



# CITY AND BOROUGH OF SITKA

## Meeting Agenda

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Richard Parmelee*  
*Taylor Colvin*

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Thursday, May 24, 2018

7:00 PM

Harrigan Centennial Hall

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

**II. CONSIDERATION OF THE AGENDA**

**III. CONSIDERATION OF THE MINUTES**

**A**     [PM-46](#)     Approval of the May 10, 2018 meeting minutes.

**Attachments:**   [5.10.18 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 18-17](#)     Director's Report - May 24

**VI. REPORTS**

**VII. THE EVENING BUSINESS**

**C**     [MISC 18-12](#)     Public hearing and consideration of the Sitka Hazard Mitigation Plan.

**Attachments:**   [Sitka Mitigation Strategy 18May2018](#)

- D**      [CUP 18-15](#)      Public hearing and consideration of a conditional use permit request for a short-term rental at 208 Jeff Davis Street in the R-2 multifamily residential district. The property is also known as Lot B Campus View Subdivision. The request is filed by Randy Hitchcock. The owners of record are Randy and Bridget Hitchcock.  
**Attachments:**    [CUP18-15.208JeffDavis.StaffReport.17May2018](#)  
                       [CUP18-15.ApplicationPacket.17May2018](#)

**E**      [CUP 18-17](#)      Public hearing and consideration of a conditional use permit for 308 Monastery Street in the CBD Central Business District. The request is for a residential dwelling unit on the first floor of a building in the Central Business District. The property is also known as a portion of Lot 2 Block 16 US Survey 1474. The request is filed by Colin Herforth. The owners of record are Colin Herforth and Christie Jones.  
**Attachments:**    [CUP 18-17 308 Monastery Staff Report May 18 2018](#)  
                       [CUP 18-17 Application Packet 17May2018](#)

**F**      [CUP 18-19](#)      Public hearing and consideration of a conditional use permit request for a food truck/outdoor restaurant at 104 Cathedral Way in the Central Business District. The property is also known as Lot 2 Block 6 US Survey 1474 Tract A. The request is filed by Matthew and Julieanne Stroemer. The owners of record are Adam and Kris Chinalski.  
**Attachments:**    [CUP18-19.104Cathedral.Stroemer.StaffReport.18May2018](#)  
                       [CUP18-19 Application Packet 17May2018](#)

**G**      [CUP 18-16](#)      Public hearing and consideration of a conditional use permit request for a short-term rental at 837 Lincoln Street in the R-2 multifamily residential district. The property is also known as Lot R-3 SJC-Lincoln Subdivision Replat. The request is filed by Matt and Naomi Christner. The owners of record are Matthew and Naomi Christner.  
**Attachments:**    [CUP18-16.837Lincoln.StaffReport](#)  
                       [CUP18-16 Application Packet 17May2018](#)

**H**      [CUP 18-18](#)      Public hearing and consideration of a conditional use permit request for a short-term rental at 453 Charteris Street in the R-1 LD single-family or duplex low density residential district. The property is also known as Lot 23B Charteris Subdivision. The request is filed by Melissa Pardy. The owner of record is Adam Pardy.  
**Attachments:**    [CUP18-18.453Charteris.StaffReport.17May2018](#)  
                       [CUP 18-18 Application Packet](#)

- I      [P 18- 10](#)      Public hearing and consideration of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R-1 MH single-family, duplex, and manufactured home residential zoning district. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.  
**Attachments:** [P18-10.114HarborMountain.Seesz.StaffReport.18May2018](#)  
[P 18-10 Application Packet 17May2018](#)
- J      [VAR 18-08](#)      Public hearing and consideration of a variance request for 409 Halibut Point Road in the R-2 multifamily residential district. The request is for the reduction in the required on-site parking for an existing duplex from four spaces to zero spaces. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.  
**Attachments:** [VAR 18-08 409 HPR Riley May 17 2018](#)  
[CUP 18-14 Application Packet](#)
- K      [CUP 18-14](#)      Public hearing and consideration of a conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.  
**Attachments:** [409hpr Riley STR staff report may 17 2018 ver 2](#)  
[CUP 18-14 Application Packet](#)

## VIII. ADJOURNMENT

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

*Publish: May 14 and 16*



# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** PM-46      **Version:** 1      **Name:**  
**Type:** Planning Minutes      **Status:** AGENDA READY  
**File created:** 5/8/2018      **In control:** Planning Commission  
**On agenda:**      **Final action:**  
**Title:** Approval of the May 10, 2018 meeting minutes.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [5.10.18 draft](#)

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

## Minutes - Draft

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Richard Parmelee*  
*Taylor Colvin*

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Thursday, May 10, 2018

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Chair Spivey called the meeting to order at 7:00 PM.  
Present: Spivey, Windsor, Hughey, Colvin, Knox (Assembly liaison)  
Absent: Parmelee (excused)

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

- A [PM-45](#) Approval of the April 26, 2018 meeting minutes.

Windsor/Colvin moved to approve the April 26 meeting minutes. Motion passed 4-0.

#### IV. PERSONS TO BE HEARD

#### V. PLANNING DIRECTOR'S REPORT

- B [MISC 18-15](#) Director's Report - May 10

Scarcelli reported on the Certified Floodplain Manager training that he attended last week. The next agenda includes four short-term rentals. The office has been receiving an increase in requests for food and other mobile vending. Scarcelli reported that for a period, Finance was not consulting Planning on business registrations, so an audit will need to take place. Scarcelli reported that the Comprehensive Plan will be on the May 22 Assembly agenda. Scarcelli reported that he will be out of the office in early June. Scarcelli reported that the Assessor is out on vacation and the Building Department is looking for a new inspector, so projects may be delayed.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

- C**     [CUP 18-07a](#)     Approval of findings of fact in support of denial of a conditional use permit for a short-term rental at 116 Knutson Drive in the R-2 multifamily residential district. The property is also known as Lot 17A Knutson Subdivision Phase III Lot Line Adjustment. The request is filed by Michael Finn. The owners of record are Michael and Elizabeth Finn.

Pierson reported that the short-term rental was considered at the last meeting, and a motion to approve failed on a 1-2 vote. Findings were not voted on at that meeting, and that is what is on the agenda this evening. Pierson noted that there is not a quorum of those individuals who voted on the denial present at this meeting to vote on the findings. The advice of the clerk was that those three commissioners should be the ones to vote on findings. Staff recommend postponement until a quorum of those individuals can be gathered.

**Hughey/Windsor moved to postpone consideration until the next available quorum. Motion passed 4-0.**

- D**     [ZA 18-09](#)     Discussion, direction, and decision regarding proposed amendments to Sitka General Code Title 22 Zoning, specifically 22.08.025, 22.16.015, 22.20.035, and 22.20.160. The proposal concerns amendments to accessory dwelling unit standards. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

Scarcelli handed out copies of a memo regarding proposed amendments to Sitka General Code in relation to accessory dwelling units (ADUs). Scarcelli stated that currently, if the 14 standard conditions are not met, a conditional use permit can be pursued. If the 14 conditions can be met, the applicant can go straight to a building permit. Scarcelli reviewed proposed amendments as outlined in the memo. Spivey stated concern for allowing ADUs to be taller than the primary structure, which might not fit in with the neighborhood and block views. Hughey stated that two story houses can already be built and obstruct views, and Spivey clarified that it is true for primary structures but not ADUs. Colvin stated support for a 30 foot height which could result in a smaller footprint. Windsor stated that he has heard people say they want to build ADUs above garages. Scarcelli gave an overview of proposed changes to definitions. Scarcelli shared about a property owner who recently built an ADU and is currently living in it, but clarified that technically, code doesn't permit ADUs to be owner occupied but rather used for long-term rentals. Hughey stated concern for tiny homes, travel trailers, and RVs being used as ADUs because of aesthetics and impacts on residential areas. Scarcelli stated that statement was included because of Comprehensive Plan discussion, but Scarcelli recommends striking that one. Colvin stated support for the RVs and travel trailers as a conditional use, giving the Planning Commission opportunity to weigh in on individual cases. Scarcelli clarified that tiny homes on wheels on wheels are travel trailers, and Hughey stated disagreement. Hughey stated that he would not be in favor of travel trailers and RVs as ADUs but would be in favor of tiny homes on wheels as ADUs. Scarcelli clarified that they are currently the same under current code, and additional design requirements would need to be added to differentiate them in consultation with the building department. Scarcelli acknowledged that there are aesthetic differences of tiny homes on wheels such as Tumbleweed versus RVs, and that future design standards should be pursued. Scarcelli discussed the proposed square footage increase from 800 to 1050 square feet and proposed parking reduction from 2 spaces to 1 space. Amendments will also clarify that car parking is not required on the small islands. Scarcelli recapped that the commission had some concern with the height increase, square footage, and travel trailers as ADUs.

Richard Wein stated that if a structure is liveable, it should be an option. Wein encouraged leeway with allowing structures. Wein requested that item E be moved to the end of the agenda so the items with public attendance can be addressed earlier.

Hughey stated that he can accept ADUs as short-term rentals. Hughey asked if the commission should have staff work on height and travel trailers as ADUs. Colvin clarified that the travel trailers as ADUs would be a conditional use permit as proposed. Scarcelli recommended keeping standard condition 6 as-is for now and move the other changes forward to the Assembly. Commissioners stated support for this plan. Spivey stated that he would like to have more discussion on height.

**Hughey/Windsor moved to recommend approval of the proposed amendments to Sitka General Code regarding accessory dwelling units with the exception of proposed changes to standard condition 6 (travel trailers and RVs as ADUs) and changes to ADU height, which will be revisited by the Planning Commission at a later date. Motion passed 4-0.**

Commissioners agreed to move Item E to the end of the agenda.

**F**      [CUP 18-13](#)

Public hearing and consideration of a conditional use permit for a short term rental on Kasiana Island in the LI Large Island zone. The property is also known as Lot 19 Kasiana Island Subdivision. The request is filed by Jack Fredrickson. The owner of record is Jack Fredrickson.

Pierson described the request for short-term rental of an off-grid cabin on Kasiana Island for up to 6 guests. The owner will continue to use the cabin for personal recreation use. Renters will bring in their own water. There is no mooring buoy or dock. Scarcelli stated that a neighbor had shared concern for access and potential for encroachment on other properties who may use the common mooring area. Pierson shared that there is no toilet, and staff recommend a condition of approval to require installation of a DEC permitted toilet.

Jack Fredrickson and Melanie Robinson represented the request. Fredrickson stated that he did a trial run with a local short-term renter and it went well, and he'd like to expand the use. Robinson stated that she spoke with DNR and was pointed to AAC which outlines use of state lands for travel. Robinson stated that they can cancel in the event of bad weather. Fredrickson stated that others have gravel roads but he does not, so anyone traveling from the common mooring area to his lot would be following deer trails. Hughey stated that inexperienced people anchoring up can create impacts, and suggested that the applicant install a mooring buoy.

Windsor left the room, and Scarcelli recommended a brief recess. Spivey called a recess. Windsor returned within a moment.

Fredrickson stated that out of towners are unlikely to have a boat but may rent kayaks. Fredrickson stated that he talked with DEC and stated he was informed that DEC permits aren't required unless it rises to the level of a lodge. Fredrickson stated that they use a 5 gallon bucket lined with kitty litter, and it's thrown overboard. Fredrickson stated that DEC informed him that outhouse material ends up at the beach. Fredrickson stated that he will take care of waste for renters who are not familiar. Scarcelli spoke to moorage concerns and stated that there are several ways to

mitigate concerns for access. Scarcelli stated that a condition of approval requiring proper disposal of waste could mitigate concerns for waste.

Hughey stated the applicants have thought this through.

**Hughey/Windsor moved to approve the conditional use permit for a short term rental on Kasiana Island in the LI Large Island zone subject to conditions of approval. The property is also known as Lot 19 Kasiana Island Subdivision. The request is filed by Jack Fredrickson. The owner of record is Jack Fredrickson. Conditions of Approval:**

- 1. Contingent upon a completed satisfactory life safety inspection.**
- 2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.**
- 3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.**
- 4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.**
- 5. 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.**
- 6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.**
- 7. To mitigate against the risk and impact of wildlife from the short term rental, the property owner shall assure all trash is kept indoors and disposed of properly upon leaving the unit. Should this condition not be followed the CUP shall be revoked.**
- 8. Any signs must comply with Sitka General Code 22.20.090.**
- 9. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, moorage, trash management, noise control, and a general admonition to respect the surrounding neighborhood.**
- 11. Applicant shall confirm that the commercial use of the state tidelands is acceptable with DNR.**
- 12. 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.**
- 13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.**

**Motion passed 4-0.**

**Hughey/Windsor moved to find that:**

- 1. ...The granting of the proposed conditional use permit as conditioned will not:**
  - a. Be detrimental to the public health, safety, and general welfare specifically, conditions of approval require responsible garbage management;**
  - b. Adversely affect the established character of the surrounding vicinity specifically, detailed directions will help renters find the property; nor**
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, specifically, conditions of approval mitigate potential injurious uses.**
- 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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing property owners to participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for septic, odors, and noise.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the owner continues to visit the property for personal recreational use and rules violations are grounds for eviction.

Motion passed 4-0.

**G**      [VAR 18-07](#)

Public hearing and consideration of a variance request for 106 Naomi Kanosh Lane in the R-2 MHP zone. The request is for the reduction in the front setback from 20 feet to 10 feet for the construction of a covered porch. The property is also known as Lot 14 Ashaak Subdivision. The request is filed by Andrew Callistini. The owners of record are Andrew and Donna Callistini.

Pierson gave an overview of the property and request for covered deck. The lot is constrained by location of existing house, three front setbacks, and a 10 foot utility easement around three sides. The request is to reduce the front setback on one side from 20 feet to 10 feet for a covered deck. The sight triangle will not be impeded by the proposed structure. Staff recommend approval.

Andrew Callistini stated that staff covered the request.

No public comment.

Spivey stated that it's pretty cut and dried.

Colvin/Windsor moved to approve the variance request for 106 Naomi Kanosh Lane in the R-2 MHP district. The request is for the reduction in the front setback from 20 feet to 10 feet for the construction of a covered porch. The property is also known as Lot 14 Ashaak Subdivision. The request is filed by Andrew Callistini. The owners of record are Andrew and Donna Callistini.. Motion passed 4-0.

Colvin/Windsor moved to adopt and approve the required findings for 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, the lot is constrained by 10 foot utility easements and front setbacks on three sides;
- 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 economical development of a covered deck;
- 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, here, placement of the deck will avoid utility easements;
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, “To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations,” by allowing for the cost-effective

**development of a covered deck while preserving the integrity of existing utility easements and maintaining sight lines for motorists.**

**Motion passed 4-0.**

**H**      [VAR 18-06](#)

Public hearing and consideration of a variance request for 2206 Sawmill Creek Road in the R-1 LDMH district. The request is for the reduction in the side setback from 15 feet to 9.5 feet for the construction of a sunroom. The property is also known as Lot 3 Keith Bartow Subdivision. The request is filed by Pete Weiland. The owner of record is Mary Anne Maxon Revocable Trust.

Pierson gave an overview of the property and variance request for the conversion of a portion of an existing deck to an enclosed sunroom. The proposal would result in an increased encroachment on the side setback of an additional 2 feet for eaves. The house is located near the waterfront and access is via easement. The property is constrained by the placement of the existing house. Foliage provides a buffer between properties. The enclosure of the portion of deck could result in a decrease in noise impacts experienced by neighbors. The adjacent neighbor submitted a letter of support. Staff recommend approval.

David Moore and Peter Weiland represented the request. Moore clarified that he is co-owner with his wife Lisa and Mary Anne Maxon. Moore stated that he was unaware that the deck encroached on the setback when he purchased the property.

No public comment.

Spivey stated that the request is straight forward. Windsor noted that he had recently been to the property and it's remote.

**Hughey/Windsor moved to approve the variance request for 2206 Sawmill Creek Road in the R-1 LDMH district. The request is for the reduction in the side setback from 15 feet to 9.5 feet for the construction of a sunroom. The property is also known as Lot 3 Keith Bartow Subdivision. The request is filed by Pete Weiland. The owner of record is Mary Anne Maxon Revocable Trust and David and Lisa Moore.**  
**Motion passed 4-0.**

**Hughey/Windsor moved to adopt and approve the required findings for 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, the primary structure and decks are already constructed;**
- 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 economical development of an enclosed sunroom on the footprint of an existing deck;**
- 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, here, foliage and a drainage ditch provide buffering from the adjacent parcel;**
- d) That the granting of such will not adversely affect the Comprehensive Plan: specifically, the variance is in line with Comprehensive Plan Section 2.4.1 which states, "To guide the orderly and efficient use of private and public land in a manner which maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations," by allowing for the cost-effective development of an enclosed sunroom on the footprint of an existing deck**

while not negatively impacting the neighboring property's access to light and air.

**Motion passed 4-0.**

BREAK 8:20-8:28

I      [MISC 18-16](#)

Public hearing, comment, and concurrence regarding the Katlian Bay Road project. The applicant is Alaska Department of Transportation and Public Facilities.

Pierson gave an overview of the request for comment by DOT. The road is 9 miles long, with 1.35 miles in the Public Lands District and the remainder in unzoned lands. Scarcelli stated that the staff have submitted comments during the agency review period, and shared some of these points with the commission. Pros include support for native lands, recreational access, job creation, and future development potential. Cons include impacts to environment, possible cultural resources, and public safety (increased emergency response time, limited road width, etc.). Scarcelli clarified that the project has undergone extensive review for potential impacts.

Chris Goins from DOT represented the request for public comment.

Garry White from SEDA stated support for the project and stated that Sitkans voted for the project on a 2-1 ratio.

Richard Wein asked about the maintenance plans for the road and who will be paying for it. Wein stated that it could be a great opportunity for recreation but has concerns that tourists might be diverted to this area, reducing visitor traffic to downtown businesses. Wein would like to hear more about the possible economic impact.

Joel Hanson acknowledged that the project has received extensive public review and support but asked that DOT take into consideration the carbon footprints of projects.

Valorie Nelson stated that Sitka needs to continually develop its tourism. Nelson stated support for the possible future access road to Rodman Bay.

Faleene Worrell of Shee Atika stated support for the project and stated that the corporation has worked extensively with DOT on the project.

Scarcelli read a comment submitted by Ben Mitchell expressing concern for the cost of the project and slope stability.

Scarcelli stated that the Comprehensive Plan 2030 addresses use of the Katlian Bay area. Scarcelli stated that the downtown is an area that should be supported. Scarcelli stated that while the road will be maintained by the state, the city may have additional costs due to police and other emergency response.

Goins stated that DOT does not intend to do winter maintenance on the road. The road will be open year-round but will not be snow plowed. Hughey asked Goins to address Mitchell's concerns. Goins stated that DOT worked with well-esteemed firms LEI and Landslide on engineering analysis. Goins stated that considerable work went into addressing slope stability and appropriate routing of the road. Goins stated that by going with a bench approach, they can keep the slope around 12%, whereas by routing

by the beach would result in slopes in excess of 20%. Goins discussed the engineered culverts designed to withstand 50 year flood events, 100 year flood events, and 500 year flood events. Windsor asked why the state is pursuing this project. Goins stated that the project was bond-funded and intended to support recreation and subsistence. Windsor asked if there will be a gate to close off for the winter, and Goins stated that he believed there would be a gate to be closed. Spivey asked Goins to further explain the bond voting procedure. Goins stated that the state sells bonds which provides funding for the project, and the bonds will be paid back over time through revenue. Goins stated that the projects are funded by the voters. Knox stated that the project was part of the 2012 general obligation bond that went through the state. Knox stated that a statewide vote would be required to shift the funding from this project.

Commissioners discussed whether to make a motion or to let the comments stand on their own. Goins stated that DOT is looking for a motion that the project meets local planning regulations.

**Hughey/Windsor moved that the project meets local planning and zoning regulations. Motion passed 4-0.**

**J**      [CUP 18-10](#)

Public hearing and consideration of a conditional use permit for natural resource extraction and mining support facilities at 4660 and 4670 Halibut Point Road in the Industrial District. The properties are also known as Lot 1A USS 3670 Subdivision and Lots 61A and 62A S&S Subdivision. The request is filed by Roger Sudnikovich. The owners of record are Roger, John, and Judith Sudnikovich.

Scarcelli shared that the item was pulled from the April 12 agenda due to lack of supporting documentation, including but not limited to geotechnical analysis and stormwater management plan. Scarcelli stated that there were technical difficulties in uploading the packet. Scarcelli discussed the property, zoning, and historical use as a quarry. The aerial appears to indicate that a portion of the C-2 zoned parcel has been quarried, which does not comply with zoning. Scarcelli clarified that the prior agenda indicated that the item was "quarry," but this agenda calls it "natural resources extraction and mining support facilities" because that is a more accurate match to the zoning code use tables. Scarcelli stated that there is ambiguity in the legal addresses written in the application. The property and proposal do not appear to be consistent with the prior conditional use permits and potentially court judgements, including but not limited to fencing and hours of operation. Additional information required includes but is not limited to remediation plan and stormwater management plan. The list of additional documentation requested is in the written staff report. Staff recommend denial or postponement. Scarcelli stated that prior conditional use permit files were in disarray and there are many records related to the historical use that need to be analyzed. Scarcelli estimated that he has already spent 80 hours making sense of the files. Scarcelli acknowledged that the community needs rock but stated that code also needs to be followed and the public health, safety, and welfare must be considered. Scarcelli reviewed a list of application materials submitted by the applicant as detailed in the staff report. Scarcelli discussed possible impacts and recommended conditions of approval as written in the staff report. Scarcelli gave an overview of historical memos including prior conditions of approval. Scarcelli clarified that "natural resources extraction and mining support facilities" includes the whole gamut of quarrying activities. If approved, state and federal regulations and permit requirements will apply, including but not limited to EPA and MSHA. Scarcelli briefly shared input from Municipal Engineer Dan Tadic. Scarcelli stated that it is the Municipal Attorney's opinion that since the prior permit has sunsetted, a new conditional use permit can be looked at freshly and without necessarily following all of the requirements of the court



order. Scarcelli stated that the burden is on the applicant, and more information is necessary. Hughey asked for clarification on the zoning map, and Scarcelli showed the aerial zoning map. Hughey noted that the C-2 zoned lot appears to have been quarried and asked about the yellow zone uphill of the project area. Scarcelli stated that the uphill property is Residential, which was historically developed as a holding zone. Scarcelli discussed the surrounding zones and developed uses. Spivey asked if the type of information being requested by staff has been submitted for prior permits, and Scarcelli stated that information now requested has been provided for past permits. Spivey asked how much time staff have given applicants to provide the requested information. Scarcelli stated that discussions with the applicant began last June or July, and staff have repeatedly requested the information. Colvin observed that the quarry does not appear to have much rock left, according to the aerial. Scarcelli stated that the aerial is not exact, but he's pretty confident that quarrying has gone beyond the property line. Scarcelli pointed out that quarrying is an abnormally dangerous activity, and there have been slides and excavator slips on the site in the past. Hughey stated appreciation to Scarcelli's thorough attention to the matter.

Troy Bayne spoke on behalf of Roger Sudnikovich. Bayne stated that this proposal is being overthought. Bayne stated that he has grading permits to drill and shoot the rock. Hughey asked for clarification on the meaning of drilling and shooting rock. Bayne stated that other quarries should be shut down because none of those operational are properly benched. Windsor asked if the lot with the house will be excavated, and Bayne stated that the amount of rock from grading of the house parcel would be sufficient for his needs. Bayne stated that right now there's a control on rock and there's a lack of rock that will impact the community in the near future. Hughey asked for clarification on mining the pit floor. Bayne stated that he would not be mining the pit floor, but there's a build up of 2-3 feet of already crushed material that could be run through a screen. Hughey asked about quantity, and Bayne estimated 3000 yards. Bayne stated that the lot is terraced better than other operational quarries, and Hughey stated that this one has the disadvantage of being more public. Hughey asked if the site may be further developed in the future to be terraced for homesites, and Bayne stated that it could only be terraced for safety. Hughey asked about the height of the quarry and the ridge, and Bayne stated that they're about the same. Spivey called point of order. Windsor asked if Sudnikovich will be in town soon, and Bayne stated probably not. Bayne stated that there has been a lack of communication, often on his part. Bayne stated that a meeting or two has gone sour. Windsor asked if Bayne can provide information requested by staff, and Bayne stated that he could. Bayne stated that he can go through another meeting before giving up. Scarcelli asked for a site plan showing the AML lease and Bayne stated yes. Scarcelli discussed that without an aesthetic screen, cruise ship passengers will see the open pit. Scarcelli requested a site visit to be open to the Planning Commission and public, and Bayne stated support for that.

Spivey requested a 3 minute limit for each public comment.

Valorie Nelson stated that she has battled quarrying in this area since 1992 and gave an overview of the history of permits and litigation. Nelson stated that according to the court judgement, quarrying must cease once the prior quarry ceased operation. Nelson discussed prior property damages associated with the quarry.

Paul Smith lives and operates a business at 4620 and 4622 HPR. Smith has concern that the quarry will operate endlessly, spreading further into additional land. Smith would consider a time-limited operation to bring down the knob and clean the floor.

Richard Guhl owns lot 60, adjacent to the Sudnikovich property. Guhl stated that in 1979, rock came through the roof of their trailer and came into his daughter's crib. One piece of rock was about the size of a child's football. Guhl stated that his property and Sudnikovich's properties were zoned low-density residential, and at some point were rezoned without notice. Guhl stated that the city previously considered creating a road through the property but the Assembly decided against it. Guhl is opposed to the project. Guhl stated that overburden was piled on the boundary line marker.

Bayne stated that there are survey markers on the property and the lots have been freshly surveyed. Bayne stated the belief that this is being overthought. Bayne stated that he simply wants to process rock. Bayne stated that Sudnikovich will not be involved with future operations.

Scarcelli asked Guhl to clarify the date of the rock coming through his roof, and Guhl estimated October 1979. Guhl stated that the damage was related to blasting. Guhl stated that he re-roofed the trailer shortly afterward. Guhl estimated that the damage was about the size of a football, and it would have killed her if it hit her. Guhl stated that his daughter is now a geologist and provided him with a contact with MSHA. Scarcelli asked Guhl to see the documentation he has, and Guhl stated that he would provide it.

Spivey noted that there are legal and geotechnical issues at play, and he would like to have legal and engineering staff present to answer questions. Spivey stated that he can't support moving forward without the opportunity to address these concerns.

Clarice Bayne stated that Sudnikovich has asked Bayne to clean up the property in preparation of a future sale of the land. C. Bayne stated that the intent is not to mine further into the wall but would like to drill and blast the house lot and process the rock on the floor. C. Bayne apologized for the lack of clarity. Spivey stated that a decision has to be made based on what is in front of the commission. C. Bayne stated understanding of the neighbor's concerns. Scarcelli stated that the applicant materials indicate a wide array of activities. Scarcelli recommended postponement so the applicant can work with staff.

**Windsor/Hughey moved to postpone the item to allow the applicant to work with staff. Motion passed 4-0.**

**E**      [ZA 18-08](#)

Discussion, direction, and decision regarding proposed amendments to Sitka General Code Title 21 Subdivision Code and Title 22 Zoning, specifically 21.40.030, 21.40.110, 21.40.120, 21.40.130, 21.40.140, 22.20.030, 22.20.035, 22.20.038, and 22.20.040. The proposal concerns amendments to zoning and subdivision development standards. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

**Windsor/Hughey moved to postpone to the next meeting. Motion passed 4-0.**

**VIII. ADJOURNMENT**

Chair Spivey adjourned at 10:11 PM.

ATTEST: \_\_\_\_\_  
Samantha Pierson, Planner I



# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** MISC 18-17    **Version:** 1    **Name:**  
**Type:** P&Z Miscellaneous    **Status:** AGENDA READY  
**File created:** 5/8/2018    **In control:** Planning Commission  
**On agenda:** 5/24/2018    **Final action:**  
**Title:** Director's Report - May 24  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:**

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

## Legislation Details

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**File #:** MISC 18-12    **Version:** 2    **Name:**  
**Type:** P&Z Miscellaneous    **Status:** AGENDA READY  
**File created:** 3/26/2018    **In control:** Planning Commission  
**On agenda:**    **Final action:**  
**Title:** Public hearing and consideration of the Sitka Hazard Mitigation Plan.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** [Sitka Mitigation Strategy 18May2018](#)

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

## Legislation Details

**File #:** CUP 18-15    **Version:** 1    **Name:**

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

**File created:** 5/8/2018    **In control:** Planning Commission

**On agenda:** 5/24/2018    **Final action:**

**Title:** Public hearing and consideration of a conditional use permit request for a short-term rental at 208 Jeff Davis Street in the R-2 multifamily residential district. The property is also known as Lot B Campus View Subdivision. The request is filed by Randy Hitchcock. The owners of record are Randy and Bridget Hitchcock.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [CUP18-15.208JeffDavis.StaffReport.17May2018](#)  
[CUP18-15.ApplicationPacket.17May2018](#)

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: CUP 18-15  
Proposal: Request for short-term rental at 208 Jeff Davis Street  
Applicant: Randy Hitchcock  
Owner: Randy/Bridget Hitchcock  
Location: 208 Jeff Davis Street  
Legal: Lot B Campus View Subdivision  
Zone: R-2 multifamily residential district  
Size: 8399 square feet  
Parcel ID: 18562013  
Existing Use: Residential  
Adjacent Use: Residential, Undeveloped, Fitness Center, Sitka Fine Arts Camp  
Utilities: Existing  
Access: Jeff Davis Street and access easement

### **KEY POINTS AND CONCERNS:**

- Rental unit is a single-family structure
- Sufficient parking on-site
- Access from Jeff Davis Street and easement
- Owner will live on the adjacent property
- Neighborhood has historically housed college campus and related commercial uses
- Property exceeds minimum lot square footage for the zone
- Short-term rentals offer economic opportunity for homeowners but may impact long-term rental rates
- Burden is on the applicant to prove that the proposal will not negatively impact the neighborhood

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a short-term rental at 208 Jeff Davis Street.

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental of a single-family structure at 208 Jeff Davis Street. The house was constructed in 2012. The first floor is a garage, which the owners will continue to use as personal storage. The second floor is the dwelling unit to be used for short-term rental. The rental unit has a full kitchen, 2 bedrooms, and one bathroom. The rental will be managed by the owners who will live next door and be able to monitor for concerns.

Access to this lot is from Jeff Davis Street via an access and utility easement. The owners will live in the first house on the easement, and this house is the second on the easement. Other nearby short-term rental operations include rentals on Biorka Street, the hostel on Jeff Davis Street, and the Sitka Fine Arts Camp.

## **ANALYSIS**

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

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

Applicant does not anticipate additional traffic, and proposes that the short-term rental will result in less traffic than if the house was lived in by long-term inhabitants.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Applicant anticipates no additional noise. The owner will live next door and can monitor for excessive noise.

**c. Odors to be generated by the use and their impacts:** Applicant anticipates no odors. Per condition of approval to mitigate bear concerns, garbage must be kept indoors or in a bear-proof enclosure until 4 am on garbage collection day.

**d. Hours of operation:** Up to a year-round short-term rental, although applicant estimates that the rental will not likely operate year-round.

**e. Location along a major or collector street:** Access from Jeff Davis Street to access easement.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** Applicant acknowledges that some may cut through the

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<sup>1</sup> § 22.24.010.E

Fine Arts Camp campus, but that he will inform renters of proper access. Motorists may have difficulty locating the correct house. Owner/manager should provide detailed directions to renters.

**g. Effects on vehicular and pedestrian safety:** Renters may walk from the property to destinations. Jeff Davis Street has sidewalks. Small code-compliant signage may be installed to help renters find the property.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same as if the unit had a long-term inhabitant.

**i. Logic of the internal traffic layout:** The two required parking spaces are provided on the property. A condition of approval requires all parking to be located on-site. Parking area is developed with brick, making it easy for those approaching to know where to park.

**j. Effects of signage on nearby uses:** Small signage may be installed to help renters find the property.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Foliage provides buffering between this property and adjacent properties. Adjacent properties include undeveloped land on one side and residential lots on the other three sides (one owned by the applicants).

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates. In this case, an entire house is proposed for up to full-time short-term rental.

**RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 208 Jeff Davis Street.

.....



.....

**Motions in favor of approval:**

1) I move to approve the conditional use permit request for a short-term rental at 208 Jeff Davis Street in the R-2 multifamily residential district. The property is also known as Lot B Campus View Subdivision. The request is filed by Randy Hitchcock. The owners of record are Randy and Bridget Hitchcock.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. 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.

9. Any signs must comply with Sitka General Code 22.20.090.

10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.

12. 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.

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

2) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, conditions of approval require responsible garbage management and noise monitoring;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, neighborhood has historically hosted a college campus and other related commercial uses;* nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, on-site parking is provided.*
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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that the owner will live on the adjacent property and can monitor for infractions and take action as warranted.*

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

# Attachment A

## Applicant Materials



**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:** REQUEST FOR APPROVAL OF A  
CONDITIONAL USE PERMIT FOR A SHORT TERM  
RENTAL AT 208 JEFF DAVIS STREET.

**PROPERTY INFORMATION:**

CURRENT ZONING: R-2 PROPOSED ZONING (if applicable): \_\_\_\_\_

CURRENT LAND USE(S): SINGLE FAMILY PROPOSED LAND USES (if changing): SHORT TERM RENTAL  
RESIDENCE

**APPLICANT INFORMATION:**

PROPERTY OWNER: RANDY HITCHCOCK

PROPERTY OWNER ADDRESS: ~~208~~ 208 JEFF DAVIS STREET

STREET ADDRESS OF PROPERTY: SAME - 208 JEFF DAVIS ST.

APPLICANT'S NAME: RANDY HITCHCOCK

MAILING ADDRESS: 204 JEFF DAVIS STREET

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

**PROPERTY LEGAL DESCRIPTION:**

TAX ID: 1-8562-0<sup>13</sup> LOT: B BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: CAMPUS VIEW SUBDIVISION US SURVEY: USS 407-B, SUBD CMPV, LB

**OFFICE USE ONLY**

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

- ☐ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☐ Proof of ownership
- ☐ Copy of current plat

### For Conditional Use Permit:

- ☐ Parking Plan
- ☐ Interior Layout

### For Plat/Subdivision:


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

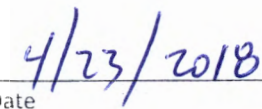
### If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

## CERTIFICATION:

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

  
Owner

  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

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

\_\_\_\_\_  
Date





# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM CONDITIONAL USE PERMIT

### APPLICATION FOR

☐ MARIJUANA ENTERPRISE

☒ SHORT-TERM RENTAL OR BED AND BREAKFAST

☐ OTHER: \_\_\_\_\_

### CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

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

No added traffic envisioned. If anything, it will be less than if we were renting this out year round.

- Amount of noise to be generated and its impacts on surrounding land use: No added noise envisioned. Most likely less than a year round rental.

- Odors to be generated by the use and their impacts: None

- Hours of operation: Renters will be able to come and go as they please. Rental will be available 365 days.

- Location along a major or collector street: off of Jeff Davis Street.

- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Possibly through the Fine Arts campus, but that will be deterred.

- Effects on vehicular and pedestrian safety: None

Hiretrack

Last Name

4/23/18

Date Submitted

204 Jeff Davis Street

Project Address

- Ability of the police, fire, and EMT personnel to respond to emergency calls on the site: \_\_\_\_\_

Yes. This doesn't change that.

- Logic of the internal traffic layout: It's very clear. With pull-in driveway

- Effects of signage on nearby uses: There will be no signs.

- Presence of existing or proposed buffers on the site or immediately adjacent the site: Jeff Davis Street to the West, Vacant land to the North, Fire Arts Camp to the East.

- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): \_\_\_\_\_

- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.): we live next door to the property and will be monitoring and maintaining it daily.

