


MEMORANDUM

To: Jay Sweeney, Interim Municipal Administrator
Mayor McConnell and Members of the Assembly

From: Maegan Bosak, Planner I 

Subject: Sitka Counseling and Prevention Services Expansion of Quasi Institutional Use
Conditional Use Permit

Date: June 28, 2013

The Planning Commission is recommending approval of a conditional use permit request for expansion of quasi institutional use for Sitka Counseling and Prevention Services at 701 Indian River Road. Action on this item was taken at the June 18, 2013 Planning Commission meeting. The recommendation to approve the request passed 4-0. A detailed set of findings were made by the board.

The applicant currently has a conditional use permit for quasi institutional use (issued for this location in 2004) on the 2nd floor of the facility, meeting the needs of 8 male clients. This new permit will enable expansion of services to the 1st floor, changing the use from office space to quasi institutional, and allowing 8 additional female clients. The new conditional use permit will allow a residential quasi institutional use on both floors of the facility and up to 16 clients.

The expanded residential use will operate all day, everyday and will be staffed accordingly. The applicant anticipates that this expansion will have little to no effect on the surrounding neighborhoods, except the possibility of decreasing traffic as most clients do not drive.

The Planning Commission was in support of the request and noted the need in the community for these services as the Bill Brady Healing House has closed. It was the view of the applicant, the Planning Office and the Planning Commission, that the residential use on the first floor would have smaller potential impacts from the offices that are currently permitted. Sitka Counseling and Prevention Services will immediately begin this new program.

Prior Sitka Counseling conditional use permits received significant public scrutiny. One of those requests was the subject of litigation. However, the Planning Office has not received any comments on this request.

Recommendation:

Approve the request and approve the findings of the Planning Commission by reference.

Staff recommended the following findings in support of the approved request:

MOTION: M/S WESTOVER/SPIVEY moved to approve the following findings in support of the recommended approval:

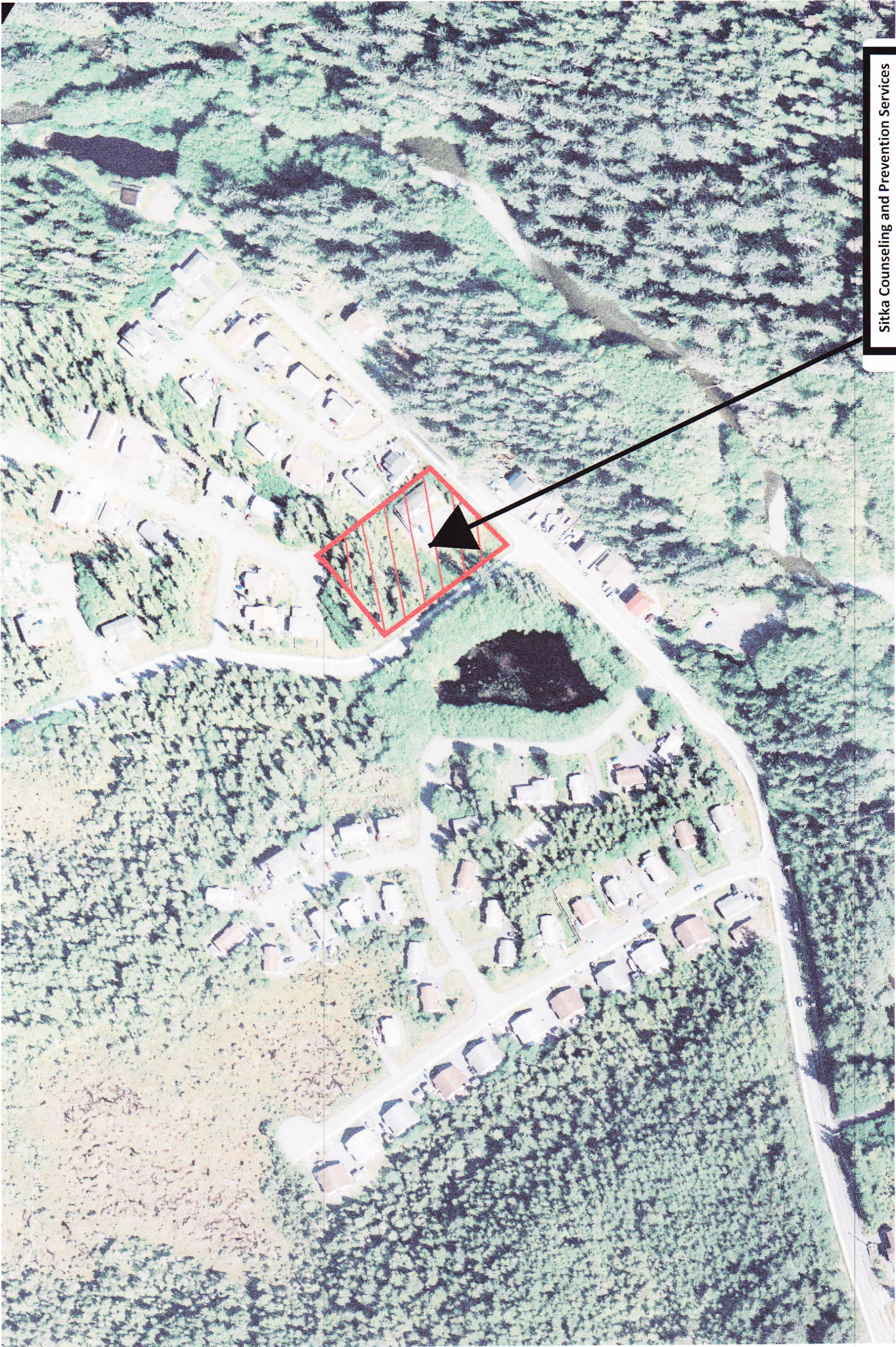
1. That the conditional use permit will not be detrimental to public health, safety, and general welfare;
2. That the facility will not adversely affect the established character of the surrounding vicinity;
3. Nor be injurious to the uses, properties, or improvements adjacent to the operation;
4. That the granting of the proposed conditional use permit is consistent with Comprehensive Plan policies 2.1.1 Contribute to a stable, long-term, local economic base, 2.1.5 Protect the health and well-being of the people and their surroundings, and 2.3.1 To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners;
5. The Planning Commission finds that all conditions necessary to lessen the impact of the proposed use can be monitored and enforced;
6. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties in the vicinity and public health, safety, and welfare of the community;
7. That the conditional use permit is supported and will not adversely affect adequate public facilities and services and that conditions have been imposed to lessen any impact on any such facilities;
8. The applicant has met the burden of proof;
9. The Planning Commission has determined that the project can be supported by the site topography and there are no geophysical hazards present;
10. That the project is adequately served by utilities, fire protection and access to electrical power;
11. That the lot characteristics are adequate to support the proposed conditional use permit;
12. That the Planning Commission has evaluated the conditional use permit with regards to impact on adjacent uses and districts and has evaluated it with regard to hours of operation, numbers of clients, and off street parking;
13. That the Planning Commission has reviewed the presence of landscaping and buffers;
14. The Planning Commission has evaluated the proposed use in relationship to the amount of vehicular traffic to be generated and impacts on the adjacent properties and has not made any determination that traffic is an issue;
15. The Planning Commission has evaluated the conditional use permit with regards to noise and has not made any determination that noise is an issue;
16. The Planning Commission has determined that odors are not an issue and has not been raised as such during public testimony;
17. The Planning Commission through the conditions specific to hours of operation have evaluated and not made any determination that hours of operation are an issue as the facility will be staffed at all times;
18. The facility is along two major collector streets;
19. The uses for a cut through street traffic are considered not applicable as there is no access on substandard streets;

