

PLANNING AND ZONING MINUTES

Tuesday, May 13, 2008

I. CALL TO ORDER

The meeting of May 13, 2008, was called to order by Steve Jones, co-Chairman of the Planning & Zoning Commission at 7:00 p.m. The meeting was held in the Assembly Chambers of the Borough Building in Naknek, Alaska.

II. ROLL CALL

Present: Harold Allen, Steve Jones, Matt Niedermeyer, Elizabeth Eckert and Steve (Slim) Morstad.

Also Present: Tami Johnson, Clerk and Yvonne Kopy, Planning Specialist.

Excused Absence: Jay King and Tom Ferrazzi.

III. APPROVAL OF AGENDA

Yvonne Kopy stated that there are some additions to the agenda. There were two additional site development applications just dropped off this evening. #2. will be Ocean Beauty LLC and #3 will be Schell and Kampeter Inc. STEVE MORSTAD MADE A MOTION TO ACCEPT THE AGENDA AS AMENDED SECONDED BY MATT NIEDERMEYER MOTION PASSED UNANIMOUSLY.

IV. APPROVAL OF PRIOR MINUTES

STEVE MORSTAD MADE A MOTION TO ACCEPT THE MINUTES OF THE APRIL 8, 2008 MEETING SECONDED BY HAROLD ALLEN. MOTION PASSES UNANIMOUSLY.

V. PERSONS TO BE HEARD

None

VI. COMMUNICATIONS:

A. Reports of Planning Specialist

1. Site Development Permit Applications:

- a. Frederick Reinbold – Matt Niedermeyer stated he may have a potential conflict since he is the one who filled out the permit application. Yvonne Kopy stated it is for putting in a septic tank, right? Matt replied right, and has been approved by D.E.C. yesterday.
 - b. Ocean Beauty Seafoods, LLC – Yvonne Kopy stated that what they are wanting to do at the old Hester house is adding five container type trailers, double stacked. They will not be on foundations and came to the Commission for their opinion. They are pre-fab container housing. A short discussion followed. STEVE MORSTAD MADE A MOTION TO APPROVE THE SITE DEVELOPMENT PERMIT SECONDED BY MATT NIEDERMEYER AND MOTION PASSED UNANIMOUSLY.
 - c. Schell & Kampeter Inc. – Yvonne Kopy stated that attached to this is a special attachment that Kevin has put as an attachment to the permit, because there is a clean-out that will be covered by the building and the owner has agreed to relocate that. The set-backs are there and the new structure will be according to set-backs. If he moves the sewer line, then power signed off and phone signed off. STEVE MORSTAD MADE A MOTION TO ACCEPT THE SITE DEVELOPMENT PERMIT FOR SCHELL & KAMPETER INC., CONTINGENT WITH KEVIN SCHONEMAN'S ATTACHED NOTE. HAROLD ALLEN SECONDED THE MOTION AND IT PASSED UNANIMOUSLY.
2. Mapping Update:
Yvonne Kopy stated we have just received draft copies of Pike Lake and Rapids Camp and Harold had just helped her put up for all to see. The first phase is done and complete. Phase two is going out by the lake, Pikes Ridge and a little more of King Salmon Subdivision. People just love what we have.
 3. Dock Expansion Update:
Yvonne Kopy stated it is ready to go out to bid, we are waiting for the attorneys final approval on the construction contract, then will go out immediately for bid. We will be under construction this Fall, for Phase I.

VII. PLATTING BOARD

None

VIII. OLD BUSINESS:

A. Subdivision Regulations – Revision/Update: Yvonne Kopy stated thank you to those that attended the workshop. We had three questions you wanted definitions for; one was easements, right-of-way and block; which she found on the internet. So she is looking to go forward to the Assembly, so they can go ahead with making an Ordinance. A short discussion followed. STEVE MORSTAD MADE A MOTION TO ACCEPT THE CHANGES TO THE SUBDIVISION REGULATIONS AND SEND FORWARD TO THE ASSEMBLY AND SECONDED BY MATT NIEDERMEYER. MOTION PASSED UNANIMOUSLY

B Fitness/Walkway Path: Yvonne Kopy stated she put it back on the agenda because she doesn't want this to be dropped. Yvonne was instructed to write a letter to the Bristol Bay Elder's Action Group to get support from them and to local landowner's.

