



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: February 16, 2017

From: Staff

To: Planning Commission

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

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### GENERAL INFORMATION

Applicant: Ptarmica McConnell, Shee Atika Holdings Alice Island, LLC

Property Owner: Shee Atika Holdings Alice Island, LLC

Property Address: 800 Alice Loop

Legal Description: Lot 16 Ethel Staton Subdivision

Parcel ID Number: 19012016

Size of Existing Lot: 110,176 s.f. (2.529 acres)

Zoning: Waterfront District

Existing Land Use: Undeveloped/Vacant

Utilities: Existing with some upgrade

Access: Direct off Alice Loop

Surrounding Land Use: residential, commercial, undeveloped, harbor

### MEETING FLOW

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

## **ATTACHMENTS**

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

## **Update Since Preliminary Plat**

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

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

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

## **BACKGROUND**

**Prior Plats/Subdivision:** Alice Loop has gone through prior subdivision and Planned Unit Development via 4 plats: 1) The Alice & Charcoal Island Subdivision (Plat 2001-20); 2) the Ethel Staton Subdivision (Plat 2007-23); 3) The Sealing Cove Subdivision (Plat 2011-1); and 4) The William Paul Subdivision (Plat 2015-9).

**Land use summary:** The area is currently being developed along the Waterfront District into residential homes, commercial property, and soon to be developed property. Additionally, Sealing Cove Business Center currently utilizes adjacent land for commercial purposes that has been reutilized from its prior use as Mt. Edgecumbe Elementary School. There is also existing vacant land available for immediate development.

In the area, there is a mix of Waterfront District (WD) and Public Land District zoned property; Within the Waterfront District, there is a commercial building located at 415 Alice Loop with a mix of uses. To the northwest, is a commercial building located at 413 Alice Loop that currently contains radio towers and radio dish with AT&T logos on the equipment (major cell provider of the area). Adjacent to this parcel is more land zoned WD that developed into a commercial building to serve marine business. Around Alice Loop is land zoned WD, developed and held in ownership by Shee Atika Holdings Alice Island, LLC and various individual owners. There are 11 residential single-family homes on lots on the exterior of Alice Loop (several currently completing interior finishing); and 5 attached condominiums. There are several vacant lots ready for further development within the Alice Loop Development. There is the Sealing Cove Business Center located at 601 Alice Loop, which contains tenants that include Eagle Quest Ministries, the Transportation Security Administration, and also was utilized by CBS for meetings until Centennial Hall is completed. It is the former



Mt. Edgecumbe Elementary School. Above 415 Alice Loop is Sealing Cove Boat Harbor located within the Public Land District zone (P), served by two parking lots and one boat launch ramp accessed off of Airport Road. To the west, is land also zoned Public Lands District. Immediately adjacent is land within that zone utilized by the Department of Transportation and owned by the State. Over one lot toward the west is land utilized and owned by the City and Borough of Sitka for a Water Treatment Facility.

**Historic Preservation Commission Review required:** All end-user development that requires a building permit will be required to go in front of the Historic Preservation Committee prior to approval of the building permit to receive recommendations pertaining to the development.

**Past rezone request:** There was a recent request to rezone the area to a form of residential zoning that did not succeed.

**CCRs for most surrounding lots:** the 16 lots associated with the Ethel Staton Subdivision are subject to recorded conditions, reservations, and restrictions (2011 CCRs)<sup>1</sup>; and Lots 1-5 of the Alice & Charcoal Island Subdivision are subject to restrictive use CCRs (2001 CCRs)<sup>2</sup>. To sum, those CCRs restrict Lots 1-5 of the Alice and Charcoal Island Subdivision and Lots 1-15 of the Ethel Station Subdivision to residential uses and the CCRs do not restrict lot 16 (800 Alice Loop) of the Ethel Staton Subdivision to such residential use.

**Waterfront Zoning District:** In general, per code, “Many of the permitted and conditional uses in the ... WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the ... WD districts must be aware of and accepting of all the permitted uses in these districts.” [Edited for brevity]<sup>3</sup>

Further code directs that “the **Waterfront District is intended to be applied to lands** with direct access or **close-proximity** to navigable tidal waters within the urban areas of the city and borough. Uses are intended whenever possible to be water-dependent or water-related with particular emphasis on commerce, tourism, commercial or industrial enterprises which derive major economic or social benefit from a waterfront location”<sup>4</sup> (emphasis added). Here, specifically 800 Alice Loop, is in close-proximity to tidal waters and significant features and facilities that support water dependent and water-related uses for commerce, tourism, and industrial enterprise exemplified by the Sealing Cove Harbor and surrounding business that cater to that industry and commerce. There is also a reference in the Coastal Management Plan that indicates residential use is not the preferred use for WD.

