

# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

# **Planning and Community Development Department**

Date: Sept 15, 2016

From: PCDD Staff

- To: Planning Commission
- Re: P 16-02 Final Plat Minor Subdivision Cedars Subdivision 211 Shotgun Alley

## GENERAL INFORMATION

| Applicant                                      | Barth Hamberg                     |
|--|-----------------------------------|
| Property Owner:                                | Barth Hamberg                     |
| Property Address:                              | 211 Shotgun Alley                 |
| Legal Description:                             | Lot 2, Johnstone Subdiv. Replat   |
| Parcel ID Number:                              | 3-1200-002                        |
| Size of Existing Lot:                          | 139,499 square feet               |
| Split into Lot 1 – 15,109 square feet, Lot 2 – |                                   |
| 15,029 square feet, Lot 3 - 80,796 square      |                                   |
| feet, Lot 4 – 28,568 square feet               |                                   |
| Zoning:  | Single Family Low Density         |
| Existing Land Use:                             | Not developed                     |
| Utilities:                                     | None, but city services available |
| Access:  | Shotgun Alley                     |
| Surrounding Land Use: Residential              |                                   |

# ATTACHMENTS

Attachment A: Vicinity Map Attachment B: Aerial Vicinity Map Attachment C: Zoning Map Attachment D: Flood Map Attachment E: Parcel Pictures Attachment F: Subdivision Final Plat Attachment G: Current Subdivision Plat Attachment H: Drainage Assessment

#### MEETING FLOW

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

Providing for today...preparing for tomorrow

Attachment I: CBS Public Works Comments Attachment J: Neighbor Comments Attachment K: July 19<sup>th</sup> Minutes Attachment L: Application Attachment M: Warranty Deed with Covenants and Restrictions Attachment N: Mailing List Attachment O: Proof of Payment

## PROJECT DESCRIPTION

The applicant is requesting a four (4) lot minor subdivision at Lot 2 of the Johnstone Subdivision Replat at 211 Shotgun Alley. The four lots to be divided are as follows: Lot 1: 15, 109 sq. ft.; lot 2: 15,029 sq. ft.; lot 3: 80,796 sq. ft.; and lot 4: 28,568 sq. ft. for a total of approximately 139,502 square feet (2003-22 identifies 139,499 sq. ft.).

## BACKGROUND

#### **Prior Subdivision and Restrictive Covenants**

The property was part of the approved replat, the Johnstone Subdivision (Plat 2003-22), in 2003 that replatted three lots (see Plat 86-24) into the now existing lots 1 and 2 of the current Johnstone Subdivision.

Lot 2 is subject to restrictive covenants: These covenants limit subdivision of the parcel to no more than 4 lots; any sold lot shall not be further subdivided; further, the main stream shall not be filled or otherwise impacted to prevent it from flowing in a free and natural state or impact natural water levels of such stream; development shall be done with a trained soil scientist/hydrologist/engineer to prevent soil wasting or erosion to insure no adverse erosion will occur to properties located below said parcel; development shall strive to maintain the natural character of the land with an effort to emphasize the natural landscape with locally appropriate flora; and all of these restrictions and covenants shall run with the land.

#### **Title 21 Subdivision**

Plats that create no more than 4 additional lots that will become integral parts to adjoining right-of-way shall comply with Chapter 21.12, Minor Subdivisions. As advised, the applicant has participated in pre-application procedures as outlined in Section 21.32.020. Moreover, the plat, per section 21.12.020 (A)(1)(a) shall provide all dimensions, square footages. And the easements and improvements shall comply with all applicable standards in Chapter 21.40.

#### Chapter 21.40 Design and Construction Requirements and Documentation

Lands unsuitable for development because of potential hazards, which may be detrimental to the health, safety, or general welfare of the existing and future residents shall not be developed or subdivided and shall not be included in any building lot unless the hazards are eliminated or will be overcome by approved design and construction plans. The applicant shall submit engineered plans showing proposed design and construction in said areas for city review as part of the subdivision approval process.<sup>1</sup>

Construction shall be completed in compliance with City and Borough of Sitka standard construction specifications to the degree determined by the Municipal Engineer.<sup>2</sup> No further design or construction plans have been requested by Public Works.

The applicant has gone through extensive review of the site by Planning and Public Works staff. The applicant has submitted a drainage report that went through two rounds of corrections and was reviewed three times. The final drainage report complies with all applicable standards for development regarding drainage and Public

<sup>&</sup>lt;sup>1</sup> Section 21.40.010 (A)(3).

<sup>&</sup>lt;sup>2</sup> Section 21.40.020

Works has no further comments. The drainage report was complaint with the specifications and modeling as found in the 2013 Storm Water Management Plan:

http://www.cityofsitka.com/government/departments/publicworks/documents/Final\_Sitka\_Stormwater\_Plan\_with\_Apps\_062713.pdf

## Zoning

The lot to be subdivided is zoned Single Family Low Density (SFLD). Per Section 22.16.030, the intent of the SFLD zoning district is a very restrictive district and as a holding district for lands not currently served by access or utilities. In this case, the lot is served by access via Shotgun Alley and utilities are available for connection by developer. In addition, internal access is provided in the proposed subdivision. More permanent zoning districts are also envisioned by the intent section of code. Minimum lot size is 15,000 square feet and that is net of access easements.<sup>3</sup> Short-term rentals are prohibited.<sup>4</sup>

## Discussion Points Raised at July 19, 2016 Planning Commission

The following are topics raised at the July 19<sup>th</sup> Planning Commission discussion (see attached minutes in Attachment K for more details):

- The drainage report indicates the upstream subdivision will result in a .67 cfs increase to the downstream property. It is the Municipal Engineer's opinion that the downstream property does not have adequate drainage, regardless of whether upstream develops or not.
- The Municipal Engineer is satisfied with the drainage assessment.
- The recorded Covenants highly restrict the development to no more than 4 lots, protect the stream to flow in its natural state, require development to include review by a soil scientist, hydrologist, or engineer, maintain the natural character of land, maintain natural landscaping, preserve locally appropriate flora, and run with the land.
- Downstream property owners felt the process for grading and subdivision was flawed, want to preserve the character of the neighborhood, and feel the plans should be reviewed by an engineer.
- Drainage assessment was done after grading, but utilized averages for its coefficients and retroactively assessed the land as it was prior to development. In other words, retroactive assessment, after the fact of development, did not alter the assessment calculations and resulted in the same conclusion had it be done prior to grading.
- The Municipal Engineer views this development and drainage assessment much differently than the benchlands.
- City Attorney, Brian Hanson, does not feel an additional easement is required in this case due to an existing natural stream. Further, that the upstream property has the right to reasonably use their land.
- Collaboration or compromise between the land owners has no current code basis to require it.

# ANALYSIS

**Project / Site:** The site is currently graded and has access to each lot. Lots 3 and 4 are accessed by a 20 foot access road, which also serves as an access and utility easement to lot 4. Lots 1 and 2 are self-served by their own access and utilities off of Shotgun Alley. There is a natural creek/stream that runs through the westerly portion of lot 3, just outside the easterly property line of lot 2, and through the eastern portion of lot 1 onto the downstream parcel of lot 1A. Density of proposed development on average is one unit per .8 acres. Densities allowable for the zone is 2.9 units per acre. The proposal is substantial below the allowable density (note this is

<sup>&</sup>lt;sup>3</sup> Note 1 Table 22.20-1

<sup>&</sup>lt;sup>4</sup> Section 22.16.030 (A)-(B).

also restricted by covenants).

Traffic: Minimal impact on traffic. Shotgun Alley is able to support the addition of 4 additional dwelling units.

Parking: Ample space for 2 parking spaces per dwelling unit.

Noise: Minimal noise outside of construction. Existing landscaping, trees, and other vegetation and topography will mitigate any noise from low-density residential use.

**Public Health or Safety:** No known safety or health effects. No comments received from Public Works Engineer or Building Official with concerns regarding safety.

Habitat: The applicant received a USACE wetland permit exemption for *de minimis* project. No significant impacts to habitat. Covenants seek to protect flora, soil, and natural stream.

Property Value or Neighborhood Harmony: Added property value of additional developable parcels.

**Drainage:** The applicant has submitted a drainage plan that received comments from Public Works. The two original drafts were amended to comply with direction and comments from Public Works. The Drainage Report and the comments from Public Works are attached.

To sum, the drainage report and/or comments from Public Works indicate that the development would increase flows to downstream by .67 cubic feet per second during a fifty year storm event, which is equivalent of about 1/10 of the capacity of a 18" culvert. The existing stream and culverts have approximately 5 times the capacity to handle this flow during a 50 year storm event. The drainage report and the comments also state that the downstream property is not capable of containing this flow during a 50 year storm event with or without any upstream development. In other words, the downstream property would be impacted regardless of upstream development because problematic conditions of the downstream property can't handle a 50 year storm event like the one witnessed on August 18, 2015. The problematic conditions of the downstream system include: 1) a manmade rock/log dam; 2) an artificially suppressed ditch which can't carry the predevelopment 50 year storm event; and 3) a composite culvert (small pipe in larger pipe) which is completely submerge during extreme high tide events rendering it ineffective, has a sleeve insert that may lead to blow-outs, and has bars inserted that can lead to blocking the passage of salmon or collecting debris. Planning staff walked both the upstream and downstream property; and the bed and surrounding area around the natural stream appeared to be in pristine condition that showed no signs of overflow or visible and contemporaneous erosion by extreme flows.

# Site Visit, Average Precipitation, and Observed Precipitation for Week of August 7-11th and Sept 9th

Staff did a site visit on August 11, 2016 at approximately 8:30 am. Staff observed the flow of water through culverts, the creek, and across the property (see attached pictures in Attachment E). In addition, staff researched the precipitation measurements and typical annual precipitation for the past days of August 7-11<sup>th</sup>, and for the entire month of August. Staff found that the average precipitation for this time frame (7-11<sup>th</sup>) has historically been about .52 inches (NOAA and Wunderground), and the average for the month of August is about 6.85 inches (US Climate Data). The actual, observed rainfall for this week was 2.56-2.58 inches (NOAA and Wunderground). Staff observed that the creek and culvert were adequately handling the above average rainfall with room for substantial additional capacity. This observation corroborates what the drainage assessment and Municipal Engineer have stated.

Staff also visited the downhill property to observe drainage on September 9th. Staff did observe and take pictures of some run-off of the uphill property. The downstream property's drainage culverts seems to be able to handle the volume, but for the place where they were sleeved and there was blowout coming through. The narrow and shallow drainage ditch adjacent to the home was substantially full, but not overflowing. There was some pooling of water on the lawn, due to observed run-off from uphill, adjacent roof structures, and from direct precipitation. Upgrade of the downhill drainage system by the downstream property would be advised as reasonable action.

Comprehensive Plan: The following Comprehensive Plan Sections apply:

2.4.4: To resolve conflicts through the public process between residential land uses. In this case, the public review will allow comment from the public and an opportunity to be heard to request resolution of any compelling and meritorious issues.

2.4.19: Subdivision regulations are to guide land use. The subdivision shall comply with code. In this case, it appears the proposal is complying with Title 21 and 22.

2.4.6. "To provide adequate land for commercial, industrial and residential growth and public use that promotes the efficient use, value and enjoyment of the environment." If approved, the subdivision would convert 1 large 3.2 acre lot into 4 low-density single family lots, while also preserving the existing habitat at a high level.

2.5.7 "To assure lots within the City and Borough are of reasonable size and access, and to:

A. Take adequate lot width ratios into account during the subdivision review process." In this case, lot width for SFLD is 80 feet per Table 22.20-1 development standards. Lot 4 has a dimension on one segment of 54 feet, though in all other dimensions it is of adequate size and dimensions, and overall the width ratio of the entire lot 4 parcel is more than adequate to provide a lot of reasonable size and with reasonable access far in excess of development standards.

2.6.1. "To facilitate the availability of adequate land zoned for residential, commercial, industrial and waterfront development." Through approval, additional lots, several which are significantly above development standards, would be available for low-density single-family residential development.

