City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA February 13, 2014 7:00pm

Agenda

- A. CALL TO ORDER/ROLL CALL
- **B. AMENDMENTS TO THE AGENDA**
- C. APPROVAL OF MINUTES: January 9, 2014
- D. PERSONS TO BE HEARD
- E. CORRESPONDENCE
 - 1. Letter from Department of the US Army Corps of Engineers dated Feb. 6, 2014 regarding Mr. Todd White's permit application for fill, Lot 1, Block 3, USS 1593.
- F. OLD BUSINESS
 - 1. Comprehensive Plan review and evaluation
- **G. NEW BUSINESS**

Pub Hrg

- 1. Preliminary plat review of the Replat of Lots 1 and 2, Alley Vacation and Easement creation with Block 3 USS 1593 creating Lot A1 and Lot A2 Block 3, USS 1593, requested by Todd and Catherine White.
- 2. Discussion regarding additional Municipal land selection as part of our Municipal entitlement for borough formation
- H. PUBLIC COMMENT
- I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS
- J. ADJOURNMENT



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, ALASKA 99506-0898

FFR 06 2014

Regulatory Division POA-2014-029

Mr. Todd White Post Office Box 523 Wrangell, Alaska 99929

Dear Mr. White:

We have received your January 19, 2014, Department of the Army (DA) permit application to discharge 2,850 cubic yards of shot rock and rip rap material within 0.15-acre below the high tide line of Zimovia-Strait for the construction of a single family residence. The proposed project is located within Section 24, T. 62 S., R. 83 E., Copper River Meridian; USGS Quad Map Petersburg B-2; Latitude 56.4769° N., Longitude -132.3915° W.; Block 3, Lot 1; USS 1593 in Wrangell, Alaska. It has been assigned number POA-2014-029, Zimovia Strait, which should be referred to in all correspondence with us.

Based on our review of the information you provided and available to our office, we have preliminarily determined that your proposed project would involve the placement of fill material into waters of the United States (U.S.) under our regulatory jurisdiction (Please see the attached Preliminary Jurisdictional Determination Form).

If you would like us to begin evaluation of your proposal, more information is essential for the application to be considered complete. Please provide the following:

- a. Please include the high tide line and mean high water on all applicable project drawings.
- b. We will need the foot and length of each of the project components including the house, driveway, garage, yard, utilities, rock wall, and any other associated development.
- c. The above project components (house, driveway, garage, etc.) will also need to be displayed on a plan view drawing.

Upon receipt of the requested information we will begin evaluating your application. If we do not receive the information within 30 days of the date of this letter, we will close your file. Closure of the file at such time will not preclude you from reopening the file at a later date.

A preliminary review for compliance with the Environmental Protection Agency's 404 (b)(l) guidelines indicates that the proposed discharge of dredged or fill material may not contain all appropriate and practicable steps to minimize potential impacts of the discharge on the aquatic ecosystem, nor does it appear to represent the least environmentally damaging practicable alternative. You must provide us information on the alternatives you considered for your proposed project. This information should include the availability of other sites and the use of other project designs which would avoid or minimize project impacts on the aquatic ecosystem.

See the enclosed "Practicable Alternatives Information Sheet" for a detailed description of the alternatives information. This information must be provided by the public notice expiration date once we've determined your application is complete, and have issued a public notice.

Should a DA permit be issued, a fee will be required. Since the purpose of the project is noncommercial in nature, the fee will be \$10. You will be notified when to submit the fee.

Section 40I (a) (I) of the Clean Water Act requires that you obtain a Certificate of Reasonable Assurance or waiver of certification. This is the responsibility of the Alaska Department of Environmental Conservation (ADEC). Once we determine your application to be complete, we will forward a copy of your application to the ADEC, which they will accept as an application for a Certificate of Reasonable Assurance. A fee is charged by the ADEC for the 401 certificate. Fee information can be found online at www.state.ak.us/dec/water/wwdp/online_permitting/individual_permit_fees.htm or by contacting the ADEC at WQM/401 Certification, 410 Willoughby Avenue, Juneau, Alaska 99801-1795, or by telephone at (907) 465-5321.

Please contact me via email at Marcia.L.Heer@usace.army.mil, by mail at the address above, by phone at (907) 753-5759, or toll free from within Alaska at (800) 478-2712, if you have questions or to request paper copies of the regional and/or general conditions. For more information about the Regulatory Program, please visit our website at www.poa.usace.army.mil/Missions/Regulatory.

