

KETCHIKAN GATEWAY BOROUGH

Planning Commission/Platting Board Meeting Minutes

10/13/2020

The regular meeting of the Ketchikan Gateway Borough Planning Commission/Platting Board was called to order at 6:01 p.m., Tuesday, October 13, 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, Michael Medford, Joseph Mainardi and Jos Govaars.

ABSENT: 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 September 15, 2020

M/S Meck/ Mainardi moved to approve the Meeting Minutes of September 15, 2020 as presented

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

CORRESPONDENCE

1. Letter in opposition to Case 20-055 From Thomas Bellanich
2. Letter in favor of Case 20-058 and Case 20-059 from Elizabeth Parsons
3. Letter in favor of Case 20-058 and Case 20-059 from Ron Altman
4. Letter in favor of Case 20-058 and Case 20-059 from Ron Redman
5. Letter with additional information to Case 20-054 from Bill Rotecki
6. Letter for no changes to right-of-way near Case 20-055 from Carol Lagodich
7. Letter in favor of Case 20-058 and Case 20-059 from Henry Brannon
8. Letter with additional information to Case 20-058 and Case 20-059 from Charles Peele
9. Resolution from the City of Saxman opposed to Case 20-058 and Case 20-059
10. Letter in opposition to Case 20-058 and Case 20-059 from Anonymous Resident of Saxman
11. As-Built Survey for Case 20-060
12. Petition Opposed to Case 20-058 and 20-059 with 52 Signatures

PROCLAMATION

Chair Arntzen read a mayoral proclamation proclaiming October 2020 as Community Planning Month.

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 October 9, 2020 into the record.

Case 20-056 is a request to rezone a portion of Lot 11A of the Herby-Schneider Replat from the High-Density Residential (RH) and the Medium-Density Residential (RM) zones to the RM zone; located at 434 Schoenbar Road, City of Ketchikan.

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

- The applicant recently combined a portion of a RH-zoned lot with their RM-zoned lot. The purpose of this request is to rezone the entire lot to the RM zone.

The Applicant Lawrence Schneider was not in attendance for questions.

M/S Medford/Meck to adopt Resolution 4267A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-054 is a request for a vacation of portions of Grant Street and Amundsen Way rights-of-way, with major variances to allow an existing residence and attached covered deck and garage to remain and encroach into required yards on property located at 764 Amundsen Way; filed by John and Lorraine Hill, Timothy Volpi, Christena Williams, Jack Dodson, and David and Clarisa Blossom on September 16, 2020.

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

- The residence at 764 Amundsen Way, located on the northeast intersection of Grant Street and Amundsen Way, was built prior to adoption of the Borough zoning code.
- Portions of the structure encroach over the property boundaries and into the rights-of-way. The proposed vacation of rights-of-way will alter property boundaries to create a lot that fully encompasses the residence. However, a variance is required to allow the structure to encroach into three required setbacks.

Planner Johnson stated that the comment received from Bill Rotecki; a neighboring property owner, was in regards to the boardwalk not existing within the platted right-of-way.

Planner Johnson explained that the property owners further down the Amundson Way boardwalk were not included since they would not receive any portion of the vacated right-of-way.

Planner Johnson stated that Mr. Rotecki believed that corrective action to the encroaching boardwalk should be address at the same time as the vacation of right-of-way.

Applicant representative Mary Wanzer from Coastal Realty was in attendance and stated that the applicants had no idea that the structure encroached into the right-of-way when they purchased the property and were only made aware when they listed it for sale.

M/S Mainardi/Meck to adopt Resolution 4268A

Planner Johnson stated that it is not very common to vacate a portion of a right-of-way due to an existing structure; however there have been several over the years.

Director Harney stated that a number of the properties in the older part of town have property lines that are off due to past surveying errors created by surveyors using different monuments when setting their bearings.

Director Harney stated from past conversations with Mark Hilson from the City of Ketchikan Public Works Department, that the City would like to get the boardwalk encroachments rectified in the future.

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

M/S Medford/Govaars to adopt Resolution 4269 A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

CASE 20-055 is a request to rezone Lot 5, U.S. Survey 1080 from Low Density Residential to Medium Density Residential; located at 3108 S. Tongass Highway, Ketchikan Gateway Borough.

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

- The applicant is seeking a rezone to bring her non-conforming lot into conformance and to abate yard encroachments created by previous owners.

Applicant Donna LaForce was in attendance and stated that she has not changed anything on the property since she has owned it.

A four-minute recess was taken.

M/S Medford/Mainardi to adopt Resolution 4270A

Director Harney stated that medium density residential is allowed two dwellings by permit and a triplex by conditional use permit.

Planner Lappin stated for the Commission that a blanket rezone for the Shoup Street area was met with roughly 50% opposition and 50% support from area property owners. Therefore, the Planning Department would be looking at rezoning only smaller portions at a time.

