

**PLANNING COMMISSION REGULAR MEETING
AUGUST 9, 2016 AT 6:30 PM
CORDOVA CENTER COMMUNITY ROOMS A & B**

AGENDA

Chair

Tom Bailer

Commissioners

Tom McGann

Scott Pegau

John Baenen

Allen Roemhildt

Mark Frohnapfel

Heath Kocan

City Planner

Samantha Greenwood

Assistant Planner

Leif Stavig

1. CALL TO ORDER

2. ROLL CALL

Chair Tom Bailer, Commissioners Tom McGann, Scott Pegau, John Baenen, Allen Roemhildt, Mark Frohnapfel, and Heath Kocan

3. APPROVAL OF AGENDA (voice vote)

4. APPROVAL OF CONSENT CALENDAR (voice vote)

- a. Minutes of July 12, 2016 Regular Meeting **Page 2**
- b. Record unexcused absences for John Baenen and Allen Roemhildt from the July 12, 2016 Regular Meeting

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

- a. State of Alaska DOT Public Notice **Page 5**

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Guest Speakers
- b. Audience comments regarding agenda items (3 minutes per speaker)

8. PLANNER'S REPORT Page 7

9. NEW/MISCELLANEOUS BUSINESS

- a. Resolution 16-04 **Page 8**
A resolution of the Planning Commission of the City of Cordova, Alaska, recommending a capital improvement list into the City Council of the City of Cordova, Alaska
- b. Resolution 16-05 **Page 13**
A resolution of the Planning Commission of the City of Cordova, Alaska, recommending to the City Council of the City of Cordova, Alaska to remove definitions from Chapter 18.08, to repeal and reenact Chapter 18.52, and to amend the title of Section 18.80.040 of the Cordova Municipal Code in order to update and define nonconforming lots, structures, and uses, to allow for the expansion and alteration of nonconforming structures, and to increase the amount of time a nonconforming use can cease before it is considered discontinued

10. PENDING CALENDAR

- a. August 2016 Calendar **Page 21**
- b. September 2016 Calendar **Page 22**

11. AUDIENCE PARTICIPATION

12. COMMISSION COMMENTS

13. ADJOURNMENT

PLANNING COMMISSION REGULAR MEETING
JULY 12, 2016 AT 6:30 PM
CORDOVA CENTER COMMUNITY ROOMS A & B
MINUTES

1. CALL TO ORDER

Chair **Tom Bailer** called the Planning Commission Regular Meeting to order at 6:30 PM on July 12, 2016 in Cordova Center Community Rooms A & B.

2. ROLL CALL

Present for roll call were Chair **Tom Bailer** and Commissioners **Tom McGann**, **Scott Pegau**, and **Heath Kocan**. **Mark Frohnapfel** was present via teleconference. **John Baenen** and **Allen Roemhildt** were absent.

Also present was City Planner **Samantha Greenwood** and Assistant Planner **Leif Stavig**.

0 people were in the audience.

3. APPROVAL OF AGENDA

M/McGann S/Pegau to approve the agenda.

Upon voice vote, motion passed 5-0.

Yea: **Bailer, McGann, Pegau, Frohnapfel, Kocan**

Absent: **Baenen, Roemhildt**

4. APPROVAL OF CONSENT CALENDAR

a. Minutes of June 7, 2016 Regular Meeting

M/Pegau S/McGann to approve the consent calendar.

Upon voice vote, motion passed 5-0.

Yea: **Bailer, McGann, Pegau, Frohnapfel, Kocan**

Absent: **Baenen, Roemhildt**

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

a. State of Alaska DOT Public Notice

b. State of Alaska DEC Notification

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

b. Audience comments regarding agenda items

8. PLANNER'S REPORT

Greenwood said paving begins on Thursday. She submitted the grant application for ADA sidewalks on both sides of Adams Avenue between First and Second Streets. She met with someone with Rural Development grant and loan opportunities. ATS 1004 has been getting some attention, but no proposals yet. The priorities for the post LT2 project

right now are the hypochloride generators at the three treatment sites, painting the tanks, and purchasing a mini-excavator.

