

Chairman
John Greenwood

Commissioners
Tom Bailer
Tom McGann
Scott Pegau
John Baenen
Allen Roemhildt
Mark Frohnapfel

City Planner
Samantha Greenwood

Assistant Planner
Leif Stavig

**PLANNING COMMISSION REGULAR MEETING
JULY 14, 2015 AT 6:30 PM
LIBRARY MEETING ROOM**

AGENDA

- 1. CALL TO ORDER**
- 2. ROLL CALL**
Chairman John Greenwood, Commissioners Tom Bailer, 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 June 9, 2015 Public Hearing..... Page 2
 - b. Minutes of June 9, 2015 Regular Meeting..... Page 3-7
- 5. DISCLOSURES OF CONFLICTS OF INTEREST**
- 6. CORRESPONDENCE**
 - a. State of Alaska DOT Public Notice..... Page 8-9
 - b. State of Alaska DNR Preliminary Decision..... Page 10-23
- 7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS**
 - a. Audience comments regarding agenda items (3 minutes per speaker)
- 8. PLANNER'S REPORT** Page 24
- 9. NEW/MISCELLANEOUS BUSINESS**
 - a. Resolution 15-10..... Page 25-27
A resolution of the Planning Commission of the City of Cordova, Alaska adopting a new Official Zoning Map
 - b. Resolution 15-11..... Page 28-42
A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska to amend Chapter 19.04 of the Cordova Municipal Code in order to adopt the December 16, 2015 Flood Insurance Study and Flood Insurance Rate Map and to comply more fully with the National Flood Insurance Program Standards
- 10. PENDING CALENDAR**
 - a. July 2015 Calendar Page 43
 - b. August 2015 Calendar..... Page 44
- 11. AUDIENCE PARTICIPATION**
- 12. COMMISSION COMMENTS**
- 13. ADJOURNMENT**

PLANNING COMMISSION PUBLIC HEARING
JUNE 9, 2015 AT 6:30 PM
LIBRARY MEETING ROOM
MINUTES

1. CALL TO ORDER

Chairman **John Greenwood** called the Planning Commission Public Hearing to order at 6:30 PM on June 9, 2015 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman **John Greenwood** and Commissioners **Tom Bailer**, **Tom McGann**, **John Baenen**, **Allen Roemhildt**, and **Mark Frohnappfel**. **Scott Pegau** was present via teleconference.

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

5 people were in the audience.

3. PUBLIC HEARING

a. Resolution 15-09 – Reducing Ground Snow Load Requirement

M/Bailer S/McGann to recess for 10 minutes.

With no objection, the meeting was recessed.

J. Greenwood called the Public Hearing back to order at 6:45 PM.

4. ADJOURNMENT

M/Bailer S/McGann to adjourn the Public Hearing at 6:45 PM.

With no objection, the meeting was adjourned.

Approved:

John Greenwood, Chair

Leif Stavig, Assistant Planner

PLANNING COMMISSION REGULAR MEETING
JUNE 9, 2015 AT 6:45 PM
LIBRARY MEETING ROOM
MINUTES

1. CALL TO ORDER

Chairman **John Greenwood** called the Planning Commission Regular Meeting to order at 6:45 PM on June 9, 2015 in the Library Meeting Room.

2. ROLL CALL

Present for roll call were Chairman **John Greenwood** and Commissioners **Tom Bailer**, **Tom McGann**, **John Baenen**, **Allen Roemhildt**, and **Mark Frohnappfel**. **Scott Pegau** was present via teleconference.

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

8 people were in the audience.

3. APPROVAL OF AGENDA

M/Bailer S/McGann to approve the agenda.

Upon voice vote, motion passed 7-0.

Yea: Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnappfel

4. APPROVAL OF CONSENT CALENDAR

- a. Minutes of May 19, 2015 Public Hearing
- b. Minutes of May 19, 2015 Regular Meeting
- c. Minutes of May 27, 2015 Public Hearing
- d. Minutes of May 27, 2015 Special Meeting

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

Upon voice vote, motion passed 7-0.

Yea: Greenwood, Bailer, McGann, Pegau, Baenen, Roemhildt, Frohnappfel

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

- a. State of Alaska DNR Public Notice

McGann wondered if the City had taken a stance on the public notice. He can't imagine seeing an exploratory well off of Softuk Bar. **S. Greenwood** said that she has not heard of a response from anyone at the City. **McGann** said that he thinks they as a city should voice opposition to it. He requested that the correspondence be placed on the City Council's next agenda.

J. Greenwood acknowledged the additional correspondence from **Penelope Oswalt**.

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Audience Comments regarding agenda items

Mary Anne Bishop, 700 4th Street, President of the Prince William Sound Audubon Society, spoke to represent Audubon to reiterate what she spoke about three years ago to the Planning Commission. She came three years ago to urge the commission to begin a public process that would lead to a comprehensive waterfront plan. She said that tonight they are considering a proposal for the breakwater fill and once again they are engaging in a piece-by-piece approach. Audubon would like to see a waterfront plan where recreation, wildlife habitat, viewsheds, wildlife and fisheries values, and aesthetic values are taken into account. She asked that the commission consider stepping back from any decision on the breakwater fill area to undertake a public process for Cordova's waterfront before they start rezoning or redefining areas around the harbor.

