



CITY AND BOROUGH OF SITKA

Meeting Agenda Planning Commission

Tuesday, May 16, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM-25](#) Approval of April 18, 2017 meeting minutes.

Attachments: [4.18.17 draft](#)

IV. PERSONS TO BE HEARD

(Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the Chair imposes other time constraints at the beginning of the agenda item.)

V. PLANNING DIRECTOR'S REPORT

B [MISC 17-15](#) Director's Report - May 16, 2017

Attachments: [ADU Flyer Final](#)

VI. REPORTS

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

Attachments: [Planning Regulations and Procedures 4.4.17](#)

D [CUP 16-08](#) Annual report for a short-term rental conditional use permit granted to Chuck McNamee for 101 Austin Street. No action required.

Attachments: [101 Austin report 4.5.17](#)

E [CUP 16-04](#) Annual report for a conditional use permit granted to Frances Brann and Krystina Scheller for a short-term rental at 2116 Sawmill Creek Road. No action required.

Attachments: [Brann Scheller report 4.25.17](#)

- F** [CUP 16-11](#) Annual report for conditional use permits granted to Northern Lights Indoor Gardens for marijuana retail and cultivation at 1321 Sawmill Creek Road Suites O and P. No action required.
Attachments: [Northern Lights 4.20.17](#)
- G** [CUP 16-17](#) Annual report for a conditional use permit granted to Paul and Lamoyne Smith for fabricated metal products in conjunction with permitted retail sales and miscellaneous repair at 4622 Halibut Point Road. No action required.
Attachments: [Smith report 5.1.17](#)
- VII. THE EVENING BUSINESS**
- H** [CUP 17-09](#) Public hearing and consideration of a conditional use permit for a marijuana consumption lounge at 1321 Sawmill Creek Road Suite K. The property is also known as US Survey 2729. The request is filed for Michelle Cleaver for Weed Dudes. The owner of record is Eagle Bay Inn, LLC.
Attachments: [Weed Dudes 5.16.17](#)
- I** [CUP 16-21](#) Public hearing and consideration of a conditional use permit for a short term rental located on a boat in Crescent Harbor 1-24, 500 Lincoln Street, in the P Public zone. The property is also known as a portion of ATS 15. The application is filed by Bruce and Ann-Marie Parker. The owner of record is the City and Borough of Sitka.
Attachments: [Parker 5.16.17](#)
- J** [CUP 17-15](#) Public hearing and consideration of a conditional use permit application for a short-term rental at 405 Monastery Street. The property is also known as the east half of Lot 12 Block 19 Sitka Townsite US Survey 1474 Tract A. The application is filed by James Gorman. The owners of record are Mark Gorman and Nancy Knapp.
Attachments: [405 Monastery 5.16.17](#)
[405 Monastery - Nearby STRs](#)
- K** [LM 16-11](#) Public hearing and consideration of a vacation request for 650 square feet of municipal right-of-way adjacent 403 Alice Loop. The property is also known as Lot 1 Sealing Cove Subdivision. The request is filed by Mica Trani. The owner of record is Mica Trani.
Attachments: [Trani 5.16.17](#)

- L** [VAR 17-10](#) Public hearing and consideration of a variance request for 2515 Sawmill Creek Road. The request is for the reduction of the rear setback from 20 feet to 10 feet for the construction of a garage. The property is also known as Lot 14C Subdivision of Lot 14 of US Survey 3302. The request is filed by Larry Medina. The owners of record are Larry and Nancy Medina.
Attachments: [Medina 5.16.17](#)
- M** [VAR 17-11](#) Public hearing and consideration of a variance request for the reduction in required lot size for a four-plex from 10,000 square feet to 9971 square feet at 720 Indian River Road. The property is also known as Lot 8A Indian River Land Subdivision. The request is filed by Timothy Bernard. The owner of record is Timothy Bernard.
Attachments: [Bernard 5.16.17](#)
- N** [ZA 17-01](#) Public hearing and consideration of a zoning map amendment to rezone municipal harbors located at 211 and 617 Katlian Avenue to Public. The properties are also known as Lot 5 Block 5 Sitka Indian Village US Survey 2542, a Portion of ATS 15, ATS 1496 Tract A, and Block 10 Dan Moller Subdivision. The request is filed by the City and Borough of Sitka. The owner of record is the City and Borough of Sitka.
Attachments: [Harbor ZMA 5.16.17](#)
- O** [MISC 16-10](#) PULLED - Discussion/direction/decision regarding monumentation and flagging requirements in Title 21.
Attachments: [Monumentation and Flagging 12.20.16](#)
- P** [MISC 17-16](#) Discussion/direction/decision regarding amendments to public notice requirements.
Attachments: [Change to public notice 5.16.17](#)

VIII. ADJOURNMENT

NOTE: More information on these agenda items can be found at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Planning Office at 100 Lincoln Street. Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to planning@cityofsitka.org, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: May 8 and 10



CITY AND BOROUGH OF SITKA

Legislation Details

File #: PM-25 **Version:** 1 **Name:**
Type: Planning Minutes **Status:** AGENDA READY
File created: 4/27/2017 **In control:** Planning Commission
On agenda: 5/16/2017 **Final action:**
Title: Approval of April 18, 2017 meeting minutes.
Sponsors:
Indexes:
Code sections:
Attachments: [4.18.17 draft](#)

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

Minutes - Draft

Planning Commission

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

Tuesday, April 18, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

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

Present: Spivey, Windsor, Pohlman, Hughey, Parmelee

Absent: Knox (Assembly Liaison) - excused

II. CONSIDERATION OF THE AGENDA

Spivey noted that item L was pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A Approval of the April 4, 2017 meeting minutes.

Pohlman/Parmelee moved to APPROVE the April 4, 2017 meeting minutes.

Motion PASSED 5-0.

IV. PERSONS TO BE HEARD

No public comment.

V. PLANNING DIRECTOR'S REPORT

B Director's Report - April 18, 2017.

Scarcelli drew attention to the attachments, an economic trends newsletter and county health rankings. Scarcelli stated that Smart Growth America applauded the draft housing chapter of the comprehensive plan. Scarcelli stated that the clerk's office held a recent commissioner training, and future director's reports will include some training components.

VI. REPORTS

C Planning Regulations and Procedures.

- D** Annual report submitted by Corrie Bosman for a bed and breakfast at 629 Degroff Street. No action required.

No discussion.

VII. THE EVENING BUSINESS

- E** Approval of findings of fact for a variance request for 205 Crabapple Drive. The request is for the reduction of the front setback from 20 feet to 10 feet for the construction of a carport. The property is also known as Lot 23 Lakeview Heights Subdivision. The request is filed by Aaron and Emily Routon. The owners of record are Aaron and Emily Routon.

Pierson gave a brief recap of the proposal and the motion of approval at the March meeting. Pierson stated that a motion to approve the findings is required for final approval.

Emily Routon came forward to represent the item.

No public comment.

No commissioner discussion.

Windsor/Parmelee moved to adopt and **APPROVE** the required findings for major structures or expansions as discussed in the staff report.

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

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, here, that the lot's soil is of poor quality and restricts cost-effective development;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, here, the ability to economically expand an existing home and construct covered parking;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, specifically, that the open carport would minimize view impacts to pedestrians and motorists; and
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with 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 cost-effective expansion of a single-family structure in the R-1 zone.

Motion **PASSED 5-0.**

- F** Discussion and direction regarding a Critical Areas Ordinance.

Scarcelli gave an overview of the August 18, 2015 landslide and subsequent actions. Scarcelli stated that insurance and financing questions are

speculative at this point. No insurance agency in Sitka will currently provide difference in conditions (DIC) insurance, although a property in the vicinity of the Kramer slide was able to obtain a DIC policy. Scarcelli stated that he has not heard back from any of the lenders he contacted. Scarcelli stated that the ordinance wouldn't be the source of insurance and finance complications, but those would be more related to the hazard mapping. Staff recommend moving the ordinance forward to the Assembly and listing any concerns. Scarcelli read a memo from Assembly Liaison Kevin Knox encouraging the commission to move the ordinance forward to the Assembly.

No public comment.

Windsor stated that he thinks the ordinance has been well thought out and he's 100% behind it. Hughey stated that the ordinance is about the best we can do. Pohlman stated that she's okay moving forward.

Hughey/Parmelee moved to advance the ordinance to the Assembly with the **RECOMMENDATION** of approval.

Motion PASSED 3-2 with Spivey and Pohlman voting against.

G

Public hearing and consideration of a preliminary 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.

Scarcelli stated that the proposal has gone through several approvals and now it is coming forward for final approval before being forwarded to the Assembly for approval. Scarcelli used photos to show the lot, flagging, and the retaining wall. Scarcelli stated that the easement running between the lots have been expanded since the preliminary approval resulting from discussions between the applicant, Planning, and Public Works staff. Density is appropriate for the zone. The property will exceed parking requirements. DOT will require consultation regarding driveway and drainage. Windsor asked about the handling of property tax. Scarcelli stated that taxation of the land will depend in part on the wording of the homeowner agreement. Further, property tax is out of the purview of the Planning Commission and is a business decision of the owner. Scarcelli stated that the lessee of 725 Siginaka Way will pay property tax.

Spivey asked Hughey to recuse himself and Hughey stepped down.

Hughey spoke as the applicant and stated that the homeowners will pay property tax on the land. Hughey stated that he has been working with the vet clinic owners on parking. Hughey stated that the plat outlines the maximum buildable area and the properties will not require variances. Hughey stated that the Sitka Community Land Trust (SCLT) is working on a name for the site and are open to suggestion. Ben Kraft came forward and stated that the front three lots will fit one-bedroom or two-bedroom homes.

Scarcelli read a letter from the owners of the vet clinic, Victoria Vosburg, and Burgess Bauder, who have objections to the parking layout. Scarcelli stated that each property owner is responsible for providing the appropriate amount of parking on their own lot. Scarcelli noted that SCLT is making good faith

efforts to work with their neighbors.

Spivey stated that he has heard from numerous community members that this is not the right approach, and stated his belief that it's not the best use of the property. Parmelee stated that he believed the general consensus was that this is a good use of the property, and stated his only concern is that the property will be aesthetically pleasing. Spivey stated that there's a difference between affordable housing and affordable homeownership. Windsor thinks this is a good test model. Parmelee stated that this model is working well down south. Pohlman stated that she is ready to move forward.

Windsor/Parmelee moved to APPROVE the final plat for a planned unit development at 1306 Halibut Point Road, submitted by Sitka Community Land Trust subject to the attached conditions of approval. 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.

Conditions of Approval:

1. A complete as-built survey will be required to capture all existing utilities on the parcel (including drainage, prospective French drain, etc.).
2. Plat notes and development shall ensure no encroachment on city assets or existing utility easements.
3. Parking shall be provided on-site, off-street, in the amount of 1.5 spaces per dwelling unit.
4. The boundary of the building footprints are the maximum size of buildings allowed within each lot and shall act as setbacks. No variances shall be granted for deviations from plat setbacks as shown and noted on the final plat. Note: Setbacks are measured from lot lines to drip lines/eaves.
5. Any grading or geotechnical work performed or required on the property shall obtain any applicable permit(s) and be completed by an appropriate professional. It should be noted that there could be additional development costs associated with slope stabilization.
6. Installation of water and sewer mains would require engineered plans and approvals via Alaska Department of Environmental Conservation. In addition, CBS would require a clear understanding of the ownership of new utility lines, easements, and perhaps shared user agreements.
7. Alaska Department of Transportation is the jurisdiction for approving driveway permits along Halibut Point Road. Applicant should consult with the DOT regarding traffic and driveway plans. All applicable DOT approvals shall be received prior to use of any driveways, parking lots, or access points.
8. All easement, access, and utility agreements shall be approved by Public Works and the Planning and Community Development Department prior to recording. Such agreements shall be referenced on the plat, via a note, and shall be recorded prior to Final Plat being recorded.

Motion PASSED 3-1 with Spivey voting against.

H

Public hearing and consideration of a preliminary plat of a minor subdivision at 180 Price Street. The property is also known as Tract 1B Mountain View Phase II Subdivision. The request is filed by Jeremy Twaddle for Mountain View Estates. The owner of record is Mountain View Estates, LLC.

Spivey stated that he has a business relationship with the applicant but that he

can act fairly.

Scarcelli gave an overview of past plats and the proposed plat. Access to lots 1, 2, and 3 will be from an easement off of Molly Lane. Some concern has been raised for the net size of lot 1. Lot 1 exceeds the 6000 square foot minimum square footage requirement for the C-2 zone. Scarcelli stated that condition of approval #4 in the written staff report should be stricken. Staff recommend approval.

Jeremy Twaddle represented Mountain View Estates. Twaddle stated that a minor change was made to the height restriction on lot 3.

No public comment.

Parmelee/Windsor moved to APPROVE findings:

- a. That the proposed minor subdivision final plat complies with the comprehensive plan by providing for the development of additional developable property with suitable access and utilities;
- b. That the proposed minor subdivision final plat complies with the Subdivision Code as conditioned; and
- c. That the minor subdivision final plat would not be injurious to the public health, safety, and welfare and further that the proposed Plat Notes and Conditions of Approval protect the harmony of use and the public's health, safety and welfare.

Motion PASSED 5-0.

Hughey/Parmelee moved to APPROVE the minor subdivision final plat of Mountain View Phase III Subdivision. This approval is subject to the attached conditions of approval. The request is filed by Jeremy Twaddle, Managing Partner for Mountain View Estates, LLC. The owner of record is Mountain View Estates, LLC.

a. Conditions of Approval:

1. All applicable subdivision regulations, including but not limited to 21.12.010, 21.12.030, 21.32.160, and 21.40, 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 agreements regarding easements, maintenance, and building restrictions be referenced by a plat notation, and also recorded.
3. That the owners of adjacent Lot 9 and 10, if they have a property interest in the existing access and utility easements, agree and be a party to all future agreements regarding those existing access and utility easements.

Motion PASSED 5-0.

I

Public hearing and consideration of a conditional use permit for a marijuana consumption lounge at 1321 Sawmill Creek Road Suite K. The property is also known as US Survey 2729. The request is filed for Michelle Cleaver for Weed Dudes. The owner of record is Eagle Bay Inn, LLC.

Scarcelli described the location and tenants of the structure. Marijuana retail was approved for the site and is currently operating. The request is for a marijuana consumption lounge. The state regulating board continues to

postpone approval of guidelines for consumption lounges. Tourist season is near and tourists may not otherwise have a legal place to consume marijuana. Scarcelli stated that he has not heard back from the Municipal Attorney. Scarcelli stated that he does not recommend moving forward until he can discuss the matter with the Municipal Attorney. Scarcelli recommends to postpone the item to the next meeting.

Michelle Cleaver stated that she is trying to do the responsible thing and mitigate marijuana nuisances. Cleaver stated that Seattle is currently experiencing problems with people smoking in public, and she is concerned that tourists will smoke in our parks and on our sidewalks. Cleaver stated that the draft state regulations identify the maximum amount that people can consume on-site. Cleaver stated that a bud tender will monitor consumption levels, and she is considering a shuttle back to town. Scarcelli stated appreciation for Mrs. Cleaver's proactive approach to addressing on-site consumption issues. Scarcelli stated that in his correspondence with the state regulatory office, he has critiqued the slow process. Scarcelli stated he is willing to approve the applicant's building permit prior to conditional use permit approval if she is willing to accept the risk.

Scarcelli read a letter from Gary Smith, who was concerned for exhaust and impacts on the neighborhood.

Windsor/Pohlman moved to POSTPONE this request until the state promulgates rules.

Motion PASSED 5-0.

BREAK 8:08-8:15

J

Public hearing and consideration of a major amendment to a conditional use permit for marijuana cultivation at 4614 Halibut Point Road. The property is also known as Lot 3 Carlson Resubdivision. The request is filed by Aaron Bean for Green Leaf, Inc. The owners of record are Connor and Valorie Nelson.

Spivey stated that he has a business relationship with the property owner but receives no financial gain.

Scarcelli stated that this is a major amendment to an approved marijuana cultivation facility in order to add additional floor space for cultivation. The property has access via easement. Scarcelli stated that staff are not aware of any sensitive uses in the buffer area. Scarcelli stated that staff have not observed odor to be an issue. Green Leaf has two separate conditional use permits, one for cultivation and one for retail. Any future amendment to the retail conditional use permit, such as for on-site consumption, would require Planning Commission approval. Further, any addition to the cultivation conditional use permit would require Planning Commission approval. Staff recommend approval of the major amendment.

Aaron Bean, owner of Green Leaf, came forward. Bean stated that the additional square footage would be 1000 square feet.

No public comment.

Hughey/Windsor moved to **APPROVE** findings that the zoning code has been followed, that the comprehensive plan has consulted, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval for the proposed major amendment to the exiting marijuana cultivation conditional use.

Motion PASSED 5-0.

Hughey/Windsor moved to **APPROVE** the major amendment to the existing marijuana cultivation conditional use permit request filed by Aaron Bean at 4614 Halibut Point Road, in the C-2 General Commercial and Mobile Home zone. The property is also known as Lot 3 of Carlson Resubdivision. The owners of record are Connor K. Nelson and Valorie L. Nelson.

Conditions of Approval:

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish and associated municipal license or conditional use permit.
7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit
8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).
9. Odor Control shall include reasonable best means (such as high quality Commercial HEPA filter or HVAC systems) to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.
10. The proposed cultivation site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.
11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, complaints, police or other law or regulation enforcement activity, and summary of operations.
12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or

complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

Motion PASSED 5-0.

K

Public hearing and consideration of a conditional use permit request for a short-term rental at 112 Toivo Circle. The property is also known as Lot 7 Fleming Subdivision. The request is filed by John and Alison Dunlap. The owners of record are John and Alison Dunlap.

Pierson described the request. The applicants' intent is to rent out their 3 bedroom 3 bathroom single-family house until it is sold, although conditional use permits run with the land. Neighbors have raised concerns for bears, parking, and neighborhood impacts. Pierson stated that these concerns can be mitigated with conditions of approval, and staff recommend approval. Scarcelli stated that conditional uses are to be approved if there are not impacts or if impacts can be mitigated. Scarcelli stated that concerns for parking and bears have been brought up before for other properties and staff have created more strict conditions of approval in response. Scarcelli stated that if the conditions of approval are violated, staff would revoke the permit or issue warning when appropriate. Pohlman and Windsor asked about placing a condition of approval that the permit will expire when the property is sold. Scarcelli stated that staff are looking into sunset clauses, but it appears that Alaska errs on the side of private property rights.

John and Alison Dunlap came forward to represent their request. They have lived in the home since 2001 and are selling it since they are empty nesters and now live on a boat. John stated that the house has been on the market for 9 months and they would like to get some income until the house is sold. Alison stated that they intend to use VRBO and will have an outside housecleaner. Alison stated that it will be much quieter with a renter versus their large family.

Bruce White and Suzanne Shea stated that they live across from the applicant and have concerns. White stated that when they bought the house that the neighborhood could include vacation rentals. White stated that the neighborhood is a small area, and someone recently blocked him in his driveway. White has concerns for the neighborhood, dust, and congestion. White stated concerns for enforcement of conditions and management of trash. White stated he is here for the long-term but the short-term rental could impact resale of his house. Shea is concerned for the precedent for converting a residential property to commercial. Shea stated that she bought her house with the understanding that it is in a residential neighborhood.

Pierson read a letter of support from John Hardwick.

Morrison stated that he lives next door at 114 Toivo and stated that he shares some of the same concerns as Bruce White. Three other houses are not occupied year-round. If those houses were granted short-term rental permits, long-term residents would be outnumbered.

Hughey asked Scarcelli about sunset clauses, and Scarcelli stated that it is not an option. Scarcelli shared a case law example of adult oriented business in Anchorage. Scarcelli stated that there is potential for a temporary conditional use permit in the future but not in current code. Scarcelli recommended

against asking the applicants to voluntarily give up their permit upon sale as it could be considered a government taking.

Alison Dunlap stated that she understands her neighbors' concerns and that there have been several years when her family was the only family living on the street during the winter. Dunlap stated that the short-term rental would decrease traffic. Dunlap stated that she has a potential buyer and would be happy to see the permit expire once the house is sold. Dunlap stated that she believes renters will create minimal trash.

Hughey noted that this request is not significantly different than other short-term rental requests. Spivey and Hughey stated support for limiting density of short-term rentals. Scarcelli stated that staff will come back with a variety of options for managing short-term rentals. Parmelee stated that his neighborhood has long-term and short-term rentals, and the long-term rentals generate more traffic and can be otherwise problematic. Parmelee stated that at least with a short-term rental there is regular monitoring. Pohlman stated that the public process is important but she's uncomfortable that the permit is in perpetuity. Scarcelli stated that future owners may not know that the permit is in place.

Hughey/Parmelee moved to APPROVE findings that:

1. ...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, specifically, the lot exceeds size requirements and foliage provides buffers.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

Motion PASSED 5-0.

Hughey/Parmelee moved to APPROVE the conditional use permit application for a short term rental at 112 Toivo Circle subject to the attached conditions of approval. The property is also known as Lot 7 Fleming Subdivision. The request is filed by John and Alison Dunlap. The owners of record are John and Alison Dunlap.

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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

8. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.

9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional use permit shall be revoked.

10. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.

11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 5-0.

L PULLED - Public hearing and consideration of a conditional use permit request for a two-unit short-term rental at 3411 Halibut Point Road. The property is also known as Lot 9 US Survey 2752. The request is filed by Todd and Julie White. The owners of record are Todd and Julie White.

M Public hearing and consideration of a conditional use permit request for a short-term rental at 103 Scarlett Way. The property is also known as Lot 3A Wingert Subdivision Lot 3 and 4 Lot Line Adjustment. The request is filed by Ty and Valerie Barkhoefer. The owners of record are Ty and Valerie Barkhoefer.

Pierson described the request. The owners occupy the property and seek to rent out extra bedrooms when available, particularly during the summer. Three bedrooms and 2 bathrooms are available for renters in addition to a kitchen and living room. The lot is large and provides plenty of parking. Conditions of approval will address concerns for bears. Staff recommend approval.

Ty and Val Barkhoefer came forward to explain the request. Val stated that they have a large home and wish to rent out the extra space in the summer. Ty and Val stated agreement with conditions of approval.

Windsor/Parmelee moved to APPROVE findings that:

1. ...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, specifically, the large lot provides sufficient buffers between properties;.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

Motion PASSED 5-0.

Windsor/Parmelee moved to APPROVE the conditional use permit application for a short term rental at 103 Scarlett Way subject to the attached conditions of approval. The property is also known as Lot 3A Wingert Subdivision Lot 3 and Lot 4 Lot Line Adjustment. The request is filed by Ty and Valerie Barkhoefer. The owners of record are Ty and Valerie Barkhoefer.

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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
10. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 5-0.

N

Public hearing and consideration of a conditional use permit for a short-term rental at 1703 Edgecumbe Drive. The property is also known as Lot 9G Gibson Kitka Snowden Subdivision. The request is filed by Ryan and Greta Refshaw. The owners of record are Ryan and Greta Refshaw.

Spivey stated that he has a business relationship with the owner but has no financial gain at stake.

Pierson described the request. The structure is a duplex that accesses from Edgecumbe Drive. The owners live upstairs and they seek to rent the downstairs unit. The downstairs unit has two bedrooms and one bathroom. They wish to operate the short-term rental primarily during the summer and possibly have longer rentals during the off-season. Sufficient parking is available on-site. Staff recommend approval.

Ryan Refshaw stated that they would be managing the rental themselves. Refshaw stated agreement with the conditions of approval

Pierson read a letter from Christopher and Kamala Carroll with concerns for noise. The Carrolls stated that they would be okay if one unit was rented short-term and the owners lived on-site.

Parmelee/Hughey moved to APPROVE findings that:

1. ...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, specifically, the short-term rental will operate primarily during tourist season.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, through the provision of a rental overview.

Motion PASSED 5-0.

Parmelee/Pohlman moved to APPROVE the conditional use permit application for a short term rental at 1703 Edgecumbe Drive subject to the attached conditions of approval. The property is also known as Lot 9G Gibson Kitka Snowden Subdivision. The request is filed by Ryan and Greta Refshaw. The owners of record are Ryan and Greta Refshaw.

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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
10. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion PASSED 5-0.

VIII. ADJOURNMENT

Chair Spivey adjourned at 9:20 PM.

ATTEST: _____
Samantha Pierson, Planner I



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 17-15 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 4/27/2017 **In control:** Planning Commission
On agenda: 5/16/2017 **Final action:**
Title: Director's Report - May 16, 2017
Sponsors:
Indexes:
Code sections:
Attachments: [ADU Flyer Final](#)

Date	Ver.	Action By	Action	Result
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Looking to Improve Your Home? Consider an Accessory Dwelling Unit

Adding a second dwelling to your property is easier than you think

An accessory dwelling unit (ADU) is an independent housing unit that contains a kitchen, bedroom and bathroom and that is located on the same lot as a primary residence. ADUs can be up to 800 square feet (or more, with a conditional use permit!) and can be located above garages, in basements or on their own foundations. ADUs can be added to most residential properties in Sitka.



Great for your family

Rental Income – Long-term renters are a great source of supplemental income.

Family Housing – ADUs are commonly used to provide long-term housing for a family member, such as an aging parent or a young adult.

Great for Sitka

Affordable Housing – Adding a small secondary dwelling to your property can provide a sustainable housing solution for a fellow Sitkan.

Community Development – Diversification of Sitka's housing stock can contribute to an improved housing market and a healthier community.



Easier than you think!

ADUs are allowed in residential zones R-1 and R-2 as long as they meet the ADU Code requirements (see back).



Contact the **Building Department** to get a building permit application.
747-1832

ADUs require a conditional use permit from the Planning Commission if they do not meet the Code requirements or if the property is in a conditional residential zone (R-1, R-1 MH, R-1 LDMH, R-2, R-2 MHP).



Contact the **Planning Department** to get a conditional use permit application or answers to your questions on ADU code.
747-1814 / planning@cityofsitka.org

Can You Meet the 14 ADU Code Requirements? See Below to Find Out.

City of Sitka General Code 22.20.160.C

1. An ADU is a permitted use on lots served by a publicly maintained right-of-way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by rights-of-way that have not been accepted by the municipality or state of Alaska for maintenance.
2. ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than ninety consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.
3. ADUs shall meet all development, design, zoning and building requirements at the time of construction applicable to the primary dwelling unit, except as otherwise noted.
4. The ADU must be located on the same parcel as the primary dwelling unit.
5. Only one ADU is allowed per parcel.
6. Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.
7. ADUs shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.
8. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.
9. If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.
10. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.
11. The maximum size of an ADU shall be eight hundred square feet.
12. The following parking requirements are applicable for ADUs:
 - a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.
 - b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
 - c. On-street parking is prohibited.
 - d. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.
13. All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met.
14. Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off-street parking requirements.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: 16-00 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 3/22/2016 **In control:** Planning Commission
On agenda: 4/19/2016 **Final action:**
Title: Planning Regulations and Procedures.
Sponsors:
Indexes:
Code sections:
Attachments: [Planning Regulations and Procedures 4.4.17](#)

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

Creatures 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

Creatures 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

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:

Michael Scarcelli, J.D.
747-1815
Samantha Pierson
747-1814



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-08 **Version:** 3 **Name:**

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

File created: 3/29/2016 **In control:** Planning Commission

On agenda: 4/19/2016 **Final action:**

Title: Annual report for a short-term rental conditional use permit granted to Chuck McNamee for 101 Austin Street. No action required.

Sponsors:

Indexes:

Code sections:

Attachments: [101 Austin report 4.5.17](#)

Date	Ver.	Action By	Action	Result
4/19/2016	2	Planning Commission	APPROVED	Pass
4/19/2016	2	Planning Commission	APPROVED	Pass

CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
SHORT-TERM RENTAL &
BED & BREAKFAST
ANNUAL REPORT

DUE: April 20, 2017

APPLICANT'S Name: Charles McNamie
PHONE NUMBER: 970-208-2539
MAILING ADDRESS: 4256 HPR, Sitka 99835

OWNER'S NAME: Brenda Allen
(If different from applicant)

REGISTERED NAME OF BUSINESS WITH SALES TAX: Sitka Rock Suites
PHONE NUMBER: 970-208-2539
MAILING ADDRESS: 4256 HPR, Sitka, AK 99835

PROJECT ADDRESS: 101 Austin Street Sitka, AK 99835

LEGAL DESCRIPTION Lot: 1 Block: 4
Subdivision: Trinity Estates
U.S. Survey: 2691 Zoning Classification: R1

Date of Planning Commission approval: March 30, 2016

Date of activation of the conditional use permit: May 25, 2016

Number of nights a room in the bed and breakfast or short-term rental has been rented during the last 12 months: 29

Number of nights of bed taxes reported to the City of Sitka's Sales Tax Department: 29

SIGNATURE OF APPLICANT: Chuck McNamie DATE: 4/5/17

SIGNATURE OF OWNER: It's been sold. DATE: —
(If different from applicant)

The house has been sold, I will not be
using it for a short-term rental in the future.
Thanks, Chuck McNamie



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-04 **Version:** 1 **Name:**

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

File created: 5/2/2017 **In control:** Planning Commission

On agenda: **Final action:**

Title: Annual report for a conditional use permit granted to Frances Brann and Krystina Scheller for a short-term rental at 2116 Sawmill Creek Road. No action required.

Sponsors:

Indexes:

Code sections:

Attachments: [Brann Scheller report 4.25.17](#)

Date	Ver.	Action By	Action	Result
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CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
SHORT-TERM RENTAL &
BED & BREAKFAST
ANNUAL REPORT

DUE: April 20, 2017

APPLICANT'S Name: Frances Brann / Krystina Scheller
PHONE NUMBER: 907 747 0618
MAILING ADDRESS: 2116 Sawmill Creek Rd, Sitka, AK 99835

OWNER'S NAME: Frances Brann / Krystina Scheller
(If different from applicant)
REGISTERED NAME OF BUSINESS WITH SALES TAX: Welcome Home Vacations.
PHONE NUMBER: _____
MAILING ADDRESS: _____

PROJECT ADDRESS: 2116 SMC
LEGAL DESCRIPTION Lot: _____ Block: _____
Subdivision: _____
U.S. Survey: _____ Zoning Classification: _____

Date of Planning Commission approval: February 2016

Date of activation of the conditional use permit: June 2016

Number of nights a room in the bed and breakfast or short-term rental has been rented during the last 12 months: ± 50-60

Number of nights of bed taxes reported to the City of Sitka's Sales Tax Department: _____

SIGNATURE OF APPLICANT: Frances Brann DATE: 25th April 2017

SIGNATURE OF OWNER: Frances Brann DATE: 25th April 2017
(If different from applicant)



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-11 **Version:** 2 **Name:**

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

File created: 4/28/2016 **In control:** Planning Commission

On agenda: 5/17/2016 **Final action:**

Title: Annual report for conditional use permits granted to Northern Lights Indoor Gardens for marijuana retail and cultivation at 1321 Sawmill Creek Road Suites O and P. No action required.

Sponsors:

Indexes:

Code sections:

Attachments: [Northern Lights 4.20.17](#)

Date	Ver.	Action By	Action	Result
5/17/2016	1	Planning Commission	APPROVED	Pass
5/17/2016	1	Planning Commission	APPROVED	Pass

4/20/2017

Northern Lights Indoor Gardens
1321 Sawmill Creek Rd., Suite P
Sitka, AK 99835

Sitka City and Borough
Planning Commission
100 Lincoln street
Sitka, AK 99835

Dear Planning Commission,

Northern Lights Indoor Gardens was granted a conditional use permit in 2016 for our marijuana cultivation and retail store located at 1321 Sawmill Creek Rd., Suite O & P. We would like to give you a summary of our actions since receiving the conditional use permit.

Our cultivation received state licensing in October of 2016, we have been in operations since that time. We have not received any complaints regarding our cultivation from the public or neighboring businesses. We have welcomed city officials throughout the winter to visit our operation to get a better understanding of how we strive to keep any possible concerns under control.

Our retail store received state licensing in February of this year. We officially opened our retail store on February 11th. In the first quarter of 2017 we submitted \$8954.09 in city sales tax and \$23,836.15 in State of Alaska marijuana tax. We have not received any complaints from the public or neighboring business regarding our retail store. Our current store hours are 10am to 7pm Tuesday through Saturday and 12-4pm on Sundays. We do plan of extending our hours for the summer season.

Security and public safety is continuing to be top priority. Our alarm and camera systems are monitored and checked daily. We provide continuing education material regarding ID checking to our employees. Our windows into our businesses are non-transparent to guarantee persons under 21 years of age inability to see marijuana products or marijuana related products. Our employees are trained to educate customers about our marijuana products. We offer educational material provide by state run organizations to our customers regarding marijuana.

At some point in the future we would like to expand our store and our cultivation, and possibly apply for a manufacturing permit.

We thank you for your time,

A handwritten signature in purple ink, appearing to read "Micah Miller".

Micah Miller
Mike Daly
Northern Lights Indoor Gardens



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-17 **Version:** 2 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 5/19/2016 **In control:** Planning Commission
On agenda: 6/21/2016 **Final action:**
Title: Annual report for a conditional use permit granted to Paul and Lamoyne Smith for fabricated metal products in conjunction with permitted retail sales and miscellaneous repair at 4622 Halibut Point Road. No action required.

Sponsors:

Indexes:

Code sections:

Attachments: [Smith report 5.1.17](#)

Date	Ver.	Action By	Action	Result
6/21/2016	1	Planning Commission	APPROVED	Pass
6/21/2016	1	Planning Commission	APPROVED	Pass

May 1, 2017

To: Samantha Pierson, Planner I
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835

From: Paul and LaMoyne Smith, Business Owners
PO Box 1006
Sitka, AK 99835

Reference: 4622 Halibut Point Road, Annual Conditional Use Permit Report

Dear Ms. Pierson,

First of all, thank you for the "heads up" on the annual report. I would have easily forgotten this important task.

Our building site for Island Support Systems Corp., dba Guns of Alaska, is still under construction. However, we anticipate an occupancy date in mid June 2017, or sooner. All building permits and inspections have passed without delay; the only delay was the weather last winter (too cold to mount siding and excavate). All bank and personal funding has been funded without incidents.

We have complied with all legal licensing requirements: Alcohol, Tobacco and Firearms (ATF), Federal Firearms License; ATF building site inspection, City of Sitka sales tax license, and Builder's Risk Coverage Insurance.

We will provide a copy of the completed occupancy inspection by the Building Department when obtained.

We are available anytime to answer any other questions. We can be reached at 916-606-1808.

Sincerely,



L. Kay Smith



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 17-09 **Version:** 1 **Name:**

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

File created: 3/21/2017 **In control:** Planning Commission

On agenda: **Final action:**

Title: Public hearing and consideration of a conditional use permit for a marijuana consumption lounge at 1321 Sawmill Creek Road Suite K. The property is also known as US Survey 2729. The request is filed for Michelle Cleaver for Weed Dudes. The owner of record is Eagle Bay Inn, LLC.

Sponsors:

Indexes:

Code sections:

Attachments: [Weed Dudes 5.16.17](#)

Date	Ver.	Action By	Action	Result
4/18/2017	1	Planning Commission		



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Conditional Use Permit for Marijuana Consumption Facility at 1321 Sawmill Creek Unit K

Case No: CU 17-09
Proposal: Marijuana Consumption
Applicant: Michelle Cleaver for Weed Dudes
Owner: Eagle Bay Inn, LLC
Location: 1321 Sawmill Creek Road Unit K
Legal Desc.: US Survey 2729
Zone: C-2 General commercial mobile home
Size: 69,300 square feet
Parcel ID: 30450000
Existing Use: Commercial
Adjacent Use: Commercial, Industrial, and Residential
Utilities: Full Services
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Key Concern: The reality of the tourist season and the state delay in promulgating state regs regarding on-site consumption. To date, on-site consumption is not allowable. How to respond to this is critical issue before all other issues.
- **Note: On May 15, 2017 the state AMCO will hear and perhaps decide upon on-site consumption.**
- Odor: Applicant proposes and draft state regulations will require HVAC system filtration to mitigate odor impacts.
- Security: Applicant has already provided a security plan, high level steel bars, and other security means that mitigate any impact here.
- Waste management: little concern. Low level of waste production.
- On site traffic circulation and parking. Existing parking, with addition of stripes will adequately provide for efficient parking.
- No known state regulated sensitive uses within 500 feet. Though there are residential and commercial uses that families and children reside at or frequent.
- Annual report required.
- No other concerns about location or use outside of standard conditions.

RECOMMENDATION:

1. **If State adopts regulations for on-site consumption**, approve the conditional use permit subject to the attached conditions of approval.
2. **If state does not adopt regulations**, then postpone until certain date or event.

ATTACHMENTS

- | | |
|---------------------------|---------------------|
| A. Vicinity Map | G. Photos |
| B. Aerial Map | H. AMCO Application |
| C. Zoning Map | I. Application |
| D. Site Plan with Parking | J. Mailing List |
| E. Floor Plan | K. Proof of Payment |
| F. Existing Plat | L. Warranty Deed |

BACKGROUND/PROJECT DESCRIPTION

The proposal is for a marijuana consumption facility in a General Commercial Mobile Home zoning district (C-2) located at 1321 Sawmill Creek Road, Unit J & K. Therefore, the proposed use is subject to amending their existing conditional use permit to be able to operate subject to section 22.24.026.

The current operation is located on ground level and occupies unit J, which takes about 1,250 gross square feet. The expansion into a retail consumption lounge associated with the existing retail use proposes to expand into Unit K (currently Wood Dudes). It provides a restricted public entrance, a consumption room with bud bar, and restricted access for support area.

ANALYSIS

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

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

First, our Department does not have traffic engineering software to calculate traffic impacts, nor does it have the equipment to conduct or own objective traffic studies. However, I was able to glean information from other objective traffic studies. Using a study from Boulder, Colorado, marijuana retail was studied with actual traffic and parking observations and also compared and contrasted to similar businesses to calculate a range of traffic and parking impacts. Using observation and modeling, the average trips to a specific retail location per day ranged from 100 to 321; during the highest am hour, the range was .4 to 14.33, and in the highest pm hour the range was 14 to 48. Note: there was less of a correlation between retail size and traffic impacts, instead that seemed to be determined more by market variables (such as supply, demand, density of similar uses in area).

So what does this mean? It means that these uses will produce similar parking and traffic demand as any other retail use would see in a given market. Weed Dudes would need to provide 4.16 parking spaces for its gross floor area per code. At a moderately high level of sales and trips per hour, the spaces should cover most hours of operation. Some hours of highest demand may need additional spaces to provide for employees and clientele. CUPs can address parking impacts by creating specific additional conditions to address parking,

¹ § 22.24.010.E

such as the condition recommending a parking plan with striped parking stalls to be completed and submitted (this is currently a code requirement anyway). 7 spaces should be sufficient.

b. Amount of noise to be generated and its impacts on surrounding land use:

There is no objective analysis regarding noise. Subjectively, retail use would not appear to create any noise impacts to a General Commercial Area any more so than other commercial uses. In reviewing other planning analysis of such marijuana retail uses, I found no concerns about noise impacts in commercial zones.

c. Odors to be generated by the use and their impacts: Odors are a concern.

There is difficulty ascertaining the quantitative, objective impact of marijuana odor. Subjectively, some may like the odor – whether as an odor alone or compared to other noxious odors that may be found in commercial and industrial areas.

Drafts of state regulations for onsite-consumption for retail include ventilation requirements. City staff have proposed conditions of approval that incorporate those potential and mandate some form of high-grade commercial ventilation whether HVAC or HEPA filtration.

d. Hours of operation: Unknown. Applicant shall include these. Note: General Commercial zones anticipate a range of commercial uses that tend to operate into evening hours (e.g. restaurant, hotel, theatre, etc). Reasonable hours that are in line with the theatre would not result in adverse impacts to the surrounding land uses.

e. Location along a major or collector street: Located along a state highway, Sawmill Creek Road, which is adequate for the proposed use.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Proposed use is in an existing building. The use itself will not create or alter any access.

g. Effects on vehicular and pedestrian safety: None anticipated or identified.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Part of the operating plan will include emergency access. Due to operating plan and regulations, emergency access may be better than average use. Positive impact only.

i. Logic of the internal traffic layout: Property has proper layout; If 107 spaces are provided in the front, rear, and side for the entire plaza, and 10 are reserved for Weed Dudes, staff feels that will be adequate.²

j. Effects of signage on nearby uses: None anticipated.

² Staff applied retail, office, storage, hotel, theatre, and mfg. use rates to existing units A through P, applying staff generated gross square footage of an average of 25 feet by 50 feet for each unit. All units were accounted for. Storage was applied for upstairs as a default due to unknown use. Regardless, this is a fair parking analysis and meets in the middle (compromise) and property can support 107 spaces (and some).

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Existing lot orientation is proper. In terms of state buffer, there is residential use on site and adjacent vicinity that could be impacted by odor or other impacts of marijuana retail use.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: There are many goals, policies, and objectives that this proposal could fall under, these include but are not limited to: 2.1.2 economic growth, 2.1.3 foster quality family life (condition to protect these), 2.1.10 diverse and vital local job base, 2.1.13 diversified industry and utilizing Sitka's resources for best return on investment (renewable electricity), 2.2.1 economic base, 2.2.3 produce high quality goods, 2.2.5 protect health and welfare of community (through conditions), 2.2.10 respect social and community values (70% support recreational marijuana), 2.3.6 focus on waste water and watershed protection (though conditions and operating plan), 2.4.1 orderly use, 2.4.4 resolve conflicts of use through public process, and 2.6.2 commercial development without substantial negative impacts (through conditions and regulations). Overall, the conditional approval with appropriate conditions and default state regulations appears to offer the best economic development by providing jobs, tax revenue, utilizations of electricity that has extra supply, comports with existing community values, and creates harmony of use for the area.

Some of the positive impacts include increasing jobs directly and indirectly through on-site employees, contractors for building and business design, sale tax revenue, tourism incentives, and sale of electricity. Potential negative impacts are adequately mitigated through stringent state regulations incorporated into the municipal conditional use permit via security protocols, tracking system, diversion protocols, camera and security features, odor control, other means.

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

1. Any impact or criteria that surfaces through public comment, planning staff review, or planning commission review.³

Safety: Building and occupational safety will be reviewed by the Building Department and Fire Marshal. In addition, default conditions address safety concerns.

1. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.

2. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.

In addition, all public, health and safety has been adequately addressed with the operating plan and proposed conditions regarding parking compliance and odor control. Emergency access, security, and diversion programs⁴ have all addressed any other potential safety concerns.

³ §22.24.026(D)(2)

Parking: Per section 22.20.100, the applicant shall provide parking in compliance with code. The code requires 1 space per 300 gross square feet of retail floor space. Staff assumes the retail, lounge, and storage components of the proposal would require about **8 spaces**. Due to certain unknowns and potential for higher demand that may result in negative impacts. Staff believes requiring **10 parking** spaces and an overall parking plan, and the striping⁵ of 107 on-site parking spaces that comply with code for the entire plaza would be sufficient and fair and mitigate any potential adverse impacts.

