

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**

**February 19, 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 January 21, 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**
  - None.
- VII. UNFINISHED BUSINESS**
  - A. Minimum Acreage Draft Ordinance Language DISCUSS
  - B. Subdivision Replats Draft Ordinance Language DISCUSS
- VIII. NEW BUSINESS**
  - A. Resolution 2014-02 Recommend Vacation of Second Avenue West ACTION
  - B. Resolution 2014-03 Downtown Streets Right of Way Preliminary Plat ACTION
  - C. Resolution 2014-04 Supporting Adoption of Material Sites ordinance ACTION
  - D. Resolution 2014-05 Recommend letter to ADNR for ASLS 98-33 land transfer ACTION
  - E. Resolution 2014-06 Recommend Land Transfer for Edra Garage ACTION
  - F. Planning Commission Training ACTION
- IX. CITIZEN COMMENTS**
- X. COMMISSIONER COMMENTS**
- XI. ADJOURNMENT**

Planning Commissioners  
Ben McDowell, Seat A  
Paul Liedberg, Seat B  
Vacant, Seat C



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

**REGULAR MEETING MINUTES**  
**January 21, 2014**

**I. CALL TO ORDER**

Meeting was called to order at 5:36 p.m. Chair Bill Rodwalt resigned at the January 18 workshop.

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

Members present:

Paul Liedberg, Seat B  
Vacant, Seat C  
William Corbett, Seat D  
Andy Anderson, Seat E  
Julie Baltar, Seat F

Members Absent

Ben McDowell, Seat A, excused

Guests:

Gregg Marxmiller

Staff in Attendance:

Jody Seitz, City Planner, Recorder

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

MOTION: Paul Liedberg moved and William Corbett seconded the motion to approve the minutes of December 17, 2013. Andy Anderson called the question.

VOTE: The motion passed unanimously.

**IV. ELECTION OF CHAIR**

Unanimous Consent to select Julie Baltar as chair. Julie Baltar noted her seat may be at its term. She is willing to serve as Chair.

**V. APPROVAL OF THE AGENDA**

MOTION: Paul Liedberg moved and Andy Anderson seconded the motion to approve the agenda.

VOTE: The motion passed unanimously.

**VI. COMMUNICATIONS**

A. Communications to the Planning Commission.

- Discussion and recommendation to meet with BBNA regarding subdivision regulations and requirements by BIA.
- Follow up with Paul Roehl on his responses to the Commission's questions about subdividing.

B. Planner's Report

- Code Committee working on Material Sites ordinance for March, 2014, to be completed before construction season.
- Recommend Planning Commission members attend Code Committee meeting on January 30 to become familiar with the new ordinance. Agnew Beck to present.
- February 8 Planning Commission workshop on material sites, with Agnew Beck to present the ordinance.
- February 19 next regular Planning Commission meeting, to occur on Wednesdays now through the end of May due to commissioners' conflicts with classes.

C. Citizens comments on items not on the agenda. No comments.

**VI. PUBLIC HEARINGS**

There were no public hearings.

**VII. UNFINISHED BUSINESS**

A. Resolution 2013-21 Vacate Second Avenue West Postponed to February

B. Minimum Acreage – no additional information

C. Rules for Subdivision Replats –

- Discussed that the purpose of this was to simplify the process, that it would be no new owners, just realigning lots lines.

**VIII. NEW BUSINESS**

A. Resolution 2014-01 Transportation Plan

MOTION: Paul Liedberg moved to approve and Andy Anderson seconded the motion to approve Resolution 2014-01.

VOTE: Unanimous consent to approve 2014-01.

B. Change meeting date

VOTE: Unanimous consent to move the meeting to the third Wednesday of the month.

C. Planning Commission Training – still working on this.

**IX. CITIZEN'S COMMENTS:**

Gregg Marxmiller possibly interested in joining the Commission.

**X. COMMISSIONER COMMENTS:**

- Paul Liedberg: City's landfill permit expires in June. This will mean no more burning. There has been a hiccup in getting the proposed Batch Oxidation System. City may need to go to compacting and baling instead of burning or incinerating or thermal gasification.
  - City is working on replacing the fire station and public safety buildings with an emergency center. Question is whether it will be one building or two.
  - State is offering land sale on or near upper Snake Lake
- Julie is interested to know the status of the Dillingham Predisaster Mitigation Plan.
- Planner: Loss of Fire Department Coordinator lead to a short pause. The planning will begin again in February.

**XI. ADJOURNMENT**

Meeting Adjourned 6:36 p.m

\_\_\_\_\_  
Presiding Officer

ATTEST:

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

**Mayor**  
Alice Ruby

**Manager**  
Rose Loera



**Dillingham Planning Commission**  
Bill Rodawalt, Chair  
Paul Liedberg  
Ben McDowell  
Andy Anderson  
Julie Baltar  
William Corbett

## MEMORANDUM

**Date:** February 14, 2014  
**To:** Planning Commission  
**From:** Jody Seitz, City Planner  
**Subject:** February 2014 Report

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Emergency Preparedness: need to be revived. We have slumped with recent turnover and overload of ordinances and meetings.

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

GIS: GIS consultants are updating the parcel database. The tax assessor is adding the parcel IDs. It is coming along!

### Grants and Projects:

- Community Development Block Grant Program (CDBG) hoping to hear on this soon.
- Landfill: submitted loan questionnaire due February 17. Still have heard nothing from Voltaic Solutions on our previous submittal and 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.
- ADEC MMG 28306 (\$3.0 million): hoping that the legislature will reappropriate these funds allowing the City to use them on the wastewater treatment plant, among other things.

Land Use Permits: none this month.

Temporary Encroachment Permits: none this month..

Event Permits for temporary use of City land: none this month.

### Ordinances under revision by the Planning Commission

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*Our Vision. By 2015 to have an infrastructure that supports a sustainable, diversified and growing economy. \* We will take a leadership role and partner with others to achieve economic development and other common goals. \* We will develop a high quality City workforce to serve the community. \* We will promote excellence in education.*

- 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. Have to submit a plan for the Community Assistance Visit or face penalties.
- Title 17 Subdivisions:
  - Minimum Acreage: PC has council's blessing to work on this but no progress this month.
  - 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 Sitka, 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. No progress this month.
- Title 18 Land Use Permits. Some changes are being made along with the Material Sites ordinance.
- Title e19 Material Sites ordinance is in draft form for Planning Commission review and approval at this meeting, February 19.

**For Code Committee consideration:**

- Title 17 Subdivisions: no progress this month.
  - 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?
- 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: Recommend passing resolution to vacate Second Avenue West south of City Hall; and resolution to ask City manager to write ADNR to remove the reverter clause from the deed for ASLS 98-33 so it can be traded to N&N market.

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Road Projects: Recommend approval of ROW plat for ADOT's Downtown Streets project.

Citizen Research Request: no progress on this.

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

Planning Commission Seats: Julie Baltar has been reappointed. Still need 2 more commissioners.

Subdivisions:

- Edra Garage – overlaps the downtown cemetery boundary by 675 sq. ft. The owner is requesting a sale of some land to allow the garage to remain with the proper setbacks.
- Pacer Subdivision – a subdivision of one lot of USS 4982 Lot 10 is proposed. The owner has presented a sketch of the proposed subdivision. It looks like an abbreviated plat which could be ready for the March 19 meeting.
- Invited the owners of S&W subdivision to attend a Planning Commission meeting to discuss the issues they face in replatting their subdivision – suggested March due to the heavy agenda at this February meeting.

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RESOLUTION 2014-02 (formerly 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 February 19, 2014.

|                     |  |                      |
|---------------------|--|----------------------|
| Julie Baltar, Chair |  | Jody Seitz, Recorder |
|---------------------|--|----------------------|

CITY OF DILLINGHAM PLANNING DEPARTMENT  
Staff Report

**Vacation 2014-01**  
(formerly 2013-04)

Vacating the portion of 2<sup>nd</sup> Avenue West on Lot 2 Block 20 USS 2732  
Hearing Date: February 19, 2014

Applicant: City of Dillingham  
Location: Between Lot 5A Bloc 20 and Lot 1A Block 21  
Platting History: This portion of 2<sup>nd</sup> 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
8. Nushagak Cooperative has a buried cable within the area of the street, and utility poles.

II. ANALYSIS

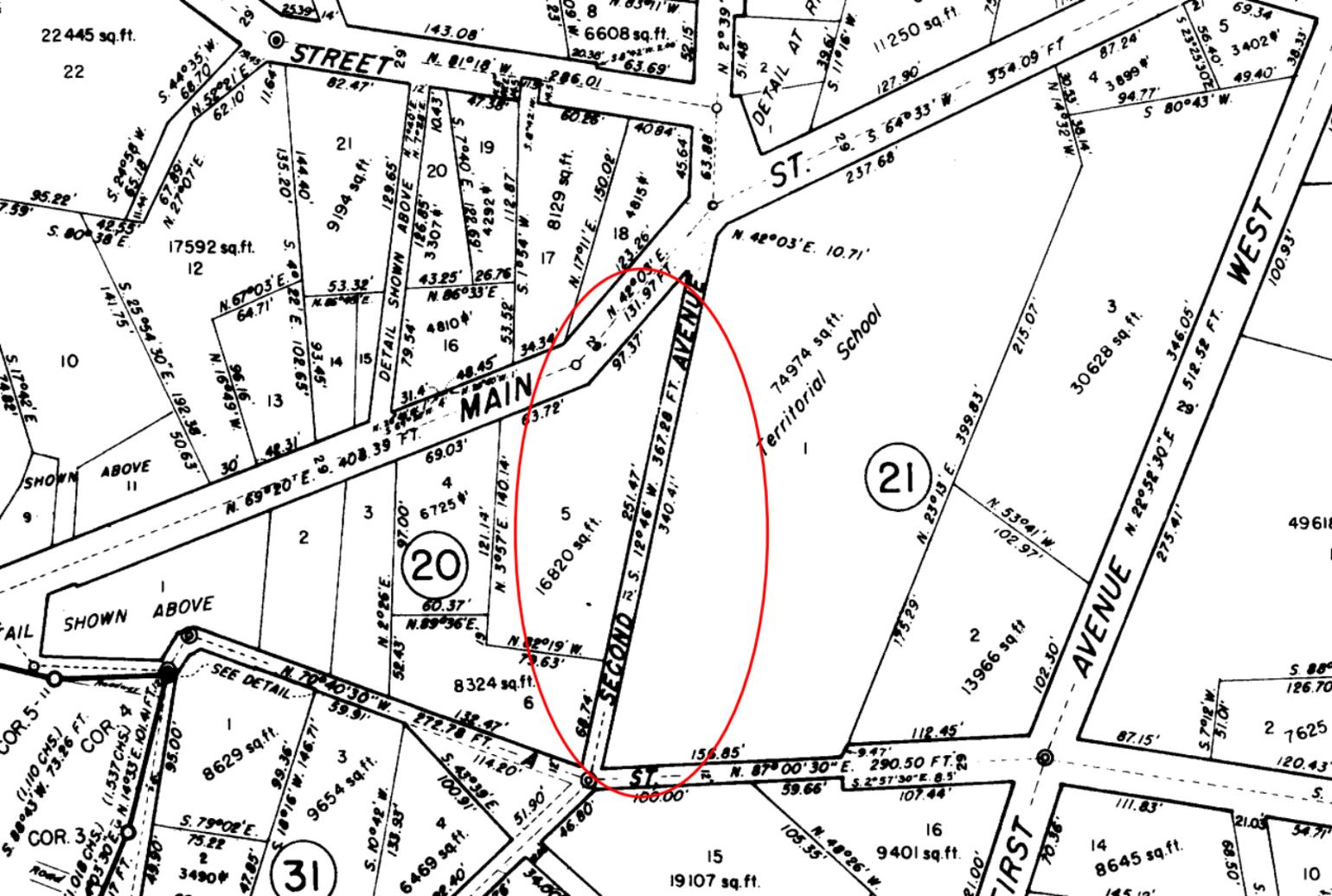
1. DMC 7.15.040 stipulates that the right of way will be divided equally between the two adjacent parcels.
2. Second Avenue West between City Hall and the southwest corner of lot 1 block 21 USS 2732 is not used as a road.
3. The right of way may be retained as an easement in perpetuity for city utilities,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

III. 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



22 2445 sq. ft.

22

STREET

ST.

ST.

MAIN

SECOND

FIRST

WEST

Territorial School

17592 sq. ft.

12

21  
9194 sq. ft.

20

19

13  
9345 sq. ft.

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16820 sq. ft.

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30628 sq. ft.

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13966 sq. ft.

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RESOLUTION 2014-03  
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving the Right of Way Preliminary Plat for the Downtown Streets Project  
(Alaska Department of Transportation and Public Facilities Project # 57180)

WHEREAS, in order for rights of way to be acquired for roads projects, a right of way plat must be prepared that shows in general terms, the real estate needed for the road project; and

WHEREAS, the Alaska Department of Transportation and Public Facilities has prepared a Right of Way preliminary plat in accordance with Title 17, Chapter 17.33, and

WHEREAS, the Right of Way plat meets the submission requirements under Chapter 17.33; and

WHEREAS, there was a Public Hearing on this preliminary plat; and

WHEREAS, no parcel may be acquired for right of way until a preliminary plat has been prepared and received final approval, and

WHEREAS, the preliminary approval of a right of way acquisition is effective for 24 months, provided the planning director may grant an extension for filing the final plat upon finding that it is in the public interest to do so.

THEREFORE, the City of Dillingham Planning Commission approves the Downtown Streets Project (#57180) Right of Way Preliminary Plat.

ADOPTED by the Dillingham Planning Commission February 19, 2014.

|                                |  |                      |
|--------------------------------|--|----------------------|
| Julie Baltar, Commission Chair |  | Jody Seitz, Recorder |
|--------------------------------|--|----------------------|

CITY OF DILLINGHAM PLANNING DEPARTMENT  
Staff Report (AMENDED)

**Downtown Streets Right of Way Preliminary Plat**

Hearing Date: February 19, 2014

Applicant: State of Alaska  
Location: Dillingham Town site, USS 2732 from D Street and Kanakanak Intersection to Second Avenue West and Main Street, to Kanakanak and D Street.  
Number of parcels: 34 parcels of varying size.  
Access: All parcels are located on the project roads.

**II. FINDINGS**

1. The preliminary plat is for the purpose of acquiring right of way for the Alaska Department of Transportation Downtown Streets Rehabilitation Project (#57180).
2. The preliminary plat shows the location, name and number of the project for which the right of way acquisition is required.
3. The preliminary plat lists all the parcels, their owners, and dimensions in accordance with DMC 17.33.010.
4. The discussion under Notes explains that D Street was dedicated as right of way by two BLM grants which established a 50' right of way along the entire southerly boundary of USS2262.
5. The dedication of right of way across USS 155 was never found and thus, the entire portion of the road is planned for acquisition.
6. Note that Lot 11 Block 19 USS 2732 is owned by George and Joanne Nelson, not the Fisherman's Cooperative.
7. The City of Dillingham currently has no minimum acreage for its lots. The setbacks in the Downtown Area, the Central Business District, are 10 feet on the front and 0 feet on the sides and back of the lots. Acquisitions which may put buildings within the established setbacks are parcel numbers 3, 9, 20,22, 35,

**III. DISCUSSION**

The primary issue of concern for the Commission is the change in the setbacks for existing structures along the new route. The design of the streets calls for acquiring some real estate which may reduce the available setback between the new lot line and the established buildings.

The standard of compliance required under Chapter 17.33.20 is one of reasonable compliance. "To the extent reasonably practicable, a right of way acquisition plat shall comply with the provisions of this chapter setting further the general requirements and design standards and required improvements of subdivisions."

The Planning Commission may allow the existing buildings to remain as nonconforming structures under this standard. In addition, the Planning Commission cannot allow a situation of nonconformity to be created, and force the owners of the existing buildings to conform later.

The Planning Commission should review those parcels and the particular sidewalk area being proposed and consider grandfathering all those where the loss of the setback to the property line does not cause a safety hazard.

The plat does not have a certificate of the City accepting the right of way. According to ADOT, the road right of way will be transferred in its entirety later via an agreement such as a Memorandum of Understanding.

Design elements such as the pedestrian access ramps for the visually impaired are part of the overall design drawing and not the focus of this plat.

#### **IV. RECOMMENDATIONS**

1. Recommend the Planning Commission grandfather all existing structures where the right of way acquisition would infringe on the setback unless safety hazards are presented by the right of way acquisition and loss of setback.
2. Recommend Planning Commission approve this plat conditional on any parcel acquisition adjustments required for safety.
3. The preliminary plat is effective for 24 months. The planning director may grant an extension for filing the final plat upon finding it is in the public interest to do so.

Respectfully submitted,

Jody Seitz  
Planning Director

|                     |           |              |
|---------------------|-----------|--------------|
| PROJECT DESIGNATION | SHEET NO. | TOTAL SHEETS |
| 0001(335)/57180     | R1        | R11          |

# STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES

## RIGHT OF WAY MAP

### ALASKA PROJECT

# DILLINGHAM: DOWNTOWN STREETS REHABILITATION 0001(335) 57180

**PLAT APPROVAL**  
THIS PLAT, HAVING BEEN APPROVED BY THE CITY OF DILLINGHAM PLANNING COMMISSION, AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF \_\_\_\_\_, 20\_\_\_\_, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW PERTAINING THERETO.

DATE \_\_\_\_\_

CHAIRPERSON, PLANNING COMMISSION \_\_\_\_\_

**CONSULTANT LOCATIONS SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT ALL RIGHT-OF-WAY CENTERLINE MONUMENT LOCATIONS HAVE BEEN ESTABLISHED AS INDICATED ON THE RIGHT-OF-WAY PLANS, ALL EXISTING FOUND SUBDIVISION MONUMENTS, PROPERTY CORNERS AND SECTION LINE MONUMENTATION AS INDICATED ON THE RIGHT-OF-WAY PLANS HAVE BEEN REFERENCED TO PROJECT SURVEY CONTROLS BY ME OR UNDER MY SUPERVISION.

DATE \_\_\_\_\_ REGISTRATION NUMBER \_\_\_\_\_

STANLEY E. PONSNESS \_\_\_\_\_

**DEPARTMENT RIGHT-OF-WAY SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF ALASKA AND THAT THIS PLAT WAS MADE BY ME OR UNDER MY SUPERVISION. THIS PLAT WAS BASED UPON THE MONUMENTS RECOVERED DURING THE DEPARTMENT'S LOCATIONS SURVEY FOR THIS PROJECT.

