City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION **REGULAR MEETING AGENDA** September 11, 2014 7:00pm

Agenda

- A. CALL TO ORDER/ROLL CALL
- B. AMENDMENTS TO THE AGENDA
- C. APPROVAL OF MINUTES: June 12, 2014 and August 14, 2014
- D. PERSONS TO BE HEARD
- E. CORRESPONDENCE
 - 1. Nationwide Permit from Corps of Engineers to James Anderson for a driveway fill in Wrangell West.
 - 2. Review Notice of Letter of Permission from Corps of Engineers to Burrell Byford for 2 pilings at Thoms Place.
 - 3. Public Meeting Notice regarding Wrangell Trails Project
- F. OLD BUSINESS
- **G. NEW BUSINESS**

- Pub Hrg 1. Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat: Request to vacate and purchase portion of Silvernail Work Road adjacent to Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2. Block B. Sortvard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell.
 - H. PUBLIC COMMENT
 - I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS
 - J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES June 12, 2014 7:00pm

A. CALL TO ORDER/ROLL CALL

Chairperson Terri Henson called the regular meeting of the Wrangell Planning and Zoning Commission to order at 7:00 pm on June 12, 2014 in the Wrangell Borough Assembly Chambers. Commissioners' Mark Mitchell, Kipha Valvoda, Don McConachie, Betty Keegan were present; Commissioners Rudy Briskar Stan Schnell were absent.

Recording Secretary Lavonne Klinke and Zoning Administrator Carol Rushmore

B. AMENDMENTS TO THE AGENDA

REMOVAL OF ITEM G3, POTENTIAL DISCUSSION OF BRENNER APPEAL

C. APPROVAL OF MINUTES: May 8, 2014

Keegan moves to approve the minutes of May 8, 2014 as presented, Valvoda seconds, all approved.

D. PERSONS TO BE HEARD

None

E. CORRESPONDENCE

- 1. Emails from Liz Buness regarding residential and industrial development, building and zoning restrictions, and other guidelines.
- (NEW) 2. Certificate from Borough Clerk Kim Lane regarding appeal decision from Board of Adjustment regarding height requirement from James Brenner.

This Certificate was read into the record by Secretary Lavonne Klinke. Henson states that if the information was giving at the meeting that was presented after the meeting, the Commission would have been able to make a more informed decision. Decision was based on information presented and the Assembly had more information.

In the future, Commission needs more information to base an informed decision. Proper documentation should be presented by all parties on an item.

Mitchell comments that we are to help with accurate proper information. All agree that they made the right decision based on the information provided.

Valvoda also agrees that they should have more information.

Mitchell states Commission should have deferred the decision

F. OLD BUSINESS

1. Comprehensive Plan review and evaluation (defer)

G. NEW BUSINESS

1. Conditional Use permit request for the permanent location of a sun tanning salon on Lot 15B, Block 3, USS 1119, requested by Laura Massin, owned by Lawrence Bahovec.

Open the public hearing
None
Dwight Keegan disagrees from the audience.
Close public hearing

McConachie moves to approve Conditional Use permit request for the permanent location of a sun tanning salon on Lot 15B, Block 3, USS 1119, requested by Laura Massin, owned by Lawrence Bahovec the, Keegan 2nds.

Keegan says the City of Wrangell has no ordinances regarding tanning beds. Rest of Commission states this is a State of Alaska, Department of Health issue. As a Commission we are to help protect the public. Keegan - Melanoma is a growing cancer item, and tanning beds are a possible item to cancer, and melanoma is a deadly cancer as compared to lung cancer. State of Washington approved anyone under the age of 18 needs a prescription to use a tanning bed. Keegan understands that customers are left alone while they use the tanning facilities. There is no water or sewer facility in the tanning booth. There is no access to the residence of Mr. Bahovec. How are things cleaned, sanitized? Safety for the Customer? Borough has no regulation regarding tanning booths.

Henson states that a personal choice to use these beds. Use disinfectant spray to clean the bed if customer is concerned about cleaning. Tanning beds may not be healthy, but as a Commission, this is not our role regarding safety and health.

Mitchell states we are not in charge of health and safety regarding tanning beds and maybe this should be a state of Alaska item.

McConachie comments that this is a decision whether to allow the business to run permanently at this location.

Motion passed by unanimous vote

2. Variance permit request for a variance to the off-street parking requirements for the sun tanning salon on Lot 15B, Block 3, USS 1119,zoned Multi-Family Residential, requested by Laura Massin, owned by Lawrence Bahovec.

Open public hearing Close public hearing

McConachie moves to approve Variance permit request for a variance to the off-street parking requirements for the sun tanning salon on Lot 15B, Block 3, USS 1119,zoned Multi-Family Residential, requested by Laura Massin, owned by Lawrence Bahovec. Mitchell seconds.

Mitchell asks if there had been any complaints from the local neighbors. There is ample parking in this area

Motion passed by unanimous vote.

H. PUBLIC COMMENT none

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

Stan has verbally resigned from the P&Z commission, but no letter has yet been received. Staff stated that it should be mentioned to the Commission so that they would be aware.

Mitchell is resigning from the Commission due to being appointed to the Assembly.

J. ADJOURNMENT 7:25 pm

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES August 14, 2014 7:00pm

A. CALL TO ORDER/ROLL CALL

Chairperson Terri Henson called the regular meeting of the Wrangell Planning and Zoning Commission to order at 7:00 pm on August 14, 2014 in the Wrangell Borough Assembly Chambers. Commissioners' Kipha Valvoda, Don McConachie, Christina Florschutz were present, Commissioners Hutchinson, Briskar, and Keegan were absent.

B. AMENDMENTS TO THE AGENDA

Staff requests to defer F1, comprehensive plan, Commission agrees.

C. APPROVAL OF MINUTES: June 12, 2014 and July 10, 2014

McConachie moves to approve minutes of July 10, 2014, Valvoda 2nds. All approved.

D. PERSONS TO BE HEARD

None

E. CORRESPONDENCE

1. Letter from Dan and Twyla Nore regarding purchase of Lot 6A, Dan Nore Subdivision. It is a new business Item

F. OLD BUSINESS

- 1. Comprehensive Plan review and evaluation deferred
- 2. Discussion and update regarding proposed non-motorized transportation links (trails) Staff gives updates regarding trails. The trail class did take place, persons from Juneau, Sitka Admiralty Island attended also. Looking at options for access from Mount Dewy to the Forest Service. Trying to identify what other trails could be done, what are other issues. Amber Al-Haddad will be scheduling public meetings to identify the trail plans, and listen to any concerns from the public including ATV users, and residents near trails. Map indicates the areas that were looked at.

Florschutz asks if this is only for recreation use. Mt. Dewey to Forest Service yes, but to Stough's would be in the future, possibly be an access to schools.

The hospital would be recreation, but depends on the lay of the land.

G. NEW BUSINESS

1. Conditional Use permit application for a home occupation to operate a day care business from residence on Lot 8, USS 2321, zoned Rural Residential, owned by Rynda and Robert Hayes, requested by Talea Kellar.

Open public hearing

Talia Kellar 2.5 mile Zimovia Highway, Valvoda asks how many children will attend daycare? Mrs. Kellar states she is applying for license for up to 8 children maximum. Valvoda states that if children are in the home for more than 8 hours, she has to have the home inspected for toxins. Home was built after 1978.

- Has had a Fire Marshall Inspection.
- Large yard and deck available, but the State of Alaska, Southeast Licensing Agent, Jessica Spurior, will let her know what will be acceptable

Close public hearing

McConachie moves to approve the Conditional Use permit application for a home occupation to operate a day care business from residence on Lot 8, USS 2321, zoned Rural Residential, owned by Rynda and Robert Hayes, requested by Talea Kellar Valvoda seconds. Henson adds conditions she meets the conditions of the State of Alaska and if changes need to be made, Mrs. Kellar needs to come back to Planning and Zoning. McConachie seconds.

