

Chairman

Tom Bailer

Commissioners

John Greenwood

Tom McGann

Scott Pegau

John Baenen

Allen Roemhildt

Mark Frohnapfel

City Planner

Samantha Greenwood

Assistant Planner

Leif Stavig

PLANNING COMMISSION REGULAR MEETING

FEBRUARY 10, 2015 AT 6:30 PM

LIBRARY MEETING ROOM

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Chairman Tom Bailer, Commissioners John Greenwood, Tom McGann, Scott Pegau, John Baenen, Allen Roemhildt, and Mark Frohnapfel

3. APPROVAL OF AGENDA (voice vote)

4. APPROVAL OF CONSENT CALENDAR (voice vote)

- a. Minutes of January 16, 2015 Regular Meeting..... Page 2-8
- b. Record Excused Absence for Tom Bailer from the January 16, 2015 Regular Meeting

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

- a. State of Alaska DOT Public Notice Page 9-10
- b. State of Alaska DOT Public Notice Page 11-12

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

8. PLANNER'S REPORT Page 13

9. UNFINISHED BUSINESS

- a. Election of Chair Page 14
- b. Election of Co-Chair Page 15

10. NEW/MISCELLANEOUS BUSINESS

- a. Site Plan Review – Roemhildt Holdings LLC Page 16-31
- b. Resolution 15-02 Page 32-34

A resolution of the Planning Commission of the City of Cordova, Alaska, recommending to the City Council of the City of Cordova, Alaska that a portion of Tract 1A, Ocean Dock Subdivision #2 be updated to available and added to the 2015 Land Disposal Maps.

- c. Land Disposal of a Portion of Tract 1A of the Ocean Dock Subdivision #2..... Page 35-38
- d. Cordova Municipal Code Chapter 5.22 Disposal of City Real Property Discussion..... Page 39-45
- e. Resolution 15-03 Page 46-55

A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska to change Cordova Municipal Code Chapter 18.35 Avalanche District to allow bed and breakfasts in the blue zone and to add the requirement for a Conditional Use Permit for commercial uses in the blue zone.

11. PENDING CALENDAR

- a. February 2015 Calendar..... Page 56
- b. March 2015 Calendar..... Page 57

12. AUDIENCE PARTICIPATION

13. COMMISSION COMMENTS

14. ADJOURNMENT

**PLANNING COMMISSION REGULAR MEETING
JANUARY 16, 2015 AT 6:00 PM
LIBRARY MEETING ROOM
MINUTES**

1. CALL TO ORDER

Co-Chairman *John Greenwood* called the Planning Commission Regular Meeting to order at 6:00 PM on January 16, 2015 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Co-Chairman *John Greenwood* and Commissioners *David Reggiani*, *Tom McGann*, *Scott Pegau*, *John Baenen*, and *Allen Roemhildt*. Commissioner *Tom Bailer* was absent.

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

10 people were in the audience.

3. APPROVAL OF AGENDA

M/Reggiani S/McGann to approve the Agenda.
Without objection, motion **passed**.

4. APPROVAL OF CONSENT CALENDAR

a. Minutes of December 9, 2014 Regular Meeting

M/Reggiani S/Pegau to approve the Consent Calendar.
Without objection, motion **passed**.

5. DISCLOSURES OF CONFLICTS OF INTEREST

Pegau said he saw a letter withdrawing the Science Center's application so he does not have a conflict.

6. CORRESPONDENCE

- a. State of Alaska DOT Public Notice**
- b. Letter of Interest from Bayside Storage**
- c. Letter of Interest from Brent Davis and Lauren Padawer**
- d. Letter of Interest from Alpine Diesel**
- e. Letter of Interest from Joe Arvidson**
- f. Letter of Interest from Anthony J Schinella, Harbormaster**
- g. Letter of Interest from Mobile Grid Trailers, Inc.**

Greenwood acknowledged the additional correspondence from the Science Center and the signed resolution from the Harbor Commission.

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Audience comments regarding agenda items

Osa Schultz, of Mobile Grid, 109 Council, wanted to clarify due to Trident pulling out their first and foremost interest was in Lot 2, Block 7 as per their proposal.

Jerry Blackler, Alpine Diesel, said he was there to answer any questions.

8. PLANNER'S REPORT

S. Greenwood said that the Parks and Recreation Department was going to start talking about campground and land issues and asked if she and any commissioners would be interested in attending their meetings. She said at some point the commission or City Council talked about building height and it is defined in the City's Code as the highest point of the roof to the grade. *McGann* mentioned that in building code it is defined as mean roof height.

9. UNFINISHED BUSINESS

a. Review of Proposals for Lot 2, Block 7, North Fill Development Park

- i. Mobile Grid Trailers, Inc.
- ii. Native Village of Eyak
- iii. ~~Prince William Sound Science Center~~

M/McGann S/Roemhildt to recommend City Council approve the proposal from Mobile Grid to purchase Lot 2, Block 7, North Fill Development Park.

McGann went through the scoring for each line of the criteria. *Roemhildt* said that the number of fisherman Mobile Grid services counts as introducing business and revenue to the City. *Pegau* said there were issues of whether or not they were opening these lots for new businesses that he kept in mind. He thinks that the Native Village of Eyak's (NVE) proposal is noncompliant with the zoning as it is an auto-shop with some marine capabilities. Mobile Grid's focus is more on the marine side. *Baenen* agreed with *Pegau* about NVE. Part of the reason he voted to have the lot available was to bring in new businesses. He has an issue with the costs of the buildings in the proposals. If he had to choose one he would choose Mobile Grid. He's not sure he would sell the property and maybe he would go for leasing it. *Reggiani* said that Mobile Grid would be his preference. He is not in favor of the motion. He would like to dispose by direct negotiation. The proposed improvement isn't quite what he hoped for that lot. *Greenwood* said that he didn't have a problem selling them the property. They seem ready and willing to move forward with a building.

M/Reggiani S/Baenen to amend the main motion to recommend City Council dispose by lease Lot 2, Block 7, North Fill Development Park by direct negotiation with Mobile Grid.

Pegau said that one of the issues of disposing by lease is that it does restrict their building capability. If they want to see buildings down there, there needs to be a clear path to purchase. He would like to see it developed rather than remaining an outdoor storage area. *Greenwood* said it seems to him they are trying to put some performance criteria on it.

Upon voice vote, motion to amend **failed** 2-4.

Yea: *Reggiani, Baenen*

Nay: *Greenwood, McGann, Pegau, Roemhildt*

Absent: *Bailer*

Upon voice vote, main motion **passed** 5-1.

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

Nay: *Reggiani*

Absent: *Bailer*

10. NEW/MISCELLANEOUS BUSINESS

a. Land Disposal of Lot 4A, Block 5, North Fill Development Park Addition No. 2

M/McGann S/Roemhildt to recommend to City Council disposal of Lot 4A, Block 5, North Fill Development Park Addition No. 2 by requesting sealed proposals to lease or purchase the property.

McGann said there had been agreement in the past that this should be made available. *Roemhildt* agreed. *Pegau* said that there had been a decision made last month. He doesn't see any new names or new interest. He agrees with leaving it as 'Available' on the Land Disposal Maps, but he doesn't think a month later they should make it available unless there is some reason to believe they would get bids they would accept. *Baenen* said they are looking for a new business that is going to have employees since that is why they didn't recommend it before. *Reggiani* said he is confused why it is back. *S. Greenwood* clarified that the letter from Bayside Storage was a new letter of interest. *Greenwood* said he agreed with *Pegau* and that there is not any new information that would make him want it to go out for proposals. He would like to wait until there are other interested parties. *McGann* said that it is their job to receive proposals. If it's available they need to do their job to get it out there. *Greenwood* wanted to look at a way for them to get more proposals at a time. He suggested maybe keeping it out for proposals longer. *Reggiani* said that with all the discussion, he thinks the theme is there in terms of what they are looking for with a new business and development. He said maybe it's an advertising thing that they need to clarify. *Baenen* said that the letter is just asking for reconsideration, it isn't a new thing or a new plan.

Upon voice vote, motion failed 1-5.

Yea: *McGann*

Nay: *Reggiani, Greenwood, Pegau, Baenen, Roemhildt*

Absent: *Bailer*

b. Resolution 15-01

A resolution of the Planning Commission of the City of Cordova, Alaska recommending the City Council of the City of Cordova, Alaska adopt the 2015 Land Disposal Maps

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

The meeting came back to session after five minutes.

M/Pegau S/McGann to approve Resolution 15-01.

Greenwood clarified that at this time they were deciding on which land to make available, and that they were not considering letters of interest. Staff projected the maps for the staff to view. The commission began discussion by going through all of the changes to the maps that staff detailed in the memo.

On the map titled 'North Fill Development Park,' *Pegau* said that he preferred the lots labeled as 'Not Available' remain so since the Harbor has requested those properties. There was concurrence.

On the map titled 'Ocean Dock Subdivision,' *Greenwood* said that when they made the green piece 'Available,' he wasn't sure how they thought anyone would access that land. He said they need to make something along the road 'Available' otherwise there's no access. *Pegau* asked if there was a reason why the lots along the road were 'Not Available.' *Stavig* said that these lots were not mapped before. *S. Greenwood* said that anything added by staff is 'Not Available' so the commission can decide on it. There was concurrence from the commission to make the three lots along the east side of the road 'Available.' *S. Greenwood* said there were deed restrictions on the properties around Shelter Cove and that is why they are 'Not Available.' *Pegau* asked how they would go about making the large lot in the shipyard 'Available'

and if they were just going to do a portion or the entire lot. **Reggiani** said that this is where it gets confusing to him. The harbor obviously manages this area and leases on it now, he thinks the intent of the 'Not Available' designation is that it is City managed property but it is available for lease. He wants to know if they are trying to look for an overarching document assigning which department would manage specific City-owned land. He is not sure what the authority level is for the Harbor. **Greenwood** asked if they don't do anything, can the Harbor address the letter of interest from Alpine Diesel. **Baenen** said that he would like to see the lot as 'Available,' then the Harbor will weigh in on what they want to do and proposals can come in. **S. Greenwood** asked if the question was: Is the Harbor able to lease this property? They currently lease property on a monthly basis. If they lease with Alpine Diesel on a monthly basis it seems to follow what they are already doing. **Reggiani** said that with the information in front of him he is not comfortable making the lot 'Available.' He asked the City Manager and staff to provide more insight on how the land is managed now. **Randy Robertson**, City Manager, said that he is comfortable referring this issue back to staff. This is a philosophical discussion which comes up monthly.

On the map titled 'Odiak Park,' **Pegau** said that he would like to see the new City property bought from **Dea Church** as 'Available.' **S. Greenwood** said that the pretense of purchasing that property was as a potential spot for a police station/fire hall. There was concurrence to keep it 'Not Available.'

On the map titled 'Whitshed Road,' **Greenwood** clarified that the large lot next to the lot purchased from **Church** is a municipal entitlement lot. **S. Greenwood** said that the lot has been approved, but not conveyed. The City would have to complete the survey of it to get it conveyed. **Pegau** said that he would like to see that lot 'Available' as there's some really nice property in there. There was concurrence to make it 'Available.'

On the map titled 'Power Creek,' **Greenwood** said he would like to see the two lots on the far right made 'Available.' There was concurrence to make it 'Available.'

On the map titled 'Odiak Slough,' **S. Greenwood** explained that **Bill Howard**, Streets Superintendent, wanted the lot on Forestry Way listed as 'Not Available.' There was concurrence to make it 'Available.'

On the letter of interest from **Brent Davis** and **Lauren Padawer**, **Pegau** asked if the three lots were listed as 'Not Available' as a greenbelt. **McGann** said that the lots are on a cliff, it just gives the uphill owners the ability to meet their setbacks. **Pegau** asked if they could look at the two lots to the right as well. **Baenen** said he was concerned about losing the greenbelt if the lots were sold. **Pegau** said that the greenbelt could be an easement. There was concurrence to make all seven lots along Chase Avenue 'Available.'

On the letter of interest from **Joe Arvidson**, **McGann** deferred to **Howard's** knowledge of the area to keep it as a snow dump. **Baenen** said he wanted it 'Available.' He said that you need two lots in order to build because they are so small. **Reggiani** agreed with **Baenen**. **Baenen** said the lot is all trees and the amount of snow stored there is very small. **Pegau** said that he was looking at snow dumps and didn't want to cut themselves short. He is comfortable making it 'Available' since there is a snow dump nearby. There was concurrence to make it 'Available.'

Upon voice vote, motion passed 6-0.

Yea: **Reggiani, Greenwood, McGann, Pegau, Baenen, Roemhildt**

Absent: **Bailer**

c. Land Disposal of the Portions of Lots 12, 13, and 14; Block 6; US Survey 2981 A&B

M/Pegau S/Reggiani to recommend to City Council disposal of the portions of Lots 12, 13, and 14; Block 6; US Survey 2981 A&B by negotiating an agreement with Brent Davis and Lauren Padawer.