Marijuana 500 Foot Buffers

The state requires a 500 foot buffer from sensitive uses that include educational facilities, recreational centers, youth centers, churches, or correctional facilities. This is measured in different ways. Educational, recreation center, and youth center type uses are measured from the public entrance of the marijuana establishment to the outer boundary of the sensitive use by the shortest pedestrian route (determined by State AMCO Board); or 2) from the public entrance of the marijuana establishment to the main public entrance of the religious or correctional facility measured by the shortest pedestrian route (determined by State AMCO Board). There are no state regulated sensitive uses that staff is aware of per site visit. However, this is conditioned to comply with state buffers and burden is upon applicant.

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions: ⁶

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

⁴ Applicant has provided and will be required by state and municipal condition of approve to provide a tracking system, handler's education, and other mitigation measures to avoid illegal diversion of product, safe handling, and security.

⁵ Striping where feasible, i.e. on concrete pads and not for gravel area.

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

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.

Specific Guidance from 22.24 on Findings for Marijuana Uses⁷

Findings of Fact: Upon review and considerations of the required criteria, the Planning Commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.

1. If such a finding can be made, then the proposed use shall be approved with standard regulations, dimensions, and setbacks.

2. In the alternative, where the Planning Commission finds negative impacts are present, the Planning Commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. ***These conditions of approval shall be case by case specific and in addition to the standard regulations.***

⁷ §22.24.026(E)

3.If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval than the Planning Commission shall so find and deny the proposed conditional use permit.

RECOMMENDATION

It is recommended that the Planning Commission adopt staff's analysis and required findings as found in the written staff report.

Recommended Motions

If state does not adopt state regulations for onsite consumption, then move to postpone hearing and deliberation until date or event certain.

If state adopts regulations for onsite consumption:

1. I move to find that the permit complies with all existing zoning code, the comprehensive plan, and that there are no negative impacts present that have not been adequately mitigated by the attached conditions of approval.
2. I move to approve the conditional use permit amendment request filed by Michelle Cleaver for onsite-marijuana consumption at 1321 Sawmill Creek Road, Unit J & K, in the C-2 General Commercial and mobile home zone subject to the conditions of approval. The property is also known as U.S. Survey 2729. The owner of record is Eagle Bay, LLC.

Required Standard Conditions of Approval:⁸

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal Building Official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the Fire Marshal or their designee and the Building Official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the Municipality and shall comply with all standard & required accounting practices.

⁸ §22.24.026(C)

6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.

7. All approved conditional use permits shall comply with all Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit

Additional Recommended Conditions

8. Applicant shall provide a Parking Plan that complies with Section 22.20.100 for all uses present and proposed at the current property including striped parking spaces where feasible (i.e. concrete or asphalt areas).

9. Odor Control shall include reasonable best means (such as high quality Commercial HEPA filter or HVAC system) to limit and mitigate odor impacts to surrounding uses. Should a meritorious odor complaint be received, the Planning Commission may require additional odor control measures to mitigate any actual negative impacts.

10. The proposed site shall not be located within 500 feet of any school grounds, recreation or youth center, religious service building, or correctional facility that was legally established prior to approval of this conditional use permit as intended by licensing restriction and regulations of the state in 3 AAC Chapter 306.

11. The permittee shall report, annually, to the planning commission on gross sales, sales tax amounts, complaints, police or other law or regulation enforcement activity, and summary of operations.

12. The permit is subject to review should there be a meritorious complaint, impact to public health safety or welfare, or violation of a condition of approval. The review may occur at the discretion of the Planning Director or by motion of the Planning Commission to address meritorious issues or complaints that may arise. During this review, based on the evidence provided, existing code and conditions of approval, the permit may be amended or revoked to address impacts to public health, safety, and welfare.

13. This conditional use permit shall not become effective until the state adopts regulations regarding on-site consumption and also approves the applicant's state license to include on-site consumption within her existing licensed retail facility. In other words, this permit is not valid until a condition subsequent of state permission occurs.





City & Borough of Sitka, Alaska

Selected Parcel: 1321 SAWMILL CREEK ID: 30450000

Printed on 4/29/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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



City & Borough of Sitka, Alaska

Selected Parcel: 1321 SAWMILL CREEK ID: 30450000

Printed 3/20/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Sawmill Creek Rd #1212 1321 Sawmill Creek Plot Diagram

Sawmill Creek Road

28 feet

Rear Alley

400 ft

A B C D E F G H I J L M N O P

Weed Dudes

Future Expansion
consumption lounge

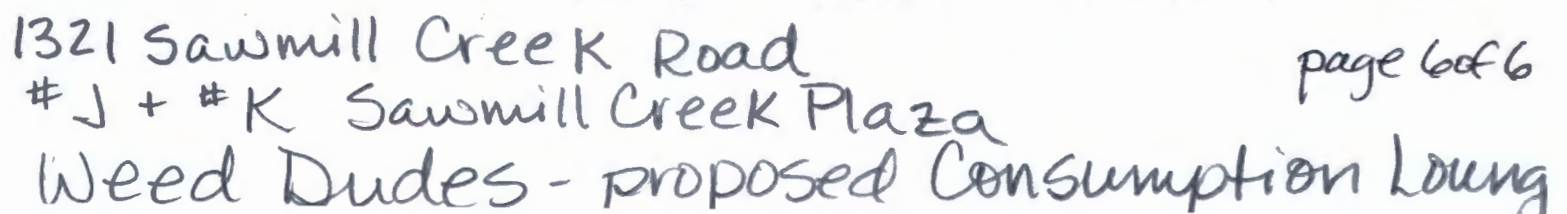
walkway

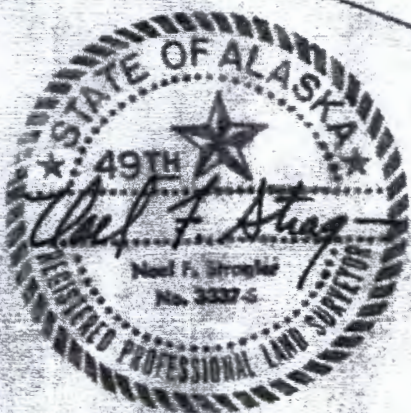
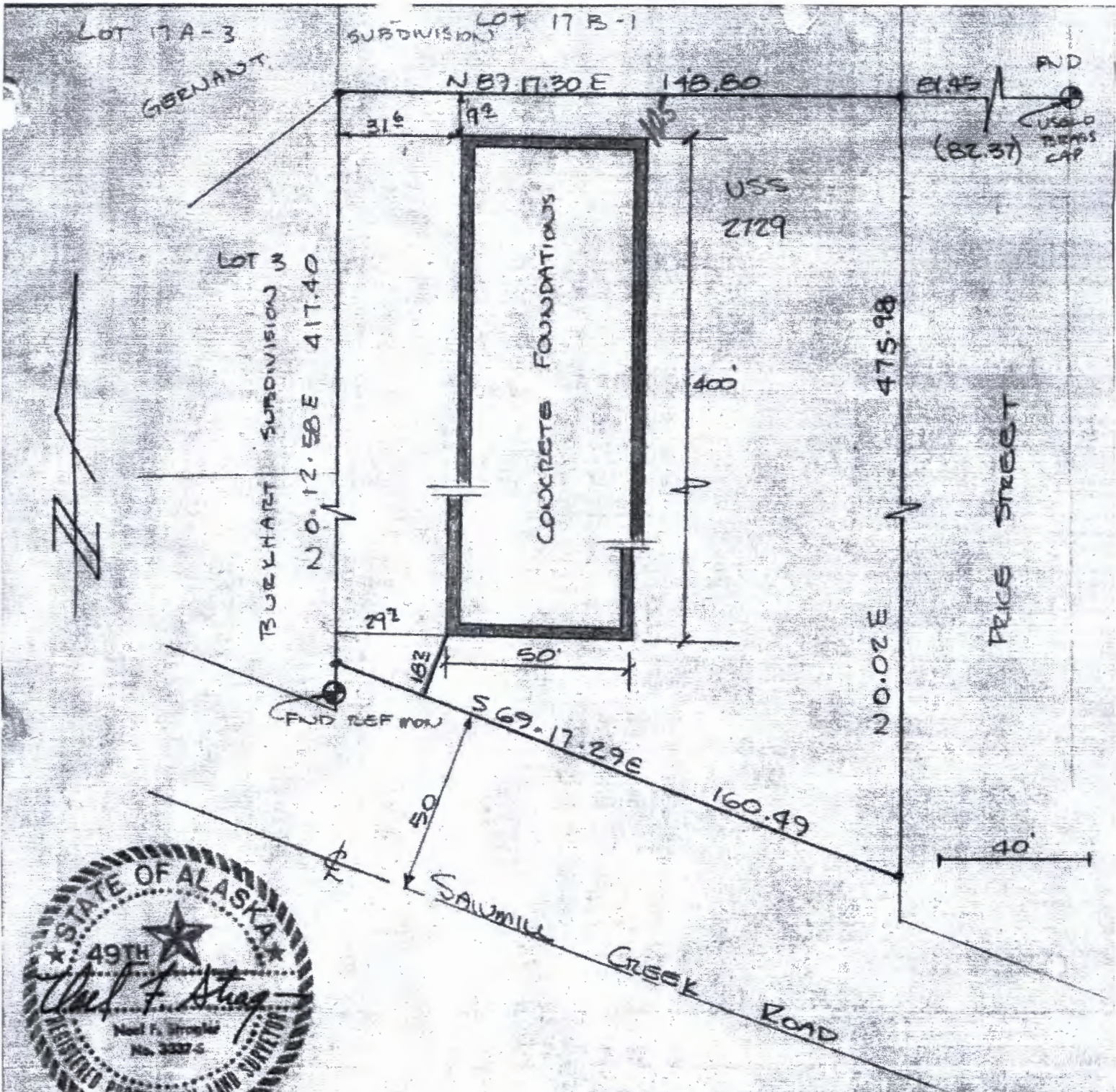
Parking

- ⊗ Deliveries
- △ Garbage Container
- ⊠ Public Entrance

Weed Dudes
1321 Sawmill Creek Rd #J
GPS 57.02.889 N
135.18.294 W

Price Street





I, NOEL F. STRAGIER, being a Registered Land Surveyor in the State of Alaska, having inspected USS 2729, hereby certify that the improvements located thereon lie wholly within the property lines and that improvements on adjacent properties do not encroach upon the subject property.

AS-BUILT PLOT PLAN

USS 2729

PREPARED FOR:

ORION-NORTH
Box 10-573

ANCHORAGE, ALASKA 99511

PREPARED BY:

STRAGIER

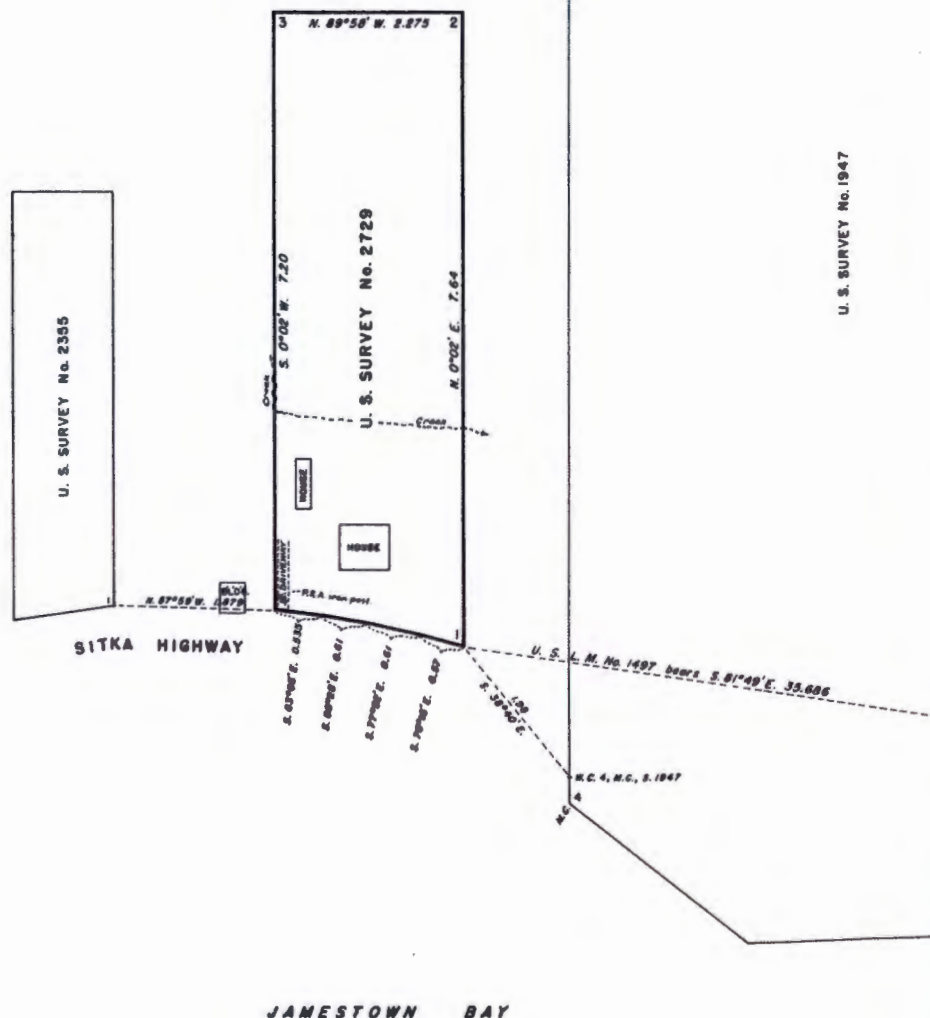
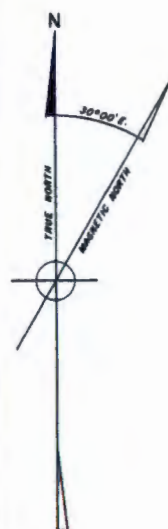
ENGINEERING SERVICES

P.O. Box 4558 Sitka, Alaska 99835

(907) 747-5833

DATE:

AUG '83



U. S. SURVEY No. 1947

U. S. SURVEY No. 2729, ALASKA

HOMESTEAD
OF
FRANCIS J. O'BRIEN

SITUATED
ON THE NORTH SIDE OF SITKA HIGHWAY ABOUT
1 1/2 MILES EAST OF SITKA

AREA: 1.69 ACRES
LATITUDE 57°02'51"N., LONGITUDE 136°10'11"W.
AT CORNER NO. 1

SCALE: 1 INCH EQUALS 1 CHAIN

SURVEYED BY
LEONARD B. DEMLIN, CADASTRAL ENGINEER
MAY 18, 1947

UNDER AUTHORITY OF
SPECIAL INSTRUCTIONS DATED NOVEMBER 26, 1946
AND APPROVED BY THE BUREAU OF LAND MANAGEMENT
DECEMBER 9, 1946

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

PUBLIC SURVEY OFFICE
JUNEAU, ALASKA, JULY 29, 1948

I HEREBY CERTIFY THAT THIS PLAT OF U. S.
SURVEY NO. 2729, ALASKA, IS STRICTLY CONFORMABLE
TO THE FIELD NOTES OF SAID SURVEY WHICH HAVE BEEN
EXAMINED AND APPROVED.

Daniel Ross
OFFICE CADASTRAL ENGINEER

WASHINGTON, D.C., JULY 10, 1951

THE SURVEY REPRESENTED BY THIS PLAT HAVING
BEEN CORRECTLY EXECUTED IN ACCORDANCE WITH THE
REQUIREMENTS OF LAW AND THE REGULATIONS OF THIS
BUREAU, IS HEREBY ACCEPTED.

FOR THE DIRECTOR
William F. Richards
CHIEF, BRANCH OF SURVEYS



OPEN

This is a
SMOKE FREE
BUILDING
Thank you
for not smoking

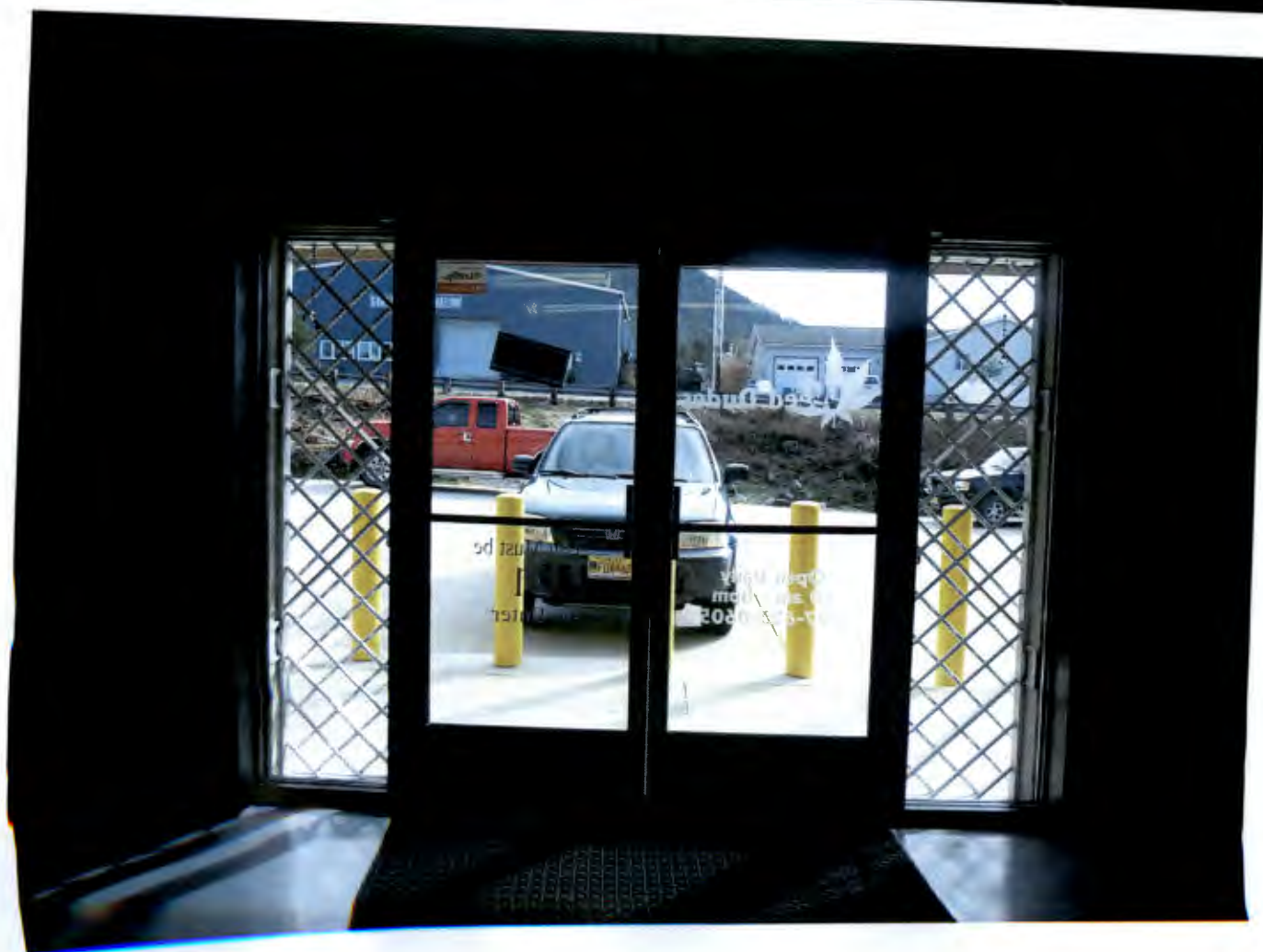
You Must be
21
to Enter

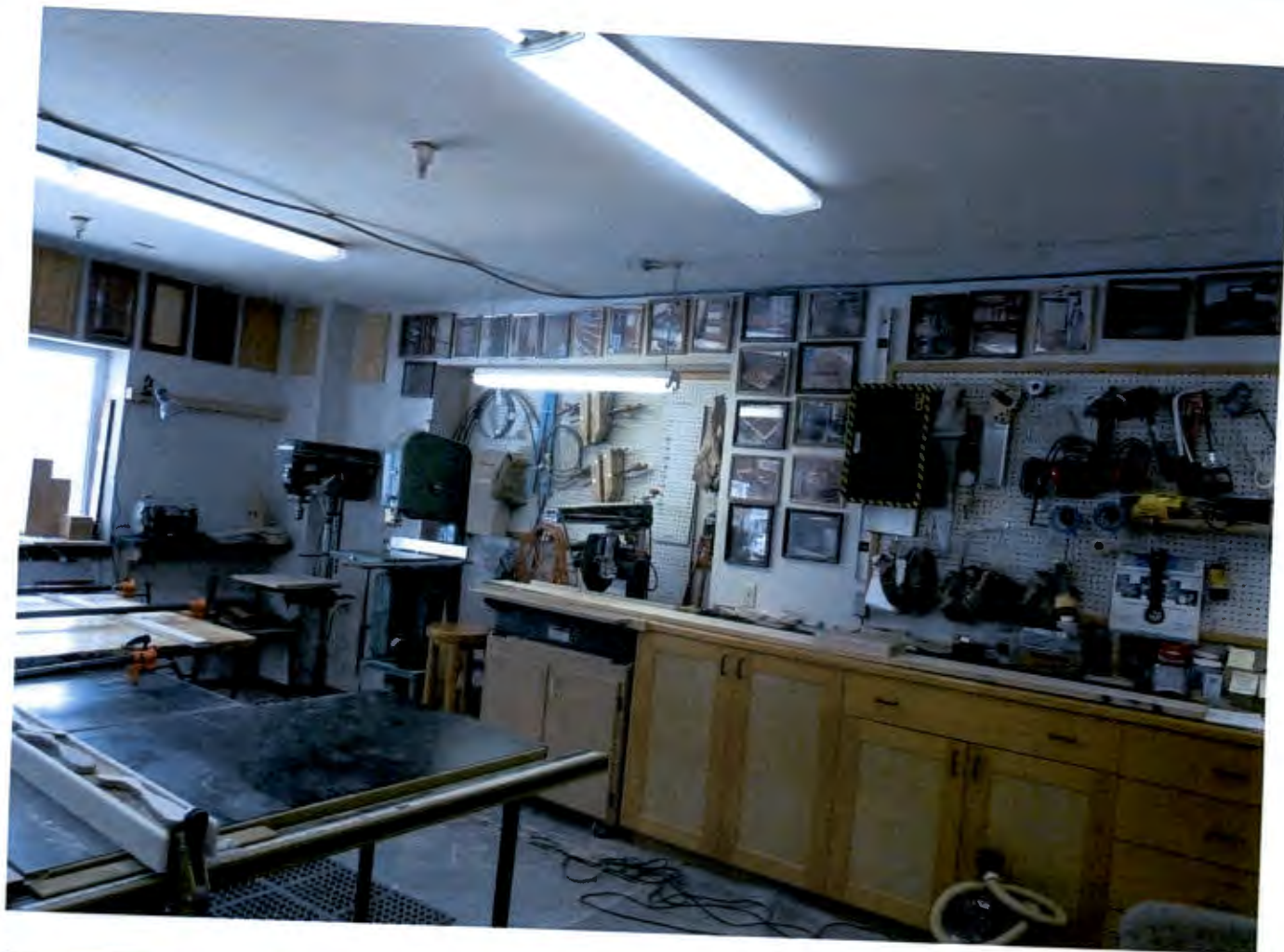














Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

What is this form?

This operating plan supplemental form is required for all applicants seeking a retail marijuana store license and must accompany the **Marijuana Establishment Operating Plan (Form MJ-01)**, per 3 AAC 306.020(b)(11). Applicants should review **Chapter 306: Article 3 of the Alaska Administrative Code**. This form will be used to document how an applicant intends to meet the requirements of those regulations. If your business has a formal operating plan, you may include a copy of that operating plan with your application, but all fields of this form must still be completed per 3 AAC 306.020 and 3 AAC 306.315(2).

What additional information is required for retail stores?

Applicants must identify how the proposed establishment will comply with applicable regulations regarding the following:

- Prohibitions
- On-site consumption
- Displays and sales
- Exit packaging and labeling
- Security

This form must be submitted to AMCO's main office before any retail marijuana store license application will be considered complete.

Section 1 – Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

Licensee:	Anna Michelle Cleaver	License Number:	10220		
License Type:	Retail Marijuana Store				
Doing Business As:	Weed Dudes				
Premises Address:	1321 Sawmill Creek Road #J & K				
City:	Sitka	State:	ALASKA	ZIP:	99835



Alaska Marijuana Control Board
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Form MJ-03: Retail Marijuana Store

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Section 2 – Prohibitions

Applicants should review 3 AAC 306.310 and be able to answer "Agree" to all items below.

The retail marijuana store will not:

Agree Disagree

Sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product in a quantity exceeding the limit set out in 3 AAC 306.355

☒ ☐

Sell, give, distribute, deliver, or offer to sell, give, distribute, or deliver marijuana or marijuana product over the internet

☒ ☐

Offer or deliver to a consumer, as a marketing promotion or for any other reason, free marijuana or marijuana product, including a sample

☒ ☐

Offer or deliver to a consumer, as a marketing promotion or for any other reason, alcoholic beverages, free or for compensation

☒ ☐

Allow a person to consume marijuana or a marijuana product on the licensed premises, except as provided in 3 AAC 306.305(a)(4)

☒ ☐

Describe how you will ensure that the retail marijuana store will not sell, give, distribute, or deliver marijuana or marijuana product to a person who is under the influence of an alcoholic beverage, inhalant, or controlled substance:

unchanged



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

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Phone: 907.269.0350

Section 3 – On-site Consumption

Yes No

Do you plan to request approval of the board with your initial application to permit consumption of marijuana or marijuana product in a designated area on the proposed premises?



If "Yes", describe how you ensure that only marijuana or marijuana products that were purchased at your proposed premises are being consumed, per 3 AAC 306.305(a)(4):

There will be a single entrance to the consumption lounge from the retail store. Please see attached premises diagram. Signs will clearly state that materials to be smoked in lounge must be purchased in lounge. Budtenders will allow patrons permission to enter once all rules are clearly understood. The customer will be able to purchase single grams in flower, 1/4 gr. in concentrates and no more than 10mg of edibles to consume in lounge. Any marijuana products left by customers will be disposed of in a safe and acceptable manner as described in Section 5 of Weed Dudes Operating plan MJ-01, page 12 and as required by 3 AAC 306.740.

Section 4 – Displays and Sales

Describe how marijuana and marijuana products at the retail marijuana store will be displayed and sold:

unchanged



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

Alcohol and Marijuana Control Office
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Anchorage, AK 99501
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Phone: 907.269.0350

Section 5 – Exit Packaging and Labeling

Review the requirements under 3 AAC 306.345, and identify how the proposed establishment will meet the listed requirements.

Describe how the retail marijuana store will ensure that marijuana and marijuana products sold on its licensed premises will meet the packaging and labeling requirements set forth in 3 AAC 306.345(a):

unchanged

Provide a sample label that the retail marijuana store will use to meet the labeling requirements under 3 AAC 306.645(b):

unchanged



Alaska Marijuana Control Board
Operating Plan Supplemental
Form MJ-03: Retail Marijuana Store

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Section 6 – Security

Identification Requirement to Prevent Sale to Person Under 21 (3 AAC 306.350):

Describe the retail marijuana store's procedures for ensuring a form of valid photographic identification has been produced before selling marijuana or marijuana product to a person, per 3 AAC 306.350(a):

unchanged

I declare under penalty of perjury that I have examined this form, including all accompanying schedules and statements, and to the best of my knowledge and belief find it to be true, correct, and complete.

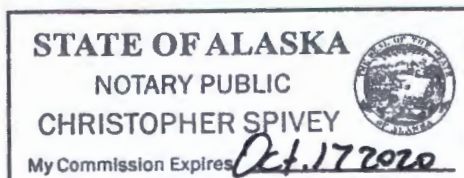
Anna Michelle Cleaver

Signature of licensee

Anna Michelle Cleaver

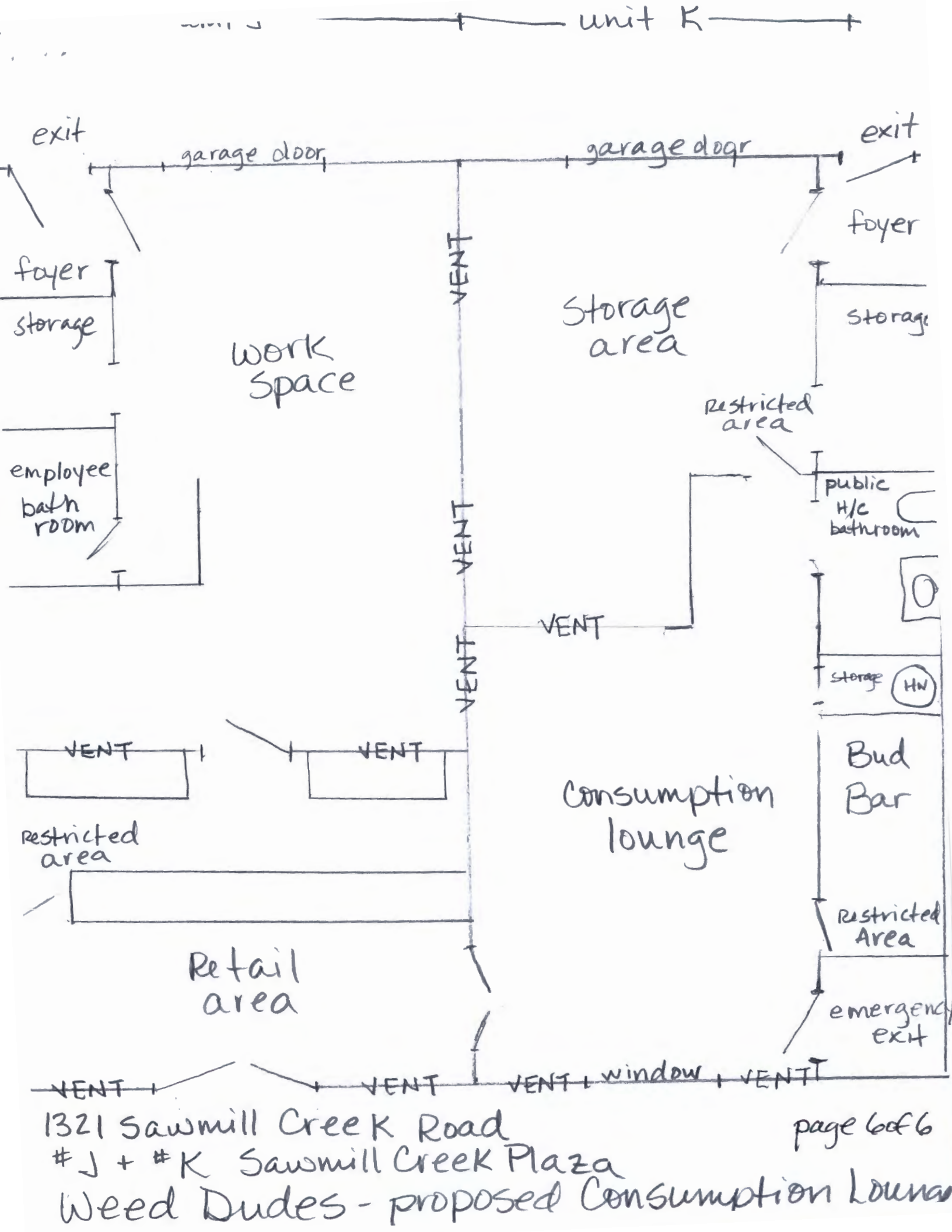
Printed name

Subscribed and sworn to before me this 17th day of March, 2017.



[Signature]
Notary Public in and for the State of Alaska.

My commission expires: Oct 17 2020



Weed Dudes - proposed Consumption Lounge



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: Expansion of Weed Dudes into unit #K of SMC Plaza allowing addition of consumption lounge of Retail MS store

PROPERTY INFORMATION:

CURRENT ZONING: C-2 PROPOSED ZONING (if applicable): _____
CURRENT LAND USE(S): Commercial PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: ~~Anna~~ Eagle Bay Inn/Vicki Brown
PROPERTY OWNER ADDRESS: 1321 SMC #C - Sitka, AK 99835
STREET ADDRESS OF PROPERTY: 1321 SMC #J + #K - Sitka, AK 99835
APPLICANT'S NAME: Anna Michelle Cleaver dba Weed Dudes
MAILING ADDRESS: 1321 SMC #J - Sitka, AK 99835
EMAIL ADDRESS: weeddudessitka@gmail.com DAYTIME PHONE: (907) 623-0605 shop
(907) 738-6423 cell

PROPERTY LEGAL DESCRIPTION:

TAX ID: 30450000 LOT: _____ BLOCK: _____ TRACT: _____
SUBDIVISION: _____ US SURVEY: US Survey 2729
specifically suite J + K

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.

Ricki H. Brown
Owner

3-20-17
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.

Michelle Cleaver
Applicant (If different than owner)

3/20/17
Date

WEED DUDES
Michelle Cleaver
1321 Sawmill Creek Road, #J
Sitka, AK 99835
(907)623-0605 shop
(907)738-6423 cell
Email: weeddudessitka@gmail.com

March 20, 2017

City & Borough of Sitka
Planning and Zoning
100 Lincoln St.
Sitka, AK 99835

Dear Planning and Zoning,

I currently have a Retail Marijuana License and sell marijuana at the Sawmill Creek Plaza. I have recently applied for a consumption lounge license with the State of Alaska. This would allow patrons of my store to purchase small quantities of marijuana on site and consume it.

I would like the Planning and Zoning to approve this idea. I feel with the incoming tourist trade it would be a wise thing to consider. I would like to give a visitor to our town a safe and private place to consume a legal substance, without becoming a public nuisance. It would be sad to sell a short term visitor a legal joint, but not offer a safe haven to smoke it, force them into the park to find a good tree to hide behind and smoke their purchase.

I would install a top level, engineer approved HVAC system that would remove all traces of odor and would scrub the air before releasing it outside.

I have included a copy of State regulations regarding a consumption lounge. Please feel free to contact me if I can provide any further information.

Sincerely,

A handwritten signature in purple ink that reads "Michelle Cleaver". The script is cursive and fluid.

Michelle Cleaver
Weed Dudes



Chapter 306. Marijuana Control Board

Words in **boldface and underlined** indicate language to be added

Words [CAPITALIZED AND BRACKETED] indicate language being deleted

3 AAC 306.365. Onsite consumption endorsement for retail marijuana stores. (a)

An applicant for an onsite consumption endorsement must file an application on a form the board prescribes, including the documents and endorsement fee set out in this section.

(b) An application for a new or renewal onsite consumption endorsement must include

(1) the name of the applicant and DBA and license number of the retail marijuana store requesting the endorsement, along with the applicant's state business license number issued under AS 43.70;

(2) the applicant's operating plan, in a format the board prescribes, describing to the board's satisfaction the marijuana retail store's plans for

(A) security;

(B) ventilation. **Ventilation plans for consumption that includes inhaling must be signed and approved by a licensed mechanical engineer;**

(C) isolation of the marijuana consumption area from other areas of the retail marijuana store;

(D) disposal or child resistant packaging of unconsumed marijuana; and

(E) preventing introduction into the consumption area of marijuana or marijuana products not sold by the retail marijuana store.

(3) a detailed premises diagram showing the location of

(A) serving area or areas;

- (B) ventilation exhaust points if applicable;
- (C) doors, windows or other exits;
- (D) access control points; and
- (E) adequate separation from non-consumption area(s) of the marijuana

retail store.

(4) An application for a new on-site consumption endorsement must meet the requirements of 3 AAC 306.025(b) and include in that notice the license number of the retail marijuana establishment requesting the endorsement.

(c) The non-refundable fee for a new or renewal onsite consumption endorsement is \$1000.

(d) A retail marijuana store that is issued an onsite consumption endorsement under this section is authorized to sell marijuana and marijuana product to patrons for consumption on the licensed premises in an area separated from the remainder of the premises by a secure door and containing a separate ventilation system. The holder of a marijuana retail store onsite consumption endorsement may sell for consumption on the premises

(1) marijuana bud or flower in quantities not to exceed one gram to any one person in a single transaction;

(2) edible marijuana products in quantities not to exceed 10mg of THC to any one person in a single transaction;

(3) marijuana concentrates intended for inhalation in quantities not to exceed .25 grams to any one person in a single transaction;

(4) food or beverages not containing marijuana;

(e) The retail marijuana store holding an onsite consumption endorsement under this chapter must

- (1) destroy all unconsumed marijuana left abandoned or unclaimed in the marijuana consumption area in accordance with their operating plan and 3 AAC 306.740;
- (2) maintain a ventilation system that directs air from the onsite consumption area to the outside of the building through a filtration system adequate to reduce odor;
- (3) restrict access to the onsite consumption area to persons not less than 21 years of age;
- (4) monitor patrons for overconsumption;
- (5) provide written materials containing marijuana dosage and safety information for each type of marijuana or marijuana product sold for consumption in the onsite consumption area at no cost to patrons ; and
- (6) assure that consumers purchasing marijuana or marijuana product sold for consumption in the marijuana consumption area have access to the label for that marijuana or marijuana product as required in 3 AAC 306.345.

- (f) The holder of a marijuana retail store onsite consumption endorsement may not
- (1) allow any employee or agent to consume marijuana or marijuana product during the course of a work shift;
 - (2) allow intoxicated or drunken persons to enter or to remain on premises;
 - (3) sell, give or barter marijuana or marijuana product to an intoxicated or drunken person;
 - (4) allow a person to consume marijuana or marijuana product not purchased for consumption in the consumption endorsement area licensed retail facility;

(5) allow a person to introduce marijuana or marijuana products onto the premises of a retail marijuana store which was obtained off of the licensed premises

(6) offer or deliver, as a marketing device to the general public, free marijuana or marijuana product to a patron;

(7) deliver marijuana or marijuana product to a person already possessing marijuana or marijuana product that was purchased for consumption on the premises;

(8) sell, offer to sell, or deliver marijuana or marijuana product at a price less than the price regularly charged for the marijuana or marijuana product during the same calendar week;

(9) sell, offer to sell, or deliver an unlimited amount of marijuana or marijuana product during a set period of time for a fixed price;

(10) sell, offer to sell, or deliver marijuana or marijuana product on any one day at prices less than those charged the general public on that day;

(11) encourage or permit an organized game or contest on the licensed premises that involves consuming marijuana or marijuana product or the awarding of marijuana or marijuana product as prizes; or

(12) advertise or promote in any way, either on or off the premises, a practice prohibited under 3 AAC 306.365(f)(5) – 3 AAC 306.365(f)(10) of this section.

(g) A person may remove from the licensed premises marijuana or marijuana product that has been purchased on the licensed premises for consumption under this section, provided packaging is resealed for removal from the premises by the consumer.

(h) Local governments retain a right to protest the issuance or renewal of individual retail marijuana store onsite consumption endorsements that is separate from the right to protest the

issuance of retail marijuana store licenses. Not later than 60 days after the director sends notice of an application for a new or renewal onsite consumption endorsement, a local government may protest the application by sending the director and the applicant a written protest and the reasons for the protest. The director may not accept a protest received after the 60-day period. If a local government protests an application for a new or renewal onsite consumption endorsement, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

(i) A local government may recommend that the board approve an application with a condition or conditions for a new or renewal onsite consumption endorsement. The board will impose a condition or conditions recommended by a local government unless the board finds any of the recommended conditions to be arbitrary, capricious, and unreasonable. If the board imposes a condition recommended by a local government, the local government will assume responsibility for monitoring compliance with the condition unless the board provides otherwise.

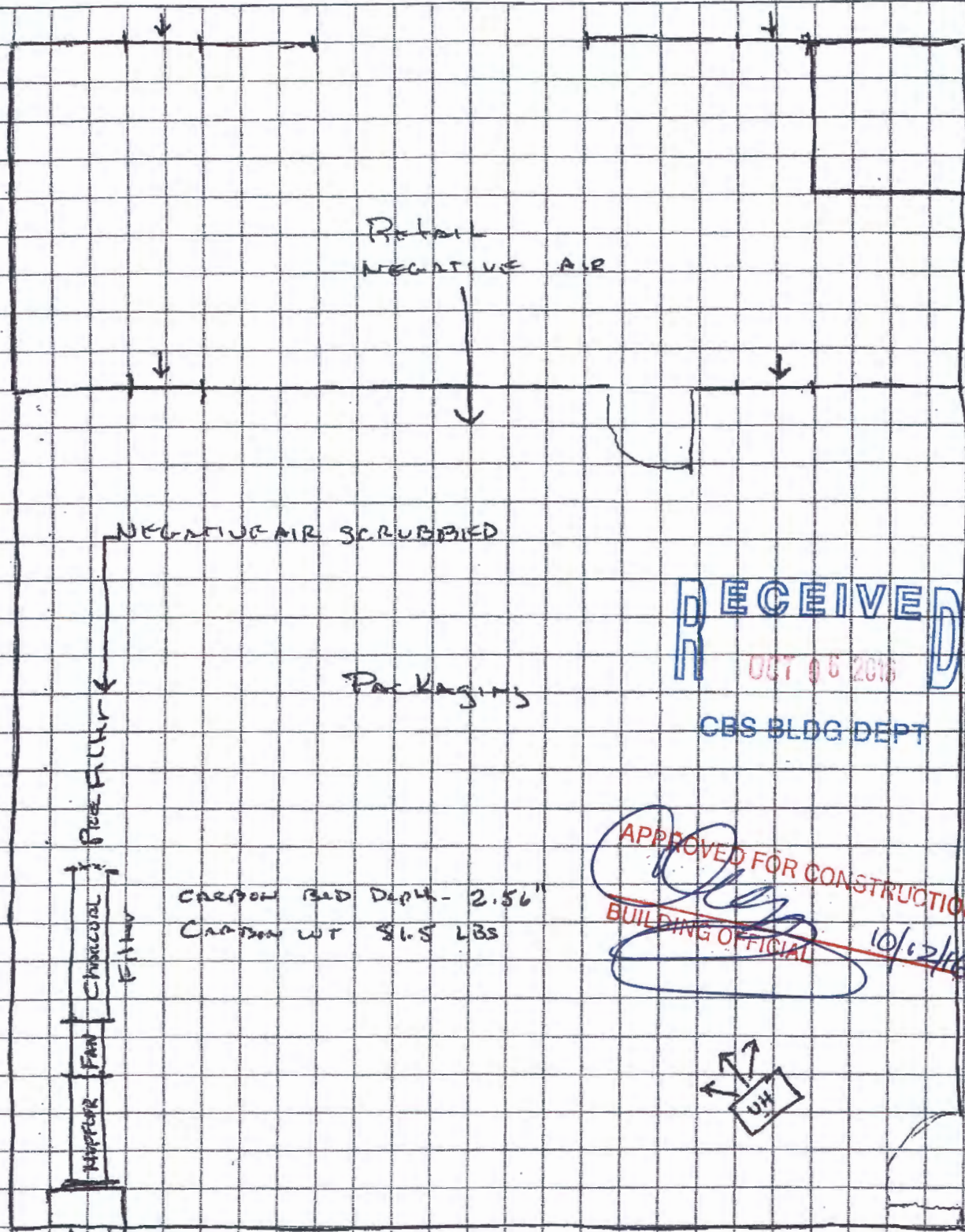
(j) The holder of an onsite consumption endorsement must apply for renewal annually at the time of renewal of the underlying retail marijuana store license.

