

Planning Commissioners
Vacant, Seat A
Paul Liedberg, Seat B
Gregg Marxmiller, Seat C



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

**DILLINGHAM PLANNING COMMISSION
REGULAR MEETING**

**June 18, 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 April 16, 2014**
- IV. APPROVAL OF AGENDA**
- V. COMMUNICATIONS**
 - A. Communications to the Planning Commission
 - B. Planner's Report
 - C. Citizen's comments on items not on the agenda
- VI. PUBLIC HEARINGS**
 - A. Approving 2014 Update of Six Year CIP
- VII. UNFINISHED BUSINESS**
 - A. Title 17 Minimum Acreage Draft Ordinance Language DISCUSS
 - B. Title 15 Floodplain Management Draft Ordinance DISCUSS
 - C. Subdivision Replat Draft Ordinance Language (placeholder)
- VIII. NEW BUSINESS**
 - A. Resolution 2014-11 Approving 2014 update of Six Year CIP ACTION
- IX. CITIZEN COMMENTS**
- X. COMMISSIONER COMMENTS**
- XI. ADJOURNMENT**

I. CALL TO ORDER

The regular meeting of the Dillingham Planning Commission was called to order by Presiding Officer Paul Liedberg at 5:34 p.m.

II. ROLL CALL (quorum is 4)

Members present:

Paul Liedberg, Seat B
Gregg Marxmiller, Seat C, teleconference
William Corbett, Seat D
Andy Anderson, Seat E

Public:

none

Members Absent

Julie Baltar, Seat F, excused

Guests: None present

Staff in Attendance:

Jody Seitz, City Planner, Recorder

III. APPROVAL OF THE MINUTES OF April 16, 2014

MOTION: William Corbett moved and Andy Anderson seconded the motion to approve the minutes of April 16, 2014.

Discussion: There were no corrections or additions to the minutes.

VOTE: The motion passed unanimously to approve the minutes.

IV. APPROVAL OF THE AGENDA

MOTION: Andy Anderson moved and William Corbett seconded the motion to approve the agenda.

Discussion: Planner Seitz asked to amend the agenda as follows:

- Strike Public Hearing for containment dike in V zone of Floodplain
- Strike New Business Item B Resolution 2014-09 regarding the containment dike
- Strike New Business Item C Resolution 2014-11 CIP, because there was no Public Hearing put on this agenda for the CIP

Andy Anderson moved to amend the agenda and William Corbett seconded the motion.

VOTE: The amended agenda passed unanimously.

VI. COMMUNICATIONS

A. Communications to the Planning Commission.

- Planner Seitz mentioned that the airport runway shift is being delayed due to large cracks in the runway which have developed and need repairing as soon as possible. The ADOT is trying to get the FAA to pay for the repairs.
- Two commissioners mentioned that they have received comments about developing a minimum acreage for the City.

B. Planner's Report

- Planner reviewed her report for the commission.
- Planner mentioned the Floodplain application from Delta Western which has had design changes and now no longer requires a Variance for approval.
- Planner commented on new address maps which will be formally approved and issued June 16.
- Requested a copy of the map be brought to next meeting.
- Planner mentioned the ASLS 2005-51 will have ordinances go to the Council to approve the easements on the plat on June 5. Then the easements can be officially recorded and the final plat finalized.
- Mentioned that the maintenance of the road probably began as a desire to help the bus pick up children down the road, by the predecessor of the current ADOT manager.
- Requested more information about the elevation of the containment dike.

C. Citizen's comments on items not on the agenda. No citizens commented.

VII. PUBLIC HEARINGS

Struck from agenda: Public Hearing for containment dike in V zone of floodplain.

VIII. UNFINISHED BUSINESS

A. Minimum Acreage Draft Ordinance Language – no work this month. Keeping this placeholder.

- Requested work on this as two commissioners have received citizen concerns this month.

B. Subdivision Replats Draft Ordinance Language –no work this month.

IX. NEW BUSINESS

A. Struck Resolution 2014-09 "Approving containment dike in V Zone" from agenda.

B. Resolution 2014-10 Encroachment permit for utilities to courthouse

- Planner Seitz outlined the application to put utilities on Emperor Way South and Tract D to serve the proposed new Courthouse being constructed by Choggiung Limited.

MOTION: William Corbett moved to approve and Andy Anderson seconded the motion to approve Resolution 2014-10.

Discussion:

- Planner Seitz reviewed the issue complicating the utility installation – the configuration of streets and platted rights-of-way.
- Mentioned that a site for the septic system had probably not been located yet because the soils in Tract D do not perk well. They have high clay content and the water table fluctuates considerably. He knew through previous work in that area.

