



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

Date: February 7, 2017

To: Planning Commission

From: PCDD Staff

Re: CU 17-02 Conditional Use Permit for STR at 2703 Halibut Point Road

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### GENERAL INFORMATION

Applicant: Owen and Beth Kindig

Property Owner: Don and Sharon Byrd (lot)  
Owen and Beth Kindig (structure)

Property Address: 2703 Halibut Point Road

Legal Description: Lot 2 Byrd Subdivision

Parcel ID Number: 2-5415-020

Size of Existing Lot: 8969 square feet

Zoning: R-2 MHP

Existing Land Use: Residential

Utilities: Full city services

Access: Halibut Point Road Road

Surrounding Land Use: Residential

### MEETING FLOW

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

### ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Site Plan

Attachment E: Floor Plan

Attachment F: Subdivision Plat

Attachment G: Parcel Pictures

Attachment H: Application

Attachment I: Flood Zone Map  
Attachment J: Mailing List  
Attachment K: Proof of Payment  
Attachment L: Warranty Deed

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental of a manufactured home at 2703 Halibut Point Road in the R-2 MHP multifamily and mobile home district. The property provides the required 4 parking spaces for 2 residential units. The proposed short-term rental unit has two bedrooms and one bath. The property is bounded by on two sides by residential properties, Halibut Point Road on the third side, and the ocean on the fourth side. This lot also contains a second manufactured home. Up to 3 principal uses are permitted in the R-2 MHP zone. The applicants intend to work with Sitka Travel to manage the property.

### ***22.16.060 R-2 MHP multifamily and mobile home district.***

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

## **ANALYSIS**

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

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

The property has a driveway that provides space in excess of the required 4 parking spaces for the property's two dwelling units. Renters may generate less traffic than long-term residents.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Renters can be known to create more noise due to being on vacation than typical families might. However, the provision of a rental overview and ability to address concerns adequately mitigate this.

**c. Odors to be generated by the use and their impacts:** No additional odors.

**d. Hours of operation:** When the owners are out of town.

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

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<sup>1</sup> § 22.24.010.E

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

**g. Effects on vehicular and pedestrian safety:** None identified that would be different than existing use or significant in impact.

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** No concerns.

**i. Logic of the internal traffic layout:** The property provides the required 4 parking spaces for two residences. Owner should provide renters with instruction on traffic circulation to avoid backing onto Halibut Point Road.

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

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** A driveway provides a buffer.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.6.2, which states, "To encourage commercial and industrial developments of a quality that does not adversely impact any adjacent recreational and residential areas;" and Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. The provision of a thorough rental overview can mitigate traffic and noise concerns. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.<sup>2</sup> This application conforms to the above sections by creating short-term transient housing.

**m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may increase long-term rental rates for the overall community.<sup>3</sup>

## **FINDINGS**

**C. Required Findings for Conditional Use Permits.** The planning commission shall not recommend approval of a proposed development unless it first makes the following findings and conclusions:<sup>4</sup>

<sup>2</sup> Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

<sup>3</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31

<sup>4</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

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

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

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;



