

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**

**December 17, 2013
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 November 12, 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. Land use permit ordinance **REPORT**
 - C. Request reconsideration of private access for subdivisions of more than 7 lots **DISCUSS**
 - D. Rules for Subdivision Replats **DISCUSS**
 - E. Development of a City Plan for Roads **DISCUSS**
 - F. Harbor Lease lots **DISCUSS**
- VIII. NEW BUSINESS**
 - A. Resolution 2013-22 Recommending Trade of Plat 98-33 to N&N **ACTION**
 - B. Resolution 2013-23 Recommending Minimum Acreage **ACTION**
 - C. Resolution 2013-24 Development of a City Plan for Roads **ACTION**
 - D. Planning Commission Training **ACTION**
- IX. CITIZEN COMMENTS**
- X. COMMISSIONER COMMENTS**
- XI. ADJOURNMENT**

Planning Commissioners
Ben McDowell, Seat A
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Bill Rodawalt, Seat C, Chair



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**REGULAR MEETING MINUTES
November 12, 2013**

I. CALL TO ORDER

Paul Liedberg, Presiding Officer, 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
William Corbett, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F

Members Absent

Bill Rodawalt, Seat C, excused

Staff in Attendance:

Jody Seitz, City Planner, Recorder

Guests:

Paul Roehl – did not call in

III. APPROVAL OF THE MINUTES OF October 15, 2013

MOTION: Andy Anderson moved and Julie Baltar seconded the motion to approve the minutes of October 15, 2013

VOTE: The motion passed unanimously.

IV. APPROVAL OF THE AGENDA

MOTION: Andy Anderson moved and Julie Baltar seconded the motion to approve the agenda.

Discussion: Request to move up the Public Hearing and vote on Resolution 2013-20 and move the Item VI Communications to after VIII. Unfinished Business.

VOTE: The motion passed unanimously.

V. Guest – Paul Roehl of BIA did not call in.

VI. COMMUNICATIONS – per Agenda change, moved to follow VIII. Unfinished Business.

VII. PUBLIC HEARINGS

Presiding Officer Paul Liedberg opened the Public Hearing for Resolution 2013-20 Recommending Changes to Dillingham Municipal Code Title 17 at 5:40 p.m. No guests were present. No testimony was presented. Hearing closed at 5:40 p.m.

VIII. UNFINISHED BUSINESS

A. PCR 2013-20 Recommending Changes to Dillingham Municipal Code Title 17

Presentation: Planner presented a power point presentation of the background issues which lead to the initiative to change the code. Essentially, there are private access easements and flag lots which provide private access, but it has not been a matter of policy. Most would have had to go through a variance process. Most private access easements happened between 1979-1999, only 2 have been passed since 2002 – Hinkes and RT Subdivisions.

Preliminary numbers indicate that 77% of all subdivisions in Dillingham are 5 lots or less, and 72% are 2 lot subdivisions.

- Question about breakdown between allotment subdivisions and others.
- Discussion about width of improved surface; and whether larger subdivisions should become public
- Concern about lot size impact on length of the private road, 2.5 acre parcel bigger than 1 acre parcel
- Question about whether 5-7 lots should also be 16 feet.
- Question about state standard road requirement for emergency vehicles.
- 20 feet most common improved surface for other municipalities
- Total road easement has moved to 60' for most municipalities minimum road size
- Workshop recommendation changed the number of houses to the number of lots
- Workshop recommendation to keep the code as is on the ability to require access to adjacent parcels.

Planner presented attorney comments on the commission's recommendations from the workshop.

- Discussion of application of new subdivision recommendations for different proposed subdivisions.
- Crystal Subdivision, S&W Subdivision replat
- Discussed idea of replatting to correct problems without building road
- Recommended discussing that new idea along with road planning

- Wants it to be as easy as possible for Allotment owners to develop their land. Minimum road improvement as long as suits emergency services.
- RT Subdivision – objects to City jumping into a situation where a property owner bought a poor subdivision.
- Explained the Commission didn't catch the mistake on the plat and that the former Planner felt the City could possibly have been held liable.
- Concern about size of lots' impact on road length. A 6 to 7 lot subdivision of 5 acre lots will be longer than the subdivision of 1 acre lots.
- Noted that the Commission passed a Variance on Crystal Subdivision length of cul-de-sac.
- Queried whether the minimum acreage should be brought back as part of this effort. Response was only if it solves something for us.
- Drops his concern over the lot size due to the length of road cul-de-sac that is in code.
- Commission and committee consistently said they felt that there should be a 50 foot easement, could require keeping it brushed out and clear.

