

**Chairman**  
Tom Bailer

**Commissioners**  
David Reggiani  
John Greenwood  
Tom McGann  
Scott Pegau  
John Baenen  
Vacant

**City Planner**  
Samantha Greenwood  
**Assistant Planner**  
Shannon Joekay

**PLANNING COMMISSION REGULAR MEETING  
JANUARY 7, 2014 AT 6:30 PM  
LIBRARY MEETING ROOM**

**AGENDA**

**1. CALL TO ORDER**

**2. ROLL CALL**

Chairman Tom Bailer, Commissioners David Reggiani, John Greenwood, Tom McGann,

Scott Pegau, John Baenen

**3. APPROVAL OF REGULAR AGENDA (voice vote)**

**4. APPROVAL OF CONSENT CALENDAR (voice vote)**

- a. Minutes of 12-10-13 Planning Commission Public Hearing ..... Page 1
- b. Minutes of 12-10-13 Planning Commission Regular Meeting..... Pages 2-6

**5. DISCLOSURES OF CONFLICTS OF INTEREST**

**6. CORRESPONDENCE**

- a. None

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

- a. Guest Speakers
- b. Audience comments regarding agenda items (3 minutes per speaker)
- c. Chairpersons and Representatives of Boards and Commissions

**8. PLANNERS REPORT..... Page 7**

**9. NEW/MISCELLANEOUS BUSINESS**

- a. Lot 5, Block 1 South Fill Development Park Disposal Status  
Recommendation to City Council (voice vote).... Pages 8-11
- b. Lot 5, Block 1 South Fill Development Park Letter of Interest (Lease)  
Disposal Recommendation to City Council (voice vote) ..... Pages 12-13
- c. Chairman Election ..... Pages 14-15
- d. Co-Chairman Election ..... Pages 16-17

**10. OLD BUSINESS**

- a. Disposal status for a portion of ATS 220; adjoining Lot 1, Block 1  
Cordova Industrial Park (voice vote) ..... Pages 18-21
- b. Ocean Beauty letter of interest for a portion of ATS 220; adjoining Lot 1,  
Block 1 Cordova Industrial Park (voice vote) ..... Pages 22-30
- b. Chapter 3.40 Discussion ..... Pages 31-51  
*\*Edited Section based on 12/10/2013 meeting, Pages 31-32*  
*\*Edited version (without above changes from 12/10/2013 meeting), Pages 33-42*  
*\*Current Code, Pages 43-51*

**11. PENDING CALENDAR**

- a. January 2014 Calendar..... Page 52
- b. February 2014 Calendar..... Page 53

**12. AUDIENCE PARTICIPATION**

**13. COMMISSION COMMENTS**

**14. ADJOURNMENT**

If you have a disability that makes it difficult to attend city-sponsored functions,  
you may contact 424-6200 for assistance.

Full Planning Commission agendas and packets are available online at [www.cityofcordova.net](http://www.cityofcordova.net)

PLANNING COMMISSION PUBLIC HEARING  
DECEMBER 10, 2013 @ 6:30 PM  
LIBRARY MEETING ROOM  
MINUTES

# DRAFT

**1. Call to order**

Chairman **Tom Bailer** called the Planning Commission Public Hearing to order at 6:30 PM on December 10, 2013 the Library Meeting Room.

**2. Roll Call**

Present for roll call were Chairman **Tom Bailer** and Commissioners **Tom McGann**, **Scott Pegau** and **John Baenen**. Commissioners **David Reggiani** and **John Greenwood** were absent.

Also present was Assistant Planner, **Shannon Joekay**.  
There were 0 person in the audience.

**3. Public Hearing Topics**

a. Reynaldo Velasco variance request for 610 Birch Street

**Bailer** asked if anyone wished to speak to the public hearing. Seeing none he entertained a request for a break.

**M/McGann S/Pegau** moved to recess at 6:31 PM; with no objection, the meeting was recessed.

**Reggiani** joined the public hearing at 6:38 PM.

**Bailer** called the public hearing back to order at 6:43 PM and for the record Commissioner **Reggiani** was present. **Bailer** asked if anyone would like to address the commission. No one stepped forward.

**4. Adjournment**

**M/Reggiani S/Pegau** moved to adjourn the Public Hearing at 6:43 PM; with no objection, the meeting was adjourned.

Approved:

---

Shannon Joekay, Assistant Planner

PLANNING COMMISSION REGULAR MEETING  
DECEMBER 10, 2013 @ 6:45 PM  
LIBRARY MEETING ROOM  
MINUTES  
**DRAFT**

1. **Call to order**  
Chairman **Tom Bailer** called the Planning Commission Regular Meeting to order at 6:45 PM on December 10, 2013 in the Library Meeting Room.
2. **Roll Call**  
Present for roll call were Chairman **Tom Bailer** and Commissioners **David Reggiani, Tom McGann, Scott Pegau**, and **John Baenen**. Commissioner **John Greenwood** was absent.  
  
Also present was Assistant Planner, **Shannon Joekay**.  
  
There were 3 people in the audience.
3. **Approval of Agenda**  
**M/Reggiani S/McGann** to approve the Regular Agenda.  
Upon voice vote, motion passed, 5-0  
Yea: Bailer, Reggiani, McGann, Pegau and Baenen  
Nay: None  
Absent: Greenwood
4. **Approval of Consent Calendar**
  - a. Minutes of 11-12-13 Planning Commission Public Hearing
  - b. Minutes of 11-12-13 Planning Commission Regular Meeting**M/Reggiani S/McGann** to approve the Consent Calendar  
Upon voice vote, motion passed, 5-0  
Yea: Bailer, Reggiani, McGann, Pegau and Baenen  
Nay: None  
Absent: Greenwood
5. **Disclosure of Conflict of Interest**  
None
6. **Correspondence**  
None
7. **Communication by and Petitions from Visitors**
  1. **Guest Speakers**  
None
  2. **Audience comments regarding items in the agenda**  
None
  3. **Chairpersons and Representatives of Boards and Commissions**  
None
8. **Planners Report**

**McGann** asked how the Planners got the estimates for paving. **Shannon** explained that **Samantha** received an estimate and applied it to the lengths of each type of road within the GIS layer. **Pegau** asked about Camtu's building framing. **Shannon** said that is for the existing building for their proposed addition. **Shannon** asked for feedback from the Comp Plan training. **McGann** said it was helpful. He left wondering what the next step was and how it would go to Council to determine if it was a facilitated process or not. **Reggiani** thought the Council would leave it up to P&Z to decide the process since it is a role of P&Z. He said the \$35,000 that was requested was moved to a line item in Planning's budget. He said the number was put in based on **Samantha's** recommendation. He said that when you have a facilitated meeting, the amount is what you want to spend and scope it out better. **Bailer** said he spoke with **Samantha** before she left and that we would put the Comp Plan on the agenda for January to see how P&Z wanted to proceed. **Pegau** thought it was useful but took a while to get to "how do we do it". He felt that progress was made. **Reggiani** felt it was a good intro but wanted more training as to how to do it and what to start looking for. **Bailer** asked if everyone had the Planner's handbook. **Shannon** said that the 2012 handbook would be in their boxes by morning. **Bailer** suggested the commissioners read chapter 5 about the Comp Plan. **Shannon** said that she and **Samantha** had a brief recap with **Chris** and **Shelly** (of Agnew::Beck) the morning after the training. They outlined the process visually, by starting in January/February with a big kick off meeting. They said the current plan has a lot of good information that we can tweak and put into the sections of our updated comp plan. **Shannon** also reminded the commissioners about the big addressing project that will be happening in 2014 as well.

9. **New Business**

a. Final Plat of Whitshed Road Mile 3.8 SLUP Lot Subdivision

**M/McGann S/Reggiani** moved that the Planning Commission approve the Final Plat request for Eyak Corporation, Whitshed Road-Mile 3.8 SLUP Lot Subdivision: A Subdivision of Eyak Corporation Lands within USS 5103.

**Pegau** suggested that when making decisions the commission should ensure that no physical conditions are hazardous to future inhabitants. This is a bluff lot and has the potential for coastal erosion. It could become a City problem since the bluff is steep.

**McGann** pointed out that the lot is 82 feet on the narrow end.

Upon voice vote, motion passed, 5-0

Yea: Bailer, Reggiani, McGann, Pegau and Baenen

Nay: None

Absent: Greenwood

b. Final Plat of Whitshed Road-Mile 5 SLUP Lot Subdivision

**M/Reggiani S/Pegau** moved that the Planning Commission approve the Final Plat request for Eyak Corporation of Tracts A, B, C, and D Whitshed Road-Mile 5 SLUP Lot Subdivision: A Subdivision of Eyak Corporation Lands with USS 5103.

**McGann** stated that they included the green belt and the no build buffer.

Upon voice vote, motion passed, 5-0

Yea: Bailer, Reggiani, McGann, Pegau and Baenen

Nay: None

Absent: Greenwood

c. Ocean Beauty letter of interest for a portion of ATS 220; adjoining Lot 1, Block 1 Cordova Industrial Park

**M/Reggiani S/McGann** moved that the Planning Commission recommend to City Council disposal of a portion of ATS 220; adjoining Lot 1, Block 1 Cordova Industrial Park by method 1-direct negotiations.

**Pete Boulton**, fleet manager from Ocean Beauty Seafoods, said the land would facilitate new evaporators which would be located right on the side of Lot 1, Block 1 and can go forward with original plans for the lot. The evaporator is currently located in the alleyway and would be moved and since they are putting a new freezer tunnel in the plant, they need one more evaporator. The strip of land would facilitate those evaporators. **Pegau** said that it hasn't been 12 months since this lot came up before. He said that the Harbor Commission and P&Z said this lot is not available for lease or sale. He said it needs to be brought back into an available status to entertain this motion. He wants to see the layout for Lot 1, Block 1. **Boulton** said they are doing a lot of upgrades this winter. If they have to put the evaporators somewhere else it will be a huge additional cost to them. **Reggiani** asked for preliminary sketches of the organization and layout of lot 1, block 1. **Boulton** said he could provide those to the Commission. He said they are working on putting the tunnel freezer in which is dependent on where the evaporators go. **Reggiani** asked if he could provide more information by the January meeting and **Boulton** said he could. **Baenen** agreed. **Shannon** added that ATS 220 is classified as tidelands and isn't on the Available/Not Available list so it's all determined on a case by case basis. **Pegau** said this was one of two lots that the decision was made to make Not Available. **Bailer** wanted to confirm it was not a lot but a strip of land. **Shannon** confirmed. **Bailer** asked if there will be access to Shell Beach. **Shannon** said that Shell Beach is not affected. The lot lines for Lot 1, Block 1 end and then there is approximately 10' on one side until it drops off to the beach. **Baenen** asked if this location was all upland. **Boulton** confirmed. **Reggiani** asked if, once acquired, they would replat so it is part of Lot 1, Block 1. **Boulton** said that is their intention. **Bailer** said he was in favor but he wanted the status (available vs. not available) cleared up first. He would also like the Harbor Commission to voice their concerns.

**M/Reggiani S/McGann** to refer back to staff.

Upon voice vote, motion passed, 5-0

Yea: Bailer, Reggiani, McGann, Pegau and Baenen

Nay: None

Absent: Greenwood

d. Reynaldo Velasco Variance Request for 610 Birch Street

**M/Reggiani S/Pegau** moved that the variance request by Reynaldo Velasco from the required 15 feet rear yard setback to a 5 foot rear setback be approved as contained in the staff report.

**Reggiani** noted that the location (between buildings) looked awfully tight. The findings in the staff report were not compelling for any of the conditions. **Pegau** didn't see any exceptional physical circumstances that would justify this variance. **McGann** didn't feel it met any of the 4 conditions. **Baenen** agreed with everyone. **Bailer** asked if there was a response from the Fire Marshal. **Shannon** said it was a handout. **Bailer** said he was also basing his decision on the response from the Fire Marshal.

