



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

**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.**