3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

**Conclusion on Findings:** The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

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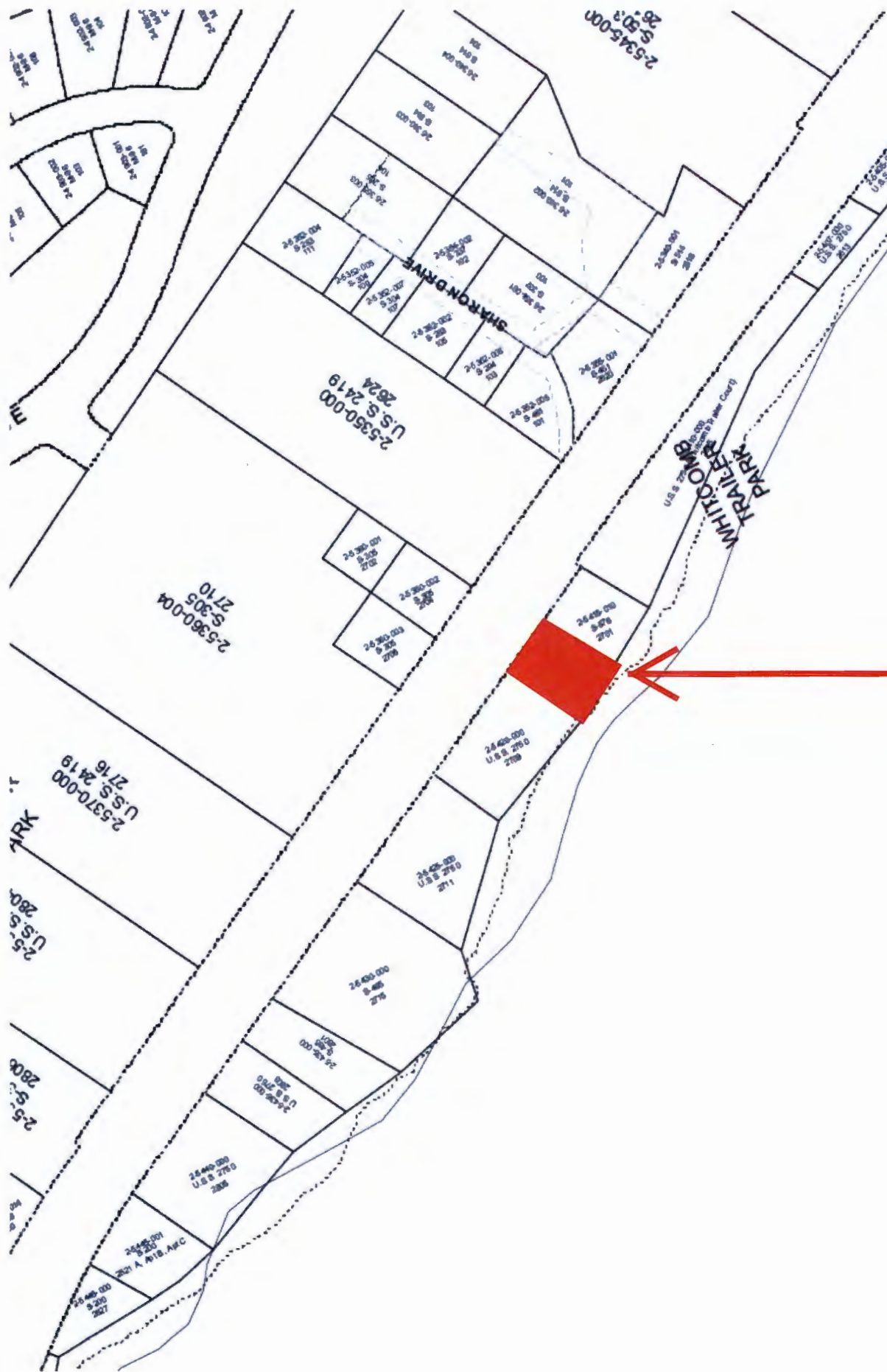
### **Recommended Motions:** (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 2703 Halibut Point Road subject to the attached conditions of approval. The property is also known as Lot 2 Byrd Subdivision. The request is filed by Owen and Beth Kindig. The owners of record are Don and Sharon Byrd.

#### Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.

4. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation. The report is due within thirty days following the end of the reporting period.
5. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties.
6. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
7. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
8. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
9. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.



