CODE ORDINANCE

Requested by: Planning Commission
Introduced Ord. No 2012-18: April 3, 2014
Public Hearing Scheduled for Ord. No. 2012-18: May 1, 2014
Present Ord. No. 2012-18 (SUB-1): May 1, 2014
Present Ord. No. 2012-18 (SUB-2): May 1, 2014
Enacted: May 1, 2014

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-08 (SUB-2)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 17 OF THE DILLINGHAM MUNICIPAL CODE TO ALLOW FOR PRIVATE ACCESS TO CERTAIN SUBDIVISIONS AND ESTABLISH MINIMUM STANDARDS FOR PRIVATE ACCESS TO SUBDIVISIONS AND TO AMEND DEFINITIONS AND MAKE OTHER AMENDMENTS TO PLATTING REQUIREMENTS

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Section 17.03.030(G). Section 17.03.030(G) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

G. "Easement" means a grant by the property owner to another person or to the public ~~of~~ for the use of any designated part of the property for specific purposes and is considered an interest in land.

Section 2. Amendment of Section 17.03.030(Q). Section 17.03.030(Q) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

Q. "Redivision" or "replat" means ~~a replat of~~ that lot lines are moved within a subdivision but no additional lots, parcels, or tracts are created ~~which moves lot lines but does not create additional lots, parcels, or tracts.~~

Section 3. Amendment of Section 17.03.030. Section 17.03.030 of the Dillingham Municipal Code is hereby amended by adding definitions of legal and physical access to read as follows [and ordering them alphabetically with existing definitions and relettering accordingly]:

X. "Legal Access". In this title legal access means one of the following:
1. A dedicated public right of way or easement exists that meets the width standards of this title;
2. A State of Alaska maintained road available for public use is adjacent to the parcel;
3. A judicial order establishes access;
4. A dedicated private easement exists which
   a. does not result in a landlocked unsubdivided remainder parcel;
   b. is perpetual and irrevocable;
   c. is recorded;
   d. has been approved by all federal, state and city authorities whose approval is required;

SUB-2 changes from Sub 1 are highlighted in yellow

e. allows for construction and maintenance of a road of the standards required by this title.

Y. "Physical Access". In this title physical access means either that an easement identified on a plat is already in use or is practical to construct or expand to allow access by automobile considering the physical characteristics of the property on which the easement is located.

Z. "Private Access Street". In this title "private access street" means roads which provide legal access to a residential subdivision ~~of not more than seven lots by use of a dedicated private easement.~~

Section 4. Amendment of Section 17.07.090(A). Section 17.07.090(A) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck]:

A. Authority and Limitations. The planning commission may authorize exceptions to the road standards of this title in a subdivision:

~~1. In which all lots will be gift deeded; and~~
~~2.~~ 1. Which consists of four lots or less; and
~~3.~~ 2. Which has never before been granted and exception to the road standards of this title; and
~~4.~~ 3. If the findings of fact required in subsection C of this section can be made.

Section 5. Amendment of Section 17.07.090 (E). Section 17.07.090(E) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck]:

E. Attachment of Conditions to Subdivision Approval Required. No subdivision granted an exception to road standards shall be given final approval until a note is written on the face of the plat and deed restrictions are attached to the deed for subdivided lots indicating:

1. That the road granted the exception does not conform to the road standards of this title; and

2. That the city, while accepting the dedication of the right-of-way, does not accept responsibility for road improvement or maintenance; and

~~3. That the lots cannot be sold until the road is improved to the standards required by this title~~

Section ~~4.~~ 6 Amendment of Section 17.07.100(A). Section 17.07.100(A) of the Dillingham Municipal Code is hereby amended to read as follows: [new language is underlined]:

A. The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on a good quality reproducible medium at a scale of one inch equals one hundred feet or at a scale of one inch equals fifty feet if the lots are ten thousand square feet or less in size, unless a request for the use of another scale is approved by the director.

Section ~~5.~~ 7 Amendment of Section 17. 07.100(B)(17). Section 17.07.100(B)(17) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

B.

