

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

December 14, 2017
7:00pm

Agenda

A. CALL TO ORDER/ROLL CALL

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: October 12, 2017

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

G. NEW BUSINESS

1. Conditional Use permit application for storage of goods and equipment that may be of a non-water dependent use on Lots 1,2,3,4 and 5 Block 12A and Lots 21,22,23,24,25, 26 and portion of 1 Block 12, zoned Waterfront Development, requested by Tidewater Investments LLC, Shirley Wimberley and Benn Curtis.
2. Request by Tidewater Investments LLC to purchase filled tidelands, specifically a portion of Lot 15, Block 12A, adjacent to Lots 1-5, Block 12A,Wrangell Townsite, zoned Waterfront Development, requested by Shirley Wimberley, member Tidewater Investments LLC.
3. Request by BW Enterprises to purchase unfilled tidelands, specifically a portion of Lot 15, Block 12A, Wrangell Townsite adjacent to Lots 6 and 7, Block 12A, Wrangell Townsite, zoned Waterfront Development, requested by Brett Woodbury of BW Enterprises.
4. Discussion of remote zoning

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT

City and Borough of Wrangell, Alaska

WRANGELL PLANNING AND ZONING COMMISSION

October 12, 2017
7:00pm

Minutes

A. CALL TO ORDER/ROLL CALL: Chair Terri Henson called the meeting to order at 7:00pm. Commissioners Duke Mitchell, Apryl Hutchinson, Charles Haubrich present. Absent Don McConachie. Also present, staff Carol Rushmore.

B. AMENDMENTS TO THE AGENDA

C. APPROVAL OF MINUTES: September 14, 2017
Haubrich moves to approve as presented, Hutchinson seconds, approved unanimous

D. PERSONS TO BE HEARD

E. CORRESPONDENCE

F. OLD BUSINESS

G. NEW BUSINESS

1. Final plat approval and Access Easement Maintenance Agreement of River's Edge Subdivision, a subdivision of Tracts A, B1 and B2, Sergief Island Subdivision, zoned Remote Residential Mixed-Use F1, requested by owners Greg Wood and Bernard Massin.

Conditions of the preliminary plat were met.

**Hutchinson moves to approve the final plat as presented, Haubrich second
Approved unanimous**

2. Variance application review for a height variance for a house on Lot 9, Block 1 City Subdivision, Zoned Single Family Residential, requested by Mike Jabusch.

Open public hearing

Close hearing

Mitchell moves to approve the variance application for up to 30 feet in height for the house on Lot 9, Block 1 City Subdivision, Zoned Single Family Residential, requested by Mike Jabusch. Hutchinson Seconds.

This is the second request that has come before us that has mentioned the building code requirements. We might want to review the code requirements and modify according the standards if necessary to comply with building requirements.

Approved unanimously

3. Request for a vacation of a 3 foot wide trail right-of-way from Cassiar to the corner of Lot 20A Oliver Subdivision and Lot A LRO Subdivision, requested by Thomas Roland, owner of Lot 20A and Michael Nash, Attorney for Evi Fennimore, Trustee of the Viola Erickson Irrevocable Trust, owner of Lots 7 and 8A, Block 13, USS 1119 (or proposed new Lot 8A of proposed Fennimore/Roland Replat).

Open Public hearing

Close public hearing

The Trail has actually been moved to Reid Street up the steps to Mt. Dewey drive and around. An alternative routes was created and maintained. Hutchinson moves to recommend to the Assembly to vacate the ROW Haubrich seconds.

Hutchinson comments about a necessary easement through portion of Lot 7, otherwise we are creating a landlocked lot.

Hutchinson moves to amend the approval subject to that either one lot is created between portions of Lot 7 and Lot 8, or that a legal access easement created through portion of Lot 7 in order to access portion of Lot 8.

H seconds the amendment

Amendment is approved unanimously.

Main motion is approve unanimously.

H. PUBLIC COMMENT

I. COMMISSIONERS' REPORTS AND ANNOUNCEMENTS

J. ADJOURNMENT 7:24pm

City and Borough of Wrangell

Agenda G-1

Date: December 8, 2017

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Conditional use application for storage of goods and equipment that may be of a non-water dependent use on Lots 1,2,3,4 and 5 Block 12A and Lots 21,22,23,24,25, 26 and portion of 1 Block 12, zoned Waterfront Development, requested by Tidewater Investments LLC, Shirley Wimberley and Benn Curtis.

Background: Applicants have recently purchased this property from the Stough's and are looking to provide storage opportunities for goods that may be of a non-water dependent use.

Review Criteria: Waterfront Development District: Chapter 20.50
Standards: Chapter 20.52
Conditional Uses : Chapter 20.68

Findings: Wrangell Municipal Code 20.50.040 requires other uses not water related or dependent be permitted with a Conditional Use permit in the Waterfront Development District. The proposed use is a light industrial type use. As requested, the applicants would like to permit water related activities as well as storage of goods that are not solely water oriented and could also be housed anywhere in town.