Sincerely,

Marcia L. Heer Project Manager

- Marcia S. Heer

Enclosures

Practicable Alternatives Information Sheet

The least environmentally damaging practicable alternative may include construction in uplands or reducing the size of the proposal to the minimum discharge necessary for the project. An alternative is practicable if it is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of the overall project purpose.

Some examples of alternatives are:

- a. Residential construction in uplands, which could include other lots.
- b. Alternative designs that avoid or minimize fill placement in waters of the U.S. including reducing the size of project components.
 - c. Alternative construction methods such as placement of the residential structure on pilings.

Be advised that your review of alternatives for your proposal should not be limited to these examples.

Remember, failure to provide this information by the public notice expiration date could result in closure of the file, a final decision without the requested information, and/or permit denial.

For more information about the Section 404(b)(1) guidelines, visit http://www.access.gpo.gov/nara/cfr/waisidx_05/40cfr230_05.html.

Previous determination(s). File # and date of response letter:

Other Information:

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Marcia S. Heer February 3,2014
Signature and Date of Regulatory Project Manager
(REOUIRED)

Signature and Date of Person Requesting Preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS: 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time. 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a nonreporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

City and Borough of Wrangell

Agenda G1

Date: February 10, 2014

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Preliminary plat review of the Replat of Lots 1 and 2, Alley Vacation and Easement creation with Block 3 USS 1593 creating Lot A1 and Lot A2 Block 3, USS 1593, requested by Todd and Catherine White.

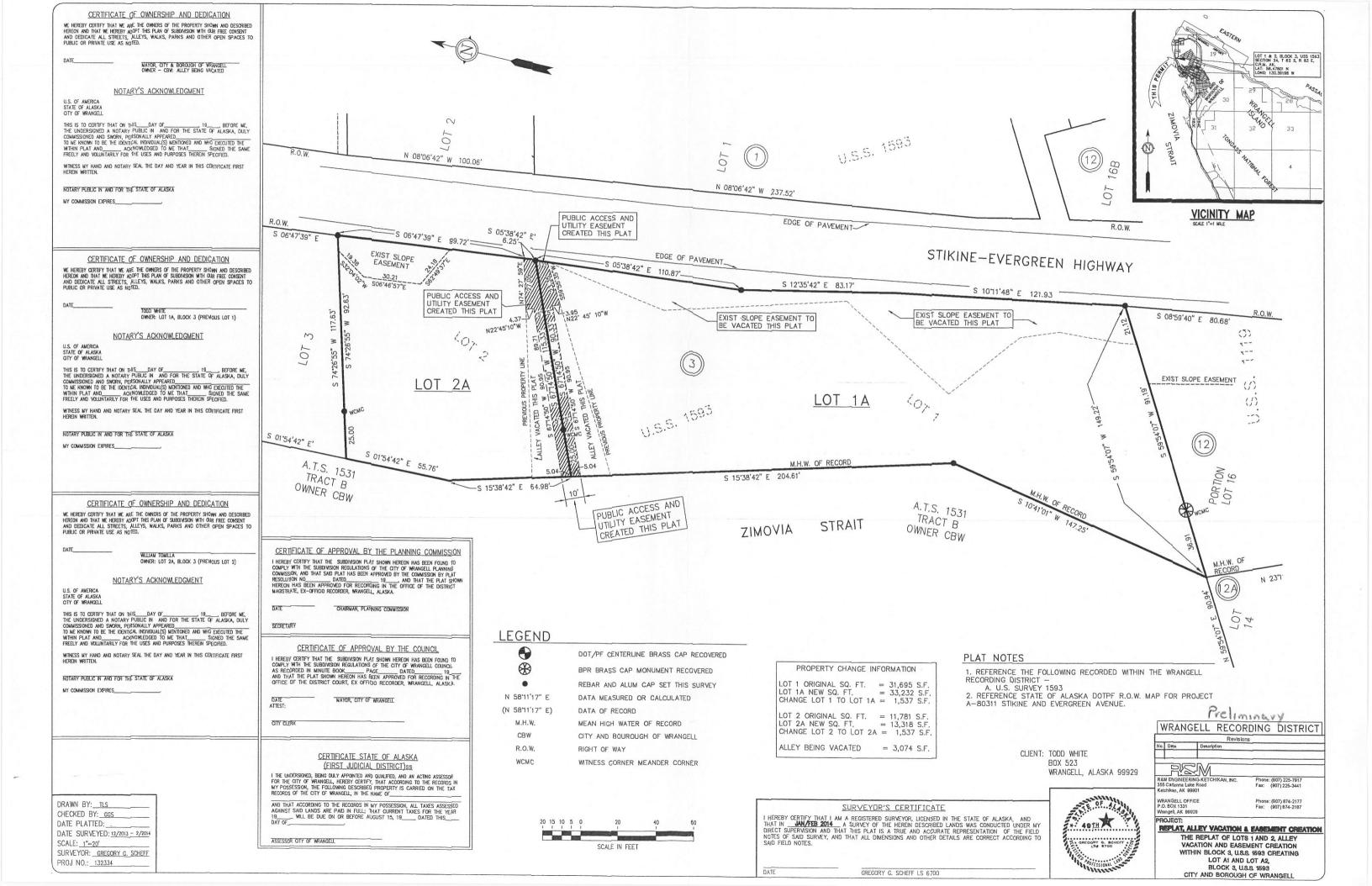
Background: Mr. White is seeking to construct residential development on Lot 1. He previously was approved for the vacation of the alleyway between Lot 1 and Lot2.