2.6.2. "To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas..." In staff's opinion, this proposal is a reasonable and high-quality development for residential use.

# **Findings of Fact:**

See recommended motion 1.

## Staffs' Final Points and Summary:

- 1. Proposed final plat complies in every way with existing subdivision, zoning, and development codes and existing design specifications;
- 2. Drainage complies with existing Stormwater Management Plan and other pertinent design specifications;
- 3. Proposed final plat is a reasonable development and a reasonable use of existing land reasonably suitable for proposed development;
- 4. The proposal does create .67 increase of flow to the downstream property, which is an impact, but this amount is reasonable and minimal; and
- 5. No development on an island built upon steep slopes with specific geology that includes shallow soils, muskeg, ash, and rock, across from a Volcano, on tectonic plates<sup>5</sup>, that receives high amounts of precipitation is without risk; however, as proposed and as currently regulated, this proposal is complaint and reasonable. Staff sees no existing code basis to deny the proposal.

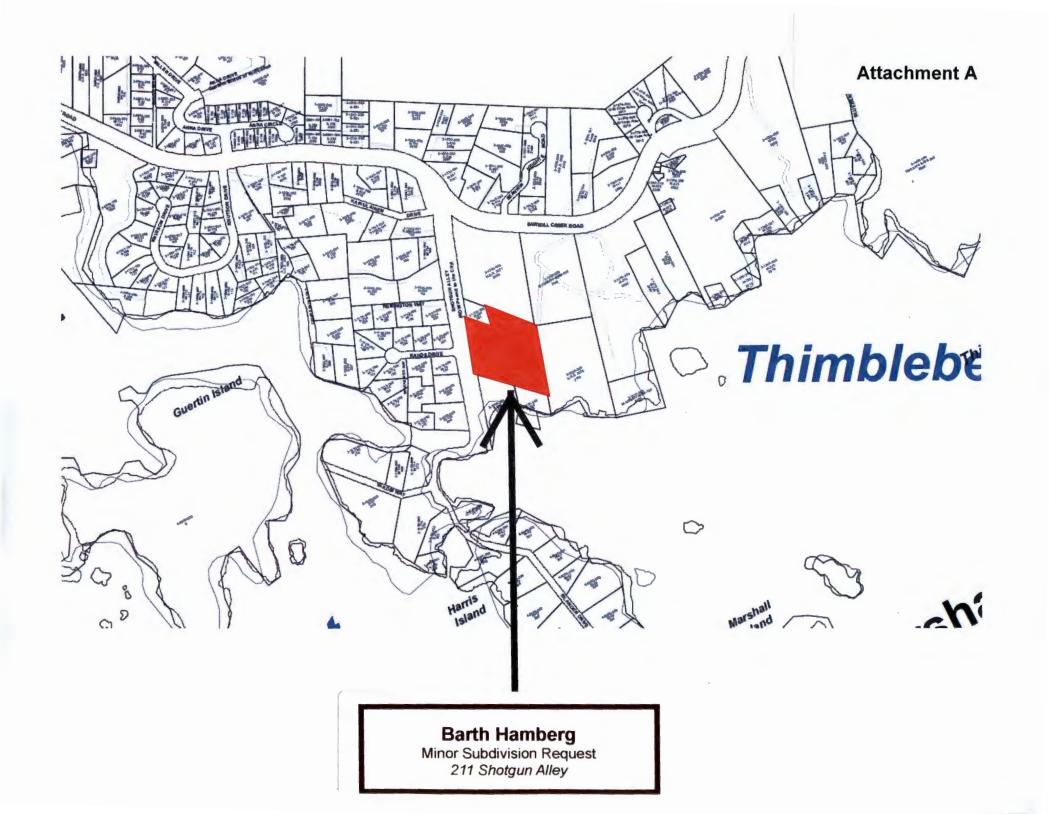
## RECOMMENDATION

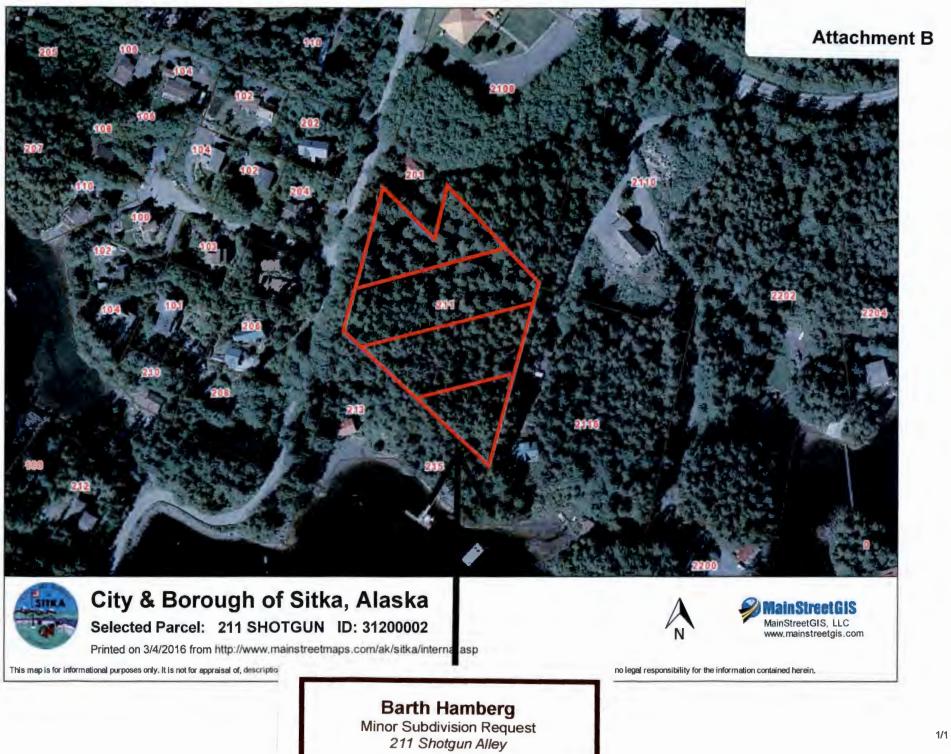
It is recommended that the Planning Commission adopt the staffs' analysis and approve the findings of fact and the requested final plat for a minor subdivision subject to the attached condition of approval.

<sup>&</sup>lt;sup>5</sup> Near boundary of Pacific and North America Plate and Queen Charlotte-Fairweather Fault

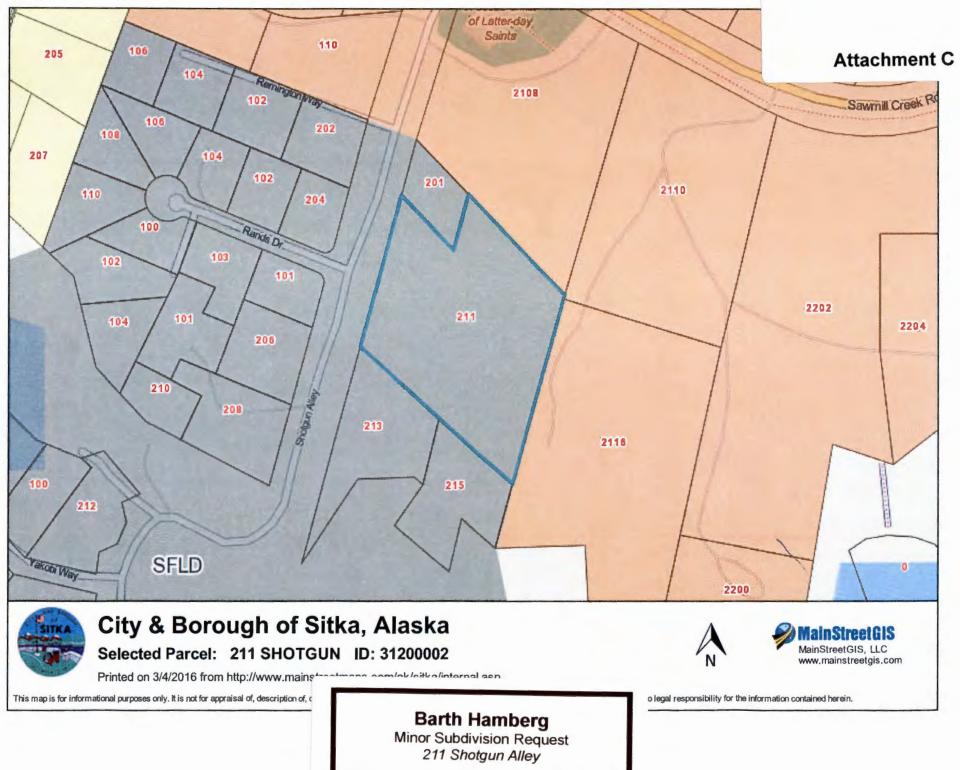
#### **Recommended Motions**

- Move to adopt the staffs' analysis and approve the findings of fact for the final plat for the Cedars Subdivision, subject to the attached condition of approval, for a 4 lot minor subdivision at 211 Shotgun Alley, zoned Single Family Low Density Residential. The property is currently legally described as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg. It is found that the project:
  - a. Complies with all applicable zoning regulations, specifically because minimum lot size and dimensions have been met by providing lots that range from 15,029 square feet to 80,796 and on average exceed the width of 80 feet, which further the intent of the zone for less density;
  - b. Complies with subdivision regulations, specifically because those criteria addressed in Section 21.40 have been surpassed, and the drainage assessment has been approved by the Municipal Engineer as complaint with the 2013 Stormwater Management Plan;
  - c. Does not pose a negative impact to the public's health, safety, or welfare because the proposal as set forth in the application, final plat, recorded covenants, and drainage assessment complies with the subdivision code and it is a reasonable development of a minor subdivision;
  - d. Has not caused any apparent unreasonable or substantial direct harm, and further that any potential for harm has been adequately and reasonably addressed in the drainage report, the condition of approval, existing restrictions and covenants, and/or through development standards and permit review;
  - e. Is a reasonable use of the property and existing natural drainage system, and that any harm experienced by the downhill property is caused by the fact that their own existing drainage system cannot handle reasonable amounts of flow regardless of development; and
  - f. Follows the objectives in the Comprehensive Plan by providing for conflict resolution, orderly development of residential land of adequate size and access without adversely impacting surrounding land uses.
- 2) Move to approve the final plat for the Cedars Subdivision, subject to the attached condition of approval, for a 4 lot minor subdivision at 211 Shotgun Alley, zoned Single Family Low Density Residential. The property is currently legally described as Lot 2 of Johnstone Subdivision Replat. The request is filed by Barth Hamberg. The owner of record is Barth Hamberg:
  - a. Condition of Approval: All subject lots, future sales, and development comply with recorded restrictive covenants of record that state to effect that lots shall not be further subdivided; further, the main stream shall not be filled or otherwise impacted to prevent it from flowing in a free state or would impact natural water levels of such stream; development shall be done with a trained soil scientist, hydrologist, or engineer to prevent soil wasting or erosion to insure no adverse erosion will occur to properties located below said parcel; development shall strive to maintain the natural character of the land with an effort to emphasize the natural landscape with locally appropriate flora; and all of these conditions shall run with the land.