Upon voice vote, motion failed, 0-5

Yea: None

Nay: Bailer, Reggiani, McGann, Pegau and Baenen

Absent: Greenwood

**10. Old Business**

a. Harvill request for extension of Preliminary Plat

*M/Pegau S/Reggiani* moved that the Planning Commission approve an extension of time the preliminary plat must be submitted for the final plat approval for Phase 4 of Alpine Properties to December 31, 2017.

*John Harvill*, 701 Railroad, said this is a major development-total of 134 acres. They have done quite a bit of work and have completed phase 1. They have spent over \$4 million on the project, to date. The reason they are asking for an extension is that they would have to start the entire permit process over if the preliminary plat lapse. He said he also appreciated working with the current staff.

Upon voice vote, motion passed, 5-0

Yea: Bailer, Reggiani, McGann, Pegau and Baenen

Nay: None

Absent: Greenwood

b. Chapter 3.40 Discussion

*Shannon* said that both versions are included (edited vs. original). *Reggiani* asked if the intent was to get comments from the commission first, then to legal. *Shannon* confirmed that was the intent and that we would possibly be able to pass it to legal in January.

*Reggiani* asked if the commission could look at it after it was sent to legal. *Pegau* would like the voting procedure added to eliminate confusion between majority of commission vs. majority of quorum. He would also like to see the 24 hour notice be changed to 48 hours so the commission has time to look at the packets. *Bailer* said if they were pushed back to 48 hours, something may not be able to be heard immediately if it needed to be. If it was in writing, it would hold the commission to waiting 48 hours. *Pegau* said he would like to have 2 days but understands the restriction. *Reggiani* said he would like legal to weigh in on the voting majority. *Bailer* said to change "G" to "guided by Robert's Rules...". *Bailer* asked about the definitions of the Comprehensive Plan. *Shannon* said they should choose one. *McGann* liked definition #4 and *Pegau* liked #5 since it said included but not limited to. *Bailer* liked the definition in the Alaska Planning Commission handbook.

**11. Pending Calendar**

a. December 2013 Calendar

b. January 2014 Calendar

*Reggiani* said that January and February meeting dates conflict with the Prince William Sound Aquaculture's meetings. Two commissioners would be gone and would make it difficult to establish quorum especially since we are down a member right now. The commission said that January could be changed to January 7<sup>th</sup>. *Shannon* asked if February's meeting could be changed. The commission suggested that it get brought up in January as to February's meeting date. *Shannon* said that there will be chair and co-chair elections in January. She also suggested recruiting since we have an open seat.

**12. Audience Participation**

None

**13. Commission Comments**

**Baenen** said it was a good meeting. He said that the commission is charged with doing the Comprehensive Plan. It should be the commission, as a body, to figure out what to do with the Comprehensive Plan. **Pegau** asked where Planning and Zoning were in the process for the Shepard Point project. **Bailer** said he thinks they commented on the original plan before. He also spoke about the Comprehensive Plan and the commission getting information compiled and then passing that information to the public rather than having blank pieces of paper. We could start with what we have currently and work from there.

**14. Adjournment**

**M/Reggiani S/McGann** moved to adjourn the Regular Meeting at 7:37 PM; with no objection, the meeting was adjourned.

Approved:

---

Shannon Joekay, Assistant Planner

Planning Department

Planners Report

To: Planning Commission

From: Planning Department Staff

Date: January 2, 2014

Re: Recent Activities and updates

---

- No permits issued.
- February meeting date conflicts with PWSAC. Change it to 2/4/14?
- Possible work session for the Comprehensive Plan, plan of attack?
- Shannon has accepted a position at Cordova Electric. Her last day will be Friday, January 17<sup>th</sup>. She has appreciated working with each of you and thanks you for all the help, especially during the solo meeting last month. She will be out of town for the January meeting but wishes you all well!
- The Planning Department and Public Works Department have merged into one big department within the City. We are still sorting out what all will be involved with this merge, but will keep you informed.
- Lot 1, Block 1 Cordova Industrial Park should be closing within the next month.



# Memorandum

To: Planning Commission

Thru: Planning Department Staff

Date: December 30, 2013

Re: A portion of Lot 5, Block 1 South Fill Development Park Disposal Status

---

## **PART I. GENERAL INFORMATION:**

File No.: 02-173-108

Address & Survey: A portion of Lot 5, Block 1 South Fill Development Park

Zoning: Waterfront Commercial District

Requested Action: Recommendation to City Council

---

## **PART II. BACKGROUND:**

The Alaska Commercial Company (AC)'s lease for a portion of Lot 5, Block 1 is expiring on March 31, 2014. AC has requested another 5 year lease. Since the lease expires the disposal process needs to occur.

## **PART III. REVIEW OF APPLICABLE INFORMATION:**

At this meeting, the Commission needs to determine the land disposal type to use to categorize this lot.

Currently 1,800 square feet of this lot 5 immediately adjacent to Nicholoff Way is not included in the lease and is used for public parking. AC is **not** requesting this area. AC would like to continue with the terms of the previous lease which is a portion of Lot 5, approximately 8,100 square feet.

Tony Schinella, Harbormaster, voiced his concerns to keep the 1,800 square feet of this lot immediately adjacent to Nicholoff Way for public parking.

The current classifications of land disposals are:

1. **Available** – Means available to purchase, lease or lease with an option to purchase.
2. **Not available** – Means that once the maps are approved by Planning and Zoning and City Council, the identified property is NOT available for sale. These parcels include protected watersheds, substandard lots, snow dumps and other lots used by the City.
3. **Leased** – These lots are currently leased to a business or government entity by the City and are not currently available. We have leases that range from short term (renewing every 2 years) to long term leases with substantial improvements on the property.
4. **Tidelands** – All requests to purchase tideland will be reviewed by the Planning and Zoning Commission as they are received. Planning and Zoning will make a recommendation on disposing of the tidelands to City Council.

**PART IV. STAFF RECOMMENDATION:**

Staff recommends that a portion of Lot 5, Block 1 of the South Fill Development Park, which is zoned Waterfront Commercial, be classified as Available.

**PART V. SUGGESTED MOTION:**

"I move to approved resolution 14-01."

**CITY OF CORDOVA, ALASKA  
PLANNING AND ZONING COMMISSION  
RESOLUTION 14-01**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY OF CORDOVA'S CITY COUNCIL THAT A PORTION OF LOT 5 BLOCK 1 OF THE SOUTH FILL DEVELOPMENT PARK BE UPDATED TO AVAILABLE AND ADDED TO THE 2013 LAND DISPOSAL MAPS.**

**WHEREAS**, the City of Cordova's city manager and city planner are directed by the Cordova Municipal Code Section 5.22.040(C) – Application to lease or purchase the city manager shall refer an application from a qualified applicant to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the application for review by the planning commission not later than its next regular meeting; and City of Cordova's Planning and Zoning Commission directed by the Cordova Municipal Code Section 5.22.040(D) – Application to lease or purchase The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

**WHEREAS**, the City of Cordova's Planning and Zoning Commission has determined that updating the 2013 land disposal maps at this time Lot 5 Block 1 of the South Fill Development Park is important to maintain consistency and provide current status to the public and the Council.

**WHEREAS**, the City of Cordova's Planning and Zoning Commission has determined that Lot a portion of Lot 5 Block 1 of the South Fill Development Park should be designated as AVAILABLE on the land disposal maps.

**WHEREAS**, having updated maps will benefit the citizens of Cordova by providing maps for public review; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the City of Cordova's Planning and Zoning Commission recommends that Lot 5 Block 1 of the South Fill Development Park be updated to AVAILABLE and added to the 2013 Land Disposal Maps to the City of Cordova's City Council.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF JANUARY, 2014**

---

Tom Bailer, Chairman

ATTEST:

---

Samantha Greenwood, City Planner

Lot 5, Block 1 South Fill Development Park  
Location Map



# Memorandum

To: Planning Commission

Thru: Planning Department Staff

Date: December 30, 2013

Re: Lot 5, Block 1 South Fill Development Park Disposal Recommendation

---

## **PART I. GENERAL INFORMATION:**

File No.: 02-173-108  
Address & Survey: Lot 5, Block 1 South Fill Development Park  
Lot Size: 9,900 square feet  
Zoning: Waterfront Commercial District  
Requested Action: Recommendation to City Council

---

## **PART II. BACKGROUND:**

The letter of interest, attached, is for Lot 5, Block 1, South Fill Development Park. It was received by the City Planner from Alaska Commercial Company on August 13, 2013 and is being brought forward on the January 7, 2014 Planning Commission meeting. The current lease with the Alaska Commercial Company expires on March 31, 2014. In accordance with 5.22.040 (E), the Planning Commission shall review the application or letter of interest and make a recommendation to City Council.

## **PART III. REVIEW OF APPLICABLE CRITERIA:**

**As described in section 5.22.040 Application to Lease or Purchase (E)** The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

**Section 5.22.060 Methods of Disposal for Fair Market Value (A)** In approving a disposal of an interest in city real property for fair market value, the council shall select the method by which the city manager will conduct the disposal from among the following:

1. Negotiate an agreement with the person who applied to lease or purchase the property;
2. Invite sealed bids to lease or purchase the property;
3. Offer the property for lease or purchase at public auction;
4. Request sealed proposals to lease or purchase the property.

## **PART IV. STAFF RECOMMENDATION:**

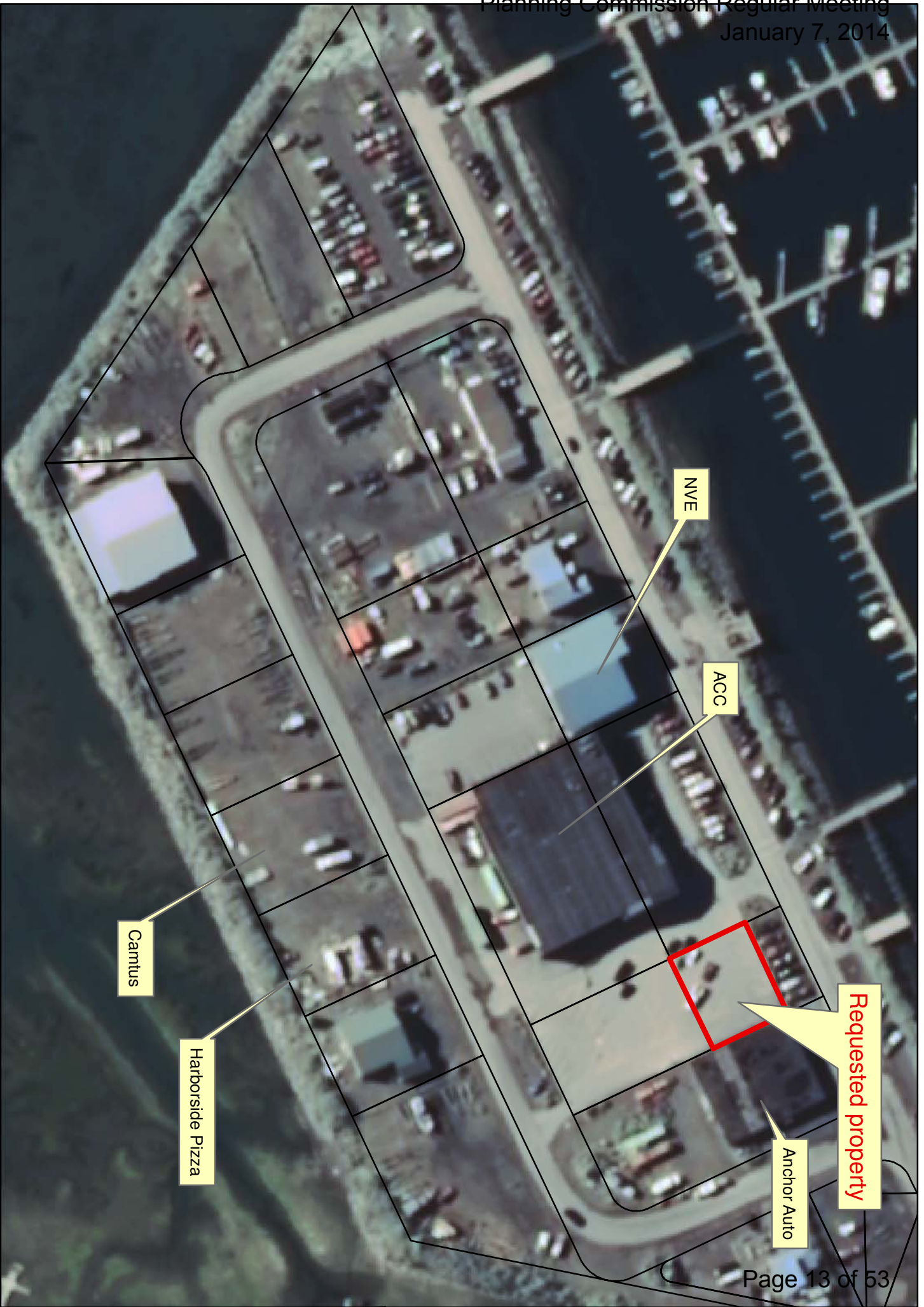
Staff recommends disposing of Lot 5, Block 1, South Fill Development Park by method 1- direct negotiations.