Motion passes by unanimous vote.

2. Recommendation regarding the nullification of the Ward Replat (#2008-3)

Staff states that this is an interesting issue and has sent the information to attorney for answers to questions Staff has. Staff is not sure of the correct process and PZ may need to review it again. A plat came to Planning and Zoning from Mr. Ward for approval back in 2008, our tax records showed Mr. Ward as Owner, not Mental Health, as did the Surveyor of the property.

Mental Health believes this is an illegal plat, stating this has created a clouded title and want the Commission to make a recommendation to nullify the plat.

What obligation are we putting on the City regarding taxes. Should have been in tax Rolls as Mental Health, Owner and Bruce Ward as Lessee. Would City have to refund taxes? Staff will confirm with the attorney. Staff has more paperwork, which describes the history of this problem may be some internal procedure changes. Attorney may want a different process for review.

McConachie moves to approve the recommendation regarding the nullification of the Ward Replat (#2008-3) Valvoda 2nds

Motion passed by unanimous vote.

Recommendation to dispose of public lands, specifically Lot 6A Dan Nore Subdivision.

Staff refers to the provided plats, 6a is owned by City and Borough of Wrangell, southern edge is an access utility easement to lot 6b and to lot 7b (which is not in the subdivision).

- Mr. Ashton owns lot 6b and constructed a rock wall into lot 6a the upper portion.
- Mr. and Mrs. Nore have come to the City about purchasing this lot 6A. Staff spoke onsite to Marlene Clark and Brian Ashton, and separately to the Nore's.Makes sense to dispose of this parcel to the interested parties.

This is to make a recommendation to Assembly to dispose of the land. Nore's there is a drainage issue they are now having to deal with.

McConachie states he doesn't feel this is in the authority of the Planning and Zoning Commission. Henson feels that this should be put into a recommendation to the Assembly. There should be something done about the encroachment from Mr. Ashton, as well as the issue with the drainage affecting the Nore's.

What about lot size and how do the owners feel about the distribution of this land. Land owners have different suggestions on how to fix this problem. With this recommendation, then staff will bring in the land owners and offer options as to how the land would then be distributed.

Marlene owns 7a, but she is not interested in any of the parcel, but is interested due to her ownership of lot 7b.

Valvoda moves to approve to make a Recommendation to dispose of public lands, specifically Lot 6A Dan Nore Subdivision, McConachie 2nds.

Staff apologizes as she forgot to call and inform the Nore's and Mr. Ashton regarding this item on the agenda.

Motion to make Recommendation to Assembly passed by unanimous vote.

H. PUBLIC COMMENT none

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

Commissioner Florschutz commented about her hearing issue. Staff had provided earphones and she seemed to think it would work.

J. ADJOURNMENT 7:30pm



DEPARTMENT OF THE ARMY

ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
P.O. BOX 6898
JBER, ALASKA 99506-0898
AUG. 1 8 7014

Regulatory Division POA-2014-345

James Anderson Post Office Box 3254 Homer, Alaska 99603

Dear Mr. Anderson:

This is in response to your request for Department of the Army (DA) authorization to discharge 1,180 cubic yards of shot rock, into 0.36 acre of wetlands, to construct a 14' wide by 480' long driveway, and an 80' by 110' shop pad, for the purpose of developing a single family residence. The project site is located within Section 20, T. 64 S., R. 84 E., Copper River Meridian, USGS Quad Map: Petersburg B-2, Latitude 56.3128° N., Longitude 132.3442° W., in Wrangell, Alaska. Please refer to file number POA-2014-345, Zimovia Strait, in correspondence with this office. We have determined your proposal may be conducted under the authority of the nationwide permit (NWP) outlined below.

DA permit authorization is necessary because we have preliminarily determined your project would involve a discharge of fill material into waters of the U.S. under our regulatory jurisdiction. Please sign the attached Preliminary Jurisdictional Determination (PJD) Form and return it to our office. A PJD is not appealable. At any time you have the right to request and obtain an Approved Jurisdictional Determination, which can be appealed. If it is your intent to request an Approved JD, do not begin work until one is obtained.

Based upon the information and plans you provided, we hereby verify that the work described above, which would be performed in accordance with the enclosed plan, 3 sheets, dated July 2014, is authorized by NWP No. 29, Residential Developments. This NWP and its associated General and Regional Conditions can be accessed at our website at: www.poa.usace.army.mil/Missions/Regulatory/Permits.aspx. You must comply with all terms and conditions associated with NWP 29, and please note that Regional Conditions C, D, E., F, G, H, and J apply specifically to your project. Also, General Condition 30 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

This verification is valid until March 18, 2017, unless the NWP is modified, reissued, or revoked. It is incumbent upon you to remain informed of changes to the NWPs. Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

Please contact me via email at jack.j.hewitt@usace.army.mil, by mail at the address above, by phone at (907) 753-2708, 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.

Sincerely,

Project Manager

Enclosures

ENCLOSURE



US Army Corps of Engineers Alaska District

Permit Number: POA-2014-345

Name of Permittee: James Anderson

Date of Issuance: AUG 1 8 2014

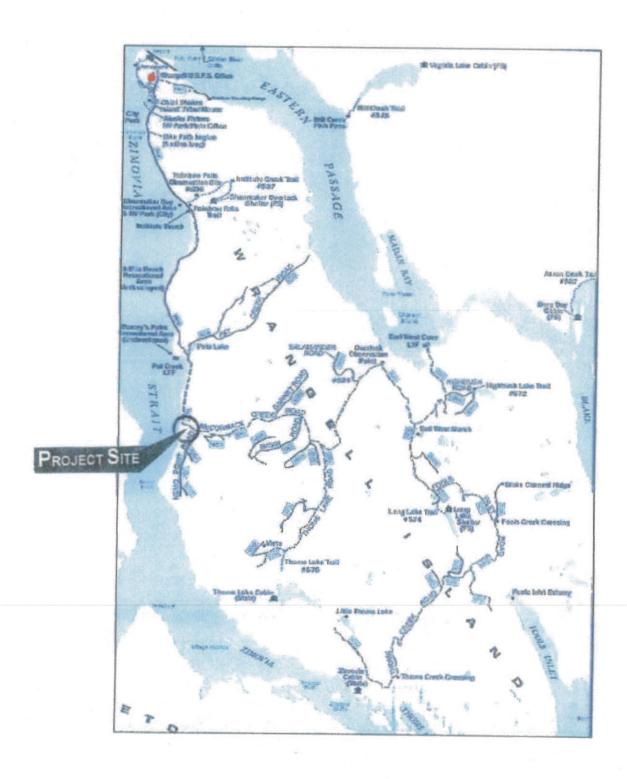
<u>Upon completion</u> of the activity authorized by this permit and any mitigation required by the permit, <u>sign</u> <u>this certification and return it to Jack Hewitt at the following address:</u>

