



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Planning Commission Members

From: Amy Ainslie, Planning Director *AA*

Date: April 30, 2021

Subject: **Short-term Rental Code Discussion**

At the April 21st regular Planning Commission, a motion was made and approved by the Commission:

M-Riley/S-Alderson moved to add a discussion/direction item on short-term rentals in the next Planning Commission meeting. Motion passed 5-0 by voice vote.

To support this discussion, staff wanted to provide three main things: The current code provisions for short-term rentals, the process for changing the code, and background materials.

Some terms to be used throughout include:

Short-term rental (STR)
Conditional use permit (CUP)
Sitka General Code (SGC)

1. Current Code Provisions for STRs

SGC Title 22, Zoning has most of the relevant provisions regarding STRs.

- SGC 22.08.735 defines STRs: “Short-term rentals means rentals of single dwelling units for less than fourteen consecutive days for money or other valuable consideration by one party which then occupies the dwelling.”
- SGC Table 22.16.015-1 Residential Land Uses outlines that short-terms rentals are:
 - Prohibited in: SF, SFLD, OS, GPIP, Cemetery
 - Conditional in: R-1, R-1MH, R-1LDMH, R-2, R-2MHP, I, LI
 - Permitted (i.e. allowed by right) in: CBD, C-1, C-2, WD, GI, Recreation
- SGC Table 22.24.010-1 outlines the application requirements for CUPs including legal description of the property, statement of objectives, and a site plan (or other supporting drawings).

- SGC Table 22.24.010-1 outlines initiation and termination periods for different CUP types. STR CUPs must be activated within one year of approval, and must be used at least once during a one year period in order to stay active (otherwise becoming void). A mandatory review period is set by the Commission at the time of approval (for STR CUPs, we have structured all reviews to take place as a part of the annual report), and the number of years after approval that the permit sunsets can be set by the Commission at the time of approval.
- SGC 22.24.010 sections C, E, and F are all relevant to STRs, and provide clarification on requirements for STRs and factors that can/should be considered by staff and the Commission in evaluating STR requests.
- SGC 20.30.160(C) outlines the required findings for conditional use permits in general.

2. Process for Code Changes

SGC 22.30.380 makes provisions for making changes to the text and official map of the city's development regulations and other official controls. Changes to the zoning of a property or multiple properties is commonly referred to a "zoning map amendment", and changes to the zoning code itself are commonly referred to as a "zoning text amendment". The Assembly, the Commission, staff, and citizens can petition for these types of amendments to be made. The process of these changes can vary greatly depending on the complexity of the request – if it is a sweeping code change as directed by the Assembly and the Commission, this could require several work-sessions/reviews with either or both bodies. For simpler changes, such as those property owners who are moving their cemetery properties into the new Cemetery zone, usually one review with the Commission is sufficient for Commissioners to feel comfortable making a recommendation.

For Commission initiated amendments, staff feels that at least 2 reviews are necessary at the Commission level. The first one should include a broad conversation and a majority decision on the proposed changes. Staff takes the direction from the first review to craft a draft ordinance along with assistance from the Legal Department, along with any other CBS departments that may be affected by the change. Once prepared, the draft ordinance is presented to the Commission for recommendation of approval.

Any change to the zoning map or to the zoning code must be done via ordinance, which requires two successful readings by the Assembly to become effective. The Commission can request that the Administrator sponsor such an ordinance (this would be done by requesting Planning staff to make the request of the Administrator's office), or the Commission can seek two Assembly sponsors.

3. Background Materials

In your packet, Staff has provided a few resources we thought could aid in the discussion. Code excerpts as discussed in the first section of this memo are included, the 2019 and the 2020 Annual Short-term Rental Reports, the most up-to-date STR density maps, the 2nd Address report on STR laws in major cities across the U.S., and the ordinances that were in place over the course of 2005-2007 that put a moratorium on STRs in R-1 and R-2 (and their related) zones.