

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

3/11/2025

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:00 p.m., Tuesday, March 11, 2025 by Acting Chair Jos Govaars, and the roll was called.

CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL

PRESENT: Vice Chair Jos Govaars, Planning Commissioners Robb Arnold, Darlene D-Svenson, Janalee Gage, Diane Gubatayao and Michael Medford. Commissioner Trevor Shaw appeared via Webex.

STAFF PRESENT: Planning Director Frank Maloney, Associate Planner Alethea Johnson, and Platting/Zoning Clerk Crystal Vail

Govaars received no objection to reordering the agenda for a new members to be sworn in and election of officers to occur before the presentation of minutes.

SPECIAL ORDERS

New Commissioner Janalee Gage and returning Commissioner Robb Arnold repeated the Oath of Office with Clerk Vail.

Govaars explained there were two options for the Commission to use for electing officers. A commissioner could make a motion to appoint someone and require a second to the motion, or nominations could be held with ballots cast by commissioners.

M/S: SHAW/GUBATAYAO to appoint Jos Govaars as Planning Commission Chair

DISCUSSION

None

Upon roll call the vote on the MOTION was:

YES: GUBATAYAO, SHAW, GAGE, D-SVENSON, ARNOLD, MEDFORD

MOTION DECLARED CARRIED

M/S: GUBATAYAO/MEDFORD to appoint Trevor Shaw as Planning Commission Vice Chair

DISCUSSION

D-Svenson commented that Shaw being absent often may cause problems

Gubatayao asked if there was a procedure for addressing absences and the commission discussed with the clerk that guidelines were included in the PC Rules of Procedure.

Upon roll call the vote on the MOTION was:

YES: GUBATAYAO, GOVAARS, GAGE, ARNOLD, MEDFORD

NO: D-SVENSON

MOTION DECLARED CARRIED

SPECIAL APPOINTMENTS:

Ketchikan Historic Commission

M/S ARNOLD/D-SVENSON to appoint Diane Gubatayao as the PC representative on the Ketchikan Historic Commission

DISCUSSION

Gubatayao reported that she had been attending the meetings and will share a report later

Upon roll call the vote on the MOTION was:

YES: SHAW, GOVAARS, GAGE, ARNOLD, D-SVENSON, MEDFORD

MOTION DECLARED CARRIED

Creek Street Historic District Board

M/S D-SVENSON/MEDFORD to appoint Janalee Gage as the PC representative on the Creek Street Historic Board

DISCUSSION

none

Upon roll call the vote on the MOTION was:

YES: MEDFORD, GUBATAYAO, SHAW, ARNOLD, D-SVENSON, GOVAARS

MOTION DECLARED CARRIED

PRESENTATION OF MINUTES – PC Meeting Minutes of February 11, 2025

M/S: SHAW/MEDFORD to adopt the Planning Commission meeting minutes of February 11, 2025.

DISCUSSION

none

NO OBJECTIONS, MOTION CARRIED

CORRESPONDENCE

none

PERSONS TO BE HEARD

none

UNFINISHED BUSINESS/ PUBLIC HEARINGS

None

NEW BUSINESS/PUBLIC HEARINGS

Govaars described the procedures for public hearings and appeals of decisions of the Planning Commission/Platting Board. He read that the agenda was published on March 7, 2025, and hereby entered into the record.

Case 25-002 is a request for a preliminary plat to create 19 lots and dedicate three rights-of-way from Lots 5, 6, 7, 8, 108 and 11A and Tract 1 of Section 30, Township 73 South, Range 92 East, Copper River Meridian, According to the Alaska State Cadastral Survey 880073, recorded as Plat 90-7, Ketchikan Recording District; located in the Leask Cove area on Shelter Cove Road, Ketchikan Gateway Borough. Filed by the State of Alaska on December 13, 2024 – postponed by applicant request on 1/9/2025 to be placed on the agenda of March 11, 2025

Planner Johnson presented information on Case 25-002

Commissioners asked staff questions and discussed with staff about the following:

- Will the public easement be large enough for vehicle or ATV access or will there be a parking area on Shelter Cove Road for people to park and use the easement by foot?
- Access to Shelter Cove Road is through Revilla Road off of North Tongass Highway and Shelter Cove Road will be under DOT's management and will be maintained periodically.
- Neighboring property owners have expressed concerns about access from their property to Shelter Cove Road, these concerns are being addressed by AKDNR.

