



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Planning and Community Development Department

AGENDA ITEM:

Case No: LM 25-01
Proposal: Review and recommendation of a land sale proposal adjacent to 105 and 107 Bahovec Court
Applicant: Erik Bahrt
Owner: City and Borough of Sitka
Location: 105 and 107 Bahovec Court
Legal: A portion of Tract B and C, ASLS 79-4
Zone: C-2 - General Commercial and Mobile Home District and R-1 Single-Family and Duplex Residential District
Size: Adjacent to 105 Bahovec Ct, Approx. 6,384 sq. ft.
Adjacent to 107 Bahovec Ct, Approx. 13,854 sq. ft.
Existing Use: Undeveloped
Adjacent Use: Residential, Commercial
Utilities: Bahovec Court
Access: Bahovec Court

KEY POINTS AND CONCERNS:

- Municipally owned
- This section of Tract B and C, ASLS 79-4 is undeveloped
- Has significant natural drainage

ATTACHMENTS:

Attachment A: Aerial with zoning overlay
Attachment B: Alaska State Land Survey 79-4 and Plat 90-9
Attachment C: Site Overview
Attachment D: Photos
Attachment E: Applicant Materials and Narrative

BACKGROUND

The applicant has requested to buy a portion of land adjacent to their properties at 105 and 107 Bahovec Court. 105 Bahovec Court has two manufactured homes on the property and 107 Bahovec Court has one manufactured home. This section of municipal land abuts Kramer Avenue and has significant natural drainage running through the parcel. According to the applicant the creek behind their properties has been steadily eroding the bank and they would like to stabilize the creek embankment.

Given the drainage course that runs through this property, staff does not believe it is a good candidate for development – access from Kramer Avenue would be highly challenging given the proximity of the creek to the right-of-way, and much of the area would have to be encumbered by a drainage easement. Given these development challenges and the applicant’s motivation/intention for requesting the land purchase (stabilizing the embankment), staff would recommend that if a sale were to proceed, it should be done as boundary line adjustments to 105 and 107 Bahovec (i.e. not subdividing the requested land into its own lot(s)).

Sitka General Code 18.15.010(A) Real Property Disposal states; “*real property, including tidelands, and land acquired from the state, may be sold or leased only when authorized by ordinance*” and (E). “*Sale or lease of municipal real property, including tidelands, shall be by competitive bid, unless the assembly finds that competitive bidding is inappropriate, due to the size, shape, or location of the parcel, rendering it of true usefulness to only one party.*” Due to the location of the property and the significant natural drainage in the area, staff believes it is only useful to the adjacent property owner therefore staff recommends that competitive bidding is inappropriate.

The Public Works Department has determined that the natural drainage must be protect in a drainage easement large enough to provide CBS access and the ability to maintain. The Electric Utility Department had no concerns regarding this request.

PROCEDURE

- The Planning Commission will make a recommendation to the Assembly.
- The Assembly would determine whether to proceed with the request and set terms for the sale of the property.
- An ordinance to authorize the sale would be prepared in accordance with Assembly direction.
- A platting action (likely a boundary line adjustment) would be prepared by a surveyor and recorded along with quit claim deeds.
- An ordinance to rezone the newly formed lots (all as C-2 in accordance with the Bahovec zoning) would be reviewed and authorized by the Planning Commission and Assembly respectively.

ANALYSIS

Project/Site: This portion of Tract B and C, Alaska State Land Survey 79-4 is municipally owned but not developed. Access to the Bahovec Court parcels from Kramer Avenue is prohibited via the plat note on the Max Estates subdivision. The properties have significant natural drainage that

comes from the top of Kramer Avenue down through the tracts and flows through the culvert under Halibut Point Road to the water. This area is at a lower grade and is densely vegetated with trees and bushes. Area is zoned both C-2 general commercial and mobile home district and a small section of R-1 single-family and duplex residential district zoning towards the north on Tract C. The portions of Tract C that attach to the applicant's property would be rezoned to C-2.

Traffic: An increase in traffic is not anticipated as this area would attach to the existing 105 and 107 Bahovec Court properties.

Parking: Parking is located on private properties.

Noise: No change in the level of noise is anticipated.

Public Health or Safety: No impacts to public health or safety is anticipated. The adjacent properties have access for EMS, police, and fire. The applicant has stated that the safety of his properties would be improved by ready-access and control of the embankment and its stabilization.

Public Value or Neighborhood Harmony: The City and Borough of Sitka would benefit financially from the sale of undeveloped land, and the addition of property taxes gained by increasing the square footage of adjacent private property. The property owner could benefit from an increase in square footage to their properties in terms of value and usability.

Conformity with Comprehensive Plan: Land Use action LU 1.1.b asks us to "Consider social, cultural, environmental, and economic factors to support decisions to retain or dispose of land."

RECOMMENDATION

Staff recommends that the Planning Commission recommends the sale of municipal land to the Assembly for approval.

Motion to recommend the sale of municipal land

"I move to recommend the sale of municipal land in the C-2 general commercial and mobile home district and R-1 single-family and duplex residential district. The property is also known as a Portion of Tract B and C, Alaska State Land Survey 79-4. The request is filed by Erik Bahrt. The owner of record is City and Borough of Sitka.