

Planning Commissioners  
Sabrina Savo, Seat A  
Vacant, Seat B  
Gregg Marxmiller, Seat C



William Corbett, Seat D  
Andy Anderson, Seat E  
Julie Baltar, Chair, Seat F  
Vacant, Seat G

**DILLINGHAM PLANNING COMMISSION  
REGULAR MEETING**

**April 8, 2015  
5:30 p.m.**

**Teleconference: 1-800-791-2345; participant code 19531**

**Agenda**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVE MINUTES OF March 11, 2015**
- IV. APPROVAL OF AGENDA**
- V. COMMUNICATIONS**
  - A. Communications to the Planning Commission
  - B. Planner's Report
  - C. Citizen's comments on items not on the agenda
- VI. PUBLIC HEARINGS**
  - A. Variance for Dental Annex Subdivision
  - B. Dental Annex Subdivision Preliminary Plat
  - C. Clark (formerly DLB) Subdivision Preliminary Plat
- VII. UNFINISHED BUSINESS**
  - A. Resolution 2015-06 Recommending Revisions to Title 15 Floodplain Management ACTION
  - B. Commissioner Training DISCUSS
- VIII. NEW BUSINESS**
  - A. Resolution 2015-02 Approving Variance 2015-01 ACTION
  - B. Resolution 2015-03 Approving Dental Annex Subdivision Preliminary Plat ACTION
  - C. Resolution 2015-04 Approving Clark Subdivision Preliminary Plat ACTION
  - D. Resolution 2015-05 Authorizing Chair to sign formerly approved but unsigned minutes ACTION
- IX. CITIZEN COMMENTS**
- X. COMMISSIONER COMMENTS**
- XI. ADJOURNMENT**



**I. CALL TO ORDER**

The regular meeting of the Dillingham Planning Commission was called to order by Chair Julie Baltar at 5:50 p.m.

**II. ROLL CALL (quorum is 4)**

Members present:

Public:

Sabrina Savo, Seat A, on teleconference:  
Gregg Marxmiller, Seat C  
Andy Anderson, Seat E  
Julie Baltar, Seat F

Members Absent:

William Corbett

Staff in Attendance:

Jody Seitz, City Planner, Recorder

**III. APPROVAL OF THE MINUTES OF November 12, 2014.**

MOTION: Andy Anderson moved and Gregg Marxmiller seconded the motion to approve the minutes of November 12, 2014.

DISCUSSION:

- Chair requested the addition of Andy Anderson's last name under the motion to approve the amendment to Resolution 2014-20.
- Chair asked about providing the material in the packet, particularly the Planner's report to the public. Planner stated that they put the packet up on the website and the minutes separately.

Andy Anderson moved the previous question.

*(Recorder's note: no second)*

VOTE: Unanimous consent to approve the minutes as amended.

**IV. APPROVAL OF THE AGENDA**

MOTION: Andy Anderson moved and Gregg Marxmiller seconded the motion to approve the agenda.

DISCUSSION:

- Chair Baltar asked to amend the agenda to add "Dillingham Roads" as item D under VIII New Business.

VOTE: The motion to approve the agenda as amended was approved unanimously.

## V. COMMUNICATIONS

- A. Communications to PC: Blenda Backford called about erosion of the Olsenville area, especially the Olsonville road in front of the Kanakanak Cemetery. Planner Seitz encouraged her to contact community leaders, especially City Council and Tribal Council members. Also, to suggest that the community seek out new ideas for erosion control.

### Discussion:

- Asked about the status of the Cemetery Committee. Planner Seitz replied that it is inactive as few people signed up.
- Mrs. Backford should write a letter to the City Council and that if the Council so desired, they could then recommend the Planning Commission begin to address the issue.
- Planner could assist by providing a photo or two for the Council.
- Planner mentioned the ADOT planned visit for April 1 and 2.
- Requested publicity and reminder about these meetings.

- B. Planner Seitz reviewed her report with the Commission.

### Discussion:

- Planner Seitz discussed revising the Six Year Capital Improvement Plan process to make the review more brief and focus on safety, due to the budget considerations. Suggests scheduling the more elaborate multi-criteria review that the Commission does for the six year plan every 6 years when the plan is established.
- Mentioned that BBEDC is offering large infrastructure grants for community economic development.
- Mentioned that she has finally discussed the FEMA review with FEMA and will bring the revised ordinance to the Commission next month.
- Requested the commission to work through the ordinances one at a time.
- There will be two new plats for the Commission next month.
- There is an access problem with ASLS 2005-51. Kenny Wren Road is not platted public access or public right of way north of the state's property at the south end of Kenny Wren Road (OSL 165).
- The state says it doesn't want to give up any more land to the City.
- Suggests adding this to the conversation with the ADOT when they visit in April.
- Crystal Subdivision owner needs to confirm that they want an extension or want to stop their platting action. Sabrina Savo will talk with the landowner tomorrow.
- Planner Seitz to forward the DLB Subdivision to Sabrina Savo at BBNA.
- Group recommended April 22 for floodplain management training and schedule Planning Commission training as well for that day, if possible.

- C. Citizen's comments – no citizens present besides the commission.

## VI. PUBLIC HEARINGS

There were no public hearings.

## VII. UNFINISHED BUSINESS

- A. Floodplain Ordinance Review – postponed until next meeting.

## VIII. NEW BUSINESS

- A. Resolution 2015-01 Supporting a long term encroachment permit for an ADA compliant ramp to be constructed at 301 Main Street.

**MOTION:** Andy Anderson moved and Sabrina Savo seconded the motion to approve Resolution 2015-01.

### DISCUSSION:

- Likes the idea of providing handicap access to this building. Expressed his desire to see the area made more beautiful by the upcoming road project and was concerned that this encroachment would interfere with that.
- Planner Seitz says the state says it won't interfere with their project.

*Planner goes to get the email from the State Project Manager stating that the project won't interfere with their project.*

- Determined that discussion could continue.
- Concerned about the aesthetic quality of the ramp.
- Discussed that the ramp should be an improvement, not a detriment.
- Suggested telling Choggiung to move the door so that the ramp would be on the other side of the building and further from the sidewalk.
- Discussion about amending the resolution, possibly talking with Choggiung and doing a site visit.
- Felt the drawing wasn't adequate to answer their questions.
- Felt they could suspend action on the motion unless it was a hardship for someone.

*6:52 Planner returns with right of way map for the project, and the email from Aaron Hughes, ADOT Project Manager for the Downtown Streets Project.*

- Discussed the right of way map, and the distance being about 10 feet from the building to the proposed new end of the sidewalk.
- Felt that the distance would work.
- That the ramp would have to be built to ADA specs.

