City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No:	CUP 18-08
Proposal:	Request for short-term rental at 110 Sand Dollar Drive
Applicant:	Jeremy/Savanah Plank
Owner:	Jeremy/Savanah Plank
Location:	110 Sand Dollar Drive
Legal:	Lot 2 Sand Dollar Subdivision
Zone:	R-1 single-family and duplex residential district
Size:	6932 square feet
Parcel ID:	2-5190-002
Existing Use:	Residential
Adjacent Use:	Residential, Undeveloped
Utilities:	Existing
Access:	Sand Dollar Drive

KEY POINTS AND CONCERNS:

- Property is located in the moderate risk landslide zone
- Rental unit is a 1 bed, 1 bath unit attached to owner's primary dwelling unit
- Sufficient parking on-site – at least 4 spaces shown
- Access via Sand Dollar Drive
- No other short-term rentals on Sand Dollar Drive
- Short-term rentals offer economic opportunity for homeowners but may impact long-term rental rates
- Rental will be managed by on-site owners
- Primary operation during summer season while housing family/friends in the off-season
- Burden is on the applicant to prove that the proposal will not negatively impact the neighborhood or general public health/safety/welfare

RECOMMENDATION:

Staff recommends that the Planning Commission carefully consider the pros and cons of granting the conditional use permit request for a short-term rental at 110 Sand Dollar Drive.

ATTACHMENTS

Attachment A: Applicant Materials
Attachment B: Staff Materials

BACKGROUND/PROJECT DESCRIPTION

The request is for a conditional use permit for a primarily seasonal (summer) short-term rental of one unit of a duplex at 110 Sand Dollar Drive. The house was constructed in 1989. The rental unit has 1 bedroom and 1 bathroom.

The rental will be owner managed with policies and procedures in place to manage guests. Owners will live on-site. Access to this lot is from Sand Dollar Drive. There are no other short-term rentals on Sand Dollar Drive. Parking is proposed adjacent to the cul-de-sac pavement, although sufficient parking is also shown in the driveway. Parking must occur on the owner's property.

The property has been mapped in the moderate risk landslide zone. More discussion on page 4.

22.24.010 Conditional uses.

A conditional use is a use that may not be appropriate in a particular zoning district according to the character, intensity, or size of the lot or the surrounding uses. This section establishes decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. The conditional use permit procedure is intended to afford the municipality the flexibility necessary to make determinations appropriate to individual sites. The commission may attach conditions necessary to mitigate external adverse impacts. If the municipality determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

ANALYSIS

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

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: The unit in question has historically been used as a long-term rental. Short-term renters are likely to have fewer vehicles than long-term inhabitants, likely resulting in less traffic. Renters may have difficulty finding the property. Applicant proposes small signage to mitigate this concern.

[1] § 22.24.010.E

b. Amount of noise to be generated and its impacts on surrounding land use: Vacationers may create noise. Applicants have included 10 PM – 7 AM quiet hours in their rental agreement. Owners live on-site and can monitor.

c. Odors to be generated by the use and their impacts: Improperly managed garbage may attract bears. Applicants have stated that garbage will remain in the unit or in the garage and will be handled by owners. Storage shall occur indoors until 4 am on garbage pick-up day.

d. Hours of operation: Primarily during the summer, but allowing flexibility for rentals throughout the year.

e. Location along a major or collector street: Access from Sand Dollar Drive.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: No cut-through scenarios. Renters may have difficulty locating the correct house, resulting in accidental use of neighboring driveways. Applicants propose small signage to identify the property and renter parking area.

g. Effects on vehicular and pedestrian safety: Sand Dollar Drive does not have sidewalks. Sand Dollar Drive isn't a particularly walkable area, so it can be assumed that most traffic will be vehicular and not pedestrian.

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

i. Logic of the internal traffic layout: Applicants report at least 4 parking spaces on the property, meeting requirements. A condition of approval requires all parking to be located on-site.

j. Effects of signage on nearby uses: Applicants discussed installing small directional signage on their property. Signage must comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Street to the front, undeveloped land to the rear, trees on side with entrance door, chain link fence on other side.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports "development of facilities to

accommodate visitors" that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise. Does not conform to Comprehensive Plan Section 2.1.19 which states "The City and Borough of Sitka will conduct its affairs and will use its resources, powers, and programs to seek, facilitate, maintain, and improve safety from fire, flood, and other disasters" by allowing a conditional use for transient housing in a moderate risk landslide zone.

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

The property is in a moderate risk landslide zone as determined by modeling, field observation, and LiDAR image study conducted after the August 18, 2015 landslide event.[2] The risk is of potential impacts of debris flows. The report assigned three risk categories: high, moderate, and low. No "no risk" lands were identified. In this case, the band of moderate risk properties is a buffer between high and low risk properties. No numerical figures were assigned to high, moderate, and low risk. By contrast, flood mapping adopted by the municipality defines Special Flood Hazard Areas as "the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year."[3]

This is the first such conditional use permit request for the mapped landslide risk area to be considered by the Planning Commission. Sitka General Code 20.01 Landslide Area Management does not address this request, as no additional construction will be undertaken and the duplex constitutes an R-3 International Building Code occupancy designation, which is not prohibited in the landslide risk area. No known geotechnical evaluation or mitigation has occurred on the property. The Commission should carefully consider this request.

If approved, a proposed condition of approval would require disclosure prior to booking. In recent history, staff do not recall disclosures being required for possible flood or tsunami risks. Ultimately, disclosure does not protect against loss of life.

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[2] South Kramer Avenue Landslide: Jacobs Circle to Emmons Street; Shannon & Wilson, Inc.; February 2, 2016
[3] fema.gov

RECOMMENDATION

It is recommended that the Planning Commission carefully consider the pros and cons of granting the conditional use permit request for a short-term rental at 110 Sand Dollar Drive. Vote on the motion of approval is provided. Then vote on the findings that correspond with the decision.

