



# City and Borough of Sitka

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*A Coast Guard City*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: CUP 22-11  
Proposal: Request for short-term rental  
Applicant: Nick and Kim Nekeferoff  
Owner: Nick and Kim Nekeferoff  
Location: 3416B Halibut Point Road  
Legal: Lot 2, Mattin Subdivision  
Zone: R-1 MH - Single-Family/Duplex/Manufactured Home District  
Size: 8,090 SF  
Parcel ID: 2-5554-002  
Existing Use: Residential  
Adjacent Use: Single-family and duplex housing  
Utilities: Existing  
Access: Easement via Halibut Point Road

### **KEY POINTS AND CONCERNS**

- Neighborhood is primarily residential including single-family and duplex dwellings.
- The short-term rental is in a two-bedroom, one bathroom dwelling in a duplex
- No current permits for short-term rentals exist in the neighbourhood

### **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Plat  
Attachment C: Floor Plan  
Attachment D: Parking Plan  
Attachment E: Photos  
Attachment F: Renter Handout  
Attachment G: Applicant Materials

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for short-term rental (STR) for one unit within a duplex at 3416B Halibut Point Road. The unit proposed for short-term rental is an approximately 830 sf dwelling unit with 2-bedroom, 1-bathroom, with full kitchen and living area. The property sits on an 8,090 sq. ft. lot with sufficient on-site parking for at least 4 vehicles. The site is buffered by grade changes from all surrounding properties as well as an approximately 50-foot buffer from the front property line along the easement. The property is the primary residence of the property owners who live in the upstairs unit; owners will manage the rental. The applicants would like the flexibility to rent the unit short-term.

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>1</sup>**

**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 nor impact from proposed use as there is parking on-site, meeting the Sitka General Code requirement to afford space for two vehicles per dwelling unit. Home is accessed via an access easement from Halibut Point Road.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Short-term rentals have the potential to create noise from transient guests, however property owners live on site and can enforce quiet hours.

**c. Odors to be generated by the use and their impacts:** Potential odor impacts are minimal and in line with similar residential uses. Garbage shall be disposed of in municipal containers and in accordance with Sitka General Code requirements.

**d. Hours of operation:** Available year-round.

**e. Location along a major or collector street:** Accessed via easement to a major street.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** Access easement terminates without connecting to rights-of-way and serves lots to both sides of the property. No cut-through routes are present.

**g. Effects on vehicular and pedestrian safety:** No significant changes expected, minimal traffic with one or two cars utilized for the rental.

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<sup>1</sup> § 22.24.010.E

**h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:**

Residence has reasonable access from Halibut Point Road and easement to respond to calls to the site.

**i. Logic of the internal traffic layout:** The rental unit is the first-floor unit in a duplex. The dwelling contains a kitchen, living/dining space, 2 bedrooms and 1 bathroom.

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

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:**

Property is set over 50 feet back from the front property line and is buffered by grade changes on all boundaries of the site.

**l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:**

A STR can help support the existing and growing tourism industry by providing transient guests with short-term housing options that allow the potential for more visitors to visit Sitka, bringing in money and creating opportunities for job creation and economic development. STRs also increase the affordability of housing for owners by offsetting housing costs with rental income. However, STRs correlate with negative impacts to available housing stock for residents, long-term rental rates, and increased purchase prices for housing.

**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 short-term rental at 3416B Halibut Point Road subject to the recommended conditions of approval.

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## **CONDITIONS OF APPROVAL**

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. The applicant shall submit an annual report beginning in 2023, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve-month period starting with the date the facility began operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate the impact of odor from the short-term rental and comply with bear attraction nuisance requirements, the property owner shall assure all trash is deposited in trash receptacles and only placed on street for collection after 4:00 a.m. on trash collection day.
8. To mitigate parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should off-site parking occur at any time, the conditional use permit shall be revoked.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to renters detailing directions to the unit, transportation options, appropriate access, parking, trash management, noise control/quiet hours, and a general condition to respect the surrounding residential neighborhood. The renter handout shall include an advisory note to tenants to be mindful of vehicle and especially pedestrian traffic in the area, and to exercise caution coming and going from the property in motor vehicles.
11. 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.

## **Motions in favor of approval**

- 1) **“I move to approve the conditional use permit for a short-term rental at 3416B Halibut Point Road in the R-1 MH - Single-Family/Duplex/Manufactured Home District subject to the attached conditions of approval. The property is also known as Lot 2, Mattin Subdivision. The request is filed by Nick & Kim Nekeferoff. The owners of record are Nick & Kim Nekeferoff.**
- 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:<sup>2</sup>

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.

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<sup>2</sup> §22.30.160(C)—Required Findings for Conditional Use Permits