George Daskalos, with the Salty Steer, wanted to comment on the email received under correspondence. He said that if they were granted the property it would be a year-round establishment. They would have jobs year-round between the restaurant and the hotel. Year-round jobs and growth of the town is shrinking. If they are able to do what they want to do it would be an establishment for the community.

8. PLANNER'S REPORT

S. Greenwood said that she wanted to make sure that everyone saw the attached spreadsheet on which actions were quasi-judicial versus legislative. She said if there were any ideas on training for the commission, staff would like them. **Bailer** said he appreciated the spreadsheet and suggested that when actions come up in future packets to note whether they are quasi-judicial or legislative.

9. NEW/MISCELLANEOUS BUSINESS

a. Review of Proposal for Breakwater Fill Lot

M/Bailer S/Baenen to recommend City Council approve the proposal from George and Carrie Daskalos for the Breakwater Fill Lot.

Bailer said that he thinks it is a good start, and that if somebody is going to invest \$3.5 million into property it is enticing. **Pegau** asked if the aid to navigation would have to be moved to fit under the overhang. **Daskalos** said that right now it does not. **Pegau** said he is not sure that the proposal is what they want to have for such a high-profile lot. He's not sure that it is better than moving the Mariner's Memorial over to the lot and creating a park and parking lot to relieve the parking problem. He said it was good to know that it isn't seasonal, but if you are coming in from the sea you are going to see a box so he did not rate it high for aesthetic value. **Baenen** said he thinks that the architectural details are not there because they don't have full plans yet. He said it will bring more business into Cordova with the Cordova Center. There are not enough beds in town and the price is right on the investment. He thinks it would be good for Cordova. **Daskalos** said that anything built there would be fully engineered. **Frohnappfel** said that he thinks it is an ingenious use of the lot. He said there was a shortage of places for people to eat and stay. **Roemhildt** said he had a concern that directly adjacent to the property is a dock where business is being conducted throughout the hours of the night. He is in favor of a hotel and restaurant in town, but this is only the first proposal that they received. **McGann** agreed and thinks they should extend the public notice period to see if they can get other proposals. His main reason for not recommending the proposal to council is that it is just one proposal on the most valuable lot in town. **J. Greenwood** asked about the easement in the proposal. **Daskalos** said that the easement was a seating area and public access. They are not trying to block it off from the community. **Bailer** said he would have never thought to put the building on the lot like that. He supports the proposal and kicking it up to City Council. He would like to see the plan have a little more public input. Maybe there is something he is missing or maybe the majority of the community doesn't want to see development, but he likes it. **Frohnappfel** verified that the lease would generate \$30,000 a year. **McGann** agreed that there needs to be more public input. He has heard a lot of input from people wanting the City to keep the property. People have even suggested moving the Harbormaster's office there like every other harbor. **Roemhildt** verified that whether their motion passes or fails it will go to council. **Frohnappfel** said he agrees with the idea that Cordova is open for business. He said the lot has already been sold once; at what point do they stop business because they are waiting for a better deal? Based on the

proposal that he sees, he supports it. **Baenen** said that there is already a shortage of rooms in town and he supports the proposal. **J. Greenwood** said his only regret was not having more proposals, but you can't force people to give proposals. **Bailer** said that there are not a lot of \$3.5 million projects walking through the door. **Pegau** said that the issue with public comments is that it was rushed through the door in a big hurry. As soon as the Science Center dropped their request, they were putting it on the street and they couldn't even get a ruling on the zoning for it. He would be a lot more comfortable if they had looked for public process in this before they picked a single proposal. **Daskalos** said he is trying to put out a project with a lot of money. They have spent well over \$100,000 just to get here to show the community how serious they were. They tell everyone who comes to their establishment that they are trying to purchase the property and that it isn't just a lease. He doesn't want to be the one on the block trying to put up a lot of money and then have the City try to get a better deal when nobody is anteing up right now. **Roemhildt** said that it's not that they are overlooking his big investment in the City, it's just that there are lots of uses for the land and it is a big decision. **Daskalos** said he just doesn't want to be the one to put a proposal so that someone can bid better. There was so much time for people to get proposals in and show what they wanted to do. They want to be here and whether this happens or not they are still going to be in Cordova for the next two or three years permanently. **Bailer** said that he knows what **Daskalos** means to be putting money into a project. As far as the idea for the park, the property was on the sale block for a couple of years and nobody was telling them not to develop it and make it into a park. Everyone was on board with the Science Center and it would have been a nice investment in the community, but the Science Center decided to pursue other options.

Upon roll call vote, motion passed 4-3.

Yea: **Greenwood, Bailer, Baenen, Frohnapfel**

Nay: **McGann, Pegau, Roemhildt**

b. Resolution 15-09 – Reducing Ground Snow Load Requirement

A resolution of the Planning Commission of the City of Cordova, Alaska, recommending to the City Council of the City of Cordova, Alaska to amend Subsection 16.15.2305(d) of the Cordova Municipal Code in order to reduce the ground snow load requirement from 150 pounds per square foot to 100 pounds per square foot

M/McGann S/Bailer to approve Resolution 15-09.