## **PART V. RECOMMENDED MOTION:**

"I move to recommend to City Council disposal of Lot 5, Block 1, South Fill Development Park by method 1 – direct negotiations."



Lot 5, Block 1 South Fill Development Park  
Location Map



# Memorandum

To: Planning Commission  
Thru: Planning Department Staff  
Date: December 30, 2013  
Re: Chairman Election

---

## **PART I. GENERAL INFORMATION:**

The Planning Commission consists of 7 members: 6 members nominated by the Mayor and confirmed by the City Council and 1 member designated by City Council from its number.

Pursuant to Section 3.40.030, a chairman of the commission shall be selected annually, and shall be elected from and by the appointive members.

## **PART II. ROBERT'S RULES OF ORDER:**

Nominations from the Floor:

As soon as the president (current Chairman) opens nominations from the floor, any member can bring forth a nomination. The member should know beforehand if the person he or she wishes to nominate is both eligible and willing to serve.

When the nomination is from the floor:

- A member does not have to get recognition, and often in small assemblies, a member can call out a name while still seated.
- A person can nominate himself or herself.
- A nomination does not need a second.
- A member can be nominated for more than one office. (In this case, chairman or co-chairman)
- A member can't nominate more than one person for an office until everyone has had the opportunity to make nominations.
- Nominees do not have to leave the room during nominations, when the vote is take, or when the vote is counted.
- The presiding officer (current Chairman) can continue presiding, even if he or she is one of the nominees for the office.
- A member can rise and decline the nomination during the nominating process.
- After each nomination, the president (current Chairman) repeats the name to the commission. For example:
  - **Chairman:** Denise Harmon, for Chairman. Are there further nominations for Chairman?

A motion to close nominations is usually not necessary unless it is apparent that members are nominating people just to honor them, and that the nominees have no intention of serving.

Usually the current chairman closes nominations when no further nominations come forward.

If at any time during the nominating process a member realizes that he or she will be unable to serve if elected, the member should stand and request that his or her name be removed from nomination. Removing your name during the nomination process is better than waiting until after you are elected.

Elections:

After the nominating process is finished, the members must vote on the proposed candidates. Since our bylaws do not state how the vote is to be taken a member can make an incidental motion regarding how to take the vote.

Members can take the vote for election by

- Voice
- Ballet
- Roll Call
- Cumulative voting (not applicable as it is not written in our bylaws)

**PART III. STAFF RECOMMENDATION:**

Staff recommends the vote for election by voice vote.



# Memorandum

To: Planning Commission

Thru: Planning Department Staff

Date: December 30, 2013

Re: Co-Chairman Election

---

## **PART I. GENERAL INFORMATION:**

The Planning Commission consists of 7 members: 6 members nominated by the Mayor and confirmed by the City Council and 1 member designated by City Council from its number.

Pursuant to Section 3.40.030, a chairman of the commission shall be selected annually, and shall be elected from and by the appointive members. While this section of code does not currently require the election of a co-chair it has been a practice in the past for the commission. Having a co-chair allows for consistent back up for the chair and provides a point of contact for staff if the chair is not available. Since the codes does not state that there shall be no co-chair appointing a co-chair is an acceptable practice. The requirement of having a co-chair added to section 3.40.030 is being reviewed and considered in the code rewrite.

## **PART II. ROBERT'S RULES OF ORDER:**

Nominations from the Floor:

As soon as the president (Chairman) opens nominations from the floor, any member can bring forth a nomination. The member should know beforehand if the person he or she wishes to nominate is both eligible and willing to serve.

When the nomination is from the floor:

- A member does not have to get recognition, and often in small assemblies, a member can call out a name while still seated.
- A person can nominate himself or herself.
- A nomination does not need a second.
- A member can be nominated for more than one office. (In this case, chairman or co-chairman)
- A member can't nominate more than one person for an office until everyone has had the opportunity to make nominations.
- Nominees do not have to leave the room during nominations, when the vote is take, or when the vote is counted.
- The presiding officer (Chairman) can continue presiding, even if he or she is one of the nominees for the office.
- A member can rise and decline the nomination during the nominating process.
- After each nomination, the president (Chairman) repeats the name to the commission. For example:

- **Chairman:** Denise Harmon, for Co-Chairman. Are there further nominations for Chairman?

A motion to close nominations is usually not necessary unless it is apparent that members are nominating people just to honor them, and that the nominees have no intention of serving.

Usually the current chairman closes nominations when no further nominations come forward.

If at any time during the nominating process a member realizes that he or she will be unable to serve if elected, the member should stand and request that his or her name be removed from nomination. Removing your name during the nomination process is better than waiting until after you are elected.

Elections:

After the nominating process is finished, the members must vote on the proposed candidates. Since our bylaws do not state how the vote is to be taken a member can make an incidental motion regarding how to take the vote.

Members can take the vote for election by

- Voice
- Ballet
- Roll Call
- Cumulative voting (not applicable as it is not written in our bylaws)

### **PART III. STAFF RECOMMENDATION:**

Staff recommends the vote for election by voice vote.



The Harbor Commission and the Planning and Zoning Commission recommend that the area represented in this tideland purchase request by Prince William Sound Science Center be made not available. At the direction of the interim City Manager, after discussions with the Prince William Sound Science Center, this recommendation was not forwarded to City Council. The status of this area was not officially changed on the land status maps from Tideland to not available. At this meeting the commissions is tasked with determining the status of this portion of tidelands. To clarify this portion of ATS 220 is currently classified as "Tidelands".

**PART III. REVIEW OF APPLICABLE INFORMATION:**

At this meeting, the Commission needs to determine the land disposal type to use to categorize this portion of ATS 220, currently classified as Tidelands.

The current classifications of land disposals are:

1. **Available** – Means available to purchase, lease or lease with an option to purchase.
2. **Not available** – Means that once the maps are approved by Planning and Zoning and City Council, the identified property is NOT available for sale. These parcels include protected watersheds, substandard lots, snow dumps and other lots used by the City.
3. **Leased** – These lots are currently leased to a business or a government entity by the City and are not currently available. We have leases that range from short term (renewing every 2 years) to long term leases with substantial improvements on the property.
4. **Tidelands** – All requests to purchase tideland will be reviewed by the Planning and Zoning Commission as they are received. Planning and Zoning will make a recommendation on disposing of the tidelands to City Council.

**PART IV. STAFF RECOMMENDATION:**

Staff recommends that Ocean Beauty's request of approximately 1,900 square feet, (19 X 100) located on the West side of Lot 1, Block 1 of the Cordova Industrial Park be classified as Available.

**PART V. SUGGESTED MOTION:**

"I move to approved resolution 14-02."

**CITY OF CORDOVA, ALASKA  
PLANNING AND ZONING COMMISSION  
RESOLUTION 14-02**

**A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY OF CORDOVA'S CITY COUNCIL THAT A PORTION OF ATS 220, APPROXIMATELY 1,900 SQUARE FEET (19 X 100), LOCATED ON THE WEST SIDE OF LOT 1 BLOCK 1 OF THE CORDOVA INDUSTRIAL PARK BE UPDATED TO AVAILABLE AND ADDED TO THE 2013 LAND DISPOSAL MAPS.**

**WHEREAS**, the City of Cordova's city manager and city planner are directed by the Cordova Municipal Code Section 5.22.040(C) – Application to lease or purchase the city manager shall refer an application from a qualified applicant to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the application for review by the planning commission not later than its next regular meeting; and City of Cordova's Planning and Zoning Commission directed by the Cordova Municipal Code Section 5.22.040(D) – Application to lease or purchase The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

**WHEREAS**, the City of Cordova's Planning and Zoning Commission has determined that updating the 2013 land disposal maps at this time with this portion of ATS 220, approximately 1,900 square feet, (19 X 100) located on the West side of Lot 1, Block 1 of the Cordova Industrial Park, is important to maintain consistency and provide current status to the public and the Council.

**WHEREAS**, the City of Cordova's Planning and Zoning Commission has determined that this piece of land should be designated as AVAILABLE on the land disposal maps.

**WHEREAS**, having updated maps will benefit the citizens of Cordova by providing maps for public review; and

**NOW, THEREFORE, BE IT RESOLVED THAT** the City of Cordova's Planning and Zoning Commission recommends that this portion of ATS 220, approximately 1,900 square feet, (19 X 100) located on the West side of Lot 1, Block 1 of the Cordova Industrial Park be updated to AVAILABLE and added to the 2013 Land Disposal Maps to the City of Cordova's City Council.