Discussion on Exceptions to Road Standards 17.07.090.

- Could it be for private or public roads
- Could it be for more lots
- Gift deed requirement functions like a "family" subdivision in concept

MOTION: Julie Baltar moves to approve and Andy Anderson seconded the motion to approve resolution 2013-20 Recommendations on Subdivision Access

VOTE: unanimously approved

MOTION: Andy Anderson moves and Ben McDowell seconded the motion to amend 2013-20 to eliminate item A under Goal, removing the gift deed requirement from 17.07.090.

VOTE: unanimously approved.

Discussion:

- Commented on the reason to limit the number of lots to 4, that it could be a larger number.
- Commented on the width of road being 16 foot minimum, as what was perceived as reasonable given the discussion about emergency vehicles being 8 feet wide.
- A 16 foot wide road doesn't allow for any parking on the road. And discourages high speed travel
- The lower road width requirement will probably be the predominant road in the community because of most subdivisions being smaller.
- Maybe the road standards are why there are so many small subdivisions.

- Burden placed on future subdivider may have to make the road public, and will have to get cooperation from all lot owners.

MOTION: Julie Baltar moved and Ben McDowell seconded the motion to amend the resolution to read that "All subdivision roads be designated with a 50 foot road easement which could be built as follows: 16 foot improved surface to serve up to 7 lots;

VOTE: unanimous approval

Discussion: Strike the second element: "20 foot improved surface for 5 to 7 lots;"

- The language "to serve x number of lots" refers to the number of lots in the subdivision.
- 8 or more lots, the road must be a dedicated public right of way or easement
- Commented why would the commission care if the road is private if it is requiring that a subdivider uphold the road standards
- What happens if the [private] road is built to standards but the maintenance isn't happening.....that it is not the City's problem
- Should discuss road maintenance agreements
- That incremental slow steps are fine, 7 lots, 16 foot road standard
- A solution looking for a problem
- Let this play out and see what the community's input is
- This came to us to deal with smaller subdivision – when it gets to 8 lots or more it's no longer a family issue, and it will be sold to others who will be looking for public maintenance.
- Trying to weigh both sides trying to provide for those who want to subdivide and provide for the family and still make sure aware of community planning and providing good roads
- Need some sideboards where the commission can exercise its judgement in allowing larger subdivisions bordered by topography or some other exception
- Need feedback from council about whether they want to pursue this direction

Julie Baltar called for the previous question on Resolution 2013-20 as amended. Striking 20 foot improved surface for 5-7 and allowing 16 foot improved surface for 1-7 lots.

VOTE: unanimous approval

B. PCR2013-21 Vacate Second avenue West

MOTION: Andy Anderson moved and Julie Baltar seconded the motion to table 2013-21. TABLED.

C. Planner reported that she'd like to keep Land Use Permit ordinance comparison on the agenda but she did not have time to work on it this month.

- D. Minimum Acreage – Planner reported that she would like to keep this on the agenda to move forward when they have worked out the impact to substandard parcels.

IX. COMMUNICATIONS

A. Communications to the Planning Commission.

- Complaints about Windmill Hill pedestrian safety
- Changes in national transportation policy have meant less money for rural transportation projects
- ADOT is going to include the approach to his road in the Kananak Road project. He will not have to put up a bond or pay a fee for this.

B. Planner's Report.

- Reported on a subdivision spreadsheet she developed to keep track of subdivisions, roads dedicated, private easements, number of lots per subdivision and other pertinent aspects of each subdivision.
- Noted that allotment subdivisions would be good to have.
- Also number of lots constructed (but difficult to do).