Hireback

Last Name

4/23/18

Date Submitted

204 Jeff Davis Street

Project Address



**REQUIRED FINDINGS (SGC 22-0.160(C):**

1. ...The granting of the proposed conditional use permit will not:

a. Be detrimental to the public health, safety, and general welfare because

There will be the use is

Strict monitoring of the residence since we live next door to it.

b. Adversely affect the established character of the surrounding vicinity, because it is tucked away from the main street, and it's use will be limited; 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, because, its small size limits the use to

a small group of people, keeping the residential feel;

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 \_\_\_\_\_ which states \_\_\_\_\_

because the proposal \_\_\_\_\_

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and

enforced, because we live right next door to the residence.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

Randy Hretchock  
Applicant

4/23/18  
Date

Hretchock  
Last Name

4/23/18  
Date Submitted

204 Jeff Davis Street  
Project Address



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4/23/2018

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

Re: 208 Jeff Davis Street, Conditional Use Permit for Short Term Rental

Dear Commission Members,

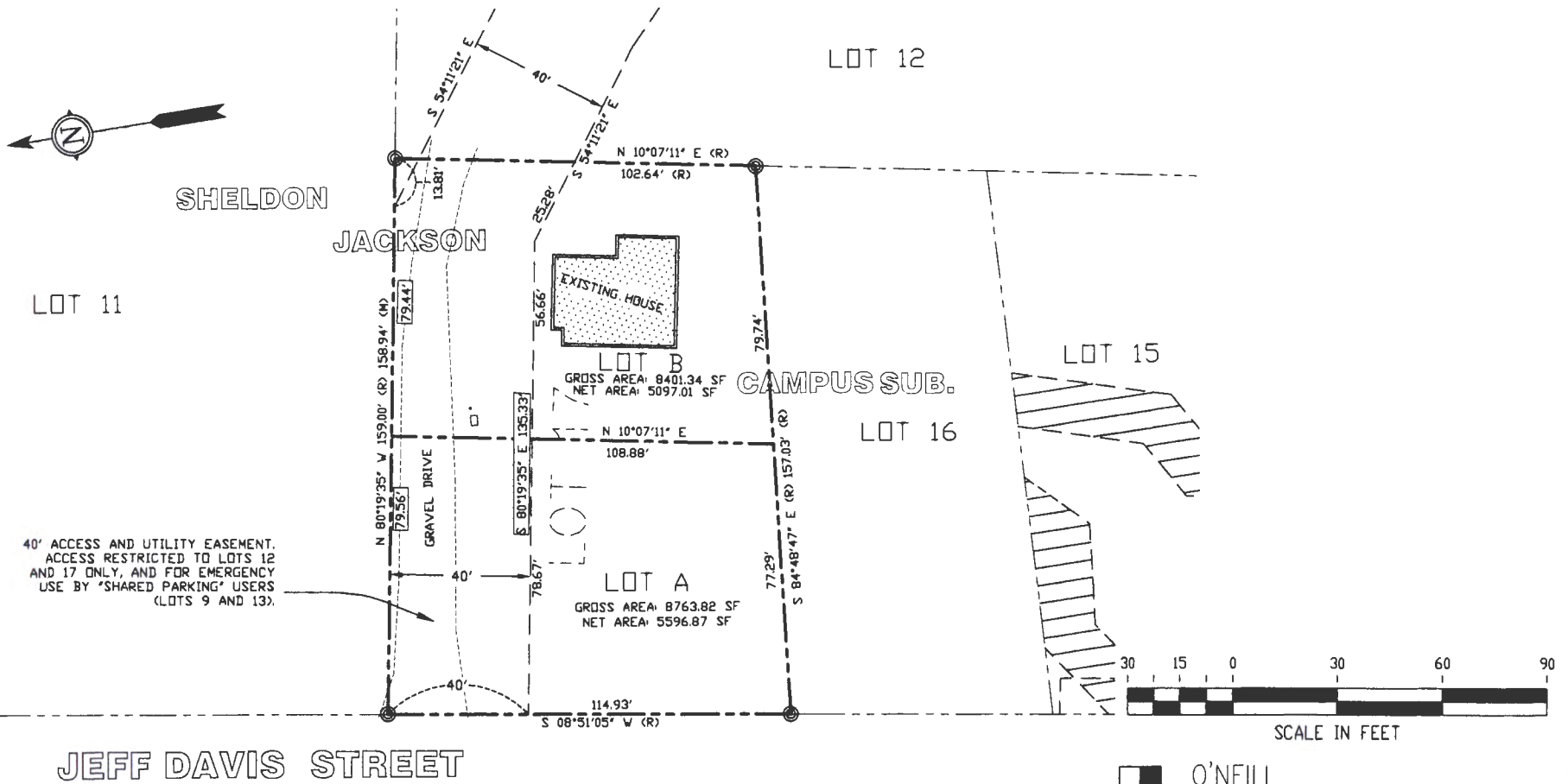
This is a formal request for permission to be granted a conditional use permit for a short term rental on our property at 208 Jeff Davis Street (Lot 17B, Sheldon Jackson Subdivision). We've including the required paperwork with this document. These include a site plan showing the residence location, parking, floor layouts, proof of ownership, and a current plat. We can provide additional documents deemed necessary upon request.

Thank you for taking the time to consider our request. Please don't hesitate to call or write with any questions.

Sincerely,

Randy Hitchcock  
907-738-2172

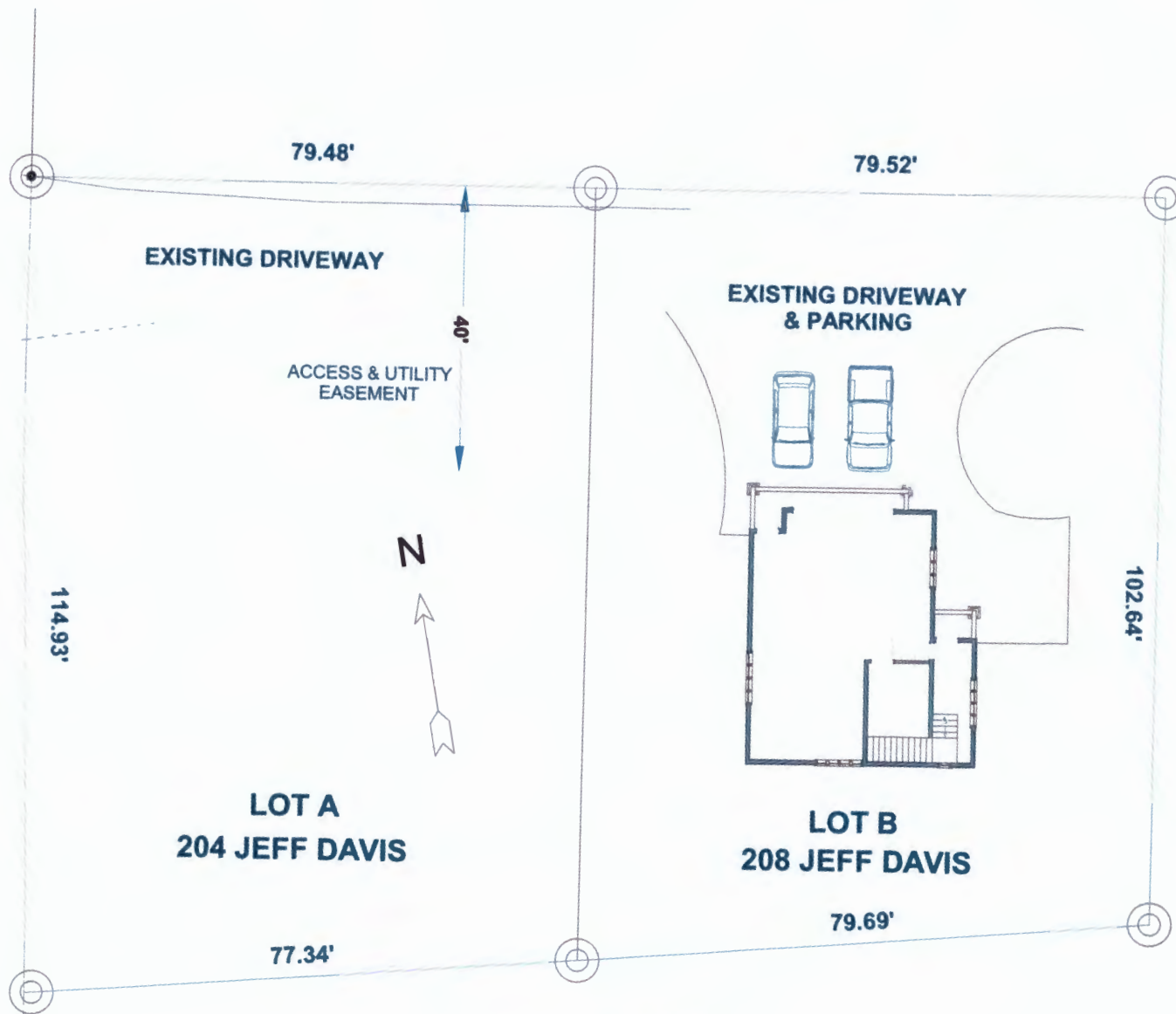
30406-09 JUNE 23, 2016 8:07:54



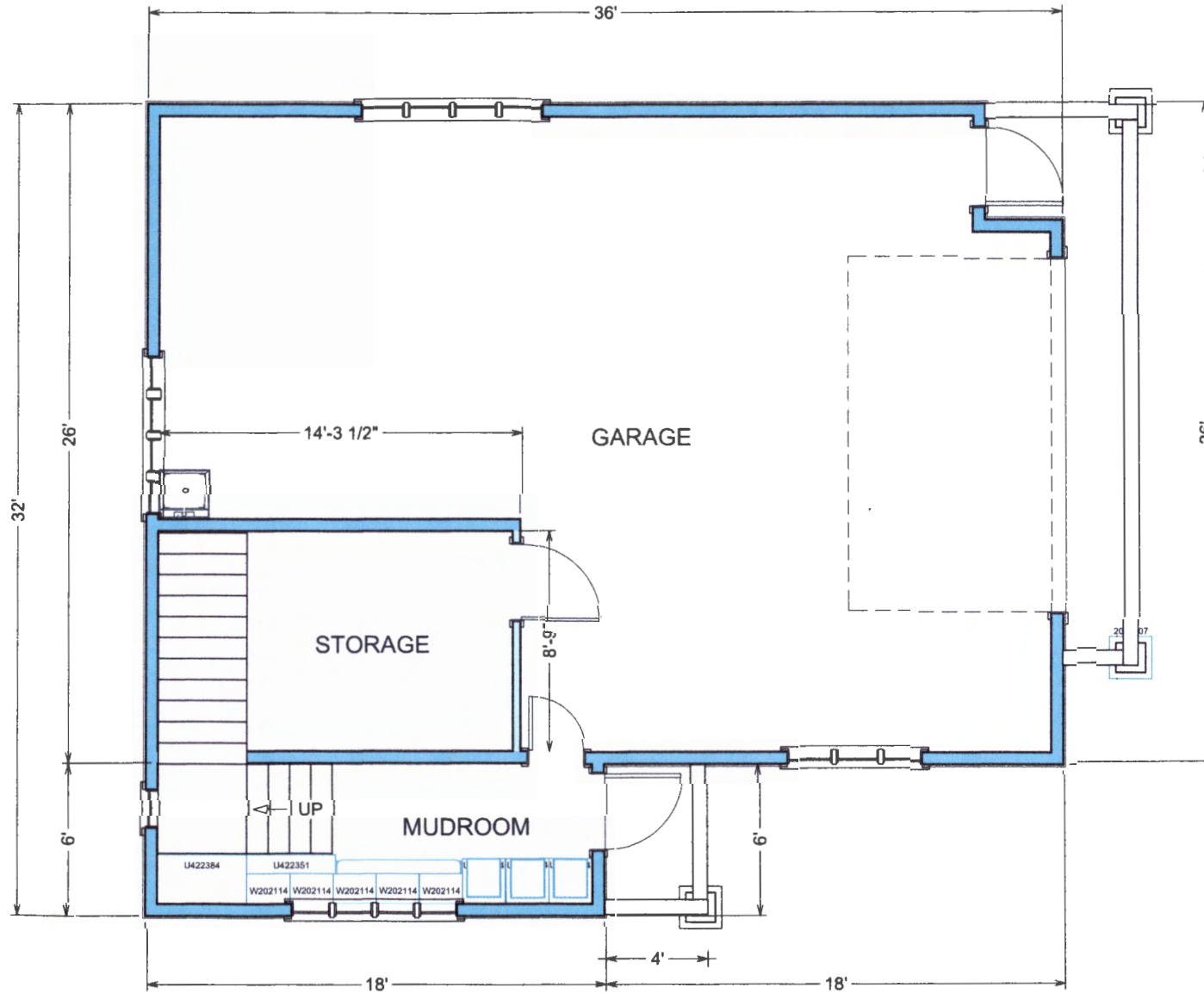
CLIENT: RANDY HITCHCOCK  
204 Jeff Davis St.  
SITKA, ALASKA 99835

O'NEILL  
SURVEYING AND ENGINEERING  
P.O. BOX 1849 SITKA, ALASKA 99835  
SUBDIVISION CONCEPT DRAWING  
LOT 17, SHELDON JACKSON  
CAMPUS SUBDIVISION

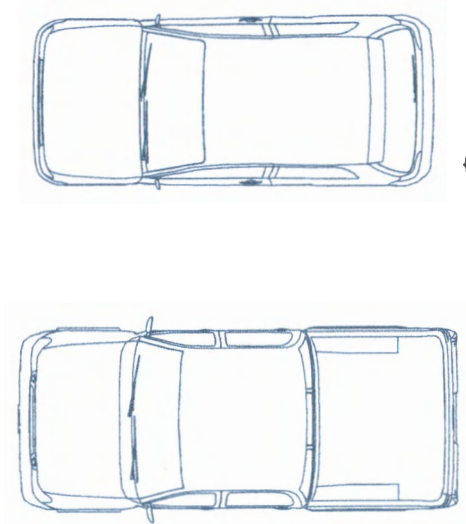
**JEFF DAVIS STREET**

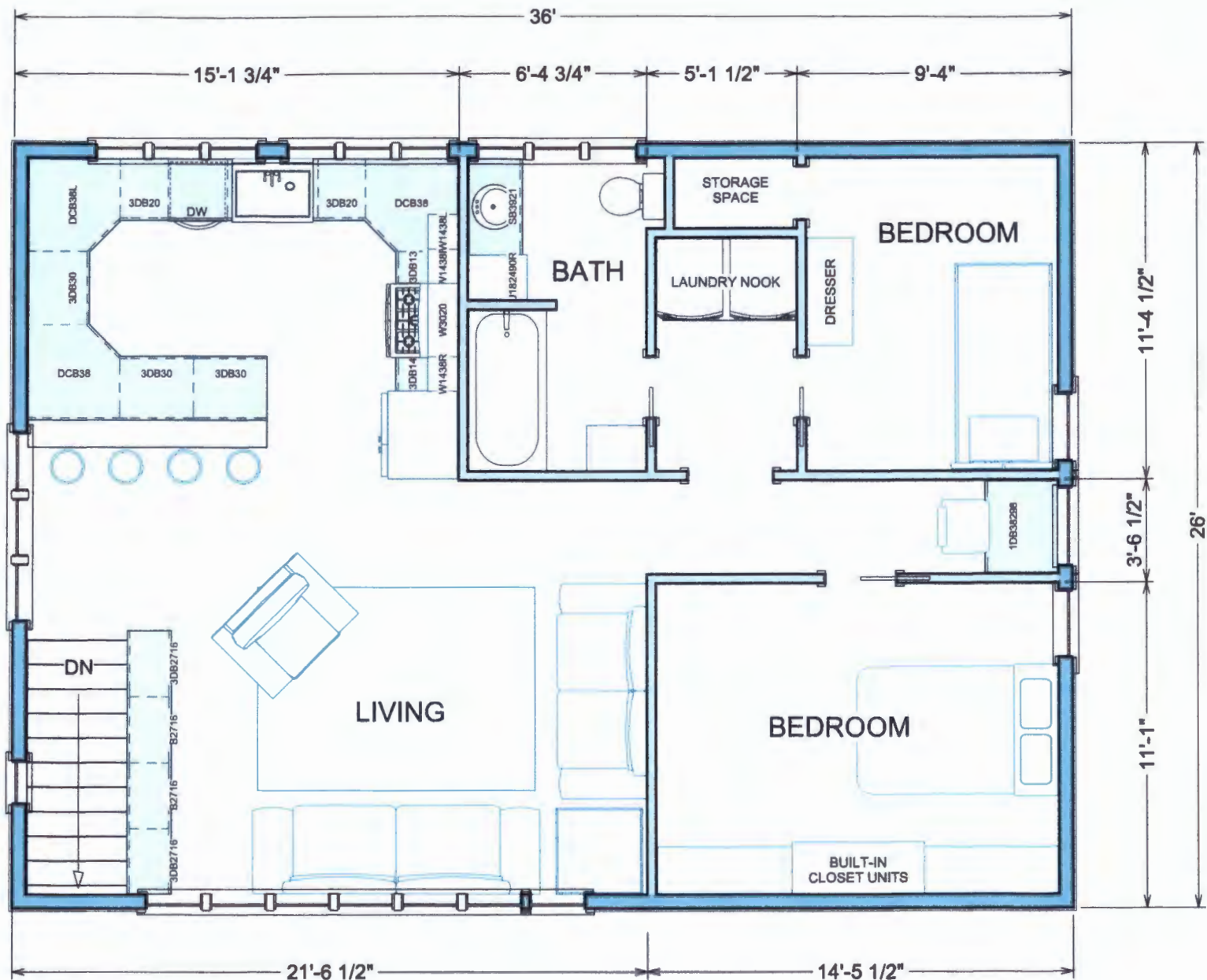


**SITE PLAN**



FIRST FLOOR





## SECOND FLOOR

(936 SF)

Attachment B

Staff Materials





## City & Borough of Sitka, Alaska

**Selected Parcel:** 208 Jeff Davis St ID: 18562013

Printed 4/30/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m  
100 ft



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

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



# CERTIFICATE OF OWNERSHIP AND DEDICATION

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

10/25/2016 DATE  
Randy Hitchcock OWNER  
[Signature] (SIGNATURE)

DATE OWNER (SIGNATURE)

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS 25 DAY OF October, 2016, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Randy Hitchcock

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

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

MY COMMISSION EXPIRES With office

Samantha Piuson  
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

STATE OF ALASKA  
NOTARY PUBLIC  
Samantha Piuson  
My Commission Expires With Office

## CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)

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

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 2016 WILL BE DUE ON OR BEFORE AUGUST 31, 2016, DATED THIS 25 DAY OF October 2016.

Wanda Laureate  
ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. P 16-03, DATED Sept. 20, 2016, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

01/27/2016 DATE  
Samantha Piuson  
CLERK, PLATTING BOARD  
SECRETARY

## CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY, AS RECORDED IN MINUTE BOOK 15, PAGE 289, DATED Sept. 20, 2016, AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

SLANDERER 2016 DATE  
Randy Hitchcock  
CITY AND BOROUGH CLERK

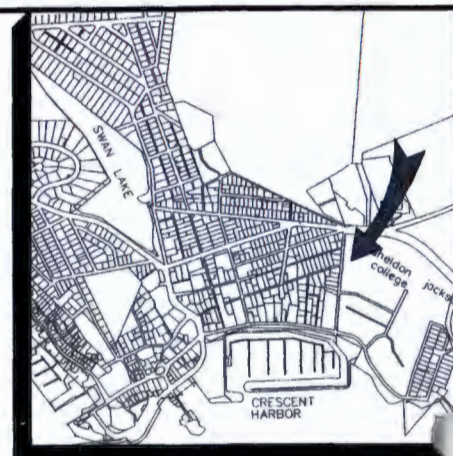
## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

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

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

DATED THIS 25 DAY OF October  
2016, AT SITKA, ALASKA.

FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA



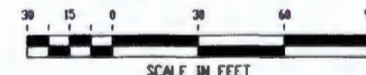
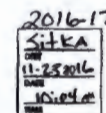
## VICINITY MAP

### LEGEND

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

### NOTES

- THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 17 OF THE SHELDON JACKSON CAMPUS SUBDIVISION INTO 2 LOTS.
- SEE THE ACCESS AND UTILITY EASEMENT AGREEMENT RECORDED UNDER SERIAL NO. 2016-0112.
- THE 40 FT. ACCESS EASEMENT IS RESTRICTED TO LOTS 12 AND 17 (NEW LOTS A AND B) ONLY, AND FOR EMERGENCY USE BY 'SHARED PARKING' USERS.



SITKA RECORDING DISTRICT

CLIENT: RANDY HITCHCOCK

O'NEILL  
SURVEYING AND ENGINEERING

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

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED BY: O'NEILL  
DRAWN BY: [Signature]  
CHECKED BY: [Signature]  
DATE OF PLANNING: 08/08/16  
SCALE: 1" = 30'  
DRAWING NAME: 2016-03  
PROJECT NO: 30406-09  
DATE: 10/13/16  
PROJECTED BY: [Signature]

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED BY THE STATE OF ALASKA, AND THAT ON 10/13/16, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

10/13/16 DATE  
Patrick K. O'Neill, L.S. 49716

## CAMPUS VIEW SUBDIVISION

Subdivision of Lot 17  
SHELDON JACKSON CAMPUS SUBD.  
PLAT NO. 2009-8



























# CITY AND BOROUGH OF SITKA

## Legislation Details

<b>File #:</b>	CUP 18-17	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Conditional Use Permits	<b>Status:</b>		AGENDA READY	
<b>File created:</b>	5/8/2018	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	5/24/2018	<b>Final action:</b>			
<b>Title:</b>	Public hearing and consideration of a conditional use permit for 308 Monastery Street in the CBD Central Business District. The request is for a residential dwelling unit on the first floor of a building in the Central Business District. The property is also known as a portion of Lot 2 Block 16 US Survey 1474. The request is filed by Colin Herforth. The owners of record are Colin Herforth and Christie Jones.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	<a href="#">CUP 18-17 308 Monastery Staff Report May 18 2018</a> <a href="#">CUP 18-17 Application Packet 17May2018</a>				

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: CUP 18-17  
Proposal: Request for a dwelling unit on first floor of CBD structure  
Applicant: Colin Herforth  
Owner: Colin Herforth  
Location: 308 Monastery Street  
Legal: Lot 2, Block 16, US Survey 1474, Townsite of Sitka  
Zone: Central Business District (CBD)  
Size: 6105 sf (approx.)  
Parcel ID: 12185000  
Existing Use: residential, commercial  
Adjacent Use: residential, commercial, public facilities, and community facilities  
Utilities: existing and adequate  
Access: Monastery and Sawmill Creek Road

### **KEY POINTS AND CONCERNS:**

- Technical procedure for CUP requirement for a 1<sup>st</sup> floor dwelling unit
- Some parking provided – none required
- STRs are permitted in this zone

**RECOMMENDATION:** approve it **with lesser conditions** due to nature of CBD (as compared to other CUPs).



## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The applicant is proposing an additional dwelling unit in an existing structure in the Central Business District (CBD) to be used as a short-term rental. A dwelling unit on a first-floor in a CBD zone requires a conditional use permit (SGC Table 22.16.015-1, note 12), while a short-term rental is a permitted use. Parking (on-site) in the CBD zone is not required pursuant to SGC 22.20.100.B (though it is encouraged as appropriate and feasible). Here the applicant is able to provide some parking and/or loading areas. The surrounding and existing land uses include residential, commercial, education, public and community facilities. The existing structure is used as an art studio and vacation rental office and other dwelling unit.

## **ANALYSIS**

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

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** STRs in Sitka have low traffic demand. This property requires no parking, but provides some.

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

**c. Odors to be generated by the use and their impacts:** Minimal with proper trash and garbage collection/disposal.

**d. Hours of operation:** unknown from applicant (ask applicant on record).

**e. Location along a major or collector street:** Monastery/SMC Road.

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

**g. Effects on vehicular and pedestrian safety:** minimal to nil.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Additional short-term resident does not impact emergency response; and police and fire are across the street and very close.

**i. Logic of the internal traffic layout:** Some back out potential that could impact traffic, but minimal for this area due to traffic levels.

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<sup>1</sup> § 22.24.010.E

**j. Effects of signage on nearby uses:** None proposed. Any signage must comply with Sitka General Code requirements.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Existing site. Applicant will provide more context.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a commercial business and STR in the CBD zone. In addition, an additional dwelling unit will potentially increase housing supply in the future.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates. However, in this case, the zone is appropriate for this type of use as permitted.

## **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a dwelling unit on the first floor of structure in the CBD zone.

.....

### **Motions in favor of approval:**

- 1) I move to approve the conditional use permit request at 308 Monastery Street in the CBD Central Business District. The request is for a residential dwelling unit on the first floor of a building in the Central Business District. The property is also known as a portion of Lot 2 Block 16 US Survey 1474. The request is filed by Colin Herforth. The owners of record are Colin Herforth and Christie Jones.

Conditions of Approval: (limited conditions as compared with others due to nature of CBD)

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears, 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for STR uses (short-term rental) shall occur off-street and on-site.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to STR/renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general

admonition to respect the surrounding residential neighborhood.

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

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

2) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, on-site parking is provided though not required and that the use is consistent with the CBD zone.*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, the neighborhood is already established with higher density and a mix of commercial, public facilities, community facilities, and nearby to downtown;* nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, the property is accessed directly from a public street and has public utilities and that is provides parking though not required and is close to downtown.*
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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a business and residential land uses in the CBD zone.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically the proposal coupled with the zone and surrounding area is compatible.*

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

# Attachment A

## Applicant Materials



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT/SUBDIVISION

### BRIEF DESCRIPTION OF REQUEST:

Building <sup>additional</sup> apartment in my  
existing <sup>art</sup> studio/short term rental

### PROPERTY INFORMATION:

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

CURRENT LAND USE(S): art studio/rental PROPOSED LAND USES (if changing): — none  
apt.

### APPLICANT INFORMATION:

PROPERTY OWNER: COLIN HERFORTH

PROPERTY OWNER ADDRESS: 308 MONASTERY ST BOX 2728

STREET ADDRESS OF PROPERTY: 308 MONASTERY ST

APPLICANT'S NAME: COLIN HERFORTH

MAILING ADDRESS: BOX 2728

EMAIL ADDRESS: colinherforth DAYTIME PHONE: 738-6194

### PROPERTY LEGAL DESCRIPTION:

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

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

HERFORTH  
Last Name

Apr 30, 18  
Date Submitted

308 Monastery  
Project Address

## REQUIRED INFORMATION:

### For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## 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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. 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.

COLIN HERFORTH

Owner

Date

Apr 30, 18

Christie Jones  
Christie Jones

Owner

Date

4/30/18

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

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

\_\_\_\_\_  
Date

HERFORTH

Last Name

Apr. 30 18

Date Submitted

308 Monastery

Project Address





# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
CONDITIONAL USE PERMIT

## APPLICATION FOR

☐

MARIJUANA ENTERPRISE

☒

SHORT-TERM RENTAL OR BED AND BREAKFAST

☐

OTHER: \_\_\_\_\_

## CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

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

1 parking space at location w/ existing parking  
for 4-5 vehicles

- Amount of noise to be generated and its impacts on surrounding land use: minimal

- Odors to be generated by the use and their impacts: none to minimal

- Hours of operation: check in/check out of short-term clientele

based on arrival/departure of airlines/ferry

- Location along a major or collector street: CBD - 308 Monastery St.

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

- Effects on vehicular and pedestrian safety: NA

HERFORTH

Last Name

Apr. 30 '18

Date Submitted

308 Monastery

Project Address

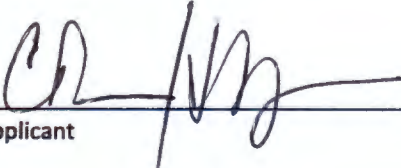


- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: EASY ACCESS
- Logic of the internal traffic layout: N/A
- Effects of signage on nearby uses: N/A
- Presence of existing or proposed buffers on the site or immediately adjacent the site: NA
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN):
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.): N/A

**REQUIRED FINDINGS (SGC 22.30.160(C):**

1. ...The granting of the proposed conditional use permit will not:
- a. Be detrimental to the public health, safety, and general welfare because \_\_\_\_\_  
\_\_\_\_\_;
  - b. Adversely affect the established character of the surrounding vicinity, because \_\_\_\_\_  
\_\_\_\_\_; 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, because, \_\_\_\_\_  
\_\_\_\_\_;
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 \_\_\_\_\_ which states \_\_\_\_\_  
\_\_\_\_\_  
because the proposal \_\_\_\_\_  
\_\_\_\_\_;
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and  
enforced, because \_\_\_\_\_  
\_\_\_\_\_.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Applicant

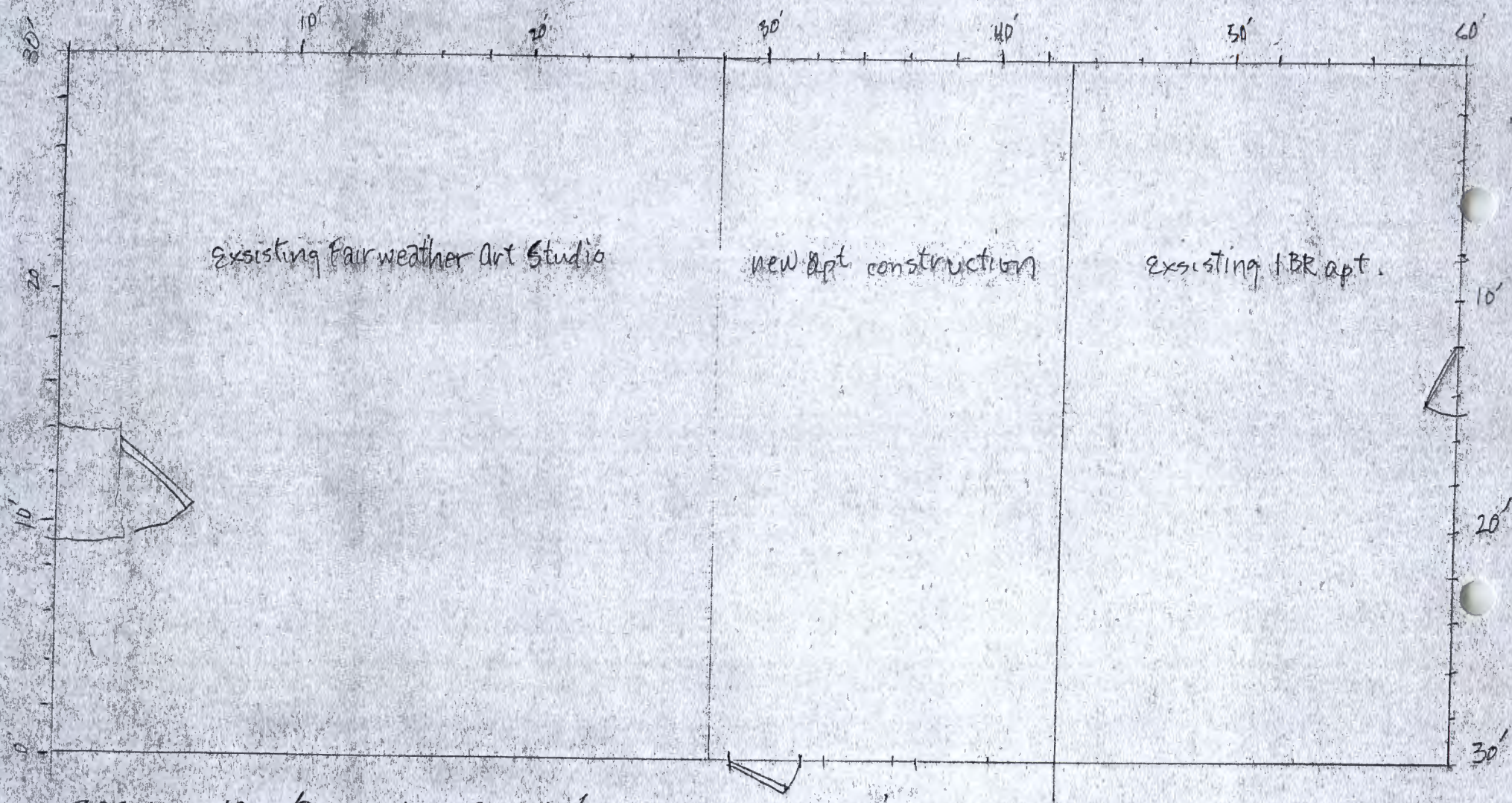
4.30.18  
Date

HERFORTH  
Last Name

4/30/18  
Date Submitted

308 Monestary  
Project Address





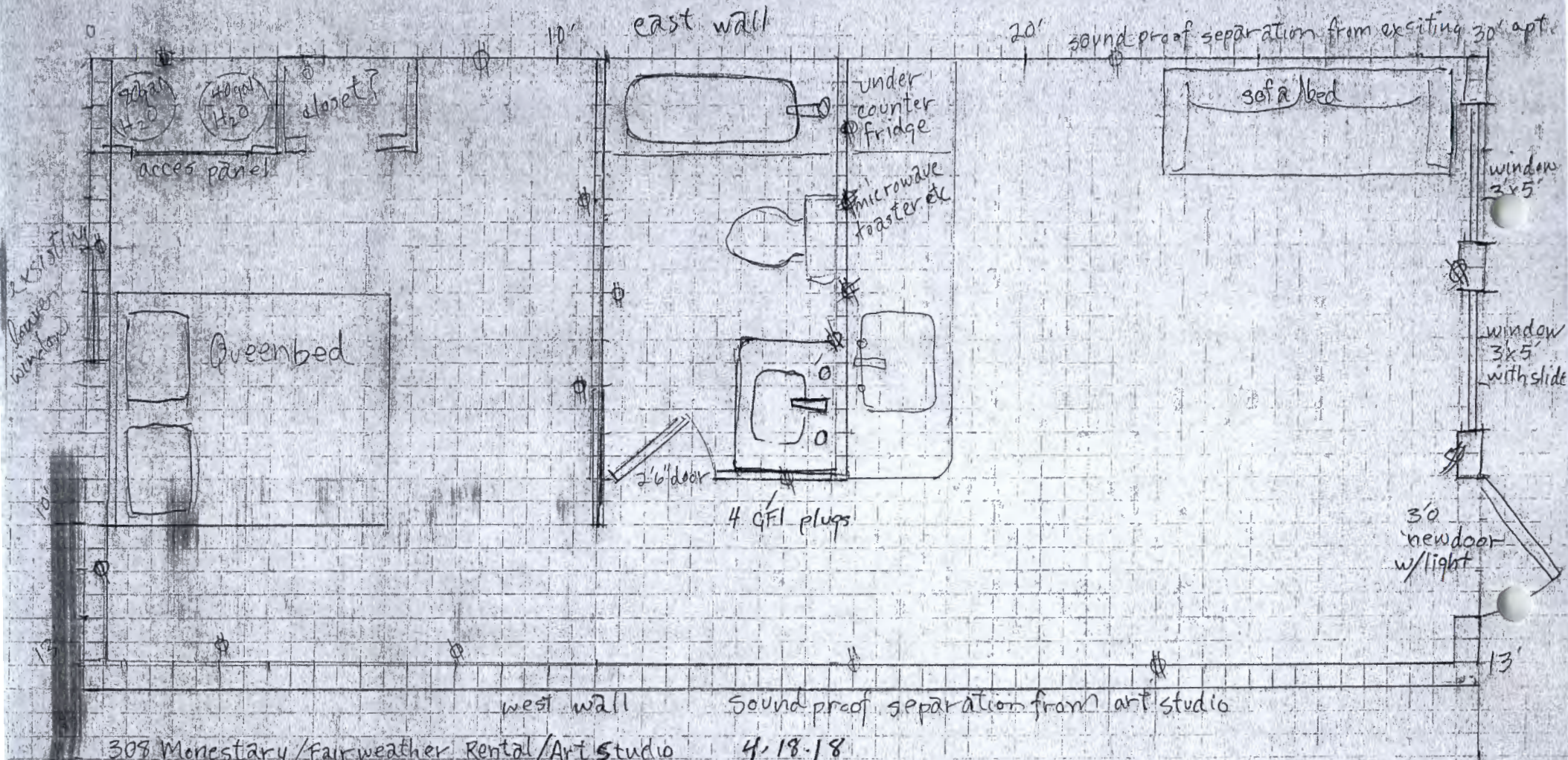
308 Monestary/Fairweather Rentals/Art Studio

4.19.18

COLIN HERFORTH/CHRISTIE JONES 738-6194/738-8601

Remodel/Apt. +/- 377 sq





308 Monestary/Fairweather Rental/Art Studio

4.18.18

Colin Herforth/Christie Jones 738-6194/738-8601

Remodel/Apt +/- 377# one square =  $\square$  6"

2x4 construction w/sound proof walls east/west  
R16 insulation















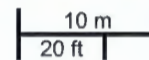




## City & Borough of Sitka, Alaska

Selected Parcel: 308 Monastery St ID: 12185000

Printed 4/30/2018 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.

**Attachment B**

**Staff Materials**





## City & Borough of Sitka, Alaska

Selected Parcel: 308 Monastery St ID: 12185000

Printed 5/7/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m  
100 ft



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

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



Sur. No 407 Tract B.























# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** CUP 18-19    **Version:** 1    **Name:**  
**Type:** Conditional Use Permits    **Status:** AGENDA READY  
**File created:** 5/8/2018    **In control:** Planning Commission  
**On agenda:** 5/24/2018    **Final action:**  
**Title:** Public hearing and consideration of a conditional use permit request for a food truck/outdoor restaurant at 104 Cathedral Way in the Central Business District. The property is also known as Lot 2 Block 6 US Survey 1474 Tract A. The request is filed by Matthew and Julieanne Stroemer. The owners of record are Adam and Kris Chinalski.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [CUP18-19.104Cathedral.Stroemer.StaffReport.18May2018](#)  
[CUP18-19 Application Packet 17May2018](#)

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: CUP 18-19  
Proposal: Request for food truck/outdoor restaurant  
Applicant: Matthew/Julieanne Stroemer  
Owner: Adam/Kris Chinalski  
Location: 104 Cathedral Way  
Legal: Lot 2 Block 6 US Survey 1474 Tract A  
Zone: CBD Central Business District  
Size: 911 square feet  
Parcel ID: 10545000  
Existing Use: Undeveloped  
Adjacent Use: Commercial, Residential  
Utilities: Existing Electric  
Access: Cathedral Way, Sidewalk from Lincoln Street

### **KEY POINTS AND CONCERNS:**

- Proposed food truck for vending of cooked fish and similar foods
- Currently undeveloped lot is very small, constraining possible development
- Located in the Central Business District on private property
- DEC permit process has been initiated but not finalized
- Burden of proof is on the applicant to prove that any impacts can be mitigated

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a food truck/outdoor restaurant at 104 Cathedral Way subject to conditions of approval.



## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a food truck/outdoor restaurant at 104 Cathedral Way. The truck would be located on a privately owned, undeveloped lot of 911 square feet. The proposal is to prepare and serve locally-caught fish and similar food items. Typical hours of operation are 10:30 AM – 5:30 PM. Anticipated customers are tourists and locals. Applicant seeks to use the menu to highlight local seafood industry.

The truck is a 7 foot by 23 foot DMV licensed truck with triple sink, hand wash sink, service counter, prep area, storage, refrigerator, freezer, cooking equipment with hood fan and auto fire suppression, garbage, and tanks for fresh water and grey water. The truck will be removed from the site when not in use, and parked on a property zoned Industrial. DEC permitting has been initiated but is not finalized. Applicant proposes to hook the truck to municipal power. Fresh water and grey water will be stored in tanks and refilled/emptied at municipal facilities in accordance with local regulations. Garbage will be removed from the site and disposed of in accordance with local regulations.

At the closest, the awning would come to two feet of the sidewalk. The proposed location of the truck would place the truck at 22 feet from the corner of the Shee Atika building and cooking equipment would be 25 feet from the Radio Shack building. Site plan includes food truck with awning, umbrella table seating, and several decorative planters.

Cathedral Way has sidewalks but no parking. The proposal shows no on-site parking. A condition of approval mandates that operators do not allow vehicles to stall/park on Cathedral Way, the sidewalk, or this property.

