



City and Borough of Sitka

PROVIDING FOR TODAY...PREPARING FOR TOMORROW

A Coast Guard City

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 21-01
Proposal: Tidelands Lease
Applicant: Thomas Williamson
Owner: Sharon and Lisa Williamson
Location: 1406 Sawmill Creek Road
Legal: All of Tract A, ATS 1327 and a portion of Tract B, ATS 1327
Zone: WD Waterfront district
Size: Lease area: 15,634 square feet
Parcel ID: 3-0500-000
Existing Use: Commercial
Adjacent Use: Commercial and residential
Utilities: Existing
Access: Uplands – via Sawmill Creek 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. Future permitting procedures will govern development within the lease area (construction, dock, etc.). Plans at this time for the lease areas are primarily boat storage.
3. 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 Assembly on the request.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend approval of LM 21-01 to the Assembly.

ATTACHMENTS

Attachment A: Aerial
Attachment B: Lease Area
Attachment C: Navigation Chart
Attachment D: Photos
Attachment E: Patent
Attachment F: Applicant Materials

BACKGROUND

The upland owners at 1406 Sawmill Creek Road have decided to sell the property. In the efforts to market it, feedback from potential buyers has been received (by both the property owner as well as the Planning Department) that access to the tidelands is desirable. Having a lease in place to transfer with the property appears to be the best way to facilitate ease of financing for a new owner and future development.

Approximately 77% of the tidelands in question are filled, with the remaining 23% being submerged. With a large amount of filled tidelands, the opportunities for development of structures, storage, or other uses are broad. A dock, boat lift, or other marine equipment/development could be possible on the submerged tidelands. However, the surrounding area is quite shallow and intertidal. Navigability in this area is limited to smaller vessels. Per SGC 22.12.050, all tidelands not shown as included within any zoning district are subject to all the regulations of the upland district immediately adjacent to the tidelands. In this case, that would be Waterfront zoning which offers a wide-range of residential, recreational, commercial, and industrial uses. Current plans are to maintain use of the property primarily for boat storage.

The State of Alaska transferred ownership of these tidelands to the City and Borough of Sitka (CBS) in 2010. A restriction in the patent for the property states that the grantee (CBS) may lease the land, but not sell it.

Staff believes that competitive bidding is not required because the applicants are the upland property owners; ultimately this will need to be confirmed by the Assembly. The CBS Assessor will determine the valuation of selected areas for lease which will also be used to inform the Assembly's consideration.

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. In this case, since a particular development is not yet proposed, the Planning Commission's considerations in providing a recommendation are primarily:

1. Land management: Is leasing the property in accordance with the request the best use of this municipal property?
2. The Assembly must decide whether there is a clear upland property owner preference right in order to directly lease the property to the applicant – does the Planning Commission also believe that there is a clear upland property owner preference right in this case?
3. Are there neighborhood concerns/impacts that should be considered?

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.

ANALYSIS

Project/Site: The proposed lease area is approximately one-third of an acre of tidelands, most of which are filled and almost indistinguishable from the surrounding uplands. In the surrounding vicinity, tidelands are primarily intertidal and shallow, limiting access/use to smaller vessels.

Traffic: Vehicular and pedestrian access to the tidelands can only be provided through the applicant's privately owned property at 1406 Sawmill Creek Road. No significant change in the level of traffic is anticipated by leasing these tidelands. Area is zoned as WD – moderate to high levels of traffic are expected in this zone.

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

Noise: No significant change in the level of noise anticipated by leasing these tidelands. Area is zoned as WD – moderate to high levels of noise are expected in this zone.

Public Health or Safety: No impacts to public health or safety anticipated. US Army Corps of Engineers and Building Department will be involved in any permitting/construction 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 and encourage use of WD lands for water-based commercial development.

RECOMMENDATION

Staff recommends that the Planning Commission recommend Assembly approval of the lease for Municipal tidelands adjacent to 1406 Sawmill Creek Road.

RECOMMENDED MOTION

I move to recommend approval of the lease request for Municipal tidelands located seaward of 1406 Sawmill Creek Road. The properties are also known as all of Tract A, ATS 1327 and a portion of Tract B, ATS 1327. The request is filed by Thomas Williamson. The owners of record are Sharon and Lisa Williamson.