

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

February 14, 2019

6:00pm

Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: January 10, 2019

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

G. NEW BUSINESS

1. Final Plat approval of the Curleyville Replat, a replat Lots 6, 7, 8, 9, 10, 32, 33, 37, 3A, Block 21 and Lot B, Brig Replat, zoned Multifamily and Commercial, requested by Robert Armstrong, for Credit Shelter Trust.
- Pub Hrg 2. Variance request to reduce the required width of an access easement for a flag lot subdivision from 30' to 20' on proposed Lot 3A-1B, Block A 5 Star Fish Subdivision, zoned Single Family Residential, requested by Chad and Sharil Smith.
- Pub Hrg 3. Preliminary Plat Review of the 5 Star Fish Subdivision, a Subdivision of Lot 3A-1, Myers/Roberts Replat and Subdivision, Plat 99-10; creating Lots 3A-1A and 3A-1B, Block A, 5 Star Fish Subdivision, zoned Single Family Residential, requested by Chad and Sharil Smith.
- Pub Hrg 4. Proposed **ORDINANCE NO. 956, 957 and 958** OF THE ASSEMBLY OF THE CITY & BOROUGH OF WRANGELL, ALASKA AMENDING CHAPTER 9.08, NUISANCES, SECTION 20.52.060, NOISE, AND CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE
5. Update regarding Mental Health/USFS land trade issues

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

January 10, 2019

6:00pm

Minutes

A. CALL TO ORDER/ROLL CALL: Vice Chair Don McConachie called the meeting to order at 6:00 pm. Commissioner Andrew Hoyt was present. Commissioner Apryl Hutchinson was present telephonically. Commissioner Teri Henson was absent and there is currently 1 vacancy on the Commission. Also present were staff Carol Rushmore and Aleisha Mollen.

B. AMENDMENTS TO THE AGENDA: None

C. APPROVAL OF MINUTES:

Regular Meeting November 29, 2018 and Special Meeting December 7, 2018

M/S: Hoyt/Hutchinson moved to approve the minutes as presented. Motion approved unanimously by poll vote.

D. PERSONS TO BE HEARD: Rob Armstrong will speak at his item on the agenda

E. CORRESPONDENCE: None

F. OLD BUSINESS: None

G. NEW BUSINESS

1. Final Plat review of the Etolin Avenue Replat, a replat of Lot 1, Block 38 and Lots 16-20, Block 30B of Etolin Ave Easement Dedication and Boundary Survey; and Lot 2 Block 38, USS 1119 Wrangell Townsite; and Lot 5, Block 38, Health Care Subdivision III, creating Lots A, B and C, Etolin Avenue Replat, zoned Single Family Residential, requested by the City and Borough of Wrangell

M/S: Hoyt/Hutchinson moved to approve the final plat of the Etolin Avenue Replat, a replat of Lot 1, Block 38 and Lots 16-20, Block 30B of Etolin Ave Easement Dedication and Boundary Survey; and Lot 2 Block 38, USS 1119 Wrangell Townsite; and Lot 5, Block 38, Health Care Subdivision III, creating Lots A, B and C, Etolin Avenue Replat. Motion approved unanimously by poll vote.

2. Final Plat approval of Trust Land Survey 2018-0 MC-1 Subdivision, a subdivision of Lot 40J, ASLS 85-93, creating Tracts A, B, and C, zoned RMU-M, requested by the owner Mental Health Trust Authority as part of the proposed land trade with the US Forest Service

M/S: Hoyt/Hutchinson moved to approve the final plat of Final Plat of Trust Land Survey 2018-0 MC-1 Subdivision, a subdivision of Lot 40J, ASLS 85-93, creating Tracts A, B, and C, zoned RMU-M, requested by the owner Mental Health Trust Authority as part of the proposed land trade with the US Forest Service.

Carol Rushmore stated that the only difference is that Tract A now has a Tract C carved out due to the encroachments from neighboring lot owners. Tract C will remain with Mental Health Trust and Tract A will go to the USFS.

Motion approved unanimously by poll vote.

3. Preliminary Plat Review of the Presbyterian Reserve Replat, a replat of Lot 1B, Block 16, Ogden/Rathke Resubdivision and portion of Presbyterian Mission Reserve, Block 16, within USS 1119, Creating Lots A and B, Presbyterian Reserve Replat, zoned Open Space/Public, owned by the First Presbyterian Church.

Public Hearing for items G3 and G4 was opened at 6:07 p.m.

No comments from the public.

Public Hearing closed at 6:08 p.m.

M/S: Hoyt/Hutchinson moved approve the preliminary plat of the Presbyterian Reserve Replat, a replat of Lot 1B, Block 16, Ogden/Rathke Resubdivision and portion of Presbyterian Mission Reserve, Block 16, USS 1119, Creating Lots A and B, Presbyterian Reserve Replat.

Rushmore stated that the Presbyterian Church is carving off a piece of their property to give to a nearby landowner to alleviate an encroachment. McConachie asked if there was any input from the Catholic Church nearby and Rushmore stated that there was none.

Motion approved unanimously by poll vote.

4. Rezone request from Open Space/Public to Single Family Residential for a portion of Presbyterian Mission Reserve, Block 16, within USS 1119, that is proposed for a subdivision to be added to Lot 1B, Block 16, Ogden/Rathke Resubdivision, requested by Teniya Morelli.

M/S: Hoyt/Hutchinson moved to recommend to the Assembly to approve the zone change from Open Space Public to Single Family Residential for the portion of land from the Presbyterian Mission Reserve lot, Block 16 being added to Lot 1B, Block 16, Ogden/Rathke Resubdivision, creating new Lot B, based on the proposed Presbyterian Reserve Replat.

Motion approved unanimously by poll vote.

5. Conditional Use permit review for creation of a borrow pit on Lot 1, Health Care Subdivision III, to assist in the construction of a new hospital, zoned Open Space/Public, owned by the City and Borough of Wrangell, requested by the Southeast Alaska Regional Health Consortium.

Hoyt did declare a potential conflict of interest as he lives nearby, but does not have a financial gain. McConachie declared no conflict of interest.

Public Hearing was opened at 6:13 p.m.

Mike Pountney from SEARHC clarified that the plan is to use rock to fill and create a pad for the new hospital. There will be blasting involved, the same as the old hospital. This will hopefully begin the end of February or the beginning of March. Their main concern on the staff report is the access on Etolin St. Most of the overburden will stay on site. They are looking at different options for the stumps

and mostly just the trees being removed to a public site for use by the public. There should not be a large impact on the roads and any road damage would be repaired.

Public Hearing closed at 6:18 p.m.

M/S: Hoyt/Hutchinson moved to approve the Findings of Fact for the conditional use request for a borrow pit for rock extraction for the new hospital development, subject to the following conditions:

1) Prior to commencing work, the following plans shall be approved by Borough administration:

a) Blasting Plan

b) Transportation and Traffic Management Plan

c) Pit reclamation Plan

d) Storm Water Management Plan based on final pit reclamation design

2) Impacts to any roadways and drainage from and along the roadways used for this project shall be restored at end of project.

3) All State and federal permitting requirements will be met.

Hoyt had a question about the amount of rock being used and if it would come from this pit. That was answered affirmative. Hoyt also asked for water runoff preparations and retainment plans. Mike stated that there is an Erosion Control Plan in place.

McConachie asked about the logs being taken to a lot for the public. That lot is not determined yet. Rushmore stated that they are thinking about the far end of the running track on Spur Road.

