

Planning Commissioners

Paul Liedberg, Chair, Seat B
Terry Hoefflerle, Deputy Chair, Seat A
Bill Rodawalt, Seat C



Rachel Muir, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F
Izetta Chambers, Seat G

**DILLINGHAM PLANNING COMMISSION
REGULAR MEETING**

**April 16, 2013
5:30 p.m. City Council Chambers**

Agenda

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MINUTES –**
 - A. March 19, 2013
 - B. Amended January 15, 2013 minutes
- IV. APPROVAL OF AGENDA**
- V. COMMUNICATIONS**
 - A. Communications to the Planning Commission
 - B. Planner's Report
 - C. Citizen comments
- VI. PUBLIC HEARINGS**
 - None.
- VII. UNFINISHED BUSINESS**
 - A. Subdivision Access Committee Report Discussion
 - B. PC Training May 8 Discussion
- VIII. NEW BUSINESS**
 - A. Gravel Pit Development Action
- IX. COMMISSIONER COMMENTS**
- X. ADJOURNMENT**

Planning Commissioners

Terry Hoefflerle, Seat A, Deputy Chair
Paul Liedberg, Seat B
Bill Rodawalt, Seat C, Chair



Rachel Muir, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F
Izetta Chambers, Seat G

**REGULAR MEETING MINUTES
March 19, 2013**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on March 19, 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Bill Rodawalt Chair, called the meeting to order at 5:38 p.m.

II. ROLL CALL (quorum is 4)

Members present:

Terry Hoefflerle, Deputy Chair, Seat A
Bill Rodawalt, Chair, Seat C
Andy Anderson, Seat E,
Paul Liedberg, Seat B
Julie Baltar, Seat F, on teleconference

Members Absent:

Rachel Muir, Seat D, excused
Izetta Chambers, Seat G, excused

Staff in Attendance:

Jody Seitz, City Planner, Acting Commission Clerk

Guests: Attorney Patrick Munson

IV. APPROVAL OF MINUTES OF JANUARY 15, 2013.

MOTION: Paul Liedberg moved and Terry Hoefflerle seconded the motion to approve the minutes of January 15, 2013.

Discussion: The minutes were recorded, but through a technical malfunction, recorded no audio. The Planner was able to reconstruct the essential components of the meeting, and asked the commissioners for their input after perusing their own notes from that evening.

Discussion about the guests at the meeting of 1/15/2013: Robin Samuelsen, Robert Heyano, Carrie Pleier and one other.

Chair asked for direction in this situation: Thoefflerle recommended adopting them with a note that the recording of minutes was unavailable. Hoefflerle moved

to amend the minutes saying the audio was lost or unavailable and to the best of our recollection the following guests were present and if any of them wish to append their notes to the meeting they can. Amending the amendment to include J. Baltar's notes about the amendments to resolution 2013-04.

- ACTION: Unanimous approval to pass the above amendments to the amendment.
ACTION: Unanimous approval to pass the amendment to the minutes as stated above.
ACTION: Unanimous approval of the minutes as amended.

V. APPROVAL OF THE AGENDA

- 1) Planner Seitz requested adding Schedule Date for Planning Commission Training as item C under New Business.
- 2) Terry Hoefflerle requested to amend the agenda to add Bristol Bay Area plan Revision as item D under New Business

ACTION: unanimous approval.

IV. COMMUNICATIONS

A. Public Comment

- Planner reports receiving several comments since the last meeting requesting a separated multi-use path be continued from Kanakanak Road where it ends east of the Lake Road intersection, to Kanakanak Hospital.
- Suggests keeping those people in mind when coming up with a committee for a walking plan.
- Reports that there was a lot of discussion about doing a plan years ago.

Discussion about the construction of walkways paid for by the state in conjunction with ADOT projects.

- That walkways were once part of the TRAACK program which is no longer funded.
- Suggests applying for a CAPSIS project (legislative grant).
- Approach Curyung Tribe about funding a project to be done with ADOT projects.
- Mentioned there will be some pedestrian amenities funded as part of the ADOT project in summer of 2013.

B. Planner's Report

Mentioned that the Neighborhood Initiative grant may not be funded in 2014.

Question about the individual who contacted the Planning Department about another proposed subdivided lot on the same parcel as Tuntuvak Subdivision.

The individual did not know about the Tuntuvak subdivision and was concerned about and opposed to the requirement for a public right of way to provide access to Wood River.

C. Citizen Comments – no guests present.

VI. PUBLIC HEARINGS – None.

VII. UNFINISHED BUSINESS

Resolution 2013-04 –

Note: This discussion took place without an amendment to the agenda.