There are no setbacks required in the Waterfront Development District.

There is adequate parking and vehicular access for the property. The applicants are proposing to fence off the area for security purposes after the Evergreen Road resurfacing project.

Conditions of Approval for conditional use applications include:

- 1) *Minimal impacts on adjacent neighbors from noise, traffic, appearance, yards etc.* The proposed light industrial facility is located adjacent to the ferry terminal but across. Traffic on Case Avenue should not be increased due to allowing additional storage on the site. Some storage is already occurring on the property. The site is at the corner that provides the only access to residences and businesses on Evergreen Avenue. Noise could potentially increase at the site should certain permitted water front development uses occur, but should not from the loading or unloading of storage goods. Appearance on the site could change impact the visual appearance to the houses that look down over the site. The site is currently used for storage of construction equipment, vessels, and container vans and has been used for barge loading and unloading in the past. More storage, or a storage yard that turns into a junk yard could dramatically affect views. Conditions could be placed to require owners to monitor their site for "junk" storage and abandoned equipment or vehicles.
- 2) *Provisions of sewer and water:* There is sewer and water connection available to the property.

3) *Entrances and off-street parking available without safety issues:* Access to the site is near the corner of the property adjacent to the Ferry Terminal and further down the property. Once the Evergreen resurfacing project is completed, there will be clear access to the property. The owners also plan to fence and provide specific entrances/exits.

Recommendation: Staff recommends approval of the conditional use permit request for storage facility subject to the Findings above and the following conditions:

1. Facility security lighting should consider adjacent residences in type and placement to minimize impacts.
2. Applicants will be responsible for the storage of metals, equipment and vehicles, such that the yard does not become an abandoned "junk yard". Regular monitoring of storage items to ensure the storage yard does not turn into the "abandonment of junk or waste material including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, or other vehicles, machinery or parts" WMC20.08.400.

CITY OF WRANGELL, ALASKA
CONDITIONAL USE APPLICATION

PLANNING AND ZONING COMMISSION
P.O. BOX 531
WRANGELL, ALASKA 99929
Application Fee: \$50

RECEIVED

OCT 12 2017

WRANGELL CITY HALL

I. Applicant's Name and Address: Tidewater Investments, LLC
Box 806
Wrangell, AK 99929

Applicant's Phone Number: 907-305-0338

II. Owners's Name and Address: Shirley B Wimberley &
Rolland "Benn" Curtis
SAME AS ABOVE

Owner's Phone Number: SAME AS ABOVE

III. Legal Description: Lots 1, 2, 3, 4 & 5, Block 12-A AND Lots 21, 22, 23, 24, 25, 26 &
part of 1, Block 12, U.S. Survey 1119 Parcel No. _____

IV. Zoning Classification: most is WFD with the small portion of lot 1, block 12 SFR

V. Specific Request: We just purchased this property (and would like to purchase
the portion of lot 15, block 12-A that is adjacent to the lots 1-5, block 12-A).

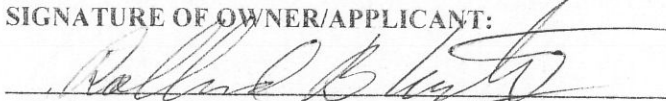
The property is currently being used as storage and we would like to be able to
allow for storage of any legal items and activities.

We plan to work with Brett Woodbury to level up the property & then
eventually fence it off for better security. We plan to start the fencing
sometime next spring and complete it after the road project is complete.

VI. Site Plan shall be submitted with the application. The plan shall show existing and proposed structures, driveways, roadways, existing and proposed grading. Additional information shall be furnished upon request of the Zoning Administrator.

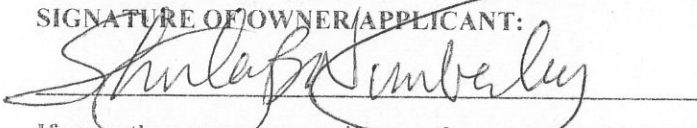
VII. Construction Schedule: BEGIN: Spring 2018 END: after road project done

SIGNATURE OF OWNER/APPLICANT:



DATE: 10/10/2017

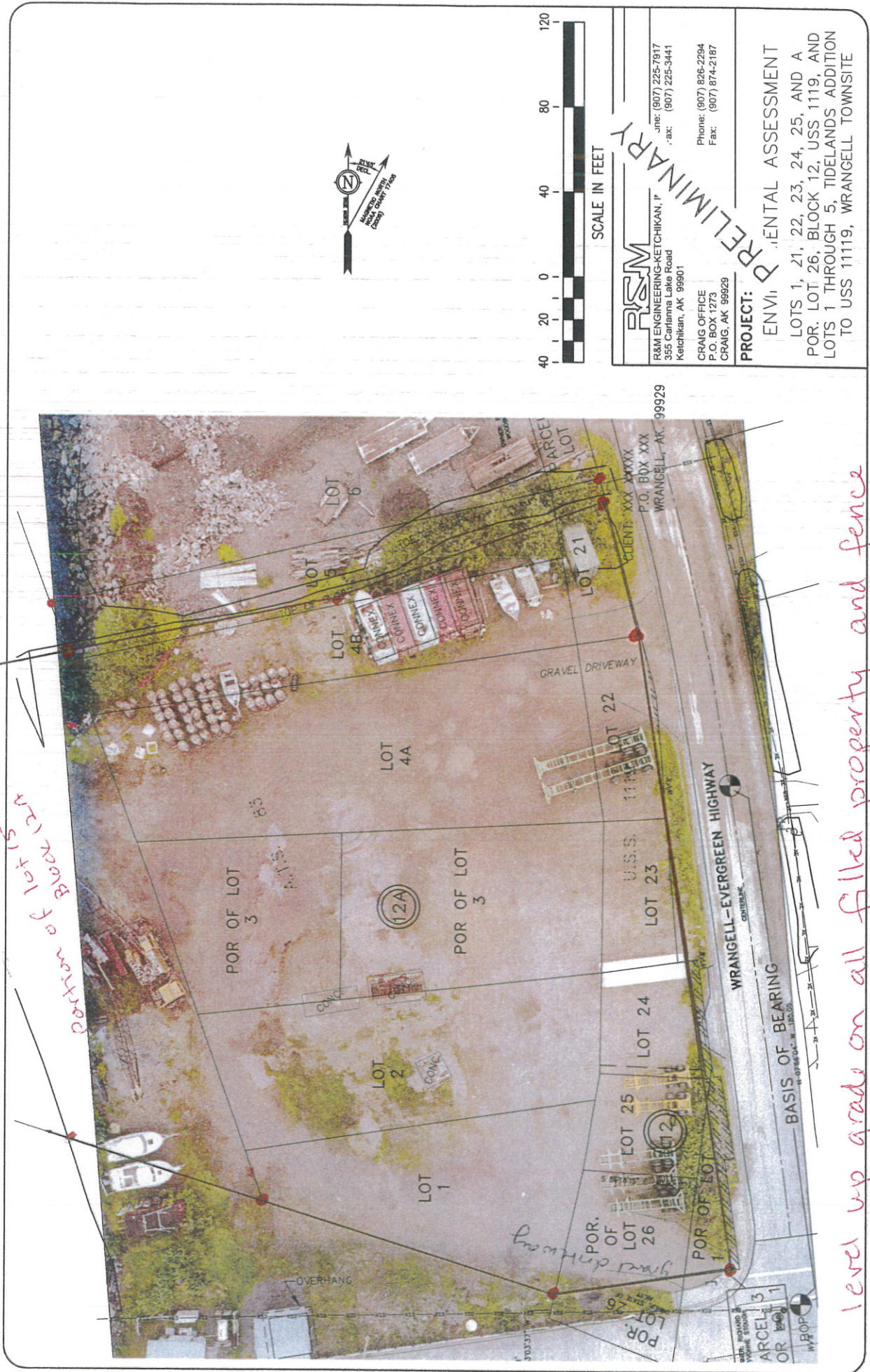
SIGNATURE OF OWNER/APPLICANT:



DATE: 10/10/2017

If more than one owner or if more than one parcel is involved, attach all signatures on a separate piece of paper identifying which parcels are owned by which persons.

Written authorization of the property owner must be submitted with this application if the applicant is other than the owner.



*portion of lot 15
Block 12A*

*Level up grade on all filled property and fence
the perimeter (leaving the front-roadside-until
after the road project is complete).
SPB Amberley*

City and Borough of Wrangell

AGENDA G2

Date: December 8, 2017

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Tidewater Investments LLC to purchase filled tidelands, specifically a portion of Lot 15, Block 12A, adjacent to Lots 1-5, Block 12A, Wrangell Townsite, zoned Waterfront Development, requested by Shirley Wimberley, member Tidewater Investments LLC.

Background: Tidewater Investments LLC is requesting to purchase previously filled but unsubdivided tidelands waterward of the uplands and tidelands that they own adjacent to the ferry terminal. The filled tidelands they are seeking to purchase are currently owned by the City and Borough of Wrangell and is approximately ½ acre. The tidelands and uplands owned by the applicants were recently purchased from the Stough Family Trust. The previous owners had also requested to purchase the Borough's filled tidelands in 2015 and 2016, but the request had been put on hold until access issues between them and BW Enterprises, also seeking to purchase adjacent Borough tidelands, were resolved.

There is a barge ramp at the north end of the Borough owned tideland area. This ramp was utilized by the previous owner and access to it was being complicated by the BW Enterprise request to purchase adjacent tidelands. Each of their proposals could have affected the other's planned use of the tidelands. It appears that Tidewater Investments LLC and BW Enterprises, by the contents of their letters submitted for these agenda items, have resolved the previous access and use conflicts.

Findings: The Planning and Zoning Commission is making a recommendation to the Assembly whether to sell the requested tidelands.

The Port Commission reviewed this request at their regular meeting of December 7, 2017 and recommended to the Assembly to sell the requested tidelands.