20. The Planning Commission has evaluated the conditional use permit with regards to vehicular and pedestrian safety and has not made any determination that vehicular and pedestrian safety effects are an issue;
21. There is adequate opportunity for police, fire, and EMS personnel to respond to emergency calls;
22. The Planning Commission has evaluated the conditional use permit with regards to internal traffic layout and has not made any determination that internal traffic layout is an issue as it is not changing;
23. The effects of signs on nearby uses is not considered an issue as signage is covered elsewhere in the Sitka General Code and signage is not proposed for the use;
24. Buffers to adjacent property owner(s) have been evaluated only in so far as necessary with regards to the buffer along the rear of site in the large trees;
25. The relationship to the comprehensive plan has been evaluated and referenced; and
26. The Planning Commission has evaluated and made conditions in response to public comments that have surfaced through the course of the extensive review of this process.

ACTION: Motion **PASSED unanimously** on a voice vote.



Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road



Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

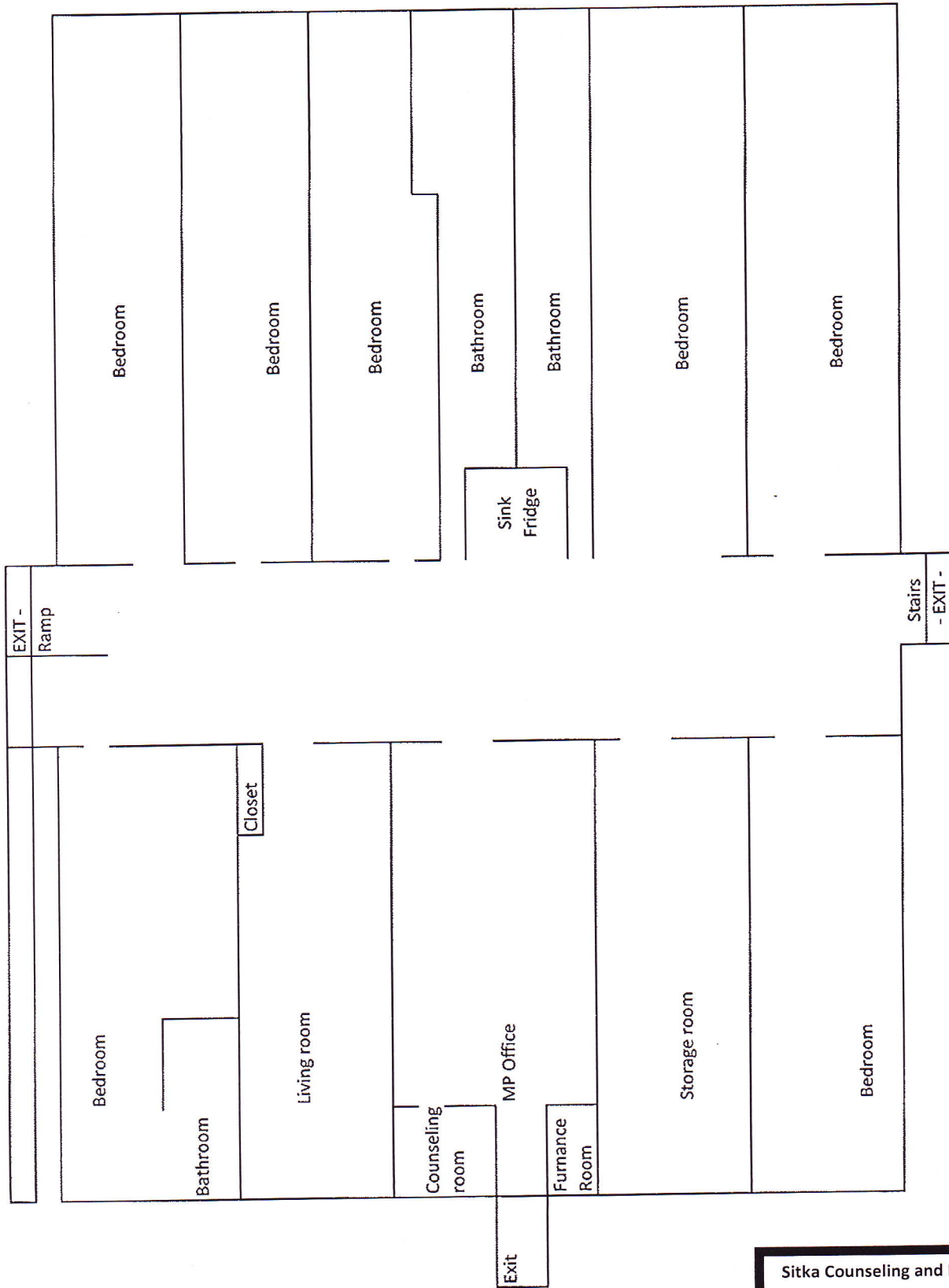


Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road



Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

Indian River Emergency Escape Route
1st floor

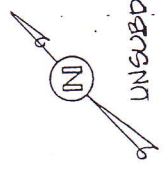


Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

*Meet at designated assembly point: Across parking lot



UNSUBDIVIDED PORTION VSS 407 TRACT B

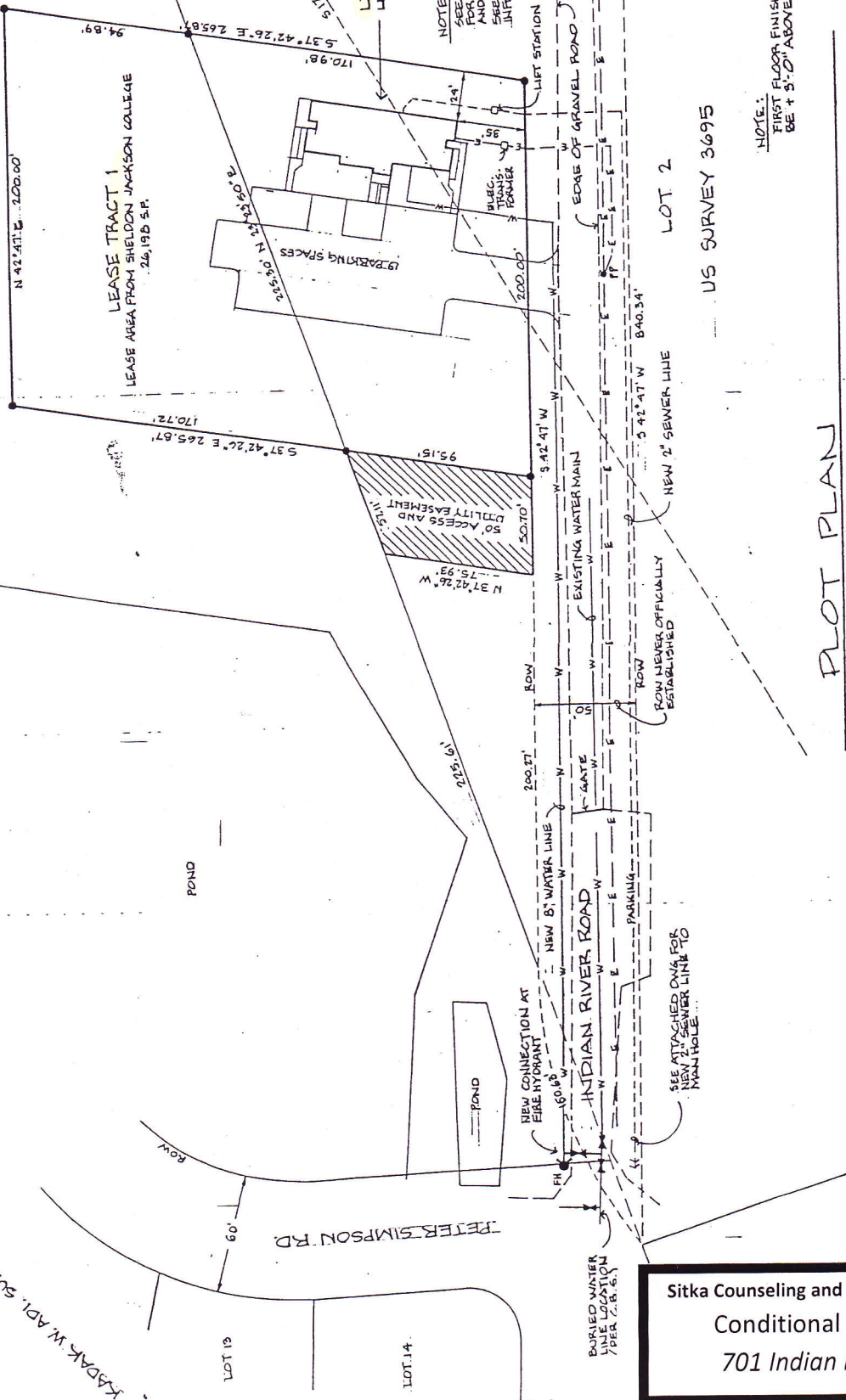


LEASE TRACT 1
LEASE AREA FROM SHIELDON JACKSON COLLEGE
26,198 S.F.

LEASE TRACT 2
LEASE AREA FROM C.B.S.
26,247 S.F.

BASIS OF BEARINGS
517°46'11" W 208.33' (M) 209.83' (M)
537°42'26" E 265.87'
170.72'
94.89'

NOTES:
SEE ENLARGED SITE PLAN FOR COMPLETE SITE IMPROVEMENTS AND DIMENSIONS.
SEE ATTACHED SURVEY FOR ADDITIONAL INFORMATION AND LEGAL DESCRIPTION.



LOT 2
US SURVEY 3695

NOTE:
FIRST FLOOR FINISH ELEVATION TO BE + 5'-0" ABOVE CROWN IN ROAD.

PLOT PLAN
SCALE: 1" = 40'

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

KADAK W ADJ. SUBD.
LOT 13
LOT 14
PETER SIMPSON RD.

POND

POND

BURIED WATER LINE LOCATION PER C.B.S.

SEE ATTACHED DNA FOR NEW 2" SEWER LINE TO MAIN HOLE...

ROW NEVER OFFICIALLY ESTABLISHED

NEW CONNECTION AT FIRE HYDRANT

NEW 8" WATER LINE

INDIAN RIVER ROAD

NEW 2" SEWER LINE

EXISTING WATER MAIN

EDGE OF GRAVEL ROAD

LIFT STATION

BLDG. TRANS. FORMER

PARKING

50' ACCESS AND UTILITY EASEMENT

5.92' 41" W

5.42' 41" W

840.34'

5.92' 41" W

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CITY AND BOROUGH OF SITKA
PLANNING DEPARTMENT
CONDITIONAL USE PERMIT APPLICATION

Conditional Use Permit FEE \$100.00
plus current city sales tax

APPLICANT'S NAME: Sitka Counseling and Prevention Services, Inc
PHONE NUMBER: 907-747-1417
MAILING ADDRESS: 113 Metlakatla St, Sitka, AK 99835

OWNER'S NAME: _____