RECOMMENDED MOTIONS

APPROVAL/DENIAL OF THE REQUEST

I move to approve the conditional use permit for a short-term rental at 110 Sand Dollar Drive in the R-1 single-family and duplex residential district. The property is also known as Lot 2 Sandy Beach Subdivision. The request is filed by Jeremy and Savanah Plank. The owners of record are Jeremy and Savanah Plank.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.

2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.

3. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.

4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.

5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.

6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.

7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that

are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.

8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.

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

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

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

13. The property owner shall disclose prior to booking that the property is in a moderate risk landslide zone.

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

FINDINGS FOR APPROVAL

I move to find that:[4]

1. ...The granting of the proposed conditional use permit will not:
   a. Be detrimental to the public health, safety, and general welfare, *specifically, policies and procedures will be communicated and enforced to protect the neighborhood, and landslide risk disclosure will enable potential renters to make informed decisions in regard to their safety*;
   b. Adversely affect the established character of the surrounding vicinity, *specifically, the unit will continue to operate as a duplex, now with on-site management to monitor for behavior that may impact the neighborhood*; nor
   c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, the property accesses directly from a public street and provides on-site parking.*
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing*

[4] § 22.30.160.C – Required Findings for Conditional Use Permits

local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports "development of facilities to accommodate visitors" that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically that on-site owners can monitor for infractions and take necessary action.*

FINDINGS FOR DENIAL

I move to find that:[5]

1. ...The granting of the proposed conditional use permit:
   a. May be detrimental to the public health, safety, and general welfare, *specifically, the unit is in a mapped moderate risk landslide zone and occupancy may place renters at risk*;
   b. Will not adversely affect the established character of the surrounding vicinity, *specifically, the unit will continue to operate as a duplex, now with on-site management to monitor for behavior that may impact the neighborhood*; nor
   c. Will not be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, the property accesses directly from a public street and provides on-site parking.*
2. The granting of the proposed conditional use permit is not consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *specifically, does not conform to Comprehensive Plan Section 2.1.19 which states "The City and Borough of Sitka will conduct its affairs and will use its resources, powers, and programs to seek, facilitate, maintain, and improve safety from fire, flood, and other disasters" by allowing a conditional use for transient housing in a moderate risk landslide zone.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that cannot be monitored and enforced, *specifically, that disclosure does not eliminate safety risk.*

[5] § 22.30.160.C – Required Findings for Conditional Use Permits

Attachment A

Applicant Materials

CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION FORM

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

APPLICATION FOR: ☐ VARIANCE ✔ CONDITIONAL USE ☐ ZONING AMENDMENT ☐ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: Request to operate Short Term Rental at 110 Sand Dollar Drive, Sitka, AK in attached 1bed/1bath apartment located on bottom floor of residence.

PROPERTY INFORMATION:

CURRENT ZONING: ~~R-Residential~~ R-1 PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): Existing Structure-Residence PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Jeremy S. & Savanah N. Plank

PROPERTY OWNER ADDRESS: 110 Sand Dollar Drive, Sitka, Alaska 99835

STREET ADDRESS OF PROPERTY: 110 Sand Dollar Drive, Sitka, Alaska 99835

APPLICANT'S NAME: Jeremy S. & Savanah N. Plank

MAILING ADDRESS: _____

EMAIL ADDRESS: plankj@uw.edu or savanah50@hotmail.com DAYTIME PHONE: 425-269-3921 or 805-698-3014

PROPERTY LEGAL DESCRIPTION:

TAX ID: Parcel #: 2-5190-002 LOT: 2 BLOCK: _____ TRACT: _____

SUBDIVISION: Sandy Beach Subdivision, Plat No. 86-28 US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

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

For Conditional Use Permit:

- [x] Parking Plan - site plan w/ 4 P.S. 9' x 18'
- [x] Interior Layout (Floor plan)

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

→ rental overview

1. Overview
2. trash/ Bears.
3. Noise
4. Directions
5. Emergency Contacts

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/ Jeremy S. Plank Savanah N. Plank — Date: 3-13-18

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

Applicant (If different than owner) — Date

Narrative for Conditional Use Permit

110 Sand Dollar Dr., Sitka, AK 99835

Jeremy & Savanah Plank - Owners

805-698-3014

Requesting to operate short term rental at 110 Sand Dollar Dr., Sitka, AK in an attached 1bed/1bath apartment located on the bottom floor of main residence. Separate entrance from main house.

Thanks,

Planks

110 Sand Dollar Dr. – Rental Agreement / Rules

Owners – Jeremy & Savanah Plank

Contact cell: 805-698-3014

ARRIVAL time is 3:00 pm | **DEPARTURE** time is 10:00 am: If the home is ready before 3:00 pm, you may be allowed to check in early. You must call ahead to make sure the home is ready. Do not enter your rental early without permission.

Quiet hours: 10pm-7am - The Rental Property is located in a quiet residential neighborhood.

No pets unless previously authorized by rental agreement. Any evidence of pets in the Rental Property may result in immediate eviction, forfeiture of all amounts paid, and additional cleaning fees being charged to the Security Deposit Credit Card(s).

No smoking allowed anywhere on property, please walk down driveway if you must smoke.

USE RESTRICTIONS: Property is not to be used for parties in or around the rental property, or in any common areas or facilities, or for gatherings beyond the registered number of guests.

ARRIVAL CONDITION: The home is inspected for cleanliness before your arrival. Please report anything that is not in acceptable condition within one hour of your arrival. Anything not reported in that time frame will be deemed acceptable.

Cancellations: Must be 48 hours ahead of booking time.

MINIMUM STAY: Two NIGHT MINIMUM STAY. One night stays are NOT permitted.

INCLUSIVE FEES: Rates include a one-time linen-towel setup. The home will be furnished with an initial supply of paper towels, toilet paper, trash bags and dishwasher detergent. All additional sundry supplies are the responsibility of the renter. Other incidental sundries may be at the unit, but are not promised or guaranteed.

NO DAILY MAID SERVICE: Linens and bath towels are included in the unit but daily maid service is not included in the rental rate. Washer/Dryer in unit are available during non-quiet hours.

Parking: 2 Parking spots are provided at end of driveway next to retaining wall.