- Assumes that they will need to build it so that a person could get from the sidewalk onto the ramp.
- Commented that it looks a lot better than it first appeared.
- Felt that no amendments are needed for the resolution.
- Planner explained that she'd received the application in September and emailed Choggiung and the state for months before finally getting this response.
- Noted that the stipulation that the City could remove the ramp if needed is in the resolution and the City code.

QUESTION: Andy Anderson moved the previous question. *(Recorder's note: no second was made.)*

VOTE: Unanimous approval.

B. Commission Training – see previous discussion

C. FY17 CIP Discussion:

- Need to publicize proposed changes to the process
- Suggest going on KDLG to discuss the CIP.
- Need a well-informed public, help them understand it, and why it is being changed
- Planner to contact KDLG and see what they might be interested in doing.

D. Dillingham Roads Discussion

- Did a walkaround of Dillingham roads recently, noted areas where the road is deteriorating due to poor drainage and other reasons.
- Suggests the Commission take up a City Transportation Plan after the Floodplain Ordinance is put to rest.
- Wants to invite representation from the Tribe to participate in the process.

## X. CITIZEN'S COMMENTS:

No citizens were present other than the commission.

## XI. COMMISSIONER COMMENTS:

Gregg Marxmiller – Would like to review the Comprehensive Plan the Transportation Plan.

Planner Seitz commented that the City has never written an implementation plan. Noted that Anchorage 2020 plan's implementation code was not adopted until 2012.

Commissioner Marxmiller doesn't think we're remiss, but Manokotak is starting their plan, and figures it's time for us to start.

Commissioner Savo commented that the meeting was interesting.

Chair Baltar noted that Commissioner Anderson was up for reappointment. He has been re-appointed. Planner Seitz is on the Regional Infrastructure committee that she chairs, as is Commissioner Savo. Noted that it is a luxury to be able to fund

something from one source and will increasingly need to look for opportunities to cooperate, which will probably bring more and more challenges. Manokotak held a meeting and identified a road to Dillingham they'd like to build. Nushagak Cooperative attended and mentioned their might be an opportunity to open land along that road that would allow for an electric intertie, and potential wind generation along that road. The State is updating its Southwest Long Range Transportation Plan. Felt that any important roads that that impact Dillingham should be documented and put in that Plan.

## **XI. ADJOURNMENT**

Meeting adjourned p.m.

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Julianne E. Baltar, Chair

ATTEST:

\_\_\_\_\_  
Jody Seitz, Recorder



**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



**Dillingham Planning Commission**  
Sabrina Savo, Seat A  
Vacant Seat B  
Gregg Marxmiller, Seat C  
William Corbett, Seat D  
Andy Anderson, Seat E  
Julie Baltar, Seat F, Chair  
Vacant, Seat G

## MEMORANDUM

**Date:** March 19, 2015  
**To:** Planning Commission  
**From:** Jody Seitz, City Planner  
**Subject:** Monthly Report

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Archive project: I am continuing to digitize the Planning Commission resolutions and minutes and enter them into the Laserfiche program so that they can be easily searched. It has proven helpful again in researching topics that come up again and again.

FY17Capital Improvement Plan: I'm trying to pare down the process. The Planning Commission will review the six year CIP together and make its recommendations.

Ordinances: Attorney Brooks Chandler reviewed FEMA's recommended changes to Title 15 Floodplain Management and found that at this point there is little else to be done but incorporate them. They ban building on gravel or fill, or behind sheetpile bulkheads, or on concrete in the V zone of the flood plain. To build on a gravel pad in the V zone the builder must submit a Letter of Map Revision based on fill to FEMA, along with professionally designed, stamped copies of the pad and the proposed construction, which must be raised above the base flood elevation of (BFE), which in Dillingham is 32 feet. Once FEMA approves the plans and removes the area from the flood zone, then the individual may build, but then they must have their construction inspected again once it is completed. The other requirement was to require that all construction in the V zone be dry-floodproofed if it is to be built lower than the BFE.

I was encouraged to speak with a staffer in Senator Murkowski's office. They are trying to engage FEMA in a discussion to modify some of these requirements, particularly the issue of building on "fill," and are interested in hearing what our issues are. Nathan Bergerbest asked that I write up an issues paper for them to use in their conversations with FEMA. Interestingly, Wrangell never joined the NFIP and banks have loaned on buildings there in the "flood zone."

Pending plats:

ASLS 2005-51 (land grant for the Harvey Samuelson Community Center): Despite extensive reviews by ADNR and ADOT, access is missing to the state parcels in the survey. When asked, ADOT stated they are not willing to "give any more land to the City." City Attorney Brooks Chandler is helping look at our options, including a prescriptive easement –which requires no compensation.

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*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.*

Crystal Subdivision: Subdivider requested a one year extension on his subdivision plat.

Dental Annex Subdivision: Received an application from BBAHC for the new Dental Annex Subdivision. The BBAHC hospital complex encroaches on USS 937. The Indian Health Service Realty Office will request a Variance for the current plat and proceed with the replat on its own timeline since it will literally require an Act of Congress to replat that survey. Public Hearing on this April 8.

DLB Subdivision: Have received a plat application to subdivide one lot. Public Hearing on this April 8.

Edra Garage: awaiting the mylar from the surveyor.

L&M Subdivision: the ADNR has changed its mind and now wants to keep the half of the alley that was vacated. The plat can now move forward. Awaiting final plat from surveyor.

Pacer Subdivision: BIA has completed its review. Awaiting final plat from surveyor

Port Land Exchange: the Assessor has provided draft valuations.

#### Permitting:

Encroachment Permits: the ADA ramp in front of the Choggiung Tower at 301 Main Street.

Floodplain Management: none pending.

Land Use Permits: Two driveway permits outstanding. Lack of driveway standards in Title 18 complicates actions for compliance.

Planning Commission training: I have scheduled floodplain training for April 15, 2:30 p.m. in the City Council Chambers. I am inviting others from BBNA, as well as private landowners, and anyone else who is interested, to attend.

Public Roads: I reviewed our list of public roads for the ADOT. This involved driving some, and sorting out the number of miles of paved and unpaved public roads there are in Dillingham. The City has 39.8 public roads, comprising both state and City roads.

Streets: ADOT will hold a public meeting in the evening of April 1 to discuss their projects in Dillingham at 5:30 in the City Council Chambers. April 2 at 10 a.m. in the City Council chambers the ADOT is facilitating a public meeting about Squaw Creek Road with both the City and Curyung Tribal Council.

