

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

6/9/2020

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:03 p.m., Tuesday, June 9, 2020, 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, Joseph Mainardi, and Jos Govaars.

ABSENT: Michael Medford and David Deal

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

PRESENTATION OF MINUTES - Meeting Minutes of May 12, 2020

M/S Mainardi/Govaars moved to approve the Meeting Minutes of May 12, 2020 as presented.

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

CORRESPONDENCE –

- A. Email Request to Withdraw Case 20-031
- B. Yunker Comment in Opposition to Case 20-031
- C. Saccomanno Comment in Opposition to Case 20-035

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 June 5, 2020 into the record.

Case 20-026 is a request for a Major Variance to allow a garage to be constructed and encroach into the rear and side yard setbacks on Lot 20F-1B, USS 2802; located at 11193 Enright Lane, Ketchikan Gateway Borough.

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

- Variance is required due to topographical constraints.

The Applicant Fred Burk was in attendance for questions.

M/S Meck/ Mainardi to adopt Resolution 4242 A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-027 (Resolution 4243) is a request for a Conditional Use Permit for an existing detached accessory dwelling on Sublot E, Lot 187, USS 3275, KR D; located at 940 North Point Higgins, Ketchikan Gateway Borough.

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

- The existing detached accessory dwelling unit (DADU) was constructed by the previous owner.

The Applicant David White was not attendance.

M/S Kelley-King/Govaars to adopt Resolution 4243 A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-028 (Resolution 4244) is a request for a Major Variance to allow a shed to be constructed and encroach into the rear yard setback on Lot 3, USS 2005; located at 3968 Fawn Mountain Road, Ketchikan Gateway Borough.

Chair Arntzen disclosed to the commission that the applicant is her neighbor. Commissioner Meck questioned Chair Arntzen on conflicts of interest and found none to exist.

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

- Applicant wishes to construct a garage/shed in the rear yard of their property.

The Applicant John Mas was in attendance for questions.

M/S Meck/Govaars to adopt Resolution 4244 A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-029 (Resolution 4245) is a request for a Major Variance to allow an existing detached carport to remain and encroach into the rear yard setback on lot 181, USS 3156, KRD; located at 280/282 Bunchbery Lane, Ketchikan Gateway Borough.

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

- The current owner constructed the carport.
- The carport was constructed out of moving containers with a roof spanning the top of the containers.
- The carport was originally constructed as a horse barn.
- The owner was unaware that the carport encroached until they applied for a preliminary plat.

Planner Johnson stated for Chair Arntzen that the structure would have required a foundation inspection. The zoning permit issued for the structure stipulated that an as-built survey was required at the time of construction.

Planner Johnson stated for Commissioner Mainardi that the most practical course of action would be to remove the carport or obtain additional land from the abutting property owner.

The Applicant Steve Malin was in attendance telephonically for questions. Mr. Malin was represented in person by Michael Elerding of Coastal Realty. Mr. Malin stated several reasons for allowing the structure to remain and encroach into the setback including; the

magnitude of variance is minimal, the abutting property owner has no complaints and the cost of removal would cause a financial burden.

Mr. Malin stated for Commissioner Govaars that the contractor he set the containers was Mr. Valentine.

Mr. Malin stated for Chair Arntzen that he had rock fill placed prior to setting the structures.

Mr. Malin stated for Chair Arntzen that he was unaware that he needed a foundation inspection in 2006 when he received his zoning permit.

Michael Elerding thanked the Commission for its time. Mr. Elerding stated the Malins were trying to rectify a long-standing problem and handed out some additional papers to the commission. One of the papers was the original as-built for the property that had the pole barn sketched out in pencil and the other was the current as-built recently completed. Mr. Elerding stated that removal of the structure would cost \$16,000 and would require destroying the structure in the process, based on a recent contractors quote. Additionally he stated that to purchase the neighboring property would require an additional platting expense.

M/S Govaars/Mainardi to adopt Resolution 4245 A

A break was taken to deliberate findings.

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-030 (Resolution 4246) is a request for a Major Variance to allow a new deck to be constructed and encroach into rear and side yard setbacks on Lot 2, White Subdivision; located at 4738 North Tongass Highway, City of Ketchikan.

