



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator 

From: Amy Ainslie, Planning & Community Development Director 

Date: July 17, 2024

Subject: Draft Jarvis Street Horticulture Site RFP

Background

In 2023, two local nonprofit organizations, Transition Sitka and the Sitka Local Foods Network made an application to CBS to lease municipal property for the purpose of creating a community garden. The applicants would like to be the host organizations supporting the proposed community garden, serving the overlapping interests of the two organizations to promote local food security and sustainable food systems. The applicants have proposed leasing approximately a 0.5-acre portion of 101 Jarvis Street for this purpose.

Following a town hall meeting, a review by the Planning Commission, and Assembly discussion in the summer/fall of 2023, the Assembly indicated that it was interested in moving forward with a potential lease of the property. Staff was asked to evaluate whether a competitive bid would be required, what the appropriate method for competitive bidding would be if required, and to bring back a draft of the competitive bid (again, if required) for Assembly consideration.

In consultation with Municipal Attorney Brian Hanson, prior to his departure, it was determined that the neither the nature of the property, nor circumstances surrounding its disposal, rendered competitive bidding inappropriate under SGC 18.15.010(E); therefore, it is staff's evaluation that a competitive bid process is necessary for the lease of the property.

There was some discussion during Assembly review about what the appropriate method would be for competitive bidding were it to be necessary. As the Assembly indicated that that price would not be a consideration under the lease, an Invitation to Bid or other means of auction were not deemed appropriate. There was also some discussion whether a Request for Qualifications (RFQ) would be preferable over a Request for Proposals (RFP); given that much of the requested information would be specific to the

development and use of the site, staff determined that an RFQ would be inadequate to solicit, review, and evaluate information specific to the development. Therefore, an RFP was deemed the most appropriate mechanism for competitive bid, and an initial draft was prepared for Assembly review.

Analysis

The draft RFP attempted to capture the following points from Assembly discussion in conjunction with input received from internal review, Planning Commission review, and public comment:

- The intended use of the property (horticulture) was defined, and differentiated from both the production of livestock/animal products as well as marijuana cultivation (neither of which would be considered under the RFP).
- Use of the property under its current zoning designation (public lands district) was explained and referenced. Proposals are expected to conform to requirements under the zoning code.
- Known information regarding wetlands and storm water requirements was provided.
- The structure of lease terms, and authorized/required activities during each term of the lease, were included to capture a progressive, milestone-based approach to managing the lease.
- Information requested of potential proposers includes their:
 - Applicable experience and qualifications to successfully complete development and operation of the site
 - Development plan, including a site plan, cost and schedule, and expected demand for utility services
 - Operating plan including the management structure, strategies for managing use and potential impacts of the operation, and contingencies for site remediation at the end of project life
 - Expected community benefits and contribution to Strategic Plan Action 1.5 resulting from the proposed project.
- The proposed scoring criteria include Experience & Qualifications, Development Plan, Operating Plan, Financial Viability, and Community Benefit. As drafted, all five of the criteria are equally weighted in terms of scoring proposals overall. Price was not included as an evaluation criterion.

Fiscal Note

Most expenses to facilitate a lease such as surveying, permitting, development, etc., are borne by the lessee. CBS does incur expenses to advertise a bid or RFP that can range from approximately \$200 - \$1000 depending on how widely/frequently it is advertised, as well as the use of staff time throughout the entire leasing process. The more tangible expenses such as advertising could be reimbursed by the lessee if so desired; staff anticipates that advertising expenses can be covered under budgeted advertising expenses.

At this time, the revenue resulting from leasing this property is undetermined – based on Assembly direction, revenue is expected to be nominal.

Recommendation

Staff recommends that the Assembly provide staff with feedback on the draft RFP, specifically the Lease Term Structure under Section C, any additional information that should be requested under Section D, and on the Scoring Criteria and their relative weighting under Section E. With Assembly direction, staff will finalize and publish the RFP.

Encl: Draft Jarvis Street Horticulture Site RFP
 Prior Assembly & Planning Commission Review (including minutes and
 packet materials)

**REQUEST FOR PROPOSALS
ISSUED BY
THE CITY AND BOROUGH OF SITKA, ALASKA
FOR
JARVIS STREET HORTICULTURE SITE
JULY 2024**

A. Overview

The City and Borough of Sitka (CBS) intends to lease approximately 0.5 – 1 acre of land within the northeast portion of Tract 4-B, ASLS 81-21 (“the Property”) for the purposes of a community garden or other horticultural related purposes that are consistent with the public lands district, the current and expected future zoning designation of the property. The lease parcel is not yet surveyed, as the intent is to retain flexibility for the selected Proposer(s) to identify a suitable location within the Property for horticulture use and development. An aerial vicinity map is provided to indicate the area of interest for lease.