17. Contours at two-foot vertical intervals or at more frequent intervals if required by the planning commission for land of unusual terrain characteristics. Contours at 5' interval shall be permitted on undisturbed ground for created lots over 5 acres. All pertinent elevations shall be shown;

Section ~~7.~~ 8. Amendment of Section 17.07.100(B)(20). Section 17.07.100(B)(20) of the Dillingham Municipal Code is hereby amended to read as follows: [deleted language is overstruck, new language is underlined]:

20. Adjacent parcel right of way (public or private) deemed necessary to the public interest defined as pre-planned access roads, docks, airports, or any necessary public infrastructure approved by the City of Dillingham. ~~Any right of way deemed necessary to the public interest shall necessitate compensation from the City of Dillingham at current fair market value of the right of way as determined by an appraisal. Said compensation shall be placed in trust for the benefit of the property owner. Upon development of the easement by the City the funds placed in trust will be disbursed to the beneficiary of the trust. Necessary public rights of way or public easements which ensure reasonable and practicable access to property adjacent to the proposed subdivisions.~~

Section ~~6.~~ 9. Amendment of Section 17.19.030. Section 17.19.030 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as ~~overstruck,~~ and new language is underlined]:

A. Every lot shall have access directly from a dedicated ~~public~~ right-of-way or easement.

Section ~~7.~~ 10. Amendment of Section 17.19.050. Section 17.19.050 of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

17.19.050 Streets — Dedicated Right-of-way or easement width and improved width.

A. Arterial~~s~~ Road. One-hundred-foot public dedicated right-of-way and twenty-six foot improved width;

B. Collector~~s~~ Street. Sixty foot public dedicated right-of-way or easement and twenty-six-foot improved width;

C. Major Local Streets. Sixty foot public dedicated right-of-way or easement and twenty-four-foot improved width;

D. Minor Local Streets. Fifty foot public dedicated right-of-way or easement and twenty-foot improved width;

E. State highways shall be subject to appropriate state standards;

F. ~~Private Access Streets shall have at least a fifty-foot dedicated right-of-way or easement and a 16 foot improved driving surface.~~ Private Access Streets shall have at least a fifty-foot easement with a ~~10~~ **12** foot improved driving surface accessing up to six lots; a 14 foot improved driving surface accessing up to 10lots; and a 20 foot finished surface accessing more than 10 lots. Use of private access standards requires maintenance of the right of way 10 feet on either side of the finished surface.

~~***REMOVE THIS SECTION. Section 7. Amendment of Section 17.19.060(F).*** Section 17.19.060(F) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is shown as strikethrough, and new language is underlined]:~~

~~F. Cul-de-Sacs. Cul-de-sacs in areas served by community or city sewer and water systems shall have a maximum length of six hundred feet with a minimum turn-around diameter radius of sixty feet. Cul-de-sacs in areas served by on-site sewer and water systems or only by city or community sewer systems shall have a maximum length of one thousand three hundred feet.~~

~~Measurement of cul-de-sacs shall be along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.~~

Section ~~10~~. 11. Amendment of Section 17.19.080(D). Section 17.19.080(D) of the Dillingham Municipal Code is hereby amended to read as follows [deleted language is overstruck, new language is underlined]:

D. Sight Distances. A minimum sight distance, with visibility measured along the centerline of the street, shall be provided for both horizontal and vertical curves as follows:

1. Minor and major local streets or private access streets, one hundred twenty-five feet;

2. Arterials and collectors, two hundred twenty-five feet.

Section ~~9~~. 12. Amendment of Section 17.19.120. The Title of Section 17.19.120 of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

17.19.120 Utility Easements.

A. The planning commission shall require the reservation of utility easements along street rights-of-way and along lot lines in subdivisions when utility providers demonstrate a need for them. The subdivider and utility provider shall work together to agree on the location and width of easements prior to the planning commission hearing.

B. Easements for single phase utility service and for minor utility distribution within the subdivision shall be centered on rear and/or side lot lines and shall be a minimum of twenty feet wide (ten feet on each side) with a forty-foot guying easement when necessary.

