



CITY AND BOROUGH OF SITKA

Meeting Agenda

Planning Commission

Chris Spivey, Chair
Darrell Windsor, Vice Chair
Debra Pohlman
Randy Hughey
Richard Parmelee

Tuesday, December 20, 2016

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM-15](#) Approval of the November 16, 2016 meeting minutes.

Attachments: [November 16 2016 draft](#)

IV. REPORTS

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

Attachments: [Planning Regulations and Procedures](#)

V. THE EVENING BUSINESS

C [VAR 16-20](#) Public hearing and consideration of a variance request for 503 Shennet Street. The request is for the reduction of the front setback from 20 feet to 5 feet and substandard parking for the construction of a house. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Attachments: [Kreiss Tomkins 12.20.16](#)

D [VAR 16-23](#) Public hearing and consideration of a variance request for 220 Lakeview Drive. The variance is for the reduction in the side setback from 8 feet to 3 feet for the construction of a shed. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy Hughey. The owners of record are Randy and Carol Hughey.

Attachments: [Hughey 12.20.16](#)

- E** [CUP 16-33](#) Public hearing and consideration of a conditional use permit application for a short-term rental at 227 Lakeview Drive. The property is also known as Lot 12 Lakeview Heights Subdivision. The request is filed by Julie Beall. The owner of record is Julie Beall.
Attachments: [Beall 12.20.16](#)
[Stonebreaker comment 12.16.16](#)
- F** [CUP 16-38](#) Public hearing and consideration of a conditional use permit request for a short-term rental at 714 Pherson Street. The property is also known as Lot 12 Block 1 Amended Plat of Sirstad Addition No. 2. The request is filed by Ashley McNamee. The owners of record are Shawn Marie Buckroyd and Leana Jean Buckroyd Youle.
Attachments: [McNamee 12.20.16](#)
- G** [CUP 16-36](#) Public hearing and consideration of a conditional use permit request for a short-term rental at 414 Hemlock Street. The property is also known as Lot 1 Block 24 McGraw Subdivision. The request is filed by Ali Clayton. The owner of record is Ali Clayton.
Attachments: [Clayton 12.20.16](#)
- H** [CUP 16-35](#) Public hearing and consideration of a conditional use permit request for an accessory dwelling unit at 2003 Anna Court. The property is also known as Lot 6 Verstovia Park Subdivision No. 2. The request is filed by William Patrick. The owner of record is William Patrick.
Attachments: [Patrick 12.20.16](#)
- I** [P 16- 15](#) Public hearing and consideration of a concept plat of a major subdivision of 800 Alice Loop to result in 11 lots. The property is also known as Lot 16 Ethel Staton Subdivision. The request is filed by Shee Atika, Inc. The owner of record is Shee Atika Holdings Alice Island, LLC.
Attachments: [Alice Loop Major 12.20.16](#)
- J** [P 16- 16](#) Public hearing and consideration of a boundary line adjustment request for 3614 Halibut Point Road and 109 Harbor Mountain Road. The properties are also known as Lot 4 Tract A US Survey 3317, and Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Del Stengl and Ernestine Massey. The owners of record are Del Stengl and Ernestine Massey.
Attachments: [Massey Stengl BLA 12.20.16](#)
- K** [VAR 16-22](#) Public hearing and consideration of a platting variance request for substandard easements at 109 Harbor Mountain Road. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.
Attachments: [Massev variance 12.20.16](#)

- L** [P 16- 17](#) Public hearing and consideration of a preliminary plat of a minor subdivision request for 109 Harbor Mountain Road, which would result in 2 lots. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.

Attachments: [Massey minor 12.20.16](#)

- M** [MISC 16-10](#) Discussion and direction regarding monumentation and flagging requirements in Title 21.

Attachments: [Monumentation and Flagging 12.20.16](#)

VI. PLANNING DIRECTOR'S REPORT

VII. PUBLIC BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT

NOTE: More information on these agenda items can be found at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Planning Office at 100 Lincoln Street. 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: December 12 and 14



CITY AND BOROUGH OF SITKA

Legislation Details

File #: PM-15 **Version:** 1 **Name:**
Type: Planning Minutes **Status:** AGENDA READY
File created: 12/1/2016 **In control:** Planning Commission
On agenda: 12/20/2016 **Final action:**
Title: Approval of the November 16, 2016 meeting minutes.
Sponsors:
Indexes:
Code sections:
Attachments: [November 16 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
Debra Pohlman
Randy Hughey
Richard Parmelee

Wednesday, November 16, 2016

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

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

Present - Spivey, Windsor, Hughey, Parmelee

Absent - Pohlman (excused), Knox (Assembly Liaison)

II. CONSIDERATION OF THE AGENDA

Julie Beall requested to pull her item from the agenda.

III. CONSIDERATION OF THE MINUTES

A Approval of the October 19, 2016 meeting minutes.

Windsor/Hughey moved to **APPROVE** the October 19, 2016 meeting minutes.

Motion **PASSED** 4-0.

IV. REPORTS

B Planning Regulations and Procedures.

C Annual report for a bed and breakfast conditional use permit granted to Deanna Moore for 703 Biorka Street. No action required.

D Annual report for a short-term rental conditional use permit granted to Deanna Moore for 703 Biorka Street. No action required.

V. THE EVENING BUSINESS

E Public hearing and consideration of a final 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.

Scarcelli described the request. DNR had raised concern for easement details

in the preliminary plat, so the applicant submitted an amended plat for final consideration. Staff and DNR are satisfied with the trail depiction in the updated plat. Staff recommend approval with administrative adjustment to the plat notes to indicate that the city shall be a party to all easements.

David Russell stated that he is agreeable to the administrative plat note adjustments recommended by staff.

Spivey stated that the application has been discussed thoroughly.

Hughey/Windsor moved 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.

Motion PASSED 4-0.

Hughey/Windsor moved to **APPROVE** the final plat of a minor subdivision of a portion of Whale Island, also known as Lot 2 Tract A US Survey 3556 subject to the attached conditions of approval. The request is filed by David Russell. The owner of record is John W. Williams.

- a. The City is a part to all easements and noted on the plat.
- b. All easements comply with the Sitka General Code.
- c. Appropriate maintenance, use, and access agreements for all platted easements be noted on the plat before final recording.
- d. Applicant shall work with municipal staff to determine appropriate plat notes.

Motion PASSED 4-0.

F

Public hearing and consideration of a final 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 Lehmann and Eric Speck. The owners of record are Donald and Patricia Lehmann and Eric Speck.

Scarcelli described the request. DNR had raised concerns regarding easement details in the preliminary plat. The trail on the plat has been adequately amended, and staff recommend approval with administrative adjustments to plat note language.

Spivey stated that he has a business relationship with the applicants, and the board permitted him to participate.

Don and Patricia Lehmann represented the request. Don Lehmann stated that he has paid 100% of utility access to the island, and he is willing to extend that to other lot owners proportional to what he paid.

Windsor/Hughey moved 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.

Motion PASSED 4-0.

Windsor/Hughey the final plat of a minor subdivision of a portion of Whale Island, also known as Lot 5 Tract A US Survey 3556 subject to the attached conditions of approval. The request is filed by Donald and Patricia Lehmann and Eric Speck. The owners of record are Donald and Patricia Lehmann and Eric Speck.

- a. The City is a part to all easements and noted on the plat.
- b. All easements comply with the Sitka General Code.
- c. Appropriate maintenance, use, and access agreements for all platted easements be noted on the plat before final recording.
- d. Applicant shall work with municipal staff to determine appropriate plat notes.

Motion PASSED 4-0.

G

Public hearing and consideration of a final plat of a minor subdivision at 1402 Sawmill Creek Road. The subdivision would reconfigure three existing lots into three proposed lots. The property is also known as a portion of US Survey 1947, a portion of US Survey 2365, and ATS 511 Tract A. The request is filed by Thomas and Danine Williamson. The owners of record are Thomas and Danine Williamson.

Pierson described the request. The applicants seek to reconfigure three existing lots into three new lots. All three new lots will have ocean access. Access and utilities have been designated on the plat. Staff recommend approval.

Tom Williamson stated that the item had been adequately explained.

Hughey/Windsor the findings 1) that the proposed minor subdivision complies with the comprehensive plan by providing for the reconfiguring existing waterfront land to create water access for one additional parcel; and 2) that the minor subdivision would not be injurious to the public health, safety, and welfare.

Motion PASSED 4-0.

Hughey/Windsor moved to **APPROVE** the final plat of a minor subdivision of 1402 Sawmill Creek Road, also known as a portion of US Survey 2365, a portion of US Survey 1947, and ATS 511 Tract A. The request is filed by Thomas and Danine Williamson. The owners of record are Thomas and Danine Williamson.

Motion PASSED 4-0.

H

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.

Scarcelli described the request and the history of soil wasting in the vicinity. Engineering studies have been included in the packet to address the soil wasting. Residential and undeveloped properties are adjacent. Windsor asked

if there are plans for further development of Davidoff Street. Bosak stated that there are no such plans at this time. Staff recommend postponement until a geotechnical analysis can be conducted. Hughey stated that a vacation of the street could result in a safer placement for the proposed house. Spivey asked if the vacation is feasible. Scarcelli stated that he does not want to speculate, but the applicant could pursue the process if he wishes.

Sam Smith stated that this is one of the last few undeveloped view lots in town. Smith stated that test holes have been dug. Smith stated that he is pursuing quotes for geotechnical analysis. Smith stated that he believes the geotechnical analysis is in the purview of the Building Department, and if he built within the setbacks he would not be going through the Planning Commission process. Parmelee asked about the engineer, and Smith stated that he is working with Ryan Wilson. Parmelee stated confidence in Wilson's work. Smith stated that he plans to buy the lot and build on it for himself. Hughey asked if Smith is interested in vacating the right of way, and Smith stated that he didn't believe the adjacent owner would be interested. Hughey asked about the time frame. Smith stated that he would like to develop in the spring. Smith stated that he would work on attaining the geotechnical analysis. Scarcelli stated that the Building Department will require a geotechnical analysis regardless of the variance process.

Conner Nelson stated that the landslide was not a natural slide, so he does not believe a geotechnical analysis will help.

Spivey stated that geotechnical is under Building's purview, but would help in making the variance decision. Parmelee stated his preference to approve with the condition of approval that the geotechnical analysis meets Building's requirements. Spivey asked if the commissioners believe that they have enough information to make a decision. Parmelee stated that no neighbors have submitted comments. Windsor asked if Hughey has a conflict of interest with the Sitka Community Land Trust because of the organization's property. Hughey stated that he does not believe he has a direct conflict of interest. Bosak stated that it is the board's job to consider public health, safety, and welfare.

Hughey/Parmelee moved to POSTPONE until geotechnical analysis is completed and submitted.

Motion PASSED 4-0.

I

Public hearing and consideration of a conditional use permit request for marijuana retail at 4612 Halibut Point Road, in the C-2 general commercial and mobile home zone. The property is also known as Lot 1 of Wyatt-Cox Resubdivision #2. The request is filed by Aaron Bean for Green Leaf, Inc. The owners of record are Connor K. Nelson and Valerie L. Nelson.

Scarcelli clarified the applicant and address for the record. The commission granted a permit for marijuana cultivation at 4614 Halibut Point Road. The proposed retail would be in an under-construction structure at 4612 Halibut Point Road. The property is not within 500 feet of sensitive uses. This new industry can be expected to bring revenue to the community. Staff recommend approval. Spivey clarified if staff support approval without a parking plan. Scarcelli stated that he believes the property will have enough parking, and a plan is a condition of approval. Parmelee stated that he has not known there to

be parking issues in the vicinity.

Eric Van Cise and Conner Nelson represented the application. Nelson stated that there is a lot of parking on site. Nelson stated interest in buying some of the state right-of-way for parking in the future. Spivey stated that the packet is thorough. Parmelee asked about parking. Nelson and Scarcelli stated that parking seems to be available. Windsor asked about on-site consumption. Van Cise stated that there is a consumption area indicated on the second story with retail on the first story.

Spivey asked to clarify if parking can be a condition of approval. Scarcelli stated yes. Windsor stated that he believes it's a good idea.

Windsor/Hughey moved to **APPROVE** findings that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.

Motion PASSED 4-0.

Windsor/Hughey moved to **APPROVE** the conditional use permit request filed by Green Leaf, Inc. for marijuana retail at 4612 Halibut Point Road, in the C 2 General Commercial and Mobile Home zone subject to the attached conditions of approval. The property is also known as Lot 1 of Wyatt-Cox Resubdivision #2. The owners of record are Connor K. Nelson and Valerie L. Nelson.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire marshal or their designee and the building official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the municipality and shall comply with all standard and required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where practical.
9. Odor Control shall include charcoal filters and other best means to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed retail site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use

permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The applicant shall provide the Planning Commission with a report after one year of operation.

12. The Planning Commission or Planning Department shall be able to schedule a hearing to resolve any issues, impacts, or review conditions of approval related to meritorious issues connected to the Public's health, safety, and welfare.

13. Hours of Operation shall comply with the submitted application.

Motion PASSED 4-0.

J

Public hearing and consideration of a variance request for 503 Shennet Street. The request is for the reduction of the front setback from 20 feet to 5 feet and substandard parking for the construction of an accessory dwelling unit. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Pierson explained the request. The applicant seeks to construct a home on this undeveloped parcel. The parcel is wetlands. Shennet Street is not fully developed, and only 503 and 504 Shennet Street use this street for access. The applicant seeks a 5 foot front setback and to provide no parking on the lot. The applicant proposes to park on an undeveloped portion of the street, and intends to seek an encroachment permit from the municipal Public Works Department. The variances would help to preserve the wetlands environment by reducing required fill on the lot. Staff recommend approval.

Jonathan Kreiss-Tomkins stated that Shennet Street is 40 feet wide. The road is built toward the 504 Shennet Street side. The driveway shown in packet photos is all on the city's property. The intent is to park on the undeveloped city property rather than filling in the wetlands. Kreiss-Tomkins clarified that the structure would be approximately 30 feet from the actual street. Hughey asked if there are other access points to the BIHA property at the end of Shennet Street. Kreiss-Tomkins states that he believes there are several access points to the large parcel. Hughey asked if parking could be developed if Shennet is fully developed. Kreiss-Tomkins stated that it is possible to dump gravel in, and he is willing to take appropriate steps if any encroachment permits are revoked.

Spivey stated that he would not necessarily classify Shennet Street as a street. Spivey stated that he is typically uncomfortable with 5 foot setbacks. Scarcelli clarified that BIHA owns the large parcel. Bosak and Hughey stated that the lot has multiple access points. Hughey stated that he wishes he could see the whole plan for the property. Bosak stated that the variance could be approved apart from the conditional use permit for the accessory dwelling unit. Spivey stated that he is not convinced that a setback variance is needed.

Kreiss-Tomkins apologized for the quality of the drawings. He stated that he can kayak the property after a rain event, and the entire parcel is considered wetlands. The house will be built on piers. Kreiss-Tomkins stated that the placement with the requested variance would provide space between an existing structure to the rear. Windsor stated that it seems the structure could be rotated to be within setbacks. Kreiss-Tomkins stated that his schedule is flexible. Hughey stated that he would like to see full detailed drawings.

Windsor suggested a site visit. Parmelee stated that he wanted to see building dimensions.

Hughey/Parmelee moved to POSTPONE until more detailed plans are submitted.

Motion PASSED 4-0.

K

Public hearing and consideration of a conditional use permit request for 503 Shennet Street. The request is for the construction of an accessory dwelling unit. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Scarcelli explained the request. Staff recommend postponement for more detailed drawings. Windsor asked how this is an accessory dwelling unit. Scarcelli stated the recommendation for the applicant to include both proposed structures in the plan.

Jonathan Kreiss-Tomkins stated that the intent is to reserve the ability to build a primary structure in the future, but he only plans to build an ADU at this time.

Windsor asked if the applicant could build a small structure now then make it an accessory dwelling unit in the future when he builds a larger house. Scarcelli stated that he could apply for an ADU conditional use permit either now or later, but he is vesting his property rights by applying now.

Windsor/Hughey moved to POSTPONE until more detailed plans are submitted.

Motion PASSED 4-0.

L

Public hearing and consideration of a conditional use permit application for a short-term rental at 1307 Halibut Point Road. The property is also known as Lot 3 Block 13 US Survey 3303B. The request is filed for Joan and Chris Gianotti. The owners of record are Joan and Chris Gianotti.

Pierson described the request. The owner lives in Juneau, and seeks to rent this house as a short-term rental to allow flexibility for her to use the house when she is in Sitka. She has family in Sitka who will maintain the property. The property has direct access from Halibut Point Road. The property has a two-car carport. Staff recommend approval.

Pat Hughes represented the short-term rental request, and stated that the request has been covered.

No public comment.

Windsor stated that short-term rentals have been on nearly every agenda, and wondered if the board would discuss them. Spivey stated that a larger-scale discussion is later on this agenda. Parmelee stated that is straight-forward and the property is well set up for this.

Hughey/Windsor moved to APPROVE and adopt the required findings for conditional use permits as discussed in the staff report.

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.

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.

Motion PASSED 4-0.

Hughey/Windsor moved to APPROVE the conditional use permit application for a short term at 1307 Halibut Point Road, in the R 1 single family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 3 Block 13 US Survey 3303B. The request is filed by Joan and Chris Gianotti. The owners of record are Joan and Chris Gianotti.

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.

Motion PASSED 4-0.

M

Public hearing and consideration of a conditional use permit application for a short-term rental at 227 Lakeview Drive. The property is also known as Lot 12 Lakeview Heights Subdivision. The request is filed by Julie Beall. The owner of record is Julie Beall.

PULLED by applicant.

N

Public hearing and consideration of a conditional use permit application for an accessory dwelling unit at 3201 Halibut Point Road. The property is also

known as Lot 1 Kinberg/Sturm Subdivision. The application is filed by James Sturm. The owner of record is James Sturm.

Pierson described the request for accessory dwelling unit. The existing mobile home has an approved variance for a 0 foot side setback. The proposed structure would fit within required setbacks. The required 4 parking spaces are available on-site. If approved, the structure would have to meet building requirements for permanent structures, as well as additional utility fees. Hughey clarified that dwelling units do not have to have separate rooms. Staff recommend approval.

James Sturm stated that he wants to add another dwelling unit on the lot and either rent it out or move into it himself.

Spivey stated that this is what we're trying to achieve with accessory dwelling units.

Windsor/Hughey moved to APPROVE the required findings for conditional use permits for accessory dwelling units as discussed in the staff report.

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.

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.

Motion PASSED 4-0.

Hughey/Windsor moved to **APPROVE** the conditional use permit request for an accessory dwelling unit at 3201 Halibut Point Road, with the condition that all requirements from the Building Department are met. The property is also known as Lot 1 Kinberg Sturm Subdivision. The request is filed by James Sturm. The owner of record is James Sturm.

Motion PASSED 4-0.

O

Public hearing and discussion of the Historic Preservation Plan draft. The request is filed by the City and Borough of Sitka Historic Preservation Commission.

Scarcelli presented a staff memo on the Historic Preservation Plan draft. Staff commend the Historic Preservation Commission on its work. Scarcelli stated that staff would like to see the Historic Preservation Plan to fall within the Comprehensive Plan process. Scarcelli stated that the cover image should not only depict the Russian Era but also cultures prior. Scarcelli stated that staff would like to see additional public outreach and outreach to Sitka Tribe of Alaska. Staff recommend that action steps are clarified.

Anne Pollnow introduced herself as Historic Preservation Plan chair. Pollnow stated that she was unaware of the staff's comments before seeing this memo.

Pollnow stated that it's inappropriate to name specific ordinances or code amendments, but just that they need to take place. Pollnow stated that they do not currently have the expertise on the board or involved public to draft ordinances or code amendments. Pollnow stated the dates listed in the plan are listed in the Alaska Heritage Resources Inventory. Pollnow stated that much of the detail is in the appendix. Pollnow stated that there are an array of photos that represent the community. Pollnow stated that the commission has attempted to engage the Tribe, and the plan has been in development in 2012. Pollnow stated that the last public survey was conducted in 2010, but that the commission hoped that the draft would receive public comment during the Comprehensive Plan process.

Spivey asked about public input. Pollnow stated that surveys were available around town, and public meetings were held. Spivey asked if outreach was done to develop a multicultural plan. Pollnow stated that the Tribe has a seat on the commission. Pollnow stated that a consultant was involved with the plan in 2010. Pollnow stated that she worked on the plan as a private consultant when she wasn't on the board. Hughey asked about proposed zoning changes as cited in the Plan. Pollnow stated interest in an overlay district, but that would involve an additional process and work with professionals. Spivey stated that he's uncomfortable with the unknowns. Pollnow stated that the current review process is very confusing and inconsistent. Pollnow stated that the municipality's status as a Certified Local Government requires a historic preservation plan. Windsor asked for an example of zoning changes. Pollnow stated that there could be a GIS overlay over areas such as Sheldon Jackson Campus so that everyone can understand that extra review may be required. Bosak clarified that this meeting is to provide comment on the plan. Spivey recommended that the Historic Preservation Commission continue to work toward public outreach and collaboration with STA. Hughey expressed appreciation for the Historic Preservation Commission's work on the plan. Scarcelli stated that historic preservation can benefit the community economically.

P

Discussion and direction on short-term rental and bed and breakfast conditional use permits.

Scarcelli explained that there are many pros and many cons to short-term rentals. Research comes down on both sides of the issue. We need to understand what short-term rentals mean for Sitka. Sitka has approximately 53 short-term rentals. Bosak suggested a quarterly report, and suggested that the commission not make decisions on the future of short-term rentals until after Aspen Hotel opens. Commissioners agreed to quarterly reports and delaying action.

Ray Stonebreaker asked how many short-term rentals we really need, as there are several hotels in town. Stonebreaker urged caution. Stonebreaker stated that he spoke to a realtor who stated that a short-term rental could negatively impact his property value. Stonebreaker stated that he could have a new neighbor every day. Stonebreaker stated that there are no sidewalks on Lakeview Drive, and kids play in the street. Stonebreaker does not want to see residential neighborhoods commercialized. Someone shouldn't make a buck at the rest of the neighborhood's expense. Stonebreaker said you can develop relationships with long-term renters but not short-term renters. Parmelee stated that short-term rentals are often short-lived. Parmelee said that his neighbors have a short-term rental and he doesn't notice people coming and going.

Parmelee said that some people are doing short-term rentals to supplement their income during this economy. Parmelee stated that perhaps the commission should consider if certain neighborhoods are less fit for short-term rentals. Spivey stated that the commission should keep an eye on how many are in individual neighborhoods. Stonebreaker thanked the commission for hearing his concerns, and stated that these decisions impact our neighborhoods. Spivey stated that the commission takes neighbor concerns very seriously. Hughey stated that neighborhood quality and long-term rental availability may be impacted. Parmelee stated that the new hotel rooms developing may discourage some future short-term rental applicants. Bosak recommended additional monitoring until the new hotel opens. Bosak recommended quarterly reporting to the Planning Commission.

VI. PLANNING DIRECTOR'S REPORT

Bosak reported that over 80 attended the November 8th open house. Bosak suggested the December 6th Comprehensive Plan meeting be cancelled and compiled information would be provided online. Commissioners agreed to the cancellation.

VII. PUBLIC BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT

Windsor/Parmelee moved to ADJOURN at 10:05 PM.

Motion PASSED 4-0.

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 #: VAR 16-20 **Version:** 1 **Name:**

Type: Variances **Status:** AGENDA READY

File created: 10/20/2016 **In control:** Planning Commission

On agenda: 11/16/2016 **Final action:**

Title: Public hearing and consideration of a variance request for 503 Shennet Street. The request is for the reduction of the front setback from 20 feet to 5 feet and substandard parking for the construction of a house. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.

Sponsors:

Indexes:

Code sections:

Attachments: [Kreiss Tomkins 12.20.16](#)

Date	Ver.	Action By	Action	Result
11/16/2016	1	Planning Commission		



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: November 30, 2016

From: PCDD Staff

To: Planning Commission

Re: V 16-20 Variance Request for Front Setback and Parking at 503 Shennet Street

GENERAL INFORMATION

Applicant: Justin Olbrych

Property Owner: Jonathan Kreiss-Tomkins

Property Address: 503 Shennet Street

Legal Description: Lot 3 Block A Sirstad Add. 2

Parcel ID Number: 1-7730-000

Size of Existing Lot: 7753 square feet

Zoning: R-1

Existing Land Use: Undeveloped

Utilities: Full city services available

Access: Shennet Street to Monastery

Surrounding Land Use: Residential, Recreational

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: Comments

Attachment I: Application

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

Providing for today...preparing for tomorrow

Attachment J: Mailing List
Attachment K: Proof of Payment
Attachment L: Proof of Ownership

BACKGROUND

The property at 503 Shennet Street was created in 1964 through a subdivision. According to municipal records, the property has not been developed. The property is currently a forest and muskeg environment. Construction requires a US Army Corps of Engineers permit because of the wetlands. This USACE permit has been received.

PROJECT DESCRIPTION

This request is for a variance for a proposed residential structure in terms of setback and parking. A variance is requested for the reduction of the front setback from 20 feet to 5 feet for this proposed accessory dwelling unit. The proposed structure is 40 feet by 20 feet. At the closest corners, the structure would be 5 feet from the front setback and 17 feet from the rear setback.

The applicant also requests a variance for no on-site parking. The applicant proposes that parking be allowed on the undeveloped portion of Shennet Street, in order to limit displacement of the natural wetland environment for parking. The property at 504 Shennet currently uses the right-of-way for parking. Public Works has the authority to approve or deny encroachments onto municipal property.

The owner states that these variances are requested in order to 1) reduce impacts to the rear property by situating the house toward the undeveloped portion of right-of-way, 2) reduce building cost by building closer to the access point; and 3) to reserve space for a possible future accessory dwelling unit. The variance from on-site parking requirements would also act to protect the wetland environment from excess fill.

The Municipal Engineer has provided comment. Please note that includes discussion about the nature of a potential encroachment permit and the potential for revocation of that permit.

At the November 16th Planning Commission meeting, this item was postponed until the applicant submitted more detailed plans. The applicant has provided a more detailed building footprint, but a floor plan was not submitted. The commission may wish to grant approval, to request additional floor plan information for commission consideration, or to request additional floor plan information for staff consideration. Note that Planning staff already conduct floor plan review as a routine step of the building permit process.

ANALYSIS

Project / Site: The lot is an undeveloped wetland environment. 503 and 504 Shennet Street are the only properties that access from Shennet Street. The property abuts developed residential properties and undeveloped property.

Zone: R-1: Intent. This zone is intended to provide for primarily for single-family and duplex residences at moderate densities.¹

Traffic: Shennet Street is a dead-end street that is only utilized by two properties. Negative impacts of on-street parking is limited. Applicant should move toward a vacation of the street and purchase of the property.

Parking: Parking is currently substandard on the lot. Parking could be developed if necessary, but would negatively impact the wetland environment.

Noise: No unreasonable noise expected for the residential property.

Public Health or Safety: Shennet Street is a dead-end street that is only utilized by two properties. Negative impacts of on-street parking is limited. Applicant should move toward a vacation of the street and purchase of the property.

Public benefits by the preservation of the natural environment.

Habitat: US Army Corps of Engineers has jurisdiction to protect the wetlands environment.

Property Value or Neighborhood Harmony: A new structure would be an improvement to the property and neighborhood.

Conformity with Comprehensive Plan: The proposed variance for the reduction of the front setback from 20 feet to 5 feet and substandard parking for the construction of a house conforms to the Comprehensive Plan Section 2.2.4 which states, "*Minimize impacts on diversity and integrity of the ecosystem,*" by allowing flexibility in development standards to reduce effects on wetlands.

FINDINGS²

D. Required Findings for Variances.

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

¹ Section 22.16.040—R-1 District

² Section 22.30.160(D)(1)—Required Findings for Major Variances

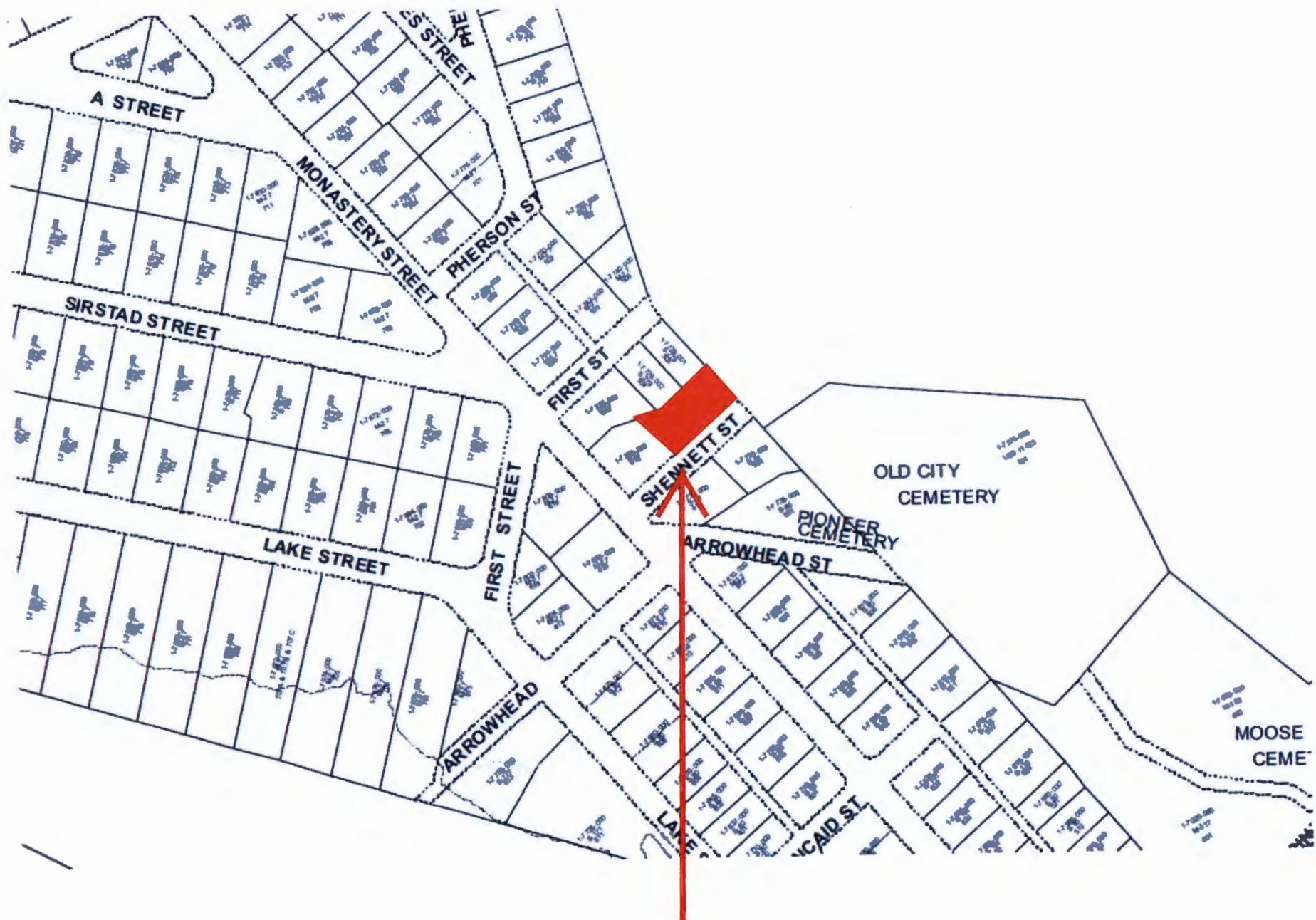
- a) That there are special circumstances to the intended use that do not apply generally to the other properties, *specifically, that the lot is currently an undeveloped wetland environment;*
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *specifically, the ability to economically develop a residential structure while protecting the wetland environment;*
- 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 structure as proposed would limit adverse impacts to the natural environment;* and
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, Section 2.2.4 which states, *"Minimize impacts on diversity and integrity of the ecosystem,"* by allowing flexibility in development standards to reduce effects on wetlands.

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 5 feet and substandard parking for the construction of a house at 503 Shennet Street.

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 at 503 Shennet Street. The request is for the reduction in the front setback from 20 feet to 5 feet and substandard parking for the construction of a house to the attached conditions of approval. The property is also known as Lot 3 Block A Sirstad Addition No. 2. The request is filed by Justin Olbrych. The owner of record is Jonathan Kreiss-Tomkins.
 - a. Conditions of Approval:
 - i. All United States Army Corp of Engineer permits are secured and followed.
 - ii. Use of the Right of Way for on-street parking is approved by a valid encroachment permit by the City and Borough of Sitka's Public Works Department or the property and use come into immediate compliance with off-street parking requirements.
 - iii. Applicant will provide a floor plan for staff approval.





City & Borough of Sitka, Alaska

Selected Parcel: 503 SHENNET ID: 17730000

Printed on 9/26/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m
100 ft



MainStreetGIS
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.



City & Borough of Sitka, Alaska

Selected Parcel: 503 SHENNET ID: 17730000

Printed on 9/26/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m
100 ft



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City & Borough of Sitka, Alaska

Selected Parcel: 503 SHENNET ID: 17730000

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20 m
100 ft



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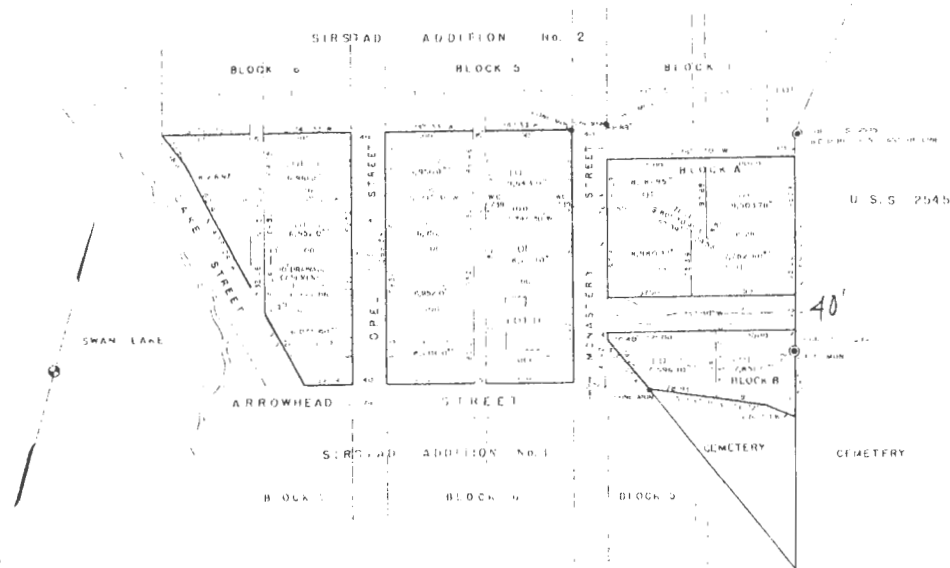






I hereby certify I am a registered professional civil engineer, and that this plat represents the survey made by me or under my direct supervision, and that all dimensions and other data are correct to the best of my knowledge.

6-2-68



NOTE - THE ORIGINAL B. I. M. BRASS CAP PIPE MONUMENT AT COR. N&1, U.S.S. 2545 IS RENT OUT OF POSITION 0.35' EAST OF LINE. A 2" x 2" STAKE IS SET AT THE TRUE CORNER. BEARING OF ORIGIN FOR THIS SURVEY ORIGINATED BETWEEN THIS STAKE AND COR. No. 11, U.S.S. 2545, OFFICIALLY REPORTED AS N 15° 30' W. THE BEARING OF THE NORTHERLY LINE OF LOTS 7 & 11, BLOCK 6, AND LOTS 7 & 13, BLOCK 5, AND THE SOUTHERLY LINE OF BLOCK 6, DETERMINED FROM CORNERS LOCATED IN THE FIELD.

3/4" OR 1/2" PIPE WITH WOOD PLUG AND TACK SET AT LOT CORNERS, EXCEPT AS SHOWN OTHERWISE.

Reel # 35 - Plat

INDEXED - FILED

SITKA REC. 143

DATE 3-18-1968

TIME 11:30 A.M.

Reported by Rachel June Sirstad

Address: Sitka, Alaska

Feb 28 1968 24

George Sirstad
Rachel June Sirstad
Plumley Campbell Beach

Sitka, Alaska District

STATE OF ALASKA

On this 2nd day of March 1968 before me, the undersigned, a Notary Public in and for the State of Alaska, residing in Sitka, Alaska, personally appeared GEORGE SIRSTAD & RACHEL JUNE SIRSTAD known to me to be the persons who executed the foregoing certificate, and who acknowledged to me that they executed said certificate freely and voluntarily for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto affixed my signature and official seal, and the day, month and year in this certificate first above and therein mentioned.

Notary Public - State of Alaska
My Commission Expires April 4, 1969

Witnessed by: [Signature] 3-9-68

[Signature]

3-10-68 [Signature]

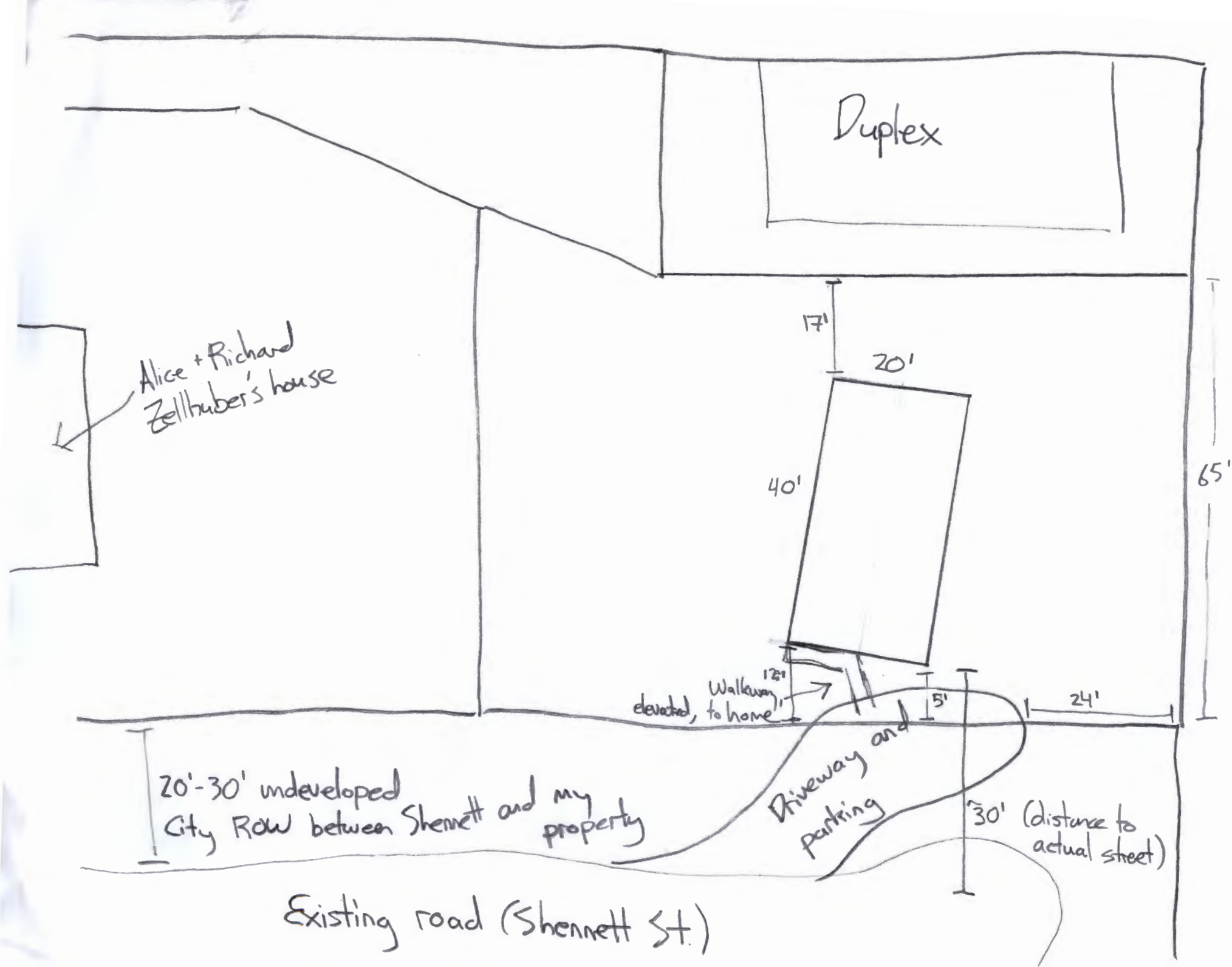
[Signature]

RESUBDIVISION OF
FRACTIONS OF BLOCKS 1, 5 & 6
OF SIRSTAD ADDITION No. 2
SITKA, ALASKA

SCALE - 1" = 100' NOVEMBER, 1963

TONER & NORDLING - REGISTERED ENGINEERS JUNEAU, ALASKA

Dawson #3 No 35



Duplex

Alice + Richard
Zellhuber's house



Walkway
elevated, to home

Driveway and
parking

20'-30' undeveloped
City Row between Shennett and my
property

Existing road (Shennett St.)

30' (distance to
actual sheet)

65'

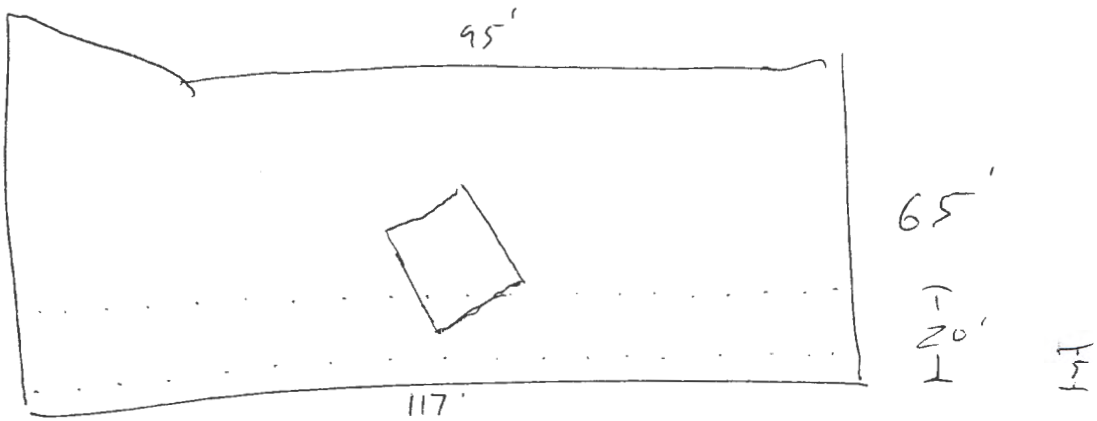
24'

5'

12'

17'

Setback



Shennett

Wooded

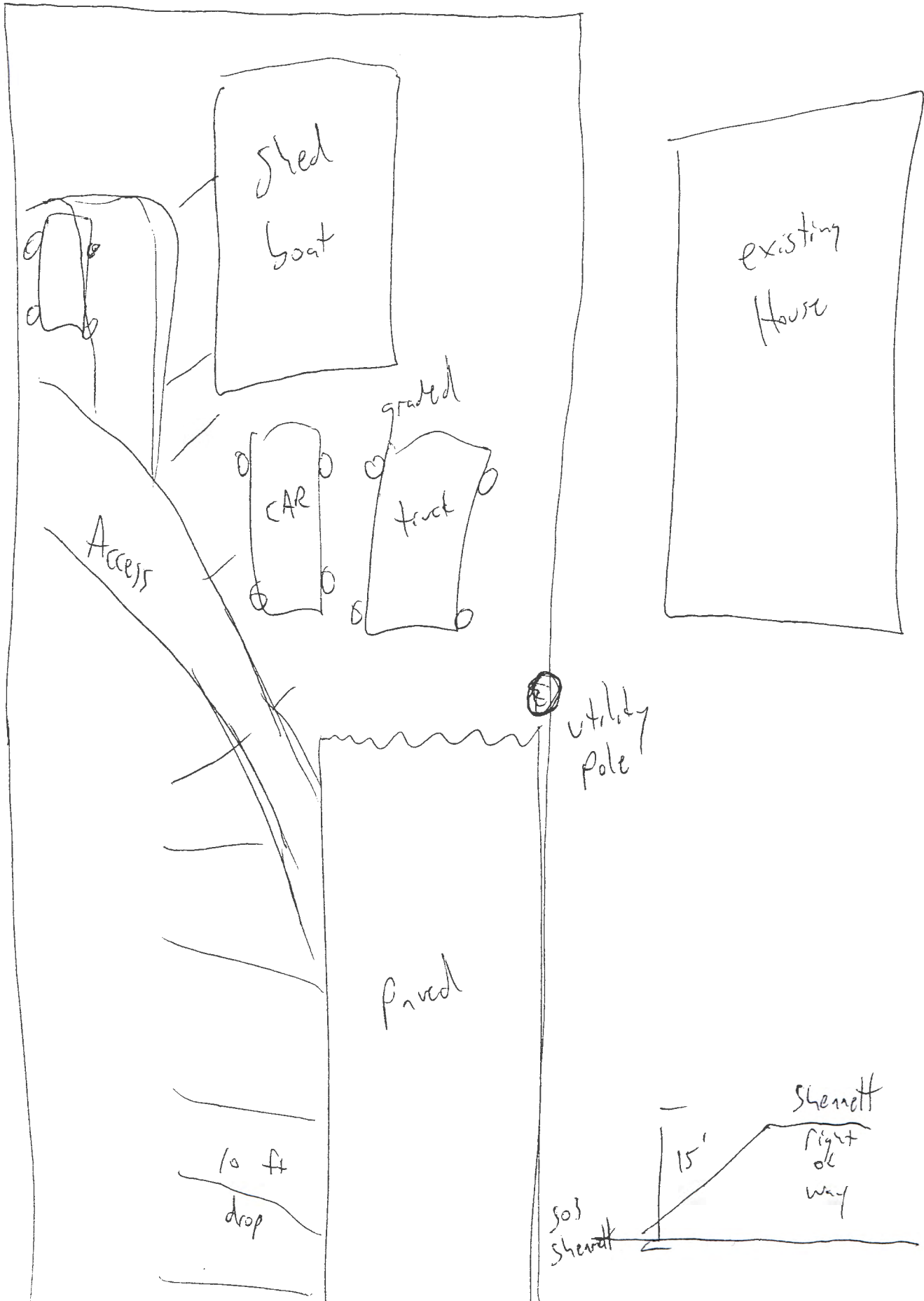
Partly Paved

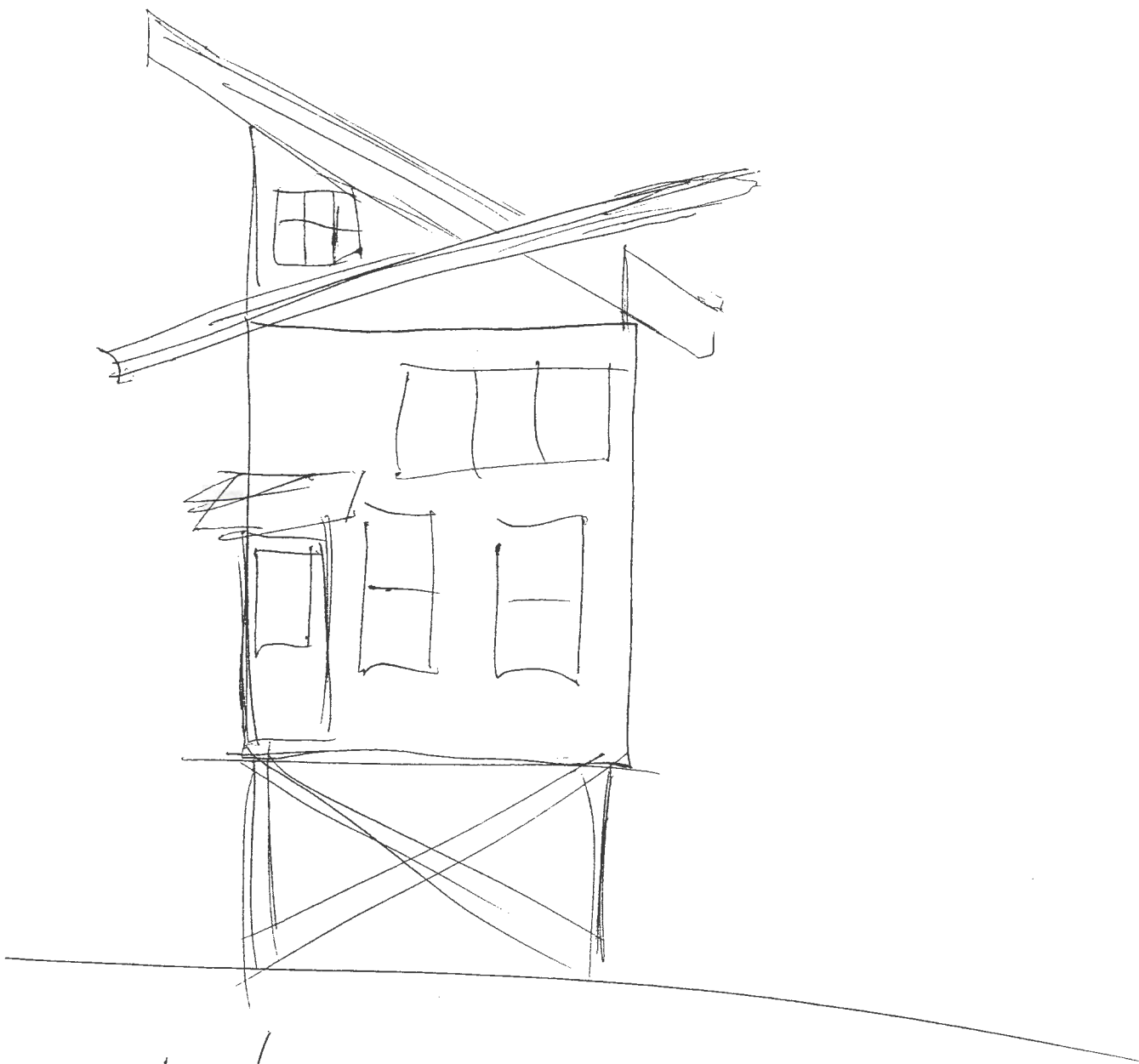
A request in reduction from 20' setback to 5' setback, to build ADU in marked location.



Shenett

Shennett





wet

ADU

Request to build ADU at 503 Shennett.
800 square foot or smaller, 25 foot height max.
This small home will be the first structure in
the wetland lot, the US Army Corps of Engineers
permitted the project. As of now, there are
no plans to build single family house as
well, but by allowing the ADU, that option, at
least, continues to be an option.

Parking on Right of Way

A request to park on unused/underdeveloped portion of Shennett, in order to tread lightly in wetland lot 503 Shennett. Two houses will be using Shennett for parking and access with only one existing presently. This household uses Shennett for boat storage, parking and space. The right of way ~~drops~~ steeply into 503. The idea, granted by Army Corp and City of Sitka, is to fill in access driveway to get to 503 Shennett. The request is, instead of displacing more natural (wetland) habitat for parking, just park on permitted access.

Samantha Pierson

From: Michael Scarcelli
Sent: Monday, December 05, 2016 9:54 AM
To: Samantha Pierson
Subject: FW: Shennett parking

For Clerk / ex parte contact - please forward or distribute this comments to entire Commission or for public record as appropriate – I defer to clerk for proper process.

Thanks,

Mike

From: Randy Hughey [mailto:randywhughey@gmail.com]
Sent: Monday, December 05, 2016 7:20 AM
To: Michael Scarcelli <michael.scarcelli@cityofsitka.org>
Subject: Fwd: Shennett parking

Please see the letter below re JKT and Shennet st

Sent from Randy Hughey's iPad

Begin forwarded message:

From: Jonathan Kreiss-Tomkins <jonathan.s.kt@gmail.com>
Date: December 4, 2016 at 11:37:14 PM AKST
To: Randy Hughey <randywhughey@gmail.com>
Subject: Fwd: Shennett parking

Randy, I don't have the other commissioner's emails, but could you forward this to the commission?

Re the variance request, my neighbor, and the only other resident of Shennett Street is supportive of the requests, partly because he doesn't want to see more trees cut down and impacts to the land to make parking that isn't needed beyond what I've already put in.

(I asked if it was okay if I forwarded this email and Matt said yes.)

----- Forwarded message -----

From: Matt Foruria <mforuria@gmail.com>
Date: Sun, Nov 20, 2016 at 2:03 PM
Subject: Shennett parking
To: jonathan.s.kt@gmail.com
Cc: annieforuria@gmail.com

Hi Jonathan,
Saw the planning commission piece in the paper on your parking issue. I know this is really not a

problem as you only have one car and plan on leaving it your driveway.

We just got rid of our big car and will keep its replacement in the carport. This should make parking even less of an issue on Shennett.

Read that you may take the planners on a tour to ease concerns. We'll try to keep space on your side open to make it easier to have this issue set aside. It would be bad news if you had to cut more trees to build a parking space for a car that doesn't exist.

Good luck,

Matt

JKT U/COP

Michael Scarcelli

From: Dan Tadic
Sent: Wednesday, November 09, 2016 4:57 PM
To: Samantha Pierson; Michael Scarcelli
Cc: Maegan Bosak
Subject: FW: P&Z in your Neighborhood...November 16th Planning Commission Agenda

Good afternoon Sam,

I would like to offer the following comments on the upcoming Planning Commission agenda items J&K.

I can appreciate the applicant's desire to minimize fill for parking in wetlands. CBS PW would be willing to grant an encroachment permit to allow for parking within the existing undeveloped Shennet Street ROW, however the applicant and Planning Commission should be aware that such a permit would come with some conditions. Notably, the permit would be revocable at any time for any reason deemed in the best interest of CBS. Should this right be exercised by CBS, the applicant would be required to remove any encroachments at their own cost. That scenario would also leave the lot without any parking under the current proposal.

