

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA

August 11, 2016

7:00 pm

Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

B. **APPROVAL OF MINUTES:** Special March 29, 2016; May 12, 2016 and Special Meeting May 26, 2016; July 14, 2016; Special July 19, 2016.

C. PERSONS TO BE HEARD

D. CORRESPONDENCE

E. OLD BUSINESS

G. NEW BUSINESS

- Pub Hrg 1. Request for a Contract Zone from Single Family Residential to Multi-Family Residential for up to a 4 unit apartment building, Lots 4 and 5, Block 5, USS 2127, requested by Isobel Brophy of Greystone Holdings Inc.
- Pub Hrg 2. Variance application for a reduction in side yard setback on Lot 15, USS 3403, zoned Rural Residential, requested by Bruce Ward.

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell

Agenda Items G1

Date: August 4, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Request for a Contract Zone from Single Family Residential to Multi-Family Residential for a 3 unit triplex building, Lots 4 and 5, Block 5, USS 2127, requested by Isobel Brophy of Greystone Holdings Inc.

Background:

This structure has had three units for some time, but the previous owners never obtained the necessary permits for a multi unit structure. While attempts were made to require zoning compliance, staff did not consistently pursue. One of the previous owners did apply for and received a conditional use permit for a 3 unit assisted living facility with apartment subject to State licensing approval.

Findings:

The Commission is making a recommendation to the Assembly for review.

In June 2016, the Public Works Director sent a Notice of Violation letter to Isobel Brophy, Greystone Holdings Inc, in response to a review of a violation complaint. In response to that letter, Ms. Brophy is trying to address each violation issue outlined in the letter, one of them being the zoning issue.

The structure is located on two lots and at some point was converted into three units – possibly in the late 1990's. Staff found out about the conversion when the owners applied for an electrical permit to install additional meters. Additional meters were not permitted since they were not in compliance with the zoning. In 2005, the owners of the structure at that time applied for and received a conditional use permit for converting the structure into a three unit Assisted Living Facility, plus an apartment, subject to assisted living licensing approval by the State of Alaska. The State license was never approved, and the multifamily structure remained an unapproved zoning violation. Ms. Brophy is seeking the Contract Zone for up to 4 units in order to comply with zoning requirements.

Primary potential impacts of having a multi family structure within Single Family residential includes noise and traffic. The rental market is extremely tight right now according to a housing survey conducted as part of the Institute Master Planning Process. The proposal meets the housing criteria of the Comprehensive Plan as well as community needs. The Commission must review the proposal as to whether the location is appropriate for the multi

family structure, if the proposal is in the best interest of the public, and what the impacts could affect adjacent residents

The structure has been a triplex for many years and staff is not aware of complaints resulting from the fact that the structure has 3 residential units, but rather inquiries have been made regarding zoning of the property.

Recommendation:

Staff recommends approval of the Contract Zone for Triplex. The Commission needs to make Findings of Fact to forward to the Assembly regarding the request as part of the approval or rejection of the request. This can be done at the meeting with the public hearing or at a subsequent meeting.

Findings must address per WMC 20.76.030 (C):

- 1) Justification for the proposed change, including the effect on the objectives of the comprehensive plan
- 2) Effect of the proposed change on property owners, including traffic flow, population, density, parking, sewer and water
- 3) Approval or Disapproval

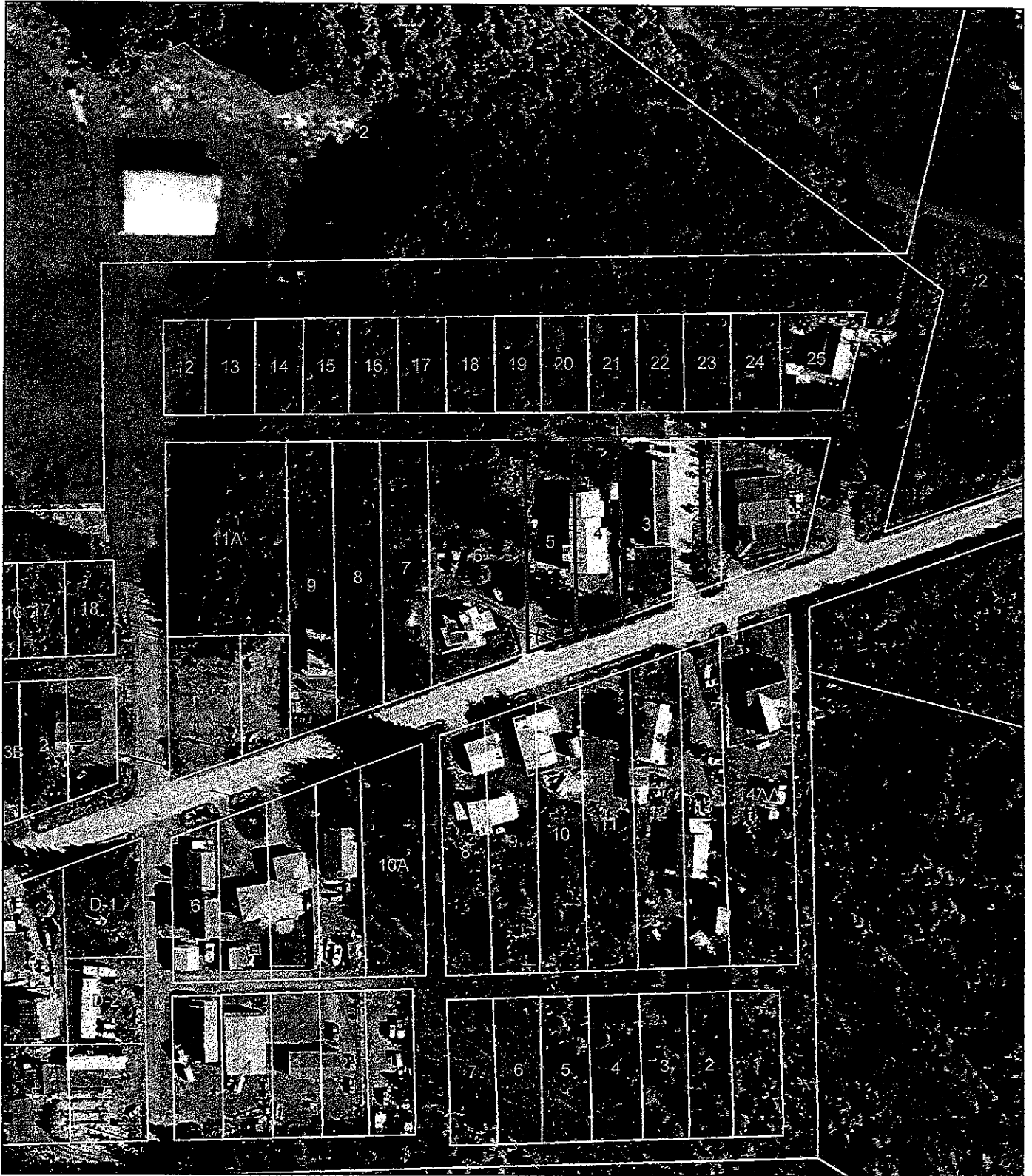
DRAFT FINDINGS OF FACT:

1. Justification for the proposed change, including the effect on the objectives of the comprehensive plan: The Commission deems it in the best interest of the community to approve the requested contract zone change from Single Family Residential to Multi Family residential for the specific use of a quadplex. The proposal can meet Policy 31 of the Comprehensive Plan by providing for a range of housing and the Commission could establish conditions that might minimize any impacts between adjacent residents in order to comply with Policy 33 Compatibility between land use and user. The proposal will provide much needed rental units and are also a step toward correcting many of the code violations that the structure has.