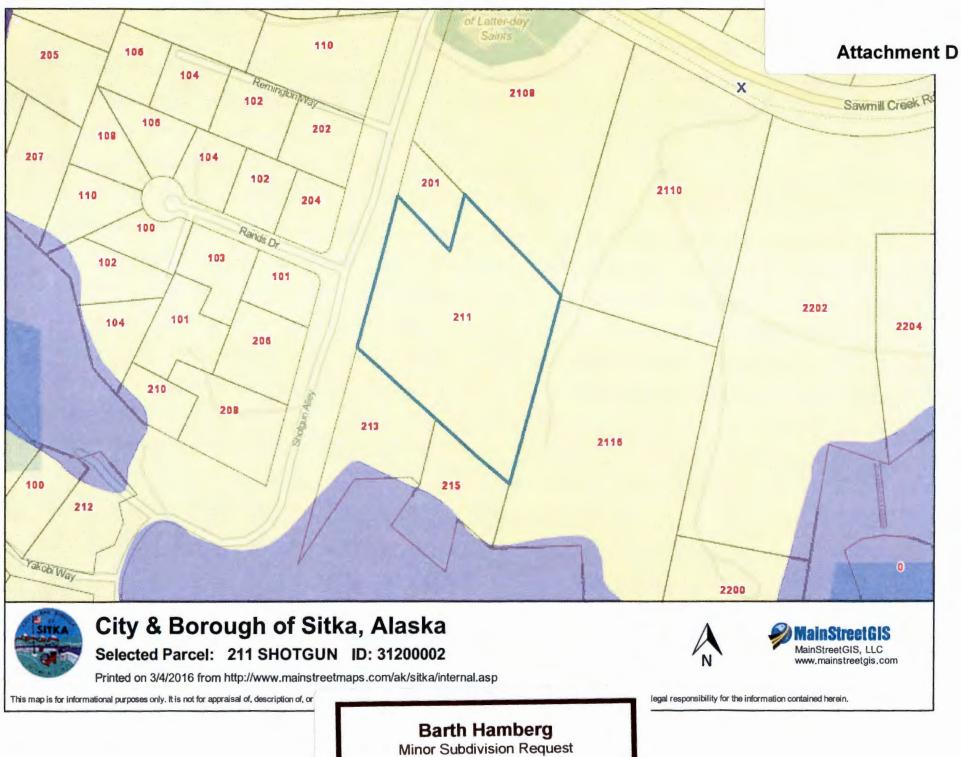










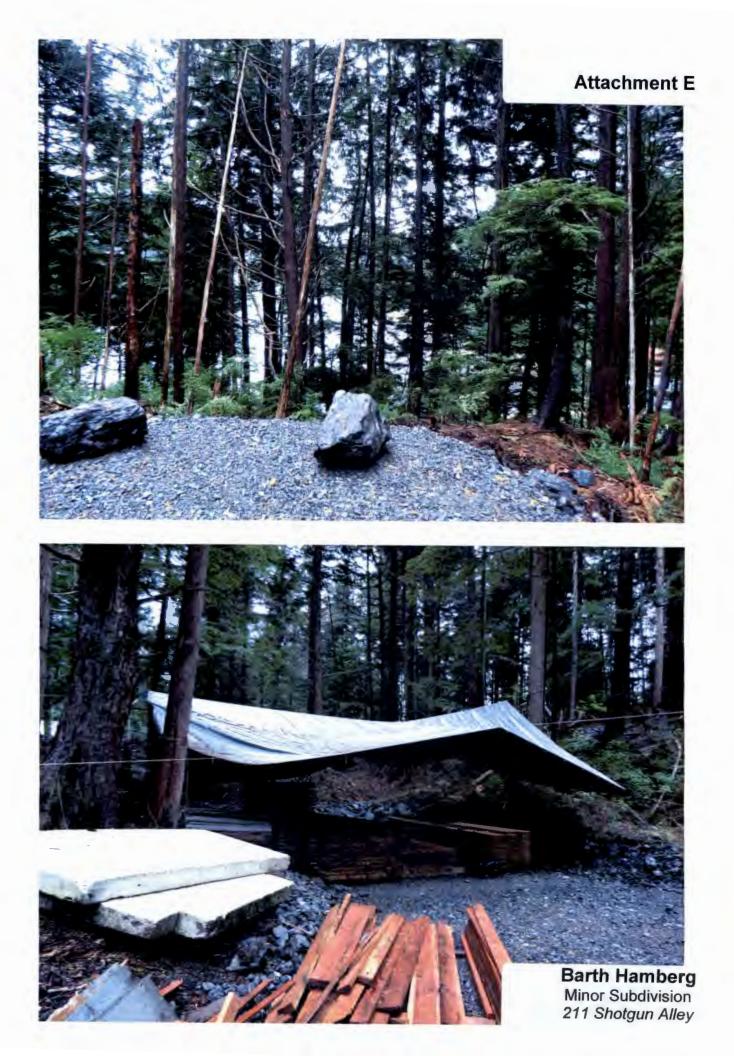


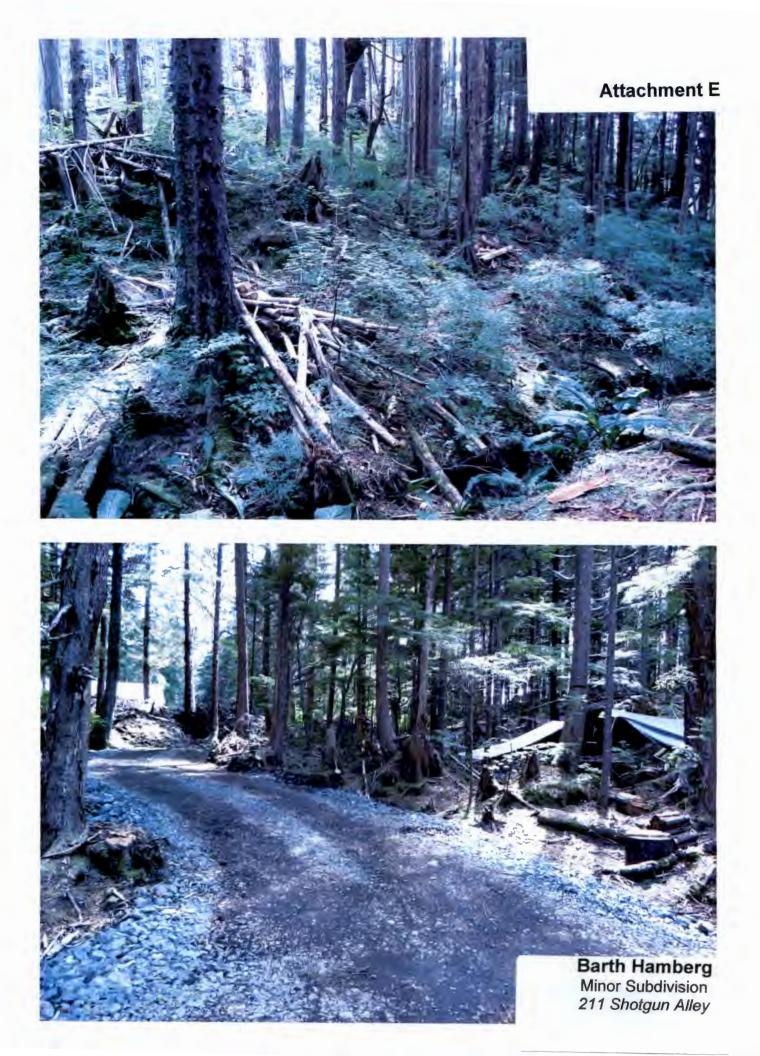




211 Shotgun Alley

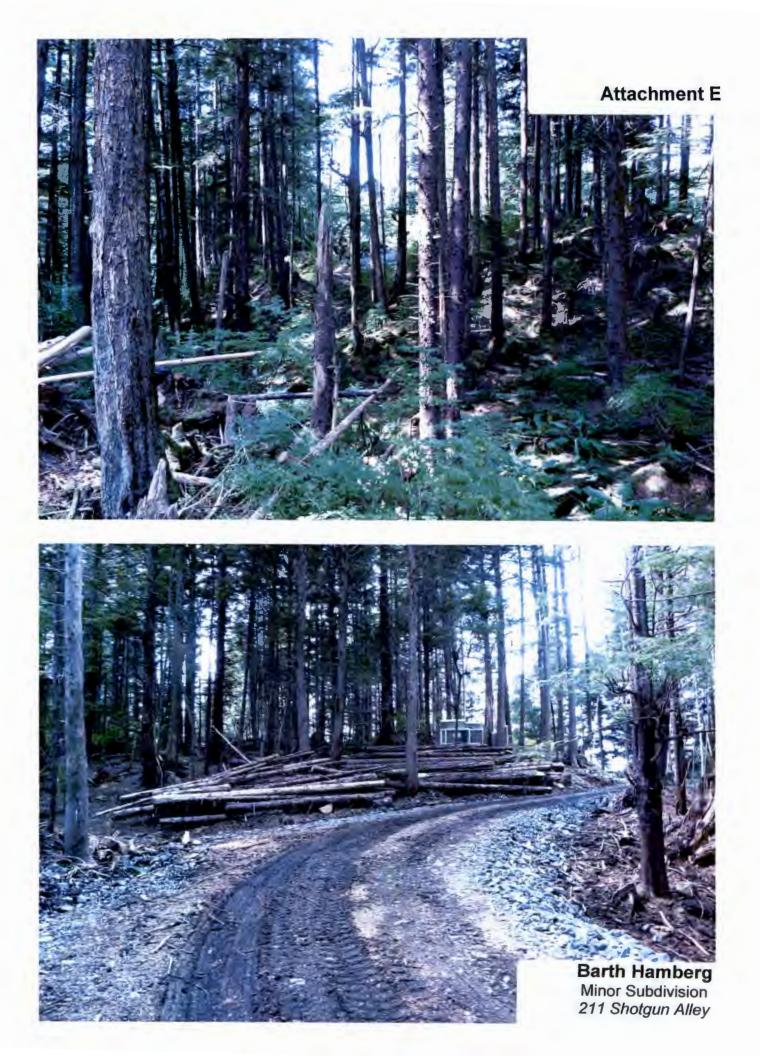


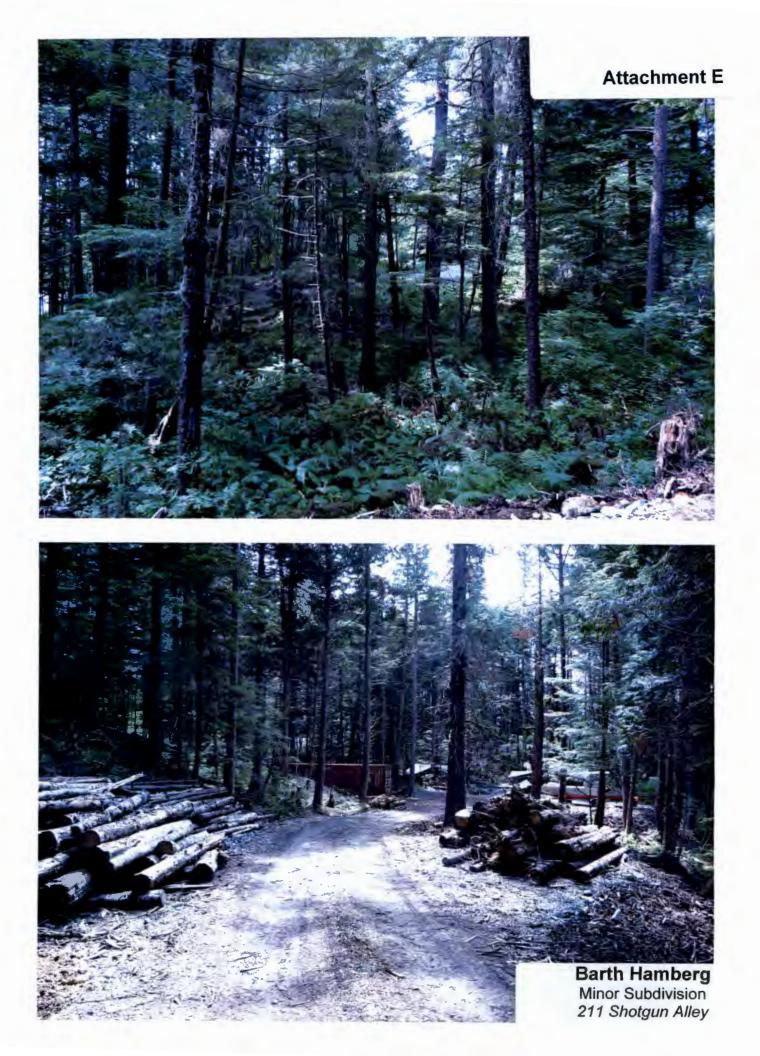






Barth Hamberg Minor Subdivision 211 Shotgun Alley

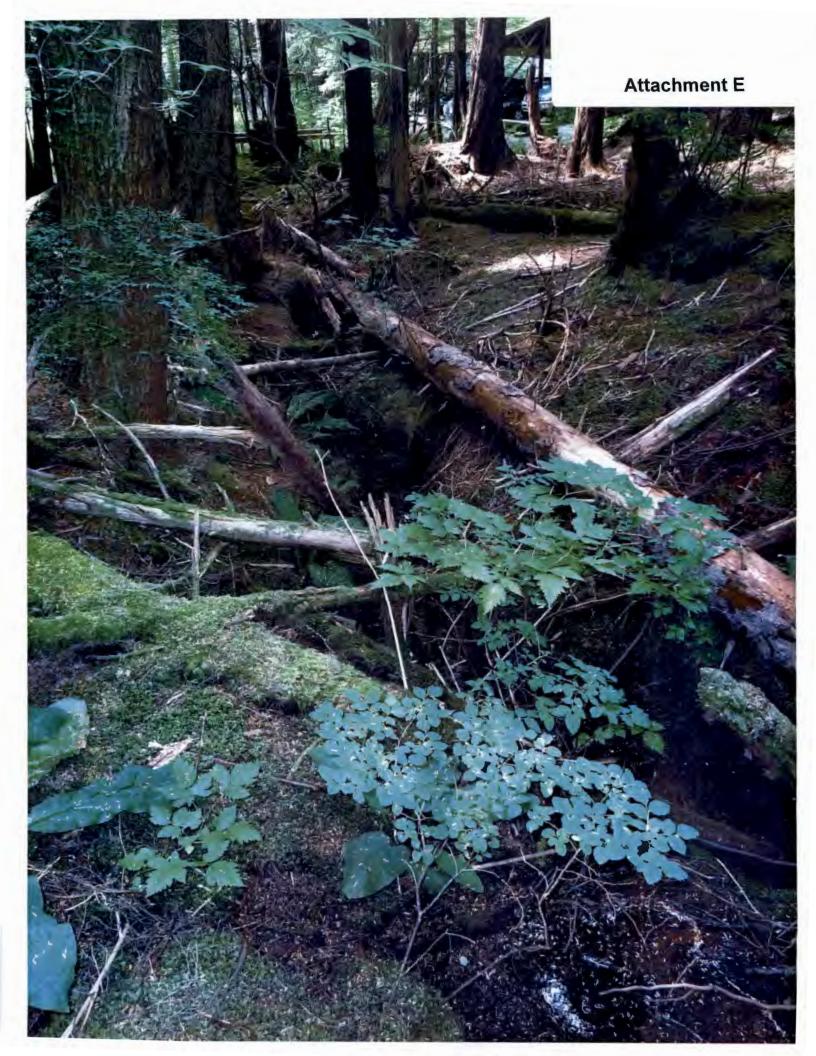














Minor Subdivision 211 Shotgun Alley



Barth Hamberg Minor Subdivision 211 Shotgun Alley





Barth Hamberg Minor Subdivision 211 Shotgun Alley















Lubin/Busch Property



Lubin/Busch Property

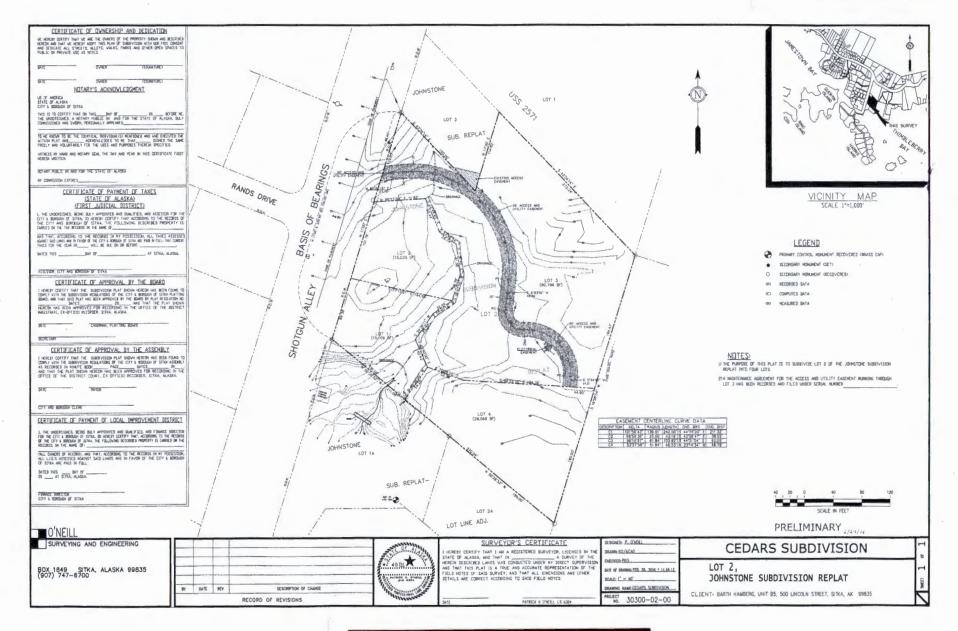


Lubin/Busch Property



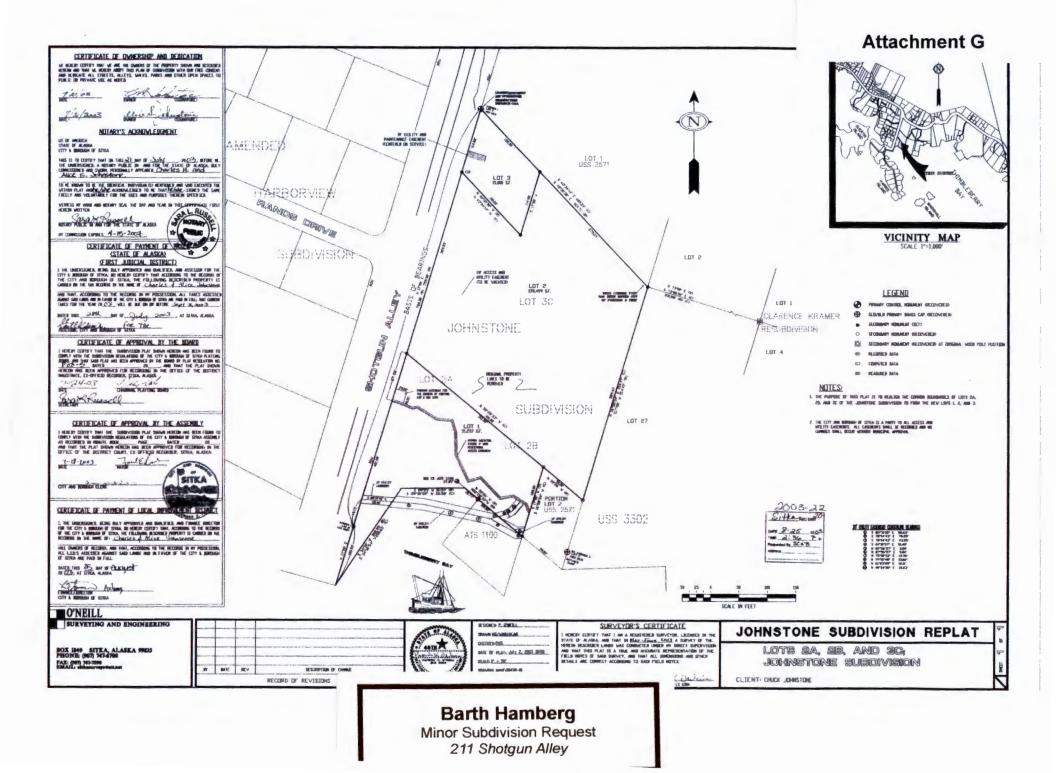


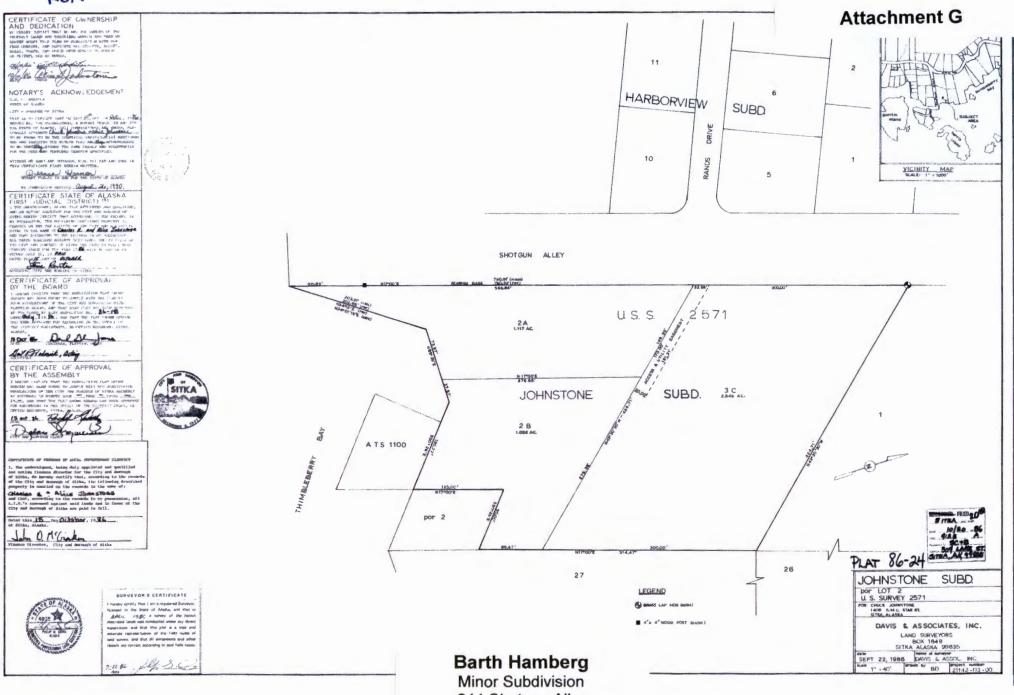




Barth Hamberg Minor Subdivision Request

211 Shotgun Alley





211 Shotgun Alley

## 211 Shotgun Alley Subdivision Drainage Assessment July 10, 2016

Submitted by: Barth Hamberg, Owner Lot #211

Prepared/Reviewed by: Martin Becker, Hydrologist 705 Biorka Street, Sitka, AK 99835



Vicinity Map

1

#### Introduction

This report analyzes the pre and post-development stormwater runoff from the proposed four-lot subdivision of Lot 211 Shotgun Alley. It quantifies the potential effects on the existing drainage systems (culverts and stream channel) on both 211 Shotgun Alley and on the downstream parcel at 213 Shotgun Alley.

#### **Summary of Findings**

The proposed subdivision of Lot 211 will result in an increase of .67 cfs during a 50-year storm event, a relatively small amount that is equal to 1/10 the capacity of a 18" culvert. This increase in flow can be easily handled by all downstream drainage features, except for the a 25' section that has been severely constricted by hand-placed stones and cannot carry the expected stream flow even with no development on Lot 211; however, during a flood event the stormwater would simply flood onto the adjacent lawn in this area.

#### Lot 211 Shotgun Alley

The stream and culvert on Lot 211 have sufficient capacity to carry, at a minimum, 5 times the 50-year storm runoff calculated to occur after subdivision development. The natural, forested stream channel is unmodified except for one 18" culvert, and deed restrictions protect the drainage long-term.

#### Lot 213 Shotgun Alley

There are three substantial deficiencies with the stream and culvert below Lot 211 resulting from manmade modifications to the natural stream channel:

1). A small log dam has been constructed on the upper portion of Lot 213 that is in danger of failure with enough sediment released to plug and reroute the stream channel below.

