



# CITY AND BOROUGH OF SITKA

## Meeting Agenda

### Planning Commission

*Chris Spivey, Chair*

*Darrell Windsor, Vice Chair*

*Debra Pohlman*

*Randy Hughey*

*Richard Parmelee*

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Monday, February 27, 2017

7:00 PM

Harrigan Centennial Hall

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**I. CALL TO ORDER AND ROLL CALL**

**II. CONSIDERATION OF THE AGENDA**

**III. CONSIDERATION OF THE MINUTES**

**IV. PUBLIC BUSINESS FROM THE FLOOR**

**V. PLANNING DIRECTOR'S REPORT**

**VI. REPORTS**

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

**Attachments:**   [Planning Regulations and Procedures 2.23.17](#)

**VII. THE EVENING BUSINESS**

**B**     [P 16- 15](#)     Public hearing and consideration of a final 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:**   [Shee Atika Final 2.23.17](#)

**C**     [P 16- 04](#)     Public hearing and consideration of a concept plat for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation.

**Attachments:**   [SCLT Concept 2.27.17](#)

- D**      [VAR 17-01](#)      Public hearing and consideration of a variance request for 415 Alice Loop. The variance is for the reduction in the side setback from 10 feet to 4 feet for the construction of access stairs and a deck. The property is also known as Lot 4 Sealing Cove Subdivision. The request is filed by Jamal Floate. The owner of record is Sealing Cove Heated Storage.  
**Attachments:** [415 Alice 2.27.17](#)
- E**      [CUP 17-01](#)      Public hearing and consideration of a conditional use permit request for a two unit short-term rental at 3003 Halibut Point Road. The property is also known as Lot 1 Wood Subdivision. The request is filed by Jack and Katy Wood. The owners of record are Jackson and Kathryn Wood.  
**Attachments:** [3003 HPR 2.27.17](#)
- F**      [CUP 17-02](#)      Public hearing and consideration of a conditional use permit request for a short-term rental at 2703 Halibut Point Road. The property is also known as Lot 2 Byrd Subdivision. The request is filed by Owen and Beth Kindig. The owners of record are Don and Sharon Byrd.  
**Attachments:** [2703 HPR 2.27.17](#)
- G**      [CUP 17-03](#)      Public hearing and consideration of a conditional use permit request for a short-term rental at 2840 Sawmill Creek Road. The property is also known as Lot 1 R&C Hammack Subdivision Lot Line Adjustment. The request is filed by Michael Coleman. The owners of record are Michael and Tessie Coleman.  
**Attachments:** [2840 SMC 2.27.17](#)
- H**      [CUP 17-04](#)      Public hearing and consideration of a conditional use permit request for 1209 Sawmill Creek Road. The request is for a small-scale brewery in conjunction with the permitted uses of multifamily residential, restaurant, and storage. The property is also known as Lot 1 Baranof Subdivision #2. The request is filed by Baranof Island Brewing Company. The owner of record is Triton Properties LLC.  
**Attachments:** [BIBCO 2.27.17](#)
- I**      [MISC 17-07](#)      PULLED - Discussion and direction regarding municipal land disposal.

## **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](mailto:planning@cityofsitka.org), or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.*

*Publish: February 17 and 21*



# CITY AND BOROUGH OF SITKA

## Legislation Details

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**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 2.23.17](#)

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  
Richard Parmelee

### **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 #:** 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 final 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:** [Shee Atika Final 2.23.17](#)

Date	Ver.	Action By	Action	Result
1/17/2017	1	Planning Commission	APPROVED	Pass
12/20/2016	1	Planning Commission	APPROVED	Pass
12/20/2016	1	Planning Commission	APPROVED	Pass



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: February 16, 2017

From: Staff

To: Planning Commission

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

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### 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**

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

## **Update Since Preliminary Plat**

Below you will find nearly verbatim the same information included and discussed during the conceptual and preliminary review of the Charlie Joseph Major Subdivision (Lot 16, Alice Loop), with the addition of proposed draft CCRs that prohibit 42 types of uses that would be otherwise permissible in the Waterfront zoning district. Staff suggests several additional uses to be restricted for clarification purposes. Staff recommends that the following language be added to draft CCRs section 3 to prohibit the following uses:

- 3.43 Natural resource extraction or processing of any type
- 3.44 Any type of commercial storage except for own business
- 3.45 Any type of manufacturing or fabrication except those that could occur through permissible home occupation permits
- 3.46 Commercial winery or brewery of any scale

To sum, the allowable uses would include single family, townhouse, duplex, zero lot line, and multifamily residential uses along with STRs, B&Bs, Lodges, and residential docks, which are all harmonious with residential water front type uses.

## **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)<sup>1</sup>; and Lots 1-5 of the Alice & Charcoal Island Subdivision are subject to restrictive use CCRs (2001 CCRs)<sup>2</sup>. 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]<sup>3</sup>

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”<sup>4</sup> (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 final plat proposal (Charlie Joseph Subdivision) 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 is in excess of the required 6,000 sf as required by Tables 22.20-1. Lot 10, which is 9,165 gross square feet, is still 7,869 net sf if you consider the parking areas as not apart of the total lot area.

**Procedure:** Major subdivisions follows the following procedure:

A. Pre-application;

<sup>1</sup> Sitka Recording District Document Serial # 2011-001551-0

<sup>2</sup> Sitka Recording District Document Serial # 2001-002152-0

<sup>3</sup> Residential Uses Table 22.16.015-1, Footnote 11.

<sup>4</sup> 22.16.100 (A), Water Front District, Intent.

- B. Concept plat review by Planning Commission;
- C. Preliminary plat review by Planning Commission;
- D. Review of any requested or needed platting *variances* by Planning Commission;
- E. Final plat review by Planning Commission; (*this stage*)
- F. Appeal period for any final action by Planning Commission; and
- G. City Assembly review and approval of final plat. <sup>5</sup>

### **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 final plat would provide adequate land for waterfront development.

### **Conformity with Subdivision Code**

#### **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.

The applicant has proposed 8 parking spaces to standard width of 9' x 18' to satisfy the prior plat note and PUD condition to provide 8 spaces (1.5 per unit of the 5 existing condos). This is shown on the plat and via plat note 2.

#### **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.

The Planning Commission may approve with conditions a plat pursuant to SGC 21.32.050. In this case, it is recommended to approve the final plat subject to the attached conditions of approval.

### **FINDINGS:**

Staff recommends the following findings:

- 1) That the proposed major subdivision final plat complies with the comprehensive plan by providing for the development of additional waterfront zoned property;
- 2) That the proposed major subdivision final plat complies with the Subdivision Code as conditioned; and

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<sup>5</sup> Section 21.32.010—General Outline of Procedure for Major Plat Approval.



- 3) That the major subdivision final plat would not be injurious to the public health, safety, and welfare and further that the proposed CCRs protect the harmony of use and the public's health, safety and welfare through the proposed CCR use restrictions pursuant to Sitka General Code section 21.04.030(E)

### **RECOMMENDATION**

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

### **RECOMMENDED MOTIONS (2)**

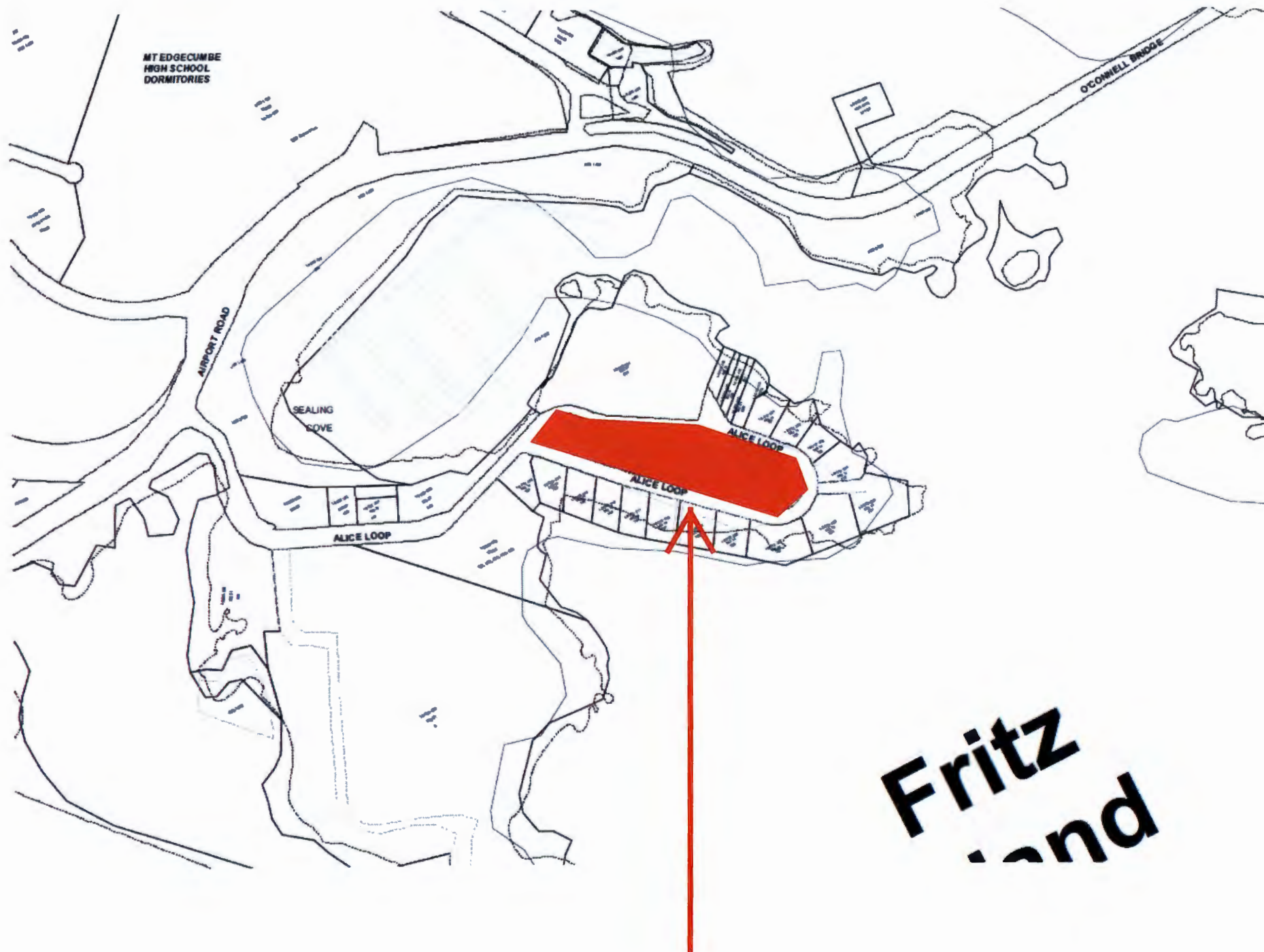
1) **I move to find that:**

- a. That the proposed major subdivision final plat complies with the comprehensive plan by providing for the development of additional waterfront zoned property;
- b. That the proposed major subdivision final plat complies with the Subdivision Code as conditioned; and
- c. That the major subdivision final plat would not be injurious to the public health, safety, and welfare and further that the proposed CCRs protect the harmony of use and the public's health, safety and welfare through the proposed CCR use restrictions pursuant to Sitka General Code section 21.04.030(E)

- 2) Move to approve the final plat of the major subdivision of Alice Loop Subdivision. This approval is subject to the attached conditions of approval. The request is filed by Parmica McConnell. The owner of record is Shee Atika Holdings Alice Island, LLC.

a. Conditions of Approval:

1. All major subdivision regulations be followed and any deviations from code be corrected prior to recording of the final plat (e.g. flagging, easements, easement area details, any note language requiring minor amendment, and monumentation).
2. That the draft CCRs (attached) be recorded and referenced by a plat notation and amended to include the addition of the following prohibited uses:
  1. Natural resource extraction or processing of any type
  2. Any type of commercial storage except for own business
  3. Any type of manufacturing or fabrication except those that could occur through permissible home occupation permits.
  4. Commercial winery or brewery of any scale.
  5. Note: None of the prohibited uses are intended to restrict any type of small business/commercial operation as approved by the Planning Department that would occur under existing home occupation regulations.





# 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: "

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	



# **CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT SHEE ATKA 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.

DATE \_\_\_\_\_ REGISTERED AGENT \_\_\_\_\_

## **NOTARY'S ACKNOWLEDGMENT**

U.S. OF AMERICA  
STATE OF ALASKA  
CITY AND 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 MY COMMISSION EXPIRES \_\_\_\_\_, I HAVE PERSONALLY KNOWN \_\_\_\_\_ 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**

(FIRST JUDICIAL DISTRICT)

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 \_\_\_\_\_ WILL BE DUE ON OR BEFORE AUGUST 15, 20\_\_\_\_ DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

ASSESSOR CITY AND BOROUGH OF SITKA

## **CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION**

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 \_\_\_\_\_, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, CIVIL OFFICE RECORDER, SITKA, ALASKA.

DATE \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION

SECRETARY

## **CERTIFICATE OF APPROVAL BY THE ASSEMBLY**

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

DATE \_\_\_\_\_ NOTARY CITY AND BOROUGH OF SITKA

ATTEST:

CITY CLERK

## **PLAT NOTES**

- PURPOSE - THE PURPOSE OF THIS PLAT IS TO SUB-DIVIDE LOT 16 OF THE ETHEL STATION SUBDIVISION PLAT #2007-23 SITKA RECORDING DISTRICT.
- THE AREA DESIGNATED WITHIN LOT 10 OF THIS PLAT AS "PARKING AREA" IS HEREBY DEDICATED IN PERPETUITY AS-IS, WHERE-IS, WITH ALL DEFECTS, KNOWN AND UNKNOWN, TO PROVIDE THE PARKING FOR THE GUESTS OF THE OWNERS OF LOTS 1-9, PLAT #2007-23 SITKA RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA (PLAT #2007-23) AS DESCRIBED IN NOTE 6 OF SAID PLAT. THE DEDICATION HEREBY MADE OF THE PARKING AREA WITHIN LOT 10 OF THIS PLAT IS IN FULL AND COMPLETE SATISFACTION OF ALL OBLIGATIONS, BURDENS AND DUTIES IMPOSED ON ANY PERSON ON ANY PROPERTY BY SAID PLAT NOTE 6 OR OTHERWISE BY SAID PLAT #2007-23 TO PROVIDE PARKING AND SUCH DEDICATION FULLY REPLACES, SATISFIES AND SUPERSEDES SAID PLAT NOTE 6. WITH REGARD TO SUCH PARKING AREA, THE OWNERS OF LOTS 1 - 9, PLAT #2007-23 ARE SOLELY AND EXCLUSIVELY RESPONSIBLE, ON A JOINT AND SEVERAL BASIS, AS TO ALL (1) MAINTENANCE (INCLUDING WITHOUT LIMITATION ALL SNOW REMOVAL); (2) REPAIRS; AND (3) ENFORCEMENT. THOSE PERSONS USING SUCH PARKING AREA IN ANY MANNER DO SO AT THEIR OWN SOLE RISK. THE CITY AND BOROUGH OF SITKA SHALL BE DEEMED A PARTY TO THE DEDICATION MADE BY THIS PLAT AND THIS PLAT NOTE, AND NEITHER THIS PLAT NOR THIS PLAT NOTE SHALL BE MODIFIED OR AMENDED IN ANY FASHION WITHOUT ITS CONSENT.
- THE CITY AND BOROUGH OF SITKA SHALL BE DEEMED A PARTY TO ALL EASEMENTS SHOWN ON THIS PLAT AND THIS PLAT (INCLUDING WITHOUT LIMITATION THIS PLAT NOTE) SHALL NOT BE MODIFIED OR AMENDED WITH REGARD TO SUCH EASEMENTS IN ANY FASHION, WITHOUT ITS CONSENT.
- REFERENCE THE FOLLOWING WITHIN THE SITKA RECORDING DISTRICT:
  - PLAT #2007-23 (UTILITY EASEMENTS OF RECORD.)
  - PLAT #2001-20 (PARKING EASEMENT OF RECORD, VACATED AND DEDICATED THIS PLAT.)

## **LOT EASEMENT AREA TABLE**

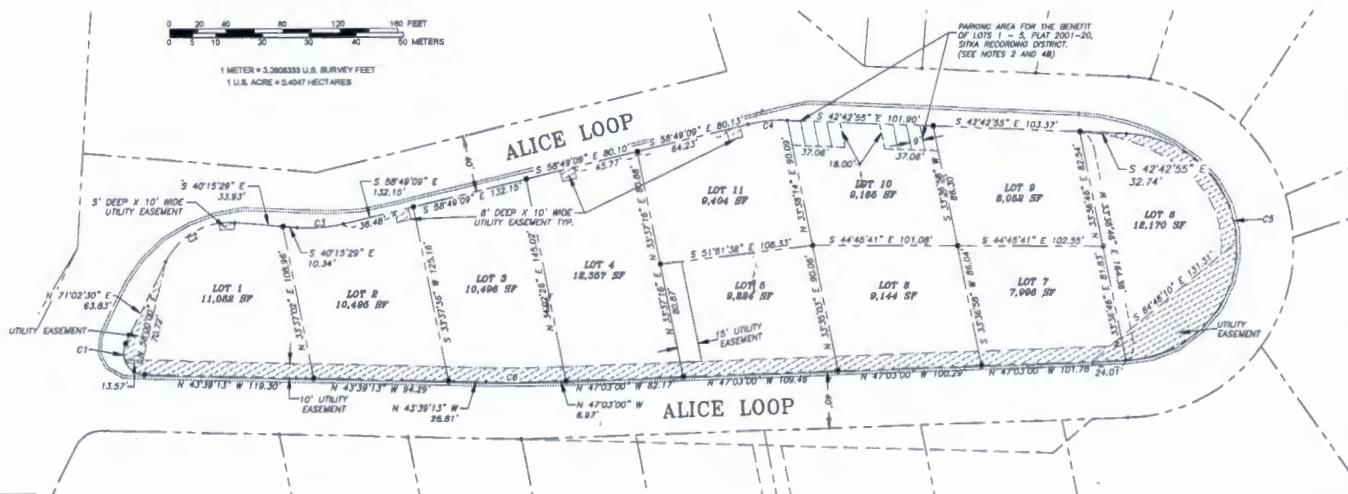
LOT #	EXISTING EASEMENT AREA (SQ. FT.)	PROPOSED EASEMENT AREA (SQ. FT.)	TOTAL EASEMENT AREA (SQ. FT.)
1	1023		1023
2	1023		1023
3	827		827
4	901		901
5	1991	1872	3863
6	1003		1003
7	1049		1049
8	3780		3780
9		0	0
10		1295	1295
11	80		80

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



## **LEGEND**

- MONUMENT RECOVERED
- REBAR AND ALUMINUM CAP SET THIS SURVEY
- EXISTING DATA OF RECORD
- DATA MEASURED OR CALCULATED
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING CURB
- EXISTING EASEMENT
- PROPOSED EASEMENT
- EXISTING EASEMENT CREATED IN PLAT #2007-23 (ETHEL STATION SUBDIVISION) SITKA RECORDING DISTRICT

## **CURVE DATA TABLE**

CURVE #	RADIUS	DELTA ANGLE	ARC LENGTH
C1	15.0'	114°41'43"	30.03'
C2	90.0'	68°42'01"	59.98'
C3	190.0'	18°33'40"	32.40'
C4	100.0'	18°08'14"	28.11'
C5	80.0'	175°39'55"	245.28'
C6	823.48'	372°36'47"	48.81'

## **SURVEYOR'S CERTIFICATE**

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

DATE \_\_\_\_\_

REGISTERED SURVEYOR L.S. 107052



OWNER: SHEE ATKA INCORPORATED  
315 LINCOLN STREET, SUITE 300  
SITKA, ALASKA 99835-7578

DATE: 1/3/17 DRAWN BY: HKB JOB NO: 162140

SCALE: 1"=40' APPROVED BY: G.P. SHEET 1 OF 1

## **SITKA RECORDING DISTRICT**

No.	Date	Description

**PK&M**  
R&M Engineering & Surveying, Inc.  
315 Catherine Lake Road  
Fairbanks, AK 99701  
Phone: (907) 225-5671  
Fax: (907) 225-5441  
CRAIG G. PETERSON  
P.O. BOX 1371  
FAIRBANKS, AK 99701  
Phone: (907) 626-2244  
Fax: (907) 225-5441

## **ALICE LOOP SUBDIVISION**

SUBDIVIDING LOT 16 OF THE

ETHEL STATION SUBDIVISION

RECORD THIS INSTRUMENT IN THE SITKA RECORDING DISTRICT

INDEX THIS INSTRUMENT AS FOLLOWS:

Grantor: Shee Atiká Holdings Alice Island, LLC  
Grantee: Shee Atiká Holdings Alice Island, LLC

RETURN THIS INSTRUMENT TO:  
Shee Atiká Holdings Alice Island, LLC  
315 Lincoln Street, Suite 300  
Sitka, AK 99835

\*\*\*\*\*

***DECLARATION AND ESTABLISHMENT OF CONDITIONS,  
RESERVATIONS AND RESTRICTIONS FOR THE  
CHARLIE JOSEPH SUBDIVISION***

Shee Atiká Holdings Alice Island, LLC , a limited liability company organized under the laws of Alaska, whose address is 315 Lincoln Street, Suite 300, Sitka, AK 99835 ("Declarant") hereby establishes the covenants, conditions, and restrictions (collectively, the "Covenants") described in this instrument (the "Declaration") concerning the following real property and all improvements thereon:

***LOTS 1 - 11, CHARLIE JOSEPH SUBDIVISION, ACCORDING TO THE OFFICAL PLAT THEREOF RECORDED AS PLAT 2017-\_\_\_\_, IN THE SITKA RECORDING DISTRICT, FIRST JUDICIAL DISTRICT, STATE OF ALASKA.***

The foregoing real property together with any other real property and improvements that may become subject to this Declaration hereafter shall be formally known as the "Charlie Joseph Subdivision." Lots 1 - 11 within the Charlie Joseph Subdivision are each referred to individually herein as a "Lot" and collectively as the "Lots."

1. **Overview.** SAHAI has established an eleven-lot subdivision on Alice Island in Sitka, Alaska.

2. **Nature of Covenants.** These Covenants (a) are hereby imposed upon all Lots; (b) shall run and pass with the title to the Lots; and (c) shall bind and benefit Declarant and its successors in interest (herein such successors being referred to as an "Owner") as to the Lots. The Covenants shall continue and remain in full force and effect at all times as against and in favor of, as the case may be, the Owner of any Lot regardless of how Owner acquired title. Nothing in these Covenants is intended to negate or override any other right, duty, obligation, restriction, covenant or condition that may be imposed upon or provided as to any Lot or otherwise by law or by Plat 2017 - \_\_\_\_ as recorded.

3. **Use Restrictions.** Except as is expressly described in subsections 3.1 through 3.46 below, the Lots may be used for any purpose permitted by law. None of the Lots may be used at any time for any of the following purposes or activities or to provide any of the following facilities:

- 3.1 Mobile Home Park.
- 3.2 Bunkhouse for Transient Workers.
- 3.3 Hostel.
- 3.4 Hotel or Motel.
- 3.5 Rooming House.
- 3.6 Art Gallery or any facility at which art sales occur.
- 3.7 Radio Station.
- 3.8 Marina.
- 3.9 Travel trailer park or recreational vehicle Park, or to provide any facilities relative thereto including without limitation septic disposal.
- 3.10 Ballpark or Athletic Field.

- 3.11 Sports club or yacht club.
- 3.12 Commercial Automotive Repair facility (although an Owner may repair his or her personal vehicle).
- 3.13 Commercial Automotive Service facility (although an Owner may service his or her personal vehicle).
- 3.14 Social Service agencies, whether public or private.
- 3.15 Any facility or activity that is involved in any fashion with cannabis (marijuana), regardless of manner including without limitation the cultivation, extraction, refinement, processing, testing, packaging, shipment or sale of cannabis (marijuana) or any related products or accessories.
- 3.16 Public Agency or utility service yard.
- 3.17 Public Agency warehouse.
- 3.18 Solid Waste transfer station.
- 3.19 Waste water treatment plant.
- 3.20 Any facility engaged in the production or processing of any food products (including without limitation seafood processing).
- 3.21 Any facility engaged in mariculture.
- 3.22 Any facility engaged in the production or processing of paper and allied products.
- 3.23 Any facility engaged in the refining of petroleum and/or the production of any related products.
- 3.24 Any facility engaged in the production or processing of Rubber and plastics products.
- 3.25 Any facility in which heavy machinery and equipment is manufactured, stored, maintained or serviced.
- 3.26 Any facility in which vehicles are manufactured.

- 3.27 Any facility in which boat building occurs, although this prohibition does not prevent an Owner from building, repairing, servicing or maintaining his or her own personal boat or vessel.
- 3.28 Any facility in which tire retreading occurs.
- 3.29 Trucking and Taxi facilities.
- 3.30 Any facility at which warehousing occurs.
- 3.31 Any facility at which log storage occurs.
- 3.32 Any facility at which freight and/or cargo services are provided.
- 3.33 Any facility at which equipment rental or vehicle services are provided.
- 3.34 Any facility providing support for natural resources extraction and/or mining.
- 3.35 Any facility providing bulk fuel storage.
- 3.36 Any facility at which forest products sales occur, whether such sales are at wholesale (in bulk) or at retail.
- 3.37 Department and variety stores.
- 3.38 Food stores, whether in conjunction with any other permitted activity or not.
- 3.39 Motor vehicle and boat dealers.
- 3.40 Liquor stores.
- 3.41 Stores selling used goods.
- 3.42 Standalone souvenir and gift shops.
- 3.43 Natural resource extraction or processing of any type.
- 3.44 Any type of commercial storage.
- 3.45 Any type of manufacturing or fabrication except those that could occur through permissible home occupation permits.



3.46 Commercial winery or brewery of any scale.

4. **No Inference From Other Declarations, etc.** This Declaration and these Covenants have been drafted by Declarant to address the specific needs and desires of Declarant (and the anticipated needs and desires of the Owners) with regard to the Lots. Accordingly, in interpreting this Declaration and these Covenants, the fact that Declarant has previously executed other declarations and imposed covenants, conditions and/or restrictions, or may in the future execute other declarations and impose covenants, conditions and/or restrictions, upon any other real property (including without limitation elsewhere on Alice Island or Charcoal Island or otherwise in the Sitka, Alaska area) shall be irrelevant and shall not be taken into account or have an inference drawn therefrom. Similarly, the provisions of this Declaration and these Covenants shall not be taken into account in interpreting the rights, duties, and obligations any other person may have under any other Declarations Declarant may have previously executed and/or any or covenants, conditions and/or restrictions that Declarant may have imposed, or may *execute* or may impose in the future.

5. **Contests.** In the event any of these Covenants shall be declared for any reason by a court of competent jurisdiction to be invalid, the remaining Covenants not so expressly held to be invalid shall continue unimpaired and in full force and effect.

6. **Amendments.** So long as no one other than Declarant, or an entity in which Declarant or Shee Atiká, Incorporated owns a majority of the equity interests, owns any Lot, Declarant or such entity, if applicable, may amend this Declaration by recording a Restatement of this Declaration that incorporates such changes in the records of the Sitka Recording District, First Judicial District, State of Alaska. After one or more Lots become owned by anyone that is not Declarant or an entity in which Declarant or Shee Atiká, Incorporated owns a majority of the equity interests, this Declaration may be amended only upon the consent of all Owners and then only by recording a Restatement of this Declaration in the same manner.

7. **Enforcement.** This Declaration shall be enforced in the Alaska state court for the First Judicial District, State of Alaska, at Sitka, which shall have exclusive jurisdiction and venue. Any Owner may bring an action for enforcement, whether for specific performance or damages or both. The prevailing party in such action shall be entitled to an award of attorney's fees and costs of suit, whether at trial or on appeal, regardless of whether damages are awarded. Declarant shall not be a party to such suit, unless both of the following are satisfied: (i) at the time of such suit, Declarant owns one or more of the Lots; and (ii) the court expressly determines that Declarant is a necessary party to such suit.

8. **Declarant's Other Property.** Nothing in this Declaration shall affect in any manner the rights of Declarant, Shee Atiká, Incorporated, or an entity in which Declarant or Shee Atiká, Incorporated owns a majority of the equity interests, with regards to any other real property (including improvements) that is not a part of the Charlie Joseph Subdivision, whether or not such other real property is adjacent to or in the vicinity of the Charlie Joseph Subdivision.

- 6 -

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

\_\_\_\_\_  
Notary Public, State of Alaska

My commission expires: \_\_\_\_\_



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.

10/9/07  
DATE \_\_\_\_\_  
*[Signature]*  
PRESIDENT & CEO  
SURETICA, INCORPORATED  
\_\_\_\_\_  
NAME \_\_\_\_\_

THIS IS TO CERTIFY THAT ON THIS 9 DAY OF October, 2011, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Shree Atika, Inc.  
Chief Executive Officer Robert G. Lolselle

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

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

SARA L. RUSSELL  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
MY COMMISSION EXPIRES 4-15-2011

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CHARGED ON THE TAX RECORDS IN THE NAME OF Shee Atika Inc.

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN PAYEE OF THE OFF- & ROROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 20        WILL BE DUE ON OR BEFORE NA.

DATED THIS 12<sup>th</sup> DAY OF October, 2007, AT SITKA, ALASKA

James A. Cook  
ASSISTANT, CITY AND BUREAU OF STICKS

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. 10-10 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.

10/12/2007  
DATE  
S. Russell  
SIGNED BY

I HEREBY CERTIFY THAT THE SUBVEINION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBVEINION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLED 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 10-9-7 MAYOR MLK CITY AND BOROUGH 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: Sheep Atika Inc.

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

DATED THIS 22<sup>nd</sup> DAY OF October  
20 21 AT SITKA, ALASKA

[Signature]  
FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

## SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-6700  
FAX: (907) 747-7299  
E-MAIL: [omaf@longview.net](mailto:omaf@longview.net)

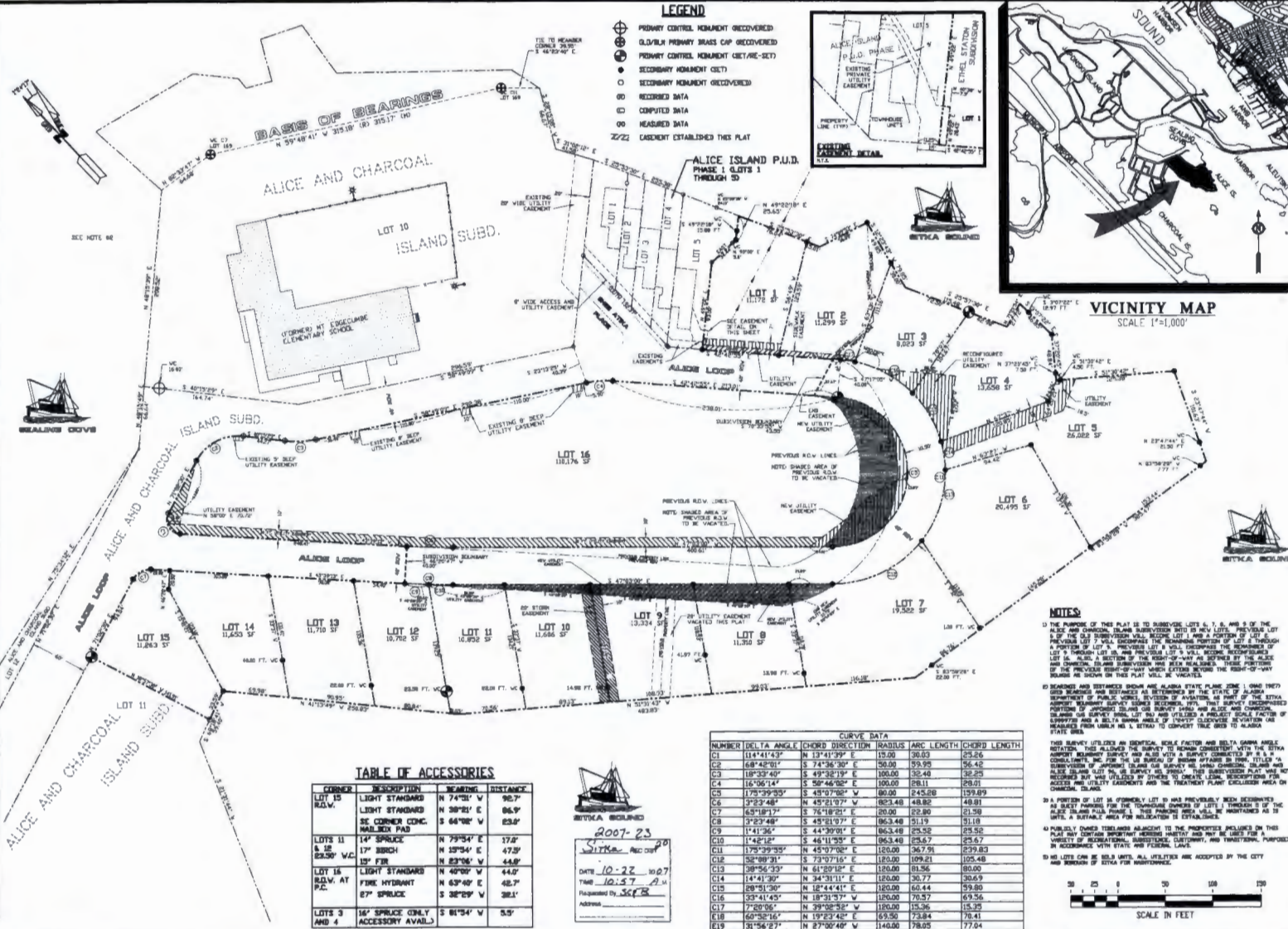


TABLE OF ACCESSORIES			
CORNER	DESCRIPTION	BEARING	DISTANCE
LOT 15 R.O.V.	LIGHT STANDARDS	N 74°31' W	90.7'
	LIGHT STANDARDS	N 30°21' E	86.9'
	SE CORNER CONC. MAILBOX PAD	S 64°06' W	23.6'
LOTS 11 & 12 E2350' VC	14" SPRUCE	N 79°54' E	17.6'
	17" BIRCH	N 13°54' E	47.3'
LOT 16 R.O.V. AT P.C.	15" SPRUCE	N 23°06' W	44.8'
	LIGHT STANDARDS	N 40°00' W	44.0'
LOT 3 AND 4	FIRE HYDRANT	N 63°40' E	42.7'
	27" SPRUCE	S 32°29' W	38.1'
LOTS 3 AND 4	16" SPRUCE ONLY	S 81°54' W	5.5'
	ACCESSORY AVAILABLE		

CURVE DATA						
NUMBER	DELTA ANG.	CHORD DISTANCE	RADIUS	ARC LENGTH	CHORD LENGTH	
C1	11°41'43"	N 13°41'39" E	150.00	30.00	25.26	
C2	68°42'42"	S 73°46'38" W	100.00	59.95	56.46	
C3	18°32'33"	N 18°32'33" E	120.00	32.44	21.59	
C4	16°06'14"	S 50°46'02" E	100.00	18.11	28.01	
C5	17°39'39"	S 47°03'08" W	100.00	24.88	139.89	
C6	7°22'48"	N 45°21'07" W	100.00	48.82	48.82	
C7	64°41'17"	N 45°21'07" W	100.00	12.80	21.59	
C8	3°23'48"	S 62°33'48" E	100.00	4.41	58.81	
C9	141°36'1"	S 44°40'09" E	100.00	25.58	25.58	
C10	44°28'2"	S 48°11'25" E	100.00	48.82	25.47	
C11	178°39'39"	S 47°03'08" W	100.00	24.88	239.83	
C12	58°08'31"	N 67°07'16" E	120.00	109.21	105.48	
C13	38°56'33"	N 73°16'16" E	120.00	61.56	100.00	
C14	174°14'38"	N 38°56'33" E	120.00	26.77	76.41	
C15	18°32'33"	N 18°32'33" E	120.00	32.44	59.80	
C16	33°41'45"	N 18°31'37" E	120.00	70.57	69.56	
C17	7°20'56"	N 39°08'52" E	120.00	15.36	15.23	
C18	10°58'56"	N 39°08'52" E	120.00	15.36	76.41	
C19	8°25'44"	N 39°08'52" E	120.00	78.88	72.04	

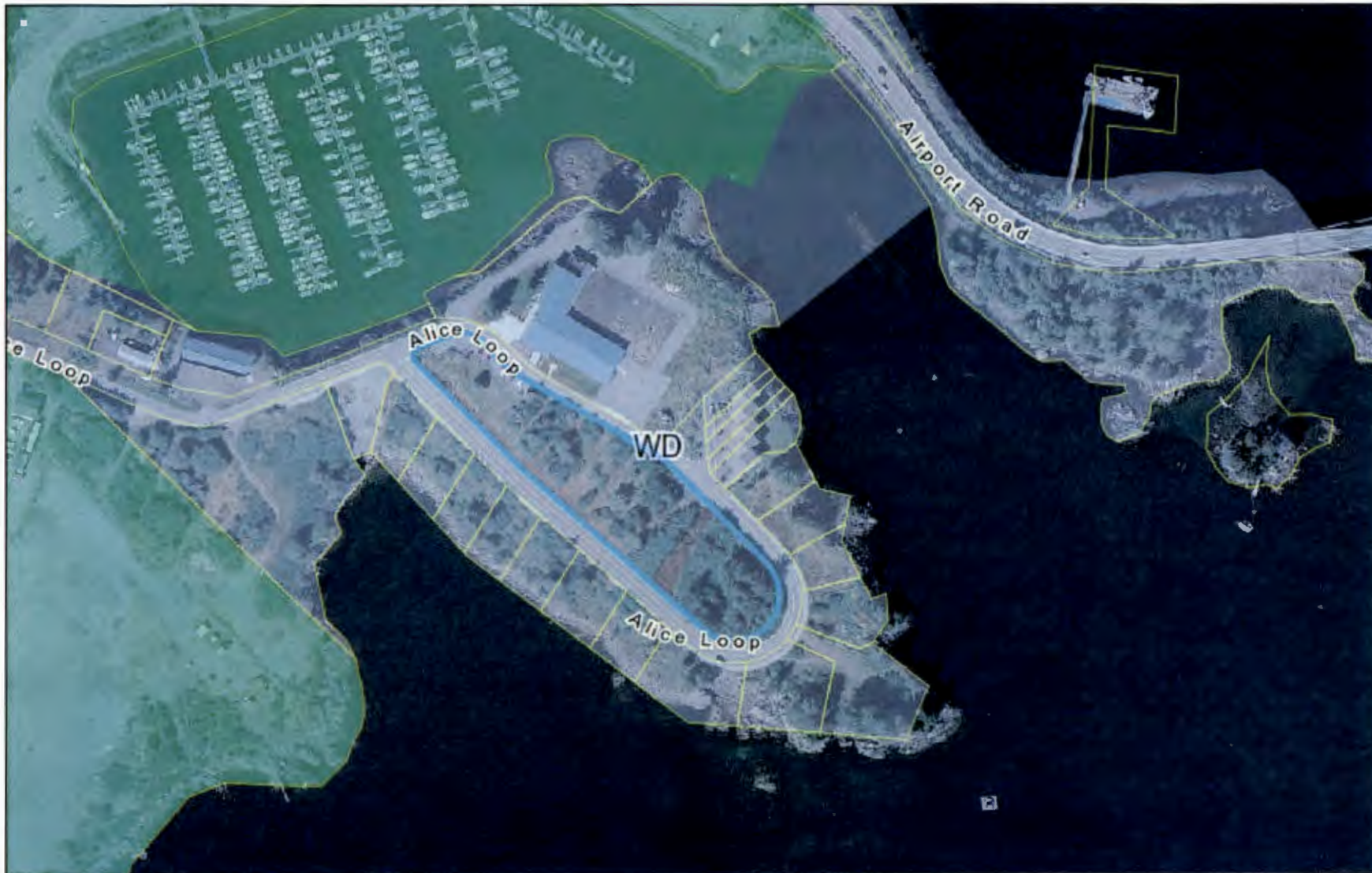
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN June - September 1987, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE: 10/5/07 Patricia K. O'Neill  
PATRICIA K O'NEILL LS 6304

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

CLIENT: SHEE ATIKA 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**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://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.