The Borough owned tidelands requested by Tidewater Investments to purchase, are an unsubdivided portion of Lot 15, Block 12A, Wrangell Townsite and were filled without authorization in the early 1990's by the owner of the adjacent tidelands at that time. The Borough has had limited or no access to the tidelands due to the private ownership of the filled area between them and Evergreen Ave. The Borough owned filled tidelands were always used by the previous owner.

Since the previous landowner's concern regarding use of the barge ramp area is not of concern to the current landowner, per the attached letter, that particular issue is of no consequence should the tidelands be approved for sale. There is, however, an issue and concern of the Alaska Marine Highway who has right of way authority surrounding the ferry terminal dock. The area of concern is the proposed configuration of the tideland sale area of the mutual north corner with the proposed purchase request from BW Enterprises and potential encroachment

with the State of Alaska Right of Way for the ferry terminal. In previous conversations, the State was very concerned about maintaining their ROW area free of obstructions. The

The fill area is in place and the cost to remove would be exorbitant. It makes sense to lease/sell the filled unsubdivided tidelands to the adjacent tideland/upland owners (Tidewater Investments LLC) as access is only through their property or from the water. However, the outer property line and corner should be adjusted, and verified with surveys, in order to minimize proximity or encroachment into the State lease and right of way area. Plans and photos Borough staff are currently using are the best provided by the State or that we have, but actual in-water lease/sale area must be verified by survey and in cooperation with the State of Alaska.

Issues regarding the outer boundary for lease/sale for the tidelands adjacent to BW Enterprises are addressed in that Staff Report.

Staff recommends that Planning and Zoning Commission recommend the Borough sell the previously filled tidelands to Tidewater Investments, LLC with the following conditions:

- 1) The north corner is reconfigured from submitted drawing and angled toward land to minimize encroachment with State of Alaska tidelands and ROW
- 2) All tideland sale areas are verified by survey and coordinated with the State Alaska Department of Transportation Marine Terminal Operations Manager prior to final approvals.

Tidewater Investments, LLC
P.O. Box 806
Wrangell, AK 99929

October 13, 2017

Ms. Carol Rushmore
Economic Development Director
P.O. Box 531
Wrangell, AK 99929

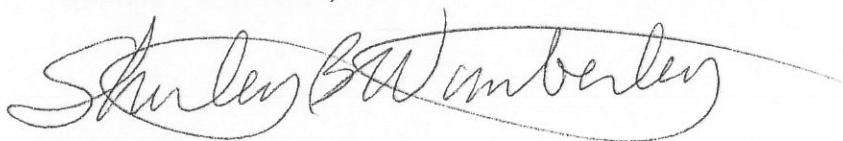
Ms. Rushmore,

This is a proposal to purchase tide lands in Block 12-A from the City and Borough of Wrangell. These tide lands (see attachment) are a portion of Lot 15 that are adjacent to Lots 1-5 in Block 12-A that we, Tidewater Investments, LLC, have just purchased. This land had already been filled by the previous owner, so we would like to be able to use it, along with the land we now own for the immediate purpose of a storage lot, as it has been being used just prior to our purchase. We would just like to include this land, legally and without question, in our venture.

We have talked with Brett Woodbury of BW Enterprises, the owner of the property next to us, and we are in full agreement that if we are able to purchase the tidelands adjacent to Lots 1-5, Block 12-A, and he is able to purchase the tide lands adjacent to his lots (Lots 6 and 7, Block 12-A), that we have no objections to him filling in his portion and building a barge ramp. We are in agreement that we would like the properties to be filled to level grade with each other along our adjoining boundary, and that should we ever need the use of a barge ramp, that he would make his available to us. Therefore, we do not need the make-shift ramp that is currently on the city property that we are proposing to purchase.

Thank you for your consideration in this matter. If you have any questions or concerns, please see the contact information below.

Sincerely,
Tidewater Investments, LLC

A handwritten signature in black ink that reads "Shirley B. Wimberley". The signature is written in a cursive style and is enclosed within a large, sweeping oval stroke.

Shirley B. Wimberley, Member
907-305-0338
sbwimb@gci.net

*Mooring
Depository
Extend further*

12
BLOCK
UNUSED TIDELAND
(CITY OF WYOMING)

12
BLOCK

PRIOR AMHS Tidelands
Lease Boundary

Proposed Purchase
BW Enterprise
0.16 Acs

Proposed Purchase
Ben-Curtis
0.62 Acs

*1.76 Acs
See sketch on p. 11
The water is a wetland*

Existing
Generator
Building

Transfer Bridge

BR-2
Covered Walkway

-50
-45
-40
-35
-30
-25
-20
-15
-10
-5
0

For
Applied
5)