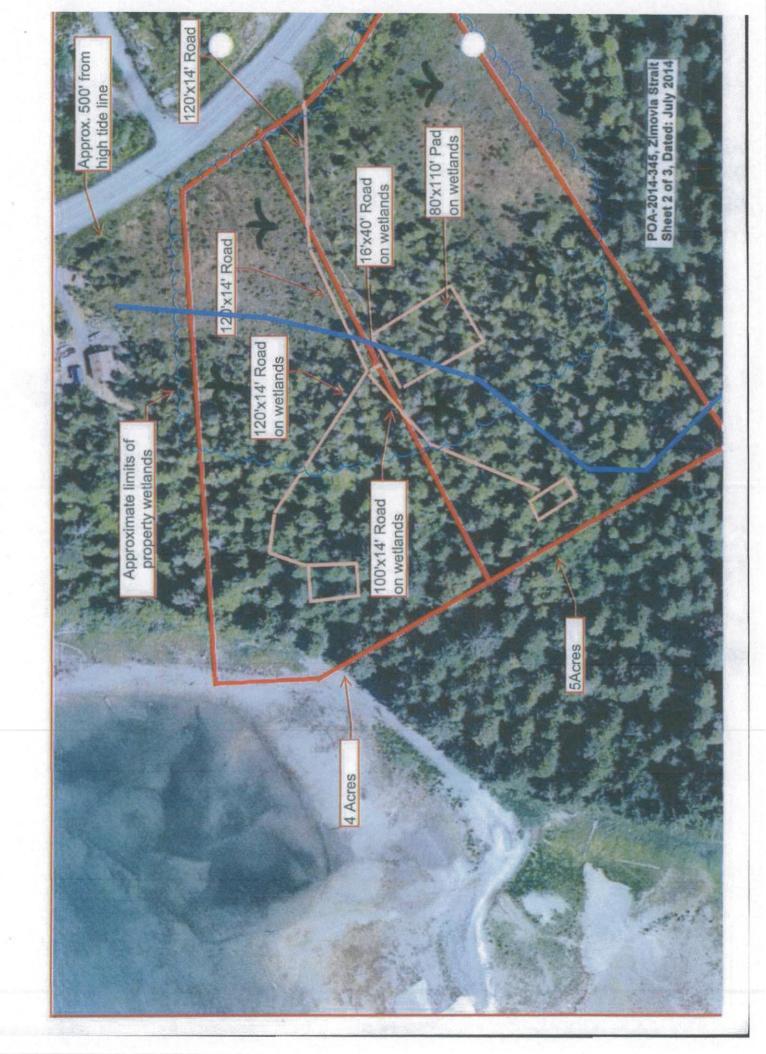
U.S. Army Corps of Engineers Alaska District Regulatory Division Post Office Box 6898 JBER, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee	Date	***************************************





POA-2014-345, Zimovia Strait Sheet 3 of 3, Dated: July 2014

This preliminary JD find that there "may be" waters of the L	urisdictional Do United States on the ed on the following	subject p	project site that could be affe	Page 1 of ected by the propose		
District Office Alaska District Office File/ORM #	POA-2014-345		PJD Date	28 July 2014	announce of the last of the la	
State AK City/County Wrangell		Γ	1			
Nearest Waterbody Zimovia Strait	Name an		lames Anderson			
Project Location Section(s) 20 Township 64	Person Requestin	F	Post Office Box 3245 Homer, Alaska 99603			
Meridian Copper River Range 84	E					
USGS Quad Map Petersburg B-2 Latitude 56.31	28°] N	Longitude 132.3442°	W		
Subdivision Name, Block, Lot, Directions to Project Site	A and 2A			The second secon		
Identify (Estimate) Amount of Waters in the Review Area Non-Wetland Waters: Linear ft Wetlands Metlands Acres Cowardin Class: Palustrin SUPPORTING DATA: Data Review for Preliminary JE checked and requested, appropriately reference sources below Maps, plans, plots or plat submitted by or on behalf of Data sheets prepared/submitted by or on behalf of	N/A e, scrub-shrub (check all that apply of the applicant/consu	the Site as Section Waters: Office Field checked insultant:	odles on Tidal: Identified on 10 Non-Tidal: Identified on	ate of e Visit:	The second secon	
☐ Office concurs with data sheets/delineation r ☐ Office does not concur with data sheets/delin ☐ Data Sheet prepared by the Corps ☐ Corps navigable waters' study: ☐ USGS NHD Data.	The State of the S					
USGS 8 and 12 digit HUC maps. U.S. Geological Survey map(s) Cite quad name: USDA Natural Resources Conservation Service Soil S National Wetlands Inventory map(s): Petersburg B-2 State/Local Wetland Inventory map(s): FEMA/FIRM map(s): 100-year Floodplain Elevation: Photographs: Aerial (Name & Date) Other (Name & Date) Previous determination(s). File # and date of response						

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.

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.



DEPARTMENT OF THE ARMY ALASKA DISTRICT, U.S. ARMY CORPS OF ENGINEERS REGULATORY DIVISION P.O. BOX 22270 JUNEAU, ALASKA 99802

July 17, 2014

Regulatory Division POA-2014-326

Dear Reviewer:

This letter concerns an application by Burrell Byford, file number POA-2014-326, Zimovia Strait, for a Department of the Army permit under Section 10 of the Rivers and Harbors Act of 1899 (30 Stat. 1151; 33 U.S.C. 403) to construct of a 12 foot by 24 foot pier supported by six 5 inch diameter steel pilings, two of which would be below the Mean High Water (MHW) (approximately +9.2 feet above the 0.0 foot contour line). The project site is located within Section 6 T. 66 S., R. 86 E., Copper River Meridian; USGS Quad Map Petersburg A-1; Latitude 56.180183° N., Longitude -132.172833° W.; located in Birch Bay near Wrangell, Alaska.

Specifically the work within jurisdictional waters would include the excavation of two 10 inch diameter holes 6 inches deep, placement of a 10 inch diameter steel tube with a 5 inch diameter steel piling held in place with concrete. The pilings would support a 12 foot by 24 foot pier connected to uplands supported by 4 additional pilings constructed in the same manor above the MHW.

Preliminary determinations indicate the proposed work would be minor, would not have significant individual or cumulative impact on environmental values, and should encounter no appreciable opposition. This project has also been reviewed for impacts to species listed under the Endangered Species Act, anadromous streams and Essential Fish Habitat, and cultural resources; and it has been determined there would be no effect to any of these resources.

We have determined that a Letter of Permission is the most appropriate form of authorization to be issued in this case. The decision whether to issue the Letter of Permission will depend on comments received from Federal and State resource agencies, as well as adjacent property owners. Enclosed is a copy of the plans and/or application received.

Your comments concerning this proposal must be received within 15 days of the date of this letter. If no comments are received, it will be presumed that you have no substantive objections to the issuance of the Letter of Permission.

Please contact me via email at Matthew.T.Brody@usace.army.mil, by mail at the address above, or by phone at (907) 790-4493, if you have questions. For more information about the Regulatory Program, please visit our website at http://www.poa.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Matthew Brody Regulatory Specialist

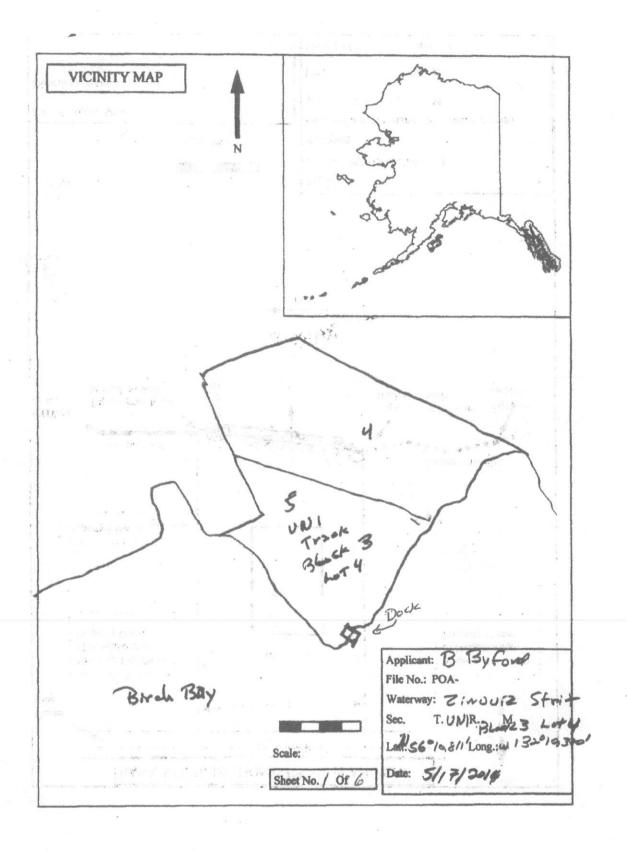
Enclosures

CF:

South - Wrangell

ADEC
ADF&G-DH
ADNR-DMLW
ADNR-OHA, SPHO
USFWS
NMFS
EPA
KGB
USCG
Tlingit and Haida Indian Tribes
Wrangell Cooperative Association

C. Jenkins Jenkins Homestead P.O. Box 194 Wrangell, Alaska 99929



1 11

Shoreline

HTC
MHW-

Birch Bay

Applicant: B By Level
File No.: POA-

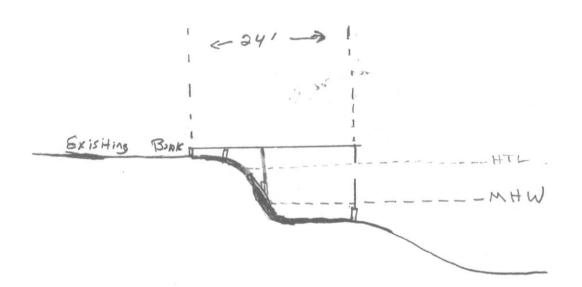
Waterway: Zinovia Strait
Sec. UNIT. Stople 3 Let 4

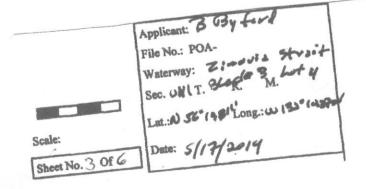
Lat.: () 52° (481 Long.: () (51° (-129-)

Date: 5/17/2014

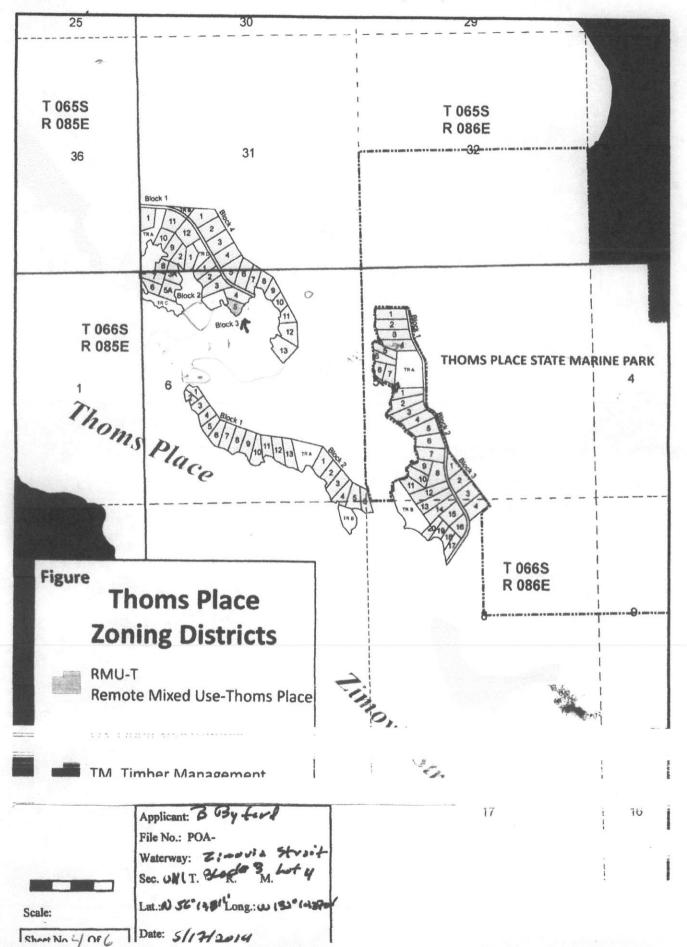
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Sheet No.2 Of 6





City and Borough of Wrangell DRAFT Zoning Maps - October 2011



Village Islands

Choms Place
Button Island
Zimovia Islets

Kashevarof Islands

Coogle earth

Google earth

miles km .

Applicant: B By ford
File No.: POA-

Waterway: Z: - wi = Strait
Sec. UNIT. Store 3 M. Lot 4

Lat.: N 56-14-81 Long.: w 132-1437-

Date: 5/17/2014

Scale:

Sheet No. 5 Of 6

Let's Talk Trails! White Posted on September 4, 2014

What: Wrangell Trail Projects - Public Information Meeting When: Monday, September 29, 2014, 6:30pm - 8:30pm Where: Assembly Chambers, Wrangell City Hall

The City and Borough of Wrangell will hold a Public Information Meeting to provide information about the location for future trail projects and their general planning process.

The meeting will include a presentation on the trail project development to date, and the public will be able to preview trail development information, talk with the planning team and offer input regarding trail design, resource protection, trail management and future trail projects. Members of the audience will be provided an opportunity to ask questions and discuss the trail projects. Maps will be available showing proposed layout for the various trail projects.

Wrangell's trail projects were developed as the result of input from members of the public, business leaders and government agencies, during a year-long outdoor recreation planning process in 2011. The 2011 Outdoor Recreation Plan serves as Wrangell's future program and facility development for recreation. The trail extensions and/or connector trails will improve pedestrian and bicyclist safety, access, connectivity and recreation.



Project Contacts

Amber Al-Haddad
Parks & Recreation Director
Phone: 907-874-2477

Email: aal-haddad@wrangell.com

Carol Rushmore
Economic Development Director
Phone: 907-874-2381
Email: ecodev@wrangell.com

City and Borough of Wrangell

Agenda G1

Date: September 5, 2014

To: Planning and Zoning Commission

From: Carol Rushmore

Re: Request to vacate remainder of alleyway adjacent to Lot A and Lot C, Bay Company Replat; Request to vacate and purchase portion of Silvernail Work Road adjacent to Lot C, Bay Company Replat; and request to purchase portion of Lot 1 and Lot 2, Block B, Sortyard Subdivision, zoned Waterfront Development, requested by David Powell, Manager of The Bay Company, owned by Chet and Bejay Powell.

Background:

The Planning and Zoning Commission at their regular meeting on Thursday, September 9, 2010, approved recommending to the Assembly a partial vacation, vacating a 5 foot wide strip of the unnamed alley right-of-way adjacent to Lot A and Lot C, Bay Company Replat and shifting and widening of the alley ROW over to the fence of the Marine Service Center.

A letter from Chet Powell Jr. was submitted to the Commission on Thursday, September 9, 2010, requesting that the entire alleyway be vacated, rather than a portion of the alley. There was some discussion regarding the modified request during the public hearing for the partial vacation, however a full vacation was not noticed and therefore could not be acted on.

The Borough Assembly approved The Bay Company request for the 5 foot alley vacation. The replat survey was put on hold until the completion of Front Street and installation of utilities.

Dave Powell, Manager of the Bay Company, submitted August 2014 a request with additional land acquisition requests.

Findings:

There are two separate vacation requests – vacation of the remainder of the existing alley and vacation of a portion of Silvernail Work Road. In addition, The Bay Company would like to purchase port property land between the existing alley and the port security fence.

The alleyway was created in 2001 during a resubdivision of the upland portion of the port property (Sortyard Subdivision) and an access/utility easement was created with a planned additional 30 foot expansion of Silvernail Work Road. In 2003, the larger port property area was resubdivided for the Belt Freezer (WSI Subdivision II). Then in 2009, The Bay Company resubdivided their lots for their planned expansion.