**QUIT CLAIM DEED**

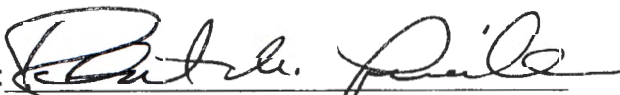
THE GRANTOR Shee Atika, Incorporated, a corporation organized under the laws of Alaska, 315 Lincoln Street, Suite 300, Sitka, Alaska 99835, does hereby convey and quitclaim to the GRANTEE Shee Atika Holdings Alice Island, LLC, a limited liability company organized under the laws of Alaska, 315 Lincoln 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 5<sup>TH</sup> day of November 2007.

SHEE ATIKA HOLDINGS ALICE ISLAND, LLC

By:   
Robert G. Loiselle, President/CEO

State of Alaska

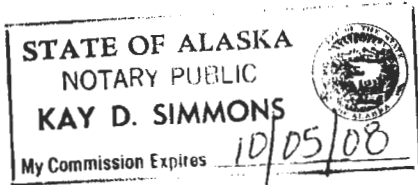
)

)ss.

## First Judicial District

)

THIS IS TO CERTIFY that on this 5<sup>th</sup> 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

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 ISLAND  
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  
February 10, 2017



# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** P 16- 04      **Version:** 2      **Name:**  
**Type:** Subdivision      **Status:** AGENDA READY  
**File created:** 3/23/2016      **In control:** Planning Commission  
**On agenda:** 4/19/2016      **Final action:**  
**Title:** Public hearing and consideration of a concept plat for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is the Sitka Community Development Corporation.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [SCLT Concept 2.27.17](#)

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



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: February 16, 2017

From: Staff

To: Planning Commission

Re: P 16-04 Amended Concept Plan of a Planned Unit Development at 1306 Halibut Point Road

### GENERAL INFORMATION

Applicant: Sitka Community Land Trust

Property Owner: Sitka Community Development Corporation

Property Address: 1306 Halibut Point Road

Legal Description: Lot 1A Little Critter Subdivision

Parcel ID Number: 1-4707-001

Size of Existing Lot: 61,958 square feet

Zoning: R-2 – Multifamily residential district.

Existing Land Use: Undeveloped

Utilities: City utilities available

Access: Halibut Point Road

Surrounding Land Use: Residential and 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 to approve the final plat

### ATTACHMENTS

Attachment A: Vicinity Map  
Attachment B: Aerial Vicinity Map  
Attachment C: Parcel Pictures

Attachment D: Application  
Attachment E: Site Plan/Proposed Plats  
Attachment E-2: Floor Plans and Elevations  
Attachment F: Current Plat  
Attachment G: Zoning Map  
Attachment H: Flood Map  
Attachment I: Mailing List  
Attachment J: Proof of Payment  
Attachment K: Warranty Deed  
Attachment L: Comment

## **BACKGROUND**

On October 3, 2006, the community voted to dispose of 1306, 1410, and 1414 Halibut Point Road for the purpose of affordable housing development, not subject to competitive bid.<sup>1</sup> On November 24, 2016, the Assembly voted to transfer 1306 Halibut Point Road to Sitka Community Development Corporation for the purpose of promoting permanently affordable home ownership by placing affordable homes on the market. Future expansion of the project to include the additional parcels are subject to “clear demonstration ... that they are able to use such parcels consistent with the October 3, 2006 vote” pursuant to Ordinance 2015-56.

## **PROJECT DESCRIPTION**

The Applicant has proposed 7 lots as follows in a R-2 Multifamily residential zoning district. (Building coverage square feet/lot coverage s.f. and % of lot coverage):

1. Lot 1 690 s.f./ 3550.25 s.f. = 19.4 % coverage
2. Lot 2 800 s.f./3365.25 s.f = 23.8% coverage
3. Lot 3 800 s.f./3534.75 s.f. = 22.6% coverage
4. Lot 4 690 s.f./3662.25 s.f. = 18.8% coverage
5. Lot 5 690 s.f./2923.25 s.f. = 23.6% coverage
6. Lot 6 500 s.f./2446.50 s.f. = 20.4% coverage
7. Lot 7 600 s.f./2445.75 s.f. = 24.5% coverage
8. Total Building coverage per lot and parcel.
  - a. Building coverage of 7 lots - 4,770 s.f./21,928 s.f = 21.75 %

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<sup>1</sup> Ordinance 2015-56



b. Building coverage of total parcel 4,770 s.f./61,891 s.f. = 7.7% of parcel

9. Lots are 21,928 s.f./ 61,891 s.f. = 35.43% of total parcel

The applicant proposes two driveway access points, both are across property of another that at a minimum would require an easement not currently possessed.

For parking, 7 parking spaces are provided on the east side for residents, and an additional 4 on the west side for a total of 11 spaces. Applying existing parking code requires 2 spaces per dwelling unit; however, SGC Section 22.20.100(G)(1) requires only 1.5 spaces per dwelling unit for buildings with 5 or more units. It is staff's opinion that this type of development is most similar to that parking requirement due to its compact nature, small building size, location along highly walkable areas near the downtown corridors, and proximity to multi-modal transportation choices and bus stops.

The proposal also includes open space, walkways, and onsite lockable storage. Most importantly, it requests flexibility of specific choice of a range of single-family detached floorplans with a range of lot coverage to meet market demand. Specific setbacks should be marked out so that maximum building footprint is established on the plat for the preliminary.

## **ANALYSIS**

**Project/Site:** The property is largely flat, and is currently ready for redevelopment with some preliminary grading and retaining work that has occurred. The lot has direct access from Halibut Point Road.

**PUD Requirements** CBS 21.28.010 General provisions for planned unit developments (PUD).

It is the intent of the city and borough to encourage **imaginative and innovative design** in the application of subdivision and improvement standards for subdivision developments proposed as planned unit cluster development projects, commercial centers, industrial parks, and shopping centers. Planned unit development proposals shall be subject to requirements of all existing city and borough ordinances, ***except as modified by this chapter*** to create development qualities different from those that result from conventional design. Projects developed under the provisions of this chapter should:

- A. ***Encourage the enhancement*** and conservation of lands which have scenic, environmental, cultural, and historical significance;
- B. ***Enable the development of property other than by the strict application*** of subdivision standards in order to allow for mixed uses and mixed densities, and provide a greater level of design features and site amenities;
- C. ***Provide for more efficient use of land***, resulting in better coordinated networks of utilities and safer networks of streets, promoting greater opportunities for public and private recreational open space, and resulting in lower construction and maintenance costs to the general public;
- D. ***Encourage harmonious and coordinated development of the site***, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with overall

transportation plans, and the land use relationship with surrounding properties and the general community.

***Departure from the subdivision regulations and standards requires*** demonstration that adequate provisions will be made for sufficient light and air, that the density of development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases, and that the public health, safety, and general welfare will be protected.<sup>2</sup>

**Procedure:** Planned Unit Developments shall follow the same process for major subdivision review and shall include approval by both Planning Commission Assembly and follow section 21.32.<sup>3</sup> It includes Planning Commission review and approval of the concept, preliminary, and final plats, with additional review and action on the final plat by the Assembly.<sup>4</sup>

**Traffic:** Residential lots may result in higher traffic utilization than an undeveloped lot. Public comment during the land sale process raised concerns for traffic congestion and the absence of a turning lane in front of the proposed subdivision. A decreased speed limit and the addition of a turning lane could help to mitigate these concerns. As Halibut Point Road is state-owned, these issues are under the jurisdiction of Alaska DOT. Some comments about the limits on allowable driveways by the Alaska DOT have been received.

**Parking:** Two parking spaces are required per dwelling unit.<sup>5</sup> This proposal includes 11 parking spaces, which does not meet the code. However, as discussed above code requires 1.5 per unit for multifamily buildings and staff feels this proposal is similar to that. Parking appears sufficient.

**Noise:** Minimal concerns for noise beyond the construction period.

**Public Health or Safety:** While some may be concerned for landslide risk, this parcel is not adjacent to the previous Old City Shops landslide.

This site previously had soil contamination. The Alaska DEC considers the clean-up to be closed, but advance DEC approval is required to transport soil or groundwater off-site.

**Habitat:** No concerns.

**Property Value or Neighborhood Harmony:** The proposed PUD lots are smaller than surrounding residential lots. Neighbors commented on the small sizes of the proposed lots during the land sale process, pointing out that neighboring lots must be a minimum of 8,000 square feet. The proposed lots are approximately 2,445 to 3662 square feet each. The Municipal Assessor expressed the professional

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<sup>2</sup> Section 21.28.010 (emphasis added)

<sup>3</sup> Section 21.28.040—Procedure.

<sup>4</sup> Section 21.32.010—General Outline of Procedure for Major Plat Approval.

<sup>5</sup> Section 22.20.100.G.1—Residential Uses

opinion that this development would not be detrimental to surrounding property values, as the local market has high demand.

**City Utilities:** Ordinance 2015-56, which authorized the land sale, stated that final platting should “ensure no encroachment on city assets or existing utility easements.” Public Works Engineer Dan Tadic stated that the applicant has proactively worked with staff to address utilities, and stated that a complete as-built survey will be required to capture all existing utilities on the parcel. Utilities and easements should be included on the final plat.

#### **Additional comments from CBS**

Chris Duguay, Building Official, and Dan Tadic, Municipal Engineer, reiterated the importance of clarifying and identifying any and all utilities within easements (including, but not limited to the storm water culvert and prospective french drain).

#### **Comprehensive Plan:**

The proposal is consistent with the Comprehensive Plan section 2.1.23, which states, “The City and Borough of Sitka will conduct its affairs and will use its resources, powers, and programs to seek, facilitate, maintain, and improve adequate, safe, and affordable housing.” This proposal seeks to develop an undeveloped parcel into affordable homes available for purchase. This project would make homeownership available to Sitkans who may not be able to afford other homes on the traditional real estate market.

#### **Other Main Points for Consideration:**

**Vet Parking:** The City Assembly specifically stated the terms of this land sale. Specific language included in the ordinance “makes this parcel of CBS land available for an affordable home project” and “ensures this parcel remains available for affordable housing.”

On one side, a sale of this land to a specific entity for parking does not provide affordable housing directly. However, there is a counter argument that such a sale would 1) Provide funding for affordable housing and 2) the PUD code expressly directs the compatible and harmonious development of such projects and this proposal would also mitigate the potential traffic impacts between the drop in vet clinic and the future residents during peak clinic hours. Overall, this is an issue for consideration between the applicant and the City Assembly to decide upon.

**Lot size:** Table 22.20-1 requires 8,000 s.f. for the first two units, and 1,000 s.f. for additional units. For 7 units, that would be 13,000 s.f. and the applicant has provided 21,928 s.f. In addition, code limits maximum unit density at 24 units per acre and the applicant has provided in their concept plan 5 dwelling units per acre.

**Second driveway, access way, and parking on city-owned lot:** The applicant would need to acquire either a license to use the future driveway/parking area located on CBS owned lot 1410 Halibut Point Road or acquire an easement. All future use of lots 1410 and 1416 Halibut Point Road are speculative until the Assembly grants the sale based upon “clear demonstration ... that they are able to use such parcels consistent with the October 3, 2006 vote” pursuant to Ordinance 2015-56. Again, this is a consideration for the applicant and the Assembly. It is important to note that the staging and potential phases on this development that the future parking would not be needed unless the project preformed and sold or a majority of all the units, otherwise parking could be met on site. Staff can clarify this point in the oral report. The applicant has indicated to staff alternative parking and access arrangements that they can illustrate at the presentation.

### **FINDINGS:**

Staff recommends the following findings:

- 1) That the proposed planned unit development complies with the comprehensive plan by providing for the enhancement of the quality of life in Sitka through the development of affordable housing options; and
- 2) That the PUD would not be injurious to public health, safety, and welfare.
- 3) That the proposal complies with procedures outlined in Titles 21 and 22 of Sitka General Code.

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and move to approve the concept plan for the planned unit development at 1306 Halibut Point Road, filed by Sitka Community Land Trust.

### **RECOMMENDED MOTION**

Move to approve the concept plan for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust. The property is also known as Lot 1A of Little Critter Subdivision. The request is filed by Sitka Community Land Trust. The owner of record is Sitka Community Development Corporation.





**Sitka Community Land Trust**  
Planned Unit Development  
1306 Halibut Point Road





## City & Borough of Sitka, Alaska

Selected Parcel: 1306 HALIBUT POINT ID: 14707001

Printed on 3/23/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

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**Sitka Community Land Trust**  
Planned Unit Development  
1306 Halibut Point Road

























# 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: to create a Planned Unit Development  
on the Old City Shops property

## PROPERTY INFORMATION:

CURRENT ZONING: R-2 PROPOSED ZONING (if applicable): \_\_\_\_\_  
CURRENT LAND USE(S): Vacant \* PROPOSED LAND USES (if changing): Cottage neighborhood  
\* devoted by referendum to affordable housing

## APPLICANT INFORMATION:

PROPERTY OWNER: Sitka Community Land Trust  
PROPERTY OWNER ADDRESS: PO Box 6161  
STREET ADDRESS OF PROPERTY: 1306 HPR  
APPLICANT'S NAME: Randy Hughey  
MAILING ADDRESS: 220 Lakeview Dr., Sitka  
EMAIL ADDRESS: randyushughey@gmail.com DAYTIME PHONE: 738-2999

## PROPERTY LEGAL DESCRIPTION:

TAX ID: 14707001 LOT: 1306 BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_  
SUBDIVISION: Crit US SURVEY: \_\_\_\_\_

## OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

**REQUIRED SUPPLEMENTAL INFORMATION:**

- ☒ Completed application form
- ☒ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☐ Proof of ownership
- ☐ Copy of current plat
- ☐ Topographic information (If Pertinent to Application)
- ☐ Landscape Plan (If Pertinent to Application)
- ☐ Drainage and Utility Plan (If Pertinent to Application)
- ☐ Parking Plan (For Conditional Use Permit)
- ☐ Floor Plan (For Conditional Use Permit)
- ☐ Three (3) copies of concept plat (For Plat)
- ☐ Plat Certificate from a title company (For Plat)

**CERTIFICATION:**

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary.

  
\_\_\_\_\_  
Owner

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant (If different than owner)

\_\_\_\_\_  
Date

**Sitka Community Land Trust**  
Planned Unit Development  
1306 Halibut Point Road



## **February 21, 2017 Planning Commission Meeting**

Sitka Community Land Trust  
Old City Shops Cottage Neighborhood  
Conceptual Plans Narrative

The enclosed neighborhood designs represent significant changes from the plans which were approved in 2016. As such, we decided it best to present them to the Planning Commission again.

Specifically:

- There are seven houses rather than six in this plat
- We are asking for approval of 1.5 parking spaces per home (11 spaces for 7 houses)
- We have arranged the parking to provide more spaces nearer houses
- This parking arrangement will require a temporary 40' parking access easement
- The plat indicates a proposed land sale or lease for parking at the Vet clinic

The packet includes some home designs. Please view these as conceptual only. We are working to refine the designs for balance between affordability, livability, and visual appeal.

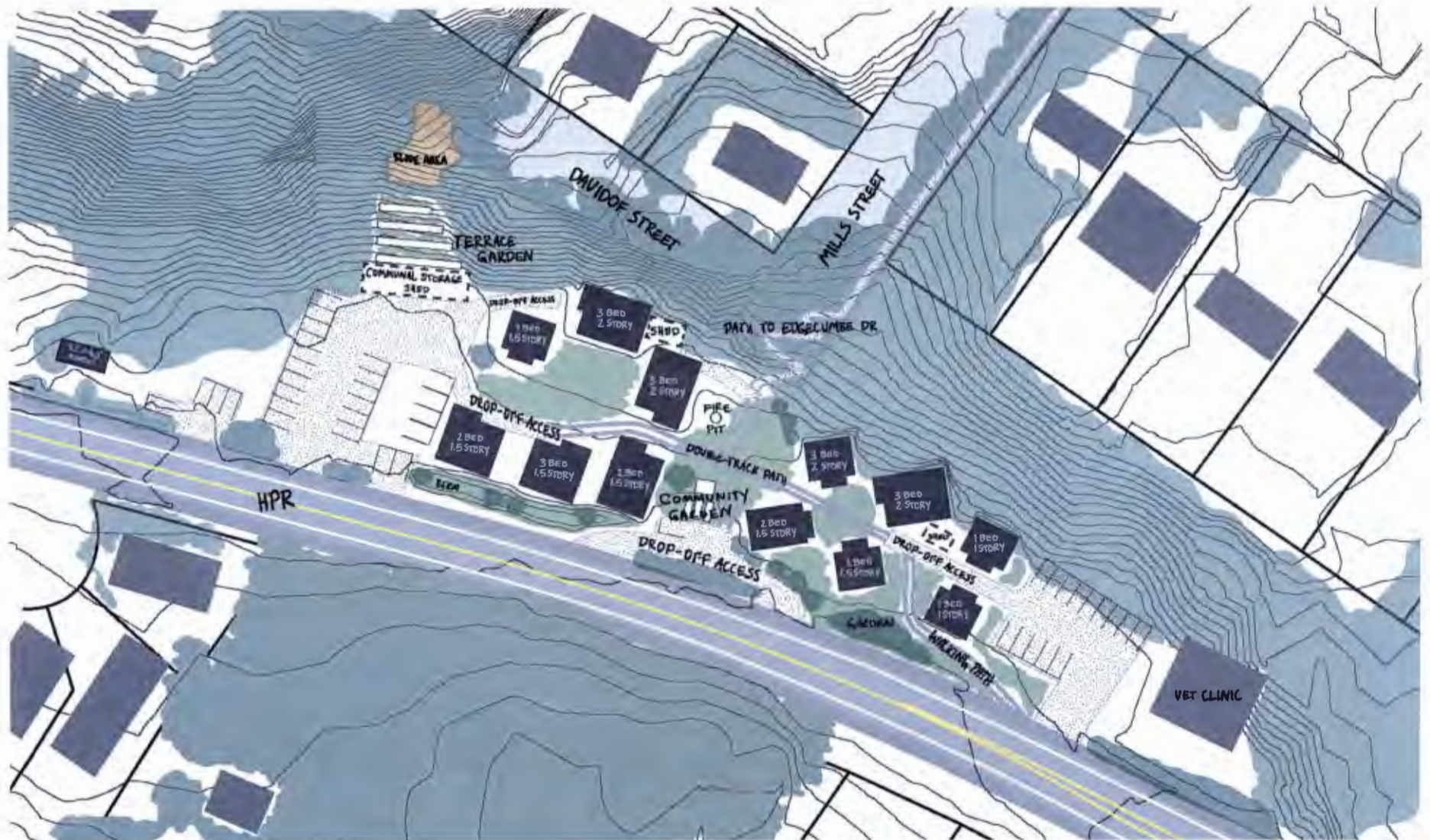
The plat revisions have been done by Ben Kraft of NorthWind Architects.







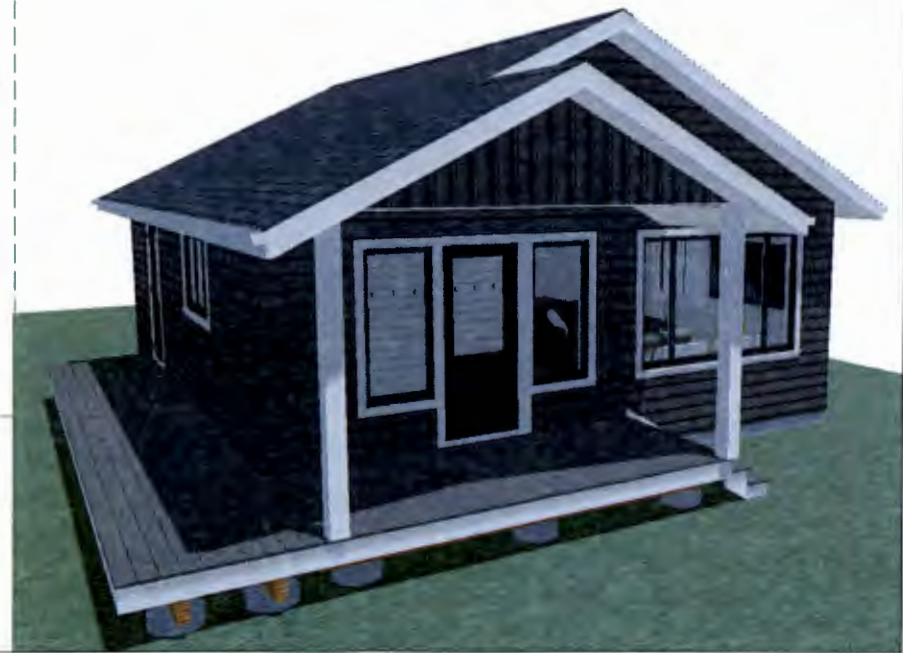
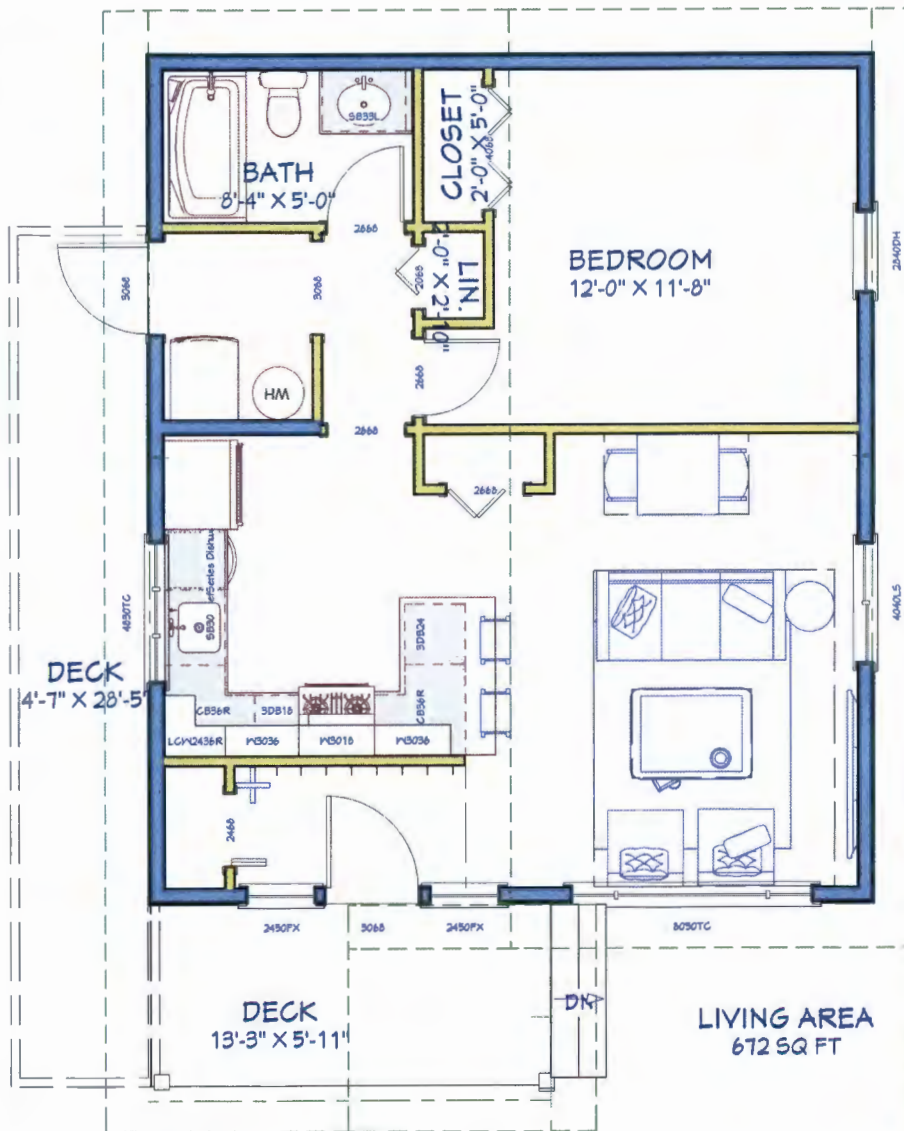




Scale 1"=90'

House Size	1 bedroom	2 bedroom	3 bedroom
Number of Units	2	6	5
Square Footage	700-1000	900-1100	1000-1200





NO.	DESCRIPTION	BY	DATE

SHEET TITLE

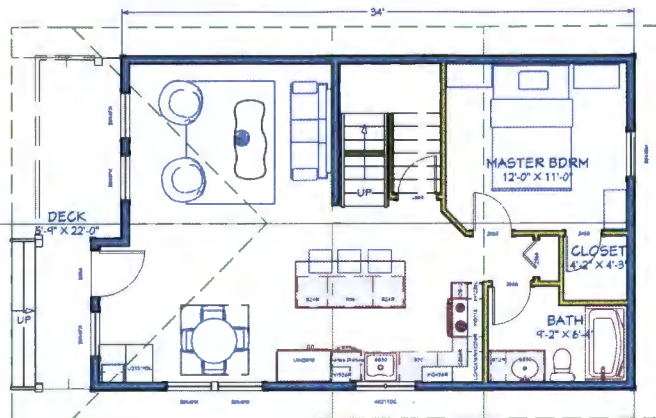
PROJECT DESCRIPTION: CLT 1 BD

DRAWINGS PROVIDED BY:

DATE: 5/31/16  
 SCALE:  
 SHEET:  
**A-1**







LIVING AREA  
574 SQ. FT.

2nd Floor



NO.	DESCRIPTION	BY	DATE

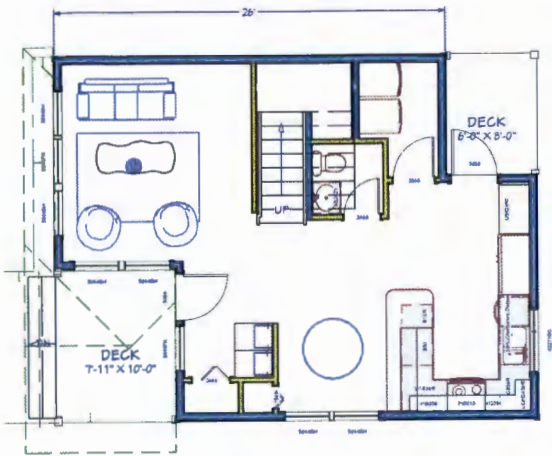
SHEET TITLE
A-1

PROJECT DESCRIPTION:
CLT 3Bd

DRAWINGS PROVIDED BY:

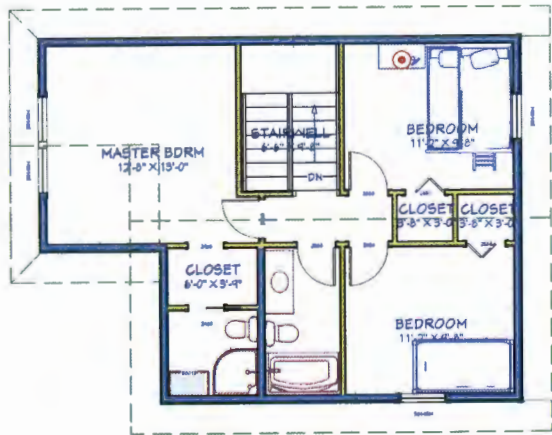
DATE:
6/7/16
SCALE:
SHEET:
A-1



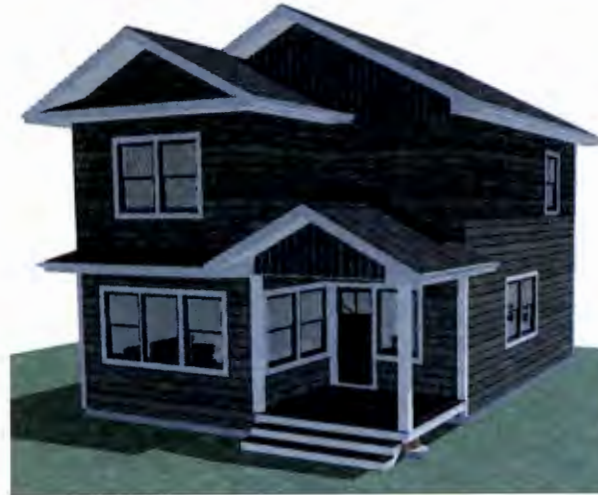


LIVING AREA  
840 SQ FT

1st Floor



LIVING AREA  
621 SQ FT



NO.	DESCRIPTION	BY	DATE

NO.	DESCRIPTION	BY	DATE

SHEET TITLE
SHEET TITLE

PROJECT DESCRIPTION
CLT 3Bd

DRAWINGS PROVIDED BY:

DATE:
6/7/16

SCALE:

SHEET:
A-2

SHEET:
A-2





# **CERTIFICATE OF OWNERSHIP AND DEDICATION**

THE CITY AND BOROUGH OF SITKA HEREBY CERTIFY THAT THEY ARE THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT THEY HEREBY ADOPTE THIS PLAN OF SUBDIVISION WITH THEIR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

5-24-05  
DATE

*[Signature]*  
AUTHORIZED TO SIGN

## **NOTARY'S ACKNOWLEDGMENT**

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 24 DAY OF MAY, 2005, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED, *[Signature]*

TO BE KNOWN TO BE, THE IDENTICAL INDIVIDUAL(S) HEREIN, AND WHO EXECUTED THE VETTER PLAT AND ~~HE~~ ACKNOWLEDGED TO ME THAT ~~HE~~ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

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

MY COMMISSION EXPIRES 4-15-07

*[Signature]*  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA



## **CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)**

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

CITY OF SITKA  
AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LAND AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL FOR THE YEAR 2005. ALL TAXES FOR THE YEAR 2006 WILL BE PAID IN ON OR BEFORE AUGUST 31, 2006. DATED THIS DAY OF MAY 23, 2005.