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-057 is a request to rezone Lot 3B, Ward Cove Market Replat from the General Commercial (CG) and Heavy Industrial (IH) zones to the CG zone; located at 7196 North Tongass Highway, Ketchikan Gateway Borough.

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

- The applicant recently combined a portion of an IH-zoned lot with their CG-zoned lot. The applicant seeks to rezone the entire lot to the CG zone.

Applicant Craig Carson was in attendance for questions.

M/S Govaars/Meck to adopt Resolution 4271A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-058 is a request for a conditional use permit (CUP) for a community facility use to stage emergency supplies on Lot 2, Block 3, USS 1652; a vacant lot located at 2707 Bear Clan Street, City of Saxman.

Chair Arntzen and Commissioner Kelley-King had been contacted by Joe Williams to clarify his comments that he was not against the use, only the location.

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

- The applicant seeks to utilize the property to facilitate an Emergency Operations Center (EOC) for the Saxman community on a lot within the Medium Density (RM) zone.
- Shipping containers will be used to store the supplies.
- Tiny homes would be used for quarantine shelters.

Planner Johnson stated that the Planning Department recommended approval; however, staff also recommended postponement because the City of Saxman passed a resolution in opposition.

Planner Johnson stated that all structures placed on site would be temporary in nature.

Planner Johnson stated that plumbing hook ups are required for the structures that will house people for quarantine and plumbing is addressed through the zoning permit process and not through the conditional use permit process.

Chair Arntzen stated that she would have a hard time supporting this CUP based on past decisions regarding non-permanent shelters on residential lots.

Planner Johnson clarified that the request was for a three year CUP. However, staff is recommending an 18 month CUP with an additional 18 months allowed by administrative approval.

Applicants Representative Charles Peele was in attendance and stated that the Organized Village of Saxman searched for sites in Saxman to accommodate the needs of the organization relating to COVID-19 pandemic. Mr. Peele stated that the organization only wanted a temporary CUP to repurpose the property into housing once the pandemic or emergency was over.

Lee Wallace, President of the Organized Village of Saxman, stated that the reason they did not go with the Saxman Seaport was because it sits in a flood zone; therefore they explored lands with higher elevations and due to the land available they arrived at the current property in question.

Mr. Peele stated for Chair Arntzen that the applicant has an purchase offer pending on the subject property.

An eleven-minute recess was taken.

Mr. Peele answered some of the objections brought up by the City of Saxman resolution to oppose the CUP; however, stated that the City has not been forth coming in finding solutions for the Organization Village of Saxman.

Mr. Peele stated that the services provided would solely be for tribal citizens. The City of Saxman has their own supplies for their other citizens that are not part of the Organized Village of Saxman.

Mr. Wallace stated that they would like to maintain the option for the tiny houses for quarantining tribal citizens in multi-generational homes that are tribal citizens.

Director Harney explained for the applicant that the property could only have one tiny home remaining on it following the end of the conditional use permit.

City of Saxman Clerk Lori Richmond spoke in opposition to the conditional use permit. She stated that the City was only informed of the CUP when they received the notice from the Borough in the mail. She apologized that the Tribe and the City were not been able to work together; however, stated that many times projects presented by the tribe are only beneficial for tribal citizens and not for all Saxman residents. She also questioned where the containers would be after the end of the pandemic or emergency. She also stated that the City has not been given adequate time to hash out many of their issues with the applicant prior to the Planning Commission meeting.

Mrs. Richmond stated that the City of Saxman has an emergency supply and that anyone in the Borough can utilize these supplies.

Trudi Swink, Saxman Resident and a tribal citizen, stated that she had gathered 54 signatures from her community urging the Commission to deny the conditional use permits. She stated that currently the emergency operations command already has hotel rooms lined up for community members in Saxman. In addition, she said that she was turned down for mortgage assistance based on her being tribal citizen; however, the tribe was not helping its citizens with mortgage assistance. Also, she stated most tribe citizens had only received a little bit of food in way of assistance.

Nora Dewitt, Saxman resident, spoke in support of the conditional use permits.

Mr. Peele stated that the Organized Village of Saxman had contributed more housing to the City of Saxman than any other organization. Mr. Peele feels that the Organized Village of Saxman has met the letter of the law in regards to the conditional use permit and requested that the CUP be approved.

Director Harney stated that the tribe would need a zoning permit if the CUP was granted.

Mr. Peele stated that they were requesting two tiny homes, each being approximately 400 square feet in size.

Commissioner Govaars and Commissioner Meck would both spoke in favor of postponing the cases to allow both parties to work out their grievances.

Commissioner Medford and Kelley King also wanted to see the case postponed until October 27, 2020.

M/S Kelley King/Medford to postpone Case 20-058 to October 27, 2020.

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-059 is a request for a conditional use permit (CUP) for a community facility use to operate a control center for emergency response activities within an existing residence on Lot 2-B, Block 4, USS 1652; located at 2779 Bear Clan Street, City of Saxman.

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

- The applicant seeks a CUP to facilitate an Emergency Operations Center for the Saxman community on a lot within the Medium Density Residential (RM) zone.

Applicant's Representative Charles Peele iterated that the CUP benefited tribal citizens and that it fulfills a unique gap in their community.

Mr. Peele stated that he was not at liberty to discuss the future use of the property following the end of the COVID pandemic.

Shannon Orr was the previous tenant of the subject property and spoke about her displeasure with the way that the Organized Village of Saxman evicted her and her family.

Trudi Swink spoke about the need for additional housing in Saxman. She felt this CUP would take away from the housing stock. She stated the tribe also owned the house next

door to the subject property and that the current tenant stated to her that they were in the eviction process.

Frank Seludo, Mayor of the City of Saxman and tribal citizen, stated that the Tribe had not been approached the City about their plans. He does not believe that the Tribe's use of houses for emergency uses will stop with these properties and believes they are currently looking at other properties in the area.

Nora Dewitt, Saxman resident and tribal citizen, stated that the tribal council did their due diligence in finding other properties that they could utilize prior to deciding on the subject property.

Lori Richmond, City of Saxman Clerk, stated that no one would be displaced since the Borough EOC has rooms reserved for infected COVID residents.

Representative Charles Peele of the Organized Village of Saxman stated that they do own the property adjacent to the subject property and choose the subject property since it is on the outskirts of town away from more densely populated areas.

Mr. Peele stated that they would accept a temporary CUP in absence of a perpetual CUP.

M/S Mainardi/Medford to adopt Resolution 4273A

Commissioner Mainardi motioned to amend resolution 4273A to add the words "two years" prior to the words "conditional use" in the title.

Chair Arntzen stated that she would feel more comfortable with a one-year CUP.

Director Harney stated that he could add additional language of renewable up to three years if the Commission chose.

M/S Mainardi/Meck to amend resolution 4273A to add the words "one year" before the words "conditional use" in the title.

Director Harney stated that they could have a duplex on the property with only a zoning permit.

Upon roll call the vote on the MOTION was:

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

NO: Govaars

M/S Mainardi/Meck to adopt resolution 4273A Amended

YES: Arntzen, Medford, Mainardi, and Meck

NO: Govaars and Kelley-King

MOTION DECLARED CARRIED

Case 20-060 is a request for a major variance to allow an attached garage and an attached storage addition to be constructed and encroach into the front yard setback, the southwest side yard setback and northeast side yard setback on Lot 2 of the Marrs-Zaugg Subdivision; located at 5842 South Tongass Highway, Ketchikan Gateway Borough.

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

- The applicant seeks to build an attached garage to replace their existing detached garage and to build a storage addition on the rear of the residence.
- The subject lot is very narrow, and the adjoining lot has been used for access to the waterfront portion of the property.
- The proposed new building site will allow space along the southwest side of the residence for driveway access on the subject lot.

Planner Johnson stated for Commissioner Medford that they wanted to move the structure so they could drive to their rear yard.

Planner Johnson stated for Commissioner Govaars that the Alaska DOT&PF did not supply agency review comments relating to the driveway access.

Applicants Gary and Christina Zaugg was not in attendance for questions.

M/S Medford/Kelley-King to adopt Resolution 4274A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

Case 20-061 is a request for a conditional use permit (CUP) for a detached accessory dwelling unit (DADU) on Lot 1 of the Kiffer Subdivision USS 2165; located at 9262 North Tongass Highway, Ketchikan Gateway Borough.

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

- The applicant seeks to build an apartment within their garage to accommodate a bed and breakfast.

Applicant Gerald Kiffer was in attendance; however, he needed to leave prior to his case hearing.

M/S Medford/Meck to adopt Resolution 4275A

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

CONSENT AGENDA

Design review for a non-residential subdivision: Case 20-049 South Tongass Utilities Subdivision, abbreviated plat (ADMIN)

M/S Kelley-King/Govaars to adopt the consent agenda

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

REGULAR BUSINESS

Director's Interpretation on Access and Addressing Front and Rear Yards

M/S Medford/Mainardi to adopt Director's Interpretation

Upon roll call the vote on the MOTION was:

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

MOTION DECLARED CARRIED

DIRECTOR'S REPORT

- Timber Sales be Reported
- Roadless Rule Exemption
- Planning Magazine article review

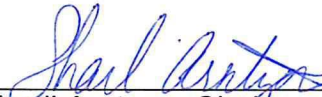
ADJOURNMENT

M/S Medford/ Govaars moved to adjourn.

With no objection, the meeting adjourned 10:43p.m.



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



Sharli Arntzen, Chair
Planning Commission/Platting Board