Findings:

Mr. White went through the public hearing process before the Planning and Zoning Commission and the Assembly to vacate the alleyway between Lots 1 and 2. The vacation was approved with the creation of an easement along the mutual property line.

As staff notice during the review of the preliminary plat submitted by R&M Engineering for Mr. White, there were two new easement vacation requests that had not been reviewed or approved previously but would be vacated by this plat. The easement vacations must go through the same process as the alley vacation – a public hearing before the Planning and Zoning Commission with a recommendation to the Assembly who makes the final decision after another public hearing. Staff have not reviewed the impacts regarding this requested easement with Alaska Dept. of Transportation, who is in the middle of Evergreen road design to make sure none of these easements are required for construction or permanently. If Mr. White wants these easements vacated, then this plat review should be deferred until the hearing process is complete. Unfortunately, this preliminary plat was submitted while staff was traveling, after being told that the plat would be on the NEXT meeting. A proper review prior to notices going out did not occur until staff returned to town.

Recommendation: Staff recommends that the public hearing be deferred or canceled until Mr. White completes the review process for vacating the easements along Evergreen Avenue.



City and Borough of Wrangell

Agenda G2

Date: February 10, 2014

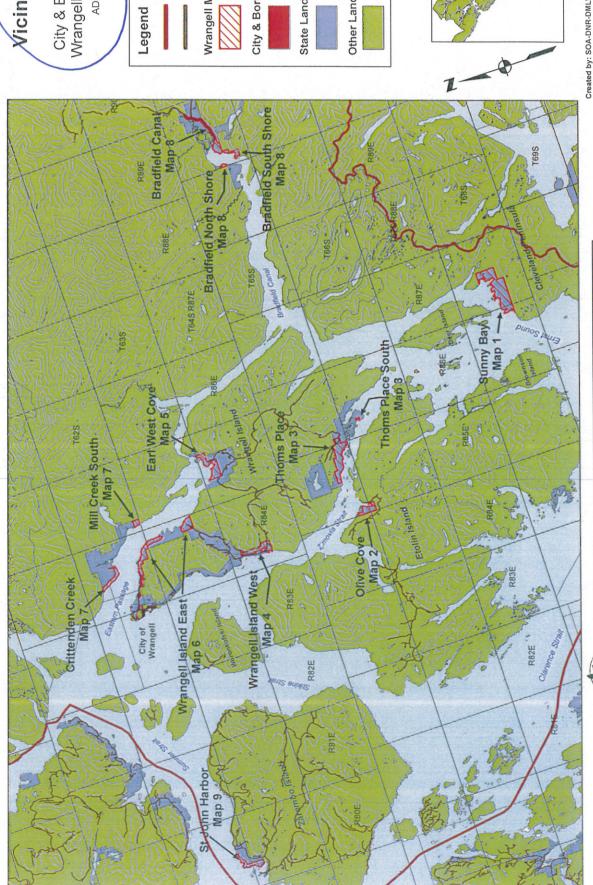
To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Additional Municipal Land Selection

The City and Borough of Wrangell has an additional 849 acres of land to select from the State of Alaska as part of our Borough formation municipal entitlement. The Borough is severely restricted in what additional lands to choose from. The Borough can only select lands of settlement and general use classification according to the Central Southern Southeast Area Plan, but that is further restricted because some of those appropriately classified lands are now part of the Southeast State Forest, and we cannot select any of those lands.

