

**PLANNING COMMISSION SPECIAL MEETING**  
**RESCHEDULED TO JULY 25, 2019 AT 6:30 PM**  
**CORDOVA CENTER COMMUNITY ROOMS A & B**

**Chair**

Tom McGann

**Commissioners**

Scott Pegau

John Baenen

Allen Roemhildt

Nancy Bird

Chris Bolin

Trae Lohse

**City Planner**

Leif Stavig

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

Chair Tom McGann, Commissioners Scott Pegau, John Baenen, Allen Roemhildt, Nancy Bird, Chris Bolin, and Trae Lohse

**3. APPROVAL OF AGENDA**

**4. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS**

**5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**

a. Audience comments regarding agenda items (3 minutes per speaker)

**6. UNFINISHED BUSINESS**

a. Conditional Use Permit for Three Boardinghouses on a Portion of USS 829 ..... **Page 2**

**7. AUDIENCE PARTICIPATION**

**8. COMMISSION COMMENTS**

**9. ADJOURNMENT**



**AGENDA ITEM # 6a**  
**Planning Commission Meeting Date: 7/22/19**

**PLANNING COMMISSION COMMUNICATION FORM**

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**FROM:** Planning Staff  
**DATE:** 7/19/19  
**ITEM:** Conditional Use Permit for Three Boardinghouses on a Portion of USS 829  
**NEXT STEP:** Review Conditional Use Permit Application

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INFORMATION  
 MOTION  
 RESOLUTION

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This memo has been updated since the 7/9/19 Regular Meeting.

**I. REQUEST OR ISSUE:**

Requested Actions: Conditional Use Permit for Three Boardinghouses  
Applicant: Mark and Robin Irving  
Legal Description: A Portion of USS 829  
Parcel Number: 02-060-900  
Zoning: Medium Density Residential District  
Attachments: Location Map  
Application

**II. RECOMMENDED ACTION / NEXT STEP:**

Staff suggest the following motion:

“I move to approve the conditional use permit request by Mark and Robin Irving for three boardinghouses on a Portion of USS 829 as described in the application and to adopt and incorporate the findings and special conditions contained in the staff report.”

Staff recommend the commission review the “Additional Special Conditions Subject to Planning Commission Consideration” and amend the main motion to add additional special conditions. When a motion is referred back to staff, the action comes back to the commission anew, so the prior special conditions do not apply.

**III. FISCAL IMPACTS:**

Boardinghouses will generate sales and property tax.

**IV. BACKGROUND INFORMATION:**

**Cordova Municipal Code**

**Chapter 18.24 - R MEDIUM DENSITY RESIDENCE DISTRICT**

18.24.010 - Permitted uses.

The following uses are permitted in the R medium density district:

A. One-family, two-family and multiple-family dwellings;

**B. Boardinghouses;**

C. Accessory buildings and uses not used or operated for gain and not including guest houses or accessory living quarters;

D. Require off-street parking.

Boardinghouses are defined in code as:

*A building other than a hotel with not more than five sleeping rooms where lodging, with or without meals, is provided for compensation for three or more persons, but not exceeding fifteen persons, on other than day-to-day basis and which is not open to transient guests.*

**Chapter 18.60 – Conditional Use Permits.**

18.60.010 - Purpose.

It is recognized that there are some uses and associated structures which may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the proposed use on surrounding property if the proposed use is in harmony with the various elements or objectives of the comprehensive city plan and the zoning district. The conditional use permit process provides the opportunity to apply conditions of controls and safeguards to ensure that the proposed use will be compatible with the surroundings.

The requested boardinghouses exceed the amount of sleeping rooms allowed in the definition and must be permitted by Conditional Use Permit (CUP).

7/9/19 – At the Planning Commission Public Hearing, there was one public comment. The following is a summary of the comment:

**Tom Carpenter**, 501 Lakeview Drive, employee of Copper River Seafoods (CRS), said that his biggest concern was that there is a tremendous amount of water that comes through the rock. CRS had to raise the fill on their property because it floods. The state removed a culvert that used to cross the highway, so the water has no place to go. He thinks it is dangerous to have housing with the rock behind overhanging. CRS took lots of rock off the hill two years ago, and several pieces fell out almost to the road.

At the Planning Commission Regular Meeting, the commission discussed the application, amended the motion to add two special conditions, and referred the item back to staff. The following is a summary of what occurred:

M/Bird S/Pegau to approve the conditional use permit request by Mark and Robin Irving for three boardinghouses on a portion of USS 829 as described in the application and to adopt and incorporate the findings and special conditions contained in the staff report.

**Bird** said that she was confused by the application being by someone other than the landowner. **Stavig** said that Conditional Use Permits go with the land and transfer from owner to owner. She said she was open to putting action off for some time to look at some of the issues. **Baenen** said he was in favor of the project, but he did have some concern about the rock above the property. **Pegau** verified that a Site Plan Review was not required for the project. **Lohse** shared some of the concerns about the rock, but thought the project would be an asset to the town.

On the first conditional use standard, the commission concurred that the condition was met with the findings in the staff report.

On the second conditional use standard, **Lohse**, **Bird**, **Bolin**, and **Baenen** concurred that the condition was met with the findings in the staff report. **Pegau** said that it would be met with a special condition that the buildings undergo a Site Plan Review which would include a drainage plan. **McGann** agreed.

M/Pegau S/Bird to amend the motion to add a Special Condition that the building project undergo a Site Plan Review.

Upon voice vote, motion to amend passed 6-0.

