

**PLANNING COMMISSION REGULAR MEETING
SEPTEMBER 13, 2016 AT 6:30 PM
CORDOVA CENTER COMMUNITY ROOMS A & B**

Chair

Tom Bailer

Commissioners

Tom McGann

Scott Pegau

John Baenen

Allen Roemhildt

Mark Frohnapfel

Heath Kocan

City Planner

Samantha Greenwood

Assistant Planner

Leif Stavig

AGENDA

- 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 August 9, 2016 Regular Meeting **Page 2**
 - b. Record unexcused absences for Tom Bailer and Heath Kocan from the August 9, 2016 Regular Meeting
- 5. DISCLOSURES OF CONFLICTS OF INTEREST**
- 6. CORRESPONDENCE**
 - a. State of Alaska DOT Public Notice **Page 6**
- 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 8**
- 9. NEW/MISCELLANEOUS BUSINESS**
 - a. Resolution 16-04 **Page 9**
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 16**
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. September 2016 Calendar **Page 24**
 - b. October 2016 Calendar **Page 25**
- 11. AUDIENCE PARTICIPATION**
- 12. COMMISSION COMMENTS**
- 13. ADJOURNMENT**

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

1. CALL TO ORDER

Vice Chair **Tom McGann** called the Planning Commission Regular Meeting to order at 6:30 PM on August 9, 2016 in Cordova Center Community Rooms A & B.

2. ROLL CALL

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

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

1 person was in the audience.

3. APPROVAL OF AGENDA

M/Pegau S/Roemhildt to approve the agenda.

Upon roll call vote, motion passed 5-0.

Yea: McGann, Pegau, Baenen, Roemhildt, Frohnapfel

Absent: Bailer, Kocan

4. APPROVAL OF CONSENT CALENDAR

a. Minutes of July 12, 2016 Regular Meeting

b. Record unexcused absences for John Baenen and Allen Roemhildt from the July 12, 2016 Regular Meeting

Baenen said that he was working during the last meeting. The commission concurred that the absence was excused.

Upon roll call vote, consent calendar passed 5-0.

Yea: McGann, Pegau, Baenen, Roemhildt, Frohnapfel

Absent: Bailer, Kocan

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

a. State of Alaska DOT Public Notice

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

b. Audience comments regarding agenda items

Mary Anne Bishop, 700 Fourth Street, was there to urge them to make the comprehensive plan update their top priority on the capital improvement list. It's overdue and it's important to have a plan in place.

8. PLANNER'S REPORT

Frohnapfel verified that the paving was complete. *Greenwood* said that the RFP for ATS 1004 was extended because there was a request and there had been no proposals.

9. NEW/MISCELLANEOUS BUSINESS

a. 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

M/Pegau S/McGann to approve Resolution 16-04.

McGann asked the commission which items from the previous year's list they would like to keep. *Pegau* said definitely the comprehensive plan as they need to keep it moving forward. Next on his list would be the north harbor fill for sidewalk and parking. Last would be the streets repair and improvements. *Frohnapfel* said he would move the comprehensive plan up the list. *Roemhildt* said he agreed as they need to have an in-depth look at what they want in the future. *Baenen* said he would like to see the street repairs and comprehensive plan remain on the list. *McGann* said he agreed with the commission and would like to see code updates remain on the list.

Baenen said he would like to see all of the design and shovel-ready projects added to the list so they are prepared for grants. *Pegau* said he wasn't sure about ADA sidewalks on Adams Avenue from Second to Fifth Street. He suggested they remove unfinished baler development and the sidewalks from the list since those are in progress. *Frohnapfel* said that he didn't see capital equipment as something he wanted on the list. He was curious if the \$2 million bond had been funded yet and said before they do another bond, he wants to make sure they have made a dent in the existing one.

Roemhildt said he definitely wanted to see the HVAC in the Elementary School working. *Baenen* said he agreed about the HVAC and also was in support of the High School gym floor replacement. *McGann* said he was curious about if the HVAC problems were just software or not.

Pegau said he wanted to see addresses fixed. *Frohnapfel* said he agreed and it is something that they can accomplish. As a commission they can bring forward the idea to City Council that everyone has to have their numbers up. *Greenwood* said the first thing they have to do is get an addressing system in place and they will need to hire a consultant.

Each commissioner gave their top three picks for the list. The following is their draft list with an asterisk showing each vote for the item.

1. N. Side of Harbor – Extend Parking and Walkway Conceptual Design - \$10,000*****
2. Comprehensive Plan Update - \$75,000*****
3. Addressing contract - \$???*
4. Design shovel-ready streets and ADA sidewalks Railroad Ave - Nicholoff to Council*
5. Design shovel-ready streets and ADA sidewalks Second Street – Council to Adams*
6. Design shovel-ready streets and ADA sidewalks Adams Avenue – Second to Fifth*
7. Code Updates - \$25,000*
8. Street Repair and Improvements/Paving - \$2,000,000
9. Shipyard Expansion (Public Process) - \$15,000
10. Survey City roads and property - \$40,000
11. Water/Sewer Infrastructure – as needed
12. Mt. Eccles HVAC - \$60,000
13. High School Gym Floor - \$260,000

McGann said that he'd like to see the resolution referred back to staff so they can chew on it for another month. He asked that the list be emailed to the commission, and he wanted to have a monetary value for each item. **Pegau** asked for a ranking matrix of the list so that they can prioritize for the next meeting.

M/Pegau S/Roemhildt to refer the capital improvement list back to staff for the reasons stated previously in the meeting.

Upon roll call vote, motion to refer passed 5-0.

Yea: **McGann, Pegau, Baenen, Roemhildt, Frohnapfel**

Absent: **Bailer, Kocan**

b. 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

M/Roemhildt S/Pegau to approve Resolution 16-05.

Roemhildt said he was apprehensive about changing code, but he thinks it is a good idea to move forward with development safely. **Baenen** said it seemed like a good idea, but he wanted to hear what the others had to say. **Pegau** said his gut reaction was that you shouldn't be able to build on a nonconforming lot, but then he remembered that the builder would have to meet all of the other codes. If someone wanted to build on one of the small lots in town and he was a neighbor, he would have to accept that. For the 24 months as the amount of time before a nonconforming use is discontinued he had to do the math for it to make sense.

Pegau struggled with Section 18.52.040F with general maintenance; he understands replacement or repair of a structural portion of a building, but not a deck or arctic entry which makes it nonconforming. He also had some confusion with Section 18.52.060, in that he didn't recognize that there is conforming, nonconforming, and unauthorized. He said that it may be a redundancy, but it would help to add something that made it clearer that if someone did something unauthorized, it would not be considered nonconforming. **McGann** said he was okay with the code as it was presented in the packet.

M/Pegau S/Roemhildt to recess for five minutes.

With no objection, the meeting was recessed.

McGann called the meeting back to order at 7:30 PM.

M/Pegau S/Roemhildt to amend Section 18.52.040F so that it reads, "nothing in this section shall be construed to prevent general maintenance on a nonconforming structure when there is no evidence that removal of that part of the structure would jeopardize the structural integrity of the structure."

Frohnapfel sees where **Pegau** is going with the amendment and he supports it. **Greenwood** said that she thinks everyone understands where **Pegau** is going, and suggested that staff can rewrite it and bring it back for the next meeting.

M/Pegau S/Frohnapfel to refer back to staff.

Greenwood asked if the commission also wanted some changes for 18.52.060. **Pegau** said that it's confusing because unlawful is never stated. **Frohnapfel** said that by proving something is nonconforming, someone is showing that it's not unlawful. The way to prove it is a building permit. **Greenwood** said that there are multiple ways people can prove nonconforming; it is going to be a case-by-case basis.

Upon roll call vote, motion to refer passed 5-0.
Yea: *McGann, Pegau, Baenen, Roemhildt, Frohnapfel*
Absent: *Bailer, Kocan*

10. PENDING CALENDAR

Frohnapfel said he would not be at the next meeting. *Baenen* said it was moose season so he might be gone.

11. AUDIENCE PARTICIPATION

12. COMMISSION COMMENTS

Baenen said he thought it was a good meeting. He thought they should really be pursuing the shovel-ready projects.

Pegau appreciated seeing the new pavement and sidewalks. It's nice to see something go through the whole process and get crossed off the list.

Frohnapfel said he was excited about addressing and thought it was something they could do.

Roemhildt thanked *Baenen* for bringing up ADA. He appreciated the code update.

McGann thanked everyone for putting up with him.

13. ADJOURNMENT

M/*Frohnapfel* S/*Pegau* to adjourn the Regular Meeting at 7:40 PM.
With no objection, the meeting was adjourned.

Approved:

Tom Bailer, Chair

Leif Stavig, Assistant Planner

Department of Transportation
and Public Facilities



THE STATE
of ALASKA

GOVERNOR BILL WALKER

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

August 2, 2016

RECEIVED

AUG - 8 2016

City of Cordova

Re: Cordova Airport
Permit ADA-70878
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,

A handwritten signature in cursive script that reads "Diana Osborne".

Diana M. Osborne
Airport Leasing Specialist

Enclosure: Public Notice

cc: Robert Mattson, Jr., Airport Manager

Distribution:

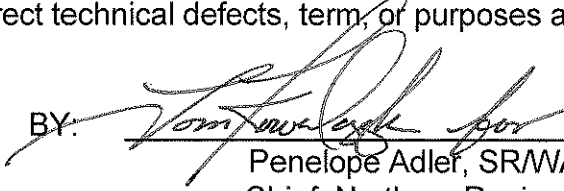
Chugach Alaska Corp., 3800 Centerpoint Dr., Ste. 601, Anchorage, AK 99503-5826
City of Cordova, PO Box 1210, Cordova, AK 99574
Eyak Corporation, PO Box 340, Cordova, AK 99574

"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-70878 (Lot 2, Block 100), consisting of approximately 16,500 square feet, at Cordova Airport for an additional 2 years and 9 months, to expire January 1, 2023. Applicant: Grand Slam, LLC. Annual rent: \$2,029.50. Authorized uses: aviation- Air cargo, airline and air taxi operations; aircraft parking, maintenance and refueling of Lessee-owned aircraft; subleasing for listed services and government support services for airline operations.

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., September 2, 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, SR/WA, CM
Chief, Northern Region Office
Statewide Aviation Leasing

DATE: 8/3/16

PLEASE LEAVE POSTED AND FULLY VISIBLE THROUGH September 2, 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: 9/8/16
Re: Recent Activities and Updates

- Tom Bailer and Allen Roemhildt's terms expire after the 11/8/16 meeting. Letters of interest for the commission are due to the City Clerk on 11/8/16.
- The Alaska Planning Commissioner training is on Sunday, November 13th. Let staff know if you would be interested in attending.
- Two building permits issued since the last meeting, which exceed number of building permits issued last year.
- Staff is researching addressing consultants and is trying to determine how much it would cost to implement addressing.
- Staff is preparing an RFP for ASLS 79-259 and Lot 1 of USS 4606 (Power Creek Lots) as directed by City Council. Surveyor marked the property boundaries for staff and interested parties.
- No proposals were received for the RFP for ATS 1004 even after the one month extension.
- Chip seal is complete for summer.
- Elementary school window contract completed.
- Vacation of ROW is nearly complete, individuals billed, quit claim deeds and plat prepared.
- Continue to work with Federal Rural Development for grant/loan for refuse/landfill.
- Sent letters concerning performance deed of trust on lots Lots 3 and 5 on south fill, Lots 1-4 original town site and Lot 2 Cordova Industrial Park.
- AT&T lease approved by City Council.
- Substantial completion of Harborside Pizza is scheduled for early September.
- Two Equipment RFPs released on 9/5 – Actuated Valve Assemblies and sodium hypochlorite generation and feed systems for post LT2 work.
- Working with Great Land Trust on conservation easement and baseline document.
- Assisting Public Works Director with roads contract and post LT2 construction projects.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 9/8/16
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).

PART II – BACKGROUND

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

8/9/16 – At the Planning Commission Regular Meeting, the commission made changes to the list and referred it back to staff so they could spend more time thinking about it. The draft minutes for that meeting in the packet.

The attached Resolution 16-04 contains the edits made by the commission and updates from staff. Also attached is a matrix requested by the commission so they can rank each of the projects.

Weston Bennett, Superintendent of Facilities, provided the following information about the HVAC at Mt. Eccles: “This is still developing but in my conversations with the school they have reported that the controls server for the Mt. Eccles system has crashed. Before it crashed the school had some control but very minimum do to some proprietary control software. The school got a single ROM quote to replace the server and rewrite some of the programing. At this point we don't believe that much of HVAC systems need repair but it hasn't been fully inspected since install at the time of the renovation.”

PART III – 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 IV – 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 V – 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.

<u>Project</u>	<u>Rank</u>
Design parking and walkway on north side of Harbor - \$285,000	
Comprehensive Plan Update - \$75,000	
Addressing contract	
Design streets and sidewalks on Railroad Avenue from Nicholoff to Council - \$25,000-\$35,000	
Design streets and sidewalks on Second Street from Council to Adams - \$70,000-\$100,000	
Design streets and sidewalks on Adams Avenue from Second to Fifth - \$25,000-\$35,000	
Code Updates - \$25,000	
Street repair and improvements/paving - \$2,000,000	
Shipyard expansion (public process) - \$15,000	
Survey city roads and property - \$40,000	
Water/Sewer Infrastructure – as needed	
Mt. Eccles HVAC - \$60,000	
High School gym floor - \$260,000	

**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. Design parking and walkway on north side of Harbor - \$285,000
 - Shovel-ready design
 - Walkway to meet ADA standards
 - To extend in harbor 50-75 feet
 - Includes contract services from engineer
 - Based on the cost from South Fill report with engineering at 15% of project cost
2. Comprehensive Plan Update - \$75,000
3. Addressing contract
4. Design streets and sidewalks on Railroad Avenue from Nicholoff to Council - \$25,000-\$35,000
 - Shovel-ready design
 - Includes ADA sidewalks and drainage
 - Nicholoff to Water currently has drawings, but need update
 - Water to Council needs drawings
5. Design streets and sidewalks on Second Street from Council to Adams - \$70,000-\$100,000
 - Shovel-ready design
 - Includes ADA sidewalks and drainage
 - Survey work completed
 - Extensive drainage work
6. Design streets and sidewalks on Adams Avenue from Second to Fifth - \$25,000-\$35,000
 - Shovel-ready design
 - Includes ADA sidewalks and drainage
 - Survey work completed
7. Code updates - \$25,000
8. Street repair and improvements/paving - \$2,000,000
9. Shipyard expansion (public process) - \$15,000
10. Survey city roads and property - \$40,000
11. Water/Sewer infrastructure – as needed
12. Mt. Eccles HVAC - \$60,000
13. High School gym floor - \$260,000

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 13TH DAY OF SEPTMEBER, 2016

Tom Bailer, Chair

ATTEST:

Samantha Greenwood, City Planner

DRAFT

Memorandum

To: Planning Commission
From: Planning Staff
Date: 9/8/16
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 – BACKGROUND

8/9/16 – At the Planning Commission Regular Meeting, the commission referred the resolution back to staff so that staff could rewrite a portion of the code that was discussed at the meeting. The draft minutes for that meeting are in the packet.

After spending time researching and looking into the issue brought up at the meeting, staff determined that the proposed amendment may be better fleshed out in the section about damage of the structure. See Section 18.52.040 D in Attachment B.

These changes would allow someone to continually maintain a nonconformity, but make it clearer that if it falls into significant disrepair, it cannot be replaced. Additionally, adding the “nonconforming portion” part gives the city discretion when it comes to determining whether or not the nonconformity is part of the whole structure (e.g. corner of main structure) or something separate (e.g. deck, carport, arctic entry, etc.).

Ultimately, the reasons staff made these changes as opposed to the amendment were:

1. Since the nonconformity was legally constructed, owners should be able to maintain it.
2. It may cause parts of structures to be unmaintained and fall in disrepair.
3. With the above edits, someone couldn’t replace more than 50 percent of the nonconformity and say that it was just maintenance as they would be removing it to replace it.

PART III - 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 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 IV – STAFF RECOMMENDATION

Staff recommend the commission approve Resolution 16-05.

PART V – 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 damaged, removed, or demolished by any means, including but not limited to acts of nature, acts of persons or animals, or lack of maintenance, to an extent of more than 50 percent of the nonconforming structure or nonconforming portion of a structure as determined by an inspection by the city, 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 – ~~Nonconforming~~ **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 13TH DAY OF SEPTEMBER, 2016

Tom Bailer, Chair

ATTEST:

Samantha Greenwood, City Planner

2016 SEPTEMBER

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

2016 OCTOBER

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