

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

10/08/2024

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:00 p.m., Tuesday, October 8, 2024, by Chair Michael Martin, and the roll was called.

CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL

PRESENT: Chair Michael Martin, Vice Chair Jos Govaars (absent through the vote on Case 24-010, present before the beginning of the Workshop), Commissioners Robb Arnold, Darlene D-Svenson, Diane Gubatayao and Trevor Shaw

ABSENT: Commissioner Michael Medford

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

PRESENTATION OF MINUTES – Meeting Minutes of September 10, 2024

M/S: SHAW/GUBATAYAO to approve the Meeting Minutes of September 10, 2024

Upon roll call the vote on the MOTION was:

YES: ARNOLD, GUBATAYAO, D-SVENSON, SHAW, MARTIN

MOTION DECLARED CARRIED

SPECIAL ORDERS

None

CORRESPONDENCE

None

PERSONS TO BE HEARD

None

UNFINISHED BUSINESS/ PUBLIC HEARINGS

None

Chair Martin asked the body and there were no objections to reorder the agenda, placing Regular Business ahead of New Business.

REGULAR BUSINESS

Case 24-010 is a request for final plat approval to create four lots from Lot 1-A, SCI Replat, Ketchikan Recording District, located at 4085 Tongass Ave, City of Ketchikan. Filed by Harbor Point LLC on September 13, 2024.

Planner Johnson presented information on the final plat for Case 24-010

M/S:D-SVENSON/GUBATAYAO to approve the final plat to create four lots from Lot 1-A, SCI Replat, Ketchikan Recording District, located at 4085 Tongass Ave, City of Ketchikan. Filed by Harbor Point LLC on September 13, 2024.

DISCUSSION

Commissioner Shaw confirmed with Planner Johnson that the condition to print the Mylar after final plat comments are received was already included in the preliminary plat Resolution.

Upon roll call the vote on the MOTION was

YES – ARNOLD, GUBATAYAO, D-SVENSON, SHAW, MARTIN

MOTION DECLARED CARRIED

Workshop: Mile 17 Subdivision

The workshop started at 6:07 p.m. and included Planning Staff, Planning Commissioners and Joel Teune of R&M Engineering. The workshop concluded at 6:37 p.m. and the following topics were discussed:

- Process and timeline of choosing the preliminary plat design
- Flood Hazard mapping in relation to the proposed lots
 - Most of the area for development is toward the highway
- Wastewater systems installed will have to meet Department of Environmental Conservation (DEC) standards
- Rezoning of the property will likely be introduced to the Planning Commission after the preliminary plat is approved
- Process of purchasing one of the proposed lots
- Misconception that the approval of this preliminary plat will help with Ketchikan's housing problem
 - The proposed lots are valuable with high expenses required for development of roads and septic systems
 - Unique topography will create challenges for development
 - Can a section be dedicated to multi-family housing?
 - Is the proposed plat the highest and best use for the land?
- The income from the sale of the land may go into the Housing Fund and/or support future road projects.
- It is appropriate to send a request to the Assembly to find land to create affordable housing. The request can also be included in the discussions surrounding the Comprehensive Plan.

- Borough Code requires that proceeds from land sales go into the Land Trust Fund.
 - Can conditions be created for approval of the plat that include designating funding to the local Housing Fund?
 - There is a need for a broader and more comprehensive plan on how to use Borough Land
 - There is a need to help solve the housing problem in Ketchikan

NEW BUSINESS/PUBLIC HEARINGS

Chair Martin described the procedures for public hearings and appeals of decisions of the Planning Commission/Platting Board. He read the agenda published on October 4, 2024, into the record.

Case 24-038 is a request for a preliminary plat to create eight lots from Lot 4A-1, ASLS 85-73, Indian Bread Subdivision, Ketchikan Recording District, located on the northwest side of North Tongass Highway at Mile 17; filed by the Ketchikan Gateway Borough on August 16, 2024

Planner Johnson presented information on Case 24-038.

Commissioner D-Svenson asked a question regarding the creation of driveway aprons to each lot. Planner Johnson confirmed that each lot will create their own driveway, the Borough is not required to create them because they all front onto Tongass Highway.

PUBLIC COMMENT:

Charles Piercy, homeowner whose property abuts Lot 8 of the proposed plat. Mr. Piercy commented on the sale of the land for profit versus selling for the opportunity to grow the housing options in Ketchikan. He expressed his concerns over an easement in Lot 7 and Lot 8 which he uses to access his property.

M/S: SHAW/D-SVENSON to postpone Resolution 4477A until such time action is taken by the Borough Assembly to dedicate to the Housing Capital Fund all proceeds generated by the sale of any lots created under the proposed preliminary plat.

DISCUSSION

None

Upon roll call the vote on the MOTION was

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

MOTION DECLARED CARRIED

Case 24-040 is a request for a major variance to allow an existing attached accessory deck to remain and encroach into the required front yard setback at 1260A Millar Street, City of Ketchikan.

Planner Johnson presented information regarding Case 24-040

The applicant, Brieshan Kenoyer, was present and available to answer questions

M/S: SHAW/D-SVENSON to adopt Resolution 4478A

M/S: SHAW/D-SVENSON to amend Resolution 4478 A, Finding D to read as follows "The variance will not solely relive a pecuniary hardship because the only possible alternative having the same effect would require demolition of an exterior wall of a principal building.

