

Planning Commissioners
Vacant, Seat A
Paul Liedberg, 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**

**November 12, 2014
5:30 p.m.**

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

Agenda

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVE MINUTES OF October 15, 2014**
- 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. None
- VII. UNFINISHED BUSINESS**
 - A. Floodplain Ordinance Review
 - B. Resolution 2014-16 Title 17 minimum lot size
 - C. Plan for Public Involvement in Title 17 Lot size revision
 - D. Kananak Road maintenance

DISCUSS
POSTPONE
DISCUSS
DISCUSS
- VIII. NEW BUSINESS**
 - A. Resolution 2014-19 Approving Edra Garage Preliminary Plat

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 5:39 p.m.

II. ROLL CALL (quorum is 4)

Members present:

Gregg Marxmiller, Seat C
William Corbett, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F

Public:

RaeBelle Whitcomb

Members Absent

Paul Liedberg, excused

Staff in Attendance:

Jody Seitz, City Planner, Recorder

III. APPROVAL OF THE MINUTES OF September 15, 2014.

MOTION: Andy Anderson moved and William Corbett seconded the motion to approve the minutes of September 15, 2014.

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:

- Julie Baltar requested a discussion of Kananak Road flats area where there is a lot of dust.
- No one opposed. It was added as item C under New Business.

VOTE: The agenda was approved unanimously as amended.

V. COMMUNICATIONS

- A. Complaints about Kanakanak Road. Planner Seitz wrote a letter about signage asking people to slow down entering the Squaw Creek area from the airport, and also signage marking the boundary of the road.
- B. Planner Seitz reviewed her report with the Commission.
- C. Raebelle Whitcomb commented on the Evergreen Cemetery:

DISCUSSION:

- It is still used.
- Her family has traditionally maintained local cemeteries. She has a strong interest in them.
- Evergreen needs new markers
- Sometimes volunteers ca
- Traditional customs are followed according to the religious denomination with the markers and crosses.
- Objects to restrictions on height of crosses, and the mandate to use flat markers due to impacts on traditions and potentially the costs.
- People are going to gather in the cemetery to carry out the burials.
- Suggested that the Planner call the City Council's attention to the need for planning for future use of cemetery areas and good access to those.
- Vandalism is a problem where cemeteries are not easily visible.
- Suggested and commission concurred, a workshop.

VI. PUBLIC HEARINGS

There were no public hearings.

VII. UNFINISHED BUSINESS

- A. Resolution 2014-12 Recommending Changes to Title 15 Floodplain Management

MOTION: William Corbett moved and Andy Anderson seconded the motion to approve Resolution 2014-12.

DISCUSSION:

- Planner had consulted with State Floodplain Coordinator, Tauunie Boothby, who advised that FEMA did not consider tanks to be dependent uses.
- Planner explained the floodplain and its various areas.
- Explained the base flood elevation calculation by Harold Galliett at Wood River.
- Explained that the purpose of changing the code is to weed out the dependent uses so that they do not require a special variance to locate on the shoreline.
- Discussion about the process.

- Asked to have public notices that are posted cc'd to the Planning Commission.

VOTE: Unanimous approval.

Planner noted that the Resolution needs amending to allow for review by the City attorney instead of sending it directly to the City Attorney.

Chair calls back the vote to approve in order to make the following amendment to take out the recommendation to the City Council Code Committee.

“Therefore, the City of Dillingham Planning Commission recommends that the attached draft ordinance be forwarded to the City Attorney for review and if no substantive changes are recommended, that it be forwarded on to FEMA for review.”

MOTION: William Corbett moved and Andy Anderson seconded the motion to amend the resolution as above.

VOTE: Amended by Unanimous consent.

B. Resolution 2014-16 Minimum Acreage for Subdivision Lots

MOTION: Gregg Marxmiller moved and Andy Anderson seconded the motion to approve Resolution 2014-16.

DISCUSSION:

- Planner did not hear back from ADEC or the septic installers.
- Planner reviewed the proposed regulatory changes for DMC 17.19.14 Lots.
- Recommends getting more discussion and information out there in the community. Since it's a significant change.