2. Effect of the proposed change on property owners, including traffic flow, population, density, parking, sewer and water: The Commission finds that the impacts to adjacent property owners will be minimal with a tri-plex. The Commission does not believe that traffic flow issues on Evergreen would increase significantly or that sewer and water services should be an issue.

3. Approval or Disapproval: The Commission moved to recommend to the Assembly approval of the Request for a Contract Zone to Multi Family for a Triplex apartment unit on Lots 4 and 5 Block 5, USS 2127 zoned Single Family Residential, requested by Isobel Brophy of Greystone Holdings LLC.

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 150 feet
Date: 8/5/2016

Public Map

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



July 26th/2016

Re: Contract Zone Petition for Lots 4 and 5, Block 5, USS 2127 subdivision, located on Evergreen Road

Dear Ms. Rushmore,

In response to your correspondence of 6/15/16, I am writing to inform you that I am applying for a Contract Zone per WMC 20.77 requesting appropriate zoning for a multifamily structure with 3 or 4 units.

At the time that the property and structure were purchased in 2010, I was neither aware nor informed by any interested party that it was not zoned for a multifamily structure.

This building has 3 units/apt., and a 4th unit unfinished, utilized largely as storage for the other 3 units. For years, I have been billed by the City and paid monthly utilities for 3 units whether or not the units were occupied.

Currently I have 3 units occupied by stable renters, including a disabled individual whose rent is subsidized by Alaska Housing. It would create much hardship to any of these tenants should they be asked to leave. Minimally, it is necessary to have 3 units occupied in order to support the high costs associated with renting and maintaining this structure.

I have included the requested site plan with parking allowances outlined. This is a large property with ample room to accommodate the vehicles of 3 tenants or more. I have submitted a map of the property which I have tried to do to scale.

There are no structural changes planned for this building other than those which are cosmetic, interior or needed to improve the safety for the residents living within.

I am requesting that this petition be considered at the August mtg. of the Planning and Zoning Commission and that common sense and fairness will prevail in your deliberations.

Sincerely,

Isobel Brophy

tandibrophy@gmail.com

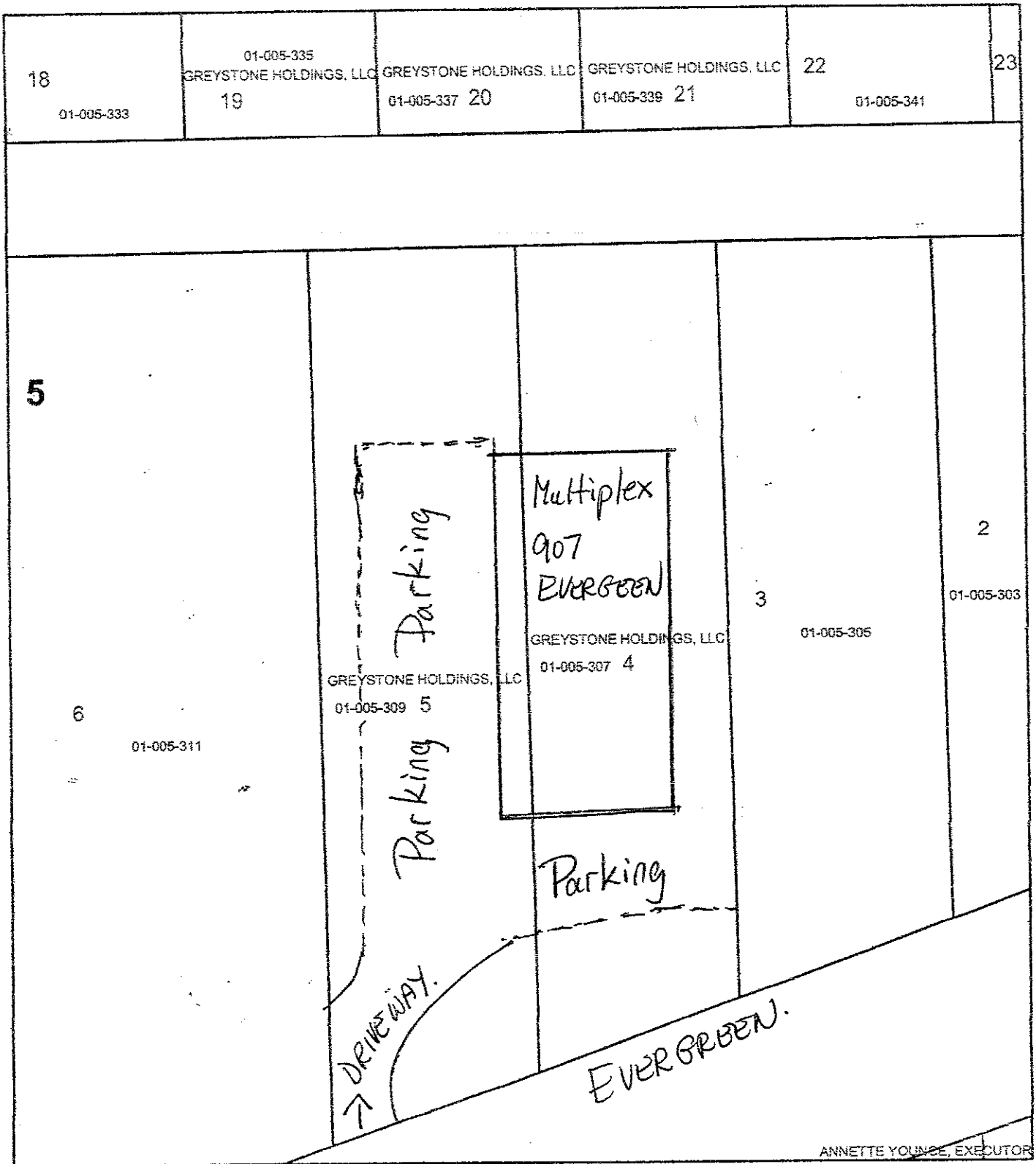
509-499-2142 [c]

