## City and Borough of Wrangell, Alaska

# WRANGELL PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA January 14, 2016 7:00 pm Agenda

- A. CALL TO ORDER/ROLL CALL
- **B. AMENDMENTS TO THE AGENDA**
- C. APPROVAL OF MINUTES: Special Meeting December 23, 2015
- D. PERSONS TO BE HEARD
- E. CORRESPONDENCE
- F. OLD BUSINESS
- **G. NEW BUSINESS**
- 1. Vacation request for side and back yard setbacks for trailers and house within the Bakeburg Trailer park, on the proposed Lot A and Lot B of the proposed Bakeburg Subdivision, (within USS 2589) zoned Rural Residential I, requested by Jerry and Judy Bakeburg.
- 2. Preliminary Plat review of the Bakeburg 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 Bakeburg.
- 3. Discussion of Zoning of Entitlement Lands and other remote areas of the Borough: Zarembo/St. John's Bay
- H. PUBLIC COMMENT
- I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS
- J. ADJOURNMENT

## City and Borough of Wrangell, Alaska

## **Wrangell Planning and Zoning Commission**

## SPECIAL MEETING MINUTES December 23, 2015 12:00pm Assembly Chambers

## 1. CALL TO ORDER/ROLL CALL

Chairperson Terri Henson called the Special Meeting of the Wrangell Planning and Zoning Commission to order at 12:00 pm on December 23, 2015 in the Wrangell Borough Assembly Chambers. Commissioners' Don McConachie, April Hutchinson, Duke Mitchell and Jim Shoemaker was in attendance.

Recording Secretary Lavonne Klinke and Zoning Administrator Carol Rushmore were present.

### **Public Comment:**

Lisa Torgramsen, 1048 Zimovia Hwy,

Ms. Torgramsen read into the record a letter regarding her concerns with the 50' buffer requirement, her letter is attached to these minutes.

Bill Willard transportation manager for WCA, concerned with the 50' buffer requirement also, letter attached.

Jim Nelson, 1055 Zimovia Hwy asks if the 50' buffer has been approved, Staff confirms that this has been approved by the Commission with their recommendation to the Assembly. Mr. Nelson feels that the 50' requirement is extreme and that the 25' buffer is a bit better, but wants to make sure that the 25' is monitored closely to make sure that the 25' is adhered to.

2. Approval of Findings of Fact to the Request for a Contract Zone for a Transportation office, storage, and equipment maintenance area on a portion of Remainder Lot A-2, Torgramsen-Smith Subdivision, more specifically, on the lot area as described as proposed Remainder Lot A-2 in the proposed Torgramsen-Glasner Subdivision, zoned Single Family Residential, requested by Wrangell Cooperative Association Transportation Manager William Willard, owned by Lisa Torgramsen.

Jim Shoemaker steps down due to conflict of interest.

McConachie moves to approve Findings of Fact as noted in the Staff Report for the Contract Zone for a Transportation office, storage, and equipment maintenance area on a portion of

Remainder Lot A-2, Torgramsen-Smith Subdivision, more specifically, on the lot area as described as proposed Remainder Lot A-2 in the proposed Torgramsen-Glasner Subdivision, zoned Single Family Residential, requested by Wrangell Cooperative Association Transportation Manager William Willard, owned by Lisa Torgramsen, Mitchell seconds.

McConachie was the one to suggest the 50' which was more than the original requirement. Commissioner McConachie would like to amend the original motion to reduce to 25', but would want to make sure that the P&Z Commission come back and revisit in the future.

Staff states that there is requirement to have another public hearing if changing the decision, and would have to re-notice the public hearing.

Henson is still not in favor of putting industrial within the residential zone. The buffer reduction request can go to the Assembly for approval. McConachie states that this is probably the way to go, and get the final decision with the Assembly. Henson states to leave as is and then have the final decision be the Assembly's decision.

The Commission can only send to the Assembly what is currently approved, with the Assembly making the final decision, unless you renotice a public hearing.