## **PROJECT DESCRIPTION**

The final plat proposal (Charlie Joseph Subdivision) is to subdivide Lot 16 (2.529 acres or 110,176 s.f.) of the Ethel Staton Subdivision into an eleven lot major subdivision (known as Alice Loop Subdivision). The 11 lots would range in gross size from **7,996 sf to 12,170 sf**. The net sizes of those lots is in excess of the required 6,000 sf as required by Tables 22.20-1. Lot 10, which is 9,165 gross square feet, is still 7,869 net sf if you consider the parking areas as not apart of the total lot area.

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

A. Pre-application;

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

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

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

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

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

### **Comprehensive Plan:**

The proposal is consistent with the Comprehensive Plan Sections:

- 2.6.1. To facilitate the availability of adequate land zoned for residential, commercial, industrial and waterfront development; and
- 2.6.2. To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas

This proposed major subdivision final plat would provide adequate land for waterfront development.

### **Conformity with Subdivision Code**

#### **Easements:**

According to Sitka General Code 21.40.030.A, the municipality shall be a party to all easements. A plat note regarding the easements should be added to the preliminary and final plat.

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

#### **Final Plat Submission Requirements**

Please note: SGC 21.32.160 Major Subdivision – Final Plat submission requirements states, “The plat shall comply with the development and design standards contained in this title...” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC section 21.40.160, Required Monumentation – Final Plat Monuments. While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

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

### **FINDINGS:**

Staff recommends the following findings:

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

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



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

### **RECOMMENDATION**

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

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

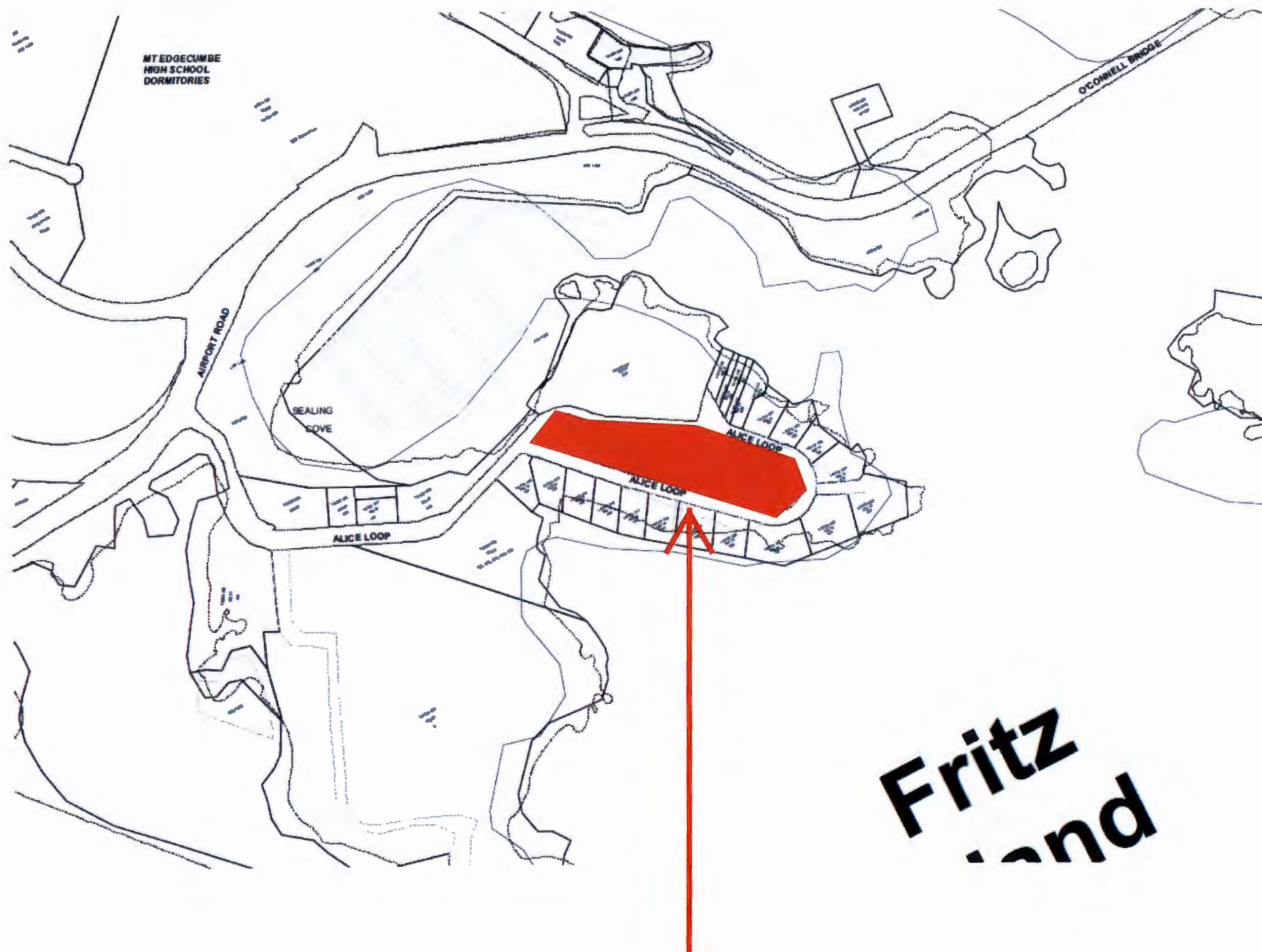
1) **I move to find that:**

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

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

a. Conditions of Approval:

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





# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT GENERAL APPLICATION FORM

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

### APPLICATION FOR:

☐ VARIANCE☐ CONDITIONAL USE☐ ZONING AMENDMENT☒ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Consideration of Alice Loop major Subdivision including utility Plan. Lot 16 of Ethel Staton Subdivision.

### PROPERTY INFORMATION:

CURRENT ZONING: WD PROPOSED ZONING (if applicable): n/a

CURRENT LAND USE(S): n/a PROPOSED LAND USES (if changing): n/a

### APPLICANT INFORMATION:

PROPERTY OWNER: Shee Atika Holdings Alice Island, LLC

PROPERTY OWNER ADDRESS: 315 Lincoln St., Ste. 300, Sitka AK 99835

STREET ADDRESS OF PROPERTY: "

APPLICANT'S NAME: Ptarmica McConnell

MAILING ADDRESS: 315 Lincoln St., Ste. 300

EMAIL ADDRESS: ptarmica@sheeatika.com DAYTIME PHONE: 907-747-3534

### PROPERTY LEGAL DESCRIPTION:

TAX ID: 92-0045953 LOT: 16 BLOCK: n/a TRACT: n/a

SUBDIVISION: Ethel Staton Subdivision US SURVEY:   
Plat 2007-23

### OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	



# **CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT SHEE ATKA HOLDINGS ALICE ISLAND, LLC IS THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

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

## **NOTARY'S ACKNOWLEDGMENT**

U.S. OF AMERICA  
STATE OF ALASKA  
CITY AND BOROUGH OF SITKA

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

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

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

## **CERTIFICATE OF PAYMENT OF TAXES (FIRST JUDICIAL DISTRICTS)**

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

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR \_\_\_\_\_ WILL BE DUE ON OR BEFORE AUGUST 15, 20\_\_\_\_ DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_

ASSESSOR CITY AND BOROUGH OF SITKA

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

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

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

SECRETARY

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

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

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

ATTEST:

CITY CLERK

## **PLAT NOTES**

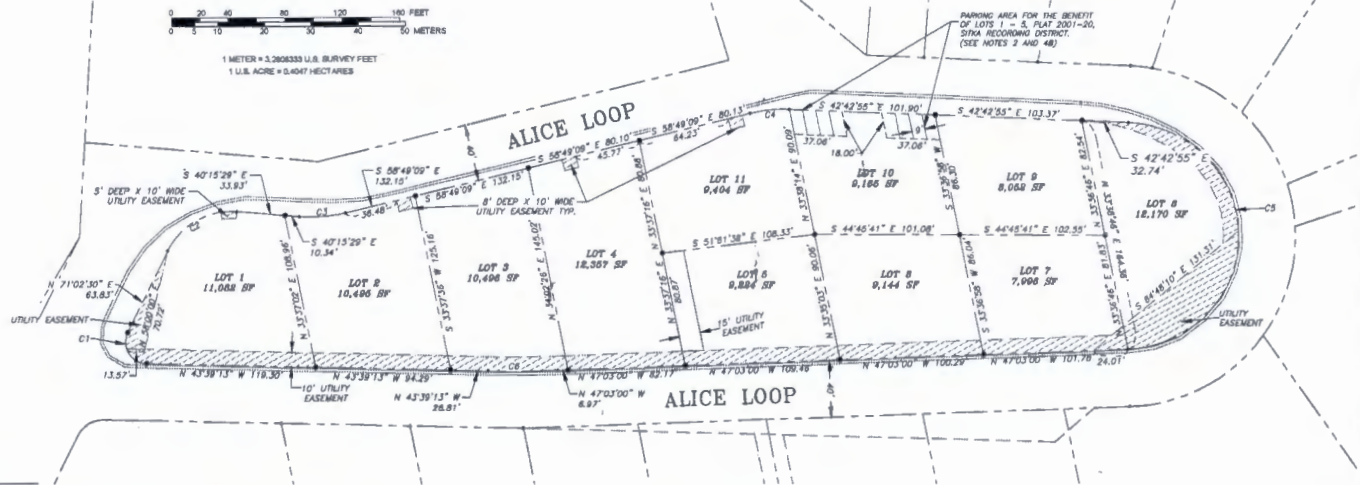
- 1) PURPOSE - THE PURPOSE OF THIS PLAT IS TO SUB-DIVIDE LOT 16 OF THE ETHEL STATION SUBDIVISION PLAT #2007-23 SITKA RECORDING DISTRICT.
- 2) THE AREA DESIGNATED WITHIN LOT 10 OF THIS PLAT AS "PARKING AREA" IS HEREBY DEDICATED IN PERPETUITY AS-TO, WHERE-IS, WITH ALL DEFECTS, KNOWN AND UNKNOWN, TO PROVIDE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

## **LOT EASEMENT AREA TABLE**

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

SCALE 1"=40'

THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING



## **LEGEND**

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

## **CURVE DATA TABLE**

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

## **SURVEYOR'S CERTIFICATE**

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

DATE \_\_\_\_\_

REGISTERED-C. PHILIP L.S. 107052



## **SITKA RECORDING DISTRICT**

No.	Date	Description

**PK&M**  
R&M Engineering & Surveying, Inc.  
315 Catherine Lake Road  
Fairbanks, AK 99701  
Phone: (907) 225-5671  
Fax: (907) 225-5441

**CRAND OPERATIONS**  
P.O. BOX 1375  
FAIRBANKS, AK 99701  
Phone: (907) 626-2244  
Fax: (907) 225-5441

## **ALICE LOOP SUBDIVISION**

SUBDIVIDING LOT 16 OF THE ETHEL STATION SUBDIVISION

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

DATE: 1/31/17 DRAWN BY: RKB JOB NO: 162140  
SCALE: 1"=40' APPROVED BY: C.P.L. SHEET 1 OF 1



RECORD THIS INSTRUMENT IN THE SITKA RECORDING DISTRICT

INDEX THIS INSTRUMENT AS FOLLOWS:

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

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

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

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

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

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

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

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

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

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



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

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



3.46 Commercial winery or brewery of any scale.

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

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

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

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

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

- 6 -



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

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

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

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

10/9/07  
DATE \_\_\_\_\_  
*[Signature]*  
PRESIDENT & CEO  
SURETICA, INC./ORINTEO

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

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

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

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

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

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

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

James A. Cook  
ASSISTANT, CITY AND BUREAU OF STICKS

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 20-10 DATED 20, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE. EX-OFFICIO RECORDING SITKA, ALASKA.

