

Planning Commissioners

Ben McDowell, Seat A  
Paul Liedberg, Seat B  
Bill Rodawalt, Chair, Seat C



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

**DILLINGHAM PLANNING COMMISSION  
REGULAR MEETING**

**January 21, 2014  
5:30 p.m. City Council Chambers  
Teleconference: 1-800-791-2345; participant code 19531;**

**Agenda**

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVE MINUTES OF December 17, 2013**
- 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**
  - None.
- VII. UNFINISHED BUSINESS**

A. Resolution 2013-21 Vacate Second Avenue West	POSTPONE
B. Minimum Acreage	DISCUSS
C. Rules for Subdivision Replats	DISCUSS
D. Development of a City Plan for Roads	DISCUSS
- VIII. NEW BUSINESS**

A. Resolution 2014-01 Development of a Transportation Plan	ACTION
B. Change Planning Commission Regular Meeting	ACTION
C. Planning Commission Training	ACTION
- IX. CITIZEN COMMENTS**
- X. COMMISSIONER COMMENTS**
- XI. ADJOURNMENT**

Planning Commissioners  
Ben McDowell, Seat A  
Paul Liedberg, Seat B  
Bill Rodawalt, Seat C, Chair



Vacant, Seat D  
Andy Anderson, Seat E  
Julie Baltar, Seat F  
Vacant, Seat G

**REGULAR MEETING MINUTES  
December 17, 2013**

**I. CALL TO ORDER**

Bill Rodawalt, Chair, called the meeting to order at 5:36 p.m.

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

Members present:

Ben McDowell, Seat A  
Paul Liedberg, Seat B  
Bill Rodawalt, Seat C  
William Corbett, Seat D  
Julie Baltar, Seat F

Members Absent

Andy Anderson, Seat E excused

Staff in Attendance:

Jody Seitz, City Planner, Recorder

**III. APPROVAL OF THE MINUTES OF December 17, 2013**

MOTION: Paul Liedberg moved Julie Baltar seconded the motion to approve the minutes of December 17, 2013.

VOTE: The motion passed unanimously.

**IV. APPROVAL OF THE AGENDA**

MOTION: Paul Liedberg moved and Julie Baltar seconded the motion to approve the agenda.

DISCUSSION: Staff recommended removing Resolution 2013-22 Recommending Trade of ASLS 98-33 to N&N market, from the agenda. There is a process through the Alaska Department of Natural resources to remove the "reverter clause" from the quit claim deed. We don't know how long that would take. Recommends removing it until the process and timeline are clear.

Chair calls for vote to approve the agenda, striking item A.

VOTE: The motion passed unanimously.

## COMMUNICATIONS

### A. Communications to the Planning Commission.

- Discussion about school zones, safety zones. J Baltar reported on ADOT email that suggests a way forward to making improvements.
- Baltar suggests reviving the Windmill Hill Speed Zone group to make progress.
- Suggests reclassifying the road from an urban collector to something reflecting its more suburban character.
- Timely to put it in the road plan for the upcoming construction.

### Paul Liedberg reported on Code Committee

- Council took action on subdivision access at its Dec. 5 meeting.
- Clarified questions regarding planning commission's work and how it differed from the Subcommittee's work.
- No changes made to the recommendations. Forwarded back to the Code Committee for the ordinance to be rewritten.

### New Lights have been installed on Windmill Hill.

- Noted that the Baptist church was dark and that's a big school bus stop.

