



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 25-02
Proposal: Tideland Lease
Applicants: Rose Risley and Brian Blankenship
Owner: City and Borough of Sitka
Location: Seaward of 1604 Sawmill Creek Road
Legal: Alaska Tideland Survey 645
Zone: R-1 - Single-Family/Duplex Residential District
Existing Use: Residential
Adjacent Use: Residential
Utilities: Existing
Access: Sawmill Creek Road

KEY POINTS AND CONCERNS:

- ATS 645 has been leased to the upland property owners since 1967
- The tidelands were transferred from State of Alaska Department of Natural Resources (DNR) to the City and Borough of Sitka (CBS) in 1997
- Use of the tidelands has been used for residential purposes, and the applicants plan to continue the residential use.

ATTACHMENTS:

Attachment A: Aerial
Attachment B: ATS 645
Attachment C: As-built
Attachment D: DOT Plat 2009-2
Attachment E: Photos
Attachment F: Applicant Materials

BACKGROUND

The applicants, Rose Risley and Brian Blankenship, are applying for a long-term Class III Tideland Lease. The requested municipal tideland lease area is identified as Alaska Tidelands Survey (ATS) 645 which is immediately adjacent to 1604 Sawmill Creek Road. The lease agreement is currently in holdover status under Vaughn Blankenship, the applicants' father, who transferred upon death his interest in the upland property at 1604 Sawmill Creek Road and the tidelands (ATS 645). These tidelands have been leased since 1967 beginning with DNR and then were transfer to CBS in 1997.

ATS 645 consists of 0.436 acres or around 19,000 square feet (SF) and is used for a portion of the house and some fill, as well as a dock. The applicants are planning to continue the residential use of the tidelands.

The proposed lease action would accomplish several important points:

- Transfer lease to the current property owners.
- Identify the 20' wide CBS sewer easement over the tidelands.
- The updated lease would be in line with current CBS policies.

On competitive bidding: SGC 18.15.010(E) states that all lease or sale of municipal property shall be by competitive bid unless the Assembly finds that competitive bidding is inappropriate due to:

- The size, shape, or location of the property, rendering it of true usefulness to only one party
- The nature of the property or circumstances surrounding its disposal such that a competitive bid would have unjust results to the existing lessee or adjacent/neighboring property owners.

SGC 18.20.130 also establishes an "upland owner preference" for tideland leases, which applies in this case. Additionally, there's a strong argument to be made that the circumstances surrounding the lease, were it to be competitively bid, would have unjust results for the existing lessee, who have been utilizing the tidelands for residential purposes for 58 years. Taken together, staff agrees with the applicant that competitive bidding in this case is inappropriate. Ultimately, the Assembly will determine whether competitive bidding is inappropriate – the Planning Commission may include this in their recommendation.

PROCEDURE

Sitka General Code Title 18 Property Acquisition and Disposal, Section 18.16 Tideland Lease Procedure, specifies three classes of approvals for permit and leases. The request filed is classified as a Class III approval.

The role of the Planning Commission for Class III approvals is to provide advice to the applicant and the Assembly on the request. This meeting serves as a platform for public comment on the proposal; notices were mailed to surrounding property owners.

If approved, CBS staff will work to draft a lease agreement document, the Assessor will perform an analysis of the value of the lease area, and terms will be reviewed by Finance, Planning, and Legal. Final approval would be sought from the City Assembly via ordinance, which requires two readings for approval.

ANALYSIS

Project/Site: The proposed lease area is 0.436 acres square feet of tideland. It is relatively flat along the area where it abuts the tidelands. The current and intended future use of the site is to continue as residential and used for a portion of the house and fill.

Traffic: No change in the level of traffic anticipated by leasing these tidelands. Area is zoned as R-1 single-family and duplex residential district.

Parking: Parking is located on upland property of 1604 Sawmill Creek Road. No change to parking is anticipated.

Noise: No change in the level of noise is anticipated by leasing these tidelands. Area is zoned as R-1 single-family and duplex residential district.

Public Health or Safety: No impacts to public health or safety is anticipated. EMS, police and fire can access the property.

Public Value or Neighborhood Harmony: No increase in property value or change to neighborhood harmony is anticipated as the use of the tidelands will remain consistent with current use.

Conformity with Comprehensive Plan: The proposal supports two Comprehensive Plan subjects/actions. Land Use actions 1.1a and 1.1e in the Technical Plan identify the need to, “provide for an adequate supply of land to meet community needs,” and, “protect and retain tidelands and prime waterfront locations in municipal ownership.”

RECOMMENDATION

Staff recommends that the Planning Commission recommend Assembly approval of the lease for the Municipal tidelands identified as ATS 645.

RECOMMENDED MOTION

“I move to recommend approval of the lease request for municipal tidelands located seaward of 1604 Sawmill Creek Road. The property is also known as ATS 645. I further recommend that the Assembly find competitive bidding for this lease would be inappropriate as there is an upland property owner preference, and competitive bidding would have unjust results to the existing lessee. The request is filed by Rose Risley and Brian Blankenship. The owner of record is the City and Borough of Sitka.