



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: CUP 17-19
Proposal: Up to 20 fowl housed outside
Applicant: Kathryn Petraborg
Owner: Kathryn Petraborg
Location: 2101 Sawmill Creek Road
Legal: Lot 1 Anna Peterson Subdivision
Zone: R-1 LDMH single-family low density manufactured home district
Size: 20,347 square feet
Parcel ID: 3-1530-001
Existing Use: Residential
Adjacent Use: Residential, Commercial (Church)
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

1. Findings: The required findings of fact have been met as that keeping of such animals will not unreasonably interfere with the use and enjoyment of neighboring properties.
2. Other Major Points:
 - Odor and Disease: enclosures cleaned daily, coops cleaned with ammonia
 - Bear Concerns: bulk food kept indoors, food levels monitored daily, hot wire around top of enclosure
 - Neighborhood harmony: fowl and commercial home horticulture in the vicinity

RECOMMENDATION:

Postpone consideration of CUP 17-19 to allow for potential Sitka General Code amendment to clarify regulations for animals on residential properties.

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Zoning Map

Attachment D: Site 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

2101 Sawmill Creek Road resulted from Anna Peterson Subdivision, recorded in 2003 as plat 2003-3. The lot is 20,347 square feet and is triangular in shape. The structure was constructed in 1950, prior to zoning code. The 1088 square foot structure is situated 7 feet from the front property line and 0 feet from the southeasterly side property line. The rear portion of the lot is boggy. A 2006 variance request to expand the structure and encroach further into the front setback was denied.

The applicants submitted a conditional use permit request for a bed and breakfast. Upon conducting a site visit, staff determined that the property housed more than the 5 permitted animals housed outside. Staff directed the applicants to go through the conditional use permit process for the animals.

SGC 22.20.130 this section of code prohibits large domestic animals outside in a residential zone. It permits 5 small animals outdoors in a residential zone. Further, it permits large and/or small domestic animals indoors in a residential zone. It also expresses that a conditional use permit is possible to permit large domestic animals outside. However it is silent or vague as to whether small domestic animals can be approved by a CUP for outdoors to exceed the 5 animal limit. Therefore, if one takes the interpretation that small animal CUP for 6 or more small animals is not correct than this CUP shall not be possible; however, if one take the broader view that 6 small, domestic, outdoor animals is permissible through a CUP that this permit may be reviewed.

Please note: The Planning Director directed the applicants to apply under a CUP approach; however, the Planning Director is reconsidering the interpretation. A CUP is Subject to a favorable zoning code interpretation of SGC 22.30.130 – Large Domestic Animals. Staff recommend that the Planning Commission postpone consideration of CUP 17-19 to allow for potential Sitka General Code amendment to clarify regulations for animals on residential properties.

PROJECT DESCRIPTION

The request is for a conditional use permit for up to 20 fowl housed outside at 2101 Sawmill Creek Road in the R-1 LDMH single-family low density manufactured home district. The property is accessed via Sawmill Creek Road, a state highway. The applicant occupies the 2 bedroom, 1 bathroom house. If a separate requested conditional use permit is granted, one bedroom would be rented out as a bed and breakfast via Airbnb while the occupying owner is in town.

The R-1 LDMH single-family low density manufactured home district allows up to 5 animals housed outside as a permitted use. **Additional animals may be pursued through the conditional use permit process subject to a favorable zoning code interpretation of SGC 22.30.130 – Large Domestic Animals.** Staff have found no record of conditional use permits previously granted for fowl, but a few permits have been approved for kennels, stables, horses, and ponies.

The applicants state that they would like to keep fowl for personal subsistence use, with some birds to be culled for food this fall. The applicants currently have 8 chickens and 9 ducks housed outside, in addition to 2 dogs and a cat. As the dogs and cat are primarily housed inside, they do not count toward the maximum permitted 5 animals. The ducks and chickens are housed separately, with the duck enclosure directly adjacent to the house and chicken enclosure toward other end of lot. Secondary runs are available to manage moisture as needed. The applicants do not have a rooster and have stated that they have no plans to get one. Applicants state that they anticipate keeping an average of 6 ducks and 6 chickens and culling 6-8 birds per year. Applicants request a permit for up to 20 fowl housed outside.