While CBS has no immediate plans to develop Shennet Street ROW, that may change in the future. For example, the adjacent property at the end of Shennet Street is owned by BIHA according to CBS GIS database. Should they ever want to develop this property, Shennet Street may be the most logical and preferred location for access. We are not aware of any such development plans currently, however this example is provided to illustrate one possible scenario which may result in a revocation of an encroachment permit.

Please feel free to contact me if you have any questions.

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

From: City of Sitka [mailto:sitka@service.govdelivery.com]
Sent: Friday, November 04, 2016 12:27 PM
To: Dan Tadic <dan.tadic@cityofsitka.org>
Subject: P&Z in your Neighborhood...November 16th Planning Commission Agenda

Samantha Pierson

From: Jonathan Kreiss-Tomkins <jonathan.s.kt@gmail.com>
Sent: Tuesday, October 25, 2016 2:05 PM
To: Samantha Pierson
Cc: Justin Olbrych
Subject: Giving my proxy to Justin

Samantha, what should I do to give my proxy as a property owner to Justin, for a variance request?

If it's just a matter of my email, I would like to authorize the variance request with this correspondence and allow Justin to act on my behalf.

Many thanks!



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

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: - Setback - front - from 20' + 5'
- ADU
- parking on right of way / off site parking

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: Jonathan Kreiss-Tenkies

PROPERTY OWNER ADDRESS: Marshall Island

STREET ADDRESS OF PROPERTY: _____

APPLICANT'S NAME: Justin Olbrych

MAILING ADDRESS: 700 Etolin St

EMAIL ADDRESS: Justin.Olbrych@alco.com DAYTIME PHONE: 738-9082

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:

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

Parcel ID: 17375000
CITY & BOROUGH OF SITKA
OLD CITY CEMETERY
~~C/B OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 17727000
DENNIS BERNHOFT
BERNHOF, DENNIS, C.
618 MONASTERY ST
SITKA AK 99835

Parcel ID: 1772906j
JOANNA/D. & P. GIGLIA/~~MENENDEZ~~
GIGLIA, JOANNA/~~MENENDEZ~~,
DAWN/PETER
~~1806-A ALDER WAY~~
SITKA AK 99835

Parcel ID: 17729002
AMANDA JOHNSON
JOHNSON, AMANDA, M.
504 FIRST ST
SITKA AK 99835

Parcel ID: 17730000
JONATHAN KREISS-TOMKINS
KREISS-TOMKINS, JONATHAN
P.O. BOX 6615
SITKA AK 99835-6615

Parcel ID: 17732000
ALICE ZELLHUBER FAMILY TRUST
ALICE J. ZELLHUBER FAMILY TRUST
616 MONASTERY ST.
SITKA AK 99835

Parcel ID: 17734000
JOEL/ALICE HANSON
HANSON, JOEL, H./ALICE, C.
417 ARROWHEAD ST
SITKA AK 99835

Parcel ID: 17736000
GEORGIANNA/M. FORURIA
FORURIA, GEORGIANNA & MATTHEW
504 SHENNETT ST
SITKA AK 99835

Parcel ID: 17738000
STATE ALASKA
PIONEER CEMETERY
STATE OF ALASKA
6860 GLACIER HWY
JUNEAU AK 99801

Parcel ID: 17740000
BRADFORD/MINNIE DENNISON
DENNISON, BRADFORD, A./MINNIE, M.
505 FIRST ST.
SITKA AK 99835

Parcel ID: 17742000
DAVID/DENA WILLIAMS
WILLIAMS, DAVID, G., JR./DENA, M.
1912 SAWMILL CREEK RD.
SITKA AK 99835

Parcel ID: 17744000
CAROLYN LUDLOW
LUDLOW, CAROLYN
P.O. BOX 2604
SITKA AK 99835-2604

Parcel ID: 17806000
ANN BILLS
*BILLS, ANN, L.
415 ARROWHEAD ST
SITKA AK 99835

Parcel ID: 17808000
ANN BILLS
*BILLS, ANN, L.
~~415 ARROWHEAD ST~~
~~SITKA AK 99835~~

Parcel ID: 18560000
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

1-7729-001-000-0000

JOANNA/D. & P. GIGLIA/MENENDEZ
506 FIRST ST
SITKA AK 99835

P&Z Mailing
December 9, 2016

Parcel ID: 17375000
CITY & BOROUGH OF SITKA
OLD CITY CEMETERY
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 17615000
CHARLES BOWMAN
BOWMAN, CHARLES, E.
4105 WHITE ALDER CT, APT 2B
HOMER AK 99603-7161

Parcel ID: 17680000
MICHAEL/KAREN STALKFLEET
STALKFLEET, MICHAEL, G./KAREN, J.
P.O. BOX 1096
SITKA AK 99835-1096

Parcel ID: 17729001
JOANNA/D. & P. GIGLIA/MENENDEZ
GIGLIA, JOANNA/MENENDEZ,
DAWN/PETER
1806-A ALDER WAY
SITKA AK 99835

Parcel ID: 17732000
ALICE ZELIHUBER FAMILY TRUST
ALICE J. ZELIHUBER FAMILY TRUST
616 MONASTERY ST.
SITKA AK 99835

Parcel ID: 17738000
STATE ALASKA
PIONEER CEMETERY
STATE OF ALASKA
6860 GLACIER HWY
JUNEAU AK 99801

Parcel ID: 17744000
CAROLYN LUDLOW
LUDLOW, CAROLYN
P.O. BOX 2604
SITKA AK 99835-2604

Parcel ID: 17750000
TIMOTHY/SUE ANDERSON
ANDERSON, TIMOTHY/SUE
P.O. BOX 2955
SITKA AK 99835-2955

Parcel ID: 17804000
NICOLE/TIMOTHY DUCLOS/SHOBE
DUCLOS, NICOLE & SHOBE, TIMOTHY
413 ARROWHEAD ST
SITKA AK 99835

Parcel ID: 17866000
MICHAEL/CYNTHIA HARPER/DENNIS
COMMUNITY PROP TRUST
HARPER, MICHAEL/DENNIS, CYNTHIA
PROP TRUST
700 LAKE ST

Parcel ID: 17605000
RYAN/LAUREN SILVA
SILVA, RYAN, S./LAUREN, R.
608 MONASTERY ST
SITKA AK 99835

Parcel ID: 17670001
FLORIOSE/MARK DAVIS
DAVIS, FLORIOSE & MARK
612-A LAKE ST
SITKA AK 99835

Parcel ID: 17685000
LLOYD PARSLY
PARSLY, IL LLOYD, PC
611 MONASTERY ST
SITKA AK 99835

Parcel ID: 17729002
AMANDA JOHNSON
JOHNSON, AMANDA, M.
504 FIRST ST
SITKA AK 99835

Parcel ID: 17734000
JOEL/Alice HANSON
HANSON, JOEL, H./ALICE, C.
417 ARROWHEAD ST
SITKA AK 99835

Parcel ID: 17740000
BRADFORD/MINNIE DENNISON
DENNISON, BRADFORD, A./MINNIE, M.
505 FIRST ST.
SITKA AK 99835

Parcel ID: 17746000
RALPH/KRISTI JONES
JONES, RALPH, D./KRISTI, L.
622 MONASTERY ST
SITKA AK 99835

Parcel ID: 17752000
ANTONIO/JENNIFE ROSAS
ROSAS, ANTONIO & JENNIFER
702 PHERSON ST
SITKA AK 99835

Parcel ID: 17806000
ANN BILLS
*BILLS, ANN, L.
415 ARROWHEAD ST
SITKA AK 99835

Parcel ID: 17868000
RICHARD/MARITES HOLDEN
HOLDEN, RICHARD/MARITES
701 SIRSTAD ST
SITKA AK 99835

Parcel ID: 17610000
ROLAND/MICHELE WIRTH/FRIEDMAN
WIRTH, ROLAND/FRIEDMAN,
MICHELE
612 MONASTERY ST.
SITKA AK 99835

Parcel ID: 17675000
EDWARD/THERESA PHILLIPS
PHILLIPS, EDWARD, N./THERESA, A.
615 MONASTERY ST.
SITKA AK 99835

Parcel ID: 17727000
DENNIS BERNHOFT
BERNHOF, DENNIS, C.
618 MONASTERY ST
SITKA AK 99835

Parcel ID: 17730000
JONATHAN KREISS-TOMKINS
KREISS-TOMKINS, JONATHAN
P.O. BOX 6615
SITKA AK 99835-6615

Parcel ID: 17736000
GEORGIANNA/M. FORURIA
FORURIA, GEORGIANNA & MATTHEW
504 SHENNETT ST
SITKA AK 99835

Parcel ID: 17742000
DAVID/DENA WILLIAMS
WILLIAMS, DAVID, G., JR./DENA, M.
1912 SAWMILL CREEK RD.
SITKA AK 99835

Parcel ID: 17748000
DANIEL/LURA DUNSING TRUST
DUNSING TRUST, DANIEL, D./L. MAE
P.O. BOX 12
SITKA AK 99835-0012

Parcel ID: 17802000
KEVIN CREEK
CREEK, KEVIN, M.
618 LAKE ST.
SITKA AK 99835

Parcel ID: 17808000
ANN BILLS
*BILLS, ANN, L.
415 ARROWHEAD ST
SITKA AK 99835

Parcel ID: 17870000
KAREN KANE
KANE, KAREN, M.
P.O. BOX 2243
SITKA AK 99835

Parcel ID: 18560000
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

P&Z Mailing
November 4, 2016

CITY & BOROUGH OF SITKA
100 LINCOLN STREET
SITKA, AK 998357540

Merchant ID: 000000002754907
Term ID: 04090014
409200114885

Sale

VISA
XXXXXXXXXXXX3374
Entry Method: Swiped
Apprvd: Online Batch#: 000994
09/21/16 13:00:21

Inv #: 000011 Appr Code: 076820

Total: \$ 185.50

Customer Copy

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

Date: 09/21/2016
Receipt: 2017-00014562
Cashier: Front Counter
Received From: JUSTIN OLBRYCH

PLAN - Planning Permits/Zo	175.00
ning	
503 SHENNET	
ST1 - Sales Tax 3rd quarte	10.50
r CY	
Total	185.50

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 9-21-16

To: Justin Olbrych
503 Shennet

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

Variance.....	75.00
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.....	\$ 10.50
TOTAL.....	78.75
	\$ 185.50

Thank you



AFTER RECORDING, RETURN TO:

Jonathan Kreiss-Tomkins
P.O. Box 6615
Sitka, AK 99835

AETIA 45593

WARRANTY DEED
A.S. 34.15.030

The Grantors, **CECILIA N. MAISEL and GREGORY N. MAISEL, Trustees under the Cecilia N. Maisel Trust Agreement dated the 22nd day of July 1991**, whose address is 101 N. Upper Broadway #811 Corpus Christi, TX 78401 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, convey and warrant to **JONATHAN KREISS-TOMKINS, an unmarried person**, Grantee, whose mailing address is P.O. Box 6615 Sitka, AK 99835 the following-described real estate:

All of Lot Three (3), Block "A", according to the resubdivision of fractions of Blocks 1, 5 & 6, Sirstad Addition No. 2, according to the plat thereof file as Plat No. 35, Sitka Recording District, First Judicial District, State of Alaska

SUBJECT TO the reservations and exceptions as contained in the U.S. Patent and acts relating thereto.

FURTHER SUBJECT TO the covenants, conditions, and restrictions, including the terms and provisions thereof, recorded April 4, 1958 in Miscellaneous Book 5 at Page 94.

FURTHER SUBJECT TO the easements and notes as shown on Plat No. 35.

DATED this 31st day of December, 2013.

GRANTORS: The Cecilia N. Maisel Trust Agreement dated the
22nd day of July 1991

Cecilia N. Maisel
CECILIA N. MAISEL, Trustees

GREGORY N. MAISEL
GREGORY N. MAISEL, Trustees

STATE OF TEXAS)

COUNTY OF Nueces)

ss.

The foregoing instrument was acknowledged before me this 31st of December, 2013, by CECILIA N. MAISEL and GREGORY N. MAISEL, Trustees under the Cecilia N. Maisel Trust Agreement dated the 22nd day of July, 1991.

WITNESS my hand and official seal on the day and year in this certificate first above written.



[Signature]
Notary Public in and for Texas
My Commission Expires: 10/27/2015





CITY AND BOROUGH OF SITKA

Legislation Details

File #: VAR 16-23 **Version:** 1 **Name:**

Type: Variances **Status:** AGENDA READY

File created: 12/1/2016 **In control:** Planning Commission

On agenda: 12/20/2016 **Final action:**

Title: Public hearing and consideration of a variance request for 220 Lakeview Drive. The variance is for the reduction in the side setback from 8 feet to 3 feet for the construction of a shed. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy Hughey. The owners of record are Randy and Carol Hughey.

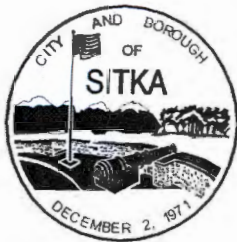
Sponsors:

Indexes:

Code sections:

Attachments: [Hughey 12.20.16](#)

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: November 30, 2016

From: PCDD Staff

To: Planning Commission

Re: V 16-23 Variance Request for Shed 220 Lakeview Drive

GENERAL INFORMATION

Applicant: Randy Hughey

Property Owner: Randy and Carol Hughey

Property Address: 220 Lakeview Drive

Legal Description: Lot 2 Lakeview Glen Subdivision

Parcel ID Number: 14240001

Size of Existing Lot: 20,988 square feet

Zoning: R-1

Existing Land Use: Residential

Utilities: Full city services

Access: Lakeview Drive

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

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

Lakeview Glen Subdivision created these two legal lots in 1984. The lots fall within the greater Lakeview Heights Subdivision. Neighboring properties are residential in nature.

PROJECT DESCRIPTION

The variance request is for the reduction of side setback from 8 feet to 3 feet for the construction of a shed. This shed will replace existing nonconforming structures. Current structures encroach on the side property line.

ANALYSIS

Project / Site: 220 Lakeview Drive is comprised of two legal lots. The house is situated on the front lot, and the second lot currently acts as a back yard. A shed and a firewood storage structure are situated within setbacks on the second lot. The owners state that they may wish to build a residential structure on the rear lot in the future, so they wish to situate this shed in a way that would reserve space for a future house. The proposed shed is 10 feet by 24 feet.

Zone: R-1: Intent. This zone is intended to provide for primarily for single-family and duplex residences at moderate densities.¹ Accessory structures are permitted.

Traffic: No traffic impacts.

Parking: The property has two spaces as required for the single-family residence².

Noise: The shed is for storage and to replace existing nonconforming structures. No additional noise anticipated.

Public Health or Safety: Shed storage can help to shield hazardous items, such as power tools and motor oil, out of the reach of trespassing children.

Habitat: No concerns for habitat.

Property Value or Neighborhood Harmony: A new shed would be an improvement to the property.

Conformity with Comprehensive Plan: The proposed variance for the reduction of the side

¹ Section 22.16.040—R-1 District

² Section 22.20.100.G.1—Off-Street Parking Requirements

setback from 8 feet to 3 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 construction of outdoor storage for a pre-existing home while minimizing impacts on adjacent properties.

FINDINGS³

D. Required Findings for Variances.

2. Required Findings for Minor Expansions, Small Structures, Fences, and Signs.
 - a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, *specifically, that the proposed shed is small in relation to the lot;*
 - b. The granting of the variance is not injurious to nearby properties or improvements, *specifically, that the proposed shed would replace nonconforming structures in the setbacks, moves the property toward conformity, and would be separated by the adjacent property by a fence;*
 - c. The granting of the variance furthers an appropriate use of the property, *specifically, that Table 22.16.016-1 lists accessory buildings, such as sheds, as permitted accessory uses in all zones.*

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 5 feet and the side setback from 8 feet to 2 feet for the construction of stairs and rails.

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

- 1) I move to adopt and approve the required findings for minor expansions, small structures, fences, and signs as discussed in the staff report.
- 2) I move to approve a variance request for 220 Lakeview Drive. The variance is for the reduction of the side setback from 8 feet to 3 for the construction of a shed. The property is also known as Lot 2 Lakeview Glen Subdivision. The request is filed by Randy Hughey. The owners of record are Randy and Carol Hughey.

³ Section 22.30.160(D)(1)—Required Findings for Major Variances



Selected Parcel: 220 LAKEVIEW ID: 14240001

Printed 11/29/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



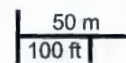
This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.



City & Borough of Sitka, Alaska

Selected Parcel: 220 LAKEVIEW ID: 14240001

Printed 11/29/2016 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.



Selected Parcel: 220 LAKEVIEW ID: 14240001



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.











CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, ALASKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD OF ALDERMEN, DATED SEP 26, 1984 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DISCUSSION David S. Johnson
DATE SEP 26, 1984

ATTEST

Claudia A. Johnson
SECRETARY

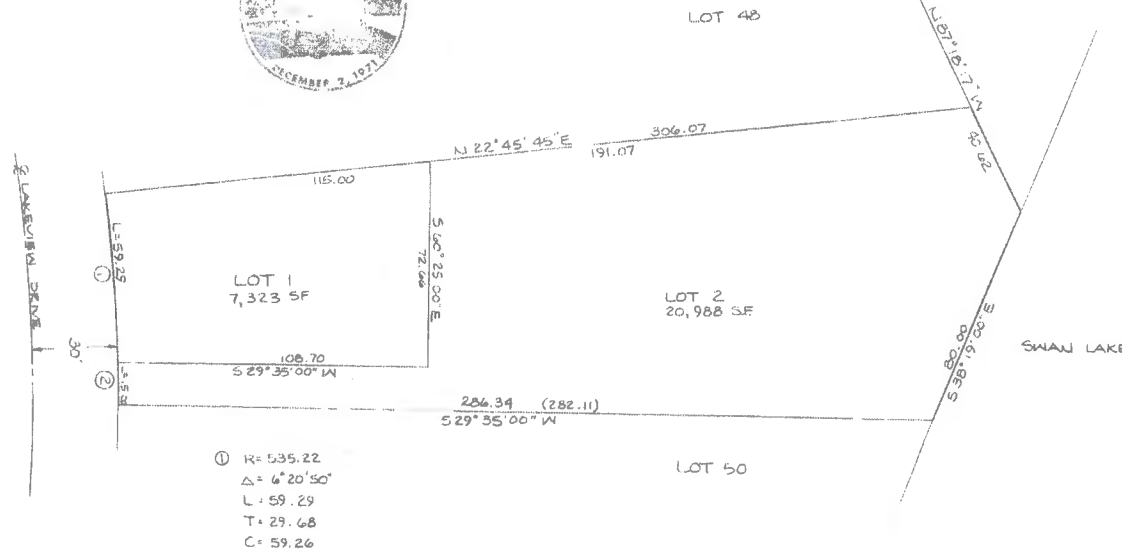
SEAL

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, ALASKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN MINUTE BOOK NO. 1, DATED SEP 26, 1984 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 9-26-84
ATTEST

Delores J. Johnson
CLERK



- ① R=535.22
Δ=6° 20' 50"
L=59.29
T=29.68
C=59.26

- ② R=535.22
Δ=1° 36' 20"
L=15.00
T=7.50
C=15.00

CERTIFICATE

STATE OF ALASKA
1ST JUDICIAL DISTRICT

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

Sitka Housing, Inc.
AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL. THAT CURRENT TAXES FOR THE YEAR 1984 WILL BE DUE ON OR BEFORE SEP 30, 1984.
DATED THIS 26 DAY OF SEPTEMBER, 1984, AT SITKA, ALASKA.
Steve Rente
ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

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

Sitka Housing, Inc.
AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.
DATED THIS 26 DAY OF SEPTEMBER, 1984, AT SITKA, ALASKA.
Jim D. McKeen
FINANCE DIRECTOR, CITY AND BOROUGH OF SITKA

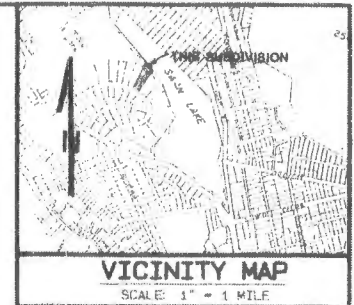


SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AND DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: 9/26/84 REGISTRATION NO. 3337-B
David S. Johnson
REGISTERED LAND SURVEYOR

RECEIVED
Sitka
Sept 26 84
10:15 A
City Clerk
204 Union St.
Sitka, AK 99801



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY AGREE THIS PLAT OF SUBDIVISION WITH MY ESTATE, HEIRS, AND ASSIGNS, AND I HEREBY AGREE TO MAKE IT PRIVATE, BE IT NOTED.

DATE September 17, 1984
BY Sitka Housing, Inc.
By David S. Johnson Director

THE NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA
CITY AND BOROUGH OF SITKA

IT IS TO CERTIFY THAT, ON THIS 19th DAY OF SEPTEMBER, 1984, I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED, AND DULY QUALIFIED, HAVE PERSONALLY KNOWN Frank Appell TO BE KNOWN TO ME INDIVIDUALLY (S) INDIVIDUALLY AND HAVE EXAMINED THE SIGNATURE (S) AND HAVE ACKNOWLEDGED TO ME THAT SAID (S) SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THIS DAY AND YEAR 1984.
Michael M. Boyd
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES 1/10/87

LAKEVIEW GLEN SUBDIVISION

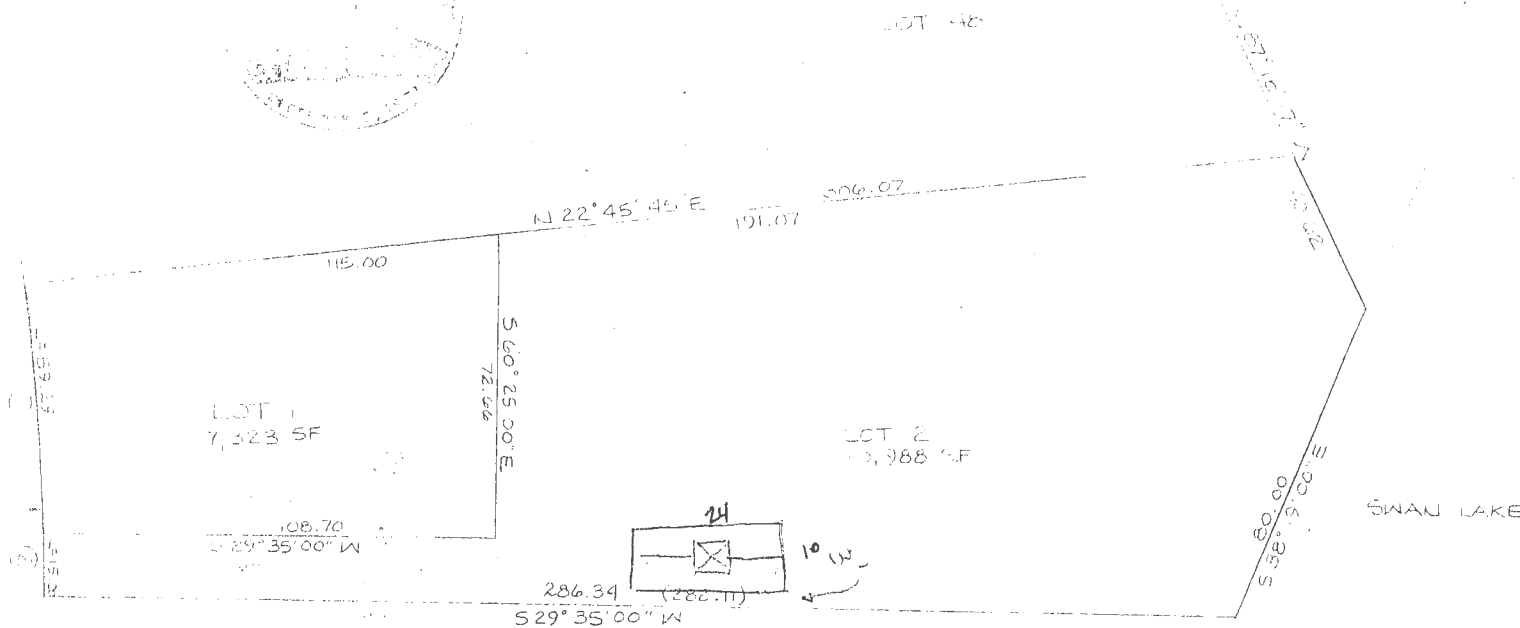
A SUBDIVISION OF LOT 49
LAKEVIEW HEIGHTS SUBDIVISION

SCALE: 1"=50'
DRAWN: PJM
SEPT 1984
PREPARED FOR:
SITKA HOUSING, INC.
BOX 717
SITKA, AK 99801

MADE BY:
STRAGIER
ENGINEERING
SERVICES
CIVIL ENGINEERING
LAND SURVEYING
747-5553
P.O. BOX 4888
SITKA, ALASKA 99801

PLAT 84-28

84-28



② $R = 535.22$
 $\Delta = 1^{\circ} 36' 20''$
 $L = 15.00$
 $r = 7.50$
 $C = 15.00$

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

[illegible]

SCALE: 1" = 1 MILE

CERTIFICATE OF OWNERSHIP AND BENEFICIARIES

the \mathcal{H}_2 norm of the error signal $\|e\|_2$ is bounded by the \mathcal{H}_2 norm of the disturbance $\|d\|_2$ multiplied by the \mathcal{H}_2 norm of the transfer function $\|G\|_2$ from d to e . The \mathcal{H}_2 norm of the transfer function G is the square root of the sum of the squares of the singular values of G . The singular values of G are the square roots of the eigenvalues of G^*G . The \mathcal{H}_2 norm of G is the square root of the sum of the squares of the singular values of G . The \mathcal{H}_2 norm of G is the square root of the sum of the squares of the singular values of G . The \mathcal{H}_2 norm of G is the square root of the sum of the squares of the singular values of G .

September 15, 1987

Stark-Hovington, Inc.

48 152-200

THE NOTARY'S ACKNOWLEDGEMENT

[illegible]

19th

Sept. 61

THE U.S. DEPARTMENT OF THE ARMY
OFFICE OF THE ADJUTANT GENERAL
WASHINGTON, D.C. 20315

TO: THE ADJUTANT GENERAL, 1ST ARMY
Ft. Belvoir, AB, AR 71400

FROM: THE ADJUTANT GENERAL, 1ST ARMY
Ft. Belvoir, AB, AR 71400

SUBJECT: 1. 1ST ARMY
2. 1ST ARMY
3. 1ST ARMY
4. 1ST ARMY
5. 1ST ARMY
6. 1ST ARMY
7. 1ST ARMY
8. 1ST ARMY
9. 1ST ARMY
10. 1ST ARMY
11. 1ST ARMY
12. 1ST ARMY
13. 1ST ARMY
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15. 1ST ARMY
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44. 1ST ARMY
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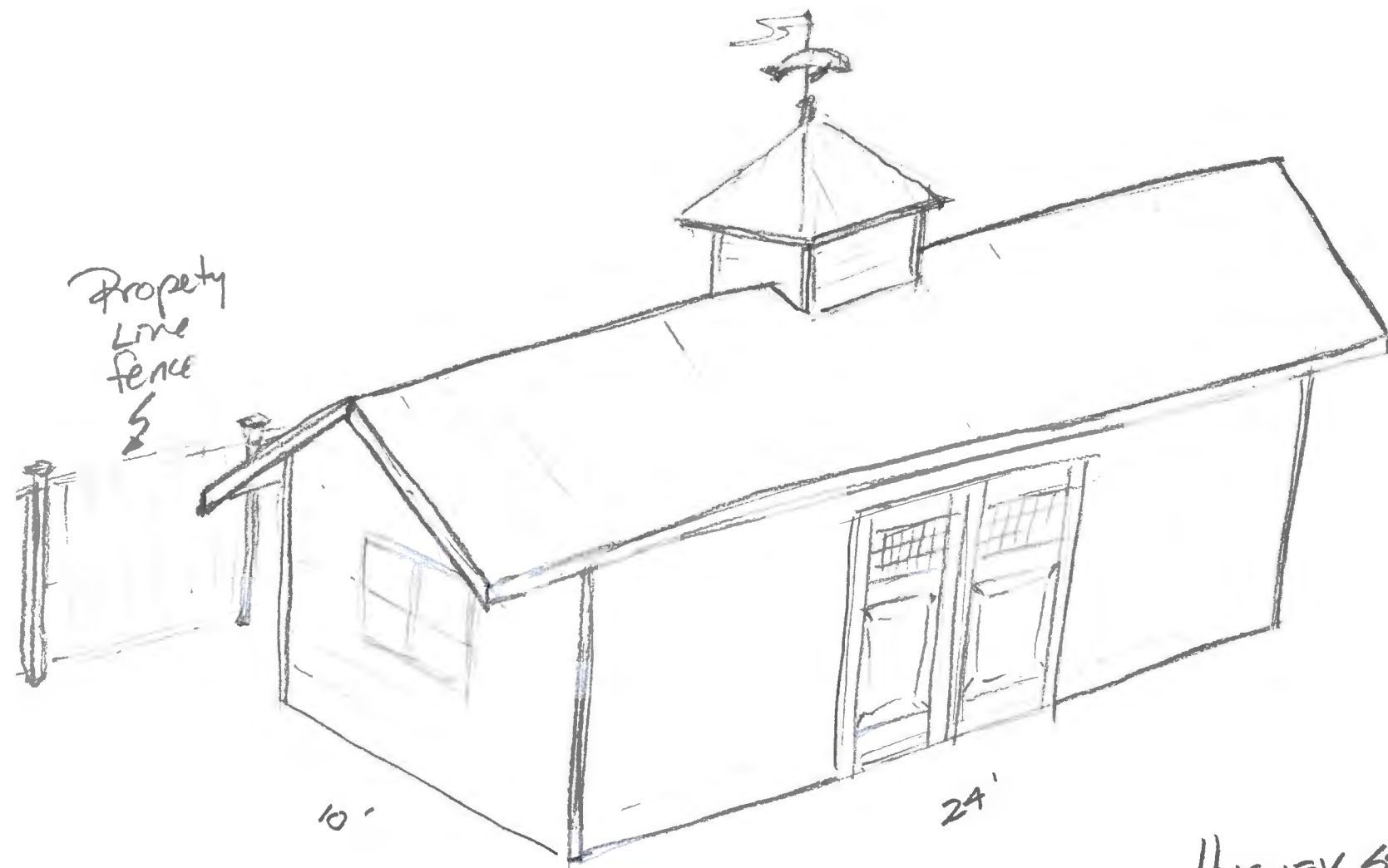
Frank Koppell

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-11-2010 BY 60322 UCBAW/STP

1/21/88

REC'D 10⁰⁰
Sitten
DATE SEPT. 26 64
TIME 10:15 A.
Requested by City & Bon
Address 304 W. 4th St
Sitten, Ark 99835

INTERVIEW GLEN
SUPERVISOR



HUGHEY STORAGE SHED

Samantha Pierson

From: Mark Buggins
Sent: Thursday, December 08, 2016 11:12 AM
To: Samantha Pierson
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Oh, I see. Guess we better get talking. Stonebreaker works on the slope and he had planned to go to the meeting. I think he is gone working now.

No issues w/ Randy's shed. That's on the other property line near his current wood shed. Randy builds nice stuff too...
mb

From: Samantha Pierson
Sent: Thursday, December 08, 2016 11:09 AM
To: Mark Buggins
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Julie pulled her item from the November agenda since some neighbors had concerns.

Sam

From: Mark Buggins
Sent: Thursday, December 08, 2016 11:08 AM
To: Samantha Pierson <samantha.pierson@cityofsitka.org>
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Thanks

I've not even heard how the meeting went on Julie's thing. They came to talk to us the afternoon before the meeting and I'd sent my comments in already and been visited by Ray Stonebreaker. I've been meaning to talk to Randy about it but being gone and sick I've not yet. I'll do that soon.

Thanks again.
mb

From: Samantha Pierson
Sent: Thursday, December 08, 2016 11:05 AM
To: Mark Buggins
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Mark,

Here is the proposed location of Hughey's shed. I have received no additional info from Julie other than the request to be placed on the December agenda.

Sam

From: Mark Buggins

Sent: Thursday, December 08, 2016 11:00 AM

To: Samantha Pierson <samantha.pierson@cityofsitka.org>

Subject: FW: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Sam

Pls send a sketch of Hughey's shed

Any additional info etc on Julie's conditional use request at 227 Lakeview?

I was gone for 10 days over thanksgiving and then sick for a week so I am more out of it than normal.

Thx

mb

From: City of Sitka [<mailto:sitka@service.govdelivery.com>]

Sent: Thursday, December 08, 2016 10:47 AM

To: Mark Buggins

Subject: P&Z in Your Neighborhood... December 20th Planning Commission agenda



**Planning and Zoning In Your
Neighborhood.....**



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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 a storage shed with a 3 foot
Side setback

PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): residence PROPOSED LAND USES (if changing): same

APPLICANT INFORMATION:

PROPERTY OWNER: Randy & Carol Hughey

PROPERTY OWNER ADDRESS: 220 Lakeview Dr.

STREET ADDRESS OF PROPERTY: same

APPLICANT'S NAME: Randy Hughey

MAILING ADDRESS: same

EMAIL ADDRESS: randywhughey@gmail.com DAYTIME PHONE: 738-2999

PROPERTY LEGAL DESCRIPTION:

plat 84-28

TAX ID: 14240001 LOT: _____ BLOCK: _____ TRACT: _____

SUBDIVISION: _____ 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



Nov. 26, 2016
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

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: 14230000
ROBERT/COLLEEN DAHLQUIST
DAHLQUIST, ROBERT, M./COLLEEN, M.
224 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14235000
MARK/SHERYLL BUGGINS
BUGGINS, MARK, E./SHERYLL, A.
222 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14240001
RANDY/CAROL HUGHEY
HUGHEY, RANDY, W./CAROL, A.
220 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14245000
MARK/CYNTHIA BRADLEY
BRADLEY, MARK, D./CYNTHIA, I.
218 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14250000
IDA ELIASON
ELIASON, IDA, M.
216 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14480000
CITY & BOROUGH OF SITKA
MOLLER PARK
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 17374000
CITY & BOROUGH OF SITKA
SWAN LAKE
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 11/28/16

To: Randy Hughey

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.....	3.75
TOTAL.....	78.75

Thank you

PAID

NOV 28 2016

CITY & BOROUGH OF SITKA

SOUTHEASTERN TITLE AGENCY, INC.
P.O. BOX 1223 210 LAKE STREET
SITKA, ALASKA 99835
ORDER NO. 91-S-1375

FILED FOR RECORD AT REQUEST OF

BOOK 92 PAGE 578
Sitka Recording District

WHEN RECORDED RETURN TO

Name RETURN TO:
SOUTHEASTERN TITLE AGENCY, INC.
Address P.O. BOX 1223 210 LAKE STREET
SITKA, ALASKA 99835
City, State, Zip _____

THIS SPACE PROVIDED FOR RECORDER'S USE:

91-0387

1500

RECORDED-FILED
SITKA REC.
DISTRICT

MAR 21 11 50 AM '91

REQUESTED BY STAT
ADDRESS SITKA

Statutory Warranty Deed

THE GRANTOR FRED R. GEESLIN, C/O 120 KATHIAN STREET, SITKA 99835, PIONEERS HOME

for and in consideration of TEN AND NO/100 DOLLARS (\$10.00)

in hand paid, conveys and warrants to RANDY HUGHEY AND CAROL HUGHEY, HUSBAND AND WIFE, 220 LAKEVIEW DRIVE, SITKA, ALASKA 99835

the following described real estate, situated in the SITKA Recording District, FIRST Judicial District, State of Alaska:

LOT TWO (2), LAKEVIEW GLEN SUBDIVISION, ACCORDING TO THE PLAT THEREOF
FILED SEPTEMBER 26, 1984 AS PLAT NO. 84-28. SITKA RECORDING DISTRICT,
FIRST JUDICIAL DISTRICT, STATE OF ALASKA.

Dated March 21st, 19 91

X Fred R. Geeslin

FRED R. GEESLIN

ACKNOWLEDGEMENT

STATE OF ALASKA

CITY OF SITKA

THIS CERTIFIES that on this 21st day of March, 19 91
before me, the undersigned, a Notary Public in and for the State of Alaska, personally appeared FRED R. GEESLIN

to me known and known to me to be the person(s) named as grantor(s) in the foregoing deed and
HIS (individually) acknowledged to me that HE executed 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.

Sharon Kennedy
Notary Public for Alaska.
My commission expires: 2-22-95



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-33 **Version:** 1 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 10/25/2016 **In control:** Planning Commission
On agenda: 11/16/2016 **Final action:**
Title: Public hearing and consideration of a conditional use permit application for a short-term rental at 227 Lakeview Drive. The property is also known as Lot 12 Lakeview Heights Subdivision. The request is filed by Julie Beall. The owner of record is Julie Beall.

Sponsors:

Indexes:

Code sections:

Attachments: [Beall 12.20.16](#)
[Stonebreaker comment 12.16.16](#)

Date	Ver.	Action By	Action	Result
11/16/2016	1	Planning Commission		



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: November 1, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-33 Conditional Use Permit for STR at 227 Lakeview Drive

GENERAL INFORMATION

Applicant: Julie Beall

Property Owner: Julie Beall

Property Address: 227 Lakeview Drive

Legal Description: Lot 12 Lakeview Heights

Parcel ID Number: 1-4055-000

Size of Existing Lot: 9754 square feet

Zoning: R-1

Existing Land Use: Residential

Utilities: Full city services

Access: Lakeview Drive

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: Flood Zone Map

Attachment E: Site Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Mailing List

Providing for today...preparing for tomorrow

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a short-term rental at 227 Lakeview Drive in the R-1 single family and duplex residential zone. The applicant wishes to rent one dwelling unit of a duplex as a short-term rental. At times, it may be long-term renter occupied. The short-term rental conditional use permit would provide flexibility for the applicant. The applicant has spoken of renting to traveling nurses and families who come to sporting events. The applicant stated that she is sensitive to the residential nature of the neighborhood, and partying will not be tolerated.

The owner lives in the rear dwelling unit during the summer months. The short-term rental request is for the front dwelling unit. This arrangement will keep renters away from the property abutting to the rear.

The proposed short-term rental unit has two bedrooms, with three beds total. The unit also has a full bathroom, cooking facilities, and a living room. Laundry facilities may be added at a later date.

Prior to the November 16th meeting, a neighbor expressed concern for the safety of neighborhood children and community character, and asked the commission to postpone the item until neighbors can discuss their concerns. The applicant pulled the item from that agenda, and now requests that the proposal be considered at the December 20th meeting.

22.16.040 R-1 single family and duplex residential district.¹

The R-1 zoning district may allow short-term rentals 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

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.³

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

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

The property has 3 short driveways, providing parking in excess of the required 4 spaces for a duplex.

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, the provision of a 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 to Lakeview Drive.

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: A shed and setbacks provide 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 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.

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

⁴ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

⁵ Planning: The Magazine of the American Planning Association, February 2016, p. 31

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

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: 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.

.....

Recommended Motion: (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 at 227 Lakeview

Drive, in the R-1 single family and duplex residential district subject to the attached conditions of approval. The property is also known as Lot 12 Lakeview Heights Subdivision. The request is filed by Julie Beall. The owner of record is Julie Beall.

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.

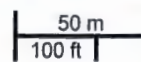




City & Borough of Sitka, Alaska

Selected Parcel: 227 LAKEVIEW ID: 14055000

Printed on 10/25/2016 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.



City & Borough of Sitka, Alaska

Selected Parcel: 227 LAKEVIEW ID: 14055000

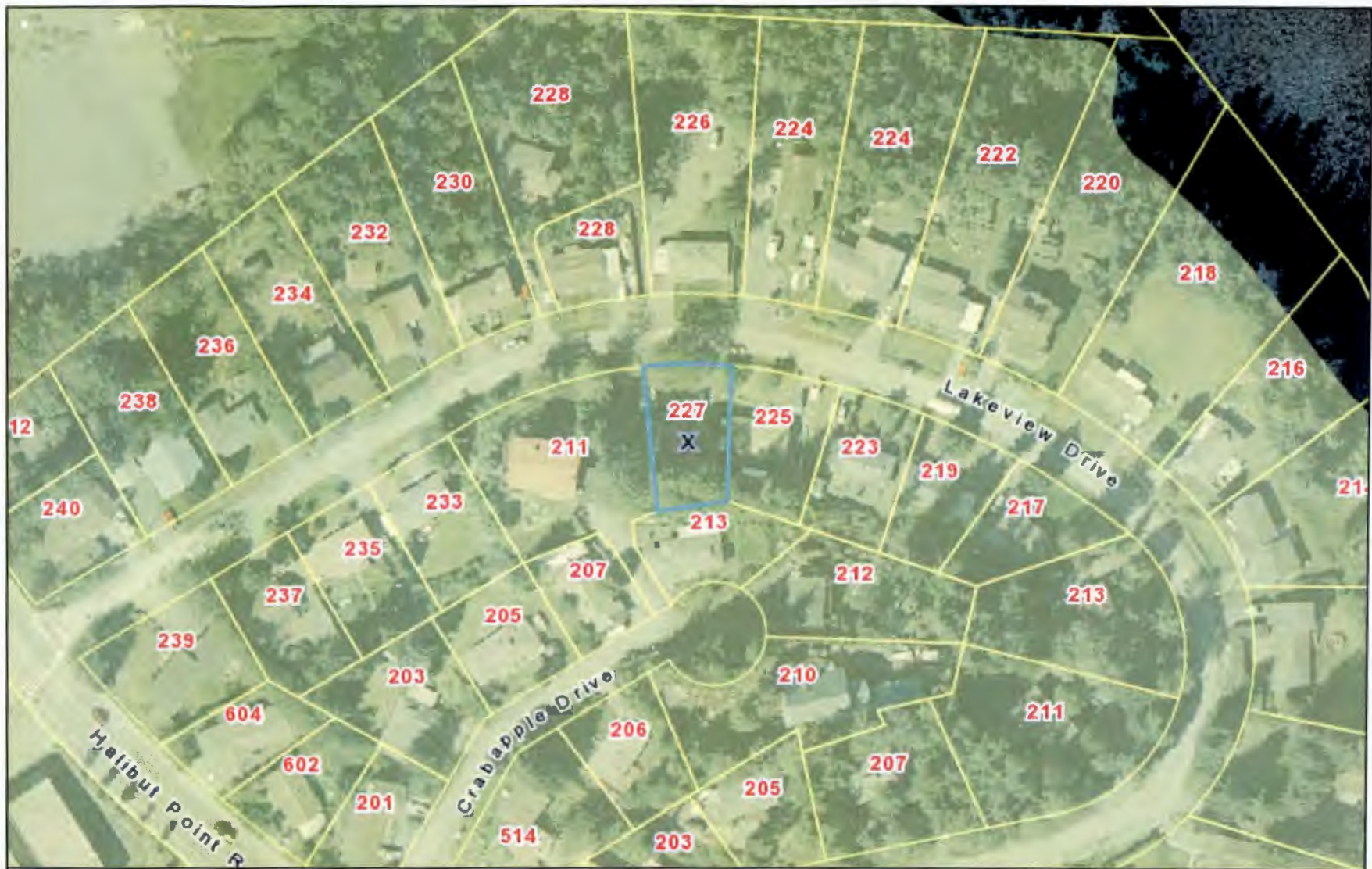
Printed on 10/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

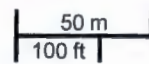
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City & Borough of Sitka, Alaska

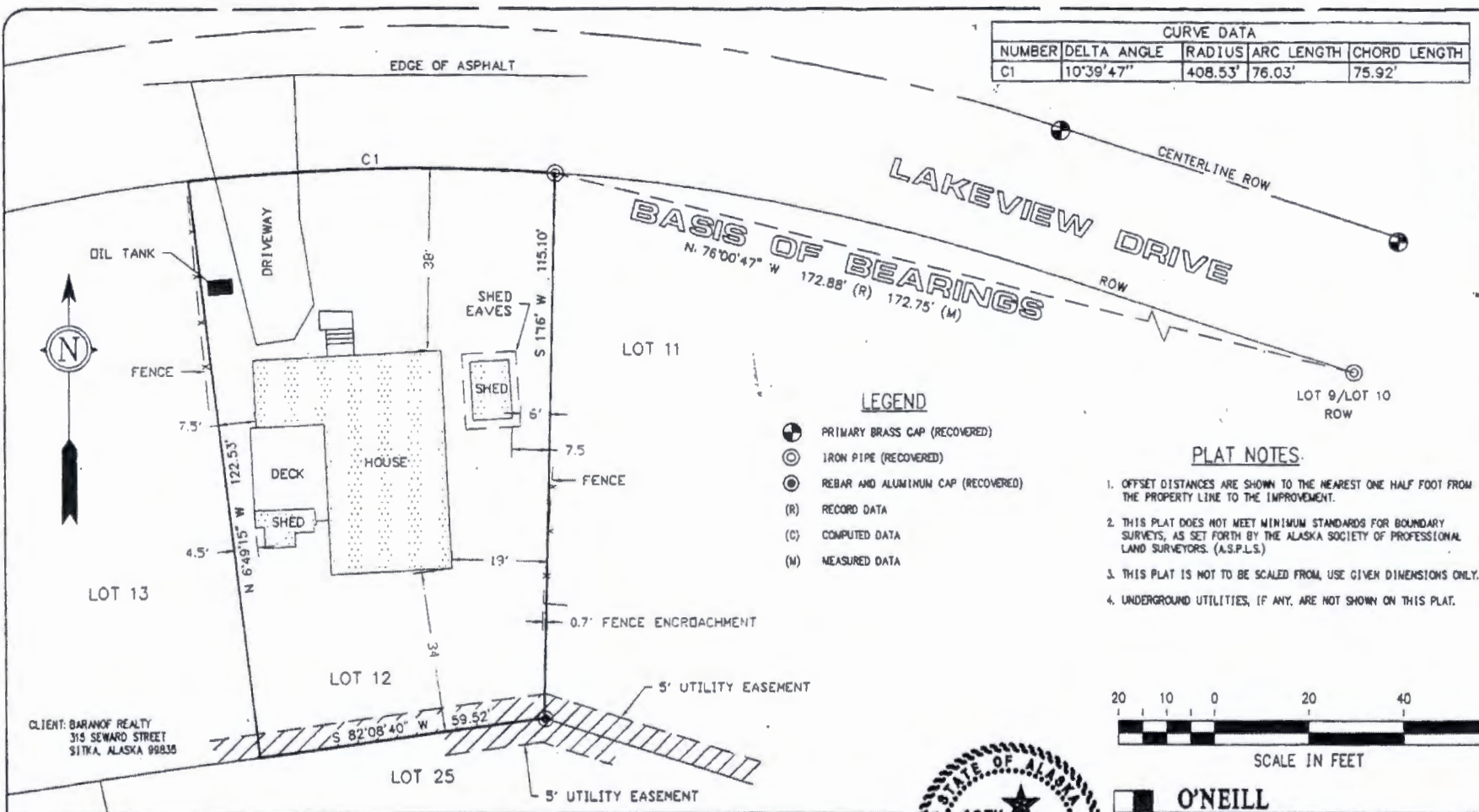
Selected Parcel: 227 LAKEVIEW ID: 14055000

Printed on 10/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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CURVE DATA				
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH
C1	10°39'47"	408.53'	76.03'	75.92'



CLIENT: BARANOF REALTY
315 SEWARD STREET
SITKA, ALASKA 99835

DRAWN BY: GOS/ACAR
CHECKED BY: PKO
DATE PLATTED: 9-22-99
DATE SURVEYED: 8-12-99
SCALE: 1"=20'
SURVEYOR: PATRICK K. O'NEILL
PROJ NO.: 20167-01-00

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT. I DECLARE THAT IMPROVEMENTS AND VISIBLE ENCROACHMENTS HAVE BEEN ESTABLISHED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THIS SURVEY IS FOR THE USE OF LENDING INSTITUTIONS SPECIFICALLY TO SHOW ANY CONFLICTS BETWEEN EXISTING STRUCTURES AND PLATTED LOT LINES OR EASEMENTS. UNDER NO CIRCUMSTANCES SHOULD THE DATA HEREON BE USED FOR POSITIONING ADDITIONAL STRUCTURES, BUILDING FENCES, OR LOCATING BOUNDARY LINES. IT IS THE RESPONSIBILITY OF THE OWNER TO VERIFY THAT IMPROVEMENTS SITUATED ON THIS PARCEL MEET ALL SUBDIVISION COVENANTS AND ZONING ORDINANCES. O CORRS. SET.

9/22/99
DATE

Patrick K. O'Neill
PATRICK K. O'NEILL LS 6304



O'NEILL

SURVEYING AND ENGINEERING

P.O. BOX 1849 SITKA, ALASKA 99835

AS-BUILT SURVEY

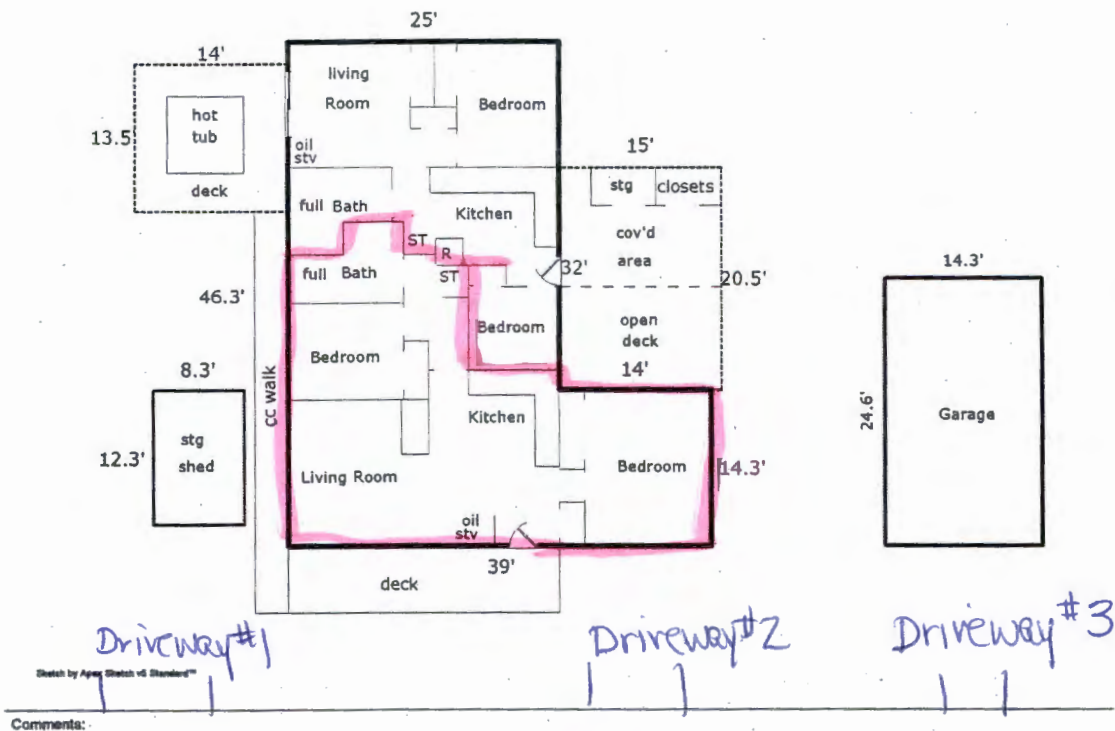
LOT 12

LAKEVIEW HEIGHTS SUBDIVISION

20167-01 SEPT 23, 1999 • 02:12:32

Beall, Julie -

227 Lakeview Drive Interior Layout -



Parking Plan -

There are 3 driveways on this property. Driveway #1 & #2 as indicated above are approximately 18' x 42', and driveway #3 is approximately 9' x 25'.