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

- The applicant wishes to connect two existing decks in the rear and side yards to accommodate maintenance.

The Applicant Mary Zimmerle was not in attendance for questions.

M/S Mainardi/Meck to adopt Resolution 4246 A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-031 (Resolution 4247) is a request for a Conditional Use Permit for a tax exempt use to allow a fitness recreational center to be constructed on Lot 3, USS 781, KRDI; located on the 700 Block of Chatham Road, City of Ketchikan.

The applicant requested that the case be withdrawn and the commission accepted.

Case 20-032 (Resolution 4248) is a request for a Major Variance to allow an existing deck to be enlarged and to encroach into the side yard setback on Lot 3 & 4, USS 1229, KRDI; located at 2603 4th Avenue, City of Ketchikan.

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

- The applicant wants to expand their existing deck.
- The house sits on an illegal deed split lot.

Planner Johnson stated for Chair Arntzen that as a condition the applicant would be required to sign and record an acknowledgement that they would attempt to conduct a platting action in the following two years.

Director Harney stated that to accommodate property owners with illegal deed split lots Planning Staff is trying to resolve the issue by having the property owner sign an affidavit that would be recorded.

The Applicant Steven Heintz was not in attendance for questions.

M/S Govaar/ Kelley-King to adopt Resolution 4248 A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-033 (Resolution 4249) is a request for a Major Variance to allow an existing deck to be expanded and encroach into the rear yard setback on Lot 184A USS 1229; located at 903 Monroe Street, City of Ketchikan.

Chair Arntzen disclosed that one of the applicants works for a business that her business often works with under contract. Commissioner Meck questioned Chair Arntzen on the conflicts of interest and found none to exist.

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

- The applicant wishes to expand their existing deck.

The Applicant Brian Slick was in attendance for questions. Mr. Slick stated the deck shown on the as-built was removed prior to him purchasing the home.

M/S Govaars/Mainardi to adopt Resolution 4249 A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-034 (Resolution 4250) is a request for a Rezone Lot 4A, White Rock Estates Subdivision Phase 2, Plat 2012-11, from Future Development (FD) to Planned Unit Development (PUD); Behind 700 Block D-1 Loop Road, Ketchikan Gateway Borough

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

- The applicant wishes to develop the property with a mix of residential housing types that have access to communal facilities such as community gardens and a community building.

Planner Lappin stated for Commissioner Kelley King that there will be 32 condo units, 6 single family units, and 1 watchman's quarters. He further clarified that the PUD would be controlled by a homeowners association.

Planner Lappin clarified for Commissioner Mainardi that there were no environmental concerns from the landfill. The DEC has since closed out the monitoring of the site. Mr. Lappin further explained that if the single-family housing on skids were changed to mobile homes with wheels or a chaise, the change would require Planning Commission approval.

Planner Lappin stated for Chair Arntzen that a mobile building is designed from the factory with wheels and a chaise. He further explained that the single-family houses would be built would be constructed with steel I-beams and would not be considered mobile.

The Applicant Trevor Sande was in attendance telephonically for questions. Mr. Sande stated that after purchasing the property they finished the rock cap, changed drainage and monitored the water and landfill for a number of years. He further stated that they considered creating a 19 single-family home subdivision, however, the home owners would not be in control of the common area in the middle of the current parcel due the Borough's lack of road powers. They also considered tiny homes; however, after speaking with neighboring property owners, only 50% would support the idea. Therefore, they decided on the current design with higher end single-family homes and condos. He also stated that due to the timeline for the sale of all the properties, they would have to likely change the sewer system design.

Mr. Sande stated that a service area would be established to handle road maintenance and that a homeowners association would be established for the community portion of the development. He further explained for Chair Arntzen that they have thought of tying into an existing capped outfall; however due to his experience with outfalls he prefers drain fields.

Mr. Sande stated for Commissioner Mainardi that the tiny homes were going to be built in a shop; however since that has changed, the townhomes would be built with panels assembled on site.

William Christianson spoke in opposition to the plan. Mr. Christianson disagreed with the claim that the landfill only had sawdust in it due to the sulfur smell that is prevalent in the neighborhood.

Nathaniel Currall spoke in opposition to the development.

Director Harney clarified for Commissioner Govaars that the previous rezones died at the Assembly level and had prior recommendation for approval by the Planning Commission.

