

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 23-12**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION REHEARING AND APPROVING SHORT-TERM RENTAL PERMIT #22-03 TO ALLOW SHORT-TERM RENTAL OF AN EXISTING SINGLE-FAMILY HOME LOCATED ON PARCEL 1, TRACT 1, LAKESHORE 1963 SUBDIVISION.

WHEREAS, Sandra Lowe/Ivy's Lakehouse, owner/applicant, submitted Short Term Rental Permit Number 22-03 on October 17, 2022, requesting approval to operate a short-term rental in an existing single-family home; and

WHEREAS, the application included the required information that addresses the short-term rental criteria and requirements in Chapter 16.26 of the Wasilla Municipal Code; and

WHEREAS, notice of the application was mailed to all property owners within a 1,200 feet radius, the appropriate review agencies, the Wasilla Planning Commission, and the Wasilla City Council as required by Wasilla Municipal Code 16.16.040(A)(2) on prior to the January 10, 2023 hearing; and

WHEREAS, the sufficiency of the publication of the notice of the January 10, 2023 hearing was challenged on appeal and the City moved for a rehearing on the elevated permit by the Commission in order to ensure proper notice of the Commission's hearing on the elevated permit; and

WHEREAS, notice of the elevation and date of rehearing was mailed to all property owners within 1,200 feet radius, the appropriate review agencies, the Wasilla Planning Commission, and the Wasilla City Council as required by Wasilla Municipal Code 16.16.040(A)(2) on June 23, 2023; and

WHEREAS, a notice of the public rehearing was published in the Frontiersman on July 2, 2023; and

WHEREAS, the Wasilla Planning Commission deliberated on the request taking into account the information submitted by the applicants, evaluation and recommendations of staff contained in the staff report, public testimony - both written and verbal comments, the applicable provisions of the Wasilla Land Development Code and Comprehensive Plan, and other pertinent information brought before them both at the original hearing and at the rehearing; and

WHEREAS, the Commission adopted Findings of Fact, attached as Exhibit A, summarizing facts found by the Commission and the reasoning underlying its decision; and

NOW, THEREFORE BE IT RESOLVED, that the Commission hereby approves this application with the Findings of Fact, attached as Exhibit A and incorporated herein, with the following conditions:

1. The short-term rental must remain in compliance with all requirements in WMC 16.26, Short-Term Rentals while the dwelling unit is in operation as a short-term rental.
2. Maximum occupancy is eight persons over two years of age.
3. Rental period must be a minimum one night.
4. Applicant must submit the following updated items to the City Planner prior to issuance of the short-term rental permit:
 - a. Location and updated interior sign – House Rules. Sign must be located in a conspicuous location and state that there are only four permitted parking spaces (located on existing paved/gravel parking area abutting garages).

- b. Updated site plan showing location of four permitted parking spaces (minimum 10'x20' space located on existing paved/gravel parking area abutting garages).
 - c. Updated rental agreement stating that the minimum rental period is one night (per Condition #3) maximum occupancy is eight persons over two years of age.
5. The applicant must contact the Matanuska-Susitna Borough Fire Marshall's office to determine whether review for compliance with all applicable fire codes, building codes and emergency access as related to the public health, safety and welfare is required for the short-term rental.

ADOPTED by the Wasilla Planning Commission on July 11, 2023.

APPROVED:

 7/11/23
David Seals, Chair /Date

ATTEST:

 7/12/23
Crystal Nygard, Acting City Planner

VOTE: Passed Unanimously

EXHIBIT A
WASILLA PLANNING COMMISSION RESOLUTION 23-03 – FINDINGS OF FACT
SECTION 16.26.050, APPROVAL CRITERIA – NEW & RENEWAL
AND
SECTION 16.26.060, STANDARDS

16.26.050 APPROVAL CRITERIA – NEW AND RENEWAL

16.26.050(A) *The applicant has the burden of proof to demonstrate compliance with each of the applicable criteria for approval or renewal of the short-term rental permit. The approval criteria also operate as continuing code compliance obligations of the owner. Staff may verify evidence submitted and the applicant shall cooperate fully in any investigation.*

16.26.050(B) *To receive approval, an applicant must demonstrate that all approval criteria listed below have been satisfied:*

Finding: As indicated in the findings below and the proposed conditions of approval, the proposed short-term rental meets the approval criteria below.

16.26.050(B)(1) *The zoning for the property is in compliance with the requirements of this title.*

Finding: This criterion is met since the lot is zoned RM, Residential Multifamily, which allows a short-term rental with approval of a use permit.