DATE 10/12/2007 [Signature]  
BY [Signature] SPECIAL AGENT IN CHARGE

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

DATE 10-9-7 MAYOR MLK CITY AND BOROUGH CLERK 

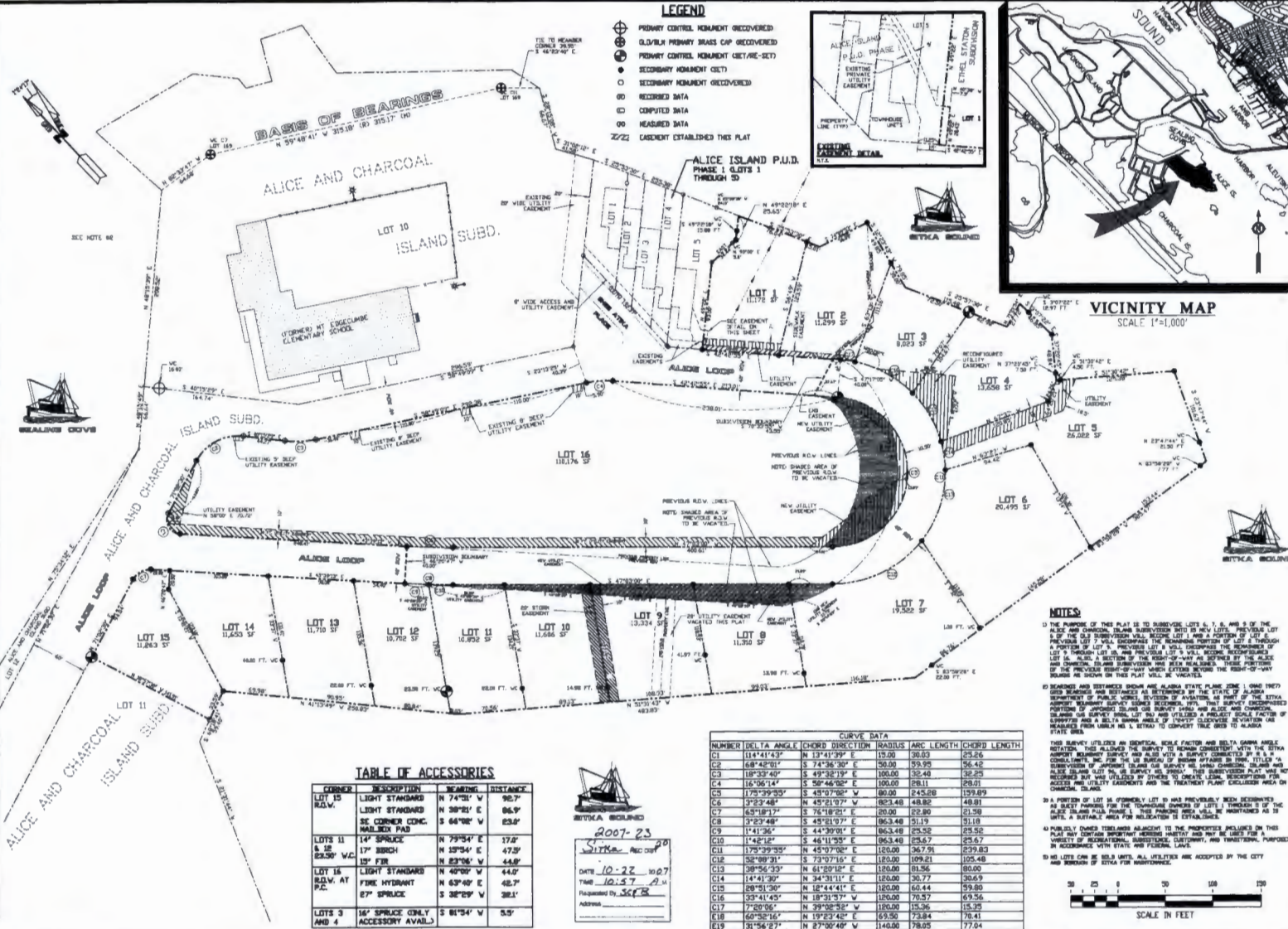
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF: Sheep Atika Inc.

DATED THIS 22<sup>nd</sup> DAY OF October  
20 11 AT SETKA, ALASKA

FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

## SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835  
PHONE: (907) 747-6700  
FAX: (907) 747-7599  
EMAIL: [csnell@seawack.net](mailto:csnell@seawack.net)



CORNER	DESCRIPTION	MEASURING	DISTANCE
LOT 15 R.O.V.	LIGHT STANDARDS	N 74°31' W	90.7'
	LIGHT STANDARDS	N 38°21' E	86.9'
	3E CORNER CONC. MAILBOX PAD	S 64°08' W	83.6'
LOTS 11 & 12 E3300' VC	1" SPRUCE	N 79°54' E	17.6'
	17" FIR	N 15°34' E	47.25'
	15' SPRUCE	N 23°06' W	44.8'
LOT 16 R.O.V. AT P.C.	LIGHT STANDARDS	N 40°00' W	44.0'
	70BK HYDRANT	N 63°40' E	48.7'
	27" SPRUCE	S 32°29' W	38.1'
LOTS 3 AND 4	16" SPRUCE ONLY ACCESSORY AVAILABLE	S 81°54' W	5.5'

