

CITY AND BOROUGH OF SITKA

Meeting Agenda - Final

Planning Commission

Wednesday, May 5, 2021

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

II. CONSIDERATION OF THE AGENDA

III. CONSIDERATION OF THE MINUTES

A [PM 21-07](#) Approve the April 21, 2021 meeting minutes.

Attachments: [7-April 21 2021 DRAFT](#)

IV. PERSONS TO BE HEARD

(Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the Chair imposes other time constraints at the beginning of the agenda item.)

V. PLANNING DIRECTOR'S REPORT

VI. REPORTS

VII. THE EVENING BUSINESS

B [CUP 21-06](#) Public hearing and consideration of a conditional use permit for multi-family housing at 601 Lincoln Street in the R-1 single-family and duplex district. The property is also known as Lot 3, Gregory Subdivision. The request is filed by Kent Bovee. The owner of record is Bovee Irrevocable Children's Trust.

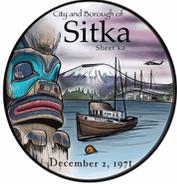
Attachments: [CUP 21-06 Bovee 601 Lincoln Multifamily Staff Report](#)
[CUP 21-06 Bovee 601 Lincoln Street Multifamily Aerial](#)
[CUP 21-06 Bovee 601 Lincoln Street Multifamily Floor Plan](#)
[CUP 21-06 Bovee 601 Lincoln Street Multifamily Parking Layout](#)
[CUP 21-06 Bovee 601 Lincoln Street Multifamily Plat](#)
[CUP 21-06 Bovee 601 Lincoln Street Multifamily Photos](#)
[CUP 21-06 Bovee 601 Lincoln Street Multifamily Applicant Materials](#)

- C** [VAR 21-04](#) Public hearing and consideration of a variance to reduce the side setback from 15 feet to 8 feet and increase maximum height of accessory structures from 16 feet to 24 feet at 106 Shotgun Alley in the R-1 LDMH Single-Family/Manufactured Home Low Density District. The property is also known as Lot 1, Tom Williamson Subdivision. The request is filed by Josh Arnold. The owners of record are Josh and Dayna Arnold.
- Attachments:** [V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Staff Report](#)
[V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Aerial](#)
[V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Current Plat](#)
[V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Site Plan](#)
[V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Floor Plans](#)
[V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Elevation sk](#)
[V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Photos](#)
[V 21-04 Arnold 106 Shotgun Alley Setback and Height Variance Applicant Me](#)
- [VAR 21-05](#) Public hearing and consideration of a variance to reduce the front setback from 10' to 0' at 4690 Sawmill Creek Road in the GP Gary Paxton Special District. The property is also known as Lot 4, Block 4, Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by Sitka Salmon Shares. The owner of record is City and Borough of Sitka.
- Attachments:** [V 21-05 Sitka Salmon Shares 4690 Sawmill Creek Rd Setback Variance Staf](#)
[V 21-05 Sitka Salmon Shares 4690 Sawmill Creek Rd Setback Variance Aeri](#)
[V 21-05 Sitka Salmon Shares 4690 Sawmill Creek Rd Setback Variance Site](#)
[V 21-05 Sitka Salmon Shares 4690 Sawmill Creek Rd Setback Variance Coo](#)
[V 21-05 Sitka Salmon Shares 4690 Sawmill Creek Rd Setback Variance Curr](#)
[V 21-05 Sitka Salmon Shares 4690 Sawmill Creek Rd Setback Variance Pho](#)
[V 21-05 Sitka Salmon Shares 4690 Sawmill Creek Rd Setback Variance App](#)
- E** [MISC 21-10](#) Discussion/Direction on potential changes to SGC Title 22 as it relates to short-term rentals.
- Attachments:** [MISC 21-10 STR Discussion Staff Memo](#)
[Current Code Provisions](#)
[2019 Annual Short-Term Rental Report](#)
[2020 Annual Short-Term Rental Report](#)
[STR Density Maps 5.5.21](#)
[2nd Address Report](#)
[2005 ORD 05-09](#)
[2006 ORD 2006-09](#)

VIII. ADJOURNMENT

NOTE: More information on these agenda items can be found at <https://sitka.legistar.com/Calendar.aspx> or by contacting the Planning Office at 100 Lincoln Street. Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to planning@cityofsitka.org, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish:



CITY AND BOROUGH OF SITKA

Minutes - Draft

Planning Commission

Wednesday, April 21, 2021

7:00 PM

Harrigan Centennial Hall

I. CALL TO ORDER AND ROLL CALL

Present: Chris Spivey (Chair), Darrell Windsor, Stacy Mudry, Wendy Alderson, Katie Riley, Thor Christianson (assembly liaison)

Absent: None

Staff: Amy Ainslie, Ben Mejia

Public: Eric VanVeen, Patricia Droz, Harry Geil, Adam Chinalski, Verna Peterson, Loren Peterson, Joel Hanson, Ariadne Will (Sitka Sentinel)

Chair Spivey called the meeting to order at 7:00pm.

II. CONSIDERATION OF THE AGENDA

Chair Spivey requested that item E be heard after item F. Commissioners agree to this change in the agenda.

III. CONSIDERATION OF THE MINUTES

A [PM 21-06](#) Approve the April 7th, 2021 meeting minutes.

M-Windsor/S-Mudry moved to approve the April 7th, 2021 minutes.

IV. PERSONS TO BE HEARD

V. PLANNING DIRECTOR'S REPORT

Ainslie requested that the Commission start to think about potential absences from Commission meetings due to summer travel and that Commissioners let staff know in case rescheduling meetings became necessary. Spivey let staff know that with the increased barge schedules, he expected scheduling conflicts.

VI. REPORTS

VII. THE EVENING BUSINESS

B [MISC 21-07](#) Public hearing and consideration of an amendment to CUP 18-05 for a marijuana cultivation facility at 224 Smith Street in the Industrial district. The property is also known as Lot 6, Smith Street Industrial Subdivision. The request is filed by Eric VanVeen. The owner of record is Steve Skannes.

Ainslie introduced the item as an amendment to a previously issued conditional use permit for marijuana cultivation, approved in February 2018. Ainslie explained that the original permit was for operations in bays D and E of 224 Smith Street but the applicant wanted to expand operations into bays B and C as well, adding approximately 2,900 square feet of operational space. Ainslie explained that the proposal made no change to location, access, traffic, noise, or odor from the original permit. Ainslie noted that the proposal did necessitate additional parking spaces for the business but explained that there was adequate space on-site to meet the increased requirement. Ainslie explained that the proposal was in line with Comprehensive Plan action ED 6.7 to "support the growth of manufacturing businesses that add value to sustainably developed local resources." Staff recommended approval.

Spivey asked staff if any public complaints had been made against the applicant. Ainslie replied that while the Planning Department had received odor complaints in the Smith Street and Price Street areas, no complaints specifically identified the applicant as the cause. Ainslie noted that with multiple marijuana facilities in operation in the area, identifying the cause of marijuana odors was a challenge.

The applicant, Eric VanVeen, was present. VanVeen explained that the proposal was to continue with the same operation but at a larger scale to increase cultivation. Having no further questions, the Commission excused the applicant.

M-Windsor/S-Mudry moved to approve the amendment to CUP 18-05 to include marijuana cultivation operations in bays B and C of 224 Smith Street in the Industrial zoning district. The property was also known as Lot 6, Smith Street Industrial Subdivision. The request was filed by Eric van Veen. The owners of record were George and Steven Skannes. Motion passed 5-0 by voice vote.

M-Windsor/S-Mudry moved to find that there were no negative impacts present that have not been adequately mitigated by the attached conditions of approval, and moved to adopt the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.

C [CUP 21-05](#)

Public hearing and consideration of a conditional use permit for a short-term rental at 1109 Edgecumbe Drive in the R-1 single-family and duplex district. The property is also known as Lot 1, Baranof Estates Subdivision. The request is filed by Patricia Droz. The owner of record is Patricia Droz.

Ainslie introduced the proposal for a short-term rental (STR) in a zero lot line at 1109 Edgecumbe Drive. Ainslie described the property as a single-family home with 2 bedrooms and 1.5 bathrooms. Ainslie explained that the other side of the zero lot-line at 1111 Edgecumbe Drive, was the primary residence of the applicant, and therefore the applicant would be on-site during rentals. Ainslie described the site as located on a municipally maintained right-of-way, which provided accessibility for renters and emergency services without creating cut-thru possibilities, with adequate parking space. Ainslie explained that fencing, landscaping, and elevation at the rear of the property provided some buffer between the site and neighboring properties.

Ainslie provided a potential condition of approval for the Commission to consider in addition to the standard conditions of approval for STRs, that would void the permit in the event that either side of the zero lot-line was sold to a new owner. Staff recommended approval.

The applicants, Patricia Droz and Harry Geil, were present. Geil explained that the

proposal was to list the property for STRs. Riley asked if the property had previously been used for long-term rentals, the applicants explained that it had been used for long-term rentals prior to purchase and that due to negative experiences with pet-owning long-term renters as neighbors, the proposal intended to mitigate the applicant's concerns and provide additional control and flexibility in how the property was rented. Riley asked the applicants if they had considered renting long-term to non-pet owners or addressing concerns with LTRs through lease agreements. Droz said that she would consider renting long-term to non-pet owners but wanted the flexibility a STR permit provided. Alderson requested that the renter handout include text that specified that garbage was not to be taken outside until the day of garbage collection.

The Commission discussed adding the additional condition of approval that would void the permit in the event of a sale of either side of the zero lot-line. Windsor explained that while he was in support of adding the condition, any larger action such as a moratorium on STRs should come at the direction of the Assembly.

The Commission discussed procedures necessary to place restrictions on STRs. Ainslie explained that if a motion were passed, the item would go before the Planning Commission twice to draft and vote on a draft ordinance, which would then go before the Assembly for two readings.

The Commission recognized that the application met current requirements for approval.

M-Riley/S-Alderson moved to amend the conditions of approval, adding a condition that the permit be void in the event of a sale of either 1109 or 1111 Edgumbe Drive. Motion passed 5-0 by voice vote.

M-Mudry/S-Windsor moved to approve the conditional use permit for a short-term rental at 1109 Edgumbe Drive in the R-1 Single-Family/Duplex District, subject to the conditions of approval as listed in the staff report and amended by the Commission. The property was also known as Lot 1 of Baranof Estates Subdivision. The request was filed by Patricia Droz. The owner of record was Patricia Droz. Motion passed 5-0 by voice vote.

M-Mudry/S-Windsor moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 5-0 by voice vote.

M-Riley/S-Alderson moved to add a discussion/direction item on short-term rentals in the next Planning Commission meeting. Motion passed 5-0 by voice vote.

D [VAR 21-03](#)

Public hearing and consideration of a variance to reduce the front setbacks from 14 feet to 10 foot at 424 Katlian Avenue in the WD Waterfront District. The property is also known as Lot 50, Block 1 of U.S. Survey 2542 A&B. The request is filed by Adam Chinalski. The owners of record are Adam and Kris Chinalski.

Ainslie introduced the item as a request for reductions to the front setbacks at 424 Katlian Avenue from 14' to 10'. Ainslie described the property as a substandard lot with approximately 1,500 square feet placed on two fronts on both Katlian Avenue and Kaagwaantaan Street. Ainslie noted that access from Kaagwaantaan was impractical due to the steep grade change between the lot and the right-of-way. Ainslie explained that the proposal would facilitate placement of a pre-existing structure and therefore the

dimensions of the structure could not be altered to fit the lot.

Ainslie explained that the granting of the variance would not have a significant impact on traffic or the character of the neighborhood as the lot would still provide adequate off-street parking and many buildings along Katlian were built along their front property lines. Ainslie noted the fencing, rock wall, and grade change served as buffers. Staff recommended approval.

The applicant, Adam Chinalski, was present and explained that he had been developing the lot for a few years and found the opportunity to place an existing 1 bedroom 1 bathroom dwelling on the lot and provide a long-term rental opportunity. Having no further questions, the Commission excused the applicant. The Commission agreed that the granting of a variance was appropriate in this case.

M-Alderson/S-Windsor moved to approve the zoning variance for reductions in the front setbacks at 424 Katlian Avenue in the WD - waterfront district subject to the conditions of approval as listed in the staff report. The property was also known as Lot 50, Block 1, U.S. Survey 2542 A&B. The request was filed by Adam Chinalski. The owners of record were Adam and Kris Chinalski. Motion passed 5-0 by voice vote.

M-Alderson/S-Windsor moved to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report. Motion passed 5-0 by voice vote.

E [MISC 21-08](#)

Discussion/Direction from the Commission regarding agricultural and/or horticultural activities as currently defined in the Sitka General Code.

Ainslie introduced the item to review the zoning code as it pertained to Comprehensive Plan action item LU 7.8 and more specifically the number of allowable outdoor animals. Ainslie informed the Commission of appropriate zoning for horticultural and agricultural uses as described in table 22.16.015 of the Sitka General Code. Ainslie shared the limits on outdoor animal ownership placed in Juneau and Haines which included minimum lot sizes and Conditional Use Permits for more than 6 animals.

Spivey opened the floor to public comment. Joel Hanson expressed his interest in increasing the allowable number of animals. Spivey asked for staff's personal and professional opinions. Mejia explained that the primary concern he was aware of regarding outdoor animals was the potential attractants to rats or bears and felt a conditional use permit might be an appropriate means of ensuring mitigation and allowing public comment. Ainslie explained that she was aware of concerns that the existing limitations was too strenuous to allow for meaningful impacts to food security while others voiced concerns about pest attraction. Ainslie identified enforcement as a current issue.

The Commission discussed appropriate distances from property lines to limit impacts on neighbors and hearing comment from interested parties such as Animal Control, Fish and Game, Health Needs and Human Services, Sitka Tribal Enterprises, and Sitka Local Foods Network. The Commission discussed food security concerns and how providing a path to increasing allowable number of animals through a conditional use permit. The Commission directed staff to contact identified parties to gather additional input.

No action taken.

F [MISC 21-09](#) Discussion/Direction on work plan and process for tourism planning effort.

Ainslie outlined the direction provided by the Assembly as described during the joint work session with the Assembly on April 13th. Ainslie noted logistics, dispersion, transportation, traffic, congestion, access to medical care, and emergency services as the primary focus of the plan. Ainslie explained that the plan should have recommendations that for different visitor capacities with a 1-5 year horizon focused on preparations for the 2022 cruise season. Ainslie noted that public outreach was essential. The plan should be largely complete by December 2021.

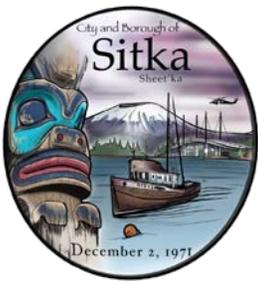
The Commission discussed scheduling availability for holding special meetings. The Commission agreed to coordinate with staff to identify appropriate meeting times. The Commission discussed outreach to interested parties and stakeholders prior to meetings to allow for and encourage participation.

Christianson excused himself at 8:02pm. The Commission recessed from 8:02pm-8:10pm.

No action taken.

VIII. ADJOURNMENT

Seeing no objections, Chair Spivey adjourned the meeting at 9:19pm.



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 21-06
Proposal: Request for a multiple-family structure in R-1 zone
Applicant: Kent Bovee
Owner: Bovee Irrevocable Children's Trust
Location: 601 Lincoln Street
Legal: Lot 3, Gregory Subdivision
Zone: R-1 single-family and duplex residential district
Size: 8,420 square feet
Parcel ID: 1-1675-000
Existing Use: Residential
Adjacent Use: Church, schools, harbor, residential
Utilities: Existing
Access: Baranof Street and Lincoln Street

KEY POINTS AND CONCERNS

- The proposal is to convert a duplex into a tri-plex. This would be accomplished by converting an existing bedroom and bathroom in the second floor apartment into a new studio unit.
- Multiple-family structures (excepting duplexes) are a conditional use in the R-1 zone per SGC Table 22.16.015-1.
- Neighborhood is mixed, as the property borders Public, CBD, and R-1 zoning. Uses in the immediate area include residential, churches, schools, and Crescent Harbor.

RECOMMENDATION

Staff recommends that the Planning Commission approve the conditional use permit for a multiple-family structure at 601 Lincoln Street subject to the recommended conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

The request is to convert an existing duplex into a tri-plex. The first floor unit currently has 2 bedrooms and one bathroom. The second and partial third floor unit has three bedrooms and a study with 1.75 bathrooms. The applicant would like to convert one of the bedrooms that has an immediately adjacent $\frac{3}{4}$ bathroom into a small studio apartment. The resulting unit would be approximately 187 square feet. The remaining second/third floor unit would have two bedrooms (and the study) and one full bathroom.

ANALYSIS

1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.¹

a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses: Applicant does not anticipate significant increase in vehicular traffic given the small size of the unit. It is unlikely that more than one person would occupy this unit, and given the central location of the unit, many tenants may opt not to have a vehicle.

SGC 22.20.100(G)(1) requires two parking spaces for residential uses up to and including four-family buildings. The current parking area on the lot is approximately 45' x 19' – per the minimum parking space size allowable by SGC, this area can accommodate parking for 5 vehicles. The applicant has noted that parking could be expanded if necessary. Staff has added a condition of approval requiring the applicant to expand parking to accommodate 6 parking spaces prior to Planning Department approval of the building permit for the additional apartment unit.

b. Amount of noise to be generated and its impacts on surrounding land use: A low level of noise is expected in line with normal residential use.

c. Odors to be generated by the use and their impacts: Potential odor impacts are minimal and in line with similar residential uses.

d. Hours of operation: The proposal is to have the unit available for tenancy year-round.

e. Location along a major or collector street: Located immediately adjacent to Lincoln Street and Baranof Street, both municipally maintained rights-of-way.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Cut-through scenarios are unlikely, as the parking area is immediately adjacent to Baranof Street. Parking on the property is not accessible via other properties or streets.

¹ § 22.24.010.E

g. Effects on vehicular and pedestrian safety: No significant changes expected, minimal increase in traffic.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Residence has adequate access from Lincoln Street and Baranof Street for emergency services.

i. Logic of the internal traffic layout: Pull-in parking in front of the structure is currently available, utilizes curb cut in sidewalk.

j. Effects of signage on nearby uses: No signs proposed, all signage shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: Property has a large front yard, and significant distance between the structure and Lincoln Street.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Housing Action H1.1e in the Comprehensive Plan aims to “Encourage higher density development”. This is an example of taking an existing structure and increasing the residential density. The resulting studio unit could be a good opportunity for someone working downtown, at the harbor, or at the nearby schools to have an dwelling unit in close proximity to work.

m. Other criteria that surface through public comments or planning commission review: None at this time.

RECOMMENDATION

The Planning Department recommends that the Planning Commission approve the conditional use permit application for a multiple-family structure at 601 Lincoln Street subject to the recommended conditions of approval.