McConachie also asked about the Etolin Avenue area. He would like to ensure that the road is restored if damaged and that they are working with staff on that plan. The answer is affirmative and Rushmore added that the plans would be ongoing as the plan is finalized. It was also mentioned that there would be plans for the timeframe that school children would be returning home. Mike stated that they would observe that and would try to minimize this to equipment only and only when they had to.

Hoyt asked if there would be a Traffic Management Plan if necessary and was assured that there would be a plan.

Staff and SEARHC are still discussing the plan for the stumps regarding burning, transport to the monofill, or grinding.

Motion approved unanimously by poll vote.

6. Variance permit request for side and back yard setbacks for existing structures within "Curleyville" area, as part of a proposed Curleyville Replat, specifically structures on existing Lots 3A, 8, 9, 33 and 10, Block 21, zoned Commercial and MultiFamily, and Lot B, Brig Replat, zoned Commercial, requested by Robert Armstrong, for Credit Shelter Trust.
7. Variance to the Off-Street Parking requirements for a proposed commercial and residential structure on proposed Lot 6 of Curleyville Replat, combining 5 lots or portions of into one lot, zoned Commercial and Multifamily Residential, requested by Robert Armstrong, for Credit Shelter Trust.

Public Hearing for Items G6, G7, G8, and G9 was opened at 6:29 p.m. Robert Armstrong gave some history of this plan, stating that the 3 existing buildings would stay and now be on their own lots. They will address all setbacks and drainage as part of this and will then have the opportunity for continued development. Armstrong also gave history of his dad's arrival in Wrangell and how Curleyville started. In the end, this plan will turn the 10 lots into 5 lots. Armstrong showed on the preliminary plats where the new fronts and backs of each lot will be to resolve the setback issues, pursuant to the variance request approvals. The three duplexes will be removed and will be replaced with 1)storefronts, efficiency apartments, storage, and possibly a laundromat; 2)a triplex (one 2BR and two 3BR; and 3)storage units. He is currently only 2 places short on parking thus the variance application. Public Hearing closed at 6:50 p.m.

M/S: Hoyt/Hutchinson moved to approve a 3 foot side yard setback (2 foot variance) and an 8 foot back yard setback (7 foot variance) for the existing grandfathered buildings as outlined on the preliminary plat for the Curleyville Replat and to approve the variance request for a reduction in the off-street parking from 33 required spaces to 31, with proposed Lots 6, 7 and 8 of the Curleyville Replat sharing necessary parking.

Hoyt asked about the access for Fire and Rushmore stated that there is access.

Rushmore said that there is not a setback requirement for Commercial Lots, although there is a Fire Marshal requirement. Rushmore stated that most of the buildings are grandfathered in as is, but the variance request helps keep everything correct since lot lines are being modified.

Rushmore stated that he might be in compliance on the parking depending on the interpretation of the code.

Motion approved unanimously by poll vote.

8. Preliminary Plat Review of the Curleyville Replat, a replat Lots 6, 7, 8, 9, 10, 32, 33, 37, 3A, Block 21 and Lot B, Brig Replat, zoned Multifamily and Commercial, requested by Robert Armstrong, for Credit Shelter Trust.

M/S: Hoyt/Hutchinson moved to approve the preliminary plat of the Curleyville Replat, a replat Lots 6, 7, 8, 9, 10, 32, 33, 37, 3A, Block 21 and Lot B, Brig Replat, creating Lots 6A, 7A, 8A, 9A and 10A Curleyville Replat.

Rushmore stated that from previous experience using the same lot numbers can be confusing, hence the As.

Motion approved unanimously by poll vote.

9. Rezone request modifying boundaries of the existing Multi-Family Residential and Commercial boundaries based on the proposed Curleyville Replat, a replat Lots 6, 7, 8, 9, 10, 32, 33, 37, 3A, Block 21 and Lot B, Brig Replat, zoned Multifamily and Commercial, requested by Robert Armstrong, for Credit Shelter Trust.

M/S: Hoyt/Hutchinson moved to recommend to the Assembly to approve the requested zone changes, zoning the new Lot 6A as Commercial, and the remaining new Lots 7A, 8A, 9A and 10A as Multi Family of the proposed Curleyville Replat.

Motion approved unanimously by poll vote.

H. PUBLIC COMMENT: None

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS: None

J. ADJOURNMENT: 7:01 p.m.

CHAIRPERSON

SECRETARY

City and Borough of Wrangell, Alaska

Agenda Item G-1

Date: February 11, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Final Plat approval of the Curleyville Replat, a replat Lots 6, 7, 8, 9, 10, 32, 33, 37, 3A, Block 21 and Lot B, Brig Replat, zoned Multifamily and Commercial, requested by Robert Armstrong, for Credit Shelter Trust

Recommended Motion:

Move to approve Final Plat of the Curleyville Replat, a replat Lots 6, 7, 8, 9, 10, 32, 33, 37, 3A, Block 21 and Lot B, Brig Replat.

Findings:

Staff recommends approving the Final Plat of the above described subdivision. The Borough Assembly held a public hearing regarding the proposed zoned change at their January meeting as well as the first reading of a proposed ordinance to change the zoning map. The second reading of the ordinance and another public hearing will be on Tuesday, February 26, along with approval of the final plat.

City and Borough of Wrangell, Alaska

Agenda Item G2 and G3

Date: February 11, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Variance request to reduce the required width of an access easement for a flag lot subdivision from 30' to 20' on proposed Lot 3A-1B, Block A 5 Star Fish Subdivision, zoned Single Family Residential, requested by Chad and Sharil Smith; and

Preliminary Plat Review of the 5 Star Fish Subdivision, a Subdivision of Lot 3A-1, Myers/Roberts Replat and Subdivision, Plat 99-10; creating Lots 3A-1A and 3A-1B, Block A, 5 Star Fish Subdivision, zoned Single Family Residential, requested by Chad and Sharil Smith.

Background:

The Smith's are seeking to subdivide their property, carving off the portion of the lot that contains the existing shop/garage and proposed future residential apartment addition.

Recommendation:

Staff recommends approving the variance request and preliminary plat. Two separate motions should be made

Recommended Motion:

- 1) Move to approve the variance request, reducing the 30' flag lot easement requirement to 20' wide on proposed lot 3A-1B, Block A, 5 Star Fish Subdivision.
- 2) Move to approve the preliminary plat of the 5 Star Fish Subdivision, a Subdivision of Lot 3A-1, Myers/Roberts Replat and Subdivision, Plat 99-10; creating Lots 3A-1A and 3A-1B, Block A, 5 Star Fish Subdivision with the following conditions:
 - 1) An access easement and maintenance agreement will be recorded for both lots at the time of the recording of the final plat.

Criteria:

The proposal must comply with the following sections:

Chapter 20.16: Single Family Residential
Chapter 20.52: Lot Standards
Chapter 20.72: Variances
Chapter 19.30 Flag Lot Subdivisions

Findings:

Applicants are requesting a subdivision of their 30,000 square foot single family residential property into two lots. The house will remain on one lot and the shop/garage with residential addition would be established on a second lot. A new proposed 20' access and utility easement to the back lot is being established.