BC-2

S
89

BR-1

S1

N1

N2

BR-2

3

2

1

5

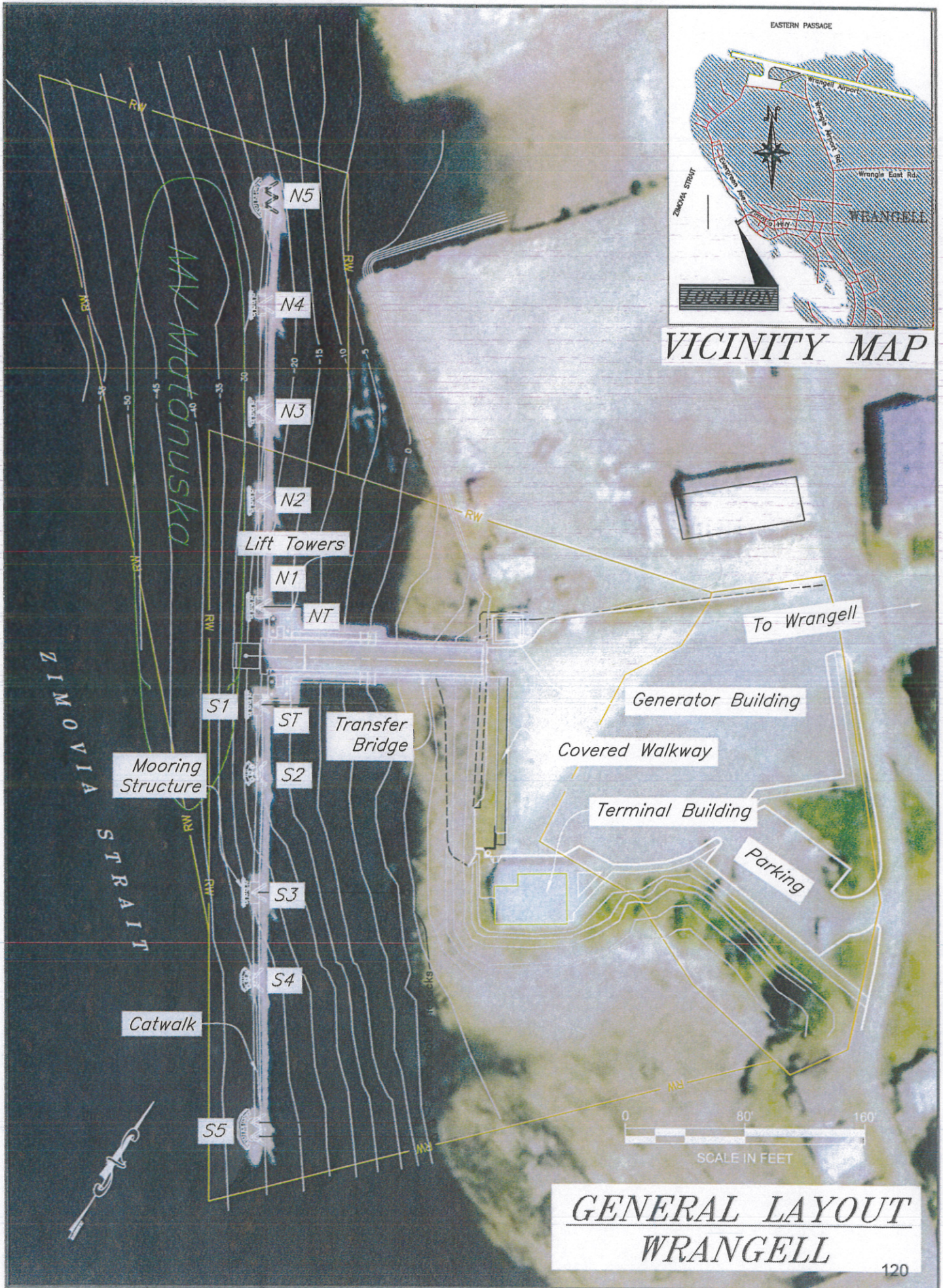
6

7

8

9

18



**GENERAL LAYOUT
WRANGELL**

Wrangell Port Commission

MEMO

TO: THE HONORABLE MAYOR AND ASSEMBLY
CITY AND BOROUGH OF WRANGELL

FROM: SHERRI COWAN, PORT RECORDING SECRETARY

SUBJECT: Approve the sale of City owned Tidelands, a portion of Lot 15, adjacent to
Lots 1-5, Block 12A, previously filled by the previous owner, to be used for
storage

DATE: December 7, 2017

At their December 7, 2017 Regular Meeting, the Port Commission approved the request from Shirley Wimberley, Member of Tidewater Investments, LLC, to Approve the sale of City owned Tidelands, a portion of Lot 15, adjacent to Lots 1-5, Block 12A, previously filled by the previous owner, to be used for storage

City and Borough of Wrangell

Agenda G3

Date: December 11, 2017

To: Planning and Zoning Commission

From: Carol Rushmore, Economic Development Director

Re: Request to purchase tidelands in the unsubdivided portion of Lot 15, Block 12A, ATS 83, adjacent to tideland Lots 6 and 7 Block 12A ATS 83 and upland Lots 19 and 20, Wrangell Townsite which are zoned Waterfront Development, requested by BW Enterprises, Brett Woodbury, owned by the City and Borough of Wrangell

Background: Mr. Woodbury purchased Lots 6 and 7, Block 12A, ATS83, and has filled those tidelands for water dependent and related uses.