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ATTACHMENTS

Attachment A: Aerial

Attachment B: Floor Plan

Attachment C: Parking Layout

Attachment D: Plat

Attachment E: Photos

Attachment F: Applicant Materials

Motions in favor of approval

- 1) **“I move to approve the conditional use permit for a multiple-family structure at 601 Lincoln Street in the R-1 single-family and duplex residential district, subject to the attached conditions of approval. The property is also known as Lot 3, Gregory Subdivision. The request is filed by Kent Bovee. The owner of record is the Bovee Irrevocable Children’s Trust.”**

Conditions of Approval:

1. The site shall be constructed and operated consistent with the application, narrative, and plans that were submitted with the request.
 2. Approval of the additional dwelling unit is specific to the plans included in this application. Any substantial or significant change to the plans would require additional review and approval from the Planning Commission.
 3. The applicant shall construct an additional parking space with minimum dimensions of 9’ x 18’ to result in a total of 6 parking spaces on the property. The Planning Department will not approve a Building Permit for construction of the new dwelling unit until this has been completed.
 4. The applicant shall comply with all applicable local, state, and federal laws in constructing and operating the unit, including but not limited to locally adopted building code requirements and fire/life/safety requirements as promulgated by the State Fire Marshal.
 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.
-
- 2) **“I move to adopt and approve the required findings for conditional use permits as listed in the staff report.”**

The Planning Commission shall not approve a proposed development unless it first makes the following findings and conclusions:²

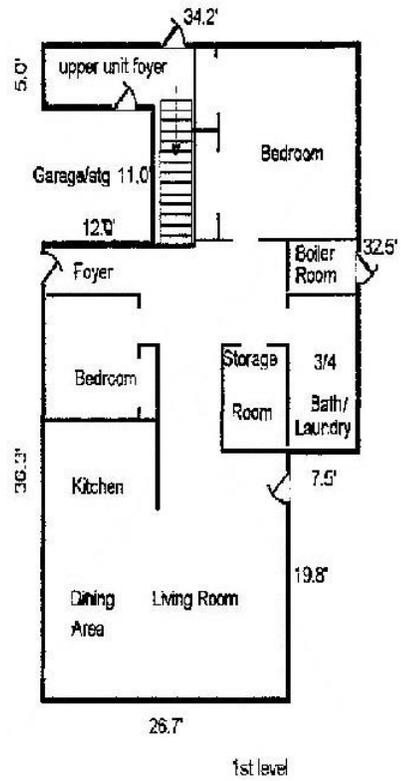
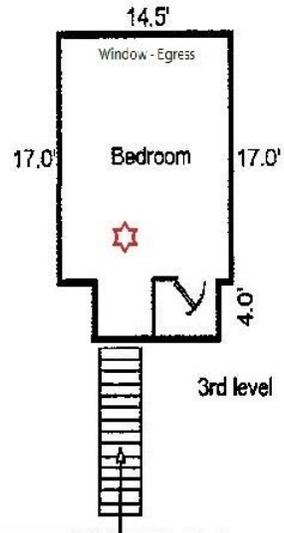
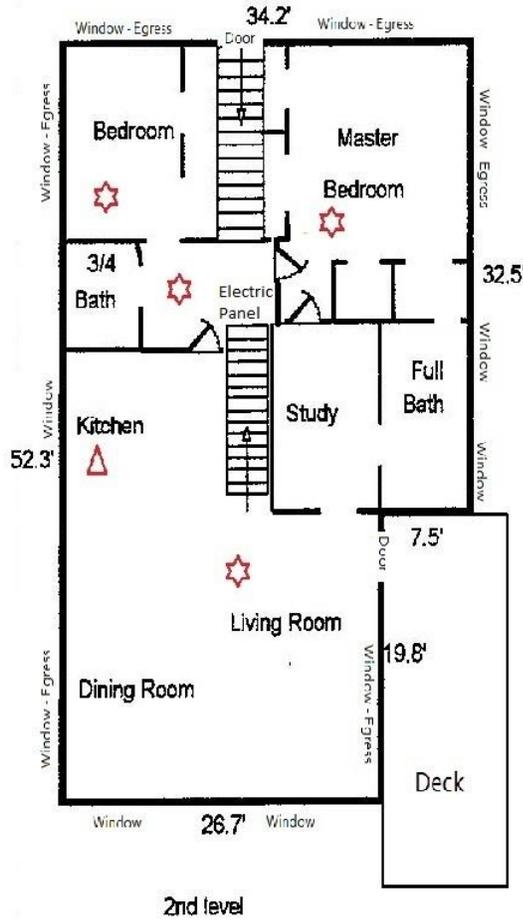
1. ...The granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare
 - b. Adversely affect the established character of the surrounding vicinity;
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site in 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.

² §22.30.160(C)—Required Findings for Conditional Use Permits

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.

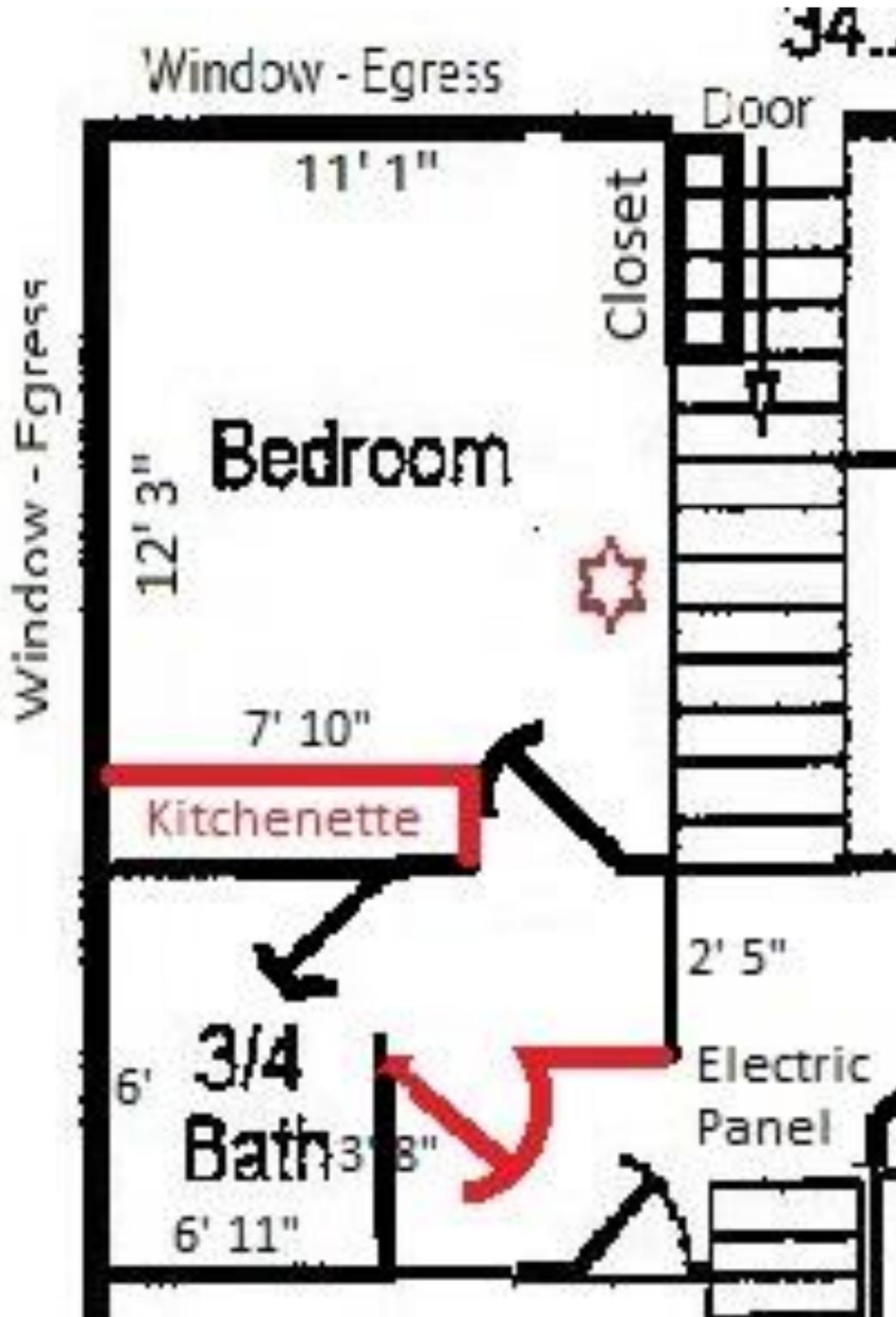


Site Plan - Existing



Next page – Site Plan - Proposed

Site Plan - Proposed

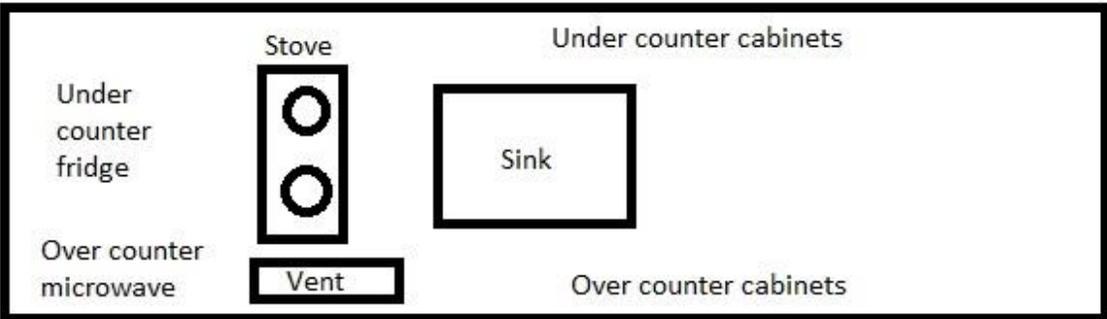


Next page – Kitchenette Details Plan - Proposed

Kitchenette Details Plan – Proposed

Kitchenette Details

7' 10"



601 Lincoln St – Parking

Existing is 19' x 45' but this could be extended as needed.



**CERTIFICATE STATE OF ALASKA
(FIRST JUDICIAL DISTRICT)**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA IN THE NAME OF R.S. & Dixie McClintock and Charles C. & Edith S. Bowser and Corp. of City of Sitka and THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 1997 WILL BE DUE ON OR BEFORE AUGUST 31, 1997 DATED THIS 30th DAY OF September, 1997.

R.S. McClintock
ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 97-14 DATED July 21st 1997, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

7/25/97 Jim Scott
DATE CHAIRMAN, PLATTING BOARD
Edwina Barnett Simmons
SECRETARY

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK NA PAGE NA DATED NA 1997, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

9/3/97 Bob Hillman
DATE MAYOR
John Hopper Erickson
CITY AND BOROUGH CLERK



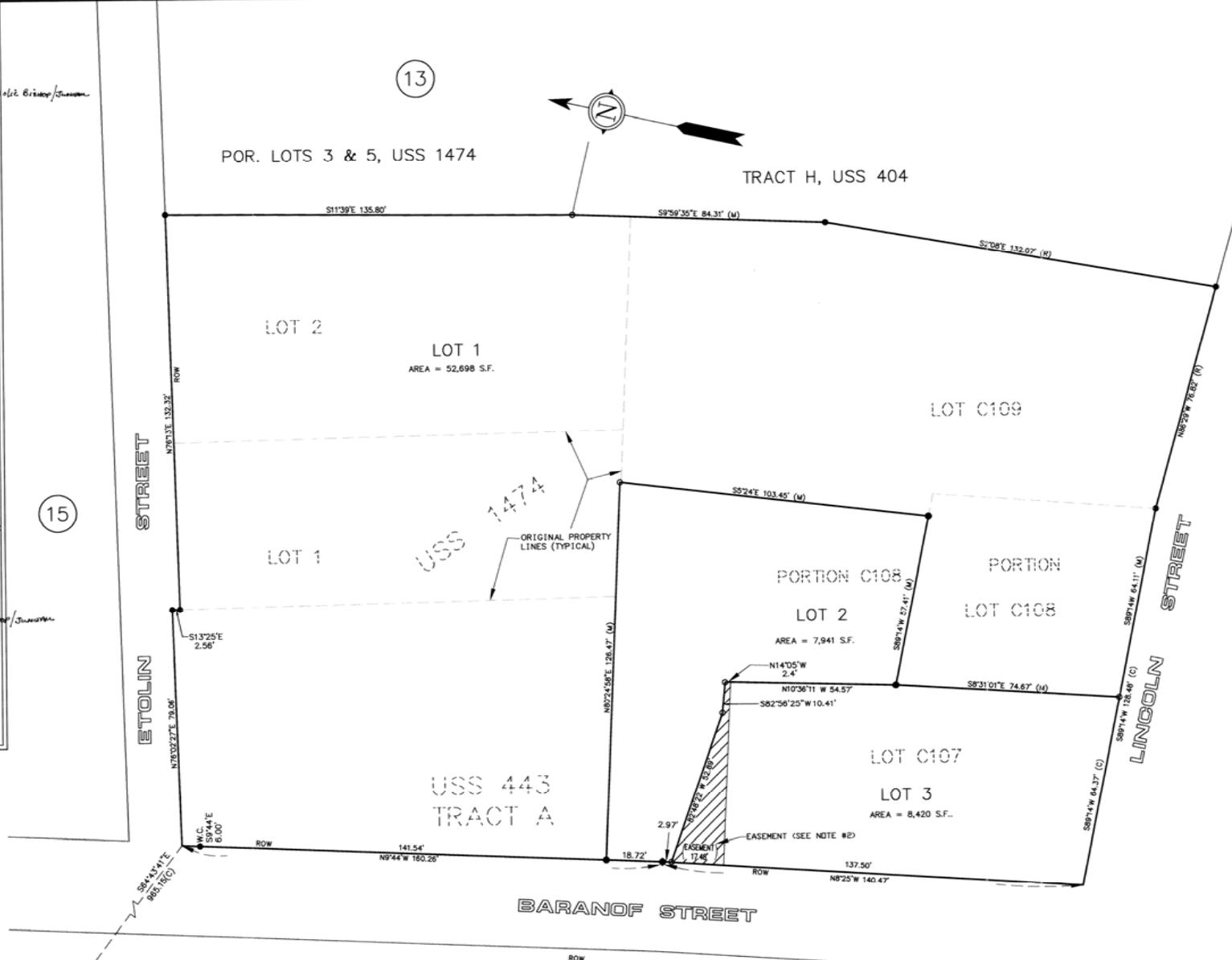
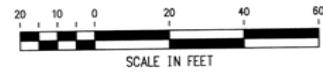
CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF R.S. & Dixie McClintock and Charles C. & Edith S. Bowser and Corp. of City of Sitka (ALL OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 7th DAY OF October 1997, AT SITKA, ALASKA.
William Kelly
FINANCE DIRECTOR
CITY & BOROUGH OF SITKA

LEGEND

- BRASS CAP MONUMENT (RECOVERED)
- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- (R) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA

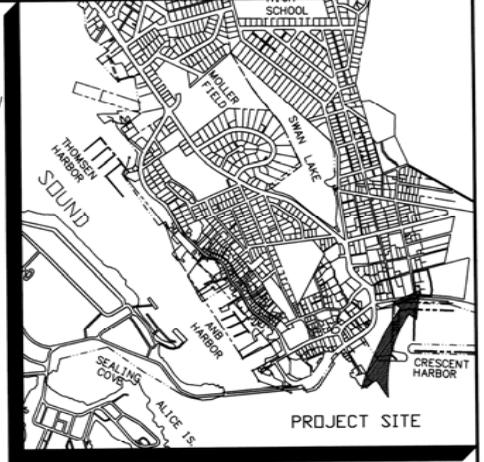


PLAT NOTES

1. THE PURPOSE OF THIS PLAT IS TO COMBINE INTO ONE LOT THE FIVE INDIVIDUAL LOTS OWNED BY THE CATHOLIC CHURCH, AND TO CLEARLY DEFINE PROPERTY LINES BETWEEN REMAINING LOTS (MADE NECESSARY BY CONFLICTING DEED DESCRIPTIONS AND OVERLAPS). REFERENCE WARRANTY DEED IN BOOK 35, PAGE 595 AND WARRANTY DEED IN BOOK 30, PAGE 213 AND 214 FOR LOT 3 AND LOT 2 DESCRIPTIONS. BOUNDARIES HAVE BEEN REVISED ONLY SLIGHTLY TO CONFORM TO MEASURED SURVEY DATA.
2. AN EASEMENT FOR UNDERGROUND WATER AND SEWER LINES EXISTS AS SHOWN AND AS DESCRIBED IN BOOK 34, PAGE 885, SITKA RECORDING DISTRICT.

97-32
Sitka REC. DIST.
DATE 10-9-97
TIME 2:19 P.M.
Recorded by 889B
Address

CLIENT: St. GREGORY CATHOLIC CHURCH
P.O. BOX 495
SITKA, ALASKA 99835



VICINITY MAP

SCALE 1"=1,000'

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

9-30-97 R.M. Clarke OWNER (SIGNATURE)
DATE 9-30-97 Dixie McClintock OWNER (SIGNATURE)
DATE 9-30-97 Edwina S. Bowser OWNER (SIGNATURE)
DATE 9-30-97 John Hillman OWNER (SIGNATURE)

NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA
CITY & BOROUGH OF SITKA
THIS IS TO CERTIFY THAT ON THIS 30th DAY OF September 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED R.S. & Dixie McClintock and Charles C. & Edith S. Bowser TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THEY ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.
Edwina Barnett Simmons
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
My Commission Expires 11-18-97

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

9/3/97 Michael W. Waples Bishop OWNER (SIGNATURE)
DATE _____ OWNER (SIGNATURE)

NOTARY'S ACKNOWLEDGMENT

STATE OF ALASKA
CITY & BOROUGH OF SITKA
THIS IS TO CERTIFY THAT ON THIS 30th DAY OF Sept 1997, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED R.S. & Dixie McClintock and Charles C. & Edith S. Bowser TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THEY ACKNOWLEDGED TO ME THAT THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.
Roberta D. Dismal
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
My Commission Expires 10/10/99

O'NEILL
LAND SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
(907) 747-6700



DESIGNED: P. O'NEILL
DRAWN: GDS/ACAD
CHECKED: PKO
DATE OF PLAT: JUL 23, 1997 @ 16:17:49
SCALE: 1"=20'
DRAWING NUMBER: 70027.01

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN June 23, 1997, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

GREGORY SUBDIVISION

A RE-SUBDIVISION OF LOTS 1, 2, C107, THE 2 PORTIONS OF LOT C108, C109 AND TRACT 'A' USS 443









CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
GENERAL APPLICATION

- Applications must be deemed complete at least **TWENTY-ONE (21)** days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out **completely**. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:

VARIANCE

CONDITIONAL USE

ZONING AMENDMENT

PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: _____

PROPERTY INFORMATION:

CURRENT ZONING: _____ PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): _____ PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: _____

PROPERTY OWNER ADDRESS: _____

STREET ADDRESS OF PROPERTY: _____

APPLICANT'S NAME: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____ DAYTIME PHONE: _____

Last Name

Date Submitted

Project Address

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- Completed General Application form
- Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- Site Plan showing all existing and proposed structures with dimensions and location of utilities
- Floor Plan for all structures and showing use of those structures
- Proof of filing fee payment
- Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- AMCO Application

For Short-Term Rentals and B&Bs:

- Renter Informational Handout (directions to rental, garbage instructions, etc.)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

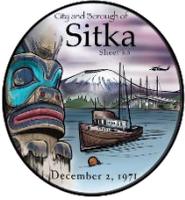
Applicant (If different than owner)

Date

Last Name

Date Submitted

Project Address



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: _____

- Location along a major or collector street: _____

- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:

- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: _____

- Effects on vehicular and pedestrian safety: _____

- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: _____

- Describe the parking plan & layout: _____

- Proposed signage: _____

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;	
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.	