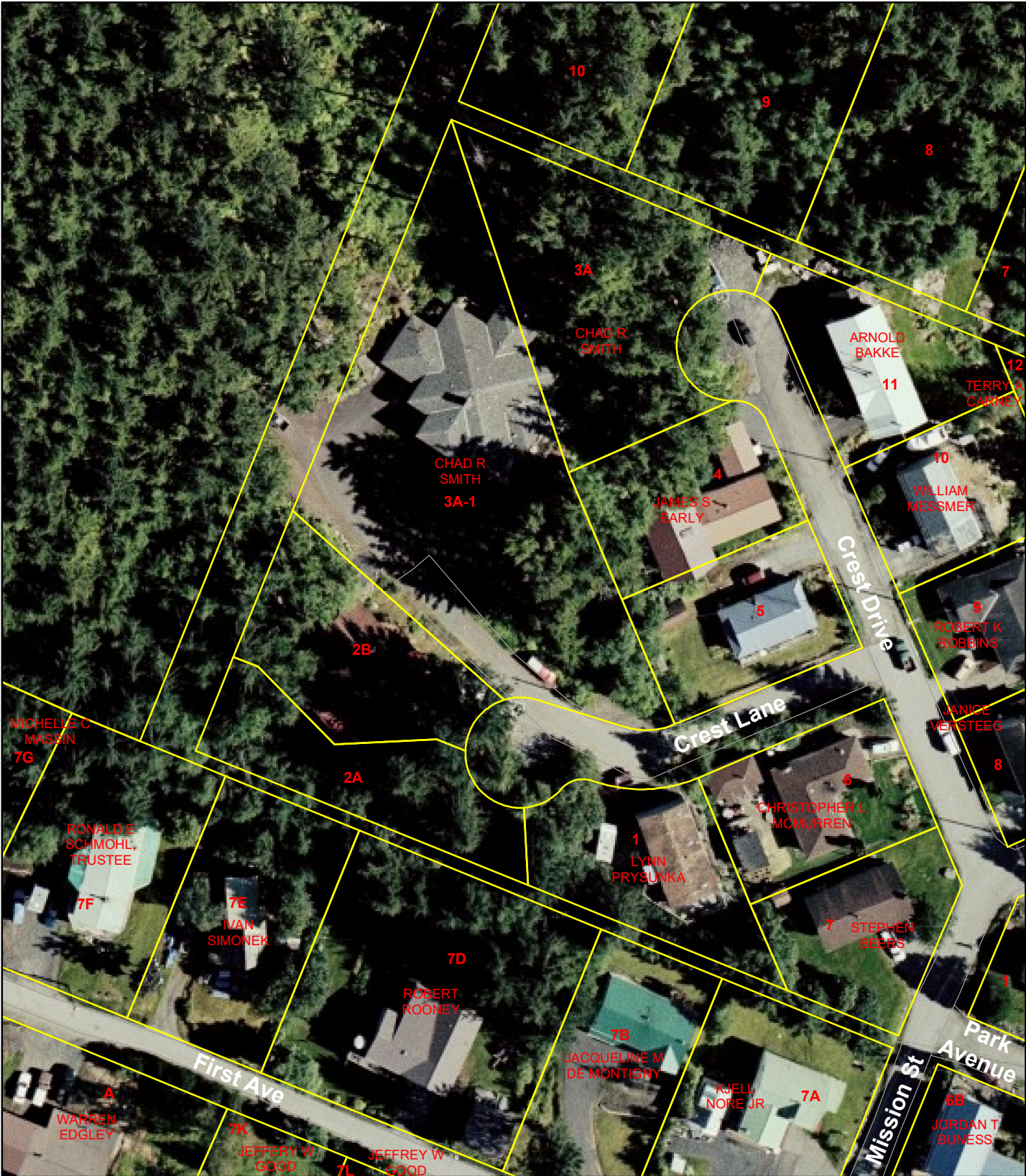
Minimum lot size requirements within the Single Family District is 5000 square feet. Each new lot meets the requirement. Currently on proposed Lot 3A-1B of the new subdivision the existing structure is only a shop/garage with planned residential component.

Flag Lot Subdivisions (WMC19.30) create a subdivision of property that includes back lots without direct road frontage. An easement from the road to the back lots is required in the plat to guarantee access to the lot. While one side of the "Flag Lot" borders on Grief Street, there is no current access to the lot via an alley and the ROW, thus the requirement for the access easement across the lower lot. The Flag Lot access easement is required to be platted as 30' wide. In this case, the driveway to the house is already paved with utilities running within the driveway area. There is a steep slope and rock outcropping in the area between the house and lower structure. The 20' wide easement encompasses adequate access and utilities. The Flag Lot Subdivision also requires an access easement maintenance agreement for the easement to clarify future responsibilities for the access (WMC19.30(H)). Applicants can record the required document at the time of the final plat.

A variance must meet four criteria:

1. Exceptional Physical Circumstances: The property from the road up to the house is very steep with a rock outcropping located between the two structures. The driveway to the house was constructed and paved when the house was originally constructed and utilities were placed within the 20' wide proposed easement area.
2. Strict application would result in practical difficulties or unnecessary hardships: The additional 10 foot width of the easement is not necessary for utilities that currently serve the upper house. Part of the easement would be within a rock area that would require serious blasting to utilize further.
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 to reduce the width of the access easement will not prejudice others in the area. The variance request will not be detrimental to public health, nor should it impact adjacent neighbors within the same district.
4. Granting of the variance is not contrary to the comp plan for single family residential development and grandfathered existing structures.