Review Criteria: Waterfront Development District: Chapter 20.50
Standards: Chapter 20.52
Conditional Uses: Chapter 20.68

Findings:

Mr. Woodbury is requesting to purchase approximately .16 acres of Borough submerged tidelands adjacent to his recently filled tidelands he owns for the purposes of expanding various water related activities, including loading and unloading barges. The area proposed for purchase is not a square shape but is approximately 104 feet wide and extends on the south end approximately 120 feet out to the currently filled corner of the Borough unsubdivided tidelands seeking to be purchased by Tidewater Investments LLC, and a lesser distance on the north end.

The Port Commission reviewed this request at their regular meeting of December 7, 2017 and recommended to the Assembly to sell the requested tidelands.

There is a barge ramp at the north end of the Borough owned tideland area which Tidewater Investments LLC is seeking to purchase. This ramp was utilized by the previous owner and access to it was being complicated by the BW Enterprise request to purchase the proposed tidelands of this application. Each of their proposals could have affected the other's planned use of the tidelands. It appears that Tidewater Investments LLC and BW Enterprises, by the contents of their letters submitted for these agenda items, have resolved the previous access and use conflicts.

Since the previous landowner's concern regarding use of the barge ramp area is not of concern to the current landowner, per the attached letter, that particular issue is of no consequence should the tidelands be approved for lease or sale.

There is, however, an issue and concern of the Alaska Marine Highway who has right of way authority surrounding the ferry terminal dock. The area of concern is the proposed configuration

of the requested tideland area in relation to the State of Alaska Right of Way area for the ferry terminal. In previous conversations, the State was very concerned about maintaining their ROW area free of obstructions. The proposal is immediately adjacent to and possibly encroaches in the tideland area reserved by the Alaska Marine Highway System for their facility. The applicant has an "L" shaped dotted line marking a buffer of 20 feet from the ROW boundary. We do not have surveyed data to know exactly the distance between their proposal and the ROW or even the piling structures, thus there are differences of opinions as to how close the proposed activity is to the AMHS ROW and dock.

Based on aerial photographs provided by the Alaska Marine Highway System as well as the City's mapping system, staff believes the outer boundary of the proposed requested tideland purchase area encroaches into the AMHS marine ROW area or that, per their site plan, the pile supported dock encroaches in the buffer area for the ROW. While AMHS may not need that specific area for docking ferries, it is their area of jurisdiction and protects the access to and integrity of the dock facility.

Recommendation: Staff recommends that the Planning and Zoning Commission recommend to the Assembly to sell a reduced tideland area, subject to the following:

- 1) Tideland area extends only from the north corner of the Borough's previously filled tidelands requested by Tidewater Investments and angled sharply toward land to minimize encroachment with State of Alaska tidelands and ROW and maintain adequate buffer;
- 2) Final tideland sale area is verified by survey and coordinated with the State Alaska Department of Transportation Marine Terminal Operations Manager prior to final approvals to sell;
- 3) The barge docking will be at an angle parallel to the ROW of State of Alaska DOT to remain out of the ROW area
- 4) Barges may be required to sit offshore during ferry arrival/departure at port.

RECEIVED
OCT 25 2017
WRANGELL CITY HALL

10/24/201

Carol Rushmore
Economic Development Director
Wrangell City and Borough
P.O. Box 531
Wrangell, AK 99929

Carol:

This is to restate BW Enterprises interest in purchasing the City and Borough owned tidelands adjacent to Lot 6&7 Block 12A. this purchase will make it possible to complete development of Lot 6&7.

The purchase will make possible the construction of a pile supported platform dock that will be used to unload and load boats by use of a dock mounted crane. The dock will front on Lot 6. The tidelands adjacent to Lot 7 will be used to construct a barge ramp that will permit loading and offloading ramp mounted barges.

The project is designed to comply with the 20 foot buffer requirement around the AMHS lease boundary. The attached Plan shows the detail of this proposal.