CURVE DATA						
NUMBER	DELTA ANG.	CHORD DISTANCE	RADIUS	ARC LENGTH	CHORD LENGTH	
C1	11°41'43"	N 13°41'39" E	150.00	30.00	25.26	
C2	68°42'42"	S 73°46'38" W	100.00	59.95	56.46	
C3	18°32'33"	N 18°32'33" E	120.00	32.44	21.99	
C4	16°06'14"	S 50°46'02" E	100.00	18.11	28.01	
C5	17°39'39"	S 47°03'08" W	100.00	24.88	139.89	
C6	7°22'48"	N 45°21'07" W	100.00	18.48	48.82	
C7	64°41'17"	S 73°46'38" W	100.00	59.95	56.46	
C8	3°23'48"	S 82°23'48" E	100.00	4.41	48.81	
C9	141°36'25"	S 44°49'00" E	100.00	48.25	25.87	
C10	44°28'24"	S 48°11'25" E	100.00	25.87	25.87	
C11	178°39'39"	S 47°03'08" W	100.00	24.88	139.89	
C12	58°08'31"	N 67°07'16" E	120.00	32.44	105.48	
C13	38°56'33"	N 73°16'16" E	120.00	32.44	105.48	
C14	174°14'30"	N 38°56'33" E	120.00	32.44	105.48	
C15	18°32'33"	N 18°32'33" E	120.00	32.44	59.80	
C16	33°41'45"	N 18°31'37" E	120.00	70.57	69.56	
C17	7°20'56"	N 39°08'52" E	120.00	15.36	15.23	
C18	18°32'33"	N 18°32'33" E	120.00	32.44	78.41	
C19	8°25'46"	S 73°46'38" W	120.00	32.44	72.04	

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN ADAMS-SMITH, 8037, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

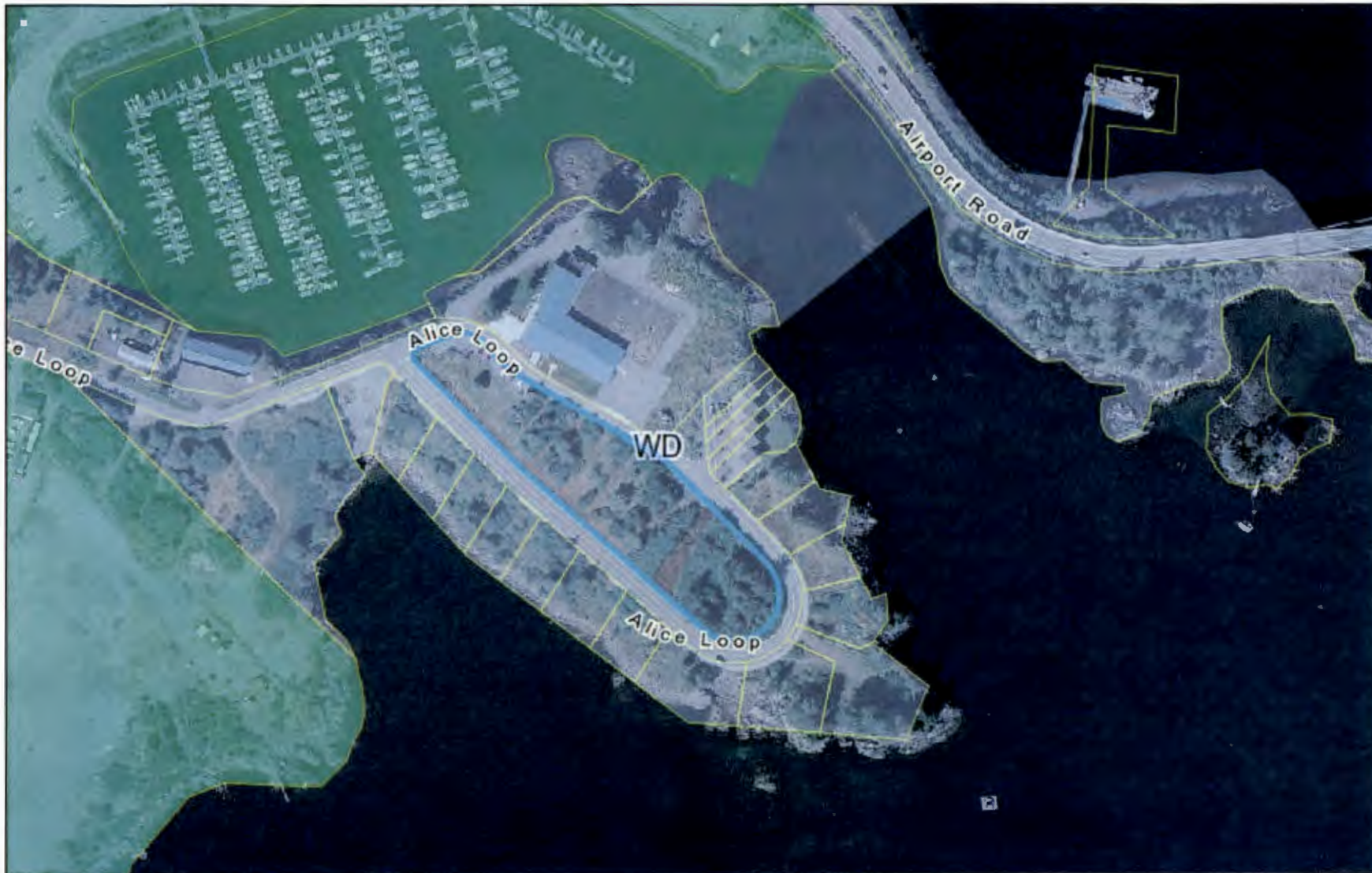
DATE: 10/5/07 Patricia K. O'Neill  
PATRICK K O'NEILL LS 6304