**PASSED AND APPROVED THIS 7<sup>th</sup> DAY OF JANUARY, 2014**

---

Tom Bailer, Chairman

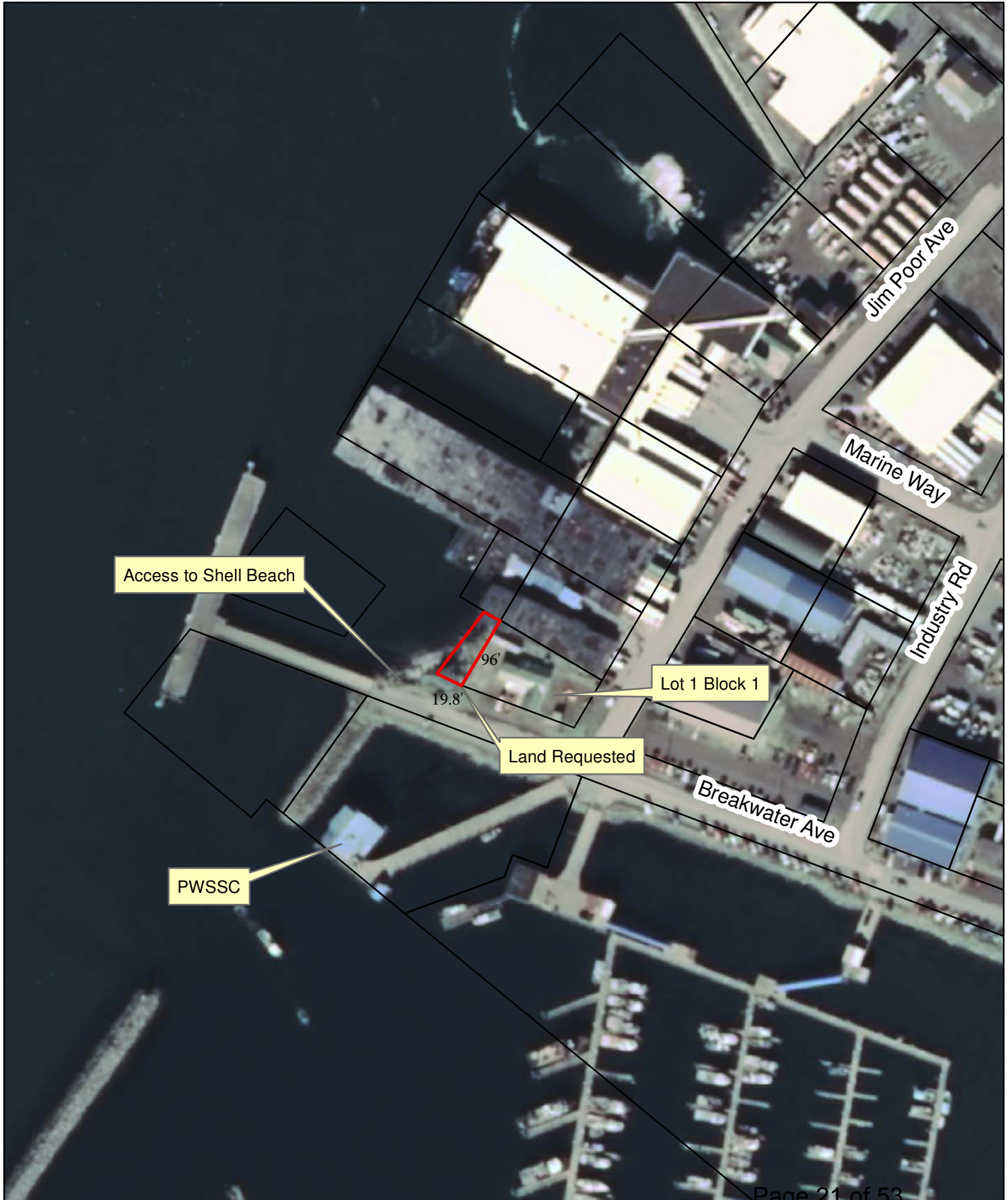
ATTEST:

---

Samantha Greenwood, City Planner

Planning Commission Regular Meeting  
January 7, 2014

# Location Map for land adjoining Lot 1 Block 1 Ocean Beauty Request



# Memorandum

To: Planning Commission

Thru: Planning Department Staff

Date: December 30, 2013

Re: Purchase of a Portion of ATS 220 to the west of Lot 1, Block 1 Cordova Industrial Park

---

## **PART I. GENERAL INFORMATION:**

Address & Survey: Portion of ATS 220 to the west of Lot 1, Block 1 Cordova Industrial Park  
Lot Size: approximately 1,900 square feet, (19 X 100) located on the West side of Lot 1, Block 1 of the Cordova Industrial Park.  
Zoning: Waterfront Industrial Zone District  
Requested Action: Recommendation to City Council

---

## **PART II. BACKGROUND:**

The Planning Department staff brought forward a letter of interest on the December 10, 2013 Planning Commission meeting from Ocean Beauty to purchase approximately 1,900 square feet, (19 X 100) located on the West side of Lot 1, Block 1 of the Cordova Industrial Park.. The commissioners moved to refer the item back to staff for more clarification on Ocean Beauty's projected use for Lot 1, Block 1.

Ocean Beauty has provided additional information on the layout and need for the additional square footage which is attached. Ocean Beauty will also have a representative at the meeting to answer any further questions.

## **PART III. REVIEW OF APPLICABLE CRITERIA:**

**As described in section 5.22.040 Application to Lease or Purchase (E)** The planning commission shall review the application, and recommend to the city council whether the city should accept the application, offer the real property interest for disposal by one of the competitive procedures in Section 5.22.060, or decline to dispose of the real property interest.

**Section 5.22.060 Methods of Disposal for Fair Market Value (A)** In approving a disposal of an interest in city real property for fair market value, the council shall select the method by which the city manager will conduct the disposal from among the following:

1. Negotiate an agreement with the person who applied to lease or purchase the property;
2. Invite sealed bids to lease or purchase the property;
3. Offer the property for lease or purchase at public auction;
4. Request sealed proposals to lease or purchase the property.

PART IV. SPECIAL CONDITIONS

1. **The** approximately 1,900 square feet, (19 X 100) located on the West side of Lot 1, Block 1 of the Cordova Industrial Park **will be surveyed and incorporated into the existing Lot 1 Block 1 Cordova Industrial Park, by a plat which will be recorded at the State of Alaska Recording Office.**

PART V. STAFF RECOMMENDATION:

Staff recommends disposing of approximately 1,900 square feet, (19 X 100) of ATS 220 to Ocean Beauty located on the West side of Lot 1, Block 1 of the Cordova Industrial Park based on the findings and special conditions as contained in the staff report

PART VI. RECOMMENDED MOTION:

"I move to recommend to City Council disposal of a portion of ATS 220, approximately 1,900 square feet, (19 X 100) located on the West side of Lot 1, Block 1 of the Cordova Industrial Park by method 1 – direct negotiation, based on the findings and special conditions as contained in the staff report"





Ms. Samantha Greenwood  
City Planner  
City of Cordova  
P.O. Box 1210  
Cordova, Alaska 99574

December 2, 2013

Dear Ms. Greenwood:

This letter is to declare our interest in acquiring the strip of land between Lot 1, Block 1, CIP and the fill marking the boundary between upland and the shore to the east of the lot. The property in question is shown in orange highlight in the Lot 1, Block 1 Shoreside attachment 1. I estimate the square footage to be in the neighborhood of 1900 square feet. We propose to use the land to locate the structure for the two condenser towers and the new transformer vault as shown in the OB Proposed Eng Rm Elec Plan attachment. Please feel free to call me at 206 790 5670 if you have any questions.

Sincerely,

*Michael Clutter*

Michael Clutter  
Plant Manager - Cordova  
Ocean Beauty Seafoods, LLC

ATTACHMENT A

# Ocean Beauty Seafoods, LLC

## Request to Purchase Property

On Shore-side of Lot 1, Block, 1 CIP

Thank you for considering our request to purchase the strip of land on the shore side of Lot 1, Block 1, above the beach.

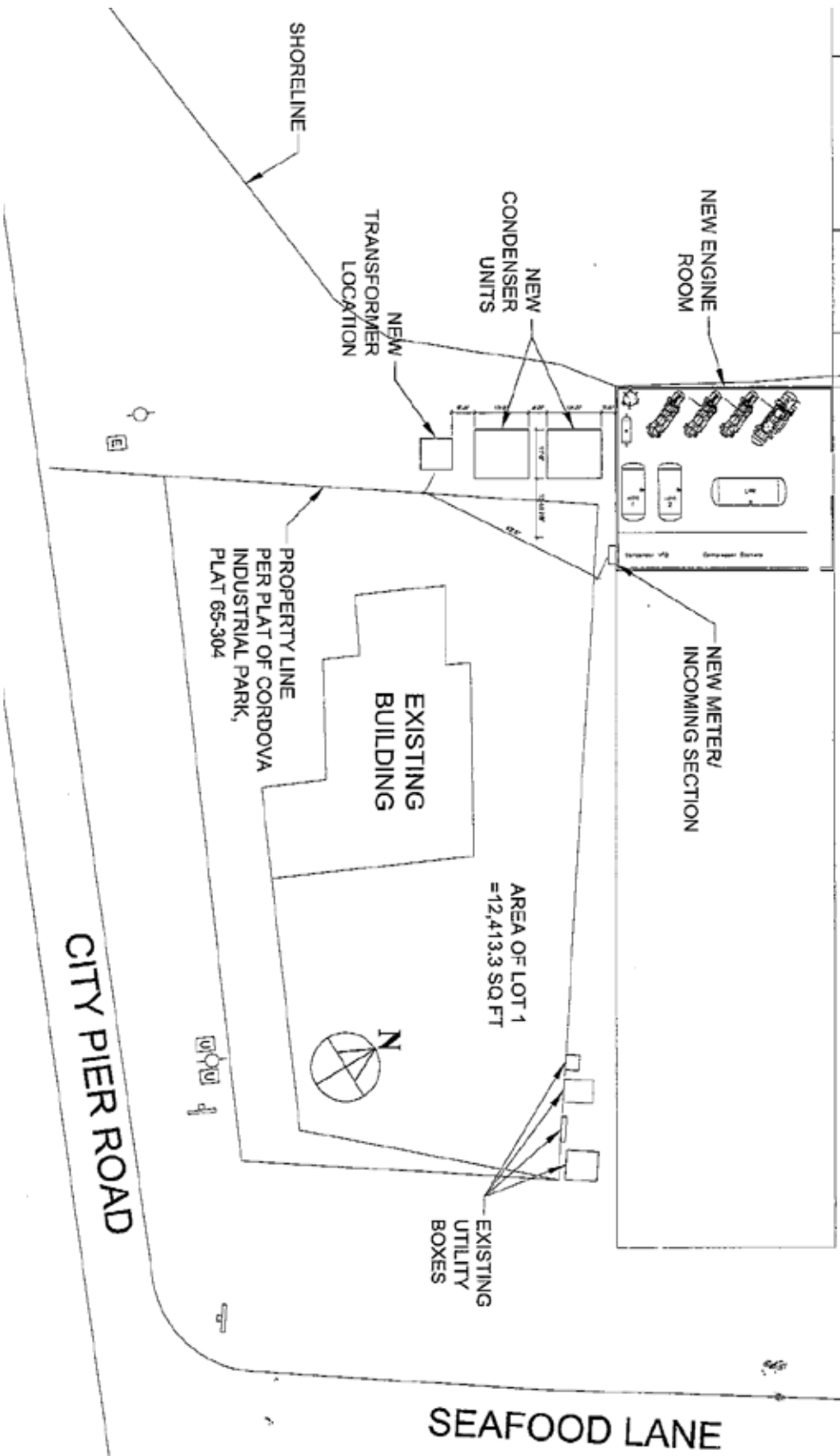
The Option 1 drawing is our preferred configuration with the condensers located on the shore side of Lot 1, Block 1. Comparing this to the Option 2 drawing where the condensers and transformer must be located on Lot 1 shows how we'd sacrifice buildable space on Lot 1 and decrease the footprint of any building we erect on that lot.

The Option 1 configuration is also optimal from an operational perspective because it allows the condensers to pull cooler air from the water side. Option 2 would force us to place the condensers at a level higher than the adjacent building to avoid short circuiting the airflow into the condensers.

