



Thursday, August 12, 2021 6:00 PM

Location: Borough Assembly Chambers City Hall

### PZ meeting 8-12-21 6:00 PM

- A. CALL TO ORDER / ROLL CALL
- **B. AMENDMENTS TO THE AGENDA**
- C. CONFLICTS OF INTEREST

### D. APPROVAL OF MINUTES

- 1. Minutes of April 14, 2021
- 2. Minutes of June 10, 2021
- 3. Minutes of July 8, 2021

### E. PERSONS TO BE HEARD

### F. CORRESPONDENCE

- 1. Letter from Rushmore to Nelson re need for a Conditional Use application dated July 15, 2021
- 2. Name for the Institute Subdivision requested by Wrangell Cooperative Association

### **G. NEW BUSINESS**

- 1. Final Plat review of the M.S.C Subdivision and ROW Vacation, a subdivision and replat of Lot 4BB-1 of W.S.I Subdivision II (Plat No. 2003-9); Lot 3 of Sortyard Subdivision (Plat 2001-3); and the vacation of a portion of Silvernail Work Road, creating Lots A and B of M.S.C Subdivision, zoned Waterfront Development, requested by the City and Borough of Wrangell
- 2. Final Plat review of a replat of a portion of Lot 14A, within Block 83 Wrangell Townsite (Plat No. 73-8); Lots 10A and 13A, within Block 83, Wrangell Townsite (Plat No. 75-7); and Lot 2 within Block 83A Tidelands Addition (Plat 75-7), creating Lots A and B, Emde Replat, zoned Waterfront Development, requested by Janice Emde
- 3. (PH) Conditional Use permit application for an overflow transient rental facility on Lot 1A, Block 61, zoned Industrial, owned and requested by Mike Matney
- 4. (PH) Variance permit application request for a 10' backyard setback reduction for a storage/shop building on Lot 7, Block 30A Lemieux Subdivision, zoned Single Family Residential, owned and requested by Darren Easterly

- 5. (PH) Variance permit application request for a reduction of the 30' access easement required for flag lot access to 15' wide access easement, within the proposed Stikine Knig Slough Subdivision, a subdivision of Tract A and the apparent accretions to Tract A, of the Swampy Creek Subdivision (Plat No. 2008-2), zoned Remote Residential Mixed-Use -Farm Island 1 (RMU-F1), owned and requested by Michael and Kay Schwartz, Trustees for Schwartz Alaska Trust
- 6. (PH) Preliminary Plat review of the Stikine Knig Slough Subdivision, a subdivision of Tract A and apparent accretions to Tract A of the Swampy Creek Subdivision, zoned Remote Residential Mixed-Use -Farm Island 1 (RMU-F1), owned and requested by Michael and Kay Schwartz, Trustees for Schwartz Alaska Trust
- 7. (PH) Preliminary Plat review of the THRHA/Etolin Replat, a replat and subdivision of Lot B of Etolin Avenue Replat (2019-2) creating Lots B-1 and B-2, zoned Single Family Residential owned and requested by Tlingit Haida Regional Housing Authority.

### H. OLD BUSINESS

- I. PUBLIC COMMENT
- J. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS
- K. ADJOURNMENT

Item 1.



### **CITY AND BOROUGH OF WRANGELL**

INCORPORATED MAY 30, 2008

P.O. BOX 531 (907)-874-2381 Wrangell, AK 99929 FAX (907)-874-3952 www.wrangell.com

July 15, 2021

Jimmy and Tyla Nelson Box 1333 Wrangell, AK 99929

Re: Conditional Use permit for transient accommodations (AirBnB/Bed and Breakfast) on Tract L2, USS 2321.

Dear Jimmy and Tyla:

Several months ago I spoke to Jimmy regarding the permitting necessary for a Bed and Breakfast or AirBnB accommodations at your property on Zimovia Highway. At that time, I informed you that a Conditional Use permit is required for transient accommodations.

I understand that you have the cabin on Tract L2, USS 2321 listed on AirBnB and in fact have been renting the facility for short term rentals. This is your official letter of notification that you need to obtain the conditional use permit per WMC 20.28.040(Q).

Enclosed is the conditional use permit form that is required. Please also be advised you are also required to collect and submit sales tax and transient tax for all short-term rentals. If you choose to rent longer than 30 days, sales tax collection and reporting is still required. The front office can provide you the necessary forms to report all previous and future rentals.

If you can return the conditional use application and fee to me by July 30, 2021, it will go before the Planning and Zoning Commission at their next meeting of August 12, 2021. Please call if you have any questions.

Sincerely,

Carol Rushmore Economic Development Director Named places within the kwáan included many major bays, streams, and islands, where various clans settled and from which they took their names.

Eastern Passage / Blake Channel (Da<u>k</u>séet, #78). Prior to settling at present day Wrangell, the early Shtax'héen villages had been situated on the mainland along this passage. According to Ronald Olson (1967, 32), the Naanyaa.aayí established the first village at Shumacher Bay (where the Wrangell Institute was later built) and called it Keishangita.áan\* (Alder Top\* Village, #79). Later, the group moved to Choox'as Aan (Waterfall Town, #75), which stood five miles below the mouth of the Stikine River at Mill Creek and reminded them of their earlier home. Finally, the group moved to Shaaxhít.aan (Driftwood Town, #71), where the people, lacking proper tools, built houses out of driftwood. This town name also sometimes has been translated as "Willow Town" (Ch'aal'it.aan), but elder Charles DeWitt (James Crippen, pers. comm. 2007) is certain it is "driftwood" and not willow, having heard the story of its construction from his father, Forrest DeWitt Sr., and other Shtax'héen Kwáan elders. Reportedly, the people moved here because it offered more sun, shellfish, and game birds (R. Olson 1967, 49), though Emmons (n.d.), Edward Keithahn (1945), and elders we interviewed at Wrangell suggest it was partly the result of a feud. The other Shtax'héen clans followed and this site. also known as Old Wrangell, became the principal settle ment of the kwaan beginning perhaps in the early out teenth century until 1837, when the village of Wrangell was established.

Pug Afrold Canal / Anan Creek (An dan How) Processil

have all lem 2. It was all now you ers...It w

Tukutl'gu other impo Marten Riv

Wrangell People, #72 name for t configurati which was ever, it com Leer, pers. o place name (or Kaachxa (James Cri live away fro small island Shakes Isla ually move him. In the almost dry separate fr áakhv (Ilitti gesty, innexamin

Tilbye Menti tilbye exseptetlik Breskerice Hikuy annyal sintensi

### City and Borough of Wrangell, Alaska

### Agenda Item G1

Date: August 5, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Final Plat review of the M.S.C Subdivision and ROW Vacation, a subdivision and replat of Lot 4BB-1 of W.S.I Subdivision II (Plat No. 2003-9); Lot 3 of Sortyard Subdivision (Plat 2001-3); and the vacation of a portion of Silvernail Work Road, creating Lots A and B of M.S.C Subdivision, zoned Waterfront Development, requested by the City and Borough of Wrangell

### **Background:**

The City and Borough of Wrangell is resubdividing the Marine Service Center (MSC) to vacate the platted Silvernail Work Road Right-of-Way and replace it with an access easement where the driving lane is actually located and create a separate lot for the cold storage building.

### **Recommendation:**

Staff recommends approving the preliminary plat.