Pegau said that it makes sense and that this is one that they will hopefully consider an easement for a greenbelt. He doesn't see the lots as being useful. **Baenen** agreed, but wanted to make sure there was a greenbelt. **McGann** said that he wanted to amend the motion and add a special condition. **Reggiani** said to leave it to staff to work out the greenbelt through the negotiation. **Greenwood** was in favor of letting staff negotiate the greenbelt. **Pegau** asked if the zoning designation (Parks and Open Space) provided a greenbelt. **S. Greenwood** said that if it was purchased, they would ask for a replat and the lot lines between the lots would disappear so the lot would become residential. She asked that the commission include the greenbelt in their recommendation.

M/Pegau S/McGann to amend the motion to add a special condition that a 20 foot greenbelt be maintained on the southern end of those lots.

Reggiani asked **Padawer** what impact this would have on their plans. **Padawer** said that they have discussed limbing the trees. Having the lots would eliminate issues with the City with their new addition and their lean-to. There isn't anything specific that they have in mind.

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

Yea: **Reggiani, Greenwood, McGann, Pegau, Baenen, Roemhildt**

Absent: **Bailer**

Upon voice vote, main motion **passed** 6-0.

Yea: **Reggiani, Greenwood, McGann, Pegau, Baenen, Roemhildt**

Absent: **Bailer**

d. Land Disposal of a Portion of Tract 1A of the Ocean Dock Subdivision #2

This lot was not made 'Available' in the Land Disposal Maps, therefore there was no action to be made.

e. Land Disposal of Lot 13, Block 12, Original Townsite

M/McGann S/Reggiani to recommend to City Council disposal of Lot 13, Block 12, Original Townsite by requesting proposals.

M/Baenen S/Roemhildt to amend the motion to have direct negotiation with City Council.

Baenen said that **Arvidson** owns the property next door and he wants to see a 5,000 foot lot. That way they can possibly see a house on there some day. **Reggiani** said that his thought was process; when there is a change in designation it typically goes out to proposals to give everyone an opportunity. **Roemhildt** said that was a great point, but he wanted an opportunity to see those two lots combined. **Greenwood** said he was not in favor of the amendment.

Upon voice vote, motion to amend **failed** 2-4.

Yea: **Baenen, Roemhildt**

Nay: **Reggiani, Greenwood, McGann, Pegau**

Absent: **Bailer**

Upon voice vote, main motion **passed** 6-0.

Yea: **Reggiani, Greenwood, McGann, Pegau, Baenen, Roemhildt**

Absent: **Bailer**

f. Land Disposal of Lot 1, Block 6; Lot 2, Block 6; Lot 3, Block 5; Lot 3A, Block 8; Lot 4, Block 8; and Lot 5, Block 8; North Fill Development Park

This lot was not made 'Available' in the Land Disposal Maps, therefore there was no action to be made.

g. Land Disposal of Lot 3, Block 5, North Fill Development Park

This lot was not made 'Available' in the Land Disposal Maps, therefore there was no action to be made.

h. Election of Chair

McGann nominated *Bailer* as Chairman. *Baenen* nominated *Greenwood*.

There was consensus that the election of the chair would be postponed until the next Regular Meeting.

i. Election of Co-Chair

There was consensus that the election of the co-chair would be postponed until the next Regular Meeting

11. PENDING CALENDAR

a. January 2015 Calendar

b. February 2015 Calendar

S. Greenwood said that a floodplain administrator would be willing to meet with the commission to discuss floodplain administration. She said that Cordova would be getting new maps and there are new areas included in them. She also thought about inviting contractors to the meeting as well. The commission decided to schedule the meeting on March 12th from 6pm-8pm

12. AUDIENCE PARTICIPATION

Tony Schinella, Harbormaster, 114 Nicholoff Way, said that every year they go through the disposal maps and they are reluctant to spend money because they may get sold off and they would have wasted money. Last year they spent \$12,000 just in gravel on the North Fill lots. Right now they have 28 people doing long-term storage. This winter they had 52 people in storage there.

Greg LoForte, 319 1st Street, wanted to speak as a citizen in regards to staff. He said that he knows they put a lot of work into the maps. When someone comes in and says they are interested in an unavailable property, the staff have to stop what they are doing and go through all the records. When it's not available, they should have to go to City Council and then work it back, rather than starting the profit at the bottom.

13. COMMISSION COMMENTS

Pegau wanted to thank *Reggiani* for his service. He was surprised to see the resignation in the packet. He is going to miss him. They haven't always agreed, but he thinks it has always led to a better result in the end.

McGann thanked *Reggiani* and said it was a good meeting.

Roemhildt thanked *Reggiani* and said that he had learned a lot in the last year.

Reggiani said he was taking a break from the commission and he sees it as just a break. He enjoyed his tenure. *Bailer* talked him into it. He didn't know what to expect when he started and he came into a room that was totally packed and people were yelling and screaming. Governor *Parnell* appointed him to the Marine Transportation Advisory Board. He is excited to work on that and advocate for some folks. He is going to focus on the rates schedule. He tried to do some reflection on his tenure and there are many accomplishments and regrets. The one regret that stands out to him is all of the code revisions that they worked on. He is regretful

that they were able to put so much time into them, but they weren't able to get them to Council for action. He challenged the commission to work on those.

Greenwood thanked *Reggiani* and appreciates the guidance on Robert's Rules of Order.

14. ADJOURNMENT

M/McGann S/Pegau to adjourn the Regular Meeting at 8:15 PM; with no objection, the meeting was adjourned.

Approved:

John Greenwood, Co-Chair

Leif Stavig, Assistant Planner

Department of Transportation
and Public Facilities



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

STATEWIDE AVIATION
Northern Region Aviation Leasing

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

RECEIVED JAN 23 2015

January 21, 2015

Re: Cordova Airport
Lease ADA-71896
Public Notice

DISTRIBUTION

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

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

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

Sincerely,

Handwritten signature of Diana M. Osborne.

Diana M. Osborne
Airport Leasing Specialist

jkb

Enclosure: Public Notice

cc: Robert Mattson, Jr., Airport Manager

Distribution:

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

"Keep Alaska Moving through service and infrastructure."

PROPOSAL TO EXTEND A STATE AIRPORT LAND LEASE: The Alaska Department of Transportation & Public Facilities proposes to extend Lease ADA-71896 (Lot 1A, Block 102), consisting of approximately 7,200 square feet, at Cordova Airport for an additional five (5) years, to expire March 7, 2020. Applicant: Steve and Gayle Ranney dba Fishing and Flying. Annual rent: \$885.60. Authorized uses: aviation – Maintenance and operation of a hangar, storage and tie-down of aircraft, and operation of a fly-in guiding service; all in connection with Lessee's commercial aviation business.

This is an application filed under AS 02.15.090(c), which allows the Department to grant the proposed lease term extension without competition. Written comments must be received by 4:30 p.m., February 23, 2015, after which the Department will determine whether or not to extend the lease. The Department's decision will be sent only to persons who submit written comment or objection to the Department, at the address and by the date and time specified in this notice, and include their return address. Information is available from Diana M. Osborne, Aviation Leasing, 2301 Peger Road, Fairbanks, AK 99709-5399, (907) 451-5201. Anyone needing hearing impaired accommodation may call TDD (907) 451-2363.

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

BY: Penelope Adler
Penelope Adler, SRWA, CM
Chief, Northern Region Aviation Leasing

DATE: January 21, 2015

PLEASE LEAVE POSTED AND FULLY VISIBLE THROUGH FEBRUARY 23, 2015

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



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation
and Public Facilities

STATEWIDE AVIATION
Northern Region Aviation Leasing

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

January 26, 2015

Re: Cordova Airport
Lease ADA-71610
Public Notice

RECEIVED JAN 30 2015

DISTRIBUTION

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana Osborne".

Diana M. Osborne
Airport Leasing Specialist

jkb

Enclosure: Public Notice

cc: Robert Mattson, Jr., Airport Manager

Distribution:

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

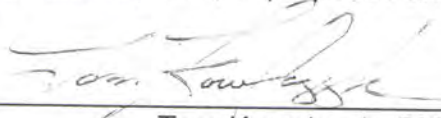
"Keep Alaska Moving through service and infrastructure."

PROPOSAL TO EXTEND A STATE AIRPORT LAND LEASE: The Alaska Department of Transportation & Public Facilities proposes to extend Lease ADA-71610 (Lot 3, Block 101), consisting of approximately 12,000 square feet, at Cordova Airport for an additional five (5) years, to expire May 1, 2020. Applicant: Cordova Telephone Cooperative, Inc. Annual rent: \$1,308.00. Authorized uses: non-aviation – Maintenance and operation of electrical, utility and telephone equipment to include a 30' monopole with a 6' antenna, a fiberglass shelter, and an electrical building.

This is an application filed under AS 02.15.090(c), which allows the Department to grant the proposed lease term extension without competition. Written comments must be received by 4:30 p.m., February 26, 2015, after which the Department will determine whether or not to extend the lease. The Department's decision will be sent only to persons who submit written comment or objection to the Department, at the address and by the date and time specified in this notice, and include their return address. Information is available from Diana M. Osborne, Aviation Leasing, 2301 Peger Road, Fairbanks, AK 99709-5399, (907) 451-5201. Anyone needing hearing impaired accommodation may call TDD (907) 451-2363.

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

BY: _____


Tom Kowalczyk, CM
Acting Chief, Northern Region Aviation Leasing

DATE: _____

1/26/15

PLEASE LEAVE POSTED AND FULLY VISIBLE THROUGH FEBRUARY 26, 2015

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

Planner's Report

To: Planning Commission
From: Planning Staff
Date: 2/5/15
Re: Recent Activities and Updates

- Zero building permits issued since last Planning Commission Regular Meeting.
- There has been a lot of confusion about some of the larger parcels of land in the Land Disposal Maps being labeled as 'Available.' In addition to the depictions requested by City Council, we have added the following note to the land disposal section of the webpage:

There are several large parcels of land depicted on the Land Disposal Maps as 'Available.' Many of these parcels contain City improvements or other features the City would not dispose of (i.e. Eyak Lake Cemetery, water infrastructure, etc.). City improvements or interests within the large parcels will be identified in the request for proposals or bid documents. The subdivision and re-plat of the City interests will be the responsibility of the purchasers of the property.
- Engineers and geo tech specialist on site evaluating buildings and possible expansion water treatment plants for UV equipment.
- Engineering work with DOWL for roads under way.
- Amendment to purchase agreement and Plat for Winters has been signed and sent to Title Company. Closing should occur by end of the month.
- Ocean Beauty's property purchase agreement and title search are completed and the property should close at the end of the month. Mark St. Denny is moving forward with re-plat of all Ocean Beauty lots
- Negotiation with the PWSSC on the lease with option to purchase are moving forward.
- Water main break at the intersection of Railroad and Copper River Highway was repaired within 24 hours of notification and street will be maintained with gravel until paved in the summer.
- Met with City manager and harbor master to discuss management of the lands currently used by harbor. Moving forward with write up and suggestions on properties. The shipyard letter of interest will be back at P&Z to run through the 5.22 process while the north fill boat launch, north and south harbors a management plan will be presented to.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 2/5/15
Re: Chairman Election

PART I – GENERAL INFORMATION

The Planning Commission consists of seven members, one of which may be designated by the City Council. Pursuant to Section 3.40.030, a chairman shall be selected annually from the members of the commission.

As soon as the 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 from the current chairman to make a nomination.
- A person can nominate himself or herself.
- A nomination does not need a second.
- A member can't nominate more than one person for an office until everyone has had the opportunity to make nominations.
- The current Chairman can continue presiding, even if he or she is one of the nominees for the office.
- After each nomination, the current Chairman repeats the name to the commission.

A motion to close nominations is not necessary. 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.

After the nominating process is finished, the members must vote on the proposed candidates. Members can take the vote for election by voice vote, ballet, or roll call.

1/16/15 – Commissioners John Greenwood and Tom Bailer were nominated. The election was postponed to the next Regular Meeting.

PART II – STAFF RECOMMENDATION

Staff recommend the chairman open nominations from the floor by stating: "Nominations are now in order for the office of chairman of the Planning Commission."

After nominations, a voice vote is recommended if there is only one nomination, or a roll call vote if there are multiple nominations.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 2/5/15
Re: Co-Chair Election

PART I – GENERAL INFORMATION

While the City Code does not require a co-chair for the Planning Commission, this has been the practice in the past. Having a co-chair gives staff and public another point of contact and allows for meetings to run smoothly if the chairman is absent. Staff recommend that the commission continue this practice and look at codifying the practice in the future.

The procedure for co-chair election should be the same as for the chairman.

1/16/15 –The election was postponed to the next Regular Meeting.

PART II – STAFF RECOMMENDATION

Staff recommend the chairman open nominations from the floor by stating: “Nominations are now in order for the office of co-chair of the Planning Commission.”