ANY ADDITIONAL COMMENTS _____

Kent Bovee

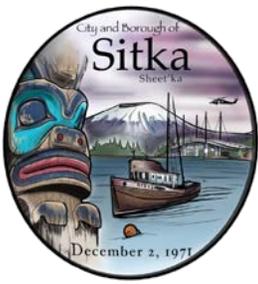
Applicant

Date

Last Name

Date Submitted

Project Address



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-04
Proposal: Reduce side setback from 15' to 8'
Increase maximum height from 16' to 24'
Applicant: Josh Arnold
Owner: Josh and Dayna Arnold
Location: 106 Shotgun Alley
Legal: Lot 1, Tom Williamson Subdivision
Zone: R-1 LDMH Single-Family/Manufactured Home Low Density District
Size: 34,100 square feet
Parcel ID: 3-1046-001
Existing Use: Residential
Adjacent Use: Single-family, church
Utilities: Existing
Access: Easement from Shotgun Alley

KEY POINTS AND CONCERNS

- While the lot is large, the steep grade change and topography of the lot restrict the buildable area.
- The proposal is to facilitate the placement of a detached two-car garage with second story for storage.
- The height of the proposed garage would not exceed the height of the home.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for the side setback reduction and increase in maximum height for accessory structures.

BACKGROUND/PROJECT DESCRIPTION

Project location is on a 34,100 square foot lot in a developed, residential neighborhood. The proposal is to allow for placement of a detached two-car garage with a second story intended for additional storage space.

The proposed site plan requests the minimum reduction to setbacks as is practical to place the structure. Though the lot is above minimum lot requirements, the steep grade change of the lot greatly reduces the available building area. The applicant feels that these conditions warrant special circumstances that warrant consideration of variances.

The property is buffered from neighboring properties by steep grade changes and wooded areas along all boundaries. These buffers serve as a mitigation to potential impacts of a setback reduction and increase in height.

ANALYSIS

Setback requirements

The Sitka General Code requires 20-foot front setbacks, 15-foot side setbacks, 20-foot rear setbacks, and 16-foot maximum height of accessory structures in the R-1 LDMH zone¹.

22.20.040 Yards and setbacks.

- A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.**

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, 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". Further, the Sitka General Code determines the granting of a variance appropriate as it allows 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, the topography of the lot, as it restricts buildable area for an appropriate and common use, can be viewed as justifications for granting a variance.

¹ SGC Table 22.20-1

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond what is already in place. Therefore, staff believes potential adverse impacts to neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with one of the land use and future growth actions in the Sitka Comprehensive Plan 2030; LU 8.2 “Amend development standards to promote affordable development including increasing height, decreasing minimum lot size and width, establishing lot and structure maximums in specific zones, and reducing parking requirements as appropriate”.

RECOMMENDATION

Staff recommends approval of the side setback reduction. The topography of the lot restricts the placement of the structure without a setback reduction. The wooded area and grade change between the site and adjacent properties serves as a substantial buffer to mitigate potential visual impacts. As for the matter of the exceedance of maximum height for accessory structures, staff maintains a neutral position and will defer to the Commission’s judgement regarding the applicant’s need/hardship in requesting this particular variance.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Floor Plans
- Attachment D: Current Plat
- Attachment E: Elevation Sketch
- Attachment F: Photos
- Attachment G: Applicant Materials

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance at 106 Shotgun Alley in the R-1 LDMH Single-Family/Manufactured Home Low Density District subject to the attached conditions of approval. The property is also known as Lot 1, Tom Williamson Subdivision. The request is filed by Josh Arnold. The owners of record are Josh and Dayna Arnold.**

Conditions of Approval:

- a. The side setback (north) will be decreased from 15 feet to no less than 8 feet.
- b. The height of the accessory structure will not exceed 24 feet.

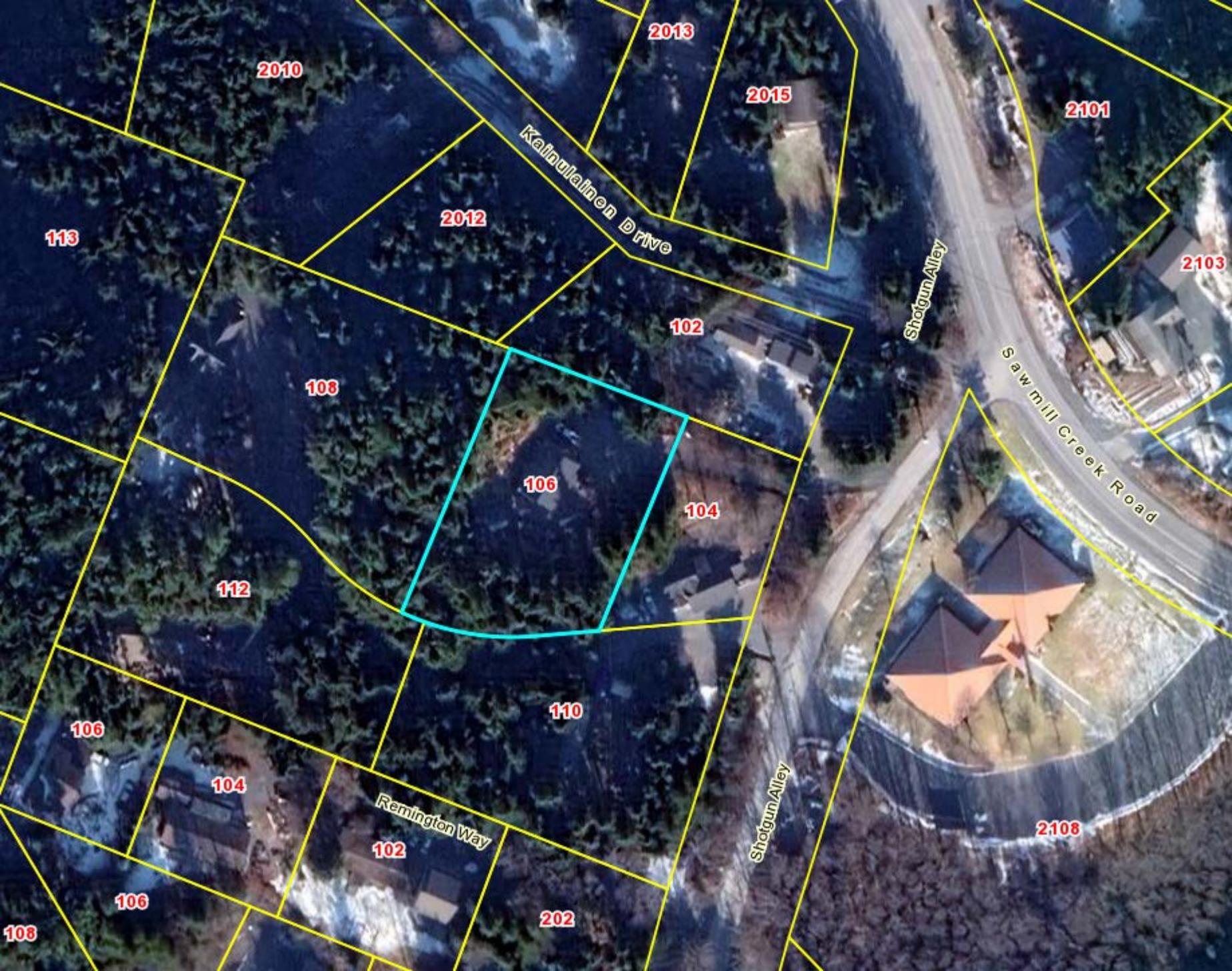
- c. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.
- d. Substantial construction progress must be made on the project within one 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 Director if a request is filed within eleven months of the initial approval.

2) I move to adopt and approve the required findings for variances involving major structures or expansions as listed in the staff report.

Before any variance is granted, it shall be shown²:

- 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, 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;
- 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;
- 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
- d. That the granting of such a variance will not adversely affect the Comprehensive Plan.

² Section 22.30.160(D)(2)—Required Findings for Minor Variances



2010

2013

2015

2101

113

2012

2103

Katinolainen Drive

102

Shotgun Alley

108

Sawmill Creek Road

106

104

112

106

110

104

Remington Way

102

Shotgun Alley

2108

106

202

108

CERTIFICATE OF OWNERSHIP AND DEDICATION

BY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO OR PRIVATE USE AS NOTED.

10/16/95
OWNER: *Tim & Robyn L. Williamson* (SIGNATURE)
9/16/95
OWNER: *Tim & Robyn L. Williamson* (SIGNATURE)

NOTARY'S ACKNOWLEDGEMENT

AMERICA OF ALASKA BOROUGH OF SITKA

TO CERTIFY THAT ON THIS 16th DAY OF October, 1995, BEFORE ME, DESIGNER, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY SIGNED AND SWORN, PERSONALLY APPEARED *Tim & Robyn L. Williamson* KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE PLAT AND ~~they~~ ACKNOWLEDGED TO ME THAT ~~they~~ SIGNED THE SAME AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST WRITTEN.

Lanna Harmon
PUBLIC IN AND FOR THE STATE OF ALASKA

MISSION EXPIRES: August 26, 1998



CERTIFICATE STATE OF ALASKA (FIRST JUDICIAL DISTRICT)SS

DESIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX MAPS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF *Tim & Robyn L. Williamson* THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL, THAT CURRENT OR THE YEAR 1995 WILL BE PAID ON OR BEFORE AUGUST 31, 1995 DATED THIS 20th day of November, 1995.

9/25/95
CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 11-7 DATED MAY 16, 1995 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX-OFFICIO RECORDER, SITKA, ALASKA.

9/25/95
CHAIRMAN, PLATTING BOARD
John Barnett Sumner

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY CARRIED IN MINUTE BOOK N/A PAGE N/A DATED MAY 19, 1995 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

9/25/95
MAYOR
Peter S. Holgren



CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN POSSESSION OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX MAPS IN THE NAME OF: *Tim & Robyn L. Williamson*

OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.
THIS 16th DAY OF November, 1995, AT SITKA, ALASKA.
Jim Clare
DIRECTOR

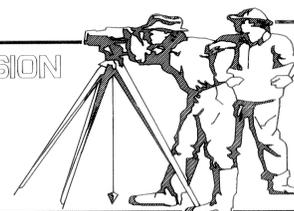
WASTEWATER DISPOSAL: THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION HAS REVIEWED PLANS FOR THIS SUBDIVISION'S WASTEWATER DISPOSAL, AND APPROVES THIS SUBDIVISION FOR PLATTING.
Jim Clare 9/22/95
DISTRICT MANAGER DATE

GREG SCHEFF & ASSOCIATES
LAND SURVEYORS & ENGINEERS

1849 SITKA, ALASKA 99835 747-6700
1331 WRANGELL, ALASKA 99929 874-2177

PROJECT: TOM WILLIAMSON RESUBDIVISION
SUBDIVISION OF LOT 1 OF THE TOM WILLIAMSON SUBDIVISION

CLIENT: TIM WILLIAMSON, 110 SHOTGUN ALLEY, SITKA, ALASKA 99835



23115-01 DATE/TIME

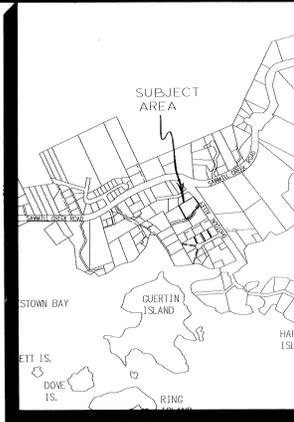
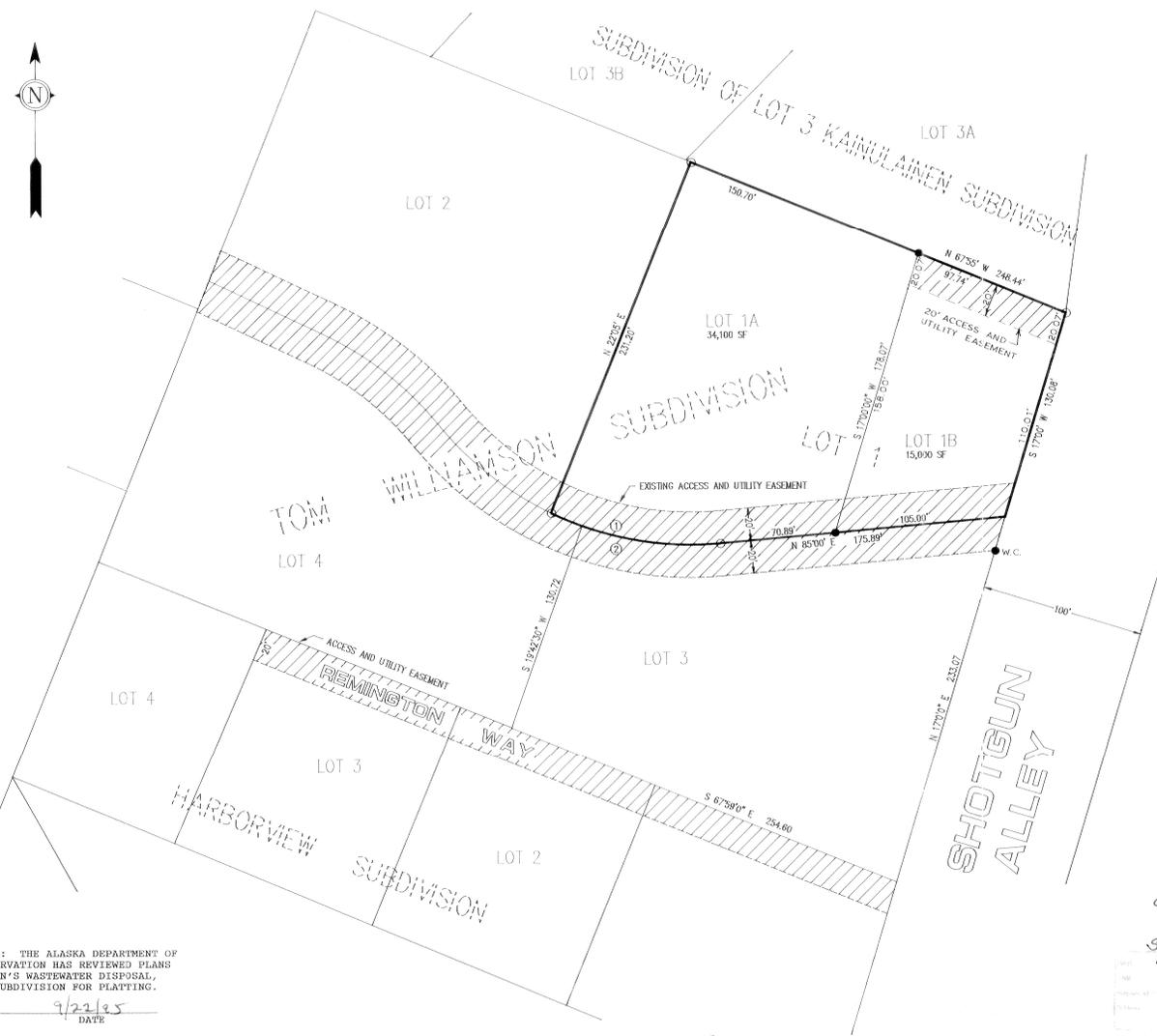
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN MAY, 1995 A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

9/22/95
DATE

Patrick K. O'Neill
PATRICK K. O'NEILL, L.S. 6304

DESIGNED: N/A
DRAWN: GDS/ACAD
CHECKED: PATRICK K. O'NEILL
DATE OF SURVEY: 5-25-95
DATE OF PLAT: 5-28-95
SCALE: 1"=40'
SURVEYOR: PATRICK K. O'NEILL
PROJECT NO. 23115



VICINITY MAP
SCALE 1"=1,000'

- LEGEND**
- REBAR AND PLASTIC CAP (RECOVERED)
 - REBAR AND ALUM CAP (SET)

CURVE DATA

① Δ = 30°36'46"
R = 200.00'
L = 106.96'
C = 100.59'
C BRG = S 79°41'39" E

② Δ = 24°42'28"
R = 200.00'
L = 86.25'
C = 85.58'
C BRG = S 82°38'46" E

- PLAT NOTES**
- THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 1 OF THE TOM WILLIAMSON SUBDIVISION INTO TWO LOTS.
 - ACCESS TO LOT 1A IS RESTRICTED TO THE EASEMENT CROSSING NORTH END OF LOT 1B. ACCESS MAY NOT BE GAINED OFF THE 40' AT THE SOUTH END OF THE LOT.

95-31
Sitka 20.00
11-2 95
3:14 7
S&B

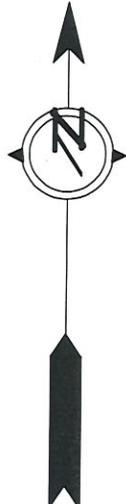


LOT 3A

SUBDIVISION OF 3 KAINULAINEN SUB.

MONUMENT OUT OF POSITION
.37' N 61°20'03"W

9'-7 1/2"
S 67°55' E 150.70' (R)
S 67°54'19" E 151.07' (M)



EAVES
(TYP.)