Greystone Holdings LLC

Cc Ms Al-Haddad

I have sent the 75.00 application fee by check in the mail

CITY AND BOROUGH OF WRANGELL, ALASKA

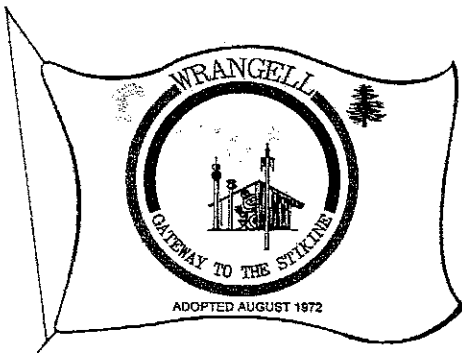


1 inch = 35 feet
Date: 7/5/2016

Public Map



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



CITY & BOROUGH OF WRANGELL

INCORPORATED JUNE 15, 1903

Dept. of Public Works & Capital Projects

PO Box 531
Wrangell, AK 99929

Phone (907)-874-3904
Fax (907)-874-2699

June 15, 2016

Isobel Brophy
Greystone Holdings, LLC
9116 East Sprague Avenue, #527
Spokane Valley, WA 99206

Re: Lots 4 and 5, Block 5, USS 2127 Subdivision, located along Evergreen Road
Zoning and Code Compliance: Notice of Violations

Dear Ms. Brophy:

The office of Public Works serves as the office of the Building Official in Wrangell. We are in receipt of a Notice of Violation, issued as a complaint of building code compliance issues filed with our office for the above-referenced property. The City & Borough of Wrangell's records list you as the responsible party.

Zoning Compliance

During our review of the zoning for the subject property (Lots 4 and 5, Block 5, USS 2127), we find that it is zoned Single Family Residential, which allows one and two family dwellings. The structure, from a zoning designation, is an unapproved multifamily structure. In 2005, the owners of the structure at that time applied for and received a conditional use for an Assisted Living Facility for 3 units, plus an apartment, subject to assisted living licensing approval by the State of Alaska. That license was never approved, thus the multifamily structure remains an unapproved zoning violation.

In order to become compliant with Wrangell's zoning regulations, you are required to either: 1) convert the current structure to a duplex; 2) apply for a Contract Zone, per WMC 20.77, requesting a multifamily structure with 3 or 4 units. If applying for a Contract Zone, a site plan, a \$75 application fee and the additional information requested in WMC20.77 is required. A copy of WMC20.77 is attached for your reference.

Building Code Compliance

The primary purpose of building codes is to protect the health and safety of the people who live in houses and apartments. This office is relying on one of your former tenant's Notice of Violation which cites that there are building code violations in the referenced property as follows:

- Drain waste and vent system is not properly vented, and it is suspected that waste lines are improperly vented, or possibly not vented at all. If waste lines are not adequately vented, sewer gasses present a potential safety risk to your tenants.

- A heat source is not provided and tenants must provide their own heater source.
- The former tenant has provided a photograph of an inside electrical distribution panel stated to be located in a downstairs hallway of your building (photo provided). If this panel is indicative of the wiring within the building, the violations are founded.

There are at least eight different Municipal and National Code violations present with just this one panel. A review of the service entrance (outside meter base) also presents compliance issues, the most critical being the lack of an effective building ground, which essentially renders all the grounding/bonding and GFCI's ineffective within the building. The meter height is a problem as it is well over the 6.5 foot maximum allowed by code. It also does not have a main disconnect as a part of the base, as is required for rental units.

The work to correct these violations will have to be done by a licensed electrician working with a valid State of Alaska Certificate Of Fitness as well as under the authority of a current Alaska Administrators License.

These conditions present a potential life safety risk to your tenants. Further, the Landlord and Tenant Act law provides for certain responsibilities of the landlord, including that they maintain fit premises. This act stipulates in part that the landlord must:

1. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition.
2. Keep all common areas of the premises in a clean and safe condition.
3. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilation, air conditioning, kitchen, and other facilities and appliances, supplied or required to be supplied by the landlord.

Your response is required within twenty-one (21) calendar days from the date of this letter. Please address the manner in which you propose to comply with the zoning regulations. Please also respond to each alleged building code violation, identifying and describing the building system addressed in each item and the current condition and/or the proposed corrective action for each item. To ensure that your building is in compliance, we will require a site visit for inspection (as allowed by 1997 Uniform Building Code 104.2.3 Right of Entry).

Our goal, through this correspondence, is aimed at protecting the safety of the residents in our community. Thank you in advance for your assistance and cooperation in this matter, and we look forward to your reply by July 7, 2016.

Best Regards,

Amber Al-Haddad
Public Works Director
City & Borough of Wrangell

Copy: Jeff Jabusch, Borough Manager
Clay Hammer, Municipal Light & Power Director
Carol Rushmore, Zoning Administrator

Enclosure: Wrangell Municipal Code 20.77

Chapter 20.77

CONTRACT ZONING

Sections:

20.77.010 Contract zoning – Definition and purpose.

20.77.020 Initiation.

20.77.030 Agreement.

20.77.010 Contract zoning – Definition and purpose.

In this chapter, “contract zoning” means a zoning reclassification to a less restricted use when the owner of the rezoned property, through an agreement with the borough assembly, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed. Contract zoning shall follow the same procedures as set forth in WMC 20.76.020(C), 20.76.030 and 20.76.040(A) and (B). [Ord. 867 § 1, 2013; Ord. 485 § 7, 1985.]

20.77.020 Initiation.

Contract zoning shall be initiated by petition signed by the owners of the property to be rezoned. In addition to the information required in WMC 20.76.020(C), the petition shall include the following:

- A. The use to which the property will be put;
- B. The term desired for the agreement, which term shall not exceed the estimated useful life of the improvements that are or will be constructed on the property;
- C. The dimensions, square feet and height of the improvements;
- D. A detailed site plan, which shall include the location of improvements and provisions for off-street parking spaces and loading/unloading space(s);
- E. The estimated number of persons that will be employed;
- F. A statement as to the type and volume of solid waste that will be generated and the proposed method of disposal;
- G. A statement as to the amount of traffic that will be generated; and
- H. A statement as to the noise or odor that may be generated. [Ord. 867 § 1, 2013; Ord. 485 § 7, 1985.]

20.77.030 Agreement.

If the borough assembly finds that it is in the best interest of the public to approve the proposed contract zone, the borough assembly shall prepare an agreement, including such terms and limitations as the assembly deems necessary to protect neighboring properties, for approval by ordinance. The agreement shall include covenants as follows:

A. That the property shall be developed for the proposed use within a specified period of time;

B. That if the owner ceases to use the property as agreed for a specified period of time the classification of the property will revert to the former zone; and

C. That should the property subject to the agreement be zoned to a zoning classification which permits the use set forth in the agreement, the provisions of the agreement restricting said property use shall be null and void. [Ord. 867 § 1, 2013; Ord. 485 § 7, 1985.]