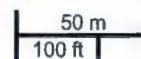




## City & Borough of Sitka, Alaska

**Selected Parcel: 2703 HALIBUT POINT ID: 25415020**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>



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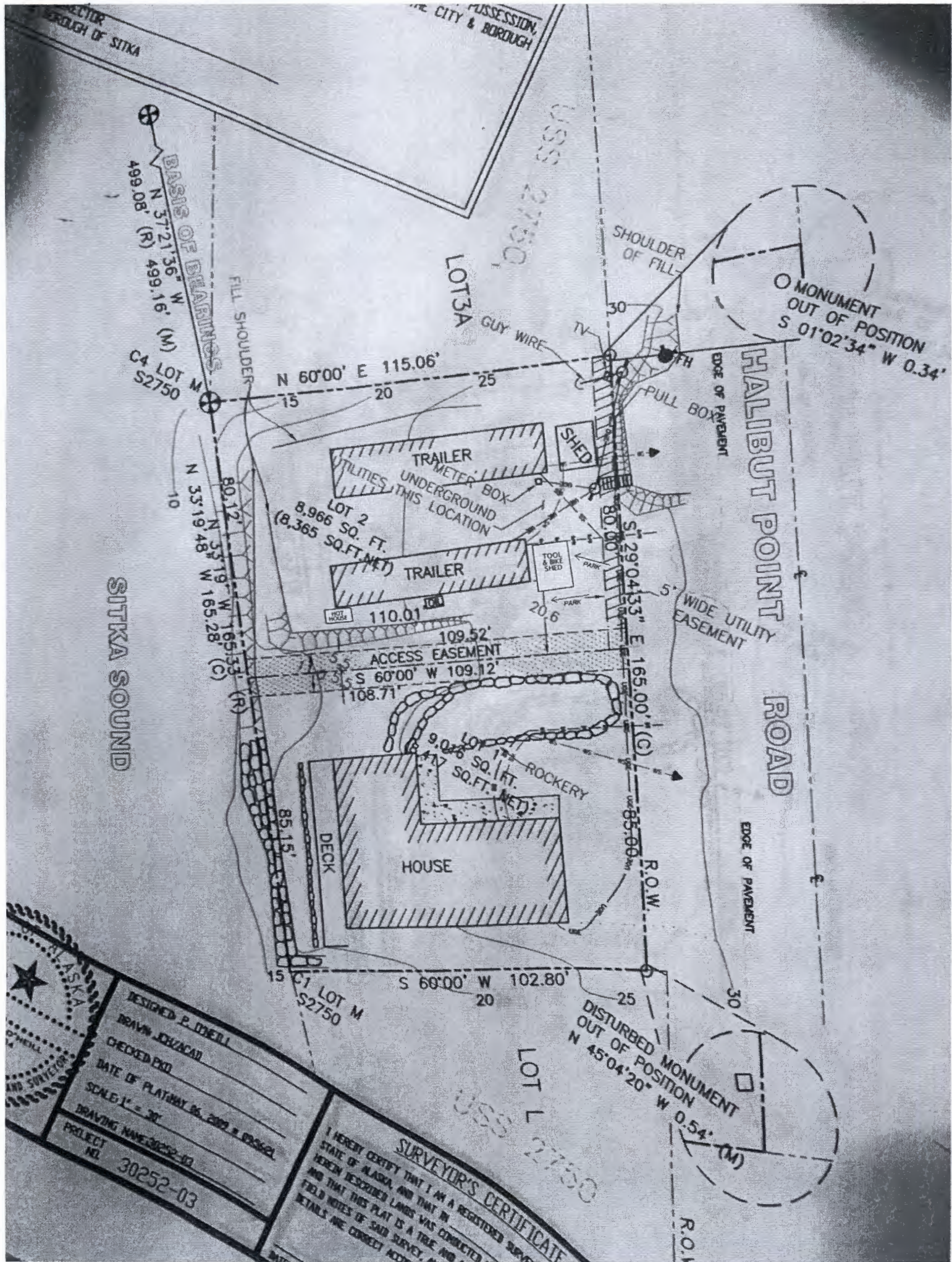
50 m  
100 ft