9. NEW/MISCELLANEOUS BUSINESS

a. Disposal of Lot 1, U.S.S. 4606

M/Pegau S/McGann to recommend to City Council to dispose of Lot 1, U.S.S. 4606 by requesting sealed proposals to lease or purchase the property.

Pegau said that there had been discussion about potential road access through the lot. It's hard to see why that corner is any better than any other area. **Stavig** said that there are several access points off of Power Creek, but if you were to come from the lower right side of Lot 1, the easiest to develop road would go through the area identified in the packet. There is potential access all along Power Creek road, but in terms of developing a road with minimal excavation, that route may be the best. **McGann** said he is okay with the easement, but he doesn't think it really helps someone who wants to develop the larger area. **Bailer** said he is very familiar with the area and he thinks it is the best access. There is no place else that facilitates access to all of the surrounding area.

Bailer asked why the item is even considered quasi-judicial. **Stavig** said it comes down to the way the commission talks and approaches the issue. The commission and staff should be very conservative about what they consider quasi-judicial to avoid any errors. If the commission talks about the agenda item in a general way and does not consider the person who submitted a letter of interest, than it is probably okay. **Greenwood** said that their decision is affecting one person.

Bailer said the waterline, electricity, and road needs to be developed through the property so that someone could develop the rest of the subdivision later. **McGann** said if he was a subdivision developer, he would put in the utilities to meet the needs of the subdivision. If someone adjacent to him were to develop another subdivision, that developer would need to put in the utilities to meet the needs of that subdivision. **Bailer** said the person who develops Lot 1 should put in road and utility access to the larger area so when someone wants to develop a subdivision, it is ready to go. **Greenwood** verified that what **Bailer** wanted was a condition in the request for proposals that the proposer develop a 25 foot wide road on the easement area. **Bailer** said someone could buy the lot and excavate the whole thing out and eliminate the access. **McGann** said that someone has an excavator in town currently excavating a goat trail; there are plenty of other possibilities for access to the upper land. **Frohnapfel** said he was concerned they were going to stop future development by disposing of Lot 1. He is interested in the city platting out a subdivision to sell the lots. **Greenwood** said she wasn't sure if he was talking about a subdivision plat or actually developing an entire subdivision on the ground. **McGann** said he is okay selling the lot and if the corner needs to get knocked off, he is okay with that too. **Frohnapfel** says he wants to be clear that he supports land development, but they can't sell one lot and block future development.

Upon roll call vote, motion passed 3-2.

Yea: **McGann, Pegau, Kocan**

Nay: **Bailer, Frohnapfel**

Absent: **Baenen, Roemhildt**

10. PENDING CALENDAR

Bailer said he would not be at the next Regular Meeting. **Pegau** said he still wants to figure out how to move forward with the comprehensive plan. **Stavig** said they would be doing the Capital Improvement Projects list at the next meeting and it could get addressed with that.

11. AUDIENCE PARTICIPATION

12. COMMISSION COMMENTS

Pegau was wondering how they make a stipulation that they place on a property stay in place. It would be good to learn how they enforce it. He sees many battles around property in the future, and having a really good comprehensive plan would be important.

McGann seconded *Pegau's* comments. *McGann* asked to be kept informed of expiring Performance Deeds of Trust. *Greenwood* said that right now everyone is on track. The lot he is thinking about is *Nichols'* which doesn't have a building yet and expires in February.

Kocan said he also agreed with *Pegau's* comments on the comprehensive plan. He knows it is a chunk of money, but it is worth getting that in somehow. He is happy the pavement is coming.

Bailer said he voted no on the disposal of Lot 1 because he thinks there should be more detail and more planning in the way that whole area is developed. He said if the commission sees things that need to be enforced, they can let staff know. It is a complaint driven process.

13. ADJOURNMENT

M/McGann S/Pegau to adjourn the Regular Meeting at 7:04 PM.
With no objection, the meeting was adjourned.

Approved:

Tom McGann, Vice Chair

Leif Stavig, Assistant Planner

DRAFT



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation
and Public Facilities

STATEWIDE AVIATION
Northern Region Aviation Leasing

2301 Peger Road
Fairbanks, Alaska 99709-5399
Main: 907-451-2216
TDD: 907-451-2363
FAX: 907-451-2253
www.dot.state.ak.us

July 14, 2016

RECEIVED

JUL 19 2016

City of Cordova

Re: Cordova Airport
Lease ADA-72004
Public Notice


DISTRIBUTION

Enclosed is a Public Notice regarding a leasehold interest disposal of State land.
Public Notice is required by the Alaska Constitution.