McGann said that he was one of the ones that voted in favor of it before and he changed his mind. It is overkill. It increases the costs dramatically, not just for materials but engineering. He thinks they should stick with the IBC recommendation of 100 pounds. **Roemhildt** said that he was in favor of the resolution. **Pegau** referred to the maximum snow height on page 66 and wanted the commission to realize every time you've exceeded 36 inches, you have come close to exceeding the 100 pound snow limit. He also wanted them to keep in mind that was for sea level. He said that every house at 200 feet is going to exceed that 100 pound snow load about every five years. He knows that they talked about mitigating it by shoveling, but it is a safety issue. They should engineer at a level that is not to be exceeded by at least the 25 year average. **Baenen** said that he is in favor based on the sheer cost of construction. During Snowpocalypse, there was no failures of actual 100 pound snow load houses. **Bailer** said he is in favor of the resolution. **Frohnapfel** verified that if a building was substantially damaged or destroyed it would have to be built back to whatever the existing code is. **J. Greenwood** is also in favor of the resolution and referred to page 70 of the engineer's report with the safety factors that are engineered into a building.

Upon roll call vote, motion passed 6-1.

Yea: **Greenwood, Bailer, McGann, Baenen, Roemhildt, Frohnapfel**

Nay: **Pegau**

10. UNFINISHED BUSINESS

a. Resolution 15-06 – Code Change for Waterfront Commercial Park District

A resolution of the Planning Commission of the City of Cordova, Alaska recommending to the City Council of the City of Cordova, Alaska to amend Cordova Municipal Code Chapter 18.39 to change the requirements in the Waterfront Commercial Park District and to amend Chapter 18.08 to change and add definitions to Title 18

M/Bailer S/Baenen to approve Resolution 15-06

S. Greenwood said that this is back with grade plane and building height as defined in the IBC and so the commission had more time to consider the nonconforming issue. **McGann** said that most of the commercial building areas are flat, so it doesn't really come into play. He doesn't think that changing the height definition would make anything nonconforming. As far as the yards go, the mistake seems to have been made in the past. He doesn't have too much heartburn with making buildings nonconforming, but he said he would yield to the rest of the commission. There was consensus from the commission to not change the yard requirements in order to avoid making nonconforming buildings. **S. Greenwood** said that the new grade plane definition and the existing grade definition are similar, however the definitions for building height are different. The new definition would be the average height, so that technically a building can be taller and will not create nonconforming buildings. **McGann** suggested that the commission keep the existing definition. There was consensus to not change the existing definition for building height.

Upon roll call vote, motion passed 7-0.

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

b. Discussion on Resolution 15-07

S. Greenwood explained that the resolution was brought to City Council and that Council Member **Josh Hallquist** asked the commission to justify why City Council should spend the money to update the codes. **McGann** said that back in April, **S. Greenwood** estimated it would take about five hours per chapter and that is just for her part. **McGann** said that his big issue with codes was Title 16 as they are not in compliance with state law. It is a mess and needs to be gone through. **Roemhildt** said it was hard to get a loan for a house if it is not up to code. **Bailer** said that there are other communities that have these codes that are up to date. They have done code edits before by looking up others' codes and copying it, which eliminates using lawyers. **McGann** said that **S. Greenwood** gave them local amendments from other municipalities in the past and she could do so again. He said that they could cut-and-paste a lot of it. **S. Greenwood** said it's not just going out and doing that; it takes a lot of research. She has brought amendments to the IBC and IRC to the commission multiple times and it is overwhelming. **McGann** said that he feels comfortable with the building codes, but they also have the plumbing, mechanical, and fire codes. **Bailer** said that there is not a lot of expendable money. **McGann** said he hasn't been on the commission very long, but they have been chewing on it the whole time and they have to get it done. **Bailer** said it might take **McGann** presenting their case and it is going to be a hard sell. **Frohnappfel** said that it needs to be done. The City has the staff to take some of this on and they need to have something to enforce. It is up to the commission to give those who are enforcing the right guidelines. **McGann** said that he thinks the 2009 IBC and IRC should be adopted. **S. Greenwood** said that the money is for a code update only. They just spend a lot of staff time on Chapter 18.39 and that was just one chapter. The money that they are requesting does not include 500 commission meetings to go over each section of code. **Baenen** said that he does not want to do that. **McGann** told the commission to look at the code online. He gave some examples of how dated Title 16 was. The commission discussed how a building inspector would factor into the adoption of codes. **S. Greenwood** said that the code update would just be fixing up the code and making it current along with adopting the necessary codes. **Pegau** said he keeps wondering how they could do it for less, but that he thinks it is already underbid as it is. **Frohnappfel** said that another reason for the update would be the amount of hours the commission and staff has already put into proposed changes. **Baenen** said additional reasons are that it hasn't been updated in over 30 years and the codes need to be updated so that when the building inspector begins it is already done. **S. Greenwood** said that it wasn't just building codes, its subdivisions too. There is no process for a short plat. It is difficult to pull out what you need to require for some plats.

11. PENDING CALENDAR

Frohnappfel said that a good training topic would be grandfathering and repercussions of changing codes. He asked what the repercussions would be for adopting new codes.

Pegau suggested they do training on variances.

