



City and Borough of Wrangell
Planning and Zoning Commission
AGENDA

Thursday, December 10, 2020
6:00 PM

Location: Borough Assembly Chambers
City Hall

Planning and Zoning Commission 12-10-2020
6:00 PM

A. CALL TO ORDER / ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. CONFLICTS OF INTEREST

D. APPROVAL OF MINUTES

E. PERSONS TO BE HEARD

F. CORRESPONDENCE

1. Corps of Engineers POA-2020-00447 Zimovia Strait - Mr. Curtis for rock wall, fill and dock.

G. NEW BUSINESS

1. (PH) Variance permit request, an after-the-fact application for an existing residence, for a 3 foot variance request to the side yard setback, on Lot 10, USS 3403, zoned Rural Residential 1, requested by Wesley and Wanda Ingram.
2. (PH) Preliminary Plat review of the WW Ingram Replat, a subdivision and replat of Lot 9C of Plat No. 73-2, a subdivision within USS 3403; and Lot 10, of USS 3403, Plat No. 73-1, zoned Rural Residential 1, requested by Wesley and Wanda Ingram.

H. OLD BUSINESS

1. Discussion of Zoning for former Institute Property

I. PUBLIC COMMENT

J. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

K. ADJOURNMENT



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	December 3, 2020
EXPIRATION DATE:	January 4, 2021
REFERENCE NUMBER:	POA-2020-00447
WATERWAY:	Zimovia Strait

Interested parties are hereby notified that a Department of the Army permit application has been received for work in waters of the United States (U.S.) as described below and shown on the enclosed project drawings.

All comments regarding this Public Notice (PN) should be sent to the address noted above. If you desire to submit your comments by email, you should send it to the Project Manager's email as listed below or to regpagemaster@usace.army.mil. All comments should include the PN reference number listed above.

All comments should reach this office no later than the expiration date of this PN to become part of the record and be considered in the decision. Please contact Ms. Roberta Budnik at (907) 753-2785, toll free from within Alaska at (800) 478-2712, by fax at (907) 753-5567, or by email at Roberta.K.Budnik@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Mr. Rolland Curtis, Post Office Box 140, Wrangell, Alaska 99929

AGENT: Mr. George Woodbury, Woodbury Enterprise, Post Office Box 1934, Wrangell, Alaska 99929

LOCATION: The project site is located at Latitude 56.4652° N., Longitude 132.3849° W.; 1448 Peninsula Boulevard, in Wrangell, Alaska.

PURPOSE: The applicant's stated purpose is to restore a piling supported floating dock and contain the property with a stacked rock wall with fill.

PROPOSED WORK: The applicant proposes to discharge up to 4,520 cubic yards (CY) of fill material into 0.04-acre below the High Tide Line (HTL) of Zimovia Strait in order to create a stacked rock wall (273 CY) and fill behind the wall to level the ground with the top of the wall (4,247 CY shot rock). Additionally, six 13-inch diameter galvanized steel piles would be installed along the face of the rock wall to support a 10-foot wide by 130-foot long dock. Piles would be driven from the constructed fill pad at low tide, when the area is completely dewatered. All work would be performed in accordance with the enclosed plan (sheets 1-3), dated November 24, 2020.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the U.S. from activities involving discharges of dredged or fill material.

- a. Avoidance: There is an existing home at the proposed project location. In order to construct a dock and pad, avoidance of impacts to tidal waters is not possible.
- b. Minimization: The proposed project would fill a minimal area below HTL of Zimovia Strait. All work would be performed during low tide. Impacts to adjacent intertidal areas would be minimized by placing new fill from existing filled areas.
- c. Compensatory Mitigation: The applicant has not proposed any compensatory mitigation for the proposed project.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation (ADEC) and the applicant is working directly with ADEC on this matter.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRs) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are no known cultural resources in the permit area or within the vicinity of the permit area. The permit area has been determined to be the footprint of the proposed project within jurisdictional waters of the U.S. Consultation of the AHRs constitutes the extent of cultural resource investigations by the Corps of Engineers (Corps) at this time, and we are otherwise unaware of the presence of such resources. The Corps has made a No Potential to Cause Effects determination for the proposed project. Consultation with the State Historic Preservation Office (SHPO) is not required; however, any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the Mexico Distinct Population Segment (DPS) of humpback whale (*Megaptera novaeangliae*). We have determined the described activity would have no effect on the humpback whale, under the Endangered Species Act of 1973 (87 Stat. 844). Therefore, no consultation with the National Marine Fisheries Service (NMFS) is required. However, any comments they may have concerning endangered or threatened wildlife or plants, or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The project area is within the known range of the chum salmon (*Oncorhynchus keta*), Chinook salmon (*O. tshawytscha*), sockeye salmon (*O. nerka*), pink salmon (*O. gorbuscha*), and Coho salmon (*O. kisutch*). We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the NMFS may have concerning essential fish habitat will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This PN serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal and, if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered, including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the U.S. – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the U.S. – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosure

POA-2020-00447

Project Location

Legend

Item 1.

● POA-2020-00447

POA-2020-00447, Zimovia Strait, Mr. Ronald Curtis
Rock wall, fill, and dock

Lat. 56.4652 N., Long. 132.3849 W.