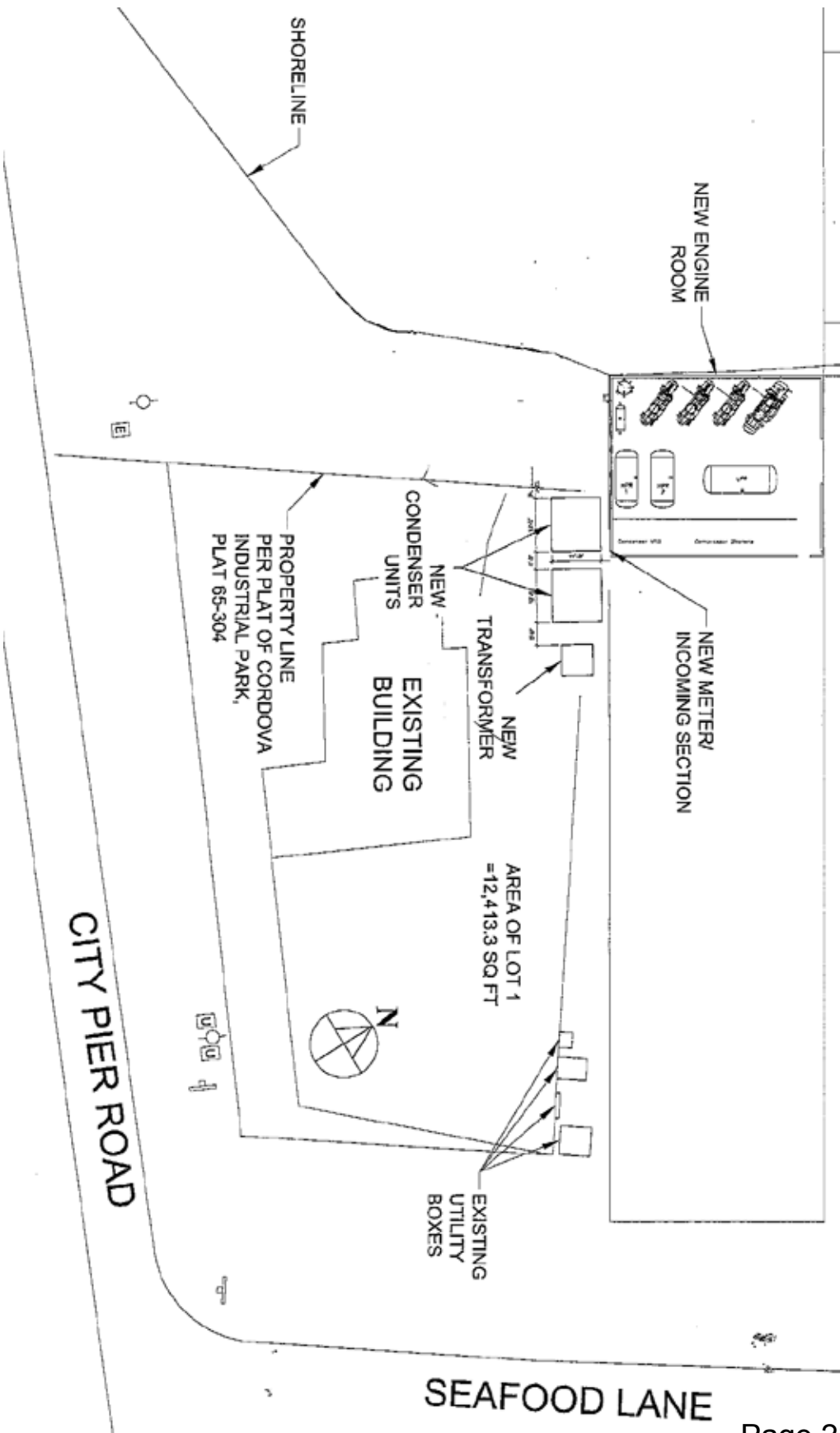
**Key Points to Consider:**

1. In order to get the most bang for our buck we need to maximize on the buildable space on Lot 1, Block 1.
2. Ocean Beauty has no interest in acquiring the beach property or any of the tide lands below the fill line of the property in question.

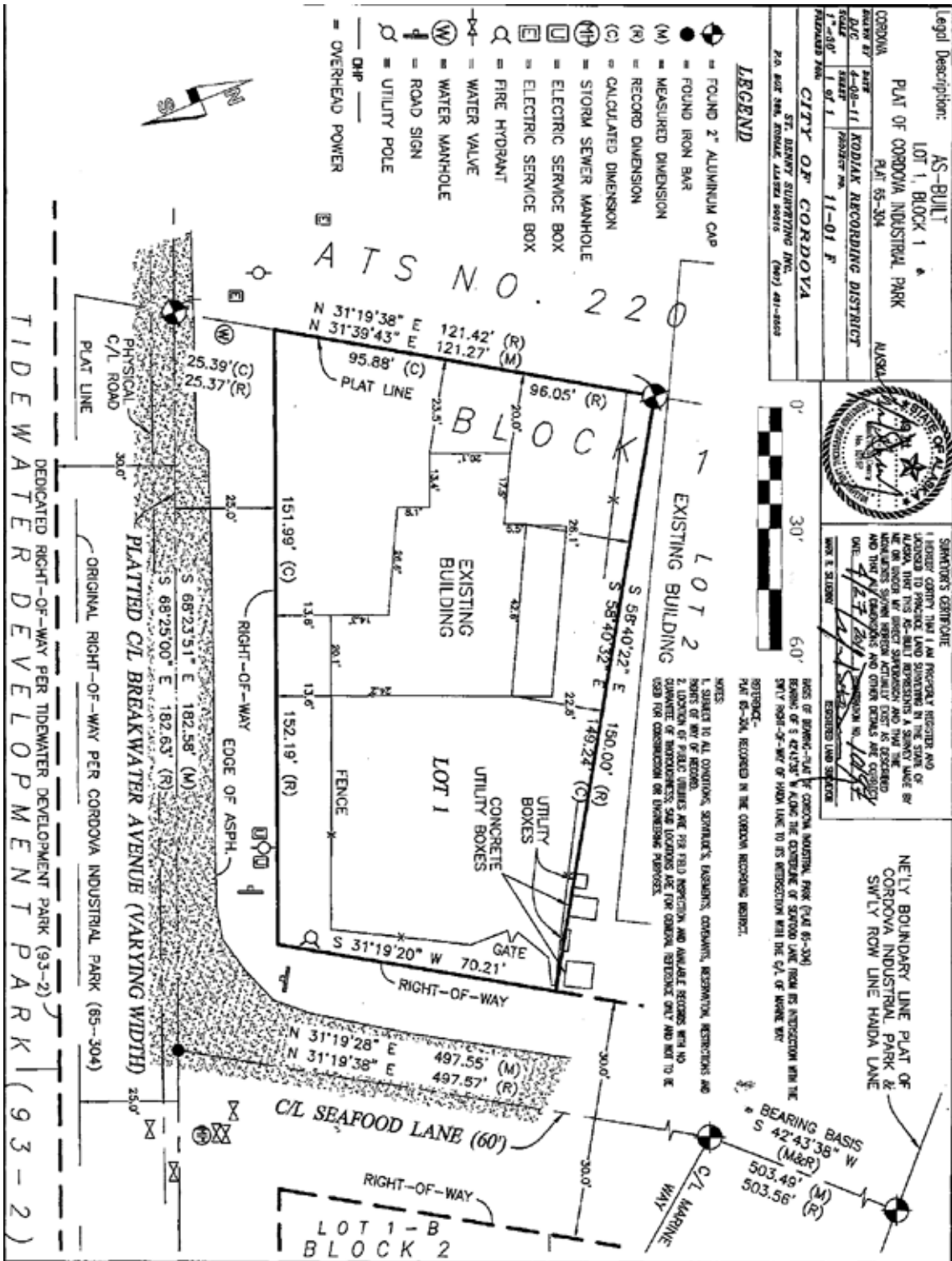
# Condenser Units – Option 1 (with purchase of additional land) Northeast / Southwest Orientation



# Condenser Units – Option 2 (without purchase of additional land) Northwest / Southeast Orientation

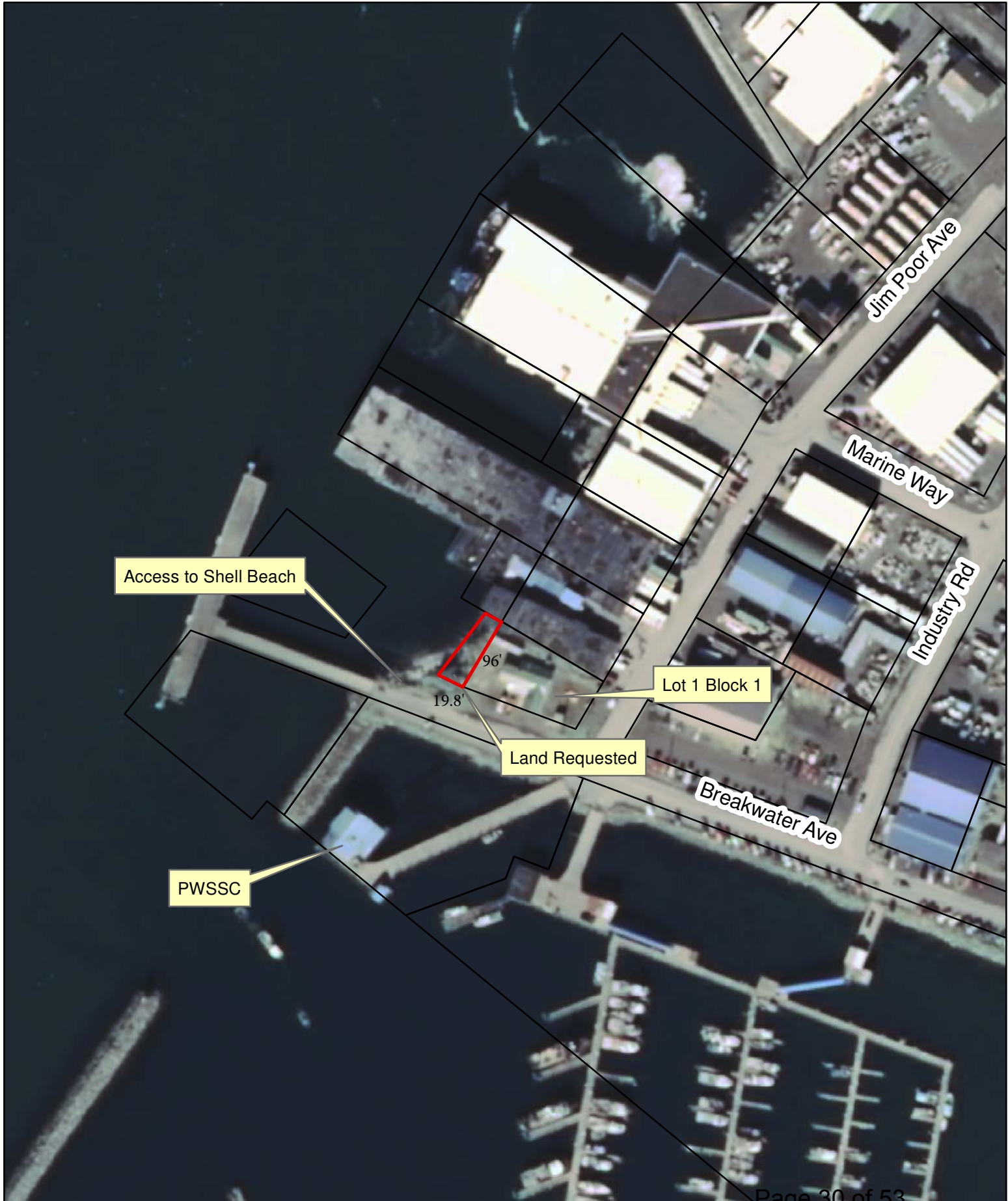


Lot 1, Block 1 As-Built (showing current building)



Planning Commission Regular Meeting  
January 7, 2014

# Location Map for land adjoining Lot 1 Block 1 Ocean Beauty Request



# Memorandum

To: Planning Commission  
Thru: Planning Department Staff  
Date: December 2, 2013, 2013  
Re: Chapter 3.40 Planning Commission

---

11/12/2013 First review by P&Z of Chapter 3.4  
12/10/2013 Review of Planners re-write

## Background

The minutes below are from the 12/10/2013 meeting and these points have been addressed below. Once these additions have been reviewed the edited code will go to the lawyers for review and comments. Once that is completed it will be place on the P&Z meeting for review and recommendation to City council.

## Chapter 3.40

### b. Chapter 3.40 Discussion

*Shannon* said that both versions are included (edited vs. original). *Reggiani* asked if the intent was to get comments from the commission first, then to legal. *Shannon* confirmed that was the intent and that we would possibly be able to pass it to legal in January. *Reggiani* asked if the commission could look at it after it was sent to legal. *Pegau* would like the voting procedure added to eliminate confusion between majority of commission vs. majority of quorum. He would also like to see the 24 hour notice be changed to 48 hours so the commission has time to look at the packets. *Bailer* said if they were pushed back to 48 hours, something may not be able to be heard immediately if it needed to be. If it was in writing, it would hold the commission to waiting 48 hours. *Pegau* said he would like to have 2 days but understands the restriction. *Reggiani* said he would like legal to weigh in on the voting majority. *Bailer* said to change "G" to "guided by Robert's Rules...". *Bailer* asked about the definitions of the Comprehensive Plan. *Shannon* said they should choose one. *McGann* liked definition #4 and *Pegau* liked #5 since it said included but not limited to. *Bailer* liked the definition in the Alaska Planning Commission handbook.

