

Planning Commissioners

Terry Hoefflerle, Deputy Chair
Paul Liedberg, Chair
Bill Rodawalt



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

**REGULAR MEETING MINUTES
December 18, 2012**

I. CALL TO ORDER

The regular meeting of the Planning Commission was held on December 18, 2012, at the Dillingham City Council Chambers, Dillingham, Alaska. Paul Liedberg, Chair, called the meeting to order at 5:35 PM.

II. ROLL CALL

Members present:

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

Members Absent:

Rachel Muir, Seat D
Izetta Chambers, Seat G

Staff in Attendance: Jody Seitz, City Planner

Guests: George Nelson, Joanne Nelson, Russell Nelson, Misty Savo, Sabrina Savo, Robert Heyano, Debbie McClean-Nelson, Thomas Hoseth

III. APPROVAL OF AGENDA

MOTION: Terry Hoefflerle moved. Bill Rodawalt second

Amendment to Agenda: Add election of a new chair to VII. New Business Item C.

GENERAL CONSENT: The motion passed with no objection. OR

IV. APPROVAL OF MINUTES

MOTION: Terry Hoefflerle moved and Andy Anderson seconded the motion to approve the agenda.

Discussion: None.

Question: Terry Hoefflerle.

(Clerk's Note: there was no second.)

Paul Liedberg has a change to the minutes. Discussion about Page 5 clarification of the meaning of public access "to" versus "from" Wood River Road section. Planner Seitz clarified that it was just a discussion point. No change requested.

GENERAL CONSENT: The minutes were approved unanimously.

V. COMMUNICATIONS

A. Planner's Report

Staff explained new information regarding vacation of alleyway that Scott King requested Commission to look into.

- Inquired about possibility of ADNR forgoing acceptance of their section of the alley due to the topography.
- ADNR says they'll expedite their review.
- Would like to form a road review committee to provide comments to the DOT road study. DOT will be making improvements on Kanakanak HWY. See Planner Seitz for suggestions or nominations to be on the committee.
- DOT will cutting trees at Evergreen Cemetery by the airport for visibility. Wood for the public will be available.
- ADOT wishes the City to pass ordinance for platting Rights of Way. ADOT sent examples of ordinances. ADOT says it is nearly impossible to pass a road plat based on normal subdivision ordinances. Discussion of when in the project timeline it is needed.
- City Clerk is advertising for open Planning Commission Seat.

B. Public Comment **a. Tuntuvak Subdivision**

Misty Savo

- Submitted the application on behalf of father Russell Nelson
- Was informed that Planning Commission was intending to deny the subdivision based on lack of public access directly and only has access through a private easement.
- Believes that she is complying with all parts of the subdivision code for the subdivision she is proposing and the parts she has control over.
- Expressed she was told in order to meet city ordinance she would have to ask adjacent landowner to "give up additional land, have their property surveyed, change it to a public easement, which is cost prohibitive to them.[..] They can't

just dedicate it to be a public easement, because it would have to be a 50 ft easement and it is not.”

- Asks Planning Commission to reconsider. Says the subdivision has access the same way you would have access through a gated community.”

Russell Nelson

- Tuntuvuk Subdivision property owner. Giving land to his daughter and plans on giving land to the rest of his kids. Property already subdivided in his will.
- Commented on other existing approved subdivision (Kleepuk) which he believes has similar circumstances.
- Cannot afford to make changes that City requires to build a legal City sized road in order for plat to be approved.
- Wants private access for lot owners, does not want public access, wants driveway to be solely for property owners who live there.
- Built and maintains own driveway.
- Saves City money by plowing his own driveway, 1/3 mile long.
- Doesn't want to ask his dad to dedicate the road.
- Requested to know process if plat is denied.

Discussion (planning commissioners/staff):

- Road maintenance: no requirement to be built to standards.
- How to allow people to subdivide since most can't afford to build a road?

Staff explained platting process, described the neighboring plat...which has a private access easement.

- City of Dillingham has 15 days to respond and consult with attorney.
- Attorney stated that they cannot authorize plat because it says private access easement.
- 1719.030 COD ordinance states that every lot shall have access from a dedicated public ROW and access to lots directly on streets other than a state highway may be restricted by the PC to protect public safety/ Adopted in 1990.
- Adjacent property had a variance, without road construction required, but could name road and give houses addresses for emergency services. PC's interest was not to make public build a road.

Misty Savo

- Questions why she has to ask someone else to change their land. She understands that she cannot get her property unless the adjacent landowner grants a public easement and builds a road to city requirements.

Discussion between Commissioner and Public, about whether land is in trust, and the issues related to simply having BIA approving a subdivision. Says the plat in question has been approved by BIA.

MOTION: Hoefflerle moved to table discussion until March meeting to take up for consideration at that time.

- Noted there's a clause in ordinance that the planning commission ask the subdivider's consent to an extension if no action will be taken within required 60 day time frame.

Robert Heyano

- Interested in private access easements.
- Requests that Tuntavuk Subdivision not be denied based on access easements.
- Would like to see some room to work around access since private easements have been done in the past. (RT Subdivision)
- Access should be able to hold emergency services.

Tom Hoseth:

- Many BBNA clients are subdividing for family members and they want private easements. for a lot of reasons.
- Would like to see COD and landowners work together to form group to deal with this, listen to all concerns and find a happy medium.

Discussion (PC):

- Hoseth agrees to sit on committee to discuss land issues.
- Rodawalt says PC was struggling with competing issues. His primary concern is safety, avoiding landlocked lots, protecting property owners' land rights on the other side of private easements.

Russell Nelson not notified about initial hearing.

Misty Savo received written notice of proposed denial after the last meeting.

- Was notified verbally when the meeting was, but did not receive a written notice the public hearing.
- Noted that expansion of city boundaries would incorporate subdivisions which don't comply.
- Expresses that code should be changed.
- Can get legal title to land without COD knowing if only goes through BIA.

Discussion (PC):

- Expressed need for restructuring of code.

- Recommendation of working group to engage people who have solid idea of nature and requirements of BIA and restricted lands.

Misty Savo

- Raises question-what is next step after decision is made.

Discussion (PC):

Options presented:

- Commission can postpone decision until a later date and ask you permission for more time and take no action.
- Commission can deny the subdivision and interested parties have a right to appeal to City Council.
- Cannot go against city attorney's opinion.

Commissioner Question: If PC had to make a decision which one would be preferred?

Misty Savo - States it is up to the PC.

Commissioner Question: If PC asked for an extension would you (Misty Savo) be amenable?

Misty Savo - States yes, it would be fine.

Robert Heyano:

- If Planning Commission wants to involve community, stakeholders, and BBNA, a motion to table and ask for an extension would look more favorable to than denying it.

Commissioner: even with an extension might have to deny it. That could be favorable also in identifying problems.

Hoseth: suggests involving a surveyor.

Debi McLean:

- Asks for clarification of what the landowners are being asked to do in order to make the plat pass

Discussion (PC):

- Consider requesting from landowner that private access easement 40ft and utility easement 10ft be combined to make 50ft and that the road be changed to a public access easement. So if there is a need for a real road the land will be available to be built on.
- There must be physical access to the properties and the amount of space needed to get there.

- Commission's intention was not to have anyone build the road.

Debi McLean:

- Does not want a public access road which leads to her house where she has pets and children and a circular driveway.
- Planning Commission is requiring a public access easement prior to building anything. M Savo just wants to have the property in her name. Has no intention of building.

Sabrina Savo:

- Blueberry Subdivision has non-exclusive private easement to all 3 lots.
- Therefore issue that someone could block access would be prohibited.

Tom Hoseth:

- Identify who, what and when you can use it.

Misty Savo:

- Requests denial of application.

VII. UNFINISHED BUSINESS

VI. NEW BUSINESS

A. Resolution 2012-25 Recommending approval of L&M Subdivision

Discussion: Planner Seitz that the subdivision would combines lots 3 and 4 to provide access for lot 3. Alley is not included in this motion. Need proper notice for public hearing to do that. But can pass the subdivision, the alley vacation can be included on the final plat.

MOTION: Bill Rodawalt moved to adopt the Resolution. Andy Anderson seconds the motion.

Discussion:

- Concern about Resolution not including the alleyway.
- Alley requires a public hearing and public notice to vacate public land.
- It is recommended that the resolutions concerning the L&M Subdivision be brought back to the commission together and discussed at a later date.

Rodawalt withdrew his motion and Andy Anderson withdrew his second.

MOTION: Terry Hoefflerle moved to take up all resolutions related to L & M Subdivision at a special January 4th Noon meeting. Bill Rodawalt seconded the motion.

GENERAL CONSENT: The motion was approved unanimously.

Discussion:

It was requested that the motion be split into two motions. The first motion to postpone the decision til the March 2013 meeting. The second motion is to request to form a committee to discuss restricted lands and their fit within COD ordinances.

MOTION: Terry Hoefflerle moved to table the Tuntuvak Subdivision until the Planning Commission March meeting and Bill Rodawalt seconded.

Discussion:

Bill Rodawalt asks if there is a way to ask the landowner for an extension as required by code. [Heard in background Nelson says he has no objection to that.] Paul Liedberg says this part of the agenda is only for commissioners. However, Paul Liedberg states "I have heard through side door there isn't any objection to that."

GENERAL CONSENT: The motion was approved unanimously.

MOTION: Hoefflerle moved that the Planning Commission create a committee to address some of the issues raised during Tuntavuk Subdivision and the nature of native allotments and City land ordinances, to include such issues as gated communities or neighborhood associations.

The Chair requested clarification of second half of the motion to be presented at the Jan 4th 2013 meeting.

Anderson requested legal counsel can be made available for that meeting.

GENERAL CONSENT: The motion was approved unanimously.

B. Election of New Planning Commission Chair

Discussion: Anderson nominated William Rodawalt.

Bill Rodawalt nominates Paul Liedberg. Liedberg says his commitment to the City council is that he'll resign as chair of the Planning Commission.

MOTION: Andy Anderson moved to close nominations and Terry Hoefflerle seconded the motion.

GENERAL CONSENT: The motion was approved unanimously.

VII. COMMISSION COMMENTS

Andy Anderson: wishes all a great Christmas and Happy New Year.

Terry Hoefflerle: Merry Christmas Happy New Year

Bill Rodawalt: Merry Christmas suggests there are some great candidates for the vacant seat on the Planning Commission.

Paul Liedberg: Happy holidays to staff, commissioners, public. Expresses appreciation to staff for work on the plats.

VIII. ADJOURNMENT

Chair Bill Rodawalt adjourned the meeting at 7:25 p.m.



Bill Rodawalt, Chair

ATTEST:



Jody Seitz, Recorder