



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No: P 19-08
Proposal: Final plat - Hybrid minor subdivision to result in 5 lots
Applicant: Michael Tisher
Owner: Michael Tisher
Location: 2370 Halibut Point Road
Legal Desc.: Lot 1 Oceanview Ridge Subdivision and Lot 4, West Woodbury Subdivision
Zone: R-1 MH single-family, duplex and manufactured home zoning district
Size: Existing: Approx. 3.8 acres
Proposed: Lot 1 – 44,353 square feet, Lot 2 – 39,794 square feet, Lot 3 – 36,793 square feet, Lot 4 – 25,443 square feet, Lot 5 – 16,835 square feet
Parcel ID: 2-5210-000 and 2-5210-010
Existing Use: Undeveloped
Adjacent Use: Residential, undeveloped
Utilities: Proposed from Kramer Avenue and Halibut Point Road
Access: Kramer Avenue

KEY POINTS AND CONCERNS:

- The Commission reviewed and approved the preliminary plat on December 18, 2019.
- Applicant has also requested a platting variance for the utility system (VAR 20-01).
- Related to previous action P 18-04 considered and given preliminary plat approval from the Commission on 5/15/2019. Owner has decided to make a slight alteration to involve Lot 4, West Woodbury Subdivision in the process and pursue a 5-lot hybrid minor subdivision rather than the 4-lot minor subdivision as previously considered.
- Access via Kramer Avenue passes through low, moderate, and high landslide risk zones
- Related platting actions (the easement realignment in the Oceanview Ridge Subdivision and the minor subdivision of the neighboring property Portion of Lot 13 US Survey 2418) have been resolved.
- Applicant should consult with USACE regarding potential wetlands.
- DEC, CBS Public Works and CBS Electrical Department has been consulted regarding utilities.
- CBS Public Works has been consulted regarding driveway permits and access via Kramer.

RECOMMENDATION: Approve the proposed final plat for a hybrid minor subdivision subject to the attached conditions.

BACKGROUND: The proposed minor subdivision is of Lot 1 of the Ocean Ridge Subdivision (ORS), a subdivision created from lot 14 of US Survey 2418. ORS has four lots. There was an access easement from Halibut Point Road that went through all four lots, primarily serving lots 1 and 4. It was determined due to slope/topography this easement was not suitable for access to Lot 1. There was no existing maintenance agreement for the easement, and a structure (a large garage/shop with an apartment above) had been built on top of the easement on lot 4. It was the determination of previous planning staff that this easement should be corrected to no longer serve lot 1, parts of the easement should be vacated and redrawn to end at the boundary line between lots 3 and 4, and a maintenance agreement should be adopted by the property owners. These actions have been completed; the new easement and maintenance agreement are in Attachment D.

Relation to platting action P 18-02: JPJL (owned by John and Jamie Licari) owns the adjacent property to the south of Lot 1 ORS. The JPJL lot provides contact to Halibut Point Road to connect upland lots to utilities (sewer and electricity), including the proposed Tisher subdivision. JPJL is willing to grant the utility and access easements with the understanding that Mr. Tisher will purchase the newly created lot resulting from JPJL's subdivision which received final plat approval from the Commission on 9/4/2019.

PROJECT DESCRIPTION:

The new subdivision, Tisher Subdivision, will create five lots from Lot 1 ORS and Lot 4 West Woodbury Subdivision (WWS). The proposed size net of access easements of each lot is: Lot 1 – 43,624 square feet, Lot 2 – 39,794 square feet, Lot 3 – 35,059 square feet, Lot 4 – 19,862 square feet, Lot 5 – 13,867 square feet. The lots will be accessed from Kramer Avenue. CBS Public Works has granted a license to allow the applicant to relocate the gate farther north on Kramer Avenue to enable access to the proposed subdivision. There is an access easement through Lot 5 to provide access to Lots 2, 3, and 4. As compared to the previous proposal, no additional lots are accessed via easement in this modified proposal. Lot 4 WWS makes direct contact with Kramer Avenue. If this subdivision is successful half of the lot will be absorbed into the proposed Lot 1, and therefore the new Lot 1 itself will make direct contact with Kramer. The proposed Lots 2, 3, and 4 would have needed to be served via an easement through Lot 4 WWS in either scenario, so the access as previously approved is unchanged.

CBS Public Works would also grant a license to the applicant to extend water lines north on Kramer Avenue to serve the subdivision. The applicant has been working with DEC and CBS Public Works on utility and drainage issues. The subdivision will have five lots, each has a roughed in building pad in place and some grading has taken place.

