



# CITY AND BOROUGH OF SITKA

*A COAST GUARD CITY*

## **Planning and Community Development Department**

### **AGENDA ITEM**

Case No: CUP 23-21  
Proposal: Short-term rental  
Applicants: Lance Preston  
Owners: Lance Preston  
Location: 2013 Cascade Creek Road  
Legal: Lot 3 of Cascade Creek Subdivision  
Zone: R-1 - Single-Family/Duplex Residential District  
Size: 10,008 square feet  
Parcel ID: 2-4400-003  
Existing Use: Residential  
Adjacent Use: Residential  
Utilities: Existing  
Access: Cascade Creek Road

### **KEY POINTS AND CONCERNS**

- Single-family home with 2 bedrooms and 2 bathrooms.
- Short-term rental to be managed by owner.
- Parking is available on the property.

### **ATTACHMENTS**

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

## **BACKGROUND/PROJECT DESCRIPTION**

The owner/applicant would like to utilize their primary residence at 2013 Cascade Creek Road as a short-term rental (STR) on-and-off during the summer months when he is fishing. The home is located in the R-1 single-family/duplex residential district on a 10,008 square foot (SF) lot with a house footprint of 1,210 SF. The home consists of two bedrooms and two bathrooms with the main living/kitchen area on the first floor. There is another STR with two rental units located at 2016 Cascade Creek Road and six in the wider area. The property is buffered on three sides by trees and mature vegetation that provides additional privacy to the home. Parking can accommodate four parking spaces, applicant expects renters would have one vehicle. Access to the rental is from Cascade Creek Road, with connection options from Halibut Point Road or Edgumbe Drive. The property will be managed by owner who will be available to address any issues. Owner will stay on his fishing boat when renting the property.

## **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 any significant increase in vehicular traffic versus long-term residential use. However, as noted on previous reports for STRs in this area, Cascade Creek Road is narrow, and visitors may not be accustomed to driving on streets of this nature.

**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. As the maximum capacity is set at four guests, there is potential for increased noise. It is anticipated that noise generated by guests would be minimal. Quiet hours are set from 9pm-8am.

**c. Odors to be generated by the use and their impacts:** Potential odor impacts are in line with similar residential uses. Renters are instructed on garbage handling and warned extensively about bear risks. Garbage shall be disposed of in municipal containers and in accordance with Sitka General Code requirements.

**d. Hours of operation:** Application does not explicitly state that it would be limited to any particular time of the year but indicates that it would be used for a few weeks during the summer months.

**e. Location along a major or collector street:** Accessed from Cascade Creek Road.

**f. Potential for users or clients to access the site through residential areas or substandard street creating a cut-through traffic scenario:** Access is on Cascade Creek Road, there are

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<sup>1</sup> § 22.24.010.E

multiple routes a vehicle could travel when approaching the property, most direct access would be Halibut Point Road to Cascade Creek Road. Alternative option is via Edgecumbe Drive. Both options are via major arterial or collector streets (respectively), and so neither present a cut-through traffic scenario.

**g. Effects on vehicular and pedestrian safety:** Visitors will be unfamiliar/less experienced with the road which can have mixed results (some may be more cautious, others less aware). Speed limits are marked.

**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.

**i. Logic of the internal traffic layout:** Situated on an easement off Cascade Creek Road. The property has a large driveway with parking for four vehicles.

**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:** The property is buffered on three sides by trees and mature vegetation that provides additional privacy to the home.

**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 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 2013 Cascade Creek Road.

## **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 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 2013 Cascade Creek Road in the R-1 - Single-Family/Duplex Residential District subject to the attached conditions of approval. The property is also known as a Lot 3 Cascade Creek Subdivision. The request is filed by Lance Preston. The owner of record is Lance Preston.”**
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; *because the property will retain its primary use as a residence and be monitored by the property owner 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 (for the homeowner).*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced; *monitored by the property owner 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.*

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