

# *City and Borough of Wrangell, Alaska*

## **WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA**

**September 12, 2013**

**7:00pm**

### **Agenda**

#### **A. CALL TO ORDER/ROLL CALL**

#### **B. AMENDMENTS TO THE AGENDA**

**C. APPROVAL OF MINUTES:** May 9, 2013 and June 13, 2013, July 11, 2013 and Special Meeting August 1, 2013

#### **D. PERSONS TO BE HEARD**

#### **E. CORRESPONDENCE**

#### **F. OLD BUSINESS**

1. Outdoor Wood Boilers (defer)

#### **G. NEW BUSINESS**

- |         |   |
|---------|---|
| Pub Hrg | 1. Preliminary plat review of Seena Subdivision, a subdivision of Lot 37, Block 2, Wrangell Island West Subdivision, creating Lots 37A and 37B, zoned Rural Residential1, requested by Arnold and Alice Bakke.                              |
|         | 2. Request to Purchase Tidelands, Lot 8, Block 83A, Wrangell Tidelands Addition zoned Waterfront Development, requested by Betsy McConachie.  |
| Pub Hrg | 3. Variance Application for front yard setback reduction on a corner lot for stairs and porch landing on Portion of Lot 4, Block 17 Presbyterian Mission Subdivision, zoned Single Family Residential, requested by Kevin and Abigail Bylow |
|         | 4. Update regarding community trail planning  |

#### **H. PUBLIC COMMENT**

#### **I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS**

#### **J. ADJOURNMENT**

**WRANGELL PLANNING AND ZONING COMMISSION**  
**REGULAR MEETING**  
**June 13, 2013**  
**7:00pm**

**Minutes**

**CALL TO ORDER/ROLL CALL**

Greg Knight, Stan Schnell, Rudy Briskar, Kipha Valvoda, Vice Chair Betty Keegan

**AMENDMENTS TO THE AGENDA**

**APPROVAL OF MINUTES:** Regular Meeting of April 11, 2013. ( May 9, 2013 – deferred)

**GK moves**

**SS seconds**

**Motion approved**

**PERSONS TO BE HEARD**

Persons to be heard would speak under the item of business.

**CORRESPONDENCE**

Received a letter today from Marie and Bill Haines supporting the Temporary Use for the Asphalt plant.

Received a letter before meeting from Kim Fisher.

Both letters were read into the record at the start of the public hearing for the asphalt plant

**OLD BUSINESS**

None

**NEW BUSINESS**

1. Conditional use permit application for a 2 room bed and breakfast on Lot 6A, Block 17, Presbyterian Mission Subdivision, zoned Single Family Residential, requested by Steve and Lynn Prysunka.

Open public hearing

Annie Prysunka 237 First Ave the Wandering Channel Bed and Breakfast will be 2 rooms. One of the units can hold up to 5 and the second 2

BK: Do you have enough parking. Yes, in the drive way.

Close public hearing

SS moves to approve the Conditional Use permit application for a 2 room bed and breakfast on Lot 6A, Block 17, Presbyterian Mission Subdivision, zoned Single Family Residential, requested by Steve and Lynn Prysunka.

RB 2<sup>nd</sup>

Motion was approved unanimously

2. Temporary use permit application for use of a portion of the Institute Property within the fenced area, Lots 1-5, Block 1; Lots 1-5, Block 2; Lots 1-3, Block 3; and Tract A, Shoemaker Bay Subdivision; for sorting and processing wood obtained from the adjacent Trust Land timber sale, zoned Holding, and request to construct an access road through the Institute Property to the Mental Health timber sale area, also zoned Holding, requested by Brian Brown of Alcan Forest Products, owned by the City and Borough of Wrangell

Open public hearing

Cindy Whitefeather: will slap injunctions to keep anyone off that land  
They will not destroy that Institute land. That is historical. Keep them off that land.

BK we are going through the public process

CW We are supposed to be building 7 lodges; Historical land, came from Aleutian chain. They have no right to come in there.

BK Please speak softer

CW NO I am mad and will take to any measure stop it. No logging on the Institute.

CMR tries to clarify that the logging is not on the Institute property, but on Mental Health lands behind the former Institute. They are seeking to construct a road through the Institute to access Mental Health lands.

CW I Will do whatever it takes. If you let them in the land they will have to go through me.

Close public hearing

SS moves to approve Temporary use permit application for use of a portion of the Institute Property within the fenced area, Lots 1-5, Block 1; Lots 1-5, Block 2; Lots 1-3, Block 3; and Tract A, Shoemaker Bay Subdivision; for sorting and processing wood obtained from the adjacent Trust Land timber sale, zoned Holding, and request to construct an access road through the Institute Property to the Mental Health timber sale area, also zoned Holding, requested by Brian Brown of Alcan Forest Products, owned by the City and Borough of Wrangell.

RB second

Decision is a recommendation to the Assembly

SS offers friendly amendment to add to the staff conditions to the motion

- 1) The Log storage area will be cleaned of bark and debris and returned to its state prior to use. If any fuels are spilled, the contaminated area should be excavated and replaced with clean material
- 2) Establish a permanent gate between the Institute Property and Mental Health lands at the end of the harvest period.

- 3) Provide signage during use periods to warn of logging truck traffic.
- 4) Install proper culverts over resident creeks for fish passage in case future fish should be discovered in them

RB agrees

KV moves to amend motion that front of property be maintained to keep buffering. Don't amend the front of property within the fenced area

GN 2nd

Amended motion was approved unanimously by poll vote

Final Motion was approved unanimously by poll vote

3. Temporary use permit application for a rock crusher and asphalt plant on Lots 24, 26, 28, USS 3398, zoned Rural Residential, requested by Michael Short of SECON, owned by Brett Woodbury.

Open public hearing

Read in 2 letters to the record by Kim Fisher and Marie and Bill Haines.

Robert Ryll 9.1 mile Zimovia Highway. Brett has done great job on all work up there. Want to approve what he does there. Good position for plant. Should do a good job. People affected most will be the Haines, Eagle, Lebo, myself. North winds will not affect anyone there. I think will be a good place for it.

Tom Fisher 9.5 mile I disagree with the wind patterns. Biggest concern is the inversions that happen nightly. Whatever is in the air plummets and stays there. That is the concern. Brett has been a good neighbor, but in this instance I don't think you can control the fumes and dust alone will be a killer, mixed with the other chemicals. Could other areas be considered like the mill site. Rather than risking the health of the people directly under you.

Mike Short from Secon: I am applying for TU for asphalt plant. I haven't heard of list of ailments other than being burned or skin problems. The plant should be finished by September 15 and then will be moved out. We want it with the source of the rock. The dust can be managed and kept to a minimum. Trying to move it as far back in pit as possible. There is a dirt barrier along the highway. Hours of operation 7-7 widest span, normal is 7-5. If forced to move to another location does it add cost? Yes. Have to move the rock and adding more truck traffic to road. Increased dust.

KV how long in operation.

MS 2 months if all goes well. Possibly less if weather is good

Actual paving is 30-35 days.

Kim Fisher If you have rock and asphalt at 9 mile... and covering the entire road..... you would be hauling it anyway.

Would be better to have plant in middle of project, but the rock source is at 9 mile.



Tom Fisher would think that conditions of the variance would apply to this permit as well. If you have another spot to do it... I see it would be economic hardship to move it, but the health issue. It could be somewhere else, might cost you a couple of bucks.

Takes a brief internet search to id toxins of asphalt plants

GK... if you have to move the plant does it increase cost to borough. No. Contract is with DOT

RB would increased cost have any bearing how much would be paved and would extend the time?

MS Yes, time would increase but not the distance.