### **Recommended Motion:**

Move to approve the Final plat of the M.S.C Subdivision and ROW Vacation

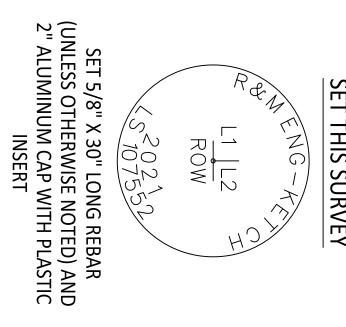
### **Findings:**

The actual driving lane for access to the MSC yard is not where the ROW was originally platted prior to construction of the MSC. The Port Commission and the Planning and Zoning Commission met several times to discuss jointly the vacation of the ROW and how the access easement should be platted. The easement starts at 60' wide behind the Nolan Center and per code requirement provides access to the back area of City Market and The Bay Company and to the MSC yard through the current gated entrance. The easement then narrows and turns into a 30' access easement where the actual driving lanes are located. The Port utilizes the areas adjacent to the easement for lease, work area or storage. Typically when a ROW is vacated, half of the ROW goes to each adjacent landowner, however in this case, the Borough created the ROW before the construction of the MSC and per the attorney, the Borough retains ownership. The Assembly previously approved the vacation of the ROW in April 2015.

The boundary lines for former Lot 3 abutting Front Street were eliminated and the land area is part of the larger port lot area since two lease sites were located within the lot and the easement traversed across a corner of the lot. In addition, a separate lot was created for the Cold Storage structure. This will provide a legal lot with necessary access should the Borough in the future seek and be able, per grant requirements, to dispose of the asset.

	CLIDICTO DIDILIDAL DIC # 107FF2
	I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.  CHRISTOPHER G. PIBURN ON 107552
	SECRETARY
	CHAIRMAN, PLANNING COMMISSION
	I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY PLAT RESOLUTION NO DATED 20, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, WRANGELL, ALASKA.
	CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION
I L	ASSESSOR CITY AND BOROUGH OF WRANGELL
	AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR  20 WILL BE DUE ON OR BEFORE OCTOBER 15, 20 DATED THIS DAY OF
	WRANGELL, HEREBY CERTIFY, THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF WRANGELL, IN THE NAME OF
	CERTIFICATE STATE OF ALASKA  (FIRST JUDICIAL DISTRICT)ss  I THE UNDERSIGNED, AS THE PROPERTY TAX CLERK FOR THE CITY AND BOROUGH OF
J [	CITY CLERK
	DATE MAYOR, CITY AND BOROUGH OF WRANGELL ATTEST:
	CERTIFICATE OF APPROVAL BY THE ASSEMBLY  I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE DATED 20 AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, WRANGELL, ALASKA.
J L	
	NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
	WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.
	THIS IS TO CERTIFY THAT ON THIS DAY OF , 20 , BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.
	U.S. OF AMERICA STATE OF ALASKA CITY AND BOROUGH OF WRANGELL
	NOTARY'S ACKNOWLEDGMENT
	DATEPRINTED NAME & TITLE
	DATECITY & BOROUGH OF WRANGELL
	WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.
=	

# TYPICAL SECONDARY MONUMENT SET THIS SURVEY



						<	BE A(	T
H&W #295	H&W #296	H&W #400	H&W #399	H&W #397	H&W #396	MONUMENT #:	BEARINGS ARE FROM FOUN ACTUAL CORNER LOCATION	OUND
							RE FRO	) C(
S 55°50'38" E	S 55°13'24" E	S 15°46'33" W	S 10°21'37" E	N 8°02'43" E	S 6°41′54" E	BEARING	BEARINGS ARE FROM FOUND MONUMENT TO ACTUAL CORNER LOCATION	FOUND CORNER
0.25	0.18'	0.22'	0.20'	0.22'	0.23'	DISTANCE	NUMENT TO	LOCATIONS

### SHEET 2 OF 2

WRANGELL OFFICE P.O. BOX 2286 WRANGELL, AK 99929	R&M ENGINEERING-KETCHIKAN, INC. 7180 REVILLA ROAD, SUITE 300 KETCHIKAN, AK 99901
Phone: (907) 305-0820	Phone: (907) 225-7917 Fax: (907) 225-3441

## M.S.C. **SUBDIVISION AND ROW VACATION**

CERTIFICATE OF AUTHORIZATION #: C576

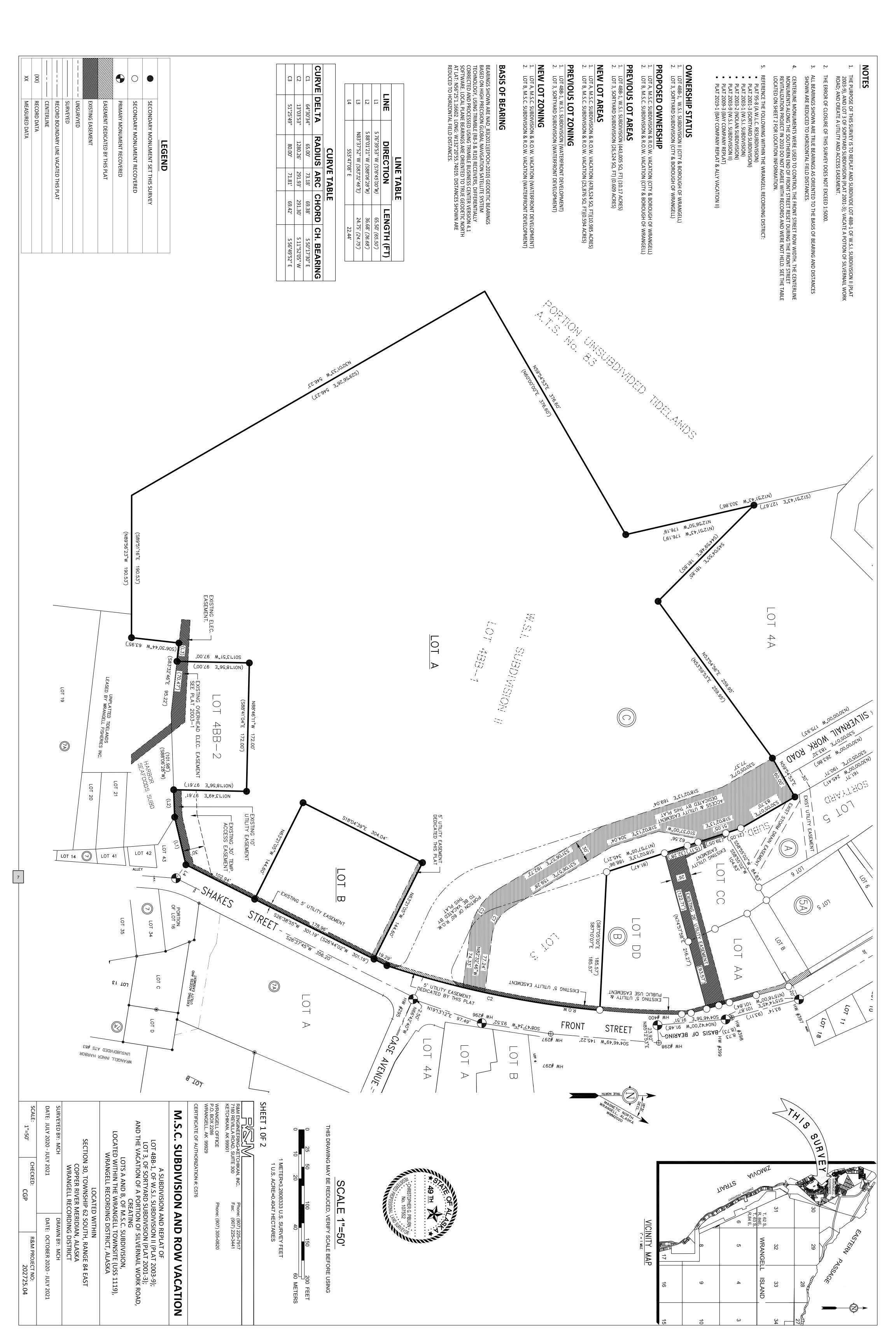
A SUBDIVISION AND REPLAT OF
LOT 4BB-1, OF W.S.I. SUBDIVISION II (PLAT 2003-9);
LOT 3, OF SORTYARD SUBDIVISION (PLAT 2001-3);
AND THE VACATION OF A PORTION OF SILVERNAIL WORK ROAD,
CREATING
LOTS A AND B, OF M.S.C. SUBDIVISION,
LOCATED WITHIN THE WRANGELL TOWNSITE (USS 1119),
WRANGELL RECORDING DISTRICT, ALASKA

