

**KETCHIKAN GATEWAY BOROUGH**

**Planning Commission/Platting Board Meeting Minutes**

**1/10/2023**

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:00 p.m., Tuesday, January 10, 2023, by Chair Sharli Arntzen and the roll was called.

**CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL**

PRESENT: Michael Medford, Michael Martin, Sharli Arntzen, Robb Arnold, Jacquie Meck, Joseph Mainardi and Jos Govaars

STAFF PRESENT: Director Richard Harney, Planner Jonathan Lappin, Planner Alethea Johnson, and Platting/ Zoning Clerk Jeremy Weber

**PRESENTATION OF MINUTES – Meeting Minutes of December 13, 2022**

M/S Medford/Martin to approve the Meeting Minutes of December 13, 2022 as presented.

Upon roll call the vote on the MOTION was:

YES: Govaars, Arnold, Medford, Martin, Mainardi, Meck and Arntzen

MOTION DECLARED CARRIED

**SPECIAL ORDERS**

M/S Govaars/Medford to appoint Sharli Arntzen to the Ketchikan Historic Commission

All in favor.

**CORRESPONDENCE – Chair Arntzen acknowledged the following correspondence items on the table:**

1. Correspondence from Nadra Angerman in regard to Case 22-004.
2. Three Correspondence from Planning Staff for Case 23-005.

**PERSONS TO BE HEARD – None**

**UNFINISHED BUSINESS/ PUBLIC HEARINGS - None**

**NEW BUSINESS/PUBLIC HEARINGS**

Sharli Arntzen described the procedures for public hearings and appeals of decisions of the Planning Commission/Platting Board. She then read the agenda published on January 6, 2023, into the record.

**WITHDRAWN by Staff for an ADMINISTRATIVE DECISION** - Comments on this request provided under Persons to be Heard will be considered in Staff's review.

Case 23-006 is a request for a preliminary plat to create four lots from an unsubdivided remainder of Wacker Townsite, U.S. Survey 1056 (commonly known as Block 8); located at the 8000 Block of Imhoff Avenue; filed by Christopher Moore on December 16, 2022.

**WITHDRAWN by APPLICANT** - Case 23-003 is a request for a major variance to allow an addition to an existing residence to be constructed and encroach into the required side yard on Lot 5, Block 7, USS 437, KR D; located at 1022 Dunton Street, City of Ketchikan.

Withdrawals acknowledged.

Case 22-072 is a request for a minor variance to allow an existing residence to remain and encroach into the side yard setback on Lot 9B, Block F, U.S. Survey 1781, located at 3316/3318 Ohana Court, City of Ketchikan.(Resolution 4404)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The residence was built by a previous owner and the applicant discovered the minor encroachment on the as-built survey of their property while applying for a new zoning permit.
- The minor variance was administratively approved; however, an adjacent property owner requested that the case be forwarded to the Planning Commission.

Planner Johnson clarified for Chair Arntzen that the concrete retaining wall was shown but was not pertinent to the variance and that the variance was for the whole southern side of the house.

Planner Johnson stated for Commissioner Mainardi that the referral to Planning Commission was because of a concern of future uses and was not in regard to the variance requested for the house.

The applicant Russell Kearney was in attendance and stated that he was just trying to build a fence.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Marinardi/Martin to adopt Resolution 4404 A

Upon roll call the vote on the MOTION was:

YES: Govaars, Arnold, Medford, Martin, Mainardi, Meck and Arntzen

MOTION DECLARED CARRIED

Case 23-001 is a request for a preliminary plat to subdivide Lot 54-C of the Wolf Subdivision into two lots, with a major variance to reduce a required rear yard setback to 15 feet; located at 8/42 Lexi Lane, Ketchikan Gateway Borough. Filed by Tracy and Kirk Wolf on December 16, 2022.(Resolution 4405)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The applicant sought to reduce one of the setbacks to allow for the construction of a dwelling on a rock knob close to the northern lot line. If approved, the setback would be reduced from 20 feet to 15 feet.

The applicant Kirk Wolf was in attendance and available for questions.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Martin/Mainardi to adopt Resolution 4405 A

Chair Arntzen said she appreciated that the owner requested permission prior to construction.

Upon roll call the vote on the MOTION was:

YES: Govaars, Arnold, Medford, Martin, Mainardi, Meck and Arntzen

MOTION DECLARED CARRIED

Case 23-002 is a request for a one-year conditional use permit to allow three (3) mobile food vendors to operate on Lots 16A, 16B, and 17, USS 437 KRD; located at 419/421 Dock Street, City of Ketchikan.(Resolution 4406)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The applicant would like to new a CUP to allow three (3) food trucks or other mobile food vendors to operate on designated areas of their property for more than two hours on any given day.

Planner Johnson stated for Chair Arntzen that additional requirements were being imposed by the City of Ketchikan.

Planner Johnson clarified for Commissioner Mainardi that conditional use permits for mobile vendors require a renewal every year and are basically new permits. There was no clause in the code that would make mobile food vendors perpetual CUPs.

Planner Johnson stated that at the last hearing that they were planning on building a restroom for public use.

The applicant Amber Adams was in attendance.

