

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

1/12/2021

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order via Video Conference at 6:00 p.m., Tuesday, January 12, 2021, by Chair Sharli Arntzen, and the roll was called.

CALL TO ORDER - PLEDGE OF ALLEGIANCE – ROLL CALL

PRESENT: Sharli Arntzen, Jacquie Meck, Licha Kelley-King, Michael Medford, Jos Govaars, and Joseph Mainardi.

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

PRESENTATION OF MINUTES - Meeting Minutes of December 8, 2020

M/S Medford/Mainardi moved to approve the Meeting Minutes of December 8, 2020 as presented.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Kelley-King, Govaars, Medford, Mainardi, and Meck

MOTION DECLARED CARRIED

SPECIAL ORDERS - None

MOTION DECLARED CARRIED

CORRESPONDENCE

PERSONS TO BE HEARD - None

UNFINISHED BUSINESS/ PUBLIC HEARINGS - None

NEW BUSINESS/PUBLIC HEARINGS

Chair 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 9, 2021 into the record.

Case 20-071 is a request for a conditional use permit (CUP) for a mobile food vender use on Lot 1, Block 4, of the Crowder/Karlson Subdivision, Plat 2006-31; located at 4227/4229/4231 Don King Road, City of Ketchikan. (Resolution 4284)

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

- The applicant sought to park a food truck on the property for the sale of food and beverages.
- A CUP was required to allow a mobile food vendor to operate on one lot for more than two hours per day.

Planner Johnson stated that there were three shipping containers and a stick-built structure on the lot and all of the structures had been previously permitted.

Planner Johnson clarified that there were no parking requirements for a mobile food vendor. She explained that for a restaurant use, parking is based on the number of employees and seats.

Planner Johnson stated that there was no picture because the CUP was for a mobile food truck and the applicant had submitted a site plan. She further stated that there were roughly 20 parking spots on the property.

As the applicant was not present and there was no additional testimony, Chair Arntzen declared the public hearing closed.

M/S Meck/Kelley-King to adopt Resolution 4284A

Planner Johnson stated for Chair Arntzen that the CUP was for 12 months and could be renewed in 12 month increments thereafter.

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

MOTION DECLARED CARRIED

Case 20-072 is a request for a conditional use permit (CUP) for to permit an accessory dwelling use on Lot T-1, Subdivision of Lot T, USS 2402, Plat 94-27; located at 6560 Roosevelt Drive, Ketchikan Gateway Borough. (Resolution 4285)

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

- The applicant sought to construct an ADA compliant tiny house on a pad located in the rear of their property.
- A CUP was required because the accessory dwelling was be detached from the principal dwelling.

Planner Johnson explained to Commissioner Govaars that the applicant would be required to connect to service area water.

As the applicant Sheen Davis was present and there was no additional testimony, Chair Arntzen declared the public hearing closed.

M/S Medford/Mainardi to adopt resolution 4285A:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

MOTION DECLARED CARRIED

CASE 20-073 is a request for a conditional use permit (CUP) for an accessory dwelling unit use for Lot 125, USS 1802, Forest Park Subdivision Plat 74-6; located at 83 Mountain Ash Heights, Ketchikan Gateway Borough. (Resolution 4286)

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

- The applicant sought to build a cabin in their back yard.
- A CUP was required because the accessory dwelling would be detached from the principal dwelling.

As the applicant was present and there was no additional testimony, Chair Arntzen declared the public hearing closed.

M/S Mainardi/Medford to adopt resolution 4286A:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

MOTION DECLARED CARRIED

Postponement Requested by Applicant

Case 20-074 is a request for a major variance to allow a carport to be constructed and encroach into the front yard setback on Lot 37A, USS 1229; located at 866 Monroe Street, City of Ketchikan.

Commission Accepted Postponement Request

Case 20-075 is a request for a major variance for a garage to remain and encroach into the front yard setback on Lot 90, USS 2804; located at 10561 Collins Court,

Ketchikan Gateway Borough. (Resolution 4288)

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

- The applicant discovered the encroachment while reviewing zoning permits.

Planner Lappin stated that when the structure falls down it wouldn't be permitted to be rebuilt in its present location but could be rebuilt based on condition 4.

Planner Lappin stated for Commissioner Govaars that the structure sits nine feet into the class two road. Mr. Govaars felt the road was not built to borough road standards. Director Harney stated Collins Court was likely built in the 70s predating the adoption of road standards by the Borough in 2012.

Planner Lappin stated that the structure based on current assessment was only worth \$3,500 and condition three stated that no more than 25% of the structure's value could be spent in upgrades.

Applicant Christian Biagi stated that his father was an avid fisherman and wanted the structure to house his father's boat out of the rain.

Mr. Biagi stated that the structure was of value to his family and if it were to come down he would be okay rebuilding the structure within the confines of the conditions presented in the resolution.

Mr. Biagi stated that he had no intention to do any work on the structure.

Planner Lappin clarified for Commissioner Medford that the intent to limit the amount of money to fix the structure was to encourage the property to rot away since a portion of it was built in the right-of-way. He also stated the size of the structure that could be rebuilt of 400 feet was not based on any standard and could be amended to reflect a larger footprint, if the Commission chose to do so.

Mr. Biagi stated that the square footage of the garage was not an issue since it was dictated by the curvature of the existing road.

Director Harney clarified that the 400 square foot size condition was based on the existing structure. The conditions were written to incorporate the desires of the applicant but considered future owners of the property as well. However, if the commission chose to change Condition 4 to be more lenient, they could remove the square footage restriction but leave the "one-story structure" portion alone.

