

PLANNING AND ZONING MEETING MINUTES

Tuesday, October 9, 2007

I. CALL TO ORDER

October 9, 2007, meeting was called to order by Tom Ferrazzi at 7:04 p.m. The meeting was held in the Assembly Chambers of the Borough Building, in Naknek, Alaska

II. ROLL CALL

Present: Tom Ferrazzi, Matt Niedermeyer and Harold Allen.

Absent: Steve Jones, Steve Morstad and Jay King. J.C. Tudor has recently been elected to the Borough Assembly, so has stepped down from the Planning & Zoning Committee.

Also Present: Yvonne Kopy; Planning Specialist and Tami Johnson; Administrative Assistant.

III. APPROVAL OF AGENDA

MATT NIEDERMEYER MADE A MOTION TO APPROVE THE AMENDED AGENDA. HAROLD ALLEN SECONDED THE MOTION. ADDITION: VI. SITE DEVELOPMENT PERMITS ISSUED ; ARCADIA CORP. MOTION PASSED UNANIMOUSLY.

IV. APPROVAL OF PRIOR MINUTES

TOM FERRAZZI MADE A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 11, 2007, SECONDED BY HAROLD ALLEN.

Matt Niedermeyer had one correction on page 2, under Jerry Schultz permit towards the bottom, change to Yvonne said, "there wasn't a permit issued for that one." **MOTION PASSED UNANIMOUSLY.**

V. PERSONS TO BE HEARD

None.

VI. COMMUNICATIONS

A. Reports of Planning Specialist

1. Yvonne Kopy stated the two site development permits issued had been discussed at last month's meeting. Sandor's house is on Jerry

Schultz's property. Sandor Manyoky applied for and has the permit.

Arcadia Corp. was issued a permit. They are building housing for employees of the King Ko. Next year they plan on building a bath house. A light discussion followed on the placement of the housing.

2. **Mapping Update**

Yvonne Kopy reported that she has the final drafts for King Salmon and South Naknek. NEA has them to draw the power lines. Yvonne plans on making a list of all the roads not plotted when she gets them back. She will forward this to the Assembly. King Salmon Heights is one of them. It is platted as Lamoreaux Rd. at the corner by the post office. Unfortunately, that is the only corner that we don't have on our maps. Light discussion followed. The final on Naknek should be back any time and probably about a month out for the King Salmon and South Naknek maps. You have in your packet the additional pages we are getting. We're going to get up at Pikes Ridge, Lake Camp, Smelt Creek subdivision and Rapids Subdivision.

3. **Dock Expansion**

The EDA grant and the Denali application going in this week. We have 3 assembly members traveling to Washington D.C. next week to go see our legislators.

B. RAB Meeting Announcement

Yvonne Kopy stated she put this in the committee's packet, it is an invitation for them to attend. Matt Niedermeyer asked where zone 1 was? Tom Ferrazzi informed him it was west of Eskimo Creek.

C. Letter from Elizabeth Eckert re: Pinochle John Rd.

Yvonne stated this letter was just to make a note, that Elizabeth had read last months minutes and noticed a reference of Bear Trail Rd. Elizabeth wanted to make sure the maps had Pinochle John Rd., which Yvonne stated the do.

D. Letter from Roylene Gottschalk re: Papetti site development permit

Matt Niedermeyer stated the letter brings up a lot of valid points. The legal description and permit description are for two separate properties. Tom Ferrazzi stated, another valid point is that on none of the paperwork is there any mention of proposed use. The only drawing that Tom has seen says "house" on it. Yvonne, again mentioned that if she is instructed to do so, she will rescind the permit. Harold Allen said the permit is not drawn to scale for water or sewer and is very vague. Matt Niedermeyer wanted to hear from Arne Erickson before continuing whether or not to take action. Roylene Gottschalk spoke and said on all 3 of the utility permits it had Block 1, lot 2, which is her property.