VOTE: Commissioners voted unanimously to approve Resolution 2014-10.

C. Resolution 2014-11 Approving 2014 update of the Six Year CIP.

Discussion: The CIP cannot be acted on at this meeting, but it can be discussed.

- Planner Seitz briefed commissioners on the CIP.
- Commissioner expressed wish to keep hockey rink on the CIP due to all the public interest expressed over the years, but put it at priority 2, not priority 1, put it in abeyance until its known what will happen with that site.
- Commented that the hockey rink location shouldn't prevent locating the DPS/Fire building there, that it could be easily relocated.
- Discussed location of the new Fire/DPS building.
- Two Commissioners expressed opposition to the construction of the building in the floodplain.
- Wondered why there was so much focus on putting the building in the downtown area, that there is little space for such a building in the downtown area.
- Concern that the public would be not be able to weigh on the location for the new DPS/FIRE building before the decision has been made.
- Commented that cost should drive the decision, cost to build, operate, and
- Discussed that metal buildings might provide some options for constructing separate facilities.
- Advised that commissioners could share their concerns with their elected leaders.

X. CITIZEN'S COMMENTS:

No citizens here to comment.

XI. COMMISSIONER COMMENTS:

William Corbett- curious what Right of Way means. Planner explained that dedicated right of way belongs to the public, which the City holds in trust for the public. An easement is a bundle of rights given to an entity or group for a purpose. Landowner continues to own the property and gives some rights.

Andy Anderson – no comments.

Gregg Marxmiller – probably won't make next meeting due to fishing, but is interested in participating in the CIP process and helping improve it.

Paul Liedberg - suggested Marxmiller could give his input on this year's CIP through the Chair or through the staff; and can participate in improving the process for next year.

XI. ADJOURNMENT

Meeting Adjourned 6:47 p.m.

Presiding Officer

ATTEST:

Jody Seitz, Recorder

Mayor
Alice Ruby

Manager
Rose Loera



Dillingham Planning Commission

Vacant, Seat A
Paul Liedberg, Seat B
Gregg Marxmiller, Seat C
William Corbett, Seat D
Andy Anderson, Seat E
Julie Baltar, Seat F, Chair
Vacant, Seat G

MEMORANDUM

Date: June 12, 2014
To: Planning Commission
From: Jody Seitz, City Planner
Subject: June 2014 Report

Floodplain Management: The City Attorney has returned the floodplain ordinance with requested changes. It is in this packet for review. I attended the Association of State Floodplain Manager's national conference in Seattle June 1-6 and learned about the latest approaches to floodplain management, new erosion control techniques, Biggert-Waters and the National Floodplain Insurance Affordability Act, and reviewed Floodplain Management. It was a very productive, informative, conference. The cost was covered by a grant from the State of Alaska.

GIS: Michael Knapp came by while in Dillingham and updated the database with the latest data from Gary and updated the GIS software to 10.2.1.

Permitting: Several requests have come in for information about subdividing and at least one new land use permit, but no applications at the moment.

Projects:

- The City has put out a bid for the aeration system on the wastewater treatment lagoon. This is the second major phase of work on the lagoon.

Ordinances:

- Title 12 Encroachments: City Attorney is rewriting code
- Title 15 Floodplain Management: The draft revision is in this packet.
- Title 17 Subdivisions (placeholders)
 - Cul-de-sacs.
 - Access to adjacent parcels
 - Minimum Acreage: Suggested options are in this packet.
 - Replats: no progress this month.
- Title 18 Land Use:
 - The Chapter 18 "Central Business District" is not the same as the "Business District" in Chapter 11.21.010. Recommend changing the title of Chapter 11 "Business District" to

*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.*

“ATV use in the Downtown Area,” instead of the “Business District” as represented on the map in Chapter 11.

Safe Routes to School: This grant was given to the Dillingham City Schools, which did not do anything with it. The City has closed out the grant. Spoke with the state administrator of this grant. Sent him the final powerpoint review and report (again). He agreed to close the grant out.