We are sending you this copy for your information only; no action is required on your part.
However, you are welcome to post this notice in the public view.

If you have any questions, please call me at (907) 451-5201.

Sincerely,


Diana M. Osborne
Airport Leasing Specialist

jkb

Enclosure: Public Notice

cc: Robert Mattson, Jr., Airport Manager

Distribution:

Chugach Alaska Corp., 3800 Centerpoint Dr., Ste. 601, Anchorage, AK 99503-5826
City of Cordova, PO Box 1210, Cordova, AK 99574
Eyak Corporation, PO Box 340, Cordova, AK 99574

"Keep Alaska Moving through service and infrastructure."

PROPOSAL TO EXTEND A STATE AIRPORT LAND LEASE: The Alaska Department of Transportation & Public Facilities proposes to extend Lease ADA-72004 (Lot 1B, Block 22), consisting of approximately 52,405 square feet, at Cordova Airport for an additional five (5) years, to expire July 1, 2021. Applicant: Prince William Sound Science Center. Annual rent: \$5,712.16. Authorized uses: non-aviation – Discovery Campground to serve as a science education center.

This is an application filed under AS 02.15.090(c), which allows the Department to grant the proposed lease term extension without competition. Written comments must be received by 4:30 p.m., August 15, 2016, after which the Department will determine whether or not to extend the lease. The Department's decision will be sent only to persons who submit written comment or objection to the Department, at the address and by the date and time specified in this notice, and include their return address. Information is available from Diana M. Osborne, Aviation Leasing, 2301 Peger Road, Fairbanks, AK 99709-5399, (907) 451-5201. Anyone needing hearing impaired accommodation may call TDD (907) 451-2363.

The Department reserves the right to correct technical defects, term, or purposes and may reject any or all comments.

BY: Penelope Adler
Penelope Adler, SR/WA, CM
Chief, Northern Region Aviation Leasing

DATE: July 14, 2016

PLEASE LEAVE POSTED AND FULLY VISIBLE THROUGH AUGUST 15, 2016

Note: A person who removes, obscures or causes to be removed or obscured a notice posted in a public place before the removal date stated in this notice is subject to disqualification from receiving any lease, permit, or concession related to this notice.

Planner's Report

To: Planning Commission
From: Planning Staff
Date: 8/3/16
Re: Recent Activities and Updates

- Three building permits issued since the last meeting.
- Weather dependent paving schedule – 8/5 was last scheduled barge.
- State awarded the city the grant for ADA sidewalks on Adams. Paper work begins and construction will be next spring.
- Continue to work with Federal Rural Development for grant/loan for refuse/landfill.
- No proposals were received for the RFP for ATS 1004. The RFP has been extended to September 1st.
- Provided additional information to US Coast Guard for their summary report of the potential locations for a new facility.
- Negotiation with AT&T on lease terms. Resolution on City Council August 17th meeting.
- Substantial completion of Harborside Pizza is scheduled for early September.
- Edit and update of nonconforming code Chapter 18.52 Research into other codes showed that many cities allowed buildings to be expanded as long as the nonconforming issues weren't aggravated, which means no expansion unless setbacks can be met; separating rules and clarifying definitions and types of nonconforming uses structures and lots.
- Continued work on Post LT2 grant/loan project priorities and paper work.
- Assisting Public Works Director with roads contract and post LT2 construction projects.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 8/3/16
Re: Resolution 16-04 – Capital Improvement List

PART I – GENERAL INFORMATION

The Planning Commission is required by the City Code to:

Submit annually to the city council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed during the forthcoming three-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year (CMC 3.40.080 B).