Sincerely,

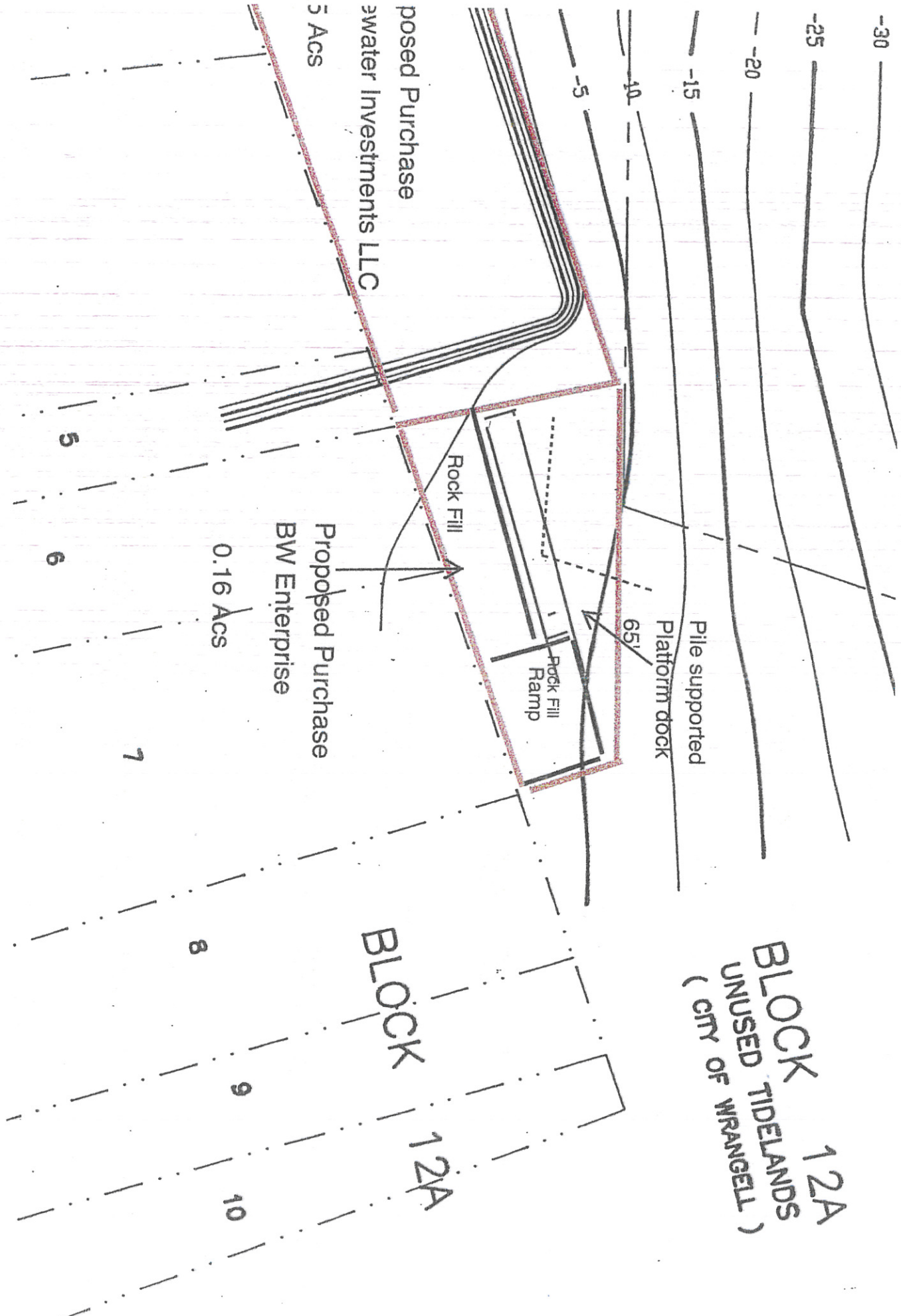
G. Woodbury
George Woodbury

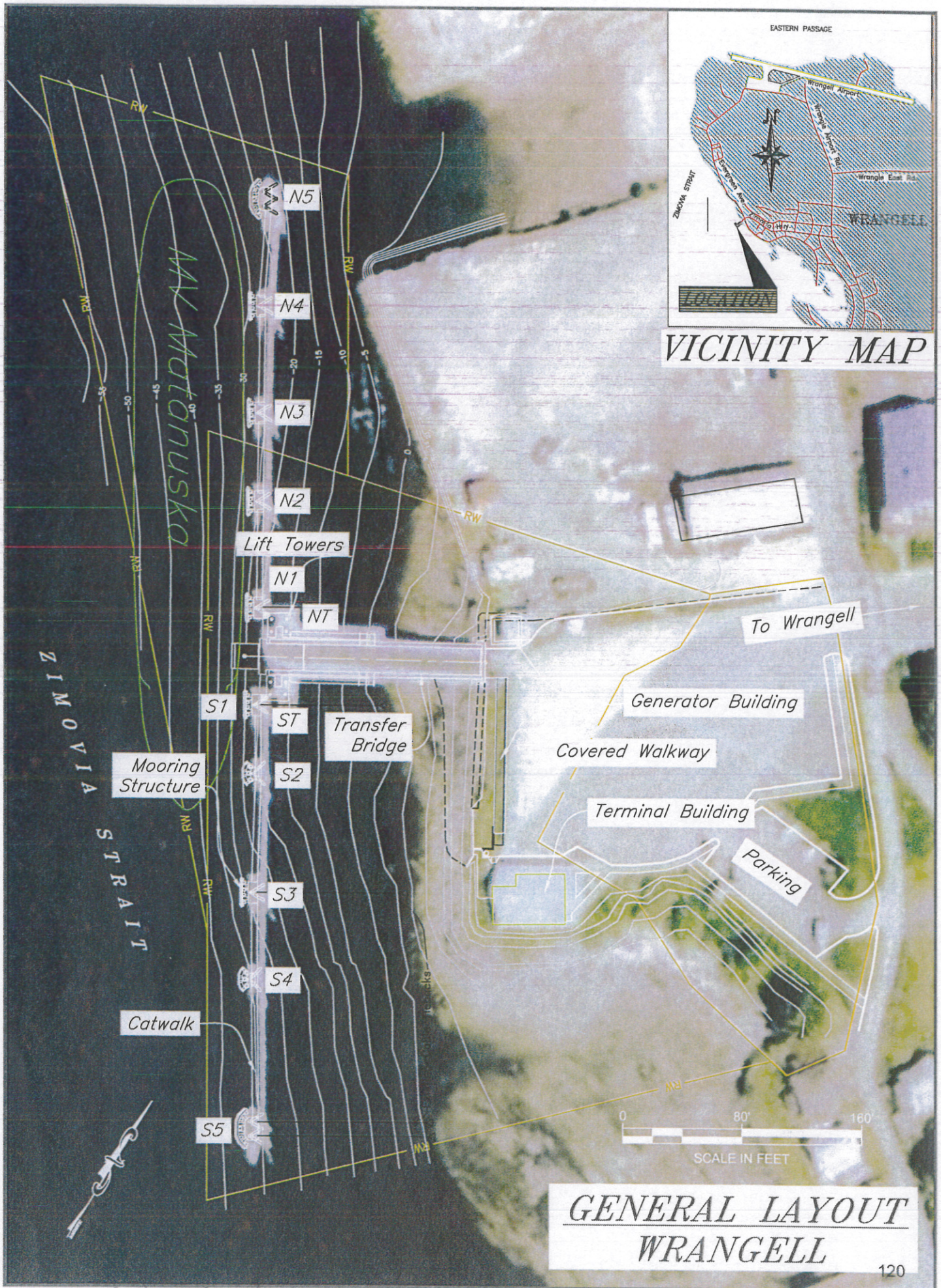
B.W.

Great Woodbury

B.W. Ent.

BLOCK 12A
BLOCK 12A
UNUSED TIDELANDS
(CITY OF WRANGELL)





VICINITY MAP

**GENERAL LAYOUT
WRANGELL**

Carol Rushmore

From: Bradley, Simon P (DOT) <simon.bradley@alaska.gov>
Sent: Thursday, August 06, 2015 1:44 PM
To: Carol Rushmore
Cc: Neussl, Michael A (DOT); Falvey, John F (DOT); Welsh, Richard E (LAW); Buck, Joseph T (DOT); McLaren, Matthew A (DOT); Karvelas, Anthony G (DOT)
Subject: RE: AMHS ferry terminal land issues

Hi Carol

While we currently lack sufficient information, this proposal is potentially problematic at least insofar as the proposed barge facility could encroach upon the federal right-of-way. For instance, [23 C.F.R. §1.23](#) generally mandates that:

all real property, including air space, within the right-of-way boundaries of a project shall be devoted exclusively to public highway purposes. No project shall be accepted as complete until this requirement has been satisfied. The State highway department shall be responsible for preserving such right-of-way free of all public and private installations, facilities or encroachments...

Navigation, or creating an obstruction to ferry arrivals and departures is another concern. As mentioned, we do not have enough information about the planned facility expansion and use at this point to adequately assess that.

Kind regards

Simon Bradley
Ferry Terminal Operations Manager