After reviewing maps of the SE State Forest and the Area Plan, I believe there is only land remaining in Wrangell East, Earl West Cove, and Thoms Place. I have included some maps – from the Area Plan and from the State's Final Decision for our land selection thus far and will have more information for discussion at the meeting.



Vicinity Map

City & Borough of Wrangell Selections ADL 108133 Borough Boundary Wrangell M.E. Selections Forestry roads Federal Land TA or Patent Conveyed WWW Selected City & Borough Other Land State Land

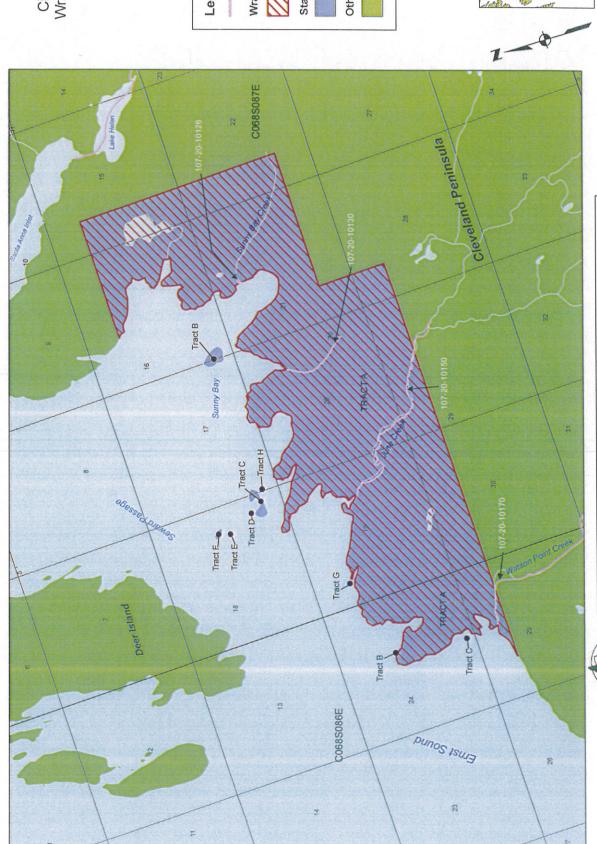
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Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)

Final Finding and Decision

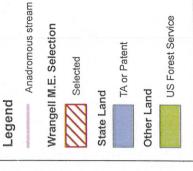
This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

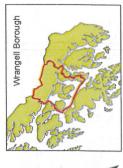
July 1, 2013



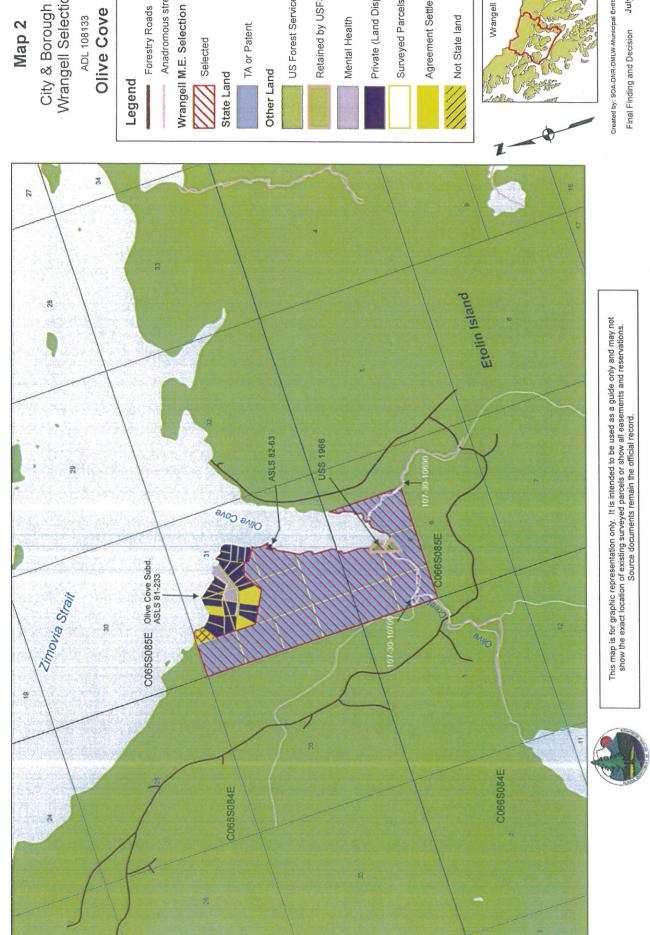
City & Borough of Wrangell Selections ADL 108133