After nominations, a voice vote is recommended if there is only one nomination, or a roll call vote if there are multiple nominations.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 2/6/15
Re: Site Plan Review – Roemhildt Holdings LLC

PART I – GENERAL INFORMATION

Requested Actions: Site Plan Review
Applicant: Roemhildt Holdings LLC
Owner Name: David and Bootslyn Roemhildt
Address: 125 Harbor Loop Rd.
Legal Description: Lot 5, Block 2, South Fill Development Park
Parcel Number: 02-473-138
Zoning: Waterfront Commercial Park District
Lot Area: 12,858 sq. ft.
Attachments: Attachment A: Location Map
Site Plan Review Application
Construction Documents

PART II – BACKGROUND

Roemhildt Holdings LLC is proposing to construct a commercial/retail building on their lot.

PART III – REVIEW OF APPLICABLE CRITERIA & SUGGESTED FINDINGS

Chapter 18.39 ZONING – WATERFRONT COMMERCIAL PARK DISTRICT

The development of a commercial/retail facility is permitted.
A Site Plan Review is required in the Waterfront Industrial District.

Section 18.42.010 ZONING – SITE PLAN REVIEW – Purpose.

Whenever required by this code or the city council, a site plan review shall be completed by the planning commission with a recommendation to the city council. Prior to the issuance of a building permit, the city council must approve the site plan for the project.

Section 18.42.030 ZONING – SITE PLAN REVIEW – Required Information.

The site plan to be submitted as required herein shall contain the following information. If any of the information requested herein is not applicable to a given project, the reasons for the non-applicability of the information requested shall be stated in the site plan:

- 1. Name, address and phone number of owner/developer;*
- 2. Legal description of property;*
- 3. A scale of not less than 1" = 20';*
- 4. Date, north point and scale;*
- 5. The dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties;*
- 6. The zoning and siting of all structures on the subject property and abutting properties;*

- 7. The location of each proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building area, distances between structures and lot lines, setback lines and approximate location of vehicular entrances and loading points;*
- 8. The location of all existing and proposed drives and parking areas with the number of parking and/or loading spaces provided and the location and right-of-way widths of all abutting streets;*
- 9. Location and height of all walls, fences and screen plantings, including a general plan for the landscaping of the development and the method by which landscaping is to be accomplished and be maintained;*
- 10. Types of surfacing, such as paving, turfing or gravel to be used at the various locations;*
- 11. A grading plan of the area demonstrating the proposed method of storm drainage;*
- 12. Size and location of proposed sewer and water lines and connections;*
- 13. Front and side elevations of proposed structures;*
- 14. Exterior finish and color.*

Chapter 18.48 ZONING – OFF-STREET PARKING, LOADING AND UNLOADING

General stores require “One space for each six hundred square feet of gross floor space.”

According to the submitted plans, the total square footage for retail space is 7194 sq. ft. This would require 12 parking spaces.

PART IV – SUGGESTED SPECIAL CONDITIONS

1. The Planning Department must be in receipt of a Plan Review from the State of Alaska Fire Marshal prior to issuance of a Building Permit.

PART V – STAFF RECOMMENDATION

As of the printing of this packet, planning staff sent correspondence containing the following requests:

1. The drawings you submitted to Council include eaves that extend 4 ft. into the 5 ft. required side setbacks. The first drawings we received had the eaves at the allowed 2 ft. (City Code 18.56.020 B). Can you change this in the newer drawings?
2. On A1.1, can you insert a North arrow for reference?
3. While not in code, snow removal comes up at almost every site plan review. Can you provide a brief write-up explaining your plan for snow removal?
4. Per Site Plan Review requirements, can you also provide a grading plan of the area with the proposed method of storm drainage?
5. Can you also indicate where the dumpster will be located on the lot? (Preferably on the copy of A1.1 with the parking spots noted)

Upon receipt of these items, staff recommend that the Planning Commission recommend the City Council approve the Site Plan Review requested by Roemhildt Holdings LLC to construct a commercial/retail building on Lot 5, Block 2, South Fill Development Park based on the findings and with the special conditions as contained in the staff report.

PART VI – SUGGESTED MOTION

“I move that the Planning Commission recommend the City Council approve the Site Plan Review requested by Roemhildt Holdings LLC to construct a commercial/retail building on Lot 5, Block 2, South Fill Development Park based on the findings and with the special conditions as contained in the staff report.”

ATTACHMENT A



**SITE PLAN REVIEW - ZONING APPLICATION
CITY OF CORDOVA**

INSTRUCTIONS


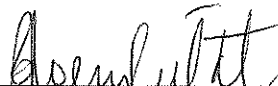
*Print or type requested information. Incomplete applications will be returned to the applicant and will delay the processing of your request. All applications must be filed with the Planning Department **21 days prior to** the next Planning Commission meeting date.*

TYPE OF REQUEST	FEE
Site Plan Review	varies
Residential	\$50
Multi-Family	\$100
<input checked="" type="checkbox"/> Commercial	\$150
Industrial	\$200

APPLICANT INFORMATION	
Name	Roemhildt Holdings LLC
Address	Box 2034 Cordova Alaska 99574
Telephone [home]	X
Business Name	X
Business Address	X
Telephone [business]	907-424-7765
Business FAX	907-424-7768
Project architect/engineer	Scott Jones, SA Architecture
Address of architect/engineer	16366 Sandpiper Drive Anchorage AK 99516
Telephone of architect/engineer	907-440-6666

PROPERTY/PROJECT INFORMATION	
Address of subject property	125 Harbor Loop Road
Parcel identification number	Lot 5 Block 2 South Fill Development Park
Property owner [name/address]	Roemhildt Holdings LLC / Box 2034
Current zoning	water front commercial park
Proposed use	commercial / retail
Construction start date	January 21, 2015
WAA	

ZONING APPLICATION	
Owner of property (if different than applicant). If multiple owners, list names and addresses of each and indicate ownership interest. Attach additional sheet if necessary.	X
Real Estate Firm/Broker handling sale of property. Provide name and address. Note: <i>If you do not own the property, you must provide a copy of a Purchase Agreement or instrument acceptable to the city indicating the owner is fully aware of, and in agreement with, the requested action.</i>	X
City Business License Permit Number (if applicable)	6997

APPLICANT CERTIFICATION	
<p>By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting necessary site inspections.</p>	
By: <u></u> (Signature)	By: <u></u> (Signature)
Name: <u>David Roemhildt</u> (Type/Print)	Name: <u>Bootslyn Roemhildt</u> (Type/Print)
Date: <u>1/20/2015</u>	Date: <u>1/20/2015</u>
<p>Appeal Procedures: A decision of the Planning Commission may be appealed to the Board of Adjustment. An appeal must be filed in writing with the City Clerk within ten (10) days of the decision. In accordance with the procedures outlined in Section 18.64.030 of the City of Cordova Zoning Code.</p>	
CITY USE ONLY - PLEASE DO NOT WRITE IN THIS SECTION	
ITEM	ACTION
Date application received:	
Fee paid:	
Does application require a public hearing? Planning Commission: City Council:	
Staff review date/reviewer name:	
Planning Commission final action:	
City Council final action:	
Other:	

SITE PLAN REVIEW 18.42

A zoning compliance permit for property within the City of Cordova expires eighteen (18) months after the date it is issued. Excavation is not considered construction.

1. Please describe the proposed construction/alteration and intended use: commercial retail building

2. Please give dimensions and square footage of construction: 90'x96' 8,640 sq. ft.

3. Intended use: { } Single Family { } Duplex { } Multifamily { ☒ } Commercial/Industrial
{ } Home Occupation (describe) _____ { } Mobile Building { } Change of use

4. No. of Living Units: 0 5. No. of Bedrooms: 0

6. Has a variance been granted? N/A { } Yes { ☒ } No

7. Is there a new: { } Garage? { } Carport? NO Is it attached to the residence? { } Yes { ☒ } No

8. Is there an apartment above the garage? { } Yes { ☒ } No

9. Off-street parking: Existing 0 Proposed 10

10. Required Setbacks: Front 15' Left Side 5' Right side 5' Rear 5' Height 30'

11. Proposed Setbacks: Front 28' Left Side 5' Right side 5' Rear 5' Height 27'8"

12. Sewage Disposal:
{ } Private marine outfall: { ☒ } Existing { } New Specify owner/location: city - stub-out Harbor Loop Road
{ } Private on-site sewer: { } ADEC Certification Attached

NOTE: Property owners with a private system need an ADEC permit showing sewer system is operational before Permit can be issued. Please contact ADEC at (907) 225-6200

13. Water supply: { } Cistern (show on site plan) { ☒ } City

14. Is the construction occurring on a grandfathered structure (build prior to August 7, 1967)? No

15. Is there a building currently on the property? { } Yes { ☒ } No
If YES, an As-built survey must be attached.

16. Which licensed surveyor will be doing your foundation/as-built Survey? Leo Americus

17. Is your driveway exit and adjoining roads shown on the site plan? { } Yes { ☒ } No
Are you building a new driveway that exits onto a State road or highway? { } Yes { ☒ } No
If YES, an ADOT Driveway Permit is required. (See bottom page 4)

18. Does this property contain drainages, creeks, wetlands, or other water features? { } Yes { ☒ } No
Does your lot abut salt water? { ☒ } Yes { } No
Have you or will you be using fill to develop your lot? { } Yes { ☒ } No

(If you answered YES to any of the above three questions, you may need to contact the U.S. Army Corps of Engineers or other State agencies about additional permitting requirements.. Please see Planning staff for information.)

19. Is this permit for a tax-exempt use? { } Yes { ☒ } No

20. Has a Conditional Use Permit been issued? { } Yes { ☒ } No

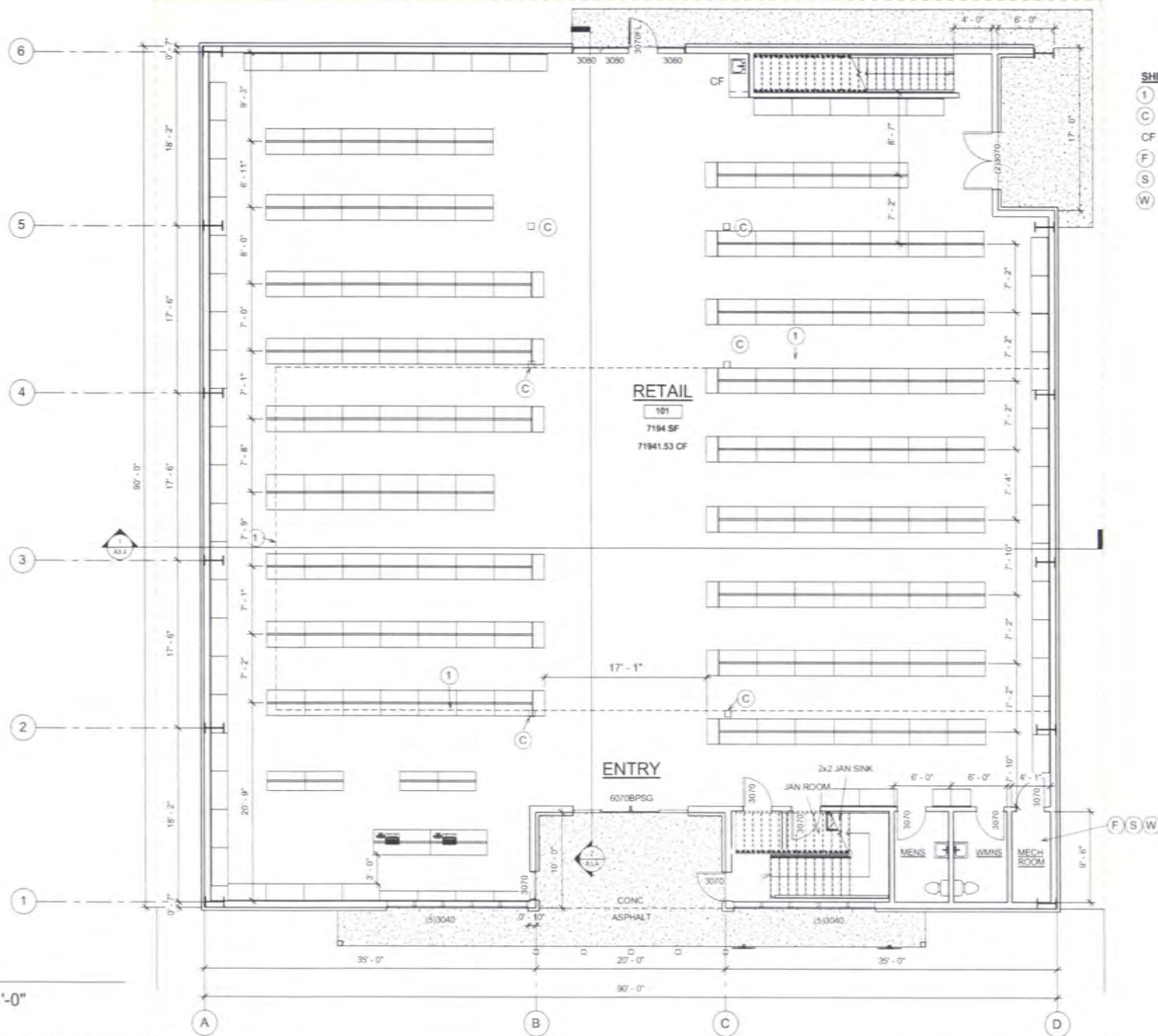
21. Is this permit for a mobile building? { } Yes { ☒ } No
Year _____ Model _____ Serial No. _____