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

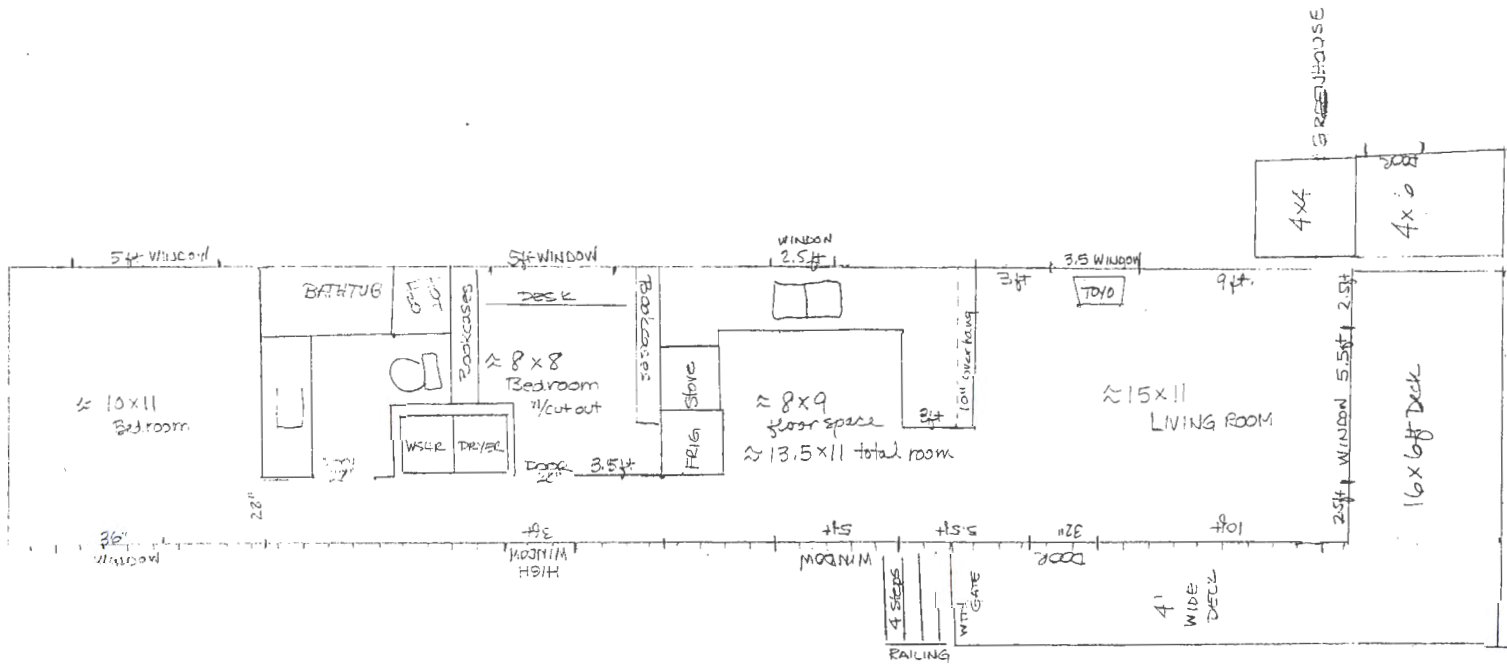
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A hand-drawn diagram of a rectangular room. The top wall is labeled "WINDOW". The bottom wall is labeled "DOOR". The left wall is labeled "8 x 12" and the right wall is labeled "SHED".


$$54.54 \text{ long} \times 11.7 \text{ wide}$$

OCEAN }



























## **Owen and Beth Kindig**

### **Private home “conditional use” as a vacation rental.**

We live in and own a home that is an ideal location for Sitka visitors to stay while on vacation. Our home at 2703 Halibut Point Rd, while modest, is clean, attractive, convenient (directly adjacent to bus stops) and has off-street parking for 1 or 2 cars.

In terms of desirability, it affords a wonderful view of Mt. Edgecumbe and the Kasiana islands, and offers convenient direct access to the rocks where the ocean rises and falls below our window and deck. Eagles and other birds, otters, sea lions and even the occasional whales can be seen from our house.

We have a neighbor on each side and they are very comfortable with our plan to use our home as a means of leveraging short term rentals for improving our economic condition and strengthening our retirement plans here in Sitka.

We expect the house to be desired by a vacationing individual or couple, and it would conveniently accommodate another person or two via a “hide-a-bed” in the living room.

We intend to work with Sitka Travel to manage the people and rental details.

Thanks for considering this request.

Sincerely,

Owen and Beth Kindig

View from our porch:





# 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:** Beth and Owen Kindig request a permit for conditional use short term rentals of our home at 2703 HPR. All our near neighbors approve, and we will work with a consultant to manage the rentals.

**PROPERTY INFORMATION:**

CURRENT ZONING: R2 MHP PROPOSED ZONING (if applicable): \_\_\_\_\_

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

### APPLICANT INFORMATION:

PROPERTY OWNER: Land: Don + Sharon Byrd Mobile Home: Owen + Beth Kindig

PROPERTY OWNER ADDRESS: 2701 Halibut Point Rd.