C. Easements necessary for major utility distribution within the subdivision or for extending utilities to surrounding areas shall be a minimum of thirty feet in width and shall be provided within the street right-of-way whenever feasible.

D. All easements shall be sufficient to meet applicable city, state, and federal requirements.

E. Where utilities are deemed necessary, ~~E~~ easements shall be reserved to provide for the extension of utilities to surrounding areas . The subdivider will be required to dedicate necessary easements but will not be required to build utilities to serve surrounding areas.

F. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose.

Section ~~10~~.13 Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 1, 2014.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Janice Williams, City Clerk

SUB-2 changes from Sub 1 are highlighted in yellow

City of Dillingham Information Memorandum No. O2014-08

Subject: A resolution of the Dillingham City Council amending Title 17 to allow for private access to subdivisions and making other amendments to Title 17

Agenda of: May 1, 2014

Council Action: Ordinance No. 2014-08 was introduced at the April 3 Council Meeting. Several amendments were presented. Mayor Ruby recommended without the amendments in front of the full Council to introduce the ordinance and bring back the amendments to the next Council meeting as a substitute ordinance (SUB-1), and pass it by the Code Review Committee before the next Council meeting, May 1. The Council moved to concur.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works / Francisco "Pancho" Garcia		
X	Planning /Jody Seitz	JS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No ___X___ Funds Available: Yes _____ No _____

Other Attachment(s):

- Amendments presented at the April 3 Council meeting

Summary Statement.

The ordinance proposed to make private access easements legal access under the Dillingham Municipal Code. This would address some subdividers who would prefer to not have the roads into their subdivisions be public roads. Making private access easements legal access by code would allow citizens to choose that as a form of subdivision access rather than having the Variance requirements.

This code also spells out road standards to be met by those proposing new subdivisions where the access into those subdivision lots would be private access. In the ordinance that was introduced April 3, all new private subdivisions would have to provide a minimum 50 foot easement and a 16 foot improved surface for the road to serve no more than 7 lots. Any further subdivision would require that the road be constructed to 20' and be dedicated to the City.

At the April 10 Code Review Committee meeting, the committee and audience members discussed the amendments brought forward to the April 3 Council meeting when the

PRIVATE ACCESS EASEMENT

Title

17.07.090: 1 A1--Strike:"All lots gift deeded."

17.07.100: 2 B20—Replace with: "Adjacent parcel access Right of Way (public or private) deemed necessary to the Public Interest defined as pre-planned access roads, docks, airports, or any necessary public infrastructure approved by the City of Dillingham. Any Right of Way so deemed shall necessitate compensation in trust by the City of Dillingham at the current market value to be determined by appraisal. Trust will be reimbursed by trust beneficiary upon easement development.

17.19.030: 3 A—Every lot shall have access directly from a dedicated Right of Way or easement.

17.19.050: 4 F—Private access streets will have a 50' easement with a 10' finished surface accessing up to 6 lots and a 14' finished surface accessing up to 10 lots. Access to more than 10 lots requires a 20' finished surface. Use of private access standards implies maintenance of the Right of Way 10' from finished surfaces.

17.19.060: 5 F—Remains at 60' diameter.

17.19.080: 6 D1—Add "Private"

19.19.120: 7 E—Add "Where Utilities deemed necessary"

CITY OF
DILLINGHAM
ALASKA

NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2014-06, -07, and -08

The City Of Dillingham will hold a **Public Hearing** on Thursday, May 1, 2014, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2014-06, An Ordinance of the Dillingham City Council Amending Chapter 18.16 of the Dillingham Municipal Code to Provide a System of Permits and Reviews to Respond to a Variety of Land Use Activities and Creating New Title 19, Material Site Regulation

Ordinance No. 2014-07, An Ordinance of the Dillingham City Council Authorizing the Sale of Tax Foreclosed Property to the Former Record

Ordinance No. 2014-08, An Ordinance of the Dillingham City Council Amending Title 17 of the Dillingham Municipal Code to Allow for Private Access to Certain Subdivisions and Establish Minimum Standards for Private Access to Subdivisions and to Amend Definitions and Make Other Amendments to Platting Requirements

If you have any questions, please contact the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.