### B. Planner's Report

- Staff noted there were several suggestions for code changes in her report.
- Staff requested that commissioners note areas of the code that are unclear.
- Staff recommended that the Planning Commission look at providing new, simpler process for replats where property owners are primarily reorganizing their lots.
- Commissioners generally (one exception) support idea of electronic packets.
- Staff given approval to request Rasmuson grant to upgrade Planning department equipment.
- Hazard Mitigation Plan upgrade important for getting grants for mitigating hazards and floodplain issues, fire response, etc..
- Downtown Streets project has been put off by one year.
- Julie Baltar reported on attending Planning Commission training at the APA meeting in Anchorage. Said it was very worthwhile.
- Staff says she will try to budget to get the commissioners' registration paid.
- Discussed the APA message – and planning for the future with an aging population.
- The mining and lands conference. HB77 will eliminate much public input on permitting.
- HB77 Will also allow development of the hydro power at Chikuminuk Lake.
- Floodplain Code change requested by the State Floodplain Coordinator – the code is being revised to remove to the requirement for a Variance.
- Charlee Road is being incorporated into the ADOT Kakanak Road project.

### C. Citizens comments on items not on the agenda. No public in attendance.

## VI. PUBLIC HEARINGS

There were no public hearings.

## VII. UNFINISHED BUSINESS

A. Resolution 2013-21 Vacate Second Avenue West.

MOTION: Paul liedberg moved and Julie Baltar seconded the motion to postpone this resolution until the January meeting.

DISCUSSION: Staff explained the purpose of the proposed vacation was to use this in trade, but there are utilities behind the market. Wants to give Nushagak more time to discuss this with the Planning Commission.

VOTE: Unanimous Consent to post pone the Resolution 2013-21 until January meeting.

B. Land use permit ordinance report

- Staff noted that the work on the material site ordinance will affect the land use permit ordinance and suggested holding off on revising this until more is done on the material site code.
- Commissioner mentioned he was reminded of zoning and likes the idea of people choosing to zone their area.
- The difference between this process and the Subdivision Access process was that a consulting firm, Agnew Beck, was hired to do the research, digest the information, and meet with the City.
- Encouraged commissioners to attend the upcoming Code Committee meeting.

C. Request reconsideration of private access for subdivisions of more than 7 lots

- Commissioner felt that the commission was divided about this at the last meeting and wanted to know where others stood.
- Comment that that recommendation didn't arise at the City Council meeting. Thinks that's because so few subdivisions are as large as 7 lots.
- That it was due to a graph staff brought in that showed that 7 lots was a large subdivision.
- You can have more than one dwelling on a lot.
- But that's what the minimum acreage should clear up.
- There's no language in the recommendations about subdividing a lot within that subdivision.
- There's nothing about attaching another private road, or grandfather rights.
- The only restriction on a private subdivision is the length of the road.
- What restrictions would apply if private road connected on both ends to a public road.
- Felt the recommendations are still reasonable since the Council didn't raise any issues.
- Commissioner wondered about having a private access regardless of size of subdivision.
- Discussed that that might be in the case of a gated community.
- Mentioned that the Road Plan group would address some of these issues.

- Noted the subdivision access issue started with families trying to give lots to their [relatives] and that's why it went the way it did.
- The fact that private access is being recommended is a huge step.
- It does not address those who are trying to just rearrange their lot lines.
- Recommends that the subdivision rules will need more work. Recommends additional meetings to deal with these issues like definitions, etc.

#### D. Rules for Subdivision Replats

- Staff handed out municipal codes from MatSu Borough, and Bristol Bay Borough and discussed virtues of being able to have a simple replat process.
- Staff proposes the commission develop the code further.
- Staff shows the graph of the number of subdivisions by lots
- Suggests more labeling, color coding and showing Native Allotments
- Minor plat subdivisions – recommends providing a way for people to take care of encroachments, etc.....using the replat process.
- Suggests staff take a stab at inserting language into code...
- Commissioners support having a separate workshop.

#### E. Development of a City Plan for Roads

DISCUSS

Planner shows commission an example of a Roads Plan on the Fairbanks North Star Borough website and asks commissioners to take a look at that and similar ones to get an idea of what a roads plan looks like. State of Alaska also has a roads plan.

