



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

A Coast Guard City

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 21-19
Proposal: Request for short-term rental
Applicant: Benjamin Timby
Owner: Benjamin Timby and Tiffany Justice
Location: 717 Sawmill Creek Road
Legal: A portion of Lot 25, Pinehurst Addition
Zone: R-1 Single-Family/Duplex District
Size: 2,502 square feet
Parcel ID: 1-8132-000
Existing Use: Single-Family
Adjacent Use: Single-Family and Duplex
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS

- Neighborhood is residential, primarily single-family and duplex dwellings.
- The proposed short-term rental is for a single-family home, the primary residence of the owners, to be rented out throughout the year while the owners are away.
- The property does not have off-street parking; however, the applicants have identified 3 spaces on-street. While this does not meet Sitka General Code parking requirements of 2 parking spaces per dwelling, staff interpretation is that the parking deficiency falls under legal non-conformity.

RECOMMENDATION

Staff recommends that the Planning Commission approve the short-term rental at 717 Sawmill Creek Road subject to the recommended conditions of approval.

BACKGROUND/PROJECT DESCRIPTION

This request is for a conditional use permit for a short-term rental (STR) for a 3-bedroom, 2 bathroom dwelling unit with full kitchen and living/dining area at 717 Sawmill Creek Road. The applicants often travel for a few months at a time for work as well as for pleasure and have expressed their intent to rent out their home during these periods.

This property is substandard in size at 2,502 square feet, as is common in the area due to historical construction of the house and development of the neighborhood prior to the establishment of municipal zoning. As such, development standards and zoning provisions, namely on-site parking and setbacks, cannot be expected in the use of this lot and are considered legal non-conformities inherent in the existence of the structure.

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 nor impact from proposed use as the rental would not generate more traffic than would be expected from typical residential use. Proximity to downtown and decreased vehicular need may also serve as mitigation.

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, the renter handout, which states a maximum occupancy of 6 guests and does not permit partying or loud music, will serve as mitigation to noise impacts with management handled by a property manager in the owners' absence.

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 container and in accordance with Sitka General Code requirements. Renter handout will serve as mitigation to odor impacts.

d. Hours of operation: The proposal is for use of short-term rental while the owners are away.

e. Location along a major or collector street: Access from Sawmill Creek Road.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Property is accessed from Sawmill Creek Road. There is no access to other streets from the property.

¹ § 22.24.010.E

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

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Residence has adequate access off Sawmill Creek Road for emergency services.

i. Logic of the internal traffic layout: The property is a 2 story, single-family home with 3 bedrooms, 2 bathrooms, a full kitchen, and living/dining areas.

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

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: A chain link fence at the rear of the property along the northern boundary provides some buffer along Geodetic Way. The lot is substandard in size, as is typical of the area, which contributes to the lack of buffers on the sides and front of the property.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: STRs 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, there is a correlation between STRs and negative impacts to available housing stock for residents, long-term rental rates, and increased purchase prices for housing in general. In this case, as the primary residence of the owners who intend only to rent the property during their travels, impact to existing housing availability is limited while supporting housing affordability.

m. Other criteria that surface through public comments or planning commission review: Not applicable at this time.

RECOMMENDATION

The Planning Department recommends that the Planning Commission approve the conditional use permit application for a short-term rental at 717 Sawmill Creek Road subject to the recommended conditions of approval.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Floor Plan
Attachment C: Parking Layout
Attachment D: Photos
Attachment E: Renter Handout
Attachment F: Plat
Attachment G: STR Density Map
Attachment H: Applicant Materials

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 717 Sawmill Creek Road in the R-1 Single-Family/Duplex District, subject to the attached conditions of approval. The property is also known as a portion of Lot 25, Pinehurst Addition. The request is filed by Benjamin Timby. The owners of record are Benjamin Timby and Tiffany Justice.”**
- 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 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.