Applicants provided information on mitigating potential concerns. Rodent traps have been set but have not caught any rodents in 8 months. On-site cat also helps with rodents. Netting helps to keep ravens and other wild birds from getting food. Enclosures are cleaned daily, with ammonia and moth balls are used as needed. Manure is composted. Bulk food is kept inside and food levels are monitored daily. The hen house is secure and has a solar sensing automatic open and closing device. Fencing and foliage provides buffers. The lot exceeds 20,000 square feet.

Sitka General Code 22.20.130: “No conditional use permit under this section shall be issued until a site investigation is performed pursuant to Section 22.30.030(C) and a finding of fact is made that keeping of such animals will not unreasonably interfere with the use and enjoyment of neighboring properties. In making such determinations, the planning commission shall consider the size of the premises and the proximity and uses of neighboring properties.”

¹ Sitka General Code 22.20.130 (Needs admin approval)

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.²

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: No additional vehicular traffic generated. Applicants state that the birds are intended for personal subsistence. As conditioned, any sales will occur off-site.

b. Amount of noise to be generated and its impacts on surrounding land use: Applicants state no intention of having a rooster. This will be a condition of approval that no male chicken either over the age of 6 months or the age of crowing, whichever occurs first, shall be allowed. Applicants state that the only noise generated occurs mid-morning when the birds lay eggs. Fencing and foliage provides buffers.

c. Odors to be generated by the use and their impacts: Animal waste may generate odors. Applicants state that they clean coops daily and use ammonia to mitigate odors. Manure was explicitly excluded from the definition of "bear attraction nuisance" in a recent Sitka General Code update.³ Applicant shall clean coops as often as reasonable and shall utilize best practices for manure, odor, and fly control. It shall be conditioned to use environmentally friendly products and methods to compost manure and keep flies and odor low. A product like StableFresh is one method. In addition, the applicant shall provide a manure management plan to be approved by the Planning Director.

d. Hours of operation: Year round.

e. Location along a major or collector street: Access directly from Sawmill Creek Road.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No concerns for cut through traffic. Applicants state that the birds are intended for personal subsistence. As conditioned, any sales will occur off-site.

g. Effects on vehicular and pedestrian safety: Bird enclosures are not in the line of vision of pedestrians and motorists.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: The proposal does not change access for emergency personnel.

² Sitka General Code 22.24.010.E

³ Sitka General Code 9.24.010(A)4b

i. Logic of the internal traffic layout: Driveway access directly from Sawmill Creek 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: Foliage and fencing provide buffers.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.2.2, which supports local production of needed goods and services.

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

IN FAVOR OF POSTPONEMENT

I move to postpone consideration of the conditional use permit application for up to 20 fowl housed outside at 2101 Sawmill Creek Road to allow for potential Sitka General Code amendment to clarify regulations for animals on residential properties. The property is also known as Lot 1 Anna Peterson Subdivision. The request is filed by Kathryn Petraborg. The owner of record is Kathryn Petraborg.

IN FAVOR OF APPROVAL

FINDINGS⁴ Subject to a favorable zoning code interpretation of SGC 22.30.130 – Large Domestic Animals:

The granting of the proposed conditional use permit and the keeping of such animals will not unreasonably interfere with the use and enjoyment of neighboring properties; *because agriculture and horticulture is already present in the neighborhood; buffering exists via foliage and fencing; plans exist to mitigate potential odor, disease, and bear concerns; and conditions of approval provide avenues for permit revocation if warranted.*

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

Subject to a favorable zoning code interpretation of SGC 22.30.130 – Large Domestic Animals