3 AAC 306.990 (b)

(27) “marijuana consumption area” means an area within a retail marijuana store premises, where marijuana and marijuana products may be consumed.

(37) “retail marijuana store premises” means an area encompassing both the retail marijuana store and the marijuana consumption area.

12x6 PASSIVE AIR INTAKES



CARBON BED Depth - 2.56"
CARBON WT 81.5 LBS

APPROVED FOR CONSTRUCTION
BUILDING OFFICIAL
10/6/16

UH

12" Ø SS DUCT
up to ROOF

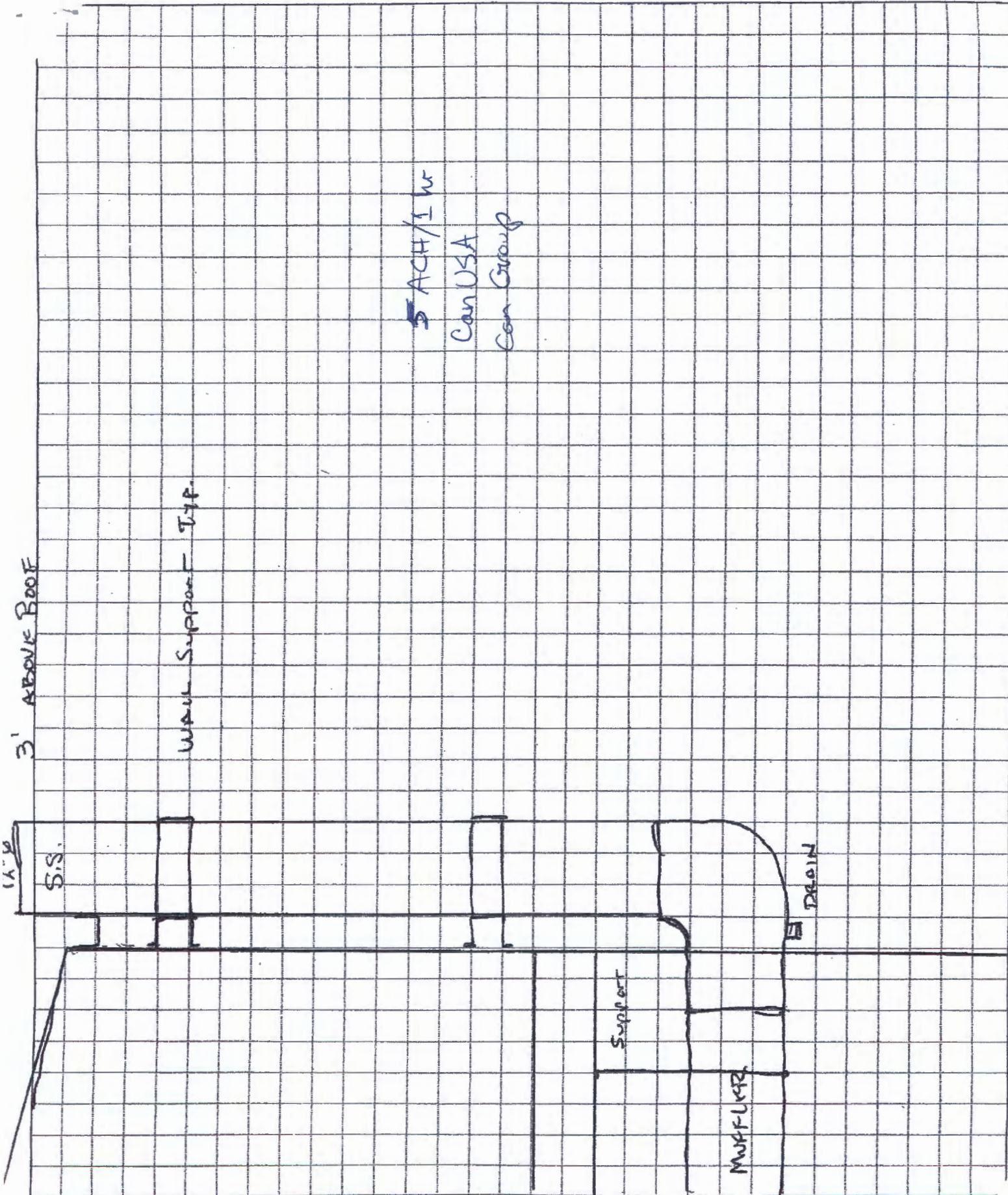
CARBON FILTER - MAX EX. CFM 840
PRE FILTER
16 1/2" Diameter 40" Long
103 LBS
P.D. .75

FAN Specs 1708 CFM - NOMINAL
898

Filtered
see IMC Table 403.3
Retail Stores - Sales
more extreme security/vault situations

OK
DRILL OK

PROJECT: WEED DUDIES	Schmolek Mechanical Contractors, Inc. P.O. BOX 8756 • 949 STEDMAN STREET KETCHIKAN, ALASKA 99901 (907) 225-6648 • FAX: (907) 225-0374	DRAWN BY JB DATE 10-5-2016 SCALE NTS	DRAWING # 1
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ACH/1 hr
Can USA
Can Group

PROJECT: WEED DUES	Schmolck Mechanical Contractors, Inc. P.O. BOX 8756 • 949 STEDMAN STREET KETCHIKAN, ALASKA 99901 (907) 225-6648 • FAX: (907) 225-0374	DRAWN BY	JB	DRAWING # 2
		DATE	10-5-2016	
		SCALE	NTS	

Parcel ID: 30385001
RONALD/KARI
HANDERSON/LUNDGREN
HANDERSON, RONALD & LUNDGREN,
KARI
2702 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30385033
CHARLES/THERESA OLSON/ALLEN-
OLSON
OLSON, CHARLES/ALLEN-OLSON,
THERESA
3009 HALIBUT POINT RD.
SITKA AK 99835

Parcel ID: 30408001
JUSTIN/SHEILA CLARK
CLARK, JUSTIN & SHEILA
149 PRICE ST,
SITKA AK 99835-9716

Parcel ID: 30409001
GARY/DEBRA SMITH
SMITH, GARY, L./DEBRA, J.
151 PRICE ST., #A
SITKA AK 99835

Parcel ID: 30420001
GORDON/CAROLE HELEM REV. TRUST
HELEM REV. TRUST, GORDON &
CAROLE
1314 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 30435000
DONNA DONOHUE
DONOHUE, DONNA
1315 SAWMILL CREEK RD, #A
SITKA AK 99835

Parcel ID: 30445000
CAROLINE REGIS
REGIS, CAROLINE, B.
77-6653 WALUA RD
KAILUA-KONA HI 96740

Parcel ID: 30450000
EAGLE BAY INN, LLC
EAGLE BAY INN, LLC
P.O. BOX 740301
NEW ORLEANS LA 70174

Parcel ID: 30460003
KEVIN/MELINDA BARRY
BARRY, KEVIN, & MELINDA
105 LILLIAN DR
SITKA AK 99835-9301

Parcel ID: 30460017
RANDY MORK
MORK, RANDY, L.
103 AUSTIN ST
SITKA AK 99835

Parcel ID: 30385002
TOM/ANITA MATTINGLY/BERGEY
MATTINGLY, TOM/BERGEY, ANITA
P.O. BOX 624
SITKA AK 99835-0624

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

Parcel ID: 30408002
JUSTIN/SHEILA CLARK
CLARK, JUSTIN & SHEILA
149 PRICE ST
SITKA AK 99835-9716

Parcel ID: 30409002
GARY/DEBRA SMITH
SMITH, GARY, L./DEBRA, J.
151 PRICE ST., #A
SITKA AK 99835

Parcel ID: 30428000
STATE OF ALASKA
STATE OF ALASKA
6860 GLACIER HWY
JUNEAU AK 99801

Parcel ID: 30440000
SHARON BALOVICH
BALOVICH, SHARON, L.
P.O. BOX 1396
SITKA AK 99835-1396

Parcel ID: 30446000
WAYNE/SARAH TARANOFF
TARANOFF, WAYNE & SARAH
104 ROCKFISH WAY
SITKA AK 99835

Parcel ID: 30460001
TINA ANDERSON
ANDERSON, TINA, P.
101 LILLIAN DR
SITKA AK 99835

Parcel ID: 30460004
NICHOLAS/ANGELI MACKIE
MACKIE, NICHOLAS, & ANGELINA
107 LILLIAN DR
SITKA AK 99835

Parcel ID: 30460018
RICHARD/KAREN KRUPA
KRUPA, RICHARD, L./KAREN, L.
P.O. BOX 3126
SITKA AK 99835-3126

Parcel ID: 30385031
115 HARVEST WAY LLC
115 HARVEST WAY, LLC
P.O. BOX 1401
SITKA AK 99835-1401

Parcel ID: 30406022
EUGENE/TRUDY PREWITT
PREWITT, EUGENE & TRUDY
P.O. BOX 1001
SITKA AK 99835-1001

Parcel ID: 30408005
P&L/R&M JONES/WHITE LIVING
TRUST
% JONES
JONES, P. & L./ WHITE, R. & M.
4118 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 30409003
GARY/DEBRA SMITH
SMITH, GARY, L./DEBRA, J.
151 PRICE ST., #A
SITKA AK 99835

Parcel ID: 30430000
EMILY/PAUL DAVIS
COLE'S TRAILER COURT
DAVIS, EMILY & PAUL
P.O. BOX 6186
SITKA AK 99835-6186

Parcel ID: 30441000
ADAM/KRIS CHINALSKI
CHINALSKI, ADAM & KRIS
2174 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 30447000
EAGLE BAY INN, LLC
EAGLE BAY INN, LLC
P.O. BOX 740301
NEW ORLEANS LA 70174

Parcel ID: 30460002
GRACE HWANG
HWANG, GRACE
107 DONNA DR
SITKA AK 99835

Parcel ID: 30460016
TIMOTHY GILLETTE
GILLETTE, TIMOTHY, D.
100 LILLIAN DR
SITKA AK 99835

Parcel ID: 30460019
MATTHEW SPETHMANN
SPETHMANN, MATTHEW, B.
20215 GLACIER PARK CIR
EAGLE RIVER AK 99577-8854

Parcel ID: 30460024
**MICHAEL/MELINDA BARTOLABA
BARTOLABA, MICHAEL & MELINDA
P.O. BOX 873
SITKA AK 99835-0873**

Parcel ID: 30460261
**MICHAEL HARMON
HARMON, MICHAEL
P.O. BOX 791
SITKA AK 99835-0791**

Parcel ID: 30462003
**AK PRESERVATION SAWMILL LTD
PRTNSHP
ATTN: GREGORY DUNFIELD
AK PRESERVATION SAWMILL LTD
PARTNERSHIP
520 PIKE STREET, STE 1010
SITKA AK 99835-0000**

Parcel ID: 30460025
**GARY/DAVID/D/R
BERNHARDT/VILANDRE/WHITE
BERNHARDT,G. & D., WHITE, &
VILANDRE
1511 HALIBUT POINT RD**

Parcel ID: 30461004
**COASTAL ENTERPRISE, LLC
COASTAL ENTERPRISE, LLC
P.O. BOX 2421
SITKA AK 99835-2421**

Parcel ID: 30490000
**THOMAS/DANINE WILLIAMSON
WILLIAMSON, THOMAS/DANINE J.
P.O. BOX 2135
SITKA AK 99835-2135**

Parcel ID: 30460260
**JEREMY/KRYSTAL STRONG
STRONG, JEREMY & KRYSTAL
143 LILLIAN DR
SITKA AK 99835**

Parcel ID: 30462002
**AK PRESERVATION SAWMILL LTD
PRTNSHP
ATTN: GREGORY DUNFIELD
AK PRESERVATION SAWMILL LTD
PARTNERSHIP
520 PIKE STREET, STE 1010
SITKA AK 99835-0000**

P&Z Mailing
April 7, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 3/20/17

To: Michelle Cleaver

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

Variance.....	
Conditional Use Permit.....	<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>5.00</u>
TOTAL.....	<u>105.00</u>

Thank you

PAID

MAR 20 2017

CITY & BOROUGH OF SITKA



WHEN RECORDED RETURN TO:

Name: Eagle Bay Inn LLC
Address: 41 West Blithedale Avenue
City, State, Zip: Mill Valley, CA 94941

QUITCLAIM DEED

THIS INDENTURE, made and entered into this date, April 22, 2009 by and between

RUDOLPH DANIEL KELLY, an unmarried man

whose mailing address is 41 West Blithedale Avenue, Mill Valley, CA 94941, GRANTOR, and

EAGLE BAY INN, LLC

whose mailing address is: 41 West Blithedale Avenue, Mill Valley, CA 94941, 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:

U.S. Survey 2729, Sitka Recording District, First Judicial District, State of Alaska, EXCEPTING THEREFROM that portion conveyed to the State of Alaska by right of way deed recorded March 15, 1954 in Book 10, Page 562, ALSO EXCEPTING THEREFROM any portion within the right of way of Sawmill Creek Road

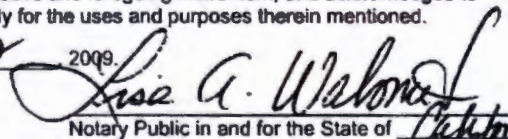
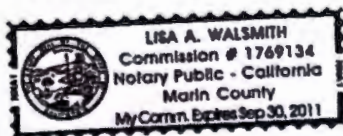
SUBJECT TO covenants, conditions, easements, restrictions, reservations and rights-of-way of record, if any.

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

Dated: April 22, 2009
RUDOLPH DANIEL KELLY

STATE OF California)
COUNTY OF Marin) ss.

On this day personally appeared before me: RUDOLPH DANIEL KELLY 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 ^{he} my hand and official seal on April 22, 2009.
Notary Public in and for the State of California
My commission expires: Sept. 30, 2011



CITY AND BOROUGH OF SITKA

Legislation Details

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

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

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

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

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

Sponsors:

Indexes:

Code sections:

Attachments: [Parker 5.16.17](#)

Date	Ver.	Action By	Action	Result
10/19/2016	2	Planning Commission	POSTPONED	Pass
9/20/2016	2	Planning Commission	POSTPONED	Pass
7/19/2016	2	Planning Commission		



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 16-21
Proposal: Request for short-term rental on a boat at Crescent Harbor 1-24
Applicant: Bruce and Ann-Marie Parker
Owner: City and Borough of Sitka
Location: 500 Lincoln Street
Legal: Portion of ATS 15
Zone: Public
Parcel ID: 1-0258-000
Existing Use: Public
Adjacent Use: Public, Residential, Commercial
Utilities: Existing
Access: Lincoln Street

KEY POINTS AND CONCERNS:

1. 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.
2. Other Major Points: As a new creature of code, this topic and code revision had some growing pains. To sum, applicants meets or exceeds necessary requirements for USCG, P&H, and Planning Commission.

RECOMMENDATION:

Staff recommends that the Planning Commission find CUP 16-21 to be consistent with Sitka General Code Title 22 and the Comprehensive Plan and to approve the conditional use permit application for a short-term rental on a boat at Crescent Harbor 1-24 at 500 Lincoln Street.

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

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

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

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

May 5, 2017 Update: The request is scheduled for Port and Harbors Commission review on May 10, 2017.

October 12, 2016 Update: Port and Harbors Commission (P&H) requested that short-term rental on boats applications go through P&H for recommendation before Planning Commission considers approval. As a result, staff recommend that the Commission postpone this item until Port and Harbors has considered the proposal and made a recommendation.

22.16.020 Public Lands District

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

ANALYSIS

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

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

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

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

c. Odors to be generated by the use and their impacts: Waste in sewage tanks may create odor; however, all boats with holding tanks may create the same issue.

d. Hours of operation: Year-round.

e. Location along a major or collector street: Boat accessed at Crescent Harbor.

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

g. Effects on vehicular and pedestrian safety: Renters may be unfamiliar with the harbor/boating environment. Potential impacts can be mitigated by the owners providing safety orientation.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same ability as if the boat was owner-occupied.

i. Logic of the internal traffic layout: Not applicable.

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

¹ Table 22.16.015-1

² § 22.24.010.E

³ Spack Consulting ITE Trip Generation Rates – 9th Edition

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Not applicable.

l. Relationship of the proposed conditional use to the goals, policies, and objectives of the Comprehensive Plan: Conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. Proposal also complies with Section 2.8.1, which emphasizes the “encouragement of sightseeing and non-consumptive tourism” by providing a unique experience for visitors. In addition, by adding short-term rentals to boats, this will take some of the demand off the stick-built housing market.

m. Other criteria that surface through public comments or planning commission review: The Harbormaster has indicated that waste must be disposed of properly. Renters may be noisy, which could be bothersome to other harbor users. In addition, this harbor is a working harbor that may be noisy for the tenants.

The Planning Commission has previously discussed concern that short-term rentals may reduce the availability and affordability of long-term rentals.

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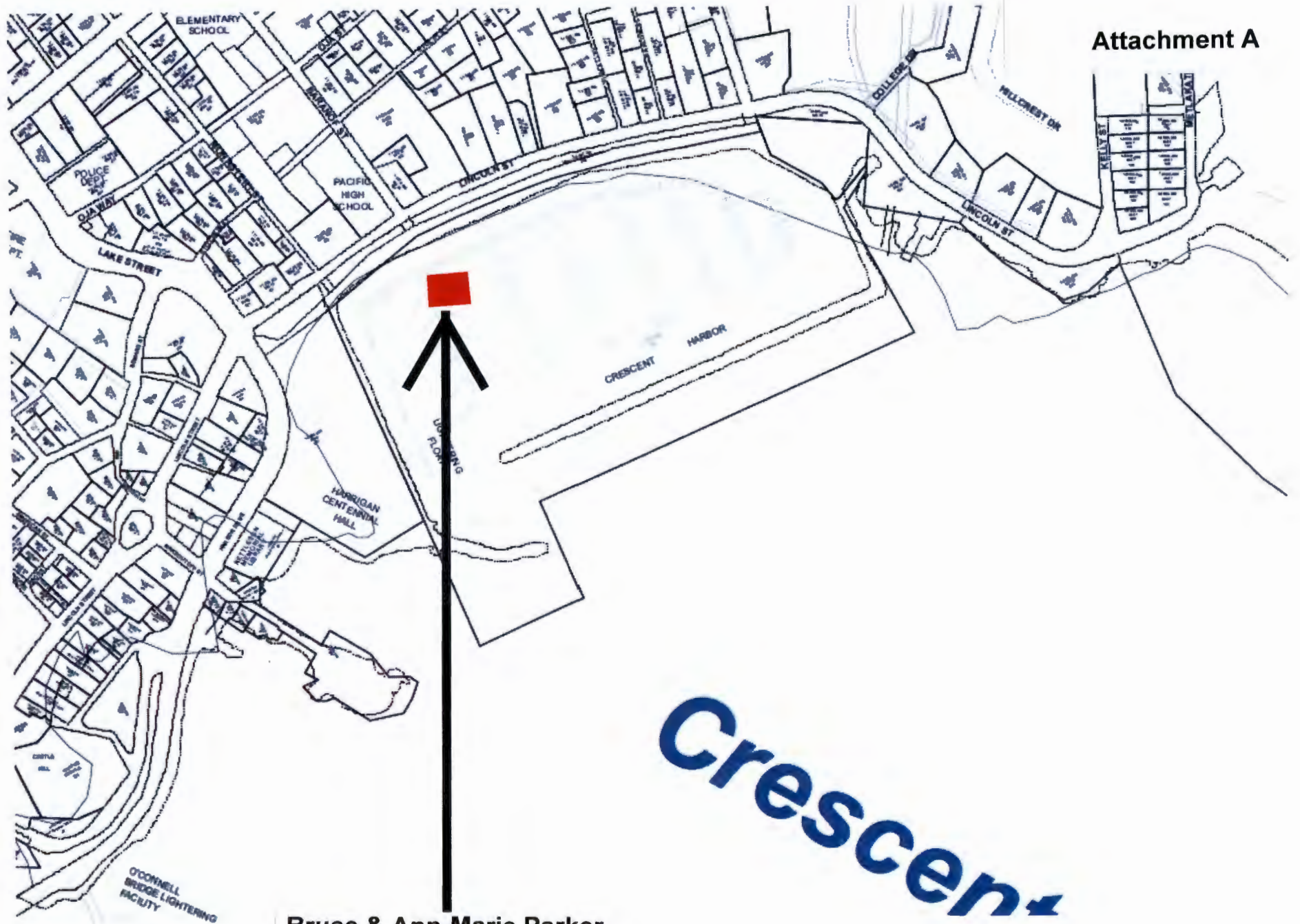
Recommended Motions: (two motions - read and voted upon separately)

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

Conditions of Approval:

1. Notification of renter on board vessel to Port and Harbor Department
2. Must pay live aboard harbor fees

3. \$100 Port and Harbors Annual short term rental fee
4. The facility shall be operated in compliance with harbor regulations concerning sewage disposal and all other matters.
5. The facility shall be operated consistent with the application and plans that were submitted with the request.
6. The facility shall be operated in accordance with the narrative that was submitted with the application.
7. The applicant shall submit an annual report every year to the Planning Commission and the Port and Harbors Commission, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
8. The Planning Commission and/or the Port and Harbors Commission, at their discretion and upon receipt of a meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
9. 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.
10. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
11. The property owner shall provide orientation information to all renters, which shall cover boat and water safety, ingress and egress, and proper waste disposal.
12. The boat must be approved by the CBS Harbor Department as a live aboard, and appropriate live aboard fees must be paid.
13. "Pursuant to SGC, Section 22.24.010(C)(2)(C), "Upon filing for sales tax and bed tax accounts, an owner shall obtain a life and safety inspection by the building department and shall comply with the requirements proposed by the department."
14. Shall comply with all applicable United States Coast Guard regulations regarding pleasure craft.
15. "Permit to be reviewed by the Planning Commission after 6 months to address any impacts, concerns, and to allow Port and Harbors Commission the opportunity to review and comment on the permit."
16. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.



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



City & Borough of Sitka, Alaska

Selected Parcel: 500 LINCOLN ID: 10258000

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



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

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



Selected Parcel: 500 LINCOLN ID: 10258000

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

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



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

No legal responsibility for the information contained herein.



City & Borough of Sitka, Alaska

Selected Parcel: 500 LINCOLN ID: 10258000

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

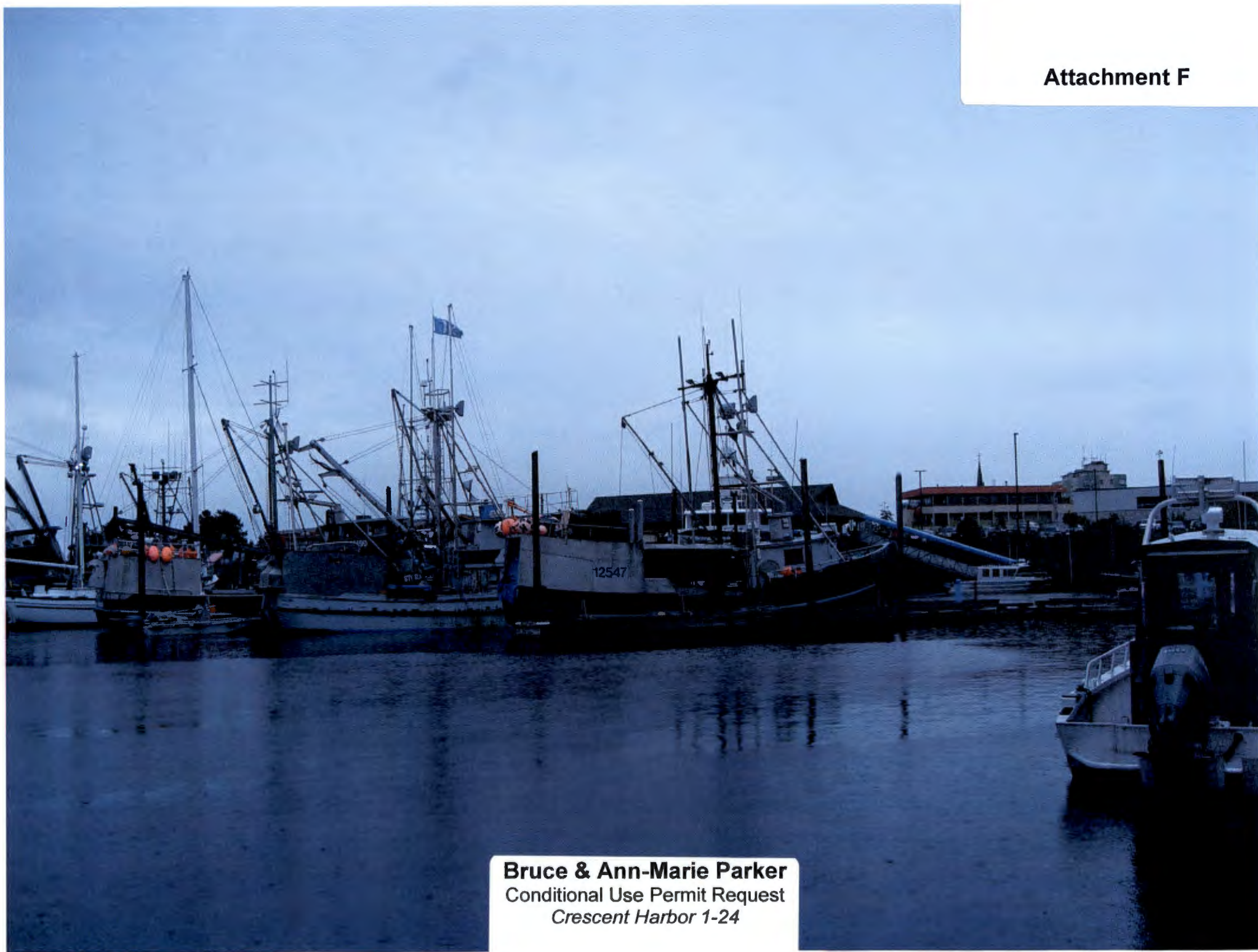


This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land.

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

We assume no legal responsibility for the information contained herein.





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



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



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



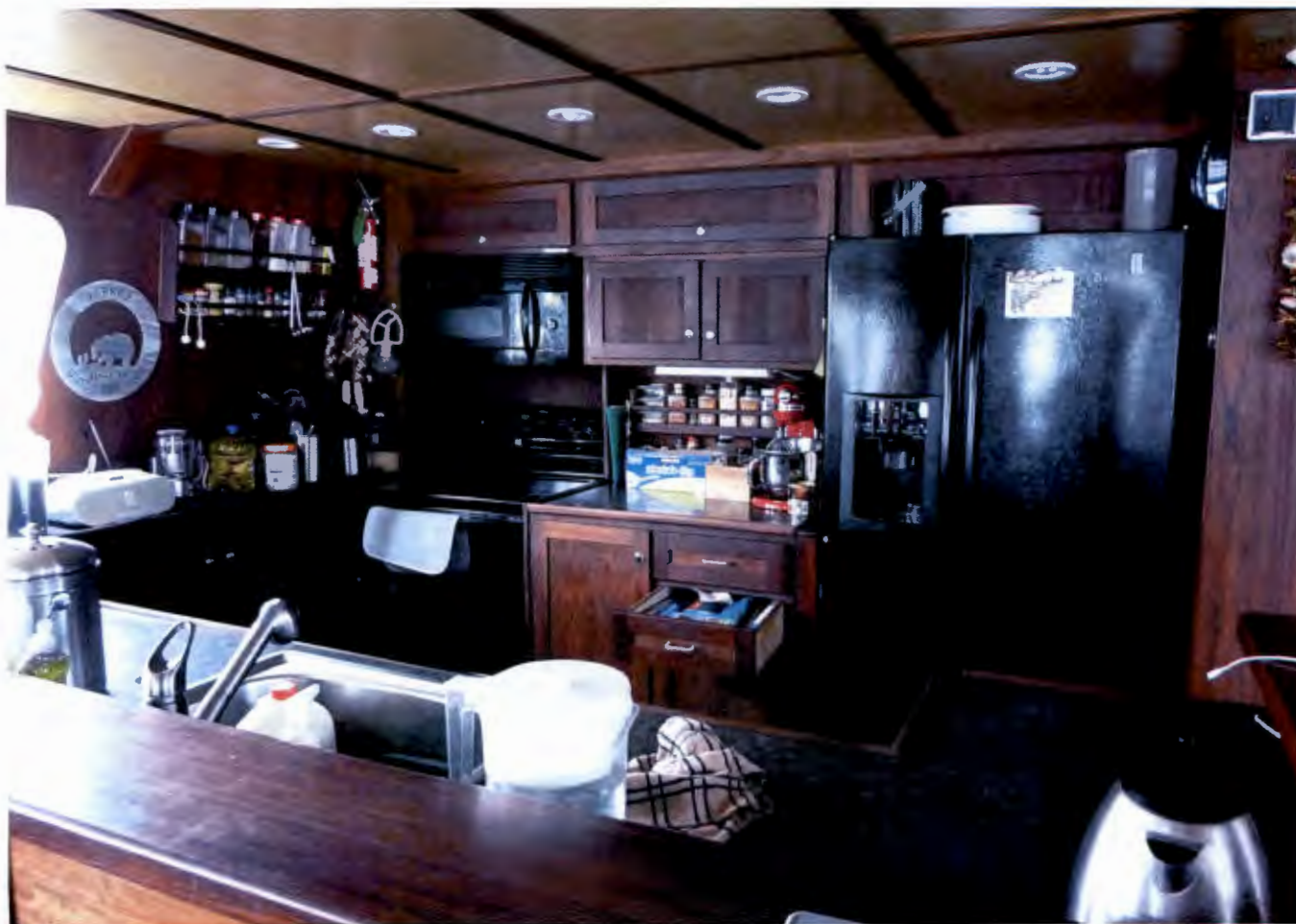
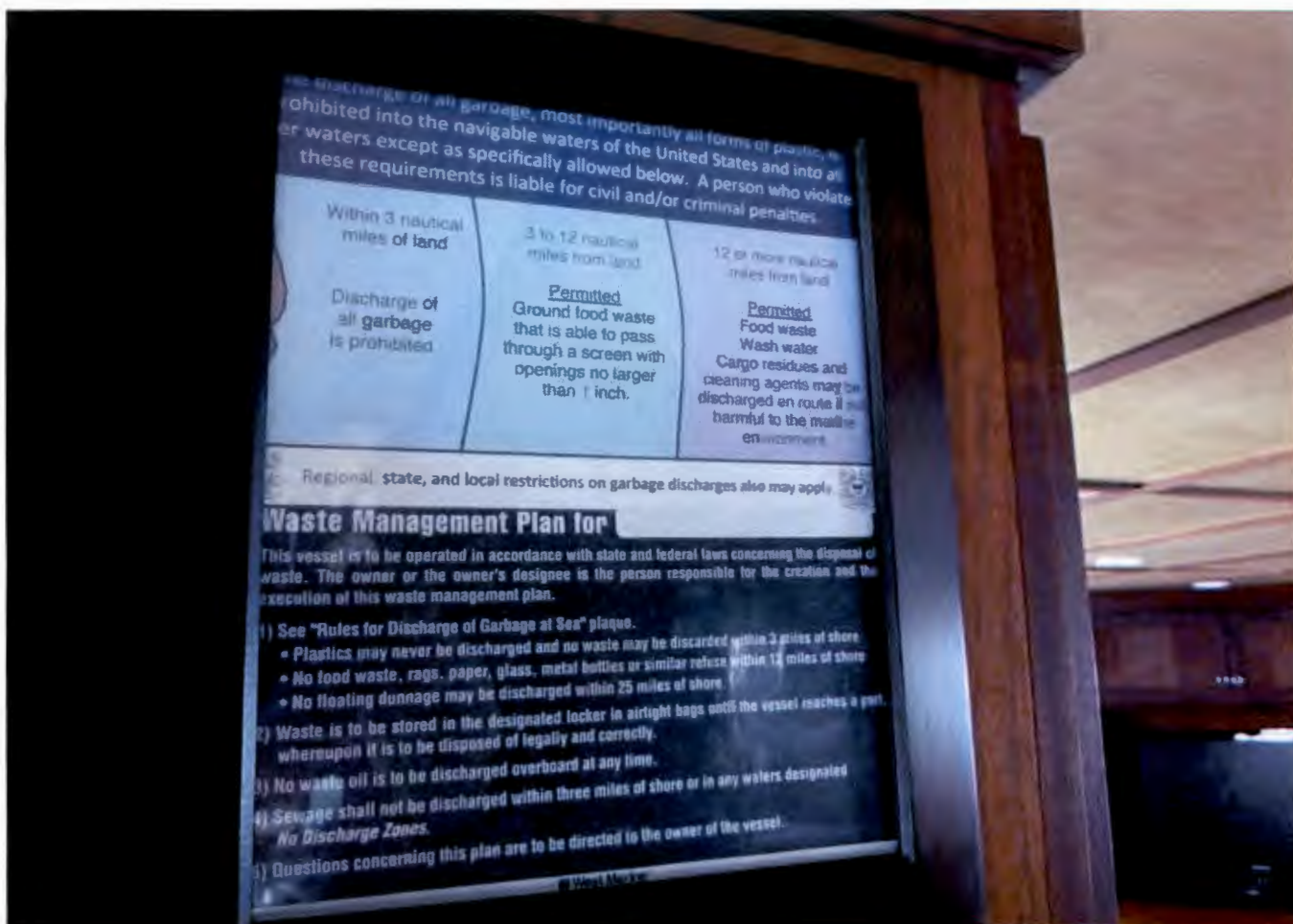
Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24

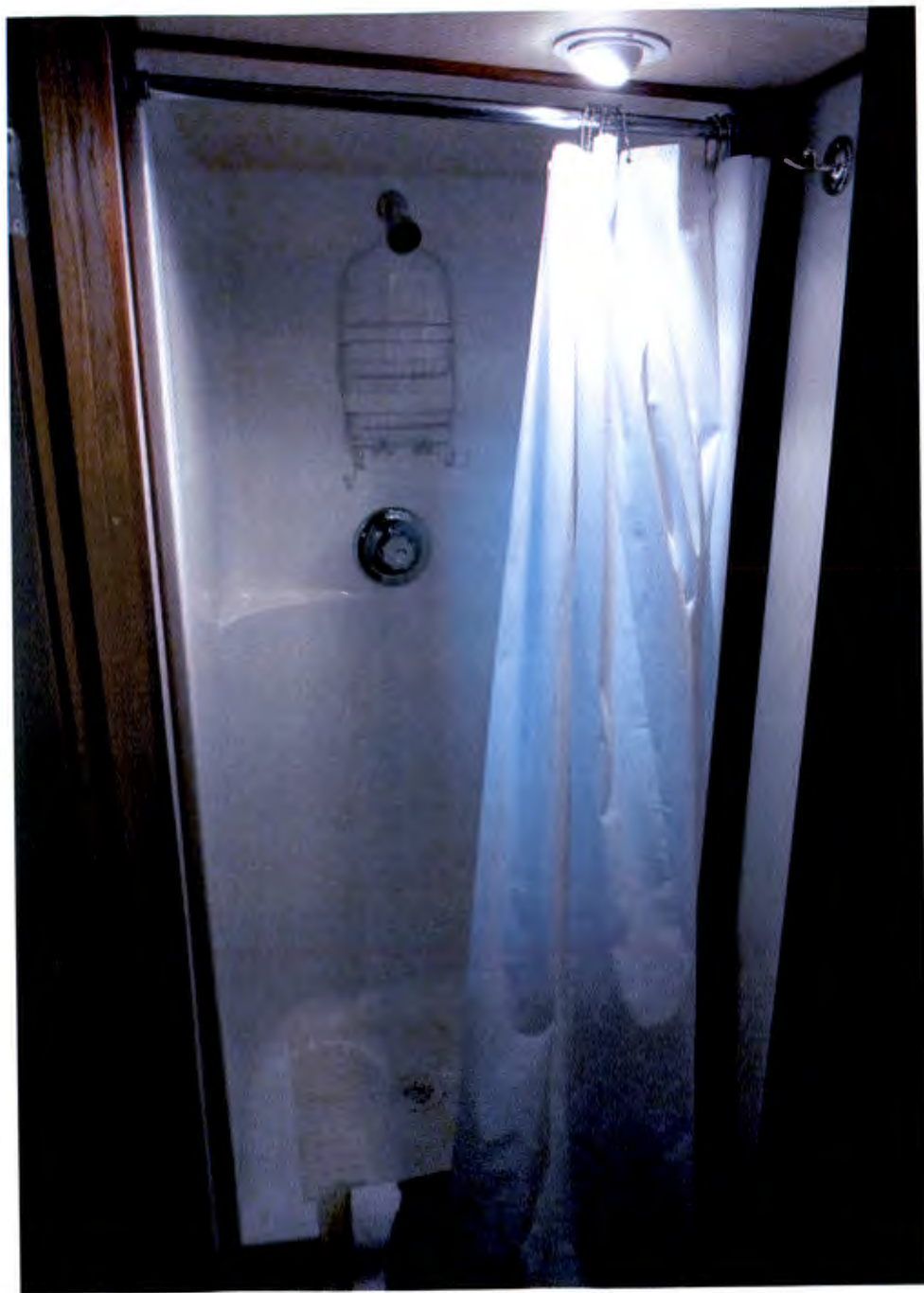


Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24











main lounge area.



upstairs bath



wheelhouse

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

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

For more information about the Alaskan Harvest Yacht

Contact Ann-Marie Parker (907) 738-6766

email: ParkerguideService@gmail.com

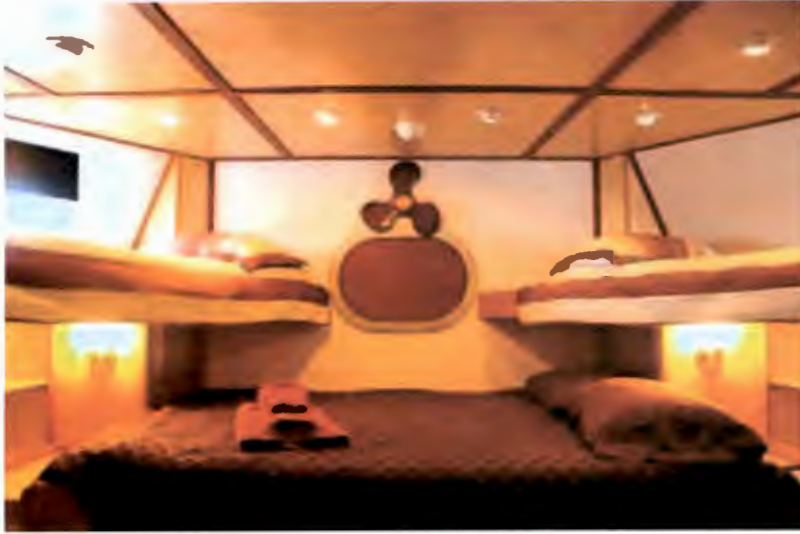


Full Galley on main level



upstairs shared full bath

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



Front stateroom sleeps four
with private full bath.

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

PLANNING DEPARTMENT
SHORT-TERM RENTAL AND BED & BREAKFAST

Conditional
*p

Attachment G

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

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

RECEIVED MAY 25 2016

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

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

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

☒ List all features and details of request: requesting approval of short term conditional use permit to allow visitors to stay aboard our 80ft vessel at Crescent Harbor, C-1-124.

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

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

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

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

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

Approval will be based on plans submitted
or approved by the Planning Commission or Assessor

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

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

The main cabin, constructed with beautiful interior hardwoods includes:

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

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

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

More about the staterooms...

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

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

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

Philadelphia Indemnity Insurance Company

COMMERCIAL GENERAL LIABILITY COVERAGE PART DECLARATIONS

Policy Number: PHPK1450821

Agent # 100729

☒ See Supplemental Schedule

LIMITS OF INSURANCE

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

FORM OF BUSINESS: CORPORATION

Business Description: Guides and Outfitters

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

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

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

RETROACTIVE DATE (CG 00 02 ONLY)

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

Retroactive Date: NONE

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

Countersignature Date

Authorized Representative

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**BELL ENDORSEMENT**

**PHILADELPHIA
INSURANCE COMPANIES**

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100
Bala Cynwyd, Pennsylvania 19004
610.617.7900 Fax 610.617.7940
PHLY.com

Unless otherwise stated herein, the terms, conditions, exclusions and other limitations set forth in this endorsement are solely applicable to coverage afforded by this endorsement, and the policy is amended as follows:

I. SCHEDULE OF ADDITIONAL COVERAGES AND LIMITS

The following is a summary of Limits of Liability or Limits of Insurance and/or additional coverages provided by this endorsement. This endorsement is subject to the provisions of the policy to which it is attached.

COVERAGE	LIMITS OF INSURANCE
Business Travel Accident Benefit	\$50,000
Conference Cancellation	\$25,000
Donation Assurance	\$50,000
Emergency Real Estate Consulting Fee	\$50,000
Fundraising Event Blackout	\$25,000
Identity Theft Expense	\$50,000
Image Restoration and Counseling	\$50,000
Key Individual Replacement Expenses	\$50,000
Kidnap Expense	\$50,000
Political Unrest	\$5,000 per employee: \$25,000 policy limit
Temporary Meeting Space Reimbursement	\$25,000
Terrorism Travel Reimbursement	\$50,000
Travel Delay Reimbursement	\$1,500
Workplace Violence Counseling	\$50,000



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
2/17/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Venneberg Insurance Inc. 225 Harbor Drive Sitka, AK 99835	CONTACT NAME: Amy Watson	
	PHONE (A/C, No, Ext): (907) 747-8625	FAX (A/C, No): (907) 747-5065
INSURED Parker Guide Service, Inc. P.O. Box 6290 Sitka, AK 99835	E-MAIL ADDRESS: amy@venneberginsurance.com	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Philadelphia Indemnity Ins Co	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		

COVERAGES **CERTIFICATE NUMBER:** GL 2014 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY						
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	<input checked="" type="checkbox"/>		PHPK1149951	4/1/2014	4/1/2015	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
	AUTOMOBILE LIABILITY						
	<input type="checkbox"/> ANY AUTO						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per person) \$
	<input type="checkbox"/> HIRED AUTOS	<input type="checkbox"/> NON-OWNED AUTOS					BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y/N	N/A				WC STATUTORY LIMITS OTH-ER
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Show Michigan Corp., ShowSpan, Inc., and their officers, officials, agents, and employees are named as additional insureds.