LOCATED WITHIN SECTION 30, TOWNSHIP 62 SOUTH, RANGE 84 EAST COPPER RIVER MERIDIAN, ALASKA WRANGELL RECORDING DISTRICT

DRAWN BY: MCH

SURVEYED BY: MCH DATE: JULY 2020 - JULY 2021 DATE: OCTOBER 2020 - JULY 2021

CHECKED: R&M PROJECT NO: 202725.04



### City and Borough of Wrangell, Alaska

### Agenda Item G2

Date: August 5, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Final Plat review of a replat of a portion of Lot 14A, within Block 83 Wrangell Townsite (Plat No. 73-8); Lots 10A and 13A, within Block 83, Wrangell Townsite (Plat No. 75-7); and Lot 2 within Block 83A Tidelands Addition (Plat 75-7), creating Lots A and B, Emde Replat, zoned Waterfront Development, requested by Janice Emde.

### **Background:**

The applicant is seeking to resubdivide four lots. Commission approved the preliminary plat in July.

### **Recommendation:**

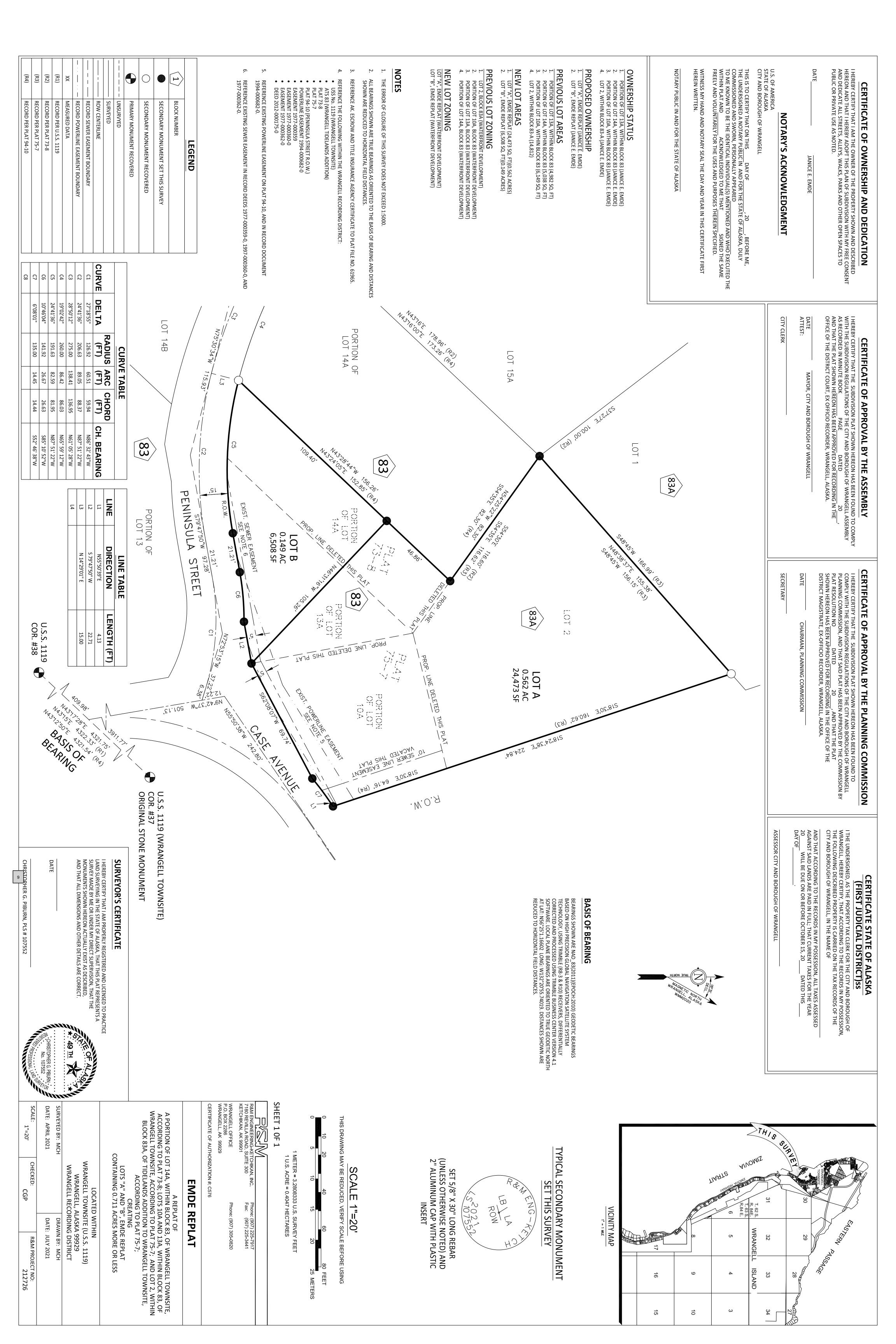
Staff recommends approving the preliminary plat.

### **Recommended Motion:**

Move to approve the Final plat of Emde Replat.

### **Findings:**

The applicant is replatting four lots into two lots. Each lot will have a structure within the lot boundaries. Each lot will have access from Peninsula Street. There are no building setback requirements in Waterfront Development.



### City and Borough of Wrangell

Date: August 9, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Conditional Use permit application for an overflow transient rental facility on Lot 1A, Block 61, zoned Industrial, owned and requested by Mike Matney.

**Background:** The applicants are requesting to utilize the guard quarters area at their lot on the Industrial Park as an over flow transient rental facility.

### **Review Criteria:**

Industrial: Chapter 20.48 Standards: Chapter 20.52

Conditional Uses: Chapter 20.68

RECOMMENDED MOTION: Move to approve findings of fact and the conditional use permit request for guards quarters to be used as transient rental overflow.

### **Findings of Fact:**

In Chapter 20.48.040 (C), uses not permitted outright that may be compatible with the Industrial uses as determined by the Planning and Zoning Commission may be reviewed for a Conditional Use permit. The applicants have been using on occasion the guard quarter area within their shop at the Industrial Park as overflow short term accommodations for contractors that have had difficulty finding a place to stay. The living area within the shop is a 12 X 42 (504 sq. ft.) apartment and is connected to sewer and water. Access to the lot is via St. Michael Street.

Conditions of Approval for conditional use applications include:

- 1) Minimal impacts on adjacent neighbors from noise, traffic, appearance, yards etc. Uses in the Industrial District not permitted outright that may be compatible with the Industrial uses as determined by the Planning and Zoning Commission may be reviewed for a Conditional Use permit. The property is zoned Industrial which allows guard quarters and other heavier commercial/industrial activities. If the unit is being used for overflow and clients are contractors rather than tourist and visitors, there will likely be no issues or concerns by any of the guests with the adjacent permitted uses. Likewise, short term use should not impact ongoing activities or adjacent properties.
  - 2) Provisions of sewer and water: The property is connected to sewer and water.
- 3) Entrances and off-street parking available without safety issues:

  Access to the property is from St. Michael Street. There is adequate off street parking for the unit as well as the shop.

