

**MINUTES FROM A SELDOVIA PLANNING COMMISSION
SPECIAL MEETING
MULTI-PURPOSE ROOM
Wednesday
July 18, 2018
7:00PM**

PATRICK BATES CARLUCCIO

- A. Call to order; MEETING CALLED TO ORDER 7:01 PM BY COMMISSIONER CARLUCCIO
- B. Roll Call; IN ATTENDANCE; PATRICK, BATES, and CARLUCCIO
- C. Approval of the Agenda;
BATES/PATRICK MOVED TO APPROVE THE AGENDA
NO OBJECTION/ MOTION CARRIED

- D. Approval of Minutes from April 04, 2018 and June 06, 2018
BATES/PATRICK MOVED TO APPROVE THE MINUTES FROM APRIL 4, 2018 AND JUNE 06, 2018
NO OBJECTION/ MOTION CARRIED

- E. Public Comments Regarding Items Not on the Agenda;
SCOTT OGAN- President of Seldovia Bay Adventures LLC and the gentleman with lease up by the water reseRvoir, discussed that he had requested a lease of about two acres at the RV park for a zipline from the city council on Monday. The current area he has leased had run into a lot of problems. Folks wanted to do a pavilion for concerts at the RV park, and he would build a treehouse village for tree rentals and launch a zipline down by the trail to the Outside Beach. His first idea was to zip down to a rock and it got a lot of push back from the community about having a zipline overhead and the rock not being very stable. His idea now was to stay in trees about 900 feet. He would build the treehouse platforms down below and they could have lunch catered by the Boardwalk or other vendors and maybe even offer dinner. He still needed to get his builder there, but stated that he knew it would work. There is a possible phase two to build a canopy tour where they could zip people over the unused part of park fifty to sixty feet in the air. He is not asking to lease that part yet and is planning to keep it out of the line of sight from the beach. It is state tidelands, the uplands is all city. The proposal would provide stunning views. He inquired with the commission what the use of the RV park was and if his proposal would be compatible with the use? It could be comanaged with the city and they could do some marketing and fill the RV park up.
CARLUCCIO- Discussed that the planning commission did not have any authority in the past at the RV park, just in the city. She did not know if the commission would have any input. She had heard another presentation from him and give him kudos and personally thought it that would draw a lot of people to town. She commented that she appreciated him coming and making a presentation.
CM CAMERON- Clarified that she thought Scott was extending a courtesy to the commission by presenting to them.
- F. Public Hearings, Prior Notice;
- G. Consideration of Site Plans;
 - 1. Discussion- Right of Way Use Permits
 - A. Presentation by Staff or Commission
CLERK GEAGEL- Presented a copy of the Kenai Peninsula's Right of Way Use Permits Code as an alternative to the easement ordinance that was presented at a previous meeting. Legal and the city administration had discussed that a Seldovia right of way use permit ordinance would be a better fit for the city.
 - B. Public Presentation or Hearing
 - C. Commission Discussion

BATES- Spoke in support of a Seldovia right of way use permit ordinance.

PATRICK- Inquired as to how the ordinance would affect current existing utility easement's still in place.

CM CAMERON- Discussed that utility licensing goes with the life of the utility or use and easements go with the life of land. The right of way permit would be for the life of product without a cap on the timeline.

CARLUCCIO- Spoke in support of a Seldovia right of way use permit ordinance, it would save going through the process of vacating easements after their use had ended. She liked the idea of having a finite timeline opposed to infinite.

D. Action/Disposition

CONSENSUS OF THE COMMISSION TO MOVE FORWARD WITH A RIGHT OF WAY PERMIT ORDINANCE

2. Discussion- Commercial Marine and Enforcement

A. Presentation by Staff or Commission

CLERK GEAGEL- Discussed the draft ordinance amending the Commercial Marine zone. Definition examples from the Anchorage code of ordinances on vacant buildings was provided as well as the Seldovia Municipal Code for the commercial zone to compare and ensure the zones remain distinct areas. Examples of commercial business district intents from communities around the state were provided and the draft intent was discussed as well as, permitted uses, incidental secondary uses which could not exceed 49% percent of the building as a residence, and broadening the prohibited use section to state if property owners do not have a permitted use they are in violation and there is going to be enforcement. She discussed the City of Kenai's fines of \$300 per violation and stated she would bring back examples to the next meeting.

B. Public Presentation or Hearing

BOBBI SWEATT- Spoke in support of adding the definitions from Anchorage for abandoned real property and attractive nuisances, there is nothing in the Seldovia ordinances right now.

WALT SONEN- Discussed that the fines did not seem like a deterrent for someone who is just going to live in Commercial Marine, three hundred bucks a year is pocket change.