Yea: **McGann, Pegau, Baenen, Bird, Bolin, Lohse**

Absent: **Roemhildt**

On the third conditional use standard, **Lohse** agreed that the condition was met. **Bird** was wondering if all of the bathrooms were full bathrooms. **McGann** said that the buildings would have to be reviewed by the State Fire Marshal, so they would have to meet the code requirements for boardinghouses. The commission concurred that the condition was met with the findings in the staff report.

On the fourth conditional use standard, **Lohse** agreed that the condition was met. **Bird** said that she had some concerns about how close cars would be parked to the highway. **McGann** said the application said there was room to turn around, but it is a busy road. **Bolin** agreed with **Bird** about the parking concerns. **McGann** said that a parking plan was part of the Site Plan Review, so it would be addressed at that time. **Pegau** disagreed that seasonal residents don't have vehicles. **McGann** said that if fisherman were staying in the bunkhouse, then each person would have a vehicle. **Stavig** said that four parking spaces per bunkhouse is what the code requires. The commission concurred that the condition was met with the findings in the staff report.

On the fifth conditional use standard, **Lohse** said he had some concern about the cliff. **Stavig** suggested for the Site Plan Review, the commission could request additional information from the applicant. **McGann** verified that Conditional Use Permits had to be acted upon within 30 days of the Public Hearing. **Baenen** said that something needs to be done with the rock.

M/Pegau S/Bird to amend the motion to add a Special Condition to require a cliff stabilization plan.

Upon voice vote, motion to amend passed 6-0.

Yea: **McGann, Pegau, Baenen, Bird, Bolin, Lohse**

Absent: **Roemhildt**

**Stavig** said that he was concerned about there not being staff at the city who could review a cliff stabilization plan and determine if it was adequate. **Baenen** said it would probably require an engineer. **Stavig** said it would be helpful to have more information from the applicants, as the commission does not know how or if they were planning on addressing it. **Bird** said she was leaning towards referring the decision and having a Special Meeting. **Baenen** said it definitely a safety issue. **McGann** said that they don't have a definition for a cliff stabilization plan, so it would be helpful to hear from the applicants about what their current plan is.

M/Pegau S/Bird to refer the Conditional Use Permit back to staff.

Upon voice vote, motion to refer passed 6-0.

Yea: **McGann, Pegau, Baenen, Bird, Bolin, Lohse**

Absent: **Roemhildt**

### **Conditional Use Standards**

The following conditional use standards have been met:

1. *The use is consistent with the purpose of this chapter (Chapter 18.60 – Conditional Use Permits) and is compatible with the zoning district and the comprehensive plan.*

This condition is met. The use is consistent with the purpose of Chapter 18.60 in that it is a use which falls outside of what is expressly permitted in the zone district, but is compatible with the zone district. The proposed use is specifically listed as a permitted use in the Medium Density Residential District; it is only the increased capacity of the boardinghouses that requires the CUP. There are boardinghouses and other high-density residential uses which occur in the zone. The 2019 Comprehensive Plan process has highlighted the lack of seasonal housing as a key issue to be addressed, and additional boardinghouses would help serve the housing needs of the community.

2. *The use will not permanently or substantially injure the lawful use of neighboring properties.*

This condition is met. The district has boardinghouses listed as a permitted use. This use will not impact the lawful use of neighboring properties. All of the property owners within 300 feet of the property received notice of the CUP request and have the opportunity to voice concerns at the Public Hearing. The property is adjacent to an existing property with a boardinghouse on it. The property is also located close to the Waterfront Industrial and Waterfront Historical zone districts, both of which contain boardinghouses and other residential uses.

3. *Public services and facilities are adequate to serve the proposed use.*

This condition is met. The proposed use is not significantly larger than other permitted uses in the zone district. The Public Works Director stated that existing water and sewer infrastructure was adequate to support the proposed use. The Public Safety Department was also notified of the proposed use and did not share any concerns.

4. *The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.*

This condition is met. The State of Alaska Department of Transportation (DOT) is the owner of the road used to access the property. DOT was notified of the CUP and stated that the applicant is required to obtain a driveway permit in order to gain access to the property (see attached letter). This use is not more substantial than other permitted development. The applicant is providing four parking spaces per building, which is the required number of parking spaces. A map showing the parking plan will be provided at the meeting. Seasonal residents that are likely to use the boardinghouse for housing typically don't have vehicles that would increase traffic to the area.

5. *The proposed use will not adversely affect to the public's safety, health, or general welfare.*

This condition is met. The use will conform to all zoning requirements, including setbacks. The applicant is required to obtain a Fire and Life Safety Plan Review from the State Fire Marshal.

#### **Special Conditions:**

1. Applicant is required to obtain a driveway permit in order to gain access from the Copper River Hwy.
2. Applicant is required to obtain a Fire and Life Safety Plan Review from the State Fire Marshal.
3. Due to the planned construction schedule, the Conditional Use Permit time of construction will be extended to twenty-four months after date of approval.

#### **Additional Special Conditions Subject to Planning Commission Consideration:**

**These special conditions are not a part of the recommended motion unless amended by the commission.**

4. **Prior to issuance of a Building Permit, the Planning Commission must review and approve a drainage and parking plan.**

The applicants have indicated that they will attend the meeting. Staff recommend that the commission address any parking or drainage concerns with the applicants at the meeting. A parking plan was provided with the application. Property owners cannot negatively impact drainage onto other property. If the commission would like to have a separate review of drainage and parking, staff recommend the above special condition as opposed to a full Site Plan Review for the following reasons:

- The intent of having the Site Plan Review was only to review drainage and parking plans in more detail.
- A Site Plan Review would not otherwise be required; they are only required in the Waterfront Commercial or Waterfront Industrial Districts. None of the surrounding property requires a Site Plan Review.
- Site Plan Reviews require City Council approval, in this case that does not seem necessary.