Guest Signature_____ Date_____

Sitka Emergency Information

Call 9-1-1 for emergencies

Sitka Community Hospital
209 Moller Avenue
Sitka, Alaska 99835
Main Phone Line: (907) 747-3241

Sitka Police Department
304 Lake St. #102
Sitka, Alaska 99835
(907) 747-3245

Sitka Fire Department
209 Lake St, Sitka, AK 99835
(907) 747-3233

Tsunami Preparedness – Rental is at 100ft, no need to evacuate if sirens alarm.

At the beach:
If you're at the near the shoreline, one indicator may be unusual activity such as the ocean receding seaward and exposing sea bottom, rocks or sea life, or even the sound of a loud roar. Head for higher ground. Stay away from rivers or streams leading to the ocean.

If you cannot get to higher ground; consider vertical elevation – a concrete building – go to up to a higher floor.

On the boat:
People who are already on boats when an earthquake occurs should understand that the safest place to be is in deep water where wave energy is diffused. Do not return to port until an "ALL CLEAR" is issued by local authorities.

Tsuanmi Warning System:

TSUNAMI WARNING = Danger; follow emergency procedures immediately. Wave inundations of over three feet is possible.

TSUNAMI ADVISORY = Be prepared to take action. Advisories are issued when tsunami amplitude is in the range of one to three feet.

TSUNAMI WATCH = Be alert; listen to local radio station: KCAW FM104.7 or KIFW AM 1230 and NOAA weather channel. Stay tuned for updates.

High Ground, 100+ ft. elevation areas in Sitka:

Halibut Point Road Area:

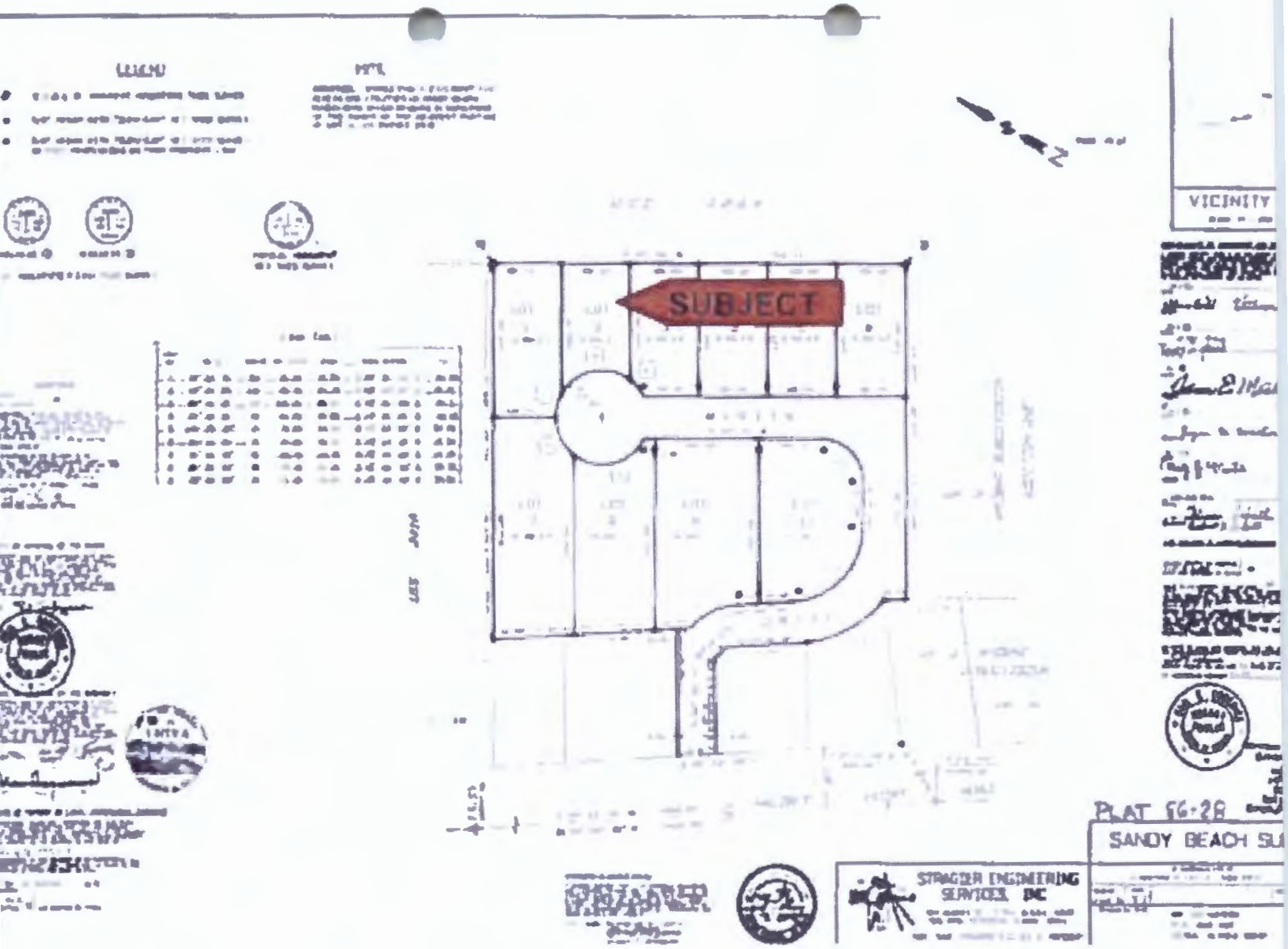
- Granite Creek Road up to the Golf Course driving range which is well over 100 feet high in elevation.
- Kramer Avenue: 100' + elevation – access to Cross Trail access point
- Cascade Creek Road: 100" + elevation and access to Sitka Cross Trail
- Edgecumbe Drive
- Charteris Street

Downtown Sitka Area:

- Sitka High School at 1000 Lake Street
- Pherson Street
- Verstovia Avenue

Sawmill Creek Road Area:

- Mormon Church is at over 100' elevation
- Yaw Drive (down Indian River Road)
- Wolff Drive – 100' – 125' in elevation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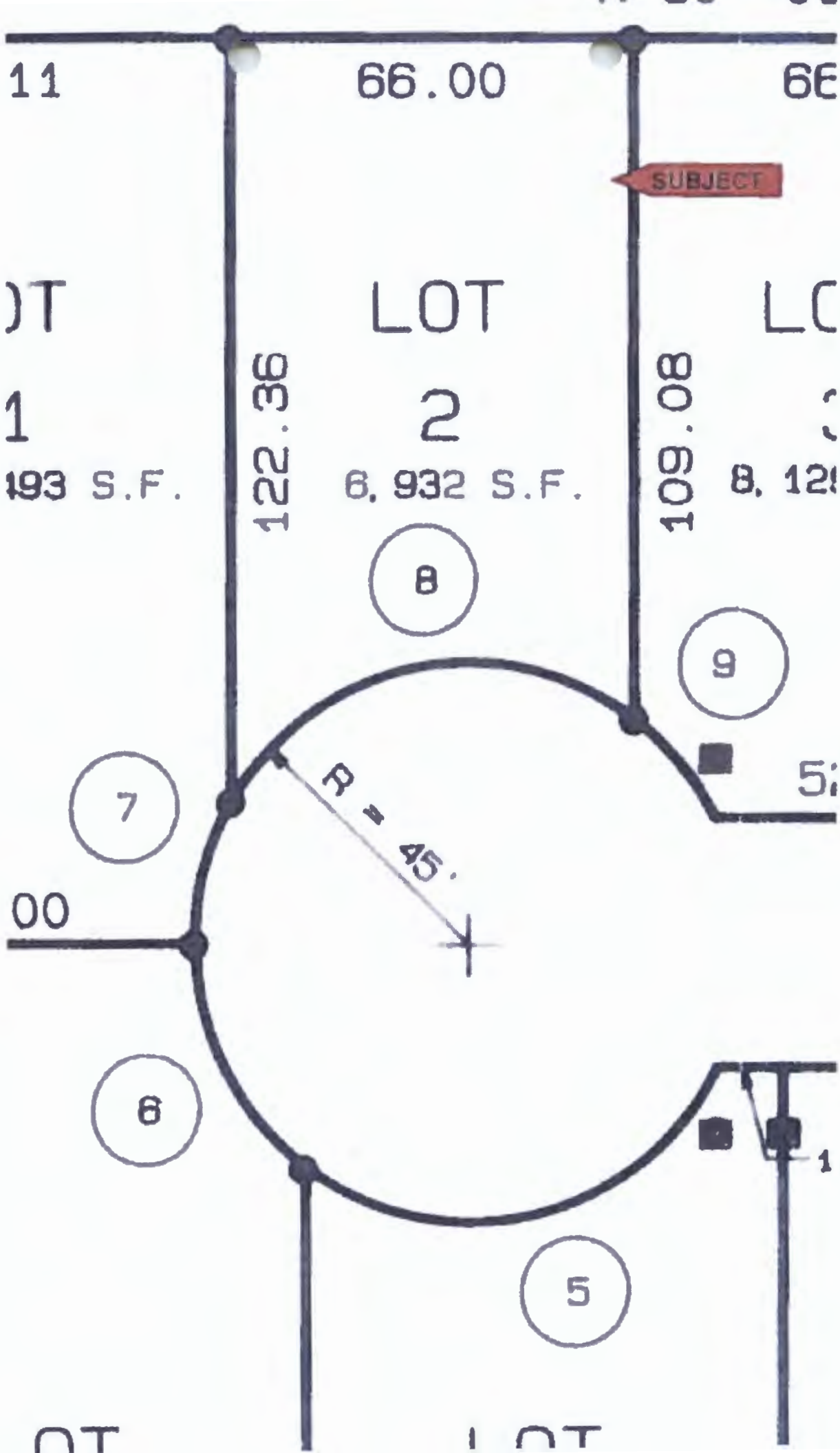
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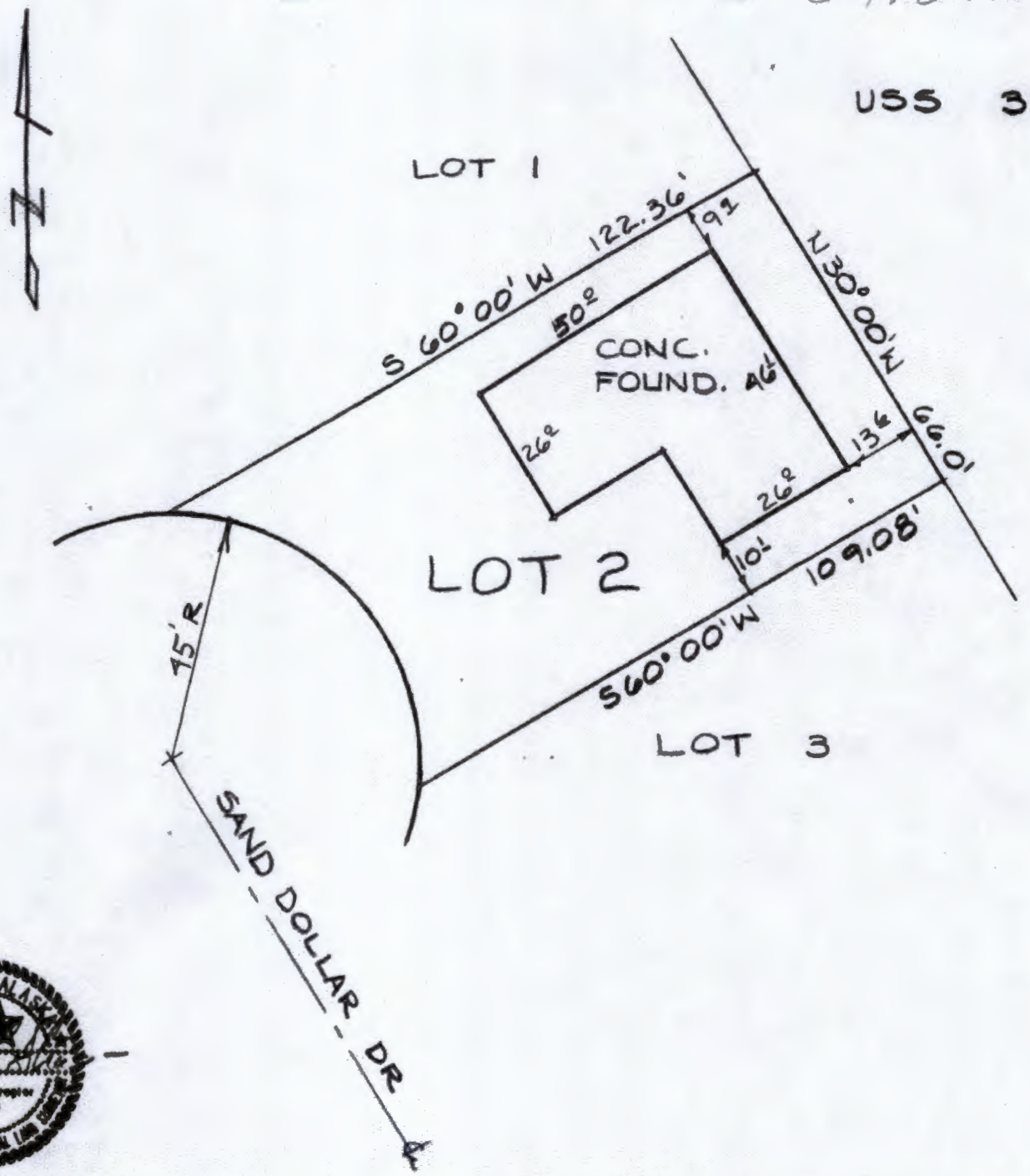