## **ANALYSIS**

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

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** Most customers expected to be pedestrians, locals and tourists. Traffic is to be expected in the Central Business District, although there is no parking on-site or on Cathedral Way. No on-site parking required in the Central Business District. See item g for additional discussion and condition of approval.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Applicants will hook up to municipal power, so generator odors are not anticipated. Applicant reports that minimal noise will

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<sup>1</sup> § 22.24.010.E

be generated from a hood fan. Additional sounds consistent with the Central Business District, such as conversation, are expected. No sounds expected that would be out of character with the CBD.

**c. Odors to be generated by the use and their impacts:** Applicants will hook up to municipal power, so generator odors are not anticipated. Cooking of fish and other foods will result in some odors. Food and beverage odors are to be expected in the Central Business District.

**d. Hours of operation:** Primarily 10:30 AM – 5:30 PM

**e. Location along a major or collector street:** Pedestrian access from Lincoln Street or Seward Street to Cathedral Way.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** No cut-through concerns anticipated. The Central Business District has numerous vehicular and pedestrian routes.

**g. Effects on vehicular and pedestrian safety:** Cathedral Way has sidewalks. The truck and any accompanying equipment will be on private property. No parking on-site or on Cathedral Way. While the majority of the sales are anticipated to be to pedestrians, it is possible that some motorists may attempt to pull onto the sidewalk and quickly purchase food. A condition of approval requires that the applicant and any operators enforce no parking or stalling on-site or on Cathedral Way.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Lot is directly adjacent to Cathedral Way, a municipal right-of-way.

**i. Logic of the internal traffic layout:** The lot is currently undeveloped, and this is the only proposed use for the property. Truck is situated to allow required space between cooking equipment and adjacent buildings. Awning will be 2 feet from the sidewalk. Set-up will include food truck with awning, two umbrella table seating options, and several decorative planters.

**j. Effects of signage on nearby uses:** No permanent signage.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** No significant structural buffers. One adjacent building has no windows or doors on the side adjacent to this lot. The boundary with the other property is marked with a chain link fence, which is expected to remain. Truck is situated to allow required space between cooking equipment and adjacent buildings. The truck will be located on private property in a manner in which to reduce impacts navigability of sidewalks and streets.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic

base” by allowing for an economic enterprise that makes use of a parcel that is otherwise difficult to develop. Applicant cited Comprehensive Plan sections discussing Sitka’s vibrant downtown, developing the workforce, promoting innovation and entrepreneurship, and supporting/growing existing businesses, and these are discussed further in his application (see attachment).

**m. Other criteria that surface through public comments or planning commission review:** No restrooms proposed. Public restrooms available one block away at the intersection of Lincoln and Lake Streets.

### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit request for a food truck at 104 Cathedral Way subject to conditions of approval.

.....

### **Motions in favor of approval:**

1) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, all public health and safety codes will be strictly applied according to state and city laws;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, it will beautify the vacant lot and highlight local fishing industry;* nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, waste products will be handled in accordance with municipal utility programs;*
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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing for an economic enterprise that makes use of a parcel that is otherwise difficult to develop.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that the Planning Commission may review the permit at any time upon receipt of meritorious complaint.*

2) I move to approve the conditional use permit application for a food truck/outdoor restaurant at 104 Cathedral Way in the Central Business District. The property is also known as Lot 2 Block 6 US Survey 1474 Tract A. The request is filed by Matthew and Julieanne Stroemer. The owners of record are Adam and Kris Chinalski.

---

<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

Conditions of Approval:

1. All required permits, including but not limited to DEC Food Safety and Sanitation, shall be current at all times that the conditional use permit is utilized.
2. Operations shall not obstruct safe sidewalk passage.
3. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
4. The applicant and any operators shall enforce no parking or stalling on-site or on Cathedral Way.
5. The Planning Commission, at its discretion and upon receipt of meritorious complaint, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Permit and use shall comply with all local regulations, including building code, fire and life safety, business registration, and remittance of all applicable taxes.



Attachment A

Applicant Materials



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

RECEIVED MAY 01 2018

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

### APPLICATION FOR:

☐ VARIANCE

☒ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Conditional use permit for a  
food truck business (Captain Jaws LLC) to operate at the  
location 104 Cathedral St.

### PROPERTY INFORMATION:

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

CURRENT LAND USE(S): Vacant Lot PROPOSED LAND USES (if changing): Food Truck vending sight.

### APPLICANT INFORMATION:

PROPERTY OWNER: Adam Chinalski

PROPERTY OWNER ADDRESS: 2009 B-1 SMC Sitka, AK 99835

STREET ADDRESS OF PROPERTY: Same

APPLICANT'S NAME: Matthew & Julieanne Stroemer

MAILING ADDRESS: 1403 Edgemoor Dr Sitka, AK 99835

EMAIL ADDRESS: mpstroemer@alaskaskiffllc.com DAYTIME PHONE: 907-738-0567

### PROPERTY LEGAL DESCRIPTION:

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

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

Stroemer  
Last Name

4-30-18  
Date Submitted

104 Cathedral St.  
Project Address

## REQUIRED INFORMATION:

### For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Floor Plan for all structures and showing use of those structures
- ☐ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

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### For Marijuana Enterprise Conditional Use Permits Only:


- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## 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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

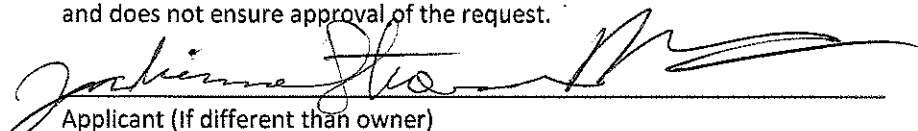
  
Owner

4-30-18  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

  
Applicant (If different than owner)

4-30-18  
Date

Stroemer  
Last Name

4-30-18  
Date Submitted

104 Cathedral St  
Project Address



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
CONDITIONAL USE PERMIT

RECEIVED MAY 01 2018

## APPLICATION FOR

☐

MARIJUANA ENTERPRISE

☐

SHORT-TERM RENTAL OR BED AND BREAKFAST

☒

OTHER: Food Truck operation

## CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

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

No more than usual Tourism and local existing Traffic.

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

Minimal noise from hood fan

- Odors to be generated by the use and their impacts:

Non-offensive cooking odors from cooking of ~~local~~ locally sourced fish (salmon, Rockfish, Halibut)

- Hours of operation:

10:30 AM – 5:30 PM

- Location along a major or collector street:

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

None

- Effects on vehicular and pedestrian safety:

None foreseen

Last Name

Stroemer

Date Submitted

4-30-18

Project Address

104 Cathedral St.



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- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: easy  
open Street access
- Logic of the internal traffic layout: \_\_\_\_\_
- Effects of signage on nearby uses: Greater attention to area
- Presence of existing or proposed buffers on the site or immediately adjacent the site: \_\_\_\_\_  
Chain link fence Between Lot 1 and 2
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): Under Land Use Goal -  
Objectives - Maintain downtown's central business district's compact, walkable  
charm, maintain Environmental Quality.
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.): DEC Permit application in process  
Waste water disposal at wastewater treatment plant.  
Weekly Garbage Pick up or more frequently if necessary.

Stratman  
Last Name

4-30-18  
Date Submitted

104 Cathedral St.  
Project Address

REQUIRED FINDINGS (SGC 22.30.160(C):

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1. ...The granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare because all public health & safety codes will be strictly applied according to State and City Laws;
- b. Adversely affect the established character of the surrounding vicinity, because It will beautify the vacant lot, and highlight local fishing industry; 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, because, It will highlight local community, industry, and improve esthetics of the property

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 Economic Development which states In Chapter Objectives

Maintain Sitka's Vibrant downtown, Leverage Natural/Municipal Assets, Develop Workforce, Promote Innovation, Entrepreneurship and Partnerships Support and Grow Existing Businesses,  
because the proposal will add to downtown visitor and local trade, highlight and

utilize locally caught & processed fish, Partner with SPC to develop awareness to visitor of their consumer web sight busting their online trade.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, because local & state law/ ordinance

ANY ADDITIONAL COMMENTS

Matthew & Julieanne  
Applicant

Date

Stroemer

Last Name

Date Submitted

Project Address

## Samantha Pierson

---

**From:** Matthew Stroemer <mpstroemer@alaskaskiffllc.com>  
**Sent:** Wednesday, May 02, 2018 1:52 PM  
**To:** Samantha Pierson  
**Subject:** Re: Conditional Use Permit - 104 Cathedral

The water source for potable water will be city water. Tank will be filled at 221 Smith st.

Thanks,  
Matt

On Tue, May 1, 2018 at 2:07 PM Samantha Pierson <[samantha.pierson@cityofsitka.org](mailto:samantha.pierson@cityofsitka.org)> wrote:

Thanks!

*Sam*

Samantha Pierson

Planner I

City and Borough of Sitka

100 Lincoln Street

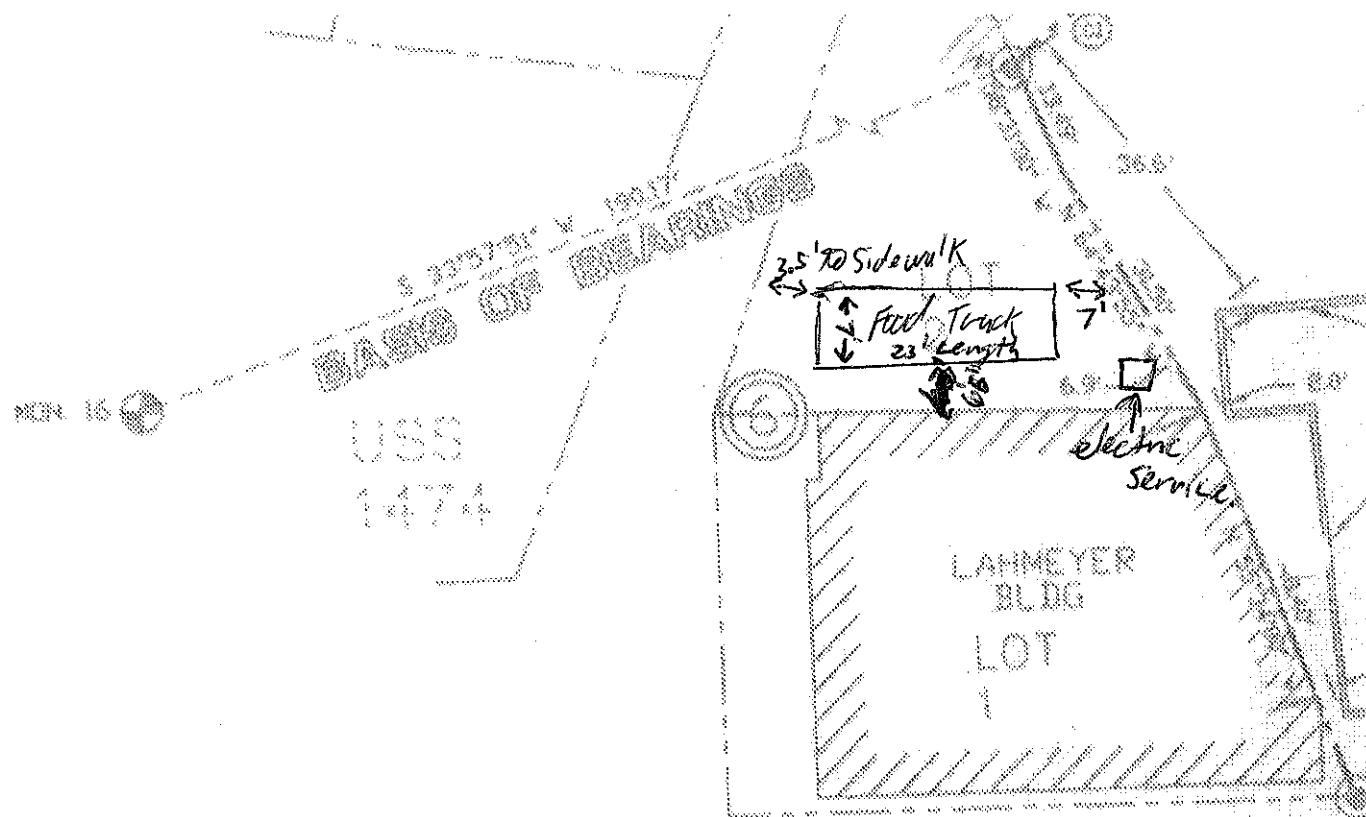
Sitka, AK 99835

(907) 747-1814

**From:** Matthew Stroemer [mailto:[mpstroemer@alaskaskiffllc.com](mailto:mpstroemer@alaskaskiffllc.com)]  
**Sent:** Tuesday, May 01, 2018 12:49 PM  
**To:** Samantha Pierson <[samantha.pierson@cityofsitka.org](mailto:samantha.pierson@cityofsitka.org)>  
**Subject:** Re: Conditional Use Permit - 104 Cathedral

Hi Samantha,

Here are the photos. I'll get the other items to you soon.



CLIENT: DAWSON CONSTRUCTION  
 P. O. BOX 30920  
 BELLINGHAM, WA 98220

RECEIVED  
 MAY 01 2003

DRAWN BY: KD/ACAD  
 CHECKED BY: BKO  
 DATE PLATTED: 3/02/03  
 DATE SURVEYED: 3/03/03  
 SCALE: 1" = 30'  
 SURVEYOR: PATRICK K. O'NEILL  
 PROJ. NO.: 20144-00-00

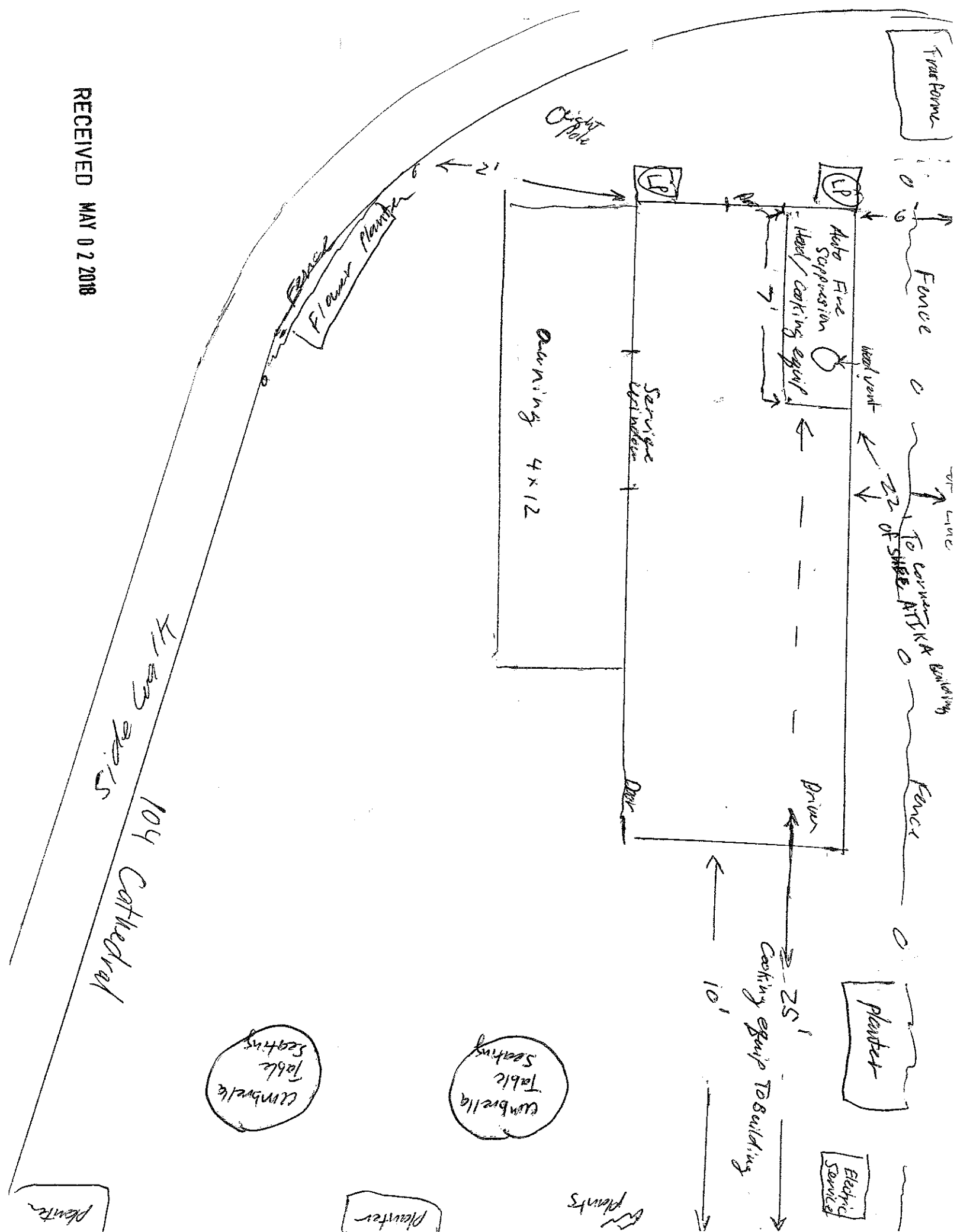
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED  
 HAVE BEEN ESTABLISHED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE  
 TO SHOW ANY CONFLICTS BETWEEN EXISTING STRUCTURES AND PLATTED  
 FOR POSITIONING ADDITIONAL STRUCTURES, BUILDING FENCES, OR TO  
 VERIFY THAT IMPROVEMENTS SITUATED ON THIS PARCEL MEET ALL

3-5-03

DATE

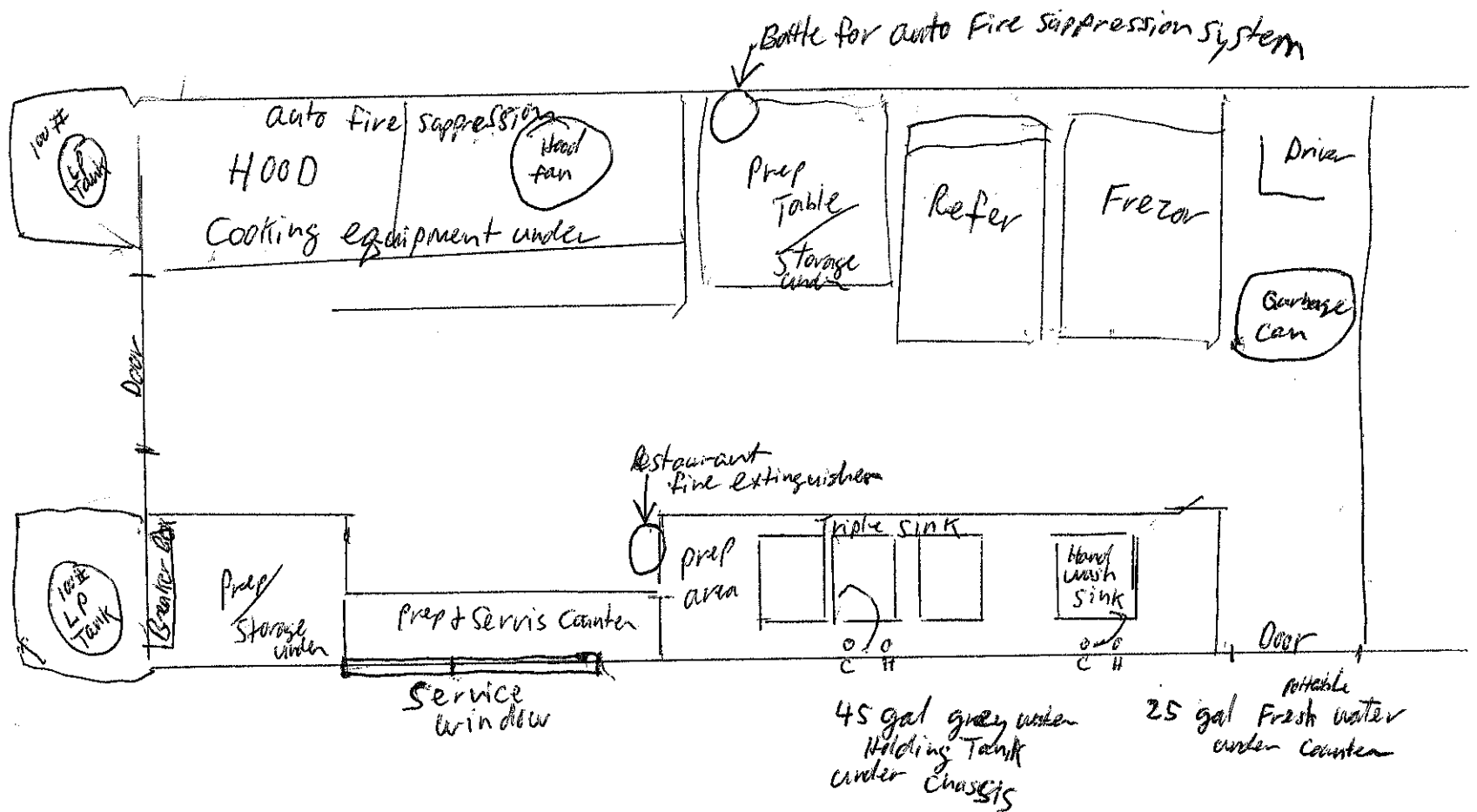


RECEIVED MAY 02 2018



# Food Truck Lay out / Floor plan.

RECEIVED MAY 02 2018









# Attachment B

## Staff Materials





## City & Borough of Sitka, Alaska

Selected Parcel: 104 Cathedral Way ID: 10545000

Printed 5/8/2018 from <http://www.mainstreetmaps.com/link/sitka/internal.asp>

10 m  
50 ft



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

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







# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** CUP 18-16    **Version:** 1    **Name:**  
**Type:** Conditional Use Permits    **Status:** AGENDA READY  
**File created:** 5/8/2018    **In control:** Planning Commission  
**On agenda:** 5/24/2018    **Final action:**  
**Title:** Public hearing and consideration of a conditional use permit request for a short-term rental at 837 Lincoln Street in the R-2 multifamily residential district. The property is also known as Lot R-3 SJC-Lincoln Subdivision Replat. The request is filed by Matt and Naomi Christner. The owners of record are Matthew and Naomi Christner.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [CUP18-16.837Lincoln.StaffReport](#)  
[CUP18-16 Application Packet 17May2018](#)

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: CUP 18-16  
Proposal: Request for short-term rental at 837 Lincoln Street  
Applicant: Matt/Naomi Christner  
Owner: Matt/Naomi Christner  
Location: 837 Lincoln Street  
Legal: Lot R-3 SJC – Lincoln Subdivision Replat  
Zone: R-2 multifamily residential district  
Size: 13,719 square feet  
Parcel ID: 18562003  
Existing Use: Residential  
Adjacent Use: Residential, Sheldon Jackson Campus, Recreation  
Utilities: Existing  
Access: Lincoln Street

### **KEY POINTS AND CONCERNS:**

- Rental unit is a single-family structure
- Sufficient parking on-site
- Access from Lincoln Street
- Neighborhood has historically housed college campus and related commercial uses
- Property exceeds minimum lot square footage for the zone
- Short-term rentals offer economic opportunity for homeowners but may impact long-term rental rates
- Burden is on the applicant to prove that the proposal will not negatively impact the neighborhood

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a short-term rental at 837 Lincoln Street.



## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental of a single-family structure at 837 Lincoln Street. The house was constructed in 2016. The rental unit has a 3 bedrooms and 2.5 bathrooms. The rental will be managed by a property manager. Applicants discussed a limit of 6 guests at a time.

Access to this lot is from Lincoln Street. Property provides parking in excess of the two required spaces. Nearby commercial uses include Sitka Sounds Science Center and the Sitka Fine Arts Camp.

## **ANALYSIS**

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

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

Applicant anticipates that traffic will be consistent with single-family occupancy. Those unfamiliar with the property may back vehicles out onto Lincoln Street. Applicants should provide additional detail on safe access, including but not limited to a diagram showing where a vehicle can safely turn around. Due to concerns for nearby vehicular hazards as raised by the applicant, a condition of approval limits short-term renters to one vehicle.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Applicant anticipates that any noise would be consistent with current single-family occupancy. Large lot sizes and foliage provide buffering.

**c. Odors to be generated by the use and their impacts:** Applicant provides rental overview with instructions for responsible garbage management. Applicant should consider requiring renters to leave garbage in the house and to delegate the disposal task to the property manager. Per condition of approval to mitigate bear concerns, garbage must be kept indoors or in a bear-proof enclosure until 4 am on garbage collection day.

Additionally, fish cleaning and smoking are prohibited on the property.

---

<sup>1</sup> § 22.24.010.E

**d. Hours of operation:** Up to a year-round short-term rental. Check-in at 4 pm and check-out at 11 am.

**e. Location along a major or collector street:** Access from Lincoln Street.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** None anticipated. Applicant included directions in the rental overview.

**g. Effects on vehicular and pedestrian safety:** Renters may walk from the property to destinations. Lincoln Street has sidewalks. Small code-compliant signage may be installed to help renters find the property. Those unfamiliar with the property may back out onto Lincoln Street. Applicants should provide additional detail on safe access, including but not limited to a diagram showing where a vehicle can safely turn around.

Applicant raised concern for motorist activity in the vicinity, particularly parking and stalling in the street front of the Science Center, vehicles pulling onto the Seawalk, and limited parking at the Science Center and new city playground. Staff conducted a site visit and agree with these concerns. Short-term renters may generate less traffic but will be less familiar with the area and potential vehicular hazards. Condition of approval 2 addresses these concerns and limits the property to one car per short-term rental booking.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same as if the unit had a long-term inhabitant.

**i. Logic of the internal traffic layout:** The property is a single-family structure with no other uses on the property.

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

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Foliage, large lot sizes, and Lincoln Street provide buffering between this property and adjacent properties. Adjacent properties include Sheldon Jackson Campus and two residential properties.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, because the proposal allows for a single-family vacation rental with parameters that limit use to be equal with long-term family use.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates. In this case, an entire house is proposed for up to full-time short-term rental.

### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 837 Lincoln Street.

---

### **Motions in favor of approval:**

1) I move to approve the conditional use permit request for a short-term rental at 837 Lincoln Street in the R-2 multifamily residential district. The property is also known as Lot R-3 SJC-Lincoln Subdivision Replat. The request is filed by Matt and Naomi Christner. The owners of record are Matthew and Naomi Christner.

#### Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request, except that the rental contract shall limit rental cars to 1 per stay and shall not allow additional vehicles on-site or off-site.
3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.

8. 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.

9. Any signs must comply with Sitka General Code 22.20.090.

10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.

12. 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.

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

2) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, conditions of approval require responsible garbage management and noise monitoring;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, neighborhood has historically hosted a college campus and other related commercial uses;* nor
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, on-site parking is provided.*
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 "development of facilities to accommodate visitors" that do not negatively impact surrounding residential neighborhoods, because the proposal allows for a single-family vacation rental with parameters that limit use to be equal with long-term family use.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that conditions of approval require provision of a thorough rental overview, and the permit may be revoked if conditions warrant.*

---

<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

# Attachment A

## Applicant Materials



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
GENERAL APPLICATION FORM

RECEIVED MAY 01 2013

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

## APPLICATION FOR:

☐ VARIANCE

☒ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** REQUEST FOR SHORT TERM RENTAL  
OF CURRENT SMALL FAMILY RESIDENCE IN R-2 ZONE

## PROPERTY INFORMATION:

CURRENT ZONING: R-2 PROPOSED ZONING (if applicable): \_\_\_\_\_

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

## APPLICANT INFORMATION:

PROPERTY OWNER: Matt & Naomi Christner

PROPERTY OWNER ADDRESS: 837 Lincoln St.

STREET ADDRESS OF PROPERTY: 837 Lincoln St.

APPLICANT'S NAME: SAME

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: NAOMI@GRIZENKO.COM DAYTIME PHONE: 907-747-2911

## PROPERTY LEGAL DESCRIPTION:

TAX ID: \_\_\_\_\_ LOT: R-3 BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: SJC - LINCOLN SUBDIVISION US SURVEY: \_\_\_\_\_

Last Name

Date Submitted

Project Address



## REQUIRED INFORMATION:

RECEIVED MAY 01 2018

### For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☒ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☒ Proof of filing fee payment

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☒ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## 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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

Naomi Christner  
Owner

Date

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

Last Name

Date Submitted

Project Address



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
CONDITIONAL USE PERMIT

RECEIVED MAY 01 2018

## APPLICATION FOR

☐ MARIJUANA ENTERPRISE

☒ SHORT-TERM RENTAL OR BED AND BREAKFAST

☐ OTHER: \_\_\_\_\_

## CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

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

AMOUNT CONSISTENT W/ CURRENT SINGLE FAMILY OCCUPANCY

- Amount of noise to be generated and its impacts on surrounding land use: AMOUNT CONSISTENT

W/ CURRENT SINGLE FAMILY OCCUPANCY

- Odors to be generated by the use and their impacts: NONE

- Hours of operation: 24 HR OCCUPANCY

- Location along a major or collector street: COLLECTOR

- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: NONE

- Effects on vehicular and pedestrian safety: NO CHANGE

- Ability of the police, fire, and EMT personnel to respond to emergency calls on the site: RECEIVED MAY 01 2018  
\_\_\_\_\_
- Logic of the internal traffic layout: N/A  
\_\_\_\_\_
- Effects of signage on nearby uses: N/A  
\_\_\_\_\_
- Presence of existing or proposed buffers on the site or immediately adjacent the site: N/A  
\_\_\_\_\_
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**REQUIRED FINDINGS (SGC 22.160(C):**

RECEIVED MAY 01 2018

**1. ...The granting of the proposed conditional use permit will not:**

a. Be detrimental to the public health, safety, and general welfare because IT IS CONSISTENT

W/ CURRENT OCCUPANCY WHICH IS COMPLIANT W ALL CURRENT REQS ;

b. Adversely affect the established character of the surrounding vicinity, because CONSISTENT

W/ CURRENT RESIDENTIAL NEIGHBORHOOD ; 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, because, ITS CONSISTENT W CURRENT

OCCUPANCY ;

**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 states "encourage the development of facilities to accommodate visitors..."

because the proposal allows for a single family vacation rental with parameters that limits use to be equal with long term family use;

**3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and**

**enforced, because** there will be a local property manager and neighbors encouraged to resolve any concerns.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

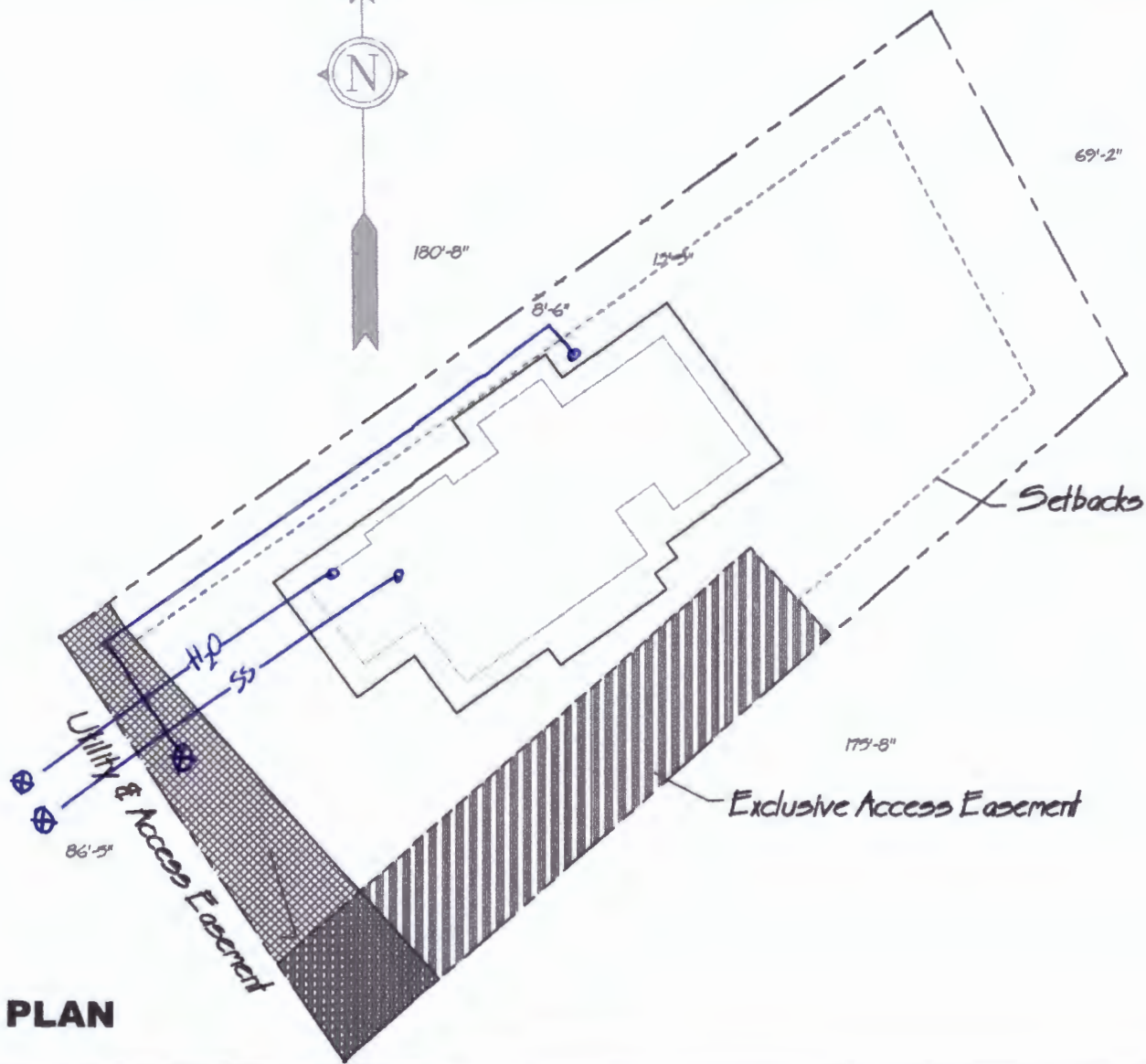
Applicant \_\_\_\_\_

Date \_\_\_\_\_

Last Name \_\_\_\_\_

Date Submitted \_\_\_\_\_

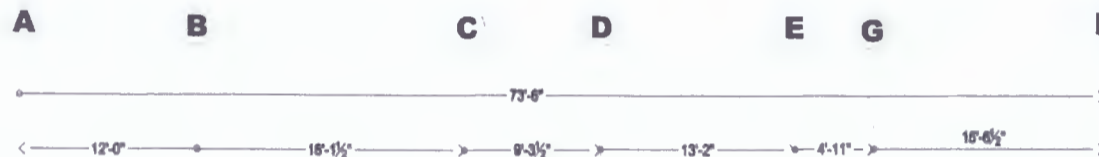
Project Address \_\_\_\_\_



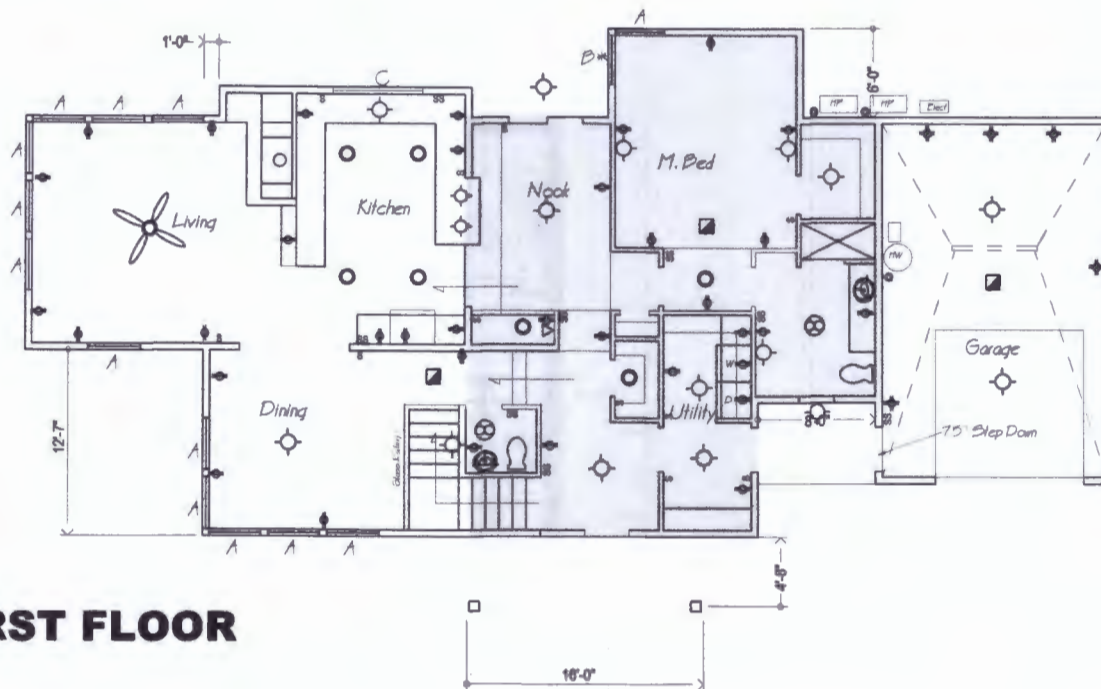
**SITE PLAN**

General Notes		
No.	Revisions/Notes	Date
New Name and Address		
Project Name and Address		
Christner 837 Lincoln		
Project	Sheet	<b>C1</b>
No.		
Date		

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- ✦ Example 11: \_\_\_\_\_ indicated
- \_\_\_\_\_ see equipment tag
- ◇ \_\_\_\_\_ note
- ⬢ Switch \_\_\_\_\_ 3-way where shown
- ⊗ Bath Fan
- ⬢ Smoke Detector \_\_\_\_\_ per \_\_\_\_\_
- ⬢ Data/Phone \_\_\_\_\_ at the table
- ⊙ Height \_\_\_\_\_ shown \_\_\_\_\_ where not



1  
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3  
4

# 1 FIRST FLOOR

## General Notes

1. Owner to Provide Final Kitchen Layout.
2. Dimensional Framing Lumber to be No. 2 or Better Doug Fir.
3. Engineered Wood Products to be installed per MFG Instructions and in accordance with published load tables unless otherwise approved by the MFG.
4. All Framing Fasteners to be Hot Dipped Galvanized. All Siding Fasteners to be Stainless Steel.