HOUSE

DECK

EDGE OF DRIVE

43.5'

77.5'

20.07'

DRIVE ENC

EDGE OF DRIVE

20'
UTILIT

LOT 1A

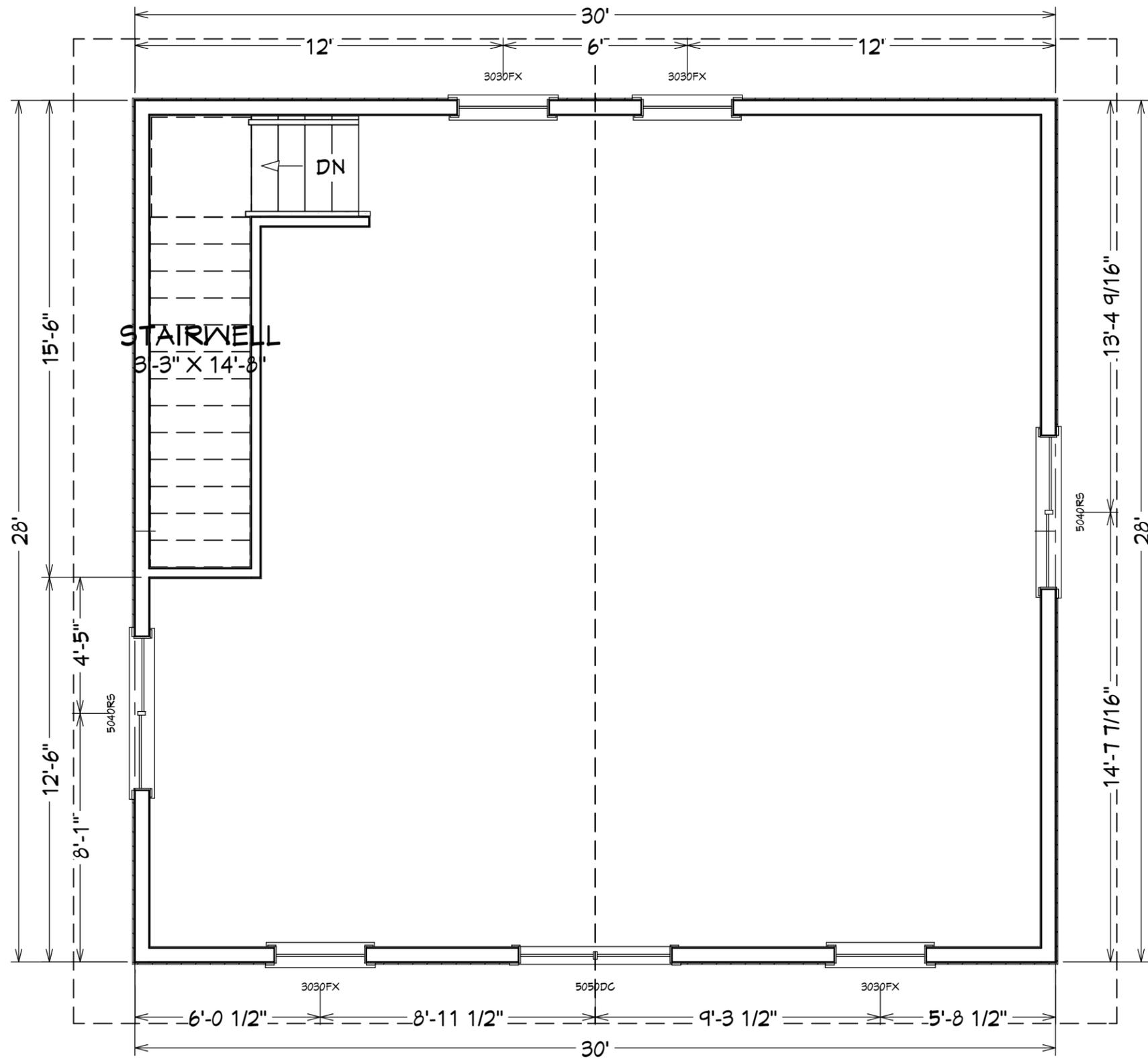
S 17°00'00" W 178.07'
158.00'

TOM WILLIAMSON RESULT

LOT 1B

120'

EXISTING ACCESS AND



2nd Floor 1/4 in = 1 ft

REVISION TABLE	
NUMBER	DATE

Turner Remodel Project

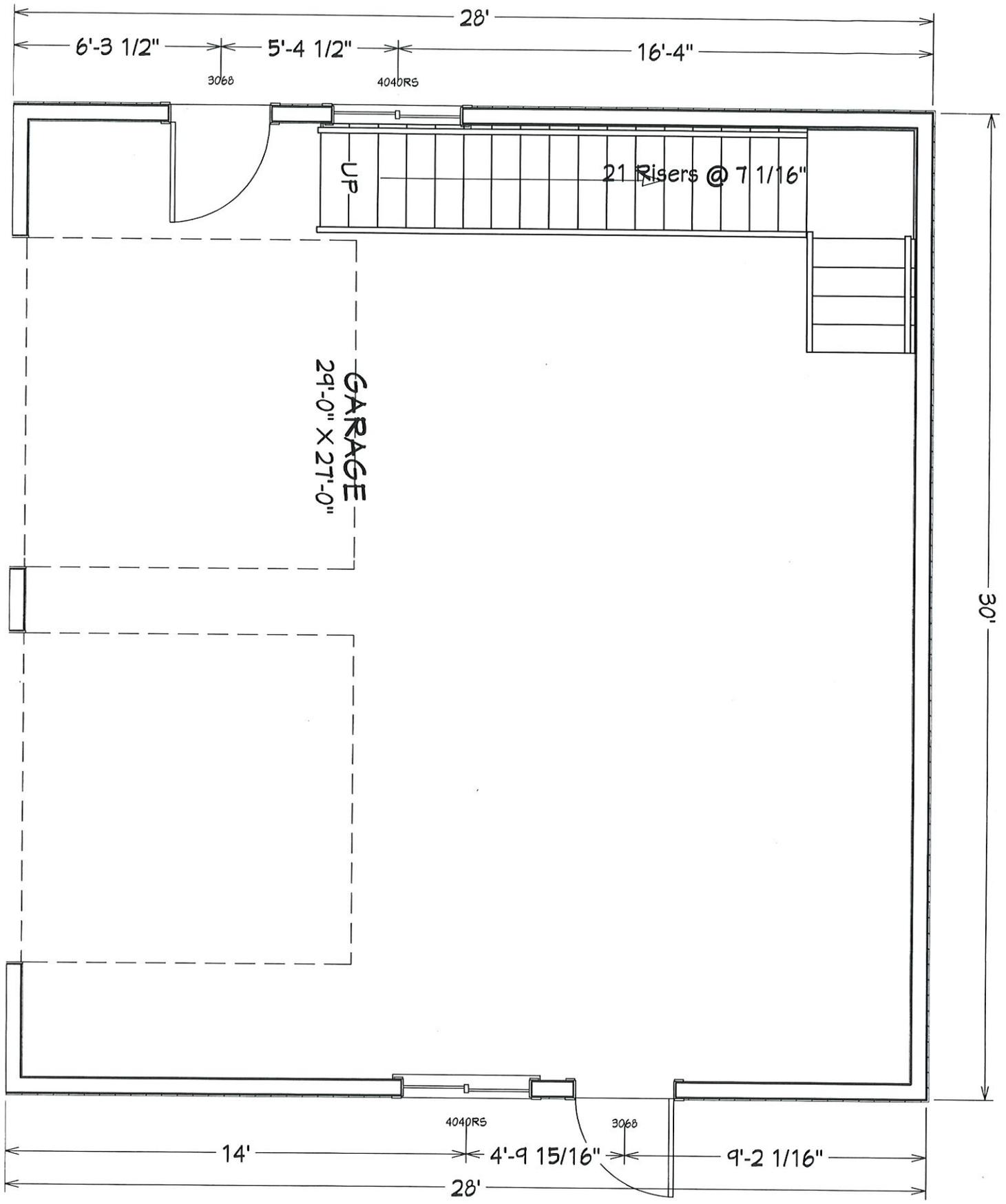
Jill Hirai

DATE:
3/28/21

SCALE:

SHEET:

3





NUMBER	DATE	REVISION TABLE	REVISOR	DESCRIPTION

Turner Remodel Project

DRAWINGS PROVIDED BY:
Jill Hirai

DATE:

3/28/21

SCALE:

SHEET:

4





CITY AND BOROUGH OF SITKA
 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 GENERAL APPLICATION

- Applications must be deemed complete at least TWENTY-ONE (21) days in advance of next meeting date.
- Review guidelines and procedural information.
- Fill form out completely. No request will be considered without a completed form.
- Submit all supporting documents and proof of payment.

APPLICATION FOR:



VARIANCE



CONDITIONAL USE



ZONING AMENDMENT



PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: We are requesting a side setback reduction from 15' to 8' in order to build a detached garage
We are also asking for a height variance change from 16' to 24'

PROPERTY INFORMATION:

CURRENT ZONING: R1 MH LD PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): Residential PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: Josh and Dagna Arnold

PROPERTY OWNER ADDRESS: 106 Shotgun Alley Sitka, AK 99835

STREET ADDRESS OF PROPERTY: 106 Shotgun Alley Sitka, AK 99835

APPLICANT'S NAME: Josh Arnold

MAILING ADDRESS: 106 Shotgun Alley Sitka, AK 99835

EMAIL ADDRESS: Oceanlure@gmail.com DAYTIME PHONE: 907-738-0854

ARNOLD

4-5-2021

106 SHOTGUN ALLEY

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT SUPPLEMENTAL APPLICATION FORM VARIANCE

APPLICATION FOR

- ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- PLATTING VARIANCE – WHEN SUBDIVIDING

RATIONALE - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

We would like to build an unattached garage and have a very steep property
with limited buildable area

POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- TRAFFIC None
- PARKING None
- NOISE No more than typical residential use
- PUBLIC HEALTH AND SAFETY None
- HABITAT None
- PROPERTY VALUE/NEIGHBORHOOD HARMONY None
- COMPREHENSIVE PLAN N/A

ARNOLD
Last Name

4-5-2021
Date Submitted

106 SHOTGUN ALLEY
Project Address

REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):

Major Zoning Variance (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. 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. **Explain the special circumstances:**

The topography of the property limits the building site to one small area next to the existing home

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. **Explain the use/ enjoyment this variance enables:** We would like to build a garage

next to the house

c. 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. **Initial Here** JA

Minor Zoning Variance (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions. **My request should be considered a minor zoning variance because:** _____

b. The granting of the variance furthers an appropriate use of the property. **Explain the use or enjoyment this variance enables:** _____

c. The granting of the variance is not injurious to nearby properties or improvements. **Initial Here** JA

Platting Variance (Sitka General Code 21.48.010)

- a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. Explain the conditions of the lot that warrant a variance: Our property is large (>30K) but very steep and mostly unusable for building. The only suitable building location is next to the existing home
- b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. Initial Here JA

ANY ADDITIONAL COMMENTS We have a wonderful piece of property with excellent privacy but little building opportunity due to the slope

Joshua S. Arnold John Arnold
Applicant

4-5-2021
Date

ARNOLD
Last Name

4-5-2021
Date Submitted

106 SHOTGUN ALLEY
Project Address



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM

Case No: VAR 21-05
Proposal: Reduce side setback from 10' to 0'
Applicant: Sitka Salmon Shares
Owner: City and Borough of Sitka
Location: 4690 Sawmill Creek Road
Legal: Lot 4, Block 4, Sawmill Cove Industrial Park Resubdivision No. 1
Zone: GP Gary Paxton Special District
Size: 26,031 square feet
Parcel ID: 6-6400-800
Existing Use: Industrial
Adjacent Use: Industrial
Utilities: Existing
Access: Easement from Sawmill Creek Road

KEY POINTS AND CONCERNS

- The property is located in the GP zone – front setback in zone is 10 feet.
- The proposal is to facilitate the placement of two cooling towers along an existing building, adjacent to a 90' access and utility easement.
- Potential negative impacts to public health and safety, neighborhood harmony, and property values are minimal as fits industrial nature of the area and will not impact the use or access of the easement.

RECOMMENDATION

Staff recommends that the Planning Commission approve the zoning variance for a front setback reduction.

BACKGROUND/PROJECT DESCRIPTION

Project location is on a 26,031 square foot lot at 4690 Sawmill Creek Road in the Gary Paxton Industrial Park. The request is to allow for placement of two cooling towers between the existing building and the northeastern property line adjacent to a 90' access and utility easement. The cooling towers are approximately 10'x10' in dimension.

The proposed site plan is intended to mitigate impacts that may occur in alternative placement of the cooling towers. Though alternative placement locations exist on the site, the applicant feels that their use would hinder operational traffic and do little to mitigate the impact from noise created by the cooling towers, contributing to an unsafe work environment.

ANALYSIS

Setback requirements

The Sitka General Code requires 10-foot front setbacks in the Gary Paxton Special District (GP).

22.20.040 Yards and setbacks.

A. Projections into Required Yards. Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward.

Alaska Statute 29.40.040(b)(3) states that a variance may not be granted solely to relieve financial hardship or inconvenience. A required finding for variances involving major structures or expansions in the Sitka General Code echoes this statement by stating that there must be "...special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, 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, the orientation and placement of the existing structure can be viewed as justifications for granting a variance, as it restricts use of the lot.

Potential Impacts

The granting of the variance does not increase traffic, density, or other impacts beyond what is already expected in the area. Therefore, staff believes potential adverse impacts to neighborhood harmony and public health and safety are minimal, and the proposal is consistent with the character of the neighborhood.

Comprehensive Plan Guidance

This proposal is consistent with one of the Economic Development actions in the Sitka Comprehensive Plan 2030; ED 6.3 "Develop a Marine Center at Gary Paxton Industrial Park to

support Sitka’s fishing and marine transportation fleets and businesses”.

RECOMMENDATION

Staff recommends approval of the front setback reduction. Granting of the variance would serve to mitigate potential impacts that would likely occur in the use of alternative locations on the site. The proposal would not restrict or impact the utilization of the 90’ easement.

ATTACHMENTS

- Attachment A: Aerial
- Attachment B: Site Plan
- Attachment C: Cooling Tower Elevation Sketch
- Attachment D: Current Plat
- Attachment E: Photos
- Attachment F: Applicant Materials

MOTIONS TO APPROVE THE ZONING VARIANCE

- 1) I move to approve the zoning variance at 4690 Sawmill Creek Road in the GP Gary Paxton Special District subject to the attached conditions of approval. The property is also known as Lot 4, Block 4 Sawmill Cove Industrial Park Resubdivision No. 1. The request is filed by Sitka Salmon Shares. The owner of record is City and Borough of Sitka.**

Conditions of Approval:

- a. The front setback (north) will be decreased from 10 feet to no less than 0 feet.
- b. Building plans shall remain consistent with the narrative and plans provided by the applicant for this request. Any major changes (as determined by staff) to the plan will require additional Planning Commission review.
- c. Substantial construction progress must be made on the project 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 Director if a request is filed within eleven months of the initial approval.

- 2) I move to adopt and approve the required findings for variances involving minor expansions, small structures, fences, and signs as listed in the staff report.**

Before any variance is granted, it shall be shown¹:

¹ Section 22.30.160(D)(2)—Required Findings for Minor Variances

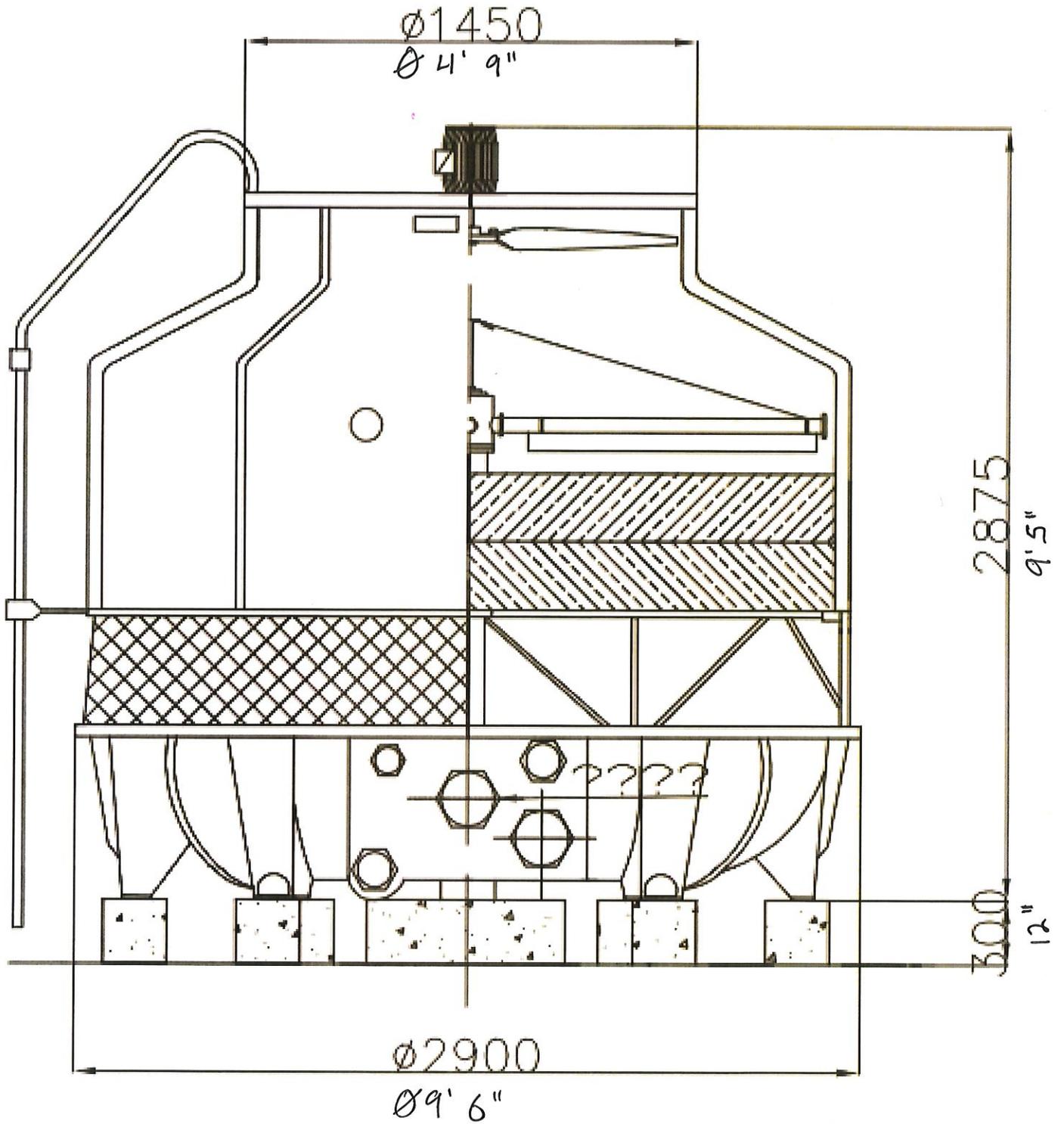
- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;
- b. The granting of the variance is not injurious to nearby properties or improvements;
- c. The granting of the variance furthers an appropriate use of the property.



Sawmill Creek Road

Sawmill Creek Road

Sawmill C



CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED AT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO VATE USE AS NOTED.

Signature of Jim Dinley, Administrator, City of Sitka. Includes owner name and signature.

NOTARY'S ACKNOWLEDGMENT

NOTARIFY THAT ON THIS 19 DAY OF November 2008, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY AND SWORN, PERSONALLY APPEARED Jim Dinley, Mayor for the City of Borough of Sitka.