Planner discussed her report. Mentioned the comments and misinformation about fines and ATV driving at night. That ATV users can drive at night, just in the same direction with traffic and with a light.

- That City has planned to give the old job service site to the N&N market for their use. Can move it on to the City Council through Title 5 real property disposal.

C. Citizens comments on items not on the agenda. No citizens attended the meeting other than the commissioners and staff.

X. NEW BUSINESS

A. Idea of Road Plan for City

Discussion –

- It's consistent with land use planning, comprehensive look at the city that fits with zoning, with walkability plans, and with planning now could avoid the mess of residential upon residential.
- Need to have support from City Administration and/or council.
- Works with issue of Windmill Hill – need to be proactive – do we want to wait to change the situation there until there's more accidents.
- Asked for a resolution with justifications for the plan for next meeting.

VIII. COMMISSIONER COMMENTS

Julie Baltar – with list of projects from ADOT need to get on the planning of material sites.

Andy Anderson – None.

William – glad to be here.

Paul Liedberg -.welcome aboard to William. Code Committee working on the material site issue outside of regular code committee meetings. Next meeting on November 21 with Chris Beck, who will outline the options with the full line of issues. Mayor wants to have something in place by February. Supports City moving quickly on it. Encourages others to tell interested people to attend the meeting on the 21st. so far the only ones to attend are the developers. Allotments have conditions which would be good to know.

Would have liked to have heard from BIA. If BIA is requiring landowners to go through City what role does the city have after the plat is approved?
Suggests Planner give Mr. Roehl (BIA) the list of questions he had prepared.

Thanks the Commission and the Planner for the work on the subdivision access recommendations.

X. ADJOURNMENT

Meeting Adjourned 7:18 p.m

Paul Liedberg, Presiding Officer

ATTEST:

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: December 13, 2013
To: Bill Rodawalt, Planning Commission Chair
From: Jody Seitz, City Planner
Subject: November/December Report

CIP: book still in progress

Code work:

- Land Use Permit Ordinance: A work in progress. Have not had much time this month to make headway on it. Will keep it on the agenda until we can move it to the council.
 - Municipal Authority to require permits. Requested help from City attorney to get clarification on the City's jurisdiction on FAA, Native Allotments, and BBAHC lands and the airport property on the permits the City should be getting.
 - Floodplain Code – City Attorney is working on revising this code for the PC. Am discussing the community Assistance Visit with State Floodplain Coordinator, Taunnie Boothby for her follow up report.
 - Subdivision Access –The City Council determined at its December 5th meeting that the subdivision access recommendations should be forwarded to the Code Committee of the City Council. The code does not currently do the following:
 - define legal and physical access
 - or define the application of the grandfather clause
 - or what to do in the case of pre-existing private access easements;
 - or discuss private road length through a subdivision which connects on both ends to a public road;
 - or whether the code should address the total number of lots a private subdivision road might serve, versus the number of lots in a proposed subdivision.
- The City Council code committee meeting is open to the public. The next meeting is in January

*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.*

RECOMMENDATIONS AND QUESTIONS FOR CODE CHANGES:

1. Revise definition of Redivision to say it is the same as a Replat and provide more language on whether landowners who are rearranging lot lines and not developing lots for sale should have to build a new road. Perhaps conditions should apply. This could be a new section under the "Exception to road standards."
2. Provide definition of "legal" access.
3. Provide definition of "physical" access, does it include waterbodies, trails, or snow trails, or must it be vehicle access?
4. Can private roads be longer than a cul-de-sac if they connect on both ends to a public road?
5. Should other forms of turn arounds, such as hammerheads, be explicitly allowed to provide landowners with more options?
6. Can existing private roads be extended to allow a new private subdivision on the end? Or must new private access subdivisions connect to a public road?
7. There is currently no option in code for Landowners who want to create private subdivisions where the developable land is naturally limited, by tundra or a waterbody or some topographical feature. Develop guidelines for this type of subdivision, explore Fairbank's idea of a "cluster" development, or other type of gated community.
8. Minimum acreage of parcels: This is an important protection against overbuilding on lots that must have both septic and well on site. Most other codes I have seen have at least something for single family residences. Dillingham's code currently has no minimum acreage requirement.
9. Chapter 11.21.010 C refers to "Business district." Title 18 establishes only two land use districts within City limits. Chapter 18.20.010 refers to "Central Business District. Is this to be considered a third district or is it the same as in 11.21.010C? The foot print is not the same as the Central Business district. See attached map from 1992 ordinance. Note that this district has not gone before the Planning Commission and is not in the Comprehensive Plan.