VIVIAN ROJAS- Discussed that she liked Seward's wording in their intent of convenient and attractive and that it should be added to Seldovia's intent. She spoke in agreement with Walt that fines should be more than 300 dollars a year. She spoke in support of adding the Anchorage definitions to the code of ordinances. They need to have prohibitive uses not in compliance and some way to enforce them.

C. Commission Discussion

BATES- Spoke in support of allowing motor vehicle sales within a confined space in the commercial business district. He discussed not wanting the ordinance to be a deterrent for those who were trying to sell their property and were unable to. He did not want to see people be shut out who were trying to do a business or get out from under a business. He stated that in general they did not have a parking problem, only on a couple of holidays. Most transient people in the summer were people who walked about. He spoke in agreement that 300 dollars was not a deterrent to have a beautiful waterfront property, it needed to be more to stop noncompliance.

CARLUCCIO- Discussed that attached multi dwelling residential unit could not be more than 49% as a residence, hotel and motels moved people through. The nine consecutive months on a vacancy was to allow for people that just came in for the summer that were not necessarily vacant but not being used; it needs different terminology. Under prohibited uses (B) it could state residence or building instead of vacancy. She discussed the minimum lot area and width, the lots were already there, they are not going to allow new lots. She discussed parking spaces and if there was a need to reduce the parking spaces required per people's previous requests and statements that it was a walking town, or

they could keep it the way it was and grant those who needed less parking space a reprieve. She spoke in agreement with needing a better fine schedule and inquired as to when it would take effect, and spoke in support of the rest of the draft ordinance.

PATRICK- Inquired if the commercial zone would be affected the same as commercial marine?

D. Action/Disposition

THE PLANNING COMMISSION DIRECTED THE CITY CLERK TO BRING AN UPDATED ORDINANCE DRAFT BACK TO THE NEXT MEETING

3. Discussion- Cedar Street Extension Update

A. Presentation by Staff or Commission

CM CAMERON- Presented a Cedar Street Extension Update. It has been a long discussion that had spanned at least since 1996. The city and planning commission were approached by owners on the Cedar Extension in 2016. An update from the end of last meeting was one of the property owners, Heidi Int-Hout, was in town in June and came into the office to speak with the city clerk and herself about the issue. Later the city manager was invited to one of the property owners home's to discuss the extension with the fellow property owners. Previously she had thought everyone was on board with the extension, in the meeting, she did not get that impression. The frank discussion that evening was to see the city's intent and level of interest in getting Cedar Street completed. From past planning meetings she was able to pull out parts and pieces that were pertinent to the discussion and place them in a chart for everyone's reference.

B. Public Presentation or Hearing

WALT SONEN- Discussed that the issue of extending Cedar Street had dragged on for many years, and this was the closest it had got to council with the council agreeing to pay for half the suRVey cost. He stated he was willing to give up his portion of the road that he owned which is quite substantial. There is a precedent to set here as there are many places around town with similar problems. Residents can stop the extension at any time along the process so they need to come to some agreement. If one or two people did not agree would the city buy them out and not everyone else, or pay for their suRVey but not for the others? The suRVey has to proceed in order for the landowners to know what they are agreeing on. He had a suRVey recently and perhaps had a better idea than others. The suRVey has to happen before people are willing agree to the proposal, they need to sign a contract, if the land gets suRVeyed and it doesn't go through then they get a free suRVey. It is a bit of conundrum.

RANDI SWEET- Discussed wanting to have clarity on what is actually being asked. Cedar Street, Lake Street and Kachemak Street are twenty feet. Her house has a Lake Street address that abuts Cedar Street and she is not clear in terms of what she would be giving up exactly. Other people in the meeting at her residence also wanted to know, one other person not at that meeting expressed wanting to know as well. They talked about different options at the meeting and what could be done. She commented that she had thought about giving the extension piece over to city to maintain but the borough piece still needed to be done, regulatory requirements were for a suRVey to be done in order for it to be platted. Todd would also like clarity on property lines and how much will be lost. At some point in time the city or someone put the road through there. The platting of the road is a city responsibility. It is the property owner's suRVey that needs to be done, but it is a regulatory requirement to have a suRVey to be platted.

VIRGINIA CHISSUS- Discussed that all the property owners were in agreement that road needed to be platted except for possibly Heidi. She stated she felt threatened that the road will no longer be maintained and asked what had changed since 1996 that the city could not continue to plow and maintain the extension. In the suRVey bid there was no additional charge for Walt or herself marrying their properties, so where did \$1500 for their portion of the suRVey come from? Todd had stated that he could not see giving the road away and paying for it.

PAUL CHISSUS- Discussed that he owned two properties and knew where all the markers were

except one and could dig them out and show anyone where they were if they would like to see. He asked why they needed to do a suRVey when there were stakes in the ground recently, he suRVeyed his property six years ago.