- asks for urls of the sites to be sent on email
- points out the roads maps in the Comprehensive Plan
- suggests that the commission include trails in the road plan
- suggests that the plan be “intermodal” and include all forms of transportation, including transit
- Discussion to reach out to Curyung Tribe, all other stakeholders

#### F. Harbor Lease lots

DISCUSS

Discussion of request to lease additional land in the Dillingham harbor by commissioner and harbor lease holder Ben McDowell.

- Process would likely be to issue an RFP for interest in leasing land, and take the request to the council for disposal of land per Title 5.

Discussion of way the original lease lots were created and that the commissioner is asking to have almost exactly the same original lot 4 that was proposed before the fourth lot was removed from the plat.

- Commented that City Manager might have authority to enlarge the third lease lot right now.
- Recommends taking to the City Manager, that it might be available for leasing as it is.

### VIII. NEW BUSINESS

A. Resolution 2013-21 Postponed til January meeting.

B. Resolution 2013-23 Recommending Minimum Acreage Ordinance

MOTION: Paul Liedberg moved to approve and Ben McDowell seconded the motion to approve Resolution 2013-23 Recommending the City adopt a Minimum Acreage Ordinance.

Background It went to the Code Committee which referred questions back to the Planning Commission, what to do about substandard lots. Planner commented that she felt it was one of the most serious risks to property value and aquifers that the City has. The new appraiser had informed her that the minimum acreage does support property value and the lack of it would signal buyers beware and decrease property value. States that 40,000 sq ft is considered standard for a single family lot. Passes out examples of codes from Bethel and Bristol Bay which have minimum acreage standards.

#### DISCUSSION:

- Commented City could provide substandard lots with City water and sewer
- Reviews background that a subdivision was created with substandard lots in anticipation of the extension of the water and sewer lines which were not extended as planned due to lack of funding.
- Moral – don't build subdivisions based on the water and sewer master plan.
- Comments: Builder Beware! Subdivider Beware! Buyer Beware!

VOTE: Unanimous consent to approve Resolution 2013-23.

#### C. Resolution 2013-24 Development of a City Plan for Roads Revised Version

MOTION: Paul Liedberg moved to approve and Julie Baltar seconded the motion to approve Resolution 2013-24 Development of a City Plan for Roads as revised.

#### DISCUSSION:

- Assumes this would be eventually approved by the Council, questions whether Council input is needed to initiate this.
- Planner commented that she doesn't believe that is needed, that it is in her report.
- BBNA Transportation Planner J Baltar commented that a roads plan identifies priorities and strategies for trying to meet those priorities. A lot of research goes into it. IT is not laying out roads right off the bat.
- Concern that public might misinterpret the plan and to mean its okay to use certain trails when it's not.
- Expressed concern for landowners.
- Baltar commented it should be a very thoughtful process that plugs into the comprehensive plan.
- Suggested changing the resolution to read transportation wherever the word road occurs.
- Recommends a rewrite of the ordinance for the next meeting.

- Suggests language – documentation of existing trails and roads, to improve [and maintain] the existing transportation system.

VOTE: Unanimously defeated Resolution 2013-24 in favor of a rewrite to bring to the next meeting.

#### D. Planning Commission Training – proposed for February

- Requests training on Roberts Rules of Order, tabling things
- General consensus for February training
- Thinks the training has been good in the past, work around the new commissioners' schedules

#### CITIZEN'S COMMENTS:

Planner Seitz commented that she felt an additional 1.5 hour meeting once a month prior to the Planning Commission meeting would be good to take care of the Commission's work.

- Chair Rodawalt commented that Saturdays are the day that works for him
- There should be a goal for the meetings
- Suggested that the replat issue might be the easiest to do first.
- Settled on January 18<sup>th</sup> for 1.5 hour meeting from 10 – 11:30.
- Suggested 3 to 4 people.
- Bill, William, Julie, if available could make it

Ben McDowell –

- asked about BIA response to the commission's questions. No response has been received.