HOUSEKEEPING ITEMS FOR CODE COMMITTEE:

- Chapter 4.05 Capital Projects Fund. "4.05.010 Definitions. "Five Year capital improvement program " should be changed to say "Six" year.....
- Correct definition of cul-de-sac with appropriate size turnaround – 120 minimum diameter or 60 foot radius.

Funding applications:

- ADEC MMG 28305 – scope of work has been changed to allow update of the 2003 water master plan and drilling of new wells. Note that the new scope of work explicitly states the Water Master Plan.
- ADEC MMG 28306 (\$3 million) – need to contact our legislators regarding reappropriation of these funds to address the things we can in the updated water master plan.

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- CDBG –Karen Benning of Agnew Beck and Janice Williams worked very hard to get this accomplished while I was away. Much appreciation also to Manager Loera and Janice Gloko McDowell.
- Rasmuson : City Manager recommends applying for a Tier I grant to replace Planning Department large format scanner and printer as well as acquire a smart board and other technology needs such as tablets for paperless Planning Commission meetings.

Hazard Mitigation Plan: The City plan is in need of updating. Set up meeting with City Staff to review the plan and potential mitigation projects. Contacted Brent Nichols at Homeland Security. Will submit intent to apply and application asap.

Material Sites: Dec. 5 the City Council voted to continue developing an ordinance for permitting material sites in Dillingham. The hope is to have this before the Council for adoption at the February Council meeting.

Plats: Port Land Exchange lands for exchanging –ASLS 98-33, the old job center /potato house site, plus Second Avenue West vacation below City hall.

Road Projects:

- ADOT Squaw Creek to Kanakanak Hospital and Charlee Road: ADOT is going to incorporate the approach to Charlee Road into the state Kanakanak Road plan.
- ADOT Downtown Streets: Construction delayed again until after 2015.
- ADOT D Street to Kanakanak: issued floodplain permit with comments from Public Works.

Attended Alaska Chapter of American Planning Association meetings in Anchorage. Primary message: Planner's code of ethics – strive to always plan for what's best for the long term community and public interest. Leadership seminar coached participants on using experience and intuition in decision making and how to improve stakeholder participation in public processes. Attended workshops by former APA president Mitch Silver. The demographic trajectory the country is on means that soon minority populations will actually be in the majority. There are 5 such states where that is true now. Planning for an elderly population should be on everyone's mind as that population will be large and in need of better access to services.

HB77: Attended the Alaska Mining and Lands conference November 5 in Anchorage. There is one take away from that conference: HB77 is in the Senate. It proposes to limit public comment on permitting applications to only the first stages of permitting. Once the state has received the application and the public has weighed in, further revisions or terms of the permit would not be available to the public for comment.

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RESOLUTION 2013-21
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Vacation of a Portion of Second Avenue West

WHEREAS, the City of Dillingham has a goal of making its Port more secure by being able to close off the port during summer operations; and

WHEREAS, the plan involves creating a clear right of way in and out of the Port; and

WHEREAS, a plan involving the exchange of land between the Sea Inn, the N&N market and the city is established by a preliminary plat; and

WHEREAS, Second Avenue West between the City Hall and the southeast corner of Lot 5 Block 21 USS 2732AB is not used as a traffic way; and

WHEREAS, the area in question can be reserved by an easement along the lot lines to provide for a water line buried there;

WHEREAS, there has been no objection to this on the part of staff or agencies or the public; and

WHEREAS, the street will be divided equally to owners on each side of the street; and

WHEREAS, this will contribute land to N&N as part of the Port Land Exchange.

