



# CITY AND BOROUGH OF SITKA

## PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM CONDITIONAL USE PERMIT

### APPLICATION FOR

- ☐ MARIJUANA ENTERPRISE  
☒ SHORT-TERM RENTAL OR BED AND BREAKFAST  
☐ OTHER: \_\_\_\_\_

### CRITERIA TO DETERMINE IMPACT – SGC 22.24.010(E) (Please address each item in regard to your proposal)

- Hours of operation: 24/7
- Location along a major or collector street: Sawmill Creek Rd
- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:  
No more than current
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: Same as current use
- Effects on vehicular and pedestrian safety: Same as current use
- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Same as current use
- Describe the parking plan & layout: Public street parking available plus a designated off-street ~~space~~ parking space leased from our neighbors.
- Proposed signage: Address signage currently on house, signage will be in place at designated parking space at neighbors.

Timby  
Last Name

2/26/22  
Date Submitted

717 Sawmill Creek  
Project Address

- Presence of existing or proposed buffers (ie. Fences, boundary walls, natural barriers, etc.) on the site or immediately adjacent the site:

Fence runs along back of property at Geodetic Way.

- Amount of noise to be generated and its impacts on neighbors: No more than current use

- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc):

- Property will be professionally managed by Candace Rutledge to ensure house rules are being followed
- Trash will be stored in secure location inside arctic entry
- Quiet hours will be enforced from 10pm - 7am
- Strict rules of no parties or outside guests to be enforced
- See "Renter Informational Handout" for additional information

- Mitigation/ Management Plan (How will site be managed to ensure low/no impact on neighbors?)

See points above and "Renter Informational Handout" for more information.

Timby  
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**REQUIRED FINDINGS (SGC 22.30.160(C):**

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:

Initial

a. Be detrimental to the public health, safety, and general welfare;	BT
b. Adversely affect the established character of the surrounding vicinity; nor	BT
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.	BT
2. The granting of the proposed <u>conditional use</u> permit is consistent and compatible with the intent of the goals, objectives and policies of the <u>comprehensive plan</u> and any implementing regulation.	BT
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.	BT
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.	BT
5. The <u>conditional use</u> 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.	BT
6. Burden of Proof. The <u>applicant</u> has the burden of proving that the proposed <u>conditional use</u> meets all of the criteria in subsection B of this section.	BT

**ANY ADDITIONAL COMMENTS**

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Bu zy  
Applicant

2/26/22  
Date

Timby 2/26/22 717 Sawmill Creek  
Last Name Date Submitted Project Address



## Narrative

In addressing the concerns expressed by the Planning Commission with regards to parking on a legally non-confirming lot being used as a short term rental, we were able to make a few improvements to our application which we hope will mitigate those concerns. We propose that the Planning Commission approve our permit with the following conditions, which are based on conditions found in the approval of CUP 18-14, which is also a legally non-conforming lot (see attached):

- There shall be no more than one car allowed in the Short Term Rental and the owner shall provide bicycles.

- That the property maintains access to a dedicated, off-street parking space. A lease is currently in verbal agreement providing an off-street parking space at the adjacent property commonly known as 713 Sawmill Creek (Parcel ID #18110000). The permit will only be issued and valid if the property maintains access to a dedicated, off-street parking space through such a lease as is currently in place or any other legal means of meeting the criteria.

We are confident these conditions will be more than enough to mitigate any concerns about parking stress created by our short-term rental.

Benjamin Timby  
Tiffany Justice  
717 Sawmill Creek  
Sitka, AK 99835



# CITY AND BOROUGH OF SITKA

## Minutes

### Planning Commission

*Chris Spivey, Chair*  
*Darrell Windsor, Vice Chair*  
*Randy Hughey*  
*Taylor Colvin*

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Tuesday, July 17, 2018

7:00 PM

Harrigan Centennial Hall

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#### I. CALL TO ORDER AND ROLL CALL

Chair Chris Spivey called the meeting to order at 7:04 p.m.

Present: Chris Spivey, Darrell Windsor (telephonic), Taylor Colvin, Randy Hughey, and Kevin Knox, Assembly liaison

#### II. CONSIDERATION OF THE AGENDA

#### III. CONSIDERATION OF THE MINUTES

##### A PM-48 Approval of the May 23 and May 24, 2018 meeting minutes

Moved/Seconded Hughey/Colvin moved to approve the minutes of May 23 and May 24, 2018. MOTION CARRIED 4-0.

#### IV. PERSONS TO BE HEARD

Property owner Dave Hardy spoke of a potential for him to purchase a strip of land adjacent to his property on Shuler Drive.