Staff states that as far as the process, if Ms. Torgramsen wants the issue to come back to the Commission, this would not happen until February 2016. But if move it forward with the 50' setback as it is now, and the supporting information, it would speed up the decision process.

McConachie moves to send the P&Z recommendation to the Assembly as it is proposed now with the 50' Easement and the findings of fact, 2<sup>nd</sup> approval received, motion passed by unanimous vote.

3. ADJOURNMENT 12:20 pm

## City and Borough of Wrangell, Alaska

## Agenda G1and G2

Date: January 11, 2016

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: 1) Vacation request for side and back yard setbacks for trailers and house within the Bakeburg Trailer park, on the proposed Lot A and Lot B of the proposed Bakeburg Subdivision, (within USS 2589) zoned Rural Residential I, requested by Jerome and Judith Bakeburg.

2) Preliminary Plat review of the Bakeburg Subdivision, a subdivision of a portion of Lot 17, USS 2589, creating Lot A and Lot B, zoned Rural Residential I, requested by Jerome and Judith Bakeburg

**Background:** The applicant is separating the lot with their residence from the rest of the trailer park parcel.

**Review Criteria:** 

Rural Residential District: Chapter 20.28

Standards: Chapter 20.52

Mobile homes and Mobile home parks: Chapter 20.52.180

Variance: Chapter 20.52.72 Subdivisions: Chapter 19

#### Findings:

The applicants are seeking to subdivide in order to create a separate lot for their primary residence and remove it from the trailer park parcel. In so doing, the proposal opens up review of the development to assure other zoning regulations are being met, for example setback requirements. This is a very old trailer park and I was not able to find any permit files for setback requirements. Since I do not have dates of construction or placement for structures, the variance application will address the existing encroachments.

Setback for residential structures in the Rural Residential District are 20 feet from the front and backyard property lines and 15 feet from side property lines (Ch20.52.110). Trailers have minimum yard requirements which is 10 feet from Front and backyard, 8 feet sideyard, and 10 feet exterior park boundary.

The only permit I have on file for this property is for a conditional use permit issued to Mary Shilts in 2003. A wannigan was constructed at some point since then, but no permits for setbacks to property lines were required at the time.

As you can see from the preliminary plat, there are considerable utility lines crisscrossing the property. According to plat notes, buried utilities (S&W) have not been verified by surveyor, but are based on owner's knowledge. Staff is reviewing the plat for consideration to public utilities, and also to protect the proposed Lot A utilities should the ownership between the two lots be different in the future.

The new subdivision identifies that on Proposed Lot A, the house currently encroaches within the 20 foot back yard setback requirements. An adjacent shed does as well, but the shed is close to being demolished.

Within proposed Lot B, the deck of the trailer/wannigan to the south of Lot A is only 3 foot from the external boundary of the trailer park. On the north side of the lot, the trailer and deck are approximately 2 feet from the external boundary of the trailer park. Staff does not know when construction of each was completed.

## A Variance application must meet four criteria:

- Exceptional Physical Circumstances: The lot is gently sloped. There are not necessarily
  exceptional physical requirements to the land itself, but more because the trailer park is a very
  old park, development of utilities over time in the park have limited where trailers can be
  located.
- Strict application would result in practical difficulties: Because of the age of the park, requiring old trailers to be moved to meet the setbacks would likely destroy trailers and would require considerable rebuilding of utilities.
- 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. Forcing compliance for setbacks within such an aged park could create more safety or public health issues rather than status quo.
- 4. Granting of the variance is not contrary to the Wrangell Comprehensive Plan approved June 22, 2010.