12. AUDIENCE PARTICIPATION

13. COMMISSION COMMENTS

Pegau thanked the commission for their patience with him on the phone.

McGann thought it was a good meeting. He finds it ironic that they have a steakhouse on the corner of a seaport.

Roemhildt thanked *S. Greenwood* for her hard work.

Frohnappfel said when he goes to a restaurant he doesn't want seafood; he wants steak. He can catch his own seafood.

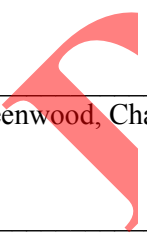
Bailer said that at the last council meeting they set the mill rate. They dropped it a little less than half a percent, even though the assessments went up 5%.

Baenen said he made it and is still awake.

14. ADJOURNMENT

M/*Bailer* S/*McGann* to adjourn the Regular Meeting at 7:28 PM.
With no objection, the meeting was adjourned.

Approved:



John Greenwood, Chair

Leif Stavig, Assistant Planner



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation
and Public Facilities

STATEWIDE AVIATION
Northern Region Aviation Leasing

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

July 2, 2015

Re: Cordova Airport
Lease ADA-72318
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

RECEIVED

JUL 07 2015

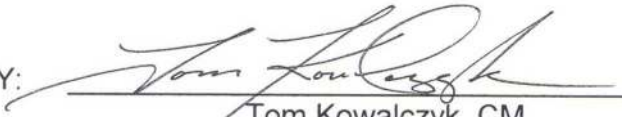
City of Cordova

"Keep Alaska Moving through service and infrastructure."

PROPOSAL TO LEASE STATE AIRPORT LAND: The Alaska Department of Transportation & Public Facilities proposes to lease Lot 1, Block 105, consisting of approximately 22,500 square feet (ADA-72318), at Cordova Airport for five (5) years, to expire August 1, 2020. Applicant: Fejes Guide Service, LTD. Authorized uses: aviation – Installation of fuel tanks, connex for storage, and airplane parking and tie-down in support of Lessee's guide service business. Annual rent: \$2,767.50.

Competing applications or written comments must be received by 4:30 p.m., August 4, 2015, after which the Department will determine whether or not to execute the lease. The Department's decision will be sent only to persons who submit written comment or objection or a competing application 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 applications or comments.

BY: 
Tom Kowalczyk, CM
Acting Chief, Northern Region Aviation Leasing

DATE: 7/2/15

PLEASE LEAVE POSTED AND FULLY VISIBLE THROUGH AUGUST 4, 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.

RECEIVED
JUL 07 2015
City of Cordova

**ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
MUNICIPAL ENTITLEMENT**

**PRELIMINARY DECISION
CONVEYANCE OF TIDE AND SUBMERGED LAND
UNDER AS 38.05.825**

**CITY OF CORDOVA
CORDOVA HARBOR – ORCA INLET
ADL 232192**

I. PROPOSED ACTION

The Department of Natural Resources (DNR) proposes to convey approximately 50 acres of state-owned tide and submerged lands (herein ‘tideland’) to the City of Cordova under AS 38.05.825, Conveyance of Tide and Submerged Land to Municipalities. The City of Cordova has applied for the tidelands area consisting of approximately 50 acres in order to bring into compliance an encroachment area from a previous conveyance and to accommodate future harbor expansion and waterfront development.

The Cordova Harbor is located in the Orca Inlet off the City of Cordova. The tideland area covered by this decision is located seaward of the western boundary of Alaska Tideland Survey (ATS) 220, beginning 300 feet off the northwest edge of the breakwater area of the harbor, extending 800 feet to the southwest of the encroachment, then extending approximately 3,100 feet to the south, with its southern boundary aligned with the southern boundary of ATS 220.

This decision determines whether or not the tide and submerged land selection by the City of Cordova meets the requirements for conveyance in accordance with AS 38.05.825 and under the Submerged Lands Act of 1953, and the Equal Footing Doctrine.

The public is invited to comment on this PD. **The deadline for comments to be received is on or before August 10th, 2015.** Refer to this decision under the heading PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES for details on how, when and where to submit your comments.

II. AUTHORITY

The proposed action for this PD is authorized pursuant to Alaska Statute (AS) and Alaska Administrative Code (AAC), specifically AS 38.05.825, AS 38.05.035(e), AS 38.05.125, AS 38.05.127, 11 AAC 51 and 11 AAC 55.

III. ADMINISTRATION RECORD

The administrative record for this PD is case file ADL 232192, which includes, but is not limited to the following: the Prince William Sound Area Plan and the Alaska Department of Environmental Conservation Contaminated Sites Map for the State of Alaska.

IV. SCOPE OF THE DECISION

The scope of this DNR decision is limited to the determination of whether it is appropriate to convey the aforementioned state owned tideland selections or a portion of these selections to the city. For those areas that may be conveyed to the city subsequent to this decision, the decision additionally includes the determination of third party interests, stipulations necessary to effectuate this decision, whether the requirements of AS 38.05.825 apply and are met, and whether it is appropriate for the City of Cordova to exercise immediate management authority for conditional leases and conditional sales.

