



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## **Motion made April 26, 2018:**

Hughey/Colvin moved to approve the conditional use permit application for a short-term rental at 116 Knutson Drive subject to the attached conditions of approval. The property is also known as Lot 17A Knutson Subdivision Phase III Lot Line Adjustment. The request is filed by Michael Finn. The owners of record are Michael and Elizabeth Finn.

### Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.
11. The property owner shall communicate to renters that a violation of these conditions of

- approval will be grounds for eviction of the short-term renters.
12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
  13. Capacity of the short-term rental shall be limited to no more than 12 people at any given time.
  14. A 6-month review shall occur to review the operation of the conditional use permit.
  15. Should a meritorious complaint be received by the Planning Commission, the Commission shall be able to revisit the permit and may either impose additional conditions of approval as appropriate or suspend or revoke the conditional use permit.

Motion failed 1-2 with Colvin voting in favor and Hughey and Parmelee voting against.

**Recommended Motion:**

I move to adopt and approve the findings in support of denial of the conditional use permit.

**FINDINGS<sup>1</sup>**

I move to find that:

1. ...The granting of the proposed conditional use permit will:
  - a. Be detrimental to the public health, safety, and general welfare *specifically, the property's driveway is located inside a blind curve;*
  - b. Adversely affect the established character of the surrounding vicinity *specifically, a twelve-person rental is inconsistent with the character of the neighborhood and the applicant was unwilling to mitigate the impact by reducing the number of renters; nor*
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, *specifically, on-street parking and garbage mismanagement could result in vehicular safety and bear concerns.*
2. The granting of the proposed conditional use permit is not consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, *specifically, Section 2.6.2(K), which supports "development of facilities to accommodate visitors" that do not negatively impact surrounding residential neighborhoods, by operating a short-term rental with identified concerns for traffic, odors, and noise.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that cannot be monitored and enforced, *specifically, owners/managers will not live on-site or nearby to provide monitoring.*

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<sup>1</sup> § 22.30.160.C – Required Findings for Conditional Use Permits