No.	Revision/Status	Date
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New Name and Address

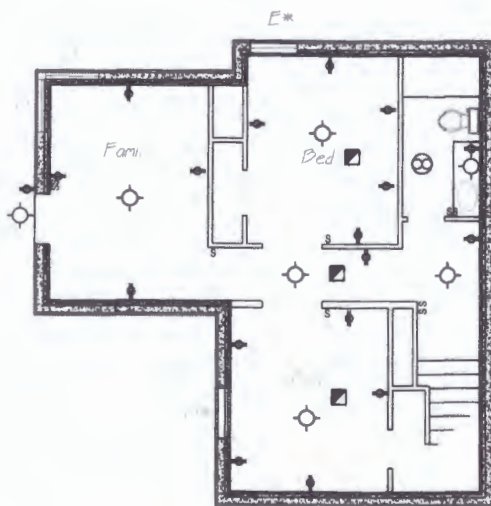
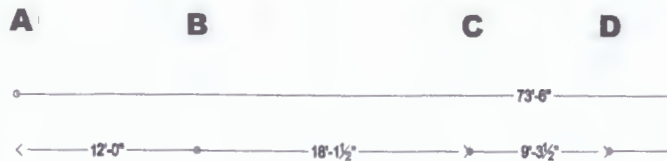
Project Name and Address  
**Christner**  
**837**  
**Lincoln**

Project	Date
Site	
Drawn	

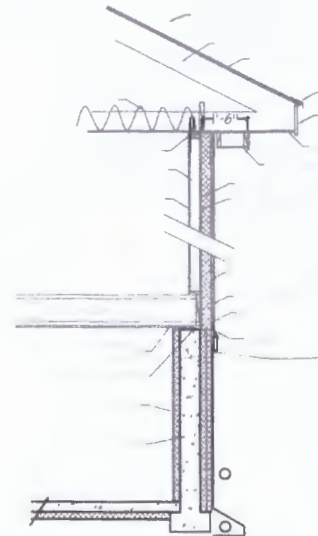
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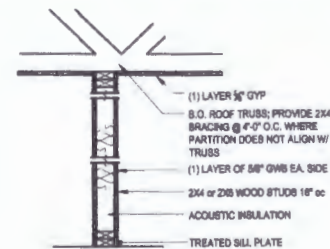


## 1 BASEMENT FLOOR



① Exterior Wall Detail  
1/4" = 1'

## 2 Typical Wall Assemblies



◆ TYPICAL INTERIOR PARTITION  
(Rotted Walls = Additional 2 layers 5/8" Type X Gyp)

General Notes

No. Revision/Issue Date

Form Name and Address

Project Name and Address

**Christner  
837  
Lincoln**

Name Title

**A2**

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## Rental Handout

### How to get here:

From Sitka Airport: From airport parking, turn right onto Airport Drive. Drive across bridge and make right hand turn onto Lincoln Street at stop light in downtown Sitka. Rental is 837 Lincoln Street, third house on the left past the Sitka Fine Arts Campus.

From Ferry Terminal: Turn right onto Halibut Point Road and proceed approximately 7 miles into Sitka. Proceed through roundabout onto Sawmill Creek Road, turn right onto Jeff Davis St and then left onto Lincoln Street. Rental is 837 Lincoln Street, third house on the left past Sitka Fine Arts Campus.

### General Information:

Check In: 4pm      Check out: 11am

Maximum Numbers of Guest: 6

Parking: Parking available for two vehicles. Please pull vehicles to top of driveway making sure to provide clear access for adjacent homeowners.

Garbage: Wednesday is Garbage Pick-Up. Please have garbage can at bottom of driveway by 7:30am. Sitka is bear country, please do not leave garbage can at sidewalk before garbage day. There is no recycling pick up, but recycling is encouraged and can be dropped off at 802 Sawmill Creek Road, 24 hours a day. The facility accepts glass, tin, plastic #1 & #2, aluminum, and cardboard for recycling. You must separate your recyclables and placed into appropriate containers. Do not leave bags at facility unsorted.

Non-smoking property.

Absolutely no cleaning fish on property. There are local processors available for fish processing.

No pets allowed.

No shoes allowed inside home except entry/mudroom areas.

### Important Phone Numbers:

House Concerns: Jere at (907) 738-0481

Hospital: Sitka Community Hospital (907) 747-3421

Fire: Sitka Fire Department (907) 747-3233

Police: Sitka Police Department (907) 747-3245

[illegible]

**CERTIFICATE OF PAYMENT OF TAXES**  
**(STATE OF ALABAMA)**  
**(COUNTY OF LEBLANC)**

I, THE UNDERSIGNED, BEING A duly appointed and qualified, and authorized for that purpose, by and under the authority of the BOARD OF ALCOHOLIC BEVERAGES OF THE CITY AND COUNTY OF LEBLANC, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE CITY AND COUNTY OF LEBLANC, THE FOLLOWING PERSONS OR PROPERTY IS/ARE LIQUOR TAXPAYER(S) FOR THE YEAR 2010:

1. THE STATE OF ALABAMA IS/ARE RECEIVED IN THE NAME OF THE STATE OF ALABAMA FOR THE YEAR 2010, ACCORDING TO THE RECORDS OF THE PERSONNEL. ALL TAXES DUE FROM THE YEAR 2010, HAVE BEEN PAID IN FULL BY THE STATE OF ALABAMA.

DATED THIS 20th DAY OF November, 2010, AT REXDA, ALABAMA.

*[Signature]*  
COUNTY CLERK OF THE COUNTY OF LEBLANC

**CERTIFICATE OF APPROVAL BY THE BOARD**

I HEREBY CERTIFY THAT THE UNDERSIGNED HAS REVIEWED AND BEEN FIRM IN HIS/HER BELIEF THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT. THE TAXES DUE FROM THE YEAR 2010 HAVE BEEN APPROVED BY THE BOARD BY A VOTE OF UNANIMOUS AND THE BOARD HAS ORDERED THAT THE RECORDS BE KEPT IN THE OFFICE OF THE CLERK OF THE DISTRICT OF LEBLANC IN ACCORDANCE WITH THE PROVISIONS OF THE ALABAMA TAX CODE.

*[Signature]* *[Signature]*  
BOARD MEMBER BOARD MEMBER

*[Signature]*  
CLERK OF DISTRICT

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWS RECORDS HAVE BEEN FOUND  
COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ALASKA  
AS ACCORDING TO MY PRIVATE BOOK PAGE DATED IN  
AND THAT THE PLAT SHOWS RECORDS HAVE BEEN APPROVED FOR RECORDING IN THE  
OFFICE OF THE DISTRICT COURT, SIX OFFICERS RECORD, SITKA, ALASKA.

1901-1902 *Clayton Whitaker*  
CITY AND BOROUGH CLERK  
*Sarah Peterson*  
CITY AND BOROUGH CLERK

[illegible]

BILLY JACKSON SUBVERSION  
 RUSSIAN PROPAGANDA INFORMATION, PLAT 1000  
 FOR DETAILS REGARDING THE CAMPUS PRESERVATION PLAN, PLEASE SEND TO THE SUBVARIANT JACKSON  
 ADDRESS: NATIONAL RUSIAN LIAISON, OFFICE, ALASKA CAMPUS PRESERVATION PLAN 1000  
 PREPARED BY: UNIVERSITY OF OREGON, PROGRAM IN RUSSIAN PROPAGANDA, NATIONAL PAID  
 SERVICE, ALASKA NATIONAL OFFICE, FUNDED BY THE GUTT FOUNDATION



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

### LEGEND

### LEGEND

- PRIMARY CONTROL MOMENT RECOVERED
- PRIMARY CONTROL MOMENT (SET)
- OLD/BLN PRIMARY BRASS CAP RECOVERED
- SECONDARY MOMENT (SET)
- SECONDARY MOMENT RECOVERED
- RECORDED DATA
- COMPUTED DATA
- MEASURED DATA

**WARRANT FOR ARREST**  
**JAMES EARL RAY**

NO.	NAME	ADDRESS	DATE	TIME	PLACE	REMARKS
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SCALE IN FEET

**O'NEILL**  
**SURVEYING AND ENGINEERING**

BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-6700  
FAX: (907) 747-1300  
EMAIL: [csnell@ngvnet.net](mailto:csnell@ngvnet.net)

BY	DATE	REV	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



RETURNED P. CHERRY  
 STREET 1410 CHERRY  
 CHERRY HILL  
 DATE OF PLANTING IN APRIL 1960  
 WOULD BE A 1960  
 WOULD BE A 1960  
 PROJECT NO. 30741-01

SURVEYOR'S CERTIFICATE

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

12/6/90 D. KOW  
\_\_\_\_\_  
D. KOW, P.E.  
REGISTERED SURVEYOR - ALASKA

**SJC-LINCOLN SUBDIVISION REPLAT**

A RE-SUBDIVISION OF LOT 1, KELLY STREET SUBDIVISION;  
LOTS 5 & 6, SHELDON JACKSON CAMPUS SUBDIVISION, AND  
LOT 1 - 2, SHELDON JACKSON CAMPUS SUBDIVISION No. 2  
CLIENT: DAVE MILLER, MATT CHRISTNER, AND GAIL BAGLEY









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RECEIVED MAY 11 2018





RECEIVED MAY 11 2018





RECEIVED MAY 01 2018









RECEIVED MAY 01 2018



Attachment B

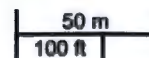
Staff Materials



## City & Borough of Sitka, Alaska

Selected Parcel: 837 Lincoln St ID: 18562003

Printed 5/8/2018 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 AND BOROUGH OF SITKA

## Legislation Details

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**File #:** CUP 18-18    **Version:** 1    **Name:**  
**Type:** Conditional Use Permits    **Status:** AGENDA READY  
**File created:** 5/8/2018    **In control:** Planning Commission  
**On agenda:** 5/24/2018    **Final action:**  
**Title:** Public hearing and consideration of a conditional use permit request for a short-term rental at 453 Charteris Street in the R-1 LD single-family or duplex low density residential district. The property is also known as Lot 23B Charteris Subdivision. The request is filed by Melissa Pardy. The owner of record is Adam Pardy.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [CUP18-18.453Charteris.StaffReport.17May2018](#)  
[CUP 18-18 Application Packet](#)

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: CUP 18-18  
Proposal: Request for short-term rental at 453 Charteris Street  
Applicant: Melissa Pardy  
Owner: Adam Pardy  
Location: 453 Charteris Street  
Legal: Lot 23B Charteris Subdivision  
Zone: R-1 LD single family and duplex low density residential district  
Size: 15,000 square feet  
Parcel ID: 24611000  
Existing Use: Residential duplex  
Adjacent Use: Residential  
Utilities: Existing  
Access: Charteris Street and access easement

### **KEY POINTS AND CONCERNS:**

- Rental unit is one unit of a duplex
- Parking on-site
- Access from Charteris Street and easement
- Owner lives on-site
- Neighborhood is developed with residential use
- Property meets minimum lot square footage for the zone (15,000 square feet)
- Short-term rentals offer economic opportunity for homeowners but may impact long-term rental rates
- Burden is on the applicant to prove that the proposal will not negatively impact the neighborhood

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve the conditional use permit request for a short-term rental at 453 Charteris Street.

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental of one unit of an owner-occupied duplex at 453 Charteris Street. The first floor has the proposed rental unit and a garage, and the owners occupy the unit on the second floor. The rental unit has a full kitchen, one bedroom, and one bathroom. Maximum occupancy will be four guests. The owners will manage the rental.

Access to this lot is from Charteris Street via an easement. Three properties utilize the easement; this property is second on the easement. No known short-term rentals on Charteris Street are currently operating. Two CUPs granted in 1997 have expired.

## **ANALYSIS**

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

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

Applicant does not anticipate significant increase in vehicular traffic. The property in question is the second property of three on the access easement. Parking requirements for a short-term rental in a duplex are the same as long-term duplex usage (4 spaces per duplex), and the applicant indicates these spaces in the parking plan. Rental overview directs renters to park directly in front of the house. Instructions should include a diagram for safe turning, as renters may back down the easement to Charteris Street.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Applicant plans outdoor quiet hours Sunday – Thursday 9 PM – 7 AM and Friday – Saturday 11 PM – 8 AM.

**c. Odors to be generated by the use and their impacts:** Possible grilling of food. No smoking or consumption on the property. Garbage will be disposed of in municipal container and in accordance with Sitka General Code requirements.

**d. Hours of operation:** Check-in between 8 AM and 6 PM. Renters may come and go 24/7.

**e. Location along a major or collector street:** Access from Charteris Street to access easement.

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<sup>1</sup> § 22.24.010.E

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** Property can only be accessed by Charteris Street. Rental overview includes detailed directions with map.

**g. Effects on vehicular and pedestrian safety:** Charteris Street does not have sidewalks. Applicants state that they will provide safe pedestrian access directions for renters who wish to access the Cross Trail. Renters may back cars down the easement and onto Charteris. Owners/managers should discuss proper vehicle ingress and egress with renters.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Same as if the unit had a long-term inhabitant. Apartment is accessible by a front door and large window.

**i. Logic of the internal traffic layout:** The rental unit has a private entrance at the front of the structure, and does not share any common spaces with the existing home.

**j. Effects of signage on nearby uses:** No signage proposed. Address is posted at the end of the easement.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Existing buffering includes a retaining wall, yard, and trees.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise. Applicant cited 10 sections of the Comprehensive Plan in the application and explained how the proposal fits those sections. See attachments for additional information.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates.

Property owners keep garbage in city garbage bins with closed lid, which may be located in garage. Conditions of approval require that garbage management follow Sitka General Code requirements, including but not limited to the restriction from putting garbage out until 4 am on garbage



collection day. The property is equipped with flashing motion sensor lights to deter bears. Applicants are considering installation of an electric fence.

### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 453 Charteris Street.

.....

### **Motions in favor of approval:**

1) I move to approve the conditional use permit request for a short-term rental at 453 Charteris Street in the R-1 LD single-family or duplex low density residential district. The property is also known as Lot 23B Charteris Subdivision. The request is filed by Melissa Pardy. The owner of record is Adam Pardy.

#### Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. 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.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.

8. 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.

9. Any signs must comply with Sitka General Code 22.20.090.

10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.

12. 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.

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

2) I move to find that:<sup>2</sup>

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, conditions of approval require responsible garbage management and noise monitoring;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, the rental would make use of an already developed unit of a duplex with on-site owner-managers to monitor for concerns; nor*
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, on-site parking is provided.*
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 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that the on-site owner can monitor for infractions and take action as warranted.*

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<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

# Attachment A

## Applicant Materials





# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
GENERAL APPLICATION FORM

RECEIVED MAY 01 2018

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

**APPLICATION FOR:**

☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Short-term rental of existing  
apartment (approx. 800 sq ft) in a single family home previously  
occupied by long term renter of prior owner. Rentals to take  
place primarily during summer months with owner on site.  
year round.

**PROPERTY INFORMATION:**

CURRENT ZONING: R1LD PROPOSED ZONING (if applicable): N/A

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

**APPLICANT INFORMATION:**

PROPERTY OWNER: Adam Pardy / Melissa Pardy

PROPERTY OWNER ADDRESS: 453 Charteris St.

STREET ADDRESS OF PROPERTY: 453 Charteris St.

APPLICANT'S NAME: Melissa Pardy

MAILING ADDRESS: 453 Charteris St.

EMAIL ADDRESS: melpardy@gmail.com DAYTIME PHONE: 720.404.4831

**PROPERTY LEGAL DESCRIPTION:**

TAX ID: 04611000 LOT: 23-B BLOCK: 1 TRACT: \_\_\_\_\_

SUBDIVISION: Charteris (Cascade Creek) US SURVEY: \_\_\_\_\_

Pardy  
Last Name

Date Submitted

453 Charteris St.  
Project Address

## REQUIRED INFORMATION:

### For All Applications:

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- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☒ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Site photos showing all angles of structures, property lines, street access, and parking – emailed to or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☒ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## 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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

Pardy

Last Name

Date Submitted

453 Charteris St.

Project Address



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM CONDITIONAL USE PERMIT

RECEIVED MAY 01 2018

### APPLICATION FOR

☐

MARIJUANA ENTERPRISE

☒

SHORT-TERM RENTAL OR BED AND BREAKFAST

☐

OTHER: \_\_\_\_\_

### CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

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

*\*See attached for all items*

- Amount of noise to be generated and its impacts on surrounding land use: \_\_\_\_\_

- Odors to be generated by the use and their impacts: \_\_\_\_\_

- Hours of operation: \_\_\_\_\_

- Location along a major or collector street: \_\_\_\_\_

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

- Effects on vehicular and pedestrian safety: \_\_\_\_\_

*Pardy*  
Last Name

Date Submitted

*453 Charters St.*  
Project Address



- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:

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- Logic of the internal traffic layout:

- Effects of signage on nearby uses:

- Presence of existing or proposed buffers on the site or immediately adjacent the site:

- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN):

- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.):

Pardy  
Last Name

Date Submitted

453 Chartens St.  
Project Address

**REQUIRED FINDINGS (SGC 22.30.160(C):**

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1. ...The granting of the proposed \_\_\_\_\_ permit will not:
- a. Be detrimental to the public health, safety, and general welfare because \_\_\_\_\_  
\_\_\_\_\_;
- b. Adversely affect the established character of the surrounding vicinity, because \_\_\_\_\_  
\_\_\_\_\_;
- 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, because, \_\_\_\_\_  
\_\_\_\_\_;
2. The granting of the proposed \_\_\_\_\_ permit is consistent and compatible with the intent of the  
goals, objectives, and policies of the \_\_\_\_\_ and any implementing regulation, specifically,  
conforms to Comprehensive Plan Section \_\_\_\_\_ which states \_\_\_\_\_  
\_\_\_\_\_  
because the proposal \_\_\_\_\_  
\_\_\_\_\_;
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and  
enforced, because \_\_\_\_\_  
\_\_\_\_\_.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Melissa Pardy Munsaferny  
Applicant

4/23/18  
Date

Pardy  
Last Name

Date Submitted

453 Charteris St.  
Project Address

Application for Short-Term Rental  
453 Charteris St.

***CRITERIA TO DETERMINE IMPACT***

**Amount of vehicular traffic to be generated and impact of the traffic on nearby land issues:**

It is not anticipated that vehicular traffic will be greatly increased and vaguely noticeable. It is expected that there will be one extra vehicle, two at most, traveling on neighborhood streets during each rental period. The additional vehicle would most significantly impact traffic on the driveway shared between 3 properties. The rental property is the second of three properties on the driveway and the occupants would be traveling past the first property to the rental space located on second property on the shared driveway. Dedicated parking for renter is already present on property owner's personal property lot. Additionally, we were told by the prior property owner he had a full time tenant living in the space for the past seven years. Currently, with our ownership there is no tenant so adding this traffic back to what it has been with a full time tenant present should not effect what the area is normally used to.

**Amount of noise to be generated and it's impacts on surrounding land use:**

It is not expected that the amount of noise will greatly increase compared to current noise. The property owner has determined that outdoor quiet hours will be in effect Sunday-Thursday 9pm-7am and Friday-Saturday 11pm-8am. This will restrict renters from using outdoor facilities in a manner that creates noise to adjacent landowners.

**Odors to be generated by the use and their impacts:**

No major odors are expected. Possible grilling of food but there is currently no grill made available to patrons. Refuse will be contained in city issued container.

**Hours of Operation:**

Renters may come and go as they please 24 hours a day, 7 days per week. However, renter check in and out will be designated between the hours of 8am and 6pm unless extenuating circumstances prevent.

**Location along a major or collector street:**

The property is located off of a collector street, Charteris St, but pushed back from the road about 100 feet. The closest major street is either Edgcomb Drive and then Halibut Point Road.

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

Non-applicable/This property can only be accessed via Charteris St.

**Effects of vehicular and pedestrian safety:**



Due to the limited nature of patron presence, only one per booking period, there should be minimal effect on vehicular and pedestrian safety. Patrons will have the ability to access area activities including Sitka Cross Trail by foot and will be provided appropriate pedestrian safety instructions to access.

**Ability of the police, fire and EMS personnel to respond to emergency calls on the site:**

Sitka police and fire departments are located approximately 1.5 miles from the property. All roads leading to the property are maintained by the city making the property quickly and easily accessible. Apartment is accessible to personnel via the front side of the home just off of the driveway via doorway and a large window.

**Logic of the internal traffic layout:**

The property has one private entrance on the front of the existing home. It does not share any common spaces with the existing home. Internal traffic will be restricted to the apartment which includes an open concept living room/kitchen, a bedroom, and bathroom. All access will be via the front door or in an emergency there are two large windows located at ground level.

**Effects of signage on nearby uses:**

There will be no additional signage posted. An address is posted on a post at the end of the driveway.

**Presence of existing or proposed buffers on the site or immediate adjacent the site:**

Existing buffers include a retaining wall and yard between the property and properties to the west and north west, a grassy area with trees between the property and the property to the south, and large wooded area between the property and properties to the north and north east.

**Relationship if the proposed conditional use is in a specific location to the goals, policies, and objective of the comprehensive plan:**

Section	Description	Support
2.1.2	Economic growth that improves the quality of life, improves living standards, promotes housing, maintains an affordable cost of living for families and supports a stable population	Rental property will support owner by providing an affordable cost of housing and in turn supplementing monies allocated by family for use in purchasing goods and services with other businesses in Sitka.
2.2.3	Produce high-quality goods or services	Owner is dedicated to providing services above expectation in order to establish a superior reputation to attract additional visitors to Sitka.
2.2.9	Complement existing economic activities	Provides an integral piece to the tourism industry in Sitka by providing visitors with

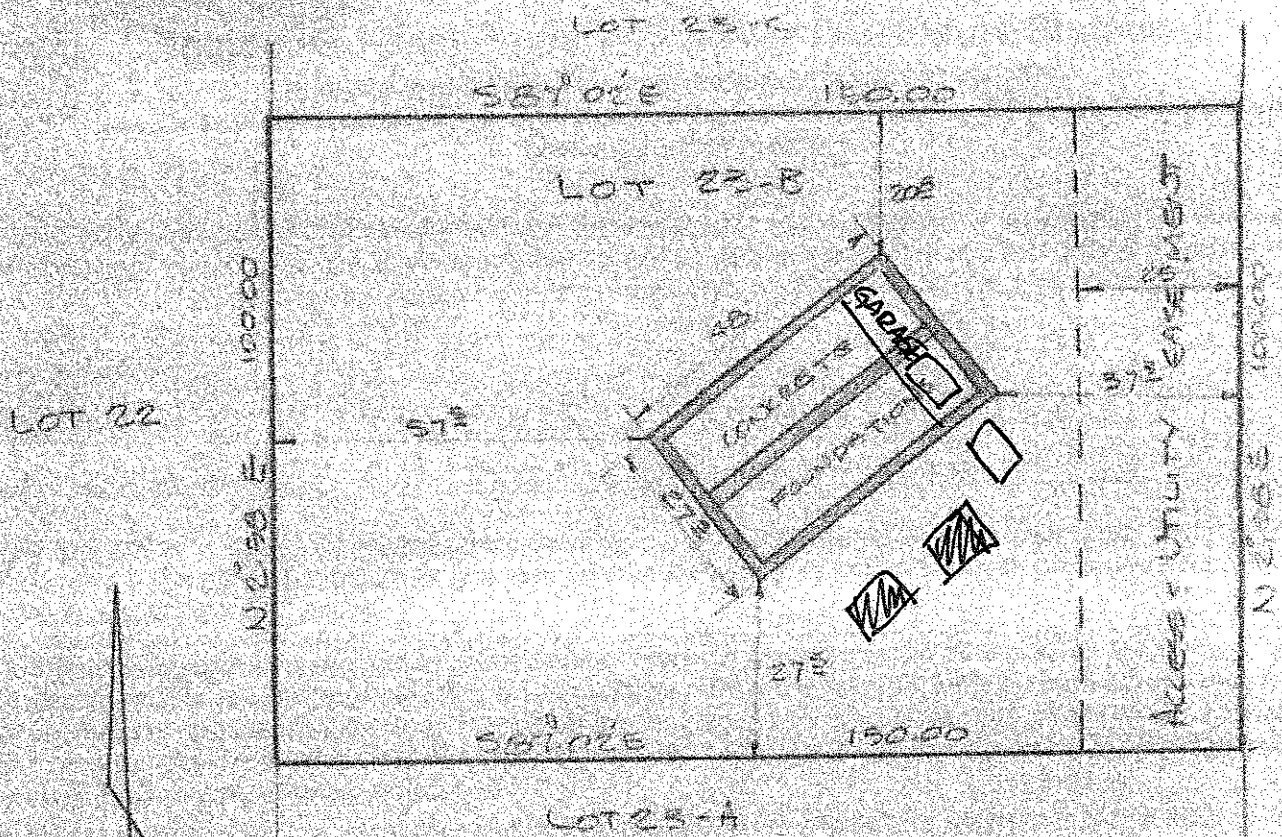
		accommodations whether they be here for cruising, site seeing, fishing, visiting family, or otherwise.
2.2.15	Provide housing that can be acquired by a median income Sitka household using no more than 30 percent of its gross income;	Rental of unit provides owner affordable housing on the property, additionally in the off tourist season, property may be rented short term at a reduced rate similar to long term housing rates to local population.
2.2.16	Improve the availability of affordable housing, both long-term and short-term, to accommodate working families, seasonal workers, and students;	Directly provides short term housing to accommodate population in the off tourist season.
2.2.18	Maintains and enhances the strength of our existing local businesses	Provides healthy competition for other business owners in hospitality and housing industries.
2.2.20	Will further establish Sitka as a regional center for trade, transportation, professional and technical services, and any other service, facility or commodity for which there is a regional need or demand, while continuing to support use of existing natural resources, artistic and cultural events and services, fishery service and support, visitor services and facilities, financial and business services.	Directly impacts the tourism industry by providing additional accommodations for vacation tourists, fishing tourists, cruise tourists, ect. Without adequate accommodation availability it will limit the amount of visitors to Sitka.
2.5.1	To encourage diverse housing types and densities in order to assure decent housing for all persons in all income groups,	Provides a multi-family unit building.
2.6.2K	Encourage the development of facilities to accommodate visitors, such as bed and breakfasts, hotels, restaurants, and recreation areas, however, short term rentals and bed and breakfasts proposed to be located in residential areas should be designed and developed such that noise, traffic, lighting, and visual impacts from the facilities are no more significant than impacts from ordinary residential uses in neighborhoods where they will be located.	Directly supports development of housing for visitors while not significantly impacting normal residential use by limiting the number of guests to 4 and only providing one unit for rental.
2.8.1A	To maintain the superlative visual character of Sitka Sound and the City and Borough of Sitka as an overriding goal, including Encouragement of sightseeing and	Booklet of area activities will be present in the unit for visitors. Booklet will include use of area trails and recreation areas, boat tours, and other outdoor recreation

	non-consumptive tourism	activities.
--	-------------------------	-------------

**Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.)**

One concern that may surface regarding this property address is waste management in regards to the presence of area bears. Property owners keep trash in the city provided bin with a closed lid. Bin may also be located in garage. Patrons will have full access to the bin which is picked up on a weekly basis to avoid overflow. The property is also equipped with flashing motion sensor lights to deter any bear activity. Installation of a marked electric fence may take place Summer 2018. Limited odors will be present and may include grilling. At this point in time no facilities are being made available for this activity. This will be a non-smoking facility. No consumption of any kind will be permitted on property.






☐ OWNER VEHICLE  
☒ PARLOR VEHICLE

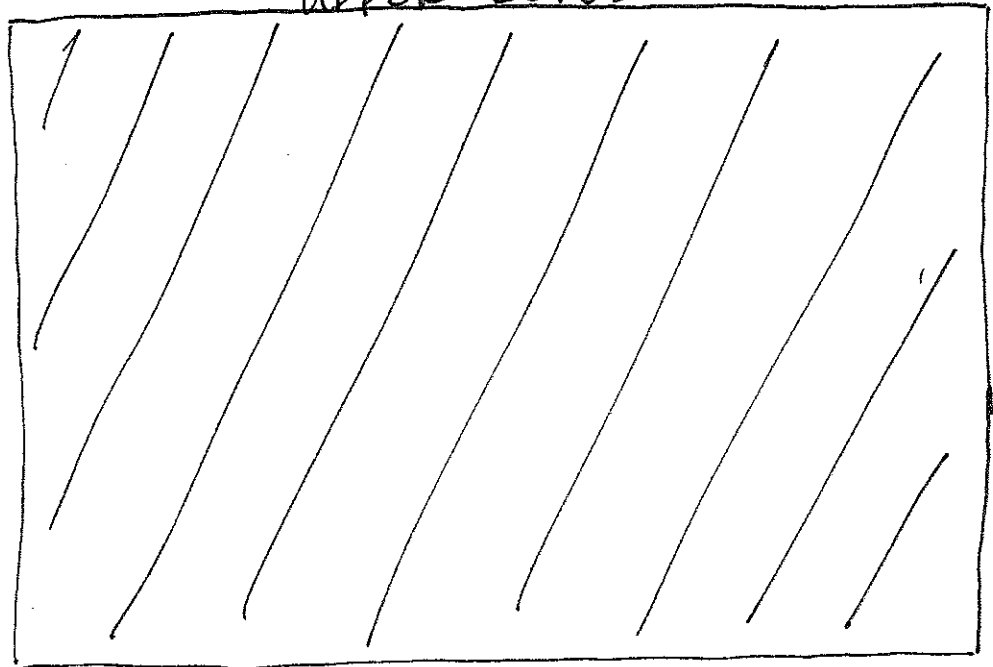
30'

I, NOEL F. STRAGIER, being a Registered Land Surveyor in the State of Alaska, having inspected LOT 23-B, CHARTERIS SUB'D, hereby certify that the improvements located thereon lie wholly within the property lines and that improvements on adjacent properties do not encroach upon the subject property.


AS-BUILT PLOT PLAN	
LOT 23-B	
CHARTERIS SUBDIVISION	
PREPARED FOR	PACIFIC COAST Co. Box 1471 Sitka, ALASKA
PREPARED BY	STRAGIER ENGINEERING SERVICES PO. Box 4588 Sitka, Alaska 99835 (907) 747-5833
DATE	Nov '81

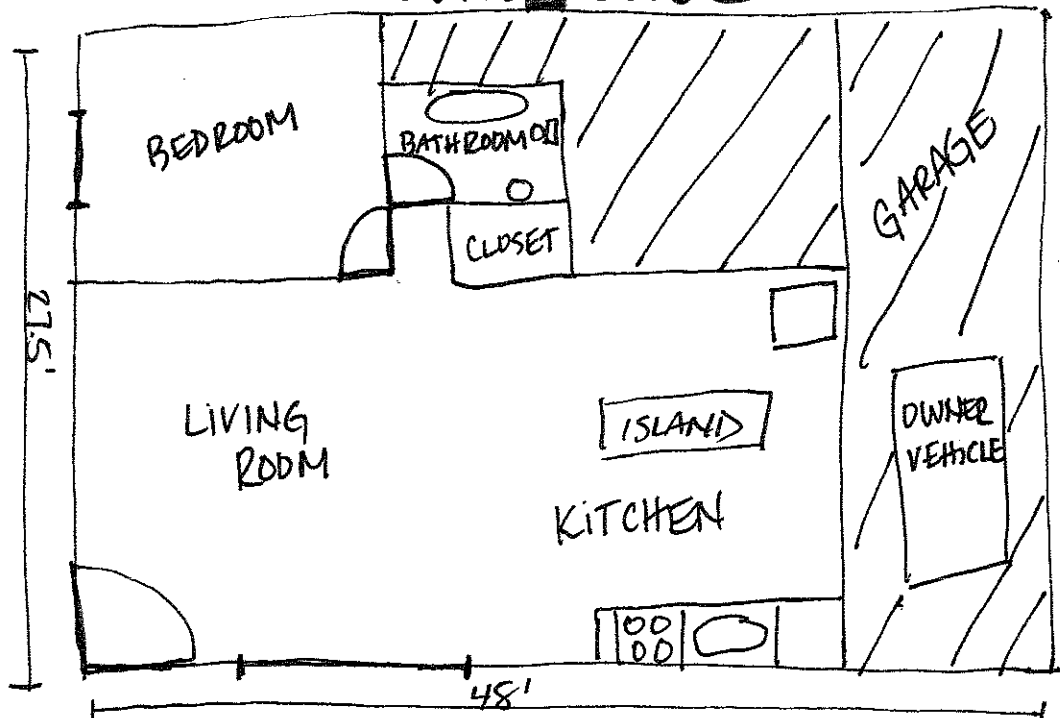
UPPER LEVEL

 OWNER  
USE  
ONLY

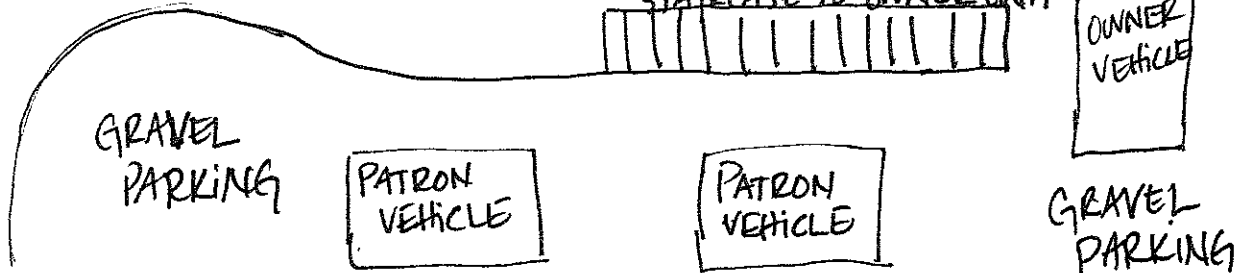


LOWER LEVEL

 - electrical  
breaker



STAIRCASE TO OWNER UNIT



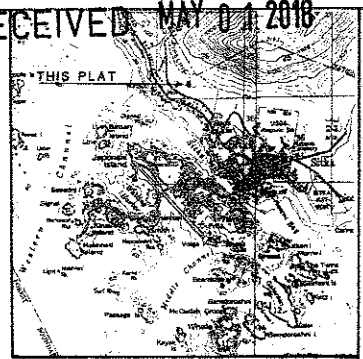
RECEIVED MAY 04 2018

CERTIFICATE OF APPROVAL  
BY THE ASSEMBLY

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

DATE 8/10/81 MAYOR [Signature]  
ATTEST:

[Signature]  
CLERK-TREASURER



VICINITY MAP

SCALE: 1"=1 MILE

CERTIFICATE OF APPROVAL  
BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN  
HEREON HAS BEEN FOUND TO COMPLY WITH THE  
SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH  
OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS  
BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION  
NO. 81-12A DATED May 4, 1981 AND THAT  
THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR  
RECORDING IN THE OFFICE OF THE DISTRICT COURT,  
EX OFFICIO RECORDER, SITKA, ALASKA.

DATE August 7, 1981 CHAIRMAN [Signature]

ATTEST:  
[Signature]  
SECRETARY

SEAL:

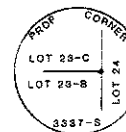
CERTIFICATE

STATE OF ALASKA )  
1ST JUDICIAL DISTRICT, ) SS

I, THE UNDERSIGNED, BEING DULY APPOINTED AND  
QUALIFIED AND ACTING ASSESSOR FOR THE CITY AND  
BOROUGH OF SITKA, DO HEREBY CERTIFY THAT,  
ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH  
OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS  
CARRIED ON THE TAX RECORDS IN THE NAME OF:  
WAYNE PATTISON, Lynette Pattison, Fred Groselin  
AND THAT, ACCORDING TO THE RECORDS IN MY  
POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS  
IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID  
IN FULL, THAT CURRENT TAXES FOR THE YEAR 1982 WILL  
BE DUE ON OR BEFORE July 31, 1982.  
DATED THIS 10 DAY OF Aug, 1981, AT SITKA, ALASKA  
[Signature]  
ASSESSOR, CITY AND BOROUGH OF SITKA, ALASKA

NOTE:

1. DEVELOPMENT OF LOTS 23-A&23-B SHALL NOT INTERFERE  
WITH THE EXISTING DRAINAGE PATTERN.
2. NO BUILDING PERMIT WILL BE ISSUED FOR DEVELOPMENT OF  
LOT 23-C UNLESS ACCOMPANIED BY REGISTERED ENGINEER'S  
DESIGN FOR ACCEPTABLE FOUNDATION AND FOR STABILIZATION  
OF THE FINAL GROUND CONTOURS PROPOSED.



TYPICAL MONUMENT  
SET THIS SURVEY

- BRASS CAP MONUMENT RECOVERED THIS SURVEY
- 5/8" REBAR WITH SURV-KAP SET THIS SURVEY

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DATE Aug 7 1981  
[Signature]  
OWNER Eric H. Peterson

THE NOTARY'S ACKNOWLEDGEMENT:

UNITED STATES OF AMERICA )  
STATE OF ALASKA ) SS.

THIS IS TO CERTIFY THAT ON THIS 7 DAY OF Aug,  
1981, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF ALASKA,  
DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED Eric H. Peterson,  
TO ME KNOWN TO BE THE IDENTICAL  
INDIVIDUAL MENTIONED AND WHO EXECUTED THE WITHIN PLAT  
AND HE ACKNOWLEDGED TO ME THAT HE SIGNED THE SAME FREELY  
AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

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

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA.  
MY COMMISSION EXPIRES 9-12-83

SURVEYOR'S CERTIFICATE

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

DATE 7-25-81 [Signature]  
REGISTERED LAND SURVEYOR  
REG. NO. 3337-S



Prepared By:  
**Stragier Engineering Services**  
Karl (Bob) Stragier - P.E., R.L.S.  
(907) 747-5833  
CIVIL ENGINEER  
LAND SURVEYOR  
P. O. Box 4558  
SITKA, ALASKA 99835

CHARTERIS SUBDIVISION

A SUBDIVISION OF  
**LOT 23, BLOCK 1**  
(A PORTION OF USS 3806) CASCADE CREEK SUBDIVISION  
Prepared For:  
MR. WAYNE PATTISON  
P.O. BOX 1875  
SITKA, ALASKA 99835  
SCALE: 1"=40'  
DATE: July 1981  
Drawn By: N.F.S.