*[Signature]*  
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 PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 2005-8, DATED 6-14-05, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

5/27/05  
DATE  
*[Signature]*  
CHAIRMAN, PLATING 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, DATED 5-23-05, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

5-23-05  
DATE  
*[Signature]*  
CITY AND BOROUGH CLERK - Acting Deputy Clerk



## **CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT**

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

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

DATED THIS 24 DAY OF MAY, 2005  
AT SITKA, ALASKA  
*[Signature]*  
FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

EDGECUMBE DRIVE



LOT 3 LOT 2 LOT 1



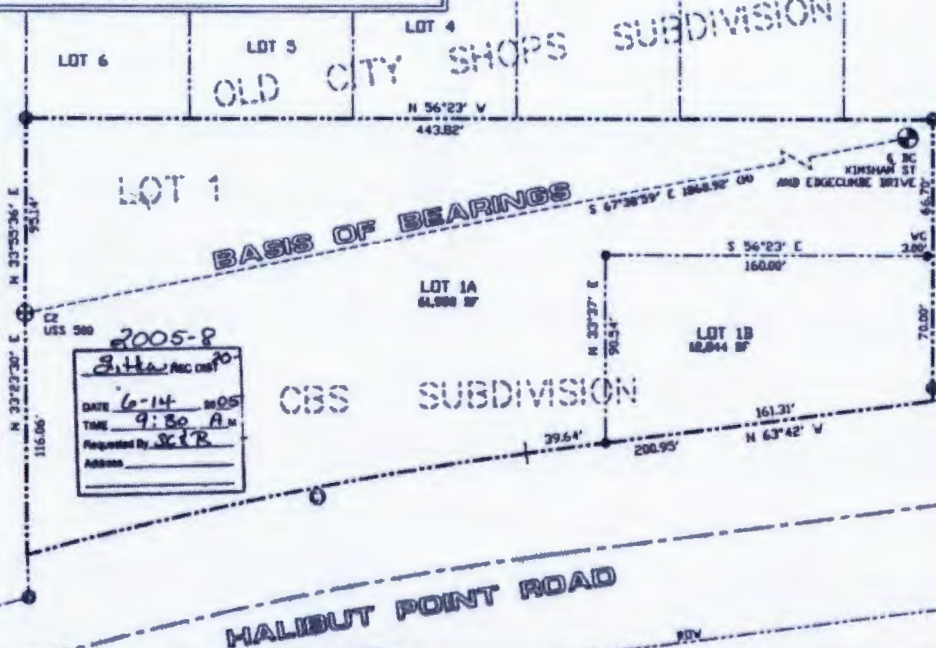
**VICINITY MAP**  
SCALE 1"=1,000'

## **LEGEND**

- PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
- ⊙ REINFORCED PRIMARY BRASS CAP (RECOVERED)
- SECONDARY MONUMENT (CET)
- REBAR AND TPC (RECOVERED)
- REBAR (RECOVERED)
- REBAR AND ALUM CAP (RECOVERED)
- RECORDED DATA
- COMPUTED DATA
- MEASURED DATA

## **CURVE DATA**

- Δ = 75°29'
- R = 1086.11'
- L = 245.66'
- CHD L = 249.41'
- CHD BNG = N 67°41'23" W



**O'NEILL**  
SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99833  
PHONE: (907) 747-6700  
FAX: (907) 747-1888  
EMAIL: o'neill@o'neill-survey.com



REMOVED P. O'NEILL  
APPROVED FOR  
CHIEF OF BUREAU

## **SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN ACCORDANCE WITH A SURVEY OF THE HEREIN DESCRIBED LANDS AND ADJACENT LANDS OF THE CITY AND BOROUGH OF SITKA, I HAVE PREPARED THIS PLAT IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY, AND THAT ALL SURVEYING AND OTHER RECORDS TO THIS FIELD BOOK.

*[Signature]*  
DAVID A. O'NEILL, L.S.

## **LITTLE CRITTER SUBDIVISION**

**LOT 1  
OBS SUBDIVISION**

CLIENT: CITY AND BOROUGH OF SITKA

**Sitka Community Land Trust**  
Planned Unit Development  
1306 Halibut Point Road





## City & Borough of Sitka, Alaska

Selected Parcel: 1306 HALIBUT POINT ID: 14707001

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**Sitka Community Land Trust**  
Planned Unit Development  
1306 Halibut Point Road





## City & Borough of Sitka, Alaska

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**Sitka Community Land Trust**  
Planned Unit Development  
1306 Halibut Point Road

Parcel ID: 14635000  
BRUCE/SEPTEMBER HORTON  
HORTON, SEPTEMBER, M.  
P.O. BOX 2491  
SITKA AK 99835-2491

Parcel ID: 14640000  
EDMON/ADORA DUMAG  
DUMAG, EDMON/ADORA  
1404 JOHNSTON ST  
SITKA AK 99835

Parcel ID: 14645000  
RICHARD RICHTER  
RICHTER, RICHARD, W.  
1211 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 14647000  
VICTORIA HAY  
HAY, VICTORIA  
P.O. BOX 416  
SITKA AK 99835-0416

Parcel ID: 14650000  
PATRICIA WHITE  
WHITE, PATRICIA, D.  
117 GRANITE CREEK RD  
SITKA AK 99835

Parcel ID: 14655000  
LEE/CHRISTINA KRAUSE  
KRAUSE, LEE, E./CHRISTINA, C.  
P.O. BOX 1150  
SITKA AK 99835-1150

Parcel ID: 14660000  
LEE/TINA KRAUSE  
KRAUSE, LEE/TINA  
P.O. BOX 1150  
SITKA AK 99835-1150

Parcel ID: 14680000  
ROBERT WOOLSEY  
WOOLSEY, JR., ROBERT, B.  
1301 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 14685000  
HENRY/DEBORAH OWEN  
OWEN, HENRY, M./DEBORAH, J.  
775 SE B STREET  
MADRAS OR 97741-9710

Parcel ID: 14690000  
GARY/TAMARA PERENSOVICH  
PERENSOVICH, GARY, L./TAMARA, L.  
1305 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 14695000  
AUSTIN/KATHLEEN INMAN  
INMAN, AUSTIN/KATHLEEN  
1307 EDGE CUMBE DR, #A  
SITKA AK 99835

Parcel ID: 14700000  
PETER/MARGARET JURCZAK/SHEA  
JURCZAK, PETER/SHEA, MARGARET  
1309 EDGE CUMBE DR.-UP  
SITKA AK 99835

Parcel ID: 14705000  
SCHAUWECKER FAMILY TRUST  
SCHAUWECKER, GERALD, L./SHERON,  
A.  
1310 EDGE CUMBE DR.  
SITKA AK 99835

Parcel ID: 14707001  
SITKA COMMUNITY DEVELOPMENT  
CORP.  
SITKA COMMUNITY DEVELOPMENT  
CORP.  
P.O. BOX 6461  
SITKA AK 99835-6461

Parcel ID: 14707002  
R. BURGESS/VICT BAUDER/VOSBURG  
BAUDER, BURGESS & VOSBURG,  
VICTORIA  
1300 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 14709000  
CITY & BOROUGH OF SITKA  
OLD CITY SHOPS  
C/B OF SITKA  
100 LINCOLN ST  
SITKA AK 99835

Parcel ID: 14711000  
CITY & BOROUGH OF SITKA  
OLD STATE SHOPS  
C/B OF SITKA  
100 LINCOLN ST  
SITKA AK 99835

Parcel ID: 14715000  
WILLIAM/CARIN ADICKES  
ADICKES, WILLIAM, F./CARIN, S.  
1401 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 14720000  
MATTHEW/JULIEAN STROEMER  
STROEMER, MATTHEW/JULIEANNE  
1403 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 14725000  
HARVEY/DORA NEWPORT  
NEWPORT, HARVEY, E./DORA, P.  
1405 EDGE CUMBE DRIVE.  
SITKA AK 99835

Parcel ID: 14730000  
PERRY/MARY BROCHAT  
BROCHAT, PERRY/THORSEN-  
BROCHAT, MARY  
1407 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 14765000  
RENA SNYDER  
SNYDER, RENA, H.  
207 MILLS ST  
SITKA AK 99835

Parcel ID: 14770000  
SAUL/ALICE SCHOENENBERGER  
SCHOENENBERGER, SAUL/ALICE  
209 MILLS ST  
SITKA AK 99835

Parcel ID: 15760000  
DEE LONGENBAUGH REVOCABLE  
TRUST  
DEE LONGENBAUGH REVOCABLE  
TRUST  
808 DIXON ST  
JUNEAU AK 99801

Parcel ID: 15761000  
DEE LONGENBAUGH REVOCABLE  
TRUST  
DEE LONGENBAUGH REVOCABLE  
TRUST  
808 DIXON ST  
JUNEAU AK 99801

Parcel ID: 15773000  
ROY/DORIS BAILEY  
BAILEY, DORIS, M.  
P.O. BOX 953  
SITKA AK 99835-0953

Parcel ID: 15800000  
RANCE DAILEY  
DAILEY, RANCE, J.  
5924 HOGAN DR  
WEED CA 96094-9214

Parcel ID: 15805000  
J.L. RENTALS, LLC  
J.L. RENTALS, LLC  
112 SAND DOLLAR DR  
SITKA AK 99835

Parcel ID: 15810000  
JOAN/CHRIS GIANOTTI  
GIANOTTI, JOAN & CHRIS  
3831 KILLEWICH ST  
JUNEAU AK 99801

Parcel ID: 15815000  
ALEETA BAUDER  
BAUDER, ALEETA, L.  
1309 HALIBUT POINT RD  
SITKA AK 99835



Parcel ID: 15820000  
~~RICHARD/VICTORI BAUDER/YOSBURG~~  
~~BAUDER, BURGESSA YOSBURG,~~  
~~VICTORIA~~  
~~1300 HALIBUT POINT RD~~  
~~SITKA AK 99835~~

Parcel ID: 15850000  
~~CANDI BARGER~~  
~~BARGER, CANDI C.~~  
~~P.O. BOX 365~~  
~~SITKA AK 99835-0365~~

Parcel ID: 15840000  
JON SHENNETT  
SHENNETT, JON, M.  
P.O. BOX 1106  
SITKA AK 99835-1106

Parcel ID: 15852000  
CANDACE BARGER  
BARGER, CANDACE, C.  
P.O. BOX 365  
SITKA AK 99835-0365

Parcel ID: 15845000  
KERMIT WHITEMORE  
WHITEMORE, KERMIT  
P.O. BOX 264  
SITKA AK 99835-0264

Parcel ID: 15855000  
KAREN GRUSSENDORF REVOCABLE  
TRUST  
GRUSSENDORF, KAREN, S.  
1221 HALIBUT POINT RD  
SITKA AK 99835

**P&Z Mailing**  
February 15, 2017

PAYMENT DATE  
03/23/2016  
COLLECTION STATION  
REVS4  
RECEIVED FROM  
SITKA COMMUNITY  
DEVELOPMENT  
CORPORATION  
DESCRIPTION

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

BATCH NO.  
2016-00001155  
RECEIPT NO.  
2016-00048026  
CASHIER  
Katja Danga-Storm

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																											
PLAN	Planning Permits/Zoning 100-300-320 3201.002 Planning & Zoning Permits \$50.00	\$50.00																											
Payments:	<table border="0"><thead><tr><th>Type</th><th>Detail</th><th>Amount</th></tr></thead><tbody><tr><td>Check</td><td>2369</td><td>\$50.00</td></tr><tr><td colspan="2">Total Cash</td><td>\$0.00</td></tr><tr><td colspan="2">Total Check</td><td>\$50.00</td></tr><tr><td colspan="2">Total Charge</td><td>\$0.00</td></tr><tr><td colspan="2">Total Other</td><td>\$0.00</td></tr><tr><td colspan="2">Total Remitted</td><td>\$50.00</td></tr><tr><td colspan="2">Change</td><td>\$0.00</td></tr><tr><td colspan="2">Total Received</td><td>\$50.00</td></tr></tbody></table>	Type	Detail	Amount	Check	2369	\$50.00	Total Cash		\$0.00	Total Check		\$50.00	Total Charge		\$0.00	Total Other		\$0.00	Total Remitted		\$50.00	Change		\$0.00	Total Received		\$50.00	
Type	Detail	Amount																											
Check	2369	\$50.00																											
Total Cash		\$0.00																											
Total Check		\$50.00																											
Total Charge		\$0.00																											
Total Other		\$0.00																											
Total Remitted		\$50.00																											
Change		\$0.00																											
Total Received		\$50.00																											
<b>PAID</b> <b>MAR 23 2016</b> <b>CITY &amp; BOROUGH OF SITKA</b>																													
		\$50.00																											

Printed by: Katja Danga-Storm

**Sitka Community Land Trust**  
Planned Unit Development  
1306 Halibut Point Road

03/24/2016 01:23:21 PM



ALASKA

2016-000300-0

Recording District 103 SITKA

03/25/2016 09:08 AM

Page 1 of 1



AFTER RECORDING, RETURN TO:  
City and Borough of Sitka - Municipal Clerk  
100 Lincoln Street  
SITKA, ALASKA 99835

This is to replace 2016-000152-0 for legal address revision

**QUIT CLAIM DEED**

The Grantor, CITY AND BOROUGH OF SITKA, 100 Lincoln Street, Sitka, Alaska 99835, for and in consideration of the sum of \$1.00, conveys and quit claims to Grantee, Sitka Community Development Corporation, the following designated property which is located in the Sitka Recording District of Alaska:

Lot One A (1A), Little Critter Subdivision, according to the official plat thereof, Recorded as Plat Number 2005-8, Records of the Sitka Recording District, First Judicial District, State of Alaska.

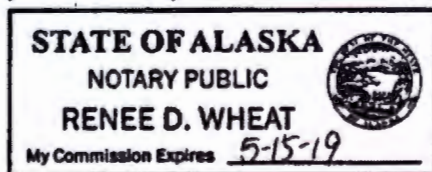
This conveyance is authorized by City and Borough of Sitka Ordinance 2015-56, approved by the Assembly on November 24, 2015.

DATED at Sitka, Alaska, on this 23<sup>rd</sup> day of March, 2016.

Mark Gorman, Administrator

STATE OF ALASKA           )  
  ) ss.  
FIRST JUDICIAL DISTRICT)

THIS CERTIFIES that on this 23<sup>rd</sup> day of March, 2016, before me, a Notary Public in and for the State of Alaska, personally appeared Mark Gorman, Municipal Administrator of the City and Borough of Sitka, Alaska, a municipal corporation organized under the laws of the State of Alaska, that he has been authorized by the Assembly for the City and Borough of Sitka to execute the foregoing deed on its behalf, and he executes it freely and voluntarily.



Notary Public for the State of Alaska

My commission Expires: 5-15-19

## Samantha Pierson

---

**From:** Heidemann, Marie E (DOT) <marie.heidemann@alaska.gov>  
**Sent:** Friday, April 15, 2016 11:41 AM  
**To:** Samantha Pierson  
**Cc:** Haynes, Emily R (DOT); Epstein, David B (DOT); Stevens, Mike A (DOT)  
**Subject:** RE: New development on Halibut Point Road

Samantha,

Please accept these comments from ADOT&PF Southcoast Region:

- The development will require a driveway or approach road permit. As HPR is an arterial, only one access point would be allowed unless we can be convinced of an extenuating circumstance requiring more than one. The speed here is 30 mph and therefore the required sight distance is 200 ft.
- Site drains to DOT ROW, needs to show no adverse impact to DOT drainage structures

Thanks for the opportunity to comment.

Marie Heidemann  
Transportation Planner  
Southcoast Region, ADOT&PF  
465-1775

---

**From:** Samantha Pierson [mailto:samantha.pierson@cityofsitka.org]  
**Sent:** Thursday, April 14, 2016 9:07 AM  
**To:** Heidemann, Marie E (DOT)  
**Cc:** Haynes, Emily R (DOT); Epstein, David B (DOT)  
**Subject:** RE: New development on Halibut Point Road

Marie,

I have attached the supporting documents for this proposal.

Sam

Samantha Pierson  
Planner I  
City and Borough of Sitka  
100 Lincoln Street  
Sitka, AK 99835  
(907) 747-1814

**Samantha Pierson**

---

**From:** Aleeta Bauder <a.l.bauder@att.net>  
**Sent:** Monday, April 11, 2016 12:15 PM  
**To:** Planning Department  
**Subject:** April 19 2016 M P 16-04

April 19, 2016 M P 16-04 Sitka Community Land Trust  
1306 HPR

From: Aleeta Bauder 1309 HPR

My comments and concerns are as follows:

I live directly across the street from lot 12 in this planned development. I believe in the 'Land Trust' concept, however, there **is not a turn lane** in this area and it is **dangerous** to turn into properties when crossing the oncoming lane. Traffic gets backed up while waiting to turn. Cars slow down or stop to turn and often get rear ended. There are many fender-benders in this area. My fence has been plowed into and crushed 3 times in the past several years. Also getting onto HPR is difficult during morning rush, at lunch hour and evening rush hour.

I have expressed my concerns to Randy Hughey, that I would like to see Mills Street punched through into the project area as a way to alleviate 'some' of the traffic problems.

Thank you for your service and attention to this matter ~ Aleeta Bauder





# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** VAR 17-01    **Version:** 1    **Name:**

**Type:** Variances    **Status:** AGENDA READY

**File created:** 1/30/2017    **In control:** Planning Commission

**On agenda:** 2/21/2017    **Final action:**

**Title:** Public hearing and consideration of a variance request for 415 Alice Loop. The variance is for the reduction in the side setback from 10 feet to 4 feet for the construction of access stairs and a deck. The property is also known as Lot 4 Sealing Cove Subdivision. The request is filed by Jamal Floate. The owner of record is Sealing Cove Heated Storage.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [415 Alice 2.27.17](#)

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: February 6, 2017

From: PCDD Staff

To: Planning Commission

Re: V 17-01 Variance Request for Deck and Stairs at 415 Alice Loop

### GENERAL INFORMATION

Applicant	Jamal Floate
Property Owner:	Sealing Cove Heated Storage, LLC
Property Address:	415 Alice Loop
Legal Description:	Lot 4 Sealing Cove Subdivision
Parcel ID Number:	19022000
Size of Existing Lot:	20,905 square feet
Zoning:	WD
Existing Land Use:	Commercial and Residential
Utilities:	Full city services
Access:	Alice Loop
Surrounding Land Use:	Residential, Recreational, Commercial, Undeveloped

### MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve

### ATTACHMENTS

Attachment A: Vicinity Map  
Attachment B: Aerial Vicinity Map  
Attachment C: Zoning Map  
Attachment D: Flood Zone Map  
Attachment E: Parcel Pictures  
Attachment F: Subdivision Plat  
Attachment G: Site Plan  
Attachment H: Application

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

### **BACKGROUND**

Sealing Cove Subdivision created this property in 2011. Neighboring properties are recreational, commercial, and residential in nature.

### **PROJECT DESCRIPTION**

The variance request is for the reduction of side setback from 10 feet to 4 feet for the construction of a second floor deck and stairs. The structure is currently being converted from storage and commercial to residential and storage. The deck and stairs are intended to provide access to the units on the second story.

Side setbacks in Waterfront District are 10 feet.<sup>1</sup> Setbacks are intended to provide a buffer between properties. A reduction to 4 feet is in line with recently granted minor variances for decks, stairs, and similar access structures. Fencing provides a buffer at this site. In addition, the primary structure is pre-existing and cannot be moved.

### **ANALYSIS**

**Project / Site:** 415 Alice Loop includes a 20,905 square foot lot and a 110 foot by 40 foot structure. The structure currently consists of commercial and storage uses, with one apartment. The building is undergoing a renovation to convert the structure into 7 apartment units, with 2 storage bays remaining as-is.

**Zone:** The Waterfront District (WD) is intended to be applied to lands and uses that 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.<sup>2</sup> Multi-family housing is a permitted use in this zone.

**Traffic:** Residential use can have more traffic than storage, but potentially less than commercial.

**Parking:** The property has 35 parking spaces, which is in excess of the required 14 spaces. 1.5 spaces are required per residential dwelling unit for a total of 11.<sup>3</sup> 3 spaces are required for the storage use.

**Noise:** Residential use may create noise as residents recreate outdoors.

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<sup>1</sup> Table 22.20-01

<sup>2</sup> Section 22.16.100—WD Waterfront District

<sup>3</sup> Section 22.20.100.G—Off-Street Parking Requirements

V 17-01 Variance Staff Report for February 27, 2017



**Public Health or Safety:** A safe access deck and stairs improve the safety of future tenants who will access this structure.

**Habitat:** No concerns for habitat. Proposed structures not to be built on the harbor side of the property.

**Property Value or Neighborhood Harmony:** Neighboring properties to the south are residential. Other neighboring lots are undeveloped, commercial, and public.

**Conformity with Comprehensive Plan:** The proposed variance for the reduction of the side setback from 10 feet to 4 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 access stairs and deck for a pre-existing structure while minimizing impacts on adjacent properties.

#### **FINDINGS<sup>4</sup>**

##### **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 stairs and deck are small in relation to the lot;*
  - b. The granting of the variance is not injurious to nearby properties or improvements, *specifically, that the proposed stairs and deck will be separated from the adjacent property by a fence;*
  - c. The granting of the variance furthers an appropriate use of the property, *specifically, that the proposed deck and stairs would provide access to the allowable residential apartments in an existing structure.*

#### **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 side setback from 10 feet to 4 feet for the construction of a deck and stairs.

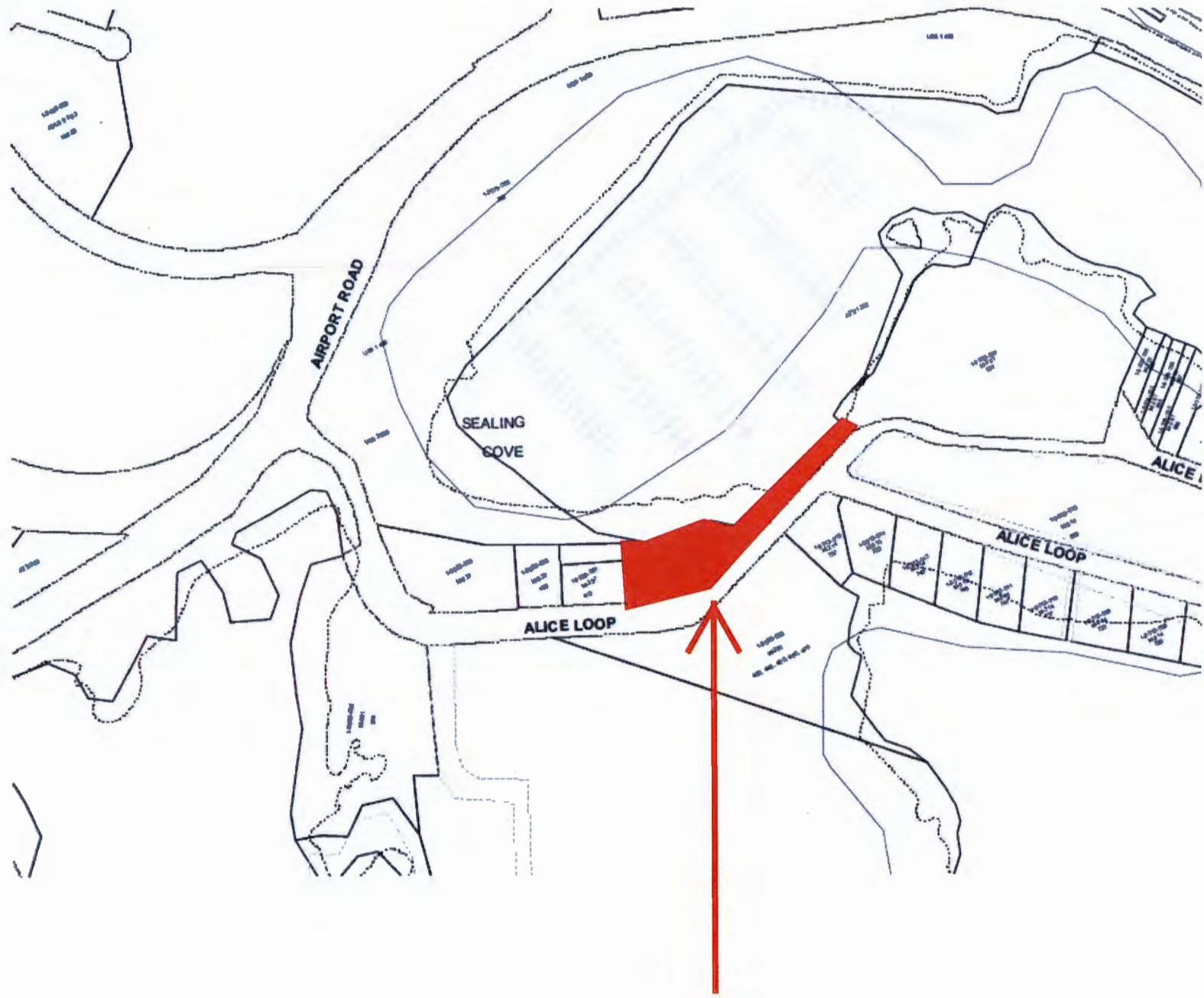
#### **Recommended Motions:** (two motions - read and voted upon separately)

- 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 415 Alice Loop. The variance is for the

---

<sup>4</sup> Section 22.30.160(D)(2)—Required Findings for Major Variances  
V 17-01 Variance Staff Report for February 27, 2017

reduction of the side setback from 10 feet to 4 for the construction of a deck and stairs. The property is also known as Lot 4 Sealing Cove Subdivision. The request is filed by Jamal Floate. The owner of record is Sealing Cove Heated Storage, LLC.







## City & Borough of Sitka, Alaska

**Selected Parcel: 415 ALICE ID: 19022000**

Printed 2/14/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

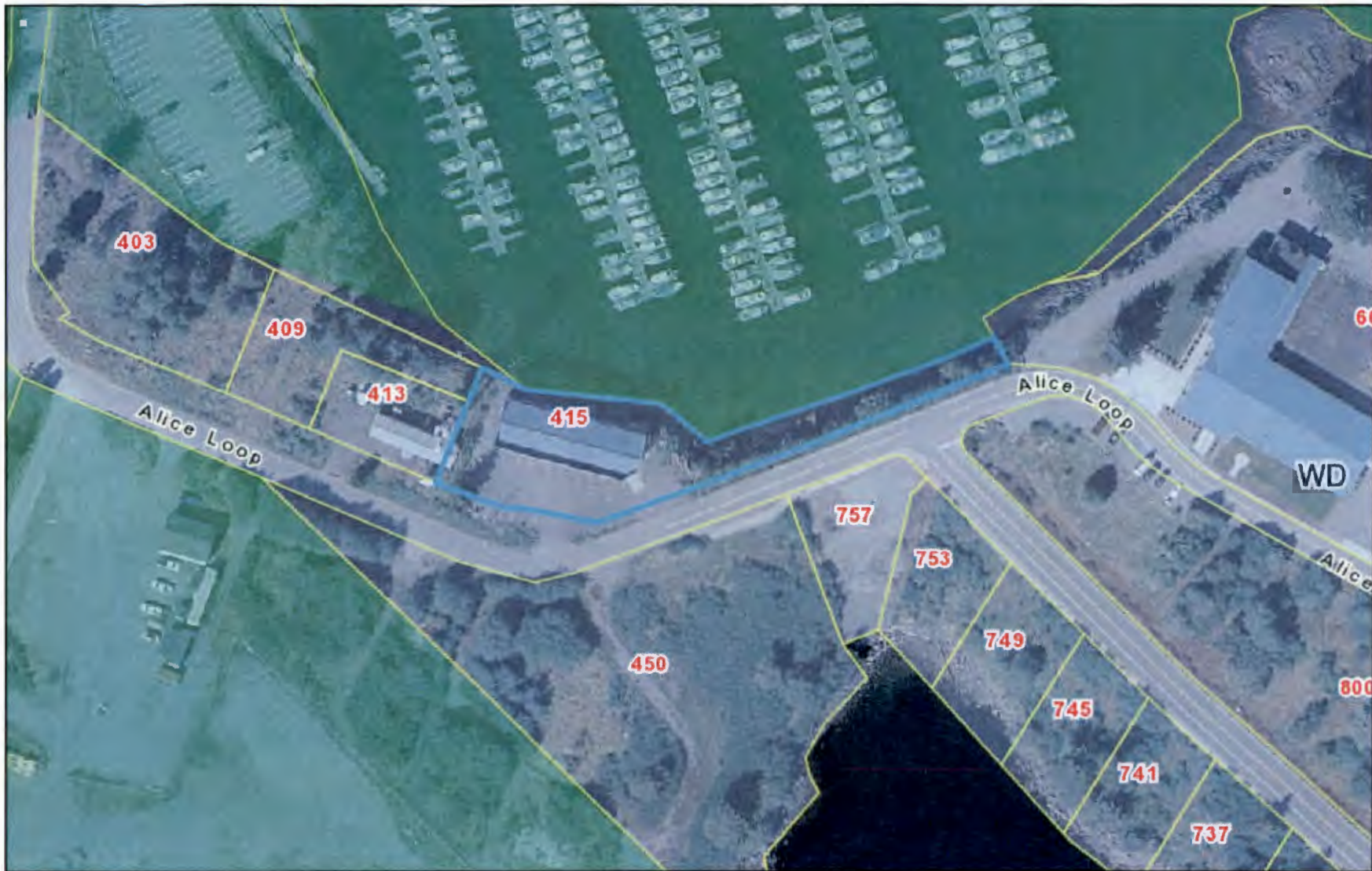
50 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://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.

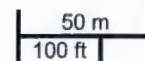




## City & Borough of Sitka, Alaska

Selected Parcel: 415 ALICE ID: 19022000

Printed 2/14/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

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## City & Borough of Sitka, Alaska

**Selected Parcel: 415 ALICE ID: 19022000**

Printed 2/14/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

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[illegible]

DATE 1/4/2011 OFFICE Charmel Burn (SIGNATURE)  
 NAME                      OFFICE Proctor / Charmel (SIGNATURE)

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the State of Alaska, this 9th day of January, 2012.

STATE OF ALASKA  
NOTARY PUBLIC  
MELISSA HEDENHORN

My Commission Expires 9-1-2012

STATE OF ALASKA  
NOTARY PUBLIC  
MELISSA HEDENHORN  
My Commission Expires 9-1-2012

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NOTARY PUBLIC  
MELISSA HEDENHORN

My Commission Expires 9-1-2012

STATE OF ALASKA  
NOTARY PUBLIC  
MELISSA HEDENHORN  
My Commission Expires 9-1-2012

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

I, THE UNDERSIGNED, BEING DULY APPROVED AND QUALIFIED, AND ADDRESSING FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS IN COMPLIANCE ON THE TAX RECORDS IN THE NAME OF SHARON KATZ INC.

AND THAT, ACCORDING TO THE RECORDS IN MY OFFICE, ALL TAXES DUE/ARE DUE/ARE NOT DUE/ARE NOT DUE ON THE CITY & BOROUGH OF SITKA ARE IN FULL PAY AND THAT THE TAXES DUE FOR THE YEAR 1981 WILL BE PAID ON OR BEFORE 8-25-1981.

DATED THIS 15TH DAY OF NOVEMBER 2010, AT SITKA, ALASKA.

ROBERT L. HARRIS  
CLERK, CITY AND BOROUGH OF SITKA

2. THE UNDERSIGNED, BEING DULY INFORMED AND QUALIFIED AND AWARENESS OF THE CITY AND BOROUGH OF SITKA, ALASKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS OWNED ON THE DATE HEREIN IN THE NAME OF SHOCK BROS INC.

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES DUE/PAID (AMOUNT, TAX YEAR) AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR 2010 WILL BE DUE ON OR BEFORE 1-2-2011

DATED THIS 15TH DAY OF DECEMBER 2010, AT SITKA, ALASKA

RECEIVED

RECORDS, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBMISSION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SPOKANE PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT REGISTRATION NO. 212-0-5. WHEREFORE, \_\_\_\_\_, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING, THE OFFICE OF THE DISTRICT REGISTRAR, C-01000S RECEIVED \_\_\_\_\_

17/30/2010  
Sgt. \_\_\_\_\_  
FORWARDING PLATING BOARD

*William J. ...*  
DISTRICT REGISTRAR

I HEREBY CERTIFY THAT THE SUBMISSION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBMISSION REGULATIONS OF THE CITY & COUNTY OF OTTAWA PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY OTTAWA PLATE NUMBER 2710-0-5 DATED 11/10/2010 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT REGISTRAR, EX-OFFICIO RECORDS, OTTAWA, ONTARIO.

17/30/2010 Richard W. [Signature]  
DATE CHAIRMAN, PLATING BOARD

Alfred J. [Signature]  
DISTRICT REGISTRAR

**CERTIFICATE OF APPROVAL BY THE ASSEMBLY**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWING HEREON WAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS ACCORDING TO HERRING CODE, PAGE \_\_\_\_\_, CHAPTER \_\_\_\_\_, DIVISION \_\_\_\_\_, AND THAT THE PLAT SHOWING HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE: 06-21-2010 Cheryl Kistner  
Sarah Peterson  
CITY & BOROUGH CLERK, Acting

**SITKA**  
DISTRICT COURT  
EX OFFICIO RECORDER  
SITKA, ALASKA

I HEREBY CERTIFY THAT THE SUBSTANTIVE FACT DISCLOSED HEREIN WAS OBTAINED BY COMPLY WITH THE SUBPOENA INVESTIGATIONS OF THE CITY & BUREAU OF UTILITY ACCOUNTS AS RECORDED IN INDUSTRY BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ DATE \_\_\_\_-\_\_\_\_-\_\_\_\_

AND THAT THE INDUSTRY ADDRESS HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, U.S. DISTRICT COURT, DISTRICT OF ALABAMA.

06-27-2010 Cheryl Henderson  
CITY AND BUREAU CLERK, Accounting

CITY & BUREAU CLERK, Accounting

CLERK'S OFFICE

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, IN HEREIN CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING RECORDED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: JOHN C. & M. K. LEE

SALL DUES OF RECORDS, AND TONAL, ACCORDING TO THE RECORDS IN MY PROFESSION, ALL LIENS ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 21st day of December 1977

*[Signature]*  
FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

1. THE UNDERSIGNED BEING DULY APPOINTED AND QUALIFIED, AND PROVIDE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, IN WISDOM CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING RECORDED PROPERTY IS OWNED BY THE RECORDS IN THE NAME OF: JOHN C. FORD JR. LLC

SALL CLARKE OF RECORDS, AND THAT, ACCORDING TO THE RECORDS IN HIS POSSESSION, ALL LIENS REGISTERED AGAINST SAID LANDS ARE IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 10TH DAY OF December  
IN THE CITY & BOROUGH OF SITKA

*[Signature]*  
FURNISH DIRECTOR  
CITY & BOROUGH OF SITKA

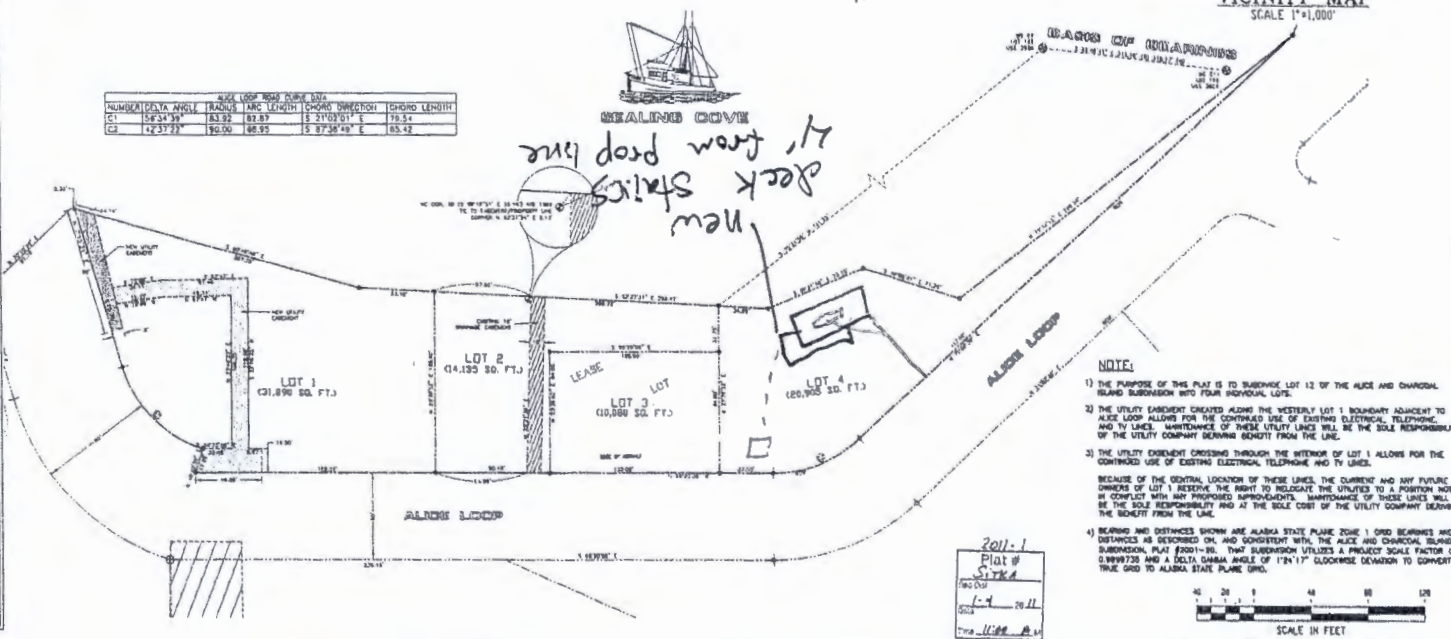
**SURVEYING AND ENGINEERING**

BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-4700  
FAX: (907) 747-7390  
EMAIL: [csullivan@earthlink.net](mailto:csullivan@earthlink.net)

- (1) PRIMARY CONTROL ELEMENT (RECOVERED)
- (2) GLD/BLM PRIMARY BRASS CAP (RECOVERED)
- (3) SECONDARY ELEMENT (SET)
- (4) SECONDARY ELEMENT (RECOVERED)
- (5) RECORDED DATA
- (6) COMPUTED DATA
- (7) MEASURED DATA



**VICINITY MAP**  
SCALE 1"=1,000'



NOTE:

- 1) THE PURPOSE OF THIS PLAN IS TO SUBSIDIZE LOT 12 OF THE ALICE AND CHANDLER BEACH SUBDIVISION INTO FOUR INDIVIDUAL LOTS.
- 2) THE UTILITY EXISTENT CROSSING ALONG THE WESTERLY LOT 1 BOUNDARY ADJACENT TO ALICE LAKE ALLOWS FOR THE CONTINUED USE OF EXISTING TELEPHONE, TELEGRAPH, CABLE, WATER, AND SEWER LINES. THE UTILITY SHALL BE THE SOLE RESPONSIBILITY OF THE UTILITY COMPANY DERIVING BENEFIT FROM THE LINE.
- 3) THE UTILITY EXISTENT CROSSING THROUGH THE INTERIOR OF LOT 12 ALLOWS FOR THE CONTINUED USE OF EXISTING TELEPHONE, AND TO UTILITIES.
- 4) BECAUSE OF THE EXISTING LOCATION OF THESE LINES, THE CURRENT AND ANY FUTURE OWNERS OF LOT 12 RESERVE THE RIGHT TO UTILIZE THE UTILITIES TO A LIMITATION NOT IN CONFLICT WITH ANY PROPOSED APPROXIMATIONS. MAINTENANCE OF THESE LINES WILL BE THE RESPONSIBILITY OF AND AT THE SOLE COST OF THE UTILITY COMPANY DERIVING THE BENEFIT FROM THE LINE.
- 5) BEHIND THE DISTANCES SHOWN ARE ALABAMA STATE PLAIN ZONE 1 GRID BEARINGS AND DISTANCES TO ALABAMA STATE PLAIN ZONE 1 GRID COORDINATES. THE BEARING AND DISTANCE FROM PLAIN ZONE 1 GRID BEARING UTILIZES A PROJECTED SCALE FACTOR OF 0.9999728 AND A DATA CHANGA VALUE OF 17°11' CLOCKWISE DIRECTION TO CONVERT THE PLAIN ZONE 1 GRID BEARING TO THE BEARING SHOWN.