I hereby certify that I have inspected the following described property: LOT 2 SANDY BEACH SUBDIVISION Sitka Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property, except as noted hereon.
It is the owner's responsibility to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data shown hereon be used for construction or for establishing boundary or fence lines. Dated at Sitka, Alaska this 31st day of OCTOBER 1988.

Carl T. Stragier, Surveyor

AS-BUILT PLOT PLAN
LOT 2 SANDY BEACH
SUBDIVISION

STRAGIER
ENGINEERING SERVICES, INC.
504 DeGroff St.
SITKA, ALASKA 99835
(907) 747-5833

AS-BUILT PLOT PLAN
Scale 1" = 30'
Job No. 1015
Date 10-28-88
Field Book 76, PP. 31

PREPARED FOR:
MARTIN ENTERPRISES
MARTY MARTIN
P.O. BOX 437
SITKA, AK. 99835

City & Borough of Sitka, Alaska

Selected Parcel: 110 Sand Dollar Dr ID: 25190002

Printed 3/15/2018 from http://www.mainstreetmaps.com/ak/sitka/public.asp

10 m
20 ft

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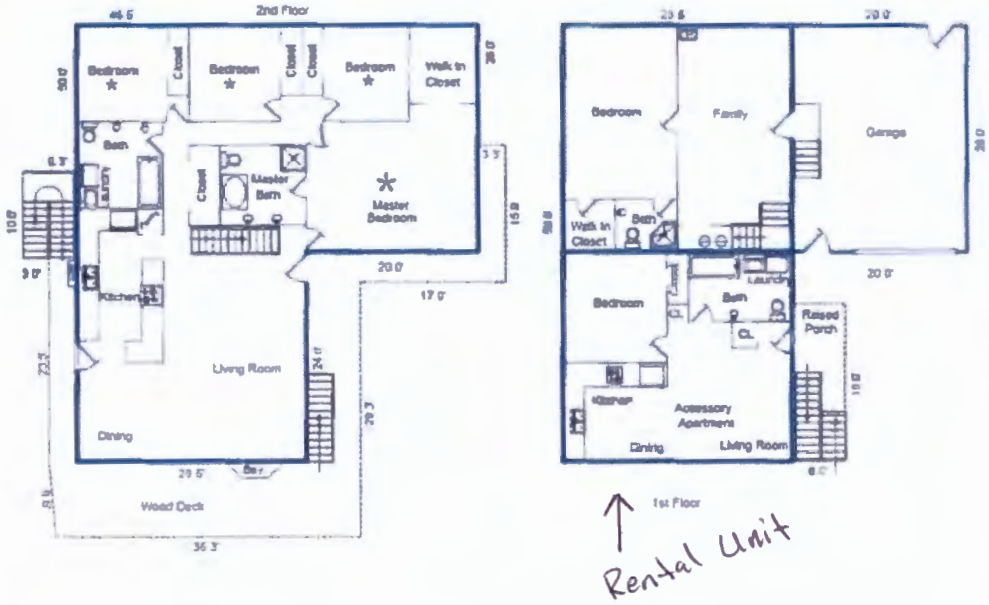
MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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.

Archipleago Appraisals LLC
SKETCH ADDENDUM

File No. 7833
Case No 152125

Borrower Jeremy S Plank & Savanah N Plank
Property Address 110 Sand Dollar Dr
City Sitka County City & Borough of Sitka State AK Zip Code 99835
Lender/Client Alaska USA Mortgage Company LLC Address 4000 Credit Union Dr . Anchorage AK, 995503



Comments
All calculations are approximate. Room and utility layout is estimated for visualization.