THEREFORE, the City of Dillingham Planning Commission recommends Vacation of the portion of Second Avenue West.

ADOPTED by the Dillingham Planning Commission December 17, 2013.

Bill Rodawalt, Presiding Officer	Jody Seitz, Recorder
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CITY OF DILLINGHAM PLANNING DEPARTMENT
Staff Report

Vacation 2013-04

Vacating the portion of 2nd Avenue West on Lot 2 Block 20 USS 2732
Hearing Date: August 20, 2013

Applicant: City of Dillingham
Location: Between Lot 5A Bloc 20 and Lot 1A Block 21
Platting History: This portion of 2nd Avenue West was platted as part of the 1948 Dillingham Townsite plat. It is no longer used as a street.

I. FINDINGS

1. The City of Dillingham would like to vacate this street as it is no longer used for traffic.
2. The right of way is 12 feet wide and too small to serve as a public road right of way.
3. This portion of the street has a water line within it.
4. Met with John O'Connor, Port Director Jean Barrett, and Public Works Director Pancho Garcia, September 6 to locate the area in question and the proximity to the store. The water line is expected to come close to the building at the south end and may not be within the easement.
5. The Public Works Department will need to locate this water line when the store remodel takes place and the area under the store is excavated.
6. A public hearing on this was held at the Planning Commission regular meeting August 20. No one testified regarding the vacation of this section of Second Avenue West.
7. There is also a lift station at the south end of USS 2732 block 20 lot 5 and USS 2732 block 21 Lot 1

II. ANALYSIS

1. DMC `7.15.040 stipulates that the right of way will be divided equally between the two adjacent parcels.
2. Second Avenue West between City Hall and the southwest corner of lot 1 block 21 USS 2732 is not used as a road.
3. The right of way may be retained as an easement in perpetuity for city utilities, including water, sewer and electrical easements.

IV. RECOMMENDATIONS

Recommend approval of vacation of the city right of way and establishment of a city utility easement in its place.

Respectfully submitted,


Jody Seitz
Planning Director

RESOLUTION 2013-22
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Trade of plat 98-33 to N&N as part of the Port Land Trade

WHEREAS, the City of Dillingham has a goal of making its Port more secure by being able to close off the port during summer operations; and

WHEREAS, the plan involves creating a clear 40 foot right of way in and out of the Port; and'

WHEREAS, a plan involving the exchange of land between the Sea Inn, the N&N market and the city is established by a preliminary plat; and

WHEREAS, plat 98-33 is 1,152 square feet, or .026 acres, and lays between the City Hall and the northeast corner of Lot 5 Block 20 USS 2732AB and is used as a parking lot and driveway by customers of the N&N market; and

WHEREAS, the area in question is under an easement to remain in public use in perpetuity; and

WHEREAS, parking and a public driveway are considered appropriate public uses; and

WHEREAS, the area is appropriate for exchange with N&N market as part of the Port Land Trade; and

WHEREAS, providing the land to N&N market for the Port Land Trade is a higher public purpose than keeping it in City ownership;

THEREFORE, the City of Dillingham Planning Commission recommends the Dillingham City Council dispose of Alaska State Land Survey 98-33 by trading it to the N&N market for property to secure the Port.

ADOPTED by the Dillingham Planning Commission December 17, 2013.

Bill Rodawalt, Presiding Officer

Jody Seitz, Recorder

MEMORANDUM

No. 530

TO: Mayor and City Council

DATE: August 5, 1992

FROM: City Manager

SUBJ: Ingress and Egress
to City Property (Main
Dock)

Please find attached a copy of correspondence from OMNI Enterprises, owner of N&N Market. In this correspondence they are offering the triangle in front of the entrance to the City Dock, mentioned as Property A, for a price of \$35,000. They are also requesting that the City try to buy Property B, which is the State Employment Services office, and exchange that piece of property for Property A.

They would be better served if the City could gain control of the State office property and exchange a large portion of it for the piece of property that they own in front of the entrance to our dock. We obviously have to have this piece of property, Property A, in order to be able to adequately serve the City dock.