CBS, through this Request for Proposals (RFP), is seeking qualified organizations (“Proposers”) who are interested in leasing the Property for horticultural purposes. CBS intends to select one Proposer to which a lease will be awarded subject to approval by the CBS Assembly, but may consider selecting more than one Proposer and reserves the right to not select any proposals received from this RFP.

It is the intent of the CBS Assembly to make this municipally owned Property available for horticultural use that benefits the community of Sitka, namely, but not exclusively, a community garden, and contributes to Action 1.5 of the Sitka 2022-2027 Strategic Plan, “Facilitate community partners to develop an action plan that will address the challenges of food security.” The most up-to-date Sitka 2022-2027 Strategic Plan is included in the appendices for reference.

Sitka General Code (SGC) 22.05.750 defines horticulture as the on-site production of plants or their products, including but not limited to gardening and fruit production. It is notable that products such as livestock, poultry, other animals, or the production of animal related products are not included in the definition of horticulture, and are not intended uses of the Property that will be considered under this RFP. Additionally, while a specific type of horticulture, marijuana cultivation is defined separately by SGC 22.05.1000 and is prohibited in the public lands district under SGC Table 22.16.015-6 Manufacturing/Storage Uses. Marijuana cultivation or any marijuana-related activities are not the intended uses of the Property that will be considered under this RFP.

B. Property Characteristics

1. General Description & Surrounding Uses

The area of interest for the lease is located on Jarvis Street, which is a right-of-way maintained by CBS. The property also contains a portion of the CBS Public Services Complex, Animal Shelter, and Solid Waste Transfer Station. The area is relatively flat, and contains wetlands per the U.S. Fish and Wildlife Service National Wetlands Inventory. The property immediate to the north is owned by the Alaska Mental Health Trust, a portion of which is currently being developed by the Sitka Homeless Coalition for their Hítx'i Sáani Community project. Adjacent uses on the opposite side of Jarvis Street include industrial uses, primarily storage facilities.

The selected Proposer(s) will be required to commission a survey of the lease area to be performed by a surveyor licensed in the State of Alaska which will be agreed upon between the selected Proposer(s) and CBS prior to execution of the lease documentation. The survey will be completed at the sole expense of the selected Proposer(s).

2. Utilities & Construction

Municipal water, sewer, and electric services (together, “utility services”) are available in the vicinity; the selected Proposer(s) will need to install utility service connections to the leased property. Proposers should include the expected size of utility services required for their development in their response.

Development of this land may increase stormwater runoff onto properties downstream. The selected Proposer(s) for this property will be required to adhere to CBS Stormwater Design Standards and complete a comprehensive hydrology study completed by a State of Alaska licensed Civil Engineer and accepted by the CBS Department of Public Works. The selected Proposer(s) for this property may also be required to complete a Storm Water Pollution Prevention Plan and/or Storm Water Treatment Plan.

Obtaining all necessary geotechnical information and applicable permits during planning, design, and construction shall be the sole responsibility of the selected Proposer(s).

3. Wetlands

There are mapped wetlands in the area identified by the U.S. Fish and Wildlife Service as freshwater forested/shrub wetland; the selected Proposer(s) will need to contact the Army Corps of Engineers to definitively determine wetlands delineation in the area, and for information regarding regulatory requirements for development in the wetlands. A map of known wetlands is available in the Appendices and provided as informational only. CBS makes no representations, determinations, or waivers of wetlands in the area and/or regulatory requirements for development of wetlands in this area.

4. Zoning

The property is zoned as P – public lands district. Excerpts of applicable sections of the zoning code (Title 22 of the Sitka General Code) related to the public lands district and horticulture are included in the appendices. Proposals are expected to conform to the requirements of Title 22.

Of note, SGC Table 22.16.015-6 Retail and Business Uses identifies that, “Horticulture and related structures” are an allowable use in the public lands district. While not defined in Title 22, expected structures related to horticulture include, but are not limited to, storage or tool sheds, or a greenhouse or other indoor growing facilities. A restroom facility would be a permitted, accessory use under Table 22.16.016-1 Accessory Uses. Additionally, “Agricultural product sales” are a prohibited use in the public lands district as found in Table 22.16.015-6.