Sunny Bay





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City & Borough of Wrangell Selections

Olive Cove

ADL 108133

Anadromous stream Forestry Roads

Selected

State Land

TA or Patent

US Forest Service

Retained by USFS

Mental Health

Private (Land Disposals)

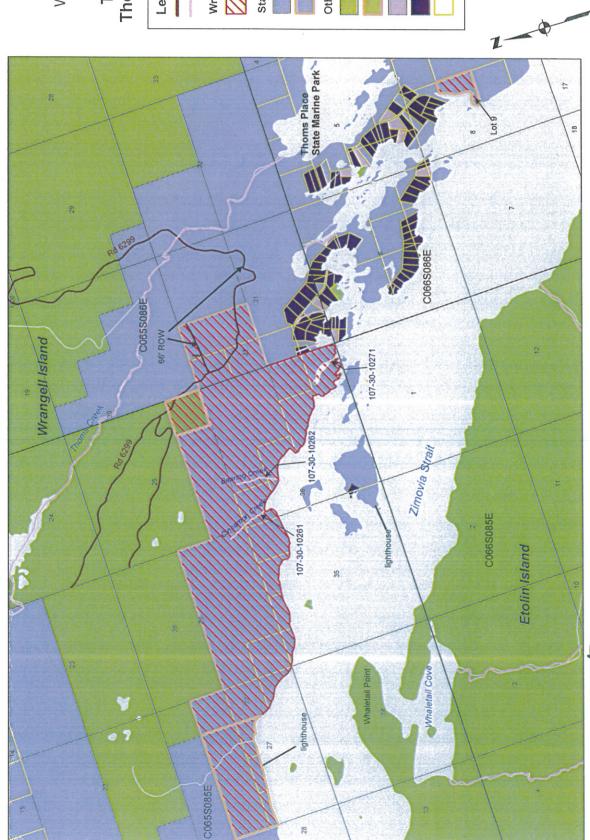
Surveyed Parcels

Agreement Settlement

Not State land

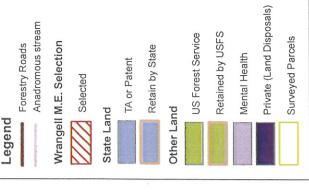
Wrangell Borough

Created by: SOA-DNR-DMLW-Municipal Entitlements (M.E.)