SITKA PLAT 81-36

**Hello and Welcome!** We know you must be looking forward to the vacation that you have booked with us. We hope you have a lovely time and if we can be of any service to you throughout your stay then please let us know.

The person that manages and owns the rental is Melissa Pardy and she can be reached at (720)404-4831. The owners live on site as well in the upstairs portion of the home. Please be courteous to the family and their comings and goings in the home.

The address of your vacation rental property is: 453 Charteris St. Sitka, AK 99835.

Please make yourselves at home! Have a look through the cupboards to familiarize yourself with the contents of the property. The property should be clean with clean bedding on the beds and clean towels in the cupboards. If you find anything to not be to your satisfaction please inform Melissa Pardy within the first 24 hours of arriving at the property.

**Kitchen:** You will find all that you need for cooking and dining in the kitchen as well as a coffee maker, microwave, stove/oven, and full refrigerator. There may also be limited cooking supplies such as salt and pepper present. All appliances are electric.

**Living Room:** There is a television and Blue Ray player present. Although there is no cable or satellite TV. Wifi is available for use of streaming.

**Bedrooms/ Bathrooms:** There is one bedroom with a queen bed and one bathroom with a full tub and shower. If more sleeping space is required (up to 4 guests total) please inform the owner so that bedding and roll aways may be provided. We have provided towels that are for use in the property. Please provide your own towels for use on the beach.

**Outdoor:** The upstairs deck is for use of the property owner only. However, any use on the ground level on the lot is encouraged. If you desire to use the firepit please feel free to do so. This is a communal use pit so joining other users is encouraged if it is already in use. Wood is located under the stairs and firestarters are located in the kitchen cabinet. When you are finished using the pit please pour a full bucket of water on the pit to ensure that the fire is out. There is a bucket located next to the wood pile and a hose on the front of the home next to the garage door.

**Smoking:** Please refrain from smoking. This is a non-smoking rental.

**Parking:** There are two parking spaces dedicated for the rental directly in front of the home.

**Heating / Air conditioning:** Heating is controlled by individual thermostats in each room. Please be conscientious of the temperature and return to 60 degrees upon check out. There is no air conditioning



and it is not expected that you would ever need it. If you do feel warm there are fans located in the closet under the stairs for your use. The windows all open as well.

**Garbage:** There is a large garbage can located on the west side of the house. Please ensure that all garbage is placed into the can and that the lid can be secured. Due to the presence of area wildlife including bears and birds no trash may be left outside the can. Should you have trash that will not fit please contact the owner directly to dispose of it.

**Quiet Hours:** We want to ensure that we respect our neighbors. Please keep noise to a minimum Sunday-Thursday 9pm-7am and Friday-Saturday 10pm-8am.

**Emergency:** In case of an emergency, please dial 911 to reach the fire, ambulance or police.

**Bear Safety:** There are many wonderful things to do that are very near your rental. The Sitka Cross Trail trailhead is just up the hill on Charteris St. Being that we are so close to national forest, we share the trail with local wildlife including bears. For your safety, if you encounter a bear do not engage with it or feed it. Let it know you see it and walk away. We have provided bear spray, located in the kitchen cabinet, for you to take with you anytime you go hiking. Please ensure you read the instructions on how to use it before leaving.

**Cleaning Supplies:** Basic cleaning supplies are provided for you should you need them for spills or anything unexpected. They are located in the closet under the stairs.

**Check Out:** Upon check out please ensure the following-

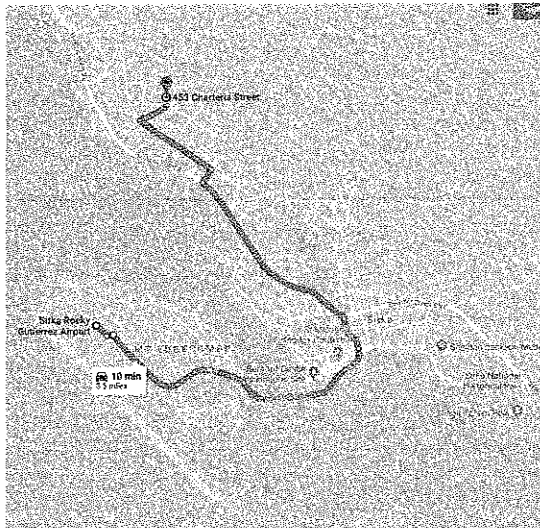
1. Trash is taken to the outdoor bin and bin is sealed shut. If there is excess trash please leave it in the kitchen in a tied trash bag.
2. All towels and bed linens are left in the bathroom either in the tub or on the floor.
3. All dirty dishes have been placed in the dishwasher and the washer has been started.
4. Thermostats have been turned down to 60 degrees.
5. All lights have been turned off.
6. Door has been locked and key has been placed back in the lock box.

Thank you for your stay and we hope that you enjoy Sitka! If you have any needs or questions don't hesitate to ask!

Melissa & Adam Pardy

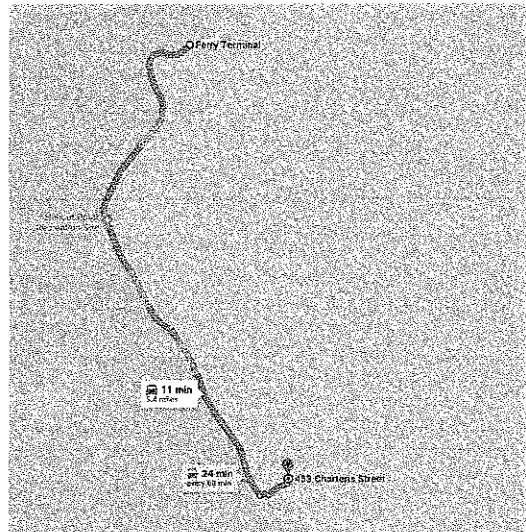
## From Airport:

1. Turn right onto Airport Road
2. After 1 mile continue onto Harbor Dr. and then onto Lake St.
3. At the roundabout take the 3rd exit onto Halbut Point Road.
4. Continue for .6 miles and take a right onto Kashevaroff St.
5. Turn left at the first cross street onto Edgecumbe Dr.
6. After .4 miles turn right onto Charteris St.
7. Turn left into rental driveway. The rental is the second home on the drive, the log siding home on your left.



## From Ferry Terminal:

1. Exit the ferry terminal by taking a right onto Halbut Point Road.
2. After 5.1 miles take a left onto Davidoff St.
3. Follow the road uphill and take your only left onto Charteris St.
4. Go through the stop sign.
5. Turn left into rental driveway. The rental is the second home on the drive, the log siding home on your left.



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RECEIVED MAY 01 2018





RECEIVED MAY 01 2018





RECEIVED MAY 01 2018







RECEIVED MAY 01 2018





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RECEIVED MAY 01 2018

**Attachment B**

**Staff Materials**





## City & Borough of Sitka, Alaska

Selected Parcel: 453 Charteris St ID: 24611000

Printed 4/25/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m  
100 ft



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

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





# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** P 18- 10      **Version:** 1      **Name:**  
**Type:** Subdivision      **Status:** AGENDA READY  
**File created:** 5/8/2018      **In control:** Planning Commission  
**On agenda:** 5/24/2018      **Final action:**  
**Title:** Public hearing and consideration of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R-1 MH single-family, duplex, and manufactured home residential zoning district. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [P18-10.114HarborMountain.Seesz.StaffReport.18May2018](#)  
[P 18-10 Application Packet 17May2018](#)

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

Case No: P 18-10  
Proposal: Preliminary Plat for Street Vacation of E. Shuler Drive  
Applicant: Don Seesz  
Owner: Don Seesz and Jane Marie Seesz, husband and wife  
Location: 114 Harbor Mountain Road  
Legal Desc.: Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive (metes and bounds)  
Zone: R1-MH  
Size: Existing Lot 13: approx. 11,186 square feet  
Existing portion of right-of-way: approx 1850 sf (ask surveyor)  
Total: ( ask surveyor)  
Parcel ID: 25571004  
Existing Use: Residential  
Adjacent Use: Residential, Mfg. Home Park  
Utilities: Existing  
Access: Harbor Mountain Drive and Easement through adjacent property

### **KEY POINTS AND CONCERNS:**

- This is a procedural clean-up of past approval.
- Conditions of approval will rectify all vacation, plat, and ownership issues
- Known encroachment can be corrected via agreement similar to adjacent subdivision

**RECOMMENDATION:** Approve the preliminary plat subject to the attached conditions or approval.

## **ATTACHMENTS**

- A. ATTACHMENT A – APPLICANT MATERIALS
- B. ATTACHMENT B – STAFF MATERIALS

## **BACKGROUND/PROJECT DESCRIPTION:**

Proposal is to approve a preliminary plat to finalize an outstanding approval for the vacation and deeding of a right of way (E. Shuler Dr.) that was not properly recorded via a final, approved, and recorded plat. This was approved by the City Assembly by ordinance 03-1741. This is further detailed in Quit Claim Deed 2004-00097-0, and a survey provided by CBS' Public Works Department (see attached packet).

### **Title 21**

The purposes of the subdivision regulations are: to promote and protect the public, health, safety and welfare; provide for appropriate roads, streets, and access; provide for useful, adequate and convenient open space; provide for means for efficient transportation, mobility, and access; assure adequate utilities; provide for emergency response accessibility; provide adequate recreation, light, and air; avoid population congestion; facilitate orderly development and growth; and accurate surveying.<sup>1</sup>

A minor subdivision is applicable where the proposed plat involves the vacation of a street or alley.<sup>2</sup> The basic criteria necessary for approval are 1) no dedications are required; 2) monuments exist sufficient to locate all proposed lots on site; 3) the plat includes all contiguous land under common ownership; and 4) maintenance agreements as necessary.<sup>3</sup> The Director would like to point out that by definition this proposal does not snugly fit into any single title 21 process.

### **Title 22:**

Development standards are not applicable in this case as the subdivision and vacation of the right of way have already been approved. This is just a procedural correction of the past where the vacation was not properly recorded via an official plat. The Planning Director has consulted with the Municipal Attorney on this, and the direction is to proceed and correct the plat recording and nothing more.

## **Project Analysis**

**Site:** The plated right-of-way is largely unusable as a right-of-way and has been developed by adjacent property owners.

---

<sup>1</sup> SGC Section 21.04.020

<sup>2</sup> SGC Section 21.12.010 (A)(4) & 21.20.020(c)

<sup>3</sup> SGC Section 21.12.010 (B)



**Utilities:** Utilities are available and existing.

**Access, Roads, Transportation, and Mobility:** The property is accessed through an adjacent subdivision via a platted easement.

**Public, Health, Safety and Welfare:** Development shall be required to comply with all Building and Engineering standards regarding construction and design. Any encroachments shall be corrected or receive permission to encroach. This proposal matches what is existing. Only positive impacts.

**Rec, Light, Air:** Proposal is really a legal technicality and will not change anything on the ground.

**Orderly and Efficient Layout and Development:** The proposal is in line with the intent of the prior approvals by the City Assembly and what has occurred on the ground.

### **Comprehensive Plan**

The proposed minor subdivision is in line with Comprehensive Plan Section 2.4.19 which states, “To consistently follow and enforce land use policies, codes, regulations, and decisions...” by going through the prescribed vacation and subdivision processes. Draft Comp Plan (which may be adopted May 22<sup>nd</sup>, also supports this through using proper process to manage municipal lands and ROWs.

## **RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and findings and move to approve the minor subdivision preliminary plat subject to conditions of approval.

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

- a. That the proposed minor subdivision preliminary plat, **as conditioned**, complies with the Comprehensive Plan Section 2.4.19 which states, "To consistently follow and enforce land use policies, codes, regulations, and decisions..." by going through the prescribed minor subdivision process;
- b. That the proposed minor subdivision preliminary plat, **as conditioned**, complies with the subdivision code; and
- c. That the minor subdivision preliminary plat, **as conditioned**, would not be injurious to the public health, safety, and welfare and further that the proposed plat notes and conditions of approval protect the harmony of use and the public's health, safety and welfare.

2) Move to approve the preliminary plat of a minor subdivision to result in one lot at 114 Harbor Mountain Road in the R-1 MH single-family, duplex, and manufactured home residential zoning district for the purpose of completing a prior approved vacation of East Shuler Drive. The property is also known as Lot 13 Shuler Subdivision and a 20 foot portion of E. Shuler Drive. The request is filed by Don Seesz. The owners of record are Donovan and Jane Seesz.

- a. Conditions of Approval:
  1. Surveyor shall provide square foot totals for right of way and unified lot.
  2. Plat shall comply with all applicable state and local subdivision codes.
  3. All known encroachments shall be removed or receive permission from the applicable owner prior to recording of final plat.
  4. Plat shall be recorded within 1 year of final approval of plat or approval shall be void.

# Attachment A

## Applicant Materials





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

RECEIVED  
MAY 03 2013

*(Signature)*

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

**APPLICATION FOR:**

- ☐ VARIANCE *?* ☐ CONDITIONAL USE  
☐ ZONING AMENDMENT *?* ☐ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** 18'x24' shop replat

**PROPERTY INFORMATION:**

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

**APPLICANT INFORMATION:**

PROPERTY OWNER: Don Seesz  
PROPERTY OWNER ADDRESS: 114 Harbor Mountain Road  
STREET ADDRESS OF PROPERTY: same  
APPLICANT'S NAME: Don Seesz  
MAILING ADDRESS: 114 Harbor Mountain Road  
EMAIL ADDRESS: lisa.mae.don@yahoo.com DAYTIME PHONE: 907-747-5998

**PROPERTY LEGAL DESCRIPTION:**

TAX ID: \_\_\_\_\_ LOT: 13 BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_  
SUBDIVISION: Seesz - (Shuler) US SURVEY: \_\_\_\_\_

Seesz  
Last Name

Date Submitted

114 Harbor Mtn. Rd.  
Project Address

## REQUIRED INFORMATION:

### For All Applications:

- ☐ Completed General Application form
- ☐ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ ~~Floor Plan for all structures and showing use of those structures~~ 18
- ☐ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☐ Proof of filing fee payment \$50

### For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

### For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

## 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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. 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.

Wan D. Gaus  
Owner

5/3-18  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Last Name

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Project Address



**CITY AND BOROUGH OF SITKA**  
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
PLAT APPLICATION

RECEIVED  
MAY 03 2018

SS

**APPLICATION FOR**

- ☐ MAJOR SUBDIVISION/PLANNED UNIT DEVELOPMENT  
☐ MINOR SUBDIVISION/HYBRID SUBDIVISION  
☐ SUBDIVISION REPLAT/LOT MERGER/EASEMENT AMENDMENT  
☐ BOUNDARY LINE ADJUSTMENT

**ANALYSIS: (Please address each item in regard to your proposal)**

- **SITE/DIMENSIONS/TOPOGRAPHY:** 114 Harbor Mtn. Rd. flat area  
shop 18'x24'

- **EXISTING UTILITIES AND UTILITY ROUTES:** overhead from pole to house  
plan to bury electrical wire to the shop

- **PROPOSED UTILITIES AND UTILITY ROUTES:** underground from house  
to shop

- **ACCESS, ROADS, TRANSPORTATION, AND MOBILITY:** only <sup>one</sup> existing road

- **IMPACT OF PROPOSAL ON ANY EXISTING EASEMENTS:** none

- **PUBLIC HEALTH, SAFETY, AND WELFARE:**

- **ACCESS TO LIGHT AND AIR:** will have three windows and  
an 8' door and a 3' door

Sees 114 Harbor Mtn. Rd.  
Last Name Date Submitted Project Address



• ORDERLY AND EFFICIENT LAYOUT AND DEVELOPMENT: \_\_\_\_\_

• DESCRIBE ALL EXISTING STRUCTURES, THEIR USE, AND PROXIMITY TO PROPOSED PROPERTY LINES:

woodshed attached by lean to front 10X16  
shed. (moveable) 20' from E. Shuler Dr. ' from  
N Shuler Dr. ' from S boundary line

• EXISTENCE OF ANY ENCROACHMENTS: 8' over on shed 105' over on roof  
and 2.5 on neighbors

• AVAILABILITY OF REQUIRED PARKING: 5-7 vehicles

• SUMMARY OF PROPOSED EASEMENT AGREEMENTS OR COVENANTS: existing easement for  
access to property from Ernestine Massey

ANY ADDITIONAL COMMENTS \_\_\_\_\_

Applicant

How D Sees

Date

5/3-18

Last Name

Date Submitted

Project Address

Sees

# CERTIFICATE OF OWNERSHIP AND DEDICATION

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

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ (SIGNATURES)

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ (SIGNATURES)

## NOTARY'S ACKNOWLEDGMENT

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

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

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

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

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

## CERTIFICATE OF PAYMENT OF TAXES

(STATE OF ALASKA)

(FIRST JUDICIAL DISTRICT)

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

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

ASSESSOR, CITY AND BOROUGH OF SITKA

## CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN 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

## CERTIFICATE OF APPROVAL BY THE ASSEMBLY

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

DATE \_\_\_\_\_ MAYOR

CITY AND BOROUGH CLERK

## CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

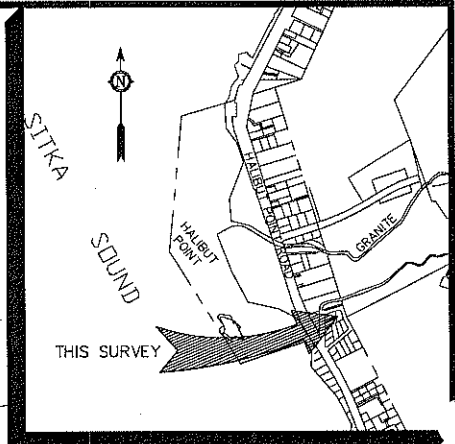
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF \_\_\_\_\_

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT SITKA, ALASKA.

FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

RECEIVED MAY 03 2018



## VICINITY MAP

SCALE 1"=1,000'

## LEGEND

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

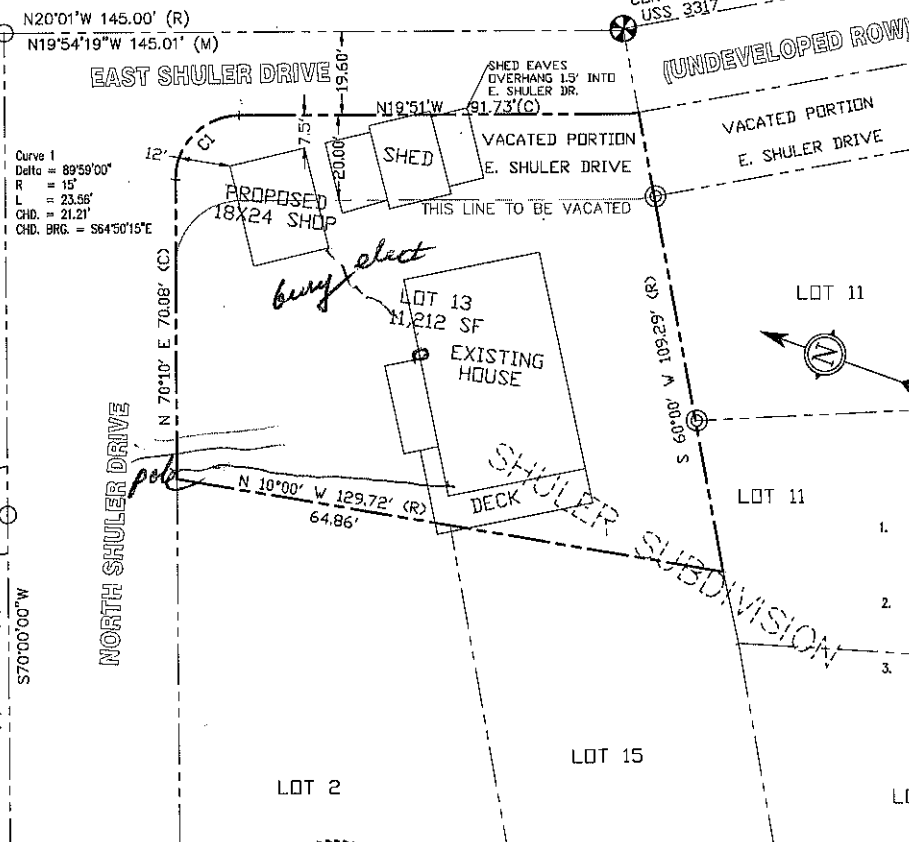
## NOTES

1. THE PURPOSE OF THIS PLAT IS TO ELIMINATE THE PROPERTY LINE BETWEEN LOT 13 SHULER SUBDIVISION AND THAT 20' PORTION OF EAST SHULER DRIVE, MORE PARTICULARLY DESCRIBED IN THE SITKA RECORDING DISTRICT UNDER SERIAL NO. 2004-000097-0, CREATING ONE LOT.
2. THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE MODIFIED WITHOUT APPROVAL OF THE PLATTING BOARD. THERE SHALL BE NO ENCROACHMENTS ON CITY ASSETS OR EASEMENTS.
3. MULTIPLE ERRORS WERE DISCOVERED WHEN COMPUTING THE EAST SHULER DRIVE PORTION FROM THE EXISTING DEED. THIS PLAT REFLECTS THE INTENT OF THE DEED AND CORRECTS THE DESCRIPTION ERRORS.



PRELIMINARY SCALE IN FEET

SITKA RECORDING DISTRICT



(907) 747-6700 2007 CASCADE CREEK ROAD, SITKA, AK 99835

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED BY: J. O'NEILL  
DRAWN BY: J. O'NEILL  
CHECKED BY: J. O'NEILL  
DATE OF PLAT: MAY 03, 2018  
SCALE: 1"=20'  
DRAWING NAME: 40116-01  
PROJECT NO.: 40116-01

## SURVEYOR'S CERTIFICATE

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

DATE \_\_\_\_\_ KELLY O'NEILL LS 13381

## SEESZ SUBDIVISION

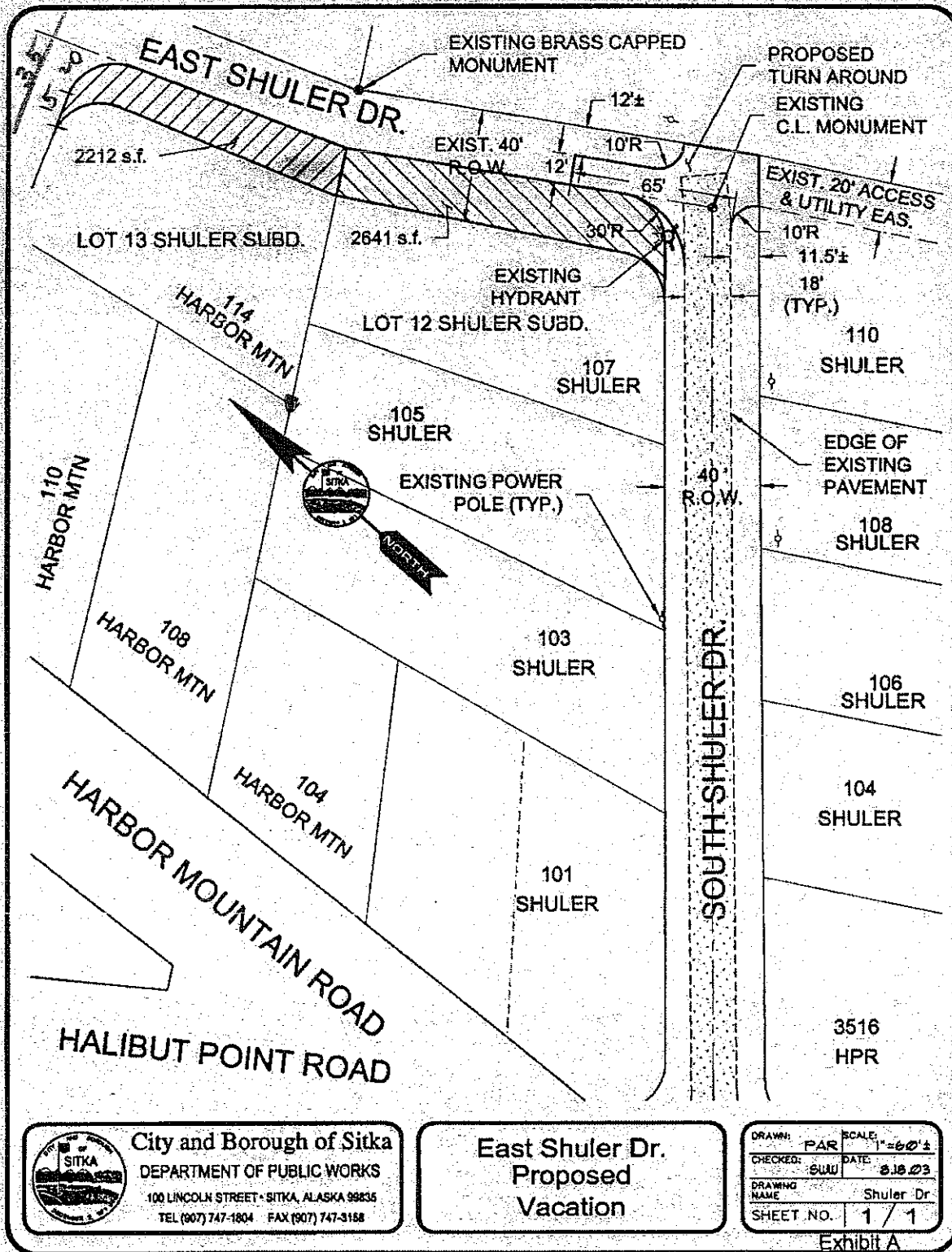
REPLAT OF LOT 13 SHULER SUBD.  
AND A 20' POR. OF E. SHULER DR.

CLIENT: DON SEESZ

SHEET 1 OF 1

10' set back 20' Shuler Drive

RECEIVED MAY 01 2018



3 of 3

2004-000097-0

# QUIT-CLAIM DEED

Alaska

RECEIVED MAY 01 2018

BOOK 136 PAGE 1

THE GRANTOR(S) Donovan D. Seesz  
of 114 Harbor Mountain Road, City of Sitka, State of Alaska, for  
and in consideration of \$15.00 99835

return to  
convey( ) and quit-claim( ) to Donovan D. Seesz and Jane Marie Seesz, husband and wife  
of 114 Harbor Mountain Road City of Sitka, State of Alaska 99835  
all interest in the following described real estate, situated in the State of Alaska:

Lot 13 of the Shuler Subdivision, as shown on plat 114 at the Sitka recorder's office, Sitka Recording District, First Judicial District, State of Alaska. And also an easement in gross for road and utility purposes across that tract identified in the plat as the Shuler Subdivision as the survey part of lot 2, owner Walter Massey, the axis of said easement being generally an extension northerly of the common boundary line between lots 13 and 14 of the Shuler Subdivision. This easement shall run with the land, but shall be terminated at such time as the North Shuler Drive be constructed as a useable road. This easement is ten feet wide.

Dated this 15 day of March, 19 99

468

15-	
Sitka REC. DIST.	
DATE	3-15, 19 99
TIME	9:43 A.M.
Requested By	Donovan Seesz
Address	

Donovan D Seesz  
Grantor(s)

UNITED STATES OF AMERICA,  
STATE OF ALASKA

ss. Individual Acknowledgement (Alaska)

THIS IS TO CERTIFY that on this 15 day of March, 1999, before me the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Donovan D Seesz to me known to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS My Hand and Official Seal the day and year if this certificate first above written.

Notary Public in and for the State of Alaska, residing at Sitka Alaska

My commission expires 12/2001

STATE OF ALASKA  
NOTARY PUBLIC  
JUDITH A. BROWN

My Commission Expires 12/2001





# Attachment B

## Staff Materials



## City & Borough of Sitka, Alaska

**Selected Parcel: 114 Harbor Mountain Rd ID: 25571004**

Printed 5/7/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

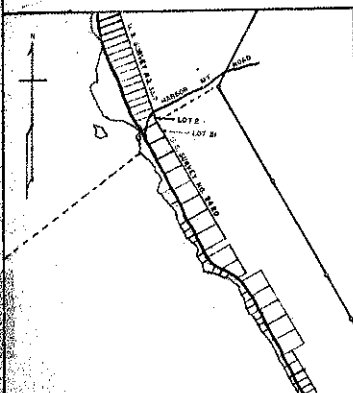
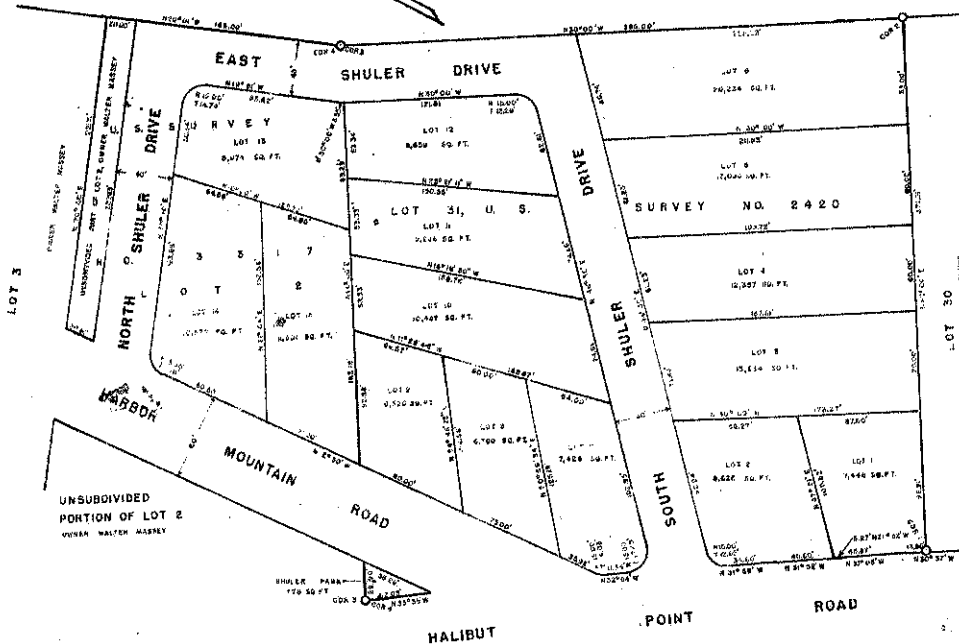
50 m  
100 ft



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

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

PUBLIC DOMAIN



NOTE: ALL LOT LINE BOUNDARIES ARE BASED ON LINE COR. 4, COR. 3, LOT 31, U.S. 2420, 1/400' 00" S. MEASURE DISTANCE 280.00'  
ALL LOT CORNERS MARKED WITH IRON PIPE.

# CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered professional engineer and that this Plat represents the survey made by me or under my direct supervision and the monuments shown thereon actually exist as located, and that the dimensions and other details are correct.

6/22/70  
John D. Ballard

## 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.

September 22, 1970

Date

WITNESSED BY

John D. Ballard  
John D. Ballard  
John D. Ballard  
John D. Ballard

## CERTIFICATION OF APPROVAL BY THE ASSEMBLY

I do hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations of the Greater Sitka Borough, and that said Plat has been approved by the Assembly on recorded in Subdivision Book 23, page 114, dated 9/21/70, and the Plat shown hereon has been approved for recording in the Office of the District Registrar, State of Alaska, at Sitka, Alaska.

9/21/70  
John D. Ballard  
Chairman

ATTEST

John D. Ballard  
Borough Clerk-Treasurer

## CERTIFICATE

STATE OF ALASKA

First Judicial District

I, the undersigned, being duly appointed and qualified, and on acting as Assessor for the Greater Sitka Borough, do hereby certify that, according to the records of the Greater Sitka Borough, the following described property is carried on the Tax Records in the name of SHULER SUBDIVISION OF LOT 31, U.S. 2420 AND A PART OF LOT 2, OF U.S. SURVEY 3317.

DESCRIPTION: SHULER SUBDIVISION

and that, according to the records in my possession, all taxes assessed against said lands and in favor of the Greater Sitka Borough are paid in full, that current taxes for the year 1970 will be due on or before July 31, 1970.

Dated this 22nd day of September, 1970, at Sitka, Alaska.  
John D. Ballard  
Assessor, Greater Sitka Borough

## 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 Borough Planning Board, and that said Plat has been approved by the Board by Resolution No. 1969, dated 9/21/70, and that the plat shown hereon has been approved for recording in the Office of the District Registrar, State of Alaska, at Sitka, Alaska.

9/21/70  
John D. Ballard  
Chairman, Planning Board

ATTEST

John D. Ballard  
John D. Ballard

## LEGEND

Brass cap monument



PLAT OF	
SHULER SUBDIVISION OF LOT 31, U.S. SURVEY NO. 2420, AND A PART OF LOT 2, U.S. SURVEY NO. 3317	
SURVEYED: JUNE 17, 1970	
BY: JOHN D. BALLARD	
REGISTERED: UNKNOWN	
SCALE: 1" = 40'	

SITKA  
Book No. 27-1188

Diagrams

File #114

**CITY AND BOROUGH OF SITKA**

**ORDINANCE NO. 03-1741**

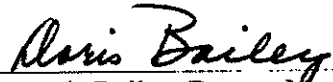
**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA VACATING  
THE SEAWARD HALF OF EAST SHULER DRIVE**

1. **CLASSIFICATION.** This ordinance is not of a permanent nature, and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person or circumstance shall not be affected thereby.
3. **PURPOSE.** A request has been made by two adjacent property owners to purchase the seaward 20 feet of the East Shuler Drive right of way. This street is excess to Municipal needs and if vacated will become part of the adjacent properties. The Planning Commission has recommended approval of this vacation.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka as follows:
  - A. After public hearing and notice to the adjacent property owners of the intent to vacate the unconstructed portion of East Shuler Drive between the southeast corner of Lot 12 of the Shuler Subdivision and the northeast corner of Lot 14 of the Shuler Subdivision, the Assembly finds that the street is surplus to Municipal needs and is hereby vacated.
  - B. The City and Borough, the upland property owner, will retain the upland half of the right of way. The Municipality has determined that a turn around can be constructed on the portion to be retained by the Municipality.
  - C. The above purchases must be accomplished within one year of the passage of the Ordinance to vacate which shall include the submission of full purchase price to the Municipal Attorney. No deed shall be issued or street considered vacated until all portions of said street are sold.
  - D. The Municipality has consistently and previously sold street property for \$1.50 per square foot, which shall be the purchase price. The deed of conveyance shall note that the vacated properties shall attach the adjoining properties with no further subdivision.




- E. The approximate square footages of the areas to be vacated are 2212 square feet and 2570 square feet.
  - F. Upon deposit of the full purchase price of the entire vacated street, the Municipal Administrator is hereby authorized to issue conveyances.
5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

**PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka, Alaska this 14 day of October 2003.



Doris Bailey, Deputy Mayor

ATTEST:

  
Colleen Pellett, CMC  
Municipal Clerk

**2004-000097-0**

Recording Dist: 103 - Sitka

1/21/2004 11:13 AM Pages: 1 of 3

A  
L  
A  
S  
K  
A

CE

AFTER RECORDING, RETURN TO:  
Gail Roderick, Property Clerk  
CITY AND BOROUGH OF SITKA  
100 LINCOLN STREET  
SITKA, ALASKA 99835

### QUIT CLAIM DEED

The Grantor, the CITY AND BOROUGH OF SITKA of 100 Lincoln Street, Sitka, Alaska, 99835, for and in consideration of the sum of Ten Dollars and other valuable consideration, hereby conveys and quit claims to Donovan D. Seesz and Jane M. Seesz of 114 Harbor Mountain Road, Sitka, Alaska, 99835, husband and wife, as tenants by the entireties, the following designated property which is located in the Sitka Recording District of Alaska:

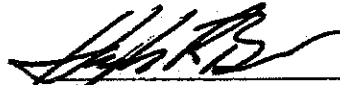
Beginning at a brass-capped monument marking corner 4 of USS 3317 and corner 3 of USS 2420, thence S 60°W 40.00' in the direction of an iron pipe on the western boundary of the East Shuler Drive right-way at the common corner of Lots 12 & 13 Shuler Drive Subdivision; this point being corner 1, the true beginning of this description; thence along the westerly boundary of the East Shuler Drive right-of-way N30°W 3.55' to corner 2; continuing along said right-of-way boundary N19°18'W 93.82' to corner 3, the point of curvature of the East Shuler Drive right of way at its intersection with the North Shuler Drive right-of-way; thence continuing along said right-of-ways along a 15.00' radius arc of 89°59' of angle to the left to corner 4, the point of tangency of said right-of-ways; thence N70°10'E 20.00' along the extension of the southeasterly boundary of the North Shuler Drive right-of-way to corner 5 a point of curvature; thence along a 15.00' radius arc of 89°59' of angle to the right to corner 6, a point of tangency on the centerline of the East Shuler Drive right-of-way; thence along said centerline S19°51'E 92.04' to corner 7; thence continuing along said centerline S30°E 1.77' to corner 8 the intersection of said

centerline with the extension of the common property line between said Lots 12 & 13; thence S60°W 20.00' back to the true point of beginning.

This boundary encompasses 2,212 square feet more or less, per attached Exhibit A.

This conveyance is per City and Borough of Sitka Ordinance 03-1741 granted 10-14-03.

DATED this 16<sup>th</sup> day of December, 2003 at Sitka, Alaska.