C. Diamond Lodge/Heidi & Dr.Lorren Weaver's Rezone/Variance – Public Hearing: Dr. Lorren Weaver stated they are seeking a variance and hopefully re-zone this as commercial so they can continue to operate their business. Without this, it severely hampers operation. Mr. Weaver stated his understanding is that this has been operating as a small fish processing plant for some period of time and sometime during the last decade or so, it was zoned private residence. Heidi has paperwork transferring from previous owners, but shows no zoning. There was a lengthy discussion concerning the history of the area. Mr. Weaver wanted to reiterate that if we can't grow with costs going up, we'll have to fold. Mr. Weaver stated that we can't do anything this year, so maybe next season we can plan and go ahead. We had planned on expanding the butcher plant only, so maybe next year. Discussion followed.

Lynn Shawback stated he was born in King Salmon and is very familiar with the area and owns property next to Heidi & Loren Weaver. Lynn stated the only reason he bought property there is because John Korupp punched a road through there and put a road to the property he had. Bobo Loop is not developed right through there, and to his knowledge, none of the lots that are inside to the North of Bobo Loop are not sold, because the area is not developed. Lynn stated he is in favor for re-zoning for Heidi to keep on going. A short discussion followed. Lynn also stated he would like the Planning & Zoning look at it and make a

recommendation to the Assembly to call it a variance or a zoning change or table it till the next meeting, maybe get back to it during the winter.

MATT NIEDERMEYER MADE A MOTION TO TABLE THIS UNTIL THE NEXT MEETING AND SECONDED BY STEVE MORSTAD. The question was asked, for how long and Matt Miedermeyer stated, "Next week, next month or until he deemed fit to take it off the table because he was the one who put it on the table." MOTION FAILED.

MATT NIEDERMEYER MADE A MOTION TO APPROVE THE VARIANCE. NO SECOND MOTION FAILED.

D. Tony Wood's Fish Processing Request/Variance – Public Hearing: Chris Hunt came before the Commission representing Tony Wood's, who is in town attending a class. Chris is the builder for Tony Wood's. A short discussion followed.

Letters put into record and attached from Thelma Eckert, Lydia Doherty and David Angaiak who are all property owners in the subdivision, all against the fish processing plant.

David Angaiak was present and stated he is asking that this variance not be approved. This will de-value the property. One of his concerns is the wastewater issue as well as bears. It was his understanding that this subdivision was meant for residential use. He had spoken to his grandmother Thelma Eckert and she told him there was no zoning in the area. Concerned about his property which is on the water with regard to trespassing, not that it is happening, but could.

Steve Jones stated that if this is under BIA, it is not under our jurisdiction. We have no say in it at all.

Elizabeth Eckert made a recommendation to have the Planning & Zoning director contact BIA regarding this.

E. Herb Mitchell – Vacating a Right-of-Way: Harold Allen stated he had spoken to Arne Erickson. Arne informed Harold that he had put in the original road and spent \$4,800.00. Mr. Mitchell stated that there was a verbal agreement between Mr. Bradley and himself that this was a temporary easement. Yvonne Kopy stated she had spoken to Keith Jost that in order to vacate this, we have to determine what is best for both parties involved. Mr. Jost cautioned the Commission, that we could be liable if someone feels they have suffered a loss, because of our decision, financially, and who gets ownership of the right-of-way

once it's vacated. What compensation would be for that person that lost the right-of-way? Yvonne stated it is a plotted right-of-way.

Elizabeth Eckert asked when was the right-of-way approved? She was informed it was in 1980.