Sheet 1 of 3, November 24, 2020

POA-2020-00447

Ocean View Dr

Sunset Blvd

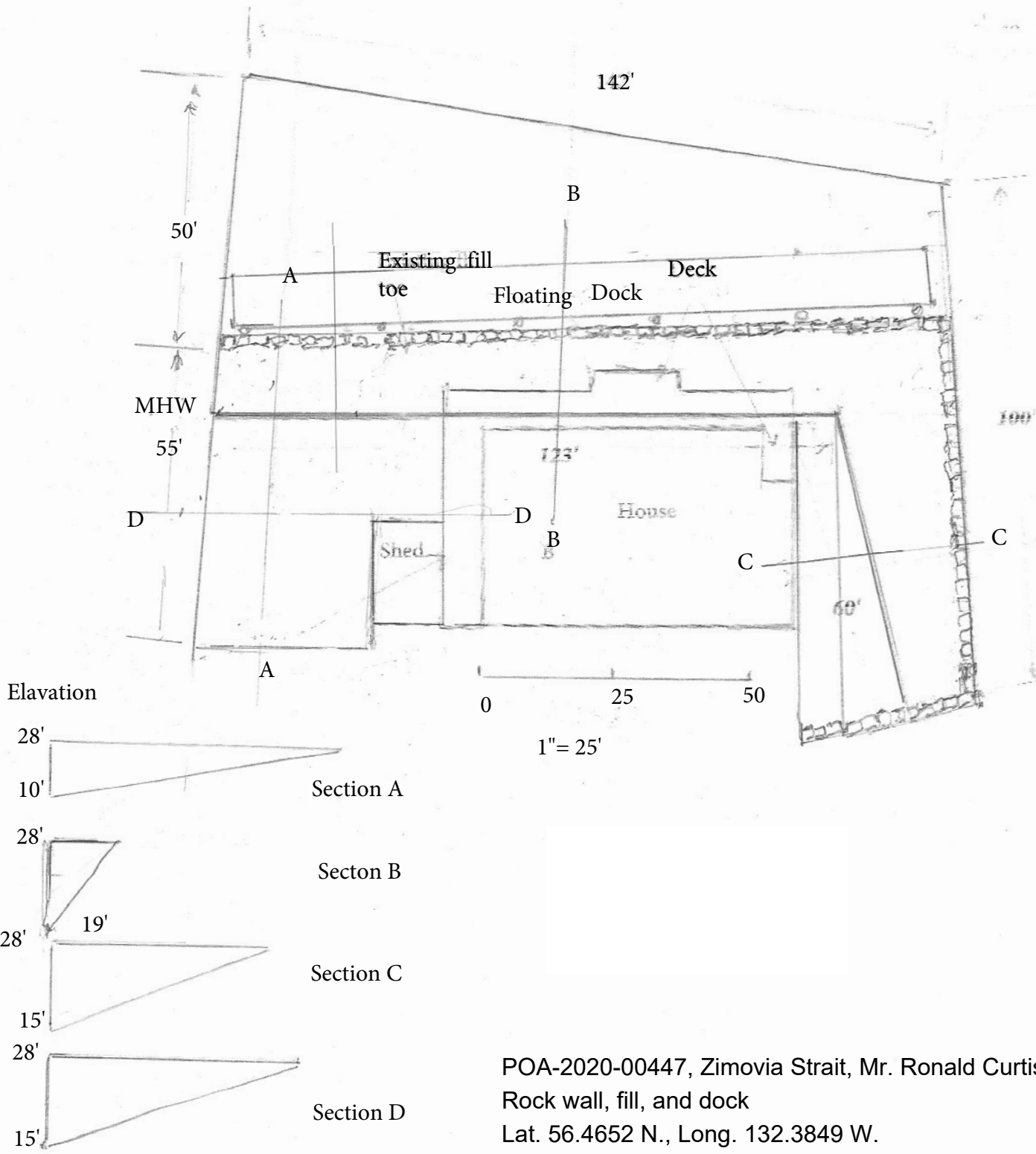
Peninsula St

Google Earth

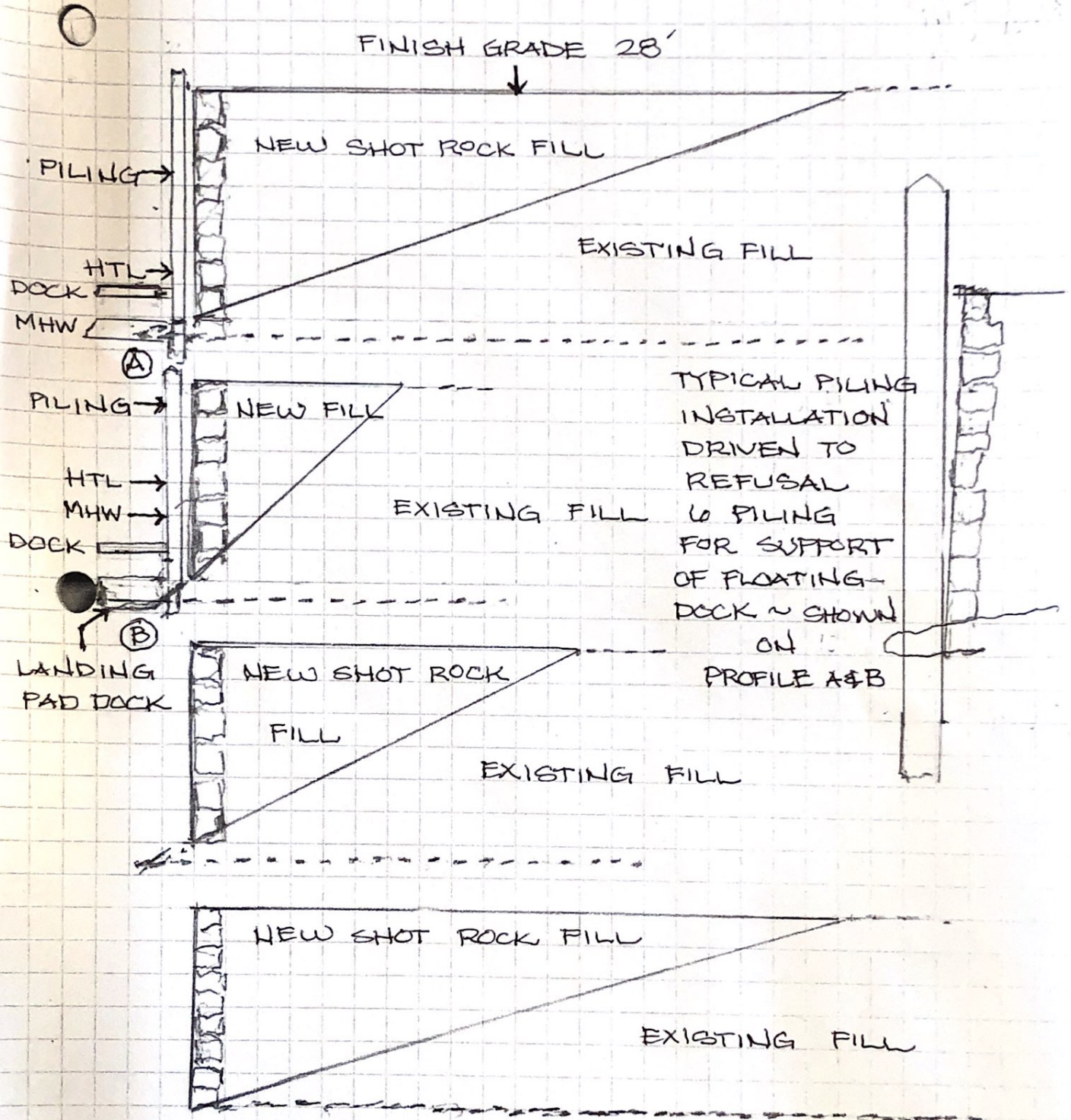
© 2020 Google
Image © 2020 CNES / Airbus

