

## KETCHIKAN GATEWAY BOROUGH

### Planning Commission/Platting Board Meeting Minutes

5/12/2020

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:05 p.m., Tuesday, May 12, 2020, by Chair Sharli Arntzen, and the roll was called.

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

**The Commission refrained from conducting the Pledge of Allegiance due to the meeting being held telephonically.**

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

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

#### **PRESENTATION OF MINUTES - Meeting Minutes of March 10, 2020**

**M/S Deal/Meck** moved to approve the Meeting Minutes of March 10, 2020 as presented.

Director Harney clarified for Commissioner Meck that the food truck code amendment was for the entire borough and not only the central parking area as indicated by the newspaper.

Upon roll call the vote on the MOTION was:

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

#### **MOTION DECLARED CARRIED**

**CORRESPONDENCE** – Two Items Read into the Record by the Clerk

1. Letter from KASS Properties informing Commission of Alaska Statute
2. Letter from Chad Walin in favor of Case 20-010
3. Letter from Glen Wade in opposition to Case 20-010

**PERSONS TO BE HEARD** – 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 May 8 2020 into the record.

Case 20-010 (Resolution 4224 & 4225) is a request for a preliminary plat to create two lots from Lot 181, U.S. Survey 3156, with major variances for existing residences to remain and encroach into the side yard setbacks on both lots within the proposed subdivision; located at 280/282 Bunchberry Lane, Ketchikan Gateway Borough; filed by Steven & Valarie Malin on April 17, 2020.

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

- A previous owner constructed the two residences.
- The second residence was approved as a garage with a small apartment, and it was later converted to a full house without a permit.
- Variances are required if the preliminary plat is approved.

Planner Johnson clarified for Commissioner Deal that the applicant would have had to build a residence on Lot 2 of the alternative plan; since the pole barn is only permissible as an accessory use. Planner Johnson also stated that the Detached Accessory Dwelling Unit (DADU) could be approved now because the zoning code had changed. Prior to the change, DADU's could only be 800 square feet, that section of the code was changed to 1200 square feet.

Planner Johnson clarified for Chair Arntzen that in an RL zone there has to be a principal residence prior to issuing a zoning permit for a detached garage.

Planner Johnson stated for Commissioner Mainardi that the owners could not record the subdivision without a primary residence on the alternative plan due to the existing pole barn.

Applicant's Representative Michael Elerding was in attendance telephonically for questions. He stated that the Malin's are in a bind because each solution creates another problem that needs to be rectified. The Malin's wish to sell the subdivided parcels in two separate sales as stand-alone properties. They would prefer the presented case over the alternative since they don't have the funds to take down the pull barn or build another principal residence. Mr. Elerding also stated that Alaska Housing would not finance the property in its present form.

Commissioner Medford stated Alaska Housing could not finance the property as a non-conforming property and must be rectified prior to financing.

Mr. Elerding's understanding is that the DADU was non-conforming because it does not have its own septic or water.

**M/S Meck/ Govaars** to adopt Resolution 4224 A

Commissioner Mainardi is concerned that the DADU may not be a DADU at all. Director Harney stated the DADU is no longer eligible as a conditional use permit at this time without a variance due to past actions.

Director Harney corrected Commissioner Deal that the variance required for the pole barn would have to be addressed at a later date, following approval and that there are only two variances required for this case.

Director Harney clarified for Chair Arntzen that condition #3 requires that the owners bring the existing pole barn into conformance with applicable borough codes prior to granting a final plat.

Director Harney stated for Chair Arntzen that due to the uniqueness of the situation the applicant was not required to pay an after the fact fee because they did not create the problem.

Director Harney did clarified that this case could potentially set precedent for an individual to follow the previous property owner's actions and get a de-facto subdivision and variance for a property under similar circumstances.

Upon roll call the vote on the MOTION was:

YES: Meck and Medford

NO: Mainardi, Govaars, Kelly-King, Deal, and Arntzen

The motion failed.

**M/S Deal/ Marnardi** to adopt Resolution 4224 B

Commissioner Deal stated it is difficult and that the applicant did not take advantage of a previous opportunity to build a carport to bring the property into conformity.

Planner Johnson clarified that the applicant did not know the property was out of compliance however, the problem was brought to their attention in 2016. When this was brought to their attention, the only recourse for the applicant was to connect the two houses with a carport.

Director Harney restated that if the properties were connected by a carport the property owner could subdivide the property without an issue; besides the issue presented by the pole barn.

Director Harney stated that due to the confusion that surrounded the issues at hand, a commissioner voting no could ask for a reconsideration.

YES: Deal and Arntzen

NO: Meck, Medford, Mainardi, Govaars, and Kelley-King

The motion failed.

**M/S Govaars/Mainardi** to reconsider the vote on Resolution 4224A

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

NO: Deal

The motion to reconsider the vote was adopted.

**M/S Medford/ Govaars** motion to amend Resolution 4224 A to add a condition to include a note on the face of the plat to restrict Lot 2 from any future subdivision.