DATE \_\_\_\_\_ REGISTRATION NUMBER \_\_\_\_\_

P. LOUISE HOOPER \_\_\_\_\_

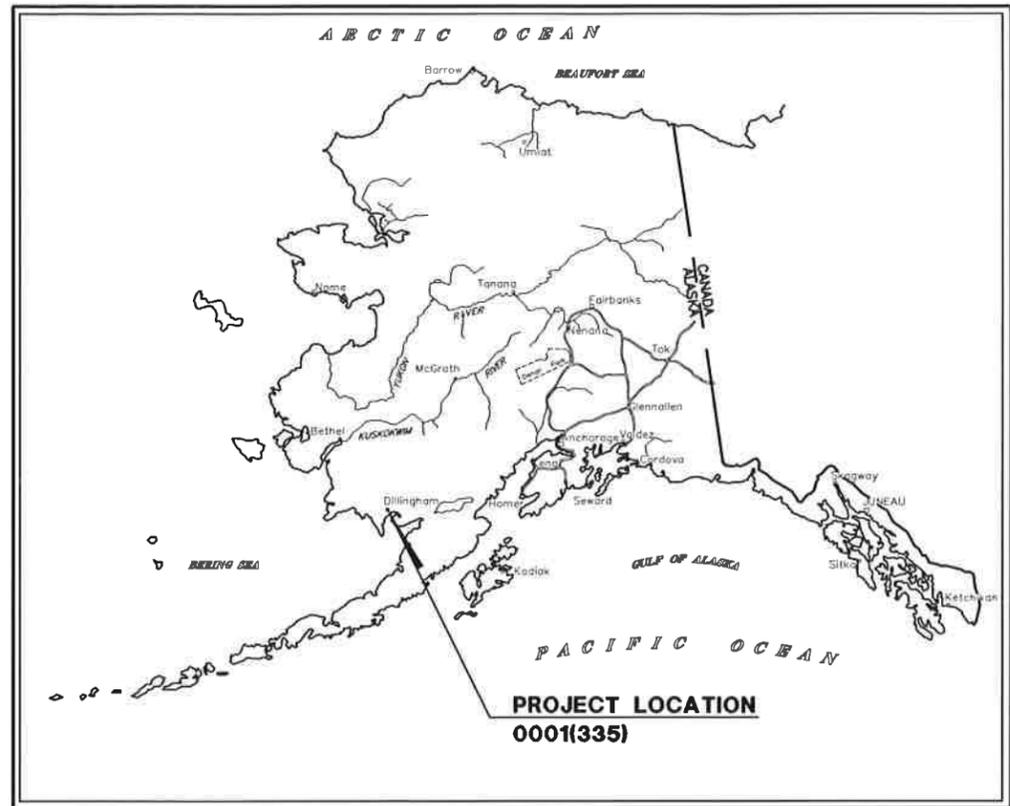
**DEPARTMENT OF  
TRANSPORTATION & PUBLIC FACILITIES**

APPROVED \_\_\_\_\_, 20\_\_\_\_  
Date

REGIONAL CHIEF R/W AGENT \_\_\_\_\_

LOCATED WITHIN PROTRACTED SECTION 21, T13S, R55W, S.M. AK

**BRISTOL BAY RECORDING DISTRICT**  
**STATE BUSINESS-NO FEE**

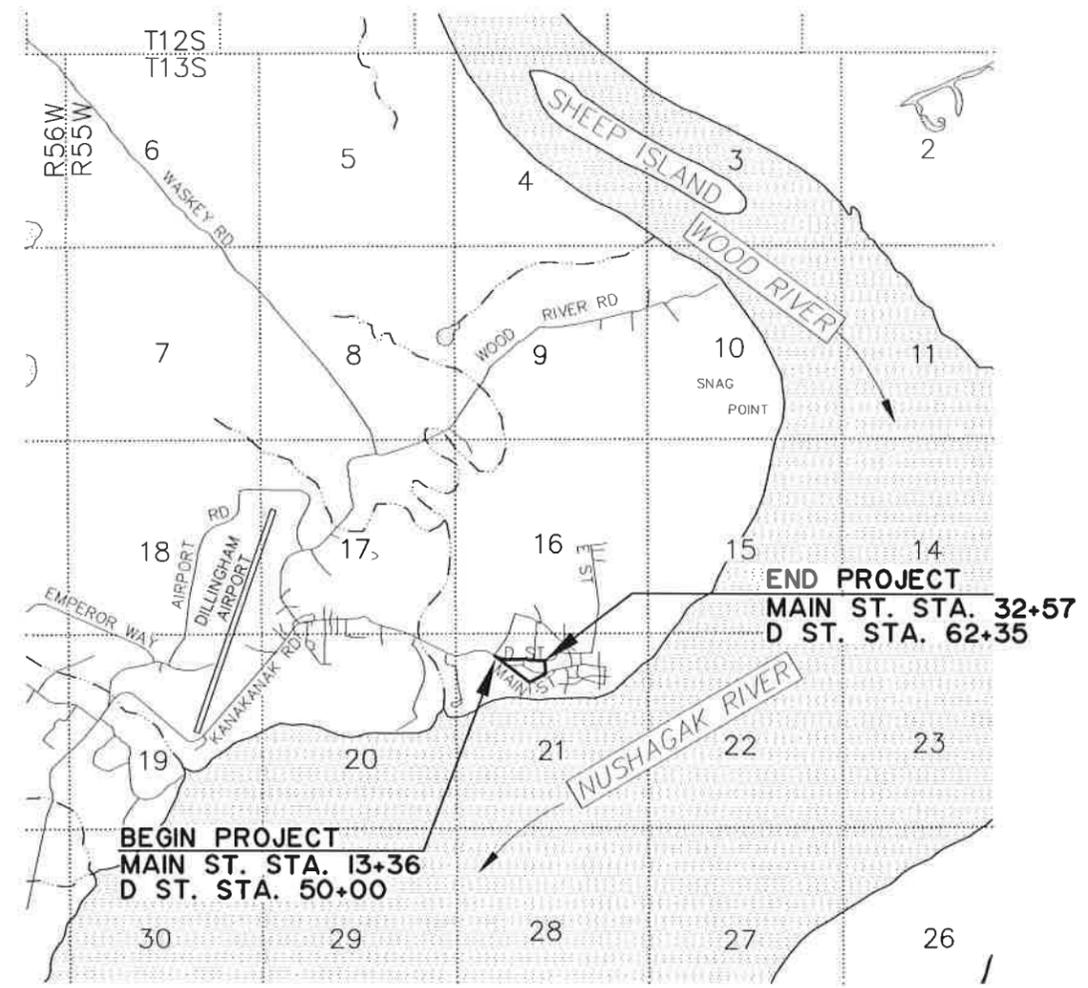
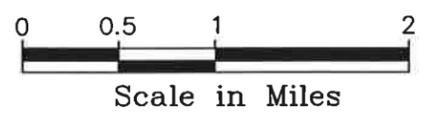


PRELIMINARY 12/17/2013



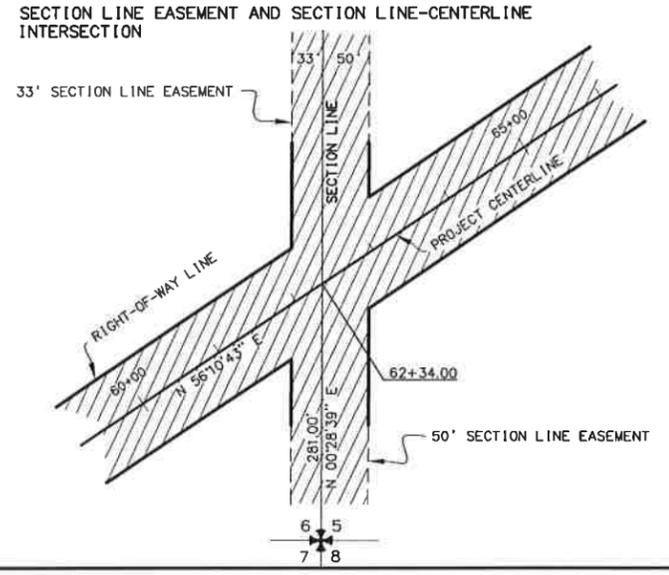
ACQUISITION DATES: 2014-2015  
CONSTRUCTION DATES: 2016

PROJECT LENGTH 0.6 MI.  
SCALE



**RIGHT OF WAY**

| RECOVERED                         | SET THIS PROJECT                          |
|-----------------------------------|---|
| 6 5 SEC COR                       | 6 5                                       |
| 7 7 1/4 COR                       | 7 7                                       |
| 6 1/4 COR                         | 6 1/4                                     |
| 1/16 COR                          | 1/16                                      |
| GOV'T CONTROL STA.                | CP  |
| PRIMARY MONUMENT (BRASS/AL CAP)   | ⊕   |
| MISC. SECONDARY CORNER            | ○   |
| PRIMARY CENTERLINE MONUMENT       | ⊕   |
| SECONDARY CENTERLINE MONUMENT     | ⊙   |
| CONTROL POINT                     | ▲   |
| TOWNSHIP & RANGE LINE             | T. 13 N.<br>T. 12 N.                      |
| INTERNATIONAL BOUNDARY LINE       | ALASKA<br>CANADA                          |
| SECTION LINE                      | —   |
| 1/4 SECTION LINE                  | —   |
| 1/16 SECTION LINE                 | —   |
| CORPORATE or CITY LIMITS          | —   |
| EXISTING RIGHT-OF-WAY             | —   |
| RIGHT-OF-WAY OR EASEMENT REQUIRED | —   |
| STATION EQUATION                  | STA. 14+33.22 BK. =<br>STA. 16+90.17 AHD. |
| PROJECT CENTERLINE                | 27+00                                     |
| EXISTING CENTERLINE               | —   |
| RAILROAD CENTERLINE               | —   |
| PROJECT RIGHT-OF-WAY LINE (FEE)   | —   |
| PROJECT RIGHT-OF-WAY (EASEMENT)   | —   |
| EXISTING PROPERTY LINE            | —   |
| CONTROLLED ACCESS LINE            | — C/A                                     |
| PERMIT LINE                       | —   |
| EXISTING RIGHT-OF-WAY EASEMENT    | —   |
| EXISTING UTILITY EASEMENT         | —   |
| PROPOSED UTILITY EASEMENT         | —   |



**UTILITIES**

|                             | EXISTING | PROPOSED |
|-----------------------------|----------|----------|
| PIPELINES:                  |          |          |
| STORM DRAIN                 | — SD     | — SD     |
| MANHOLE STORM DRAIN         | ⊙        | ⊙ SD     |
| CURB INLET CATCH BASIN      | ⊞        | ⊞        |
| FIELD INLET CATCH BASIN     | ⊙ FI     | ⊙ FI     |
| PIPE CULVERT w/ END SECTION | —        | —        |
| CLEANOUT                    | ⊙ CO     | ⊙ CO     |
| SANITARY SEWER              | — SS     | — SS     |
| MANHOLE SANITARY SEWER      | ⊙        | ⊙ SS     |
| SEPTIC VENTS                | ⊙        | ⊙        |
| WATER                       | — W      | — W      |
| FIRE HYDRANT                | ⊙        | ⊙        |
| WELL                        | ⊙        | ⊙        |
| VALVE OR RISER              | ⊙        | ⊙        |
| WATER SERVICE CONNECT       | ⊙        | ⊙        |
| NATURAL GAS                 | —        | —        |
| OIL OR GASOLINE PIPELINE    | —        | —        |
| ELECTRIC (OVERHEAD)         | — OE     | — OE     |
| ELECTRIC (DIRECT BURY)      | — DE     | — DE     |
| ELECTRIC (OVERHEAD)         | — OE     | — OE     |
| UTILITY POLE                | ⊕        | ⊕        |
| UTILITY POLE WITH LUMINAIRE | ⊕        | ⊕        |
| GUY POLE                    | ⊕        | ⊕        |
| GUY WIRE ANCHOR             | ⊕        | ⊕        |
| TRANSMISSION TOWER [WOOD]   | ⊕        | ⊕        |
| TRANSMISSION TOWER [STEEL]  | ⊕        | ⊕        |
| ELECTRICAL PEDESTAL         | ⊕        | ⊕        |
| ELECTRICAL TRANSFORMER      | ⊕        | ⊕        |
| ELECTRIC METER              | ⊕        | ⊕        |
| ELECTRICAL OUTLET           | ⊕        | ⊕        |
| ELECTRIC MANHOLE            | ⊕        | ⊕        |
| TELEPHONE (OVERHEAD)        | — OT     | — OT     |
| TELEPHONE (DIRECT BURY)     | — DT     | — DT     |
| TELEPHONE (DIRECT BURY)     | — DT     | — DT     |
| TELEPHONE PEDESTAL          | ⊕        | ⊕        |
| TELEPHONE MANHOLE           | ⊕        | ⊕        |
| FIBER OPTIC                 | — FO     | — FO     |
| FIBER OPTIC MANHOLE         | ⊕        | ⊕        |
| CABLE TV (OVERHEAD)         | — OTV    | — OTV    |
| CABLE T.V. PEDESTAL         | ⊕        | ⊕        |
| SATELLITE DISH              | ⊕        | ⊕        |
| U.G. DUCT (E, T, FO)        | —        | —        |

**UTILITIES**

|                            | EXISTING | PROPOSED |
|----------------------------|----------|----------|
| TYPE IA JUNCTION BOX       | ⊞        | ⊞        |
| TYPE II JUNCTION BOX       | ⊞        | ⊞        |
| TYPE III JUNCTION BOX      | ⊞        | ⊞        |
| TYPE IV JUNCTION BOX       | ⊞        | ⊞        |
| TRAFFIC CONTROLLER         | ⊞        | ⊞        |
| ELECTROLIER                | ⊙        | ⊙        |
| HIGHTOWER                  | ⊙        | ⊙        |
| SIGNAL POLE WITH MAST      | ⊙        | ⊙        |
| PEDESTRIAN PUSH BUTTON     | ⊙        | ⊙        |
| RURAL BEACON               | ⊙        | ⊙        |
| SCHOOL ZONE BEACON         | ⊙        | ⊙        |
| <b>EXISTING TOPOGRAPHY</b> |          |          |
| CONIFER TREE OR TREES      | ⊙        | ⊙        |
| DECIDUOUS TREE OR TREES    | ⊙        | ⊙        |
| SHRUB OR SHRUBS            | ⊙        | ⊙        |
| WETLANDS                   | ⊙        | ⊙        |
| CREEK                      | —        | —        |
| RIVER                      | —        | —        |
| LAKE / POND                | ⊙        | ⊙        |
| <b>EXISTING/PROPOSED</b>   |          |          |
| DRAINAGE FLOW              | —        | —        |
| CONTOURS - MAJOR           | —        | —        |
| CONTOURS - MINOR           | —        | —        |
| <b>MISCELLANEOUS</b>       |          |          |
|                            | EXISTING | PROPOSED |
| BUILDING                   | ⊞        | ⊞        |
| FOUNDATION                 | ⊞        | ⊞        |
| TANKS ABOVE GROUND         | ⊙        | ⊙        |
| TANKS UNDERGROUND          | ⊙        | ⊙        |
| PLANTER                    | ⊙        | ⊙        |
| PRIVATE SIGN               | ⊙        | ⊙        |
| POST/BOLLARDS              | ⊙        | ⊙        |
| MAILBOX                    | ⊙        | ⊙        |
| TRAFFIC SIGN               | ⊙        | ⊙        |
| TRAFFIC SIGN POST #        | ⊙        | ⊙        |
| VENT                       | ⊙        | ⊙        |
| GAS PUMP                   | ⊙        | ⊙        |
| LANDSCAPE LIGHT            | ⊙        | ⊙        |

**ROADWAY**

|                            | EXISTING | PROPOSED |
|----------------------------|----------|----------|
| ROADWAY OBLITERATION       | ⊞        | ⊞        |
| LIMIT OF CUT SLOPE         | —        | —        |
| LIMIT OF FILL SLOPE        | —        | —        |
| EDGE OF PAVEMENT           | —        | —        |
| CONCRETE CURB              | —        | —        |
| CONCRETE CURB & GUTTER     | —        | —        |
| SIDEWALK                   | —        | —        |
| DRIVEWAY APPROACH          | —        | —        |
| GRAVEL EDGE                | —        | —        |
| PATH / TRAIL               | —        | —        |
| BRIDGE                     | ⊞        | ⊞        |
| TUNNEL                     | ⊞        | ⊞        |
| NOISE BARRIER              | —        | —        |
| FENCE                      | —        | —        |
| STONE FENCE                | —        | —        |
| RETAINING WALL             | —        | —        |
| HEAD & WINGWALLS           | —        | —        |
| GUARDRAIL                  | —        | —        |
| END SECTION                | —        | —        |
| PARALLEL GUARDRAIL SECTION | —        | —        |
| SPECIAL DITCH              | —        | —        |
| BOTTOM OF DITCH            | —        | —        |
| RIPRAP                     | —        | —        |
| BOULDER OR BOULDERS        | ⊙        | ⊙        |

**STATE OF ALASKA**  
DEPARTMENT OF TRANSPORTATION  
&  
PUBLIC FACILITIES  
RIGHT OF WAY MAP  
ALASKA PROJECT  
0001(335)  
57180  
DILLINGHAM: DOWNTOWN STREETS REHABILITATION

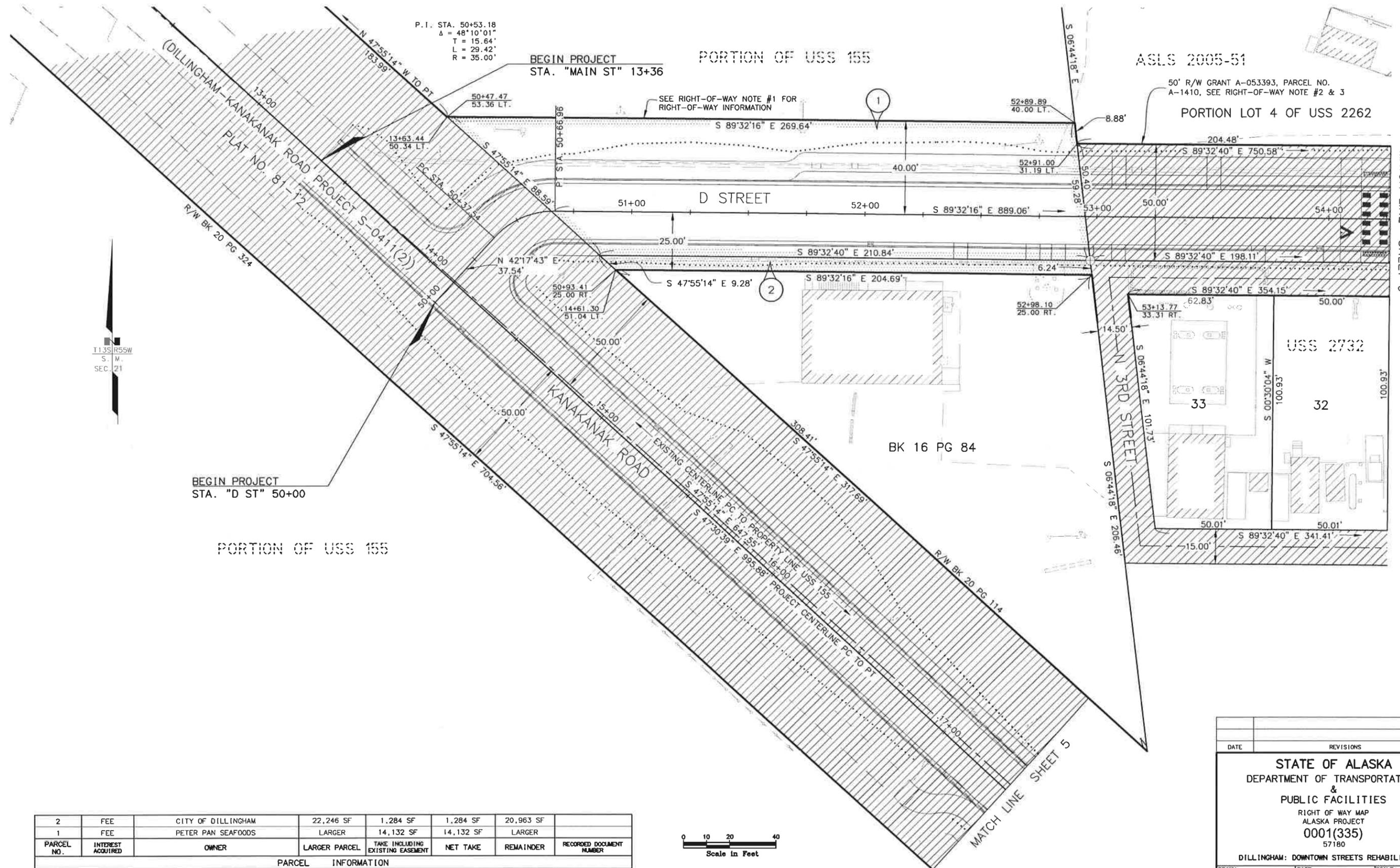
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| DRAWN   | RNS | DATE | AUG. 2013 | SCALE         |
| CHECKED |     | DATE |           | SHEET 2 OF 11 |

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PRELIMINARY 12/17/2013

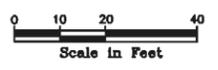
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| PROJECT DESIGNATION | SHEET NO. | TOTAL SHEETS |
| 0001(335)/57180     | R4        | R11          |



BEGIN PROJECT  
STA. "D ST" 50+00

PORTION OF USS 155

| PARCEL NO.         | INTEREST ACQUIRED | OWNER              | LARGER PARCEL | TAKE INCLUDING EXISTING EASEMENT | NET TAKE  | REMAINDER | RECORDED DOCUMENT NUMBER |
|--------------------|-------------------|--------------------|---------------|----------------------------------|-----------|-----------|--------------------------|
| 2                  | FEE               | CITY OF DILLINGHAM | 22,246 SF     | 1,284 SF                         | 1,284 SF  | 20,963 SF |                          |
| 1                  | FEE               | PETER PAN SEAFOODS | LARGER        | 14,132 SF                        | 14,132 SF | LARGER    |                          |
| PARCEL INFORMATION |                   |                    |               |                                  |           |           |                          |