CITY AND BOROUGH OF WRANGELL, ALASKA

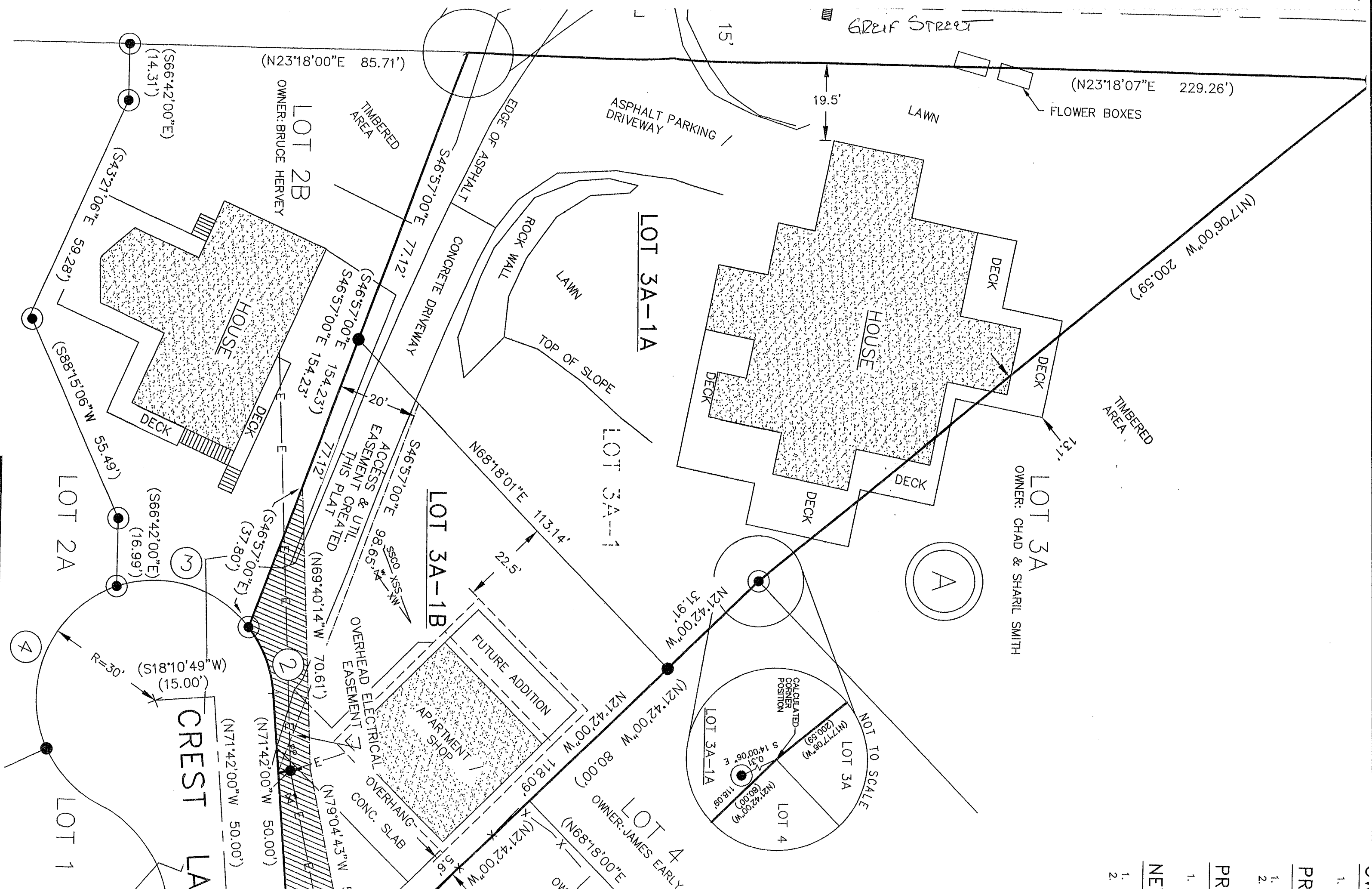


1 inch = 75 feet
Date: 2/12/2019

Public Map



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



City and Borough of Wrangell, Alaska

Agenda Item G4

Date: February 11, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Proposed **ORDINANCE NO. 956, 957, and 958** OF THE ASSEMBLY OF THE CITY & BOROUGH OF WRANGELL, ALASKA AMENDING CHAPTER 9.08, NUISANCES, SECTION 20.52.060, NOISE, AND CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE

Background:

During the summer/fall of 2018 the Planning and Zoning Commission met several times to discuss proposed changes to the Noise code (WMC 20.52.060) in response to a residential complaint and recognition that the Noise Code was very subjective.

Recommendation:

Staff recommends approving the proposed Ordinances with a change.

Recommended Motion:

- 1) **Move to recommend approval of proposed Ordinances 956, 957, and 958 of the City and Borough of Wrangell, Alaska, amending Chapter 20.52.060 Noise, Chapter 9.08 Nuisances, and Chapter 1.20 General Penalty, of the Wrangell Municipal Code with the following changes:**
 - a) **Modifying Ordinance 957, Section 2 (C) Temporary Excessive Noise permit such that the Zoning Administrator can issue temporary permits up to 15 days and the Commission could grant up to 90 days.**

Findings:

Attached are copies of:

- 1) the existing Noise Code;
- 2) a proposed ordinance (#956) that changes WMC 20.52.060 Noise within the Zoning Code;
- 3) a proposed ordinance (#957) that modifies the existing Nuisance Code (WMC9.08) adding a proposed Noise Code;
- 4) and a proposed ordinance (#958) that adds penalties to WMC 1.20.

The Manager is proposing to delete the existing Noise Code (WMC 20.52.060) within Title 20 Zoning Code, and place the new Noise Code as recommended by the Planning and Zoning Commission (with changes by the Manager) in the Nuisance Code of Chapter 9.08. The Noise section within the Title 20 Zoning Code will reference the Noise Code of Chapter 9.08 so will still be relevant for zoning review.

A public hearing is being held before the Planning and Zoning Commission as required by WMC20.76.030 to make changes to Zoning Code. While Ordinance 956 is the Ordinance specific to Title 20 Zoning Code, Ordinances 957 and 958 will be referred to in the Zoning Code once a new Noise Code is adopted, thus all Ordinances will be reviewed and discussed as part of the public hearing and Commission discussion. The Commission's review will be a recommendation to the Assembly for the first reading of the Ordinances 956-958 on February 26, 2019.

In attached draft Ordinance No. 957, changes by the Manager to the Planning and Zoning recommendation are in blue text. Staff is also recommending that Ordinance 957 Section 2 C. Temporary Excessive Noise permit is modified such that the Zoning Administrator can issue temporary permits up to 15 days (rather 30) and the Commission could grant up to 90 days (rather than 120 days).

20.52.060 Noise.

The noise emanating from a premises used for industrial activities shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness. Where the use adjoins a residential district (SF, MF, RR-1, RR-2, and RMU), the noise loudness measured at the boundary line of the premises used for industrial activities shall not exceed 90 decibels between the hours of 7:00 a.m. and 8:00 p.m. weekdays and the hours of 10:00 a.m. and 8:00 p.m. weekends and holidays, and 40 decibels at other hours. [Ord. 867 § 1, 2013; Ord. 462 § 6, 1984.]

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 956

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING SECTION 20.52.060, NOISE, IN CHAPTER 20.52, STANDARDS, TITLE 20, ZONING, OF THE WRANGELL MUNICIPAL CODE

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend Section 20.52.060, Noise, of Chapter 20.52, Standards, Title 20, Zoning, of the Wrangell Municipal Code.

SEC. 2. Amendment. Section 20.52.060, Noise, of Chapter 20.52, Standards, of the Wrangell Municipal Code is amended to read:

20.52.060 Noise.

[The noise emanating from a premises used for industrial activities shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness. Where the use adjoins a residential district (SF, MF, RR-1, RR-2, and RMU), the noise loudness measured at the boundary line of the premises used for industrial activities shall not exceed 90 decibels between the hours of 7:00 a.m. and 8:00 p.m. weekdays and the hours of 10:00 a.m. and 8:00 p.m. weekends and holidays, and 40 decibels at other hours.]

For regulations relating to Noise, refer to WMC 9.08.085,

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2019.

PASSED IN SECOND READING: _____, 2019.

Stephen Prysunka, Mayor

ATTEST:

Kim Lane, Borough Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 957

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, ADDING A NEW SECTION 9.08.085, EXCESSIVE NOISE PROHIBITED, TO CHAPTER 9.08, NUISANCES, TITLE 9, HEALTH AND SAFETY, OF THE WRANGELL MUNICIPAL CODE

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to add a new Section 9.08.085, Excessive Noise Prohibited, to Chapter 9.08, Nuisances, Title 9, Health and Safety of the Wrangell Municipal Code.

SEC. 2. New Chapter. A new Section 9.08.085, Excessive Noise Prohibited, is added to Chapter 9.08, Nuisances, Title 9, Health and Safety, of the Wrangell Municipal Code to read:

Chapter 9.08
NUISANCES

Sections:

- 9.08.010 Defined.
- 9.08.020 Prohibited – Abatement generally.
- 9.08.030 Burial.
- 9.08.040 Slaughterhouses and similar operations.
- 9.08.050 Water pollution.
- 9.08.060 Maintaining gutters free of obstructions.
- 9.08.070 Offensive drains.
- 9.08.080 Accumulations of rubbish and materials prohibited.
- 9.08.085 Excessive Noise Prohibited.
- 9.08.090 Certain conditions declared nuisances.
- 9.08.100 Remedies not exclusive.
- 9.08.110 Notification of offenders by police chief – Abatement.
- 9.08.120 Penalty for violation.