2). The stream has been narrowed for 25' in length by owner-installed stone edging which has reduced the capacity to 1.47 CFS, which is 77% of the capacity needed to carry a 50-year storm event with no development at Lot 211. However, during a flood event the water would simply flow over onto the adjacent lawn area.

3). The 18" culvert at tidewater has three significant deficiencies: it is improperly located so that it is entirely flooded and ineffective on high tides, it is improperly installed with a sleeve insert that leads to "blow-outs", and has bars installed in a manner that may block salmon passage or collect debris. The 18" culvert at tidewater is oversized by a factor of 2.7 times to carry the 50-year event, if it were properly installed.

#### Site Description

Pre-development site conditions at 211 Shotgun Alley consist of a moderately sloped, forested hillside. A review of the site survey and resulting contours show the majority of the lot except for the extreme eastern and southern corners drain into the existing natural perennial stream that flows down the western third of the parcel parallel to Shotgun Alley, and out the southern, bottom of the property. At the bottom of 211 Shotgun Alley the stream enters 213 Shotgun Alley

and runs across that property for 153 feet before ending at the high tide line on Thimbleberry Bay.

#### Soil Conditions

Soils within the property are mapped as type 3548D – Verstovia-McGilvery complex map unit. This soil type is in hydrologic class D which have high runoff potential when thoroughly wet. Water movement through the upper soil horizons is restricted or very restricted due a 1"-6" layer of mucky silt loam which impedes the percolation of water.

#### Drainage Basin Areas

The drainage basin area is 5.71 acres, which includes the area of 211 Shotgun Alley that drains into the perennial stream, the uphill properties and drainage area that contribute to the perennial stream from above, and the portions of 213 Shotgun Alley that drain to the stream.

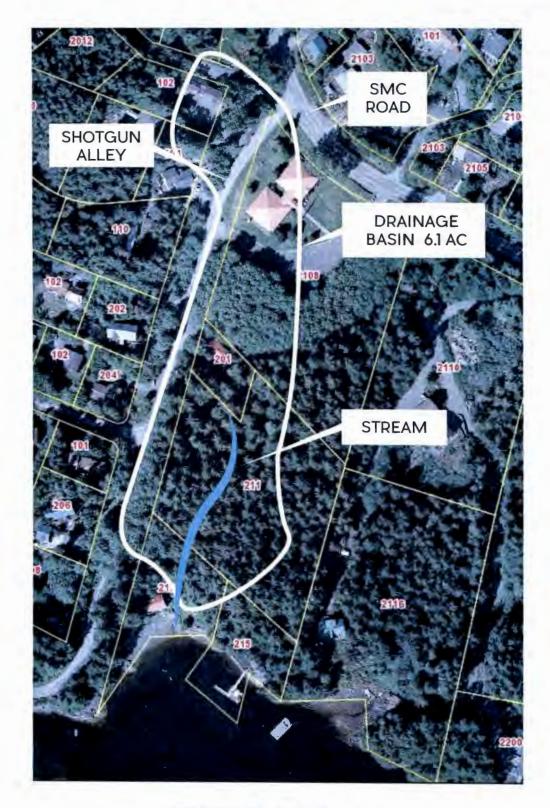
Portions of the eastern and southern corners of the 211 Shotgun Alley do not drain into this stream. No development is proposed in these areas and therefor no change from existing condition will occur.

The drainage basin area is the same pre-development as post development as shown below:

#### Pre-development Basin Area

| Lot 211  |                                |
|--|--------------------------------|
| Upstream and adjacent drainage area (Low Density): | 139,000 SF (3.2 acres)         |
| Forest   | 110,000 SF (2.5 acres)         |
| Total Basin area at lower property boundary        | 249,000 SF (5.7 acres)         |
| Lot 213  |                                |
| Low Density  | 17,0 <u>00 S</u> F (0.4 acres) |
| Total Area Draining to Stream                      | 17,000 SF (0.4 acres)          |
| Total Pre-development Basin Area                   | 266,000 SF (6.1 acres)         |
| Post-development Basin Area                        |                                |

| Total Drainage Area: Upstream Area + Lot 211 + Lot 213 | 266,000 SF (6.1 acres) |
|--|------------------------|
|--|------------------------|



## DRAINAGE BASIN AREA

- NOT TO SCALE -

## **Runoff** calculations

The following table presents results using the methodology from the CBS Stormwater Management Plan (CBS-SWP 2013) and values provided by CBS engineers to determine the peak runoffs for a 50-year rainfall event.

Based on the SWP 2013 the drainage area above Lot 211, and Lot 213 are classified as 'Low Density Development'. Lot #211 is classified as 'Forest' in pre-development and 'Low Density Development' in post-development.

The following formula is used to calculate runoff:

#### Number of Acres x Runoff Factor = Runoff Volume (CFS)

| Pre-development Runoff Volume, 50 year event |       |                               |                     |
|--|-------|-------------------------------|---------------------|
| location                                     | Acres | Runoff Factor                 | Runoff volume (CFS) |
| Area above Lot 211                           | 3.18  | Low density - 0.42            | 1.34                |
| Lot 211 Drainage Area                        | 2.53  | Forest - 0.15                 | 0.38                |
| Lot 213 Drainage Area                        | 0.4   | Low density - 0.42            | 0.17                |
|  |       | Pre-development Runoff Volume | 1.89                |

|                     | Post-development | Runoff Volume, 50 year event      |                      |
|---------------------|------------------|-----------------------------------|----------------------|
| location            | Acres            | Runoff Factor                     | Runoff volume in CFS |
| Total Drainage Area | 6.1              | Low Density - 0.42                | 2.56                 |
|                     |                  | Post–development Runoff<br>Volume | 2.56                 |

## **Existing Drainage Features and Capacities**

#### Lot 211 Shotgun Alley:

#### **Description of drainage features:**

The drainage system on Lot 211 is composed of two features: a newly installed 18" culvert near the top of the property and a natural, unmodified stream channel.

The 18" culvert has a capacity of 7 CFS which exceeds the 50-year post-development runoff calculated above (1.4 CFS) by a factor of 5.2 times. See calculation details in Appendix A.

The natural stream channel has a capacity of 5.29 CFS without overtopping its banks, and the floodplain has the capacity to carry many times that amount. This exceeds the 50-year post development runoff calculated above (2.4 CFS) by a factor of at least 2.2 times. Because the capacity of the floodplain is clearly in excess of any possible future flows, the capacity of the natural stream is not a concern. See calculation details below in Appendix A.

**Conclusions:** All drainage features on Lot 211 are substantially oversized to carry a 50-year storm event.

#### Lot 213 Shotgun Alley:

#### **Description of drainage features:**

The drainage stream drainage on Lot 213 can be broken down into three distinct reaches as described below:

#### Reach #1

After the stream exits Lot #211, the stream flows over an old 2' high manmade impoundment made of boulders and small logs that presumably was constructed for a water supply. This structure has since nearly completed filled in with sediment and has caused the channel to widen to nearly 3 times its natural width upstream and nearly 2 times its natural width downstream. Some of the channel widening can be attributed to a change in slope of the surrounding landscape. Boulders were used to key the structure to the bank, while logs were used to back the water up. The central logs of this structure are severely rotted and its eventual failure is likely, regardless of changes in land use. When this failure occurs, approximately 1.5-2 cubic yards of sediment will be released to affect and potentially constrict the downstream drainage.



Manmade Dam



Looking Downstream at Sediment Accumulated above Manmade Dam. Dam is located at End of Pooled Water.

#### Reach #2

Reach #2 includes a 25'-long segment that is severely constricted by hand-placed rocks to create a channel measuring 6" wide by 8" deep at a several points. This section has a capacity of 1.47 CFS, which is less than the pre-development condition (1.89 CFS). However, the adjacent lawn area is sufficient to carry the overflow from a 50 year storm event.



#### Reach #3

Reach #3 is an 18" x 20' culvert that empties into Thimbleberry Bay.

The entire length of the culvert is within the tidal zone, with the outlet invert at approximately 9.0 feet above mean high tide and the inlet invert at approximately 11.5 feet above mean high tide. Due to these installation elevations, the culvert is frequently backwatered to some degree at times of tides elevations above 9 feet, and is completely backwatered into the area above the pipe at tides above 11 feet. If and when high stream flows coincide with a high tide, the culvert will be full of seawater and cannot carry drainage, rendering the culvert unserviceable and reducing channel capacity upstream. Thus, do to this improper installation, the capacity of the culvert is 0 CFS, which is less than the pre-development condition of 1.72 CFS.

In addition, this culvert has been inserted in a shorter, 12-foot long 24" culvert, apparently to protect it from crushing by a boulder wall that has been built atop. This arrangement creates a void between the larger and smaller culvert that has not been sealed with grout, which allows water to flow with force during high flow events at lower tide levels, causing substantial erosion downstream.

The gap between the two culverts allows water to flow between the two pipes. At high flow levels the water exists the larger pipe with sufficient force that it erupts from the gravel covering the culverts. During the August 18, 2016 rainfall event in Sitka, it was witnessed that the water exiting this on the downstream end, eroded the gravel along a beach access trail, (see photo below). This erosion was solely caused by the improper sleeving and sealing of two unequal sized pipes and not due to improper sizing of the culvert.

In addition, recent erosion of gravel over the top of the larger section of pipe is evident over the outlet end of the larger pipe. This erosion appears to be either from tidal backwatering and overflowing of the pipe/stream during high tide or from wave action at a high tide or a combination thereof.

Bars have also been installed on the culvert outlet and inlet which may block salmon passage or collect debris, impeding flow.

**Conclusions:** The existing drainage features on Lot 213 has three substantial deficiencies. Reach #1 has a manmade dam in the natural stream channel that is in danger of failure with the potential release of a substantial amount of sediment.

Reach #2 is severely constricted landscape rocks and by cannot carry stormwater runoff, even with no development of Lot 211, however it does have an adjacent lawn area that can carry the storm flows.

Reach #3 has an improperly installed culvert that floods at high tides, is improperly sleeved leading to "blow-outs", and has bars which may prevent salmon access to the stream.

#### APPENDIX Drainage details and calculations



Cross Section #1: Perennial stream on Lot #211 near lower property line

A cross section with flow calculations was conducted about 10 feet upstream of the lower property boundary with the following results:

| Open-Channel Flow   |   |                                   |
|---|---|-----------------------------------|
| This calculator uses Chézy and Manning's formula to<br>For experimental values of Manning's n factor, click | o calculate the wetted perimeter, hydraulic radius, flow area, Ché. | zy coefficient and flow velocity. |
| Required Information  |   |                                   |
| Enter the Slope:  | .099 Enter the Channel Top Width (it):                              | 2.3                               |
| Enter the Channel Bottom Width (ft):  | 2.1 Enter the Channel Height (ft):                                  | 0.4                               |
| Enter the Flow Depth (ft):  | 0.4 Enter the n value:  | 0.035                             |
| Results   |   |                                   |
| The wetted perimeter is 2.9246 rt   | The flow is 5.2929( ft <sup>3</sup> /s                              |                                   |
| The flow area is $0.88$ $\pi^2$   | The flow is 2375.454 gal/min  |                                   |
| The hydraulic radius is 0.3008 ft   | The velocity is 6.01466 ft/s  |                                   |
| The C value is 34.8487  |   |                                   |
|   | Calculate Reset   |                                   |

Below this dam approximately 10 feet, the stream flows under a foot bridge for a trail that access Lot #215. Directly under the downstream side of the bridge, a second cross section was completed.