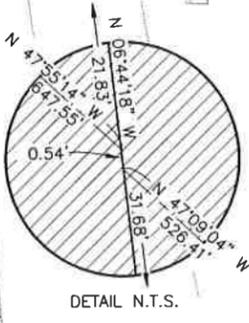
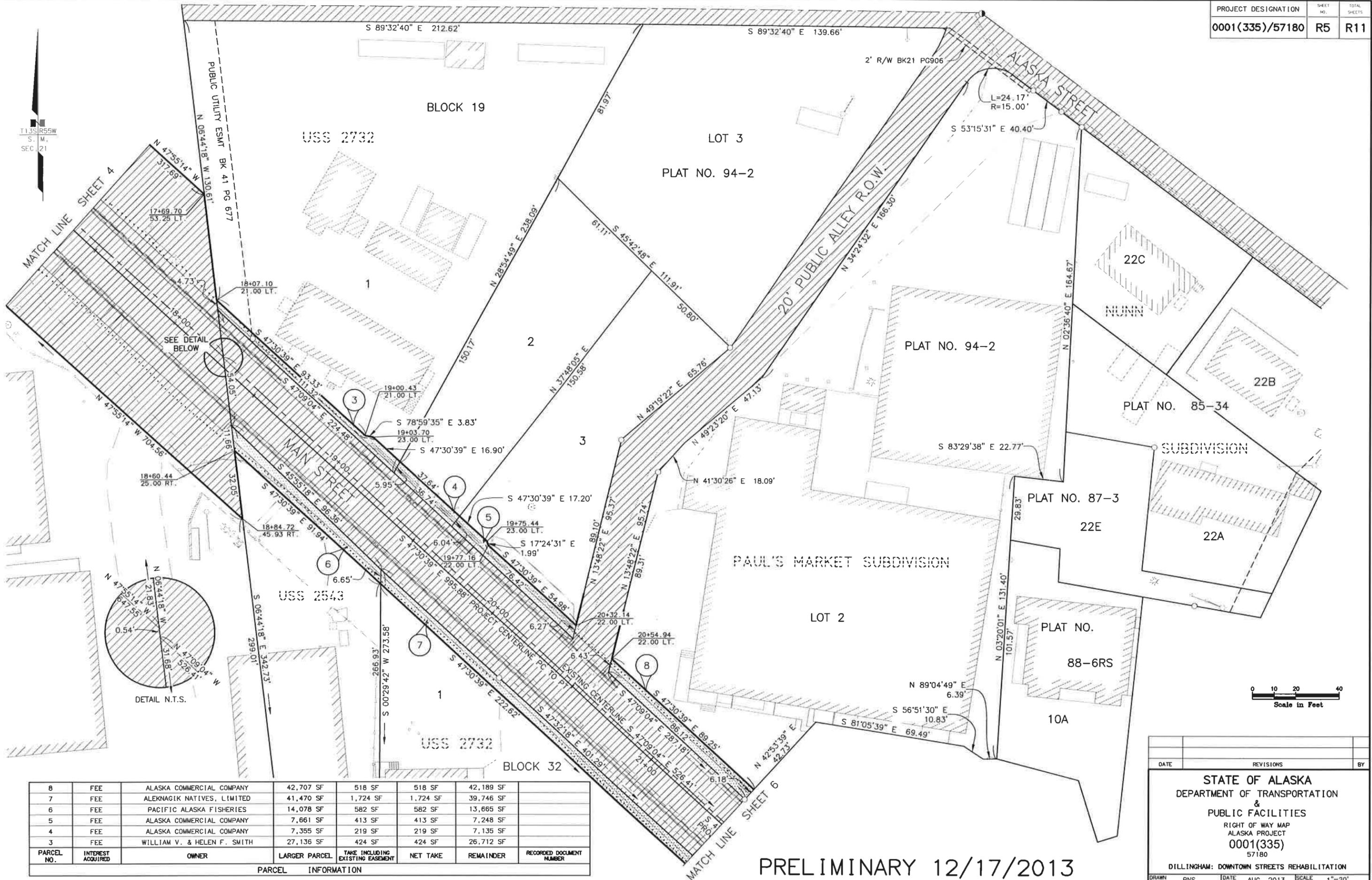
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**STATE OF ALASKA**  
 DEPARTMENT OF TRANSPORTATION  
 &  
 PUBLIC FACILITIES  
 RIGHT OF WAY MAP  
 ALASKA PROJECT  
 0001(335)  
 57180  
 DILLINGHAM: DOWNTOWN STREETS REHABILITATION

|         |     |      |           |       |         |
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| DRAWN   | RNS | DATE | AUG. 2013 | SCALE | 1"=20'  |
| CHECKED |     | DATE |           | SHEET | 4 OF 11 |

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S. M.  
SEC. 21



| PARCEL NO. | INTEREST ACQUIRED | OWNER                       | LARGER PARCEL | TAKE INCLUDING EXISTING EASEMENT | NET TAKE | REMAINDER | RECORDED DOCUMENT NUMBER |
|------------|-------------------|-----------------------------|---------------|----------------------------------|----------|-----------|--------------------------|
| 8          | FEE               | ALASKA COMMERCIAL COMPANY   | 42,707 SF     | 518 SF                           | 518 SF   | 42,189 SF |                          |
| 7          | FEE               | ALEKNAGIK NATIVES, LIMITED  | 41,470 SF     | 1,724 SF                         | 1,724 SF | 39,746 SF |                          |
| 6          | FEE               | PACIFIC ALASKA FISHERIES    | 14,078 SF     | 582 SF                           | 582 SF   | 13,665 SF |                          |
| 5          | FEE               | ALASKA COMMERCIAL COMPANY   | 7,661 SF      | 413 SF                           | 413 SF   | 7,248 SF  |                          |
| 4          | FEE               | ALASKA COMMERCIAL COMPANY   | 7,355 SF      | 219 SF                           | 219 SF   | 7,135 SF  |                          |
| 3          | FEE               | WILLIAM V. & HELEN F. SMITH | 27,136 SF     | 424 SF                           | 424 SF   | 26,712 SF |                          |

PRELIMINARY 12/17/2013

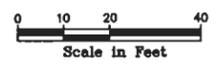
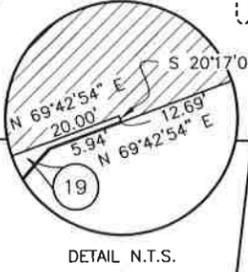
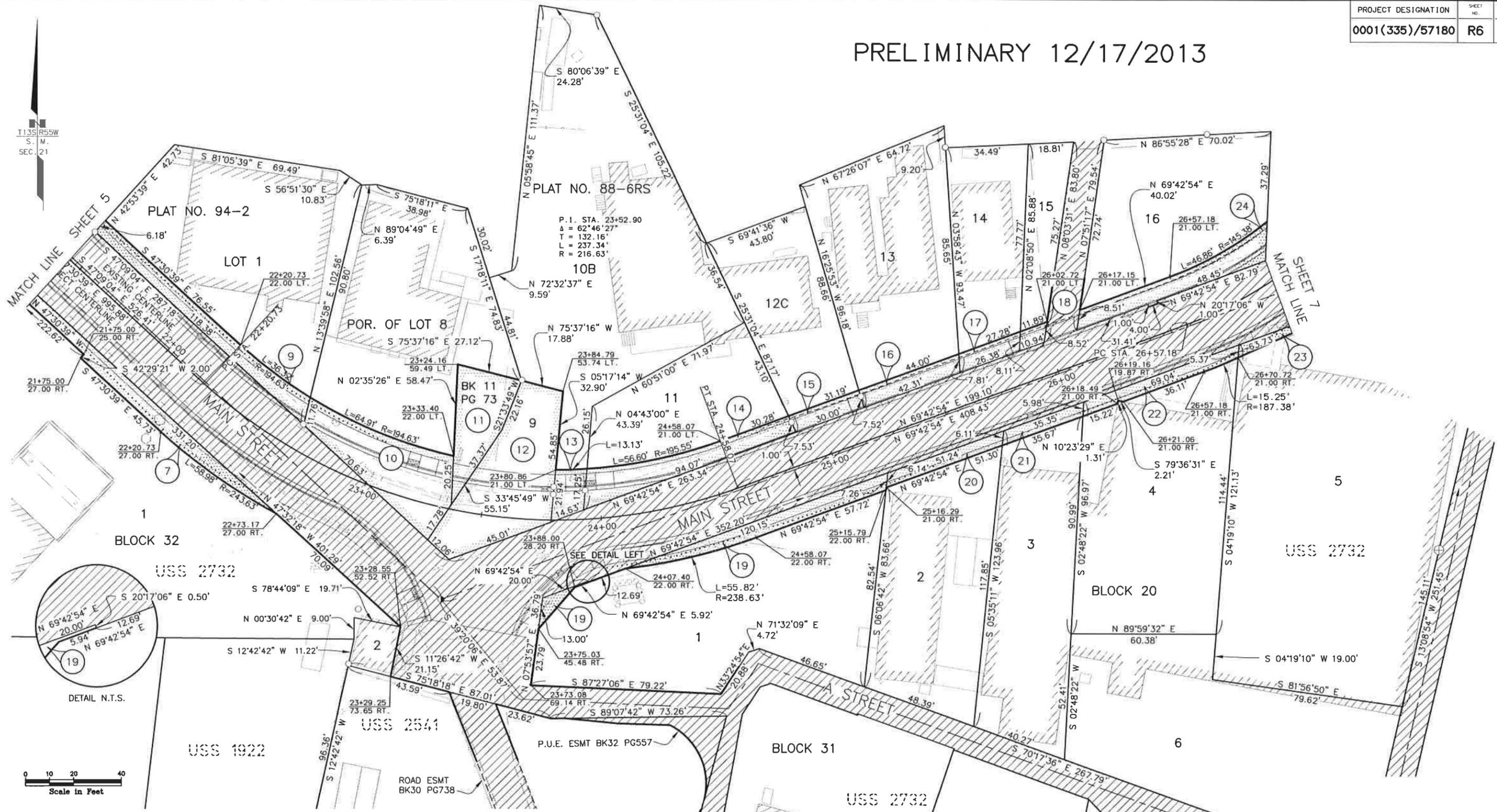
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**STATE OF ALASKA**  
DEPARTMENT OF TRANSPORTATION  
&  
PUBLIC FACILITIES  
RIGHT OF WAY MAP  
ALASKA PROJECT  
0001(335)  
57180  
DILLINGHAM: DOWNTOWN STREETS REHABILITATION

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| DRAWN   | RNS | DATE | AUG. 2013 | SCALE | 1"=20'  |
| CHECKED |     | DATE |           | SHEET | 5 OF 11 |

PRELIMINARY 12/17/2013

I135 R55W  
S. M.  
SEC. 21



| PARCEL NO. | INTEREST ACQUIRED | OWNER                                | LARGER PARCEL | TAKE INCLUDING EXISTING EASEMENT | NET TAKE | REMAINDER | RECORDED DOCUMENT NUMBER |
|------------|-------------------|--------------------------------------|---------------|----------------------------------|----------|-----------|--------------------------|
| 18         | FEE               | OMNI ENTERPRISES, INC.               | 1,208 SF      | 86 SF                            | 86 SF    | 1,122 SF  |                          |
| 17         | FEE               | ARCTIC CHIROPRACTIC DILLINGHAM, LLC. | 2,659 SF      | 201 SF                           | 201 SF   | 2,457 SF  |                          |
| 16         | FEE               | FREDERICK NIELSEN                    | 5,179 SF      | 324 SF                           | 324 SF   | 4,856 SF  |                          |
| 15         | FEE               | GEORGE L. NELSON                     | 3,203 SF      | 229 SF                           | 229 SF   | 2,974 SF  |                          |
| 14         | FEE               | GEORGE L. NELSON                     | 3,668 SF      | 855 SF                           | 855 SF   | 2,813 SF  |                          |
| 13         | FEE               | GEORGE L. NELSON                     | 10,717 SF     | 256 SF                           | 256 SF   | 10,461 SF |                          |
| 12         | FEE               | NUSHAGAK ELEC & TELE CO-OP, INC.     | 2,150 SF      | 2,150 SF                         | 2,150 SF | 0 SF      |                          |
| 11         | FEE               | FISHERMEN'S CO-OP TRADING CO., INC.  | 864 SF        | 864 SF                           | 864 SF   | 0 SF      |                          |
| 10         | FEE               | V&M INVESTMENTS, LLC.                | 7,708 SF      | 1,518 SF                         | 1,518 SF | 6,189 SF  |                          |
| 9          | FEE               | BRANNON RENTALS, LLC.                | 7,124 SF      | 806 SF                           | 806 SF   | 7,124 SF  |                          |
| 7          | FEE               | ALEKNAGIK NATIVES, LIMITED           | 41,470 SF     | 1,724 SF                         | 1,724 SF | 39,746 SF |                          |

| PARCEL NO. | INTEREST ACQUIRED | OWNER                  | LARGER PARCEL | TAKE INCLUDING EXISTING EASEMENT | NET TAKE | REMAINDER | RECORDED DOCUMENT NUMBER |
|------------|-------------------|------------------------|---------------|----------------------------------|----------|-----------|--------------------------|
| 24         | FEE               | CITY OF DILLINGHAM     | 4,811 SF      | 732 SF                           | 732 SF   | 4,079 SF  |                          |
| 23         | FEE               | UNITED COMPANIES, INC. | 15,664 SF     | 155 SF                           | 155 SF   | 15,508 SF |                          |
| 22         | FEE               | UNITED COMPANIES, INC. | 6,726 SF      | 375 SF                           | 375 SF   | 6,351 SF  |                          |
| 21         | FEE               | UNITED COMPANIES, INC. | 4,849 SF      | 195 SF                           | 195 SF   | 4,654 SF  |                          |
| 20         | FEE               | UNITED COMPANIES, INC. | 4,969 SF      | 282 SF                           | 282 SF   | 4,687 SF  |                          |
| 19         | FEE               | UNITED COMPANIES, INC. | 8,323 SF      | 715 SF                           | 715 SF   | 7,608 SF  |                          |

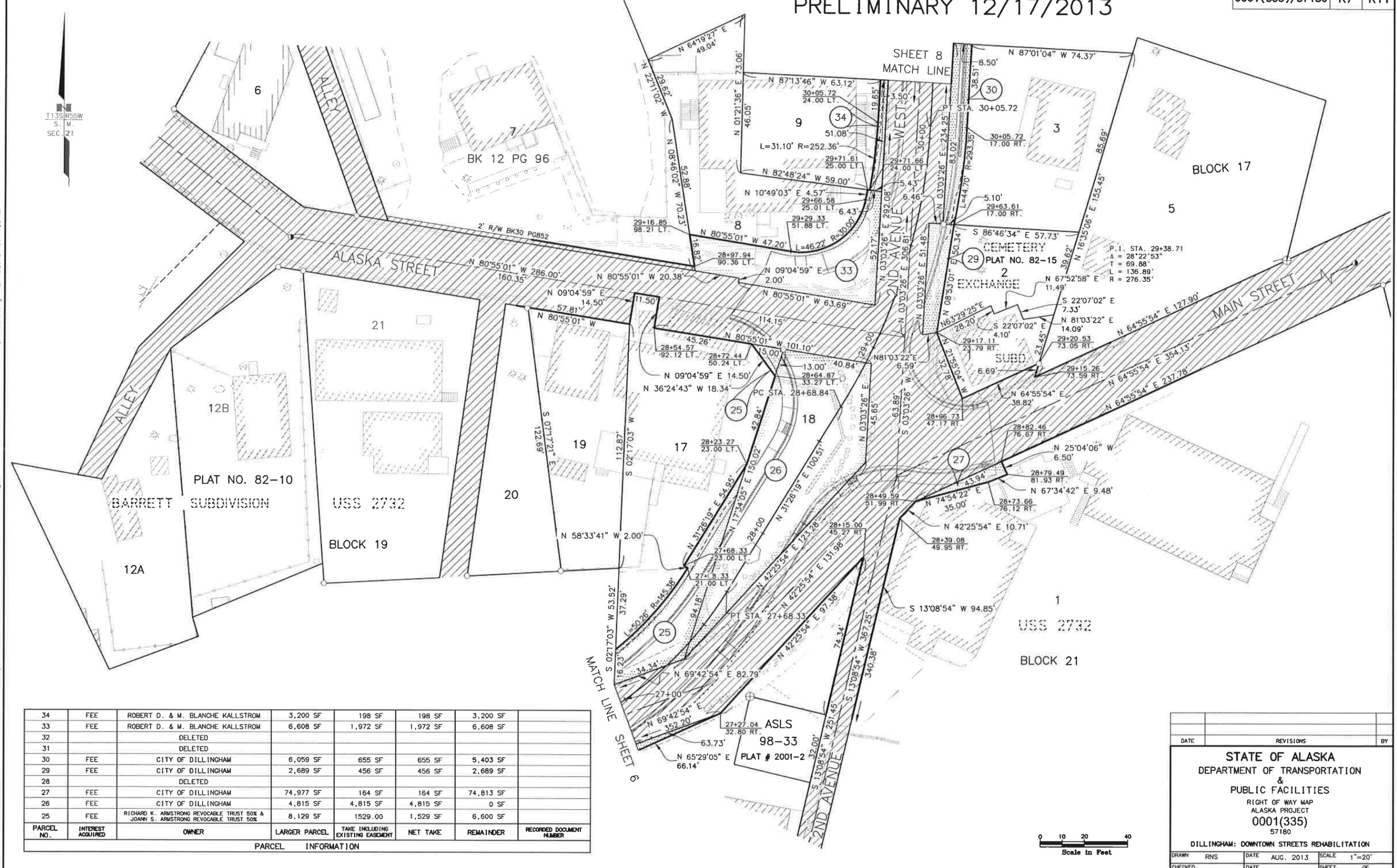
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| DATE | REVISIONS | BY |
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**STATE OF ALASKA**  
 DEPARTMENT OF TRANSPORTATION  
 &  
 PUBLIC FACILITIES  
 RIGHT OF WAY MAP  
 ALASKA PROJECT  
**0001(335)**  
 57180  
 DILLINGHAM: DOWNTOWN STREETS REHABILITATION

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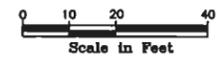
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SEC. 21



| PARCEL NO. | INTEREST ACQUIRED | OWNER   | LARGER PARCEL | TAKE INCLUDING EXISTING EASEMENT | NET TAKE | REMAINDER | RECORDED DOCUMENT NUMBER |
|------------|-------------------|---|---------------|----------------------------------|----------|-----------|--------------------------|
| 34         | FEE               | ROBERT D. & M. BLANCHE KALLSTROM  | 3,200 SF      | 198 SF                           | 198 SF   | 3,200 SF  |                          |
| 33         | FEE               | ROBERT D. & M. BLANCHE KALLSTROM  | 6,608 SF      | 1,972 SF                         | 1,972 SF | 6,608 SF  |                          |
| 32         |                   | DELETED   |               |                                  |          |           |                          |
| 31         |                   | DELETED   |               |                                  |          |           |                          |
| 30         | FEE               | CITY OF DILLINGHAM  | 6,059 SF      | 655 SF                           | 655 SF   | 5,403 SF  |                          |
| 29         | FEE               | CITY OF DILLINGHAM  | 2,689 SF      | 456 SF                           | 456 SF   | 2,689 SF  |                          |
| 28         |                   | DELETED   |               |                                  |          |           |                          |
| 27         | FEE               | CITY OF DILLINGHAM  | 74,977 SF     | 164 SF                           | 164 SF   | 74,813 SF |                          |
| 26         | FEE               | CITY OF DILLINGHAM  | 4,815 SF      | 4,815 SF                         | 4,815 SF | 0 SF      |                          |
| 25         | FEE               | RICHARD K. ARMSTRONG REVOCABLE TRUST 50% & JOANN S. ARMSTRONG REVOCABLE TRUST 50% | 8,129 SF      | 1,529.00                         | 1,529 SF | 6,600 SF  |                          |

