



# CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

## Planning and Community Development Department

### **AGENDA ITEM**

Case No: CUP 23-02  
Proposal: Request for short-term rental  
Applicant: Ramon Quintero-Martinez  
Owner: Ramon Quintero-Martinez  
Location: 501 Sawmill Creek Road  
Legal: Lot 9A of the Forest Service Subdivision, as shown on Plat 2009-02  
Zone: R-2 - Multifamily Residential District  
Size: 1248 square feet  
Parcel ID: 1-2910-000  
Existing Use: Residential  
Adjacent Use: Residential, Commercial, Public  
Utilities: Existing  
Access: Sawmill Creek Road

### **KEY POINTS AND CONCERNS**

- Property to be used is a single-family home located on the corner of Monastery Street and Sawmill Creek Road
- Parking is available on the property.
- Application proposes owner will manage the property themselves.
- Moderate density of short-term rentals in the neighborhood

### **ATTACHMENTS**

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

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for short-term rental (STR) at 501 Sawmill Creek Road. The house is a 3 bedroom, 1 bath. Max occupancy is 6 guests. This is the applicant's primary dwelling unit; they plan to live off-site (locally) during the summer months.

## **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 significant increase in vehicular traffic versus long-term residential use. The rental will have bicycles available for use or may use a vehicle provided by the owner.

**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. Quiet hours are listed in the house rules between 9 PM and 8 AM. Renter handout states no large parties or people outside in groups during quiet hours.

**c. Odors to be generated by the use and their impacts:** Potential odor impacts are in line with similar residential uses. Garbage instructions are listed in the renter handout.

**d. Hours of operation:** Short-term rental will be utilized April – September.

**e. Location along a major or collector street:** Collector Street is 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:** None

**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:** Driveway at the front of the property leads to a flat area for parking to the side of the home.

**j. Effects of signage on nearby uses:** No signage proposed. All signs shall comply with Sitka General Code.

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<sup>1</sup> § 22.24.010.E

**k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** The back of the property has a small fence between the property lines. The development at 505 Sawmill Creek Road will be installing a privacy fence.

**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 the short-term rental at 501 Sawmill 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 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 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 501 Sawmill Creek Road in the R-2 - Multifamily Residential District subject to the attached conditions of approval. The property is also known as Lot 9A of the Forest Service Subdivision, as shown on Plat 2009-02. The request is filed by Ramon Quintero-Martinez. The owners of record are Ramon Quintero-Martinez.”**
- 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