Dan Zink resident of D-2 Loop spoke in opposition to the development.

Tom Carlin resident of White Rock Development spoke in opposition to the plan.

Scott Kline resident of White Rock Development spoke in opposition to the development due to traffic concerns along with the smaller home designs. He also had concerns with the landfill and how the drain field would work.

Mr. Sande stated for Mr. Kline that the six residents would be single-family homes and not tiny homes that they would fit with the neighboring properties. He further stated that the subdivision would be higher end homes accommodating most owners that do not live in Ketchikan year round.

Mr. Sande clarified for Commissioner Kelley-King that the single-family homes would be fee simple properties and are not intended for vacation rentals.

Director Harney recommended that the commission conduct a work session for the case.

M/S Kelly-King/Govaars to adopt Resolution 4251 B

Withdrawn

M/S Kelly-King/Govaars to postpone to July 14, 2020

Upon roll call the vote on the MOTION was:

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

NO: Meck

MOTION DECLARED CARRIED

Case 20-035 (Resolution 4251) is a request to Rezone Lot1, U,S, Survey 3767, Lots 1 and 2 of the Bonfire Bay Replat, and Lot 1B, Plat 2011-43 from Low Density Residential (RL) to Planned Unit Development (PUD); located at 15541, 15639, and 1 5651 N. Tongass Highway, Ketchikan Gateway Borough.

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

- The applicant wishes to develop the property with a variety of residential and commercial uses including mobile buildings, tree houses, and tours.

Planner Lappin clarified for Commissioner Mainardi that the nearest commercial property is next door to the applicant's property. He further stated that the current commercial uses were not approved and were discovered through the platting process.

The Applicant Trevor Sande was in attendance telephonically for questions. Mr. Sande stated in 2011 he started Marble Seafoods on a water lease near Betton Island. Later he received a lease with the State of Alaska for Oyster farming on a neighboring property. Mr. Sande stated that his understanding when he received his lease for his dock that it was allowed to be used for commercial uses such as running tours back and forth to his Oyster Farm. It was only later that he found out otherwise. His main concern was to integrate the wetlands into a commercial use to support its viability.

Mr. Sande stated for Commissioner Mainardi that he was intending to increase his passenger count for his tourism to support his aquaculture operations.

Kendra Adams spoke in opposition to the rezone.

Clark Simpson spoke in opposition to the rezone due to additional commercial uses. He did not support the tourism aspects of the PUD.

Ruddy Soccomanno spoke in opposition to the rezone. His residence is roughly a mile from the subject property.

Mr. Sande felt their concerns were valid; however, stated that the tree houses would fall under a single family house use and that the density of the area would be quite low compared to neighboring low-density residential areas. He also stated that the commercial uses would mostly take place on the area by the ocean. He reiterated the commercial uses were required for the oyster farm and had no intention to build additional commercial buildings on site. Additionally, he believed the PUD would require large changes to the plan be reviewed by the Planning Commission.

Mr. Sande clarified for Chair Arntzen that the tree house would have some type of certified wastewater treatment.

Commissioner Kelley-King thought it would be a great idea to put together a tourism plan due to the lack of tourists this year.

Director Harney stated that a tourism plan is in the process; however, due to the current COVID-19 epidemic the plan was on hold due to the inability to bring together all stakeholders.

M/S Mainardi/Govaars to postpone to July 14, 2020

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

CONSENT AGENDA

Local Concurrence for Gorge and Sayle Street Bridge Reconstruction

M/S Meck/Mainardi to approve the Consent Agenda

Upon roll call the vote on the MOTION was:

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

REGULAR BUSINESS

Case 20-010 - Request for a Final Plat of the Malin Subdivision to create two lots from Lot 181, U.S. Survey 3156, with a Bond for required improvements.

M/S Mainardi/Meck approve 20-010 subject to conditions

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

DIRECTOR'S REPORT

- Proposed Timber Sale in the Vallenar Area on Gravina Island.
- Planning Magazine article review.

ADJOURNMENT

M/S Mainardi/Govaar moved to adjourn.

With no objection, the meeting adjourned 10:41 p.m.



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



Sharli Arntzen, Chair
Planning Commission/Platting Board