22. Is your property within a Flood Plain or Coastal Zone? (see staff for interpretation) YES
Elevation Certificate/Flood Hazard form attached



Level 1
3/16" = 1'-0"

"1/16" DRAWINGS ARE HALF THE INDICATED SCALE"



- SHEET NOTES:**
- ① LINE OF SECOND LEVEL
 - ② COLUMN
 - CF COFFEE COUNTER (SELF SERVE)
 - F SINKER RISER
 - S SEWER w/ CLEAN OUT
 - W WATER w/ SHUT OFF

• 28 JANUARY 2015 • CITY OF CORDOVA SUBMITTAL •

REV NO. 1A DATE

SAJJ ARCHITECTURE, LLC

5075 ALASKA AVE. SUITE 200 CORDOVA, ALASKA 99571

PLUMLINE

FACILITY CONTRACTORS

CORDOVA, ALASKA

DR. 45A

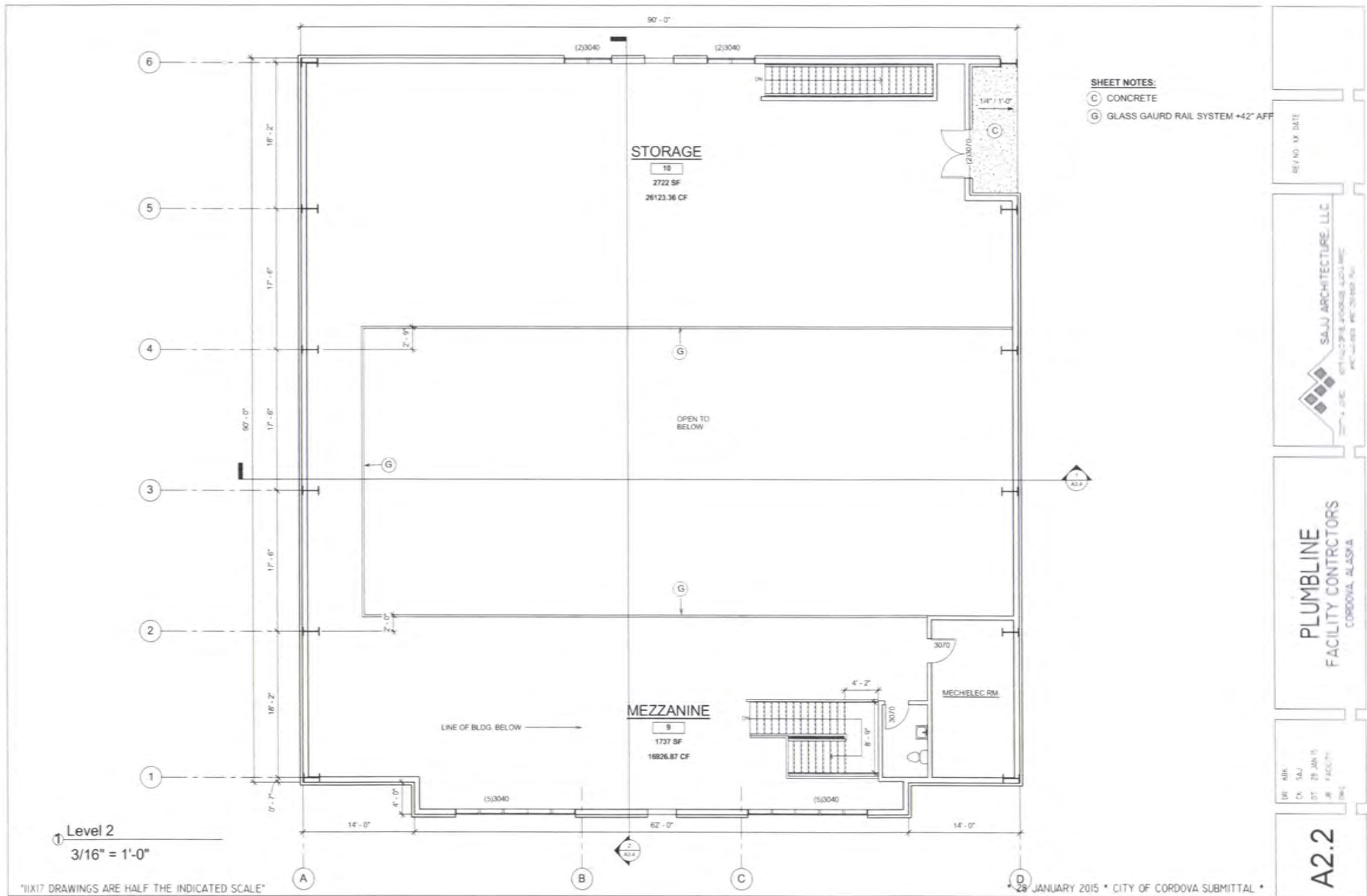
TA. SAJ

DT. 28 JAN 15

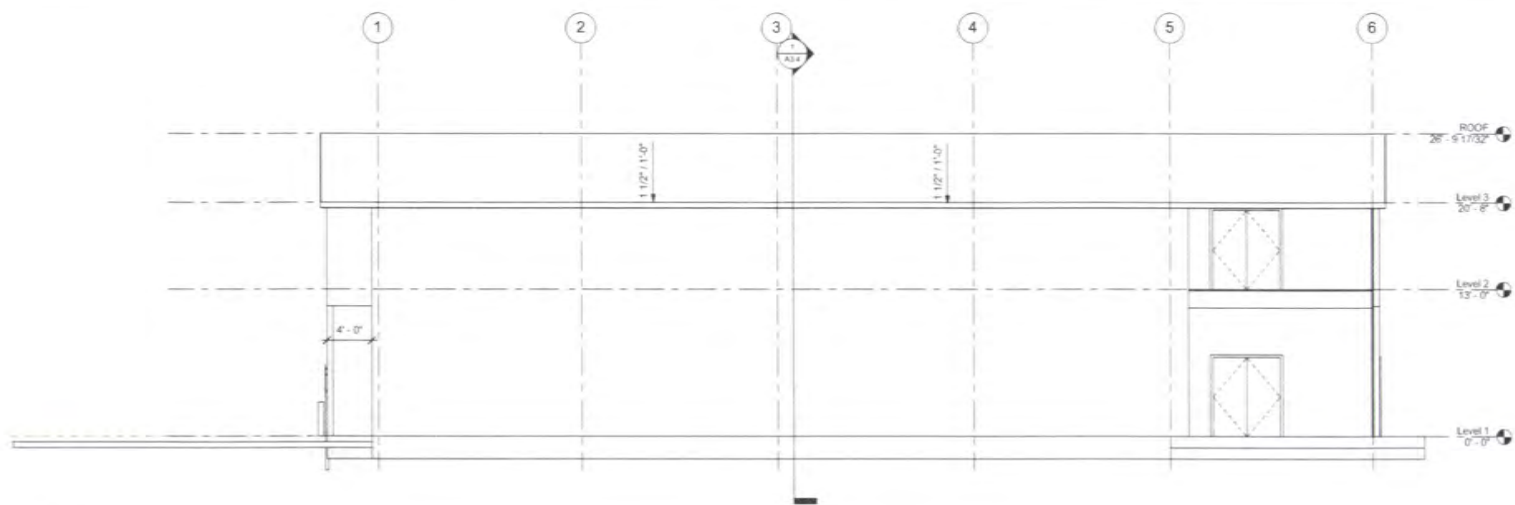
BY. FACILITY

CHK. (S)

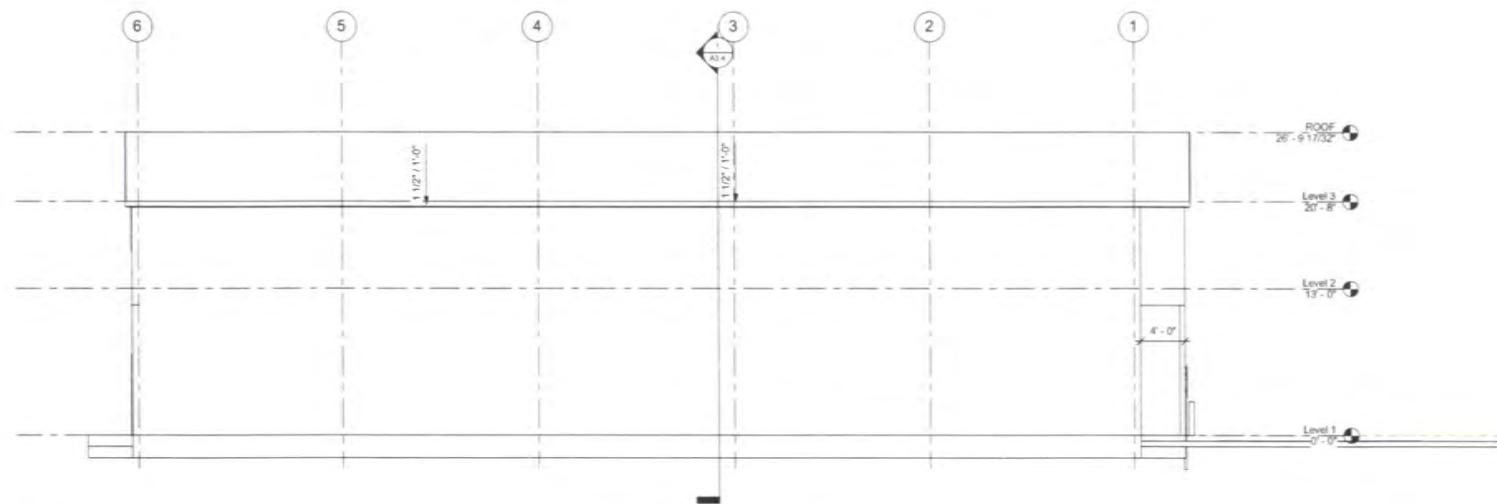
A2.1







1 East
3/16" = 1'-0"



2 West
3/16" = 1'-0"

"1/16" DRAWINGS ARE HALF THE INDICATED SCALE"

• 28 JANUARY 2015 • CITY OF CORDOVA SUBMITTAL •

REV NO. XX DATE



PLUMBLINE
FACILITY CONTRACTORS
CORDOVA, ALASKA

DR. KIRK
CK. SALU
DT. 28 JAN 15
JB. FACILITY
DFC.

A3.1



* 28 JANUARY 2015 * CITY OF CORDOVA SUBMITTAL *

A3.2

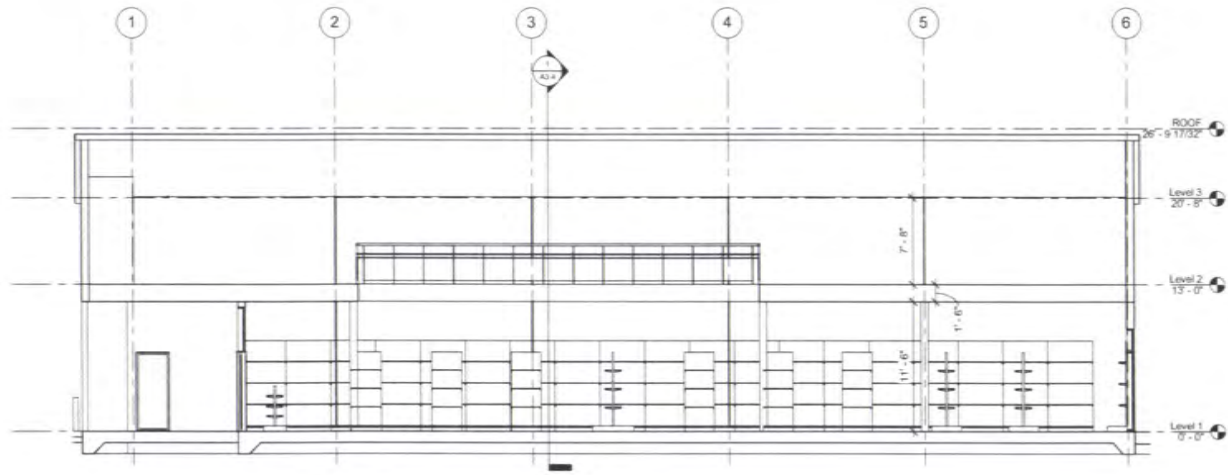
PLUMLINE
FACILITY CONTRACTORS
COROOVA, ALASKA