*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.*

Minimum Acreage: The Issue

- Based on advice from several entities, including ADEC and ADNR; City's Tax Assessor, and the experience of various municipalities, the City is encouraged to adopt a minimum acreage
- Most municipalities appear to have a minimum acreage, usually 40,000 sf for single family home with both well and septic on site; 20,000 sf for lots with either one provided by city or community system. See attached spreadsheet.
- Reports of septic not being pumped adequately, failing at tundra edge north of the old airport downtown; Mission, Nina Nicholson, Nerka, and Napaq subdivisions have properties that are small and/or do not perk well.
- Groundwater can be contaminated, Thoefferle – Aniak – had to resort to bottled water
- Pets can spread contamination on their paws
- People may subdivide and build with adequately sized septic and separation from well, but then build more homes on their lots
- Problem of relocating the septic without impacting neighbors
- Problem of overloading septic
- No simple way to prevent overbuilding the lot in the land use permit

History:

Under Alaska Administrative Code Title 18 AAC.72 the ADEC used to review subdivision plats for compliance with their water/wastewater regulations. The ADEC required a minimum acreage of 40,000 for lots with on-site water and septic systems, to ensure adequate separation. 20,000 sq. ft. was the amount required for a site that had sewer service from a centralized source such as the City.

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

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

This leaves the Planning Commission in the position of being unable to cite a particular regulation requiring a minimum acreage. This could lead to the proliferation of parcels which are undevelopable, but which people may still try to develop and other issues such as impact to neighboring parcels, wells, etc. as mentioned above.

The Dillingham Planning Commission studied this in 2009. The Commission passed 2009-02. The Code Committee gave it back to the commission questioning what would happen to existing substandard lots. The Planning Commission passed 2013-23. What follows is current Dillingham code.

Dillingham Municipal Code Title 17.19

17.19.140 Lots. A. Generally. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated.

F. Large Lots. Where lots are created of a size larger than normal for the area, the Planning Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into sizes normal for the area.

RESOLUTION 2013-23
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Dillingham City adopt a minimum acreage ordinance for subdivision lots

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

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

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

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

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

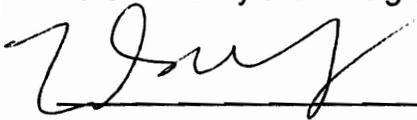
WHEREAS, the lack of such an ordinance means the Planning Commission and Staff have no tools to assure that there is room on subdivision lots for adequate separation of wells and septics; and

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

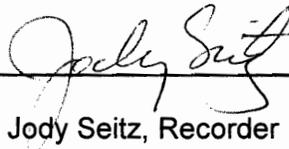
WHEREAS, the City of Dillingham Planning Commission resolved March 24, 2009, that the City adopt a minimum acreage for subdivision lots; and

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

ADOPTED by the Dillingham Planning Commission December 17, 2013.



Bill Rodawalt, Presiding Officer



Jody Seitz, Recorder

CITY OF DILLINGHAM, ALASKA

PLANNING COMMISSION RESOLUTION NO. 2009-02

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

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

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

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

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

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

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

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

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

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

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

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

Suggested language:

DMC 17.19.140 B. 3

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

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

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

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



Terry Hoeffele, Chairman



Acting Commission Clerk

Minimum Acreage WORKSHEET

Commissioners: Please review the Minimum Acreage Issues paper, the Codes spreadsheet, and the codes I have included in your packet and any additional codes you feel are relevant. I have included the 1990 ADEC regulations for your further enjoyment ☺. Then please review this worksheet and respond to the questions within. Thank-you!

From PCR 2009-02:

Minimum lot size for residential or commercial use

- a. 40,000 square feet *per dwelling unit* for developments with both on-site well and septic
- b. 20,000 square feet *per dwelling unit* for developments with either community water or sewage disposal systems.

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

ADEC Page 15 – spells out ADEC’s basic requirement that subdivisions should have a minimum lot size of 40,000 square feet, and for those with smaller lot sizes, the subdivider should present mathematical calculations showing that nitrate nitrogen concentrations in groundwater at the property line of each lot will not exceed 5 mg/l.

Does the Planning Commission wish to have the minimum lot size be “Per dwelling unit?”

Consider the comparison of codes in the spreadsheet attached.

Some Additional Considerations:

1. Minimum acreage for subdivision lots which will have both community water and wastewater systems.

MatSU Boro (and others) has a minimum acreage of 7200 sf for lots where both water and sewer are provided by a community system.

Does the Planning Commission wish to require a minimum lot size where both water and sewer are provided by an ADEC approved community water and wastewater system?

2. Require at least 20,000 square feet of usable ground.

Mat-su Borough Code and ADEC 1990 regulations require at least 20,000 square feet of usable ground and a ground slope of less than 25 percent. This requires test holes done under the direct supervision of a state registered engineer.

ADEC Page 17 – requires lots with septic (on lot soil absorption systems) have sufficient area on each lot that is usable for a soil absorption system, AND that the lot density in the subdivision is low enough to prevent accumulation of wastewater system pollutants in the groundwater affected by the subdivision.