5. **Prior to issuance of a Building Permit, applicant is required to have a geotechnical evaluation**

**of the rock adjacent to and above the building site and provide documentation of completed stabilizations based on the geotechnical engineer's requirements, if any.**

After speaking with an engineer about the special condition added by the commission at the last meeting, the language above is their recommended language if the commission wants to address the rock adjacent to and above the building site with a special condition. Geotechnical evaluations are done by an engineer and can be quite extensive and may require sampling, boring, and other analysis.

**VI. LEGAL ISSUES:**

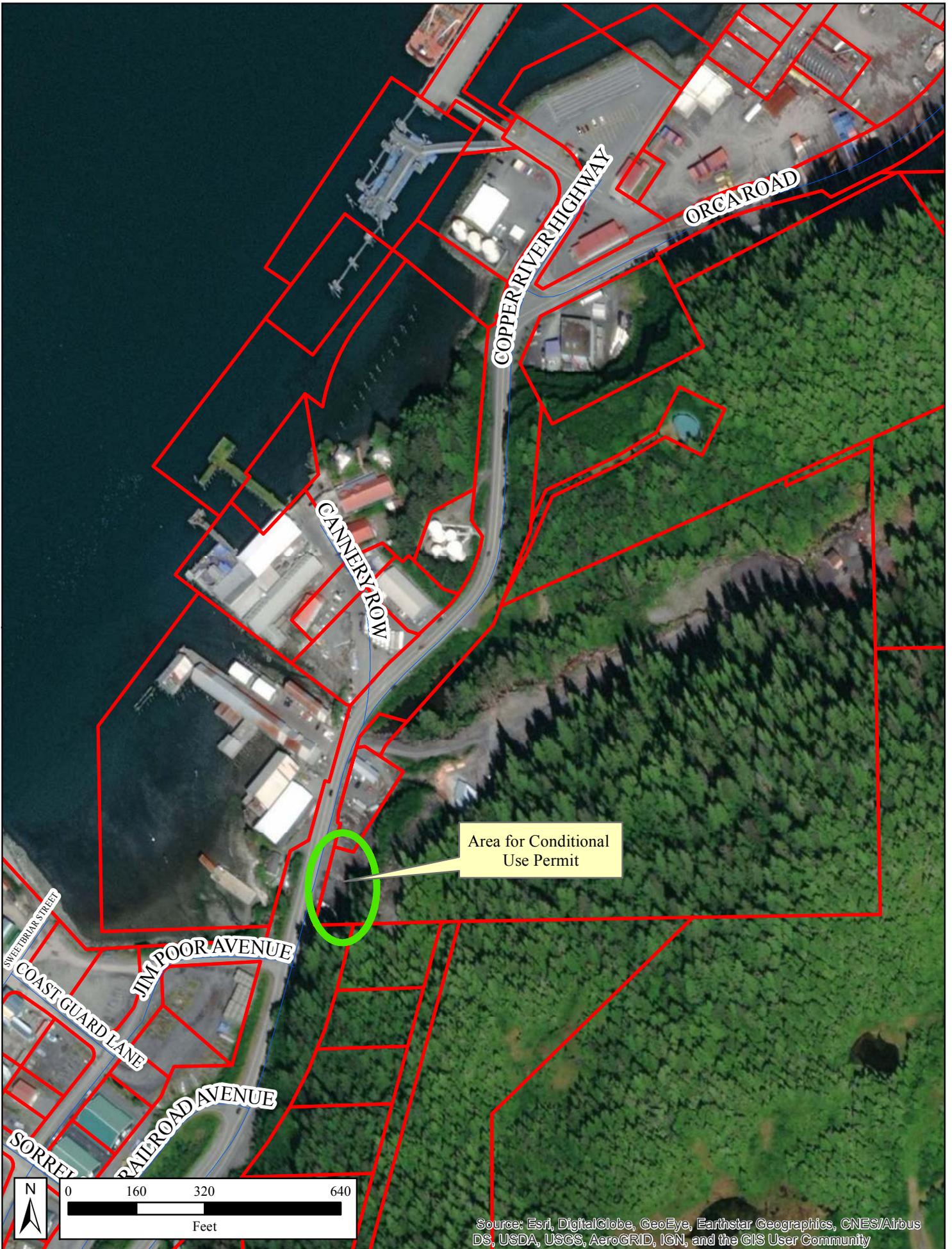
None currently.

**VII. CONFLICTS OR ENVIRONMENTAL ISSUES:**

N/A

**VIII. SUMMARY AND ALTERNATIVES:**

The Planning Commission may grant or deny the Conditional Use Permit and add or delete conditions.



## Leif Stavig

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**From:** O'Claray, Heather S (DOT) <heather.oclaray@alaska.gov>  
**Sent:** Wednesday, June 26, 2019 2:35 PM  
**To:** Leif Stavig  
**Subject:** Irving-Conditional Use Permit Application  
**Attachments:** Scanned from a Xerox Multifunction Device.pdf

Thank you for the opportunity to comment on the proposal. The State of Alaska Department of Transportation & Public Facilities (DOT&PF) has the following comments:

The subject parcel appears to be currently vacant. Please advise the applicant that they will be required to obtain a driveway permit in order to gain access from the Copper River Hwy. The applicant should apply for this permit ASAP using our on-line E-permits application site: <http://www.dot.state.ak.us/permits/index.shtml>

Please call DOT&PF Northern Region Right-of-Way Group at 907.451.5407.