SCALE IN FEET

LOT 12, ALICE AND CHARCOAL  
ISLAND SUBDIVISION

CLIENT: SHEE ATIKA INC

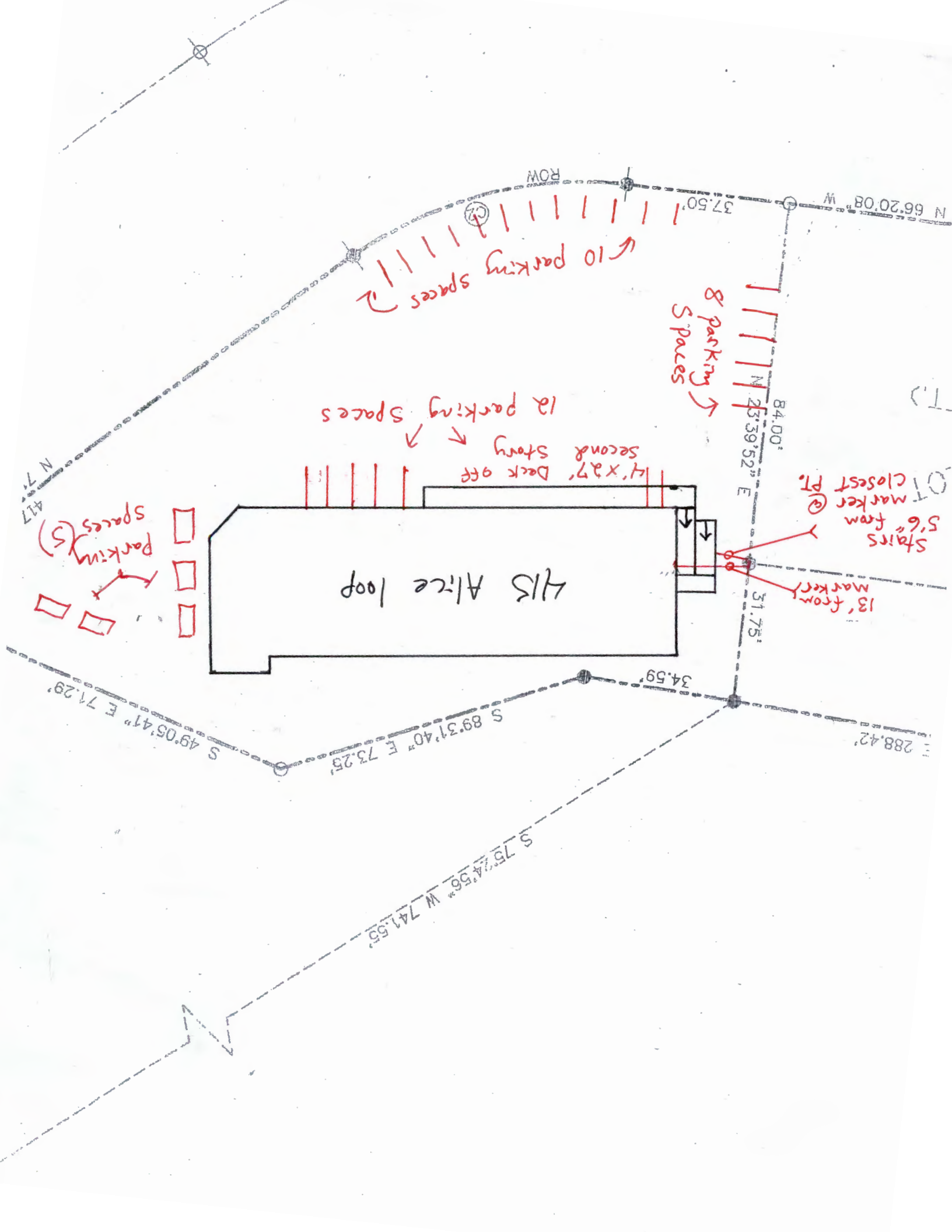
DESIGNED BY: J. STEPHENSON  
DRAWN BY: JACAR  
CHECKED BY: [blank]  
DATE OF PLATING: 28. APRIL 1980  
SCALE: 1" = 60'  
DRAWING NAME: 30434-13  
PROJECT NO: 30434-13-00

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN June 1980 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

12/15/12  
DATE

Patricia K. O'Brien  
PATRICIA K. O'BRIEN, L.P. 4304

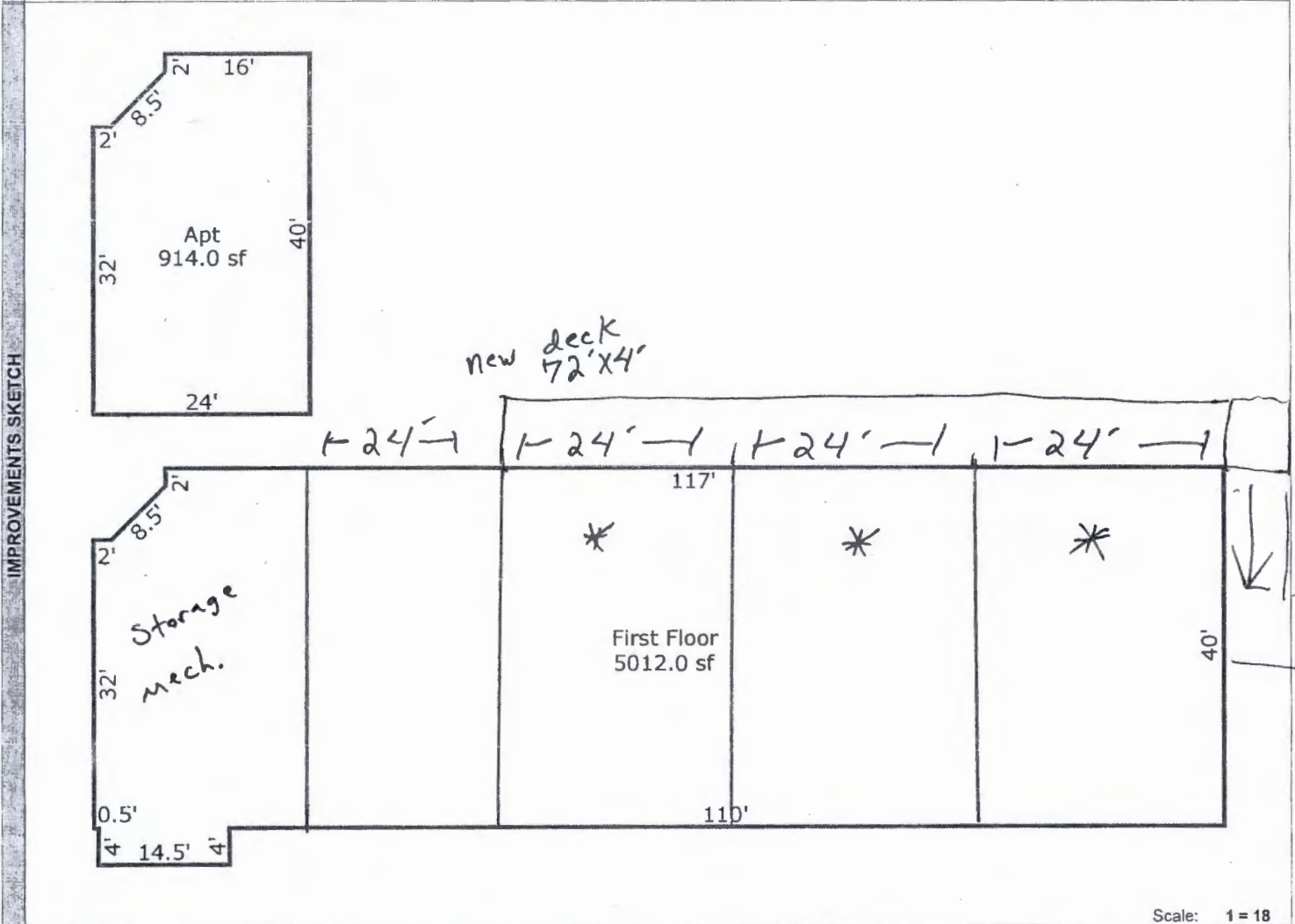




# SKETCH/AREA TABLE ADDENDUM

Parcel No 19022000

SUBJECT	Property Address 415 Alice Loop			
	City Sitka	County USA	State AK	Zip 99835
	Owner Sealing Cove Storage, LLC			
	Client			
Appraiser Name Josh Joseph		Inspection Date 2/23/15		

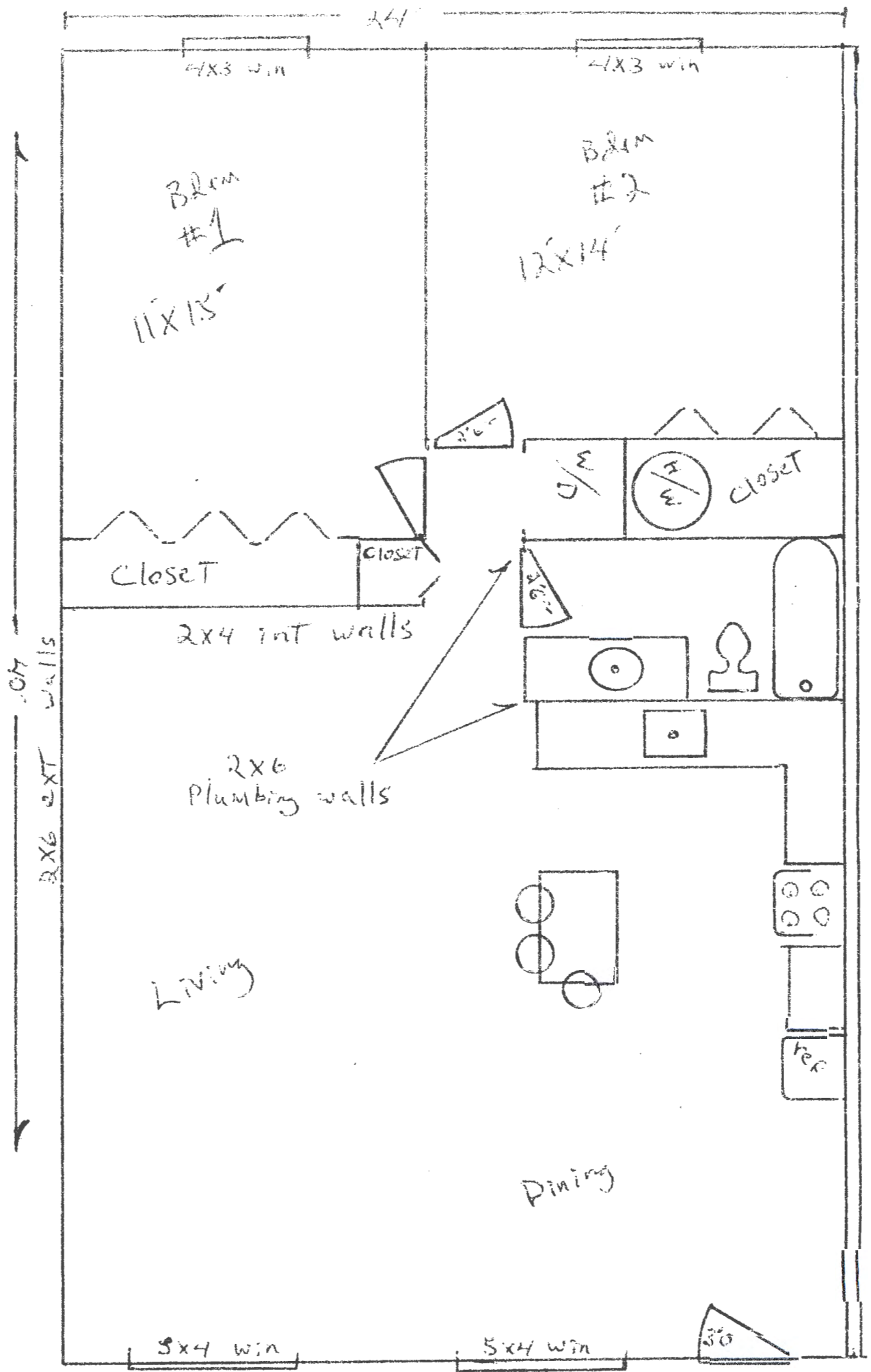


Scale: 1" = 18'

AREA CALCULATIONS SUMMARY						Comment Table 1	
Code	Description	Factor	Net Size	Perimeter	Net Totals		
GBA1	First Floor	1.00	5012.0	334.5	5012.0		
GBA2	Apt	1.00	914.0	124.5	914.0		
UND	Undefined	1.00	5012.0	334.5	5012.0		
Net BUILDING Area (rounded w/ factors)					5926	Comment Table 2	Comment Table 3



1'













*Renaissance Construction LLC.*

*2006 Cascade Creek Rd.*

*Sitka AK, 99835*

*(907) 738-6699*

*License # 34013*

*Date: 23 January 2017*

*To: City and borough of Sitka  
100 Lincoln street  
Sitka, AK 99835*

*Regarding project construction at 415 Alice Loop. We hereby propose the following construction phasing plan in order to expedite an issue of a building permit.*

*Phase 1 construction, commencing January 2017;*

*Frame all exterior and interior walls within existing footprint.*

*Phase 2 construction, commencing upon issue of requested variance, on or around 15 February 2017;*

*Frame exterior deck and 2<sup>nd</sup> story stair case.*

*Submitted by:*

*JAMAL M, FLOATE owner*

# *Renaissance Construction LLC.*

*2006 Cascade Creek Rd.*

*Sitka AK, 99835*

*(907) 738-6699*

*License # 34013*

## *Project scope*

*Project: 415 Alice loop apartment project*

*Project consists of converting storage bays 1,2, & 3 of 415 Alice loop warehouse into apartments. Current structure is slab on grade construction, with metal girders 24' OC carrying entire roof load. Project will involve removing current exterior walls to accommodate new framing, but no changes will be made to the structural integrity of the building or roofing system.*

*Utilities have already been routed to the building and will be picked up in supplemental ditch in parking lot to route to new location. This goes for water supply, sewer, and city power. The current sprinkler main in the peak of the building will service all units new and old. Sprinkler design is being done by southeast fire protection.*

*All units will have 2X6 16" OC exterior wall framing, and 2X4 16" OC interior wall framing. All units will be sheetrocked 5/8 both sides of the walls, and downstairs ceilings doubled 5/8 to accommodate all needed fire barriers. All 6 apartments are to be identical in construction and layout. A drawing for one unit is provided as representation for all 6.*

*Access to downstairs units will be via the parking lot. Access to upstairs units will be via a 4' wide deck along the front of the building serviced by a common stairway on the north west side. Deck will be constructed from 2X6 joists and decked w' 1 1/8 ply and sealed dry. Load point will be ODW 4X12 beam w' ODW posts to grade 12' OC. Ledger will be lagged 1/2 bolts 24" OC. All exposed woods will be pressure treated or otherwise approved. All applicable hardware will be installed.*

*Interior floor framing to be engineered joists as speced by Boise cascade. Sheated w' 3/4 T&G subfloor.*

*Submitted by:*

*JAMAL M, FLOATE owner*





# 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: reduction in setback from  
10' to 5' to accomodate an exterior stair  
case.

### PROPERTY INFORMATION:

CURRENT ZONING: waterfront PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): Commercial PROPOSED LAND USES (if changing): commercial / residential

### APPLICANT INFORMATION:

PROPERTY OWNER: Ral west / John hardwick

PROPERTY OWNER ADDRESS: 107 Taivo circle

STREET ADDRESS OF PROPERTY: 415 Alice loop

APPLICANT'S NAME: Jamal Floate

MAILING ADDRESS: 2006 cascade creek RD.

EMAIL ADDRESS: Renbuilt@gmail.com DAYTIME PHONE: 738 6699  
JAMAL'S #

### PROPERTY LEGAL DESCRIPTION:

TAX ID: 19022000 LOT: 4 BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: Sealing cove sub US SURVEY: \_\_\_\_\_

Plat 2011-1

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

Parcel ID: 19022001  
SHEE ATIKA, INC.  
SHEE ATIKA, INC.  
315 LINCOLN ST, STE 300  
SITKA AK 99835

Parcel ID: 19075000  
CITY & BOROUGH OF SITKA  
SEALING COVE HARBOR  
CITY & BOROUGH OF SI,,  
203 AIRPORT RD  
SITKA AK 99835

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: 19022002  
SEALING COVE HEATED STORGAE,  
LLC  
SEALING COVE HEATED STORAGE,  
LLC  
107-A TOIVO CIRCLE  
SITKA AK 99835

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

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

Parcel ID: 19024000  
ALASKA, STATE, OF  
DOT/PF AIRPORT DIV  
ALASKA STATE OF  
ANCHORAGE AK 99501



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

Merchant ID: 000000002754907  
era ID: 03090014  
09200114885

Sale

ISA

XXXXXXXXXX5366

Entry Method: Swiped

Apprvd: Online Batch#: 001065

11/05/17 11:33:09

Inv #: 000000 Appr Code: 078630

Total: \$ 75.00

Customer Copy

11/05/2017  
-00032435  
t Counter  
AL FLOATE

75.00  
75.00  
75.00  
75.00  
75.00

# INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 11/5/17

To:

Jamal Floate

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.....~~0.00~~

TOTAL.....~~75.00~~  
75.00  
Thank you



File for Record at Request of:

**First American Title Insurance Company**

AFTER RECORDING MAIL TO:

Name: Sealing Cove Heated Storage LLCAddress: 107A Tolvo CircleSitka, AK 99835File No.: 0241-2411180 (JCH)

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**STATUTORY WARRANTY DEED**

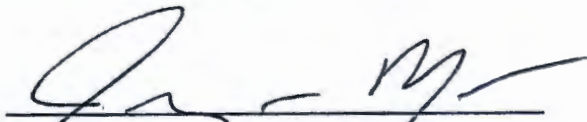
THE GRANTOR, **Sealing Cove Storage, LLC**, whose mailing address is **201 37th St., Cody, WY 82414**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Sealing Cove Heated Storage LLC, an Alaska limited liability company**, residing at **107A Tolvo Circle, Sitka, AK 99835**, the following described real estate, situated in the **Sitka** Recording District, **First** Judicial District, State of **Alaska**:

**Lot 4, SEALING COVE SUBDIVISION, according to Plat 2011-1, Records of the Sitka Recording District, First Judicial District, State of Alaska.**

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

Dated: April 17, 2015.

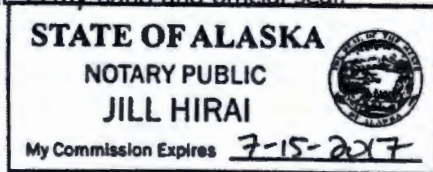
Sealing Cove Storage, LLC

  
By: Jerry Moore, Registered Agent

STATE OF Alaska )  
 ) ss.  
First District )

THIS IS TO CERTIFY that on this **Seventeenth day of April, 2015**, before me the undersigned Notary Public, personally appeared **Jerry Moore, Registered Agent of Sealing Cove Storage, LLC**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.



Shirley Jean  
Notary Public in and for Alaska  
My commission expires 7-15-2017





## Michael Scarcelli

---

**From:** Ral West <ralwest@me.com>  
**Sent:** Tuesday, January 10, 2017 11:29 AM  
**To:** Michael Scarcelli  
**Cc:** Jamal Floate; John Hardwick  
**Subject:** Owners' permission -- 415 Alice Loop

Jamal Floate DBA Renaissance Construction, is the general contractor for our project, and is authorized to act on our behalf in regard to all work being performed at our property located at 415 Alice Loop.

Please advise if you have any questions or concerns.

Sincerely,

Ral T. West and John T. Hardwick

Managers, Sealing Cove Heated Storage, LLC  
Owner of 415 Alice Loop

Ms. Ral West

[ralwest@me.com](mailto:ralwest@me.com)

Cell Phone #: 907-738-4656



# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** CUP 17-01    **Version:** 1    **Name:**

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

**File created:** 1/30/2017    **In control:** Planning Commission

**On agenda:** 2/21/2017    **Final action:**

**Title:** Public hearing and consideration of a conditional use permit request for a two unit short-term rental at 3003 Halibut Point Road. The property is also known as Lot 1 Wood Subdivision. The request is filed by Jack and Katy Wood. The owners of record are Jackson and Kathryn Wood.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [3003 HPR 2.27.17](#)

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: February 7, 2017

To: Planning Commission

From: PCDD Staff

Re: CU 17-01 Conditional Use Permit for 2 Short Term Rentals at 3003 Halibut Point Road

---

### GENERAL INFORMATION

Applicant: Jack and Katy Wood

Property Owner: Jackson and Kathryn Wood

Property Address: 3003 Halibut Point Road

Legal Description: Lot 1 Wood Subdivision

Parcel ID Number: 2-5460-001

Size of Existing Lot: 34,225 square feet

Zoning: R-1 MH

Existing Land Use: Residential

Utilities: Full city services

Access: Halibut Point Road

Surrounding Land Use: Residential

### MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of Recommendation

### ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Site Plan

Attachment E: Floor Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Flood Zone Map

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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 two short-term rental units for a duplex at 3003 Halibut Point Road in the R-1 MH single-family, duplex and manufactured home zoning district. The property will meet the 4 parking space requirement for a duplex upon the removal of a boat. The top unit short-term rental unit has two bedrooms and two baths. One bedroom and one bathroom are located in a loft area, which can be closed off with an existing door if necessary. The downstairs unit has one bedroom and one bathroom on a single story. The property is bounded by the owner's primary residence, a neighbor's residence, Halibut Point Road, and the ocean. A garage is also situated on the property, and is used for the owner's personal storage. The applicants intend to use Sitka Travel as a booking agent.

### ***22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.***

The R-1 MH 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.<sup>1</sup>

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>2</sup>**

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

The property has a driveway that provides the required 4 parking spaces. Boat will need to be moved or removed when both units are rented to ensure sufficient parking for tenants.

**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.

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

<sup>2</sup> § 22.24.010.E

**e. Location along a major or collector street:** Halibut Point Road.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No concerns.

**g. Effects on vehicular and pedestrian safety:** The driveway may be difficult for newcomers to find. This can be mitigated by providing a detailed directions and traffic circulation information.

**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 the required parking spaces for a duplex residence. Owners should provide traffic circulation information to tenants.

**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:** Foliage provides 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.<sup>3</sup> This application conforms to the above sections by creating short-term transient housing. Removal of boat and provision of rental overview will mitigate concerns for traffic and noise concerns.

**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.<sup>4</sup>

## **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:**<sup>5</sup>

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<sup>3</sup> Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

<sup>4</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31

<sup>5</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

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.

### **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.

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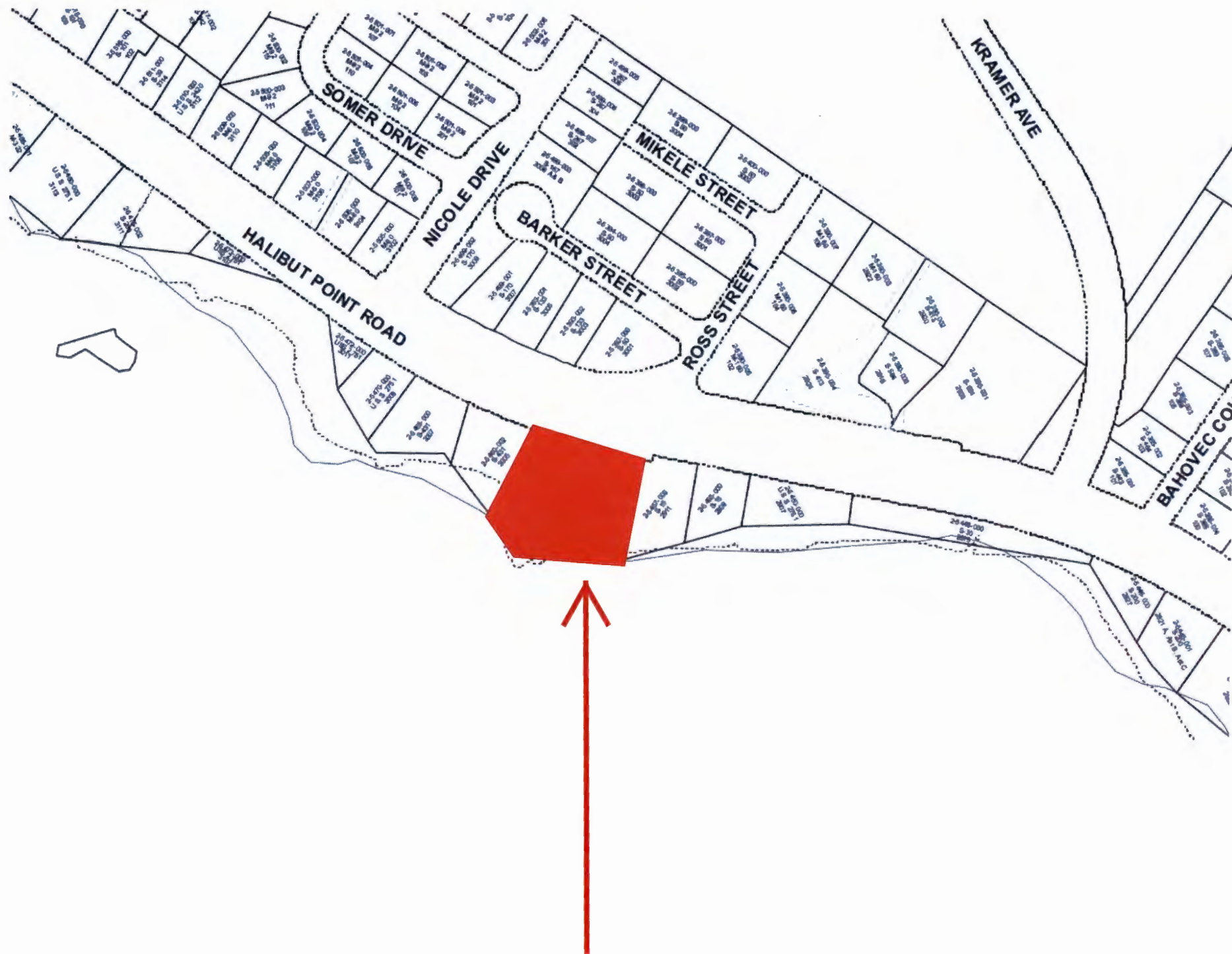
### **Recommended Motions:** (two motions - read and voted upon separately)

- 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 two short-term rental units at 3003 Halibut Point Road subject to the attached conditions of approval. The property is also known as Lot 1 Wood Subdivision. The request is filed by Jack and Katy Wood. The owners of Jackson and Kathryn Wood.

#### 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.
10. Boat shall be moved or removed to ensure four parking spaces for the two units.







## City & Borough of Sitka, Alaska

**Selected Parcel: 3003 HALIBUT POINT ID: 25460001**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://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: 3003 HALIBUT POINT ID: 25460001**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

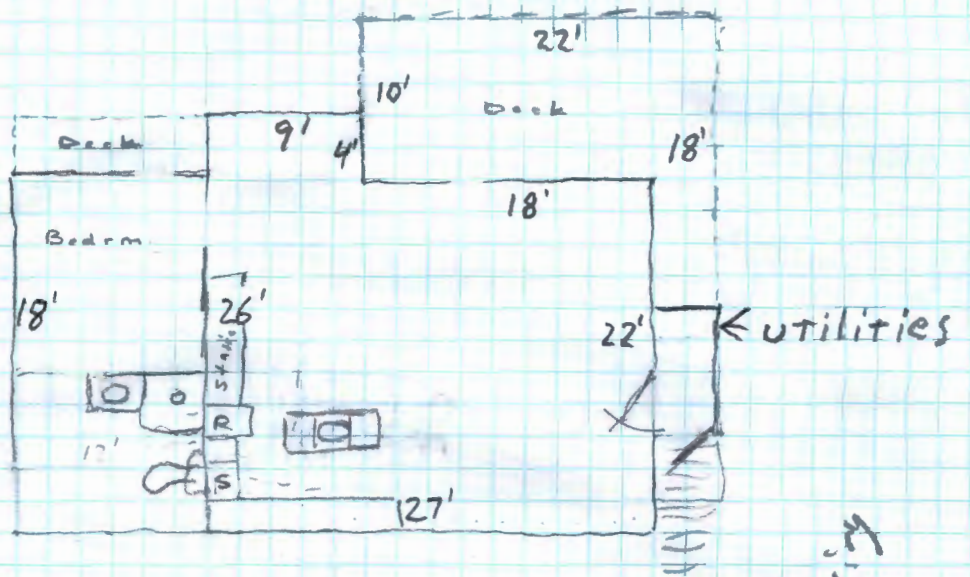
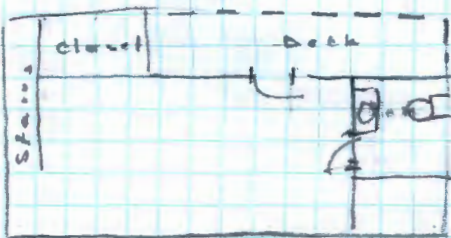
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**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

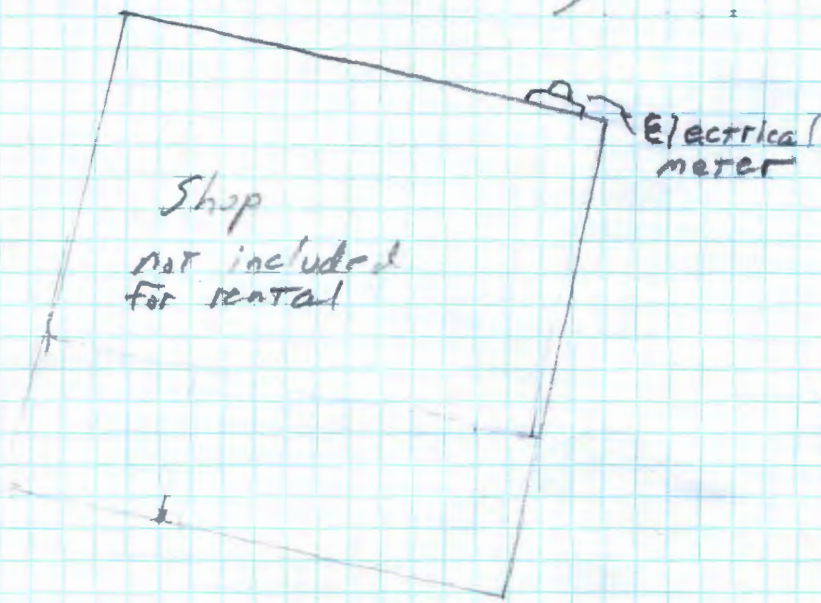
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Parking

Parking



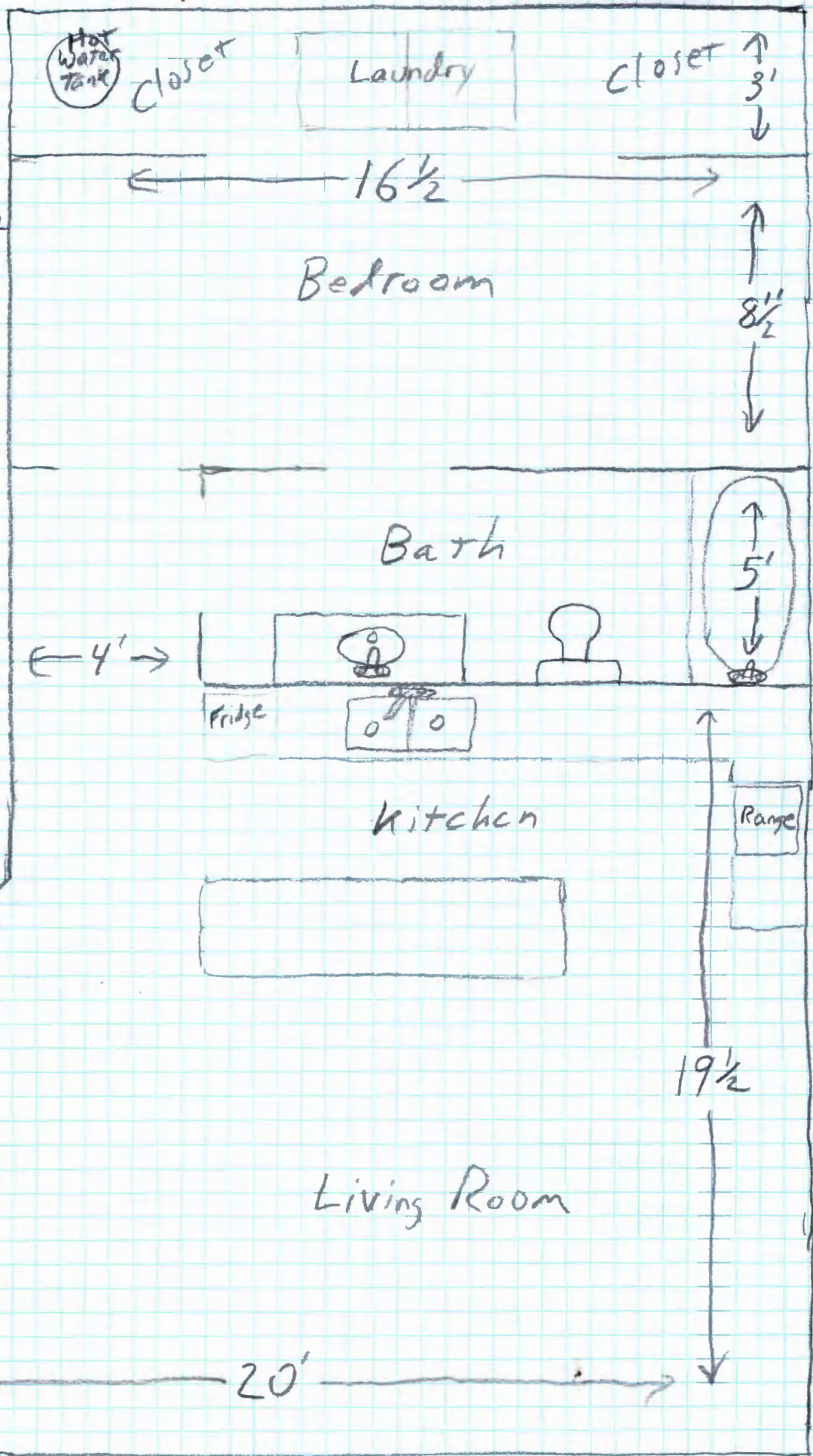


Property -

Lower

Apartment  
3003 HPR

Wood -  
Property





# 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:

LARRY A. JONES & L. NELSON / W.T. CLIFTON

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 31<sup>ST</sup> DAY OF Aug, 1995

AT SITKA, ALASKA  
[Signature]

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 PLATING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO.        DATED        AND THAT THE PLAT HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 8/24/95 [Signature]  
10 CHAIRMAN

ATTEST:

[Signature]  
SECRETARY

BEAL:

## 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        DATED        AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 8-24-95 [Signature]  
MAYOR

ATTEST:

[Signature]  
CLERK

## CERTIFICATE

STATE OF ALASKA }  
SITKA DISTRICT } SS

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:

LARRY A. JONES & L. NELSON / W.T. CLIFTON

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 19-95 BE DUE ON OR BEFORE:

DATED THIS 31<sup>ST</sup> DAY OF Aug, 1995  
AT SITKA, ALASKA.

