

CITY OF CRAIG PLANNING COMMISSION AGENDA

Meeting of January 28, 2010
7:00 p.m., Craig City Council Chambers

Roll Call

John Moots (chair), Sharilyn Zellhuber, Lonnie Walters, Bill Russell

Approval of Minutes

1. Approval of minutes of the December 29, 2009 Planning Commission Meeting

Public Comment

1. Non-Agenda Items

Public Hearing and New Business

1. Resolution PC 519-10, Preliminary Plat Approval, Raven Woods Subdivision, Shaan-Seet Inc.

Old Business

1. Resolution PC 517-09, Variance 091229, Curtis Brown Variance to Encroach in Sideyard Setback
2. Reappointment of John Moots and Lonnie Walters to the Craig Planning Commission and search for new commissioner to replace Barb Stanley

Adjourn

CITY OF CRAIG
PLANNING COMMISSION MINUTES
Meeting of December 29, 2009

Roll Call

Roll was called and Sharilyn Zellhuber, Lonnie Walters, Bill Russell, and Barbara Stanley were present. John Moots was absent-excused. Lonnie Walters chaired the meeting in John's absence. Also present was Brian Templin, City Planner.

Approval of Minutes

1. Approval of minutes of the September 24, 2009 Planning Commission Meeting. A motion was made and seconded to approve the September 24, 2009 Planning Commission Meeting Minutes.

MOTION TO APPROVE STANLEY/ZELLHUBER APPROVED

Public Comment

1. Non-Agenda Items. There were no non-agenda items or public comment.

Public Hearing and New Business

1. Resolution PC 515-09, Vacation of a Portion of Beach Road. Brian reported that the city was continuing to work with the US Forest Service on the sale of lands authorized in the Craig Recreational Lands Act. Part of the sale included the portion of Beach Road that was completely surrounded by Forest Service owned parcels. Some of the parcels were currently owned by the Forest Service and some of the parcels were included in the remainder of the sale. Brian said that the vacation had been reviewed by city staff and did not impact any access or utilities. Barb Stanley asked to be recused from voting on the vacation and the associated replat. Barb works for the US Forest Service and has been involved in the land sale. The commission allowed Barb to be recused from these issues. Brian further explained that after the commission's action tonight the City Council would have 30 days to veto the vacation action. Brian said that it had been his practice to present the vacation to the council at the next scheduled meeting to give them a chance to approve or veto the action. The next council meeting is scheduled for January 7, 2010. A motion was made and seconded to approve Resolution PC 515-09, vacating a portion of Beach Road.

MOTION TO APPROVE RUSSELL/ZELLHUBER APPROVED
VOTE 3-0 WITH BARB STANLEY RECUSED

2. Resolution PC 516-09, Plat 091229, Beach Road Vacation Replat. Brian reported that the replat was prepared to vacate the portion of Beach Road from lot 1, Block 11, USS 1430 and Lot 1, Block 11A, USS 1430 CTA to the US Forest Service Site. Brian talked about the process that he had gone through with the Forest Service to determine the best way to replat the lots and meet the Forest Service's needs. Brian also talked about five changes that he required to the plat. Barb

Stanley was recused from the issue due to her position with the US Forest Service. A motion was made and seconded to approve Resolution PC 516-09, approving the preliminary plat with the recommended changes made by the City Planner.

MOTION TO APPROVE ZELHUBER/RUSSELL APPROVED
VOTE 3-0 WITH BARB STANLEY RECUSED

3. Resolution PC 517-09, Variance 091229, Curtis Brown Variance to Encroach in Sideyard Setback. Brian reported that Curtis Brown had requested a variance to encroach on the sideyard setback for a new house on lot 2A2A, USS 3857. Brian told the commission that a tree had severely damaged the trailer that was on the lot and that the Brown's were constructing a new single family house on the property. Brian reminded the commission that approval or denial of variances required a positive resolution, that is a resolution approving the variance or a resolution denying the variance. If the commission determined to deny the variance it needed to pass a resolution to that effect. Brian also reminded the commission that if they objected to the variance meeting any of the required criteria they should state what criteria was not met and why so that a statement of findings could be published. Brian discussed the criteria with the commission. Commissioners felt that a number of criteria didn't look like they were met, but they needed additional information. Brian supplied a copy of written comments from Ken Owen supporting the application for variance. Commissioner Bill Russell supplied a drawing to the commission of how he felt the house could be realigned to meet the setback requirement without any variance. There was some additional discussion, but the applicant or a representative were not there to answer questions. Brian told the commission that Curtis said he might not be able to make the meeting until 7:30. The commission discussed the issue and the required criteria until after 7:30. The applicant or a representative did not show up at the meeting. A motion was made and seconded to postpone the item until the January 28, 2010 Planning Commission Meeting. Brian said that he would notify Curtis Brown.