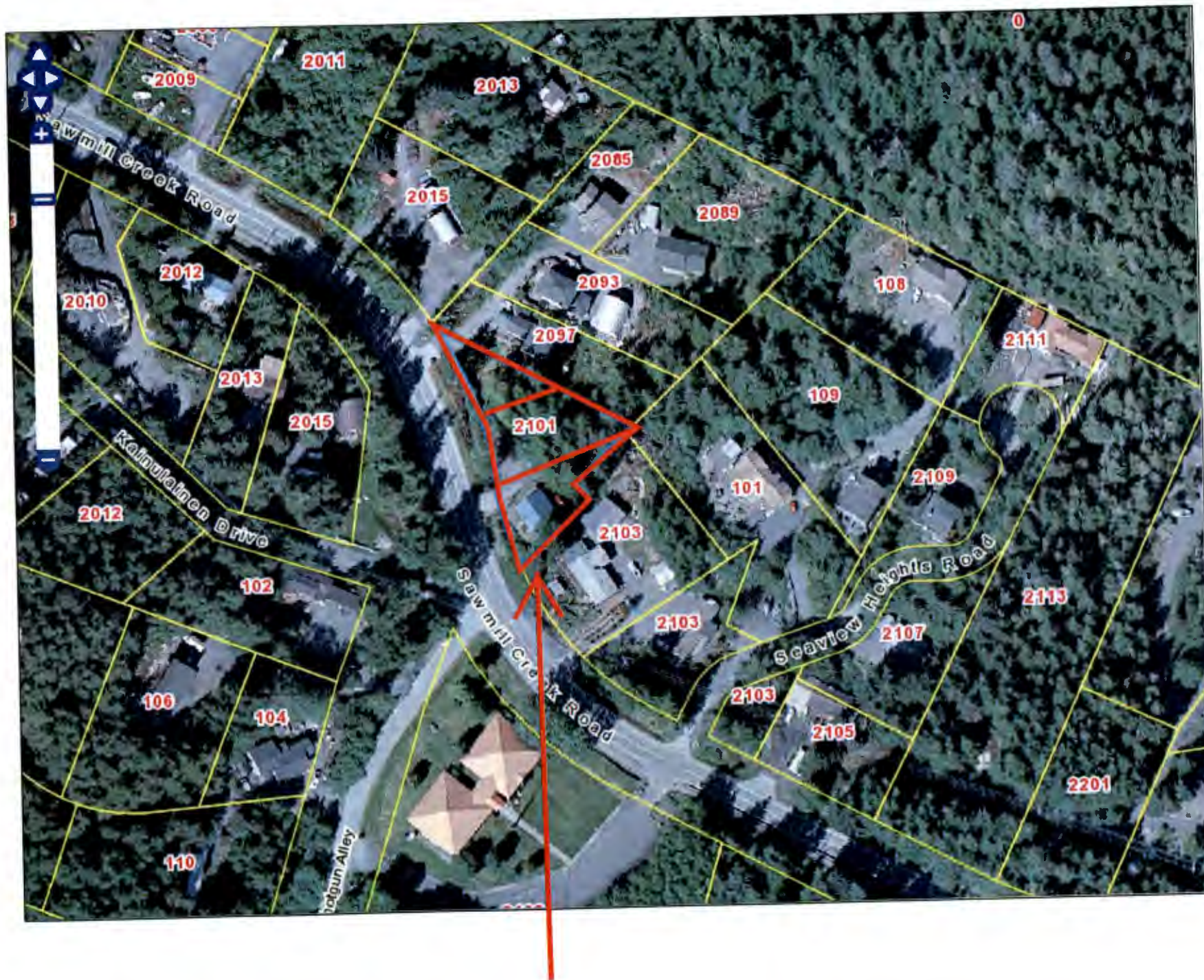
- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for up to 20 fowl housed outside at 2101 Sawmill Creek Road subject to the attached conditions of approval. The property is also known as Lot 1 Anna Peterson Subdivision. The request is filed by Kathryn Petraborg. The owner of record is Kathryn Petraborg.

Conditions of Approval:

1. The facility shall be operated consistent with the application and plans that were submitted with the request.
2. The facility shall be operated in accordance with the narrative that was submitted with the application.
3. Any sales will occur off-site.
4. No rooster permitted beyond the age of 6 months or the age when the rooster begins to crow.
5. Permit shall be revoked upon finding by the Animal Control Officer that fowl are kept in unsafe conditions.
6. Upon receipt of meritorious complaint, Planning Commission may hold a public hearing to consider the revocation of the conditional use permit.
7. A manure, vermin, and vector management plan shall be submitted and approved by the Planning Director and shall include environmental friendly means to safely control manure, flies, and vermin/vector while also minimizing odors.
8. Poultry shall be limited to 20 adult birds. Birds under 6 months of age shall not be counted towards this number; however, chicks shall not exceed 24 birds.