### CITY OF WRANGELL, ALASKA CONDITIONAL USE APPLICATION

### PLANNING AND ZONING COMMISSION P.O. BOX 531

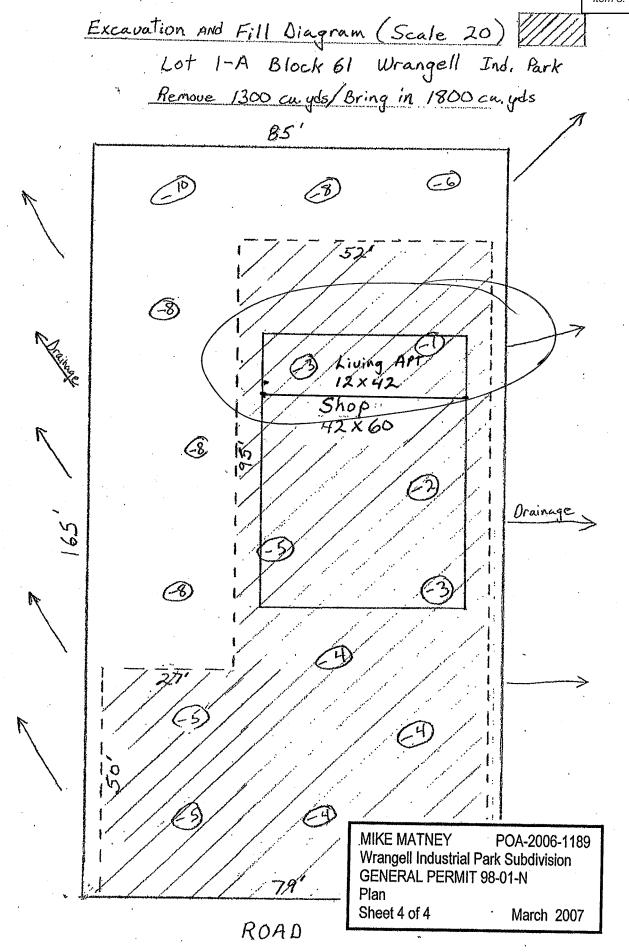
WRANGELL, ALASKA 99929
Application Fee: \$50

I. Applicant's Name and Address:  Applicant's Phone Number:  II. Owners's Name and Address:	Mike Matney  312 Stikine Ave (PO. Box 2095)  Wrangell Ak 99929  907-305-1117  SAME
Owner's Phone Numbe	EX:
	, Block 6/, U.S. Survey
	2-029-402
IV. Zoning Classification:	astral Park
V. Specific Request: 10 be	has an ates to accide town it
coming to work in	wanted for orgent
for the city, pow ect.	able to occasionally ker quarter to people temporarile wrangell for projects er company, telephone, Roads
Production of the second secon	
	he application. The plan shall show existing and proposed ing and proposed grading. Additional information shall ng Administrator.
VII. Construction Schedule: BEGIN:	Existing END:
SIGNATURE OF OWNER: MA	Le Mathey DATE: 7/22/21
SIGNATURE OF APPLICANT:	Vike Matney DATE: 7/22/21
	n one parcel is involved, attach all signatures on a ich parcels are owned by which persons.

Written authorization of the property owner must be submitted with this application if the

applicant is other than the owner.

Item 3.



### CITY AND BOROUGH OF WRANGELL, ALASKA





Public Map



### City and Borough of Wrangell

### Agenda Item G4

Date: August 6, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance permit application request for a 10' backyard setback reduction for a storage/shop building on Lot 7, Block 30A Lemieux Subdivision, zoned Single Family Residential, owned and requested by Darren Easterly.

### **Background:**

### **Review Criteria:**

Single Family Residential: Chapter 20.16

Standards: Chapter 20.52

Variance Permits: Chapter 20.72

**Recommendation:** Staff recommends approval of the setback request.

Recommended Motion: Move to approve findings of fact and the Variance requests for a ten (10) foot setback reduction to the backyard setback requirements

### **Findings of Fact:**

The applicant is seeking to construct an 18' X 30' storage/shop building on his property on Lemieux Ave. A wood shed and a container van used for storage of gear and equipment are currently used on the property but both will be removed once the new building is constructed. The house currently meets required setbacks of 20' for the front yard and 5 feet for side yards.

The lot is 7800square feet, with the front and back yard property lines 78 feet and side 100 feet long. Property is connected to sewer and water.

### A Variance application must meet four criteria (WMC 20.72.050).

- 1. **Exceptional Physical Circumstances:** The lot is flat and 78' wide by 100'deep. The primary physical exception is there would not be enough area between structures to maintain the existing yard if a 10' variance is not granted. The house meets the current setback requirements. The shop is proposed to be 18' deep and 30' wide.
- 2. Strict application would result in practical difficulties or unnecessary hardships: Strict application would require that the structure be moved forward 10' to meet the back yard setback requirement of 20' and loss of the existing yard area, or that it not be constructed at all and the existing container van remains in place.

- 3. That the granting of the variance will not result in prejudice to others, or be detrimental to public health, safety or welfare: The granting of the variance will not prejudice others in the area with similar construction. The variance request is consistent with other structures nearby on lots of similar size.
- 4. Granting of the variance is not contrary to the comp plan for single family residential development.

### **APPLICATION FOR VARIANCE**

CITY OF WRANGELL PLANNING AND ZONING P.O. BOX 531 WRANGELL, AK 99929 Application Fee \$50.00

l. The u	ndersigned hereby applies to the City of Wrangell for a variance						
I. Desci	ription: (use additional paper if necessary)						
Le	egal description of the area requested for the variance <u>31 ad</u>	s 30A Lot 7					
	Parcel number 02-033-208						
Lo	ot (s) size of the petition area						
— E:	xisting zoning of the petition area ರೀ ಽ						
	urrent zoning requirements that cannot be met (setbacks, height						
	arrone zonnig roquironionio unac ounnot zo mot (ostibuono) noigin	., 0.0.,.					
Pi	roposed change that requires this variance <u>See</u> Af	noted letter					
. Appli	cation information: (use additional paper if necessary)						
E	xplain details of the proposed development	-					
_	and the survey of the following conditions	ana aviati					
А	variance may be granted only if all four of the following condition.						
	That there are exceptional physical circumstances or condition applicable to the property or to its intended use or developmentally to the other properties in the sazone.	ent					
	That the strict application of the provisions of this ordinance result in practical difficulties or unnecessary hardships.	would					
	That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.						
	That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan.						
Expla	in how your application meets these conditions:						
		100					
actior incon	A variance shall not be granted because of special conditions on sof the person seeking relief or for reasons of pecuniary hards venience. A variance shall not be granted which will permit a late in which that use is prohibited.	hip or					
Propo	ematic site plat must be attached showing the type and location used uses on the site, and all vehicular and pedestrian circulation unt to those uses.						
also affi	offirm that the above information is true and correct to the best of the that I am the true and legal property owner or the authorized rty subject herein.						
AA	m w Easterly DAMEN EASTERLY						
	Sie de	7/29/2021					
IGNATU	RE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA	DATE					
82	D /enieux	907-723-96					
ADDRESS	3	TELEPHONE					

Darren & Kathleen Easterly P.O. Box 1796 Wrangell, AK 99929

July 20, 2021

City & Borough Of Wrangell P.O. Box 531 Wrangell, AK 99929

Do to the lot size 75 x 100 and the layout of the property, we are asking for a Property Variance for 820 Lemieux St., Lemieux Subdivision, Block 30A, Lot 7, Parcel Number 02-033-208 from 20' to 10', to build an 18 x 30 storage/shop building.