Tim Shilling from Alaska State Department of Natural Resources, presented information about the proposed subdivision and answered questions from the planning commission about the following:

- DOT is in the process of acquiring Shelter Cove Road, via easements through Cape Fox and USFS property, via White River Rd and Revilla Rd.
- Additional access easements will include expanding the proposed easement to 50 feet wide
- A rezone request will come forward to the PC at a subsequent meeting

PUBLIC COMMENT

Scott Nall, owner of a neighboring property, commented on the access easement, hoping that access would be platted as a road, to withstand vehicle traffic, to prepare for future development of the area.

Chris Boss, owner of a neighboring property, expressed concern that waterfront property owners will be restricted from accessing the road.

Bruce Hattrick, remote property owner, commented that the parcel is public property and AKDNR should create access to the road for all property owners in the area. He stated that the parcel is large enough to create the desired access and doing it later would be difficult.

Ron Towne, neighboring property owner, commented that the land has been public until this point and the proposed access does not seem equitable to all of the existing properties. He supported the new subdivision and asked AKDNR to propose equal access for all of the existing lots.

Victor Forester, neighboring property owner, commented that he would be willing to have some of his property be included in a wider access easement. He suggested a fee for access to keep unwanted visitors away.

Planning Commissioners asked Mr. Shilling if AKDNR had heard any of the public requests before this meeting and if he would consider the requests from the public for access ideas. Mr. Shilling said yes the comments had been viewed and considered in the revised proposal for a preliminary plat. He commented that the request for access to the Shelter Cove Road for the waterfront lots will be considered.

Planning Commissioners asked some follow-up questions to staff and discussed:

- Approving a preliminary plat and requesting an additional easement as a condition for final plat would be an acceptable process.
- A platted right of way would require improvements and a dedicated access easement would not require improvements
- There are no proposed restrictions for the access easement

Tony Barajas, neighboring property owner, commented that the proposed access easement through the first five or six lots will need to be wider than 10 feet because of the steep topography. He requested that all property owners in the area be included in the discussion.

M/S: D-SVENSON/MEDFORD to adopt Resolution 4487 A

M/S: SHAW/GUBATAYAO to amend Resolution 4487 A by inserting a new condition 12, requiring new access right of ways as contemplated during the discussion under Public Testimony on tonight's March 11, 2025 Planning Commission meeting.

DISCUSSION:

Medford clarified that the proposed easement is at least 10 feet wide.

Upon roll call the vote on the MOTION to amend was:

YES: GUBATAYAO, SHAW, GAGE, D-SVENSON, ARNOLD, MEDFORD, GOVARS

MOTION DECLARED CARRIED

M/S: D-SVENSON/MEDFORD to adopt Resolution 4487 A- AMENDED

Upon roll call the vote on the MOTION was:

YES: D-SVENSON, GUBATAYAO, SHAW, MEDFORD, ARNOLD, GAGE, GOVAARS

MOTION DECLARED CARRIED

Case 25-007 is a request for a conditional use permit to operate three mobile food vendors at 419/421 Dock Street, City of Ketchikan.

Govaars called for a recess to address a technical issue.

Upon resuming the meeting, Planner Johnson presented information on Case 25-007.

Commissioners asked staff questions and discussed with staff about the following:

- Creating a CUP for mobile food vendors that lasts longer than 1 year.

PUBLIC COMMENT

None

M/S: D-SVENSON/ARNOLD to adopt Resolution 4489 A

DISCUSSION

None

Upon roll call the vote on the MOTION was:

YES: SHAW, MEDFORD, GUBATAYAO, D-SVENSON, ARNOLD, GAGE, GOVAARS

MOTION DECLARED CARRIED

Case 25-008 is a request for a major variance to allow a detached accessory garage and dwelling unit to be constructed and encroach into the required front yard setback on property located at 16741 Waterfall Rd, Ketchikan Gateway Borough

Planner Johnson presented information on Case 25-008.

PUBLIC COMMENT

None

M/S: GUBATAYAO/D-SVENSON to adopt Resolution 4490 A

DISCUSSION

Gubatayao commented on the number of irregular properties in Ketchikan.

Upon roll call the vote on the MOTION was:

YES: GUBATAYAO, SHAW, GAGE, D-SVENSON, ARNOLD, MEDFORD, GOVAARS

MOTION DECLARED CARRIED

Case 25-009 is a request for a major variance for a garage to remain and encroach on the required left side yard setback located at 3021 Crest Avenue, Ketchikan Gateway Borough

Planner Johnson presented information on Case 25-009.

Commissioners asked staff questions and discussed with staff about the following:

- The house and garage were built in 1969 according to records and there have been no complaints about the placement of the garage.

