



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 19-01
Proposal: Tidelands lease for personal use dock
Applicant: Kris Pearson, John Hardwick, Ral West
Owner: Kris and Erica Pearson, John T. Hardwick Revocable Living Trust, Ral West
Revocable Living Trust
Location: 1401 and 1403 Halibut Point Road
Legal: Lots 1 and 2, Borhauer Subdivision
Zone: R-1 single-family and duplex residential district
Size: Lease parcel: 0.85 acres
Parcel ID: 1-5760-000, 1-5761-000
Existing Use: Residential and vacant
Adjacent Use: Residential
Utilities: Existing
Access: Uplands – via Halibut Point Road, tidelands adjacent to uplands property

KEY POINTS AND CONCERNS:

1. Competitive bidding is not required as the applicants are the upland property owners.
2. Though none raised to staff at time of authoring this report, there could be community concerns for proposed land use in terms of view obstruction, increased marine traffic, etc.
3. US Army Corps of Engineers will be consulted in the permitting for fixed dock installation and infrastructure.
4. Role of Planning Commission in this case is to examine the compatibility of the proposed land use, provide a public forum for public concerns, and make a recommendation to the City Assembly on the request.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of LM 19-01 to the Assembly.

ATTACHMENT

Attachment A: Aerial

Attachment B: Lease Area

Attachment C: Dock Plans

Attachment D: Resolution 94-580

Attachment D: Applicant Materials

BACKGROUND

The upland owners at 1401 and 1403 Halibut Point Road have each acquired their properties within 2019, with the hopes of utilizing adjacent tidelands for personal use docks. Given the shallow nature of this area, a 200' pier and 70' gangway will be needed access submerged tidelands with adequate depth for a fixed dock structure. The owners of these two properties have decided to share in the costs of this undertaking and build a dock to accommodate both property owners' needs. Properties are located within the breakwater of the harbor system.

PROJECT DESCRIPTION AND ANALYSIS

The upland property owners intend to build a personal use dock, consisting of a 12' x 200' pier, an 8'x70' gangway, and two floats sized 12'x40' and 12'x100'. Given then the distance between shore and submerged tidelands with adequate mooring depth, and fixed dock infrastructure, development expenses could be costly. The joint development plan proposed by the property owners is the most efficient and economic approach to this project. Further, joint development mitigates impacts/perceived disturbance of the area by minimizing duplication that would otherwise be present in separate dock facilities.

Competitive bidding is not required because the applicants are the upland property owners.¹ The CBS Assessor will determine the valuation of Parcel D. This value will be used to inform the Assembly's consideration.

A resolution passed by the City Assembly in 1994 when Thomsen Harbor improvements were taking place made provisions for tidelands use within the breakwater. Pertinent to this request, it states "Northward of 913 Halibut Point Road, only upland owners may apply to use Municipal tidelands seaward of their property for placement of mooring buoys or construction of private docks. Only vessels owned by upland owners, occupants, or family members of upland owners, not to exceed four vessels, may be moored at such private facilities."² The proposed use complies with the provision of this resolution.

¹ Sitka General Code 18.12.010(E)

² Resolution 94-580(12)

PROCEDURE

The Ports and Harbors Commission reviewed this request at their meeting on 9/11/19. The Commission voted unanimously to recommend approval of the request to the Planning Commission, noting that they did not believe the placement of the proposed dock, and the resulting marine traffic, would interfere with Harbor operations.

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 II approval – personal use docks and facilities that are immediately seaward of deeded lands and deeded tidelands. The role of the Planning Commission for Class II approvals (with the exception of mooring buoys – Class IIC), is to examine the compatibility of the proposed land use, provide comments on the proposal to the applicant and Staff, provide a public forum for public concerns, and make a recommendation to the City Assembly on the request.

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 hearings for approval.

As the perimeter of the docks exceeds 300 linear feet, it is a conditional use per the R-1 zoning of the properties. If the lease is recommended for approval, a conditional use permit will come before the Planning Commission for consideration at the next meeting.

ANALYSIS

Project/Site: The proposed lease area is approximately 0.85 acres of submerged tidelands within the breakwater. While there are floating docks and mooring buoys on the Halibut Point Road side of the breakwater, this would be the first larger-scale, pier and gangway accessed, fixed dock structure in the area.

Traffic: Access to the tidelands from land can only be accessed through the applicant's privately owned property at 1401 and 1403 Halibut Point Road. Marine traffic accessed through the channel within the breakwater.

Parking: Parking is located on the uplands. No change to parking anticipated.

Noise: Additional noise expected with moorage. Given heavy marine traffic from nearby docks, and in addition to personal use floating docks in the area, incremental noise addition should be within current ranges.

Public Health or Safety: No impacts to public health or safety anticipated. US Army Corps of Engineers and Building Department will be involved in permitting/constructing to ensure compliance with environmental and safety concerns.

Property Value or Neighborhood Harmony: Neighboring uses are residential in nature; there may be potential concerns for view encroachment or increased marine traffic in area. 1401 and 1403 are undeveloped or minimally developed – addition of dock and residential development would increase property value. Natural curvature of topography, width of lots (a combined ~215' of water frontage) and placement of proposed dock on approximate property line provide partial buffer to surrounding neighbors.

Conformity with Comprehensive Plan: The proposal conforms to the Comprehensive Plan's objectives to leverage municipal assets, develop new housing, and housing stock rehabilitation.

RECOMMENDATION

Staff recommends that the Planning Commission recommend Assembly approval of the lease for Municipal tidelands adjacent to 1401 and 1403 Halibut Point Road.

RECOMMENDED MOTION

- 1) I move to recommend approval of the lease request for Municipal tidelands located seaward of 1401 and 1403 Halibut Point Road. The properties are also known as Lot 1 and 2 Borhauer Subdivision. The request is filed by Kris Pearson, John Hardwick, and Ral West. The owners of record are Kris and Erica Pearson, John T. Hardwick Revocable Living Trust, and Ral West Revocable Living Trust.