⁴ § 22.20.130 – Required Findings for Animal Conditional Use Permits







City & Borough of Sitka, Alaska

Selected Parcel: 2101 Sawmill Creek Rd ID: 31530001

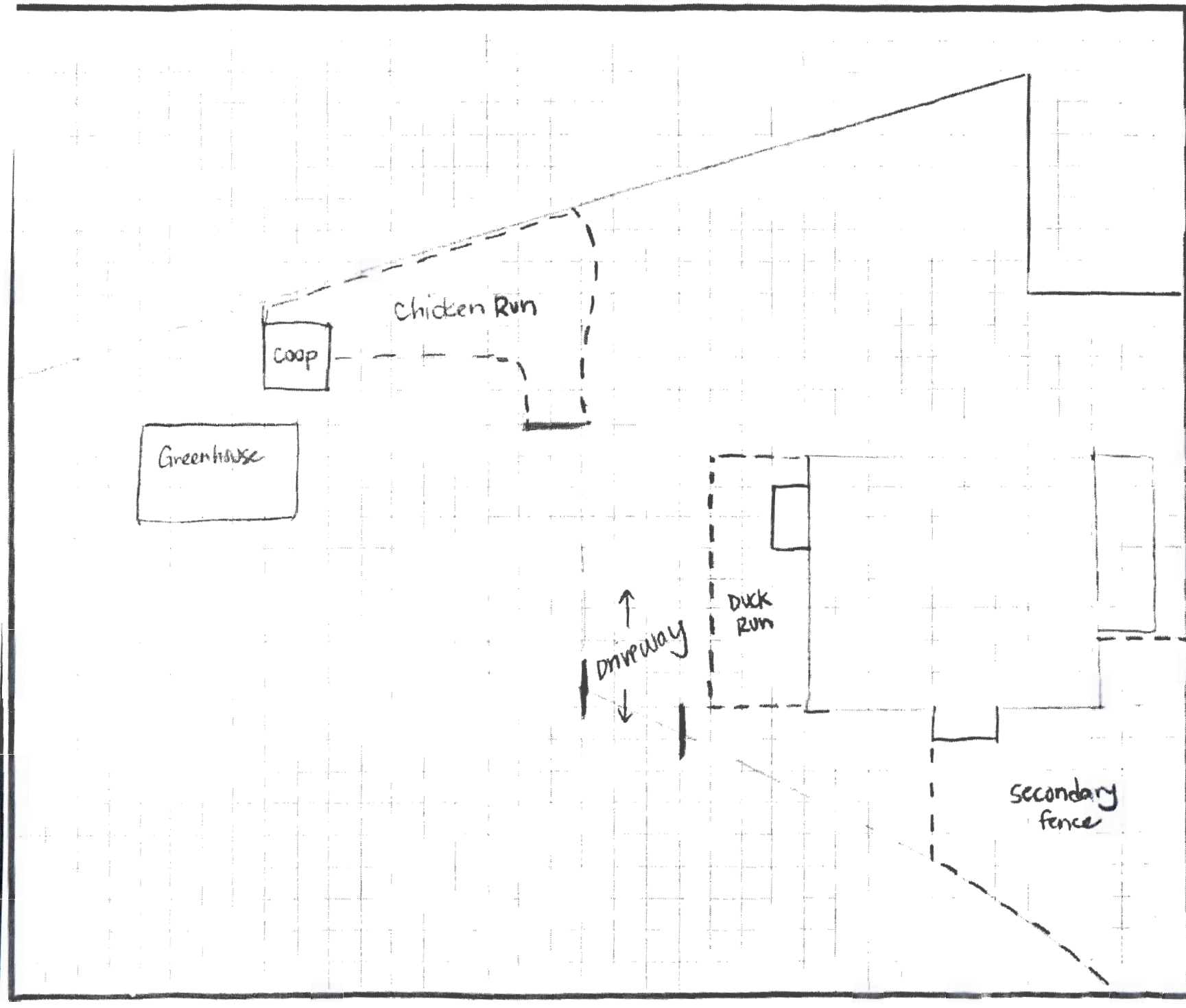
Printed 8/11/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



MainStreetGIS
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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.



PENNY
SUBDV.
LOT 2B

ANNA PETERSON
SUBDIVISION

CURVE DATA:

NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD
1	2°43'15"	459.26	21.81	N 30°53'5"
2	8°35'25"	459.26	60.60	N 25°22'0"

LOT 3
20,427 SF

LOT 2
20,131 SF

LOT 1
20,347 SF

WYKID
SUBDV.

