



# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

*Coast Guard City, USA*

## Planning and Community Development Department

### AGENDA ITEM:

Case No: CUP 17-05  
Proposal: Request for short-term rental of one side of duplex at 1820 Edgecumbe Drive  
Applicant: Zachary and Jacqueline Foss  
Owner: Zachary and Jacqueline Foss  
Location: 1820 Edgecumbe Drive  
Legal: Lot 12C Standerwick Subdivision  
Zone: R-1 single family and duplex residential district  
Size: 12,284 square feet  
Parcel ID: 2-4555-003  
Existing Use: Residential  
Adjacent Use: Residential  
Utilities: Full city services  
Access: Easement to Edgecumbe Drive

### KEY POINTS AND CONCERNS:

1. Findings: The required findings of fact have been met as the conditional use as conditioned would not be detrimental to the public's health, safety, or welfare; that the conditions of approval have satisfactorily mitigated any potential harm or impact to the surrounding land uses and properties through the conditions of approval, by meeting all applicable SGC regulations, and by being in support of the Comprehensive Plan regarding transient housing supply.
2. Other Major Points:
  - Rental unit: one bed/one bath, located above garage on second story, attached to primary structure, accessed by external rear stairs
  - Safety: sufficient parking, owner lives on-site, access from steep easement, safety inspection to be conducted by Fire Marshal if approved
  - Neighborhood harmony: large lot provides buffer space, potential impacts of short-term rentals on long-term rental rates, this unit to be rented while long-term renter travels, easement language does not limit short-term rentals

### RECOMMENDATION:

Staff recommends that the Planning Commission find CUP 17-05 to be consistent with Sitka General Code Title 22 and the Comprehensive Plan and to approve the conditional use permit application for a short-term rental of one side of a duplex at 1820 Edgecumbe Drive.

Providing for today ...preparing for tomorrow

## **ATTACHMENTS**

Attachment A: Vicinity Map  
Attachment B: Aerial Vicinity Map  
Attachment C: Zoning Map  
Attachment D: Site Plan  
Attachment E: Floor Plan  
Attachment F: Subdivision Plat

Attachment G: Parcel Pictures  
Attachment H: Application  
Attachment I: Flood Zone Map  
Attachment J: Mailing List  
Attachment K: Proof of Payment  
Attachment L: Warranty Deed

## **BACKGROUND/PROJECT DESCRIPTION**

The request is for a conditional use permit for a short-term rental unit for one unit of a duplex at 1820 Edgcumbe Drive in the R-1 single-family and duplex residential district. The property will meet the 4 parking space requirement for a duplex. The owners live in one unit and the rental unit is located on top of the attached garage. The rental is accessed by external stairs on the rear. The rental unit has one bedroom and one bathroom. The property is accessed via an easement that serves four properties. The nearest short-term rental type property is a bed and breakfast at 1725 Edgcumbe Drive.

The R-1 zoning district may allow short-term rentals as a conditional use subject to the ability to mitigate any adverse effects to nonexistent or minimal and reasonable for the zone and in harmony with surrounding land uses.<sup>1</sup>

## **ANALYSIS**

### **1. CRITERIA TO BE USED IN DETERMINING THE IMPACT OF CONDITIONAL USES.<sup>2</sup>**

**a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses:**  
The property has two parking areas that provide parking in excess of the required 4 spaces.

**b. Amount of noise to be generated and its impacts on surrounding land use:** Renters can be known to create more noise due to being on vacation than typical families might. However, the provision of a rental overview and ability to address concerns adequately mitigate this.

**c. Odors to be generated by the use and their impacts:** No additional odors.

**d. Hours of operation:** Unit to be rented when long-term renter travels.

**e. Location along a major or collector street:** Easement to Edgcumbe Drive.

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<sup>1</sup> Table 22.16.015-1 and Sections 22.24.010(B) and (C) (Bed and Breakfast and Short-term Rental respectively).