Cross Section #2: Located on Lot #213 under Bridge at its Downstream Edge.

| Open-Channel Flow                                   |                     |  |                                |
|---|---------------------|--|--------------------------------|
| This calculator uses Chézy and Manning's formula    | to calculate the we | tted perimeter, hydraulic radius, flow area, Chézy | coefficient and flow velocity. |
| For experimental values of Manning's n factor, clin | ik here             |  |                                |
| Required Information                                |                     |  |                                |
| Enter the Slope:                                    | .16                 | Enter the Channel Top Width (ft):                  | 3.5                            |
| Enter the Channel Bottom Width (ft):                | 4.0                 | Enter the Channel Height (ft):                     | .75                            |
| Enter the Flow Depth (ft):                          | .75                 | Enter the n value:                                 | .045                           |
| Results   |                     |  |                                |
| The wetted perimeter is 5.5811 ft                   |                     | The flow is 23.5888 ft <sup>3</sup> /s             |                                |
| The flow area is 2.8125 ft <sup>2</sup>             |                     | The flow is 10586.65 gal/min                       |                                |
| The hydraulic radius is 0.503£ ft                   |                     | The velocity is 8.38715 ft/s                       |                                |
| The C value is 29.537                               |                     |  |                                |
|   | C                   | alculate Reset                                     |                                |

Cross section #2 calculated a bankfull channel capacity of 23.59 cfs.

After flowing under the bridge, the stream widens dramatically while making an 'S' turn to the left (looking downstream), before it straightens out and parallels the eastern side of that lot's house. On the right bank of this 'S' turn, additional flow enters from the parking area and margins of Shotgun Alley that visually appear to be approximately a half acre in size. Along this side drainage and within the stream channel throughout the 'S' turn, recent shovel trenching has occurred to concentrate flows. The channel also exhibits a 'fan' morphology (wide, shallow, low bank heights and multiple flow paths). Fans are also an area of deposition. Gravel deposits from

previous rainfall events is evident along with the previously mentioned shovel trenching which was done to direct water.

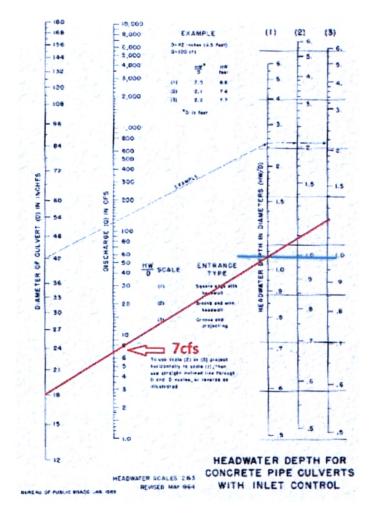


Side Drainage Entering from Right Bank. Recent Shovel Work Evident.



Mid 'S' Turn. Recent channelization on Left. Rod is extended to approximately 10' long.

When the stream straightens out below the 'S' turn, it has been greatly constricted by landscaping. At the bottom of this channel, there is a 1.5" black plastic water line of unknown origin or destination. A third cross section was completed midway along this artificially narrowed reach.



Calculation form for 18" culvert Headwater Depth for Culverts with Inlet Control Showing Discharge



Close-Up of Cross Section #3 location. Rod is in Meters.

Cross section #3 calculated a bankfull channel flow capacity of 1.47 cfs.

| Open-Channel Flow  |   |                                      |
|--|---|--------------------------------------|
| This calculator uses Chézy and Manning's formula to<br>For experimental values of Manning's n factor, click<br>Regulated Information | to calculate the wetted perimeter, hydraulic radius, flow area, i<br>t here | Chézy coefficient and flow velocity. |
| Enter the Slope:   | .09 Enter the Channel Top Width (ft):                                       | .8                                   |
| Enter the Channel Bottom Width (ft):   | .3 Enter the Channel Height (ft):   | .6                                   |
| Enter the Flow Depth (ft):   | .6 Enter the n value:   | .035                                 |
| Results  |   |                                      |
| The wetted perimeter is 1.6 ft   | The flow is 1.47126 #3/s  |                                      |
| The flow area is 0.3299 ft <sup>2</sup>  | The flow is 660.2912: gain  | nin                                  |
| The hydraulic radius is 0.2062 ft  | The velocity is 4.45825 ft/s  |                                      |
| The C value is 32.7228   |   |                                      |
|  | Calculate Reset   |                                      |



Inlet of 18" and 24" CMPs.



Photo of Seam Between Two Culverts on Downstream Side. Some Surface Erosion from Overland Flow or Wave Action above Lower End of Larger Culvert. High Tide Line (12.5') approximately at Margin of Grass and Gravel Above Culverts.



Outlet of 18" CMP on Lot #213 Showing Metal Bar Grating



Outlet of Culvert just after a 9.1' High Tide. Wetted Edge and Scum line Showing Extent of Tide reaching the Outlet of the Culvert.

Prepared by: Martin Becker Hydrologist 705 Biorka Street, Sitka, AK 99835 907-738-0454

<u>Education</u>: B.S. in Watershed Management / Soil Science – UW-Stevens Point 1995 <u>Experience</u>: 20 years working for the USFS, BLM and County Watershed Associations analyzing the effects of land management on water quality and quantity and restoration of stream channels and aquatic habitats.



#### **Supporting Photos**

Photo 1. Access road, Lot #211. View from Shotgun Alley.



Photo 2. Looking upstream at area feeding newly installed 18" CPP on access road. No defined stream channel above road.

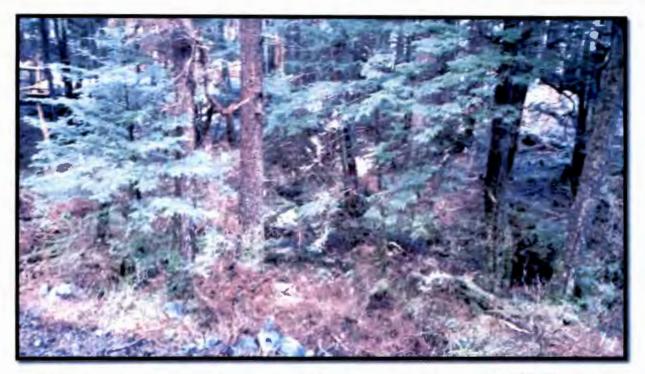


Photo 3. Looking downslope from access road at outlet of newly installed 18" CPP. The foot of the toe slope is the start of a defined stream channel for this drainage on Lot #211.



Photo 4. Looking upstream about mid-property. Light blue line denotes location of stream channel. Access road and new 18" CMP located in background at top of blue line.



Photo 5. Looking downstream about mid-property. Light blue line denotes location of stream channel.

#### **Site Description**

Pre-development site conditions consist of a moderately sloped forested hillside. A review of the site survey and resulting contours show the entire lot except for the extreme southeast corner drains toward the center the property. Contours also identify one main drainage bisecting the length of the property on the western third. This perennial stream channel generally parallels Shotgun Alley Road. It exits the property flows under a foot trail bridge and then enters an existing 18" CMP on the Johnstone property (LOT # 213) before emptying into the ocean.



## Samantha Pierson

## Attachment I

| From:        | Dan Tadic  |
|--------------|--|
| Sent:        | Wednesday, August 10, 2016 4:09 PM                             |
| То:          | Samantha Pierson   |
| Cc:          | Michael Scarcelli; Maegan Bosak                                |
| Subject:     | 211 Shotgun Alley Subdivision Drainage Assessment              |
| Attachments: | 211 Shotgun Alley Subdivision Drainage Report July 10 2016.pdf |

Hi Samantha,

Our prior comments on the 211 Shotgun Alley Subdivision Drainage Report have been addressed. The revised report dated July 10, 2016 is satisfactory. No further comments to offer.

Thanks,

Dan Tadic, P.E. Municipal Engineer City and Borough of Sitka Department of Public Works 100 Lincoln Street Sitka, AK 99835 P (907) 747-1807 F (907) 747-3158 dan.tadic@cityofsitka.org

## MEMO

To: Dan Tadic, Municipal Engineer

From: Stephen Weatherman, Senior Engineer

Re: 211 Shotgun Alley Subdivision Drainage Assessment

Date; 6/23/16

I have reviewed the revised 211 Shotgun Alley Subdivision Drainage Assessment, submitted June 21, 2016. (Note the report has a typo for the date submitted of 2106)

- 1. The new report requires page numbers
- 2. The new report addresses overall drainage basin which includes the upstream area contributing to the project area. The discussion of the Drainage Basin Areas on page 3 indicates 5.71 acres where the summary on this sheet shows 6.1 acres. The 5.71 value is only for Lot 211 not the total.
- 3. Page 5 calls the referenced CBS drainage plan "CBS Stormwater Protection Plan" when the documents title is "CBS Stormwater Management Plan"
- 4. The new report uses the 2013 Stormwater Management Plan (CBS SMP) to evaluate the drainage issues concerning the proposed subdivision. The flow rates developed from the methodology described in the CBS SMP result in the following;
  - a. Existing 50 year return period flow rate to downstream properties 1.89 CFS
  - b. Proposed 50 year return period flow rate to downstream properties 2.56 CFS
  - c. The increase of the flow rate between existing and proposed is 0.67 CFS
- 5. The new report evaluates the flow pathway for each differing segment of the flow pathway using hydraulic calculations.
  - a. The flow pathway within the project site is contained within the 18" culvert and the natural flow pathway through the site. The flow rate of both the 50 year return period existing and proposed condition are passed by the culvert or natural flow path. Each have a large factor of safety.
  - b. The flow pathway downstream of the project on the property receiving the drainage flow is constricted by two conditions. The first issue downstream from the property line is a small old log crib dam that may have been historically used to impound water for domestic use prior to the CBS water system being constructed. This log dam, two to three foot high retards the flow until overtopped or passing through the rotted logs. There is a small diameter plastic pipe coming out of the bottom of the dam. The dam is not constructed to pass either the existing or proposed 50 year return period flow rate.

- c. Below the dam the natural flow pathway is constricted by stones placed into the flow pathway to construct a narrow vertical channel. The channel does not have sufficient capacity to pass either the existing or proposed 50 year return period flow rate. Either flow rate would overtop the channel and flow over the lawn area toward the outfall culvert.
- d. The final flow pathway segment is an 18 inch culver installed within a larger culvert that outfalls into the ocean. This culvert has sufficient capacity for both the existing or proposed 50 year return period flow rate except at high tide when the culver outfall is drowned by the tide.
- 6. The proposed 18" culverts for the project meet the standards of the CBS SMP.

#### Samantha Pierson

From: Sent: To: Subject: Gale Brownell <gbrownell@sonic.net> Tuesday, July 26, 2016 3:35 PM Planning Department subdivision request for 211 Shotgun Alley

Mr. Scarcellli and members of the Planning Commission:

My husband Phillip and I are owners of a home adjacent to 211 Shotgun Alley. We are aware that Barth Hamburg has requested a 4 lot subdivision of that Cedar Subdivision lot.

We are satisfied that Mr. Hamburg has met the requirements to subdivide the parcel, consistent with City rules, and with the covenant that runs with the title. We understand that the findings of a drainage study conducted at the request of the City by a person knowledgeable about the local site conditions found that downstream properties are unlikely to be impacted by drainage from the proposed subdivision.

Based on this body of information, we do not have any objection to the subdivision. Gale Brownell

Dear Planning Commission,

## Attachment J RECEIVED MAR 15 2016

We support Barth Hamberg's application to subdivide his property into 4 lots. The east side of his property borders ours and the way that Barth has designed his subdivision takes into account the privacy of his neighbors and is sensitive towards the environment.

Sincerely, The Neighbors at 2116 SMC Frances Brann, Krystina Scheller and Erik de Jong

#### Samantha Pierson

| Maegan Bosak  |
|---|
| Tuesday, January 26, 2016 11:38 AM  |
| spi3050@yahoo.com; dwindsor@gci.net; Debra Pohlman (dpohlarbear@gmail.com); Tamie |
| Parker Song; Randy Hughey   |
| Michael Scarcelli; Samantha Pierson; Mark Gorman; Michael Harmon                  |
| FW: Shotgun Alley development activities  |
|   |

Dear Planning Commissioners,

Please do not respond to the public comment below as it is ex-parte contact. You all will be functioning in an adjudicatory role when considering approval of the subdivision and there will be ample opportunity for public comment at that time.

Staff has been aware and closely monitoring this property. The owner has been issued a grading permit as within his rights per code.

I imagine this case will be on an upcoming agenda.

Thank you all for your continued service.