SAN VILL
CREEK

ROAD

BASIS OF BEARINGS

C 27
S 3302

C 26
S 3302

SPIRAL
CHD. BRG. N 18°32'06" W
CHORD 108.04'

SPIRAL
CHD. BRG. N 16°23'07" W
CHORD 91.05'

CLIENT: FIRST BANK
BOX 1829
SITKA, ALASKA 99835

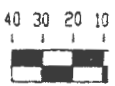
DRAWN BY: WADZACAD
CHECKED BY: PKR
DATE PLATTED: 21 NOV 05
DATE SURVEYED: 23 NOV 05
SCALE: 1" = 40'
SURVEYOR: PATRICK K. DOWELL
PROJ. NO: 20073-10

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT. I DECLARE THAT IMPROVEMENTS AND VISIBLE ENCRUMPS HAVE BEEN ESTABLISHED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THIS SURVEY IS FOR THE USE OF LENDING INSTITUTIONS SPECIFICALLY TO SHOW ANY CONFLICTS BETWEEN EXISTING STRUCTURES AND PLATTED LOT LINES OR EASEMENTS. UNDER NO CIRCUMSTANCES SHOULD THE DATA HEREON BE USED FOR POSITIONING ADDITIONAL STRUCTURES, BUILDING FENCES, OR LOCATING BOUNDARY LINES. IT IS THE RESPONSIBILITY OF THE OWNER TO VERIFY THAT IMPROVEMENTS SITUATED ON THIS PARCEL MEET ALL SUBDIVISION COVENANTS AND ZONING ORDINANCES & CORRS. SET.

23 NOV 05
DATE

Wayne A. Dye
WAYNE A. DYE LS 9458



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SU
P.O.
A
LC
AN















CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

RECEIVED
AUG 02 2017

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

APPLICATION FOR:

☐ VARIANCE

☒ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: conditional use permit to keep
more than 5 animals (poultry) maximum we would like
at any given time being 20 for subsistence purposes.

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: Kate Petraborg

PROPERTY OWNER ADDRESS: 2101 Sawmill creek Rd

STREET ADDRESS OF PROPERTY: 2101 Sawmill creek Rd

APPLICANT'S NAME: Kate DesRosiers

MAILING ADDRESS: 2101 Sawmill creek Rd

EMAIL ADDRESS: sitka@koala@yahoo.com DAYTIME PHONE: 907 738 6886

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: _____ BLOCK: _____ TRACT: _____

SUBDIVISION: Anna Peterson US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

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

For Conditional Use Permit:

- ☐ Parking Plan
- ☐ Interior Layout

For Plat/Subdivision:

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

If Pertinent to Application:

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

KDROSERG

Owner

31 July 2017

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

Edited 31 July 2017

Here is a narrative we put together.

Currently we have 8 chickens and 9 ducks, some of which we plan to cull and use for food this fall. We would like to plan on doing this annually for food and subsistence living.

The chickens are located on the North section of the plat, their run is approximately 200 square feet with a secure coop with a solar/battery operated controlled automatic door that shuts them securely in the coop at night. They only make noise when they are laying eggs, generally mid-morning. We do not currently (nor plan to) have a rooster. The run also has some netting over it to keep opportunistic birds (Ravens mainly) from accessing the run and food.

The ducks usual location is in a chain link fence against the house with an optional hot wire running around the top of the fence that we only manually turn on in the fall when there is bear activity present. The entire run has netting over the top to deter crows and Ravens. We rotate them to the secondary fence to manage the moisture and muck more effectively at certain times of the year for the overall health and disease prevention of the ducks.

We keep all bulk food inside and strictly control how much food is given daily so there is the least amount of leftover to not attract bear or rodents. We also place moth balls around both coops and run and this also helps with bear and rodent deterrent.

We have rodent traps set out but have seen no sign for over 8 months due to our practices to deter them. Our cat also is an affective measure with this.

We remove/scoop all chicken poo from the coop daily and place it into compost which breaks down very quickly resulting in very little smell. We then use the compost in the garden he next year.

We clean the coops/run daily to the best of our abilities to cut down on disease and ammonia and to keep all of our poultry healthy and happy.

On a regular basis we would like to have 6 chickens and 6 ducks for their egg laying capabilities. And possibly 6-8 more to place in our freezer yearly for subsistence. 20 as the maximum is what we are looking for with the size of our property and lifestyle needs.