N

300 ft



POA-2020-00447, Zimovia Strait, Mr. Ronald Curtis
 Rock wall, fill, and dock
 Lat. 56.4652 N., Long. 132.3849 W.
 Sheet 2 of 3, November 24, 2020



PROFILES FOR BENW CURTIS FILL
 POA - 2020 - 00447 - ZIMOVIA ST.
 AGENT GEORGE WOODBURY
 11/24/2020

City and Borough of Wrangell, Alaska

Agenda Item G1

Date: December 4, 2020

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance permit request, an after-the-fact application for an existing residence, for a 3 foot variance request to the side yard setback, on Lot 10, USS 3403, zoned Rural Residential 1, requested by Wesley and Wanda Ingram.

Recommendation:

Staff recommends approving the after the fact variance request for a 3 foot variance to the side yard setback requirements for an existing residence.

Recommended Motion:

Move to approve the findings of fact and the variance application requesting a three (3) foot variance (12 feet from the property line) for an existing residence.

Findings:

The Planning and Zoning Commission will be reviewing tonight a replat that will replat this lot with an adjacent lot in order to put a second primary structure on its own lot. While reviewing the preliminary plat, it was discovered that the existing residence on Lot 10 is 12 feet from the property line rather than 15. The applicant believes that when the house was constructed in the 1980's, they met the zoning requirements- setbacks, at the time. I have not been able to find any records or an 80's code. The applicant has willingly agreed to apply for the after the fact permit in order to make the house meet the current code requirements. A three foot variance from the 15 foot required side yard setback, allows the structure to be 12 feet from the property

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

1. Exceptional Physical Circumstances: The lot has a general upward slope. The exception circumstances, while not physical, is the fact that the applicants believe they met code requirements at the time of construction in the 1980's.
2. Strict application would result in practical difficulties or unnecessary hardships: Strict application would require that the 40 year old house be moved three foot to meet the 15 foot setback requirements.
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 along Shoemaker Loop Road. The structure has been there almost 40 years without complaints from neighbors.
4. Granting of the variance is not contrary to the comprehensive plan for rural or single family residential development.

From: outlook_2EB2BB4710F546F6@outlook.com
To: [Carol Rushmore](#)
Subject: WW Ingram Replat and variance permit request.
Date: Friday, December 4, 2020 11:44:48 AM

In regards to the public hearing notice of the WW Ingram Replat and the variance permit request . I am against any action on these requests!

The Ingrams have made the maneuvering of a vehicle at the end of Haines Rd. very difficult. They have dug a ditch and placed large rocks at the edge of Haines Rd. in an area that is designated as a Cul De Sac and ignoring the road set back. This has created a safety problem for all the neighbors plus the difficulty of a fire truck ever fighting a fire in this area.

I will withhold my approval on these requests until more information is available on the reason for these requests!

Sincerely

Howard Gaines

Sent from [Mail](#) for Windows 10

City and Borough of Wrangell, Alaska

Agenda Item G2

Date: December 7, 2020

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary Plat review of the WW Ingram Replat, a subdivision and replat of Lot 9C of Plat No. 73-2, a subdivision within USS 3403; and Lot 10, of USS 3403, Plat No. 73-1, zoned Rural Residential 1, requested by Wesley and Wanda Ingram.

Recommendation:

Staff recommends approving the preliminary plat.

Recommended Motion:

Move to approve the Preliminary plat of the Woodbury Industrial Subdivision subject to the following:

- 1) Note 1: Should be Plat 73-2, not Plat 93-2.**
- 2) Please identify the zoning of each of the lots within the Replat and lots surrounding. They are All RR1. (per WMC 19.12.040 (6)).**
- 3) Applicants will keep that portion of the cul-de-sac of the easement (Haines Road) within their property lines free and clear of any obstructions (rocks, structures, ditches etc) to allow access by emergency vehicles. Any obstructions should be moved prior to the Final Plat approval.**

Findings:

The Ingram's are proposing to resubdivide two adjacent lots they own on the Shoemaker Bay Loop Road. One of the primary structures accessed from the easement is currently located on the adjacent lot. The subdivision will place each structure on its own lot. Also on the agenda is a variance for setback encroachment for the other primary structure that was built in the 1980's.