STREET ADDRESS OF PROPERTY: 2703 Halibut Point Rd.

APPLICANT'S NAME: Owen + Beth Kindig

MAILING ADDRESS: 2703 HPR

EMAIL ADDRESS: owen@okstoryteller.com DAYTIME PHONE: 907-623-0430

### PROPERTY LEGAL DESCRIPTION:

Building: 2-5415-021-000-0000 Plat # 2009-13  
TAX ID: 2-5415-020-000-0000 LOT: M U S S 2750 BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: Byrd (2) US SURVEY: \_\_\_\_\_

### OFFICE USE ONLY

COMPLETED APPLICATION	✓	SITE PLAN	
NARRATIVE	✓	CURRENT PLAT - we will help w/ the plat.	
FEE		PARKING PLAN - will need 2 spaces	

- Shown on site a Plat

## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

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

### For Conditional Use Permit:

- ☒ Parking Plan site plan
- ☒ Interior Layout

### For Plat/Subdivision:

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

### If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

## CERTIFICATION:

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

Owner

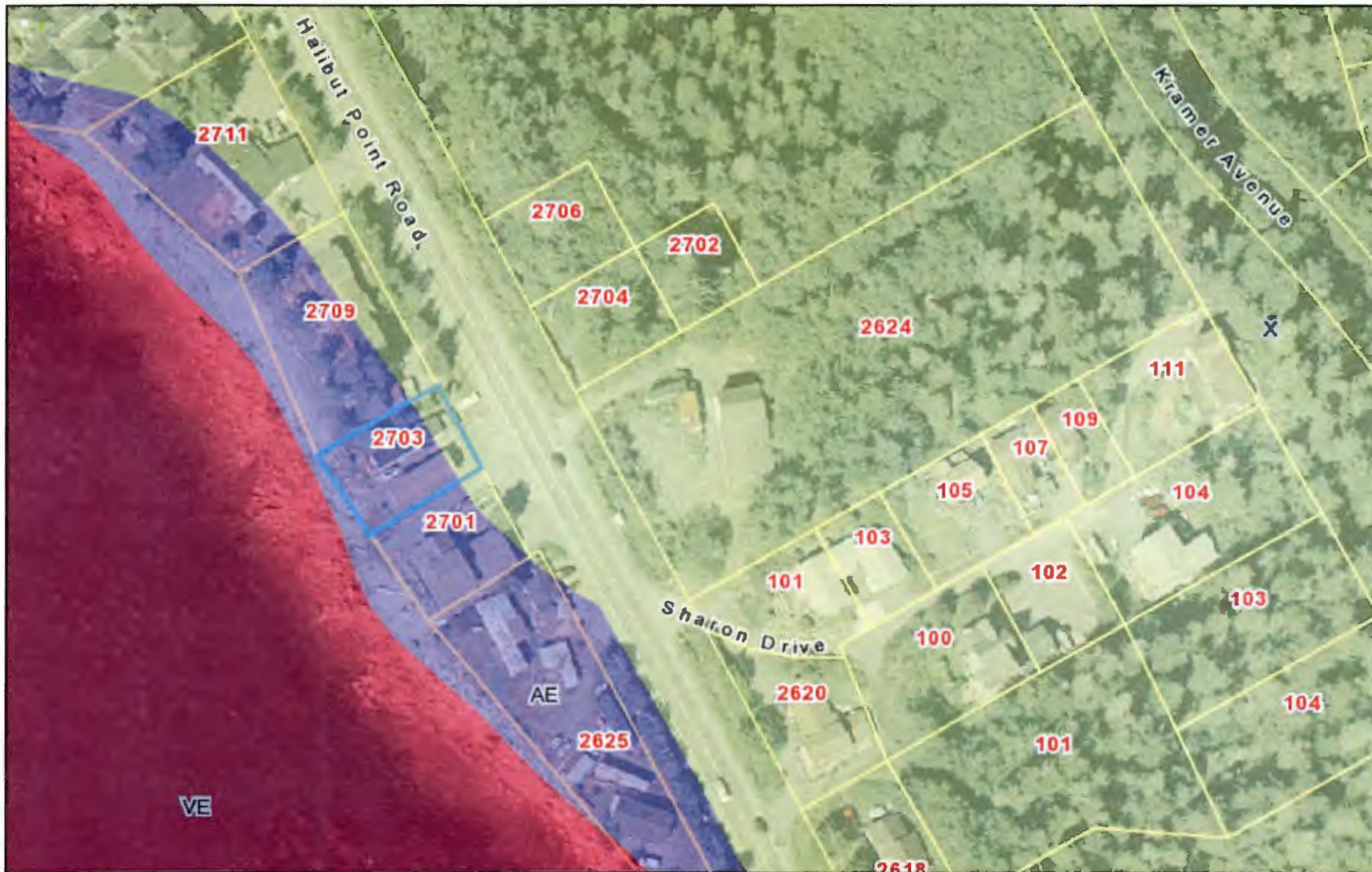
Date

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

Applicant (If different than owner)

Date





## City & Borough of Sitka, Alaska

**Selected Parcel: 2703 HALIBUT POINT ID: 25415020**

Printed 1/27/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m  
100 ft



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[www.mainstreetgis.com](http://www.mainstreetgis.com)

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Parcel ID: 25350000  
BRUCE/BETTY JO WHITCOMB  
WHITCOMB, BRUCE/P./BETTY JOE  
2624 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25355001  
DONNA INMAN  
INMAN, DONNA, M.  
2620-A HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25360003  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25415010  
DON/SHARON BYRD  
BYRD, DONALD/SHARON  
2701 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25425000  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25352005  