[Signature]  
ASSESSOR, CITY AND BOROUGH OF SITKA

## PLAT NOTES

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT T & EAST PORTION LOT U, USS 2751 INTO TWO LOTS AS SHOWN HEREON.

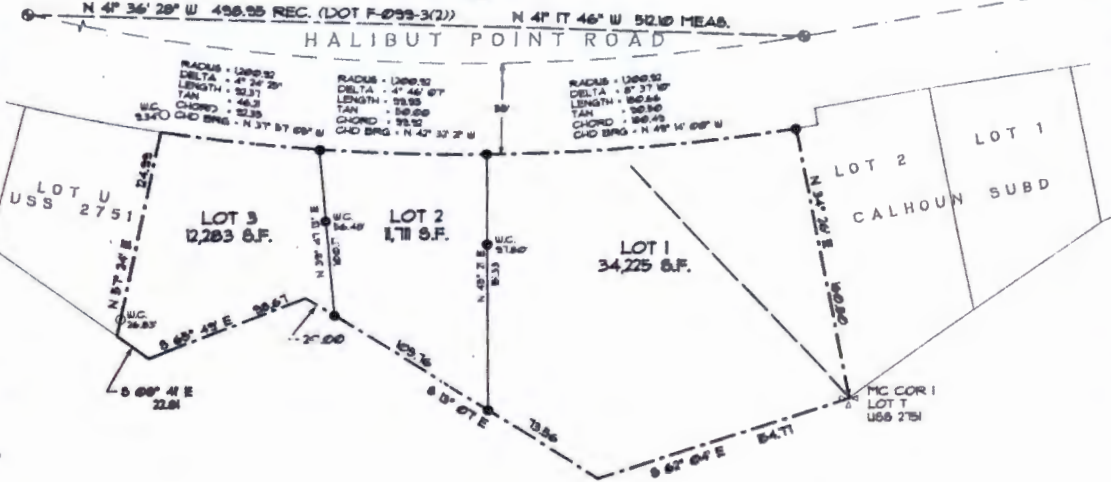
## WASTEWATER TREATMENT

SUBJECT TO ANY NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

DATE 8/31/95  
NAME AND TITLE OF ADEC APPROVING OFFICIAL

1. No on-site treatment or disposal approved.  
2. Approval for connection to City and Borough of Sitka sewerage.

COR 2 LOT 24  
USO 74220  
BASIS OF BEARING  
N 4° 36' 28" W 456.95 REC. (DOT F-033-3(2))  
N 4° 17' 46" W 521.0 MEAS.



SITKA SOUND

## 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 AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: 7-10-95 REGISTRATION NO. 3337-5  
[Signature]  
REGISTERED LAND SURVEYOR  
NORL F. STRAGER 3337-5



THIS PLAT



## VICINITY MAP

SCALE: 1" = 1000'

## 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 8-23-95 [Signature]  
DATE 8-23-95 [Signature]  
OWNER [Signature] OWNER [Signature]

## THE NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA }  
STATE OF ALASKA } SS  
CITY AND BOROUGH OF SITKA }

THIS IS TO CERTIFY THAT ON THIS 23rd DAY OF August, 1995 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AS SHOWN PERSONALLY APPEARED:

Larry A. Jones & L. Nelson / W.T. Clifton  
TO ME-KNOWN TO BE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THAT They REQUESTED TO ME THAT I Witness THESE DEEDS TO BE THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

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

[Signature]  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES 7-1-99

## LEGEND

- 1/2" ALUMINUM CAP ON 5/8" REBAR SET THIS SURVEY
- MONUMENT OF RECORD
- CL MON FND THIS SURVEY
- ⊕ USGLO BRASS CAP MONUMENTS FND THIS SURVEY
- LOT CORNER MONUMENT FND THIS SURVEY

## WOOD SUBDIVISION

PREPARED BY:  
**STRAGER ENGINEERING SERVICES INC.**  
CIVIL ENGINEERING  
LAND SURVEYING

504 DUBROFF ST., SITKA, ALASKA 99835  
NORL "BOB" S. VAGNER, P.E., R.L.S., PRESIDENT



A SUBDIVISION OF LOT T & EAST PORTION LOT U, USS 2751

JOB NO. 2372B DATE: 7/10/95

DRAWN BY: BABE SCALE: 1" = 500'

PREPARED FOR:  
**MR. WILLIAM CLIFTON/J. WOOD**  
BOX 103  
SITKA, ALASKA 99835































Attn. Zoning Committee:

Our second residential property located at 3003 HPR will become vacated at the end of January. Rather than re-renting with a long term tenant we would like to use it as a vacation rental, which would also allow us to have it available for out of town family and friends.

It is an 800sq. foot, 2 bedroom 2 bath A frame style house. Daily, weekly or monthly reservations will be available with a 3 night minimum and a four person max. Parking space is abundant with room for four cars on the property.

We plan on using Sitka Travel as our booking agent.

Thank You for time,

Katy Wood





# 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

\$100

☐ ZONING AMENDMENT☐ PLAT/SUBDIVISION

#### BRIEF DESCRIPTION OF REQUEST:

To operate a short term  
rental at our second home 3003 HPR

#### PROPERTY INFORMATION:

CURRENT ZONING: residential R1-MH. PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): residential PROPOSED LAND USES (if changing): \_\_\_\_\_

#### APPLICANT INFORMATION:

PROPERTY OWNER: Jack & Katy Wood

PROPERTY OWNER ADDRESS: 3005 H.P.R. Sitka

STREET ADDRESS OF PROPERTY: 3003 H.P.R.

APPLICANT'S NAME: Katy Wood

MAILING ADDRESS: 3005 HPR, Sitka, AK

EMAIL ADDRESS: Ktwood@gci.net DAYTIME PHONE: 747-5195

#### PROPERTY LEGAL DESCRIPTION:

TAX ID: 2-5460-001 LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: US 2751 WOOD I 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

25 November 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



## City & Borough of Sitka, Alaska

**Selected Parcel: 3003 HALIBUT POINT ID: 25460001**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://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: 25390004  
ALASKA MARINE SAFETY EDUC  
ASSOC  
ALASKA MARINE SAFETY EDUC  
ASSOCIATION  
2924 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25392000  
BONITA STEDMAN  
STEDMAN, BONITA, M.  
P.O. BOX 158  
SITKA AK 99835-0158

Parcel ID: 25394000  
ANDREW/REBECCA FRISKE  
FRISKE, ANDREW/REBECCA  
3004 BARKER ST  
SITKA AK 99835

Parcel ID: 25455000  
SCOTT/JONIE CALHOUN  
CALHOUN, SCOTT, E./JONIE, L.  
2909 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25460002  
~~JACKSON/KATHRYN WOOD~~  
WOOD, JACKSON, H./KATHRYN, T.  
3005 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25472000  
ALASKA, STATE OF DNR  
ALASKA, STATE OF  
550 WEST 7TH AVE, STE 1050A  
ANCHORAGE AK 99501

Parcel ID: 25390005  
DANIEL/CAROLINE TRAVERS  
TRAVERS, DANIEL/CAROLINE  
92046 HAGEN DR  
ASTORIA OR 97103-8539

Parcel ID: 25393001  
JOHN/CONNIE BISSON  
\*BISSON, JOHN, L./CONNIE, L.  
P.O. BOX 79  
SAINT MARIES ID 83861-0079

Parcel ID: 25395000  
NORMAN/LUELLA WILSON  
WILSON, NORMAN & LUELLA  
111 SAND DOLLAR DR  
SITKA AK 99835

Parcel ID: 25457000  
JON/ROSE CALHOUN  
CALHOUN, JON, E./ROSE, E.  
2911 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25465000  
JANETTE NELSON  
NELSON, JANETTE, L.  
P.O. BOX 1886  
SITKA AK 99835-1886

Parcel ID: 25499001  
LYLE/BARBARA  
SPARROWGROVE/JORDAN  
SPARROWGROVE, LYLE/JORDAN,  
BARBARA  
3007 BARKER ST  
SITKA AK 99835

Parcel ID: 25390006  
ALAN/JUDITH BLANKENSHIP  
BLANKENSHIP, ALAN/JUDITH  
104 ROSS ST  
SITKA AK 99835

Parcel ID: 25393002  
BRENDA/RAMON QUEVEDO  
QUEVEDO, BRENDA & QUEVEDO,  
RAMON  
3003 BARKER ST  
SITKA AK 99835

Parcel ID: 25450000  
MICHAEL/GLORIA SNOWDEN  
SNOWDEN, MICHAEL, K./GLORIA, R.  
P.O. BOX 178  
SITKA AK 99835-0178

Parcel ID: 25460001  
JACKSON/KATHRYN WOOD  
WOOD, JACKSON, H./KATHRYN, T.  
3005 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25470000  
CHARLES/THERESA OLSON/WYMAN  
OLSON, CHARLES/ALLEN-OLSON,  
THERESA  
3009 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25499002  
MICHAEL/SHELLEY YANAK  
YANAK, MICHAEL/SHELLEY  
P.O. BOX 6143  
SITKA AK 99835-6143

P&Z Mailing  
February 15, 2017



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

Date: 01/13/2017  
Receipt: 2017-00033960  
Cashier: Front Counter  
Received From: JACK WOOD

LAN - Planning Permits/Zoning	100.00
TL - Sales Tax 1st Quarter	5.00
Receipt Total	105.00
Total Check	105.00
Total Remitted	105.00
Total Received	105.00

**PAID**

JAN 13 2017

CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 1-13-17

To:

Jack Wood

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

Variance	
Conditional Use Permit	100.00
Minor Subdivision	
Major Subdivision	
Zoning Map Change	
Zoning Text Change	
Lot Merger	
Boundary Line Adjustment	
General Permit	
Appeal of Enforcement Action (Pending)	
Other	
Sales Tax	plus TAX 5.00
TOTAL	105.00

Thank you

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2006-001939-0

Recording Dist: 103 - Sitka

10/20/2006 3:46 PM Pages: 1 of 4



CC

## PERSONAL REPRESENTATIVE'S DEED

The GRANTOR, Norman H. Wood, as court-appointed Personal Representative of the Estate of William T. Clifton, of P.O. Box 2304, Sitka, Alaska 99835, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, in hand paid, conveys to GRANTEES, Jackson H. Wood and Kathryn T. Wood, of 3005 Halibut Point Road, Sitka, Alaska 99835, husband and wife, as tenants by the entirety, decedent William T. Clifton's entire interest in the following-described real estate, situated in Sitka, Alaska, in the Sitka Recording District, First Judicial District, State of Alaska:

All of Lot 1 of the Wood Subdivision of U.S. Survey 2751, as shown on the approved plat thereof recorded on 31 August 1995 as Plat # 95-24, Sitka Recording District, First Judicial District, State of Alaska.

DATED this 6 day of <sup>OCT.</sup>~~September~~, 2006, at Sitka, Alaska.

Norman H. Wood  
Norman H. Wood

SUBSCRIBED AND SWORN TO before me by Norman H. Wood, who is known to me, this 29 day of September, 2006, at Sitka, Alaska.



K. Urias  
Notary Public in and for Alaska  
My Commission Expires: 8/18/10

VANCE A. SANDERS LLC  
P.O. Box 240090  
DOUGLAS, ALASKA 99824-0090  
FAX (907) 586-1649  
(907) 586-1648  
ALASKA BAR # 8611131

VANCE A. SANDERS LLC  
P.O. Box 240090  
DOUGLAS, ALASKA 99824-0090  
Fax (907) 586-1649  
(907) 586-1648  
ALASKA BAR # 8611131

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Record in Sitka, Alaska

After Recording, Return to:

Jackson H. & Kathryn T. Wood  
3005 Halibut Point Road  
Sitka, Alaska 99835



2 of 4

2006-001939-0



IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
State of Alaska First District  
Sitka

FIRST JUDICIAL DISTRICT AT SITKA

SEP 06 2006

IN THE MATTER OF THE ESTATE OF )  
WILLIAM T. CLIFTON, )

Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

Deceased. )

No. 1SI-06-31 PR

**LETTERS TESTAMENTARY AND ACCEPTANCE**

The Last Will and Testament of William T. Clifton having been admitted to informal probate, Norman H. Wood is hereby appointed Personal Representative of the Estate of William T. Clifton.

DATED this 5 day of Sept, 2006, at Sitka, Alaska.

Registrar

I, Norman H. Wood, hereby accept the duties and responsibilities of the office of Personal Representative of the Estate of William T. Clifton, which I will perform as required by law.

In this important capacity, I acknowledge my duty to:

- (a) Take possession and control of the decedent's property as required by AS 13.16.380; determine the liabilities of the estate, and complete an inventory as required by AS 13.16.365;
- (b) Provide notice to heirs and devisees as required by AS 13.16.360, except as provided by AS 13.16.690;
- (c) Provide notice to creditors as required by law, public notice when required, and review and either accept or reject claims as required by AS 13.16.455 - 13.16.515;

Letters Testamentary and Acceptance, Estate of William T. Clifton,  
1SI-06-31 PR, Page 1

VANCE A. SANDERS LLC  
P.O. Box 240090  
DOUGLAS, ALASKA 99824-0090  
Fax (907) 586-1649  
(907) 586-1648  
ALASKA BAR # 981131



3 of 4  
2006-001939-0

TRIAL COURTS  
LODGED  
AT SITKA  
5/8/06

VANCE A. SANDERS LLC  
P.O. Box 240090  
DUNGLAS, ALASKA 99824-0090  
Fax (907) 586-1649  
Clerk  
Deputy  
ALASKA BAR # 861131

4 of 4  
2006-001939-0

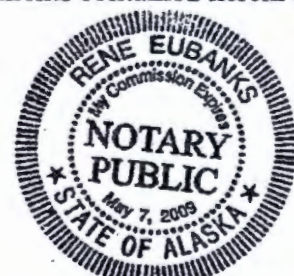
- (d) Advise the court in writing of changes in the personal representative's address or telephone number as required by Alaska R. Probate 8;
- (e) File returns for state estate taxes if required by AS 43.31.121 and AS 43.31.250;
- (f) Pay homestead, exempt property and family allowances as required by AS 13.11.125 - 13.11.140, cost of administration and other claims as required by AS 13.16.470, and distribute the assets of the estate; and
- (g) Close the estate as soon as appropriate as required by AS 13.16.620 - .670.

I have not filed a bond because none is required.

Norman H. Wood  
Norman H. Wood

STATE OF ALASKA )  
 ) ss.:  
FIRST JUDICIAL DISTRICT )

On this \_\_\_\_ day of May, 2006, before me, personally appeared Norman H. Wood, who I know to be the individual described herein and who indicated to me that he freely and voluntarily executed the foregoing acceptance; he duly acknowledged to me that he executed the same for the above-stated purposes, and after being duly sworn, did depose and state that the statements contained herein are true.



Rene Eubanks  
Notary Public in and for Alaska  
My Commission Expires: May 7, 2009

**CERTIFICATION**

I certify that on 6 day of Sept 2006  
a true copy of this document placed  
in attorney's box (marked) the following:  
V. Sanders  
By gc

I certify that this is a full, true and correct copy  
of an original document on file in the Alaska  
Trial Courts at Sitka.  
Signed and sealed this 12 day of Sept 2006.  
Deirda R. Williams  
Clerk/Deputy Clerk



# CITY AND BOROUGH OF SITKA

## Legislation Details

**File #:** CUP 17-02    **Version:** 1    **Name:**

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

**File created:** 1/30/2017    **In control:** Planning Commission

**On agenda:** 2/21/2017    **Final action:**

**Title:** Public hearing and consideration of a conditional use permit request for a short-term rental at 2703 Halibut Point Road. The property is also known as Lot 2 Byrd Subdivision. The request is filed by Owen and Beth Kindig. The owners of record are Don and Sharon Byrd.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [2703 HPR 2.27.17](#)

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: February 7, 2017

To: Planning Commission

From: PCDD Staff

Re: CU 17-02 Conditional Use Permit for STR at 2703 Halibut Point Road

---

### GENERAL INFORMATION

Applicant: Owen and Beth Kindig

Property Owner: Don and Sharon Byrd (lot)  
Owen and Beth Kindig (structure)

Property Address: 2703 Halibut Point Road

Legal Description: Lot 2 Byrd Subdivision

Parcel ID Number: 2-5415-020

Size of Existing Lot: 8969 square feet

Zoning: R-2 MHP

Existing Land Use: Residential

Utilities: Full city services

Access: Halibut Point Road Road

Surrounding Land Use: Residential

### MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion of Recommendation

### ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Site Plan

Attachment E: Floor Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Flood Zone Map  
Attachment J: Mailing List  
Attachment K: Proof of Payment  
Attachment L: Warranty Deed

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental of a manufactured home at 2703 Halibut Point Road in the R-2 MHP multifamily and mobile home district. The property provides the required 4 parking spaces for 2 residential units. The proposed short-term rental unit has two bedrooms and one bath. The property is bounded by on two sides by residential properties, Halibut Point Road on the third side, and the ocean on the fourth side. This lot also contains a second manufactured home. Up to 3 principal uses are permitted in the R-2 MHP zone. The applicants intend to work with Sitka Travel to manage the property.

### ***22.16.060 R-2 MHP multifamily and mobile home district.***

The R-2 MHP 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.

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

#### **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 for the property's two dwelling units. Renters may generate less traffic than long-term residents.

**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:** When the owners are out of town.

**e. Location along a major or collector street:** Halibut Point Road.

---

<sup>1</sup> § 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:** 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 property provides the required 4 parking spaces for two residences. Owner should provide renters with instruction on traffic circulation to avoid backing onto Halibut Point Road.

**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 driveway provides a buffer.

**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. The provision of a thorough rental overview can mitigate traffic and noise concerns. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.<sup>2</sup> This application conforms to the above sections by creating short-term transient housing.

**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.<sup>3</sup>

## **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:<sup>4</sup>

<sup>2</sup> Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

<sup>3</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31

<sup>4</sup> § 22.30.160.C – Required Findings for Conditional Use Permits



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.

## **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)

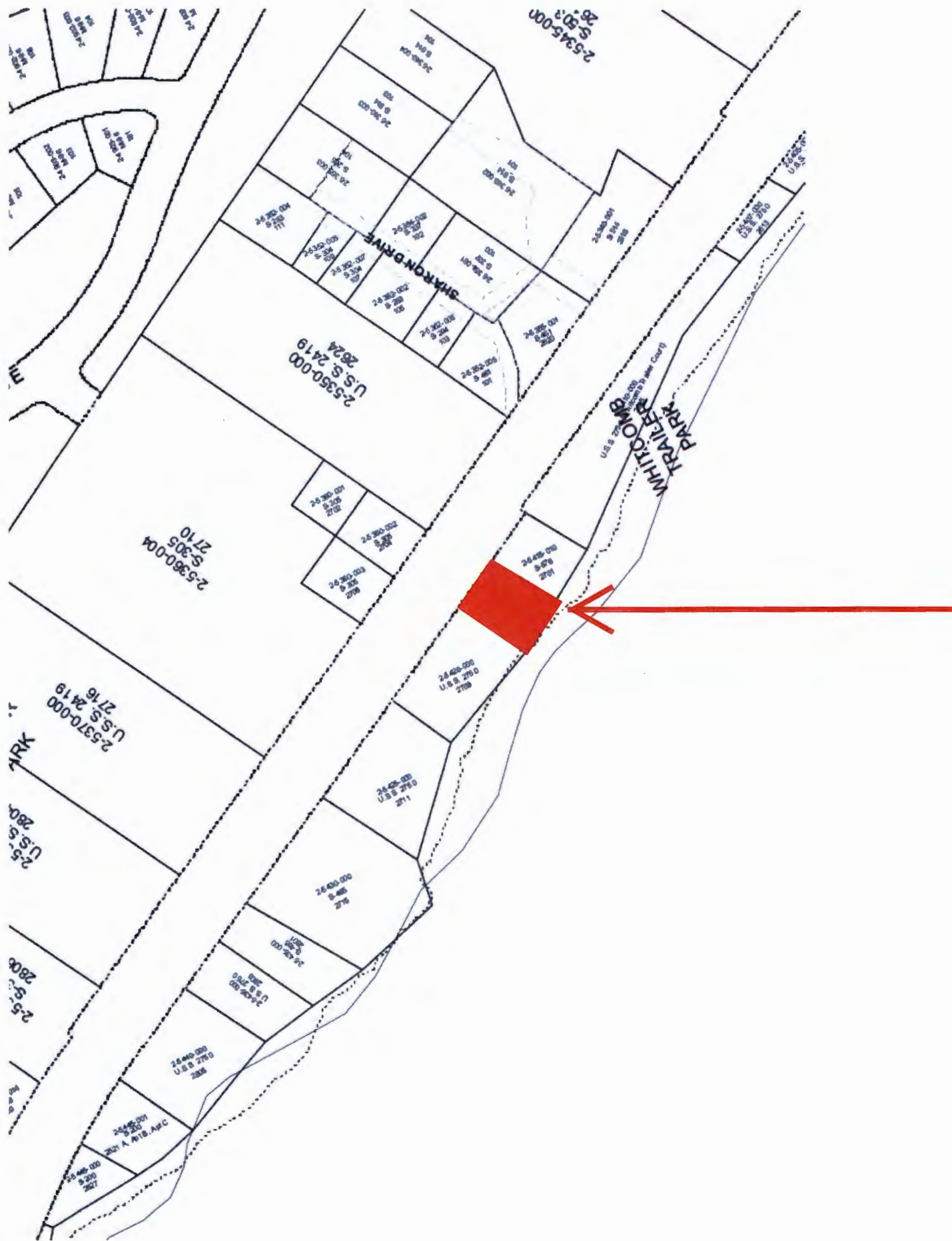
- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 2703 Halibut Point Road subject to the attached conditions of approval. The property is also known as Lot 2 Byrd Subdivision. The request is filed by Owen and Beth Kindig. The owners of record are Don and Sharon Byrd.

### 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.



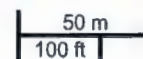




## City & Borough of Sitka, Alaska

**Selected Parcel: 2703 HALIBUT POINT ID: 25415020**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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## City & Borough of Sitka, Alaska

**Selected Parcel: 2703 HALIBUT POINT ID: 25415020**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

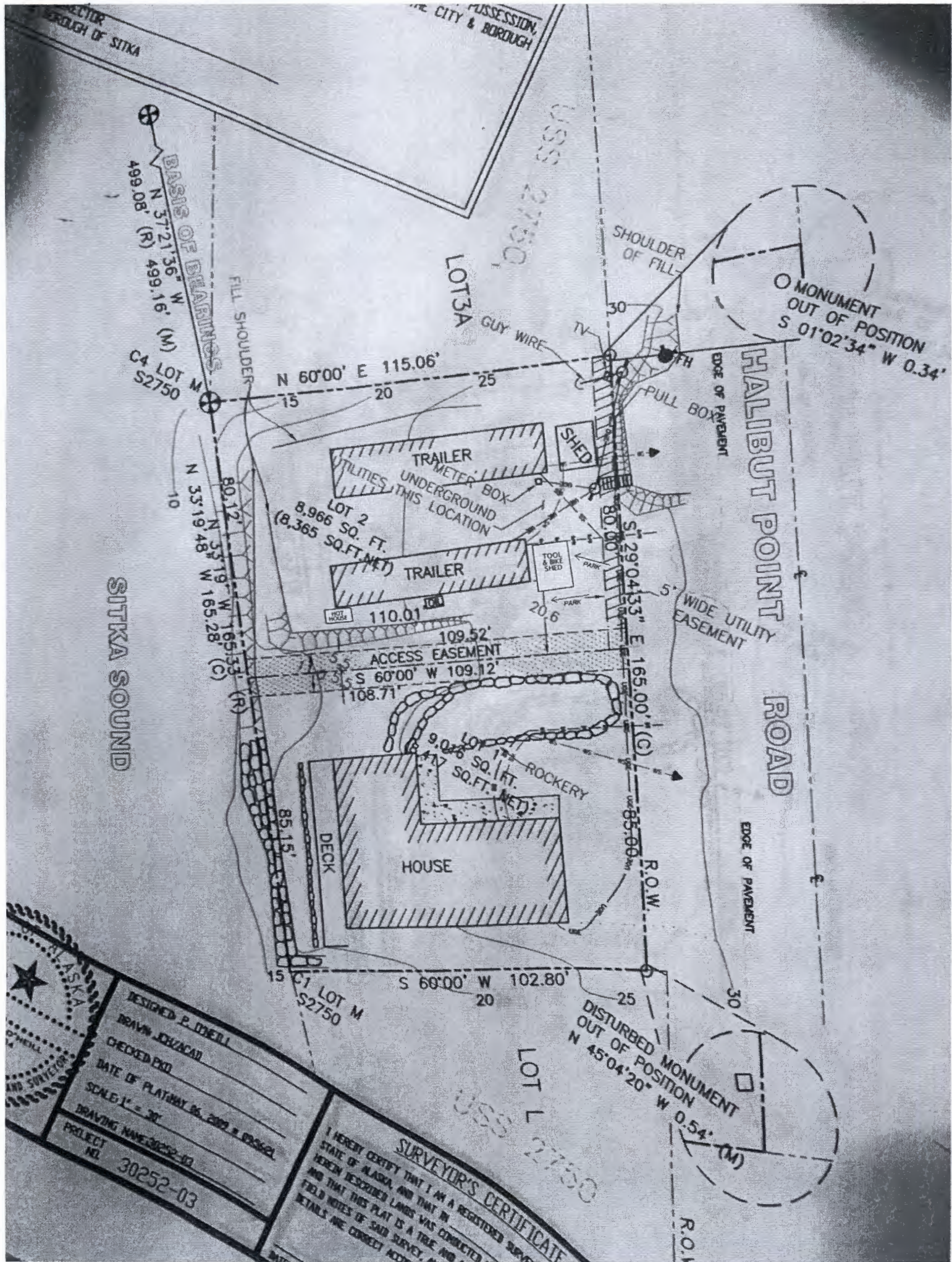
50 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

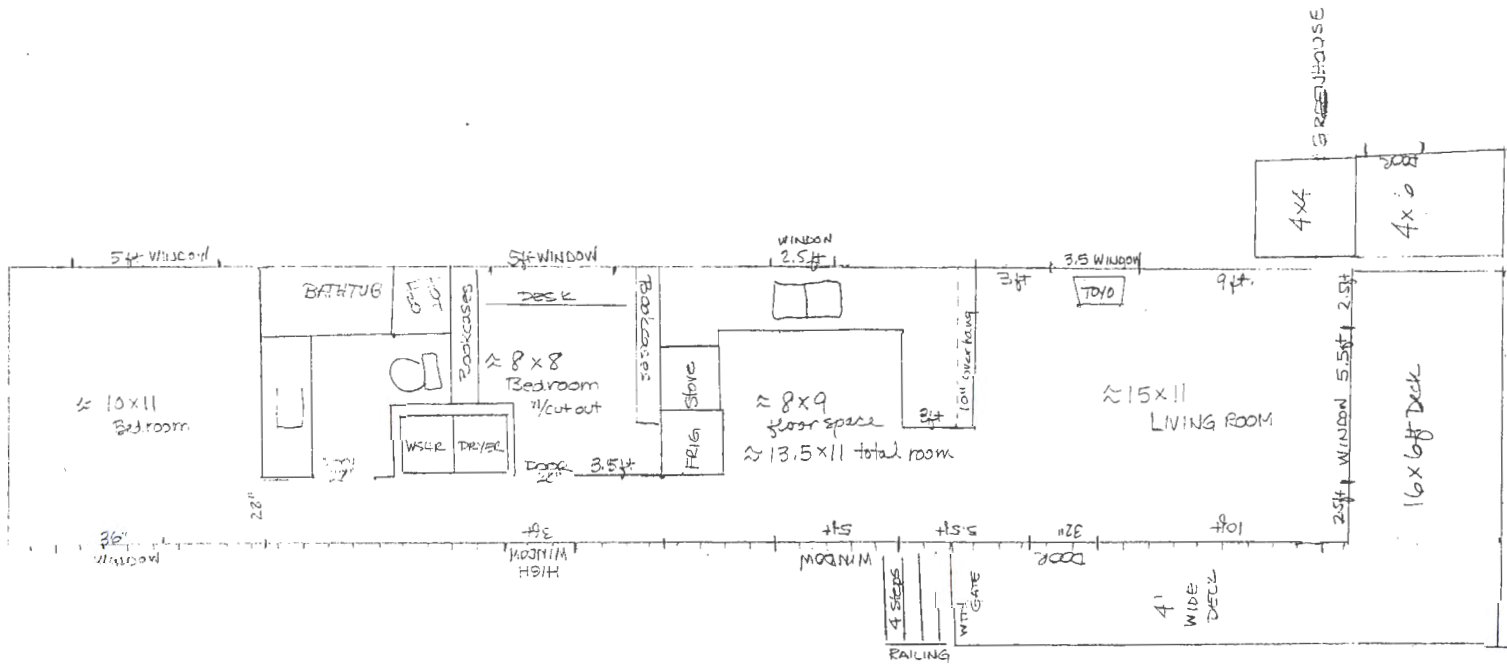
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Hand-drawn floor plan of a shed. The shed is rectangular with a door on the left side. The dimensions are labeled as 8x12. The door is labeled "DOOR" and the shed is labeled "SHED".


$$54.54 \text{ long} \times 11.7 \text{ wide} \quad \text{---} = 1.71$$

RAISED  
GARDEN  
SQUARES  
😊

} OCEAN

# CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DATE 6-18-09 OWNER Don R. Byrd (SIGNATURE)  
DATE 6-18-09 OWNER Sharon M. Byrd (SIGNATURE)

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 18<sup>th</sup> DAY OF June, 2009, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, FULLY COMMISSIONED AND SWORN, PERSONALLY APPEARED Don R. Byrd and Sharon M. Byrd

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THEY ACKNOWLEDGED TO ME THAT THEY 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 9-1-2012  
NOTARY PUBLIC  
Melissa Henshaw  
My Commission Expires 9-1-2012

## CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

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

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL THAT CURRENT TAXES FOR THE YEAR 2009 WILL BE DUE ON OR BEFORE AUGUST 31, 2009, DATED THIS 18<sup>th</sup> DAY OF June, 2009.

Don R. Byrd  
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. 209-04 DATED 20 AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 6/19/2009 CHAIRMAN, PLATTING BOARD  
Melissa Henshaw  
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 DATED 20 AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 6/18/09 CITY AND BOROUGH CLERK  
Sharon M. Byrd



## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

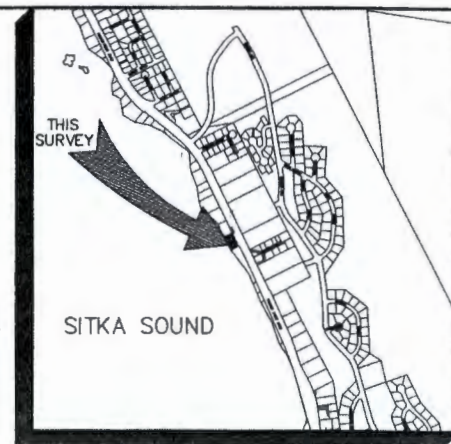
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF Don R. Byrd, Sharon M. Byrd

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

DATED THIS 18<sup>th</sup> DAY OF June, 2009, AT SITKA, ALASKA  
Melissa Henshaw  
FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

## NOTES

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT M OF U.S. SURVEY 2750 INTO 2 LOTS.
2. A MAINTENANCE AGREEMENT FOR THE UTILITY EASEMENT CROSSING LOT 2 IS FILED IN THE SITKA RECORDING DISTRICT OFFICE, SERIAL NUMBER 2009-000928-0
3. A MAINTENANCE AGREEMENT FOR THE ACCESS EASEMENT BETWEEN LOTS 1 AND 2 IS FILED IN THE SITKA RECORDING DISTRICT OFFICE, SERIAL NUMBER 2009-000928-0



VICINITY MAP  
SCALE 1"=1,000'

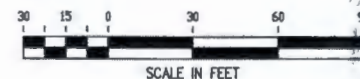


## LEGEND

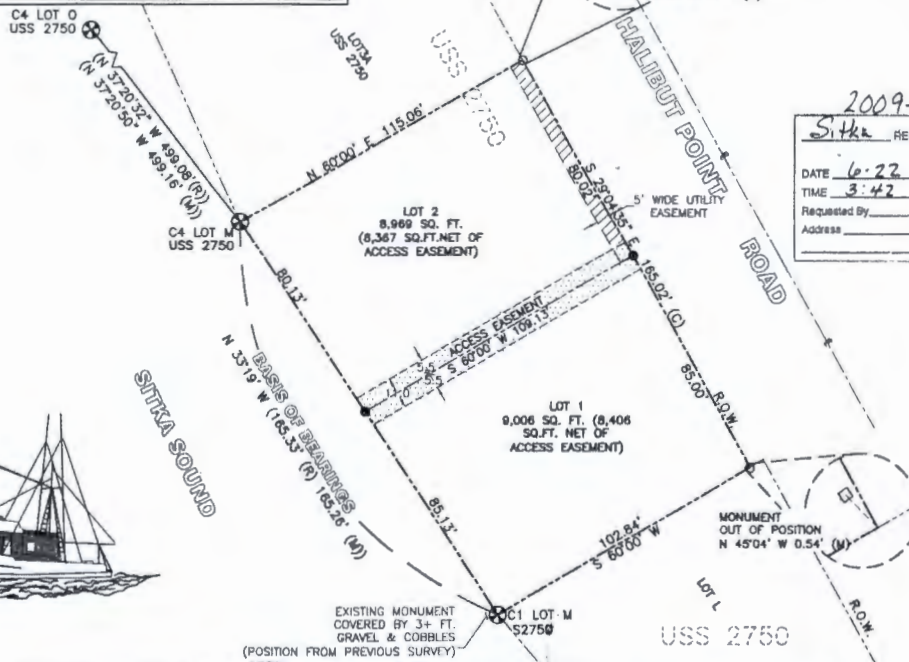
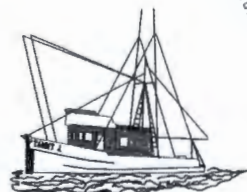
- ⊕ BLM/GLO PRIMARY BRASS CAP (RECOVERED)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- CONCRETE BLOCK WITH NAIL
- Ⓜ RECORDED DATA
- Ⓢ COMPUTED DATA
- Ⓢ MEASURED DATA

2009-13  
Sitka REC DIST  
DATE 6-22 2009  
TIME 3:42 P.M.  
Requested By \_\_\_\_\_  
Address \_\_\_\_\_

Sitka Recording District  
Plat #  
Date:  
Time:



SCALE IN FEET  
SITKA RECORDING DISTRICT



O'NEILL

SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-6700  
FAX: (907) 747-7990  
EMAIL: onellengr@aol.net

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED BY P. O'NEILL  
DRAWN BY J. JACOB  
CHECKED BY P. O'NEILL  
DATE OF PLAT IN JUNE 2009  
SCALE 1" = 30'  
DRAWING NUMBER 2009-03  
PROJECT NO. 30252-03

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN PLACED THIS PLAT 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 THIS SURVEY, AND THAT ALL MEASUREMENTS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE 6/18/09 Patrick E. O'Neill  
PATRICK E. O'NEILL, L.S. 604

## BYRD SUBDIVISION

LOT M USS 2750

CLIENT: DON BYRD  
2701 HALIBUT POINT ROAD  
SITKA, ALASKA 99835





















**Owen and Beth Kindig**  
**Private home “conditional use” as a vacation rental.**

We live in and own a home that is an ideal location for Sitka visitors to stay while on vacation. Our home at 2703 Halibut Point Rd, while modest, is clean, attractive, convenient (directly adjacent to bus stops) and has off-street parking for 1 or 2 cars.