An adjacent landowner has submitted written testimony in opposition to the subdivision due to obstructions within the easement. All access easements are to remain clear of obstructions for access by emergency response vehicles and City vehicles that may need to work on the main located within the easement.

From: outlook_2EB2BB4710F546F6@outlook.com
To: [Carol Rushmore](#)
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Date: Friday, December 4, 2020 11:44:48 AM

In regards to the public hearing notice of the WW Ingram Replat and the variance permit request . I am against any action on these requests!

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I will withhold my approval on these requests until more information is available on the reason for these requests!

Sincerely

Howard Gaines

Sent from [Mail](#) for Windows 10

City and Borough of Wrangell

Item H1

Date: December 8, 2020, 2020

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Zoning discussion for the Institute Master Plan Modification

In April, the Commission recommended approving a draft Residential Commercial Mixed – Use Development District as the underlying zone for the Institute Property. A Planned Unit Development district (PUD) was also proposed to allow flexibility to the property as well as to other properties.

In August, the Assembly approved a redesign of the northern end of the Institute Property to be designed as ALL residential, rather than some commercial property. At that meeting, the Commission's recommendation that some of the Institute Property be reserved for commercial use in the future was presented and by consensus the Assembly agreed. The Manager has requested that the Institute Master Plan be reviewed by the Planning and Zoning Commission with these new parameters and recommend to the Assembly any proposed changes to the Master Plan for Assembly review. At the Commission's September meeting staff updated the Commission to the Assembly's decision for residential and potential future commercial. The Commission, after discussion agreed that a section of the southern portion of the property should be "zoned" commercial for future use. At the October meeting, the Commission further discussed zoning and how to approach multiple uses that also include tiny homes, commercial and additional traditional residential.

In November, the Commission held a series of Work Sessions to work through the zoning district discussions. Attached to this Agenda Item are the most recent drafts for a commercial district and a residential district specific to the Institute, although if another area seems to fit for the district, it could be allowed elsewhere. Also attached to begin discussions are draft Cluster and PUD codes from Sitka and Ketchikan that were discussed at the last work session. Staff is trying to reach Ketchikan planning department to discuss their code in more detail.

Chapter 20.4X

SFMD - Single Family Residential – Medium Density District

Sections:

- 20.42.010 Intent.
- 20.42.020 Permitted principal uses and structures.
- 20.42.030 Permitted accessory uses and structures.
- 20.42.040 Conditional uses.
- 20.42.050 Prohibited uses and structures.
- 20.42.060 Minimum lot requirements.
- 20.42.070 Minimum setback requirements.
- 20.42.080 Maximum lot coverage by all buildings and structures.
- 20.42.090 Maximum height of buildings and structures.
- 20.42.100 Required off-street parking and loading.
- 20.42.110 Signs.

20.24.010 Intent.

The Single Family Residential –Medium Density District is intended to include lands away from the core town area that are specifically for one and two family dwelling units but with larger required minimum land size restrictions. It is expected that the lands either provide a full range of public services, including sewers, water, electricity and street drains, or are intended to be provided with such services in the future. The district is primarily for residential development providing larger area for yards and allowable accessory structures.

20.24.020 Permitted principal uses and structures.

In the SFMD zone, the following uses and structures are permitted outright:

- A. Single-family dwellings
- B. Duplexes
- C. Home occupations
- D. A detached Accessory Living Unit not to exceed 600 sq ft, including outside deck.

20.24.030 Permitted accessory uses and structures.

In an SFMD zone, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 20.24.020, are permitted:

- A. Accessory buildings in conjunction with a permitted or conditional use such as a private garage, workshop or greenhouse;

- B. Automobile parking in conjunction with the permitted or conditional uses;
- C. Private outside storage in yards of not more than a total of three of the following: truck up to one ton, boat, recreational vehicle, maintained in a safe and orderly manner and separated by at least ten feet from any property lines;
- E. Nets, gear and equipment must be stored in an enclosed closed building.
- F. Parks, playgrounds and greenspace

20.24.040 Conditional uses.

In the SFMD zone, subject to the conditional use provisions of this title, the following uses or structures may be permitted:

- A. In home childcare services (not requiring or requiring a license from State)
- B. In home church services;
- C. Condominiums, townhouses, cluster housing and planned unit developments;
- D. Municipal uses such as fire stations or sewer lift stations;
- E. Vacation Rentals or Bed and Breakfasts

20.24.050 Prohibited uses and structures.

- A. In the SFMD district, any use or structure not of a character indicated under permitted principal uses and structures or permitted as a conditional use is prohibited.
- B. Any personal or commercial use which causes or may reasonably be expected to cause excessive noise per WMC 9.08.085.
- C. Co-generation facilities.
- D. Auto and boat repair services
- E. Conex/Container Vans
- F. Travel Trailers and older mobile homes. (working on defn and dates)
- G. Outside storage of broken/ non working vehicles, boats, nets, gear or equipment.

20.24.060 Minimum lot requirements.

- A. Lot width: one hundred feet.

- B. Lot Area. The minimum lot area is 15,000 square feet
- C. Minimum Lot Area for a single unit detached dwelling. One unit per each 15,000 square feet of property is allowed.

20.24.070 Minimum setback requirements.

- A. Front yard: twenty feet.
- B. Side yard abutting another lot: ten feet.
- C. Rear yard: fifteen feet.
- D. Exceptions. Accessory structures, such as a storage shed or greenhouse, two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and side yard setbacks only; provided, the structure is located on the back twenty-five percent of the parcel and is a minimum of five feet from both the rear and side lot lines.