YES: Meck, Medford, Mainardi, Govaars, Kelly-King, Deal, and Arntzen

Vote on Resolution 4224 A as amended:

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

**MOTION DECLARED CARRIED**

**M/S Deal/Medford** to adopt Resolution 4225 A

Upon roll call the vote on the MOTION was:

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

**MOTION DECLARED CARRIED**

Case 20-020 (Resolution 4237) is a request for a Major Variance to allow a detached accessory dwelling unit to be constructed and encroach into the required rear yard on Lot 16, Plat 82-29; located at 449 Icehouse Lane, Ketchikan Gateway Borough

Chair Arntzen and Commissioner Govaars abstained from the case due to a conflict of interest.

A non-objection show of hands was given, as a vice chair has not been yet been elected to the commission, but nominated Commissioner Deal to act as Chair for the case at hand.

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

- Variance required for the construction of a DADU in rear yard setback.

The Applicant Jos Govaars was in attendance for questions.

**M/S Medford/Mainardi** to adopt Resolution 4237 A

Upon roll call the vote on the MOTION was:

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

**MOTION DECLARED CARRIED**

Case 20-021 (Resolution 4238) is a request for a Conditional Use Permit to allow a detached accessory dwelling unit on Lot 16, Plat 82-29; located at 449 Icehouse Lane, Ketchikan Gateway Borough.

Chair Arntzen and Commissioner Govaars abstained from the case due to a conflict of interest.

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

- Applicant wishes to construct a DADU as a rental.

The Applicant Jos Govaars was in attendance for questions.

**M/S Medford/Meck** to adopt Resolution 4238 A

Upon roll call the vote on the MOTION was:

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

**MOTION DECLARED CARRIED**

Case 20-023 (Resolution 4241) is a request for a Major Variance to allow an addition to an existing residence to be constructed and encroach into the northern side yard setback on portions of Lots 1, 2-A & 2-B, Block 13, USS 1378; located at 300 Austin Street, City of Ketchikan.

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

- The applicant wishes to build an addition onto their existing residence.
- The variance is required due to irregular lot size and lack of buildable area.

Director Harney stated for Commissioner Deal that if the applicant wished to build a second story that could potentially block a view shed, an additional variance would be required due to the volume of the encroachment into the rear and side yard setbacks

Applicant's Dave Owings was in attendance for questions.

**M/S Mainardi/Meck** to adopt Resolution 4241 A

Upon roll call the vote on the MOTION was:

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

**MOTION DECLARED CARRIED**

Case 20-022 (Resolution 4239) is a request for a Conditional Use Permit to allow light manufacturing in an existing building on Lot 7, Block 21A, USS 437; located at 500 Mission Street, Unit 4, City of Ketchikan.

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

- The applicant wishes to build a microbrewery at 500 Mission Street in Unit 4.

Applicant's Joseph Mensurian was not in attendance for questions.

Planner Lappin confirmed for Commissioner Medford that comment from Mrs. Swiger related to Alaska Statute 04.11.410 would be addressed by the State of Alaska through the Alcohol and Marijuana Control Board.

Planner Lappin stated for Commissioner Meck that the State of Alaska regulates the number of alcohol licenses issued in a municipality based on population size.

Planner Lappin clarified for Commissioner Mainardi that the applicant's plan was to sell the brewed beer wholesale; however, iterated that distribution is governed by the State

of Alaska.

**M/S Meck/Medford** to adopt Resolution 4239 A

Director Harney stated for the Commission that bars and restaurants are not differentiated in the Borough's code and zoning permits are issued under retail use administratively. He continued that the current case only necessitated Planning Commission approval because breweries fall under light manufacturing.

Upon roll call the vote on the MOTION was:

YES: Deal, Medford, Meck, Mainardi, Govaars, and Arntzen

NO: Kelley-King

**MOTION DECLARED CARRIED**

Case-20-024 (Resolution 4240) is a request for a rezone to modify the special limitations, as contained in Ordinance 1113 on the Unsubdivided Remainder of Lot 1, Plat 96-35; located at 125 Potter Road, Ketchikan Gateway Borough.

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

- The expansion of the special limitations list was needed for the applicant's tourism based business.

Chair Arntzen stated for the recorded; along with the rest of the commission, that they had all received an email from Nadra Angerman. The email outlined the reasons that Chinook Shores Lodge needed the additional uses to be included in their special limitations rezone. Chair Arntzen read the email into the record.

Applicant's Jeffrey Wedekind was in attendance for questions.

**M/S Medford/Govaars** to adopt Resolution 4240 A

Upon roll call the vote on the MOTION was:

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

**MOTION DECLARED CARRIED**

**CONSENT AGENDA**

Local Concurrence for the Herring Cove Bridge replacement

**M/S Meck/Mainardi** to approve the Consent Agenda

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

DIRECTOR'S REPORT

- Elected Officials Guide to Understanding and Managing Flood Risk
- Planning Magazine article review.

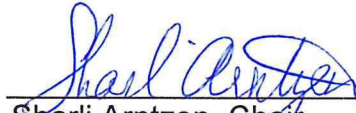
**ADJOURNMENT**

**M/S Meck/Govaars** moved to adjourn.

With no objection, the meeting adjourned at 9:20 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