STATE OF ALASKA NOTARY PUBLIC COLLEEN PELLET. Expires 8/19/09.

CERTIFICATE OF PAYMENT OF TAXES (STATE OF ALASKA) (FIRST JUDICIAL DISTRICT)

I, THE ASSESSOR, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF THE BUREAU OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS TAX RECORDED IN THE NAME OF City of Borough of Sitka.

CERTIFICATE OF APPROVAL BY THE BOARD. I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA.

CERTIFICATE OF APPROVAL BY THE ASSEMBLY. I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA.

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT. I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO BE IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA.

RECORD OF REVISIONS table with columns: NO., DATE, REV., DESCRIPTION OF CHANGE.

NOTES

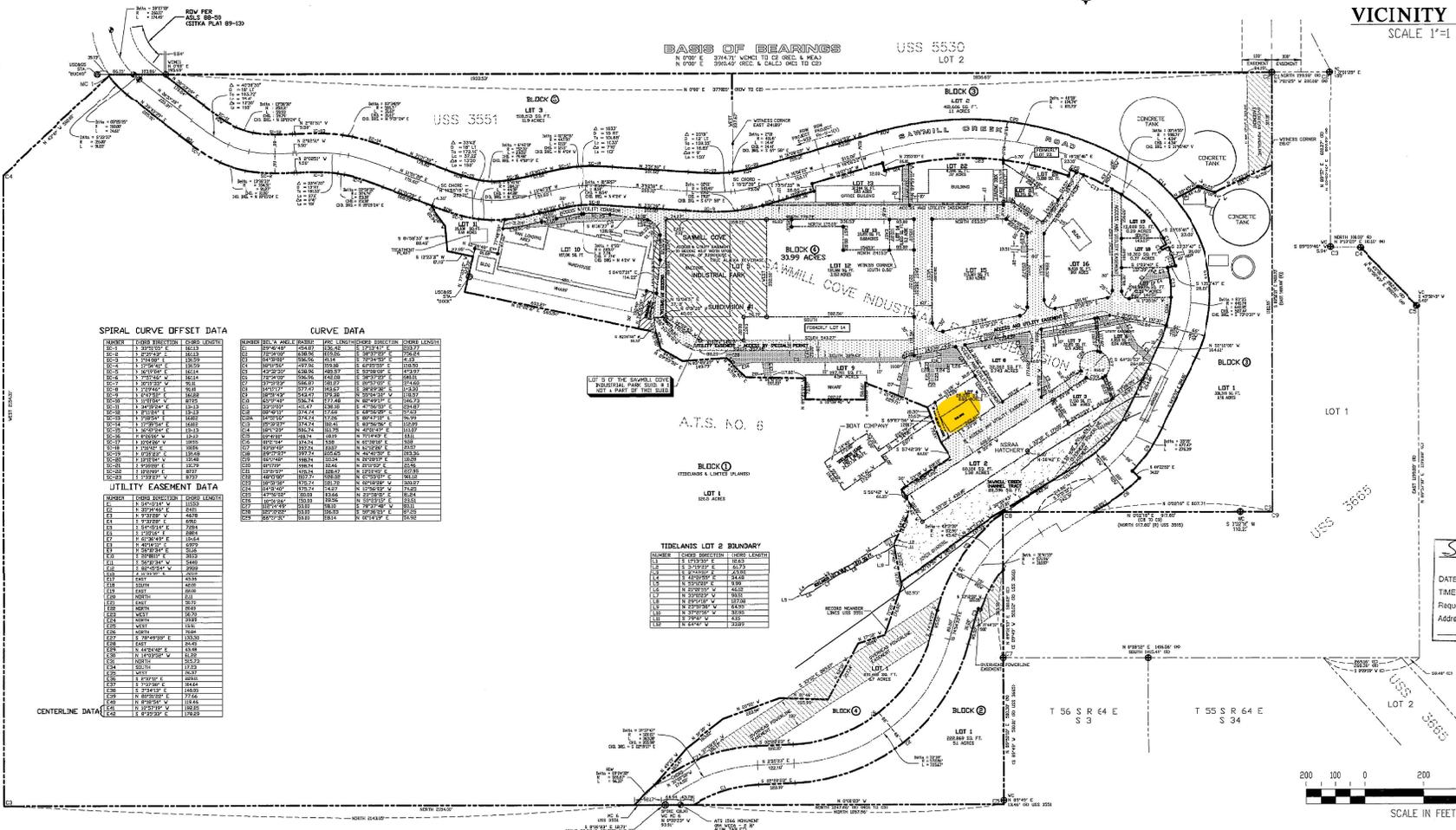
- 1. THE PURPOSE OF THIS PLAT IS TO FURTHER SUBDIVIDE THE SAWMILL COVE INDUSTRIAL PARK SUBDIVISION INTO A TOTAL OF 4 BLOCKS, WITH 2 LOTS AND A LEASE LOT IN BLOCK 1, 1 LOT IN BLOCK 2, 3 LOTS IN BLOCK 3, AND 22 LOTS (EXCLUDING LOT 5) IN BLOCK 4. ALSO, THE PURPOSE OF THIS PLAT IS TO PROVIDE ADDITIONAL EASEMENTS ON THE SAWMILL COVE PROPERTY AND CLARIFY THE COMMON USE STATUS OF EXISTING EASEMENTS.

LEGEND

- PRIMARY CONTROL MONUMENT (RECOVERED)
GLD/BLM PRIMARY BRASS CAP (RECOVERED)
SECONDARY MONUMENT (SET)
SECONDARY MONUMENT (RECOVERED)
US & GS TRIANGULATION STATION (RECOVERED)
RECORDED DATA
COMPUTED DATA
MEASURED DATA
BUILDING
LOT 5 (WITHIN BLOCK 4) - NOT A PART OF THIS SUBDIVISION
COMMON USE ACCESS & UTILITY EASEMENTS WITHIN CORRIDORS TO BE RETAINED BY CBS (SEE NOTE 6)
SPECIAL USE UTILITY EASEMENT (SEE NOTE 5)



VICINITY MAP SCALE 1"=1 MI.



SPIRAL CURVE OFFSET DATA

Table with columns: NUMBER, CHORD BEARING, CHORD LENGTH, CURVE BEARING, CURVE LENGTH.

CURVE DATA

Table with columns: NUMBER, CHORD BEARING, CHORD LENGTH, CURVE BEARING, CURVE LENGTH.

UTILITY EASEMENT DATA

Table with columns: NUMBER, CHORD BEARING, CHORD LENGTH, CURVE BEARING, CURVE LENGTH.

TIDELANDS LOT 2 BOUNDARY

Table with columns: NUMBER, CHORD BEARING, CHORD LENGTH, CURVE BEARING, CURVE LENGTH.



SCALE IN FEET

DESIGNED AND ENGINEERING. SUTKA, ALASKA 99835. 907) 747-6700. dlengroak.net

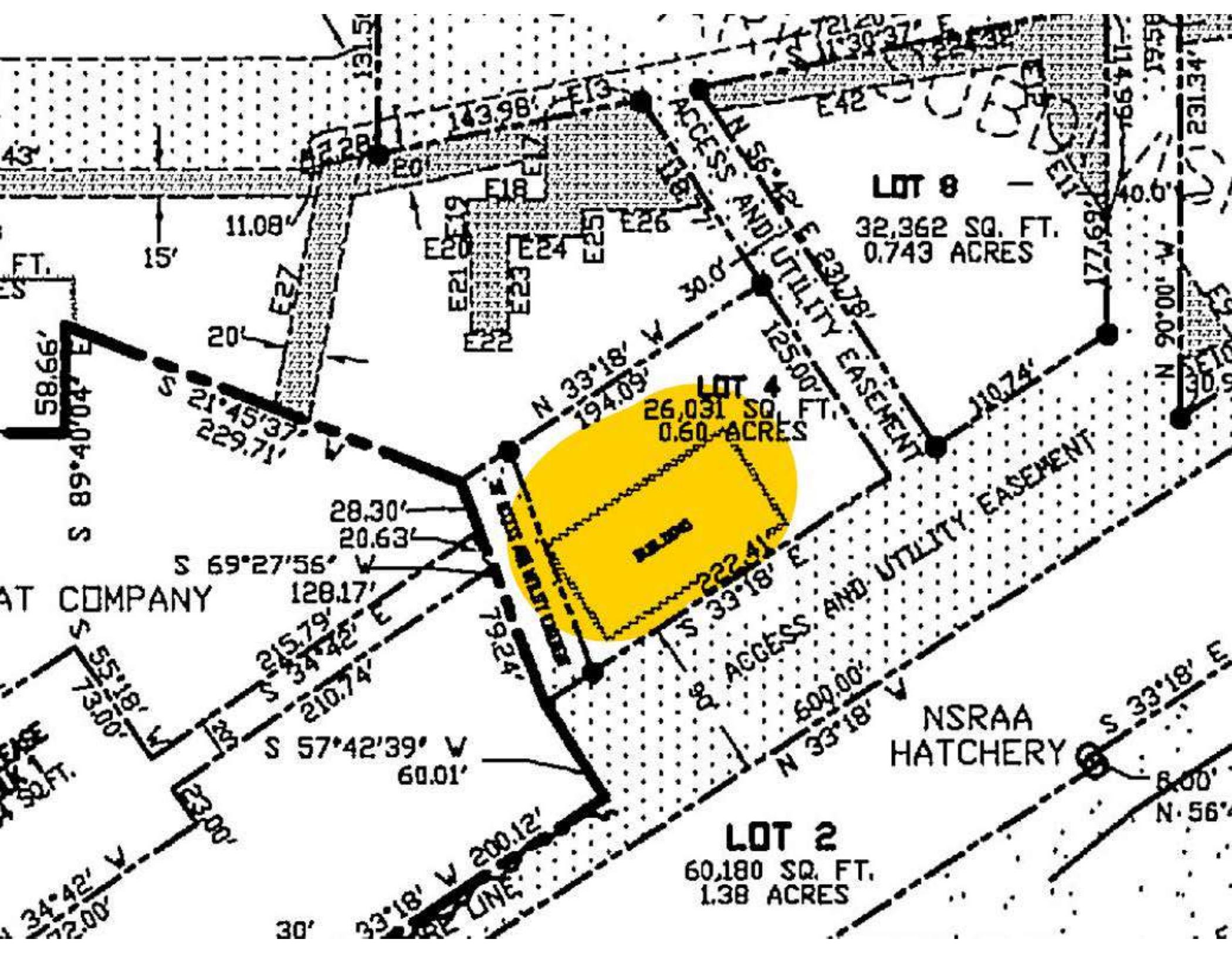
RECORD OF REVISIONS table with columns: NO., DATE, REV., DESCRIPTION OF CHANGE.



DESIGNED: P. O'NEILL. DRAWN: JCH/KO/ACAD. CHECKED: BKH. DATE OF PLAT: SEPT. 24, 2008. DRAWING NAME: SCIP_RESUB(D). PROJECT NO.: 30014-137-00.

SURVEYOR'S CERTIFICATE. I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN JULY 2008, A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY.

SAWMILL COVE INDUSTRIAL PARK RESUBDIVISION NO. 1. A RESUBDIVISION OF SAWMILL COVE INDUSTRIAL PARK SUBDIVISION NO. 1, EXCLUDING LOT 5. CLIENT: CITY AND BOROUGH OF SITKA.



LOT 8
32,362 SQ. FT.
0.743 ACRES

LOT 2
26,031 SQ. FT.
0.60 ACRES

LOT 2
60,180 SQ. FT.
1.38 ACRES

NSRAA
HATCHERY

AT COMPANY

EASE
92.FT.

34.42' V
72.00'

30'

33.18' W 200.12'
CORE LINE

79.24'
CORRIDOR

ACCESS AND UTILITY EASEMENT

ACCESS AND UTILITY EASEMENT

ACCESS AND UTILITY EASEMENT

S 69°27'56" W 128.17'
S 57°42'39" V 60.01'
S 215.79' E 34°42' E 210.74'
S 28.30' 20.63'

S 89°40'04" E 58.66'
S 21°45'37" 229.71'

11.08'
20'

E18
E20
E21
E22
E23
E24
E25
E26

143.98' E13

N 33°18' W 194.09'
N 36°42' E 231.28'
125.00' E
30.0'

110.74'

S 33°18' E 8.00'
N 56°

177.69' W
114.99' W
19.58'
10.0'
123.13' W
14.16' W



REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- Completed General Application form
- Supplemental Application (Variance, CUP, Plat, Zoning Amendment)
- Site Plan showing all existing and proposed structures with dimensions and location of utilities
- Floor Plan for all structures and showing use of those structures
- Proof of filing fee payment
- Other: _____

For Marijuana Enterprise Conditional Use Permits Only:

- AMCO Application

For Short-Term Rentals and B&Bs:

- Renter Informational Handout (directions to rental, garbage instructions, etc.)

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. **I understand that attendance at the Planning Commission meeting is required for the application to be considered for approval.** I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

Owner

Date

Owner

Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application and does not ensure approval of the request.

 _____

Applicant (If different than owner)

4/14/2021 _____

Date

Vest

4/14/2021

4690 SMC Rd

Last Name

Date Submitted

Project Address



CITY AND BOROUGH OF SITKA
 PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
 SUPPLEMENTAL APPLICATION FORM
 VARIANCE

APPLICATION FOR

- ZONING VARIANCE – MINOR EXPANSIONS, SMALL STRUCTURES, FENCES, SIGNS
- ZONING VARIANCE – MAJOR STRUCTURES OR EXPANSIONS
- PLATTING VARIANCE – WHEN SUBDIVIDING

RATIONALE - Alaska Statute 29.40.040(b)3 states that a variance may not be granted solely to relieve financial hardship or inconvenience. Explain why a variance is required for your project.

This variance would allow the placement of sensitive mechanical equipment in the safest location for personal and the public.

POTENTIAL IMPACTS (Please address each item in regard to your proposal)

- **TRAFFIC** The alternative placement location would congest the main thoroughfare used to access shorelines adjacent to the property.

- **PARKING** The proposed location for the cooling towers is set close to the building and best utilized the space on the property.
Parking on the property would not be reduced as a result of the variance.

- **NOISE** The proposed location for the cooling towers will provide a barrier between the fans and the main working area.
The resulting noise deflection will provide a safer working environment for the personnel on-site.

- **PUBLIC HEALTH AND SAFETY** The proposed build location protects the utility lines running to the cooling towers from damage from traffic in the area.

- **HABITAT** The proposed build site will have little to no effect on habitat.

- **PROPERTY VALUE/NEIGHBORHOOD HARMONY** The proposed locations for the cooling towers should not affect the property values of nearby properties as the adjacent land is public easement.

- **COMPREHENSIVE PLAN** Consistent with action E.D. 6.3

Vest
 Last Name

4/14/2021
 Date Submitted

4690 SMC Rd
 Project Address

REQUIRED FINDINGS (Choose ONE applicable type and explain how your project meets these criterion):

Major Zoning Variance (Sitka General Code 22.30.160(D)1)

Required Findings for Variances Involving Major Structures or Expansions. 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. Explain the special circumstances:*

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. Explain the use/ enjoyment this variance enables:* _____

c. *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. Initial Here* _____

Minor Zoning Variance (Sitka General Code 22.30.160(D)2)

Required Findings for Minor Expansions, Small Structures, Fences, and Signs.

a. *The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions. My request should be considered a minor zoning variance because:* The variance will have little to no impact on neighboring properties,
and provides the most thoughtfull layout for the general public and personel.

b. *The granting of the variance furthers an appropriate use of the property. Explain the use or enjoyment this variance enables:* This variance will allow Sitka Salmon Shares to install a new ice plant to service
our growing fishing fleet, and help secure Sitka's working water front.

c. *The granting of the variance is not injurious to nearby properties or improvements.*
Initial Here DV

Vest

4/14/2021

4690 SMC Rd

Last Name

Date Submitted

Project Address

Platting Variance (Sitka General Code 21.48.010)

a. A variance from the requirements of this title may be granted only if the planning commission finds that the tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. **Explain the conditions of the lot that warrant a variance:** _____

b. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property. **Initial Here** _____

ANY ADDITIONAL COMMENTS _____



Applicant

4/14/2021

Date

Vest

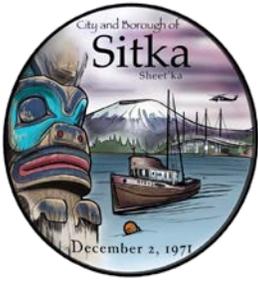
Last Name

4/14/2021

Date Submitted

4690 SMC Rd

Project Address



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Amy Ainslie, Planning Director *AA*

Date: April 30, 2021

Subject: **Short-term Rental Code Discussion**

At the April 21st regular Planning Commission, a motion was made and approved by the Commission:

M-Riley/S-Alderson moved to add a discussion/direction item on short-term rentals in the next Planning Commission meeting. Motion passed 5-0 by voice vote.

To support this discussion, staff wanted to provide three main things: The current code provisions for short-term rentals, the process for changing the code, and background materials.

Some terms to be used throughout include:

Short-term rental (STR)
Conditional use permit (CUP)
Sitka General Code (SGC)

1. Current Code Provisions for STRs

SGC Title 22, Zoning has most of the relevant provisions regarding STRs.

- SGC 22.08.735 defines STRs: “Short-term rentals means rentals of single dwelling units for less than fourteen consecutive days for money or other valuable consideration by one party which then occupies the dwelling.”
- SGC Table 22.16.015-1 Residential Land Uses outlines that short-terms rentals are:
 - Prohibited in: SF, SFLD, OS, GPIP, Cemetery
 - Conditional in: R-1, R-1MH, R-1LDMH, R-2, R-2MHP, I, LI
 - Permitted (i.e. allowed by right) in: CBD, C-1, C-2, WD, GI, Recreation
- SGC Table 22.24.010-1 outlines the application requirements for CUPs including legal description of the property, statement of objectives, and a site plan (or other supporting drawings).

- SGC Table 22.24.010-1 outlines initiation and termination periods for different CUP types. STR CUPs must be activated within one year of approval, and must be used at least once during a one year period in order to stay active (otherwise becoming void). A mandatory review period is set by the Commission at the time of approval (for STR CUPs, we have structured all reviews to take place as a part of the annual report), and the number of years after approval that the permit sunsets can be set by the Commission at the time of approval.
- SGC 22.24.010 sections C, E, and F are all relevant to STRs, and provide clarification on requirements for STRs and factors that can/should be considered by staff and the Commission in evaluating STR requests.
- SGC 20.30.160(C) outlines the required findings for conditional use permits in general.

2. Process for Code Changes

SGC 22.30.380 makes provisions for making changes to the text and official map of the city’s development regulations and other official controls. Changes to the zoning of a property or multiple properties is commonly referred to a “zoning map amendment”, and changes to the zoning code itself are commonly referred to as a “zoning text amendment”. The Assembly, the Commission, staff, and citizens can petition for these types of amendments to be made. The process of these changes can vary greatly depending on the complexity of the request – if it is a sweeping code change as directed by the Assembly and the Commission, this could require several work-sessions/reviews with either or both bodies. For simpler changes, such as those property owners who are moving their cemetery properties into the new Cemetery zone, usually one review with the Commission is sufficient for Commissioners to feel comfortable making a recommendation.