CERTIFICATE HOLDER mollyh@showspan.com Show Michigan Corp. and Showspan, Inc. 2121 Celebration Drive NE Grand Rapids, MI	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Michael Venneberg/AJN
---	---



City and Borough of Sitka

100 Lincoln Street
Sitka, AK 99835
Phone 907-747-1843, Fax 907-747-4779
FORWARDING SERVICE REQUESTED

Website: www.cityofsitka.com

Bill Date 04/28/2016
Due Date 05/27/2016

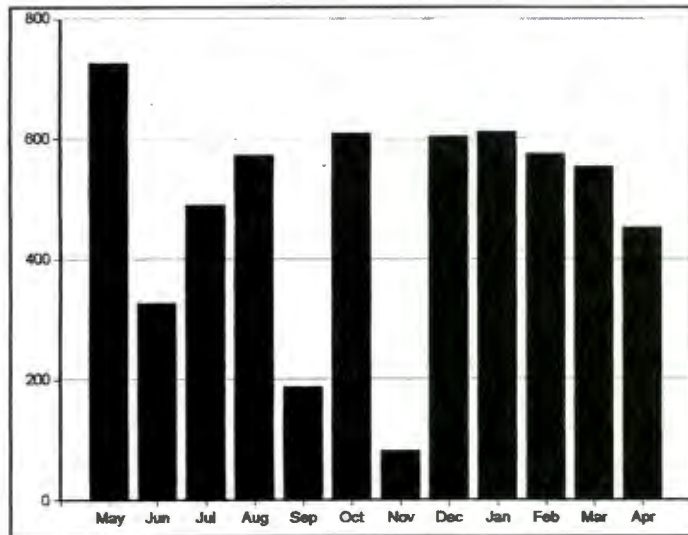
Customer Message

PARKER GUIDE SERVICE
PO BOX 6290
SITKA, AK 99835

Billing Period 03/28/2016 - 04/27/2016

Account Number		Service Address		Route Number	Number of Days in Cycle
4589-007		CRES 1-24			31
Meter Number	Previous Read Date	Previous Read	Current Read Date	Current Read	Current Consumption
000100124	03/22/2016	69,662	04/21/2016	70,116	454

Consumption	Actual	Multiplier	Billed
	454	1	454



Previous Balance 87.90
Payments - Thank You 87.90-
Adjustments 0.00
Penalties 0.00

Current Activity

EL Consumption 70.18
Sales Tax 4.22
Refuse Drop 0.00
Fuel Surcharge 0.00

Total Current Charges 74.40
Paid on Credit Card 74.40-
Balance Due 0.00

Detach and return with payment

Bill Date 04/28/2016
Account # 4589-007
Name PARKER GUIDE SERVICE
Address CRES 1-24

Current Due Date	Past Due Amount	Current Charges	Balance Due	Amount Enclosed
05/27/2016	0.00	74.40	0.00	



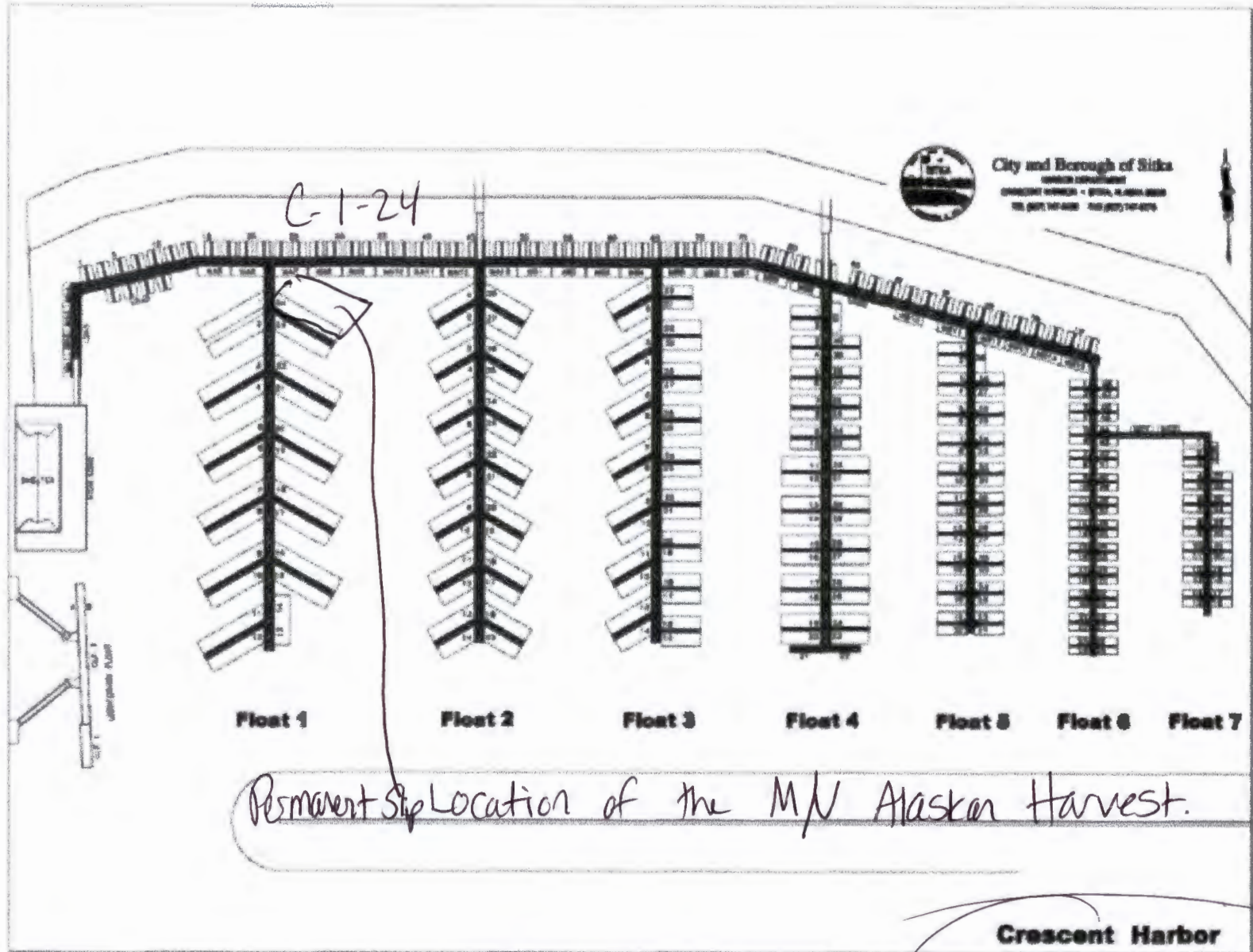
BALANCE DUE WILL BE AUTOMATICALLY PAID BY CREDIT CARD

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

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

Billing questions call 907-747-1843

Credit card payments call 907-747-1818



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

USCG Marine Safety Manual, Vol. II: Materiel Inspection

SECTION B: DOMESTIC INSPECTION PROGRAMS

**CHAPTER 4: INSPECTION PROCEDURES APPLICABLE TO VESSEL TYPES,
CLASSES, AND CATEGORIES****5. Public Vessels**

Public (e.g., U.S. Navy and National Oceanic and Atmospheric Administration (NOAA)) vessels as defined in 46 U.S.C. 2101(24) operated for oceanographic research are not required to be inspected and certificated by the Coast Guard. However, such vessels may be inspected and certificated upon request by the parent agency and upon an interagency agreement to this effect. When public vessels are alternatively furnished a letter indicating some degree of compliance with the regulations, every effort should be made to obtain one compartment subdivision and damage stability calculations when only 100 percent lifeboatage is provided.

NOTE: Refer to Chapter B5 of this Manual; Inspection of Public Vessels.

I. CRAFT ROUTINELY OPERATED DOCKSIDE (C-ROD)

1. Purpose and Intent

- a. The intent of this part is to give the COTPs/OCMI's guidance in determining if a Craft that is Routinely Operated Dockside (C-ROD) a vessel and subject to Inspection for Certification. Some examples of such C-RODs are showboats, theaters, hotels, gaming sites, restaurants, museums, attraction vessels, and business offices either self propelled or not.
 - b. This policy applies to any craft, including existing craft, that routinely operates dockside and does not usually get underway.
 - c. This policy does not apply to semi-submersible platforms, which are not listed as "vessels subject to inspection" under 46 U.S.C. 3301. Based on their work on the OCS, semi-submersible platforms are inspected under 43 U.S.C. 1333.
 - d. Nothing in this policy alters requirements for attraction vessels outlined in Section B of this Manual. While attraction vessels may be considered to be routinely operated dockside, they are still vessels.
 - e. OCMI's are not required to make any Vessel/PMC determinations unless an application for inspection is submitted to the OCMI by the craft operator and the OCMI has reason to believe the craft is or will not be a vessel.
-

2. Discussion

- a. In 2005, the Supreme Court issued its decision in *Stewart v. Dutra Construction Company, Inc.*, 543 U.S. 481, 125 S.Ct. 1118 (2005). That case held that a dredge is a “vessel” under 1 U.S.C. 3. The Supreme Court decided that 1 U.S.C. 3 provides the defining criteria for determining what constitutes a vessel wherever the U.S.C. refers to “vessel” as a jurisdictional criterion. In determining whether a particular craft is also a vessel, the “question remains in all cases whether the watercraft’s use ‘as a means of transportation on water’ is a practical possibility or merely a theoretical one.” 543 U.S. at 496.
- b. Prior to this Supreme Court decision, various circuit courts of appeal had applied different tests to determine whether a particular craft was a vessel, depending on statute and the individual facts of each case.
- c. Historically, the Coast Guard attempted to apply the different tests so as to provide maximum flexibility in achieving the purpose of the particular statute being administered. After *Stewart v. Dutra Construction Company, Inc.*, it is clear that an OCMI must apply the single test of whether a craft is used, or is practically capable of being used, as a means of transportation on water.
 - (1) *Stewart v. Dutra Construction Company, Inc.* implies that a “permanently moored vessel” is an oxymoron, since such a craft is neither used nor practically capable of being used as transportation on water, and therefore cannot be considered a vessel.
 - (2) Only a vessel can be inspected by the Coast Guard under the authority of 46 U.S.C. 3301.
- d. In order to conform to *Stewart v. Dutra Construction Company, Inc.*, an OCMI will only issue Certificates of Inspection to craft that routinely operate dockside and do not normally get underway if they also constitute “vessels” as defined in 1 U.S.C. 3 and interpreted in *Stewart v. Dutra Construction Company, Inc.*.
- e. The Coast Guard published a Notice of Policy in the *Federal Register* on May 11, 2009 announcing this change. (FR Vol. 74 No. 89 page 21814; Docket No. USCG–2004–17674.)

3. Definitions

- a. Craft means any artificial contrivance designed to float or operate on the water including “vessels” as defined below. Every vessel is a craft, but not every craft is a vessel.
- b. Craft Routinely Operated Dockside (C-ROD) means a craft which engage in commercial operations at its moorings without getting underway. C-RODs include both permanently moored craft and vessels.

USCG Marine Safety Manual, Vol. II: Materiel Inspection

SECTION B: DOMESTIC INSPECTION PROGRAMS

CHAPTER 4: INSPECTION PROCEDURES APPLICABLE TO VESSEL TYPES, CLASSES, AND CATEGORIES

- c. Permanently Moored Craft (PMC) means a craft of design and mooring arrangement such that they do not have a practical capability of being used as transportation on the water.
- d. Vessel, as defined in 1 U.S.C. 3, includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

4. Vessel or PMC Determination

- a. If there is a question as to whether any specific craft is or will be a vessel as defined in 1 U.S.C. 3 and interpreted in *Stewart v. Dutra Construction Company, Inc.*, it is up to the cognizant OCMI to make such a determination.
- b. If an owner or operator submits an Application for Inspection to the OCMI, the OCMI will evaluate the craft in accordance with this part and will advise the craft's owner or operator of this determination in writing, as well as any appeal rights should the owner or operator wish to contest the OCMI's determination.
- c. In order to be inspected and certificated as a vessel by the Coast Guard, the craft owner or operator must demonstrate, to the OCMI's satisfaction, the craft's practical capability to operate as a means of transportation on water. When determining if a craft possesses this capability, OCMI's and vessel owners should consider the questions included in the non-exclusive list following this paragraph. This list should be considered under the totality of the circumstances presented in each instance:
 - (1) Is the craft surrounded by a cofferdam, land, or other structure, such that although floating, it is in a "moat" with no practical access to navigable water?
 - (2) Is the craft affixed to the shore by steel cables, I-beams, or pilings; or coupled with land based utility connections for power, water, sewage, and fuel?
 - (3) If the craft were operated in navigation, would it be thereby endangered because of its construction?
 - (4) What is the purpose, function, or mission of the craft?

- (5) Can the craft get underway in less than 8 hours? If more than 8 hours are required, the OCMI will determine if the delay was attributable to factors outside the owner's or operator's control, in which case the delay may be overlooked.
 - c. "Getting underway" consists of operating in the navigation channel and conducting propulsion tests, steering tests, and drills including the launching of rescue boats, all to the satisfaction of the OCMI. This may occur at the time of inspection for certification or at least annually. Non-self propelled craft may get underway with the assistance of an appropriate towing vessel. A craft that cannot demonstrate its ability to get underway to the satisfaction of the OCMI will be deemed a land structure and will no longer be inspected for certification by the Coast Guard, except for temporary grandfathering of certain PMCs.
-

5. C-ROD Determined to be Vessels

- a. C-ROD determined to be vessels by the OCMI must demonstrate their practical use as transportation on the water through compliance with Paragraph I.4.c of this Chapter.
 - b. Craft that have been determined to be vessels are subject to all applicable requirements, including Coast Guard inspection and certification requirements. Such craft must remain in compliance with approved plans at all times, even if they do not normally get underway but routinely engage in dockside operations.
 - c. The Coast Guard may grant authorized exceptions and equivalencies. For example, 46 CFR Part 199 allows an OCMI to conduct a safety assessment on passenger vessels over 100 tons by using risk based decision-making principles to allow departures from traditional lifesaving equipment requirements. Sliding scale manning tables have also been found acceptable.
-

6. C-ROD Determined to be PMCs

- a. If a craft owner/operator submits an Application for Inspection to the OCMI and the OCMI determines a craft to be a PMC rather than a vessel, the OCMI must provide the owner/operator a letter stipulating this determination.
 - (1) The OCMI should provide a copy of this letter to appropriate authorities such as the USACE, EPA, fire marshal, building inspector, or other government agency that would have regulatory authority over the structure to ensure appropriate parties are aware to the Coast Guard determination.
 - (2) An example of such a letter is included at the end of this Part.
- b. Craft built with the intent to be PMCs should comply with applicable local building codes or regulations specified by the local jurisdiction. The Coast Guard will not

SECTION B: DOMESTIC INSPECTION PROGRAMS

CHAPTER 4: INSPECTION PROCEDURES APPLICABLE TO VESSEL TYPES, CLASSES, AND CATEGORIES

provide inspection oversight to any craft that intends to operate as a PMC or that cannot demonstrate that it is or will be a vessel as described in this part.

7. Change of Status

- a. The OCMI must take appropriate action to determine PMC status in accordance with the provisions of this Part when a certificated vessel changes its operations or configuration such that it may no longer be considered a vessel.
- (1) An operator must advise the OCMI of their intent to convert a vessel to a PMC.
 - (2) An operator must also advise the OCMI of their intent to operate as a PMC storing oil for transfer to or from shore. See Section B.4.D.1 of this Manual for risks and other government agency notifications that should be evaluated for Permanently Moored Tank Craft.
 - (3) An operator must submit a Letter of Intent to the COTP requesting designation as a 33 CFR Part 154 facility if they intend to operate as a PMC storing oil or hazardous materials for transfer to or from a vessel.
 - (4) The OCMI should be satisfied that the proposed operation and craft configuration are such that the craft is no longer considered a vessel in accordance with the guidance in this Part. If the OCMI determines the craft in question is no longer a vessel, the COI must be surrendered and the action documented in MISLE.
 - (5) The OCMI/COTP should coordinate regulatory oversight transition to the appropriate federal, state and local government agencies; e.g., USACE, EPA, and fire marshal.
-

8. Local or State Authorities

Any craft that has been determined to not be a vessel is not subject to Coast Guard inspection law and regulation and becomes the jurisdiction of the state or local government. The craft must comply with either local building codes or applicable standards as stipulated by the appropriate state or local government entity.

9. Waterways Management

- a. PMCs are considered to be structures on the water and must be permitted by the United States Army Corps of Engineers (USACE) as appropriate.
 - (1) The USACE has the sole authority to issue site permits.
 - (2) Per the Coast Guard/USACE Memorandum of Agreement in MSM Volume X, Interagency Agreements and Acronyms, COMDTINST M16000.15A (Series), the USACE will seek COTP input on new site permit applications and approvals at the earliest opportunity.
 - (3) The COTP may address concerns for navigation safety or other waterways management issues by providing comment to the USACE during the permitting process.
- b. As PMCs are not vessels, the COTP cannot compel operators to undergo a formal risk assessment prior to placing the craft in its location or intended operation.
 - (1) **COTPs should work closely with the cognizant USACE District Engineer to identify and mitigate navigation safety concerns.**
 - (2) **Mooring arrangements must be acceptable to the COTP; they must pose no risk to the port, waterway, or environment and must be capable of withstanding the location's wind, ice, and water conditions.**
 - (3) **Special consideration must also be given to extreme weather that may occur, including, but not limited, to hurricane force winds, current, or high water.**
 - (4) **PMCs storing oil or hazardous materials for transfer to or from a vessel must satisfy 33 CFR Parts 154, and 156 requirements.**
- c. **PMCs storing oil for transfer to or from shore must satisfy EPA secondary containment requirements.**
 - (1) **The EPA's Oil Pollution Prevention requirements (spill prevention, control and countermeasure plans) in 40 CFR Part 112 are applicable to non-transportation related facilities (Permanently Moored Tank Craft).**

USCG Marine Safety Manual, Vol. II: Materiel Inspection

SECTION B: DOMESTIC INSPECTION PROGRAMS

**CHAPTER 4: INSPECTION PROCEDURES APPLICABLE TO VESSEL TYPES,
CLASSES, AND CATEGORIES**

- d. OCMIs should notify the cognizant USACE District Engineer and the Regional EPA Administrator when vessel owners/operators initiate a change in a craft's status to a PMC. The OCMI should also advise the craft owner/operator to seek the appropriate permits from the USACE and EPA.**
 - (1) Permits are the responsibility of the owner/operator and are not tied to any determination by the OCMI or COTP.**
 - (2) OCMIs should not delay determinations of PMC status, nor should OCMIs compel continued compliance with Coast Guard Vessel Inspection regulations, in the absence of or while waiting for the owner/operator to obtain an USACE permit.**
- e. The COTP may require lighting of the PMC under the provisions of 33 CFR Part 64.**

10. Vessel Documentation

- a. Craft that are determined not to be vessels are ineligible for vessel documentation. In situations where such a craft holds a valid Certification of Documentation (COD), that COD would become invalid because the craft no longer meets the requirements of 46 U.S.C. 12135. The owners would then be required to surrender the COD. The OCMI shall notify the National Vessel Documentation Center (NVDC) of any craft that holds a Certificate of Documentation and is determined no longer to be a vessel. The OCMI must also advise the craft operator of its ineligibility.**
- b. When the craft is the subject of an outstanding mortgage properly filed or recorded in accordance with 46 U.S.C. Chapter 121 and applicable regulations, the COD, but not the trade endorsement thereon, remains valid for certain purposes. The COD would remain valid for the purposes of 46 U.S.C. Chapter 313 and instruments filed or recorded before the date of invalidation, including the craft's current, preferred, mortgage and assignments or notices of claim of lien filed after that date. See 46 CFR 67.161.**
- c. If the craft owners plan to refinance or obtain additional financing, the new mortgage could not be recorded as outlined in 46 U.S.C. Chapter 313 and would not be able to enjoy the protections of preferred mortgage status under that chapter. The same is true for any mortgages the owners might plan to obtain in the future after the current mortgage has been satisfied, unless the craft is altered so that it is eligible to regain its status as a vessel.**

11. MISLE Activity

- a. Newly built craft that are not deemed vessels will not be entered into the MISLE database as vessels. Field units will change the MISLE status of any former vessels in MISLE that becomes permanently moored such that they no longer meet the definition of vessel to "DEACTIVATED." COIs will be removed from these craft and deactivated.**
- b. Newly built craft and vessels converted to PMCs that operate as a Facility Transferring Oil or Hazardous Materials in Bulk to or from a vessel should have their 33 CFR Part 154 facility status noted in MISLE.**
- c. Retain all historical vessel inspection records in MISLE for vessels converted to PMCs. These records should be provided to federal, state or local agencies that have jurisdiction over the PMC.**

12. Correspondence

An example of a PMC determination letter is provided in the following page.

From: Stan Eliason
Sent: Tuesday, June 07, 2016 9:41 AM
To: Samantha Pierson
Subject: RE: Boat short-term rental

Samantha, we need to make it clear that this harbor is a working harbor. Commercial/Charter vessels coming and going at all times during the mornings and evenings. Their guests could find this disruptive. Also, we need to make it clear that no sewage raw or treated will be discharged into the waters of the harbor.

From: Samantha Pierson
Sent: Tuesday, June 07, 2016 9:12 AM
To: Stan Eliason <stan.eliason@cityofsitka.org>
Subject: Boat short-term rental

Stan,

We have received a request for a short-term rental for a boat in the harbor. I have attached the supporting documents. Please let me know if you have any comments or concerns. Thanks!

Sam

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

I can't believe the issue of a short-term rental in Crescent Harbor has gotten as far as it has in your meetings.

Liveaboards are limited in Crescent Harbor for several reasons. A short-term renter is definitely a liveaboard.

The boat owners claim their boat has several toilets but that doesn't necessarily mean it is equipped with a required holding tank which can only be pumped out by going out more than three miles offshore. Will the owners do this on a regular basis? I hope someone verifies that the boat does have a holding tank and won't be pumping raw sewage into Crescent Harbor should you decide to allow the short-term rental there.

Any of the other harbors are available for liveaboards and the boat owners could move to one of them if they are determined to go ahead with their plans.

Thanks for your consideration and work on the commission.

21 Sept 16

To CITY COUNCIL,

MY COMMENT ON THE REQUEST
TO HAVE A SHORT TERM RENTAL IN
ANY OF OUR HARBORS IS A VERY
SLIPPERY SLOPE! IF ONE BOAT CAN DO
THIS THEN ALL THE REST OF THE BOATS
IN OUR HARBORS CAN BE RENTED OUT!
WE DON'T NEED RENTALS IN OUR
HARBORS; PERIOD.

Roger Lee

RECEIVED

SEP 23 2016

City & Borough of Sitka-
Clerk's Office

For Planning Commission

RECEIVED JUL 18 2016



City and Borough of Sitka

100 Lincoln Street

Sitka, Alaska 99835

Ph: 747-1808

Fax: 747-7403

PUBLIC COMMENT FORM

☐ Compliment

☒ Comment

☐ Complaint

Date: July 15, 2016

Name: Marcia Strand

Address: 402 Baranof

Phone: 752-0438

Statement:

LOTS of reasons overnight rentals for Visitors onto Docked boats in Crescent Harbor. *is a bad idea -*

1. Absentee boat owners -

a. Poor accountability *most likely*

b. No liability insurance required (not even by banks).

2. Clients unfamiliar (with equipment and boat life)...walk off airplane, check-in, no switches or levers to control surroundings...

leisure expectations like a motel room.

a. Little awareness of propane, carbon monoxide, grey water.

b. Budgeting electricity usage not on the "radar."

3. OTHER:

Alcohol/drug impairments more lethal results on a docked boat.

Even leisure time use of lit candles unattended away from harbors have expensive consequences let alone in all scenerios above.

4. *life & property*
Will hirees and city services be adequately compensated for all

above??????

For
Office Use
Only

Referred to:

Department:

Signed by:

Response/date provided (forward to Administrator):

Attachment I

Parcel ID: 10258000
CITY & BOROUGH OF SITKA
CRESCENT HARBOR TIDELANDS
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 11675000
BOVEE IRREVOCABLE CHILDREN'S
TRUST
BOVEE IRREVOCABLE CHILDREN'S
TRUST
601-B LINCOLN ST.
SITKA AK 99835

Parcel ID: 11220000
NATIONAL PARK SERVICE
RUSSIAN BISHOP'S HOUSE
NATIONAL PARK SERVICE
(DEPT.INTERIOR)
P.O. BOX 738
SITKA AK 99835-0738

Parcel ID: 12150000
CITY & BOROUGH OF SITKA
BARANOF SCHOOL
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 11665000
THE CORP OF THE CATHOLIC BISHOP
OF JNU
CORP OF THE CATHOLIC BISHOP
P.O. BOX 495
SITKA AK 99835-0495

Attachment I

Parcel ID: 11165000
SANDRA BURGESS
PARADISE COURT
BURGESS, SANDRA, K.
1494 SW GRANDVIEW AVE
CHEHALIS WA 98532

Parcel ID: 11180000
CHRIS/TAMARA FONDELL
FONDELL, CHRISTOPHER/TAMARA
P.O. BOX 1771
SITKA AK 99835-1771

Parcel ID: 11190000
GARY/RUTH MCMASTER
MCMASTER, GARY/RUTH
1722 EDGE CUMBE DR
SITKA AK 99835

Parcel ID: 11192000
U.S. PARK SERVICE
U.S. PARK SERVICE
103 MONASTERY ST
SITKA AK 99835

Parcel ID: 11195000
SITKA ART REALTY ASSOC., LLC
SITKA ART REALTY ASSOC., LLC
419 LINCOLN ST
SITKA AK 99835

Parcel ID: 11205000
DAVID/SUSAN CONNER
BAYVIEW TRADING COMPANY
CONNER, DAVID & SUSAN
143 VALLEY VIEW DR.
OROVILLE CA 95966

Parcel ID: 11210000
CHARLES/CHRISTI HORAN
HORAN, CHARLES, E./CHRISTINE, M.
P.O. BOX 2003
SITKA AK 99835-2003

Parcel ID: 11220000
NATIONAL PARK SERVICE
RUSSIAN BISHOP'S HOUSE
NATIONAL PARK SERVICE
(DEPT. INTERIOR)
P.O. BOX 738
SITKA AK 99835-0738

Parcel ID: 11610000
EPISCOPAL CHURCH
EPISCOPAL CHURCH
611 LINCOLN ST
SITKA AK 99835

Parcel ID: 11635000
DIOCESE OF SITKA & ALASKA
BECCC LEASE
DIOCESE OF SITKA & AK, ORTHODOX
CHURCH
P.O. BOX 210569
ANCHORAGE AK 99521

Parcel ID: 11665000
THE CORP OF THE CATHOLIC BISHOP
OF JNU
CORP OF THE CATHOLIC BISHOP
P.O. BOX 495
SITKA AK 99835-0495

Parcel ID: 11670000
R. J./DIXIE MCCLINTOCK
MCCLINTOCK, R. J./DIXIE
102 BARANOF ST.
SITKA AK 99835

Parcel ID: 11675000
BOVEE IRREVOCABLE CHILDREN'S
TRUST
BOVEE IRREVOCABLE CHILDREN'S
TRUST
601-B LINCOLN ST.
SITKA AK 99835

Parcel ID: 10256000
~~CITY & BOROUGH OF SITKA~~
~~CENTENNIAL BLDG.~~
~~C/B OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 10258000
~~CITY & BOROUGH OF SITKA~~
~~CRESCENT HARBOR TIDELANDS~~
~~C/B OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 11165000
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PARADISE COURT
BURGESS, SANDRA, K.
1494 SW GRANDVIEW AVE
CHEHALIS WA 98532

Parcel ID: 11180000
CHRIS/TAMARA FONDELL
FONDELL, CHRISTOPHER/TAMARA
P.O. BOX 1771
SITKA AK 99835-1771

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MCMASTER, GARY/RUTH
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SITKA AK 99835

Parcel ID: 11192000
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103 MONASTERY ST
SITKA AK 99835

Parcel ID: 11195000
SITKA ART REALTY ASSOC., LLC
SITKA ART REALTY ASSOC., LLC
419 LINCOLN ST
SITKA AK 99835

Parcel ID: 11205000
DAVID/SUSAN CONNER
BAYVIEW TRADING COMPANY
CONNER, DAVID & SUSAN
143 VALLEY VIEW DR.
OROVILLE CA 95966

Parcel ID: 11210000
CHARLES/CHRISTI HORAN
HORAN, CHARLES, E./CHRISTINE, M.
P.O. BOX 2003
SITKA AK 99835-2003

Parcel ID: 11220000
NATIONAL PARK SERVICE
RUSSIAN BISHOP'S HOUSE
NATIONAL PARK SERVICE
(DEPT. INTERIOR)
P.O. BOX 738
SITKA AK 99835-0738

Parcel ID: 11610000
EPISCOPAL CHURCH
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611 LINCOLN ST
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Parcel ID: 11665000
THE CORP OF THE CATHOLIC BISHOP
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CORP OF THE CATHOLIC BISHOP
P.O. BOX 495
SITKA AK 99835-0495

Parcel ID: 11670000
R. J./DIXIE MCCLINTOCK
MCCLINTOCK, R. J./DIXIE
102 BARANOF ST.
SITKA AK 99835

Parcel ID: 11675000
BOVEE IRREVOCABLE CHILDREN'S
TRUST
BOVEE IRREVOCABLE CHILDREN'S
TRUST
601-B LINCOLN ST.
SITKA AK 99835

Parcel ID: 12150000
~~CITY & BOROUGH OF SITKA~~
~~BARANOF SCHOOL~~
~~CITY & BOROUGH OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

P&Z Mailing
July 8, 2016

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

Parcel ID: 10258000
~~CITY & BOROUGH OF SITKA~~
CRESCENT HARBOR TIDELANDS
~~C/B OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 11675000
BOVEE IRREVOCABLE CHILDREN'S
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CITY & BOROUGH OF SITKA
BARANOF SCHOOL
~~CITY & BOROUGH OF SITKA~~
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 11665000
THE CORP OF THE CATHOLIC BISHOP
OF JNU
CORP OF THE CATHOLIC BISHOP
P.O. BOX 495
SITKA AK 99835-0495

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

P&Z Mailing
June 10, 2016



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

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

Attachment J

Date: 05/25/2016
Receipt: 2016-00059336
Cashier: Front Counter
Received From: BRUCE/ANN MARIE PARKER

PLAN - Planning Permits/Zo	100.00
ing	
STL - Sales Tax 2nd quarte	6.00
RY	
Receipt Total	106.00
Total Check	106.00
Total Remitted	106.00
Total Received	106.00

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 5/25/16

To: Bruce + Anne-Marie Parker

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

Variance.....	
Conditional Use Permit.....	100.00
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	6.00
TOTAL.....	106.00

Thank you

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

Batch #: 19454600 / Doc #: 29 / File Date: 5/8/2014 1:25:00 PM

Attachment K

Recording Requested By:
Wells Fargo Bank, N.A.
PO Box 8203, Mac # U1851-015
Boise, ID 83707-2203

When recorded, please return to:
PARKER GUIDE SERVICE, INC.
PO BOX 6290
SITKA AK 99835-6290

RE: 1437312498FS

**SATISFACTION/RELEASE OF MORTGAGE
OR CLAIM OF LIEN**

NOTE: Prepare and submit in duplicate—one instrument must have original signatures; one may be a copy.

VESSEL NAME AND
OFFICIAL NUMBER: **Alaskan Harvest O/N-608668**

Name of Mortgagor, if any: **Parker Guide Service Inc.**

Name of Mortgagee OR CLAIMANT: **Wells Fargo Bank, National Association**

Amount of Mortgage or Claim of Lien: **[REDACTED]**

Recorded in Batch **644895** Doc ID **9053890**

Mortgagee hereby affirms that the indebtedness referenced above is to be removed from the record of subject vessel.

DATED this 30 day of April, 2014.

Wells Fargo Bank, National Association

Amber Reinecker

Amber Reinecker -Officer

STATE OF IDAHO

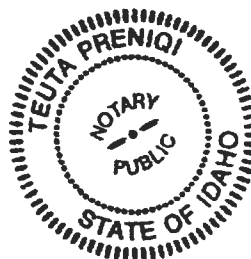
ss.

COUNTY OF ADA

On this 30 day of April, 2014, before me, the undersigned Notary Public, personally appeared Amber Reinecker and known to me to be the Officer, authorized agent for Wells Fargo Bank, National Association, a national banking association, that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of the said national banking association, duly authorized by the national banking association through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument.

[Signature]
Idaho Notary Public

My commission expires: 3-7-14



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

U.S. Department of
Homeland Security

United States
Coast Guard



Director
National Vessel Documentation Center

792 T. J. Jackson Drive
Falling Waters, WV 25419
Phone: (800) 799-8362
Fax: 304-271-2405

August 27, 2014

**PARKER GUIDE SERVICE INC
306 PRICE ST
PO BOX 6290
SITKA AK 99835**

Regarding your recent submission to the National Vessel Documentation Center

This cover letter with enclosure(s) is sent in response to a submission made to this office. If you have any questions, please contact the National Vessel Documentation Center at the number shown above.

Enclosures:

(1) Satisfaction O/N: 608668 1 PAGE(S)

TOTAL: 2 PAGE(S) (including cover page)



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 17-15 **Version:** 1 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 4/27/2017 **In control:** Planning Commission
On agenda: 5/16/2017 **Final action:**
Title: Public hearing and consideration of a conditional use permit application for a short-term rental at 405 Monastery Street. The property is also known as the east half of Lot 12 Block 19 Sitka Townsite US Survey 1474 Tract A. The application is filed by James Gorman. The owners of record are Mark Gorman and Nancy Knapp.

Sponsors:

Indexes:

Code sections:

Attachments: [405 Monastery 5.16.17](#)
[405 Monastery - Nearby STRs](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 17-15
Proposal: Request for short-term rental at 405 Monastery Street
Applicant: James Gorman
Owner: Mark Gorman and Nancy Knapp
Location: 405 Monastery Street
Legal: East half of Lot 12 Block 19 Sitka Townsite US Survey 1474 Tract A
Zone: R-2 multifamily residential
Size: 4741 square feet
Parcel ID: 1-2745-000
Existing Use: Residential
Adjacent Use: Residential, Public, Commercial
Utilities: Existing
Access: Monastery Street to Sawmill Creek Road

KEY POINTS AND CONCERNS:

1. 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.
2. Other Major Points:
 - Rental unit: one bed/one bath, single family detached structure
 - Safety: sufficient parking on-site, access from city street, sidewalks and crosswalks nearby for pedestrian safety, safety inspection to be conducted by Fire Marshal if approved
 - Neighborhood harmony: other short-term rentals in the vicinity, potential impacts of short-term rentals on long-term rental rates

RECOMMENDATION:

Staff recommends that the Planning Commission find CUP 17-15 to be consistent with Sitka General Code Title 22 and the Comprehensive Plan and to approve the conditional use permit application for a short-term rental at 405 Monastery Street.

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 unit at 405 Monastery Street in the R-2 multifamily residential district. The property will meet the 2 parking space requirement for a single-family residence. The applicant is in the process of purchasing the property from his parents. The applicant lives in Sitka during the summer and would like to rent the house out short-term and long-term throughout the rest of the year. The house has 1 bedroom and 1 bathroom. The property is accessed Monastery Street, a public road. Nearby short-term rentals include 207 and 308 Monastery (zoned CBD) and 304 Baranof and 601 Sawmill Creek (zoned R-1).

The R-2 multifamily residential district may allow short-term rentals as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.¹

ANALYSIS

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

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

The property provides the required 2 spaces. The property is located near the downtown area, and some renters may not rent vehicles. Owners should provide traffic circulation information to tenants, and all parking should occur on-site.

b. Amount of noise to be generated and its impacts on surrounding land use: Vacationers may create more noise than long-term residents. The provision of a rental overview and ability to address concerns can provide mitigation.

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

² § 22.24.010.E

c. Odors to be generated by the use and their impacts: Improperly handled garbage may create odors and attract bears. Proper garbage management instructions should be included in the rental overview.

d. Hours of operation: Year round.

e. Location along a major or collector street: Monastery Street to Sawmill Creek Road.

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

g. Effects on vehicular and pedestrian safety: Monastery Street has appropriate signage which should assist visitors in finding the property; nonetheless, the owners should provide renters with a rental overview to inform renters of proper access.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: No different than if occupied by long-term residents or unoccupied.

i. Logic of the internal traffic layout: The applicant has indicated the required on-site parking spaces for a single family residence. Owners should provide traffic circulation information to tenants, and all parking should occur on-site.

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(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.³ This application conforms to the above sections by creating short-term transient housing. Provision of a rental overview would mitigate possible concerns for traffic and noise.

³ Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

m. Other criteria that surface through public comments or planning commission review: Short-term rentals may increase long-term rental rates for the overall community.^{4 5}

Concerns for bears, traffic, and parking can be mitigated through conditions of approval.

FINDINGS⁶

1. ...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, *specifically, the property has on-site parking and foliage buffers.*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *specifically, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically, through the provision of a rental overview.*

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 405 Monastery Street Circle subject to the attached conditions of approval. The property is also known as the east half of Lot 12 Block 19 Sitka Townsite US Survey 1474 Tract A. The request is filed by James Gorman. The owners of record are Mark Gorman and Nancy Knapp.

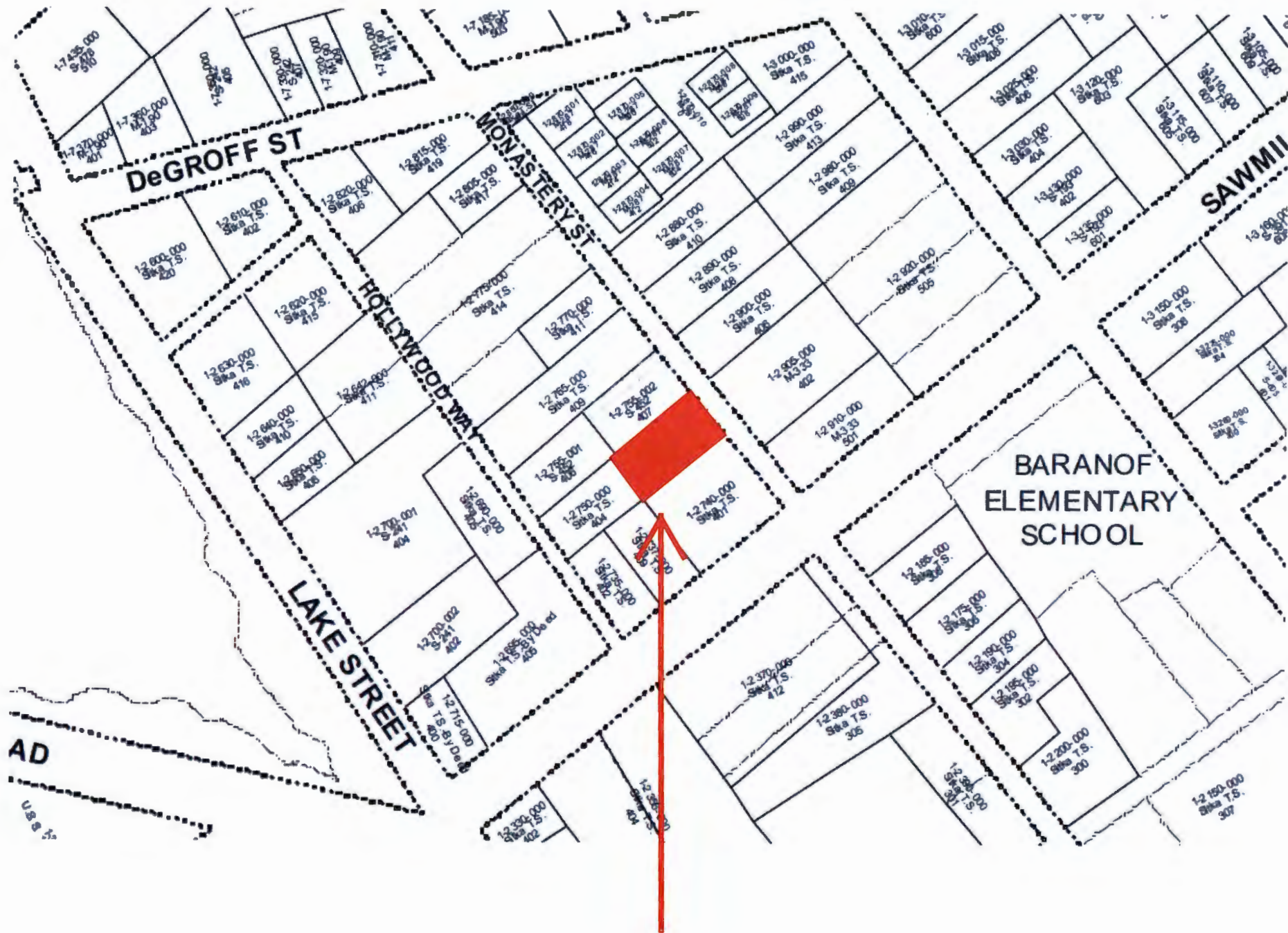
⁴ Planning: The Magazine of the American Planning Association, February 2016, p. 31

⁵ Gurran & Phibbs article in JAPA Volume 83 Issue 1

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

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. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4am on trash collection day. Should this condition not be followed the CUP shall be revoked.
9. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
10. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
11. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.





Selected Parcel: 405 MONASTERY ID: 12745000

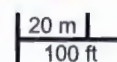
Printed 4/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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

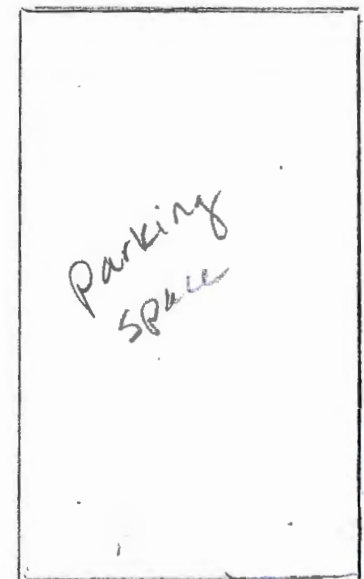
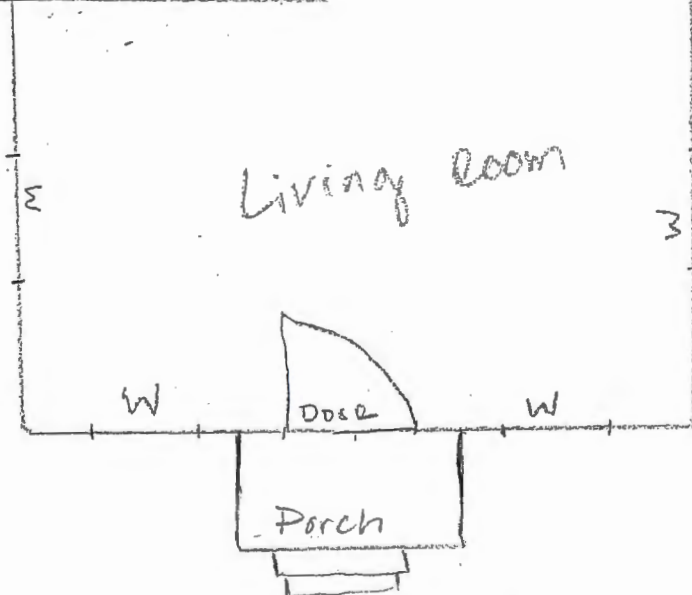
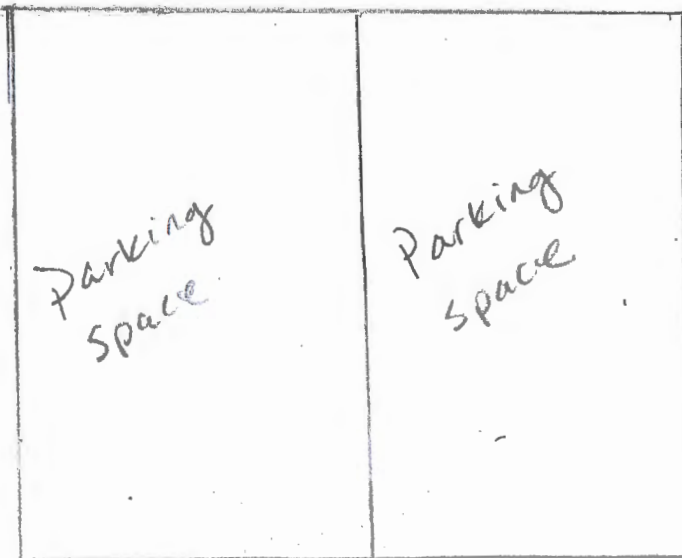
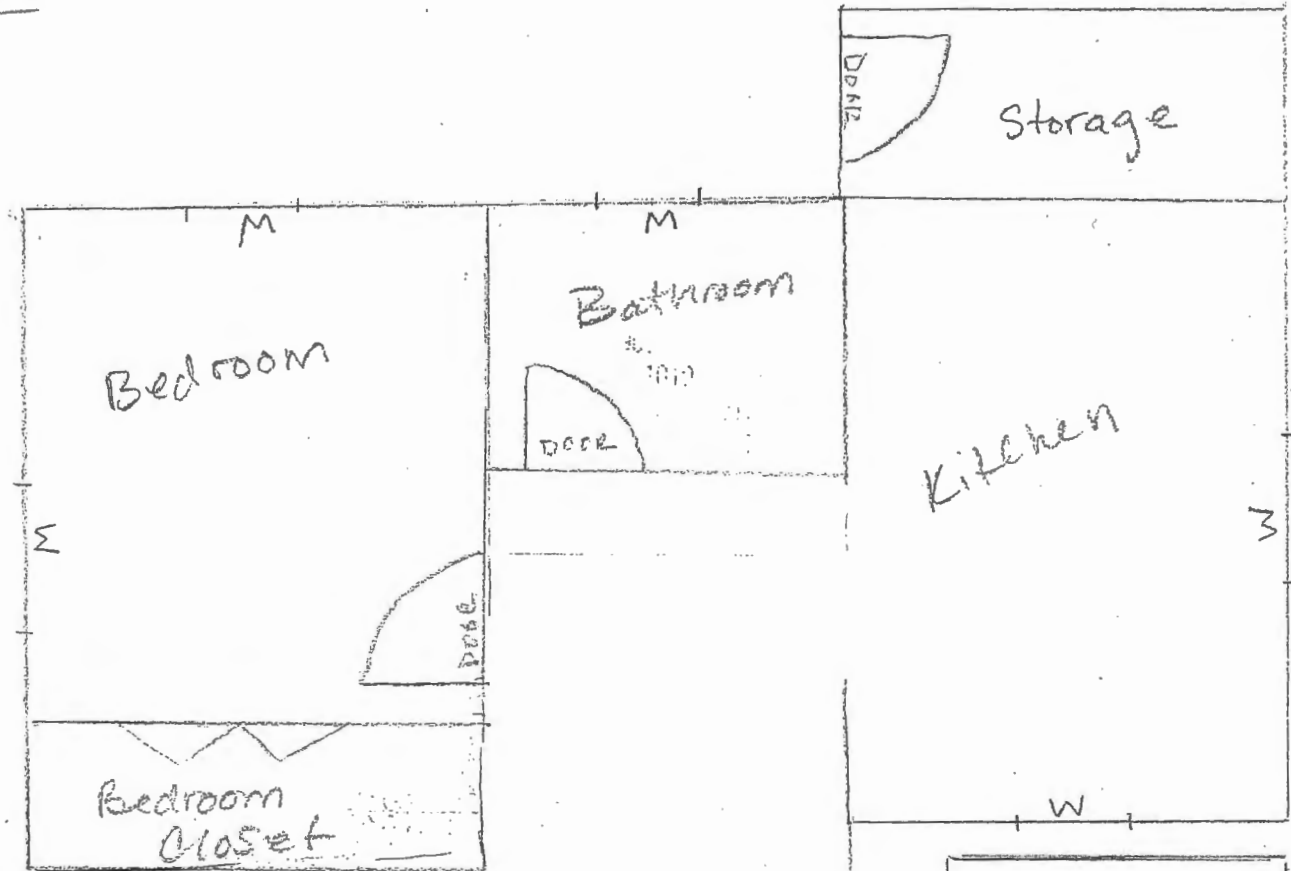


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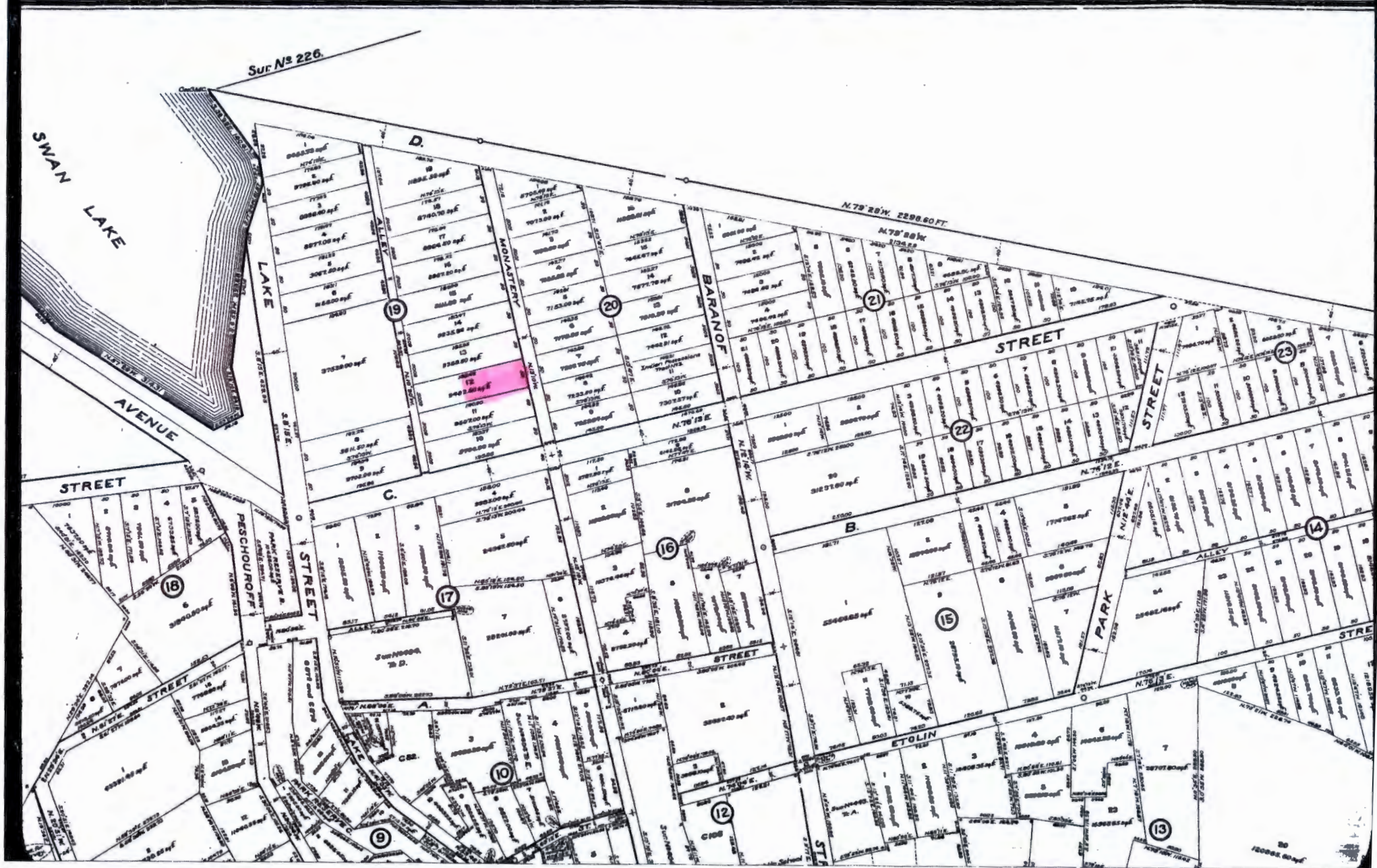


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Scale .25" = 1'



Monaster Street ↓









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:

Applying for a conditional
use permit to operate a short-term rental at
405 Monastery St.

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: Mark Gorman + Nancy Knapp

PROPERTY OWNER ADDRESS: 137 Riggs Rd Sitka, AK 99835

STREET ADDRESS OF PROPERTY: 405 Monastery

APPLICANT'S NAME: James Gorman

MAILING ADDRESS: 137 Riggs Rd. Sitka AK 99835

EMAIL ADDRESS: gormanjames8@gmail.com DAYTIME PHONE: 541-228-8895

PROPERTY LEGAL DESCRIPTION:

TAX ID: 12745000 LOT: 12 BLOCK: 19 TRACT: A

SUBDIVISION: Sitka Townsite US SURVEY: US Survey 1474

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.

Naman C Knapp
Owner

April 25, 2017
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

Conditional Use Permit Narrative

I am applying for a conditional use permit for a short-term rental at 405 Monastery St. I am in the process of purchasing the home from my parents, Mark Gorman & Nancy Knapp, and want the ability to rent the property short-term when I am not in Sitka.

I have commercial fished for the past ten years, spending my summers in Sitka and the remaining of the time earning my degree, travelling and working. Because I am not residing in Sitka full-time, the ability to rent the property short or long term will help with expenses.

405 Monastery Street is a one-bedroom, one-bath single story home. The house is approximately 549 square feet and sits on a lot around 4,700 square feet. The house has adequate parking allowing for at least three parking spaces on site, with one parking space available road-side. Many renters may not even see the need for a car because the property is centrally located down-town and renters will be able to walk most places.

Outlook Mail

1

Ali Clayton



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Folders

Inbox	4918
Junk Email	49
Drafts	35
Sent Items	
Deleted Items	
Archive	
john	
Junk	2
kerr house	
pics	
POP	776

Re: 405 Monastary

JG James Gorman <gormanjames8@gmail.com>

Today, 10:52 AM
You

Reply |

405.docx
482 KB[Download](#) [Save to OneDrive - Personal](#)

Will this work?

On Mon, Apr 24, 2017 at 5:06 PM, Ali Clayton <clayton_7a@hotmail.com> wrote:

**Earn
1.00% APY
and a
\$200 bonus**
when you deposit
\$10,000 or more.

[Start Saving](#)

360 Money Market™

MEMBER
FDIC

I, James Gorman, am applying for a conditional use permit for a short term rental at the house located on 405 Monastery Street, Sitka, AK, 99835.



City & Borough of Sitka, Alaska

Selected Parcel: 405 MONASTERY ID: 12745000

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20 m
100 ft



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MainStreetGIS, LLC
www.mainstreetgis.com

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Parcel ID: 12150000
CITY & BOROUGH OF SITKA
BARANOF SCHOOL
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 12175000
VICTORIA D'AMICO
D'AMICO, VICTORIA, L.
P.O. BOX 2191
SITKA AK 99835-2191

Parcel ID: 12185000
COLIN/CHRISTIE HERFORTH/JONES
HERFORTH, COLIN/JONES, CHRISTIE
308 MONASTERY ST
SITKA AK 99835

Parcel ID: 12330000
SITKA SUPER 8 MOTEL
SITKA SUPER 8 MOTEL, INC.
P.O. BOX 4850
ABERDEEN SD 57402-4850

Parcel ID: 12356000
SITKA SUPER 8 MOTEL
SITKA SUPER 8 MOTEL, INC.
P.O. BOX 4850
ABERDEEN SD 57402-4850

Parcel ID: 12370000
SITKA AK LODGE #1662, BPO OF ELKS
LODGE #1662
B.P.O. ELKS
412 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 12380000
CITY & BOROUGH OF SITKA
MUNICIPAL-STATE OFFICE BL
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 12620000
JOSHUA HORAN
HORAN, JOSHUA, C.
P.O. BOX 2003
SITKA AK 99835-2003

Parcel ID: 12640000
VELMA PAZAR
PAZAR, VELMA
410 LAKE ST
SITKA AK 99835

Parcel ID: 12642000
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 12650000
DAVID GRAHAM
GRAHAM, DAVID, A.
P.O. BOX 6054
SITKA AK 99835-6054

Parcel ID: 12690000
CITY & BOROUGH OF SITKA
PARKING BEHIND SR. CENTE
C/B OF SITKA
100 LINCOLN STREET
SITKA AK 99835

Parcel ID: 12695000
THE SALVATION ARMY
SALVATION ARMY
P.O. BOX 454
SITKA AK 99835-0454

Parcel ID: 12700001
ALASKA HOUSING FINANCE CORP.
ALASKA HOUSING FINANCE CORP.
P.O. BOX 101020
ANCHORAGE AK 99510

Parcel ID: 12700002
CITY & BOROUGH OF SITKA
SENIOR CENTER
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 12715000
THE SALVATION ARMY
SALVATION ARMY
P.O. BOX 454
SITKA AK 99835-0454

Parcel ID: 12735000
LANCE/ANN STEPHENSON LIVING
TRUST
STEPHENSON LIVING TRUST,
LANCE/ANN
P.O. BOX 6194
SITKA AK 99835-6194

Parcel ID: 12737000
RACHEL TODD
TODD, RACHEL
409 SAWMILL CREEK RD, #A
SITKA AK 99835

Parcel ID: 12740000
SITKA HERITAGE PROPERTIES, LLC
SITKA HERITAGE PROPERTIES, LLC
1 MAKSOUTOFF ST
SITKA AK 99835

Parcel ID: 12745000
MARK/NANCY GORMAN/KNAPP
GORMAN, MARK & KNAPP, NANCY
137 RIGGS RD
SITKA AK 99835

Parcel ID: 12750000
DOUGLAS/JAMI OSBORNE
OSBORNE, DOUGLAS & GUINN-
OSBORNE, JAMI
404 HOLLYWOOD WAY
SITKA AK 99835

Parcel ID: 12755001
STANLEY/MAYBELL FILLER
FILLER, STANLEY JR./MAYBELLE, F.
406 HOLLYWOOD WAY
SITKA AK 99835

Parcel ID: 12755002
LILLIAN COX
COX, LILLIAN, S.
534 E. CRESTVIEW ST
SPRINGFIELD MO 65807

Parcel ID: 12765000
MARY/ROBERT COLLIVER
COLLIVER, MARYLOU
409 MONASTERY ST.
SITKA AK 99835

Parcel ID: 12770000
MICHAEL/JACQUEL LAGUIRE
LA GUIRE, MICHAEL, W./JACQUELINE,
E.
P.O. BOX 6369
SITKA AK 99835-6369

Parcel ID: 12775000
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 12805000
GREGORY/GEORJEA WALLACE
WALLACE, GREGORY/GEORJEANA
417 MONASTERY ST
SITKA AK 99835

Parcel ID: 12870001
THOMAS/LANELLE BACON
BACON, THOMAS & LANELLE
P.O. BOX 6073
SITKA AK 99835-6073

Parcel ID: 12870002
KAREN PARKER
PARKER, KAREN, S.
204 KATLIAN AVE
SITKA AK 99835

Parcel ID: 12870003
JUDITH GANGLE
GANGLE, JUDITH
414 MONASTERY ST
SITKA AK 99835

Parcel ID: 12870004
RANDY/DAYNA HOUP
HOUP, R.& D., MYRON, R. & LEWIS, S.
412 MONASTERY ST
SITKA AK 99835

Parcel ID: 12870007
CARL/BONNIE COTTRELL
COTTRELL, CARL & BONNIE
504 DEGROFF ST
SITKA AK 99835

Parcel ID: 12870010
COMMON AREA MONASTERY ST
TOWNHOMES
COMMON AREA MONASTERY
TOWNHOMES
MONASTERY ST
SITKA AK 99835

Parcel ID: 12900000
JENNIFER YOUNG
YOUNG, JENNIFER, C.
406 MONASTERY ST, #B
SITKA AK 99835-7407

Parcel ID: 12920000
FIRST PRESBYTERIAN CHURCH
FIRST PRESBYTERIAN CHURCH
505 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 13000000
ERIK/ERICA BAHRT
BAHRT, ERIK & ERICA
P.O. BOX 1654
SITKA AK 99835-1654

Parcel ID: 12870005
GUS ADAMS
ADAMS, GUS, M.
500 DEGROFF ST
SITKA AK 99835

Parcel ID: 12870008
MELISSA/THADDEU
HENRICKSEN/LARA
HENRICKSEN, MELISSA & LARA,
THADDEUS
506 DEGROFF ST
SITKA AK 99835

Parcel ID: 12880000
TEOFILO/NORA AGNE
AGNE, TEOFILO, A./NORA, F.
410 MONASTERY ST
SITKA AK 99835

Parcel ID: 12905000
EDWARD/SARAH
SCHOENFELD/LONGENBAUGH
SCHOENFELD,
EDWARD/LONGENBAUGH, SARAH
319 B STREET
DOUGLAS AK 99825-5550

Parcel ID: 12980000
FIRST PRESBYTERIAN CHURCH
FIRST PRESBYTERIAN CHURCH
505 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 12870006
ELLEN HUGHES
HUGHES, ELLEN
P.O. BOX 6594
SITKA AK 99835-6594

Parcel ID: 12870009
SUSAN VOSBURG
VOSBURG, SUSAN, E.
1555 RIDGEVIEW DR, APT 191
RENO NV 89519

Parcel ID: 12890000
MONICA BALLESTEROZ
BALLESTEROZ, MONICA
P.O. BOX 6625
SITKA AK 99835-6625

Parcel ID: 12910000
LONNIE/KATHERIN SWANSON/SALO
SWANSON, LONNIE & SALO,
KATHERINE
P.O. BOX 552
SITKA AK 99835-0552

Parcel ID: 12990000
RYAN/ELIZABETH
CARPENTER/DECKER
CARPENTER, RYAN & DECKER,
ELIZABETH
311 PETERSON AVE, APT A
SITKA AK 99835

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 4/25/17

To: Ali Clayton for
James Gorman

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

Variance.....	
Conditional Use Permit.....	<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>6.00</u>
TOTAL.....	<u>106.00</u>

Thank you

PAID

APR 25 2017

CITY & BOROUGH OF SITKA

A
L
A
S
K
A

2014-000011-0

Recording Dist: 103 - Sitka
1/6/2014 03:12 PM Pages: 1 of 2



AFTER RECORDING, RETURN TO:

Mark Gorman
Nancy Knapp
137 Riggs Rd.
Sitka, AK 99835

AETIA 45638

WARRANTY DEED
A.S. 34.15.030

The Grantor, **DARLENE L. BAIN**, an ⁰¹⁸unmarried person, whose address is 242 E. Torrence Ln., Oak Harbor, WA 98227, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to **MARK GORMAN** and **NANCY KNAPP**, husband and wife, as tenants by the entirety with right of survivorship, Grantees, whose mailing address is 137 Riggs Rd., Sitka, AK 99835, the following-described real estate:

The East half of Lot Twelve (12), Block Nineteen (19), Sitka Townsite, according to the official plat of the subdivision thereof, U.S. Survey 1474, Tract A, more fully describes as follows:

Beginning at point on the North boundary line of said Lot Twelve (12), Block Nineteen (19), from the NE corner of said lot bear N 76 deg. 13 min. E for a distance of ninety-four feet (94.0'), as Corner No. 1, the place of beginning; thence N 76 deg. 13 min. E for a distance of ninety-four feet (94.0') to the NE corner as Corner No. 2; thence S 13 deg. 10 min. E along the eastern boundary of the lot for a distance of fifty feet (50.0') to Corner No. 3 (also the SE corner of the lot); thence S 76 deg. 13 min. W for a distance of ninety-five feet (95.0') to a point on the southern boundary of said lot as Corner No. 4; thence in a general N-by-W direction for a distance of approximately fifty feet (50.0'), but in any event until said point on the northerly boundary line of said lot known as Corner No. 1, is reached, the place of beginning.

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

DATED this 3rd day of JANUARY, 2014.

GRANTOR:

Darlene L. Bain
DARLENE L. BAIN

STATE OF WASHINGTON)
COUNTY OF Island)

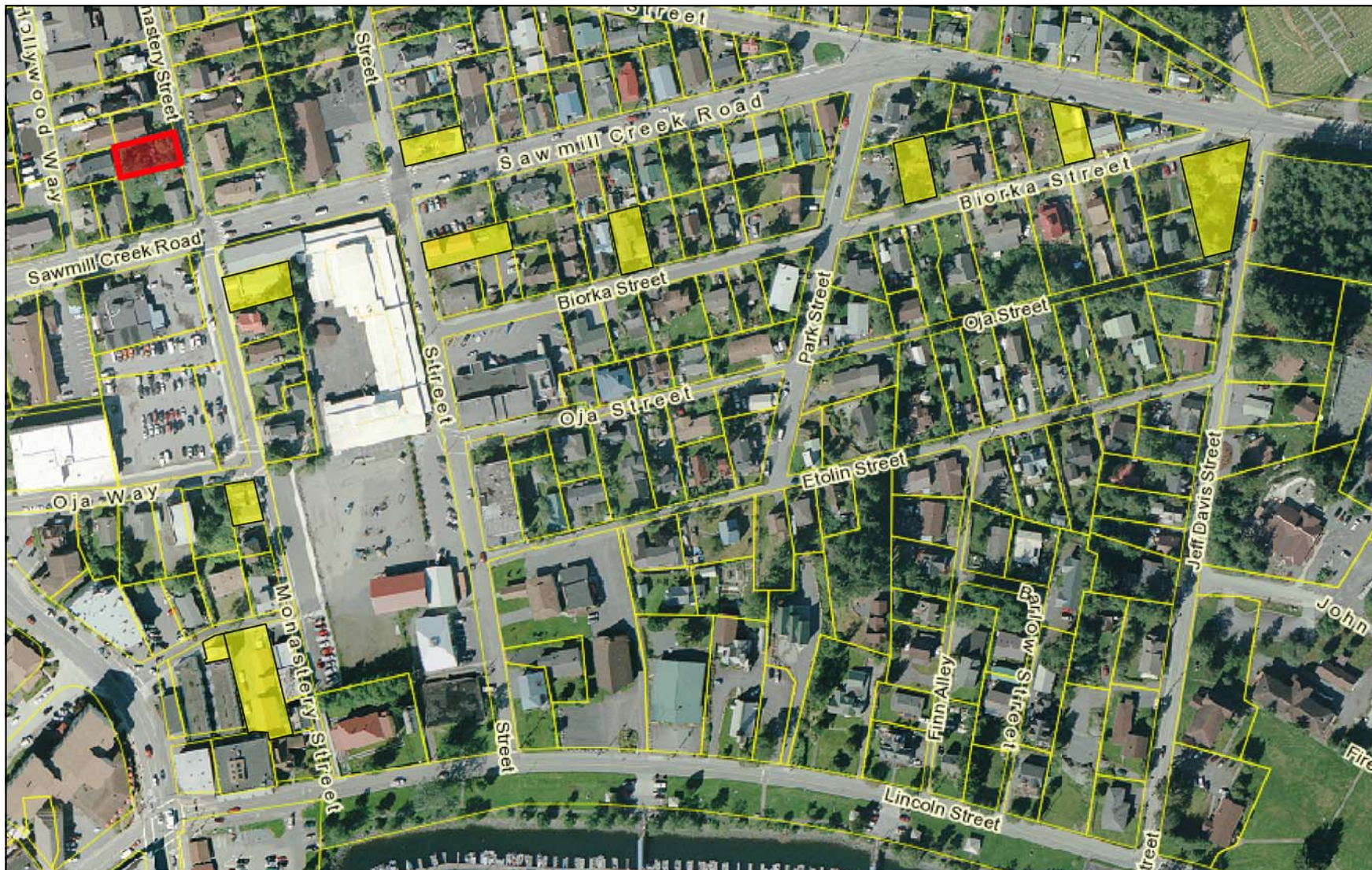
ss.

The foregoing instrument was acknowledged before me this 3rd day of January, 2014, by DARLENE L. BAIN, an unmarried person.

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

STEVE J. METCALFE
Notary Public in and for Washington
My Commission Expires: 2-9-2017





City & Borough of Sitka, Alaska

Selected Parcel: 405 MONASTERY ID: 12745000

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100 m
200 ft



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City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 16-11
Proposal: Request for vacation of 650 square feet of municipal right-of-way
Applicant: Mica Trani
Owner: Mica Trani
Location: 403 Alice Loop
Legal: Lot 1 Sealing Cove Subdivision
Zone: WD Waterfront District
Size: Existing Lot: 31,890 square feet
Requested ROW: 650 square feet
Parcel ID: 1-9022-003
Existing Use: Commercial
Adjacent Use: Commercial, Public
Utilities: Existing
Access: Alice Loop to Airport Road

KEY POINTS AND CONCERNS:

1. Creates tax revenue for municipality
2. Applicant and municipal staff have agreed to an easement for access to public infrastructure
3. Neighborhood harmony – surrounding uses are commercial and public in use, zoning allows for commercial use

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of LM 16-11 to the Assembly.

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Zoning Map
Attachment D: Current Plat

Attachment E: Site Plan
Attachment F: Parcel Pictures
Attachment G: Application
Attachment H: Flood Zone Map
Attachment I: Mailing List

PROJECT DESCRIPTION

This request is to purchase a 650 square foot portion of municipal right-of-way adjacent 403 Alice Loop. The applicant states the intent to fence in the commercial property.

BACKGROUND

403 Alice Loop was created by Sealing Cove Subdivision, recorded as plat 2011-1. Island Marine operates from the property.

The application was filed in late 2016 and originally denied because of concerns for municipal infrastructure. Following the denial, the applicant worked with the Wastewater Division and the Electric Department to determine a plan that would be acceptable to all parties. The applicant agreed that if the vacation was approved, he would grant the municipality an easement for the 650 square feet portion for the purpose of accessing and maintaining utility infrastructure.

The vacation application is coming before the Planning Commission to seek a recommendation of approval to the Assembly. The item is scheduled for the May 10th Historic Preservation Commission meeting. The vacation application will go to the Assembly for approval by ordinance, then will return to the Planning Commission for a subdivision replat.

ANALYSIS

Project/Site: The property is 650 square feet of municipal right-of-way adjacent to 403 Alice Loop.

Traffic: Overall use of the property would not change, so traffic is anticipated to remain the same.

Parking: Sufficient parking is provided on-site.

Noise: Proposed use does not change and the WD zoning allows commercial use. No concerns.

Public Health or Safety: No concerns. The sidewalk and roadway would remain in the same location.

Habitat: No concerns.

Property Value or Neighborhood Harmony: Proposed use does not change. Adjacent uses are public (municipal harbor and wastewater facility) and commercial.

Conformity with Comprehensive Plan: The proposal conforms to Comprehensive Plan Section 2.4.19 which states, "To consistently follow and enforce land use policies, codes, regulations, and decisions..." by going through the prescribed vacation approval process.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and move to recommend approval of the vacation of 650 square feet of right-of-way adjacent 403 Alice Loop.

RECOMMENDED MOTION

- 1) I move to recommend approval of the vacation request for 650 square feet of municipal right-of-way adjacent 403 Alice Loop with the condition of approval that Public Works approves the easement for access to public infrastructure. The property is also known as Lot 1 Sealing Cove Subdivision. The request is filed by Mica Trani. The owner of record is Mica Trani.





City & Borough of Sitka, Alaska

Selected Parcel: 403 ALICE ID: 19022003

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50 m
100 ft



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MainStreetGIS, LLC
www.mainstreetgis.com

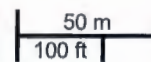
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City & Borough of Sitka, Alaska

Selected Parcel: 403 ALICE ID: 19022003

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CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DATE: 4/22/11
 BY: [Signature]
 [Signature]
 [Signature]

NOTARY'S ACKNOWLEDGMENT

US OF AMERICA
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 22nd DAY OF APRIL, 2011, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, RAY CONNORSON AND PETER, PERSONALLY APPEARED SARAH JOHNSON, PRESIDENT OF SITKA INC., and she acknowledged to me that she executed the within plat and she acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein specified.

WITNESSES OF HAND AND NOTARY SEAL, THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

[Signature]
 NOTARY PUBLIC
 MELLISA HENDERSON
 MY COMMISSION EXPIRES 9-1-2012

STATE OF ALASKA
 NOTARY PUBLIC
 MELLISA HENDERSON
 MY COMMISSION EXPIRES 9-1-2012

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

1. THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AGREEING FOR THE CITY & BOROUGH OF SITKA, TO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS OWNED IN THE RECORDS IN THE NAME OF SITKA INC., et al.

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES HEREON PAID AND ARE IN FULL OF THE CITY & BOROUGH OF SITKA AND IN FULL OF THE CURRENT TAXES FOR THE YEAR 2010. WILL BE PAID ON OR BEFORE 4-30-2011.

DATED THIS 22nd DAY OF APRIL, 2011, AT SITKA, ALASKA.

[Signature]
 SITKA, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLANNING BOARD, AND THAT THIS PLAN HAS BEEN APPROVED BY THE BOARD OF PLANNING RESOLUTION NO. 2011-012. AND THAT THE PLAN SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, CO-CLERK RECORDING, SITKA, ALASKA.

[Signature]
 [Signature]
 [Signature]

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA AS REQUIRED IN VARIOUS SITUATIONS. AND THAT THE PLAN SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, CO-CLERK RECORDING, SITKA, ALASKA.

4-21-2011 [Signature]
 [Signature]
 [Signature]
 SITKA, CITY AND BOROUGH OF SITKA

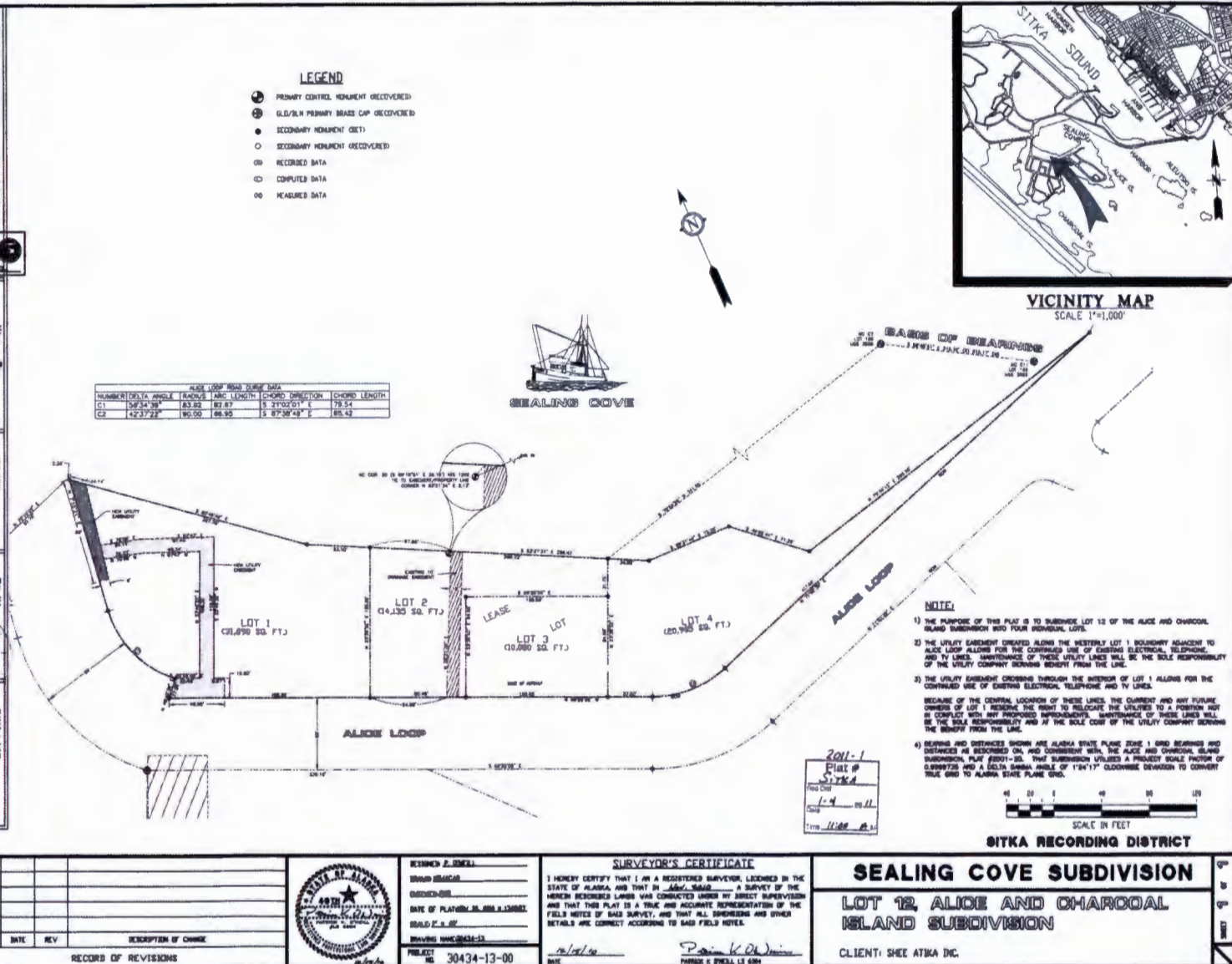
CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

1. THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCIAL 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 OWNED IN THE RECORDS IN THE NAME OF SITKA INC., et al.

ALL LIENS OF RECORD, AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL LIENS ARE PAID AND ARE IN FULL OF THE CITY & BOROUGH OF SITKA AND IN FULL OF THE CURRENT TAXES FOR THE YEAR 2010.

DATED THIS 22nd DAY OF APRIL, 2011, AT SITKA, ALASKA.

[Signature]
 SITKA, CITY AND BOROUGH OF SITKA



O'NEILL
SURVEYING AND ENGINEERING

BOX 1049 SITKA, ALASKA 99801
 PHONE: (907) 747-4700
 FAX: (907) 747-1000
 EMAIL: onell@onellse.com



RETURNED TO: SHEE

RECORDED

DATE OF PLATING: 4/22/11

RECORD NO: 30434-13-00

SURVEYOR'S CERTIFICATE

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

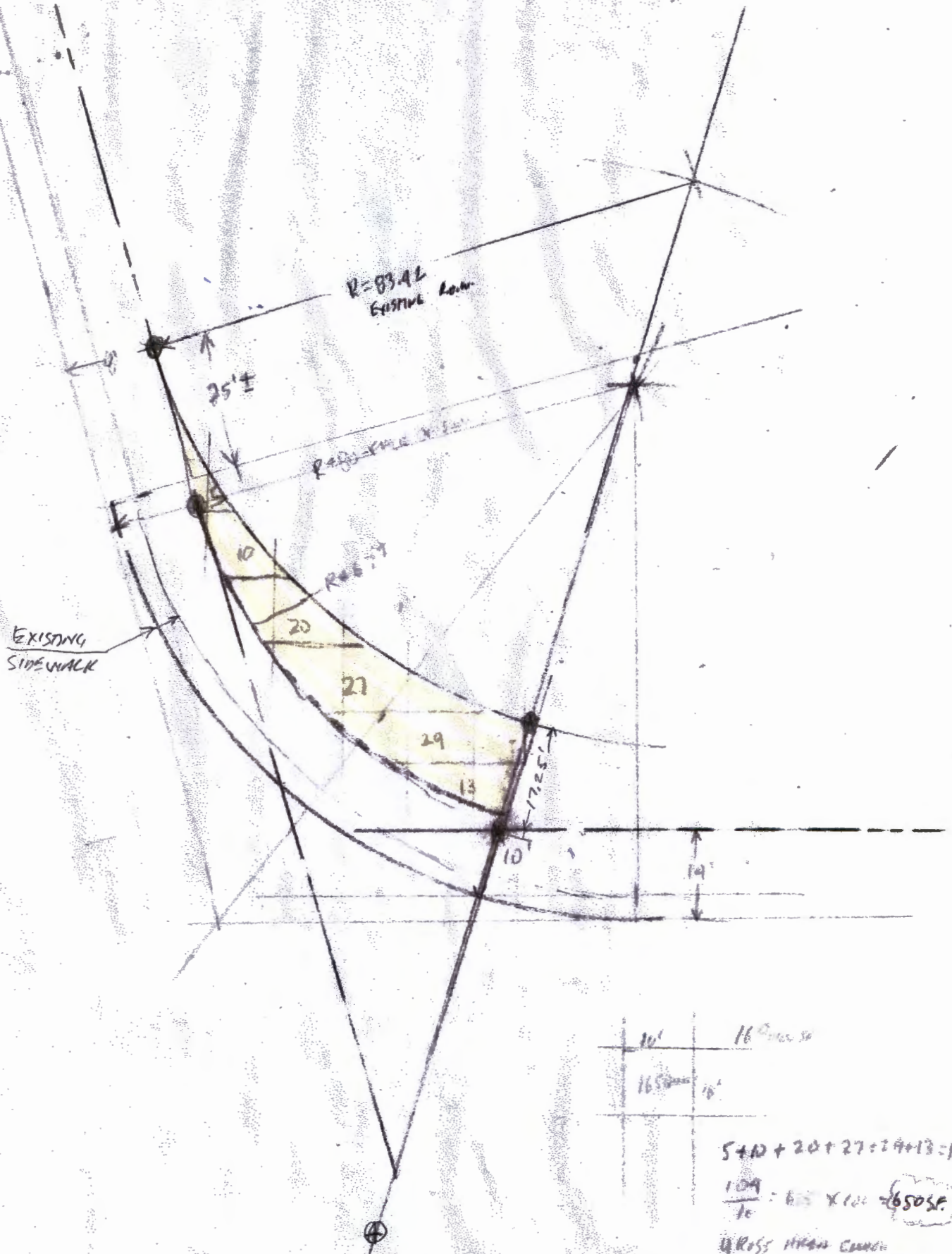
DATE: 4/22/11
 BY: [Signature]
 PROJECT NO: 30434-13-00

SEALING COVE SUBDIVISION

LOT 12, ALICE AND CHARCOAL ISLAND SUBDIVISION

CLIENT: SHEE ATKA INC.

403 Alice Loop Rd.

















CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
LAND MANAGEMENT APPLICATION FORM

1. Review guidelines and procedural information.
2. Fill form out completely. No request will be considered without a completed form.
3. Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐ TIDELAND

☐ LEASE

☐ LAND

☒ PURCHASE

BRIEF DESCRIPTION OF REQUEST: Purchase city right of way at 403 Alice Loop where road right of way goes from 60' to 80' near existing fire hydrant.

PROPERTY INFORMATION:

CURRENT ZONING: WD ARE YOU THE UPLAND PROPERTY OWNER? Yes

CURRENT LAND USE(S): Marine repair PROPOSED LAND USES (if changing): no change

APPLICANT INFORMATION:

PROPERTY OWNER: Mica Trani

PROPERTY OWNER ADDRESS: 101 Shuler Dr - Sitka

STREET ADDRESS OF PROPERTY: 403 Alice Loop Road - Sitka

APPLICANT'S NAME: Mica Trani

MAILING ADDRESS: Box 3016

EMAIL ADDRESS: islandmarine@gci.net DAYTIME PHONE: 747-0647

PROPERTY LEGAL DESCRIPTION:

TAX ID: 19022003 LOT: 1 BLOCK: _____ TRACT: _____

SUBDIVISION: Sealing Cove Subdivision US SURVEY: 39-26


COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE:		OWNERSHIP	

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 (If claiming upland preference)
- ☐ Copy of current plat

CERTIFICATION:

I hereby 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. 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.


Applicant

11.28.16
Date

CITY AND BOROUGH OF SITKA - ASSESSMENT RECORD 2017



Owner:	Trani, Mica, T.	Owner:	
Location:	403 Alice Lp		
Parcel No:	1-9022-003	Prop Type:	Comm
Legal Description:			
Lot One (1), Sealing Cove Subdivision, according to the official plat thereof, filed under Plat No. 2011-1, Records of the Sitka Recording District, First Judicial District, State of Alaska.			

PROPERTY INFORMATION

General Data

Year Built	2016	Prop Style:	
Total Finished Living	2640		
Prop Quality:	3.00 Ave		
Eff Age:	0		
Re-Inspect Date	12/20/2016		

Land Data

Zoning Typ WD

Sq.Ft. 31,890 Acres 0.730

Topography	Level
Shape	Average
View	No Data
Drainage	Average
Access	Average
Parking	Onsite
Street	Paved
Water	PubCSys
Sewer	City
Waterfront	0.00

Subject Photo



19022003.JPG

LAND VALUATION

UNIT	Base \$/SF	C	P	LQC	\$/SF	E1	E2	TOTALS
unit 1 sf	31,890	1195.1	-0.450	0.877	\$9.85			\$314,200
unit 2 sf								
unit 3 sf								
unit 4 sf								
waterft								
view	0							

April 17, 2017, Easement Purchase Application Valuation Estimate is 15% of Base Rate of \$9.85/sf (0.15 X \$9.85 = \$1.48/sf @ 650sf = \$1,000)

\$1,000

May 1, 2017



City & Borough of Sitka, Alaska

Selected Parcel: 403 ALICE ID: 19022003

Printed 12/9/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



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Parcel ID: 19000002
CITY & BOROUGH OF SITKA
SEWER TREATMENT PLANT
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

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

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

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

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

Parcel ID: 19075000
CITY & BOROUGH OF SITKA
SEALING COVE HARBOR
CITY & BOROUGH OF SITKA,
203 AIRPORT RD
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: 19022003
MICA TRANI
TRANI, MICA, T.
P.O. BOX 3016
SITKA AK 99835-3016



CITY AND BOROUGH OF SITKA

Legislation Details

File #: VAR 17-10 **Version:** 1 **Name:**

Type: Variances **Status:** AGENDA READY

File created: 4/19/2017 **In control:** Planning Commission

On agenda: 5/16/2017 **Final action:**

Title: Public hearing and consideration of a variance request for 2515 Sawmill Creek Road. The request is for the reduction of the rear setback from 20 feet to 10 feet for the construction of a garage. The property is also known as Lot 14C Subdivision of Lot 14 of US Survey 3302. The request is filed by Larry Medina. The owners of record are Larry and Nancy Medina.

Sponsors:

Indexes:

Code sections:

Attachments: [Medina 5.16.17](#)

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: VAR 17-10
Proposal: Request for reduction in rear setback from 20 feet to 10 feet for garage
Applicant: Larry and Nancy Medina
Owner: Larry and Nancy Medina
Location: 2515 Sawmill Creek Road
Legal: Lot 14C Subdivision of Lot 14 US Survey 3302
Zone: R-1 LDMH single family low density manufactured home district
Size: 16,000 square feet
Parcel ID: 3-1642-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- Neighborhood harmony: consider consistency with zoning requirements and neighboring properties, presence/absence of extenuating circumstances
- Proposed location:
 - encroaches on existing railroad easement
 - would violate existing development standards for setbacks

RECOMMENDATION:

Staff recommends that the Planning Commission find VAR 17-10 as proposed to be inconsistent with Sitka General Code Title 22 and the required findings to deny the variance request for a reduction in the rear setback from 20 feet to 10 feet at 2515 Sawmill Creek Road.

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

Plat 79-5 resulted in the creation of this lot. The property currently includes a single-family residence. Surrounding lots are residential in use. A historical railroad easement is shown across the property on Plat 79-5, and was released by the City and Borough of Sitka in 2002.

PROJECT DESCRIPTION

The variance request is for the reduction of the rear setback from 20 feet to 10 feet for the construction of a garage. Setbacks are measured from property lines to eaves, gutters, and drip lines. Required setbacks in the R-1 LDMH district are 20 feet on the front and rear and 15 feet on the sides.

The applicant proposes to build a 20 foot by 20 foot single-car garage. The proposed location would meet the 15 foot side setback requirement but not the 20 foot rear setback requirement. The applicant proposes to locate the structure 10 feet from the rear property line, and 19 feet from the house.

ANALYSIS

Project / Site: The project area is primarily flat. Along the periphery, there is a slight drop-off. This property is 1000 square feet above the 15,000 square foot minimum lot size at 16,000 square feet. A house exists on the property. An easement runs through this lot to serve one other lot.

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

Traffic: The proposal does not include a change in use. No change in traffic expected.

Parking: The property has the two required parking spaces for a single-family residence.

¹ Section 22.16.035—R-1 LDMH District

Noise: No increased noise expected. Foliage buffers exist between adjacent lots.

Public Health or Safety: No concerns.

Habitat: No concerns for habitat.

Property Value or Neighborhood Harmony: The construction of a garage would be an improvement to the property. A variance from required development standards could create neighborhood disharmony.

Conformity with Comprehensive Plan: The proposed variance for the reduction of the rear setback from 20 feet to 10 feet does not conform 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 an exception from codified development standards when not necessary.

Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience.

FINDINGS²

D. Required Findings for Variances.

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

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here, that the lot is relatively flat and has space available on the rear for additional development;*
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *here, the development of covered parking could be developed with a different configuration not requiring a variance of this degree;*
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, *specifically, that the open carport would minimize view impacts to pedestrians and motorists;* and

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

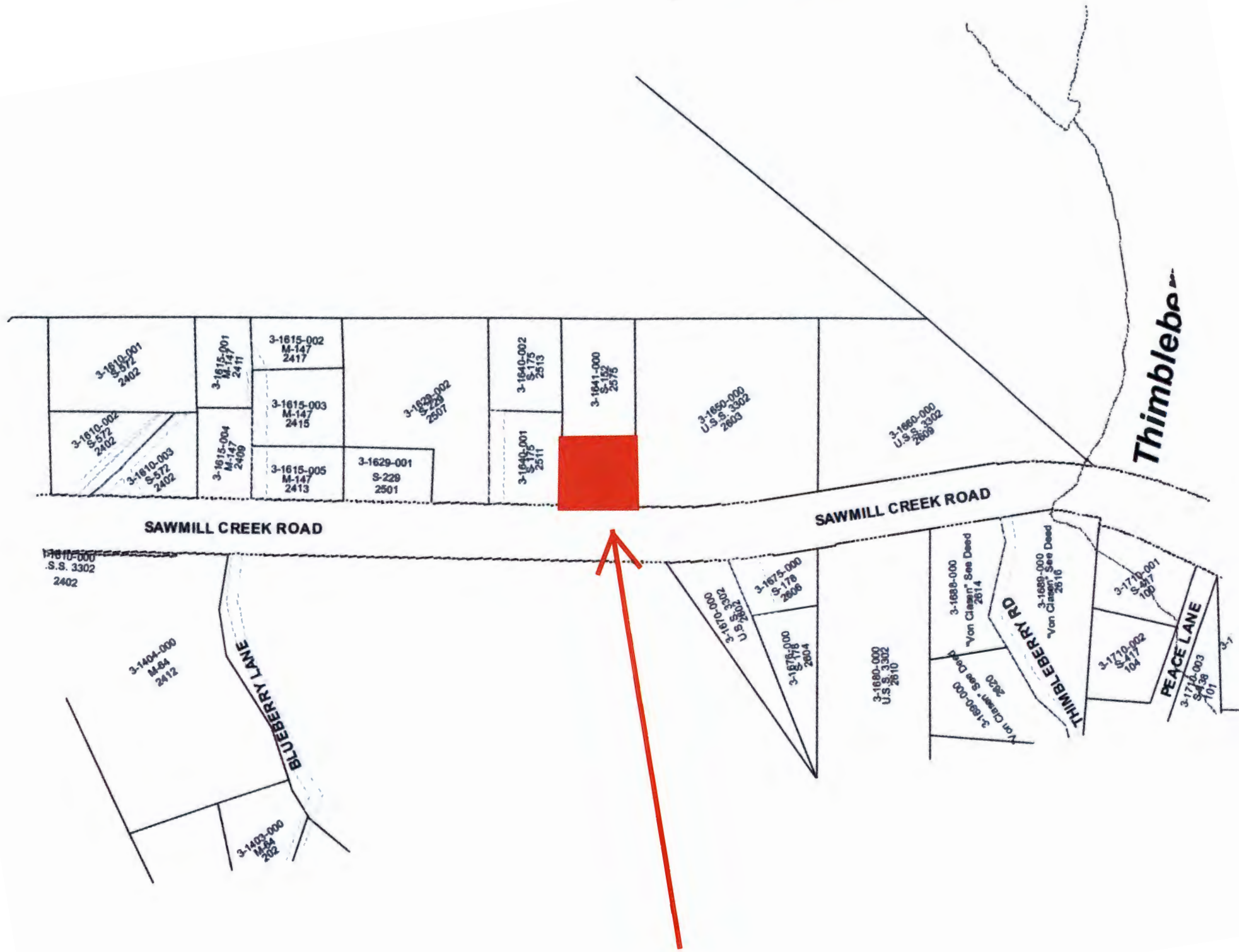
- d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations,"* by allowing for an exception from codified development standards when not necessary.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff's analysis and suggested findings, and deny the variance for the reduction of the rear setback from 20 feet to 10 feet for the construction of a garage.

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

- 1) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 2) I move to deny a variance request for 2515 Sawmill Creek Road. The variance is for the reduction of the rear setback from 20 feet to 10 feet for the construction of a garage. The property is also known as Lot 14C of the Subdivision of Loat 14 US Survey 3302. The request is filed by Larry and Nancy Medina. The owners of record are Larry and Nancy Medina.



Thimbleberry

SAWMILL CREEK ROAD

SAWMILL CREEK ROAD

THIMBLEBERRY RD

PEACE LANE

3-1610-001
S-572
2402

3-1615-001
M-147
2411

3-1615-002
M-147
2417

3-1615-003
M-147
2415

3-1615-005
M-147
2413

3-1620-002
S-229
2507

3-1640-002
S-175
2513

3-1641-000
S-152
2575

3-1650-000
U.S.S. 3302
2603

3-1660-000
U.S.S. 3302
2609

3-1610-000
S.S. 3302
2402

3-1404-000
M-84
2412

3-1403-000
M-84
2402

3-1670-000
U.S.S. 3302
2602

3-1675-000
S-176
2606

3-1676-000
S-178
2604

3-1680-000
U.S.S. 3302
2610

3-1688-000
Von Classen See Deed
2614

3-1690-000
Von Classen See Deed
2620

3-1689-000
Von Classen See Deed
2616

3-1710-001
S-217
1001

3-1710-002
S-217
104

3-1710-003
S-217
101



City & Borough of Sitka, Alaska

Selected Parcel: 2515 SAWMILL CREEK ID: 31642000

Printed 4/19/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



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City & Borough of Sitka, Alaska

Selected Parcel: 2515 SAWMILL CREEK ID: 31642000

Printed 4/19/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
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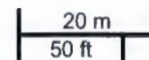
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City & Borough of Sitka, Alaska

Selected Parcel: 2515 SAWMILL CREEK ID: 31642000

Printed 4/19/2017 from <http://www.mainstreetmaps.com/ak/sitka/public.asp>



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RECORDED - FILED

SITKA REC DIST

DATE: 3-22-79

TIME: 3:09 P.M.

Section No. 79-413 Twp 79-S
REQUESTED BY: CITY OF SITKA

OF SITKA

ADDRESS: BOX 79

SITKA, ALASKA

U.S.S. 1763

264.00' S. 34° 30' E.

132.00'

132.00'

214.41'

27,428 sq

14B

216.37'

320.00'

43,428 sq

14A

N. 35° 09' E.

N. 35° 09' E.

121.21'

132.02'

14C

16,000 sq

N. 35° 09' E.

N. 33° 58' 52" W.

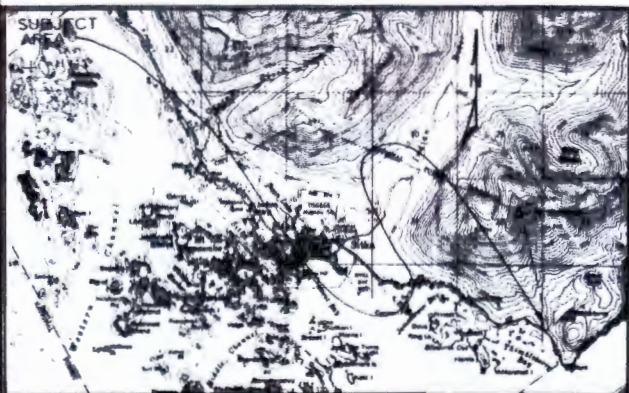
132.02'

N. 33° 58' 52" W.

SAWMILL CREEK HIGHWAY

49.70'

Bearing Base - N. 54° 50' W.



VICINITY MAP

SCALE: 1" = 1 MILE

U.S.S. 2274

LEGEND

- - Plastic Cap on rebar (set)
- - 2x4 Wood Post (Fnd)
- ⊕ - Brass Cap Mon. (Fnd)
- ⊙ - Power Pole

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

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

DATE: 3-22-79

Robert L. Davis
CITY AND BOROUGH CLERK

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered Surveyor, licensed in the State of Alaska, and that in Nov. 1978 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: 3-13-79

Paul J. Davis
SURVEYOR



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: 3-5-79 OWNER: Norman E. Knight

DATE: OWNER:

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA (First Judicial District) 185
THIS IS TO CERTIFY THAT ON THIS 5th DAY OF March 1979 BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, PERSONALLY APPEARED Norman E. Knight AND TO ME KNOWN AND KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AND THAT THEY INDIVIDUALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED. WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE NAMED FIRST ABOVE.

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 4/1/80

CERTIFICATE STATE OF ALASKA FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF SITKA IN THE NAME OF NORMAN KNIGHT & ZION RD. AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL: THAT CURRENT TAXES FOR THE YEAR 1979 WILL BE DUE ON OR BEFORE JULY 31, 1979.

DATED 15th DAY OF MARCH 1979
Dwight Stas
ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 13 DATED 3-13-79 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX OFFICIO RECORDER SITKA, ALASKA.

DATE: 3-13-79 Robert L. Davis
CHAIRMAN, PLATTING BOARD

SUBDIVISION

LOT 14, USS 3302

NORMAN KNIGHT
FOR: BOX 4558-MT. EDGE CUMBE, AK.

DAVIS & ASSOCIATES
LAND SURVEYORS
BOX 1849
SITKA, ALASKA 99583

DATE: NOV. 30, 1978 NAME OF SURVEYOR: PAUL DAVIS PROJ. NO.: 20197-01-00
SCALE: 1" = 400' DRAWN BY: S.W.















CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

RECEIVED APR 19 2017

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR: ☒ VARIANCE ☐ CONDITIONAL USE
☐ ZONING AMENDMENT ☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: I'm requesting A 10' Variance on the rear setback of the property. So i can erect A 20'x20' Single Car garage

PROPERTY INFORMATION:

CURRENT ZONING: R-1 LDMH Residential PROPOSED ZONING (if applicable): N/A
CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): Same

APPLICANT INFORMATION:

PROPERTY OWNER: Larry E. Medina
PROPERTY OWNER ADDRESS: 2515 Sawmill Creek Rd
STREET ADDRESS OF PROPERTY: 2515 Sawmill Creek Rd
APPLICANT'S NAME: LARRY E. MEDINA
MAILING ADDRESS: 2515 Sawmill Creek Rd
EMAIL ADDRESS: Larry.e.medina@gmail.com DAYTIME PHONE: 303-731-9484

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: 14C BLOCK: _____ TRACT: _____
SUBDIVISION: Knight US SURVEY: Strazier Engineering Services

OFFICE USE ONLY

COMPLETED APPLICATION	<input checked="" type="checkbox"/>	SITE PLAN	<input checked="" type="checkbox"/>
NARRATIVE	<input checked="" type="checkbox"/>	CURRENT PLAT	<input checked="" type="checkbox"/>
FEE	<input checked="" type="checkbox"/>	PARKING PLAN	<input checked="" type="checkbox"/>

Setbacks - 20' & 20' & 15'

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.

Garry E. Medina
Owner

4-18-17
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: 2515 SAWMILL CREEK ID: 31642000

Printed 4/19/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Parcel ID: 31450000
PAUL/WANDA WHITE
WHITE, PAUL, D./WANDA, L.
P.O. BOX 1210
SITKA AK 99835-1210

Parcel ID: 31629002
MICHAEL/ROXANN GINN
GINN, MICHAEL/ROXANN
2507 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31640001
THOMAS CRANE
CRANE, THOMAS, E.
2511 SAWMILL CREEK RD.
SITKA AK 99835

Parcel ID: 31640002
JOSHUA/KELLY CHEVALIER
CHEVALIER, JOSHUA & KELLY
2513 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31641000
PTARMICA/LUCAS MCCONNELL
MCCONNELL, PTARMICA & LUCAS
2575 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31642000
LARRY/NANCY MEDINA
MEDINA, LARRY & NANCY
2515 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31650000
SOUTHEAST DEVELOPERS, LLC
SOUTHEAST DEVELOPERS, LLC
305 MILLS ST
SITKA AK 99835

Parcel ID: 31670000
ALAN/DIANA STEVENS
STEVENS, ALAN, C./DIANA, L.
P.O. BOX 1921
SITKA AK 99835-1921

P&Z Mailing
May 5, 2017

CITY AND BOROUGH OF SITKA
SENIOR CITIZEN SALES TAX EXEMPTION CARD

Larry E. Medina

is exempt from payment of City and Borough of Sitka Sales Tax on purchases to be used or consumed by that person or his or her spouse. Use of this card by persons or for purposes other than for which it is issued is subject to punishment by fine or imprisonment as provided in Section 4.09.100(y) of the Sitka General Code.

No. 4206

Date: 4-17

Larry E. Medina

PAID

APR 19 2017

CITY & BOROUGH OF SITKA

LARRY MEDINA
SENIOR TAX # 4206

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 4/19/2017

To:

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.....	plus TAX
TOTAL.....	

Thank you



AFTER RECORDING, RETURN TO:

Larry E. Medina
Nancy J. Medina
2515 Sawmill Creek Rd.
Sitka, AK 99835

AETIA 52915

WARRANTY DEED
A.S. 34.15.030

The Grantors, **JOSEPH D. SWAIN and LORI D. SWAIN, husband and wife**, whose address is PO Box 2914, Sitka, AK 99835, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, convey and warrant to **LARRY E. MEDINA and NANCY J. MEDINA, husband and wife, as tenants by the entirety with full right of survivorship**, Grantees, whose mailing address is 2515 Sawmill Creek Rd. Sitka, AK 99835, the following-described real estate:

**Lot 14C, Subdivision of Lot 14, U.S. Survey 3302, according to Plat 79-5,
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 1st day of August, 2016.

GRANTORS:

Joseph D Swain
JOSEPH D. SWAIN

Lori D Swain
LORI D. SWAIN

STATE OF ALASKA)
FIRST MUNICIPAL DISTRICT)

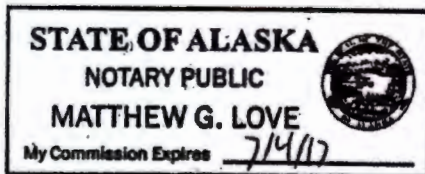
ss.

The foregoing instrument was acknowledged before me this 1st day of August, 2016, by **JOSEPH D. SWAIN and LORI D. SWAIN.**

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

Matthew G Love
Notary Public in and for Alaska

My Commission Expires: 7/4/17



WARRANTY DEED
A-4350\4688\Warranty Deed

Page 2





2002-001737-0

Recording Dist: 103 - Sitka

9/26/2002 9:43 AM Pages: 1 of 2

A
L
A
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K
A

ce

RELEASE OF EASEMENT

The City and Borough of Sitka, Alaska hereby releases all rights to the two hundred (200) foot wide Railroad Easement on Lots 14A1 and 14A2 of the Donnally Subdivision, USS 3302 and on Lots 14B and 14 C of the Subdivision of Lot 14, USS 3302. The Donnally Subdivision was recorded on December 1, 1980 and Subdivision of Lot 14 was recorded on March 22, 1979 in the Sitka Recording District as Plat #80-12 and as Plat # 79-5 respectively.

It has been determined by the City and Borough of Sitka that the need for this easement no longer exists.

The easement being released is graphically shown on the attached Exhibit A which is an integral part of this document.

A.E. Zimmer
Municipal Administrator

9.26.02

Date

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

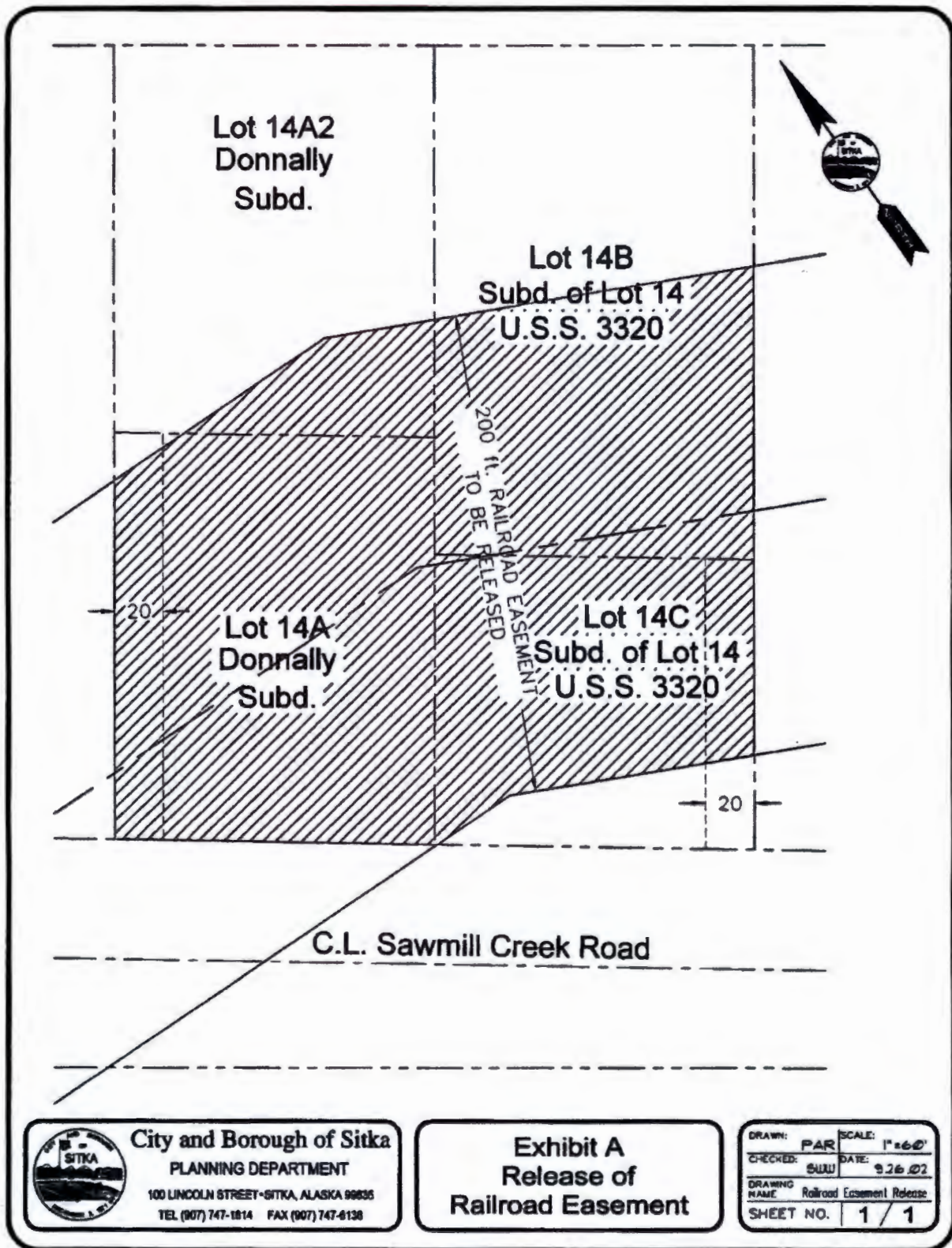
THIS CERTIFIES that on this 26 day of September, 2002 before me, a Notary Public in and for the State of Alaska, personally appeared A.E. Zimmer to me known and known to me to be the person whose name is subscribed to the foregoing easement, and after being first duly sworn according to law, he stated to me under oath that he is the **Administrator** of the City and Borough of Sitka, Alaska, a corporation organized under the laws of the State of Alaska, that he has been authorized by said corporation to execute the foregoing easement on its behalf and he executed the same freely and voluntarily as the free act and deed of said corporation.

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



Notary Public in and for Alaska

My Commission Expires: 8/9/04



2 of 2

2002-001737-0

MH-47

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

State of Alaska

is entitled to a Land Patent pursuant to the Statehood Act of July 7, 1958, 72 Stat. 339,
as amended, confirming a grant under the Mental Health Grant Act of July 28, 1956,
70 Stat. 709, for the Lot 167 of the land embraced in U. S. Survey No. 3926, situated
within U. S. Survey No. 1763 (Sitka Elimination),
containing 0.88 of an acre:

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto
the above named claimant the land above described; TO HAVE AND TO HOLD the said
land with all the rights, privileges, immunities, and appurtenances, of whatsoever
nature, thereunto belonging, unto the said claimant, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES

1. A right-of-way thereon for ditches and canals constructed by the authority of the
United States. Act of August 30, 1890, 26 Stat. 391; 43 U. S. C. 945.
2. A right-of-way thereon for the construction of railroads, telegraph, and telephone
lines, as prescribed and directed by the Act of March 12, 1914, 38 Stat. 305.

Patent Number **50-63-0097**

SITKA
Book, 1 Page 68-1335-

Form 1860-8
(January 1965)
(formerly 4-1040)
Anchorage 060898

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a certificate of the Land Office at Anchorage, Alaska, is now deposited in the Bureau of Land Management, whereby it appears that pursuant to Section 10 of the Act of Congress of May 14, 1898 (30 Stat. 413), as amended by the Act of March 3, 1927 (44 Stat. 1364), and the acts supplemental thereto, the claim of Seth D. Mills has been established and that the requirements of law pertaining to the claim have been met, for the Lot 165 of the land embraced in U. S. Survey No. 3926, situated within U. S. Survey No. 1763 (Sitka Elimination), Alaska:

The area described contains 0.48 of an acre, according to the official plat of the survey of the said land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, DOES HEREBY GRANT unto the said claimant and to the heirs of the said claimant the tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to (1) any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and (2) the reservation of a right-of-way for ditches or canals constructed by the authority of the United States, in accordance with the Act of August 30, 1890 (26 Stat. 391; 43 U. S. C. Sec. 945). There is also reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines, in accordance with Section 1 of the Act of March 12, 1914 (38 Stat. 305; 48 U. S. C. Sec. 305).

Issued in lieu of Patent No. 50-67-0178, dated October 5, 1966, correcting error in land description.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Anchorage, Alaska the SEVENTEENTH day of OCTOBER in the year of our Lord one thousand nine hundred and SIXTY-EIGHT and of the Independence of the United States the one hundred and NINETY-THIRD.

RECORDED - FILED	
SITKA	REC. DIST.
DATE 12/1/68	1968
TIME 1:10	P. M.
requested by RUTH PALM	
address 1504 1ST	
SITKA	



By W. R. Bant
Chief, Branch of Lands

Patent Number 50-69-0098

SITKA
Serial No. 68-1361

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

Date: 04/19/2017
Receipt: 2017-00051220
Cashier: Front Counter
Received From: LARRY MEDINA
TAX EXEMPT #4206

PLAN - Planning Permits/Zoning	75.00
Receipt Total	75.00
Total Other	75.00
Total Remitted	75.00
Total Received	75.00

10.24.00

Inv #: 000022 Appr Code: 442396

Total: \$ 75.00

7

Customer Copy

SITKA

LARRY MEDINA
SENIOR TAX # 4206

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 4/19/2017

To:

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	plus TAX

TOTAL

Thank you



CITY AND BOROUGH OF SITKA

Legislation Details

File #: VAR 17-11 **Version:** 1 **Name:**

Type: Variances **Status:** AGENDA READY

File created: 5/2/2017 **In control:** Planning Commission

On agenda: 5/16/2017 **Final action:**

Title: Public hearing and consideration of a variance request for the reduction in required lot size for a four-plex from 10,000 square feet to 9971 square feet at 720 Indian River Road. The property is also known as Lot 8A Indian River Land Subdivision. The request is filed by Timothy Bernard. The owner of record is Timothy Bernard.

Sponsors:

Indexes:

Code sections:

Attachments: [Bernard 5.16.17](#)

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

AGENDA ITEM:

Case No: VAR 17-11
Proposal: Request for reduction in lot size requirement for four-plex from 10,000 square feet to 9971 square feet
Applicant: Timothy Bernard
Owner: Timothy Bernard
Location: 720 Indian River Road
Legal: Lot 8A Indian River Land Subdivision
Zone: R-2 MHP multifamily and mobile home district
Size: 9971 square feet
Parcel ID: 1-8575-010
Existing Use: Undeveloped
Adjacent Use: Residential and Public
Utilities: Available
Access: Indian River Road

KEY POINTS AND CONCERNS:

- Neighborhood harmony: consider consistency with zoning requirements and neighboring properties, presence/absence of extenuating circumstances
- Community need for additional and affordable housing
- Similar variance granted for 728 Indian River in 2011
- Platted in 2008 – zone allows multifamily but size does not permit four-plex
 - Did this platting create a default variance?

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

720 Indian River Road resulted from Indian River Land Subdivision, designated as plat 2008-5. The property is currently undeveloped. Adjacent lots are residential and recreational in use. In 2011, 728 Indian River Road was granted a variance for the reduction in the lot size requirement for a four-plex from 10,000 square feet to 9600 square feet, but the property was not developed.

PROJECT DESCRIPTION

The variance request is for the reduction of the minimum lot size for a four-plex from 10,000 square feet to 9971 square feet at 720 Indian River Road. The proposal meets the required maximum lot coverage of 50% and setbacks of 20 feet on the front, 8 feet on the sides, and 10 feet on the rear.

ANALYSIS

Project / Site: The project area is primarily flat. The lot is 9971 square feet. The minimum lot size for the first two dwelling units is 8000 square feet, plus 1000 square feet for each additional unit.¹ The property abuts public recreation space to the rear. The applicant should consult with US Army Corps of Engineers regarding possible wetland concerns.

Zone: R-2 MHP: Intent. This zone is intended to provide for primarily for single-family and multiple-family residences at moderately high densities.²

Traffic: A four-plex would generate more traffic than a single-family home. Multifamily development is permitted in the R-2 MHP zone. Vehicles backing onto Indian River Road could be hazardous.

Parking: The site plan has the eight required parking spaces for a four-plex designated along the front of the lot.

¹ Table 22.20-1 – Development Standards

² Section 22.16.060 - R-2 MHP District

Noise: A four-plex would generate more noise than a less dense structure. The property is zoned for multifamily development; however, this lot does not meet minimum size requirements for the desired development.

Public Health or Safety: No concerns.

Habitat: US Army Corps of Engineers should be consulted for any potential impact to wetlands.

Property Value or Neighborhood Harmony: A variance from required development standards could create neighborhood disharmony. A four-plex could increase the property value on an otherwise undeveloped lot.

Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience.

IN SUPPORT OF DENIAL

Comprehensive Plan: The proposed variance for the reduction of minimum lot size for a four-plex from 10,000 square feet to 9971 square feet does not conform 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 an exception from codified development standards when not necessary.

D. Required Findings for Variances.³

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

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here, that the lot is relatively flat;*
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *here, the lot has space available for the development of one, two, or three dwelling units;*
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, *specifically, that the granting of an exception to development standards could create neighborhood disharmony;* and
- d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically, the variance is not in line with 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 an exception from codified development standards when not necessary for development.*

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

- 1) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 2) I move to deny a variance request for the reduction in required lot size for a four-plex from 10,000 square feet to 9971 square feet at 720 Indian River Road. The property is also known as Lot 8A Indian River Land Subdivision. The request is filed by Timothy Bernard. The owner of record is Timothy Bernard.

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

IN SUPPORT OF APPROVAL

Comprehensive Plan: The proposed variance for the reduction of minimum lot size for a four-plex from 10,000 square feet to 9971 square feet conforms to the Comprehensive Plan Section 2.4.1 which states, *“To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations,”* by allowing for the development of additional housing units.

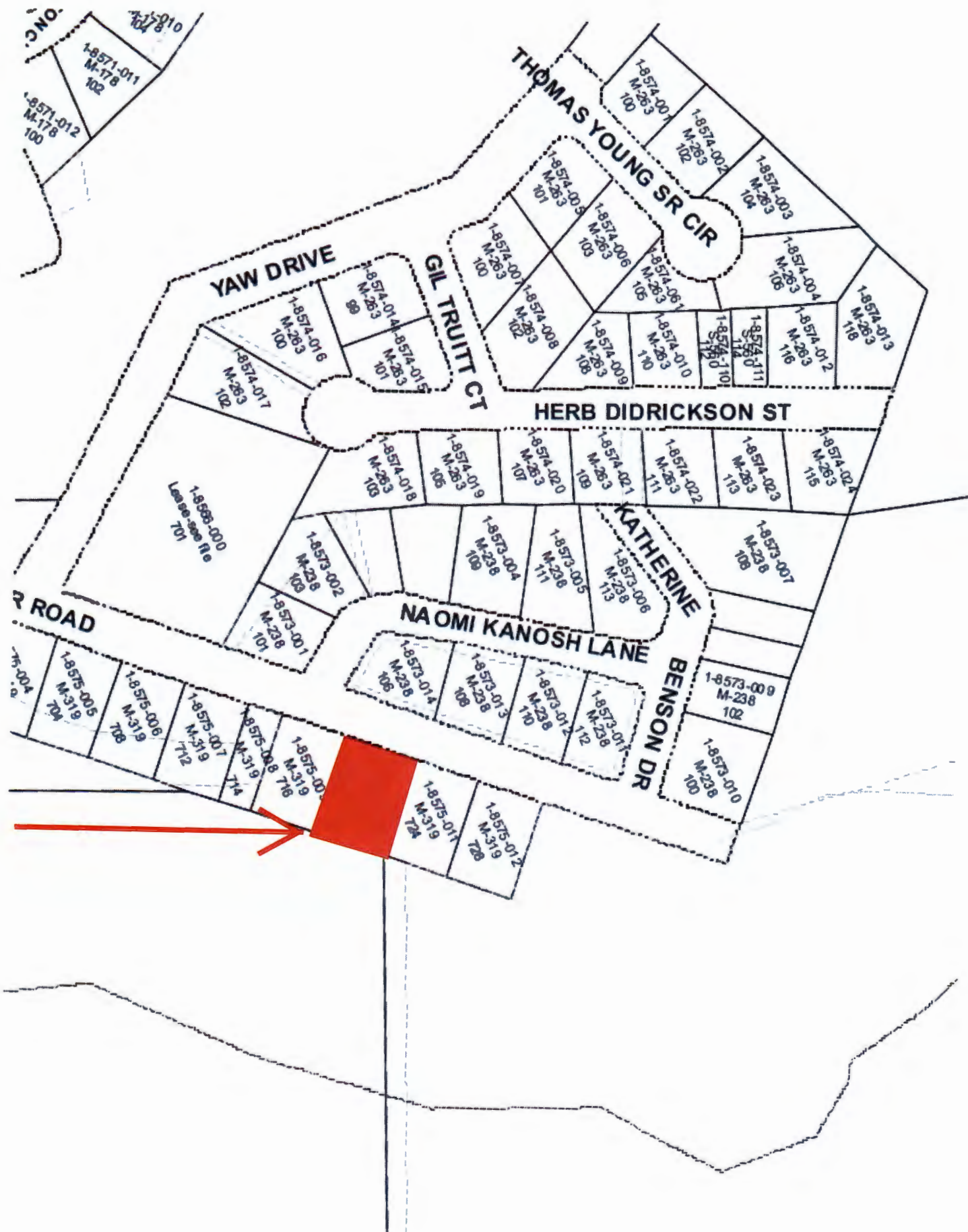
D. Required Findings for Variances.⁴

1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:
 - a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here, that the lot is zoned for multifamily housing but lacks the square footage for a four-plex according to development standards;*
 - b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, *here, the development of multifamily housing;*
 - c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure, *specifically, that the structure could be built within setback and lot coverage requirements; and*
 - d) That the granting of such will not adversely affect the Comprehensive Plan: *specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, “To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations,”* by allowing for the development of additional housing units.

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

- 3) I move to adopt and approve the required findings for major structures or expansions as discussed in the staff report.
- 4) I move to approve a variance request for the reduction in required lot size for a four-plex from 10,000 square feet to 9971 square feet at 720 Indian River Road. The property is also known as Lot 8A Indian River Land Subdivision. The request is filed by Timothy Bernard. The owner of record is Timothy Bernard.

⁴ Section 22.30.160(D)(1)—Required Findings for Major Variances





City & Borough of Sitka, Alaska

Selected Parcel: 720 INDIAN RIVER ID: 18575010

Printed 5/1/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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



City & Borough of Sitka, Alaska

Selected Parcel: 720 INDIAN RIVER ID: 18575010

Printed 5/1/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

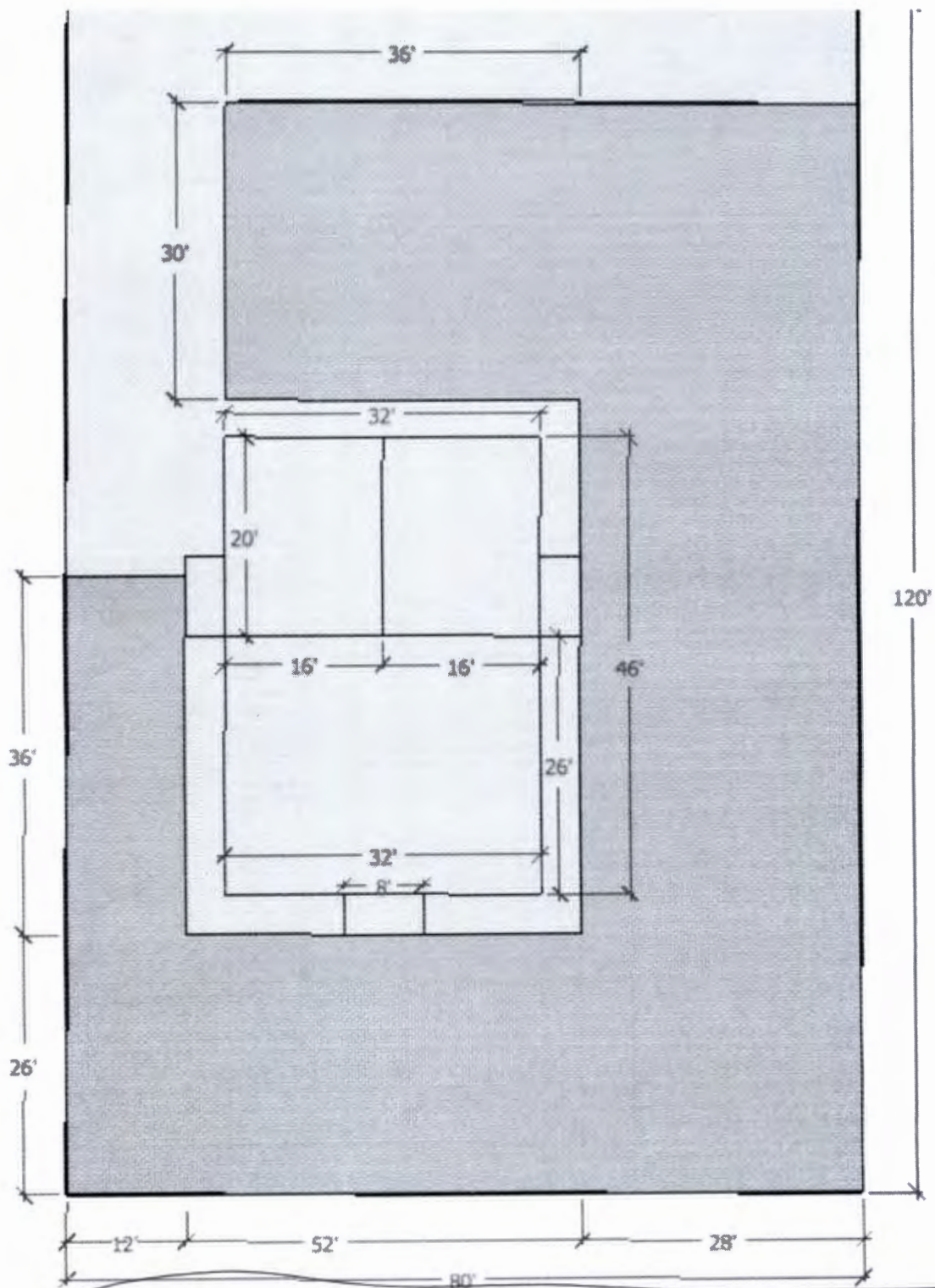
50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Structure to Lot Layout
Available parking in shaded area.