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 LOT # 15 V553403
PARCEL # 03-009-218

Lot (s) size of the petition area _____

Existing zoning of the petition area _____

Current zoning requirements that cannot be met (setbacks, height, etc.): 20' 15'
SIDE CLEARANCE

Proposed change that requires this variance SOUTH SIDE SETBACK
7' SETBACK

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

Explain details of the proposed development 28' X 32' SINGLE
FAMILY

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: _____

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.

NEAL SORTERBER
PRINT PETITIONER'S NAME

Bruce S. Ward
SIGNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA

July 29/16
DATE

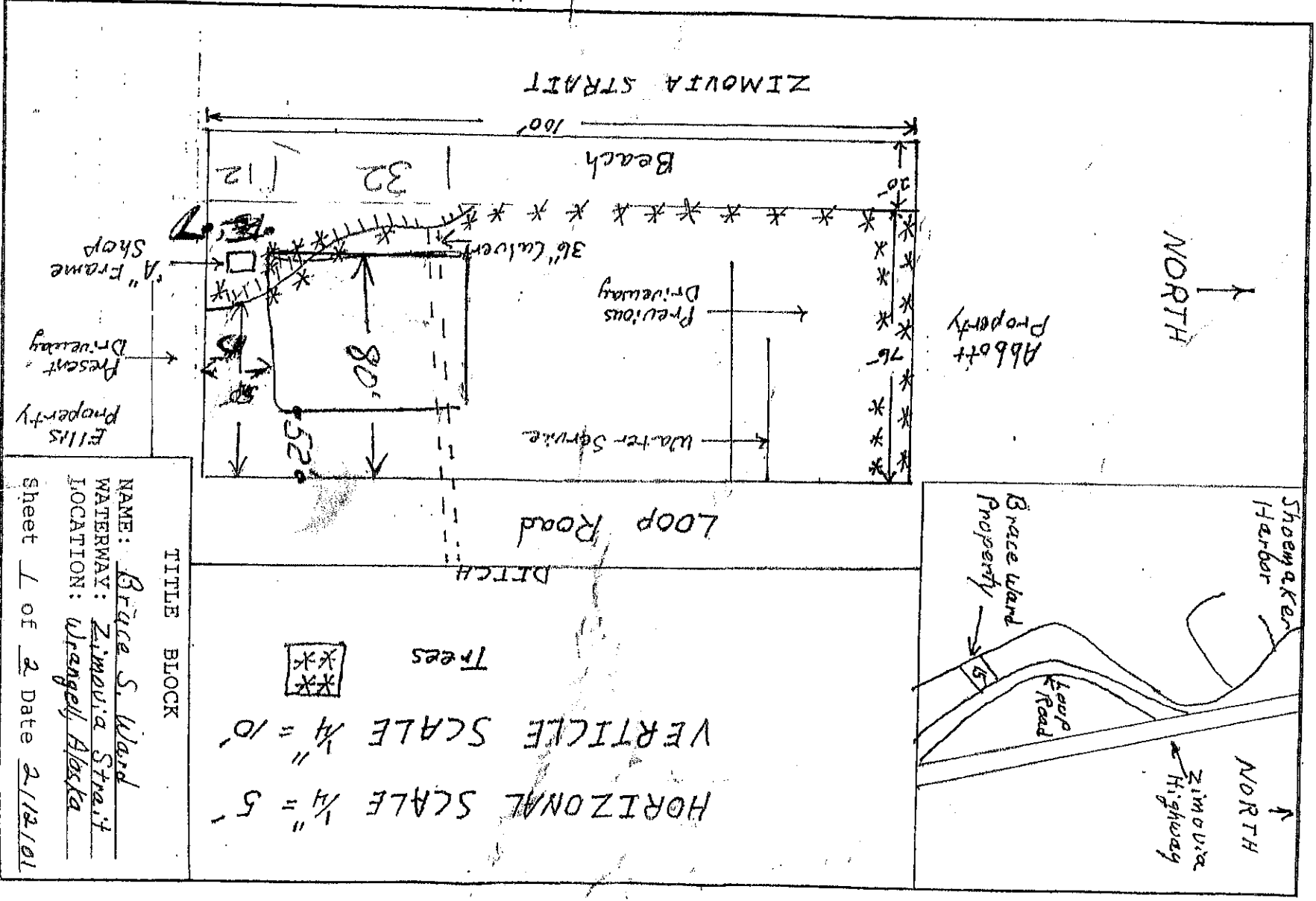
ADDRESS

TELEPHONE

NOV. 11

CANAL POSITIONS

BRUCE
11 11



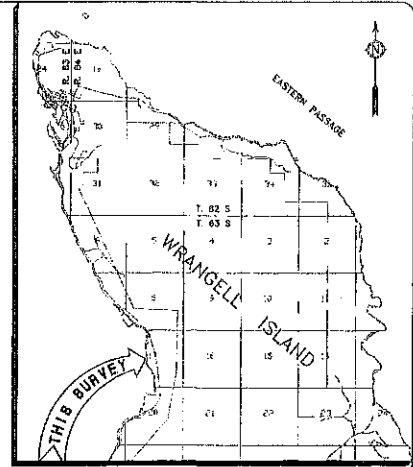
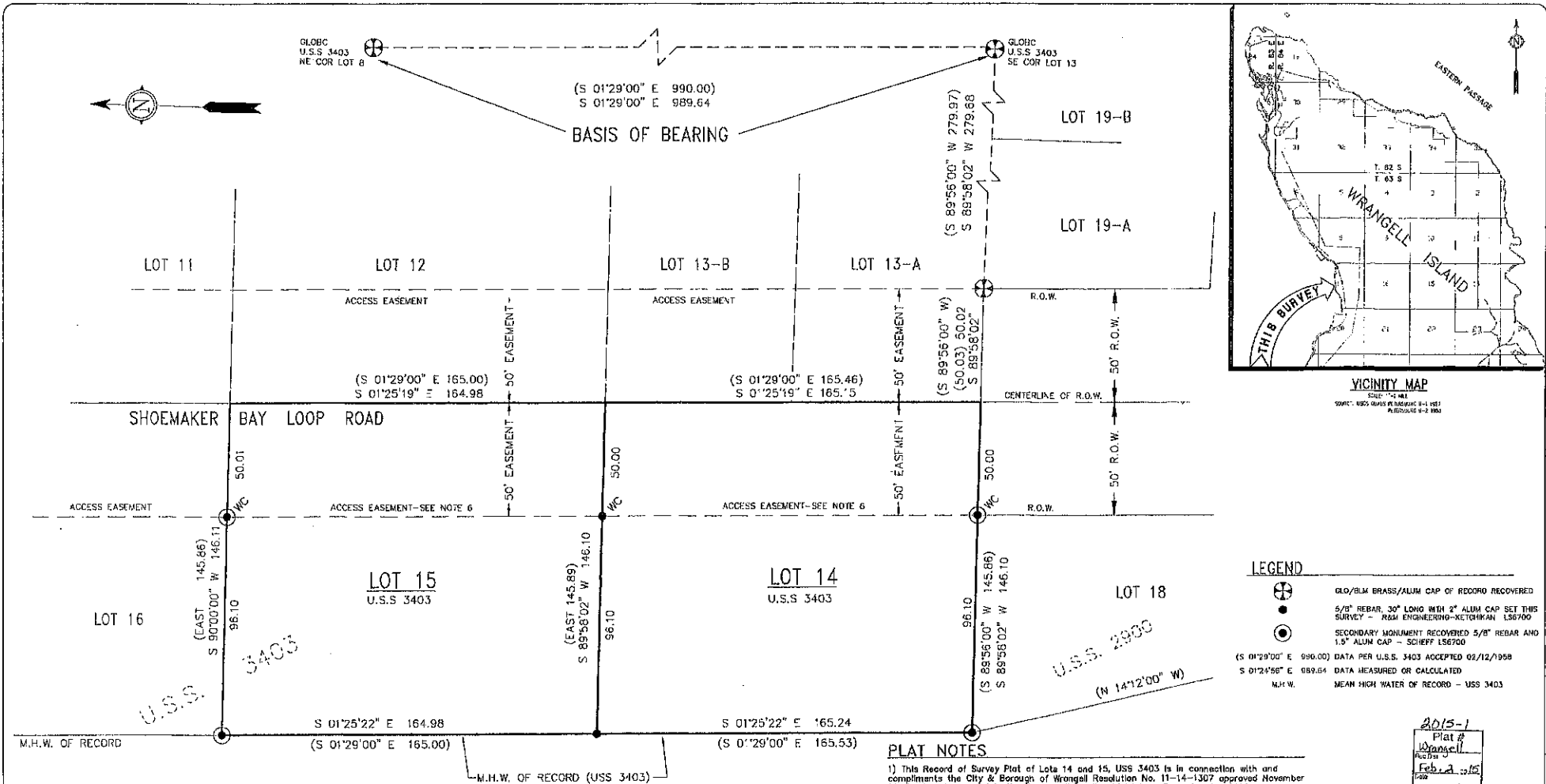
TITLE BLOCK

NAME: Brace S. Ward
 WATERWAY: Zimovia Strait
 LOCATION: Wrangell Alaska

sheet 1 of 2 Date 2/12/01

HORIZONTAL SCALE $1/4" = 5'$
 VERTICAL SCALE $1/4" = 10'$

Trees



VICINITY MAP
 SCALE: 1" = 1/4 MI.
 SOURCE: 1955 QUARTER MAP (ALASKA 1-1 1951)
 REPRODUCED 6-10-1988

- LEGEND**
- GLOBIC/BLM BRASS/ALUM CAP OF RECORD RECOVERED
 - 5/8" REBAR, 30" LONG WITH 2" ALUM CAP SET THIS SURVEY - REGAL ENGINEERING-KETCHIKAN 136700
 - SECONDARY MONUMENT RECOVERED 5/8" REBAR AND 1.5" ALUM CAP - SCHEFF 156700
 - (S 01'29"00" E 990.00) DATA PER U.S.S. 3403 ACCEPTED 02/12/1958
 - (S 01'24'56" E 989.64) DATA MEASURED OR CALCULATED
 - M.H.W. MEAN HIGH WATER OF RECORD - USS 3403

- PLAT NOTES**
- 1) This Record of Survey Plat of Lots 14 and 15, USS 3403 is in connection with and complements the City & Borough of Wrangell Resolution No. 11-14-1307 approved November 12, 2014 and recorded in the Wrangell Recording District on December 10, 2014 as Document No. 2014-000258-0 and December 29, 2014 as document 2014-000267-0.