William Corbett –

- wondered what City's definition of a trail is, and a series of questions such as Landowner notification, how far away from the trail would notify a property owner,
- Discussion about mapping existing trails, where do people travel and park their machines, that the planning commission can study the issues and make some recommendations

Paul Liedberg

- likes tablets, encourages Planner to move ahead with electronic, paperless meetings, tablets
- encourages participation in development of material sites code
- disappointment that BIA has not answered some important, basic questions of the commission

Julie Baltar – no comment

Bill Rodawalt –

- wondered what happened with the D Street water main connection to NAPA
- Discussed the mistaken information about the size of the pipe, problems with the cold patch, and that the GIS work eventually will help answer those questions.
- Wanted to know there would be a remedy sometime.

**X. ADJOURNMENT**

Meeting Adjourned 7:50 p.m

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Bill Rodawalt, Chair

ATTEST:

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Jody Seitz, Recorder

**Mayor**  
Alice Ruby



**Dillingham Planning Commission**

Bill Rodawalt, Chair  
Paul Liedberg  
Ben McDowell  
Andy Anderson  
Julie Baltar  
William Corbett

**Manager**  
Rose Loera

**MEMORANDUM**

**Date:** January 18, 2014  
**To:** Planning Commission  
**From:** Jody Seitz, City Planner  
**Subject:** January 2014 Report

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Emergency Preparedness: meetings have been postponed until February. 14 for the SCERP. Will renew hazard mitigation planning then as well.

Birch Lane rubbish and encroachments: Will follow up on this in February  
Pleier Road encroachments: Follow up in February.

CIP book: Completed and distributed as per Lobbyists' request. Looking forward to having the new Project Manager on board. I'd like to respectfully request that we establish a regular process for updating project status, cost estimates and funding goals throughout the year. I am often scrambling for information for grants only to find the person who knew the most is gone (usually the project manager).

GIS: Received update from Finance on their work adding the GIS Parcel ID to the Accufund database. GIS consultants and Planner to follow up and resolve the unresolved parcels.

Grants and Projects:

- Community Development Block Grant Program (CDBG) – submitted November 27
- Landfill: Preparing Loan Questionnaire for the Alaska Clean Water loan Fund, due February 17. Must review the proposed scope of work considering what has been accomplished during the fall and make changes from the application filed then which was reviewed by Voltaic Solutions. City still has not received their response to our review of their Financial Capacity Review.
- Water System Improvements: Preparing Loan Questionnaire for the Alaska Drinking water Loan Fund, to match the Alaska Department of Environmental Conservation (ADEC) Municipal Matching Grant (MMG)28305, \$4.5 million, as amended, for hydrology studies, developing a new water source and associated facilities, and updating the Master Plan. All work must be completed by December 31, 2014.

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- ADEC MMG 28306 (\$3.0 million): Met with the Manager, Mayor and Representative Edgmon about the City's legislative requests and the request to reappropriate this grant from water system improvements to include work on the wastewater treatment plant and an update of the sewer component of the City's Water and Sewer Master Plan. Worked with the ADEC Grant Administrator and Manager Loera on developing a new scope of work for that request. If the grant is unable to be reappropriated, the city will lose this funding.

Land Use Permits: None this month

Temporary Encroachment Permits: Nushagak Cooperative is going to update the utility lines that run between the cooperative power plant and Peter Pan. They applied for a temporary encroachment permit. They say they are not planning to install any new poles and if a pole has to be replaced it will be done in approximately the same location as the one it is replacing.

Event Permits for temporary use of City land: Beaver Roundup Dog Races, and Bonfire in the harbor (cancelled due to the weather).