Below is the 2012 Alaska's planner handbook definition for comprehensive plan as well as the two that were preferred from the previous meeting. A definition needs to be picked.

**Comprehensive plan** is a The adopted official statement of a legislative body of a local government that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical design for the public and private development of land and water.

**Comprehensive plan** is a is: a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems,



transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs

**Comprehensive plan** is a blueprint for guiding development in a community. It includes information on population dynamics and demographics, physical conditions, land use, the environment, transportation, public facilities, open space, and legal and fiscal aspects. The plan reflects the vision and direction of residents. The comprehensive plan's vision, goals, objectives, policies, and implementation strategies provide a framework for decision-making regarding land use, transportation, housing, public facilities, and economic development.

This is the attempt to clarify the majority voting and to make this section similar to City Council. The current suggest that only actions requiring public hearings should require a majority of all members of the commission, currently only vacation of a ROW, Zoning change and variance are required by code to have a public hearing. An exception may have a public hearing and there is no direction given for plats at this time. It is standard practice to have public hearings on the preliminary plat and an exception at this time so I included these actions in the code.

### **3.40.XXX Passage of proposals.**

**A majority of the members of the commissions present shall constitute a quorum. Any action the commission is authorized or required to take under City code may be taken by favorable vote of a majority of the quorum except as follows:**

**A. A majority of all members of the commission shall be required to be present to vote on a variance request, an exception request, request to vacate a Right of way, zoning change, and final plats.**

**B. Aa roll call vote shall be conducted when a majority of all members is required, or upon request of any commission member..**

It was requested to change Roberts Rule shall to Roberts Rule to will guide commission meeting. Below is what is currently in code for the City council and does have the condition "when applicable" if some reason we need to move away for Roberts rule of Order.

**G. Robert's Rules of Order as newly revised shall govern the proceedings of the council when applicable and when not in conflict with state statute or this code** ~~The commission shall conduct business using Roberts Rules of Order~~

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

**Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT**

*Sections:*

3.40.010 Definitions

3.40.XXX State law adopted by reference- will delete if not Holly says not needed

3.40.XXX Planning Commission Created

3.40.XXX Planning commission -Membership.

3.40.030 Planning commission—Officers

~~3.40.040 Planning commission—Ex officio members.~~

~~3.40.050 Planning commission—Members' terms of office.~~

3.40.070 Planning commission—Meetings.

3.40.055 Absences to terminate membership.

~~3.40.060 Planning commission—Vacancy filling.~~

3.40.080 Planning commission—Powers and duties—Designated.

3.40.090 Planning commission—Powers and duties—Zoning commission.

3.40.100 Board of adjustment.

3.40.010 Definitions see attached

**Comprehensive plan** is a The adopted official statement of a legislative body of a local government that sets forth (in words, maps, illustrations, and/or tables) goals, policies, and guidelines intended to direct the present and future physical, social, and economic development that occurs within its planning jurisdiction and that includes a unified physical design for the public and private development of land and water.

**Comprehensive plan** is a is: a generalized, coordinated land use map and policy statement of the governing body of a local government that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational facilities, recreational facilities, and natural resources and air and water quality management programs

comprehensive plan is a blueprint for guiding development in a community. It includes information on population dynamics and demographics, physical conditions, land use, the environment, transportation, public facilities, open space, and legal and fiscal aspects. The plan reflects the vision and direction of residents. The comprehensive plan's vision, goals, objectives, policies, and implementation strategies provide a framework for decision-making regarding land use, transportation, housing, public facilities, and economic development.

Title 3 - ADMINISTRATION

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

**Facility** A structure or place which is built, installed, or established to serve a particular purpose

**“Stipend”** is a fixed regular sum paid as a salary or allowance.

**Parkway** is the area, excluding the sidewalk, if any, between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.

**3.40.010 State law adopted by reference.**

The laws of the state dealing with city planning commissions, zoning commissions, and boards of adjustment, present and future, particularly AS 29.43.040, are incorporated into this chapter as if expressly included herein. ~~—Holly is this needed?~~

(Prior code § 15.101, as amended during 1979 codification).

~~**3.40.020 Planning commission created—Membership.**~~

~~**A. There is created a city planning commission consisting of seven members.**~~

~~**B. Only residents of the city who qualify as municipal voters pursuant to Section 2.12.020 herein shall be entitled to serve on the planning commission. One of the members of the commission shall be designated by the council from its number. Each of the remaining six members shall be nominated by the mayor and confirmed by the council. Each term of membership shall be for three years, and terms of individual members shall be overlapping. Members shall serve without compensation.**~~

(Ord. 961 § 1, 2004: Ord. 619 § 2, 1987: prior code § 15.102(a)).

**3.40.XXX Planning Commission Created**

A city planning commission is established. In the first instance one-third of commission shall be appointed for three years, one-third for two years, and one-third for one year. The City Planning Department shall serve as staff to the commission the commission shall conduct business and have the powers and duties set forth in this chapter.

~~**3.40.XXX Planning commission created—Membership**~~

- ~~**A**~~ The planning commission shall consist of seven members. Only residents of the city who qualify as municipal voters pursuant to Section 2.12.010 of this code shall be entitled to serve on the commission. One of the members of the commission shall be designated by the council from its number. Each of the remaining six members shall be nominated by the mayor and confirmed by the council. Members shall serve without a stipend.
- ~~**B.**~~ Ex Officio Members are the mayor, city manager, ~~city engineer~~ and city building official shall be ex officio members of the commission, and shall have the privilege of the floor, but no right to vote
- ~~**C.**~~ Terms of Office. Each term of membership shall be for three years, and terms of individual members shall be overlapping

Title 3 - ADMINISTRATION

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

- D. **Filling of Vacancies.** Appointments to fill vacancies shall be for the unexpired term of the vacated position.

**3.40.XXX Planning commission—Officers.**

- A. The Chairman and Vice Chairmen of the commission shall be selected annually, and shall be elected from and by the appointed commissions members. Terms of office shall be one year.
- B. The chair shall preside over the meetings of the commission and shall exercise all the powers usually incident to the office and shall be a voting member with full right to have his/her vote recorded in all deliberations of the commission
- C. The vice-chair shall assume the duties of the chair in his/her absence. In case of the absence of both the chair and vice-chair, the members present may elect a temporary chair for the meeting who shall, during such meeting, have full powers of the chair.

(Prior code § 15.102(e)).

**~~3.40.040 Planning commission—Ex officio members.~~**

~~The mayor, city manager, city engineer and city building official shall be ex officio members of the commission, and shall have the privilege of the floor, but no right to vote.~~

~~(Prior code § 15.102(d)).~~

**~~3.40.050 Planning commission—Members' terms of office.~~**

~~Members of the commission shall be appointed for three years; provided, however, that in the first instance one third thereof shall be appointed for three years, one third for two years, and one third for one year.~~

~~(Prior code § 15.102(b)).~~

**~~3.40.070 Planning commission—Meetings.~~**

~~The commission shall meet regularly at time and places set by the commission. Special meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings of the commission shall be open to the public and the commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.~~

**3.40.XXX Planning commission—Meetings.**

- A. The commission shall meet regularly at a time and place set by the commission. The public shall be notified of the commission meeting schedule through the media as required by the Cordova Municipal Code. Notice of postponement of any regular meeting must be given to each commission member in advance.

Title 3 - ADMINISTRATION

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

- B. Special meetings may be called by the chair or at such times as the commission may determine necessary provided that at least twenty-four-hour notice of a special meeting is given to each member at his/her established residence or business, and to the public.
- C. All meetings of the commission shall be open to the public with the exception of executive sessions. Executive sessions are closed to the public; however, no final action may be taken on any question during an executive session. Executive sessions shall be conducted in strict compliance with state and municipal law.
- D. The commission shall keep minutes of its proceedings showing the vote upon each question of each member, or if member is absent or member fails to vote. The commission shall keep records of its official actions and records of its examinations, all of which shall be filed in the office of the city clerk and shall be kept as a public record.
- E. A majority of the membership of the commission present shall constitute a quorum for the transaction of business.
- F. A public hearing may be opened and comments received without a quorum of the commission present, provided that no action may be taken on the issue until records of public testimony and any relevant reports have been received by absent commissioners. Four affirmative votes are needed to pass any motion requiring a public hearing.
- G. **Robert's Rules of Order as newly revised shall govern the proceedings of the council when applicable and when not in conflict with state statute or this code** ~~The commission shall conduct business using Roberts Rules of Order~~
- H. Any member who has a substantial personal or financial interest of any kind in any question being voted upon shall identify his/her interest and declare a possible conflict of interest. He/she shall not be excused from voting thereon except with concurrence of the majority of other members present.
- I. The agenda and memorandum for each meeting shall be set by staff at the direction of the chair and shall be available to each member at least twenty-four hours prior to the meeting. Two commissioners, the Chair, City Planner or City Manager may submit items to be on the agenda.
- J. Regularly Scheduled meetings shall adjourn or recess by eleven pm. Business agenda items not considered by eleven p.m. may be taken up at a reconvened meeting or added to the next regular or special meeting agenda.

**3.40.XXX Passage of proposals.**

**A majority of the members of the commissions present shall constitute a quorum. Any action the commission is authorized or required to take under City code may be taken by favorable vote of a majority of the quorum except as follows:**

**A. A majority of all members of the commission shall be required to be present to vote on a variance request, an exception request, request to vacate a Right of way, zoning change, and final plats.**

**B. Aa roll call vote shall be conducted when a majority of all members is required, or upon request of any commission member..**

Title 3 - ADMINISTRATION

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

**3.40.XXX Absences to terminate membership.**

- A. A commissioner ~~cannot be~~ absent from more than one-half of all the regular meetings of the planning commission held within any period of four consecutive calendar months, without being excused from attending such meetings, ~~if this occurs~~ he chair of the commission shall declare the commissioner's seat vacant. ~~Except~~ that in the case of a commissioner appointed from the council, the chair of the commission shall report such commissioner's unexcused absences to the council. ~~The commission shall determine whether any absence is excused.~~
- B. For purposes of this section, an absence will be considered excused if due to the following causes and shall require approval by the commission at the next regularly scheduled meeting:
  - 1. The illness or injury of the commission member or a family member;
  - 2. The death of a family member;
  - 3. An employment-related commitment;
  - 4. A commitment for city business; or
  - 5. Other good cause approved by the commission.
- C. Whenever possible, absences should be noticed to the ~~commission chair~~ **planning department** prior to the meeting for purposes of securing a quorum at the meeting.
- D. A commissioner may participate in a commission meeting by teleconference.

(Ord. 962 § 2, 2004).