Have to finish the contract by 9/15

Close public hearing

4. SS moves to approve Temporary use permit application for a rock crusher and asphalt plant on Lots 24, 26,28, USS 3398, zoned Rural Residential, requested by Michael Short of SECON, owned by Brett Woodbury with the following conditions:
  - a. Emission points must be beyond the required 330 foot proximity requirement of an active residential structure, and Secon should provide an accurate map that certifies the actual location and distance of the emission points of the plant
  - b. Secon should provide the Borough notice of non compliance when advising DEC if emissions exceed standard and copy Borough on any complaints. Multiple non compliance issues would be grounds for the Commission to review and/or revoke the permit.
  - c. Fugitive dust needs to be kept to a minimum, using watering trucks or other methods to minimize impacts

GK 2nd

Motion was unanimously approved by poll vote

## **PUBLIC COMMENT**

**ADJOURNMENT 7:35**

# *City and Borough of Wrangell*

## Agenda G1

Date: September 10, 2013

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re. Preliminary plat review of Seena Subdivision, a subdivision of Lot 37, Block 2, Wrangell Island West Subdivision, creating Lots 37A and 37B, zoned Rural Residential1, requested by Arnold and Alice Bakke.

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**Back ground and Findings:** The applicant is dividing a single parcel in half to create two new parcels. The 30 foot access driveway and utility easement is centered on the mutual property line. The new lots will be 1 and 1.2 acres.

**Recommendation:** Staff recommends approval of the preliminary plat.

# CERTIFICATE OF OWNERSHIP AND DEDICATION

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.

DATE \_\_\_\_\_ ARNOLD E. BAKKE

## NOTARY'S ACKNOWLEDGMENT

U.S. OF AMERICA  
STATE OF ALASKA  
CITY AND BOROUGH OF WRANGELL

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.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

## CERTIFICATE STATE OF ALASKA

(FIRST JUDICIAL DISTRICT)ss

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND AN ACTING ASSESSOR 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 \_\_\_\_\_

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 AUGUST 15, 20\_\_\_\_ DATED THIS DAY OF \_\_\_\_\_

ASSESSOR CITY AND BOROUGH OF WRANGELL

## 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.

DATE \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION

SECRETARY

## 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.

DATE \_\_\_\_\_ MAYOR, CITY AND BOROUGH OF WRANGELL

ATTEST:

CITY CLERK

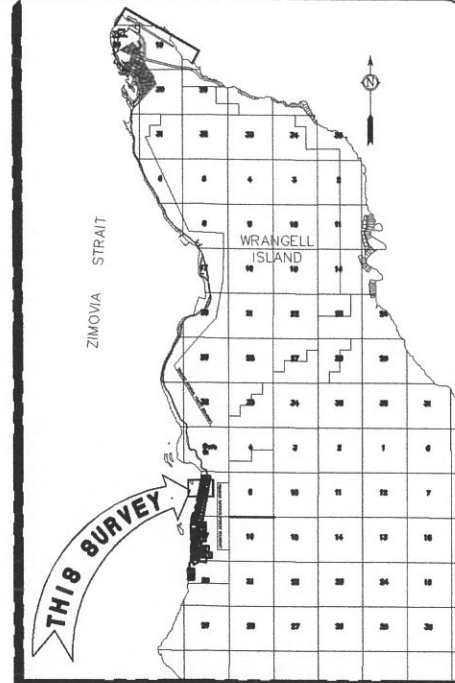
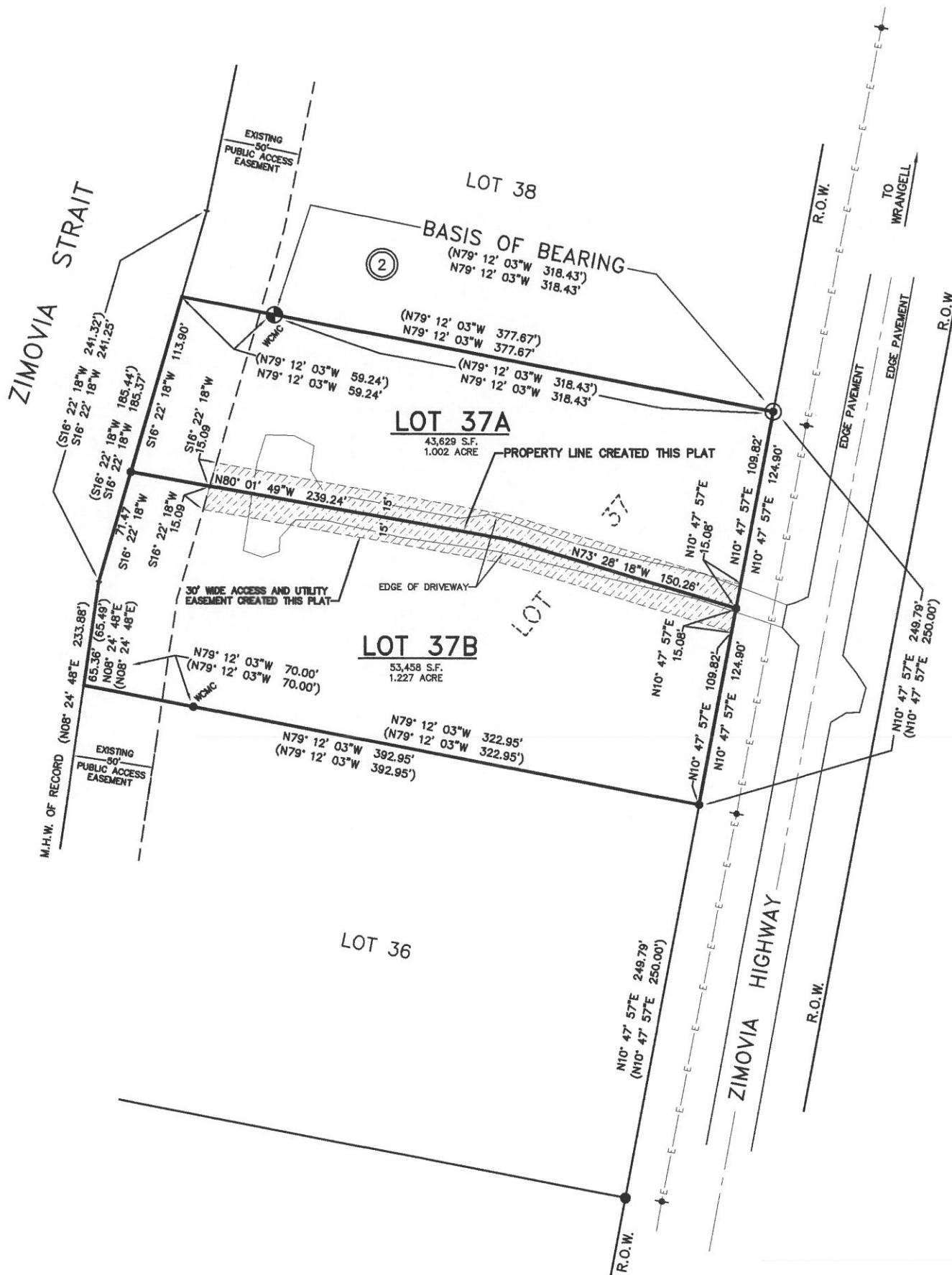
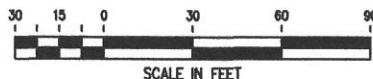
CLIENT: ARNOLD AND ALICE BAKKE  
BOX 861  
WRANGELL, ALASKA 99929

DRAWN BY: TJS  
CHECKED BY: GGS  
DATE PLATTED: AUG , 2013  
DATE SURVEYED: JULY 30, 2013  
SCALE: 1"=30'  
SURVEYOR: GREGORY G. SCHEFF  
PROJ NO.: 132736

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN \_\_\_\_\_ A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE \_\_\_\_\_ GREGORY G. SCHEFF LS 6700



VICINITY MAP  
SCALE 1/2" = 1 MILE

## LEGEND

- PRIMARY ALUMINUM CAP RECOVERED IN ORIGINAL SET POSITION (TONER & NORDLING)
- R&M ENG.-KETCH. REBAR AND 2" ALUM. CAP SET (LS6700)
- POWER/SERVICE POLE
- OVERHEAD ELECTRICAL POWERLINE
- ▨ ACCESS AND UTILITY EASEMENT AREA CREATED THIS PLAT
- (N 79°12'03" W) (324.33) DATA OF RECORD
- (N 79°12'24" W) (324.28) DATA CALCULATED OR MEASURED