(If different from applicant)
PHONE NUMBER: _____
MAILING ADDRESS: _____

PROJECT ADDRESS: 701 Indian River Rd.
LEGAL DESCRIPTION Lot: _____ Block: _____
Subdivision: _____
U.S. Survey: _____ Zoning Classification: _____

List specific request: Increase maximum number of Residential clients from 8 to 16.

State all reasons for justifying request: See attached

List all features and details of request: See attached

State the schedule and timing of request: See attached

Please attach drawings, maps, and additional narrative as appropriate.

The applicant must verify, to the satisfaction of the Public Works Department, that utility lines and services are not under proposed structures.

In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after Planning Commission's review for the purposes of inspecting the proposed and/or approved structures.

SIGNATURE OF APPLICANT: [Signature] Date: 5/24/13
SIGNATURE OF OWNER: _____ Date: _____
(If different from the applicant)

Approval will be based on plans submitted
or approved by the Planning Commission or Assem

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

Sitka Counseling and Prevention Services, Inc.

113 Metlakatla St., Sitka AK 99835

Conditional Use Permit Application Attachment

List specific request: Increase maximum number of clients from 8 to 16

State all reasons for justifying request:

- 1) The need for this program is great, and region wide. With the recent closure of the Bill Brady residential program, demand for our residential services has increased. The current wait time for another residential treatment program in southeast Alaska is two months.
- 2) This increased capacity will restore utilization of our facility to 100%. We currently only use one floor for service delivery.
- 3) Residential services will not have a noticeable increase in traffic to the building. (Providers only, clients do not typically have a vehicle)

List all features and details of request:

- 1) Men's program will remain on the second floor
- 2) Women's program will be on the first floor
- 3) Current office spaces will be furnished as bedrooms similar to the upstairs program.
- 4) Therapeutic individual and group services will be provided for residential clients only.
- 5) The existing Aurora's Watch Men's program will continue to be staffed 24/7, and the new program will have the same coverage.

State the schedule and timing of request.

We would like to implement this program as soon as possible.

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

**CITY AND BOROUGH OF SITKA
Planning Commission
Minutes of Meeting
June 18, 2013**

Present: Jeremy Twaddle (Chair), Darrell Windsor (Member), Cheryl Westover (Member), Chris Spivey (Member), Wells Williams (Planning Director), Maegan Bosak (Planner I)

Members of the Public: Stephen Weatherman (CBS Municipal Engineer), Bart Meyer (BIHA), Cliff Richter (BIHA), Shannon Haugland (Sitka Setinel), Betty Richter, Nancy Yaw Davis, Joy Davis, Nancy Leclerc-Davidson, Amy Zanuzoski

Chair Twaddle called the meeting to order at 7:03 p.m.