MOTION TO POSTPONE STANLEY/RUSSELL APPROVED

4. Resolution PC 518-09, Amending Section 18.05.001A(3), Offices in Residential Zones. Brian reported that the commission had been discussing the issue for a number of months and that the public notices had finally gotten published for the hearing. Brian said that he had received some verbal feedback, but no written comments on the issue had been submitted. There was no public comment at the meeting. Brian reminded the commission that offices would still be allowed in residential zones, but they would be allowed under the home occupation definition of the code and restricted to owner/occupant, no outside employees and other restrictions on home occupance business use. Brian also reminded the commission that this required a change to municipal code so the resolution simply recommended adoption of the change and that the city council would have to

adopt an ordinance making the change to municipal code. A motion was made and seconded to approve Resolution PC518-09, recommending adoption of the changes by the Craig City Council.

MOTION TO APPROVE STANLEY/ZELLHUBER APPROVED

5. Barbara Stanley Resignation. Brian shared with the commission that Barb Stanley had submitted her letter of resignation from the commission. Barb is taking another job with the Forest Service and will be based out of Ketchikan. Brian thanked Barb for her time on the commission and the perspective that she brought. All of the commissioners also expressed their thanks. Per the letter, Barb's resignation would be effective December 31st. A motion was made and seconded to accept Barb Stanley's resignation from the Craig Planning Commission.

MOTION TO APPROVE RUSSELL/ZELLHUBER APPROVED
MOTION APPROVED 3-1, WITH WALTERS DISSENTING.

Lonnie added that he felt that although the commission should accept the resignation, it should also express that it did so reluctantly so he cast a dissenting vote.

6. Expiration of terms for John Moots and Lonnie Walters. Brian reminded John and Lonnie that their terms expire at the end of January, 2010 and if they are interested in renewing their appointments they need to submit a letter of interest. Lonnie submitted his letter and John said that he was interested in being reappointed and would submit a letter to Brian. No other action was necessary.

Old Business

There was no old business on the agenda.

Adjourn

A motion was made and seconded to adjourn the meeting at about 8:15 pm.

MOTION TO ADJOURN ZELLHUBER/STANLEY APPROVED

Lonnie Walters, Acting-Chairman

Attest: Brian Templin, City Planner

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report
January 25, 2010

Applicant: Shaan Seet Inc.

Requested Action: Approval of Preliminary Plat of Raven Woods Subdivision. A 10 lot subdivision of a portion of ANCSA lots 1 and 3, located on Port St. Nicholas Road

Location: ANCSA Lots 1 and 3, Section 16, T74S, R81E, Copper River Meridian

Zoning: Forestry

Surrounding Uses: North: Port St. Nicholas ROW/Forestry
South: Tideland/Public
East: Municipal Boundary/Port St. Nicholas Subdivision Addition 1
West: Forestry

Analysis

Shaan-Seet Inc has proposed a 10 lot residential subdivision on the Port St. Nicholas Road starting at the first existing Port St. Nicholas Addition 1 lot (Lot 131, plat 84-47) and running northwesterly back toward the Craig-Klawock Highway. The subdivision is primarily within the city limits, but a portion will straddle the municipal boundary or be wholly outside the boundary. Staff has conducted a review of the subdivision and has consulted with the Public Works Director and Fire Chief to compile comments for the applicant. A letter outlining proposed changes or other requirements was sent to Shaan-Seet Inc. on January 12, 2010. A copy of that letter is attached and incorporated into this staff report.

The preliminary plat can be approved as is, but the final plat should be approved when the following conditions have been met:

1. All conditions, comments and changes addressed in the January 12, 2010 review letter must be met.
2. Full engineered plans for utility improvements must be submitted by the applicant and approved by the City of Craig.
3. A full design, description and documentation of the proposed access road must be executed.
4. Requirements must be executed (on the plat or in sales/covenant documents) to require submission of an as-built survey for all property improvements on properties bisected by the municipal boundary.
5. If the lots are to be used for any use not permitted within the current zoning, then a rezoning application must be filed with the City of Craig.
6. State of Alaska must grant final platting authority to the city for the area of this subdivision that is outside of the municipal boundaries.