**PRELIMINARY**

## WRANGELL RECORDING DISTRICT

Revisions	
No.	Description
<b>R&amp;M</b> R&M ENGINEERING-KETCHIKAN, INC. 355 Carlanna Lake Road Ketchikan, AK 99901 Phone: (907) 225-7917 Fax: (907) 225-3441	
WRANGELL OFFICE P.O. BOX 1331 Wrangell, AK 99929 Phone: (907) 874-2177 Fax: (907) 874-2187	

PROJECT: **Seena** SUBDIVISION  
THE SUBDIVISION OF LOT 37, BLOCK 2,  
WRANGELL ISLAND WEST SUBD.  
CREATING LOTS 37A AND 37B

CITY AND BOROUGH OF WRANGELL



# *City and Borough of Wrangell*

## Agenda G2

Date: September 10, 2013

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re. Request to Purchase Tidelands, Lot 8, Block 83A, Wrangell Tidelands Addition zoned Waterfront Development, requested by Betsy McConachie.

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### **Back ground and Findings:**

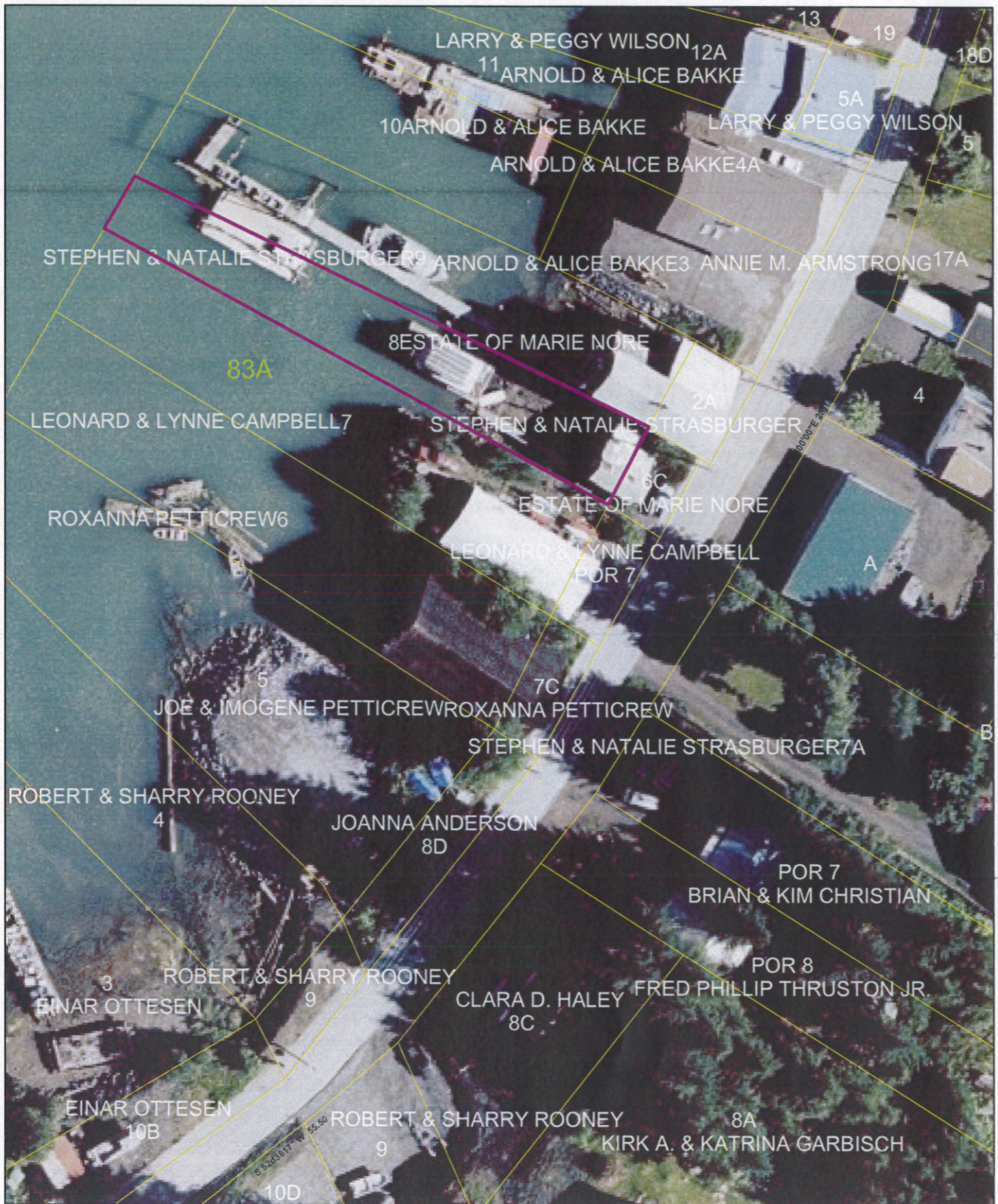
The adjacent upland property to the lot described above is owned by the estate of Marie Nore, administered by Betsy McConachie. The residential structure is located on not only the upland lot, Lot C Block 83, but also on the tideland portion, Lot 8 Block 83A. It is not known if there was a deed at one point that was never recorded, or the transfer of the tidelands was overlooked.

The family has owned the properties since 1929 and lived in the house for much of that time. The family is attempting to clear up titles and ownership issues and a Title report rediscovered that an actual deed was never recorded in the Nore name for the tideland lot. The family is requesting to purchase the tideland.

**Recommendation:** Staff recommends approving the request by Betsy McConachie to purchase Lot 8, Block 83A, Wrangell Tidelands Addition.



# CITY AND BOROUGH OF WRANGELL, ALASKA



DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.  
 PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2013.  
 AERIAL PHOTO 2002.

1 inch = 62.5 feet







# Memorandum

To: Carol Rushmore, Economic Development Director  
From: Kim Lane, Borough Clerk *KL*  
Date: July 24, 2013  
Subject: Nore Estate Tideland – Lot 8, Block 83A  
cc: Lavonne Klinke, Planning & Zoning Secretary

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*PZ*  
Please add to the ~~Port~~ Commission Agenda the following item for discussion and consideration.

- Purchase of Tideland Addition Lot 8, Block 83A

## **Planning and Zoning Commission:**

Re: Lot 6C a portion of Lot 6 Block 83 Uplands, and Lot 8 Block 83A, Tidelands addition.

(Old Nore residence located on Case Ave.)

## **History:**

1. This property was purchased in September 1929 by Per and Marie Nore for \$700.00
2. The property was and is owned by a member of the Nore family continually since that time.
3. Taxes have been paid on the property and are current.
4. The home has not been lived in since Marie Nore's death in 1983
5. The house is located on both the Uplands Lot 6C, Block 83 and the Tidelands Lot 8, Block 83A
6. The home is now in non-livable condition.

## **Action Requested by P & Z Commission:**

1. Tidelands Addition Lot 8, Block 83A is deeded to the Nore Estate.
2. The Appraisal fee is waived.

## **Reasoning:**

1. The house was built and is located on Lot 6C, Block 83 and Lot 8, 83A.
2. There is no value afforded to the City and Borough of Wrangell for such a small parcel.
3. As taxes have been paid on the property for over 80 years a degree of ownership could be assumed.

## **Conclusions:**

1. We feel that there is justification for the action as described because no significant monetary value is present and no large expenditures would occur for the Borough.
2. It would allow the estate to clean up a present eye sore and place something of value on the properties at some point.
3. We realize this is step one of a process and look forward to seeing it through.
4. Thank you for your consideration.