Last year's Capital Improvement List recommended to City Council by Resolution 15-12 was as follows:

1. Street Repair and Improvements/Paving - \$2,000,000
2. Shipyard Expansion (Public Process) - \$15,000
3. N. Side of Harbor – Extend Parking and Walkway Conceptual Design - \$10,000
4. Comprehensive Plan Update - \$75,000
5. Code Updates - \$25,000
6. Sidewalks between HS and Harbor Loop a portion of SW 2 & SW 6 - \$250,000
7. Survey City roads and property - \$40,000
8. Water/Sewer Infrastructure – as needed
9. Unfinished Baler Development

Staff have placed this list in the current resolution as a placeholder to be amended. After making the motion to approve the resolution, the commission can discuss and make changes to the list.

PART II – DEPARTMENT COMMENTS

Planning

The Planning Department encourages the commission to keep as priorities:

- Design shovel-ready streets and ADA sidewalks Railroad Ave - Nicholoff to Council
- Design shovel-ready streets and ADA sidewalks Second Street – Council to Adams
- Design shovel-ready streets and ADA sidewalks Adams Avenue – Second to Fifth
- N. Side of Harbor – 25' fill (extend parking and walkway) - \$800,000
- Comprehensive plan update \$100,000
- Shipyard Expansion and Design (Public Process) - \$40,000

Public works

Streets 2017-2019

- Priority 1 – Street Sweeper \$120,000 (current one is 25 yrs old; repairs are frequent)
- Priority 2 – Design Engineer Services \$200,000+ (streets drainage, curb & gutters, sidewalks, water/sewer upgrades; 2nd St, then RR Ave Water St to Breakwater, Breakwater Ave failed parking areas @riprap, Chase, LeFevre, Adams, Council, Browning)
- Streets Hook Truck \$280,000 (gravel box, sludge box, flat bed, 3 vehicles down to 1)
- Compactor roller 8', used \$35,000 (10ton steel wheel)
- Covered Connex Stored Sheds \$40,000 (trucks, trailer mounted eqpt, vactor)

Refuse 2017-2019

- New Hook Truck - \$270,000
- Baler Inclined Steel Belt Replacement (belt and tie rods wearing out)
- Landfill Loader - \$400,000
- Cap Bale Cell 1 & 2 \$600,000 (probably can use DEC set aside fund)
- Scrap Steel Pile - Bid to Sell/Crush/Export TBD (scrap prices dropped 50% in last 2 yrs)

Water/Sewer 2017-2019

- 3 – Variable Frequency Drive WWTP Pumps \$135,000 (save pumps & electricity)
- Steel Water Tank Paint/Coat/Repair (doing under Post LT2 project, 2017)
- Enclose Wastewater Headworks \$90,000 (prevent annual freeze ups; steel frame)
- Garage Siding (5 bay garage)

Facility Maintenance

Attached

PART III – STAFF RECOMMENDATION

After making the motion to approve the resolution, the commission can discuss and make changes to the list. Ideally, the commission should prepare a new list and amend the resolution once.

PART IV – SUGGESTED MOTION

“I move to approve Resolution 16-04.”

Facility Maintenance Needs

All rough order of magnitudes (ROM) are very approximate and currently not based on any proposals, engineer estimates, or bids.

1 School Facilities

1.1 Mt. Eccles

1.1.1 HVAC

ROM: \$60,000

The facility has DDC control system installed but is not configured properly and the facility user doesn't have access to alter the system. Some or system could be outdated and or not in working order. This results in the building HVAC system not performing correctly and often leads to the building having large temperature swings.

1.1.2 Emergency Generator

ROM: \$5,000

The emergency generator and transfer switch were installed over 2 years ago and are functional but the generator still requires some adjustments to function fully automated.

1.1.3 Exterior Playground Restroom

ROM: \$10,000

The playground gets used year round even when school is out. If the building is locked the children don't have an access to any restrooms. A few options exist to provide a summer portable toilet or build a restroom facility on or near the playground.

1.2 High School

1.2.1 HVAC

ROM: \$20,000

HVAC system needs to reviewed and adjustments may need to take place, some areas may need to be resized. Some areas are consistently cool while others are warmer.

1.2.2 Boilers

ROM: \$10,000

The building has 3 boilers and a used oil burner. Of the boilers are 3 of them may require maintenance or repair. One of the boilers did not pass inspection during its last yearly state inspection. The boiler stacks are also showing signs of required maintenance and again may require repair or replacement.