Sketch by Apex Sketch

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GBA1	First Floor	1.0	689.0	103.0	
	First Floor Apart	1.0	636.0	101.0	1325.0
GBA2	Second Floor	1.0	1845.0	193.0	1845.0
GAR	Garage	1.0	520.0	92.0	520.0
P/P	Wood Deck	1.0	699.3	267.9	
	Porch	1.0	108.0	48.0	807.3
	Net BUILDING			(rounded)	3,170

AREA CALCULATIONS BREAKDOWN

Name	Base x	Height x	Width =	Area
First Floor		26.5 x	26.0 =	689.0
First Floor Apartm		26.5 x	6.0 =	159.0
		26.5 x	18.0 =	477.0
Second Floor		46.5 x	13.8 =	639.4
		33.3 x	26.5 =	882.5
		20.0 x	9.3 =	186.0
		46.5 x	3.0 =	137.2
7 total items			(rounded)	3,170

© Starzap Marketing, LLC dba Apex Software

Attachment B

Staff Materials

City & Borough of Sitka, Alaska

Selected Parcel: 110 Sand Dollar Dr ID: 25190002

Printed 3/21/2018 from http://www.mainstreetmaps.com/ak/sitka/internal.asp

100 m
200 ft

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MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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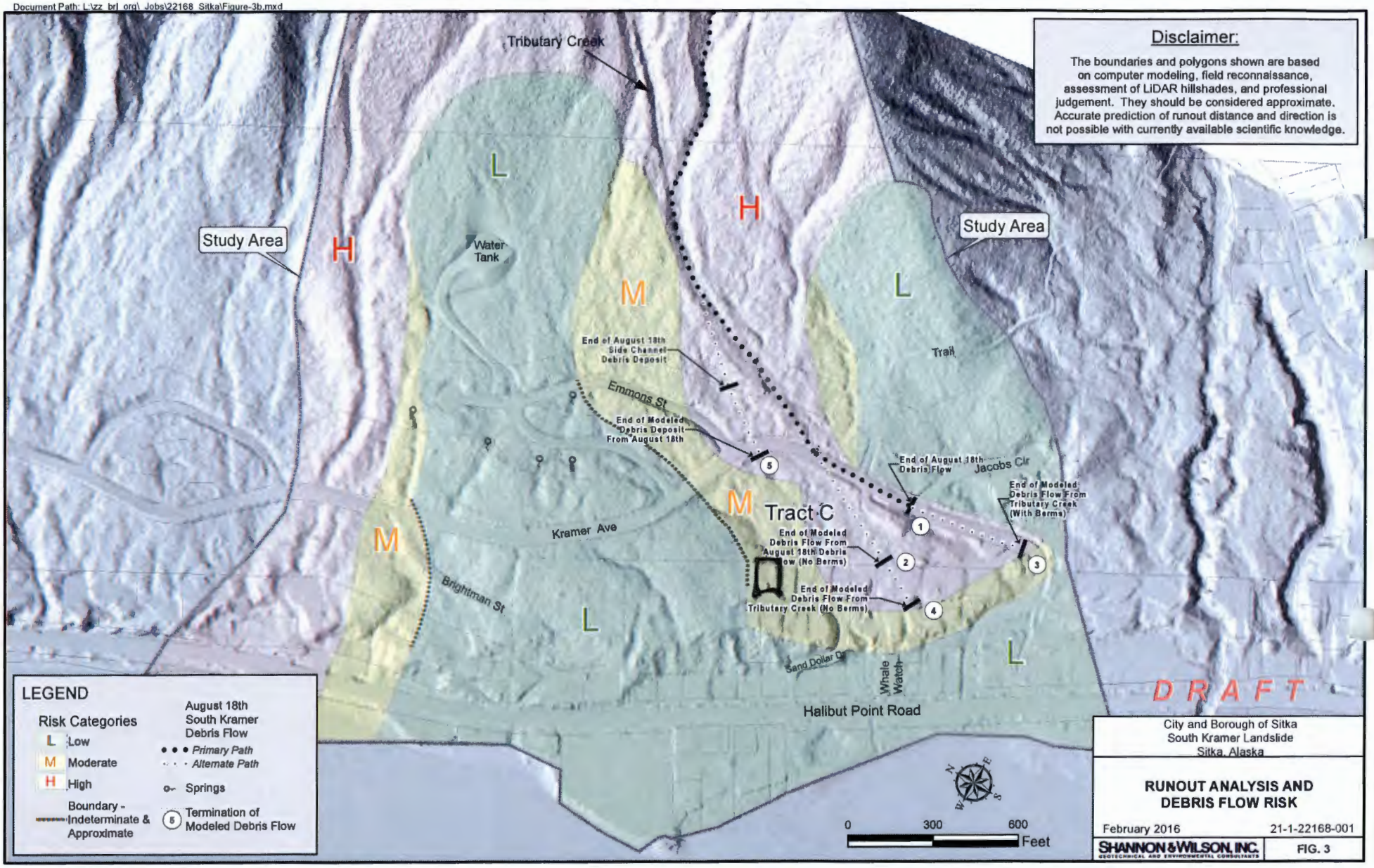


City and Borough of Sitka
South Kramer Landslide
Sitka, Alaska

RUNOUT ANALYSIS AND DEBRIS FLOW RISK

February 2016 | 21-1-22168-001

SHANNON & WILSON, INC.
GEOTECHNICAL AND ENVIRONMENTAL CONSULTANTS

FIG. 3

LEGEND

- U.S.G.L.O. MONUMENT RECOVERED THIS SURVEY
- 5/8" REBAR WITH "SURV-CAP" SET THIS SURVEY
- 5/8" REBAR WITH "SURV-CAP" SET THIS SURVEY 10 FEET PERPENDICULAR FROM PROPERTY LINE