Betsy & Don McConachie  
622 Zimovia Highway  
Wrangell Alaska  
99929



## Memo

February 8, 2006

To: Mayor, City Council and City Manager

From: Recording Secretary - Sherri

RE: **Request from Betsy and Don McConachie to purchase Lots 8, Block 83A, Wrangell Tidelands Addition**

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The Port Commission at their Regular Meeting on September 5th, 2013 recommended the City Council approve Betsy and Don McConachie's request to purchase Lots 8, Block 83A Wrangell Tidelands Addition.

JUL 19 2013

RECEIVED

**Mayor Dave Jack and Borough Assembly Members:**

Re: Lot 6C a portion of Lot 6 Block 83 Uplands, and Lot 8 Block 83A, Tidelands addition.

(Old Nore residence located on Case Ave.)

**History:**

1. This property was purchased in September 1929 by Per and Marie Nore for \$700.00
2. The property was and is owned by a member of the Nore family continually since that time.
3. Taxes have been paid on the property and are current.
4. The home has not been lived in since Marie Nore's death in 1983
5. The house is located on both the Uplands Lot 6C, Block 83 and the Tidelands Lot 8, Block 83A
6. The home is now in non-livable condition.

**Action Requested by Borough Assembly:**

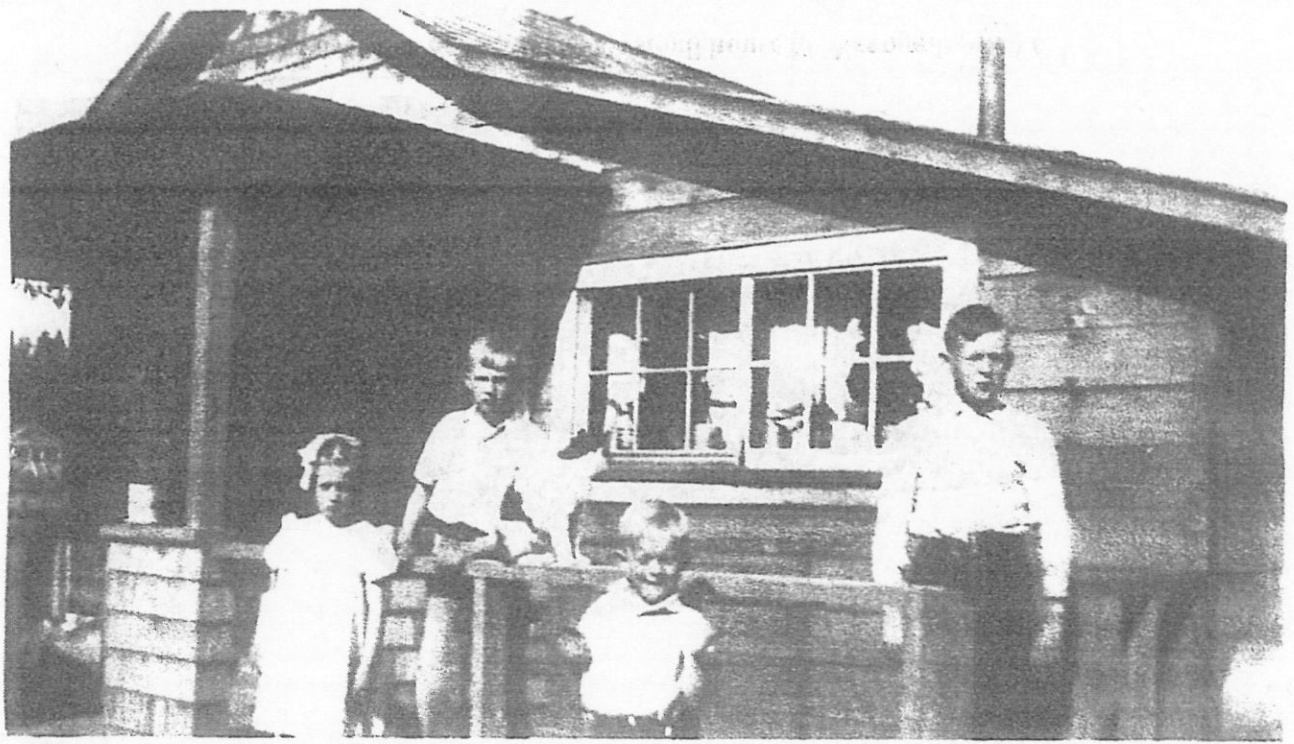
1. Tidelands Addition Lot 8, Block 83A is deeded to the Nore Estate.
2. The Appraisal fee is waived.

**Reasoning:**

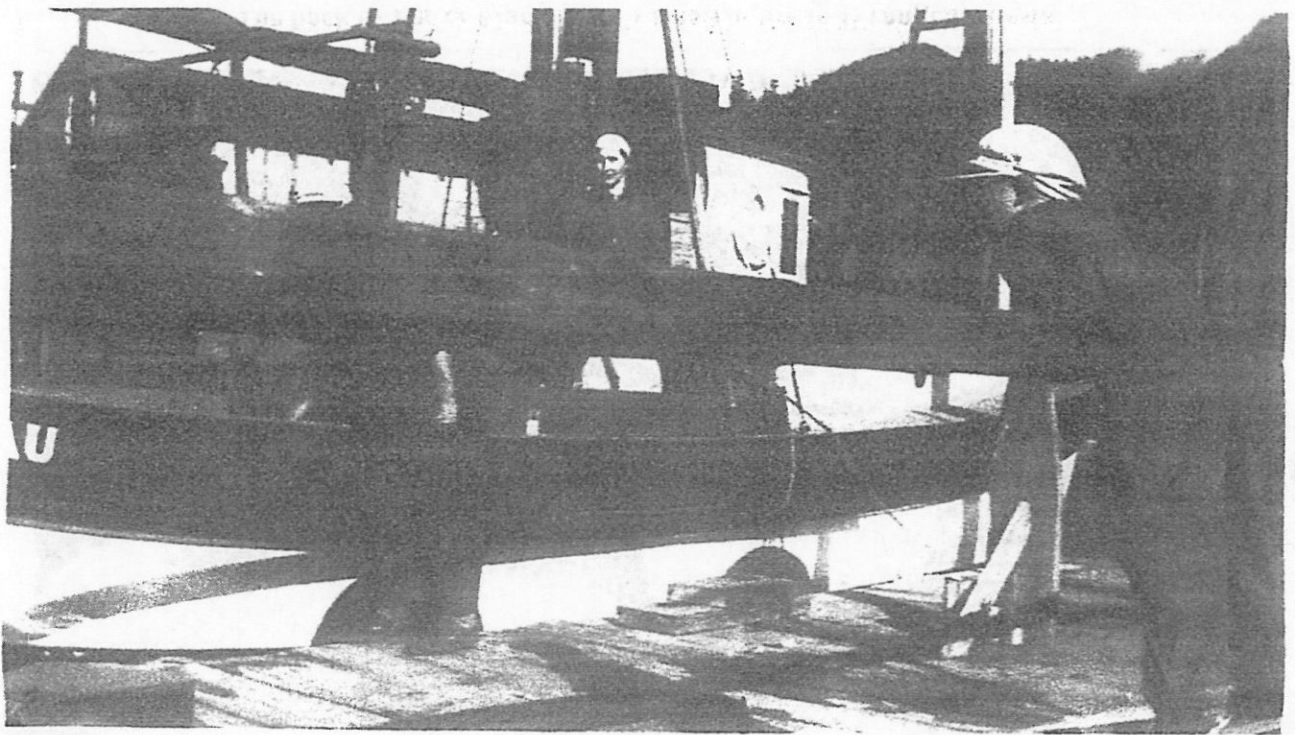
1. The house was built and is located on Lot 6C, Block 83 and Lot 8, 83A.
2. There is no value afforded to the City and Borough of Wrangell for such a small parcel.
3. As taxes have been paid on the property for over 80 years a degree of ownership could be assumed.