<sup>2</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:** No concerns for cut through traffic. Access is through a residential area.
- g. Effects on vehicular and pedestrian safety:** The driveway may be difficult for renters to find and the grade is steep. A rental overview should prepare renters for proper access.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site:** No different than the permitted long-term rental unit.
- i. Logic of the internal traffic layout:** The applicant has indicated the required parking spaces for a duplex residence. Owners should provide traffic circulation information to tenants.
- j. Effects of signage on nearby uses:** No proposed signage.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site:** Large lot provides buffers.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan:** Conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses. In addition, the Comprehensive Plan identifies the goal of providing various housing opportunities and housing options for seasonal, temporary, emergency, and transitional needs.<sup>3</sup> This application conforms to the above sections by creating short-term transient housing.
- m. Other criteria that surface through public comments or planning commission review:** Short-term rentals may increase long-term rental rates for the overall community.<sup>4 5</sup>

## **FINDINGS**<sup>6</sup>

1. ...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, *specifically, the short-term rental will operate periodically while the long-term renter travels.*

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<sup>3</sup> Comprehensive Plan 2.5.11, 2.10.3, and 2.10.4.

<sup>4</sup> Planning: The Magazine of the American Planning Association, February 2016, p. 31

<sup>5</sup> Gurran & Phibbs article in JAPA Volume 83 Issue 1

<sup>6</sup> § 22.30.160.C – Required Findings for Conditional Use Permits

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, conforms to Comprehensive Plan Section 2.6.2(K), which supports facilities to accommodate visitors that do not impact surrounding residential neighborhoods any more than typical residential uses.*
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, *specifically, through the provision of a rental overview.*

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt the staff analysis and required findings as found in the staff report and grant the requested conditional use permit subject to attached conditions of approval.

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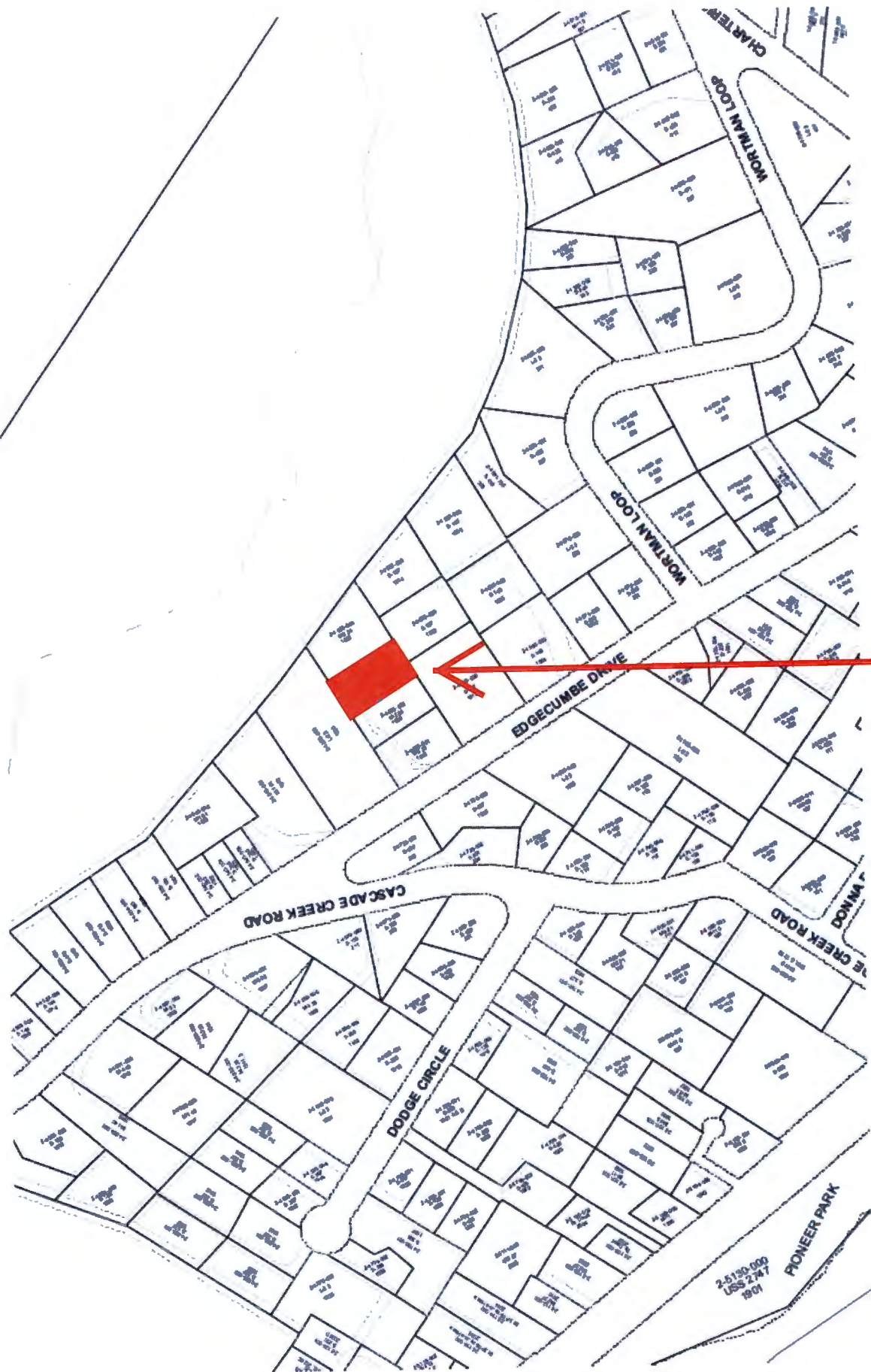
### **Recommended Motions:** (two motions - read and voted upon separately)