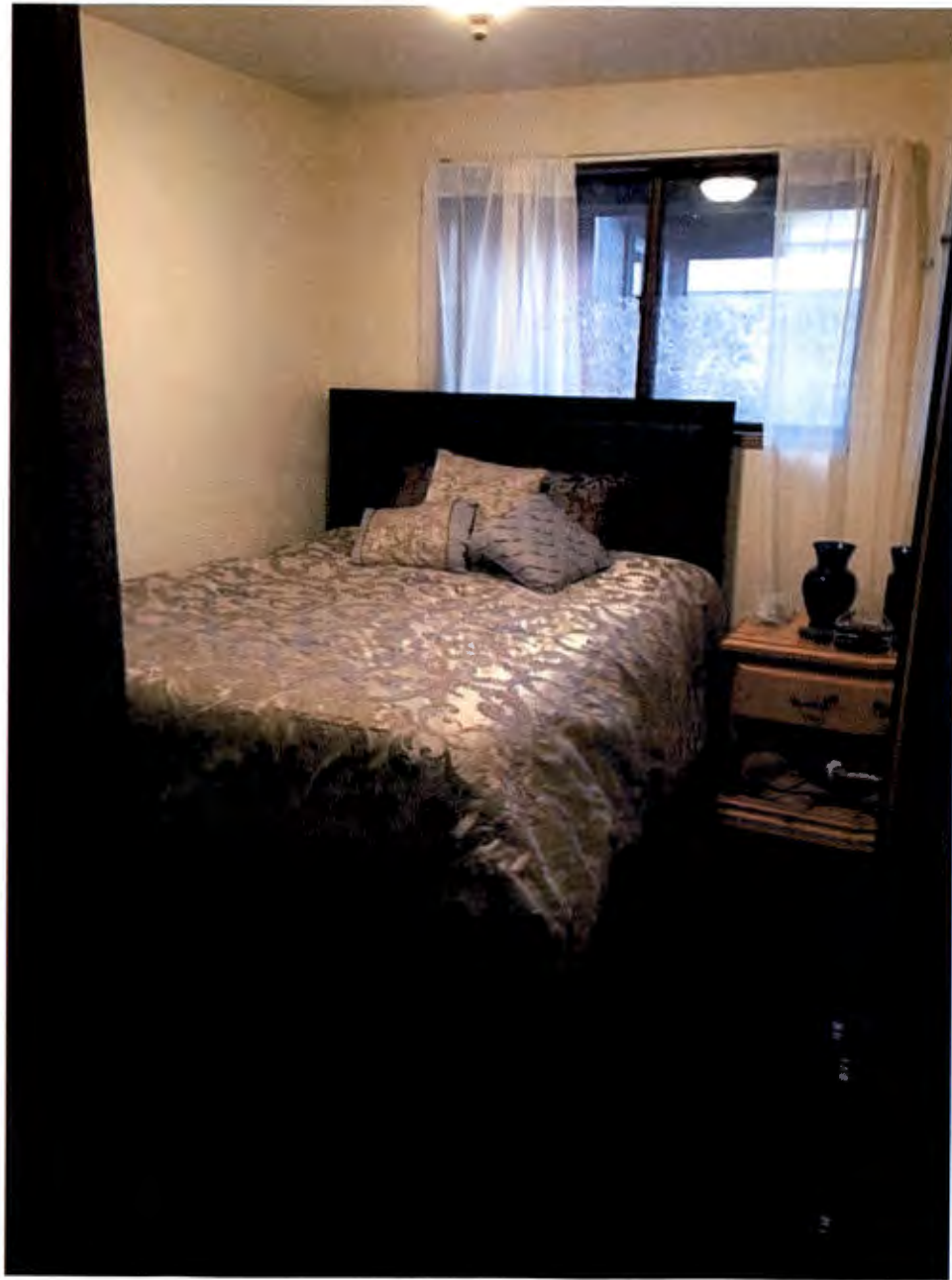
Guests using the short term rental at this location, if approved, would be expected to use driveway #2.

There are four parking spaces available in driveway #1 & #2, each so total of 8. There is space for 1 parking space in driveway #3.

7041-1-100' 84-38











Samantha Pierson

From: Mark Buggins
Sent: Thursday, December 08, 2016 11:12 AM
To: Samantha Pierson
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Oh, I see. Guess we better get talking. Stonebreaker works on the slope and he had planned to go to the meeting. I think he is gone working now.

No issues w/ Randy's shed. That's on the other property line near his current wood shed. Randy builds nice stuff too...
mb

From: Samantha Pierson
Sent: Thursday, December 08, 2016 11:09 AM
To: Mark Buggins
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Julie pulled her item from the November agenda since some neighbors had concerns.

Sam

From: Mark Buggins
Sent: Thursday, December 08, 2016 11:08 AM
To: Samantha Pierson <samantha.pierson@cityofsitka.org>
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Thanks

I 've not even heard how the meeting went on julie's thing. They came to talk to us the afternoon before the meeting and I'd sent my comments in already and been visited by Ray Stonebreaker. I've been meaning to talk to Randy about it but being gone and sick I've not yet. I'll do that soon.

Thanks again.
mb

From: Samantha Pierson
Sent: Thursday, December 08, 2016 11:05 AM
To: Mark Buggins
Subject: RE: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Mark,

Here is the proposed location of Hughey's shed. I have received no additional info from Julie other than the request to be placed on the December agenda.

Sam

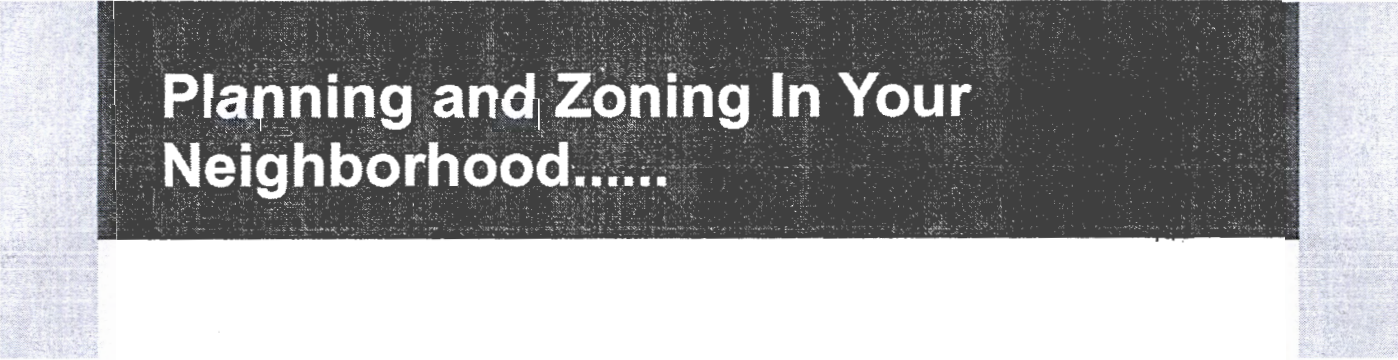
From: Mark Buggins
Sent: Thursday, December 08, 2016 11:00 AM
To: Samantha Pierson <samantha.pierson@cityofsitka.org>
Subject: FW: P&Z in Your Neighborhood... December 20th Planning Commission agenda

Sam
Pls send a sketch of Hughey's shed

Any additional info etc on Julie's conditional use request at 227 Lakeview?
I was gone for 10 days over thanksgiving and then sick for a week so I am more out of it than normal.

Thx
mb

From: City of Sitka [<mailto:sitka@service.govdelivery.com>]
Sent: Thursday, December 08, 2016 10:47 AM
To: Mark Buggins
Subject: P&Z in Your Neighborhood... December 20th Planning Commission agenda



**Planning and Zoning In Your
Neighborhood.....**

Samantha Pierson

From: mark buggins <mbugg22@yahoo.com>
Sent: Wednesday, November 16, 2016 4:00 PM
To: Samantha Pierson
Subject: Re: planning packet conditional use request 227 Lakeview Dr.

thanks
the Beals came by while I was home for late lunch and I told them my concern w/ short term rental. their ideas for the type of people they would rent to sound great but how could that be controlled once the Conditional use is granted.

I also showed them the agenda and couple pages we received and my concern w/ the public notice that I received not being clear - maybe our mailing was just incomplete?
mb

From: Samantha Pierson <samantha.pierson@cityofsitka.org>
To: mark buggins <mbugg22@yahoo.com>
Sent: Wednesday, November 16, 2016 1:10 PM
Subject: RE: planning packet conditional use request 227 Lakeview Dr.

Thanks, Mark. We will share your comment with the commission.

Sam

From: mark buggins [mailto:mbugg22@yahoo.com]
Sent: Wednesday, November 16, 2016 12:56 PM
To: Samantha Pierson <samantha.pierson@cityofsitka.org>
Subject: planning packet conditional use request 227 Lakeview Dr.

Sam

thanks for the opportunity to comment.

I have lived at 222 Lakeview Drive for 28 or 29 years, raised 3 children there and we now have our 12 year old autistic grandson living with us. Just this morning neighbors began to talk to one another and discuss this request. Most, and perhaps all, did not really understand the actual request in detail and focused only on the driveways and parking. Some thought it was a request for the third driveway for the garage Julie and Brian recently purchased. Frankly, the mailer was not very clear. Looking at the planning packet is much more informative - which I just did after one of my neighbors came to talk to me. I doubt many in the neighborhood looked at the on line packet. Seems like the public process could be improved.

At a minimum, I request the planning commission hold off on deciding this so more informed comments can be made and the neighborhood can discuss more thoroughly. But incase the commission wants to push forward I offer a few comments below.

Lakeview Drive is a true "neighborhood" where neighbors see each other and get together, it is one of the most desirable neighborhoods in Sitka. Everyone I know likes Julie and Brian and so our first thoughts are just to let this go through without comment. However folks are just now bringing up several issues:

Potential for short term rental to lower neighboring property values, make sales more difficult, etc...

Safety concerns.

There are many young children growing up and playing in and along Lakeview Drive - it is not unusual to see 4-10 kids playing between 216 and 236ish. Increased traffic and unfamiliar short term renters are a real concern for the young children. We all know our neighbors and feel safe letting children play from yard to yard etc

I have concerns that short term rentals would change the character of the neighborhood. I know Julie and Brian don't want that either but it will be difficult to control in the future. what if they sell the house or rent both sides in short term in the future? seems like a slippery slope for such a long standing close neighborhood. I ask myself why take the chance? long term rental is a different story - those folks have a chance to enter the neighborhood and get to know each other as well as the young children.

thank you again
Mark Buggins

Samantha Pierson

From: Michael Scarcelli
Sent: Tuesday, October 25, 2016 12:45 PM
To: Samantha Pierson
Subject: FW: Management of Short Term Rental - 227 Lakeview Drive

From: Julie Beall [mailto:juls3101@yahoo.com]
Sent: Tuesday, October 25, 2016 12:43 PM
To: Michael Scarcelli <michael.scarcelli@cityofsitka.org>
Subject: Management of Short Term Rental - 227 Lakeview Drive

Mr. Scarcelli,

Following are the details of how I expect to manage the short term rental at 227 Lakeview Drive, if approved.

I expect to operate this short-term rental year round and that the rental will be managed by Welcome Home Vacations. As part of the management of this rental, renters would be provided with detailed instructions about where the house is located, to include pictures of the house, to ensure that they can easily find it's location without impacting other homes in the area. Renters will be provided with information about this location to include how to handle garbage, which will be either to keep trash in the chest freezer at the location or for the property owner to pick up the trash regularly and take it to the transfer station. Loud groups and parties will not be tolerated at this location due to the close proximity of other homes and this will be expressed at the time inquiries and rental agreements are made with individuals. I, the property owner, live onsite so will be able to monitor this closely.

If you have any other questions or concerns that you feel need to be addressed, please don't hesitate to contact me.

Thank you for your time.

Respectfully,

-Julie Beall
(907) 4846
juls3101@yahoo.com



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

GENERAL APPLICATION FORM

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: I am requesting a short term rental conditional use permit for the property listed below.

PROPERTY INFORMATION:

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:

PROPERTY OWNER: Julie Beall

PROPERTY OWNER ADDRESS: 227 Lakeview Dr., Sitka AK 99835

STREET ADDRESS OF PROPERTY: 227 Lakeview Dr., Sitka, AK 99835

APPLICANT'S NAME: Julie Beall

MAILING ADDRESS: 227 Lakeview Dr., Sitka, AK 99835

EMAIL ADDRESS: juls3101@yahoo.com DAYTIME PHONE: (907) 747-4846

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: 12 BLOCK: _____ TRACT: _____

SUBDIVISION: Lakeview Heights 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.

Julie A. Beal II
Owner

10/24/2015
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

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/ALDØ 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: 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: 14170000
THANH/NERLITA BANH REVOCABLE
LIVING TRUST
BANH, THANH/NERLITA
201 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14175000
MELISSA BAGGEN
BAGGEN, MELISSA, L.
234 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14180000
RONALD OWENS
OWENS, RONALD, A.
232 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14185000
DAVID/SYDNEY EVENSON
EVENSON, DAVID, R. JR./SYDNEY, O.
230 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14190001
STEVEN/KARI FISH/JOHNSON
FISH, STEVEN & JOHNSON, KARI
P.O. BOX 6448
SITKA AK 99835-6448

Parcel ID: 14190002
STEVEN/KARI FISH/JOHNSON
FISH, STEVEN, T./JOHNSON, KARI, L.
P.O. BOX 6448
SITKA AK 99835-6448

Parcel ID: 14195000
RAYMOND/SELMA STONEBREAKER
STONEBREAKER, RAYMOND,
E./SELMA, J.
P.O. BOX 655
SITKA AK 99835-0655

Parcel ID: 14200000
MARVIN PARTIDO
PARTIDO, MARVIN, G.
224-A LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14230000
ROBERT/COLLEEN DAHLQUIST
DAHLQUIST, ROBERT, M./COLLEEN, M.
224 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14245000
MARK/CYNTHIA BRADLEY
BRADLEY, MARK, D./CYNTHIA, I.
218 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14294000
MARY FERGUSON
FERGUSON, MARY
504 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14235000
MARK/SHERYL BUGGINS
BUGGINS, MARK, E./SHERYL, A.
222 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14275000
JUSTIN/PATRICI FAGER
C/O DARCIA JENNER
FAGER, JUSTIN & PATRICIA
601 PLAMER AVE
LAGRANDE OR 97850

Parcel ID: 14296000
STEVEN/MARY PAUSTIAN/NELSON
PAUSTIAN, STEVEN, J./NELSON, MARY,
R.
502 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14240001
RANDY/CAROL HUGHEY
HUGHEY, RANDY, W./CAROL, A.
220 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14280000
ALAIN/TERESSA SAAIMAN
SAAIMAN, ALAIN/TERESSA
4617 RIVER RD
JUNEAU AK 99801

Parcel ID: 17374000
CITY & BOROUGH OF SITKA
SWAN LAKE
C/B OF SITKA
100 LINCOLN ST
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
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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
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BLANKENSHIP, DENISE, M.
217 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14040000
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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
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FULTON, TIM, J. & LESLIE, A.
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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
GRIGORIJUS/ALDO BEKERIS/BEKER
BEKERIS, GRIGORIJUS/BEKER,
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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

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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
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PHILIP/LINDA MOONEY/SPEERSTRA
MOONEY, PHILIP, W./SPEERSTRA,
LINDA
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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: 14170000
THANH/NERLITA BANH REVOCABLE
LIVING TRUST
BANH, THANH/NERLITA
201 CRABAPPLE DR
SITKA AK 99835

Parcel ID: 14175000
MELISSA BAGGEN
BAGGEN, MELISSA, L.
234 LAKEVIEW DR
SITKA AK 99835

Parcel ID: 14180000
RONALD OWENS
OWENS, RONALD, A.
232 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14185000
DAVID/SYDNEY EVENSON
EVENSON, DAVID, R. JR./SYDNEY, O.
230 LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14190001
STEVEN/KARI FISH/JOHNSON
FISH, STEVEN & JOHNSON, KARI
P.O. BOX 6448
SITKA AK 99835-6448

Parcel ID: 14190002
STEVEN/KARI FISH/JOHNSON
FISH, STEVEN, T./JOHNSON, KARI, L.
P.O. BOX 6448
SITKA AK 99835-6448

Parcel ID: 14195000
RAYMOND/SELMA STONEBREAKER
STONEBREAKER, RAYMOND,
E./SELMA, J.
P.O. BOX 655
SITKA AK 99835-0655

Parcel ID: 14200000
MARVIN PARTIDO
PARTIDO, MARVIN, G.
224-A LAKEVIEW DR.
SITKA AK 99835

Parcel ID: 14230000

**ROBERT/COLLEEN DAHLQUIST
DAHLQUIST, ROBERT, M./COLLEEN, M.
224 LAKEVIEW DR.
SITKA AK 99835**

Parcel ID: 14235000

**MARK/SHERYLL BUGGINS
BUGGINS, MARK, E./SHERYLL, A.
222 LAKEVIEW DR
SITKA AK 99835**

Parcel ID: 14240001

**RANDY/CAROL HUGHEY
HUGHEY, RANDY, W./CAROL, A.
220 LAKEVIEW DR.
SITKA AK 99835**

Parcel ID: 14245000

**MARK/CYNTHIA BRADLEY
BRADLEY, MARK, D./CYNTHIA, L.
218 LAKEVIEW DR.
SITKA AK 99835**

P&Z Mailing
November 4, 2016

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

Date: 10/25/2016
Receipt: 2017-00020340
Cashier: Front Counter
Received From: JULIE BEALL

PLAN - Planning Permits/Zoning	100.00
ST1 - Sales Tax 4th quarter CY	5.00
Receipt Total	105.00
Total Check	105.00
Total Remitted	105.00
Total Received	105.00

OCI 20
CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 10/25/16

To: Julie Beall

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.....	5.00
Sales Tax.....	
TOTAL.....	105.00

Thank you



AFTER RECORDING, RETURN TO:

Julie Beall
227 Lakeview Drive
Sitka, Ak 99835

52709

QUITCLAIM DEED

(A.S. 34.15.040)

Julie Beall also known as

The GRANTOR, Julie Simpson, also known as, Julie A. Simpson, 227 Lakeview Drive, Sitka, Ak 99835, conveys and quitclaims to Grantee, Julie Beall, 227 Lakeview Drive, Sitka, Ak 99835, all of Grantors right, title and interest of ownership, if any, in the following-described real estate situated in the Sitka Recording District, First Judicial District, State of Alaska :

PARCEL 1

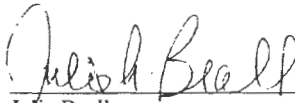
Lot 12, Lakeview Heights Subdivision, according to Plat No. 84-38, Sitka Recording District, First Judicial District, State of Alaska.

PARCEL 2

Beginning at the Northeast corner of the property line between Lot 13 of Lakeview Heights and Lot 12 of Lakeview Heights, Amended Lakeview Heights Subdivision, according to the plat thereof filed December 21, 1984 as Plat No. 84-38, Sitka Recording District, First Judicial District, State of Alaska, to include property 30 feet westerly, paralleling the City Right of Way (ROW) into Lot 13; and from the City ROW on Lakeview Drive of Lot 13, to include property southerly 55 feet, paralleling existing lot boundary between Lot 12 and Lot 13 into Lot 13,

DATED this 17th day of October, 2016.

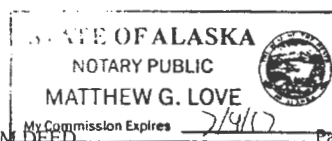
GRANTOR:

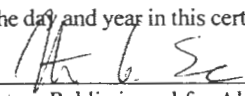

Julie Beall

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on this 17th day of October, 2016, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Julie Beall**, described in the foregoing instrument and who acknowledged to me that he/she had signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal on the day and year in this certificate first above written.




Notary Public in and for Alaska

My Commission Expires: 7/4/17

QUITCLAIM DEED Page 1



EASEMENT AGREEMENT

For good and valuable consideration, the Grantor, whose name and address is Linda Litten at 211 Crabapple Drive, Sitka, Alaska does by these present, sell and convey a permanent easement on the property more particularly described as:

Land and Structure located on the Northeast corner of Lot 13 of Lakeview Heights, Amended Lakeview Heights Subdivision, according to the plat thereof filed December 21, 1984 as Plat No. 84-38, Sitka Recording District, First Judicial District, State of Alaska, address 211 Crabapple Drive, Sitka, Alaska. The land is described as beginning from the Northeast corner of the property line between Lot 13 of Lakeview Heights, and Lot 12 of Lakeview Heights, Amended Lakeview Heights Subdivision, according to the plat thereof filed December 21, 1984 as Plat No. 84-38, Sitka Recording District, First Judicial District, State of Alaska, address 227 Lakeview Drive to include property 30 feet westerly, paralleling the City Right of Way (ROW) into Lot 13; and from the City ROW on Lakeview Drive of Lot 13, to include property southerly 55 feet, paralleling existing lot boundary between Lot 12 and Lot 13, into Lot 13; for a total of 1650 square feet of property (See Map). The city right of way was measured by these parties and is believed to be even with the water main that is visible in the main driveway of 227 Lakeview Drive. The intent of these measurements are to include the land in front of the current structure, the land the current structure sits on, and land to meet 8 foot set back requirements around the current structure.

Situated in the First Recording District in the State of the Alaska, to the Grantee, whose name and address is Julie Simpson at 227 Lakeview Drive, Sitka, Alaska, 99835

The intent of the purchase of this easement is to transfer full ownership of the land and the structure within this easement. When the property line between Lot 13 of Lakeview Heights, 211 Crabapple Drive Sitka, Alaska and Lot 12 of Lakeview Heights, 227 Lakeview Drive, Sitka, Alaska is surveyed, the ownership of the property as described within this easement will be transferred to the Grantee, Julie Simpson, or current owner of lot 12 of Lakeview Heights at 227 Lakeview Drive, Sitka, Alaska. It is anticipated that a survey would be obtained when one of the two properties is sold.

The reason for this method of transferring the ownership of the property is because of the excessive costs of the survey that the Grantor would be required to obtain and incur at this time. The cost of the survey would be excessive because there were errors made in the original survey of this subdivision and any future survey would require the entire subdivision to be resurveyed. The errors were brought to the Grantor's attention by the City of Sitka and local surveyors. In the event that the City of Sitka or another party surveys the subdivision to correct the errors the ownership of the property described above will be transferred to the Grantor, Julie Simpson, or the current owner of lot 12 of Lakeview Heights at 227 Lakeview Drive, Sitka, Alaska. The Grantee understands why the Grantor at this time would not want to incur the costs for the entire subdivision to be resurveyed, which is estimated in excess of \$7,000.00.

The Grantee determines the use and utilization of the Structure.

The Grantee shall be responsible for maintaining a reasonable decibel level in the course of his or her actions or the actions of his or her invitees, including any noise emanating from conversation, recorded or live music, individual instruments, hand or power tools or any other common source of excessive noise.

The Structure may not be used in whole or in part for the storage of rubbish or trash, nor for the storage of any property or thing that may cause the Structure to appear in an unclean or untidy condition.

The Grantor understands and agrees that Grantee assumes full responsibility to repair, maintenance, and/or replacement of the Structure, if the Grantee so desires.

The Grantor assumes no liability for such damage, replacement or repair to any part of the Structure, whether located within the easement area or not and Grantee releases Grantor from any such liability.

Linda K. Litten
Grantor

Julie A. Simpson
Grantee

STATE OF ALASKA

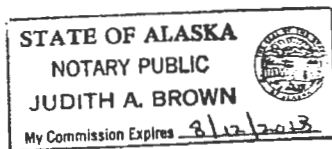
)

) ss.

FIRST JUDICIAL DISTRICT

)

I, CERTIFY that Linda Litten, known to me as the Grantor and Julie Simpson, known to me as the Grantee in the foregoing document, personally appeared before me on this 23rd day of May, 2011, and signed this Easement Agreement for the purposes and reasons stated and set forth therein.



Julie A. Brown
Notary Public in and for Alaska

My Commission Expires 8/12/2013

Return to: Julie Simpson
227 Lakeview Drive
Sitka, Alaska 99835



Samantha Pierson

From: Ray Stonebreaker <stoney61@outlook.com>
Sent: Friday, December 16, 2016 1:21 PM
To: Samantha Pierson
Subject: Re: Did you get it ?

Ok - I guess we'll do it again. I hope you are the right contact person

I'm Ray Stonebreaker and I live at 226 Lakeview Drive. I am writing to you to voice my opposition to the proposed variance for a short term rental to be located at 227 Lakeview Drive. I would like this transmission to be a part of the public record on this matter as I am unable to attend the meeting and will be working out of town. My opposition stems from three primary concerns; public safety, neighborhood degradation, and loss of property value. Before expanding on these concerns, I would like to respond to comments that were made at the last meeting where short term rentals in general were discussed.

During the discussion, it was mentioned that during these economic times, people are looking for ways to supplement their income. I would differ with that assertion with regards to short term rentals. I think short term rentals fall more into the "Have your cake and eat it too" category. The ability to have a short term rental infers that you can afford to live elsewhere but want to be able to return to the residence when it suits you. Crying poverty doesn't work in these situations. This type of rental does nothing to help with the housing shortage in Sitka either. Now to my direct concerns.

Public safety will be impacted with the increased vehicular traffic through the neighborhood by drivers that are unfamiliar with the area. According to Planning Department, there could be hundreds, if not more, of these type of drivers. There are no sidewalks on Lakeview Drive and all pedestrian traffic must use the roadway. The school bus drops off children in the afternoon at the intersection of HPR and Lakeview Drive and the children walk home from there. In fact, kids regularly play, ride bikes, and scooters in the street after school and on weekends during the school year and all during the summer months. The introduction of these people, with little or no ties to the community, into our neighborhood is very unsettling in light of how much use the public roadway gets from our children. My grandkids are part of this number. In addition to an increased risk, this action would degrade our neighborhood.

Lakeview Drive is, in all respects, a true neighborhood. It's a slice of typical Americana, big yards and kids playing in the street and that is why I chose to buy my home here. It has many long time residents that know and watch out for each other. In fact, down the street lives a young family whose father used to play wiffel ball in my yard. Other than the Fager's Bed and Breakfast and the Huey's mother-in-law apartment, there has been no commercialization of the neighborhood. Allowing a short term rental will change this neighborhood feel. There is no chance to get to know someone who lives next door for less than two weeks. If allowed, what is to stop the next person who's financially able from expecting the same variance? Where does it stop ?

I spoke with a realtor who told me that owning property next to a short term rental could lower my property value. Her explanation was along these lines: property A and property B are identical except that property A is next door to a short term rental. Property A will have fewer potential buyers as people will not want to purchase a home next to what could be a neighbor nightmare situation. This realtor has over twenty years of experience in the Sitka market. This information begs the question of why I or others should potentially lose value on our homes so that the owner of 227 Lakeview Drive can maximize the potential income from said property?

I am not against short term rentals but I do not think they should be allowed in established neighborhoods that are and have been clearly zoned R-1. I am not asking for anything other than enforcing the existing zoning designation. This type of proposed use clearly does benefit anyone other than property owner may in fact cause harm to others in our neighborhood. Please do not take easy road and allow this to happen with the " WE can revoke this variance if there is a problem " clause. There wont be a problem if the present zoning regulations are followed.

Thank you

Ray Stonebreaker

From: Samantha Pierson <samantha.pierson@cityofsitka.org>
Sent: Friday, December 16, 2016 6:42 PM
To: Ray Stonebreaker
Subject: RE: Did you get it ?

Ray,

I have not received any email except the one that you just sent me.

Sam

From: Ray Stonebreaker [mailto:stone61@outlook.com]
Sent: Friday, December 16, 2016 9:18 AM
To: Samantha Pierson <samantha.pierson@cityofsitka.org>
Subject: Did you get it ?

Good morning Samantha

I sent you an email last night using the city web site and was wondering if you got it ? It didn't save a copy to my email address so I was hoping you may be able to send me a copy for my records.

Thank you

Ray Stonebreaker



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-38 **Version:** 1 **Name:**

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

File created: 12/1/2016 **In control:** Planning Commission

On agenda: 12/20/2016 **Final action:**

Title: Public hearing and consideration of a conditional use permit request for a short-term rental at 714 Pherson Street. The property is also known as Lot 12 Block 1 Amended Plat of Sirstad Addition No. 2. The request is filed by Ashley McNamee. The owners of record are Shawn Marie Buckroyd and Leana Jean Buckroyd Youle.

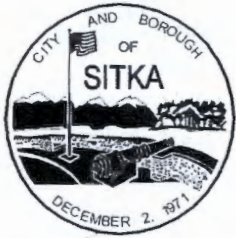
Sponsors:

Indexes:

Code sections:

Attachments: [McNamee 12.20.16](#)

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: December 2, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-38 Conditional Use Permit for STR at 714 Pherson Street

GENERAL INFORMATION

Applicant: Ashley McNamee

Property Owner: Shawn Marie Buckroyd
and Leanna Jean Buckroyd Youle

Property Address: 714 Pherson Street

Legal Description: Lot 12 Block 1 Amended Plat of
Sirstad Addition No. 2

Parcel ID Number: 1-7762-000

Size of Existing Lot: 7700 square feet

Zoning: R-1

Existing Land Use: Duplex Residential

Utilities: Full city services

Access: Pherson Street to Monastery Street

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

Providing for today...preparing for tomorrow

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 of the upstairs dwelling unit in a duplex at 714 Pherson Street in the R-1 single family and duplex residential district. The owner identified more than the required four on-site parking spaces. The proposed short-term rental unit has three bedrooms and one bath. The downstairs unit would be used for a long-term caretaker residence.

The previous owner historically used the building to house charter fishing clients as a lodge operation without a conditional use permit. Upon receipt of a zoning complaint in June 2015, the PCDD issued a letter to inform the property owner of the violation. Research revealed that the owner paid tax for these lodge operations dating back to at least 2009.

The proposed short-term rental would be a less intensive use than the historical use of the property.

22.16.040 R-1 single family and duplex residential district.¹

The R-1 zoning district may allow short-term rentals 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

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:

The property has a driveway that provides space in excess of the required 4 parking spaces.

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

- 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, the provision of a 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:** May through August.
- e. Location along a major or collector street:** Pherson Street to Monastery 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:** 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:** No concerns
- i. Logic of the internal traffic layout:** The applicant has indicated more than the required parking spaces for a duplex.
- 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:** Fencing provides a buffer on one side.
- 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.

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:

⁵ Planning: The Magazine of the American Planning Association, February 2016, p. 31

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

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: 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 staff analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

.....

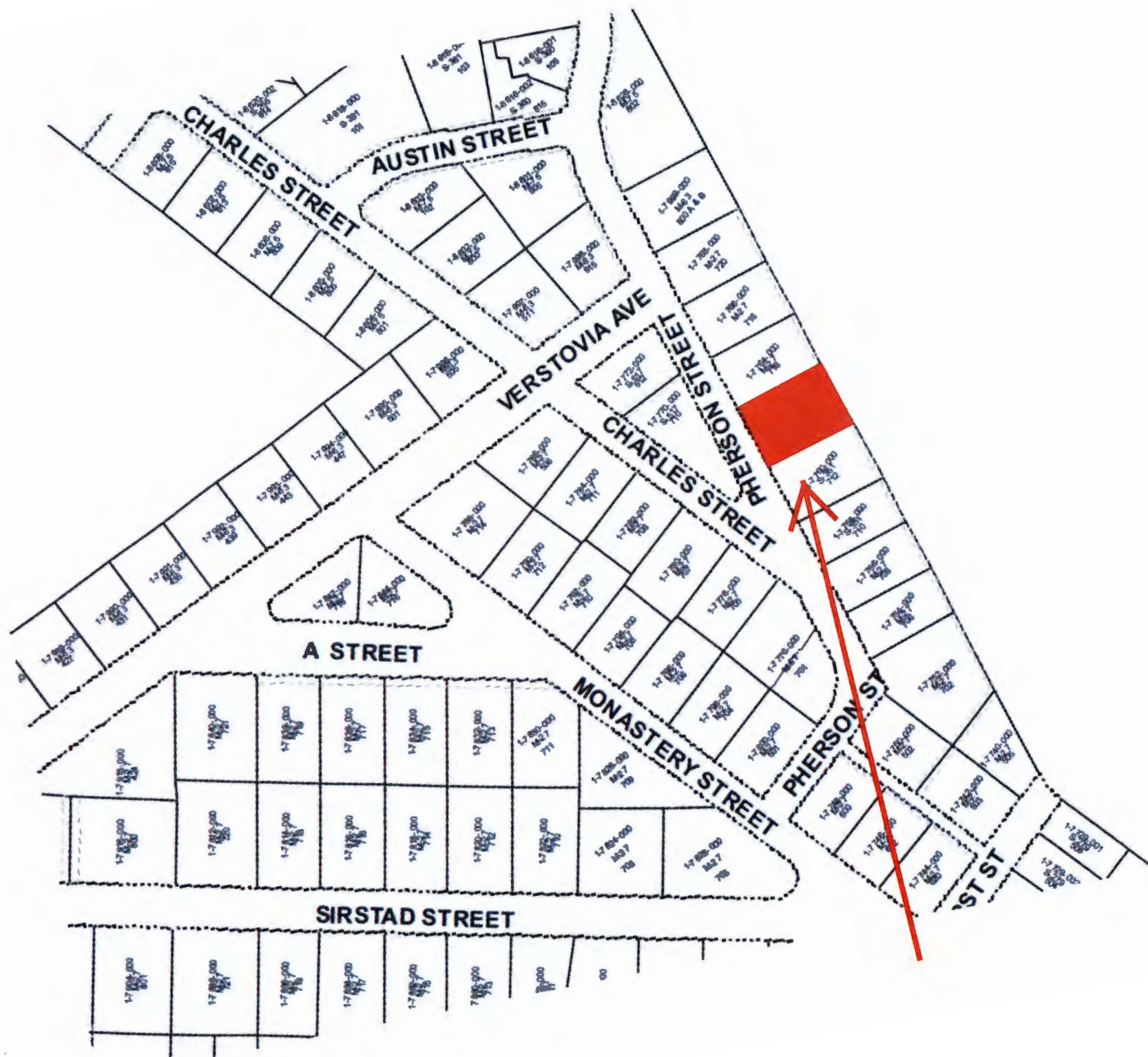
Recommended Motions: (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 714 Pherson Street subject to the attached conditions of approval. The property is also known as Lot 12 Block 1 Amended Plat of Sirstad Addition No. 2. The request is filed by Ashley McNamee. The owners of record are Shawn Marie Buckroyd and Leana Jean Buckroyd

Youle.

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.





Printed 11/29/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>





City & Borough of Sitka, Alaska

Selected Parcel: 714 PHERSON ID: 17762000

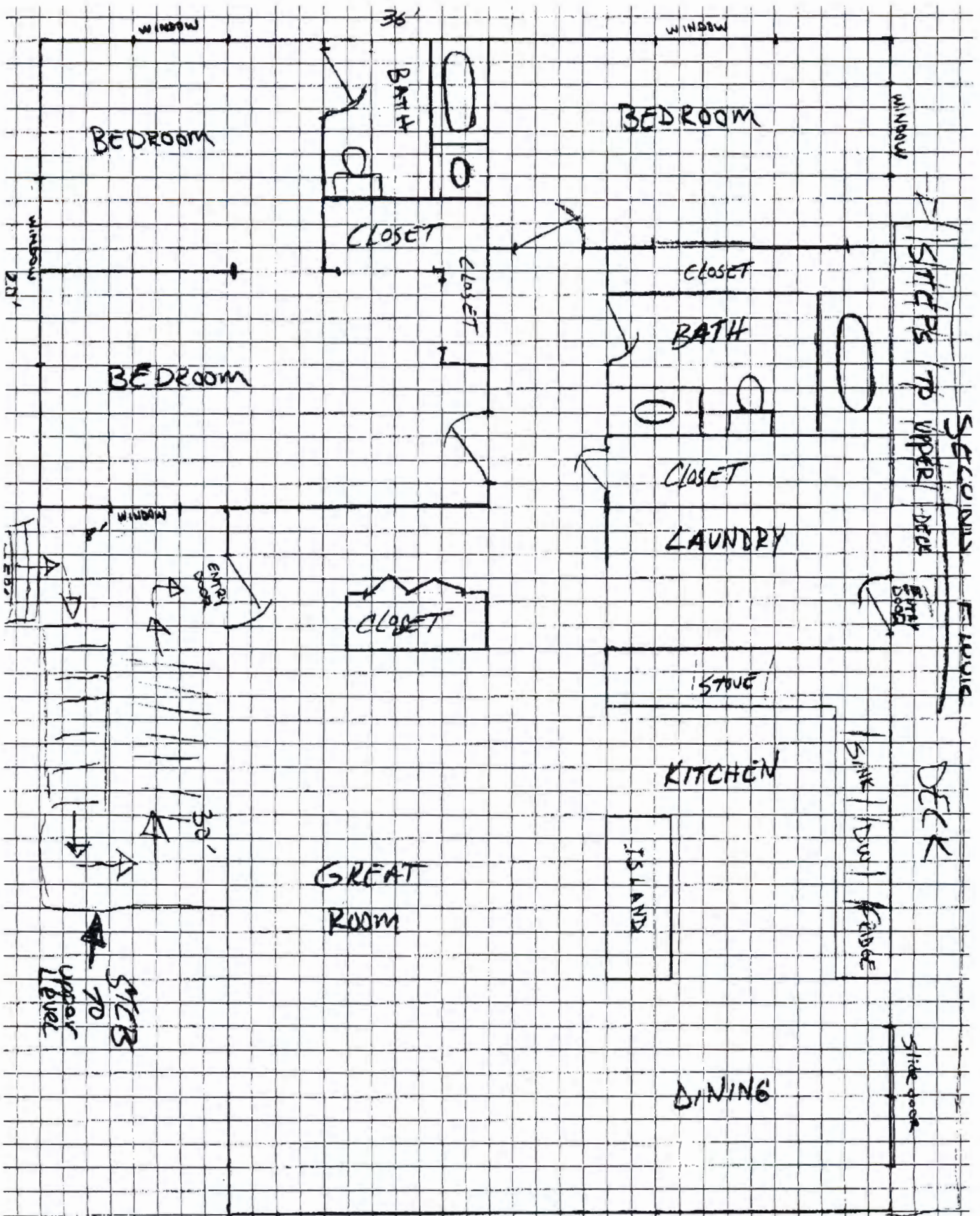
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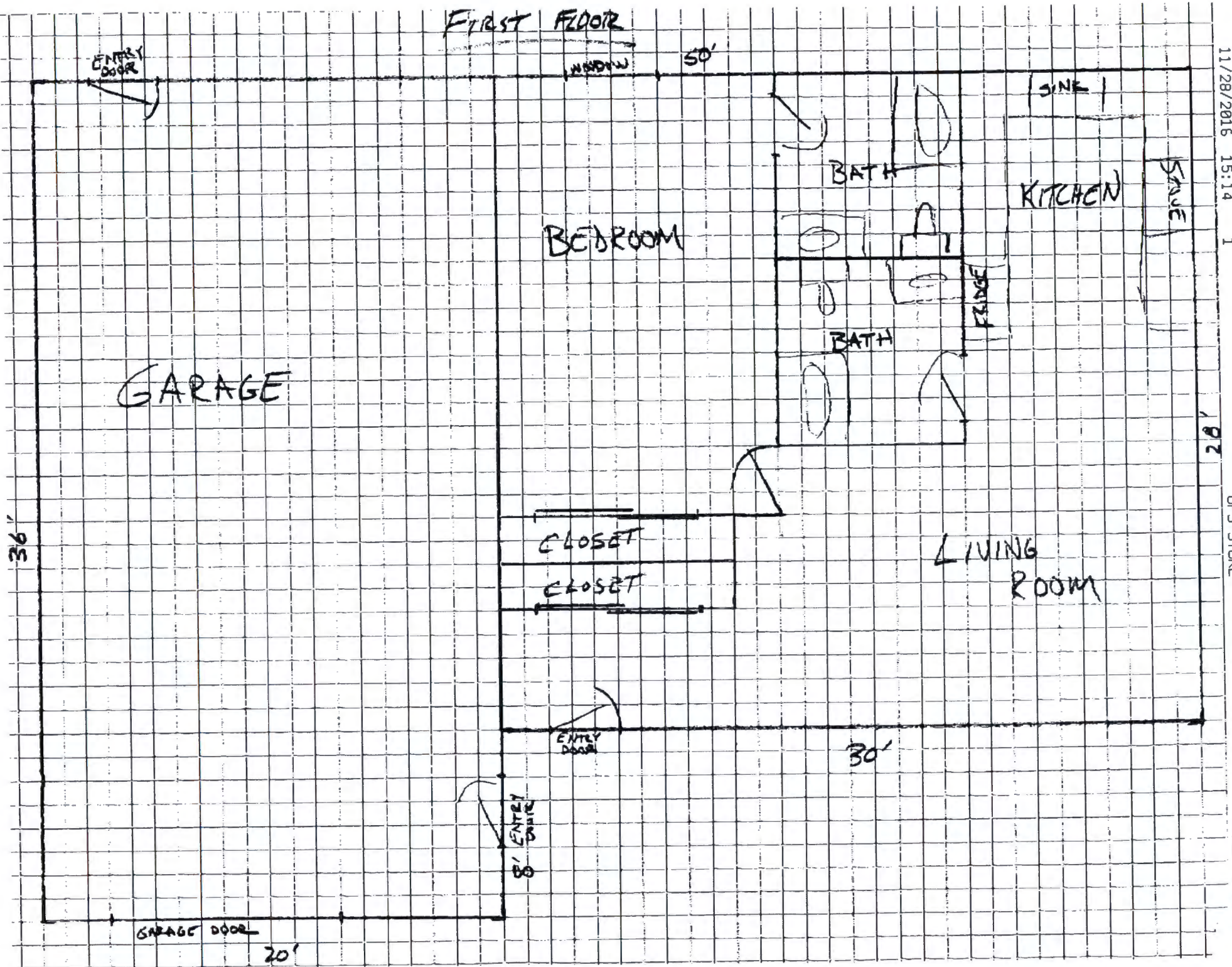
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100 ft

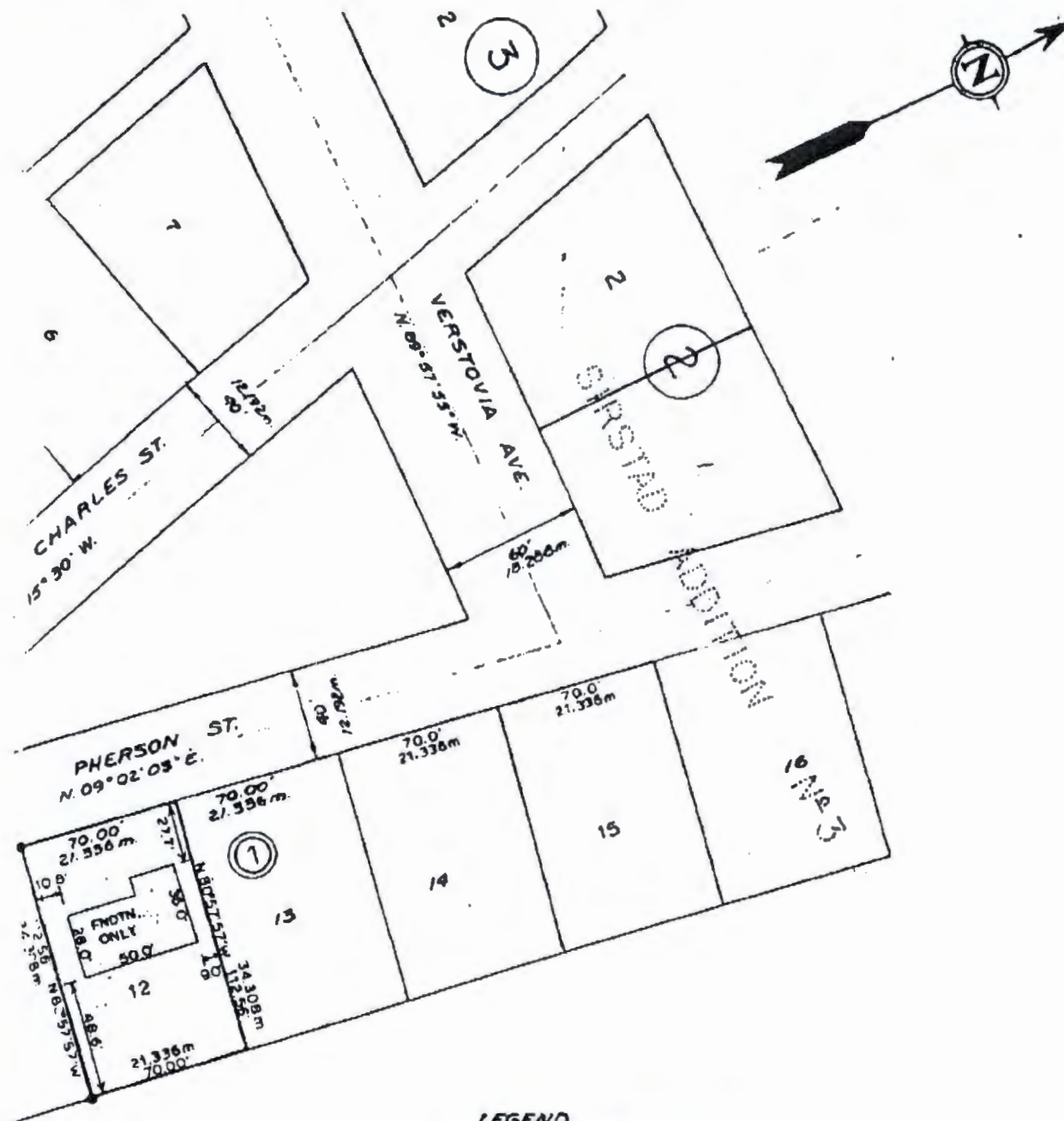


MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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.







LEGEND

● - Rebar cap (Existing)

⊕ - brass cap mon. (Fnd.)

SURVEYOR'S CERTIFICATE

that I have surveyed the following described property,
OF AMENDED PLAT OF BLKS. 1 & 3 OF
OF SIRSTAD ADD. NO. 2
and that the improvements situated thereon are within
and do not overlap or encroach on the property
of said lot, that no improvements on property lying adjacent
on the premises in question and that there are no
easements, liens or other visible encumbrances on said property
other than those shown on the plat.

[Signature]

1-12-82



AS-BUILT SURVEY

LOT 12 BLOCK 1 OF AMENDED PLAT OF BLKS. 1 & 3
OF AMENDED PLAT OF SIRSTAD ADD. NO. 2

FOR: MIKE HAGAN
BOX 1705
SITKA, ALASKA

1-7762

DAVIS & ASSOCIATES INC.
LAND SURVEYORS
BOX 1848
SITKA, ALASKA 99835

DATE
JANUARY 18, 1982

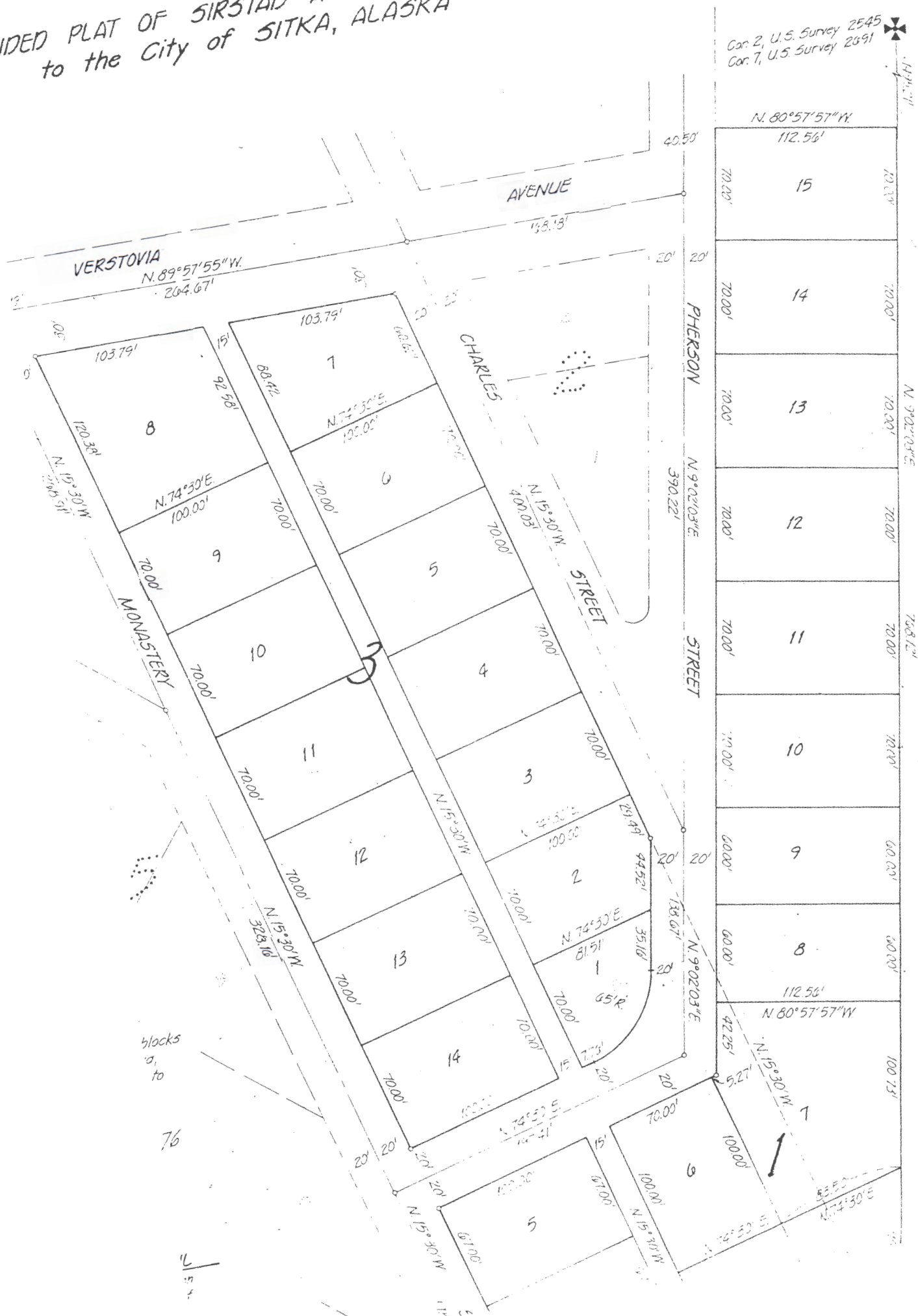
NAME OF SURVEYOR
DAVIS & ASSOC. INC.

21365-01-00

SCALE:
1:500

DRAWN BY
 P.H.

INTENDED PLAT OF SIRSTAD ADDITION No 2
to the City of SITKA, ALASKA

























Background of prior use of building:

For the last 14 years, the current owner of 714 Pherson has used the building to house clients for his charter fishing business. It is my honest opinion that Tom Buckroyd did not know that he was operating without proper permits. He was given the impression upon buying the property that there was a 'commercial permit' of sorts 'grandfathered' into the property. The city looked into his records and found that he was current on all taxes including sales, bed and fish box taxes. He advertised his business as a lodge as further proof that his intent was not to mislead the city or to get out of paying proper taxes/fees. When Tom became aware of the fact that he did not have the proper permits, he spent the last year working with the city trying to rectify the situation.

Tom unfortunately passed away in August and as the new owners of the house, would like to continue using the house as a short term rental with the proper permits. Tom had a great relationship with neighbors and was always very diligent about making sure those who stayed at the house were respectful of neighbors and kept noise to a minimum. We would do the same to ensure the quality of living in the neighborhood is maintained.

Thank you,

Kevin and Ashley McNamee

Our proposed use for 714 Pherson St. is as follows:

We are applying for a short term rental conditional use permit. We intend to use only the upstairs unit as a short term rental. The lower unit will be used to house an onsite property manager to ensure things run smoothly. We will use the upstairs as a short term rental May-August only.

Thank you,

Kevin and Ashley McNamee



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

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:** Please See Attached**PROPERTY INFORMATION:**CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:PROPERTY OWNER: Tom BuckroydPROPERTY OWNER ADDRESS: PO Box 2832 Sitka, AKSTREET ADDRESS OF PROPERTY: 714 Pherson St.APPLICANT'S NAME: Ashley McNameeMAILING ADDRESS: PO Box 6084 Sitka, AK771 Helen Thompson Rd. Sandpoint, ID 83864EMAIL ADDRESS: ashmo254@yahoo.com DAYTIME PHONE: 206-852-9151**PROPERTY LEGAL DESCRIPTION:**TAX ID: _____ LOT: 12 BLOCK: 1 TRACT: _____SUBDIVISION: S2AM 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.

Mary P. Levesque POA for Shawn Marie

Owner Buckroyd & Leana J. Buckroyd Yoale

Date

11/29/16

co-personal representatives of the Estate of Thomas Buckroyd

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.