#### V. PLANNING DIRECTOR'S REPORT

##### B MISC 18-19 Director's Report - July 17

Planning Director Michael Scarcelli introduced temporary Planning Assistant KathyHope Erickson; he noted that Commissioner Darrell Windsor was attending telephonically; and mentioned the need to hold an additional meeting, suggesting August 2 as the date.

#### VI. REPORTS

#### VII. THE EVENING BUSINESS

##### C CUP 18-10 Public hearing and consideration of a conditional use permit for natural resource extraction and mining support facilities at 4660 and 4670 Halibut Point Road in the Industrial District. The properties are also known as Lot 1A



M/S Taylor Colvin/Randy Hughey to adopt and approve the required findings pursuant to Sitka General Code 22.30.160.D.

Before any variance is granted, it shall be shown:

a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner; in this case that the unique location, existing structures, lot design of the subdivision, and topography and rock wall make practical development of required parking on-site very difficult and impractical; and that further, this development predates the current development standards.

b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity; in this case that parking options are constrained.

c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure; in this case that the conditions of approval to guarantee parking and/or parking egress/ingress will mitigate any potential impact to adjacent properties, vehicles, and pedestrians as well as provide the necessary parking.

d. That the granting of such a variance will not adversely affect the comprehensive plan; in this case that the conditions of approval will mitigate impact, while the variance will allow the owner to develop their property which will have positive economic impacts in job creation and supporting tourism and transient markets. Some impact to long-term rentals and affordable housing may occur, but that is balanced against other positive gains. MOTION CARRIED 4-0.

**F CUP 18-14**

Public hearing and consideration of a conditional use permit request for a short-term rental at 409 Halibut Point Road in the R-2 multifamily residential district. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

Planning Director Scarcelli pointed out that one side of the duplex would be owner-occupied, which would provide oversight to the proposed short-term rental. He reviewed the standard conditions for a rental, as well as the additional recommended conditions of approval for this application.

Applicant representative property manager Wendy Lawrence answered questions of the Commission on immediate mitigation plans for parking and traffic flow; and immediate plans for addressing parking. Ms. Lawrence stated the unit would be marketed as a non-vehicle rental, and provide illustrated directions for parking. There was discussion on proposed condition three, disallowing rental cars or having the owner provide transportation and/or bicycles for renters. Ms. Lawrence asked for allowance of use of a rental car; and assured that there would also be bicycles provided.

No public comment.

M/S Hughey/Collvin to approve the conditional use permit request for a short term rental at 409 Halibut Point Road in the R 2 multifamily residential district subject to the attached conditions of approval. The property is also known as Lot 19 Tower Heights Subdivision. The request is filed by Tim Riley. The owner of record is Timothy Riley.

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, and as amended by the conditions of approval.
3. There shall be no more than one car allowed in the Short Term Rental and the owner shall provide bicycles.
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, bed tax remitted, any violations, concerns, and solutions implemented. 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 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, 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 renters.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
14. The applicant shall comply with all local, state, and federal laws regarding nondiscrimination.
15. That either an easement, permit, or license to use for parking and/or parking egress and ingress be granted by the adjacent property commonly known as 409 Halibut Point Road (Parcel ID 13475000). This license, easement, or permit, shall continue as long as the variance is needed or the property is used as a conditional use (short-term rental or other conditional use). Should the ability to use the adjacent property for such parking or parking egress/ingress be extinguished, the variance shall be come void and any conditional use shall become void.



16. Special care shall be taken in ingress and egress across the Halibut Point Road right of way so as to minimize any impacts to vehicles and pedestrians.

17. The burden of following, keeping track of, and executing these conditions of approval is upon the owner (e.g. annual report, business registration, sales tax account, remittance of bed tax, life and safety inspection, etc.). MOTION CARRIED 4-0.

M/S Hughey/Colvin to adopt the findings in the Staff Report:

1. The granting of the proposed conditional use permit will not:

a. Be detrimental to the public health, safety, and general welfare specifically, that the conditions of approval mitigate impacts to adjacent properties and vehicle and pedestrians by providing for alternative and improved parking and parking ingress and egress

b. Adversely affect the established character of the surrounding vicinity specifically, that the area is a mix of light commercial and professional office and adjacent to a major corridor that a mixed use of residential and light commercial (STR) is an appropriate and compatible use as identified in the Comp Plan 2030; 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, that the proposed use will support central downtown development and mitigate impacts via the conditions of approval related to parking and ingress/egress.

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, that the conditions of approval will mitigate impact, while the variance will allow the owner to develop their property which will have positive economic impacts in job creation and supporting tourism and transient markets. Some impact to long-term rentals and affordable housing may occur, but that is balanced against other positive gains.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically that the owner lives on-site and can monitor for infractions and take action as warranted and also have a property manager. MOTION CARRIED 4-0

## VIII. ADJOURNMENT

The meeting was adjourned by Chair Spivey at 7:57 p.m.