Heather O'Claray  
Statewide Right-of-Way Chief  
907.465.6954  
Please note new contact email [Heather.OClaray@alaska.gov](mailto:Heather.OClaray@alaska.gov)  
Alaska Department of Transportation & Public Facilities  
<http://tinyurl.com/AKDOTROW/>

The Alaska Department of Transportation and Public Facilities oversees 239 airports, 10 ferries serving 35 communities, 19 harbors, more than 5,600 miles of highway and 776 public facilities, and the longest highway tunnel in North America, all contributing to approximately \$9.9B in transportation asset infrastructure throughout the state of Alaska. The mission of the department is to “**Keep Alaska moving** through service and infrastructure”.

# CITY OF CORDOVA



## CONDITIONAL USE PERMIT APPLICATION

City of Cordova, Alaska

| INSTRUCTIONS                                                                                                                                                                                                                                                                                                          | PERMIT TYPE            | FEE   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------|
| Print or type requested information. Incomplete applications will be returned to the applicant and will delay processing of the request. Applications must be received by the Planning Department 21 days prior to the next Planning Commission Regular Meeting, which is scheduled the second Tuesday of each month. | Conditional Use Permit | \$250 |

### APPLICANT INFORMATION

|                  |                         |
|------------------|-------------------------|
| Name:            | MARK + ROBIN IRVING     |
| Mailing Address: | PO Box 2233             |
| City/State/Zip:  | CORDOVA, AK 99574       |
| Phone Number:    | 907-253-7238 or 7219    |
| Email Address:   | robinirving62@gmail.com |

### OWNER INFORMATION

|                  |                       |
|------------------|-----------------------|
| Name:            | DANIEL SCOTT          |
| Mailing Address: | P.O. Box 380          |
| City/State/Zip:  | CORDOVA, AK 99574     |
| Phone Number:    | 907-429-3251          |
| Email Address:   | AK.FISHCAMP@yahoo.com |

Only complete this section if owner is different from applicant.

### PROPERTY INFORMATION

|                    |                                                          |
|--------------------|----------------------------------------------------------|
| Address:           |                                                          |
| Legal Description: | A portion of USS 829, just across from Copper & Seabirds |
| Tax Lot No.:       |                                                          |
| Zone District:     | Medium Density District                                  |

Planning Department can assist if unknown.

**REQUEST DESCRIPTION**

Please describe your requested conditional use in detail as well as the proposed time frame for the new use.

Please see attached description and drawings

You may add any additional documents which will help the Planning Commission better understand the request, such as a cover letter, drawings, maps, or photographs.

**CONDITIONAL USE STANDARDS**

The Planning Commission may only approve the conditional use if the commission finds that **ALL** of the following standards are met. You must include a statement and adequate evidence showing that each of the standards has been met. Use additional pages if needed.

**The use is consistent with the purpose of this chapter (Chapter 18.60 - Conditional Use Permits) and is compatible with the zoning district and the comprehensive plan.**

Please see attached

**The use will not permanently or substantially injure the lawful use of neighboring properties.**

See attachments

**Public services and facilities are adequate to serve the proposed use.**

See attachments

The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.

See attachments

The proposed use will not adversely affect the public's safety, health, or general welfare.

See attachments

### OTHER CONDITIONAL USE REQUIREMENTS

Any application approved by the planning commission shall be conditional upon the privilege granted being utilized within six (6) months after the effective date of approval.

Plot plan is required. The plot plan needs to be drawn to scale, showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and off-street parking areas.

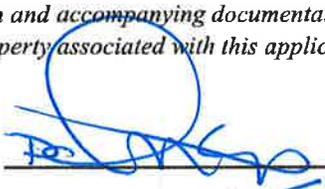
The City Planning Commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Comprehensive City Plan and zoning ordinance.

If applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (a) apply for the conditional use permit and (b) bind the owner to the terms of the conditional use permit, if granted.

Some conditional uses (telecommunication tower, marijuana establishments, junkyards, and others) are subject to additional requirements in Chapter 18.60 of the Cordova Municipal Code.

### APPLICANT CERTIFICATION

*By the signature attached hereto, I certify that I am the owner or duly authorized owner's agent and that the information provided within this application and accompanying documentation is correct. Furthermore, I hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting site inspections.*

Applicant Signature: 

Date: 6/20/19

Print Name: DANIEL L SCOTT

**Please describe your requested conditional use in detail as well as the proposed time frame for the new use:**

We are requesting a conditional use permit to construct three 12 room boarding houses on a portion of USS 829, just across from Copper River Seafoods (CRSF) Plant and adjacent to CRSF's bunkhouse/lot. Each unit will be a 2-story building, 26' x 46', each with 12- single or double occupancy boarding rooms, 4 common bathrooms, a common kitchen/living area and a laundry room. Drawings of the units, as well as a lot site plan are attached to this application.

The units meet the lot area and building height limits; however, we are requesting the conditional use permit because boarding houses are limited to 5 sleeping rooms in the Medium Density District..

Currently the lot is part of a larger lot owned by Daniel Scott. The proposed lot is being surveyed and replatted so that it is separate from Mr. Scott's larger lot.

We are planning to begin construction by early fall of 2019, or sooner if probable. We plan to have at least one unit completed by May of 2020, and the others before the end of the summer 2020. This is contingent upon permitting, plan reviews, arrival of materials, etc.

We have contacted the State Fire Marshall's office and have begun the process for a plan review through that office. We will also be working with a certified building inspector throughout the building process.