Alaska Marine Highway System
State of Alaska, DOT&PF

907-228-7290
907-228-6873 fax
FerryAlaska.com

Ok thanks Carol

As long as they do not encroach on State of Alaska/AMHS Right of Way, and do not impede AMHS ferry operations into or out of our Wrangell dock facility, then we don't have an opinion on their proposal. Based on the rough drawings and sketches though, it appears that the parcel they desire does overlap with the AMHS Right of Way, so obviously we would not support that. We need a more precise analysis of the property lines and more detailed information on exactly what they are proposing.

Let's see what the outcome of tomorrow's Planning & Zoning Committee meeting is and then we can further communicate.

Kind regards

Simon Bradley
Ferry Terminal Operations Manager
Alaska Marine Highway System
State of Alaska, DOT&PF

907-228-7290
907-228-6873 fax
FerryAlaska.com

Wrangell Port Commission

MEMO

TO: THE HONORABLE MAYOR AND ASSEMBLY
CITY AND BOROUGH OF WRANGELL

FROM: SHERRI COWAN, PORT RECORDING SECRETARY

SUBJECT: Approve the sale of City owned Tidelands, adjacent to Lot 6&7, Block 12A
(owned by BW Enterprises, which would make it possible to complete the
development of Lot 6&7)

DATE: December 7, 2017

At their December 7, 2017 Regular Meeting, the Port Commission approved the request from George Woodbury, for BW Enterprises to Approve the sale of City owned Tidelands, adjacent to Lot 6&7, Block 12A (owned by BW Enterprises), which would make it possible to complete the development of Lot 6&7.