SAJJ ARCHITECTURE, LLC
1075 N. 21st St., Suite 100, Phoenix, AZ 85016
Phone: 602.944.8888 Fax: 602.944.8889

REV NO XX DATE



① Section 1
3/16" = 1'-0"



② Section 2
3/16" = 1'-0"

1/16" DRAWINGS ARE HALF THE INDICATED SCALE

* 28 JANUARY 2015 * CITY OF CORDOVA SUBMITTAL *

A3.4	DR: N/A CD: SAJ DT: 28 JAN 15 BY: FACULTY CHK:	PLUMBLINE FACILITY CONTRACTORS CORDOVA, ALASKA	 SAJU ARCHITECTURE, LLC 1571 ALZOWIE AVENUE A32-1 HMC ANCHORAGE, AK 99503-1013	REV NO. & DATE
	REV NO. & DATE			



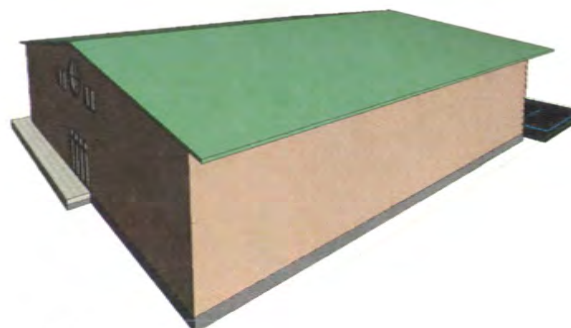
① 3D View 1



④ 3D View 4



② 3D View 2



⑤ 3D View 5



③ 3D View 3

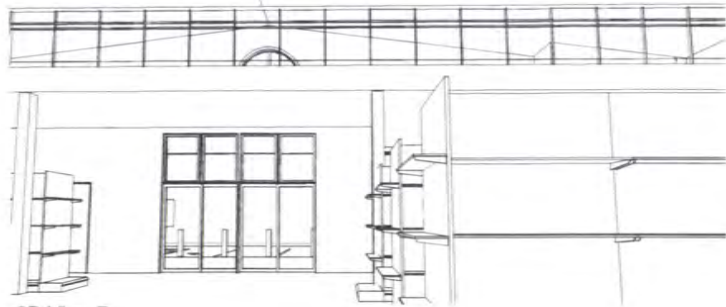
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• 28 JANUARY 2015 • CITY OF CORDOVA SUBMITTAL •

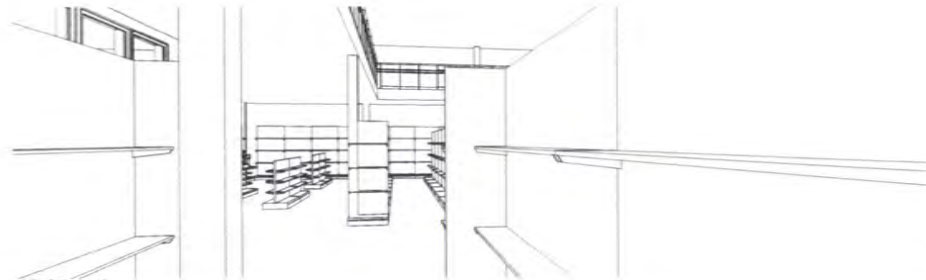
A4.0	DR. N/A CK. SALJ DT. 28 JAN 15 JR. FACILITY (SHE)	PLUMBLINE FACILITY CONTRACTORS CORDOVA, ALASKA	 SALJU ARCHITECTURE, LLC 10011 4 JUNE 6075 CULLEN DRIVE, ANCHORAGE, ALASKA 99503 907-562-8888	REV NO. XX DATE



1 3D View 6



2 3D View 7



3 3D View 8



4 3D View 9



5 3D View 10



6 3D View 11

"1/16\"/>

• 28 JANUARY 2015 • CITY OF CORDOVA SUBMITTAL •

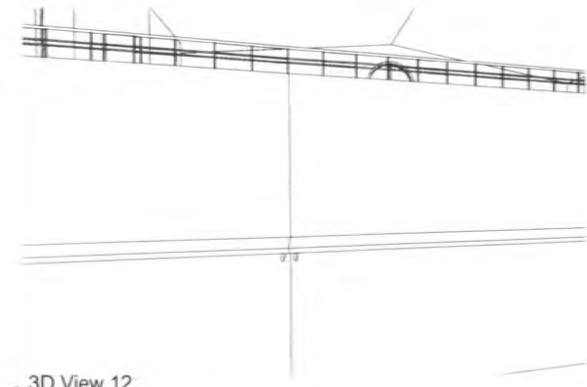
REV NO. XX DATE

SALU ARCHITECTURE, LLC
4071 N. 2ND STREET, SUITE 100, ANCHORAGE, ALASKA 99503
907.561.1234

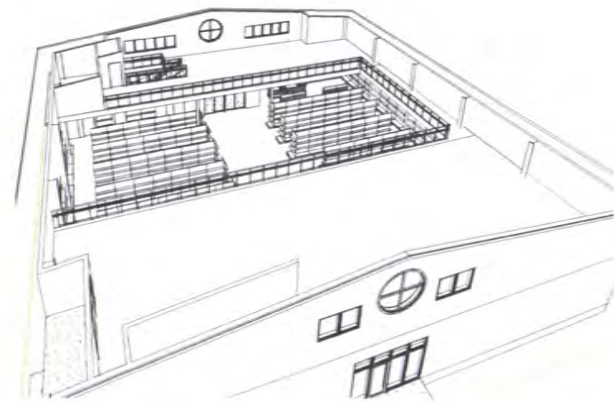
PLUMBLINE
FACILITY CONTRACTORS
CORDOVA, ALASKA

DR. KIM
CS. SALU
DT. 28 JAN 15
JB. FACILITY
2015

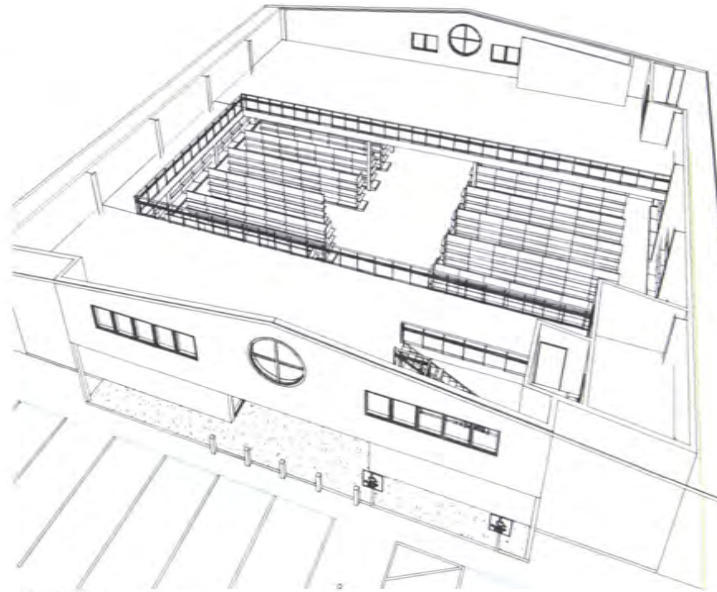
A4.1



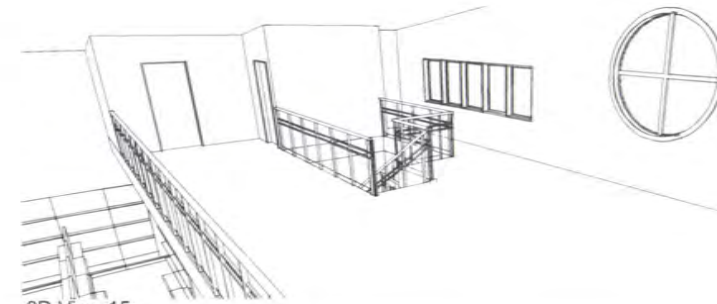
1 3D View 12



2 3D View 13



3 3D View 14



4 3D View 15

"1/8\"=1' DRAWINGS ARE HALF THE INDICATED SCALE"

* 28 JANUARY 2015 * CITY OF CORDOVA SUBMITTAL *

A4.2	PREP: SAJ CHK: SAJ DATE: 28 JAN 15	PLUMBLINE FACILITY CONTRACTORS CORDOVA, ALASKA	 SAJJ ARCHITECTURE, LLC 2001 N. J. AVE. CORDOVA, ALASKA 99574-1000	REV NO. X.M. DATE

Memorandum

To: Planning Commission
From: Planning Staff
Date: 2/5/15
Re: Resolution 15-02

PART I – GENERAL INFORMATION

Requested Action: Recommendation to City Council
Lot, Block, Survey: Portion of Tract 1A, Ocean Dock Subdivision #2
Lot Size: Total lot size 1.7 AC; **portion to be made available TBD**
Parcel Number: 02-052-304
Zoning: Waterfront Industrial
Location Map: Attachment A

PART II – BACKGROUND

At the last Planning Commission meeting, the 2015 Land Disposal Maps were reviewed by the commission. They have since been approved by City Council. At the Planning Commission meeting, the commission reviewed making this lot available. This issue was informally referred back to staff as there was a discussion on the management authority of the harbor (see unapproved minutes).

Planning staff have had several discussions with the City Manager and the Harbormaster on the issue of harbor management of land. While the harbor does manage the land to some extent, the letter of interest from Alpine Diesel involves a far more complex proposal than how land is typically rented for temporary boat storage or maintenance. Issues such as the term of the lease, the rent, subleasing, amount of land being leased, etc. would need be worked out during direct negotiation. During these discussions it was decided that the Shipyard area, due to its potential for commercial development, will continue to move through the 5.22 disposal process. The management of the storage, maintenance areas, and hauling boats will remain under the harbors purview. All actions concerning 5.22 and the shipyard will be vetted by the harbor master and the harbor commission as has been the case with Alpine Diesel. The land designation change is only for a portion of one of the lots in the shipyard area and allows staff to begin the disposal process. Please refer to the disposal memo for this lot for more information.

The Harbor Commission supports making a portion of the lot available as they have discussed the topic extensively. Because the lot is managed by the Harbor, the commission and the Harbormaster would be included in the disposal process.

PART III – STAFF RECOMMENDATION

Staff recommend that the Planning Commission make a recommendation to City Council to make a portion of Tract 1A, Ocean Dock Subdivision #2 available by approving the resolution.

PART IV – SUGGESTED MOTION

“I move to approve Resolution 15-02.”

Attachment A – Location Map



**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 15-02**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA THAT A PORTION OF TRACT 1A, OCEAN DOCK SUBDIVISION #2 BE UPDATED TO AVAILABLE AND ADDED TO THE 2015 LAND DISPOSAL MAPS

WHEREAS, the City of Cordova's Planning Commission has determined that updating the 2014 Land Disposal Maps at this time to make a portion of Tract 1A, Ocean Dock Subdivision #2 to available is important to maintain consistency with land disposal process; and

WHEREAS, the City of Cordova's Planning Commission has determined that a portion of Tract 1A, Ocean Dock Subdivision #2 should be designated as AVAILABLE on the land disposal maps in order to consider disposal; and

WHEREAS, the area of the portion of Tract 1A, Ocean Dock Subdivision #2 will be determined during the disposal process.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend to the City Council of the City of Cordova, Alaska that a portion of Tract 1A, Ocean Dock Subdivision #2 be updated to available and added to the 2015 Land Disposal Maps.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015

John Greenwood, Co-Chair

ATTEST:

Samantha Greenwood, City Planner

Memorandum

To: Planning Commission
From: Planning Staff
Date: 2/5/15
Re: Land Disposal of a Portion of Tract 1A of the Ocean Dock Subdivision #2

This action item is contingent on the Planning Commission passing Resolution 15-02 with the area designated as 'Available' and if this has not occurred then no action should be taken. Any action on this item is still pending City Council designating this area 'Available.'

PART I – GENERAL INFORMATION

Requested Action: Recommendation to City Council on Disposal Method
Lot, Block, Survey: Portion of Tract 1A of the Ocean Dock Subdivision #2
Lot Size: 1.7 AC
Parcel Number: 02-052-304
Zoning: Waterfront Industrial
Attachment A Location Map:
Attachment B Harbor Commission Resolution

PART II – BACKGROUND

Alpine Diesel has submitted a letter of interest (See Correspondence) for a portion of Tract 1A of the Ocean Dock Subdivision #2. They are requesting an area large enough for their proposed 120' x 122' structure (See Attachment A). Alpine Diesel has been working with the Harbor and the Harbor Commission on their plans for a structure which will provide a covered area for boat work. Attached is a resolution from the Harbor Commission in support of the project and making the land available.

The lot is currently used for outdoor boat storage and boat haul outs which are managed by the Harbor Department. Because the proposed structure is specific to the area, staff recommend the City negotiate directly with Alpine Diesel in the disposal process.