V. DESCRIPTION**A. Location and Geographical Features**

Geographic:	South-Central Alaska, Orca Inlet
Borough/Municipality:	City of Cordova, Alaska
Meridian:	Copper River (CR)
Regional Native Corp.:	Chugach Alaska Corporation
Native Village Corp.:	Eyak Village, Tatitlek Village, Chenega Village
USGS Map Coverage:	Cordova Quadrangle, Map C-5 (1:63360)

B. Legal Description - Land Status - Third Party Interests

TABLE 1 below identifies the City of Cordova tideland selections by Meridian, Township, Range, Section, title status and third party interests, if any. The State of Alaska holds fee title to the mineral estate through the Statehood Act of 1958 and the tidelands through the Submerged Lands Act of 1953.

TABLE 1**LEGAL DESCRIPTION – LAND STATUS – THIRD PARTY INTEREST****CORDOVA REQUESTED TIDELANDS AREA (Map 2)****S T15S, R03W, Section 21****S T15S, R03W, Section 28**

Survey	Date	State Selection
MTP Suppl. Sections 21, 22, 27, 28	February 2, 2012	Submerged Lands Act 1953 Equal Footing Doctrine
Third Party Interest: YES		

Surface

- ADL 228110: Private Easement, John Harvill
- ADL 231918: DMLW Permit, Tidelands Application Received, Alaska Marine Resources LLC
- ADL 231942: Private Easement, Non-Exclusive ROW, Trident Seafoods
- ADL 231896: Private Easement, Non-Exclusive ROW, Alaska Wildlife Seafoods LLC

VI. PRELIMINARY DECISION

A. Background

The City of Cordova is a home rule city that incorporated in 1909. Cordova's small boat harbor is an imperative part of everyday life in the city, providing not only transportation needs, but also allowing the city to build its economic base. The small boat harbor has a capacity of 727 vessels, making it one of Alaska's largest harbors.

When Cordova constructed its most recent harbor expansion, a small portion of it (approximately 5 acres) encroached onto state owned tidelands. In order to bring this encroachment area into compliance, it was necessary for the City of Cordova to apply for conveyance of the underlying tidelands.

B. Planning, Classification, Mineral Orders and Local Planning

1. Planning

The Prince William Sound Area Plan (PWSAP) provides both general management direction and specific management direction for management unit 27A, which contains the tideland areas selected by the City of Cordova. The tideland area subject to this application has a Public Recreation designation and has no prohibited surface uses. The City of Cordova has indicated that if the requested tidelands are conveyed to the city, they would be zoned in either the Waterfront Commercial Park District or the Waterfront Industrial District (City of Cordova Resolution 05-15-23).

2. Classification

The PWSAP classifies the City of Cordova's tide and submerged land selection as Public Recreation.

3. Mineral Orders

The mineral estate is reserved to the state pursuant to AS 38.05.125. There are no known mineral orders affecting the city's tideland selection at this time.

4. Local Planning

The City of Cordova has a local comprehensive plan, including zoning ordinances. The City of Cordova created their first comprehensive plan in 1995 and revised it in 2008 to address significant changes that have occurred since the original plan. Cordova is a growing community with an evolving economy.

In its comprehensive plan, the City of Cordova specifically acknowledges the need to acquire the selected lands. "The industrial district area lacks room for large scale expansion and additional industry lands will be needed in the near future."

C. Access

Cordova already owns the tidelands containing the harbor entrance and successfully ensured access to and from the harbor and navigable waters using public roads in the decision for ADL 216240, signed on 09/06/1995. The requested tidelands are also far enough away from Spike Island to ensure access on all sides.

The City of Cordova will be subject to the requirements of the Public Trust Doctrine as it applies to these lands for land access and use, including the requirements under AS 38.05.825.

1. Navigable

The navigability determination by the state and federal government determined all tidal waters within Orca Inlet, including those tidelands selected by the City of Cordova proposed for conveyance are considered navigable under the Submerged Land Act 1953.

2. To & Along Easements

Pursuant to AS 38.05.127, the state must impose a continuous '*along*' easement that extends 50 feet upland and seaward of the mean high water mark and a '*to*' easement that is 50 feet wide that connects to the '*along*' easement, unless DNR determines under 11 AAC 51.045(b) that an access easement is not necessary to ensure free access or that regulating public access is necessary for another public purpose or beneficial use. Under this condition, alternative access must be provided pursuant to 11 AAC 51.45(c), unless it is imprudent to do so.

DNR has determined that an '*along*' easement adjacent both landward and seaward to the mean high water mark should not be imposed along the requested tidelands. The along easement at this location is below the low water mark and therefore is only accessible by boat.

Additionally, DNR has determined that the '*to*' easement was accomplished in the decision for ADL 216240, completed in 1995, in which Cordova gained ownership of the uplands and adjacent tidelands, and provided adequate access to those areas.

D. Reservation of Mineral Estate

Conveyance of a tideland to a municipality under AS 38.05.825 conveys no interest in the mineral estate. All mineral related permits, licenses, claims and leases affecting the tideland proposed for conveyance, if any, will remain under the authority of the state.

In accordance with Section 6(i) of the Alaska Statehood Act and AS 38.05.125, the state, in this decision, reserves unto itself the mineral estate, including oil and gas, and the rights expressed in the reservation clause of the statute, that being the right to reasonable access to the surface for purposes of exploring for, developing and producing the reserved mineral resources. Any exploration or development that occurs must be consistent with AS 38.05.130 and other applicable statutes and regulations.

E. Hazardous Substances and Contaminations

It is the responsibility of the state to protect the overall public interest if there is a reasonable expectation that hazardous contamination may exist on tidelands being proposed for disposal. Based on review of the Alaska Department of Environmental Conservation's (DEC) list of Contaminated Sites in Alaska, no hazardous material or contamination from hazardous material is known at this time to affect this tideland selection. The environmental risk associated with this proposed conveyance should be minimal or non-existent.

It is up to the City of Cordova to inspect the area of their tideland selection and familiarize itself with the condition and quality of the land. The state makes no representations and no warranties, express or implied, concerning the existence or absence of any hazardous substances, hazardous wastes, contaminants, or pollutants on the land proposed here for conveyance. The State of Alaska does not assume any liability for the removal of hazardous substances, hazardous wastes, contaminants, or pollutants, nor for the remediation of the site should such substances ever be identified.

F. Survey

A survey determination may be requested by the city at any time subsequent to the Final Finding and Decision (FFD). An approved survey will be required prior to issuance of a conveyance document. If no approved survey exists, then one must be performed by an Alaska Registered Land Surveyor under direction of the DNR Survey Section. The city will be responsible for the expense of any survey and plat recordation. There is no requirement under state statutes to appraise the land prior to conveyance.

G. Conditional Leases and Permits

The City of Cordova will receive management authority, under AS 38.05.825, when the tidelands have been approved, if and when the FFD becomes effective. The city may lease the approved tideland area, but may not sell it, pursuant to AS 38.05.825(c). Additionally, the city may not lease the approved or conveyed tidelands to shore fisheries, pursuant to AS 38.05.825(d).

H. Unauthorized Use

DNR has not physically inspected the city's tideland selection for the presence of unauthorized use, but it has reviewed department records and is aware of one existing unauthorized use. There is a vessel on the outside of the breakwater in Cordova called the Polar Bear. This boat is currently unauthorized for long term mooring on state tidelands and will likely still be unauthorized if and when Cordova gains ownership over the subject tidelands. However, the Polar Bear's owners have submitted an application for a state permit, which has not been issued. Therefore, if and when this decision is finalized, the application that the owners submitted would be terminated. It would then be the City of Cordova's responsibility to deal with this unauthorized use. The City is expected to and has been given the opportunity to inspect its tideland selection to familiarize itself with the condition and quality of the land.

I. Disposition of Leases, Permits and Applications

Administration of active leases, permits, and easements in the surface estate issued by DNR on tideland to be conveyed will be transferred to the city if and when the FFD becomes effective, unless specified differently. State applications requesting a lease or permit that have not been adjudicated or issued will be closed.

There is one current tideland permit application at this time which was submitted by Alaska Marine Resources, LLC.

J. Archaeological Resources

The Alaska State Historical Preservation Office (SHPO) maintains the Alaska Heritage Resources Survey (AHRS) which is an inventory of all reported historic, prehistoric and archaeological sites in the state. There are no known archaeological or cultural resources on the tideland selected for conveyance in this PD. However, should such resources be found once these tidelands are under construction or conveyed, the City must take those actions required by law in accordance with AS 41.35.070(d).

K. Agency Review

The intent for an Agency Review is to solicit comments from agencies that may be affected and have a strong interest in the city's tideland selections. Agencies were given the opportunity to evaluate the selections, determine if the state's interest outweighs that of the city, and if so, provide comments and evidence supporting their recommendation to retain the selections in state ownership. Additionally, the agencies were requested to identify any stipulations that would be appropriate and necessary to impose on the tidelands, if approved for conveyance. Four state agencies submitted comments to DNR, the Alaska Department of Fish and Game, the Alaska Department of Transportation and Public Facilities, DNR Division of Geological and Geophysical Surveys, and DNR Division of Parks and Outdoor Recreation, State Historic Preservation Office.

L. State Agency Comments and DNR responses

1. Comments from Alaska Department of Fish and Game (ADF&G):

The Alaska Department of Fish and Game reviewed the proposed tideland conveyance to the City of Cordova for a portion of the Cordova Harbor. We have no objections.

DNR Response: Acknowledged.

2. Comments from the Department of Transportation and Public Facilities (DOTPF):

DOTPF has no objection to transferring these state tidelands to the City of Cordova. The Department of Transportation and Public Facilities sold its personal property interests in the Cordova Harbor to the City of Cordova on September 15, 2003. The city has owned and operated the harbor ever since.

DNR Response: Acknowledged.

3. Comments from the Division of Geological and Geophysical Surveys (DGGS):

The tidelands in question appear to be underlain by sedimentary rocks of the Orca Group; the host for copper mineralization at the Cordova Copper prospect on the north flank of Mt. Eyak is mixed basalt and sedimentary rocks which do not appear to extend into the vicinity. Based on the existing data, there appears to be minimal potential for metallic mineral resource on the tidelands area in question and DGGS has no minerals-related work planned in the area. From a mineral resources perspective, there is no need for the State's retention of the described area of tide and submerged lands or for any stipulations on conveyance of the requested area to the municipality.

