
PLANNING STAFF ANALYSIS AND RECOMMENDED FINDINGS

Case No. 20-058

Part I. BACKGROUND AND ANALYSIS

A. Summary of requested action:

The applicant is seeking a temporary Conditional Use Permit to allow a community facility to be located on an undeveloped lot within the Medium Density Residential (RL) zone. The proposed use will allow the Organized Village of Saxman to establish a secure site for the stocking and distribution of emergency supplies and to provide temporary quarantine shelters to mitigate community spread in the event of a COVID-19 outbreak.



Figure 1: View of the subject parcel from Bear Clan Street

Non-permanent structures will be used for the proposed community facility. Supplies will be stored in shipping containers. Small temporary structures will provide facilities for independent living during periods of isolation from the community.

This application requests a perpetual CUP so the Organized Village of Saxman can acquire the property with the reasonable expectation that it can be used as a community facility.

Site characteristics:

The subject parcel is an undeveloped rectangular lot located on Eagle Clan Street and oriented to the west. The property is largely cleared and graded with a gravel pad in place for development.

B. Code Analysis

A conditional use permit (CUP) is a devise that gives flexibility in the application of the zoning code. The purpose of a CUP is to permit uses which are basically desirable to a community, but where the nature of the use is not desirable in every location without

PLANNING COMMISSION PUBLIC HEARING: October 13, 2020

Case: 20-058

Resolution: 4272

restrictions and special conditions to ensure harmony with surrounding uses¹.

The application is for a conditional use permit to locate a temporary community facility on a standard lot within a residential neighborhood in the RM zone. The proposed structures will be inconsistent with existing residential development on adjacent lots. However, the subject property is generally suitable for the proposed use for a limited duration, due to its proximity to the Saxman Community Hall and public parking lots owned by the City of Saxman. Potential impacts to the residential character of the adjacent lots may be mitigated by the imposition of special conditions.

What public good will result from the use?

KGBC 18.55.050(b)(1) requires that uses for which a CUP is requested be reasonably necessary for the public health, safety and general welfare. **Analysis:** There is a need for community facilities to mitigate community spread of COVID-19 as demonstrated by the distribution of Coronavirus Relief Funds to Tribes for covering public health expenses². The proposed facility will ensure immediate access to necessary supplies for members of the Organized Village of Saxman during the pandemic. Tribal members requiring quarantine will be have a safe place for independent living during isolation from the community.

Will the request injure neighboring uses?

KGBC 18.55.050(b)(2) does not allow CUPs for uses which will permanently or substantially injure neighboring uses. **Analysis:** The proposed use will likely require security measures to prevent loitering and theft, which may be disturb the quiet enjoyment of residential uses in the area. Potential impacts include glare from exterior lights, infringement on privacy by use of security cameras, visual impacts of non-residential structures, and an increase in density caused by unpermitted long-term residential use of temporary shelters. Several conditions are recommended to mitigate potential impacts.

Is the request consistent with the Comprehensive Plan?

KGBC 18.55.050(b)(3) requires that uses for which a CUP is requested be generally in harmony with the Comprehensive Plan. **Analysis:** The community facility use is consistent with the Comprehensive plan as it relates to Goal 101, specifically as it ensures the health and safety of Borough residents.

¹ KGBC 18.55.050 (a) Purpose

² <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>

PLANNING COMMISSION PUBLIC HEARING: October 13, 2020

Case: 20-058

Resolution: 4272

Is the use allowed in the zone?

KGBC 18.55.050(b)(4) does not allow CUPs for uses which are not allowed in the zone the property lies in. **Analysis:** The Medium-Density Residential zone specifically allows community facility uses with a CUP.

Duration:

The applicant requests a 3 year CUP because the community facility use of this location is intended for emergency response during the COVID-19 pandemic.

PUBLIC COMMENTS

Saxman resident Joe Williams Jr. expressed opposition to the request due to a perceived change of density on the subject property. He also suggested that property owned by the City of Saxman would be a more suitable location.

Saxman resident Daniel Williams also opposed the request.

Response:

The subject lot is currently located within the RM/MBR zone. The proposed CUP will not change the zoning designation or increase the density of dwellings allowed on the property.

CONCLUSION

The proposed use would satisfy a need for emergency response to ensure health and during the pandemic. The subject property is suitable for a temporary emergency staging area due to its proximity to other public and community facilities within the City of Saxman.

Planning staff recommends Planning Commission Resolution 4272 contain the following statement:

That a request for a Conditional Use Permit to allow a community facility use as a staging area for emergency supplies and quarantine shelters for members of the Organized Village of Saxman on Lot 2, Block 3, U.S. Survey 1652, located at 2707 Bear Clan Street, City of Saxman (Parcel No. 85-2140-063-000) be **APPROVED** subject to the findings of fact and conditions contained herein.

Conditions

1. The duration of the CUP shall be 18 months from the date of issuance of a zoning

PLANNING COMMISSION PUBLIC HEARING: October 13, 2020

Case: 20-058

Resolution: 4272

permit, with the option for Planning Director renewal for an additional 18 month upon the applicant's request.

2. One storage unit and two quarantine units shall be permitted by the initial zoning permit utilizing the CUP.
3. Additional storage or quarantine units may be permitted by the Planning Director, providing that sufficient off-street parking is available.
4. Sight obscuring fences shall be installed along the property boundaries adjoining residential lots.
5. Exterior lights and security cameras shall be shielded or pointed away from adjacent residential lots.
6. Open storage of materials and equipment is prohibited.
7. Occupancy of the quarantine shelter by an individual is limited to 30 consecutive days.

Part II. REVIEW OF APPLICABLE CRITERIA AND PROPOSED FINDINGS

KGBC 18.55.050 requires that the Planning Commission make the following findings for approval of the use permit:

Criterion A: The requested conditional use permit is reasonable necessary for the public health, safety, and general welfare;

Finding A: The requested conditional use is reasonably necessary to prepare for emergency services to protect public health and safety.

Criterion B: The requested conditional use will not permanently or substantially injure the lawful use of neighboring uses;

Finding B: With special conditions to mitigate impacts, the requested conditional use will not injure the lawful use of neighboring uses.

Criterion C: The requested conditional use will generally be in harmony with the Comprehensive Plan;

Finding C: The requested CUP is generally in harmony with Goal 101 of the 2020 Comprehensive Plan because it ensures the health and safety of Borough residents.

Criterion D: The requested conditional use is expressly permitted by the zoning ordinance

PLANNING COMMISSION PUBLIC HEARING: October 13, 2020

Case: 20-058

Resolution: 4272

in which the conditional use is requested;

Finding D: The requested conditional use for a community facility use is expressly permitted in KGBC 18.20.020 (Medium Density Residential Zone).