ADEC Page 17 – subdividers have to demonstrate for each lot that there is at least 20,000 square feet of contiguous area suitable for use for an initial and replacement wastewater disposal system, sidewalks, driveways, and an average single-family residence with associated appurtenances, but excluding dedicated road rights of way and utility easements if the utility could interfere with a soil absorption system; to be considered usable wastewater disposal area.

Does Planning Commission wish to stipulate “20,000 square feet of usable ground” everywhere? Or only in some areas?

3. Some sites might not ever generate wastewater.

Page 11 – ADEC would approve subdivisions where the area is zoned for development that will not generate wastewater (repeater sites; cell phone towers; cemeteries); or the subdivision is for creating a road right-of-way; or where there is no zoning authority, the subdivider demonstrates that the wastewater will not be generated from the immediate or future development of the property

Does the Planning Commission wish to allow some sites to be smaller than the minimum acreage if they will not generate wastewater?

4. The question of what to do about existing substandard lots was what stopped this ordinance revision before. Here is what existing code says followed by the Bristol Bay Boro and Lake and Pen boro and ADEC 1990 regulations:

DMC17.19.150 Existing substandard lots.

Conveyance Restricted—Petition for Determination. In the case of a lot record at the time of passage of land use regulations affecting that lot, which does not conform to the land use regulations of the city, and which adjoins along a side lot line property held in the same ownership, no such lot shall be conveyed nor shall a building permit be issued for a structure on such a lot except in conformity with the following:

A. The owner of such substandard lot may, at any time prior to the proposed conveyance of such lot or request for building permit, petition the city for a determination as to the status of such lot.

B. Such petition shall be referred to the Planning Commission for study to determine the practical possibility of a redivision of such ownership to provide lots which will be in conformity to the land use regulations of the city and shall act within sixty days to give consideration, among others, to the following factors:

1. The size, quality, and character of existing lots and building development in the immediate area with a view to maintaining compatibility and protecting existing values.
2. Where public sewer is not available, a lot size necessary to comply with DEC standards.
3. The economic and engineering practicability of any possible redivision. (Ord. 90-03 § 1 (part), 1990.)

Here is what ADEC 1990 Regulations on substandard lots says:

Page 23 – for subdivisions with lots of less than 40,000 square feet not on a public water system, the subdivider must demonstrate with calculations signed and sealed by a professional engineer registered in Alaska, that the nitrate concentrations in the groundwater aquifer most likely to be affected by the proposed disposal systems will not exceed 5 mg/l at the property boundary of each lot below this size.

Bristol Bay Borough Code: please see attached code.

The BBB code has zoning and subdivision lot minimum acreages and allows the Planning Commission to allow smaller lots under certain conditions.

Lake and Peninsula Borough Code: 9.06.410

If ADEC has no governing regulations, or elects not to involve itself in the plat approval process, then the minimum lot size for a residential or commercial lot not connected to municipal water and sewer system is presumptively 40,000 square feet. Minimum lot size may be varied by the Planning Commission, after notice and a public hearing as provided in this subsection.

LPB 9.96.410

1. Lots subdivided for purposes which only occasionally have persons upon them **may have reduced size** on approval of the Planning Commission. The restriction on use shall be noted on the plat.
2. If for reasons of soils, special conditions or other reasons (for example, a holding tank) a smaller lot size might be appropriate, and provided that public health and safety is not likely to be jeopardized, the Planning Commission may permit smaller lot sizes.
3. The Planning Commission, because of soil conditions, proximity to open waters, or for other good cause, **may impose a larger minimum lot size**.
4. Any exception to the presumptive minimum lot size, either requiring a larger lot size or permitting a smaller lot size, made by the Planning Commission, **shall be made by specific findings supporting the reasons** for the variance.

Does the Planning Commission wish to occasionally allow smaller lots as these codes do?

Does the Planning Commission wish to provide for alternate methods of on-lot disposal other than conventional soil absorption systems to allow for lots that do not perk as per ADEC page 24?

