

CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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907-747-1814

August 16, 2022

Rachel Jones
P.O. Box 6265
Sitka, AK 99835

Dear Rachel Jones,

This is to inform you that your conditional use permit request for a short-term rental at 505 Sawmill Creek Road was approved by the Planning Commission on July 20, 2022. The enclosed findings of fact and decision document outlines the conditions of approval. The next two steps are to satisfactorily complete a fire and life safety inspection conducted by the municipal Building Official and to register with the city sales tax office. **The permit cannot be utilized until these requirements are met and documentation is submitted to the Planning Office.**

Please be aware that use of any property as a short-term rental constitutes commercial use of said property per SGC chapters 15.04, 15.05, and 15.06 regarding utility services for water, wastewater, and garbage. This will require year-round services for the account regardless of how often the permit is utilized (i.e. how many days a year the unit is available for rental).

In the event the short-term rental is not utilized during any twelve-month period, the approval shall lapse. If you should have any questions, please feel free to contact the Planning Office at 747-1814.

Sincerely,

A handwritten signature in black ink, appearing to read 'Amy Ainslie', written over a white background.

Amy Ainslie
Planning Director

Enclosures: Planning Commission approvals and findings

**BEFORE THE PLANNING COMMISSION OF THE
CITY AND BOROUGH OF SITKA**

**IN THE MATTER OF THE APPLICATION OF RACHEL JONES FOR A CONDITIONAL
USE PERMIT AT LOTS 10, 11, 12, 13 AND 14, BLOCK 20, SITKA TOWNSITE, US SURVEY
1474 TRACT A.**

FINDINGS OF FACT AND DECISION

City and Borough of Sitka Planning Commission sat on July 20, 2022, pursuant to Sitka General Code (“SGC”) 22.30.160, regarding a conditional use permit application from Rachel Jones at 505 Sawmill Creek Road in the R-2 multifamily residential district. The property is known as Lots 10, 11, 12, 13 and 14, Block 20, Sitka Townsite, US Survey 1474 Tract A. The owners of record are Brendan & Rachel Jones and Tripp & Sherry LaRose.

After considering the record, hearing testimony, conducting a public hearing, and deliberating in accordance with applicable SGC provisions, the Planning Commission approved the conditional use permit application by a 3-0 vote, and accepted recommended conditions and findings. *See* Exhibit A – Planning Commission Findings and Conditions of Approval at pg. 2.

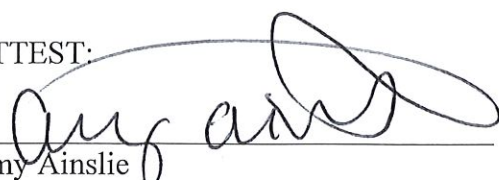
This Findings of Fact and Decision constitutes the final decision of the Planning Commission. Any appeal from this Findings of Fact and Decision must be filed with the Sitka Superior Court within 10 days of the final decision, in accordance with SGC 22.30.220.

DATED at Sitka, Alaska, this 20th day of July, 2022.



Acting Chair Darrell Windsor

ATTEST:



Amy Ainslie
Planning Director

M-Alderson/S-Mudry moved to extend the initiation period for the conditional use permit to two-years rather than one-year to accommodate the timeline for the overall site development. Motion passed 3-0 by voice vote.

M-Mudry/S-Alderson moved to add a condition of approval requiring a privacy fence along the property lines that border abutting properties prior to construction and alter condition 11 to have review and approval of the parking plan at a later date. Motion passed 3-0 by voice vote.

M-Alderson/S-Mudry moved to approve the conditional use permit for five short-term rental units at 505 Sawmill Creek Road in the R-2 multifamily residential district subject to the attached conditions of approval as amended. The property was also known as Lots 10, 11, 12, 13 and 14, Block 20, Sitka Townsite, US Survey 1474 Tract A. The request was filed by Rachel Jones. The owners of record were Brendan & Rachel Jones and Tripp & Sherry LaRose. Motion passed 3-0 by voice vote.

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 beginning in 2023, 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 began operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period. The activity of each unit shall be submitted on individual reports.
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 the impact of odor from the short-term rental and comply with bear attraction nuisance requirements, the property owner shall assure all trash is deposited in trash receptacles and only placed on street for collection after 4:00 a.m. on trash collection day.
8. To mitigate 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 off-site 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, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general condition to respect the surrounding residential neighborhood. The renter handout shall include an advisory note to tenants to be mindful of vehicle and especially pedestrian traffic in the area, and to exercise caution coming and going from the property in motor vehicles.
11. Prior to operation, the applicants shall bring a final parking plan to the Commission for their review and approval.
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 applicants will keep up-to-date contact information for the on-site manager on file with the Planning Department.
14. The total number of short-term rentals on the site shall not exceed 5 and will be consistent with the size/number of bedrooms per unit as presented in the application.
15. Upon finalization of the floor plan for the building, the applicants will provide the Planning Department with the floor plan identifying the short-term rental units.
16. If any one of the short-term rental units is not used for a twelve-month period or within the initiation period, approval for use of that unit as a short-term rental will be void. In such case, the Planning Department will file the expiration of that unit's use as a short-term rental in the case file and provide a copy to the applicants as well as the Commission.
17. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
18. Prior to construction of the building the applicant shall erect a privacy fence along all property lines abutting properties.

M-Alderson/S-Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 3-0 by voice vote.

Findings:

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.