Front Street project negotiations with Chet Powell Jr. owner of The Bay Company during the design phase involved maintaining pull-in parking and keeping a bump-out in front of the new Bay Company building with Borough staff recommendation to support a partial vacation of 5 feet of the alleyway Right-of-way adjacent to the Bay Company building and the lot behind this building.

Front Street planning efforts with Greg Meissner, Harbor Master and Port Comission, also included shifting the alley ROW over and widening slightly to include part of the port property outside of the existing fence line to maintain a ROW access and utility corridor for sewer, ater and electrical and potential future midblock access to the Port yard area and to Silvernail Road behind Front Street. This mid Front Street access to the yard and Silvernail Work Road is important because long term future use could require additional ingress/egress to the area. St. Michael's Road dead ends at Front Street and has created safety, access, and snow removal issues. If this potential mid Front Street access is removed, there would only be one access off of Front Street with the other access coming from Brueger/Campbell Drive/Silvernail Work Road intersection. Maintaining a second ROW access to port property in the mid area of Front Street is potentially important for long-term growth.

If a portion of Silvernail Work Road is vacated only behind the Bay Company lot, the only future ingress/egress ROW through the port property is effectively eliminated unless a new access is platted simultaneously.

The request from Bay Company stems from their desire to utilize more of the alleyway and land area between their lot and the Port Fence area for their business use. They would like to fill a depressed area in the back corner on Silvernail Work Road that was not filled and leveled during the Marine Service Center construction and to allow their utilization of the additional land area for boat storage. They also wish to construct a storage building on the back lot. The Bay Company has also indicated their desire to fence off their storage area for security purposes. A storage building under construction behind City Market is impacting the existing access Bay Company uses across City Market property to move boats in and out behind their building.

The Boat yard area improvements are complete in the vicinity of this alley and Silvernail Work Road. While the alley access is not in use now because of the fence surrounding the Marine Service Center, it provides future options for freight and boat movement, needed snow removal storage and future land access should the land use ever change on the port property. Electrical lines have been installed on the edge of the existing port property along the alley with wire spans hanging over portion of the alleyway. The poles are main feeders with the pole closest to Front Street a critical access pole for switches. Public works has stub outs for sewer and water to the port property underneath the electrical lines. On Silvernail Work road, the fence line is approximately 30 feet from the back property lines of The Bay Company. While only a portion of this platted road way is currently used as an access to the port property, it is the only platted access to and through the port property. Future uses of the port area could change over time, and to vacate a small section of the platted road eliminates a guaranteed future access route. In addition, electrical lines are located along the edge of the Silvernail Work Road ROW which could also impact location of a proposed building.

Greg Meissner has indicated that the port currently has no need of the property outside of the security fence. Borough needs include the electrical lines along the edge of the alley way and along Silvernail Work Road, sewer and water stubs and service to port property along the alley way, and future access to and through the port property for both the alleyway and Silvernail Work Road.

Recommendation:

Clay Hammer, Carl Johnson, Greg Meissner and Carol Rushmore met on site to discuss the request and identify the various needs and concerns of the different Departments and to determine a recommendation for the Planning and Zoning Commission's consideration. Measurements were taken along the fence line and it was determined that the fence is offset

from the port property line but not parallel with the port property line. It is closer to the property line near Front Street than it is in the back near Silvernail Work Road.

Staff is recommending to prepare a plat using the Fence line as the guiding line. The port property line is proposed to be established 5 feet from the fence line. That 5 feet would be an access utility easement. The alleyway is proposed to be 20 feet wide measured from this new property line- this allows the electrical poles to be located within a ROW, including the arm spans and provide just enough room for vehicular access for maintenance to the poles as needed. The remainder of the existing alleyway would be vacated to The Bay Company. Near Front Street, this may be only one or two feet, but toward the back of the property, it would be the remainder of the 10 foot alleyway plus purchase of a portion of the port property (approximately 5 feet or more) up to the edge of Silvernail Work Road. Staff is not recommending vacation of Silvernail Work Road due to the long term potential use of the access ROW. An electrical easement will be required across the back of The Bay Company property (and behind City Market and which was already agreed to) to cover the poles and arm spans during the resubdivision. Staff does not object to the Borough seeking an agreement with The Bay Company for use of the ROW area for storage, which could include gating and fencing. Construction of a building would need to be located entirely on The Bay Company property outside of utility easements.

Should the Commission recommend to vacate the alley and allow purchase of a portion of the port property, there would need to be at least a 25 foot access and utility easement from the existing fence for the electrical poles and spans. Should the Commission recommend to vacate a portion of Silvernail Work Road, alternative future access through the property should be given consideration and platted simultaneously.

The Port Commission will likely review the request at their next meeting in early November.



Back corner of Alley and Silvernail Work Road – shows depression, fence line, proposed edge of alley (next to trailer)



From back corner to Front Street: GM approximate edge of proposed alley, CJ on Front street on proposed edge.



Front Street toward Silvernail Work road: Proposed edge of alley on Front Street. Proposed dge of Alley between CH and GM.

City & Borough of Wrangell Public Works Dept.

Memo

To:

Carol Rushmore

From:

Carl Johnson

CC:

Date:

September 8, 2014

Re:

Bay Company ROW vacation request

Carol,

This memo is regarding the recent request from the Bay Company to vacate the alley between their property lots 1 & 2, Block B of the Sortyard Subdivision and also a portion of the Silvernail right-of-way.

Two issues arise from this proposed action that would affect Public Works activities. One is that water and sewer utilities are stubbed under the fence into the existing alley from the port lease areas on lots 1 & 2. These utility stubs will eventually need to be extended down the alley to existing mains on Front Street. Access down the alley to connect these lots needs to be preserved. The other issue involves winter snow storage from clearing snow on Front Street and Silvernail Road. Over the years commercial development has greatly reduced the number of places to deposit snow from downtown streets and increased travel distance. Currently Public Works stores snow in the alley where it intersects Front Street and off the end of the asphalt on Silvernail Road. If we lose these two areas all of that snow will have to be carried to the disposal area on Campbell Drive across from City Hall. This will add at least an hour to downtown cleanup and prevent Church Street from being cleared before the start of school. I need to preserve both of these snow storage areas in the winter use.

Thank You,

Carl Johnson Public Works Director

Memo

To: Carol Rushmore

From Clay Hammer

Date: September 8, 2014

Re: Bay Co ROW vacation request

Carol,

This memo is regarding the alley vacation requested by Bay Company including a portion of the Silvernail ROW.

My only concern with the vacation of the alley and or portion of Silvernail Street is for the power line that currently runs adjacent to that property. There are (2) utility poles that we must be able to retain access to. One has an arterial sectionalizing switch located on it, the other a 3 phase power bank that feeds the port owned lots. It is imperative that we be able to access these locations at a moment's notice in the event of a power failure or for service related concerns. I have no problems with any potential changes as long as those concerns are addressed.

Clay Hammer

Electrical Superintendent

The Bay Company PO Box 797 Wrangell, AK 99929 (907)874-3340

The City of Wrangell PO Box 531 Wrangell, AK 99929 Attn: Planning and zoning commission

RECEIVED

AUG 19 2014

WRANGELL CITY HALL

August 18, 2014

To whom it may concern:

I request The City of Wrangell vacate the Alley Right Away next to The Bay Company.

I request The City of Wrangell to vacate or allow The Bay Company to buy the part of Lot 1 and Lot 2 of Sortyard Subdivision outside of the fence.

I also request The City of Wrangell to vacate or allow The Bay Company to purchase part of Silvernail Work Road to extended Lot C to the back of the fence.

Your consideration on this matter would be appreciated.