The tidelands under consideration are subject to the same potential geologic hazards as the adjacent tidelands already belonging to the City of Cordova and should be developed with the same considerations and best practices with regard to potential earthquakes, tsunami inundation, and subaerial land sliding of submerged sediments in the area south of the breakwater.

DNR Response: Acknowledged.

4. Comments from the Alaska State Historic Preservation Office (SHPO) / Office of History and Archaeology (OHA):

OHA/SHPO has no comments or objections regarding the subject project.

DNR Response: Acknowledged.

VII. DISCUSSION AND ALTERNATIVES

A. Discussion

The City of Cordova's harbor currently encroaches onto State-owned tidelands. Improvements located on the tidelands encroachment include portions of the docks and approximately 1,500 linear feet of breakwater. This selection of tidelands by the City of Cordova as part of this decision not only resolves this encroachment issue, but also allows for future harbor expansion, land management, and potential waterfront development.

The city has a growing seafood industry and would like to expand its ability to accommodate this industry. Several private entities have expressed the desire to expand their current facilities or to locate in Cordova; however, there are few waterfront areas that the city owns available for development. This conveyance would prove valuable economically to not only the City of Cordova, but the State of Alaska as well.

During the agency review process there were no stipulations, concerns or objections received regarding the proposed conveyance for these tidelands.

The '*along*' easement will not be imposed since an access easement is inappropriate at this location because it is below the low water mark and is only accessible by boat. The '*to*' easement will also not be imposed since public access to the tidelands is already provided in the decision for ADL 216240.

Management authority over the subject tidelands will be transferred to the City of Cordova once the Final Finding and Decision is written and becomes effective.

B. Alternatives

The following alternatives exist:

1. Take no action to approve, reject or postpone the tide and submerged land selection by the City of Cordova. This alternative would, in effect, preclude the city's ownership of the tideland considered to be important for their community development and access. This action would be inconsistent with the purpose of AS 38.05.825 and inconsistent with the basis for the disapproval of a tideland selection in that section of statute. A tideland selection can only be rejected when the state's interest outweighs that of the municipality, and there is no basis for such a determination.
2. Reject the city's selection in its entirety. This alternative would have the same effect as Alternative #1 and would, similarly, be inconsistent with the requirements of the statute.
3. Approve conveyance of the tideland with management authority to be transferred when the Final Finding and Decision becomes effective. This alternative meets the intent of the statute to convey tide and submerged

land to municipalities where the municipality's interest in obtaining the tideland outweighs the public interest in retaining state ownership.

VIII. RECOMMENDATIONS

A. Recommended alternative

DNR has determined that Alternative 3 is the preferred action and is concurrent with the intent and requirements of AS 38.05.825. The tide and submerged land selection by the City of Cordova is approved for conveyance, subject to the recommended conditions, restrictions and reservations listed below.

B. Recommended conditions, restrictions and reservations

Applicable conditions, restrictions and reservations will be imposed upon transfer of equitable title if and when the Final Filing and Decision is effective and at the time of issuance of a conveyance document, including but not limited to the following:

1. Administration of state leases and permits in the surface estate, if any, will be transferred to the City of Cordova if and when the FFD is effective.
2. Management authority for the approved tidelands will be transferred to the City of Cordova if and when the FFD is effective. When approved, the City may execute leases and permits prior to issuance of a state conveyance document in accordance with AS 38.05.825.
3. All mineral related permits, licenses, claims and leases affecting the tideland proposed for conveyance, if any, will remain under the authority of the state.
4. The City is subject to the requirements of the *Public Trust Doctrine* as it applies to these lands and to the requirements under AS 38.05.825.

C. Conveyance document to include following:

The approved Tideland conveyance to the City of Cordova is Subject to

1. Valid existing rights, including reservations, easements, and exceptions in the U.S. Patent, or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.
2. Reservation of the mineral estate pursuant to Section 6(i) of the Alaska Statehood Act and AS 38.05.125; and reservation of reasonably necessary access to the mineral estate in accordance with AS 38.05.130.
3. Notification to the Alaska State historic Preservation Office in accordance with AS 41.35.070(d) is required upon discovery of historic, prehistoric, or archaeological sites, locations, remains or objects.
4. ADL 231896: Private Easement, Non-Exclusive ROW, Alaska Wildlife Seafoods, LLC
5. ADL 231942: Private Easement, Non-Exclusive ROW, Trident Seafoods

D. Recommended action on tideland selection

The acreage in TABLE A is the protracted acreage and the final acreage will be determined at the time of survey.