Discussion about the resolution as amended, substituting the wording “unique landownership patterns in the community” for “Native Allotments”, encompassing unique private properties.

Commission to take up remainder of discussion of this resolution under Commissioner Comments.

A. Resolution 2013-07- Encroachment Permit for Lot 6 USS 2732 fence and roof

MOTION: *there was no motion prior to discussion of Resolution 2013-07*

Planner gave synopsis of the issues with the fence and roof for Attorney Patrick Munson, who joined the meeting (6:00 p.m.)

Attorney Patrick Munson:

- City just needs to be able to get to the easement.
- The easement looks too small.
- The City does potentially have liability for damage outside the easement.
- Could end up trespassing, has its own liability.
- Attorney approves indemnity clause in Resolution 2013-07, as a way to get around the issue of the easement size.
- Unless the landowner wants to convey another easement, the City should not consider going through the yard in other places.
- Set up the plat approval as conditional on landowner consenting to the terms that are agreeable to both. Execute the easement with the plat approval.
- Easement has to be negotiated and granted by the landowner to the city.

Discussion about the size of the easement possible and the encroachment permit exchange. City gives encroachment permit and landowner holds the City harmless for any damage to the roof or yard. Also that temporary construction easements would allow the City to work outside its own easement, but that they are negotiated at the time of the construction, not put on plats.

Attorney Munson:

- The hold harmless clause would be in the easement and would run with the land.
- Will be a significant burden on the property.
- Owners will likely try to back out. It could be problematic to enforce this type of indemnification against the landowner. Would be better to get a big easement, but may not be possible.
- 14 foot easement with indemnification could work.

Discussion about the Planning Commission's obligation to protect both the City and yet not hurt the landowner's ability to sell his property.

- that PC should protect the landowners serviced by the sewer line and manhole.
- That what is proposed is not overkill. City already has an easement that is too small, were unsuccessful in getting a larger easement. Needs to be clearly stated for everyone to see.
- PC has responsibility to look out for the City's interest as well as other property owners serviced by the sewer line.
- Notes that the landowner built his roof into the sewer line easement, contrary to his approved land use permit.

MOTION: Paul Liedberg moves to amend the Resolution 2013-07 as follows:

"WHEREAS the homeowner of Lot 6 agrees to hold the city harmless for any damage to their yard, roof or fence due to the City's necessary access of the easement sewer line or manhole for repairs."

SECOND: Terry Hoefflerle seconds the motion and proposes the following friendly amendment to the amendment. Commissioner Liedberg agrees

That the above WHEREAS becomes the THEREFORE clause in the resolution.

Discussion about involving the landowner and getting his approval for this change to the resolution.

- Landowner has not attended any of the three previous meetings and desires to move the issue along.
- Attorney questions whether the commission should move this along without the landowner's involvement.
- Notes again that landowner has not attended any of 3 previous meetings on this subject.
- Questions attorney whether the proposed resolution is minimum to protect the city and let the landowner sell his property
- Attorney says the proposed resolution on the encroachment permit is adequate to allow the landowner to sell his property and provide the City gets an indemnity for overstepping its bounds when using the easement. Access issue doesn't really encompass the potentially divergent views of the city and landowner.
- Expresses frustration about having so many meetings and would like to move this forward so the landowner can sell his land, but he has not come to any meetings.
- If city is held harmless for tearing down the fence, then it can service its sewer line. There's no need for the gate.

Question: *Reporter's note: There was no call for the question.*

ACTION: Commission unanimously approves the amended amendment to Resolution 2013-07

MOTION: *Reporter's note: Chair immediately called for a vote on Resolution 2013-07 as amended.*

ACTION: Commission approved Resolution 2013-07 as amended unanimously.

Attorney Patrick Munson left the meeting at 7:00 p.m.

B. Easement Committee Report

Terry Hoefflerle gave a report on the Subdivision Access Committee. The committee has met 3 times. Have assignments for the next meeting. Meeting biweekly. Have established a sunset date and intend to have a recommendation to the Planning commission by May 1.

C. Land Use Permit Ordinance Revisions – Action plan

Planner submitted an action plan for improving the Land Use permit program.

- Emphasize that on trust properties that it's voluntary and in the best interests of the landowner to comply.
- Suggestion to emphasize educational aspects of the program. It's a tool for educating people about septic, property boundaries, planning for roads, parking, etc.
- Suggestion to put in form of resolution for planning Commission to adopt as a policy.
- Chair suggests a task list to get volunteers to take on particular tasks.
- Key thing is improvement in municipal code.
- A little public relations, explaining why the Planning Commission is working on this.

D. Community Walking Plan –

Planner asked for volunteers to help with this. No one volunteered.