MONUMENT ① MONUMENT ②

G.L.O. MONUMENTS FOUND THIS SURVEY

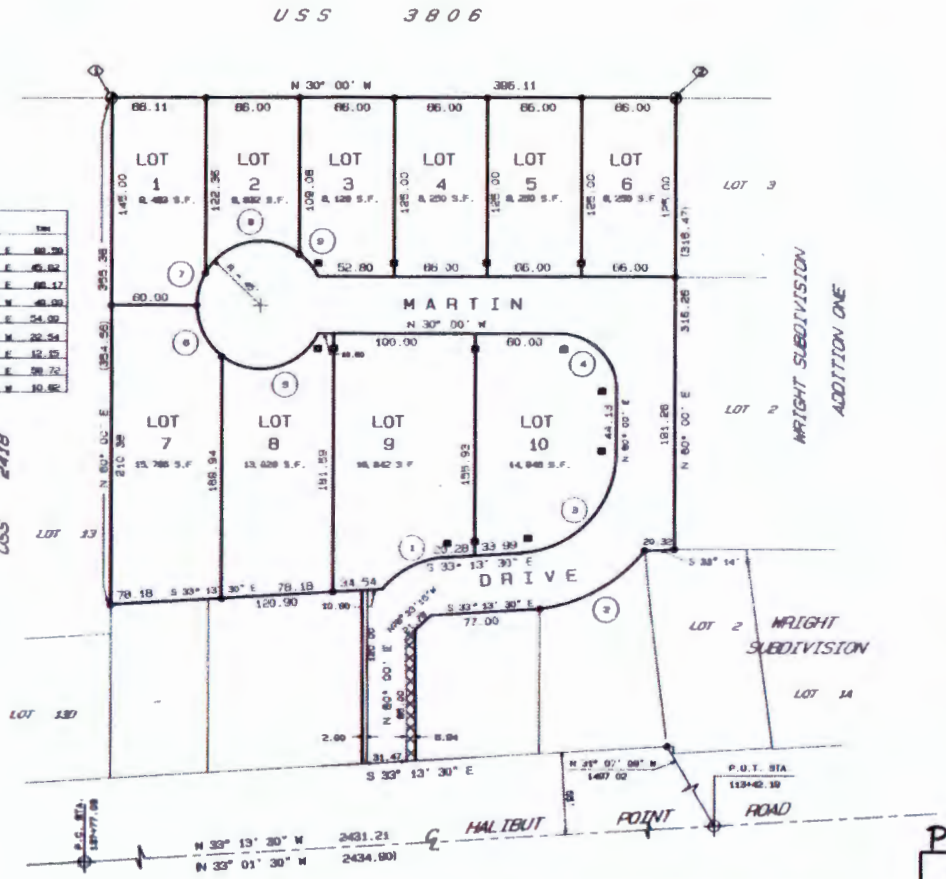
TYPICAL MONUMENT SET THIS SURVEY

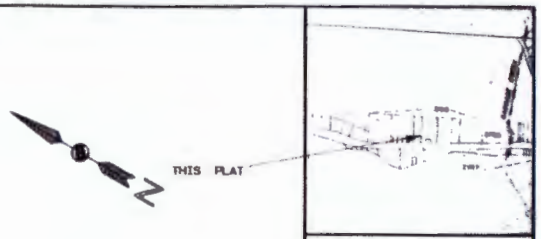
NOTE

XXXXXXX MARKS PUBLIC EASEMENT FOR ACCESS AND UTILITIES OF SANDY BEACH SUBDIVISION WHICH REMAINS IN OWNERSHIP OF THE OWNER OF THE ADJACENT PORTION OF LOT 12, US SURVEY 2418.

CURVE TABLE

CURVE NO.	DELTA	RADIUS	ARC LENGTH	CHORD	CHORD BEARING	TAN
1	48° 23' 40"	84'	52.01	50.59	S 58° 30' 11" E	68.59
2	44° 30' 55"	110'	85.46	83.33	S 58° 23' 47" E	45.02
3	90° 45' 30"	70'	106.02	95.17	S 78° 36' 44" E	68.17
4	60° 00' 00"	40'	62.83	59.57	S 14° 00' 00" W	40.00
5	100° 23' 20"	45'	78.84	68.14	S 47° 24' 56" E	54.00
6	53° 12' 00"	45'	41.80	40.31	S 33° 22' 25" W	22.54
7	30° 12' 40"	45'	23.72	23.45	N 75° 06' 20" E	12.15
8	90° 50' 14"	45'	70.98	67.32	S 47° 22' 13" E	58.72
9	22° 33' 20"	45'	20.86	20.67	S 20° 10' 00" W	10.62





VICINITY MAP

Scale: 1" = 1000'

CERTIFICATE OF OWNERSHIP AND DEDICATION

CERTIFICATE OF NOTARY

CERTIFICATE OF APPROVAL BY THE BOARD

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

SURVEYOR'S CERTIFICATE

STRAGIER ENGINEERING SERVICES, INC.
504 INGRAFF ST. SITKA, ALASKA 99835
BOX 7026 KETCHIKAN, ALASKA 99901
NOEL "BABE" STRAGIER, P.E., R.L.S. PRESIDENT

PLAT 86-28

SANDY BEACH SUB'D

A SUBDIVISION OF
A PORTION OF LOT 12 - USS 2418

Scale: 1"=40' | Date AUG. 1986
Drawn By: C.J.
Prepared For:

MR. ED MARTIN
P.O. BOX 437
SITKA, ALASKA 99835

Chapter 20.01
LANDSLIDE AREA MANAGEMENT

Sections:

20.01.010 Purpose.
20.01.020 Definitions.
20.01.030 Special requirements and limitations.
20.01.040 Waiver of geotechnical evaluation.

20.01.010 Purpose.

A. The city has a fundamental public duty and desire to provide for and afford to its citizens the opportunity to develop and enjoy the limited land that is available to it. The city also recognizes that its desire to develop the available land is concurrent with the desires and expectations of its citizens.

B. Based on the immunity provided by AS 09.65.070(d) and common law, the city has sufficient authority, and sufficient protection from liability, to adopt land use regulations, and grant and deny permits, in a manner that supports the development of the various available lots in Sitka, while assuring maximum practicable safety for residents of those lots, given the unusual topographical characteristics and extreme meteorological conditions found throughout the borough.

C. To best balance the goals of public safety and the ability of its citizens to develop homes and livelihoods, the city requires property owners that are seeking to conduct any major construction activities on any lot in a restricted landslide area, to address that restriction pursuant to the provisions of this chapter.

D. The requirements of this chapter are in addition to, not in lieu of, any other requirements of the Sitka General Code.

(Ord. 17-14 § 4 (part), 2017.)

20.01.020 Definitions.

A. "Restricted landslide area" means:

1. Any portion of any lot which has been identified as a moderate or high risk zone in any city geotechnical risk mapping commissioned and received by the city.

2. For areas not mapped, properties damaged by previous landslides or within one hundred fifty feet of locations damaged by previous landslides.