 - 2) The purpose of this Record of Survey is to plat the original boundaries to perpetual original lot corners. Original BLM monuments of record were searched for and determined to be obliterated.
 - 3) The purpose of City & Borough of Wrangell Resolution No. 11-14-1307 is to nullify and void the invalid plat of Ward Replat (Plat 2005-3 Wrangell Recording District); to nullify, void and vacate the erroneous parcels (Lots A & B) purported to have been created by said Ward Replat; to destroy the force and effect of the filing and recording of said Ward Replat and to restore the boundaries and legal descriptions of the affected parcels, Lots 14 and 15, U.S. Survey No. 3403, back to their original descriptions as described on and according to the official plat of U.S. Survey No. 3403 accepted by the BLM February 12, 1958.
 - 4) This plat does not constitute a subdivision as defined by AS 40.16.800(s).
 - 5) The boundary resolution as shown for Lots 14 & 15, are a compilation of various survey adjustments that include retracement of USS 3403. Every attempt was made by this surveyor to follow in the footsteps of the original surveyor and subsequent dependant surveyors that have preserved evidence.
 - 6) Lots 14 & 15, USS 3403 are subject to a 50-foot wide public road easement. Refer to Federal Patent No. 1225975 and to the BLM decision giving Tentative Approval to the State of Alaska (see Document No. 2011-000127-0 Wrangell Recording District).

2015-1
 Plat #
 Wrangell
 Rec'd in
 Feb. 12, 2015
 GOR
 Type: 1:50 P.M.

CLIENT: ALASKA MENTAL HEALTH LAND TRUST OFFICE
 400 WILCOUGHBY, SUITE 400
 JUNEAU, ALASKA 99811

DRAWN BY: JLS
 CHECKED BY: JGS
 DATE PLATTED: JAN. 9, 2015
 DATE SURVEYED: JULY/AUGUST 2009
 SCALE: 1"=20'
 SURVEYOR: GREGORY G. SCHEFF
 PROJ. NO.: 142722

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: 1-14-15
 SURVEYOR: GREGORY G. SCHEFF LS 6700