VOTE: Unanimous approval to Postpone Resolution 2014-16 minimum acreage until next meeting.

VIII. NEW BUSINESS

A. Resolution 2014-18 Long Term Encroachment Permit for Utilities on Second Avenue East.

MOTION: Andy Anderson moved and Gregg Marxmiller seconded the motion to approve Resolution 2014-18.

DISCUSSION:

- There are lines that cannot be tied into, that carry raw water to the treatment plant.

B. Squaw Creek Road

DISCUSSION:

RaeBelle Whitcomb made a presentation advocating for maintenance of Squaw Creek Road.

- Estimates that a household of 4 pays approximately \$1566 in sales tax a year. (based on Alaska food cost survey – UAF extension).
- Estimates all the sales tax paid by householders.
- 29 households live on Squaw Creek Road. \$73,615 in sales tax from this area.
- Squaw Creek road has not received services by the City for many years. There has been some snow removal.
- Kids walk down the road to catch the bus. .7 mile to the Y at the end of the road.
- Traffic backs up on the hill at the beginning of the road.
- The road is poorly lit.
- All maintenance stopped December 17, 2013 last time state graded it.
- January 8th big snowfall, individuals began plowing.
- Buses have not been going down the road since January 8.
- We do get fire service, have police protection, but no road maintenance.
- Couldn't get her septic pumped, so she paid for the cost of the grader to grade the road. It took 2.5 hours, \$500.
- For 25 years her husband worked for the city. For the first 5 years they were married, he graded the road, then he stopped and the state took it over.
- Described size of the easements for the road. They range from 60 feet to 40 feet where they exist. Landowners want fair share. Current code says 50 feet.
- State stopped maintenance because of easements.
- The trees have caused damage to the equipment.
- She asked them to use smaller equipment.
- There's no cleanout spots.
- Can we apply for a variance first? But one party didn't show up.
- Landowners say they'll be more willing to give up land if they only have to give up 40 feet, rather than 50.
- Some properties barely have 50 feet for the road.
- Mentions the power line potential access.
- Asks for more public discussions. MOU committee will meet tomorrow (Curyung Tribe representatives and the City).
- The road condition has affected businesses and essential services down the road.
- Urges the City to continue moving forward.....give citizens maintenance, just to keep it clean. Her sister had a chimney stack fire and has at least 6 kids at her house any time during the day. On any given day there are 5-23 kids that get off the bus. No lights in a couple of spots. There are bears down there. There are dogs and cars. It's unsafe. Let's continue to talk. 10 months is far too long.
- It's affecting house sales, refinancing of property, and homeowners insurance.

- Ideas – that city could maintain road and keep working on getting the right of way.
- Suggests could get permissive use, some type of payment will have be paid to the landowner.
- Says there needs to be a recommendation to do something because it is a health and safety issue.
- Doesn't see why you couldn't get a smaller easement.
- Discusses Squaw Creek filling in and flooding and other access areas.
- Planning Commission role is to urge something to happen.
- Suggests needs permissive use of road, then maintenance.
- She was delayed an hour because the road was blocked off.
- City says get landowners to pick up maintenance, landowners say We are paying to the city, why should we?
- Could develop Squaw Creek City. But don't really want to do that.
- Pleading for open discussions. There is trespass and has been for years.
- It's a law you can't use public money to maintain private property.
- But there's a dog catcher that goes there every day.
- Some landowners are willing to allow cutting of trees.
- Some could probably give permission to maintain the road
- Discussion of options – getting an easement, then width of the road, necessary size, permitted trespass, paying for the easement.
- Construction is what is going to be difficult. Needs drainage, surcharge, no matter how wide.
- Easement could belong to the tribe.
- She has put in considerable effort building up the road in the past.
- Discussion about road sizes, how roads are characterized, and public process for changing the road size, if there isn't a need for overly large right of way.
- Can't afford to keep maintaining the road.
- If her house catches fire and burns down, her lawyer has already been contacted.

