

## Steps for leasing Borough-Owned Tidelands as per WMC 16.08

WMC 16.08.030 (A-B) (Applications)

- \_\_\_\_\_ Application, COMPLETE development plan as stated below, and \$250 application fee
- \_\_\_\_\_ To Planning & Zoning and Port Commission to comment on the lease request

**B. Along with the application for lease of tidelands, a development plan must be submitted for review by the planning and zoning and port commissions.**

1. Development Plan. A development plan that includes and is consistent with plans required by other agencies involved in the development process. The development plan shall include:

- a. A description of the proposed use for the tidelands, submerged land, and adjacent uplands; and
- b. A description of the improvements that will be placed on the tidelands, submerged land, and adjacent uplands; and
- c. The dates by which construction will begin and will be completed; and
- d. The estimated cost of the improvements that will be placed on the tidelands, submerged lands, and adjacent uplands; and
- e. A description of the effects that the proposed use of the tidelands, submerged lands, and adjacent uplands will have on public streets, public facilities, public services, public utilities, traffic, and parking. The description shall include a plan for mitigating adverse effects on streets, public facilities, public services, public utilities, traffic congestion, and parking, and a plan for paying the costs thereof; and
- f. The names and addresses of the owners, officers, and proposed managers.

The development plan shall describe how the applicant will fulfill the terms of any permits or approvals required by the City and Borough of Wrangell. The applicant shall provide such additional information, including designs and specifications, as the planning and zoning and port commissions may request. The planning and zoning and port commissions may require the applicant to amend its development plan. **All fees associated with the lease shall be paid by the applicant.** Such fees include but are not limited to an application fee, survey, assessment, public notices, and recording fees.

As Per WMC 16.08.040 (Appraisal – Required improvements)

- \_\_\_ Appraisal ordered by borough clerk
- \_\_\_ (If not classified, a Survey is required)

A. No tidelands shall be leased, or a renewal lease issued therefor, unless the same has been appraised within six months prior to the date fixed for beginning of the term of the lease or renewal lease. No land shall be leased for an annual rent less than six percent of the appraised value of the land and any improvements thereon owned by the borough.

B. Upon the filing of an application for a lease of a parcel of classified tidelands and the deposit of the costs estimated by the borough clerk, the borough assessor shall cause the tract, and any improvements thereon owned by the borough, to be appraised at their fair market value. If the borough assessor is unable to provide an appraisal, the services of a professional appraiser licensed in the state of Alaska may be used. The appraisal shall be transmitted by the assessor or appraiser to the assembly which shall review the same and determine the appraised value of the tract and improvements thereon owned by the borough. Facilities for supplying utility services shall not be considered as such improvements. The assembly shall determine the annual rental as six percent of the appraised value and shall determine any limitations, reservations, requirements, or special conditions to be included in the lease. **(Note that if the assembly does not approve the leasing of tidelands, the applicant will still be required to pay the appraisal fee).**

C. Each lease shall contain a requirement that the lessee construct improvements suitable for the use of which the land is classified of a specified minimum value within two years from the date of the lease and that a Corps of Engineers permit shall be obtained prior to construction when required. Improvements in the limited context of the tidelands leasing provisions may include a parking lot with fill or surfacing, drainage, ingress and egress as the assembly shall require. The applicant shall be notified of the amount of the minimum annual rental and the value of the improvements required to be constructed thereon.

As Per WMC 16.08.060 (Notice of publication)

- \_\_\_ Public Notice of Public Hearing (Assembly action to move forward)
  - Three consecutive weeks
  - Upland property owners within a 1200 ft radius shall receive notice and shall have the opportunity to protest the application

Once the planning and zoning and port commissions have both taken action on the application to go before the borough assembly, **the borough clerk will cause a notice of tidelands lease application to be published for three consecutive weeks before final action of the borough assembly to approve or reject the tidelands lease. The**

**publication shall be published in the newspaper at least two times, with the final publication at least one week prior to the final action on the application.** The notice shall identify the applicant, the location of the proposed lease, and the proposed use. The notice shall state that anyone wishing to protest the lease must file a written protest with the borough clerk not later than a date identified in the notice. Such protest shall be in writing and shall state all reasons for the protest. Failure to timely protest as required by this subsection shall constitute a waiver of any right to lease or use the location and shall waive any right to contest the awarding of the lease. No sooner than one week after the date set for receipt of protests, the borough manager shall submit to the borough assembly a report and recommendation on each protest timely received by the borough. No lease shall be approved by the assembly until the borough manager's report has been submitted to the assembly.

**Additionally, the borough clerk shall mail notice to the owners, as shown on the borough tax rolls, of upland property within a radius of at least 1,200 feet of the shore-side boundary of the tidelands or submerged lands to be leased. Such notice will not be sent to the applicant if the applicant is the owner of some of the upland property.**

As Per WMC 16.08.080 (Lease to be by negotiation)

\_\_\_\_\_ Borough Manager to negotiate lease with applicant

Leases may be negotiated by the borough manager or their designee with any person making application for the lease of tidelands, but no lease shall be consummated and executed until the borough assembly has satisfied itself that the lease of such property is in the long range interest of the borough, that such lease has been negotiated fairly and impartially and without favoritism and that the terms of the lease adequately protect the borough, including the receipt of an annual rental reflecting the true value of the premises leased.

As Per WMC 16.08.100 (Approval of leases)

\_\_\_\_\_ Assembly Approval

The decision to lease property shall be made by motion duly passed in regular or special session of borough assembly. In determining whether or not a lease should be issued, both the planning and zoning and port commissions shall take action on a recommendation (as per WMC 16.08.030 (B)(1), the reports of which shall accompany the request that goes to the borough assembly for consideration. If the borough assembly finds additional information is required, the borough assembly may consult with the planning and zoning or port commission as to the advisability of any particular lease.

Summary and checklist:

- \_\_\_\_\_ Application (to the borough clerk)
- \_\_\_\_\_ Development Plan (to the borough clerk)
- \_\_\_\_\_ Fee (\$250) (to the borough clerk)
- \_\_\_\_\_ To planning & zoning and port commissions for recommendations/comments
- \_\_\_\_\_ Appraisal (by the borough clerk)
- \_\_\_\_\_ Notice of publication for Public Hearing (borough clerk will publish)
- \_\_\_\_\_ Lease (negotiated by the borough manager) created and approved by borough attorney
- \_\_\_\_\_ To borough assembly for approval or rejection
- \_\_\_\_\_ Letter to requestor with decision and fees required