B. "Major construction activity" means:

1. Construction of infrastructure, grading, roadways, utility corridors;

2. Building construction, placement of a pre-manufactured structure, or any occupancy increase in an existing building;

3. The term "major construction activity" does not include:

a. Construction of residential accessory buildings, such as a garage or shed, which is not occupied as a dwelling unit and is not attached to a principal structure.

b. Any project or improvement of a structure to correct an existing violation of a state or local health, sanitary, or safety code regulation, where such violation has been previously identified by the building official and where such activity is the minimum necessary to achieve compliance and safety.

c. An addition to structures which adds less than one hundred twenty square feet of new floor area or foundation footprint.

d. A boundary lot line adjustment or other minor subdivision alterations, as approved by the planning director.

e. Replacement or rehabilitation of existing publicly owned infrastructure, public roadways, or utility corridors.

C. "High occupancy commercial use" includes International Building Code occupancy classifications Group A, B, E, F (with employees), H, I, M, R-1, R-2, R-4, S (with employees), or U (with employees). It does not include occupancy classification R-3 (single-family dwelling and duplex), except that a day-care facility with any number of children is considered a high occupancy commercial use for the purposes of this chapter.

D. "Geotechnical evaluation" means a report completed by a licensed professional engineer specializing in geotechnical practice or a professional geologist with experience with debris flows, assessing the geological hazards of a proposed activity and making recommendations for hazard mitigation. All designs, reports, and calculations associated with mitigation must be stamped by a civil engineer licensed in the state of Alaska. Such an evaluation shall include, at a minimum:

1. A copy of the proposed site plan and proposed development plans;

2. The site's topography and the type and extent of geologic hazards;

3. A review of the site history of landslides and other significant soil movement;

4. Analysis of the project's relationship to the geologic hazards and its potential impacts upon the subject property and adjacent properties;

5. Recommendation for mitigation of hazards, including any no-disturbance buffer, building setbacks, siting requirements, erosion controls, and sewer and drainage restrictions, as well as recommendations for any protective improvements. The mitigation recommendations shall address how the activity maintains or reduces the preexisting level of risk to the site and affected properties on a long-term basis.

(Ord. 17-14 § 4 (part), 2017.)

20.01.030 Special requirements and limitations.

A. Prior to issuance of any city permit, approval, or certificate of occupancy for any major construction activity within a restricted landslide area, the following requirements must be met:

1. Submission and city approval of a geotechnical evaluation, the cost of which shall be borne by the applicant.

2. Where preliminary approval by the planning commission is necessary, such geotechnical evaluation shall be submitted to the planning department thirty days prior to submission to the planning commission.

B. Prior to the start of any major construction activity within a restricted landslide area, construction of all protective improvements must be completed and approved by the city. Also, an as-built construction report must be approved by the professional designer of record for the applicant and stamped by a civil engineer licensed in the state of Alaska.

C. All design principles and standards for subdivisions as outlined in Section 21.40.010 shall also apply. In addition, there shall be a plat note stating that approved subdivisions have submitted a geotechnical evaluation and completed all associated mitigation requirements under this section.

D. The restricted landslide area designation may be removed from a lot or a portion of a lot if the owner(s) submits to the city a geotechnical evaluation which demonstrates to the satisfaction of the municipal administrator that such property is not subject to a moderate or high risk from landslide or other significant soil movement.

Removal of the restricted landslide area designation does not mean that the given land is not at risk for landslide-related damage. Removal recognizes there is sufficient analysis and/or mitigation to allow lifting the special requirements and limitations of this chapter.

E. A geotechnical evaluation shall not be required for a commercial use project where major foundation construction work, properly permitted, had begun on the site prior to the site being designated to be in a restricted landslide area, provided:

1. Such major foundation's construction was essential to the project's structural integrity;

2. Designation of the site as within a restricted landslide area was based solely on city geotechnical risk mapping under Section 20.01.020(A)(1); and

3. A certificate of occupancy for the project is issued within two years of initial foundation permit approval.

(Ord. 17-14 § 4 (part), 2017.)

20.01.040 Waiver of geotechnical evaluation.

A. Owner(s) of property located in a restricted landslide area will be eligible for waiver of the requirement for a geotechnical evaluation under this chapter. A waiver approved by the city under

this section requires execut[redacted] of a land-use covenant as provided i[redacted]is section.

B. High occupancy commercial use projects shall not be eligible for a waiver of the requirement for a geotechnical evaluation.

C. A land-use covenant required under this section shall be executed prior to the commencement of construction or site alteration, shall be signed by the owner(s) of the property, shall be notarized, and shall be a covenant running with the land. The terms of the covenant shall be tailored to reflect specific site conditions, project features, and commitments, but shall include at least the following:

1. A legal description of the property;

2. A copy of any relevant geotechnical data;

3. A commitment by the owner(s) to maintain the site in such condition and such manner as will prevent harm to the public, to residents of the property, to nearby property, to streets, alleys and drainage facilities;

4. The application date, type, and number of the permit or approval for which the covenant is required;

5. Acknowledgment that the owner(s) understand and assume the risk of development and release the city from any claim for losses that are not caused by the city's own negligence;

6. Indemnification of the city and its officers, employees, contractors, and agents from any claims arising from landslide hazards or failure of the owner(s) to comply with the covenant;

7. A waiver and release of any right of the owner(s), the owner's heirs, successors and assigns to assert any claim against the city and its officers, employees, contractors and agents by reason of or arising out of issuance of the permit or approval by the city for the development on the property, or arising out of any inspection, statement, assurance, delay, act or omission by or on behalf of the city related to the permit or approval of the work done thereunder, and agreeing to defend and indemnify the city and its officers, employees, contractors and agents for any liability, claim or demand arising out of any of the foregoing or out of work done or omitted by or for the owner(s), except in each case only for such losses, claims or demands that directly result from the sole negligence of the city; and

8. By way of the land-use covenant, inform future purchasers and other successors and assignees of the risks and of the advisability of obtaining insurance in addition to standard homeowner's insurance to specifically cover the risks posed by development in a restricted landslide area, including risk of damage from loss of use, personal injury and death resulting from soil and water movement.

D. The land-use covenant shall be recorded by the city at the State Recorder's Office within the Department of Natural Resources for the Sitka Recording District, at the expense of the owner(s), so as to become part of the state of Alaska's real property records.

4x4