DARRELL/CAROLE NEWCOMB  
NEWCOMB, DARRELL, E./CAROLE  
P.O. BOX 1523  
SITKA AK 99835-1523

Parcel ID: 25360001  
TELEPHONE UTILITIES OF  
NORTHLAND  
ATTN: TAX-DEPT.  
TELEPHONE UTILITIES OF  
NORTHLAND  
600 TELEPHONE AVE, MS#8

Parcel ID: 25360004  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25415020  
DON/SHARON BYRD  
BYRD, DONALD/SHARON  
2701 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25352006  
JAMES/CATHERINE  
MELLEMA/ALLGOOD-MELLEMA REV.  
TRUST  
ALLGOOD-MELLEMA, C. & MELLEMA,  
J.  
P.O. BOX 6567

Parcel ID: 25360002  
NEILL ANDERSEN  
ANDERSEN, WAKE  
216 LINCOLN ST  
SITKA AK 99835

Parcel ID: 25410000  
WHITCOMB PROPERTIES, LLC  
WHITCOMB PROPERTIES, LLC  
2216 HALIBUT POINT RD  
SITKA AK 99835

Parcel ID: 25420000  
STEVEN/LINDA ANDERSEN  
ANDERSEN, STEVEN, W./LINDA, K.  
2709 HALIBUT POINT RD  
SITKA AK 99835

TELEPHONE UTILITIES OF NORTHLAND  
600 TELEPHONE AVE, MS#8

ANCHORAGE

AK 99503

ALLGOOD-MELLEMA, C. & MELLEMA, J.  
P.O. BOX 6567

SITKA

AK 99835-6567

P&Z Mailing  
February 15, 2017

**PAID**

**JAN 24 2017**

**CITY & BOROUGH OF SITKA**

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: Jan 24, 2017

To:

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

Variance.....	
Conditional Use Permit.....	<u>STR</u> <u>100.00</u>
Minor Subdivision.....	
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	<u>50%?</u>
TOTAL.....	

Thank you





Please return to: Don and Sharon Byrd  
2701 Halibut Point Road  
Sitka, AK 99835

## GRANT OF UTILITY EASEMENT

The Grantor and Grantee, Don R. Byrd and Sharon M. Byrd, owners of Lots 1 and 2 of the Byrd Subdivision, Plat #2009-13 in the Sitka Recording District, grant access to current and future owners of Lot 1 for the purpose of maintaining utilities.

The utility easement consists of a 5 foot wide by 80 foot long parcel located on the north property line of Lot 2. See attachment A.