#### Ordinances under revision by the Planning Commission

- Title 12 Encroachments: Waiting for help from City Attorney on a code rewrite for a simple permit to allow other entities to work in the city streets.
- Title 15 Floodplain Management: City Attorney is preparing a draft revision to bring our code more in line with FEMA requirements. Will bring to the Planning Commission to recommend to Code Committee.
- Title 17 Subdivisions:
  - Minimum Acreage: Attended Code Committee January 9, which approved Planning Commission to continue working a "minimum acreage" ordinance for city subdivision lots.
  - Replats: Planning Commission workshop Saturday January 18 reviewed the DMC and several other municipal codes' language on changing lot lines; minor subdivisions and replats. The group requested the Planner interview other planners about the codes they examined from Sika, Bethel and the MatSu Borough for what works, what doesn't, and their thoughts on how their codes could be better; then bring a draft code to the commission.
- Title 18 Land Use Permits: the commission is holding off on working on this right now because both the minimum acreage issue and the material sites ordinance will affect Land Use Permits.

#### For Code Committee consideration:

- Title 17 Subdivisions: Additional needs:
  - definitions of legal and physical access; (can it include trails, or water bodies, or such?);
  - update cul-de-sac to include additional types of turnarounds;
  - what should happen in the instance that a subdivider wants to build a private road that connects on both ends to a public road....can it have more lots or be longer than the current dead end road (1300 feet)?
  - Should a subdivider be allowed to extend an existing private access road?

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- Title 18 Land Use:  
The foot print of the Chapter 18 “Central Business District” is not the same as the “Business District” in Chapter 11.21.010. This could be confusing to citizens. Recommend changing the title of that area to reflect the purpose of Chapter 11 to:
  - “ATV use in the Downtown Area,” instead of the “Business District” as represented on the map in Chapter 11. OR
  - Title 18 could add the “Business District” as defined in Title 11, to the two zoning districts already in place. There would then be a Business District and a Central Business District as well as the General District. The Central Business District and General District have setbacks.
- Housekeeping:  
Chapter 4.05 Capital Projects Fund. “4.05.010 Definitions. “Five Year capital improvement program “should be changed to say “Six” year.....

Port Land Exchange: Delay vacation of Second Avenue West until staff (Planning and Public Works) can meet with Nushagak to make sure we have the area of the utilities lined out well for an easement to be retained. Delay conveyance of Old Job service site ASLS 98-33 until we complete a procedure with the State DNR to remove the quit claim deed restrictions that it be used for a public purpose. City has to write a letter to ADNR requesting those deed restrictions be removed before the land can be conveyed to N&N market.

Road Projects:

- ADOT Squaw Creek to Kakanak Hospital and Charlee Road: ADOT is going to incorporate the approach to Charlee Road into the state Kakanak Road plan.
- ADOT Downtown Streets: Construction delayed again until 2016.
- ADOT D Street to Kakanak: issued floodplain permit with comments from Public Works.

Citizen Research Request:

- Request to investigate the status of the old road to Kakanak Hospital which comes off of Chuthmuk Raod. A citizen is requesting that it be maintained by the City.

Planning Commission Seats: 3 are open. Bill Rodawalt has decided to not request reappointment. He is going to be missed – not only for his exemplary leadership, but for his grand sense of humor. Thank-you Bill for all your years of service!

I’ll be away from January 22 through February 3 – wish everyone a Happy New Year!

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## BIA Response to Subdivision Access questions

**From:** Jody Seitz [mailto:planner@dillinghamak.us]

**Sent:** Saturday, December 28, 2013 3:39 PM

**To:** Roehl, Paul

**Cc:** Julie Baltar; Ben Mcdowell; To: Andy Anderson; paul liedberg; Bill Rodawalt; benjamin mcdowell; William Corbett; Steven Scordino; Cyril Andrews

**Subject:** Re: bIA Subdivision questions answered

great discussion. I would like to request that you direct all questions to me so that we can have a list to answer and discuss at the next meeting. The City's attorney would probably be a good one to submit the list to. It is my understanding that some questions may not have been conclusively resolved by the courts.

however, we probably should coordinate our questions to the BIA, rather than each individual commissioner question Mr. Roehl separately.