Minimum Acreage Code Comparison

Municipality		Minimum Acreage ?		On site water/septic	Area Required in sf	
		Y	N		w/one service	community water/sewer
City of Bethel	17.24.130 Lots - Area	Y		doesn't say	doesn't say	9000 (assume both)
Bristol Bay Boro Subdivision Regs	18.20.130 Lots. Minimum Size			40,000 sf	20,000 sf	
Bristol Bay Boro Zoning Code						
20.16.010 C 2.	Residential District	✓		40,000/dwelling unit	20,000/dwelling unit	10,000 sq ft/dwelling unit
20.16.020 C 2.	Multi Family	✓		40,000/dwelling	20,000/dwelling	10,000 sq ft/dwelling unit
20.16.030 C 2.	Commercial		✓	as required by the Department of Environmental Conservation and the Fire Marshall		
20.16.040 C 2.	Industrial		✓	as required by the Department of Environmental Conservation and the Fire Marshall		
Cordova						
18.16.030	C Conservation	✓		40,000		
18.17.050	Parks and Open Space		✓			
18.18	Unrestricted District			ADEC current regulations		
18.20.030	R Low Density Residence	✓				4000 sq ft/1 family; 2 - 3 family dwellings, 2,000 sf per dwelling
18.21	RR3 Rural Residential	✓		3 acres; doesn't specify W&S		
18.24.030	Medium Density Residence	✓				1 fam - multi fam dwellings/4000 sq ft
etc	etc					
Kenai Peninsula Borough	20.20.190 A-C	✓		40,000	20,000	6000
Ketchikan Gateway Borough						
18.20.030	Rural Residential Zone	✓		50,000		
18.25	Suburban Residential Zone				25,000	
18.3	Low Density Residential zone					
18.35	neighborhood Residential zone					
18.4	Medium Density Residential zone					

Minimum Acreage Code Comparison

Municipality		Minimum Acreage ?		On site water/septic	Area Required in sf	
		Y	N		w/one service	community water/sewer
18.45	High Density Residential zone					
18.5	Commercial Development zone					
Kodiak Island Borough	District					
Chapter 17.6	Rural Development	✓		5 acres		
Chapter 17.6	Rural Residential TWO	✓		2 acres		
Chapter 17.65	Rural Residential	✓		40,000		
Chapter 17.7	Rural Residential ONE	✓		40,000	20,000	
Chapter 17.75	Single Family Residential	✓		7,200 sf		7,200
Chapter 17.85	Multifamily Residential	✓		7,200 sf	7,200 sf	varies depending on structure
Lake and Peninsula Borough	9.06.410 D			as required by the Department of Environmental Conservation and the Fire Marshall		
MatSu Borough	16.20.280	✓		40,000	20,000	7,200
Sitka						
22.16.020	public lands district SF/SFLD single family residential and single family low density residential					
22.16.030	R-1 LDNH single family or duplex low density or SF low density manufactured home	✓		15,000 sf		
22.16.035	zero lot line in R-1 LDNH above R-1 MH single family, duplex and Manufactured home	✓		15,000 sf		
22.16.035	R-2 multifamily	✓		7,500 sf		7500
22.16.045						
22.16.050						
etc						

Bristol Bay Borough Municipal Code – Minimum Lot Size

18.20.130 Lots--Minimum size.

Lots must be designed to meet the following area requirements:

- A. Lots shall contain not less than seven thousand square feet if served by public sewer and water.
- B. Lots shall contain not less than forty thousand square feet if both the well and sewage disposal are to be provided on the lot unless it can be demonstrated to the satisfaction of the commission that a smaller lot size is adequate for the safe location and operation of an on-site well and sewage disposal system.
- C. Lots served by either State Department of Environmental Conservation-approved community water or sanitary sewer systems may reduce their lot sizes to twenty thousand square feet.
- D. Subdivisions designed to be served with public sewer and water systems but not yet served by such systems may be permitted to contain lots of less than forty thousand square feet if the following conditions are met:
 1. Adequate provisions are made to assure each lot allowed to be built upon will have available forty thousand square feet for locating the well and sewage disposal systems until a common water and sewer system is available. The available area may be reduced to twenty thousand square feet when either a common water and/or sewer system is available.
 2. A statement from an engineer affixed with his seal and signature attesting that the proposed lot design and associated building restrictions will assure adequate area is available to each building site for safe on-site well and sewage disposal until such time as common or public sewer and/or water services are available.
- E. All subdivision, sewage disposal systems, and community water supplies must be approved by the State Department of Environmental Conservation. (Ord. 2008-06 §3(part), 2008: Ord. 88-4 §1(part), 1988. Formerly 18.20.140).