In terms of desirability, it affords a wonderful view of Mt. Edgecumbe and the Kasiana islands, and offers convenient direct access to the rocks where the ocean rises and falls below our window and deck. Eagles and other birds, otters, sea lions and even the occasional whales can be seen from our house.

We have a neighbor on each side and they are very comfortable with our plan to use our home as a means of leveraging short term rentals for improving our economic condition and strengthening our retirement plans here in Sitka.

We expect the house to be desired by a vacationing individual or couple, and it would conveniently accommodate another person or two via a “hide-a-bed” in the living room.

We intend to work with Sitka Travel to manage the people and rental details.

Thanks for considering this request.

Sincerely,

Owen and Beth Kindig

View from our porch:







# 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:** Beth and Owen Kindig request a permit for conditional use short term rentals of our home at 2703 HPR. All our near neighbors approve, and we will work with a consultant to manage the rentals.

**PROPERTY INFORMATION:**

CURRENT ZONING: R2 MHP PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): Residential / STR

### APPLICANT INFORMATION:

PROPERTY OWNER: Land: Don + Sharon Byrd Mobile Home: Owen + Beth Kindig

PROPERTY OWNER ADDRESS: 2701 Halibut Point Rd.

STREET ADDRESS OF PROPERTY: 2703 Halibut Point Rd.

APPLICANT'S NAME: Owen + Beth Kindig

MAILING ADDRESS: 2703 HPR

EMAIL ADDRESS: owen@okstoryteller.com DAYTIME PHONE: 907-623-0430

### PROPERTY LEGAL DESCRIPTION:

Building: 2-5415-021-000-0000

TAX ID: 2-5415-020-000-0000 LOT: M U S S 2750 BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: Byrd (2) US SURVEY: \_\_\_\_\_

Plat # 2009-13

### OFFICE USE ONLY

COMPLETED APPLICATION	<input checked="" type="checkbox"/>	SITE PLAN	
NARRATIVE	<input checked="" type="checkbox"/>	CURRENT PLAT - we will help w/ the plat.	
FEE		PARKING PLAN - will need 2 spaces	

- Shown on site a Plat

## 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 - we will help locate

### For Conditional Use Permit:

- ☒ Parking Plan site 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

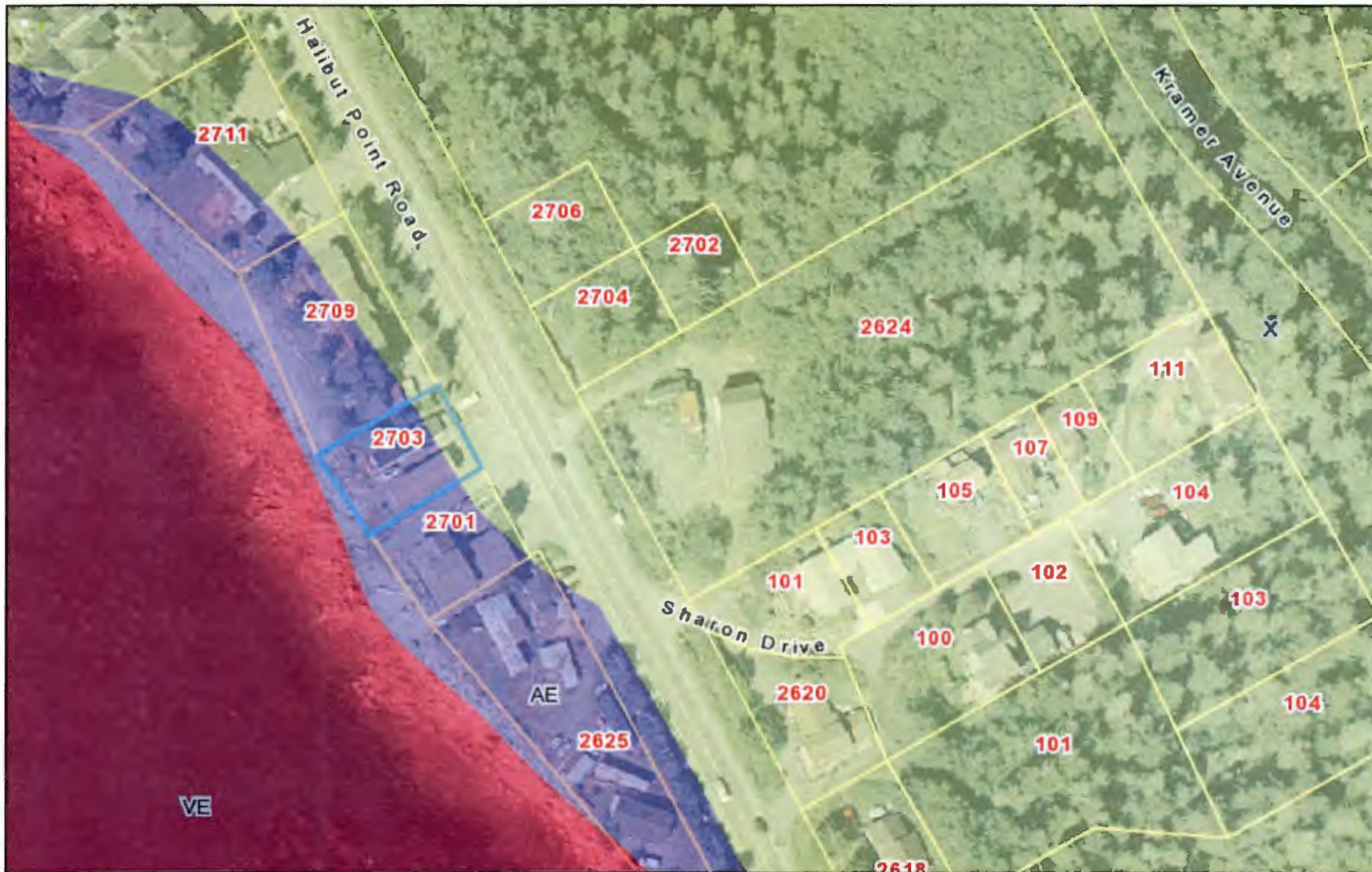
Date

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 & Borough of Sitka, Alaska

**Selected Parcel: 2703 HALIBUT POINT ID: 25415020**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

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Parcel ID: 25350000  
BRUCE/BETTY JO WHITCOMB  
WHITCOMB, BRUCE/P./BETTY JOE  
2624 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25355001  
DONNA INMAN  
INMAN, DONNA, M.  
2620-A HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25360003  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25415010  
DON/SHARON BYRD  
BYRD, DONALD/SHARON  
2701 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25425000  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25352005  
DARRELL/CAROLE NEWCOMB  
NEWCOMB, DARRELL, E./CAROLE  
P.O. BOX 1523  
SITKA AK 99835-1523

Parcel ID: 25360001  
TELEPHONE UTILITIES OF  
NORTHLAND  
ATTN: TAX-DEPT.  
TELEPHONE UTILITIES OF  
NORTHLAND  
600 TELEPHONE AVE, MS#8

Parcel ID: 25360004  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25415020  
DON/SHARON BYRD  
BYRD, DONALD/SHARON  
2701 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25352006  
JAMES/CATHERINE  
MELLEMA/ALLGOOD-MELLEMA REV.  
TRUST  
ALLGOOD-MELLEMA, C. & MELLEMA,  
J.  
P.O. BOX 6567

Parcel ID: 25360002  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25410000  
WHITCOMB PROPERTIES, LLC  
WHITCOMB PROPERTIES, LLC  
2216 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25420000  
STEVEN/LINDA ANDERSEN  
ANDERSEN, STEVEN, W./LINDA, K.  
2709 HALIBUT POINT RD  
SITKA AK 99835

TELEPHONE UTILITIES OF NORTHLAND  
600 TELEPHONE AVE, MS#8

ANCHORAGE

AK 99503

ALLGOOD-MELLEMA, C. & MELLEMA, J.  
P.O. BOX 6567

SITKA

AK 99835-6567

P&Z Mailing  
February 15, 2017



**PAID**

**JAN 24 2017**

**CITY & BOROUGH OF SITKA**

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: Jan 24, 2017

To:

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

Variance.....	
Conditional Use Permit.....	<u>STR</u> <u>100.00</u>
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.....	<u>50%?</u>
TOTAL.....	

Thank you



Please return to: Don and Sharon Byrd  
2701 Halibut Point Road  
Sitka, AK 99835

## GRANT OF UTILITY EASEMENT

The Grantor and Grantee, Don R. Byrd and Sharon M. Byrd, owners of Lots 1 and 2 of the Byrd Subdivision, Plat #2009-13 in the Sitka Recording District, grant access to current and future owners of Lot 1 for the purpose of maintaining utilities.

The utility easement consists of a 5 foot wide by 80 foot long parcel located on the north property line of Lot 2. See attachment A.

In the event that the utility easement needs to be disturbed it must be restored back to original condition prior to being disturbed.

This agreement shall be binding on all current and future owners of Lots 1 and 2 of the Byrd Subdivision in the Sitka Recording District.

## OWNERS

Don R. Byrd  
Don R. Byrd

6-18-09  
Date

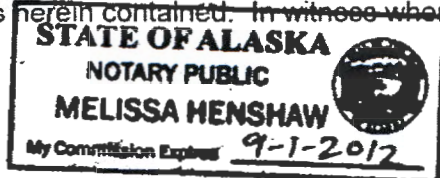
Sharon M. Byrd  
Sharon M. Byrd

6-18-09  
Date

## NOTARY

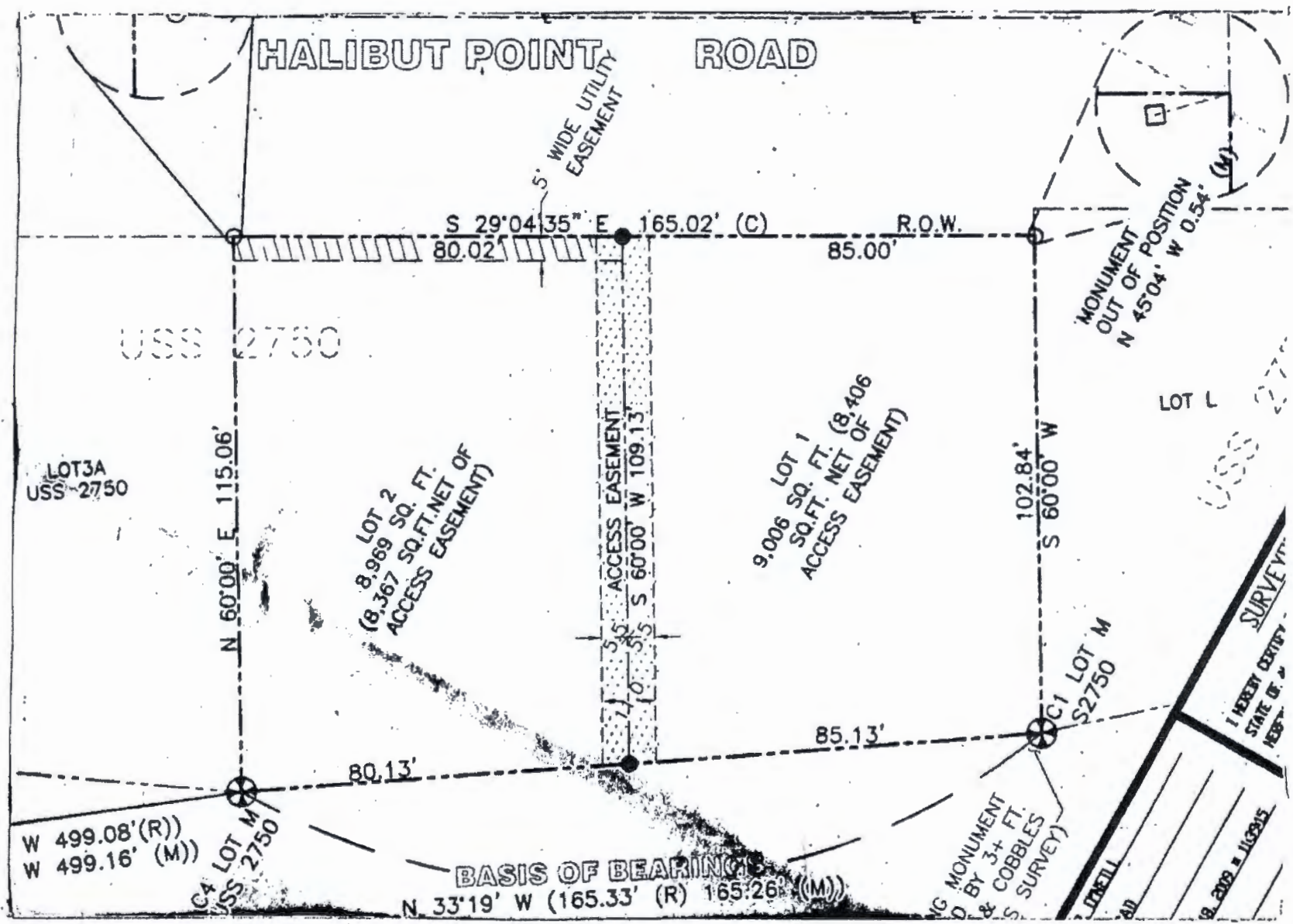
STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

THIS CERTIFIES that on this 18<sup>th</sup> day of June, 2009 before me, personally appeared Don R. Byrd and Sharon M. Byrd, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for purposes herein contained. In witness whereof, I hereunto set my hand and official seal.



Melissa Henshaw  
Notary Public in and for Alaska  
My Commission Expires: 9-1-2012





**SURVEY**  
I HEREBY CERTIFY  
STATE OF  
HEB

19.2009.11.03.15



Please return to: Don and Sharon Byrd  
2701 Halibut Point Road  
Sitka, AK 99835

### ACCESS AND MAINTENANCE AGREEMENT OF ACCESS EASEMENT

The Grantor and Grantee, Don R. Byrd and Sharon M. Byrd, owners of Lots 1 and 2 of the Byrd Subdivision, Plat #2009-13, in the Sitka Recording District, grant access to each other to a shared access easement. Consisting of a 5.5 foot wide by 109 foot long parcel located on the southern property line of Lot 2 adjoining a 5.5 foot wide by 109 foot long parcel located on the northern property line of Lot 1. Any maintenance on this 11 foot wide by 109 foot long access easement will be shared equally by both property owners.

This agreement shall be binding on all current and future owners of Lots 1 and 2 of the Byrd Subdivision in the Sitka Recording District.

#### OWNERS

Don R. Byrd  
Don R. Byrd

6-18-09  
Date

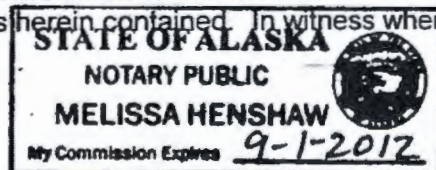
Sharon M. Byrd  
Sharon M. Byrd

6-18-09  
Date

#### NOTARY

STATE OF ALASKA )  
) ss.  
FIRST JUDICIAL DISTRICT )

THIS CERTIFIES that on this 18<sup>th</sup> day of June, 2009 before me, personally appeared Don R. Byrd and Sharon M. Byrd, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for purposes herein contained. In witness whereof, I hereunto set my hand and official seal.



Melissa Henshaw  
Notary Public in and for Alaska  
My Commission Expires: 9-1-2012



2005-001323-0

Recording Dist: 103 - Sitka  
8/30/2005 2:33 PM Pages: 1 of 1

A  
L  
A  
S  
K  
A



S-05-6661

WHEN RECORDED RETURN TO:

Name: DON BYRD and SHARON BYRD  
Address: 2701 Halibut Point Road  
Sitka, Alaska 99835

*cc*

## WARRANTY DEED

THIS INDENTURE, made and entered into this 30 day of August, 2005 by and between

JON M. SHENNETT and BETTY J. SHENNETT

whose mailing address is: P. O. Box 1106, Sitka, AK 99835, **GRANTOR**, and

DON R. BYRD and SHARON M. BYRD, husband and wife

whose mailing address is: 2701 Halibut Point Road, 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:

Tract 'M', U.S. Survey 2750, 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: August 30, 2005

*Jon M. Shennett*  
JON M. SHENNETT

*Betty J. Shennett*  
BETTY J. SHENNETT

STATE OF ALASKA

)  
)  
) ss.  
)

FIRST JUDICIAL DISTRICT

On this day personally appeared before me: JON M. SHENNETT and BETTY J. SHENNETT 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 30 day of August, 2005.



*Sherri Fahey*  
Notary Public in and for the State of Alaska  
My commission expires:



# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** CUP 17-03    **Version:** 1    **Name:**

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

**File created:** 1/30/2017    **In control:** Planning Commission

**On agenda:** 2/21/2017    **Final action:**

**Title:** Public hearing and consideration of a conditional use permit request for a short-term rental at 2840 Sawmill Creek Road. The property is also known as Lot 1 R&C Hammack Subdivision Lot Line Adjustment. The request is filed by Michael Coleman. The owners of record are Michael and Tessie Coleman.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [2840 SMC 2.27.17](#)

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: February 6, 2017

To: Planning Commission

From: PCDD Staff

Re: CU 17-03 Conditional Use Permit for STR at 2840 Sawmill Creek Road

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### GENERAL INFORMATION

Applicant: Michael Coleman

Property Owner: Michael and Tessie Coleman

Property Address: 2840 Sawmill Creek Road

Legal Description: Lot 1 R&C Hammack Subdivision  
Lot Line Adjustment

Parcel ID Number: 3-1740-001

Size of Existing Lot: 57,755 square feet

Zoning: R-1 LDMH

Existing Land Use: Residential

Utilities: Full city services

Access: Sawmill Creek 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  
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 structure at 2840 Sawmill Creek Road in the R-1 LDMH single-family or duplex low density or single-family low density manufactured home district. The property exceeds the 2 parking space requirement. The proposed short-term rental unit has three bedrooms and two baths on a single level. The property is bounded by the owner's residence to the north and commercially zoned property, which has historically offered vacation rentals, to the south. The applicants intend for Sitka Travel to manage the rental.

### ***22.16.035 R-1 LDMH single-family or duplex low density or single-family low density manufactured home district.***

The R-1 LDMH 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.<sup>1</sup>

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>2</sup>**

#### **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. Sufficient space is available for vehicle turn-around, so backing out onto Sawmill Creek Road is not a concern. No impacts anticipated.

**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.

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

<sup>2</sup> § 22.24.010.E



**d. Hours of operation:** Year-round.

**e. Location along a major or collector street:** 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:** 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 single-family residence.

**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:** Foliage and a driveway 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. A rental overview will mitigate any concerns for noise and traffic. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.<sup>3</sup> This application conforms to the above sections by creating short-term transient housing.

**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.<sup>4</sup>

## **FINDINGS**

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<sup>3</sup> Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

<sup>4</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31

**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:**<sup>5</sup>

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

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<sup>5</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

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)

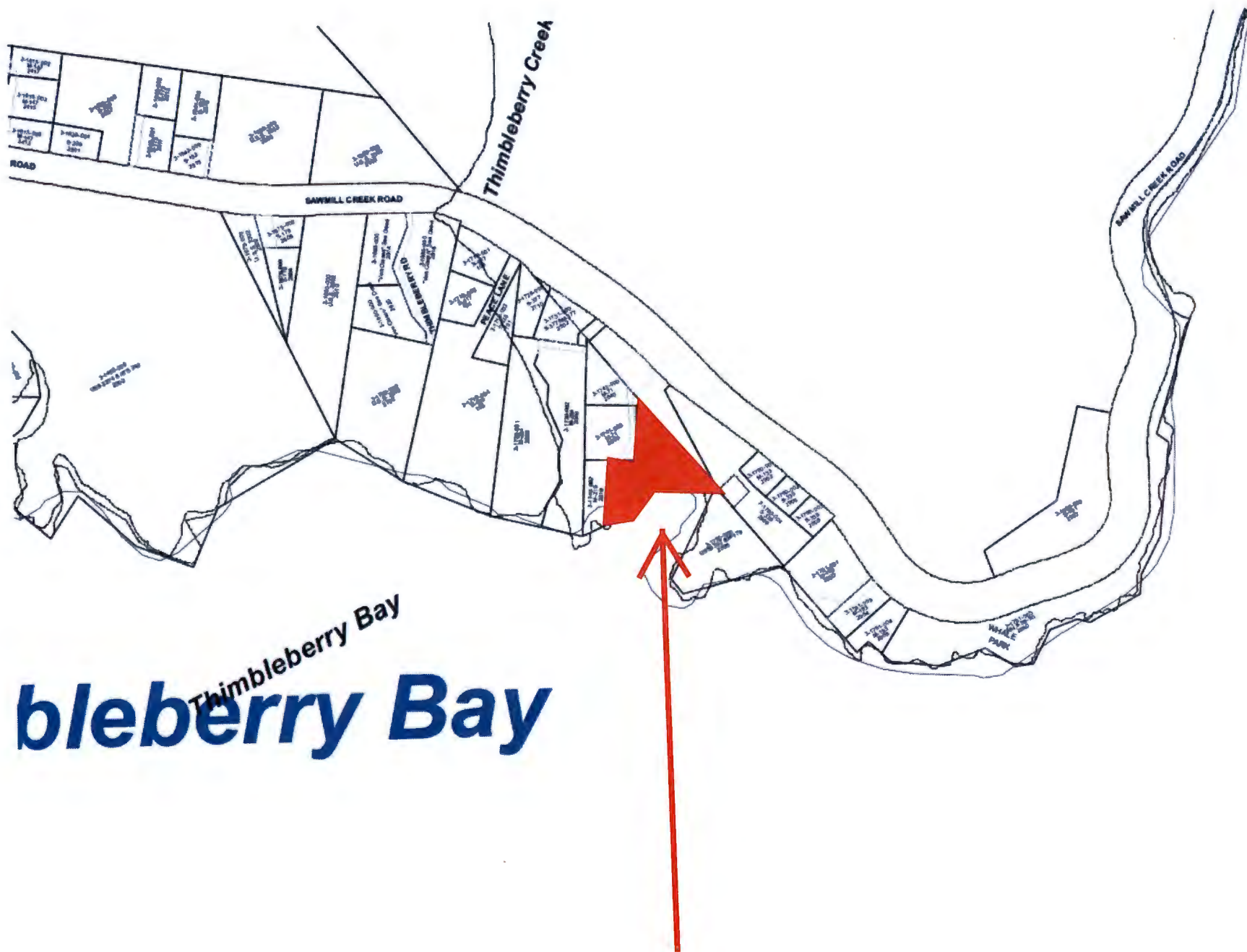
- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 2840 Sawmill Creek Road subject to the attached conditions of approval. The property is also known as Lot 1 R&C Hammack Subdivision Lot Line Adjustment. The request is filed by Michael Coleman. The owners of record are Michael and Tessie Coleman.

#### **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: 2840 SAWMILL CREEK ID: 31742000**

Printed 1/30/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



**MainStreetGIS**  
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50 m  
100 ft



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**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

DATE 10-2-97 OWNER Bill & Ann Foster (SIGNATURE)  
 DATE 10-9-97 OWNER Harold D. Foster (SIGNATURE)

**NOTARY'S ACKNOWLEDGMENT**

US OF AMERICA  
 STATE OF ALASKA  
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 9th DAY OF October, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SHOWN PERSONALLY APPEARED Bill & Ann Foster and Harold D. Foster (ALL IN FULL) TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND acknowledged to me that they 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.

Bill & Ann Foster  
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
 MY COMMISSION EXPIRES 7-1-99

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

DATE 4-2-97 OWNER Charles D. Hammack (SIGNATURE)  
 DATE 4-2-97 OWNER Charles D. Hammack (SIGNATURE)

**NOTARY'S ACKNOWLEDGMENT**

US OF AMERICA  
 STATE OF ALASKA  
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 2nd DAY OF April, 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SHOWN PERSONALLY APPEARED Charles D. Hammack (ALL IN FULL) TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND acknowledged to me that they 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.

Charles D. Hammack  
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA  
 MY COMMISSION EXPIRES 11-18-97

**CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF Bill & Ann Foster and Harold D. Foster and THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LAND AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR 1997, including on 3002B-01-00 amounting to \$1,100.00 are paid in full on the DAY OF October, 1997.

Bill & Ann Foster  
 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. 3002B-01-00, DATED 4-23-97, 1997, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 6/24/97 Tom Wright  
 DISTRICT MAGISTRATE BOARD  
Bill & Ann Foster  
 REGISTAR

**CERTIFICATE OF APPROVAL BY THE ASSEMBLY**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY, AS RECORDED IN MINUTE BOOK NO. 106, DATED 6/18/97, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 6/23/97 Bill & Ann Foster  
 CITY AND BOROUGH OF SITKA

**CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF Bill & Ann Foster and Harold D. Foster (ALL IN FULL) AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 2nd DAY OF June, 1997, AT SITKA, ALASKA.

Bill & Ann Foster  
 FINANCE DIRECTOR  
 CITY & BOROUGH OF SITKA

**O'NEILL**  
 LAND SURVEYING AND ENGINEERING

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

BY	DATE	REV	DESCRIPTION OF CHANGE



DESIGNED: P. O'NEILL  
 DRAWING: G. ACARD  
 CHECKED: G. ACARD  
 DATE OF PLAT: JAN 20, 1997 + 02-98-10  
 SCALE: 1"=80'  
 DRAWING NAME: 3002B-01  
 PROJECT NO.: 3002B-01-00

**SURVEYOR'S CERTIFICATE**

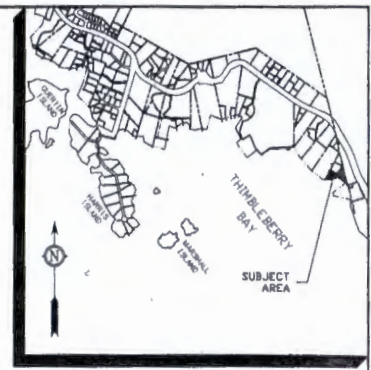
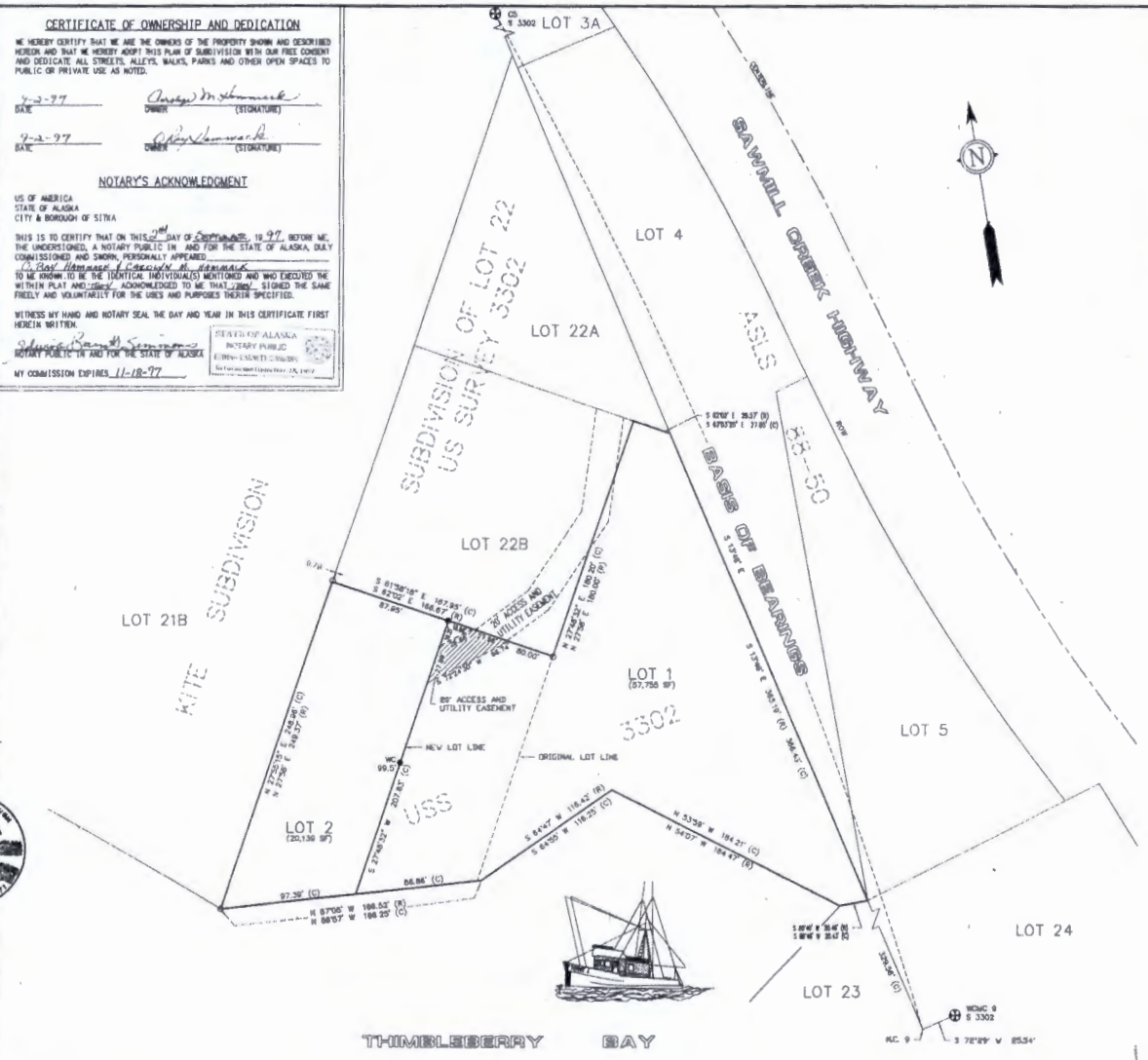
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN January, 1997, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE 4-2-97  
 PATRICK R. O'NEILL 3302

**R. & C. HAMMACK SUBDIVISION - LOT LINE ADJUSTMENT -**

**A LOT LINE ADJUSTMENT BETWEEN LOTS 1 AND 2 OF THE R. & C. HAMMACK SUBDIVISION**

CLIENT: BILL FOSTER, 403 LINCOLN STREET, SUITE 236, SITKA, ALASKA 99835

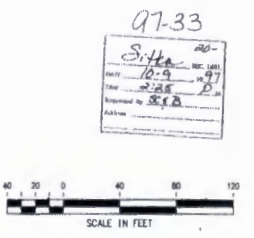


**VICINITY MAP**  
 SCALE 1"=1,000'

- LEGEND**
- PRIMARY CONTROL MONUMENT (RECOVERED)
  - ⊕ GLO/BLM PRIMARY BRASS CAP (RECOVERED)
  - SECONDARY MONUMENT (SET)
  - SECONDARY MONUMENT (RECOVERED)
  - 4x4 WOOD POST (RECOVERED)
  - (R) RECORDED DATA
  - (C) COMPUTED DATA
  - (M) MEASURED DATA