Thanks all. I will try to include this in a session with our attorney at the next possible opportunity.

Jody

On Fri, Dec 27, 2013 at 2:33 PM, Roehl, Paul <[paul.roehl@bia.gov](mailto:paul.roehl@bia.gov)> wrote:

Oops, forgot to include Steve Scordino on my last response.

Steve - Can you provide us with any guidance? Thanks. Paul

On Fri, Dec 27, 2013 at 2:25 PM, Julie Baltar <[jbaltar@bbna.com](mailto:jbaltar@bbna.com)> wrote:

Hi Ben and Paul R.,

My understanding of this was that if the Allottee wants to have their subdivision plat approved by the City, they are bound by the City's requirements. If they do not want to abide by City rules they need to find another public authority to approve their Plat.

On the matter of legal access, the question becomes can we the City mandate an allottee to provide that legal access from a road within their proposed subdivision. And how is legal access to be provided when no access currently exists? Who is responsible to purchase the easement? Even in condemnation, I was of the belief that fair market value must be paid.

On a similar note, I have worked in the Indian Reservation Roads (IRR) program for years. If the Tribe wants to use IRR funds to build a road or subdivision road, the roads must be public...a requirement of the funding source.

Thank you,

Julie

*Julianne E. Baltar*

Director, Transportation and Infrastructure Development

Bristol Bay Native Association

**From:** Roehl, Paul [mailto:[paul.roehl@bia.gov](mailto:paul.roehl@bia.gov)]

**Sent:** Friday, December 27, 2013 12:48 PM

**To:** Ben Mcdowell; Jody Seitz; To: Andy Anderson; paul liedberg; Bill Rodawalt; Julie Baltar; benjamin mcdowell; William Corbett

**Subject:** Re: bIA Subdivision questions answered

Mr. McDowell, et al. - I'm going to have to defer your question to one of our Attorney-Advisors, Steve Scordino, because that is more of a legal issue.

Steve - Are there any legal precedents or Solicitor's opinions on Mr. McDowell's question? Paul

On Fri, Dec 27, 2013 at 12:03 PM, Ben Mcdowell <[ben@motivepowermarine.com](mailto:ben@motivepowermarine.com)> wrote:  
Mr. Roehl,

So according to CFR 25 1.4(a) ..." restricted Native allotments or townsite lots are not bound by zoning laws, etc., imposed by a municipality, borough, or the State." This would mean that the City of Dillingham cannot impose minimum standards of roads conditions for Native Allotment's? This was the fundamental question I had when we were discussing the resolution to allow private access easements. So in other words the only requirement is that the parcel have legal access?

Thank you, Ben McDowell

**From:** Jody Seitz <[planner@dillinghamak.us](mailto:planner@dillinghamak.us)>

**To:** Andy Anderson <[untlii@yahoo.com](mailto:untlii@yahoo.com)>; paul liedberg <[paliedberg@yahoo.com](mailto:paliedberg@yahoo.com)>; Bill Rodawalt <[wrodawalt@hotmail.com](mailto:wrodawalt@hotmail.com)>; Julie Baltar <[jbaltar@bbna.com](mailto:jbaltar@bbna.com)>; Ben Mcdowell <[ben@motivepowermarine.com](mailto:ben@motivepowermarine.com)>; benjamin mcdowell <[unungum@gmail.com](mailto:unungum@gmail.com)>; William Corbett <[william.corbett88@yahoo.com](mailto:william.corbett88@yahoo.com)>

**Sent:** Friday, December 27, 2013 11:40 AM

**Subject:** bIA Subdivision questions answered

----- Forwarded message -----

**From:** **Roehl, Paul**

**Date:** Friday, December 27, 2013

**Subject:** the big night is here!

**To:** Jody Seitz <[planner@dillinghamak.us](mailto:planner@dillinghamak.us)>

Hi, Jody--sorry for the delay in getting back to you. I'll respond to your (and the Commission's) questions here:

#### Questions for Paul Roehl

1. Does BIA have a position, or thoughts, on providing access to land-locked allotments (or non-allotments also I guess) as part of our subdivision approval process?