Lake and Peninsula Borough Municipal Code Planning Powers Title 9.06

Article IV. General Requirements and Design Standards

9.06.410 Conformance to Standards Generally.

A proposed subdivision shall conform to the following standards:

- A. All applicable provisions of this Code and any other ordinances of the Borough.
- B. The Comprehensive Plan.
- C. The Borough Development Permit Ordinance.
- D. The regulations of the State Department of Environmental Conservation (ADEC) relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made. If ADEC has no governing regulations, or elects not to involve itself in the plat approval process, then the minimum lot size for a residential or commercial lot not connected to municipal water and sewer system is presumptively forty thousand (40,000) square feet. Minimum lot size may be varied by the Planning Commission, after notice and a public hearing, as provided in this subsection.
 1. Lots subdivided for purposes which only occasionally have persons upon them may have reduced size on approval of the Planning Commission. The restriction on use shall be noted on the plat.
 2. If for reasons of soils, special conditions or other reasons (for example, a holding tank) a smaller lot size might be appropriate, and provided that public health and safety is not likely to be jeopardized, the Planning Commission may permit smaller lot sizes.
 3. The Planning Commission, because of soil conditions, proximity to open waters, or for other good cause, may impose a larger minimum lot size.
 4. Any exception to the presumptive minimum lot size, either requiring a larger lot size or permitting a smaller lot size, made by the Planning Commission, shall be made by specific findings supporting the reasons for the variance.
- E. All lots in a proposed subdivision shall be subject to the following minimum setback requirements:
 1. Front boundary, a setback of twenty (20) feet.
 2. Side boundary, a setback of five (5) feet.
 3. Back boundary, a setback of ten (10) feet.
 4. The Planning Commission, after notice and a public hearing, may vary the setback requirements based upon the proposed usage, soil conditions or other considerations. Any variation in the setback requirements made by the Planning Commission shall be made by specific findings supporting the reasons for the variance.
- F. The regulations of the State Department of Transportation and Public Facilities relating to safety of access and preservation of the public interest and investment if the subdivision or any lot contained therein abuts on a state highway.
- G. The Borough Coastal Management Plan.

9.06.420 Design—Lot Dimensions.

- A. Subject to the lot dimensions and area requirements in the zoning regulations, all lots shall have the minimum dimensions required by this section.
- B. The width of the lot shall be at least one-fourth the average depth of the lot.
- C. Where lots are created of a size larger than the minimum for the area, the platting authority may require that the plat be designed so as to allow for the possible future resubdivision of such lots into the minimum size required for the area.
- D. Notwithstanding any other provision of this section, the width of the flag pole portion of a flag shaped lot shall be no less than:
 1. 40 feet when both public water and sewer systems are to serve such a lot;
 2. 20 feet when only a public water or a public sewer is to serve such a lot;
 3. 20 feet when the lot is located in a rural area and will not be served by either public water or public sewer.

9.06.430 Design—Lot Lines.

To the extent feasible, side lot lines shall be perpendicular to straight streets and radial to curved streets.

9.06.440 Design—Lot Access.

- A. All lots shall have frontage on a street or navigable waterway. Rural lots may have frontage on an aircraft landing area.
- B. The frontage of a lot on a cul-de-sac bulb shall be at least 30 feet. This subsection does not apply to flag lots.

Matanuska Susitna Borough

[TITLE 16: SUBDIVISIONS](#)

[CHAPTER 16.20: SUBDIVISION DEVELOPMENT STANDARDS](#)

16.20.280 AREA.

(A) *Urban districts.* Minimum lot sizes shall be as designated by the authority having jurisdiction, and if an authority is not established, the lot sizes shall be as designated in subsection (B).

(B) *Rural districts.* Minimum lot sizes for rural districts shall be as follows:

(1) Except as allowed under paragraphs (2), (3) and (4) of this subsection, all lots within this district shall contain at least 40,000 square feet of area. At least 20,000 contiguous square feet of each lot shall be usable area and shall have a ground slope of less than 25 percent.

(a) Water table and ability of soils to accept effluent shall be determined by a number of 12-foot-deep borings or test holes sufficient to indicate subsurface conditions over the entire area of the subdivision. These borings or test holes shall be accomplished under the direct supervision of a state of Alaska registered engineer, who shall submit soil logs and other findings in writing to the Matanuska-Susitna Borough for review and recommendations.

(b) Where lots, tracts or parcels exceed five acres in size or are proposed to be combined, the platting authority may accept a reduced number of test holes or other supporting information, accomplished under the direct supervision of a state of Alaska registered engineer.

(c) The platting authority shall waive the submission requirements of MSB 16.15.045(A)(1) and (2) for subdivisions of land where:

- (i) the subdivision has a minimum lot size of 9.183 acres or 400,000 square feet; or
- (ii) the existing subdivision was previously approved by the Alaska State Department of Environmental Conservation or by the borough after July 1, 1996, and the proposed subdivision action is limited to elimination of lot lines, to create fewer lots, elimination of a setback violation, or moving one or more lot lines a distance of 10 feet or less.