David Powell, Manager

Dal Paul

The Bay Company

The Bay Company PO Box 797 Wrangell, AK 99929 (907)874-3340

The City of Wrangell PO Box 531 Wrangell, AK 99929 Attn: Planning and zoning commission

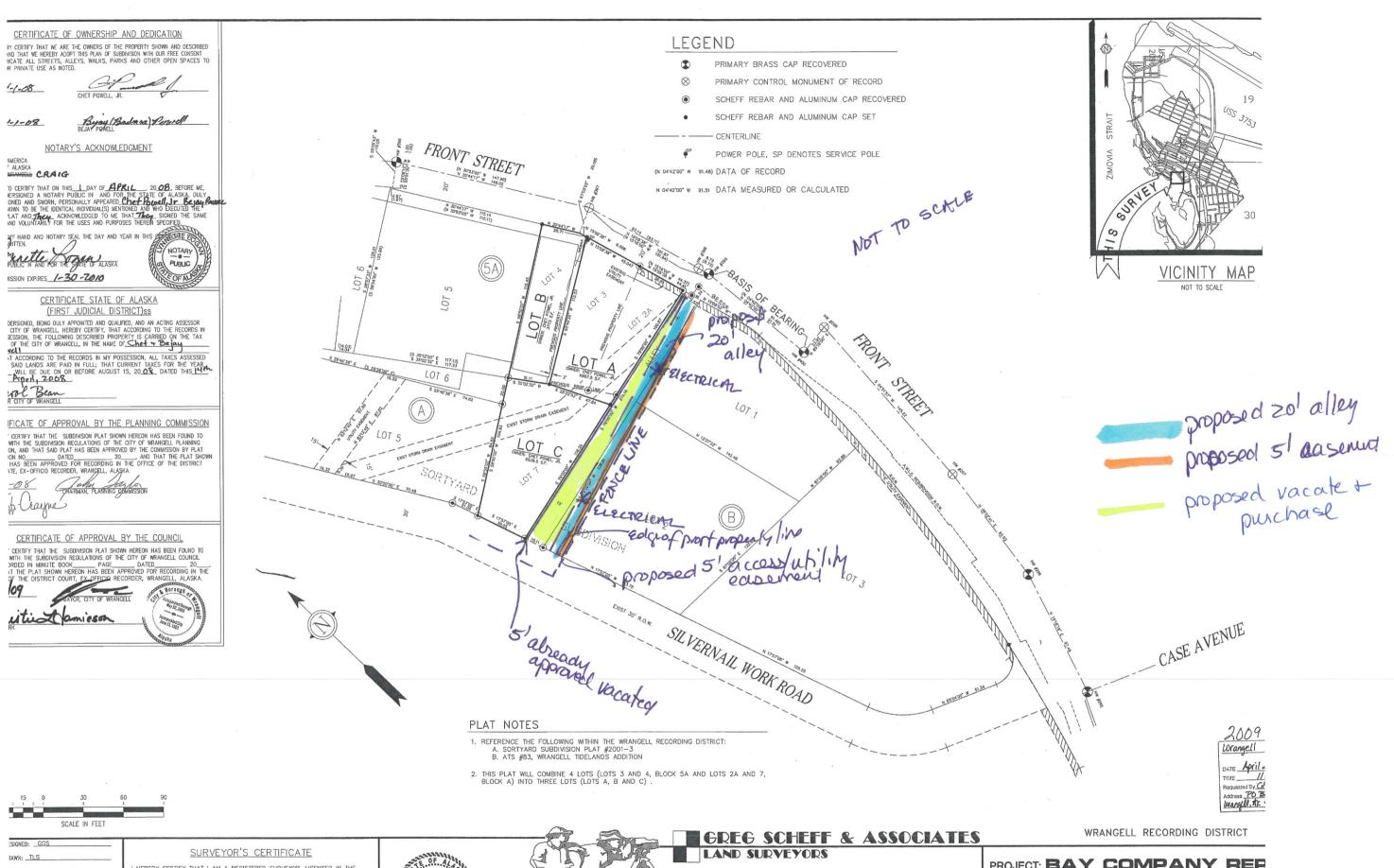
September 2, 2014,

To whom it may concern:

I support David Powell's request in The City of Wrangell vacating the Alley Right Away next to The Bay Company. For The City of Wrangell to vacate or allow The Bay Company to buy the part of Lot 1 and Lot 2 of Sortyard Subdivision outside of the fence.

Also for The City of Wrangell to vacate or allow The Bay Company to purchase part of Silvernail Work Road to extended Lot C to the back of the fence.

Chet Powell, Owner The Bay Company



HECKED: _GGS TE OF SURVEY: 03/25/2008 ATE OF PLAT: _03/25/2008 CALE: _1"=30"

JRVEYOR: GREGORY G. SCHEFF

ROJECT NO. 51243-04-00

HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN MARCH 2008 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.

3-31-08

S J SH GREGORY G. SCHEFF LS 6700





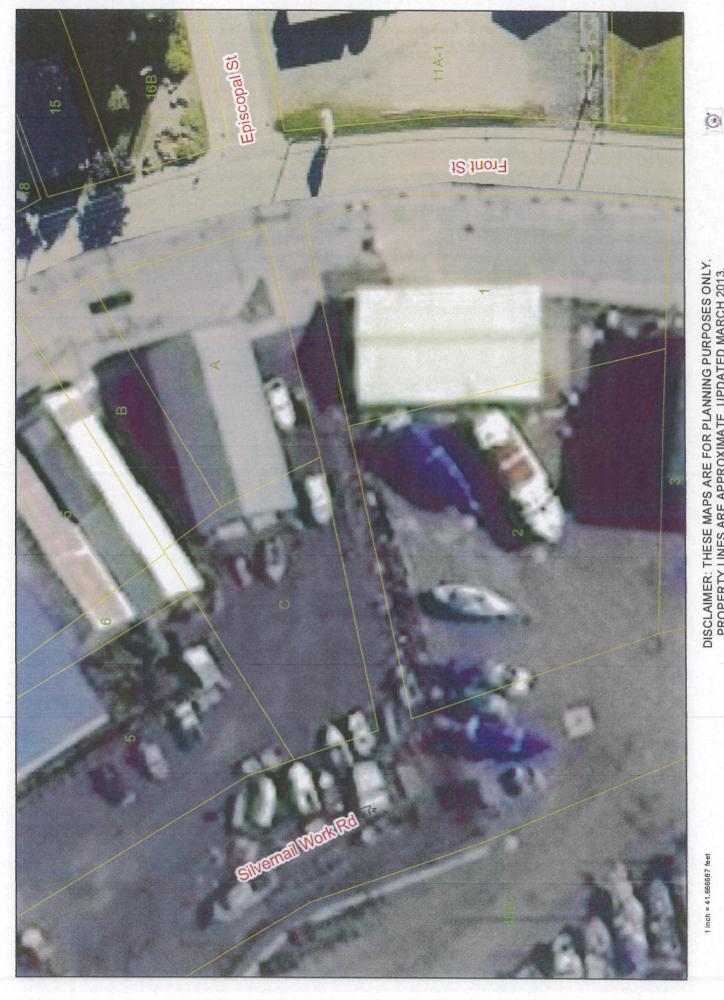
BOX 1331 WRANGELL, ALASKA 99929 **DHONE (907) 874-2177** FAX (907) 874-2187

PROJECT: BAY COMPANY REP

THE REPLAT OF LOTS 3 AND 4, BLOCK 5A WRANGELL TIDELANDS ADDITION, ATS #83 LOTS 2A AND 7, BLOCK A, SORTYARD SUB CREATING LOTS A, B AND C, BAY COMPAN