**~~3.40.060 Planning commission—Vacancy filling.~~**

~~Appointment to fill vacancies shall be for the unexpired term.~~

~~(Prior code § 15.102(e)).~~

~~The commission shall meet regularly at time and places set by the commission. Special meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings of the commission shall be open to the public and the commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.~~

~~(Prior code § 15.102(f)).~~

**3.40.XXX Planning commission—Powers and duties—Designated.**

The commission shall be required to do the following:

- A. Develop, adopt, alter or revise, amend subject to approval by the city council, a ~~master plan~~ **comprehensive plan** that in words and with maps, illustrations, tables, goals, policies, and guidelines **that are** intended to direct the present and future physical, social, and economic development **of the city.** ~~that occurs within its planning jurisdiction~~  
~~the physical development of the city. Such comprehensive plan with accompanying maps, plats, charts, descriptive and explanatory matter, shall show~~

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

~~the commission's recommendations for the development of the city territory, and may include among other things:~~

- ~~1. Development of the type, location and sequence of all public improvements,~~
- ~~2. The relocation, removal, extension or change of use of existing or future public ways, grounds, spaces, buildings, properties and utilities,~~
- ~~3. The general extent and location of rehabilitation areas.~~

~~When a comprehensive plan for the city has been approved by the council, amendments, revisions and extensions thereof may be adopted by the council after consideration and report by the planning commission. All amendments, revisions or extensions shall correspond to major geographical divisions of the city or to functional divisions of the subject matter of the plan. When such comprehensive plan has been approved by the city council, no amendments, revisions or extensions thereto shall be approved except upon the affirmative vote of four members of the city council;~~

- B.** Exercise control over platting and subdivision of lots, blocks or lands within the city limits. All proposed plans, **preliminary plats and final** plats or replats of lots, blocks or lands within the city limits and all streets, alleys and other portions of the same intended to be dedicated to public or private use within the corporate **city** limits shall first be submitted to the commission for its approval or rejection before such plans **preliminary plats and final**; **Final** plats or replats shall be entitled to **record in Cordova district Records office**. ~~the office of the district recorder for the Cordova Precinct.~~ Unless the city council disapproves the action of the planning commission within twenty days, its decision shall be final. If the commission has approved any plan, plat or replat and city council has not within twenty days disapproved this action, the planning commission through its chairman shall endorse its approval on the plan, plat or replat and the owner thereof may then offer it for recording. **This needs to be moved to chapter 17.12.040 where it is already required to submit final plats to city council,** In exercising the powers granted it by this section, adoption regulations governing the subdivision of land within the city limits. **the planning commission shall prepare, develop, adopt, revise, and amend subject to approval by the city council a subdivision ordinance.** Such regulations **ordinance** may provide for the harmonious development of the city and its environs, for the coordination of streets and other **right of** ways within the subdivided land **and** with other existing or planned streets and **right of ways**, ~~or~~ **and** for conformance to the comprehensive plan **and** ~~or~~ official **zoning** map, for adequate open spaces, ~~for spaces for traffic,~~ utilities, recreation, light and air, and for the avoidance of congestion of population. Subdividing, for the purposes of this section, means and includes the division of any lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development. **This is defined in Chapter 17 it does not need to be here.**
- C.** ~~No lot, tract or parcel of land may be divided for any purpose whatsoever by means of metes or bounds, description or by any means other than platting or~~



Title 3 - ADMINISTRATION

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

~~replatting as provided in Title 17 of this code;~~ This needs to be in chapter 17  
subdivision; Keep it all in one place

- C. Draft an official **zoning** map of the city and recommend or disapprove proposed changes in such map;
- D. **Make and adopt plans for the clearance and rebuilding of slum districts and blighted areas within the city; ---This is a discussion for January**
- E. 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~~ **in the next** three-year period. Such list shall be arranged in order of preference, ~~with recommendations as to which projects shall be constructed in which year;~~
- F. Promote public interest in and understanding of the comprehensive plan and of planning and zoning. ~~and slum clearance;~~
- G. ~~Make and develop plans for the replanning, improving and redevelopment of any areas within the city;~~ **This is should be in the comp plan and its updates**
- H. Make and develop plans for the replanning, reconstruction or redevelopment of ~~any area or~~ district within the city which may be destroyed in whole or in part or damaged by fire, earthquake or other disaster; **what does any area mean a house? A building? City property? zoning code? Private property?**
- I. Make investigations regarding any matter related to city planning;
- J. Make and prepare reports, prints, ~~plats~~ and plans for approval by the city council; **--platting is already discussed above.**
- K. Make or cause to be made surveys, maps and plans relating to the location and design of any public building **or facility**, ~~deck, beach, ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground.~~ **Facility-- A structure or place which is built, installed, or established to serve a particular purpose—this eliminates not having something in the list**
  - 1. For the purpose of implementing this subsection, all departments of the city considering any such improvement are required, and all public agencies not a part of the city are requested, to inform the commission of the proposed improvement and submit such pertinent information to the commission and within such time as will enable the commission to recommend to city council whether the proposed improvement is consistent with the general **comprehensive** plan and ~~established planning principles~~ zoning requirements.
  - 2. No public improvement shall be authorized by city council until the recommendation of the planning commission has been received and reviewed by the city council.

(Prior code § 15.102(g)).



Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

**3.40.XXX Planning commission—Powers and duties—Zoning commission.**

- A. ~~The Planning Commission is to be Zoning Commission.~~ The planning commission is designated as the zoning commission. ~~and the terms, method of filling vacancies, ex officio members, selection of chairman, and meeting applicable to the planning commission shall also apply to the zoning commission.~~ They shall be considered as one and the same commission for the purposes of this chapter, and all actions may be taken and all records kept in the name of the planning commission.
- B. Powers and Duties. It shall be the duty of the planning commission, exercising the powers of zoning commission:
1. To develop, adopt, alter or revise, subject to approval by the city council, a building code, plumbing code, electrical code, and other codes and regulations that may be required from time to time to regulate building construction;
  2. ~~To develop, alter, adopt or revise, subject to approval by city council, a plan establishing fire zones within the city;~~ Fire hazard zone is an area where, due to slope, fuel, weather, or other fire-related conditions, the potential loss of life and property from a fire necessitates special fire protection measures and planning before development occurs.
  3. To develop, adopt, alter or revise, subject to approval by city council, a comprehensive plan designed to lessen congestion in streets, to secure safety from fires, panic and other danger, to promote health and the general welfare, to provide adequate light and air, to prevent over-crowding of land to avoid undue concentration of population, to facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements. To accomplish the above objectives, the commission is hereby empowered to:
    - a. Regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and use of buildings, structures and land for trade, industry, residence or other purposes,
    - b. Condemn buildings which have become a fire or health hazard or public nuisance, and, after hearing on thirty days' notice to the owner or his agent, order or cause the removal or demolition; provided, the owner shall be given at least thirty days time after hearing within which to remove the objectionable building or buildings before the city may proceed to do so. The cost incurred by the city shall be chargeable to the property, first against the salvaged material, which may be sold at public auction, the balance of cost, if any, against the land, This will be included in the January discussion
    - c. Divide the municipality into zoning districts of such number, shape and area as may be deemed best suited to carry out the purposes of this code and the Comprehensive plan, and within such districts to regulate and restrict the erection, construction, reconstruction, alterations, repair or use of buildings, structures or land,
    - d. Provide for the manner in which regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public bearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard, as hereinafter provided. At least fifteen

Title 3 - ADMINISTRATION

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality. This should be in Chapter **Chapter 18.12 DISTRICT ESTABLISHMENT—BOUNDARIES—ZONING MAP** or **Chapter 18.72 AMENDMENTS**

- e. ~~Such~~ **Zoning** regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed.

In case, however, of a protest against such change, signed by the owners of twenty percent or more, either of the area of the lots included in such proposed change, or by the owners of twenty percent or more of the area of the lots immediately abutting either side of the territory included in such proposed change or separated therefrom only in an alley or street, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the council. The provisions relative to public hearings and official notice shall apply equally to all changes or amendments. **18.12 DISTRICT ESTABLISHMENT—BOUNDARIES—ZONING MAP** These two thoughts are the rules your deity is to provide for and amend—or **Chapter 18.72 AMENDMENTS**

- f.. Develop, adopt, alter, or revise, subject to approval by city council a coastal management element to the comprehensive plan for the community; said coastal management element shall be prepared in conformance with applicable state and federal law. To accomplish these objectives, the commission is empowered to:
  - i. Prescribe and recommend an area to be designated the Cordova coastal zone into management districts of such number, shape, and area as may be deemed best suited to carry out the purposes hereof; and within each management district, to prescribe proper and improper water and land uses and activities and policies which shall apply,
  - ii. Hear and decide upon those applications which involve uses or activities that are permissible only upon a showing of certain specified conditions; said conditions being a part of the ordinance codified in this section. When such decisions are to be heard, they shall be conducted in a manner as that prescribed in Chapter 18.60
  - iii. Provide for a manner in which the requirements of the coastal management program may be amended including revisions to the size and areal extent of the coastal zone and extent and classification of the management districts, and the determination of proper and improper uses and policies pertaining thereto; provided such modifications shall be subject to approval by the city council and the state of Alaska,
  - iv. Hear and decide upon appeals pertaining to decisions by the planning director regarding the coastal management program. Such appeals shall be conducted in the manner set forth in Chapter 18.64---**says council hear and decides appeals**. Need to get a better understanding of the coastal zone now that the state portion no longer exist. **Chapter 18.50 PERMITTED USES AND ACTIVITIES IN THE CORDOVA COASTAL** need a re-write; I would again say i. is your duties the rest are rules and should be in the coastal zone chapter not here.

(Ord. 530 (part), 1981; prior code § 15.103).

**3.40.XXX Board of adjustment**

- A. Planning and Zoning Commission to be Board of Adjustment. The planning and zoning commission shall constitute a board of adjustment pursuant to 16.10.010,**

Title 3 - ADMINISTRATION

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

**and may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of Title 16 of this code.**

**3.40.100 Board of adjustment.----Holly this should be under the City Council duties not P&Z correct?**

- A. City Council to be Board of Adjustment. The county shall constitute a board of adjustment under this chapter, with the mayor as ex officio chairman, and may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this chapter and [Title 17](#) and 18 of this code and regulations adopted hereunder in harmony with their general purpose and intent and in accordance with general rules or specific rules herein contained. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant thereto.
- B. Meetings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.
- C. Powers and Duties. The board of adjustment shall have the power:
  - 1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter and [Titles 17](#) and 18 of this code or of any ordinance adopted pursuant thereto;
  - 2. To hear and decide requests for exceptions to the terms of any ordinance or regulation upon which such board is required to pass;
  - 3. To authorize upon appeal in specific cases such variance from the terms of this article or of any ordinance adopted pursuant thereto as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the ordinance would result in unnecessary hardships, and so that the spirit of the ordinance shall be observed and substantial justice done.
- D. General provisions.
  - 1. The council provides for appeals from any administrative officer to the board of adjustment and from the board of adjustment to the district court of the judicial division in which such municipality is located, in the manner prescribed by laws of the state, present and future. Such appeal shall be made by the applicant within fifteen days of the date of any order, requirement, decision or determination has been made by an administrative officer, by filing with the office from whom the appeal is taken and with the board of adjustment, a notice of appeal specifying the grounds thereof;
  - 2. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or regulation, or to effect any variation or exception in the application of such ordinance or regulation.

(Prior code § 15.104).

## Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

---

### Sections:

[3.40.010 State law adopted by reference.](#)

[3.40.020 Planning commission created—Membership.](#)

[3.40.030 Planning commission—Chairman.](#)

[3.40.040 Planning commission—Ex officio members.](#)

[3.40.050 Planning commission—Members' terms of office.](#)

[3.40.055 Absences to terminate membership.](#)

[3.40.060 Planning commission—Vacancy filling.](#)

[3.40.070 Planning commission—Meetings.](#)

[3.40.080 Planning commission—Powers and duties—Designated.](#)

[3.40.090 Planning commission—Powers and duties—Zoning commission.](#)

[3.40.100 Board of adjustment.](#)

### **3.40.010 State law adopted by reference.**

The laws of the state dealing with city planning commissions, zoning commissions, and boards of adjustment, present and future, particularly AS 29.43.040, are incorporated into this chapter as if expressly included herein.

*(Prior code § 15.101, as amended during 1979 codification).*

### **3.40.020 Planning commission created—Membership.**

A.

There is created a city planning commission consisting of seven members.

B.