City & Borough of Sitka, Alaska

Selected Parcel: 2101 Sawmill Creek Rd ID: 31530001

Printed 8/11/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
100 ft



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Parcel ID: 31040001
BENJAMIN/LORI DOWNING
DOWNING, BENJAMIN, C./LORI, M.
2012 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31041002
ROBERT/CAROL POTRZUSKI
POTRZUSKI, ROBERT, D./CAROL, S.
2013 KAINULAINEN DR.
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: 31521000
JAMES PENNY
PENNY, JAMES, P.
2013 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31530003
BENJAMIN/MARGAR WHITE
*WHITE, BENJAMIN, C./MARGARET, A.
2093 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31540001
DALE/LORI ADAMS
ADAMS, DALE, L./LORI, L.
P.O. BOX 6021
SITKA AK 99835-6021

Parcel ID: 31542000
ROBERT/ANNE CHADWICK
CHADWICK, ROBERT/ANNE
P.O. BOX 583
SITKA AK 99835-0583

Parcel ID: 31040002
TRENT BAYNE
BAYNE, TRENT, L.
P.O. BOX 3002
SITKA AK 99835-3002

Parcel ID: 31043001
GERALD KAINULAINEN
KAINULAINEN, G., DALE
101 KIKSADI CT
SITKA AK 99835-9787

Parcel ID: 31510002
LORETTA NESS
NESS, LORETTA, J.
102 WINCHESTER WAY
SITKA AK 99835

Parcel ID: 31530001
KATHRYN PETRABORG
PETRABORG, KATHRYN, R.
2101 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31530004
PAUL/DINA BUSBY/AMAYA
BUSBY, PAUL/AMAYA, DINA, P.
2085 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31540002
KIM HANSEN REVOCABLE LIVING
TRUST
KIM HANSEN REV. LIVING TRUST
P.O. BOX 1095
SITKA AK 99835-1095

Parcel ID: 31543000
STANLEY/KATHRYN JOHNSON
JOHNSON, STANLEY & KATHRYN
108 SEAVIEW HEIGHTS RD
SITKA AK 99835

Parcel ID: 31041001
RANDALL/HILLARY NUTTING/MARTIN
NUTTING, RANDALL & MARTIN,
HILLARY
2015 KAINULAINEN DR.
SITKA AK 99835

Parcel ID: 31046002
MICHAEL/MICHELL MAHONEY
MAHONEY, MICHAEL & MICHELLE
204 NEW ARCHANGEL ST, #A
SITKA AK 99835

Parcel ID: 31520000
JAMES PENNY
PENNY, JAMES, P.
2013 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31530002
DIANE ANZIVINO
ANZIVINO, DIANE
2097 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31530005
JACQUELINE/WYAT THOM/OJALA
THOM, JAQUELINE & OJALA, WYATT
2089 SAWMILL CREEK RD
SITKA AK 99835

Parcel ID: 31541000
JOHN KIDD
KIDD, JOHN, D.
P.O. BOX 566
SITKA AK 99835-0566

P&Z Mailing
August 4, 2017

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 7/12/17

To: Kate Petrabor

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

PAID

JUL 13 2017

CITY & BOROUGH OF SITKA

Variance.....	
Conditional Use Permit.....	<u>B&B 1bed</u> <u>35.00</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>2.10</u>
TOTAL.....	<u>37.10</u>

Thank you

ALASKA

2012-001153-0

Recording Dist: 103 - Sitka

8/7/2012 10:44 AM Pages: 1 of 2



File for Record at Request of:
First American Title Insurance Company

AFTER RECORDING MAIL TO:

Name: Kathryn Rose Petraborg

Address: P.O. Box 6067

Sitka, AK 99835

File No.: **0241-1878350 (JRN)**

STATUTORY WARRANTY DEED

THE GRANTOR, **Chesa Cofini**, whose mailing address is **2491 Greenwell Court, Wilmington, NC 28409**, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **Kathryn Rose Petraborg**, a single woman, residing at **PO Box 6067, Sitka, AK 99835**, the following described real estate, situated in the **Sitka** Recording District, **First** Judicial District, State of **Alaska**:

Lot 1, ANNA PETERSON SUBDIVISION, according to the official plat thereof, filed under Plat Number 2003-3, Records of the Sitka Recording District, Third Judicial District, State of Alaska.

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

Dated: June 19, 2012.

Chesa Cofini
Chesa Cofini

0241-1878350 (JRN)

Statutory Warranty Deed-continued

May 15, 2012

STATE OF North Carolina)
) ss.
)
 Judicial District)

THIS IS TO CERTIFY that on this 19TH day of June 2013, before me the undersigned Notary Public, personally appeared **Chesa Cofini**, known to me and to me known to be the individual(s) described in and who executed the foregoing instrument and he/she/they acknowledged to me that he/she/they signed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

Notary Public in and for North Carolina
My commission expires 04/24/2014