1.2.3 Gym Floor

ROM: \$260,000

Estimated at 1,100 square feet of damaged gym floor. The gym floor is older and doesn't meet modern cushioning requirements. Option to replace just section of damaged floor or pursue full replacement of the floor at an estimated \$260,000 cost.

1.2.4 Extended Storage Area

ROM: \$25,000

The building has limited storage areas for all the activities that go on in the building. The staff is looking into constructing an exterior addition to the gym area where non-temperature sensitive items could be stored. The staff is looking at making this project a student class in which the design, permitting, and construction will all be done by the students. Materials would still need to be purchased to complete the project.

1.2.5 Additional Exterior Lighting

ROM: \$3,000

Likely under the threshold of capital project. The facility has some out and dated exterior fixtures that need to be replaced with some LED units.

2 Cordova Community Medical Center

2.1.1 Fire safety sprinkler system

ROM: \$unknown

The sprinkler pipes are original and over the years have started to corrode. On their last inspection lots of areas of the pipe showed pitting. Some areas have been upgraded as needed but a full facility review needs to be done and replacement is likely in many locations. CCMC staff is currently in talks with Taylor Fire Protection for a budget number.

2.1.2 Underground Storage Tank

ROM: \$50,000

The fuel tank for CCMC is a large underground storage tank that has no record of leaking at this point. If there ever was to be a leak or failure of the tank the fuel would travel to waterways quickly. This tank needs to be removed from the ground and a new above ground tank needs to be installed. An above ground tank has been priced around \$36,000 dollars just for the tank.

2.1.3 Relocation of Generators

ROM: \$60,000

The current generators are located on the basement level of the facility. Numerous inspections have recommended that the generators be relocated to an outside generator shed to meet current standards. At this point the generators are grandfathered in and are tested monthly.

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 16-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA,
ALASKA, RECOMMENDING A CAPITAL IMPROVEMENT LIST TO THE CITY COUNCIL
OF THE CITY OF CORDOVA, ALASKA**

WHEREAS, the City of Cordova's Planning Commission is directed by Cordova Municipal Code 3.40.080(E) to *Submit annually to the City Council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed during the forthcoming three-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year; and*

WHEREAS, the City of Cordova's Planning Commission has identified and prioritized a Capital Improvement List that will benefit the citizens of Cordova; and

WHEREAS, the City of Cordova's Planning Commission has identified the following Capital Improvement List as being critical to the future wellbeing and economy of Cordova and the surrounding area:

1. Street Repair and Improvements/Paving - \$2,000,000
2. Shipyard Expansion (Public Process) - \$15,000
3. N. Side of Harbor – Extend Parking and Walkway Conceptual Design - \$10,000
4. Comprehensive Plan Update - \$75,000
5. Code Updates - \$25,000
6. Sidewalks between HS and Harbor Loop a portion of SW 2 & SW 6 - \$250,000
7. Survey City roads and property - \$40,000
8. Water/Sewer Infrastructure – as needed
9. Unfinished Baler Development

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend a capital improvement list to the City Council of the City of Cordova, Alaska.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2016

Tom McGann, Vice Chair

ATTEST:

Samantha Greenwood, City Planner

Memorandum

To: Planning Commission
From: Planning Staff
Date: 8/3/16
Re: Resolution 16-05 – Nonconforming Code Change

PART I – GENERAL INFORMATION

Cordova is abundant with nonconforming lots, structures, and uses, all of which require staff to frequently refer to Cordova Municipal Code Chapter 18.52 (Attachment A). Staff have identified several persistent issues with Chapter 18.52:

1. Nonconforming lots, structures, and uses are not clearly separated and defined.
2. “Building” and “use” are used interchangeably in some cases.
3. There are typos that further confuse some of the provisions.
4. The provisions of nonconformities are not clear.
5. The current code does not allow expansion or alteration of nonconforming structures even if the expansion or alteration would not aggravate the nonconforming portion of the structure.

Staff propose repealing and reenacting Chapter 18.52 to address these issues. See Attachment B for the proposed amendments to Cordova Municipal Code.

PART II - ANALYSIS

The proposed definition for nonconforming lots, structures, and uses is: “a lot, structure, or use authorized by the city through the application of city administrative processes, laws, and/or regulations that existed at the time of authorization but which no longer apply under the current requirements of this title.” It is important to understand that a nonconformity is created legally. If something does not conform to code and was not legally created it is not considered nonconforming.