City & Borough of Wrangell Selections ADL 108133

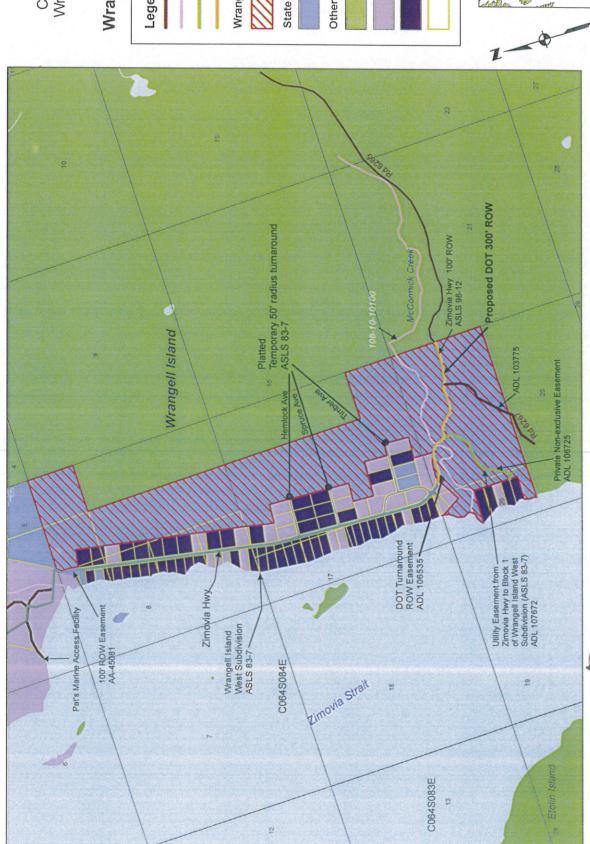
Thoms Place South Thoms Place &





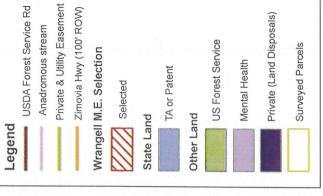
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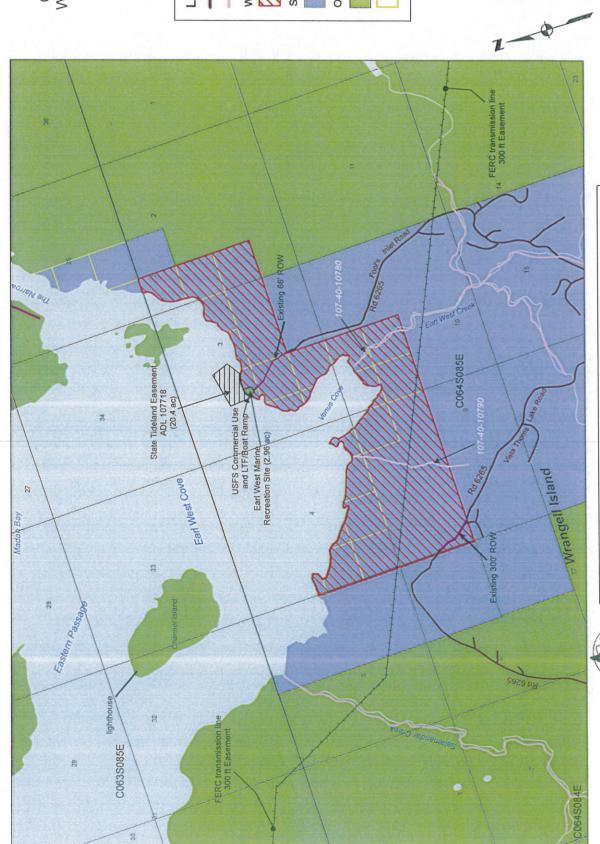
Wrangell Selections City & Borough of ADL 108133

Wrangell Island West



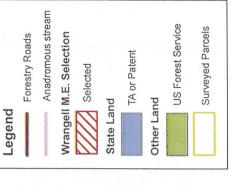


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Earl West Cove



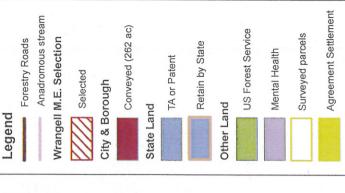


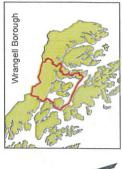
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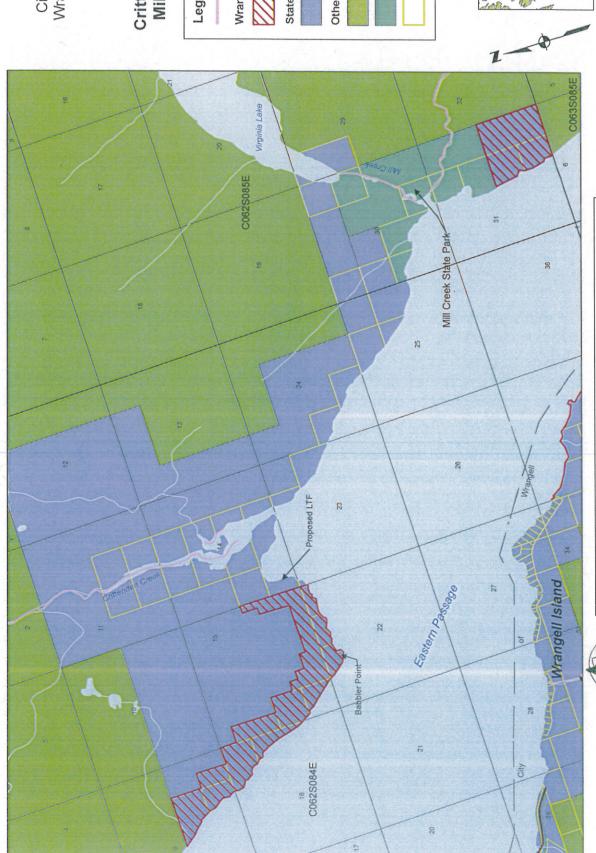
City & Borough of Wrangell Selections

ADL 108133
Wrangell Island East





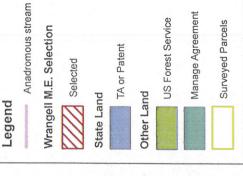
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Final Finding and Decision July 1, 2013