In the event that the utility easement needs to be disturbed it must be restored back to original condition prior to being disturbed.

This agreement shall be binding on all current and future owners of Lots 1 and 2 of the Byrd Subdivision in the Sitka Recording District.

## OWNERS

Don R. Byrd  
Don R. Byrd

6-18-09  
Date

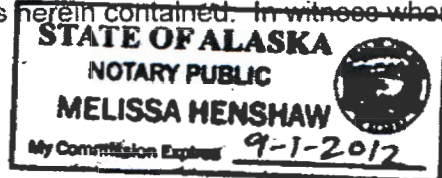
Sharon M. Byrd  
Sharon M. Byrd

6-18-09  
Date

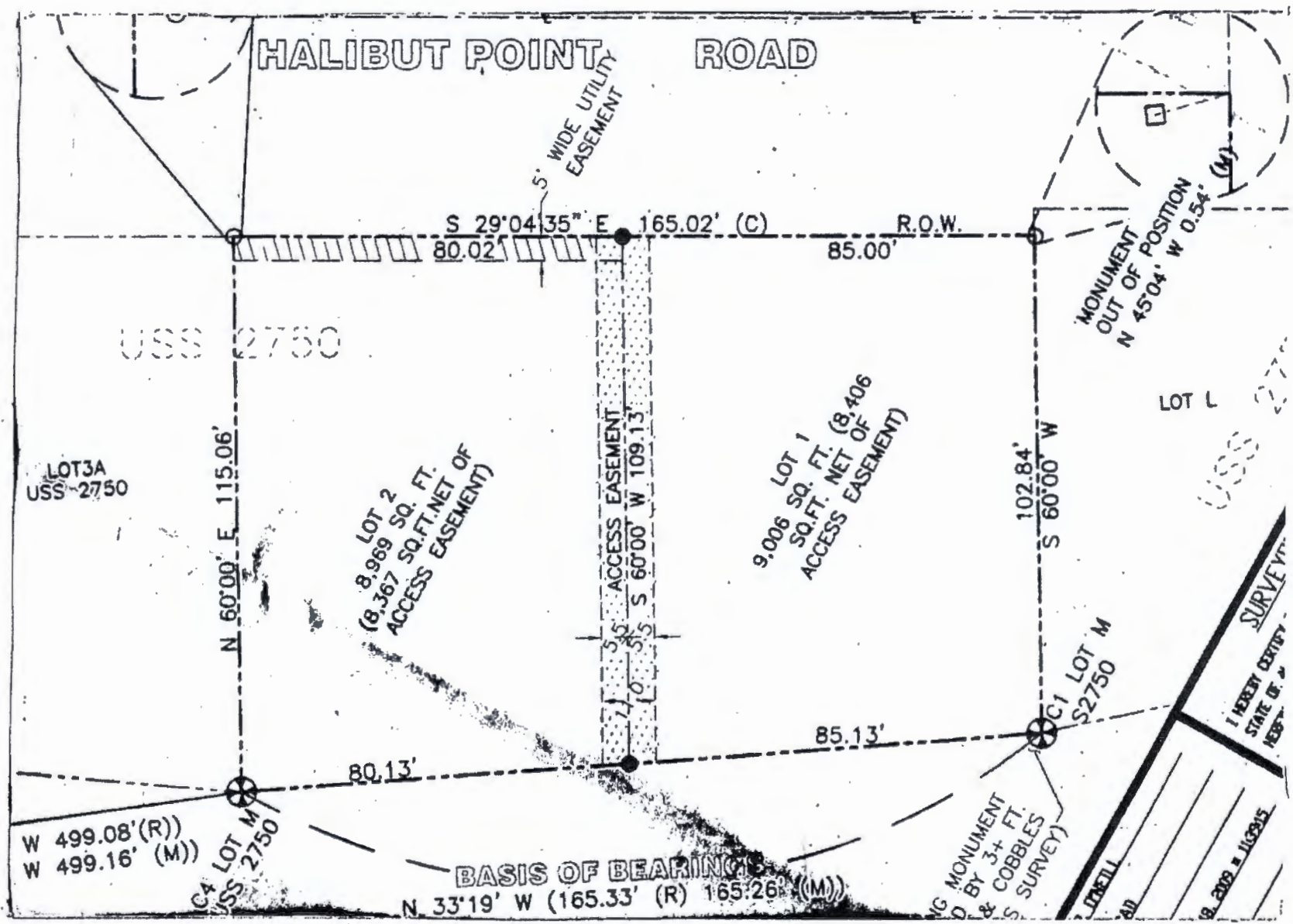
## NOTARY

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

THIS CERTIFIES that on this 18<sup>th</sup> day of June, 2009 before me, personally appeared Don R. Byrd and Sharon M. Byrd, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for purposes herein contained. In witness whereof, I hereunto set my hand and official seal.



Melissa Henshaw  
Notary Public in and for Alaska  
My Commission Expires: 9-1-2012



**SURVEY**  
HERBERT COUNTRY  
STATE OF NEB.  
18.2009 • 110315





Please return to: Don and Sharon Byrd  
2701 Halibut Point Road  
Sitka, AK 99835

### ACCESS AND MAINTENANCE AGREEMENT OF ACCESS EASEMENT

The Grantor and Grantee, Don R. Byrd and Sharon M. Byrd, owners of Lots 1 and 2 of the Byrd Subdivision, Plat #2009-13, in the Sitka Recording District, grant access to each other to a shared access easement. Consisting of a 5.5 foot wide by 109 foot long parcel located on the southern property line of Lot 2 adjoining a 5.5 foot wide by 109 foot long parcel located on the northern property line of Lot 1. Any maintenance on this 11 foot wide by 109 foot long access easement will be shared equally by both property owners.

This agreement shall be binding on all current and future owners of Lots 1 and 2 of the Byrd Subdivision in the Sitka Recording District.

#### OWNERS

Don R. Byrd  
Don R. Byrd

6-18-09  
Date

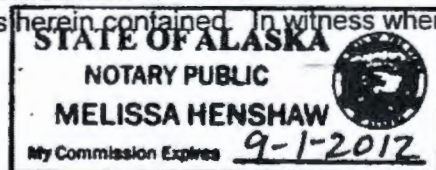
Sharon M. Byrd  
