



CITY AND BOROUGH OF SITKA

Meeting Agenda Planning Commission

Tuesday, June 20, 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-26](#) Approval of the May 16, 2017 meeting minutes.

Attachments: [5.16.17 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 17-17](#) Director's Report for June 20, 2017.

Attachments: [Great idea Rethinking parking CNU](#)
[Food Security Oregon](#)
[Summary of the Article - HPC Archaeology](#)

VI. REPORTS

C [MISC 17-19](#) Report on marijuana businesses.

Attachments: [Marijuana Report 6.20.17](#)

D [CUP 16-10](#) Annual report for a conditional use permit for a short-term rental at 3001 Mikele Street granted to Kristy and Levi Hunt. No action required.

Attachments: [Annual Report Kristy Hunt](#)
[Supporting Documents 3001 Mikele reduced](#)

E [CUP 16-13](#) Annual report for a conditional use permit for marijuana cultivation at 3872 Halibut Point Road granted to Jeremy Erickson. No action required.

Attachments: [Erickson report 5.25.17](#)

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

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

VII. **THE EVENING BUSINESS**

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

Attachments: [Bartolaba 6.20.17](#)

- H [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 9791 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 6.20.17](#)

- 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 6.20.17](#)

- J [P 17- 03](#) Public hearing and consideration of a replat request for 210 Lake Street and 404 Oja Way. The properties are also known as Portion Lot 1, 2, 3, and C82 Block 10 US Survey 1474, Tract A. The request is filed by Western Steel, Inc. The owner of record is Sitka Residences, LLC.

Attachments: [Aspen 6.20.17](#)

- K [MISC 17-16](#) Discussion/direction/decision regarding amendments to public notice requirements.

Attachments: [Change to public notice 6.20.17](#)

[Change to public notice 5.16.17](#)

- L [MISC 17-18](#) Discussion and direction regarding zoning interpretation.

Attachments: [Zoning Interpretation 6.20.17](#)

VIII. **EXECUTIVE SESSION**

- M [MISC 17-20](#) Legal matter - McGraw, Diaz, Friske lawsuits

Attachments: [Exec Session lawsuit Planning Commission v2](#)

IX. 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: June 12 and 14



CITY AND BOROUGH OF SITKA

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CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Tuesday, May 16, 2017

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Vice Chair Windsor called the meeting to order at approximately 7:02 p.m.

Present: Windsor, Pohlman, Hughey, Assembly Liaison Knox

Absent: Spivey (excused), Parmelee (excused)

II. CONSIDERATION OF THE AGENDA

Planning Director Michael Scarcelli noted that item O was pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A Approval of April 18, 2017 meeting minutes.

Pohlman/Hughey moved to **APPROVE** the April 18, 2017 meeting minutes.

Motion PASSED 3-0.

IV. PERSONS TO BE HEARD

None.

V. PLANNING DIRECTOR'S REPORT

B Director's Report - May 16, 2017

Scarcelli reported on the ADU flyer and noted that it was put in utility billings, he told of the Community Land Trust on May 23rd, the critical areas ordinance in June and the executed lease for 725 Signaka Way.

VI. REPORTS

C Planning Regulations and Procedures.

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

Scarcelli reviewed the report. No action was taken.

- E** 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.
- Scarcelli reviewed the report. Knox asked of standards for conditional use permits specifically questioning the range of dates on this report. Scarcelli stated that they could request that information and thought that Planning could match the numbers with Finance through sales tax records.
- F** 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.
- Scarcelli reviewed the report. This may come back for mitigation. No action was taken.
- G** 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.
- Scarcelli reviewed the report. No action was taken.

VII. THE EVENING BUSINESS

- H** 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 confirmed that this was postponed due to the State process. Michelle Cleaver of Weed Dudes told that the State did not take up this matter at their last meeting. Staff have received community complaints including a signed petition, that identifies odor, safety, and other impacts to the adjacent residential community. Staff will work with the business to address odor issues.
- Hughey/Pohlman moved to postpone consideration of the conditional use permit for a marijuana consumption lounge request at 1321 Sawmill Creek Road Suite K until the state develops regulations.**
- Motion PASSED 3-0.**
- I** 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.
- Scarcelli gave an overview of the request and application. He told of insurance and that there are specific requirements that must be met by the US Coast Guard. He noted Harbormaster concerns, several letters of opposition, gave history of short-term boat rentals and went over the conditions of approval. Discussion of US Coast Guard regulations occurred. Hughey thought the application was thorough.
- Hughey/Pohlman moved to postpone consideration until the owners can be**

present at the meeting to answer questions.

Motion PASSED 3-0.

J

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.

Scarcelli gave an overview of the property and proposed request specifically showing the surrounding approved conditional use permits in the area. He told of conditions regarding parking and trash to mitigate bear issues.

Nancy Knapp came forward representing the applicant.

There was no public comment.

Pohlman/Hughey moved to adopt and APPROVE the following findings:

- 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 parking 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.**

Motion PASSED 3-0.

Pohlman/Hughey moved to APPROVE the conditional use permit application for short-term rental at 405 Monastery Street 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.

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 3-0.

K

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.

Scarcelli described the request, told of history with Public Works and showed the properties stating this parcel was unuseable for the City. Staff recommend approval with one condition that would require Public Works to approve the easement location and language.

Hughey clarified what type of infrastructure went with the property specifically the fire hydrant, water and sewer. Scarcelli told that Public Works would work with the applicant regarding the easement for infrastructure.

Owner Mica Trani came forward answering that the business would gain better access with this parcel and told that the fire hydrant was outside of the property by approximately 5 feet.

There was no public comment.

Hughey/Pohlman moved 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.

Motion PASSED 3-0.

L

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.

Scarcelli gave a staff report of the location/variance noting an existing railroad easement of the federal government that had caused confusion. He told of development standards of setbacks. Staff recommended a denial due to the setbacks and that there was nothing unusual of the lot therefore, it did not meet the required findings. Scarcelli would follow up with the Municipal Attorney regarding the railroad easement situation.

Larry Medina came forward and told of the measurements which would give him better use of his property and stated he would loose access if this was denied. He stated neighbors had no concerns, that the building would blend in with the surround area, it would be used to store a historic vehicle and would improve the value of the property and surrounding areas.

There was no public comment.

Pohlman thought this was more aesthetics and that this property was flat and not unusual. Scarcelli read from the zoning code regarding low density with regards to this property, the setbacks, and lot coverage.

Pohlman/Hughey 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 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 pedestrian 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 state, "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.**

Motion PASSED 3-0.

Pohlman/Hughey moved to DENY the 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 Lot 14 US Survey 3302. The request is filed by Larry and Nancy Medina. The owners of record are Larry and Nancy Medina.

Motion to deny PASSED 3-0.

M

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 9791 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.

Scarcelli described the request of four units, including that it was 29 square feet short for allowing a fourplex, however, it met the setbacks and parking regulations. Scarcelli read the letter of opposition and stated that this parcel is zoned multi-family.

Property owner, Tim Bernard came forward stating that zoning was high density for this parcel and told of history of a previous request for a fourplex that never came to fruition.

Claudia Leccese came forward requesting that the Commission take into consideration of the letter in opposition.

Pohlman was in support of the triplex and would like more information on the history of the fourplex that was approved previously in this subdivision. Windsor reminded the commission of the 29 square feet. Hughey thought that it may not be a detriment to the neighborhood. Staff was directed to get information of the previous fourplex variance request.

Pohlman/Hughey moved to postpone consideration until the next regular meeting.

Motion PASSED 3-0.

N

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.

Scarcelli gave the background on this item. Planning staff realized that Eliason, Thomsen and ANB harbors are not technically zoned. There was an assumption that they were zoned Public (P), however they are not and therefore take on the zoning of the upland property. Waterfront District zoning is problematic for harbors because it allows short-term rentals as a matter of right subject to USCG jurisdiction, impacting short-term rentals on boats.

Hughey/Pohlman moved 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.**

Motion PASSED 3-0.

Hughey/Pohlman moved 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.**Motion PASSED 3-0.**

O Discussion/direction/decision regarding monumentation and flagging requirements in Title 21.

This item was pulled from the agenda prior to the meeting.

P Discussion/direction/decision regarding amendments to public notice requirements.

Scarcelli told of the history for notices and what the new language would add. It would reduce the amount of times the agenda would be noticed in the newspaper but would also require placing a posting on-site and would include language for an emergency meeting. This change could save the city \$5000-\$10,000 per year and would be more consistent with Assembly notice.

Knox wondered if there could be notice to adjacent slips for the harbor short-term rentals. Scarcelli told of the benefits of on-site posting and that staff was going out to do a site visit regardless. Pohlman wondered if it would end up being more costly by staff time rather than the public notices.

Kevin Barry agreed that additional posting could be helpful.

The Commission would brainstorm between now and the next regular meeting to discuss further in order to make a firm recommendation to the Assembly for code changes.

VIII. ADJOURNMENT

Seeing no objections, the meeting adjourned at 8:53 p.m.

ATTEST: _____
Melissa Henshaw, Deputy Clerk



CITY AND BOROUGH OF SITKA

Legislation Details

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Sponsors:
Indexes:
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[Food Security Oregon](#)
[Summary of the Article - HPC Archaeology](#)

Date	Ver.	Action By	Action	Result
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PUBLIC SQUARE (/publicsquare)

A CNU Journal



Downtown Pasadena was revitalized through taking a different approach to parking.

POLICY (/PUBLICSQUARE/CATEGORY/POLICY)

Great idea: Rethinking parking

From coast to coast and in middle America, more sensible parking policies are taking hold and may be the quickest path to urban revitalization.

ROBERT STEUTEVILLE (/node/538) JUN. 5, 2017



(<http://www.facebook.com/sharer/sharer.php?u=https%3A//www.cnu.org/node/6274&title=Great%20idea%3A%20Rethinking%20parking>)



(<http://twitter.com/intent/tweet?status=Great%20idea%3A%20Rethinking%20parking%2Bhttps%3A%2F%2Fwww.cnu.org/node/6274>)



(<http://www.linkedin.com/shareArticle?mini=1&url=https%3A%2F%2Fwww.cnu.org/node/6274&title=Great%20idea%3A%20Rethinking%20parking&source=https%3A%2F%2Fwww.cnu.org>)



(mailto:?subject=Check%20out%20Great%20idea%3A%20Rethinking%20parking&body=https%3A%2F%2Fwww.cnu.orgpublicsquare/2017/06/05/great-idea-rethinking-parking)

In celebration of the 25th Congress for the New Urbanism

(<https://www.cnu.org/cnu25>), Public Square is running the series 25 Great Ideas of the New Urbanism. These ideas have been shaped by new urbanists and continue to influence cities, towns, and suburbs. The series is meant to inspire and challenge those working toward complete communities in the next quarter century.

Parking is one of the primary shapers of US communities, and has been for a century. The walkability of a city or town is often determined by how much parking dominates the public realm. New urbanists promoted design solutions to reduce the impact of parking on public spaces and ideas like "park once" and shared parking to create better urban places. Like-minded innovators have taken reform to new levels through market-based parking strategies that allow urban places to flourish.

Public Square editor Robert Steuteville interviewed Donald Shoup, UCLA professor and author of *The High Cost of Free Parking*, and Jeffrey Tumlin, director of strategy for Nelson\Nygaard Consulting Associates, transportation planners and engineers, on how new ways of thinking about parking are transforming the American landscape.



Donald Shoup and Jeffrey Tumlin.

The Charter of the New Urbanism says that streets should be framed by architecture and landscape design. How does parking help or hinder that concept?

Shoup: It depends. On-street parking provides a barrier between the sidewalk and moving traffic. If treated well, curb parking is not the evil that many people think it is. Street trees planted in the parking lane between cars can add to the overall aesthetic of a street. Palo Alto (California) has a very good example of that. On its main street, there'll be two parking spots and then a street tree with a semi-circular curb to protect it from the cars. There are negatives, especially where parking is placed between the sidewalk and the front of a building so that when you're walking along the street, you see a parking lot between you and the front of the store and it's clear that the real customers of the store are drivers, not pedestrians. One of the things that New Urbanism has definitely got right is the park-once strategy. With municipal parking structures, people can park in one location, and then walk around for as long as they're in the district. That's very different from what most cities require, which is usually that every building has to have its own parking on-site. If you go to a restaurant or a store, you can park in their lot. But once you've left, they want you out of their lot and so you have to move your car to your next destination. Park-once structures alleviate this problem, but the structures should be placed behind—not on—the main street. The quality of the off street parking matters too. Wrap the parking structure with active uses, a thin layer of offices, or apartments so that when you walk down the street it doesn't look like the typical concrete-block parking garage. These are the aesthetics of parking.

How has parking affected the walkability and the livability of cities and towns over the last five or six decades?

Tumlin: Let us celebrate parking for a moment, and how parking drove the marketability of the suburbs. It's easy as urbanists to underestimate the appeal of suburbia, not only today but particularly as it was being invented in the post-war era. The idea of limitless personal mobility is incredibly alluring. The ability to park, in part, drove the invention of a new lifestyle. The mistake that we made was trying to apply the concept of the suburban dream on certain urban places. That we put a one-size-fits-all approach to the automobile and to automobile parking in both contexts, that was the failure. A one-time simple solution for almost any urban planning need fails either the city or the suburbs.

Shoup: I'd be a bit more critical. My main criticism does not concern parking itself but parking requirements. I'm not against cars and I'm not against parking. I'm against off-street parking requirements in zoning ordinances which I think have led to pedestrian-free zones in cities. Consider three urban policies to stimulate the demand for cars and fuel. First, separate different land uses. Housing here, jobs there and stores somewhere else. Second, limit density so you have to travel a distance to get from your house to your job and to a store. Third, require ample free parking everywhere, so cars become the natural way to travel everywhere. Free parking in particular enables car travel. With these three policies, cities have reduced the cost of driving and raised the price of everything else to pay for it. It makes the city more drivable but less walkable. I think it's foolish to say that without parking requirements we won't have any parking. If you ask any developer whether they would exclude parking if it wasn't required, they would respond, "That's ridiculous." If drivers paid for the cost to provide parking, we would use cars more rationally.

Tumlin: It's also important to look at who had a lot of money to make building the suburban dream. There was broad agreement by the institutions that fund the construction of these places, including all of the conventional real estate finance industry, that minimum parking requirements were a good idea and they still demand a 1970s level of parking regardless of context.

How has the thinking on parking in cities and towns changed in the recent decade or two?

Tumlin: Every place that bought into this 1970s parking concept has recognized that it has completely failed them. So it's become relatively easy to go into a place to help them retool their regulations for the needs of 2020. Even in suburban contexts. We're working with Mountain View, California, which has realized that their minimum parking requirements were literally driving their traffic congestion problem. Not only has Mountain View been eliminating minimum parking requirements, but it has established very low parking maximums for its suburban office parks as a traffic control mechanism and as a housing affordability tool. Similarly, Mountain View has required that the price of parking be unbundled from the price of not only housing but also commercial leases. They require that new parking be largely shared with other land uses and not restrictive. They're also encouraging that parking be priced, which is pretty radical in a suburban context. Mountain View has realized that parking regulations are a tool for creating specific outcomes, like all regulations. And they've realized that a conventional approach to parking regulations was creating only bad outcomes.

Shoup: Planning consultants, like Nelson\Nygaard, have spread the better ideas about parking. Nowadays, consultants have much more to tell cities about how parking affects the city, the economy, and the environment. Cities guided by these firms are looking for successful examples like Mountain View. Expertise has been developed from the successful outcomes of the recent decades. The planners of the 1950s didn't impose minimum parking requirements on an unwilling public, they simply gave a veneer of professional expertise to parking requirements. But that expertise really didn't exist.

A little over a decade ago, a very big book called *The High Cost of Free Parking* came out. Don, did you expect this book to have such an impact? How has it changed the conversation?

Shoup: When the book came out, half the planning profession thought I was crazy and the other half thought I was daydreaming. Now planners are beginning to think that the ideas were practical and sensible. I can boil the 800 pages down to three bullet points. First, charge the right price for curb parking

so there are always one or two open spaces on every block. Second, spend that revenue to pay for added public services on the metered blocks so that the stakeholders benefit from these metered spots. Some cities use the money to provide free wi-fi to everybody on the street. They pressure wash the sidewalks frequently, plant new street trees, and remove graffiti every night. Investing the money back into the metered street creates the political will to charge the right price for on-street parking. And third, remove off-street parking requirements because nobody can say there's a shortage of parking if drivers can always see one or two empty spaces on every block. Removing off-street parking requirements can have a big effect, even in the short run, because it allows the adaptive re-use of older buildings.

Did that book change your practice, Jeff?

Tumlin: Don's ideas very much influenced my career and shaped my practice at Stanford University. When the book came out, we felt we could be bolder in our messaging about aligning community values with regulations and clear about the outcomes we were seeking with our regulations.

Can either of you talk about any cool projects that are happening right now in cities or towns that involve parking?

Tumlin: I love that cities like Fayetteville, Arkansas, are eliminating all minimum parking requirements. I love that these conversations are happening at every urban scale. That this is not just a coastal phenomenon or urban phenomenon. Everyone has started to recognize the problem, from the design professions to the academics to municipal leadership and even traffic engineers and the financial sector. Specifically, I applaud the work that Seattle did. It used an immense amount of data to help manage parking better through building the right price. Seattle took all of San Francisco's lessons and did the exact same thing, but using its own resources on the cheap and came up with some simple formulas for being able to convert the data that they already had at their parking meters to get their own price right. They were able to spread those concepts far more rapidly than San Francisco, in part because they've gotten the

messaging right with their own business community and residents.



Fayetteville, Arkansas

Shoup: The San Francisco experiment, called SF Park (<http://sfpark.org/>), started in 2011 to adjust parking prices in response to parking demand. It is run by some of the most dedicated, hard-working, and talented public servants I had ever met. Other cities including Boston, Berkeley, Los Angeles, Oakland, Seattle, and Washington DC have started rolling out similar programs. Buffalo eliminated all minimum parking requirements so now their regulation only reads 'No off-street parking is required for any land use.' Setting a maximum number of spaces is nice, but the key thing is remove the minimum requirement.

Tumlin: After it eliminated the urban parking minimum and established maximums, San Francisco has changed its approach to transportation impact analysis for new developments. It no longer looks at intersection level of service but instead looks at how many vehicle trips the project generates, measured largely by parking supply. A giant office building in downtown San Francisco that has zero parking limits, it may generate vehicle trips. But because the parking supply downtown is constrained, any new vehicle trips their project

generates may end up displacing existing vehicle trips, so the net impact is zero. If a project wants to build parking in San Francisco, it's now required to mitigate its impact on traffic by implementing increasingly tough transportation demand management requirements in exchange for the privilege of building parking. Similarly in Mountain View, when the city eliminated its minimums in the office park area, it established a relatively generous maximum at 2.4 spaces per thousand. But if a project is going to build that many parking spaces, it also needs to demonstrate how it's going to comply with the vehicle trip cap that the city also imposes and ensure that the parking supply matches the intended vehicle trip generation rates.

We see parking lots being filled in with buildings downtown. I see this in almost in every city in America. But what about the suburbs? There's still a lot of free parking in the suburbs, still a lot of parking lots everywhere you see. Are these ideas having an impact outside of cities in the wider metro area?

Tumlin: Mountain View is an extremely suburban place and where they've been messing with parking, it's an area that is historically one and two-storey office buildings surrounded by seas of free surface parking. The city of South San Francisco, another suburban office park area, has done similar things for Genentech. They've allowed Genentech to put buildings on existing surface parking. They haven't replaced the parking but instead have invested the money that it would have spent on parking structures on free shuttle services for their employees and paying them not to drive. Increasingly in small-town downtowns, Petaluma (CA) for example, municipalities are deciding that they already have enough parking and they've begun to discourage all new development from building parking in order to meet the walkability goals that support a real small-town main street environment.

Shoup: There's a new trend toward converting private parking lots attached to stores into paid public lots. A parking operator enters into an agreement with the owner of the parking lot and proposes that they operate it as a public lot with meters and they split the revenue, but customers can park free. So instead

of having empty spaces that yield no income, the owner converts the lot into shared, paid parking so that anybody can use it as a park-once operation.

Tumlin: That's exactly what little downtown Truckee, California, is doing as well with its downtown extension. It's asking that the grocery store and the new performing arts center provide a shared parking pool for all of the surrounding commercial areas, so that they can also maintain a walkable downtown that is a park-once environment.

Transportation is changing significantly. There's Uber, Lyft, and other carshares, but there are also automated vehicles on the horizon. How do you see this affecting parking?

Tumlin: In San Francisco, Uber and Lyft have had a significant impact on urban parking demands. Within San Francisco, it's always cheaper to take UberPool or Lyft Lines downtown than it is to drive and park there. This is a very hot topic right now for pretty much all of our developer and municipal clients. How should we approach the parking components, a 40-year asset, knowing that at most it's going to have a 10- to 20-year use life? How much parking should we build now, and what do we do with this parking once it's no longer needed? Do we build parking now in ways that allows the building to be adaptable to different uses? One developer has encouraged high ceiling heights and double floors in parking structures to encourage adaptability.

Shoup: Uber and Lyft know very well that the highest demand for their services are in areas where the price of parking is high. Therefore, they have often asked me about minimum parking requirements. They realize that minimum parking requirements reduce the demand for transportation network companies (TNCs). If you'd like to see shared automated vehicles succeed, the best way to do this is to reform off-street parking requirements. Removing off-street parking requirements will create much more demand for TNCs and automated vehicles. So it isn't just that these automated vehicles are going to affect parking, but parking affects how fast these automated vehicles will be introduced.

Are you seeing improved urban places because people are thinking better or differently about parking? Right now, is this happening in cities all around the country?

Shoup: Old Pasadena probably provides the best example. It was a commercial skid row in the 1970s and now it's one of the most popular destinations in southern California. That change occurred because Pasadena effectively removed off street parking requirements, installed parking meters, and spent the revenue for added public services. Parking yields over a million dollars a year for a small business district and they have made it immaculate. On a typical weekend, 30,000 people go there just to walk around. All ages, genders, everything. It's very peaceful with lots of restaurants, and all kinds of people are earning a living where the buildings were previously empty above the ground floor. I can't point to a more astonishingly dramatic change than Old Pasadena.

Tumlin: Don's research on Old Pasadena is one of the seminal pieces of research in our field and we still point to it. In every city that has eliminated its minimum parking requirement, I've observed the way in which opportunities for developing little, small infill parcels becomes completely unlocked. Every place from downtown Petaluma, to downtown Santa Monica, to scattered, otherwise completely undevelopable parcels in San Francisco. And now, increasingly, in places like Oakland—which has significantly eliminated minimum parking requirements in the urban parts of the city—are seeing development pencil in a way that would have never been possible before because it was physically impossible, or financially very expensive to meet the minimum parking requirement. The end result is a greater concentration of activity, of retail, of people living downtown that make it much more interesting. Downtowns can now attract better restaurants, more shopping, grocery stores and all the things that otherwise also wouldn't have been able to come there because there simply weren't enough people.

Note: CNU intern Benjamin Crowther helped to produce this interview and article.

URBAN FOOD ZONING: Health, Environmental and Economic Considerations



A Supplement to the Urban Food Zoning Code Update's Concept Report Public Review Report, July 2011

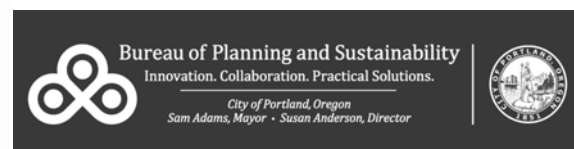
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Summary

The **Urban Food Zoning Code Update** is the City's first broad look at how our regulations affect activities associated with growing and distributing food in our neighborhoods. The following topics are addressed in this report: market gardens, community gardens, farmers markets, food membership distribution sites as well as animals and bees.

Market Gardens are gardens or orchards where food is grown to be sold directly to consumers, restaurants, or other places. *Community Gardens* are where multiple households grow plants for self consumption on public land, church property, or senior meal center, for example.

Farmers Markets are regularly-occurring events where farmers, ranchers, and other agricultural producers sell food and related products that they have grown, raised, or processed. *Food Membership Distribution Sites* are categorized as Community Sponsored Agriculture (CSAs) or food buying clubs, where growers or distributors typically deliver weekly bulk goods or farm produce at a main distribution point to be picked up directly by customers. The *Animals/Bees* topic area includes beekeeping and raising a variety of animals in residential areas; the purpose is to harvest food such as honey, eggs, milk, and chickens.

The goal of this publication—a supplementary exhibit to the Concept Report—is to provide further analysis of how future zoning regulations for these five topic areas can benefit or negatively impact our health and the environment. Also considered is how urban food production and distribution activities can help to supplement personal income as well as benefit the overall economy.

Health Considerations

Background

Food Environments and Population Health

Growing more fruits and vegetables in community and market gardens, improving access to farmers markets, and designating food membership distribution sites will have many public health benefits for Portland residents. Access to healthful food is one of the most important factors in determining mental, physical, and social well-being and warding off chronic disease and poor health outcomes over a lifetime. Consistently eating fresh produce, in combination with reasonable meal portions and regular physical activity, helps in maintaining a healthy weight. Because fruits and vegetables have a high water and fiber content, fewer calories are consumed in comparison to processed foods. Moreover, individuals who are not obese or overweight are less likely to develop chronic diseases such diabetes and hypertension.¹

While whole fruits and vegetables are highly recognized for providing key nutrients, many other healthful foods can support healthy eating habits. Minimally processed whole grains, legumes, nuts, seeds, eggs, dairy, meats, fish and poultry produced without added hormones or antibiotics, artificial colors or preservatives, are legitimately healthful foods.² Despite the many benefits and evidence supporting the relationship between nutrition and health outcomes, Portland and Multnomah County residents, similarly to the U.S. population, struggle to consume the recommended servings of fruits and vegetables. About 70 percent of adults in Multnomah

County fail to eat five or more fruits and vegetables per day³ and only about 20 percent of 8th graders in Oregon meet this recommendation.⁴

Food security is also a major concern among Oregonians. About 14 percent of Oregon households were considered “food insecure” meaning one or more people in the household were hungry over the course of the year because of the inability to afford enough food.⁵ Low-income families are quite often the most susceptible to fluctuations in household economic security. Currently, one in five Oregonians rely on Supplemental Nutrition Assistance Program (SNAP) benefits; similarly, 20 percent of children⁶ live in poverty, which puts them at high risk for many poor health outcomes.⁷ These trends are also reflected in chronic disease rates and health outcomes, as some studies have found that there is an association between socioeconomic status and being overweight or obese.^{8 9} Childhood and adult obesity are the number one public health crisis of the 21st century in the United States. About one-third of U.S. adults are obese¹⁰ with Blacks and Hispanics having a 51 and 21 percent higher prevalence of obesity, respectively, than their white counterparts.¹¹

Overweight and obesity pose as a serious problem for over half of Multnomah County residents; in fact, one in four Oregonian youth is at risk of these conditions.¹² Moreover, one in 16 Multnomah County residents is at risk of developing diabetes. These statistics reflect a chronic disease ‘epidemic’ that is occurring throughout the United States and unfortunately, the numbers translate into negative health and economic consequences for a large portion of the region’s population. One significant and disturbing trend is that in Multnomah County, minority racial and ethnic groups tend to experience worse health conditions than the rest of the population. County statistics reveal that Hispanic, American Indian/Alaskan Native, and African Americans are more likely to be overweight and obese than their white counterparts. Asian/Pacific Islanders, on the other hand, have the lowest rates of overweight or obesity of any racial or ethnic group in Multnomah County. Similarly, death rates for African American and Hispanic Oregonians due to diabetes are significantly higher than for non-Hispanic Whites, with African American and Hispanic women faring the worst.¹³

Social Determinants of Health

In recent decades, public health emphasis has shifted from a focus on individual health to the social, environmental, and political conditions in which people live, work, and recreate. These conditions are significant predictors of health outcomes and are often unevenly distributed by geographic location and follow racial and socioeconomic lines. Emerging research indicates that disparities in health outcomes between racial and ethnic groups, in part, can be attributed to a variety of factors such as employment status, education level or attainment, environmental conditions, and access to healthful food.¹⁴

Access to Healthful Food

Generally, food access is described as the ability for all citizens to obtain sufficient food for their personal needs; however, determining accessibility requires understanding complex socioeconomic factors such as affordability, physical accessibility, appropriateness and awareness.¹⁵ Accessibility is not a proxy for improved consumption. Food deserts—defined as “low-income communities without ready access [one mile or more] to healthy and affordable food” are gaining recognition as ways to assess food access in neighborhoods.¹⁶ Many sophisticated mapping projects and community food assessments have been conducted in Portland to determine where geographic gaps in access exist. While the city may not experience extreme food deserts,¹⁷ many diverse communities face challenges to purchasing healthful foods such as fruits and vegetables because the produce available in their neighborhoods is

either too costly, culturally inappropriate or of poor quality.¹⁸ Community and personal gardens may help improve healthful food access because they have the potential to remove barriers associated with transportation, cost, and food preferences.

Benefits of Urban Food Production and Distribution

Social Capital

Social Capital is a term often used to describe the presence of formal or informal social networks, group membership, trust, reciprocity, and civic engagement in a neighborhood.¹⁹ Social capital has a major impact on health, particularly on those who may experience social exclusion due to discrimination, unemployment, underemployment and stigmatization. Communities that are often socially isolated are less likely to possess organizational networks or gain access to health-supportive services and citizenship activities.¹⁴ Urban gardening can help to transform urban open space from blighted vacant lots to community assets. It is an activity that is relatively accessible to most segments of the population, including people with disabilities who often have fewer opportunities for social interactions and collective activities, such as gardening. In fact, public community gardens are required by the Americans with Disabilities Act (ADA) to be wheelchair-accessible with proximity to public transportation. When gardening is accessible to diverse populations, its benefits are numerous, as it is a leisure activity, encourages food security, and lowers household food costs. Gardening can also build social capital through face-to-face interaction and community empowerment.

Cultural Heritage and Social Justice

Community gardens can also be a driver for social justice. The Urban League of Portland, an organization that “helps empower African Americans and others to achieve equality in education, employment and economic security,” launched the Urban Harvest Garden in partnership with the African Women’s Coalition. The aim of the garden is to “encourage healthy eating and active living” and to “provide an intercultural, intergenerational gardening space where the African and African American community can come together and grow culturally specific produce”. This effort, among others led by the Urban League, helps instill community ownership and self-determination in broader public health issues.²⁰

Gardening and farmers markets also provide a familiar space for recent immigrants and help them acculturate to Western growing practices, share their cultural traditions with their neighbors, and establish strong social ties. Mercy Corps Northwest promotes these activities in its New American Agriculture Project, which “educates and assists refugees and immigrants in the Portland and Vancouver, Washington area in establishing small agricultural businesses by leasing local farmland”.²¹ Farmers markets also provide an opportunity for social interaction and engagement with family and friends. A *Project for Public Spaces* study found that farmers markets provided 15-20 social interactions per visit compared to grocery stores at one or two social interactions per visit.²²

One study in New York City researched community gardens visited by Latinos, focusing on the history of the spaces, a description of the members, the plants chosen as well as activities and problems associated with the gardens. It was discovered that the gardens were considered “participatory landscapes” that promoted community development by providing a safe place to gather, reducing household food costs and providing a connection between immigrants and their cultural heritage.²³

Community gardens managed and operated by faith-based organizations may be more likely to improve nutrition and physical activity among congregants as their approach to garden-based education is rooted in the spiritual and emotional perspectives of their congregation members. A faith-based health promotion project was successful in improving fruit and vegetable consumption among community garden members of a predominantly African American congregation.²⁴ In Portland, many faith-based efforts exist that are engaged in healthful eating promotion, such as the Interfaith Food and Farms Project of Ecumenical Ministries of Oregon. The project collaborates with various congregations to launch buying clubs, cooking classes, community gardens, farm stands, wellness assessments, policies and advocacy.²⁵

Fruit and Vegetable Consumption

Multiple studies on community gardens found they enhance positive dietary habits, such as increased fruit and vegetable consumption and preference among participants, regardless of population.²⁶ Small community garden plots can yield enough vegetables to meet most of a household's nutritional requirements for Vitamins A, C, B complex, and iron.^{27 28} In one study, fruit and vegetable intake, measured in recommended servings per day, was higher among gardeners than among non-gardeners.²⁹ In a survey of adults (more than half were African American) with a household member who participated in a community garden, the adults consumed fruits and vegetables 1.4 more times per day than those who did not participate, and they were 3.5 times more likely to consume fruits and vegetables at least five times daily.³⁰

Farmers markets, too, have been shown to improve fruit and vegetable consumption among customers. Farmers markets have proliferated over the past twenty years and are one the fastest growing venues for selling regional produce and products.³¹ Many farmers markets in the Portland area are equipped to accept SNAP benefits and provide a welcoming atmosphere; however, studies have revealed common barriers low-income families face to shopping at farmers market such as inconvenient location, lack of transportation, and hours of operation.³² Women Infants and Children, Farm Direct Nutrition Program (WIC FDNP) recipients sustained increase in fruit and vegetable consumption after the farmers market season ended.³³ In a study of New York City residents, farmers market shoppers ate three-quarters to one serving more of fruits and vegetables than those who shopped at grocery stores.³⁴

Physical Activity

Physical activity is critical to maintain a healthy weight throughout life and reduce the risk of developing chronic diseases such as heart disease, stroke, type II diabetes, and some cancers. Physical activity that is integrated into routine activities—such as walking or taking public transit to work, and gardening—is likely to contribute to positive health impacts over a lifetime. Self-reported survey results demonstrated that nearly 340 community gardeners increased their physical activity sessions by six percent per week and increased their consumption of fruits and vegetables by 10 percent.³⁵ In a separate study, it was found that farmers markets can help foster pedestrian-scale development thereby promoting walkable neighborhoods and may increase walking, irrespective of whether such walking is associated with trips to the market. Farmers markets can also have a positive impact on walkability, bikeability, and transit use when they are in close proximity to safe residential neighborhoods that have comfortable and accessible pedestrian infrastructure, and have aesthetically appealing characteristics of value to residents.³⁶

Mental Health

Spending time outdoors in natural settings has been associated with many positive mental health benefits. Gardening, in particular, has been shown to be restorative and therapeutic for patients in rehabilitation facilities.³⁷ In a field experiment, gardening led to a greater decrease in cortisol levels—which indicates reduced stress—than in the control group. Participants also reported that their moods were restored after gardening.³⁸ Mexican-American males with diabetes engaged in gardening more frequently than other activities not because it was viewed as physical activity but rather as a source of relaxation, satisfaction, and beauty.³⁹

Crime and Personal Safety

The presence of urban vegetable gardens has been positively correlated with decreases in crime and vandalizing.²⁹ Gardens also create space for social exchanges and interactions, which can affect the perception of crime among gardeners as well as neighborhoods.⁴⁰ Places that are aesthetically pleasant such as community gardens or farmers markets can offer community gathering spaces that people feel safe visiting. Well maintained natural areas and green space within urban neighborhoods are often monitored and tended by neighbors creating a sense of well-being and trust within neighborhoods. Community gardens have also been shown to increase collective efficacy as they can be a, “link between mutual trust and shared willingness to intervene for the community good of the neighborhood”.⁴¹

Potential Negative Health Impacts

Although urban food production, food membership distribution points, urban animal husbandry and beekeeping all have many health benefits, it is important to consider the potential negative health impacts. The impacts should be analyzed around growing food on vacant urban land in different zoning districts; the indirect and direct impacts of traffic, or of nuisances such as noise, odor, and air quality need to be weighted when transporting and distributing food. Children, pregnant women, seniors and those who have compromised immune systems have the highest susceptible risk to environmental exposures.⁴² Risks should also be considered and if necessary, mitigated for market gardeners, residents, food processors, distributors, food handlers, and consumers.

Soil Quality

Gardening in spaces on or near former toxic land use sites (such as dry cleaners or gasoline stations) can typically contain toxic levels of heavy metals such as lead, mercury, and copper as well as organic compounds, pathogens, asbestos fibers and other substances.⁴³ The major source of lead exposure is from older properties where people ingest leaded paint, either as a dust or when children have “hand to mouth” activity with contaminated soil.⁴⁴ Emerson Garden in Northeast Portland is one local example of a former city lot with high levels of lead paint residue from a demolished house.⁴⁵ Additionally, motor vehicles are a major contributor of particulate matter that can be deposited in soils, such as polycyclic aromatic hydrocarbons (PAHs), a known carcinogen.²⁹

Water Quality

Rainwater runoff can carry hazardous chemicals to neighboring properties and surrounding sewers and waterways, eventually contaminating the municipal water table. If non-potable grey

water is used in gardens, it adds an increased risk of spreading harmful microorganisms and chemicals on vegetables.

Air Pollution

Increased traffic associated with urban food production and distribution activities can pollute the air, affect traffic safety, and increase noise; all of which have negative health effects. Gardens proximate to highways and high volume roadways can increase exposure to hazardous air toxins, dust, and allergens in residential neighborhoods. Long-term exposure to air pollution can create many adverse health outcomes such as cardiovascular disease, lung disease, asthma, and some cancers.⁴³

Noise

Traffic also contributes noise to a community and in some cases can cause sleep disturbances, negatively affect children's reading comprehension, and attention. Noise from traffic has also been shown to negatively impact physical activity.⁴⁶

Fertilizers and Pesticides

Fertilizers, herbicides, pesticides and other products—which contain chemicals that are harmful to human health—can runoff from gardens into storm drains to eventually contaminate private wells or public water tables. They can also become vaporized in the air and have been linked to some cancers and associated health problems in agricultural workers or neighboring residents.^{47 43}

Urban Animal Husbandry

Additionally, animals—whether domesticated or pests—pose risks to human health. Backyard animals such as chickens can ingest chemicals and cause egg products, for example, to pose a risk for human consumption. Raising domesticated animals such as fowl, goats or pigs can jeopardize human health if they become diseased or spread germs through their manure; similarly, keeping bees can harm those with severe allergies to bee stings.⁴⁸

Vector Control

Improperly maintained compost or water catchment systems can attract rats, mice, opossums, mosquitoes, flies and other pests which often are hosts to various diseases.⁴⁷ These pests may be attracted to pens housing domestic animals or grain storage areas if food products are improperly stored. In the city, disease transmission may be a greater threat since population density is higher than in rural areas.⁴⁹

Food Safety

Lastly, food safety is a potential negative impact that should be considered. Some risks include animal manure coming into contact with urban food as well as self-produced meat and dairy products that can become contaminated. Food that is not handled properly, not rinsed in clean water, or stored appropriately has the potential to spread foodborne illnesses.^{50 51}

Conclusions

It is uncertain the degree to which these activities will have negative health impacts on Portland residents, although overall, it is anticipated to be minimal. Land use decisions to improve access to healthful food, urban animal husbandry, and beekeeping should consider the broader

neighborhood and human impacts when planning for a healthy community. Emerging research and local experiences demonstrate that there are numerous health benefits of growing and distributing food within the urban landscape.

Environmental Considerations

Background

The production of food on residential properties, community and market gardens, as well as the transport and retail of food products through community food membership sites and farmers markets have numerous “green” benefits. From environmental stewardship, land restoration and remediation, as well as decreasing fossil fuel usage and carbon emissions, many cities—including Portland—are promoting urban agriculture to address their “ecological footprint.”

Although the environmental benefits associated with urban agriculture activities appear to outweigh the potential negative impacts, it is important to consider both sides of the situation. Growing food on a small-scale level within the urban landscape exemplifies good land stewardship as it is aligned with two important principals of sustainable agriculture: biological diversity and environmental stewardship.⁵²

Reducing Carbon Emissions

The process of producing, distributing and consuming food accounts for more than 10 percent of U.S. carbon emissions.⁵³ Growing food at home or in nearby gardens and buying locally-produced goods through farmers markets and community food membership sites can reduce carbon emission that contributes to climate change.⁵³ A recent report by the Environmental Working Group found that the amount of greenhouse gas emissions (GHG) related to producing a four ounce serving of grass-fed beef is equivalent to driving a car for more than six miles. In comparison, growing the same serving size of tomatoes, broccoli, beans, or milk has a smaller GHG impact, equal to driving less than a half mile.⁵⁴

Cooling the Urban Environment

Increased green spaces that incorporate community and market gardens also contribute to the cooling of the urban environment, where the “urban heat island effect” is reduced. Places with more plants are cooler since they contain more surface area that absorbs heat, whereas urbanized areas, in contrast, have less natural places and more roads and other development. This results in an increase of the air temperature and creation of “heat islands.”

This phenomenon increases demand for energy use by burning fossil fuels to cool buildings. The U.S. Environmental Protection Agency states that urban forestry practices such as increasing trees and other vegetation—which includes gardens—is an effective mitigation strategy for urban heat islands. Expanding such vegetation increases shade and tree canopy, which can make temperatures 20-45°F cooler than unshaded areas.⁵⁵

In Portland, the Urban Forestry Management Plan describes policy goals related to expanding the citywide tree canopy coverage from 26 to 33 percent. Although fruit-bearing trees and gardens are not classified as canopy due to their lower height, this effort highlighted how trees cool the urban landscape as well as have many other environmental benefits.⁵⁶

Storm Water Run-off

Vegetation associated with home, community and market gardens aids in reducing storm water runoff. Greenroofs—called ‘ecoroofs’ in Portland—serve as locations to host gardens on rooftops of buildings, and offer an innovative urban space to grow food.⁵⁷ Studies on greenroofs show they can absorb significant portions of rainwater and later release it after peak runoff times. In a 2006 Pennsylvania study during a storm, 40 gallons of storm rainwater was measured from a traditional roof, whereas only about 10 gallons fell from greenroofs. Thus, greenroofs—and other urban gardens that host vegetation—effectively serve as a tool to reduce impact of urban development on municipal storm water systems.⁵⁷ Ultimately, this helps to reduce pollution in surrounding watersheds and supports fish habitat.⁵⁸

Animal Habitat

Green areas that include gardens provide a healthy habitat for animals, birds and insects. Urban sprawl and industrial farming practices have been steadily reducing wildlife habitat, so the presence of such green spaces that incorporate mixed plantings with native vegetation can support healthy animal populations. Additionally, beekeeping in urban areas increases the pollination of other crops and flowers, which is a much needed support. For example, on Vancouver Island, where the bee population has declined by over 80 percent in recent years, the growing number of urban farms in the area is expected to, “provide long-term habitat for these and other insects”. Moreover, it supports surrounding rural farms which rely on bees for pollinating crops, thus benefiting the larger regional agricultural system.⁵⁹

Negative Impacts

The evidence that urban food production and distribution are associated with environmental benefits is overwhelmingly positive, yet it is also important to consider the potential negative impacts. Due to the increased use of utility water, increased runoff can occur. Greenhouses that utilize heat and light during the winter months to keep plants alive lead to elevated energy consumption, thus increasing reliance on the burning of fossil fuels.⁶⁰

Conclusions

The environmental benefits of urban food production and distribution have been documented on the micro as well as macro levels—such as providing new insect habitat to offsetting global climate change. It is important to recognize that increased tree and vegetation coverage not only provides environmental benefits but also contributes to better respiratory health for urban residents. Overall, the benefits of gardening, animal husbandry, farmers markets, and food membership distribution outweigh the negative environmental impacts.

Economic Considerations

Background

Currently, small-scale urban farming projects—such as market and community gardens, aquaculture or animal husbandry—do not overwhelmingly fuel the local economy or create numerous jobs. However, some direct and indirect economic benefits of these activities are worthwhile to recognize. In regards to selling and distributing food such as through farmers markets, more considerable economic impacts exist and have successfully been measured quantitatively. Overall, growing and distributing food within the urban landscape has positive economic impacts that can be characterized on both the individual and greater community level.

Supplementing Household Income and Saving on Food Costs

Maintaining a backyard garden or tending a community garden plot can reduce food costs and supplement low wages earned by families. It is estimated that a well-tended 400-square foot garden in Portland can produce between 300 and 500 pounds of food, potentially saving hundreds of dollars annually. Growing Gardens—a local nonprofit that supports home scale gardening for low income families—reflected that in 2007, almost all of their members saved money as a result of growing their own food.⁶¹ Other studies conducted in New Jersey and Maine found that community gardeners saved between \$100 and \$2550 per year in food-related costs.^{62 63} Raising backyard animals or bees can also yield benefits. Three chickens can produce from 6-18 eggs per week during peak seasons.⁶⁴

Beekeeping during the first year typically produces around 15 pounds of honey per hive; starting the second year and after, the average yield estimate is around 100 pounds per hive.⁶⁵ Pygmy goat owners find that they collect at least two gallons of milk per week an average.⁶⁶ Moreover, savings can be found in household food costs by participating in food buying clubs. These groups of people buy bulk food from wholesale sources to successfully offer lower product costs to their members.⁶⁷ Framing personal gardening, animal husbandry and food buying clubs as ways to save on monthly household costs demonstrates that these activities can potentially outweigh initial start-up costs and inconveniences.⁶⁸

Spillover Effect of Farmers Markets

Farmers markets have been shown to support a localized economy and minimize distribution costs since food produced regionally requires less travel, packaging and refrigeration.⁶⁹ The direct and indirect economic impact of these venues has also been measured. In Portland, one report highlighted that in 2007, farmers markets had an impact of over \$17.1 million on the regional economy.⁷⁰

Direct benefits associated with potential economic impacts of farmers markets include “profits to business owners in the market, job creation, sales and real estate tax revenues” while indirect benefits are related to stimulating downtown development, enhancing parks and public spaces, and farmland preservation.⁷¹ One reason why farmers markets can impact on a city’s economy is that the majority of such customers tend to also patronize other stores on their way or upon visiting a market.⁷¹ One local example of this “spillover” effect is in 2008, Portland’s Hollywood Farmers Market was estimated to generate \$16,000 per day for surrounding businesses. Since then, more stores such as Grocery Outlet have opened in the area and seen increased sales on market days.⁷⁰ On the west side of Portland, other groceries and local businesses surrounding the farmers market have reported up to double their normal sales on market days, while banks

also see an increase in ATM traffic.⁷² By highlighting these concrete impacts, it is clear that urban food production and retail venues can have a multiplier effect on the local economy.

Market Gardens: For-Profit Business Ventures

Operations that grow food products exclusively for retail—known as market gardens—are a growing trend, particularly in Portland. SPIN farming, an inexpensive, intensive vegetable growing method for areas under one acre, has been found to be profitable for many successful practitioners. It is calculated that a half acre lot (20,000 square feet) has the gross revenue potential between \$24,000 and \$72,000, depending on the farming method and the crop variety.⁷³

Portland ventures such as Blue House Greenhouse Farm, Victory Garden Farms or the 47th Avenue Farm are growing a large number of vegetables on various city lots and selling the produce either at on-site farmstands, through farmers markets or to local restaurants, groceries, or directly to individual customers via Community Supported Agriculture (CSA) shares. The nonprofit program model demonstrated by Mercy Corps Northwest—called New American Agriculture Project (NAAP)—stands out as an inspiring effort that will benefit from updated zoning rules that promote market gardening. NAAP helps recent refugees and immigrants work on small-scale farming projects, some of which are located on vacant public lands in the greater Portland area.²¹

Job Creation and Skills Development

One of the greatest questions pertaining to the economic development of urban food activities, however, is whether they actually create jobs. There is no uniform model that describes existing efforts, yet more evidence is showing that there is employment growth for diverse communities in central city areas where vacant land is available for food production. Various initiatives have been launched, mostly started by nonprofits organizations, which have resulted in some new jobs. They include: “community garden groups, community development corporations, social service providers, food-based organizations, coalitions for the homeless, neighborhood organizations, school- and university-based groups, animal husbandry organizations, and individuals with farm backgrounds who become committed to growing and marketing food in the inner city”.⁷⁴

One example of a local effort to support economic development through urban agriculture is Food Works program. Janus Youth hires and trains youth to manage a 7500-square foot community garden at the St. Johns Woods housing project and other neighborhood areas where part of the harvest is sold at farmers markets and other retail food outlets.⁶⁸ Although one success indicator of Food Works and other similar organizations around the country is that they provide immediate jobs, more importantly, they help build capacity for individuals to develop job experience and skills for future employment.⁷⁴

Farmers markets in particular have demonstrated that they are associated with a growing number of jobs. Over 300 jobs are directly reliant on farmers markets in Iowa, and overall, there are 1,000 jobs associated with them in Oklahoma. Moreover, as markets become more established around the country, the number of farmers has increased as well. In Alabama, the number of registered farmers markets and participating farmers was only 17 and 234 respectively in 1999. Ten years later, there were 102 farmers markets and 1,064 farmers. Such growth signifies that as viable retail food venues increase, more farmers may be able to “stay in agriculture over another profession, thereby helping preserve...farmland and rural traditions”.⁷⁵

In Portland, many vendors at local farmers markets have “graduated” to selling products to other restaurants and stores, while individuals have eventually opened their own businesses.⁷²

Supporting Gardening-Related Businesses

Although there are fewer examples in existence to draw on, a growing number of businesses are being launched to support urban food production and sales. Some operations involve gardening for both self consumption and selling surplus products; and then there are non-farming companies such as Your Backyard Farmer in Portland that provide consultation and supplies to practitioners.⁶⁸ Other operations are chartered as nonprofits, while others are informal collections of neighbors and a fewer number consist of small businesses. Locally, one example is Urban Farm Collective, which sells community-supported agriculture shares to its membership and produces the food on plots in residential yards via arrangements with private landowners.⁷⁶ It is these types of groups who may especially benefit from zoning clarification around market gardens, as they would be more able to engage in the retail sales of food grown in various areas within the city.

Conclusions

There is growing evidence that urban food production, localized markets and distribution systems are economically beneficial and hold untapped potential. However, particularly with entrepreneurial urban agriculture projects, many city or county-funded initiatives have not achieved economic self-sufficiency. For instance, even after factoring in food product sales, many projects rely on supplemental grants or donations in order to break even in their annual budgets, and overall, “most operations produce only modest revenues, even when subsidized”.^{68 74} However, many cities, including Portland, continue to be supportive of these efforts in order to promote economic vitality and encourage entrepreneurship.

Conclusions and Recommendations

Gardening, raising animals, beekeeping as well as distributing urban food through farmers markets, community supported agriculture or buying clubs have been found to have numerous health, environmental, economic-related benefits. Some notable impacts include: promoting reduced chronic disease through increased physical activity and consuming more fruits and vegetables; expanded social interaction and social capital; improving neighborhood aesthetics; reducing carbon emissions; cooling the urban environment; preventing storm water run-off; helping to supplement household income and food supply; creating some jobs; and causing a “spillover effect” throughout the local economy.

However, some negative impacts—mostly pertaining to human health risks—of urban food production and distribution should be considered, such as soil, water and air quality; improper fertilizer and pesticide use; vector control; and food safety. Neighborhood-level concerns include traffic and noise. Unfortunately, the benefits and consequences of these activities are not uniformly distributed across all areas and populations. Communities of color and/or low social economic status often experience less of the benefits and sometimes more of the negative impacts. It is important that we continue to protect the environment and encourage economic development, but future policies related to urban food must strive to ensure equitable outcomes in the health and wellbeing for all Portland residents.

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Summary of the Article

“Incorporating Archaeology Into Local Government Historic Preservation and Planning: a Review of Current Practice.¹”

¹ Deur, D., & Butler, V.L. (2016). Incorporating Archaeology Into Local Government Historic Preservation and Planning: a Review of Current Practice. *Journal of the American Planning Association*, 82 (2), 189-203.

Key Points and Take Aways

- Most Development in the United States is private, and sites affected by private development or local governments are not protected by state or federal regulation for the most part
- Local site preservation is most effective when it moves from project based review to integral part of the overall *local* planning process
- Article focuses on systematic study of local government archaeological resource protection tools
- Most localities lack formal procedures for documenting or protecting archaeological resources
 - The most advanced localities used the following tools/resources: zoning overlays, surveys, development guidelines, probability/predictive models, and strong partnerships with SHPO/THPOs.

Applicable Laws/Regulations

- The Antiquities Act of 1906
- National Historic Preservation Act of 1966 (amended in 1990)
 - The Archaeological Resources Protection Act of 1979
- The Native American Graves Protection and Repatriation Act of 1990

Example Ordinances

- City of Alexandria, VA – 2014
 - City of St. Augustine, FL – 2014
 - City of Phoenix, AZ – 2015
 - Camas, WA
- Unanticipated discoveries have had huge financial and social costs; resulting in widespread, acrimonious public protests and negative publicity – greater local planning may have reduced the scale of those effects.
 - Often, fast-tracking, limited pre-assessment were factors in the major projects that had unintended discoveries

Types of Tools/Resources or Mechanism to Protect Archaeological Resources

1. Inform of State and Federal Laws/ Regulations and Guidelines
2. Local Ordinance
3. Survey
4. Predictive Model
5. Hybrid of Survey and Predictive Model
6. Zoning Overlay/Map/District
7. Staff Oversight of Site Development/Staff Archaeologist
8. Special Resource protection Programs and Partnerships
9. Purchase of Historic Sites and Covert to Park/Open Space/Historical Site/ Cultural resource Easements.
10. Public Education and Outreach
11. Incentives (tax credits, etc).



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 17-19 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 6/5/2017 **In control:** Planning Commission
On agenda: 6/20/2017 **Final action:**
Title: Report on marijuana businesses.
Sponsors:
Indexes:
Code sections:
Attachments: [Marijuana Report 6.20.17](#)

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: June 15, 2017

From: Michael Scarcelli, PCDD Director

To: Planning Commission

Re: Report on Marijuana Businesses and Complaints Received at Sawmill Creek Plaza

The Planning and Community Development Department has received a signed letter¹ that urged the denial of a conditional use permit amendment for Weed Dudes. The argument requesting denial was based on several points that to sum included 1) Family/residential neighborhood not supported by marijuana business, 2) Traffic/pedestrian concerns with “inebriated” drivers, 3) Negative impact to home resale value, 4) Odor impacts, and 5) Unknown hours of operations. To sum, staff believe only the odor and lack of hours of operation concerns have any merit. However, all complaints are moot as the permit consideration was postponed pending state adoptions of regulations for on-site consumption and more the odor impacts were not attributable to the specific business in question. Further, there is concern that some signers of the group form letter were not informed of the specifics of what they were signing.

1. Which use doesn’t fit: pot or home?

- a. The letter signers argue that the marijuana business is not a good fit for the area.
 - i. I would respond that the code not only within the purpose section of the C-1 and C-2 districts, but also highlighted by the title of the zone and all the use tables clearly and unequivocally establishes the C-1 and C-2 zoning districts as commercial zones that also happen to allow residential uses.² Therefore, I would argue that the residential uses must be tolerant of the commercial uses and that commercial uses take priority as it is a commercial zone first. I would further suggest that separation of

¹ Letter dated May 15, 2017 addressed to Planning Department Board, signed by Kevin Barry of 105 Lillian Drive and approximately 69 other citizens (attached).

² SGC Tables 22.16.015-1, -3, -4, -5, and -6; & SGC 22.16.080

incompatible land uses such as a mixing higher intensity commercial use from residential use should occur in future land use planning.

2. Traffic and Pedestrian Impacts & Inebriated Driving

- a. The concern is that with large numbers of school aged children and a school bus drop-off/pick-up location nearby that potential inebriated drivers could create potential impacts.
 - i. First, there is also a family restaurant nearby and a hotel both of which could be connected to drinking alcohol and potential inebriated drivers – however this is all speculative and not directly connected to the business at hand. Overall, while I appreciate the concern, indirect, speculative fear based objections should not find themselves into reasoning for denying nor conditioning an approval. That would be a winning appeal should a denial or condition be based on arbitrary and capricious opinion not supported by a factual evidence found in the record. There is very strong Alaska case law that protects private businesses from permit denials based on speculative, indirect impacts.

3. Negative Home Resale Impacts

- a. The concern is that the marijuana business will impact the resale of homes.
 - i. There is no objective resale information that shows a statistical drop in home values in that area. More, even if there was, it would have to be directly attributed to this marijuana business to support a denial. With residential homes up against high intensity commercial and industrial type uses and junkyards it is difficult at best to attribute home value impact to the marijuana businesses.

4. Odor Impacts

- a. Odor control was a significant concern.
 - i. There is support for this concern. Staff site investigation did result in observations of marijuana odor within the immediate vicinity of Northern Lights Indoor Gardens. This odor control issue was not attributable to Weed Dudes, but to another business. That aside, it is important to understand the context of how and why that occurred. My understanding is that during a power outage the exhaust and air ‘scrubbing’ system went off. When the power went back on, the exhaust fans reversed direction. In addition, there was a supply issue with carbon filters. Both of these situations have been corrected. The business has installed

baffles and taken steps to have back-up filters to avoid a repeat. It is further suggested that the business have back-up power supply to avoid lack of air scrubbing should a power outage occur again (which is likely). Staff will continue to monitor the odor issue and new odor control measures. Should there be additional odor issues, staff will bring back the specific offending business or businesses for review and consideration of the conditional use permit.

5. Unknown hours of Operation

- a. Concern is that the public did not know the hours of operation.
 - i. Staff has some concern about hours of operation. State marijuana business regulations will limit hours of operation of a retail establishment. These regulations will be stricter than what has been the historical precedent of hours of operation for all other conditional use business currently operating in Sitka. More, a variety of permittable businesses could operate in a C-1 or C-2 zone without restriction. Again, this is a point to consider when doing future zoning and land use changes. To address this concern, staff will request detailed hours of operation for all future amendments.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-10 **Version:** 2 **Name:**
Type: Conditional Use Permits **Status:** AGENDA READY
File created: 4/22/2016 **In control:** Planning Commission
On agenda: 5/17/2016 **Final action:**
Title: Annual report for a conditional use permit for a short-term rental at 3001 Mikele Street granted to Kristy and Levi Hunt. No action required.
Sponsors:
Indexes:
Code sections:
Attachments: [Annual Report Kristy Hunt](#)
[Supporting Documents 3001 Mikele reduced](#)

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

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

APPLICANT'S Name: Kristy Hunt
PHONE NUMBER: 907-738-8626
MAILING ADDRESS: PO BOX 103, SITKA AK 99835

OWNER'S NAME: Kristy & Levi Hunt
(If different from applicant)
REGISTERED NAME OF BUSINESS WITH SALES TAX: Hunt House
PHONE NUMBER: Same
MAILING ADDRESS: Same

PROJECT ADDRESS: 3001 Mukele St #B
LEGAL DESCRIPTION Lot: _____ Block: _____
Subdivision: _____
U.S. Survey: _____ Zoning Classification: _____

Date of Planning Commission approval: 7 July 2016

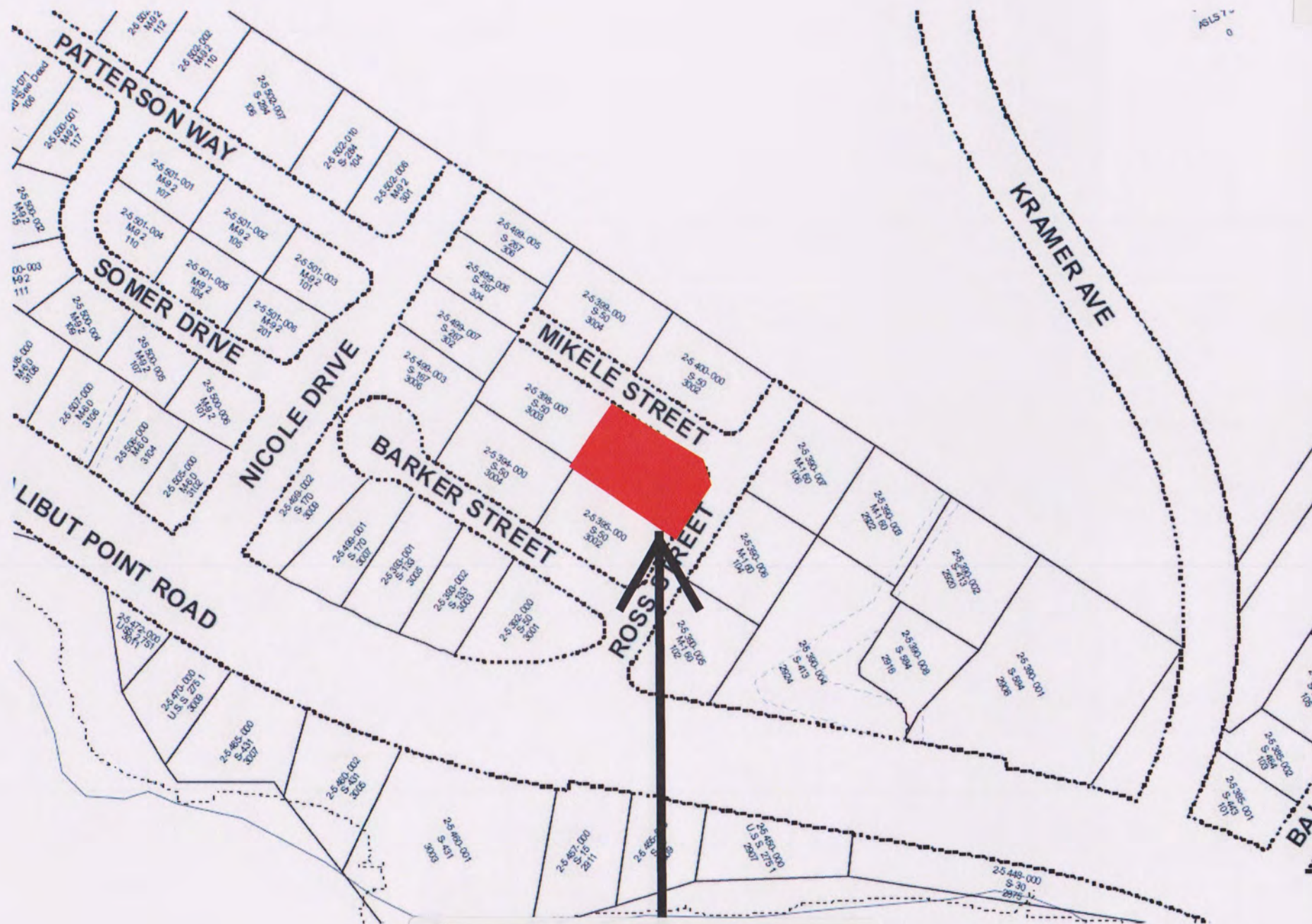
Date of activation of the conditional use permit: July 2016

Number of nights a room in the bed and breakfast or short-term rental has been rented during the last 12 months: 36

Number of nights of bed taxes reported to the City of Sitka's Sales Tax Department: 36

SIGNATURE OF APPLICANT: K Hunt DATE: 5/15/17

SIGNATURE OF OWNER: K Hunt DATE: 5/15/17
(If different from applicant)



Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele



City & Borough of Sitka, Alaska

Selected Parcel: 3001 MIKELE ID: 25397000

Printed on 4/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

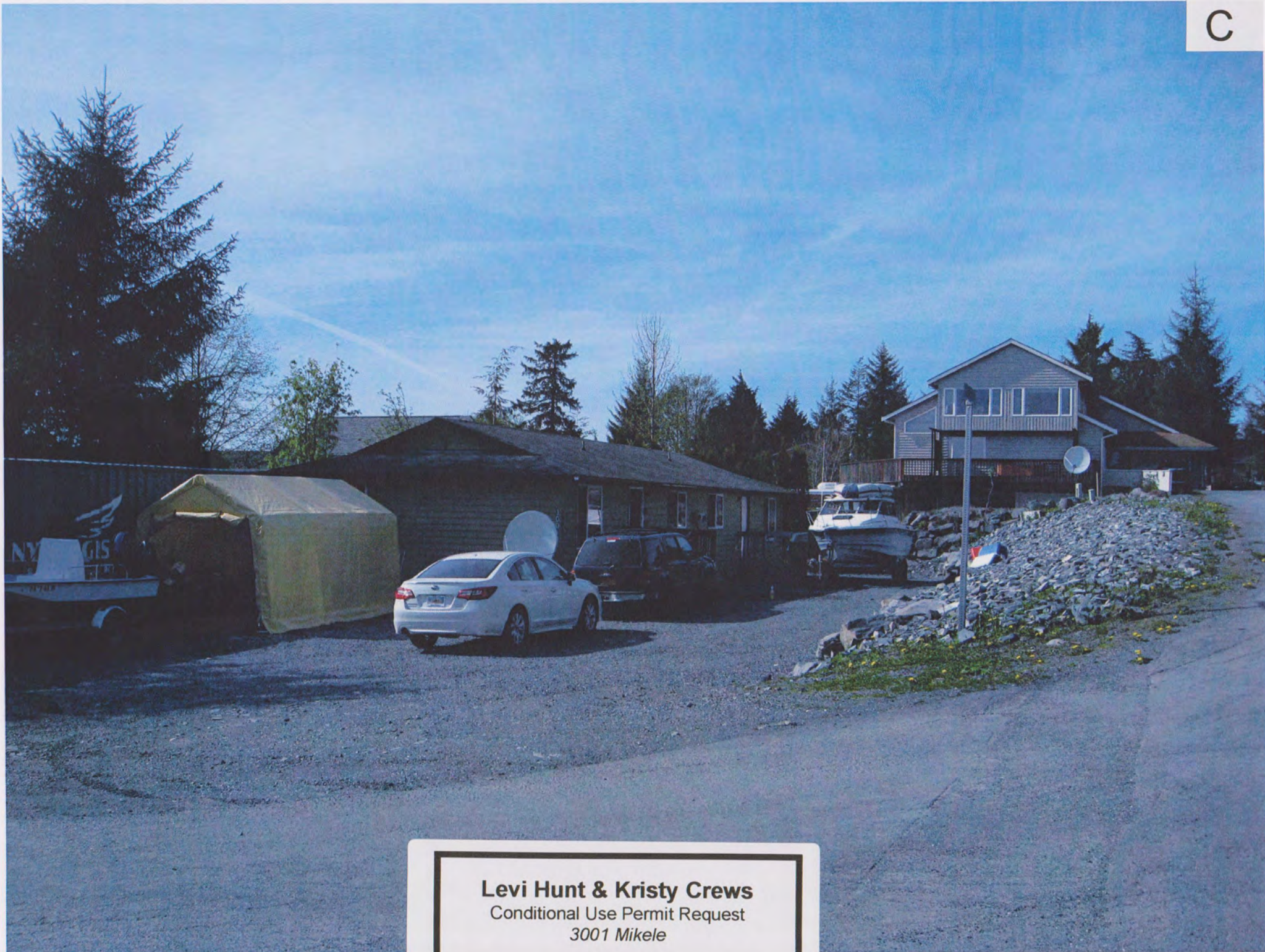
This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of



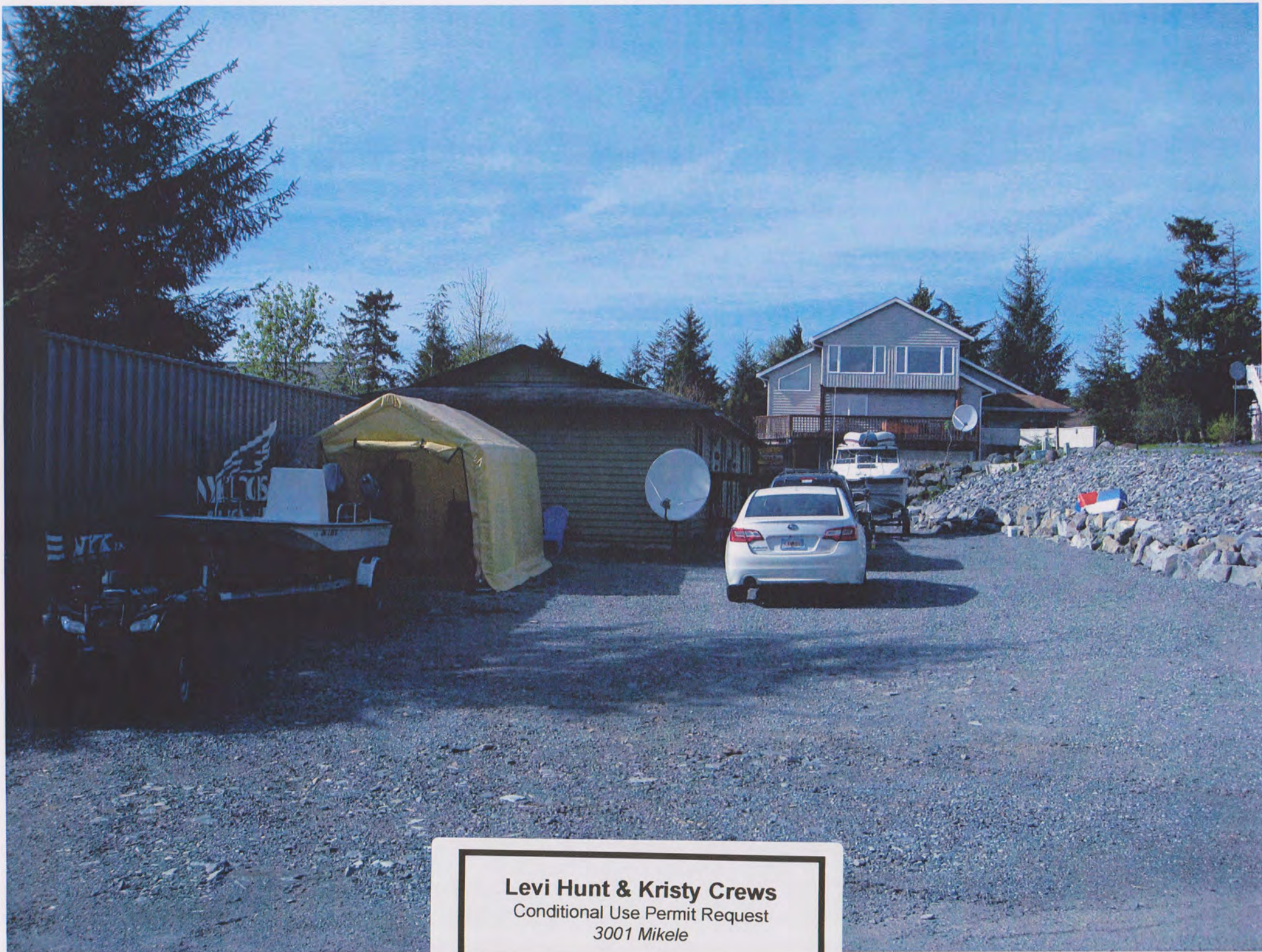
MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

for the information contained herein.

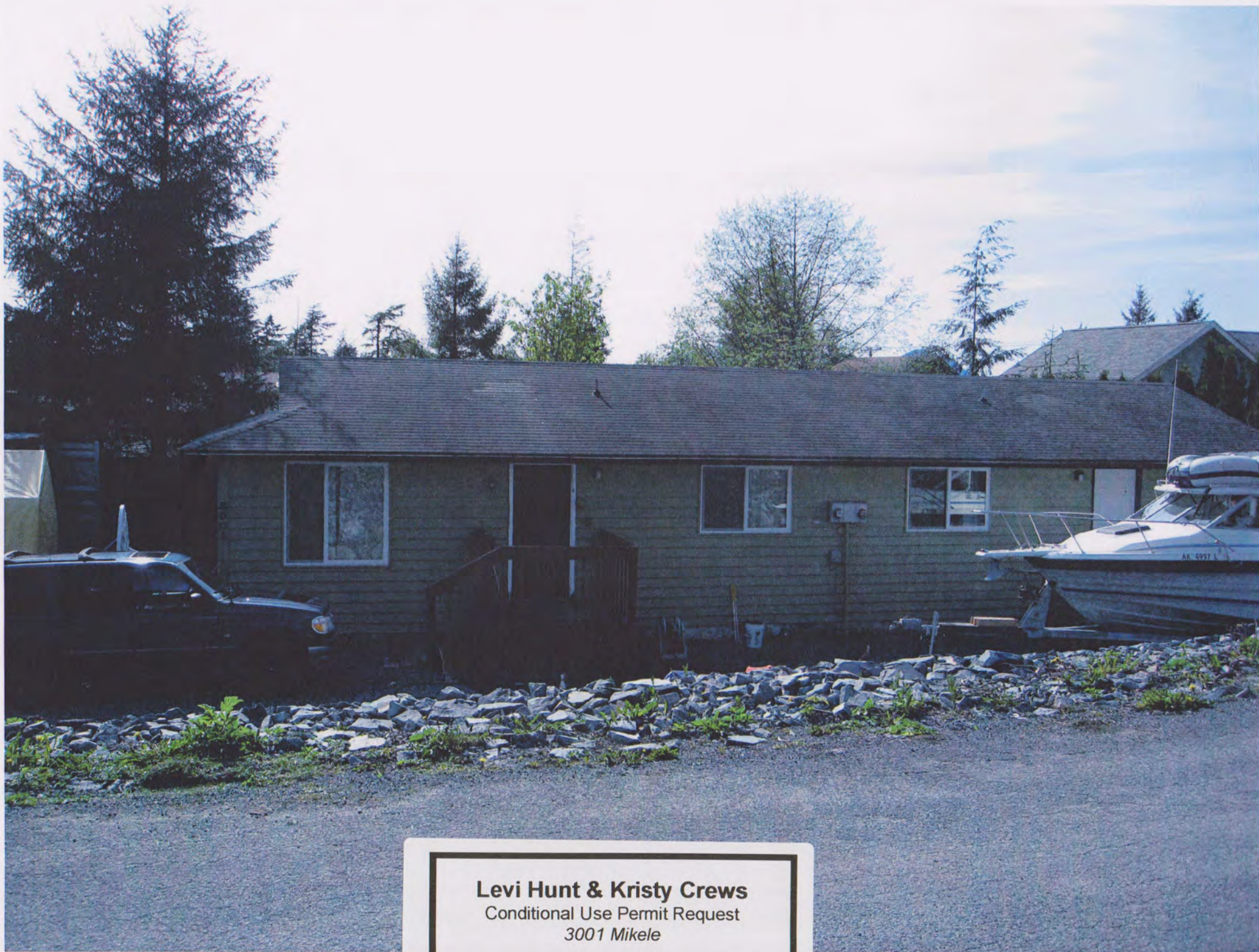
Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele



Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele



Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele



Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

1. Request projects at least FOURTEEN (14) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:

☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT

BRIEF DESCRIPTION OF REQUEST: Request for Short Term Rental

Located on Side B of our duplex.

PROPERTY INFORMATION:

CURRENT ZONING: R1 PROPOSED ZONING (if applicable): _____
CURRENT LAND USE(S): Primary Residence/LT Rental PROPOSED LAND USES (if changing): Primary Residence/ST Rental

APPLICANT INFORMATION:

PROPERTY OWNER: Levi Hunt & Kristy Crews
PROPERTY OWNER ADDRESS: 3001 Mikele Street Unit A
STREET ADDRESS OF PROPERTY: 3001 Mikele Street Unit B
APPLICANT'S NAME: Kristy Crews
MAILING ADDRESS: PO BOX 63, Sitka, Alaska 99835
EMAIL ADDRESS: askmc18.kc@gmail.com DAYTIME PHONE: 907-738-8626/907-747-1840

PROPERTY LEGAL DESCRIPTION:

TAX ID: 2539700000000000 LOT: 7 BLOCK: Plat 74-2 TRACT: _____
SUBDIVISION: West US SURVEY: 2419

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

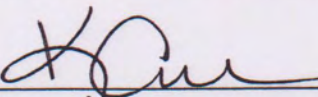
Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele

REQUIRED SUPPLEMENTAL INFORMATION:

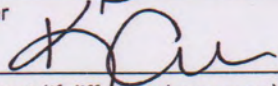
- ☒ Completed application form
- ☒ Narrative
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Proof of filing fee payment*
- ☒ Proof of ownership*
- ☒ Copy of current plat
- ☐ Topographic information (If Pertinent to Application) N/A
- ☐ Landscape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

CERTIFICATION:

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



Owner



Applicant (If different than owner)

4/18/16

Date

4/18/16

Date

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele

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

Conditional Use Permit FEE \$100.00
plus current city sales tax

APPLICANT'S NAME: Kristy Crews
PHONE NUMBER: 907-738-8626
MAILING ADDRESS: PO Box 63, Sitka, AK 99835

OWNER'S NAME: Levi Hunt & Kristy Crews
(If different from applicant)
PHONE NUMBER: _____
MAILING ADDRESS: Same as above

PROJECT ADDRESS: 3001 Mikele Street Unit B
LEGAL DESCRIPTION Lot: 7 Block: Plat No 74-2 / S-50
Subdivision: West
U.S. Survey: 2419 Zoning Classification: R1

☐ List specific request: Short term Rental - Side B of Duplex

☐ State all reasons for justifying request: Allow Flexability for ST & LT Rental options, including friends and family visiting. NOT B&B. Space will be used for temporary living space when Unit A is getting remodeled 1-3 years (time line), and provide additional income for our family.

☐ List all features and details of request: Currently Vacant until July 1, 2016. Purchased home March 2016, using for storage until after July 1, 2016 when property will be made available for rental. Home will be furnished, with Seperate Utilities available for month to month rentals.

☐ State the schedule and timing of request: July 1, 2016

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: [Signature] Date: 4/18/16
SIGNATURE OF OWNER: [Signature] Date: 4/18/16
(If different from the applicant)

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

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele

April 18, 2016

City of Sitka
Planning and Community Development
100 Lincoln Street
Sitka, Alaska 99835

Re: Short Term Rental Application for 3001 Mikele Street, Sitka, Alaska

We are requesting a conditional use permit so we can explore all rental options for our new duplex. My husband and I purchased a duplex at 3001 Mikele Street in March 2016. With Unit A being our primary residence, we would like to rent out Unit B beginning July 1, 2016.

As we both agree that there is a shortage of long term and short term rentals here in Sitka, this request would give us the flexibility to offer short term rental (3-14 day rentals), long term/month to month rental, as well as a space for visiting family and friends to stay.

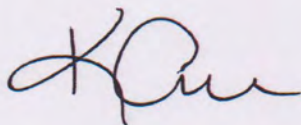
Unit B will be furnished, with ample parking, views of Harbor Mountain, a back deck to enjoy the afternoon sun, and hiking trails to Harbor Mountain and the bench lands. For long term rentals, utilities are separate from unit A with parking for 2 vehicles, and storage.

Levi and I are both year round Sitkan's, and have been for 30 years. Although a short term rental will allow us to contribute additional bed and sales tax revenue to the City and fill a necessary housing need during the summer months, we also feel that having this permit and flexibility will allow us to consider long term/month to month rentals in the winter months. Both of which solve a very real problem of housing.

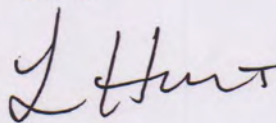
We appreciate your consideration, please contact us with any questions or additional request, thank you.

Sincerely,

Kristy Crews
Owner



Levi Hunt
Owner



PO Box 63
Sitka, Alaska 99835
Ph: 907-738-8626
Email: askmc18.kc@gmail.com

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele

3001 Mikele Street CUP

Subject Photo Page

Borrower	Crews, Kristi & Hunt, Levi					
Property Address	3001 Mikele St					
City	Sitka	County	City and Borough of Sitka	State	AK	Zip Code 99835
Lender/Client	Residential Mortgage, LLC					



Subject Front

3001 Mikele St
Sales Price 248,000
Gross Building Area 1,536
Age 38



Subject Rear



Subject Street

3001 Mikele Street Unit B Entrance and Parking

Unit A/B Utility Box

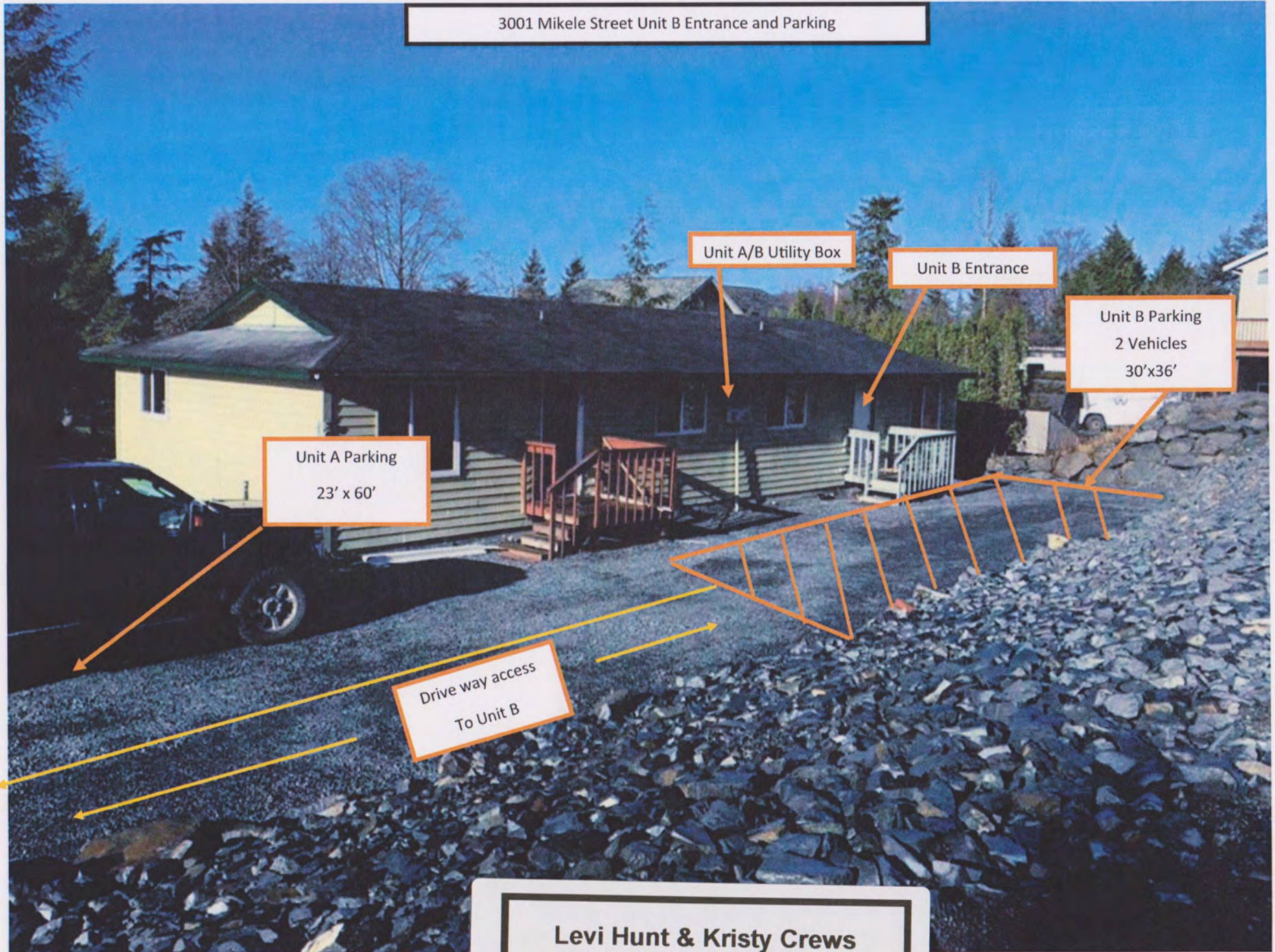
Unit B Entrance

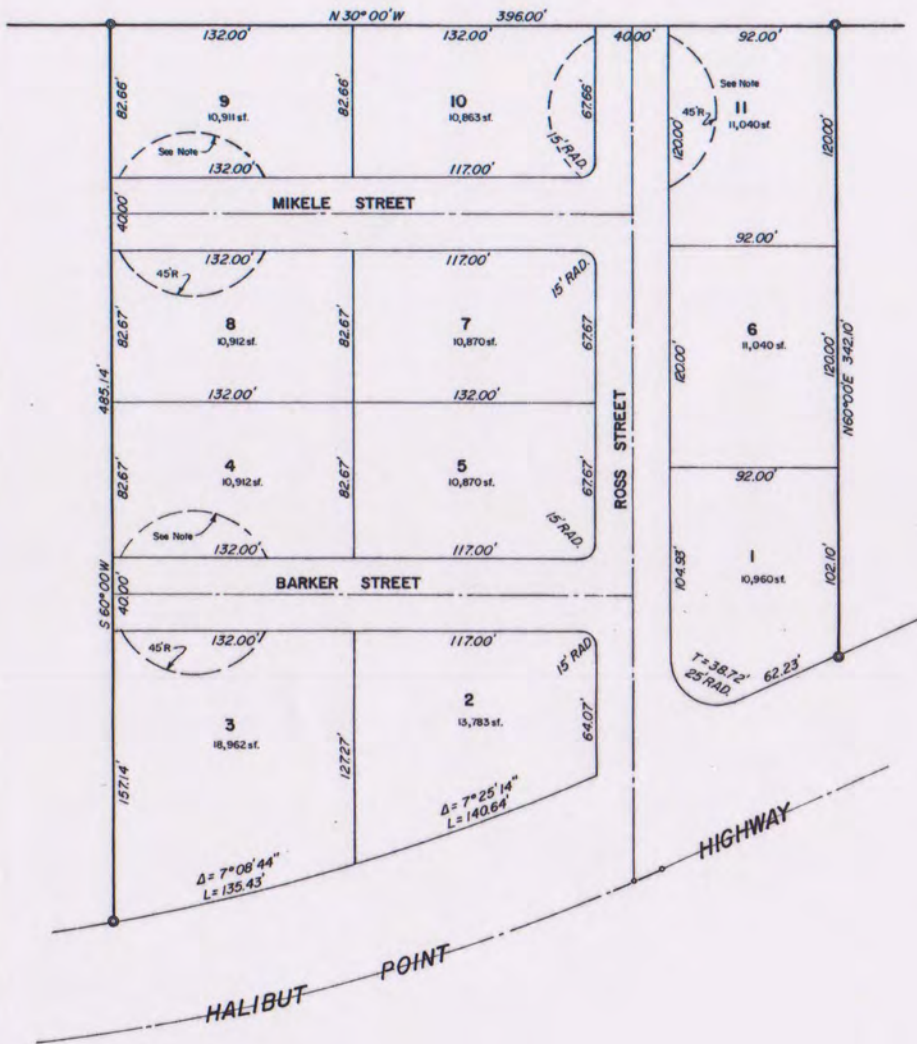
Unit B Parking
2 Vehicles
30'x36'

Unit A Parking
23' x 60'

Drive way access
To Unit B

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele





CERTIFICATE

STATE OF ALASKA)
) s.s.
 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:

JUSTIN V. FAGER

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 1974 will be due on or before July 31, 1974.
 DATED this 1st day of MAY

Justin V. Fager
 Assessor, City and Borough of Sitka

CERTIFICATION OF APPROVAL BY THE BOARD

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the City and Borough of Sitka Planning Board, and that said Plat has been approved by the Board by Plat Resolution No. 74-4 dated APRIL 16, 1974, and that the Plat shown hereon has been approved for recording in the office of the District Magistrate, Ex-officio Recorder, Sitka, Alaska.

5/1/1974
 Date

Justin V. Fager
 Chairman, Planning Board

Secretary

CERTIFICATION OF APPROVAL BY THE ASSEMBLY

I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the City and Borough of Sitka Assembly, and that said Plat has been approved by the Assembly as recorded in Minute Book 2, page 166, dated APRIL 23, 1974, and that the Plat shown hereon has been approved for recording in the office of the District Court, ex-officio recorder, Sitka, Alaska.

5/1/74
 Date

Myrtle V. Flynn
 City and Borough Clerk

SURVEYOR'S CERTIFICATE

I hereby certify that I am licensed to practice land surveying in Alaska and that this plat represents the survey made by me or under my direct supervision, and that the monuments shown thereon actually exist as located, and that all dimensional and other details are correct.

APRIL 20, 1974
 Date

Larry Stratten

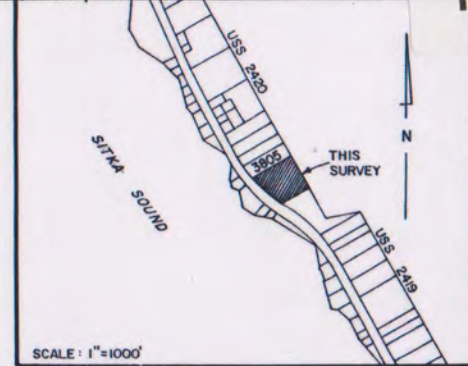
NOTE:

Temporary turnaround until roads are extended.
 Property then to revert to adjacent lots involved.



Levi Hunt & Kristy Crews
 Conditional Use Permit Request
 3001 Mikele

Plat # 74-2



Vicinity Map

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.

5/1/1974
 Date

Justin V. Fager
 Owner

Justin V. Fager
 Witness

Owner

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA)
) s.s.
 First Judicial District)

This is to certify that on this 1st day of MAY, 1974, before me, the undersigned a Notary Public in and for the State of Alaska, personally appeared JUSTIN V. FAGER, 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 the year in this certificate named first above.

Myrtle V. Flynn
 Notary Public for Alaska
 My Commission Expires 3-20-76



PLAT
 WEST SUBDIVISION
 CITY & BOROUGH OF SITKA, ALASKA

A SUBDIVISION OF U.S. SURVEY 2419, LOT 23

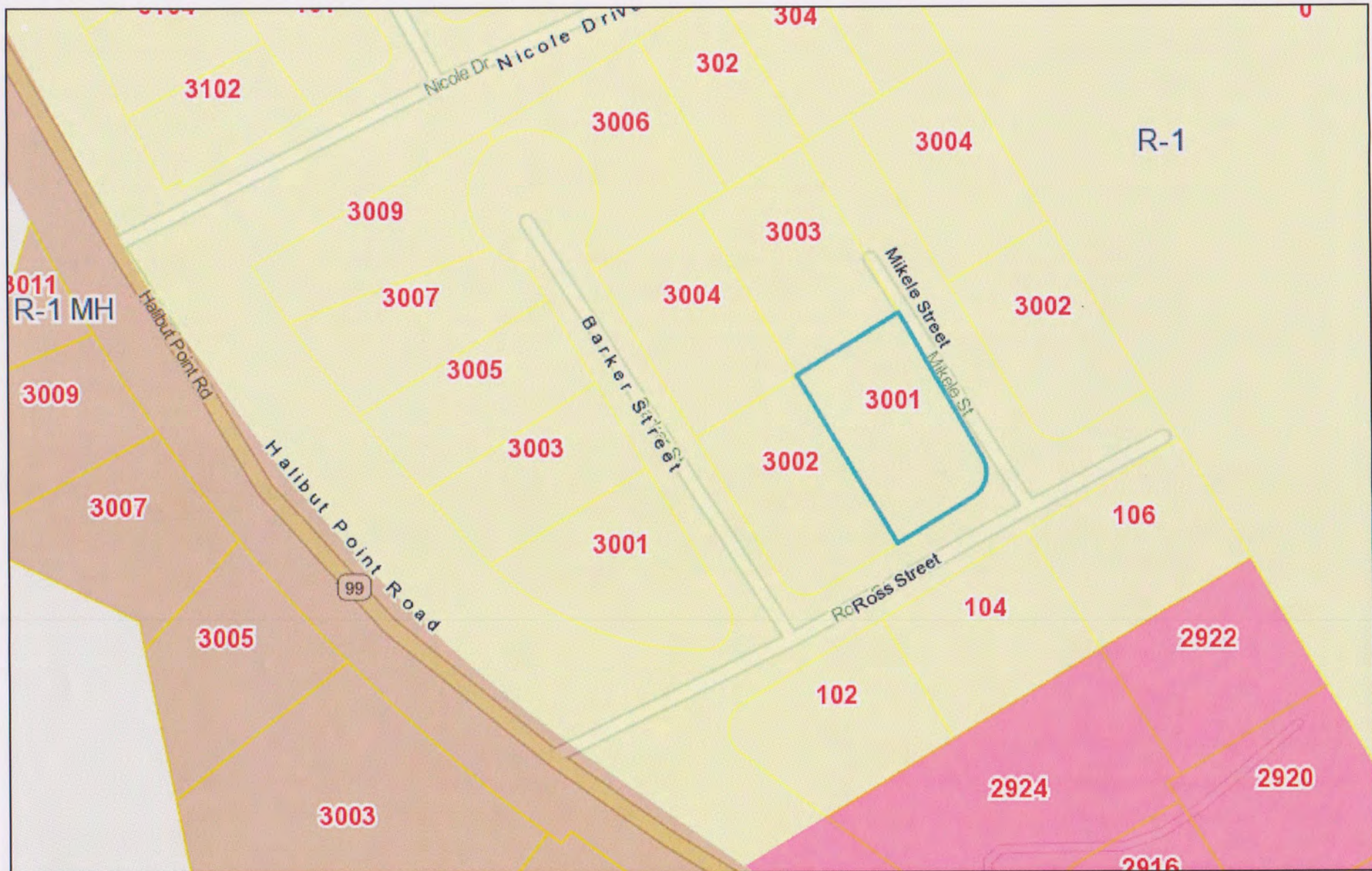
Dated: Scale: 1" = 50'

Prepared By
 LARRY STRATTON - CIVIL ENGINEER
 BOX 1374
 SITKA, ALASKA

Surveyed By: L. C. S.

Plat # 74-2

74-371
 RECORDED - FILED
 Sitka REC. DIST.
 DATE: 5-1-74
 TIME: 11:29 A.
 Recorded by: Justin V. Fager
 Address: Box 921



City & Borough of Sitka, Alaska

Selected Parcel: 3001 MIKELE ID: 25397000

Printed on 4/25/2016 from <http://www.mainstreetgis.com/ak/sitka/internal.asp>

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



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

Legal responsibility for the information contained herein.

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele



City & Borough of Sitka, Alaska

Selected Parcel: 3001 MIKELE ID: 25397000

Printed on 4/25/2016 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 con



I responsibility for the information contained herein.

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele

Parcel ID: 24940000
C/B OF SITKA
TR C ASLS 79-4 155 45 ACR
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 25390002
JOHN/DANA HARRAH
HARRAH, DANA, B.
4449 CEDARBRUSH DR
DALLAS TX 75229-2902

Parcel ID: 25390003
MARK/DAWN YOUNG
YOUNG, MARK, N./DAWN, L.
P.O. BOX 2016
SITKA AK 99835-2016

Parcel ID: 25390004
ALASKA MARINE SAFETY EDUC
ASSOC
ALASKA MARINE SAFETY EDUC
ASSOCIATION
2924 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 25390005
DANIEL/CAROLINE TRAVERS
TRAVERS, DANIEL/CAROLINE
37573 HWY 30, UNIT E
ASTORIA OR 97103

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

Parcel ID: 25390007
CATHERINE WATSON REVOCABLE
TRUST
WATSON REVOCABLE TRUST,
CATHERINE
P.O. BOX 1703
SITKA AK 99835-1703

Parcel ID: 25390008
CHANNEL PROPERTY, LLC
CHANNEL PROPERTY, LLC
3009 HALIBUT PT RD
SITKA AK 99835

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

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

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

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

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

Parcel ID: 25397000
CLYDE/VALERIE BRIGHT
BRIGHT, CLYDE & VALERIE
1507 DAVIDOFF ST
SITKA AK 99835

Parcel ID: 25398000
HANS/GERALDINE VONREKOWSKI
VONREKOWSKI, HANS/GERALDINE
3003 MIKELE ST
SITKA AK 99835

Parcel ID: 25399000
LARRY/MARGAUX BUGHER
BUGHER, LARRY JR./BUGHER,
MARGAUX
3004 MIKELE ST
SITKA AK 99835

Parcel ID: 25400000
PETER/MICHELLE KENNEDY
KENNEDY, PETER/MICHELLE
3002 MIKELE ST
SITKA AK 99835

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

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

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

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

Parcel ID: 25499003
INGFRID/NICK OLNEY-MILLER
OLNEY-MILLER, INGFRID/NICK
3006-B BARKER ST
SITKA AK 99835

Parcel ID: 25499005
HENRY/EDRIE ROBINSON/VARDEMAN
ROBINSON, HENRY & VARDEMAN,
EDRIE
306 NICOLE DR.
SITKA AK 99835

Parcel ID: 25499006
SCOTT/DANIELLE WAGNER/SNYDER
SCOTT WAGNER & DANIELLE SNYDER
304 NICOLE DR
SITKA AK 99835

Parcel ID: 25499007
NICK/INGFRID OLNEY-MILLER
OLNEY-MILLER, NICK/INGFRID
3006-B BARKER ST
SITKA AK 99835

P&Z Mailing
May 6, 2016

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele

J

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

Date: 04/20/2016
Receipt: 2016-00052606
Cashier: Front Counter
Received From: KRISTY CREWS

PLAN - Planning Permits/Zoning	100.00
ST1 - Sales Tax 2nd quarter CY	6.00
-----	-----
Receipt Total	106.00
Total Other	106.00
-----	-----
Total Remitted	106.00
-----	-----
Total Received	106.00

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 4/20/16

To: Kristy Crews

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

Levi Hunt & Kristy Crews
Conditional Use Permit Request
3001 Mikele

2016-000232-0

Recording Dist: 103 - Sitka

3/1/2016 09:39 AM Pages: 1 of 2



AFTER RECORDING, RETURN TO:

Kristy M. Crews
 Levi G. Hunt
 PO Box 63
 Sitka, AK 99835

AETIA 52198

WARRANTY DEED

A.S. 34.15.030

The Grantors, **CLYDE BRIGHT** and **VALERIE BRIGHT**, husband and wife, as tenants by the entirety, whose address is 1507 Davidoff St., 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 **KRISTY M. CREWS**, a(n) ~~unmarried~~ person and **LEVI G. HUNT**, a(n) ~~unmarried~~ person, as tenants in common, each as to an undivided one-half (1/2) interest, Grantees, whose mailing address is PO Box 63, Sitka, AK 99835, the following-described real estate:

Lot 7 of West Subdivision, according to Plat No. 74-2, Sitka Recording District, First Judicial District, State of Alaska.

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

DATED this 29th day of February, 2016.

WARRANTY DEED
 A-4350\4449\Warranty Deed

Page 1

GRANTORS:

Clyde Bright
CLYDE BRIGHT

Valerie Bright
VALERIE BRIGHT

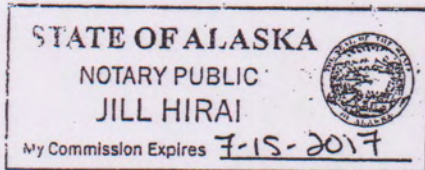
STATE OF ALASKA)

) ss.

FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 29th day of February 2016, 2016, by **CLYDE BRIGHT** and **VALERIE BRIGHT**.

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



Jill Hirai
Notary Public in and for Alaska

My Commission Expires: 7-15-2017

WARRANTY DEED
A-4350\4449\Warranty Deed

Page 2





CITY AND BOROUGH OF SITKA

Legislation Details

File #: CUP 16-13 **Version:** 2 **Name:**

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

File created: 5/2/2016 **In control:** Planning Commission

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

Title: Annual report for a conditional use permit for marijuana cultivation at 3872 Halibut Point Road granted to Jeremy Erickson. No action required.

Sponsors:

Indexes:

Code sections:

Attachments: [Erickson report 5.25.17](#)

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

Samantha Pierson

From: Jeremy Erickson <Vern_erickson@hotmail.com>
Sent: Thursday, May 25, 2017 3:10 PM
To: Samantha Pierson
Subject: Conditional use permit annual report

Samantha,

In regards to an annual report for the issued conditional use permit for the marijuana cultivation facility at 3872 Halibut point road.

The facility is not in production as of this date due to unexpected delays. All the submitted documentation, operating plans, building layouts, etc have not changed. It is anticipated to be operational approximately the beginning of august.

If you need any further information please give me a call. 907 738 4456

Thanks

Jeremy Erickson

Sent from my iPhone



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
------	------	-----------	--------	--------

Planning Regulations and Procedures

2007 Comprehensive Plan

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

Sitka General Code

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

Creators of the Subdivision Code

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

Minor Subdivision – create up to four lots from one parcel

- Concept plat
- Final plat

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

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

Planning Commission Approvals

- Concept plan
- Preliminary plat
- Final plat

Assembly review of final plat

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

- Concept plan
- Preliminary plat
- Final plat

Approved by the Planning Commission unless appealed to the Assembly

Planned Unit Developments

Creators of the Zoning Code

Zoning ordinance text amendments

Recommendation by the Planning Commission with approval by the Assembly

Zoning ordinance map amendments

Recommendation by the Planning Commission with approval by the Assembly

Variances to allow for reductions of setbacks

Approved by the Planning Commission unless appealed to the Assembly

Administrative approvals for two foot setback reductions

Conditional Use Permits

Approval by the Planning Commission with appeal to the Assembly

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

Sponsors:

Indexes:

Code sections:

Attachments: [Bartolaba 6.20.17](#)

Date	Ver.	Action By	Action	Result
9/20/2016	1	Planning Commission	APPROVED	Pass
4/19/2016	1	Planning Commission	APPROVED	Pass
4/19/2016	1	Planning Commission	APPROVED	Pass
3/15/2016	1	Planning Commission	POSTPONED	Pass



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 16-06
Proposal: Six-Month Review of a Specialized Instruction School at 213 Harbor Drive
Applicant: Terry and Gene Bartolaba
Owner: Terry and Gene Bartolaba
Location: 213 Harbor Drive
Legal: Lot 2 Wilmac Resubdivision
Zone: CBD Central Business District
Parcel ID: 1-0074-000
Existing Use: Educational Facility
Adjacent Use: Commercial, Public
Utilities: Existing
Access: Harbor Drive

KEY POINTS AND CONCERNS:

1. Safety of occupants
2. Progress toward meeting occupancy requirements

RECOMMENDATION:

Move to approve the 6-month review for the conditional use permit granted to Terry Bartolaba for a specialized instruction school at 213 Harbor Drive with the condition that the first floor is not occupied until approved by the Building Official. The property is also known as Lot 2 Wilmac Resubdivision. The owners of record are Gene and Terry Bartolaba.

ATTACHMENTS

Attachment A: Vicinity Map
Attachment B: Aerial Vicinity Map
Attachment C: Zoning Map
Attachment D: Site Plan
Attachment E: Subdivision Plat

Attachment F: Parcel Pictures
Attachment G: Update Documents
Attachment H: Minutes
Attachment I: Prior Staff Reports
Attachment J: Mailing List

Permit Operations Update

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

On September 20, 2016, the Planning Commission held a 6 month review as directed by the April 19, 2016 motion. Bartolaba provided staff with a list of renovations that had been completed, and stated that the General Contractor was almost finished with the finish work. The Commission approved this 6-month review with the condition that another 6-month review would occur to assess progress toward occupancy requirements.

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

The Building Official/Fire Marshal Chris Duguay recently inspected the property and is familiar with the applicant's plans. Mr. Duguay submitted a memo dated June 15, 2017 stating that the "childcare/education operations on the second floor are currently allowable as long as the lower level is unoccupied."

Recommendation

Move to approve the 6-month review for the conditional use permit granted to Terry Bartolaba for a specialized instruction school at 213 Harbor Drive with the condition that the first floor is not occupied until approved by the Building Official. The property is also known as Lot 2 Wilmac Resubdivision. The owners of record are Gene and Terry Bartolaba.



Michelle Barker

Conditional Use Permit Request
213 Harbor Drive



City & Borough of Sitka, Alaska

Selected Parcel: 213 HARBOR ID: 10074000

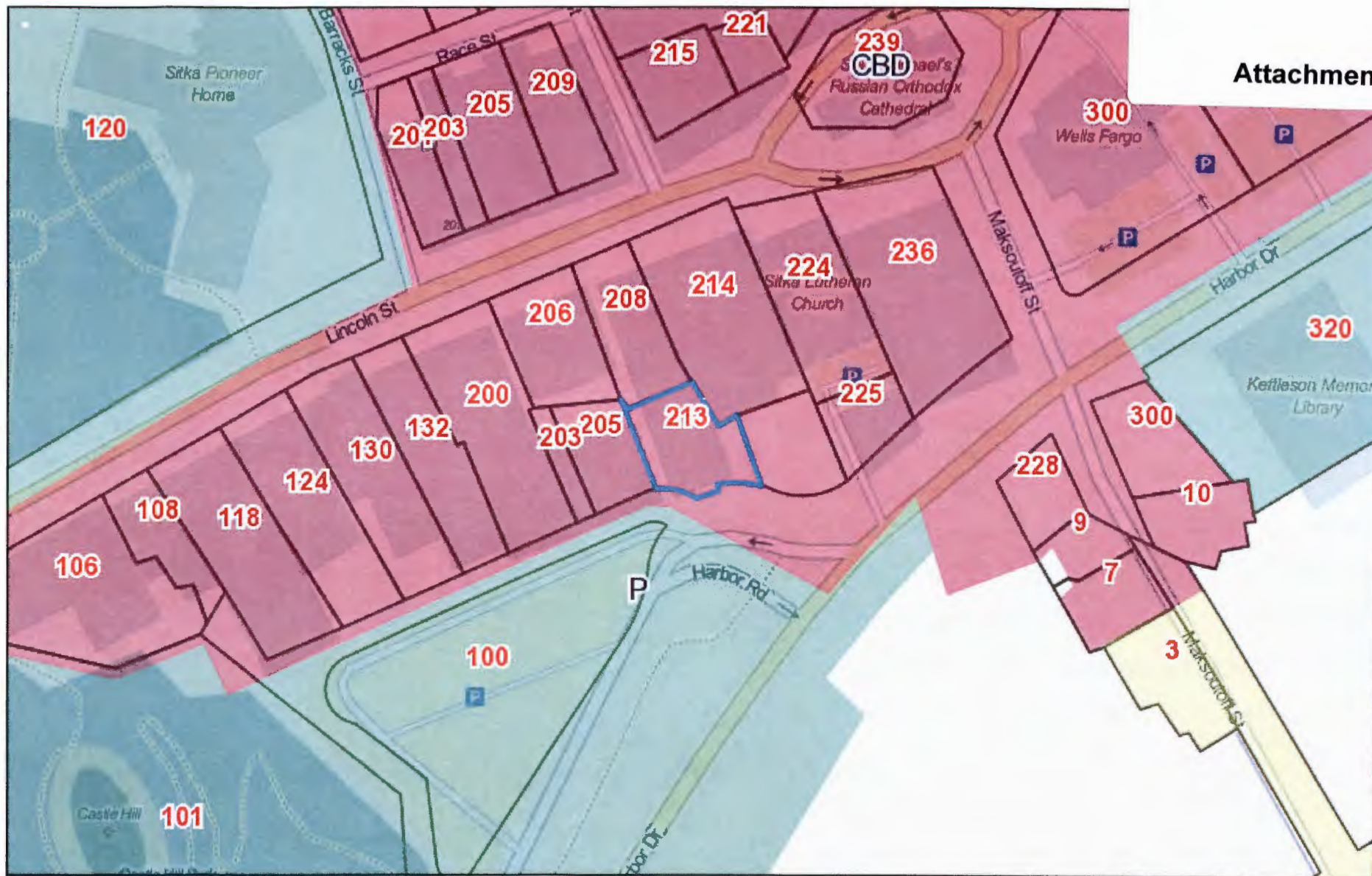
Printed on 3/4/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

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



responsibility for the information contained herein.

Michelle Barker
Conditional Use Permit Request
213 Harbor Drive



City & Borough of Sitka, Alaska

Selected Parcel: 213 HARBOR ID: 10074000

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

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



no legal responsibility for the information contained herein.

Michelle Barker
Conditional Use Permit Request
213 Harbor Drive

Lot 2 Wilmac Resubdivision
4,011 Sq ft

Lot, all structures
+ parking

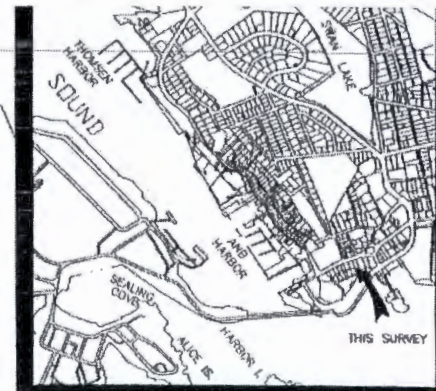
Site
Plan
213 Harbor Drive



Michelle Barker
Conditional Use Permit Request
213 Harbor Drive

Attachment E

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



VICINITY MAP
SCALE 1"=1,000'

LEGEND

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

SITKA RECORDING DISTRICT
DATE: 6-28-10
TIME: 6:01 PM
PLAT #:

CURVE TABLE

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD DIRECTION	CHORD LENGTH
C1	25°11'32"	85.00	28.58	N 83°58'09" W	28.35
C2	20°48'27"	60.00	21.79	S 73°00'43" W	21.67
C3	18°46'33"	29.12	9.54	N 74°54'00" W	9.50

SCALE IN FEET

SITKA RECORDING DISTRICT

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY AGREE TO DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: 6/1/2010
SIGNATURE: Ronald P. McClain
OWNER: PRESIDENT (SIGNATURE)
DATE: 6/1/2010
SIGNATURE: Sarah Peterson
CITY AND BOROUGH CLERK (SIGNATURE)

NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA
CITY & BOROUGH OF SITKA
THIS IS TO CERTIFY THAT ON THIS 1st DAY OF June 2010, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, duly commissioned and sworn, personally appeared Ronald P. McClain, President of Wilmac Corporation, and that, according to the records in my possession, all taxes assessed against said lands and in favor of the City & Borough of Sitka are paid in full, and during the term of the year 2010, will be due on or before August 31, 2010. WITNESSETH, the said Ronald P. McClain, duly acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein specified.
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR OF THIS CERTIFICATION FURNISHED HEREIN WRITTEN.
MY COMMISSION EXPIRES 9-1-2012.
Michelle Barker
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSISTED FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF Wilmac Corp. AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL, AND DURING THE TERM OF THE YEAR 2010, WILL BE DUE ON OR BEFORE AUGUST 31, 2010. WITNESSETH, the said Michelle M. Barker, Acting Assessor, City and Borough of Sitka.

CERTIFICATE OF APPROVAL BY THE BOARD

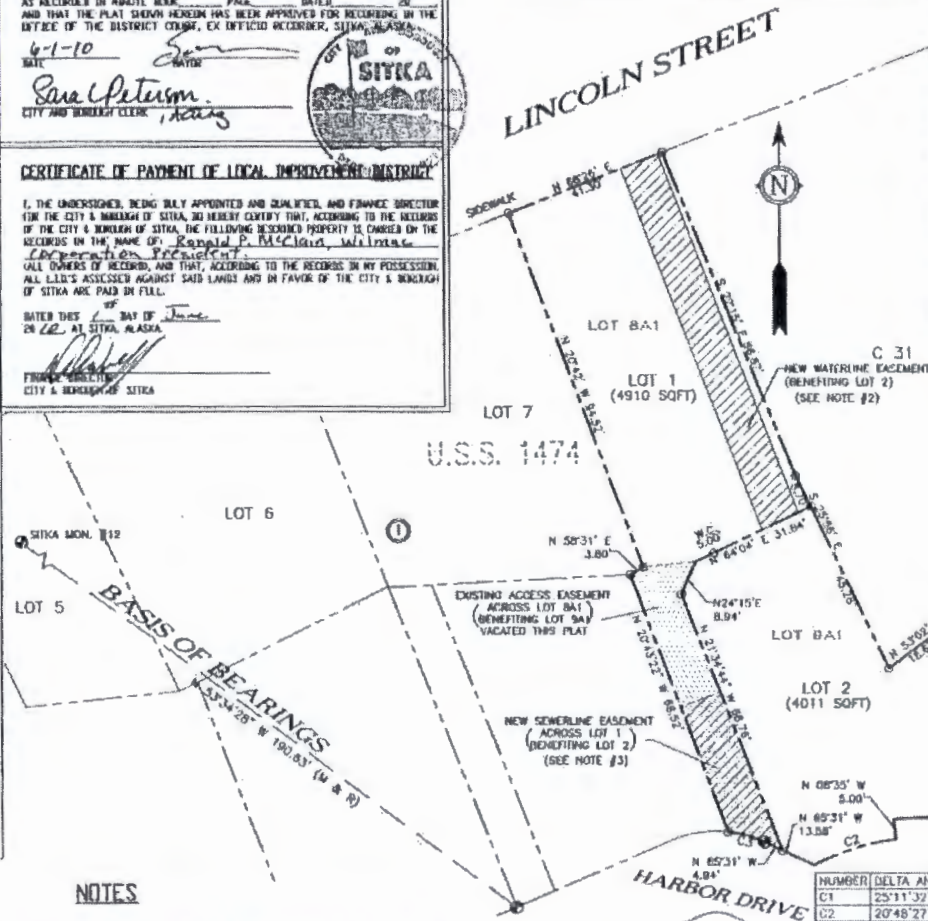
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 07-10 DATED 6/1/2010, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.
DATE: 6/1/2010
SIGNATURE: Michelle M. Barker
CHAIRMAN, PLATTING BOARD
SIGNATURE: Michelle Peterson
SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY, AS RECORDED IN MINUTE BOOK PAGE 20 DATED 6/1/2010, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.
DATE: 6/1/2010
SIGNATURE: Sarah Peterson
CITY AND BOROUGH CLERK (SIGNATURE)

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF Ronald P. McClain, Wilmac Corporation, President. ALL OWNERS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.L.T.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.
DATED THIS 1st DAY OF June 2010, AT SITKA, ALASKA.
SIGNATURE: Sarah Peterson
CITY & BOROUGH CLERK



NOTES

- THE PURPOSE OF THIS PLAT IS TO VACATE THE EXISTING ACCESS EASEMENT CROSSING LOT 1 (FORMERLY LOT 8A) AND TO CREATE TWO NEW UTILITY EASEMENTS BENEFITTING LOT 2 (FORMERLY LOT 9A).
- A WATERLINE EASEMENT ACROSS LOT 1 FOR THE BENEFIT OF LOT 2 IS FURTHER DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT 1, THENCE 56°35'14" IN FEET TO THE TRUE POINT OF BEGINNING, THENCE 56°35'14" IN FEET TO THE TRUE POINT OF BEGINNING, THENCE 56°35'14" IN FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 942 SQUARE FEET.
- A SEWERLINE EASEMENT ACROSS A PORTION LOT 1 FOR THE BENEFIT OF LOT 2 IS FURTHER DESCRIBED AS BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 1 AND THE TRUE POINT OF BEGINNING, THENCE 56°35'14" IN FEET, THENCE 56°35'14" ALONG CURVE C3 AS DESCRIBED IN THE CURVE TABLE, THENCE 18°46'33" IN FEET, THENCE 18°46'33" IN FEET, THENCE 18°46'33" IN FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 440 SQUARE FEET.
- ON APRIL 2, 1996 AN ELECTRICAL EASEMENT OF UNDETERMINED LENGTH WAS GRANTED TO THE CITY AND BOROUGH OF SITKA BY THE WILLING CORPORATION, COVERING LOTS 8A AND 9A IN GENERAL.
- A MAINTENANCE AGREEMENT FOR WATER, SEWER AND ELECTRICITY/TELEPHONE UTILITIES IS FILED IN THE SITKA RECORDING DISTRICT UNDER SERIAL NUMBER.
- THE CITY AND BOROUGH OF SITKA IS A PARTY TO ALL ACCESS AND UTILITY EASEMENTS AND THE EASEMENTS SHALL NOT BE MODIFIED OR RELOCATED WITHOUT MUNICIPAL APPROVAL.



RECORDED P. 00011
JULIAN J. JOHNSON
CHECKED FOR
DATE OF PLATTING 6/1/2010
SIGNED BY: SARAH PETERSON
MAGISTRATE EX-OFFICIO RECORDER

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT I HAVE EXAMINED THE PLAT AND THE RECORDS THEREON AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL OWNERS AND OTHER INTERESTS ARE CORRECTLY ACCORDING TO SAID FIELD NOTES.

DATE: 6/1/2010
SIGNATURE: Sarah Peterson

WILMAC RESUBDIVISION

LOTS 8A1 AND 9A1
WILMAC SUBDIVISION

CLIENT: RON MCCLAIN

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

Michelle Barker
Conditional Use Permit Request
213 Harbor Drive



Michelle Barker
Conditional Use Permit Request
213 Harbor Drive

MEMO

To: Michael Scarcelli
Maegan Bosak
From: Chris Duguay, Building Official
Date: 6/15/17
Subject: Bartolaba Conditional Use Permit

Page 1 of 1

The Planning Commission has before it a conditional use permit request for a specialized instruction school at 213 Harbor Drive, filed by Michelle Barker. The applicants have been informed that building code requirements for a structure with a childcare/education facility and also a retail store must have a two-hour fire-rated separation between them as well as a fire-protected egress exit. The retail store is not currently in place and construction of the fire separation is not yet complete. The building department is currently allowing the childcare/education facility to continue operations (on the upper level) prior to completed construction of the fire separations, with the condition that the rest of the building is unoccupied. No occupancy is approved for the lower level until the fire separations are complete and a full plan review of any new occupancy has been completed. To date, I have received no indication that occupancy is pending for the lower level.

This information should have no bearing on the pros or cons of granting a conditional use permit, but should serve to reiterate to the applicants that childcare/education operations on the second floor are currently allowable as long as the lower level is unoccupied.

INSPECTION REPORT
CITY AND BOROUGH OF SITKA BUILDING DEPARTMENT
100 LINCOLN STREET
SITKA, ALASKA 99835
PHONE: 747-1804 FAX: 747-3158
www.cityofsitka.com

DATE 4/27/17
TIME 4:30 PM

TYPE OF INSPECTION

☐ EXCAVATION
☐ FOOTING
☐ UNDERSLAB
(PLUMBING/ELECTRICAL)

☐ STEM WALLS
☒ FRAME
☐ ELECTRICAL
☐ PLUMBING

☐ VAPOR RETARDER
☐ FIRE & LIFE SAFETY
☐ FINAL
☐ _____

OWNER Gene Bartoloba

ADDRESS 213 Harbor Drive

Framing inspection of 1st floor ceiling in preparation for
installation of fire-rated assembly. Ceiling framework has
been cleaned out and electrical wiring is being adjusted for
future sheetrock installation.

Fire-rated assembly is not yet installed but upon completion
of electrical work, rock wool will fill all joist bays then
sheetrock then hat channel then another layer of sheetrock
and intumescent paint (as per plan) is to be installed

☒ COPY PROVIDED TO Gene

INSPECTOR 

☐ CALL FOR REINSPECTION
BEFORE CONCEALMENT

☐ CORRECTIONS OR ITEMS NOTED ABOVE WILL BE
REINSPECTED AT TIME OF NEXT CONSECUTIVE INSPECTION

City and Borough of Sitka

100 Lincoln Street

Sitka, Alaska, 99835

April 19, 2017

Dear Samantha Pierson,

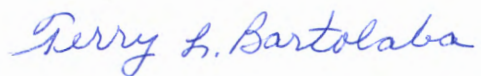
Terry' Learning Center (TLC) in operation in the upper level at 213 Harbor Drive, is having a successful year. We currently hve 29 students between the ages of 5 and 15, and 3 Tutors. Our operating hours are from 8 am to 4 pm Monday - Friday.

Construction and required projects for the upper level have all been completed. The lower level of the business is still unoccupied as we are waiting for the completion of the required 2 hour fire barrier between floors. The target date for that to be completed is in September.

We have had several inquiries from those who might be interested in renting the lower level, but as yet we have not decided the best fit for the location and parking.

I want to thank you again for the support of your staff in supporting our buiness efforts at this location. Please contact me if you need further information for this report.

Sincerely,



Terry L. Bartolaba

907 738 5516

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

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

August 29, 2016

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

Dear Samantha Pierson,

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

First List Of Requirements:

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

Second List Of Requirements;

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

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

Sincerely,



Terry L. Bartolaba



CITY AND BOROUGH OF SITKA

Minutes - Final

Planning Commission

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

Tuesday, September 20, 2016

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

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

Present: Spivey, Windsor, Pohlman, Hughey

Absent: Parker Song - excused

II. CONSIDERATION OF THE AGENDA

Chair Spivey reported that items F and L had been pulled from the agenda.

III. CONSIDERATION OF THE MINUTES

A Approval of the minutes from the September 6, 2016 meeting.

Hughey/Pohlman moved to APPROVE the September 6, 2016 meeting minutes.
Motion PASSED 4-0.

IV. REPORTS

B Planning Regulations and Procedures.

V. THE EVENING BUSINESS

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

Pierson explained the history of the request. The permit was approved in April 2016 with a condition of approval that the Commission would conduct a 6 month review to assess progress toward occupancy requirements. The speed of work has been satisfactory, and the only remaining task is to install panic doors. The Building Official has allowed the school to move into the facility. Staff recommend approval with the condition of another 6 month review.

Windsor/Pohlman moved to APPROVE the 6-month review of the conditional use permit granted to Terry Bartolaba for a specialized instruction school at 213 Harbor Drive, with the condition that a review will occur in 6 months to

assess progress toward occupancy. The property is also known as Lot 2 Wilmac Resubdivision. The owners of record are Gene and Terry Bartolaba.

Motion PASSED 4-0.

D

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

Scarcelli explained the request. Scarcelli stated that he visited the downhill property after a rain event, and the drainage system was not overflowing, although some runoff did occur. The application complies with existing subdivision codes and the Comprehensive Plan. The increase to runoff is reasonable. Staff recommend approval.

Barth Hamberg stated that his application has been covered thoroughly.

No public comment.

Scarcelli stated that Hamberg is following the code. Pohlman stated that she has problems with the findings of fact, and the covenants were to protect the downhill property. Pohlman stated concern with the findings of fact statement that the harm experienced by the downhill property is caused by the downhill owners' action.

Hughey/Windsor moved to AMEND item E in the recommended staff findings to state that the proposal "Is a reasonable use of the property and existing natural drainage system."

Motion PASSED 4-0.

Hughey/Windsor moved to APPROVE the findings of fact for the final plat for the Cedars Subdivision, subject to the attached condition of approval, for a 4 lot minor subdivision at 211 Shotgun Alley, zoned Single Family Low Density Residential. The property is currently legally described as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg. It is found that the project:

- a. Complies with all applicable zoning regulations, specifically because minimum lot size and dimensions have been met by providing lots that range from 15,029 square feet to 80,796 and on average exceed the width of 80 feet, which further the intent of the zone for less density;
- b. Complies with subdivision regulations, specifically because those criteria addressed in Section 21.40 have been surpassed, and the drainage assessment has been approved by the Municipal Engineer as complaint with the 2013 Stormwater Management Plan;
- c. Does not pose a negative impact to the public's health, safety, or welfare because the proposal as set forth in the application, final plat, recorded covenants, and drainage assessment complies with the subdivision code and it is a reasonable development of a minor subdivision;
- d. Has not caused any apparent unreasonable or substantial direct harm, and further that any potential for harm has been adequately and reasonably addressed in the drainage report, the condition of approval, existing

IV. THE EVENING BUSINESS

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

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

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

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

addressed.

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

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

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

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

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

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

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

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

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Motion PASSED 5-0.

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

Conditions of Approval:

1. Contingent upon an approval by the Building Official and Fire Marshall for the proposed occupancy of all levels of the structure at 213 Harbor Drive (upstairs and downstairs). A review will occur after 6 months to assess progress toward occupancy requirements.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.

5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving meritorious issues and too mitigate any identified adverse impacts on public's health, safety, and welfare.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

G

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

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

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

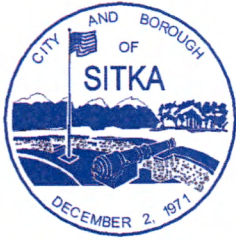
Parker Song/Hughey moved to APPROVE the required findings for major structures or expansions as discussed in the staff report.

Required Findings for Variances.

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

- a) That there are special circumstances to the intended use that do not apply generally to the other properties, specifically, the narrowing of the lot near the rear;
- b) The variance is necessary for the preservation and enjoyment of a substantial property right of use possessed by other properties but are denied to this parcel, specifically, the ability to adequately protect a vehicle from rain;
- c) That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels, or public infrastructure; and
- d) That the granting of such a variance will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan 2.4.1, which states, "To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners."

Motion PASSED 5-0.



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: August 29, 2016

To: Planning Commission

From: PCDD Staff

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

GENERAL INFORMATION

Applicant: Terry Bartolaba

Property Owner: Gene and Terry Bartolaba

Property Address: 213 Harbor Drive

Legal Description: Lot 2 Wilmac Resubdivision

Parcel ID Number: 1-0074-000

Size of Existing Lot: 4011 square feet

Zoning: CBD

Existing Land Use: Educational Facility

Utilities: Full municipal utilities

Access: Harbor Drive

Surrounding Land Use: Commercial, Public

MEETING FLOW

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

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Parcel Pictures

Attachment E: Subdivision Plat

Attachment F: Approval

Attachment G: Mailing List

Permit Operations Update

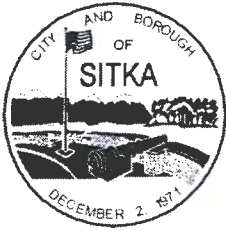
Terry Bartolaba was issued a conditional use permit for a specialized instruction school at 213 Harbor Drive on April 19, 2016. A condition of approval was that the Planning Commission would hold a 6-month review to assess progress made toward occupancy requirements.

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

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

Recommendation

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



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: April 13, 2016

To: Planning Commission

From: Michael Scarcelli, Senior Planner

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

GENERAL INFORMATION

Applicant: Michelle Barker

Property Owner: Island Fever Diving & Adventures, LLC

Property Address: 213 Harbor Drive

Legal Description: Lot 2 Wilmac Resubdivision

Parcel ID Number: 10074000

Size of Existing Lot: 4011 square feet

Zoning: Central Business District (CBD)

Existing Land Use: Commercial Retail

Utilities: Full city services

Access: Harbor Drive

Surrounding Land Use: Commercial retail, Bar with restaurant, Daycare, & Residential

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
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ATTACHMENTS

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Attachment C: Parcel Pictures

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Attachment E: Site Plan

Attachment F: Subdivision Plat

Attachment G: Access and Utility Maintenance Agreement

Attachment H: Driveway Agreement

Attachment I: Zoning Map

Providing for today...preparing for tomorrow

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

BACKGROUND/PROJECT DESCRIPTION

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

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

ANALYSIS

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

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

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

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

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

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

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

¹ § 22.24.010.E

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

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: There is some cut-through foot traffic from Lincoln to Harbor Drive. However, this fact is not created by the proposed business; therefore, it should not be considered unless it raises a safety concern directly related to the property or proposed use.

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

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

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

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

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

l. Relationship of the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: The Comprehensive Plan sections support: 2.1.12 providing access to high-quality education; 2.2.2 providing needs services (only similar niche business in Sitka); 2.9 meeting city's educational goals; 2.4.21 providing conditional uses that do not impact residential areas.

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

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

"Marijuana 500 Foot Buffers"

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

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

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

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

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

Alcohol Buffer

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

Alcohol Licenses

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

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

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

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

A Careful Balancing of Interests

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

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

Comprehensive Plan

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

Safety

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

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

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

FINDINGS

C. Required Findings for Conditional Use Permits. The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:³

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

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

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Senior Planner's analysis and required findings as found in the staff report and carefully consider the balance of competing business interests as discussed in the staff report.

Recommended Points for Consideration and Deliberation

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

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

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

Conditions of Approval:

1. Contingent upon an approval by the Building Official and Fire Marshall for the proposed occupancy of all levels of the structure at 213 Harbor Drive (upstairs and downstairs).
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time following the first nine months of operations for the purpose of resolving meritorious issues and too mitigate any identified adverse impacts on public's health, safety, and welfare.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Parcel ID: 10480000
TRIERSCHIELD RENTALS, LLC
TRIERSCHIELD RENTALS, LLC
P.O. BOX 458
SITKA AK 99835-0458

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

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

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

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

P&Z Mailing
June 9, 2017



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 9791 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 6.20.17](#)

Date	Ver.	Action By	Action	Result
5/16/2017	1	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: VAR 17-11
Proposal: Request for reduction in lot size requirement for four-plex from 10,000 square feet to 9791 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: 9791 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

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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.

Overruling precedence should be exercised with care and only when appropriate. Precedence should stand when based on a sound line of reasoning, law, and policy that is applicable and workable among current circumstances. However, precedence should be overruled when unworkable in modern times or circumstances or is based on faulty reasoning, law, or policy, or with major changing social policy. In this case, it does not appear the past approval rose to the appropriate legal level of findings required for variances. Specifically, there are no special circumstances present that support this lot as different than comparable lots in similar zones and of similar size. Moreover, the original developer chose to make this lot this size, which is substantial over the minimum size, but under the required size for a four-plex. The chosen size still has a wide variety of uses such as a triplex. Finally, the increase of density above what development regulations require would increase the amount of potential residents in the area beyond what existing development standards allow. Therefore, the Planning Director recommends that this variance be denied and break with the precedence of the prior 728 Indian River variance granted in 2011.

PROJECT DESCRIPTION

The variance request is for the reduction of the minimum lot size for a four-plex from 10,000 square feet to 9791 square feet at 720 Indian River Road. This would constitute a reduction of 209 square feet, which is 2% of the required lot size. 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 9791 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.

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.

¹ Table 22.20-1 – Development Standards

² Section 22.16.060 - R-2 MHP District

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 9791 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 9791 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 9791 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

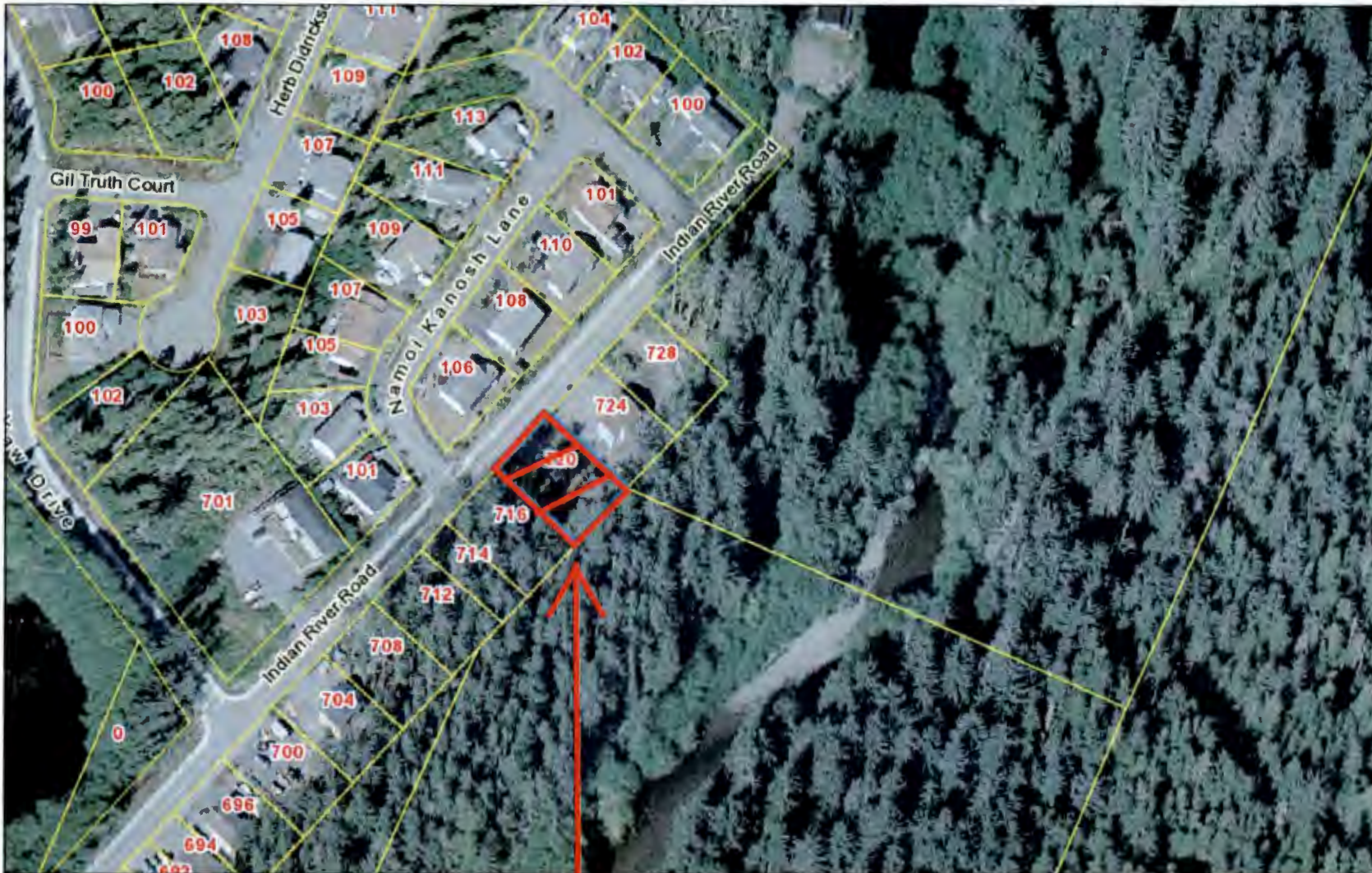
1. Required Findings for Variances Involving Major Structures or Expansions. Before any variance is granted, it shall be shown:
 - a) That there are special circumstances to the intended use that do not apply generally to the other properties, *here, that the lot is zoned for multifamily housing but 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 9791 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>

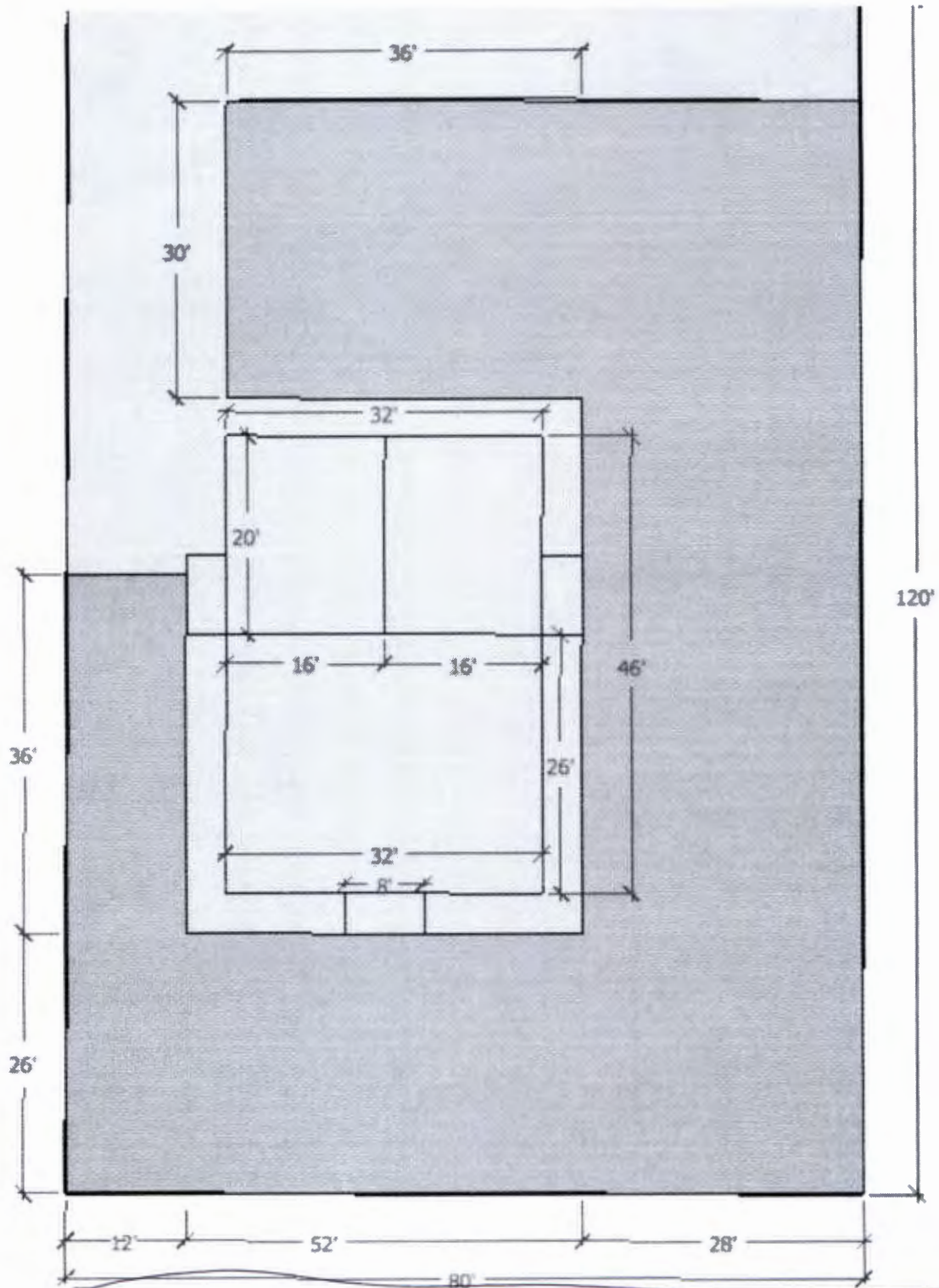
50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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.

Structure to Lot Layout
Available parking in shaded area.



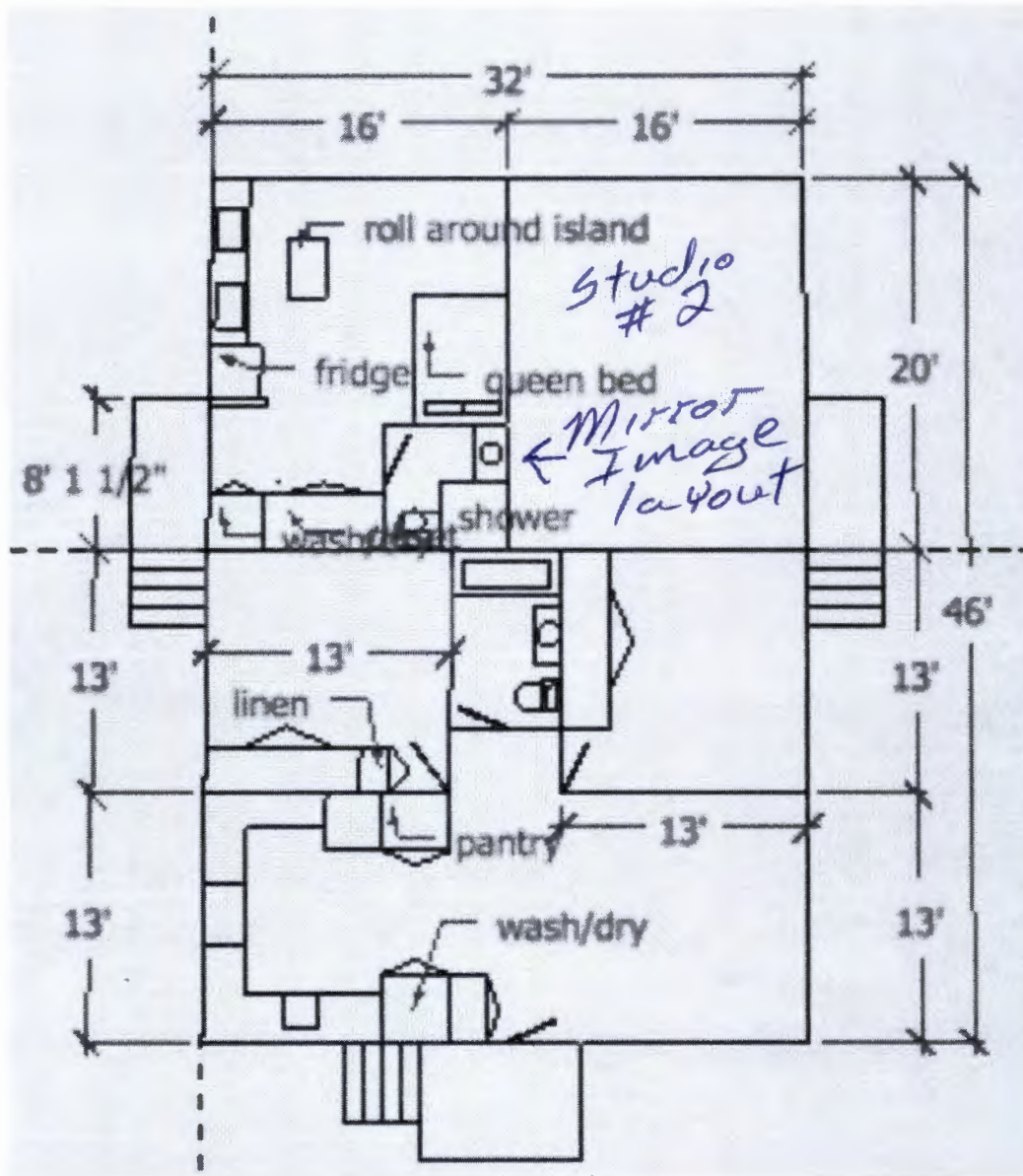
Indian River Road
Here

First Floor

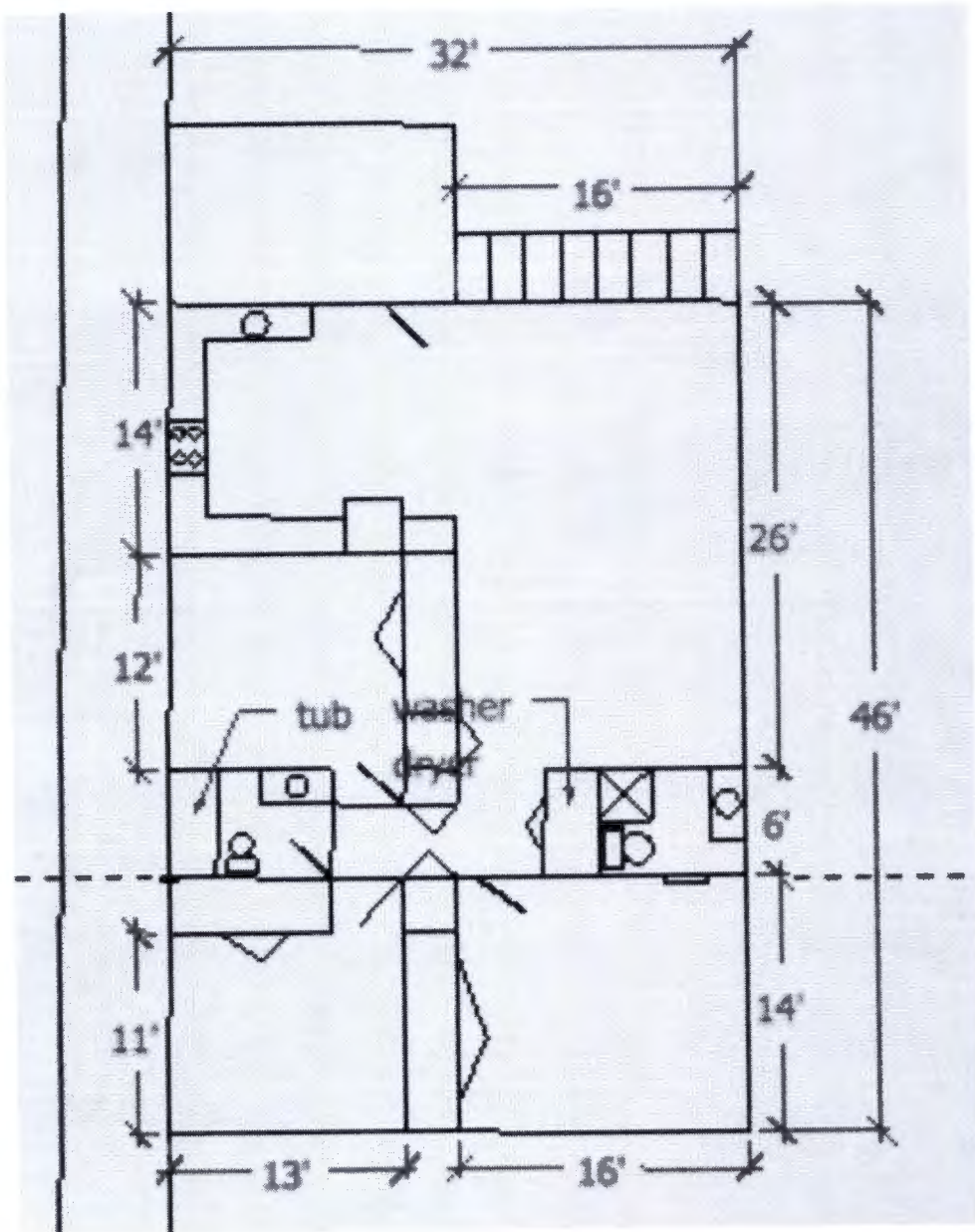
3 units Total

1 Two Bed apt.

2 Studio apt



Second Floor
Three Bed / 2 Bath



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

1-20-08
Russell
TESTES, APPROVED TO SIGN (COOPERATING)
ADMINISTRATOR for the City and
Borough of SITKA
NOTARY'S ACKNOWLEDGMENT

NECA
ALASKA
BOROUGH OF SITKA

CERTIFY THAT ON THIS 22nd DAY OF February, 2008, BEFORE ME, JAMES A. RUSSELL, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DAVID C. AND SUEVA PERSONALLY APPEARED John C. Russell, Mayor for the City and Borough of SITKA.

AM TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE AT AND AM ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

I HUMB AND NOTARY SEAL THE DAY AND YEAR ON THIS CERTIFICATE FIRST TITLED.

Russell
NOTARY PUBLIC
STATE OF ALASKA
JAMES A. RUSSELL
NOTARY PUBLIC
STATE OF ALASKA
JANUARY 15, 2011

CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

DESIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY OFFICE, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX MAP OF THE CITY AND BOROUGH OF SITKA, IN THE NAME OF:

DAVID C. AND SUEVA PERSONALLY APPEARED John C. Russell, Mayor for the City and Borough of SITKA. ALL TAXES ASSESSED AGAINST THE RECORDS IN MY OFFICE, AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA, ARE HEREBY ADAPTED TO THE CITY AND BOROUGH OF SITKA, IN THE NAME OF: DAVID C. AND SUEVA PERSONALLY APPEARED John C. Russell, Mayor for the City and Borough of SITKA.

ON THE 22nd DAY OF February 2008, at SITKA, CITY AND BOROUGH OF SITKA.

CERTIFICATE OF APPROVAL BY THE BOARD

CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO BE IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAN HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 2, DATED: 02-20-08, AND THAT THE PLAN SHOWN IS BEING APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX-OFFICIO RECORDING, SITKA, ALASKA.

1-20-08
Russell
DISTRICT CLERK

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

CERTIFY THAT THE SUBDIVISION PLAN SHOWN HEREIN HAS BEEN FOUND TO BE IN ACCORDANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAN HAS BEEN APPROVED BY THE ASSEMBLY BY RESOLUTION NO. 2, DATED: 02-20-08, AND THAT THE PLAN SHOWN IS BEING APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX-OFFICIO RECORDING, SITKA, ALASKA.

1-20-08
Russell
DISTRICT CLERK

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

DESIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE BOROUGH OF SITKA, I HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN MY OFFICE, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX MAP OF THE CITY AND BOROUGH OF SITKA, IN THE NAME OF: DAVID C. AND SUEVA PERSONALLY APPEARED John C. Russell, Mayor for the City and Borough of SITKA.

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

1-20-08
Russell
FINANCE DIRECTOR
CITY AND BOROUGH OF SITKA

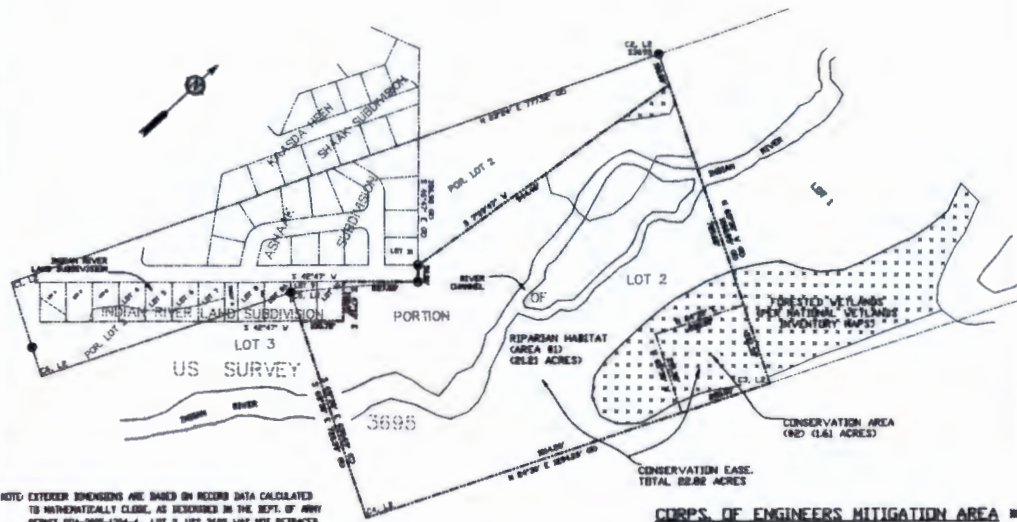


TABLE OF ACCESSORIES

CORNER	DESCRIPTION	BEARING	DISTANCE
LOT 1 SOUTH CORNER	10' DIA. HEMLOCK	N 21°17' V	32.3'
	26' DIA. SPRUCE	S 20°43' E	20.2'
	20' DIA. SPRUCE	S 30°47' V	17.1'
LOT 10 EAST CORNER	24' DIA. SPRUCE	N 70°17' E	19.3'
	24' DIA. SPRUCE	S 43°30' V	10.4'
	15' DIA. SPRUCE	N 66°43' V	14.0'

VICINITY MAP

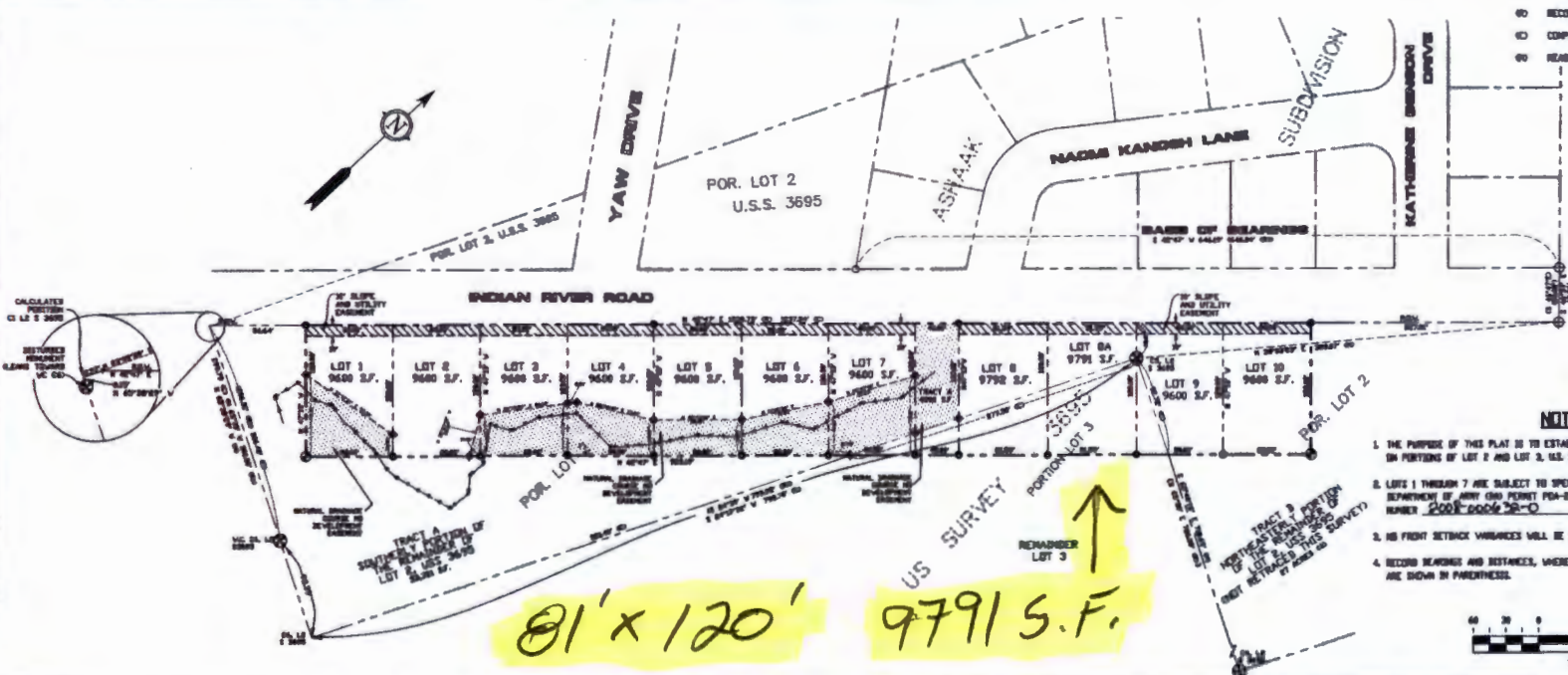
SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT (CIC)
- PRIMARY MONUMENT (CIC)
- GLASS/PLA MONUMENT BRASS CAP (CIC)
- SECONDARY MONUMENT (CIC)
- WETLANDS (NO DEVELOPMENT) (NO)
- SECONDARY MONUMENT (CIC)
- RECORDED DATA
- COMPUTED DATA
- MEASURED DATA

* NOTE: EXTERIOR DIMENSIONS ARE BASED ON RECORD DATA CALCULATED TO MATHEMATICALLY CLOSE, AS DESCRIBED IN THE DEPT. OF HIGHWAY PERMIT PDA-2005-1204-4. LOT 2, U.S. 3695 WAS NOT RETRACTED AS PART OF THE INDIAN RIVER LAND SUBDIVISION.

CORPS OF ENGINEERS MITIGATION AREA
SCALE: 1" = 200'



NOTES

- THE PURPOSE OF THIS PLAN IS TO ESTABLISH THE INDIAN RIVER LAND SUBDIVISION OF LOT 2 AND LOT 3, U.S. SURVEY 3695.
- LOTS 1 THROUGH 7 ARE SUBJECT TO SPECIAL CONDITIONS AS DESCRIBED IN PERMIT PDA-2005-1204-4 RECORDED UNDER NUMBER 2008-000628-0, SITKA RECORDS.
- NO FRONT SETBACK VARIANCES WILL BE ALLOWED ON LOTS 2, 6, 8, 9A.
- RECORD BEARINGS AND DISTANCES, WHERE DIFFERENT THAN BEARINGS ARE SHOWN IN PARENTS.

SCALE IN FEET
0 20 40 60 80 100

WILL
VEYING AND ENGINEERING

9 SITKA, ALASKA 99835
(907) 747-0700
will@wve.com

NO	DATE	REV	DESCRIPTION OF CHANGE
1	02/20/08	1	INCORPORATED TRIANGULAR SECTION OF LOT 2, S 3695 INTO SUB.
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DESIGNED: J. RUSSELL
DRAWN: J. RUSSELL
CHECKED: J. RUSSELL
DATE OF PLANNING: 02-20-08
SCALE: 1" = 50'
DRAWING NUMBER: 110-00
PROJECT NO.: 30014-110-00

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT ON 02-20-08, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAN IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

1-20-08
Russell
DATE
PATRICK B. RUSSELL, L.S. 624

INDIAN RIVER LAND SUBDIVISION

SUBDIVISION OF A PORTION OF LOTS 2 AND 3, U.S. SURVEY 3695

CLIENT: CITY AND BOROUGH OF SITKA
100 LINCOLN STREET
SITKA, ALASKA 99835









May 15, 2017

Planning and Community Development Department
100 Lincoln Street
Sitka, AK 9835

Dear Planning Commission,

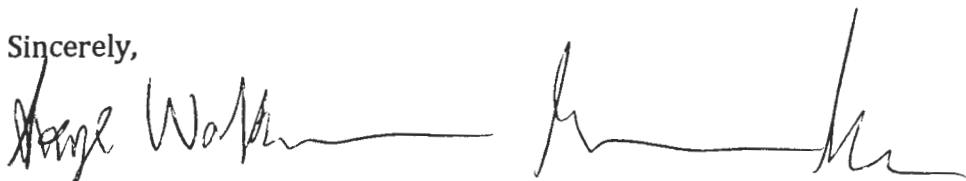
This letter is in response to the notice we received regarding a request for a variance to reduce the required lot size for a four-plex from 10,000 square feet to 9,971 square feet at street address 720 Indian River Road. I understand that the planning committee has many things to consider when a variance request comes up and I believe that this letter will outline several reasons why this particular variance request should not be granted.

There are so many positive things about this area that led my husband and me to consider purchasing our property and building our home in this neighborhood. So many good things, in fact, that we took two years to build our home the good old-fashioned way with lots of sweat, some tears, a little blood and a lot of help from family and friends. We didn't have the means to buy a home without putting in the time and we wouldn't have put in the time to build this home here if we thought there was a possibility of a multi-family structure being put up next door. We already have the Sitka Counseling and Prevention treatment/rehab center across the street that brings a new crowd of faces to the neighborhood periodically. The impact of the requested structure in the Indian River Subdivision and right next door to our home would be huge.

There are a number of factors that we would be upset to see change with the approval of a four-plex. The first is the increase in the population density of the area. The second is that the traffic in the neighborhood would increase dramatically with a four family structure, whether it is foot traffic and/or vehicles. With the increase of people and traffic there would naturally be an increase in noise. Another factor is the possibility of an increase in crime. The Sitka Police Department is dedicated to making regular trips around the neighborhood and we are grateful for their attention, but it would be natural for there to be decreased safety of the neighborhood to go along with the increased traffic and density. Another thing to consider is that there is no other similar housing in the neighborhood; it simply doesn't fit. The final point that I would like to bring up, and this one hits very close to the heart, is that it would lower the value of our property due to all the reasons that have been previously listed and therefore has a direct negative impact on our household. Our family. Our future.

It is up to you to honor the fact that we were able to create our beautiful custom home in a nice, low-density neighborhood in spite of being a low-income family or you can ruin our efforts by changing the face of our neighborhood. Please reflect on these factors as you come to a decision about the request that has been put before you. Thank you for the notice and the opportunity to speak up about this request.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature on the left is 'Skye Workman' and the second signature on the right is 'Ian Workman'. Both signatures are fluid and cursive.

Skye and Ian Workman
716 Indian River Road
Sitka, AK 99835



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

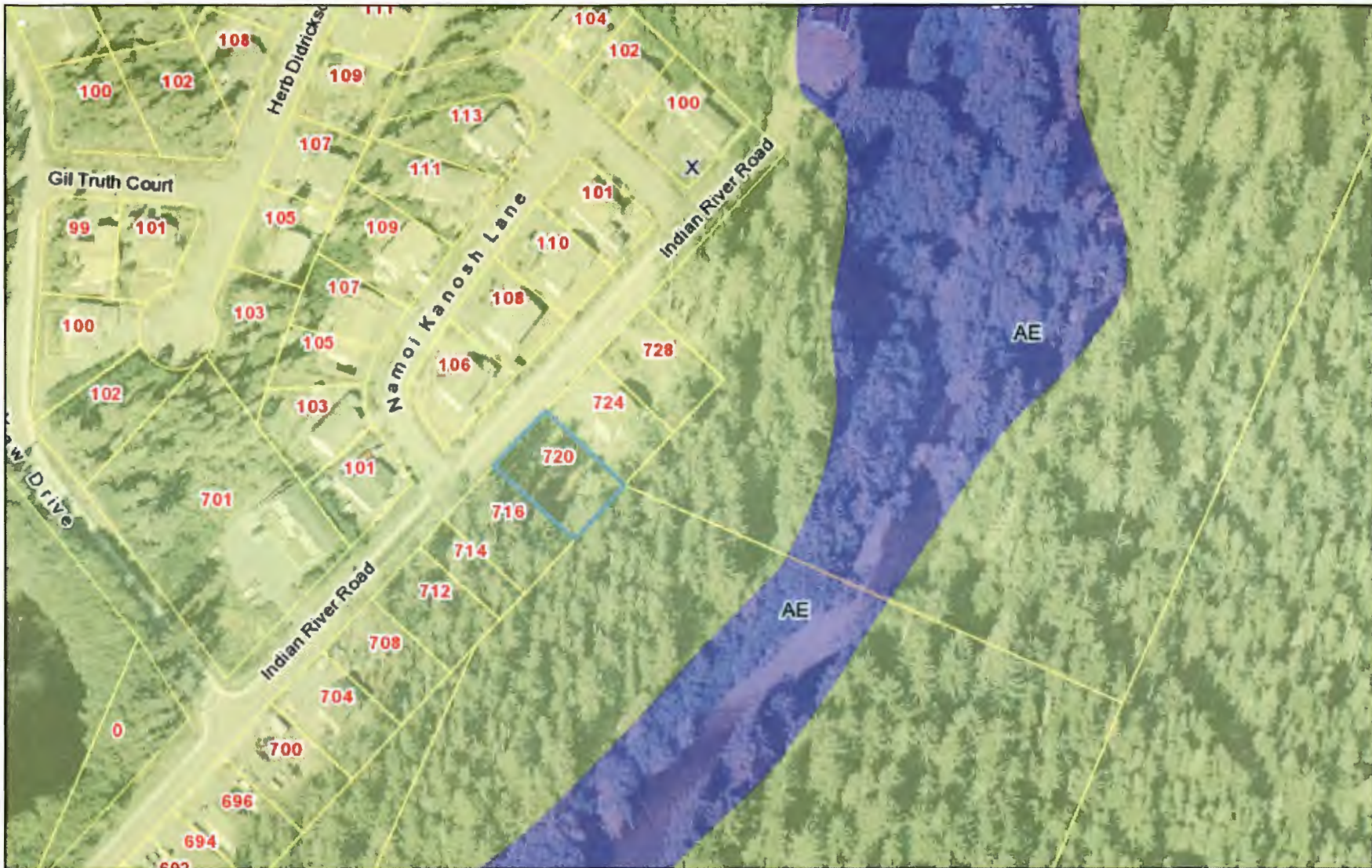
I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee 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

P&Z Mailing
June 9, 2017

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:

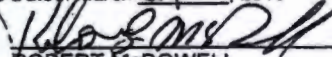
That the said Grantor, for and in consideration of the sum of \$10.00 and other good and valuable consideration, does by these presents convey and warrant unto said Grantee, all of the following described property, to wit:

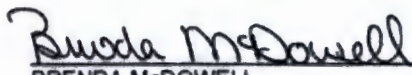
Lot Eight A (8A), INDIAN RIVER LAND SUBDIVISION, according to the plat thereof filed April 21, 2008 as Plat No. 2008-5, Sitka Recording District, First Judicial District, State of Alaska

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

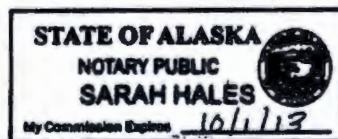
STATE OF ALASKA

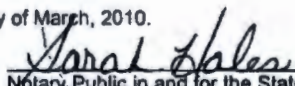
FIRST JUDICIAL DISTRICT

)
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

100 Lincoln Street • Sitka, Alaska 99835

August 29, 2011

Gerald Helem
PO Box 1811
Sitka, AK 99835

Dear Mr. Helem,

This letter is to inform you that your variance request has been approved for a reduction in the minimum lot requirement of square footage from 10,000 to 9,600 at 728 Indian River Road for a 4-plex. This approval was granted at the August 16, 2011 Planning Commission meeting.

Substantial construction progress must be made on the project within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the Planning Director if a request is filed within eleven months of the initial approval.

We appreciate your patience and thank you for working with us on this matter. If you should have any questions, please don't hesitate to contact me in the Planning Office at 747-1814. Best of luck with your project!

Sincerely,

Melissa Henshaw
Planner I

CC: McGraw's Custom Construction

**City and Borough of Sitka
Planning and Zoning Commission
Minutes of Meeting
August 16, 2011**

Present: Tom Rogers (Acting Chair), Richard Parmelee (Member), Darrell Windsor (Member), Jeremy Twaddle (Member via phone), Wells Williams (Planning Director), Melissa Henshaw (Planner)

Members of the Public: Dan Tadic (Project Engineer), Ron Waldron, Linda Selvig, Howie Pitts, Jerry Helem, Thad Poulson (Sitka Sentinel)

Chairman Stortz called the meeting to order at 7:03 p.m.

Consideration of the Minutes from the July 19, 2011 meeting:

MOTION: M/S PARMELEE/WINDSOR moved to approve the meeting minutes for July 19, 2011.

ACTION: Motion **PASSED unanimously** on a voice vote.

This evening's business:

Planning Director Wells Williams took a moment to thank William Stortz for volunteering on the Planning Commission. Mr. Stortz stepped down today from the Commission since he has accepted the job of Building Official for the City and will start on Thursday.

**VARIANCE REQUEST
728 INDIAN RIVER ROAD
GERALD HELEM**

Public hearing and consideration of a variance request at 728 Indian River Road. The request is filed by Gerald Helem. The request is for a reduction in the minimum lot requirement of square footage for a 4 plex in an R-2 zoning from 10,000 square feet to 9,600 square feet. The property is also known as Lot 10 Indian River Land Subdivision US Survey 3695. Owner of record is McGraw's Custom Construction Inc.

Ms. Henshaw provided a review of the request. This property is a parcel from the auction that the City did a few years back. The applicant is asking for a reduction of 400 square feet to accommodate a 4-plex. Code requirements for R-2 state "8,000 square feet for the first unit and 1,000 square feet for each additional unit." This property would allow for a tri-plex, but not a 4-plex.

Applicant:

Jerry (Gerald) Helem came forward. He is trying to utilize as much income back for the amount put in on this project therefore, he is proposed a 4-plex. He brought out the fact that BIHA has 4-plexes at the other end of Indian River Road. He thinks there is plenty of room and with parking the layout he proposed should work. He shows on the drawing also the 8 parking spaces that are required. The layout may change a bit with the parking moving to the front of the parcel, but would like to keep it in the rear of the property. These units are to be 2 bedrooms at approximately 900 square feet each. Two units will be downstairs and two upstairs.

Public Comment: None at the meeting, however previous to the meeting an email came in from 716 Indian River Road opposing the request stating that the amount of traffic would increase. The adjacent neighbor is also opposed to a 4-plex however, would not have any issues with a duplex.

Planning Director pointed out that this isn't the typical variance and that what is needed to be found for the findings of this request is that this it will not adversely affect the adjacent neighbors.

Commissioner Twaddle pointed out that the minimum lot coverage will not be over the maximum of 50 percent and the flat topographic nature also allows the entire property to be used.

MOTION: M/S PARMELEE/WINDSOR to recommend approval of a variance request at 728 Indian River Road. The request is filed by Gerald Helem. The request is for a reduction in the minimum lot requirements of square footage for a 4-plex in an R-2 zone from 10,000 square feet to 9,600 square feet. The property is also known as Lot 10 Indian River Land Subdivision US Survey 3695. Owner of record is McGraw's Custom Construction Inc.

ACTION: Motion **PASSED 4-0** on a voice vote.

Staff recommended findings in support of the recommendation for approval.

MOTION: M/S PARMELEE/WINDSOR to approve the following findings in support of the approved variance:

1. That the approved reduction in lot coverage will not be materially detrimental to property or nearby parcels or infrastructure in the immediate area
2. That the granting of the variance is consistent with 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generation without infringing on the rights of private landowners and 2.3.8A Developing more affordable housing opportunities, including single family homes and multi-family homes and multi-family dwellings.

ACTION: Motion **PASSED 4-0** on a voice vote.

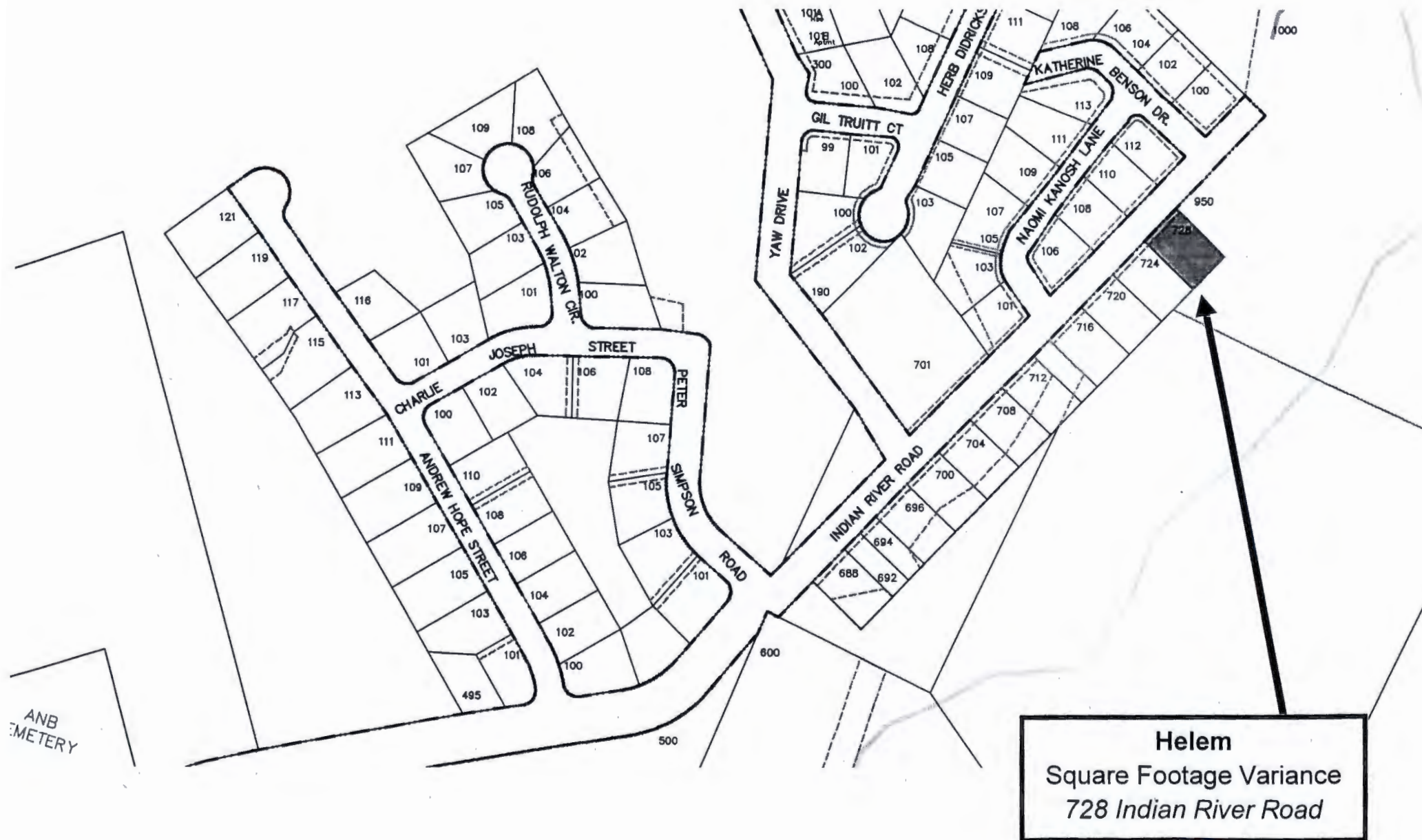
PLANNING DIRECTOR'S REPORT

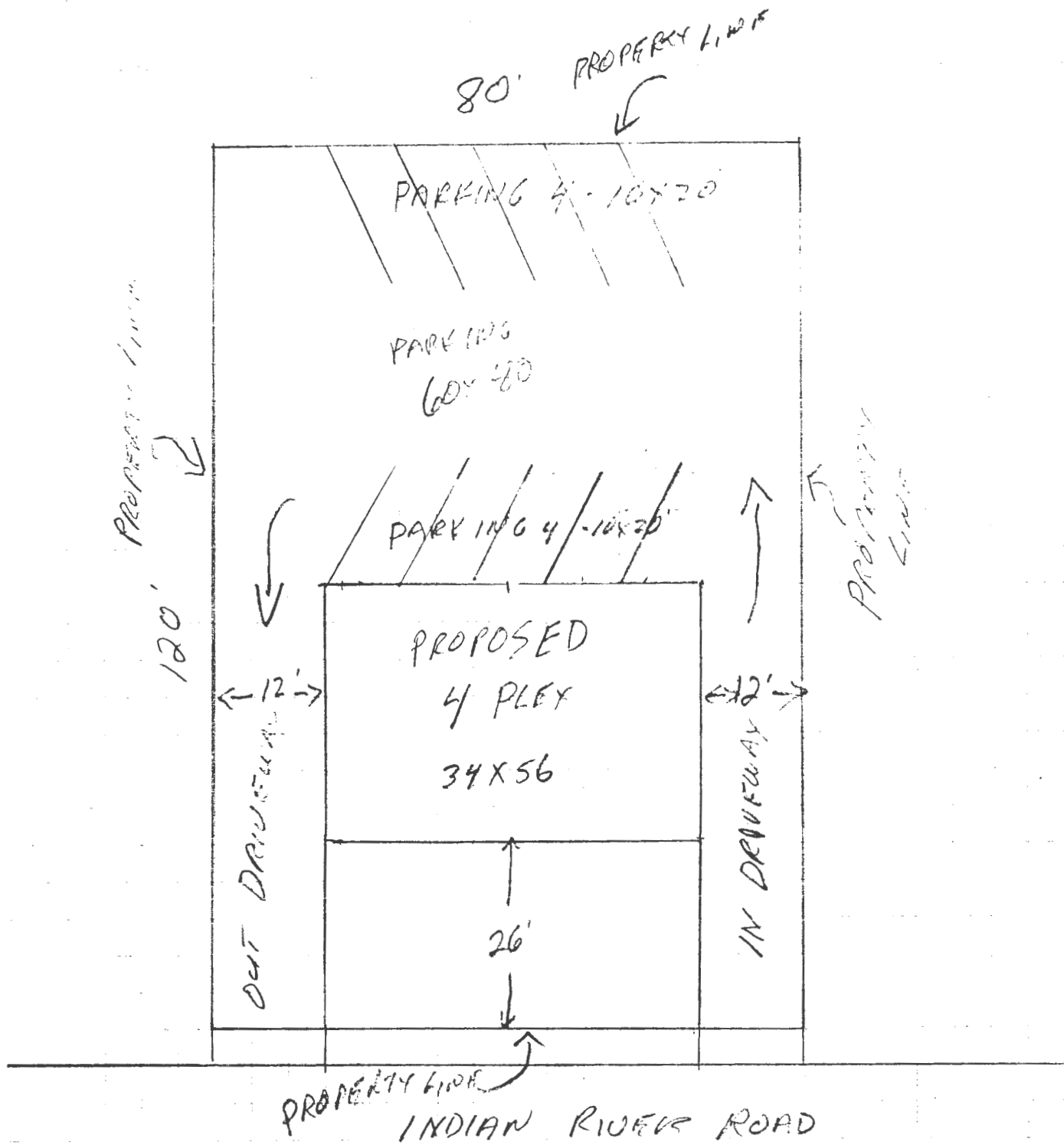
Planning Director Williams reminded Commissioners that the next meeting will be three weeks from tonight. He also updated the Commission on Delta Western and where they are in getting through the process of their bulk fuel facility.

PUBLIC BUSINESS FROM THE FLOOR

None.

ADJOURNMENT





728 INDIAN RIVER ROAD

Helem
 Square Footage Variance
 728 Indian River Road

SITKA

9,600 SQUARE FT.

SCALE 1" = 20'

Request:

Reduction of the square foot required for a 4-plex by 400 square feet.

Zoning District: R-2 MHP

- Front setback = 20 feet
- Rear setback = 10 feet
- Side setback = 8 feet

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
- Comment period closed - brought back to the board

- Motions

Tonight's Motions

- Move to approve
- Motion approving findings - required if motion passes or fails

Helem – Variance Request

728 Indian River Road

August 16, 2011

The location to this request is on Indian River Road which is off Sawmill Creek Road. It is the last property on Indian River Road on the right side. It is a vacant lot.

The applicant is asking for a reduction in the square footage in order to put in a four-plex on this 9,600 square foot lot. This would be a reduction of 400 square feet.

Code requirements found on Table 22.20-1 for the R-2 and R-2 MHP zoning districts states the minimum lot requirements as "8,000 square feet for the first two units and 1,000 square feet for each additional unit".

One comment has come in from an adjacent neighbor stating that they are opposed to a four-plex unit. However, would not have an issue with a duplex.

Following the vote on the motion, staff will propose a motion containing findings.



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 6.20.17](#)

Date	Ver.	Action By	Action	Result
5/16/2017	2	Planning Commission		
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
Attachment M: STR on Boats Plan

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.

The Alaska Harvest has achieved the USCG 5 Star Safety designation, meeting and exceeding the requirements of the Dockside Courtesy Exam. When in the harbor, the short-term rental would be operated as a bare boat charter.

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.

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.

Timeline:

May 2016 - The CBS Assembly voted to list boat short term rentals as a conditional use in the Public Zone.

October 12, 2016 - 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.

December 2016 - Port and Harbors Commission and Planning Commission discussed a short-term rentals on boats plan at a joint work session.

February 8, 2017 - Port and Harbors Commission approved the short-term rentals on boats plan.

June 9, 2017 - Port and Harbors Commission recommended approval of the conditional use permit subject to the attached conditions of approval, amended with striking condition #13, and adding a maximum occupancy of 8 guests.

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.

¹ Table 22.16.015-1

² § 22.24.010.E

³ Spack Consulting ITE Trip Generation Rates – 9th Edition

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

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

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

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

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

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

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

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

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

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 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.

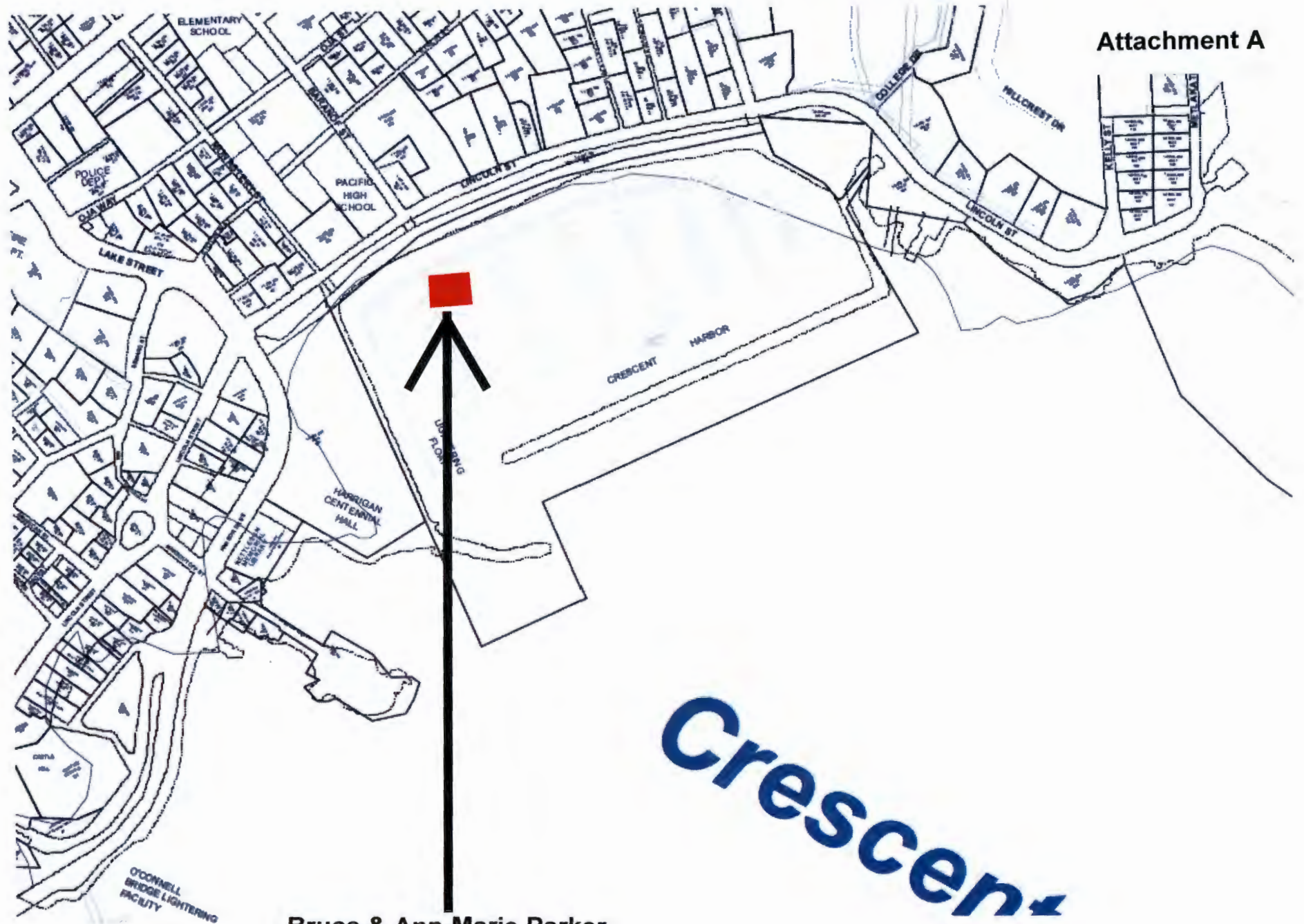
~~13. "Pursuant to SGC, Section 22.24.010(C)(2)(C), "Upon filing for sales tax and bed tax accounts, an owner shall obtain a life and safety inspection by the building department and shall comply with the requirements proposed by the department."~~

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. Occupancy shall be limited to a maximum of 8 guests.

17. 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 of Sitka, Alaska

Selected Parcel: 500 LINCOLN ID: 10258000

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



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.

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



City & Borough of Sitka, Alaska

Selected Parcel: 500 LINCOLN ID: 10258000

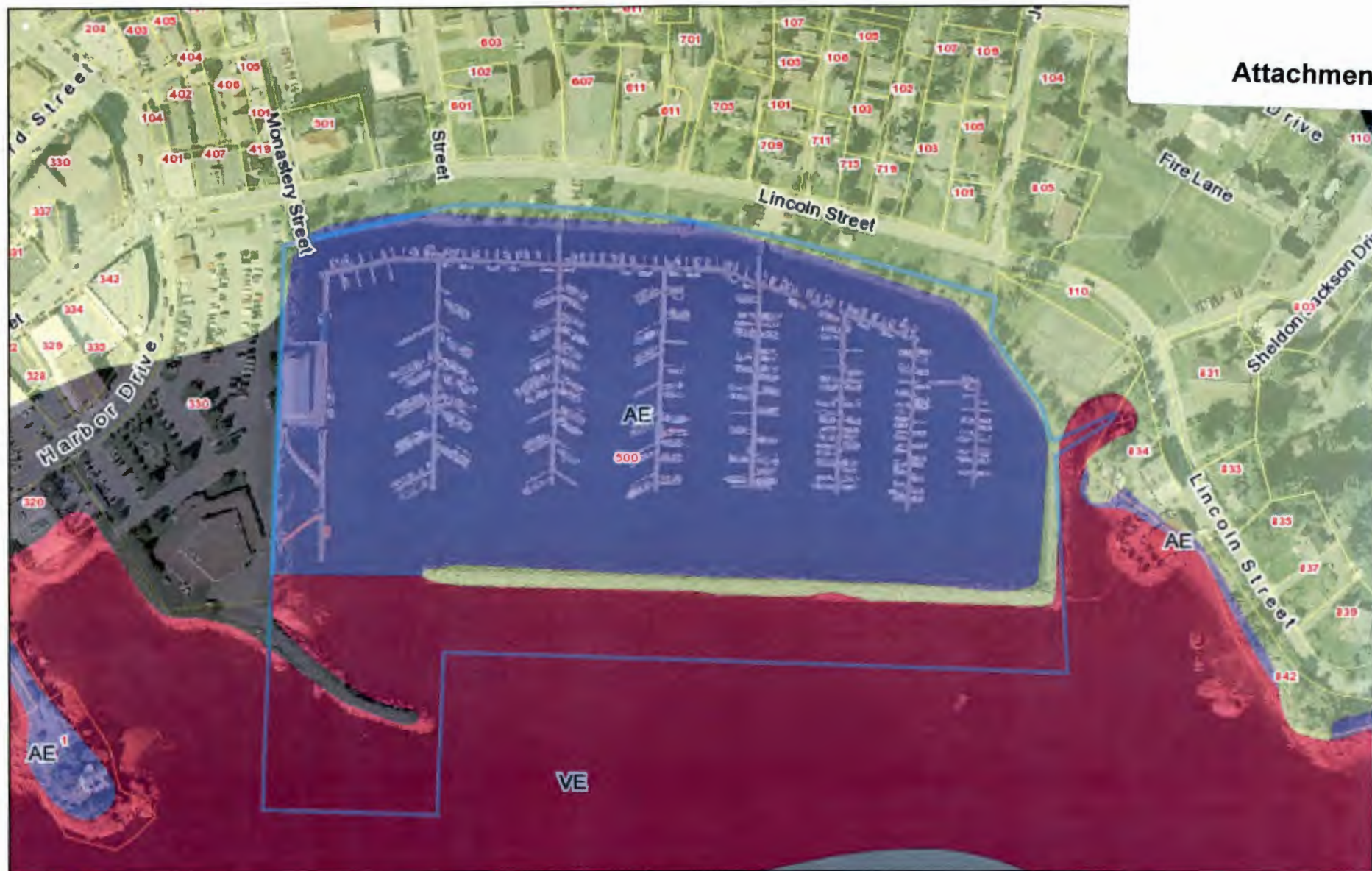
Printed on 5/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

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

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>

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

we assume no legal responsibility for the information contained herein.

Attachment E



CITY & BOROUGH OF SITKA
P.O. BOX 79
SITKA, ALASKA 99583
DRAWN BY N. C. R.
SCALE
CHECKED BY
DATE 12-10-80



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



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



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



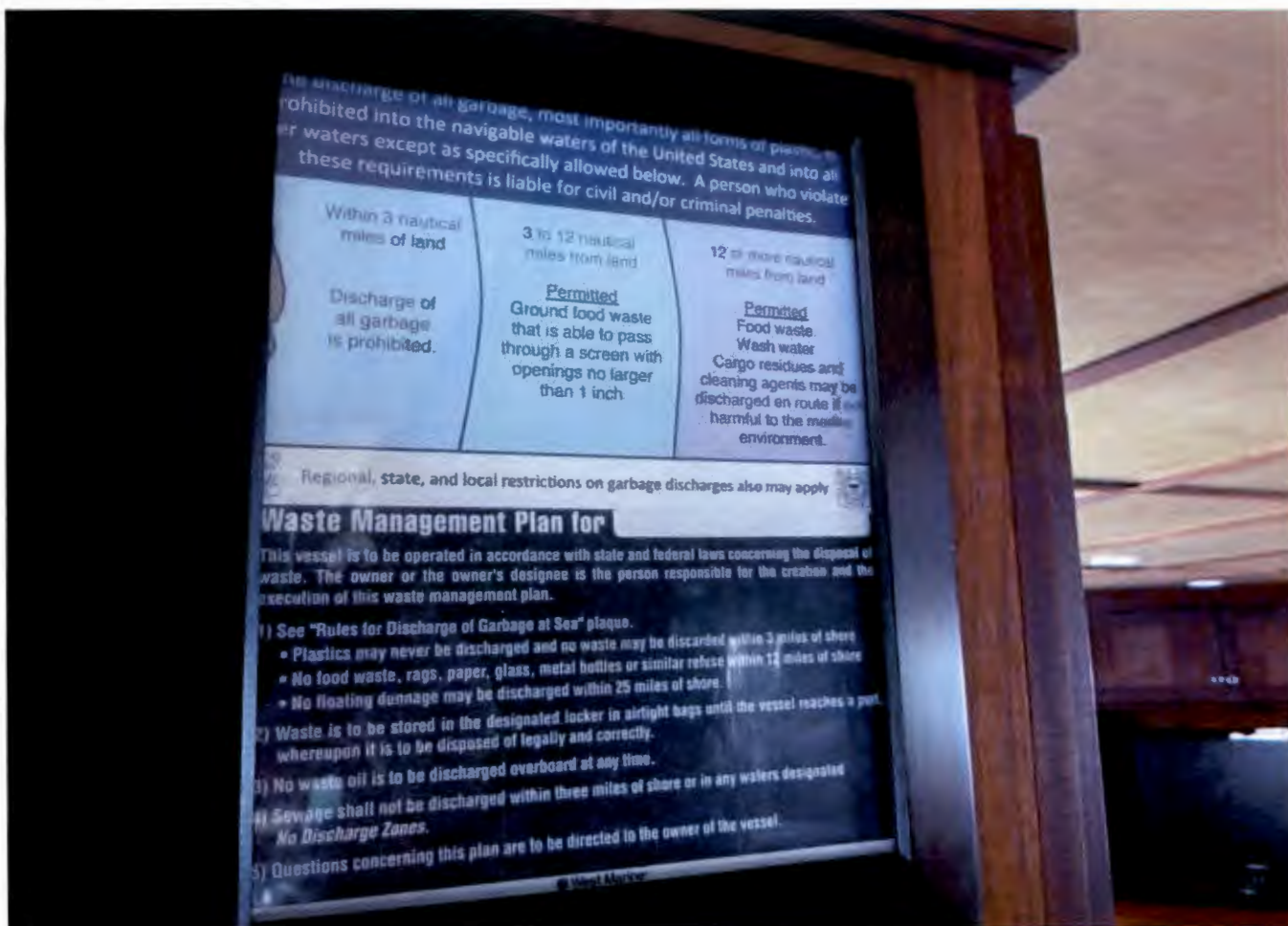
Bruce & Ann-Marie Parker
Conditional Use Permit Request
Crescent Harbor I-24



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











main lounge area.



upstairs bath



wheelhouse

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

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

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



Full Galley on main level



upstairs shared full bath

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



with private full bath.

Front stateroom sleeps four

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

PLANNING DEPARTMENT
SHORT-TERM RENTAL AND BED & BREAKFAST

Conditional
*p

Attachment G

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

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

RECEIVED MAY 25 2016

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

☒ List specific request: Conditional use of MN 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 & affordable housing options within pristine harbor setting. Our vessels are self contained water/sewer and 5 star USCG rating would be ideal for this type of visitor.

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

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

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

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

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

SIGNATURE OF APPLICANT: [Signature] 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	NAIC #
	INSURER A: Philadelphia Indemnity Ins Co	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER: GL 2014

REVISION NUMBER:

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

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

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Show Michigan Corp., ShowSpan, Inc., and their officers, officials, agents, and employees are named as additional insureds.

CERTIFICATE HOLDER

CANCELLATION

mollyh@showspan.com

Show Michigan Corp. and Showspan, Inc.
2121 Celebration Drive NE
Grand Rapids, MI

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



PARKER GUIDE SERVICE
PO BOX 6290
SITKA, AK 99835

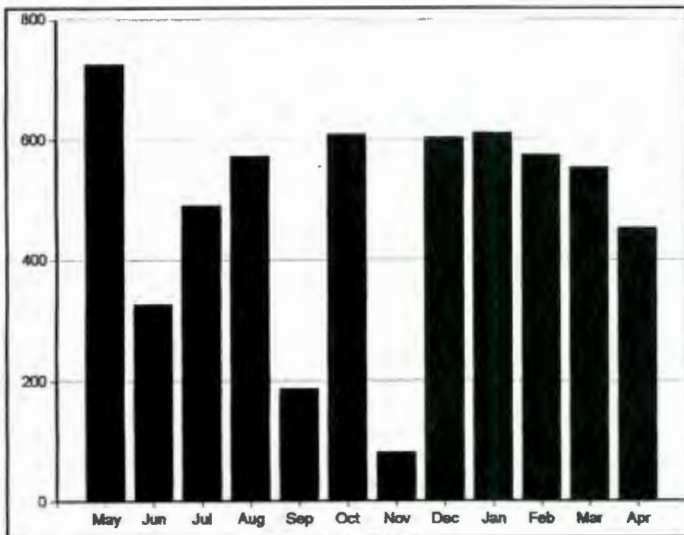
Bill Date 04/28/2016
Due Date 05/27/2016

Customer Message

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	



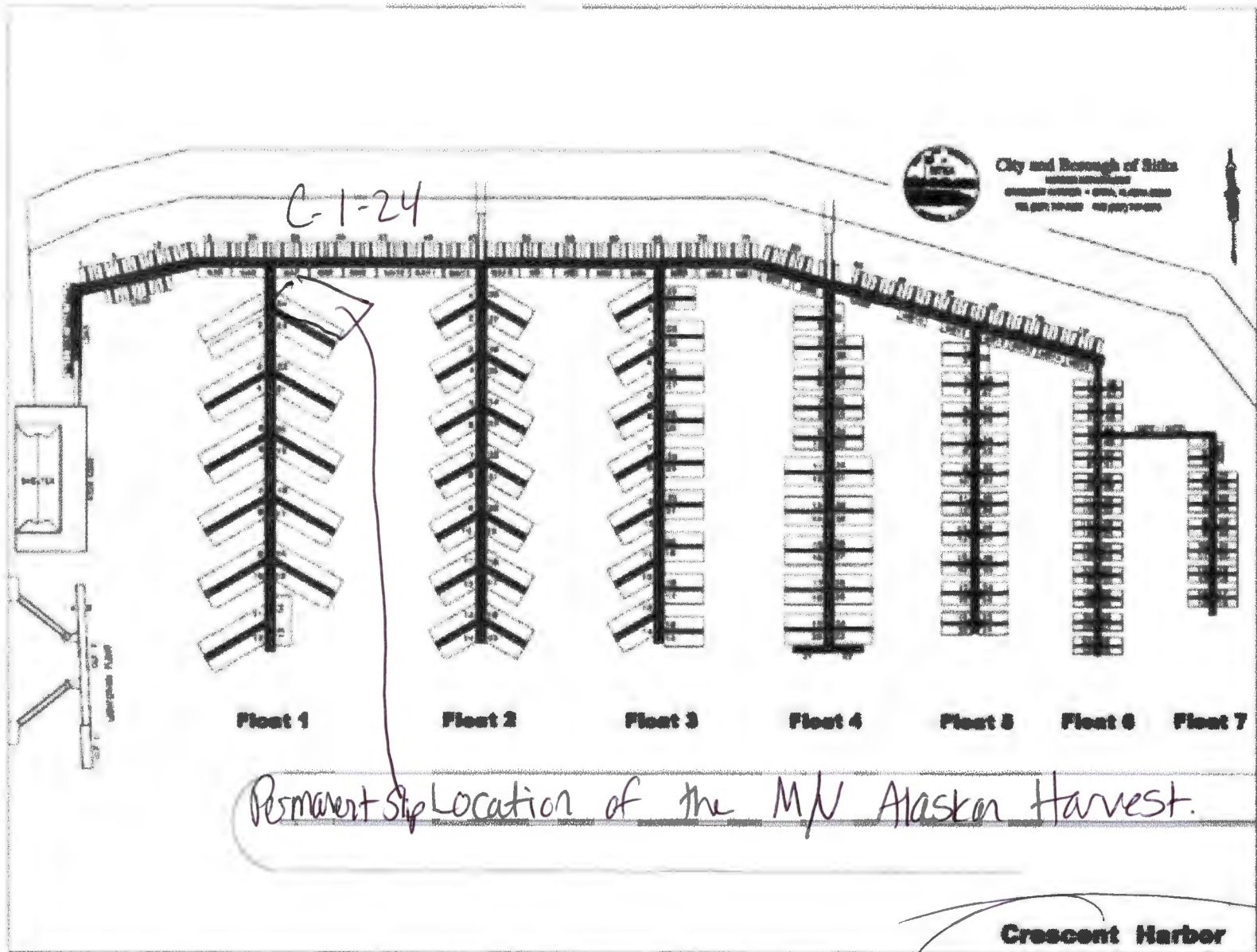
BALANCE DUE WILL BE AUTOMATICALLY PAID BY CREDIT CARD

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

Vessel Name ALASKA HARVEST			Registration or Documentation # 608668		Name: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Operator Parker Guide Service		Examination Date 3-17-16	
Length 68.4	Beam 22.0	Draft 12.0	Net Tonnage 77	Year MFG. 1979		Mailing Address PO Box 6790		
Vessel Color(s) Hull Deck Super Structure Gry Gry White			Vessel Make (MFG) DESCO		City, State, Zip SITKA, AK 99835			
Vessel Model: Cabin Cruiser			Street Address if Different than Mailing 306 Thrice St			Work Phone Number (907) 747-6026		
Usage <input checked="" type="checkbox"/> UPV	Fuel Type <input type="checkbox"/> Gas <input checked="" type="checkbox"/> Diesel <input type="checkbox"/> Other	Horse-power 450	Propulsion Type <input checked="" type="checkbox"/> Inboard <input type="checkbox"/> Outboard <input type="checkbox"/> Sail		City, State, Zip SITKA AK 99835		Cell or Home Number (907) 738-6760	
Email Addresses @E MAIL CCH ParkerGuideService AlaskaBoatHunt.COM			Operator U.S. Coast Guard License Number USA000189784			Web Site Address AlaskaBoatHunt.COM		
Operator US Coast Guard License Type PC			Name of License Holder Bruce E Parker			License Expiration Date: 19 March 2018		
Hull Structure <input type="checkbox"/> Wood <input checked="" type="checkbox"/> Fiberglass <input type="checkbox"/> Steel <input type="checkbox"/> Aluminum			Hull Identification Number 608668		Marina Slip # C-1-24		Vessel Exam Location Crescent HSR SITKA, AK 99835	
Sector Command <input type="checkbox"/> Anchorage <input checked="" type="checkbox"/> Juneau			Charter Association Membership Information <input type="checkbox"/> Not a Member					
Drug Testing Consortium Name: Beacon Occupational HHS			Address: 800 Cordova St					
City/State/Zip Anchorage, AK 99501			Address					
Telephone: 907-222-7612			Phone Number			Email Address		
If available, Crewmember Names and Most Recent Drug Test Date Name : Drug Test Date:			UPV Decal Issued: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No UPV Decal Number: 4550			5 Star Participant: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
1. BAE Widmier 10-27-2015			Initial Issue <input type="checkbox"/> Renewal: <input checked="" type="checkbox"/>			Number Stars Earned: 5		
2. Ashley Lowe 08-31-2015			Issue Date: 17 March 2016			Expiration Date: 31 December 2017		
3. Carl Brent 08-14-2015			Expiration Date: 31 December 2017					

A voluntary UPV dockside examination has been completed. However a UPV Safety Decal cannot be issued due to the following deficiencies: (note deficiency by item number, with an explanation, and identify any Extremely Hazardous Conditions (EHC). Use additional or back of sheet as required.

When these deficiencies are corrected, please call this number to schedule a re-examination:

Examiner Name: _____ Phone Number: _____

Congratulations! Your vessel is in compliance with all applicable UPV regulations. The decal is valid for 2 years provided that all regulatory and operating requirements remain current. **Please keep this form on board and show it to the Coast Guard if the vessel is boarded.**

I CERTIFY that I have personally examined the vessel and find it meets the requirements of this report at the time of the examination.

Theodore Allio **Theodore Allio** **D17-01-03**
Examiner Printed Name Examiner Signature Examiner Unit

By accepting this UPV decal I pledge to always maintain my vessel and equipment to the standard of safety qualified for during this examination. I will remove this decal if the vessel is sold or the vessel no longer meets these requirements.

Vessel Representative Signature: _____

Date: **11 March 2016**

USCGD17 UPV Examination Check List:

Vessel Name: ALASKA HARVEST

1/2012 Edition

Page: 2/3

Subject	Y	N	N/A	Subject	Y	N	N/A
1. DISPLAY OF NUMBERS, NAME, MARKINGS: Name, hailing port, proper size, current AK sticker. State vessels - 33 CFR 173. Documented vessels - 46 CFR 67.	✓			15. FUEL SYSTEM: Tanks secure, Over 7 gallons are considered permanent & must be grounded / vented. Approved hoses in good condition, no leaks. 33 CFR 183.514, 524, 528, & 572.	✓		
2. NAVIGATION LIGHTS: Proper navigation lights and all around anchor light. 33 CFR 84, COLREGS 72. Rule 20 and 23.	✓			16. POLLUTION PLACARD: Vessels 26 ft. & over w/machinery compartment. 33 CFR 155.450.	✓		
3. SOUND PRODUCING DEVICE: Vessels less than 12m. (39.4 ft) require means to make efficient sound: whistle, horn, or other. 72 COLREGS Rule 33.			✓	17. ELECTRICAL SYSTEMS: Batteries secure, terminals covered, well organized wiring, proper fuses/circuit breaker. 33 CFR 183.420.	✓		
3a. SOUND PRODUCING DEVICE: Vessel 12m or greater; whistle required. If 20m (65.6 ft) or greater, whistle and 11.8 inch bell. 72 COLREGS Rule 33.	✓			18. MARINE SANITATION DEVICE - (MSD) Installed MSDs must be approved and operable, overboard discharge secured by acceptable method. 33 CFR 159.7.	✓		
4. REGISTRATION OR DOCUMENTATION AK registration or Documentation must be current & onboard. 46 CFR 67. 33 CFR 173.	✓			19. GALLEY / HEATING SYSTEMS: Secure system, proper tank installation. No flammable material nearby. 46 CFR 25.45.	✓		
5. HULL IDENTIFICATION NUMBER or OFFICIAL Number: HIN permanently marked-33 CFR 181.23 or Official # permanently affixed- 46 CFR 67.121. If mono-hull < 20 ft, CG Capacity Plate visible. 33 CFR 183.23.	✓			20. MARINE TRASH PLACARD: Must be displayed on vessels 26 ft. and over. 33 CFR 151.59.	✓		
6. USCG LICENSE: On board, current, licensed for area of operation & tonnage. 46 CFR 15.605 & .905; 46 CFR 26.20 & 15.401.	✓			21. OVERALL VESSEL CONDITION: Bilge & Equipment area clean, well maintained. Not overloaded or overpowered. Hull sound. No visible rot.	✓		
Note : TWIC no longer required for UPV operations.			✓	22. CHARTS & PUBLICATIONS: International Rules apply. Charts, Coast Pilot, light list, tide & current table or extracts on board. 46 CFR 26.03-4.	✓		
7. TWO LICENSED OPERATORS. Operator aware of requirement for adequate watches for voyages >12 hrs. 46 USC 8104(b).			✓	23. COMMUNICATIONS: Power driven Vessel 65.6 ft (20 m) or over: Radiotelephone (VHF-FM) required. 33 CFR 26.03. Note: FCC station license not required for typical UPV unless int'l voyage.	✓		✗
8. PFDs: ONE APPROVED READILY AVAILABLE TYPE I or commercial TYPE V (Type V must be worn when not in enclosed space) of appropriate size for EACH PERSON ON BOARD. Inspect Type 5 cylinder. 46 CFR 25.25.	✓			24. WASTE MANAGEMENT PLAN: Ocean going vessels 40 ft or greater must have written plan. 33 CFR 151.57. Ocean going = greater than 3 miles beyond boundary line.	✓		
8a. EACH Type I or V PFD equipped with retro reflective material (31 sq. in) and in good serviceable condition. 46 CFR 25.25-15.	✓			25. SAFETY ORIENTATION GIVEN BEFORE EACH VOYAGE. 46 CFR 26.03 (or instructional placard provided).	✓		
8b. PFD LIGHT REQUIRED if operating beyond boundary line. Dated batteries required. 46 CFR 25.25-13.	✓		✗	26. EMERGENCY INSTRUCTIONS POSTED. 46 CFR 26.03 Instruction should cover rough weather, man overboard, and fire.	✓		
8c. CHILD PFD: USCG approved Type I, II, or III PFD must be worn by child under 13 in open skiff or on deck. AS 05.25.010(g) / 33 CFR 175.15.	✓			27. PASSENGER COUNTS TAKEN. 46 USC 3502 Note : If 100 GT or greater, master must prepare and pass ashore voyage plan with crew and passenger list. 46 CFR 26.03-9.	✓		
9. TYPE IV THROWABLE: For Vessels 16 ft. or greater and < 26': one Type IV Device. 33 CFR 175.11	✓			28. OPERATOR AWARE OF PROPER ACCIDENT AND CASUALTY REPORTING. 46 CFR 4.05.	✓		
10. RING BUOY: At least One CG approved 20 inches or greater on vessels 26 ft. and greater. Immediately available with GRAB LINE, serviceable condition. 46 CFR 25.25-5 (d).	✓			29. DRUG TESTING PROGRAM IN EFFECT: (Pre-employment, random, periodic, probable cause, serious casualty) 46 CFR 16.	✓		
11. VISUAL DISTRESS SIGNALS (VDS) INTERNATIONAL - Minimum 3 day/night flares/aerial rockets or approved signals, NOT EXPIRED. Watertight container. 33 CFR 175.110/130/135	✓			29a. CREWMEMBERS in safety sensitive position enrolled in drug testing program 46 CFR 16.210.	✓		
12. FIRE EXTINGUISHERS: CG approved, proper number & size, mounted, gauges or current inspection tags: 46 CFR 25.30.	✓			29b. MEANS FOR 2 HR ALCOHOL TEST ON BOARD following serious marine incident. 46 CFR 16.240.	✓		
13. BACKFIRE FLAME ARRESTOR: For gasoline engines only, approved type, properly installed, and clean. 46 CFR 25.35.			✓	30a. If 100 GT or greater (12 pack), operating more than 3 miles seaward of territorial sea base line, must have EBIRB CAT 1, float free 406 EPIRB on board and registered. 46 CFR 25.26-10.	✓		
14. VENTILATION: Gas engines w/ closed compartments. WARNING Label by ignition switch. Installed blower must be operable - test. 46 CFR 25.40.			✓	30b. If 100 GT or greater (12 pack), must have survival craft for ocean voyage with capacity for all on board. 46 CFR 25.25-17.	✓		
				30c. If 100 GT or greater (12 pack), 3 life rings 20 in or greater. 46 CFR 25.25-5 (d)	✓		

USCGD17 5 Star Safety Enrollment and Examination Check List

Vessel Name ALASKA Harvest
Date: MARCH 17, 2016

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5 STAR SAFETY REQUIREMENTS:

Optional Examination:

One Star awarded for each requirement satisfied.

Does the vessel request to participate in the 5 Star Program?

Y	N
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Pre-requisite: The vessel meets all UPV decal requirements on page 2 of this form.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

1. Vessel has a safety training program and the training program is documented.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

2. Vessel has high capacity bilge pump and audible high water alarm. Alarm must be heard in all parts of vessel. Test alarm and pump.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

3. Portable handheld 5 watt VHF FM Radio or properly functioning Satellite telephone. Test operation

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

4. Properly mounted and registered 406 MHZ Cat. I or Cat. II EPIRB. Tested monthly.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

5. CG Approved life raft or Inflatable Buoyant Apparatus (IBA), valise or canister type, w/ minimum capacity for all passengers carried or equivalent.

or

If operating inside the Boundary Line, a commercial quality inflatable skiff with a rated capacity for all passengers, fully inflated, in good serviceable condition, is an acceptable alternative if always carried on board and ready for immediate deployment.

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

D17 UPV/ 5 star Website:

<http://www.alaska5star.us>

Was a UPV Decal Issued?

☒ Yes ☐ No

UPV Decal #

4550

DATE EXPIRES:

12/31/17

5 Star Participant

☒ Yes ☐ No

Number Safety Stars Earned:

5

NOTICE

This check list is furnished for your information. There is no assumption of liability of any kind for either services given or any options expressed in connection with this examination. BY ACCEPTING THE UPV DECAL, YOU ARE PLEDGING TO MAINTAIN YOUR BOAT AND EQUIPMENT TO THE STANDARDS OF SAFETY EXHIBITED DURING THE EXAMINATION. THIS EXAMINATION IS NOT AN OFFICIAL BOARDING FOR LAW ENFORCEMENT PURPOSES. It is recommended that you correct any deficiencies noted for your own safety and / or compliance with regulations. ALL INFORMATION GIVEN TO THE U.S. COAST GUARD EXAMINER IS VOLUNTARY. REMOVE THE DECAL(S) IF THIS VESSEL IS SOLD or CONDITIONS ARE NO LONGER MET.

Examiner's Printed Name: Theodore Allio

Signature: Theodore Allio

Telephone Number: 907-747-5124

Owner/ Operator Printed Name: Parker Guide Service

Signature: [Signature]

Telephone Number: 907-738-6766

Distribution:

Original: Vessel Owner or Operator

Copy: USCGD17(dpi), UPV Mgr, PO Box 25517, Juneau, AK 99802

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/OCMIs 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. OCMIs 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.

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).

SECTION B: DOMESTIC INSPECTION PROGRAMS

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

- d. OCMI 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) OCMI should not delay determinations of PMC status, nor should OCMI 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.

1
2 Project: Short-term rental on boat in municipal harbor
3 Street Address: Crescent Harbor 1-24, 500 Lincoln Street
4 Legal Description: Portion of ATS 15
5 Zoning: Public
6 Applicant: Bruce and Ann-Marie Parker
7 Owner: City and Borough of Sitka
8

9 To the Planning Commission,
10

11 There is an overwhelming opposition to this proposal within the community of Crescent
12 Harbor. The undersigned are stepping forward to voice the concerns of many, in hopes that this
13 request will be denied.

14 No persons contacted the undersigned, who are adjacent neighbors to the applicant's
15 vessel in Crescent Harbor, prior their application submission. It is presumed that the applicants
16 were aware that there would be a strong opposition and neglected to follow the suggestions on
17 page 4 of the B&B/STR FAQ sheet through the City of Sitka. (See attachment B.)

18 Allowing short-term rentals in Crescent Harbor will have overwhelming impacts to its
19 users, its old infrastructure, parking, and historical use. We implore you to vote this request
20 down for Crescent Harbor and keep it as it is; some things have greater value left as is.
21 Crescent Harbor is one of those great things.
22
23

1
2 Crescent Harbor has historically been a non-transient harbor, as it is in the center of
3 town and there has always been a high concern for transient vessels bringing an unsavory
4 demographic to the area. Until recent years, over-night stay was prohibited within the harbor
5 for similar concerns to the community. The Crescent Harbor shelter is center for community
6 activities.

7
8 The Crescent Harbor parking lot is already very limited for the hard-working
9 community members who need to make a living within the harbor system and out fishing.
10 Short-term rentals in Sitka are required to have 2 parking spaces per unit. (See, attachment B.)
11 For the applicant's proposed 5 unit rental, they would need to allot 10 parking spaces. This
12 should not be taken away from year-round, moorage-paying, community members, let alone the
13 business owners and employees who often utilize parking spaces in the summer months to
14 accommodate seasonal employees within close proximity.

15
16 This type of venture the applicant is pursuing has been going on for years in Eliason
17 Harbor by several large corporate-owned yachts who lease out to a private clientele. They are
18 moored on the outer transient floats of Eliason Harbor. They fall into the definition of short-
19 term rentals and seem to be of little impact where they are located. Specifically, the vessels are
20 not on a shared finger float, and they are in a transient harbor. Eliason Harbor would seem to be
21 the proper place to stage such short-term rentals in the Sitka Harbor System, not in a confined,
22 congested, and shared space. Since the vessel according to the owners attached description says
23

1
2 that it is possible to have up to 16 people renting rooms, this is more like a lodge/hotel and
3 should not be allowed in Crescent Harbor.
4

5 Existing short-term rentals on vessels in Sitka are also required to have a USCG
6 Licensed Captain onboard at all times when rented out, even while in moorage, per USCG
7 regulations. (See, Attachment D.) Having a licensed captain onboard a vessel with passengers
8 for hire is required. This is for safety, per USCG regulations, and addresses many concerns of
9 having onboard management and accountability for transient peoples.
10

11 Although the Ports and Harbors voted to allow short-term rentals in the harbor system in
12 December of 2016, they did it with a broad stroke of the pen. They did so without recognition
13 of the non-transient status of Crescent Harbor. This status is unique, as opposed to the other
14 local harbors where transients are allowed to differing degrees. Short-term rentals are a non-
15 conforming use to Crescent Harbor and should not be allowed, as there are harbors much better
16 suited for this intent, such as Eliason Harbor.
17

18 The Harbormaster has strong enough reservations about liability, that he imposed a
19 condition of a large insurance policy for the short-term rental applicant. This was a good start,
20 but it does nothing to cover the adjacent vessels who share the finger float or are within close
21 proximity to the applicant who conduct business, who come and go at all hours of the day and
22 night, all year-round. It is cringe-worthy to imagine the potential for catastrophe if the shared
23 float is occupied by a group of people who are not aware of the process of tying up a vessel

1
2 loaded with product in the middle of the night. Mooring vessels occasionally bump the dock
3 and can knock people into the water, where it is tragically critical they not be in the direct path
4 of a vessel. Transient people are more than likely unaware of the critical necessity to be out of
5 the way in this type of scenario. It is far too realistic that casualties can occur, especially when
6 the hypothetical transient people are allowed to consume alcohol in large groups.

7
8 It is great that the applicant would encourage their clients not to consume "excessive"
9 amounts of alcohol, though it is unclear how any of their suggestions would be enforced.
10 Similarly, the harbor regulations stating that there should be no loud noise after 8pm would be
11 difficult to enforce on a vessel with up to 16 people on vacation.


12
13 We urge you to deny this Conditional Use request at stall 1-24, and consider placing
14 any requests like this in Eliason Harbor where they would be better suited with much less
15 negative impact to users and the harbor system alike.

16
17 A particular concern for the said applicant vessel is not having enough fire escapes for
18 the amount of people to be on-board at any given time. The placement of staterooms, escape
19 routes, and accessibility are all things to consider. Having clients unable to evacuate in an
20 emergency is not safe for anybody. It is suggested that the applicant's vessel have an inspection
21 to ensure safety of passengers if any permit should be approved in the future.
22
23

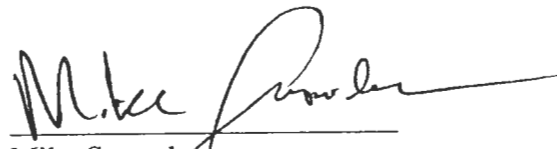
1
2 Please remember that floats 1-6 in Crescent Harbor are over 90% working fishing
3 vessels, who contribute greatly every day of every month of every year to our community.
4 These owners' vessels are not just "homes away from home" they are the community
5 members' livelihoods. Please do not negatively impact the lives of these community members
6 by approving this conditional use request.
7

8 The undersigned strongly oppose the approval of this application and request the
9 application be denied. The content of this letter is true and accurate to the best of our
10 knowledge. Thank you for hearing our concerns for the safety and well-being of our
11 community.
12
13

14
15 DATED: 5/16/17


John Bahrt
FW Kristina
Sitka, Alaska 99835

16
17
18
19 DATED: 5/16/17


Mike Snowden
M/V Gloria
Sitka, Alaska 99835

20
21
22
23
cc: City Admin.
City Assembly

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 Hol

RECEIVED

SEP 23 2016

City & Borough of Sitka-
Clerk's Office

To Planning Commission

RECEIVED JUL 18 2016



City and Borough of Sitka

100 Lincoln Street
Ph: 747-1808

Sitka, Alaska 99835
Fax: 747-7403

PUBLIC COMMENT FORM

☐ Compliment

☒ Comment

☐ Complaint

Date: July 15, 2016

Name: Marcia Strand

Address: 402 Baranof

Phone: 752-0438

Statement:

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

1. Absentee boat owners -

a. Poor accountability *most likely -*

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

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

leisure expectations like a motel room.

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

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

3. OTHER:

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

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

4. Will hirees and city services be adequately compensated for all

above??????

For
Office Use
Only

Referred to

Department:

Signed by:

Response/date provided (forward to Administrator):

- 4) Assembly Liaison – Mayor Matthew Hunter let the commission know that he had a meeting with USCG. The USCG is doing pulmonary studies on basing two new cutters in Sitka. The Cutters would each have a crew of 24 staff. They are looking at locations for the location of the cutters. Mayor Mathew Hunter, stated that he knew the USCG was interested in extending the maple dock, however they could be interested in the marine service center dock. Mayor Hunter, felt this maybe a great location and another way the City could reduce their infrastructure.
- 5) Other (s) - None

VIII. UNFINISHED BUSINESS

None.

IX. NEW BUSINESS

- 1) Short term rental – Ann-Marie Parker, Crescent 1-24
M – Gordon/S- Arnold made a motion to recommend approval of the conditional use permit, subject to the attached conditions of approval, amended with striking condition #13, and adding a maximum occupancy of 8 guests. Motion carried unanimously.
- 2) Short term rental – Brooks Areson, Cameo Padilla, Eliason Harbor 3-08
Cameo Padilla presented their short term rental plan for their vessel in Eliason Harbor float 3, stall 8.
- 3) Zoning map amendment for ANB and Eliason/Thomsen to become public lands zone.
M-Jones/S- Arnold made a motion to recommend the 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 U.S Survey 2542, a Portion of ATS15, ATS1496 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. Motion carried unanimously.

X. SET NEXT MEETING DATE AND AGENDA ITEMS

- 1.) The next regular meeting would be held Wednesday, Sept 13, 2017.
- 2.) Agenda Items for next meeting; Infrastructure reduction, moorage rates, Sealing Cove boat trailer issues.

XI. ADJOURNMENT

M – Chair Nurco/S – Arnold made a motion that the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 7:35pm.

Attest:
Chuck Hackett, Deputy Harbormaster

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

P&Z Mailing
June 9, 2017

Mike Snowden
Box 257
Sitka AK, 99835

Kevin Kambak
Box 426
Sitka AK, 99835

Moses Johnson
1413 HPR
Sitka AK, 99835

Todd Miller
Box 1626
Sitka AK, 99835

Roger W. Bleir
702 Biorka St.
Sitka AK, 99835

Phil Wyman
Box 2507
Sitka AK, 99835

Scott Winnop
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Mark Young
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Eric Blankenship
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Bert Stromquist
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Nick Olney-Miller
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Sitka AK,99835

Bae Olney-Miller
505 O'Cain Ave.
Sitka AK, 99835

Rachel Slabaugh
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Homer AK,99603

Christopher Brewton
7 Maksoutoff St.
Sitka AK, 99835

Lee Hanson
Box 2594
Sitka AK, 99835

Allen Marine Inc.
Box 1049
Sitka AK, 99835

Brian Blankenship
4316 Vallhalla Dr.
Sitka AK, 99835

Paul Blankenship
500 Lincoln St. #B6
Sitka AK,99835

Frances K. Bahrt
Box 1654
Sitka AK, 99835

P&Z Mailing
June 9, 2017

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P&Z Mailing
May 5, 2017

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P&Z Mailing
May 5, 2017

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P&Z Mailing
December 9, 2016

Attachment I

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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
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601-B LINCOLN ST.
SITKA AK 99835

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

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

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

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

P&Z Mailing
June 10, 2016

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 TIDE LANDS
~~C/B OF SITKA~~
~~100 LINCOLN ST~~
SITKA AK 99835

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

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

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

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

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

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

Parcel ID: 11210000
CHARLES/CHRISTI HORAN
HORAN, CHARLES, E./CHRISTINE, M.
P.O. BOX 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: 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-Maïe Parker
Conditional Use Permit Request
Crescent Harbor I-24



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
ning 100.00
STL - Sales Tax 2nd quarte
r CY 6.00
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

PAID
MAY 25 2016
CITY & BOROUGH OF SITKA

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) 700-8362
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

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Short-term Rentals on Boats

Joint planning by the Port & Harbor Commission and the Planning Commission

The purpose of this plan is to create a framework of approval for short term rentals in boats. In 2015, an interested citizen approached the Planning Department with a zoning text change application to allow short term rentals in the P public zone and more specifically in the municipal harbors. After discussion, the Planning Commission recommended approval to the Assembly and the Assembly approved the ordinance.

Since taking effect, there have been two applications for short term rental on a boat. Both have been in Crescent Harbor however the type and size of the vessels have varied.

Upon adjudicating, it became clear that more definition on the process of approval, collaboration on permitting with the United States Coast Guard, notification procedures, etc. was needed.

This plan is a result of a joint worksession between the Port and Harbor Commission and the Planning Commission.

The goal of the plan is to clearly state the review process so applicants can be aware prior to submitting.

Attachments:

Zoning Text Change Application

Planning Commission Minutes

Assembly Ordinance and Minutes

Review Process

1. Consultation with Planning Department on application requirements.
2. Consultation with USCG and inspection. Dockside Courtesy Exam would be completed to address fire, bilge, smoke and carbon monoxide, and sewer.
Vessel then falls into one of the three USCG classifications; 1) Bare Boat Charters, 2) Uninspected Passenger Vessel with Captain on Board at all times or 3) COI- Certificate of Inspection.
3. Completed application is submitted to the Planning Department. Fee is collected.
4. Short term rental on boats plan is consulted to ensure application meets all requirements.
5. Application is forward to Port and Harbor Department for review.
6. Port and Harbor Department scheduled review by the Port and Harbor Commission at their next regularly scheduled meeting.
7. If approved by Port and Harbor Commission, application will be scheduled for review by the Planning Commission at their next regularly scheduled meeting.
8. If approved applicant must fill out paperwork for business license and bed tax.
9. Short term rental Annual Report will be required and submitted to the Planning Department annual.
10. Any meritorious complaints will be addressed at a regularly scheduled Port and Harbor Commission meeting. Should the Commission feel the applicant is not in compliance with Port and Harbor Regulations and/or conditions associated with the permit approval, the Commission has the authority to revoke the short term rental on boats permit.

Notification Process

The public notification process will be increased from current SGC standards due to the harbor environment.

Notification for both the Port and Harbor Commission and Planning Commission meetings for approval will include:

- 1.) Newspaper agenda notification
- 2.) E-gov email notification to subscribers of Port and Harbor Department or Planning Department
- 3.) Harbor bulletin board notification
- 4.) Notification posted on vessel
- 5.) Mail notification to all float renters

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. ~~The boat shall meet all Fire Marshal requirements, including but not limited to smoke alarms, carbon monoxide alarms, fire extinguishers, ventilation, emergency lighting, and emergency escape openings.~~ ***"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. ~~Shall receive review and recommendations to Planning Commission from the Port and Harbors Commission.)~~ ***"Permit to be reviewed by the Planning Commission after 6 months to address any impacts, concerns, and to allow Port and Harbors Commission the opportunity to review and comment on the permit."***
16. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Number of Short Term Rentals on Boats

Harbormaster Stan Eliason is recommending that there be a limit of 2 short term rentals on boats per harbor resulting in a total of no more than 10 short term rentals on boats.

This number may change based on a recommendation from the Port and Harbor Commission.

Should the need arise, a waitlist will be developed and kept at the Port and Harbor Office.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: P 17- 03 **Version:** 1 **Name:**
Type: Subdivision **Status:** AGENDA READY
File created: 6/2/2017 **In control:** Planning Commission
On agenda: 6/20/2017 **Final action:**
Title: Public hearing and consideration of a replat request for 210 Lake Street and 404 Oja Way. The properties are also known as Portion Lot 1, 2, 3, and C82 Block 10 US Survey 1474, Tract A. The request is filed by Western Steel, Inc. The owner of record is Sitka Residences, LLC.