Table 22.20-1 Development Standards lists the minimum setback distances and maximum height allowable in each zoning district, including the public lands district. SGC 22.20.040 and 22.20.070 together allow for fences to be placed on any portion of a lot subject to height limitations and requirements limiting visibility obstruction. Fences may be no greater than twenty feet in height in the public lands district.

C. Lease Term Structure

CBS anticipates that the lease agreement, if awarded, will be structured with the following terms. Authorized/required terms are included as examples; they are not necessarily exhaustive or final.

1. Initial Term - Three years

Authorized/required activities during this term include:

- An approved US Army Corps of Engineers (USACE) permit and/or proof that the development plans meet USACE regulations.
- A comprehensive, engineered drainage plan approved by CBS.
- If required, a Storm Water Pollution Prevention Plan and/or Storm Water Treatment Plan approved by CBS.
- A site remediation plan for project end of life approved by CBS.
- Site policies that address site use, security, wildlife attractants, pest and odor control, use of fertilizers, and use of pesticides approved by CBS.
- A final site plan approved by the CBS Planning Commission.
- Approved grading, foundation, building, and utility connection permits (as applicable) from CBS.
- Identification and successful completion of any other regulatory/permitting requirements.
- Proof of funds sufficient to complete project development.

2. First Renewal Term - Two years

CBS will grant the first renewal term if all identified activities were completed in the initial term and the lessee has remained compliant with all other lease requirements.

Authorized/required activities during this term include are:

- Site preparation and grading
- Building and construction
- Site operation

3. Successive Renewal Terms – Five terms, Five years each

CBS will grant up to five successive renewal terms, five years in duration each, for a total lease term of thirty years if the lessee has remained compliant with all lease requirements.

D. Requirements for Proposals

Proposers must include the following information arranged in this order in response to the RFP:

1. Cover Page (One page maximum)
 - a. Statement indicating response to CBS Request for Proposals for Jarvis Street Horticulture Site
 - b. RFP due date and time
 - c. Proposer name (and logo(s) if desired)
 - d. Acknowledged receipt of all RFP addenda (if any)
 - e. Other information/graphics as desired
2. Experience and Qualifications (Three page maximum)
 - f. Narrative statement of qualifications of your firm(s) or organization(s) and key consultants/contractors to be engaged, if applicable.
 - g. Qualifications of project manager(s) for construction/development and operations.
 - h. Statement of Proposer's applicable experience, and a list of projects previously completed of a similar nature including a construction cost (if applicable) and start/completion dates for each project.
 - i. Submit an organizational chart showing a designated project manager and staff, including consultants/contractors, if known. Separate organizational charts may be submitted for project construction/development and project operations if different.
3. Development Plan (Four page maximum)
 - a. Narrative description of the proposed development.
 - b. Development plan including project schedule with key tasks and milestones, estimated project cost, and availability/source(s) of funding.
 - c. A detailed site plan including approximate dimensions of proposed lease lot and proposed layout of lease lot including buildings, other structures/improvements, fencing/gating, parking, signage, and any other notable features.
 - d. Expected size of utility services needed. Size of water/wastewater utility services should be stated as the type and number of expected fixtures (i.e. sinks, toilets, hose bibs, etc.). Size of electric service should be stated in amps.
 - e. Statement of whether authorized/required activities identified in sections C(1) and (2) are realistic and achievable; if not, how should the terms be restructured?
4. Operating Plan (Three page maximum)
 - a. Narrative description of operating plan and proposed management structure.
 - b. Proposed strategies for managing site use and security, managing potential wildlife attractants, pest and odor management, use of fertilizers, and use of pesticides.
 - c. Financial viability of operations to include expected annual revenues and expenses.
 - d. Contingencies for site remediation at the end of project life.
5. Community Benefits (Two page maximum)
 - a. Narrative description of expected community benefits.
 - b. Project contribution to Strategic Plan goal of addressing food security challenges.

Responses are limited to the page maximums listed above. Margins will be one inch, all pages will be 8 ½” x 11”, and font size shall be no less than 11 point. Page margin and size requirements are waived for the site plan required for submittal under section D(3)(c) above.