C. Kananak Road

- The dust on the parts of the road with surcharge is too fast. ADOT needs to put down a dust palliative. 35 mph as the speed limit is too fast if they are not going to put down a dust palliative.
- Pointed out that if the state is supposed to maintain it, they aren't doing it. There are ravines. Some pretty bad bumps in places.
- Asks people to send pictures if they have time.
- Asked about guardrails and the handrail by the Creekside of the bike path.
- Feels the handrail is unsafe, inadequate, after the pavement happens.
- Requests the commission look at the plans.
- Commission should review plans and then send them back to the state if we find problems.

X. CITIZEN'S COMMENTS:

No citizens commented.

XI. COMMISSIONER COMMENTS:

- Andy Anderson congratulates Julie Baltar on her appointment to the Governor's Advisory Board for Community and Public Transportation Council
- Julie Baltar says that the BBNA is going to move forward with a transit system for the City and up to Aleknagik.

XI. ADJOURNMENT

Meeting Adjourned 7:28 p.m.

Julianne E. Baltar, Chair

ATTEST:

Jody Seitz, Recorder

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham Planning Commission
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Julie Baltar, Seat F, Chair
Vacant, Seat G

MEMORANDUM

Date: November 4, 2014
To: Planning Commission
From: Jody Seitz, City Planner
Subject: October 2014 Report

Appointments: Sabrina Savo is up for appointment by the Mayor to the Planning Commission November 6.

Downtown Streets: ADOT has been returned the MOU to our attorney for review.

Evergreen Cemetery: Choggiung has said they will issue the City a quit claim deed. This is what ADOT needs to complete the Runway Safety Area aviation easement agreement.

Kanakanak Road Project. Potholes on the road where the pavement breaks, and dust are the primary concerns still. Nushagak has requested a permit to install a light at the intersection of Airport Road and Kanakanak.

GIS: Gary Greenberg (Alaska Map Company) and I are linking all the as-builts and plats to City landownership and parcel maps. The linked plats have been uploaded with the map to a website for easy access. Gary is hosting the map which is also linked to the City's website on the front page. He also updated the as-built links to the online water/wastewater utility database which he hosts. Another project in progress is to link the taxed parcels to the landownership database using the GIS parcel IDs to always have the most recent landownership information and have it easily updatable. This is still in progress.

Ordinances: Title 17 is still under revision. I have confirmed with ADEC what their requirements are for installing septic. The City would benefit from adopting the ADEC requirements for installation because ADEC doesn't come to Dillingham and has little follow up with installers. The reporting allows anyone purchasing a lot or installing a well to know where the neighboring septic are. Have discovered that installers are not always reporting the septic they install as required by 18 AAC 72.010. There appears to be some misunderstanding. Have discussed this with ADEC which is handling it.

Title 15, Floodplain regulations. Attorney is reviewing the edits made by the commission. Should be able to recommend to City Code committee by December 8. The Commission is interested in 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.
City of Dillingham

administering the Floodplain code and would like to host training for all interested Bristol Bay communities.

Title 18. Attorney Patrick Munson and I were correcting the incorrect references to parts of the code that are supposed to have standards, but do not.

Pending plats:

ASLS 2005-51: have the final plat. Need to do the review and bring to the Planning Commission.

Crystal Subdivision: Waiting on improvements for final plat.

Delta Western Lease Lot: Mylar recorded under 2014-09.

Edra Garage: Preliminary plat scheduled for November Planning Commission meeting.

Harbor Lease Lots Resubdivision: Mylar is recorded under 2014-10.

L&M Subdivision: Awaiting formal refusal of half the alley by ADNR to complete the final plat.

Pacer Subdivision: Have received final plat for administrative review. Have posted notice of the pending approval and requested public comment.

Port Land Exchange: Have moved the property descriptions to the Assessor to prepare values.

Permitting:

Encroachment Permits: have notified several landowners of encroachments in the city streets. One of them has removed his container van from Central Avenue and put it on his property. A landowner had his neighbor remove the equipment he (the neighbor) had parked on his property and in the right of way. Spoke with the equipment owner on Friday October 31. He's planning to put everything away for winter within the next couple of weeks.