1/16/15 – This memo was on the Planning Commission agenda, but the lot was not made available in the 2015 Land Disposal Maps so it was not acted on.

In accordance with the Cordova Municipal Code, the Planning Commission will give a recommendation to City Council of how to dispose of the property.

PART III – APPLICABLE CRITERIA

5.22.040 DISPOSAL OF CITY REAL PROPERTY – 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.

5.22.060 DISPOSAL OF CITY REAL PROPERTY – 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 recommend disposing of a portion of Tract 1A of the Ocean Dock Subdivision #2 by negotiating an agreement with Alpine Diesel.

PART V – SUGGESTED MOTION

“I move to recommend to City Council disposal of a portion of Tract 1A of the Ocean Dock Subdivision #2 by negotiating an agreement with Alpine Diesel.”

Attachment A – Location Map



Attachment B – Harbor Commission Resolution

**CORDOVA HARBOR COMMISSION
CORDOVA, ALASKA
RESOLUTION 12-14-03**

**A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF CORDOVA, ALASKA
STATING SUPPORT FOR JERRY BLACKLER IN THE DEVELOPMENT OF A PLAN FOR A
MAINTENANCE BUILDING WITHIN THE VESSEL HAULOUT FACILITY.**

WHEREAS, inclement weather currently prevents larger maintenance jobs from being completed in town, and

WHEREAS, the current master plan already includes the construction of a maintenance building within the Vessel Haul out Facility.

WHEREAS, this land is designated as unavailable and the harbor commission would like Planning and Zoning to consider Blackler's/Alpine Diesel proposal as a special circumstance.

NOW THEREFORE BE IT RESOLVED, by the Harbor Commission of Cordova, Alaska, stating support for Jerry Blacker in the development of a plan for a maintenance building within the Vessel Haul out Facility.

PASSED AND APPROVED THIS ¹⁹TH DAY OF DECEMBER 2014.


James Burton, Chairman

Memorandum

To: Planning Commission
From: Planning Staff
Date: 2/5/15
Re: Cordova Municipal Code Chapter 5.22 Disposal of City Real Property Discussion

PART I – GENERAL INFORMATION

Chapter 5.22 of the CMC applies to all land disposals procedures. The City Manager asked that the planning staff look at the deposit requirements for proposer or bidders in the current code. While there is currently a section in 5.22 that addresses deposits it is not clear when the deposit is required. The City Manager also asked us to address the cost of purchasing additional land due to encroachment onto city property or zoning violations, staff has attempted to address both of these issues.

While the section was being review the planning staff made additional changes that reflect how we currently move the 5.22 process, most of these changes address the application process and the remaining are clarification of the steps. The chapter will be reviewed by the commission and then City Council with all edits then being reviewed by the lawyers. Finally an ordinance will be written and presented to City Council. We will finalize the section numbers, letters and format once all edits have been made.

Chapter 5.22 - DISPOSAL OF CITY REAL PROPERTY

Sections:

5.22.010 - Disposal authority.

Except where state statute, the Charter or this code establishes a specific mandatory procedure for disposing of city real property, the city may dispose of city real property by resolution of the council.

(Ord. 999 § 1(part), 2007)

5.22.020 - Documentation of conveyance.

Every document conveying an interest in city real property under this chapter shall include the terms that are required by this chapter and any additional terms that the council or city manager requires, and shall be executed by the city manager, attested by the clerk, and approved as to form by the city attorney.

(Ord. 999 § 1(part), 2007)

~~5.22.030 - Council approval required.~~

~~A. All disposals of interests in city real property are subject to council approval.~~

~~B. If the city solicits bids or proposals for a disposal of an interest in city real property, the council either shall:~~

~~1. Award the disposal to the best bidder or proposer in accordance with the criteria in the invitation for bids or proposals, or~~

~~2. If the council finds it to be in the best interest of the city to do so, reject any or all bids or proposals.~~

~~(Ord. 999 § 1(part), 2007)~~

5.22.040 - Application Letter of interest to lease or purchase.

~~A. A written application letter of interest~~ to lease or purchase an interest in city real property ~~on a form approved by the city manager~~ shall be submitted to:

1. The city manager, except as provided in subparagraph 2 of this subsection.
2. The school board for space within city school buildings. The school board has authority to negotiate proposed lease terms and forward to the city manager a resolution with its recommendation regarding the application.

B. The application letter of interest shall include the following information:

1. The name of the applicant, interested party and any other names under which the applicant party does business;

~~23. The name of each affiliate (as defined in AS 10.06.990(2) or its successor) of the applicant;~~

~~3. The applicant's interested party~~ mailing address and the address of the applicant's interested party registered office in the state, if applicable;

4. The use or purpose for which the applicant proposes to lease or purchase the property, including the following:

~~a. An application for a lease with a term exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing for the development of a permanent commercial or industrial facility, which plan shall include the number of persons to be employed~~

Commented [SG1]: This whole section seems to be redundant in 5.22.010 it says council approval is required and in 5.22.040 E and F the roles of CC and P&Z are described

Formatted: list1

~~on the premises during the term of the lease, and~~ any additional information required by the city manager or school board, the city planner or the planning commission.

~~b. An application for a lease with a term not exceeding one year for a commercial or industrial purpose shall include a development plan for the property providing the information required by the city manager or school board, the city planner or the planning commission.~~

~~c. Any other application shall state the use, value and nature of any improvements the applicant proposes to construct on the property, and any additional information required by the city manager or school board, the city planner or the planning commission;~~

~~5. Evidence that the applicant meets the applicable qualifications in subsection C of this section; and~~

~~6. Any other information required by the city manager or school board.~~

C. The city manager shall forward ~~an application~~ a letter of interest for further review only if the applicant:

1. ~~is~~ not delinquent in the payment of any obligation to the city;
2. Has not previously breached or defaulted in the performance of a material contractual or legal obligation to the city, unless the breach or default has been remedied or cured;
3. If a natural person, is at least nineteen years of age;
4. If a natural person, is a citizen of the United States, or has declared the intent to become a citizen; and
5. If not a natural person, is authorized to transact business in the state of Alaska and in the city under all applicable laws.

D. The city manager shall refer ~~an application~~ a letter of interest 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~~ letter of interest for review by the planning commission not later than its next regular meeting.

E. The planning commission shall review the ~~application~~ letter of interest, 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~~ 060 or decline to dispose of the real property interest.

F. The city council shall review the ~~application~~ letter of interest and the recommendation of the planning commission, and determine in its sole discretion whether ~~to 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.

(Ord. 1003 § 1, 2007; Ord. 999 § 1(part), 2007)

(Ord. No. 1099, § 1, 11-7-2012)

~~5.22.050 Disposal for fair market value~~ 060 - Methods of disposal.

A. Except as this chapter provides otherwise, all disposals of interests in city real property shall be for fair market value. The city may accept in exchange for an interest in city real property any consideration of sufficient value not prohibited by law.

~~B. A lease of city real property for commercial or industrial use shall grant the lessee an option to purchase the property for fair market value at the time of purchase, subject to the council making each of the following findings by resolution upon receiving written notice of the lessee's intent to exercise the option:~~

- ~~1. No breach or default has occurred or is continuing under the lease;~~

Commented [SG2]: Included in B4

Commented [SG3]: This is stated in 5.22.060

Commented [SG4]: These conditions can be defined on a case by case within the contract

- ~~2. A commercial or industrial facility has been established and is being operated or maintained on the property under the lease;~~
- ~~3. The sale will substantially increase the likelihood that the facility will continue or expand its operations; and~~
- ~~4. The continuation or expansion will confer a net economic benefit upon the city or the citizens of Cordova that would not be obtained without the sale; provided that, unless the property is located within lots 4-11, Block 2 of the South Containment Area Replat, dated April 4, 1986 and recorded in Book 86 at Page 2 in the Cordova Recording District, this provision shall not apply to property contiguous or adjacent to tidelands.~~

~~(Ord. 999 § 1(part), 2007)~~

~~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~~party who submitted a letter of interest 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.~~

~~B.C.~~ If the city elects to dispose of an interest in city real property under one of the competitive methods described in subsections ~~(AB)~~(2) through ~~(AB)~~(4) of this section, notice of the disposal shall be published in the manner which the city manager deems most likely to inform the public of the proposed disposal for a period of at least thirty days. At a minimum, the notice shall describe the interest in city real property to be disposed of, the method of disposal, and the time and place for submitting bids or proposals.

~~C.D.~~ An invitation for bids to lease or purchase city real property shall specify any minimum price requirement, and any required terms.

~~D.E.~~ A request for proposals to lease or purchase city real property shall specify the criteria upon which proposals shall be evaluated, which may include without limitation the type of proposed development and its benefit to the community, the qualifications and organization of the proposer, the value of the proposed improvements to the real property, the required deposit amount, and the required minimum rent or purchase price. All proposals submitted in response to a request for proposals shall be reviewed by the planning commission, which shall recommend a proposal to the city council for award. make a recommendation to the city council to accept or decline any or all of the proposals. The city council shall review the proposals and the recommendation of the planning commission and accept or decline any of the proposals.

~~(Ord. 1003 § 2, 2007: Ord. 999 § 1(part), 2007)~~

5.22.070 - Disposal for less than fair market value.

- A. The city may dispose of an interest in city real property for less than fair market value to the United States, the state of Alaska or any political subdivision thereof, or a nonprofit corporation or association, upon a finding by the council that the disposal will allow the use of the real property for a purpose beneficial to the city.
- B. The city may lease city real property for less than fair market value where a commercial or industrial facility or use will be established and maintained on a continuous, year-round basis under the lease, if the council finds each of the following:

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1. The reduction in rent below fair market value substantially increases the likelihood that the facility or use will be located in Cordova; and
 2. The operation of the facility or use in Cordova will confer a net economic benefit upon the city or the citizens of Cordova, and no equivalent benefit could be obtained by leasing the real property at its fair market value.
- C. A lease of city real property for less than fair market value under subsection B of this section shall provide for an immediate adjustment of rent to fair market value:
1. If the specified use or facility is not established within the time provided in the lease;
 2. If the specified use or facility is not continuously maintained, except for such periods as are set forth in the lease; or
 3. As to any part of the leased premises that is subject to an action in eminent domain.

~~(Ord. 999 § 1(part), 2007)~~

~~5.22.080 Method of disposal for less than fair market value.~~

~~A. The city shall dispose of city real property for less than fair market value under an agreement negotiated by the city manager with the person who applied to lease or purchase the property.~~

B.D. The city shall publish notice of a proposed disposal of an interest in city real property for less than fair market value at least one week before the date on which the council will consider the agreement for the disposal. At a minimum, the notice shall describe the real property, summarize the terms on which it may be disposed of, identify the proposed lessee or purchaser, and state the date and time of the meeting at which the council will consider the proposal.

(Ord. 999 § 1(part), 2007)

5.22.090 - Disposal by lease.

In addition to the other requirements in this chapter, a lease of city real property shall conform to the following requirements:

- A. The lease may not be assigned without the approval of the city, which may be granted at the sole discretion of the city council.
- B. The term of the lease may not exceed thirty years, including renewals, unless the city council approves a longer term upon finding that the longer term will be beneficial to the city or the citizens of Cordova in light of the purpose of the lease, the use of the premises and the nature of any improvements to be constructed thereon.
- C. A lease for ~~fair market value~~ having a term longer than two years shall be subject to a rental adjustment ~~to fair market value~~ at intervals no less frequent ~~than~~ that every two years, but no such adjustment shall cause a reduction in the rent under the lease.
- D. A lease may grant the lessee one or more options to renew, provided that:
 1. The term, including all available renewal terms, does not exceed the term permitted under subsection B of this section; and
 2. Upon each renewal, the lease shall be subject to all provisions of this code in effect at the time of the renewal.
- E. The lease shall reserve to the city the right to designate or grant rights-of-way or utility easements across the leased premises without compensation; provided, that the lessee shall be compensated for any resulting, taking or destruction of improvements owned by the lessee, and provided further that the rent shall be adjusted to reflect any resulting reduction in the fair market value of the leased premises.

~~F. A lease of commercial or industrial real property having a term of more than one year shall require substantial implementation of the development plan required under Section 5.22.040(A)(4)(a) within twelve months of approval of the lease by the council under Section 5.22.010, unless at the time of such approval the council approves a longer period for substantial implementation.~~

~~G. A lease of commercial or industrial real property having a term of one year or less shall:~~

~~1. Prohibit the construction of improvements or other permanent alteration of the property, or the establishment of any enterprise or activity on the property that cannot be terminated on thirty days' notice; and~~

~~2. Provide for termination by the city upon thirty days' written notice to the lessee.~~

~~G.~~

H. The lessee's performance under a lease shall be secured in the manner that the city council may require, including without limitation, a security deposit, surety bond or guaranty.