Maezan Bosak

Planning and Community Development Director City and Borough of Sitka 907.747.1824

From: Davey Lubin - SITKA [mailto:alaskadavey@gmail.com]
Sent: Tuesday, January 26, 2016 10:33 AM
To: spi3050@yahoo.com
Cc: dwindsor@gci.net; tamieparkersong@gmail.com; randywhughey@gmail.com; dpohlarbear@gmail.com; Michael Harmon <michael.harmon@cityofsitka.org>; Mark Gorman <mark.gorman@cityofsitka.org>; Maegan Bosak
<maegan.bosak@cityofsitka.org>; Michael Scarcelli <michael.scarcelli@cityofsitka.org>
Subject: Shotgun Alley development activities

Dear Planning Commission and City of Sitka,

I write to you with concerns about the subdivision that is going on behind our house on 215 Shotgun Alley; this is not the first time I've voiced similar concerns to Sitka officials. The City of Sitka has permitted significant development to occur on the large track of previously forested land upland of our property. This has included extensive vegetation and soil removal, importation of hundreds (perhaps more) of cubic yards of rock and other materials, extensive road building and construction of multiple building sites, filling of wetlands, significant alteration of natural drainage, advertisement of multiple building lots, encroachment of adjacent property and installation (in the right-of-way) of electrical facilities intended for multiple residences.

**Yet, the subdivision has not yet been approved by the Planning Commission.** The only permit granted to the subdivider so far is a grading permit, granted under a single-family dwelling category. While the City has been well aware that the owner's plans involve subdividing, it has not yet required the owner to conduct

1

a watershed analysis, survey the property, consult the neighborhood, and notify the City of his intentions for subdivision.

I ask that you reconsider your subdivision process immediately, before the work is allowed to continue. Bringing professionals and city officials into this process now, before the entire watershed is forever changed, seems imperative and one very small lesson that could be learned from the August 18<sup>th</sup> event that caused a major landslide.

Under City code, up-slope developers are required to secure a drainage easement (as per **Subdivision code section 21.40.030 - Watershed Easements**) from the downhill property owners. This has not been requested and the drainage has already been, and is currently being, drastically altered . Additionally, the landscape has been significantly altered, apparently without regard to: **19.01.100 Chapter 17 amended**— **Earth support and danger trees**,

International Building Code Chapter 17, Special Inspections, is modified by adding a new item Section 1716 to read as follows:

# 1716. The Building Official may cause to be inspected, any clearing, excavation or fill or construction project regulated by this code to identify risks to subject or adjacent property caused by damage to trees, their support systems, or disruption of the "forest canopy."

This is not my first letter to the city, nor my first appeal for city involvement in this matter. And yet, major subdivision activities persist. I'll watch for your reply.

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

Scarcelli described the request for a four-lot subdivision. Covenants restrict subdivision of this lot to four lots, whereas zoning code would have allowed more lots. A drainage plan was provided, and CBS Public Works has approved the plan. US Army Corps of Engineers issued a de minimis waiver for wetlands. Spivey requested that CBS Municipal Engineer Dan Tadic explain the drainage findings in layman's terms. Tadic stated that the channel probably carried much more water in the past than it does today, and Sawmill Creek Road likely altered local drainage. Tadic stated that pre- and post-development drainage was calculated. Tadic stated that the drainage capacity on the applicant's property is more than sufficient. Tadic stated that the downhill property has created constraints with a manmade dam. Tadic stated that the report has met his requirements.

Barth Hamberg stated that he did not have anything to add. Spivey asked about housing sizes. Hamberg stated that he hasn't decided at this time. Bosak asked Hamberg to elaborate on the covenants. Hamberg stated that the previous owners wanted to ensure that the property was developed responsibly. Hamberg stated that the hydrologist who wrote the drainage report is very experienced and works for the US Forest Service. Pohlman stated concerns for responsible development. Hamberg stated that the deed restrictions would run with the land. Hamberg said that the property does not have an ocean or mountain view, but has a beautiful forest.

Lisa Busch stated that she lives directly below the proposed subdivision. Busch stated concern that a grading permit was granted before the subdivision process. Busch stated that the lots have already been developed and now it seems too late. Busch stated that code states that uphill developers needs to get an easement from the downhill owners. Busch asked the commission how they would protect property owners and preserve the character of the neighborhood.

Davey Lubin stated that he is a downhill property owner. Lubin believes the process is flawed, and that plans should be reviewed by licensed professionals before work can commence. Lubin stated that the drainage report was written by a non-engineer.

Pohlman asked if the drainage assessment was conducted before or after grading occurred. Tadic stated that the report considers the pre-development condition, but was conducted after grading. Pohlman asked if any similar data was conducted when preparing for the Benchlands. Tadic stated that assessments were conducted with different methodology, and this situation is much different than the Benchlands.

CBS Municipal Attorney Brian Hanson stated that the easement requirement only comes into play if the uphill owner develops an artificial drainage system. Hanson stated that the natural stream has not been altered. Hanson recommends that no drainage easement is required. Hanson stated that CBS staff required a drainage assessment and determined that no mitigation is required. Hanson stated that the proper procedure has been followed. Hanson stated that municipal code does not provide clear guidelines for what requires mitigation, but staff have used their professional opinions and past precedence. The uphill property owner has the right to use their property in a way that does not unreasonably impact the downhill property.

Commission took a 5 minute break.

Scarcelli gave a recap of the proposed subdivision. Parker Song stated that she is inclined to grant the request. Pohlman stated a desire to reach a compromise between the property owners, although it seems that communications are constrained. Parker Song stated that she believes this proposal to be very different from the Benchlands area regarding topography and drainage. Spivey stated that some have said that the Benchlands development caused flooding issues on Sand Dollar Drive, although that has not been proven. Spivey stated that understood the drainage report to state that drainage concerns are caused by the downhill owners, not the applicant. Bosak stated that if an owner maintained the lot as a single-family property, development could impact drainage without a required drainage analysis.

Parker Song asked about requiring collaboration between the property owners. Spivey stated that the commission cannot require them to get along.

Pohlman/Parker Song moved to POSTPONE the item to a meeting when more commissioners are present.

Motion PASSED 3-0.

| CITY AND BOROUGH OF SITKA<br>PLANNING AND COMMUNITY DEVELOPMENT DEPARTM Attachment L<br>GENERAL APPLICATION FORM   |
|--|
| <ol> <li>Request projects at least FOURTEEN (14) days in advance of next meeting date.</li> <li>Review guidelines and procedural information.</li> <li>Fill form out <u>completely</u>. No request will be considered without a completed for <b>RECEIVED</b> FEB 2 9 20</li> <li>Submit all supporting documents and proof of payment.</li> </ol>                   |
| APPLICATION FOR: VARIANCE CONDITIONAL USE SUBDIVISION  |
| BRIEF DESCRIPTION OF REQUEST: SUBPIVISION OF PROPERTY  |
| INTO FOUR LOTS   |
| PROPERTY INFORMATION:<br>CURRENT ZONING: <u>SFLD</u> PROPOSED ZONING (if applicable): <u>N/A</u><br>CURRENT LAND USE(S): <u>UNDEDED PROPOSED</u> LAND USES (if changing): <u>PESI DENETAL</u><br>APPLICANT INFORMATION:<br>PROPERTY OWNER: <u>BAPTH HAMBERCI</u><br>PROPERTY OWNER: <u>500 LINCOLN ST, B5</u><br>STREET ADDRESS OF PROPERTY: <u>211 SHOTGUNI ALY</u> |
| APPLICANT'S NAME: BARTH HAMBERCO   |
| MAILING ADDRESS: 500 LINCOLN ST, 135, SITHA AK 94835<br>EMAIL ADDRESS: BARTH HAMBERG COMAIL, COMDAYTIME PHONE: 909-738-9145  |
| PROPERTY LEGAL DESCRIPTION:<br>TAX ID: LOT: BLOCK: N/A TRACT: N/A<br>SUBDIVISION: LOT Z, JOHNGYONE SUBDIVISION: US SURVEY:   |
| OFFICE USE ONLY  |
| COMPLETED APPLICATION SITE PLAN  |
| NARRATIVE CURRENT PLAT   |
| FEE PARKING PLAN   |

# **REQUIRED SUPPLEMENTAL INFORMATION:**

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

### **CERTIFICATION:**

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

Applicant (If different than owner)

to 29, 2016 Date

Date

Barth Hamberg Minor Subdivision 211 Shotgun Alley

# SUBDIVISION CHECKLIST

# Attachment L

The Planning Department requires an application to be complete before moving forward with administrative and commission consideration. The following checklists should be utilized to ensure the most expedient processing of your application.

### BEFORE SUBMITTING AN APPLICATION:

Ensure that taxes are current on the property.

Obtain a concept plat drawing from a registered surveyor. This drawing should show any proposed or existing easements and utility lines. Three (3) copies should be submitted to the Planning Department.

 $\mathcal{M}$  Flag the property with proposed boundary lines.

Review the project with Electrical and Engineering Departments. The Planning Department will call a development review committee meeting as necessary.

### MATERIALS TO SUBMIT:

 $\square$  Completed application form

Proof of filing fee payment (payable in city utility office)

Copy of current plat

Three (3) copies of concept plat

✓ Topographic information

Proof of ownership

Plat Certificate from a title company, if possible

# Barth Hamberg

# Attachment L

February 29, 2016

Barth Hamberg 500 Lincoln Street, B5 Sitka, AK 99835

Planning Director City and Borough of Sitka Sitka, AK 99835

Planning Director and Planning Commission:

Please find attached my application for Subdivision of Lot 2 of the Johnstone Subdivision Replat, located at 211 Shotgun Alley. The proposed subdivision will make four residential lots.

Please find attached two supporting documents. One is the Statutory Warranty Deed with Covenant which includes several pertinent restrictive covenants. These covenants restrict number of lots that can be subdivided from this parcel (4), require consultation with a specialist to ensure the stream is protected, and encourage the natural character of the land is to be maintained. All of these covenants are met by this proposed subdivision.

Also attached is a Drainage Report by a hydrologist with extensive experience in SE Alaska that confirms that the stream will not be unduly affected by the proposed subdivision and related developments.

Please contact me if you need additional information.

Sincerely,

### Barth Hamberg



### STATUTORY WARRANTY DEED WITH COVENANT

Alaska Statute §34.15.030

The Grantors, CHARLES JOHNSTON and ALICE JOHNSTONE, husband and wife, of 213 Shotgun Alley, Sitka, Alaska 99835, for and in consideration of Ten and 00/100 Dollars (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, conveys and warrants to the Grantee, BARTH HAMBERG, a single man, of 500 Lincoln Street #B5, Sitka, Alaska 99835, the following described real estate:

> Lot Two (2), Johnstone Subdivision, as described in the Johnstone Subdivision Replat, plat number 2003-22, recorded in the Sitka Recording District August 25, 2003 in the First Judicial District, State of Alaska (the "property" or "Property").

SUBJECT TO the following restrictions and covenants that the GRANTEE agrees not to subdivide the property into more than four lots. Any subdivided lots sold by GRANTEE shall have specific restricted language that they shall not be further subdivided at any point in the future. The parties accordingly intend that all covenants and restrictions contained in this Deed with Covenant shall run with the land and bind all successors in interest.

SUBJECT TO the further restrictive covenant that the main stream on the property shall not be filled or otherwise impacted in any way that would prevent it from flowing in a free and natural state or would impact natural water levels of such stream.

SUBJECT TO the further restriction that development of said property shall be done in consultation with a trained soil scientist/hydrologist/engineer to prevent soil wasting or erosion to insure no adverse impacts from erosion will occur to properties located below said parcel.

SUBJECT TO the further restriction that any development to occur on the property shall strive to maintain the natural character of the land. This includes an effort to emphasize the natural landscape with locally appropriate flora.

FURTHER SUBJECT TO any reservations, restrictions, covenants, conditions, exceptions in U.S. Patent and/or Acts of Congress authorizing the issuance thereof, rights-ofway, easements, encumbrances, and other matters of record, if any.