E. Letter from Dave Soulak, Borough Manager re: Comprehensive Plan
Yvonne let the members of the committee know that Mr. Soulak had an unexpected appointment and had to leave town. His wish was to have this brought up at next months meeting.

F. Letter from K. Vander Bie, Alaska Commercial Fishing & Agriculture Bank re: Donna G zoning

G. Letter from Arne Erickson re: spot zoning
Matt Niedermeyer stated that everything he has read from the last meeting and this one, refers to spot zoning. The premise of, you cannot enforce zoning on restricted property, I understand. Why can't we zone it? Does the Borough have jurisdiction in this subdivision? Arne Erickson replied, "You do have the jurisdiction, you can zone the fee simple lots, but you could not overlay and say Donna G and subsequent surveys is an unrestricted zoning classification, because that puts a stigma on the whole plat and you don't have the jurisdiction to do that. You can't enforce that or imply it. You cannot overlay, it can be construed as a stigma on the land. Right now you can take the fee simple lots and apply a zoning to those. They as landowners can control the type of development, because they won't sell unless it's in the character that they intended for that area to be. Yvonne stated she can rescind the Papetti permit based on having the wrong block, lot and year. You can rescind the permit and then you start over. If he comes back with a permit for housing, at that point, you can bring him before this body and have him explain what his intent is. At this point he has the permit and all you can do is rescind it. He has a permit to build a house, he does not have a permit to build a fish processing facility. HAROLD ALLEN MADE A MOTION TO RESCIND DOMINIC PAPETTI'S PERMIT ON THE BASIS THAT IT HAS ERRONEOUS INFORMATION AND IS NOT PROPERLY

DOCUMENTED. MATT NIEDERMEYER SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.

VII. PLATTING BOARD

None

VIII. OLD BUSINESS

A. Clearing & Grading of Land Permit

Yvonne Kopy stated that Steve “Slim” Morstad asked if we could hold off on this until the next meeting, he didn’t have a chance to work on this. He has some thoughts on the form to have an A or B choice. If doing just clearing or grading follow form A if building go to section B. Tom Ferrazzi also stated he hadn’t had enough time. Alternate addresses and fax numbers. On the clearing and grading permit, a brief description of how they plan to cover the ground that has been cleared. Agreed to discuss this at next months meeting.

IX. NEW BUSINESS

A. Public Hearing on Donna G I & II parcels for residential zoning

Tom Ferrazzi stated we had been discussing this for a while.

Rosalie Raffanieillo – I don’t have property in Donna G, but I have property that borders Donna G. I know for myself that when Dominic was in the office this summer, he said he was going to put in a fish processing plant and asked if she had any problems with that. She told him fish processing smells and she doesn’t want bears in her neighborhood. All she could imagine was how this would attract all these bears. Even a home, when your processing fish for canning or smoking, you have the potential of attracting bears. That kind of operation will attract more bears and more stink. She had heard the mention of what is he going to do with the waste and he said he was going to take it to the fish grinder, “is that hourly, daily, weekly? That can pile up fast.” Rosalie Raffaniello stated her stand on this is no. Donna G subdivision is a residential property, all houses and it should remain residential. I don’t want fish processing in my backyard. On the other hand you can’t pick and choose which permit gets to put a processing plant in residential neighborhoods, since two other permits have been granted for this. If you take a stand on this, you need to treat everyone equal across the board. You can’t pick and choose which area your going to pick on. You need to be fair to everybody.

Michael Gottschalk – I am an heir to the estate of Donna Gottschalk as well as an owner of several parcels of property in the Donna G II subdivision. I am adamantly opposed to any industrial commercial application within the

subdivision Donna G I or Donna G II. As it is not written anywhere but it was the intent of the subdivision to maintain a residential facility. It has been residential up until the recent application by Mr. Papetti. I would hate to see an industrial or commercial facility placed in this subdivision. I think it would be a big mistake on the Planning & Zoning commissions part to approve this application.

Brooksy Allen – Harold & I moved into our house thinking it was already residential. I do want my house zoned residential. I don't want a processor there, the stink, the people that they bring up, I could name off a hundred things that it would bring our residential area down. People won't pay for what our houses are worth. I am opposed to it. I don't want it.