7. Egress for emergency vehicles must be addressed by the applicant. This can be a cul-de-sac/turnaround at the end of the access road or reconnection to the Port St. Nicholas Road.
8. Utility designs must include a waterline loop back to the main line or water flow must be designed into the subdivision to allow for periodic flushing of the water line at the installed fire hydrants.

Recommendation

That the planning commission approve Resolution 519-10-PC, approving Shaan-Seet Inc.'s preliminary replat of Lots 1-10, Raven Woods Subdivision.

**CITY OF CRAIG
PLANNING COMMISSION**

RESOLUTION 519-10-PC

GRANTING PRELIMINARY PLAT APPROVAL TO SHAAN-SEET INC. TO SUBDIVIDE A PORTION OF ANCSA LOTS 1 AND 3, SECTION 16, TOWNSHIP 74 SOUTH, RANGE 81 EAST, COPPER RIVER MERIDIAN INTO LOTS 1-10, RAVEN WOODS SUBDIVISION

WHEREAS, the Planning Commission held a public hearing on January 28, 2010; and,

WHEREAS, public notice was given in accordance with Section 18.09 of the Craig Land Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section 18.09 of the Craig Land Development Code are met as follows, subject to the conditions listed later in this resolution:

- A. That the proposed subdivision is consistent with the Craig Coastal Management Program and Craig Comprehensive Plan;
- B. That historic buildings or sites or natural features which are significant to the community or required to be protected by law (such as eagle nest trees) are preserved in the design of the development.
- C. That the proposed subdivision will not interfere with existing or officially planned development.
- D. That the future street plan and utilities for the proposed subdivision will permit the development of adjoining land.
- E. That proposed access, drainage, sanitary and water facilities, and fire protection are available and adequate for the subdivision, subject to approval by the city public works director.
- F. That the City has utility capacity to serve the area without interfering with utility capacity to serve other areas if City utilities are proposed.
- G. That the proposed subdivision does not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

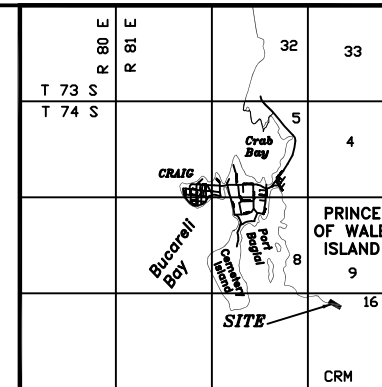
NOW, THEREFORE, BE IT RESOLVED that the Craig Planning Commission does hereby approve the preliminary plat for the replat of a portion of ANCSA Lots 1 and 3, Section 16, Township 74 South, Range 81 East, Copper River Meridian into Lots 1 – 10, Raven Woods Subdivision and will grant final plat approval once the following conditions are met:

1. that access road and utility designs are submitted by the applicant and approved by the city;
2. that a full description and access easement is executed allowing municipal use of the access easement for installation, use and maintenance of municipal utilities; emergency services; and detailing the level of maintenance required by the subdivider or its heirs and assigns;
3. that all comments detailed in the January 12, 2010 review letter from the City of Craig to the applicant are incorporated or addressed to the satisfaction of the city;
4. that the subdivision plat contains sufficient turnaround or egress for emergency vehicles as approved by the Craig Volunteer Fire Department Chief;
5. that the survey positively establishes the municipal boundary in relation to the proposed subdivision lots;
6. that the property is rezoned to allow for residential use;
7. that all property corners be monumented with rebar and capped;
8. that the State of Alaska approves deferment of platting authority for that portion of the subdivision which lies outside of the City of Craig;
9. that the final plat conform to the requirements of 18.09.009-010 of the Craig Land Development Code;
10. that the final plat be submitted on reproducible mylar and paper copies;

Approved this 28th day of January, 2010.

Chairman John Moots

Brian Templin, Craig City Planner



VICINITY MAP
SCALE: 1 INCH = 1 MILE

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.01	S61°32'42"E
L2	90.04	S31°33'39"E
L3	253.26	S61°32'42"E
L4	45.56	N12°36'08"E

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	41.32	73.10
C2	438.97	638.66

CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of Lot 1 and Lot 3, Section 16, T74S, R81E, Copper River Meridian Alaska, and that we do approve of this survey and plat; and that we do for ourselves, our heirs, and assigns dedicate, donate and convey to the public, all rights-of-way/ alleys/public utility areas/easements/other public ways, as shown hereon.