Floodplain Management: Notified landowner of harbor property USS 3643 Lot 2 that his property is in violation of the City's floodplain ordinance. Attorney advised that City should continue its permitting activities despite the foreclosure action against him.

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

Planning Commission: Gregg Marxmiller is planning to attend the APA training session in Anchorage. Sabrina Savo has also expressed interest.

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

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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]:

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15.04.020 Definitions.

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

A. "Federal Insurance Administration" (FIA) of the Federal Emergency Management Agency (FEMA) is responsible for administration of the National Flood Insurance Program.

B. "Fill" means nonload bearing material susceptible to wash or erosion such as dredge spoils, debris, sand or dirt.

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C. "Flood" means a general and temporary condition of partial or complete inundation of 2 or more acres of land or 2 or more properties or 2 legal "buildable" lots 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 lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood.

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D. Base Flood or "One Hundred Year Flood" means the NFIP flood of regulation for floodplain management. Defined as a flood that has a 1% chance of being equaled or exceeded in a given year.

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E.

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.

Deleted: -#-"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. ¶

G. "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, ship building and ship repair facilities, fuel storage facilities, and seafood processing facilities but does not include long term storage facilities.

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E. "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. ~~Special Flood Hazard Area (SFHA) - Areas subject to the Base Flood. The SFHA includes A and V zones.~~

H. "Structure" means a building 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.

I. "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.

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

K. "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.

L. "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 15.04.040(C). Section 15.04(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 costs of the engineering services shall be paid for by the permit applicant.

Section 3. 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:

Deleted: ~~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. ¶

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Deleted: (1% chance) or greater, annual chance of flooding in any given year (AKA the "100-year" floodplain).

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

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~~

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Section 5. Amendment of Section 15.04.100. Section 15.04.100 of the Dillingham Municipal Code is hereby amended to read as follows:

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.

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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. 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. 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. 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.

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D. Upon consideration of the factors of subsection (A)(4) 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. Variances 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.~~

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 A6 of this section, and~~

~~G. 11. 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.~~

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Section 6. 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:

Janice Williams, City Clerk

Bristol Alliance Fuels Review of Proposed changes to Muni. Code 15.04.020 – Flood Plane permit & development:

Proposed change to E.

“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, ship building and ship repair facilities, and seafood processing facilities but does not include long-term storage facilities.”

- A. What about other “Functionally dependent uses” – i.e. seafood processor’s waste processing facility, gravel and/or rock export, scrap metal export, boat yard, boat ramp, In-Harbor Marina/fueling station, etc.
- B. Suggested options for the definition 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.”

Or

- b. “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 uses such as: ~~only~~ docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, ship building and ship repair facilities, and seafood processing facilities but does not include long-term storage facilities.”

Proposed change to K. – Variances:

- A. Proposed to strike section entirely
 - a. What mechanism will remain for the option of a variance to unforeseen complications which may necessitate a variance from proposed or future changes to the code?

Proposed Change to Section 2.C.

“The department may retain the services of a professional engineer licensed in Alaska to assist in the review of the submittal. Commercially reasonable costs of the engineering services shall be paid for by the permit applicant.”

- A. What mechanism is in place to ensure “costs of the engineering services”
 - a. Are rates of services are typical commercial rates
 - b. There is a limit to the expenses and/or a periodic review by City & the permit applicant to evaluate the reasonableness of continuing process & thereby engineering services
- B. Suggested Options for Amended language:
 - a. Version 1: The department will, in good faith, operate in a commercially reasonable manner to ensure costs of engineering services are typical market rates, and will conduct periodic reviews of engineering costs with permit applicant to evaluate reasonableness of continuing the review process.

- Commented [B1]:** This would be considered a “seafood processing facility”
- Commented [B2]:** Gravel would be within the definition of “cargo” unless this is referencing an actual quarry which seems unlikely
- Commented [B3]:** See comment 2
- Commented [B4]:** Covered under “ship building and ship repair facilities”.
- Commented [B5]:** Covered under “docking facilities” and “port facilities that are necessary for the loading and unloading of cargo or passengers”
- Commented [B6]:** See comment 5.
- Commented [B7]:** This makes sense to me.