I will have the City clerk get in touch with Mike Renfroe and have an appraisal of Parcel A performed so that we will have a basis for comparing prices with N&N Market, but it would seem that we may have to pay their price, because without this piece of property it is most difficult for us to support the dock.

We will keep you advised. In the event you have any questions on this, please do not hesitate to contact me.

A handwritten signature in black ink, appearing to be the initials 'MRC' or similar, written in a cursive style.

Omni

ENTERPRISES, INC.

12040 115th AVE. N.E. SUITE 200
KIRKLAND, WA 98034
TELEPHONE (206) 821-5001

RECEIVED
AUG - 3 1992

CITY OF DILLINGHAM

July 31, 1992

Mr. H. Graper Jr.
City Manager
City of Dillingham
PO Box 889
Dillingham, AK 99576

Dear Hank,

It is the desire of N&N Market to either exchange the properties with the City of Dillingham or have the City purchase the property outright from N&N. The properties referred to are:

Property A owned by N&N
Legal Description: Entrance to City Dock

Property B owned by State
Legal Description: Job Services

N&N Market is asking \$35,000 for property A. It is also requesting that if and when the City acquires Property B that N&N have the first right to purchase at the same rate the City payed for Property A.

As this is a priority, the above offer will expire October 31st at which time N&N will exercise its options as owner of Property A.

Thank you in advance for your response on this matter.

Sincerely,

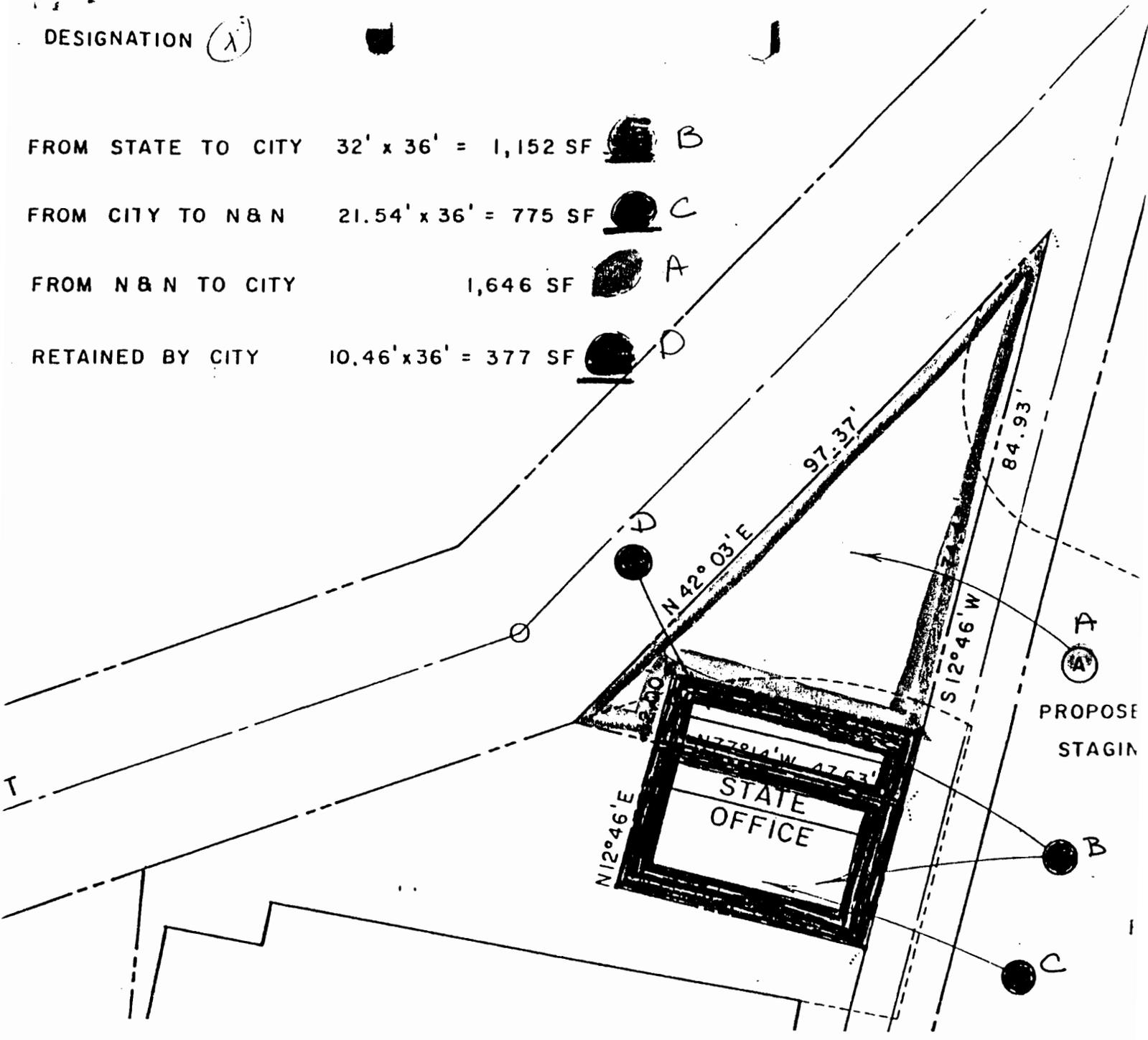
OMNI ENTERPRISES, INC.



