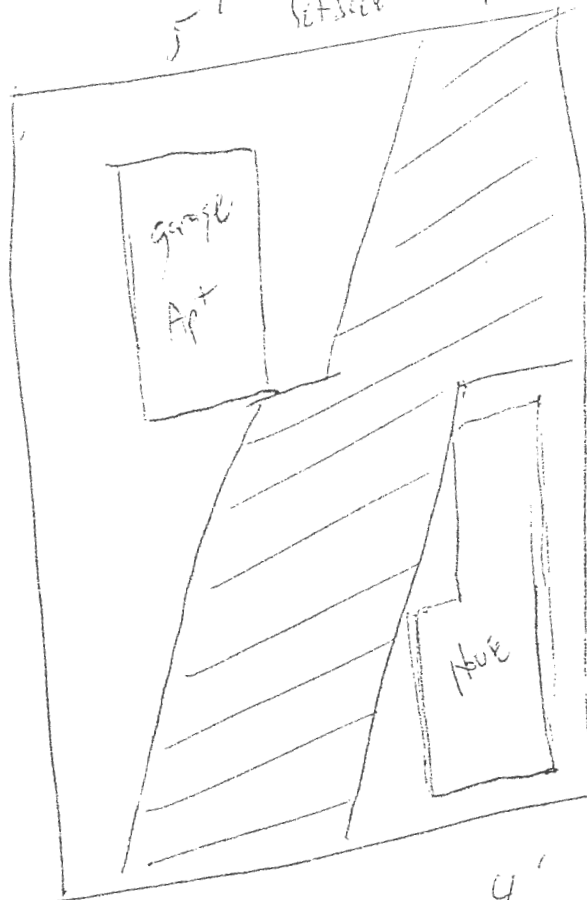


Olbrich
Conditional Use Permit
702 Etolin Street

AMODE

Attachment G

etolin St
5' setback request



plenty of parking

4' setback request

4' setback request

ACU Garage + Apartment

Attachment G

20 x 30

two story

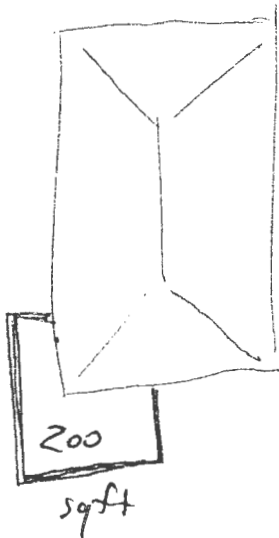
800 sq ft g

25' tall

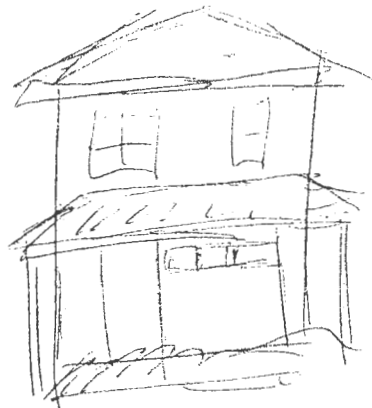
800 sq ft A

5/12 rct pitch

1

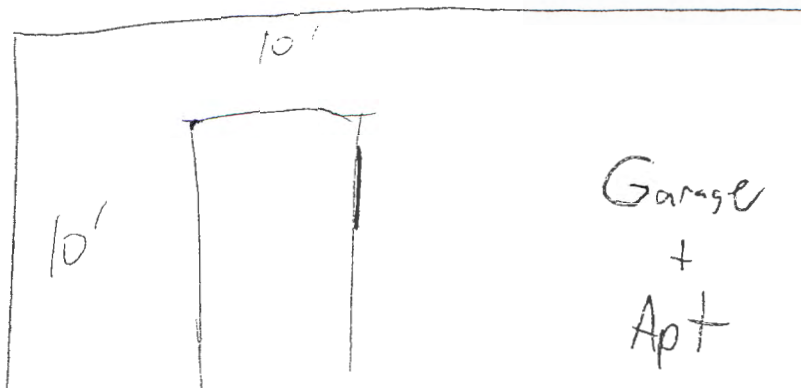


with in setback



etlin

~~Single Family House~~



Garage
+
Apt



[MENU](#)

Plan Number

[GO](#)

[Row Homes \(/plans/type/4\)](#)

[Duplex Plans \(/plans/type/3\)](#)

[House Plans \(/plans/type/1\)](#)