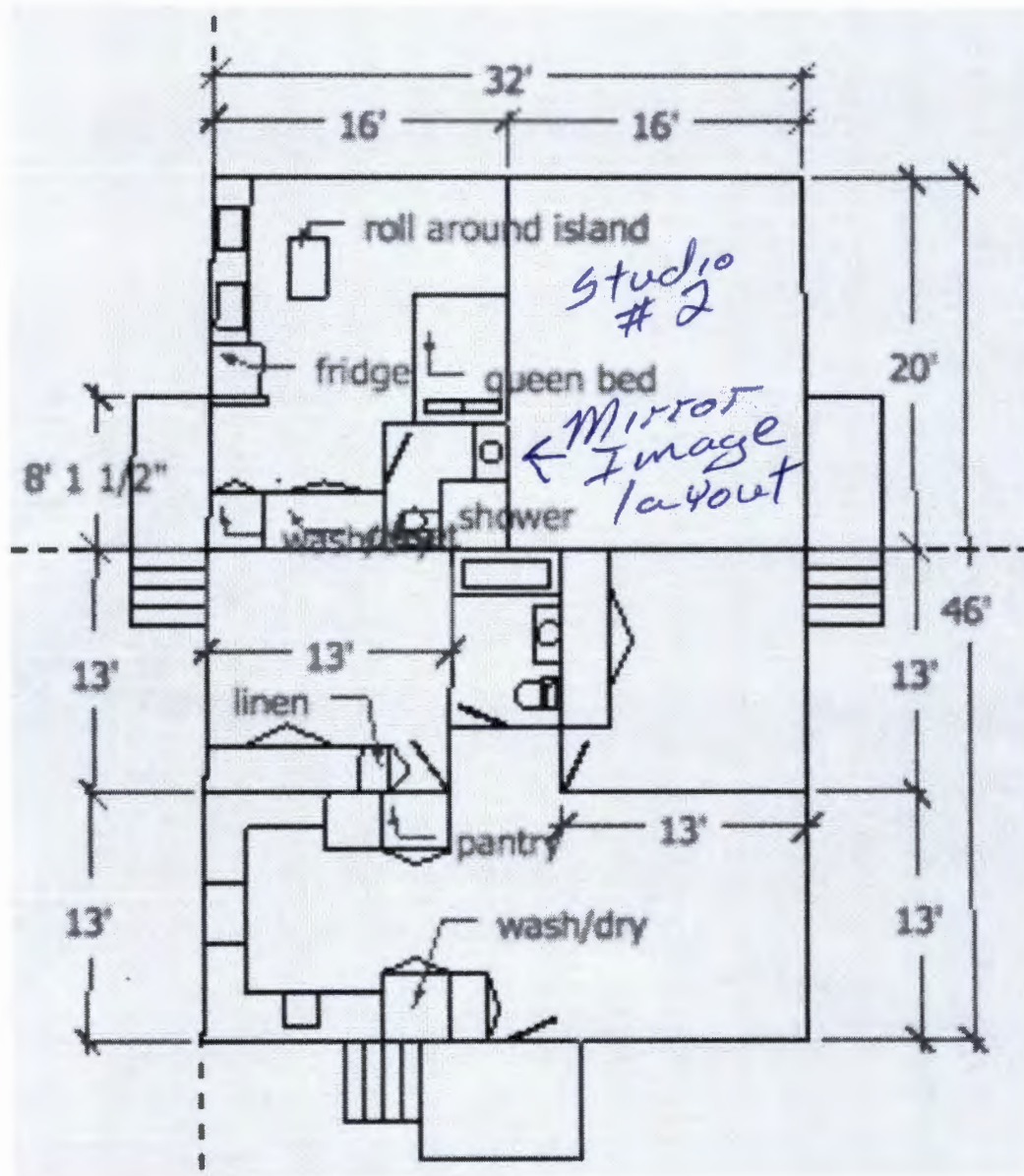
Indian River Road
Here

First Floor

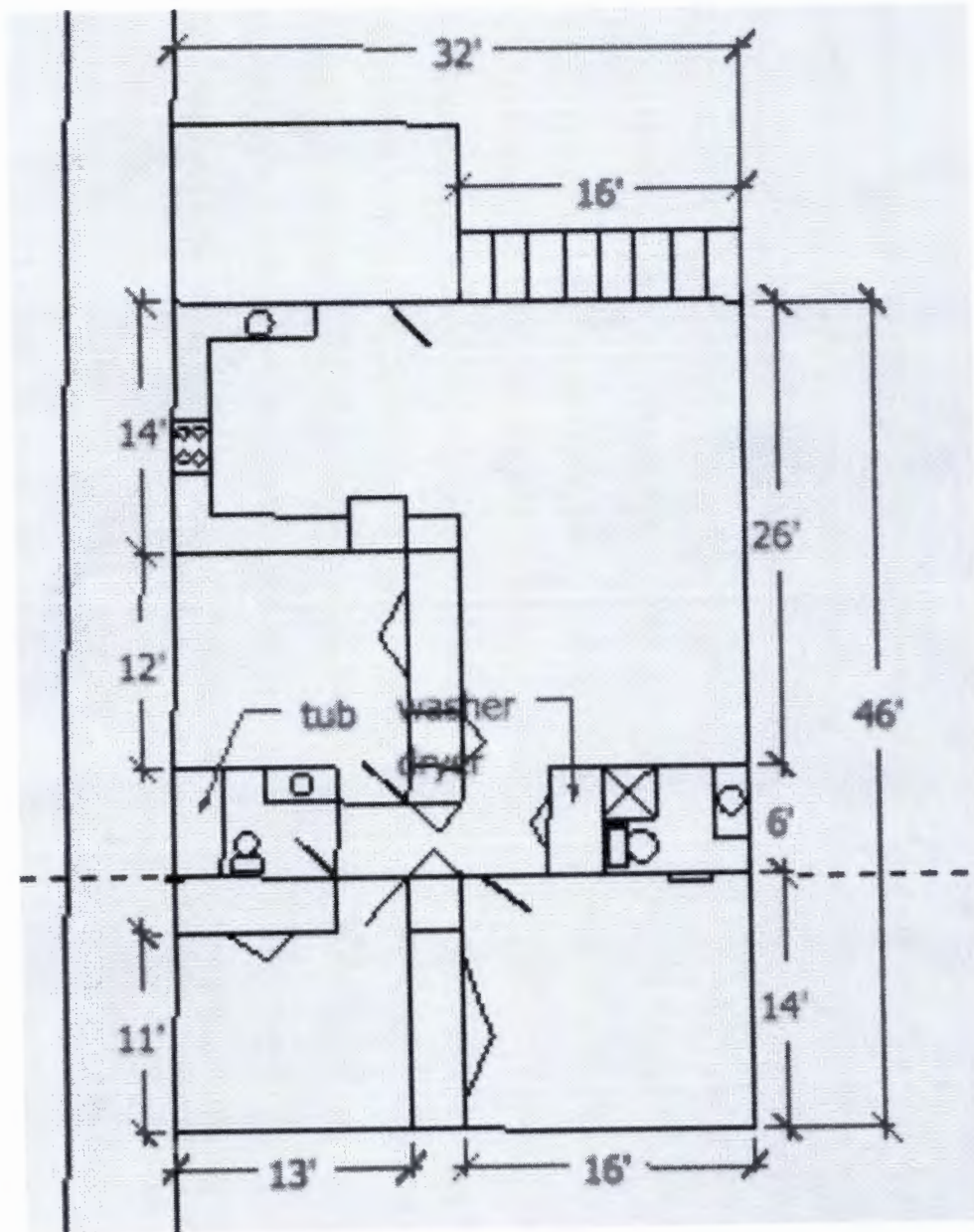
3 units Total

1 Two Bed apt.

2 Studio apt



Second Floor
Three Bed / 2 Bath













CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

RECEIVED APR 28 2017

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: Variance for a Four plex
home on a 9,971 sq lot.
Municipal Code requires 10,000 sq.

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: Tim Bernard

PROPERTY OWNER ADDRESS: 720 Indian River Rd.

STREET ADDRESS OF PROPERTY: 1107 H.P.R.

APPLICANT'S NAME: Tim Bernard

MAILING ADDRESS: P.O. Box 711 Sitka

EMAIL ADDRESS: timb@sitkaelectric.com DAYTIME PHONE: 907 738 3644

PROPERTY LEGAL DESCRIPTION:

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

SUBDIVISION: _____ US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☒ Proof of ownership
- ☒ Copy of current plat

For Conditional Use Permit:

- ☒ Parking Plan
- ☒ Interior Layout

For Plat/Subdivision:

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

If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

CERTIFICATION:

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

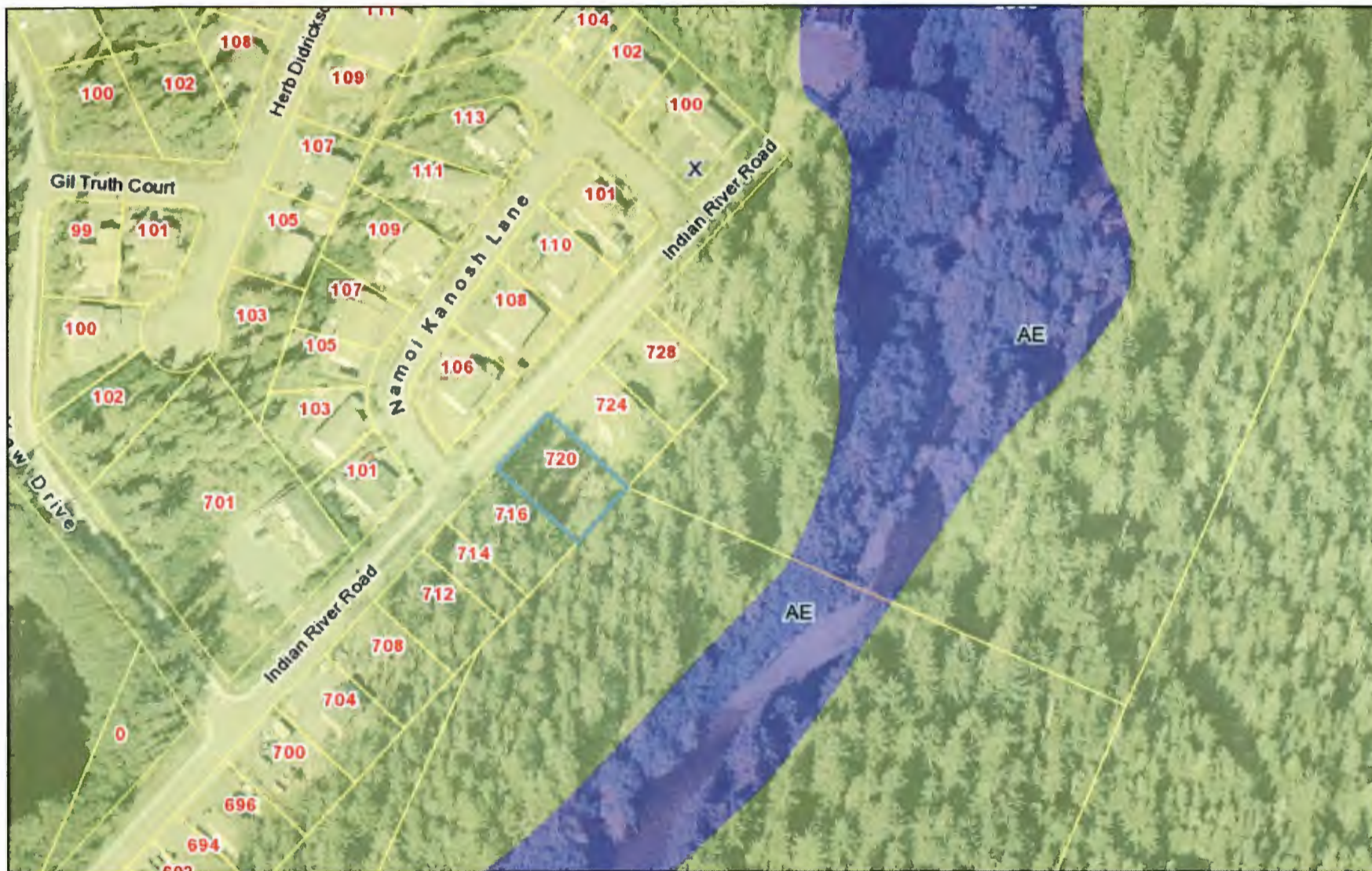
Tim Bernard
Owner

4-28-17
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.

[Signature]
Applicant (If different than owner)

4-28-17
Date



City & Borough of Sitka, Alaska

Selected Parcel: 720 INDIAN RIVER ID: 18575010

Printed 5/1/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Parcel ID: 18573001
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18573013
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575008
CITY & BOROUGH OF SITKA
C/B OF SITKA
100 LINCOLN STREET
SITKA AK 99835

Parcel ID: 18575011
LLOYD SWANSON
SWANSON, LLOYD
1412 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 18573002
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18573014
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575009
IAN/SKYE WORKMAN
WORKMAN, IAN & SKYE
716 INDIAN RIVER RD
SITKA AK 99835

Parcel ID: 18575012
KERRY TOMLINSON
TOMLINSON, KERRY
P.O. BOX 672
SITKA AK 99835-0672

Parcel ID: 18573012
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 18575007
STEPHANIE/NICH PIES/LEWIS
PIES, STEPHANIE & LEWIS, NICHOLAS
712 INDIAN RIVER RD
SITKA AK 99835

Parcel ID: 18575010
TIMOTHY BERNARD
BERNARD, TIMOTHY
P.O. BOX 711
SITKA AK 99835-0711

Parcel ID: 30270000
CITY & BOROUGH OF SITKA
IRR WATER TREATMENT PLANT
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

PAID

APR 28 2017

CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 4/28/17

To:

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

Variance.....	75.00
Conditional Use Permit.....	
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	4.50
TOTAL.....	79.50

Thank you



WHEN RECORDED RETURN TO:

Name: TIMOTHY G. BERNARD
Address: 1107 Halibut Point Road
Sitka, Alaska 99835

WARRANTY DEED

THIS INDENTURE, made and entered into this 29 day of March, 2010 by and between

ROBERT McDOWELL and BRENDA McDOWELL

whose mailing address is: P.O.Box 2036, Wrangell, AK 99929, GRANTOR, and

TIMOTHY G. BERNARD, a married person

whose mailing address is: 1107 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:

Lot Eight A (8A), INDIAN RIVER LAND SUBDIVISION, according to the plat thereof filed April 21, 2008 as Plat No. 2008-5, 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: March 29, 2010

ROBERT McDOWELL

BRENDA McDOWELL

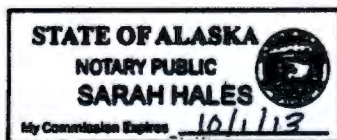
STATE OF ALASKA

FIRST JUDICIAL DISTRICT

)
) ss.
)

On this day personally appeared before me: ROBERT McDOWELL and BRENDA McDOWELL 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 29th day of March, 2010.



Notary Public in and for the State of Alaska
My commission expires: October 1, 2013



CITY AND BOROUGH OF SITKA

Legislation Details

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

Type: Zoning Amendments **Status:** AGENDA READY

File created: 4/27/2017 **In control:** Planning Commission

On agenda: 5/16/2017 **Final action:**

Title: Public hearing and consideration of a zoning map amendment to rezone municipal harbors located at 211 and 617 Katlian Avenue to Public. The properties are also known as Lot 5 Block 5 Sitka Indian Village US Survey 2542, a Portion of ATS 15, ATS 1496 Tract A, and Block 10 Dan Moller Subdivision. The request is filed by the City and Borough of Sitka. The owner of record is the City and Borough of Sitka.

Sponsors:

Indexes:

Code sections:

Attachments: [Harbor ZMA 5.16.17](#)

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

AGENDA ITEM:

Case No: ZA 17-01
Proposal: Zoning map amendment for municipal harbors at 211 and 617 Katlian – rezone from WD Waterfront District to P Public
Applicant: City and Borough of Sitka
Owner: City and Borough of Sitka
Location: 211 and 617 Katlian Avenue
Legal: Lot 5 Block 5 Sitka Indian Village US Survey 2542, a Portion of ATS 15, ATS 1496 Tract A, and Block 10 Dan Moller Subdivision
Zone: Current: WD Waterfront District
Proposed: 211 and 617 Katlian Avenue
Parcel ID: 1-9022-003
Existing Use: Public
Adjacent Use: Commercial, Public, Residential
Utilities: Existing
Access: Katlian Avenue

KEY POINTS AND CONCERNS:

1. Proposed zone change mirrors existing uses and expectation of use of the Harbor system
2. More of a technical zone change to sure up existing zoning maps with existing harbors uses
3. Positive impact for existing harbor users by ensuring zoning enables existing uses as well as providing for orderly development of anticipated uses

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of the zoning map amendment (ZA 17-01) to the Assembly that would rezone the Eliason, Thomsen, and ANB Harbors from unzoned to the Public Lands zoning district.

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Current Zoning Map

Attachment D: Mailing List

BACKGROUND

The short term rental on boats in harbors was a recent code change. However, through the end of the process we realized that not all harbors are in fact zoned. This resulted in a *defacto* zoning of Eliason/Thomsen and ANB Harbors to be whatever the adjacent uplands are¹. To rectify this with something that meets the expectations and types of use that are existing and anticipated, an official amendment to the zoning map must occur.

Crescent Harbor is not zoned; however, its surrounding uplands are zoned Public Lands district so Crescent Harbor receives the Public Lands district zoning designation. Sealing Cove Harbor is zoned Public Lands district.

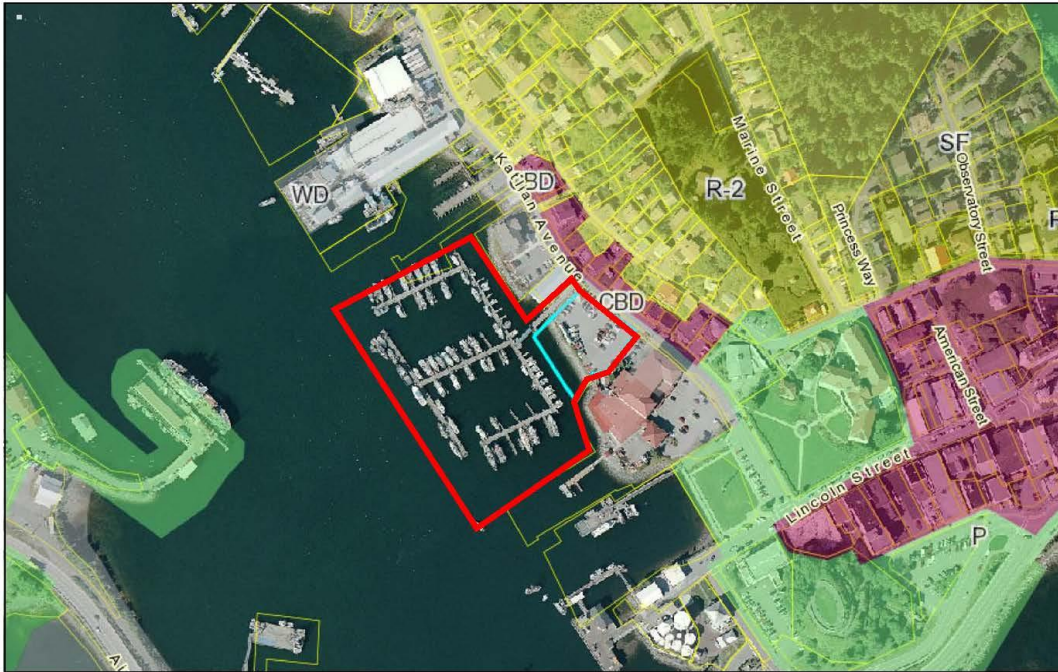
The following is the Sitka General Code regarding the purpose of lands zoned Public Lands District

22.16.020 P public lands district.

A. Intent. The public lands district is intended to contain government-owned lands or lands owned by nonprofit institutions serving the public interest which are utilized for public recreation, education or institutional uses.

B. Return of Land to Public Domain. Should any such land be sold or returned to the public domain, the zoning classification of the adjacent property having the most restricted classification shall be imposed.

¹ SGC 22.12.050(F): “All areas within the city and borough limits which are underwater or tidelands and are not shown as included within any district are subject to all regulations of the upland district immediately adjacent to the tideland or underwater areas.”



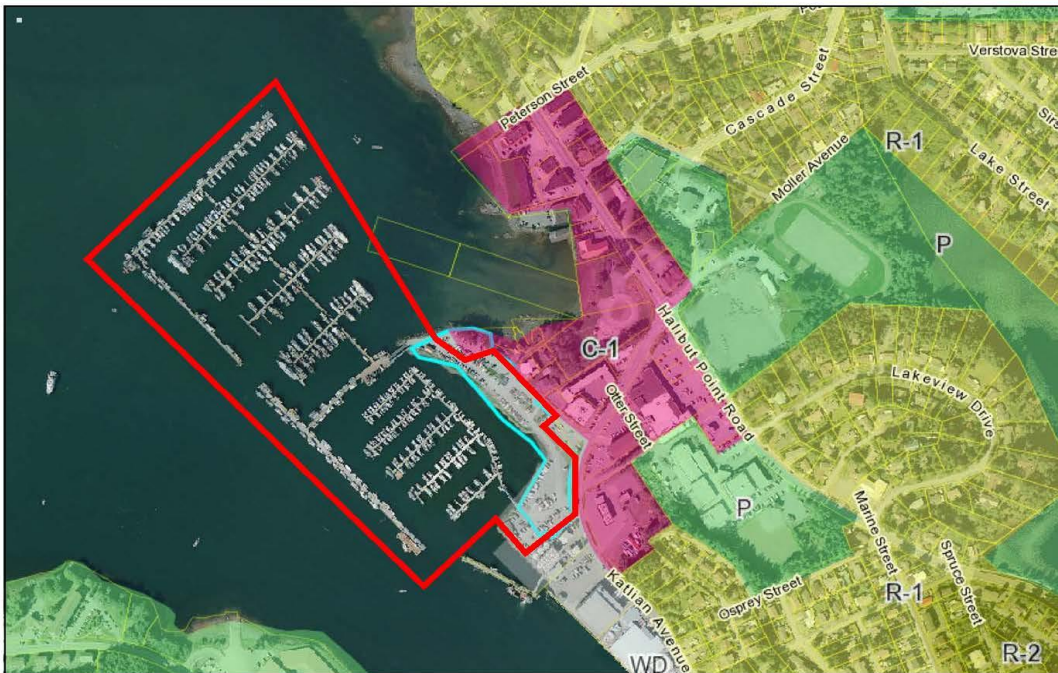
City & Borough of Sitka, Alaska

Selected Parcel: 211 KATLIAN ID: 16675000

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City & Borough of Sitka, Alaska

Selected Parcel: 617 KATLIAN ID: 15408000

Printed 5/9/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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PROJECT DESCRIPTION

This request is to rezone the Harbor infrastructure and support areas around Eliason, Thomsen, and ANB Harbors from unzoned to the Public Lands zoning district.

ANALYSIS

The locations for the proposed zoning map amendments include the public infrastructure and municipal lands that encompass Eliason Harbor, Thomsen Harbor, and ANB Harbor. Thomsen and Eliason Harbors are connected to municipal lands that are used for parking, port facilities, rest rooms/showers, and other support facilities for the harbors. ANB Harbor is connected to land with similar uses. Outside of the ANB Harbor parking lot, land is utilized in a variety of commercial and residential uses.

Staff anticipates no specific negative impacts from the proposed zone change. The major reason for this is that the area in question has historically been used exactly as the proposed zoning seeks. The potential for impacts to or from traffic, parking, noise, public health and safety, habitat, property values, and neighborhood harmony is that same as if the zone change does not occur since all of the anticipated uses that the zone change would support are all already existing. One possible positive impact, is that uses such as the conditional use of a short-term rental on a boat would have to receive a conditional use permit versus being able to do it as a matter of right. This would better protect the existing expectations and adjacent uses within the harbor system.

The Comprehensive Plan provides under section 2.3.12 to plan for and maintain quality harbor facilities and services. The proposed zoning map amendment would allow for better planning and to better regulate the existing uses in line with current and anticipated use.

Findings

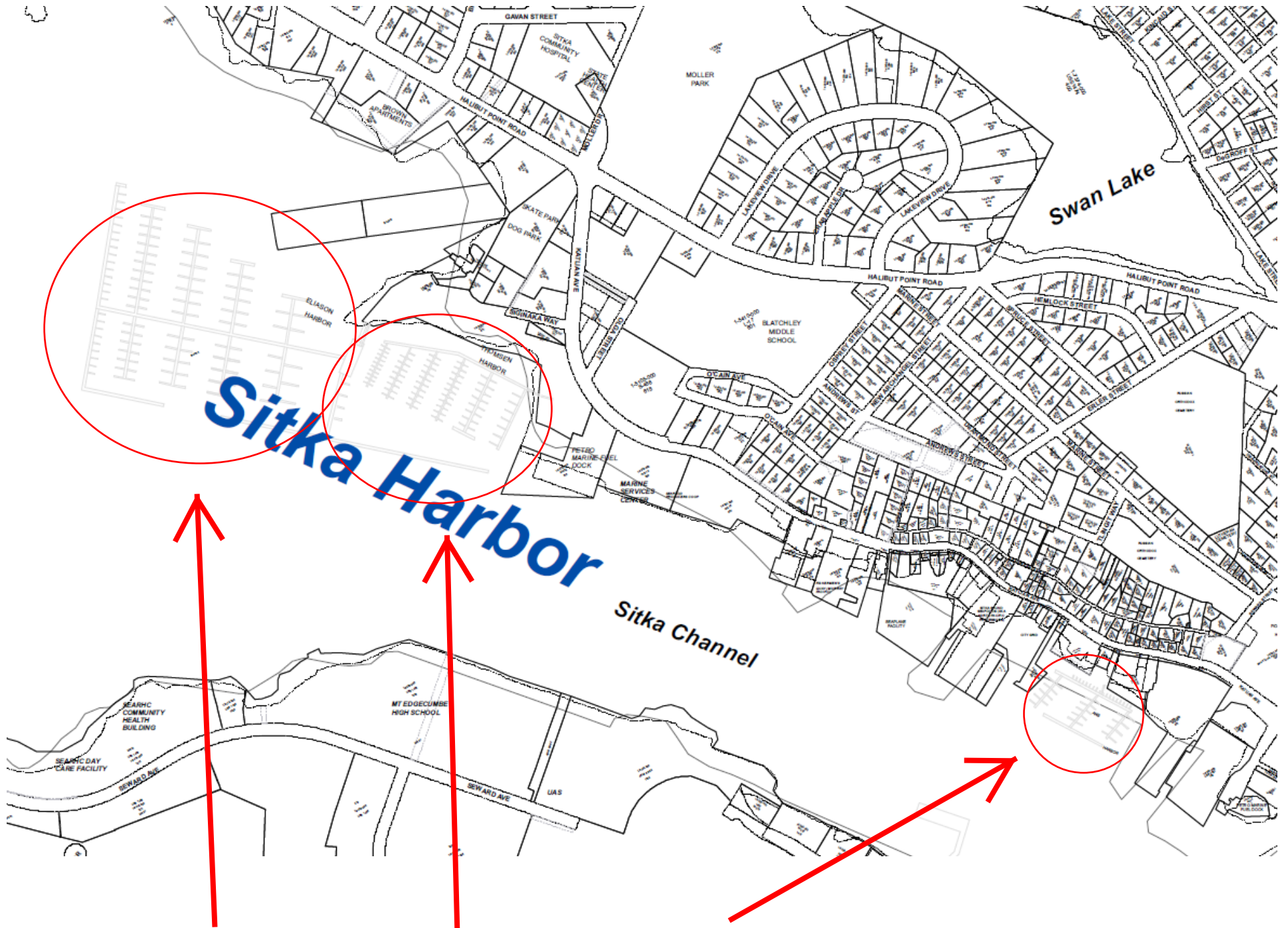
1. The zoning map amendment does not negatively impact the public health, safety, and welfare;
2. The zoning map amendment has followed all code regarding amending the official zoning map in regards to public process; and
3. The zoning map amendment comports with the Comprehensive Plan by better allowing the maintenance and planning for quality facilities and services to Harbor uses.

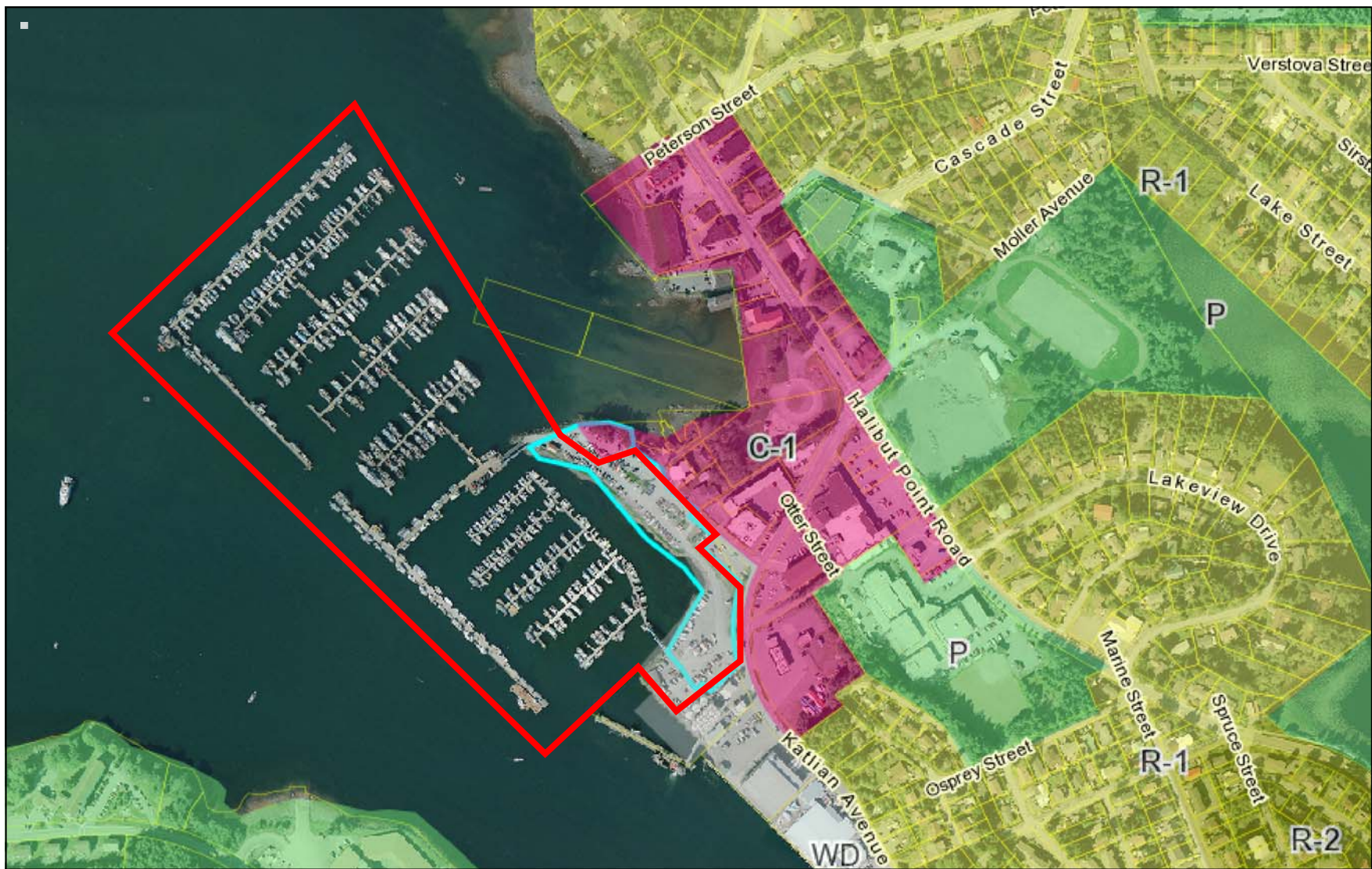
RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and move to recommend approval of the zoning map amendment to rezone harbors at 211 and 617 Katlian Avenue from Waterfront District to Public Lands district.

RECOMMENDED MOTION

- 1) I move to find that:
 - a. The zoning map amendment does not negatively impact the public health, safety, and welfare;
 - b. The zoning map amendment has followed all code regarding amending the official zoning map in regards to public process; and
 - c. The zoning map amendment comports with the Comprehensive Plan by better allowing the maintenance and planning for quality facilities and services to Harbor uses.
- 2) I move to recommend approval of the zoning map amendment to rezone municipal harbors (Eliason, Thomsen, and ANB Harbors) located at 211 and 617 Katlian Avenue to Public Lands district. The properties are also known as Lot 5 Block 5 Sitka Indian Village US Survey 2542, a Portion of ATS 15, ATS 1496 Tract A, and Block 10 Dan Moller Subdivision. The request is filed by the City and Borough of Sitka. The owner of record is the City and Borough of Sitka.





City & Borough of Sitka, Alaska

Selected Parcel: 617 KATLIAN ID: 15408000

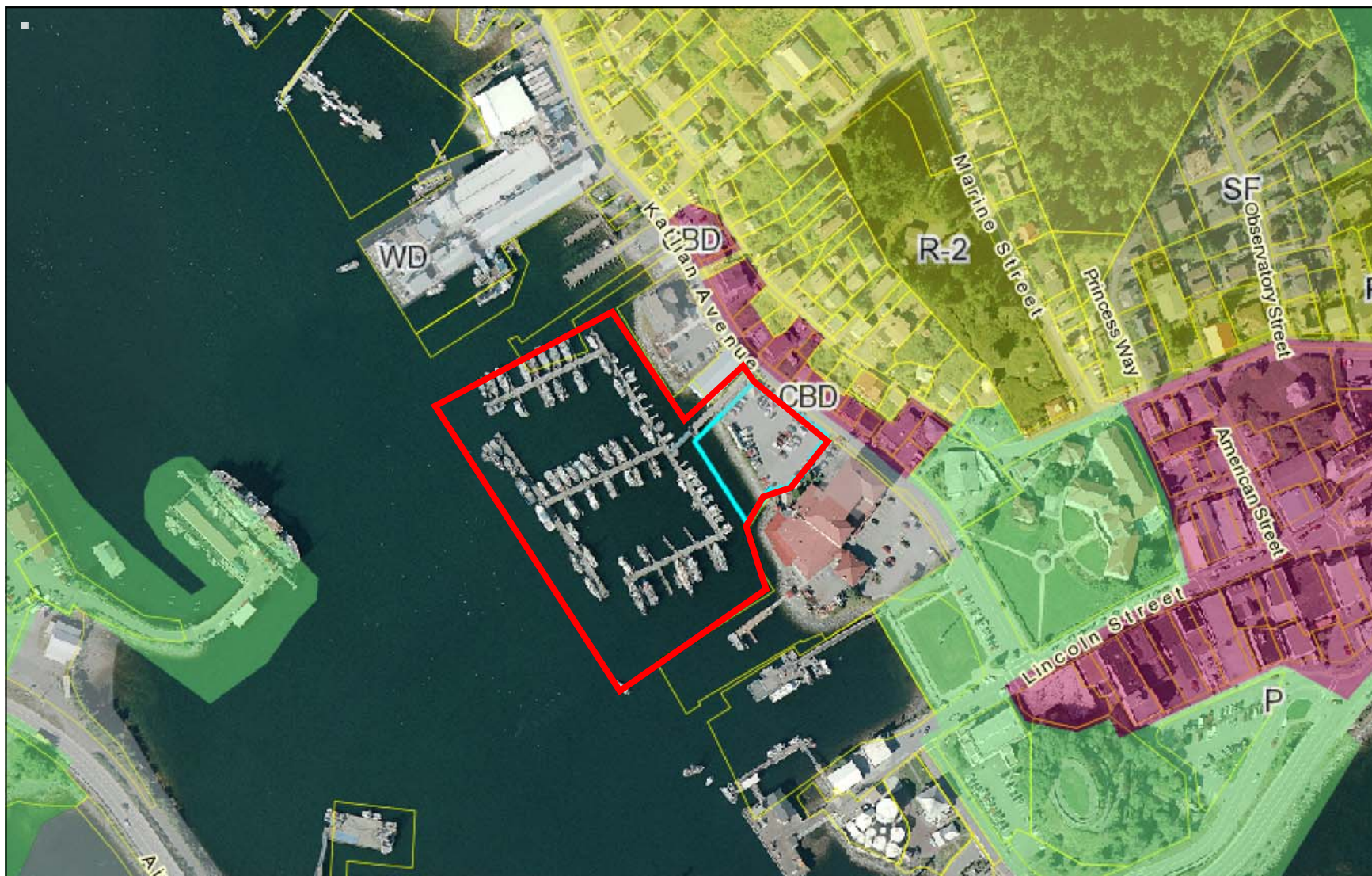
Printed 5/9/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
500 ft



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MainStreetGIS, LLC
www.mainstreetgis.com

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City & Borough of Sitka, Alaska

Selected Parcel: 211 KATLIAN ID: 16675000

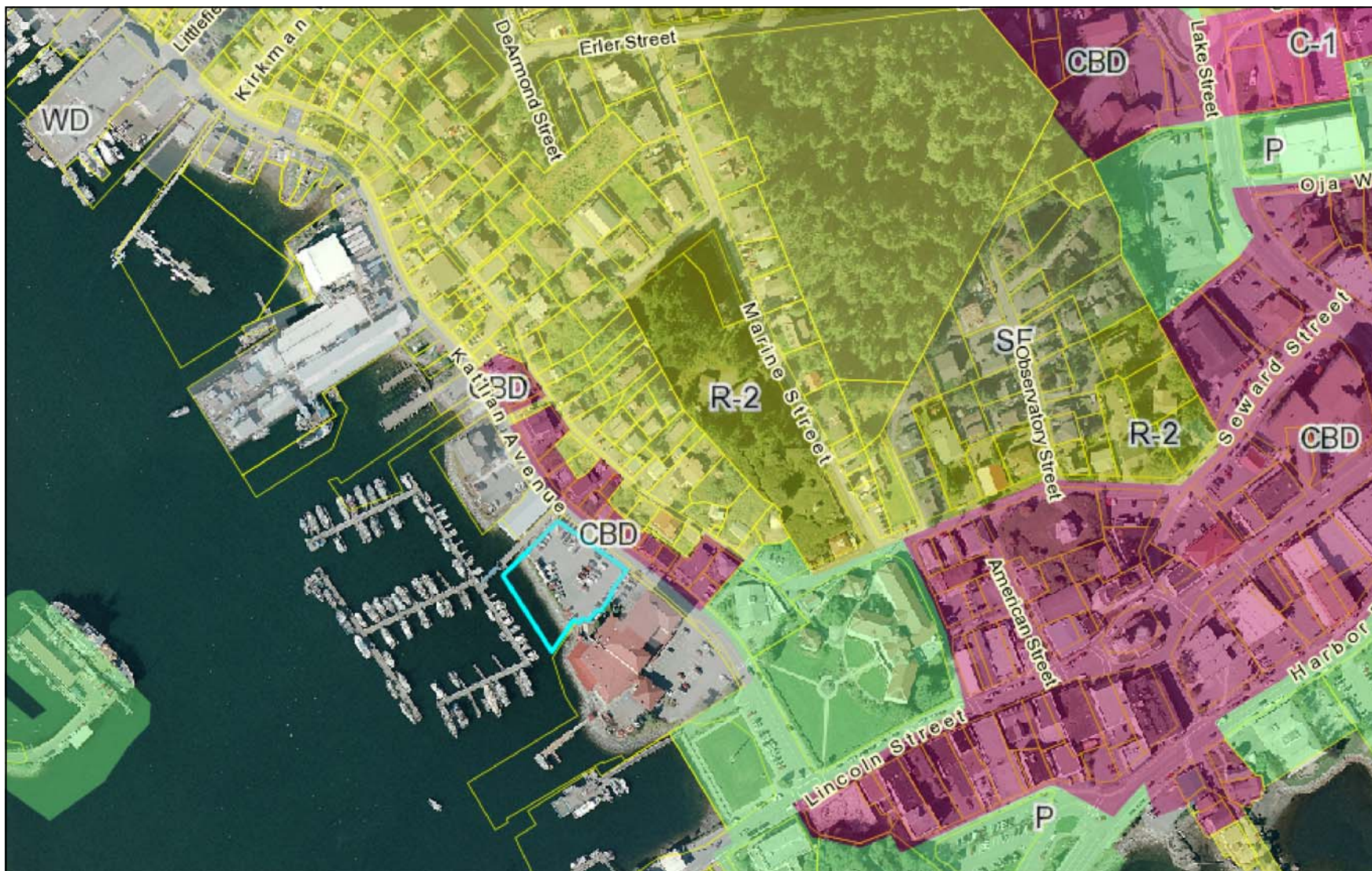
Printed 5/9/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



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MainStreetGIS, LLC
www.mainstreetgis.com

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City & Borough of Sitka, Alaska

Selected Parcel: 211 KATLIAN ID: 16675000

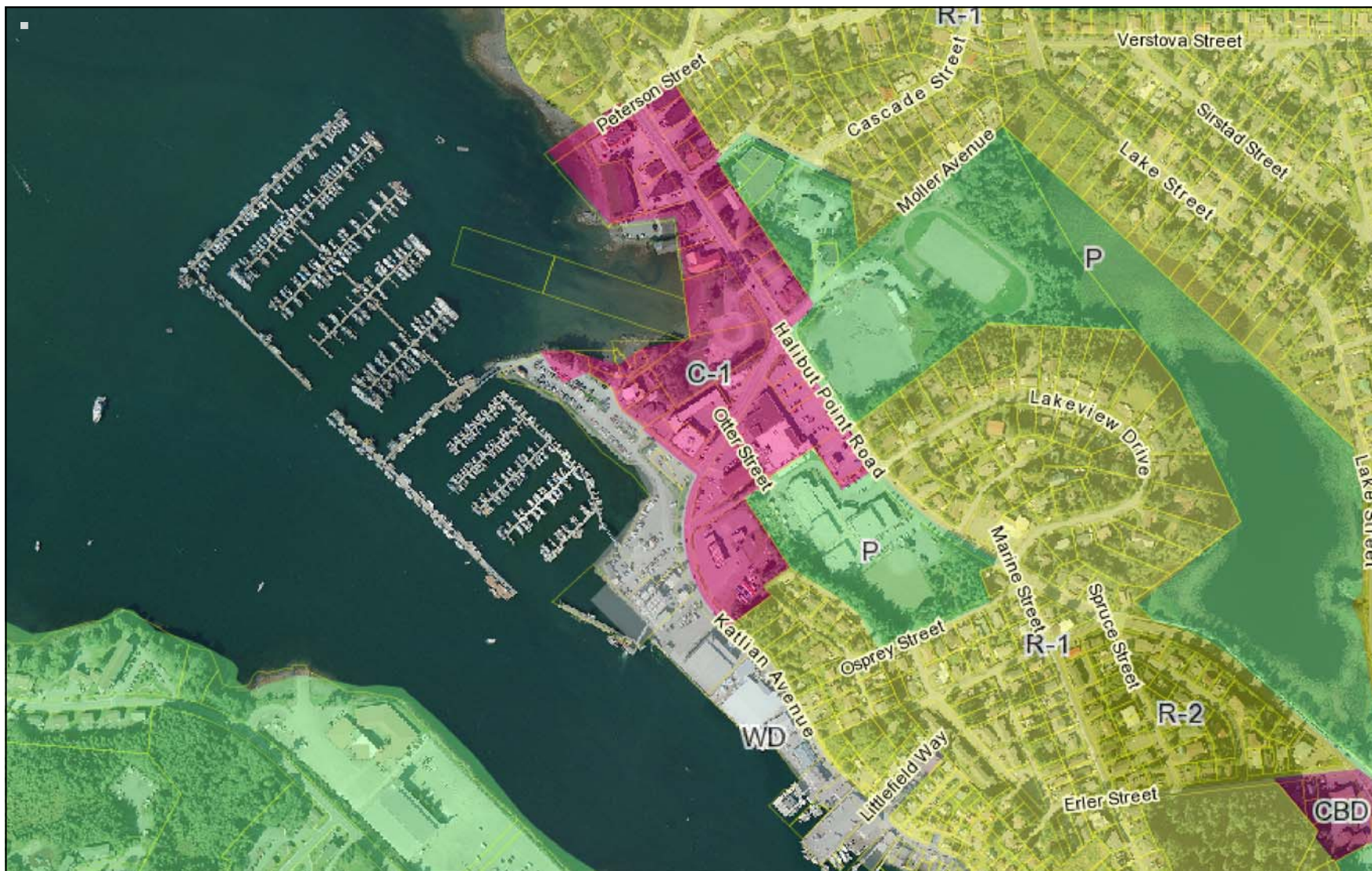
Printed 5/4/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
200 ft



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MainStreetGIS, LLC
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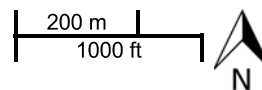
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City & Borough of Sitka, Alaska

Selected Parcel: 211 KATLIAN ID: 16675000

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Parcel ID: 13910000
ORTHODOX CHURCH IN AMERICA
RUSSIAN CHURCH RECTORY
ORTHODOX CHURCH IN AMERICA
P.O. BOX 210569
ANCHORAGE AK 99521

Parcel ID: 15020000
ALASKA PREMIER CHARTERS, INC.
ALASKA PREMIER CHARTERS, INC.
P.O. BOX 2300
SITKA AK 99835-2300

Parcel ID: 15031000
K & R ENTERPRISES, INC.
% JAY KASSNER
K & R ENTERPRISES
300 W. 123RD AVE
ANCHORAGE AK 99515

Parcel ID: 15105000
HARBOR ENTERPRISES, INC.
HARBOR ENTERPRISES, INC.
P.O. BOX 389
SEWARD AK 99664-0389

Parcel ID: 15408000
CITY & BOROUGH OF SITKA
THOMSEN BOAT HARBOR
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 15630000
CITY & BOROUGH OF SITKA
TURNAROUND
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16000000
JAMES MCGOWAN
MCGOWAN, JAMES, W.
202 KATLIAN, #A
SITKA AK 99835