Owner _____ Date _____
Shaan-Seet, Inc.
(Authorized Officer and title)

NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me this _____ day of _____, 200____.

For _____
Notary Public for Alaska
My Commission Expires _____

SURVEYOR'S CERTIFICATE
I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.
Date _____ Registration Number: LS-XXXX
XXXXXXXXXXXXXX, R.L.S.

KETCHIKAN RECORDING DISTRICT

RAVEN WOODS SUBDIVISION

A SUBDIVISION OF SHAAN-SEET, INC. ANCSA SECTION 14 (C) LOT 1 AND LOT 3, SEC. 16, T74S, R81E, COPPER RIVER MERIDIAN ALASKA

CLIENT: SHAAN-SEET, INC.
BOX 690 CRAIG, ALASKA 99921

R&M ENGINEERING-KETCHIKAN, INC.
355 CARLANNA LAKE ROAD Phone: (907) 225-7917
KETCHIKAN, ALASKA 99901 Fax: (907) 225-3441

DATE: 01/07/10 DRAWN BY: C.G.P. JOB NO. 092750
SCALE: 1"=60' APPRVD BY: SHEET 1 OF 1

TAX STATEMENT

I hereby certify that all ad valorem taxes, special assignments and other charges required by law to be placed on the tax roll have been paid.

City Clerk _____ Date _____

LOT 1
(E 1/2, NW 1/4, SEC 16)
PAT. No 50-89-0693
SHAAN SEET

Existing Drainage Easement Book?? Page??

Existing Drainage Easement Book?? Page??

Center 1/4 Section Line SEC 16

W 1/16 Corner, NE 1/4 SEC 16 (Protracted)

(N 1/2, NE 1/4, SEC 16)

Existing Drainage Easement Book?? Page??

LOT 3
(SW 1/4, NE 1/4, SEC 16)
PAT. No 50-89-0693
SHAAN SEET

Existing Drainage Easement Book?? Page??

PORT ST NICHOLAS ADDITION No. 1 (84-47)

LOT 131 LOT 130

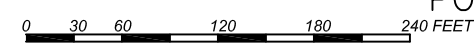
APPROVAL SIGNATURES

This final subdivision plat has been reviewed and approved in accordance with the Craig Land Development Code - Subdivision Ordinance. All dedications to the public have been inspected and accepted by the City of Craig.

City Platting Official _____ Date _____
Presiding Officer - Planning Commission _____ Date _____
Planning Commission Member _____ Date _____

SCALE 1"=60'

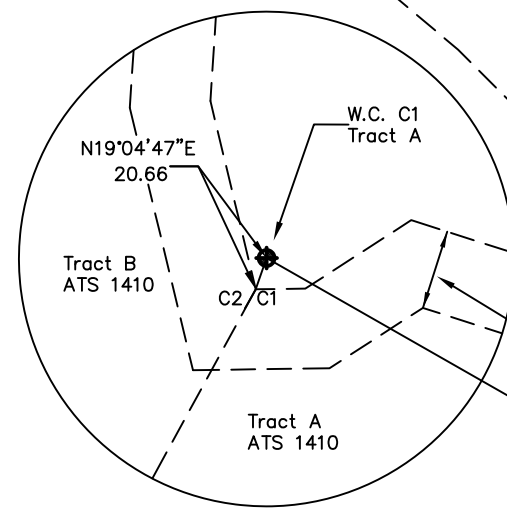
THIS DRAWING MAY BE REDUCED, VERIFY SCALE BEFORE USING



PORT ST. NICHOLAS

NOTES

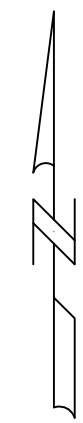
- TOTAL AREA SUBDIVIDED, INCLUDING ROW BUT EXCLUDING THE UNSUBDIVIDED REMAINDERS OF LOT 1 & 3 IS 329,268 SQ. FT.
- THERE IS NO RIGHT-OF-WAY DEDICATED THIS PLAT.
- SEALASKA CORPORATION HAS SUBSURFACE RIGHTS TO THE PROPERTY BEING SUBDIVIDED.
-
- A WIND FIRM BUFFER MAY BE REQUIRED TO BE MAINTAINED ON PORTIONS OF THE UNSUBDIVIDED REMAINDERS OF LOTS 1 & 3.
- THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION HAS SUSPENDED THEIR REVIEW OF SUBDIVISIONS FOR THE PERIOD FROM NOV. 27, 1996 TO JULY 1997.