9.08.085 Excessive Noise Prohibited

A. No person shall make, assist in making, continue, or cause to be made any excessive loud, disturbing, or unnecessary noise. Excessive for purposes of this chapter is defined as exceeding the noise generated by uses allowed in this chapter or permitted in the district in their customary manner of operation, or injurious to the public health, safety, and welfare.

1. The noise loudness measured at the boundary line of the premises from which the noise originates in the Single Family, Multi Family, Rural Residential, Remote Mixed Use and Commercial districts, or noise loudness measured at the zoning boundary for activities in Light Industrial, Industrial, Waterfront Development and SMB-Waterfront Development, shall not exceed 90 decibels between the hours of 7:00 a.m. and 8:00 p.m. weekdays and the hours of 10:00 a.m. and 8:00 p.m. weekends and holidays, and 50 decibels at other hours.
2. Noises that could exceed allowed decibel levels ~~may~~~~ould~~ be permitted if the noise is muffled or located within a structure and does not exceed decibel levels at the property line.

B. Exceptions.

1. Emergency and Public Work. Noise or sound created in the performance of public service by governmental agencies or their contractors while performing construction, repair, maintenance or snow removal services; or emergency work engaged in by persons for ~~the~~ public safety, health or welfare; or to restore property to a safe condition following a public emergency; or work to restore essential public services, including construction activities directly related to the abatement of any emergency, shall not be subject to the provisions of this section.

2. Noises from Authorized Activities. The prohibitions of this section shall not apply to air traffic, parades, cultural events, athletic games, fairs, or functions and activities approved by the borough.

3. Sirens, Horns and Whistles. The provisions of this section shall not apply to any siren, whistle, horn or bell used by emergency vehicles or civil defense or used by motor vehicles as warning devices to avoid collisions.

4. Bells or Chimes. The provisions of this section shall not apply to any bell or chimes, or any device for the production or reproduction of the sound thereof, which are associated with a clock or time-keeping device, church or school.

5. Burglar Alarms. The provisions of this section shall not apply to any burglar alarm or security device; provided, however, no burglar alarm or security device shall sound for more than fifteen minutes after being activated.

6. Construction Activity or Equipment. The provisions of this section shall not apply to any construction activity or equipment operated between the hours of ~~7:00~~~~seven~~ a.m. and ~~8:00~~~~eight~~ p.m. weekdays; and ~~10:00~~~~ten~~ a.m. and ~~8:00~~~~eight~~ p.m. weekends and holidays.

7. Power Tools. The provisions of this section shall not apply to any power tools, including chain saws, reasonably operated between the hours of ~~7:00seven~~ a.m. and ~~8:00eight~~ p.m. week days and ~~10:00ten~~ a.m. and ~~8:00eight~~ p.m. weekends and holidays.

8. Vessels. The provisions of this section shall not apply to the ~~normal~~ operation of any boat or vessel ~~within harbors; or the maintenance on any vessel in a district zoned to allow this type of activity between the hours of 7:00 a.m. and 8:00 p.m. weekdays; and 10:00 a.m. and 8:00 p.m. weekends and holidays;~~

9. Motor Vehicles. The provisions of this section shall not apply to the normal and usual operation of motor vehicles.

10. Residential/Commercial Snow Removal Activity or Equipment. Noise or sound created in the performance of residential/commercial snow removal by property owners or their contractors.

C. Temporary Excessive Noise permit.

If the applicant demonstrates to the satisfaction of the Zoning Administrator, that immediate compliance with the requirements of this Article would be impractical or unreasonable, the Administrator may issue a Temporary Use Permit to allow exception from any or all of the provisions contained in this Article, with appropriate conditions to minimize the public detriment caused by such exceptions. Any such permit shall be for an initial term as specified by the Zoning Administrator not to exceed thirty days. Longer terms up to one hundred twenty days may be granted by the Planning and Zoning Commission.

In determining whether a temporary use permit should be issued and the nature and scope of any conditions to be imposed, the Administrator shall consider the following factors:

- (1) The level and intensity of the noise;
- (2) The level and intensity of the background noise, if any;
- (3) The proximity of the noise to residential areas;
- (4) The time of day when the noise occurs;
- (5) The duration of the noise, and whether it is recurrent, intermittent or constant;
- (6) The nature and zoning of the area within which the noise emanates or to which it is transmitted.

D. Violations

Any person violating any provision of this chapter is guilty of an infraction and shall be punished by the fine established in the WMC 1.20.050 fine schedule if the offense is listed in that fine schedule or by a fine of up to \$500.00 if the offense is not listed in the WMC 1.20.050 fine schedule.

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: _____, 2019.

PASSED IN SECOND READING: _____, 2019.

Stephen Prysunka, Mayor

ATTEST:

Kim Lane, Borough Clerk

CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE No. 958

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING THE MINOR OFFENSE FINE SCHEDULE IN CHAPTER 1.20, GENERAL PENALTY, OF THE WRANGELL MUNICIPAL CODE

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

[The changes to the existing code are shown as follows: the words that are underlined are to be added and the words that are **[bolded and in brackets are to be deleted]**.]

SEC. 1. Action. The purpose of this ordinance is to amend the Minor Offense Fine Schedule in Section 1.20.050 of Chapter 1.20, General Penalty, of the Wrangell Municipal Code to add to the fine schedule the code sections relating to violations **of Chapter 9.08, Excessive Noise Prohibited.**

SEC. 2. Amendment. Section 1.20.050 of the Wrangell Municipal Code is amended to read:

1.20.050 Minor Offense Fine Schedule.

In accordance with AS 29.25.070(a), citations for the following offenses may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the police department. If an offense is not listed on a fine schedule, the defendant must appear in court to answer the charges. The Alaska Court System's Rules of Minor Offense Procedure apply to all offenses listed below. Citations charging these offenses must meet the requirements of Minor Offense Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense listed below.

The fine amounts listed below are doubled for motor vehicle or traffic offenses committed in a highway work zone or traffic safety corridor, as those terms are defined in AS 28.90.990 and 13 AAC 40.010(b).

An offense listed in this schedule may not be disposed of without court appearance if the offense is in connection with a motor vehicle accident that results in the death of a person.