Roll Call:

PRESENT: 4 – Twaddle, Windsor, Westover, Spivey

Consideration of the Minutes from the June 4, 2013 meeting:

MOTION: M/S SPIVEY/WESTOVER moved to approve the meeting minutes for June 4, 2013

ACTION: Motion **PASSED unanimously** on a voice vote.

The evening business:

**ZONING MAP AMENDMENT
PORTION OF LOT 5C, DEPARTMENT OF PUBLIC SAFETY SUBDIVISION USS 407, TRACT B
BARANOF ISLAND HOUSING AUTHORITY**

Public hearing and consideration of a proposed zoning map amendment to rezone a portion of Lot 5C, Department of Public Safety Subdivision US Survey 407, Tract B from R-2 MHP multifamily and mobile home district to I industrial district. This request is filed by Baranof Island Housing Authority. The property is located at the end of Yaw Drive.

Planning Director Williams describes scope of the project and process of public hearings. Staff is encouraging the Commission to take as many meetings as possible to make sure public has the opportunity to respond. Williams suggests the final hearing be August 6th and the Commission come to a motion and findings on August 20th.

APPLICANT: Bart Meyer, Executive Director, and Cliff Richter, Development Coordinator, with BIHA come forward to report on project changes. No changes for zoning increase. Commissioner Westover, after visiting the quarry, thinks the applicant should ask for more quarry land as the need for rock is so high. Meyer doesn't anticipate a surplus of rock and thinks there is an opportunity for expansion. The proximity of quarry could be a cost advantage for a multitude of projects going on in community. Intention is to rezone the final quarry back to R-2 MHP. BIHA hasn't talked to staff regarding asking for more rezoning but wonders if it would be

easier to do it all at once. Williams advises that a motion could include possibility of expansion – that way no one would be surprised if additional expansion is requested.

Stephen Weatherman, Municipal Engineer, reviews the plan and comments on the reclamation plan. Weatherman states the expansion meets all the requirements.

PUBLIC COMMENT: Nancy Yaw Davis comes forward encouraging Commissioners to look beyond the rock. Davis expresses concerns over the public process. She does not approve of plans as they stand now and does it think it is the best use of the land.

**CONDITIONAL USE PERMIT FOR NATURAL RESOURCE EXTRACTION
PORTION OF LOT 5C, DEPARTMENT OF PUBLIC SAFETY SUBDIVISION USS 407, TRACT
B
BARANOF ISLAND HOUSING AUTHORITY**

Public hearing and consideration of a conditional use permit request for natural resource extraction (rock quarry) & mining support facilities. The conditional use permit would allow for the expansion of the existing quarry at the end of Yaw Drive. The location area is 36 acres of land also known as Lot 5C, Department of Public Safety Subdivision US Survey 407, Tract B. This request is filed by Baranof Island Housing Authority.

Planning Director Williams reviews permit request and informs Commission that he spoke with BIHA and explained that the current request does not include a rock crusher on site.

Planner Bosak read letter from BIHA amending Conditional Use Permit to include potential use of a rock crusher. The letter reflects limited hours of operation specific to the rock crusher: Monday through Friday 8 am to 5 pm.

Williams says that rock crusher request will now be included on agenda.

APPLICANT: Meyer and Richter come forward again to answer questions. Crusher will move backward in quarry as progression happens, gradually decreasing noise impact to surrounding property owners. Chair Twaddle confirms that rock crushing would not happen in buffer zone. BIHA plans buffer zone to be a screen and provide noise abatement. Commissioner Westover questions drainage runoff. Not a fixed standard.

Municipal Engineer Weatherman states that this plan meets all requirements and that a rock crusher is a typical request.

Chair Twaddle reads public comment included in Commissioners packets. 1 letter in support of rezoning/expansion and 1 against

Commissioner Spivey asks for the distance from the quarry to an actual residence. Williams responds “at least a couple thousand feet.”

PUBLIC COMMENT: No public comment.

Commissioners are happy new additions are being caught at early stage. Request will be back before the board on August 6th for an additional public comment opportunity.

**FINAL REPLAT
417 KATLIAN AVENUE**

SCOTT SALINE

Public hearing and consideration of a replat to combine Lot 31, Block 5, USS 2542 with adjacent deeded tidelands. The property is also known as 417 Katlian Avenue. The owner of record is Scott Saline.

Planner Bosak reviewed the history of the final plat. Plat combines deeded tidelands and recently purchased property into one lot. Williams adds leased tidelands not included in plat as Saline testified that he is not going to proceed with that aspect of the project.

APPLICANT: No applicant present.

PUBLIC COMMENT: No public comment.

MOTION: M/S SPIVEY/WESTOVER moved to approve the public hearing and consideration of a replat to combine Lot 31, Block 5, USS 2542 with adjacent deeded tidelands. The property is also known as 417 Katlian Avenue. The owner of record is Scott Saline.

ACTION: Motion **PASSED** unanimously on a voice vote.

**CONDITIONAL USE PERMIT FOR QUASI INSTITUTIONAL USE
701 INDIAN RIVER ROAD
SITKA COUNSELING AND PREVENTION SERVICES**

Public hearing and consideration of a conditional use permit for a quasi institutional use by Sitka Counseling and Prevention Services Inc. The conditional use permit would allow for the expansion of services by turning the 1st floor from office space to residential space and increase the maximum number of residents from eight to sixteen at 701 Indian River Road. The location area is Lot 8 Sheldon Jackson Subdivision and a Portion of Lot 2 USS 3695. The owner is Baranof Island Housing Authority and City and Borough of Sitka.

Planning Director describes split property pointing out that BIHA owns Lease Tract 1 and CBS owns Lease Tract 2. Both lease to SCPS. Building will not be changed. Current conditional use permit is for Men’s program on the 2nd floor and office space on the 1st floor. Use is changing therefore a new conditional use permit is required. SCPS will convert the 1st floor office space into residential use for a women’s program. Total number of patients will expand from 8 to 16.

APPLICANT: Amy Zanuzoski, Executive Director and Nancy Leclerc-Davidson, Controller, come forward to address request. Leclerc-Davidson points out that this request will reduce impact on the surrounding community as there will be less traffic. There will be staff on both floors at all times. A change from outpatient to residential care as patients may stay for extended months. BIHA is agreeable with request.

COMMISSIONER DELIBERATION: Westover states that the community has a huge need for these services since Bill Brady Healing House closed. Concern over males and females cohabiting in same building. SCPS reminds the Commission that staff will be present at all times.

PUBLIC COMMENT: No public comment.

MOTION: M/S WESTOVER/SPIVEY moved to recommend to the Assembly a motion to approve the conditional use permit provided an interior site plan is included prior to Assembly review.

ACTION: Motion **PASSED** unanimously on a voice vote.