- 1) I move to adopt and approve the required findings for conditional use permits as discussed in the staff report.
- 2) I move to approve the conditional use permit application for a short-term rental at 1820 Edgecumbe Drive subject to the attached conditions of approval. The property is also known as Lot 12C Standerwick Subdivision. The request is filed by Zachary and Jacqueline Foss. The owners of record are Zachary and Jacqueline Foss.

#### Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application and plans that were submitted with the request.
3. The facility shall be operated in accordance with the narrative that was submitted with the application.
4. The applicant shall submit an annual report every year, 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 has begun operation. The report is due within thirty days following the end of the reporting period.
5. 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.

6. 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.
7. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
8. Owners shall provide renters with a brief rental overview including respecting the residential neighborhood and regarding directions and traffic circulation patterns to mitigate any potential traffic impacts.
9. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.





City &amp; Borough of Sitka, Alaska

Selected Parcel: 1820 EDGECUMBE ID: 24545003

Printed 3/6/2017 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

This map is for informational purposes only. It is not for appraisal of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.



## City & Borough of Sitka, Alaska

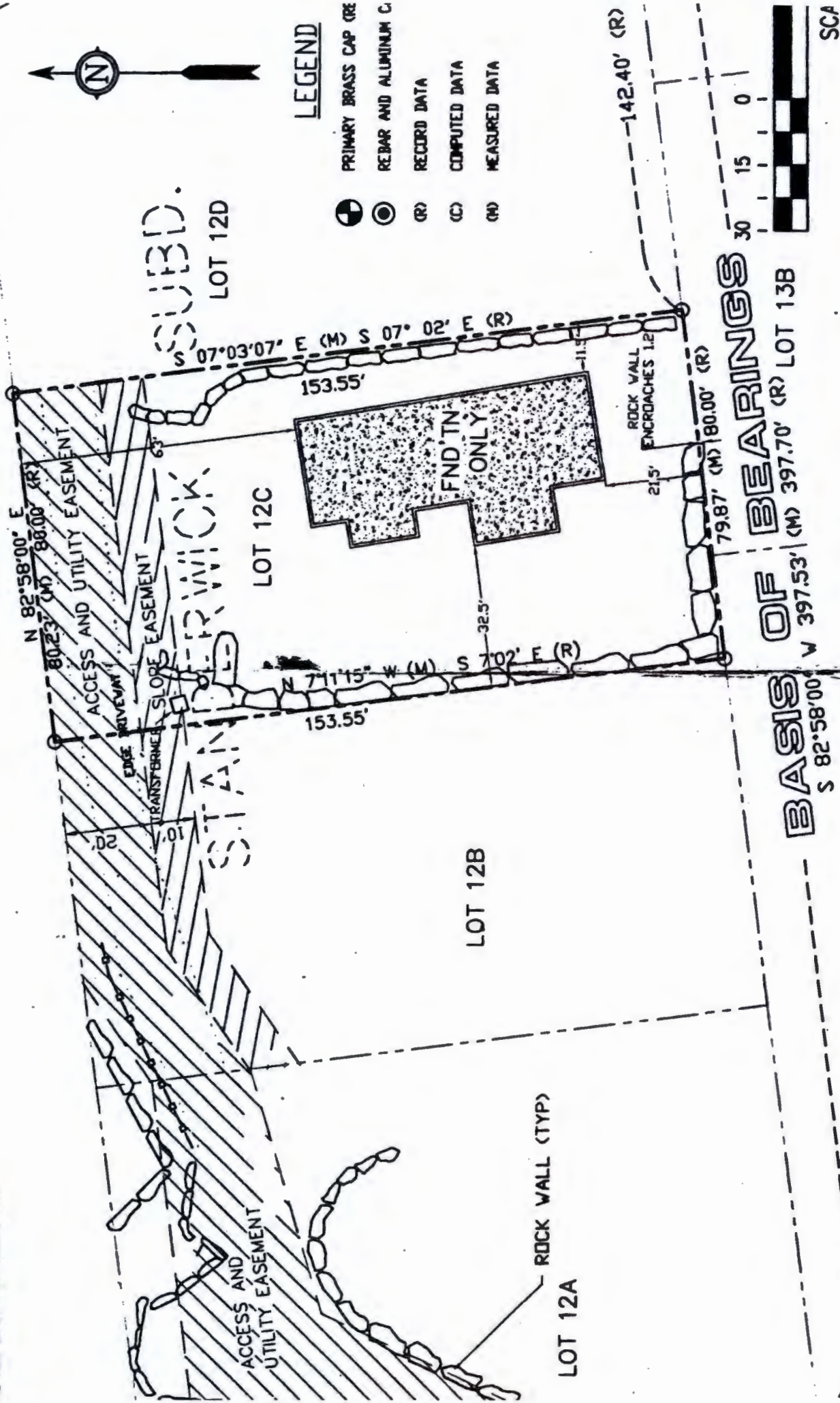
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FROM, USE GIVEN DIMENSIONS ONLY.  
RE NOT SHOWN ON THIS PLAT.



**49TH**  
STATE OF ALASKA  
Surveyor's Seal

**O'NEIL SURVEY**  
P.O. BOX 184

**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED ON THIS PLAT. I DECLARE THAT IMPROVEMENTS AND  
 LE ENCROACHMENTS HAVE BEEN ESTABLISHED TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF. THIS SURVEY IS  
 FOR THE USE OF LENDING INSTITUTIONS SPECIFICALLY TO SHOW ANY CONFLICTS BETWEEN EXISTING STRUCTURES AND PLATTED