We hope you will consider our request.

## Conditional Use Standards

**The use is consistent with the purpose of this chapter (Chapter 18.60 – Conditional Use Permits) and is compatible with the zoning district and the comprehensive plan.**

The proposed project is in a medium density residential zoning area and is adjacent to commercial fish processing plants. Boardinghouses are already an approved use in the Medium Density Residential District and there are other similar bunkhouse style buildings located on adjacent lots. We don't anticipate that it will change the overall character of the neighborhood, making it compatible with the current zoning district.

The proposed project is consistent with the comprehensive plan as it would add much needed housing for seasonal as well as year-round fisherman and cannery workers, and any other resident looking for lower cost housing.

**The use will not permanently or substantially injure the lawful use of neighboring properties.**

The proposed boarding houses will be built to visually compliment the structures in the area, so will not be a detriment to the neighborhood. They will not deter from any property owner's view given their location. The new buildings will not financially harm or be in direct competition for tenants with the other bunkhouses on adjacent lots as the need for housing far exceeds the availability of current housing. And finally, any tenants in the proposed buildings will be held to standards of cleanliness, and the grounds and exterior will be kept free of clutter so as not to deter from the value of the buildings or of neighborhood.

**Public services and facilities are adequate to serve the proposed use.**

Currently water and sewer lines in the planned project area are ample as they are larger lines to serve the processing plant nearby. Although there are 12 units or rooms in each of the proposed buildings, the demand for water and sewer will not be as high as a 12-unit apartment building. There will only be 4 common bathrooms in each building and one common kitchen. There are also hydrants in the area for fire suppression if necessary.

Large capacity dumpsters will be purchased that are compatible with the City refuse department trucks. Garbage pickup will be scheduled and paid as per city code. And CEC has ample power junction boxes in the area for the added service.

**The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.**

There is ample off-street parking on the lot for tenants and guests, with plenty of space to turn around. There is enough visual distance anywhere on the lot to see on-coming traffic in either direction for vehicles to pull out safely onto the Copper River Highway. Many of the anticipated tenants will be seasonal workers that don't have vehicles, so it is unlikely that all 12 rooms will have vehicles. And, if it is determined that highway signage is necessary to alert drivers of the residential neighborhood and pedestrians, the owners will purchase and obtain permits from the State DOT any required highway signs.

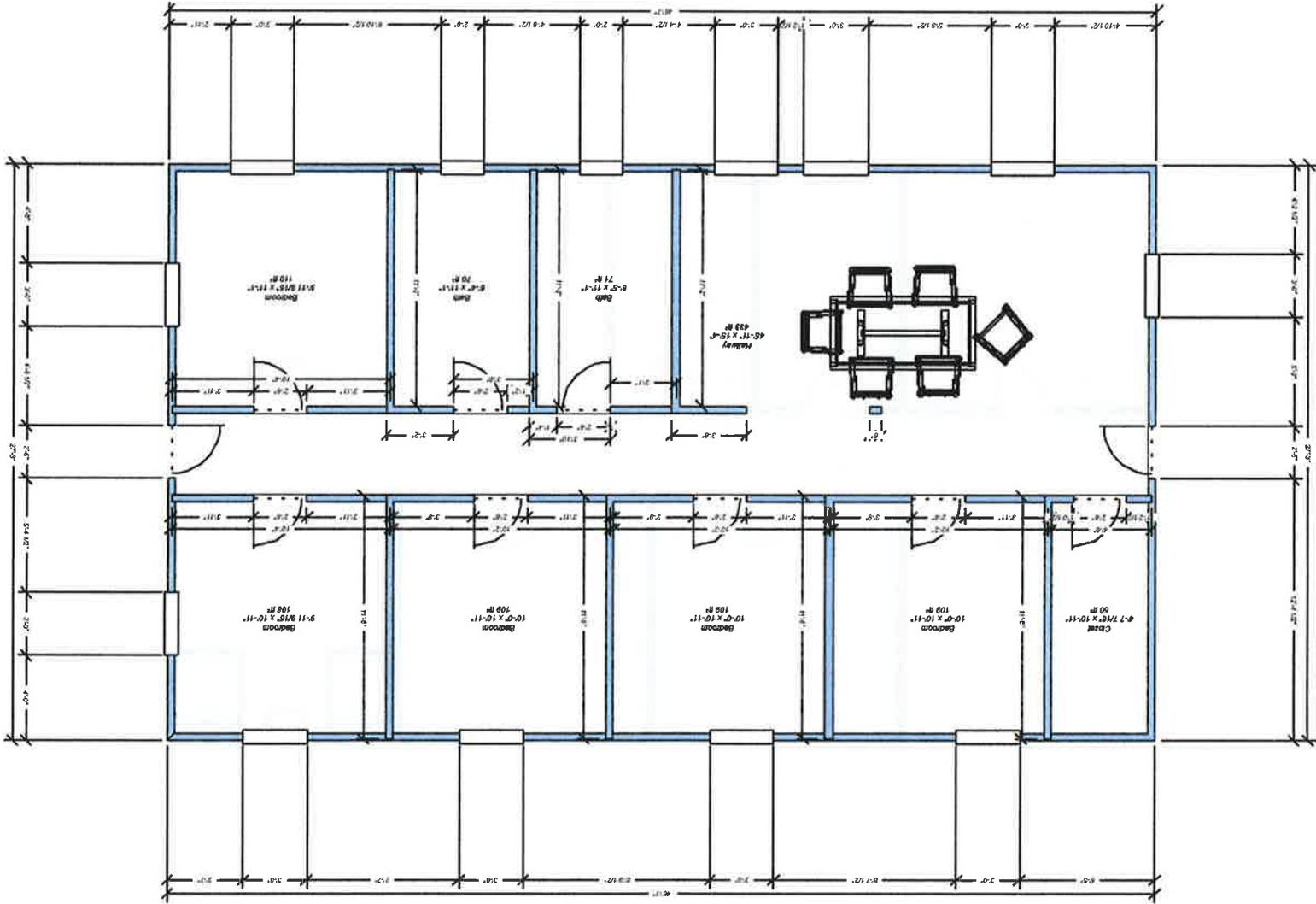
In addition, there is space on the lot to create a snow dump in winter months.