20.24.080 Maximum lot coverage by all buildings and structures.

- A. Fifty percent.

20.24.090 Maximum height of buildings and structures.

Principal buildings and structures shall not exceed thirty feet in height, as long as the roof line can be reached by the ladders of the VFD.

Chapter 20.4X**RC - Rural Commercial District**

Sections:

- 20.42.010 Intent.
- 20.42.020 Permitted principal uses and structures.
- 20.42.030 Permitted accessory uses and structures.
- 20.42.040 Conditional uses.
- 20.42.050 Prohibited uses and structures.
- 20.42.060 Minimum lot requirements.
- 20.42.070 Minimum setback requirements.
- 20.42.080 Maximum lot coverage by all buildings and structures.
- 20.42.090 Maximum height of buildings and structures.
- 20.42.100 Required off-street parking and loading.
- 20.42.110 Signs.

20.24.010 Intent.

The Rural Commercial district is intended to provide services and facilities that complement and support the needs of residents within the Rural Residential and Single Family Medium Density District. It is intended to encourage the development of small and compact areas for convenience business establishments which serve the daily needs of adjacent residential neighborhoods.

20.24.020 Permitted principal uses and structures.

In the RC district, the following uses and structures are permitted outright.

- A. An owner or manager's apartment, provided it is located above a commercially allowed enterprise;
- B. Barbershops and beauty shops;
- C. Drugstores;
- D. Eating and drinking establishments;
- E. Grocery and convenient stores;
- F. Laundromat;
- G. Retail stores.

20.24.030 Permitted accessory uses and structures.

In an RC district, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 20.24.020, are permitted:

- A. Accessory buildings in conjunction with a permitted commercial use such as a greenhouse, or enclosed storage building;

20.24.040 Conditional uses.

In an RC district, subject to the conditional use provisions of this title, the following uses or structures may be permitted:

- A. Municipal uses such as fire stations or sewer lift stations;
- B. Licensed marijuana establishment facilities as follows: retail store, testing, limited indoor cultivation (fewer than 500 square feet under cultivation), and product manufacturing with the exception of solvent based manufacturing processes which are not allowed;
- C. Mobile food units.

20.24.050 Prohibited uses and structures.

- A. In an RC district, any use or structure not of a character indicated under permitted principal uses and structures or permitted as a conditional use is prohibited.
- B. Any personal or commercial use which causes or may reasonably be expected to cause excessive noise per WMC 9.08.085.
- C. Auto and boat repair services
- D. Conex/Container Vans
- E. Travel Trailers
- F. Outside storage of gear and equipment.

20.24.060 Minimum lot requirements.

A. Lot width: 40 feet wide.

B. Lot Area. 5000 sq ft. **20.24.070 Minimum setback requirements.**

A. Side setbacks: Five feet

B. Front setback: Five feet

C. Backyard setback: Fifteen feet

20.24.080 Maximum lot coverage by all buildings and structures.

A. Maximum Lot coverage: Sixty percent (up to 70% if shared parking area is provided)

20.24.090 Maximum height of buildings and structures.

Principal buildings and structures shall not exceed thirty feet in height, except as otherwise provided in this title.

20.24.100 Required off-street parking and loading.

Adequate off-street parking and loading spaces shall be provided in connection with any permitted use in accordance with the requirements set forth in Section 20.52.190 and could vary if shared parking is provided.

20.24.110 Signs.

Signs no larger than 32 square feet, against the external building wall, are allowed. Lighted, neon or flashing signs are not permitted externally.

Chapter xx.xx

CLUSTER SUBDIVISIONS

Ketchikan Gate Way Borough Code for Discussion purposes

Sections:

- xx.xx.010 General provisions.
- xx.xx.020 Development requirements.
- xx.xx.030 Open space.
- xx.xx.040 Play area.
- xx.xx.050 Platting procedure.
- xx.xx.060 Review criteria.

xx.xx.010 General provisions.

- (a) Optional Subdivision Development. The intent of this chapter is to allow for an option in the development of subdivisions and is intended to encourage greater flexibility in the design and layout of residential subdivisions. Clustering will permit the size of residential lots within a subdivision to be reduced below the minimum lot size required by the zoning district within which the property is located; provided, that the average dwelling density of the entire subdivision does not exceed the density permitted by the applicable zoning classification. Advantages of the cluster subdivision include a larger amount of open space for use by residents, protection and conservation of drainage channels, steep slopes, and other environmentally sensitive areas within the subdivision, and a reduction in road and utility installation and maintenance costs. [Ord. No. 1785, §1, 2-1-16.]

xx.xx.020 Development requirements.

- (a) Method for Determining Site Area. The area to be subdivided is the gross site area. The net site area is determined by subtracting the area devoted to existing or proposed rights-of-way, including, but not limited to, street or utility rights-of-way, from the gross site area.
- (b) Required minimum **net site area**. The required minimum net site area shall not be less than:
 - (1) SFD zone: 30,000 square feet.
 - (2) RR1 and RR2 zone: 50,000 square feet.
 - (3) SFMD zone: 30,000 square feet.
- (c) Maximum Number of Permitted Residential Lots. The maximum number of permitted residential lots within a cluster subdivision shall be determined by dividing the net site area by the minimum lot size permitted by the zoning district within which the subdivision is located. Any fractional remainder shall be disregarded. The number of permitted residential lots may be increased by one for each pair of attached twinhouse dwellings to be constructed within the subdivision in accordance with the requirements listed in KGBC 18.45.070.
- (d) Required Buffer Yard. Where a cluster subdivision directly abuts property with the same or a more restrictive zoning classification, a buffer yard shall be provided along that portion of the cluster subdivision boundary abutting such property in accordance with the following requirements:

- (1) The buffer yard shall be composed of undisturbed or restored indigenous vegetation or other material approved by the planning commission serving as the platting authority.
- (2) The buffer yard shall be a minimum of 30 feet wide unless modified by the planning commission serving as the platting authority. The planning commission serving as the platting authority may increase the buffer yard where necessary to protect adjacent property owners from adverse effects such as traffic or noise due to the increased density in portions of the cluster subdivision. In cases where existing topography or screening methods, such as earth berms, fences, walls, or a combination of materials proposed by the subdivider, will provide an adequate buffer, in the judgment of the planning commission serving as the platting authority, the required buffer yard may be reduced by the planning commission serving as the platting authority.
- (3) The land devoted to the buffer yard may be included in the calculation of cluster open space required within the subdivision in accordance with KGBC xx.xx.030. [Ord. No. 1785, §1, 2-1-16.]

xx.xx.030 Open space.