I. Unless the council provides otherwise in authorizing the lease, the lessee shall pay rent to the city on an annual basis, in advance, with payments due upon commencement of the term and on each anniversary thereof during the term.

J. The lease shall provide for payment of interest or a late fee for rent past due, and provide for recovery by the city of attorneys' fees and costs to the maximum extent allowed by law in the event the city is required to enforce the lease in court, and such additional provisions pertaining to defaults and remedies as the city manager may determine to be in the city's interest.

K. A lease of space within a city school building shall provide that payments received for rent shall be made payable to the school district and assigned to a special revenue fund designated by the city council in consultation with the school board.

(Ord. 999 § 1(part), 2007)

(Ord. No. 1099, § 2, 11-7-2012)

5.22.100 - Deposit—Disposal costs.

~~The applicant for a~~When disposal of an interest in city real property is by the method in Section 5.22.060 (B)(1), the interested party shall deposit the sum of one thousand dollars ~~with the application~~, and shall deposit such additional sums as the city manager may from time to time require to cover ongoing expenses incurred by the city in connection with the transaction. The applicant shall reimburse the city in full at or before the closing of a sale or exchange, or the execution by the city of the lease or other document conveying the interest, for all fees and costs the city incurred to third-parties in the transaction, including without limitation costs of appraisal, ~~attorneys~~attorney's fees and costs, surveying and platting fees and costs, closing costs and escrow fees. The applicant's deposit shall be applied to this reimbursement obligation. The city will refund any unexpended part of the deposit to the applicant no later than ten days after consummation or termination of the transaction.

Proposals or bids received for city real property shall include a deposit equal to ten percent of the minimum purchase price noted in bid or proposal or amount determined by the City to cover costs associated with the disposal process. The amount of the required deposit shall be indicated in the bidding or proposal documents. The deposit will be put towards the fees and costs the city incurs, including without limitation city staff time, costs of the appraisal, attorney's fees and costs, and platting fees. In the event that the interested party withdraws the selected proposal or bid, the deposit is non-refundable. All proposals and bids which are not awarded the property and do not withdraw shall have their deposits returned in full. The proposal or bid that is awarded the property shall have their deposit applied towards the purchase price.

(Ord. 999 § 1(part), 2007)

5.22.110 - Valuation—Consideration.

Commented [SG5]: These terms can be written in to the lease and dealt with case by case

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Prior to the disposal of any interest in city real property, the fair market value of said interest shall be determined by the city using a qualified ~~licensed appraiser approved~~ appraisal, tax assessment values, comparable property values or any other method determined to by the ~~city~~ City.

A. Where the disposal is by lease at fair market value, the minimum annual rent shall be ten percent of the fair market value ~~of the city's interest plus any local sales taxes applicable at the time.~~

B. Where the disposal is by sale or other disposition at fair market value, the minimum purchase price shall be the fair market value of the city's interest.

C. ~~Where the disposal is to accommodate a structure that encroaches on city property or does not conform to the code requirements of Title 18, the purchase price of the property shall be three times the fair market value of the property as determined by the City.~~

A.D. Where the disposal is at less than fair market value as authorized under this chapter, the rent, purchase price or other consideration received by the city shall be determined by the council.

(Ord. 999 § 1(part), 2007)

5.22.120 - Effect of city actions.

No action or inaction by the city council, city manager or any other officer, agent or employee of the city relating to or in furtherance of the development, preparation for disposal or disposal of city real property or any interest therein shall be deemed to constitute an express or implied representation or warranty that such real property, or any interest therein, is suitable or usable for any specific purpose whatsoever. Any such action or inaction shall be deemed to be and constitute performance of a discretionary policy and planning function only and shall be immune and give no right of action as provided in AS 9.65.070, or any amendment thereto.

(Ord. 999 § 1(part), 2007)

Commented [LS6]: i.e. a building which needs property for required setbacks.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 2/5/15
Re: Resolution 15-03

PART I – GENERAL INFORMATION

Chapter 18.35 Avalanche District was codified by the City in 2000 after the avalanche occurred at 5 mile loop area. This code was developed for the purposes below:

18.35.010 - Purpose.

An avalanche district is hereby established as a zoning overlay district for the following purposes:

- A. To protect the citizens of Cordova and the general public from the extreme hazards associated with avalanche events;
- B. To identify those areas within the city where, after due investigation and study, avalanche potential is found to exist;
- C. To identify areas where historic avalanche events have impacted lands in a manner that indicates extreme or moderate hazards to human life and property;
- D. To give notice to the public of those areas within the city where such avalanche potential has been found to exist;
- E. To allow for construction of single-family residences by persons informed of avalanche danger with regard to a specific parcel of real property located in moderate hazard areas, while providing regulations to protect lessees, renters and subtenants of property located within the avalanche district;
- F. To minimize health and safety hazards, disruption of commerce and extraordinary public expenditures;
- G. To promote the general public health, safety and welfare; and
- H. To protect Eyak Lake, Eyak River and other watersheds within Cordova from pollution resulting from fuel, chemical, lubricant, paints, cleaners and other types of hazardous and harmful materials that might be stored within the avalanche district and be carried by avalanche events into waters and wetlands.

I have had a request by a resident who lives in in the Blue zone of the avalanche district to change the code to allow bed and breakfast business. Since I was not involved in the development of the avalanche code I contacted the Brent Nichols from Division of Homeland Security and Emergency Management. Brent worked on the avalanche disaster in 2000. The property that FEMA and the City purchased and which are now owned by the City are part of the DR-1316 Presidential Disaster Declaration and are located in the red zone. He verified that we could change the City Code to property located in the Blue Zones without consultation from the State or FEMA. See attached email.

The code changes attached are for the Blue Zone only. There are two changes 1) A bed and breakfast would be allowed in the blue zone 2) Conditional use permit would need to be applied for and vetted by the Planning Commission for any other commercial use. See attached code section.

PART II – STAFF RECOMMENDATION

Staff recommend amending Chapter 18 Avalanche as presented. Allowing bed and breakfast as a seasonal business provides income for the city and residents. Potentially there are additional commercial uses that

could be seasonal or may meet the additional requirements of the Avalanche code. Applying for a conditional use provides a detailed review of the proposed use and would allow public input. Attached is a resolution stating P&Z support for the code change. When the resolution is passed an ordinance will be written and along with the resolution will be presented to City Council to codify the code change.

PART III – RECOMMENDED MOTION

“I move to approve resolution 15-03”

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 15-03**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA TO CHANGE CORDOVA MUNICIPAL CODE CHAPTER 18.35 AVALANCHE DISTRICT TO ALLOW BED AND BREAKFASTS IN THE BLUE ZONE AND TO ADD THE REQUIREMENT FOR A CONDITIONAL USE PERMIT FOR COMMERCIAL USES IN THE BLUE ZONE

WHEREAS, the City of Cordova's Planning Commission has determined that amending the avalanche code to allow commercial uses is a benefit to the City and the citizens of Cordova; and

WHEREAS, the City of Cordova's Planning Commission has determined that the proposed amendments are in accordance with the purpose of the chapter; and

WHEREAS, the Planning Commission would like to recommend to City Council to accept the amendments to Chapter 18.35 AVALANCHE DISTRICT.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommends to the City Council of the City of Cordova, Alaska to change Cordova Municipal Code Chapter 18.35 AVALANCHE DISTRICT to allow bed and breakfasts in the blue zone and to add the requirement for a Conditional Use Permit for commercial uses in the blue zone.

PASSED AND APPROVED THIS 10TH DAY OF FEBRUARY, 2015

John Greenwood, Co-Chair

ATTEST:

Samantha Greenwood, City Planner

From: [Nichols, Brent A \(MVA\)](#)
To: [Sam Greenwood](#); [Gravier, Ann Y \(MVA\)](#); [Petty, Ervin A \(MVA\)](#)
Cc: [Leif Stavig](#)
Subject: RE: Avalanche zone
Date: Friday, January 16, 2015 12:26:02 PM

Sam,

Thank you for taking the time to talk with me this morning and clarifying a few things for me on your request.

So, as we discussed, with respect, this is a City issue.

First, per your clarification of the location of the said property, the property was not part of the DR-1316 Presidential Disaster Declaration.

Second, as such, due to the property not being deed restricted as a part of the DR-1316 event, neither the State or FEMA have any say in how the City zoning, codes and ordinances are applied.

Third, as the property exists in a "Blue" or Moderate Hazard Zone and outside of the "Red" or High Hazard Zone, the FEMA CFR Part 80.19 and 44 CFR 206.434 does not apply to this property.

Thank you for checking with us and including us in the discussion of this issue.

Should you need any other assistance, please feel free to contact us at any time.

Take Care, Brent

Brent A. Nichols, EMSII, CFM
Emergency Management Specialist (EMS) II & Certified Floodplain Manager (CFM)
Department of Military and Veterans Affairs (DMVA)
Division of Homeland Security and Emergency Management (DHS&EM)
P.O. Box 5750
JBER, AK 99505-5750
Phone: (907) 428-7085 Fax: (907) 428-7009 Toll Free: (800) 478-2337
E-mail: brent.nichols@alaska.gov Website: www.ready.alaska.gov

From: Sam Greenwood [mailto:planning@cityofcordova.net]
Sent: Friday, January 16, 2015 11:04 AM
To: Gravier, Ann Y (MVA); Petty, Ervin A (MVA)
Cc: Nichols, Brent A (MVA); Leif Stavig
Subject: RE: Avalanche zone

Hi all

Just checking in with you on the avalanche zoning contact with FEMA. I know you all have a lot going on and we are willing to help in any way we can but not sure how to move forward. We have a time frame that we would like to meet, our next Planning and Zoning meeting is February 10th and we would like to have the code change on that meeting for approval, if possible. The code change would have to be approved by P&Z and City council, once that occurred there would be a 30 day appeal period before the code would become effective. That starts pushing us into the spring when the land owner would like to start advertising and booking for summer months. I will be out of town next week but Leif who is the assistant planner and CC will be in the office and available to answer any questions that may come up. Thanks for your help and time

Leif's number is 424-6220 or email planning2@cityofcodova.net

Chapter 18.35 - AVALANCHE DISTRICT

Sections:

18.35.010 - Purpose.

An avalanche district is hereby established as a zoning overlay district for the following purposes:

- A. To protect the citizens of Cordova and the general public from the extreme hazards associated with avalanche events;
- B. To identify those areas within the city where, after due investigation and study, avalanche potential is found to exist;
- C. To identify areas where historic avalanche events have impacted lands in a manner that indicates extreme or moderate hazards to human life and property;
- D. To give notice to the public of those areas within the city where such avalanche potential has been found to exist;
- E. To allow for construction of single-family residences by persons informed of avalanche danger with regard to a specific parcel of real property located in moderate hazard areas, while providing regulations to protect lessees, renters and subtenants of property located within the avalanche district;
- F. To minimize health and safety hazards, disruption of commerce and extraordinary public expenditures;
- G. To promote the general public health, safety and welfare; and
- H. To protect Eyak Lake, Eyak River and other watersheds within Cordova from pollution resulting from fuel, chemical, lubricant, paints, cleaners and other types of hazardous and harmful materials that might be stored within the avalanche district and be carried by avalanche events into waters and wetlands.

(Ord. 853 (part), 2000).

18.35.020 - Definition and designation of avalanche district.

- A. The avalanche district shall be a district overlaying an existing zoning district. It shall designate those areas within Cordova found subject to potential avalanche danger. Additional requirements of the avalanche district shall be applied to uses otherwise permitted in the existing zoning district.
- B. The avalanche district shall consist of two sub-zone designations. The distinction between these subzones is defined according to the frequency and destructive force of potential avalanches. They include high hazard "Red Zones" and moderate hazard "Blue Zones."
 - 1. High Hazard Zones: Red Zones. High hazard Red Zones are used to define the greatest potential avalanche risk and are defined as areas subject to:
 - a. Avalanche return periods of less than thirty years; and/or
 - b. Impact forces of greater than six hundred pounds per square foot, assuming a flat, normal, rigid surface.

People living in or traveling through a high hazard zone should expect to be infrequently impacted by major avalanche events capable of severely damaging or destroying standard wood frame structures and severely injuring or killing people. This includes the following range of exposure: structures could be totally destroyed or severely damaged, roofs could be blown off or caved in, walls could be pushed in or sucked out, houses could be pushed from their foundations, vehicles could be

severely damaged, mature trees could be broken off, and windows and doors could be ripped off, sucked out or pushed in, with considerable broken glass and debris carried by hurricane force winds. People outside or inside of structures could be severely injured or killed. Children or adults playing or working outside would be particularly susceptible. The risk of fuel leaks and/or fire and explosion is high.

2. Moderate Hazard Zones: Blue Zones. Moderate hazard Blue Zones are exposed to potential avalanche threat, but to a lesser degree. Mitigation will usually be feasible but requires site specific analysis. By definition, these areas are subject to:

- a. Return periods of greater than thirty years, but under three hundred years; and
- b. Impact pressures of less than six hundred pounds per square foot, assuming a flat, normal, rigid surface.