A.T.S. 1531
 TRACT E

WRANGELL RECORDING DISTRICT

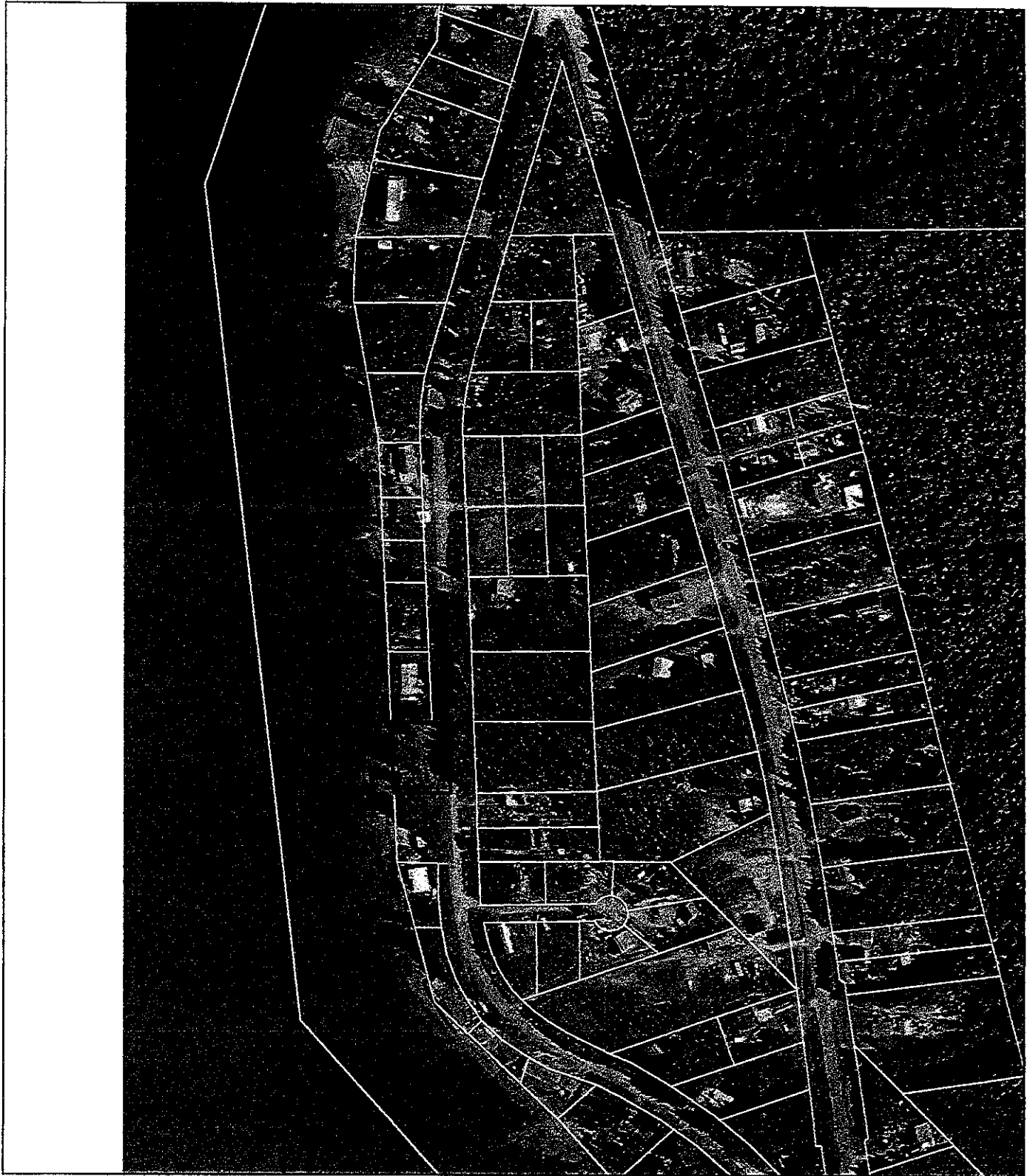
No.	Date	Description	Revisions

RECORD OF SURVEY
 OF
 LOTS 14 AND 15, U.S. SURVEY NO. 3403

LOCATED WITHIN
 SECTION 17, TOWNSHIP 63 SOUTH, RANGE 04 EAST,
 COPPER RIVER MERIDIAN, ALASKA

WRANGELL RECORDING DISTRICT
 MHT PARCEL CRN-2421 MHT FILE 9100537

CITY AND BOROUGH OF WRANGELL, ALASKA



1 inch = 333.333333 feet
Date: 8/5/2016

Public Map

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



City and Borough of Wrangell, Alaska

Agenda G2

Date: August 7, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance application for a reduction in sideyard setback on Lot 15, USS 3403, zoned Rural Residential, requested by Bruce Ward.

Back ground: The applicant is building a new residence

Review Criteria: Rural Residential District: Chapter 20.
Standards: Chapter 20.52
Variance: Chapter 20.52.72

Findings:

The applicant is seeking to construct a new residence on the Shoemaker Bay Loop Road. The 24000 sq foot lot has approximately 8,250 square feet removed as a right of way easement for the Shoemaker Bay Loop Road. The proposed house location would be 7 feet from the south side yard property line, requiring an 8 foot setback reduction --- required side setbacks in rural Residential are 15 feet.

Staff's concern is a potential drainage culvert that crosses the property from the Loop Road. Alaska DOT still owns the road but the City actually maintains the road. We are trying to contact DOT and landowner to confirm ownership of the culvert, the actual location of the culvert, any easement they may have obtained or other issues surrounding the culvert. More information may not be available until the meeting.

Variance application must meet four criteria:

1. **Exceptional Physical Circumstances:** The lot's exceptional physical circumstances is the fact that 1/3 of the lot was taken for right of way, leaving approximately 16,000 square feet of land, and a portion of that is below the mean high tideline. The lot may be split by a drainage culvert but we do not have complete information from Alaska DOT / land owner as of yet.
2. **Strict application would result in practical difficulties:** Strict application could result due to the location of the culvert. Depending on who owns the culvert and why it was installed.
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, but could provide safety issues for those living on the loop road if the culvert is a major drainage of water to prevent flooding.
4. **Granting of the variance is not contrary to the Wrangell Comprehensive Plan approved June 22, 2010.**

Recommendation:

Staff does not make a recommendation at this time until further information regarding the culvert is obtained. This report will be updated prior to the meeting.

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION SPECIAL MEETING AGENDA

May 26, 2016

5:30 pm

Minutes

A. CALL TO ORDER/ROLL CALL

Commissioners McConachie, Mitchell, Henson present. Meeting is recessed due to a lack of quorum so staff can contact Commissioners.

Howell and Shoemaker join late and meeting resumes at 5:45.

Commissioners Howe, McConachie, Mitchell, Henson and Shoemaker present. Hutchinson is absent.

PERSONS TO BE HEARD

None

B. CORRESPONDENCE

- 1) Letter dated 5/20/16 from Stan and Ann Schnell re. Manufacturing and Selling Cannabis in Wrangell

C. BUSINESS

- 1) Final Plat approval of the Bakeberg Subdivision, a subdivision of a portion of Lot 17, USS 2589, creating Lot A and Lot B, zoned Rural Residential I, requested by Jerry and Judy Bakeberg.

McConachie moves to approve final plat, Mitchell 2nds.