### ETHEL STATON SUBDIVISION

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

CLIENT: SHEE ATIKA INC.





## City & Borough of Sitka, Alaska

**Selected Parcel: 800 ALICE ID: 19012016**

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m  
200 ft



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

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

**QUIT CLAIM DEED**

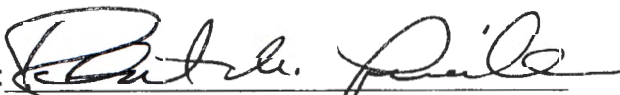
THE GRANTOR Shee Atika, Incorporated, a corporation organized under the laws of Alaska, 315 Lincoln Street, Suite 300, Sitka, Alaska 99835, does hereby convey and quitclaim to the GRANTEE Shee Atika Holdings Alice Island, LLC, a limited liability company organized under the laws of Alaska, 315 Lincoln Street, Suite 300, Sitka, Alaska 99835, the real estate including all improvements thereon (the "Property") situated in the Sitka Recording District, First Judicial District, State of Alaska and legally described as follows:

Lots 1 through 16 of the Ethel Staton Subdivision, according to the official plat thereof, filed under Plat Number 2007 - 23, recorded October 22, 2007 in the records of Sitka Recording District, First Judicial District, State of Alaska.

This conveyance is made for good and valuable consideration, receipt and sufficiency of which are hereby acknowledged. Without in any sense intending to alter the status of this instrument as a statutory quit claim deed under AS 34.15.040, the Property conveyed hereunder is expressly conveyed by Grantor and accepted by Grantee AS IS, WHERE IS, in its present condition and subject to all defects, known and unknown, and without any warranties of whatsoever nature, express or implied, it being the intention of Grantor and Grantee expressly to negate and exclude all warranties.

DATED this 5<sup>TH</sup> day of November 2007.

SHEE ATIKA HOLDINGS ALICE ISLAND, LLC

By:   
Robert G. Loiselle, President/CEO

State of Alaska

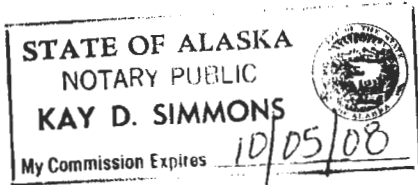
)

)ss.

## First Judicial District

)

THIS IS TO CERTIFY that on this 5<sup>th</sup> day of November, 2007, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Robert G. Loiselle, the President/CEO of Shee Atika, Incorporated, a corporation organized and existing under the laws of the State of Alaska, to me known and known to me to be the President/CEO of said corporation, and acknowledged to me that he signed the foregoing instrument freely and voluntarily for and on behalf of said corporation by authority of its Board of Directors for the uses and purposes therein mentioned.