Section	Offense	Penalty/Fine
6.05.005	Hours of operation – licensed marijuana facility	\$500.00 fine for each offense.
7.04.010	Cruelty – Abandonment	\$200
7.04.020	Animals at large prohibited	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.010	Licensing	\$25.00 fine for each offense.
7.08.020	Dog Vaccination required	\$50.00 fine for each offense.
7.08.030	At large – Prohibited – Nuisance declared	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.035	Objectionable animals	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.040	Restraint requirements	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.045 & 7.08.050	Off-leash areas & Off –leash area rules	First offense - \$15, second offense - \$50, third offense - \$100. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$200 and a maximum fine of \$500.00.
7.08.115	Potentially dangerous and dangerous dogs: violation of restrictions, confinement requirements, and sign requirements	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.120	Biting dog – Confinement	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.140	Proclamation to confine all dogs during epidemic	First offense - \$200 Second and subsequent offenses are mandatory

		court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
7.08.150	Interference with animal enforcement agents	First offense - \$200 Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
9.08.080	Accumulations of rubbish & materials prohibited	\$100.00 fine for each offense.
<u>9.08.085</u>	<u>Excessive Noise Prohibited</u>	<u>First offense - \$50, second offense - \$75, third offense - \$150. Fourth and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.</u>
9.12.020, 9.12.030, & 9.12.040	Fireworks where prohibited; sale where prohibited; display violations	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
9.16.020	Deposit in public places	0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine.
9.16.030	Maintaining sidewalks free of litter.	\$75.00 fine for each offense.
9.16.040	Deposit from vehicles prohibited	\$75.00 fine for each offense.
9.16.050	Operating litter-generating vehicles prohibited	0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine.
9.16.060	Deposit on private property prohibited	0-1 pound = \$50.00 fine, 1-5 pounds = \$150.00 fine, 6-10 pounds = \$250.00, 11-15 pounds = \$350.00 fine, 15 + pounds = \$500.00 fine.
9.16.070	Property owner's responsibility to maintain premises	\$75.00 fine for each offense.
9.16.080	Handbills – Restrictions generally	\$75.00 fine for each offense.
9.16.090	Handbills – Distribution on private property	\$75.00 fine for each offense.
9.16.100	Posting notices prohibited	\$50.00 fine for each offense.
10.18.010	Abuse of 911 system	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a

		minimum fine of \$300 and a maximum fine of \$500.00.
10.36.010	Discharge of firearms and other weapons prohibited within certain areas	First offense - \$200. Second and subsequent offenses are mandatory court appearance offenses with a minimum fine of \$300 and a maximum fine of \$500.00.
10.44.010	Possession, Control, or Consumption of Alcoholic Beverages by persons under 21 years of age	\$500.00 fine for each offense.
10.46.010(A)(1)	Consumption of marijuana in a public place prohibited	\$100.00 fine for each offense.
10.46.010(A)(2)	Consume marijuana outdoors adjacent public place without consent of property owner	\$100.00 fine for each offense.
10.48.010	Possession of tobacco by a minor under 19 years of age	\$75.00 fine for each offense.
11.28.020	Prohibited parking places	\$50.00 fine for each offense.
11.28.030	Red-painted curbs and signs – No parking	\$50.00 fine for each offense.
11.28.040	Time-limit parking	\$50.00 fine for each offense.
11.28.080	Blocking roadway prohibited	\$50.00 fine for each offense.
11.28.090	Bus stop and passenger zone – Parking prohibited	\$50.00 fine for each offense.
11.28.100	Loading and unloading materials	\$50.00 fine for each offense.
11.28.130	Method of parking – Loading permits	\$50.00 fine for each offense.
11.30.030	Parking in excess of posted time limit – Parking lots	\$50.00 fine for each offense.
11.30.040	Proper parking required – Parking lots	\$50.00 fine for each offense.
11.30.050	Vehicles and objects prohibited – Parking lots	\$75.00 fine for each offense.
11.36.060	Stop when traffic obstructed	\$75.00 fine for each offense.
11.36.070	Bicycle restrictions on sidewalks	\$50.00 fine for each offense.
11.36.080	U-turns prohibited	\$50.00 fine for each offense.
11.36.100	Dragging objects prohibited	\$50.00 fine for each offense.
11.36.110	Projecting loads on passenger vehicles	\$50.00 fine for each offense.
11.36.160	Use of coaster, rollerskates, skateboards, sleds and skis	\$50.00 fine for each offense.
11.36.170	Excessive acceleration	\$50.00 fine for each offense.
11.64.010	Sound trucks – permit required	\$100.00 fine for each offense.
11.68.020	Registration required	\$50.00 fine for each offense.
11.68.030	Required equipment	\$50.00 fine for each offense.

11.68.040	Snowmobile operation restricted	\$50.00 fine for each offense.
11.68.050	Designated right-of-way	\$50.00 fine for each offense.
11.70.015	Unlicensed operators	\$50.00 fine for each offense.
11.70.016	Registration required	\$50.00 fine for each offense.
11.70.020	Hours of operation	\$50.00 fine for each offense.
11.70.021	Prohibited areas of operation	\$50.00 fine for each offense.
11.70.025	Helmets required	\$50.00 fine for each offense.
11.70.030	Lights	\$50.00 fine for each offense.
11.70.035	Citation for defective equipment	\$150.00 fine for each offense.
11.70.040	Failure to stop at direction of peace officer	\$150.00 fine plus four points off of Driver's License for each offense.
11.70.050	Parental responsibility	\$50.00 fine for each offense.
11.70.055	Owner responsibility	\$50.00 fine for each offense.
11.76.020	Junk vehicles unlawful	\$50.00 fine for each offense. Each 10 days shall constitute a separate violation.
14.09.005	Speeding	\$150.00 fine for each offense.
14.09.015	Hazard to navigation	\$100.00 fine for each offense.
14.09.020	Failure to register	\$25.00 fine for each offense.
14.09.025	Improper mooring	\$25.00 fine for each offense.
14.09.030	Inadequate equipment	\$50.00 fine for each offense.
14.09.035	Improper use of facilities	\$50.00 fine for each offense.
14.09.040	Improper waste disposal	\$50.00 fine for each offense.
14.09.045	Improper petroleum product disposal	\$100.00 fine for each offense.
14.09.050	Improper care and control of animals	\$25.00 fine for each offense.
14.09.055	Water sports	\$25.00 fine for each offense.
14.09.065	Improper use of seaplane float	\$50.00 fine for each offense.
14.09.070	Improper use of a loading zone	\$25.00 fine for each offense.
14.09.075	Improper use of fire equipment	\$100.00 fine for each offense.
14.09.080	Improper use of utilities	\$50.00 fine for each offense.
14.09.085	Tampering and defacing signs	\$25.00 fine for each offense.
14.09.090	Nuisance	\$100.00 fine for each offense.
14.09.095	Failure to comply with rules, regulations or procedures.	\$100.00 fine for each offense.
14.09.100	Obstruct or impede use of any launch ramp	\$50.00 fine for each offense.
15.04.550	Unauthorized turning on or off of service	\$250.00 fine for each offense.
15.04.620	Fire hydrant restrictions	\$250.00 fine for each offense.
15.04.650	Water Shortage Management Plan – Violations and Charges – non-industrial/non-commercial water customers	Stage II water shortage: First offense - written warning. Second and subsequent offenses - \$250.00 fine for each offense.

15.04.650	Water Shortage Management Plan – Violations and Charges – non-industrial/non-commercial water customers	Stage III water shortage: First offense – written warning. Second and subsequent offenses - \$500.00 fine for each offense.
15.04.650	Water Shortage Management Plan – Violations and Charges – industrial or commercial water customers	Stage II water shortage: First offense - written warning. Second and subsequent offenses - \$750.00 fine for each offense.
15.04.650	Water Shortage Management Plan – Violations and Charges – industrial or commercial water customers	Stage III water shortage: First offense – written warning. Second and subsequent offenses - \$1,500.00 fine for each offense.
15.18.030	Refuse containers – Required	\$150.00 fine for each offense.
15.18.032	Refuse containers – Maintained	\$150.00 fine for each offense.
15.18.050	Disposal of offensive refuse prohibited	\$150.00 fine for each offense.
15.18.052	Burning of certain materials prohibited	\$150.00 fine for each offense.
15.18.075	Monofill disposal permit and fees	\$150.00 fine for each offense.
20.92.020	Building/Structure declared unlawful & a public nuisance	\$100.00 fine for each offense.