Ashley McNamee

Applicant (If different than owner)

Date

11/28/16

Parcel ID: 17752000
ANTONIO/JENNIFE ROSAS
ROSAS, ANTONIO & JENNIFER
702 PHERSON ST
SITKA AK 99835

Parcel ID: 17754000
JILL REID
REID, JILL, G.
706 PHERSON ST.
SITKA AK 99835

Parcel ID: 17756000
MICHELLE FLEMING
FLEMING, MICHELLE, L.
708 PHERSON ST
SITKA AK 99835

Parcel ID: 17758000
PATRICK DAVIS
DAVIS, PATRICK, N.
710 PHERSON ST.
SITKA AK 99835

Parcel ID: 17760000
JERE/JANET RYNEARSON
RYNEARSON, JERE, J./JANET, R.
712 PHERSON ST.
SITKA AK 99835

Parcel ID: 17762000
THOMAS BUCKROYD
BUCKROYD, THOMAS, R.
P.O. BOX 2832
SITKA AK 99835-2832

Parcel ID: 17764000
WILLIAM/NORMA NOVASKI
NOVASKI, WILLIAM, J./NORMA, M.
201 CASCADE CREEK RD
SITKA AK 99835

Parcel ID: 17766000
WESLEY/SUSAN KESLER
KESLER, WESLEY, M./SUSAN, C.
718 PHERSON ST.
SITKA AK 99835

Parcel ID: 17768000
HUGH/TAMA BEVAN
BEVAN, HUGH, R./TAMA, L.
720 PHERSON ST
SITKA AK 99835

Parcel ID: 17770000
JUDITH REIS
REIS, JUDITH, M.
710 CHARLES ST
SITKA AK 99835

Parcel ID: 17772000
JOEY/RETHA WINGER
WINGER, JOEY/RETHA
512 VERSTOVIA AVE
SITKA AK 99835

Parcel ID: 17776000
OPAL UPCRAFT
UPCRAFT, OPAL, P.
804 E. 6TH AVE, #4
ELLENSBURG WA 98926

Parcel ID: 17778000
CHRISTIAN BLANCO
BLANCO, CHRISTIAN, A.
P.O. BOX 541
SITKA AK 99835-0541

Parcel ID: 17780000
GAIL CORBIN
CORBIN, GAIL, D.
P.O. BOX 776
PELICAN AK 99832-0776

Parcel ID: 17782000
STEPHANIE GREEN
GREEN, STEPHANIE
P.O. BOX 699
ORTING WA 98360

Parcel ID: 17784000
KYLE/CORRINE FERGUSON
FERGUSON, KYLE & CORRINE
P.O. BOX 1682
SITKA AK 99835-1682

Parcel ID: 17786000
WILLIAM ADICKES
ADICKES, WILLIAM F., JR.
1401 EDGE CUMBE DR
SITKA AK 99835

Parcel ID: 17788000
RALPH ASH REVOCABLE TRUST
ASH, RALPH, K.
714 MONASTERY ST, #A
SITKA AK 99835

Parcel ID: 17790000
WOLFGANG/YVONNE CORDUAN
CORDUAN, WOLFGANG/YVONNE
712 MONASTERY ST.
SITKA AK 99835

Parcel ID: 17792000
BRUCE PAULEY
PAULEY, BRUCE, W.
1208 EDGE CUMBE DR.
SITKA AK 99835

Parcel ID: 17794000
MICHAEL HARTSHORN
HARTSHORN, MICHAEL, G.
708 MONASTERY ST
SITKA AK 99835

Parcel ID: 17796000
A.& E./A.& R. BLACKHURST/FRISKE
BLACKHURST, C&A/FRISKE, A&R
321 PETERSON AVE.
SITKA AK 99835

Parcel ID: 17798000
AVELINO/TERESITA SANTA ANA
SANTA ANA, AVELINO, T./TERESITA, P.
2022 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 17800000
DANIEL/LURA DUNSING TRUST
DUNSING TRUST, DANIEL, D./L. MAE
P.O. BOX 12
SITKA AK 99835-0012

Parcel ID: 17996000
JAMES FARO
FARO, JAMES, B.
P.O. BOX 2151
SITKA AK 99835-2151

Parcel ID: 17997000
THOMAS BAILEY, III
BAILEY, III, THOMAS, A.
511 VERSTOVIA AVE, #A
SITKA AK 99835

Parcel ID: 17998000
DEENA/PADDY HANSEN
HANSEN, PADDY/DEENA
P.O. BOX 1152
SITKA AK 99835-1152

Parcel ID: 17999000
VALERIE/ROGER HERRERA
HERRERA, VALERIE & ROGER
P.O. BOX 14015
ANCHORAGE AK 99514-0415

Parcel ID: 18560000
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18628000
EVELYN KANEN
KANEN, EVELYN, L.
802 PHERSON ST.
SITKA AK 99835

P&Z Mailing
December 9, 2016

CITY & BOROUGHS OF SITKA
100 LINCOLN STREET
SITKA, AK 998357E40



1/22/2016
-00025528
t Counter
y MCNAMEE

Merchant ID: 000000002754907
Term ID: 04090017
400200114885

Phone Order 100.00

VISA 5.00

XXXXXXXXXXXX3405 105.00

Entry Method: Manual 105.00

Apprvd: Online Batch#: 001034 105.00

11/22/16 12:16:20 105.00

CVV2 Code: n

Inv #: 000006 Appr Code: 801623

Total: \$ 105.00

I agree to pay above total
amount according to card issuer
agreement (Merchant agreement if
credit voucher)

X _____

Merchant Copy



AFTER RECORDING, RETURN TO:
Shawn Marie Buckroyd
10822 Kings Field Lane
Woodbury, MN 55129

QUITCLAIM DEED

(A.S. 34.15.040)

The **GRANTOR, Thomas R. Buckroyd, an unmarried man**, whose mailing address is P.O. Box 2832, Sitka, Ak 99835, conveys and quitclaims to **GRANTEES, Shawn Marie Buckroyd**, whose mailing address is 10822 Kings Field Lane, Woodbury, MN 55129 and **Leana Jean Buckroyd Youle**, 1002 Belsly Blvd. Apt. #106, Moorhead, MN 56560, all of Grantor's right, title and interest of ownership, if any, in the following-described real estate situated in the Sitka Recording District, First Judicial District, State of Alaska:

Lot 12, Block 1, SIRSTAD ADDITION NO. 2 TO THE CITY OF SITKA, according to the official plat thereof, filed under Plat Number 58, Records of the Sitka Recording District, First Judicial District, State of Alaska.

DATED this 6 day of August, 2016.

GRANTOR:

Thomas R. Buckroyd
Thomas R. Buckroyd
Attorney in fact

STATE OF Arizona

Mohave)
)
)

SS.

ALASKA ESCROW & TITLE INSURANCE AGENCY, INC. IS RECORDING THIS DOCUMENT AS AN **ACCOMMODATION ONLY**. IT HAS NOT BEEN EXAMINED AS TO ITS EFFECT, IF ANY, ON THE TITLE OF THE ESTATE HEREIN NOR HAS AN EXAMINATION BEEN MADE AS TO STATUS OF PROPERTY DESCRIBED HEREIN. DOCUMENT CONTENT IS BEING RECORDED AS PRESENTED AND NOT ALTERED IN ANY WAY

THIS IS TO CERTIFY that on this 6 day of August, 2016, before me, the undersigned Notary Public in and for the State of Arizona, duly commissioned and sworn, personally appeared **Thomas R. Buckroyd** to me known to be the person described in the foregoing instrument and who acknowledged to me that he/she had signed the ~~same~~ **same** freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal on the day and year in this certificate first above written.



[Signature]
Notary Public in and for Arizona

My Commission Expires: 4-25-2018

AFTER RECORDING RETURN TO:

Brandon C. Marx
PO Box 6171
Sitka, Alaska 99835

SPECIAL POWER OF ATTORNEY

We, SHAWN MARIE BUCKROYD and LEANA J. BUCKROYD YOULE, as CO-PERSONAL REPRESENTATIVES of the ESTATE OF THOMAS R. BUCKROYD, 1SI-16-065 PR, of Minnesota (the "Principal"), appoint MARY P. LEVESQUE, c/o Sitka Advantage, LLC, Alaskan Advantage, PO Box 2832, Sitka, Alaska 99835, as our agent ("Agent"), and our attorney-in-fact, to act in our name, place, and stead in any way which we could do, if we were personally present, to the full extent that we are permitted by law to act through an agent, with respect to signing bills of sale, deeds or other conveyance documents required to sell assets belonging to the Estate of Thomas Buckroyd ("assets"), and to sign documents required to open a bank account on behalf of the Principal, and to deposit all proceeds from the sale of assets in the estate bank account. We additionally authorize our Agent to pay all bills and debts of the Estate and Estate Administration which will require the Agent to be the authorized signor on the Estate Account. We additionally authorize our Agent to access and review all financial records for Thomas Buckroyd, and the Estate of Thomas Buckroyd. The authority granted herein shall terminate upon the closing of the estate of Thomas R. Buckroyd.

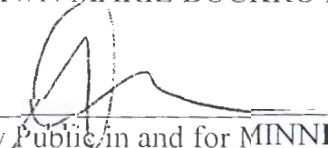
DATE: 10-19-16


SHAWN MARIE BUCKROYD

STATE OF MINNESOTA)
) ss.
COUNTY OF _____)

ACKNOWLEDGED BEFORE ME by SHAWN MARIE BUCKROYD, this
19th day of October, 2016.




Notary Public in and for MINNESOTA
My commission expires: 01-31-2020

DATE: 10 ²⁰ ~~17~~ ¹⁶ ^{LB4}

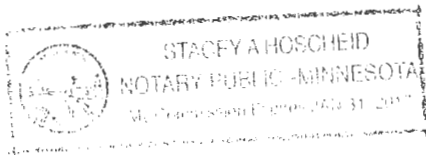
Leana Buckroyd Youle
LEANA J. BUCKROYD YOULE

STATE OF MINNESOTA

COUNTY OF Clay

)
) ss.
)

20 ACKNOWLEDGED BEFORE ME by LEANA J. BUCKROYD YOULE, this
day of October, 2016.



[Signature]
Notary Public in and for MINNESOTA
My commission expires: January 31, 2017



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-36 **Version:** 1 **Name:**

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

File created: 12/1/2016 **In control:** Planning Commission

On agenda: 12/20/2016 **Final action:**

Title: Public hearing and consideration of a conditional use permit request for a short-term rental at 414 Hemlock Street. The property is also known as Lot 1 Block 24 McGraw Subdivision. The request is filed by Ali Clayton. The owner of record is Ali Clayton.

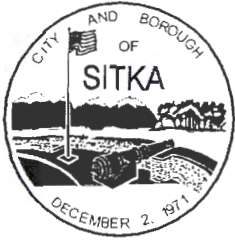
Sponsors:

Indexes:

Code sections:

Attachments: [Clayton 12.20.16](#)

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: December 2, 2016

To: Planning Commission

From: PCDD Staff

Re: CU 16-36 Conditional Use Permit for STR at 414 Hemlock Street

GENERAL INFORMATION

Applicant: Ali Clayton

Property Owner: Ali Clayton

Property Address: 414 Hemlock Street

Legal Description: Lot 1 Block 24 McGraw Subdivision

Parcel ID Number: 1-3500-000

Size of Existing Lot: 8577 square feet

Zoning: R-2

Existing Land Use: Residential

Utilities: Full city services

Access: Hemlock Street to Halibut Point Road

Surrounding Land Use: 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: Site Plan

Attachment E: Floor Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Flood Zone Map

Providing for today...preparing for tomorrow

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 of a single-family home at 414 Hemlock Street in the R-2 multifamily residential district. The owner purchased the house in June 2016 and has recently renovated the house. The owner identified 9 on-site parking spaces. The proposed short-term rental unit has two bedrooms and two baths.

A dental clinic abuts the property to one side, with a residential property on the other side. A short-term rental operates down the road at 402 Hemlock Street.

22.16.050 R-2 multifamily residential district.

The R-2 zoning district may allow short-term rentals 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 property has a driveway that provides space in excess of the required 2 parking spaces.

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, the provision of a 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: Short-term rental in summer, long-term rental in winter.

e. Location along a major or collector street: Hemlock Street to Halibut Point Road.

¹ Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

² § 22.24.010.E

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Multiple points of access to the property. 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 more than 2 parking spaces.

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: Yard space provide buffers for neighboring properties.

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.³ This application conforms to the above sections by creating short-term transient housing available.

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.⁴

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:⁵

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:

³ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

⁴ Planning: The Magazine of the American Planning Association, February 2016, p. 31

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

- 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.

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 staff 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 permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 414 Hemlock Street subject to the attached conditions of approval. The property is also known as Lot 1 Block 24 McGraw Subdivision. The request is filed by Ali Clayton. The owner of record is Ali Clayton.

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.

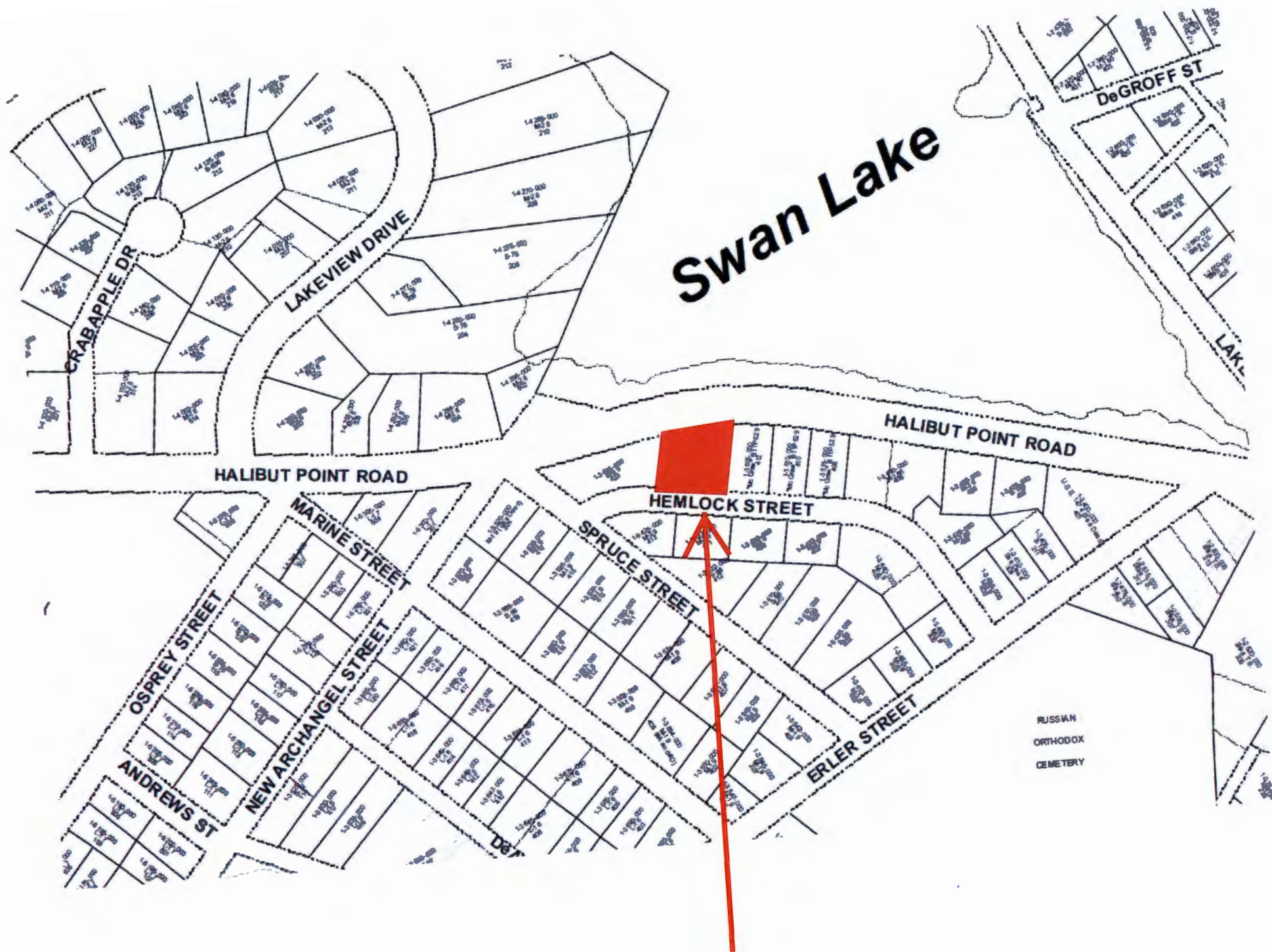
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.

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.





City & Borough of Sitka, Alaska

Selected Parcel: 414 HEMLOCK ID: 13500000

Printed on 11/25/2016 from <http://www.mainstreetmaps.com/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

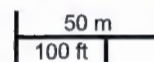
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City & Borough of Sitka, Alaska

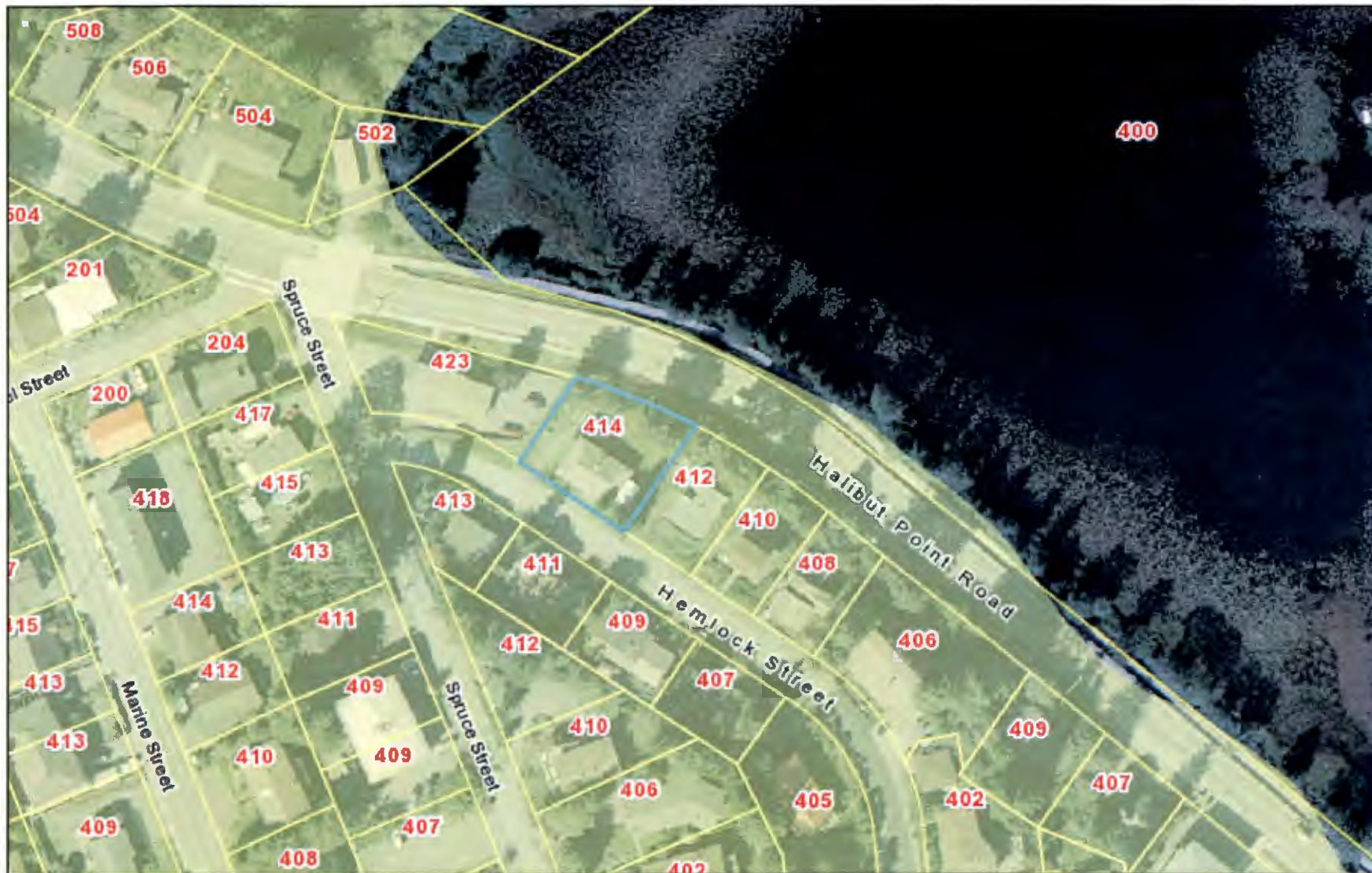
Selected Parcel: 414 HEMLOCK ID: 13500000

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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City & Borough of Sitka, Alaska

Selected Parcel: 414 HEMLOCK ID: 13500000

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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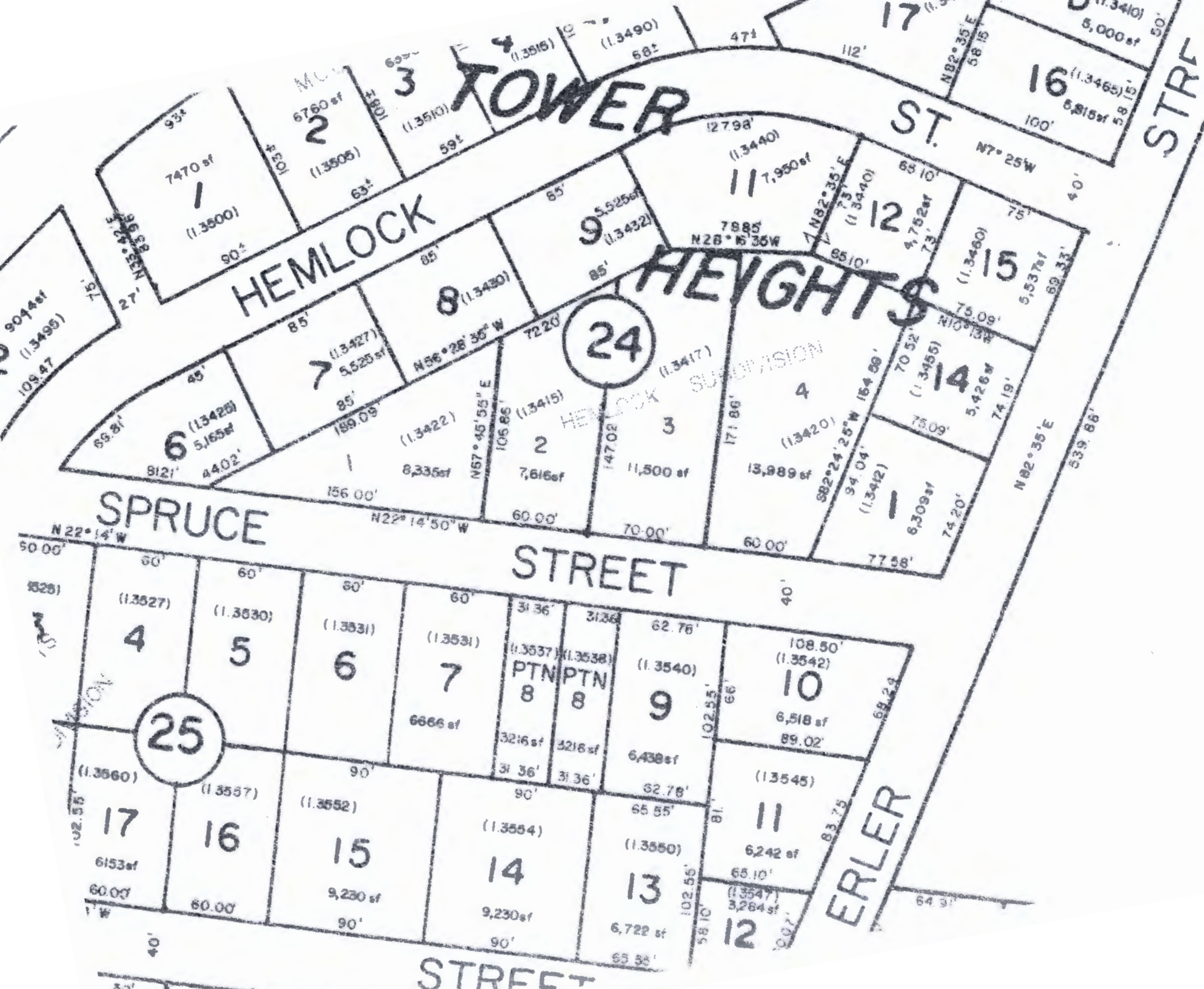


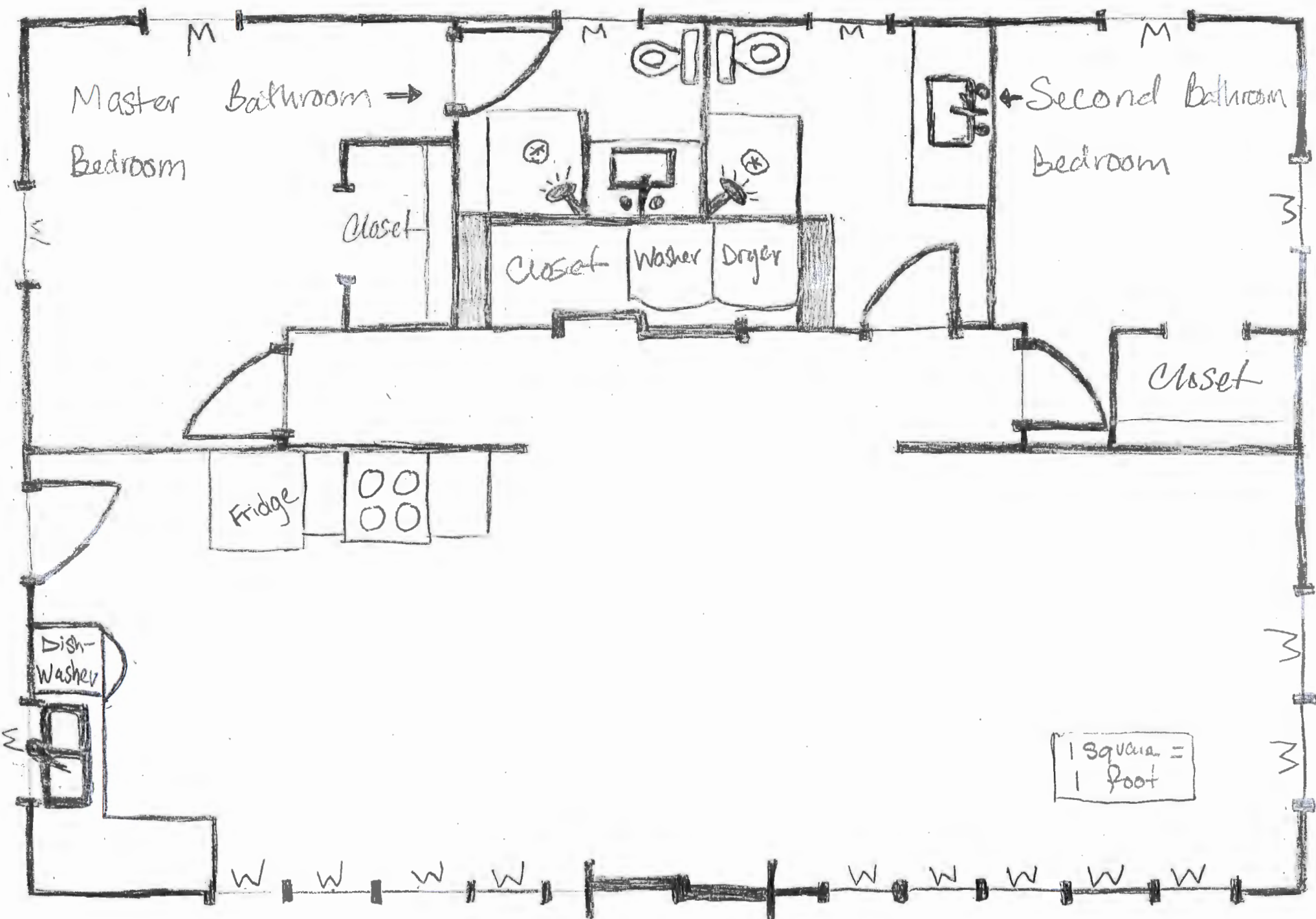


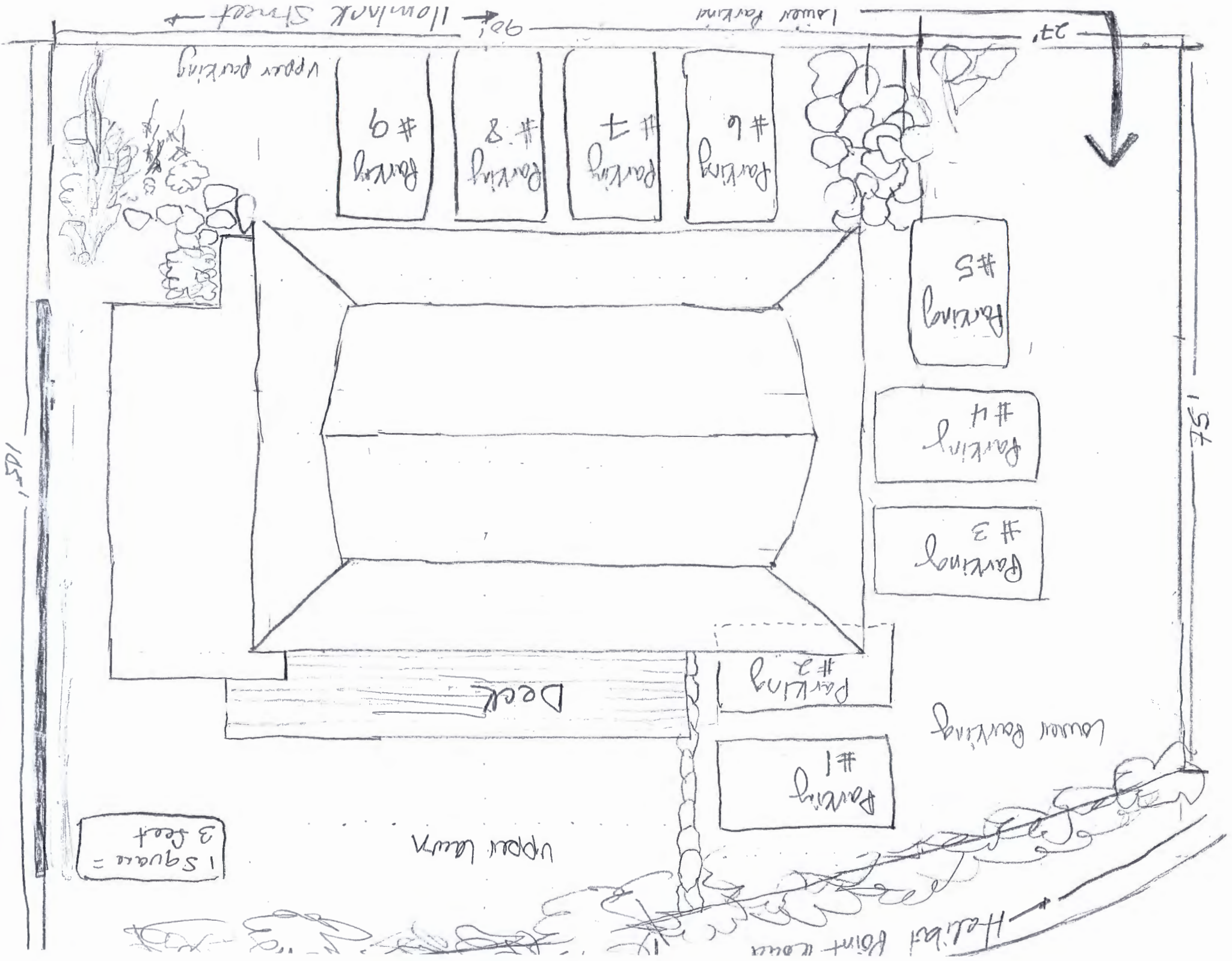












Holloway Street 90°

Lower Parking

27'

Upper parking

Parking #6
Parking #7
Parking #8
Parking #9

Parking #5

Parking #4

Parking #3

Parking #2

Parking #1

Lower Parking

Upper lawn

Deck

145'

15th St

Habit Point road

1 Square = 3 feet

To: The City & Borough of Sitka
Planning Commission Board

I am applying for a conditional use permit for a short term-rental, located at 414 Hemlock Street. The house is a one-story home, with two bedrooms and baths and an unfinished basement. The house totals around 1382 square feet and sits on a lot totaling over 9,000 square feet.

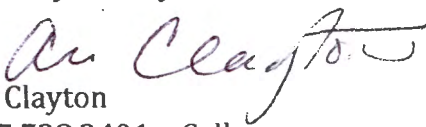
My plan is to use the house as a short-term rental for the summer months as well as a long-term rental in the off-season. I recently purchased the property in June of 2016 and spent the next few months renovating and improve the home as well as the property itself. The inside of the house was completely renovated with new bathrooms, windows, kitchen and flooring throughout. The house passed its building inspection by being completely up to code. Smoke detectors, including one with a carbon monoxide detector, are all functional, all rooms have appropriate egress with a direct way to the outside and handrails are installed on the front porch.

The proposed short-term rental is considered a one unit and by code the City required two parking spots per unit. There will be more than enough parking totaling nine on-site parking spots. The house sits on a two-level property, with a ton of room for parking on the lower level. The high volume of parking shows that the property is large and spacious and will have low impact on the neighborhood. See attachment #1 for reference on parking spaces.

Having a short-term rental at 414 Hemlock Street will not have any impact or burden on the adjacent neighbors. I currently operate another short-term rental in Sitka and have found it to be very successful. I am aware of the rules and regulations and have a complete understanding of collecting and remitting Sales and Bed Tax and will have no difficulty being able to comply to the rules while adding tax revenue into the economy.

Please contact me with any questions or concerns.

Thank you for your time,


Ali Clayton
907.738.3401 – Cell
clayton_7a@hotmail.com



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: Requesting a Conditional use permit for a short-term rental.

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: Ali Clayton

PROPERTY OWNER ADDRESS: 1601 Davidoff St. Sitka AK 99835

STREET ADDRESS OF PROPERTY: 414 Hemlock St Sitka AK 99835

APPLICANT'S NAME: Ali Clayton

MAILING ADDRESS: 1601 Davidoff St. Sitka AK 99835

EMAIL ADDRESS: clayton-7a@hotmail.com DAYTIME PHONE: 907.747.1842

PROPERTY LEGAL DESCRIPTION:

TAX ID: 13500000 LOT: 1 BLOCK: 24 TRACT: _____

SUBDIVISION: McGraw US SURVEY: 1474

OFFICE USE ONLY

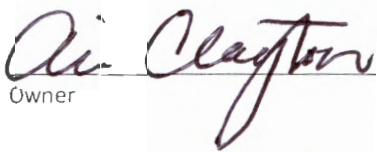
COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

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)

11.28.14

Date

Date

Parcel ID: 13415000
GARY SMITH
SMITH, GARY
105 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 13417000
JAMES FLOOD
FLOOD, JAMES, II.
1720 LARCH ST, #2
KODIAK AK 99615-7602

Parcel ID: 13420000
MARIE MCGRAW
MCGRAW, MARIE
P.O. BOX 718
SITKA AK 99835-0718

Parcel ID: 13422000
GARY SMITH
SMITH, GARY
105 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 13425000
ALTON/JOELLIN CROPLEY
CROPLEY, ALTON & JOELLIN
406 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13427000
JUDITH LEHMAN
LEHMAN, JUDITH, J.
411 HEMLOCK ST.
SITKA AK 99835

Parcel ID: 13430000
STEVEN/AMELIA GAGE
GAGE, STEVEN, J./AMELIA, J.
409 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13432000
MICHAEL SULLIVAN
SULLIVAN, MICHAEL, D.
407 HEMLOCK ST, APT B
SITKA AK 99835

Parcel ID: 13440000
RICHARD/MARJORI PARMELEE
PARMELEE, RICHARD/MARJORIE
405 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13490000
ALTON/JOELLIN CROPLEY
CROPLEY, ALTON & JOELLIN
406 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13495000
BELLEREED, LLC
ROSS A. MARLEY, DMD
BELLEREED, LLC
423 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 13500000
ALI CLAYTON
CLAYTON, ALI
1601 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 13505000
WADE/LAURIE PORTER
PORTER, LAWRENCE/WADE/LAURIE
271 SUMAC DR
WAPATO WA 98951

Parcel ID: 13510000
STEVEN/AMELIA GAGE
GAGE, STEVEN & AMELIA
409 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13515000
LARRY/JULIANA FITZSIMMONS
FITZSIMMONS, LARRY/JULIANA
408 HEMLOCK ST
SITKA AK 99835

Parcel ID: 13520000
MICHAEL/MICHELLE MAHONEY
MAHONEY, MICHAEL, K./MICHELLE,
M.
204-A NEW ARCHANGEL ST.
SITKA AK 99835

Parcel ID: 13522000
TIMOTHY AINSLIE
AINSLIE, TIMOTHY, E.
415 SPRUCE ST
SITKA AK 99835

Parcel ID: 13525000
TIMOTHY AINSLIE
AINSLIE, TIMOTHY, E.
415 SPRUCE ST
SITKA AK 99835

Parcel ID: 13527000
LORETTA NESS
NESS, LORETTA, J.
102 WINCHESTER WAY
SITKA AK 99835

Parcel ID: 13530000
J.L. RENTALS, LLC
J. L. RENTALS, LLC
112 SAND DOLLAR DR
SITKA AK 99835

Parcel ID: 13531000
MARTY/ELIZABETH MARTIN
REVOCABLE TRUST
MARTIN TRUST, MARTY & ELIZABETH
P.O. BOX 2752
SITKA AK 99835-2752

Parcel ID: 13537000
UNITARIAN UNIVERSALIST
ASSOCIATION
UNITARIAN UNIVERSALIST
ASSOCIATION
408-A MARINE ST.
SITKA AK 99835

Parcel ID: 13540000
MARY ANN MUSEWSKI
MUSEWSKI, MARY, ANN
403 SPRUCE ST
SITKA AK 99835

Parcel ID: 13552000
F.& D./S. & S. REEDER/LINCOLN PLACE,
LLC
R & B RENTALS
REEDER, F&D S&S/LINCOLN PLACE,
LLC
410 MARINE ST, #2
SITKA AK 99835

Parcel ID: 13557000
SANDI RIGGS
RIGGS, SANDI, L.
412 MARINE ST
SITKA AK 99835

Parcel ID: 13560000
ARSENIO/MARIVIC CARBONEL
CARBONEL, ARSENIO, V./MARIVIC, M.
P.O. BOX 1271
SITKA AK 99835-1271

Parcel ID: 13565000
JD RENTALS, LLC
JD RENTALS, LLC
2826 10TH AVE E.
SEATTLE WA 98102

Parcel ID: 13570000
RYAN/SUZANNE WILSON
WILSON, RYAN & SUZANNE
P.O. BOX 414
SITKA AK 99835-0414

Parcel ID: 14275000
JUSTIN/PATRICIA FAGER
C/O DARCIA JENNER
FAGER, JUSTIN & PATRICIA
601 PLAMER AVE
LAGRANDE OR 97850

Parcel ID: 14280000
ALAIN/TERESSA SAAIMAN
SAAIMAN, ALAIN/TERESSA
4617 RIVER RD
JUNEAU AK 99801

Parcel ID: 14294000
MARY FERGUSON
FERGUSON, MARY
504 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 14296000
STEVEN/MARY PAUSTIAN/NELSON
PAUSTIAN, STEVEN, J./NELSON, MARY,
R.
502 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 17374000
CITY & BOROUGH OF SITKA
SWAN LAKE
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

REEDER, F&D S&S/LINGOLN PLACE, LLC
410 MARINE ST, #2

SITKA

AK 99835

JD RENTALS, LLC
2826 10TH AVE E.

SEATTLE

WA 98102

P&Z. Mailing
December 9, 2016

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: _____

To: *Ali Clayton*

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

Variance.....	
Conditional Use Permit.....	<i>100.00</i>
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.....	<i>5.00</i>
TOTAL.....	<i>105.00</i>

Thank you

PAID

NOV 22 2016

CITY & BOROUGH OF SITKA



AFTER RECORDING, RETURN TO:

Ali Clayton
1601 Davidoff St.
Sitka, AK 99835

AETIA 52673

WARRANTY DEED
A.S. 34.15.030

The Grantors, **FRANK SCIGLIANO and GLORIA SCIGLIANO, husband and wife,** who took title as **FRANK SCIGLIANO and GLORIA BIAS, husband and wife,** whose address is 109 Sand Dollar Dr., Sitka, AK 99835, 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, as part of an IRC Section 1031 Tax Deferred Exchange on behalf of Grantors, convey and warrant to **ALI CLAYTON,** Grantee, whose mailing address is 1601 Davidoff St., Sitka, AK 99835, the following-described real estate:

PARCEL #1 - A fractional part in Block 24, Sitka Townsite according to the official plat thereof, now known as Lot 1, McGRAW SUBDIVISION in Block 24 Sitka Townsite and more fully described as follows: Starting at the Northerly corner of said Block 24; thence S 56 degrees 18 minutes East as distance of 176.00 feet; thence meandering along the Southwesterly boundary of Halibut Point Road right-of-way (approximately S 75 degrees 23 minutes E) a distance of 28.00 feet, more or less, to a point known as Corner 1, the point of beginning herein, said Corner No. 1 lying on a bearing of North 33 degrees 42 minutes East of a point 203.00 feet South 56 degrees 18 minutes East of the Northerly corner of said Block 24; thence South 33 degrees 42 minutes West a distance of 85.00 feet to Corner No. 2; thence South 56 degrees 18 minutes East as distance of 90.00 feet to Corner No. 3; thence North 33 degrees 42 minutes East a distance of 105.00 feet to Corner No. 4; thence meandering Northwesterly along the Southwesterly boundary of Halibut Point Road right-of-way as distance of 94.00 feet, more or less to Corner No. 1, the point of beginning, Sitka Recording District, State of Alaska.

PARCEL #2 - The Easterly half of a parcel of land lying Westerly of Lot 1, McGraw Subdivision and more particularly described as follows: Beginning at the most Westerly corner of Lot 1 and the true point of beginning of the description; thence North 56 degrees 18 minutes West 13.50 feet to the centerline of an unnamed right-of-way; thence along the centerline of said unnamed right-of-way North 33 degrees 42 minutes East 79.67 feet, but in any case to the Southerly right-of-way line of Halibut Point Road; thence in an Easterly direction along the Southerly right-of-way line of Halibut Point Road through an arc whose chord bearing and distance is South 75 degrees 23 minutes East 14.29 feet, but in any case to the most Northerly corner of said Lot 1; thence along the Westerly boundary of Lot 1 South 33 degrees 42 minutes W 84.34 feet, but in any event to the true point of beginning, Sitka Recording District, First Judicial District, State of Alaska.

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

DATED this 24 day of MAY, 2016.

GRANTORS:

Frank Scigliano by Gloria Scigliano
FRANK SCIGLIANO by GLORIA SCIGLIANO his
Attorney in Fact his attorney in fact

Gloria Scigliano
GLORIA SCIGLIANO

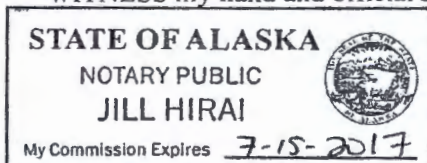
STATE OF ALASKA)

) ss.

FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 24th day of May, 2016, by GLORIA SCIGLIANO as herself and also as Attorney in Fact for FRANK SCIGLIANO.

WITNESS my hand and official seal on the day and year in this certificate first above written.



Jill Hirai
Notary Public in and for Alaska
My Commission Expires: 7-15-2017

WARRANTY DEED
A-4350\4625\Warranty Deed

Page 2





CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-35 **Version:** 1 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 12/1/2016 **In control:** Planning Commission
On agenda: 12/20/2016 **Final action:**
Title: Public hearing and consideration of a conditional use permit request for an accessory dwelling unit at 2003 Anna Court. The property is also known as Lot 6 Verstovia Park Subdivision No. 2. The request is filed by William Patrick. The owner of record is William Patrick.
Sponsors:
Indexes:
Code sections:
Attachments: [Patrick 12.20.16](#)

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: November 30, 2016

From: PCDD Staff

To: Planning Commission

Re: CU 16-35 Conditional Use Permit for ADU at 2003 Anna Court

GENERAL INFORMATION

Applicant: William Patrick

Property Owner: William Patrick

Property Address: 2003 Anna Court

Legal Description: Lot 6 Verstovia Park Subdivision No. 2

Parcel ID Number: 30952006

Size of Existing Lot: 9353 square feet

Zoning: R-1 MH

Existing Land Use: Single family residential

Utilities: Full city services

Access: Anna Court to Anna Drive to Sawmill Creek

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

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: Comments

Attachment J: Mailing List

Attachment K: Proof of Payment

Attachment L: Proof of Ownership

BACKGROUND

2003 Anna Court was created via subdivision in 1978. A single-family residence currently stands on the lot. The applicant seeks to build an accessory dwelling unit behind the primary residence in order to house family members.

PROJECT DESCRIPTION

The request is to add an accessory dwelling unit to the property. The conditional use permit process is required for accessory dwelling units in the R-1 MH single-family, duplex and manufactured home zone. Additionally, a conditional use permit is required for this structure as it exceeds 800 square feet, with a proposed square footage of 840 square feet. Setback requirements are met.

The applicant stated that the ADU would house family members. Additionally, this proposal would add another dwelling unit to Sitka's housing stock.

Sixteen feet is the maximum height for accessory dwelling units, which should be listed as a condition of approval.

The applicant has only provided information on the proposed footprint and distance to property lines. The commission has recently approved 1 ADU without floor plans. The commission may wish to grant approval, to request additional floor plan information for commission consideration, or to request additional floor plan information for staff consideration.

Zoning Code

Pursuant to Section 22.20.160, an ADU requires a CUP in the R-1 MH zone. 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.
 - 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.¹

- 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; however, noise from mobile home parks is expected in this zone.
- 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:** Anna Court to Anna Drive to Sawmill Creek 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:** No concerns.

¹ § 22.24.010.E

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Adequate access near Sawmill Creek Road.

i. Logic of the internal traffic layout: Two parking spaces required for the mobile home and two spaces required for the proposed ADU. The applicant has designated sufficient parking.

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: Proposed unit will be within setbacks.

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.

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. 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.

² § 22.30.160.C – Required Findings for Conditional Use Permits
CUP 16-35 Staff Report for December 20, 2016

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 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 staff 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 an accessory dwelling unit at 2003 Anna Court, with the conditions that 1) the structure will be no taller than 16 feet and 2) the applicant submits a detailed floor plan for staff approval. The property is also known as Lot 6 Verstovia Park Subdivision No. 2. The request is filed by William Patrick. The owner of record is William Patrick.





City & Borough of Sitka, Alaska

Selected Parcel: 2003 ANNA ID: 30952006

Printed on 11/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
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.



City & Borough of Sitka, Alaska

Selected Parcel: 2003 ANNA ID: 30952006

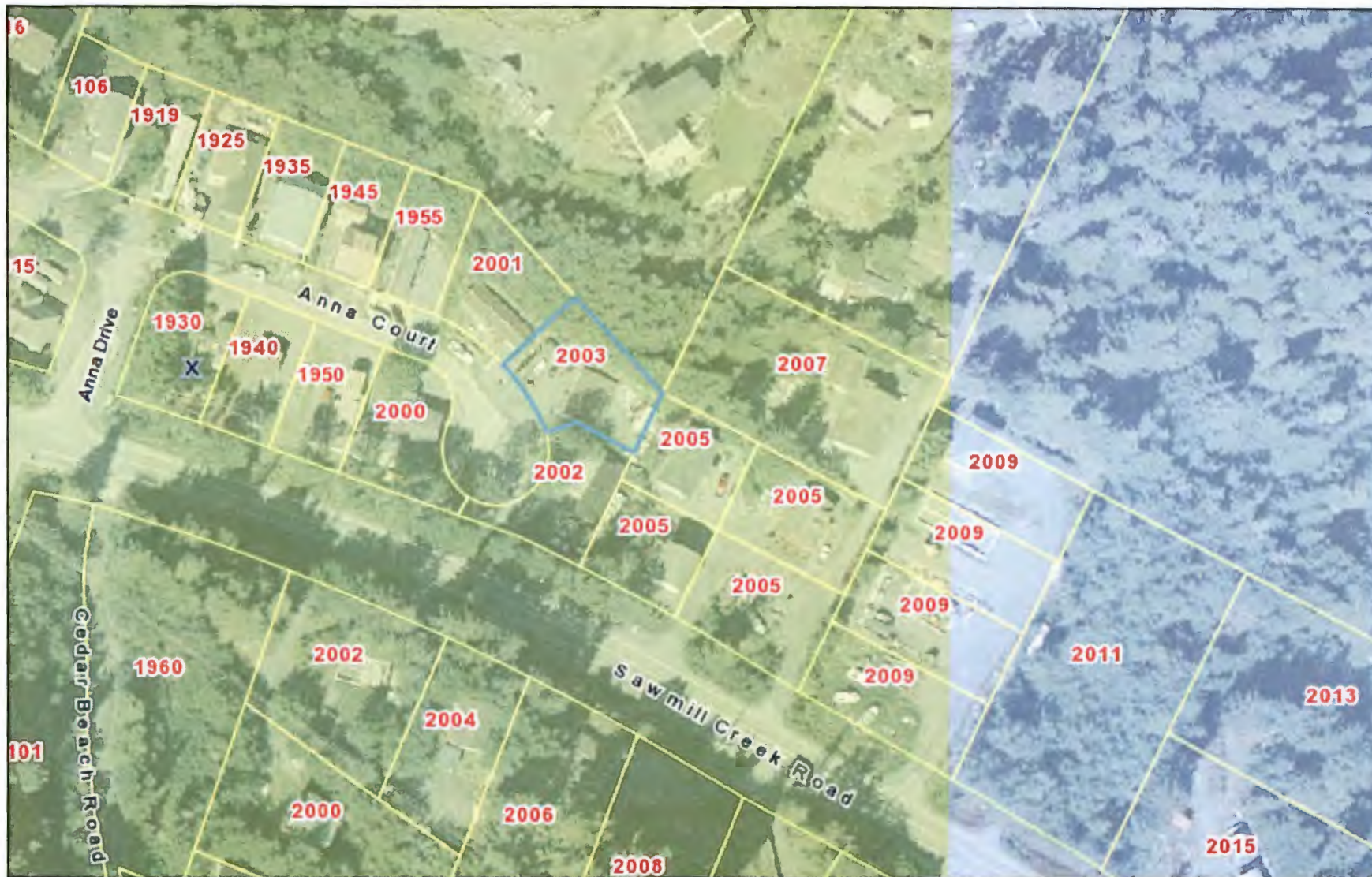
Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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City & Borough of Sitka, Alaska

Selected Parcel: 2003 ANNA ID: 30952006

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
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.







CERTIFICATE OF REGISTERED ENGINEER OR SURVEYOR

I HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL CIVIL ENGINEER/LAND SURVEYOR AND THAT THIS PLAN REPRESENTS THE SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THE MONUMENTS SHOWN THEREON ACTUALLY EXIST AS LOCATED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

JAN 24, 1978
DATE

David S. Miller
REGISTERED ENGINEER OR SURVEYOR

SEAL



PLAT RESTRICTION:

ALL UTILITIES INCLUDING WATER, SEWER AND ELECTRICAL PLUS THE ROAD MUST BE CORRECTLY INSTALLED AND ACCEPTED BY THE CITY AND BOROUGH OF SITKA PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER (S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DEDICATE ALL STREET, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: January 27th, 1978 OWNER: Theodore Wolf
WITNESS: David S. Miller OWNER: Helene Wolf

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 27 DAY OF January, 1978.

David S. Miller
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: 10/11/79

CERTIFICATION OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 77-58, DATED JAN 16, 1978, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE: 1/27/78

ATTEST

SECRETARY

Chairman, PLATTING BOARD

NOTE:

- 1) WHEN TWO BEARINGS AND/OR DISTANCES ARE SHOWN FOR A LINE, THE BEARING AND/OR DISTANCE IN PARENTHESES ARE AS PREVIOUSLY RECORDED. THE OTHER ARE AS MEASURED IN THE FIELD.
- 2) 5' OF FRONTAGE ON LOTS 1 THROUGH 12 DEDICATED FOR SLOPE, DRAINAGE, POWER POLE AND GUY EASEMENT.

CURVE DATA

RADIUS	DELTA	TANGENT LENGTH	CHORD
1. 50.00'	76°56'00"	63.18'	106.95'
2. 40.00'	122°01'45"	72.20'	85.19'
3. 30.00'	45°53'28"	32.23'	61.28'
4. 80.00'	32°42'32"	23.48'	45.67'
5. 52.13'	93°28'00"	34.10'	52.38'
6. 147.15'	52°12'10"	72.09'	134.07'
7. 82.73'	77°18'00"	64.16'	111.61'
8. 35.71'	90°20'00"	55.71'	66.09'
9. 147.15'	27°00'00"	35.33'	69.33'
10. 147.15'	25°12'10"	32.90'	64.73'
11. 45.00'	132°41'20"	102.73'	104.21'
12. 45.00'	86°06'30"	41.32'	64.84'



VICINITY MAP
Scale: 1" = 1 mile

LEGEND

- B.L.M. MONUMENT FOUND
- PRIMARY MON. SET THIS SURVEY
- SECONDARY MON. SET THIS SURVEY

PRIMARY MONUMENT

BERNSTEN FEDERAL MON. (A-1)
3" AL. CAP W/30" AL. PIPE
OR BRASS CAP SET IN CONC.

SECONDARY MONUMENT

1" PLASTIC CAP SET ON 5/8" REBAR OR 1-1/2" AL. CAP SET ON 5/8" REBAR.

SITKA 78-166

Sitka

2/1/78

11:54 A

City of Sitka

CERTIFICATE

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING ASSESSOR FOR THE CITY AND 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: THEODORE WOLF (DESCRIPTION) U.S.S. 3249 AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 78 WILL BE DUE ON OR BEFORE July 1978.

DATED THIS 27th DAY OF JANUARY 1978, AT SITKA, ALASKA.

David S. Miller
ASSESSOR, CITY AND BOROUGH OF SITKA.

CERTIFICATION OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN MINUTE BOOK 5, PAGE 2-10, DATED 1/24/78, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE: 2-1-78

ATTEST

CLERK-TREASURER

NOTE:

BASIS-OF-BEARING IS TAKEN FROM AN INVERSE BETWEEN B.L.M. MONS. COR. 4, U.S.S. 3249 & COR. 1 OF LOT 5/COR. 4 OF LOT 4, U.S.S. 3557.
(REC. N 67°47'47"W ~ 822.83')
MEAS. N 67°47'47"W ~ 821.36'

AREA OF SUBDIVISION = 2.88 AC.

DRAWN: TME
CHECKED: RWH
DATE: 12-27-77
FIELD BOOK
SCALE: 1" = 50'
JOB NO: 70040
JOB: SITKA

TRYCK
NYMAN
& HAYES
ENGINEERS / PLANNERS / SURVEYORS

VERSTOVIA PARK
SUBDIVISION
NO. 2

WITHIN LOT 1 OF U.S. SURVEY 3249
SITKA, ALASKA

Plat No. 78-2 Sheet 10



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

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:

Construct accessory dwelling.