- (a) Generally. Those areas within a cluster subdivision that are not devoted to individual dwelling unit lots, streets, or play areas shall remain as cluster open space in perpetuity. A minimum of 20 percent of the net site area shall be devoted to cluster open space. Cluster open space shall be used for conservation or for outdoor recreation purposes that do not require structures, such as hiking or berry picking. No portion of any dwelling unit lot, street, or play area shall be considered as cluster open space.
- (b) Permitted Buildings and Structures. No buildings or structures shall be permitted within the cluster open space except:
 - (1) Essential services as defined in KGBC 18.05.060.
 - (2) Streets, pedestrian paths, or bike paths.
 - (3) Required buffer yards developed in accordance with the requirements listed in KGBC xx.xx.020(d).
 - (4) Fences.
- (c) Optional Cluster Open Space Land. Land devoted to any of the following purposes may be included in the calculation of required cluster open space, subject to planning commission serving as the platting authority approval:
 - (1) Undisturbed land within 330 feet of active eagle nesting trees identified by the U.S. Fish and Wildlife Service.
 - (2) Buffer yards or green belt access corridors between groups of residences within the cluster subdivision or between the subdivision and adjacent development.
 - (3) Preservation of scenic areas within the subdivision.
 - (4) Preservation of marginal building areas, including but not limited to drainage channels, steep slopes or floodplains.
 - (5) Provision of area for pedestrian and bike paths.
- (d) General Requirements.
 - (1) Required cluster open space shall not be used for the computation of the number of lots permitted in another subdivision.

- (2) Required cluster open space shall be located within the subdivision and shall be designed for public access along one or more of the subdivision boundary lines when such open space is dedicated to the public, or accessible to all subdivision residents if such open space is not dedicated.
 - (3) All portions of the cluster open space not devoted to fences, pedestrian or bike paths, essential services or buffer yards shall be covered by one or more of the following materials: lawn grass, shrubbery, trees, undisturbed or restored indigenous vegetation or other similar material approved by the planning commission serving as the platting authority.
- (e) Ownership and Administration of Cluster Open Space. **Question: does there have to be a subdivision? Can multiple structure be placed on a lot without a subdivision?**
- (1) Administrative Options. A combination of one or both of the two options listed in subsections (f)(2) and (3) of this section shall be used to administer the cluster open space. All open space shall be placed under and encumbered with a covenant running with the land or an easement, including but not limited to a conservation or public use easement, to prohibit development of the open space in a manner inconsistent with the requirements of this chapter, and as determined by the planning commission serving as the platting authority. The planning commission serving as the platting authority shall approve the proposed method of protection, ownership, and administration of the cluster open space.
 - (2) Public Ownership. Cluster open space shall be dedicated to the public unless the planning commission serving as the platting authority determines that the size, location, cost of maintenance of such cluster open space or other considerations would make dedication to the public undesirable. The planning commission serving as the platting authority may require the dedication of some or all of the cluster open space.
 - (3) Private Ownership. The following requirements shall apply to cluster open space not dedicated to the public:
 - a. A homeowners' association (HOA) shall be formed by the subdivider, who shall convey ownership of the cluster open space to the HOA. The HOA shall thereafter own, administer, inspect, maintain and be responsible for the open space and any structures thereon. The HOA shall have, and the organizational documents shall so provide, the power to levy and assess a fee on each dwelling unit or dwelling unit lot in order to pay the costs incurred by the HOA in meeting its responsibilities.
 - b. Membership in the HOA shall be mandatory for any buyer of property within the subdivision. The subdivider shall be responsible for paying the assessment fee for any unsold property.
 - c. Proposed covenants, or legal arrangements providing for the formation and responsibilities of the HOA, as approved by the planning commission serving as the platting authority, shall be recorded with the final subdivision plat. [Ord. No. 1785, §1, 2-1-16.]

xx.xx.040 Play area.

- (a) When Required. A play area shall be developed by the subdivider in all cluster subdivisions containing six or more lots. **I think we have that now for the Trailer parks and it's not enforced, if it was used for an over 55 development it would make no sense. Potentially delete**
- (b) Minimum Play Area Size. A minimum of five percent of the net site area of cluster subdivisions located within an RS or RL zone and a minimum of two and one-half percent of the net site area of cluster subdivisions located within an RR zone shall be developed as a play area in accordance with the standards listed in this section; provided, however, that no play area shall be less than 2,500 square feet.

Play areas may be developed in one or more locations within the subdivision; provided, that each play area meets all required standards.

(c) **Play Area Development Standards.** Play area shall meet the following standards:

- (1) The play area shall be a minimum of 2,500 square feet, and not less than 30 feet in its smallest dimension.
- (2) Length to width ratio shall not exceed two-to-one (2:1).
- (3) Maximum slope of finished surface shall be five percent.
- (4) Drainage shall be so designed and provided that there will be no standing water.
- (5) All surfaces shall be of grass, sand, asphalt, wood, gravel, bark or any combination thereof, or other similar material approved by the planning commission serving as the platting authority.
- (6) Optional children's play equipment, such as slides, swings, jungle-gyms, and similar items and picnic facilities and benches, may be permitted by the planning commission serving as the platting authority at time of plat approval.