For Commission initiated amendments, staff feels that at least 2 reviews are necessary at the Commission level. The first one should include a broad conversation and a majority decision on the proposed changes. Staff takes the direction from the first review to craft a draft ordinance along with assistance from the Legal Department, along with any other CBS departments that may be affected by the change. Once prepared, the draft ordinance is presented to the Commission for recommendation of approval.

Any change to the zoning map or to the zoning code must be done via ordinance, which requires two successful readings by the Assembly to become effective. The Commission can request that the Administrator sponsor such an ordinance (this would be done by requesting Planning staff to make the request of the Administrator’s office), or the Commission can seek two Assembly sponsors.

3. Background Materials

In your packet, Staff has provided a few resources we thought could aid in the discussion. Code excerpts as discussed in the first section of this memo are included, the 2019 and the 2020 Annual Short-term Rental Reports, the most up-to-date STR density maps, the 2nd Address report on STR laws in major cities across the U.S., and the ordinances that were in place over the course of 2005-2007 that put a moratorium on STRs in R-1 and R-2 (and their related) zones.

22.08.735 Short-term rentals.

“Short-term rentals” means rentals of single dwelling units for less than fourteen consecutive days for money or other valuable consideration by one party which then occupies the dwelling. (Ord. 02-1683 § 4 (part), 2002.)



**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)	GI (3, 10)	LI(3)	R	OS	GP (13)	C (16)
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	P	C	C				
• Tiny house on chassis on an individual lot					C	C		C			C	C	C	C				
• Mobile home park								P			P	P						
• Accessory				P(14)	C	C	P(14)	C										

dwelling unit				C	~	~	C	~										
GROUP RESIDENCES													C	C				
• 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(15)			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

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

R-2 MHP: Multifamily/Mobile Home District GP: Gary Paxton Special District
CBD: Central Business District C: Cemetery 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.

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. 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.

14. Accessory dwelling units shall be constructed in conformance with the standards outlined in Chapter 22.20, Supplemental District Regulations and Development Standards.

15. Conditional use limited to allow boats to be used as short-term rentals in harbors and slips within the public lands zoning district.

16. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.

22.24.010 Conditional uses.

A conditional use is a use that may not be appropriate in a particular zoning district according to the character, intensity, or size of the lot or the surrounding uses. This section establishes decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. The conditional use permit procedure is intended to afford the municipality the flexibility necessary to make determinations appropriate to individual sites. The commission may attach conditions necessary to mitigate external adverse impacts. If the municipality determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

A. Submittal Requirements for Conditional Use Applications. Table 22.24.010-1 provides application requirements for all conditional use permits.

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
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	Written Documentation • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. Site Plan and Supporting Drawings	Written Documentation • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. Site Plan and Supporting Drawings	Written Documentation • 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

<p>Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department. Written Documentation</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>Site Plan and Supporting</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. 	<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>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;</p> <ul style="list-style-type: none"> • 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>Site Plan and Supporting Drawings</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
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<p>Drawings</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>recreation areas, waterfront development, clearing, schematic water and sewer layout, and any other information necessary to adequately describe the project;</p> <ul style="list-style-type: none"> • 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.
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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 planning commission 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 planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission at time of approval
Number of years after approval that permit sunsets	Set by planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission 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 or an owner-occupied unit of a two-family dwelling that are not needed by the owner of the structure for household activities.
7. Permits shall lapse and become void if the bed and breakfast ceases operation for twelve consecutive months.
8. There shall be no more than one exterior sign. The sign shall not exceed four square feet.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
15. When the planning commission 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 nonconforming 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 permit. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
 - e. When the planning commission 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.

~~Conditional Use Permit Provisions for Mobile Homes on an Interim Basis in the R-1, R-2 and Related Zoning Districts.~~

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 or tiny house on chassis 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 or tiny house on chassis.
4. Conditions attached to the approval shall include but are not limited to (a) a pledge of the travel trailer, mobile home, tiny house on chassis, or cash of equivalent value as collateral, and (b) in the event a travel

trailer or mobile home or tiny house on chassis is pledged as collateral, funds 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.

1. 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. 20-02S(A) § 4 (part), 2020; Ord. 15-51 § 4 (part), 2015; Ord. 15-39 § 4 (part), 2015; 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.)

22.30.160 Planning commission review and decision.

Planning commission decision and action authority is defined in Section 22.30.050.

A. Staff Report. The administrator shall prepare a staff report on the proposed development or action summarizing any comments, analysis, and recommendations of city departments, affected agencies and special districts, evaluating the development's consistency with the comprehensive plan, code, and other adopted plans

and regulations. The staff report may include findings, conclusions or proposed recommendations for disposition of the development application.

B. Hearing. The planning commission shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's comprehensive plan, code, and other adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with Article IV of this chapter.

C. Required Findings for Conditional Use Permits. The planning commission shall not approve a proposed development unless it first makes the following findings and conclusions:

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.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the

applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

2019 Annual Short-term Rental Report

City and Borough of Sitka

Planning and Community Development Department

March 18, 2020

Prepared for Chair Spivey and Members of the Planning Commission

Copy provided to: Mayor Paxton and Assembly Members

John Leach, Municipal Administrator

Report Sections

I. Permit Holder Data

A. Financial Data

B. Property Data

C. Marketing Platforms

II. Known Comments, Feedback, and Concerns

A. Permit Holder Feedback and Comments

B. Community Survey Results

III. Direction of Staff

IV. Attachments

Please note the following:

This report only covers short-term rentals or bed and breakfast establishments that operate through the conditional use permit process. This report does not have information about short-term rentals that are operated as a right within the Central Business District, Commercial 1 District, Commercial 2 District, Waterfront District, General Island District, and/or Recreational District.

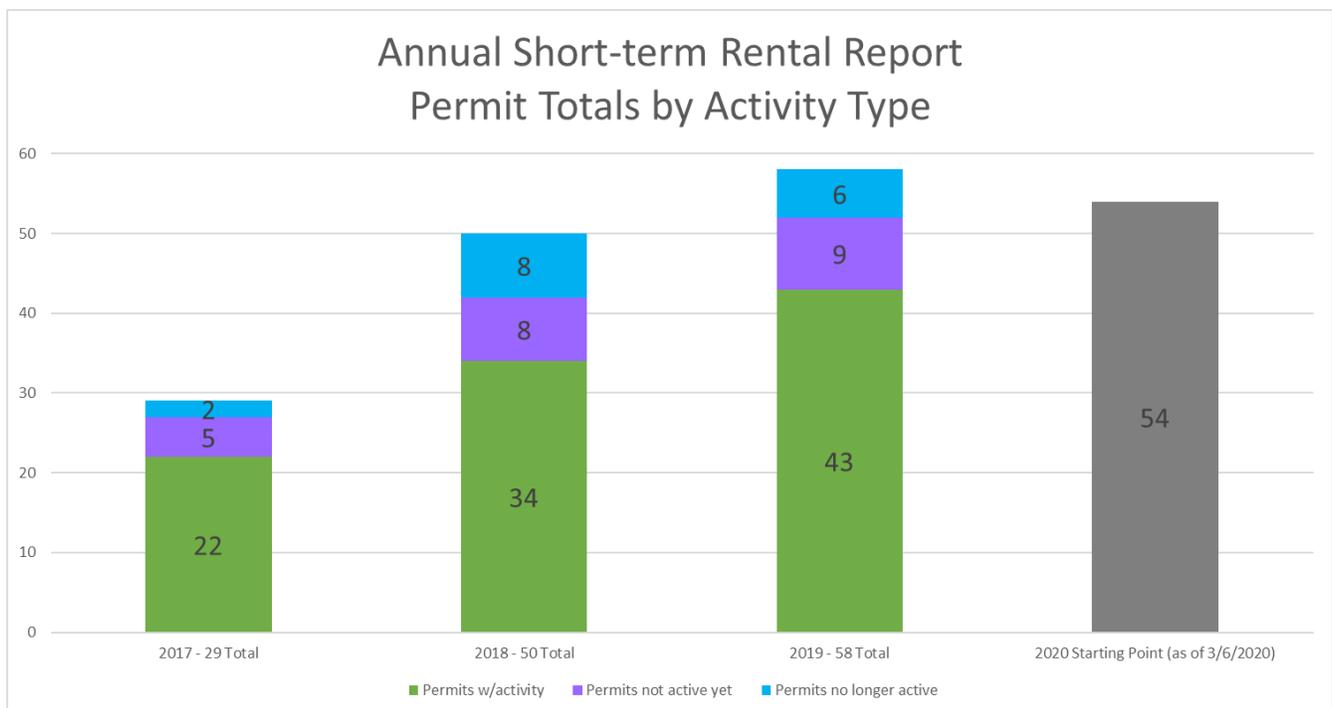
The term “short-term rental” or STR, will also be used to describe bed and breakfast establishments permitted through the conditional use permit (CUP) process.

I. Permit Holder Data

A. Financial Data

Permit Data	2017	2018	2019
Total Permits	29	50	58
Active permits in use	22	34	43
Active permits not yet used	5	8	9
No longer active permits	2	8	6
Rental Data			
Total nights rented	1155	2928	3190
Average nights rented per CUP	53	86	74
Minimum nights rented	2	2	2
Maximum nights rented	146	446	259
Financial Data			
Total bed tax remitted	\$ 14,979.78	\$ 27,950.30	\$ 39,137.55
Total implied revenue	\$ 249,663.00	\$ 465,838.33	\$ 652,292.50
Average bed tax remitted per CUP	\$ 680.90	\$ 822.07	\$ 910.18
Average implied revenue per CUP	\$ 11,348.32	\$ 13,701.13	\$ 15,169.59
Minimum bed tax remitted	\$ 12.50	\$ -	\$ 14.40
Maximum bed tax remitted	\$ 2,434.29	\$ 3,107.72	\$ 3,776.19

Summary: The Commission approved 14 new CUPs for STRs in 2019, while 6 became inactive in that time. This means that new approvals outpaced “natural decline” of permit holders at an approximate 2:1 ratio. Of the permits approved in 2019, 7 became active within the calendar year. The remaining have not yet begun operation, but are still within the activation period wherein the permit can be utilized.



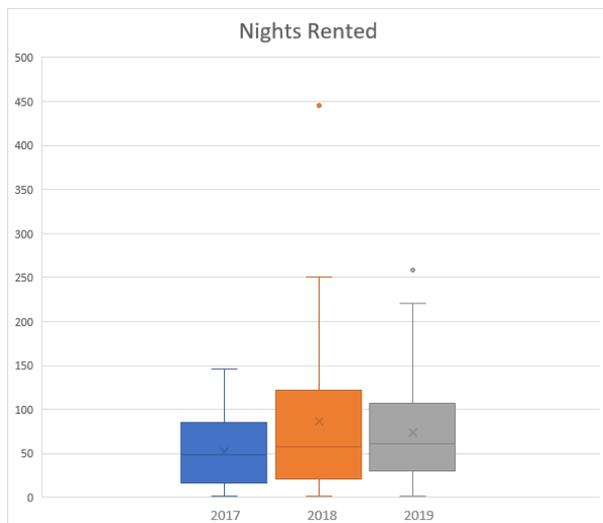
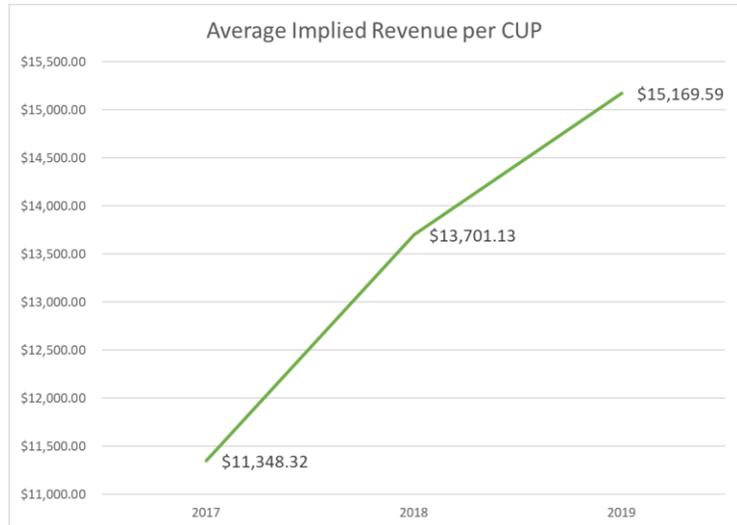
These permits, as well as the 4 permits approved in 2020 to date were included in the “2020 Starting Point as of 3/6/2020” in the graph above.

As Sitka’s bed tax on short-term rentals is 6%, and the average bed tax remitted was \$910.18; this means that the average revenue for permit holders was approximately \$15,169.59. For the 43 active users that reported in 2019, this is a significant revenue source that could substantially offset housing expenses. If the total bed tax remitted from these permits was \$39,137.55, this means that the total revenue from short-term rentals was approximately \$652,292.50; a sizable revenue stream that was not otherwise captured at hotels, lodges, or short-term rentals/bed and breakfast establishments in other zoning districts.

The average implied revenue per CUP has increased year-on-year since the data was aggregated in 2017.

In the case of short-term rentals, revenue is a fairly simple equation – the nightly price of a rental multiplied by the nights rented. Therefore, understanding the trend of why average revenue is rising should be a function of understanding trends in rental price and nights rented.

Nightly price was derived from the bed tax remitted. The below box and whisker plots depict the distributions of bed tax remitted and rental nights. The shaded boxes indicate the middle two quartiles of each data set, with the average indicated with an “x”. The “whiskers” denote the range in the bottom and upper quartiles. Dots outside the box and whiskers show statistical outliers, which skew the average.

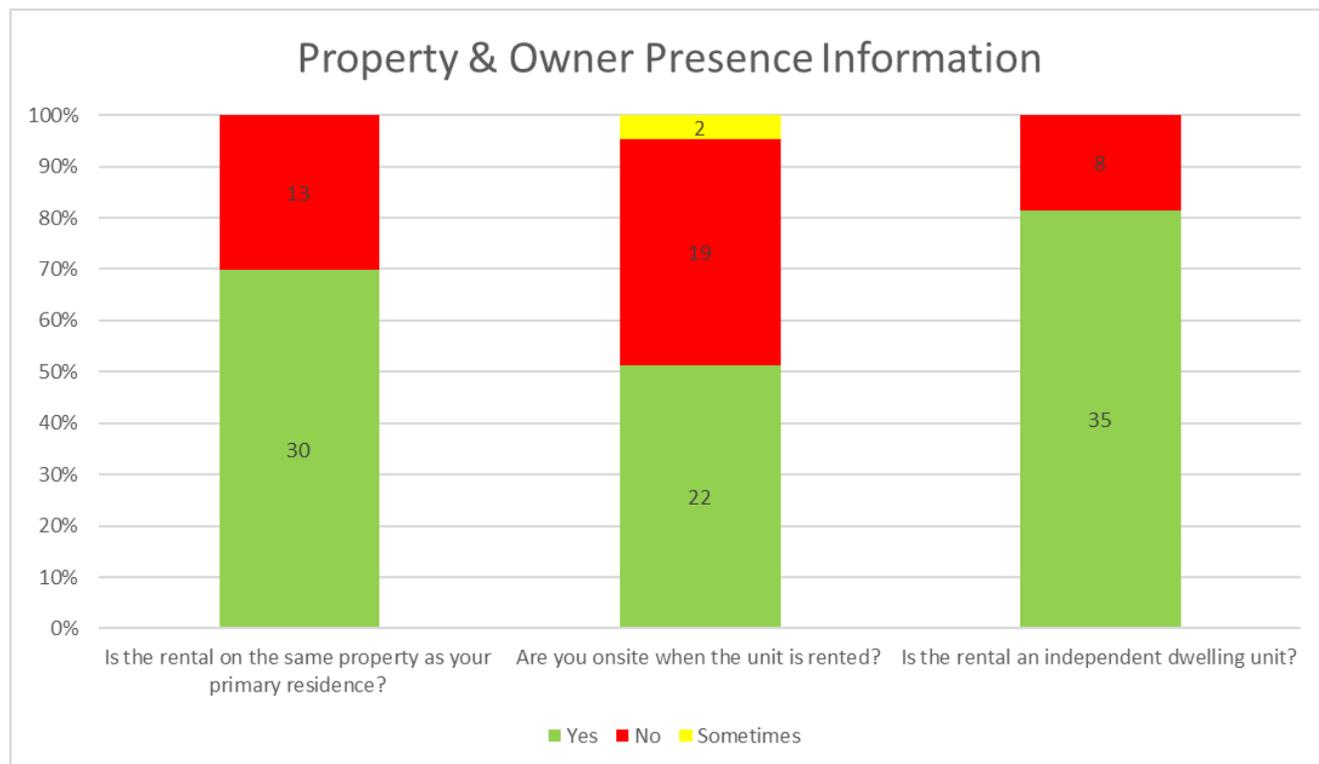


The presence of four outliers in the nightly price for 2019 are indicative that outliers are more likely the cause of the substantial increase in revenue per CUP in 2019; the middle quartiles are actually in a narrower band of distribution than previous years, which would imply a tightening of prices in the

middle ranges. It appears that more high-price or “luxury” type short-term rentals are present in the 2019 responses, resulting in an increase in average revenue per CUP. The maximum reported bed tax amount for 2019 was \$3,776.19 which would imply total revenue of \$62,936.50. While there is a broad range of revenues being made per CUP, it is still evident that permit issuance has the potential to be very valuable to current and potential permit holders.

B. Property Data

In an attempt to answer the question, “to what extent are short-term rentals decreasing the available pool of long-term rentals?” staff included some questions about the property and owner presence during rental periods in this year’s report.



70% of active permit holders responded that the rental was on the same property as their primary residence, and there was about a 50/50 split between permit holders being onsite during rental periods. 80% of the rental units were reported as independent dwelling units.

Of the 13 respondents who stated that the rental was not on the same property as their primary residence, 12 of those rentals were described as independent dwelling units. It would stand to reason that if the property is not a primary residence and is an independent dwelling unit, it would have limited use outside of long-term rental were it not for the short-term rental option.