- Notes that commissioner Muir has been most active with walking plans, and offers Ms. Baltar as well.
- That all that is needed is to read what the Planner puts together.
- Suggests those people who have called regarding the bike path out to the hospital.

VI. NEW BUSINESS

A. Hospital road names – a courtesy review by the Planning Commission

Planner passed out the hospital names map and requested comment from Commissioners. Commissioners had no objections.

B. CIP timeline for FY15 annual update of the six year CIP

Planner explained moved up CIP timeline for FY15 annual update of the Six Year CIP.

- Commissioner commented that the process is getting better every year and that it's the result of having continuity in the Planning Department.

- Bill Rodawalt agreed to be on the Project Review Committee, replacing Paul Liedberg.

C. Planning Commission Training

Commission decided on May 8 either 4-7 or 5-8 p.m. Planner to send out a scheduler.

D. Bristol Bay Area Plan –

Terry Hoeffler mentioned that the community spent considerable time and thought incorporating healthful environment, sustainability and encouraging renewable resource development as opposed to non-renewable resource development in the City's Comprehensive Plan. The court sent the Bristol Bay Area Plan back to the ADNR to be reworked. He believes the City has an obligation to comment on this due to the potential for pollution and impact on the salmon runs and the local economy. Comments are due sometime in May.

VII. PUBLIC COMMENTS/COMMITTEE COMMENTS

Chair Bill Rodawalt requested unanimous consent to approve the changes suggested earlier in the meeting.

ACTION: Unanimously approved.

Rodawalt noted there was an earthquake earlier.

Paul Liedberg noted that two bills regarding Chikuminuk Park now related only to feasibility, not full development. Will move fast late in the session. Thanks Planner.

Julie Baltar – no comment.

Terry Hoeffler wants to see the Bristol Bay Area Plan calendared for the next meeting. Suggested Tim Troll or Susan Flensburg or Rick Halford be invited to speak at the next meeting. Offered to make contact with them. Commented on legislation by Governor to reduce public comment and activities that would impede development of projects like Pebble. Urges comment by individual citizens.

VIII. ADJOURNMENT 7:38 p.m.

Bill Rodawalt, Chair

ATTEST:

Jody Seitz, Recorder

Planning Commissioners

Terry Hoefflerle, Seat A, Deputy Chair
Paul Liedberg, Seat B
Bill Rodawalt, Seat C, Chair



Rachel Muir, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F
Izetta Chambers, Seat G

REGULAR MEETING MINUTES

January 15, 2013

Amended 4/16/13. All amendments to the minutes approved March 19 are in italics.

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on January 15 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Terry Hoefflerle, Deputy Chair, called the meeting to order at 5:36 p.m.

II. ROLL CALL

Members present:

Terry Hoefflerle, Deputy Chair, Seat A
Bill Rodawalt, Seat C, via teleconference
Paul Liedberg, Seat B
Julie Baltar via teleconference
Izetta Chambers, Seat G

Members Absent:

Andy Anderson, Seat E, excused
~~Izetta Chambers, Seat G, excused~~
Rachel Muir, Seat D, absent, excused

Staff in Attendance:

Jody Seitz, City Planner, Acting Commission Clerk

Guests: Robin Samuelsen

Robert Heyano

Carrie Pleier

*Gregg Marxmiller * These guests were from the 1/15/13 sign-in sheet*

Gareth Nelson Sr.

Jack Allen Jr.

II. APPROVAL OF MINUTES

MOTION: *Paul Liedberg moved and Terry Hoefflerle seconded the motion to approve the minutes of December 18, 2012 and January 4, 2013. Terry Hoefflerle called the question. Paul Liedberg seconded the question.*

ACTION: *Unanimous consent.*

The committee recommended the following changes to the resolution:

"Now, therefore, the City of Dillingham Planning Commission recommends the establishment of a committee to research private access easements and associated land issues.

Now, therefore, the City of Dillingham Planning Commission recommends the Committee to be charged with reviewing code related to access and development, and how the existing code either hampers the development of private parcels, or how it might be modified to enhance development within the City boundaries considering the unique land issues within Dillingham.

Now, therefore, the City of Dillingham Planning Commission recommends the Committee be charged with making recommendations to the planning commission.

Now Therefore, the City of Dillingham Planning Commission recommends that Terry Hoefflerle serve as the Chair, Julie Baltar, a member."

Terry Hoefflerle seconded the amendment.

Discussion:

- commented he approved of such a committee but was uncomfortable allowing anyone to sit on it who has a pending subdivision.