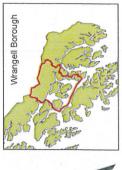


City & Borough of Wrangell Selections

ADL 108133

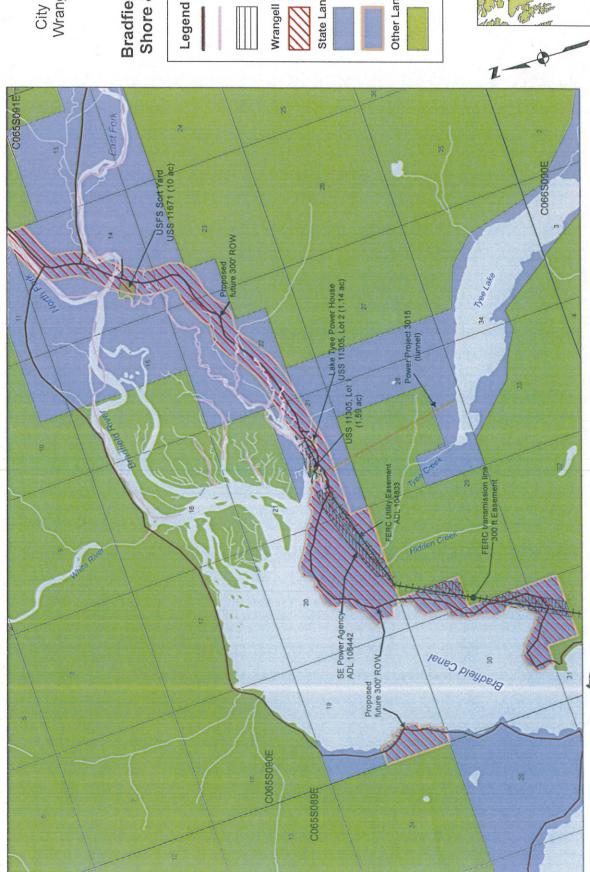
Crittenden Creek & Mill Creek South





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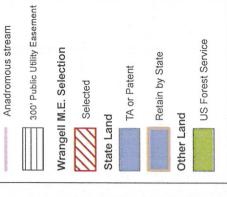
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City & Borough of Wrangell Selections ADL 108133

Bradfield Canal, North Shore & South Shore

Forestry Roads

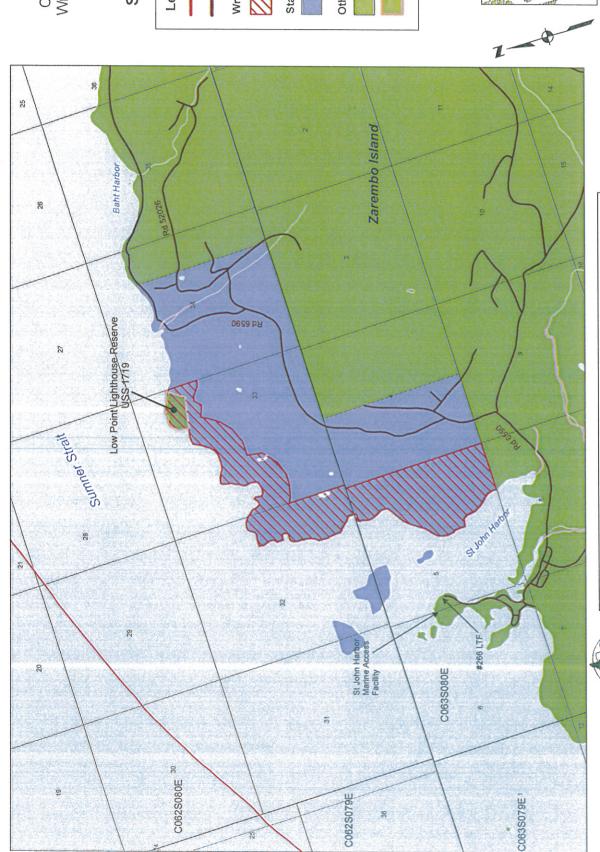






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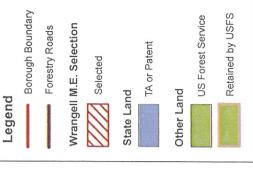
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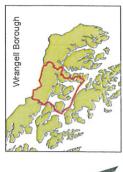


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City & Borough of Wrangell Selections ADL 108133