Staff explains that the sewer main and pump station are the City's responsibility and Public Works requested that there be an easement. There are two financing companies that are involved, so the plats will be sent to the lenders to get lender approval before this goes to the assembly for final approval.

Approved unanimously.

- 2) Discussion of potential land use issues, impacts and regulations for marijuana cultivation, testing, manufacturing and retail businesses within the City and Borough of Wrangell and recommendation to the Assembly.

McConachie, Mitchell, Shoemaker, Howell, Henson

This discussion is a continuation of marijuana uses previously discussed. This is not a public hearing or workshop but public can speak if they wish. Discussion involves the Rural Residential district from the cemetery on out Zimovia Highway.

There is concern that some areas of RR1 are similar to Single Family in density where other areas are more sparsely populated.

McConachie states no way to distinguish specific uses within this area. Could change the zoning designation from the park to 9 mile possibly. Or where the water sewer and water end at 6 mile and then change zoning from six mile to 9 mile. And 9 mile to the end of the road.

An option could be to allow uses based on lot size?

Henson suggests maybe requiring an acre for small grow and over

RR1 allows family dwellings and parks and playgrounds outright

Conditional uses allow a cottage industry- which provides limitations. All areas will require a conditional use permit approval.

Suggested: Limited cultivation 1 to 2 acres; Standard cultivation above 2 acres

Outdoor grow areas must meet all setback requirements - 15' side and 20' front and back.

What about impacts from lighting and security. What type of fencing?

These questions supports needing a conditional use. Give everyone an opportunity to put in their input.

Cultivation should only be 15' foot from property line- must meet setback.

RR2 is Johnsons area.

RR1 Cultivation meets required property setbacks

RR1 Manufacturing: extraction of oils or transforming from one item to another item.

Shoemaker asking why this would not meet the requirements for RR1. The Use is a business and would require a conditional use for cottage industry.

RRF1 testing: has to be done by an independent agency.

RR2: allows retail.

Cultivation and Manufacturing not allowed in any area less than one acre and requires conditional use.

Testing: Conditional use required and over an acre

Retail: Conditional use and over an acre.

RR2: same requirements as RR1

Do not allow solvent based activities in any zone

Outdoor cultivation as part of coverage is not part of the calculation of land coverage- would apply to buildings only

McConachie moves to approve to recommend to the assembly that licensed marijuana facilities require a conditional use in the RR1 and RR2 districts, and that Testing, retail, manufacturing and limited grow facilities must occur on 1 acre or more, while Standard grow facilities must occur on 2 acres or more. There will be no solvent based manufacturing.

Mitchell 2nds,

Approved unanimously.

- 3) Appeal of Zoning Administrators determination that Marijuana Cultivation and Marijuana Manufacturing are not allowed uses within the Commercial District as proposed on Lot 1, Block 1A, USS 1119 Zoned Commercial, owned by Kelsey Martinsen and Sarinee Nuamnui.

Staff is recommending that the commission make a determination.

Henson suggests this be deferred until the final zoning determinations are completed. He could move forward with the retail portion of this issue.

McConachie states that we are still working on this, and have to do due diligence before they can approve the manufacturing and retail. Staff indicated that you discussions to date in the commercial district have indicated that the cultivation and marijuana are not outright uses and are making them allowable under the conditional uses.

McConachie moves to stand by staff's determination that marijuana cultivation and manufacturing are not allowed uses within the commercial district. Howell 2nds.

Approved Unanimous

C. ADJOURNMENT 6:50pm

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION SPECIAL MEETING AGENDA

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- 2) Discussion of potential land use issues, impacts and regulations for marijuana cultivation, testing, manufacturing and retail businesses within the City and Borough of Wrangell and recommendation to the Assembly.

McConachie, Mitchell, Shoemaker, Howell, Henson

This discussion is a continuation of marijuana uses previously discussed. This is not a public hearing or workshop but public can speak if they wish. Discussion involves the Rural Residential district from the cemetery on out Zimovia Highway.

There is concern that some areas of RR1 are similar to Single Family in density where other areas are more sparsely populated.

McConachie states no way to distinguish specific uses within this area. Could change the zoning designation from the park to 9 mile possibly. Or where the water sewer and water end at 6 mile and then change zoning from six mile to 9 mile. And 9 mile to the end of the road.

An option could be to allow uses based on lot size?

Henson suggests maybe requiring an acre for small grow and over

RR1 allows family dwellings and parks and playgrounds outright

Conditional uses allow a cottage industry- which provides limitations. All areas will require a conditional use permit approval.

Suggested: Limited cultivation 1 to 2 acres; Standard cultivation above 2 acres

Outdoor grow areas must meet all setback requirements - 15' side and 20' front and back.

What about impacts from lighting and security. What type of fencing?

These questions supports needing a conditional use. Give everyone an opportunity to put in their input.

Cultivation should only be 15' foot from property line- must meet setback.

RR2 is Johnsons area.

RR1 Cultivation meets required property setbacks

RR1 Manufacturing: extraction of oils or transforming from one item to another item.

Shoemaker asking why this would not meet the requirements for RR1. The Use is a business and would require a conditional use for cottage industry.

RRF1 testing: has to be done by an independent agency.

RR2: allows retail.

Cultivation and Manufacturing not allowed in any area less than one acre and requires conditional use.

Testing: Conditional use required and over an acre

Retail: Conditional use and over an acre.

RR2: same requirements as RR1

Do not allow solvent based activities in any zone

Outdoor cultivation as part of coverage is not part of the calculation of land coverage- would apply to buildings only

McConachie moves to approve to recommend to the assembly that licensed marijuana facilities require a conditional use in the RR1 and RR2 districts, and that Testing, retail, manufacturing and limited grow facilities must occur on 1 acre or more, while Standard grow facilities must occur on 2 acres or more. There will be no solvent based manufacturing.

Mitchell 2nds,

Approved unanimously.

- 3) Appeal of Zoning Administrators determination that Marijuana Cultivation and Marijuana Manufacturing are not allowed uses within the Commercial District as proposed on Lot 1, Block 1A, USS 1119 Zoned Commercial, owned by Kelsey Martinsen and Sarinee Nuamnui.

Staff is recommending that the commission make a determination.

Henson suggests this be deferred until the final zoning determinations are completed. He could move forward with the retail portion of this issue.

McConachie states that we are still working on this, and have to do due diligence before they can approve the manufacturing and retail. Staff indicated that you discussions to date in the commercial district have indicated that the cultivation and marijuana are not outright uses and are making them allowable under the conditional uses.

McConachie moves to stand by staff's determination that marijuana cultivation and manufacturing are not allowed uses within the commercial district. Howell 2nds.