16.26.050(B)(2) *The site upon which the short-term rental use is to be established is adequate in size and shape to accommodate said use.*

Finding: This criterion is met with the proposed conditions of approval to revise the “house rules” and site plan to indicate that there are only four on-site parking spaces available (on the existing paved/gravel area abutting the garage doors).

16.26.050(B)(3) *The residential character of the neighborhood in which the use is located will be maintained and preserved and the issuance of the permit will not be detrimental to the public health, safety, and welfare of the residents in the neighborhood or detrimental to the community within the vicinity in which the short-term rental is located.*

Finding: This criterion is met with the proposed condition of approval that requires submittal of a revised interior sign with the “house rules” and the site plan that indicate that there are only four on-site

parking spaces available (on the existing paved/gravel area abutting the garage doors). These conditions should also minimize/eliminate right-of-way and fire hydrant access issues and allow for more on-site snow storage outside of the dedicated right-of-way and right-of-way easement.

16.26.050(B)(4) *The property owner is a permanent resident of the state of Alaska, as defined in this chapter.*

Finding: This criterion is met since the applicant provided the required documentation.

16.26.050(B)(5) *Local Contact Information. The applicant has provided information sufficient to verify that a local contact will be available for questions and/or concerns regarding the short-term rental. The local contact shall be available to be contacted by telephone, text, or email to ensure a response to complaints regarding the short-term rental address at all hours (24 hours a day, seven days a week) while the dwelling unit is occupied for rent. Response must be within one hour. The local contact may be changed from time to time throughout the term of the short-term rental. To do so, the revised contact information shall be submitted to the planning department at least 30 days prior to the date the change takes effect to allow notification of property owners within a minimum of 1,200 feet of the lot lines of the short-term rental, except when the failure to do so is beyond the owner's control. In an emergency or absence, the local contact may forward information to a qualified person to act in their stead.*

Finding: This criterion is met since the applicant has provided the required information.

16.26.050(B)(6) *Notice. Prior to approval of a short-term rental permit, the city planner must notify all owners of property within a minimum of 1,200 feet of the lot lines of the short-term rental by first-class mail that a permit application has been received and is pending approval by either the city planner or planning commission, as appropriate. The applicant will be responsible for the postage fees for the mailing. The notice shall be mailed at least 10 business days prior to making a final determination on the application. The notice must provide a brief description of the use requested by the applicant, the anticipated date the permit will be issued, and where information regarding the application may be obtained. For permits that require conditional use approval from the planning commission, the notice will also indicate the date, time, and location of the public hearing.*

Finding: This criterion is met. The City mailed 130 notices to neighboring property owners within 1200'+ and the 21 review agencies that are typically provided with the opportunity to comment on June 23, 2023. Staff received one comment from a neighbor in opposition to the proposed short-term rental. Any comments received after the compilation of the packet will be provided at the public hearing.

Neighbor concern include noise from parties, change in character of quiet neighborhood on dead-end road, and substandard narrow dead-end road with no turnaround.

16.26.050(B)(7) *Parking. The short-term rental must have a minimum of two on-site parking spaces for exclusive use of the renters while the unit is occupied by a renter. When the unit consists of more than four bedrooms, each additional bedroom or sleeping area beyond the first four requires one additional dedicated parking space. No portion of any such required parking stall shall be located within either a required front or street side yard setback area, except on a designated driveway or parking area. Grassed or landscaped areas of the yard may not be utilized for required parking spaces. All required parking spaces shall comply with the parking standards in WMC 16.24.040, except for the minimum number of required parking spaces. On-street parking is prohibited for short-term rental units.*

Finding: This criterion will be met with the condition of approval for the applicant to submit a revised site plan and interior signage that: (1) designates four required 10'x20' parking spaces on the existing paved/gravel parking area in front of the garages (approximately 36' feet wide); and (2) removes the proposed space within the 15-foot-wide right-of-way easement on the south side of the lot fronting on Westpoint Drive since this is not permitted and creates right-of-way and fire hydrant access issues.

16.26.050(B)(8) *Inspection. Prior to issuance of the short-term rental permit, the owner(s) shall request and pay the applicable fee for an inspection from a licensed commercial or home inspector to confirm that the required fire and safety protection measures required in this chapter are in place and functioning, including but not limited to smoke detectors, carbon monoxide detectors, fire extinguishers, operable egress windows in each bedroom, an evacuation plan posted conspicuously in each sleeping area, repair of any exposed wiring, water heater inspection, required safety measures for pools (if applicable), and exterior stairwells (if applicable). By accepting a short-term rental permit, the owner agrees to allow on-site*

inspections by the city at reasonable times with reasonable notice.

Finding: This criterion is met since the applicant provided the required inspection report.