Director Harney stated that the intent behind condition 3 was to back stop short falls that had been experienced in the past when dealing with structures that encroached into the right-of-way. One of the biggest issues in the past when allowing these structures to remain and encroach was that property owners would gut or leave three walls standing

and then rebuild. This further lengthens the amount of time that these structures would remain and encroach in the right-of-way.

As there was no additional testimony. Chair Arntzen declared the public hearing closed.

M/S Mainardi/Meck to adopt resolution 4288A:

M/S Mainardi/Medford to amend resolution 4288A:

- Amend Condition 4 to reflect "not more than 600 square feet"
- Amend Condition 4 to reflect "Plat P-202, KR D"

Upon roll call the vote on the MOTION for an amendment to Condition 4:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

M/S Medford/Mainardi to amend resolution 4288 A:

- Amend Condition 3 if accompanied by "licensed appraiser or licensed real estate broker, and an estimate for the cost of the repairs prepared by a licensed contractor. If the cost of repairs exceeds 25% of the as-is appraised value of the garage the permit shall not be issued and the work cannot be completed"

Upon roll call the vote on the MOTION for an amendment to Condition 3:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

Upon roll call the vote on the MOTION to adopt 4288A as amended:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

MOTION DECLARED CARRIED

Case 20-076 is a request for a Preliminary Plat to create 7 lots from Lot 4A, White Rock Estates Subdivision, Phase II, located on the west side of Marble Lane, Ketchikan Gateway Borough; filed by White Rock Development LLC on December 14, 2020. (Resolution 4289)

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

- The applicant sought to subdivide a property that was previously rezoned to a Planned Unit Development (PUD).
- Access to all lots within the subdivision would be through a private drive located within an access and utility easement.

Mr. Sande stated for the Commission that the changes to the plat to reduce the number of lots was due to current time and development constraints he was faced.

As there was no additional testimony, Chair Arntzen declared the public hearing closed.

M/S Mainardi/Govaars to adopt resolution 4289A:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

MOTION DECLARED CARRIED

CONSENT AGENDA

Request for a final plat to alter Lots 6-A and 6-B, USS 2678; located at 695 Sunset Drive, Ketchikan Gateway Borough (Case 20-066).

M/S Medford/ Meck to adopt the consent agenda:

Upon roll call the vote on the MOTION was:

YES: Arntzen, Govaars, Mainardi, Kelley-King, Medford, and Meck

MOTION DECLARED CARRIED

REGULAR BUSINESS

Commissioner Arntzen stepped down as Chair and turned the gavel over to Commissioner Govaars due to a conflict of interest.

Case 20-078 is an appeal to an administrative decision to revoke an administratively issued zoning permit, Zoning Permit, 10703, for a residential use of Unit G-2 of the Marine View Condominiums, located at 2422 Tongass Avenue.

Appellant: Attorney Bryan Shultz representing James Davis. Mr. Shultz stated Mr. Davis moved to Ketchikan several years ago from Port Protection, around 2015, to help a friend at the end of his life. Sometime after Mr. Davis lost the use of one of his legs and needed a residence that could accommodate a wheelchair. At the time Mr. Shultz spoke with Planner Lappin and verified that the property in question could be used for residential purposes. Mr. Davis used his property in Port Protection to finance the purchase of the condo. In October of 2020 Mr. Davis applied for a zoning permit following the loss of his second leg. A month later the permit was revoked.

Respondent: Director Harney stated that the condo was located next to the parking lot located along Tongass Avenue. The structure had access from outside and inside of the

Marine View Condominiums. The justification for the code was out of safety concerns from the potential of vehicles that may veer off the road and crash into a residential unit; opposed to a commercial use unit.

Rebuttal: Mr. Schultz disagreed with the interpretation of the code and stated that the property would have to abut the collector. He did not believe the plain reading of the code accurately reflected the respondent's application of the code and the use as a residence.

Commission Mainardi stated that based on the ordinance the word "or" signified the residence could be "developed where the ground floor elevation differs from the elevation of the nearest adjacent improved right-of-way by greater than ten feet OR where the structure is greater than 50 feet from the right-of-way line of a collector street". Since the structure is greater than 50 feet from the right-of-way line of a collector street, Attorney Shultz' interpretation would hold true.

M/S Kelley-King/Medford to uphold the appeal to Planning Staffs decision

Director Harney stated for the Commission that the intent of that section of code was to protect residential structure from cars driving down the road and accidentally crashing into them.

Upon roll call the vote on the MOTION was:

YES: Govaars, Meck, Kelley-King, Medford, and Mainardi

Findings:

Whereas, the Planning Commission finds that the code would be interpreted by a normal person to mean a residential unit would be permitted.

Whereas, the Planning Commission finds that the financial hardship would cause the applicant undue burden.

Upon roll call the vote on the MOTION was:

YES: Govaars, Meck, Kelley-King, Medford, and Mainardi

MOTION DECLARED CARRIED

REMARKS

DIRECTOR'S REPORT

- Oceans Alaska Memorandum Of Understanding with SSRAA
- Mental Health Trust Timber Sale
- Vallenar Bay Timber Sale
- USDA Final EIS for AK Roadless Rule

- Cruise Line and CDC

COMMISSIONERS' COMMENTS

Commissioner Medford thanked Planner Lappin for his work on Case 20-075 and the well thought out approach to solving a messy situation.

Commissioner Govaars asserted that there was a difference between the application of road standards on the North and South side of town.

Commissioner Mainardi stated the Vice Chair did a great job on the appeal.

Chair Arntzen stated that the residential housing inventory was down in Ketchikan and more housing was needed.

ADJOURNMENT

M/S Medford/Meck moved to adjourn.

With no objection, the meeting adjourned 8:37 p.m.



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



Sharli Arntzen, Chair
Planning Commission/Platting Board