E. Evaluation and Scoring

Responses to this RFP will be evaluated and scored by a CBS appointed Selection Committee based on the following criteria (100 points total):

Scoring Criteria	Description	Maximum Points
Experience & Qualifications	Experience and qualifications to successfully complete and operate the project	20
Development Plan	Quality, clarity, comprehensiveness, and feasibility of development plan	20
Operating Plan	Quality, clarity, comprehensiveness, and feasibility of operating plan	20
Financial Viability	Demonstrated financial feasibility of development and operations	20
Community Benefit	Breadth and depth of community benefits, contribution towards addressing the community’s food security challenges	20

CBS reserves the right to conduct interviews, require the submittal of additional detailed information, and/or ask questions specific to individual proposers to assist in scoring responses to this RFP. The Selection Committee will make recommendations to the Assembly based on its evaluation of the RFP responses.

F. Post Evaluation

CBS has not, as of the date of the preparation of this RFP, established a review timetable. Post evaluation, CBS anticipates the following review and approval process:

1. Preliminary proposal selection
2. Preliminary negotiation of lease terms
3. Presentation of Selection Committee recommendations to the CBS Assembly, and CBS Assembly direction to proceed with preparation of a lease based on negotiated terms
4. Preparation of lease agreement and ordinance authorizing lease
5. Assembly passage of ordinance authorizing lease
6. Execution of lease agreement

G. Submissions and Inquiries

Proposals must be received by 2:00 P.M. AKST, Thursday, August 22, 2024.

Proposals may be submitted:

- Through Bid Express (access via <https://www.cityofsitka.com/bids-rfps>)
- OR
- Hand delivered or mailed to:

City and Borough of Sitka
Attn: Municipal Clerk
100 Lincoln Street
Sitka, Alaska 99835

The exterior of packaging, containing the proposals, shall be clearly marked:
Jarvis Street Horticulture Site RFP.

Proposers must acknowledge receipt of all addenda – see section D(1)(d). It is the responsibility of Proposers to regularly check the website for addenda to the RFP.

Prior to the submittal, inquiries may be directed to Amy Ainslie, Planning & Community Development Director, City and Borough of Sitka at amy.ainslie@cityofsitka.org. While phone inquiries can be made to (907) 747-1814, emails are requested to allow for tracking of potential questions.

The CBS reserves the right to modify this RFP at any time. CBS further reserves the right to evaluate the proposals in any manner CBS deems appropriate.

CBS reserves the right to accept or reject any and/or all proposals, to waive irregularities or informalities in the proposals, and to negotiate a contract with the proposer that best meets the selection criteria. Authorization of all municipal land disposals, including leases, are entirely at the discretion of the CBS Assembly. While it is the intent of CBS to proceed with a lease of the property, nothing in this RFP should be construed as a commitment, guarantee, or promise on the part of CBS. All expenses, whether financial or otherwise, borne by Proposers in developing a response to this RFP are taken at the sole risk and cost of the Proposer.

The materials provided in this RFP and appendices are provided for informational purposes only. Potential proposers shall take responsibility for independently verifying all information. Any lease of the land will be in the condition “as is”. Any lessee will assume the entire risk as to the quality and suitability of the land for their intended purpose(s).

All Proposals received by CBS in response to this RFP are deemed property of CBS and are subject to the Public Records Acts following evaluation and preliminary proposal selection. CBS, or any of its agents, representatives, employees, or consultants shall not be liable to the Proposer or individual participating in a Proposal, as a result of the disclosure of all or a portion of a Proposal under this RFP. Any information contained in a Proposal which the Proposer believes constitutes proprietary or confidential, exempting the information from any Public Record disclosure, shall be clearly designated. Blanket designations shall not be accepted.

H. Appendices

- A. Aerial vicinity map – area of interest
- B. Known wetlands mapping
- C. Survey Document: Tract C, ASLS 79-4
- D. Excerpts from Sitka General Code Title 22, Zoning
- E. Sitka 2022-2027 Strategic Plan, Revised March 2024

DRAFT

Ron Vinson, Public Works Director, provided background information and noted both parties were in good standing with regulatory bodies and with past and current financial engagements. Municipal Attorney Brian Hanson stated the reassignment was contractually and legally allowed.

A motion was made by Ystad that this Item be APPROVED. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Ystad, Pike, and Carlson

Absent: 1 - Duncan

H [23-113](#)

Discussion/Direction/Decision of a Class III tideland lease filed by Evergreen Properties, LLC at 2309 Halibut Point Road

Planning Director Amy Ainslie provided an overview of the tideland lease, noting that 75% was filled and 25% submerged tidelands. The applicant owned the upland property and intended to continue using the uplands and tidelands property as a mobile/manufactured home park. Ainslie relayed that the Planning Commission had recommended approval of the lease with the condition it continue to be used as a manufactured home park.