16.26.050(B)(9) ***The city planner (or planning commission when required) shall have the authority to place reasonable conditions on the permit to ensure that the use will comply with the general approval criteria in WMC 16.16.050.***

Finding: No other conditions of approval are proposed to address compliance with the general approval criteria in WMC 16.16.050.

16.26.060 STANDARDS

16.26.060(A) ***Density. A maximum of 75 short-term rental permits may be issued by the city planner. No owner or officer or employee of an entity may possess more than three permits and no household with multiple owners may possess more than a total of three permits for the household. The dwelling must comply with the following additional limitations:***

1. Multifamily Buildings. No more than 25 percent of the lawfully permitted residential dwelling units in a multifamily building may be rented as a short-term rental. For a triplex, only one of the lawfully permitted units may be rented as a short-term rental.

2. Duplex. One of the two units in a lawfully permitted duplex may be rented as a short-term rental.

3. Rentals per Unit. No more than one short-term rental is allowed within any single-family residential dwelling unit

Finding: This criterion is met since 75 short-term rental permits are available and the applicant is only requesting for approval to use the existing single-family home as a short-term rental.

16.26.060(B) ***Occupancy. The maximum overnight occupancy of the short-term rental shall be limited to two persons per bedroom, plus two additional persons, up to a maximum of 10 occupants, excluding persons two years of age or younger.***

Finding: This criterion is met since the applicant is proposing a maximum occupancy of eight persons over the age of two years.

16.26.060(C) ***Rental Period. A minimum of a one-night stay is required.***

Finding: This criterion is met.

16.26.060(D)

Signage.

1. **Exterior.** No on-site exterior signage of any type may be posted to identify the property as a short-term rental or to solicit rental of such residence. The only signage allowed is the required sign containing the information for the local contact and the short-term rental permit number. The required sign may be no larger than two square feet in area.

2. **Interior.** A sign with the following information must be posted conspicuously within the short-term rental:

a. The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation of the short-term rental permit;

b. The number of parking spaces provided, and the location of assigned parking and the maximum number of vehicles that are permitted;

c. The trash pickup day(s) and applicable regulations pertaining to leaving or storing trash on the exterior of the property;

d. Notification that the occupant may be subject to citation and fines for violating applicable ordinances and laws;

e. The name and telephone number of the local contact that may be reached at all times;

f. 911 emergency information, including the complete physical address of the short-term rental, must be posted in each sleeping area and must be in a font size 36 or greater;

g. Emergency exit information must be posted in each sleeping area and must be in a font size 36 or greater; and

h. Short-term rental permit number.

Finding:

Item 1 of this criterion is met since the exterior signage was provided and Item 2 will be met with the proposed condition of approval requiring the applicant to provide the location of the interior sign in a conspicuous location and state that there are only four permitted parking spaces (located on existing paved/gravel parking area abutting garages).

16.26.060(E)

Advertising. All advertising for the short-term rental shall include the city-issued short-term rental permit number.

Finding:

This criterion is met since the applicant provided a notarized acknowledgement of the short-term rental regulations containing this requirement.

Structural and Design Features.

1. **House Numbers.** *The short-term rental must have a visible house number easily seen from the street, day or night. The size and type of lettering must comply with all applicable local, borough, state, and federal regulations.*

2. **Kitchens.** *The residential dwelling unit used for a short-term rental shall not be modified to allow or contain more than one indoor kitchen/cooking facility. However, the addition of an indoor wet bar, microwave, and/or refrigerator may be allowed within the short-term rental.*

3. **Each dwelling used as a short-term rental shall maintain an operational fire extinguisher, smoke detectors (one per bedroom plus one in each hallway) and carbon monoxide detectors (a minimum of one per floor).**

4. **Exit/egress and an emergency evacuation map must be displayed in a prominent location in each room used for sleeping purposes.**

5. **Operable egress windows must be in each bedroom.**

6. **Safety measures must be in place for pools and exterior stairwells.**

7. **Alterations or Modifications.** *No alteration may be made that would identify a residential dwelling unit as a short-term rental and that would not preserve and protect the residential character of the residential dwelling unit or existing neighborhood. This includes the usage of lighting, signage, color, materials, construction type, etc. Alterations and modifications must also comply with all applicable provisions, requirements and standards of this title. Short-term rental permits will not be issued to structures that have been previously altered or modified without obtaining the appropriate permit for the alteration or modification.*

8. **Lighting.** *Any lights used to illuminate a site used for a short-term rental purpose must be directed toward the short-term rental and shall not be directed toward adjoining properties and/or public rights-of-way.*

9. **Nuisance.** *The owner/agent shall ensure that the occupants of the short-term rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate applicable provisions of the Wasilla Municipal Code or any state law pertaining to noise, disorderly conduct, overcrowding, the consumption of alcohol, or the use of illegal drugs. Owners are expected to take measures necessary to abate disturbances, including, but not limited to, directing the occupant, calling for law enforcement services or city code enforcement officer, evicting the occupant, or any other action necessary to immediately abate the disturbance.*

10. **The owner is responsible for ensuring that the short-term rental permitted under this chapter complies with**

applicable local, borough, state, and federal regulations, including, but not limited to, building codes, business license, and private covenants and restrictions

Finding: This criterion is met since the applicant provided the required information.