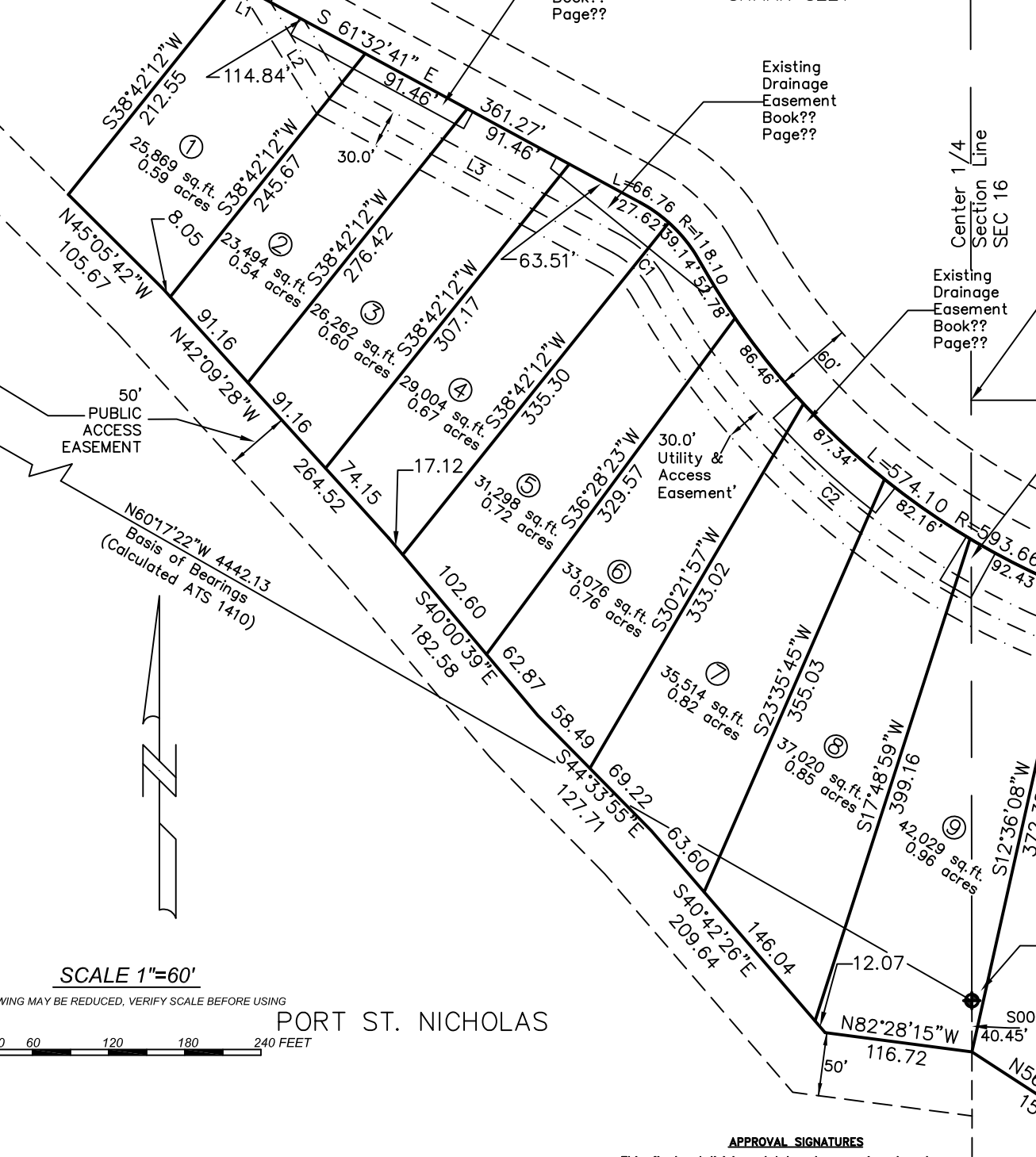
Tract A
ATS 1410
Plat 92-20

50' PUBLIC ACCESS EASEMENT

N60°17'22"W 4442.13
Basis of Bearings
(Calculated ATS 1410)