1  
USS 2732  
BLOCK 21

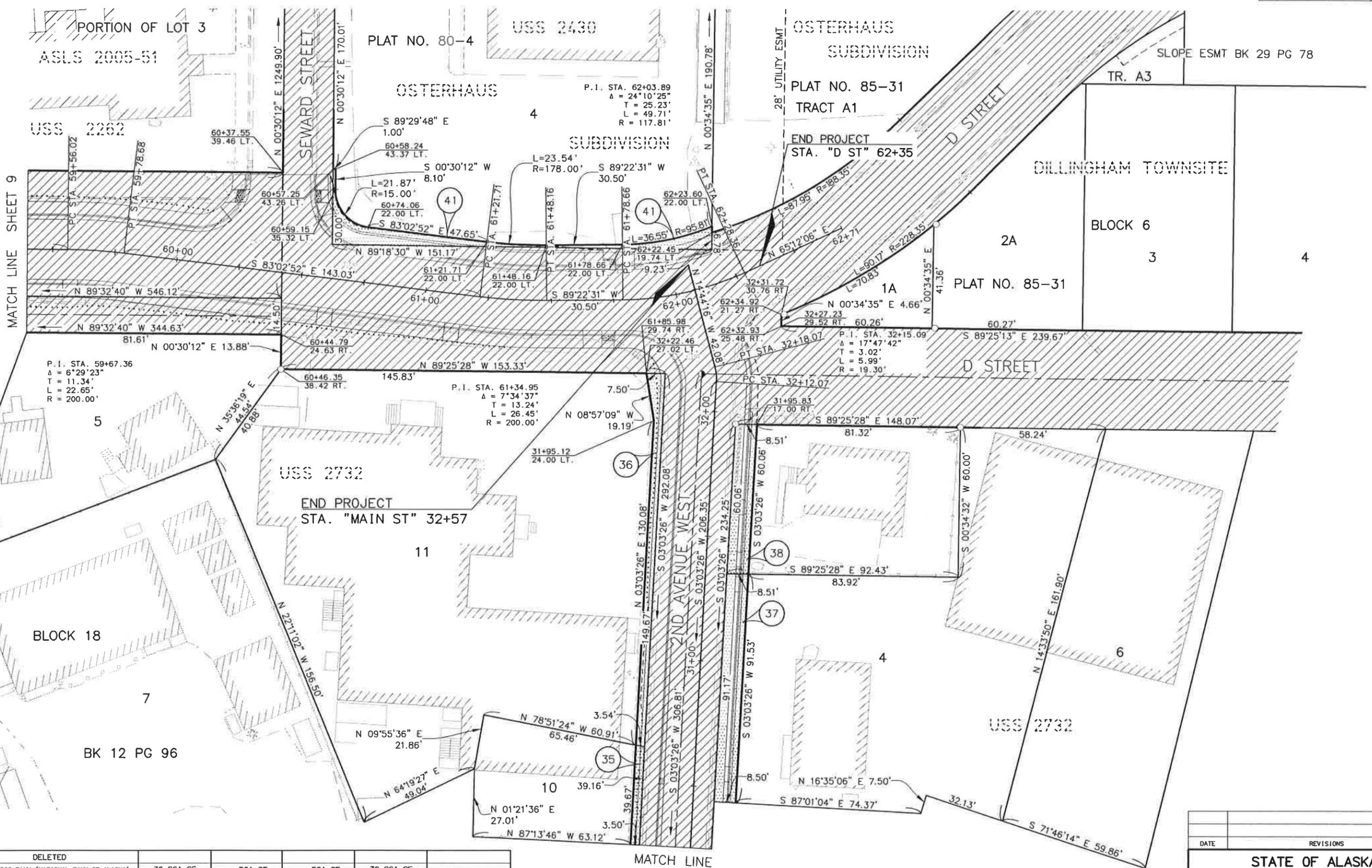


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**STATE OF ALASKA**  
 DEPARTMENT OF TRANSPORTATION  
 &  
 PUBLIC FACILITIES  
 RIGHT OF WAY MAP  
 ALASKA PROJECT  
 0001(335)  
 57180  
 DILLINGHAM: DOWNTOWN STREETS REHABILITATION

|         |     |      |           |       |         |
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| DRAWN   | RNS | DATE | AUG. 2013 | SCALE | 1"=20'  |
| CHECKED |     | DATE |           | SHEET | 7 OF 11 |

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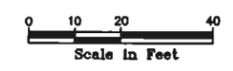


MATCH LINE SHEET 9

MATCH LINE SHEET 7

| PARCEL NO. | INTEREST ACQUIRED | OWNER  | LARGER PARCEL | TAKE INCLUDING EXISTING EASEMENT | NET TAKE | REMAINDER | RECORDED DOCUMENT NUMBER |
|------------|-------------------|--|---------------|----------------------------------|----------|-----------|--------------------------|
| 42         |                   | DELETED  |               |                                  |          |           |                          |
| 41         | FEE               | WELLS FARGO BANK (NATIONAL BANK OF ALASKA)                 | 30,261 SF     | 591 SF                           | 591 SF   | 30,261 SF |                          |
| 40         |                   | DELETED  |               |                                  |          |           |                          |
| 39         |                   | DELETED  |               |                                  |          |           |                          |
| 38         | FEE               | HERMAN E. & IRMA R. SCHROEDER (CHOGGIUG LIMITED REMAINDER) | 5,468 SF      | 510 SF                           | 510 SF   | 510 SF    |                          |
| 37         | FEE               | ROBERT D. & M. BLANCHE KALLSTROM                           | 14,739 SF     | 776 SF                           | 776 SF   | 776 SF    |                          |
| 36         | FEE               | ROBERT D. & M. BLANCHE KALLSTROM                           | 23,830 SF     | 561 SF                           | 561 SF   | 561 SF    |                          |
| 35         | FEE               | ROBERT D. & M. BLANCHE KALLSTROM                           | 2,935 SF      | 138 SF                           | 138 SF   | 138 SF    |                          |

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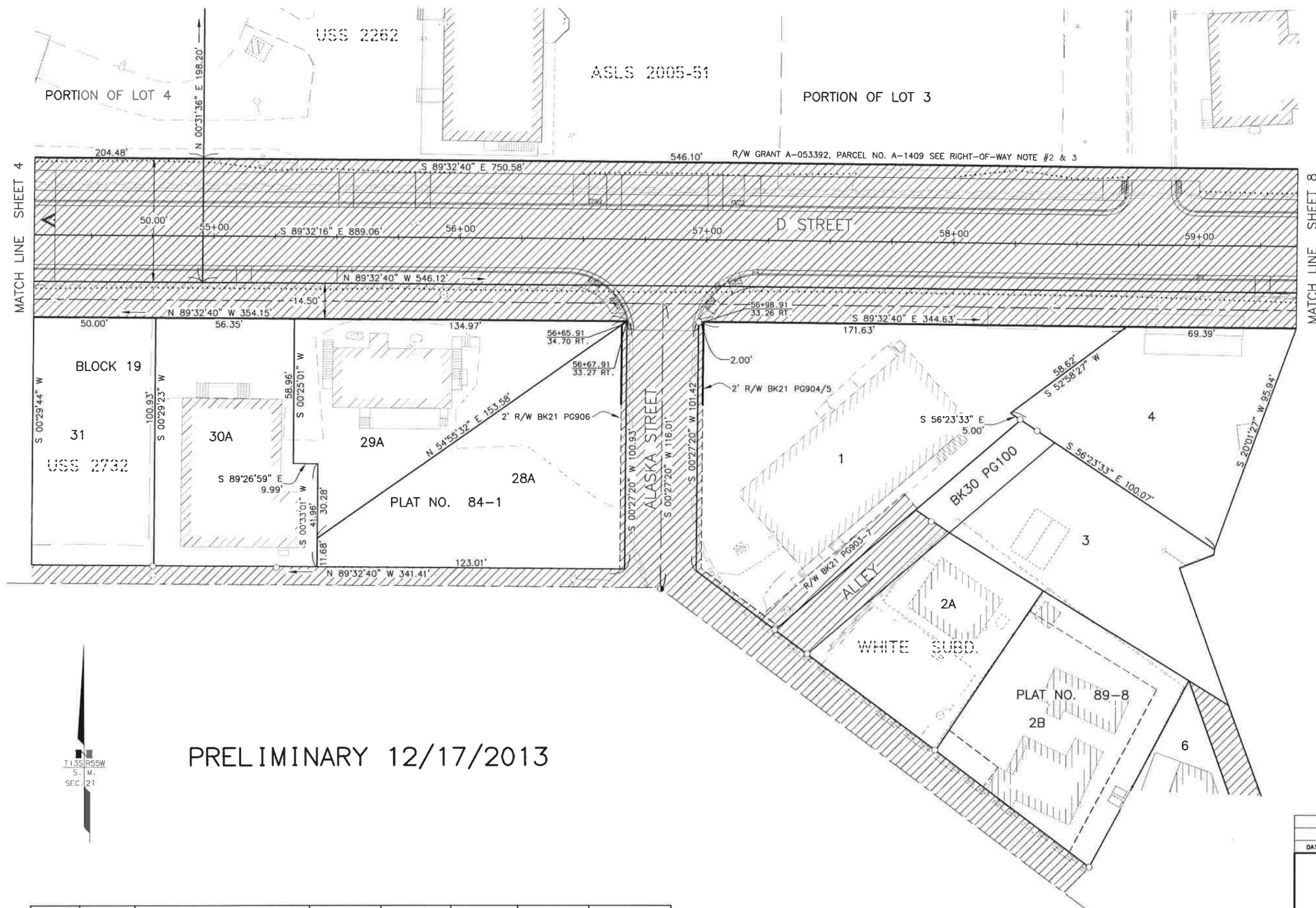


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| DATE | REVISIONS | BY |
|      |           |    |

**STATE OF ALASKA**  
 DEPARTMENT OF TRANSPORTATION  
 &  
 PUBLIC FACILITIES  
 RIGHT OF WAY MAP  
 ALASKA PROJECT  
 0001(335)  
 57180  
 DILLINGHAM: DOWNTOWN STREETS REHABILITATION

|         |     |      |           |       |         |
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| DRAWN   | RNS | DATE | AUG. 2013 | SCALE | 1"=20'  |
| CHECKED |     | DATE |           | SHEET | 8 OF 11 |

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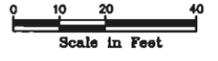
MATCH LINE SHEET 4

MATCH LINE SHEET 8



PRELIMINARY 12/17/2013

| PARCEL NO.         | INTEREST ACQUIRED | OWNER   | LARGER PARCEL | TAKE INCLUDING EXISTING EASEMENT | NET TAKE | REMAINDER | RECORDED DOCUMENT NUMBER |
|--------------------|-------------------|---------|---------------|----------------------------------|----------|-----------|--------------------------|
| 45                 |                   | DELETED |               |                                  |          |           |                          |
| 44                 |                   | DELETED |               |                                  |          |           |                          |
| 43                 |                   | DELETED |               |                                  |          |           |                          |
| PARCEL INFORMATION |                   |         |               |                                  |          |           |                          |



| DATE | REVISIONS | BY |
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**STATE OF ALASKA**  
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 &  
 PUBLIC FACILITIES  
 RIGHT OF WAY MAP  
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**0001(335)**  
 57180  
 DILLINGHAM: DOWNTOWN STREETS REHABILITATION

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| DRAWN   | RNS | DATE | AUG. 2013 | SCALE | 1"=20'  |
| CHECKED |     | DATE |           | SHEET | 9 OF 11 |

# MONUMENT SUMMARY SHEET

|                     |           |              |
|---------------------|-----------|--------------|
| PROJECT DESIGNATION | SHEET NO. | TOTAL SHEETS |
| 0001(335)/57180     | R10       | R11          |

| LOCATION  | MONUMENT TYPE           | NORTHING    | EASTING     | MAIN ST STATION | MAIN ST OFFSET | D ST STATION | D ST OFFSET | SHEET NO. |
|---|-------------------------|-------------|-------------|-----------------|----------------|--------------|-------------|-----------|
| CL ROW MAIN ST USS2732                                    | SCL Fd Rbr/AC           | 200895.9457 | 241151.0245 | 30+11.09        | 306.31' RT     |              |             | 3         |
| NE L1/NW COR L3/SW COR L4 BLK 21 USS2732                  | PMC Fd Rbr              | 200805.0134 | 241061.7345 | 29+56.24        | 230.10' RT     |              |             | 3         |
| E COR L1/W COR L3 BLK 21 USS2732                          | PMC Fd Rbr              | 200768.1086 | 241071.123  | 29+38.47        | 248.82' RT     |              |             | 3         |
| ROW/E USS2541   | PMC Fd Rbr              | 200360.2611 | 240450.6208 | 24+05.59        | 182.26' RT     |              |             | 3         |
| COR UA LEASE USS2262                                      | PPM Fd AM[LS 7611]      | 201308.2294 | 240433.9197 |                 |                | 57+91.73     | 141.36' LT  | 3         |
| ROW/USS155/SW COR L4 USS2262                              | PPM Fd AM               | 201152.057  | 239938.2295 | 16+08.63        | 192.15' LT     | 52+97.32     | 18.81' RT   | 4         |
| ROW/NW COR L22C NUNN SUBD                                 | PMC Fd Rbr              | 200972.5798 | 240369.2375 | 20+47.68        | 350.93' LT     |              |             | 5         |
| ROW/E COR L26 BLK 19 USS2732                              | PMC Fd Rbr              | 200989.4487 | 240346.6606 | 20+19.64        | 348.12' LT     |              |             | 5         |
| ROW/N COR L25 BLK 19 USS2732                              | PMC Fd Rbr              | 200979.6326 | 240359.7921 | 20+35.95        | 349.75' LT     |              |             | 5         |
| NE COR L22E/COR L22A BLK 19 USS2732                       | PMC Fd Rbr/AC[*337]     | 200824.2844 | 240403.9142 | 21+73.42        | 265.00' LT     |              |             | 5         |
| ROW/NE COR L3/SE COR L27 BLK 19 USS2732                   | PMC Fd Rbr              | 200869.8711 | 240206.5248 | 19+97.07        | 165.29' LT     |              |             | 5         |
| ROW/COR L4A BLK 19 USS2732                                | PMC Fd Rbr              | 200811.8601 | 240173.6884 | 20+12.04        | 100.33' LT     |              |             | 5         |
| ROW/E COR L3 BLK 19 USS2732                               | PMC Fd Rbr              | 200826.833  | 240156.7241 | 19+89.42        | 99.91' LT      |              |             | 5         |
| ROW/L1 BLK 32 USS2732                                     | PMC Fd Rbr              | 200716.1953 | 240099.9906 | 20+22.31        | 20.00' RT      |              |             | 5         |
| ROW/SW COR L1 BLK 19 USS2732                              | PMC Fd Rbr              | 200873.888  | 239985.807  | 18+31.60        | 19.16' LT      |              |             | 5         |
| ROW/W L6 BLK 19 USS2732                                   | PMC Fd Rbr/AC           | 200660.2024 | 240213.9139 | 21+44.14        | 15.67' LT      |              |             | 5,6       |
| NE COR L10B/NW COR L12A/S L22E BLK 19 USS2732             | PMC Fd Rbr              | 200750.4917 | 240422.7245 | 24+71.50        | 205.09' LT     |              |             | 5,6       |
| CL ALASKA ST ROW USS2732                                  | SCL Fd MagNail          | 201025.6549 | 240322.4416 | 19+77.32        | 358.46' LT     | 56+82.54     | 142.11' RT  | 5,9       |
| ROW/WC C1 ASLS 98-33 D78.06                               | PPM Fd AM[2087-S]       | 200528.4763 | 240773.2386 | 26+94.35        | 132.09' RT     |              |             | 6         |
| RP ROW/SE COR L12C/SW COR L13 BLK 19 USS2732              | PMC Fd Rbr              | 200591.9242 | 240532.4579 | 25+19.45        | 18.32' LT      |              |             | 6         |
| RP ROW/SE COR L11/SW COR L12C BLK 19 USS2732              | PMC Fd Rbr              | 200581.0426 | 240503.5946 | 24+88.61        | 18.12' LT      |              |             | 6         |
| E L9/L10B BLK 19 USS2732                                  | PMC Fd Rbr              | 200553.9116 | 240404.8293 | 23+79.98        | 13.88' LT      |              |             | 6         |
| RP SW COR L11 BLK 19 USS2732                              | PMC Fd Rbr/AC           | 200552.4482 | 240418.0093 | 23+93.96        | 12.07' LT      |              |             | 6         |
| E COR L8/NW COR L9/ SW COR L10B BLK 19 USS2732            | PMC Fd Rbr              | 200598.4891 | 240391.5419 | 23+61.45        | 57.79' LT      |              |             | 6         |
| RP E COR L9/SW COR L10B BLK 19 USS2732                    | PMC Fd Rbr              | 200550.7255 | 240404.6938 | 23+79.86        | 10.69' LT      |              |             | 6         |
| CL ROW MAIN ST USS2732                                    | SCL Fd Rbr/AC           | 200506.8872 | 240358.0992 | 23+40.22        | 37.72' RT      |              |             | 6         |
| ROW/SE COR L7/SW COR L8 BLK 19 USS2732                    | PMC Fd Rbr/AC           | 200580.1219 | 240300.6648 | 22+64.72        | 10.99' LT      |              |             | 6         |
| NW COR L2 BLK 32 USS2732                                  | PMC Fd Rbr/AC[LS 6934]  | 200502.8576 | 240323.5405 | 23+13.22        | 50.28' RT      |              |             | 6         |
| E USS1922/NW COR USS2541                                  | PMC Fd IP               | 200480.0876 | 240319.3999 | 23+15.55        | 73.23' RT      |              |             | 6         |
| SW COR L21/NW COR L14 BLK 19 USS2732                      | PMC Fd Rbr/AC[32555]    | 200695.3446 | 240566.857  | 25+87.57        | 103.40' LT     |              |             | 6,7       |
| SE COR L20/SW COR L19/L16 BLK 19 USS2732                  | PMC Fd Rbr/AC[3255-S]   | 200701.1065 | 240675.9369 | 27+15.23        | 64.87' LT      |              |             | 6,7       |
| ROW/SW COR L20/NW COR L16 BLK 19 USS2732                  | PMC Fd Rbr/AC[3255-S]   | 200698.7762 | 240632.7805 | 26+50.60        | 83.76' LT      |              |             | 6,7       |
| ROW/N COR L12B BLK 19 USS2732                             | PMC Fd Rbr              | 200841.0585 | 240545.4691 | 26+18.03        | 247.49' LT     |              |             | 7         |
| ROW/NE COR L12B/NW COR L21 BLK 19 USS2732                 | PMC Fd Rbr/AC[3255 S]   | 200839.343  | 240556.9628 | 26+28.21        | 241.89' LT     |              |             | 7         |
| CL ROW ALASKA ST USS2732                                  | SCL Fd MagNail          | 200854.8509 | 240551.2481 | 28+02.62        | 256.57' LT     |              |             | 7         |
| ROW/SE COR L6 BLK 19 USS2732                              | PMC Fd Rbr/AC           | 200864.6931 | 240581.4089 | 28+26.75        | 235.97' LT     |              |             | 7         |
| ROW/NE COR L20/NW COR L19 BLK 19 USS2732                  | PMC Fd Rbr/AC[3255 S]   | 200822.4123 | 240660.3146 | 28+31.78        | 146.68' LT     |              |             | 7         |
| ROW/NE COR L17/NW COR L18 BLK 19 USS2732                  | PMC Fd Rbr/AC[2087-S]   | 200803.7744 | 240778.1162 | 28+78.66        | 36.21' LT      |              |             | 7         |
| RP ROW/ NE COR L18 BLK 19 USS2732                         | PMC Fd Rbr/AC[2087-S]   | 200790.4945 | 240805.3148 | 28+80.48        | 5.99' LT       |              |             | 7         |
| ROW/NE COR L1/NW COR L4 BLK 21 USS2732                    | PMC Fd Rbr              | 200834.6545 | 241054.412  | 29+71.46        | 216.89' RT     |              |             | 7         |
| ROW/SE COR L5/SW COR L7 BLK 17 USS2732                    | PPM Fd AM[LS6984]       | 200845.7407 | 241009.6387 | 29+73.33        | 170.88' RT     |              |             | 7         |
| NW C3 ASLS 98-33/L5 BLK 20 USS2732                        | PPM Fd BC[2087-S]       | 200643.808  | 240763.1641 | 27+39.41        | 37.39' RT      |              |             | 7         |
| RP SE COR L17/S COR L18 BLK19 USS2732                     | PMC Fd Rbr/AC[2087-S]   | 200699.079  | 240744.8232 | 27+70.68        | 10.16' LT      |              |             | 7         |
| ROW/SE COR L1/SW COR L5 BLK 17 USS2732                    | PMC Fd Rbr/AC[2087-S]   | 200797.8888 | 240895.7407 | 29+20.42        | 73.14' RT      |              |             | 7         |
| SW COR L3/N COR L2 BLK 17 USS2732                         | PMC Fd Rbr              | 200861.8353 | 240851.2312 | 29+62.76        | 12.25' RT      |              |             | 7         |
| ROW/SE COR L2B WHITE SUBD/SW COR L6 BLK 18 USS2732        | PMC Fd Rbr/AC           | 200913.361  | 240497.0881 | 25+97.71        | 332.08' LT     | 58+58.08     | 252.99' RT  | 7,9       |
| SE COR L1A BLK 6/SW COR L2A BLK 6 DILLINGHAM TOWNSITE     | PMC Fd Rbr              | 201134.7939 | 240942.8058 | 32+16.83        | 88.92' RT      |              |             | 8         |
| ROW/NE COR L1A BLK 6/NW COR L2A BLK 6 DILLINGHAM TOWNSITE | PMC Fd Rbr              | 201176.172  | 240943.064  | 32+51.10        | 99.48' RT      |              |             | 8         |
| ROW/NW COR L4 BLK 17 USS2732                              | PMC Fd Rbr              | 201096.0635 | 240863.4327 | 31+95.58        | 8.46' RT       |              |             | 8         |
| ROW/NW COR L1A BLK 6 DILLINGHAM TOWNSITE                  | PMC Fd Rbr              | 201140.0431 | 240882.5749 | 32+31.54        | 31.79' RT      | 62+35.91     | 21.62' RT   | 8         |
| ROW /N L4 BLK 17 USS2732                                  | PMC Fd Rbr/AC[4111-S]   | 201095.1134 | 240953.2915 | 31+99.42        | 98.24' RT      |              |             | 8         |
| ROW/NW COR L11 BLK 18 USS2732                             | PMC Fd Rbr              | 201117.7596 | 240682.1873 |                 |                | 60+46.35     | 38.42' RT   | 8         |
| CL ROW INT D ST/2ND AVE USS2732                           | SCL Fd Rbr              | 201116.0738 | 240850.025  | 32+16.04        | 5.71' LT       |              |             | 8         |
| COR PRELIMINARY PLAT                                      | PMC Fd Rbr/AC[LS-10406] | 201090.5067 | 240475.3782 |                 |                | 58+34.95     | 76.03' RT   | 9         |
| ROW/E L1 BLK 18/W L4 BLK 18 USS2732                       | PMC Fd Rbr              | 201095.1646 | 240468.4264 |                 |                | 58+27.96     | 71.42' RT   | 9         |
| COR PRELIMINARY PLAT                                      | PMC Fd Rbr/AC[LS-10406] | 201053.3562 | 240432.2816 |                 |                | 57+92.15     | 113.52' RT  | 9         |
| ROW/S COR L1 BLK 18 USS2732                               | PMC Fd Rbr/AC           | 201009.1521 | 240368.8527 |                 |                | 57+29.08     | 158.24' RT  | 9         |
| ROW/SW COR L2A WHITE SUBD                                 | PMC Fd Rbr/AC           | 200999.354  | 240382.0924 |                 |                | 57+42.40     | 167.93' RT  | 9         |
| ROW/NW COR L1 BLK 18 USS2732                              | PMC Fd Nail             | 201134.3145 | 240337.7197 |                 |                | 56+96.94     | 33.33' RT   | 9         |
| ROW/ SE COR L2A/SW COR L2B WHITE SUBD                     | PMC Fd Rbr/AC[LS6934]   | 200960.5385 | 240433.9268 |                 |                | 57+94.54     | 206.32' RT  | 9         |
| ROW/ L30A BLK 19 USS2732                                  | PMC Fd Rbr/AC           | 201034.3379 | 240166.2739 |                 |                | 55+26.30     | 134.69' RT  | 9         |
| ROW/SE COR L31/SW COR L30A BLK 19 USS2732                 | PMC Fd Rbr              | 201035.0254 | 240116.1792 |                 |                | 54+76.21     | 134.40' RT  | 9         |

**MONUMENT NOTES:**

1. THE MONUMENT INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY DOWL-HKM FROM AUGUST 16, 2012 THROUGH SEPTEMBER 7, 2012. THE SURVEY CONTROL DIAGRAM - RECORD OF SURVEY FOR THIS PROJECT WAS RECORDED IN THE BRISTOL BAY RECORDING DISTRICT AS PLAT NO. 2012-19. RECOVERED CORNERS SHOWN IN THE MONUMENTS SUMMARY SHEET ARE FROM THE RECORD OF SURVEY.

## PRELIMINARY 12/17/2013



|   |      |                             |
|---|------|-----------------------------|
| <b>STATE OF ALASKA</b><br>DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES<br>RIGHT OF WAY MAP<br>ALASKA PROJECT<br>0001(335)<br>57180<br>DILLINGHAM: DOWNTOWN STREETS REHABILITATION |      |                             |
| DRAWN   | RNS  | DATE                        |
| CHECKED   | DATE | SCALE                       |
|   |      | AUG. 2013<br>SHEET 10 OF 11 |

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|                     |           |              |
|---------------------|-----------|--------------|
| PROJECT DESIGNATION | SHEET NO. | TOTAL SHEETS |
| 0001(335)/57180     | R11       | R11          |

**REFERENCE PLATS:**

- U.S. SURVEY NO. 155, ACCEPTED MAY 3, 1902.
- U.S. SURVEY NO. 1793, ACCEPTED FEBRUARY 18, 1929.
- U.S. SURVEY NO. 1922, ACCEPTED APRIL 29, 1930.
- U.S. SURVEY NO. 2262, ACCEPTED AUGUST 14, 1942.
- U.S. SURVEY NO. 2430, ACCEPTED AUGUST 14, 1942.
- U.S. SURVEY NO. 2541, ACCEPTED APRIL 20, 1949.
- U.S. SURVEY NO. 2543, ACCEPTED APRIL 20, 1949.
- U.S. SURVEY NO. 2732 A&B, DILLINGHAM TOWNSITE, ACCEPTED MAY 23, 1949.
- ALASKA TIDELANDS SURVEY NO. 101, ACCEPTED MAY 18, 1964, PLAT NO. 64-136
- ALASKA STATE LAND SURVEY NO. 77-119, PLAT NO. 79-4
- OSTERHAUS SUBDIVISION, PLAT NO. 79-9
- OSTERHAUS SUBDIVISION, PLAT NO. 80-4
- ALASKA D.O.H., R.O.W. MAP, PROJECT NO. S-0411(2), PLAT NO. 81-12
- NUNN SUBDIVISION, PLAT NO. 82-9
- BARRETT SUBDIVISION, PLAT NO. 82-10
- CEMETERY EXCHANGE SUBDIVISION, PLAT NO. 82-15
- LOTS 28A, 29A, & 30A, BLOCK 19, DILLINGHAM TOWNSITE, PLAT NO. 84-1
- OSTERHAUS SUBDIVISION, TRACTS A1, A2, & A3; LOTS 1A & 2A BLOCK 6, DILLINGHAM TOWNSITE, PLAT NO. 85-31
- NUNN SUBDIVISION REPLAT, PLAT NO. 85-34
- ALASKA STATE LAND SURVEY NO. 80-102, PLAT NO. 86-2
- LOTS 4A, 10A, & 22E, BLOCK 19, DILLINGHAM TOWNSITE, PLAT NO. 87-3
- ALASKA STATE LAND SURVEY NO. 85-53, PLAT NO. 87-25
- RECORD OF SURVEY, PARCELS 10A & 10B, PLAT NO. 88-6RS
- WHITE SUBDIVISION, PLAT NO. 89-8
- COURTHOUSE SUBDIVISION, PLAT NO. 90-6
- PAUL'S MARKET SUBDIVISION, PLAT NO. 94-2
- ALASKA D.O.T. & PF., R.O.W. MAP, PROJECT NO. STP-0410(1), (UNRECORDED)
- ALASKA STATE LAND SURVEY NO. 98-33, PLAT NO. 2001-2
- U.S. SURVEY NO. 2262, SUPPLEMENTAL REPLAT, FILED JANUARY 12 2010.

**GENERAL NOTES:**

1. THE INFORMATION SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED BY DOWL-HKM FROM AUGUST 16, 2012 THROUGH SEPTEMBER 7, 2012. THE SURVEY CONTROL DIAGRAM - RECORD OF SURVEY FOR THIS PROJECT WAS RECORDED IN THE BRISTOL BAY RECORDING DISTRICT AS PLAT NO. 2012-19. RECOVERED CORNERS SHOWN IN THE MONUMENTS SUMMARY SHEET ARE FROM THE RECORD OF SURVEY
2. ALL TOPO FEATURES SHOWN ON THIS RIGHT-OF-WAY PLANSET WERE ACQUIRED DURING THE ABOVE NOTED FIELD SURVEY PERFORMED BY DOWL-HKM. THIS INCLUDES BUILDING LOCATIONS, FENCES, UTILITY AND OTHER ROAD IMPROVEMENTS, ETC.
3. THESE PLANS MAY BE USED FOR THE ESTABLISHMENT OR RIGHT-OF-WAY LIMITS ONLY. THESE DRAWINGS SHOULD NOT BE USED AS BASIS FOR ESTABLISHING ADJOINING PROPERTY LINES AND CORNERS.
4. WHETHER LISTED OR NOT, ALL MONUMENTS OR PROPERTY MARKERS/CORNERS OR ACCESSORIES WHICH WILL BE DISTURBED OR BURIED SHALL BE REFERENCED AND RE-ESTABLISHED IN THEIR ORIGINAL POSITION (A.S. 19.10.260) AND RECORDED (A.S. 34.65.040).
5. ALL DIMENSIONS AND COORDINATES SHOWN ARE IN U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
6. TITLE REPORTS WERE ONLY PREPARED IN ASSOCIATION WITH ACQUISITION PARCELS FOR THIS RIGHT-OF-WAY MAPPING. ALTHOUGH A CONCERTED EFFORT HAS BEEN MADE TO SHOW PERTINENT TITLE INTEREST IN ADJOINING PROPERTIES. EASEMENTS MAY EXIST THAT ARE NOT SHOWN ON THIS MAP.
7. SUBDIVISION NAMES, PLAT NUMBERS, AND DEPICTIONS OF PROPERTIES ADJACENT TO THE RIGHT-OF-WAY SHOWN HEREON WERE GENERATED AT THE TIME OF INITIAL PLAN DEVELOPMENT. THIS DATA DOES NOT NECESSARILY REFLECT CURRENT STATUS AT TIME OF RECORDING OF THIS DOCUMENT.
8. ALL DOCUMENTS NOTED IN THIS PLANSET AND REFERENCED BY INSTRUMENT NUMBER OR BOOK AND PAGE ARE RECORDED IN THE BRISTOL BAY RECORDING DISTRICT UNLESS OTHERWISE NOTED.

**HORIZONTAL CONTROL STATEMENT**

**COORDINATE SYSTEM:**

THIS PROJECT IS LOCATED ENTIRELY WITHIN THE DILLINGHAM 1 (DILL-1) ADJUSTMENT, A U.S. SURVEY FOOT LOCAL SURFACE GRID COORDINATE SYSTEM DEVELOPED BY THE ALASKA DEPARTMENT OF TRANSPORTATION.

**BASIS OF COORDINATES:**

THE BASIS OF COORDINATES IS USC&GS STATION DILLINGHAM [1947] (551), A STANDARD USC&GS BRASS DISK ON AN IRON PIPE, LOCATED THREE MILES FROM DILLINGHAM ALONG THE WOOD RIVER ROAD. SAID STATION HAS DILL-1 COORDINATES OF 208,962.8238 N, AND 239,478.7397 E.

**BASIS OF BEARINGS:**

THE BASIS OF BEARING IS A LOCAL PLANE BEARING BETWEEN USC&GS STATION DILLINGHAM [1947] (551), AND USC&GS STATION DILLINGHAM AZIMUTH MARK NO. 1 [1947] (552), DILLINGHAM AZIMUTH MARK NO. 1 [1947] (552), A STANDARD USC&GS BRASS DISK ON AN IRON PIPE LOCATED NEAR THE FORK IN MAIN STREET, BEARS S 14°13'38" E, A DISTANCE OF 8,289.40 FEET FROM USC&GS STATION DILLINGHAM [1947] (551). DILLINGHAM AZIMUTH MARK NO. 1 [1947] HAS DILL-1 COORDINATES OF 200,927.6709 N AND 241,516.0086 E.

**TRANSLATION PARAMETERS:**

TO CONVERT THE LOCAL COORDINATES TO NAD83 (92) STATE PLANE ZONE 6 US FEET COORDINATES, TRANSLATE USING +1,640,584.5220 N, +1,312,468.5499, AND SCALE USING 0.9999111843.

**RIGHT-OF-WAY NOTES:**

1. A THOROUGH EFFORT WAS MADE TO LOCATE A RIGHT-OF-WAY EASEMENT OR DEED DOCUMENT GRANTING A RIGHT-OF-WAY CONNECTING WHAT IS NOW CALLED "D" STREET, FROM USS 2262 TO KANAKANAK ROAD, CROSSING USS 155. NO SUCH DOCUMENTS HAVE BEEN RECOVERED TO DATE. FILES AND RECORDS WERE SEARCHED AT DOT, NARA, AND THE RECORDERS OFFICE. RECORDS FROM THE NORTHWEST DIGITAL ARCHIVES, "GUIDE TO THE PACIFIC AMERICAN FISHERIES RECORDS 1875-1994" AND "HUBBELL & WALLER RECORDS, 1908-1976", APPEAR TO POTENTIALLY CONTAIN ADDITIONAL INFORMATION, BUT THOSE RECORDS AND FILES WERE NEVER REQUESTED.

A "PROTEST" WAS RECOVERED WITHIN THE RECORDERS OFFICE HISTORICAL BOOKS UNDER SERIAL NO. 60-188, RECORDED 10/25/1960, BRISTOL BAY RECORDING DISTRICT, INDICATING THE ROAD WAS BEING CONSTRUCTED AND A FORMAL EASEMENT OR CONVEYANCE HAD NOT BEEN GRANTED. IN-HOUSE RECORDS OF DOT MICROFICHE FILES, UNDER "DILLINGHAM HIGH SCHOOL ROAD" INCLUDES THAT SAME "PROTEST" FILED BY ANDREW ANDERSON OF THE PACIFIC AMERICAN FISHERIES. IN THE SAME MICROFICHE FILE, A FORMAL LETTER, DATED 10/25/1960, FROM PAF TO THE STATE DEPT. OF HIGHWAYS, REPORTS THE SITUATION INVOLVING THE NEWLY BULLDOZED ROAD AND THAT PAF WOULD LIKELY CONSIDER COOPERATION FOR THE COMMUNITY, BUT THAT AUTHORIZATION NEED BE OBTAINED PRIOR. ALSO RECOVERED, WAS A DRAFTED, UNSIGNED RIGHT-OF-WAY EASEMENT DOCUMENT FOR STATE PROJECT NO. 365, STATE PARCEL NO. A-1414. TO PACIFIC AMERICAN FISHERIES, FOR THE ROAD IN PROTEST.

SUBSEQUENTLY, THE LEGAL DESCRIPTION USED IN THE EASEMENT DOCUMENT, APPEARS VERBATIM IN TIDELANDS SURVEY NO. 101, PLAT #64-136, FOR DILLINGHAM CANNERY, OWNED BY PACIFIC AMERICAN CORP. (FORMERLY PACIFIC AMERICAN FISHERIES). WITHIN THAT PLAT #64-136, UNDER THE NOTES, READS "...EASEMENT DESCRIPTION BY PACIFIC AMERICAN FISHERIES INC. TO UNITED STATES OF AMERICA AND BUREAU OF PUBLIC ROADS." IT IS UNCLEAR IF THE RIGHT-OF-WAY EASEMENT WAS EVER SIGNED AND GRANTED. FURTHER RESEARCH OF THE RECORDS OF THE NORTHWEST DIGITAL ARCHIVES MAY PROVE OTHERWISE. DUE TO THE INITIAL NATURE OF ROAD CONSTRUCTION AND PROTEST, A PRESCRIPTIVE CLAIM IS NOT BEING ASSERTED BY THE DOT&PF, ALTHOUGH PRIOR MAPPING EFFORTS HAVE SHOWN A 30' ROAD EASEMENT AT THIS LOCATION (SEE NOTE 3 BELOW FOR THOSE MAPPING SOURCES).

2. CASE FILES FOR BLM GRANTS A-053393 & A-053392 WERE EXAMINED AT THE ANCHORAGE BLM FEDERAL BUILDING. THESE FILES CONTAINED PERTINENT CORRESPONDENCE, PARCEL PLATS, AND APPROVED RIGHT-OF-WAY GRANTS ESTABLISHING A 50' RIGHT-OF-WAY ALONG THE ENTIRE SOUTHERLY BOUNDARY OF USS 2262 FOR THE STATE OF ALASKA, DEPARTMENT OF HIGHWAYS PROJECT; DILLINGHAM HIGH SCHOOL ROAD, PROJECT #356. THE CASE FILES FOR GRANTS A-053392 (PARCEL NO. A-1409) AND A-053393 (PARCEL NO. A-1410), BOTH GRANTED 4/10/1961, WERE COMBINED VIA A DECISION MADE 4/15/1976 BY BLM. FILE A-053392 WAS COMBINED INTO A-053393. IT DOES NOT APPEAR THAT A RIGHT-OF-WAY MAP FOR DILLINGHAM HIGH SCHOOL ROAD WAS EVER DRAFTED. SUBSEQUENT RIGHT-OF-WAY MAPPING EFFORTS IN THE LOCAL AREA (SEE NOTE 3 BELOW) INCORRECTLY DEPICTED THE RIGHT-OF-WAY ALONG "D" STREET WITHIN THE BOUNDARIES OF USS 2262.
3. DEPARTMENT OF HIGHWAYS PROJECT S-0411(2), DILLINGHAM TO KANAKANAK, RECORDED PLAT NO. 81-12, INCORRECTLY DEPICTS THE RIGHT-OF-WAY FOR "D" STREET AS BEING 30' FROM KANAKANAK ROAD THROUGH THE BOUNDARIES OF USS 2262.

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES PROJECT STP-0410(1), DILLINGHAM - ALEKNAGIK ROAD REHABILITATION, (UN-RECORDED AS OF 11/25/2013), ALSO INCORRECTLY DEPICTS THE RIGHT-OF-WAY FOR "D" STREET AS BEING 30' FROM KANAKANAK ROAD THROUGH THE BOUNDARIES OF USS 2262. IT APPEARS THAT THE RIGHT-OF-WAY SHOWN MATCHES THE RIGHT-OF-WAY FROM PREVIOUS PROJECT, S-0411(2), DILLINGHAM TO KANAKANAK, IT IS UNKNOWN WHY THE BLM GRANTS A-053392 AND A-053393 WERE OVERLOOKED.

ASLS 77-119 (RECORDED PLAT 79-4 B.B.R.D) DOES NOT DEPICT THE 50' RIGHT-OF-WAY GRANT AT ALL.

PRELIMINARY 12/17/2013



|  |           |          |
|--|-----------|----------|
| DATE   | REVISIONS | BY       |
| <b>STATE OF ALASKA</b><br>DEPARTMENT OF TRANSPORTATION<br>&<br>PUBLIC FACILITIES<br>RIGHT OF WAY MAP<br>ALASKA PROJECT<br><b>0001(335)</b><br>57180<br>DILLINGHAM: DOWNTOWN STREETS REHABILITATION |           |          |
| DRAWN  | RNS       | DATE     |
| CHECKED  | DATE      | SHEET    |
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RESOLUTION 2014-04  
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Supporting Adoption of a Materials Sites Ordinance for Dillingham

WHEREAS, the City of Dillingham has no existing ordinance regarding the development of gravel pits and other material sites; and

WHEREAS, since spring of 2013 the City has conducted meetings to discuss regulation of these sites in response to numerous citizen concerns; and

WHEREAS, the attached Material Sites ordinance was prepared by Agnew::Beck with extensive involvement of stakeholders, Planning Commissioners, Staff and City Council members; and

WHEREAS, the Planning Commission agrees there is a need for these regulations; and

WHEREAS, the Planning Commission approves of the tiered system of permitting; and

WHEREAS, the Planning Commission feels it is important to have an ordinance regulating Material Sites in place by April 1, 2014, to be prepared for new permitting situations;

THEREFORE, the City of Dillingham Planning Commission supports adoption of the attached Materials Sites ordinance in concept, acknowledging that the City Council and Code Committee may still make revisions.