CLIENT: CHET POWELL, JR. BOX 797 .WRANGELL, ALASKA 99929

BEEN FOUND TO IDEAL COUNCIL COUNCIL COUNCIL COUNCIL COUNCIL COUNCIL ALASKA. UNCIL BEEN FOUND TO GELL PLANNING MISSION BY PLAT THE PLAT SHOWN F THE DISTRICT COMMISSION OTHE RECORDS IN THE TAX NOTARY Z 3.80.91.12 5 NEST CABOUT (5 2623,273, A 152 04 (2 2624,00, M 152 04 107 5 S 3570 12 W 1.00 (\$ 3570 30 W 1.00) 187 FRONT STREET (\$ 3572'00" E 117.13) \$ 3502'32" E 117.23 P SORTHARD! 6 107 N 3053'00' W 115.14 LOT 5 2. THIS PLAT WILL COMBINE 4 LOTS (LOTS 3 AND 4, BLOCK 5A AND LOTS 2A AND 7, BLOCK A) INTO THREE LOTS (LOTS A, B AND C) 1. REFERENCE THE FOLLOWING WITHIN THE WRANGELL RECORDING DISTRICT.
A. SORTYARD SUBDIVISION PLAT #2001—3
B. ATS #83, WRANGELL TIDELANDS ADDITION PLAT NOTES Fence (5A) d was MOUSIAIGE ENST 30. P.O. W. 6072 (N 04'42'00" W SIL VERNAIL WORK ROAD " 04-42'00" W 91.51 DATA MEASURED OR CALCULATED Fence 91.46) DATA OF RECORD SCHEFF REBAR AND ALUMINUM CAP SET POWER POLE, SP DENOTES SERVICE POLE CENTERLINE (B) 107, 6 407 THOAT Ser Secol LARKIS Whow lawate Porchase



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





DATE OF SURVEY: 03/25/2008

DATE OF PLAT: 03/25/2008

SURVEYOR: GREGORY G. SCHEFF

SCALE: _1"=30"

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN $\underline{\sf MARCH}$ 2008 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.

GREGORY G. SCHEFF LS 6700



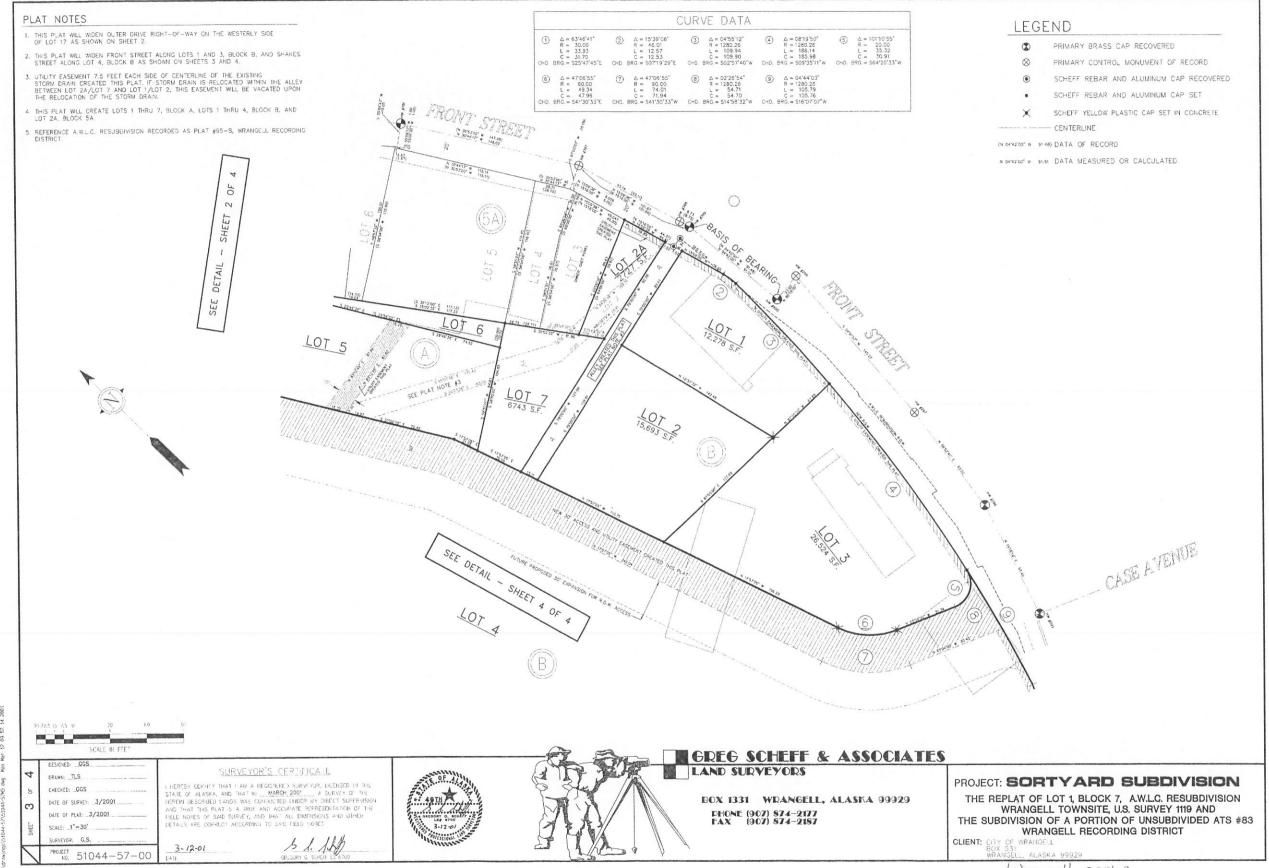
BOX 1331 WRANGELL, ALASKA 99929 PHONE (907) 874-2177 FAX (907) 874-2187

PROJECT: BAY COMPANY REPLAT

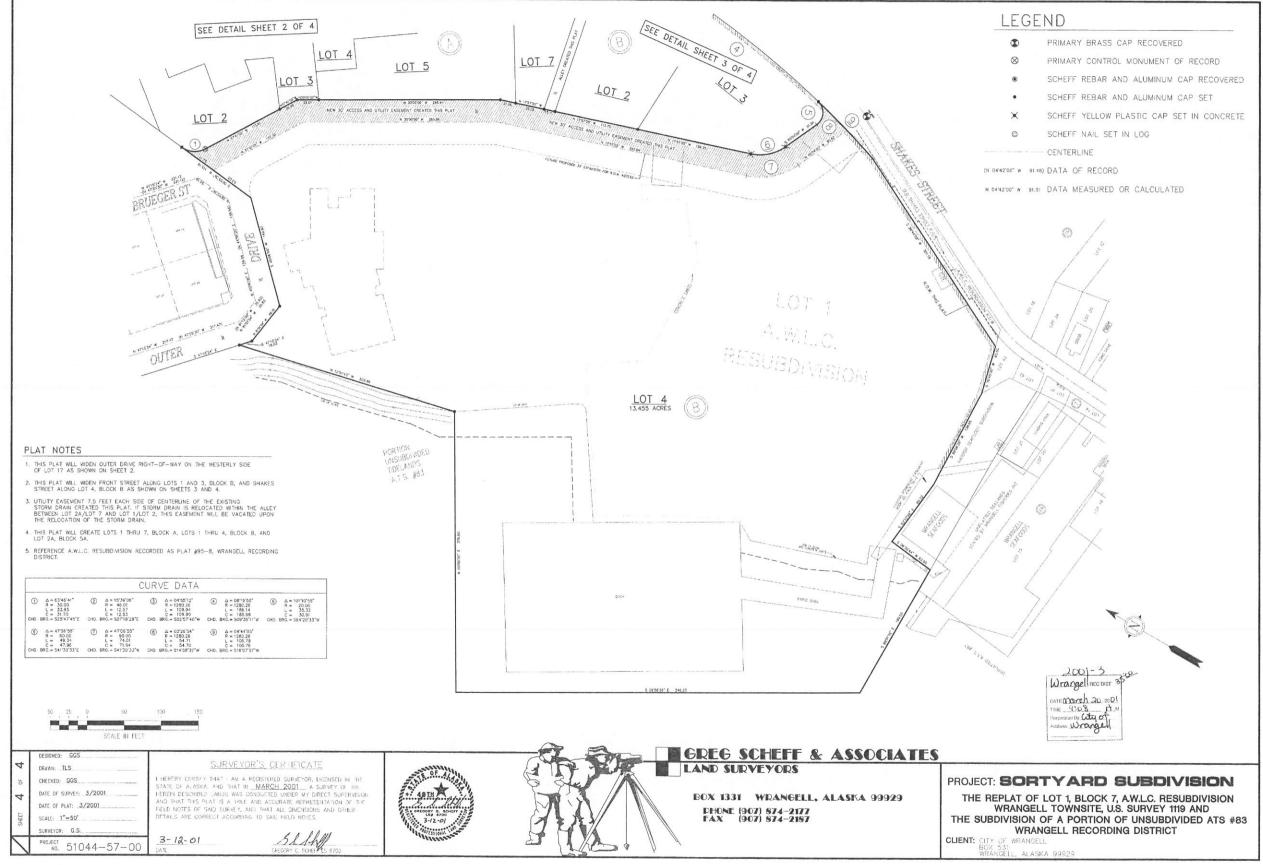
THE REPLAT OF LOTS 3 AND 4. BLOCK 5A. WRANGELL TIDELANDS ADDITION, ATS #83 AND LOTS 2A AND 7, BLOCK A, SORTYARD SUBDIVISION, CREATING LOTS A, B AND C, BAY COMPANY REPLAT

