

**MINUTES FROM THE SELDOVIA PLANNING COMMISSION
REGULAR MEETING
MULTI-PURPOSE ROOM
Wednesday
January 3, 2018
7:00PM**

PATRICK BATES CARLUCCIO STONE
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- A. Call to order; MEETING CALLED TO ORDER AT 7:03PM BY COMMISSIONER CARLUCCIO
- B. Roll Call; IN ATTENDANCE; BATES, CARLUCCIO, AND STONE, PATRICK WAS EXCUSED
- C. Approval of the Agenda;
BATES/STONE MOVED TO APPROVE THE AGENDA
NO OBJECTION/ MOTION CARRIED

- D. Approval of Minutes from October 4, 2017
BATES/STONE MOVED TO APPROVE THE MINUTES FROM OCTOBER 4, 2017
CARLUCCIO- DISCUSSED AMENDING AN ERROR ON PAGE 1
SO MOVED/NO OBJECTION/MOTION CARRIED

- E. Public Comments Regarding Items Not on the Agenda;
WALT SONEN- Discussed that there was a public notice of permit posted at the post office concerning Backers Island, through the Army Corp, and asked if the city had any say on the permit. There is a vast bank the road will encroach on; will it become a public road?
CM CAMERON- Discussed that the notice of permit would be on the January 10th council meeting next week. The road does not start in city limits but will enter back into city limits and will be an agenda item.
STONE- Isn't that wet lands?
CARLUCCIO- Discussed that the notice of permit was not on the agenda, because it did not come under the planning and zoning guidelines.
- F. Public Hearings, Prior Notice;
- G. Consideration of Site Plans;
 - 1. Rojas-Mickelson Request for Letter of Non-Objection for the Mickelson Building
 - A. Presentation by Staff or Commission
CLERK/GEAGEL- Presented the Rojas-Mickelson's request for a letter of non-objection, along with a plat proposal and photos of the building and lot lines.
 - B. Public Presentation or Hearing
VIVIAN ROJAS- Discussed that she was there in case there were any historical questions about the building in question. It was Frank Raby's shop for years and years. Part of the shop is on Church Street right of way, but mostly it is on the Church's property, part of the agreement with the church is to move the building in the spring. The borough is asking if there are any issues with the Mickelson building sitting there until the spring when it will be removable.
 - C. Commission Discussion
CARLUCCIO- Read note number five on the proposed plat "approval of this plat by the Kenai Peninsula Borough does not grant approval to any encroachments. Existing structure will be moved in the future so that it does not fall within the right of way." The only thing they are interested in is the right of way. She asked staff if they could just write a letter of non-objection or if it would require a variance or conditional use. It would be nice to have a variance request with a sunset clause. Can you put that on the next agenda? If there is a problem they could potentially hold a special meeting.
CM CAMERON- Discussed that she thought they would need a variance request with a sunset clause stating that the building would be moved by a certain time.

D. Action/Disposition

NO ACTION REQUIRED AT THIS TIME

H. Commission Business:

1. Cedar St. Extension Update

CLERK/GEAGEL- Discussed that she spoke with one of the property owners that needed to agree to the replats a few weeks ago and was told that the owner had not received the letter explaining the request to extend Cedar Street. She resent the letter to the owner through email at the owners request after their conversation. It seemed from the conversation that the owner was hesitant to give a response as to her position on the replats until the co-owner had been reached. That has been a missing piece and without his approval, they cannot do anything anyways because they co-own the property. The owner had been in touch with her mother and Geagel contacted the mother as well at the owner's suggestion, to get the phone number of the co-owner, which was unfortunately not in-service. The mother will try to reach out to him as well, but at this time they are at a standstill until he can be reached.

CARLUCCIO- Inquired as to what they legally can do if the landowners cannot be reached, if it would be possible to invoke eminent domain, being in the best interest of the city and all the people around there to put in a road. Financially, the city would have to pay for the survey, but then the city would take as much as is needed from their property for the road. All the people on Cedar Street want the replats and it is being held up. She requested that if the landowners were unable to be reached by the next planning meeting that it be discussed with the attorney.

STONE- Asked if there was a timeline on how long they were going to try and reach him, and inquired that if they did invoke eminent domain would the city have to pay for the survey.

CM CAMERON- Requested that they set a timeline in the current meeting and inquired as to what their expectations were.

BATES- Inquired about the status of the current landowners that were unable to be reached, the co-owners are siblings.

2. Trafficability Recommendations 3 and 4- Visibility at Access Points

CLERK/GEAGEL- Presented the Trafficability Recommendations 3 and 4 that were referred from Council to the Planning Commission and listed on page 9 of the packet, the current code is on page 10 of the packet, with examples from other municipalities on pages 11-16. Page 11 is a very good example of visibility at intersections tied in with no parking at intersections.

WALT SONEN- Discussed that he does not recommend keeping #3 the visibility at access points triangle in the code because it encroaches on people's property, but he recommends #4 no parking ten feet from the edge of a driveway because it makes sense and 10 feet is not even a car length.

VIVIAN ROJAS- Thanked the Planning Commission for taking on these recommendations from Council. #3 would be a question of how to enforce and is somewhat more difficult when looking at scenarios around town and #4 would take care of some of those issues around town.

BATES- Discussed that in reference to #3 the 20x20 triangle is already on the books, they are not adding it, just down grading it to a 10x10 triangle. These are two separate issues, where you can park and what you can grow on your property.

STONE- Spoke in agreement that #4 made a lot more sense considering the way the roads are.