Sharon M. Byrd

6-18-09  
Date

#### NOTARY

STATE OF ALASKA )  
) ss.  
FIRST JUDICIAL DISTRICT )

THIS CERTIFIES that on this 18<sup>th</sup> day of June, 2009 before me, personally appeared Don R. Byrd and Sharon M. Byrd, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for purposes herein contained. In witness whereof, I hereunto set my hand and official seal.



Melissa Henshaw  
Notary Public in and for Alaska  
My Commission Expires: 9-1-2012

2005-001323-0

Recording Dist: 103 - Sitka  
8/30/2005 2:33 PM Pages: 1 of 1

A  
L  
A  
S  
K  
A



S-05-6661

WHEN RECORDED RETURN TO:

Name: DON BYRD and SHARON BYRD  
Address: 2701 Halibut Point Road  
Sitka, Alaska 99835

*cc*

## WARRANTY DEED

THIS INDENTURE, made and entered into this 30 day of August, 2005 by and between

JON M. SHENNETT and BETTY J. SHENNETT

whose mailing address is: P. O. Box 1106, Sitka, AK 99835, **GRANTOR**, and

DON R. BYRD and SHARON M. BYRD, husband and wife

whose mailing address is: 2701 Halibut Point Road, Sitka, AK 99835, **GRANTEE**,

### WITNESSETH:

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

Tract 'M', U.S. Survey 2750, Sitka Recording District, First Judicial District, State of Alaska

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

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

Dated: August 30, 2005

*Jon M. Shennett*  
JON M. SHENNETT

*Betty J. Shennett*  
BETTY J. SHENNETT

STATE OF ALASKA

)  
)  
) ss.  
)

FIRST JUDICIAL DISTRICT

On this day personally appeared before me: JON M. SHENNETT and BETTY J. SHENNETT to me known to be the individual(s) described in and who executed the above and foregoing instrument, and acknowledged to me that they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal this 30 day of August, 2005.



*Sherri Fahey*  
Notary Public in and for the State of Alaska  
My commission expires: