

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
Vacant, Seat F
Izetta Chambers, Seat G

**SPECIAL MEETING MINUTES
January 4, 2013**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on January 4 2013, at the Dillingham City Council Chambers, Dillingham, Alaska. Terry Hoefflerle, Deputy Chair, called the meeting to order at 12:12 PM.

II. ROLL CALL

Members present:

Terry Hoefflerle, Deputy Chair, Seat A
Bill Rodawalt, Seat C, via teleconference
Rachel Muir, Seat D
Izetta Chambers, Seat G

Members Absent:

Andy Anderson, Seat E, excused
Paul Liedberg, Chair, Seat B, excused

Staff in Attendance:

Jody Seitz, City Planner, Acting Commission Clerk

Guests:

Phil Carpenter
Alex Hahn, Bristol Bay Area Health Corporation

IV. APPROVAL OF AGENDA

MOTION: Rachel Muir moved and Bill Rodawalt seconded the motion to approve the agenda.

GENERAL CONSENT: The motion passed with no objection.

V. COMMUNICATIONS

A. Public Comment

Alex Hahn of the Bristol Bay Area Health Corporation commented on the efforts of the BBAHC Tobacco Cessation program to decrease initiation of tobacco use among youth.

One effort involves a citizen initiated effort to increase the tax on tobacco and use of the funds raised for sustainable City projects. Estimate a 10% tax here would gross about \$90,000. Bethel did a \$1 tax on cigarette packs to raise almost \$300,000 and resulted in a reduction of 23,000 packs of cigarettes smoked, and reduced youth smoking by 23%. Figures it will have to go to a vote here in Dillingham. Were thinking the tax would be used on projects that would benefit everyone.

VI. PUBLIC HEARINGS

A. Alley Vacation between Lots 6 and 7 USS 2732AB

Staff explained the application for the alley. Showed pictures of the alley.

- Alley intended to allow commercial and industrial access to lots.
- Never intended to provide access to D Street from Alaska Street.
- Reason for combining two lots in L&M subdivision is that the alleys being vacated were the access to Lot 3. If Lot 3 is combined with lot 4, it would have access from D Street.
- 3 ft. contour between bottom of alley and top of Fish and Game lot line.
- Manhole is either on Lot 6 or Lot 3.
- Fence is outside the property line of Lot 6.
- Public Alley was cleaned up by Lot 6 landowner.
- Alley was full of trash.

Phil Carpenter states the alley had another fence and trash before S. King took down the other fence and cleaned it up.

- Public Works Director says the existing 14 feet is adequate to service the sewer line in the alley
- If the City required more easement to work on the sewer line, the City can request a temporary easement to service the sewer line.
- City Attorney did not think the City could insist on getting additional easement
- Topography would prevent the state from using its portion

Public Testimony:

Phil Carpenter, Maintenance Journey General, Alaska Department of Fish and Game:

- Fish and Game's only concern was if the City was going to try to acquire additional easement, it would be a big inconvenience for ADF&G which would have to move boats and equipment.

Commissioner question: Why did the request to vacate the alley come to the Commission?

Staff reply: Landowner of Lot 6 was unable to sell his property due to his roof encroaching into the alley, and it had a fair amount of trash. He wanted to clean it up.

B. Alley between lot 1 and Lot 2A White Subdivision

No public comment on this.

Commissioner Comments:

- States that vacating alleys could be seen as in opposition to what the City's Comprehensive Plan calls for-- more green space and pedestrian access. She is taking a long view and concerned about losing public land.
- There's no public easement that goes all the way through.
- That the City could purchase more land if that is something the City wanted to do for its pedestrian safety plan.
- Had walked the alley and it was full of batteries and pallets. It was convenient.

C. L&M Subdivision

Staff explains the access provided by the alleys.

- Dead end alley between Lots 6 & 7

Commissioner expressed admiration for a plat with 3 moving parts.

Staff continues;

- L&M preliminary plat has this alley vacation, but the final will record all the vacations approved in this area.
- That the Comprehensive Plan should be reference in Planning Reports, and in future staff will do that.
- Suggests if Planning Commission wants to work on connecting pedestrian paths and trails it probably needs to make that a specific project and find funding for that because there is no money for that now.

VII. UNFINISHED BUSINESS

A. 2013-03 – Recommending approval of L&M subdivision

MOTION: Izetta Chambers moved to approve.

Staff suggests suspending the rules and move Unfinished Business to after New Business to be able to vote on the alley before voting on the subdivisions.

(Clerk's Note: No second was made to Chambers' motion.)

Presiding Officer Hoefflerle comments that separating Public Hearings from Resolutions that affect them is not a good way to carry out the Planning Commission business.

MOTION: Terry Hoefflerle moves to suspend the rules to move to New Business and address the resolutions in their proper order.

Clerk's Note: No Second was made.

VI. NEW BUSINESS

- A. Resolution 2012-01 (note that Resolution 2012-01 was actually 2013-01) Recommending approval of Alley Vacation between Lot 1 Block 18 USS 2732 AB and lot 2A White Subdivision

MOTION: Bill Rodawalt moves to consider all resolutions in one group and Izetta Chambers Seconds

Commissioner expressed desire to vote on them separately.