PROPERTY INFORMATION:

CURRENT ZONING: R-1MH PROPOSED ZONING (if applicable): _____
CURRENT LAND USE(S): _____ PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: William Lates Patrick
PROPERTY OWNER ADDRESS: 2003 Anna Circle
STREET ADDRESS OF PROPERTY: 2003 Anna Circle
APPLICANT'S NAME: William L Patrick
MAILING ADDRESS: 2003 Anna Circle
EMAIL ADDRESS: baranoflandscaping@yahoo DAYTIME PHONE: 907-738-4969

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: 6 BLOCK: _____ TRACT: _____
SUBDIVISION: Verstovik Sh NO. 2 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:

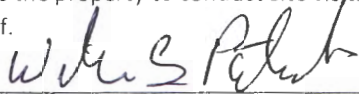
- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

If Pertinent to Application:

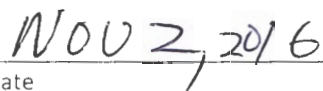
- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

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

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

Date: 11/08/2016
Receipt: 2017-00023039
Cashier: Front Counter
Received From: WILLIAM PATRICK

PLAN - Planning Permits/Zoning	100.00
ST1 - Sales Tax 4th quarter	5.00
Receipt Total	105.00
Total Check	105.00
Total Remitted	105.00
Total Received	105.00

SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 11/8/16

To:

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

Variance.....	
Conditional Use Permit.....	ADU X \$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.....	\$5.00
TOTAL.....	105.00

Thank you

2007-000065-0

Recording Dist: 103 - Sitka
1/16/2007 8:43 AM Pages: 1 of 1

A
L
A
S
K
A



S-06-6895

WHEN RECORDED RETURN TO:

Name: William Patrick
Address: 2003 Anna Circle
Sitka, Alaska 99835

WARRANTY DEED

THIS INDENTURE, made and entered into this 12th day of December, 2006 by and between

JOHN N. HANSEN, a single man

whose mailing address is: 2003 Anna Circle, Sitka, AK 99835, **GRANTOR**, and

WILLIAM PATRICK, a single man

whose mailing address is: 2003 Anna Circle, Sitka, AK 99835, **GRANTEE**,

WITNESSETH:

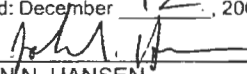
That the said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, does by these presents convey and warrant unto said Grantee, all of the following described property, to wit:

Lot Six (6), VERSTOVIA PARK SUBDIVISION NO.2, according to the plat thereof filed February 1, 1978 as Plat No. 78-2, Sitka Recording District, First Judicial District, State of Alaska

SUBJECT TO covenants, conditions, easements, restrictions, reservations and rights-of-way of record, if any.

TO HAVE AND TO HOLD the premises, with the appurtenances unto the said Grantee, and to its heirs and assigns forever.

Dated: December 12, 2006


JOHN N. HANSEN

STATE OF ALASKA

)

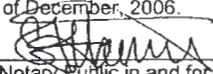
) ss.

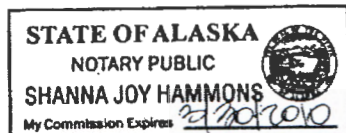
FIRST JUDICIAL DISTRICT

)

On this day personally appeared before me: JOHN N. HANSEN to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal this 12th day of December, 2006.


Notary Public in and for the State of Alaska
My commission expires: 3/20/2010



Parcel ID: 18590000
U.S. FOREST SERVICE
U.S. FOREST SERVICE
208 SIGINAKA WAY
SITKA AK 99835

Parcel ID: 30950030
DANIEL/KATHLEEN FALVEY/O'GARA
FALVEY, DANIEL/O'GARA, KATHLEEN
123 ANNA DR
SITKA AK 99835

Parcel ID: 30950050
ARNE/TRACIE HARANG
HARANG, ARNE, T./TRACIE
122 ANNA DRIVE
SITKA AK 99835

Parcel ID: 30952001
MICHAEL/CRYSTAL
BRICKER/OOSTEMA
BRICKER, MICHAEL & OOSTEMA,
CRYSTAL
P.O. BOX 144
HIGH ROLLS NM 88325

Parcel ID: 30952002
HECTOR HURTADO
HURTADO, HECTOR
P.O. BOX 615
SITKA AK 99835-0615

Parcel ID: 30952003
DANIEL/SANDY BAIRD
BAIRD, DANIEL, R./SANDY, D.
1950 ANNA CIRCLE
SITKA AK 99835

Parcel ID: 30952004
GLENN HOWARD
HOWARD, GLENN, B.
2000 ANNA CIRCLE
SITKA AK 99835

Parcel ID: 30952005
PATRICK BARKER
BARKER, JR., PATRICK
603 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30952006
WILLIAM PATRICK
PATRICK, WILLIAM
2003 ANNA CIRCLE
SITKA AK 99835

Parcel ID: 30952007
ELMER DIAZ
DIAZ, ELMER
2001 ANNA CIRCLE
SITKA AK 99835

Parcel ID: 30952008
RALPH/LORI FAVA
FAVA, RALPH, C./LORI, D.
109 KNUTSON DR.
SITKA AK 99835

Parcel ID: 30952009
VIRGINIA OLNEY
OLNEY, VIRGINIA, E.
P.O. BOX 2456
SITKA AK 99835-2456

Parcel ID: 30952010
CAROLYN LEMMON
LEMMON, CAROLYN, A.
41 S. BONNER ST
NANPA ID 83651-7600

Parcel ID: 30952011
BRIAN MORTENSEN
MORTENSEN, BRIAN, W.
1925 ANNA CIRCLE
SITKA AK 99835

Parcel ID: 30980002
MURRAY/GINA LAWSON
LAWSON, MURRAY, G./GINA, E.
2007 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30980003
TRACY/MIYOKO WOLFE
WOLFE, TRACY, A./MIYOKO, T.
102 OCEANVIEW ST
SITKA AK 99835

Parcel ID: 30981001
RICHARD FORST
FORST, RICHARD
306 ISLANDER DR
SITKA AK 99835

Parcel ID: 30981002
AUDREY BEAM
BEAM, AUDREY
2005-B SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30981003
ILONA MAYO
MAYO, ILONA, A.
2005-C SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30981004
TOMMY JOSEPH
JOSEPH, TOMMY, L.
620 MERRILL ST.
SITKA AK 99835

Parcel ID: 31000000
CHARLIE/FRANKIE BACON
BACON, CHARLIE/FRANKIE
312 PETERSON AVE
SITKA AK 99835

Parcel ID: 31020001
NITE
NITE
111 SAND DOLLAR DR
SITKA AK 99835-9510

Parcel ID: 31020003
ROGER/JEANINE SCHMIDT/BROOKS
SCHMIDT, ROGER/BROOKS, JEANINE
2004 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31030000
ROBERT/GAYLE HAGEN
HAGEN, ROBERT & GAYLE
P.O. BOX 2334
SITKA AK 99835-2334

Parcel ID: 31035000
ROBERT/GAYLE HAGEN
HAGEN, ROBERT & GAYLE
P.O. BOX 2334
SITKA AK 99835-2334

Parcel ID: 31509001
ADAM/KRIS CHINALSKI
CHINALSKI, ADAM & KRIS
2174 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 31509002
ADAM/KRIS CHINALSKI
CHINALSKI, ADAM & KRIS
2174 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 31509003
SETH CHARLTON
CHARLTON, SETH
2009 SAWMILL CREEK RD, #C
SITKA AK 99835

Parcel ID: 31509004
JEFF DOBLER
DOBLER, JEFF, A.
2009 SAWMILL CREEK RD, #E
SITKA AK 99835

P&Z Mailing
December 9, 2016



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 16- 15 **Version:** 1 **Name:**

Type: Subdivision **Status:** AGENDA READY

File created: 12/1/2016 **In control:** Planning Commission

On agenda: 12/20/2016 **Final action:**

Title: Public hearing and consideration of a concept plat of a major subdivision of 800 Alice Loop to result in 11 lots. The property is also known as Lot 16 Ethel Staton Subdivision. The request is filed by Shee Atika, Inc. The owner of record is Shee Atika Holdings Alice Island, LLC.

Sponsors:

Indexes:

Code sections:

Attachments: [Alice Loop Major 12.20.16](#)

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: December 16, 2016

From: Staff

To: Planning Commission

Re: P 16-15 Concept Plat of Alice Loop Major Subdivision

GENERAL INFORMATION

Applicant: Ptarmica McConnell, Shee Atika Holdings Alice Island, LLC

Property Owner: Shee Atika Holdings Alice Island, LLC

Property Address: 800 Alice Loop

Legal Description: Lot 16 Ethel Staton Subdivision

Parcel ID Number: 19012016

Size of Existing Lot: 110,176 s.f. (2.529 acres)

Zoning: Waterfront District

Existing Land Use: Undeveloped/Vacant

Utilities: Existing with some upgrade

Access: Direct off Alice Loop

Surrounding Land Use: residential, commercial, undeveloped, harbor

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

Providing for today...preparing for tomorrow

Attachment A: Vicinity Map
Attachment B: Application
Attachment C: Proposed Plat
Attachment D: Current Survey
Attachment E: Zoning Map
Attachment F: Ownership Information

BACKGROUND

Prior Plats/Subdivision: Alice Loop has gone through prior subdivision and Planned Unit Development via 4 plats: 1) The Alice & Charcoal Island Subdivision (Plat 2001-20); 2) the Ethel Staton Subdivision (Plat 2007-23); 3) The Sealing Cove Subdivision (Plat 2011-1); and 4) The William Paul Subdivision (Plat 2015-9).

Land use summary: The area is currently being developed along the Waterfront District into residential homes, commercial property, and soon to be developed property. Additionally, Sealing Cove Business Center currently utilizes adjacent land for commercial purposes that has been reutilized from its prior use as Mt. Edgecumbe Elementary School. There is also existing vacant land available for immediate development.

In the area, there is a mix of Waterfront District (WD) and Public Land District zoned property; Within the Waterfront District, there is a commercial building located at 415 Alice Loop with a mix of uses. To the northwest, is a commercial building located at 413 Alice Loop that currently contains radio towers and radio dish with AT&T logos on the equipment (major cell provider of the area). Adjacent to this parcel is more land zoned WD that developed into a commercial building to serve marine business. Around Alice Loop is land zoned WD, developed and held in ownership by Shee Atika, Holdings Alice Island, LLC and various individual owners. There are 11 residential single-family homes on lots on the exterior of Alice Loop (several currently completing interior finishing); and 5 attached condominiums. There are several vacant lots ready for further development within the Alice Loop Development. There is the Sealing Cove Business Center located at 601 Alice Loop, which contains tenants that include Eagle Quest Ministries, the Transportation Security Administration, and also was utilized by CBS for meetings until Centennial Hall is completed. It is the former Mt. Edgecumbe Elementary School. Above 415 Alice Loop is Sealing Cove Boat Harbor located within the Public Land District zone (P), served by two parking lots and one boat launch ramp accessed off of Airport Road. To the west, is land also zoned Public Lands District. Immediately adjacent is land within that zone utilized by the Department of Transportation and owned by the State. Over one lot toward the west is land utilized and owned by the City and Borough of Sitka for a Water Treatment Facility.

Historic Preservation Commission Review required: All end-user development that requires a building permit will be required to go in front of the Historic Preservation Committee prior to approval of the building permit to receive recommendations pertaining to the development.

Past rezone request: There was a recent request to rezone the area to a form of residential zoning that did not succeed.

CCRs for most surrounding lots: the 16 lots associated with the Ethel Staton Subdivision are subject to recorded conditions, reservations, and restrictions (2011 CCRs)¹; and Lots 1-5 of the Alice & Charcoal Island Subdivision are subject to restrictive use CCRs (2001 CCRs)². To sum, those CCRs restrict Lots 1-5 of the Alice and Charcoal Island Subdivision and Lots 1-15 of the Ethel Station Subdivision to residential uses and the CCRs do not restrict lot 16 (800 Alice Loop) of the Ethel Staton Subdivision to such residential use.

Waterfront Zoning District: In general, per code, “Many of the permitted and conditional uses in the ... WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the ... WD districts must be aware of and accepting of all the permitted uses in these districts.” [Edited for brevity]³

Further code directs that “the **Waterfront District is intended to be applied to lands** with direct access or **close-proximity** to navigable tidal waters within the urban areas of the city and borough. Uses are intended whenever possible to be water-dependent or water-related with particular emphasis on commerce, tourism, commercial or industrial enterprises which derive major economic or social benefit from a waterfront location”⁴ (emphasis added). Here, specifically 800 Alice Loop, is in close-proximity to tidal waters and significant features and facilities that support water dependent and water-related uses for commerce, tourism, and industrial enterprise exemplified by the Sealing Cove Harbor and surrounding business that cater to that industry and commerce. There is also a reference in the Coastal Management Plan that indicates residential use is not the preferred use for WD.

PROJECT DESCRIPTION

The concept plat proposal is to subdivide Lot 16 (2.529 acres or 110, 176 s.f.) of the Ethel Staton Subdivision into an eleven lot major subdivision (known as Alice Loop Subdivision). The 11 lots would range in gross size from 7,996 sf to 12,170 sf. The net sizes of those lots, which does not include access easement areas (Lot 9 & 10), are approximately over 7,457 sf well in excess of the required 6,000 sf as required by Tables 22.20-1.

Procedure: Major subdivisions follows the following procedure:

- A. Pre-application;
- B. Concept plat review by Planning Commission (**this stage**)
- C. Preliminary plat receive by Planning Commission;
- D. Review of any requested or needed platting variances by Planning Commission;

¹ Sitka Recording District Document Serial # 2011-001551-0

² Sitka Recording District Document Serial # 2001-002152-0

³ Residential Uses Table 22.16.015-1, Footnote 11.

⁴ 22.16.100 (A), Water Front District, Intent.

- E. Final plat review by Planning Commission;
- F. Appeal period for any final action by Planning Commission; and
- G. City Assembly review and approval of final plat.⁵

Comprehensive Plan:

The proposal is consistent with the Comprehensive Plan Sections:

- 2.6.1. To facilitate the availability of adequate land zoned for residential, commercial, industrial and waterfront development; and
- 2.6.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas

This proposed major subdivision concept plat would provide adequate land for waterfront development.

Conformity with Subdivision Code

Access Easements:

According to Sitka General Code 21.40.030.A, the municipality shall be a party to all easements. A plat note regarding the easements should be added to the preliminary and final plat.

All access easements per 21.40.120(A) shall be twenty feet. The applicant has provided two access easements on Lots 9 & 10 that do not meet that standard; however, it is believed the purpose of these is for parking, and should instead be referred to as parking easements. In addition, the easement area calculations are off on the lot easement area table provided and should be corrected to detail the accurate areas.

Preliminary Plat Submission Requirements

To move forward, the preliminary plat shall comply with SGC 21.32.040, subject to flexibility found in 21.52. It is noted at least ten days prior to review of the preliminary plat the lots shall be flagged according to the above code.⁶

Final Plat Submission Requirements

Please note: SGC 21.32.160 Major Subdivision – Final Plat submission requirements states, “The plat shall comply with the development and design standards contained in this title...” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC section 21.40.160, Required Monumentation – Final Plat Monuments. While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

⁵ Section 21.32.010—General Outline of Procedure for Major Plat Approval.

⁶ Section 21.32.040 (D).

The Planning Commission may approve with conditions a plat pursuant to SGC 21.32.050. In this case, it is recommended to approve the concept plat subject to the general conditions that the access easement be corrected, the easement area calculations be corrected, and that all design and submission requirements for the final plat be met prior to resubmission, such as flagging, monumentation, and utilities.

FINDINGS:

Staff recommends the following findings:

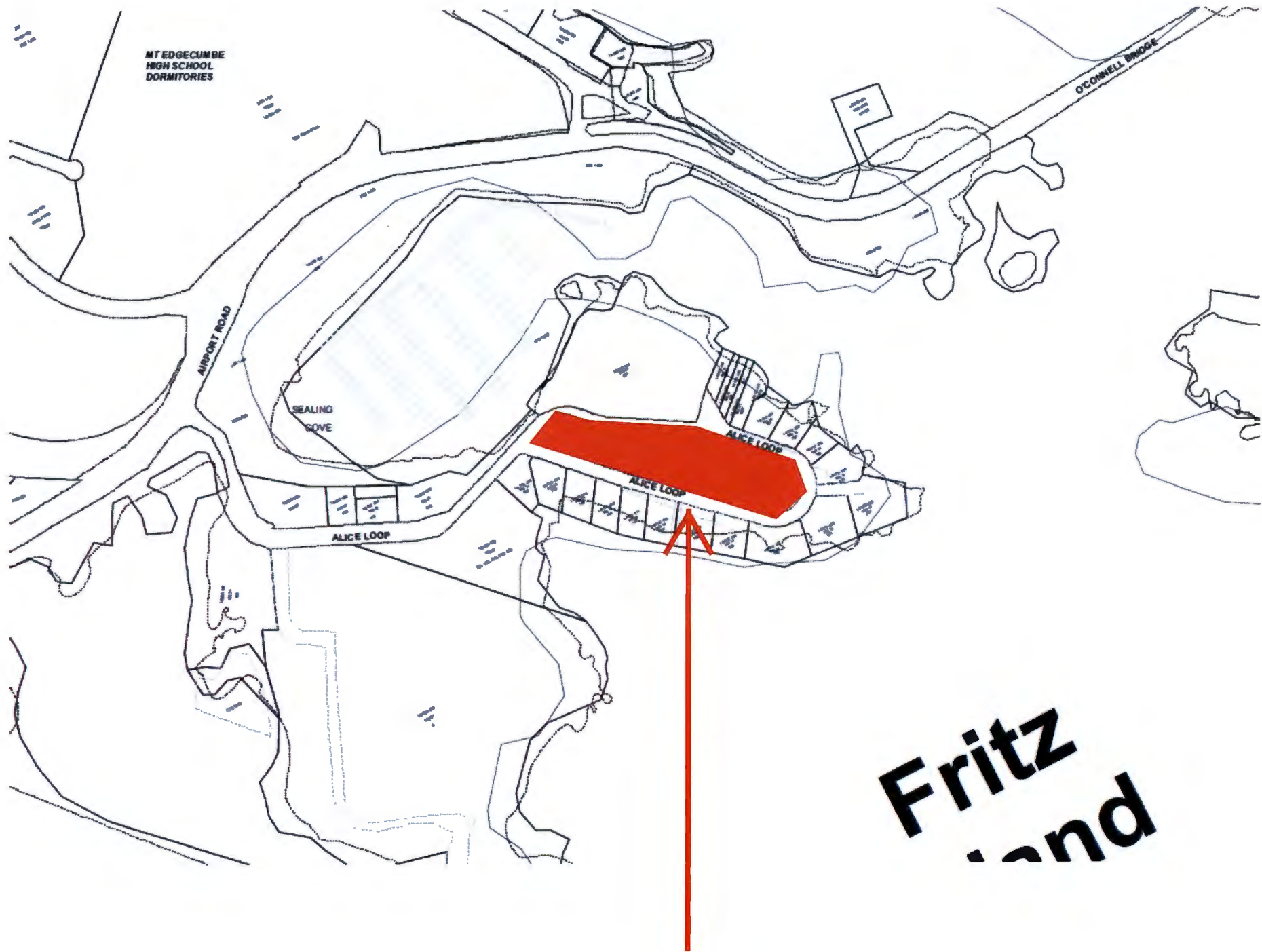
- 1) That the proposed subdivision complies with the comprehensive plan by providing for the development of additional waterfront zoned property;
- 2) That the proposed major subdivision complies with the Subdivision Code as conditioned; and
- 3) That the major subdivision would not be injurious to the public health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planner's analysis and findings and move to approve the concept plat of the major subdivision of Alice Loop Subdivision subject to conditions of approval.

RECOMMENDED MOTIONS (2)

- 1) **I move to find that:**
 - a. the proposed major subdivision concept plat complies with the comprehensive plan by providing for the development of additional waterfront zoned property;
 - b. That the proposed major subdivision concept plat complies with the Subdivision Code as conditioned; and
 - c. That the major subdivision concept plat would not be injurious to the public health, safety, and welfare.
- 2) Move to approve the concept plat of the major subdivision of Alice Loop Subdivision. This approval is subject to the attached conditions of approval. The request is filed by Ptarmica McConnell. The owner of record is Shee Atika Holdings Alice Island, LLC.
 - a. Conditions of Approval:
 1. The municipality shall be a party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.
 2. All major subdivision regulations be followed and any deviations from code be corrected prior to review of the final plat (e.g. flagging, easements, easement area details, and monumentation).





City & Borough of Sitka, Alaska

Selected Parcel: 800 ALICE ID: 19012016

Printed on 11/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



MainStreetGIS
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.



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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: Consideration of Alice Loop major Subdivision including utility Plan. Lot 16 of Ethel Staton Subdivision.

PROPERTY INFORMATION:

CURRENT ZONING: WD PROPOSED ZONING (if applicable): n/a

CURRENT LAND USE(S): n/a PROPOSED LAND USES (if changing): n/a

APPLICANT INFORMATION:

PROPERTY OWNER: Shee Atika Holdings Alice Island, LLC

PROPERTY OWNER ADDRESS: 315 Lincoln St., Ste. 300, Sitka AK 99835

STREET ADDRESS OF PROPERTY: 11

APPLICANT'S NAME: Ptarmica McConnell

MAILING ADDRESS: 315 Lincoln St., Ste. 300

EMAIL ADDRESS: ptarmica@sheeatika.com DAYTIME PHONE: 907-747-3534

PROPERTY LEGAL DESCRIPTION:

TAX ID: 92-0045953 LOT: 16 BLOCK: n/a TRACT: n/a

SUBDIVISION: Ethel Staton Subdivision US SURVEY:

Plat 2007-23

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

WE HEREBY CERTIFY THAT SHEE ATIKA HOLDINGS ALICE ISLAND, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

NOTARY'S ACKNOWLEDGMENT

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 PLAY 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

BY COMMISSION EXPIRES.

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

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED
AGAINST SAID LANDS ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR
_____, 20____ WILL BE DUE ON OR BEFORE AUGUST 15, 20____ DATED THIS _____
DAY OF _____

ASSESSOR CITY AND BOROUGH OF SITKA

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

DATE _____ CHAIRMAN, PLANNING COMMISSION

SECRET

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

DATE _____ TOWNSHIP, CITY AND BOROUGH OF SITKA _____

Abstract

KEYWORDS: *child abuse; child sexual abuse; child sexual exploitation; child sexual abuse investigation; child sexual abuse investigation team; child sexual abuse investigation unit; child sexual abuse investigation team; child sexual abuse investigation unit; child sexual abuse investigation team; child sexual abuse investigation unit*

1) PURPOSE - THE PURPOSE OF THIS PLAT IS TO SUB-DIVIDE LOT 16 OF THE ETHEL STOKROM SUBDIVISION PLAT #2007-23 SITKA RECORDING DISTRICT.

2) THIS PLAY IS SUBJECT TO THE FOLLOWING:

A. PLAT 2007-23
B. PLAT 2011-20
C. 2007-001778-0
D. 2011-001551-0

- ① MONUMENT RECOVERED
- REBAR AND ALUMINUM CAP SET THIS SURVEY

(S 21°02'45" E 208.71)	EXISTING DATA OF RECORD
S 21°01'24" E 208.67	DATA MEASURED OR CALCULATED

EXISTING PROPERTY LINE
PROPOSED PROPERTY LINE

PROPOSED PROPERTY

EXISTING CURB

EXISTING EASEMENT

----- PROPOSED EASEMENT

 EXISTING EASEMENT CREATED IN PLAT #2007-23 (ETHEL STATION SUBDIVISION) SITKA

 RECORDING DISTRICT

LOT #	EXISTING EASEMENT AREA (SF)	PROPOSED EASEMENT AREA (SF)	TOTAL EASEMENT AREA (SF)
1	311		311
2	245		245
3	185		185
4	221		221
5	239	173	412
6	221		221
7	232		232
8	531		531
9		106	106
10		86	86
11	36		36

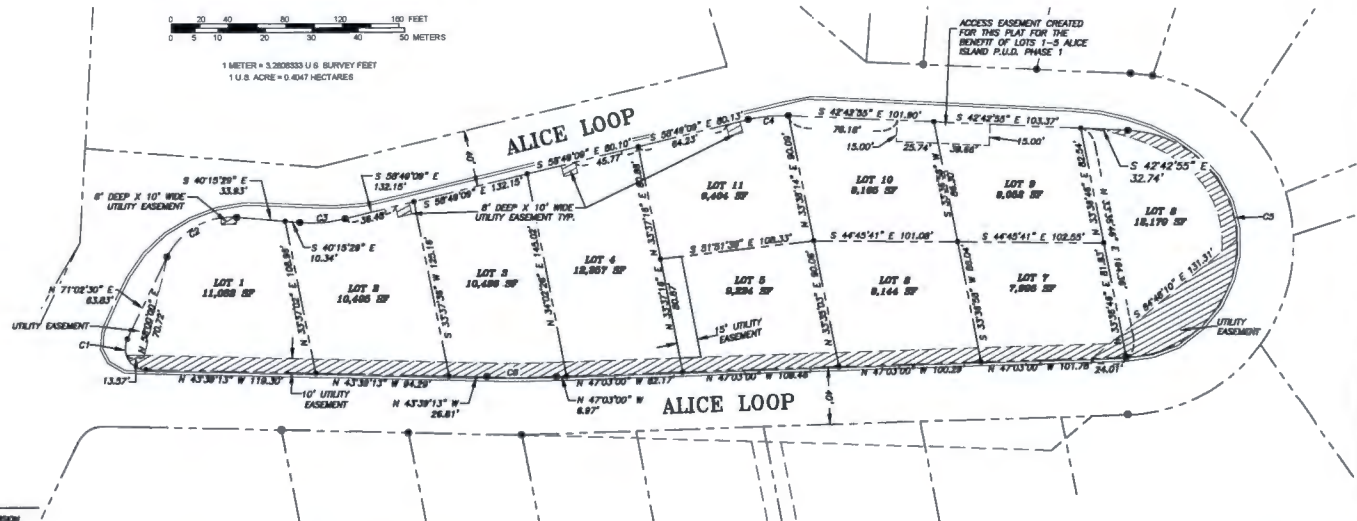


SCALE 1"=40'

THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING



1 METER = 3.2808333 U.S. SURVEY FEET
1 U.S. ACRE = 0.4047 HECTARES



CURVE #	RADIUS	DELTA ANGLE	ARC LENGTH
C1	15.0'	114°41'43"	30.03'
C2	50.0'	66°42'01"	59.93'
C3	100.0'	15°33'40"	32.40'
C4	100.0'	15°08'14"	28.11'
C5	80.0'	175°39'56"	245.26'
C6	823.66'	7°32'42"	48.81'

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

DATE _____ CHRISTOPHER G. FIGUAIN LS 107553



OWNER: SHEE ATIKA INCORPORATED
315 LINCOLN STREET, SUITE 300
SITKA, ALASKA 99835-7579

DATE: NOV. 2018	DRAWN BY: RKB	JOB NO. 182340
SCALE: 1"=40'	APPROVED BY: C.G.F.	SHEET 1 OF

SITKA RECORDING DISTRICT

Revisions	
No.	Description

R&M
R&M ENGINEERING-KITCHIKAN, INC.
355 Carleton Lake Road
Kenilworth, NJ 07033
Phone: (907) 225-7917
Fax: (907) 225-3441

CRAG OFFICE
P.O. BOX 1275
CRAIG AK 99921
Phone: (907) 698-2394
Fax: (907) 225-3441

PROJECT

ALICE LOOP SUBMISSION

**SUBDIVISION LOT 13 OF THE
ETHEL STATION SUBDIVISION**

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

10/9/07 *Robert P. O'Neill*
 DATE *Robert P. O'Neill*
 PRESIDENT OF SAFA
 SHERATKA, INCORPORATED

NOTARY'S ACKNOWLEDGMENT

US OF AMERICA
 STATE OF ALASKA
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 9 DAY OF OCTOBER, 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND EXPIRING PERSONALLY APPEARED *Robert P. O'Neill*, Chief Executive Officer, SAFA, INCORPORATED.

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE WITHIN PLAN AND I 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 AND YEAR IN THIS CERTIFICATE FIRST MENTIONED.

Samuel Russell
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES 4-15-2011

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 & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED ON THE TAX RECORDS IN THE NAME OF *SAFA, INC.*

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 CURRENT TAXES FOR THE YEAR 2007 WILL BE DUE ON OR BEFORE 11-1-2007.

DATED THIS 12TH DAY OF OCTOBER, 2007, AT SITKA, ALASKA.

James A. Crab
 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 MAP 10 DATED 03-01-00, AND THAT THE PLAN SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT REGISTRAR, EX-OFFICIO RECORDING, SITKA, ALASKA.

10/12/07 *Samuel Russell*
 DATE *Samuel Russell*
 SECRETARY

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 MAP 10 DATED 03-01-00, AND THAT THE PLAN SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT REGISTRAR, EX-OFFICIO RECORDING, SITKA, ALASKA.

10-9-7 *Samuel Russell*
 DATE *Samuel Russell*
 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 CHARGED ON THE RECORDS IN THE NAME OF *SAFA, INC.*

ALL TAXES OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL LIENS ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 12TH DAY OF OCTOBER, 2007, AT SITKA, ALASKA.

Samuel Russell
 FINANCE DIRECTOR
 CITY & BOROUGH OF SITKA

O'NEILL SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99583
 PHONE: (907) 747-6700
 FAX: (907) 747-7090
 EMAIL: onell@sealaska.net

RECORD OF REVISIONS

BY	DATE	REV	DESCRIPTION OF CHANGE



DESIGNED BY: *J. O'Neill*
 DRAWN BY: *J. O'Neill*
 CHECKED BY: *J. O'Neill*
 DATE OF PLATING: 10-09-2007
 SCALE: 1" = 200'
 DRAWING NUMBER: 30434-04-01
 PROJECT NO: 30434-04-01

SURVEYOR'S CERTIFICATE

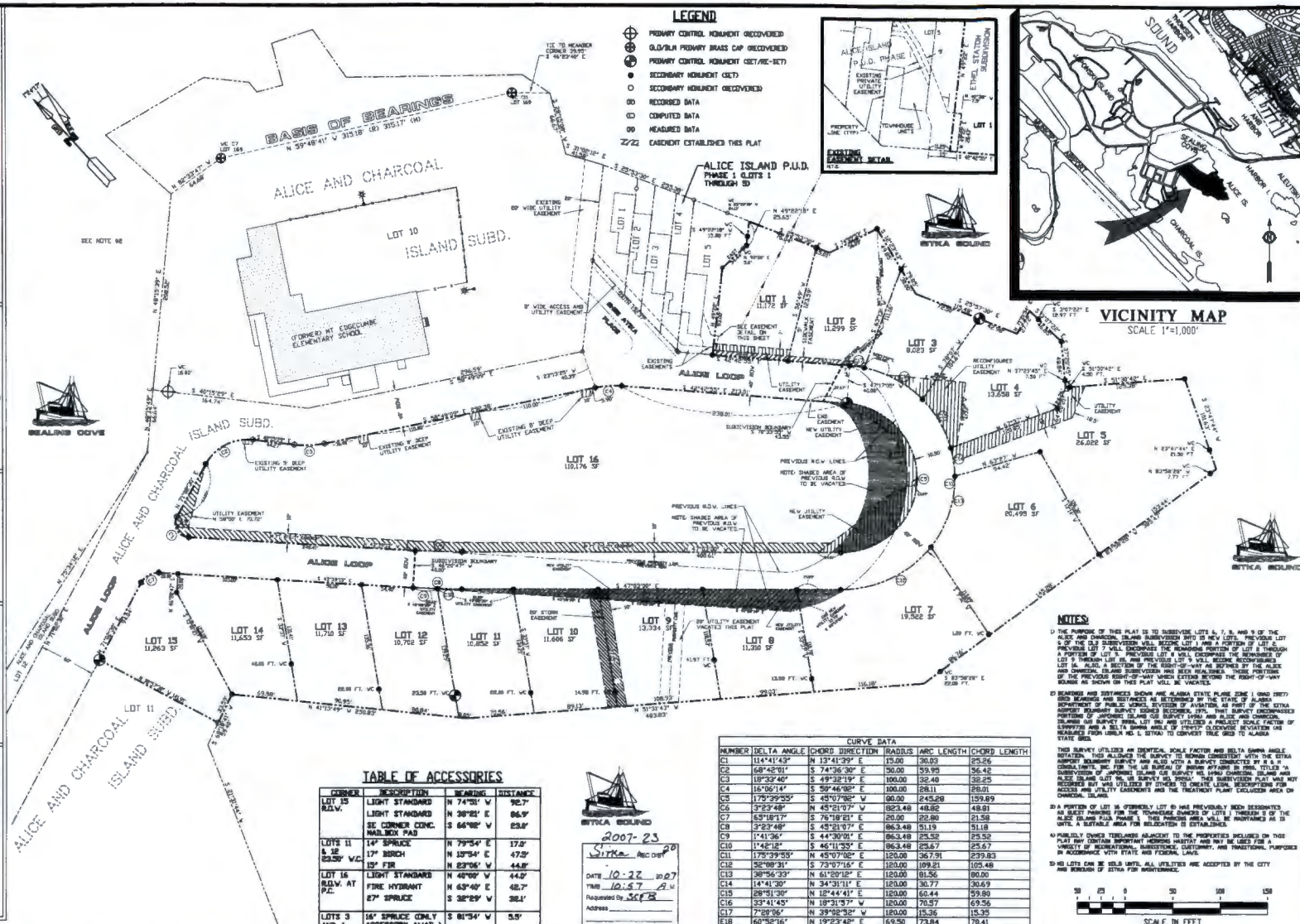
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN *SAFA, INC.*, I HAVE BEEN EMPLOYED AS A SURVEYOR OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

10/10/07 *Robert P. O'Neill*
 DATE *Robert P. O'Neill*
 SURVEYOR

ETHEL STATION SUBDIVISION

A SUBDIVISION OF LOTS 6, 7, 8, AND 9, ALICE AND CHARCOAL ISLAND SUBDIVISION

CLIENT: SHEE ATKA INC.





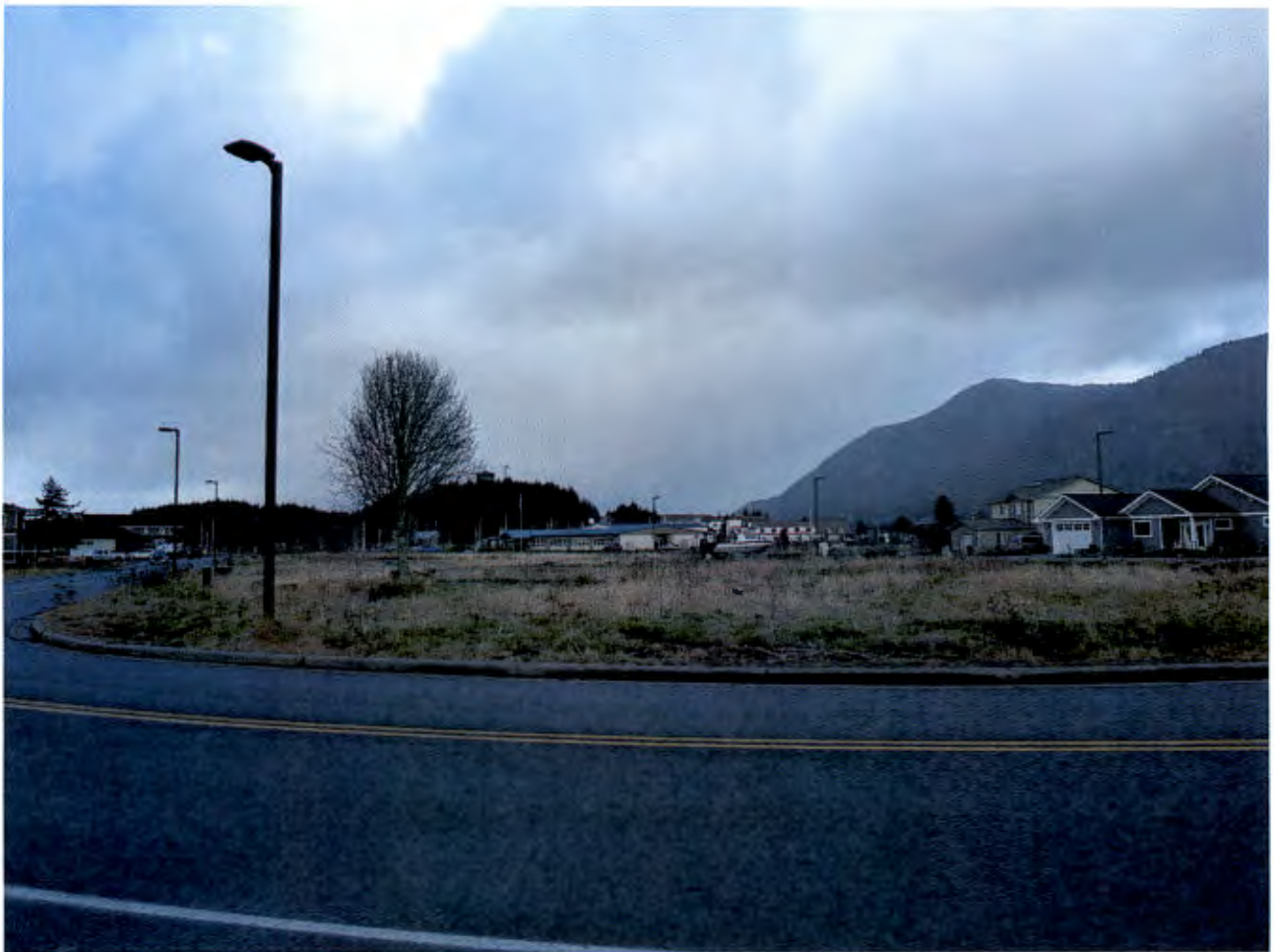


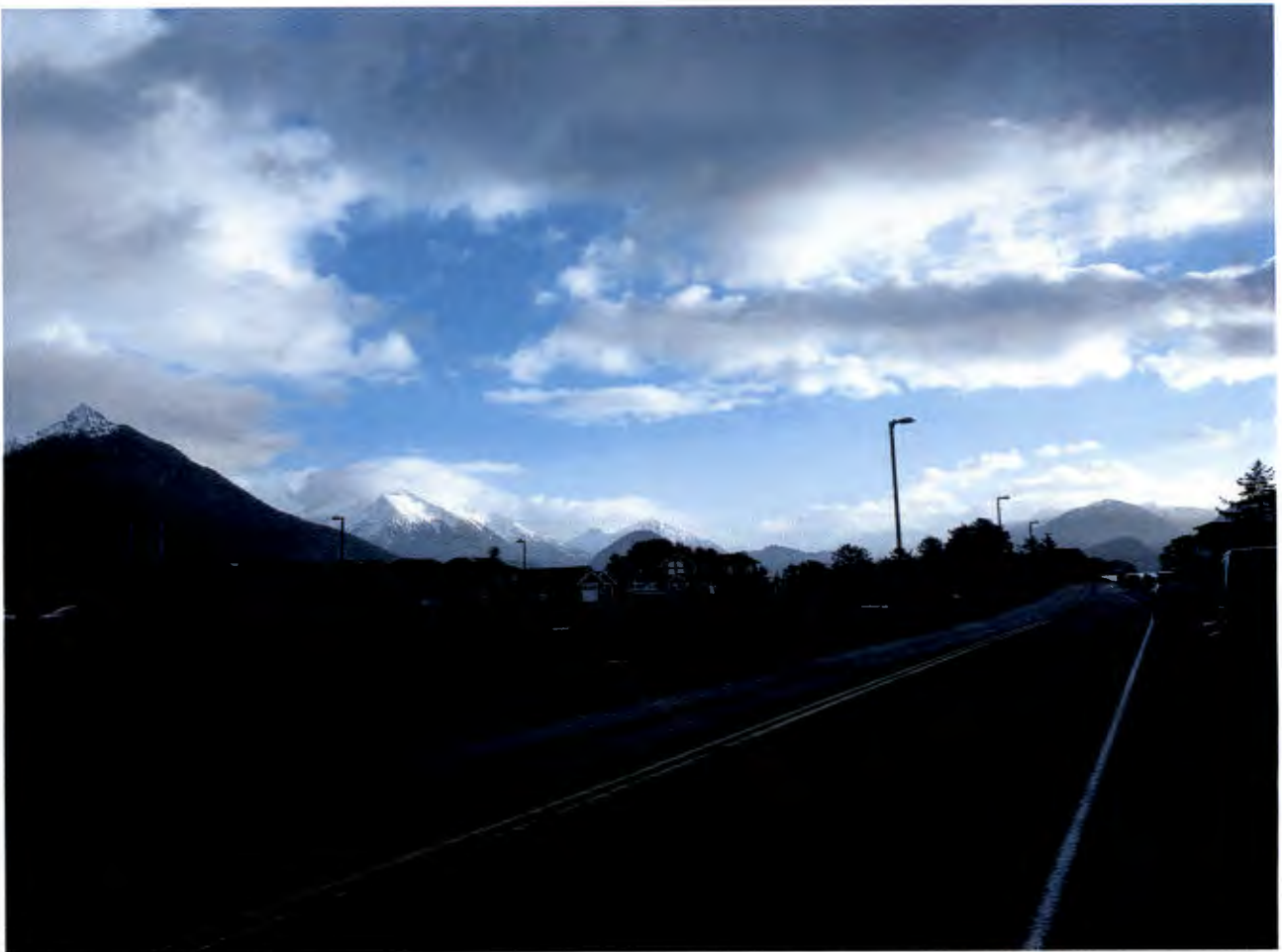




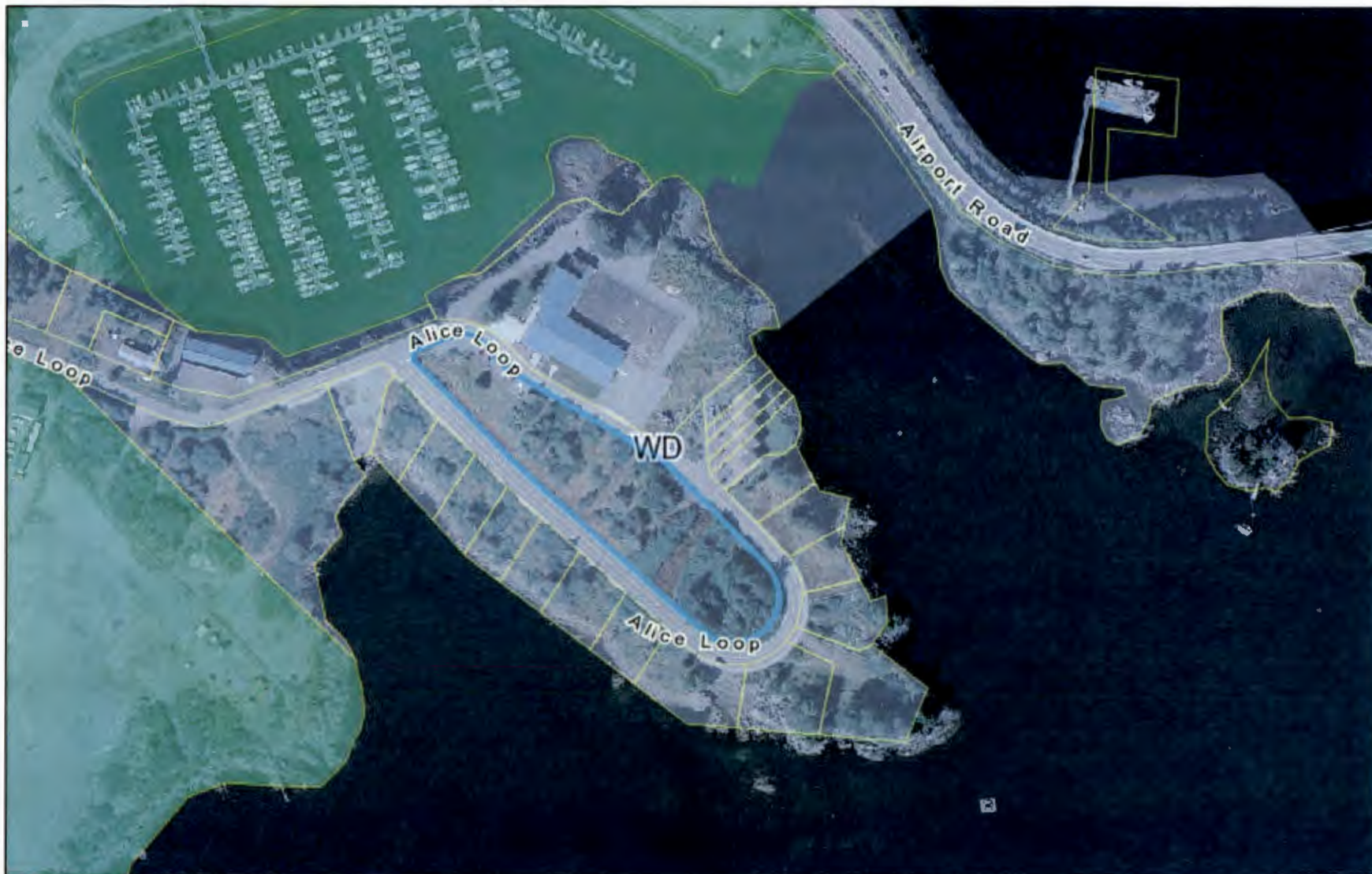












City & Borough of Sitka, Alaska

Selected Parcel: 800 ALICE ID: 19012016

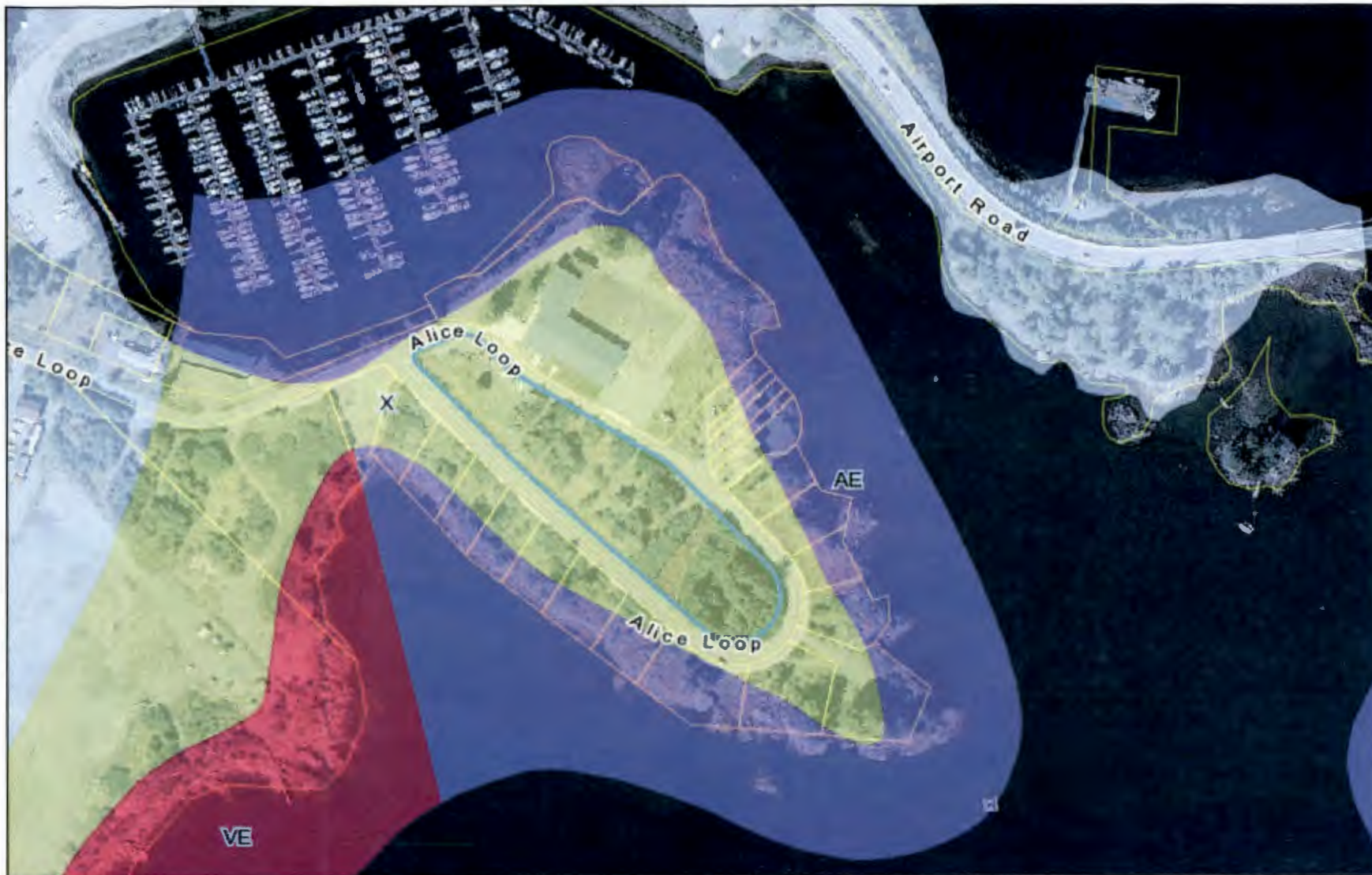
Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



MainStreetGIS
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City & Borough of Sitka, Alaska

Selected Parcel: 800 ALICE ID: 19012016

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



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**QUIT CLAIM DEED**

THE GRANTOR Shee Atika, Incorporated, a corporation organized under the laws of Alaska, 315 Lincoln Street, Suite 300, Sitka, Alaska 99835, does hereby convey and quitclaim to the GRANTEE Shee Atika Holdings Alice Island, LLC, a limited liability company organized under the laws of Alaska, 315 Lincoln Street, Suite 300, Sitka, Alaska 99835, the real estate including all improvements thereon (the "Property") situated in the Sitka Recording District, First Judicial District, State of Alaska and legally described as follows:

Lots 1 through 16 of the Ethel Staton Subdivision, according to the official plat thereof, filed under Plat Number 2007 - 23, recorded October 22, 2007 in the records of Sitka Recording District, First Judicial District, State of Alaska.

This conveyance is made for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged. Without in any sense intending to alter the status of this instrument as a statutory quit claim deed under AS 34.15.040, the Property conveyed hereunder is expressly conveyed by Grantor and accepted by Grantee AS IS, WHERE IS, in its present condition and subject to all defects, known and unknown, and without any warranties of whatsoever nature, express or implied, it being the intention of Grantor and Grantee expressly to negate and exclude all warranties.

DATED this 5TH day of November 2007.

SHEE ATIKA HOLDINGS ALICE ISLAND, LLC

By:
Robert G. Loiselle, President/CEO

State of Alaska

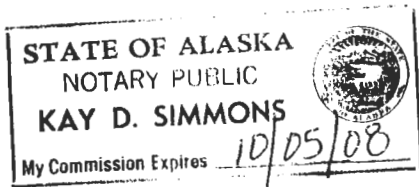
)

)ss.

First Judicial District

)

THIS IS TO CERTIFY that on this 5th day of November, 2007, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Robert G. Loiselle, the President/CEO of Shee Atika, Incorporated, a corporation organized and existing under the laws of the State of Alaska, to me known and known to me to be the President/CEO of said corporation, and acknowledged to me that he signed the foregoing instrument freely and voluntarily for and on behalf of said corporation by authority of its Board of Directors for the uses and purposes therein mentioned.



Notary Public
My Commission Expires: 10/05/08

Notary Public

My Commission Expires: 10/05/08

647015

WHEN RECORDED,
RETURN TO:

Robert G. Loiselle
President/CEO
Shee Atika Holdings Alice Island, LLC
315 Lincoln Street, #300
Sitka, AK 99835



Parcel ID: 19000001
SHEE ATIKA HOLDINGS ALICE ISLAND
LL
(OLD MT. EDGE ELEM)
~~SHEE ATIKA HOLDINGS ALICE~~
ISLAND, LLC
315 LINCOLN ST, #300
SITKA AK 99835

Parcel ID: 19006000
BRYAN/GERALDINE JONES
JONES, BRYAN & GERALDINE
2821 LEEWARD PLACE
ANCHORAGE AK 99516

Parcel ID: 19012001
TRAVIS/PATTI HUDSON FAMILY
TRUST
HUDSON FAMILY TRUST, TRAVIS &
PATTI
701 ALICE LOOP
SITKA AK 99835

Parcel ID: 19012004
CHARLES/GRACE MORGAN/BROOKS
MORGAN, CHARLES & BROOKS,
GRACE
713 ALICE LOOP
SITKA AK 99835-9450

Parcel ID: 19012007
ATKINSON FAMILY TRUST
ATKINSON FAMILY TRUST
12800 CENTER COURT DR, STE 300
CERRITOS CA 90703

Parcel ID: 19012010
BARBARA/STEPHEN MORSE
MORSE, BARBARA/STEPHEN
314 TILSON ST
SITKA AK 99835

Parcel ID: 19012013
GERALD/MARY HELEM REVOCABLE
TRUST
HELEM REV. TRUST, GERALD & MARY
P.O. BOX 1811
SITKA AK 99835-1811

Parcel ID: 19012016
SHEE ATIKA HOLDINGS ALICE ISL LLC
SHEE ATIKA HOLDINGS ALICE
ISLAND, LLC
315 LINCOLN ST, #300
SITKA AK 99835

Parcel ID: 19002000
MARGARET STANFORD
STANFORD, MARGARET, SUSAN
663 ALICE LOOP
SITKA AK 99835

Parcel ID: 19008000
GORDON/EILEEN HARANG
HARANG, GORDON, S./EILEEN, K.
1517 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 19012002
RUSSELL/LYNNE BRANDON
BRANDON, LYNNE & RUSSELL
705 ALICE LOOP
SITKA AK 99835

Parcel ID: 19012005
JAMES/JILL DANIELS
DANIELS, JAMES & JILL
P.O. BOX 707
PELICAN AK 99832-0707

Parcel ID: 19012008
SCOTT/JEAN SEATON
SEATON, SCOTT & JEAN
P.O. BOX 243
GARDINER MT 59030-0243

Parcel ID: 19012011
TRAVIS/JENNIFER PETERSON
PETERSON, TRAVIS & JENNIFER
P.O. BOX 2312
SITKA AK 99835-2312

Parcel ID: 19012014
CAPRICE/RONALD PRATT
PRATT, CAPRICE & RONALD
753 ALICE LOOP
SITKA AK 99835

Parcel ID: 19020000
SHEE ATIKA, INC.
~~SHEE ATIKA, INC.~~
315 LINCOLN ST, STE #300
SITKA AK 99835

Parcel ID: 19004000
SEATTLE BOX COMPANY
SEATTLE BOX COMPANY
23400 71ST PLACE SOUTH
KENT WA 98032-2994

Parcel ID: 19010000
SITKA MAKAI, LLC
SITKA MAKAI, LLC
107-A TOIVO CIRCLE
SITKA AK 99835

Parcel ID: 19012003
RICHARD/DEBORAH DOLAND
DOLAND, RICHARD & DEBORAH
P.O. BOX 1714
SITKA AK 99835-1714

Parcel ID: 19012006
ROBERT/KIMBERLY HUNTER
HUNTER, ROBERT & KIMBERLEY
721 ALICE LOOP
SITKA AK 99835-9450

Parcel ID: 19012009
TOBY/NORMAN CAMPBELL
CAMPBELL, TOBY & NORMAN
106 RANDS DR
SITKA AK 99835

Parcel ID: 19012012
PAUL HAAVIG
HAAVIG, PAUL
745 ALICE LOOP
SITKA AK 99835

Parcel ID: 19012015
ERIC/JYNAL RADZIUKINAS
RADZIUKINAS, ERIC & JYNAL
800 HALIBUT POINT RD, APT 1
SITKA AK 99835

Parcel ID: 19022000
SEALING COVE HEATED STORAGE,
LLC
SEALING COVE HEATED STORAGE,
LLC
107-A TOIVO CIR
SITKA AK 99835

P&Z Mailing
December 9, 2016

CITY & BOROUGH OF SITKA
100 LINCOLN STREET
SITKA, AK 998357540

REPAID

Merchant ID: 000000002754907
Term ID: 04030014
409200114885

Phone Order

11/22/2016
00025480
it Counter
SHEE ATIKA

50.00

2.50

52.50

52.50

52.50

52.50

MC
XXXXXXXXXXXX9842
Entry Method: Manual
Apprvd: Online Batch#: 001036
11/22/16 10:41:15

CVV2 Code: M

Inv #: 000007 Appr Code: 022501

Total: \$ 52.50

I agree to pay above total
amount according to card issuer
agreement (Merchant agreement if
credit voucher)

16
CITY OF SITKA

Merchant Copy

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 11/21/16

To: Shree Atika

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

Variance.....	
Conditional Use Permit.....	
Minor Subdivision.....	
Major Subdivision.....	50.00
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	2.50
TOTAL.....	52.50

Thank you



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 16- 16 **Version:** 1 **Name:**

Type: Subdivision **Status:** AGENDA READY

File created: 12/1/2016 **In control:** Planning Commission

On agenda: 12/20/2016 **Final action:**

Title: Public hearing and consideration of a boundary line adjustment request for 3614 Halibut Point Road and 109 Harbor Mountain Road. The properties are also known as Lot 4 Tract A US Survey 3317, and Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Del Stengl and Ernestine Massey. The owners of record are Del Stengl and Ernestine Massey.