**Conclusions:**

1. We feel that there is justification for the action as described because no significant monetary value is present and no large expenditures would occur for the Borough.
2. It would allow the estate to clean up a present eye sore and place something of value on the properties at some point.
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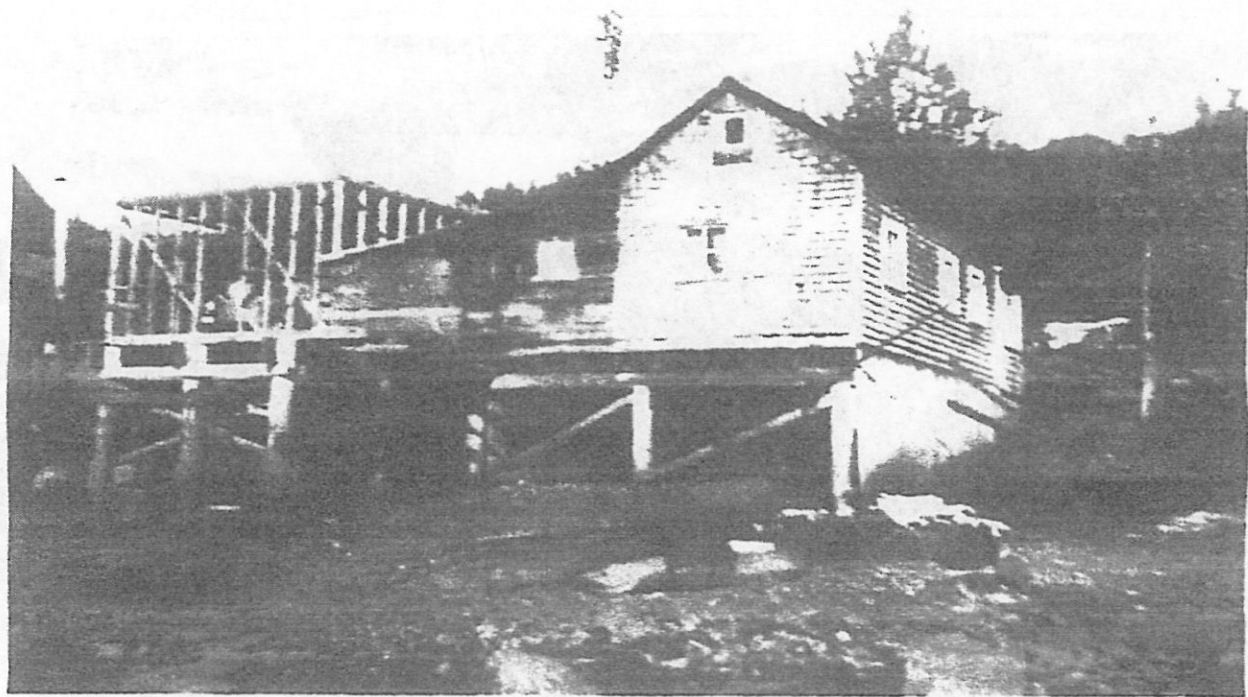


**L to R: Mavis, Kjell, Alf & Palmer Nore in front of their Wrangell home.**

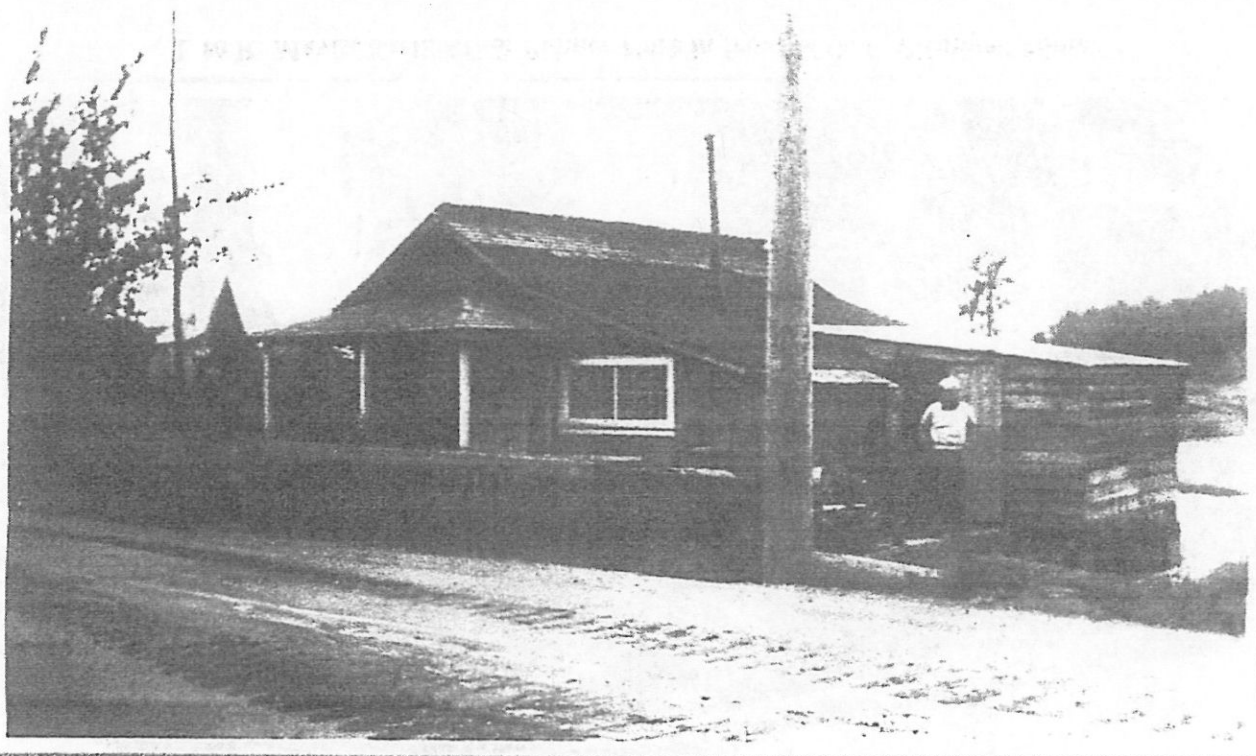


**Marie Nore working on a fishing boat while her son, Alf, looks on.**





**The back of Per & Marie Nore's small house in Wrangell, Alaska.**



**The front of Per & Marie Nore's small house in Wrangell, Alaska.**

**HOFFMAN & BLASCO, LLC****JUNEAU****ATTORNEYS AT LAW****ATTORNEYS**

9360 GLACIER HIGHWAY  
SUITE 202  
JUNEAU, ALASKA 99801  
PHONE: (907) 586-3340  
FACSIMILE: (907) 586-6818

May 10, 2013

PAUL M. HOFFMAN  
ROBERT P. BLASCO  
BARBARA J. RITCHIE\*

**PROFESSIONAL STAFF**

DOLORES A. OWEN\*\*  
ALISON R. FOREMAN+

**ANCHORAGE & CRAIG**

PO BOX 809  
CRAIG, ALASKA 99921  
PHONE: (907) 826-2453

\* OF COUNSEL  
\*\* BUSINESS MANAGER  
+LEGAL ASSISTANT

Mitchell A. Seaver, Esq.  
Ziegler Law Firm  
307 Bawden Street  
Ketchikan, AK 99901

Re: Lot 8, Block 83A, Tidelands Addition to U.S. Survey 1119  
According to Plat 65-87, Wrangell Recording District

Dear Mitch,

Your letter of April 22, 2013 to Kim Flores, Borough Clerk, that referenced Lot 6, Block 83, Wrangell Townsite, has been referred to me for a response on behalf of our client, the City and Borough of Wrangell. The CBW has looked into its records regarding this tidelands parcel. I have reviewed those materials and sought additional information, as well as doing research on the DNR site related to this Lot 8. No evidence was found that indicated Ms. Nore was ever issued a deed to Lot 8, or that she ever applied to obtain Lot 8 under ordinances that existed at some past time.

There is reference in the current Borough Code, Sections 16.04.101-.070, of the expiration of time periods for filing for preference rights to tidelands and having purchase options. While we understand that Ms. Nore and the Estate have paid property taxes that appear to include the area of Lot 8, we do not know the reason for that, and find nothing to explain it in the Borough records. As we know from AS 29.71.010, adverse possession does not exist with respect to the Borough as a municipality.