PORT ST. NICHOLAS ROAD
(60' ROW)
PLAT (95-57)
UNSUBDIVIDED





January 12, 2010

Shaan Seet Inc.
PO Box 690
Craig, AK 99921

RE: Raven Woods Subdivision Review

Dear Tom,

Thanks for getting a copy of the proposed subdivision for me. I have done an initial review of the subdivision plat and have some comments. I don't need any of these issues addressed before the Planning Commission meeting on January 28th but just wanted to give you a heads up. Usually the commission will approve the preliminary plat with a set of conditions. The corrections or other issues are then addressed before the final plat is submitted. Since there are lots of things going on with this subdivision I wanted to give you a heads up as early as possible so you can start thinking about how you want to address some of the issues. There may be other things I see as I continue to review the plat and when the commission does their review. There are also a couple of issues that we should talk about so that the plat/covenants/sales agreements all line up. The subdivision looks promising and I am looking forward to working with you to get the platting done.

1. City Limits. The current preliminary plat shows WC C2, Tract A, ATS 1410 and the resulting municipal boundary. There are a number of issues/questions that have to be addressed during the platting process.
 - a. Platting Authority. The city has platting authority over the lots within the city limits and the State of Alaska has platting authority over the portion of the subdivision outside of the city limits (portion of lot 9 and the entirety of lot 10). After consulting with Eric Simons (AK DNR) the state routinely defers platting authority in these cases. Staff will submit a formal request letter to his office. This means that no additional certificates or review is required by the state.
 - b. Location of City Limits. The Raven Woods Subdivision plat shows the municipal boundary on Lot 9. Plat 84-47 (Port St. Nicholas Subdivision Addition 1) shows the city limits as approximately 11 feet west of Lot 131. This would put all of Lot 9 and most of Lot 10 within the city limits with only a portion of the lot outside of the city limits.
 - c. Property Tax. We will have to address the issue of taxable/non-taxable property (both land and improvements) on any lots bisected by the city limits. Lots located wholly outside of the city limits are not subject to municipal property tax. Lots located wholly within the city limits are subject to full property tax. Bisected lots will have to be calculated on a proportionate basis to determine the proper

taxation. We will have to consult with the state assessor and city's contract assessor to determine how to best handle this issue.

2. The ownership certificate, Note 1 and Note 5 refer to "Lot 1 & 3" (referring to the ANCSA lots), but the note may be confused with lots 1 and 3 of the proposed subdivision. The certificate and notes should specify ANCSA Lots 1 and 3 to avoid this confusion.
3. Note 4 is missing. Is there another note intended that didn't get put on the plat?
4. Note 5 is ambiguous. What conditions would require the wind firm buffer? If those conditions exist then the wind firm buffer should be called out for the remainder.
5. Note 6 should be removed or edited to remove the time frame specified. ADEC has never resumed review of plats since the suspension listed in the note. The note should either reflect that the review has been suspended, or the note should be removed.
6. A new note should be added to address on-site sewer:

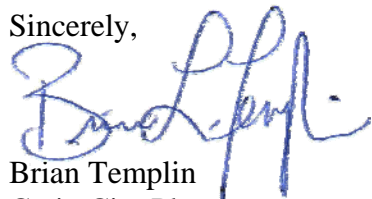
Onsite sewer treatment systems (individual or collective sewage facilities) must be approved by the Alaska Department of Environmental Conservation. No land use, occupancy or water connection will be allowed to any lot prior to submission of a copy of the treatment system design and proof of certification by the State of Alaska, Department of Environmental Conservation.
7. More information on the proposed access easement needs to be provided. This can be in a note, description of the easement or certificate of dedication of the easement. The information should specify access by the city (specifically for maintaining water line, reading meters, maintaining hydrants, etc.) and emergency access by city departments. The information should also establish a level of maintenance that will be sustained by the property owners to allow use of the easement for access and utility maintenance. There should also be a minimum level of maintenance specified that the homeowners will maintain the access road to (including snow/ice removal in winter).
8. The location of the label "L1" on the access easement is confusing. I assume this distance is from the NE corner of Lot 1 to the centerline of the access easement, but it is difficult to tell where it is.
9. Improvements Certificate. A certificate of improvements is required per CMC 18.18.09.020(E). The certificate will either be the first or second example depending on the status of the construction of the improvements at the time the final plat is filed.
10. Has the engineer looked at drainage to see how the access easement/road will be affected? There are two recorded drainage easement (Lots 1 and 8/9) that encroach into the proposed access. Do the drainage easements preclude road surface or buried waterline along these areas? Where will the collected drainage go if the new access/easement blocks it?
11. Utilities. CMC 18.10.006 and 18.10.007 outline requirements for water and sewer improvements required to be made by the subdivider. The proposed subdivision is within 600 feet of municipal water but is not within 300 feet of municipal sewer, therefore:
 - a. Municipal Water. The subdivision is required to connect to municipal water. Shaan-Seet has proposed connecting to the water main in one spot near proposed Lot 1 and running a waterline along the access easement to service each lot. In order to maintain water quality and water flow the city requires looped waterlines where possible. You can accomplish this by continuing the water line through proposed Lot 7, crossing the Port St. Nicholas Road and connecting back to the