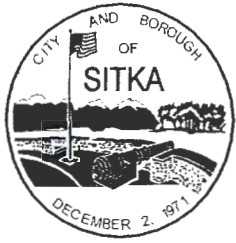
Sponsors:

Indexes:

Code sections:

Attachments: [Massey Stengl BLA 12.20.16](#)

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: December 9, 2016

From: Staff

To: Planning Commission

Re: P 16-16 Boundary Line Adjustment 3614 Halibut Point Road and 109 Harbor Mountain Road

GENERAL INFORMATION

Applicant: Del Stengl & Ernestine Massey

Property Owner: Del Stengl & Ernestine Massey

Property Address: 109 Harbor Mountain Road and
3614 Halibut Point Road

Legal Description: Lot 4 of USS 3317 and
Lot 2 LLA of
Lot 3 of USS 3317

Parcel ID Number: 25610000 & 25615000

Size of Existing Lot: 80,868/81,008 sf & 72,615 sf

Zoning: R-1 MH

Existing Land Use: Residential/Mobile/Mfg. Home Park/Undeveloped

Utilities: Full city services

Access: Access from Harbor Mountain Road

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

Surrounding Land Use: Residential/Mobile/Mfg. Home Park, Undeveloped, Public Lands, & Recreational

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Parcel Pictures

Attachment D: Application

Providing for today...preparing for tomorrow

Attachment E: Proposed Plat
Attachment F: Current Plat
Attachment G: Zoning Map
Attachment H: Flood Zone Map
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Proof of Ownership

BACKGROUND

Massey's property, 109 Harbor Mountain Road, has been historically used as a mobile/manufactured home park with a single-family house located adjacent to Halibut Point Road. Stengl's property, 3614 Halibut Point Road, is largely undeveloped, with the exception of some grading.

PROJECT DESCRIPTION

The Boundary Line Adjustment (BLA) is requesting a 4,234 square foot equal exchange of property. Massey will give to Stengl an equally sized portion near the SE portion of the property adjacent to Halibut Point Road, and Stengl will give to Massey an equal portion of property that runs parallel to the side property line to remove encroachments of existing trailers into Stengl's current property. The BLA will result in Massey's and Stengl's property changing boundary line, but gross area will remain the same in the equal *quid pro quo* exchange. **For contextual purposes, the proposed, related minor subdivision would result in Massey's Lot 2 expanding by 4,234 sf and Massey's Lot 1 contracting by 4,234 sf.

BLA – Incorporates a platting variance for easements and encroachments

In addition, the BLA shows the platting of easements and encroachments. **For contextual purposes, the proposed, related minor subdivision would result in splitting Massey's property (Lot 2 – 80,868 sf measured by former plat 96-29) into two lots (Lot 1 25,422sf and Lot 2 55,586 sf (total sum of 81,008 sf) measured by proposed preliminary minor subdivision plat).

Recorded and Historically Existing Easements

Existing recorded and historically existing easements are shown as follows:

The existing recorded easements include:

1. A 10 foot access and utility easement from Book 31, Pg. 717
2. A 15 foot access and utility easement from Book 21, Pg. 49-52
3. A 15 foot waterline easement from Book 21, Pg. 49-52
4. A 30 foot public access easement for Harbor Mountain Road

The proposed & historically existing easements include:

1. The 10 foot access and utility easement shifted slightly and expanded by approximately 48 feet (see 1 above)
2. The 15 access easement slightly shifted and expanded approximately 13.12 feet (see 2 above).

Encroachments into Right-of-Way and Municipal Property

The plat shows existing encroachments in three areas:

- 1) Encroachments into Stengl's property that would be corrected by the BLA
- 2) Encroachments into North Shuler Drive that are proposed to remain (shed)
- 3) Encroachments into municipal property at the rear of Massey's property (trailer, carport, shed) that are proposed to remain.

Boundary Line Adjustment

A boundary line adjustment (BLA) is applicable where two adjoining property owners wish to move, but not remove, a common boundary; this type of replat is common to eliminate or reduce encroachments and nonconformities with the provisions of Sitka General Code Titles 21 and 22 (SGC 21.16.010 A). The applicants are adjacent property owners who wish to move a boundary line at least in part to correct some encroachments into Mr. Stengl's property.

The decision to approve a BLA may be made by the department administratively pursuant to SGC 21.16.010, subject to the zoning regulations set out in Title 22. In this case, staff had the authority to make the decision on the BLA. If staff had exercised that authority, it would have decided to deny this application based upon Department policy regarding encroachment and the impacts such encroachments have on property rights as well as the substandard easements present. A denial of the BLA would have acted like a *defacto* denial of the platting variance application and the application for the minor subdivision that follow since those applications assume approval of the boundary line adjustment. Because of this and the interrelated nature of the variance and minor subdivision with the boundary line adjustment at hand, staff have decided to defer to the Planning Commission as staff believes there is one way where the approval could happen and that is with conditions of approval that mitigate the adverse impacts related to encroachments into adjacent property through removal of encroachments and modification of the easements to meet the standards of the subdivision code regarding access easements widths (SGC 21.40.120(A)).

Purpose of Subdivision Code

The purpose of the subdivision code includes, but it not limited to a direction:

- to promote and protect the public's health, safety and welfare;
- provide access for firefighting apparatus; and
- for orderly growth and development consistent with SGC and the Comprehensive Plan (SGC 21.04.020(A, F, K).

The current proposed boundary line adjustment contains elements of substandard development standards, encroachment into right-of-ways, and encroachment into adjacent property that are examples of clear impacts to the public's health, safety, and welfare, do not comply with the letter and spirit of the law found in Title 21 and 22 in regards to protecting private property rights, access/easement standards, regulation of nonconforming uses, and do not comply with the Comprehensive Plan. The existing and proposed access easements that are substandard and could negatively impact the ability of firefighting apparatus to have access to the parcels in case of emergency response as well as negatively impact the use of the parcels due to inadequate ingress and egress. In addition, the encroachments, which are types of trespass are injurious to the municipality's property rights and therefore are not in compliance with orderly growth and development consistent with SGC and the Comprehensive Plan.

Subdivision Code – Design and Construction Requirements and Monumentation

SGC 21.40.120(A), dictates that unless necessitated by unusual topographic, physical, or design features as determined by the planning commission, easements shall be twenty feet.

In this case, there are no unusual topographic conditions, physical features (including the existing mobile/mfg. homes), nor design features that necessitate deviation from the existing code features.

Platting Variance – Required Findings

An assumption in the BLA and Minor Subdivision includes a variance from access easement widths of twenty feet pursuant to SGC 21.40.120(A). Therefore a Platting Variance is an assumed integral aspect of all of the proposals.

SGC 21.48.010 Requirements for platting variances. A variance from the requirements of this title may be granted only if the planning commission *finds* that (emphasis added):

- A. The granting of the variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship.

In regard to the first requirement, there can be neither detriment to public health or safety nor injurious to adjacent property. The facts presented show encroachments into adjacent municipal property that are injurious to the property rights of the municipality. Not only does it tread upon the property rights it also increases liabilities as well – both of which are *per se* injuries. Further, it can be argued the access easements below standard could affect access of firefighting apparatus in the case of emergency another potential detriment. In this case, only harm to adjacent property need be shown to defeat the entire variance request.

The second requirement is twofold: First there must be a parcel of unusual size and shape or topographical conditions. The lot in creation has none of these features. Next, these unusual features must also cause undue and substantial hardship. In this case, not only are there no facts supporting unusual shape, size, or topographical features, there is also no proof that the requirement for meeting the code easement standard would cause undue and substantial hardship (exceptional hardship).

Purpose of Zoning Code

Among other principles, the purpose of the zoning code is:

- to protect and promote private property rights; and
- provide for gradual elimination of nonconformity (SGC 22.04.020(F & K)).

In this case, the proposal incorporates design features that are below standards for access easements and have numerous locations of encroachment into municipal property and the adjacent right-of-way. Interestingly, the proposal's purpose is to correct encroachment into Mr. Stengl's property, but Ernestine Massey has chosen not to take corrective steps regarding encroachment into municipal property. The facts support that the proposal does not correct encroachments into municipal property or the right of way, which does not promote or protect private property rights; while the proposal does eliminate the nonconformity of the encroachments into Stengl's property it seeks to expand the nonconforming access easements.

Development Standards of Title 22 – Zoning

The zone of the two parcels in question is Single-Family/Duplex/Manufactured Home District, which requires a minimum lot size of 8,000 sf.¹ The minimum lot area does not include access easements.²

Here the lots are far in excess of the minimum lot size, therefore, net lot size is a non-issue.

Germane to this discussion, the notes to the Development standards state "Where lots or parcels do not front on and have direct access to streets, a minimum twenty-foot improved driveway with a minimum twelve-foot wide

¹ SGC Table 22.20-1.

² SGC 22.20.035 Note 1 to Table 22.20-1.

drivable surface on a legal easement shall provide access between the subject development and the street.”³

Conformity with Code

SGC 22.04.030 requires conformity with code, which includes design standards and non-conforming uses.

In this case, the proposal does not comply with design standards regarding easements, there are existing use and structures encroaching into public right-of-ways and/or adjacent property, it does not entirely protect private property rights, it does not protect the public’s health, safety, and welfare, nor does it provide for the gradual elimination of nonconformity, but seeks to expand, extend, and relocate such nonconformity.

Non-Conforming Use/ Structures

As a matter of persuasive code, SGC 22.24.050(E)(3), gives wide flexibility for certain instances where nonconforming use and structures may be reconstructed, but explicitly does not allow encroachment into the public right-of-way or adjacent property.

In this case, there are several encroachments into public right-of-ways and/or adjacent municipal property.

Comprehensive Plan

Section 2.4.2 directs decision makers to make land use decisions in compliance with all applicable land use laws and policies. In addition, Section 2.4.19 directs decision makers “to consistently follow and enforce land use polices, codes, regulations and decision, and do so in accordance with the following policies and objectives...” “zoning and subdivision regulations are the primary mechanisms to manage land use in the Borough ... variances, and relief from the requirements shall be granted when all appropriate factors have been considered.”

The above code sections would be the applicable land use laws and the policy below would also be the basis for the decision in conjunction with the underlying principles and direction set out in the Comprehensive Plan above.

Encroachment Policy

Effective July 7, 2016, the Planning and Community Development Director established Policy 16-03, which states, “It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This Policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include, but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure’s new location will be in a setback, a variance will be required.

³ SGC 22.20.035 Note 2 to Table 22.20-1.

Grandfathering / Historical Use / Legal Nonconformity

It will be argued that the existing roads are “grandfathered” or should be grandfathered in. Those arguments should fail for several legally supported reasons.

First what the code states:

- 1) Nonconformity is defined in SGC 22.08.640 and can be summed as follows: a use that is no longer in compliance with current code, but was created in conformity with existing code.
- 2) Such as use, pursuant to SGC 22.24.050 (D 1-2), may continue so long as it is not enlarged or increased nor extended to a greater area or moved in whole or in part to any portion of land or lot.

Why it fails:

- 1) First, it was not legally created. The existing proposed easements are located in different locations than originally approved (There is a general legal principle that no rights ‘vest’ pursuant to illegal or erroneous action)⁴;
- 2) Further, the proposed easements show various degrees of enlargement, extension, and increase;
- 3) The proposed easement expands the land area of the nonconforming use; and/or
- 4) Moreover, the historical use is not a listed criteria for the approval of a variance from a development standard and grandfathering in is not the subject matter of this action.

FINDINGS

As proposed, the BLA:

1. Does not provide for orderly and consistent development consistent with the Sitka General Code and the principles, goals, and objectives of the Comprehensive Plan by not coming into compliance with existing design and development standards regarding easements as well as not correcting existing encroachments into adjacent property, both of which present detrimental impacts to the public’s health, safety, and welfare. Further, the proposal does not present facts that support the necessary findings regarding variances, which the SGC and the Comprehensive Plan require.
2. Access for firefighting apparatus would be dimensioned and below standard, which could be detrimental to the public’s health, safety, and welfare.
3. The encroachments into the adjacent municipal property and the right of way (North Shuler) would be injurious to those property rights.
4. There are not facts presented, as required by the findings for platting variances, to support a lot of unusual size and shape or topographical features, and the facts support adequate lot size and shape with no unusual topographical features in the areas surrounding the easements’ location.
5. There are no facts presented to support undue and substantial hardship to provide the appropriate easements and to correct the encroachment.

Alternatively, if the BLA be modified and approved subject to the conditions that 1) the easements be platted in according with existing design standards (i.e. 20 foot widths) and that all encroachments into adjacent property be corrected that the impacts to public, health, safety and welfare and the potential injuries to adjacent property have been satisfactorily eliminated.

⁴ Land Use Planning and Development Law, 2ed, Juergensmeyer, Section 5.28, pg. 183.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planners' analysis and suggested 2 sets of findings, and approve the BLA subject to the attached conditions of approval to mitigate any detrimental impacts

Recommended Motions: (3 motions - read and voted upon separately)

- 1) I move to find that:
 - a. As proposed, the BLA:
 - i. Does not provide for orderly and consistent development consistent with the Sitka General Code and the principles, goals, and objectives of the Comprehensive Plan by not coming into compliance with existing design and development standards regarding easements as well as not correcting existing encroachments into adjacent property, both of which present detrimental impacts to the public's health, safety, and welfare. Further, the proposal does not present facts that support the necessary findings regarding variances, which the SGC and the Comprehensive Plan require.
 - ii. Access for firefighting apparatus would be dimensioned and below standard, which could be detrimental to the public's health, safety, and welfare.
 - iii. The encroachments into the adjacent municipal property and the right of way (North Shuler) would be injurious to those property rights.
 - iv. There are not facts presented, as required by the findings for platting variances, to support a lot of unusual size and shape or topographical features, and the facts support a lot of adequate size and shape with no unusual topographical features in the areas surrounding the easements' location.
 - v. There are no facts presented to support undue and substantial hardship to provide the appropriate easements and to correct the encroachment.
- 2) I move to find that:
 - a. If modified subject to the attached conditions of approval that the easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet) and all encroachments connected to the properties in question into adjacent properties be removed prior to recording the Boundary Line Adjustment that the modifications and conditions of approval would eliminate the detrimental impacts to public, health, safety and welfare and the potential injuries to adjacent property.
- 3) I move to approve the Boundary Line Adjustment of 109 Harbor Mountain Road and 3614 Halibut Point Road in the R-1 MH district, subject to the attached conditions of approval. The property is also known as Lot 4 of USS 3317 and Lot 2 LLA of Lot 3 of USS 3317. The request is filed by Del Stengl and Ernestine Massey. The owners of record of the respective lots are Del Stengl and Ernestine Massey.
 - a. Conditions of Approval:
 - i. The easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet); and
 - ii. All encroachments connected to the properties in question into adjacent properties be removed prior to recording the Boundary Line Adjustment.



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

POLICY 16-03 ENCROACHMENT

Effective Date: July 7, 2016

Purpose: To establish consistent standards for planning actions involving encroachments within the Department.

Policy: It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

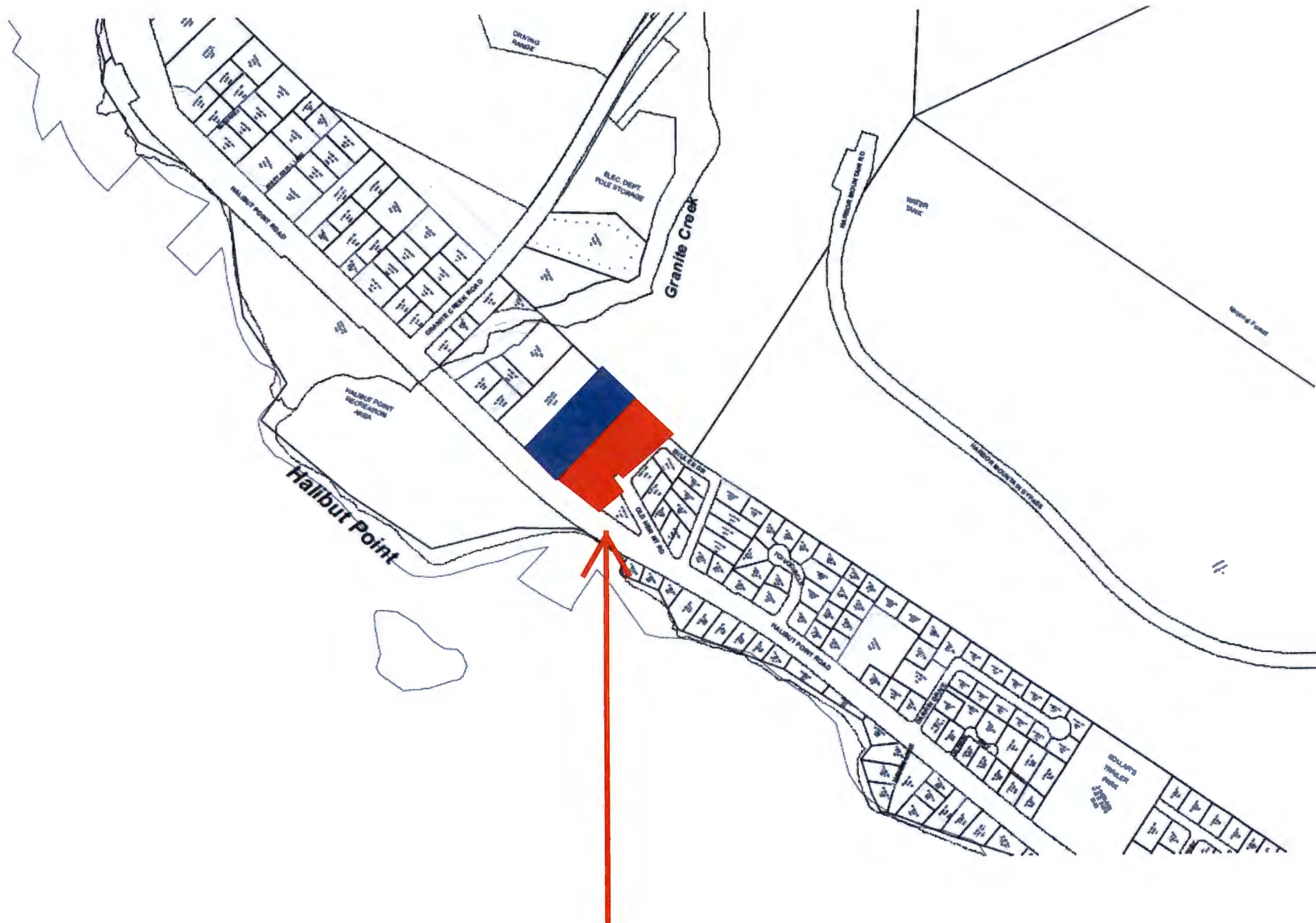
1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure's new location will be in the setback, a variance will be required.

Approved _____

Maegan Bosak, Director

Date _____

7/13/16





City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed on 11/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
500 ft



MainStreetGIS
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.





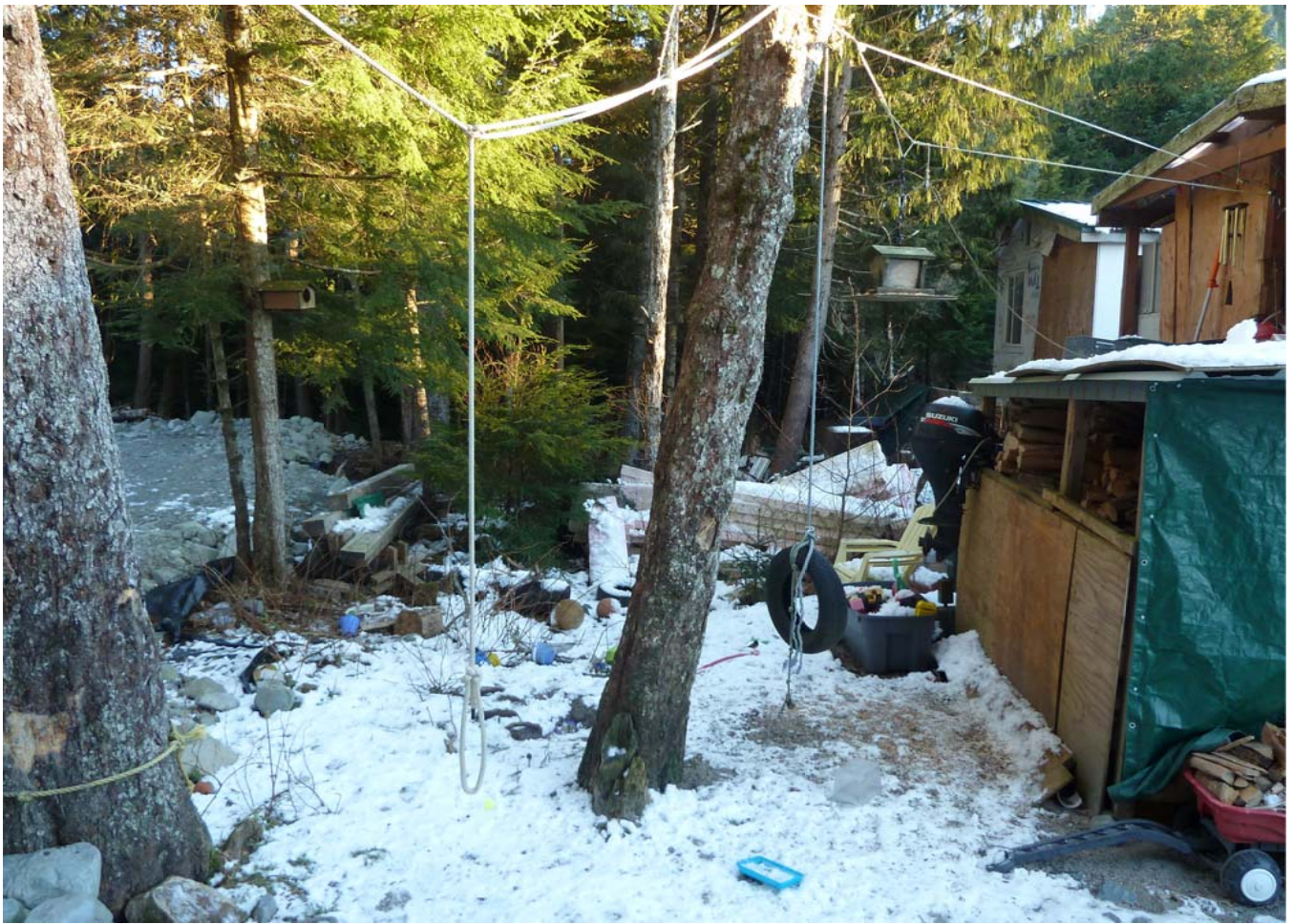


























(907) 747-6700 Fax (907) 747-7590

TO

DATE 4/23/16

SUBJECT STENGL & MASSRY SURDYS

CBS PLANNING DEPT.

> ATTACHED ARE COPIES OF TWO SUBDIVISION CONCEPT PLATS (FOR ERNSTINE MASSRY & DEL STENGL) THAT WE WOULD LIKE PUT ON THE PLANNING COMMISSION MEETING AGENDA FOR DEC. 20, 2016.

THE "MASSRY SUBDIVISION" IS THE 3 LOT SUBDV. / LOT LINE ADJ. YOU HAVE BEEN LOOKING AT FOR THE LAST SEVERAL MONTHS. ANOTHER PLAT, THE "STENGL - MASSRY LOT LINE ADJUSTMENT" INVOLVES ONLY THE LLA BETWEEN THE EXISTING STENGL & MASSRY LOTS. ITS APPROVAL WOULD ALLOW IMMEDIATE HOUSE CONSTRUCTION ON THE STENGL LOT, WHILE ENCROACHMENTS ARE BEING REMOVED FROM THE TRAILER COURT AT PART OF THE MASSRY SUB. SIGNED

P. O'Neil

☐ PLEASE REPLY

☐ NO REPLY NECESSARY



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

GENERAL APPLICATION FORM

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:** - STENGL-MASSEY LOT LINE ADJUSTMENT -ADJUST LOT LINE BETWEEN LOT 4, USS 3317 AND LOT 2 OF THE LOT LINEADJUSTMENT OF LOT 3, USS 3317**PROPERTY INFORMATION:**CURRENT ZONING: R1-MH PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:PROPERTY OWNER: ERNESTINE MASSEY | DEL STENGLPROPERTY OWNER ADDRESS: 109 HARBOR MOUNTAIN RD. | 4323 VALHALLA DR.STREET ADDRESS OF PROPERTY: (SAME) | 3614 HALIBUT PT. ROADAPPLICANT'S NAME: ERNESTINE MASSEY | DEL STENGLMAILING ADDRESS: (SAME) | (SAME AS OWNER ADDRESS)EMAIL ADDRESS: 747-3319 DAYTIME PHONE: 738-8084**PROPERTY LEGAL DESCRIPTION:**TAX ID: _____ LOT: LOT 2 BLOCK: _____ TRACT: _____SUBDIVISION: LOT LINE ADJ. OF LOT 3, USS 3317 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.

DelSteng Ernestine Massey
Owner

11/23/2016
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



(907) 747-6700 Fax (907) 747-7590

TO

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PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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Owner

11/23/2016
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Applicant (If different than owner)

Date

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND RECORDED HEREIN AND THAT WE HEREBY ADAPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND INDICATE ALL STREETS, ALLEYS, EASEMENTS, PAVED AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____ OWNER _____ SIGNATURE _____

DATE _____ OWNER _____ SIGNATURE _____

NOTARY'S ACKNOWLEDGMENT

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 EXPIRING _____, 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 ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING RECORDED PROPERTY IS CHARGED 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 ARE IN FAVOR OF THE CITY & BOROUGH OF SITKA AND PAID IN FULL THAT CURRENT TAXES FOR THE YEAR 20____ WILL BE DUE ON OR BEFORE AUGUST 31, 20____, WITHIN 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 REGISTRAR, 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 _____, 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 _____ NOTARY _____

CITY AND BOROUGH CLERK _____

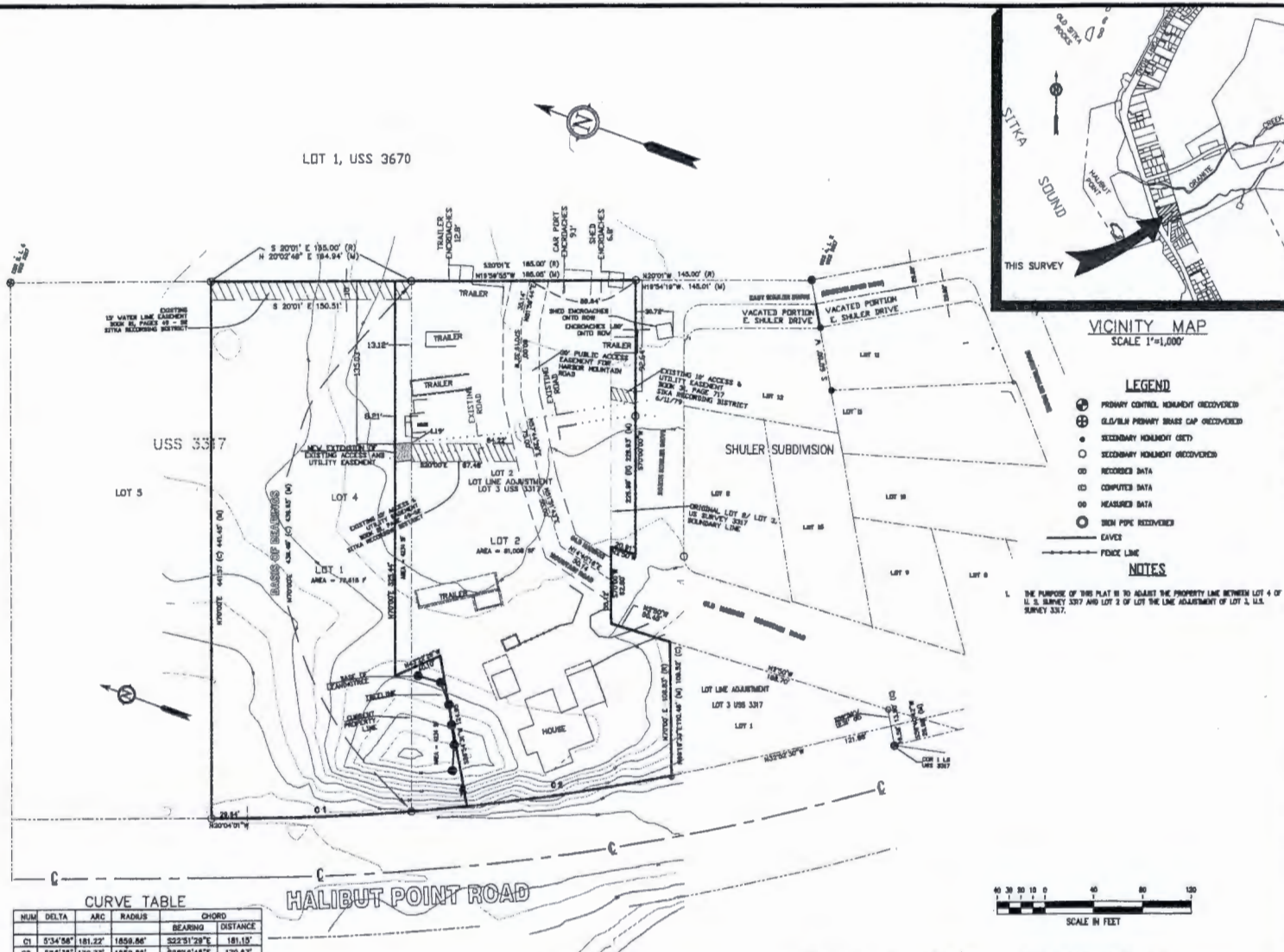
CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

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 RECORDED PROPERTY IS CHARGED ON THE RECORDS IN THE NAME OF _____

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

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

FINANCE DIRECTOR
CITY & BOROUGH OF SITKA



O'NEILL
SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
PHONE: (907) 747-0700
FAX: (907) 747-7590
EMAIL: onell@onell.net

RECORDED J. DONELL
BRYAN MASSEY/CLARK
CHECKED DEL
DATE OF PLAT/REV. ACN
SCALE 1"=1,000'
DRAWING NAME/SCALE
PROJECT NO. 30601-02

SURVEYOR'S CERTIFICATE

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

DATE _____ PATRICK S. O'NEILL, L.S. 6384

STENGL-MASSEY LOT LINE ADJUSTMENT

LOT 4, US SURVEY 3317 AND LOT 2 OF THE LOT LINE ADJUSTMENT OF LOT 3, US SURVEY 3317

CLIENT: DEL STENGL
4302 VALHALLA DR.
SITKA, ALASKA 99835

RECORD OF REVISIONS

BY	DATE	REV	DESCRIPTION OF CHANGE

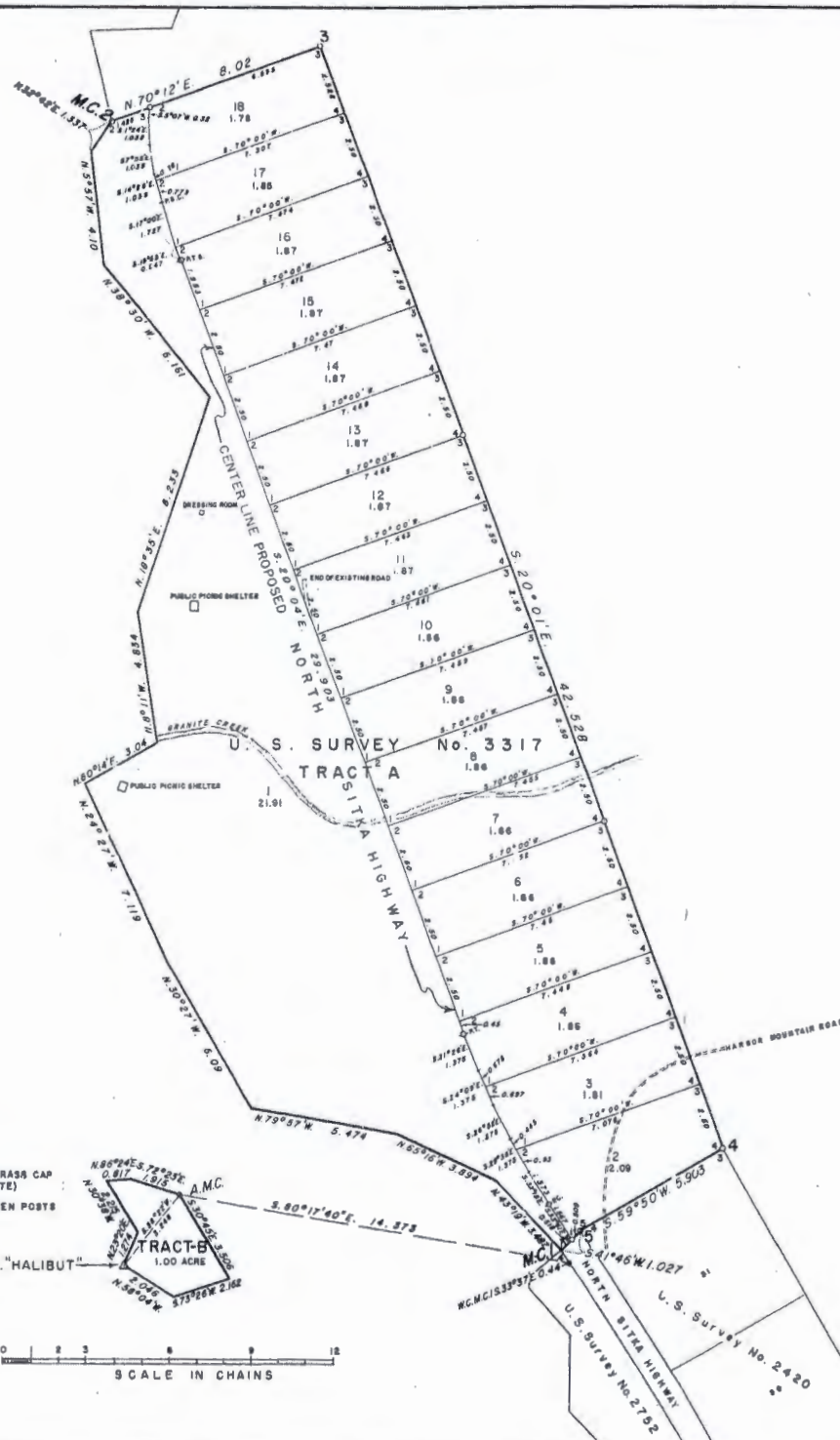


○ INDICATES AN IRON POST WITH BRASS CAP
(OR A BRASS TABLET IN CONCRETE)
OTHER MONUMENTS ARE WOODEN POSTS

U.S.C. & G.S. Sta. "HALIBUT"

0 1 2 3 4 5 6 7 8 9 10
SCALE IN CHAINS

SITKA SOUND



U. S. SURVEY
No. 3317, ALASKA
embracing
TRACTS A AND B

SITUATED
ON THE EASTERLY SHORE OF SITKA SOUND
AT HALIBUT POINT, NORTHWEST OF AND ADJOINING
U. S. SURVEY No. 2420
AND
DEPENDENT RESURVEY OF LINE 3-4
U. S. SURVEY No. 2420
TOTAL AREA: TRACTS A and B 54.66 ACRES
Latitude 57°05'57.753" N. Longitude 135°23'40.421" W.
AT WITNESS MEANDER CORNER NO. 1, TRACT A

SURVEYED BY
JOHN M. SHORT, CARTOGRAPHER (CADASTRAL)
AUGUST 26 to SEPTEMBER 10, 1954
UNDER SPECIAL INSTRUCTIONS
DATED APRIL 12, 1954
AND APPROVED APRIL 26, 1954.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. January 4, 1955

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

For the Director,
Earl G. Harrington
Cadastral Engineering Staff Officer



City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed 11/28/2016 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.

Parcel ID: 25571004
DONOVAN/JANE SEESZ
SEESZ, DONOVAN, D./JANE, M.
114 HARBOR MOUNTAIN RD.
SITKA AK 99835

Parcel ID: 25571005
LUCAS/JULIE SKORDAHL/MAUCH
SKORDAHL, LUCAS & MAUCH, JULIE
110 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25571006
MARK REID
REID, MARK, K.
P.O. BOX 1201
SITKA AK 99835-1201

Parcel ID: 25605000
ROBERT/ERNESTIN PEEL/MASSEY
PEEL, ROBERT/MASSEY, ERNESTINE
109 HARBOR MT RD
SITKA AK 99835

Parcel ID: 25610000
ERNESTINE MASSEY
SEA & SKI TRAILER COURT
MASSEY, ERNESTINE
109 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25615000
DEL STENGL
STENGL, DEL
4323 VALHALLA DR
SITKA AK 99835

Parcel ID: 25620000
PAULINE BERGDOLL REVOCABLE
TRUST
C/O LINDA SCHMIDT
BERGDOLL TRUST, PAULINE, F.
4406 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 25624000
ALASKA, STATE OF
HALIBUT POINT REC AREA
ALASKA, STATE OF
3700 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 26004000
CITY & BOROUGH OF SITKA
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

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

Date: 11/25/2016
Receipt: 2017-00025713
Cashier: Front Counter
Received From: O'NEILL SURVEYING

PLAN - Planning Permits/Zoning	150.00
ST1 - Sales Tax 4th quarter CY	7.50
Receipt Total	157.50
Total Check	157.50
Total Remitted	157.50
Total Received	157.50

PAID
NOV 25 2016
CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 11/23/16

To: O'Neill Surveying

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

Variance.....	75.00
Conditional Use Permit.....	
Minor Subdivision.....	50.00
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	25.00
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	7.50
TOTAL.....	157.50

Thank you

AFTER RECORDING, RETURN TO:

Del Stengl
PO Box 6575
Sitka, AK 99835

AETIA/51448

DEED OF PERSONAL REPRESENTATIVE

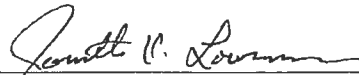
The GRANTOR Jonathan O. Lowrance, Personal Representative of the Estate of Marguerite I. Lowrance, deceased, in the Superior Court, First Judicial District Case No. 1SI-11-55PR, whose mailing address is 3408 Halibut Point Rd. Apt. A, Sitka, AK 99835, and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and warranted and by these presents does grant, bargain, sell, convey and transfer to the said Del Stengl, Grantee, whose mailing address is PO Box 6575, Sitka, AK 99835, and to the heirs and assigns, forever, all of the right, title and interest that the Estate of Marguerite I. Lowrance, Deceased, at the time of her death, and also all of the right, title and interest that said Estate, by operation of law or otherwise, may have acquired, in and to the following described real estate located in the Sitka Recording District, First Judicial District, State of Alaska:

*Lot 3, Tract A, U.S. Survey 3317, Sitka Recording District, First Judicial District, State of Alaska EXCEPTING THERFROM any portion lying within the Right-of-Way of Halibut Point Rd.

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

DATED this 5th day of August, 2015.

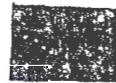
GRANTOR: The Estate of Marguerite I. Lowrance, deceased, in the Superior Court, First Judicial District Case No. 1SI-11-55PR

By: 
Jonathan O. Lowrance, Personal Representative

*Lot 4

PERSONAL REPRESENTATIVE'S DEED -1-
A-4350-3909





2004-000659-0

Recording Dist: 103 - Sitka

4/13/2004 1:48 PM Pages: 1 of 2

A
L
A
S
K
APERSONAL REPRESENTATIVE'S DEED

The Grantor, Ernestine Massey, Personal Representative of the Estate of Walter Massey, in Case No. 1SI-73-04 PR in the Superior Court for the State of Alaska, First Judicial District at Sitka, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, for valuable consideration, conveys and grants to the Grantee, Ernestine Massey, a married person, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, all right, title and interest in the following described real estate:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, including within its boundaries Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, described by metes and bounds as follows: commencing at the northernmost corner of Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as the true point of beginning, thence N 02° 50' 00" W a distance of 50.45 feet to Corner No. 1, thence S 70° 00' 00" W a distance of 132.86 feet to Corner No. 2, thence S 29° 35' 00" E a distance of 48.88 feet to Corner No. 3, thence S 32° 19' 00" a distance of 89.56 feet to Corner No. 4, thence S 33° 41' 00" E a distance of 94.90 feet to Corner No. 5, thence N 59° 50' 00" E a distance of 12.31 feet to Corner No. 6, and thence N 02° 50' 00" W a distance of 188.70 feet back to the true point of beginning, a parcel commonly known as the south portion of Lot Two (2), USS 3317;

And as follows:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, described by metes and bounds as follows: commencing at the northernmost corner of Lot Three (3), USS 3317, thence S 20° 01' 00" E a distance of 165.00 feet to the true point of beginning, thence S 20° 01' 00" E a distance of 20.00 feet to

Σm * S 29° 35' E a distance of 2.8 feet.

Personal Representative's Deed
Estate of Massey
Page 1 of 2

PEARSON & HANSON
Attorneys at Law
713-B Sawmill Creek Boulevard P.O. Box 98
Sitka, Alaska 99835
(907) 747-3257 (phone) (907) 747-4977(fax)

Corner No. 1, thence S 70° 00' 00" W a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 226.99 feet (and a recorded distance of 227.83 feet according to that same plat), to Corner No. 2, thence N 02° 50' 00" W a distance of 20.91 feet to Corner No. 3, and thence N 70° 00' 00" E a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 220.81 feet (and a recorded distance of 221.71 feet according to that same plat) to the true point of beginning, a parcel commonly known as the northwest portion of unsubdivided portion of Lot Two (2), USS 3317.

DATED this 13th day of APRIL, 2004.

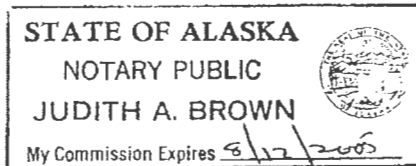
Ernestine Massey, Personal Representative of
Ernestine Massey, Personal Representative of the
Estate of Walter Massey *the Estate of Walter Massey*

STATE OF ALASKA)

FIRST JUDICIAL DISTRICT)

ss:

The foregoing instrument was acknowledged before me this 13 day of, March, 2004, by Ernestine Massey, Personal Representative of the Estate of Walter Massey.



[Signature]
Notary Public for Alaska

RETURN TO:
Pearson & Hanson
P.O. Box 98
Sitka, Alaska 99835

MAE1PRD1.wpd.c:\masseye

Personal Representative's Deed
Estate of Massey
Page 2 of 2

PEARSON & HANSON
Attorneys at Law
713-B Sawmill Creek Boulevard P.O. Box 98
Sitka, Alaska 99835
(907) 747-3257 (phone) (907) 747-4977 (fax)



2 of 2

2004-000659-0



CITY AND BOROUGH OF SITKA

Legislation Details

File #: VAR 16-22 **Version:** 1 **Name:**

Type: Variances **Status:** AGENDA READY

File created: 12/1/2016 **In control:** Planning Commission

On agenda: 12/20/2016 **Final action:**

Title: Public hearing and consideration of a platting variance request for substandard easements at 109 Harbor Mountain Road. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.

Sponsors:

Indexes:

Code sections:

Attachments: [Mashev variance 12.20.16](#)

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: December 9, 2016

From: Staff

To: Planning Commission

Re: Platting Variance 16-22 at 109 Harbor Mountain Road

GENERAL INFORMATION

Applicant Ernestine Massey

Property Owner: Ernestine Massey

Property Address: 109 Harbor Mountain Road

Legal Description: Lot 2 LLA of
Lot 3 of USS 3317

Parcel ID Number: 25610000

Size of Existing Lot: approx. 81,008 (55,586 and 25,422)

Zoning: R-1 MH

Existing Land Use: Residential/Mobile/Mfg. Home Park/Undeveloped

Utilities: Full city services

Access: Access from Harbor Mountain Road

Surrounding Land Use: Residential/Mobile/Mfg. Home Park, Undeveloped, Public Lands, & Recreational

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Parcel Pictures

Attachment D: Application

Attachment E: Proposed Plat

Attachment F: Current Plat

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

Attachment G: Zoning Map
Attachment H: Flood Zone Map
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Proof of Ownership

BACKGROUND

Massey's property, 109 Harbor Mountain Road, has been historically used a mobile/manufactured home park with a single-family house located adjacent to Halibut Point Road. This variance assumed approval of a boundary line adjustment (BLA), Platting Project 16-16, that requested a 4,234 square foot equal exchange of property along mutual boundary lines of the Massey and Stengl properties.

PROJECT DESCRIPTION

The platting variance request assumes a BLA of Massey's Lot 2 expanding by 4,234 sf and Massey's Lot 1 contracting by 4,234 sf and Stengl's property size staying the same in the equal exchange. The request is to deviate from the required right-of-way access easement requirement of twenty feet as required in SGC 21.40.120(A). In addition, it incorporates a proposal for a minor subdivision for two lots.

Platting Variance Includes Easements and Encroachments and Incorporates the BLA and Minor Subdivision

The platting variance includes easements below existing standards and encroachments into adjacent property and incorporates a minor subdivision that would result in splitting Massey's property (Lot 2 – 80,868 sf measured by former plat 96-29) into two lots (Lot 1 25,422sf and Lot 2 55,586 sf (total sum of 81,008 sf) measured by proposed preliminary minor subdivision plat).

Recorded and Historically Existing Easements

Existing recorded and historically existing easements are shown as follows:

The *existing* recorded easements include:

1. A 10 foot access and utility easement from Book 31, Pg. 717
2. A 15 foot access and utility easement from Book 21, Pg. 49-52
3. A 15 foot waterline easement from Book 21, Pg. 49-52
4. A 30 foot public access easement for Harbor Mountain Road

The *proposed & historically existing* easements include:

1. The 10 foot access and utility easement shifted slightly and expanded by approximately 48 feet (see 1 above)
2. The 15 access easement slightly shifted and expanded approximately 13.12 feet (see 2 above).

Encroachments into Right-of-Way and Municipal Property

The plat shows existing encroachments in three areas:

- 1) Encroachments into Stengl's property that would be corrected by the BLA
- 2) Encroachments into North Shuler Drive that are proposed to remain (shed)
- 3) Encroachments into municipal property at the rear of Massey's property (trailer, car port, shed) that are proposed to remain.

Purpose of Subdivision Code

The purpose of the subdivision code includes, but it not limited to, a direction:

- to promote and protect the public's health, safety and welfare;
- provide access for firefighting apparatus; and
- For orderly growth and development consistent with the SGC and the Comprehensive Plan (SGC 21.04.020(A, F, K).

The current proposed platting variance and incorporated minor subdivision contain elements of substandard development standards, encroachment into right-of-ways, and encroachment into adjacent property that are examples of clear impacts to the public's health, safety, and welfare, do not comply with the letter and spirit of the law found in Title 21 and 22 in regards to protecting private property rights, access/easement standards, regulation of nonconforming uses, and do not comply with the Comprehensive Plan. The existing and proposed access easements, which are substandard, could negatively impact the ability of firefighting apparatus to have access to the parcels in case of emergency response as well as negatively impact the use of the parcels due to inadequate ingress and egress. In addition, the encroachments, which are types of trespass, are injurious to the municipality's property rights and therefore are not in compliance with orderly growth and development consistent with SGC and the Comprehensive Plan.

Subdivision Code – Design and Construction Requirements and Monumentation

SGC 21.40.120(A), dictates that unless necessitated by unusual topographic, physical, or design features as determined by the planning commission, easements shall be twenty feet.

In this case, there are no unusual topographic conditions, physical features (including the existing mobile/mfg. homes), nor design features that necessitate deviation from the existing code features.

Platting Variance – Required Findings

The proposed variance and minor subdivision includes a variance from access easement widths of twenty feet pursuant to SGC 21.40.120(A). SGC 21.48.010 sets forth the requirements of findings mandatory for platting variances. A variance from the requirements of this title may be granted ***only if*** the planning commission ***finds*** that (emphasis added):

- A. The granting of the variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship.

In regard to the first requirement, there can be neither detriment to public health or safety nor injurious to adjacent property. The facts presented show encroachments into adjacent municipal property that are injurious to the property rights of the municipality. Not only does it tread upon the property rights it also increases liabilities as well – both of which are *per se* injuries. Further, it can be argued the access easements below standard could affect access of firefighting apparatus in the case of emergency another potential detriment. In this case, only harm to adjacent property need be shown to defeat the entire variance request.

The second requirement is twofold: First there must be a parcel of unusual size and shape or topographical conditions. The lot in creation has none of these features. Next, these unusual features must also cause undue and substantial hardship. In this case, not only are there no facts supporting unusual shape, size, or topographical features, there is also no proof that the requirement for meeting the code easement standard would cause undue and substantial hardship (exceptional hardship).

Purpose of Zoning Code

Among other principles, the purpose of the zoning code is:

- Provide for orderly development;
- Promote fire safety and public order;
- Protect the public health and general welfare;
- To protect private property rights; and
- Provide for gradual elimination of nonconformity (SGC 22.04.020(F & K)).

In this case, the proposal incorporates design features that are below standards for access easements and have numerous locations of encroachment into municipal property and the adjacent right-of-way. Interestingly, the purpose of the prior BLA was, in part, to correct encroachment into Mr. Stengl's property, but Ernestine Massey has chosen not to take corrective steps regarding encroachment into municipal property nor the right-of-way. The facts support that while the proposal does eliminate the nonconformity of the encroachments into Stengl's property it seeks to expand and relocate the nonconforming access easements and does not seek to correct the encroachments into municipal property or the North Shuler ROW.

Development Standards of Title 22 – Zoning

The zone of the lots in question is Single-Family/Duplex/Manufactured Home District, which requires a minimum lot size of 8,000 sf.¹ The minimum lot area does not include access easements.² Here the lots are far in excess of the minimum lot size, therefore, net lot size is a non-issue.

Conformity with Code

SGC 22.04.030 requires conformity with code, which includes design standards and non-conforming uses. In this case, the proposal does not comply with design standards regarding easements, there are existing use and structures encroaching into public right-of-ways and/or adjacent property, it does not entirely protect private property rights, it does not protect the public's health, safety, and welfare, nor does it provide for the gradual elimination of nonconformity, but seeks to expand, extend, and relocate such nonconformity.

Non-Conforming Use/ Structures

As a matter of persuasive code, SGC 22.24.050(E)(3), gives wide flexibility for certain instances where nonconforming use and structures may be reconstructed, but explicitly does not allow encroachment into the public right-of-way or adjacent property.

In this case, there are several encroachments into public right-of-ways and/or adjacent municipal property.

Comprehensive Plan

Section 2.4.2 directs decision makers to make land use decisions in compliance with all applicable land use laws and policies. In addition, Section 2.4.19 directs decision makers "to consistently follow and enforce land use policies, codes, regulations and decision, and do so in accordance with the following policies and objectives...." "zoning and subdivision regulations are the primary mechanisms to manage land use in the Borough ... variances, and relief from the requirements shall be granted when all appropriate factors have been considered." The above code sections would be the applicable land use laws and the policy and code below would also be the basis for the decision in conjunction with the underlying principles and direction set out in the Comprehensive Plan above.

¹ SGC Table 22.20-1.

² SGC 22.20.035 Note 1 to Table 22.20-1.