1. Because the State requires it, all parcels must have legal access. Riverine access counts, but each lot must have some sort of legal access. The local platting authority (including the State in

un-incorporated boroughs) must approve the plats, so we defer to the local platting authorities or the State, which must accept any dedications.

2. We've heard that BIA really wants all subdivisions to be filed through the local municipal jurisdiction. Can he give us more background on this policy/directive? Are there exemptions? Is this a policy or regulation - in other words, if this likely to remain in place?

2. Any municipality or borough, by accepting road/easement dedications, will be responsible for maintaining those dedications. A good reference would be P.L. 108-337. Attached is a PowerPoint presentation I prepared a few years ago, which should give further guidance.

3. If these subdivisions are to be approved through the local platting authority - the city in this case - does it imply that the city has authority to enforce provisions of the subdivision on the subject allotments? For example, if the plat notes specify that a road is to be improved if a certain number of houses are constructed, does BIA recognize that the city has the authority to enforce those provisions on an allotment?

3. The BIA only approves subdivision plats that conform to the local requirements. Once the plat is approved, including any dedications, that particular transaction, in the BIA's eyes, is closed. If restrictions are retained, the BIA will approve any subsequent transactions, such as sales, gift deeds, leases, mortgages, etc.

4. Sort of the same as the above question but a bit more broad . . . one interpretation holds that allotments are subject to all municipal ordinances except for taxation of the land, while it is widely understood that allotments enjoy exemptions that extend much further. Can you help us understand how BIA and case law address this question? (The only case law I am aware of regards taxation of fishing boats that are located on allotments. The court ruled that the city personal property tax applied even if the boat was stored on an allotment.)

4. Under 25 CFR 1.4(a), "Except as provided in paragraph (b) of this section, none of the laws, ordinances, codes, resolutions, or other regulations of any State or political subdivisions thereof limiting, zoning or otherwise governing, regulating, or controlling the use or development of any real or personal property, including water rights, shall be applicable to any such property leased for or held or used under agreement with and belonging to any Indian or Indian tribe, band or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States." Thus, restricted Native allotments or townsite lots are not bound by zoning laws, etc., imposed by a municipality, borough, or the State. One exception to this regulation is P.L. 280, which holds that police forces may enter upon restricted property in the interest of public safety.

If you have any questions, please give me a call at 271-1602, or hit "reply." Thanks. Paul

RESOLUTION 2014-01

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Dillingham City prepare an Integrated Transportation plan

WHEREAS, the City of Dillingham has no transportation plan for the community; and

WHEREAS, a transportation plan considers the movement of people and goods, and the varying characteristics between local, collector, and arterial roads, and is an important tool for orderly and equitable land use planning; and

WHEREAS, a transportation plan will help guide development and fair and equitable retention of rights of way, and will help minimize conflict between different land uses; and

WHEREAS, the City of Dillingham 2010 Comprehensive Plan Update Overarching Goal is to develop and maintain an integrated transportation system that provides a range of safe and efficient ways to move people and goods within, as well as in and out of Dillingham; provide for access to jobs, schools, services and facilities, subsistence resources, and for recreation and health; and

WHEREAS, documentation of existing roads and trails for the community will provide the network for developing the associated elements of an overall transportation plan.

WHEREAS, a transportation plan will also incorporate the City's plans for safe pedestrian and non-motorized transportation;

THEREFORE, the City of Dillingham Planning Commission hereby resolves to establish a Transportation Plan working group to begin planning efforts starting in January 2014.

ADOPTED by the Dillingham Planning Commission January 21, 2014.

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Bill Rodawalt, Presiding Officer

Jody Seitz, Recorder