**PLAT NOTES**

1. THE PURPOSE OF THIS PLAT IS TO MOVE THE PROPERTY LINE BETWEEN LOTS 1 AND 2 80' TO THE WEST.



Sawmill Cr. Rd

additional  
Parking  
3 spaces

2820  
SMC

Parking

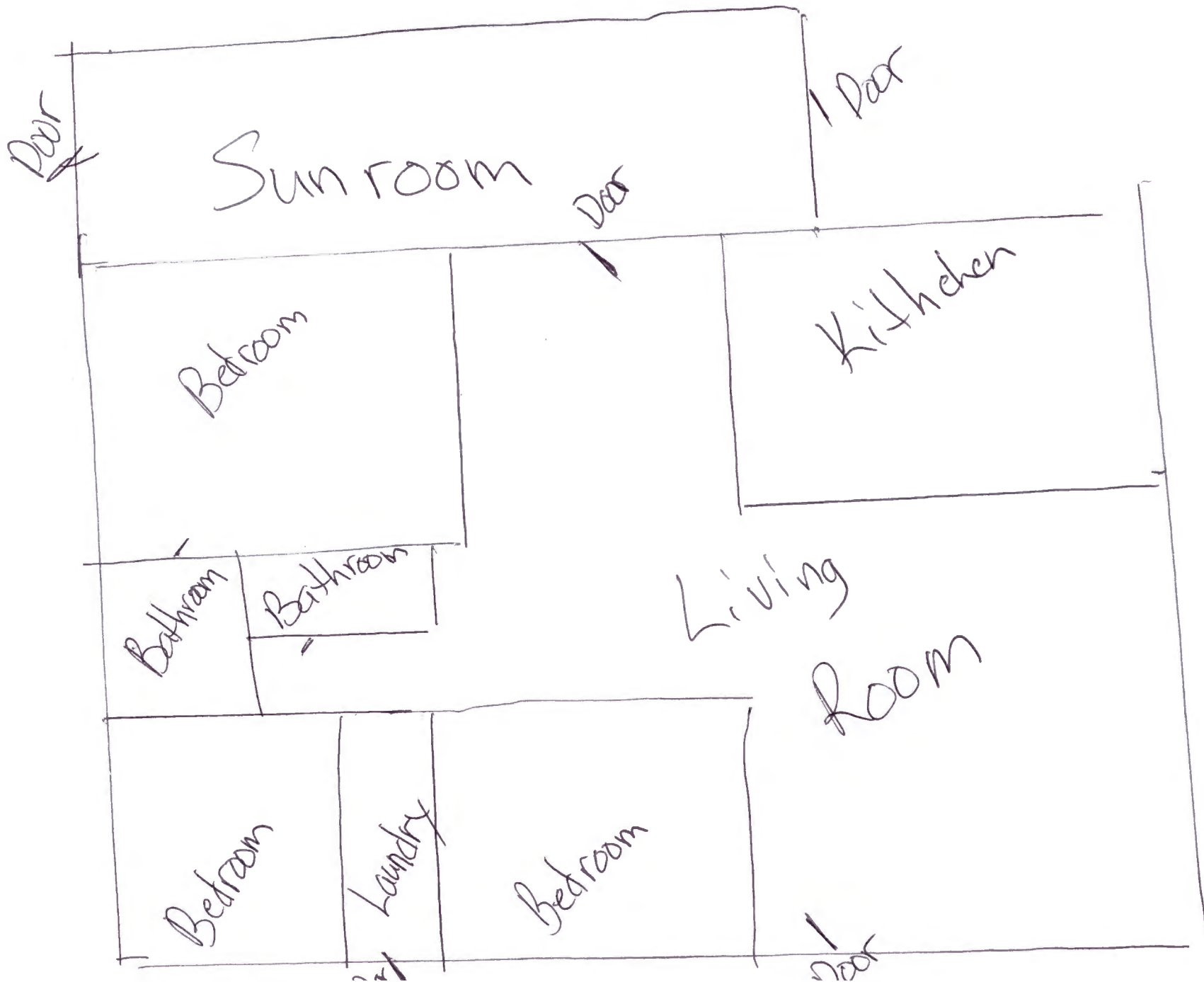
area

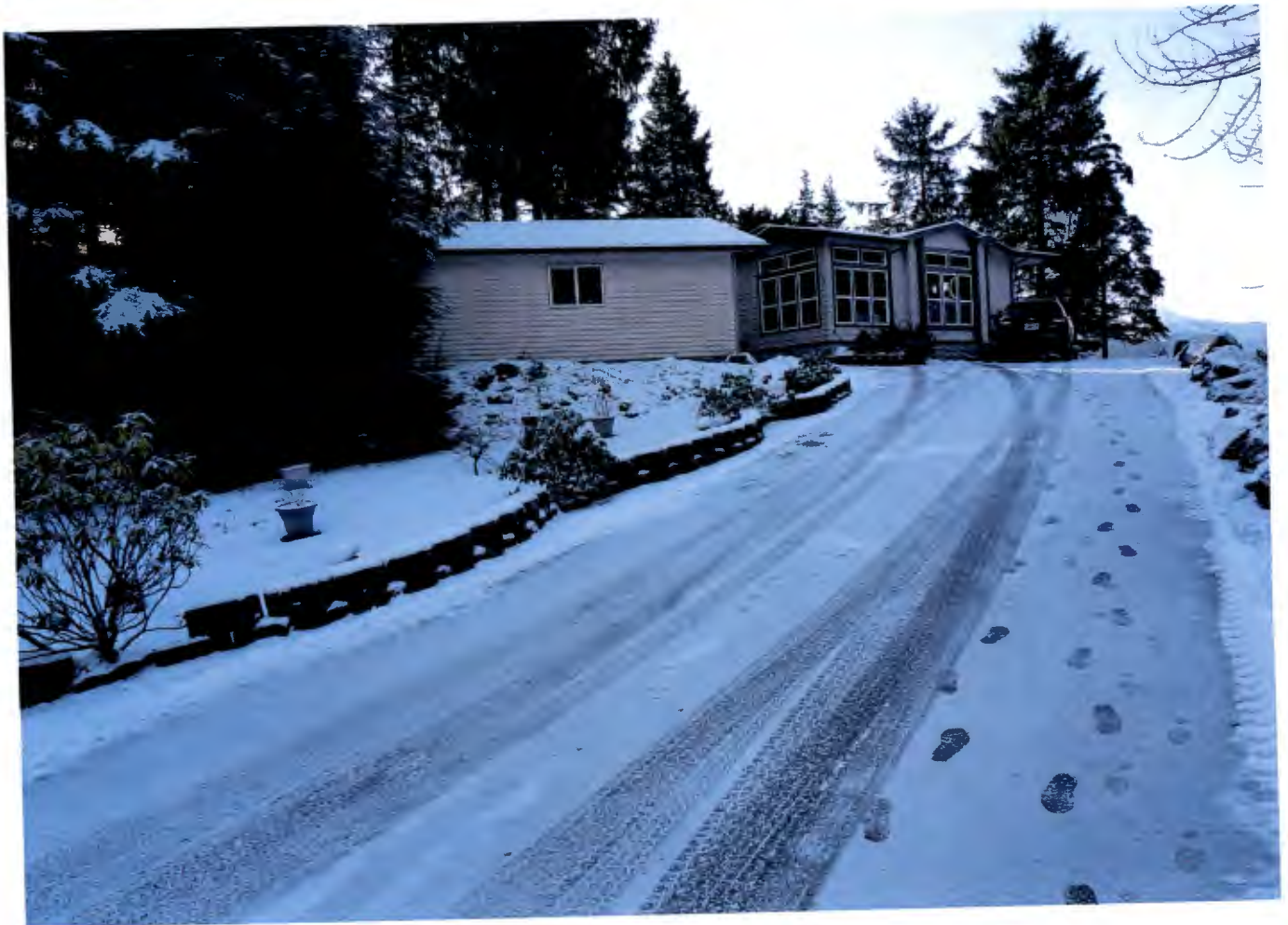
3 spaces

2840

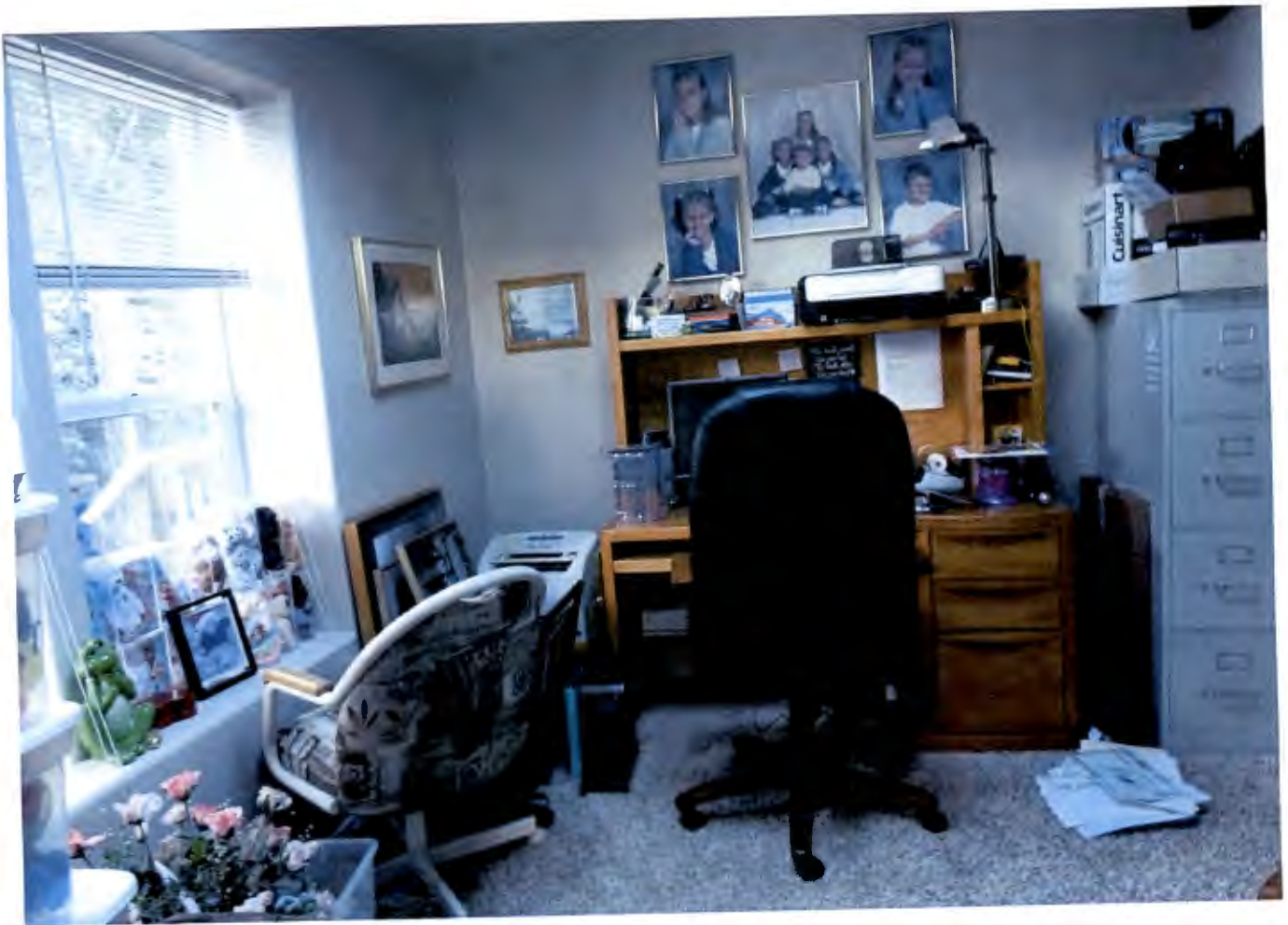
SMC



























**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:** full time short term  
rental managed by Christine McGraw  
(Island Property Services LLC)

**PROPERTY INFORMATION:**

CURRENT ZONING: R-1 LDMH PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): residential PROPOSED LAND USES (if changing): \_\_\_\_\_

**APPLICANT INFORMATION:**

PROPERTY OWNER: Michael Coleman

PROPERTY OWNER ADDRESS: 2840 Sawmill Creek Rd

STREET ADDRESS OF PROPERTY: Same

APPLICANT'S NAME: Michael Coleman

MAILING ADDRESS: 2820 Sawmill Creek Rd

EMAIL ADDRESS: tessvadina@hotmail.com DAYTIME PHONE: 907-738-3831

**PROPERTY LEGAL DESCRIPTION:**

TAX ID: 31740001 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

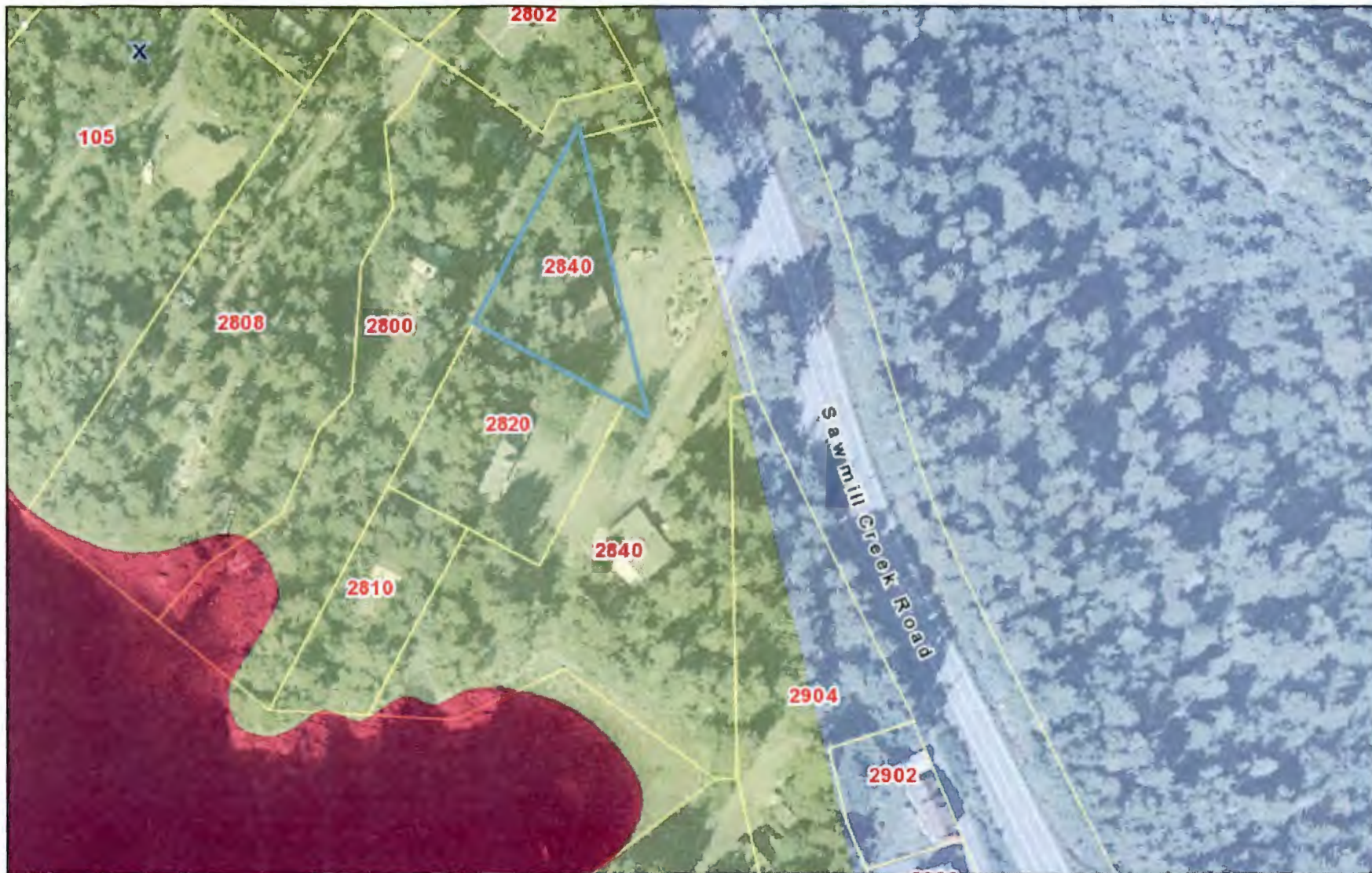
1-30-17  
\_\_\_\_\_  
Date

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 & Borough of Sitka, Alaska

**Selected Parcel: 2840 SAWMILL CREEK ID: 31742000**

Printed 1/30/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



**MainStreetGIS**  
MainStreetGIS, LLC  
[www.mainstreetgis.com](http://www.mainstreetgis.com)

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Parcel ID: 31710003  
EVANS SPARKS  
SPARKS, JR, EVANS, W.  
101 PEACE LANE  
SITKA AK 99835

Parcel ID: 31710004  
RALPH JUNKER REVOCABLE TRUST  
JUNKER REVOCABLE TRUST, RALPH,  
E.  
P.O. BOX 911  
SITKA AK 99835-0911

Parcel ID: 31728000  
DAVID/DORIS CLARKE  
CLARKE, DAVID, S./DORIS, L.  
P.O. BOX 255  
SITKA AK 99835-0255

Parcel ID: 31730001  
MICHAEL MAYO  
MAYO, MICHAEL, J.  
2808 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 31730002  
SHERYL MAYO  
MAYO, SHERYL, L.  
2800 SAWMILL CREEK RD  
SITKA AK 99835

Parcel ID: 31731000  
JOHN/LARISSA WILEY  
WILEY, JOHN & LARISSA  
2802 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 31740001  
O. RAY/CAROLYN HAMMACK  
HAMMACK, O., RAY/CAROLYN, M.  
2840 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 31740002  
JOHN/MARNIE EVERSON/CHAPMAN  
EVERSON, JOHN, M./CHAPMAN,  
MARNIE  
2810 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 31741000  
MICHAEL/TESSIE COLEMAN  
COLEMAN, MICHAEL, R./TESSIE, B.  
2820 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 31742000  
O. RAY/CAROLYN HAMMACK  
HAMMACK, O., RAY/CAROLYN, M.  
2840 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 31750000  
JANET EDDY  
EDDY, JANET, L.  
P.O. BOX 21  
SITKA AK 99835-0021

Parcel ID: 31760001  
GORDON/SARAH BLUE  
BLUE, GORDON, K./SARAH  
411 GOLD ST  
JUNEAU AK 99801-1128

Parcel ID: 31760002  
DONOVAN/MAXINE DUNCAN  
DUNCAN, DONOVAN & MAXINE  
2906 SAWMILL CREEK RD  
SITKA AK 99835

Parcel ID: 31760003  
GAYLE/DIANA ERICKSON  
ERICKSON, GAYLE, D./DIANA, K.  
2908 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 31760004  
JANET EDDY  
EDDY, JANET, L.  
P.O. BOX 21  
SITKA AK 99835-0021

Parcel ID: 31770000  
UNIVERSITY OF ALASKA  
UNIVERSITY OF ALASKA  
1815 BRAGAW ST, STE 101  
ANCHORAGE AK 99508-2506

P&Z Mailing  
February 15, 2017



INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE:

1/30/17

To:

Michael Coleman

ACCOUNT # 100-300-320-3201.002

PLANNING & ZONING

Variance.....	
Conditional Use Permit.....	100.00
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	5.00
TOTAL.....	105.00

Thank you

**PAID**

JAN 30 2017

CITY & BOROUGH OF SITKA



## WHEN RECORDED RETURN TO:

Name: Michael & Tessie Coleman  
Address: 2820 Sawmill Creek Road  
City, State, Zip: Sitka, Alaska 99835

**QUITCLAIM DEED**THIS INDENTURE, made and entered into this date, September 1, 2016 by and between

O. Ray Hammack

whose mailing address is 23515 Beaver Falls Road, Clatskanie, OR 97016 **GRANTOR**, and

Michael R. Coleman and Tessie B. Coleman, husband and wife

whose mailing address is: 2820 Sawmill Creek Road, Sitka, Alaska 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 quitclaim unto the said Grantee, all of the following described property, to wit:

Lot One (1), R. & C. Hammack Subdivision Lot Line Adjustment according to the plat filed October 9, 1997 as Plat 97-33 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: September 1, 2016

O Ray Hammack by Dawn Gluth his attorney in fact  
O. Ray Hammack by Dawn Gluth,  
His attorney in fact

State of Alaska

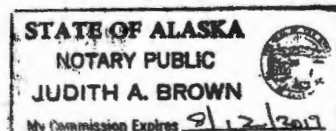
)

) ss.

First Judicial District

)

On this day personally appeared before me Dawn Gluth as Power Attorney for O. Ray Hammack, 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 on September 1, 2016.

J. A. Brown  
Notary Public in and for the State of Alaska  
My commission expires: 9/12/2017





# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** CUP 17-04    **Version:** 1    **Name:**

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

**File created:** 2/10/2017    **In control:** Planning Commission

**On agenda:** 2/21/2017    **Final action:**

**Title:** Public hearing and consideration of a conditional use permit request for 1209 Sawmill Creek Road. The request is for a small-scale brewery in conjunction with the permitted uses of multifamily residential, restaurant, and storage. The property is also known as Lot 1 Baranof Subdivision #2. The request is filed by Baranof Island Brewing Company. The owner of record is Triton Properties LLC.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [BIBCO 2.27.17](#)

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: February 21, 2017

To: Planning Commission

From: PCDD Staff

Re: CU 17-04

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### GENERAL INFORMATION

Applicant: Baranof Island Brewing Company

Property Owner: Triton Properties LLC

Property Address: 1209 Sawmill Creek Road

Legal Description: Lot 1 of Baranof Subdivision #2

Parcel ID Number: 30402001

Size of Existing Lot: 63,345 s.f.

Zoning: C-2 General Commercial Mobile Home District

Existing Land Use: Commercial, Residential

Utilities: Existing

Access: Off of Sawmill Creek Road

Surrounding Land Use: Retail, Commercial, Heavy 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



Attachment J: Mailing List  
Attachment K: Proof of Payment  
Attachment L: Warranty Deed

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a small scale brewery in conjunction with existing self-storage, eating and drinking place, and multi-family residential. The brewery aspect is a conditional use, the rest of the existing uses are permitted. Taking a holistic approach, we now review all together (see SGC Tables of Uses 22.16.-015-1, -5, and -6).

The location was used as Baranof Motors in conjunction with the residential and storage use. It is also adjacent to heavy commercial uses to the north and east, a post office to the west, and a convenience store and gas station to the south.

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

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

There is no known traffic study for trip generation or traffic impacts for micro-breweries that staff has access to. However, one could compare the operation of the proposed brewery to two different types of uses: food manufacturing and a taproom (aka Bar). The manufacturing aspect would be limited to employees and deliveries and pickup of supplies and product; while the taproom would be similar to a bar, but with shorter hours of operation. Compared to prior uses, traffic would be significantly higher than the automotive uses, but well below the traffic demand of the adjacent gas and convenience store. It could be conditioned that drop-offs and pick-ups of product and supplies occur after 8am and prior to 8pm to mitigate any negative impact upon on site residential uses.

**b. Amount of noise to be generated and its impacts on surrounding land use:** The amount of noise the operation would generate is unknown. It would most likely generate less noise than prior operations. Overall, any noise from beer manufacturing would not be main issue, but could be from bar operation, though that would be mitigated due to state brewery limits on time open to the public. In addition, the building official would require fire separation and additional drywall for fire code purposes that would also have a secondary benefit of noise attenuation.

**c. Odors to be generated by the use and their impacts:** Odor of brewery has been described as yeasty, bready, sweet and pungent, like toast, french fries, sour, malty, cereal, and beer.

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<sup>1</sup> § 22.24.010.E

Residents could be offended by odors during brewing process. Could be lessened by filtration, but difficult to eliminate.

**d. Hours of operation:** Year-round. Hours open to the public are limited by state regulations and applicant can provide more information on that detail.

**e. Location along a major or collector street:** Located off of Sawmill Creek Road behind the existing gas and convenience store, which provides the access easement.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** Access easement would have business traffic going across convenience store property.

**g. Effects on vehicular and pedestrian safety:** A brewery could impact traffic safety. This is antidotal based on the consumption of alcohol, which can impair driving and walking. Both of these impacts could affect safety. However, these impacts are no more than what is already available at restaurants or bars, and arguably less due to state limits on serving and reduced hours of operation.

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

**i. Logic of the internal traffic layout:** Sufficient area for parking and traffic turnaround as well as existing uses.

Parking shall be provided as follows: 43 total parking spaces (18 for apartments, 5 for storage, and 20 for the restaurant and brewery). Three must be designated as handicapped. Two loading spaces are required. Applicant has presented the availability and layout of required parking spaces.

**j. Effects of signage on nearby uses:** None anticipated. Staff have spoken with applicant about sign regulations and easement rights. Staff will work with applicant to meet sign code and respect other properties, while locating effective signage.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** West and south of the property have good buffers. Internally, the addition of thicker drywall will add sound attenuation.

**l. Relationship of the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Various goals and objectives are met such as providing for the local development of locally produced high quality goods (craft beer) to strength the local economic base, while minimizing impacts to people and other sensitive uses; and by providing commercial use that has adequate transportation and utilities (Sections 2.2.1, 2.2.2, 2.2.3, 2.2.5,



and 2.6 et al). In addition, the taproom and restaurant will complement the brewery and local food service markets.

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

## **FINDINGS**

**C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions: <sup>2</sup>**

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:

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<sup>2</sup> § 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 providing local goods, developing local economic base, while mitigating harm to adjacent land uses and public health, safety, and welfare.

## **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 1209 Sawmill Creek Road. The request is for a small-scale brewery in conjunction with the permitted uses of multifamily residential, restaurant, and storage. The property is also known as Lot 1 Baranof Subdivision #2. The request is filed by Baranof Island Brewing Company. The owner of record is Triton Properties LLC.



Conditions of Approval:

1. Contingent upon and compliance with an approved certificate of occupancy from the Building Official/ Fire Marshal.
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 after the first year indicating the amount of sales, growth, police calls, complaints from residents and neighboring businesses. After that, only when required to do so by the Planning Commission or Planning Director.
5. The Planning Commission, at its discretion, may schedule a public hearing upon receipt of a meritorious complaint in regards to a violation of a condition of approval or a Sitka General Code regulation to address the alleged violation.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales tax, shall be grounds for revocation of the conditional use permit.
7. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. The operation of the taproom shall be in conjunction with the operation with the brewery and shall not become a stand-alone bar (ok for tap room to be open to restaurant, but once onsite brewing ceases operation then tap room must also cease).
9. The brewery shall have sprinklers installed or upgraded as deemed necessary by the fire marshal and/or building official in regards to fire safety regulations, and all residential units shall have operational smoke and carbon monoxide detectors as required by the same officials.
10. All uses shall provide necessary parking as required by code. Applicant will need to provide a revised parking plan that includes calculations of all existing uses and proposed brewery use in terms of residential units, square footage of storage, and other uses in compliance with code, as well as showing detailed parking stalls (9' x 18').
11. The brewery shall provide a fire alarm sufficient enough to alert adjacent residents of a fire or smoke.
12. The brewery shall have a key box or knox box or other Fire Department approved device to allow Fire Department access.
13. The brewery shall comply with all state regulations.
14. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

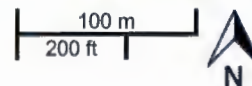






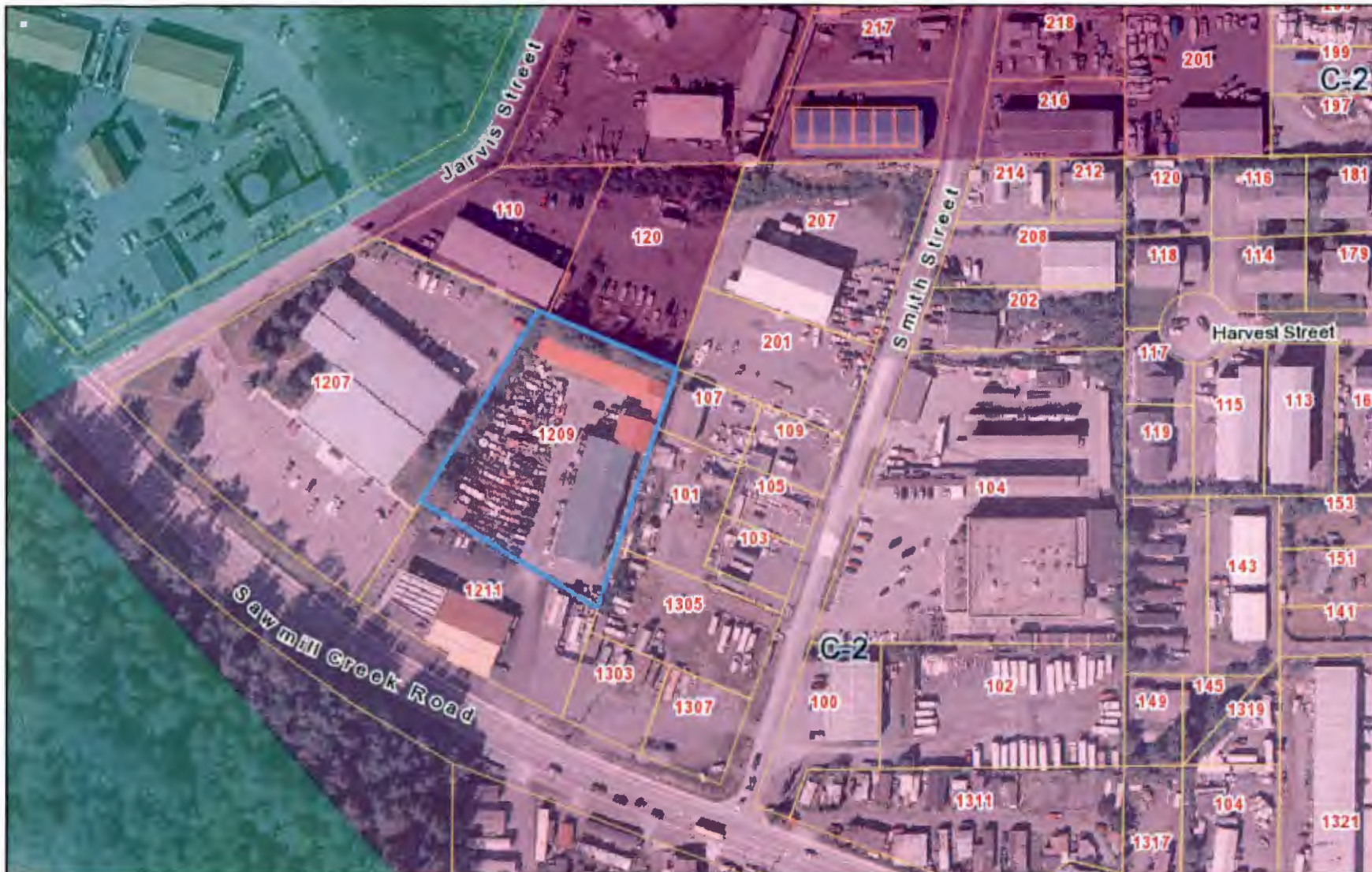
**Selected Parcel: 1209 SAWMILL CREEK ID: 30402001**

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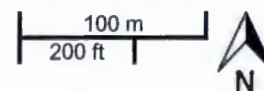




## City & Borough of Sitka, Alaska

**Selected Parcel: 1209 SAWMILL CREEK ID: 30402001**

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N 30°22'34" E GO

273.25'

LOT 2

LOT 2A

20' ACCESS AND UTILITY EASEMENT

STORAGE BUILDING

BREWERY

TAP ROOM

STAIRS AND CANOPY TO UPPER LEVEL

FOUNDATION ONLY

FOUNDATION ONLY

LOT 9

LOT 11

LOT 14

CLIENT: MARCEL PRATO  
1209 SMC ROAD  
SITKA, ALASKA 99835

SITKA PROJECTS SUBD.

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 HEREIN BE USED FOR POSITIONING ADDITIONAL STRUCTURES, BUILDING FENCES, OR LOCATING BOUNDARY LINES. IT IS THE RESPONSIBILITY OF THE PLATTEE TO

DRAWN BY: KJ/ACAD  
CHECKED BY: PKJ  
DATE PLATTED: 4/16/08  
DATE SURVEYED: 4/16/08

APR 17, 2008 08:37:37

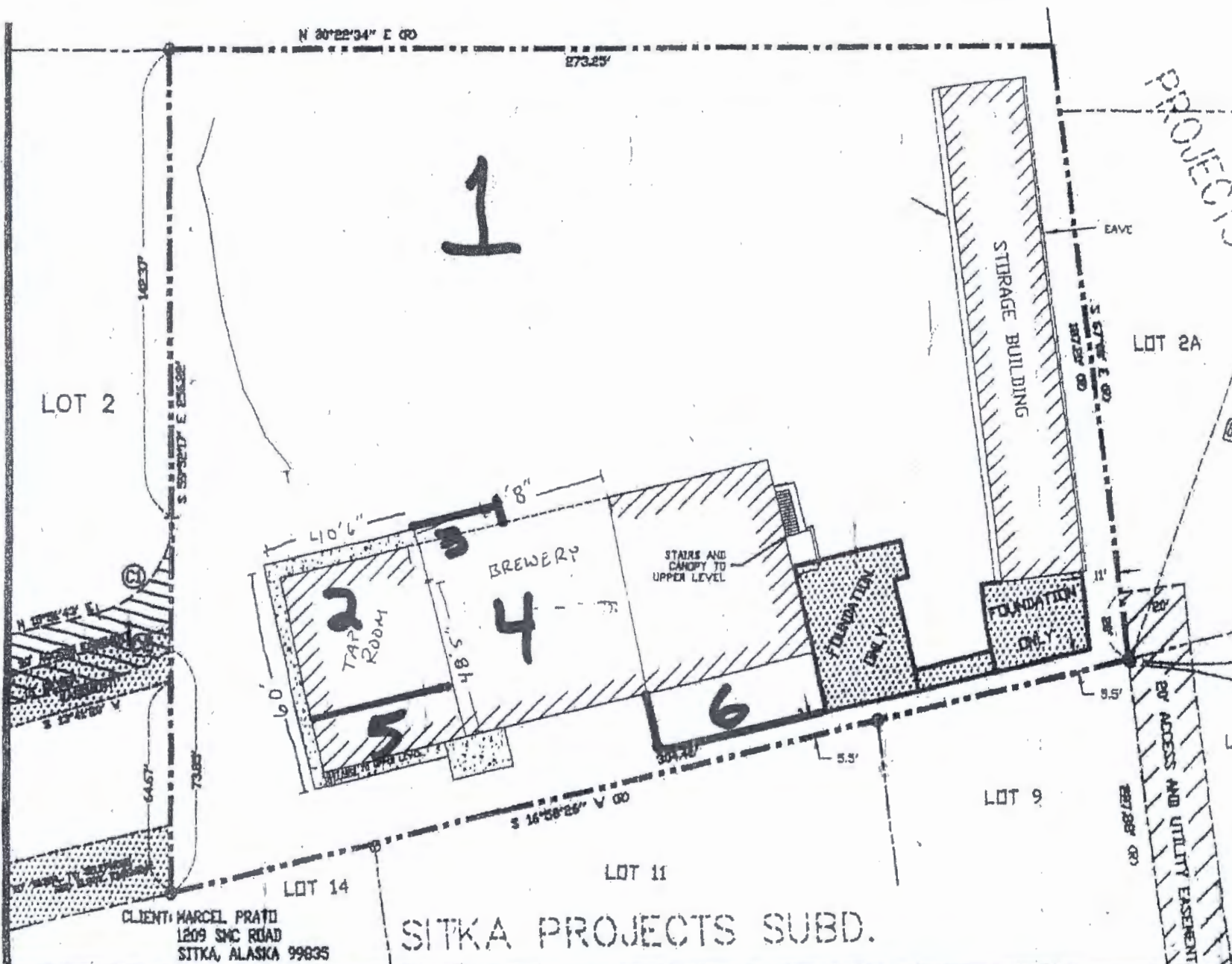
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DRAWN BY: KD/ACAD  
CHECKED BY: PKD  
DATE PLATTED: 4/16/08  
DATE SURVEYED: 4/16/08

CLIENT: MARCEL PRATO  
1209 SMC ROAD  
SITKA, ALASKA 99835



SITKA PROJECTS SUBD.

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## Samantha Pierson

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**From:** info@baranofislandbrewing.com  
**Sent:** Friday, February 10, 2017 10:57 AM  
**To:** Samantha Pierson  
**Cc:** Suzan H  ss; susan@baranofislandbrewing.com; Sam Bakker; Adam Chittick  
**Subject:** Re: Conditional Use Permit  
**Attachments:** bibcolot.jpeg

Hi Sam,

Attached is the plot map of 1209 Sawmill Creek Road with numbered locations. The narrative below explains the number areas and what we would like to do in those areas starting ASAP.