Encroachment Policy

Effective July 7, 2016, the Planning and Community Development Director, established Policy 16-03, which states, “It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This Policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include, but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure’s new location will be in a setback, a variance will be required.

Grandfathering / Historical Use / Legal Nonconformity

It will be argued that the existing easements are “grandfathered” or should be grandfathered in. Those arguments should fail for several legally supported reasons.

First, what the code states:

- 1) Nonconformity is defined in SGC 22.08.640 and can be summed as follows: a use that is no longer in compliance with current code, but was created in conformity with existing code.
- 2) Such a use, pursuant to SGC 22.24.050 (D 1-2), may continue so long as it is not enlarged or increased nor extended to a greater area or moved in whole or in part to any portion of land or lot.

Why it fails:

- 1) First, it was not legally created. The existing proposed easements are located in different locations than originally approved (There is a general legal principle that no rights ‘vest’ pursuant to illegal or erroneous action)³;
- 2) Further, the proposed easements show various degrees of enlargement, extension, relocation, and increase;
- 3) The proposed easement expands the land area of the nonconforming use; and/or
- 4) Moreover, the historical use is not a listed criteria for the approval of a variance from a development standard and grandfathering in is not the subject matter of this action.

FINDINGS

It is found that as proposed the platting variance does not meet the required findings for a platting variance because the proposal:

1. Is detrimental to the public health, safety, and welfare because of limited access widths that would limit the ability of firefighting apparatus to have access;
2. Have impacted the ingress and egress of the public and property owners.
3. Is injurious to adjacent property owners because of encroachment into municipal property

³ Land Use Planning and Development Law, 2ed, Juergensmeyer, Section 5.28, pg. 183.

4. Has a detrimental impact to the general welfare and rights of those in the adjacent right-of-way of North Shuler Drive because of the encroachments.
5. There are no facts presented to support a lot of unusual size or shape or topographical features that necessitate the platting variance; and
6. There are no facts to support an undue or substantial hardship to correct the access easements and/or encroachments.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planners' analysis and suggested findings, and deny the platting variance due to detrimental impacts and lack of legally required findings to support the proposal.

Recommended Motions: (2 motions - read and voted upon separately)

1. I move to find that as proposed the platting variance does not meet the required findings for a platting variance because the proposal:
 - a. Is detrimental to the public health, safety, and welfare due to limited access widths that would limit the ability of firefighting apparatus to have access;
 - b. Have impacted the ingress and egress of the public and property owners;
 - c. Is injurious to adjacent property owners because of encroachment into municipal property;
 - d. Has a detrimental impact to the general welfare and rights of those in the adjacent right-of-way of North Shuler Drive because of the encroachments;
 - e. There are no facts presented to support a lot of unusual size or shape or topographical features that necessitate the platting variance; and
 - f. There are no facts to support an undue or substantial hardship to correct the access easements and/or encroachments.
2. I move to deny the platting variance request for 109 Harbor Mountain Road and 3614 Halibut Point Road in the R-1 MH district, for the purpose of a minor subdivision with substandard access easements. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 of USS 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

POLICY 16-03

ENCROACHMENT

Effective Date: July 7, 2016

Purpose: To establish consistent standards for planning actions involving encroachments within the Department.

Policy: It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

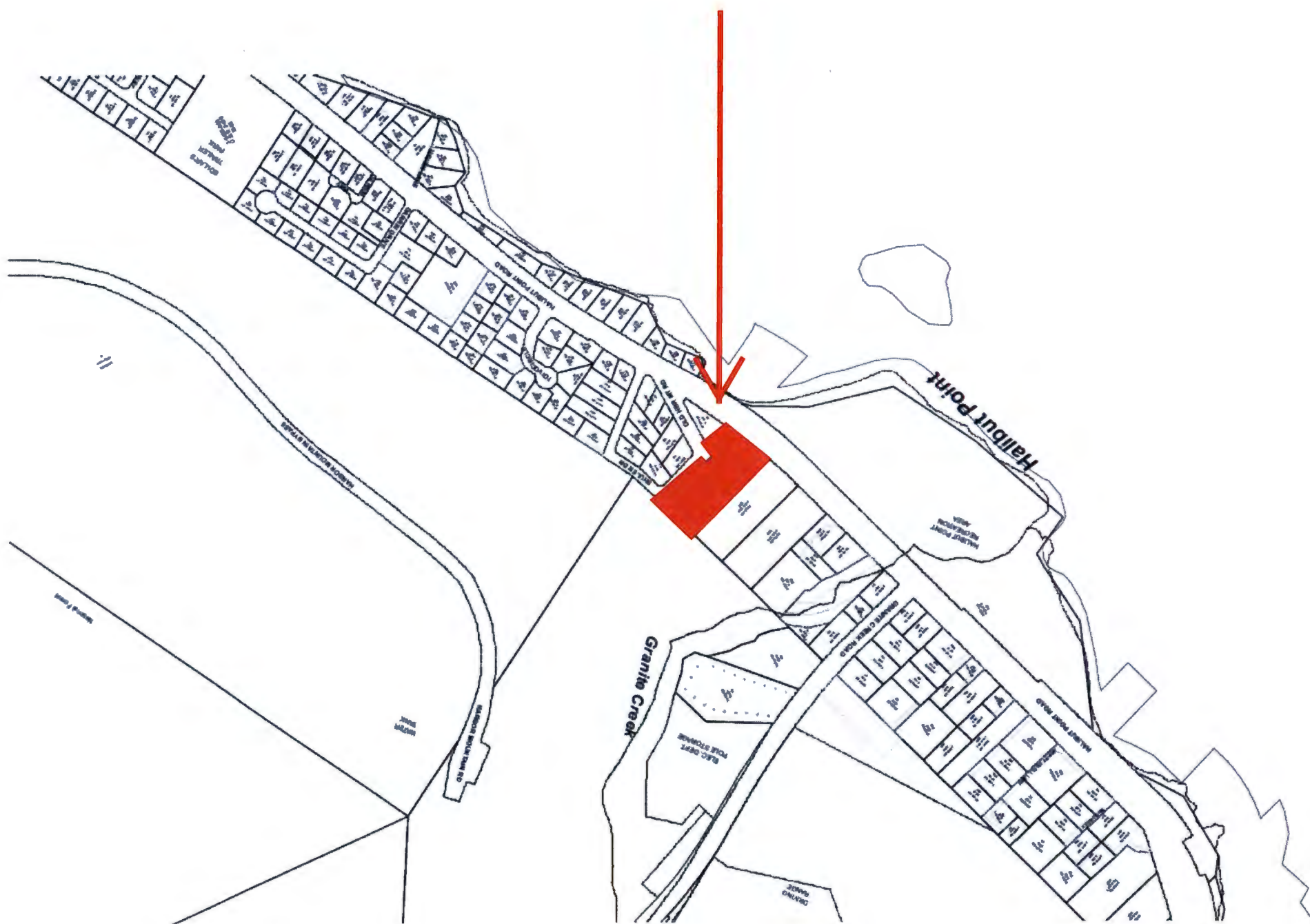
1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure's new location will be in the setback, a variance will be required.

Approved

Maegan Bosak
Maegan Bosak, Director

Date

7/13/16





City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed on 11/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
500 ft



MainStreetGIS
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.





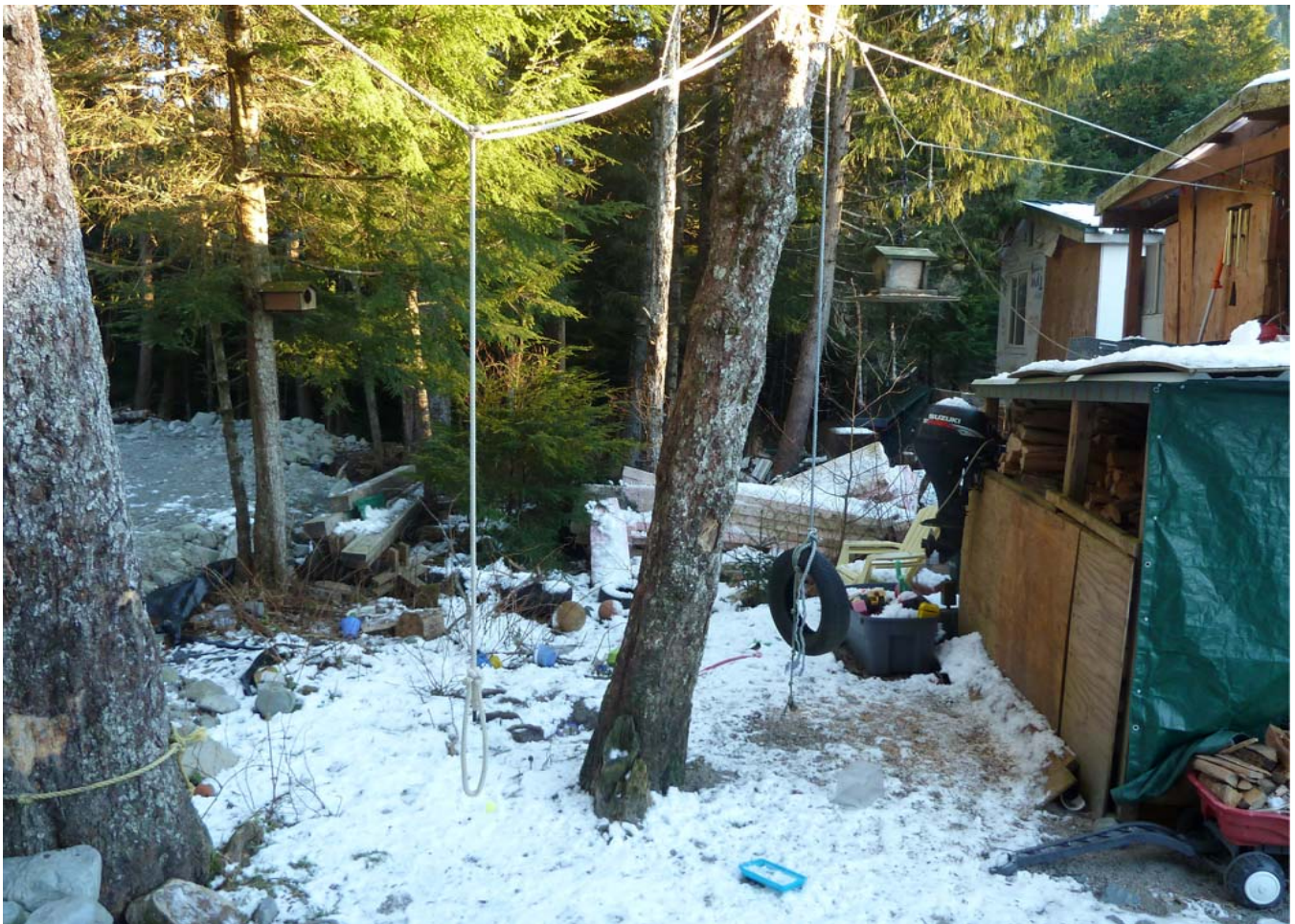


























CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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: MASSEY SUBDIVISION - LOT LINE ADJUSTMENT

BETWEEN LOT 4, USS 3317 AND LOT 2 OF LOT LINE ADJUSTMENT LOT 3, USS 3317, SUBDIVISION

OF LOT 2 OF LOT LINE ADJ. OF LOT 3, USS 3317 INTO TWO LOTS. * VARIANCE TO ALLOW RELOCATION
OF 2 EXISTING EASEMENTS, RETAINING ORIGINAL WIDTHS.

PROPERTY INFORMATION:

CURRENT ZONING: R1-MH PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:

PROPERTY OWNER: <u>ERNESTINE MASSEY</u>	<u>DEL STENGL</u>
PROPERTY OWNER ADDRESS: <u>109 HARBOR MT. RD.</u>	<u>4323 VALHALLA DR.</u>
STREET ADDRESS OF PROPERTY: <u>109 HARBOR MT. RD.</u>	<u>3614 HALIBUT PT. ROAD</u>
APPLICANT'S NAME: <u>ERNESTINE MASSEY</u>	<u>DEL STENGL</u>
MAILING ADDRESS: <u>(SAME)</u>	<u>(SAME AS OWNER ADDRESS)</u>
EMAIL ADDRESS: <u>747-3319</u>	DAYTIME PHONE: <u>738-8084</u>

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: LOT 4, USS 3317 BLOCK: _____ TRACT: _____

SUBDIVISION: LOT LINE ADJUSTMENT OF LOT 3, USS 3317 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.

De/Stengl Ernestine Massey
Owner

11/23/2016
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~~ costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

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

DATE _____	OWNER _____	SIGNATURES _____
DATE _____	OWNER _____	SIGNATURES _____
DATE _____	OWNER _____	SIGNATURES _____
DATE _____	OWNER _____	SIGNATURES _____
DATE _____	OWNER _____	SIGNATURES _____

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 EXECUTES 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 _____

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF STUKA, 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 STUKA, 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 STUKA 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

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 _____, 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ CHAIRMAN, PLANNING BOARD _____
SECRETARY _____

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

DATE _____ MAYOR _____
CITY AND BOROUGHS CLERK _____

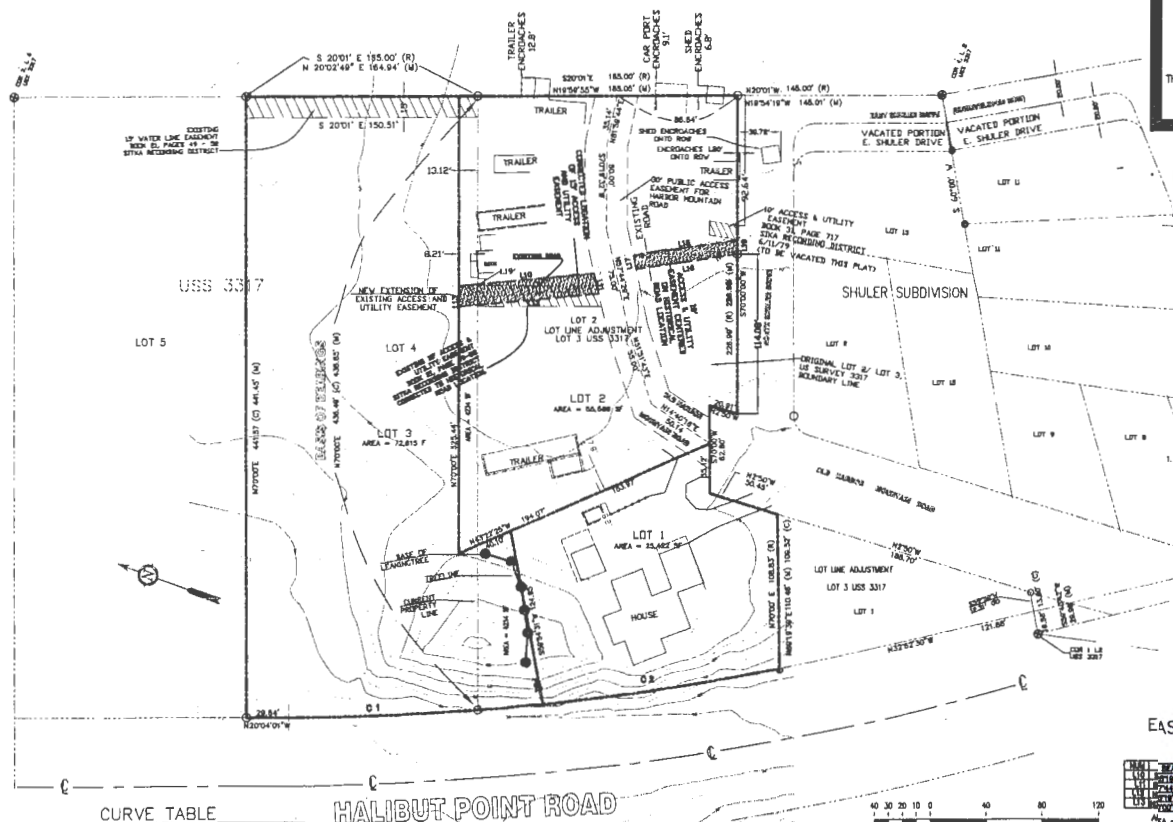
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF:

ALL OWNERS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.L.S.'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 DIVISION
CITY & BOROUGH OF STOKA

LOT 1. USS 3670



ITEM	DESCRIPTION	QTY	UNIT
1.00	100' 0" 40' 0"	1	LF
1.01	7' 0" 40' 0"	1	LF
1.02	7' 0" 40' 0"	1	LF
1.03	7' 0" 40' 0"	1	LF
1.04	7' 0" 40' 0"	1	LF
1.05	7' 0" 40' 0"	1	LF
1.06	7' 0" 40' 0"	1	LF
1.07	7' 0" 40' 0"	1	LF
1.08	7' 0" 40' 0"	1	LF
1.09	7' 0" 40' 0"	1	LF
1.10	7' 0" 40' 0"	1	LF
1.11	7' 0" 40' 0"	1	LF
1.12	7' 0" 40' 0"	1	LF
1.13	7' 0" 40' 0"	1	LF
1.14	7' 0" 40' 0"	1	LF
1.15	7' 0" 40' 0"	1	LF
1.16	7' 0" 40' 0"	1	LF
1.17	7' 0" 40' 0"	1	LF
1.18	7' 0" 40' 0"	1	LF
1.19	7' 0" 40' 0"	1	LF
1.20	7' 0" 40' 0"	1	LF
1.21	7' 0" 40' 0"	1	LF
1.22	7' 0" 40' 0"	1	LF
1.23	7' 0" 40' 0"	1	LF
1.24	7' 0" 40' 0"	1	LF
1.25	7' 0" 40' 0"	1	LF
1.26	7' 0" 40' 0"	1	LF
1.27	7' 0" 40' 0"	1	LF
1.28	7' 0" 40' 0"	1	LF
1.29	7' 0" 40' 0"	1	LF
1.30	7' 0" 40' 0"	1	LF
1.31	7' 0" 40' 0"	1	LF
1.32	7' 0" 40' 0"	1	LF
1.33	7' 0" 40' 0"	1	LF
1.34	7' 0" 40' 0"	1	LF
1.35	7' 0" 40' 0"	1	LF
1.36	7' 0" 40' 0"	1	LF
1.37	7' 0" 40' 0"	1	LF
1.38	7' 0" 40' 0"	1	LF
1.39	7' 0" 40' 0"	1	LF
1.40	7' 0" 40' 0"	1	LF
1.41	7' 0" 40' 0"	1	LF
1.42	7' 0" 40' 0"	1	LF
1.43	7' 0" 40' 0"	1	LF
1.44	7' 0" 40' 0"	1	LF
1.45	7' 0" 40' 0"	1	LF
1.46	7' 0" 40' 0"	1	LF
1.47	7' 0" 40' 0"	1	LF
1.48	7' 0" 40' 0"	1	LF
1.49	7' 0" 40' 0"	1	LF
1.50	7' 0" 40' 0"	1	LF
1.51	7' 0" 40' 0"	1	LF
1.52	7' 0" 40' 0"	1	LF
1.53	7' 0" 40' 0"	1	LF
1.54	7' 0" 40' 0"	1	LF
1.55	7' 0" 40' 0"	1	LF
1.56	7' 0" 40' 0"	1	LF
1.57	7' 0" 40' 0"	1	LF
1.58	7' 0" 40' 0"	1	LF
1.59	7' 0" 40' 0"	1	LF
1.60	7' 0" 40' 0"	1	LF
1.61	7' 0" 40' 0"	1	LF
1.62	7' 0" 40' 0"	1	LF
1.63	7' 0" 40' 0"	1	LF
1.64	7' 0" 40' 0"	1	LF
1.65	7' 0" 40' 0"	1	LF
1.66	7' 0" 40' 0"	1	LF
1.67	7' 0" 40' 0"	1	LF
1.68	7' 0" 40' 0"	1	LF
1.69	7' 0" 40' 0"	1	LF
1.70	7' 0" 40' 0"	1	LF
1.71	7' 0" 40' 0"	1	LF
1.72	7' 0" 40' 0"	1	LF
1.73	7' 0" 40' 0"	1	LF
1.74	7' 0" 40' 0"	1	LF
1.75	7' 0" 40' 0"	1	LF
1.76	7' 0" 40' 0"	1	LF
1.77	7' 0" 40' 0"	1	LF
1.78	7' 0" 40' 0"	1	LF
1.79	7' 0" 40' 0"	1	LF
1.80	7' 0" 40' 0"	1	LF
1.81	7' 0" 40' 0"	1	LF
1.82	7' 0" 40' 0"	1	LF
1.83	7' 0" 40' 0"	1	LF
1.84</			

NUM	DELTA	ARC	RADIUS	CHORD	
				BEARING	DISTANCE
C1	5°34'58"	181.22'	1859.86'	S22°31'29"E	181.15'
C2	5°15'35"	170.73'	1859.86'	S28°16'45"E	170.87'

HALIBUT POINT ROAD

SCALE IN FEET

PRELIMINARY 11/22/72

SITKA RECORDING DISTRICT

SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
PHONE: (907) 747-8700
FAX: (907) 747-7590
EMAIL: oneillengr@aak.net

BY	DATE	REV	DESCRIPTION OF CHANGE
RECORD OF REVISIONS			



DESIGNED P. OMELLI
DRAWN VAB/ICH/ACAB
CHECKED PJO
DATE OF PLAT 17 NOV 2014
SCALE: 1" = 10'
DRAWING NAME: 30601.02 (SUUB LAYOUT)
PROJECT NO: 30601-02

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 E O'NEILL, U.S. 630-

LOT 4, US SURVEY 3317 AND LOT 2 OF THE LOT
LINE ADJUSTMENT OF LOT 3, US SURVEY 3317

CLIENT: ERNESTINE MASSEY
109 HARBOR MOUNTAIN ROAD
SITKA, ALASKA 99834

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING ASSESSOR FOR THE CITY AND 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 RECORDS IN THE NAME OF:

ERNESTINE MASSEY

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL LOTS ASSAILED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 15th DAY OF November 1996
AT SITKA, ALASKA

Paul E. Buck
FINANCIAL DIRECTOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 84-96-3 DATED 7-26-96 AND THAT THE PLAT HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, LX OFFICE RECORDER, SITKA, ALASKA.

DATE 10-22-96 *Steve Bailey*
CHAIRMAN

ATTEST:
John Baranek
SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY, AS RECORDED IN MINUTE BOOK NO. NA DATED NA AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, LX OFFICE RECORDER, SITKA, ALASKA.

DATE 10/22/96 *Pat Wilson*
MAYOR

ATTEST:

CLERK

CERTIFICATE

STATE OF ALASKA

1ST JUDICIAL DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING ASSESSOR FOR THE CITY AND 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:

ERNESTINE MASSEY

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSAILED AGAINST SAID LANDS IN FAVOR OF THE CITY AND BOROUGH ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR 1996 WILL BE DUE ON OR BEFORE

DATED THIS 14th DAY OF Nov. 1996
AT SITKA, ALASKA

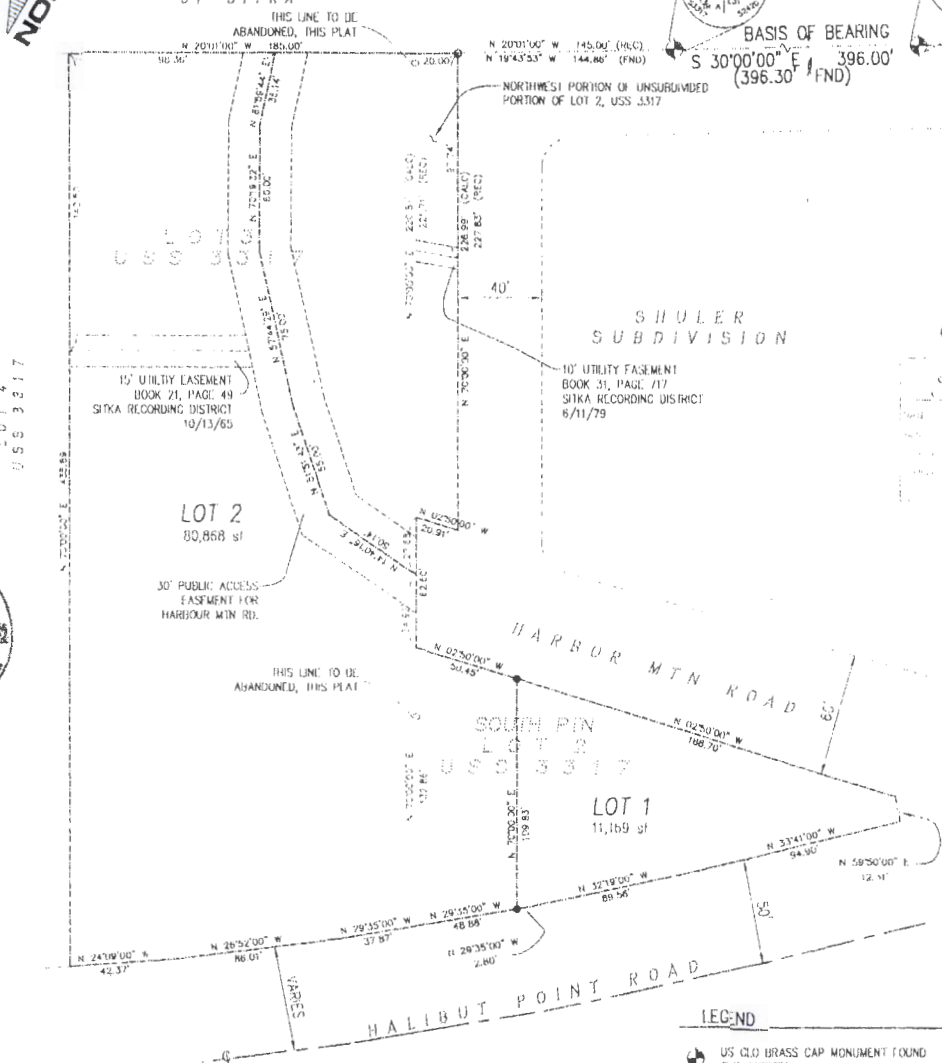
John Baranek
ASSESSOR, CITY AND BOROUGH OF SITKA

PLAT NOTES

THE PURPOSE OF THIS PLAT IS TO ADJUST THE PROPERTY LINES OF LOT 3 AND THE UNSUBDIVIDED PORTION OF LOT 2, USS 3317 SOUTH OF HARBOR MOUNTAIN RD., INTO THE CONFIGURATION SHOWN ON THIS PLAT.



CITY & BOROUGH OF SITKA



BASIS OF BEARING
S 30°00'00" E 396.00'
(396.30' FND)

THIS PROJECT

VICINITY MAP
SCALE 1" = 1000'

96-29

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND IS ABANDONED, AND THAT I HEREBY ADVERTISE THE PLAN OF SUBDIVISION WITH MY FULL CONSENT AND DELEGATE ALL PUBLIC RIGHTS, ALLEYS, EASEMENTS, AND OTHER OPEN SPACES TO THE CITY AND BOROUGH OF SITKA.

DATE 10/22/96
Ernestine Massey
OWNER

THE NOTARY'S ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
STATE OF ALASKA)
CITY AND BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 22 DAY OF October 1996 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, THE FOLLOWING PERSONS PERSONALLY APPEARED:

ERNESTINE MASSEY
TO ME KNOWN TO BE IDENTICAL INDIVIDUAL (S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THAT SAID **ERNESTINE MASSEY** ADDED THE NAME **SHULER** AND VOUCHER FOR THE UPON AND FOR THE STATE OF ALASKA.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS FOREGOING THESE DEEDS WRITTEN
John Baranek
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES 11-18-97

LOT LINE ADJUSTMENT LOT 3, USS 3317

LOT LINE ADJUSTMENT OF LOT 3 AND UNSUBDIVIDED PORTION LOT 2, USS 3317

JOB NO. 2683 CHECKED BY: DATE: 10-21-96
DRAWN BY: PS
PREPARED FOR: ERNESTINE MASSEY
PO Box 808
SITKA, AK 99835

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR AND LICENSED TO PRACTICE AND SUBSCRIBE TO THE STATE OF ALASKA, AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THE MEASUREMENTS SHOWN HEREON ACCURATELY REFLECT AS DESCRIBED, AND THAT ALL EASEMENTS AND CORNER EVIDENCE ARE CORRECTLY LOCATED.

DATED 10-22-96 AT SITKA
John Baranek
REGISTERED LAND SURVEYOR
NO. 5577-E

PREPARED BY:

STRAGIER ENGINEERING SERVICES, INC.

CIVIL ENGINEERING
LAND SURVEYING

501 Dwight St., Sitka, Alaska 99835 (907) 477-5651
Post Office: Sitka, Alaska 99835



City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

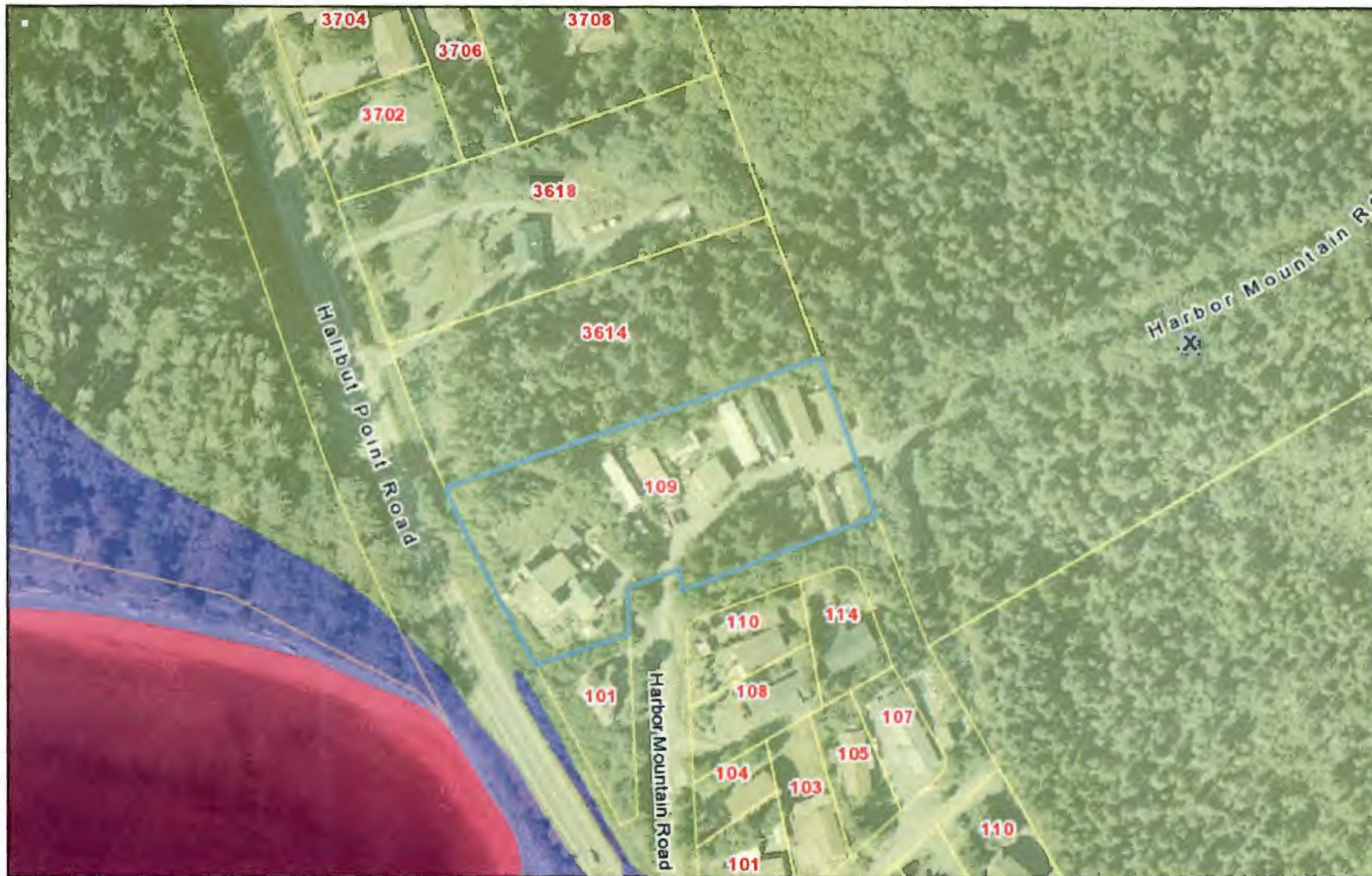
Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Parcel ID: 25571004
DONOVAN/JANE SEESZ
SEESZ, DONOVAN, D./JANE, M.
114 HARBOR MOUNTAIN RD.
SITKA AK 99835

Parcel ID: 25571005
LUCAS/JULIE SKORDAHL/MAUCH
SKORDAHL, LUCAS & MAUCH, JULIE
110 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25571006
MARK REID
REID, MARK, K.
P.O. BOX 1201
SITKA AK 99835-1201

Parcel ID: 25605000
ROBERT/ERNESTIN PEEL/MASSEY
PEEL, ROBERT/MASSEY, ERNESTINE
109 HARBOR MT RD
SITKA AK 99835

Parcel ID: 25610000
ERNESTINE MASSEY
SEA & SKI TRAILER COURT
MASSEY, ERNESTINE
109 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25615000
DEL STENGL
STENGL, DEL
4323 VALHALLA DR
SITKA AK 99835

Parcel ID: 25620000
PAULINE BERGDOLL REVOCABLE
TRUST
C/O LINDA SCHMIDT
BERGDOLL TRUST, PAULINE, F.
4406 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 25624000
ALASKA, STATE OF
HALIBUT POINT REC AREA
ALASKA, STATE OF
3700 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 26004000
CITY & BOROUGH OF SITKA
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

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

Date: 11/25/2016
Receipt: 2017-00025713
Cashier: Front Counter
Received From: O'NEILL SURVEYING

PLAN - Planning Permits/Zoning	150.00
ST1 - Sales Tax 4th quarter CY	7.50
Receipt Total	157.50
Total Check	157.50
Total Remitted	157.50
Total Received	157.50

PAID
NOV 25 2016
CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 11/23/16

To: O'Neill Surveying

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

Variance.....	75.00
Conditional Use Permit.....	
Minor Subdivision.....	50.00
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	25.00
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	7.50
TOTAL.....	157.50

Thank you

2004-000659-0

Recording Dist: 103 - Sitka

4/13/2004 1:48 PM Pages: 1 of 2

A
L
A
S
K
A



CC

PERSONAL REPRESENTATIVE'S DEED

The Grantor, Ernestine Massey, Personal Representative of the Estate of Walter Massey, in Case No. 1SI-73-04 PR in the Superior Court for the State of Alaska, First Judicial District at Sitka, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, for valuable consideration, conveys and grants to the Grantee, Ernestine Massey, a married person, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, all right, title and interest in the following described real estate:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, including within its boundaries Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, described by metes and bounds as follows: commencing at the northernmost corner of Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as the true point of beginning, thence N 02° 50' 00" W a distance of 50.45 feet to Corner No. 1, thence S 70° 00' 00" W a distance of 132.86 feet to Corner No. 2, thence S 29° 35' 00" E a distance of 48.88 feet to Corner No. 3, thence S 32° 19' 00" a distance of 89.56 feet to Corner No. 4, thence S 33° 41' 00" E a distance of 94.90 feet to Corner No. 5, thence N 59° 50' 00" E a distance of 12.31 feet to Corner No. 6, and thence N 02° 50' 00" W a distance of 188.70 feet back to the true point of beginning, a parcel commonly known as the south portion of Lot Two (2), USS 3317;

And as follows:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, described by metes and bounds as follows: commencing at the northernmost corner of Lot Three (3), USS 3317, thence S 20° 01' 00" E a distance of 165.00 feet to the true point of beginning, thence S 20° 01' 00" E a distance of 20.00 feet to

Σm * S 29° 35' E a distance of 2.8 feet.

Personal Representative's Deed
Estate of Massey
Page 1 of 2

PEARSON & HANSON
Attorneys at Law
713-B Sawmill Creek Boulevard P.O. Box 98
Sitka, Alaska 99835
(907) 747-3257 (phone) (907) 747-4977(fax)

Corner No. 1, thence S 70° 00' 00" W a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 226.99 feet (and a recorded distance of 227.83 feet according to that same plat), to Corner No. 2, thence N 02° 50' 00" W a distance of 20.91 feet to Corner No. 3, and thence N 70° 00' 00" E a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 220.81 feet (and a recorded distance of 221.71 feet according to that same plat) to the true point of beginning, a parcel commonly known as the northwest portion of unsubdivided portion of Lot Two (2), USS 3317.

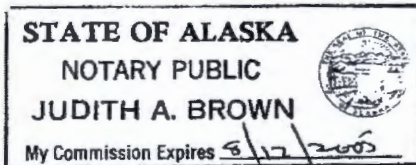
DATED this 13th day of APRIL, 2004.

Ernestine Massey, Personal Representative of
Ernestine Massey, Personal Representative of the
Estate of Walter Massey *the Estate of Walter Massey*

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT)

ss:

The foregoing instrument was acknowledged before me this 13 day of, March, 2004, by Ernestine Massey, Personal Representative of the Estate of Walter Massey.



[Signature]
Notary Public for Alaska

RETURN TO:
Pearson & Hanson
P.O. Box 98
Sitka, Alaska 99835

MAE1PRD1.wpd.c:\masseye

Personal Representative's Deed
Estate of Massey
Page 2 of 2

PEARSON & HANSON
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2 of 2
2004-000659-0



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 16- 17 **Version:** 1 **Name:**

Type: Subdivision **Status:** AGENDA READY

File created: 12/1/2016 **In control:** Planning Commission

On agenda: 12/20/2016 **Final action:**

Title: Public hearing and consideration of a preliminary plat of a minor subdivision request for 109 Harbor Mountain Road, which would result in 2 lots. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 US Survey 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.

Sponsors:

Indexes:

Code sections:

Attachments: [Massey minor 12.20.16](#)

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: December 9, 2016

From: Staff

To: Planning Commission

Re: Massey Minor Subdivision P 16-17 at 109 Harbor Mountain Road

GENERAL INFORMATION

Applicant: Ernestine Massey

Property Owner: Ernestine Massey

Property Address: 109 Harbor Mountain Road

Legal Description: Lot 2 LLA of
Lot 3 of USS 3317

Parcel ID Number: 25610000

Size of Existing Lot: approx. 81,008 (55,586 and 25,422)

Zoning: R-1 MH

Existing Land Use: Residential/Mobile/Mfg. Home Park/Undeveloped

Utilities: Full city services

Access: Access from Harbor Mountain Road

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

Surrounding Land Use: Residential/Mobile/Mfg. Home Park, Undeveloped, Public Lands, & Recreational

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Parcel Pictures

Attachment D: Application

Attachment E: Proposed Plat

Attachment F: Current Plat

Providing for today...preparing for tomorrow

Attachment G: Zoning Map
Attachment H: Flood Zone Map
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Proof of Ownership

BACKGROUND

Massey's property, 109 Harbor Mountain Road, has been historically used a mobile/manufactured home park with a single-family house located adjacent to Halibut Point Road. Prior to the request for a minor subdivision a boundary line adjustment (BLA), Platting Project 16-16, that requested a 4,234 square foot equal exchange of property along mutual boundary lines of the Massey and Stengl properties, and Platting Variance (V 16-22) have been presented.

PROJECT DESCRIPTION

The minor subdivision request assumes a BLA of Massey's Lot 2 expanding by 4,234 sf and Massey's Lot 1 contracting by 4,234 sf and Stengl's property size staying the same in the equal exchange. The request also assumes a request to deviate from the required right-of-way access easement requirement of twenty feet as required in SGC 21.40.120(A). If the BLA failed, this minor subdivision fails unless amended. If the platting variance failed, this request must fail unless approved with conditions of approval to correct the access easements and/or encroachments.

Minor Subdivision Includes Easements and Encroachments

The minor subdivision includes easements below existing standards and encroachments into adjacent property. The minor subdivision would result in splitting Massey's property (Lot 2 – 80,868 sf measured by former plat 96-29) into two lots (Lot 1 25,422sf and Lot 2 55,586 sf (total sum of 81,008 sf) measured by proposed preliminary minor subdivision plat).

Recorded and Historically Existing Easements

Existing recorded and historically existing easements are shown as follows:

The *existing* recorded easements include:

1. A 10 foot access and utility easement from Book 31, Pg. 717
2. A 15 foot access and utility easement from Book 21, Pg. 49-52
3. A 15 foot waterline easement from Book 21, Pg. 49-52
4. A 30 foot public access easement for Harbor Mountain Road

The *proposed & historically existing* easements include:

1. The 10 foot access and utility easement shifted slightly and expanded by approximately 48 feet (see 1 above)
2. The 15 access easement slightly shifted and expanded approximately 13.12 feet (see 2 above).

Encroachments into Right-of-Way and Municipal Property

The plat shows existing encroachments in three areas:

- 1) Encroachments into Stengl's property that would be corrected by the BLA
- 2) Encroachments into North Shuler Drive that are proposed to remain (shed)
- 3) Encroachments into municipal property at the rear of Massey's property (trailer, car port, shed) that are proposed to remain.

Purpose of Subdivision Code

The purpose of the subdivision code includes, but it not limited to, a direction:

- to promote and protect the public's health, safety and welfare;
- provide access for firefighting apparatus; and
- For orderly growth and development consistent with the SGC and the Comprehensive Plan (SGC 21.04.020(A, F, K).

The current proposed minor subdivision contain elements of substandard development standards, encroachment into right-of-ways, and encroachment into adjacent property that are examples of clear impacts to the public's health, safety, and welfare, do not comply with the letter and spirit of the law found in Title 21 and 22 in regards to protecting private property rights, access/easement standards, regulation of nonconforming uses, and do not comply with the Comprehensive Plan. The existing and proposed access easements, which are substandard, could negatively impact the ability of firefighting apparatus to have access to the parcels in case of emergency response as well as negatively impact the use of the parcels due to inadequate ingress and egress. In addition, the encroachments, which are types of trespass, are injurious to the municipality's property rights and therefore are not in compliance with orderly growth and development consistent with SGC and the Comprehensive Plan.

Subdivision Code – Design and Construction Requirements and Monumentation

SGC 21.40.120(A), dictates that unless necessitated by unusual topographic, physical, or design features as determined by the planning commission, easements shall be twenty feet.

In this case, there are no unusual topographic conditions, physical features (including the existing mobile/mfg. homes), nor design features that necessitate deviation from the existing code features.

Platting Variance – Required Findings

The proposed minor subdivision includes a variance from access easement widths of twenty feet pursuant to SGC 21.40.120(A). SGC 21.48.010 sets forth the requirements of findings mandatory for platting variances. A variance from the requirements of this title may be granted *only if* the planning commission *finds* that (emphasis added):

- A. The granting of the variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship.

In regard to the first requirement, there can be neither detriment to public health or safety nor injurious to adjacent property. The facts presented show encroachments into adjacent municipal property that are injurious to the property rights of the municipality. Not only does it tread upon the property rights it also increases liabilities as well – both of which are *per se* injuries. Further, it can be argued the access easements below standard could affect access of firefighting apparatus in the case of emergency another potential detriment. In this case, only harm to adjacent property need be shown to defeat the entire variance request.

The second requirement is twofold: First there must be a parcel of unusual size and shape or topographical conditions. The lot in creation has none of these features. Next, these unusual features must also cause undue and substantial hardship. In this case, not only are there no facts supporting unusual shape, size, or topographical features, there is also no proof that the requirement for meeting the code easement standard would cause undue and substantial hardship (exceptional hardship).

Final Plat Submission requirements

SGC Section 21.12.010 states monuments must exists that are sufficient and that means legal sufficiency. To be

legally sufficient, SGC Section 21.12.030 Final Plat, subsection A, states that the Minor Subdivisions Final Plat “shall comply with all major subdivisions final plat submission requirements in Section 21.32.160.” SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The Plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments. While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Purpose of Zoning Code

Among other principles, the purpose of the zoning code is:

- Provide for orderly development;
- Promote fire safety and public order;
- **Protect** the public health and general welfare;
- To protect private property rights; and
- Provide for gradual elimination of nonconformity (SGC 22.04.020(F & K)).

In this case, the proposal incorporates design features that are below standards for access easements and have numerous locations of encroachment into municipal property and the adjacent right-of-way. Interestingly, the purpose of the prior BLA was, in part, to correct encroachment into Mr. Stengl’s property, but Ernestine Massey has chosen not to take corrective steps regarding encroachment into municipal property nor the right-of-way. The facts support that while the proposal does eliminate the nonconformity of the encroachments into Stengl’s property it seeks to expand and relocate the nonconforming access easements and does not seek to correct the encroachments into municipal property or the North Shuler ROW.

Development Standards of Title 22 – Zoning

The zone of the lots in question is Single-Family/Duplex/Manufactured Home District, which requires a minimum lot size of 8,000 sf.¹ The minimum lot area does not include access easements.² Here the lots are far in excess of the minimum lot size, therefore, net lot size is a non-issue.

Conformity with Code

SGC 22.04.030 requires conformity with code, which includes design standards and non-conforming uses. In this case, the proposal does not comply with design standards regarding easements, there are existing use and structures encroaching into public right-of-ways and/or adjacent property, it does not entirely protect private property rights, it does not protect the public’s health, safety, and welfare, nor does it provide for the gradual elimination of nonconformity, but seeks to expand, extend, and relocate such nonconformity.

Non-Conforming Use/ Structures

As a matter of persuasive code, SGC 22.24.050(E)(3), gives wide flexibility for certain instances where nonconforming use and structures may be reconstructed, but explicitly does not allow encroachment into the public right-of-way or adjacent property.

¹ SGC Table 22.20-1.

² SGC 22.20.035 Note 1 to Table 22.20-1.

In this case, there are several encroachments into public right-of-ways and/or adjacent municipal property.

Comprehensive Plan

Section 2.4.2 directs decision makers to make land use decisions in compliance with all applicable land use laws and policies. In addition, Section 2.4.19 directs decision makers “to consistently follow and enforce land use polices, codes, regulations and decision, and do so in accordance with the following policies and objectives...” “zoning and subdivision regulations are the primary mechanisms to manage land use in the Borough ... variances, and relief from the requirements shall be granted when all appropriate factors have been considered.” The above code sections would be the applicable land use laws and the policy and code below would also be the basis for the decision in conjunction with the underlying principles and direction set out in the Comprehensive Plan above.

Encroachment Policy

Effective July 7, 2016, the Planning and Community Development Director established Policy 16-03, which states, “It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This Policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include, but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure’s new location will be in a setback, a variance will be required.

Grandfathering / Historical Use / Legal Nonconformity

It will be argued that the existing easements are “grandfathered” or should be grandfathered in. Those arguments should fail for several legally supported reasons.

First, what the code states:

- 1) Nonconformity is defined in SGC 22.08.640 and can be summed as follows: a use that is no longer in compliance with current code, but was created in conformity with existing code.
- 2) Such a use, pursuant to SGC 22.24.050 (D 1-2), may continue so long as it is not enlarged or increased nor extended to a greater area or moved in whole or in part to any portion of land or lot.

Why it fails:

- 1) First, it was not legally created. The existing proposed easements are located in different locations than originally approved (There is a general legal principle that no rights ‘vest’ pursuant to illegal or erroneous action)³;
- 2) Further, the proposed easements show various degrees of enlargement, extension, relocation, and increase;

³ Land Use Planning and Development Law, 2ed, Juergensmeyer, Section 5.28, pg. 183.

- 3) The proposed easement expands the land area of the nonconforming use; and/or
- 4) Moreover, the historical use is not a listed criteria for the approval of a variance from a development standard and grandfathering in is not the subject matter of this action.

FINDINGS

It is found that as proposed the minor subdivision:

1. Does not meet the required access easements as found in section SGC 21.40.120(A);
2. Is detrimental to the public health, safety, and welfare because of limited access widths that would limit the ability of firefighting apparatus to have access;
3. Have impacted the ingress and egress of the public and property owners.
4. Is injurious to adjacent property owners because of encroachment into municipal property
5. Has a detrimental impact to the general welfare and rights of those in the adjacent right-of-way of North Shuler Drive because of the encroachments.
6. There are no facts presented to support a lot of unusual size or shape or topographical features that necessitate the platting variance; and
7. There are no facts to support an undue or substantial hardship to correct the access easements and/or encroachments.

Alternatively, if the minor subdivision is modified and approved subject to the attached conditions that 1) the easements be platted in according with existing design standards (i.e. 20 foot widths) and 2) that all encroachments into adjacent property be corrected it is found that the impacts to public, health, safety and welfare and the potential injuries to adjacent property have been satisfactorily eliminated.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planners' analysis and suggested 2 sets of findings, and approve a modified minor subdivision subject to the attached conditions of approval.

Recommended Motions: (3 motions - read and voted upon separately)

- 1) I move to find that as proposed the minor subdivision (supports denial as presented):
 - a. Does not meet the required access easements as found in section SGC 21.40.120(A);
 - b. Is detrimental to the public health, safety, and welfare because of limited access widths that would limit the ability of firefighting apparatus to have access;
 - c. Have impacted the ingress and egress of the public and property owners.
 - d. Is injurious to adjacent property owners because of encroachment into municipal property
 - e. Has a detrimental impact to the general welfare and rights of those in the adjacent right-of-way of North Shuler Drive because of the encroachments.
 - f. There are no facts presented to support a lot of unusual size or shape or topographical features that necessitate the platting variance; and
 - g. There are no facts to support an undue or substantial hardship to correct the access easements and/or encroachments.
- 2) I move to find that if the minor subdivision is modified and approved subject to the attached conditions that 1) the easements be platted in according with existing design standards (i.e. 20 foot widths) and 2) that all encroachments into adjacent property be corrected it is found that the impacts to public, health, safety and welfare and the potential injuries to adjacent property have been satisfactorily eliminated (supports a modified and conditional approval).
- 3) I move to approve a modified preliminary plat for a minor subdivision request for 109 Harbor Mountain Road in the R-1 MH district, for the purpose of a minor subdivision subject to the attached conditions of

approval. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 of USS 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.

a. Conditions of Approval:

- i. The easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet); and
- ii. All encroachments connected to the properties in question into adjacent properties be removed prior to recording the discussed Boundary Line Adjustment (P 16-16) and Final Plat for the Massey Subdivision.



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

POLICY 16-03

ENCROACHMENT

Effective Date: July 7, 2016

Purpose: To establish consistent standards for planning actions involving encroachments within the Department.

Policy: It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

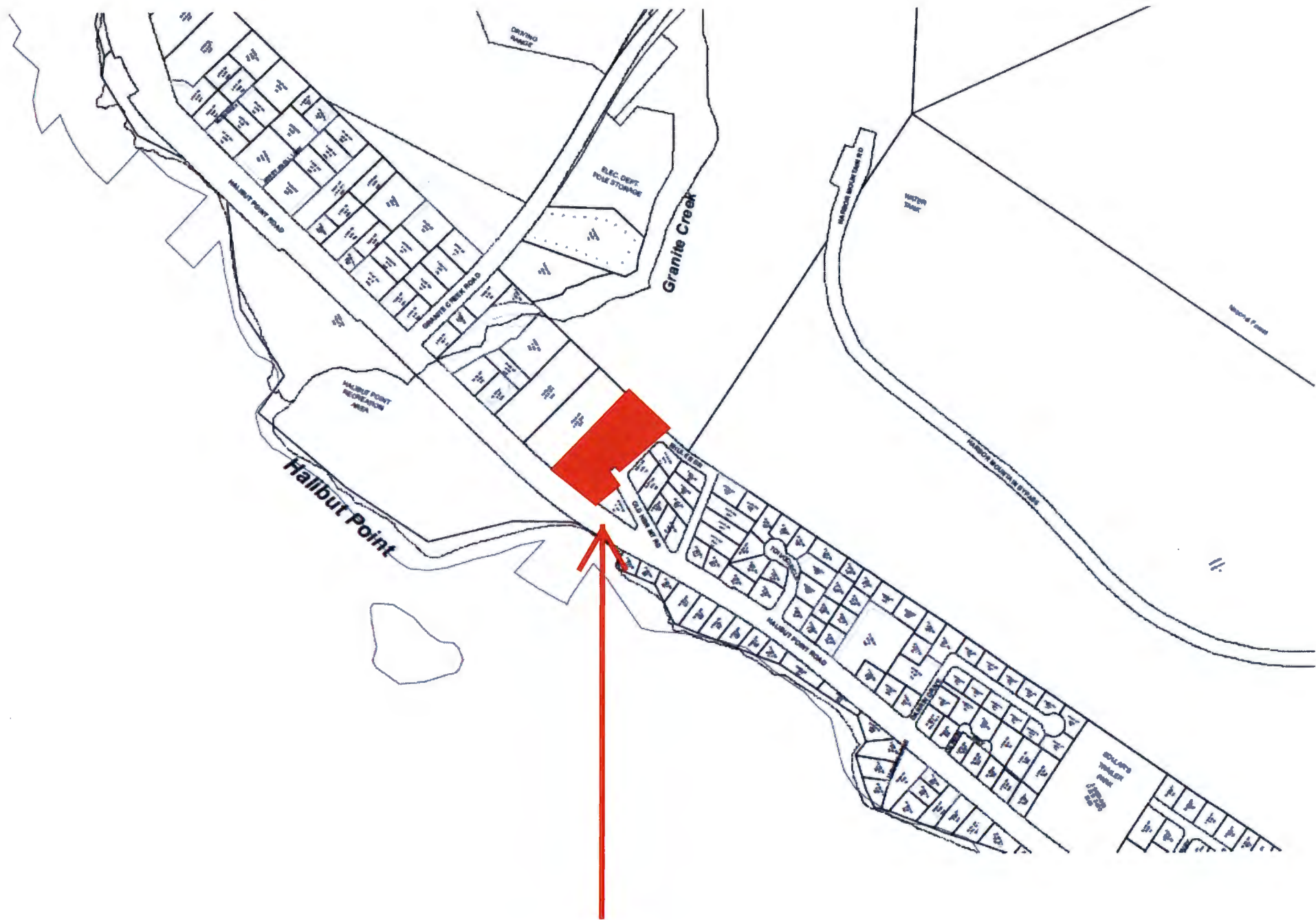
1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure's new location will be in the setback, a variance will be required.