Transit: Met with BBNA Transit Committee as requested to update them on the Downtown Streets project. Using a BBEDC Community Block Grant Aleknagik Village Council has purchased a 15 passenger van for use providing rides to and from Dillingham. Seniors will continue to ride for free. Others may pay a \$10 fare each way. The Tribe will use BIA IRR funds for operating the transit. Aleknagik City subsidizes the van as well. The Committee encouraged the City to seek some way to mark bus stops in 4 places downtown: between the Bank and the Post Office; at the hockey rink, across from AC at the Delta Western parking lot by the tree; and at City Hall.

The Planning Commission's next meeting is April 15 for Floodplain management training!

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## STAFF REPORT

Jody Seitz, Planning Director

### DLB Subdivision Preliminary Plat

March 19, 2015

#### I. BACKGROUND:

Applicants: Dinah Bennett, Box 468 Dillingham, Alaska 99576

Location: USS 7140, Lot 1, Sections 2 and 3 T13S and Section 1 T14S R56W Seward Meridian

Number and size of lots: Creates one additional lot, called DLB Subdivision Lot 2, of 4.00 acres, and leaves the remainder of USS 7140 Lot 1, called DLB Subdivision Lot 1, with 48.36 acres.

II. Access: Lot 2 of DLB Subdivision has direct access to the Aleknagik Lake Road.

III. Platting History: The parent lot is US Survey 7140 Lot 1.

#### IV. FINDINGS

- a. This subdivision currently meets the definition of an abbreviated plat because it creates less than 4 lots, already has access, and doesn't require dedication of a road, or a variance from the subdivision ordinances.
- b. The parent parcel is a Native Allotment.
- c. All existing utilities appear to be on this preliminary plat.
- d. The names of the adjacent landowners are missing from the plat.
- e. Land use on adjacent parcels is missing.
- f. The subsurface landowner is missing.
- g. The Chair of the Planning Commission is Julianne E. Baltar.
- h. Typos include: In the Title Block, the word Lots should not be plural, and remove the and-2, because the subdivision is only of USS 7140 LOT 1. Correct the words appertaining, officjal
- i. What does "TIE ONLY" mean in Detail 2?
- j. In Detail 2, where is the water well that serves the house?
- k. These subdivisions across the Lake Road are missing: Sand subdivision, Tundra View Estates, USS 7140 Lot 3.

#### V. DISCUSSION

- a. The plat appears to meet the City of Dillingham Subdivision requirements for a preliminary plat in all the substantive ways: access, utilities, parking, and road improvements.
- b. Any new driveway required to enter the Aleknagik Lake Road, once the subdivision is final, will need a driveway permit from the State of Alaska.
- c. The plat has to go through the BIA review.

#### VI. RECOMMENDATIONS



- a. The plat must receive BIA approval prior to going through the Final Plat process.
- b. Put the names of landowners of adjoining parcels on the plat.
- c. Identify the parent lot in stippled letters.
- d. Identify all adjacent land uses.
- e. Identify the subsurface landowner.
- f. These subdivisions across the Lake Road are missing: Sand subdivision, Tundra View Estates, USS 7140 Lot 3.
- g. Put the well location in Detail 2 and Explain Tie Only.
- h. Correct the name of the Planning Commission Chair.
- i. Correct all Typos.
- j. Correct the Title Block to show a subdivision of USS 7140 Lot 1.

Please contact the Planning Department (842-3785) if you would like to discuss the above recommendations.

Respectfully,

  
Jody Seitz  
Planning Director



## STAFF REPORT

Jody Seitz, Planning Director

### Dental Annex Subdivision Preliminary Plat

March 19, 2015

#### I. **BACKGROUND:**

Applicants: Bradford Archer, BBAHC, Box 130, Dillingham, Alaska 99576

Location: USS 2013, Lot 2, Section 36 T13S and Section 1 T14S R56W Seward Meridian

Number and size of lots: Creates one additional lot, called Tract 1, of 1.474 acres, and leaves the remainder of USS 2013 Lot 2 with 67.825 acres.

II. Access: Tract 1 and the remainder of USS 2013 Lot 2 have access from Kanakanak Road.

III. Platting History: The parent lot is US Survey 2013 Lot 2.

IV. Dedications: Berrypicker's Lane is a public access easement to be dedicated with this plat.

#### V. **FINDINGS**

- a. This subdivision currently meets the definition of a standard plat because even though it only creates one new lot, it also dedicates a public access easement to be called Berrypicker's Lane, and it requires a variance.
- b. The Public Access Easement meets the definition of a minor local street. It has been constructed as a gravel road. The first approximately 150 feet has been recently paved. It provides the only access to the parcels immediately to the west, including Kanakanak Tower Site, as well as FAA property outside the City Boundaries.
- c. The label for Berrypicker's Lane should say "public access easement" to be clear.
- d. All existing utilities appear to be on this preliminary plat. Easements are in progress to Tract 1 for new utilities to serve the Dental Annex building.
- e. The name, address, and phone number of the subdivider are missing from the plat.
- f. Land use on adjacent parcels is missing.
- g. Note that 32-36 feet of property has been eroded from the water line meander since the last survey of this property and USS 937.
- h. Several buildings, including the hospital, encroach on the north and west boundary lines of USS 937 by more than an acre.
- i. Kanakanak Road is referred to as Dillingham-Kanakanak Road on plat 81-12. The City of Dillingham Planning Commission shorted the road name to Kanakanak Road with Resolution 92-20, August 25, 1992.
- j. There is a symbol missing from the legend, which is a solid line with a rectangular box overlaying it.

- k. Ownership of USS 937 is missing.
- l. Spelling typos: Choggiung, subsurface, tank, Subdivision (in the title block), and Appertaining.
- m. In the Certificate of Ownership and dedication, removing the period after the word "hereon, and add the words "of the" after the word Secretary.
- n. Some line symbols for utilities are missing from the legend: one with a rectangular box, one with a circle and line through it, the symbol for the fiberoptic line, a sunburst shown by fuel fills and buried fiber optic cable.

## **VI. DISCUSSION**

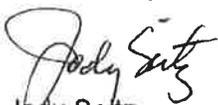
- a. The plat appears to meet the City of Dillingham Subdivision requirements for a preliminary plat in all the substantive ways: access, utilities, parking, and road improvements.
- b. The primary concern is for the rate of erosion of the bluff. The area has lost more than 30 feet of shoreline since the property was last surveyed in 2011. The closest property boundary of the new lot, Tract 1, would be about 450 feet from the mean high water line meander. If the erosion rate is 30 feet in 4 years, 7.5 feet per year on average, in roughly 60 years the new building will be on the edge of the bluff.