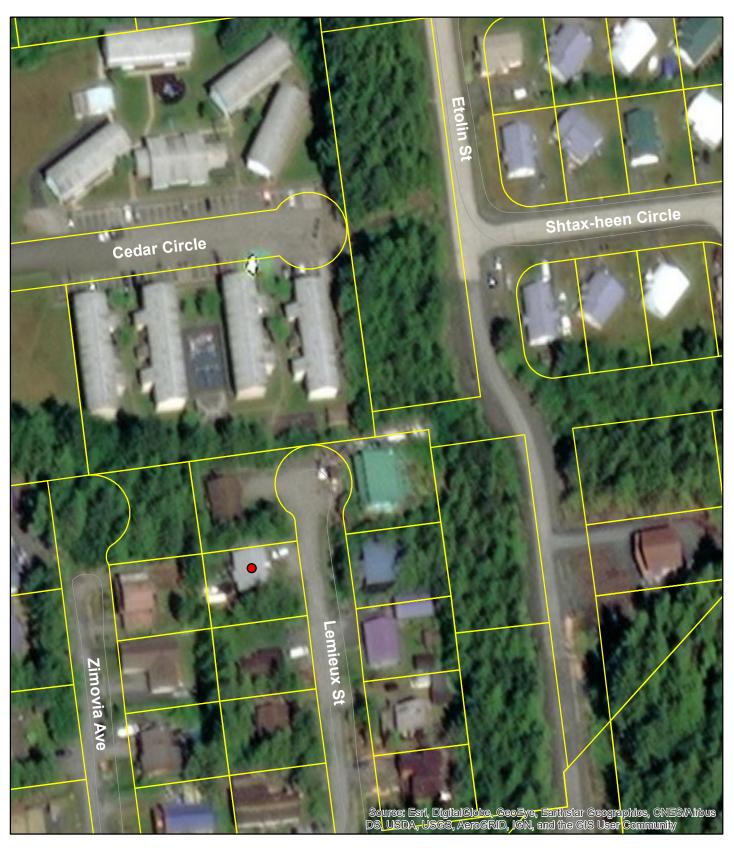
As of now we have several items, steel storage container, 4-wheelers, snowblower, greenhouse, miscellaneous tools and a woodshed, that are kept on the property as neat as possible but we believe a storage/shop, that would match the existing house, would enhance the property by keeping these items secured away and the view more appealing to us and our neighbors. Once the new building is completed, the woodshed and steel container would be removed.

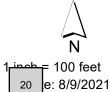
Thank you for your time



wood shed Jene Item 4. 10 SchBack 18 × 30' new Building ference of Steel Condainer Remove Dedl Side Deline 1400 sait House 19

### CITY AND BOROUGH OF WRANGELL, ALASKA





Public Map



### City and Borough of Wrangell

### Agenda G5

Date: August 7, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance permit application request for a reduction of the 30' access easement required for flag lot access to 15' wide access easement, and allowing more than the maximum 400' long flag lot easement, within the proposed Stikine Knig Slough Subdivision, a,subdivision of Tract A and the apparent accretions to Tract A, of the Swampy Creek Subdivision (Plat No. 2008-2), zoned Remote Residential Mixed-Use -Farm Island 1 (RMU-F1), owned and requested by Michael and Kay Schwartz, Trustees for Schwartz Alaska Trust.

**Background:** Applicants are seeking to subdivide their property on Knig Slough into 6 Tracts. (Agenda Item G6) As part of their subdivision, they are seeking to reduce the required 30 foot flag lot access easement width. Staff has also included a recommendation for a variance to the maximum 400' required easement length due to the remote nature of the properties.

### **Review Criteria:**

Remote Residential Mixed-Use Farm Island 1: Chapter 20.31

Standards: Chapter 20.52 Variances: Chapter 20.72

**Staff Recommendation:** Approve the variance request with modifications.

Recommended Motion: Move to approve the Variance request as follows:

- 1) Approve access easement reductions from the required 30 foot access easement to 15 foot, except for the Section Line easement extension which should remain at 33 feet.
- 2) Require an additional access easement from Knig Slough to Tract A4 and/or Tract A6.
- 3) Allow the additional access easement required to access Tract 4 and/or Tract 6 to be longer than 400 feet

### **Findings of Fact:**

The subject property is located on Farm Island along Knig Slough. A proposed subdivision has been submitted for review by the Commission (Agenda Item G6). Each proposed tract is long and narrow.

This is a proposed flag lot subdivision, which allows two rear lots (parcels not on a right-of-way) for property without sewer and water. This is a subdivision that is a bit unique in that there is not a "road", but Knig Slough is considered the right-of-way access for these parcels. There are a total of three proposed rear lots. An additional easement from Knig Slough will need to be identified either centered on the property line between parcels A3 and A5 or along the outer property line of A5 to provide access to Tract A6. If two access easements (the Section Line Easement and one additional easement) are provided from Knig Slough, the Flag Lot subdivision requirement can be

met. Per WMC19.30.020(D) the easement that extends to the back lots without right-of-way frontage is 30 foot wide. The applicant is requesting a variance to the 30' wide easement requirement. Two easements are needed to provide direct access to the three back lots.

Staff spoke with Stan Brown regarding section line easements. According to the State staff, the Section Line Easement extends through the accreted lands and thus should remain at the 33' width. I am still trying to discuss this issue with another AKDNR staff and should my findings change, I will report at the meeting. Section Line easements belong to the State of Alaska.

The easement perpendicular to the Section Line Easement, because it is not a "road" and being dedicated this plat, could be reduced to 15 foot wide and still provide the pedestrian, 4wheel, or other similar access required to get to the back lots.

In order to meet the flag lot requirements of only two back lots per easement, an additional easement from Knig Slough needs to be created for the final plat. It could be centered on the property line between Tracts 3 and 5 or along Tract 5 boundary line. The Commission should determine if 15 feet is adequate for this additional easement.

In addition, due to the very unique location and circumstances of the property, Staff has added to the variance request that the easements to the back properties be longer than the 400' distance required in town due to safety and fire protection. There are no roads, there is no fire assistance, only dwellings that will need water access to come and go.

The applicants and Commission may want to consider providing a small 30' wide area at Knig Slough, prior to the easement to the back lots (if the variance is approved) in case boats are able to dock in this area at some point in the future.

### A Variance application must meet four criteria (WMC 20.72.050).

- 1. **Exceptional Physical Circumstances:** The physical circumstance of the properties are that they are very remote, there is no road access but only boat access. In order to subdivide and create more than 4 lots, the tracts will be long and narrow.
- 2. Strict application would result in practical difficulties or unnecessary hardships: Strict application would require 30 foot wide easements be placed to provide access to and between lots. There is adequate property size to allow this, but may be considered more than is necessary for the remote use.
- 3. That the granting of the variance will not result in prejudice to others, or be detrimental to public health, safety or welfare: The granting of the variance will not prejudice others in the area. The variance request is consistent with other properties on Farm Island.
- 4. Granting of the variance is not contrary to the comp plan for remote residential development.

### **APPLICATION FOR VARIANCE**

### CITY AND BOROUGH OF WRANGELL **PLANNING AND ZONING** P.O. BOX 531 WRANGELL, AK 99929 Application Fee \$50.00

L	The undersigned	hereby applies	to the City of	of Wrangell for a	a variance.