ADOPTED by the Dillingham Planning Commission February 19, 2014.

|                                |  |                      |
|--------------------------------|--|----------------------|
| Julie Baltar, Commission Chair |  | Jody Seitz, Recorder |
|--------------------------------|--|----------------------|

CITY OF DILLINGHAM, ALASKA

**ORDINANCE NO. 2014-XX**

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 18 OF THE DILLINGHAM MUNICIPAL CODE TO REPEAL AND REENACT CHAPTER 18.16 LAND USE PERMITS TO PROVIDE A SYSTEM OF PERMITS AND REVIEWS TO RESPOND TO A VARIETY OF LAND USE ACTIVITIES AND CREATING NEW TITLE 19, MATERIAL SITE REGULATION**

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WHEREAS, the community of Dillingham supports development, of which construction of a project may require the extraction of gravel and aggregate; and

WHEREAS, the City of Dillingham also wishes to protect its environment and citizens from unnecessary negative impacts of such projects; and

WHEREAS, the development of such sites can impact viewsheds and raise issues of noise, dust, potential harm to local wells and anadromous streams; and

WHEREAS, state and federal regulations require certain permits, but do not cover all the issues that the community may wish to see addressed; and

WHEREAS, the City is considered the entity responsible for addressing issues that are not currently covered by existing regulations; and

WHEREAS, the City wishes to provide responsible oversight of Dillingham’s natural and built environments, by creating a system of permits and reviews to respond to the scope and variety of land use activities; and

WHEREAS, the City recommends adoption of necessary changes to the Dillingham Municipal Code to address the development of material sites in Dillingham;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Amendment of Title 18.** Title 18 of the Dillingham Municipal Code is hereby amended by repealing and reenacting Chapter 18.16 to read as follows:

**Chapter 18.16 LAND USE PERMITS**

Sections:

- ~~18.16.010 Land use permit required.~~
- ~~18.16.020 Land use permit application.~~
- ~~18.16.030 Land use permit administration.~~

~~18.16.010 Land use permit required.~~

~~No party shall construct, construct an addition to, substantially improve, change the principal use of, or relocate a structure, or construct a driveway or fence within the city without first securing from the city planning department a land use permit for each parcel. (Ord. 92-21 § 4 (part), 1992.)~~

~~18.16.020 Land use permit application.~~

~~Application for a land use permit shall be filed with the planning department on forms supplied by the department. Each application shall be accompanied by the required fee. (Ord. 92-21 § 4 (part), 1992.)~~

~~18.16.030 Land use permit administration.~~

~~A. Administrator. The planning director is appointed to administer and implement this title by granting or denying land use permit applications in accordance with its provisions.~~

~~B. Alternate to Director. In the event that the planning director is out of town, the position is vacant, or the director is otherwise unavailable for more than one week, the city manager has the option of designating an interim administrator of this title. The interim administrator may include the city manager, another city employee or the planning commission.~~

~~C. Review. Following filing of the application, the planning director shall review the submittal, request any additional information deemed necessary, and determine whether the application complies with the requirements of this code.~~

~~D. Approval. If it is determined that the application complies with the requirements of this code, the planning director shall issue a permit granting administrative approval to proceed, subject to provisions of this code.~~

~~E. Revision of Permit. An applicant may seek approval from the planning director to revise an approved permit, without having to submit a new application, if:~~

- ~~1. The revision meets the definition of "minor amendment" in this title; or~~
- ~~2. The revision is for the purpose of mitigating impact to historic resources according to Chapter 18.32 of this title.~~

~~F. Expiration of Approval. An applicant has two years from the approval date to make substantial progress on the structures and uses that have been approved. If substantial progress has not been made within two years, the approval expires. If the applicant desires the structures and uses to be reapproved, a new permit application must be submitted. (Ord. 92-21 § 4 (part), 1992.)~~

**Sections:**

- 18.16.010    By Right Land Use Activity**
- 18.16.020    General Land Use Permit**
- 18.16.030    Administrative Review**
- 18.16.040    Conditional Use Permit**
- 18.16.050    Temporary Uses**

|                  | BY-RIGHT LAND USE | GENERAL LAND USE PERMIT | ADMINISTRATIVE REVIEW | CONDITIONAL USE     |
|------------------|-------------------|-------------------------|-----------------------|---------------------|
| Permit Required  | No                | Yes                     | Yes                   | Yes                 |
| Review Timeframe | Immediate         | Up to 30 days           | Up to 45 days         | Up to 45 days       |
| Review Authority | None required     | Planning Director       | Planning Director     | Planning Commission |

|  |   |   |   |  |
|--|---|---|---|--|
| Appeal Authority                       | Not applicable  | Board of Adjustment*  | Board of Adjustment   | Board of Adjustment  |
| Review Authority May Apply Conditions? | No  | No  | Yes   | Yes  |
| Examples of uses                       | <ul style="list-style-type: none"> <li>• Smoke houses</li> <li>• Satellite dish</li> <li>• Steam</li> <li>• Minor home remodel</li> </ul> | <ul style="list-style-type: none"> <li>• Single-family home</li> <li>• Add-on</li> <li>• Garage</li> <li>• Office building</li> <li>• Driveway</li> </ul> | <ul style="list-style-type: none"> <li>• Material sites</li> <li>• Option for other uses in the future</li> </ul> | <ul style="list-style-type: none"> <li>• Larger scale material sites</li> <li>• Option for other uses in the future</li> </ul> |

**18.16.010 By Right Land Use Activity.**

- A. Purpose. Those land uses with the least significant impact on the natural or built environments shall be considered by-right activities. By-right land uses are deemed appropriate due to their minimal size and low impact on surrounding neighborhoods and/or properties. Acknowledging certain uses as by-right serves to expedite the process of constructing or establishing such use.
- B. Authority. By-right land uses require no application or formal review from City of Dillingham staff, or by an elected or appointed body. It is the responsibility of the owner of the by-right land use to ensure compliance with the requirements of the underlying land use district. Failure to comply with such requirements shall provide ground for enforcement and/or fines.
- C. Authorized By-Right Land Uses. By-right uses are those structures or uses that are non-habitable and clearly ancillary or secondary to the parcel’s principal use, such as a small smoke house, a minor house remodel such as addition of an arctic entry or a “steam”. A by-right use shall not exceed one hundred and fifty (150) square feet in size or twelve (12) feet in height.
- D. Process. If a person or entity wishes to construct or establish a by-right land use, they may do so without supplying any material to the City of Dillingham. No formal review procedure is necessary.

**18.16.020 General Land Use Permit**

- A. Purpose. General Land Use Permits are required for all development or activities not considered by-right land uses. The purpose of the permit is to ensure that the standards of the underlying land use district are satisfied. These standards include, but are not limited to: setbacks, maximum building height, building size, density, open space, and the intended use.
- B. Authority. The Planning Director shall review all General Land Use Permits.

- C. Authorized Uses for General Land Use Permit. All land uses, other than those allowed as by-right land uses, or those required to follow the administrative or conditional permit use process shall require a General Land Use Permit.
- D. Standards Applicable to General Land Use Permits. Only those standards explicitly stated in Chapter 18.20, Land Use Districts, shall be applicable for a General Land Use Permit. The Planning Director may not impose additional conditions during this review.
- E. Process. A General Land Use Permit shall be processed in accordance with the following:
  - a. A voluntary pre-application conference may be held with the Planning Director;
  - b. The Planning Department shall furnish the General Land Use Permit form that outlines the necessary material and specific format for the permit application;
  - c. Upon receiving a complete General Land Use Permit form, the Planning Director shall conduct a review to determine the project's compliance with the land use district; and
  - d. The Planning Director shall approve or deny the application no more than thirty (30) days after it has been submitted.

*Note: the existing General Land Use Permit form needs to be modified to include a reference to the requirement to comply with new standards for material extraction as outlined in Section 19.XX*

### **18.16.030 Administrative Review**

- A. Purpose. An Administrative Review is for those land uses which are generally compatible with the other permitted uses in a land use district, but which require individual review of their location, design, operation characteristics, intensity and density to ensure the appropriateness of the land use in the land use district.
- B. Authority. The Planning Director, in accordance with the procedures, standards and limitations of this Title, shall approve, approve with conditions or deny a land use application requiring an Administrative Review.
- C. Uses Requiring Administrative Review. Chapter 18.20, *Land Use Districts*, shall define those uses which require an Administrative Review. A land use subject to an Administrative Review does not constitute an authorization of such land use or act as an assurance that such land use will be approved administratively; rather, each proposed use shall be evaluated by the Planning Director for compliance with the standards and conditions set forth in this Chapter.
- D. Standards Applicable to Administrative Review. When considering a development application for Administrative Review, the Planning Director shall consider whether all of the following standards are met, as applicable.
  - 1. The use is consistent with the intent of the land use district in which it is proposed to be located and complies with all other applicable requirements of this Title;

2. The use is compatible with the mix of development in the immediate vicinity of the parcel in terms of scale of development, safety, and type of use, as well as with any applicable adopted regulatory comprehensive, neighborhood, or master plan;
  3. The location, size, design and operating characteristics of the proposed use minimize adverse off-site effects, including drainage or other water quality impacts, visual impacts, impacts on pedestrian and vehicular circulation, parking, trash, service delivery, noise, vibrations and odor on surrounding properties;
  4. There are adequate public facilities and services to serve the use including but not limited to roads, water, sewage, solid waste, parks, police, fire protection, emergency medical services, hospital and medical services, drainage systems and schools; and
  5. The Planning Director may impose such conditions on an administratively-reviewed use that are necessary to maintain the integrity of the City's land use districts and to ensure the use complies with this Chapter and this Title; is compatible with surrounding land uses; and is served by adequate public facilities. This includes, but is not limited to, imposing conditions on size, bulk, location, open space, landscaping, buffering, lighting, stormwater management, signage, off-street parking and other similar features, the construction of public facilities to serve the use and limitations on the operating characteristics, hours of operation and duration of the use.
- E. Process. An application for Administrative Review shall be processed in accordance with the following:
- a. A voluntary pre-application conference may be held with the Planning Director;
  - b. Upon receiving a complete Administrative Review application, the Planning Director shall conduct a review and prepare a determination; and
  - c. The Planning Director's shall approve, approve with conditions, or deny the application no more than forty-five (45) days after receiving a complete application.
- F. Application. At a minimum, all Administrative Review applications shall include the following information and materials:
1. A completed City of Dillingham General Land Use Permit form;
  2. A disclosure of ownership of the parcel proposed for development, consisting of a current certificate from a title insurance company or attorney licensed to practice in the state, listing the names of all owners of the property and all mortgages, judgments, liens, easements, contracts and agreements affecting the parcel and demonstrating the owner's right to apply for the development application;
  3. An 8½" x 11" vicinity map locating the subject parcel within the City of Dillingham;
  4. A site plan depicting the proposed layout and the project's physical relationship to the land and its surroundings;
  5. A site improvement survey certified by a registered land surveyor, licensed in the state, showing the current status of the parcel including the any easements or

rights of way. This requirement or any part thereof may be waived by the Planning Director if the project is determined not to warrant a survey document;

6. A written description of the proposal and a written explanation of how the proposed development complies with the review standards relevant to the development application;
7. A sketch plan of the site showing existing and proposed features relevant to the review of the application, including:
  - a) Location, dimension and use of all structures;
  - b) Location and dimensions of all existing and proposed roads, driveways, parking areas, patios, decks, walkways, and other impervious area(s); and
  - c) Distances of existing and proposed structures from all property lines, rights-of-way, and easements;
8. A written description of the operational characteristics of the proposed use;
9. Any additional materials required for the specified land use type.

G. Amendment to Approved Administrative Review

1. Insubstantial amendment. An insubstantial amendment to an approved administratively-reviewed use may be authorized by the Planning Director. An insubstantial amendment shall be limited to changes in the operation of a conditional use which meet all of the following standards:
  - a) The change will not cause negative impacts on pedestrian and vehicular traffic circulation, parking or noise;
  - b) The change will not affect the character of the neighborhood in which the use is located;
  - c) The change will not substantially alter the external visual appearance of the building or its site.
2. Other amendments. Any amendment that changes an approved use to the extent that it no longer meets the criteria for Administrative Review shall be reviewed by the Planning Commission per Chapter 18.16.040, Conditional Use.

**18.16.040 Conditional Use**

- A. Purpose. Conditional uses are those land uses whose general compatibility with other permitted uses in a land use district requires a careful review. The need for this review is due to factors including location, design, operation characteristics, intensity and density of the conditional use that might exceed the normal expectations of the underlying land use district. The purpose for a conditional use is similar to that of Administrative Review in Chapter 18.16.030; however, conditional uses relate to projects that warrant a review before a public forum and the Planning and Zoning Commission due to their potential for community-wide impacts.
- B. Authority. A conditional use is called such because it is approved upon the condition of a public hearing and review before the Planning & Zoning Commission. Therefore, the Planning & Zoning Commission, in accordance with the procedures, standards and limitations of this Chapter, shall by resolution approve, approve with conditions or deny

a land use application for a conditional use, after receiving recommendation from the Planning Director.

- C. Authorized Conditional Uses. Only those uses which are authorized as a conditional use for each land use district in Chapter 18.20, Land Use Districts, may be considered for conditional use review. The designation of a land use as a conditional use in a land use district does not constitute an authorization of such land use or act as an assurance that such land use will be approved as a conditional use; rather, each proposed conditional use shall be evaluated by the Planning Commission for compliance with the standards and conditions set forth in this Chapter.
- D. Standards Applicable to Conditional Uses. When considering a development application for a conditional use, the Planning Commission shall consider standards (A) through (D) found in Section 18.16.030, Standards Applicable for Administrative Review, as applicable.
- E. Process
  - 1. General. An application for review of a conditional use shall be processed in following manner:
    - a. A voluntary pre-application conference may be held with the Planning Director;
    - b. Upon receiving a complete conditional use application, the Planning Director shall conduct a review and prepare a recommendation for the Planning Commission; and
    - c. A public hearing before the Planning Commission shall be conducted no later than forty-five (45) days after receiving a complete application.
  - 2. Steps required. A public hearing before the Planning Commission. Following the public hearing, the Planning Commission shall by resolution (with appropriate findings of fact) approve, approve with conditions or deny the application.
  - 3. Notice requirements: (*Need to finalize*)
- F. Application. An application for conditional use shall include the same material required for Administrative Review, found in Section 18.16.030.
- G. Amendment to Approved Conditional Use – same as specified under the administrative review process, Section 18.16.030 G.

### **18.16.050 Temporary Uses**

*Present simple policy for discussion at P&Z meeting.*

**Section 2. Addition of Title 19.** The Dillingham Municipal Code is hereby amended by adoption of a new title, Title 19, to read as follows:

**Title 19: Material Site Regulation**

**Chapter 19.04 PURPOSE AND INTENT AND PROCEDURES**

**Sections:**

- 19.01.010 Purpose and Intent
- 19.01.020 Definitions
- 19.01.030 Applicability - Scope
- 19.01.040 Nonconforming Uses
- 19.01.050 Types of Material Site Permits and Review Authority
- 19.01.060 Appeals
- 19.01.070 Fees

**Chapter 19.08 PERMIT APPLICATION REQUIREMENTS**

**Sections:**

- 19.08.010 Submittal Process
- 19.08.020 Mining Plan
- 19.08.030 Reclamation Plan

**Chapter 19.12 PERFORMANCE STANDARDS**

**Sections:**

- 19.12.010 Water Table Monitoring
- 19.12.020 Performance Standards
- 19.12.030 Compliance with Federal & State Standards

**Chapter 19.16 ENFORCEMENT**

**Sections:**

- 19.16.010 Inspections
- 19.16.020 Penalties and Fines
- 19.16.030 Stop-Work Orders
- 19.16.040 Renewals

**Chapter 19.04**

**PURPOSE AND INTENT & PROCEDURES**

**Sections:**

- 19.04.010 Purpose & Intent
- 19.04.020 Definitions
- 19.04.030 Applicability - Scope
- 19.04.040 Nonconforming Uses
- 19.04.050 Types of Material Site Permits and Review Authority
- 19.04.060 Appeals
- 19.04.070 Application Review Fees

#### **19.04.010 Purpose & Intent**

- A. The City of Dillingham acknowledges the value of below ground natural resources. Extraction of such materials provides an important economic activity and supplies valuable materials for construction and redevelopment projects.

The City is committed to protecting the citizen population from potentially harmful impacts of material mining. This Title provides material site land use regulations to allow extraction of material resources in a manner that is compatible with the maintenance of community health, safety and welfare and natural resource integrity. These purposes are accomplished by:

- 1) Promoting the goals and objectives of the City of Dillingham Comprehensive Plan;
- 2) Promoting the orderly and beneficial development of such areas by the owner/permittee in a manner that will not devalue the extraction site or neighboring properties for future beneficial uses upon completion of resource extraction;
- 3) Promoting diversified land use and economic opportunity;
- 4) Encouraging the most appropriate uses of land;
- 5) Protecting and enhancing quality of life, health, and safety within the City of Dillingham.

#### **19.04.020 Definitions**

- A. Accessory structure: A detached structure or building which is subordinate and incidental to that of the main building, structure, or use on the same lot.
- B. Berm: A small hill or raised section of earth, at least six (6) feet in height, with the purpose of providing visual or noise screening and/or protection to adjacent property.
- C. Buffer zone: A variably-sized area maintained around the perimeter of an excavation site or property boundary. A buffer zone provides a neutral area that lessens the impacts of potential mining impacts including noise, water runoff and dust.
- D. Dewatering: The process of removing or draining groundwater or surface water from a riverbed, water body or extraction site by pumping or evaporation.
- E. Exploration: Any excavation to determine the location of below ground natural resources, subsurface or slope integrity, and/or the depth of the water table.
- F. Extraction site: Those areas on a material site where resources are being extracted, or have been extracted, from subterranean soils.
- G. High Water table: The surface level of the water-saturated part of the ground, and frequently the uppermost portion of an aquifer at a given vertical reference, during the seasonal high water period.
- H. Material site: The area, delineated by a parcel boundary, where a material extraction operation is occurring. The extraction of the following materials is considered relevant within this Title: sand, gravel, rock, peat moss, clay, soil, sphagnum, pumice, cinders, clay or other minerals which are extracted by screening, washing, crushing, grinding, milling or other similar processes. Material sites also include those areas where material extraction has stopped or completed but remains in an un-reclaimed state.

- I. Operator: The individual or company responsible for extraction operations on a material site.
- J. Water body: Any significant accumulation of water, including lakes, ponds, wetlands, creeks, rivers, streams, and canals.

#### **19.04.030 Applicability – Scope**

- A. This Title applies to all private and public lands in the City of Dillingham.
- B. This Title shall not apply when material extraction is not intended for sale or barter, or where the area where gravel is to be extracted is less than one acre, or where the annual extraction of materials is five hundred (500) cubic yards or less, including exploration.
- C. Extraction that exceeds the standards stated in “B” above requires an Administrative Review Permit or Conditional Use Permit. See 19.40.050, *Types of Material Site Permits and Review Authority*, for requirements determining which permit is required.
- D. Material extraction following below the thresholds in “B” shall comply with General Land Use Permit requirements found in Chapter 18.16.020 Land Use Permits, and the additional standards below:
  - 1) Hours of operation – operation is not permitted between the hours specified in 9.38.035 (*note: this is currently set at 11:00 PM to 7:00 AM*)
  - 2) Buffers required – policies established in Section 19.12.020.B.2, *Buffers*, shall apply to all material sites regardless of their location and volumetric extraction amount, with the exception that on parcels of 3 acres or less, the acceptable buffer width may be reduced to 25’.
- E. Exploration (*add simple policy permitting exploration with minimal disruption of vegetation, water ways, neighboring uses*)

#### **19.04.040 Nonconforming Uses**

- A. All operating material sites with operation and reclamation permits approved by the State of Alaska and with approved General Land Use Permits issues by the City of Dillingham at the time of adoption of this ordinance (*insert date*), shall be deemed legal nonconforming uses. This nonconforming status enables operators to continue the extraction of material without the requirement of acquiring a material site permit as specified in this section. Compliance with provisions found in Chapter 18.44 of this Code, *Nonconforming (Grandfathered) Uses and Lots*, and the following standards are required:
  - 1) All active material sites, or those with the intent, shall register their operation with the City of Dillingham. This registration shall provide a record for the operation’s scope, including the type of mining operation to occur, and a copy of the approved State permits;
  - 2) All operations must comply with Section 19.08.030, *Reclamation Plan*
  - 3) Operations that expand the magnitude and/or the potential impacts of the operation, as specified below, are required to submit and receive approval for

continued operation under the administrative or conditional use permit specified in this section. The permit process shall occur and conclude prior to the operation completing the expansion:

- a. Any nonconforming material site whose growth or expansion causes the operation to cross one permit level to another, as defined in Section 19.40.050, Types of Permits and Review Authority
  - b. All operations extracting material within the high water table, shall comply with Section 19.12.010, Water Table Monitoring; and
  - c. Expansion by more than 5 acres of the cumulative area affected by the operation, or expansion by more than 10% in the annual volume of material extracted, as compared to the area of operation and volume of material extracted during the summer season in the year prior to the adoption of this code.
  - d. Expansion.
- 4) *As specified in 18.44.030* - if the use ceases for any reason for a period of more than one year, the use is considered abandoned and any subsequent use of the land shall conform to the policies of the land use district in which it is located.
- 5) After 10 years of operation from the date of approval of this ordinance the operation would be required to conform to the requirements specified under this code.
- B. It is the operator's responsibility to report any changes at a material site that would require compliance with the standards in Section 19.04.040.A above. Failure to report such changes may result in fees and/or the revocation of the nonconforming status.

#### **19.40.050 Types of Material Site Permits and Review Authority**

- A. Reflecting the variation in scope of material site sizes and methods of extraction, this code establishes a system with two permit types and review procedures. This approach responds ensures general public involvement with applications carrying greater potential for adverse community impacts. The types of permits available for a material sites are:
- 1) Administrative Review Permit (ARP) – a permit approved, approved with conditions, or denied by the Planning Director. An ARP shall proceed in accordance with procedures outlined in Section 18.16.030, *Administrative Review*.
    - a. To qualify for an ARP, the following criteria must be met:
      - i. the cumulative continuous area of activity is less than five (5) acres in size;
      - ii. extraction activities subject to this permit shall not exceed twelve (12) months. A one-time extension may be granted, upon request from the applicant, for a period no longer than twelve (12) months. and
      - iii. the material site property lines is within five hundred feet of four (4) or fewer residential structures, as measured from exterior of the parcel boundaries.