Staff have had multiple requests from individuals wishing to expand or alter nonconforming residential structures. Many of these structures are located in the core city limits and were built in the early to mid-1900s. A lot of these are smaller starter homes are nonconforming because at the time of building there were no setbacks or the setback requirements have changed. Most of the requests come from people wishing to expand or alter their structure in ways that don’t increase or aggravate the nonconformity, however the current code prohibits any expansion. While it is important to continue to move towards conformity of current code regulations, our current code is extremely restrictive when it comes to nonconformities and can be detrimental to property values.

The comprehensive plan and the purpose of zoning is to promote and protect property values and investments by the citizens. The existing code addressing nonconforming situations seems to contradict these overarching goals and objectives. To determine if the current city code was similar to other city codes and to find solutions to address the concerns of the current nonconforming code, staff researched multiple city codes in Alaska and across the country. By far, the majority of nonconforming codes allowed nonconforming structures to be expanded or altered if the expansion did not aggravate the nonconformity.

The other city codes also separated and clarified the three types of nonconformities to eliminate confusion and to clearly apply provisions to each type of nonconformity.

In developing a new code, the timeframe for a nonconforming use to be considered discontinued was contemplated by staff. The existing code has the timeframe at 90 days and the proposed code has 24 months. Other communities in Alaska have opted for this longer time frame likely due to the seasonality of certain uses and the potential for unforeseen circumstances to occur.

PART III – STAFF RECOMMENDATION

Staff recommend the commission approve Resolution 16-05.

PART IV – SUGGESTED MOTION

“I move to approve Resolution 16-05.”

ATTACHMENT A – EXISTING CODE

Chapter 18.52 - NONCONFORMING USES

18.52.010 - Conditions for continuation.

Any otherwise lawful use of land, structure, building or premises (including parking areas), existing at the time the ordinance codified in this title became effective, but not conforming to the provisions hereof, may be continued, provided:

- A. That if such nonconforming use is discontinued for a period of over ninety days or is abandoned, the use of such land thereafter shall be subject to the provisions of this title;
- B. That no conforming building or building used for a nonconforming use shall be added to, structurally altered, or enlarged in any manner, except as required by another ordinance of the city or by state law, or in order to bring the building, or its use into full conformity with the provisions of this title or Title 16;
- C. That no conforming use occupying a conforming building or portion thereof, or occupying any land, shall be enlarged or extended into any other portion of such building or land not actually so occupied at the effective date of the ordinance codified in this title;
- D. In cases where a variance is sought from Chapter 18.52, nonconforming single-family buildings shall be exempt from section 18.64.020(A)(2)(a) of this title;
- E. Nothing in this section shall be construed to prevent general maintenance on a nonconforming building or building housing a nonconforming use.

(Ord. 695 § 2, 3, 1992; prior code § 15.213(A)).

18.52.020 - Conditions for occupation or use.

Any building or portion thereof in existence prior to the effective date of this ordinance which is specifically designed or arranged to be lawfully occupied or used in a manner not conforming to the provisions of this title may thereafter be so occupied or used, subject to the limitations set forth above for existing nonconforming uses. The term "in existence" shall include, for the purposes of this section only, any building under actual construction at such date; provided, that such building be completed within one year therefrom.

(Prior code § 15.213(B)).

18.52.030 - Damage or destruction.

- A. Except as provided in Subsection B of this section, no building which has been damaged or partially destroyed to the extent of more than fifty percent of its assessed value shall be repaired, moved or altered except in conformity with the provisions of this title.
- B. The planning commission may grant a conditional use permit for a telecommunication tower to be repaired or replaced without changing its location, provided that the repaired or replaced telecommunication tower meets all of the requirements for a conditional use permit under Section 18.60.015, except the requirements in Section 18.60.015(C)(7) and (9).

(Prior code § 15.213(C)).

(Ord. No. 1070, § 10, 7-21-2010)

18.52.040 - Applicability.

The provisions of this chapter shall apply to uses which become nonconforming by reason of any amendment to the ordinance codified in this title, as of the effective date of such amendment.

(Prior code § 15.213(D)).