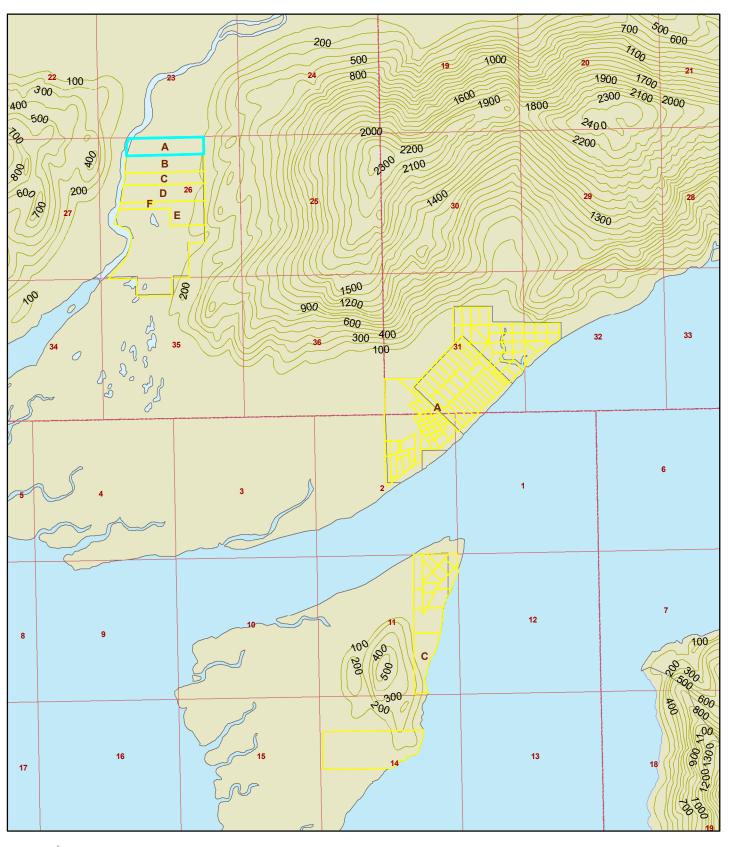
	• •
	The undersigned hereby applies to the City of Wrangell for a variance.
I.	Description: (use additional paper if necessary)
	Legal description of the area requested for the variance Tract A1 accretions area, Tract A2, and Tract A4 of the Stikine Knig Slough Subdivision
	Lot (s) size of the petition area Tract A1 6 acres, Tract A2 8 acres, Tract A4 8 acres
	Existing zoning of the petition area RMU-F1
	Current zoning requirements that cannot be met (setbacks, height, etc.):30' minimum access easement width.
	Proposed change that requires this variance A 15' width access easement width is more desireable/practical as there is no desire for full sized roads.
111	Application information: (use additional paper if necessary)
•••	Explain details of the proposed development The subdivider proposes to create
	six lots with three nonriparian lots requiring access easements.
	A variance may be granted only if all four of the following conditions exist:
	That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone.
	That the strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardships.
	That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.
	That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan.
	Explain how your application meets these conditions: This remote rural setting would
	likely not see any full-sized vehicle traffic that would normally require a 30' wide
	access easement. A smaller easement would fall in line with the spirit of this
	zoning classification and would make no noticeable impacts on neighboring parcels
	Note: A variance shall not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a zone in which that use is prohibited.
	A schematic site plat must be attached showing the type and location of all Proposed uses on the site, and all vehicular and pedestrian circulation patterns relevant to those uses.
als	reby affirm that the above information is true and correct to the best of my knowledge. so affirm that I am the true and legal property owner or the authorized agent thereof for property subject herein.
Mi	chael Schwartz
PRI	NT PETITIONER'S NAME
V	historial O. Sehwar 6/24/2021
1	NATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA DATE

P.O. Box 436 Petersburg, Alaska 99833 ADDRESS

(907) 518-0101 TELEPHONE

### CITY AND BOROUGH OF WRANGELL, ALASKA

Item 5.





e: 8/10/2021

24

3,603.187656 feet

Public Map



### City and Borough of Wrangell

### Agenda G6

Date: August 6, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary Plat review of the Stikine Knig Slough Subdivision, a subdivision of Tract A and apparent accretions to Tract A of the Swampy Creek Subdivision, zoned Remote Residential Mixed-Use -Farm Island 1 (RMU-F1), owned and requested by Michael and Kay Schwartz, Trustees for Schwartz Alaska Trust

**Background:** Applicants are seeking to subdivide their property into 6 parcels.

### **Review Criteria:**

Remote Residential Mixed-Use Farm Island 1: Chapter 20.31

Standards: Chapter 20.52 Subdivisions: Chapter 19

**Staff Recommendation:** Approve preliminary plat subject to identified modifications

Recommended Motion: Move to approve the Stikine Knig Slough Subdivision subject to the following requirements:

- 1) An additional easement (15 foot or other width as determined by the Variance request decision) needs to extend from Knig Slough to Tract A4 and/or A6.
- An access easement maintenance agreement shall be recorded for each easement prior to Final Plat approval and should identify responsibilities of Tract owners and purpose of the easement. The agreement itself should reference the code for flag lots WMC 19.30.
- 3) The document number of the recorded access maintenance agreement will be referenced in the Plat Notes for the Final Plat.
- 4) The Section Line Easement being dedicated this plat shall remain at 33' wide.

### **Findings of Fact:**

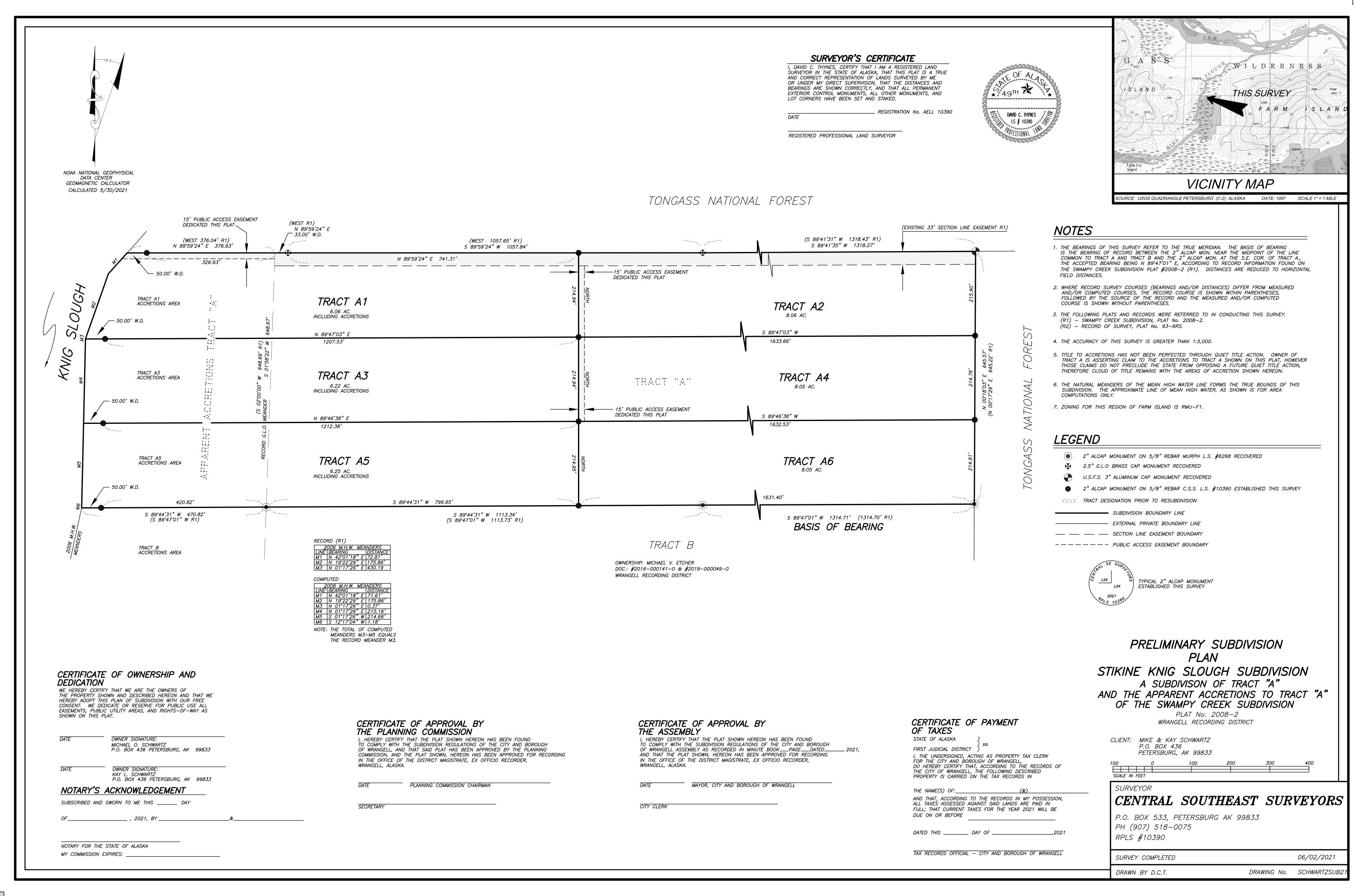
The proposed subdivision will subdivide Tract A into 6 parcels. Minimum lot size for parcels within the RMU-F1 District is 4 acres. Where in some cases the river can erode the shoreline and a landowner loses land, in this case, land has been gained to the property through accretion. Subdivisions that include land areas of what were previously State tidelands must identify on the plat the gained land as lands of Apparent Accretions. According to the Department of Natural Resources, the State could, if they so choose, argue that the land still belongs to the State. It would be up to the applicant to file a quiet title, with no challenges to assure their ownership.