The Assembly discussed and determined competitive bidding was inappropriate, desired a 30-year term at 5% of the assessed value, and wished to include a condition the property be used as a trailer park.

I [23-110](#)

Discussion/Direction/Decision on whether to proceed with a lease of municipal property on Jarvis Street for use as a community garden

Planning Director Amy Ainslie summarized the community garden proposal by two local nonprofit groups for the property on Jarvis Street. She explained direction was needed on whether to proceed with the leasing process and whether competitive bidding was appropriate.

The item was discussed, and direction was given to proceed with a lease and work with the Municipal Attorney to determine if there was a way to move forward without competitive bidding. If not, then an RFP would be developed with the item brought back to the Assembly for terms and conditions. It was also requested bonding be required and there be security and lighting at the site.

J [23-115](#)

Authorize the Municipal Administrator to pursue a funding opportunity and advocate to the Department of Energy for Advanced District Energy Heating from Renewable Resources and expanded supervisory control of the electrical system

The item was PULLED.

K [23-112](#)

Decision on whether to allow sales tax free day(s) following the Thanksgiving holiday and set date(s)

Eisenbeisz recused himself.

A motion was made by Christianson to authorize November 24 and November 25 as Sales Tax Free Days for 2023 noting the sales tax free days will not be



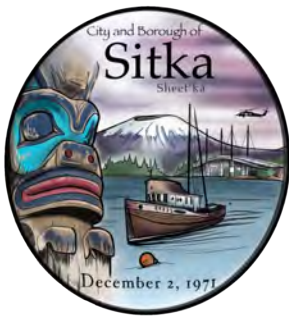
Haley Way

Beardslee Way

Jarvis Street

Smith Street

Price Street



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 23-01
Proposal: Lease request for community gardens
Applicant: Transition Sitka and Sitka Local Foods Network
Owner: City and Borough of Sitka
Location: 601 Halibut Point Road and 101 Jarvis Street
Legal: Lots 3, 4, 10, 11, 12, Block 6, Replat No.1, Dan Moller Subdivision, and a portion of Tract Four B (4-B), Alaska State Land Survey No. 81-21.
Zone: P - Public Lands District
Size: Approximately 0.5 acres
Parcel IDs: 1-5410-000 and 3-0300-000
Existing Use: Undeveloped
Adjacent Use: Residential, recreational, school, public service facilities, industrial
Utilities: Existing
Access: Halibut Point Road, Osprey Street, Jarvis Street

KEY POINTS AND CONCERNS

- Properties requested for lease are unsubdivided, undeveloped portions of larger municipal tracts.
- The Osprey Street site is next to Blatchley Middle School and the Vilandre Ballfield, as well as a moderate density residential neighborhood.
- The Jarvis Street site is in a large open space uphill from public service facilities and an industrial area.
- Both lots appear to have significant wetlands.
- The comprehensive plan supports use of municipal lands for community gardens.

ATTACHMENTS:

Attachment A: Aerial
Attachment B: Lease Area
Attachment C: Pictures
Attachment D: Project Narrative
Attachment E: Q&A
Attachment F: Letter of Support
Attachment G: Public Comment
Attachment H: Applicant Materials

BACKGROUND

The applicants for this request are two nonprofit organizations, Transition Sitka and the Sitka Local Foods Network. The applicants would like to be the host organizations supporting the proposed community gardens, serving the overlapping interests of the two organizations to promote local food security and sustainable food systems.

The applicants had a set of criteria they used to select prospective sites, ultimately leading to their request for the Osprey Street and Jarvis Street sites. The criteria were that sites must be at least a half-acre in size, have good southerly exposure, not be overly steep or irregular, be reasonably accessible to neighborhoods, ideally have access to municipal utilities though alternatives could be pursued, and that the community-at-large must be generally supportive, and willing to consider community garden sites as permanent civic improvements.

The applicants have developed conceptual designs of these sites in order to help paint the picture of what the garden developments could look like and operate as. However, given that these sites are undeveloped and may have some challenging conditions, significant investment on the part of the applicants is needed before a final design can be evaluated. The applicants need reasonable certainty that they will be able to develop and use the sites before making this investment. Therefore, staff's perspective is that it is too soon to evaluate specifics of the design such as garden plot layout, fencing and gate layout, parking areas, etc.

The purpose of this review should be to determine the following:

1. Should we lease municipal lands for community gardens?
2. Generally, are the selected sites good locations to have community gardens?
3. Are there any terms or conditions for the lease, or elements of the site design, that could be identified now as preventions, mitigations, or solutions to potential issues?

