



**MUNICIPALITY OF SKAGWAY
PLANNING AND ZONING COMMISSION MINUTES
NOVEMBER 8, 2012 REGULAR MEETING, 5:30 P.M.
ASSEMBLY CHAMBERS**

Amended

1. CALL TO ORDER:

Chair Matt Deach called the meeting to order at 5:32 p.m.

2. ROLL CALL:

PRESENT: Chair Matt Deach; Commissioners Spencer Morgan, Rocky Outcalt, David Brena; and Assembly Representative Steve Burnham.

ABSENT: Commissioner Craig Franke.

Steve Burnham, Jr. has been appointed to the serve as the ex-officio member of the Planning & Zoning Commission.

3. APPROVAL OF MINUTES:

C. October 11, 2012, Regular Meeting.

To approve the minutes of the October 11, 2012 regular meeting as submitted. There were no additions or corrections; the minutes were approved as submitted.

4. APPROVAL OF AGENDA:

A. November 8, 2012 Regular Meeting

To approve the agenda of the November 8, 2012 regular meeting as amended. There were no objections; the agenda was approved as amended.

5. COMMUNICATIONS:

A. Correspondence

Chair Deach stated that the correspondence has been made available on the table at the back of the Assembly Chambers.

B. Hear Citizens Present. ***PLEASE COME TO THE FRONT OF THE CHAMBERS AND STATE YOUR NAME BEFORE ADDRESSING THE COMMISSION.***

Chair Deach opened the meeting to public comments and queried if there were any citizens who would like to address the commission on any issues generally pertaining to items other than those on the agenda.

There were no citizen statements.

Chair Deach closed hearing citizens present.

6. UNFINISHED BUSINESS:

A. **Public Hearing; Recommendation on Taiya Inlet Watershed Council Streamwalk proposal;** public hearing about the proposed project.

Rachel Ford represented the Streamwalk proposal as executive director of the Taiya Inlet Watershed Council.

Rachel Ford presented the proposal for the Streamwalk project to the commission and indicated that she would like to receive approval by the commission for a portion of the installation as it is described in her letter to municipality. She indicated that she is in the process of applying for grant money from the State of Alaska but that she needs authorization from the borough manager to proceed as well as a guarantee by the borough that access to the waters will be dedicated for a minimum of ten years. Rachel Ford stated that the Streamwalk project southerly portions known as 'Zone 1' and 'Zone 2' are the portions she is seeking to have funded so as to begin work next summer.

Paul Reichert stated that he is on the steering committee for the Streamwalk project and that he is in full support of the proposal.

Jaime Bricker stated that she is on the steering committee for the Streamwalk project as a liaison for White Pass & Yukon Route U.S., Inc. and that White Pass is in full support of this proposal. She added that the commissioners' concern about the traffic at the railroad crossing has been addressed and that the crossing should be improved for both pedestrians and automobiles by the installation of fences and walks for this project.

The commission discussed the proposal and had no additional comments, queries, or concerns.

Motion/Second: Outcalt/Morgan

To recommend to the Borough Manager and Assembly that the Taiya Inlet Watershed Council's Streamwalk project proposal be accepted as submitted.

Motion passed unanimously by roll call vote of those present, 4 yes, 0 no, 1 absent.

Affirming: Commissioners: Deach, Outcalt, Morgan, and Brena

Dissenting: none

Absent: Commissioner: Franke

B. **Public Hearing; Recommendation on RV Park Regulations;** public hearing about amending RV park regulations in Chapters 19.02 & 19.06 of Title 19 of Skagway Municipal Code.

Permitting Official Van Horn stated that he has put the proposal into the form of a draft code amendment ordinance. He stated that this recommendation and its corresponding draft ordinance is a follow-up to the work session that the commission held in August with RV Park owners upon finding that code prohibits RV parks south of 15th Avenue. He added that the commission had found that two items should be corrected in Title 15, Building and Construction so as to be consistent with Title 19, Planning & Zoning and end the stalemate on existing and future proposals for RV parks south of 15th avenue.

The commission indicated that they have discussed this recommendation at its past hearings and that the two items that Permitting Official Van Horn has made changes on, addressing the discrepancy between the two titles of municipal code, are what they had intended to be changed.