Staff recommended the following findings in support of the approved request:

MOTION: M/S WESTOVER/SPIVEY moved to approve the following findings in support of the recommended approval:

1. That the conditional use permit will not be detrimental to public health, safety, and general welfare;
2. That the facility will not adversely affect the established character of the surrounding vicinity;
3. Nor be injurious to the uses, properties, or improvements adjacent to the operation;
4. That the granting of the proposed conditional use permit is consistent with Comprehensive Plan policies 2.3.4 To minimize and resolve conflicts, between residential, commercial, recreational and industrial land uses;
5. The Planning Commission finds that all conditions necessary to lessen the impact of the proposed use can be monitored and enforced;
6. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties in the vicinity and public health, safety, and welfare of the community;
7. That the conditional use permit is supported and will not adversely affect adequate public facilities and services and that conditions have been imposed to lessen any impact on any such facilities;
8. The applicant has met the burden of proof;
9. The Planning Commission has determined that the project can be supported by the site topography and there are no geophysical hazards present;
10. That the project is adequately served by utilities, fire protection and access to electrical power;
11. That the lot characteristics are adequate to support the proposed conditional use permit;
12. That the Planning Commission has evaluated the conditional use permit with regards to impact on adjacent uses and districts and has evaluated it with regard to hours of operation, numbers of clients, and off street parking;
13. That the Planning Commission has reviewed the presence of landscaping and buffers;
14. The Planning Commission has evaluated the proposed use in relationship to the amount of vehicular traffic to be generated and impacts on the adjacent properties and has not made any determination that traffic is an issue;
15. The Planning Commission has evaluated the conditional use permit with regards to noise and has not made any determination that noise is an issue;
16. The Planning Commission has determined that odors are not an issue and has not been raised as such during public testimony;

17. The Planning Commission through the conditions specific to hours of operation have evaluated and not made any determination that hours of operation are an issue as the facility will be staffed at all times;
18. The facility is along two major collector streets;
19. The uses for a cut through street traffic are considered not applicable as there is no access on substandard streets;
20. The Planning Commission has evaluated the conditional use permit with regards to vehicular and pedestrian safety and has not made any determination that vehicular and pedestrian safety effects are an issue;
21. There is adequate opportunity for police, fire, and EMS personnel to respond to emergency calls;
22. The Planning Commission has evaluated the conditional use permit with regards to internal traffic layout and has not made any determination that internal traffic layout is an issue as it is not changing;
23. The effects of signs on nearby uses is not considered an issue as signage is covered elsewhere in the Sitka General Code and signage is not proposed for the use;
24. Buffers to adjacent property owner(s) have been evaluated only in so far as necessary with regards to the buffer along the rear of site in the large trees;
25. The relationship to the comprehensive plan has been evaluated and referenced; and
26. The Planning Commission has evaluated and made conditions in response to public comments that have surfaced through the course of the extensive review of this process.

ACTION: Motion **PASSED unanimously** on a voice vote.

PLANNING DIRECTOR'S REPORT: July 2nd meeting is cancelled. South Benchlands RFP worksession, next Tuesday at 5 pm, featuring Adhoc group recommendations and Sound Development, LLC. representatives. Discussion regarding naming of Mountain View Subdivision right of way after Officer Barber. Barber was only officer in Sitka's history to be killed in the line of duty. Officer Barber naming will be recommended to Historic Preservation Commission for review. Vote on new Planning Commission Chair. Vice chair will be organized at next meeting.

MOTION: M/S WINDSOR/SPIVEY moved to appoint Richard Parmelee as chair of Planning Commission.

ACTION: Motion **PASSED unanimously** on a voice vote.

ADJOURNMENT:

MOTION: M/S SPIVEY/WESTOVER moved to adjourn at 8:34 pm.

ACTION: Motion **PASSED unanimously** on a voice vote.

Jeremy Twaddle, Chair

Maegan Bosak, Secretary

S.P.A.T.S.
S.P.A.T.S. LEASEHOLD
S.P.A.T.S.
701 INDIAN RIVER RD
SITKA AK 99835

FRANK/SHARON JOSEPH
JOSEPH, FRANK & SHARON
108 CHARLIE JOSEPH ST.
SITKA AK 99835

KENNETH/ALICE CAMERON
CAMERON, KENNETH & ALICE
4307 HALIBUT POINT RD
SITKA AK 99835

ROBERT/ROSE GAMBLE
GAMBLE, ROBERT/ROSE
6511 SE COUGAR MOUNTAIN WAY
BELLEVUE WA 98006

CODY/MARLIE LOOMIS
LOOMIS, CODY/MARLIE
P.O. BOX 2222
SITKA AK 99835

KELLY/RACHAEL KIRBY
KIRBY, KELLY/RACHAEL
P.O. BOX 6555
SITKA AK 99835

EDWARD/SALLY KIMMEL
KIMMEL, EDWARD/SALLY
P.O. BOX 1881
SITKA AK 99835

JEREMY/DIANA TWADDLE
TWADDLE, JEREMY/DIANA
P.O. BOX 3075
SITKA AK 99835

EDWIN NEWBERG
NEWBERG, EDWIN, C.
P.O. BOX 3046
SITKA AK 99835

TAD/JILL KISAKA
TAD & JILL KISAKA
P.O. BOX 6398
SITKA AK 99835

JEROME MAHOSKEY
MAHOSKEY, JEROME
P.O. BOX 573
SITKA AK 99835

BRENT/KARIN CUNNINGHAM
CUNNINGHAM, BRENT & KARIN
337 ELIASON LOOP
SITKA AK 99835

DANIEL LANDRY
LANDRY, DANIEL
BOX 875
SITKA AK 99835

PATRICK CLIFTON
CLIFTON, PATRICK
P.O. BOX 225
SITKA AK 99835

RICHELLE WHITSON
WHITSON, RICHELLE
694 INDIAN RIVER RD
SITKA AK 99835

IAN/SKYE WORKMAN
WORKMAN, IAN & SKYE
716 INDIAN RIVER RD
SITKA AK 99835

TIMOTHY BERNARD
BERNARD, TIMOTHY
P.O. BOX 711
SITKA AK 99835

LLOYD SWANSON
SWANSON, LLOYD
P.O. BOX 485
ASHLAND WI 54891

LIEUEDELL/CARMIL GOLDSBERRY
GOLDSBERRY, LIEUEDELL/CARMILL
P.O. BOX 1462
SITKA AK 99835

**First Mailing:
June 7, 2013**

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

S.P.A.T.S.
S.P.A.T.S. LEASEHOLD
S.P.A.T.S.
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**Assembly Notice Mailing:
June 28, 2013**

Sitka Counseling and Prevention Services
Conditional Use Permit
701 Indian River Road

**Table 22.16.015-1
Residential Land Uses**

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	SC (13)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P	P	
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C	C			
• Duplex				P	P		P	P		P	P	P		P	P			
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)		C	C			
• Single manufactured home on an individual lot					P	P		P			P			C	C			
• Mobile home park								P			P	P						
GROUP RESIDENCES																		
• Assisted living	C							C	C					C	C			
• Bunkhouse for transient workers								C	C			C		C				
• Dormitory	C(4)							C	C									
• Quasi-institutional	C			C	C	C	C	C						C	C			
TEMPORARY LODGING																		
• Hostel								C	C		P	P	P					
• Hotel/motel									P	P	P	P		PU/CS	C	C		
• Bed and breakfast				C(7)	C(7)	C(7)	C(8)	C(8)	P	P	P	P		P	C			
• Short-term rental				C	C	C	C	C	P	P(9)	P(9)	P(9)		P	C	P(9)		
• Rooming house								C	C	C	P	P	P	C	C			
• Lodge										P	P	P		PU/CS	C			
• Limited storage				C(6)	C(6)	C(6)	C(6)	C(6)						P	C			

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

C. Residential Uses Table 22.16.015-1 Footnotes.

- Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public

interest; all reasonable safeguards are to be employed to protect the surrounding area; and that there are no reasonable alternative locations for the use.