The Assembly will need to provide direction on whether or not to proceed with the lease, whether it needs to competitively bid, and any terms or conditions that should be in the lease.

SITE DESCRIPTIONS

Both sites are approximately half acre, unsubdivided and undeveloped areas within larger parcels.

Osprey Street

Description: This site is next to Blatchley Middle School and the Vilandre Ballfield. Its southern side abuts Osprey Street which serves the moderate-density residential neighborhood. The northern portion of the site is at the rear of the ballfield parking area and batting cage. It gently slopes from the south down to ballfield. The lot is heavily vegetated, with the southern end appearing dryer with larger trees and the interior appearing to be marshy or muskeg.

Access & Parking: Site has access from Osprey Street or via Halibut Point Road using Blatchley's south driveway. Developing additional parking on Osprey Street may not be practicable given the elevation difference between the site and the street, and it would result in additional traffic and

visual impacts for Osprey Street neighbors. Parking options should be evaluated during the study and design process.

Utilities: Utilities are available from Osprey Street and Halibut Point Road.

Jarvis Street

Description: This site is uphill of the solid waste transfer station and the animal shelter. Its southern side abuts Jarvis Street which serves public facilities and industrial properties. There is vacant, undeveloped land to the north owned by CBS and the Raptor Center. The property to east is the site of the Homeless Coalition’s proposed development. The lot is heavily vegetated, appearing to be almost entirely muskeg.

Access & Parking: Site only has access from Jarvis Street. Parking will need to be developed along with the garden area.

Utilities: All utilities are also available from Jarvis Street.

ZONING ANALYSIS

Both properties are in the public lands district, the intent of which is to, “...contain government-owned lands or lands owned by nonprofit institutions serving the public interest which are utilized for public recreation, education, or institutional uses.” (SGC 22.16.020.A).

A community garden best fits the zoning designation of “horticulture”, which SGC 22.08.453 defines as “...the on-site production of plants or their products, including but not limited to gardening and fruit production. Horticulture does not include construction of accessory buildings other than those specifically allowed in the zoning districts. It also does not include products such as livestock, poultry, other animals, or the production of animal related products.” “Horticulture and related structures” are a permitted use in the public lands district, meaning no conditional use permit is needed for either site.

While horticulture is a defined use in the code, there is no direct parking requirement specified. There are no analogous uses such as parks with defined parking requirements specified either. While not necessarily a clean fit, the closest use would be “community buildings, assembly halls, lodges, or union or social halls,” which carry a parking requirement of one space per ten seats. Applying this to the garden context, staff’s best interpretation would be to require one space per ten garden plots. With the current configurations, this would result in parking requirements of eight spaces at the Osprey Street site, and seven at the Jarvis Street site.

COMPREHENSIVE PLAN

Parks, Trails, and Recreation Action PTR 2.1g states, “Allow community gardens in undeveloped municipal park space.” The proposal is consistent with this comprehensive plan goal.

PUBLIC & STAFF REVIEW

Since receiving the application, a cross-department review and community townhall have been conducted to garner feedback and recommendations. As several overlapped, the results are compiled together here.

Observation/Concern	Prevention, Mitigation, or Solution
Wetlands on site	<ul style="list-style-type: none"> Adherence to US Army Corps of Engineers regulations and permitting requirements
Site drainage	<ul style="list-style-type: none"> An engineered drainage plan
Bear & pest attraction	<ul style="list-style-type: none"> Site to be fully fenced (perhaps electrified for Jarvis site). Also addresses site security for vandalism/theft concerns. Garden policies on fertilizers and composting to prevent odor Other pest control measures may be needed
Environmental impact	<ul style="list-style-type: none"> A storm water pollution prevention plan and/or stormwater treatment plan Garden policies on use of chemical pesticides and herbicides Efforts to minimize habitat impacts Policies to limit hours of operation, particularly for use of powered equipment needed for noise pollution
Site remediation	<ul style="list-style-type: none"> A plan to ensure site remediation at end of project life
Osprey Street Specific Feedback	
Parking conflicts with ballfield	<ul style="list-style-type: none"> A parking plan with agreement between applicants, Blatchley school administration, and Parks and Recreation Additional parking may be needed
Ballfield restroom availability	<ul style="list-style-type: none"> Understanding/agreement is needed between applicants and Public Works to determine restroom availability
Visual impacts for neighbors	<ul style="list-style-type: none"> Landscaping or preservation of vegetative buffers Amenities or benefits offered to neighbors

STAFF RECOMMENDATION

Lease Process & Terms

The applicant is interested in a long-term lease, preferably close to a total of thirty years broken into five-year renewal options.

