



# City and Borough of Sitka

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*A Coast Guard City*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: CUP 22-04  
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 found a neighbor to lease a parking space from and have restricted occupancy and car-usage for the rental.

### **ATTACHMENTS**

Attachment A: Aerial  
Attachment B: Floor Plan  
Attachment C: Parking Plan  
Attachment D: Photos  
Attachment E: Renter Handout  
Attachment F: STR Density Map  
Attachment G: Sawmill Creek Road Project  
Attachment H: Applicant Materials

## **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 interest in renting 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.<sup>1</sup>**

#### **a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:**

Applicant has limited total occupancy of the unit to six individuals (including children) and limited car use to one vehicle per booking. Six bikes will also be provided. Applicant plans to lease an off-street parking space at 713 Sawmill Creek Road to reduce demand of on-street parking. These provisions have been included in the conditions of approval. Proximity to downtown and resulting decrease in 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 will be kept inside the arctic entry until the property manager takes out to the municipal container on pick-up days in accordance with Sitka General Code requirements. Renter handout will serve as mitigation to odor impacts.

**d. Hours of operation:** Available year-round, dependent on owners' travel schedule.

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

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<sup>1</sup> § 22.24.010.E

**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.

**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:** A small sign will be posted at 713 to identify the leased parking space. 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.

## **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 including:
  - a. Rental will have a maximum occupancy of six (6) individuals, including children.
  - b. Six (6) bicycles will be provided to guests and kept in good repair/condition.
  - c. One off-street parking space shall be provided for the rental; the permit shall not become active until proof of access to/use of the off-street parking space is provided to the Planning Department. If the off-street parking space is leased on another property, the lease agreement shall specify that the Planning Department is to receive notification thirty (30) days in advance of lease expiration or termination.
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:<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