- All uses in the waterfront district are intended to be water-related or water-

- dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
 4. Including zero lot developments.
 5. Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.
 6. On-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.
 7. Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1 MH, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
 8. Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
 9. Short-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.
 10. Hotels, motels, lodges, boarding houses and bed and breakfasts capable of accommodating a maximum of six guests plus one guest for each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, lodges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed this maximum, are conditional uses. Bed and breakfast establishments, boarding houses, hotels, motels and lodges are conditional uses on subdivided islands.
 11. Many of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.
 12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.
 13. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-2
Cultural/Recreational Uses**

ZONES	P(1)	SF (7)	SFLD (7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP (7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	SC (9)
CULTURAL																		
• Library	P								P	P	P			P	P			
• Museum	P								P	P	P			P	P			
• Conference center							C	C	P	P	P			C	C			
• Church		C	C	C	C	C	C	C	P	P	P			PU/CS	C			
• Art gallery	P			C(4)	C(4)	C(4)	C(4)	C(4)	P	P	P	C		C	C			
• Radio station												P						
RECREATIONAL																		
• Park and recreation														P	P			
• Park	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Trails	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P	
• Campground	P													C	C		P	
• Resort										P	P			C	C	P		
• Marina	P									P	P	P		C	C	C	P	
• Travel trailer/recreational vehicle park	C									P	P	C		C	C			
• Ballpark/athletic field	P	C	C	C	C	C	C	C		P	P	P	P	P	C	P		
• Amusement and entertainment														PU/CS	C			
• Theater									P	P	P			C	C			
• Theater, drive-in										P	P			C	C			
• Outdoor amphitheater	P								P	P	P			PU/CS	C		P	
• Bowling center									P	P	P			C	C			
• Sports club and yacht club	C									P	P	P		C	C		C (5)	
• Golf facility	P									P	P			C	C			
• Shooting range—indoor	C									C	C			PU/CS				
• Shooting range—outdoor										C	C			PU/CS				
• Arcades									P	P	P			C	C			
• Community center	C						C	C	P					C	C			
• Personal use docks—accommodating waterborne aircraft		C(6)	C(6)	C(6)	C(6)	C(6)	C(6)	C(6)				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—perimeter of dock and float exceed 300 linear feet		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one lease slip, float houses permitted in accordance with the Sitka Coastal Management Program, no linear perimeter restriction, allowing liveboards, and allowing float planes												P		P(8)	P(8)	P(8)	P(8)	

**Table 22.16.015-2
Cultural/Recreational Uses (Continued)**

ZONES	P(1)	SF (7)	SFLD (7)	R-1 (7)	R-1 MH (7)	R-1 LDMH (7)	R-2 (7)	R-2 MHP (7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	SC (9)
• Personal use docks—no perimeter restrictions, no restrictions on liveaboards and float planes. Float houses allowed if permitted in accordance with Sitka Coastal Management Program										P	P	P	P	P(8)	P(8)	P(8)	P(8)	
• Personal use docks—one nonfee liveaboard		P	P	P	P	P						P		P(8)	P(8)	P(8)	P(8)	
• Personal use docks—liveaboards, no more than 300-foot perimeter							P	P				P		P(8)	P(8)	P(8)	P(8)	
• Community personal use docks		C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)	
• Commercial use docks										P	P	P	P	C	C	C	C	

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

D. Cultural/Recreational Uses Table 22.16.015-2
Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. When operated as a home occupation.
5. Sport fishing lodges.
6. Any waterborne aircraft approved through the conditional use process shall be restricted to those owned by the upland property owner or long-term lessee that are not used for commercial purposes. Waterborne aircraft shall also only be allowed on docks in a secure environment.
7. The city requires liveaboards in R-1, R-2, SF, and related zones to meet the relevant liveaboard regulations that are required in the municipal harbor regulations under "liveaboards."
8. Waterborne aircraft that moor on docks on an ongoing basis are allowed as a permitted use on personal use and community personal use docks if they are solely used by the owners of the property and are solely used for noncommercial purposes. All non-private use of waterborne aircraft would require conditional use approval.
9. Any uses except retail and business uses and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-3
General Services Uses**

ZONES	P(1)	SF	SFLD	R-1 (6)	R-1 MH (6)	R-1 LDMH (6)	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	SC (8)
PERSONAL SERVICES																		
• General services									P	P	P			C				
• Dry cleaning									P	P	P							
• Industrial laundry										C	C		P					
• Funeral home/crematorium									C	P	P			C				
• Cemeteries/mausoleum	P													C	C			
• Day care/kindergartens	P			P(6)	P(6)	P(6)	P(5)	P(5)	C	P(5)	P(5)			P	P			
• Veterinary clinic							(7)		C	C	C		P	C				
• Automotive repair									C	P	P	P	P	C				
• Automotive service									C	P	P	P	P	C				
• Miscellaneous repair									P	P	P	P	P	C	C			
• Social service agencies									P	P	P	C		CU/*S	C			
• Stable	C									C	C			PU/CS		C		
• Kennel										C	C		C	P				
• Bank							C	C	P	P	P			C	C			
• Credit union							C	C	P	P	P			C	C			
• Massage treatments																C		
HEALTH SERVICES																		
• Offices/outpatient clinic							C	C	P	P	P			C	C			
• Hospital	C(4)								C	P	P			C	C			
• Medical/dental laboratory							C	C	P	P	P		P	C	C			
• Miscellaneous health facility							C	C	C	C	C			C	C			
EDUCATIONAL SERVICES																		
• Elementary school	P						C	C	C	C	C			C	C			
• Middle/junior high school	P						C	C	C	C	C			C	C			
• Secondary/high school	P						C	C	C	C	C			C	C			
• Vocational school	P						C	C	C	C	C			C	C			
• Specialized instruction school	P						C	C	C	C	C			C	C			
• College/university	P								C	C	C			C	C			
• School district support facility (excluding bus barns)	P						C	C	C	P	P		P	C	C			
• Auditorium	P																	

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

CU/*S—Conditional Use on Unsubdivided Islands and Prohibited on Subdivided Islands

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

E. General Services Uses Table 22.16.015-3 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Hospital buildings shall be set back a minimum of ten feet from all property lines.
5. Establishments accommodating five or more children require state licenses and are conditional uses.
6. Day cares with four children or less not related to the provider are a permitted use in owner occupied detached single-family dwellings in the R-1 and related zones.

Day cares with four children or less not related to the provider are a conditional use in residential zero lot line dwellings in the R-1 and related zones. Day cares with four children or less not related to the provider are also a conditional use in two-family dwellings, that are constructed as duplexes where each unit is of similar size, in the R-1 and related zones.

Day cares are not allowed in apartments or similar dwelling units in R-1 or related zones.