Hugh R. Bevan, Administrator

STATE OF ALASKA

)

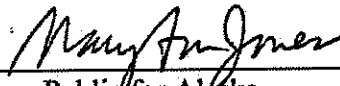
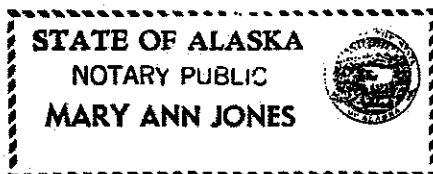
)ss. **MUNICIPAL ACKNOWLEDGMENT**

FIRST JUDICIAL DISTRICT

)

THIS CERTIFIES that on this 16<sup>th</sup> day of December, 2003 before me, a Notary Public in and for the State of Alaska, personally appeared **Hugh R. Bevan** the person whose name is subscribed to the foregoing deed, and after being first duly sworn according to law, he stated to me under oath that he is the Administrator of the City and Borough of Sitka, Alaska, a municipality organized under the laws of the State of Alaska, that he has been authorized by said municipality to execute the foregoing **Quit Claim Deed** on its behalf, and that he executed the same freely and voluntarily as the free act and deed of said municipality.

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



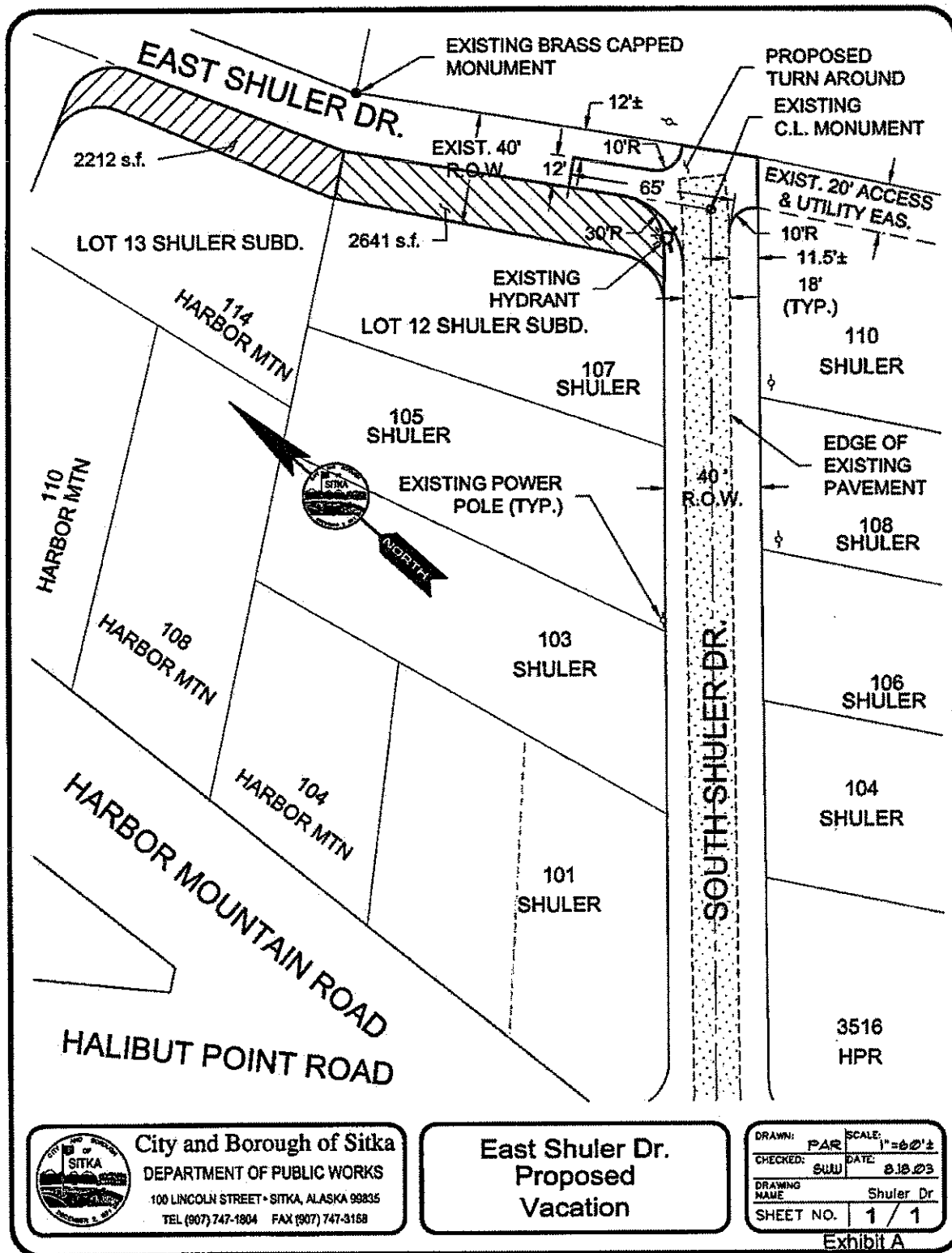
Notary Public for Alaska

My Commission Expires:

Residing at Sitka, Alaska

10/14/2006





3 of 3  
 2004-000097-0





# CITY AND BOROUGH OF SITKA

## Legislation Details

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**File #:** VAR 18-08    **Version:** 1    **Name:**  
**Type:** Variances    **Status:** AGENDA READY  
**File created:** 5/8/2018    **In control:** Planning Commission  
**On agenda:**    **Final action:**  
**Title:** Public hearing and consideration of a variance request for 409 Halibut Point Road in the R-2 multifamily residential district. The request is for the reduction in the required on-site parking for an existing duplex from four spaces to zero spaces. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [VAR 18-08 409 HPR Riley May 17 2018](#)  
[CUP 18-14 Application Packet](#)

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: Variance 18-08  
Proposal: Request for variance from required parking spaces and on-site location  
Applicant: Timothy W. Riley  
Owner: Timothy W. Riley  
Location: 409 Halibut Point Road  
Legal: Lot 19, Block 24, Tract A, Tower Heights, US Survey 1474  
Zone: R-2  
Size: Approx. 7,427 square feet  
Parcel ID: 13480000  
Existing Use: Residential  
Adjacent Use: Residential/Commercial/Recreational  
Utilities: Existing  
Access: Halibut Point Road

### **KEY POINTS AND CONCERNS:**

- Code requires 4 parking spaces for a duplex (2 per unit)
- Code requires all parking spaces for residential family use to be provided on-site, not off-site
- Property is located next to a very busy section of Halibut Point Road
- Parking arrangement in regards to traffic ingress and egress is not ideal and could create negative safety impacts to vehicles and pedestrians
- Property is already subject to other variances
- Property has topography and was subdivided in a manner that makes development of parking and any structure difficult

**RECOMMENDATION:** Deny or postpone consideration of this request.

## **ATTACHMENTS**

Attachment A: Applicant Attachments

Attachment B: Staff Attachments

## **BACKGROUND/PROJECT DESCRIPTION**

The applicant is requesting a variance from parking standards in regards to number and location (4 required on site, 1 provided on site and 1 provided off-site). And has an existing variance for the deck to be setback 8 feet from front property line (V 96-9). There is another variance 88-13, but that is unclear what the details of that are.

Applicant is also proposing converting one of the units of a long standing, existing duplex, with one on-site parking space and one off-site parking space, to a short-term rental (STR). Currently, the duplex is utilized to house family on one side and has been rented as a long-term rental (LTR) on the other side. The lot and parking are substandard compared to existing code. However, this property was developed long before existing code and it is not certain what code requirements were in place at the time of development.

## **ANALYSIS**

**Project / Site: (see above and below)**

**Zone: R-2:** Intent. The R-2 [residential](#) district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population [densities](#). [Structures](#) required to serve governmental, educational, recreational, religious and limited professional [office](#) needs are allowed subject to permitted or [conditional use](#) restrictions intended to preserve and protect the [residential](#) character of the R-2 district.

Here, the infrastructure was not developed to serve the duplex and the subdivision of this lot, was not well suited by its topography to do so.

**Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** This variance request is to support and STR request. While STR tend to have lower vehicle demands, especially near central downtown, staff suggest conditions of approval that would mitigate traffic demands through required rental contract terms that do not allow car rentals or renters to have motor vehicles. Instead the owner could provide bike racks, bicycles, taxi or shuttle service, or other arrangement to negate additional motor vehicle use on-site. That aside the variance specifically would create substandard off-site parking, substandard number of parking spots, and the ingress and egress of vehicles is poor and could create impacts to vehicular and pedestrian safety.

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

**g. Effects on vehicular and pedestrian safety:** Due to limited parking on-site, orientation of on-site and off-site parking arrangements and access (including the back-up egress), and vicinity of sidewalk and high-traffic area, there is a distinct potential for negative impacts of vehicles to vehicular and pedestrian safety.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Location is very close to police and fire (less than 800 feet) and hospitals within a half-mile and mile.

**i. Logic of the internal traffic layout:** It is not logical as compared to code requirements for parking; and to best means of ingress and egress. 4 spaces are required on site. 1 is provided on site in compliance with code, though it may create back-out problems. 1 is provided off-site, but it may create back-out problems. And 2 required spaces are not provided. The current and proposed arrangement is a safety impact. Further, due to parking being provided through agreements with the state and adjacent property, this could be lost through revocation, change in ownership, or lot development of adjacent lot or state right-of-way.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Topography and vegetation provide a decent buffer.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** It is questionable whether Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods due to substandard parking (number and location) and traffic layout of ingress and egress.

**Habitat:** No known wetlands on the property.

**Property Value or Neighborhood Harmony:** Variances are a deviation from code, and result in an inconsistency between this property and nearby properties. The variance would support the STR request, which has both positive and negative impacts economic impacts. Overall, staff feel the negative impacts to safety far outweigh any economic impact.

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

1) I move to **deny** the variance request for a parking variance at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley. (In the alternative, staff would suggest postpone to allow the applicant and staff to work on modification and unification of staff reports, conditions, and findings).

2) Note: Staff have provided both sets of potential findings for variance as it could be argued either way that a reduction of parking, off-site parking, and the proposed traffic layout are minor or major expansions. Staff defer to the planning commission on this decision. Facts to support the



decisions must be filled in. Pick D.1 or D.2 and fill in the facts and rationale that support the decision.

I move to adopt and approve the required findings pursuant to Sitka General Code 22.30.160.D. Before any variance is granted, it shall be shown:

D. Required Findings for [Variances](#).

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

a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the [lot](#), the size or dimensions of the parcels, the orientation or placement of existing [structures](#), or other circumstances that are outside the control of the property owner; in this case that \_\_\_\_\_.

b. The [variance](#) is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of [garages](#) or the expansion of [structures](#) that are commonly constructed on other parcels in the vicinity; in this case that \_\_\_\_\_.

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; in this case that \_\_\_\_\_.

d. That the granting of such a [variance](#) will not adversely affect the [comprehensive plan](#); in this case that \_\_\_\_\_.

2. Required Findings for Minor Expansions, Small [Structures](#), Fences, and [Signs](#).

a. The municipality finds that the necessary threshold for granting this [variance](#) should be lower than thresholds for [variances](#) involving major [structures](#) or major expansions; in this case that \_\_\_\_\_.

b. The granting of the [variance](#) is not injurious to nearby properties or improvements; in this case that \_\_\_\_\_.

c. The granting of the [variance](#) furthers an appropriate use of the property; in this case that \_\_\_\_\_.

# Attachment A

## Applicant Materials



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

**APPLICATION FOR:**
☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Allow a short term rental in an existing duplex.
**PROPERTY INFORMATION:**

 CURRENT ZONING: R-2 PROPOSED ZONING (if applicable): \_\_\_\_\_

 CURRENT LAND USE(S): Duplex PROPOSED LAND USES (if changing): Short term rental
next to apartment used by family member
**APPLICANT INFORMATION:**

 PROPERTY OWNER: Timothy W. Riley

 PROPERTY OWNER ADDRESS: 1220 Glacier Ave #310 Juneau AK 99801

 STREET ADDRESS OF PROPERTY: 409 Halibut Point Road

 APPLICANT'S NAME: Timothy W. Riley

 MAILING ADDRESS: 1220 Glacier Ave #310, Juneau AK

 EMAIL ADDRESS: Alaskanriley@gmail.com DAYTIME PHONE: 907-738-6667
**PROPERTY LEGAL DESCRIPTION:**

 TAX ID: 13480000 LOT: 19 BLOCK: 24 TRACT: A

 SUBDIVISION: Tower Heights US SURVEY: 1474
Riley, Timothy

Last Name

4/30/2018

Date Submitted

409 B HPR

Project Address

**REQUIRED INFORMATION:**For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☒ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☒ Proof of filing fee payment

For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

**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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. 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.

**Timothy W. Riley**

Owner

**4/30/2018**

Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

**Riley, Timothy W**

Last Name

**04/30/2018**

Date Submitted

**409 B HPR**

Project Address





# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
CONDITIONAL USE PERMIT

RECEIVED MAY 04 2018

## APPLICATION FOR

- ☐ MARIJUANA ENTERPRISE  
☒ SHORT-TERM RENTAL OR BED AND BREAKFAST  
☐ OTHER: \_\_\_\_\_

### CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:  
Nominal - within walking distance of CBD, Historical Park, harbors & trails.  
\_\_\_\_\_
- Amount of noise to be generated and its impacts on surrounding land use: Minimal noise - short term  
rental will be adjacent family home.  
\_\_\_\_\_
- Odors to be generated by the use and their impacts: None  
\_\_\_\_\_
- Hours of operation: All hours  
\_\_\_\_\_
- Location along a major or collector street: Yes- located adjacent HPR  
\_\_\_\_\_
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: None - parking available off street and sidewalks access both directions.  
\_\_\_\_\_
- Effects on vehicular and pedestrian safety: None - no changes to present long term uses.  
\_\_\_\_\_

Riley, Timothy

Last Name

4/30/2018

Date Submitted

409 B HPR

Project Address

Located

- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: 1 block from Courthouse & Fire Station.
- Logic of the internal traffic layout: Stairway access from parking pad to home on bluff above street
- Effects of signage on nearby uses: No signage
- Presence of existing or proposed buffers on the site or immediately adjacent the site: Buffered by topography and vegetation.
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): Development of short term housing adjacent to city center reducing need for cars and reducing overall congestion.
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.):

Riley, Timothy

Last Name

4/30/2018

Date Submitted

409 B HPR

Project Address

**REQUIRED FINDINGS (SGC 22.30.160(C):**

1. ...The granting of the proposed conditional use permit will not:
- Be detrimental to the public health, safety, and general welfare because home is existing rental  
\_\_\_\_\_;
  - Adversely affect the established character of the surrounding vicinity, because no changes  
to use or character of property. \_\_\_\_\_; nor
  - 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, because, no change from existing use.  
\_\_\_\_\_;
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 \_\_\_\_\_ which states \_\_\_\_\_  
\_\_\_\_\_  
because the proposal \_\_\_\_\_  
\_\_\_\_\_;
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, because \_\_\_\_\_  
\_\_\_\_\_.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant

Date

Riley, Timothy

4/30/2018

409 B HPR

Last Name

Date Submitted

Project Address





**CITY AND BOROUGH OF SITKA**  
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
VARIANCE

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**APPLICATION FOR**

- ☒ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS  
☐ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS  
☐ PLATTING VARIANCE – WHEN SUBDIVIDING

**RATIONALE** - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

Parking varaiance due to topographic limitations.

**POTENTIAL IMPACTS** (Please address each item in regard to your proposal)

- **TRAFFIC** Nominal - existing use is a rental and residence. No change to use
- **PARKING** Nominal - existing uses continued.
- **NOISE** No change proposed
- **PUBLIC HEALTH AND SAFETY** No changes noted.
- **HABITAT** No changes noted
- **PROPERTY VALUE/NEIGHBORHOOD HARMONY** Adjacent properties are commercial below and rentals above and to side.
- **COMPREHENSIVE PLAN** Increases stock of available rentals adjacent CBD resulting in reduced vehicular traffic due to proximity to attractions within walking distance.

Riley, Timothy

4/30/2018

409B HPR

Last Name

Date Submitted

Project Address



**REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):**

**Major Zoning Variance (Sitka General Code 22.30.160(D)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. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner, specifically, Topography precludes parking on lot. DOT easement and permit provided.;
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity, specifically, \_\_\_\_\_;
- 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, \_\_\_\_\_;
- d. That the granting of such a variance will not adversely affect the comprehensive plan, specifically, (cite section and explain) \_\_\_\_\_;

**Minor Zoning Variance (Sitka General Code 22.30.160(D)2)**

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, specifically, \_\_\_\_\_;
- b. The granting of the variance is not injurious to nearby properties or improvements \_\_\_\_\_;
- c. The granting of the variance furthers an appropriate use of the property, specifically, \_\_\_\_\_;

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**Platting Variance** (Sitka General Code 21.48.010)

A variance from the requirements of this title may be granted only if the planning commission finds that:

- A. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property, specifically, \_\_\_\_\_  
\_\_\_\_\_.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property, specifically, \_\_\_\_\_  
\_\_\_\_\_.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Timothy W. Riley

Applicant

04/30/2018

Date

Riley, Timothy

Last Name

4/30/2018

Date Submitted

409B HPR

Project Address



RECEIVED MAY 08 2018

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## SHORT-TERM RENTAL PROJECT OVERVIEW - 409 HALIBUT POINT RD

This proposed short-term rental shall be operated as an onsite-owner rental and shall be professionally managed by Sitka Sound Vacation Rentals (SSVR). Principals of SSVR have over twenty years' experience in the real estate industry and have been operating Sitka rentals through various online booking services with success. The applicant, Tim Riley, is hereto applying for a short-term rental in Unit B of this duplex property along Halibut Point Rd. Unit A is occupied by a long-term renter and this proposed short-term rental use is intended to operate with as little impact to the surrounding properties as possible. Issues and concerns will be managed daily by SSVR staff.

### KEY POINTS AND CONCERNS:

It has been demonstrated through years of property management experience that potential issues can be adequately addressed through proper planning and contractual agreement, as short-term rentals do have impacts that long-term rentals do not. SSVR manages guest interactions under strict contractual agreements to ensure access, parking, noise, disturbance, vehicular traffic and bear nuisance issues do not arise, mitigates these issues if and when they do, and provides clear guest information so that they don't.

Guest information consists of a clear short-term rental contract which must be signed by the guest before arrival, online listings that contain a comprehensive "Guest Information Guide" outlining what is expected of guests during their stay, and the display of emergency placards throughout the rental unit for information in the event of an emergency. Rental contracts are written in accordance with Alaska Landlord Tenant law and are clear about mitigation if any contract provision is broken. Guests are managed throughout the duration of their stay from booking until checkout, and the availability of an onsite-owner is a key component in making this experience optimum for all.

**Access, Signage, and Effects on Vehicular and Pedestrian Traffic:** Access to the rental is via a direct-turnoff from Halibut Point Rd; therefore, explicit instructions to include step-by-step directions, aerial drawings and property photos will be listed online so that vehicular traffic impacts are minimized to surrounding land uses. A sign will be placed at the drive entrance and on the front entry door; such signs shall conform to Sitka General Code provisions.

**Potential for Guests to Access the Rental through Residential Areas or Substandard Street Creating a Cut-Through Traffic Scenario:** There is little or no potential risk for a cut-through traffic scenario as the rental is just off Halibut Point Rd, a main arterial road.

**Parking:** All guest parking shall be onsite, within designated areas as indicated by onsite parking signs, and side by side as required by planning. This will be enforced at all times in order to mitigate parking concerns. History and experience has shown that guests typically have no more than one car onsite at a time and/or intentionally do not rent a vehicle. Parking has not been an issue with the applicant's previous long-term renters, but it will be managed for potential short-term guests through contractual language, and clear aerial parking photos and/or diagrams provided online at booking and within the rental unit for reinforcement.

**Hours of Operation and Noise:** Guest tenancy whether short-term or long-term has no hours of operation. Guests may arrive at any time during their booked tenancy, so measures to mitigate the potential for noise or disruption outside of "normal" business hours will be taken in the form of strict contract language and clear Guest Information Guides outlining the rules and expectations of living local. Most guests booking with SSVR are keenly aware they are not in a



RECEIVED MAY 08 2018

typical hotel setting and act accordingly. This is primarily due to strict contract language, strict enforcement of that language, and setting clear expectations beforehand. Access is quiet and convenient via a lighted keyless entry, and safety is ensured through providing appropriately lighted walkways and parking areas.

**Bear Nuisance Related to Garbage and Resulting Odors:** Strict garbage management measures to deter bear attraction will be taken. Measures will include: storage of all garbage within the rental unit until it can be removed by the manager or owner, rental contract language on the management of garbage and the imposition of a \$100 fine to the guest should these provisions be violated, and the placement of garbage in the appropriate collection area and within an appropriate collection container, no earlier than 4AM on trash collection day.

**Ability of Police, Fire and EMS to Respond to Emergency Calls:** This rental is readily accessible by police, fire, and EMS services and strict enforcement of parking requirements will be implemented to ensure this access at all times.

**Logic of the Internal Traffic Layout:** Strict enforcement of parking in designated areas will be enforced through contract language, and specific reiteration in the "Guest Information Guide."

**Safety Inspection:** A City and Borough of Sitka safety inspection will be completed once the rental is set-up and rental-ready. Pertinent safety items will be installed and requirements will be met.

#### GUEST INFORMATION GUIDE

##### *How do I Get to this Property?*

From the airport head into town, and at the central round-about take Halibut Point Road north and travel about 0.1 miles. Immediately after passing ALPS Federal Credit Union on the left, you will see your rental unit atop a small hill. Pull into the paved parking lot of Norther Credit, and park as indicated below.



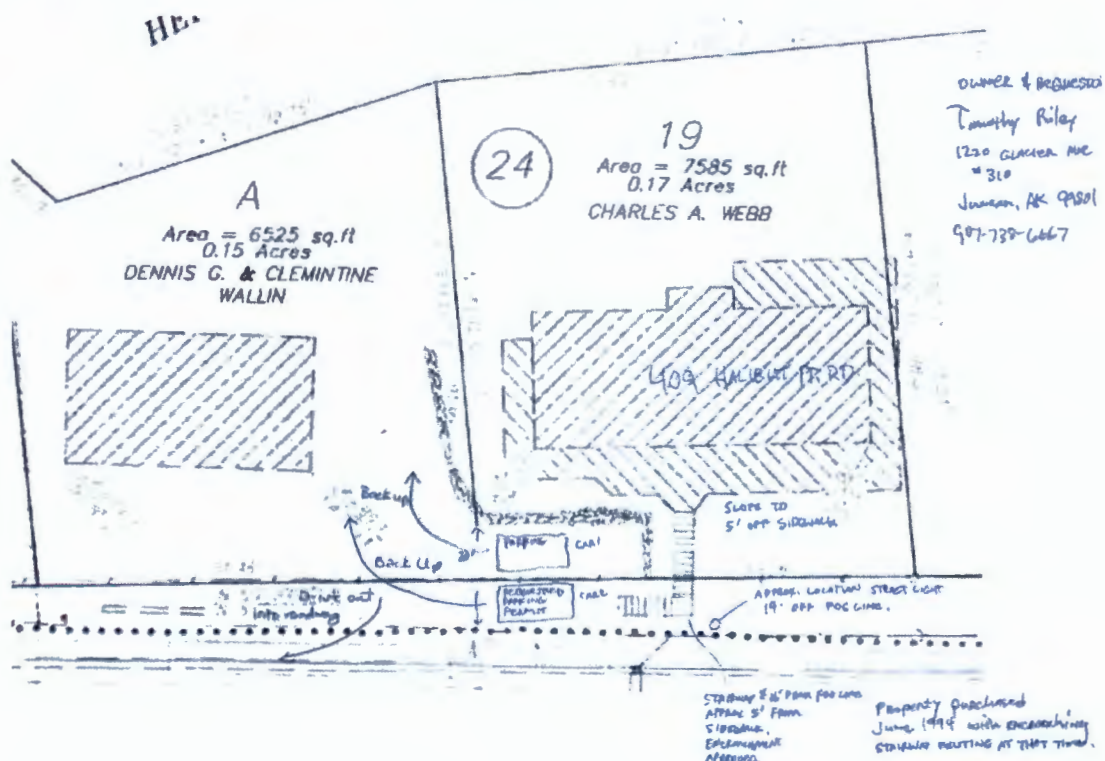


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This is what the turn-off (right turn) from Halibut Point Road will look like. Be careful of potential oncoming traffic as this is a busy main route:



Park parallel to the street as indicated in the photo above, and in the designated area noted by the "Guest Parking" sign. If you should have two vehicles, or guests arriving, please park tandem in the assigned space. Please see the attached aerial view indicating where to enter and park in order to comply with local code requirements.



***How do I Check In?***

Check-in is via a lighted keypad entry any time after 3PM. Please be sure to respect surrounding property owners by entering and exiting quietly and by not trespassing onto other properties.



***Where is the Entry Door?***

Entry is through the lower front door as indicated by the photo below, this is what it will look like.

***What Should I do with Trash?***

Your rental is professionally cleaned after each departure. We ask that you please keep all trash within the rental unit and within the trash can provided. A \$100 fine will be imposed for failure to follow this policy. At no time may you leave trash or food items outside of the rental. Recycling can be accommodated via the recycle bins provided.

**PERTINENT GUEST TERMS & CONDITIONS**

**SAFETY & SECURITY:** Please be aware when entering and exiting that we live in bear country and bears could be present on the grounds. We take every effort to ensure that they are not attracted to our property, such as not leaving garbage or food out. Please keep all trash within the rental unit and within the bear-proof garbage can provided. A \$100 fine will be imposed should this requirement be violated.

**PRIVACY OF OTHERS:** While we encourage you to enjoy the grounds, we encourage you not to travel onto adjoining private property. This request is for your own safety and respect of others.

**DISTURBANCE POLICY:** Please keep in mind that our rentals are in residential areas and as such, behavior should be considerate. If owner or neighbors are disturbed by your behavior, you may be asked to quiet down, or be asked to leave. If asked to leave due to disturbing behavior, you will not receive a refund. Rentals are family-oriented properties, and if a house party develops all vacationers will be asked to leave immediately without refund. This policy will be enforced without exception. Groups renting under false pretenses will be evicted without refund. Quiet hours are from 10PM to 8AM.

**DEFAULT:** If Guest should fail to comply with the conditions and obligations of this Agreement, Guest shall surrender the Property, remove all Guest's property and belongings and leave the Property in good order and free of damage. No refund of any portion of the Total Rental Fee shall be made and if any legal action is necessary, the prevailing party shall be entitled to reimbursement from the other party for all costs incurred.

**ENTRY AND INSPECTION:** Rental Agent reserves the right to enter the Property at reasonable times and with reasonable advance notice for the purposes of inspecting the Property or showing the Property to prospective purchasers, renters or other authorized Person(s). If Rental Agent has a reasonable belief that there is imminent danger to any person or property, Rental Agent may enter the Property without advance notice.

**GENERAL PROVISIONS:** By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise. This agreement shall be



Sitka Sound Vacation Rentals  
P.O. Box 1373, Sitka, AK 99835-1373  
Phone: 907.351.6857  
Email: [AlaskaRealtyServices@gmail.com](mailto:AlaskaRealtyServices@gmail.com)

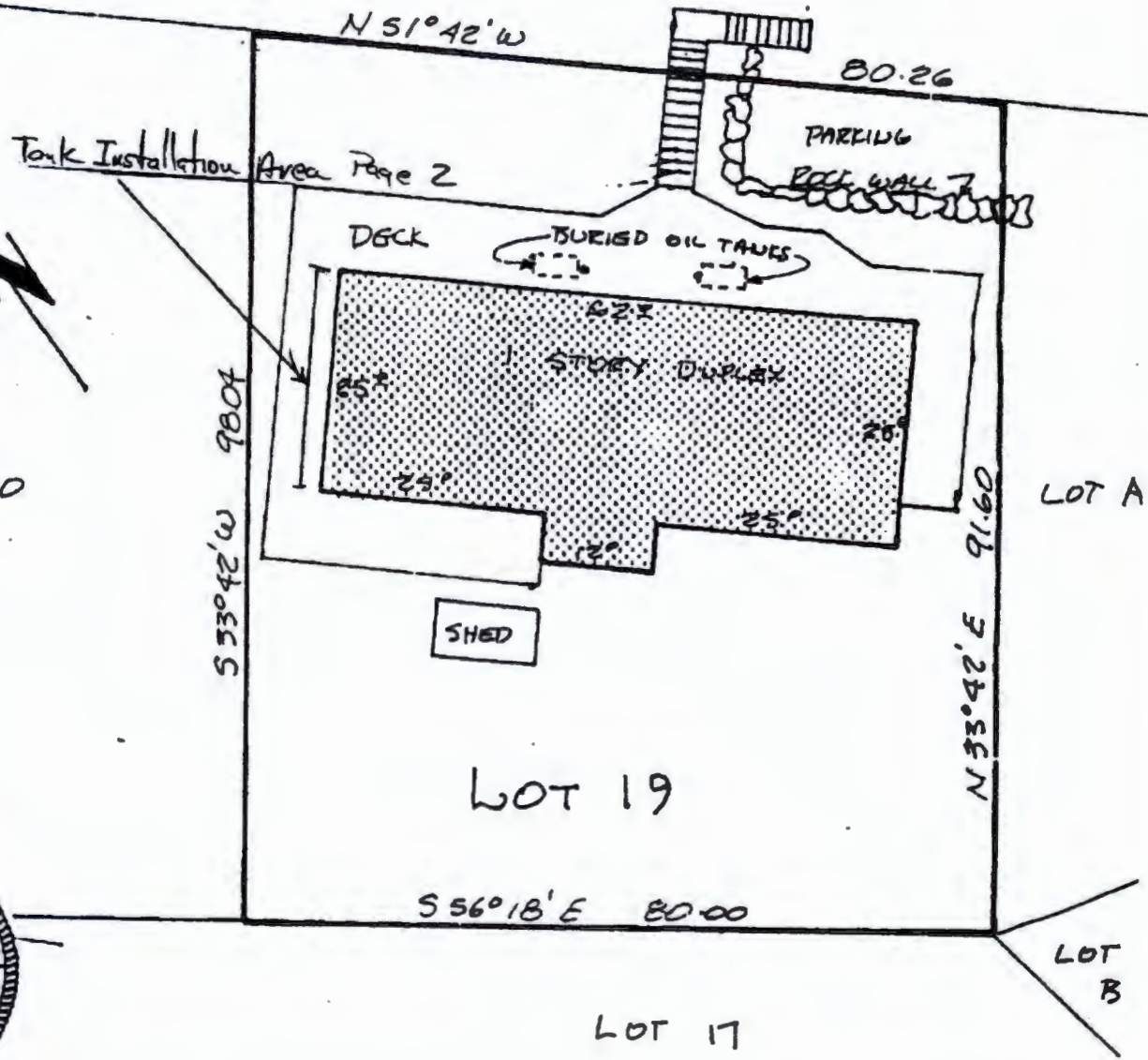
RECEIVED MAY 08 2018

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governed by the laws of the state of Alaska. Each of the parties irrevocably consents to the exclusive personal jurisdiction of the federal and state courts located in Alaska, as applicable, for any matter arising out of or relating to this Agreement. Failure to abide by these terms and conditions may result in eviction with no more than 24 hour notice. By signing or accepting this agreement online or in person, you are agreeing to all the rules and regulations as set forth within it.

HALIBUT POINT ROAD

747-2002  
747-3690



I hereby certify that I have inspected the following described property LOT 19  
TOWER HEIGHTS SUBDIVISION Sitka Recording District, Alaska, and that  
the improvements situated thereon are within the property lines and do not en-  
croach on the adjacent property, that no improvements on adjacent property  
encroach on the subject property and that there are no roadways, transmission  
lines or other visible easements on subject property, except as noted hereon.  
It is the owner's responsibility to determine the existence of any easements,  
covenants or restrictions which do not appear on the recorded subdivision plat.  
Under no circumstances should any data shown hereon be used for construction  
or for establishment of boundary or fence lines. Dated this 22<sup>ND</sup> day of FEB  
1993 David P. Stragier SURVEYOR

AS-BUILT PLOT PLAN

LOT 19  
TOWER HEIGHTS  
SUBDIVISION



STRAGIER  
ENGINEERING SERVICES  
504 DeGROFF ST.  
SITKA, ALASKA 99835  
907) 747-5833

AS-BUILT PLOT PLAN

Scale 1" = 20'  
Job No. \_\_\_\_\_  
Date 2/22/93  
Field Book \_\_\_\_\_

PREPARED FOR:  
FIRST NATIONAL BANK, ALX.  
318 LINCOLN ST.  
SITKA, ALASKA 99835



# **CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ SIGNATURE \_\_\_\_\_

## **NOTARY'S ACKNOWLEDGMENT**

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

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

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

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

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

## **CERTIFICATE OF PAYMENT OF TAXES**

(STATE OF ALASKA)

### **(FIRST JUDICIAL DISTRICT)**

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

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 \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AT SITKA, ALASKA.

ASSESSOR, CITY AND BOROUGH OF SITKA

## **CERTIFICATE OF APPROVAL BY THE BOARD**

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

DATE \_\_\_\_\_ CHAIRMAN, PLATTING BOARD

SECRETARY

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

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

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AT SITKA, ALASKA.

FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

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

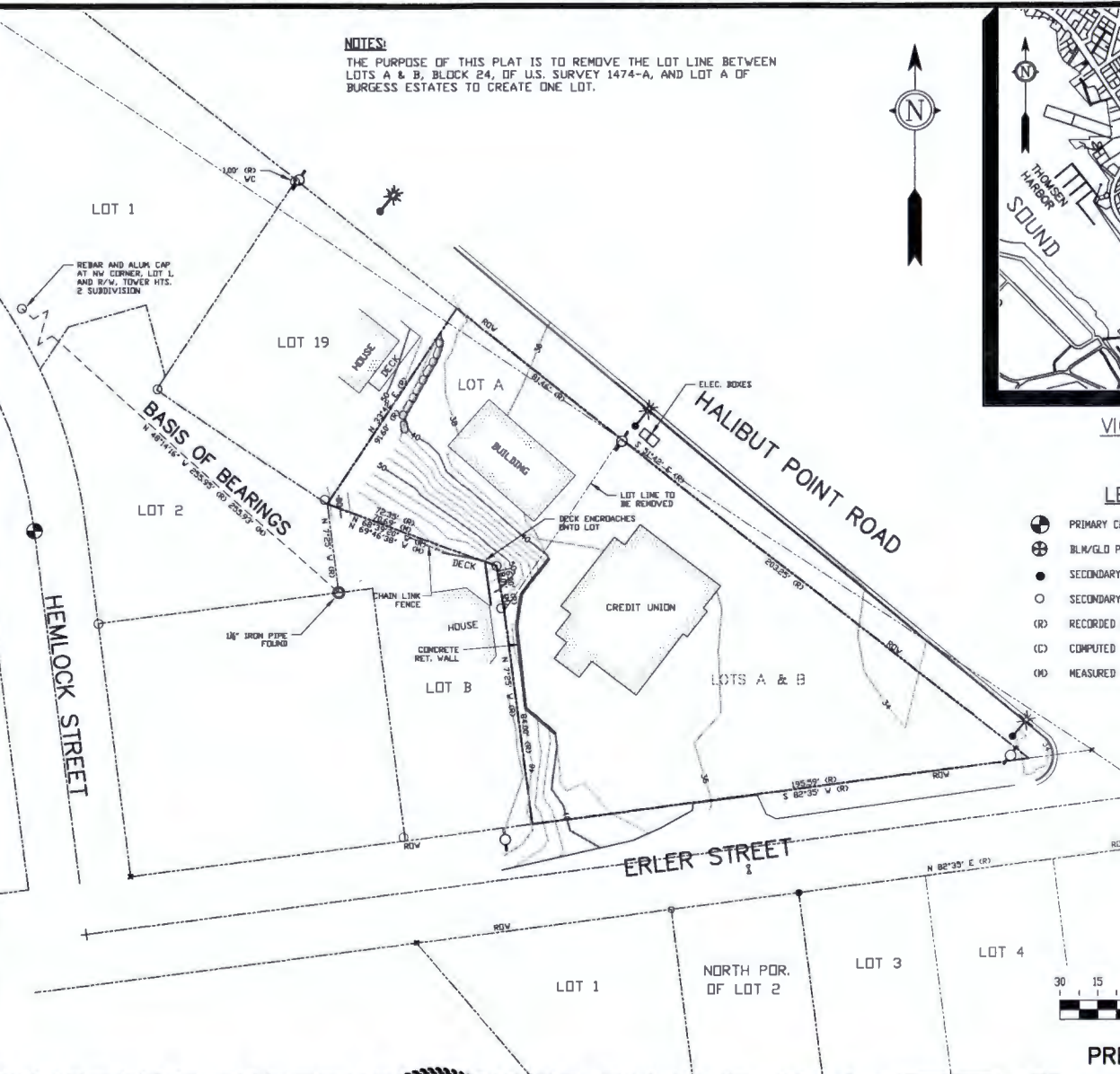
DATE \_\_\_\_\_ MAYOR

CITY AND BOROUGH CLERK

**O'NEILL**

**SURVEYING AND ENGINEERING**

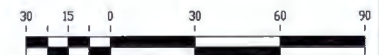
BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-6700  
FAX: (907) 747-7590  
EMAIL: [oneillengr@aol.net](mailto:oneillengr@aol.net)



VICINITY MAP  
SCALE 1"=1,000'

## **LEGEND**

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



SCALE IN FEET  
**PRELIMINARY**

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED **P. O'NEILL**  
DRAWN **KOL/ACAD**  
CHECKED **PKO**  
DATE OF PLAT/DATE/DATE  
SCALE: 1" = 30'  
DRAWING NAME: 00008-19  
PROJECT NO. 30008-19-00

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL BENCHMARKS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.  
DATE \_\_\_\_\_ PATRICK K O'NEILL, L.S. 6304

**ALPS SUBDIVISION**  
**LOTS A AND B, BLOCK 24, USS 1474-A; AND LOT A, BURGESS ESTATES**  
CLIENT: DANIEL G. JONES, PE, LLC

RECEIVED MAY 14 2018  
SHEET 1 OF 1

## SKETCH/AREA TABLE ADDENDUM

Parcel No 13480000

Property Address 409 Halibut Point Road

City Sitka

State AK

Zip 99835

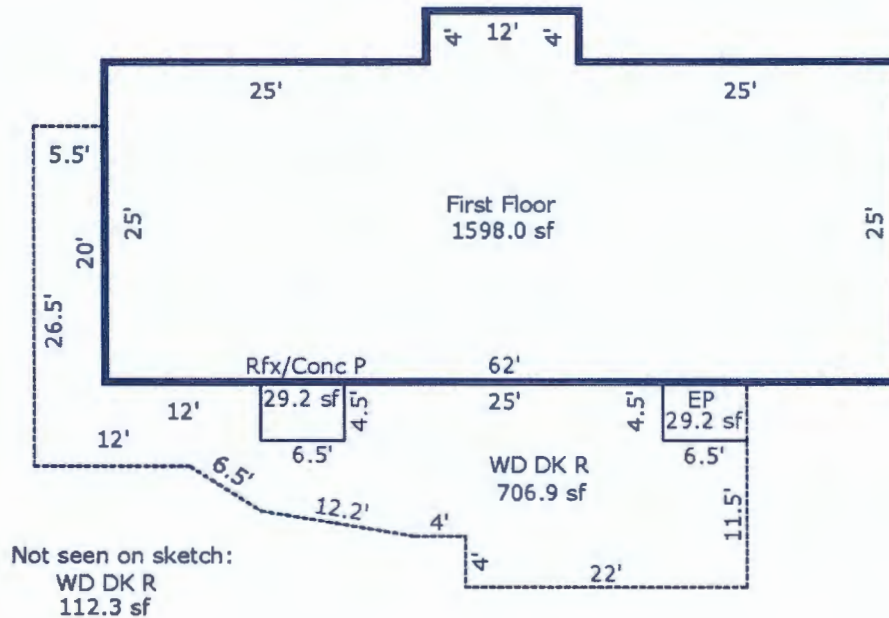
Owner Riley, Timothy

Client

Appraiser Name Josh Joseph

Inspection Date 2/8/2018

### IMPROVEMENTS SKETCH



Scale: 1" = 14'

### AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	First Floor	1.00	1598.00	182.0	1598.00
P/P	Rfx/Conc P	1.00	29.25	22.0	
	WD DK R	1.00	706.87	187.7	
	EP	1.00	29.25	22.0	765.37

### Comment Table 1

Comment Table 2

Comment Table 3

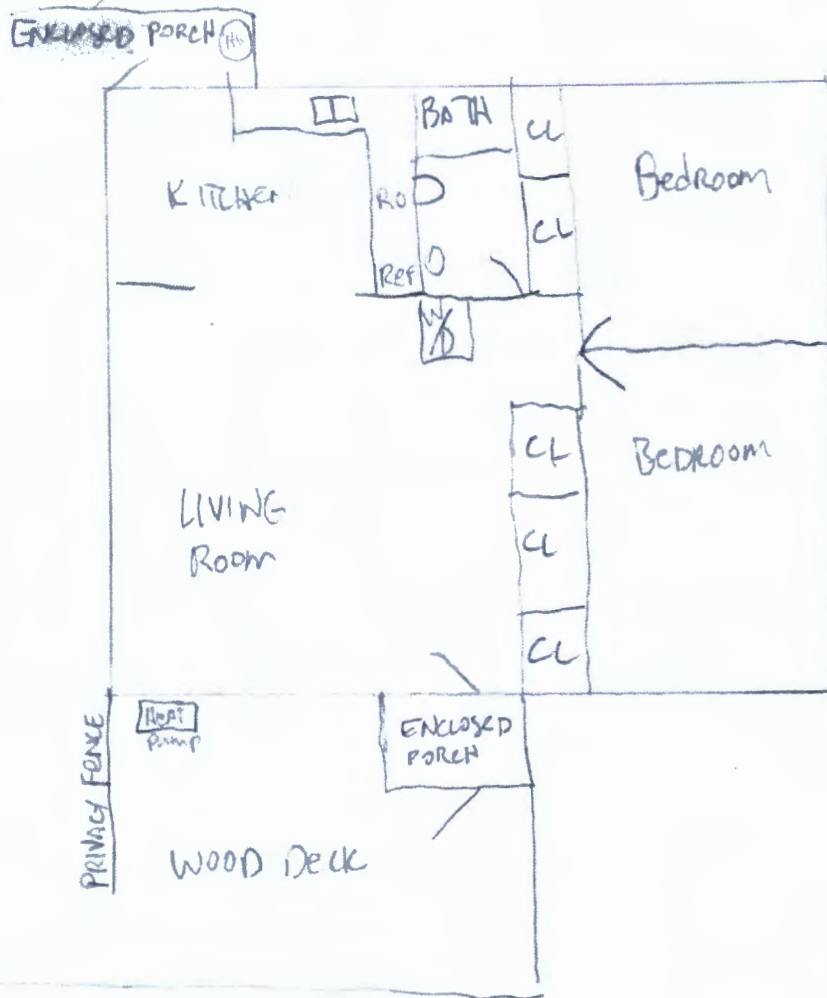
Net BUILDING Area

(rounded w/ factors)

1598

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409 B HALIBUT POINT ROAD



NOT TO SCALE





**STATE OF ALASKA  
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
Division of Statewide Design & Engineering Services  
Right-of-Way**

**ENCROACHMENT PERMIT**

**ENCROACHMENT PERMIT NO. SIT-11-019**

THIS PERMIT is issued and effective this 15th day of November, 2016 at Juneau, Alaska, by the State of Alaska, Department of Transportation and Public Facilities, Southcoast Region Right-of-Way, whose mailing address is PO Box 112506 Juneau, Alaska 99811-2506, acting through its Commissioner and referred to as the "State", and TIM RILEY, referred to as "Permittee," whose mailing address is: 1220 Glacier Avenue #310 Juneau, AK 99801.

Permittee may occupy the following described right-of-way and is referred to hereinafter as the "Permitted Area":

*An unsurveyed portion of state owned right of way adjacent to USS 1474, Lot 19, Block 24 addressed as 409 Halibut Point Road in Sitka, AK in the First Judicial District, Sitka Recording District, State of Alaska.*

This permit is subject to the provisions of Alaska Administrative Code, Title 17, Chapter 010, and the following general and special conditions:

1. **Allowed Use:** The permitted area is to be used for an ACCESS STAIRWAY AND PARKING PAD FOR TWO CARS, and for no other purpose.
2. **Annual Fee:** Permittee will pay in advance and without notice, an annual fee in the amount of \$100.00. The first year fee will be due on the effective date of this Permit. Thereafter, subsequent annual fees are due January 1<sup>st</sup> of each successive year of the term of the Permit. Any additional fees are specified in Special Conditions noted below. All payments required by this Permit must be made with a check or money order. A late fee of \$50 will become due and payable after January 10<sup>th</sup> of each year, during the term of this Permit. Permittee will be considered in default if payment is not received by January 15<sup>th</sup> of each year, during the term of this Permit. Permittee shall pay the State a \$25 service charge on all checks returned for nonsufficient funds.

All payments shall be sent to DOT&PF, Finance Section, P.O. Box 112506, Juneau, Alaska, 99801-2506. Checks must be payable to the State of Alaska. Interest, at the legal rate provided for in AS 45.45.010, shall accrue on any delinquent payment from its due date until payment is made in full.

3. **Term:** Permittee may occupy the permitted area for a term (not to exceed five years) commencing on 11/15/2016 and ending on 11/15/2021 unless sooner revoked as provided herein. Before the expiration of said term, and before subsequent term anniversary dates, Permittee may request, in writing, renewal of this Permit for an additional term. Permittee must pay a nonrefundable \$100 reapplication fee each time a request is filed to renew or modify this Permit.
4. **Use by the State:** The issuance of this Permit notwithstanding, the permitted area's primary use is for transportation purposes. The State may revoke this permit (as stated below), and/or enter the permitted area at any time, without notice, for emergency use, or for the planning, design, construction, inspection, or maintenance of existing or future transportation facilities. Any such use of the permitted area will in no way invoke the protections provided under 23 USC Section 138 (Preservation of Parklands).



5. **Compliance with Laws:** Permittee shall comply with all laws, ordinances, regulations, and administrative agency and/or court orders, including those relating to health, safety, noise, environmental protection, waste disposal, hazardous or toxic materials, and water and air quality. No fuel, hazardous or combustible substances are to be stored in the Permit area. Should Permittee's use of the permitted area cause any discharge, leak, spill, emission, or pollution release of any type to occur at any time during this occupancy, Permittee shall immediately notify the State and the appropriate federal, state, and local authorities. Permittee shall act immediately to contain and/or absorb the release, repair any damage, and clean up the release area, and to restore the permitted area to compliance with all applicable state, federal, or local laws or regulations. Permittee shall be held liable for any and all costs incurred by the State to dispose of cleanup materials or to clean up the permitted area unless otherwise agreed to, in writing, by both parties.

5. **Corps of Engineers Authorization:** Before any filling activities take place within the right-of-way, or on the property adjacent to the right-of-way affected by this permit, please contact the U.S. Army Corps of Engineers (USACE) to see if any further authorization is required. Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization in most cases. You can reach the USACE at

Anchorage: (907) 753-2712, Fax: (907) 753-5567 Toll Free 1-800-478-2712  
 Fairbanks: (907) 474-2166, Fax: (907) 474-2164  
 Juneau: (907) 790-4490, Fax: (907) 790-4499  
 Kenai: (907) 283-3519, Fax: (907) 283-3981

The website is <http://www.poa.usace.army.mil/reg>

6. **Indemnification:** Permittee shall indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any claim resulting from injury, loss, or damage to any person or personal property resulting from Permittee's use of the permitted area.
7. **Waiver of Claims:** Permittee waives any claim or right of action Permittee may have against the State in the event of damage to property, and injury to or death of any person in the permitted area that arises because of the design, construction, maintenance, management, or operation of a highway in the right of way containing the permitted area.
8. **Reimbursement of Costs:** Permittee shall reimburse the State for all costs and expenses incurred by the State, including attorney's fees, in any action brought by the State to recover any delinquent fees, or for the breach of any terms or conditions contained in this Permit, or to recover possession of the permitted area.
9. **Non-discrimination:** No person, on the basis of race, religion, color, national origin, age, or sex, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in that person's use of the permitted area.
10. **Assignment:** Permittee may not assign or transfer this permit.
11. **Revocation:** This Permit is not a property right but a temporary authorization, revocable by the State. The State may revoke this permit in its sole discretion and upon 30 days written notice unless a shorter period is agreed to herein by Permittee. Said notice will be sent to Permittee's last known mailing address. Permittee shall have no right of action against the State. Upon the expiration or revocation of this Permit, Permittee shall remove all encroachments and restore the permitted area to a clean and safe condition. This Permit may be also revoked based upon a written determination by the Federal Highway Administration that federal funding requirements applicable to outdoor advertising have been violated.

12. **Loss of Business:** The State is not responsible for loss of business.
13. **No Relocation Benefits:** Issuance of this Permit does not entitle Permittee to a payment of just compensation or relocation benefits under AS 34.60 if Permit is revoked, Permittee elects not to renew, or the State denies Permittee's request for renewal.
14. **Cancellation by Permittee:** Permittee may cancel this Permit by providing written notice to the State at the above address. Permittee is not entitled to a refund of any fees or expenses related to the revocation or cancellation of this Permit.
15. **Abandonment by Permittee:** Upon abandonment by Permittee of the permitted area, Permittee's rights under this Permit will immediately terminate, but Permittee's obligations will survive until fulfilled.
16. **SPECIAL CONDITIONS:** Permittee shall follow the parking and access/egress requirements as identified from review comments. All vehicles parked shall be outside of the 14 foot clear zone.


RECEIVED MAY 04 2018

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year in this Permit first above written.

ALASKA DEPARTMENT OF  
TRANSPORTATION AND PUBLIC FACILITIES

PERMITTEE

By: \_\_\_\_\_

  
Greg A. Weinart  
Chief, ROW Section  
Southcoast Region

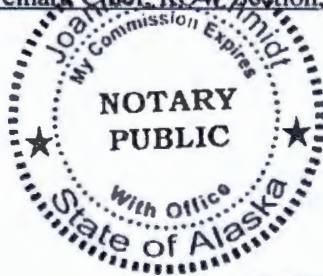
By: \_\_\_\_\_

  
Tim Riley

ACKNOWLEDGMENT OF DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

STATE OF ALASKA                    )  
  : ss.  
FIRST JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me on 04/19 /2018, by  
Greg A. Weinart, Chief, ROW Section, for Southcoast Region.



  
Notary Public for Alaska

My Commission Expires: with office

ACKNOWLEDGMENT OF PERMITTEE

STATE OF ALASKA                    )  
  : ss.  
FIRST JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me on 04/19 /2018, by  
Tim Riley, Permittee.

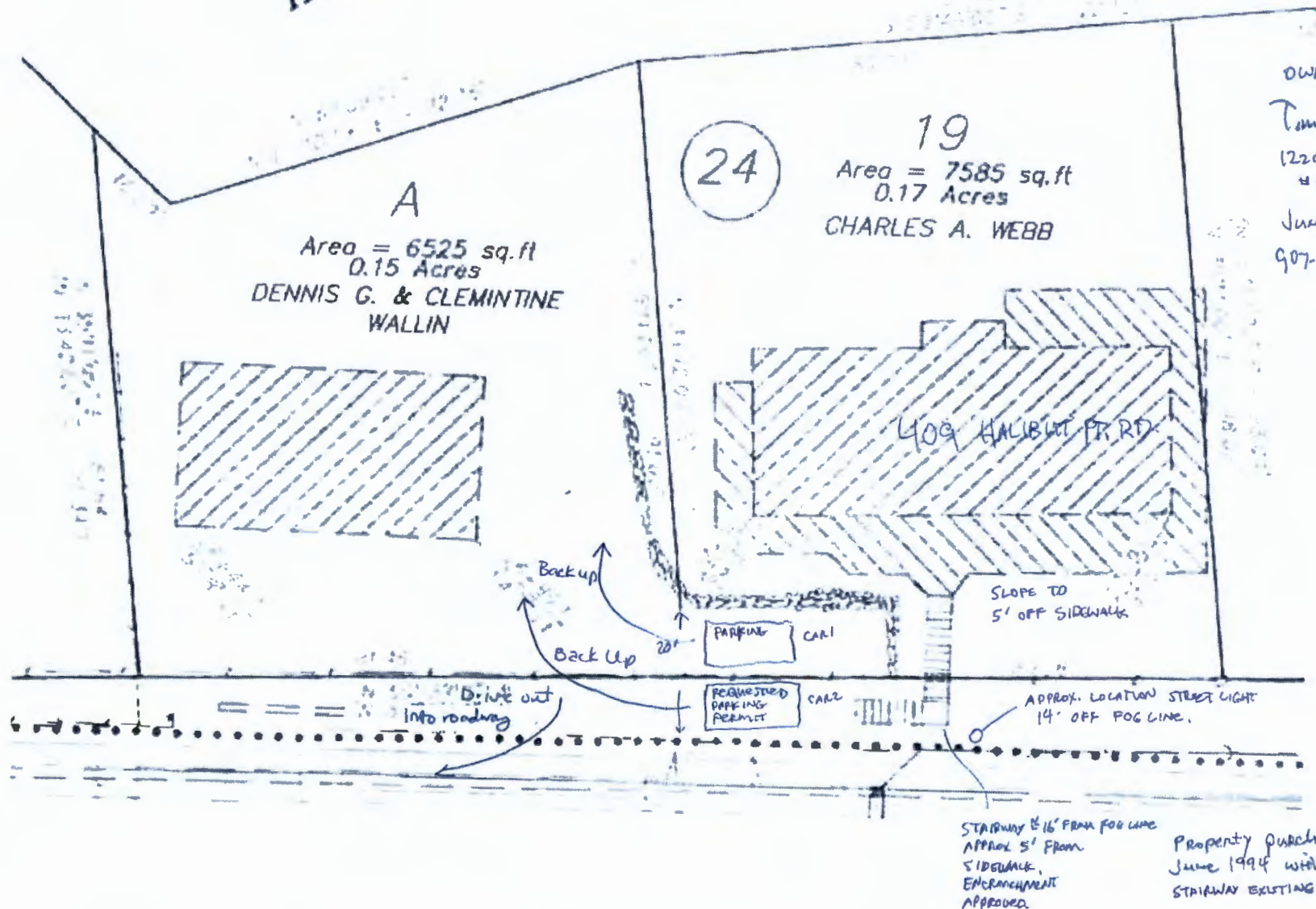


  
Notary Public for Alaska

My Commission Expires: with office



HEIG.



OWNER & REQUESTOR

Timothy Riley

1220 GLACIER AVE  
#310

JUNEAU, AK 99801

907-738-6667

RECEIVED MAY 14 2018

Property purchased  
June 1994 with ENCROACHING  
STAIRWAY EXISTING AT THAT TIME





RECEIVED MAY 04 2011





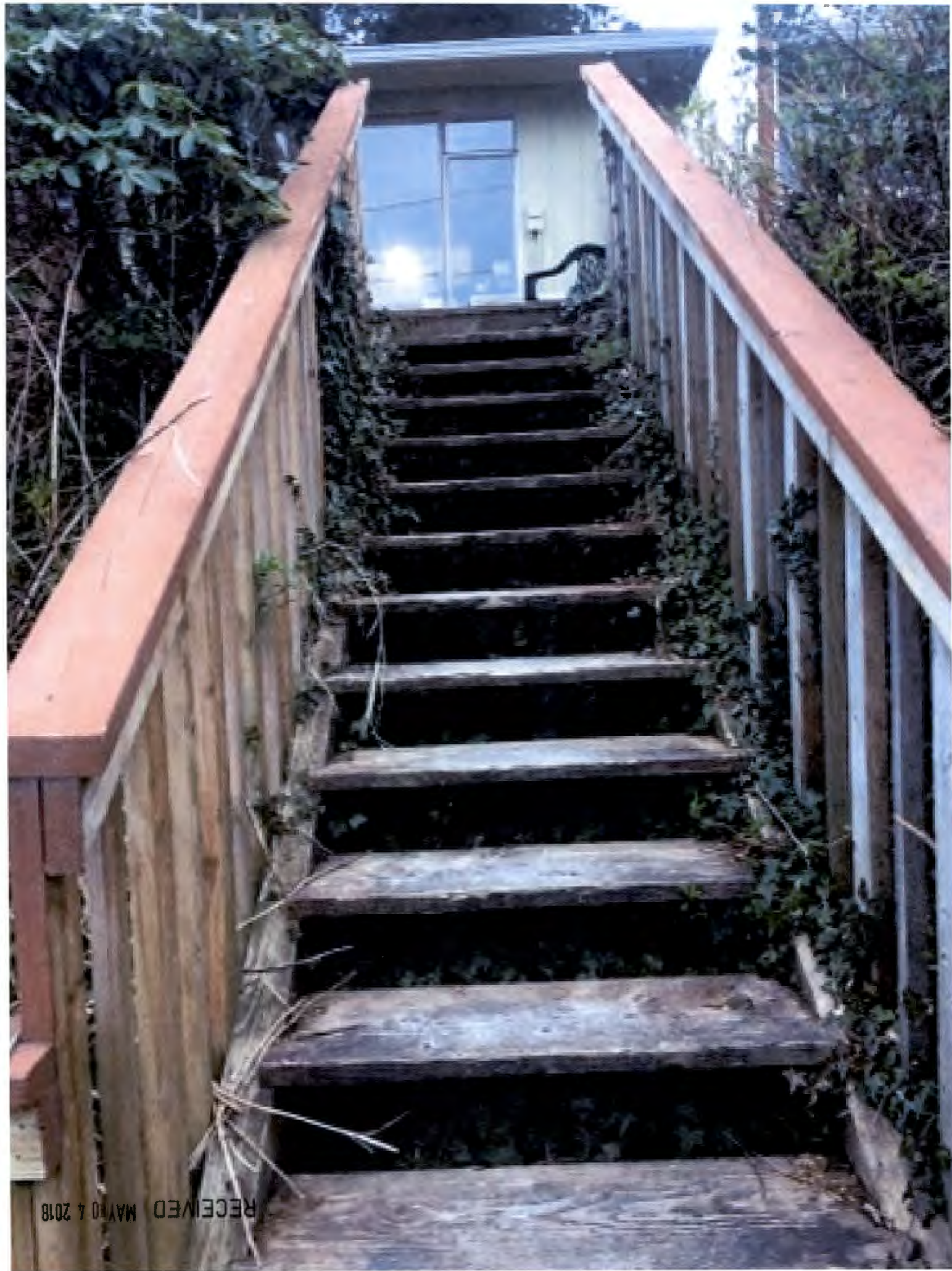
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RECEIVED MAY 04 2018





RECEIVED MAY 10 4 2018





RECEIVED MAY 01 2000

# Attachment B

## Staff Materials





## City & Borough of Sitka, Alaska

Selected Parcel: 409 Hallbut Point Rd ID: 13480000

Printed 5/10/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m  
100 ft



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

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



the  
Alas  
10  
Date  
ATT  
Ma  
City  
SEA

AT7  
Mo  
City  
SEA







# CITY AND BOROUGH OF SITKA

## Legislation Details

**File #:** CUP 18-14    **Version:** 1    **Name:**  
**Type:** Conditional Use Permits    **Status:** AGENDA READY  
**File created:** 5/8/2018    **In control:** Planning Commission  
**On agenda:** 5/24/2018    **Final action:**  
**Title:** Public hearing and consideration of a conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [409hpr Riley STR staff report may 17 2018 ver 2](#)  
[CUP 18-14 Application Packet](#)

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: CUP 18-14  
Proposal: Request for Short term rental in a duplex  
Applicant: Timothy W. Riley  
Owner: Timothy W. Riley  
Location: 409 Halibut Point Road  
Legal: Lot 19, Block 24, Tract A, Tower Heights, US Survey 1474  
Zone: R-2  
Size: Approx. 7,427 square feet  
Parcel ID: 13480000  
Existing Use: Residential  
Adjacent Use: Residential/Commercial/Recreational  
Utilities: Existing  
Access: Halibut Point Road

### **KEY POINTS AND CONCERNS:**

- Short-term rentals have an impact on reducing supply of long-term rentals and also have been shown to increase price of housing for buyers and renters (which helps owners and sellers)
- Code requires 4 parking spaces for a duplex (2 per unit)
- Code requires all parking spaces for residential family use to be provided on-site, not off-site
- Property is located next to a very busy section of Halibut Point Road
- Parking arrangement in regards to traffic ingress and egress is not ideal and could create negative safety impacts to vehicles and pedestrians
- Property is already subject to other variances
- Property has topography and was subdivided in a manner that makes development of parking and any structure difficult

### **RECOMMENDATION:**

Staff recommends either a denial as presented, a postponement to allow the applicant to modify their request and present mitigating conditions, or to approve the requests but with very strict conditions of approval to address impacts to housing market and also to parking, access, and safety.

## **ATTACHMENTS**

Attachment A: Applicant Materials

Attachment B: Staff Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The applicant is proposing converting one of the units of a long standing, existing duplex, with one on-site parking space and one off-site parking space, to a short-term rental (STR). Currently, the duplex is utilized to house family on one side and has been rented as a long-term rental (LTR) on the other side. The lot and parking are substandard compared to existing code. However, this property was developed long before existing code and it is not certain what code requirements were in place at the time of development.

Applicant is also requesting a variance from parking standards. And has an existing variance for the deck to be setback 8 feet from front property line (V 96-9). There is another variance 88-13, but that is unclear what the details of that are.

## **ANALYSIS**

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

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:** STRs tend to have lower vehicle demands, especially near central downtown. Staff suggest conditions of approval that would mitigate traffic demands through required rental contract terms that do not allow car rentals or renters to have motor vehicles. Instead, the owner could provide bike racks, bicycles, taxi or shuttle service, or other arrangement to negate additional motor vehicle use on-site.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Short-term renters may create noise. The owner occupies one side of the duplex, which would allow a greater level of oversight, as well as having a professional property management company with extensive experience.

**c. Odors to be generated by the use and their impacts:** Owner's family member is on-site to ensure that garbage is managed in accordance with Sitka General Code.

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

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

---

<sup>1</sup> § 22.24.010.E



**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario:** Topography and access limit cut-through potential.

**g. Effects on vehicular and pedestrian safety:** Due to limited parking on-site, orientation of on-site and off-site parking arrangements and access (including the back-up egress), and vicinity of sidewalk and high-traffic area, there is a distinct potential for negative impacts of a STR with vehicles to vehicular and pedestrian safety.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** Location is very close to police and fire (less than 800 feet) and hospitals within a half-mile and mile.

**i. Logic of the internal traffic layout:** It is not logical as compared to code requirements for parking; and to best means of ingress and egress. 4 spaces are required on site. 1 is provided on site in compliance with code, though it may create back-out problems. 1 is provided off-site, but it may create back-out problems. And 2 required spaces are not provided. The current and proposed arrangement is a safety impact. Further, due to parking being provided through agreements with the state and adjacent property, this could be lost through revocation, change in ownership, or lot development of adjacent lot or state right-of-way.

**j. Effects of signage on nearby uses:** None proposed. Any signage must comply with Sitka General Code requirements.

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Topography and vegetation provided a decent buffer.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** It is questionable whether the proposal as presented with parking and safety impacts conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating an owner-occupied bed and breakfast with requirements to mitigate concerns for traffic, odors, and noise. In addition, short-term rentals may be impacting housing costs, creating negative impacts for the public’s health, safety, and welfare.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may cause the increase of long-term rental rates. In this case, one unit is being occupied long-term by the owner’s family member, and the other would be taken off the long-term market during the use of the short-term rental. This can create a negative impact to affordable housing.

Note: There is a counter-argument that a short-term rental would raise property values for home owners and sellers, which is a positive impact; however, conversely, this would make homes more expensive for buyers. There is also a counter-argument that STR would reduce parking demand as compared to a LTR.

### **RECOMMENDATION**

It is recommended that the Planning Commission approve the conditional use permit application for a short-term rental at 409 Halibut Point Road.

.....

### **Options for Motions:**

- 1) I move to **deny** the conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.
- 2) I move to **postpone** the conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district to allow the applicant to modify their proposal in regards to parking, ingress, egress, and transportation of short-term renters. . The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.
- 3) I move to **approve** the conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district subject to the attached conditions of approval. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

#### Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request, except that a revised parking plan that includes parking improvements to meet the **4** required parking spaces is provided; and that provides reasonable, safe access (ingress and egress) as approved by the Planning Director. Further, the rental contract shall not allow rental cars or shall provide transportation for renters such as taxi service or for-hire shuttle service, or shall provide bikes; and shall not allow additional vehicles on-site or off-site.
3. 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, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.

4. 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 upon receipt of meritorious complaint or evidence of violation of conditions of approval.

5. 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.

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

7. To mitigate against the risk and impact of bears, 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 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.

8. 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.

9. Any signs must comply with Sitka General Code 22.20.090.

10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.

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

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

14. The applicant shall comply with all local, state, and federal laws regarding nondiscrimination.

2) I move to find that:<sup>2</sup> (Fill in the Blank – depending on Motion)

1. ...The granting of the proposed conditional use permit will not:

a. Be detrimental to the public health, safety, and general welfare *specifically*,

b. Adversely affect the established character of the surrounding vicinity *specifically*, \_\_\_\_\_;  
nor

---

<sup>2</sup> § 22.30.160.C – Required Findings for Conditional Use Permits



c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically,*\_\_\_\_\_.

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, Comprehensive Plan Section 2.2.1 which emphasizes supporting “economic activities which contribute to a stable, long-term, local economic base” by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports “development of facilities to accommodate visitors” that do not negatively impact surrounding residential neighborhoods, by operating an owner-occupied bed and breakfast with requirements to mitigate concerns for traffic, odors, and noise, by -*

---

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that the owner lives on-site and can monitor for infractions and take action as warranted and also have a property manager.* <sup>+</sup>

# Attachment A

## Applicant Materials



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

**APPLICATION FOR:**
☐

VARIANCE

☒

CONDITIONAL USE

☐

ZONING AMENDMENT

☐

PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Allow a short term rental in an existing duplex.
**PROPERTY INFORMATION:**

 CURRENT ZONING: R-2 PROPOSED ZONING (if applicable): \_\_\_\_\_

 CURRENT LAND USE(S): Duplex PROPOSED LAND USES (if changing): Short term rental
next to apartment used by family member
**APPLICANT INFORMATION:**

 PROPERTY OWNER: Timothy W. Riley

 PROPERTY OWNER ADDRESS: 1220 Glacier Ave #310 Juneau AK 99801

 STREET ADDRESS OF PROPERTY: 409 Halibut Point Road

 APPLICANT'S NAME: Timothy W. Riley

 MAILING ADDRESS: 1220 Glacier Ave #310, Juneau AK

 EMAIL ADDRESS: Alaskanriley@gmail.com DAYTIME PHONE: 907-738-6667
**PROPERTY LEGAL DESCRIPTION:**

 TAX ID: 13480000 LOT: 19 BLOCK: 24 TRACT: A

 SUBDIVISION: Tower Heights US SURVEY: 1474
Riley, Timothy

Last Name

4/30/2018

Date Submitted

409 B HPR

Project Address



**REQUIRED INFORMATION:**For All Applications:

- ☒ Completed General Application form
- ☒ Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- ☒ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☒ Floor Plan for all structures and showing use of those structures
- ☒ Copy of Deed (find in purchase documents or at Alaska Recorder's Office website)
- ☐ Copy of current plat (find in purchase documents or at Alaska Recorder's Office website)
- ☒ Site photos showing all angles of structures, property lines, street access, and parking – emailed to [planning@cityofsitka.org](mailto:planning@cityofsitka.org) or printed in color on 8.5" x 11" paper
- ☒ Proof of filing fee payment

For Marijuana Enterprise Conditional Use Permits Only:

- ☐ AMCO Application

For Short-Term Rentals and B&Bs:

- ☐ Renter Informational Handout (directions to rental, garbage instructions, etc.)

**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 understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. 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.

**Timothy W. Riley**

Owner

**4/30/2018**

Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

**Riley, Timothy W**

Last Name

**04/30/2018**

Date Submitted

**409 B HPR**

Project Address



# CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
CONDITIONAL USE PERMIT

RECEIVED MAY 04 2018

## APPLICATION FOR

☐

MARIJUANA ENTERPRISE

☒

SHORT-TERM RENTAL OR BED AND BREAKFAST

☐

OTHER: \_\_\_\_\_

## CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:  
Nominal - within walking distance of CBD, Historical Park, harbors & trails.  
\_\_\_\_\_
- Amount of noise to be generated and its impacts on surrounding land use: Minimal noise - short term  
rental will be adjacent family home.  
\_\_\_\_\_
- Odors to be generated by the use and their impacts: None  
\_\_\_\_\_
- Hours of operation: All hours  
\_\_\_\_\_
- Location along a major or collector street: Yes- located adjacent HPR  
\_\_\_\_\_
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: None - parking available off street and sidewalks access both directions.  
\_\_\_\_\_
- Effects on vehicular and pedestrian safety: None - no changes to present long term uses.  
\_\_\_\_\_

Riley, Timothy

Last Name

4/30/2018

Date Submitted

409 B HPR

Project Address

Located

- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: 1 block from Courthouse & Fire Station.
- Logic of the internal traffic layout: Stairway access from parking pad to home on bluff above street
- Effects of signage on nearby uses: No signage
- Presence of existing or proposed buffers on the site or immediately adjacent the site: Buffered by topography and vegetation.
- Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan (CITE SPECIFIC SECTION AND EXPLAIN): Development of short term housing adjacent to city center reducing need for cars and reducing overall congestion.
- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc.):

Riley, Timothy

Last Name

4/30/2018

Date Submitted

409 B HPR

Project Address



**REQUIRED FINDINGS (SGC 22.30.160(C):**

1. ...The granting of the proposed conditional use permit will not:
  - a. Be detrimental to the public health, safety, and general welfare because home is existing rental  
\_\_\_\_\_;
  - b. Adversely affect the established character of the surrounding vicinity, because no changes  
to use or character of property. \_\_\_\_\_; 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, because, no change from existing use.  
\_\_\_\_\_;
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 \_\_\_\_\_ which states \_\_\_\_\_  
\_\_\_\_\_  
because the proposal \_\_\_\_\_  
\_\_\_\_\_;
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and  
enforced, because \_\_\_\_\_  
\_\_\_\_\_.

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant

Date

Riley, Timothy

4/30/2018

409 B HPR

Last Name

Date Submitted

Project Address



**CITY AND BOROUGH OF SITKA**  
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
SUPPLEMENTAL APPLICATION FORM  
VARIANCE

RECEIVED MAY 04 2018

**APPLICATION FOR**

- ☒ ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS  
☐ ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS  
☐ PLATTING VARIANCE – WHEN SUBDIVIDING

**RATIONALE** - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

Parking varaiance due to topographic limitations.

**POTENTIAL IMPACTS** (Please address each item in regard to your proposal)

- TRAFFIC Nominal - existing use is a rental and residence. No change to use
- PARKING Nominal - existing uses continued.
- NOISE No change proposed
- PUBLIC HEALTH AND SAFETY No changes noted.
- HABITAT No changes noted
- PROPERTY VALUE/NEIGHBORHOOD HARMONY Adjacent properties are commercial below and rentals above and to side.
- COMPREHENSIVE PLAN Increases stock of available rentals adjacent CBD resulting in reduced vehicular traffic due to proximity to attractions within walking distance.

Riley, Timothy

4/30/2018

409B HPR

Last Name

Date Submitted

Project Address

**REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):****Major Zoning Variance (Sitka General Code 22.30.160(D)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. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner, specifically, Topography precludes  
parking on lot. DOT easement and permit provided.;
- b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity, specifically, \_\_\_\_\_  
\_\_\_\_\_;
- 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, \_\_\_\_\_  
\_\_\_\_\_;
- d. That the granting of such a variance will not adversely affect the comprehensive plan, specifically, (cite section and explain) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Minor Zoning Variance (Sitka General Code 22.30.160(D)2)**

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions, specifically, \_\_\_\_\_  
\_\_\_\_\_;
- b. The granting of the variance is not injurious to nearby properties or improvements \_\_\_\_\_  
\_\_\_\_\_;
- c. The granting of the variance furthers an appropriate use of the property, specifically, \_\_\_\_\_  
\_\_\_\_\_.

Riley, Timothy

4/30/2018

409B HPR

Last Name

Date Submitted

Project Address



RECEIVED MAY 04 2018

**Platting Variance** (Sitka General Code 21.48.010)

A variance from the requirements of this title may be granted only if the planning commission finds that:

- A. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property, specifically, \_\_\_\_\_
- \_\_\_\_\_
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property, specifically, \_\_\_\_\_
- \_\_\_\_\_

**ANY ADDITIONAL COMMENTS** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Timothy W. Riley  
Applicant

04/30/2018  
Date

Riley, Timothy	4/30/2018	409B HPR
Last Name	Date Submitted	Project Address

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## SHORT-TERM RENTAL PROJECT OVERVIEW - 409 HALIBUT POINT RD

This proposed short-term rental shall be operated as an onsite-owner rental and shall be professionally managed by Sitka Sound Vacation Rentals (SSVR). Principals of SSVR have over twenty years' experience in the real estate industry and have been operating Sitka rentals through various online booking services with success. The applicant, Tim Riley, is hereto applying for a short-term rental in Unit B of this duplex property along Halibut Point Rd. Unit A is occupied by a long-term renter and this proposed short-term rental use is intended to operate with as little impact to the surrounding properties as possible. Issues and concerns will be managed daily by SSVR staff.

### KEY POINTS AND CONCERNS:

It has been demonstrated through years of property management experience that potential issues can be adequately addressed through proper planning and contractual agreement, as short-term rentals do have impacts that long-term rentals do not. SSVR manages guest interactions under strict contractual agreements to ensure access, parking, noise, disturbance, vehicular traffic and bear nuisance issues do not arise, mitigates these issues if and when they do, and provides clear guest information so that they don't.

Guest information consists of a clear short-term rental contract which must be signed by the guest before arrival, online listings that contain a comprehensive "Guest Information Guide" outlining what is expected of guests during their stay, and the display of emergency placards throughout the rental unit for information in the event of an emergency. Rental contracts are written in accordance with Alaska Landlord Tenant law and are clear about mitigation if any contract provision is broken. Guests are managed throughout the duration of their stay from booking until checkout, and the availability of an onsite-owner is a key component in making this experience optimum for all.

**Access, Signage, and Effects on Vehicular and Pedestrian Traffic:** Access to the rental is via a direct-turnoff from Halibut Point Rd; therefore, explicit instructions to include step-by-step directions, aerial drawings and property photos will be listed online so that vehicular traffic impacts are minimized to surrounding land uses. A sign will be placed at the drive entrance and on the front entry door; such signs shall conform to Sitka General Code provisions.

**Potential for Guests to Access the Rental through Residential Areas or Substandard Street Creating a Cut-Through Traffic Scenario:** There is little or no potential risk for a cut-through traffic scenario as the rental is just off Halibut Point Rd, a main arterial road.

**Parking:** All guest parking shall be onsite, within designated areas as indicated by onsite parking signs, and side by side as required by planning. This will be enforced at all times in order to mitigate parking concerns. History and experience has shown that guests typically have no more than one car onsite at a time and/or intentionally do not rent a vehicle. Parking has not been an issue with the applicant's previous long-term renters, but it will be managed for potential short-term guests through contractual language, and clear aerial parking photos and/or diagrams provided online at booking and within the rental unit for reinforcement.

**Hours of Operation and Noise:** Guest tenancy whether short-term or long-term has no hours of operation. Guests may arrive at any time during their booked tenancy, so measures to mitigate the potential for noise or disruption outside of "normal" business hours will be taken in the form of strict contract language and clear Guest Information Guides outlining the rules and expectations of living local. Most guests booking with SSVR are keenly aware they are not in a



RECEIVED MAY 08 2018

typical hotel setting and act accordingly. This is primarily due to strict contract language, strict enforcement of that language, and setting clear expectations beforehand. Access is quiet and convenient via a lighted keyless entry, and safety is ensured through providing appropriately lighted walkways and parking areas.