If the Assembly decides to move forward with the lease, staff recommends that the initial term of the lease be three years with a list of deliverables (the preventions, mitigations, or solutions identified above and any others that arise at the Planning Commission or Assembly) that must be completed within the initial term before renewal terms can be exercised. Additionally, staff would recommend that one of those deliverables be a final site plan review and approval by the Planning Commission.

Land Use

The comprehensive plan has a clear policy direction to allow for community gardens in undeveloped municipal park space. The Osprey Street site clearly meets this policy preference. The Jarvis Street site, while not a park, is functioning like open space which seems to meet the intent of this comprehensive plan action.

The prevalence of wetlands on both sites may prove to be a limiting factor for these developments. However, if potential lessees wish to further explore the feasibility developing the sites, the lease structure proposed could accommodate this exploration and planning phase while providing adequate assurances for the lessees such to warrant the investment. This lease structure also creates a means by which to ensure that the concerns raised in review are adequately addressed.

RECOMMENDED MOTION

“I move to recommend approval of the request to lease portions of municipal property located at 601 Halibut Point Road and 101 Jarvis Street for the purpose of community gardens subject to the attached conditions of approval.”

Conditions of Approval:

1. The initial term of the lease should be three (3) years.
2. The first renewal option after the initial term should not be exercised until the lessee has:
 - a. An approved US Army Corps of Engineers (USACE) permit and/or proof that the development plans meet USACE regulations.
 - b. A comprehensive, engineered drainage plan approved by the Municipal Engineer.
 - c. A storm water pollution prevention plan and/or storm water treatment plan approved by the Municipal Engineer.
 - d. A plan to ensure site remediation at the end of project life.
 - e. Garden policies that address bear and pest management, odor, noise, and pesticide/herbicide use.
 - f. A final site plan approved by the Planning Commission including (but not limited to) garden layout, fencing specifications, parking plans with any necessary agreements, and buffers/visual impact mitigations.
 - g. Any other requirements that arise through the lease development and approval process.

Jarvis
Lot
Interior



Jarvis Street Surround



kitchen. Menu items would consist of cold sandwiches, pastries, and drinks which featured local products.

Potential impacts included increased vehicle and pedestrian traffic which was expected in the central business district (CBD). There were also no parking requirements in the CBD, so placement of the truck would not deduct from required parking. There were some possible effects on pedestrian safety during non-closure days when the food truck could impact use of the sidewalk. Staff followed up with the applicants and advised them to keep the sidewalk clear of queuing customers and provided guidelines for the placement of their sandwich board. Staff recommended approval.

Applicants Nathaniel Snyder and Cooper Harden were present. Snyder explained they had been operating at this location with a cart and tent. They had been using the truck for the hand washing facilities. Alderson asked the applicants if they would continue using the tent and how would the customers lineup. Snyder stated would like to keep using the tent when especially when its raining out. They would queue customers towards the tent and back from the sidewalk.

Public comment from Jay Stenzenmuller was in support, stating the more food trucks the better. Windsor had some concerns about access to and from the parking lot, but Commissioners ultimately agreed the driveway would still be accessible and usable.

M/Alderson-S/Mudry moved to approve the conditional use permit for a food truck at 330 Seward Street in the central business district, subject to the attached conditions of approval. The property was also known as Lot 1, of Shee Atika Subdivision. The request was filed by Nathaniel Snyder and Cooper Harden. The owner of record was SCOJO, LLC. Motion passed 3-0 by voice vote.

M/Alderson-S/Mudry moved to adopt and approve the required findings for conditional use permits as listed in the staff report. Motion passed 3-0 by voice vote.

E [LM 23-01](#)

Planning Commission review and recommendation on a lease request for municipal lands located at 601 Halibut Point Road (adjacent to Osprey Street) and 101 Jarvis in the P Public lands district. The lots are also known as Lots 3, 4, 10, 11, 12, Block 6, Replat No. 1, Dan Moller Subdivision, and a portion of Tract Four B (4-B), Alaska State Land Survey No. 81-21. The request is filed by Transition Sitka and Sitka Local Foods Network. The owner of record is the City and Borough of Sitka.