(2) The platting authority may approve lots having at least 20,000 square feet, provided each lot is serviced by an approved community water system.

(3) The platting authority may approve lots having at least 20,000 square feet, provided each lot is serviced by an approved community sewage disposal system.

(4) The platting authority may approve lots having at least 7,200 square feet, provided that each lot having less than 20,000 square feet shall be served by an approved community water system and community sewage disposal facilities.

(C) Within jurisdictions having authority, minimum lot sizes and dimensions shall be those established under or pursuant to the applicable provisions of MSB Title 17; however, where a size or dimension has not been established under or pursuant to MSB Title 17, the applicable provision of MSB Title 16 applies.

(D) If a condemnation by a governmental agency reduces the area of a lot below the minimum required by this section, the area after condemnation shall be the minimum area required for that lot if that lot met the minimum requirements before the condemnation and the resulting area after the condemnation is not less than 80 percent of the minimum required.

(Ord. 97-081, § 2, 1997; Ord. 96-100, § 3, 1996; Ord. 94-071(sub1), § 5 (part), 1994; Ord. 88-190, § 2 (part), 1988)

RESOLUTION 2014-11
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending the annual update of the Six Year Capital Improvement Program 2015-2020 to the Dillingham City Council

WHEREAS, the Dillingham Municipal Code 2.68.160 (A)(5) requires that the Planning Commission conduct an annual update of the City's six year capital improvement projects plan; and

WHEREAS, the Planning Commission is updating the plan as the Municipal Code requires, during the spring budget process; and

WHEREAS, the six year plan was the result of an extensive public process in the fall of 2012 and the 2014 process also followed a public process with three weeks' publicized solicitation for community nominations; advertisements in the Bristol Bay Times and on the City website; and posters at several downtown locations; and,

WHEREAS, at a publicly advertised meeting April 29 the Project Review Committee met to hear new project nominations, evaluate and score the projects; and

WHEREAS, all projects were scored with regard to 16 criteria; and

WHEREAS, this Six Year Plan will provide the basis for the FY16 legislative requests as well as future updates of the City's capital needs; and

WHEREAS, the Planning Commission has reviewed the proposed Six Year Capital Improvement Plan for 2015-2020;

THEREFORE, the Dillingham Planning Commission recommends the attached Six Year Capital Improvement Plan for 2015-2020 to the Dillingham City Council for approval.

ADOPTED by the Dillingham Planning Commission June 18, 2014.

Presiding Officer	Jody Seitz, Recorder
-------------------	----------------------

City of Dillingham 2015-2020 Capital Improvement Plan - DRAFT

PROJECT		Description	Existing Funding	Funding Need	typical match cost	Comment	Priority	2015	2016	2017	2018	2019	2020
A. EQUIPMENT REPLACEMENT								1=first priority		2=second priority		3=third priority	
	Snowblower Flail Mower attachment		\$31,425	\$31,425			1	X					
	Case 580 Super N Extindahoe Backhoe	last year's model	\$98,362	\$98,362		\$15,362 GF/ \$83,000 Leg. Appro.	1	X					
	F350 Shop Truck			\$73,000			1		X				
	Low Boy Trailer - Used		\$100,000	\$100,000		Legislative Appropriation	1	X					
	Manitowoc Crane	new purchase for Port		\$2,000,000			2			X			
	Ambulance		\$250,000	\$250,000		Ambulance Replacement Fund	1	X					
	Fire Tanker		\$349,109	\$349,109		Homeland Security grant	1	X					
	Emergency Response Boat	for SAR in Nushagak District		\$85,000		FEMA grant	2			X			
B. EROSION/PORT/HARBOR													
	All-Tide Dock Protective Dolphins	install 4 large dolphins to protect the dock	\$0	\$1,500,000			1		X				
	USACOE Harbor Revetments and Breakwater/Emergency Bank Stabilization*	rock revetments east and west of harbor mouth + breakwater on west side	\$0	\$21,500,000	\$7,525,000	potential 35% match	2			X	X	X	X
	Interior Harbor Bulkheads	Planning and Design	\$0	\$8,184,000	\$4,092,000	BESC \$6,000,000 per 1100 ft Bulkhead	3					X	X