18.52.050 - Junkyards—Declared nuisance when.

Regardless of any other provision of this title, any junkyard as defined in this title, which after the adoption of the ordinance codified in this title exists located in any district other than an I district as nonconforming use, is declared to be a public nuisance and shall be abated, removed or changed to a conforming use within two years thereafter.

(Prior code § 15.213(E)).

ATTACHMENT B – PROPOSED CODE CHANGES

Section 1. Section 18.08.010 of the Cordova Municipal Code entitled “Definitions” is amended to delete the following definitions:

~~“General maintenance” means the upkeep of property or equipment; to keep in an existing state of repair; preserve from failure or decline.~~

~~“Nonconforming building” means any building or structure or any portion thereof, lawfully existing at the time the ordinance codified in this title became effective, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the zone in which it is located or a building or structure that does not conform to all the height and area regulations of the zone in which it is located.~~

Section 2. Chapter 18.52 of the Cordova Municipal Code entitled “Nonconforming Uses” is repealed and reenacted as follows:

Chapter 18.52 – NONCONFORMITIES

18.52.010 – Purpose.

The purpose of this chapter is to permit nonconforming lots, uses, and structures to protect property owners from undue hardship despite their compliance with past city laws, zoning codes, and regulations while moving towards conformity of lots, uses and structures.

18.52.020 – Definitions.

For the purposes of this chapter the following words or phrases shall be interpreted or defined as set forth in this section, and such interpretations or definitions shall supersede any conflicting interpretations or definitions set forth elsewhere in this title:

“Abandon” means the cessation of use for any length of time, combined with intent to indefinitely cease such use.

“Aggravate” means the physical alteration of structures if such alteration results in a greater invasion in any dimension of setback or height requirements, or a further violation of density, parking, or other requirements of this title.

“Discontinued” means that a nonconforming use has ceased, and has not substantially resumed, for a period of 24 consecutive months, regardless of intent.

“Nonconforming lot, structure, or use” means a lot, structure, or use authorized by the city through the application of city administrative processes, laws, and/or regulations that existed at the time of authorization but which no longer apply under the current requirements of this title.

18.52.030 – Nonconforming lots.

If at any time a nonconforming lot is brought into conformity with this title, the lot shall thereafter conform to all the regulations of the zoning district in which it is located.

A nonconforming lot may be developed in conformity with all other provisions of this title even though such lot fails to meet currently applicable minimum area or width requirements.

18.52.040 – Nonconforming structures.

If at any time a nonconforming structure is brought into conformity with this title, the structure shall thereafter conform to all the regulations of the zoning district in which it is located.

A nonconforming structure may be continued so long as it remains otherwise lawful. The following provisions apply to nonconforming structures:

- A. A nonconforming structure may be enlarged or altered, provided that it does not aggravate the nonconformity, and that no portion of the nonconforming structure extends over any lot line into property not owned by the owner of the nonconforming structure;
- B. A nonconforming structure may be altered to decrease its nonconformity.
- C. If a nonconforming structure is moved for any reason for any distance whatsoever it shall thereafter conform to the code provisions applicable in the zone in which it is located after it is moved;
- D. If a nonconforming structure or nonconforming portion of a structure is significantly damaged by any means to an extent of more than 50 percent of the total structure as determined by an inspection, it shall not be reconstructed except in conformity with the provisions of Cordova Municipal Code.
- E. A nonconforming residential structure may be enlarged or altered without requiring additional parking, as long as the number of dwelling units in the structure is not increased and none of the existing parking is diminished.
- F. Nothing in this section shall be construed to prevent general maintenance on a nonconforming structure. General maintenance includes the repair or replacement of walls, doors, windows, roof, fixtures, wiring, and plumbing.

18.52.050 – Nonconforming uses.

If at any time a nonconforming use is brought into conformity with this title, the use shall thereafter conform to all the regulations of the zoning district in which it is located.

A nonconforming use may be continued so long as it remains otherwise lawful. The following provisions apply to nonconforming uses:

- A. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied as of the date it became nonconforming;
- B. No nonconforming use shall be moved in whole or in part to any other portion of the lot that was not occupied by the nonconforming use as of the date it became nonconforming;

- C. If at any time a nonconforming use is abandoned or discontinued, the use of that lot shall thereafter conform to the code provisions applicable in the zone in which the lot is located, and the nonconforming use shall not thereafter be resumed or allowed to continue.