Commented [B8]: I think these cost concerns can be addressed just by adding the phrase “commercially reasonable”. This is actually more precise than “good faith”.

- c. Version 2: The department will secure, in good faith and in a commercially reasonable manner, engineering services. The department will conduct periodic reviews of engineering costs with permit applicant to evaluate reasonableness of continuing the review process and engineering services for which the permit applicant is responsible.

Context behind requesting alternate language:

If/when a water dependent development opportunity on a scale of tens of millions of dollars, that is not explicitly stated in the currently proposed language for Section 1.#E., comes about, what would the permitting structure look like?

Because the proposed use is not included in the definition of a "functionally dependent use" - there would be an immediate need for a variance, for which the capacity for The Department to grant a variance appears to be removed by the striking of Section 1.K.

It is unclear which entities may be involved in granting any potential variances for development in a V zone on the FIRM and to what level of review may be required. The engineering review of development projects (projects costing between \$25,000,000.00 - \$50,000,000.00) in a V zone, by an unknown number of agencies, to an unknown level of review, could be substantial.

There does not appear to be a requirement on The City (The Department) to ensure engineering rates are typical market rates. Nor does there appear to be a mechanism for the permit applicant to monitor the "Engineering services" costs they are responsible for under the proposed Section 2.C. A mechanism to monitor these costs and provisions for the permit applicant to be able discontinue the services/review/application should be afforded. If such a measure currently exists, it would be good to specify the location of that measure, in the language of the proposed change.

RESOLUTION 2014-16
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Changes to Title 17 Minimum Lot Size

WHEREAS; there is no minimum acreage provided in the Dillingham Municipal Code; and

WHEREAS, about two-thirds of the City of Dillingham households rely on on-site wells and septics for water and wastewater services; and

WHEREAS, the Alaska Department of Environmental Conservation recommends a minimum lot size of 40,000 square feet to be able to accommodate a well and septic for a single family home; and

WHEREAS, most municipalities have a minimum lot size to provide for necessary separation of wells and septics; and

WHEREAS, the provision of this minimum acreage will not guarantee adequate land of good quality for standard septic systems on all lots, it is an added measure of protection for public health and the community aquifers;

THEREFORE, BE IT RESOLVED, the Dillingham Planning Commission recommends to the City Council the attached changes to Title 17 Subdivisions, of the Dillingham Municipal Code.

APPROVED AND ADOPTED THIS 12th DAY OF November, 2014.

Julianne E. Baltar, Presiding Officer

Jody Seitz, Recorder

MINIMUM LOT SIZE
Proposed changes to DMC 17.19.140

A. Lot Dimensions.

1. Lots shall contain not less than seven thousand square feet if served by public sewer and water. (???)
2. Minimum lot size for a residential or commercial lot not connected to municipal water and sewer system is forty thousand (40,000) square feet. Minimum lot size may be varied by the Planning Commission, after notice and a public hearing, as provided here:
 - a. Lots subdivided for purposes which only occasionally have persons upon them, for example, cell tower, cemetery, radio generation building, or satellite tower, may have reduced size on approval of the Planning Commission. The restriction on use shall be noted on the plat.
 - b. The Planning Commission may allow smaller lot sizes if due to soils or other condition or reason it is considered appropriate, and is not likely to jeopardize public health and safety.
 - c. The Planning Commission may approve lots having at least 20,000 square feet, provided that each lot is serviced by a State Department of Environmental Conservation-approved community water or sewage disposal system. (Matsu/Borough, BB Boro)
 - d. The Planning Commission may impose a larger minimum lot size due to soils, proximity to open waters, or for other good cause.
 - e. Any exception to the minimum lot size made by the Planning Commission, whether requiring a larger size or allowing a smaller size lot, shall be made through specific findings which support the reasons for the variance. The subdivider has the burden of proving that their request for a variance meets the required conditions of a variance.
 - f. All private septic systems, subdivision or community sewage disposal systems, and community and individual water supplies must be installed in accordance with regulations of the State Department of Environmental Conservation. (BB Boro 12.20.130 Lots)
 - g. Dry cabins – where there is no running water, cabins may use outhouses, but must maintain the required separation from wells. Once the cabin is plumbed, a septic system must be installed according to ADEC regulations.(source?)