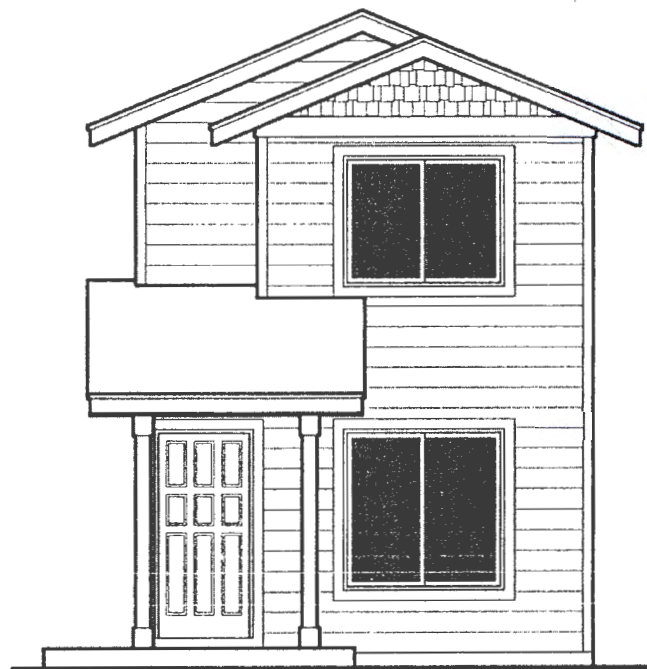
[Garage Plans \(/plans/type/5\)](#)

[Remodel Design \(/remodel_design\)](#)

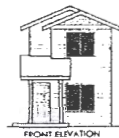
[About Us \(/company\)](#)

[Builders \(/builders\)](#)

Narrow lot house plans, 2 bedroom house plans, 2 story house plans, small house plans, 1flr, 10124b



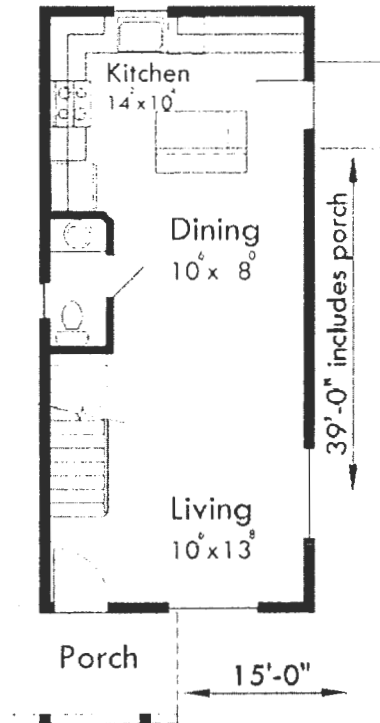
FRONT ELEVATION



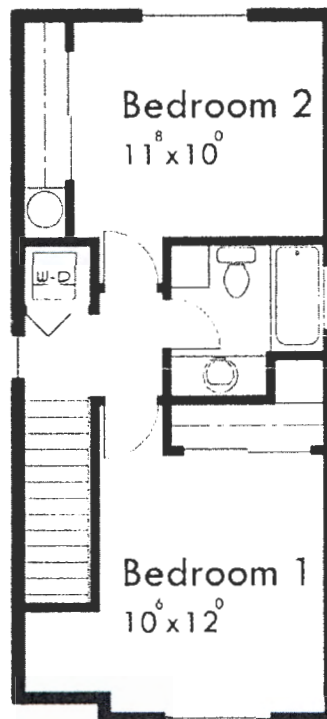
Olbrych
Conditional Use Permit
702 Etolin Street



Main Floor Plan



Upper Floor Plan



Plan 10124

Total sq. ft.: 952

Upper Floor sq. ft.: 457

Olbrych
Conditional Use Permit
702 Etolin Street



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPART
GENERAL APPLICATION FORM

Attachment H

1. Request projects at least TWENTY-ONE (21) 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/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: build small house less than 1000 sq
plus shop/garage with apartment - ADU

PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:

PROPERTY OWNER: Justin + Willow Ollych

PROPERTY OWNER ADDRESS: 700 Etlin St

STREET ADDRESS OF PROPERTY: 702 Etlin St

APPLICANT'S NAME: Justin Ollych

MAILING ADDRESS: 700 Etlin St

EMAIL ADDRESS: Justin.Ollych@school.com DAYTIME PHONE: 738-7082

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____

SUBDIVISION: _____ US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE			

Olbrych
Conditional Use Permit
702 Etlin Street

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ 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

For Conditional Use Permit:

- ☐ Parking Plan
- ☐ Interior Layout

For Plat/Subdivision:

- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

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. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

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

Oilbrych
Conditional Use Permit
702 Etolin Street

Bought the property last year with a dealer
house on it. Demo permit was granted, then a
grading permit was not due to a sewerline, which
we did not know existed. It's not recorded. So
to make best of the situation, two small structures
on either side of the sewerline is our only option.