**The proposed use will not adversely affect the public's safety, health, or general welfare.**

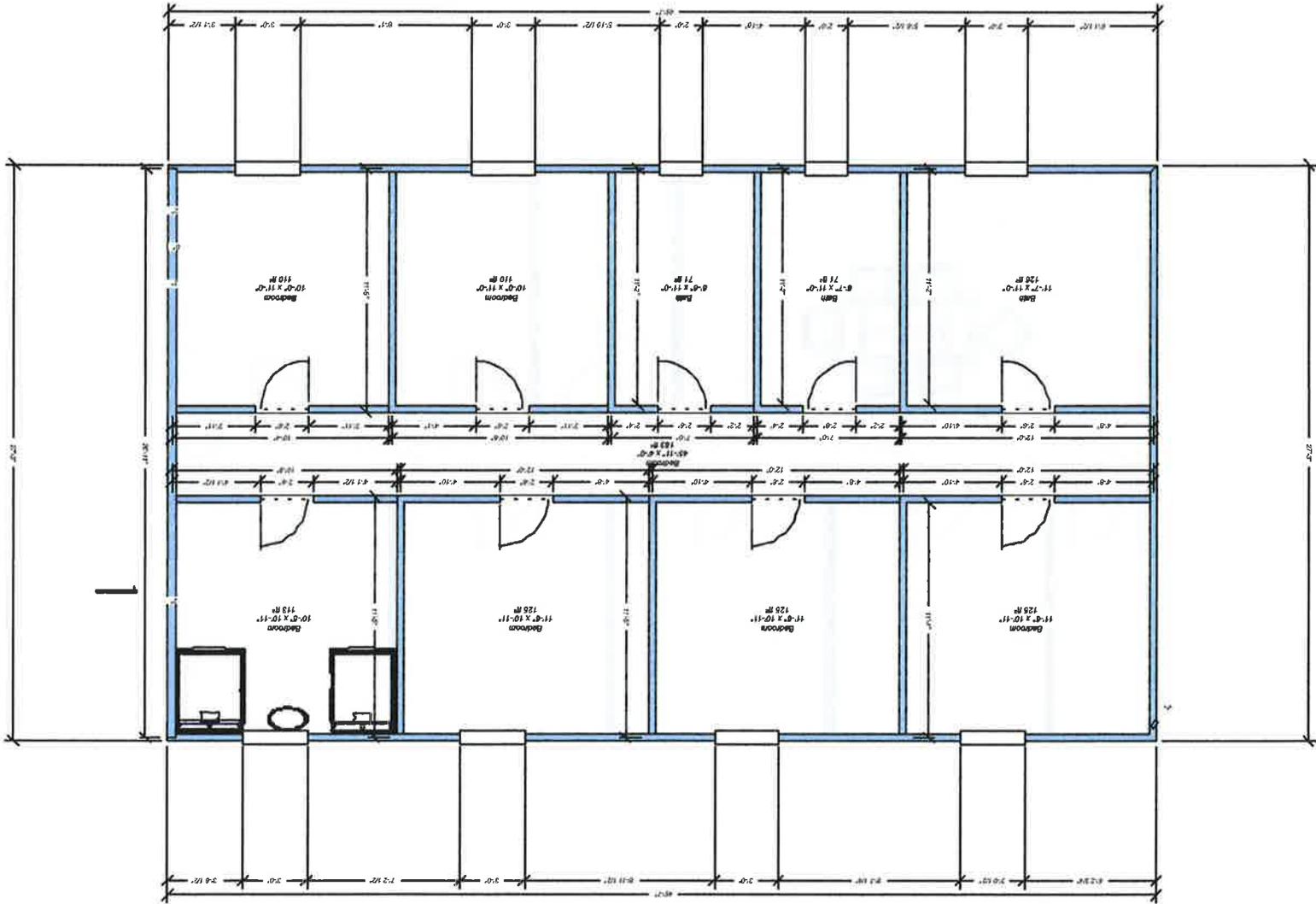
The building will meet all zoning requirements, including setbacks. The building plans will be reviewed by the State Fire Marshall for conformance to building codes.