People living in or traveling through a moderate hazard zone can expect to be less frequently exposed to potential threat from major avalanches and, because of the location, subjected to a lower degree of potential impact. This includes the following range of exposure: structures could be moderately damaged, houses could be pushed from their foundations, roofs could be blown off, walls could be pushed in, windows and doors could be pushed in, sucked out or ripped off, and broken glass and flying branches could be a hazard to people. The risk of fuel leaks and/or fire and explosion is high. People outside would be particularly vulnerable to flying debris. Although generally the avalanche exposure here is less frequent than in the Red Zone, serious damage, death or injuries are possible.

(Ord. 853 (part), 2000).

18.35.030 - Principal uses-Uses permitted.

All uses allowed in a district shall be subject to the additional restrictions of the avalanche district. If any of the regulations specified in this section differ from regulations specified for a district with which the avalanche district is combined, the regulations contained in this section shall apply and govern. Permitted principal uses are as follows:

A. High Hazard Red Zone.

1. Water conservation and flood control installations;
2. Seasonal parks, campgrounds and parkways, greenbelts, land reserves and related facilities when their use is restricted between December 1st and May 1st or other times when the city has declared an avalanche hazard; and
3. Installation of sewer, water and utilities.

B. Moderate Hazard Blue Zone.

1. Single-family residencies and associated structures. Proper mitigating measures are required for construction permits within the Blue Zone. Additional information and/or reports are required by the building official related to construction within the Blue Zone; and
2. Seasonal Bed and Breakfasts not in operation between December 1st and May 1st or other times when the city has declared an avalanche hazard;
3. Any uses authorized for the Red Zone.

(Ord. 853 (part), 2000).

• 18.35.035 - Conditional uses in Blue Zone.

Subject to the requirements of the conditional use standards and procedures of this title, the following uses may be permitted:

A. Commercial Uses

18.35.040 - Prohibited uses.

Because of the high hazard to the health and safety of the general public, no uses that concentrate human activity during times of risk are allowed in the avalanche district.

The following uses are prohibited in the:

A. High Hazard Red Zone.

1. All residential occupancies;
2. All commercial occupancies;
3. All storage facilities;
4. All temporary structures, except those authorized by special permit issued by the city that might be required to serve temporary uses related to public services;
5. Any use or structure open to the general public for use between December 1st and May 1st of any year, or other times when the city has declared an avalanche hazard;
6. Open or closed storage of vehicles, boats or equipment;
7. Fuel, or any other material rated as hazardous; or
8. Junkyards.

B. Moderate Hazard Blue Zone.

1. All residential and congregate occupancies between December 1st and May 1st or other times when the city has declared an avalanche hazard, except single-family residencies;
- ~~2. All commercial occupancies;~~
3. Open or closed commercial storage of vehicles, boats or equipment, except items for personal use under the control of the owner of the property; or
4. Fuel or any other material rated as hazardous, when the quantity of material exceeds the minimum listed controlled quantities under HAZMAT guidelines adopted by the state of Alaska and/or the city of Cordova, Alaska.

(Ord. 853 (part), 2000).

18.35.050 - Required permits.

No person shall engage in the following uses within the avalanche district without an approved site development plan, building permit and/or a written conditional use permit issued by the city. Prior to issuance of a building permit for any habitable structure within the avalanche zone, the applicant shall submit to the Cordova building official plans signed by an engineer licensed in the state of Alaska, certifying that the proposed construction as designed will withstand the avalanche forces designated for the zone, or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the city by a recognized expert in the field of avalanche occurrence, force and behavior.

The avalanche forces setting standards for this chapter are to be considered minimum forces only, and the city does not represent, guarantee or warrant the ultimate safety of any construction, use or occupancy of structures constructed to meet those forces. Avalanches may occur with forces greater than the standards in this ordinance, and areas of the city not designated as avalanche district may be subject to potential avalanche danger.

- A. Construction of avalanche protective, deflective and preventative structures, devices or earthwork that may deflect avalanches shall be permitted only as a conditional use. Prior to granting of a

conditional use permit, the applicant shall submit to the city plans thereof signed by an engineer licensed in the state of Alaska, certifying that the proposed construction will withstand the designated avalanche forces within the zone or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the city by a recognized expert in the field of avalanche occurrence, force and behavior, and that the proposed construction will not deflect avalanches toward the property of others. Other information and engineering studies may be requested in consideration of an application for a conditional use permit. Appropriate landscaping may be required where such structures, devices or earthwork alter the natural slope or beauty of the land;

- B. Excavation or removal of soil, trees, shrubs or downed timber when the activity results in alterations of the landscape that could increase or create avalanche hazard;
- C. Construction of structures for, or installation of public services and utilities;
- D. Camping on public lands in the avalanche district;
- E. Mining; or
- F. Timber harvesting.

(Ord. 853 (part), 2000).

18.35.060 - Use restrictions.

The following restrictions are hereby imposed upon construction, development and use of all real property located within the avalanche district:

- A. All public utilities installed after the effective date of the ordinance codified in this chapter for development of a subdivision or providing utility services to a building or replacing existing utility services to a building or subdivision shall be installed underground in order to minimize possible avalanche damage to said utilities and injury to persons and property;
- B. There shall be no further subdivision of any real property, including lot splits, which would result in the creation of a lot or building site, in whole or part, within the avalanche district. A variance to this provision may be granted if a lot can be created in which the building site conforms to all other provisions of this chapter and is located entirely outside of the avalanche district.

(Ord. 853 (part), 2000).

18.35.070 - General notice requirements.

In order to provide reasonable notice to the public of the avalanche potential within all areas designated avalanche district, the following notice regulations and requirements are hereby adopted for all real property and structures located within said zone:

- A. All subdivision plats shall identify and designate each lot and block, or portions thereof, located within the avalanche district together with applicable subzone designation by a stamp or writing in a manner providing reasonable notice to interested parties.
- B. All plans submitted with a building permit application for development of property, any part of which is within the avalanche district, must be stamped "Avalanche District," together with the applicable subzone designation.
- C. Prior to issuance of any building permit for construction within the avalanche district, the applicant shall appear before the planning and zoning commission for the purpose of receiving personal notice of the fact such building is within the avalanche zone and notice of the studies conducted to date with regard thereto.
- D. The city shall file with the office of the recorder such documents as necessary to provide record notice of each existing lot and/or parcel of real property within the avalanche district.

- E. The city shall post signs in the public right-of-way to reasonably identify the boundaries of the avalanche district.
- F. All owners or owner representatives who rent, lease or sublet any structure or premises within the avalanche district from December 1st through May 1st, or during times when an avalanche hazard has been declared by the city, shall provide the tenant, lessee or subtenant with written notice that such property is located within the avalanche district, including the subzone designation, prior to occupancy thereof. This notice shall be a part of the rental or lease document and shall require specific signed acknowledgement by the tenant, lessee or subtenant.
- G. Each and every real estate agent, sales person and broker, and each and every private party who offers for sale or shows a parcel of real property and/or structure for sale within the avalanche district shall provide the prospective purchaser written notice that said real property and/or structure is located within the avalanche district and identify the subzone designation. Furthermore, the written notice shall state that avalanche hazard studies are available for public inspection at the administrative offices of the city, and that such studies should be reviewed prior to any party entering any agreement or contract or lease with regard thereto.
- H. If, under the provisions of Section 18.35.090, any use continued within the avalanche district Red Zone includes living units available for casual/daily rentals or short-term lease (less than ninety days) the following shall apply. All brochures and other printed materials advertising and/or soliciting reservations for rental or lease of living units within the avalanche district during the period between December 1st and May 1st shall contain a statement that the units are located within an avalanche district Red Zone, a high avalanche hazard area.

(Ord. 853 (part), 2000).

18.35.080 - Special restrictions.

No person shall commit the following in the avalanche district:

- A. Tamper with or remove any sign, monument, or other boundary marker; or
- B. Place, store or dump waste, refuse and hazardous or toxic substances.

(Ord. 853 (part), 2000).

18.35.090 - Conditions for continuation.

Any building or portion thereof in existence prior to the effective date of this chapter which is specifically designed or arranged to be lawfully occupied or used in a manner not conforming to the provisions of this title may thereafter be so occupied and used, subject to the limitations set forth in Section 18.52.010, except that Section 18.52.010(A) of this code shall apply only when the nonconforming use is discontinued for a period of three hundred sixty-five days or more. The term "in existence" shall include, for the purposes of this section only, any building under actual permitted construction at such date; provided, that such building can be completed within one year thereof. In addition, should an owner-occupied dwelling become vacant after the date of the ordinance codified in this chapter, that dwelling may be offered for lease or rent if all other requirements are met. Notwithstanding this provision, any required notice provisions contained in Section 18.35.090 shall be issued.

(Ord. 853 (part), 2000).

18.35.100 - Damage or destruction.

No building, use or occupancy continued in the avalanche district under the provisions of Section 18.35.090, which is damaged or destroyed to the extent of more than fifty percent of its assessed value by an avalanche event, shall be repaired, altered or occupied except in conformity with the provisions of this title.

(Ord. 853 (part), 2000).

18.35.110 - Suspension of city services.

During periods of avalanche danger, city services, including emergency services, police, fire, rescue, and utility services, may be suspended, or otherwise not be provided to property within the avalanche district; nor shall the city accept responsibility for or guarantee that emergency services, rescue efforts, or other city services be provided during periods of extreme avalanche danger.

(Ord. 853 (part), 2000).

18.35.120 - Warning and disclaimer of safety and liability.

Avalanches occur naturally, suddenly and unpredictably based upon steepness of slope and run out area, exposure, snow pack composition, wind, temperature, rate of snowfall and other little understood interacting factors. The avalanche district designated in this chapter is considered for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. This chapter does not represent or imply that areas outside the avalanche district are free from avalanches or avalanche danger. The fact that the city has not prohibited the continued use of property within the avalanche district (Section 18.35.090) does not constitute a representation, guarantee or warranty of any kind as to the safety of any construction, use or occupancy thereof. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the city, or any official or employee of the practicality or safety of any construction, use or occupancy thereof, and shall create no liability upon or cause of action against such public body or its officials or employees for any injury, loss or damage that may result thereby. Avalanches occur naturally, suddenly and unpredictably, and persons who develop or occupy real property within the avalanche district do so at their own risk.

(Ord. 853 (part), 2000).

18.35.130 - Violations.

Failure to obey or comply with any provision of the Chapter 18.35 is a violation and subject to enforcement action.

(Ord. 853 (part), 2000).

18.35.140 - Notice of avalanche studies.

The city has avalanche studies for various areas within the city. Copies of studies are available for public inspection at the office of the Cordova city planner, City Hall. Persons interested in building, using or occupying real property within the avalanche zone are encouraged and should examine the studies. However, the city does not represent or warrant the completeness or accuracy of those studies.

(Ord. 853 (part), 2000).

18.35.150 - Amendment to zoning map.

The official zoning map of the city is hereby amended to include the avalanche district, with subcategory designation of Red Zone "High Avalanche Hazard" and Blue Zone "Moderate Avalanche Hazard" as part of the avalanche district. The boundaries of such avalanche district are hereby adopted as set forth on such amended official zoning map hereby made a part of this chapter. The city council may from time to time amend the official zoning map of the city to include additional areas designated as "avalanche district," and to further refine district boundaries.

(Ord. 853 (part), 2000).

February 2015

February 2015							March 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28
							29	30	31				

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Feb 1	2	3	4 7:00pm City Council Regular (Library)	5 12:00pm Cordova Center (Library)	6	7
8	9	10 6:30pm Planning Commission Regular (Library)	11 7:00pm Harbor Commission Regular (City Hall) 7:00pm School Board Regular (High School)	12 12:00pm Cordova Center (Library)	13	14
15	16 City Closed - President's Day	17 6:00pm School Board Work Session (High School)	18 7:00pm City Council Regular (Library)	19 12:00pm Cordova Center (Library)	20	21
22	23	24 7:00pm Hospital Public Forum (TBA)	25	26 12:00pm Cordova Center (Library)	27	28

March 2015

March 2015							April 2015						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	5	6	7	8	9	10	11
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29	30		
29	30	31											

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Mar 1	2	3 8:00am City General Election (Library)	4 7:00pm City Council Regular (Library)	5 12:00pm Cordova Center (Library)	6	7
8	9	10 6:30pm Planning Commission Regular (Library)	11 7:00pm Harbor Commission Regular (City Hall) 7:00pm School Board Regular (High School)	12 12:00pm Cordova Center (Library) 6:00pm Planning Commission Floodplain Management Training (Library Meeting Room)	13	14
15	16	17	18 7:00pm City Council Regular (Library)	19 12:00pm Cordova Center (Library)	20	21
22	23	24	25	26 12:00pm Cordova Center (Library)	27	28
29	30 City Closed - Seward's Day	31	Apr 1	2	3	4