



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 22-03
Proposal: Request for short-term rental
Applicant: David Allen
Owner: Misty Fjords Rentals, LLC.
Location: 1908 Sawmill Creek Road
Legal: Lot 3B Soderberg Resubdivision
Zone: R-2 Multifamily District
Size: 47,191 square feet
Parcel ID: 3-0996-000
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Sawmill Creek Road via an easement

KEY POINTS AND CONCERNS

- Property is removed from adjacent Knutson Drive neighborhood by significant grade change but adjacent uses are primarily single-family.
- The lot has both R-2 and WD zoning designations, the home proposed for short-term rental is within the R-2 zone, therefore a permit is required
- The proposed short-term rental is for a single-family home, to be rented out throughout the year.
- Low density of short-term rentals in the area with significant buffers from adjacent uses

ATTACHMENTS

Attachment A: Aerial
Attachment B: Floor Plan
Attachment C: Photos
Attachment D: Renter Handout
Attachment E: As-Built
Attachment F: Plat
Attachment G: Applicant Materials

BACKGROUND/PROJECT DESCRIPTION

This request is for a conditional use permit for a short-term rental (STR) for a 3-bedroom, 2.5-bathroom dwelling unit with full kitchen, living/dining area, and rec room. The applicants have identified a property manager and owner who lives nearby to mitigate potential impacts. The lot has two zoning designations, both WD and R-2, with the home set in the R-2 zoning district. The WD portion of the lot encompasses the dock used by Allen Marine.

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 there is ample on-site parking available and an easement that serves as a private driveway for the lot. Easement is paved and in good condition.

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 significant buffers from surrounding uses will serve as mitigation to noise impacts.

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 throughout the year.

e. Location along a major or collector street: Access from Sawmill Creek Road via an easement across 1902 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 via an easement; there are no other (land based) routes to access the property. Lots that utilize the easement are under common ownership and have appropriate signage to identify each property.

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

¹ § 22.24.010.E

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: Ample parking space at the end of the easement and immediately outside the home.

j. Effects of signage on nearby uses: A sign is proposed along Sawmill Creek Road to assist in property identification and access. All signs shall comply with Sitka General Code.

k. Presence of existing or proposed buffers on the site or immediately adjacent the site: A substantial grade change along the northeastern boundary and waterfrontage serve as buffers between the site and adjacent uses.

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.

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 1908 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.
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 1908 Sawmill Creek Road in the R-2 Multifamily District, subject to the attached conditions of approval. The property is also known as Lot 2B and 3B, Coon Subdivision Replat. The request is filed by David Allen. The owner of record is Misty Fjord Rentals, LLC.”**
- 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