While the Borough Clerk could submit your letter to the Assembly as is, the additional information they would then need to give the Assembly would be that stated above, which might not get the result you want. So we are providing this opportunity for the Nore Estate to submit a more complete history and packet of information to be provided to the Assembly to show why the Estate believes that the tidelands Lot 8 should be deeded to the Nore Estate.

Sincerely yours,

Paul M. Hoffman

Cc: Borough Clerk, Kim Flores

ZIEGLER LAW FIRM

307 BAWDEN STREET  
KETCHIKAN, ALASKA 99901  
TELEPHONE (907) 225-9401  
FACSIMILE (907) 225-5513

J. W. PETERSON  
MITCHELL A. SEAVER

Attachment #

3

A. H. ZIEGLER  
(1889-1972)  
ROBERT H. ZIEGLER, SR.  
(1921-1991)

April 22, 2013

Kim Flores, Borough Clerk  
City & Borough of Wrangell, Alaska  
Post Office Box 531  
Wrangell, Alaska 99929

CITY CLERK  
APR 24 2013  
RECEIVED

Re: Portion of Lot 6, Block 83  
Wrangell Townsite, USS 1119  
Our File 23.380.0001

Dear Clerk Flores:

I represent Elizabeth M. (Betsy) McConachie who has been appointed Personal Representative of the Estate of Marie K. Nore and the Estate of Palmer Nore. I am writing you with respect to the state of the title of the above-referenced tidelands. I discussed this matter with City Attorney Bob Blasco who said the best procedure would be to contact you in the first instance.

The problem with title to the tidelands is that the title report shows that the record ownership is in the City (now Borough), although it should have been in the name of Marie Nore who was also owner of the adjacent uplands. A copy of the Preliminary Commitment from Ketchikan Title is enclosed.

Property taxes have been paid on the tidelands for many years. It appears that there must have been a deed issued by the City at some point that was not recorded that has now been lost. In looking into the matter, Betsy was provided with a September 6, 1990, memo (copy enclosed) from Wrangell City Clerk Lanore K. Gunderson which is supportive of this conclusion.

Based on the above, we respectfully request that the Assembly authorize issuing a deed to the tidelands to the Estate of Marie K. Nore (Case No. 1WR-85-1 PR). Betsy can then in turn issue a deed to the Estate of Palmer Nore since Palmer was to receive the property under the terms of Marie Nore's Last Will and Testament.


ZIEGLER LAW FIRM

Kim Flores, Borough Clerk  
City & Borough of Wrangell, Alaska  
April 22, 2013  
Page 2 of 2

Please don't hesitate to contact me if you have any questions or need additional information.

Very truly yours,

ZIEGLER LAW FIRM

By   
Mitchell A. Seaver

MAS:ce

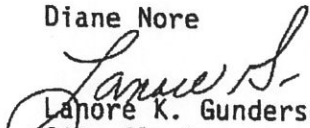
enc: 10-23-01 KTA Prelim  
09-06-90 Gunderson memo

cc w/enc:  
Elizabeth M. McConachie  
VIA EMAIL

CITY OF WRANGELL, ALASKA

Attachment #

4

DATE: September 6, 1990  
TO: Diane Nore  
FROM:  Lahore K. Gunderson  
City Clerk  
RE: Marie Nore Property

Enclosed is a reduced copy of our 1976 Assessor's map which indicates that Mrs. Nore's property was a FR 6C in Block 83 and Lot 8, Block 83A. Lots 10 & 11, Block 83A are taxed to Arnold E and Alice G. Bakke.

Our tax records also show the above information. I have nothing in my files which shows ownership of the property; however, there are many pieces of property in Wrangell that I do not have any copies of deeds. As you know, this has only been a requirement in the past several years and many families have never probated estates nor recorded their deeds.

I did mention this to Kjell some years back that his mother's estate should really be probated, if only for Palmer's sake. However, I, as City Clerk could only SUGGEST. To the best of my knowledge, nothing has been done as this office now received a copy of any recorded deed. We will not change our records until such recorded information is received in the Finance Department.

If there is anything else I can do for you, please let me know.





KETCHIKAN TITLE AGENCY, INC.

115 Main Street, Ketchikan, Alaska 99901 (907) 225-9636

Fax: (907) 225-0703

**PRELIMINARY COMMITMENT FOR TITLE INSURANCE**  
agent for STEWART TITLE GUARANTY COMPANY

Page 2

Order Number: AK-20992-W

Attachment #

**LEGAL DESCRIPTION**

**PARCEL NO. 1:**

That portion of Lot 6, Block 83, Wrangell Townsite, U.S. Survey 1119, Wrangell Recording District, First Judicial District, State of Alaska, lying westerly of Case Avenue, southerly of Lot 2, Block 2, Case Subdivision according to Plat No. 83-1, easterly of Lot 8, Block 83A, Tidelands Addition to U.S. Survey 1119, according to Plat 65-87, and Northerly of Lot 7, Block 83, U.S. Survey 1119.

**PARCEL NO. 2:**

Lot 8, Block 83A, Tidelands Addition to U.S. Survey 1119, Wrangell Subdivision, according to the official Tidelands Subdivision Plat of the City of Wrangell, prepared by Hubbell & Waller Engineering Corp., recorded April 12, 1965 as Plat No. 65-87, Wrangell Recording District, First Judicial District, State of Alaska.

**SUBJECT TO:**

1. Reservations and exceptions as contained in the U.S. Patent and acts relating thereto.
2. Reservations and exceptions as contained in the State of Alaska Patent and acts relating thereto.  
(Affects Parcel No. 2.)
3. Liability for City of Wrangell Taxes and Assessments.
4. Reservations and provisions contained in the Submerged Lands Act (43 USCA 1301, 67 Stat. 29) and the Enabling Act (Public Law 85-508, 72 Stat. 339), including but not limited to, rights of the public and/or governmental bodies for navigation and fishing.  
(Affects Parcel No. 2.)

Note: It appears that a Tide and Submerged Lands Deed has never been recorded into the name of Marie Nore. That is why the title to Parcel No. 2 shows in the City of Wrangell. Also both parcels were never conveyed out of Marie K. Nore's estate. We suggest that you retain an attorney to straighten out these matters.

**END OF EXCEPTIONS**



KETCHIKAN TITLE AGENCY, INC.

115 Main Street, Ketchikan, Alaska 99901 (907) 225-0703  
Fax: (907) 225-0703  
(907) 225-0636

# PRELIMINARY COMMITMENT FOR TITLE INSURANCE

agent for STEWART TITLE GUARANTY COMPANY

CHERYL NELSON  
P.O. Box 956  
Wrangell, AK 99929

Our Order Number: AK-20992-W  
Date: October 23, 2001 at 8:00 a.m.

<input type="checkbox"/> Owner's Standard Coverage			
<input type="checkbox"/> Purchaser's Standard Coverage			
<input type="checkbox"/> Mortgagee's Standard Coverage			
<input type="checkbox"/> Mortgagee's ALTA Coverage			
<input checked="" type="checkbox"/> Open Standard Owner's Coverage	Amount	\$250.00	Premium \$250.00

Stewart Title Guaranty Company is prepared to issue on request and on recording of any appropriate documents, its policy or policies as applied for, with coverages as indicated, based on this preliminary commitment that title to the property described herein is vested on the date shown above in:

ESTATE OF MARIE K. NORE, Deceased by her Personal Representative Mavis Nore Torgramsen, as to Parcel No. 1; CITY OF WRANGELL, as to Parcel No. 2.

Subject only to the exceptions shown herein and to the terms, conditions and exceptions contained in the policy form.

This report and commitment shall have no force or effect except as a basis for the coverage specified herein.

By Robert M. Burton  
Validating Signatory:

NOTE: Please include our order number AK-20992-W on all payments.