Hans J. Winterlich
President

DESIGNATION (λ)

- FROM STATE TO CITY 32' x 36' = 1,152 SF B
- FROM CITY TO N & N 21.54' x 36' = 775 SF C
- FROM N & N TO CITY 1,646 SF A
- RETAINED BY CITY 10.46' x 36' = 377 SF D



RESOLUTION 2013-23
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Dillingham City adopt a minimum acreage ordinance for subdivision lots

WHEREAS, the Alaska Rural Water Association in 2008 found that the City of Dillingham is at high risk of contaminating its underground aquifers due to the high number of wells and septics in the City; and

WHEREAS, more than two-thirds of the community relies on on-site wells for their domestic water supply; and

WHEREAS, the purpose of this resolution is to protect the community's underground water supply from pollution due to the proliferation of on-site wells and septics; and

WHEREAS, the City has not adopted standards for subdivision lot size since the ADEC regulations calling for state subdivision review by ADEC were repealed in 1996; and

WHEREAS, the City has no ordinance at present to prevent citizens from overbuilding on their lots; and

WHEREAS, the lack of such an ordinance means the Planning Commission and Staff have no tools to assure that there is room on subdivision lots for adequate separation of wells and septics; and

WHEREAS, the lack of a minimum acreage for subdivision lots may also result in unusable parcels;

WHEREAS, the City of Dillingham Planning Commission resolved March 24, 2009, that the City adopt a minimum acreage for subdivision lots; and

THEREFORE, the City of Dillingham Planning Commission requests that the City Council direct the Planning Commission to proceed with researching and developing standards specifying minimum acreage for a variety of types of development, from single family to multi-family and other types of development as well as appropriate grandfather language and methods for mitigating non-standard lots.

ADOPTED by the Dillingham Planning Commission December 17, 2013.

Bill Rodawalt, Presiding Officer

Jody Seitz, Recorder

CITY OF DILLINGHAM, ALASKA

PLANNING COMMISSION RESOLUTION NO. 2009-02

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION SUPPORTING THE REVISION OF THE DILLINGHAM MUNICIPAL CODE TO SPECIFY THE MINIMUM ACREAGE FOR SUBDIVISIONS WITHIN THE DILLINGHAM CITY LIMITS.