#### **Preliminary Plat Review:**

According to plat note #3, buried sewer and water utilities are based on the knowledge of the landowner and have not been verified. The plat note also says that all utilities will have a 10 foot easement. The Commission needs to determine if that is necessary or not. Normally utility easements are not necessary within a lot, as they the City only provides service to the property line and then the landowner is responsible for the rest of the service lines. In this case, because there is a flag lot, a lot without road frontage, Staff is requesting private utility easements for sewer, water and electrical lines that feed the residence. Those are outlined in blue on the map – but Staff is not sure which sewer line feeds the house and that will need to be determined with landowner and marked appropriately on the plat. An access and utility easement as marked in orange is also required per the Flag Lot requirements of Ch. 19.30. In yellow is a public utility easement for the electric line along the Loop Road and for the Forced Main. While the line itself and lift station should be the responsibility of the landowner, the City Crews have needed to get access to the panel and lift station for assistance. Determination as to the responsibility of the City or landowner for repairs and maintenance needs to be determined.

The landowners should also, at time of filing the final plat, record an access easement maintenance agreement (19.30.020(H)) to identify the responsibility for maintaining the access easement. Consideration for the maintenance of the sewer, water and electrical could also be included. This document should be reviewed and recorded prior to the recording of the final plat.

#### Recommendation:

Staff recommends approval of the Variance request for:

1) A back yard setback of the house on Proposed Lot A to be 3 feet from the back property line,

2) A setback to the 10 foot external boundary requirement for trailer parks of only 3 feet for the trailer on the south side of the property,

3) A setback to the 10 foot external boundary requirement for trailer parks of only 2 feet for the trailer on the north side of the property

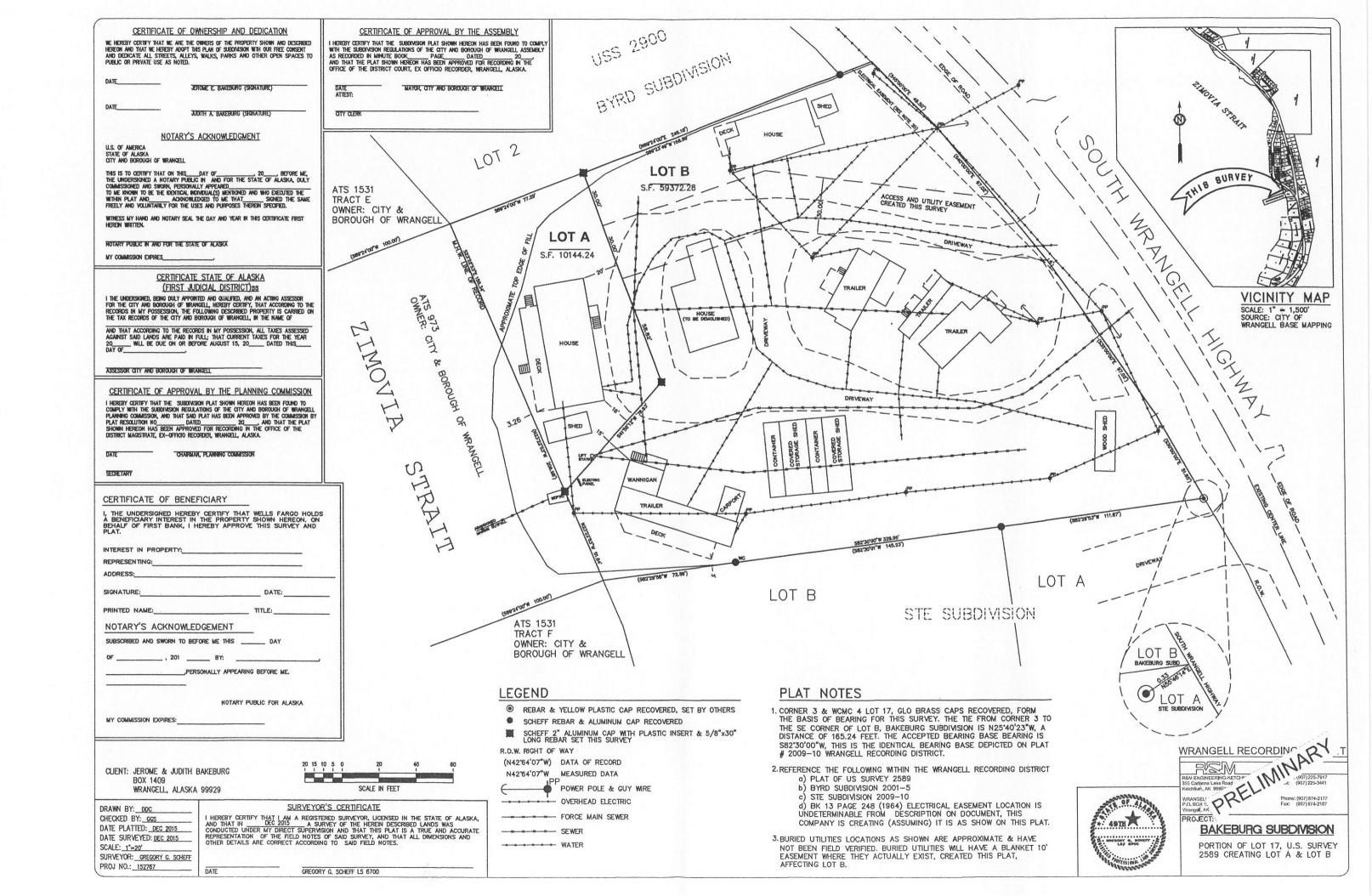
Staff recommends approval of the preliminary plat subject to the following:

- 1) Private easements through proposed Lot B for all sewer, water and electrical utilities that service the residence on proposed Lot A,
- 2) An access/utility easement 30 feet wide to access proposed Lot A,
- 3) Public utility easement for the City's electrical distribution line along the Loop Road frontage,
- 4) A public/private utility easement for the Force Sewer Main to the Lift Station and the electrical panel
- 5) Modification to Plat Note 3
- 6) The recording of an access easement maintenance agreement for the access easement to Proposed Lot A

## APPLICATION FOR VARIANCE

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

1.	The undersigned hereby applies to the City of Wrangell for a variance.						
11.	Description: (use additional paper if necessary)						
	Legal description of the area requested for the variance						
	USS 2589						
	Lot (s) size of the petition area						
	Existing zoning of the petition area						
	Existing zoning of the petition area						
	Back & side gards for existing structures						
	Proposed change that requires this variance						
	Subdivision						
111.	Application information: (use additional paper if necessary)						
	Explain details of the proposed development Subdividing D put						
	House on separate lot from trailer park						
	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.						
la	ereby affirm that the above information is true and correct to the best of my knowledge. Iso affirm that I am the true and legal property owner or the authorized agent thereof for a property subject herein.						
PF	RINT PETITIONER'S NAME						
	SNATURE (S) OF THE OWNER (S) OF THE LAND IN PETITION AREA  PO BOX 1409, WRG, AK 99929  DDRESS  TELEPHONE						



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WRANGELL, ALASKA 99929	SCALE IN FEET  C'S CERTIFICATE	POWER POLE & GUY WIRE  OVERHEAD ELECTRIC	b) BYRD SUBDIVISION 2001-5 c) STE SUBDIVISION 2009-10 d) BK 13 PAGE 248 (1964) ELECTRICAL EASEMENT LOCAT	ION IS	355 Carfanna Lake Road (907) 225-3441  Ketchikan, AK 9990*  WRANGEL Phones: (907) 874-2177 P.O. BOX 1. Fax: (907) 874-2187
CHECKED BY: GGS  I HEREBY CERTIFY THAT I AM A REGISTE AND THAT IN DEC 2015  AND THAT IN DEC 2015  CONDUCTED UNDER MY DIRECT SUPERMS CONDUCTED UNDER MY DIRECT SUPERMS	RED SURVEYOR, LICENSED IN THE STATE OF ALASKA, RYEY OF THE HEREIN DESCRIBED LANDS WAS ON AND THAT THIS BY BALLS A THIE AND ACCURATE	FORCE MAIN SEWER	UNDETERMINABLE FROM DESCRIPTION ON DOCUMENT, THE COMPANY IS CREATING (ASSUMING) IT IS AS SHOW ON THE		PROJECT:
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