## **VII. RECOMMENDATIONS**

- a. The BBAHC should bring forth a request for a Variance to proceed with the plat regardless of the hospital complex encroachment on USS 937.
- b. The BBAHC should plan to start the process for a replat of USS 937 to clean up the encroachment of the hospital complex on USS 937.
- c. Correct all typos, provide the definition of all symbols in the legend, and correct the name of Kanakanak Road.
- d. Put "public access easement" on Berrypicker Lane.
- e. Put the ownership of USS 937 on the plat.

Please contact the Planning Department (842-3785) if you would like to discuss the above recommendations.

Respectfully,



Jody Seltz  
Planning Director



April 1, 2015

Indian Health Service  
Rockville MD 20852

Jody Seitz, Planning Director  
City of Dillingham  
P.O. Box 889  
Dillingham, Alaska 99576

Dear Ms. Seitz,

This letter serves as authorization for the Bristol Bay Area Health Corporation (BBAHC), on behalf of the Indian Health Service, a division of the United States Department of Health and Human Services, to submit a new plat to subdivide U.S. Survey 2013 into two parcels (Tract 1 and remainder of Lot 2) and a request for a Variance to allow the plat to proceed with the encroachment on U.S. Survey 937 (see attached variance request). The BBAHC is also authorized to speak on behalf other IHS at the Public Hearing currently scheduled for April 8, 2015 and May 13, 2015. Ms. Paula Poncho, Realty Specialist, Alaska Area Native Health Service, IHS, will call into the public hearing as you suggested and be available to answer any questions that may arise.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin J. D'Amada".

Kevin J. D'Amada, P.E.  
Director, Division of Facilities Operations  
Office of Environmental Health and Engineering  
Indian Health Service

Cc: Paula Poncho, AANHS  
Denman Ondelacy, AANHS  
Felicia Snowden, Realty Officer, IHS  
Bradford Archer, BBAHC



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## Variance Narrative

Describe the reasons for requesting this variance. Is the variance requested the minimum necessary to develop? How is the hardship in developing the property not of your own making? Explain how the strict application of the Dillingham Municipal Code standard (setback, lot size, etc.) deprives you use of your land or structures in a manner equivalent that of property owners in your immediate area. What are the special circumstances or conditions that apply to your property that do not apply to other properties in the same vicinity? (Use additional paper if necessary.)

The Indian Health Service (IHS) requests a variance to allow the plat to proceed regardless of the hospital complex encroachment on USS 937. In 1955, the Transfer Act (PL 83-658) required the delivery of health care services be transferred from the Bureau of Indian Affairs (BIA) to the IHS (formerly known as the Public Health Service). The law also required all ownership of land, buildings and structures be included in the transfer. The IHS/PHS acquired all existing buildings including the hospital constructed in 1941 known as building 301 and two parcels of land known as U.S. Survey 2013 and U.S. Survey 937. In 1986, a new inpatient and ambulatory care facility was built and connected to the original building 301 which was converted into office space. The new hospital known as building 401, was constructed on U.S. Survey 2013 and connected by a hallway to building 301. Since the both surveys were under the control of the IHS, the federal government was under no obligation to combine the two U.S. Surveys in order to construct a new hospital. If there is a compelling reason to combine the two U.S. Surveys, such as in the case of transferring the land to separate owners in the future, the IHS would then work with the Bureau of Land Management to have a cadastral survey performed to accomplish this. At this time the IHS does not plan to submit an additional plat to clean up the encroachment on U.S. Survey 937.

Under the Indian Self-Determination and Education Assistance Act (PL 93-638), the IHS signed a Compact with the Bristol Bay Area Health Corporation (BBAHC) to operate and manage the health care delivery at the Kananak Compound in Dillingham, Alaska. The Compact authorizes use of the buildings, land and structures by BBAHC for programs authorized under the Compact. Under the authority of PL 93-638, BBAHC requests transfer of a portion of land from the IHS for construction of a dental care facility to be owned by BBAHC. The new plat subdivides U.S. Survey 2013 into two parcels, Tract 1 and the remainder of Lot 2. The IHS has no objections to the subdivision of the plat. In order for BBAHC to construct the dental annex, it is critical that the plat be approved and the land be transferred to BBAHC in the month of May 2015 as scheduled.



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Applicant's Signature

1 APR 2015

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Date



## Jody Seitz

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**From:** Will Chaney  
**Sent:** Thursday, March 26, 2015 10:44 AM  
**To:** Jody Seitz; Michael Favors  
**Subject:** DLB and Dental Annex Subdivision Preliminary Plats

Good morning Jody,

I received the preliminary plats late yesterday and have had a chance to go over them. It appears that in both cases the Utility has little to comment on so far. The Dental Annex subdivision is within BBAHC's existing property, and looks like it will be fed from plant that they hold ownership of. I wanted to make sure that this was understood, as Nushagak Cooperative has no responsibility for the electric distribution system, easements, or documentation once it crosses onto USS 2013 Lot #2. We have in the past assisted in the operation and maintenance of their primary distribution and for that reason I would urge that BBAHC continue to operate their plant and system with regard to NESC (National Electric Safety Code) so the design and build are no different than any other system under that umbrella. I did notice a couple of minor issues with the plat and labeling, one being the "Chiller Elec Line" in the north and west corner of USS 937, it appears the arrow from that label points to the outline of the main hospital building 401, and right next to that there is a "secondary power" label with no arrow. There is a line nearby that runs under or through building 401 but where it daylight on the north side of 401 it appears to be labelled as a 100 pr BFC feed. That is about all I had for the Dental Annex plat.

On the DLB subdivision, the report states that this action is going to create lot #2 which has been occupied and is presently connected to the utilities, so I am assuming that this action only transfers ownership of lot #2. If that is the case, my only concern would be that it shows a Utility easement of 11.58 feet in width is not wide enough for the existing overhead service that provides service to the shop and residence on that lot. I am not sure where that measurement came from, but the latest requirement put forth by the Cooperative states that an acceptable width for an underground easement is 15 feet, and for overhead is 20 feet. To bring this plat map into compliance with that statement would require the existing easement be redrawn showing a 20 foot easement.

That is about all that I saw on the two maps submitted, I would like to say again, that especially on subdivisions, I think it is very important to have developers get in touch with the utility as early as possible so they are working in cooperation with the utility instead of at odds in trying to bring the utilities onto their properties. I don't know if there is anything the City can do to help that situation out, but by all means, if there is any doubt direct them to us, even if just for conversation, thank you.