WHEREAS, Dillingham Municipal Code section 17.19.010 requires that a proposed subdivision conform to the regulations of the State Department of Environmental Conservation relating to lot size and lot elevation if the subdivision is not served by a public sewer, and provision for such services has not been made; and

WHEREAS, Alaska Administrative Code 18 AAC72.299 through 72.385 which required the State Environmental Conservation Department to review subdivision plats was repealed in 1996; and

WHEREAS, the authority for requiring a minimum lot size was transferred to local municipalities; and

WHEREAS, the City of Dillingham Municipal Code does not currently have a minimum size specified for subdivision lots; and

WHEREAS, the City of Dillingham has responsibility for maintaining public health and safety; and

WHEREAS, the ADEC regulations formerly called for 40,000 square feet for lots where both water and septic systems are provided on site; and 20,000 square feet where one or the other service was provided by a community system; and

WHEREAS, few professionals with the proper credentials to review subdivisions for compliance with DEC regulations currently live in Dillingham; and

WHEREAS, the lack of a minimum acreage leaves the Planning Commission with no adequate tools for making sure that subdivision parcels will be large enough to have the required separation for on-site sanitation and/or water demands; and

WHEREAS, the situation creates the potential for overcrowded and unsanitary conditions in neighborhoods; and

WHEREAS, this could permit the proliferation of parcels which may be impossible to develop due to their size;

THEREFORE, BE IT RESOLVED that the City of Dillingham Planning Commission recommends the City Council Code Committee research and recommend a minimum parcel size ordinance for subdivisions as follows:

Suggested language:

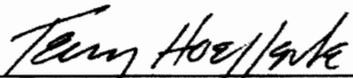
DMC 17.19.140 B. 3

Minimum Parcel Size on a lot intended for residential or commercial use requiring sewage disposal must have:

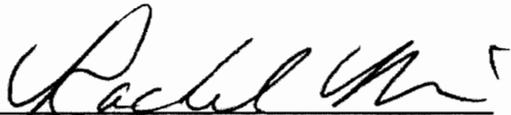
- a. Forty thousand square feet per dwelling unit for developments with on-site water supply and sewage disposal.
- b. Twenty thousand square feet per dwelling unit for developments with either community water or sewage disposal systems;

Dwelling unit is defined in DMC 18.12.020 as "a room or group of rooms intended for use as living quarters for one family, including washing, sleeping, cooking and eating facilities."

APPROVED AND ADOPTED THIS 24th DAY OF March, 2009.



Terry Hoeffele, Chairman



Acting Commission Clerk

Background on Minimum Acreage Ordinance

Revised March 24, 2009

Over the last 2 years I have been concerned about the lack of a minimum acreage in our code.

Under Alaska Administrative Code Title 18 AAC.72 the ADEC used to do subdivision plat reviews. As part of that they would require a minimum acreage of 40,000 for lots that require on-site water and septic systems, to ensure adequate separation. 20,000 sq. ft. was the amount required for a site that had sewer service from a centralized source such as the City.

These regulations were repealed in 1996 with the state's budget cuts. The department size was reduced, and the ADEC's role in reviewing plats was removed. Authority for establishing minimum subdivision lot sizes was given to each municipality.

While the State DNR Platting Authority, Gerald Jennings, says the minimum lot size still holds, it is the responsibility of individual municipalities to enforce it. It is also difficult to find. So far, I have looked for this in the ADEC administrative code as well as state statute and do not find it.

This leaves the Planning Commission in the position of being unable to cite a particular regulation requiring a minimum acreage. This could lead to the proliferation of parcels which are undevelopable, but which people may still try to develop.

My recommendation is that the Planning Commission urge the City Council to adopt an ordinance similar to the Kenai Peninsula Borough's or the Bristol Bay Borough's, which is straightforward, short, and easy for anyone to grasp.

Ultimately if the city decides to zone areas as residential, industrial or commercial or mixed use, the acreage requirements could be particular to that zone, as in Kodiak.

RESOLUTION 2013-24

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Dillingham City prepare a plan for City roads

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

WHEREAS, a road plan is an important tool for orderly and equitable land use planning; and

WHEREAS, a road plan can help guide development and fair and equitable retention of rights of way;

WHEREAS, a road plan can 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, the development of a roads plan for the community can provide the network for developing the associated elements of an overall transportation plan.

WHEREAS, a road plan can 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 Road Plan working group to begin planning efforts starting in January 2014.

ADOPTED by the Dillingham Planning Commission December 17, 2013.

Bill Rodawalt, Presiding Officer

Jody Seitz, Recorder