Mrs. Adams stated for Commissioner Govaars that there will be four sewer branches to accommodate three vendors and one for the restrooms. The City of Ketchikan has required that the restrooms were operational prior to opening.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Medford/Govaars to adopt Resolution 4406 A

Upon roll call the vote on the MOTION was:

YES: Govaars, Arnold, Medford, Martin, Mainardi, Meck and Arntzen

MOTION DECLARED CARRIED

Case 23-004 is a request for a major variance to allow an existing shed and an existing carport to remain and encroach into the side yard setbacks on Lot 13, USS 2554, KRD; located at 219 Potter Road, Ketchikan Gateway Borough.(Resolution 4408)

Planner Johnson summarized the written staff report, in which staff recommended approval.

- The applicant discovered the encroachments on the as-built survey of their property while applying for a tideland plat.

Planner Johnson stated for Chair Arntzen that the house was built in 2008 by the current owner. The original site plan depicted the house built parallel to the property line, but the applicant changed the plans to orientate the front of the structure toward the waterfront. The carport that encroached into the setback was built after 2009 without a zoning permit or foundation inspection.

The applicant Larry Jackson stated that the reason for changing the orientation of the primary house was dictated by a growth of old trees that they did not want to remove. He stated that he had submitted an as-built survey after it was built, and nothing was mentioned at the time about the encroaching carport.

Larry Jackson stated for Chair Arntzen that he saw both neighborhood comments provided.

Neighboring property owner John Harrington spoke in opposition to the requested variance for the greenhouse. Further he took issue with the commercial use on the applicant's dock. However, he said he did not object to the variance for the carport.

Mr. Harrington suggested that the applicant might be able to acquire a portion of his adjoining lot. This would have the effect of providing the needed area for the setback for the greenhouse while at the same time lining up the existing dock with the applicant's modified lot.

Mr. Harrington provided the commission with additional documentation that related to his complaint to the greenhouse setback and the tidelands survey.

Neighboring property owner Darlene D Svenson spoke in opposition to the variance. She stated the Jackson's had a history of building first and asking for permission later.

Neighboring property owner Nadra Angerman spoke in opposition to the requested variance and felt that many people in the neighborhood would be negatively impacted by the after-the-fact approval.

Larry Jackson rebutted Mr. Harrington's complaint about the orientation about the tidelands and stated that that was determined by the surveyor. He further stated that the tidelands process started six years prior because of how long the process takes through the State.

Mr. Jackson clarified for Chair Arntzen that he rented out the guest house and the dock and boat were part of a package deal.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Govaars/Martin to adopt Resolution 4408 B

Planner Johnson said she was not aware of any complaints related to this property.

Chair Arntzen had a problem deciding this case based on all of the surrounding circumstances even though they do not entirely relate to case 23-004.

Director Harney stated that rental package deals with a guest house that included cars, boats, or docks were not considered as commercial use. These were considered ancillary uses to the short-term rental. In addition, Planning Staff was only able to go off what the applicant had stated since no formal complaints were filed.

Commissioner Medford felt a postponement would be appropriate with the surrounding issues.

Commissioner Govaars moved to remove his prior motion with no objections from the

Commission.

M/S Martin/Govaars to postpone to March 14, 2023.

Upon roll call the vote on the MOTION was:

YES: Govaars, Arnold, Medford, Martin, Mainardi, Meck and Arntzen

MOTION DECLARED CARRIED

Case 23-005 is a request to rezone a portion of U.S. Survey 1666 and the adjoining Lot 5B of the H&A Development Subdivision from Heavy Industrial (IH) and Light Industrial zone with Special Limitations (IL/SL) to the General Commercial (CG) Zone; located at 2870/ 2872 South Tongass Highway and 2900 Block South Tongass Highway, Ketchikan Gateway Borough.(Resolution 4409)

Planner Lappin summarized the written staff report, in which staff recommended approval.

- The applicant sought to rezone the property to allow for mixed commercial and residential uses.
- The proposed rezone will also eliminate a special limitation requiring a 50-foot buffer along the southeastern property boundary abutting the Low-Density Residential (RL) zone.
- Development standards for the CG zone require setbacks and/or sight-obscuring fences where commercial activity abuts the RL zone.

Planner Lappin stated for Commissioner Martin that the reason for the rezone was the applicant felt the smaller lot sizes were more appropriate for Commercial zoning.

The applicant was not in attendance.

Hearing no additional public testimony, Chair Arntzen declared the public hearing closed.

M/S Mainardi/Govaars to adopt Resolution 4409 A

Upon roll call the vote on the MOTION was:

YES: Govaars, Arnold, Medford, Martin, Mainardi, Meck and Arntzen

MOTION DECLARED CARRIED

**CONSENT AGENDA**

**REGULAR BUSINESS**

Local Concurrence on Paving Restriping and other maintenance on Tongass Avenue.

M/S Martin/Medford to postpone the local concurrence to February 14, 2023

Upon roll call the vote on MOTION was:

YES: Govaars, Arnold, Medford, Martin, Mainardi, Meck and Arntzen

MOTION DECLARED CARRIED

**REMARKS**

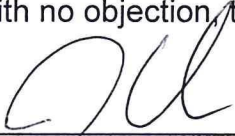
DIRECTOR'S REPORT

**COMMISSIONERS' COMMENTS**

**ADJOURNMENT**

M/S Martin/Mainardi moved to adjourn.

With no objection, the meeting adjourned at 7:50 p.m.



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Jeremy Weber, Platting/ Zoning Clerk  
Planning Commission/Platting Board



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Sharli Arntzen, Chair  
Planning Commission/Platting Board -