--

*Will*

[wchaney@nushagak.coop](mailto:wchaney@nushagak.coop)

Will Chaney | Journeyman Power Lineman/Staking Tech./Meter Tech.

Nushagak Cooperative | P.O. Box 350 | Dillingham, AK 99576

907.842.5251 | Toll Free: 800.478.5296 | FX: 907.842.2790

[www.nushtel.com](http://www.nushtel.com)



**RESOLUTION 2015-03**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Approving Dental Annex Subdivision Preliminary Plat

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Dental Annex Subdivision April 8, 2015; and

WHEREAS, the Dillingham Planning Commission reviewed the plat for compliance with the requirements for Title 17 of the Dillingham Municipal Code; and

WHEREAS, in order to complete the land subdivision pursuant to As 40.15.070 a land survey must be performed, monuments set, and a plat created for recording which will facilitate the exchange of property ownership; and

WHEREAS, the Dillingham Planning Commission found that the preliminary plat of Dental Annex Subdivision for the most part met the requirements of the Dillingham Municipal Code;

THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Dillingham, Alaska, the preliminary plat of Dental Annex Subdivision is approved once the following conditions are met:

- a. The BBAHC should plan to start the process for a replat of USS 937 to clean up the encroachment of the hospital complex on USS 937.
- b. Clean up labeling of electrical lines.
- c. Correct all typos, provide the definition of all symbols in the legend, and correct the name of Kanakanak Road.
- d. Put "public access easement" on Berrypicker Lane.
- e. Put the ownership of USS 937 on the plat.

ADOPTED by the Dillingham Planning Commission April 8, 2015.

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Julianne E. Baltar, Presiding Officer

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Jody Seitz, Recorder



**RESOLUTION 2015-04**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Approving Clark Subdivision Preliminary Plat

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Clark Subdivision April 8, 2015; and

WHEREAS, the Dillingham Planning Commission reviewed the plat for compliance with the requirements for Title 17 of the Dillingham Municipal Code; and

WHEREAS, in order to complete the land subdivision pursuant to As 40.15.070 a land survey must be performed, monuments set, and a plat created for recording which will facilitate the exchange of property ownership; and

WHEREAS, the Dillingham Planning Commission found that the preliminary plat of Clark Subdivision for the most part met the requirements of the Dillingham Municipal Code;

THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Dillingham, Alaska, the preliminary plat of Clark Subdivision is approved once the following conditions are met:

- a. The plat must receive BIA approval prior to going through the Final Plat process.
- b. Please provide a 20' easement for utilities rather than the 11.58 wide easement that provides services to the shop and residence, as required by Nushagak Cooperative.
- c. Put the names of landowners of adjoining parcels on the plat.
- d. Identify the parent lot in stippled letters.
- e. Identify all adjacent land uses.
- f. Identify the subsurface landowner.
- g. These subdivisions across the Lake Road are missing: Sand subdivision, Tundra View Estates, USS 7140 Lot 3.
- h. Put the well location in Detail 2 and Explain Tie Only.
- i. Correct the name of the Planning Commission Chair.
- j. Correct all Typos.
- k. Correct the Title Block to show a subdivision of USS 7140 Lot 1.

ADOPTED by the Dillingham Planning Commission April 8, 2015.

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Julianne E. Baltar, Presiding Officer

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Jody Seitz, Recorder



**RESOLUTION 2015-05**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Authorizing the Chair of the Dillingham Planning Commission to sign formerly approved  
but unsigned minutes and resolutions

WHEREAS, the approved minutes and other evidence can substantiate that an action or document was approved by the Planning Commission; and

WHEREAS, due to turnover in staff and commissioners some documents may have been approved but never signed by the Planning Commission chair; and

WHEREAS, it may not be possible to obtain the original chair's signature;

THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Dillingham, Alaska, that when it is clearly demonstrated that a resolution or minutes were approved, that the current Chair may sign those documents in lieu of the original chair.

ADOPTED by the Dillingham Planning Commission April 8, 2015.

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Julianne E. Baltar, Presiding Officer

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Jody Seitz, Recorder



**RESOLUTION 2015-06**  
**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Recommending changes to Title 15 Floodplain Management to the City Council

WHEREAS, the City of Dillingham participates in the National Flood Insurance Program;  
and,

WHEREAS, the State of Alaska Floodplain Coordinator conducted a Community Assistance Visit and recommended revising Title 15 of the Dillingham Municipal Code to remove the requirement for a variance to build shoreline dependent uses in the V zone of the floodplain; and

WHEREAS, via Resolutions 2014-12 and 2014-21 the Dillingham Planning Commission made recommendations for changes to the ordinance; and

WHEREAS, FEMA also reviewed the existing Title 15 in full and made additional suggested changes which are required by the Federal Code of Regulations;

THEREFORE, BE IT RESOLVED that the Planning Commission recommends the attached revised ordinance to the Dillingham City Council for its approval.

ADOPTED by the Dillingham Planning Commission April 8, 2015.

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Julianne E. Baltar, Presiding Officer

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Jody Seitz, Recorder



CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-\_\_

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 15.04 OF THE DILLINGHAM MUNICIPAL CODE TO ALLOW FOR REVIEW OF PERMIT APPLICATIONS BY A REGISTERED PROFESSIONAL ENGINEER AT THE COST OF THE APPLICANT, AND TO ESTABLISH CRITERIA FOR ISSUING FLOODPLAIN DEVELOPMENT PERMITS FOR FUNCTIONALLY DEPENDENT USES AND MODIFY VARIANCE STANDARDS**

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Amendment of Section 15.04.020.** Section 15.04.020 of the Dillingham Municipal Code is hereby amended to read as follows: [new language is underlined deleted language is overstruck]:

**15.04.020 Definitions.**

As used in this chapter, the following words have the meanings ascribed to them in this section:

- A. "Area of Special Flood Hazard" means the land in the flood plain within the community subject to a 1 percent or greater chance of flooding in any given year, as identified in the Flood Insurance Rate Map.
  - B. Base Flood or "One Hundred Year Flood" means a flood that has a 1% chance of being equaled or exceeded in a given year.
  - C. "Federal Insurance Administration" (FIA) of the Federal Emergency Management Agency (FEMA) is responsible for administration of the National Flood Insurance Program.
  - D. "Fill" means nonload bearing material susceptible to wash or erosion such as dredge spoils, debris, sand or dirt.
  - E. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from 1) overflow of inland or tidal waters; 2) unusual and rapid accumulation or runoff of surface waters from any source; 3) mudflow; 4) collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, that result in overflow of inland or tidal waters.
- ~~C. "Flood hazard area" includes all area within the corporate limits subject to the one hundred-year flood as delineated on the flood insurance rate map for the city published by the Federal Insurance Administration.~~

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F. "Flood insurance rate map" (FIRM) means the map of the city issued by the Federal Insurance Administration which delineates the area subject to the one-hundred-year flood and the risk premium zones applicable to the community.

