

TALKING POINTS FOR ARGUING AGAINST THE REZONING OF
COAST GUARD BEACH

PLEASE NOTE: These talking points are to help you with ideas for comments to make at the December 14, 2010 Planning Commission meeting or for emails to the Planning Commissioners at:

http://borough.ketchikan.ak.us/planning/planning_commission.htm

Background: The Alaska Mental Health Trust has filed a request to rezone the property known as Coast Guard Beach from PLI, Public Lands and Institutions, to Low Density Residential, RL. The Alaska Mental Health Trust has a mandate to maximize its assets in order to have as much money as possible for its clients, as we all know. The Trust filed a “conceptual” plat with their rezoning request, proposing approximately 96 lots on the 70.75 acre parcel, with access to their property through South Point Higgins and Bunchberry Roads. The possibility of future public access to the beach is unknown, as is community access along the trail from Point Higgins School to Coast Guard Beach, a long-term project to which community members have donated hundreds of hours of time over an approximately 18 year period, and thousands of dollars worth of donated helicopter time, wood and other trail materials.

The rezoning request was scheduled for consideration by the Borough’s Planning Commission on October 12, 2010, but the representative from the Trust Lands Office of the Alaska Mental Health Trust could not fly into Ketchikan due to bad weather on that date, so the meeting to consider the request was postponed until December 14, 2010. However, at the October 12th meeting, the Planning Commission was willing to hear the comments of community members present, and in fact, many people spoke in opposition to the rezone.

At the October 12th meeting, those present were reminded that the criteria for a proposed rezone are reflected in Borough Code 60.10.130 (B)(4):

- (4) The Planning Commission shall study any request...for amendment [of zoning] to determine:
- (a) The need and justification for any proposed change of the zoning ordinance or the zoning map;
 - (b) The effect of a rezone..., if any, on the property and on surrounding properties;
 - (c) The amount of undeveloped land in the general area...;
 - (d) The relationship of the proposed amendment to the comprehensive plan with appropriate consideration as to whether the proposed change will further the purposes of the zoning ordinance and the comprehensive plan.

These criteria are very important to keep in mind when speaking to the Commission or to the Borough Assembly in January, when they will consider this rezoning request.

. Please see the Staff Report submitted for this meeting, which recommends granting the rezoning request, as well as comments of Dr. Tom Williams, Borough Planning Director, at <http://216.67.0.20/WebLink8/0/doc/19877/Page1.aspx>

TALKING POINTS:

- It is also important, however, to remember that the needs of the community must be taken into account by the Commission and the Assembly. Coast Guard Beach is longest stretch of sandy beach along the Ketchikan road system and the only one not chopped up by private development. We need to preserve it!

Residents have used CGB for more than 40 years for recreation, subsistence, camping, dog walking, beach combing, school science classes, etc, and preserving Coast Guard Beach as a recreation area and open space has been mentioned **in Borough Comprehensive Plans for over 30 years**. Comprehensive plans provide meaningful guidance for policy decisions over the long term.

The Planning Commission and Assembly are not obliged to approve a rezone just because MHT asked for it. A rezone changes the Borough zoning ordinance, and an applicant must demonstrate a need and a justification, as well as the effect on neighboring properties. We don't know what the effect is yet, since the "conceptual" plat isn't a real plan. Until we have a real plan from the Trust as to what they intend to do with the property and how those plans will impact the nearby neighborhoods and infrastructure, their request should not be approved.

- South Point Higgins residents acknowledge the property rights of the Mental Health Trust but, as acknowledged by MHT at the recent work session, the Trust does not have an absolute right to a rezone. Rather, like any other property owner, MHT's has a qualified right to develop property subject to zoning and other applicable restrictions. For a rezone request in particular, this must be considered under governing standards and procedures, e.g. review by the Planning Commission followed by Borough Assembly consideration of an ordinance. The criteria for a proposed rezone are reflected in Borough Code 60.10.130 (B)(4), which provides

(4) The Planning Commission **shall study any request...for amendment [of zoning] to determine:**

(a) The need and justification for any proposed change of the zoning ordinance or the zoning map;

(b) **The effect of a rezone...**, if any, on the property **and on surrounding properties;**

(c) The amount of undeveloped land in the general area...;

(d) The relationship of the proposed amendment to the comprehensive plan **with appropriate consideration as to whether the proposed change will further the purposes of the zoning ordinance and the comprehensive plan.** (Emphasis added.)

This rezone is unique because of the size of the MHT parcel – enough for a hundred residential lots – and where the MHT property is located relative to the established and relatively quiet SPH neighborhood. The “conceptual plat” submitted by MHT reflects the practical reality which is that the only viable access to residential lots on the MHT property, and certainly the least expensive access, is through SPH Road.

Planning and Zoning staff acknowledge that traffic impact on SPH Road would be severe. E.g., they indicate that a residence generates something like nine vehicle trips per day. Hence, **if only half the proposed 96 residential lots are built, this would equate to 430 additional vehicle trips per day on SPH Road.** Still, the Staff Report (see the report at <http://216.67.0.20/WebLink8/0/doc/19877/Page1.aspx>) finds that the rezone, as such, will have no “direct” effect on surrounding properties – rather, the report compartmentalizes its analysis and states that things like the traffic impact are effects of “development,” rather than an effect of the rezone.

This approach is flawed because it overlooks the peculiar effect on the SPH neighborhood of developing a large number of lots on the MHT property. Some effects e.g. the need for road upgrades, might be addressed to some extent in the platting/development context, which involves only the Planning Commission. But those decisions are only questions of “**how to develop,**” and do nothing to address the generalized question of “**whether to allow**” the generalized but severe effect on the SPH neighborhood of turning this quiet country road into an arterial in order to provide access to scores of new lots on the MHT property. Such an impact on the surrounding property is absolutely the kind of general effect can and must be considered in the context of the rezone, e.g. by the Borough Assembly as regards zone amendment ordinance,. Otherwise the decision **whether** to allow this drastic change to the character of the SPH neighborhood will be made without ever considering its obvious general effect. If so, nothing that may be done later on **how** the development may be implemented will substitute for failing to fairly consider now this unique but severe consequence in determining **whether** the rezone should be allowed.