ACTION: *Izetta Chambers called the question and Julie Baltar seconded.*

ACTION: *Motion passed unanimously.*

~~B. Land Use Permit Ordinance Changes Discussion. No action.~~

VI. NEW BUSINESS

A. Resolution 2013-05 Recommending Development of a Community Walking Plan

MOTION: *Terry Hoefflerle moved and Izetta Chambers second the motion to approve Resolution 2013-05.*

Discussion: *The resolution was amended to read :Now, therefore, the City of Dillingham Planning Commission recommends staff work with community groups to develop a comprehensive community walking plan.*

ACTION: _____ *called the question and Izetta Chambers seconded.*

ACTION: *Motion passed unanimously.*

B. Resolution 2013-06 ADOT Project 52799 – D Street to Kanakanak Road.

MOTION: *Terry Hoefflerle moved and Julie Baltar seconded the motion to approve Resolution 2013-06.*

Discussion: *The resolution was amended to read "Whereas, the project runs along and crosses wild salmon habitat and there are environmental and drainage concerns; and*

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham Planning Commission
Bill Rodawalt, Chair
Izetta Chambers
Terry Hoeffler
Rachel Muir
Paul Liedberg
Andy Anderson
Julie Baltar

MEMORANDUM

Date: April 12, 2013
To: Bill Rodawalt, Planning Commission Chair
From: Jody Seitz, City Planner
Subject: April Report

CDBG: The City's application for a CDBG planning grant for the Public Safety and Fire Buildings (83,500) was not successful. We have inquired about the scoring and are planning our response.

CIP: Today is the deadline and so far I have received no nominations for capital projects.

Composting: The City is going to partner with the Marine Advisory Program to do a pilot composting project at the Landfill and is entering into an MOU, with the University to carry out the project with a two year grant. The ACIAP grant provides the match for the City to use the remaining landfill funds from a grant from 2003.

Encroachment Permit: The Dillingham City Council on 4/11/13 approved the encroachment permit for the fence and roof on Lot 6 USS 2732AB (soon to be the L&M Subdivision).

Knik Construction Gravel Pit: In response to many complaints about the Knik gravel operation on the east side of the Aleknagik Lake Road, the City Council at its April 11 meeting directed the Planning Commission to look into the various responsibilities and powers of the state agencies and the city in regulating the impacts to the neighbors: including groundwater, buffer zones, roads, noise, hours of operation, mitigation measures and closure requirements.

Landfill: Staff traveled to Egegik March 29 to see the Egegik gasifier made by the company that Shearwater LLC (waste to energy Canada) bought. It was installed in Egegik in 1995. The gasifier takes 4 tons of garbage and turns it into gas, with the shells

*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. * We will take a leadership role and partner with others to achieve economic development and other common goals. * We will develop a high quality City workforce to serve the community. * We will promote excellence in education.*

of metal containers and glass the only things left but ash when it's completed a cycle. The gas is put through a high heat and tumbling process that removes pollutants prior to the exhaust being released. Staff will bring this to the council with estimates.

Neighborhood Initiative: its future is uncertain at this time.

Plats: received the plat for UAF Applied Science Center Subdivision. Will bring to the May meeting of the Planning Commission. Tuntuvak Subdivision has fallen off the table. A motion of the planning Commission is needed to bring it back under New Business. It will require another public hearing.

Subdivision Access Committee: This committee has met 6 times, the last one being April 9. A subcommittee of the SAC is working on language to put before the committee at a special meeting Wednesday, April 17.

Planning Commission Training: Training is now firm for May 8, 4:30 to 7:30. Please plan on it. Let me know your particular interests for this training.

Port Land Exchange: Issued a Request for Quotes to ten companies. Have had some responses, one quote received to date.

Wastewater Treatment Plant funding: The \$3.0 million in the Governor's budget for this project did not survive the senate finance committee. Now the focus of our legislators has shifted down the CIP list to the landfill. We are keeping our fingers crossed that they will be successful in getting something for the landfill in the final capital budget. SB21. We are also planning how to maximize our points in the next ADEC funding cycle.

PARLIAMENTARY POINTERS:

Motion – Lay on the Table and “Take from the Table” or ‘Postpone’

Lay on the Table – motion to lie on the table allows a group to set aside a pending motion in order to attend to more urgent business.

Take from the Table – to bring the tabled motion back before the group, a member must make the motion to take it FROM the table by the end of the meeting and up until the next regularly scheduled meeting. If the committee wishes to bring it up again after the next regularly scheduled meeting, it is as though it was never moved in the first place and must come up as New Business.

The table is the Clerk's table. In essence, the motion is placed in the care of the clerk until it is needed again.

Postpone to a certain time – puts off a motion to a specific time (date certain).

Postpone indefinitely – kills the motion.

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