NOTE: State regulations require payment of a minimum of \$250.00 within 30 days of receipt of this preliminary commitment for title insurance. The \$250.00 payment will be applied to our overall title premium should a title insurance policy be issued by our company within one year of the issuance of this report. If not, it will be applied as a cancellation fee, in addition to any extra parcel charges.

NOTE: Investigation should be made to determine if there are any service installation, or maintenance, or construction charges for sewer, water, or electricity.

ATTN: TRANSACTION CLOSERS: Please note that Closing Instructions must be furnished before a policy can be issued.

SPECIAL NOTE: Please be aware that a change in coverage amount may necessitate a change in the premium amount.

Please verify before document preparation.

Preliminary Commitment

Order No: AK-20992-W

# *City and Borough of Wrangell, Alaska*

## Agenda G3

Date: September 9, 2013

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance Application for front yard setback reduction on a corner lot for front porch, stairs and porch landing on Portion of Lot 4, Block 17 Presbyterian Mission Subdivision, zoned Single Family Residential, requested by Kevin and Abigail Bylow

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**Back ground:** The applicant is building a new home on a corner lot.

**Review Criteria:**      Single Family District: Chapter 20.16  
                                 Standards: Chapter 20.52  
                                 Variance: Chapter 20.52.72

### **Findings:**

The applicants are seeking a Front yard setback for a 5X8 square foot porch with access steps and landing from Reid Street. The setback for the porch would be 15 feet from Reid Street property line and the setback for the steps and landing would be 12 feet from Reid Street.

The applicant purchased the above described property from the Borough in a foreclosure bid sale. The property is 11,656 square foot and includes a run down residential structure on the top portion of the lot. The applicants are constructing a second residential structure on the lot. They have adequate square footage do so, but are not proposing to subdivide at this time. Per WMC20.52.010 there may be more than one principal structure on the lot, but it must meet all setbacks as if it were on its own lot. Because the existing lot is a corner lot, a 20 foot setback is required for all yards for the new structure, since it would be a corner lot if the lot were subdivided in the future to place each structure on its own lot. Standard setback requirements for the Single Family Residential District is 5 foot for side yards and 20 foot for front and back yards. The upper structure, is existing and if the footprint during their renovations does not change, existing setbacks are permitted and the new structure must only meet what would be a new side setback of 5 feet from the potential lot line separating the two structures. The applicants have indicated that there is 35 feet between structures, such that a future subdivision would allow at least 20 feet for a setback for the lower structure (due to being a corner lot), and at least 5 feet for a side yard setback for the upper structure.

### **A Variance application must meet four criteria:**

1. Exceptional Physical Circumstances: The lot is on a corner lot and the two lots together total approximately 11,656 square feet. The lot is also sloped, such that the property line is located approximately 6 feet above the surface of Reid Street. There is one existing residential structure on the lot, but the applicant is constructing a second residential structure. Being a corner lot, the ordinance requires 20 foot set backs all around, holding some lots to a higher

standard in the same district. Two structures can be constructed on the lot as if all setbacks were to be met, other than for the requested variance for the steps and landing.

2. Strict application would result in practical difficulties: Strict application for the setbacks would require construction of a rock pathway to the house, rather than wooden boardwalk which could be hazardous in inclement weather. The construction of the steps and landing area is not of a large physical structure, but for access and will not affect site distance on the corner.
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 should not prejudice others in the area. The construction is a permitted use within the district and provides safe access to the structure.
4. Granting of the variance is not contrary to the Wrangell Comprehensive Plan approved June 22, 2010.

**Recommendation:**

Staff recommends approval of the Variance request for a front porch 15 feet from the property line and a wooden stairway and landing area to be 12 feet from the property line.



CITY AND BOROUGH OF WRANGELL, ALASKA



DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.  
PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2013.  
AERIAL PHOTO 2002.

1 inch = 55.92029 feet





# APPLICATION FOR VARIANCE

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

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

II. Description: (use additional paper if necessary)

Legal description of the area requested for the variance 209 St. Michael St.  
Presbyterian Mission Subd. Lot 4a, b/k 17, Parcel 02-021-183  
Lot (s) size of the petition area 11,656 Sq-Ft.

Existing zoning of the petition area WMC 20.5201 Personal Use / Family

Current zoning requirements that cannot be met (setbacks, height, etc.):

Corner lot requires 20' Set back on 2 sides  
Proposed change that requires this variance I need 6 feet of  
The 20' Setback to build a Stair landing and Parch.

III. Application information: (use additional paper if necessary)

Explain details of the proposed development Please refer to  
additional paper work.

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: Please refer  
to the additional paper for explanation.

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.

I hereby affirm that the above information is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner or the authorized agent thereof for the property subject herein.

Kevin Bylow Abigail Bylow  
PRINT PETITIONER'S NAME

K. Bylow Abigail Bylow  
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA  
209 St. Michael St.  
ADDRESS

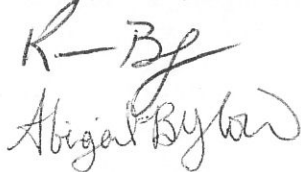
8-26-13  
DATE  
874-4696  
TELEPHONE

Dear Planning and Zoning Commission;

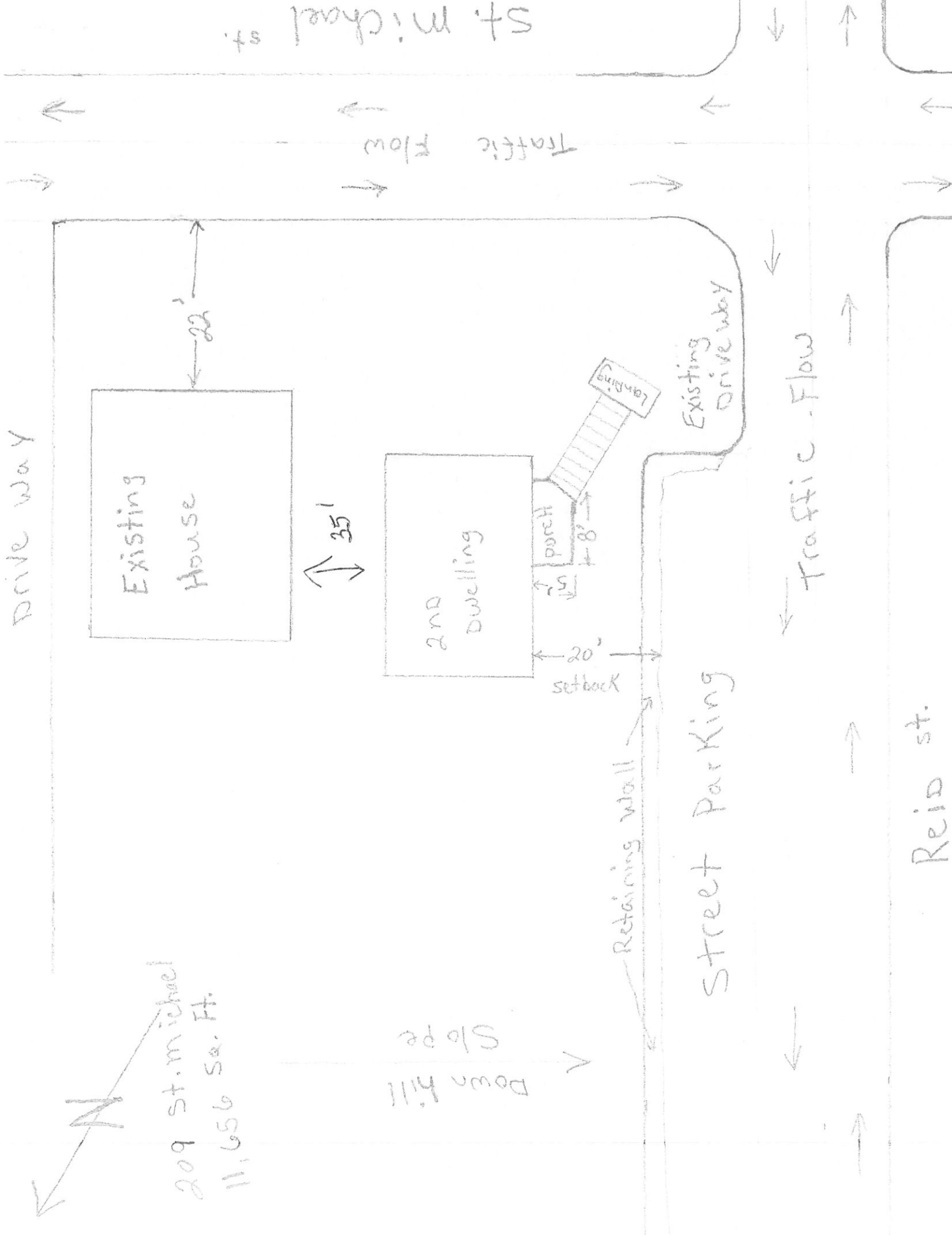
209 St Michaels street is a corner lot approximately 11,656 square feet. The property qualified for a second dwelling. In order for parking and pedestrian access to the second dwelling there was only one location to place the foot print of the foundation. Because of the 20 foot setbacks, I am unable to locate a small (5 feet x 8 feet) porch access to the front door location. The dwelling itself is set back the 20 feet requirement and the stairway and landing going to the proposed porch will also be within the 20 feet setback. Our plan is to use the existing drive way to access the stair landing. The porch and dwelling will be located approximately 6 to 7 feet above the street due to a retaining wall and the slope of the property itself. The street directly in front of the dwelling is primarily used for parking access to the High School. It is in our opinion that the dwelling and the porch structure will not impede or restrict any vehicular or pedestrian traffic, be contradictory to the Comprehensive plan, show or imply any prejudice to other properties, nor be detrimental to the general public health.