PUBLIC COMMENT

None

M/S: D-SVENSON/SHAW to adopt Resolution 4491 A

DISCUSSION

None

Upon roll call the vote on the MOTION was:

YES: SHAW, GUBATAYAO, GAGE, ARNOLD, D-SVENSON, MEDFORD, GOVAARS

MOTION DECLARED CARRIED

Case 25-010 is a request to rezone Tract A1, White Rock Subdivision Phase V, from Planned Unit Development (PUD) to the PUD and Suburban Residential (RS) zones, located on the northwest side of Marble Lane, Ketchikan Gateway Borough

Planner Johnson presented information on Case 25-010.

There were no questions from the commissioners for staff.

Trevor Sande, of White Rock Holdings, LLC, explained that if the rezone and preliminary plat are approved, the design will allow for more usable area and more multi family dwellings to be constructed on the northern lots. The RS zone for the one lot is to restrict the height of development on that lot to protect others' viewshed.

PUBLIC COMMENT

none

M/S: SHAWMEDFORD to adopt Resolution 4492 A

DISCUSSION

Gubatayao expressed her excitement for this property to accommodate more homes.

Upon roll call the vote on the MOTION was:

YES: GUBATAYAO, SHAW, GAGE, D-SVENSON, ARNOLD, MEDFORD, GOVAARS

MOTION DECLARED CARRIED with a Recommendation of APPROVAL forwarded to the Assembly.

Case 25-011 is a request for a preliminary plat to create seven lots from Tract A, White Rock Subdivision, Phase IV, located on the northwest side of Marble Lane, Ketchikan Gateway Borough; filed by White Rock Holdings, LLC on February 14, 2025

Planner Johnson presented information on Case 25-011.

Commissioners asked staff questions and discussed with staff about the following:

- Parcels over 5 acres require FEMA input.

PUBLIC COMMENT

none

M/S: SHAW/GUBATAYAO to adopt Resolution 4493 A

DISCUSSION

none

Upon roll call the vote on the MOTION was:

YES: SHAW, GOVAARS, GUBATAYAO, GAGE, ARNOLD, D-SVENSON, MEDFORD

MOTION DECLARED CARRIED

Case 25-012 is a request for a major variance to allow an existing detached accessory garage to encroach into the required rear yard setback; located at 603 Deermount St, City of Ketchikan.

Planner Johnson presented information on Case 25-012.

Commissioners had no questions for staff.

The applicant appeared via Webex and was available for questions.

PUBLIC COMMENT

Chris Dalton, Deermount resident, objected to the variance because he believes the owner should have been aware of the encroachment at the sidewalk at the time of purchase.

D-Svenson asked Mr. Dalton if he knew when the structure was constructed and he stated he was not sure.

The applicant rebutted Mr. Dalton's comment with information regarding the variance request and clarified that the encroachment in question was from the garage's side wall, toward the rear of the property.

Planner Johnson explained to the commissioners that zoning compliance is not required for sale of a home and often there are issues that are not disclosed. It is when property owners apply for new uses or structures and they acquire a current as-built survey than many encroachments are discovered in existing structures.

M/S: D-SVENSON/SHAW to adopt Resolution 4494 A

DISCUSSION

None

Upon roll call the vote on the MOTION was:

YES: SHAW, MEDFORD, GUBATAYAO, ARNOLD, GAGE, D-SVENSON, GOVAARS

MOTION DECLARED CARRIED

Case 25-013 is a request for a perpetual conditional use permit to allow an art gallery to operate on property located at 603 Deermount St, City of Ketchikan.

Planner Johnson presented information on Case 25-012 and reminded the commission that conditional use permits are issued with the intent to authorize uses that are generally desired in a zone but are not suitable for every lot in that zone.

Commissioners asked staff questions and discussed the following:

- KGBC allows for perpetual CUPS for most uses. Mobile building CUPs are issued for one or three years.
- Planning commissioners can create conditions to alter the CUP awarded to make it a better fit for the specific neighborhood.
- The parking requirement is met with 3 total spaces for an employee, resident and shopper. The property is outside of the Centra Parking Area in the City of Ketchikan.

The applicant was present and explained that the request for a CUP does fit into the neighborhood character with the commercial operations across the street. He stated that the art and display is his son's idea and they would be open to a limited term permit.

PUBLIC COMMENT

Chris Dalton, Deermount resident, stated his objection to the art gallery opening. His concern was possible loss of revenue to surrounding businesses. He suggested the applicant find their own space away from the neighborhood. He read a list of names of people he said were against the approval of the CUP.

Gubatayao asked Mr. Dalton if his opinion changes with the information that it will not be a professional artist's gallery. He stated that he still objected.

D-Svenson and Mr. Dalton asked questions and answered that the objection was not about the age of the artist, but about possibly increasing the congestion in an already congested area.