Commented [JS1]: Should this say minimum size for a single family home? Or minimum size per single family dwelling?

Should it also state that minimum size per SF dwelling is 20,000 sq ft. where water or sewer is provided from a community service.

Commented [JS2]: Should this specify that cabins without running water "dry cabins" may use an outhouse for waste disposal.....and then something for separation from water sources, streams, etc.

MINIMUM LOT SIZE
Proposed changes to DMC 17.19.140

- h. Exclusive of open space, lots designated or dedicated for a public or utility purpose with no on-lot sewer shall have no minimum lot size but shall have restrictions, requirements, designations, or dedications noted on the plat. (Mat-Su Borough)**

(Sources: Lake and Peninsula Borough code, Bristol Bay Borough, Mat-su Borough)

DRAFT Minimum Acreage Public Involvement Plan
(Revisions to Title 17.17.19.140. A. Lot Dimensions)

1. Public Notices faxed and mailed to usual list for Planning Commission meetings
2. Interview with KDLG with Planner and Planning Commission chair
3. Workshop to outline
 - a. History - Loss of ADEC review function in 1990s
 - b. Areas in Dillingham with less than an acre – show map
 - c. Potential impacts
 - d. Comparison of minimum acreages in municipal codes
 - e. State regulations on septics and wells
 - f. Non-standard lots
 - g. Compliance
 - h. Discussion
4. Planning Commission Public Hearing with newspaper advertising
5. Planning commission recommends to Council Code Committee

Workshop Guests:

City Council members
Ekuk Tribal Council
Curyung Tribal Council
Contractors
Septic Installers
Engineering firms
Attorney
ADEC engineers
Public Works Department
BBAHC Environmental Health
General Public

STAFF REPORT

Jody Seitz, Planning Director

Edra Garage Subdivision Preliminary Plat

I. BACKGROUND:

Applicants: Silke Smith, Box 17, Dillingham, Alaska

Location: Section 21 Township 13S Range 55W Seward Meridian

Number and size of lots: Creates no additional lots, but combines Lot 1B and Lot 2 Block 22 USS 2732B to create Lot 3 Edra Garage Subdivision; and adds 676 ft² from L1A B22 USS 2732B to Lot 3 of B22 USS 2732B, creating Lot 2 Edra Garage Subdivision, and Lot 1 of Edra Garage Subdivision, from Lot 1A B22 USS 2732B.

II. Access: Lots 1 and 3 have access from First Avenue West; Lots 2 and 3 have foot access from A Street which is unconstructed; and Lot 2 has access as well from a road easement over lots 4 & 5 of Plat 79-11.

III. Platting History: The parent lot is US Survey 2732B.

IV. FINDINGS

- a. This subdivision currently meets the definition of an abbreviated plat:
 - a. The subdivision does not create more than 4 lots.
 - b. Each lot has legal and physical access to a public highway or street.
 - c. The subdivision does not involve or require a dedication of a street, right-of-way or other area.
 - d. The subdivision does not require a vacation of a public dedication of land or a variance from the requirements of any ordinance, including, but not limited to, requirements related to subdivision land use and building and construction, including floodplain regulations.
- b. Lots 4 and 5 of Jones-Knutsen Subdivision are burdened by an easement to Lot 2 because A street remains unconstructed. This easement should be written on the new subdivision plat along with the pertinent plat note stipulating the conditions under which that easement is terminated.
- c. Lot 1B is 11 sq feet different in size from the original plat.
- d. The land use of lot 1A is cemetery.
- e. The bearing of the west lot line of Lot 1B is 1 minute 19 seconds different from the original plat.
- f. A street should be named on the plat with its width.
- g. Spelling errors include: Schroeder; commercial (on Lot 14,9,19 of Block 29); Lot 5 – Ribbon;
- h. Please symbolize the 4" steel disc found at S47° 17'43"W 0.52'.
- i. Name Lot 1b.
- j. Please use a different style of line to represent the topography, particularly the top of the bluff.
- k. Please make the symbol or line weight of the blocks different from that of the Lots.