18.52.060 – Proof of nonconforming lot, structure, or use.

A property owner shall bear the burden of proving that a lot, use, or structure is nonconforming for purposes of this chapter.

Section 3. Section 18.80.040 of the Cordova Municipal Code entitled “Nonconforming building or structure” is amended as follows:

18.80.040 – ~~Noneonforming~~ **Unlawful** building or structure.

Any building or structure set up, erected, built, moved or maintained, or any use of property contrary to the provisions of this title shall be and the same is declared to be unlawful and a violation of this title and the city attorney shall, upon order of the city council, immediately commence action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use, and restrain and enjoin any person from setting up, erecting, moving, or maintaining any such building or structure, or using any property contrary to the provisions of this title.

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 16-05**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA TO REMOVE DEFINITIONS FROM CHAPTER 18.08, TO REPEAL AND REENACT CHAPTER 18.52, AND TO AMEND THE TITLE OF SECTION 18.80.040 OF THE CORDOVA MUNICIPAL CODE IN ORDER TO UPDATE AND DEFINE NONCONFORMING LOTS, STRUCTURES, AND USES, TO ALLOW FOR THE EXPANSION AND ALTERATION OF NONCONFORMING STRUCTURES, AND TO INCREASE THE AMOUNT OF TIME A NONCONFORMING USE CAN CEASE BEFORE IT IS CONSIDERED DISCONTINUED

WHEREAS, the Planning Commission has determined that Chapter 18.52 entitled Nonconforming Uses” is difficult to interpret as it does not clearly differentiate between the different types of nonconformities; and

WHEREAS, Chapter 18.52 does not allow for the expansion of nonconforming buildings even if the expansion does not aggravate the nonconformity; and

WHEREAS, the Planning Commission has determined that the proposed changes to the Cordova Municipal Code are in accordance with the purpose of Title 18; and

WHEREAS, the Planning Commission recommend to City Council to accept the proposed amendments.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend to the City Council of the City of Cordova, Alaska to remove definitions from Chapter 18.08, to repeal and reenact Chapter 18.52, and to amend the title of Section 18.80.040 of the Cordova Municipal Code in order to update and define nonconforming lots, structures and uses, to allow for the expansion and alteration of nonconforming structures, and to increase the amount of time a nonconforming use can cease before it is considered discontinued.

PASSED AND APPROVED THIS 9TH DAY OF AUGUST, 2016

Tom McGann, Vice Chair

ATTEST:

Samantha Greenwood, City Planner

2016 AUGUST

PLANNING COMMISSION REGULAR MEETING AUGUST 9, 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
31	01	02	03 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	04	05	06
07	08	09 6:30 PM - Planning Commission Regular Meeting (Cordova Center Rooms A & B)	10 7:00 PM - Harbor Commission Regular Meeting (Cordova Center Room B) 7:00 PM - School Board Regular Meeting (High School Library)	11 7:00 PM - Health Services Board Regular Meeting (Cordova Center Rooms A & B)	12	13
14	15	16	17 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	18	19	20
21	22	23	24	25	26	27
28	29	30 6:00 PM - Parks and Recreation Commission Regular Meeting (Cordova Center Rooms A & B)	31	01	02	03
04	05	06	07	08	09	10

2016 SEPTEMBER

PLANNING COMMISSION REGULAR MEETING AUGUST 9, 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30	31	01	02	03
04	05	06	07 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	08	09	10
11	12	13 6:30 PM - Planning Commission Regular Meeting (Cordova Center Rooms A & B)	14 7:00 PM - Harbor Commission Regular Meeting (Cordova Center Room B) 7:00 PM - School Board Regular Meeting (High School Library)	15 7:00 PM - Health Services Board Regular Meeting (Cordova Center Rooms A & B)	16	17
18	19	20	21 7:00 PM - City Council Regular Meeting (Cordova Center Rooms A & B)	22	23	24
25	26	27 6:00 PM - Parks and Recreation Commission Regular Meeting (Cordova Center Rooms A & B)	28	29	30	01
02	03	04	05	06	07	08