2) Conditional Use Permit (CUP) – a permit approved, approved with conditions, or denied by the Planning Commission. The CUP process shall proceed in accordance with procedures outlined in Section 18.16.040, *Conditional Use*.

a. The following criteria qualify an application for a material site CUP:

- i. a cumulative continuous area of activity is equal to or greater than five (5) acres in size;
- ii. any material site operation with extraction occurring below the average annual high water table;
- iii. a material site with five (5) or more residential parcels located within five hundred (500) feet of its parcel boundaries; or
- iv. a material site that includes or immediately adjoins anadromous streams.

B. Conditions: During an ARP or CUP process, the review authority may set conditions of approval, upon the area in which the material site is located, in regard to the following:

- 1) Setbacks may be increased as appropriate for increased compatibility with surrounding property;
- 2) Visual screening, buffering, noise mitigation, lighting restriction and ingress/egress restrictions as appropriate for increased compatibility with surrounding property, and in accordance with the goals in Section 19.12.020, *Performance Standards*;
- 3) Road maintenance, including dust mitigation, may be required of the material site operator; and
- 4) The location of batch plants.

C. Where the City of Dillingham finds that extraordinary and unnecessary hardships may result from strict compliance with this Title, or where there are special circumstances of a particular application, it may waive any provision of this Title provided that such waiver will not have the effect of nullifying the Purpose and Intent.

#### **19.04.060 Appeals**

Any appeal of a material site permit determination shall be subject to the policies and procedures outlined in Chapter 18.52, *Appeals*, of this Code.

#### **19.04.070 Application Review Fees**

The applicant of a material site permit shall be responsible for all associated review fees, based upon the following schedule:

- A. Administrative Review Permit: \$100
- B. Conditional Use Permit: \$200

## Chapter 19.08

### PERMIT APPLICATION REQUIREMENTS

#### Sections:

- 19.08.010 Submittal Process
- 19.08.020 Mining Plan
- 19.08.030 Reclamation Plan

#### **19.08.010 Submittal Process**

- A. Prior to submitting an application for a material site permit, applicants may request a pre-application conference with the Dillingham Planning Department. For both the ARP and CUP required under this Chapter, the following shall be submitted to the department:
  - 1) A completed General Land Use Permit application form provided by the department;
  - 2) A mining plan in accordance with 19.08.020;
  - 3) A reclamation plan acknowledging future compliance with standards as outlined in Section 19.08.030, *Reclamation Plan*; and
  - 4) A fee in the amount designated in Section 19.04.080
- B. The Planning Director may reject any application which is incomplete or fails to meet the requirements of this Title. The rejection shall be in writing and shall state the deficient items. Once the deficiencies have been corrected, the complete application will be processed, within the times specified below.
- C. If the minimum criteria for an ARP can be met, the Planning Director shall render a decision within forty-five (45) days of acceptance of the application.
- D. If the proposed development exceeds the minimum criteria for an ARP, surrounding property owners will be notified and a public hearing before the Planning Commission for a CUP shall be conducted within forty-five (45) calendar days of the acceptance of a complete application. The applicant may waive the forty-five (45)-day limit.
- E. The Planning Commission shall hear any interested parties and shall render a decision on the application for a CUP within thirty (30) calendar days from the date of public hearing, unless the applicant agrees to a time extension. In the granting of a CUP, the Planning Commission shall state in writing the conditions of approval of the permit.

*(check on compliance with State standards)*

#### **19.08.020 Mining Plan**

- A. All applicants seeking a material site permit must submit a mining plan. The mining plan shall describe the existing conditions of the site, and the operator's plan for material extraction and site management. At a minimum, the mining plan shall include the following:
  - 1) The information required as part of a General Land Use Permit.

- 2) An Existing Conditions Map showing:
  - a. parcel boundaries with dimensions;
  - b. location, dimensions, and purpose of rights-of way and easements within the property;
  - c. general location and dimensions, and use of all existing structures;
  - d. location and dimensions of all existing roads, driveways, parking areas, patios, decks, walkways, and other impervious area(s);
  - e. location of all utilities, including but not limited to septic tanks and drainfields, water, power, and telecommunications;
  - f. location of any streams, lakes or other surface water bodies, as defined; identify which if any of the streams are anadromous water bodies;
  - g. other significant distinguishing land features such as slopes greater than 20% within or adjacent to the parcel;
  - h. vicinity map showing the land uses on adjacent parcels.
- 3) An Operations and Extraction Plan showing:
  - a. location and boundaries of extraction site(s);
  - b. location of proposed utilities;
  - c. location, dimension, and use of all proposed structures;
  - d. storm water management;
  - e. distance of proposed structures from all property lines, from rights-of-way, easements, and other structures;
  - f. mining activity phasing plan, showing the sequence of extraction and the relationship to required reclamation; and
  - g. site ingress/egress, including haul roads within the site, and planned path of trucks delivering materials to off site locations.
- 4) A Performance Standards Compliance Map depicting compliance with those standards in Section 19.12.020, *Performance Standards*:
- 5) Reclamation Plan – addressing issues outlined in section 19.08.030 following.
- 6) All maps required above shall be submitted with a north arrow, maintain a consistent orientation, and use a similar scale with one (1) inch equaling an even number of feet not more than 200 feet. If a one (1) inch = 200 foot scale cannot represent the entire property, multiple maps must be provided.
- 7) When practical and beneficial to the simplicity and efficiency of the application, the requirements outlined in parts 19.08.020.A.1 - 3 above may be combined onto a single plan and/or map.

### 19.08.030 Reclamation Plan

- A. For all extraction operations permitted under this Title, or for those material sites with a legal nonconforming status, reclamation of each phase of operation shall start as soon as that phase of extraction is over. The reclamation process will be completed in accordance with this section within four (4) years of an extraction phase becoming complete.
- B. Reclamation is not required for those portions of mining phases that overlie subsequent phases.
- C. The following actions must be conducted to satisfy the requirements of the reclamation plan:
  - 1) Junk vehicles, junk vehicle parts, and trash shall be removed;
  - 2) Slopes shall be graded to attain a maximum fifty (50) percent slope or the natural stabilized angle of repose of the existing earth material:
    - a. Site soils more susceptible to erosion or liquefaction require a slope adequate to ensure stabilization;
    - b. Slopes shall be graded to blend with the surrounding undisturbed topography.
- D. Surface water quality shall be protected by implementing applicable best management practices described in the current publication of the State of Alaska Department of Environment Conservation's User Manual Best Management Practices for Gravel Pits.
- E. All disturbed areas shall be covered with a minimum compaction depth of four (4) inches of organic material or soil stripped and stockpiled during initial development activities.
- F. Surface areas shall be revegetated to protect against erosion.
  - 1) A vegetative cover shall be established and maintained over all disturbed areas on the material extraction site in conformance with the current Alaska State Department of Natural Resources, Division of Agriculture, Revegetation Manual for Alaska. A copy of this manual may be reviewed at the Planning Department.
  - 2) Reseeding of reclaimed areas shall utilize certified seed suitable for Alaska conditions that is free of noxious weeds or undesirable plant species identified in 11 AAC 34.020, Prohibited and Restricted Noxious Weeds.
  - ~~3) Sixty (60) percent live plant cover of the entire restored area shall be achieved by the end of the fourth year after the phase is completed.~~
- G. Areas covered by buildings, paved driveways, paved roads, and paved parking lots and areas where future utility easements and septic systems will exist are exempt from the reclamation standards outlined in subsections (E) through (F) of this section.
- H. Standards for reclamation below the high water table upon completion of materials extraction are as follows:

- 1) The first twenty (20) feet of slope below the water table shall not exceed ten percent to create a benthic zone.
  - 2) The remaining slope within the water table shall not exceed the stabilized angle of repose.
- I. The owner/operator of the pit shall record a restoration agreement with the State Recorder that runs with the land, to assure the City that the sale of the property to any other owner/operator for any reason will cause the new owner/operator to comply with the terms of the restoration agreement within the time constraints on the agreement.

## **Chapter 19.12**

### **STANDARDS**

#### Sections:

- 19.12.010 Water Table Monitoring Plan
- 19.12.020 Performance Standards
- 19.12.030 Compliance with Federal & State Policies

#### **19.12.010 Water Table Monitoring Plan**

- A. Extraction of material below the high water table requires a permit under this Title except:
- 1) Material extraction in navigable water performed under the authority of the state or federal governments.
- B. Compliance with these standards shall be paid for by the applicant, and required monitoring and testing procedures shall be coordinated with City of Dillingham staff, to ensure these actions comply with required standards.
- C. Prior to application for a material site permit with extraction occurring in the high water table, the following requirements shall be met:
- 1) Installation of a minimum of three water monitoring tubes or well casing as recommended by a qualified professional, to adequately determine groundwater flow direction, hydraulic gradient, water table and seasonal high water table elevation, and monitor groundwater quality upgradient and downgradient of the proposed activity on the property.
  - 2) Collection of a sufficient number of representative groundwater samples, as recommended by a qualified professional, to determine baseline water quality.
    - a. Baseline representative groundwater samples shall be collected biannually (either mid-summer and fall or fall and late winter) from monitoring wells, and be analyzed for any chemicals that present a risk to groundwater quality by appropriate methods approved by the state;

- b. Representative groundwater samples shall be collected under supervision of a qualified professional using sampling methods and analytical methods as defined by a state-certified laboratory. Sampling methods shall include documentation to assure acquisition of representative samples.
  - 3) Determination of seasonal high water table elevation, groundwater flow direction, hydraulic gradient, and water table elevation for the site shall be measured under supervision of a qualified professional.
  - 4) A written report shall be completed by a qualified professional that makes a determination about the potential adverse effects to groundwater and surface water quality for surrounding water users and adjacent properties. The report shall be submitted with the CUP application and shall:
    - a. Identify existing public water system sources (e.g., wells, springs, surface water intakes), as identified by the City or the State, that are located within 1000 feet ~~one-half mile~~ of the boundary of the property on which the activity will take place;
    - b. Identify actual or presumed private drinking water wells located within 1000 feet ~~one-half mile~~ of the boundary of the property on which the activity will take place and include a copy of the available well logs. The qualified professional shall inspect ADNR well log records available for these wells;
    - c. Contain maps at appropriate scales presenting the results of the well search, and setbacks and/or buffers required by Section 19.12.010.D.7 of this Chapter;
    - d. Include the water table elevation monitoring data, groundwater sampling analytical results, monitoring well logs and records of any test pits, and a discussion of the high water table determination;
    - e. Evaluate subsurface hydrologic conditions and identify potential adverse effects that may occur as a result of material extraction. The evaluation of the hydrologic conditions shall include identifying confining layers; and
    - f. The report and all data relied upon in creation of the report shall be provided to the City and shall be available to the public for inspection and review by members of the public.
- D. In addition to the application requirements for a material site CUP, the requirements for water table extraction shall include:
  - 1) A description of the proposed extent and depth of material extraction beneath the high water table.
  - 2) A monitoring plan, and a spill prevention, control, and countermeasures plan;
  - 3) A certificate of general liability insurance with limits not less than \$1,000,000 per occurrence/\$1,000,000 aggregate for operations involving less than 40 acres and \$2,000,000 per occurrence/\$2,000,000 aggregate for operations involving 40 acres

or larger. Insurance shall insure liability for bodily injury and property damage and be written on the Insurance Services Office form number CG0001 12 07 or a form as broad as CG0001 12 07. The certificate of insurance shall include thirty (30) days' notice of cancellation to the City. The City shall be named on the applicant's general liability policy as an additional insured and the applicant shall waive their rights of subrogation against the City. Such insurance shall remain in full force and effect in the specified amounts for the duration of the permit period. Insurance coverage must include liability for providing comparable alternate sources of drinking water to all impacted parties served by any private or public water system adversely affected as a result of the activity;

- 4) A certificate of pollution liability insurance with limits of \$1,000,000 per occurrence/\$1,000,000 aggregate including third party bodily injury and property damage and cleanup costs. If the responsible party's pollution liability (environmental) insurance is written on a claims-made form, the responsible party shall provide insurance for a period of three years after expiration or termination of the permit. The policy(ies) shall evidence a retroactive date, no later than the effective date of the CUP.

E. If approved, the operating standards for extraction within the high water table are as follows:

- 1) Groundwater flow direction, hydraulic gradient, and groundwater table elevation for the subject parcel shall be measured at least monthly during active extraction. Monitoring wells must be maintained or replaced as needed with equivalent monitoring wells.
- 2) Implement the spill prevention, control and countermeasures plan in accordance with Environmental Protection Agency's requirements for above ground storage tank operations regardless of the quantity of petroleum products on site;
  - a. In the event of a reportable release of regulated contaminants, notification shall include the Planning Director and shall occur concurrently with the state and federal agencies, if applicable.
- 3) Collect groundwater samples biannually prior to seasonal excavation startup and within two weeks of seasonal shutdown from the down-gradient and cross-gradient monitoring wells. Sample collection shall be conducted in accordance with sampling methods defined by a state certified laboratory.
  - a. Representative groundwater samples shall be analyzed, at a minimum, for benzene, toluene, ethylbenzene, xylenes, and total dissolved solids, by methods approved by a certified laboratory as well as any analyte identified in the water quality monitoring data with a concentration within fifteen (15) percent of the applicable water quality standards established by state regulation. Groundwater sample analysis shall include testing for analytes that may

- indicate water quality changes including, but not limited to, pH, conductivity, nitrates, sulfates, sodium, calcium, magnesium, bicarbonate, and potassium.
- b. Analytical sampling results and water elevation monitoring data shall be retained for two years following completion of reclamation activities and shall be provided to the Planning Director upon request.
    - i. If the monitoring data indicates that a maximum contaminant level set under 18 AAC 80 has been exceeded, or if the water level measurements indicate a shift, beyond natural variability, in the elevation of the water table, the owner or responsible party shall report that result to the Planning Department within 48 hours of notification.
  - 4) A qualified professional shall annually submit a report to the department that includes a table of monitoring results:
    - a. Water quality sample analytical results in a table that includes the appropriate maximum contaminant levels established under 18 AAC 80; and
    - b. Water table elevation monitoring data.
  - 5) Operations shall not breach or extract material from a confined aquifer or a confining layer beneath a perched aquifer currently used as a drinking water source.
    - a. If evidence suggests a confined aquifer or confining layer has been breached, or if groundwater or surface water elevation changes rapidly or beyond natural variation, the Planning Director shall be notified within twenty-four (24) hours.
  - 6) Proof of insurance as required by subsection (C)(4) of this section to mitigate impacts arising from the extraction activity shall be maintained until completion and acceptance of reclamation activities.
  - 7) Operations shall maintain the permitted buffers and setbacks except where operations encompass contiguous parcels and extraction within the high water table is proposed across adjoining lot lines;

#### **19.12.020 Performance Standards**

- A. Applicants of material site permits shall show compliance with performance standards. The purpose of these standards is to:
  - 1) Minimize the impacts of off-site dust movement;
  - 2) Minimize disturbances to other properties created by noise;
  - 3) Minimize the visual impact;
  - 4) Protect the integrity of water bodies and drainage ways; and
  - 5) Ensure that post-mining land uses are able to utilize land.
- B. Compliance with the following performance standards shall be described within the material site mining plan:

1) Setbacks:

- a. At a minimum, setbacks for a material site shall comply with the standards in the applicable land use district as outlined in Chapter 18.20, *Land Use Districts*. Further:
  - i. Any area within one hundred (100) horizontal feet of a water body, in existence prior to permit issuance, shall remain undisturbed by material site activities;

2) Buffers:

- a. Where a material site parcel boundary abuts a neighboring property or public right-of-way, a buffer shall be provided to minimize the visibility the operation from public view, and to do so in a manner which is consistent with the pre-existing visual character of the landscape. The review authority shall determine which of the following form(s) of buffer is acceptable:
  - i. A minimum of fifty (50) feet of undisturbed natural vegetation, measured perpendicularly from the parcel boundary.
  - ii. A planted, earthen berm at least six (6) feet high with a slope of 2:1 or greater;
  - iii. An opaque fence at least six (6) feet high.
- b. For sites in largely undeveloped areas, and where natural vegetation meets the standard specified above, retention and/or recreation of natural vegetation is the preferred approach to meeting the above standard.
- c. At its discretion, the review authority may waive buffer requirements where the topography of the property or the placement of natural barriers makes screening not feasible or unnecessary. Buffer requirements shall be made in consideration of and in accordance with existing uses of adjacent property at the time of approval of the permit. There is no requirement to buffer the material site from uses which commence after the approval of the permit.

3) Site Boundaries: All property boundaries must be identified in the field by markings such as metal posts, stakes, flagging, or blazed trees.

4) Hours of Operation: Extraction operations shall not be permitted between the hours of 11:00 p.m. and 7:00 a.m. The review authority may place alternative operational hours as deemed appropriate for the operation's context, including expanding the allowed hours of operations where this exception has tight time frame that meets a clear community purpose.

5) Dust Mitigation: Water or magnesium chloride shall be applied to haul roads located within the material site. The review authority may also require additional dust mitigation measures including, but not limited to wheel washers and/or track outs at site entrance points, or active revegetation programs. Vehicles transporting sand and gravel will be maintained and operated to not spill gravel, sand or dust onto public roads.

Dust mitigation shall be designed to be effective year round, including periods when the operation is not active.

- 6) Lighting Standards: Exterior light sources shall be shielded and directed towards the ground so as to not create glare on adjoining properties and to help maintain dark nighttime skies.
- 7) Surface Water Quality and Drainage – Storm water or pit dewatering shall be managed to avoid accelerated erosion or runoff burden on neighboring properties and/or water bodies. Options for water diversion include but are not limited to diversion ditches, trench drains, and culverts. Treatment options for water include but are not limited to settling ponds, retention basins, and constructed wetlands.
- 8) Hazardous fuels: (*reference DEC standards?*)
  - a. No petroleum products or other waste shall be dumped on the site, access roads or elsewhere.
  - b. Fuel storage containers larger than fifty (50) gallons shall be contained in impermeable berms and basins capable of retaining one hundred and ten (110) percent of the storage capacity;
  - c. Fuel storage containers fifty (50) gallons or smaller shall not be placed directly on the ground, but shall be stored on a stable impermeable surface;
  - d. Locate above ground storage tanks farthest from the path of groundwater flow to private and public water systems and farthest from state-approved drinking water source capture areas, and outside the setbacks for all drinking water sources;
- 9) Site ingress and egress: Internal haul roads and access points to the exterior roadway system shall be the minimum necessary for material site operations. The operator shall locate access points and haul roads away from adjacent residential property to the greatest extent possible.
- 10) Pit Floor: Pit floor is to remain clean of all non-gravel products.
- 11) Rock crushing equipment: Rock crushing equipment shall be located, to the greatest extent possible, away from property boundaries.
- 12) Garbage Disposal: All garbage is to be disposed of at a city-approved location. No garbage is to be buried.
- 13) Cuts and Fills: All mined slopes are to maintain 2:1 back slope and be benched at overburden/gravel joint area.
- 14) Site security and safety: Any areas of a material site that pose a hazard to the general public shall be enclosed by perimeter fencing at least six (6) feet in height. Access to the material extraction area shall be strictly controlled by the owner with locking gates or cables and the entrance of access roads.

The project manager shall make reasonable efforts to prevent trespass, nuisance, or unauthorized use such as public dumping, target practice, unauthorized use of gravel by individuals.

- 15) Cultural Archeological Resources – In the event that historically or culturally significant artifacts are unearthed during material extraction, all extraction must stop until an analysis of findings can be conducted by a qualified professional.

### **19.12.030 Compliance with Federal & State Policies**

It is the operator's responsibility to have all necessary permits for conducting material site activities. **The City does not require proof of federal and/or state permits during the review of an ARP or CUP, and shall not be held accountable for conditions contained in such.**

## **Chapter 19.16**

### **ENFORCEMENT**

Sections:

- 19.16.010 Inspections
- 19.16.020 Fines
- 19.16.030 Stop-Work Orders
- 19.16.040 Renewals

#### **19.16.010 Inspections**

The City shall inspect permitted material sites no less than once per calendar year. An operator shall acknowledge this standard by allowing the City to access the site in an unrestricted manner.

#### **19.16.020 Penalties and Fines**

Any activity on an approved material site that is not compliant with the standards of this Title shall be subject to the fines and procedures outlined in Chapter 1.20, *Violations and Penalties*.

#### **19.16.030 Stop-Work Orders**

- A. The following serve as grounds for issuance of a stop-work order by the City:
  - 1) A material site that is found to be continuously non-compliant with the standards of this Title;
  - 2) A material site whose operation has a created a significant risk to sensitive environmental qualities of the site, including slopes, water bodies, and other identified important environmental areas; and
  - 3) A material site whose operation has a created a significant risk to the general public's safety, health, and welfare.
- B. The stop-work order shall be upheld until the condition warranting it has been remedied or corrected to the City's satisfaction.