Approved Unanimous

C. ADJOURNMENT 6:50pm

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA

May 12, 2016

7:00 pm

Minutes

A. CALL TO ORDER/ROLL CALL

Commissioners HOWELL, MCCONACHIE, MITCHELL, HUTCHINSON, and HENSON are present. Shoemaker is absent.

B. AMENDMENTS TO THE AGENDA

C. THREE CORRESPONDENCE

None

D. APPROVAL OF MINUTES

HUTCHINSON MOVES TO APPROVE minutes from December 10, 2015; January 14, 2016; March 10, 2016; April 14, 2016 . MITCHELL 2nds

Approved Unanimously.

E. PERSONS TO BE HEARD

JILL PRIVETT 226 CASSIAR... I am here on behalf of others. I am reading 4 letters into the record, three are from concerned citizens, one from Mandy Keso.

F. CORRESPONDENCE

- 1) Letter from Carol Rushmore to Corps of Engineers re. Big Bites Corps of Engineers fill permit application.

G. OLD BUSINESS

- 1) Discussion of potential land use issues, impacts and regulations for marijuana cultivation, testing, manufacturing and retail businesses within the City and Borough of Wrangell.

Commissioners discussing needs for indoor grow facilities. Privco building is approximately 3000 sq ft Sentry 13000 Limit on space for the grow area. 2000 sq ft limit in commercial and light industrial. Light industrial areas include privco, Kadin on

Wrangell avenue, Alaska Waters RV park is light industrial. We have areas that available to conduct this type of enterprises.

McConachie suggest 500 to 2000 sq ft as a conditional use. Light industrial same specs. Waterfront development restrictions could be lifted. Would have to be enclosed, in commercial and light industrial areas.

Would the size zones have to be revamped in the future?
2000 and under in commercial. Completely enclosed.

Licensed facilities would require a conditional use permit

Retail is allowed in:

Commercial
Light industrial
Industrial
Water front devel

Manufacturing is allowed in:

Commercial, except solvent processing
Light industrial

Cultivation is allowed in:

Commercial but with restrictions (2000 sq ft max).

Shoemaker parking lot are Lease lots.

Majority of Commissioners agree not to allow in Shoemaker lot. Park is too close.

Kelsy Martinsen asks about some of the areas downtown. Staff requests the Commission to determine if they think certain areas meet the definition of recreational youth center as in the State statute.

City hall lawn and lawn along the waterfront: not recreation.

SNO building: not a recreational youth center... primary function is community center for the tribe. Tribe would need to petition otherwise.

Nolan Center: Not recreational youth center. if these areas have concerns about marijuana should come to the pz to make their statement.

Remote Residential Mixed Use: Union Bay requested no businesses. Not allowed.

Henson suggest that all areas would be permitted with a conditional use permit.

Timber management: Would have to apply for a permit from the city conditional use...

RR1 and RR2

McConachie requests to defer discussion. Wants another map with more detailed information.

- 2) Appeal of Zoning Administrators determination that Marijuana Cultivation and Marijuana Manufacturing are not allowed uses within the Commercial District as proposed on Lot 1, Block 1A, USS 1119 Zoned Commercial, owned by Kelsey Martinsen and Sarinee Nuamnui.

Staff states that this should be put on hold until further discussion by the Commission regarding uses. Still on hold. Staff's determination is that the uses are not currently not allowed.

Special meeting.... May 26th at 5:30.

G. NEW BUSINESS

- 1) Conditional Use request for a tanning salon to be located in the Industrial Park on Lot 8 Block 59B, Industrial Park Subdivision, Amended Plat 85-8, zoned Industrial, requested by Laura Massin, owned by Bernie Massin.

OPEN PUBLIC HEARING

LAURA MASSIN 321 FRONT STREET.

I am relocating the tanning bed on Church Street to the Industrial Park.

CLOSE HEARING.

MCCONACHIE MOVES TO APPROVE....MITCHELL 2NDS.

Approved Unanimously

H. PUBLIC COMMENT Thanks from the audience for their consideration of the marijuana issue and listening.

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

July 14, 2016

7:00 pm

Minutes

A. CALL TO ORDER/ROLL CALL

Commissioners present Howell, McConachie, Shoemaker, Henson

B. AMENDMENTS TO THE AGENDA none

C. APPROVAL OF MINUTES: Special March 29, 2016; May 12, 2016 and Special Meeting May 26, 2016. (Defer all)

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

- 1) Copy of Ordinance No. 918 amending Encroachment Ordinance WMC 13.05, and copy of updated code

Staff explains that the Evergreen road is the City's responsibility and because the State, using Federal Highway funds, must properly document/permit encroachments in the right of way, we are modifying our code to allow these encroachments to be permitted if appropriate.

F. OLD BUSINESS

G. NEW BUSINESS

- 1) Final Plat Approval of the Torgramsen-Glasner Subdivision, a subdivision of the remainder of Lot A-2 Torgramsen-Smith Subdivision, creating Lot C of remainder of Lot A-2 Torgramsen-Glasner Subdivision within USS 3823.

Shoemaker excuses himself due to a conflict of interest, leaving no quorum to vote on this item.

McConachie recommends having a special meeting on Tuesday at noon to make decision. Carol will proceed to notice the meeting.

- 2) Conditional Use permit request for a short term rental cabin located on Lot 1-B2, GIHP Resubdivision, zoned Single Family Residential, requested by Charles and Pam Haubrich.

Open public hearing
Close public hearing

Moved by McConachie to approve, 2nd by Howell2

Conditional use goes with the property, as long as there are no changes to what is permitted and use continues if sold in the future.

Approved Unanimous.

- 3) Discussion of proposed changes to the Zoning Code Ch. 20 implementing recommendations by Planning and Zoning Commission regarding allowable uses of licensed Marijuana Facilities.

The attached draft code is for review by the Commission to make sure that how I have presented this corresponds to what the Commission has recommended. All marijuana businesses will require a conditional use permit. There will be no solvent manufacturing allowed. And limited and standard cultivation has square footage size requirements in rural residential, Commercial has a 2000 square foot grow area maximum.

Commission had not comments or changes.

H. PUBLIC COMMENT none

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

McConachie offers a Commission theme song

J. ADJOURNMENT 720

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION SPECIAL MEETING MINUTES

July 19, 2016,
12:00 pm

A. CALL TO ORDER/ROLL CALL 12:10 PM

Commissioners present Howell, McConachie, Hutchinson, Henson

B. PERSONS TO BE HEARD None

C. BUSINESS

- 1) Final Plat Approval of the Torgramsen-Glasner Subdivision, a subdivision of the remainder of Lot A-2 Torgramsen-Smith Subdivision, creating Lot C of remainder of Lot A-2 Torgramsen-Glasner Subdivision within USS 3823

**Moved by McConachie to approve the final plat.
2nd by Howell**

Approved Unanimously

D. ADJOURNMENT 12:10