~~G. Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.~~

~~H. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building and ship repair facilities, fuel storage facilities, and seafood processing facilities but does not include long term storage facilities.~~

~~I. "Lowest floor" means the lowest enclosed area (including basement).~~

~~J. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.~~

~~K. "Mean lower low water" means the elevation datum (0.00 feet) referenced on the flood insurance rate maps. MLLE is 10.0 feet below the National Geodetic Vertical Datum of 1929 (NGVD) in Dillingham.~~

~~L. "One-hundred-year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to one hundred that this size flood will occur during a given year; there is a one percent chance that a flood of this magnitude will occur each year. Statistical analysis of available streamflow or coastal storm records, or analysis of rainfall and runoff characteristics of the watershed, or coastal topography and depth of the one-hundred-year flood. Also referred to as the base flood or regulatory flood.~~

~~M. "Special Flood Hazard Area (SFHA)" means areas subject to the Base Flood. The SFHA includes A and V zones.~~

~~N. "Structure" means a walled and roofed building including a gas or liquid storage tank, that is principally above ground and which is used for residential, business, agricultural or religious purposes, or which is occupied by a private, nonprofit organization, or which is owned by a state or local government or any agency thereof; the term includes mobile homes and other modular units.~~

~~O. "Substantially improved" means any remodeling, repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the property either as such value exists before the improvement is started or if the property has been damaged and is being restored, as such value existed before the damage occurred.~~

~~P. "Variances" are grants of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.~~

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**Section 2. Amendment of Section 15.04.030.** Section 15.04.030 of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

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**15.04.030 Floodplain permit—Required.**

No party shall make any changes to improved or unimproved real estate, including mine, dredge, fill, grade, pave, excavate, construct, construct an addition to, substantially improve or relocate a structure within areas of the city within a special flood hazard area without first securing from the city planning department, a floodplain permit for each structure. It is not the intent of this chapter to require a floodplain permit outside of flood hazard areas.

**Section 3. Amendment of Section 15.04.031(B).** Section 15.04.031(B) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

B. The areas of special flood hazard identified by the Federal Insurance Administration are a scientific and engineering report entitled, "The Flood Insurance Study for the City of Dillingham, Alaska," dated September 30, 1982, with accompanying Flood Insurance Rate Maps, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall.

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**Section 4. Amendment of Section 15.04.040(B).** Section 15.04.040(B) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

B. Information Required. The information furnished in the application shall include, but is not limited to:

1. The name and address of the owner of the tract;
2. A legal description of the tract;
3. Statement of the following elevations:
  - a. The ground elevation after site preparation;
  - b. Projected lowest floor elevation, (including basement) in relation to mean low water of all structures;
  - c. Elevation in relation to mean lower low water to which any non-residential structure has been dry-floodproofed.
4. Certification by a registered professional engineer, architect, surveyor or city permit official that the proposed floodproofing methods for any nonresidential structure meet the floodproofing criteria in this chapter;
5. Information which demonstrates that the structure will be adequately protected against flood damage and that the structure or site preparation will not adversely affect flood elevations or velocities. The required protective measures are set forth in Section 15.04.050

**Section 5. Amendment of Section 15.04.040(C).** Section 15.04.040(C) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

C. Evaluation. Following the filing of the application, the planning department shall review the submittal, request any additional information deemed necessary, and evaluate the application

based upon the provisions of this chapter. The department may retain the services of a professional engineer licensed in Alaska to assist in the review of the submittal. The cost shall be commercially reasonable and an estimate shall be provided to the applicant and reviewed with the applicant at their request. The costs of the engineering services shall be paid for by the permit applicant.

**Section 6. Amendment of Chapter 15.04.** Chapter 15.04 of the Dillingham Municipal Code is hereby amended by the addition of a new Section 15.04.055 to read as follows:

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**15.04.055 Functionally Dependent Uses.**

A. The Planning Director may grant a floodplain permit for a structure that has a functionally dependent use and is located in the coastal high hazard area (zones V1-V30) as designated in the most recent Flood Insurance Rate Map only upon determining that the following conditions have been met:

1. Any new or substantially improved structure shall be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.
2. Construction materials and utility equipment that are resistant to flood damage and construction practices and methods that will minimize flood damages shall be utilized.
3. A failure to grant the permit would result in exceptional hardship to the applicant
4. Granting the permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.
5. The requirements of Section 15.04.064(A)(2)-(5) will be met.

B. In deciding whether to grant a floodplain permit for a proposed functionally dependent use the planning director shall consider :

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the compatibility of the proposed use with existing and anticipated development;
6. the relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
7. the safety of access to the property in times of flood for ordinary and emergency vehicles;

8. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
9. the cost of providing governmental services to the facility during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets, and bridges.
10. whether granting the permit would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances.

C. Upon consideration of the factors of subsection (B) of this section, the planning director may attach such conditions to the granting of permits for functionally dependent uses as the director deems necessary to further the purposes of this ordinance.

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Section 7. Amendment of Section 15.04.061. Section 15.04.061 of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined; deleted language is overstruck]:

15.04.061 Residential structures.

The lowest floor of new construction or substantial improvement shall be located at or above the one-hundred-year flood level base flood elevation. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15.04.050(A)(2)

Section 8. Amendment of Section 15.04.062(A). Section 15.04.062(A) of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined; deleted language is overstruck]:

A. The lowest floor of new construction or substantial improvement shall be located at or above the one-hundred-year flood level or is dry-floodproofed to that level.

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Section 4.

Section 9.

Amendment of Section 15.04.064(A(1)). Section 15.04.064(A)(1) of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined; deleted language is overstruck]:

**15.04.064 Coastal high hazard areas.**

- A. Within coastal high hazard areas (V zones) the city shall:
  1. Require that all new construction other than functionally dependent uses within zones V1-V30 on the FIRM be located landward of the reach of mean high tide, ~~or that waterdependent structures that require an over-water location shall petition for a variance~~

**Section 10. Repeal of Section 15.04.064(B).** Section 15.04.064(B) of the Dillingham Municipal Code is hereby repealed in its entirety.