Title 21

The purposes of the subdivision regulations are: to promote and protect the public, health, safety and welfare; provide for appropriate roads, streets, and access; provide for useful, adequate and convenient open space; provide for means for efficient transportation, mobility, and access; assure adequate utilities; provide for emergency response accessibility; provide adequate recreation, light, and air; avoid population congestion; facilitate orderly development and growth; and accurate surveying.¹

Title 22

22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.

A. Intent. See the intent statement for the R-1 district. The R-1 MH district is intended primarily for single-family, single-family manufactured homes or duplex dwellings, at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 MH district.

Zoning Development Standards

The minimum lot area for the R-1 MH District is 6,000 square feet. Minimum lot width is 80 feet. Proposed lots meet these requirements.

PROJECT ANALYSIS

Site: The site is in a low risk landslide zone. However, Kramer Avenue, which will provide access crosses through a moderate and high landslide risk zone. The land is buildable; building pads have been cleared and some grading has taken place.

Utilities: Utility easements are shown. CBS Public Works will work with the applicant to secure necessary licenses. Applicant has also worked with DEC for sewer installation. Applicant has requested a platting variance to connect more than 5 lots to a private utility system prior to final plat approval.

Access, Roads, Transportation, and Mobility: Driveway permits must be obtained from CBS Public Works. To record the final plat of the Tisher Subdivision, all access and utility easements and associated agreements will need to be drafted and agreed to.

Public, Health, Safety and Welfare: Applicant should work with USACE to address potential wetlands. Emergency services found no public safety concerns during the design review committee process.

¹ SGC 21.04.020

Rec, Light, Air: Potential impact to use of Kramer Avenue for recreation. Other impacts are expected to be minimal. Lots to be created are large and provide for ample space, air and views.

Orderly and Efficient Layout and Development: The applicant has put forward significant time and resource into the development and layout of the subdivision – the applicant has worked both with the City and State agencies to move the project forward in a thoughtful, orderly manner. Development of this subdivision unlocks previously unutilized residential areas both within the subdivision itself, but also for neighboring properties.

Comprehensive Plan

The proposed minor subdivision complies with Comprehensive Plan Section on Housing by “expanding the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods.”

RECOMMENDATION

Staff recommends that the Planning Commission move to approve the proposed subdivision subject to the attached conditions and findings.

ATTACHMENTS:

Attachment A: Aerial

Attachment B: Current Plat

Attachment C: Preliminary Plat

Attachment D: Applicant Materials (including ADEC correspondence and drainage report)

Attachment E: Ocean Ridge Subdivision updated easement

RECOMMENDED MOTIONS

- 1) **I move to approve the** final plat for a hybrid minor subdivision to result in five lots at 2370 Halibut Point Road in the R-1 MH District subject to the attached conditions. The properties are also known as Lot 1 Oceanview Ridge Subdivision and Lot 4 West Woodbury Subdivision. The request is filed by Michael Tisher. The owners of record are Michael and Glenda Tisher.

A. Conditions of Approval:

1. All utilities including water, sewer, and electricity shall be required to have an approved permit from the municipality; and all utility permits and design shall comply with all applicable code and design policies including, but not limited to, 15.04.100, 15.04.110, 15.04.240, and 15.04.250.
2. The applicant will secure a license from the municipality to a) extend the public water north of its current termination on Kramer Avenue and b)

relocate the access gate north of its current location on Kramer Avenue to allow for access to the proposed subdivision via Kramer Avenue.

3. This subdivision development and the plat, prior to recording, shall comply with all applicable Sitka General Code.
4. Please note: Minor errors, corrections, and language of plat notes may be approved by planning staff that do not substantially and materially impact the nature of the subdivision.
5. All applicable state, federal, and tribal permits, licenses, regulations, and statutes shall be followed in subdividing this land.
6. Easement and maintenance agreements for all proposed easements shall be recorded.
7. All easement agreements will be cited via plat notes.

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

- a. The final plat meets its burden of proof as to access, utilities, and dimensions as proposed;
- b. The proposed minor subdivision final plat complies with the Comprehensive Plan Section on Housing by “expanding the range, affordability, and quality of housing in Sitka while maintaining attractive, livable neighborhoods”;
- c. The proposed minor subdivision final plat complies with the subdivision code; and
- d. The minor subdivision final plat is not injurious to the public health, safety, and welfare and further that the proposed plat notes and conditions of approval protect the harmony of use and the public’s health, safety and welfare.