



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM

Case No: CUP 26-01
Proposal: Short-term rental
Applicant: Tamara and Patrick O'Neill
Owners: Tamara and Patrick O'Neill
Location: 2309 Merganser Drive
Legal: Lot 2, Peterson Subdivision
Zone: R-2 MHP - Multifamily/Mobile Home District
Size: 17,309 SF
Parcel ID: 2-5225-002
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Access Easement

KEY POINTS AND CONCERNS

- Rental will be operated by Sitka Travel.
- Applicant is requesting eight guests.
- Access is via easement from Halibut Point Road.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Plat
Attachment C: Site Plan
Attachment D: Floor Plans
Attachment E: Photos
Attachment F: Density Map
Attachment G: Renter Handout
Attachment H: Applicant Materials
Attachment I: Affidavit

BACKGROUND/PROJECT DESCRIPTION

The applicants/owners would like to utilize their primary residence at 2309 Merganser Drive as a short-term rental (STR). The home is located in the R-2 multifamily and mobile home district on a lot of 17,309 square feet (SF). The house has a footprint of 2,802 SF and has three bedrooms, kitchen/dining/living area, and three bathrooms. The applicant is requesting the STR with a maximum capacity of eight guests and quiet hours are listed from 9pm to 8am. Access to the property is from an access easement via Halibut Point Road.

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 any significant increase in vehicular traffic versus long-term residential use. The application states only one vehicle will be permitted.

b. Amount of noise to be generated and its impacts on surrounding land use: STR's have the potential to create noise from transient guests. As the maximum capacity is set at eight guests, there is potential for increased noise. It is anticipated that noise generated by guests would be minimal and quiet hours are set from 9pm to 8am.

c. Odors to be generated by the use and their impacts: Potential odor impacts are in line with similar residential uses. Staff recommends the applicant update the rental handout to instruct guests on garbage handling. Garbage shall be disposed of in municipal containers and in accordance with Sitka General Code requirements.

d. Hours of operation: Applicant will use the house as a rental April - September.

e. Location along a major or collector street: Accessed from Halibut Point Road via access easement.

f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario: Access is from Halibut Point Road via an access easement. There are no other cut-throughs to the property.

g. Effects on vehicular and pedestrian safety: Visitors will be unfamiliar/less experienced with the access road which can have mixed results (some may be more cautious, others less aware). However, this property is located off Halibut Point Road, a major arterial street that is intended to handle moderate to heavy traffic.

¹ § 22.10.160 C.

h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site: Site is accessible to emergency services. Applicant does not anticipate a change from the current ability of emergency services personnel to access the site. Staff recommends the applicant to add addressing signage near the driveway to make the property easier to find and identify.

i. Logic of the internal traffic layout: The property has ample space for four vehicles.

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

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: The property is buffered by Sandy Beach to the west, fencing to the north, with trees and vegetation. The applicant has not proposed any additional buffers.

l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan: Consistent with ED 6.5 of the comprehensive plan to, *“support growth of Sitka’s independent, cruise-related, and heritage tourism work and enterprises.”* An 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 encourage housing redevelopment with the incentive of short-term 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 the request for a short-term rental at 2309 Merganser Drive subject to the 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.
3. The applicant shall submit an annual report beginning in 2027, 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 transient lodging 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 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. 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 2309 Merganser Drive in the R-2 MHP - Multifamily/Mobile Home District subject to the attached conditions of approval. The property is also known as Lot 2, Peterson Subdivision. The request is filed by Tamara and Patrick O’Neill. The owners of record are Tamara and Patrick O’Neill.”**
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;

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

- 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 the property 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 and goals to promote housing affordability, in this case, for the homeowner.*
 - 3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *because the property will be monitored by the property owners and 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; *because 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; *because the property is located off a state right-of-way and is served by municipally 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; *because the applicant has met the burden of proof through information provided in their application packet.*