No comments from the public were made during this hearing.

Motion/Second: Brena/Morgan

To recommend the adoption of code-amendment proposal 'RV Park Regulations' making changes to Chapter 15.14 to the borough assembly.

Motion passed unanimously by voice vote of those present, 4 yes, 0 no, 1 absent.

Affirming: Commissioners: Deach, Outcalt, Morgan and Brena

Dissenting: none

Absent: Commissioner: Franke

- C. **Conditional Use Permit Application #12-66; John Whedon, TEMSCO Helicopters, Inc.; Waterfront Zone; Lease ptn. 6G, ATS #4; Request to continue using heliport.**

Paul Reichert represented the application on behalf of the owner and applicant.

Paul Reichert replied to the letter that had been submitted to the commission by Dave Hunz immediately prior to the last hearing. He indicated that the business has been operating in harmony with its neighbors and with the municipality for the past decade. He stated that he is objectionable to the stipulation that the permit be reviewed annually or biannually because it may cause instability for TEMSCO but that he is in favor of the term of the permit expiring upon the term of the lease of the land.

No comments from the public were made at this hearing.

The commission discussed the conditional use permit application requesting to continue to operate a heliport on Lease portion 6G, ATS #4.

Motion/Second: Morgan/Outcalt

To approve Conditional Use Permit Application No. 12-66, request to continue to operate a heliport; with the following conditions:

1. the permit will expire concurrently with the municipal sublease with TEMSCO Helicopters, Inc. (term ending in 2021)
2. the submittal of the generalized flight plan for helicopters to the Municipal Permitting Official's office to be kept on file with the permit

Motion passed unanimously by roll call vote of those present, 4 yes, 0 no, 1 absent.

Affirming: Commissioners: Deach, Outcalt, Morgan and Brena

Dissenting: none

Absent: Commissioner: Franke

7. **NEW BUSINESS:**

- A. **Planning & Zoning Commission Resolution #2008-12;** Conditional Use Permit #08-21; Jeff Hamilton; request to amend permit to reflect reduced conditional use area; 400 feet south of the Dyea Rd. turn-off, ptn. of USS# 176 in the Industrial Zoning District.

Niki Hahn and Jeff Hamilton represented the request on behalf of the owner and applicant.

Niki Hahn indicated that Jeff Hamilton's original permit was used for a watchman's trailer to oversee that area of land which was entirely owned by Jeff's company as a single tract of land. She indicated that at that time, and up to the present, that property has had issues with people using it for purposes that create a nuisance for the owner such as riding four-wheelers, camping illegally, and parking RVs. She stated that she would like to commission to consider that, while the lot size has decreased in size, several of those issues still remain despite the smaller size of property and the development at the south end of the former tract. She stated that the Skagway Commercial Company currently owns Lot 1 through Lot 4 and would like the commission to permit the continued use of that property for the purposes she has indicated.

Motion/Second: Morgan/Brena

To approve amending Resolution #08-12; Conditional Use Permit Application No. 08-21, request to amend permit to reflect reduced conditional use area.

Motion passed unanimously by roll call vote of those present, 4 yes, 0 no, 1 absent.

Affirming: Commissioners: Deach, Outcalt, Morgan, and Brena

Dissenting: none

Absent: Commissioner: Franke

- B. **Subdivision Application #12-72;** Jaime Bricker, PARN; Industrial Zone; WP&YR Terminal Tract, Skagway Townsite Subdivision; Request to replat and subdivide Terminal Tract to reflect accreted land along Skagway River meander line.

Jaime Bricker and Tyler Rose represented the application on behalf of the owner, White Pass & Yukon Route.

The commission discussed the subdivision application request to replat PARN Terminal Tract, of the Skagway Townsite Subdivision to include 6.53 acres of accreted land adjacent to the Skagway River.