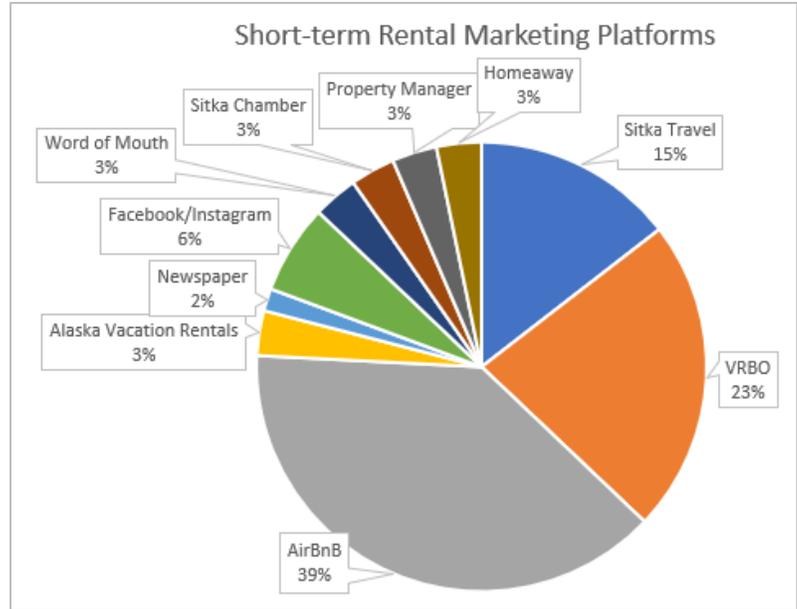
It is more challenging to make this determination within the pool of those who claim the rental is part of their primary residence; among this group, 23 are reported as independent dwelling units. The choices to utilize a dwelling unit within one’s primary resident include guest space, hobby space, or just additional living area; we cannot definitively say these short-term rentals detract from the long-term rental pool.

C. Marketing Platforms

Another new addition to the 2019 report was a question to permit holders the marketing platforms used. Staff felt this was helpful information to assist in monitoring short-term rental activity as well as understanding how many short-term rentals are professionally managed.

Most respondents listed multiple marketing platforms, such as using multiple websites, or a manager as well as a private listing site (such as Airbnb, VRBO, or HomeAway).

Airbnb was far and away the most popular marketing platform, followed by VRBO.



30% of those with active permits stated that they were using professional services such as Sitka Travel and Alaska Vacation Rentals, or unnamed property managers.

II. **Known Feedback, Comments, and Concerns**

A. Permit Holder Feedback and Comments

Permit holders reported some of the feedback that is to be expected in running a lodging business; difficulty in communicating to renters, managing reservations, cleaning, etc. Three permits that were active or eligible for activity in 2019 have indicated that they plan to discontinue use in 2020. Some requested more modernized methods of communication and payment such as a desire to make bed tax payments online. Two permit holders expressed gratitude for the ability to run short-term rentals, as they felt it made a significant contribution to their income.

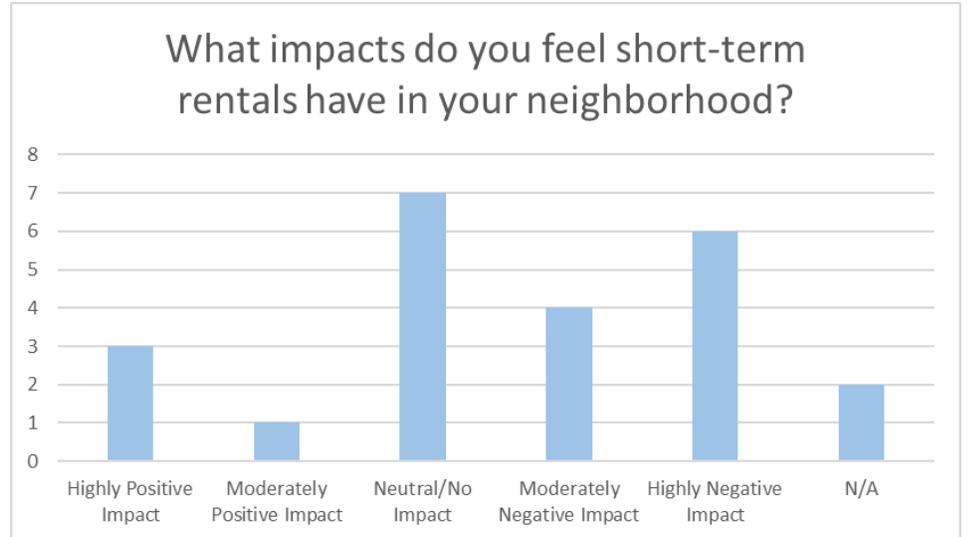
B. Community Survey Results

This year, staff also wanted to survey the larger community to gauge attitudes towards short-term rentals. 23 individuals responded to the survey. Of those, approximately 74% were aware of short-term rental activity in their neighborhood, and approximately 70% felt there should be limitations on short-term rentals.

Common themes in the open comment/feedback/suggestion section:

- Short-term rentals take the place of long-term housing
- Short-term rentals increase housing costs
- Short-term rentals should be better managed to minimize impact to the neighborhoods they are in
- Spacing/distribution of short-term rentals matters
- CBS/Planning Commission should study short-term rentals and limit their growth
- Short-term rentals provide less expensive lodging alternatives and revenue to the city
- Short-term rentals provide income to property owners to offset cost of living
- The market should be able to regulate itself

For those who felt there should be limitations on short-term rentals, 30% were in favor of limitations based on housing type, 40% were in favor of limitations based on location, 60% were in favor of limitations based on neighborhood concentration or density, and 60% were in favor of limitations based on a total, city-wide cap. It's notable that 15% of respondents answered that no limitations were needed.



III. Direction of Staff

Given the reported information, Staff would like to hear feedback from the Commissioners about their thoughts and feedback on the status of short-term rentals operating through the conditional use permit process.

A report done by 2nd Address notes highlights short-term rental laws in major cities, this report is attached for your reference. A popular provision being utilized is that the host must be the primary residence of the rental unit. This is the case in New York City, LA, Washington D.C., Boston, and Denver. Many have instituted city permitting, registration, and bed tax regulations that are already in effect for Sitka.

Staff would like direction from the Commission on two questions:

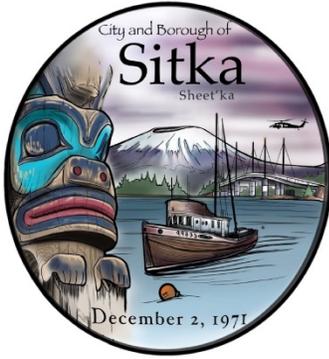
1. Is the Commission interested in pursuing code changes to further regulate and/or limit the issuance of new conditional use permits for short-term rentals?
2. If yes, what particular changes is the Commission interested in pursuing:
 - a. Owner vs. non-owner occupied units
 - b. Densities within neighborhoods
 - c. Overall city-wide cap
 - d. Transferability of the permit
 - e. Other

IV. Attachments

2nd Address Report

Short-Term Rental Distribution Maps

Rental Statistics from the Department of Labor



CITY AND BOROUGH OF SITKA
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

2020 Annual Short-Term Rental Report
March 17, 2021

Prepared for: Chair Spivey and Members of the Planning Commission
Copy provided to: Mayor Eisenbeisz and Assembly Members
John Leach, Municipal Administrator

Report Sections

- I. Permit Holder Data**
 - A. Financial Data
 - B. Property Data
 - C. Marketing Platforms
- II. Permit Holder Comments, Feedback, and Concerns**
- III. Conclusions and Direction**
 - A. Conclusion
 - B. Explanation of Attachments
 - C. Next Steps for 2021
- IV. Attachments**

Please note the following:

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The term “short-term rental” or STR, will also be used to describe bed and breakfast establishments permitted through the conditional use permit (CUP) process.

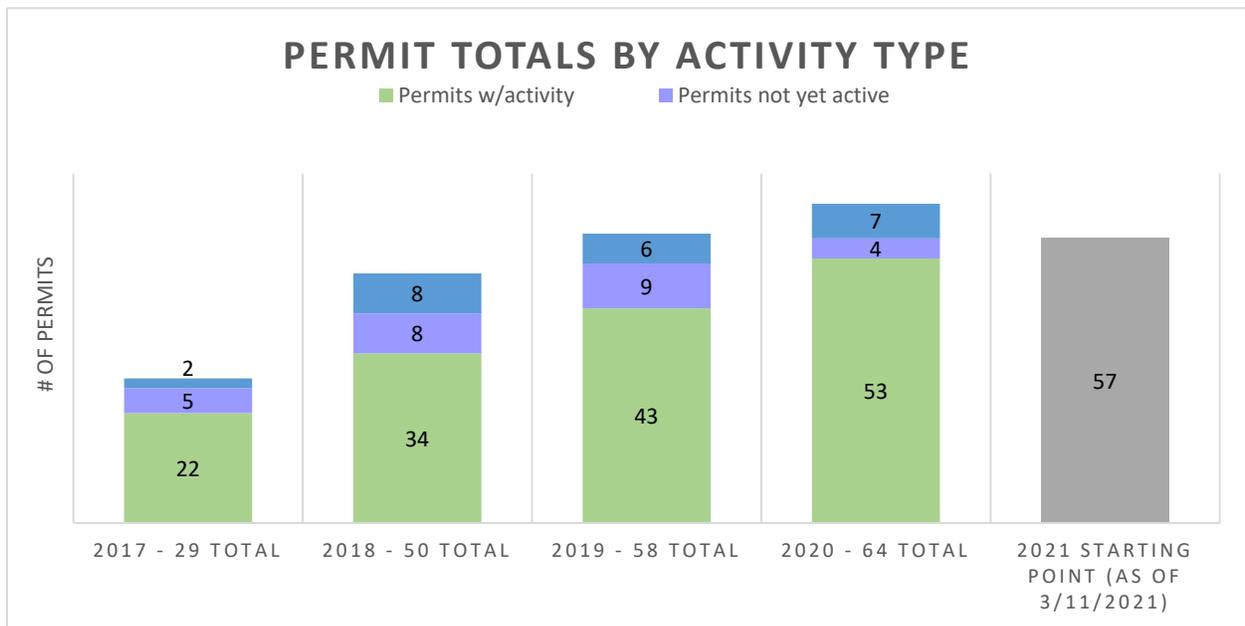
2020 was an unusual year for STRs, given the low visitor and seasonal worker numbers due to COVID-19 impacts. Staff heard from many permit holders that their ability to use their permits were severely impacted by the pandemic. Some were unsure or uneasy about renting out their home to visitors, some were unable to find visitors, and others had long-term tenants stay over the summer season when they would usually convert to short-term tenants. Hearing these concerns, at their May 6, 2020 meeting, the Planning Commission unanimously moved to excuse permit holders from the void period requirements for the short-term rental conditional use permits for the 2020 calendar year in light of COVID-19 travel restrictions and other related impacts. This means that activity on permits is much lower than previous years, and that some permits that would have otherwise been deemed “inactive” and made to reapply for their permit are remaining as active and will move into the 2021 Starting Point.

I. Permit Holder Data

A. Financial Data

Permit Data	2017	2018	2019	2020
Total Permits	29	50	58	64
Active permits in use	22	34	43	53
Active permits not yet used	5	8	9	4
No longer active permits	2	8	6	7
Rental Data				
Total nights rented	1155	2928	3190	1788
Average nights rented per CUP	53	86	74	30
Minimum nights rented	2	2	2	0
Maximum nights rented	146	446	259	174
Financial Data (\$ USD)				
Total bed tax remitted	14,979	27,950	39,137	21,293
Total implied revenue	249,663	465,838	652,292	354,883
Average bed tax remitted per CUP	680	822	910	402
Average implied revenue per CUP	11,348	13,701	15,169	6,695
Minimum bed tax remitted	12	0	14	0
Maximum bed tax remitted	2,434	3,107	3,776	1581

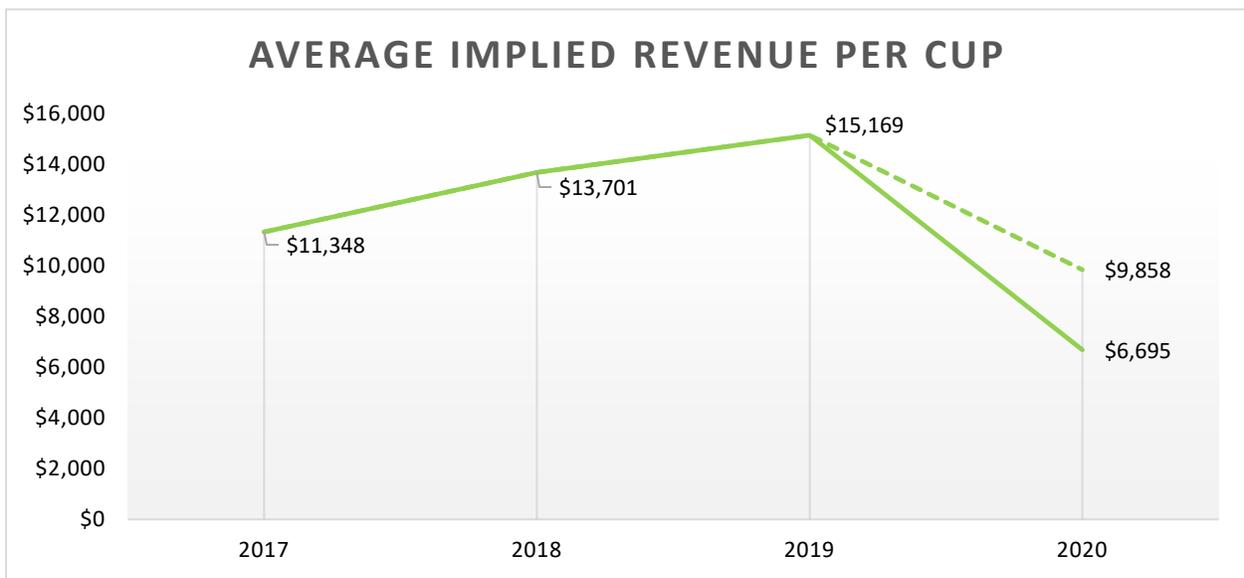
Summary: The Commission approved 6 new CUPs for STRs in 2020, while 7 became inactive in that time. There are 4 permits that have been approved in December 2020/Q1 2021 that are still within the activation window, but were not asked to complete the 2020 report due to lack of activity. Of the 53 permits that are noted as active, 24 reported no rental activity due to COVID-19 impacts. This means that our “Starting Point” for the remainder of the year is 57 active permits.



As Sitka’s bed tax on short-term rentals is 6%, and the average bed tax remitted was \$402; this means that the average revenue for permit holders was approximately \$6,695. This is markedly lower than the previous three years – again, this is likely due to the number of permits that were not able to operate this year. When controlling for the permits that had no activity, the average bed tax remitted and average implied revenue for permit holders is \$591 and \$9,858 respectively.

While lower than previous years, STRs still represent a significant revenue source that could substantially offset housing expenses. If the total bed tax remitted from these permits was \$21,293, this means that the total revenue from short-term rentals was approximately \$354,883; a sizable revenue stream that was not otherwise captured at hotels, lodges, or short-term rentals/bed and breakfast establishments in other zoning districts.

The average implied revenue per CUP has increased year-on-year since the data was aggregated in 2017, with 2020 representing the first downturn in that timeframe. The dashed line in the chart below shows the average implied revenue per CUP without active permits that reported zero nights of rental activity, and the solid line shows the average inclusive of permits that reported zero nights of rental activity.



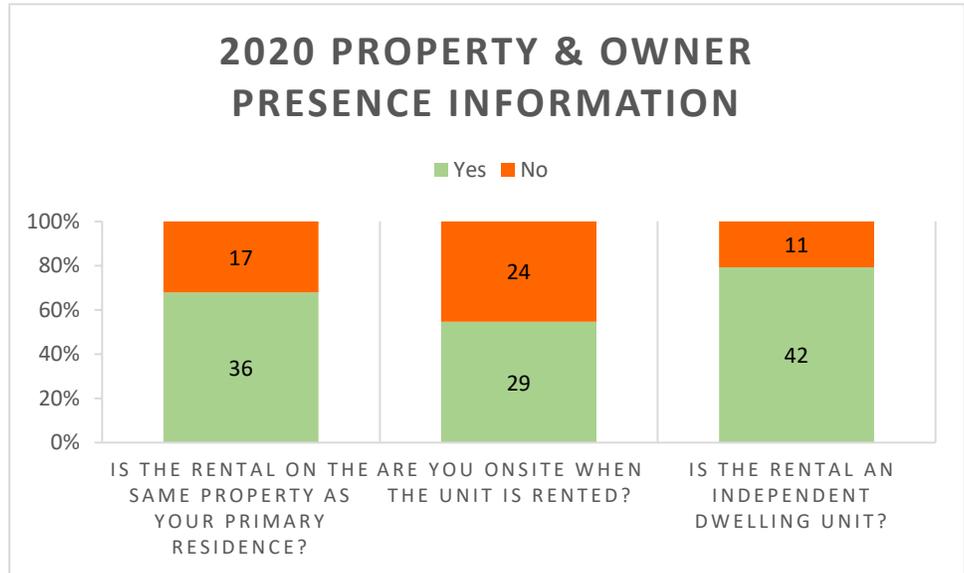
B. Property Data

In an attempt to answer the question, “to what extent are short-term rentals decreasing the available pool of long-term rentals?” staff included some questions about the property and owner presence during rental periods for the first time in the 2019 report, and kept these questions in the 2020 report.

68% of active permit holders responded that the rental was on the same property as their primary residence (compared to 70% in 2019), and there was a 55/45 split between permit holders being onsite versus offsite during rental periods. 79% of the rental units were reported as independent dwelling units.

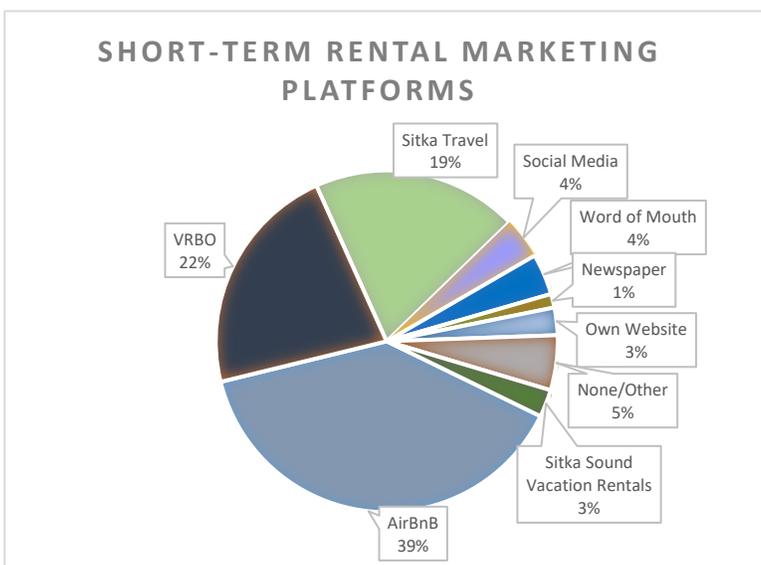
Of the 17 respondents who stated that the rental was not on the same property as their primary residence, 16 of those rentals were described as independent dwelling units. It would stand to reason that if the property is not a primary residence and is an independent dwelling unit, it would have limited use outside of long-term rental were it not for the short-term rental option.