City of Dillingham 2015-2020 Capital Improvement Plan - DRAFT

PROJECT		Description	Existing Funding	Funding Need	typical match cost	Comment	Priority	2015	2016	2017	2018	2019	2020
	Harbor Float Replacement		\$0	\$90,000		ROM DH design 7,500, floats 82,500	1		X				
	Snag Point Bulkhead, Outfall and Interior Harbor Protection	1000 yds of rock per year	\$110,000	\$1,200,000		60,000 Leg. Grant/ 50,000 General Fund	1	X	X	X	X	X	X
C. FACILITIES													
	Alternate E911 Operations Center Phase II	updates equipment and provides complete redundancy in the system		\$445,000		Phase I underway (250,000 leg. Grant)	1	X	X	X			
	Hockey Rink Roof Planning and Design	Install Roof	\$20,000	unknown		Put on inventory	3					X	X
	City Facilities Energy Updates and ADA Compliance (Library and City Hall)	Design and Engineering Estimate		\$200,000			2			X	X	X	X
	Replace City Hall Carpets			\$30,252		estimate by Dagen Nelson	2			X	X	X	X
	Evergreen Cemetery	Interior access roads and plot alignment	\$0	\$125,000		ROM estimate by staff	3					X	X
	Landfill Phase II	update plan for landfill	\$1,900,000	\$200,000		ACWLF,ADEC MMG	1	X	X				
	Fire Hall and Public Safety Building	Replace Fire and Public Safety Buildings		\$20,000,000	\$5,250,000	2014 estimate	2			X	X	X	X
	Public Works Heated Compound Storage Building and Fence		\$0	\$487,000		Need better estimate	3					X	X
	Phased Senior Center Upgrades	Replace siding, roof, windows, doors, new entry, sitework, ventilation & heating systems	\$0	\$1,829,673	\$548,902	2007 Bezek, Durst, Seizer estimate adjusted by 39% for inflation	2			X	X	X	X
	Territorial School	foundation, sprinkler system, fate undetermined	\$0	\$1,800,000	\$	2013 Engineer Estimate	3					X	X

City of Dillingham 2015-2020 Capital Improvement Plan - DRAFT

PROJECT		Description	Existing Funding	Funding Need	typical match cost	Comment	Priority	2015	2016	2017	2018	2019	2020
E. ROADS													
	Nerka Road Rehabilitation	65% design	\$1,249,558	\$6,274,230	\$0	BIA IRR funding	3					X	X
	Utility and Fence Relocation at Port and Main Street			\$50,000			1	X	X				
	Additional ADOT Downtown Street Road Rehabilitation	rehabilitate Seward St. and D St in front of P.O. to Lil Larry Rd		\$500,000		with ADOT DTS project	1	X	X				
F. WATER/SEWER													
	Downtown Sewer Expansion (Old Airport Sewer Line)	sewer line in E or F streets		\$1,069,000		BESC 2003 WSMP adjusted for inflation	3					X	X
	Harbor Water and Sewer Line	900 lineal ft. of water and sewer line + lift station		\$1,062,600		2012 Staff ROM	3					X	X
	Lift Station Upgrades	upgrade stations	\$100,000	\$1,500,000		2012 Staff ROM & BESC report	2			X	X	X	X
	Wastewater Treatment Plant Upgrades	build septage disposal facility, examine aeration system for maintenance	\$600,000	\$3,000,000		2014 Facility Upgrade plan	1	X	X				
	Water and Sewer Master Plan Phases 1.3 and 1.4 (New Water Source)	locate water source, build WTP, storage, connect water to existing system	\$5,538,983	\$7,829,118	\$1,834,661	2003 WSMP	1		X	X	X	X	X
GRAND TOTAL			\$10,347,437	\$81,862,769									
G. FACILITIES PROPOSED BY OTHER ENTITIES (or more than 6 years out)													
	Fish Processing Plant			\$7,924,000									
	Harvey Samuelsen Community Cultural Center			\$10,444,752		Project Budget 5/15/09							
	Kanakanak Beach Parking Lot with CTC		city land										

City of Dillingham 2015-2020 Capital Improvement Plan - DRAFT

PROJECT		Description	Existing Funding	Funding Need	typical match cost	Comment	Priority	2015	2016	2017	2018	2019	2020
	SAFE and Fear Free Environment Sewer Line												
	Squaw Creek Road	Right of way issues; road is unconstructed											
H. PROPOSED SERVICES													
1	Coordinated Transportation plan												
	* USACOE Emergency Bank Stabilization Project at Harbor Entrance to protect dredge spoils facility and interior harbor												
	Table includes City of Dillingham projects and those funded primarily by another entity but which require City matching funds. Does not include projects funded by other entities.												