The planning commission must find that the following information to be contained on the plat in order to approve the subdivision and replat:

1. Date of map preparation, north arrow and scale;
2. Total site acreage;
3. Subdivision name, which shall not be so similar to the name of any plat previously recorded as to cause confusion;

4. Approximate street grades;
5. Location of the subdivision by reference to survey and lot number, or section, township and range, or townsite lot and block number;
6. Approximate dimensions of lots and blocks, and approximate area of each lot;
7. Lot and block numbers;
8. Location of existing buildings and their setback from proposed lot lines;
9. Location of existing or proposed improvements within the proposed subdivision, such as sewer and water lines, power poles, drainage systems, streets, fire hydrants, etc.;
10. Proposed means of providing for water supply and sewage disposal and their location;
11. All existing and proposed easements (right-of-way, utility, etc.), patent reserves, and roadways and their width and purposes;
12. The location of streams, lakes, muskeg, marshy areas, flood-hazard areas, mean high water lines, etc.;
13. Location of any hazard areas;
14. Topographic contour lines at intervals of five (5) feet;
15. Drainage pattern of the plat area;
16. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land;
17. Location of any historic buildings or sites or any significant natural resources, and the mean high water line if applicable, within three hundred feet (300') of the proposed subdivision;
18. A vicinity map inset on the preliminary plat or drawn separately, showing the relationship of the proposed subdivision to existing major features; and
19. Names and addresses of the subdivider, the owners of the subdivision, and the surveyor who prepared the plat.

The commission found that the application does not include any documentation or evidence that PARN Co. is the owner of the portion of land that is indicated on the application as 'accreted land'. The commission also found that the application does not include any documentation or evidence to show that the land which is indicated as 'accreted land' is actually land that has accreted along the river.

Motion/Second: Morgan/Outcalt

To postpone the *preliminary plat review* of Subdivision Application #12-72; Jaime Bricker, PARN; Industrial Zone; WP&YR Terminal Tract, Skagway Townsite Subdivision; Request to replat and subdivide Terminal Tract to reflect accreted land along Skagway River meander line; pending additional information.

Motion passed unanimously by voice vote of those present, 4 yes, 0 no, 1 absent.

Affirming: Commissioners: Deach, Outcalt, and Morgan

Dissenting: none

Absent: Commissioner: Franke

- C. **Conditional Use Permit Application #12-75;** Tom Hall, Klondike Gold Fields; Industrial Zone; new lease portion, USS #994; Request to use property for employee housing.

The applicants, Tom Hall & Judy Beauchemin-Hall, were present to represent the application.

Tom Hall indicated that he would like to install employee housing on top of the existing brewery on the new lease area that is shown in his application.

No comments from the public were made at this hearing.

The commission discussed the conditional use permit application requesting to use property for employee housing on new 200' x 200' lease ptn., USS #994.

The commission made the following findings-of-fact:

- a. The requested conditional use will protect the public health, safety, and welfare; and
- b. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses; and
- c. The requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted; and
- d. The requested conditional use will not substantially decrease the value of or be out of harmony with property in the neighboring area.

Motion/Second: Brena/Morgan

To approve Conditional Use Permit Application No. 12-75, request to use property for employee housing; with the following conditions:

- 1.) there must be an on-site manager for the employee housing
- 2.) no apartments are allowed (congregate housing only)
- 3.) the employee housing shall have a septic system that is appropriately-sized and approved by the Alaska Department of Environmental Conservation
- 4.) this permit may be immediately revoked if a recreational vehicle is present on any of the business' properties

Motion passed unanimously by roll call vote of those present, 4 yes, 0 no, 1 absent.

Affirming: Commissioners: Deach, Outcalt, Morgan, and Brena

Dissenting: none

Absent: Commissioner: Franke

8. COMMISSION DISCUSSION:

A. General Discussion

There was no discussion.

~~B. Conditional use permits and review dates~~

Amended

This item was removed from the amended agenda.

9. ADJOURNMENT:

Motion/Second: Morgan/Outcalt

To adjourn the meeting of November 8, 2012 at 6:58 p.m. **Motion passed by voice vote, unanimous.**

The next P&Z Commission meeting was set for 5:30 p.m. on Thursday, December 13, 2012.

David Van Horn, Permitting Official

Matt Deach, Chair

ATTEST:

Emily Deach, Municipal Clerk

(SEAL)

Approved: _____