**Bear Nuisance Related to Garbage and Resulting Odors:** Strict garbage management measures to deter bear attraction will be taken. Measures will include: storage of all garbage within the rental unit until it can be removed by the manager or owner, rental contract language on the management of garbage and the imposition of a \$100 fine to the guest should these provisions be violated, and the placement of garbage in the appropriate collection area and within an appropriate collection container, no earlier than 4AM on trash collection day.

**Ability of Police, Fire and EMS to Respond to Emergency Calls:** This rental is readily accessible by police, fire, and EMS services and strict enforcement of parking requirements will be implemented to ensure this access at all times.

**Logic of the Internal Traffic Layout:** Strict enforcement of parking in designated areas will be enforced through contract language, and specific reiteration in the "Guest Information Guide."

**Safety Inspection:** A City and Borough of Sitka safety inspection will be completed once the rental is set-up and rental-ready. Pertinent safety items will be installed and requirements will be met.

#### GUEST INFORMATION GUIDE

##### *How do I Get to this Property?*

From the airport head into town, and at the central round-about take Halibut Point Road north and travel about 0.1 miles. Immediately after passing ALPS Federal Credit Union on the left, you will see your rental unit atop a small hill. Pull into the paved parking lot of Norther Credit, and park as indicated below.





A photograph of a residential property. In the foreground, a concrete sidewalk runs horizontally. To the left, a white house with a dark roof is partially visible. A silver station wagon is parked on a grassy area next to the sidewalk. Further back, a white car is parked in a driveway. A wooden staircase with railings leads up a grassy hill on the right side of the image. The background is filled with dense trees and foliage.

Hand-drawn site plan of a property with two lots, A and 24. Lot A is 6525 sq. ft. (0.15 Acres) and owned by Dennis G. & Clemantine Wallin. Lot 24 is 7585 sq. ft. (0.17 Acres) and owned by Charles A. Webb. The plan shows a driveway, a parking area, a car, a carport, and a house. A street light is located on the right side of the property. The plan is dated June 1945.

HEA

Area = 6525 sq. ft.  
0.15 Acres  
DENNIS G. & CLEMINTINE WALLIN

Area = 7585 sq. ft.  
0.17 Acres  
CHARLES A. WEBB

24

LOG HALIBUT TR. RT.

Back Up

Back Up

Don't cut into roadway

APPROX. LOCATION STREET LIGHT 19' OFF POC LINE.

STRIPING 8' W' FROM FOR CAR APPROX 5' FROM SIDING. ENCLOSURE ATTACHED. SEEING AT THAT TIME.

OWNER & REQUESTOR  
Tammy Riley  
1230 Glacier Ave  
"310  
Junction, AK 99501  
907-738-6667

***How do I Check In?***

Check-in is via a lighted keypad entry any time after 3PM. Please be sure to respect surrounding property owners by entering and exiting quietly and by not trespassing onto other properties.



***Where is the Entry Door?***

Entry is through the lower front door as indicated by the photo below, this is what it will look like.

***What Should I do with Trash?***

Your rental is professionally cleaned after each departure. We ask that you please keep all trash within the rental unit and within the trash can provided. A \$100 fine will be imposed for failure to follow this policy. At no time may you leave trash or food items outside of the rental. Recycling can be accommodated via the recycle bins provided.

**PERTINENT GUEST TERMS & CONDITIONS**

**SAFETY & SECURITY:** Please be aware when entering and exiting that we live in bear country and bears could be present on the grounds. We take every effort to ensure that they are not attracted to our property, such as not leaving garbage or food out. Please keep all trash within the rental unit and within the bear-proof garbage can provided. A \$100 fine will be imposed should this requirement be violated.

**PRIVACY OF OTHERS:** While we encourage you to enjoy the grounds, we encourage you not to travel onto adjoining private property. This request is for your own safety and respect of others.

**DISTURBANCE POLICY:** Please keep in mind that our rentals are in residential areas and as such, behavior should be considerate. If owner or neighbors are disturbed by your behavior, you may be asked to quiet down, or be asked to leave. If asked to leave due to disturbing behavior, you will not receive a refund. Rentals are family-oriented properties, and if a house party develops all vacationers will be asked to leave immediately without refund. This policy will be enforced without exception. Groups renting under false pretenses will be evicted without refund. Quiet hours are from 10PM to 8AM.

**DEFAULT:** If Guest should fail to comply with the conditions and obligations of this Agreement, Guest shall surrender the Property, remove all Guest's property and belongings and leave the Property in good order and free of damage. No refund of any portion of the Total Rental Fee shall be made and if any legal action is necessary, the prevailing party shall be entitled to reimbursement from the other party for all costs incurred.

**ENTRY AND INSPECTION:** Rental Agent reserves the right to enter the Property at reasonable times and with reasonable advance notice for the purposes of inspecting the Property or showing the Property to prospective purchasers, renters or other authorized Person(s). If Rental Agent has a reasonable belief that there is imminent danger to any person or property, Rental Agent may enter the Property without advance notice.

**GENERAL PROVISIONS:** By accepting this reservation, it is agreed that all guests are expressly assuming the risk of any harm arising from their use of the premises or others whom they invite to use the premise. This agreement shall be



Sitka Sound Vacation Rentals  
P.O. Box 1373, Sitka, AK 99835-1373  
Phone: 907.351.6857  
Email: [AlaskaRealtyServices@gmail.com](mailto:AlaskaRealtyServices@gmail.com)

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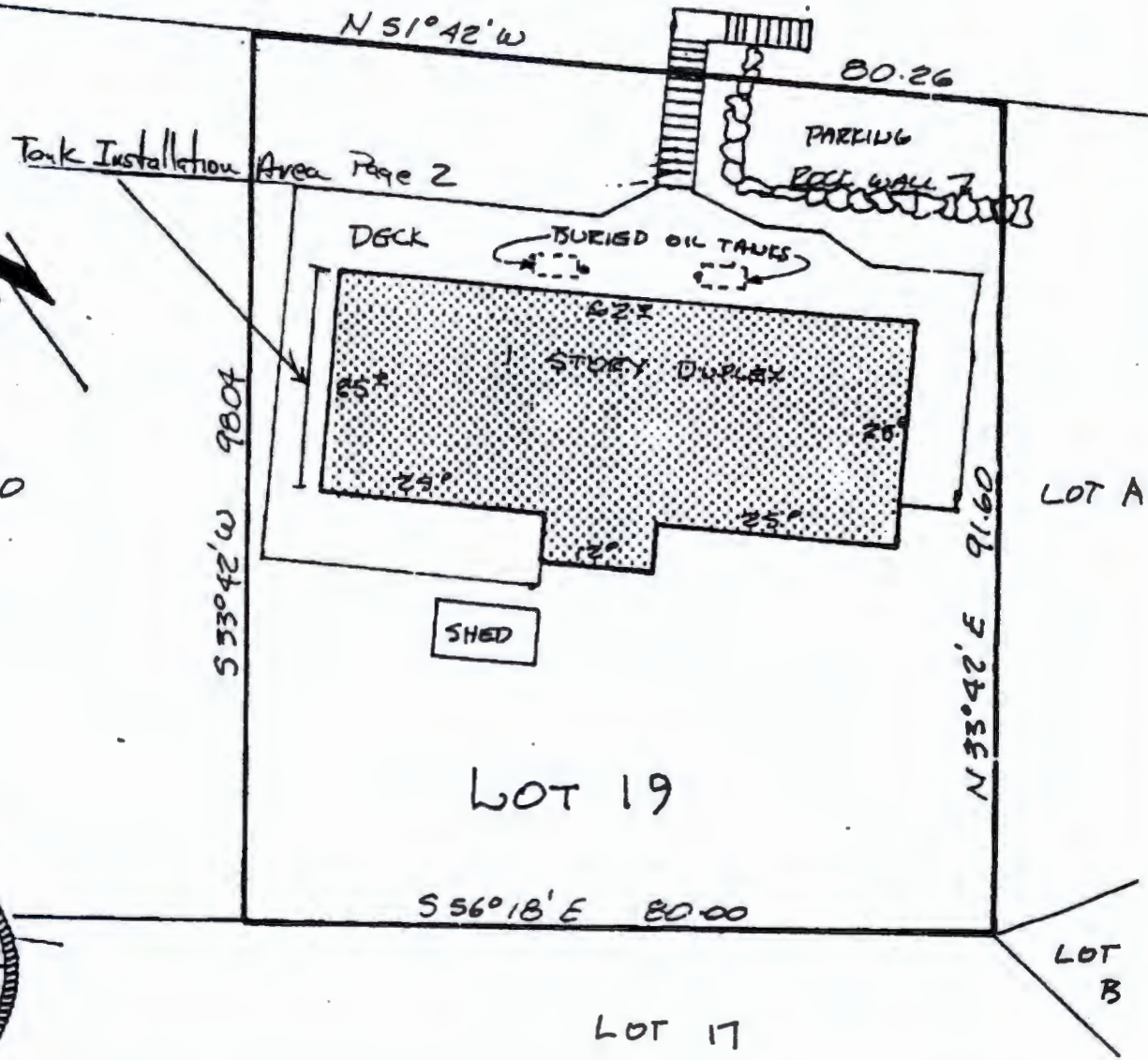
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governed by the laws of the state of Alaska. Each of the parties irrevocably consents to the exclusive personal jurisdiction of the federal and state courts located in Alaska, as applicable, for any matter arising out of or relating to this Agreement. Failure to abide by these terms and conditions may result in eviction with no more than 24 hour notice. By signing or accepting this agreement online or in person, you are agreeing to all the rules and regulations as set forth within it.



HALIBUT POINT ROAD

747-2002  
747-3690



I hereby certify that I have inspected the following described property LOT 19  
TOWER HEIGHTS SUBDIVISION Sitka Recording District, Alaska, and that  
the improvements situated thereon are within the property lines and do not en-  
croach on the adjacent property, that no improvements on adjacent property  
encroach on the subject property and that there are no roadways, transmission  
lines or other visible easements on subject property, except as noted hereon.  
It is the owner's responsibility to determine the existence of any easements,  
covenants or restrictions which do not appear on the recorded subdivision plat.  
Under no circumstances should any data shown hereon be used for construction  
or for establishment of boundary or fence lines. Dated this 22<sup>nd</sup> day of FEB  
1993 David P. Stragier SURVEYOR

AS-BUILT PLOT PLAN

LOT 19  
TOWER HEIGHTS  
SUBDIVISION



STRAGIER  
ENGINEERING SERVICES  
504 DeGROFF ST.  
SITKA, ALASKA 99835  
907) 747-5833

AS-BUILT PLOT PLAN

Scale 1" = 20'  
Job No. \_\_\_\_\_  
Date 2/22/93  
Field Book \_\_\_\_\_

PREPARED FOR:  
FIRST NATIONAL BANK, ALX.  
318 LINCOLN ST.  
SITKA, ALASKA 99835



# **CERTIFICATE OF OWNERSHIP AND DEDICATION**

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

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ SIGNATURE \_\_\_\_\_

## **NOTARY'S ACKNOWLEDGMENT**

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

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

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

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

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

## **CERTIFICATE OF PAYMENT OF TAXES**

(STATE OF ALASKA)

### **(FIRST JUDICIAL DISTRICT)**

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

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 \_\_\_\_\_

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AT SITKA, ALASKA.

ASSESSOR, CITY AND BOROUGH OF SITKA

## **CERTIFICATE OF APPROVAL BY THE BOARD**

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

DATE \_\_\_\_\_ CHAIRMAN, PLATTING BOARD

SECRETARY

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

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

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ AT SITKA, ALASKA.

FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

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

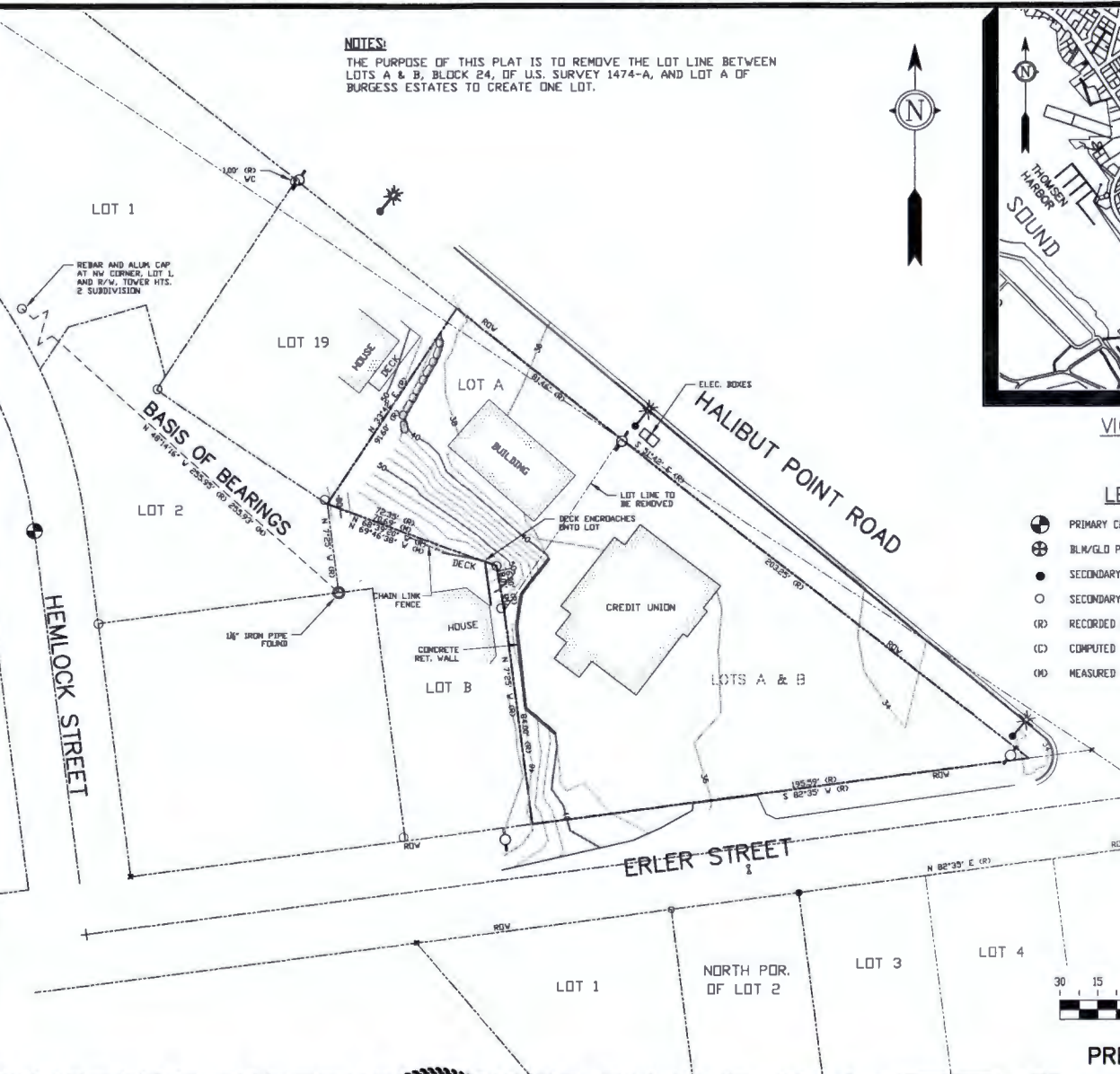
DATE \_\_\_\_\_ TOWNE

CITY AND BOROUGH CLERK

**O'NEILL**

**SURVEYING AND ENGINEERING**

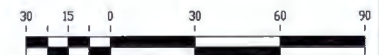
BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-6700  
FAX: (907) 747-7590  
EMAIL: [oneillengr@aol.net](mailto:oneillengr@aol.net)



VICINITY MAP  
SCALE 1"=1,000'

## **LEGEND**

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



SCALE IN FEET  
**PRELIMINARY**

BY	DATE	REV.	DESCRIPTION OF CHANGE

RECORD OF REVISIONS



DESIGNED **P. O'NEILL**  
DRAWN **KOL/ACAD**  
CHECKED **PKO**  
DATE OF PLAT/DATE/DATE  
SCALE: 1" = 30'  
DRAWING NAME: 00008-19  
PROJECT NO. 30008-19-00

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL BENCHMARKS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.  
DATE \_\_\_\_\_ PATRICK K. O'NEILL, L.S. 6304

**ALPS SUBDIVISION**  
**LOTS A AND B, BLOCK 24, USS 1474-A; AND LOT A, BURGESS ESTATES**  
CLIENT: DANIEL G. JONES, PE, LLC

RECEIVED MAY 14, 2018  
SHEET 1 OF 1

## SKETCH/AREA TABLE ADDENDUM

Parcel No 13480000

Property Address 409 Halibut Point Road

City Sitka

State AK

Zip 99835

Owner Riley, Timothy

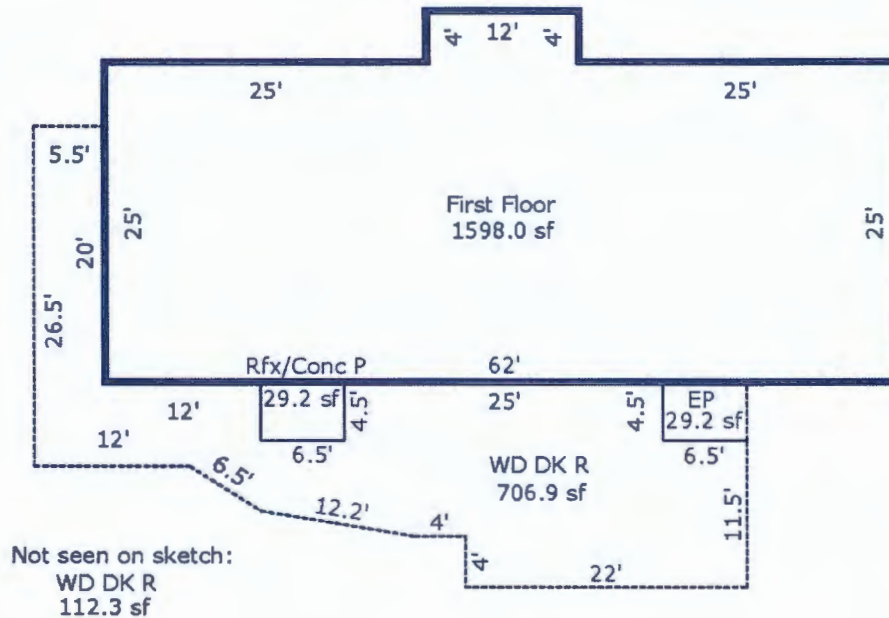
Client

Appraiser Name Josh Joseph

Inspection Date 2/8/2018

SUBJECT

IMPROVEMENTS SKETCH



Scale: 1" = 14'

AREA CALCULATIONS

## AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	First Floor	1.00	1598.00	182.0	1598.00
P/P	Rfx/Conc P	1.00	29.25	22.0	
	WD DK R	1.00	706.87	187.7	
	EP	1.00	29.25	22.0	765.37

## Comment Table 1

## Comment Table 2

## Comment Table 3

Net BUILDING Area

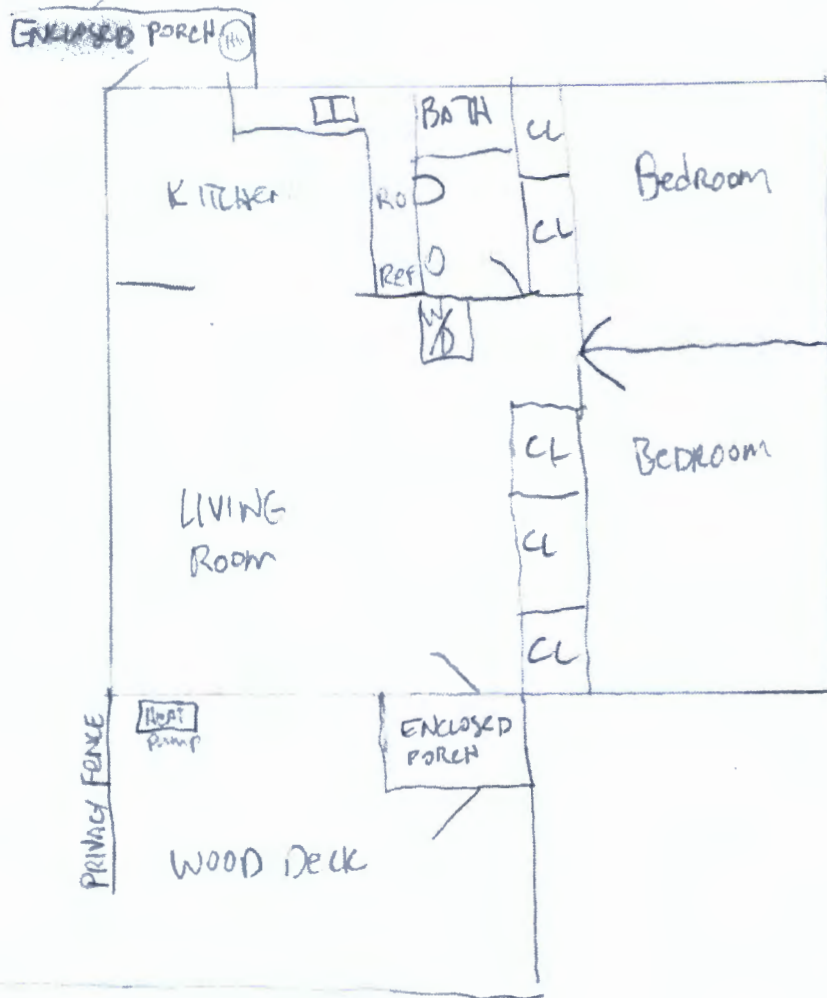
(rounded w/ factors)

1598



RECEIVED MAY 04 2018

409 B HALIBUT POINT ROAD



NOT TO SCALE



**STATE OF ALASKA**  
**DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES**  
**Division of Statewide Design & Engineering Services**  
**Right-of-Way**

**ENCROACHMENT PERMIT**

**ENCROACHMENT PERMIT NO. SIT-11-019**

THIS PERMIT is issued and effective this 15th day of November, 2016 at Juneau, Alaska, by the State of Alaska, Department of Transportation and Public Facilities, Southcoast Region Right-of-Way, whose mailing address is PO Box 112506 Juneau, Alaska 99811-2506, acting through its Commissioner and referred to as the "State", and TIM RILEY, referred to as "Permittee," whose mailing address is: 1220 Glacier Avenue #310 Juneau, AK 99801.

Permittee may occupy the following described right-of-way and is referred to hereinafter as the "Permitted Area":

*An unsurveyed portion of state owned right of way adjacent to USS 1474, Lot 19, Block 24 addressed as 409 Halibut Point Road in Sitka, AK in the First Judicial District, Sitka Recording District, State of Alaska.*

This permit is subject to the provisions of Alaska Administrative Code, Title 17, Chapter 010, and the following general and special conditions:

1. **Allowed Use:** The permitted area is to be used for an **ACCESS STAIRWAY AND PARKING PAD FOR TWO CARS**, and for no other purpose.
2. **Annual Fee:** Permittee will pay in advance and without notice, an annual fee in the amount of **\$100.00**. The first year fee will be due on the effective date of this Permit. Thereafter, subsequent annual fees are due January 1<sup>st</sup> of each successive year of the term of the Permit. Any additional fees are specified in Special Conditions noted below. All payments required by this Permit must be made with a check or money order. A late fee of \$50 will become due and payable after January 10<sup>th</sup> of each year, during the term of this Permit. Permittee will be considered in default if payment is not received by January 15<sup>th</sup> of each year, during the term of this Permit. Permittee shall pay the State a \$25 service charge on all checks returned for nonsufficient funds.

All payments shall be sent to DOT&PF, Finance Section, P.O. Box 112506, Juneau, Alaska, 99801-2506. Checks must be payable to the State of Alaska. Interest, at the legal rate provided for in AS 45.45.010, shall accrue on any delinquent payment from its due date until payment is made in full.

3. **Term:** Permittee may occupy the permitted area for a term (not to exceed five years) commencing on **11/15/2016** and ending on **11/15/2021** unless sooner revoked as provided herein. Before the expiration of said term, and before subsequent term anniversary dates, Permittee may request, in writing, renewal of this Permit for an additional term. Permittee must pay a nonrefundable \$100 reapplication fee each time a request is filed to renew or modify this Permit.
4. **Use by the State:** The issuance of this Permit notwithstanding, the permitted area's primary use is for transportation purposes. The State may revoke this permit (as stated below), and/or enter the permitted area at any time, without notice, for emergency use, or for the planning, design, construction, inspection, or maintenance of existing or future transportation facilities. Any such use of the permitted area will in no way invoke the protections provided under 23 USC Section 138 (Preservation of Parklands).



5. **Compliance with Laws:** Permittee shall comply with all laws, ordinances, regulations, and administrative agency and/or court orders, including those relating to health, safety, noise, environmental protection, waste disposal, hazardous or toxic materials, and water and air quality. No fuel, hazardous or combustible substances are to be stored in the Permit area. Should Permittee's use of the permitted area cause any discharge, leak, spill, emission, or pollution release of any type to occur at any time during this occupancy, Permittee shall immediately notify the State and the appropriate federal, state, and local authorities. Permittee shall act immediately to contain and/or absorb the release, repair any damage, and clean up the release area, and to restore the permitted area to compliance with all applicable state, federal, or local laws or regulations. Permittee shall be held liable for any and all costs incurred by the State to dispose of cleanup materials or to clean up the permitted area unless otherwise agreed to, in writing, by both parties.

5. **Corps of Engineers Authorization:** Before any filling activities take place within the right-of-way, or on the property adjacent to the right-of-way affected by this permit, please contact the U.S. Army Corps of Engineers (USACE) to see if any further authorization is required. Placement of fill material in waters of the U.S., including wetlands and streams, requires prior authorization in most cases. You can reach the USACE at

Anchorage: (907) 753-2712, Fax: (907) 753-5567 Toll Free 1-800-478-2712  
 Fairbanks: (907) 474-2166, Fax: (907) 474-2164  
 Juneau: (907) 790-4490, Fax: (907) 790-4499  
 Kenai: (907) 283-3519, Fax: (907) 283-3981

The website is <http://www.poa.usace.army.mil/reg>

6. **Indemnification:** Permittee shall indemnify, defend and hold harmless the State, and its officers, employees, and contractors, from any claim resulting from injury, loss, or damage to any person or personal property resulting from Permittee's use of the permitted area.
7. **Waiver of Claims:** Permittee waives any claim or right of action Permittee may have against the State in the event of damage to property, and injury to or death of any person in the permitted area that arises because of the design, construction, maintenance, management, or operation of a highway in the right of way containing the permitted area.
8. **Reimbursement of Costs:** Permittee shall reimburse the State for all costs and expenses incurred by the State, including attorney's fees, in any action brought by the State to recover any delinquent fees, or for the breach of any terms or conditions contained in this Permit, or to recover possession of the permitted area.
9. **Non-discrimination:** No person, on the basis of race, religion, color, national origin, age, or sex, shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in that person's use of the permitted area.
10. **Assignment:** Permittee may not assign or transfer this permit.
11. **Revocation:** This Permit is not a property right but a temporary authorization, revocable by the State. The State may revoke this permit in its sole discretion and upon 30 days written notice unless a shorter period is agreed to herein by Permittee. Said notice will be sent to Permittee's last known mailing address. Permittee shall have no right of action against the State. Upon the expiration or revocation of this Permit, Permittee shall remove all encroachments and restore the permitted area to a clean and safe condition. This Permit may be also revoked based upon a written determination by the Federal Highway Administration that federal funding requirements applicable to outdoor advertising have been violated.



12. **Loss of Business:** The State is not responsible for loss of business.
13. **No Relocation Benefits:** Issuance of this Permit does not entitle Permittee to a payment of just compensation or relocation benefits under AS 34.60 if Permit is revoked, Permittee elects not to renew, or the State denies Permittee's request for renewal.
14. **Cancellation by Permittee:** Permittee may cancel this Permit by providing written notice to the State at the above address. Permittee is not entitled to a refund of any fees or expenses related to the revocation or cancellation of this Permit.
15. **Abandonment by Permittee:** Upon abandonment by Permittee of the permitted area, Permittee's rights under this Permit will immediately terminate, but Permittee's obligations will survive until fulfilled.
16. **SPECIAL CONDITIONS:** Permittee shall follow the parking and access/egress requirements as identified from review comments. All vehicles parked shall be outside of the 14 foot clear zone.

RECEIVED MAY 04 2018

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year in this Permit first above written.

ALASKA DEPARTMENT OF  
TRANSPORTATION AND PUBLIC FACILITIES

PERMITTEE

By: \_\_\_\_\_

Greg A. Weinart  
Chief, ROW Section  
Southcoast Region

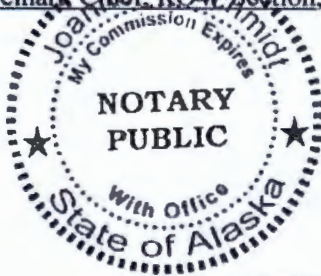
By: \_\_\_\_\_

Tim Riley

ACKNOWLEDGMENT OF DEPARTMENT OF TRANSPORTATION  
AND PUBLIC FACILITIES

STATE OF ALASKA                    )  
  : ss.  
FIRST JUDICIAL DISTRICT        )

The foregoing instrument was acknowledged before me on 04/19 /2018, by  
Greg A. Weinart, Chief, ROW Section, for Southcoast Region.



Notary Public for Alaska

My Commission Expires: with office

ACKNOWLEDGMENT OF PERMITTEE

STATE OF ALASKA                    )  
  : ss.  
FIRST JUDICIAL DISTRICT        )

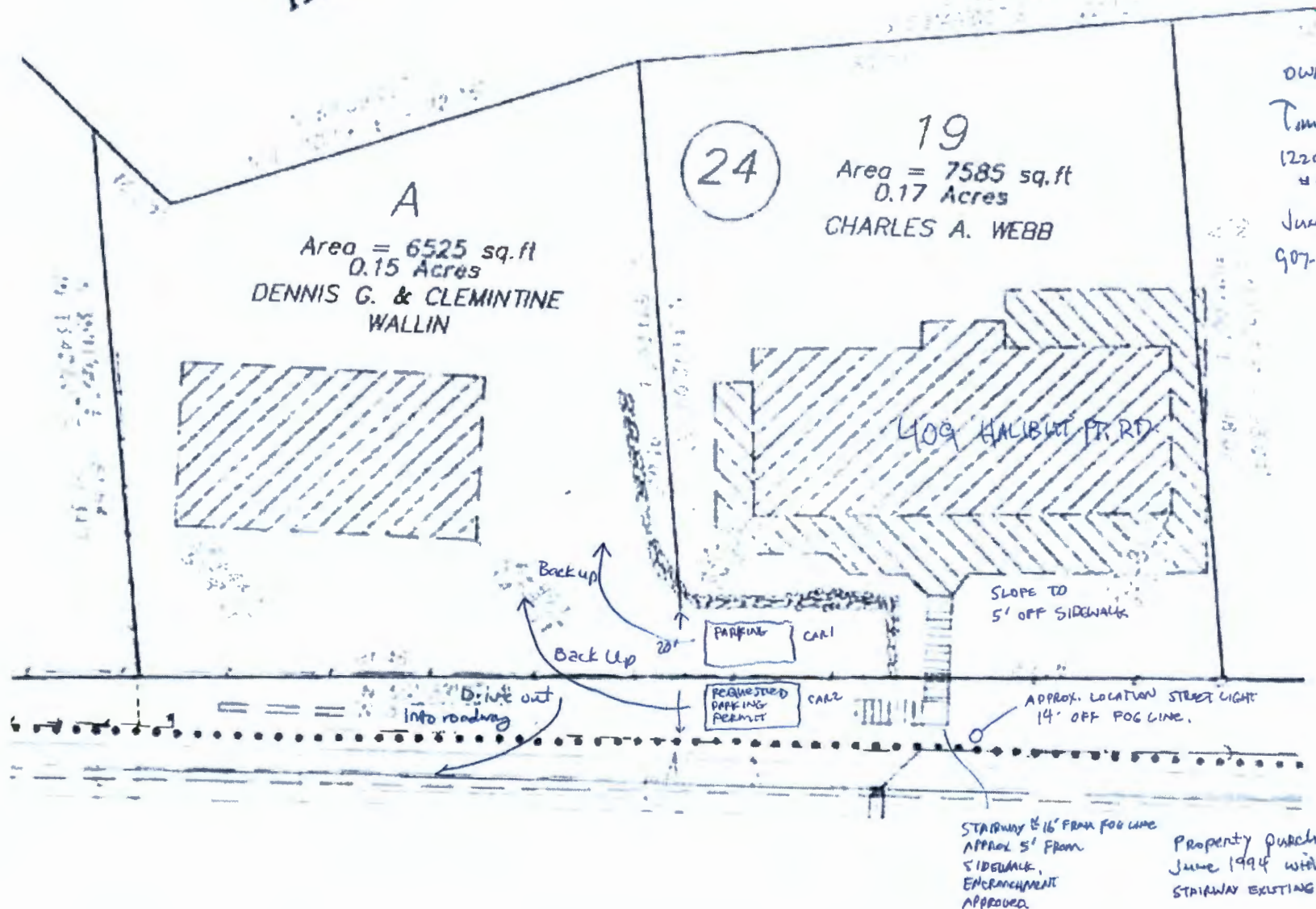
The foregoing instrument was acknowledged before me on 04/19 /2018, by  
Tim Riley, Permittee.



Notary Public for Alaska

My Commission Expires: with office

HEIG.



OWNER & REQUESTOR

Timothy Riley

1220 GLACIER AVE  
#310

JUNEAU, AK 99801

907-738-6667

RECEIVED MAY 14 2018

Property purchased  
June 1994 with ENCROACHING  
STAIRWAY EXISTING AT THAT TIME





RECEIVED MAY 04 2011





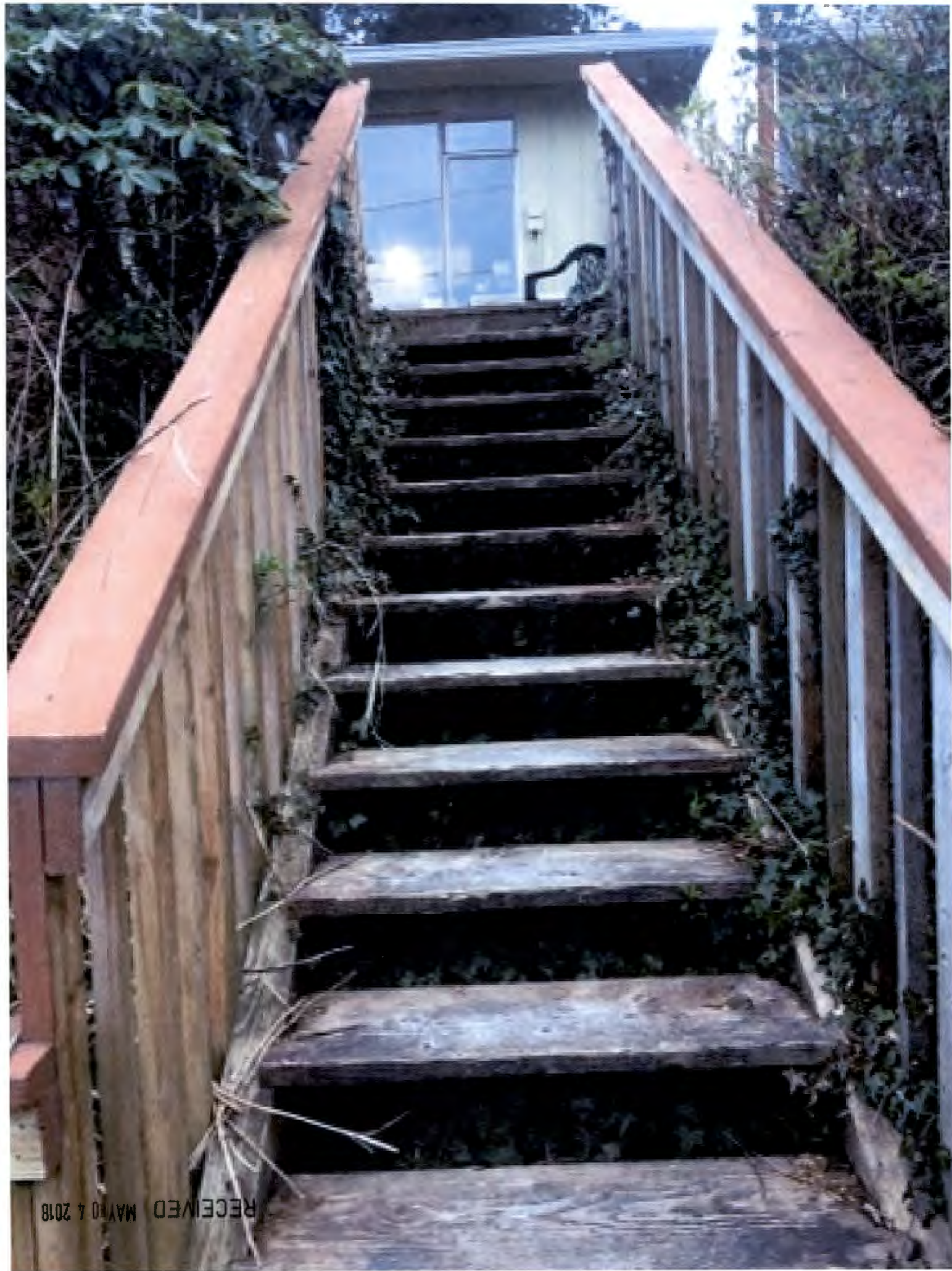
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RECEIVED MAY 04 2018





RECEIVED MAY 10 4 2018





RECEIVED MAY 01 2000

# Attachment B

## Staff Materials





## City & Borough of Sitka, Alaska

Selected Parcel: 409 Halbut Point Rd ID: 13480000

Printed 5/10/2018 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

20 m  
100 ft



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

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



the  
Alas  
10  
Date  
ATT  
Ma  
City  
SEA

AT7  
Mo  
City  
SEA