It is more challenging to make this determination within the pool of those who claim the rental is part of their primary residence; among this group, 26 are reported as independent dwelling units. The choices to utilize a dwelling unit within one’s primary resident include guest space, hobby space, or just additional living area; we cannot definitively say these short-term rentals detract from the long-term rental pool.



C. Marketing Platforms

Another new addition to the 2019 report that was carried through to the 2020 report was a question to permit holders regarding the marketing platforms used. Staff felt this was helpful information to assist in monitoring short-term rental activity as well as understanding how many short-term rentals are professionally managed.



Most respondents listed multiple marketing platforms, such as using multiple websites, or a manager as well as a private listing site (such as Airbnb, VRBO, or HomeAway).

Airbnb was far and away the most popular marketing platform, followed by VRBO. A local company, Sitka Travel, was also a prominently used marketing platform.

30% of those with active permits stated that they were using professional services such as Sitka Travel and Alaska Vacation Rentals, or unnamed property managers. This is on par with 2019 figures for property management.

II. Permit Holder Feedback, Comments, and Concerns

Permit holders reported some of the feedback that is to be expected in running a lodging business; difficulty in communicating to renters, managing reservations, cleaning, etc. A few permits that were active or eligible for activity in 2020 have indicated that they plan to discontinue use in 2021. Some requested more modernized methods of communication and payment such as a desire to make bed tax payments online. Many permit holders commented on the difficulty of operating in the midst of the pandemic, but expressed cautious optimism for 2021.

III. Conclusions and Direction

A. Conclusion

Given the extenuating circumstances of 2020 and the pandemic, it is difficult to use the report answers in drawing definitive trends in terms of short-term rental patterns, and how they may or may not be impacting neighborhood harmony and rental/housing availability. The visitor industry was heavily impacted by the pandemic, and staff feels that meaningful/actionable conclusions will not be available until we are in a recovery phase of COVID-19. Staff would like to hear feedback from the Commissioners about their thoughts and feedback on the status of short-term rentals operating through the conditional use permit process.

B. Explanation of Attachments

A report done by 2nd Address notes highlights short-term rental laws in major cities, this report is attached for your reference. A popular provision being utilized is that the host must be the primary residence of the rental unit. This is the case in New York City, LA, Washington D.C., Boston, and Denver. Many have instituted city permitting, registration, and bed tax regulations that are already in effect for Sitka. These offer interesting comparisons across the U.S. for how short-term rentals are regulated.

The Distribution Maps show that the city's short-term rental permits are fairly evenly distributed throughout town, with no substantial clustering of short-term rentals within neighborhoods. Staff has also conducted spatial analysis to investigate potential patterns in frequency of short-term rental use as well as whether the owner was on-site or if the property was the primary residence of the permit holder as indicators for "dark neighborhood" scenarios. Analysis indicated preference for downtown rental properties and no meaningful patterns in the distribution of on-site or off-site property ownership or for primary residency.

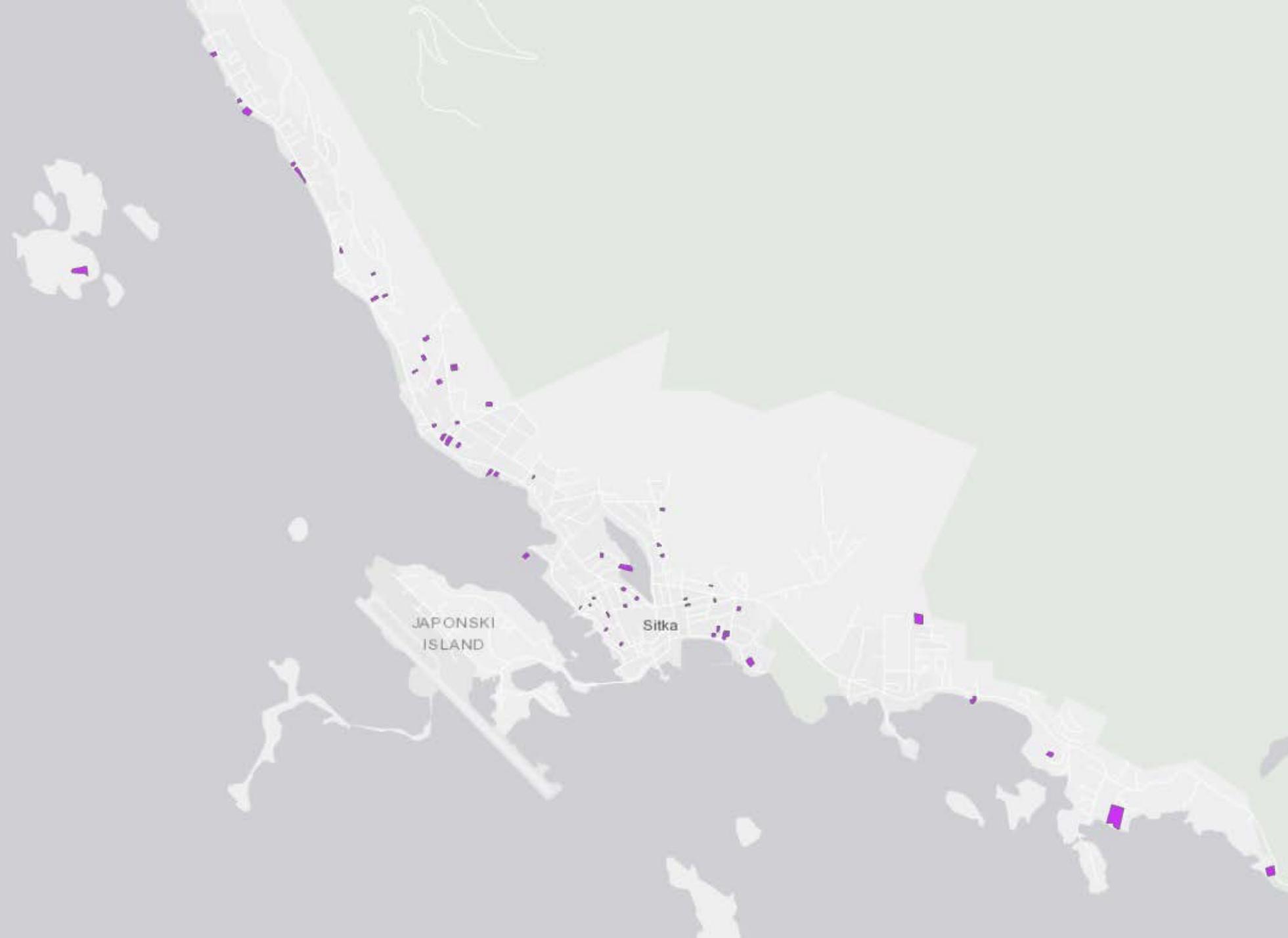
We have also attached the most recent Rental Statistics from the Department of Labor that were published in August 2020. Sitka's long-term rental vacancy rate has increased substantially between 2019 and 2020, jumping from 8.3% to 13.8%. This represents the largest change experienced by any of the communities highlighted in the report (which includes Sitka, Juneau, Ketchikan Gateway, Wrangell-Petersburg, Valdez-Cordova, Kodiak Island, Matanuska/Susitna, Anchorage, and Fairbanks).

C. Next Steps for 2021

Staff has received the question from several permit holders on whether the same exemption for active-use will be extended to calendar year 2021. Commission discussion on the appropriateness of this exemption should be considered and communicated to permit holders.

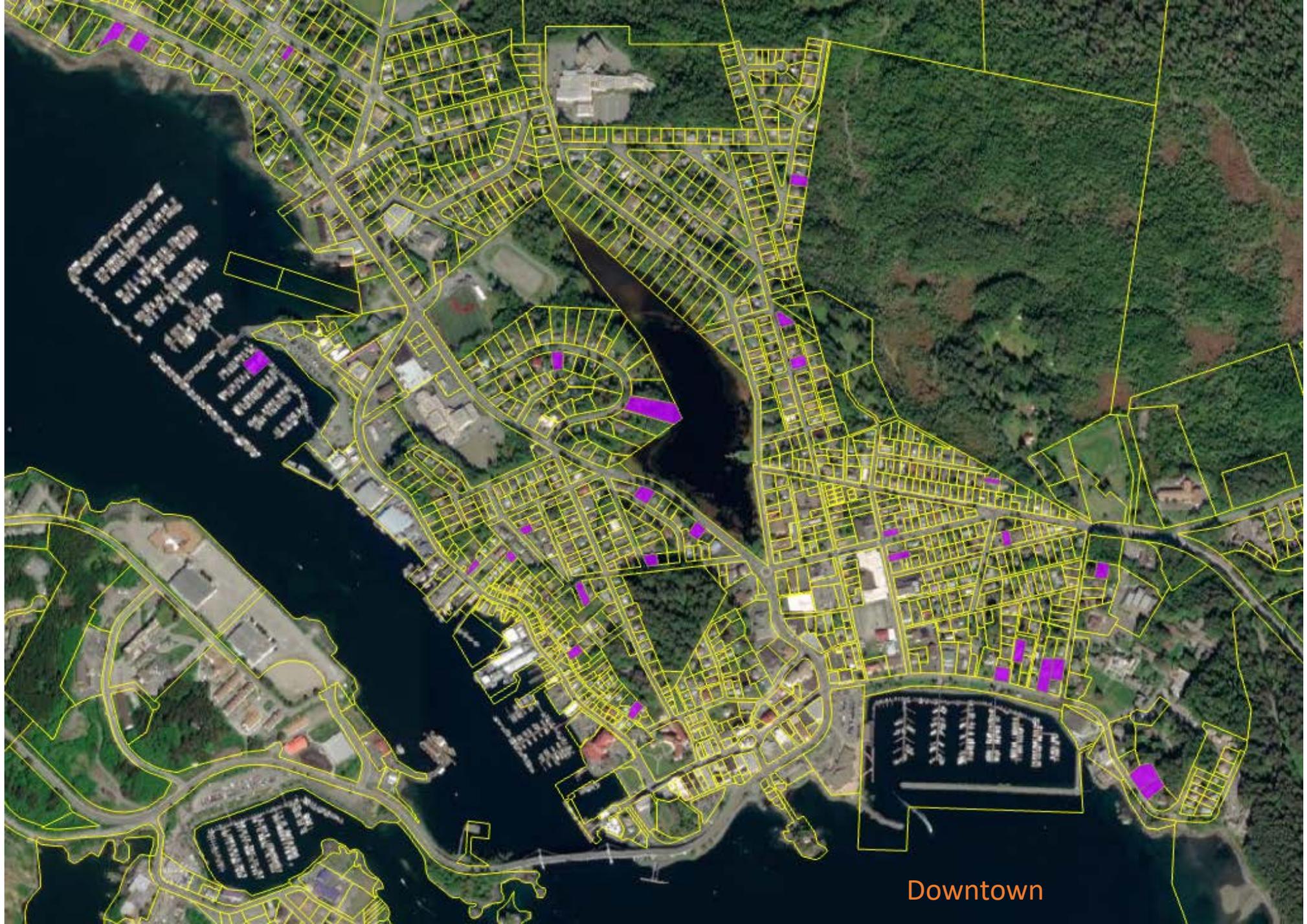
IV. **Attachments**

- 2nd Address Report
- Short-Term Rental Distribution Maps
- Rental Statistics from the Department of Labor



Citywide view of short-term rental distribution

Includes all “active” and “not yet active” permits as of May 5, 2021



Downtown

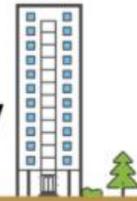




Sawmill Creek Road

COMPARED:

Short-Term Rental Laws Across the Country



City	Summary	Take Effect	Fine	STR License Fee	Additional Cost
New York	<ol style="list-style-type: none"> 1. Can't rent out entire apartment (hosts must be present) 2. Can't advertise an apartment 3. Up to 2 paying guests 	May 2011	\$1,000 - \$7,500 (illegal advertising of apartments)	N/A	<ol style="list-style-type: none"> 1. Sales and use tax 2. Hotel room occupancy tax
San Francisco	<ol style="list-style-type: none"> 1. Must register as a business and as a short-term rental 2. Hosts must be permanent residents 3. Up to 90 nights a year without hosts 4. No income-restricted affordable housing 	Feb. 2015	≥ \$484 (per day)	\$250	<ol style="list-style-type: none"> 1. Transient occupancy tax 2. Business personal property tax
Los Angeles	<ol style="list-style-type: none"> 1. Must obtain licenses 2. Must be primary residence 3. Up to 120 days a year 	July 2019	≥ \$500 (per day)	\$89	Transient occupancy tax
Washington DC	<ol style="list-style-type: none"> 1. Must obtain license, additional "vacation rental" endorsement for renting out an entire unit 2. Must be primary residence 3. Up to 90 nights a year without hosts 	Oct 2019	\$500 - \$6,000 (per violation)	TBD	Transient lodging tax
Chicago	<ol style="list-style-type: none"> 1. Short-term rental platforms must obtain license 2. Hosts with 1 home-share unit register through the rental platform 3. Hosts with ≥ 1 home-share unit must obtain license from city of Chicago 4. Vacation rental must obtain license 	March 2017 (host registration)	\$1,500 - \$3,000 (per day)	\$0 - \$250	Hotel accommodation tax
Boston	<ol style="list-style-type: none"> 1. Must obtain license 2. Must be primary residence or an secondary unit at their primary residence 3. No income-restricted units 	Jan. 2019	\$100 - \$300 (per day)	\$25 - \$200	Same tax as hotel
Seattle	<ol style="list-style-type: none"> 1. Short-term rental platforms must obtain license 2. Hosts must register as a business and as a short-term rental 3. Up to 2 units 4. If operate 2 units, one must be primary residence 	Sep. 2019	\$500 - \$1,000 (per violation)	\$75	<ol style="list-style-type: none"> 1. Retail sales tax 2. Lodging tax 3. Business and occupation tax

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2005-09

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE SUBSECTION 22.16.015.C, RECREATIONAL USES TABLE 22.16.015-1 FOOTNOTES, AND SITKA GENERAL CODE SECTION 22.30.380, AMENDMENTS STANDARDS—DEVELOPMENT REGULATIONS, TO PUT A MORATORIUM ON THE GRANTING OF CONDITIONAL USE PERMITS FOR SHORT-TERM RENTALS IN R-1 OR RELATED ZONES AND R-2 OR RELATED ZONES

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person or circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to protect the availability of affordable housing in Sitka. The Assembly finds that maintaining the availability of affordable housing is a legitimate and important goal for the City and Borough and within the City and Borough's police power. The Assembly has reviewed the evidence presented at the Planning Commission and finds that the proliferation of short-term rentals in R-1 or related zones and R-2 or related zones may threaten the availability of affordable housing in Sitka. The Assembly finds that putting a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones may substantially further the purpose of maintaining affordable housing in Sitka. The Assembly finds that the City and Borough's interest in placing a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones outweighs the interest of applicants for such permits in obtaining such permits during that one-year moratorium. By adopting this ordinance, the Assembly intends that the Assembly, the Planning Commission, and City and Borough staff work together for a year with the public to come up with a long-range plan to maintain the availability of affordable long-term housing in Sitka.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that:

A. Sitka General Code Subsection 22.16.015.C, Recreational Uses Table 22.16.015-1 Footnotes, is hereby amended to read as follows:

(1.-11.) (No change.)

12. Notwithstanding any other provision of law, the Assembly shall not grant between April 13, 2005 and April 15, 2006

conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones. The moratorium described in the previous sentence means that during that moratorium it shall be illegal to rent out a single dwelling unit in R-1 or related zones or in R-2 or related zones for less than 14 consecutive days for money or other valuable consideration unless a conditional use permit for that use has been previously obtained or the short-term rental has been in existence of the short-term rental regulations in the zoning ordinance.

B. Sitka General Code Section 22.30.380, Amendment standards—
Development regulations, official map and other official controls, is hereby amended to read as follows:

(A.-F.) (No change.)

G. Exception for moratorium on short-term rentals. The procedures set out in Section 22.40.380 for considering amendments to the text of the City and Borough's development regulations and other official controls do not apply to an amendment adopted by the Assembly establishing a moratorium on short-term rentals for a specific period.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 12th day of April, 2005.



Marko Dapcevich, Mayor

ATTEST:



Colleen Pellett, CMC
Municipal Clerk

Sponsors: Stelzenmuller and Bailey

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2006-09

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE SUBSECTION 22.16.015.C, ENTITLED "PERMITTED USES," TO EXTEND THE MORATORIUM PERIOD FOR ONE YEAR ON THE GRANTING OF CONDITIONAL USE PERMITS FOR SHORT-TERM RENTALS IN R-1 OR RELATED ZONES AND R-2 OR RELATED ZONES

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to protect the availability of affordable housing in Sitka. The Assembly finds that maintaining the availability of affordable housing is a legitimate and important goal for the City and Borough of Sitka and within the City and Borough's police power. The Assembly finds that the proliferation of short-term rentals in R-1 or related zones and R-2 or related zones may threaten the availability of affordable housing in Sitka. The Assembly finds that extending a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones may substantially further the purpose of maintaining affordable housing in Sitka. The Assembly finds that the City and Borough's interest in extending a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones outweighs the interest of applicants for such permits in obtaining such permits. The Assembly, its various boards and commissions, and City and Borough of Sitka staff have been diligently working during the moratorium period this last year to evaluate the affordable housing problem, but find more time is needed to evaluate the issues and solutions, which was one of the major objectives for creating a moratorium period. The Assembly will continue to work with the Planning Commission, other applicable boards and commissions, City and Borough of Sitka staff, and with the public during the extended moratorium period this next year to come up with a long-range plan to maintain the availability of affordable long-term housing in Sitka.

4. **ENACTMENT. NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that):

- A. Sitka General Code 22.16.015, entitled "Permitted Uses," is amended at Subsection 22.16.015.C.13 "Recreational Uses Table 22.16.015-1 Footnotes," to read as follows (new language underlined, deleted language stricken):

* * *

13. Notwithstanding any other provision of law, the Assembly shall not grant between April ~~16~~¹³, ~~2006~~²⁰⁰⁵ and April ~~16~~¹⁵, ~~2007~~²⁰⁰⁶ conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones. The moratorium described in the previous sentence means that during that moratorium it shall be illegal to rent out a single dwelling unit in R-1 or related zones or in R-2 or related zones for less than 14 consecutive days for money or other valuable consideration unless a conditional use permit for that use has been previously obtained or the short-term rental has been in existence of the short-term rental regulations in the zoning ordinance.

* * *

5. **EFFECTIVE DATE.** This ordinance shall become effective at midnight, April 15, 2006.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 11th day of April, 2006.



Marko Dapcevich, Mayor

ATTEST:



Colleen Pellett, MMC
Municipal Clerk