The house will be very narrow, but at
two stories, it will come in around 900-1000
sq ft. A garage/shop with an apartment on
top will be an ADU. We presently live next
door and will owner build, keeping in mind
the aesthetics of the neighborhood. We're asking
for a reduction in setbacks mostly for the
eaves, keeping the walls of the house five feet
from property line. Thank you.

Attachment I

RECEIVED SEP 15 2016

701 Lincoln St.
Sitka, Alaska
995835-7649

September 15, 2016

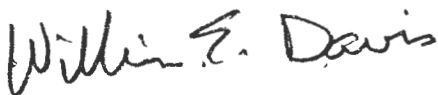
Planning Commission
City and Borough of Sitka
100 Lincoln St
Sitka, Alaska 99835

Dear Friends,

Accompanying please find my comments on Items M and N on next Tuesday, September 20th's Agenda.

Thank you for your careful consideration of these observations.

Sincerely,



William E. Davis

WED/g
Encl.

Olbrych
Conditional Use Permit
702 Etolin Street

COMMENTS FOR SEPTEMBER 20TH 2016 PLANNING COMMISSION MEETING

I am writing about Items M and N of the Commission's agenda of September 20, 2016. I am an adjacent property owner.

I wish to protest the granting of the variances and want more details about the conditional use permit.

Variance request

No needs exist for reducing the set backs established by existing code. This is especially true for the requested rear set back from 10 to four feet. Please see Item A under comments below for my reasons.

Conditional use permit

The nature of the accessory dwelling is unclear. A pencil sketch with the agenda suggests two buildings – an apartment/garage and a house. Can this lot accommodate both?

Comments

A. A fence runs along the back of our lot at 701 Lincoln. I understand it is not up to code (too high) and possibly infringes on our property line. Abutting this fence is a shed which allegedly was built without City and Borough approval. I worry that similar infringements will happen along the rest of the property lines if the normal set backs are reduced.

B. Easements

A City sewer line runs under this property. One of the plats we have shows a man hole to access the sewer. A culvert also carries Dog Creek under the subject property. It was extended by the property owner in May of 2012. I was told the C & B of Sitka has an easement for the culvert; does this include the extension? Is there one for the sewer? Will the buildings miss them?

William E. Davis
September 15, 2016

Olbrych
Conditional Use Permit
702 Etolin Street

Attachment J

Parcel ID: 11329000
ALICE/ADAM NUNES/MCLEOD
NUNES, ALICE & MCLEOD, ADAM
P.O. BOX 6537
SITKA AK 99835-6537

Parcel ID: 11325000
RICHARD CURRAN
CURRAN, RICHARD, J.
P.O. BOX 1336
SITKA AK 99835-1336

Parcel ID: 11340000
SUSAN KRUG
KRUG, SUSAN
2013 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 11345000
EPISCOPAL CHURCH
PASTOR'S RESIDENCE
EPISCOPAL CHURCH
611 LINCOLN ST
SITKA AK 99835

Parcel ID: 11360000
THELMA HERMAN
HERMAN, THELMA
614 ETOLIN ST.
SITKA AK 99835

Parcel ID: 11365000
JUSTIN/WILLOW OLBRYCH/MOORE-
OLBRYCH
OLBRYCH, JUSTIN & MOORE-
OLBRYCH, W.S.
700 ETOLIN ST
SITKA AK 99835

Parcel ID: 11370000
JUSTIN/WILLOW OLBRYCH/MOORE-
OLBRYCH
OLBRYCH, JUSTIN/MOORE-OLBRYCH,
W.
700 ETOLIN ST
SITKA AK 99835

Parcel ID: 11380000
WILLIAM/NANCY DAVIS JOINT
REVOCABLE TRUST
DAVIS, WILLIAM & YAW-DAVIS,
NANCY
P.O. BOX 6494
SITKA AK 99835-6494