We have also included a site map showing the setbacks and location of all dwellings on the property.

Thank you for your consideration.

A handwritten signature in cursive script, appearing to read 'K-B' followed by a flourish, and then 'Abigail Bylow' written below it.

Kevin and Abigail Bylow



St. Michael St.

Traffic Flow

Traffic Flow

Reid St.

Drive Way

Existing House

2nd Dwelling

Landing

porch

Existing Driveway

20' setback

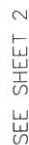
Retaining Wall

Street Parking

Down Hill Slope

209 St. Michael  
11,656 Sq. Ft.

MATCH LINE  
SEE SHEET 2



**GREG SCHEFF & ASSOCIATES**  
**LAND SURVEYORS**

BOX 1331 WRANGELL, ALASKA 99929

PHONE (907) 874-2177  
FAX (907) 874-2187

WRANGELL RECORDING DISTRICT

PROJECT: REID ST./McKINNON ST. RIGHT-OF-WAY MAP  
DEPICTING RIGHT-OF-WAY TAKES, UTILITY  
EASEMENTS AND CONSTRUCTION EASEMENTS  
WITHIN WRANGELL, ALASKA

CLIENT: CITY OF WRANGELL  
BOX 531  
WRANGELL, ALASKA 99929



# *City and Borough of Wrangell*

## Agenda G4

Date: September 10, 2013

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re. Community Trail Planning

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### Background:

2010: Completed a Sustainable Outdoor Recreation Plan. Within that plan, trails and a link from Volunteer Park Trail to Mt. Dewey were identified

2012-2014: City and Borough of Wrangell received a technical assistance grant from the National Park Service Rivers Trails and Conservation Assistance Program to assist with planning for new local trails.

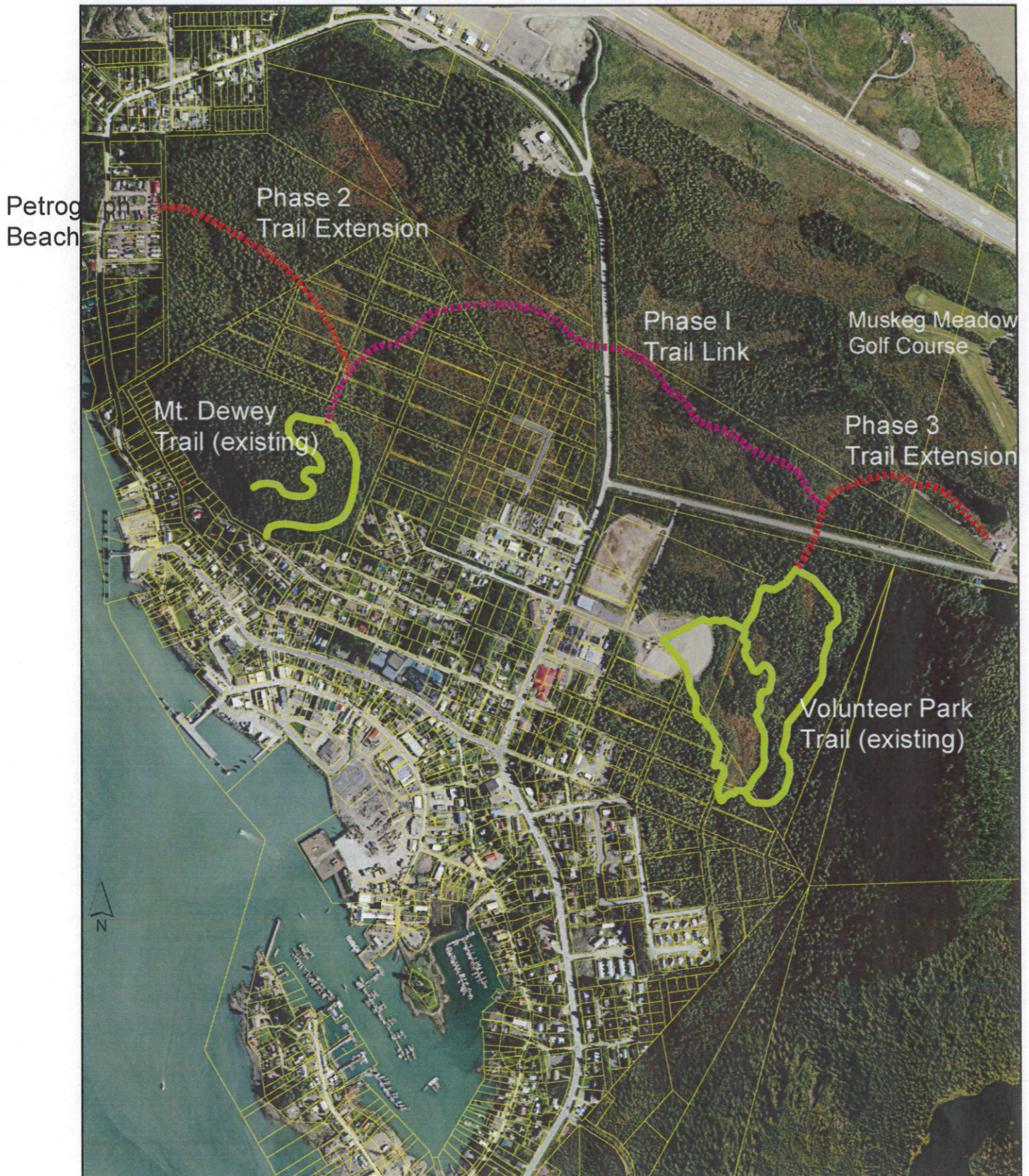
2013: NPS staff, USFS local recreation staff, and Borough staff identified issues, needs, potential trail corridors and developed a schematic long term trail development plan.

Next step: Find funding to provide trail layout and design.

Attached is a schematic concept of a potential trail system.



# CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 1,000 feet

DISCLAIMER: THESE MAPS ARE FOR PLANNING PURPOSES ONLY.  
PROPERTY LINES ARE APPROXIMATE. UPDATED MARCH 2011



SUBMITTED FOR A GRANT WINTER 2013 (DID NOT RECEIVE)



# Wrangell City Trails