Day cares with five children or more not related to the provider are a conditional use, in owner occupied detached single-family dwellings only, in the R-1 and related zones.

7. A replacement vet clinic in the 1200 block of Halibut Point Road as a substitute for the long standing historical use in the area is expressly authorized and shall be the only vet clinic allowed in an R-2 zone.
8. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-4
Public Facilities Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	SC (6)
GOVERNMENT SERVICES																		
• Public agency or utility office	P								P	C				PU/CS	C			
• Public agency or utility service yard	P									C		P	P	C	C			
• Public agency warehouse	P									C		P	P	C	C			
PUBLIC SERVICES																		
Courts	P								P					C	C			
Police station	P								P	P	P			C	C			
Fire station	P			C	C	C	C	C	P	P	P	C	C	PU/CS	C	C		
Utility facilities (transformers, pump stations, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Solid waste transfer facility	C(4)									C	C	C	C	C	C			
Landfill	P												C	C	C	C		
Land clearing landfills	C												C					
Wastewater treatment plant	C									C	C	P	P	C	C			
Public water supply facility	P									P	P	P	P	C	C	P		

**Table 22.16.015-4
Public Facilities Uses (Continued)**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	SC (6)
Public transportation facility/airport	C								C	C	C	P(5)	P	C				
Animal shelter	P									C	C		C	C				
Recycling facility	C																	
Housing support facility (7)							C	C										

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

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P—Permitted

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PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

F. Public Facilities Uses Table 22.16.015-4 Footnotes.

1. Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Minimum site area is twenty acres.
5. Ferry terminals, barge freight terminals, docks, and harbor facilities including float plane facilities, fueling piers and tank farms, and other port facilities are permitted

- principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.
7. In which the primary purpose of the support facility is to support and maintain housing-related programs in the immediate area.

**Table 22.16.015-5
Manufacturing/Storage Uses**

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	SC (7)
MANUFACTURING																		
• Food products include seafood processing										C	C	P	P	C	C	C		
• Mariculture												P		C	C			
• Winery/brewery, small scale									C	C	C	P	P	C	C			
• Textile mill products										C	C	P	P	C	C			
• Apparel and textile products										C	C	P	P	C	C			
• Wood products, except furniture										C	C	P	P	PU/CS	C			
• Furniture and fixtures										P	P	P	P	P	C			
• Paper and allied products										C	C	P	P	C	C			
• Petroleum refining and related products										C	C	P	P					
• Rubber and plastics products										C	C	P	P					
• Leather and leather goods										P	P	P	P	C	C			
• Tannery										C	C							
• Stone, clay, glass and concrete products										C	C	P	P	C	C			
• Primary metal products										C	C	P	P	C	C			
• Fabricated metal products										C	C	P	P	C				
• Industrial and commercial machinery										C	C	P	P					
• Heavy machinery and equipment										C	C	P	P					
• Computer and office equipment										P	P	P	P	C	C			
• Electronic and electric equipment										P	P	P	P	PU/CS	C			
• Miscellaneous vehicle manufacturing										C	C	P	P	C				
• Boat building										C	C	P(5)	P	C				
• Tire retreading										C	C	P	P					
• Other manufacturing										C	C	P	P(6)	C	C			
STORAGE AND WAREHOUSING																		
• Marine equipment/commercial fishing gear/material storage										P	P	P	P	PU/CS	C			
• Boat storage										P	P	P	P					
• Construction materials storage									P	P	P	P	P	C	C	C		
• Trucking, courier and taxi service facilities									P	P	P	P(5)	P	C	C			
• Warehousing and wholesale trade									P	P	P	P(5)	P	C				

DISTRICT REGULATIONS

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	SC (7)
• Self-service storage									P	P	P	P	P	C				
• Log storage	C									C	C	P	P	C		P		
• Freight and cargo services									P	P	P	P(5)	P	C				
• Equipment rental services									P	C	C	P	P	C				
• Vehicle rental services									P	P	P	P	P	C				
• Natural resource extraction and mining support facilities												C	C	C	C			C
• Storage of explosives													C					
• Bulk fuel storage												C						

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

C-1/C-2: General Commercial and General Commercial/Mobile Home Districts

WD: Waterfront District

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GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

G. Manufacturing/Storage Uses Table 22.16.015-5 Footnotes.

- Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest, all reasonable safeguards are to be employed to protect the surrounding area, and that there are no reasonable alternative locations for the use.
- All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
- No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust,

refuse matter, odor, gases, fumes, noise, vibration or similar conditions.

- Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
- Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling piers and tank farms and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
- Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height. The set-back area may be used for customer parking but not for vehicle storage.

7. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.24.010-1
Conditional Use Permit Application Requirements**

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
<p>The applicant may be required to consult with agencies that are responsible for certain portions of the project review. These agencies may include but not be limited to public works and engineering for sewer/water utilities; state DOT/PF; State Department of Environmental Conservation; Army Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department.</p> <p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; • Conceptual drawings of proposed buildings, signs, and other features that may be required by the administrator. 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator. 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, building coverage, waterfront use, clearing, changes to existing visual appearance, and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing land use layout, building locations, open space and recreation areas, waterfront development, clearing, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; conceptual drawings of proposed buildings, and other features that may be required by the administrator.

1. Conditional use permit application initiation periods and termination periods are outlined in Table 22.24.010-2.

**Table 22.24.010-2
Initiation and Termination Periods**

	Short-Term Rental Conditional Use Permits	Bed and Breakfast Conditional Use Permits	Interim Mobile Homes Conditional Use	All Other Conditional Use Permits
Period in which the permit must be activated following assembly approval or permit becomes void	One year	One year	One year	Two years
If permit is not used during period, permit becomes void after activation	One year	One year	One year	Two years
Mandatory review period ¹	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval
Number of years after approval that permit sunsets	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval	Set by assembly at time of approval
<p>Note (1): It shall be the responsibility of the applicant to submit materials one month prior to the end of any review period. Failure to submit materials within the time specified shall automatically void the approval.</p> <p>Note (2): It is recognized in land use case law that conditional use permits are grants to a property and run with the parcel and not the owner.</p> <p>Note (3): Substantial construction progress must be made on a project approved through the variance process within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the planning commission if a request is filed within eleven months of the initial approval.</p>				

B. Conditional Use Permit Provisions for Bed and Breakfasts.

1. The information and assurances filed by the applicant for a bed and breakfast conditional use at the time of application shall be binding on all current and future owners of the facility.
2. There shall be no expansion in the number of guest rooms beyond the number approved.
3. The number of bed and breakfast sleeping rooms per residence shall be limited to three rooms in an R-1 or related zone and five rooms in an R-2 or related zone.