water main. A 6" waterline should be installed along the easement to service the ten lots. Once installed and accepted the city will assume ownership and maintenance of the 6" water line. The city will also accept ownership and maintenance of 1" service lines running from the 6" line to the edge of the access easement (a curb stop will be installed here). Property owners will assume responsibility for all water lines and appurtenances from the curb stop out.

- b. Fire Hydrants. The subdivision code requires that the subdivider ensure that there is a fire hydrant within 150 feet of each residence. After looking at the municipal code, discussing the issue with the public works director and discussing the issue with the Craig fire chief the subdivider must install three hydrants. The hydrants should be installed within the access easement along the newly installed 6" waterline. A hydrant should be placed within the easement area of Lot 1 and two additional hydrants should be placed approximately 300' apart along the easement.
 - c. Sewer. Connection to municipal sewer is not required since the subdivision is more than 300 feet from existing sewer. CMC 18.10.007(B) allows for installation of individual or collective on site systems that meet city and State of Alaska Standards. The city does not have any additional standards and will defer to Alaska Department of Environmental Conservation certification. A note should be included on the plat (see #6 above) and all sales agreements/covenants should specify that the property owner cannot use or occupy property and no water service will be allowed until a copy of the approved designs and proof of certification are provided to the City of Craig.
 - d. A registered engineer should provide road and water plans for the subdivider to install. Those plans should be submitted to the City of Craig for review and approval by the Craig Public Works Director.
12. Zone Designation. Currently the property is zoned Forestry. A request to rezone the property to a residential zone must be approved prior to use or occupancy of the property. Shaan-Seet has indicated that their preference is for Low Density Residential. Please note that any zoning does not apply to the portion of the lot or lots outside of the Craig municipal limits. In order to ensure a set level of development on those areas the plat, sales covenants or sales agreements should specify what development is allowed.

This review is a preliminary review of the proposed subdivision only. A more complete review and public hearing will be conducted by the Craig Planning Commission on January 28, 2010. No action is required at this time. In the meantime if you have any questions or comments please feel free to stop by city hall, call or email me.

Sincerely,



Brian Templin
Craig City Planner

**CITY OF CRAIG
PLANNING COMMISSION**

Staff Report by Brian Templin

December 21, 2009

Applicant: Curtis Brown

Requested Action: Variance to set back requirement

Location: Lot 2A2A, USS 3857
1407 East Hamilton Drive

Zoning: High Density Residential

Surrounding Uses: North: Hamilton Drive/Public
South: Port Bagial
West: High Density Residential
East: High Density Residential

Analysis

Curtis Brown recently began sitework related to the construction of a new single family dwelling on his property at 1407 East Hamilton Drive. Curtis previously had a trailer that was severely damaged by a blowdown. After the damaged trailer was removed the property owner applied to the US Army Corps of Engineers to fill additional property and he secured a building permit (limited to sitework).

Recently Curtis submitted an application for a variance to construct the new house inside of the 10' sideyard setback. Curtis has described the lot as pie shaped and that it was difficult to fit the home on the lot. His application says that if the variance is refused, it could result in the new home foundation being compromised by erosion of the rock wall. The application further states that constructing the home close to the rock wall will compromise the viewshed of his neighbor, Ken Owens.

Criteria Analysis

Section 18.06.003 of the Craig Land Development Code lists the seven specific criteria that must be met before a variance may be granted.

