



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Memorandum

**To:** Chair Spivey and Planning Commission  
**From:** Michael Scarcelli, Director, Planning and Community Development  
**Subject:** Coady Lodge – CUP 17-21 – 6-month review  
**Date:** July 25, 2018

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**Background:** On December 19, 2017, the Planning Commission approved a conditional use permit (CUP 17-21) for an eight-guest lodge and commercial dock on Middle Island. The property is known as Lots 3, 4, and 5, Block 1, Middle Island Subdivision. The property is zoned LI Large Island. This approval passed 3-0. In addition, on April 12, 2018, the commission approved a reduction of the state's pedestrian easement from 50 feet to 25 feet. This approval passed 3-0 (P 18-07).

One of the conditions of approval of CUP 17-21 was to have a six-month review to assess progress towards initiating required conditions, acquiring required permits, and to address any impacts to neighboring properties. It is staff's understanding that the lodge is in operation, and that not all necessary permits are in hand, but have been initiated. Staff have attached the original conditions of approval and several documents that lay out the progress Mr. Coady has made. Staff request that the applicant present all necessary information to the commission to determine progress on required conditions of approval.

**Recommendation:** carefully consider the past deliberation to approve the CUP, current progress, incomplete permits, and other important factors to determine if this should be approved, modified, postponed, or denied.

### **Conditions of Approval:**

1. Contingent upon a completed satisfactory life safety inspection conducted by the Building Official/Fire Marshal. This must be completed and evidence submitted to the Planning Department before guests are housed.
2. The facility shall be operated consistent with the scope of the approval of the request including any modifications made by these conditions.
3. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation, number of guests, any complaints or issues, remittance of tax. 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.
6. A 6 month Planning Commission review will be scheduled to assess progress toward initiating required conditions, acquiring required permits, and to

address any impacts to neighboring properties. At this review, should a material condition not be met, it will be the intent of the Planning Commission to revoke the conditional use permit.

7. 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.

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

9. The property owner shall register for and maintain a utility account for garbage disposal and submit written evidence to Planning Department.

10. The property owner shall maintain/install/upgrade water and sewage equipment to meet Alaska DEC standards and shall submit written evidence to Planning Department. This must be completed and evidence submitted to the Planning Department before guests are housed or building occupancy occurs. Specifically, the deficiency of the existing septic system including but not limited to the outfall pipe shall be remedied prior to any activation of the conditional use permit and granting of the required occupancy.

11. Within 3 months, the property owner shall initiate process with Alaska Department of Natural Resources (or applicable state division) to remedy encroachments into the 50 foot pedestrian access easement and shall submit written evidence to Planning Department. If encroachments are not remedied to DNR and CBS's satisfaction within 2 years of permit approval, the permit shall lapse. In other words, the applicant has up to three months to initiate the process and up to 2 years to complete the process or the approval with lapse.

12. The property owner shall work with Alaska Department of Natural Resources and any other required state or federal jurisdiction (e.g. US Army Corp of Engineers ) to get an approved, permitted, legal, commercial dock permit. This must occur before the conditional use permit is activated and commercial occupancy granted. Applicant shall submit written evidence to Planning Department of such permit prior to issuance of any local certificate of occupancy. Denial of the dock permit may be grounds for revocation of the conditional use permit for the lodge and/or commercial dock.

13. Commercial dock approval by all applicable jurisdictions must occur before the conditional use permit is activated and commercial occupancy granted.

14. Failure to comply with any of the above conditions may result in revocation and/or failure to activate the conditional use permit.

15. All lots shall remain in common ownership or the conditional use permit shall become void.

16. There shall be no use of the lodge, land, or adjacent tidelands that includes any float plane or helicopter use, arrivals, departures, or fly-overs.

17. Clients shall be briefed on lodge operations, safety plan, and all applicable conditions of approval so as to avoid conflict or impact to adjacent neighbors.

18. All lots shall remain in common ownership or all conditional uses shall become void.

19. Discharge of firearms shall follow all local, state, and federal regulations and shall avoid negligent discharge such as shooting into neighboring properties, shooting at night, or shooting over the water.

20. Fireworks and other similar causes of loud noises shall be avoided.