4. In no case shall a bed and breakfast be operated in any residence other than an owner-occupied dwelling.
5. The owner of the residence shall operate the bed and breakfast at all times and shall not contract out the day-to-day management of the operation. In the event the operation or management of the bed and breakfast is conducted by a tenant or party other than the owner who lives in the residence, the conditional use permit shall automatically become void.
6. Bed and breakfast guestrooms are intended to be spare or surplus guestrooms in owner-occupied single-family dwellings that are

- not needed by the owner of the structure for household activities.
7. Bed and breakfast conditional use requests shall not be considered, reviewed, or approved for single-family structures that have contained an apartment, or additional dwelling unit at any time during a three-year period prior to the submittal of the application for a bed and breakfast conditional use permit. The burden of proof that this requirement has been complied with lies with the applicant.
 8. A bed and breakfast establishment shall not be approved if an apartment or other rental is also being operated in the structure or on the same lot. Any apartment rental in the structure or on a lot where a bed and breakfast is operating will automatically void the conditional use permit for bed and breakfast.
 9. Permits shall lapse and become void if the bed and breakfast ceases operation for twelve consecutive months.
 10. There shall be no more than one exterior sign. The sign shall not exceed four square feet.
 11. There shall be a minimum of one off-street parking space for every three guestrooms in bed and breakfast establishments located in single-family residential zones.
 12. Existing bed and breakfasts which do not conform to these rules shall be considered nonconforming uses and subject to the rules relating to nonconforming uses.
 13. It is the intent of the assembly that the provisions of these requirements be strictly followed. However, exceptions may be granted in cases of extreme need or extreme personal or financial hardship. The limitation on the number of the rooms and the use of single-family occupied structures will not be eligible for hardship relief.
 14. For establishment of a bed and breakfast establishment in an existing structure in an R-1 zone, only existing bedrooms may be used for guest rooms.
 15. Limited cooking facilities shall only be allowed inside guestrooms, or inside other rooms that are used solely by the bed and breakfast, such as small toaster ovens, microwaves, and refrigerators.
 16. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
 17. When the assembly approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.
- C. Conditional Use Permit Provisions for Short-Term Rentals.
1. Short-term rental establishments as described in subsection F of this section shall be approved as conditional uses in the R-1, R-1 MH, R-1 LD, R-1 LDMH, R-2, and R-2 MHP zoning districts with the following conditions:
 - a. Existing short-term rentals operating in conformance with all other applicable regulations prior to the effective date of the ordinance codified in this section may continue operating as non-conforming uses so long as payments of bed taxes and any other fees are current.
 - b. The permit application and process will be the same as that required for bed and breakfasts, including submission and review of both interior and exterior site plans.
 - c. Increase in density and other impacts on the immediate surrounding neighborhood which would occur as a result of approval of short-term rentals may be a consideration in the granting of the permit.
 - d. Cessation of an approved short-term rental operation for twelve consecutive months shall result in revocation of the permit and require reapplication and approval of a new conditional use per-

- mit. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
- e. When the assembly approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.
2. Short-term rentals shall be allowed in the other zoning districts subject to the following general rules:
 - a. There shall be two parking spaces per dwelling unit.
 - b. The number of persons per sleeping area shall comply with the municipal fire code.
 - c. Upon filing for sales tax and bed tax accounts, an owner shall obtain a life safety inspection by the building department and shall comply with the requirements proposed by the department.
 - d. Legal nonconforming short-term rentals shall comply with these general rules within two years.
 - e. Short-term rentals may only be approved for mobile homes that are located along streets maintained by the city and borough or the state of Alaska.
- D. Conditional Use Permit Provisions for Mobile Homes on an Interim Basis in the R-1, R-2 and Related Zones.
1. The city and borough of Sitka, through the conditional use permit process, may issue a permit for a single-family mobile home or travel trailer on a residential lot in an area not otherwise allowing mobile homes on an interim basis for the purposes of facilitating home construction.
 2. The maximum term of the permit is twelve months with a possible six-month extension.
 3. Full utilities must be installed for the mobile home or travel trailer.
 4. Conditions attached to the approval shall include but are not limited to (a) a pledge of the travel trailer, mobile home, or cash of equivalent value as collateral, and (b) in the event a travel trailer or mobile home is pledged as collateral, fund sufficient to cover the cost of removal and disposal of the unit, and (c) the trailer is for the sole occupancy of the lot owner and neither unit shall be occupied by any other party. Other conditions may include requirements of fencing or landscaping.
- E. In evaluating the inputs of a proposed conditional use permit, the municipality may consider a commercial conditional use to be inappropriate for residential neighbors while the same conditional use may be acceptable when it is located along an arterial or collector street. The additional vehicular traffic generated by conditional uses, such as professional offices, may not be able to be adequately mitigated in residential areas.
1. Criteria to Be Used in Determining Impacts of Conditional Uses.
 - a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
 - b. Amount of noise to be generated and its impacts on surrounding land uses.
 - c. Odors to be generated by the use and their impacts.
 - d. Hours of operation.
 - e. Location along a major or collector street.
 - f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
 - g. Effects on vehicular and pedestrian safety.
 - h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
 - i. Logic of the internal traffic layout.
 - j. Effects of signage on nearby uses.
 - k. Presence of existing or proposed buffers on the site or immediately adjacent the site.

- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

F. Evaluation and Approval or Denial of Conditional Use Applications for Island Properties. It is the intent of this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that exist between individual islands and island groups.

Specific conditional uses may be fully appropriate in certain circumstances and on specific parcels. Uses that are well designed and/or have low impact may enhance surrounding properties and may not create any impacts. Examples may include structures that are built on larger lots away from exterior property lines, uses that are placed in the middle of parcels, uses that do not materially increase activity on easements or moorage, uses where there is a significant vegetative or terrain buffer between properties, and islands that are separated by substantial distances. In these cases, conditional use requests can and should be handled expeditiously.

Conditional uses on other properties may be totally inappropriate due to the concerns such as impacts on adjacent properties, lack of vegetative or distance buffers, noise generation, unmitigated increased usage of access easements, available moorage, location on parcels, and design.

- l. Items to be considered in evaluating island conditional use permits include, but are not limited to, the following:
 - a. Location on the lot or island.
 - b. Generation of noise.
 - c. Numbers of guests and employees.
 - d. Visibility from adjacent uses including waterborne traffic.
 - e. Use of common access easements.
 - f. Availability of necessary moorage.
 - g. Use of natural or manmade screening or buffers.

- h. Availability of municipal power.
- i. Distance from adjacent parcels or islands.
- j. Removal of excessive amounts of vegetation.

It is recognized that many applications may be strongly supported after using the criteria above. If adequate mitigation cannot be accomplished or items such as necessary infrastructure are not available, applications may be denied.

(Ord. 06-16 § 4, 2006; Ord. 05-16 § 4(O), (P), 2005; Ord. 04-60 § 4(F), (G), (U), 2004; Ord. 02-1683 § 4 (part), 2002.)

22.24.020 Variances.

The purpose of this section is to provide a means of altering the requirements of this code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved. The city shall have the authority to grant a variance from the provisions of this code when, in the opinion of the planning commission, the conditions as set forth in Section 22.30.160(D) have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this code so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done.

A. Application Requirements. The application shall contain the following data:

- 1. Legal description of the property affected;
- 2. Plot plan showing the location of all existing and proposed buildings or alterations of such buildings, dimensions to the property lines on all sides from the building(s) and clearly showing the specific relief requested in accordance with the provisions of Chapter 22.30, Zoning Code Administration.

(Ord. 02-1683 § 4 (part), 2002.)