Criteria 1. There are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which make the variance necessary. The application cites the shape and size of the lot and the limit to the filled area (with potential erosion) as exceptional physical circumstances. The commission should discuss whether or not the shape of the lot and location of the rock retaining wall constitute exceptional physical circumstances.

Criteria 2: The strict application of the provisions of this title would result in practical difficulties or unnecessary hardship. The strict application of the provisions of the setback would require the applicant to build a smaller house, realign the house to fit within the setbacks, or construct the house close to the face of the rock wall. The application does not address realignment or changing the size of the house but lists possible erosion and the neighbor's

viewshed as difficulties or unnecessary hardship. The commission should discuss if the potential erosion and viewshed constitute practical difficulties or unnecessary hardship.

Criteria 3: Granting the variance will not result in physical damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare. The variance is requested on Ken Owen's side of the applicant's property. Ken supports the variance request. Ken's house along that side of his property is approximately 10' from the property line. Granting this variance would create a point of separation of 15.5' between buildings. Public safety has always been a concern when discussing variances. The affected property owner has expressed support for the variance but the planning commission should discuss whether the reduced separation between structures is detrimental to the public health, safety or welfare.

Criteria 4: Granting the variance is consistent with the objectives of the comprehensive plan. The proposed use, zoning and location are consistent with the Craig Comprehensive Plan. This condition is met on the basis of the application.

Criteria 5: The special conditions that require the variance are not caused by the person seeking the variance. As the commission is probably aware, this is the most difficult condition to meet when granting a variance for new construction. Since the applicant has discretion on the size and placement of the building since no foundation or previous building exists on the property then the commission has to look at the other factors described in the application to determine if the person seeking the variance is causing the conditions necessary for the variance. Curtis lists the shape of the lot and the location of the rock wall as the conditions that require the variance. The commission should discuss whether the need for the variance is caused by the exceptional physical circumstances or by the applicant.

Criteria 6: The variance will not permit a land use in a zone in which that use is prohibited. The proposed use and construction is allowed in the zone that the property is located in. This condition is met based on the application.

Criteria 7: The variance is not sought solely to relieve monetary hardship or inconvenience. The house is already in place. The variance is being sought to place the house far enough from the rock retaining wall to prevent erosion problems and to allow continued view of the waterfront on that side of the neighbor's house. The application does not address solutions such as realignment or resizing the house that could achieve the same goals but would cause monetary hardship or inconvenience. The commission should discuss whether the applicant has looked at alternatives to the variance, even if they cause monetary hardship or inconvenience.

Recommendation

The variance application may not several of the criteria set in Title 18.06.003. Criteria 1, 2, 3, 5 and 7 should be discussed by the commission. If, after discussion, the commission finds that these criteria have been met then the variance should be approved. If the criteria are not met then the variance should be disapproved. I have provided a resolution approving the variance, but if the commission finds that the criteria are not met then the resolution should be amended to disapprove the variance. If the commission disapproves the variance it should clearly state the criteria that is not met and why so that a statement of findings can be written.

**CITY OF CRAIG
PLANNING COMMISSION
RESOLUTION 517-09-PC**

APPROVING A REQUEST BY CURTIS BROWN FOR A VARIANCE TO
THE SIDEYARD SETBACK REQUIREMENT ON LOT 2A2A, USS 3857

WHEREAS, the Planning Commission held a public hearing on December 29, 2009; and,

WHEREAS, public notice was given in accordance with Section 18.06 of the Craig Land
Development Code; and,

WHEREAS, the Planning Commission finds that the specific criteria of Section
18.06.003 of the Craig Land Development Code are met.

NOW, THEREFORE, BE IT RESOLVED the Craig planning commission approves the
request for a variance to the setback requirement on Lot 2A2A, USS 3857 not to exceed an
encroachment of five feet (5') into the west sideyard setback.

Resolution Approved this 29th day of December, 2009.

Chairman John Moots

Brian Templin, City Planner

December 26, 2009

Brian Templin
Craig Planning Commission

Ken Owen
1405 Hamilton Drive
PO Box 702
Craig, AK 99921

I am writing in support of my neighbors, Curtis Brown, application for a variance to the side yard setback on his property. The variance would allow him to set back his new home 5 feet into the side yard and in so doing would setback his house almost 10 feet further back from the ocean front. This will help minimize the impact that his new house will have on the view from my house.

Sincerely,

A handwritten signature in black ink that reads "Ken Owen". The signature is written in a cursive, flowing style.

Ken Owen