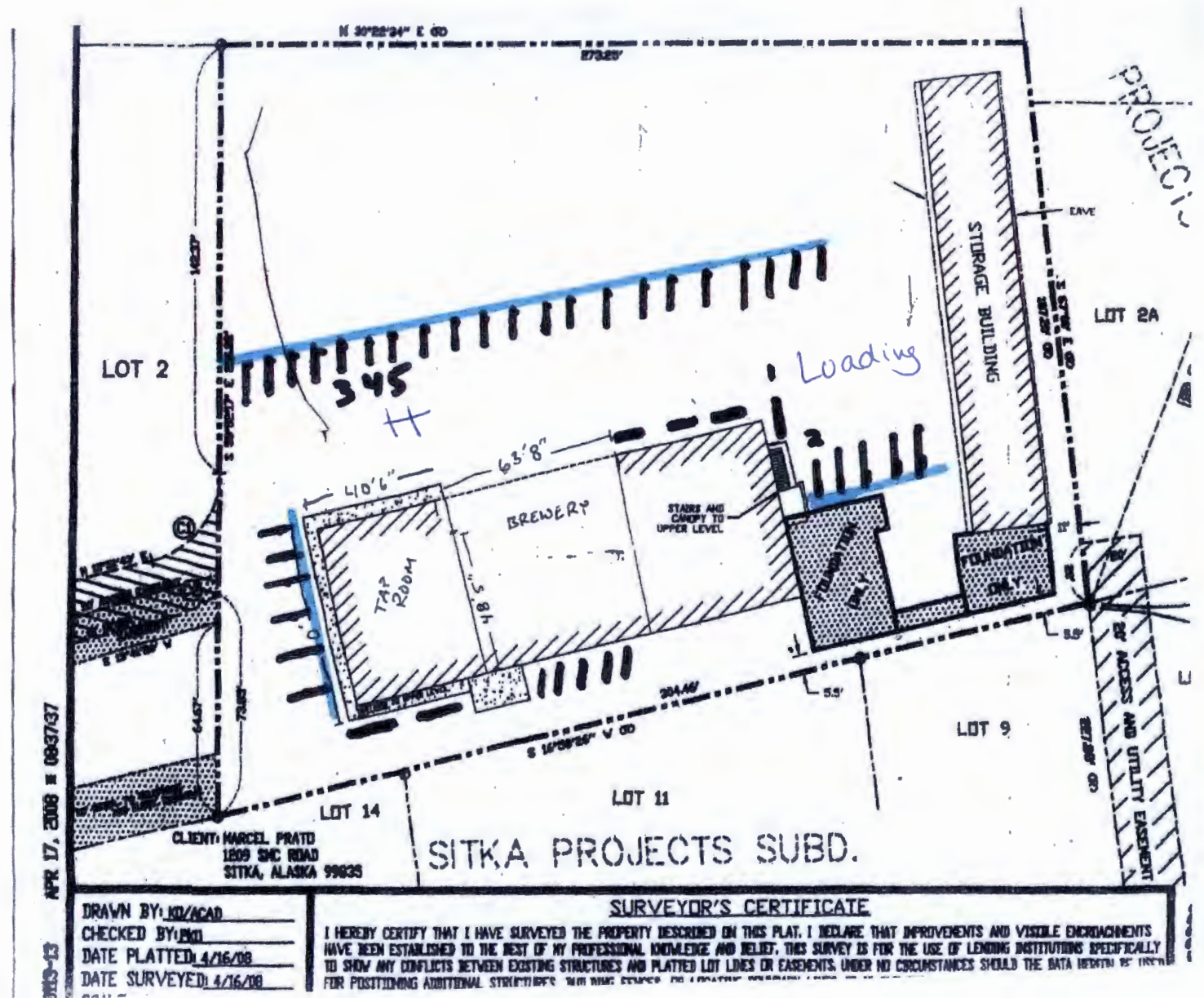
1. Parking. Parking for for tenants and brewery.
2. Indoor seating. "Taproom" for marketing and retail sales of BIBCO products.
3. Outdoor seating. "Beer Garden" We will remove the overhead garage door from the first bay when entering the property and frame it in with windows so that patrons can see into the production area from outside while seated and or have a "tour" without actually entering the manufacturing area. This will be a season use only area and closed in the winter except for special occasions.
4. Production Brewery. This area will not be accessible to the general public outside of planned brewery tours. It will contain all the equipment needed to manufacture and package beer.
5. Restaurant. The exact layout for a restaurant is currently not designed but this is the location we would like to have a commercial kitchen; dishwasher, range, fryer, coolers, etc. This would be a separate entity and not owned or operated by BIBCO but we are requesting permission to pursue that idea on the property.
6. Cold storage. This will be a refrigerated connex van (the same van currently being used at 215 Smith Street) for the short term with plans to build a larger cold storage warehouse to replace it over the next year.

We would like to operate at this location the same as we currently have been operating approximately a block away at 215 Smith Street so there should be no noise or smell issues as we haven't had a problem with either of those issues for the past seven years. Our intentions are to clean up the property and transform it from a junk yard to a tourist destination. Coach tours has expressed interest in operating a bus tour to the location and we are currently looking into the possibility of making that happen. The location is also optimal for partnerships with The Raptor Center, Sitka Sound Science Center and Totem Park to generate additional tourist activity in the area and capture additional sales tax for the City and Borough of Sitka.

If you have any questions or concerns please don't hesitate to call us at 907-747-2739.

Sincerely,  
Rick Armstrong

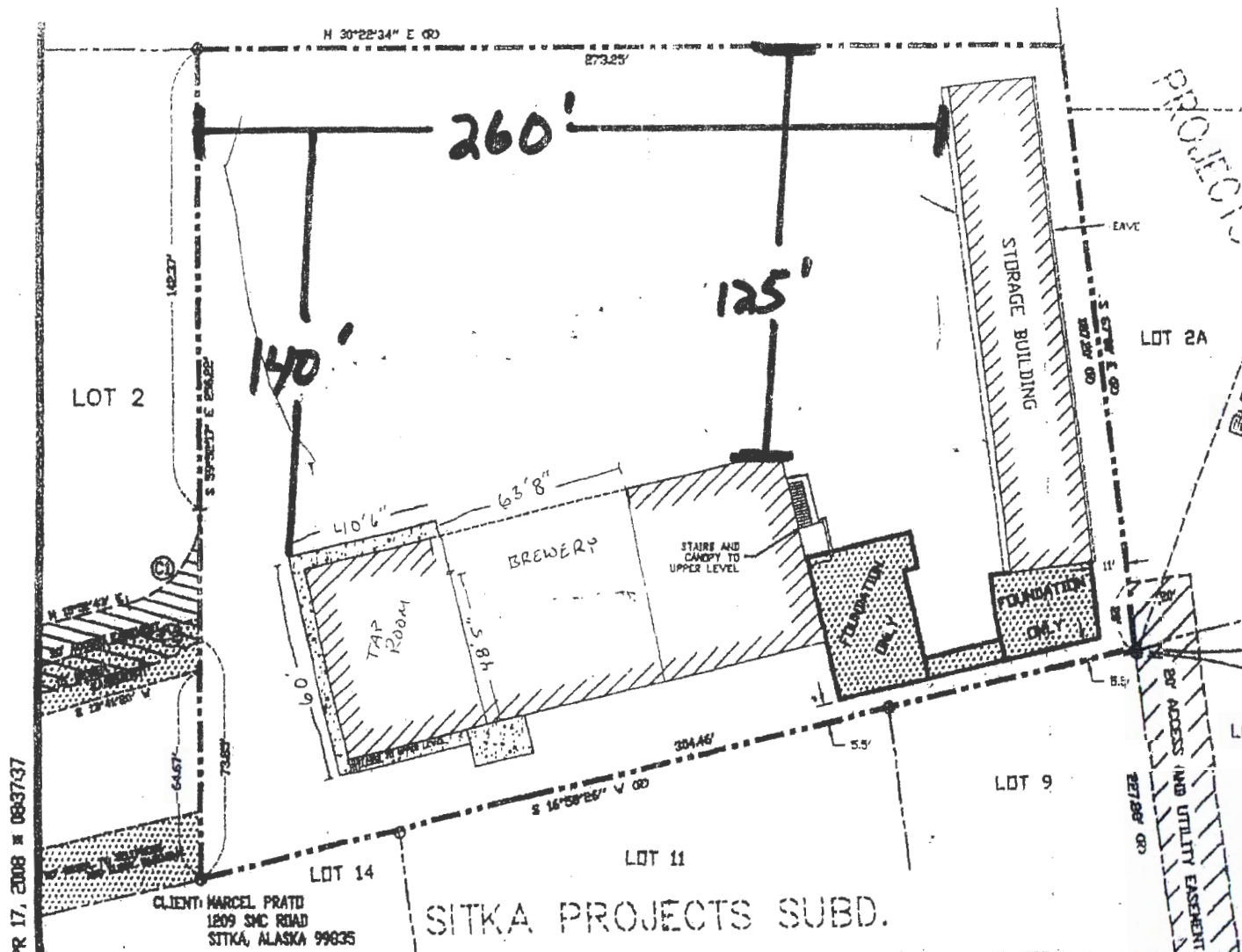




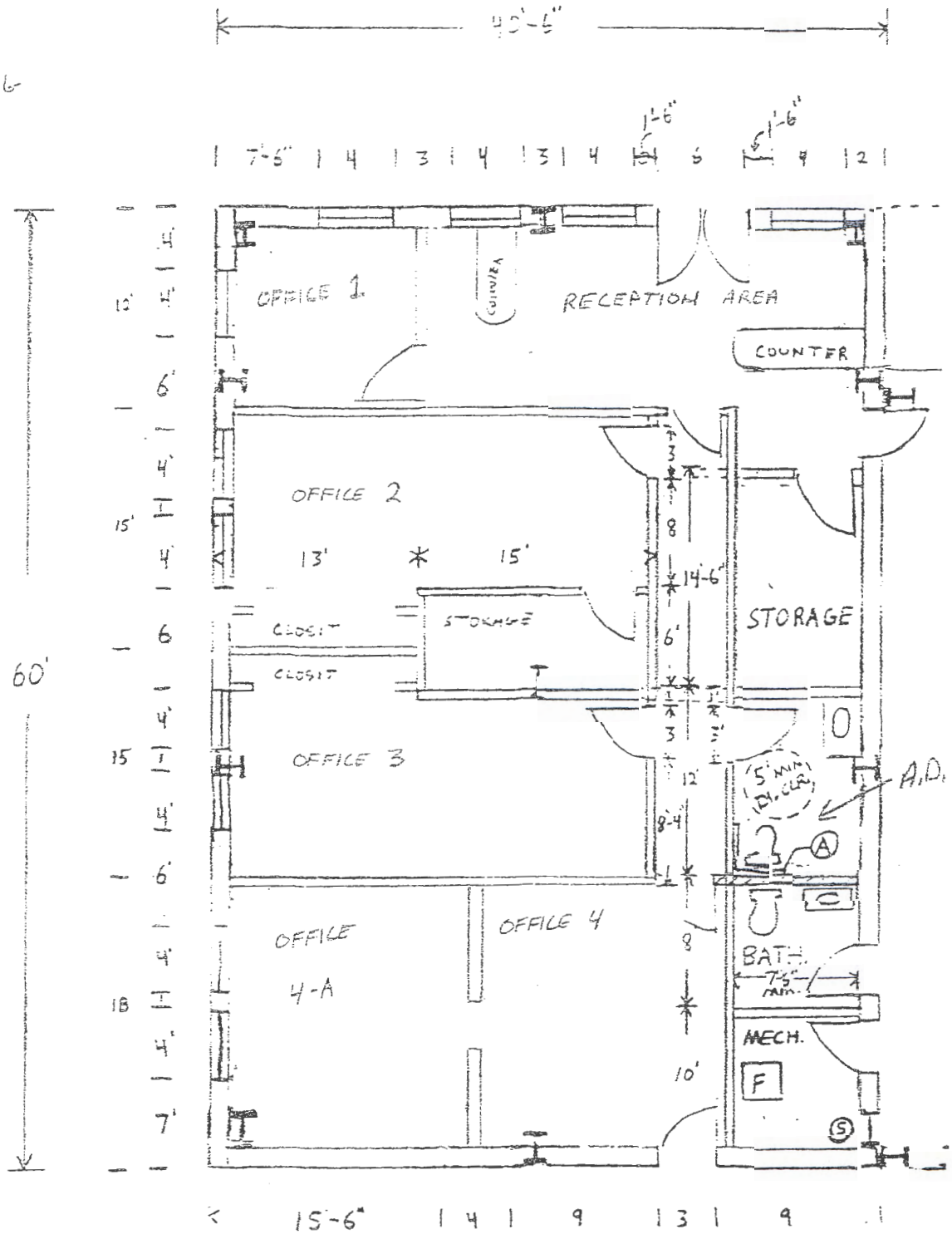
APR 17, 2008 # 083737  
 APR 13  
 DRAWN BY: KD/ACAD  
 CHECKED BY: RMM  
 DATE PLATTED: 4/16/08  
 DATE SURVEYED: 4/16/08

# 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. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ALASKA SURVEYING ACT AND THE RULES OF THE BOARD OF SURVEYING.



EXISTING

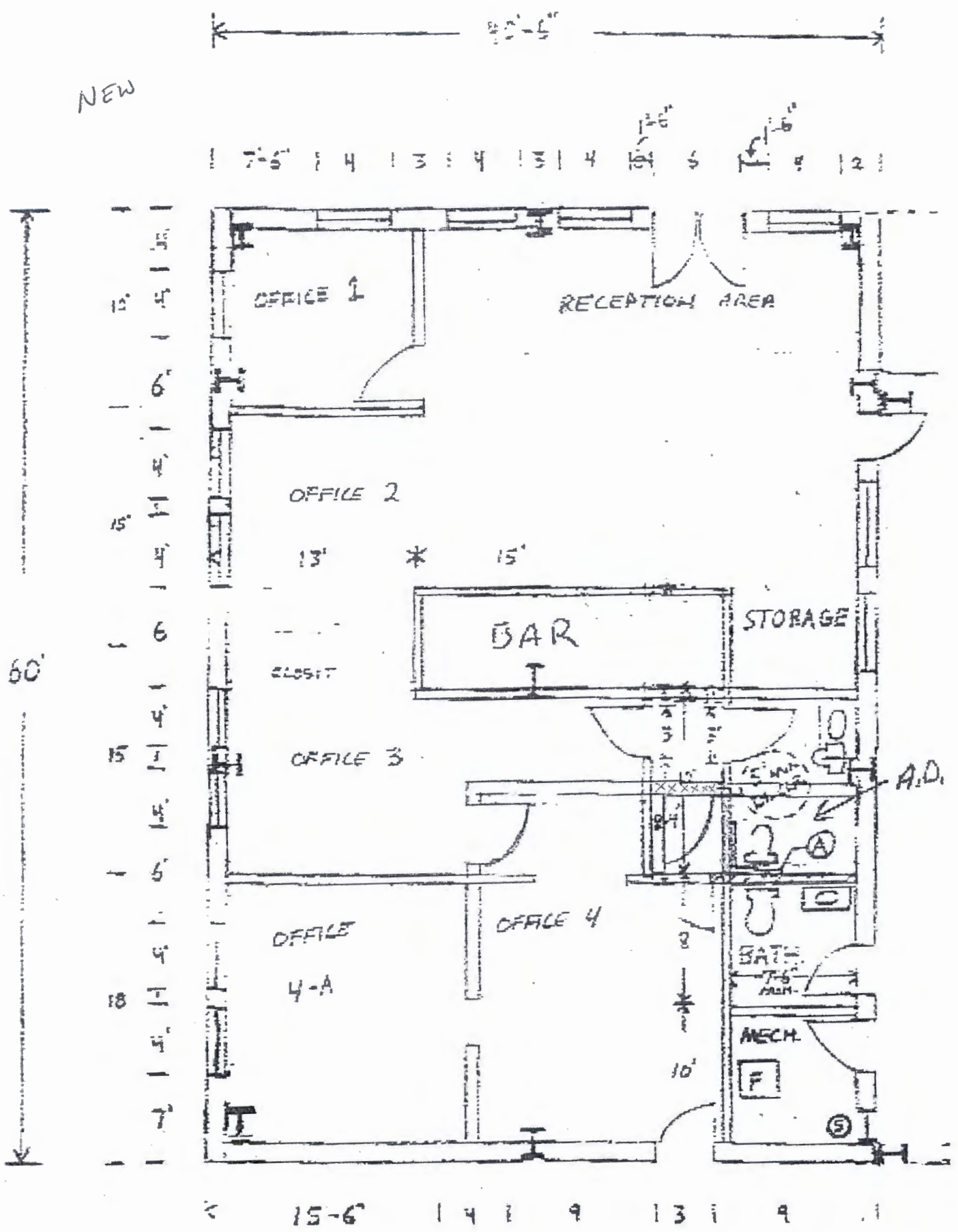


1 FLOOR



APPLICANT  
COPY

NEW



1 FLOOR



TAP ROOM

TAP ROOM

BATH

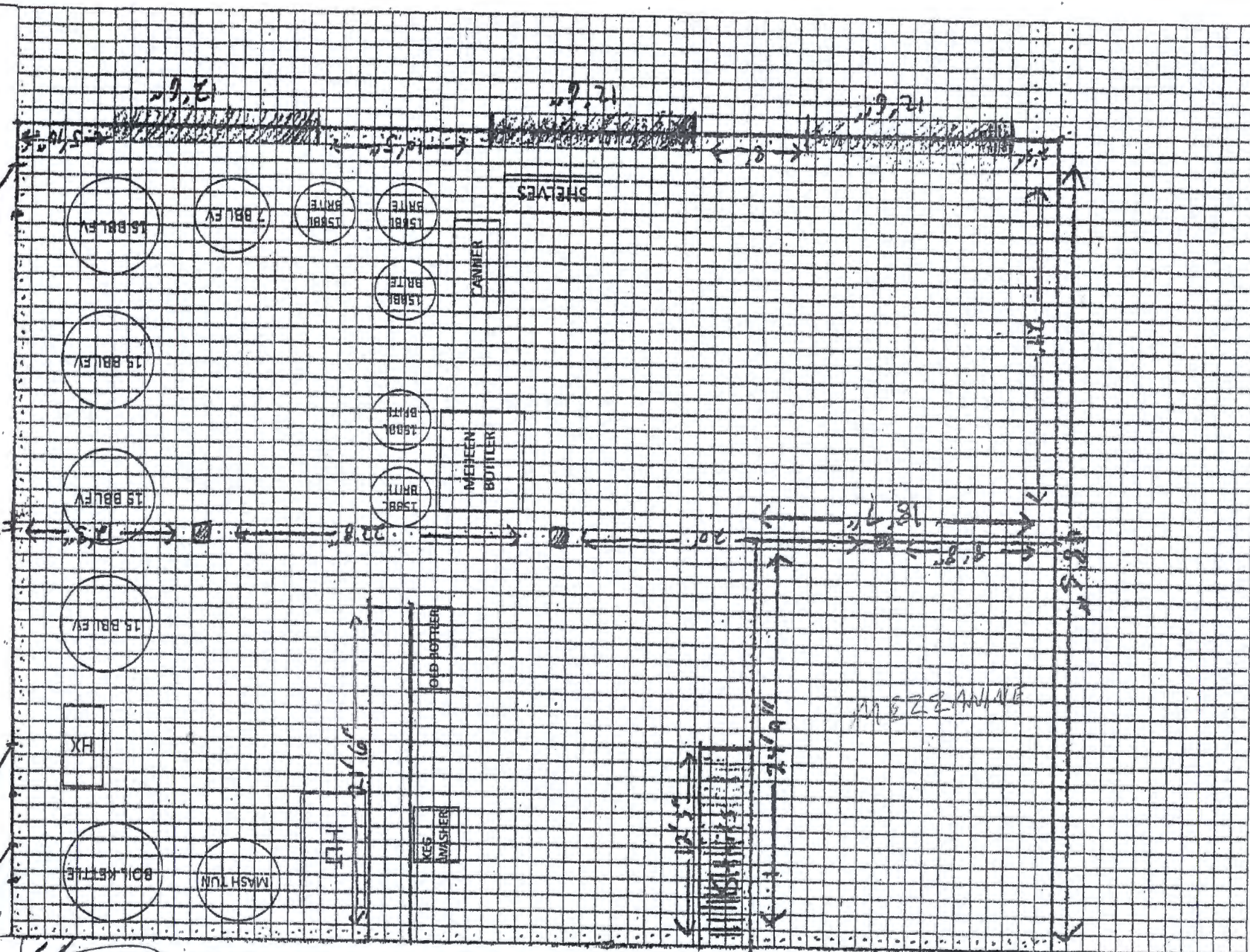
MECH. ROOM  
FURNACE?

EGRESS DOOR

↑

2 BAY DOORS

8, 89





























# 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: MOVE BARANOF ISLAND

BREWING COMPANY FROM 215 SMITH  
STREET TO 1209 SMC SITKA, AK 99835

### PROPERTY INFORMATION:

CURRENT ZONING: \_\_\_\_\_ PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): \_\_\_\_\_ PROPOSED LAND USES (if changing): \_\_\_\_\_

### APPLICANT INFORMATION:

PROPERTY OWNER: TRITON PROPERTIES LLC

PROPERTY OWNER ADDRESS: 1209 Sawmill Creek Road

STREET ADDRESS OF PROPERTY: 1209 Sawmill Creek Road

APPLICANT'S NAME: Baranof Island Brewing Co

MAILING ADDRESS: PO BOX 1647 Sitka, AK 99835

EMAIL ADDRESS: info@baranofislandbrewing.com DAYTIME PHONE: 747-2739

### PROPERTY LEGAL DESCRIPTION:

TAX ID: 30402001 LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_ US SURVEY: \_\_\_\_\_

### OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

March 21<sup>st</sup>



## 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

2/8/17

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)

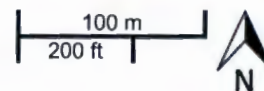
Date



## City & Borough of Sitka, Alaska

**Selected Parcel: 1209 SAWMILL CREEK ID: 30402001**

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Parcel ID: 30300000  
CITY & BOROUGH OF SITKA  
CITY & BOROUGH OF SITKA  
100 LINCOLN ST  
SITKA AK 99835

Parcel ID: 30310001  
ORCA HOLDINGS, LLC  
ORCA HOLDINGS, LLC  
P.O. BOX 8158  
KETCHIKAN AK 99901-8158

Parcel ID: 30402001  
MARCEL PRATO  
PRATO, MARCEL  
1209 SAWMILL CREEK RD  
SITKA AK 99835

Parcel ID: 30402002  
TRIPLE C VENTURES, INC.  
TRIPLE C VENTURES, INC.  
1867 HALIBUT POINT RD.  
SITKA AK 99835

Parcel ID: 30406003  
UNITED STATES POSTAL SERVICE  
UNITED STATES POSTAL SERVICE  
1207 SAWMILL CREEK RD.  
SITKA AK 99835

Parcel ID: 30406011  
LN REAL ESTATE, LLC  
C/O THOMSON REUTERS  
PROBUILD WEST  
P.O. BOX 460069  
HOUSTON TX 77056

Parcel ID: 30406021  
SITKA MOTOR SUPPLY, INC.  
SITKA MOTOR SUPPLY, INC.  
100 SMITH ST.  
SITKA AK 99835

Parcel ID: 30407001  
BARANOF INVESTMENTS, LLC  
BARANOF INVESTMENTS, LLC  
P.O. BOX 1874  
SITKA AK 99835-1874

Parcel ID: 30407002  
BARANOF INVESTMENTS, LLC  
BARANOF INVESTMENTS, LLC  
P.O. BOX 1874  
SITKA AK 99835-1874

Parcel ID: 30407009  
CHRISTOPHER BALOVICH  
BALOVICH, CHRISTOPHER, H.  
P.O. BOX 6133  
SITKA AK 99835-6133

Parcel ID: 30407010  
CHRISTOPHER BALOVICH  
BALOVICH, CHRISTOPHER, H.  
P.O. BOX 6133  
SITKA AK 99835-6133

Parcel ID: 30407011  
GERALD BRAGER  
BRAGER, GERALD, I.  
110 JARVIS ST  
SITKA AK 99835

Parcel ID: 30407012  
DAVID KRAUSE  
KRAUSE, DAVID, J.  
P.O. BOX 1065  
SITKA AK 99835-1065

Parcel ID: 30407013  
CHARLES OLSON  
OLSON, CHARLES, R.  
3009 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 30407014  
ROMAR HOLDINGS LLC  
ROMAR HOLDINGS LLC  
208 LAKE ST, STE B  
SITKA AK 99835

Parcel ID: 30407015  
ROMAR HOLDINGS LLC  
ROMAR HOLDINGS LLC  
208 LAKE ST, STE B  
SITKA AK 99835

Parcel ID: 30407016  
ROMAR HOLDINGS LLC  
ROMAR HOLDINGS LLC  
208 LAKE ST, STE B  
SITKA AK 99835

Parcel ID: 30407111  
BARANOF INVESTMENTS, LLC  
BARANOF INVESTMENTS, LLC  
P.O. BOX 1874  
SITKA AK 99835-1874

Parcel ID: 30407112  
BARANOF INVESTMENTS, LLC  
BARANOF INVESTMENTS, LLC  
P.O. BOX 1874  
SITKA AK 99835-1874

Parcel ID: 30410000  
WHITECAP PROPERTIES, LLC  
ARROWHEAD TRAILER COURT  
WHITECAP PROPERTIES, LLC  
1304-B SAWMILL CREEK RD  
SITKA AK 99835

P&Z Mailing  
February 15, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 2/8/16

To:

BIBCO

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

Variance.....	
Conditional Use Permit.....	100.00
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	5.00
TOTAL.....	105.00

Thank you

PAID

FEB 08 2017

CITY & BOROUGH OF SITKA



**AFTER RECORDING MAIL TO:**

Triton Properties LLC

3003 Mikele St..

Sitka, AK 99835

53444**STATUTORY WARRANTY DEED**

THE GRANTOR, **Marcel Prato**, of 1209 Sawmill Creek Road, Sitka, AK 99835, in consideration of ten and 00/100 dollars (\$10.00), and other good and valuable consideration, in hand paid, conveys and warrants to **Triton Properties, LLC**, of 3003 Mikele St., Sitka, Alaska the entire interest in which the Grantor has in the following real property situated in the Recording District of Sitka, Alaska:

Lot 1 of Baranof Subdivision No. 2, according to Plat No.  
2006-25, Records of the Sitka Recording District, First  
Judicial District, State of Alaska.

Subject to reservations, exceptions, easements, covenants, conditions and  
restrictions of record, if any.

Dated this 10 day of NOVEMBER, 2016.

**Marcel Prato**

STATE OF ALASKA

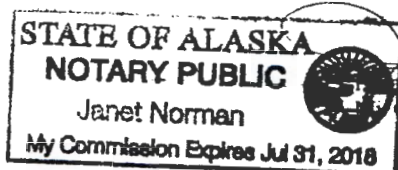
)

ss.

FIRST JUDICIAL DISTRICT

)

THIS IS TO CERTIFY that on this 10<sup>th</sup> day of November 2016, **Marcel Prato**, before me, the undersigned, a Notary Public in and for Alaska, personally appeared, to me known to be the person described in the foregoing instrument, and who acknowledged to me that she had, in her official capacity aforesaid, executed the foregoing instrument for the uses and purposes therein stated. WITNESS my hand and official seal the day and year in this certificate first above written.



Notary Public in and for Alaska  
Commission Expires: 7-31-18

2006-002132-0

Recording Dist: 103 - Sitka  
11/22/2006 9:30 AM Pages: 1 of 10

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L  
A  
S  
K  
A



Sitka Recording District

Return to: Marcel Prato  
1209 Sawmill Creek Road  
Sitka, Alaska 99835

Page 1 of 10

### EASEMENT MAINTENANCE AGREEMENT

This Easement Maintenance Agreement ("this Agreement"), made and entered into this 21 day of November, 2006, by Marcel Prato, a resident of Sitka, Alaska, whose mailing address is 1209 Sawmill Creek Road, Sitka, Alaska 99835 ("Prato"), WITNESSETH:

#### Recitals

A. The plat of the Baranof Subdivision #2, filed in the Sitka Recording District, First Judicial District, State of Alaska on the 22 day of November, 2006 as Plat No. 2006-25 is hereinafter referred to as "the New Plat."

B. The parcel subdivided by the new Plat was previously known as Lot 1, Baranof Subdivision, according to Plat 99-4, filed March 11, 1999 in the Sitka Recording District, and was owned by Prato.



C. The subdivision under the New Plat caused the subject property to be subdivided into two parcels. Lot 2 according to the New Plat ("Lot 2") is adjacent to Sawmill Creek Road. Lot 1 according to the New Plat ("Lot 1") is separated from the public right-of-way of Sawmill Creek Road by Lot 2. Therefore it is necessary that access and utilities for Lot 1 be provided by easements across Lot 2.

D. The necessary access and utility easements, including the location thereof, are established by the New Plat, as follows: Easement #1, Access Easement, the width of which is 20'; Easement #2, Sewer Easement, the width of which is 15'; and Easement #3, Water, TV, Telephone and Electrical Easement, the width of which is also 20'.

E. Easement #2, the Sewer Easement, and Easement #3, the Water, TV, Telephone and Electrical Easement are referred to collectively as "the Utilities Easements." The sanitary sewer and underground water, television, telephone and electrical lines serving Lot 1, located in the Utilities Easements areas of the New Plat, are referred to collectively as "the Utilities Lines."

F. Incident to the subdivision reflected in the New Plat it is appropriate and necessary to allocate, as between current and future owners of Lot 1 and Lot 2, certain maintenance and other rights and obligations. To facilitate



allocating these rights and obligations as set forth in this Agreement, the current and future owners of both Lot 1 and Lot 2, including Prato, are hereinafter referred to generically and collectively as the "Lot Owners."

NOW, THEREFORE, Prato, as the current owner thereof, hereby declares that Lot 1 and Lot 2 are held, and shall be conveyed, by the Lot Owners subject to the easement maintenance rights and obligations set forth in this Agreement, as follows:

1. Easement #1, Access Easement. Easement #1, the 20' wide Access Easement, is and will remain a nonexclusive access easement for the benefit of Lot 1 as well as Lot 2. As to Lot 1, this easement is established to provide pedestrian and motor vehicle ingress to and egress from the public right of way of Sawmill Creek Road. The rights established for the benefit of Lot 1 with respect to the Access Easement area are limited to such ingress and egress, and the owner of Lot 1 shall not conduct activities in or use the Access Easement Area in any manner which is inconsistent with such purpose. Prohibited activities include, by way of example, obstructing or restricting the flow of vehicular and pedestrian traffic over and across the easement area. The easement so established is nonexclusive, and the owner of Lot 2 will also continue to utilize this easement area for pedestrian and vehicular ingress and egress.





2. Management, Operation, and Maintenance. The owner of Lot 2 shall retain the right, in its reasonable discretion, to manage, operate and control the area subject to the Access Easement, provided such is not inconsistent with the purposes for which this nonexclusive easement is established. The easement is established only for vehicle and pedestrian ingress and egress and is not for parking. As between the parties, the owner of Lot 2 is entitled but not obligated to manage and seek to direct traffic pattern and flow in and across the area subject to the Access Easement. To the extent that it does so, the owner of Lot 2 shall manage and direct traffic pattern and flow in a manner not inconsistent with providing ingress to and egress from Lot 1.

3. Maintenance, Repairs and Improvements. The owner of Lot 2 will, with cost sharing by the owner of Lot 1 as set forth herein, see to maintenance, repair and improvements in the Access Easement area as and to the extent it determines is appropriate for normal pedestrian and vehicular access for the parcels benefited thereby. The owner of Lot 1 will promptly reimburse the owner of Lot 2 for half the cost of such maintenance, repair and improvements in the Access Easement area.

4. Easement #2, Sewer Easement. Easement #2, the 15' wide Sewer Easement, is and will remain a nonexclusive



easement for the purpose of allowing the placement, operation, maintenance repair and replacement of the sanitary sewer line. The parties' rights and obligations with respect to the Sewer Easement, including with respect to relocation, are detailed below.

5. **Easement #3, Water, TV, Telephone and Electrical Easement.** Easement #3, the 20' wide Water, TV, Telephone and Electrical Easement, is and will remain a nonexclusive easement for the purpose of allowing the placement, operation, maintenance repair and replacement of the water, television, telephone and electrical lines, all of which will remain underground. The parties' rights and obligations with respect to the Water, TV, Telephone and Electrical Easement, including with respect to relocation, are detailed below.

6. **Terms for Operation and Maintenance of Utilities Easements.** The existing Utilities Lines are for the sole benefit of Lot 1. Therefore, the owner of Lot 1 shall be solely responsible for the placement, operation, maintenance repair and replacement of the Utilities Lines serving Lot 1, including all costs thereof. The rights established for the benefit of Lot 1 with respect to the Utilities Easement area are limited to the purposes set forth above, to be exercised in a reasonable manner, and the owner of Lot 1 shall not conduct activities in or use the Utilities Easement area in any manner that goes





beyond such purposes or in a manner that is not reasonable. To the extent that maintenance, repair or replacement of the Utilities Lines serving Lot 1 requires the owner of Lot 1 or a contractor retained by it to be on Lot 2 and to conduct work activities there, all such work shall be the sole responsibility of the owner of Lot 1 and shall be done safely, expeditiously, cleanly, and so as to minimize any disruption of use of Lot 2. All such work shall be done in accordance with all applicable laws, regulations and codes, and promptly after underground work has been completed, the surface area shall be restored to at least as good a condition as before work was commenced. The easement so established is nonexclusive, and the owner of Lot 2 will continue to utilize this easement area for any and all purposes, excepting only those inconsistent with there being underground Utilities Lines serving Lot 1 within the Utilities Easements. Construction of a building within the areas subject to the Utilities Easements is inconsistent with the purposes for which the Utilities Easements were established, and the owner of Lot 2 shall not do so. The owner of Lot 2 shall remain entitled to use and enjoy the areas subject to the Utilities Easement in all other regards.

7. **Terms for Relocation of Utilities Easements and Utilities Lines.** The owner of Lot 2 shall be entitled at its expense to relocate any one or more of the Utilities Lines



serving Lot 1, so long as the Planning Director and Public Works Director of the City and Borough of Sitka ("CBS") concur that the relocation complies with then-applicable CBS Code. Such Utilities Lines may then be relocated either within or outside the Utilities Easement areas initially established for them under the New Plat. Upon completion of the relocation, the owner of Lot 2 will record a revised plat showing the relocation of those Utilities Lines and of the Utilities Easements for them. Upon recording the revised plat, the New Plat and this Agreement will be deemed amended by the relocation of the easement[s] for those Utilities Lines, without the necessity of approval by the CBS planning commission or assembly.

8. Term of Easements. Subject to the terms of this Agreement, the easements which are the subject of this Agreement shall be irrevocable and exist in perpetuity for the purposes set forth.

9. Easements to Run with Land. Each and all of the easement rights and obligations which are the subject of the New Plat and this Agreement shall run with the land and shall be for the benefit and use of, and binding upon the respective Lot Owners from time to time, and upon each of them, their successors in interest and assigns in and to their respective parcels.





10. Construction. Should any provision of this agreement require judicial interpretation, it is agreed that the Court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one of the Lot Owners by reason of the rule of construction that a document is to be construed more strictly against the person whom himself or through his agent prepared the same.

11. Notice. Any notice, tender or delivery to be given hereunder to Prato shall be in writing and sent through the United States mail, postage prepaid, to the address set forth at the beginning of this Agreement, but Prato shall be entitled to change his notice address by written notice sent in accordance with this paragraph. Also, any successor owner of either Lot 1 or Lot 2 shall be entitled to establish or change the address to which notice under this paragraph will be provided, by written notice sent in accordance herewith.

12. Entire Agreement. This Agreement, together with the New Plat, sets forth all terms and provisions regarding the subject matter addressed in them, and supersede all other discussions, representations and agreements whether oral or written. No oral modification of, or amendment to, this Agreement shall be effective, but this Agreement may be modified by written agreement signed by both the Lot Owners.



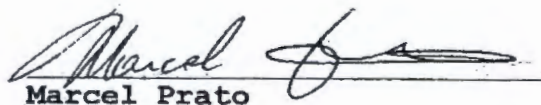
13. Agreements Survive the Closing. Because all of rights and obligations of the Lot Owners shall run with the land and inure to the benefit of and be binding upon all future Lot Owners, the terms and provisions of this Agreement shall survive the closing of any sale and purchase transaction involving Lot 1, Lot 2 or both.

14. Additional Acts. The parties agree to execute such additional documents as may be necessary to carry out the intention, terms and conditions of this Agreement.

15. Time of the Essence. Time is of the essence of this Agreement as to each and every provision hereof, and failure to comply with this provision shall be a material breach of this Agreement.

16. Provisions Binding. All provisions herein shall be binding upon and shall inure to the benefit of the Lot Owners and their legal representatives, heirs, successors and assigns. Each provision to be performed by either Lot Owner shall be construed to be both a covenant and a condition.

IN WITNESS WHEREOF, Prato, owner of Lot 1 and Lot 2, Baranof Subdivision #2, has set his hand and seal the day and year next below written.

  
Marcel Prato






STATE OF ALASKA     )  
                              ) ss:  
First District     )

THIS IS TO CERTIFY that on this 24<sup>th</sup> day of November, 2006, before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Marcel Prato**, to me known to be the person who executed the above and foregoing instrument; who acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

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



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JWH\Pr\Easement Maint.doc

  
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Notary Public for Alaska  
Commission expires: 8-18-10





# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** MISC 17-07    **Version:** 1    **Name:**  
**Type:** P&Z Miscellaneous    **Status:** AGENDA READY  
**File created:** 1/30/2017    **In control:** Planning Commission  
**On agenda:** 2/21/2017    **Final action:**  
**Title:** PULLED - Discussion and direction regarding municipal land disposal.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

Date	Ver.	Action By	Action	Result
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