CLIENT: CHET POWELL, JR. BOX 797 .WRANGELL, ALASKA 99929

PROJECT NO. 51243-04-00



Wrangell 2001-3



C:\drawings\51044-57\51044-57M4.dwg Non Mar 12 09:54:20 2



- THIS PLAT WILL WIDEN OUTER DRIVE RIGHT-OF-WAY ON THE WESTERLY SIDE OF LOT 17 AS SHOWN ON SHEET 2.
- THIS PLAT WILL WIDEN FRONT STREET ALONG LOTS 1 AND 3, BLOCK B, AND SHAKES STREET ALONG LOT 4, BLOCK B AS SHOWN ON SHEETS 3 AND 4.
- UTILITY EASEMENT 7.5 FEET EACH SIDE OF CENTERLINE OF THE EXISTING STORM DRAIN CREATED THIS PLAT. IF STORM DRAIN IS RELOCATED WITHIN THE ALLEY BETWEEN LOT ZA/LOT 7. AND LOT 1/LOT 2. THIS EASEMENT WILL BE VACATED UPON THE RELOCATION OF THE STORM DRAIN.
- 4. THIS PLAT WILL CREATE LOTS 1 THRU 7, BLOCK A, LOTS 1 THRU 4, BLOCK B, AND LOT 2A, BLOCK 5A.
- 5. REFERENCE A.W.L.C. RESUBDIVISION RECORDED AS PLAT #95-8, WRANGELL RECORDING

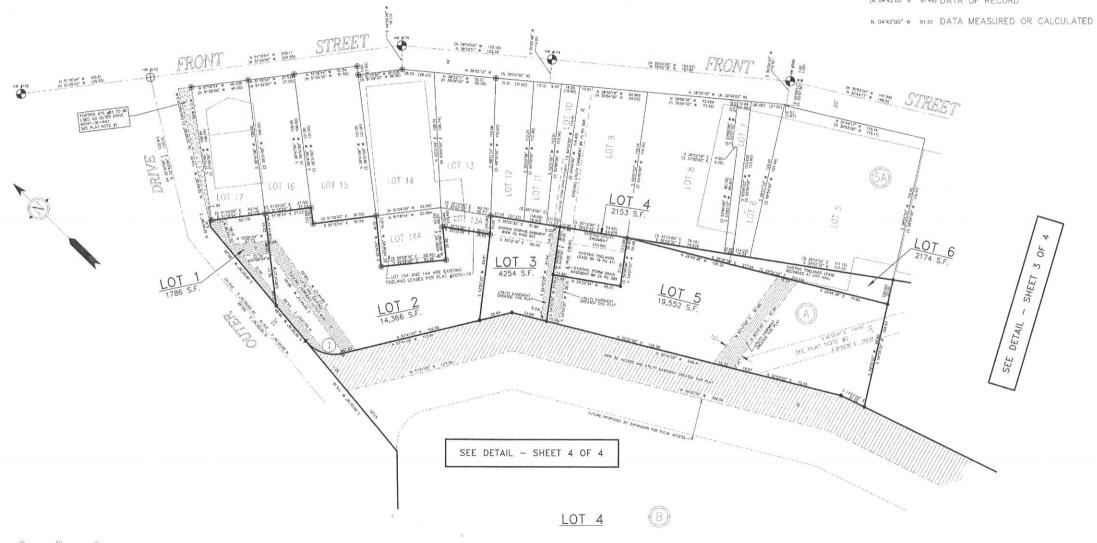
	CURVE DATA									
1	Δ = 63'46'41" R = 30.00 L = 33.93 C = 31.70	2	L = 12.57 C = 12.53	3	L = 109.94 C = 109.90	4	L = 186.14 C = 185.98	(3)	L = 35.32 C = 30.91	
CHD.	BRG. = \$25'47'45"E	CHD.	BRG. = S07"19"29"E	CHD.	BRG. = S02'57'40"W	CHD.	BRG. = S09'35'11"W	CHD.	BRG. = S64*20'33"W	
6	Δ = 47'06'55" R = 60.00 L = 49.34 C = 47.96	7	$\Delta = 47'06'55''$ $R = 90.00$ $L = 74.01$ $C = 71.94$	8	Δ = 02'26'54" R = 1280.26 L = 54.71 C = 54.70	9	Δ = 04'44'03" R = 1280.26 L = 105.79 C = 105.76			
CHD.	BRG. = \$41'30'33"E	CHD.	BRG. = S41'30'33"W	CHD.	BRG. = S14'58'32"W	CHD.	BRG. = S16'07'07"W			

LEGEND

- PRIMARY BRASS CAP RECOVERED
- \oplus PRIMARY CONTROL MONUMENT OF RECORD
- SCHEFF REBAR AND ALUMINUM CAP RECOVERED
- SCHEFF REBAR AND ALUMINUM CAP SET
- SCHEFF NAIL SET IN LOG

CENTERLINE

(N 04'42'00" W 91.48) DATA OF RECORD



DRAWN: TLS CHECKED: GGS... DATE OF SURVEY: 3/2001 DATE OF PLAT: 3/2001 SCALE: 1"=30" SURVEYOR: _G.S.__

PROJECT 51044-57-00

SURVEYOR'S CERTIFICATE

I HEPEBY CURBITY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN <u>MARCH 2001</u> A SURVEY OF THE HEPEN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUFERWISH AND THAT THIS PLAY IS A TRUE AND ACCURATE PEPERSENTATION OF THE FELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER

3-12-01

S J. JJJ CREGORY C. SCHEFF L9670C





GREG SCHEFF & ASSOCIATES LAND SURVEYORS

> BOX 1331 WRANGELL, ALASKA 99929 PHONE (907) 874-2177 FAX (907) 874-2187

PROJECT: SORTYARD SUBDIVISION

THE REPLAT OF LOT 1, BLOCK 7, A.W.L.C. RESUBDIVISION WRANGELL TOWNSITE, U.S. SURVEY 1119 AND THE SUBDIVISION OF A PORTION OF UNSUBDIVIDED ATS #83 WRANGELL RECORDING DISTRICT

WRangell 2001-3