SEC. 3. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 4. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 5. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN SECOND READING: _____, 2019

PASSED IN SECOND READING: _____, 2019

Stephen Prysunka, Mayor

ATTEST:

Kim Lane, Borough Clerk

City and Borough of Wrangell, Alaska

Agenda Item G5

Date: February 11, 2019

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Update regarding Mental Health/USFS land trade issues

Update on the status of the development of the plats:

The attached drawings show some of the negotiated changes between the USFS and MHT regarding the preliminary plats for the land trade.

Exhibit A shows an additional carve out area that will remain with MHT due to a previous pit and encroachment and debris.

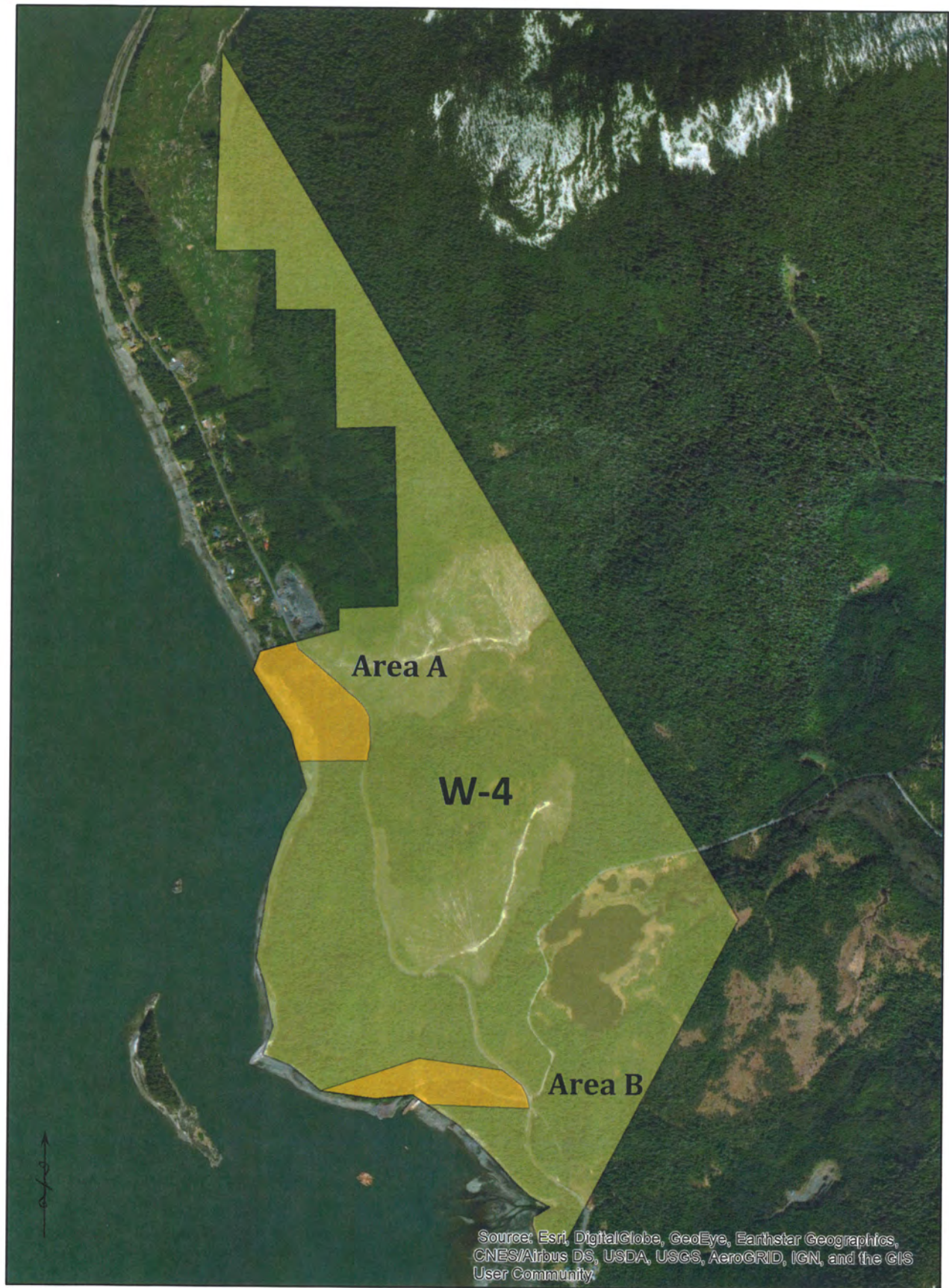
Exhibit B shows additional carve out areas that will remain with MHT also due to debris/encroachments. One of the areas is part the land area the Borough was asking MHT to retain for potential residential development opportunities. The area retained is not as large as the City was requesting, but at least some of that area might be available for future residential development. The area along Pats Creek Landing Road and the LTF will remain with MHT – the USFS already has an easement for use of the road but due to debris it was omitted from the trade.

Exhibit C: the surveyors are asking the City to consider an easement along the existing gated road. Staff has not yet received a reason why this is being requested. During the PZ meeting, the USFS was not interested in access there. They or SEAPA can always request use of that road. Staff discussions have been to not recommend a permanent easement for the Assembly to consider because of the asbestos monofil along that road. There will be access via the Institute Road and across MHT lands to the upper property boundary of Lot 1 by the electrical lines.



Overview of Proposed TLO Retained Lands W-1

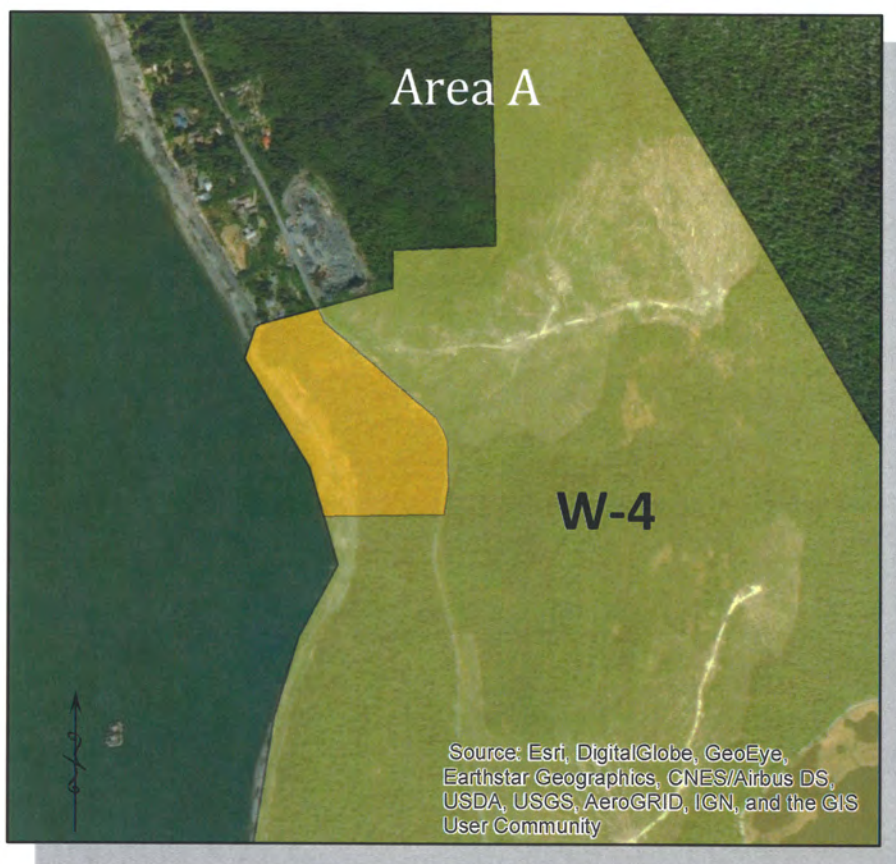
Proposed TLO Retained Lands W-1 Boundary