Sponsors:

Indexes:

Code sections:

Attachments: [Aspen 6.20.17](#)

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: P 17-03
Proposal: Request for replat at 210 Lake Street and 404 Oja Way
Applicant: Western Steel, Inc.
Owner: Sitka Residences LLC
Location: 210 Lake Street and 404 Oja Way
Legal: Portion of Lots 1, 2, 3, and C82 of Block 10 US Survey 1474 Tract A
Zone: CBD Central Business District
Size: Current: 6704 and 14,037 square feet
Proposed: 21,290 square feet
Parcel ID: 1-1052-000, 1-1070-000
Existing Use: Commercial and Residential
Adjacent Use: Commercial, Public, Residential
Utilities: Existing
Access: Lake Street

KEY POINTS AND CONCERNS:

1. Findings: Staff recommends findings:
 - That the proposed replat complies with the Comprehensive Plan and Sitka General Code Titles 21 and 22 by facilitating the creation of on-site parking for a hotel; and
 - That the replat would not be injurious to public health, safety, and welfare.
2. Key Point: The purpose of the replat is to further develop the hotel property, which is a permissible use within the CBD zone. The specific expansion will allow for a parking lot and reduced building code requirements regarding construction near a property line. Single-family residential use is not a permissible use, but a legal nonconforming use. Ultimately, the zoning would indicate an intent for single family use to be replaced with business or mixed use.
3. Adjacent residential use would like a fence installed to mitigate impacts from parking lot and hotel use. It appears the applicant in good faith is willing to install a quality wood fence that would mitigate impacts to adjacent uses.

RECOMMENDATION:

Staff recommends that the Planning Commission find P 17-03 to be consistent with Sitka General Code Titles 21 and 22 and the Comprehensive Plan and to approve the replat application for 210 Lake Street and 404 Oja Way.

ATTACHMENTS

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

Attachment F: Parcel Pictures
Attachment G: Application
Attachment H: Flood Zone Map
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Warranty Deed

BACKGROUND

This property consists of four legal lots held by one owner, Sitka Residences, LLC. These lots were created as part of the Sitka Townsite. Lots 1, 2, and C82 have historically been owned together, so square footages and street addresses have been combined into one unit for Assessing and GIS purposes.

An office building and a single-family residence previously existed on the lots. The office building has since been demolished and replaced by a hotel. The single-family house is existing but demolition plans are impending. The space occupied by the house will be converted into on-site parking for the hotel.

PROJECT DESCRIPTION

This request is to replat the four lots into one lot. The properties at 210 Lake Street and 404 Oja Way are in the Central Business District. The CBD zone does not prescribe a minimum lot size.¹ The existing lots are 6704 and 14,037 square feet. The replat of these four lots would result in a 21,290 square foot lot.

ANALYSIS

Project/Site: A hotel is under construction on Lots 1, 2, and C82. A single-family structure exists on portion of Lot 3 but is scheduled for demolition. The lots are fairly flat. Setbacks in the Central Business District are determined by the Planning Director's approval of the site plan. There is no requirement for building lot coverage. The hotel under construction meets the 50 foot height limit.

The applicant seeks to combine these four legal lots together for the purpose of providing on-site parking for the hotel.

Traffic: The overarching plan is to create on-site parking that would be accessed from Oja Way. This would increase traffic flow on Oja Way, a municipal street. Flow of traffic and the associated noise, exhaust, and lights could impact adjacent residential use. The applicant in good faith appears agreeable to install a fence that will mitigate these impacts.

¹ Table 22.20-1—Development Standards

Parking: Parking will be provided in an on-site lot; however, on-site parking is not required in the Central Business District.

Noise: Parking could create more noise than a single-family residential property, but this is to be expected in the Central Business District.

Public Health or Safety: Replat would facilitate creation of on-site, off-street parking. No concerns.

Habitat: No concerns.

Property Value or Neighborhood Harmony: The intended use of a hotel with parking provides similar uses as other business in the area, and with the bonus of additional parking.

Conformity with Comprehensive Plan: The proposal conforms to Comprehensive Plan Section 2.3.17 which states, "To seek out and expand downtown parking capacity wherever possible" by facilitating the creation of on-site parking for the hotel under construction.

FINDINGS:

Staff recommends the following findings:

- 1) That the proposed replat complies with the Comprehensive Plan and Sitka General Code Titles 21 and 22 by facilitating the creation of on-site parking for a hotel; and
- 2) That the replat would not be injurious to public health, safety, and welfare.

RECOMMENDATION

It is recommended that the Planning Commission adopt the staff analysis and move to approve the replat of 210 Lake Street and 404 Oja Way.

RECOMMENDED MOTIONS

- 1) I move to adopt and approve the findings as discussed in the staff report.
- 2) I move to approve the replat request for 210 Lake Street and 404 Oja Way. The properties are also known as Portion Lot 1, 2, 3, and C82 Block 10 US Survey 1474, Tract A. The request is filed by Western Steel, Inc. The owner of record is Sitka Residences, LLC.





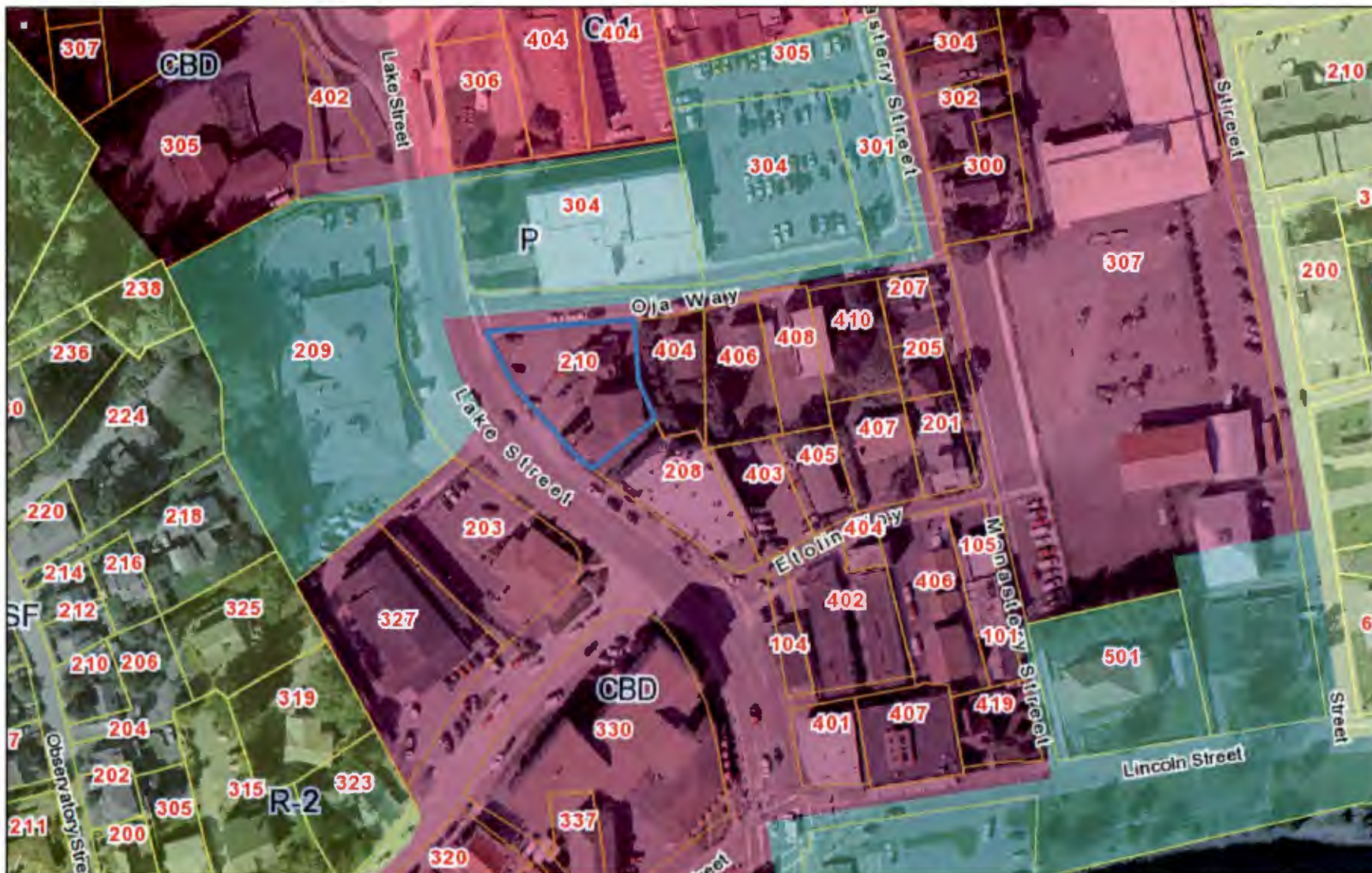
City & Borough of Sitka, Alaska

Selected Parcel: 210 LAKE ID: 11052000

Printed 5/30/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



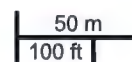
This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.



City & Borough of Sitka, Alaska

Selected Parcel: 210 LAKE ID: 11052000

Printed 5/30/2017 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.

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

DATE _____ OWNER _____ (SIGNATURE) _____

DATE _____ OWNER _____ (SIGNATURE) _____

US OF AMERICA
STATE OF ALASKA
CITY & BOROUGH OF SITKA

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

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

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

MY COMMISSION EXPIRES _____

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

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

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

ASSESSOR, CITY AND BOROUGH OF SITKA

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

DATE _____ CHAIRMAN, PLATTING BOARD _____

SECRETARY

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

DATE	DAY
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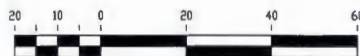
CITY AND TROUGH DECK

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

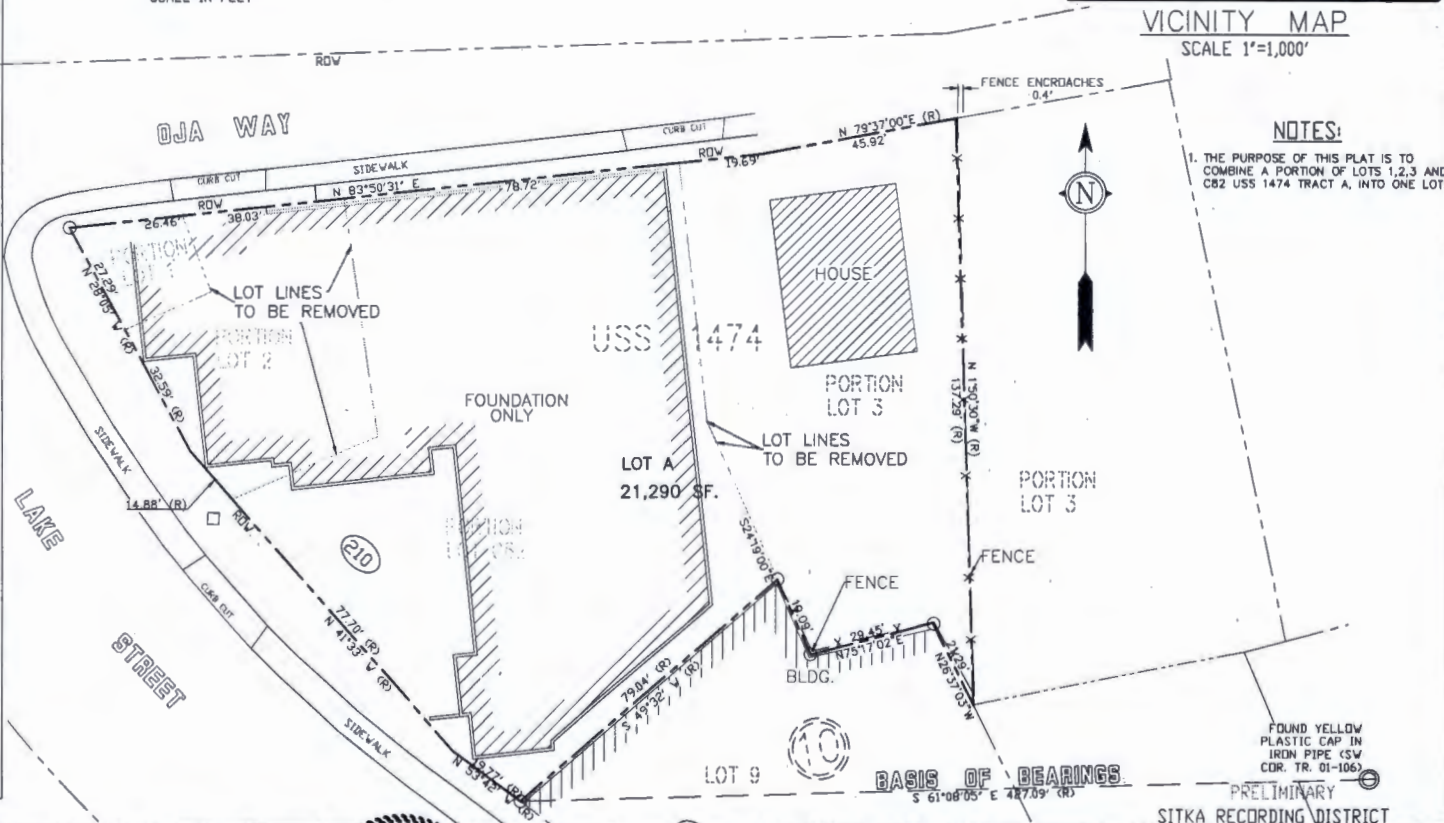
(ALL OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

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

FINANCE DIRECTOR
CITY & BOROUGH OF SITKA



SCALE IN FEET

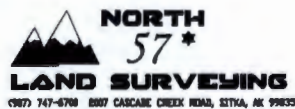


☒ PRIMARY CONTROL MONUMENT RECOVERED (BRASS CAP)
☒ SECONDARY MONUMENT (SET)
☐ SECONDARY MONUMENT (RECOVERED)
 (R) RECORDED DATA
 (C) COMPUTED DATA
 (M) MEASURED DATA



SCALE 1"=1,000'

1. THE PURPOSE OF THIS PLAT IS TO COMBINE A PORTION OF LOTS 1,2,3 AND C82 USS 1474 TRACT A. INTO ONE LOT.



BY _____	DATE _____	REV. _____		DESCRIPTION OF CHANGE _____
----------	------------	------------	--	-----------------------------

RECORD OF REVISIONS



DESIGNED BY K. STUELL
 DRAWN BY JCH/ACB
 CHECKED BY KT
 DATE OF PLT 30 MAY 2017
 SCALE 1" = 20'
 DRAWING NAME 40059-01
 PROJECT NTI 40059-01

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

DATE _____ KELLY OMELI _____ L.S. 1320 _____

POR. LOT 1, 2, 3 AND C82
BLOCK 10 USS 1474. TRACT A

CLIENT: ASPEN HOTELS

Sur. No. 226.

SWAN
LAKE

LAKE

AVENUE

STREET

PESCHOUROFF
STREET

STREET

JUN 1904
T.D.

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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: The combining of four lots
into one lot.

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: Western Steel Inc.

PROPERTY OWNER ADDRESS: 1105 Porter Way, Milton, WA 98354

STREET ADDRESS OF PROPERTY: 210 Lake St and 404 Oja Way

APPLICANT'S NAME: Georges@aspenmanagement.net

MAILING ADDRESS: _____

EMAIL ADDRESS: _____ DAYTIME PHONE: 206-954-1931

PROPERTY LEGAL DESCRIPTION:

TAX ID: 11052000 11070000 LOT: 1, 2, 3, and C82 BLOCK: 10 TRACT: A

SUBDIVISION: _____ US SURVEY: 1474

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

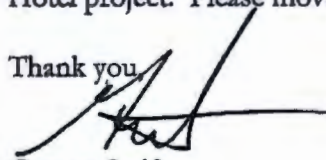
SITKA RESIDENCES, LLC
ADMINISTRATIONS OFFICE
1105 Porter Way ~ Milton, WA 98354
Ph: 253/ 250 – 5308 Fx: 253/ 250 – 5320

June 1, 2017

Michael Scarcelli,

Please accept North 57 Land Survey's application for the consolidation of the lots for the Aspen Hotel project. Please move forward with the application.

Thank you,



George Swift
Manager/Owner

Property Info:
Aspen Suites Hotel ~ Sitka
210 Lake Street ~ Sitka, AK 99835

Samantha Pierson

From: Michael Scarcelli
Sent: Friday, June 16, 2017 9:04 AM
To: Samantha Pierson
Subject: FW: 404 Oja replat

Comment received yesterday from adjacent property owner regarding replat of aspen. For file. I will address in staff report.

From: Roy Anderson [mailto:rtanderson@ahfc.us]
Sent: Thursday, June 15, 2017 3:56 PM
To: Michael Scarcelli <michael.scarcelli@cityofsitka.org>
Subject: 404 Oja replat

Michael, we spoke earlier this week regarding a fence along the property line between 404 Oja and my property 406 Oja. I would like a conduction of the property replat to make sure the owner of 210 Lake/404 Oja build and maintain a 6' fence. With traffic going and coming in what will be their parking lot head lights will be shining in my windows. And the fence would cut down on this problem. Thank Roy & Ronda Anderson

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City & Borough of Sitka, Alaska

Selected Parcel: 210 LAKE ID: 11052000

Printed 5/30/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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

Parcel ID: 10860000
SCOJO, LLC
WESTMARK SITKA
SCOJO, LLC
330 SEWARD ST.
SITKA AK 99835

Parcel ID: 11052000
SITKA RESIDENCES, LLC
SITKA RESIDENCES, LLC
1105 PORTER WAY
MILTON WA 98354

Parcel ID: 11080000
EDWARD/JOYCE MARTIN JOINT
LIVING TRUST
MARTIN, JAMES, E./JOYCE, M.
830 FRANKTON RD
HOOD RIVER OR 97031

Parcel ID: 11125000
CHRISTIE/COLIN JONES/HERFORTH
JONES, CHRISTIE/HERFORTH, COLIN
P.O. BOX 2728
SITKA AK 99835-2728

Parcel ID: 11155000
RUTH ROBINSON
ROBINSON, RUTH ANN
5969 CENTRAL AVENUE
ANACORTES WA 98221

Parcel ID: 10900000
CITY & BOROUGH OF SITKA
FIREHALL
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

Parcel ID: 11070000
WHITE HOUSE, LLC
WHITE HOUSE, LLC
117 GRANITE CREEK RD, STE 201
SITKA AK 99835

*Same owner as
11052000*

Parcel ID: 11090000
ERIC/BRITA SPECK
SPECK, ERIC & BRITA
607 ETOLIN ST
SITKA AK 99835-7639

Parcel ID: 11130000
SITKA PROF. CTR., LLC
C/O DAVIS REALTY
SITKA PROF. CTR., LLC
208 LAKE ST, STE D
SITKA AK 99835

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

Parcel ID: 10905000
DOCK STREET BLDG. CORP.
DOCK STREET BLDG. CORP.
P.O. BOX 7920
KETCHIKAN AK 99901-7920

Parcel ID: 11075000
ROY/RONDA ANDERSON REVOCABLE
TRUST
ANDERSON TRUST, ROY & RONDA
118 MILLER DR
SITKA AK 99835

Parcel ID: 11095000
GAIL JOHANSEN
JOHANSEN, GAIL, A.
3511 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 11148000
SITKA PROF. CTR., LLC
C/O DAVIS REALTY
SITKA PROF. CTR., LLC
208 LAKE ST, STE D
SITKA AK 99835

Parcel ID: 12435000
CITY & BOROUGH OF SITKA
MUNICIPAL-STATE OFFICE BL
C/B OF SITKA
100 LINCOLN ST
SITKA AK 99835

P&Z Mailing
June 9, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 5/30/17

To: North 57

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

Variance.....	
Conditional Use Permit.....	
Minor Subdivision.....	50.00
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	3.00
TOTAL.....	53.00

Thank you

PAID

MAY 30 2017

CITY & BOROUGH OF SITKA

**WHEN RECORDED RETURN TO:**

Name: Sitka Residences, LLC
Address: 1105 Porter Way
Milton, Washington 98354

WARRANTY DEED

THIS INDENTURE, made and entered into this 18 day of November, 2015 by and between

Sitka Professional Center Building, LLC

whose mailing address is: P.O. Box 257, Sitka, AK 99835, **GRANTOR**, and

Sitka Residences, LLC

whose mailing address is: 1105 Porter Way, Milton, Washington 98354, **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:

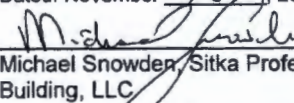
Lot One (1) Lot Two (2) and Protocol Lot C-Eighty-Two (C82), all in Block Ten (10), Sitka Townsite U.S. Survey 1474. Sitka Recording District, First Judicial District, State of Alaska.

Excepting therefrom that portion conveyed to the City and Borough of Sitka, Alaska, by Deed recorded in Book 38, Page 729 & 730.

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: November 18, 2015


Michael Snowden, Sitka Professional Center Building, LLC


Gloria R. Snowden, Sitka Professional Center Building, LLC

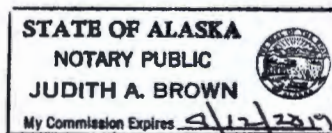
STATE OF ALASKA

FIRST JUDICIAL DISTRICT

)
) ss.
)

On this day personally appeared before me: Michael Snowden and Gloria R. Snowden 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 18th day of November, 2015




Notary Public in and for the State of Alaska
My commission expires: 8/12/2017



AFTER RECORDING, RETURN TO:

Sitka Residences, LLC
1105 Porter Way
Milton, Washington 98354

AETIA 54134

WARRANTY DEED

A.S. 34.15.030

The Grantor, **WHITE HOUSE, LLC, an Alaskan Limited Liability Company**, whose address is 106 Lincoln Street, 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, conveys and warrants to **SITKA RESIDENCES, LLC**, Grantee, whose mailing address is 1105 Porter Way, Milton, Washington 98354, the following-described real estate:

A fractional part of Lot Three (3), Block Ten (10), U.S. Survey 1474, Tract A, Sitka Townsite, Sitka Recording District, First Judicial District, State of Alaska, more particularly described as follows:

BEGINNING at the Northwest corner of Lot 3, Block 10, as Corner No. 1; thence S 6°11' E a distance of 69.63 feet to Corner No. 2; thence S 24°19' E a distance of 59.55 feet to Corner No. 3; thence N 75°17' E a distance of 29.45 feet to Corner No. 4; thence S 26°37' E a distance of 21.30 feet to Corner No. 5; thence N 1°50'30" W a distance of 137.29 feet, more or less, to the boundary of Oja Way and Corner No. 6; thence S 88° 06' W along Oja Way a distance of 65.67 feet, more or less, to Corner No. 1 and the point of beginning.

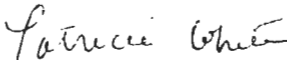
EXCEPTIONS THEREFROM: that portion adjacent to Oja Way conveyed to the City and Borough of Sitka by Warranty Deed recorded March 18, 1977 in Book 38 at Page 726.

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

DATED this 12 day of May, 2017.

GRANTOR: **WHITE HOUSE, LLC, an Alaskan Limited Liability Company**

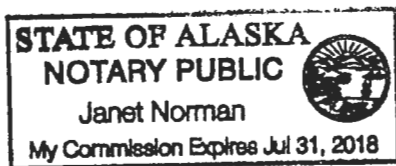
By: 
Dirk White, Member

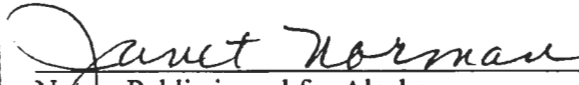
By: 
Patricia White, Member

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 12th day of May, 2017, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **Dirk White** and **Patricia White** to me known and known to me to be the Member of **WHITE HOUSE, LLC**, and known to me to be the person who signed the foregoing instrument, on behalf of said limited liability company, and he acknowledged to me that he signed and sealed the same as a free act and deed of the said limited liability company for the uses and purposes therein expressed.

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




Notary Public in and for Alaska
My Commission Expires: 7/31/2018

WARRANTY DEED
A-4350\5357\Warranty Deed

Page 2



2 of 2
2017-000493-0



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 6.20.17](#)
[Change to public notice 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

Date: June 16, 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 and multi-modal 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.

It is important to note that the more impact the government action has to someone's person, property, and pursuit of life, liberty, and happiness, the greater requirements of due process protections such as notice¹. These constitutional protections include substantive and procedural due process requirements. Decisions in front of the Planning Commission that are non-legislative land use decisions or quasi-judicial both require certain procedural due process protections that include notice.

The State of Alaska Open Meetings Act² requires that all meetings open to the public provide reasonable public notice as established in the municipality's Charter or ordinance governing that body. Per our existing law, charter and code, reasonable notice of an open meeting must include a concise:

1. Statement of date, time and place
2. Statement of location and time that is reasonably accessible
3. Description of action requested and/or subject of discussion
4. Description of property involved
5. Statement of names of the property owners
6. Names of the applicants

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 mailings be sent to adjacent properties within so many feet of the proposed project site.

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

¹ "The fifth and fourteenth amendments prohibit government from depriving any person of life, liberty, or property without due process of law." John E. Nowak and Ronald D. Rotunda, Constitutional Law, Ch. 13 (6th ed. 2000)

² AS 44.62.310-.312

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.

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.

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.)

Proposed Notice Language

- **Notification.** All notices shall follow the regulations in this section. Reasonable public notice shall be given for any item or meeting coming under this title and shall follow all applicable public notice regulations. Notices required by this title shall include a concise:
 - Statement of date, time and place
 - Statement of location and time that is reasonably accessible
 - Description of action requested and/or subject of discussion
 - Description of property involved
 - Statement of names of the property owners (if applicable); and
 - Names of the applicants
- **Publication:** all projects before a public body subject to the Open Meetings Act shall be noticed and published in a newspaper of general circulation within the city and borough on at least **one occasion** prior to the meeting. **This one publication shall** be at least five calendar days before the meeting;
- **Mailing.** For projects affecting single lots or site specific proposals, 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; Mailed notice **shall not** be required for projects that have City wide impacts such as zoning map amendments, Sitka General Code changes, and similar legislative considerations.
- **Site Posting.** For all projects, a site posting notice shall be posted in a conspicuous location at the site of the proposed development or action until the decision affecting it is made. The document containing the posted notice shall be readily visible, safely accessible, and inspectable by a member of the general public. Should extenuating circumstances such as safety, topography, or location make a site posting unreasonable or impracticable, the Planning Director may waive this requirement upon a written finding of such extenuating circumstances, but all other notice due shall occur. Site posting shall only grant a member of the public access to the posted notice, but not the property at large.
- **Multi-modal notice.** To expand the diversity of notice to the public, four (4) of the

following publications of notice shall occur:

- Posting of notice on a City maintained website;
 - Posting of notice on a City maintained community bulletin board;
 - Posting of notice on a public community calendar;
 - Posting of notice on a major social media platform;
 - Distribution of a mass email or text; and/or
 - Publication of a Public Service Announcement or Notice in print, video/TV, or radio.
- **Emergency Meeting Exception.** An emergency meeting of any public municipal body to hear items covered under this title, 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).
- **Additional Notice Required Where Found Extenuating Circumstances or Matters of Extreme Community Importance.** Where it is found in written decision by the Planning Director or any city assembly, board, or commission, that circumstances warrant additional notice, such additional notice maybe required that is reasonable under the circumstances.
- **File 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.
- **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](#).
- **Notice required when meeting or agenda item rescheduled.** 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 notice shall be provided that is reasonable under the circumstances.

Analysis with Findings

Due process and notice as proposed would still provide a high level, if not higher level of notice. The reduction of the one published newspaper notice will be made up for by the on-site notice, additional multi-modal notices that target various populations. Overall, this will give the general public and adjacent properties better notice about an action 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. (Would this proposal better support due process requirements).

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 and multi-modal 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, but better notifies the public of pending action in an public meeting;
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 and multi-modal 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, but better notifies the public of pending action in an public meeting;
 - 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 to recommend approval of the proposed zoning and subdivision text change regarding reducing published notice requirements, adding on-site posting and multi-modal notice, and providing a process for emergency meetings.

21.52.040 Public notice.

- A. All subdivision approvals under this title shall be subject to public notice.
- B. The administration, after determining that the submitted application is complete, shall be responsible for issuing public notices.
- C. Forms of Notice.
 - 1. Publication in a newspaper of general circulation in the borough at least five calendar days before the public hearing.
 - 2. Mailing at least five working days before the public hearing to all record owners of property within a distance of three hundred feet of the exterior boundary of the property that is the subject of a major subdivision and planned unit development application; and within one hundred and fifty feet of the exterior boundary of the property that is the subject of a minor subdivision, replat, and zero lot line application. The notice shall be mailed by first class mail to the owner of record of the property at the address as stated in the current property tax records of the municipal assessor.
- D. Every notice required by this section shall state the date, time, and location of the public hearing, a description of the action requested, a description of the property that is the subject of the application, and the names of the applicants and owners of the subject property.
- E. From the time of filing an application or an appeal all plans, data, and other supporting material shall be available for public inspection at the planning department.
- F. The failure of any person to receive any notice required by this section shall not affect the validity of any proceeding under this chapter.

(Ord. 03-1729 § 4 (part), 2003.)

22.30.120 Notice of public hearings.

- 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 prior to the meeting. These two publications 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.

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.)



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.

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.



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 17-18 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 6/2/2017 **In control:** Planning Commission
On agenda: 6/20/2017 **Final action:**
Title: Discussion and direction regarding zoning interpretation.
Sponsors:
Indexes:
Code sections:
Attachments: [Zoning Interpretation 6.20.17](#)

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: June 15, 2017

From: Michael Scarcelli, PCDD Director

To: Planning Commission

Re: Code Interpretation and Department Jurisdiction

The day to day operations of the City and Borough of Sitka require a cooperative of boards, commissions, and a variety of staff across departments. In general, the City Administrator is the official office (department and person) that is charged with enforcing or executing the various code provisions. Further, that “Administrator” has the legal authority to delegate to various subordinate staff, such as the Planning Director, Public Works Director, or Building Official to execute such tasks on behalf of the City Administrator.

Specifically, SGC 22.30.020 “Roles and Responsibilities” highlights the cooperative action of different elected and appointed boards and staff. In SGC 22.30.030, it is specified that Administrator may mean the City Administrator or the person acting on behalf of the Administrator.

In other codes, such as Title 21, again the language is that the City Administrator has the legal authority to act. As such, that office may delegate to a subordinate such as the Planning Director or Public Works Director. In SGC 6.12, we see that the authority is vested in the Building Official. This section regulates mobile and manufactured homes, and mobile and manufactured home parks. In Title 18, there is a variety of shared responsibility.

So what does all this code mean?

It means all City Departments are just the hands and feet of the Administrator. We all work together to be one unified body of city government working collaboratively as we see fit to accomplish a unified mission. While we may have internal policies or procedures for how we do things within a specific department, the truth is most of this is up to the Administrator or delegated to department heads or section managers to figure out the administrative details

that fall in line with the direction given by the Administrator. This means that there are shared roles, duties, and responsibilities.

In nearly all planning and community development issues, we greatly rely on the input, knowledge, and skill sets of various other departments and staff. To put it in the simplest terms, we all work together. While a certain decision may be delegated to me as Planning Director, I will ask and seek out advice and input from others knowledgeable on the topic. More, it means many items such as manufactured homes touch multiple staff and departments. Further, in our attempts to be more transparent and customer friendly, we often give preliminary advice to speak with another department that may have shared jurisdiction on a specific request (permit, proposal, etc.).



CITY AND BOROUGH OF SITKA

Legislation Details

File #: MISC 17-20 **Version:** 1 **Name:**
Type: P&Z Miscellaneous **Status:** AGENDA READY
File created: 6/7/2017 **In control:** Planning Commission
On agenda: 6/20/2017 **Final action:**
Title: Legal matter - McGraw, Diaz, Friske lawsuits
Sponsors:
Indexes:
Code sections:
Attachments: [Exec Session lawsuit Planning Commission v2](#)

Date	Ver.	Action By	Action	Result
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POSSIBLE MOTIONS

I MOVE to go into Executive Session with Planner 1, Samantha Pierson, Planning Director, Michael Scarcelli, and Municipal Attorney, Brian Hanson, regarding legal matters affecting the Municipality as a result of the following lawsuits: McGraw v. Sound Development, et al., Case No. 1SI-15-269 CI; Diaz v. Sound Development, et al., Case No. 1SI-16-143 CI; Friske v. Sound Development, et al., Case No. 1SI-16-144 CI; in which the City and Borough of Sitka are co-defendants.

I MOVE to reconvene as the Planning Commission in regular session.