Notary Public  
My Commission Expires: 10/05/08

647015

WHEN RECORDED,  
RETURN TO:

Robert G. Loiselle  
President/CEO  
Shee Atika Holdings Alice Island, LLC  
315 Lincoln Street, #300  
Sitka, AK 99835





Parcel ID: 19000001  
SHEE ATIKA HOLDINGS ALICE ISLAND  
LL  
(OLD MT. EDGE ELEM)  
SHEE ATIKA HOLDINGS ALICE  
ISLAND, LLC  
315 LINCOLN ST, #300  
SITKA AK 99835

Parcel ID: 19006000  
BRYAN/GERALDINE JONES  
JONES, BRYAN & GERALDINE  
2821 LEEWARD PLACE  
ANCHORAGE AK 99516

Parcel ID: 19012001  
TRAVIS/PATTI HUDSON FAMILY  
TRUST  
HUDSON FAMILY TRUST, TRAVIS &  
PATTI  
701 ALICE LOOP  
SITKA AK 99835

Parcel ID: 19012004  
CHARLES/GRACE MORGAN/BROOKS  
MORGAN, CHARLES & BROOKS,  
GRACE  
713 ALICE LOOP  
SITKA AK 99835-9450

Parcel ID: 19012007  
ATKINSON FAMILY TRUST  
ATKINSON FAMILY TRUST  
12800 CENTER COURT DR, STE 300  
CERRITOS CA 90703

Parcel ID: 19012010  
BARBARA/STEPHEN MORSE  
MORSE, BARBARA/STEPHEN  
314 TILSON ST  
SITKA AK 99835

Parcel ID: 19012013  
GERALD/MARY HELEM REVOCABLE  
TRUST  
HELEM REV. TRUST, GERALD & MARY  
P.O. BOX 1811  
SITKA AK 99835-1811

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

Parcel ID: 19002000  
MARGARET STANFORD  
STANFORD, MARGARET, SUSAN  
663 ALICE LOOP  
SITKA AK 99835

Parcel ID: 19008000  
GORDON/EILEEN HARANG  
HARANG, GORDON, S./EILEEN, K.  
1517 SAWMILL CREEK RD  
SITKA AK 99835

Parcel ID: 19012002  
RUSSELL/LYNNE BRANDON  
BRANDON, LYNNE & RUSSELL  
705 ALICE LOOP  
SITKA AK 99835

Parcel ID: 19012005  
JAMES/JILL DANIELS  
DANIELS, JAMES & JILL  
P.O. BOX 707  
PELICAN AK 99832-0707

Parcel ID: 19012008  
SCOTT/JEAN SEATON  
SEATON, SCOTT & JEAN  
P.O. BOX 243  
GARDINER MT 59030-0243

Parcel ID: 19012011  
TRAVIS/JENNIFER PETERSON  
PETERSON, TRAVIS & JENNIFER  
P.O. BOX 2312  
SITKA AK 99835-2312

Parcel ID: 19012014  
CAPRICE/RONALD PRATT  
PRATT, CAPRICE & RONALD  
753 ALICE LOOP  
SITKA AK 99835

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

Parcel ID: 19004000  
SEATTLE BOX COMPANY  
SEATTLE BOX COMPANY  
23400 71ST PLACE SOUTH  
KENT WA 98032-2994

Parcel ID: 19010000  
SITKA MAKAI, LLC  
SITKA MAKAI, LLC  
107-A TOIVO CIRCLE  
SITKA AK 99835

Parcel ID: 19012003  
RICHARD/DEBORAH DOLAND  
DOLAND, RICHARD & DEBORAH  
P.O. BOX 1714  
SITKA AK 99835-1714

Parcel ID: 19012006  
ROBERT/KIMBERLY HUNTER  
HUNTER, ROBERT & KIMBERLEY  
721 ALICE LOOP  
SITKA AK 99835-9450

Parcel ID: 19012009  
TOBY/NORMAN CAMPBELL  
CAMPBELL, TOBY & NORMAN  
106 RANDS DR  
SITKA AK 99835

Parcel ID: 19012012  
PAUL HAAVIG  
HAAVIG, PAUL  
745 ALICE LOOP  
SITKA AK 99835

Parcel ID: 19012015  
ERIC/JYNAL RADZIUKINAS  
RADZIUKINAS, ERIC & JYNAL  
800 HALIBUT POINT RD, APT 1  
SITKA AK 99835

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

P&Z Mailing  
February 10, 2017