25'x20' for rental

1820 Edgecumbe Drive

Parking for 2 cars

Edgecumbe Drive

















1822  
1820  
1818  
1816



**CITY AND BOROUGH OF SITKA**  
PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
GENERAL APPLICATION FORM

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

**APPLICATION FOR:**

☐ VARIANCE

☒ CONDITIONAL USE

☐ ZONING AMENDMENT

☐ PLAT/SUBDIVISION

**BRIEF DESCRIPTION OF REQUEST:** Conditional Use Permit

for 1820 B Edgcomb Dr. Apartment (see  
narrative)

**PROPERTY INFORMATION:**

CURRENT ZONING: R-1 PROPOSED ZONING (if applicable): N/A

CURRENT LAND USE(S): Residential Housing PROPOSED LAND USES (if changing): \_\_\_\_\_

**APPLICANT INFORMATION:**

PROPERTY OWNER: Zachary + Jacqueline Foss

PROPERTY OWNER ADDRESS: 1820 A Edgcomb Dr

STREET ADDRESS OF PROPERTY: 1820 Edgcomb

APPLICANT'S NAME: Zachary + Jacqueline Foss

MAILING ADDRESS: 1820 A Edgcomb Dr

EMAIL ADDRESS: foss.jacquie@gmail.com DAYTIME PHONE: 738-9029

**PROPERTY LEGAL DESCRIPTION:**

TAX ID: 24555-003 LOT: 12C BLOCK: \_\_\_\_\_ TRACT: \_\_\_\_\_

SUBDIVISION: Standerwick US SURVEY: \_\_\_\_\_

**OFFICE USE ONLY**

|                                           |              |  |  |
|-------------------------------------------|--------------|--|--|
| COMPLETED APPLICATION<br>NARRATIVE<br>FEE | SITE PLAN    |  |  |
|                                           | CURRENT PLAT |  |  |
|                                           | PARKING PLAN |  |  |

## REQUIRED SUPPLEMENTAL INFORMATION:

### For All Applications:

- ☒ Completed application form  
☒ Narrative  
☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities  
☐ Proof of filing fee payment  
☐ Proof of ownership  
☐ Copy of current plat

### For Conditional Use Permit:

- ☒ Parking Plan  
☒ Interior Layout

### For Plat/Subdivision:

- ☐ Three (3) copies of concept plat  
☐ Plat Certificate from a title company  
☐ Topographic information  
☐ Proof of Flagging

### If Pertinent to Application:

- ☐ Landscape Plan  
☐ Drainage and Utility Plan

## CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

  
Owner

2/16/17  
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

\_\_\_\_\_  
Applicant (if different than owner)

\_\_\_\_\_  
Date

We have a 1 bedroom apartment (1820B EdgECumbe Drive) above our garage, adjoined to our house. We have had a long-term tenant since 2012. Our tenant has recently retired and wants to travel for extended periods of time through out the year. It is mutually beneficial to lease this apartment while he is traveling. We are applying for a conditional use permit to use our 1-bedroom apartment as a short-term rental.



Parcel ID: 24545001  
RODNEY/PATRICIA MAGEE LIVING  
TRUST  
MAGEE LIVING TRUST,  
RODNEY/PATRICIA  
1840 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24555001  
COY/CATHY PELHAM/FLETCHER REV.  
TRUST  
PELHAM, COY, H/FLETCHER, CATHY  
TRUST  
1816 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24555004  
RICHARD/JENNIFE  
FLEISCHMAN/PRICE  
FLEISCHMAN, RICHARD/PRICE,  
JENNIFER  
1822 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24562000  
JAMES CORAK  
CORAK, JAMES, A.  
P.O. BOX 3181  
SITKA AK 99835-3181

Parcel ID: 24567000  
ERIC/JENNIFER BLANKENSHIP  
BLANKENSHIP, ERIC & JENNIFER  
1808 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24730000  
MARSHA/THOMAS HOWARD/LARSON  
HOWARD, MARSHA & LARSON,  
THOMAS  
109 CASCADE CREEK RD, APT A  
SITKA AK 99835