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**Section 11. Amendment of Section 15.04.065(A).** Section 15.04.065(A) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

A. In floodprone areas not covered by the Dillingham flood insurance study and maps, all structures shall be set back from the tidal waterfront sufficiently to avoid possible damage from wave runup flooding; to protect shoreline resources from unnecessary degradation, and maintain public access and scenic values. All new or expanded shoreline development which does not require a water edge or water surface location shall be set back twenty-five feet from the ordinary high water mark, provided that, on erosional or otherwise geologically unstable bluffs or banks exceeding ten feet in height or on banks sloping more than thirty percent, any setback shall be measured from bank rim to top of such slope respectively. These setbacks apply to primary structures and accessory buildings. These setbacks do not apply to shoreline-dependent development that requires an over-water or water-edge location (e.g., seafood processing) or to outdoor decks or patios. Water-dependent structures that require an over-water or water-edge location shall be elevated at least two feet above the ordinary high tide or at or above base flood elevation, whichever is the higher.

**Section 12. Amendment of Section 15.04.100.** Section 15.04.100 of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined, deleted language is overstruck]:

**15.04.100 Variances.**

A. Variances may be issued by the planning commission for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in this section.

B. Standards for the granting of variances by the city are as follows:

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~~1. Variances shall not be issued by the city within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.~~

2 1. Variances may be issued by the city for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

3 2. Variances shall only be issued by the city upon:

- a. A showing of good and sufficient cause,
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant,
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create

nuisances, cause fraud on or victimization of the public, or conflict with existing ordinances, and

d. ~~Variations shall only be issued upon~~ A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. In passing upon variance applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- a. the danger that materials may be swept onto other lands to the injury of others;
- b. the danger to life and property due to flooding or erosion damage;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- k. the cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets, and bridges.

5 D. Upon consideration of the factors of subsection ~~(A)(4)~~ C of this section and the purposes of this ordinance, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

~~6. Variations may be issued to accommodate the needs of functionally dependent uses. A "functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or~~

~~passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.~~

7 E. Variances may be issued for nonresidential buildings to allow a lesser degree of floodproofing than watertight or dry floodproofing, where the economic activity and resulting benefit to the community outweighs the damage potential.

8. ~~Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

9. ~~Variances may be issued for nonresidential new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria for variance are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.~~

F. ~~40~~. The city shall notify the applicant in writing over the signature of the planning director that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance ~~up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage, and~~

b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph G ~~A6~~ of this section, and

G. 14. The planning department shall:

a. Maintain a record of all variance actions, including justification for their issuance, and

b. Report such variances issued in its annual report submitted to the Federal Insurance Administrator..

**Section 13. Effective Date.** This ordinance is effective upon adoption.

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PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

SEAL:

Alice Ruby, Mayor

ATTEST:

\_\_\_\_\_  
Janice Williams, City Clerk



CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-\_\_

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 15.04 OF THE DILLINGHAM MUNICIPAL CODE TO ALLOW FOR REVIEW OF PERMIT APPLICATIONS BY A REGISTERED PROFESSIONAL ENGINEER AT THE COST OF THE APPLICANT, AND TO ESTABLISH CRITERIA FOR ISSUING FLOODPLAIN DEVELOPMENT PERMITS FOR FUNCTIONALLY DEPENDENT USES AND MODIFY VARIANCE STANDARDS**

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Amendment of Section 15.04.020.** Section 15.04.020 of the Dillingham Municipal Code is hereby amended to read as follows: [new language is underlined deleted language is overstruck]:

**15.04.020 Definitions.**

As used in this chapter, the following words have the meanings ascribed to them in this section:

- A. "Area of Special Flood Hazard" means the land in the flood plain within the community subject to a 1 percent or greater chance of flooding in any given year , as identified in the Flood Insurance Rate Map.
- B. Base Flood or "One Hundred Year Flood" means a flood that has a 1% chance of being equaled or exceeded in a given year.
- C. "Federal Insurance Administration" (FIA) of the Federal Emergency Management Agency (FEMA) is responsible for administration of the National Flood Insurance Program.
- D. "Fill" means nonload bearing material susceptible to wash or erosion such as dredge spoils, debris, sand or dirt.
- E. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from 1)overflow of inland or tidal waters; 2) unusual and rapid accumulation or runoff of surface waters from any source; 3) mudflow; 4) collapse or subsidence of land along the shore of a body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, that result in overflow of inland or tidal waters.

~~C. "Flood hazard area" includes all area within the corporate limits subject to the one-hundred-year flood as delineated on the flood insurance rate map for the city published by the Federal Insurance Administration.~~



F. "Flood insurance rate map" (FIRM) means the map of the city issued by the Federal Insurance Administration which delineates the area subject to the one-hundred-year flood and the risk premium zones applicable to the community.

G. Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source .

H. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building and ship repair facilities, fuel storage facilities, and seafood processing facilities but does not include long term storage facilities.

I. "Lowest floor" means the lowest enclosed area (including basement).

J. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

K. "Mean lower low water" means the elevation datum (0.00 feet) referenced on the flood insurance rate maps. MLLW is 10.0 feet below the National Geodetic Vertical Datum of 1929 (NGVD) in Dillingham.

~~F. "One-hundred-year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to one hundred that this size flood will occur during a given year; there is a one percent chance that a flood of this magnitude will occur each year. Statistical analysis of available streamflow or coastal storm records, or analysis of rainfall and runoff characteristics of the watershed, or coastal topography and depth of the one-hundred-year flood. Also referred to as the base flood or regulatory flood.~~

L. "Special Flood Hazard Area (SFHA)" means areas subject to the Base Flood. The SFHA includes A and V zones.

G. M. "Structure" means a walled and roofed building including a gas or liquid storage tank, that is principally above ground and which is used for residential, business, agricultural or religious purposes, or which is occupied by a private, nonprofit organization, or which is owned by a state or local government or any agency thereof; the term includes mobile homes and other modular units.

H. N. "Substantially improved" means any remodeling, repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the fair market value of the property either as such value exists before the improvement is started or if the property has been damaged and is being restored, as such value existed before the damage occurred.

K. O. "Variances" are grants of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.



**Section 2. Amendment of Section 15.04.030.** Section 15.04.030 of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

**15.04.030 Floodplain permit—Required.**

No party shall make any changes to improved or unimproved real estate, including mine, dredge, fill, grade, pave, excavate, construct, construct an addition to, substantially improve or relocate a structure within areas of the city within a special flood hazard area without first securing from the city planning department, a floodplain permit for each structure. It is not the intent of this chapter to require a floodplain permit outside of flood hazard areas.