Overview of Proposed TLO Retained Lands W-4

Proposed TLO Retained Lands W-4 Boundary

Exhibit B







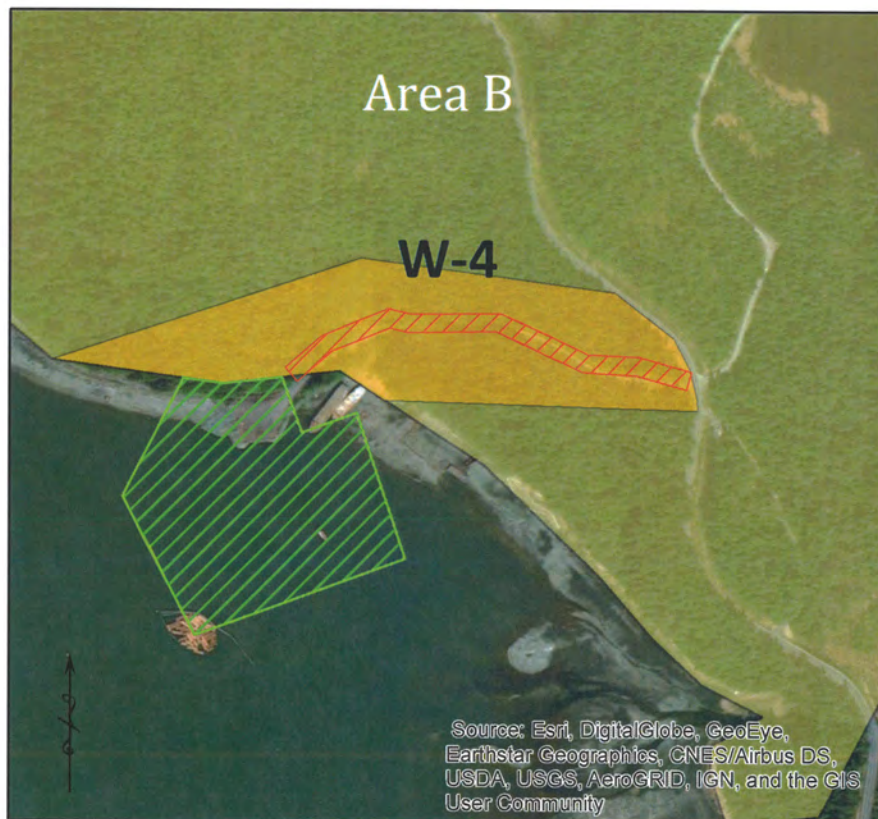
Approximate Acres

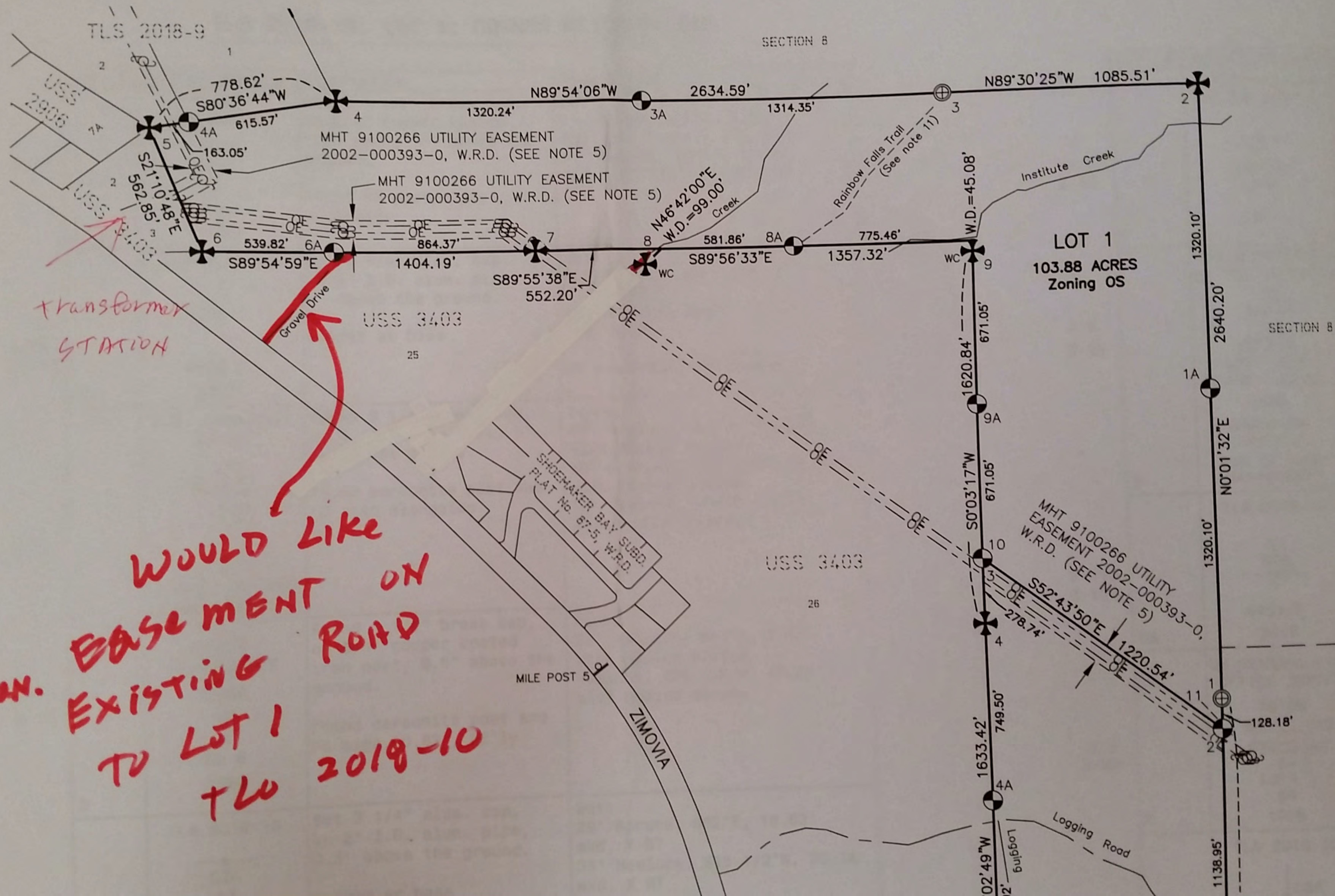
Area A: 24 ac

Area B: 17.5 ac

Detail of Proposed TLO Retained Lands W-4

-  Proposed TLO Retained Lands
-  W-4 Boundary
-  Existing USFS
Public Access Easement
66' Wide
-  Existing USFS LTF Easement





WVAN. WOULD LIKE
EASEMENT ON
EXISTING ROAD
TO LOT 1
+ L0 2018-10