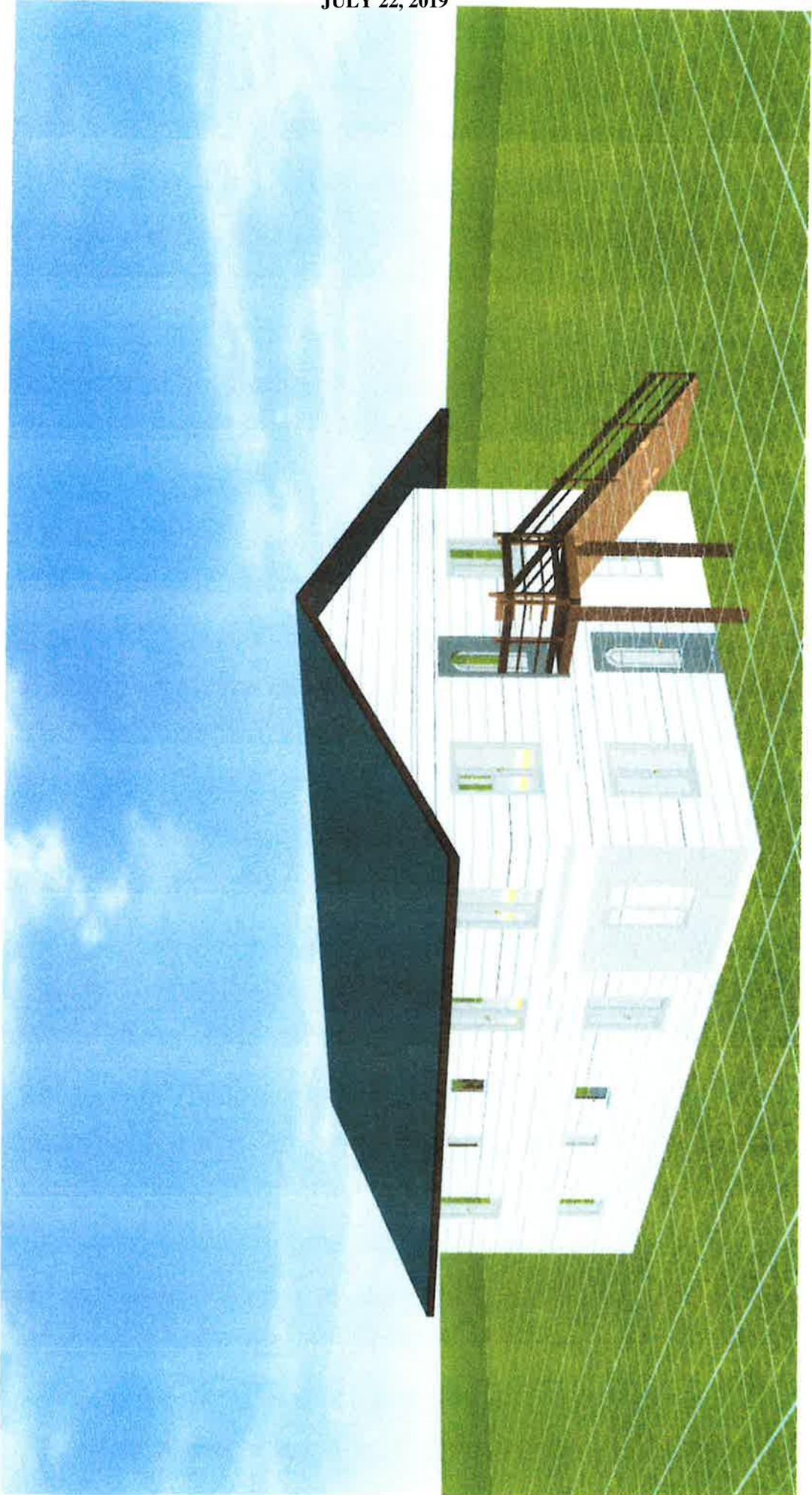
Providing quality, affordable housing will in no way affect the health and safety of the public. It can only improve living conditions for those that occupy the buildings.