(d) **Dedication of Play Area.** Within the city of Ketchikan the neighborhood play area may be dedicated to public use provided the city parks and recreation department recommends the proposed dedication, in writing, to the planning commission serving as the platting authority prior to approval of the preliminary plat for subdivision, and provided further, the planning commission serving as the platting authority approves such dedication. [Ord. No. 1785, §1, 2-1-16.]

xx.xx.050 Platting procedure.

- (a) **Generally.** The preparation, submission, review, and official action concerning all cluster subdivision plats shall be as provided in Chapters 17.10, 17.15, 17.20, and 17.35 KGBC in addition to the requirements listed hereinafter.
- (b) **Preapplication.** The preapplication procedure provided in KGBC 17.15.010 shall be mandatory for all cluster subdivisions. At the preapplication conference the planning official shall review the proposed subdivision and advise the subdivider concerning the compatibility of the subdivision with the intent and requirements of this title and other applicable regulations, including but not limited to the zoning ordinance and comprehensive plan.
- (c) **Required Submittals for Preapplication Conference.**
 - (1) **Mapped Submittals.** A sketch plat drawn to a scale of not less than one inch equals 100 feet and containing the following information:
 - a. Topography of the proposed subdivision with contour intervals that meet the following specifications:
 1. Two-foot contour intervals for slopes of zero to 25 percent.
 2. Five-foot contour intervals for slopes of 25 percent to 50 percent.
 3. Ten-foot contour intervals for slopes of 50 percent and over.
 - b. The location of all water wells, laterals and private ditches, water bodies, washes, streams, lakes or saltwater on or within 200 feet of the boundaries of the proposed subdivision with direction

of flow; and location and extent of areas subject to inundation. Such features shall be labeled accordingly.

- c. Existing and proposed streets, pedestrian paths and bike paths.
- d. Location of proposed buffer yards.
- e. Location of proposed lots.
- f. Proposed building locations.
- g. Location of proposed cluster open space and proposed play areas with an indication as to whether the cluster open space or play area is proposed to be dedicated to the public or conveyed to a home owner's association.
- h. Approximate dimensions and square footage of each dwelling unit lot, play area, and cluster open space.
- i. For subdivisions involving site development that will impact more than 25 percent of the land to be subdivided or 10,000 square feet, whichever is less, a site development plan, as described in KGBC 18.55.020(b)(1), shall also be submitted.

(2) Written Submittals.

- a. Existing zoning of the proposed subdivision and adjacent parcels.
 - b. Calculations regarding the maximum number of permitted lots pursuant to KGBC xx.xx.020.
 - c. Proposed covenants or other legal arrangements providing for the formation and responsibilities of the home owner's association, if applicable.
 - d. Proposed covenants, easements, or other legal arrangements providing for protection of the cluster open space.
 - e. Proposed methods of water supply and sewage disposal.
- (d) Preapplication Report. The planning official shall notify the subdivider in writing of any changes required to bring the proposed cluster subdivision into conformance with this title, including but not limited to the zoning ordinance, subsequent to the preapplication conference. [Ord. No. 1785, §1, 2-1-16.]

xx.xx.060 Review criteria.

- (a) Development Criteria. In acting on a proposed cluster subdivision, the planning commission serving as the platting authority shall give particular consideration to the criteria listed below. If, in the opinion of the planning commission serving as the platting authority, the proposed subdivision could be improved with respect to the criteria listed below by the reasonable modification of the location of cluster open space or configurations of lots, streets, or parking areas, the proposed subdivision shall be so modified or approval of such subdivision may be denied.
- (1) The proposed subdivision shall comply with all applicable regulations and policies, including but not limited to those contained in the zoning ordinance, the comprehensive plan, and the coastal management plan.
 - (2) Cluster open space intended for recreational use shall be easily accessible to the intended users.

- (3) Cluster open space shall include irreplaceable natural topographical features located within the subdivision, including, but not limited to, stream beds, rock outcroppings, areas of rough terrain, and beachfront areas, to the extent feasible.
- (4) Lots, streets and other improvements shall be designed to minimize alteration of the existing topography, to the extent feasible.
- (5) Diversity and originality in subdivision layout shall be encouraged to achieve the best possible relationship between development and the land.
- (6) The internal circulation system of the subdivision shall be designed to minimize access to primary streets.
- (7) Individual lots shall be arranged to minimize the area devoted to streets and driveways.
- (8) Individual lots shall be situated to avoid the adverse effects of shadows, noise, and traffic on the residents of the site and residents of adjacent properties.
- (9) The width of the proposed buffer yard shall be adequate to protect adjacent properties from increased cluster density and associated adverse impacts (traffic, noise, glare, etc.) to the extent feasible. [Ord. No. 1785, §1, 2-1-16.]

Chapter 21.28

PLANNED UNIT DEVELOPMENT AND CLUSTER SUBDIVISIONS

FOR DISCUSSION PURPOSES

Sections:

- 21.28.010 General provisions.
- 21.28.015 Applicability
- 21.28.020 Cluster development projects.
- 21.28.030 Ownership.
- 21.28.040 Procedure.
- 21.28.050 Concept plan.
- 21.28.060 Permitted construction.
- 21.28.070 Changes in concept plan.
- 21.28.080 Staged development.
- 21.28.090 Condominium developments.