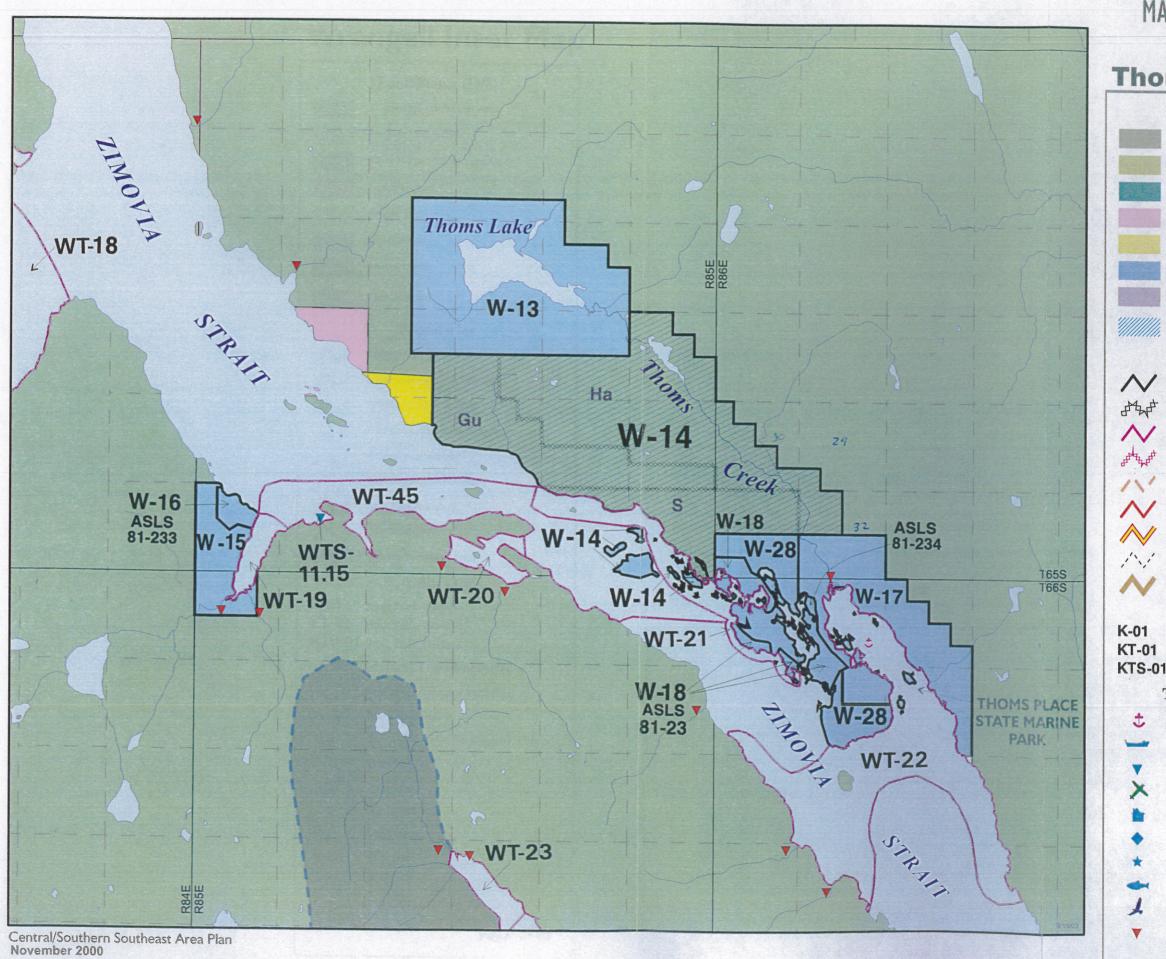
St John Harbor





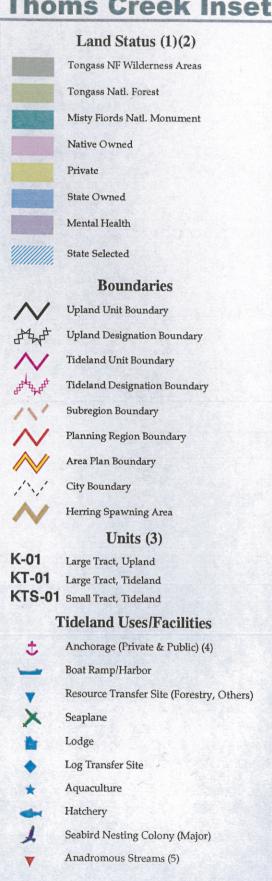
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Final Finding and Decision July 1, 2013

ARRAPUAN



MAP 3-18 • REGION 4

Wrangell -Thoms Creek Inset



Page 3-181