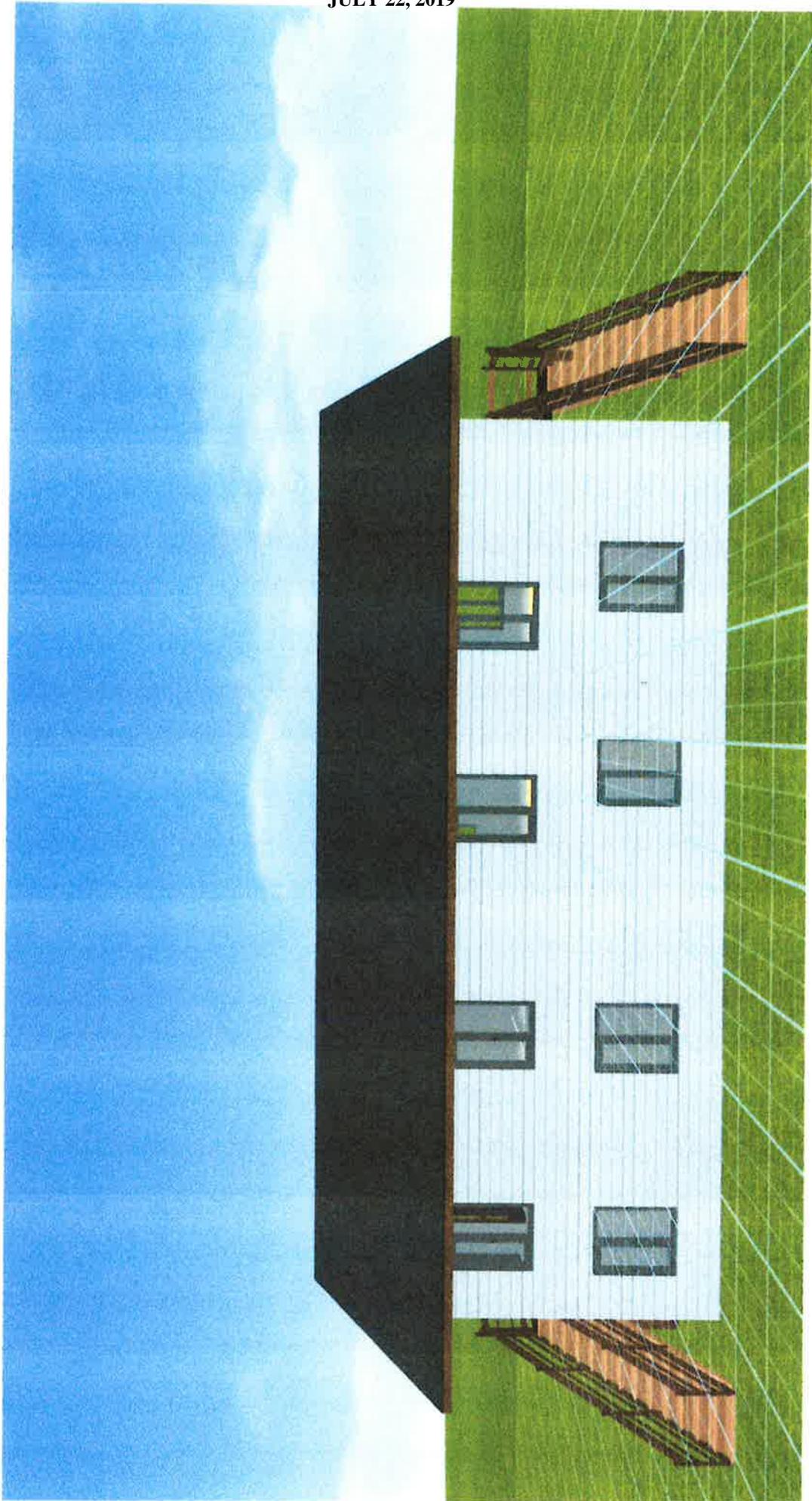
1st Floor

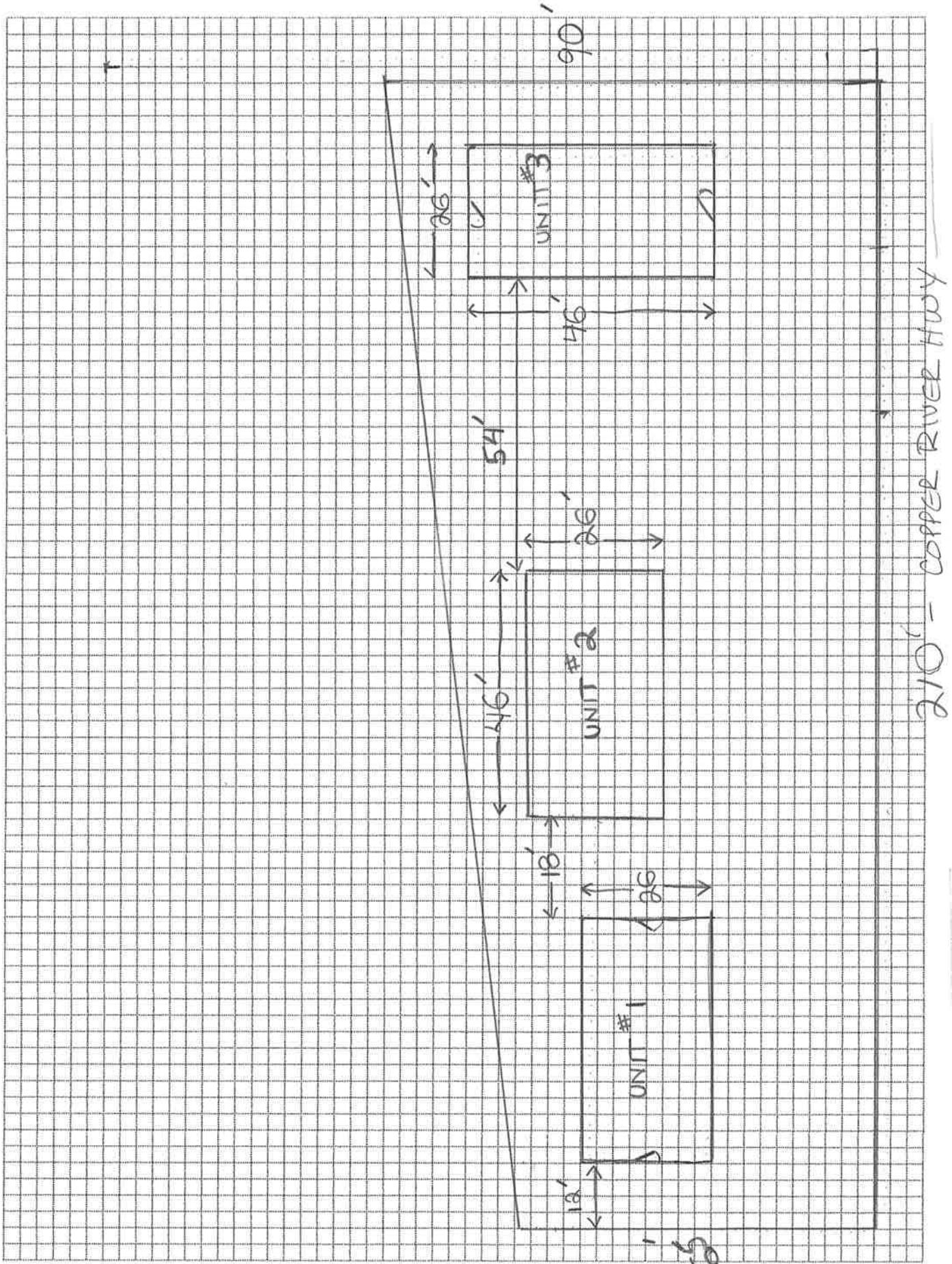


2nd Floor









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