> Warranty Deed Page 1 of 3

### **Barth Hamberg**

## **Attachment M**



CHARLES JOHNSTONE, Grantor

DATE:

DATE: 1./1/2014 7

ALICE JOHNSTONE, Grantor HAMBERG, Grante

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this \_\_\_\_\_

)

Alaska, personally appeared BARTH HAMBERG. to me known to be the individual described in the foregoing instrument, and who acknowledged to me that he executed the foregoing instrument as his free act and deed for the uses and purposes stated.

SS.

STAPE OF ALASKA NOTARY PUBLIC B C MARX Wy Commission Excites

Notary Public in and for Alaska My Commission Expires:

day of

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this 2 day of 2014, before me. the undersigned, a Notary Public in and for the State of Alaska, personally appeared CHARLES JOHNSTONE, to me known to be the individual described in the foregoing instrument, and who acknowledged to me that he executed the foregoing instrument as his free act and deed for the uses and purposes stated.

SS.

SEAL STATE OF ALASKA NOTARY PUBLIC Warranty Deed JUDITH A. BROWN Page 2 of 3 My Commission Expires **Barth Hamberg** Minor Subdivision Request Page 2 of 3 211 Shotgun Alley 2014-001137-0

### Attachment M

Notary Public in and for Alaska My Commission Expires: <u>31,22017</u>

### STATE OF ALASKA

FIRST JUDICIAL DISTRICT

THIS IS TO CERTIFY that on this 300 day of

SS.

Alaska, personally appeared ALICE JOHNSTONE to me known to be the individual described in the foregoing instrument, and who acknowledged to me that she executed the foregoing instrument as her free act and deed for the uses and purposes stated.

| EAL  | $\subset$ | loth QBrowd  |
|--|-----------|--|
| STATE OF<br>NOTARY F<br>JUDITH A.<br>My Commission EXI | BROWN     | Public in and for Alaska<br>mmission Expires: <u>4 12 20 0</u> |

)

)

**RETURN TO AFTER RECORDING:** 

BARTH HAMBERG 500 Lincoln Street #B-5 Sitka. Alaska 99835

> Warranty Deed Page 3 of 3

### Barth Hamberg



Parcel ID. 31101000 SANDRA BEARE-SPENCER BEARE-SPENCER, SANDRA, E. P.O. BOX 95 SITKA AK 99835-0095

> Parcel ID: 31125003 MARY-ALICE HENRY HENRY, MARY-ALICE 206 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31200003 PHILEIP/GALE BROWNELL TRUST BROWNELL TRUST, PHILLIP & GALE 955 MCFARLANE AVE SEBASTOPOL CA 95472

Parcel ID: 31235002 STEVEN/ANDREA REIFENSTUHL/THOMAS REIFENSTUHL, STEVEN/THOMAS, ANDREA 218 SHOTGUN ALLEY SITKA AK 99835 Parcel ID: 31105000 PATRICK/MARTHA BARKER BARKER, SR. PATRICK/MARTHA 204 SHOTGUN ALLEY SITKA AK 99835-9729

Parcel ID: 31200001 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31215000 CHURCH OF J.C. LATTER DAY SAINTS ALASKA PM GROUP CHURCH OF J.C. LATTER DAY SAINTS P.O. BOX 771185 EAGLE RIVER AK 99577

Parcel ID: 31250000 FRANCES/KRYSTIN BRANN/SCHELLER BRANN, FRANCES & SCHELLER, KRYSTINA 2116 SAWMILL CREEK RU SITKA AK 99835 Parcel ID: 31110000 JAMES/TERRI DIGENNARO DIGENNARO, JAMES, IL/TERRI, D. 101 RANDS DR SITKA AK 99835

> Parcel ID: 31200002 BARTH HAMBERG HAMBERG, BARTH 500 LINCOLN ST, #B5 SITKA AK 99835

Parcel ID: 31225000 DAVHJ/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835



#### Parcel ID; 31101000 SANDRA BEARE-SPENCER BEARE-SPENCER, SANDRA, E. P.O. BOX 95 SITKA AK 99835-0095

Parcel ID: 31125003 MARY HAMBERG HAMBERG , MARY ALICE 206 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31200003 PHILLIP/GALE BROWNELL TRUST BROWNELL TRUST, PHILLIP & GALE 955 MCFARLANE AVE SEBASTOPOL CA 95472

Parcel ID: 31235002 STEVEN/ANDREA REIFENSTUHL/THOMAS REIFENSTUHL, STEVEN/THOMAS, ANDREA 218 SHOTGUN ALLEY SITKA AK 99835 Parcel ID: 31105000 PATRICK/MARTHA BARKER BARKER, SR. PATRICK/MARTHA 204 SHOTGUN ALLEY SIFKA AK 99835-9729

Parcel ID: 31200001 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31215000 CHURCH OF J.C. LATTER DAY SAINTS ALASKA PM GROUP CHURCH OF J.C. LATTER DAY SAINTS P.O. BOX 771185 EAGLE RIVER AK 99577

Parcel ID: 31250000 FRANCES/KRYSTIN BRANN/SCHELLER BRANN, FRANCES & SCHELLER, KRYSTINA 2116 SAWMILL CREEK RD SITKA AK 99835

# **Attachment N**

Parcel ID: 31110000 JAMES/TERRI DIGENNARO DIGENNARO, JAMES, H./TERRI, D. 101 RANDS DR SITKA AK 99835

> Parcel ID: 31200002 BARTH HAMBERG HAMBERG, BARTH 500 LINCOLN ST, #B5 SITKA AK 99835

Parcel ID: 31225000 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835

### Barth Hamberg Minor Subdivision

211 Shotgun Alley

P&Z Mailing August 5, 2016 Parcel ID: 31101000 SANDRA BEARE-SPENCER BEARE-SPENCER, SANDRA, E. P.O. BOX 95 SITKA AK 99835-0095

Parcel ID: 31125003 MARY HAMBERG HAMBERG, MARY ALICE 206 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31200003 PHILLIP/GALE BROWNELL TRUST BROWNELL TRUST, PHILLIP & GALE 955 MCFARLANE AVE SEBASTOPOL CA 95472

Parcel ID: 31235002 STEVEN/ANDREA REIFENSTUHL/THOMAS REIFENSTUHL, STEVEN/THOMAS, ANDREA 218 SHOTGUN ALLEY SITKA AK 99835 Parcel 1D: 31105000 PATRICK/MARTHA BARKER BARKER, SR. PATRICK/MARTHA 204 SHOTGUN ALLEY SITKA AK 99835-9729

Parcel ID: 31200001 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31215000 CHURCH OF J.C. LATTER DAY SAINTS ALASKA PM GROUP CHURCH OF J.C. LATTER DAY SAINTS P.O. BOX 771185 EAGLE RIVER AK 99577

Parcel ID: 31250000 FRANCES/KRYSTIN BUDYNGE/SCHELLER BUDYNGE, FRANCES & SCHELLER, K. 3875 GEIST RD, E218 FAIRBANKS AK 99709

# Attachment N

Parcel ID: 31110000 JAMES/TERRI DIGENNARO DIGENNARO, JAMES, 1L/TERRI, D. 101 RANDS DR SITKA AK 99835

> Parcel ID: 31200002 BARTH HAMBERG HAMBERG, BARTH 500 LINCOLN ST, #B5 SITKA AK 99835

Parcel ID: 31225000 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835

# P&Z Mailing July 12, 2016

# **Barth Hamberg**

Minor Subdivision 211 Shotgun Aley'

#### Parcel ID: 31101000 SANDRA BEARE-SPENCER BEARE-SPENCER, SANDRA, E. P.O. BOX 95 SITKA AK 99835-0095

Parcel ID: 31125003 MARY HAMBERG HAMBERG , MARY ALICE 206 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31200003 PHILLIP/GALE BROWNELL TRUST BROWNELL TRUST, PHILLIP & GALE 955 MCFARLANE AVE SEBASTOPOL CA 95472

Parcel ID: 31235002 STEVEN/ANDREA REIFENSTUHL/THOMAS REIFENSTUHL, STEVEN/THOMAS, ANDREA 218 SHOTGUN ALLEY SITKA AK 99835 Parcel ID: 31105000 PATRICK/MARTHA BARKER BARKER, SR. PATRICK/MARTHA 204 SHOTGUN ALLEY SITKA AK 99835-9729

Parcel ID: 31200001 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31215000 CHURCH OF J.C. LATTER DAY SAINTS ALASKA PM GROUP CHURCH OF J.C. LATTER DAY SAINTS P.O. BOX 771185 EAGLE RIVER AK 99577

Parcel ID: 31250000 FRANCES/KRYSTIN BUDYNGE/SCHELLER BUDYNGE, FRANCES & SCHELLER, K. 3875 GEIST RD, E218 FAIRBANKS AK 99709

# Attachment N

Parcel ID: 31110000 JAMES/TERRI DIGENNARO DIGENNARO, JAMES, H./TERRI, D. 101 RANDS DR SITKA AK 99835

> Parcel ID: 31200002 BARTH HAMBERG HAMBERG, BARTH 500 LINCOLN ST, #B5 SITKA AK 99835

Parcel ID: 31225000 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SPIKA AK 99835



### **Barth Hamberg**

Parcel ID: 31101000 SANDRA BEARE-SPENCER BEARE-SPENCER, SANDRA, E. P.O. BOX 95 SITKA AK 99835-0095

Parcel ID: 31125003 MARY HAMBERG HAMBERG, MARY ALICE 206 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31200003 PHILLIP/GALE BROWNELL TRUST BROWNELL TRUST, PHILLIP & GALE 955 MCFARLANE AVE SEBASTOPOL CA 95472

Parcel ID: 31235002 STEVEN/ANDREA REIFENSTUHL/THOMAS REIFENSTUHL, STEVEN/THOMAS, ANDREA 218 SHOTGUN ALLEY SITKA AK 99835 Parcel ID: 31105000 PATRICK/MARTHA BARKER BARKER, SR. PATRICK/MARTHA 204 SHOTGUN ALLEY SITKA AK 99835-9729

Parcel ID: 31200001 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGUN ALLEY SITKA AK 99835

Parcel ID: 31215000 CHURCH OF J.C. LATTER DAY SAINTS ALASKA PM GROUP CHURCH OF J.C. LATTER DAY SAINTS P.O. BOX 771185 EAGLE RIVER AK 99577

Parcel ID: 31250000 FRANCES/KRYSTIN BUDYNGE/SCHELLER BUDYNGE, FRANCES & SCHELLER, K. 3875 GEIST RD, E218 FAIRBANKS AK 99709

### Attachment N

Parcel ID: 31110000 JAMES/TERRI DIGENNARO DIGENNARO, JAMES, H./TERRI, D. 101 RANDS DR SITKA AK 99835

> Parcel ID: 31200002 BARTH HAMBERG HAMBERG, BARTH 500 LINCOLN ST, #B5 SITKA AK 99835

Parcel ID: 31225000 DAVID/LISA LUBIN/BUSCH LUBIN, DAVID & BUSCH, LISA 215 SHOTGON ALLEY SHTKA AK 99835

# P&Z Mailing March 4, 2016

## Barth Hamberg

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

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| Date:<br>Receipt:<br>Cashier:<br>Received | From : | 02/29/2016<br>2016-00043627<br>Front Counter |
|---|--------|--|
| Received                                  | From;  | BARTH HAMBERG                                |

| PLAN - Planning<br>ning | Permits/Zo                               |      |
|-------------------------|--|------|
| ST1 - Sales Tax :       | lst quarte 5                             | 0.00 |
|                         |  | 2.50 |
| Receipt Total           | ς.                                       | 2.50 |
| Total Check             |  |      |
|                         | 5.                                       | 2.50 |
| Total Remitted          | 52                                       | 2.50 |
| Total Received          | and the loss part and the second test in |      |
|                         | 52                                       | 2.50 |

Barth Hamberg Minor Subdivision Request 211 Shotgun Alley