Parcel ID: 24545002  
ALLEN/LESLIE BARNETT  
BARNETT, ALLEN, S/LESLIE, G.  
386 CALAIS DR,  
MESQUITE NV 89027

Parcel ID: 24555002  
JAMES/SONDRA LUNDVICK  
LUNDVICK, JAMES & SONDRA  
1818 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24560000  
MICHELLE/SHANE MOLES  
MOLES, MICHELLE & SHANE  
1810 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24565000  
DEAN/DOROTHY ORBISON  
COMMUNITY PROPERTY TRUST  
ORBISON TRUST, DEAN/DOROTHY  
P.O. BOX 1751  
SITKA AK 99835-1751

Parcel ID: 24725001  
RONALD WALDRON  
WALDRON, RONALD, T.  
P.O. BOX 2044  
SITKA AK 99835-2044

Parcel ID: 24550000  
STEVE/LESLIE HINSHAW/WOOD  
HINSHAW, STEVE, H/WOOD, LESLIE, A.  
311 OGDEN LN  
SAN ANTONIO TX 78209

Parcel ID: 24555003  
ZACHARY/JACQUEL FOSS  
FOSS, ZACHARY/JACQUELINE  
1820 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24561000  
FRANK/CATHY SUTTON  
SUTTON, FRANK, L./CATHY, J.  
P.O. BOX 677  
SITKA AK 99835-0677

Parcel ID: 24566000  
DAVID/AUDREY CURRAN  
CURRAN, JR, DAVID, & CURRAN,  
AUDREY  
1806 EDGE CUMBE DR  
SITKA AK 99835

Parcel ID: 24725003  
SCOTT HARRIS REVOCABLE LIVING  
TRUST  
HARRIS TRUST, SCOTT, H.  
24128 CARDWELL HILL DR  
PHILOMATH OR 97370

**P&Z Mailing**  
March 10, 2017

**PAID**  
FEB 14 2017  
CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 2/14/17

To: Fors

ACCOUNT # 100-300-320-3201.002  
PLANNING & ZONING

|                                             |        |
|---------------------------------------------|--------|
| Variance.....                               |        |
| Conditional Use Permit.....                 | 100.00 |
| Minor Subdivision.....                      |        |
| Major Subdivision.....                      |        |
| Zoning Map Change.....                      |        |
| Zoning Text Change.....                     |        |
| Lot Merger.....                             |        |
| Boundary Line Adjustment.....               |        |
| General Permit.....                         |        |
| Appeal of Enforcement Action (Pending)..... |        |
| Other.....                                  |        |
| Sales Tax.....                              | 5.00   |
| TOTAL.....                                  | 105.00 |

Thank you

**2005-000802-0**

Recording Dist: 103 - Sitka  
6/6/2005 10:10 AM Pages: 1 of 2

A  
L  
A  
S  
K  
A



File for Record at Request of:

**First American Title Insurance Company**

AFTER RECORDING MAIL TO:

Name: Jacqueline V. Foss and Zachary A. Foss

Address: P.O. Box 6424

Sitka, AK 99835

File No.: 0241-590629 (JRN)

*Handwritten initials*

### STATUTORY WARRANTY DEED

THE GRANTOR, David H. Standerwick and Michelle A. Standerwick, whose mailing address is P.O. Box 801, Redmond, OR 97756, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid, conveys and warrants to Jacqueline V. Foss and Zachary A. Foss, the following described real estate, situated in the Sitka Recording District, First Judicial District, State of Alaska:

Lot 12C, Standerwick Subdivision, according to the plat thereof filed June 25, 1998 as Plat No. 98-17, Sitka Recording District, First Judicial District, State of Alaska.

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

Dated: June 2, 2005.

*Handwritten signature of David H. Standerwick*

David H. Standerwick

*Handwritten signature of Michelle A. Standerwick*

Michelle A. Standerwick