VOTE: Bill Rodawalt vote in favor, Rachel Muir and Izetta Chambers opposed.

MOTION: Izetta Chambers votes to approve Resolution 2013-01 and Bill Rodawalt seconds.

VOTE: Bill Rodawalt and Izetta Chambers vote in favor and Rachel Muir opposed.

ACTION: Resolution 2013-01 passes.

- B. Resolution 2013-02 Recommending approval of Alley Vacation Between Lots 6 and 7, Block 18 USS 2732AB

MOTION; Rachel Muir moves to approve and Izetta Chambers seconds.

VOTE: Unanimous approval.

ACTION: Resolution 2013-02 passes.

- C. Resolution 2013-03 Recommending approval of L & M Subdivision

MOTION: Izetta Chambers moves to approve with Rachel Muir seconds.

VOTE: Unanimous approval

ACTION: Resolution 2013-03 passes.

VII. PUBLIC COMMENTS/COMMITTEE COMMENTS

Izetta Chambers:

- Looked in code and could not find the requirement for a public right-of-way. It seems if the owner has legal and physical access. That should be the requirement not the public easement.

Staff response: referred commission to 17.19.020 Dedications...and 17.19.030 Access. Every lot shall have access directly from a dedicated public right of way.

City Attorney said it was unacceptable because a private access easement separates a lot within a subdivision from a main public right way.

Terry Hoefflerle:

- Thinks the solution is to change 17.19.030A and simplify it, saying dedicated right of way.
- That commission will find other issues where a simple change of a couple of words will make it a lot easier for Native Allottees to subdivide that respects their rights and the government's responsibilities but meets our code as well. Issue you raise is a real valid one.

Staff refers commission to codes: 17.07.100, 17.19.030, and 17.19.170 as well as the Variance code.

Izetta Chambers:

- Heard from a party involved that the Planning Commission was requiring if they were going to build a road that it be built to this standard.
- Seems onerous, if going to be a driveway, should just be legal and physical access.

Staff: important to know what definitions of legal and physical are, as well as what is for the good of the community.

Terry Hoefflerle:

- Need to create a working group. The plat in question is not the only one out there. Asks for language to give a charge to the group. Would be good to have a lawyer familiar with land codes, a surveyor, a half dozen or more interested members of the public, some of whom have represented Choggiung and BBNA. Should probably get ahold of someone from the BIA.

Izetta Chambers:

- Some of the references to public right of way limit the type of development that could be beneficial. They could build a home. That could lead to employment.
- What about gated communities. Would we require them to build a road if they were not going to use it?

Terry Hoefflerle:

- Thinks a lot of these land ordinances were adopted from other communities. Inconsistency comes from adopting large portions of the code from other communities to address particular problems.

Staff:

- The code was created in several large pushes. Can discover why parts were adopted.
- Code was in place well before the access codes were adopted in 1990.
- City Attorney has suggested looking at the MAT-SU land use code.

Izetta Chambers: Could the Planning Commission have approved the plat (Tuntuvak Subdivision) as presented with the private right of way with a variance?

Staff: Legal Opinion was no. DMC 17.19.030 A every parcel must have access from a dedicated public right of way.

Discussion about providing access to parcels adjacent to the subdivision. Example was the HUD (Waskey Road) subdivision where the Planning Commission required that a place for a road to the adjacent parcels was put on the plat, but allowed a Variance so that the subdivider did not have to build that road.

Another example was Pleir road where Stelling subdivision provided a 40 foot right of way that was not required to be built until further development of adjacent parcels.

Rachel Muir:

- When Chief Dombroski was here submitted a federal grant for reducing crime at HUD. Wanted to know if that ever went through.
- She issues a lot of cab vouchers to very vulnerable people.
- Supportive of Planning Commission supporting a cab commission and having a Planning Commissioner serve on that commission.
- Sees a lot of children are not put in child seats, against state law.
- Can give adults with children transportation vouchers.
- But for adults 21+ it is a big hardship to get to hospital. If eligible for Medicaid have to get a letter from provider at Kanakank to get a voucher for care. The system is very cumbersome for someone who is for those who have health issues or addiction issues.
- Wants Planning Commission to look into ways to provide more transit options.

Bill Rodawalt:

- Thanks Terry Hoefflerle for conducting this meeting.
- Interested in approaching meetings in a more formal manner to give Planning Commissioners knowledge and practice to better handle meetings that have contentious issues.

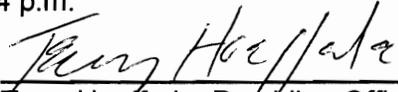
Izetta Chambers:

- Feels the planning Commission is the appropriate entity, and it is timely to start a dialogue about food security from a community perspective and emergency preparedness in general.
- Notes there are websites like Transition Town and others...Our needs are met from
- elsewhere so if those needs are not met, how are we going to meet those needs?

VIII. ADJOURNMENT

Presiding Officer Terry Hoefflerle called for a motion to adjourn.

MOTION: Rachel Muir moved to adjourn and Izetta Chambers seconded. Terry Hoefflerle adjourned the meeting at 1:14 p.m.



Terry Hoefflerle, Presiding Officer

ATTEST:



Jody Seitz, Acting Commission Clerk