16.26.060(G) Contact Information. The owner shall maintain a valid 24-hour telephone number for the local contact of a short-term rental who will respond to all emergencies and problems that may arise during the rental period, whether from occupants, neighbors or municipal authorities.

Finding: This criterion is met since the applicant provided the required contact information.

16.26.060(H) Records.

- 1. Records. Accurate books and records must be maintained a minimum of three years and must be made available upon request to the city planning, finance, or code enforcement department, including an occupant log that includes, at a minimum, the name, address, and telephone number of all overnight occupants, total occupancy, rates and sales tax collected, and dates of occupancy.**
- 2. Records shall be made available to the city within five working days upon written request from the city. Personal information regarding guests may be redacted prior to providing records to the city.**

Finding: This criterion is met since the applicant provided a notarized acknowledgement of the short-term rental regulations containing this requirement.

16.26.060(I) Rental Agreement. A rental agreement shall be required for each rental of an approved short-term rental unit prior to occupancy and must include the following notifications and disclosures:

- 1. The maximum overnight occupancy of the short-term rental shall be limited to two persons per bedroom, plus two additional persons, up to a maximum of ten occupants, excluding persons two years of age or younger;**
- 2. Individual renting the short-term rental must be a minimum of 21 years of age;**
- 3. Prior to occupancy, the owner shall obtain the name, address and driver's license number or a copy of the passport of the primary responsible adult occupant of the short-term rental;**

4. Riding off-road vehicles is restricted to approved off-highway vehicle areas only;

5. All animals under the renter's control shall be cared for in a manner consistent with all city animal standards;

6. The maximum number of occupants that are permitted and notification that failure to conform to the maximum occupancy is a violation of this chapter;

7. The number of parking spaces provided, the location of assigned parking, and the maximum number of vehicles that are permitted;

8. The trash pickup day(s) and applicable regulations pertaining to leaving or storing trash on the exterior of the property;

9. Notification that the occupant may be subject to citation and fines for violating applicable ordinances and laws;

10. The name and telephone number of the local contact that may be reached at all times;

11. 911 emergency information, including the complete physical address of the short-term rental; and

12. On-street parking is prohibited for short-term rental units.

Finding: This criterion will be met with proposed condition of approval requiring the applicant to submit an updated "House Rules" in the rental agreement reflecting the location of the four approved parking spaces on the existing paved/gravel area abutting the garages.

16.26.060(J) Animals. Occupants are prohibited from allowing animals under their control to roam freely outside of the short-term rental at any time. Animals may not be restrained and left unattended outside at any time. All animals under the occupant's control shall be restrained and cared for in a manner consistent with all city animal control standards.

Finding: This criterion is met since the rental agreement prohibits pets.

16.26.060(K) Property Maintenance.

1. The owner shall keep, or cause to be kept, the short-term rental property and landscaping in a neat, clean, and orderly manner at all times. Where a property is not maintained as specified herein, the property owner shall be required to restore the property to its required neat and clean manner upon receipt of a written notice of violation. A failure to return the property to a neat, clean, and orderly manner within 10 days of a notice to do so shall be grounds for revocation of the short-term rental permit.

2. Trash and refuse shall not be stored within public view, except in proper containers for the purpose of collection by the responsible trash hauler. The owner of the short-term rental shall provide sufficient trash collection containers and service to meet the demand of the occupants.

3. All pools and/or spas on site shall be maintained in a safe, neat, clean, and healthy manner at all times. Each pool and/or spa shall conform to all applicable codes and standards for the city, borough, and state.

4. The owner of each short-term rental shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all times

Finding: This criterion is met since the applicant provided a notarized acknowledgement of the short-term rental regulations containing this requirement.

16.26.060(L) Miscellaneous Conditions.

1. Advertisement of the short-term rental (in any media format) shall not identify the street address of the short-term rental but must include the short-term rental permit number and occupancy limits.

2. The city planner (or planning commission when required) shall have the authority to place reasonable conditions on the permit to ensure that the use will comply with this chapter and the general approval criteria in WMC 16.16.050.

Finding: This criterion is met since the applicant provided a notarized acknowledgement of the short-term rental regulations with this requirement and no additional conditions were deemed necessary.