Donna Williams – I am a residential owner in the Donna G subdivision and I'm opposed to the fish processing plant due to it's nothing but children, and families and gardens. We don't want to see oversized trucks hauling stuff in and out. All the people and stink and we have enough bear problems around there already we don't need anymore.

Roylene Gottschalk – I own property in the Donna G and an heir to the estate. I have spoken before at the prior meetings and I just want to adamantly say that I am totally against any industrial facilities being built in the Donna G. That is not what it was intended for and I believe that everyone who owns homes there understands that and knows that and wishes to keep it that way.

Dylan Mancuso – I grew up in the Donna G and am also an heir to the estate. I would really hate to see a plant go in there. It was a great place to grow up, kids on pedal bikes on foot on three and four wheelers. To see a bunch of fish trucks go by, attracting the kind of people that they do and having the smell attract bears would make it a hundred times worse than what we deal with now like mosquitoes and bears. I don't know why you would do that to a neighborhood.

Ralph Mancuso – I do own a piece of property in the Donna G, though, I don't live there, my daughter spends half her life there right across the street from this piece of property. I would hate to see a fish plant there. The other thing is I cannot honestly say that I was there when Donna Gottschalk sold that lot to Papetti. I was there when she sold a lot to Mike McClean, I was there when she sold a lot to Violet Willson and I sat at the kitchen table and heard Donna & George both say, no helicopter pads, no fish processing, no industrial use of any kind. They wanted to keep it residential. I wasn't there when they sold it to Dominic Papetti but I'm sure they said it to him. The other thing is you may know that I was heavily involved in the zoning. It was proven then that you

cannot overlay native allotment at all, because you have the potential to devalue it and that's against federal law. I am definitely opposed to any kind of industrial development in the Donna G subdivision. Ralph suggested to tell Papetti that the area is earmarked for residential.

Tom Ferrazzi wants to know what we can do?

Arne Erickson asked if anyone has contacted the regional solicitor? Tell them of the concern for the native allotment subdivision out here and they would like to protect their implied character of this subdivision and is there anything you could do to assist them. The Borough would like to protect their wishes, we do not have the legal authority.

Tom Ferrazzi asked if anyone else wished to speak, hearing nothing, the public hearing was closed. Tom thanked everyone for their input. This will be an issue for next months meeting under old business. Matt Niedermeyer asked if someone was going to contact the solicitor general? Yvonne stated, yes.

X. PUBLIC COMMENTS:

Rosalie Raffienello has been interested in the Planning & Zoning commission and has put her name in a couple of times and now will be moving away to another community. Working with Planning & Zoning over the years, since I was employed by the borough, I have really enjoyed it, and I would have liked to have been on the Planning & Zoning Commission and the powers that be, didn't see it that way. Watching what's happening with this last site development permit application, is that you have to treat everyone the same. You can't pick and choose who or which application your going to make fill out completely. Like Mr. Papetti putting in a fish processing plant in a residential area or in a commercial area for that matter. Where your already allowing it in one residential area and a commercial area, so what about those two people that are operating in those areas already and your not doing anything about those?

XI. COMMISSIONERS COMMENTS

Harold Allen thanked the audience for their attendance. It has been a real education on his behalf hearing from people instead reading statements in past meeting minutes. Hopefully this will come to a standstill and will be done.

Matt Niedermeyer just wanted to say that when you do come to the meetings and do public testimonies it speaks volumes. I would love to see this room full at

every meeting. To get everyones wants and desires addressed. That's the whole idea of living in a small community like this.

Tom Ferrazzi mentioned getting a plaque for J.C. Tudor. He has been a good member of the Planning & Zoning committee for many years.

XII. NEXT MEETING DATE

November 13, 2007

XIII. ADJOURNMENT

Meeting was adjourned by general consensus at 8:09 p.m.

Chairman

Tami M. Johnson, Administrative Asst.