Only residents of the city who qualify as municipal voters pursuant to [Section 2.12.020](#) herein shall be entitled to serve on the planning commission. One of the members of the commission shall be designated by the council from its number. Each of the remaining six members shall be nominated by the mayor and confirmed by the council. Each term of membership shall be for three years, and terms of individual members shall be overlapping. Members shall serve without compensation.

*(Ord. 961 § 1, 2004; Ord. 619 § 2, 1987; prior code § 15.102(a)).*

### **3.40.030 Planning commission—Chairman.**

A chairman of the commission shall be selected annually, and shall be elected from and by the appointive members.

*(Prior code § 15.102(e)).*

**3.40.040 Planning commission—Ex officio members.**

The mayor, city manager, city engineer and city building official shall be ex officio members of the commission, and shall have the privilege of the floor, but no right to vote.

*(Prior code § 15.102(d)).*

**3.40.050 Planning commission—Members' terms of office.**

Members of the commission shall be appointed for three years; provided, however, that in the first instance one-third thereof shall be appointed for three years, one-third for two years, and one-third for one year.

*(Prior code § 15.102(b)).*

**3.40.055 Absences to terminate membership.**

**A.**

If a commissioner is absent from more than one-half of all the regular meetings of the planning commission held within any period of four consecutive calendar months, without being excused from attending such meetings, the chair of the commission shall declare the commissioner's seat vacant, except that in the case of a commissioner appointed from the council, the chair of the commission shall report such commissioner's unexcused absences to the council. The commission shall determine whether any absence is excused.

**B.**

For purposes of this section, an absence will be considered excused if due to the following causes and shall require approval by the commission at the next regularly scheduled meeting:

**1.**

The illness or injury of the commission member or a family member;

**2.**

The death of a family member;

**3.**

An employment-related commitment;

**4.**

A commitment for city business; or

**5.**

Other good cause approved by the commission.

**C.**

Whenever possible, absences should be noticed to the commission chair prior to the meeting for purposes of securing a quorum at the meeting.

**D.**

A commissioner may participate in a commission meeting by teleconference.

*(Ord. 962 § 2, 2004).*

### **3.40.060 Planning commission—Vacancy filling.**

Appointment to fill vacancies shall be for the unexpired term.

*(Prior code § 15.102(c)).*

### **3.40.070 Planning commission—Meetings.**

The commission shall meet regularly at time and places set by the commission. Special meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings of the commission shall be open to the public and the commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.

*(Prior code § 15.102(f)).*

### **3.40.080 Planning commission—Powers and duties—Designated.**

The commission shall be required to do the following:

A.

Develop, adopt, alter or revise, subject to approval by the city council, a master plan for the physical development of the city. Such master plan with accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of the city territory, and may include among other things:

1.

Development of the type, location and sequence of all public improvements,

2.

The relocation, removal, extension or change of use of existing or future public ways, grounds, spaces, buildings, properties and utilities,

3.

The general extent and location of rehabilitation areas.

When a master plan for the city has been approved by the council, amendments, revisions and extensions thereof may be adopted by the council after consideration and report by the planning commission. All amendments, revisions or extensions shall correspond to major geographical divisions of the city or to functional divisions of the subject matter of the plan. When such master plan has

been approved by the city council, no amendments, revisions or extensions thereto shall be approved except upon the affirmative vote of four members of the city council;

B.

Exercise control over platting and subdivision of lots, blocks or lands within the city limits. All proposed plans, plats or replats of lots, blocks or lands within the city limits and all streets, alleys and other portions of the same intended to be dedicated to public or private use within the corporate limits shall first be submitted to the commission for its approval or rejection before such plans, plats or replats shall be entitled to record in the office of the district recorder for the Cordova Precinct. Unless the city council disapproves the action of the planning commission within twenty days, its decision shall be final. If the commission has approved any plan, plat or replat and city council has not within twenty days disapproved this action, the planning commission through its chairman shall endorse its approval on the plan, plat or replat and the owner thereof may then offer it for recording. In exercising the powers granted it by this section, the planning commission shall prepare and recommend for city council adoption regulations governing the subdivision of land within the city limits. Such regulations may provide for the harmonious development of the city and its environs, for the coordination of streets and other ways within the subdivided land with other existing or planned streets and ways or for conformance to the master plan or official map, for adequate open spaces, for spaces for traffic, utilities, recreation, light and air, and for the avoidance of congestion of population. Subdividing, for the purposes of this section, means and includes the division of any lot, tract or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development. No lot, tract or parcel of land may be divided for any purpose whatsoever by means of metes or bounds, description or by any means other than platting or replatting as provided in Title 17 of this code;

C.

Draft an official map of the city and recommend or disapprove proposed changes in such map;

D.

Make and adopt plans for the clearance and rebuilding of slum districts and blighted areas within the city;

E.

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;

F.

Promote public interest in and understanding of the master plan and of planning, zoning and slum clearance;

G.

Make and develop plans for the replanning, improving and redevelopment of any areas within the city;

H.

Make and develop plans for the replanning, reconstruction or redevelopment of any area or district within the city which may be destroyed in whole or in part or damaged by fire, earthquake or other disaster;

I.

Make investigations regarding any matter related to city planning;

J.

Make and prepare reports, prints, plats and plans for approval by the city council;

K.

Make or cause to be made surveys, maps and plans relating to the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground. For the purpose of implementing this subsection, all departments of the city considering any such improvement are required, and all public agencies not a part of the city are requested, to inform the commission of the proposed improvement and submit such pertinent information to the commission and within such time as will enable the commission to recommend to city council whether the proposed improvement is consistent with the general plan and established planning principles. No public improvement shall be authorized by city council until the recommendation of the planning commission has been received and reviewed by the city council.

*(Prior code § 15.102(g)).*

### **3.40.090 Planning commission—Powers and duties—Zoning commission.**

A.

Planning Commission to be Zoning Commission. The planning commission is designated as the zoning commission and the terms, method of filling vacancies, ex officio members, selection of chairman, and meeting applicable to the planning commission shall also apply to the zoning commission. They shall be considered as



one and the same commission for the purposes of this chapter, and all actions may be taken and all records kept in the name of the planning commission.

B.

Powers and Duties. It shall be the duty of the planning commission, exercising the powers of zoning commission:

1.

To develop, adopt, alter or revise, subject to approval by the city council, a building code, plumbing code, electrical code, and other codes and regulations that may be required from time to time to regulate building construction;

2.

To develop, alter, adopt or revise, subject to approval by city council, a plan establishing fire zones within the city;

3.

To develop, adopt, alter or revise, subject to approval by city council, a comprehensive plan designed to lessen congestion in streets, to secure safety from fires, panic and other danger, to promote health and the general welfare, to provide adequate light and air, to prevent over-crowding of land to avoid undue concentration of population, to facilitate adequate provision for transportation, water, sewage, schools, parks and other public requirements. To accomplish the above objectives, the commission is hereby empowered to:

a.

Regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and use of buildings, structures and land for trade, industry, residence or other purposes,

b.

Condemn buildings which have become a fire or health hazard or public nuisance, and, after hearing on thirty days' notice to the owner or his agent, order or cause the removal or demolition; provided, the owner shall be given at least thirty days time after hearing within which to remove the objectionable building or buildings before the city may proceed to do so. The cost incurred by the city shall be chargeable to the property, first against the salvaged material, which may be sold at public auction, the balance of cost, if any, against the land, the same as taxes,

c.

Divide the municipality into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this code,

and within such districts to regulate and restrict the erection, construction, reconstruction, alterations, repair or use of buildings, structures or land,

d.

Provide for the manner in which regulations and restrictions and the boundaries of districts shall be determined, established and enforced, and from time to time amended, supplemented or changed. However, no such regulation, restriction or boundary shall become effective until after a public bearing in relation thereto at which parties in interest and citizens shall have an opportunity to be heard, as hereinafter provided. At least fifteen days' notice of the time and place of such hearing shall be published in an official paper or a paper of general circulation in such municipality. Such regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent or more, either of the area of the lots included in such proposed change, or by the owners of twenty percent or more of the area of the lots immediately abutting either side of the territory included in such proposed change or separated therefrom only in an alley or street, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the council. The provisions relative to public hearings and official notice shall apply equally to all changes or amendments.

e.

Develop, adopt, alter, or revise, subject to approval by city council a coastal management element to the comprehensive plan for the community; said coastal management element shall be prepared in conformance with applicable state and federal law. To accomplish these objectives, the commission is empowered to:

i.

Prescribe and recommend an area to be designated the Cordova coastal zone into management districts of such number, shape, and area as may be deemed best suited to carry out the purposes hereof; and within each management district, to prescribe proper and improper water and land uses and activities and policies which shall apply,

ii.

Hear and decide upon those applications which involve uses or activities that are permissible only upon a showing of

certain specified conditions; said conditions being a part of the ordinance codified in this section. When such decisions are to be heard, they shall be conducted in a manner as that prescribed in Chapter 18.60

iii.

Provide for a manner in which the requirements of the coastal management program may be amended including revisions to the size and areal extent of the coastal zone and extent and classification of the management districts, and the determination of proper and improper uses and policies pertaining thereto; provided such modifications shall be subject to approval by the city council and the state of Alaska,

iv.

Hear and decide upon appeals pertaining to decisions by the planning director regarding the coastal management program. Such appeals shall be conducted in the manner set forth in Chapter 18.64

*(Ord. 530 (part), 1981; prior code § 15.103).*

### **3.40.100 Board of adjustment.**

A.

City Council to be Board of Adjustment. The county shall constitute a board of adjustment under this chapter, with the mayor as ex officio chairman, and may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this chapter and Title 17 and 18 of this code and regulations adopted hereunder in harmony with their general purpose and intent and in accordance with general rules or specific rules herein contained. The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant thereto.

B.

Meetings. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine.

C.

Powers and Duties. The board of adjustment shall have the power:

1.

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter and Titles 17 and 18 of this code or of any ordinance adopted pursuant thereto;

2.

To hear and decide requests for exceptions to the terms of any ordinance or regulation upon which such board is required to pass;

3.

To authorize upon appeal in specific cases such variance from the terms of this article or of any ordinance adopted pursuant thereto as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the ordinance would result in unnecessary hardships, and so that the spirit of the ordinance shall be observed and substantial justice done.

D.

General provisions.

1.


The council provides for appeals from any administrative officer to the board of adjustment and from the board of adjustment to the district court of the judicial division in which such municipality is located, in the manner prescribed by laws of the state, present and future. Such appeal shall be made by the applicant within fifteen days of the date of any order, requirement, decision or determination has been made by an administrative officer, by filing with the office from whom the appeal is taken and with the board of adjustment, a notice of appeal specifying the grounds thereof;

2.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or regulation, or to effect any variation or exception in the application of such ordinance or regulation.

*(Prior code § 15.104).*

January 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			<b>1</b> New Years Day City Closed	<b>2</b> City Council Regular Meeting Library Conference Room 7:30 PM	<b>3</b>	<b>4</b>
<b>5</b>	<b>6</b>	<b>7</b> P&Z Meeting Library Conference Room 6:30PM	<b>8</b> Harbor Commission Meeting 7:00 PM City Hall	<b>9</b>	<b>10</b>	<b>11</b>
<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b> City Council Regular Meeting Library Conference Room 7:30 PM	<b>16</b>	<b>17</b>	<b>18</b>
<b>19</b>	<b>20</b> MLK Day City Closed	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>	

February 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5 City Council Regular Meeting Library Conference Room 7:30 PM	6	7	8
9	10	11 P&Z Meeting Library Conference Room 6:30PM	12 Harbor Commission Meeting 7:00 PM City Hall	13	14  Valentine's Day	15
16	17 President's Day City Closed	18	19 City Council Regular Meeting Library Conference Room 7:30 PM	20	21	22
23	24	25	26	27	28	