CARLUCCIO- Discussed that she found it very interesting to read what other municipalities have on the books. They cannot govern the state roads but there are state laws that do and the police officer is on contract with the state so that he can enforce state laws. All the examples given were good examples and visibility at access points should be reworded in zoning to make more sense. Do they want to include driveways in the visibility at access points? There is a difference between intersections and driveways where there is a setback and most property owners except along Shoreline Drive already should not be

planting or building in the 10 foot setbacks. She suggested it might be good to include a 1 foot wide clause in the visibility code so that people could have a tree as long as it is limbed that way those that have trees now would not have to cut them down. Mathematically #4 no parking would only need to be five feet from the driveway because the other five feet would be from the car. If they are going to ask people to not park so close to their driveways then they don't need a code enforcing visibility on people's properties.

CM CAMERON- Spoke in favor of Paulie's suggestions and discussed that it is not clear in the setback language what can be in the setback, only that it cannot be permanent.

CLERK/GEAGEL- Stated she would draft the changes for the next meeting.

3. Discussion on Existing Zoning Laws and Possible Changes

CM CAMERON- Discussed that this has been an ongoing discussion in the office about zones and how to explain zones to customers. She came up with a matrix with some of the more glaring issues, and with hopes of updating the zoning map. She is not asking for solutions tonight, but to begin the process and to consider how to connect the zoning laws with the fee schedule, which may not be possible currently with the codes. Current water and sewer rates are charged with how many services you have in each building, which is difficult to manage when services begin and end and it takes a lot of time. The goal is to clean it up and be more uniform with customers, right now the billing is very confusing for customers, and it is the responsibility of the owners to notify the office of any changes to services. She inquired as to what the options are for properties that are empty. The community's comprehensive plan is to build up Main Street. It is a fine line between putting the hammer down and encouraging businesses, should they go through each zone and make sure it is applicable to what is happening now?

VIVIAN ROJAS- Spoke in agreement with Cassidi. This is a tough one, they need to follow their guidelines and make it more clear with the fee schedule. The tough zone is Commercial Marine; customers are taking advantage of living in great spots with a view of the harbor. It is imperative to help the city office be it through either incentives or punitive. Right now it's not on people's radar to keep their businesses, they need to make the code enforceable and very clear. They make it pretty easy to not have a business; there is not enough incentive with people paying \$42.00 a month for water. To make any changes to how properties are zoned the owners need to be notified and in on the conversation. There could be incentive to have one month free in water if you are in business all year. The log cabin is just going to crumble.

WALT SONEN- Discussed the history of urban renewal, the building of the flats, and the beginning of Commercial Marine and how some property owners had perhaps parked a boat on their lots and fished a couple of seasons so they were considered Commercial Marine. It has always been a bother to see gorgeous properties right out front that don't comply, he would like to see the services rendered that are agreed upon when the properties are purchased.

SACHIKO SCOTT- Discussed that buildings in Commercial Marine were being used as residences and were not creating revenue for the city, but instead were only for personal use.

CARLUCCIO- Discussed the matrix presented. There are some good questions, one thing they cannot do is spot zone, but if changes make sense for more than one lot they could consider them. Properties along the water should definitely be waterfront. She stated that her understanding of Commercial Marine was that when they were originally sold they were supposed to put up a business, but then does that transfer when it is sold again? Can they put restrictions on properties for when they are sold of what they have to be legally? The Planning Commission does not have to consider any variances or building permits for buildings that are not in compliance. Commercial Marine needs to remain Commercial Marine it is prime property. They need to focus on where properties are zoned because they are not responsible for water rates. They could have some sort of fee for those not in compliance; she would like to see how other cities enforce zoning. What are the options for houses in commercial marine that are just residential, should they need to obtain a conditional use?

BATES- Inquired about the enforceability of property owners that are in violation, and asked why it was not updated when the zoning was in 2006. There are no timeframes on the fee schedule, is the penalty \$500 a day, a month, or a onetime fee? In a way it ties the hands of owners trying to sell, what investor wants to buy knowing they have to do something in set amount of time. If a business fails they will be penalized, that is not their job, their job is to make sure people are properly zoned. Zones should be just commercial, industrial, and residential, why make a stipulation between commercial marine and commercial waterfront?

STONE- Inquired how they could let one resident pay and the next resident does not have to. Why is it Commercial Marine, it should be focused on tourism.

I. Staff Reports:

J. Informational Items Not Requiring Action:

1. Findings of Fact- KPB Memorandum

K. Comments of the Public:

VIVIAN ROJAS- Thank you to your service of the City of Seldovia, great work.

WALT SONEN- Spoke in agreement with Vivian.

SACHIKO SCOTT- Thank you and thank you Cassidi.

L. Comments of the Commission:

BATES- Looks like we got a long road ahead here.

STONE- Thanked the public, Vivian, Walt, everyone, for bring up a lot of good points and the historical information helped and gave her a lot to think about.

CARRLUCIO- Thank you Rick and thank you Heather for coming tonight and being on the Planning Commission, it takes a lot of time and effort and she appreciates that. Thank you to the staff for putting everything together and Cassidi as the City manager for tackling all these tough issues, it is easy to just be complacent. Thank you to the public for coming to the meeting, it is always nice to have people from the public in the audience, keeps them on their toes.

M. Next Meeting: Regular scheduled meeting, February 7, 2018

N. Adjournment:

BATES/STONE MOVED TO ADJOURN AT 8:55 PM

I certify the above represents accurate minutes of City of Seldovia Planning and Zoning Commission meeting of January 3, 2018.



Heidi Geagel, City Clerk

Approved by Commission 03/07/2018