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



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Sawmill Creek Road

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709

Biorka Street

718

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800

708

712

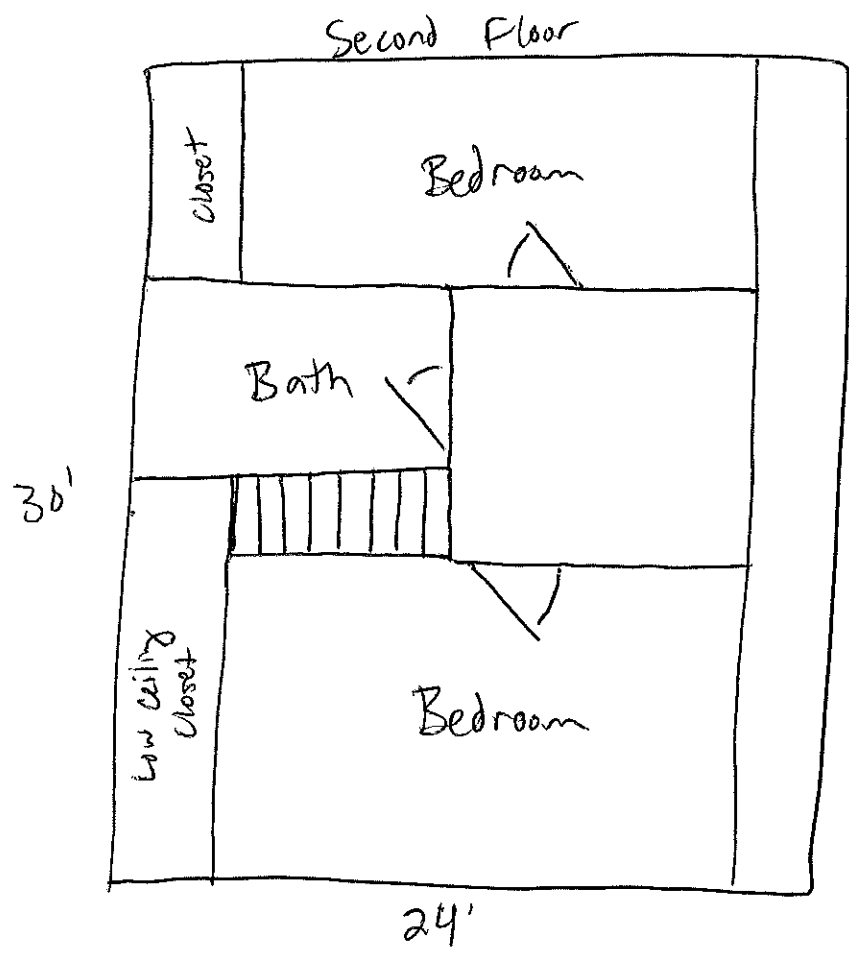
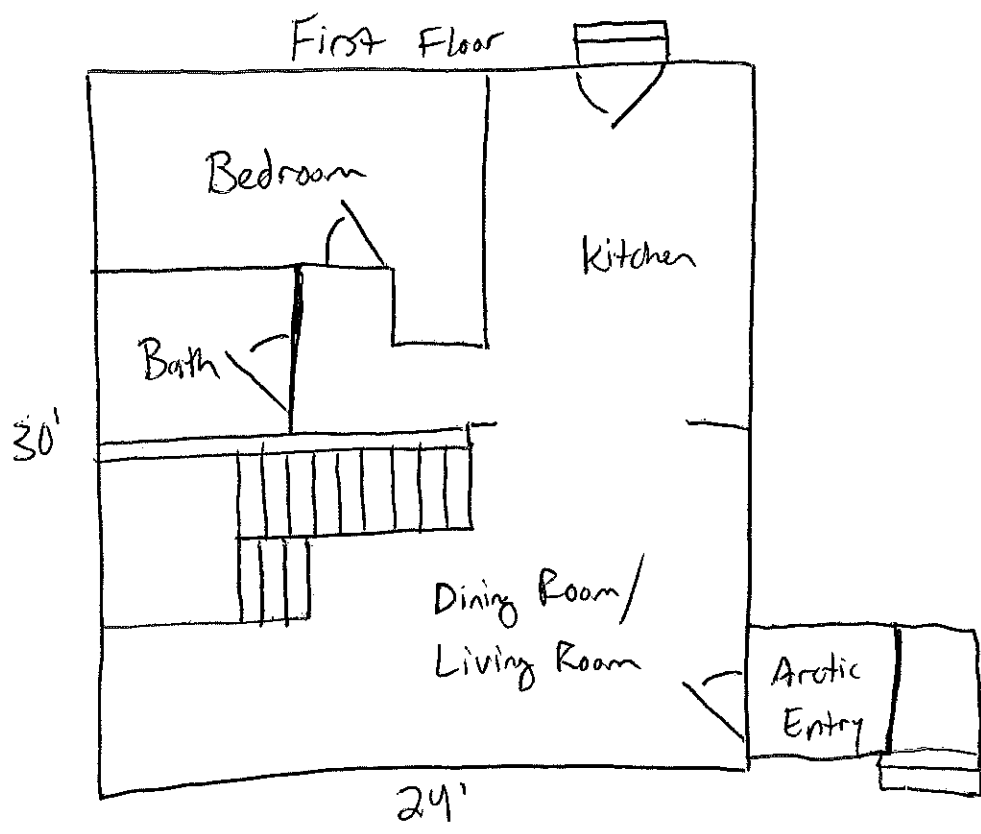
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717 SMC
Floor
Plan:

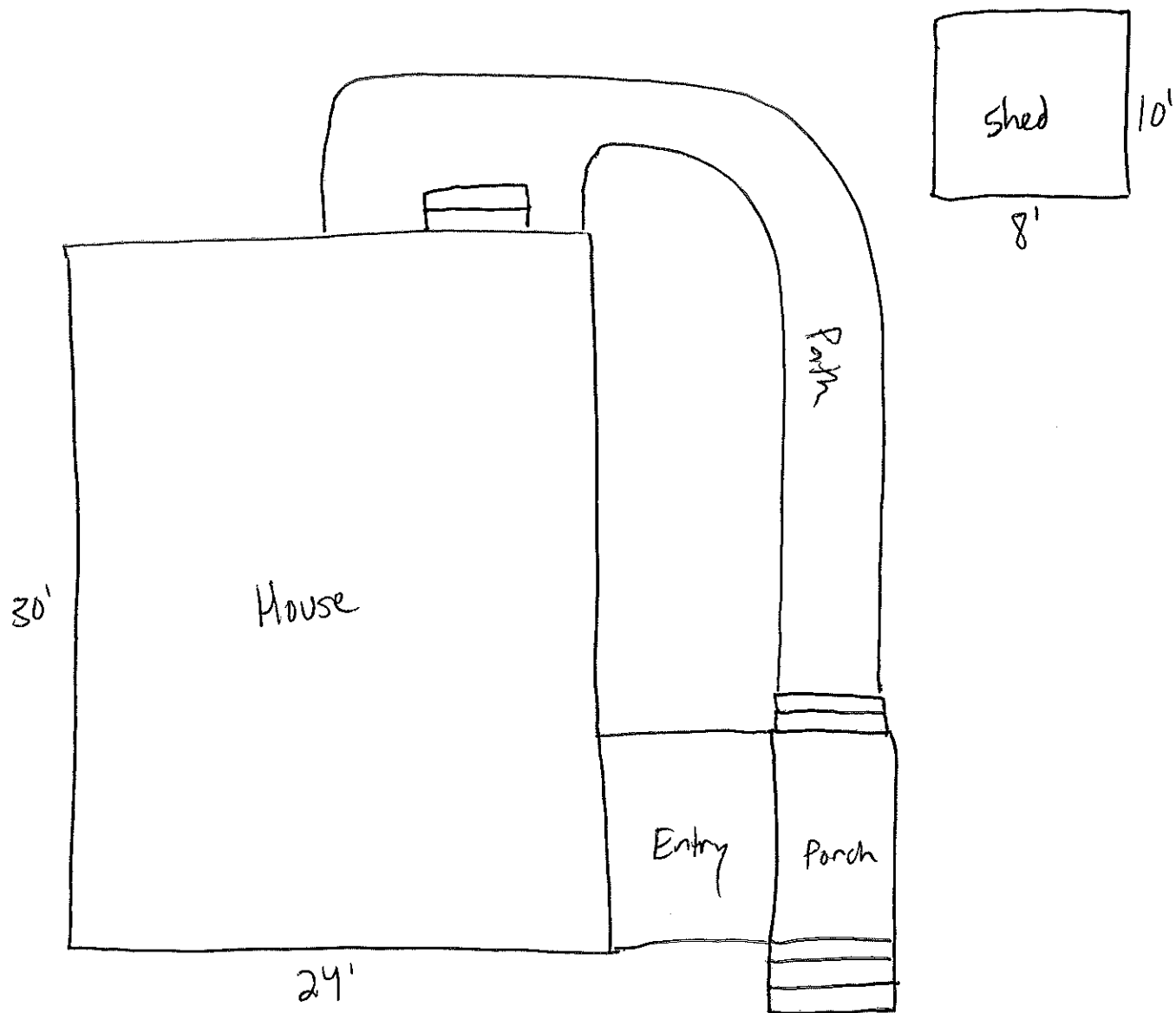


717 SMC

Site Plan:

Fence

Geodetic way



Sidewalk

Parking

Parking

Parking

Sawmill Creek Rd.



Welcome to Our Home! We hope you enjoy your stay! Please read through the following information for details, rules, and recommendations while staying at our house.