Joe Duray passed out a packet with photographs of the road and e-mails from Mr. Arne Erickson. The road has been in use for 31 years, we have been using it since 2001. Arne pointed out to Mr. Duray, twice in an e-mail; the plat does not say temporary easement. A short discussion followed. Joe Duray stated that their contention is that, we did a title search when we bought the property and the title company did not discover anything of a temporary nature. In the search by the title company the Duray's access to the property was secure, otherwise they wouldn't have okayed it and the bank wouldn't have loaned them the money. This issue has come up at least once and affected a potential buyer looking at our property. Joe Duray stated that he just asks the Commission here confirm what the original documents say, what the original subdivider says, his intent was a permanent access to our home, unless and until a cooperative effort can be made between the two property owners.

IX. NEW BUSINESS:

A. Rezone of Naknek River Subdivision Lot 1 of Block 10 – PUBLIC HEARING:

Russ and Rhonda Olsen approached the Commission and stated for the record. Lot 1, Block 10 of the Naknek River Subdivision is a commercial lot. It was first represented as such by the Bristol Bay Borough 25 years ago, to Bruce and Janet Schmidt, they were the original purchasers of the lot, and now to Outpouring Ministries at the time of the transfer. This was again, a Borough representation to us at the time. Furthermore, tax rolls, zoning maps, the adjoining lots along the highway not only set a precedent of commercial zoning but also adequately provide documentation that the error is not a zoning error. The lot is zoned commercial as it should properly be. What we have is an error in the covenants and it was an obvious inadvertent omission in renaming lot 1, Block 10 under its proper land use of local & neighborhood business. It is simply a clerical oversight and at the May Assembly meeting we presented the same facts and the Assembly actually came to the same conclusion that it was a clerical oversight dealing with the covenants. The issue at hand is not a zoning error, but a clerical error. What we are saying is it's in the Assemblies hands at this point. It's not a Planning & Zoning Commission issue, where it stands and we are really at a loss as to why the issue has been placed before this commission at this point.

There was a short discussion. Shelby Boothe stated for the record that since this is a public hearing that Block 10, Lot 1 be added to the one in the covenants where it should have been 25 years ago.

STEVE MORSTAD MADE A MOTION THAT BLOCK 10, LOT 1 BE ADDED TO THE NAKNEK RIVER SUBDIVISION BOROUGH COVENANTS AND BE LISTED AS COMMERCIAL AS IT SHOULD BE. MOTION WAS SECONDED BY ELIZABETH ECKERT MOTION PASSED UNANIMOUSLY.

B. Helen Lons National Park Service Re: Pikes Ridge Trail: Helen Lons and Ralph Moore approached the Commission and mentioned that in their packet is a letter and a map. They just wanted to introduce a project that will be started this month on the Pikes Ridge Trail. Helen wanted to point out four quick topics on the project. #1 the current situation, #2 timelines, #3 environmental assessment process and #4 postings and public input. The first public meeting is coming up at the King Salmon Comserfac, June 5, 2008 at 7:00 p.m. Ralph Moore stated that one of the things they are interested in finding out through this public process is to get a better understanding as to how this area is currently being used. That will help us once we know how it's used, and how people would like to see it be used in the future.

C. Zoning for Lake Camp area; Rapids Camp area; Pikes Lake and Ridge area: Yvonne Kopy stated that we had talked about putting it on the agenda because there is so much development going on out there. The Commission looked at the new maps on the wall. HAROLD ALLEN MADE A MOTION TO START THE ZONING PROCESS OF THE LAKE CAMP AREA AND RAPIDS CAMP AREA AND PIKES LAKE AND RIDGE AREA SECONDED BY ELIZABETH ECKERT. Yvonne Kopy stated that letters will be sent out to all property owners advising of the public hearing in June, for zoning of these areas. MOTION PASSED UNANIMOUSLY.

X. PUBLIC COMMENTS:

None

XI. COMMISSIONERS COMMENTS:

None

XII. NEXT MEETING DATE:

June 10, 2008 at 7:00 p.m.

XIII. ADJOURNMENT:

ELIZABETH ECKERT MADE A MOTION TO ADJOURN AT 9:17 P.M.
SECONDED BY MATT NIEDERMEYER.

Tom Ferrazzi, Chairman

ATTEST:

Tami M. Johnson, Clerk