Ainslie introduced a lease request for City and Borough of Sitka (CBS) property for two community gardens sites at 601 Halibut Point Road adjacent to Osprey Street and 101 Jarvis Street. The applicants were two non-profit organizations, Transition Sitka and the Sitka Local Foods Network. These organizations would be the host for the community gardens as they had overlapping interest in food security. The applicants had criteria they used when looking for land to lease. This included sites that were at least a half-acre in size, had good southerly exposure, not overly steep or irregular, be reasonably accessible to neighborhoods, had access to municipal utilities and the community-at-large was generally supportive.

The Osprey Street location was next to the Vilandre Ballfield in a moderately dense residential neighborhood. Access would be from the south driveway to Blatchley Middle School. The Jarvis Street location was in a large open space uphill from CBS facilities and next to an industrial area. This development was still in the conceptual design process, and therefore it was too soon to evaluate design specifics. Ainslie

listed several questions that needed to be answered before leasing the property: should CBS lease municipal lands for community gardens, are these selected sites a good location, and what were the terms or conditions for the lease? The Planning Commission could then make a recommendation to the Assembly, who would provide direction to staff. Windsor asked if this was the only time the proposal would come before the commission and Ainslie suggested the commission should review the proposal again once the applicants had finalized the design. The recommendation needed at this point was to determine if these were suitable locations for community gardens.

Ainslie described the Osprey site as heavily vegetated, with the southern end appearing dryer with large trees and the interior appeared to be muskeg. There would need to be a conversation regarding parking as there were potential conflicts with recreation and school activities. Wetlands mitigation would be needed as well. The Jarvis site had more wetlands and had good sun exposure. It was adjacent to Mental Health Trust lands that were being leased to the Homeless Coalition. This use was defined as horticulture and was a permitted use in the public lands zoning district. There were no directly defined parking requirements in the code related to horticulture; the closest interpretation staff could find was an assembly or community hall, which required one parking space for every ten seats. Staff recommended requiring one parking space per ten garden plots.

CBS conducted an internal department review of the proposal and a community town hall had been conducted to gather feedback and recommendations. Staff compiled a list of concerns which included wetlands on site, drainage, bear and pest attraction, environmental impact, site remediation, parking conflicts with the ballfield, restroom availability, and visual impacts on neighbors. Mitigation of these concerns could include US Army Corps of Engineers regulations and permitting, an engineered drainage plan, site fencing, pest control measures, storm water treatment plan, policies on pesticides, hours of operation, site remediation plans, parking plan, use agreements for access to restrooms, and landscaping or preservation of vegetative buffers.

Ainslie stated community gardens were in the comprehensive plan to be allowed in undeveloped municipal park space which fit the Osprey location. The Jarvis location was functioning as open space which also met the intent of the comprehensive plan. Ainslie explained the prevalence of wetlands on both sites may be a limiting factor for the development but the lease structure could accommodate the lessees exploration and planning phases. It would also create a means to ensure concerns are addressed. A long-term lease was requested but staff recommended an initial shorter lease of 3 years with a list of requirements that had to be completed before any renewals could be executed. Staff recommended approval.

Applicants Leah Mason, Barbara Bingham, Charles Bingham were present. Mason spoke to the community aspect of having a community garden within walking distance of a neighborhood. Barbara Bingham stated they spent time canvassing both locations and they had been reaching out to the public over the past year and enthusiasm for the project seemed high. They were not asking for funding from the city and would be looking to apply for grants. Charles Bingham explained many people lived in locations where gardening was not available and this would increase their food security. Public comments from Jay Stelzenmuller, Lisa Sadleir-Hart, Andrea Fraga were in support of the proposal. Tom Jones and Jay Kendall were against the proposal, and letters read into record from Jo Cropley, Cyndi and Scott Cassidy were also against the proposal. Those opposed spoke specifically about the Osprey Street location, voicing concerns regarding the loss of the greenbelt which provided visual and sound buffers to the highway and school, the possible impacts of subsidence that could result, and increased traffic.

Alderson discussed costs and availability of food in the community, and was in support of both locations. Commissioners discussed the challenges of some of the sites including neighborhood impacts and the expense of developing in muskeg areas. Windsor and Mudry were both in favor of the Jarvis Street location, but opposed to the Osprey Street location. The Commission concluded 1) that CBS should continue to make lands available for community gardens and horticulture, 2) that the Jarvis Street location could be suitable but had mixed feelings on the Osprey Street site, and 3) a lease agreement for a community garden should have an initial term in which permitting, drainage planning, and site design can take place, but that those should be completed and approved before any use or development of the site.

No action was taken.

VIII. ADJOURNMENT

Hearing no objections, Acting Chair Windsor adjourned the meeting at 9:12 PM.