**19.16.040 Renewals**

After the period of approval has lapsed, including any granted extensions, the operator must reapply for a material site permit renewal. The process for this renewal shall be subject to all applicable sections of this Title. (need to set a time limit on CUPs).

**Section 3. Classification.** This is a code ordinance.

**Section 4. Effective Date.** This ordinance shall be made effective upon passage.

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

\_\_\_\_\_.

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

[SEAL]

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

RESOLUTION 2014-05  
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Transfer of USS 98-33 to N&N Market

WHEREAS, the City of Dillingham currently owns USS 98-33, a small square of land currently used as a parking area by the N&N market customers; and

WHEREAS, this property has a covenant on it requiring it be used for a public purpose; and

WHEREAS, the property has been identified as one of those which the City could transfer to N&N Market in the public interest as part of the Land Trade to consolidate the Port property; and

WHEREAS, City correspondence indicates the City has had plans to do this since

WHEREAS, the Alaska Department of Natural Resources has informed the City that in order to transfer the ownership to a private party, a clause must be removed from the deed which would automatically transfer the property back to the state if it were sold or transferred to a private party;

WHEREAS, the Alaska Department of Natural Resources (ADNR) has requested a letter from the city requesting the reverter clause be removed from the deed;

THEREFORE, the City of Dillingham Planning Commission respectfully requests the City send the ADNR a letter asking that the reverter clause be removed from the deed for USS 98-33 and the City be allowed to transfer the property to the N&N Market as part of the Port Land Trade.

ADOPTED by the Dillingham Planning Commission February 19, 2014.

|                                |  |                      |
|--------------------------------|--|----------------------|
| Julie Baltar, Commission Chair |  | 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, consisting of several loops and a long horizontal stroke at the bottom.

# 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

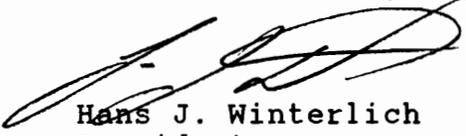
N&N Market is asking \$35,000 for property A. It is also requesting that if and when the City acquires Property B that N&N have the first right to purchase at the same rate the City payed for Property A.

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,

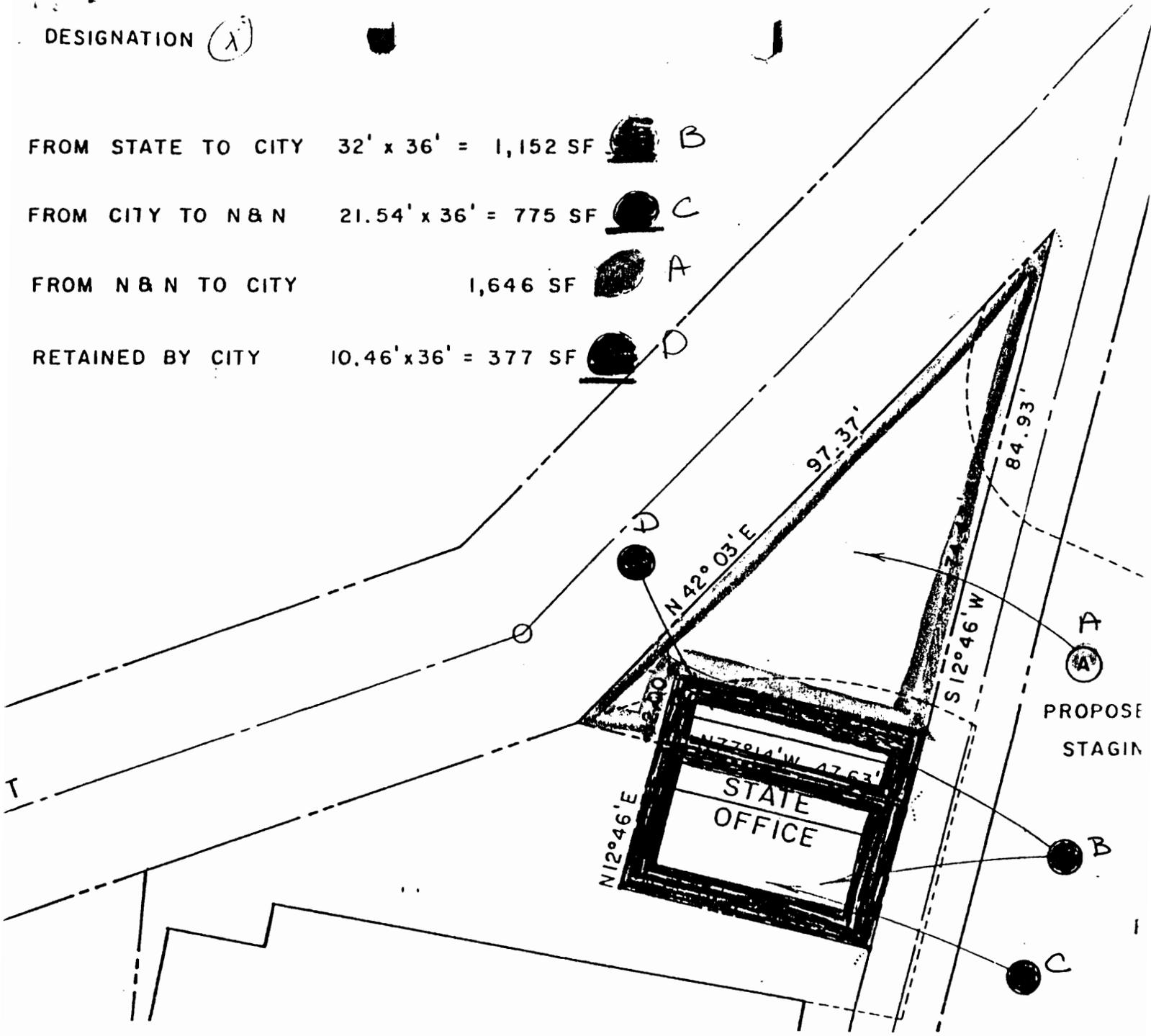
OMNI ENTERPRISES, INC.



Hans J. Winterlich  
President

DESIGNATION (X)

- 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



**Jody Seitz**

*Resolution 2013-22*

**From:** Busch, Edward J (DNR)  
**Sent:** Tuesday, December 17, 2013 2:07 PM  
**To:** Jody Seitz  
**Cc:** Orange-Posma, Amy S (DNR); Schoniger, Cindy K (DNR); Quirk, Leanne J (DNR)  
**Subject:** RE: release of patent for ASLS 98-33

Jody:

The City cannot dispose of the subject parcel to a private entity until the reverter provision is removed from the QCD the state issued to the City. Although a parking lot may be used by the public it is not considered a public use if owned by a private entity. Customers of the private property owner use the parking lot, not the general public. I cannot comment on how the City wishes to proceed in this matter, but I would advise waiting until I at least have a firmer idea as to how the state must proceed with this and what the likely timeframe may be.

Ed

---

**From:** Jody Seitz [<mailto:planner@dillinghamak.us>]  
**Sent:** Tuesday, December 17, 2013 1:22 PM  
**To:** Busch, Edward J (DNR)  
**Cc:** Orange-Posma, Amy S (DNR); Schoniger, Cindy K (DNR); Quirk, Leanne J (DNR)  
**Subject:** RE: release of patent for ASLS 98-33

Okay – thanks Ed. I do understand. That is sometimes how things proceed here as well. So. Just so you know. The City is trading this parcel for land that will allow a right of way to exist into the Port of Dillingham that can be better controlled and made secure, per Homeland Security requirements.

The trade has been a long intended action to complete the land needs for the right of way. It also cleans up some of the current usage situation. N&N market uses the land in question for parking – which is compliant with a public use I believe.

So – the Planning Commission will take up a resolution recommending this parcel be disposed of in the above manner, as a higher public use. But, the City Council doesn't meet until January.

The disposal of city land is by ordinance which requires 2 public hearings.

If you think we should hold off on the recommendation to the City Council, please let me know. Otherwise, the Planning Commission can recommend, and then the City Council action could be delayed by a meeting or two.

Jody

---

**From:** Busch, Edward J (DNR) [<mailto:edward.busch@alaska.gov>]  
**Sent:** Tuesday, December 17, 2013 12:05 PM  
**To:** Jody Seitz  
**Cc:** Orange-Posma, Amy S (DNR); Schoniger, Cindy K (DNR); Quirk, Leanne J (DNR)  
**Subject:** RE: release of patent for ASLS 98-33

Hi Jody:

So far I have been able to determine that the state must issue a Release of QCD Restrictions removing the reverter language in the QCD the state originally issued to the City of Dillingham in order for the City to transfer the parcel to a

private party. As Amy pointed out in her email to you this particular situation does not occur very often. There is still some research I need to do in order to determine the process we must follow. So at this time I cannot give you a definite answer as to how we must proceed.

I may have to pull a related case file from archives to review and I will need to have some discussions with other people here who will be involved in this process. Following my research I will be back in touch. For your information I am presently working on a very high priority project and most likely will not have an answer for you for a week or 2.

If you have any questions or want to discuss this further you can call me at (907) 269-8469 or reach me at this email address.

Ed Busch  
Non-Competitive Land Sales Manager

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**From:** Jody Seitz [<mailto:planner@dillinghamak.us>]  
**Sent:** Tuesday, December 17, 2013 10:04 AM  
**To:** Busch, Edward J (DNR)  
**Cc:** Rose Loera  
**Subject:** release of patent for ASLS 98-33

Good morning Edward:

I'm following up on instructions from Amy Orange about getting the patent released for this state survey. The plat is located in the parking lot in front of the N&N Market. The City would like to trade this parcel for a triangle of land in front of the City's driveway which leads to the City's parking lot by City Hall.

Could you please let me know the process for this, and fees, and send me an application?

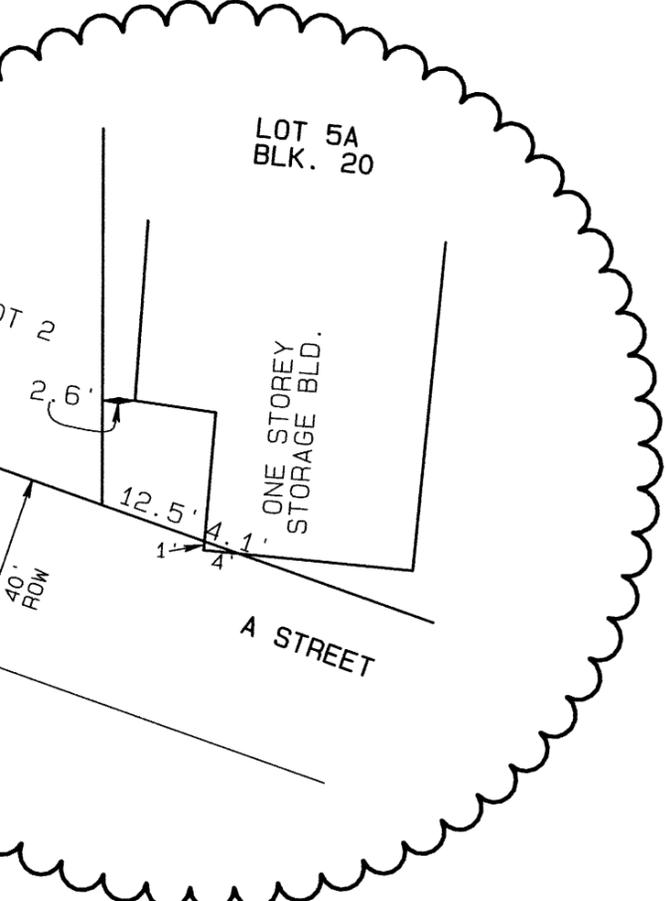
Thanks much,

Jody

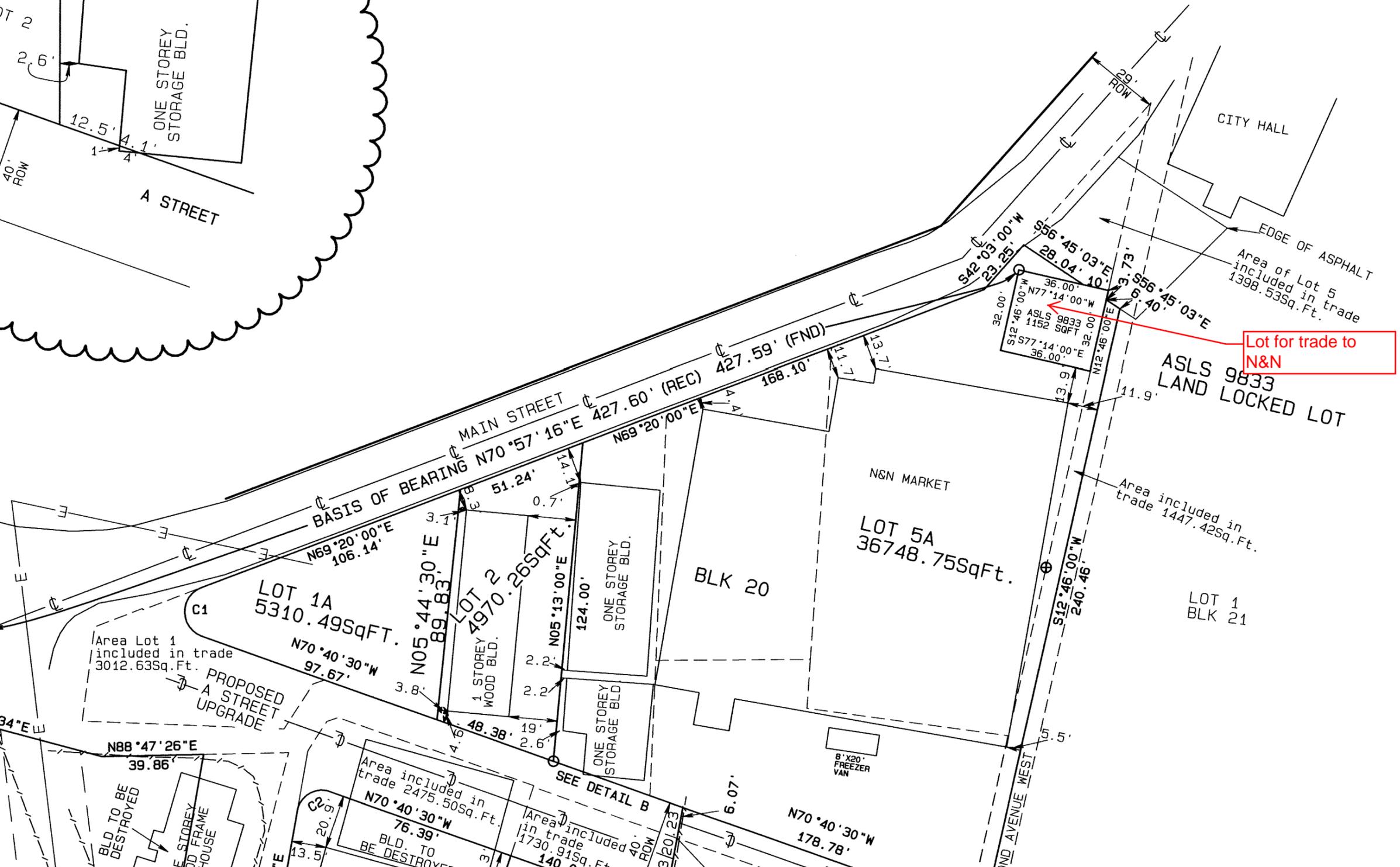
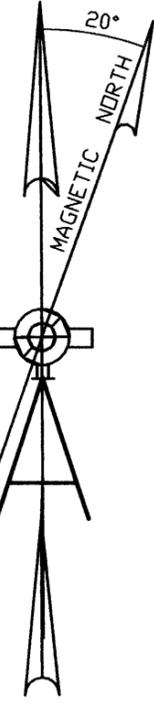
CURVE TABLE

| CURVE # | RADIUS | DELTA      | CHORD LENGTH | CHORD BEARING | CURVE LENGTH |
|---------|--------|------------|--------------|---------------|--------------|
| C1      | 10'    | 139°56'08" | 18.79'       | N19°19'30"E   | 24.42'       |
| C2      | 10.1'  | 80°51'34"  | 13.1'        | N59°40'30"E   | 14.25'       |

DETAIL B  
CROACHMENT OMNI'S  
STORAGE BLD.



S



Lot for trade to  
N&N

RESOLUTION 2014-06  
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Property Sale for Lyle Smith property (Edra Garage)

WHEREAS, a historical property known locally as the Edra Garage encroaches on Lot 1A Block 22 USS 2732; and

WHEREAS, the Owner of Lot 3 wishes to purchase a portion of Lot 1A to be able to maintain the garage in its original location; and

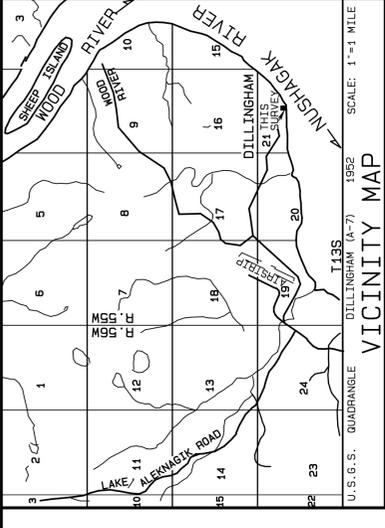
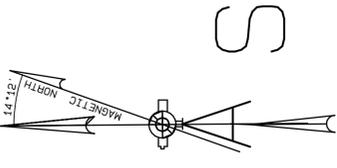
WHEREAS, there do not appear to be any graves within the area in question; and

WHEREAS, in order for any interest in City property to be transferred to another party, it must be approved by the Dillingham City Council under Title 5 of the Dillingham Municipal Code;

THEREFORE, the Planning Commission recommends the question of the disposal of this property be taken up by the Dillingham City Council prior to considering the preliminary plat.

ADOPTED by the Dillingham Planning Commission February 19, 2014.

|                                |  |                      |
|--------------------------------|--|----------------------|
| Julie Baltar, Commission Chair |  | Jody Seitz, Recorder |
|--------------------------------|--|----------------------|



U.S.S.S. GUNDRANGLE DILLINGHAM (A-7) 1952 SCALE: 1"=1 MILE  
VICINITY MAP

- LEGEND:**
- 2" ALUMINUM CAP ON 5/8" REBAR 30" LONG SET THIS SURVEY
  - 2" IRON PIPE RECOVERED THIS SURVEY
  - ⊙ 2" ALUMINUM CAP RECOVERED THIS SURVEY
  - 2" ALUMINUM CAP RECOVERED THIS SURVEY
  - 5/8" REBAR RECOVERED THIS SURVEY
  - RECORD DATA (U.S. SURVEY 9033 LOT 8)
  - FILED SEPTEMBER 22, 1988 (RECORD OF SURVEY 94-759S)
  - (REC1) RECORD DATA (RECORD OF SURVEY 94-759S)
  - (MEAS) MEASURED
  - (C) CALCULATED

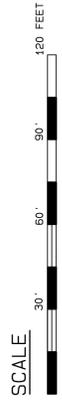
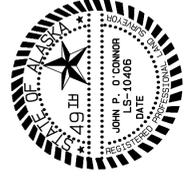
**NOTES:**

1. THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY LANDS OF THIS SURVEY WITHIN BLOCK 29 ARE SUBJECT TO AN EROSION CONTROL EASEMENT FROM MEAN-HIGH WATER TO ELEVATION 20' AS STATED IN BOOK 50 PAGE 95 OF THE BRISTOL BAY RECORDING DISTRICT.

**SURVEYOR'S CERTIFICATE:**

JOHN P. O'CONNOR PROFESSIONAL SURVEYOR DO HEREBY CERTIFY THAT I AM FULLY LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS ACTUALLY EXISTING CONDITIONS AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

JOHN P. O'CONNOR LS 10406 DATE \_\_\_\_\_



PROPOSED RESUBDIVISION OF  
LOT 1A AND LOT 3 BLK 22  
U.S.S. 2732

PREPARED BY: BRISTOL BAY RECORDING DISTRICT

SOUTHWEST ALASKA SURVEYING  
KATILIA, ALASKA 99564  
PHONE 907-373-1607

|                   |                |               |
|-------------------|----------------|---------------|
| DRAWN BY: J. O.   | DATE: 1-7-2014 | REVISION NO.: |
| CHECKED BY: C. O. | SCALE: 1"=30'  | SHADING NO.:  |



DETAIL A

PROPOSED LOT  
676 SQ. FT.

LOT 1A  
BLK 22

FOUND A 1" STEEL  
PIPE 572 1/2" 28" W  
0.48' OF CALCULATED  
CORNER POSITION

NBB \*11.00° E  
126.70' (REC)

FOUND A 4" STEEL  
DISC S47°17'43" W 0.52'  
OF CALCULATED CORNER  
POSITION.

S79°31'00" E  
48.47' (REC)

N25°39'00" E  
61.18' (REC)