At this time, all lots are a minimum of 4 acres, but it is possible, over time, that Knig Slough could change course and the lots could be eroded to less than 4 acres.

This is a proposed flag lot subdivision, which allows two rear lots (parcels not on a right-of-way). This is a subdivision that is a bit unique in that there is not a "road", but Knig Slough is considered the right-of-way access for these parcels. There are a total of three proposed rear lots. An additional easement from Knig Slough will need to be identified either centered on the property line between parcels A3 and A5 or along the outer property line of A5. Typically the easement that extends to the lots without right-of-way frontage is 30 foot wide. The applicant is requesting a variance to the 30' wide easement requirement which is being considered separately. Two easements are needed to provide direct access to the three back lots. The applicants and Commission may want to consider providing a small 30' wide area at Knig Slough, prior to the easement to the back lots (if the variance is approved) in case boats are able to dock in this area at some point in the future.

As part of a flag lot subdivision, an access easement maintenance agreement shall be recorded (WMC 19.30.020(H)) for the plat for each lot which describes purpose of the easements and how they should be maintained. This document will need to be recorded prior to the Assembly's Final Plat approval and the recorded document number for the agreement identified in the Plat notes. The Access Maintenance Agreement should also reference the specific Code for Flag Lots and that each land owner will meet all requirements within the WMC 19.30 Flag Lot Subdivisions.

As discussed in the Variance permit request for reduction in easement widths, the Section Line Easement should be maintained at the required 33' width. According Stan Brown of Alaska Department of Natural Resources (ADNR), the Section line should extend into accretions. I have additional staff I need to talk to at ADNR and if further guidance changes I will report at the meeting.



2

### City and Borough of Wrangell, Alaska

### Agenda Item G7

Date: August 9, 2021

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary Plat review of the THRHA/Etolin Replat, a replat and subdivision of Lot B of Etolin Avenue Replat (2019-2) creating Lots B-1 and B-2, zoned Single Family Residential owned and requested by Tlingit Haida Regional Housing Authority

### **Background:**

The applicant is seeking to subdivide a single lot into two lots.

### **Recommendation:**

Staff recommends approving the preliminary plat.

### **DRAFT Recommended Motion:**

Move to approve the Preliminary plat of THRHA/Etolin Replat.

### **Findings:**

The applicant purchased Lot B of the Etolin Avenue Replat and is now further subdividing the lot into two lots, each approximately 9,730 square feet. Each lot will have access from Etolin Ave. The minimum lot size in Single Family Residentia is 5000 square feet for a lot with utilities.

### BASIS NOTES BEARINGS SHOWN ARE NAD\_83(2011)(EPOCH:2010) GEODETIC BEARINGS BASED ON HIGH PRECISION GLOBAL NAVIGATION SATELLITE SYSTEM TECHNOLOGY, USING TRIMBLE (R8-3 & R10) RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED USING TRIMBLE BUSINESS CENTER VERSION 4.1 SOFTWARE. LOCAL PLANE BEARINGS ARE ORIENTED TO TRUE GEODETIC NORTH AT LAT: N56°25'1.16602 LONG: W132°20'55.74019. DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES. PREVIOUS LOT ZONING 1. LOT B, ETOLIN AVENUE REPLAT (SINGLE FAMILY RESIDENTIAL) PREVIOUS LOT AREAS 1. LOT B, ETOLIN AVENUE REPLAT (19,456 SQ. FT) PROPOSED OWNERSHIP 1. LOT B-1, THRHA / ETOLIN REPLAT 2. LOT B-1, THRHA / ETOLIN REPLAT OWNERSHIP STATUS 1. LOT B, ETOLIN AVENUE REPLAT (TLINGIT HAIDA REGIONAL HOUSING AUTHORITY) THIS IS TO CERTIFY THAT ON THIS DAY OF , 20 , BEFORE ME, THE UNDERSIGNED A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND ACKNOWLEDGED TO ME THAT SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED. U.S. OF AMERICA STATE OF ALASKA CITY AND BOROUGH OF WRANGELL NEW LOT ZONING LOT B-1, THRHA / ETOLIN REPLAT (SINGLE FAMILY RESIDENTIAL) LOT B-2, THRHA / ETOLIN REPLAT (SINGLE FAMILY RESIDENTIAL) NEW LOT AREAS 1. LOT B-1 THRHA / ETOLIN REPLAT (9,730 SQ. FT)(0.223 ACRES) 2. LOT B-2 THRHA / ETOLIN REPLAT (9,727 SQ. FT)(0.223 ACRES) NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN. REFERENCE THE FOLLOWING WITHIN THE WRANGELL RECORDING DISTRICT: • PLAT 73-7 • BOOK 17, PAGE 453 ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING AND DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000. LOT B-1, THRHA / ETOLIN REPLAT (TLINGIT HAIDA REGIONAL HOUSING AUTHORITY) LOT B-1, THRHA / ETOLIN REPLAT (TLINGIT HAIDA REGIONAL HOUSING AUTHORITY) BOOK 17, PAGE 453 PLAT 86-1 (A.S.L.S 84-83) PLAT 91-2 (RESUBDIVISION AND STREET VACATION) PLAT 96-5 (SHTAX'-HEEN SUBDIVISION) PLAT 99-7 (RECORD OF SURVEY, SHTAX'-HEEN SUBDIVISION) PLAT 2015-6 (ETOLIN AVENUE BOUNDARY SURVEY) PLAT 2019-2 (ETOLIN AVENUE REPLAT) DEED 2021-000017-0 OF BEARING RECORD PER PLAT 2015-6 RECORD PER PLAT 2019-2 **RECORD PER PLAT 73-7** PRIMARY MONUMENT RECOVERED RECORD PER PLAT 91-2 MEASURED DATA RECORD EASEMENT BOUNDARY ROW CENTERLINE UNSURVYED SECONDARY MONUMENT RECOVERED BLOCK NUMBER SECONDARY MONUMENT SET THIS SURVEY NOTARY'S LEGEND **ACKNOWLEDGMENT** CITY CLERK DATE ATTEST: STREE CEDAR N83°31'00"E 100.00' (R1) 20' UTIL. 25 N83°26'55"E 100.00' (R4) EASEMENT N83°32'55"E 100.00' N83°32'55"E 73.78' 26.22 N6.3 N6°29'00"W N6°29'00"W N6°29'00"W 6°29'00"W °31'58"W \6<u>°2</u>5′<u>58″</u>₩ N18.16,23,1 N6°25'58"W 97.31 N6°31'58"W 97.31' (F N6°27'05"W 77.99' 354.60' (R1) 354.67' (R4) U.S.S. 1119 (WRANGELL TOWNSITE) COR. #37 ORIGINAL STONE MONUMENT 0 78.00' (R1) 98.00' (R2) 77.99' (R3) $\frac{\neg}{\rightarrow}$ 354.67 730 79.65 O S.F ACRES. $\Box$ 97.31 (R4) SECRETARY 19.32 N6°31′58″ N83°32'55"E 99.97 N6°29'00"W N6°29'00"W PROPERTY LINE CREATED THIS PLATE **₹** AVENUE 194.62 30B THOM OF THE WOLL THE WAY 78.00' 77.69' 58.37 (R4) N6°27'05"W 3CY CAN CC. JCX J. Q. L. L. CX J. C. CX J. C. CX J. C. CX J. C 0 9,727 ).223 / 25 25 (AS) AC: VCX ONIAAIA 7 S.F. ACRES R.O.₩. EE. 6141 97.31 3051548 38.94 W.C.M.C. No. 38 U.S.S. 125 USS: USS 125: 1518 MC38WC MC1WC ATS 83 MC1WC N6°29'00"W N6°29'00"W N6°33'05"W 99.94' (R4) N83°26'55"E N83°32'55"E 99.94' 78.00' (R1) 77.88' (R3) 77.88' (R4) AND THAT ACCORDING TO THE RECORDS IN MY POSS AGAINST SAID LANDS ARE PAID IN FULL; THAT CURRE 20 WILL BE DUE ON OR BEFORE OCTOBER 15, 2 DAY OF . ASSESSOR CITY AND BOROUGH OF WRANGELL 10' 38.94 I HEREBY CERTIFY THAT I AM ' LAND SURVEYING IN THE ST! SURVEY MADE BY ME OR U! MONUMENTS SHOWN HER AND THAT ALL DIMENSIONS CHRISTOPHER 8 BURN, PLS # 107552 SURVEYOR'S CERTIFICATE GISTERED AND LICENSED TO PRACTICE SESSION, ALL TAXES ASSESSED ENT TAXES FOR THE YEAR 20\_\_\_\_ DATED THIS\_\_\_\_ R&M ENGINEERING-KETCHIKAN, INC. 7180 REVILLA ROAD, SUITE 300 KETCHIKAN, AK 99901 WRANGELL OFFICE P.O. BOX 2286 WRANGELL, AK 99929 SHEET 1 OF SCALE: CERTIFICATE OF AUTHORIZATION #: C576 DATE: JULY 2021 SURVEYED BY: MCH THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING

<u>:</u>

1

A REPLAT AND SUBDIVISION OF LOT B, OF ETOLIN AVENUE REPLAT, WITHIN BLOCK 30B, OF WRANGELL TOWNSITE (U.S.S. 1119), ACCORDING TO PLAT 2019-2;

THRHA / ETOLIN REPLAT

METER = 3.2808333 U.S. SURVEY FEET 1 U.S. ACRE = 0.4047 HECTARES

25 METERS

Phone: (907) 225-7917 Fax: (907) 225-3441

ne: (907) 305-0820

SCALE 1"=20'

LOTS B-1 AND B-2, THRHA / ETOLIN REPLAT CONTAINING 0.447 ACRES MORE OR LESS

CREATING

LOCATED WITHIN
WRANGELL TOWNSITE (U.S.S. 1119)
WRANGELL, ALASKA 99929
WRANGELL RECORDING DISTRICT

CHECKED:

R&M PROJECT NO: 202792.01

DATE: JULY 2021

DRAWN BY: MCH

(R2) (R3) (R4)

(R1) ⋈ WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE DATED 20 , AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, WRANGELL, ALASKA.

CERTIFICATE OF APPROVAL BY THE ASS

SEMBLY

CERTIFICATE OF APPROVAL BY THE PLANNING COMMISSION

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF WRANGELL PLANNING COMMISSION, AND THAT SAID PLAT HAS BEEN APPROVED BY THE COMMISSION BY PLAT RESOLUTION NO DATED 20, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, WRANGELL, ALASKA.

ITHE UNDERSIGNED, AS THE PROPERTY TAX CLERK FOR THE CITY AND BOROUGH OF WRANGELL, HEREBY CERTIFY, THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY AND BOROUGH OF WRANGELL, IN THE NAME OF

EASTERN FARE

ASSA CK

>TH18

32

33

34

29

28

AIVOMIS

TIAATZ

9

10

16

15

5

ယ

TYPICAL SECONDARY MONUMENT

VICINITY MAP

SET THIS SURVEY

ENG-42

B B 1 2 1 ROW

SET 5/8" X 30" LONG REBAR (UNLESS OTHERWISE NOTED) AND 2" ALUMINUM CAP WITH PLASTIC

INSERT

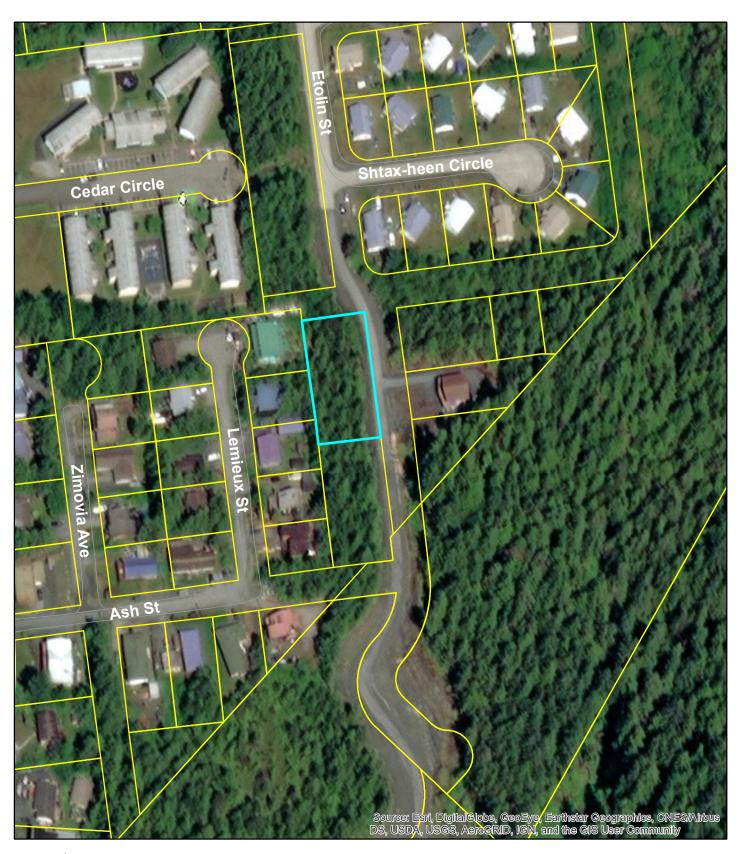
5707552

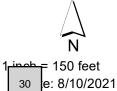
(FIRST JUDICIAL DISTRICT)ss

TLINGIT HAIDA REGIONAL HOUSING AUTHORITY

**CERTIFICATE OF OWNERSHIP AND DEDICATION** 

### CITY AND BOROUGH OF WRANGELL, ALASKA





Public Map