- l. The owner of Lots 4 and 5 Block 29 is Silke Smith.
- m. There are utility poles missing from First Avenue West and Lot 6 of B22 USS 2732 which serve lots in the Edra subdivision.
- n. There is a 21' unnamed alley that runs N/S just east of First Avenue West which should be named as such on the plat.
- o. Plat Approval should have both the Planning Commission approval of the preliminary plat and a signature line for abbreviated plat final approval by the Planning Director.
- p. Please put a signature line over Janice Williams' name under the Tax Certification.
- q. Since most of the plat is in square feet, but the total square footage is missing from the Title Block (68,380.59).
- r. Please make the Notary signature lines clearer and larger.

V. DISCUSSION

- a. The easement over Lots 4 and 5 of Jones-Knutson Subdivision should be on the plat along with the plat notes from plat 79-11.
- b. This resubdivision resolves an encroachment of a historical garage into USS2732B B22 L1A.
- c. This resubdivision combines two lots which had a house built on their shared lot line, which now have a total of .28 acre.

VI. RECOMMENDATIONS

- a. Please add the easement over lots 4 and 5 of Jones-Knutson Subdivision.
- b. Josephine Yukluk is the landowner of Lot 4 Jones-Knutson Subdivision.
- c. Identify subsurface landowners.
- d. Correct typos.
- e. Please add total square footage to the title block (68,380).
- f. Please symbolize found steel discs or pipes from previous surveys.
- g. Please check the square footage of Lot 1B from the previous survey.
- h. Please change the topo line representing the top of the bluff.
- i. Add in utility poles that serve the subdivision.
- j. Provide a corrected preliminary plat for the file in addition to a final plat for administrative review.

Please contact the Planning Department if you would like to discuss the above recommendations.

Respectfully,

Jody Seitz
Planning Director

RESOLUTION 2014-19
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving the Preliminary Plat for Edra Garage Subdivision

WHEREAS, in order to complete a 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, notice of the required public hearing was issued per DMC 17.07.050 on October 30, 2014, to adjacent property owners, subsurface estate owners, local state, and federal agencies and entities, and was posted in five public places; and

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of Edra Garage Subdivision November 12, 2014, and reviewed the preliminary plat for compliance with the requirements of Title 17 of the Dillingham Municipal Code; and

WHEREAS, the Preliminary Plat of Edra Garage Subdivision complies with the Dillingham Municipal Code; and

WHEREAS, the Edra Garage Subdivision meets the following requirements of an abbreviated plat per DMC 17.03.030:

1. The subdivision does not create more than four lots.
2. Each Lot created has legal and physical access to a public highway or street.
3. The subdivision does not involve or require a dedication of a street, right of way or other area.
4. The subdivision does not require a vacation or a public dedication of land or a variance from the requirements of any ordinance, including, but not limited to, requirements related to subdivision land use and buildings and construction, including floodplain regulations.

WHEREAS, the Edra Garage Subdivision final plat may be approved administratively;

THEREFORE, BE IT RESOLVED that the Planning Commission approves the preliminary plat of Edra Garage Subdivision, subject to the following conditions:

- a. Please add the easement over lots 4 and 5 of Jones-Knutsen Subdivision.
- b. Add Josephine Yukluk, the landowner of Lot 4 Jones-Knutsen Subdivision.
- c. Identify subsurface landowners.
- d. Correct typos.
- e. Please add total square footage to the title block (68,380).
- f. Please symbolize found steel discs or pipes from previous surveys.
- g. Please check the square footage of Lot 1B from the previous survey.
- h. Please change the topo line symbol representing the top of the bluff.
- i. Add in utility poles that serve the subdivision.
- j. Provide a corrected preliminary plat for the file in addition to a final plat for administrative review.

APPROVED AND ADOPTED THIS 12th DAY OF November, 2014.

Julianne E. Baltar, Presiding Officer

Jody Seitz, Recorder