DISCUSSION

None

Upon roll call the vote on the MOTION to amend was

YES – SHAW, GUBATAYAO, GOVAARS, ARNOLD, D-SVENSON, MARTIN

MOTION DECLARED CARRIED

Upon roll call the vote on the MOTION adopt Resolution 4478A – AMENDED was

YES – D-SVENSON, ARNOLD, GOVAARS, GUBATAYAO, SHAW, MARTIN

MOTION DECLARED CARRIED

Case 24-041 is a request for a major variance to allow an existing detached accessory shed to remain and encroach into the required front yard setback, and for the height of the shed to be increased at 1260A Millar Street, City of Ketchikan.

Planner Johnson presented information on Case 24-041

The applicant, Brieshan Kenoyer, was present and available to answer questions

M/S: SHAW/D-SVENSON to adopt Resolution 4479A

DISCUSSION

Commissioner Gubatayao clarified that the Resolution contained the condition that the variance will be in effect upon recording of a plat alteration which serves to combine three small lots to create one lot.

Upon roll call the vote on the MOTION was

YES – GOVAARS, SHAW, GUBATAYAO, D-SVENSON, ARNOLD, MARTIN

MOTION DECLARED CARRIED

Case 24-042 is a request for a major variance to allow an existing detached accessory garage to remain and encroach into the required side yard setback at 14877 N Tongass Highway, Ketchikan Gateway Borough.

Commissioner D-Svenson addressed Chair Martin asking to be excused from Case 24 - 042. Chair Martin asked Commissioner D-Svenson if the decision would cause the official, a family member or an entity to which the official owes a financial or fiduciary duty, to gain or lose income derived from a professional or private relationship? D-Svenson answered yes and was excused from Case 24-042.

Planner Johnson presented information on Case 24-042

The applicant, Lydia Stumpf, was present and available to answer questions

M/S: GUBATAYO/SHAW to adopt Resolution 4480A

DISCUSSION

Commissioner Shaw confirmed that there were no public comments received regarding Case 24-042

Upon roll call the vote on the MOTION was

YES – GUBATAYAO, ARNOLD, GOVAARS, SHAW, MARTIN

MOTION DECLARED CARRIED

Case 24-043 is a request to rezone Lot 2, U.S. Survey 2204, Ketchikan Recording District, from the Future Development (FD) zone to the Low Density (RL) zone, located at the north end of Spruce Hen Drive, Ketchikan Gateway Borough.

An "on the table" document was distributed which included the Staff Analysis for Case 24-043. A mistake was made during the publication of the agenda where the analysis for a different case was attached for this item.

Planner Johnson presented information on Case 24-043

Commissioners confirmed with Staff that:

- Access to Lot 2 is from Spruce Hen Drive
- All rezone cases are forwarded to the Assembly
- The 50-foot buffer imposed on the adjacent property owner is a result of the proposed rezone.
- There were no comments received from the adjoining property owner.
- Planning Commissioners directed staff to send a letter to the adjoining property owner explaining how the approval of the rezone would affect their property's development rights.
- If a property is not zoned, the default is Future Development (FD)

The applicant, Enoch Winrod, was present and available for questions.

Commissioners confirmed with the applicant that he had built 4 previous homes in the Snow Goose Development.

M/S: D-SVENSON/SHAW to adopt Resolution 4481 A

DISCUSSION

Commissioner Shaw confirmed that staff would send a letter to the adjoining property owner to explain the effects of the rezone on their property's development rights.

Upon roll call the vote on the MOTION was

YES – D-SVENSON, ARNOLD, GOVAARS, SHAW, GUBATAYAO, MARTIN

MOTION DECLARED CARRIED

Chair Martin described the procedures for appeals of decisions of the Planning Commission/Platting Board and closed the public hearing portion of the meeting.

CONSENT AGENDA

None

REMARKS

DIRECTOR'S REPORT

Planner Stek provided an update on the Comprehensive Plan process and timeline.

- In contract negotiations with the selected firm
- Next steps will include a joint meeting with the Assembly to form a Comprehensive Plan Committee.

Director Maloney reported on the following subjects:

- Member(s) of the Planning Commission will be expected to participate in the process of creating the Comprehensive Plan.
- Board of Adjustment Appeal for Case 24-035 will be scheduled by the Borough Clerk.
- Long Arm Cabin property was purchased.
- Clarification of what is included in the standard Property Owner Notification. A custom notice will be issued to the adjoining property owner of the proposed rezone in Case 24-043.

Commissioners and Director Maloney discussed the appeal process for Case 24-035 and what the participation level of commissioners will be during the hearing. Director Maloney confirmed that the duty of the commissioners is to be informed of the basis of the appeal. He reminded the commissioners that they can choose who will represent the Planning Commission during the hearing. There was discussion surrounding the basis of the appeal, the potential outcomes and the rights of the Planning Commission to choose legal representation.

COMMISSIONERS' COMMENTS

Commissioners thanked Staff for the thorough information and clear presentation of the meeting packet.

ADJOURNMENT

M/S: SHAW/D-SVENSON moved to adjourn.

With no objection, the meeting was adjourned at 8:07 p.m.



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



Jos Govaars, Acting Chair
Planning Commission/Platting Board