Parcel ID: 11390000
EARL NIESEN
NIESEN, EARL, J.
P.O. BOX 551
REEDSPORT OR 97467-0551

Parcel ID: 11400000
STANLEY/KATHRYN JOHNSON
JOHNSON, STANLEY/KATHRYN
108 SEAVIEW HEIGHTS
SITKA AK 99835

Parcel ID: 11405000
BRIDGET/THEODOR
KAUFFMAN/LAUFENBERG
KAUFFMAN, BRIDGET/LAUFENBERG,
THEODORE
712 ETOLIN ST
SITKA AK 99835

Parcel ID: 11470000
BENJAMIN/AMY JOHNSON
JOHNSON, BENJAMIN, S/AMY, K.
110 FINN ALLEY
SITKA AK 99835

Parcel ID: 11475000
WAYNE/LYNETTE PATTISON
C/O CARRIE PATTISON
PATTISON, WAYNE, L./LYNETTE, M.
2919 SE 2ND AVE
CAMAS WA 98607

Parcel ID: 11485000
MICHAEL/BETSY TRAINOR
TRAINOR, MICHAEL, J./BETSY
105 BARLOW ST.
SITKA AK 99835

Parcel ID: 11520000
DAVID HILL
HILL, DAVID, C.
105 FINN ALLEY
SITKA AK 99835

Parcel ID: 11523000
COLETTE/HANNAH
NELSON/GUGGENHEIM
NELSON, COLETTE & GUGGENHEIM,
HANNAH
107 FINN ALLEY
SITKA AK 99835

Parcel ID: 11525000
MELINDA YOUNG
YOUNG, MELINDA, A.
P.O. BOX 330429
KAHULUI HI 96733

Parcel ID: 11560000
GARY BAGLEY
BAGLEY, GARY, E.
107 GEORGES HIDEAWAY
SIMPSONVILLE SC 29681

Parcel ID: 11565000
CURTIS/BARBARA BAIRD
BAIRD, CURTIS, D./BARBARA, K.
111 FINN ALLEY
SITKA AK 99835

Parcel ID: 11580000
JAYE FORST
FORST, JAYE, P.
877 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 11585000
CORELLA/TIMOTHY BAGGEN/HOLDER
BAGGEN, CORELLA/HOLDER,
TIMOTHY
705 LINCOLN ST
SITKA AK 99835-7649

Parcel ID: 11600000
WILLIAM/NANCY DAVIS ANCHORAGE
RESIDENCE TRUST
DAVIS, NANCY YAW/WILLIAM
P.O. BOX 6494
SITKA AK 99835-6494

Parcel ID: 11605000
EPISCOPAL CHURCH
EPISCOPAL CHURCH
P.O. BOX 1130
SITKA AK 99835

Parcel ID: 11610000
EPISCOPAL CHURCH
EPISCOPAL CHURCH
611 LINCOLN ST
SITKA AK 99835

Parcel ID: 11635000
DIOCESE OF SITKA & ALASKA
BECCC LEASE
DIOCESE OF SITKA & AK, ORTHODOX
CHURCH
P.O. BOX 210569
ANCHORAGE AK 99521

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 JO
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: 11740000
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: 11930000
CHARLES/MELANIE WILBER/KABLER
WILBER, CHARLES/KABLER, MELANIE
C.
705 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: 12030000
ROBERT DENNARD
DENNARD, ROBERT, A.
209 PARK ST.
SITKA AK 99835

Parcel ID: 12085000
DANIEL/JANET EVANS
EVANS, DANIEL, R./JANET, L.
611 ETOLIN ST.
SITKA AK 99835

Parcel ID: 12105000
ROBERT MURRAY
MURRAY, ROBERT, C.
609 ETOLIN ST
SITKA AK 99835

Parcel ID: 11910000
FABIAN/EVENING GRUTTER
GRUTTER, FABIAN/EVENING STAR
711 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: 11960000
NANCY/DAVID ANTHONY/SCALCUCCI
ANTHONY, NANCY & SCALCUCCI,
DAVID
200 PARK ST
SITKA AK 99835