House Rules:

1. Please keep trash can in the entryway, DO NOT put out on the road as we have bears that will get into it.
2. No smoking and no illegal substances allowed on the premises.
3. Smoke and Carbon Monoxide alarms are located in each room, do not tamper with them. A fire extinguisher is also located under the sink in the kitchen
4. NO PARTIES OR EVENTS. Occupancy is restricted to registered guests only.
5. Quiet Hours are 10pm-7am. Please be courteous of our neighbors and keep the noise level to a minimum. Any public disturbance that results in a call will be issued a warning. Any additional violation will result in an immediate termination of your rental and removal from the site.
6. If you need to cross the street, please proceed to the nearest crosswalk (less than 1/4 mile in either direction).
7. Parking for the property is restricted to three vehicles parked on the road directly in front of the house.
8. No U-turns in the street. You will be ticketed.
9. Please do not leave lights on or water running when not in use.
10. Please take care of furnishings. You have to pay for damages that exceed the security deposit.
11. Please don't rearrange the furniture.
12. Please do your dishes.
13. When checking out, please lock both doors.
14. For any additional questions, don't hesitate to reach out to us at 907-738-2260 or through the Airbnb app. In the event of an emergency, please call 911.

Local Recommendations:

1. Indian River National Park: Great walking trails surrounded by deciduous forest and totem poles, as well as an extensive museum and park center.
2. Downtown Walk: Explore our local businesses and beautiful downtown.
3. Harbor Mountain Trail: Beautiful trail located just a few blocks away.
4. Wildlife Tours/Taxi: Sitka Wildlife Adventures (907) 738-6481 (www.sitkawildlifeadventures.com)
5. Bike Rentals: Yellow Jersey Cycling (907) 747-6317 (www.yellowjerseycycles.com)
6. Kayak Rentals: Sitka Sound Ocean Adventures (907) 752-0660 (www.kayaksitka.com)
7. Bear Viewing: Fortress of the Bear (www.fortressofthebear.org)
8. Sheldon Jackson Museum: Located just a block away, extensive museum of the area.
9. St. Michael's Cathedral: Tour the historic cathedral in downtown Sitka.
10. Halibut Point Recreation Site: Beautiful seaside park with picnic shelters and fire rings.
11. Sitka Sound Science Center: Research facility with interactive lab, stop in and learn all about our local ecosystem and conservation.

Please feel free to reach out with any questions, concerns, or feedback!
(907) 738-2260



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: Short-term rental Conditional use
permit

PROPERTY INFORMATION:

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

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

APPLICANT INFORMATION:

PROPERTY OWNER: Benjamin Timby

PROPERTY OWNER ADDRESS: 717 Sawmill Creek Sitka, AK 99835

STREET ADDRESS OF PROPERTY: 717 Sawmill Creek Sitka, AK 99835

APPLICANT'S NAME: Benjamin Timby

MAILING ADDRESS: 2116 Sawmill Creek Sitka, AK 99835

EMAIL ADDRESS: bentimby@gmail.com DAYTIME PHONE: 907-738-2260

Timby
Last Name

10/19/21
Date Submitted

717 Sawmill Creek
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

Timby

10/19/21

717 Sawmill Creek



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: 24/7
- Location along a major or collector street: Sawmill Creek Rd.
- Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:
No more than current use
- Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario: None
- Effects on vehicular and pedestrian safety: None
- Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: No concerns
- Describe the parking plan & layout: Three parking spots on street in front of house, same as current use
- Proposed signage: Home address is on building currently

Timby
Last Name

10/19/21
Date Submitted

717 Sawmill Creek
Project Address

- Presence of existing or proposed buffers (ie. Fences, boundary walls, natural barriers, etc.) on the site or immediately adjacent the site:

Fence at back of property along Geodetic Way

- Amount of noise to be generated and its impacts on neighbors: No more than current residential use

- Other criteria that surface through public comments or planning commission review (odor, security, safety, waste management, etc):

- No parties or events will be allowed
- Quiet hours will be enforced from 9pm - 7am
- See renter informational handout for additional information.

- Mitigation/ Management Plan (How will site be managed to ensure low/no impact on neighbors?)

Site will be professionally managed by Candace Rutledge who will be ensuring that all guests follow guidelines and rules laid out in the Renter Informational Handout.

~~Handout.~~

Timby

Last Name

10/19/21

Date Submitted

717 Sammill Creek

Project Address

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;	BT
b. Adversely affect the established character of the surrounding vicinity; nor	BT
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.	BT
2. The granting of the proposed <u>conditional use</u> permit is consistent and compatible with the intent of the goals, objectives and policies of the <u>comprehensive plan</u> and any implementing regulation.	BT
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.	BT
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.	BT
5. The <u>conditional use</u> 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.	BT
6. Burden of Proof. The <u>applicant</u> has the burden of proving that the proposed <u>conditional use</u> meets all of the criteria in subsection B of this section.	BT

ANY ADDITIONAL COMMENTS My wife and I work on boats
and are frequently in and out of town. Using our house as a
short term rental ensures our housing is available when needed
and creates revenue, supports jobs, and utilizes housing that
would otherwise be vacant. We plan to target travel nurses and/or tourists.

Applicant

Date

Last Name

Date Submitted

Project Address