Bruce Hattrick, Ketchikan resident, commented on his support of the conditional use permit. He stated any child that wants to put a business together and support the community should be supported. He believes the addition of an art gallery would enhance the neighborhood on that specific piece of property.

M/S: SHAW/GUBATAYAO to adopt Resolution 4495 A

M/S: D-SVENSON/GUBATAYAO to amend Resolution 4495 A to add a condition to limit the conditional use permit to three years.

DISCUSSION

D-Svenson commented that giving a business three years is a solid time frame time to evaluate success and gauge complaints from nearby residents.

Arnold commented that there was a business use requested at the February PC meeting and the PC recommended denial and asked if this was a similar request. Staff replied that the previous case was a rezone request to allow commercial uses in a residential area and this request was to approve a specific use that is allowed in the property's current zone with the award of a conditional use permit.

Medford clarified that if neighboring property owners have complaints they can follow the process of filing a complaint.

Gage clarified that the entrance to the art gallery would face the commercial properties in the area.

Upon roll call the vote on the MOTION to amend was:

YES: ARNOLD, D-SVENSON, GUBATAYAO, GAGE, MEDFORD, GOVAARS

NO: SHAW

MOTION DECLARED CARRIED

M/S: SHAW/GUBATAYAO to adopt Resolution 4495 A- AMENDED

DISCUSSION

Shaw stated that he was not in support of the amendment because he sees perpetual CUPs as the better option for business use. He stated he would be in support of the amended resolution to encourage the proposed business use.

Upon roll call the vote on the MOTION to adopt Resolution 4495 A AMENDED was:

YES: MEDFORD, SHAW, GAGE, GUBTAYAO, D-SVENSON, ARNOLD, GOVAARS

MOTION DECLARED CARRIED

Case 25-014 is a request to rezone Lot 2, North Jackson Heights Subdivision, Phase 2, Lot 1, Block 2, Rosemary Loop Subdivision, Phase 2, Lot 3, Block 1, Rosemary Loop subdivision, Phase 3, and Tract A4, Rosemary Loop Subdivision, Phase 3, from the Medium Density Residential (RM) zone to the Planned Unit Development (PUD) zone; located in the 1100 Block of Rosemary Loop Road and 3140 Jackson Heights Street, City of Ketchikan.

Planner Johnson presented information on Case 25-014

Commissioners asked staff questions and discussed the following:

- The property owner will develop the roads when the properties are subdivided. All required improvements will be the responsibility of the property owner.

The applicant was present and explained that all development will be to city standards. He explained that he is developing this property to RM standards. He plans to subdivide into multiple properties with dwellings at one time rather than platting each property as it is developed with a dwelling.

PUBLIC COMMENT

none

M/S: MEDFORD/D-SVENSON to adopt Resolution 4496 A

DISCUSSION

Shaw disclosed a potential conflict of interest regarding financial interest in an adjoining property.

The body took a recess from 8:52 p.m. – 9:00 p.m.

Upon returning from recess, Govaars asked Shaw if his financial interest would affect his ability to objectively review the request. Shaw answered no and Govaars ruled that Shaw would be eligible to vote on this item.

Upon roll call the vote on the MOTION was:

YES: SHAW, GUBATAYAO, GOVAARS, GAGE, ARNOLD, D-SVENSON, MEDFORD

MOTION DECLARED CARRIED and a recommendation of APPROVAL forwarded to the Assembly.

CONSENT AGENDA

None

REGULAR BUSINESS

None

REMARKS

DIRECTOR'S REPORT

Director Maloney reported on the following subjects:

- Reminder to Planning Commissioners to complete their annual financial disclosure
- Comprehensive plan update:
 - Open house was held on February 18th, 2025
 - Planning staff visited Ketchikan High School students and had them complete a survey similar to the Comprehensive Plan Survey
 - Working Group, small group discussions are scheduled for the week of April 7th, 2025.

COMMISSIONERS' COMMENTS

- Gubatayao reported that she had attended the Historic Commission meetings. They are working on a Historic Comprehensive Plan.
- Medford welcomed new Commissioner Gage

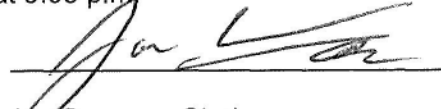
ADJOURNMENT

M/S: SHAW/ARNOLD moved to adjourn.

With no objection, the meeting was adjourned at 9:08 p.m.



Crystal Vail, Platting/ Zoning Clerk
Planning Commission/Platting Board



Jos Govaars, Chair
Planning Commission/Platting Board