Parcel ID: 12024000
CLINTON/MARINA MILLER
MILLER, CLINTON, O./MARINA
P.O. BOX 1124
SITKA AK 99835-1124

Parcel ID: 12075000
BRANDON/JAMEY MARX
MARX, BRANDON & JAMEY
P.O. BOX 6171
SITKA AK 99835-6171

Parcel ID: 12090000
DANIEL/JANET EVANS
EVANS, DANIEL, R./JANET, L.
611 ETOLIN ST.
SITKA AK 99835

Parcel ID: 12110000
ERIC/BRITA SPECK
SPECK, ERIC & BRITA
607 ETOLIN ST
SITKA AK 99835-7639

Parcel ID: 11920000
ROBERT/AMY BLAIR REVOCABLE
TRUST
BLAIR REVOCABLE TRUST,
ROBERT/AMY
P.O. BOX 504

Parcel ID: 11950001
ANN DAGNILLO
DAGNILLO, ANN, T.
703 ETOLIN ST
SITKA AK 99835

Parcel ID: 12020000
ERIC/ELIZABETH HOLMGREN
HOLMGREN, ERIC, G./ELIZABETH, B.
612 BIORKA ST
SITKA AK 99835

Parcel ID: 12026000
KERRI/JACOB O'TOOLE/KIRKNESS
O'TOOLE, KERRI/KIRKNESS, JACOB
616 BIORKA ST
SITKA AK 99835

Parcel ID: 12080000
JOHN BLANKENSHIP
BLANKENSHIP, JOHN, A.
P.O. BOX 2765
SITKA AK 99835-2765

Parcel ID: 12102000
KATHRYN NEWMAN
NEWMAN, KATHRYN, E.
613 OJA ST.
SITKA AK 99835

Parcel ID: 12135000
PHYLLIS HACKETT
HACKETT, PHYLLIS, A.
707-C LAKE ST
SITKA AK 99835

Olbrych
Conditional Use Permit
702 Etolin Street

P&Z Mailing
September 9, 2016

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

Date: 08/30/2016
Receipt: 2017-00010690
Cashier: Front Counter
Received From: JUSTIN OLBRYCH

CITY OF SITKA

CITY OF ALASKA 99835

PLAN - Planning Permits/Zoning	100.00
STL - Sales Tax 3rd quarter	6.00
Receipt Total	106.00
Total Other	106.00
Total Remitted	106.00
Total Received	106.00

Inv #: 000101

Total: \$ 106.00

20-3201.002

PAID

AUG 30 2016

CITY & BOROUGH OF SITKA

Customer COPY

Conditional Use Permit	ADU	100.00
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		6.00
TOTAL		106.00

Thank you

Olbrich
Conditional Use Permit
702 Etolin Street



AFTER RECORDING, RETURN TO:

Justin A. Olbrych
Willow S. Moore Olbrych
700 Etolin St.
Sitka, AK 99835

AETIA 51665

WARRANTY DEED
A.S. 34.15.030

The Grantor, LOREN AMMOND LEE, whose address is 1828 West 41 Drive, Los Angeles, CA 90062-1516, 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 JUSTIN A. OLBRYCH and WILLOW S. MOORE-OLBRYCH, husband and wife, as tenants by the entirety with full right of survivorship, Grantees, whose mailing address is 700 Etolin St. Sitka, AK 99835, the following-described real estate:

A fractional portion of Lot Seven (7), Block Thirteen (13), U.S. Survey 1474, Sitka Townsite, Sitka, Recording District, First Judicial District, State of Alaska, more particularly described as follows: Beginning at the northwest corner of said Lot 7 as Corner No. 1 hereof; thence N 76°13' E a distance of 60 feet to Corner No. 2; thence S 07°18' E a distance of 90 feet to Corner No. 3; thence S 76°13' W a distance of 60' to Corner No. 4; thence N 07°18' W a distance of 90 feet to Corner No. 1, the true point of beginning.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

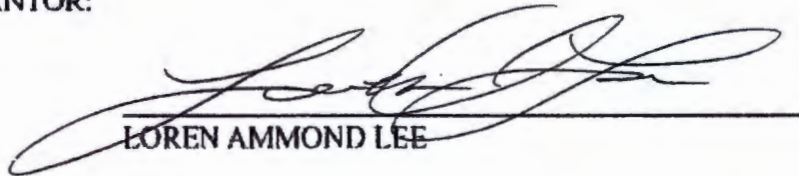
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Olbrych
Conditional Use Permit
702 Etolin Street

DATED this 3rd day of Sept., 2015.

GRANTOR:


LOREN AMMOND LEE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE §1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles)

On 9-3-15 before me, Jose Martin Gonzalez

(Notary Public) personally appeared LOREN AMMOND LEE, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature:

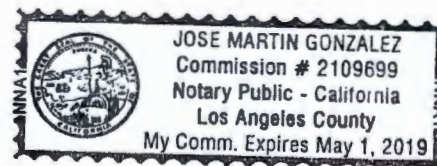


Signature of Notary Public

Place Notary Seal Above

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