**Section 3. Amendment of Section 15.04.031(B).** Section 15.04.031(B) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

B. The areas of special flood hazard identified by the Federal Insurance Administration are a scientific and engineering report entitled, "The Flood Insurance Study for the City of Dillingham, Alaska," dated September 30, 1982, with accompanying Flood Insurance Rate Maps, is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall.

**Section 4. Amendment of Section 15.04.040(B).** Section 15.04.040(B) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

B. Information Required. The information furnished in the application shall include, but is not limited to:

1. The name and address of the owner of the tract;
2. A legal description of the tract;
3. Statement of the following elevations:
  - a. The ground elevation after site preparation,
  - b. Projected lowest floor elevation, (including basement) in relation to mean low water of all structures,
  - c. Elevation in relation to mean lower low water to which any non-residential structure has been dry-floodproofed.
4. Certification by a registered professional engineer, architect, surveyor or city permit official that the proposed floodproofing methods for any nonresidential structure meet the floodproofing criteria in this chapter;
5. Information which demonstrates that the structure will be adequately protected against flood damage and that the structure or site preparation will not adversely affect flood elevations or velocities. The required protective measures are set forth in Section 15.04.050

**Section 5. Amendment of Section 15.04.040(C).** Section 15.04.040(C) of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined]:

C. Evaluation. Following the filing of the application, the planning department shall review the submittal, request any additional information deemed necessary, and evaluate the application



based upon the provisions of this chapter. The department may retain the services of a professional engineer licensed in Alaska to assist in the review of the submittal. The cost shall be commercially reasonable and an estimate shall be provided to the applicant and reviewed with the applicant at their request. The costs of the engineering services shall be paid for by the permit applicant.

**Section 6. Amendment of Chapter 15.04.** Chapter 15.04 of the Dillingham Municipal Code is hereby amended by the addition of a new Section 15.04.055 to read as follows:

**15.04.055 Functionally Dependent Uses.**

A. The Planning Director may grant a floodplain permit for a structure that has a functionally dependent use and is located in the coastal high hazard area (zones V1-V30) as designated in the most recent Flood Insurance Rate Map only upon determining that the following conditions have been met:

1. Any new or substantially improved structure shall be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure.
2. Construction materials and utility equipment that are resistant to flood damage and construction practices and methods that will minimize flood damages shall be utilized.
3. A failure to grant the permit would result in exceptional hardship to the applicant
4. Granting the permit will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public.
5. The requirements of Section 15.04.064(A)(2)-(5) will be met.

B. In deciding whether to grant a floodplain permit for a proposed functionally dependent use the planning director shall consider :

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the compatibility of the proposed use with existing and anticipated development;
6. the relationship of the proposed use to the Comprehensive Plan and Flood Plain Management Program for that area;
7. the safety of access to the property in times of flood for ordinary and emergency vehicles;



8. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
9. the cost of providing governmental services to the facility during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets, and bridges.
10. whether granting the permit would result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances.

C. Upon consideration of the factors of subsection (B) of this section, the planning director may attach such conditions to the granting of permits for functionally dependent uses as the director deems necessary to further the purposes of this ordinance.

**Section 7. Amendment of Section 15.04.061.** Section 15.04.061 of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined; deleted language is overstruck]:

**15.04.061 Residential structures.**

The lowest floor of new construction or substantial improvement shall be located at or above the ~~one-hundred-year flood level~~ base flood elevation. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 15.04.050(A)(2)

**Section 8. Amendment of Section 15.04.062(A).** Section 15.04.062(A) of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined; deleted language is overstruck];

A. The lowest floor of new construction or substantial improvement shall be located at or above the one-hundred-year flood level or is dry-floodproofed to that level.

**Section 9. Amendment of Section 15.04.064(A(1)).** Section 15.04.064(A)(1) of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined; deleted language is overstruck]:

**15.04.064 Coastal high hazard areas.**

A. Within coastal high hazard areas (V zones) the city shall:

1. Require that all new construction other than functionally dependent uses within zones V1-V30 on the FIRM be located landward of the reach of mean high tide, ~~or that waterdependent structures that require an over-water location shall petition for a variance~~



**Section 10. Repeal of Section 15.04.064(B).** Section 15.04.064(B) of the Dillingham Municipal Code is hereby repealed in its entirety.

**Section 11. Amendment of Section 15.04.065(A).** Section 15.04.065(A) of the Dillingham Municipal Code is hereby amended to read as follows[new language is underlined]:

A. In floodprone areas not covered by the Dillingham flood insurance study and maps, all structures shall be set back from the tidal waterfront sufficiently to avoid possible damage from wave runup flooding; to protect shoreline resources from unnecessary degradation, and maintain public access and scenic values. All new or expanded shoreline development which does not require a water edge or water surface location shall be set back twenty-five feet from the ordinary high water mark, provided that, on erosional or otherwise geologically unstable bluffs or banks exceeding ten feet in height or on banks sloping more than thirty percent, any setback shall be measured from bank rim to top of such slope respectively. These setbacks apply to primary structures and accessory buildings. These setbacks do not apply to shoreline-dependent development that requires an over-water or water-edge location (e.g., seafood processing) or to outdoor decks or patios. Water-dependent structures that require an over-water or water-edge location shall be elevated at least two feet above the ordinary high tide or at or above base flood elevation, whichever is the higher.

**Section 12. Amendment of Section 15.04.100.** Section 15.04.100 of the Dillingham Municipal Code is hereby amended to read as follows [new language is underlined, deleted language is overstruck]:

**15.04.100 Variances.**

A. Variances may be issued by the planning commission for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in this section.

B. Standards for the granting of variances by the city are as follows:

~~1. Variances shall not be issued by the city within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.~~

2 1. Variances may be issued by the city for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level.

3 2. Variances shall only be issued by the city upon:

a. A showing of good and sufficient cause,

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant,

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create



~~passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.~~

7 E. Variances may be issued for nonresidential buildings to allow a lesser degree of floodproofing than watertight or dry floodproofing, where the economic activity and resulting benefit to the community outweighs the damage potential.

8. ~~Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

9. ~~Variances may be issued for nonresidential new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria for variance are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.~~

F. -10. The city shall notify the applicant in writing over the signature of the planning director that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates. for flood insurance, ~~up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage, and~~

b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph G A6 of this section, and

G. 14. The planning department shall:

a. Maintain a record of all variance actions, including justification for their issuance, and

b. Report such variances issued in its annual report submitted to the Federal Insurance Administrator..

**Section 13. Effective Date.** This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

SEAL:



Alice Ruby, Mayor

ATTEST:

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Janice Williams, City Clerk