Approved

Maegan Bosak
Maegan Bosak, Director

Date

7/13/16





City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed on 11/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
500 ft



MainStreetGIS
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.





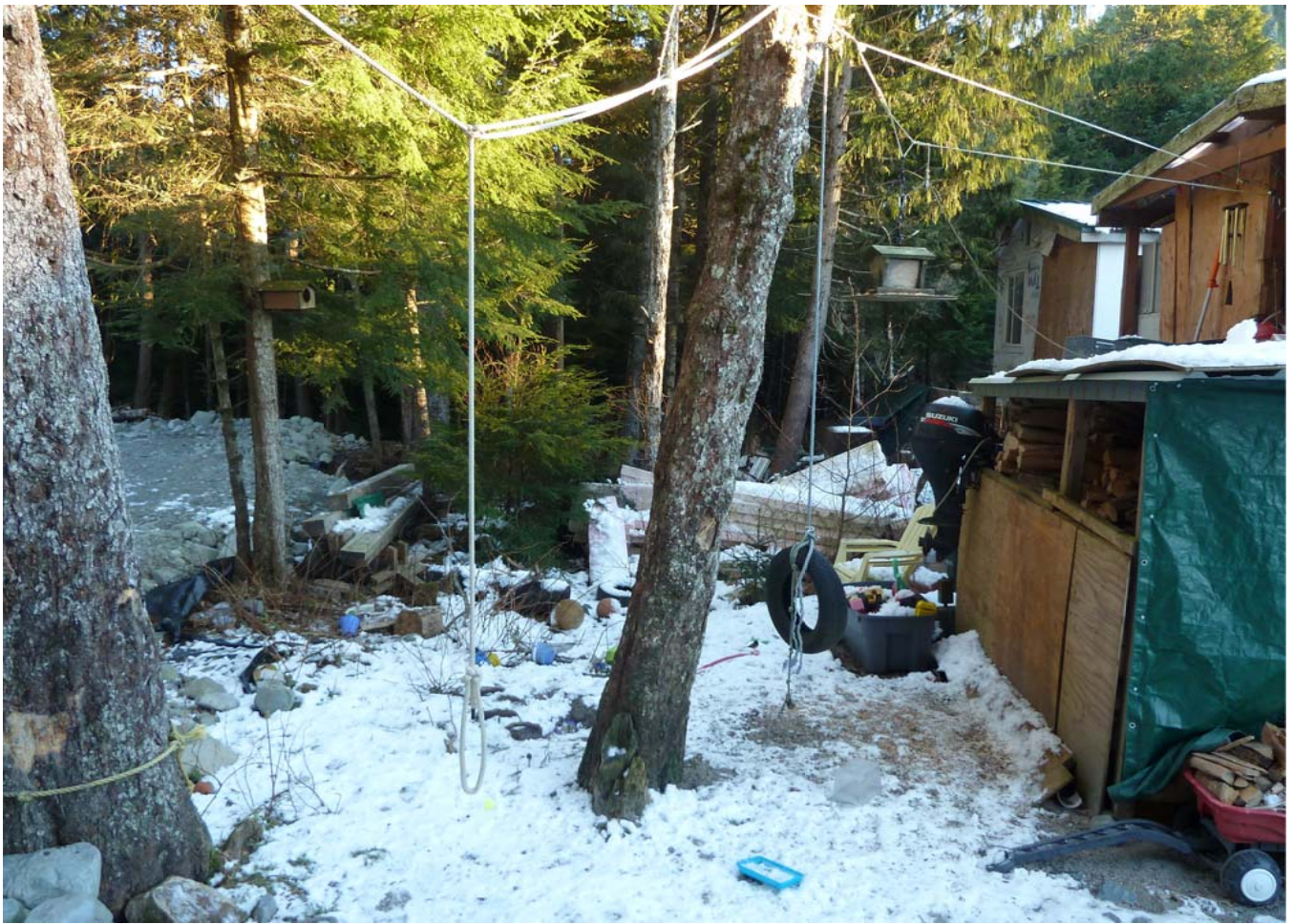








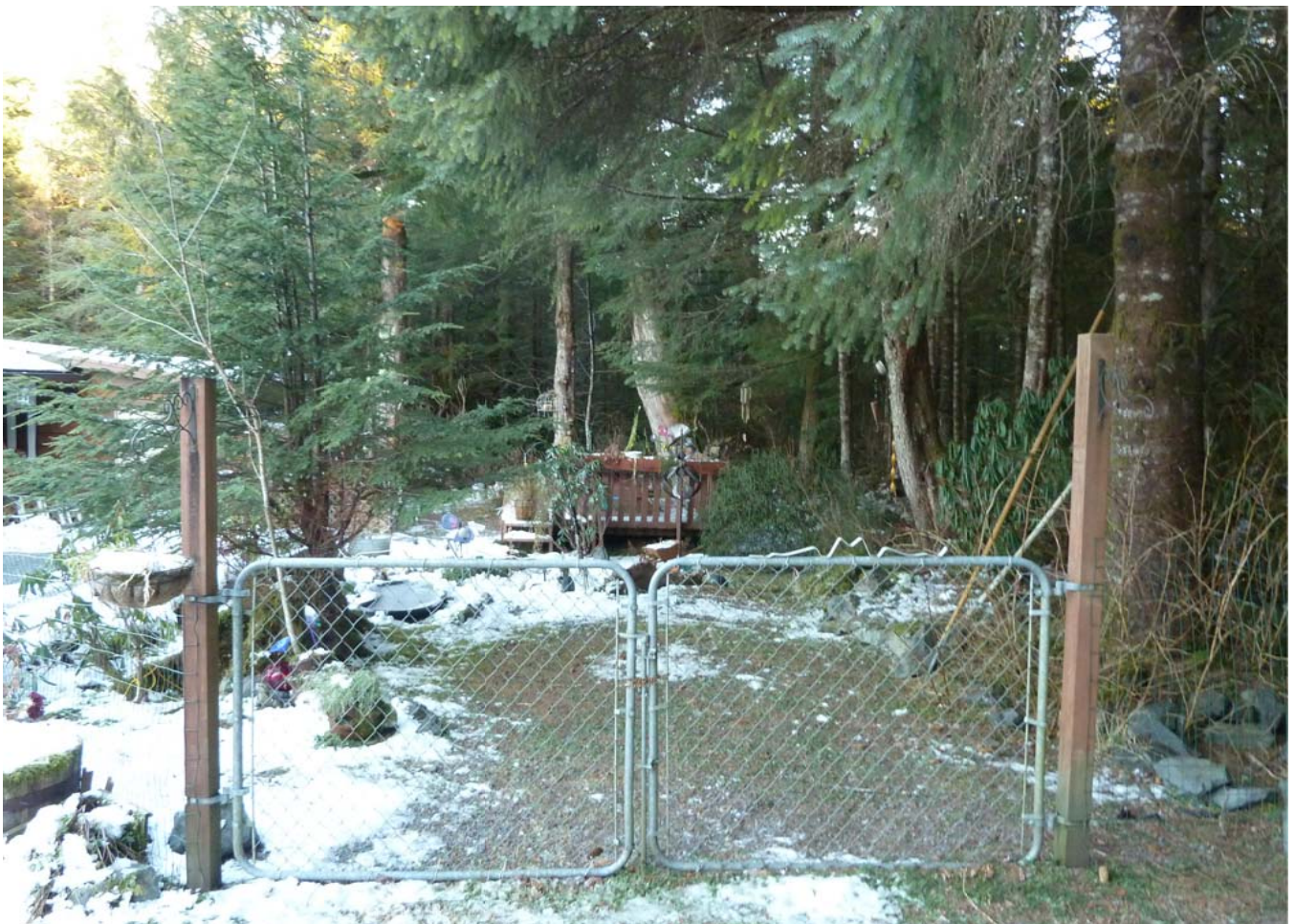


















CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

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:** - MASSEY SUBDIVISION - LOT LINE ADJUSTMENTBETWEEN LOT 4, USS 3317 AND LOT 2 OF LOT LINE ADJUSTMENT LOT 3, USS 3317, SUBDIVISIONOF LOT 2 OF LOT LINE ADJ. OF LOT 3, USS 3317 INTO TWO LOTS. * VARIANCE TO ALLOW RELOCATION OF 2 EXISTING EASEMENTS, RETAINING ORIGINAL WIDTHS.**PROPERTY INFORMATION:**CURRENT ZONING: R1-MH PROPOSED ZONING (if applicable): _____

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

APPLICANT INFORMATION:

PROPERTY OWNER: <u>ERNESTINE MASSEY</u>	<u>DEL STENGL</u>
PROPERTY OWNER ADDRESS: <u>109 HARBOR MT. RD.</u>	<u>4323 VALHALLA DR.</u>
STREET ADDRESS OF PROPERTY: <u>109 HARBOR MT. RD.</u>	<u>3614 HALIBUT PT. ROAD</u>
APPLICANT'S NAME: <u>ERNESTINE MASSEY</u>	<u>DEL STENGL</u>
MAILING ADDRESS: <u>(SAME)</u>	<u>(SAME AS OWNER ADDRESS)</u>
EMAIL ADDRESS: <u>747-3319</u>	DAYTIME PHONE: <u>738-8084</u>

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: LOT 4, USS 3317 BLOCK: _____ TRACT: _____

SUBDIVISION: LOT LINE ADJUSTMENT OF LOT 3, USS 3317 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.

DeStengl Ernestine Massey
Owner

11/23/2016
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

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADAPT 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 _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ 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 EXERCISING PERSONALLY APPOINTED.

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTES THE WITHIN PLAT AND, ACKNOWLEDGES TO ME THAT, SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESSES MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN MENTIONED.

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 ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED IN 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____, DATES THIS _____ DAY OF _____.

ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

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

DATE _____ CHAIRMAN, PLATTING BOARD _____

SECRETARY _____

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

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

DATE _____ MAYOR _____

CITY AND BOROUGH CLERK _____

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

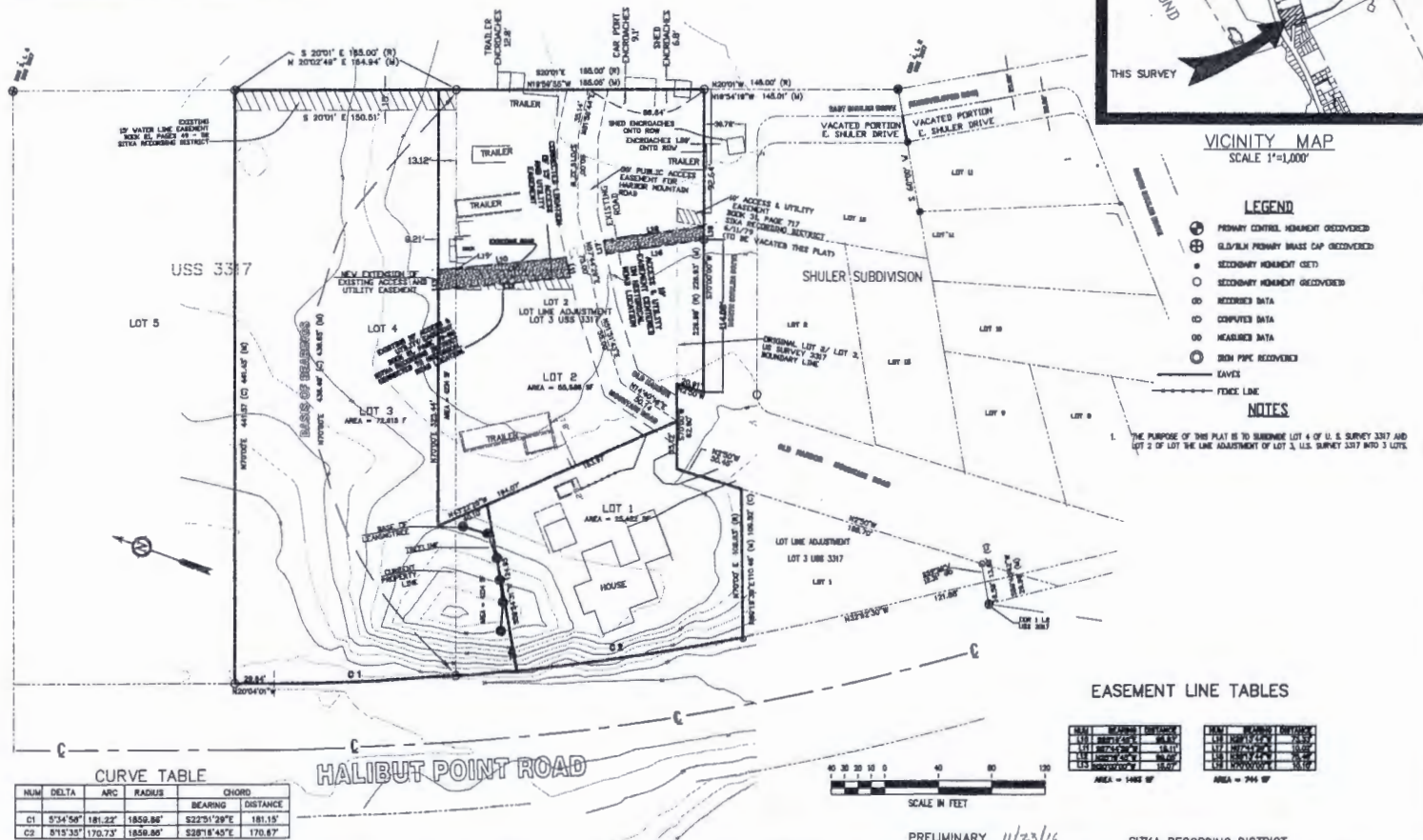
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED IN THE RECORDS IN THE NAME OF _____

ALL OWNERS OF RECORDS, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.L.S.'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

LOT 1, USS 3670



VICINITY MAP
 SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT RECOVERED
- GLASS PRIMARY BRASS CAP RECOVERED
- SECONDARY MONUMENT SET
- SECONDARY MONUMENT RECOVERED
- RECOVERED DATA
- COMPUTED DATA
- MEASURED DATA
- IRON PIPES RECOVERED
- CAVES
- POSSIBLE LINE

NOTES

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 4 OF U.S. SURVEY 3317 AND LOT 2 OF LOT 1 LINE ADJUSTMENT OF LOT 3, U.S. SURVEY 3317 INTO 3 LOTS.

PRELIMINARY 11/23/16

SITKA RECORDING DISTRICT

MASSEY SUBDIVISION

LOT 4, US SURVEY 3317 AND LOT 2 OF THE LOT
 LINE ADJUSTMENT OF LOT 3, US SURVEY 3317

CLIENT: ERNESTINE MASSEY
 199 HARBOR MOUNTAIN ROAD
 SITKA, ALASKA 99835

SURVEYOR'S CERTIFICATE

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

DESIGNED BY: J. D. MALL
 DRAWN BY: J. D. MALL
 DATE OF PLAT: NOV 2016
 SCALE: 1" = 40'
 DRAWING NAME: MASSEY SUBDIVISION
 PROJECT NO: 30601-02



O'NEILL
 SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
 PHONE: (907) 747-8700
 FAX: (907) 747-7580
 EMAIL: onallengr@aol.net

BY	DATE	REV	DESCRIPTION OF CHANGE

RECORD OF REVISIONS

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING FINANCE DIRECTOR FOR THE CITY AND 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 RECORDS IN THE NAME OF:

ERNESTINE MASSEY

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

DATED THIS 15th DAY OF November, 1996
AT SITKA, ALASKA.

FINANCE DIRECTOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 844-96-3 DATED 11-20-96 AND THAT THE PLAT HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 10-22-96 Rene Bailey
CHAIRMAN

ATTEST:
Edwina Barnett Simmons
SECRETARY
SEAL:

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE 12 DATED NA AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 10/22/96 Pat Halligan
MAYOR

ATTEST:

CLERK

CERTIFICATE

STATE OF ALASKA } SS
1ST JUDICIAL DISTRICT }

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING ASSESSOR FOR THE CITY AND 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:

ERNESTINE MASSEY

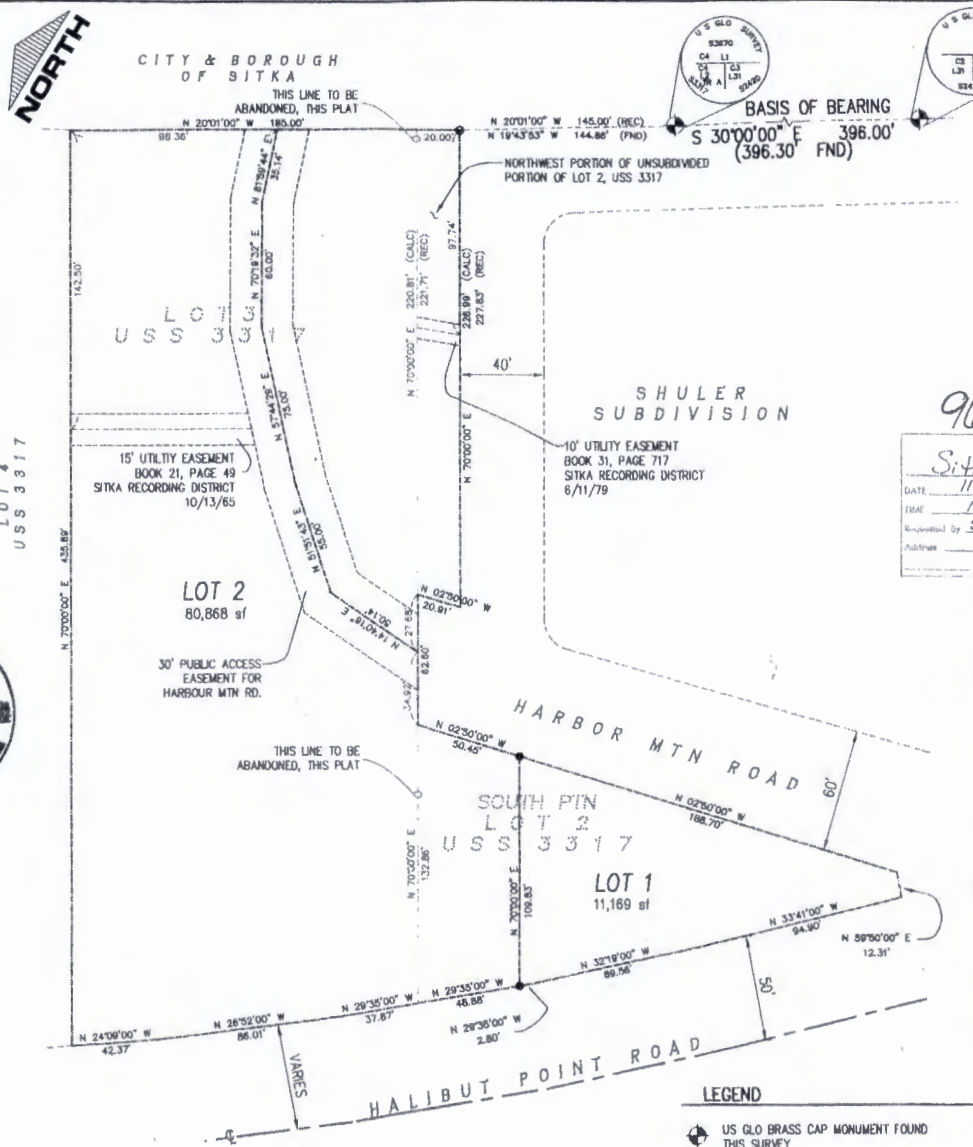
AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS IN FAVOR OF THE CITY AND BOROUGH ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR 1996 WILL BE DUE ON OR BEFORE:

DATED THIS 14th DAY OF Nov., 1996
AT SITKA, ALASKA.

Pat Halligan
ASSESSOR, CITY AND BOROUGH OF SITKA

PLAT NOTES

THE PURPOSE OF THIS PLAT IS TO ADJUST THE PROPERTY LINES OF LOT 3 AND THE UNSUBDIVIDED PORTION OF LOT 2, USS 3317 SOUTH OF HARBOR MTN RD., INTO THE CONFIGURATION SHOWN ON THIS PLAT.



THIS PROJECT

VICINITY MAP
SCALE 1" = 1000'

96-29
Siika 20.00
DATE 11-21 MK DIST. 1996
TIME 1:12 P. 12
Represented by Scg B.
Address

STATE OF ALASKA
NOTARY PUBLIC
EDWINA BARNETT SIMMONS
My Commission Expires Nov. 10, 1997

CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT AND DEDICATE ALL PUBLIC STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 10/22/96
OWNER
Ernestine Massey

THE NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA } SS
STATE OF ALASKA }
CITY AND BOROUGH OF SITKA }

THIS IS TO CERTIFY THAT ON THIS 22 DAY OF October, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AS SWORN, PERSONALLY APPEARED

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

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.
Edwina Barnett Simmons
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES 11-18-97

LOT LINE ADJUSTMENT
LOT 3, USS 3317

LOT LINE ADJUSTMENT OF LOT 3

AND UNSUBDIVIDED PORTION LOT 2, USS 3317

JOB NO. 2693 CHECKED BY: NPS DATE: 10-21-96
DRAWN BY: PS SCALE: 1"=400'

PREPARED FOR:
ERNESTINE MASSEY
PO Box 808
SITKA, AK 99835

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT I HAVE PERSONALLY CONDUCTED A SURVEY OF THE LAND SHOWN ON THIS PLAT, AND THAT THE PLAT TRULY AND CORRECTLY REPRESENTS THE SURVEY AND THE RESULTS THEREOF, AND THAT I AM NOT PROVIDING ANY OTHER RECORDS OR CORRECTIONS.

DATE 11-22-96 SIGNATURE Pat Halligan
REGISTERED LAND SURVEYOR
NOR. F. STRAGIER 2537-S

PREPARED BY:

STRAGIER ENGINEERING SERVICES, INC.

CIVIL ENGINEERING
LAND SURVEYING

504 Oudroft St., Sitka, Alaska 99835 907-743-5613
Nor. "Babe" Stragier, P.E., R.L.S., President





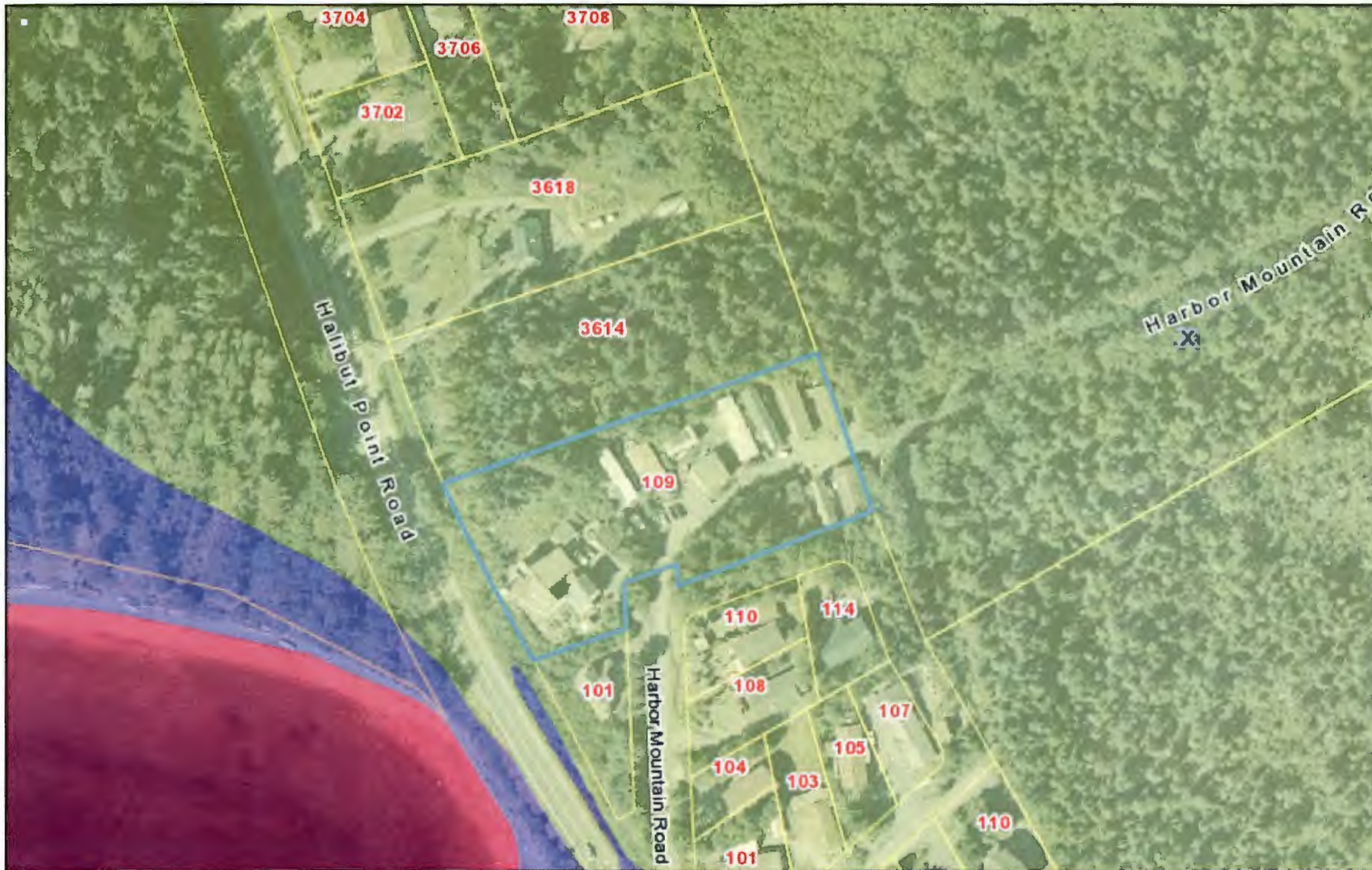
City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed 11/28/2016 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.



City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
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.

Parcel ID: 25571004
DONOVAN/JANE SEESZ
SEESZ, DONOVAN, D./JANE, M.
114 HARBOR MOUNTAIN RD.
SITKA AK 99835

Parcel ID: 25571005
LUCAS/JULIE SKORDAHL/MAUCH
SKORDAHL, LUCAS & MAUCH, JULIE
116 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25571006
MARK REID
REID, MARK, K.
P.O. BOX 1201
SITKA AK 99835-1201

Parcel ID: 25605000
ROBERT/ERNESTIN PEEL/MASSEY
PEEL, ROBERT/MASSEY, ERNESTINE
109 HARBOR MT RD
SITKA AK 99835

Parcel ID: 25610000
ERNESTINE MASSEY
SEA & SKI TRAILER COURT
MASSEY, ERNESTINE
109 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25615000
DEL STENGL
STENGL, DEL
4323 VALHALLA DR
SITKA AK 99835

Parcel ID: 25620000
PAULINE BERGDOLL REVOCABLE
TRUST
C/O LINDA SCHMIDT
BERGDOLL TRUST, PAULINE, F.
4406 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 25624000
ALASKA, STATE OF
HALIBUT POINT REC AREA
ALASKA, STATE OF
3700 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 26004000
CITY & BOROUGH OF SITKA
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

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

Date: 11/25/2016
Receipt: 2017-00025713
Cashier: Front Counter
Received From: O'NEILL SURVEYING

PLAN - Planning Permits/Zoning	150.00
STL - Sales Tax 4th quarter	7.50
CY	
Receipt Total	157.50
Total Check	157.50
Total Remitted	157.50
Total Received	157.50

PAID
NOV 25 2016
CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

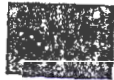
DATE: 11/23/16

To: O'Neill Surveying

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

Variance.....	75.00
Conditional Use Permit.....	
Minor Subdivision.....	50.00
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	25.00
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	7.50
TOTAL.....	157.50

Thank you



2004-000659-0

Recording Dist: 103 - Sitka

4/13/2004 1:48 PM Pages: 1 of 2

A
L
A
S
K
A

cc

PERSONAL REPRESENTATIVE'S DEED

The Grantor, Ernestine Massey, Personal Representative of the Estate of Walter Massey, in Case No. 1SI-73-04 PR in the Superior Court for the State of Alaska, First Judicial District at Sitka, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, for valuable consideration, conveys and grants to the Grantee, Ernestine Massey, a married person, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, all right, title and interest in the following described real estate:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, including within its boundaries Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, described by metes and bounds as follows: commencing at the northernmost corner of Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as the true point of beginning, thence N 02° 50' 00" W a distance of 50.45 feet to Corner No. 1, thence S 70° 00' 00" W a distance of 132.86 feet to Corner No. 2, thence S 29° 35' 00" E a distance of 48.88 feet to Corner No. 3, thence S 32° 19' 00" a distance of 89.56 feet to Corner No. 4, thence S 33° 41' 00" E a distance of 94.90 feet to Corner No. 5, thence N 59° 50' 00" E a distance of 12.31 feet to Corner No. 6, and thence N 02° 50' 00" W a distance of 188.70 feet back to the true point of beginning, a parcel commonly known as the south portion of Lot Two (2), USS 3317;

And as follows:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, described by metes and bounds as follows: commencing at the northernmost corner of Lot Three (3), USS 3317, thence S 20° 01' 00" E a distance of 165.00 feet to the true point of beginning, thence S 20° 01' 00" E a distance of 20.00 feet to

Σm * S 29° 35' E a distance of 2.8 feet.

Personal Representative's Deed
Estate of Massey
Page 1 of 2

PEARSON & HANSON
Attorneys at Law
713-B Sawmill Creek Boulevard P.O. Box 98
Sitka, Alaska 99835
(907) 747-3257 (phone) (907) 747-4977 (fax)

Corner No. 1, thence S 70° 00' 00" W a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 226.99 feet (and a recorded distance of 227.83 feet according to that same plat), to Corner No. 2, thence N 02° 50' 00" W a distance of 20.91 feet to Corner No. 3, and thence N 70° 00' 00" E a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 220.81 feet (and a recorded distance of 221.71 feet according to that same plat) to the true point of beginning, a parcel commonly known as the northwest portion of unsubdivided portion of Lot Two (2), USS 3317.

DATED this 13th day of APRIL, 2004.

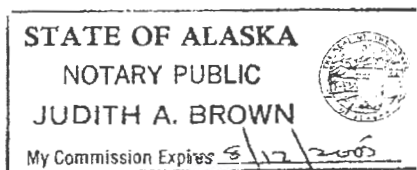
Ernestine Massey, Personal Representative of
Ernestine Massey, Personal Representative of the
Estate of Walter Massey *the Estate of Walter Massey*

STATE OF ALASKA)

) ss:

FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 13 day of, March, 2004, by Ernestine Massey, Personal Representative of the Estate of Walter Massey.



J. H. Brown
Notary Public for Alaska

RETURN TO:
Pearson & Hanson
P.O. Box 98
Sitka, Alaska 99835

MAE1PRD1.wpd.c:\masseye

Personal Representative's Deed
Estate of Massey
Page 2 of 2

PEARSON & HANSON
Attorneys at Law
713-B Sawmill Creek Boulevard P.O. Box 98
Sitka, Alaska 99835
(907) 747-3257 (phone) (907) 747-4977 (fax)



2004-000669-0



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 16-10 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 12/1/2016 **In control:** Planning Commission
On agenda: 12/20/2016 **Final action:**
Title: Discussion and direction regarding monumentation and flagging requirements in Title 21.
Sponsors:
Indexes:
Code sections:
Attachments: [Monumentation and Flagging 12.20.16](#)

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: December 16, 2016

From: Staff

To: Planning Commission

Re: Monumentation Discussion and Direction

ATTACHMENTS

Attachment A: Example Minor Plat - SGC

Attachment B: Example Major Plat - SGC

Attachment C: DNR Sample Plat

Attachment D: ALPS Example Plat

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

BACKGROUND

The current code has stringent requirements for plat submission requirements, specifically the requirements for flagging and primary monumentation, which adds significant cost to platting surveys. In practice, these requirements have not typically been followed or enforced and creates a lack of conformity with code. State law requires much less and there are examples with some local municipalities of following the state minimum requirements, which are much less costly. On the other side, there are positives to having primary monuments.

Placing and recording a primary monument requires more digging, more materials, referencing three bearing objects, et cetera, and is a burdensome task. On the other hand, down the line when replats or development occur, primary monuments are invaluable to reestablish property lines and less likely to be moved or lost.

Final Plat Submission Requirements – What the Sitka General Code States.

Minor Subdivisions - Monumentation

- SGC Section 21.12.010 states under Basic Criteria, “Monuments exist sufficient to locate all proposed lots on the site,” and that means legal sufficiency.
- To be legally sufficient, SGC Section 21.12.030 Final Plat, subsection A, states that the Minor Subdivisions Final Plat “shall comply with **all** major subdivisions final plat submission requirements in Section 21.32.160. emphasis added).”
- SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments.
- SGC Section 21.40.160 - Required monumentation – Final Plat monuments requires under subsection C, that ‘Every subdivision must have a minimum of two primary monuments set or recovered on the boundary of the subdivision. All angle points along the subdivision boundary should have a primary monument. Subsection D, establishes that secondary monuments, “shall be used for property line curvature control, at interior angle points, on interior lines ...”
- While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Minor Subdivisions – Flagging

SGC Section 21.12.030, Final Plat, states “The perimeter of the subdivision shall be flagged with readily viewable marking at least ten days prior to the planning commission hearing.” Further, SGC Section 21.40.160 also references flagging in subsection A.2.

Major Subdivisions - Monumentation

- SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments.
- SGC Section 21.40.160 - Required monumentation – Final Plat monuments requires under subsection C, that ‘Every subdivision must have a minimum of two primary monuments set or recovered on the boundary of the subdivision. All angle points along the subdivision boundary should have a primary monument. Subsection D, establishes that secondary monuments, “shall be used for property line curvature control, at interior angle points, on interior lines ...”
- While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not

required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Major Subdivisions – Flagging

21,32,050, Preliminary plat review and approval, states that “The exterior of the lots lines of the project shall be flagged ten days prior to the first planning commission hearing on the preliminary plat.” And interior flagging if required by municipality. SGC Section 21.32.170 states that the final plat shall be flagged in the same manner. Further, SGC Section 21.40.160 also references flagging in subsection A.2.

State Law Requirements

AS 29.40 vests in this home rule chartered municipality the platting authority subject to the following under subsection **100** regarding information required for a plat, to sum: 1) initial point of survey; 2) original or reestablished corner and their descriptions; 3) actual traverse with details; 4) other info as may be required by the municipality.

State Law Sets Forth Minimum of Secondary Monumentation

Further, **AS 40.15.320**, sets forth the minimum monumentation requirements for subdivisions and dedications for public records and recordings. To sum, it requires, what we would term secondary monuments at all exterior corners for subdivisions of five or less, and all at exterior and interior points for subdivisions for 6 or more.

“AS 40.15.320. Monuments.

(a) In a subdivision with five or fewer lots, the existence of at least a 5/8 inch by 24 inch rebar and cap monument at controlling exterior corners of the subdivision shall be established by the surveyor.

(b) In a subdivision of more than five lots, each interior corner shall be monumented with at least a 5/8 inch by 24 inch rebar and cap.

(c) If a monument of record does not lie on the parcel or tract boundary, the plat shall reflect a boundary survey and tie to a monument of record.”

State Land Survey Requirements (11 AAC 53.100-260)

Under these sections, it sets forth the minimum survey requirements for state land. Under subsection 190, state surveys require a minimum of four primary monuments. In addition, with some deviation, this appears to be the basis or a close approximation for the SGC section on monumentation. Moreover, if state land is in a municipality, the survey is subject to the stricter controls, if any, of the municipality, under subsection 100.

Platting Authority in Unorganized Boroughs (11 AAC 53.600-740.)

Sets requirements for subdivisions with 1) five or less lots, and 2) 6 and more lots. In both, these monuments are more similar to our code's secondary monuments versus primary monuments.

Other Municipalities' Requirements

Ketchikan Gateway Borough – Example of more lenient code

KGC section 17.10.090 requires the rough equivalent of secondary monuments for its subdivisions for all exterior corners of the subdivision and all lot corners.

City and Borough of Juneau – Example of similar for majors and example of more lenient for minor subdivision

CBJ Code Section 49.15.453 – Monumentation, requires primary monumentation, similar to SGC, for subdivisions of 6 or more lots; and secondary monumentation, similar to SGC, for 5 or fewer lots.

Anchorage Municipal Code

21.85.130 - Monuments.

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set in a professional manner. Survey monumentation shall conform to such additional standards as the director of public works may establish by regulation under [chapter 3.40](#).

And AMC section 21.08.030(K): *Monuments*. Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set by a professional registered land surveyor licensed by the state of Alaska. Survey monumentation shall conform to such additional standards as the municipal surveyor may establish by regulation under AMC [Chapter 3.40](#).

RECOMMENDATION

Staff believes that flagging should be eliminated as mandatory *except* when required by the Planning Commission during review of the concept or preliminary plat when circumstances such as topography, drainage, setbacks, property line, or other development criteria or issues arise that warrant such marking.

Staff believe that monumentation should include a minimum of four primary monuments for **major** subdivisions, with secondary at all angle points. For **minor** subdivisions, at least one primary monument for minor subdivisions with secondary monuments at all angle points. It is

further believed, that a clause about recovered versus newly set be applicable, and that depth be reduced to mirror state minimums for state surveys and include the language “or until refusal.”

In addition; any variation of the following could be another direction:

Alternative 1 – Strict Monumentation Criteria

Primary Monumentation at all exterior angle points for minor and major subdivision; and secondary monumentation at all interior lot angle points for both types of subdivision.

Alternative 2 – Another Middle Ground Approach

Primary of 2 Primary Monuments for all Major Subdivisions at exterior angle points; and secondary monumentation at all interior lot angle points for both types of subdivision. Minor Subdivisions, one primary monument or no primary monuments, with the rest being secondary monument points

Alternative 3 – Most Lenient

Secondary Monuments at all exterior corners, and interior corners for all types of subdivisions.

Motion

I move to direct staff to (choice of something to the effect):

1. Do nothing.
2. Interpret existing code more leniently.
3. Interpret code more strictly.
4. Draft new code options for planning commission review regarding flagging and and monumentation that is similar to a (lenient, middle ground, or stricter alternative) as discussed by the Planning Commission.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

7/11/2016 Karen J. Lucas
DATE OWNER

DATE OWNER

NOTARY'S ACKNOWLEDGEMENT

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

STATE OF ALASKA
NOTARY PUBLIC
Samantha Pison
My Commission Expires 2018

THIS IS TO CERTIFY THAT ON THIS 11 DAY OF July, 2016 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Karen J. Lucas

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

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

Samantha Pison
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES With office

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING ASSESSOR FOR THE CITY AND 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 Karen J. Lucas

(ALL OWNERS OF RECORD) AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 2016 WILL BE DUE ON OR BEFORE August 31, 2016, DATED THIS 11th DAY OF July 2016, AT SITKA, ALASKA.

Wendy Lawrence
ASSESSOR CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION No. 14-07 DATED June 21, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

7-11-2016
DATE
Samantha Pison
CHAIRMAN, PLATTING BOARD
SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK 13 PAGE 240 DATED June 21, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

7/12/16
DATE
Sara Peterson
MAYOR
CITY AND BOROUGH CLERK

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF Karen J. Lucas (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 AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 13 DAY OF July, 2016, AT SITKA, ALASKA.

Patrick K. O'Neill
FINANCE DIRECTOR
CITY AND BOROUGH OF SITKA

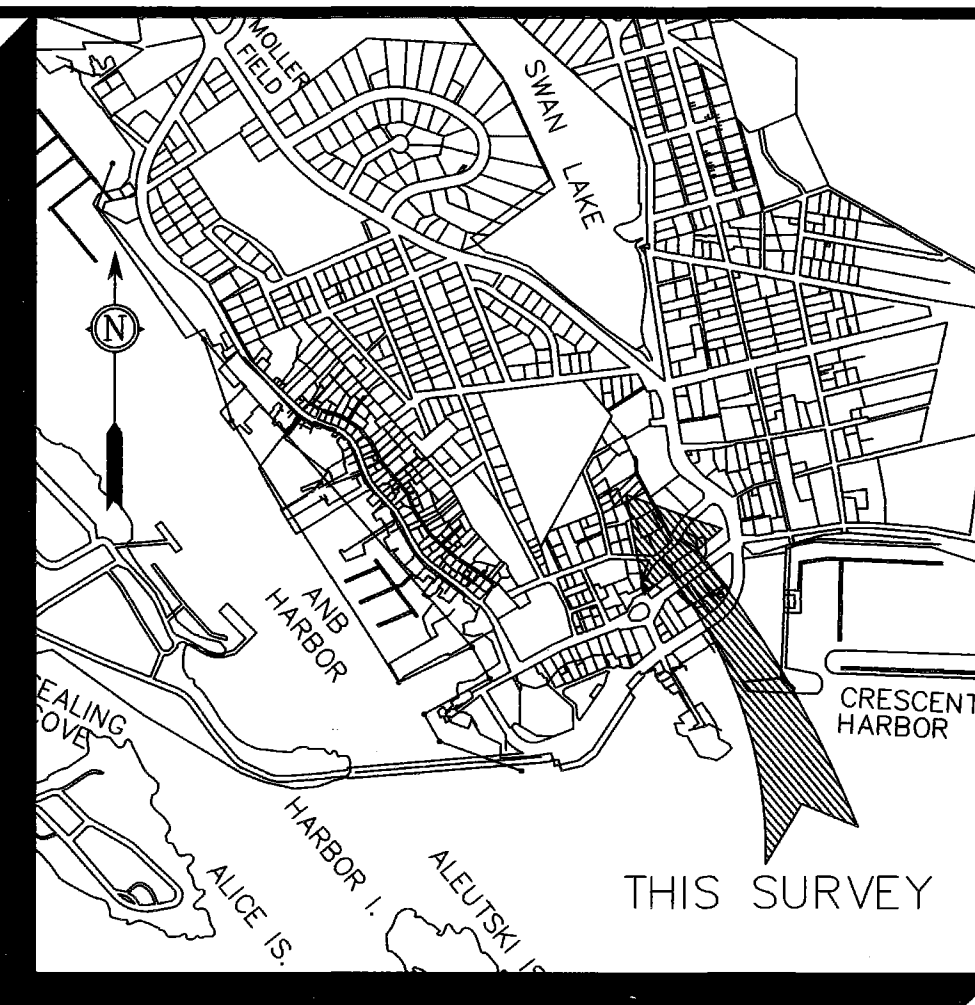
LAIRD SUBDIVISION

(PRIOR DESCRIPTION)
POR. LOT 1, BLK 8, S1474A
PARCEL No. 2,
SITKA RECORDING DISTRICT
DOCUMENT 2005-000449-0

RECORD POSITION
(NOT USED)
MONUMENT FOUND
OUT OF RECORD
POSITION
(POSITION HELD)

LOT 4

SWAN CREEK SUB.
BLOCK 2



VICINITY MAP
SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
- BLM/GLD PRIMARY BRASS CAP (RECOVERED)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- LEAD PLUG AND TACK ON STONE WALL
- (R) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA

NOTES

- THE PURPOSE OF THIS PLAT IS AS FOLLOWS:
 - ADJUST THE PROPERTY LINE BETWEEN NEW LOTS 1 AND 2 AS SHOWN.
 - REMOVE THE PROPERTY LINE BETWEEN THE PORTION OF LOT 1, BLOCK 8, AND THE ADJACENT PORTION OF LOT 2, BLOCK 8, (AS MERGED PER DOCUMENT 2012-000748-0) CREATING NEW LOT 2 OF THIS SUBDIVISION.
- A STONE WALL STRADDLES THE BOUNDARY LINE BETWEEN NEW LOTS 1 AND 2 AND LOTS 1 AND 2 OF DOROTHY'S SUBDIVISION.
- TWO PARKING SPACES ARE TO BE PROVIDED ON NEW LOT 1.
- A "DECLARATION OF EASEMENT AND ACCESS RIGHTS" INCLUDING MAINTENANCE RESPONSIBILITIES IS FILED IN THE SITKA RECORDING DISTRICT OFFICE, SERIAL No. 2016-000699-0

SITKA RECORDING DISTRICT

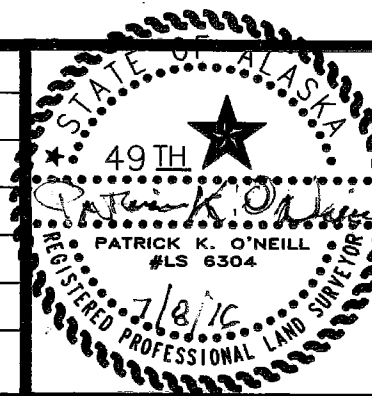
O'NEILL

SURVEYING AND ENGINEERING

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

SCALE IN FEET

BY	DATE	REV.	DESCRIPTION OF CHANGE
RECORD OF REVISIONS			



DESIGNED: P. O'NEILL
DRAWN: WAD/JCH/ACAD
CHECKED: PKO
DATE OF PLAT: JULY 2016
SCALE: 1" = 20'
DRAWING NAME: 30575C02
PROJECT NO. 30575-02

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN MAY 2016 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.

7/8/16
DATE
Patrick K. O'Neill
PATRICK K. O'NEILL, LS 6304

OBSERVATORY STREET LOT LINE ADJUSTMENT

A PORTION OF LOT 1 (DEED) AND PORTIONS OF LOT 2 (DEEDS), BLOCK 8, US SURVEY 1474A

CLIENT: KAREN LUCAS
218 OBSERVATORY STREET
SITKA, ALASKA 99835

SHEET 1 OF 1

NOTES (USE ONLY THE APPLICABLE NOTES)

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000
2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND THE DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

OR (FOR SURVEYS BASED ON GPS)

THE BASIS OF BEARING ON THIS PLAT WAS DETERMINED BY HIGH PRECISION GPS SURVEY USING (BRAND AND MODEL) RECEIVERS DIFFERENTIALLY CORRECTED AND PROCESSED USING (SOFTWARE NAME AND VERSION) SOFTWARE

3. THE NATURAL MEANDERS OF ORDINARY HIGH WATER (MEAN HIGH WATER) LINE FORMS THE TRUE BOUNDARY OF (PLACES NAME). THE APPROXIMATE LINE OF ORDINARY HIGH WATER (MEAN HIGH WATER), AS SHOWN, IS FOR AREA COMPUTATIONS ONLY. THE TRUE CORNER BEING ON THE EXTENSION OF THE SIDELINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS (USE THE APPROPRIATE NOMENCLATURE)
4. RESTRICTIVE COVENANTS WERE RECORDED (DATE) IN BOOK (NUMBER), PAGE (NUMBER), (TOWN) RECORDING DISTRICT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°40'28"W	70.45'
L2	S85°28'18"W	92.68'

LEGEND (SHOW ONLY THE SYMBOLS USED)

- QLO - BLM MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- QLO - BLM MONUMENT OF RECORD (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- PRIMARY MONUMENT SET THIS SURVEY (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- PRIMARY MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- PRIMARY MONUMENT OF RECORD (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- SECONDARY MONUMENT SET THIS SURVEY (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- SECONDARY MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- CELECTRIC CONTROL MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- CELECTRIC CONTROL MONUMENT OF RECORD (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- SURVIVED
- UNSURVIVED
- MHW - MEAN HIGH WATER
- OHW - ORDINARY HIGH WATER
- (R) (REC) RECORD PER PLAT NO. 0000
- (C) (CALC) COMPUTED
- (M) (MEAS) MEASURED

SURVEYOR'S CERTIFICATE

I CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: _____ REGISTRATION NO. (MECHANICALLY LETTERED NUMBER)

(MECHANICALLY LETTERED NAME)
REGISTERED LAND SURVEYOR



SOMETIME

PLAT No. 96-00

LOT 5 BUK 6

LOT 1

8.97 ACRES

LOT 2

9.69 ACRES

LOT 3

9.86 ACRES

LOT 4

10.82 ACRES

LOT 5

9.00 ACRES

LOT 6

10.04 ACRES

LOT 7

9.41 ACRES

LOT 8

8.17 ACRES

LOT 9

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LOT 123

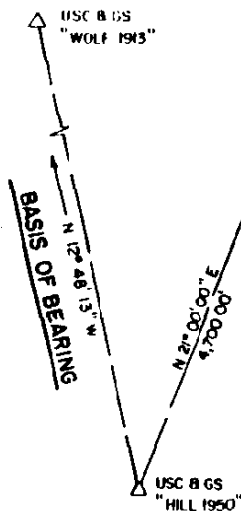
8.17 AC

SAMPLE RECORD

JANE Q SURVEYOR
REGISTRATION No 0000-S
DATE _____

(SEAL & SIGNATURE)

U.S. SURVEY



NORTH
920.00

LEGEND

- △ USC & GS TRIANGULATION STATION RECOVERED
- 2 1/2" BRASS CAP ON 1" x 30" GALV IRON PIPE SET THIS SURVEY

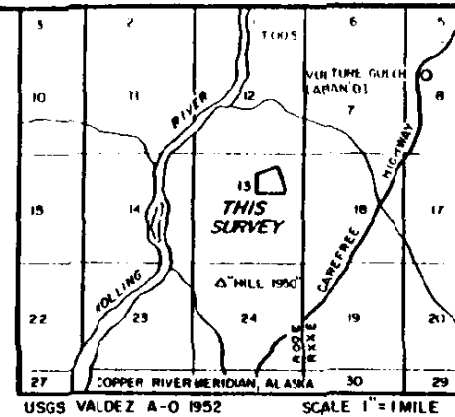
27.89 Ac.

1180.00'
WEST

N 68° 00' 00" E
932.00'

S 22° 30' 30" E
960.00'

N 4° 00' 00" W
340.00'



VICINITY MAP

NOTES

1. THIS IS A SURVEY OF PROPERTY AS DESCRIBED BY METES AND BOUNDS IN THE STATUTORY WARRANTY DEED RECORDED IN BOOK 00, AT PAGES 243 AND 244 ON JUNE 24, 1950 IN THE VALDEZ RECORDING DISTRICT

DATE OF SURVEY Beginning _____ Ending _____		NAME AND ADDRESS (OF SURVEYOR OR FIRM)	
RECORD OF SURVEY			
WITHIN NE 1/4 UNSURVEYED SECTION 13 TOWNSHIP 00 SOUTH, RANGE 00 EAST, COPPER RIVER MERIDIAN, ALASKA VALDEZ RECORDING DISTRICT			
DRAWN BY (INITIAL & DATE)	SCALE 1" = 200'	CHECKED BY (INITIAL)	FILE NO

JOHN Q. SURVEYOR
REGISTRATION No. 00000 S
DATE _____

(SEAL & SIGNATURE)

1/4 10

3

MONUMENT RECORD
FILED FOR THIS MONUMENT

2640.60'

N 0° 02' 40" W

1/4 10

S 89° 59' 00" W

2640.49'

C 1/4

S 89° 59' 00" W

2639.12'

CE 1/16

1319.56'

10

11

N 0° 04' 00" W

1321.06'

NW 1/4 SE 1/4
40.02 Ac

1320.87'

2641.74'

CS 1/16

1320.08'

S 89° 59' 30" W

SE 1/16

1321.25'

10

11

N 0° 05' 20" W

2642.50'

10" SPRUCE

6" BIRCH

N 35° 50' W

20.7'

N 23° E

35.8'

1/4 14

15

10

15

14

1320.60'

1320.60'

2641.20'

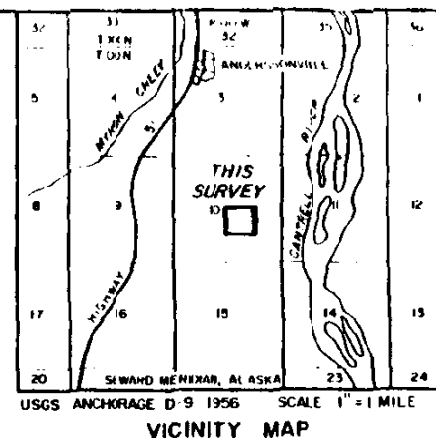
1321.25'

(N 0° 03' W 2640' BLM)

LEGEND

BASIS OF BEARING

(SEAL & SIGNATURE)



- 1 UNLESS OTHERWISE NOTED, ACCESSORIES FOR ALL BLM MONUMENTS ARE AS DESCRIBED IN THE ORIGINAL FIELD NOTE RECORDS
- 2 SURVEYED IN ACCORDANCE WITH THE BLM MANUAL OF SURVEY INSTRUCTIONS 1973 SECTIONS 3-85 THROUGH 3-89
- 3 THIS IS A SURVEY OF THE PROPERTY DESCRIBED IN UNITED STATES PATENT No. 1234567 RECORDED IN THE ANCHORAGE RECORDING DISTRICT IN BOOK 000 AT PAGE 500 ON JUNE 31, 1935
THIS DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY A.S. 40.15.190(2)

3LM MONUMENT RECOVERED
5 1/4" ALUMINUM CAP ON 2" x 50"
ALUMINUM PIPE SET 2" ABOVE
GROUND THIS SURVEY

DATE OF SURVEY Beginning _____ Ending _____	NAME AND ADDRESS (OF SURVEYOR OR FIRM)		
<h1 style="text-align: center;">RECORD OF SURVEY</h1> <p style="text-align: center;">OF NW 1/4 SE 1/4 SECTION 10 TOWNSHIP 00 NORTH, RANGE 00 WEST, SEWARD MERIDIAN, ALASKA ANCHORAGE RECORDING DISTRICT</p>			
DRAWN BY (INITIALS & NAME)	SCALE 1" = 500'	CHECKED BY (INITIALS)	FILE NO.