21.28.010 General provisions.

It is the intent of the city and borough to encourage imaginative and innovative design in the application of subdivision and improvement standards for subdivision developments proposed as planned unit cluster development projects, commercial centers, industrial parks, and shopping centers. Planned unit development proposals shall be subject to requirements of all existing city and borough ordinances, except as modified by this chapter to create development qualities different from those that result from conventional design. Projects developed under the provisions of this chapter should:

- A. Encourage the enhancement and conservation of lands which have scenic, environmental, cultural, and historical significance;
- B. Enable the development of property other than by the strict application of subdivision standards in order to allow for mixed uses and mixed densities, and provide a greater level of design features and site amenities;
- C. Provide for more efficient use of land, resulting in better coordinated networks of utilities and safer networks of streets, promoting greater opportunities for public and private recreational open space, and resulting in lower construction and maintenance costs to the general public;
- D. Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with overall transportation plans, and the land use relationship with surrounding properties and the general community.
- E. Encourage innovative planning that results in projects that benefit the community, for example, through greater efficiency in land use, improved protection of open spaces, transportation efficiency, and housing choices;

- F. Encourage housing options for a range of household sizes, incomes, and lifestyles;
- G. Encourage mixed-use development and diversified employment opportunities;
- H. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;

Departure from the subdivision regulations and standards requires demonstration that adequate provisions will be made for sufficient light and air, that the density of development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases, and that the public health, safety, and general welfare will be protected.

28.28.015 Applicability

The Planned Unit Development designation may be applied over any of the borough's zoning districts. It is an option available to developers of land over 2 acres.

21.28.020 Cluster development projects.

Cluster planned unit developments are projects in which the individual lots are substantially smaller than otherwise allowed, provided there is at least as much open space within the total development as would exist if all lots were of standard size. The net density of units as a whole shall be the same as allowed under regular zoning unless otherwise approved by the planning commission.

At least seventy percent of the open space shall be dedicated to scenic or recreational purposes to be enjoyed in common by all residents, employees, and/or customers living, working or shopping in the development, their guests and, where applicable, by the general public.

Cluster developments shall include:

- A. A binding contract commitment to maintain the common areas and provide for its administration and specification of uses. This commitment shall include provisions for the transfer of ownership shares in common areas when individual residential, office, or other uses are sold.

21.28.030 Ownership.

All land proposed for a planned unit development shall be owned or be under the control of the applicant, whether that applicant is an individual, partnership or corporation, or groups of individuals, partnerships or corporations. The applicant shall present proof of control and shall:

- A. Provide agreements, contracts, and proposed deed restrictions acceptable to the municipality for the completion of the undertaking in accordance with the adopted concept plan as well as for the continuing operation and maintenance of such areas, functions and facilities not intended to be provided, operated, or maintained at general public expense;

B. Bind any developer successors in title to any commitments made under subsection (A) of this section.

21.28.040 Procedure.

Planned unit developments and cluster subdivisions shall follow the major subdivision review and approval process in Chapter 21.32. These procedures include review and approval of the final plat by both the planning commission and the assembly.

A. Concept Review. After initial consultation with the city pursuant to Section 21.32.030, a review of the preliminary development concept shall be made by the planning commission to any site planning and platting issues and concerns regarding the proposal in order to guide subsequent detailed planning and engineering. Flagging and monumentation shall be installed consistent with the requirements in the major subdivision review process.

B. Preliminary Plat Submission. The preliminary plat submittal shall contain essentially the same information required in the regular major subdivision platting procedure under Section 21.32.040 and shall also contain a written description of proposed departures from design and improvement standards. Draft covenants and restrictions shall be submitted with the preliminary plat.

C. Final Plat Submission. The final plats shall contain the same information and detail as required for final major subdivision plats elsewhere in this title. Final covenants and restrictions shall accompany the final plat that is submitted for planning commission review.

21.28.050 Concept plan.

This plan shall indicate:

A. Pedestrian and vehicular circulation, showing right-of-way widths as well as access points to the major thoroughfare systems. The applicant may submit one or more alternate proposals for a nonmotorized circulation system within the planned unit development.

B. The use of all lands showing the general location, function and extent of the components or units of the plan including proposed uses, densities, or intensities of use; open space, such as parks, outdoor recreation, or scenic areas; and community-serving recreational, and education, or leisure facilities.

C. The provision of utilities to and within the planned unit development, including municipal sewer and water supply; sanitary sewer; electrical power; telecommunications; emergency services; and fire protection.

D. Provisions, if required by the assembly, for financial responsibility to ensure:

1. The completion of each stage of the project; and to indemnify the project for a period of one year after completion of construction as to any costs the project may incur by reason of deficiency of design or construction.

21.28.060 Permitted construction.

Upon approval of the concept plan, submission and approval by the municipal engineering, department of prepared construction documents, construction may proceed for public and/or approved private roads, utility installation, community-serving open space, and recreational facilities. No lots or rights shall be sold until plat recording.

21.28.070 Changes in concept plan.

It is not intended that the planned unit development concept plan so approved shall be inflexibly applied, but rather the planned unit development should be in conformance with the concept plan, subject to modification upon approval of the planning commission due to changed economic, social or demographic conditions. (Ord. 03-1729 § 4 (part), 2003.)

21.28.080 Staged development.

A planned unit development subdivision proposed for completion in stages shall be designed and constructed so that each stage will be self-supporting should future proposed stages not occur. The concept plan is to include details as to each development stage and the expected timing of each stage. (Ord. 03-1729 § 4 (part), 2003.)

21.28.090 Condominium developments.

Condominium developments shall follow the same procedures as cluster developments and shall include specific provisions concerning the division of ownership of the individual dwelling units, as well as provisions for maintenance, utility costs, ownership of common areas, appearance and cleanliness, violations of agreement provisions, along with such other provisions as may be required by the planning commission consistent with the provisions of this chapter. (Ord. 03-1729 § 4 (part), 2003.)