Parcel ID: 16020000
KENDALL DIDRICKSON
DIDRICKSON, KENDALL
203 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16045000
NAN/CHOONG YOON/SOE
YOON, NAN KYUN/SOE, CHOONG W.
2830 PELICAN DR
ANCHORAGE AK 99502

Parcel ID: 16065000
MARY PAUL
PAUL, MARY, Y.
GENERAL DELIVERY
SITKA AK 99835

Parcel ID: 15010000
ALASKA PREMIER CHARTERS, INC.
ALASKA PREMIER CHARTERS, INC.
P.O. BOX 2300
SITKA AK 99835-2300

Parcel ID: 15030001
NORTH PACIFIC SEAFOODS, INC.
NORTH PACIFIC SEAFOODS, INC.
4 NICKERSON ST, STE 400
SEATTLE WA 98109

Parcel ID: 15078000
CITY & BOROUGH OF SITKA
MARINE SERVICE CENTER
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 15390000
INC. CENTER FOR COMMUNITY
CENTER FOR COMMUNITY, INC.
700 KATLIAN AVE, STE B
SITKA AK 99835

Parcel ID: 15410000
CITY & BOROUGH OF SITKA
BLATCHLEY JUNIOR HIGH SCH
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 15997000
SITKA TRIBE OF ALASKA
SHEETKA KWAAN NAA KAHINI
SITKA TRIBE OF ALASKA
456 KATLIAN ST.
SITKA AK 99835

Parcel ID: 16005000
JAMES MCGOWAN
MCGOWAN, JAMES, W.
202 KATLIAN AVE, #A
SITKA AK 99835

Parcel ID: 16025000
WAYNE/SARAH TARANOFF
TARANOFF, WAYNE & SARAH
104 ROCKFISH WAY
SITKA AK 99835

Parcel ID: 16055000
KATHERINE/LINDA SULSER/HEIM
PIONEER BAR
SULSER, KATHERINE & HEIM, LINDA
P.O. BOX 455
SITKA AK 99835-0455

Parcel ID: 16066000
ELI HOWARD
% RAY NIELSEN (206) 774-562
HOWARD, ELI
4735 200TH ST SW, APT 104
LYNNWOOD WA 98036

Parcel ID: 15015000
JUAN/THERESA BELCHER/WEISER
BELCHER, JUAN & WEISER, THERESA
P.O. BOX 1505
SITKA AK 99835-1505

Parcel ID: 15030002
K & R ENTERPRISES, INC.
USFS BLDG
K & R ENTERPRISES, INC.
300 W. 123RD AVE
ANCHORAGE AK 99515

Parcel ID: 15079000
HARBOR ENTERPRISES, INC.
SITKA FUELS, INC.
HARBOR ENTERPRISES, INC.
P.O. BOX 389
SEWARD AK 99664-0389

Parcel ID: 15406000
K & R ENTERPRISES, INC.
% JAY KASSNER
K & R ENTERPRISES, INC.
300 W. 123RD AVE
ANCHORAGE AK 99515

Parcel ID: 15531000
THE NORTH WEST COMPANY (INTL),
INC.
AC VALUE CENTER - SITKA
THE NORTH WEST CO. (INTL), INC.
77 MAIN STREET
WINNIPEG, MANITOBA BC R3C 2R1

Parcel ID: 15998000
CITY & BOROUGH OF SITKA
BEHIND SHEETKA KWAAN
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16015000
ROBERT/KAREN PARKER
PARKER, ROBERT & KAREN
204 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16030000
BOYD DIDRICKSON
DIDRICKSON, BOYD
215 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16060000
KATHERINE/LINDA SULSER/HEIM
PIONEER BAR
SULSER, KATHERINE & HEIM, LINDA
P.O. BOX 455
SITKA AK 99835-0455

Parcel ID: 16070000
KAREN LUCAS
LUCAS, KAREN, J.
224 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16075000
RICHARD KATHLIAN
R&D.COOK,M,KATHLEAN,E,JOH
PETERS, CAROL
GENERAL DELIVERY
SITKA AK 99835

Parcel ID: 16090000
THERESA HEYBURN
HEYBURN, THERESA
207 MONASTERY ST
SITKA AK 99835

Parcel ID: 16105000
DAN/GRECHEN STOCKEL
STOCKEL, DAN & GRECHEN
P.O. BOX 1172
SITKA AK 99835-1172

Parcel ID: 16130000
NORTH PACIFIC SEAFOODS, INC.
NORTH PACIFIC SEAFOODS, INC.
4 NICKERSON ST, STE 400
SEATTLE WA 98109

Parcel ID: 16260000
CITY & BOROUGH OF SITKA
US PUB SCHOOL RESERVE #2
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16285000
PETER/BERTHA KARRAS
KARRAS, PETER, J./BERTHA
230-A KOGWANTON ST
SITKA AK 99835

Parcel ID: 16325000
JENNIE JACK
CROPLEY,F/HOWARD,N/MULLIG
JACK,JENNIE%
WILLARD,M/K/J,CHURCH,P
C/O 256 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16360000
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST., #2
SITKA AK 99835

Parcel ID: 16385000
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16475021
PAUL/GAYLE YOUNG REVOCABLE
TRUST
YOUNG REVOCABLE TRUST, GAYLE &
PAUL
P.O. BOX 8005
PORT ALEXANDER AK 99836-8005

Parcel ID: 16080000
GENEVIEVE/D./A.
GUANZON/DOWNS/LEONARD
LEONARD, ANITA/GUANZON, G
GUANZON, GENEVIEVE, H.
2329 EUREKA, APT D3
ANCHORAGE AK 99503

Parcel ID: 16095000
THERESA HEYBURN
HEYBURN, THERESA
207 MONASTERY ST
SITKA AK 99835

Parcel ID: 16120000
BRIAN MCNITT
MCNITT, BRIAN
11302 ROYZELLE LN
MINNETONKA MN 55305-4344

Parcel ID: 16140000
NORTH PACIFIC SEAFOODS, INC.
NORTH PACIFIC SEAFOODS, INC.
4 NICKERSON ST, STE 400
SEATTLE WA 98109

Parcel ID: 16261000
U.S. BUREAU OF LAND MANAGEMENT
BLOCKHOUSE/US PUB RESERVE
U.S. BUREAU OF LAND MANAGEMENT
103 MONASTERY ST
SITKA AK 99835

Parcel ID: 16315000
MICHAEL/XIAOYAN MAYO/SHEN
MAYO, MICHAEL, J. & SHEN, XIAOYAN
2808 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 16345000
PATRICIA BUAK
BUAK, PATRICIA
407 LINCOLN ST, STE 201
SITKA AK 99835

Parcel ID: 16365000
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16475019
ROSEMARY THOMAS
THOMAS, ROSEMARY, F.
254 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16475022
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16085000
KEVIN/MARIFE PLAISANCE
PLAISANCE, KEVIN & MARIFE
P.O. BOX 152
SITKA AK 99835-0152

Parcel ID: 16100000
KAREN LUCAS
LUCAS, KAREN, J.
224 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16125000
TOM/ANITA MATTINGLY/BERGEY
MATTINGLY, TOM & BERGEY, ANITA
P.O. BOX 624
SITKA AK 99835-0624

Parcel ID: 16240000
CITY & BOROUGH OF SITKA
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16265000
JENNIFER ALLEY
ALLEY, JENNIFER, C.
208 KAAGWAANTAAN ST
SITKA AK 99835

Parcel ID: 16320000
MICHAEL/XIAOYAN MAYO/SHEN
MAYO, MICHAEL, J. & SHEN, XIAOYAN
2808 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 16350000
JOHN/ELIZABETH SKEELE/CAFFREY
SKEELE, JOHN/CAFFREY, ELIZABETH
262 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16370000
LILLY JOHN ESTATE
JOHN,KITKA,HOGBERG % E.HE
JOHN, LILLY ESTATE%
HOOLIS,WALLACE,
P.O. BOX 338
HAINES AK 99827-0338

Parcel ID: 16475020
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16475023
AUDREY/GILBERT JOHNSON/SAM, SR.
AUDREY JOHNSON & GILBERT SAM,
SR.
246 KOGWANTON ST.
SITKA AK 99835

Parcel ID: 16475024
BARANOF ISLAND HOUSING
AUTHORITY
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE

Parcel ID: 16550011
NINA HAHLER
HAHLER, NINA, C
11033 ZOOTENVAAL
ST JOHN VI 830

Parcel ID: 16550020
ELIZABETH GOLDSBURY
GOLDSBURY, ELIZABETH, L.
278 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16656000
ALASKA, STATE OF
TOTEM SQUARE LAWN
ALASKA, STATE OF
TOTEM SQ LAWN
SITKA AK 99835

Parcel ID: 16675001
C/B OF SITKA
BETWEEN OLD BAILEYS & KAT
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16710000
BARANOF ISLAND HOUSING
AUTHORITY
BIHA OFFICE
BARANOF ISLAND HOUSING
AUTHORITY
245 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16730000
CITY & BOROUGH OF SITKA
TIDELANDS EXCHANGE SUBD V
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16475025
MARK/HEIDI NANCE
NANCE, MARK, A./HEIDI, L.
234 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16550014
JOHN/BARBARA DELONG
DELONG, JOHN & BARBARA
264 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16655000
SCOJO, LLC
TOTEM SQUARE
SCOJO, LLC
201 KATLIAN AVE
SITKA AK 99835

Parcel ID: 16657000
U.S. FOREST SERVICE
FOREST SERVICE DOCK
U.S. FOREST SERVICE
2108 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 16690000
CITY & BOROUGH OF SITKA
ANB BOAT HARBOR
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16720000
DODSON & HOLZMAN REV. LIVING
TRUST
DODSON, FORREST, & HOLZMAN,
MARY
P.O. BOX 6575
SITKA AK 99835-6575

Parcel ID: 16475026
MARK/SHERRY WHITE/BARNES
WHITE, MARK & BARNES, SHERRY
543 BAUER AVE
MANCOS CO 81328-9241

Parcel ID: 16550016
JOHN/BARBARA DELONG
DELONG, JOHN, R./BARBARA
264 KOGWANTON ST
SITKA AK 99835

Parcel ID: 16655001
C/B OF SITKA
BETWEEN TOTEM SQ & KAT AVE
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16675000
CITY & BOROUGH OF SITKA
(BAILEY'S MARINE)
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 16695000
ALASKA NATIVE BROTHERHOOD
ALASKA NATIVE BROTHERHOOD
235 KATLIAN AVE, STE A
SITKA AK 99835

Parcel ID: 16725000
CITY & BOROUGH OF SITKA
GRID EXTENSION
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 16-10 **Version:** 1 **Name:**

Type: P&Z Miscellaneous **Status:** AGENDA READY

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

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

Title: PULLED - Discussion/direction/decision regarding monumentation and flagging requirements in Title 21.

Sponsors:

Indexes:

Code sections:

Attachments: [Monumentation and Flagging 12.20.16](#)

Date	Ver.	Action By	Action	Result
12/20/2016	1	Planning Commission		



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: December 16, 2016

From: Staff

To: Planning Commission

Re: Monumentation Discussion and Direction

ATTACHMENTS

Attachment A: Example Minor Plat - SGC

Attachment B: Example Major Plat - SGC

Attachment C: DNR Sample Plat

Attachment D: ALPS Example Plat

MEETING FLOW

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

BACKGROUND

The current code has stringent requirements for plat submission requirements, specifically the requirements for flagging and primary monumentation, which adds significant cost to platting surveys. In practice, these requirements have not typically been followed or enforced and creates a lack of conformity with code. State law requires much less and there are examples with some local municipalities of following the state minimum requirements, which are much less costly. On the other side, there are positives to having primary monuments.

Placing and recording a primary monument requires more digging, more materials, referencing three bearing objects, et cetera, and is a burdensome task. On the other hand, down the line when replats or development occur, primary monuments are invaluable to reestablish property lines and less likely to be moved or lost.

Final Plat Submission Requirements – What the Sitka General Code States.

Minor Subdivisions - Monumentation

- SGC Section 21.12.010 states under Basic Criteria, “Monuments exist sufficient to locate all proposed lots on the site,” and that means legal sufficiency.
- To be legally sufficient, SGC Section 21.12.030 Final Plat, subsection A, states that the Minor Subdivisions Final Plat “shall comply with **all** major subdivisions final plat submission requirements in Section 21.32.160. emphasis added).”
- SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments.
- SGC Section 21.40.160 - Required monumentation – Final Plat monuments requires under subsection C, that ‘Every subdivision must have a minimum of two primary monuments set or recovered on the boundary of the subdivision. All angle points along the subdivision boundary should have a primary monument. Subsection D, establishes that secondary monuments, “shall be used for property line curvature control, at interior angle points, on interior lines ...”
- While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Minor Subdivisions – Flagging

SGC Section 21.12.030, Final Plat, states “The perimeter of the subdivision shall be flagged with readily viewable marking at least ten days prior to the planning commission hearing.” Further, SGC Section 21.40.160 also references flagging in subsection A.2.

Major Subdivisions - Monumentation

- SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments.
- SGC Section 21.40.160 - Required monumentation – Final Plat monuments requires under subsection C, that ‘Every subdivision must have a minimum of two primary monuments set or recovered on the boundary of the subdivision. All angle points along the subdivision boundary should have a primary monument. Subsection D, establishes that secondary monuments, “shall be used for property line curvature control, at interior angle points, on interior lines ...”
- While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not

required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Major Subdivisions – Flagging

21,32,050, Preliminary plat review and approval, states that “The exterior of the lots lines of the project shall be flagged ten days prior to the first planning commission hearing on the preliminary plat.” And interior flagging if required by municipality. SGC Section 21.32.170 states that the final plat shall be flagged in the same manner. Further, SGC Section 21.40.160 also references flagging in subsection A.2.

State Law Requirements

AS 29.40 vests in this home rule chartered municipality the platting authority subject to the following under subsection **100** regarding information required for a plat, to sum: 1) initial point of survey; 2) original or reestablished corner and their descriptions; 3) actual traverse with details; 4) other info as may be required by the municipality.

State Law Sets Forth Minimum of Secondary Monumentation

Further, **AS 40.15.320**, sets forth the minimum monumentation requirements for subdivisions and dedications for public records and recordings. To sum, it requires, what we would term secondary monuments at all exterior corners for subdivisions of five or less, and all at exterior and interior points for subdivisions for 6 or more.

“AS 40.15.320. Monuments.

(a) In a subdivision with five or fewer lots, the existence of at least a 5/8 inch by 24 inch rebar and cap monument at controlling exterior corners of the subdivision shall be established by the surveyor.

(b) In a subdivision of more than five lots, each interior corner shall be monumented with at least a 5/8 inch by 24 inch rebar and cap.

(c) If a monument of record does not lie on the parcel or tract boundary, the plat shall reflect a boundary survey and tie to a monument of record.”

State Land Survey Requirements (11 AAC 53.100-260)

Under these sections, it sets forth the minimum survey requirements for state land. Under subsection 190, state surveys require a minimum of four primary monuments. In addition, with some deviation, this appears to be the basis or a close approximation for the SGC section on monumentation. Moreover, if state land is in a municipality, the survey is subject to the stricter controls, if any, of the municipality, under subsection 100.

Platting Authority in Unorganized Boroughs (11 AAC 53.600-740.)

Sets requirements for subdivisions with 1) five or less lots, and 2) 6 and more lots. In both, these monuments are more similar to our code's secondary monuments versus primary monuments.

Other Municipalities' Requirements

Ketchikan Gateway Borough – Example of more lenient code

KGC section 17.10.090 requires the rough equivalent of secondary monuments for its subdivisions for all exterior corners of the subdivision and all lot corners.

City and Borough of Juneau – Example of similar for majors and example of more lenient for minor subdivision

CBJ Code Section 49.15.453 – Monumentation, requires primary monumentation, similar to SGC, for subdivisions of 6 or more lots; and secondary monumentation, similar to SGC, for 5 or fewer lots.

Anchorage Municipal Code

21.85.130 - Monuments.

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set in a professional manner. Survey monumentation shall conform to such additional standards as the director of public works may establish by regulation under [chapter 3.40](#).

And AMC section 21.08.030(K): *Monuments*. Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set by a professional registered land surveyor licensed by the state of Alaska. Survey monumentation shall conform to such additional standards as the municipal surveyor may establish by regulation under AMC [Chapter 3.40](#).

RECOMMENDATION

Staff believes that flagging should be eliminated as mandatory *except* when required by the Planning Commission during review of the concept or preliminary plat when circumstances such as topography, drainage, setbacks, property line, or other development criteria or issues arise that warrant such marking.

Staff believe that monumentation should include a minimum of four primary monuments for **major** subdivisions, with secondary at all angle points. For **minor** subdivisions, at least one primary monument for minor subdivisions with secondary monuments at all angle points. It is

further believed, that a clause about recovered versus newly set be applicable, and that depth be reduced to mirror state minimums for state surveys and include the language “or until refusal.”

In addition; any variation of the following could be another direction:

Alternative 1 – Strict Monumentation Criteria

Primary Monumentation at all exterior angle points for minor and major subdivision; and secondary monumentation at all interior lot angle points for both types of subdivision.

Alternative 2 – Another Middle Ground Approach

Primary of 2 Primary Monuments for all Major Subdivisions at exterior angle points; and secondary monumentation at all interior lot angle points for both types of subdivision. Minor Subdivisions, one primary monument or no primary monuments, with the rest being secondary monument points

Alternative 3 – Most Lenient

Secondary Monuments at all exterior corners, and interior corners for all types of subdivisions.

Motion

I move to direct staff to (choice of something to the effect):

1. Do nothing.
2. Interpret existing code more leniently.
3. Interpret code more strictly.
4. Draft new code options for planning commission review regarding flagging and and monumentation that is similar to a (lenient, middle ground, or stricter alternative) as discussed by the Planning Commission.

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DATE 7/1/2016 OWNER Karen J. Lucas

DATE _____ OWNER _____

NOTARY'S ACKNOWLEDGEMENT

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

STATE OF ALASKA
NOTARY PUBLIC
Samantha Pison
My Commission Expires 2018

THIS IS TO CERTIFY THAT ON THIS 11 DAY OF July, 2016 BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Karen J. Lucas

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

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

Samantha Pison
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES with office

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

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

(ALL OWNERS OF RECORD) AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 2016 WILL BE DUE ON OR BEFORE August 31, DATED THIS 11th DAY OF July 2016, AT SITKA, ALASKA.

Wendy Lawrence
ASSESSOR CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION No. File-07 DATED June 21, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 7-11-2016 CHAIRMAN, PLATTING BOARD
Samantha Pison
SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK 13 PAGE 240 DATED June 21, 2016, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 7/12/16 MAYOR
Sara Peterson
CITY AND BOROUGH CLERK

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: Karen J. Lucas (ALL OWNERS OF RECORD) AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 13 DAY OF July, 2016, AT SITKA, ALASKA.

Paul Sweeney III
FINANCE DIRECTOR
CITY AND BOROUGH OF SITKA

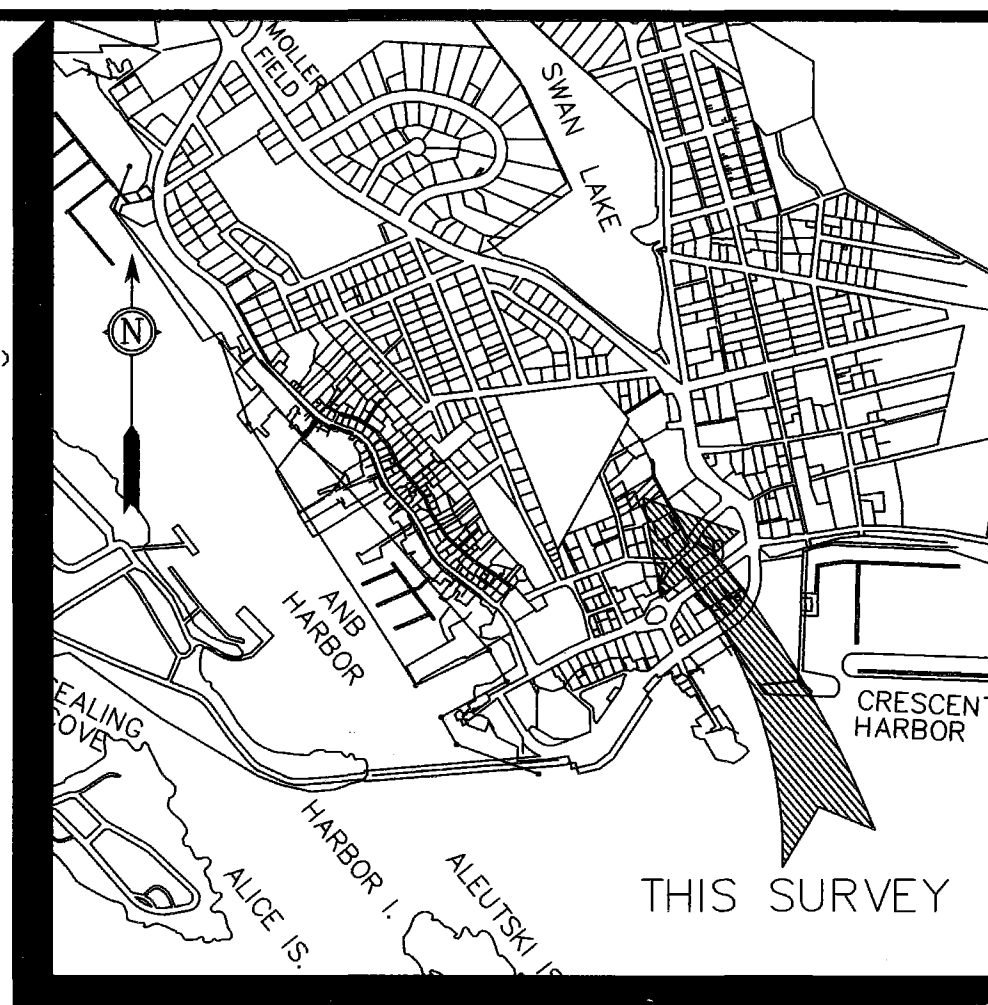
LAIRD SUBDIVISION

(PRIOR DESCRIPTION)
POR. LOT 1, BLK 8, S1474A
PARCEL No. 2,
SITKA RECORDING DISTRICT
DOCUMENT 2005-000449-0

RECORD POSITION
(NOT USED)

MONUMENT FOUND
OUT OF RECORD
POSITION
(POSITION HELD)

SWAN CREEK SUB.
BLOCK 2



VICINITY MAP

SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
- BLM/GLD PRIMARY BRASS CAP (RECOVERED)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- LEAD PLUG AND TACK ON STONE WALL
- (R) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA

NOTES

- THE PURPOSE OF THIS PLAT IS AS FOLLOWS:
 - ADJUST THE PROPERTY LINE BETWEEN NEW LOTS 1 AND 2 AS SHOWN.
 - REMOVE THE PROPERTY LINE BETWEEN THE PORTION OF LOT 1, BLOCK 8, AND THE ADJACENT PORTION OF LOT 2, BLOCK 8, (AS MERGED PER DOCUMENT 2012-000748-0) CREATING NEW LOT 2 OF THIS SUBDIVISION.
- A STONE WALL STRADDLES THE BOUNDARY LINE BETWEEN NEW LOTS 1 AND 2 AND LOTS 1 AND 2 OF DOROTHY'S SUBDIVISION.
- TWO PARKING SPACES ARE TO BE PROVIDED ON NEW LOT 1.
- A "DECLARATION OF EASEMENT AND ACCESS RIGHTS" INCLUDING MAINTENANCE RESPONSIBILITIES IS FILED IN THE SITKA RECORDING DISTRICT OFFICE, SERIAL No. 2016-000699-0

SITKA RECORDING DISTRICT

O'NEILL

SURVEYING AND ENGINEERING

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

SCALE IN FEET

BY	DATE	REV.	DESCRIPTION OF CHANGE
RECORD OF REVISIONS			



DESIGNED: P. O'NEILL
DRAWN: WAD/JCH/ACAD
CHECKED: PKO
DATE OF PLAT: JULY 2016
SCALE: 1" = 20'
DRAWING NAME: 30575C02
PROJECT NO. 30575-02

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN MAY 2016 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE 7/8/16 Patrick K. O'Neill
PATRICK K. O'NEILL, LS 6304

OBSERVATORY STREET LOT LINE ADJUSTMENT

A PORTION OF LOT 1 (DEED) AND PORTIONS OF LOT 2 (DEEDS), BLOCK 8, US SURVEY 1474A

CLIENT: KAREN LUCAS
218 OBSERVATORY STREET
SITKA, ALASKA 99835

SHEET 1 OF 1

NOTES (USE ONLY THE APPLICABLE NOTES)

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000
2. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND THE DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.

OR (FOR SURVEYS BASED ON GPS)

3. THE BASIS OF BEARING ON THIS PLAT WAS DETERMINED BY HIGH PRECISION GPS SURVEY USING (BRAND AND MODEL) RECEIVERS DIFFERENTIALLY CORRECTED AND PROCESSED USING (SOFTWARE NAME AND VERSION) SOFTWARE
4. THE NATURAL MEANDERS OF ORDINARY HIGH WATER (MEAN HIGH WATER) LINE FORMS THE TRUE BOUNDARY OF (PLAINS STATE) THE APPROXIMATE LINE OF ORDINARY HIGH WATER (MEAN HIGH WATER), AS SHOWN, IS FOR AREA COMPUTATIONS ONLY. THE TRUE CORNER BEING ON THE EXTENSION OF THE SODOLINE AND THEIR INTERSECTION WITH THE NATURAL MEANDERS (USE THE APPROPRIATE NOMENCLATURE)
5. RESTRICTIVE COVENANTS WERE RECORDED (DATE) IN BOOK (NUMBER), PAGE (NUMBER), (TAX) RECORDING DISTRICT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°40'28"W	70.48'
L2	S85°28'18"W	92.68'

LEGEND (SHOW ONLY THE SYMBOLS USED)

- QLO - BLM MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- QLO - BLM MONUMENT OF RECORD (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- PRIMARY MONUMENT SET THIS SURVEY (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- PRIMARY MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- PRIMARY MONUMENT OF RECORD (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- SECONDARY MONUMENT SET THIS SURVEY (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- SECONDARY MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- CELESTIAL CONTROL MONUMENT RECOVERED (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- CELESTIAL CONTROL MONUMENT OF RECORD (NOTE SIZE & TYPE HERE OR IN THE NOTES)
- SURVIVED
- UNSURVIVED
- MHW - MEAN HIGH WATER
- OHW - ORDINARY HIGH WATER
- (R) (REC) RECORDED PER PLAT NO. 0000
- (C) (CALC) COMPUTED
- (M) (MEAS) MEASURED

SURVEYOR'S CERTIFICATE

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

DATE: _____ REGISTRATION NO. (MECHANICALLY LETTERED NUMBER) _____

(MECHANICALLY LETTERED NAME) _____ REGISTERED LAND SURVEYOR



SOMETIME

PLAT No. 96-00 LOT 5 BLK 6

LOT 1 8.97 ACRES

LOT 2 9.69 ACRES

LOT 3 9.86 ACRES

LOT 4 10.82 ACRES

LOT 5 9.00 ACRES

LOT 6 10.04 ACRES

LOT 7 9.41 ACRES

LOT 8 8.17 ACRES

LOT 9 10.04 ACRES

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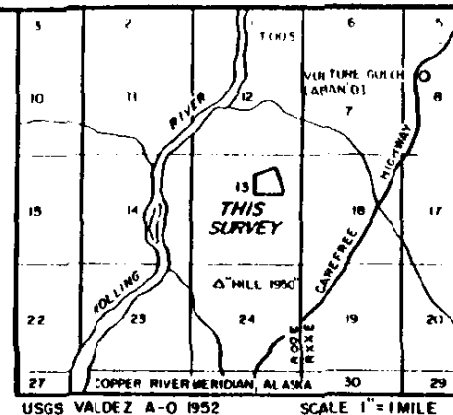
LOT 209 10.04 ACRES

LOT 210 10.04 ACRES

SAMPLE RECORD

JANE Q SURVEYOR
REGISTRATION No 0000-S
DATE _____

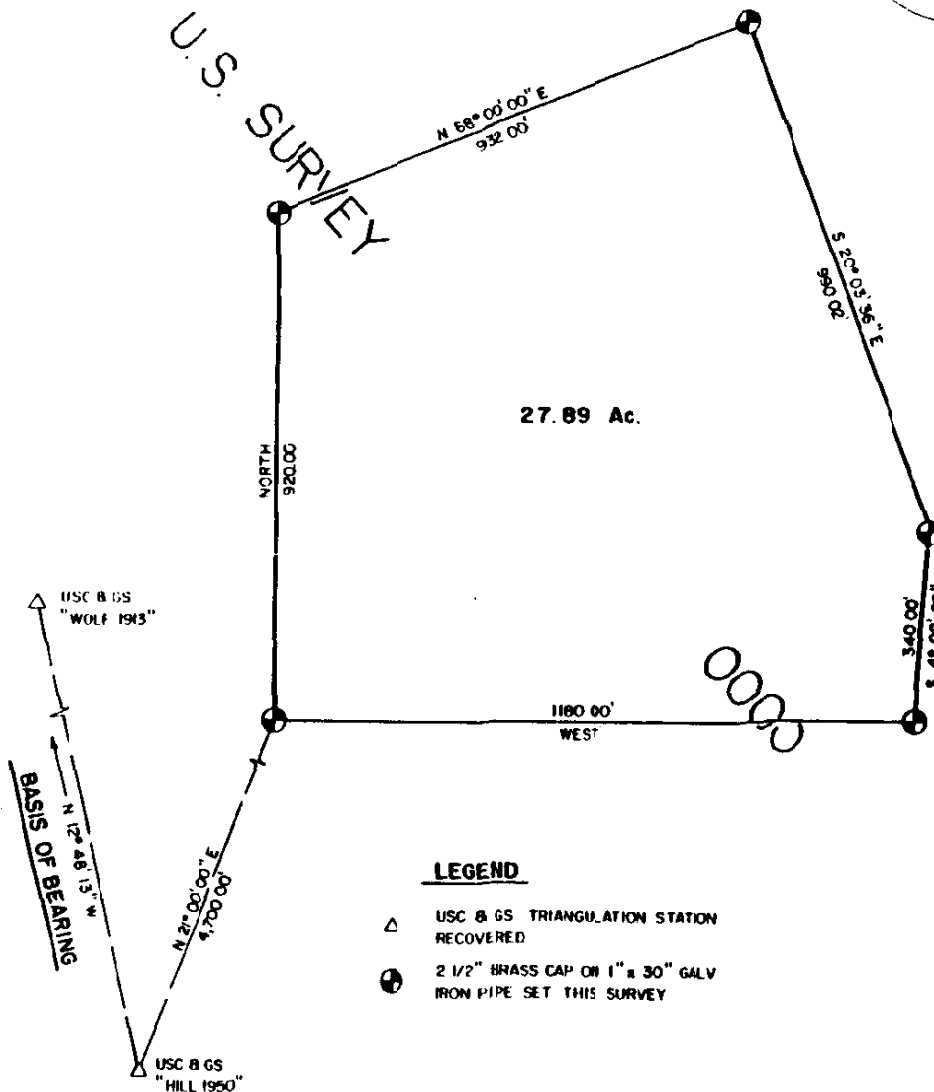
(SEAL & SIGNATURE)



VICINITY MAP

NOTES

- THIS IS A SURVEY OF PROPERTY AS DESCRIBED BY METES AND BOUNDS IN THE STATUTORY WARRANTY DEED RECORDED IN BOOK 00, AT PAGES 243 AND 244 ON JUNE 24, 1950 IN THE VALDEZ RECORDING DISTRICT



LEGEND

- △ USC & GS TRIANGULATION STATION RECOVERED
- 2 1/2" BRASS CAP ON 1" x 30" GALV IRON PIPE SET THIS SURVEY

DATE OF SURVEY Beginning _____ Ending _____		NAME AND ADDRESS (OF SURVEYOR OR FIRM)	
RECORD OF SURVEY			
WITHIN NE 1/4 UNSURVEYED SECTION 13 TOWNSHIP 00 SOUTH, RANGE 00 EAST, COPPER RIVER MERIDIAN, ALASKA VALDEZ RECORDING DISTRICT			
DRAWN BY (INITIAL & DATE)	SCALE 1" = 200'	CHECKED BY (INITIAL)	FILE NO

JOHN Q. SURVEYOR
REGISTRATION No. 0000 S
DATE _____

(SEAL & SIGNATURE)

MONUMENT RECORD
FILED FOR THIS MONUMENT

NW 1/4 SE 1/4
40.02 Ac

C 1/4 CE 1/16 CS 1/16 SE 1/16

Bearings and Distances:
Top Left: N 0° 02' 40" W 2640.60'
Top Right: S 89° 59' 00" W 2639.12'
Right Side: N 0° 04' 00" W 1321.06', N 0° 05' 20" W 2642.50', N 0° 03' W 2640' BLM)
Bottom Right: N 0° 03' W 2640' BLM)
Bottom: (WEST 2540' BLM) 2641.20'
Left Side: N 0° 02' 40" W 2641.74', N 0° 02' 40" W 2640.67'
Internal: S 89° 59' 00" W 1319.56', S 89° 59' 30" W 1320.08'

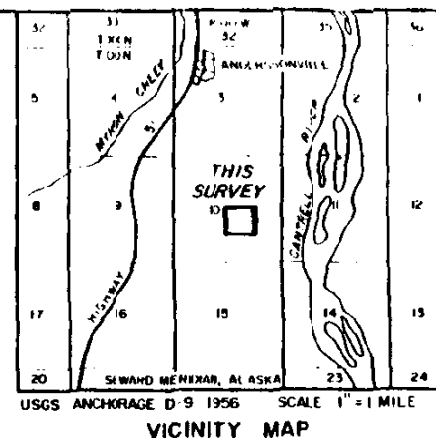
Section Numbers: 9, 10, 11, 14, 15

Other Features: 8" BIRCH, 10" SPRUCE, 20', 35.8'

LEGEND

BASIS OF BEARING

(SEAL & SIGNATURE)



- 1 UNLESS OTHERWISE NOTED, ACCESSORIES FOR ALL BLM MONUMENTS ARE AS DESCRIBED IN THE ORIGINAL FIELD NOTE RECORDS
- 2 SURVEYED IN ACCORDANCE WITH THE BLM MANUAL OF SURVEY INSTRUCTIONS 1973 SECTIONS 3-85 THROUGH 3-89
- 3 THIS IS A SURVEY OF THE PROPERTY DESCRIBED IN UNITED STATES PATENT No. 1234567 RECORDED IN THE ANCHORAGE RECORDING DISTRICT IN BOOK 000 AT PAGE 500 ON JUNE 31, 1935
THIS DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY A.S. 40.15.190(2)

3LM MONUMENT RECOVERED
5 1/4" ALUMINUM CAP ON 2" x 50"
ALUMINUM PIPE SET 2" ABOVE
GROUND THIS SURVEY

DATE OF SURVEY Beginning _____ Ending _____	NAME AND ADDRESS (OF SURVEYOR OR FIRM)
<h1 style="text-align: center;">RECORD OF SURVEY</h1> <p style="text-align: center;">OF NW 1/4 SE 1/4 SECTION 10 TOWNSHIP 00 NORTH, RANGE 00 WEST, SEWARD MERIDIAN, ALASKA ANCHORAGE RECORDING DISTRICT</p>	
DRAWN BY (INITIALS & NAME)	SCALE 1" = 500'
CHECKED BY (INITIALS)	FILE NO.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 17-16 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 5/3/2017 **In control:** Planning Commission
On agenda: 5/16/2017 **Final action:**
Title: Discussion/direction/decision regarding amendments to public notice requirements.
Sponsors:
Indexes:
Code sections:
Attachments: [Change to public notice 5.16.17](#)

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: May 4, 2017

From: Staff

To: Planning Commission

Re: Public Notice Discussion and Direction

KEY POINTS AND CONCERNS:

1. Zoning Code requires 2 published notices, which is 1 more than other commissions and even the Assembly is required to have.
2. Reduction in 1 published notice also coupled with adding an on-site posting of notice
3. Saves \$5,000 to \$10,000 per year.

RECOMMENDATION:

Staff recommends that the Planning Commission move to recommend approval of the proposed zoning text change regarding reducing published notice requirements, adding on-site posting of notice, and providing a process for emergency meetings.

BACKGROUND

Public Notice is integral to an open form of government and also to fair decision making. Public Notice is a part of the due process protections afforded all citizens. For hundreds of years, public notice has been included in newspapers. Currently, all other City business occurs with less required public notice than the business, decision making, and deliberations that come before the Planning Commission.

For a typical item for City Assembly, only one published advertisement is required per Chapter 2.36. Currently, our zoning code requires two published advertisements of the Notice (SGC Section 22.30.120(A)(1)). In addition, our zoning code also requires to adjacent properties within so many feet of the proposed project site receive a mailed notice.

The proposal is to reduce from two published notices to one published notice with at least 5 calendar days. In addition, we propose to add, as a requirement, a site posting. This proposal would save the City between \$5,000 and \$10,000 a year, while also providing very reasonable notice. In addition, our Department has enacted new notice formats that we hope give citizens the critical information and also the resource to find our more. Overall, the proposal is one that we feel provides reasonable, adequate, and efficient notice while also preserving public knowledge and reducing costs.

Current Sitka General Code for City Assembly Notices:

Chapter 2.36 PUBLIC NOTICE OF MEETINGS⁵

2.36.010 Required.

Reasonable public notice shall be given of all meetings of an administrative body, board, commission, committee, subcommittee, authority, agency or other organization including subordinate units of the above groups of the city and borough including but not limited to assembly, school board, platting board, departments, commissions or organizations advisory or otherwise of the city and borough supported in whole or in part by public money or authorized to spend

public money. (B.C.S. § 2.12.010.)

2.36.020 Publication.

Reasonable public notice is given if a statement containing the date, time and place of the meeting is published **not less than twenty-four hours** before the time of the meeting in a newspaper of general circulation published within the city and borough or not less than twenty-four hours before the time of the meeting by posting such statement in three public places within the city and borough or by announcement of such meeting twenty-four hours before the time of the meeting on radio or television stations within the city and borough with an affidavit of broadcasting given by such radio or television stations. If the meeting is a special meeting, then the above statement shall also contain the expected subjects of discussion, but the failure to list a subject shall not invalidate any action taken in respect thereto. (B.C.S. § 2.12.020.)

2.36.030 Emergency meeting. SHARE ...

An emergency meeting of the assembly or school board may be held after such public notice as is reasonable under the circumstances without regard to the publication requirements in Section [2.36.020](#), upon the affirmative vote of all members present, or the affirmative vote of three-quarters of those elected that a public emergency affecting life, health, welfare or property exists and that reasonable public notice of the meeting has been given. Any action taken at an emergency meeting is valid only for sixty days. (B.C.S. § 2.12.030.)

2.36.040 Meeting location. SHARE ...

Meetings required to be open to the public under this chapter and the state open meeting law shall be held in a location and at a time reasonably accessible to the public. (Ord. 00-1567 § 4, 2000.)

Current Sitka General Code for Notice for All Planning Commission Business with Proposed Language Highlighted and Deleted Language Stricken:

22.30.120 Notice of public hearings. SHARE

A. Notification. Notices required by this title shall include the date, time and location of the hearing as well as a description of the action requested and the property for which the action has been requested. The names of the property owners and the parties filing the application shall also be included. The following notices shall be given:

1. General circulation within the city and borough on at least ~~two occasions~~ **one occasion** prior to the meeting. ~~These two publications~~ **This one publication shall** be at least ~~three~~ **and** five calendar days before the meeting;

2. By sending notices by first class mail at least five days but not more than twenty days prior to the date of hearing to all property owners within one hundred feet along the abutting [streets](#), using the names and addresses as they appear on the records of the city and borough assessor;

a. In lieu of the requirement in subsection (A)(2) of this section, notices shall not be required to be sent to property owners over two thousand feet from a [project](#) when all the property is in common ownership.

3. The proceedings related to any approval action subject to public notice shall not be invalidated due to persons not receiving such public notice via U.S. mail.

4. Notice shall be posted in a conspicuous location at the site of the proposed development when applicable.

5. An emergency meeting of the Planning Commission, in any of their capacities (e.g. Platting Authority, Board of Appeals, etc.) may be held after such public notice as is reasonable under the circumstances without regard to the publication requirements upon the affirmative vote of at least 4 commission members that a public emergency affecting life, health, welfare or property exists and that reasonable public notice of the meeting has been given. Any action taken at an emergency meeting is valid only for sixty days. (taken and based from SGC Section 2.36.030).

B. Application Available for Public Action. From the time of filing such application until the time for such [public hearing](#), the application, together with all relevant data, plans or maps, shall be available for public inspection in the [office](#) of the planning director.

C. Consideration of Evidence. The planning commission shall hear and consider evidence and facts from any person at the [public hearing](#) or receive written comments from any person relative to the matter brought before the commission. The right of any person to present evidence shall not be denied for the reason that such person was not required to be informed of such a [public hearing](#).

D. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required. (Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

Analysis with Findings

Due process and notice as proposed would still provide a high level, if not higher level of development notice. Notice would be in the form on one published advertisement, all required malings, plus the addition of the on-site posting of notice. The reduction of the one published notice will be made up for by the on-site notice, and this will give the general public and adjacent properties better notice about a project under consideration.

This change is not anticipated to negatively impact the public, health, safety and welfare, and instead will provide better more efficient notice as well as reducing costs all of which are positive impacts to the public's health, safety, and welfare.

Further, the proposed language is more uniform with the general notice requirements for the City as a whole. This adds additional support for adopting the proposed language for Planning's purposes. This uniformity and proposed language would better meet the due process requirements found in code.

The Comprehensive Plan states under goal Governmental Goals and Policies, To assure widespread and thorough public awareness of pending actions of the Borough which are significant to the well-being of the community. Again, while publication is one form of notice, it is a costly form. We can still provide general published notice, while also adding site specific notice that will add to the *thorough* nature of our notice, while reducing costs.

Overall, it can be **found** that

1. the proposal does not negatively impact the public health safety or welfare;
2. the proposal comports with all code, laws, and principles that protect public notice and due process; and

3. the proposal complies with the Comprehensive Plan by providing *thorough* and reasonable notice of all pending actions of the Planning Commission.

Recommendation

Staff recommends the Planning Commission move to recommend approval of the proposed zoning text change regarding reducing published notice requirements, adding on-site posting of notice, and providing a process for emergency meetings.

Suggested Motions

1. I move to find that
 - a. the proposal does not negatively impact the public health safety or welfare;
 - b. the proposal comports with all code, laws, and principles that protect public notice and due process; and
 - c. the proposal complies with the Comprehensive Plan by providing *thorough* and reasonable notice of all pending actions of the Planning Commission.
2. I move recommend approval of the proposed zoning text change regarding reducing published notice requirements, adding on-site posting of notice, and providing a process for emergency meetings.