VIVIAN ROJAS- Discussed that it was quite the ordeal and she complimented all the property owners for trying to move forward. Property lines all over town were a mess, more people could come forward to the city and be willing to share suRVey costs. It's a hardship for the city and a hardship for the individuals buying properties and then finding out they own twenty feet of road. This would be setting a precedence for buying property, they do not have a budget and would have to say no.

C. Commission Discussion

CARLUCCIO- Discussed that the issue had come about because the city was approached to plat it, the city has said through council that there are a lot of property line issues. The city has agreed that a problem is recognized when the property owners come forward and say they want to resolve the problem. This is not a platted street and is not under jurisdiction of city, should they maintain and snowplow it when it is not a road? The city is actually trespassing when they plow that road and that puts them in a precarious situation. It is unfortunate that not all property owners want to go along with the extension. It is not a big expense for a suRVey at \$750 apiece. The city is not going to pay anyone to put a street in or for recognizing a street. If you have to give up ten feet you are getting a road. She stated she would not recommend that the city pay for any land or absorb the costs for the replat. It would seem the city has done all they can do. They are not going to recommend the city council do a suRVey without any commitment. When she bought her property, people used it to drive up to top of the hill, they closed that road and put a notice up stating they were going to close it before they did. They went to the city first but the city did not want to buy it.

PATRICK- Discussed her experience in dealing with the borough when sub-lotting it is the owner's responsibility to have all the streets be platted and easements in place for utilities.

BATES- Inquired if Ms. Int-Hout had at any point come towards their way. If they cannot come to terms would the city barricade road?

CM CAMERON- Discussed that Ms. Int-Hout and Todd had come to the same conclusion that if the city was able to purchase the land than they may consider it. The property owners could grant each other easements among themselves and there wouldn't be any maintenance of the road, the city could commit to part of the expense to buy out some of the properties, or the city pays for everything and replats the road. Without a replat they would need to take the Willow Street piece and make it more feasible for traffic to get through because it is very narrow.

D. Action/Disposition

NO ACTION WAS TAKEN

H. Commission Business: None

I. Staff Reports: None

J. Informational Items Not Requiring Action:

1. The August 1, 2018 regularly scheduled meeting has been cancelled due to lack of quorum.

K. Comments of the Public:

RANDI SWEET- Discussed that it was her understanding that the Cedar Street Extension discussion had started with the city approaching the property owners. It was her understanding from the meeting at her house that there would be a PowerPoint presentation. Four items were discussed at that meeting, the suRVey, and both prescriptive easement and eminent domain. She stated that it had not been handled well, it had not been an effective process, and communication had been poor. She asked how they could get to a place that was positive.

PAUL CHISSUS- Discussed that he did not oppose the extension. They had all agreed a year ago and it changed when they met at Randi's house with the city manager.

WALT SONEN- Stated that it definitely needed to be made clear that it is an advantage to have the road

made into a street, instead of using Kachemak Street. He bought the property and the road was already there and he agreed to make it a road. It is an advantage to the city to make it a road.

VIVIAN ROJAS- Discussed that she would hate to see all the work they had been going through just stop. Are there more options? Could it be a 15-foot lane so Todd doesn't lose as much? If the street is blocked off people will be pounding on the city doors saying "eminent domain" which has happened before. Ms. Int-Hout's property is a win she just doesn't understand. Todd could make a contract to pay ex amount with his water bill. She would hate to see the road blocked off and no longer plowed. Right now, there is nothing planning can do, nothing the city can do, it is up the property owners to continue to talk it out.

BOBBI SWEATT- Inquired as to how they could move forward unless they buy Int-Hout out, if they do it for one person or several people, never mind that they don't have the money for it, then the next time they will have to do it again. If they do nothing on the road, why can't it be a driveway and the property owners could get it privately plowed?

CARLUCCIO- Stated that she did not understand Int-Hout's reluctance because they are the only one's getting something out of it. If planning was to come up with one recommendation it is to not trespass on those properties.

BATES- Asked why couldn't there be a disclaimer that gives the city permission and dissolves their liability to be able to continue to snow plow.

CM CAMERON- Discussed that prescriptive easements and eminent domain costs begin around \$40,000 that the city does not want.

L. Comments of the Commission:

BATES- Asked if Heidi Int- Houts road block was a stopping point. Is there a way to address everyone else without her piece? It was a shame all the time and effort put into it to see it drop. He recommended the other property owners put a plan together.

CARLUCCIO- Thank you all for coming, especially Heidi for all the work she has done on all the presentations tonight I am glad she is city clerk.

M. Next Meeting: Regular scheduled meeting, September 5, 2018

N. Adjournment:

BATES/PATRICK MOVED TO ADJOURN AT 8:55 PM

I certify the above represents accurate minutes of City of Seldovia Planning and Zoning Commission meeting of July 18, 2018.



Heidi Geagel
Heidi Geagel, City Clerk

Approved by Commission 09/05/18