

**RESOLUTION 2012-26 (TABLED until March 2013)**

**A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION**

Denying approval of the Preliminary Plat for Tuntuvak Subdivision  
submitted November 5, 2012

WHEREAS, the City of Dillingham Planning Department received all the documents required for the preliminary plat of Tuntuvak Subdivision as of November 5, 2012; and

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Tuntuvak Subdivision, November 20, 2012; and

WHEREAS, the Dillingham Planning Commission reviewed the preliminary plat for compliance with the requirements for Titles 15 and 17 of the Dillingham Municipal Code; and

WHEREAS, there is a private access easement between the proposed Tuntuvak Subdivision and the Wood River Road and this road is the only physical access out and into the Tuntuvak Subdivision; and

WHEREAS, the Dillingham Municipal Code 17.19.030 A. requires that *"Every lot shall have access directly from a dedicated public right of way."*

WHEREAS, City Attorney Brooks Chandler has advised that the City of Dillingham Planning Commission may not approve Tuntuvak Subdivision without providing legal and physical public access to a dedicated public right of way; and

WHEREAS, Staff have contacted the subdivision applicant by letter sent November 21, 2012, and by email December 3 and 17, 2012, informing her of the Planning Commissions' decision to postpone taking action on the plat and asking for written clarification of her wishes;

WHEREAS, there has been no communication from the applicant, but the landowner informed a commissioner verbally December 14, that the family does not wish to dedicate public access to the proposed subdivision;

WEHREAS, by Dillingham Municipal Code 17.07.070 A. The planning commission shall approve, conditionally approve, or deny the preliminary plat within sixty days of the official filing date or the preliminary plat is considered approved;

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, denies approval for Tuntuvak Subdivision due to lack of a dedicated public access easement to Wood River Road, per DMC 17.19.030.

ADOPTED THIS 18th DAY OF December, 2012.

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Bill Rodawalt, Presiding Officer

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Lilly Capell, Commission Clerk