



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: MISC 23-12 (CUP 23-01)
Proposal: Request for short-term rental
Applicant: Meggan Turner
Owner: Meggan and Sheldon Turner
Location: 109 Sand Dollar Drive B
Legal: Lot 1, Sand Dollar Subdivision
Zone: R-1 - Single-Family/Duplex Residential District
Size: 28,334 square feet
Parcel ID: 2-5190-008
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Halibut Point Road, Sand Dollar Drive

KEY POINTS AND CONCERNS

- Property owners received certificate of occupancy for unit B in 2022.
- Applicants would like to amend CUP 23-01 to rent out both Units A and B.
- Applicants are requesting use of Unit B with a maximum of two guests and one car.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Floor Plan
Attachment C: Site Plan
Attachment D: Photos
Attachment E: Density Map
Attachment F: CUP 23-01 Minutes
Attachment G: Renter Handout
Attachment H: Applicant Materials
Attachment I: Affidavit

BACKGROUND/PROJECT DESCRIPTION

Permit History: The applicants previously applied and received approval for a short-term rental (STR) of Unit A, 109 Sand Dollar Drive under case file CUP 23-01 at the January 18, 2023 Planning Commission meeting. Unit A, the applicant's primary dwelling unit, is 2,305 sf with three bedrooms and three bathrooms. The permit carries an eight-adult guest maximum, and the applicants identified themselves as onsite property managers.

Permit Modification Request: The applicants added an apartment, Unit B, to their residence in 2022 (prior to the initial STR request). Unit B is an approximately 410 sf studio unit with one bathroom. The applicants would like to modify their permit to allow use of both Units A and B for short-term rentals. The applicants have proposed a two-guest maximum for Unit B, as well as a limitation of one car for guests. Coupled with the previous approval, this would result in a ten-adult guest maximum. The rental would be available May 1 – September 30. The application materials did not indicate where the property owners would be if both units are rented, but it did state that the unit would be managed either by the property owners themselves or a property manager.

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 versus long-term residential use. The one-car limitation does help to reduce additional traffic. They have included a note in the renter handout to drive slowly and watch out for kids.

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. Renter information will also include house rules. Quiet hours are listed in the house rules between 10 PM and 6 AM.

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

d. Hours of operation: Short-term rental will be utilized May 1 – Sept 30, full day operations.

e. Location along a major or collector street: Collector Street is Sand Dollar Drive.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: None

¹ § 22.24.010.E

g. Effects on vehicular and pedestrian safety: Possible added traffic (particularly by those unfamiliar with the neighborhood) can impact street safety.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: No anticipated change from the current ability of emergency services personnel to access the site.

i. Logic of the internal traffic layout: Parking is limited to one car. Parking is adequate with space for six vehicles which exceeds the SGC required four spaces (two per dwelling unit).

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 surrounded by buffers on all sides. Garden beds and fence on south side, rock wall and tree fence on north side, downward sloping hill on west backside, Sand Dollar Dr. (driveway) on front east side. However, Sand Dollar Drive is a fairly dense neighborhood, and houses on this side of the street are somewhat close together.

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.

RECOMMENDATION

Staff recommends approval of amended CUP 23-01 to add an additional short-term rental unit (B) at 109 Sand Dollar Drive. However, given the public comment and Commission deliberation for the initial approval of this permit, increasing the guest maximum on the property from eight to ten adults should be carefully considered.

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 2024, 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 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 appropriately secured 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. Unit B is subject to a two-guest maximum, and guests are limited to use of one vehicle at the property.
13. 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 modifications to CUP 23-01 allowing for an additional dwelling unit (Unit B) as a short-term rental at 109 Sand Dollar Drive in the R-1-Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as Lot 1, Sand Dollar Subdivision. The request is filed by Meggan Turner. The owners of record are Meggan and Sheldon Turner.”**

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; *because the property will retain its primary use as a residence and be monitored by a property manager or owners to ensure that there are no resulting impacts or disturbances that would negatively affect health, safety, welfare, neighborhood character, or properties in the surrounding vicinity.*
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, *specifically Action ED 6.5 which aims to support growth of independent, cruise, and heritage tourism.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *monitored by owners or a property manager to ensure that there are no resulting impacts, and opportunities for redress to the Planning Department and/or Planning Commission.*
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. *No hazardous conditions are expected from the use of the property as a short-term rental.*
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. *The property is located on a municipal right-of-way and is served by municipally maintained and operated utilities, no adverse impacts on such facilities or services are expected.*
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 applicant has met the burden of proof through information provided in their application packet.*

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