TABLE A
TIDE AND SUBMERGED LAND PROPOSED FOR CONVEYANCE

Map #	MTRS	Legal / Plat	Acreage
Map 2	CRM, T015S, R003W Section 21: W1/2SE1/4SW1/4 Section 28: W1/2E1/2NW1/4, NW1/4NE1/4SW1/4	MTP Surveyed Township 15S, Range 3W, CRM, Suppl Secs 21, 22, 27, 28	50
TOTAL ACRES:			50

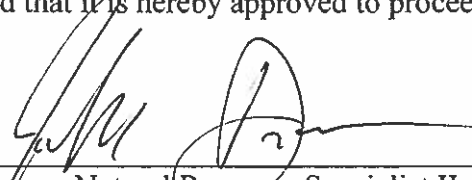
IX. FINDING

The following are findings of this Preliminary Decision:

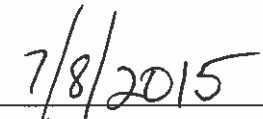
1. That it is appropriate to convey approximately 50 acres of state-owned tide and submerged lands to the City of Cordova pursuant to AS 38.05.825.
2. That this best interest finding has determined the interests of the state in retaining these tide and submerged lands does not outweigh the interests of the City of Cordova in obtaining the tideland selections.
3. That conveyance of the proposed tidelands would resolve the encroachment issue for that portion of the Cordova small boat harbor.
4. That the proposed use of this acreage to expand the small boat harbor and create the potential for waterfront development is consistent with management unit 27A; plan designation and management intent.
5. That the imposition of an '*along*' easement under AS 38.05.127 is inappropriate on the subject tidelands because the tidelands are located below the low water mark and therefore access can only be gained using a boat or similar vessel.
6. That the imposition of a '*to*' easement under AS 38.05.127 is unnecessary since DNR has determined that proper public access to the water body has already been provided by the City of Cordova in the decision for ADL 216240, signed in 1995.

This is a Preliminary Decision and subsequent public and agency review may result in changes to the preferred alternative or disapproval of the proposed action altogether.

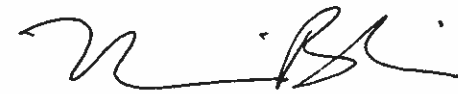
This Preliminary Decision, described above, as represented by the preferred alternative has been reviewed and considered. I find that the recommended action may be in the best interest of the state and that it is hereby approved to proceed to public notice.



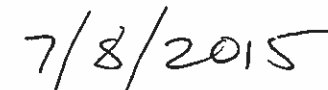
John Dwyer, Natural Resource Specialist II
Municipal Entitlements



Date



Nina Brudie, Manger
Municipal Entitlements



Date

PUBLIC NOTICE, DECISION AND APPEAL PROCEDURES

The public is invited to comment on the Preliminary Decision propose to transfer ownership of state-owned tide and submerged lands to the City of Cordova. Comments may be provided in written form to the Division of Mining, Land and Water, Resource Assessment and Development Section, Municipal Entitlement Unit, Attention John Dwyer, adjudicator at 550 West 7th Avenue, Suite 1050, Anchorage, Alaska 99501-3579; by fax: (907) 269-8915 or by electronic mail to john.dwyer@alaska.com **on or before August 10th, 2015** in order to ensure consideration.

The postmaster in the Cordova will be requested to post the public notice per AS 38.05.945. The public notice is available on the Alaska Online Public Notice System at: <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. The Preliminary Decision is available on the Department of Mining, Land and Water, Municipal Entitlement website at: <http://dnr.alaska.gov/mlw/muni/>. Additionally, the public notice will be sent to the City of Cordova, Chugach Alaska Corporation, Tatitlek Village Corporation, and Eyak Village Corporation, and Chenega Village Corporation.

Following the Preliminary Decision (PD) comment deadline, those written responses received will be considered and this PD may be modified to incorporate the public comments into the Final Finding and Decision (FFD). Only persons who comment in writing during the public comment period will be eligible to file an administrative appeal of the FFD. A copy of the FFD will be sent to any person who comments on the PD. The FFD will include the appeal instructions paragraph. Please direct all inquiries or questions to John by phone at (907) 269-8531 or the above address, fax or the electronic mail.

The Department of Natural Resources is prepared to accommodate individuals with disabilities by providing auxiliary aids or services when requested. Individuals with audio impairments who wish to respond to this decision by telephone may call the Department of Natural Resources,

Public Information Center in Anchorage between the hours of 10:00 a.m. and 5:00 p.m., Monday through Friday at TTY: (907) 269-8411.

ATTACHMENTS AS PART OF THIS DECISION

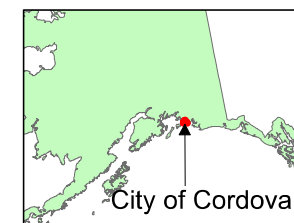
MAP 1 Vicinity Map

MAP 2 Cordova Requested Tidelands Area

Cordova Vicinity Map

Legend

- State Land (TA or Patent)
- US Forest Service Land
- Private Land
- Infrastructure
- Anadromous Fish Stream
- Road
- Cordova Tidelands Selection



Created by: SOA-DNR-DMLW-Municipal Entitlements

July 2015



This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.

Attachment to the City of Cordova's Application for Purchase or Lease of State Land

This application is a request for the conveyance of State tidelands containing the City of Cordova's harbor. The City is requesting the area of encroachment as well as the tidelands 300 feet off the northwest edge of the breakwater and the area of tidelands to the south of the encroachment extending 800 feet to the west of the ATS 220 boundary and squared off with the southern edge of ATS 220. See image below.



Planner's Report

To: Planning Commission
From: Planning Staff
Date: 7/9/2015
Re: Recent Activities and Updates

- Amendment 16 to the STIP has some changes for Cordova. The Whitshed Road Bike and Pedestrian Path had \$1M for approved funding, but the amendment takes it out.
<http://dot.alaska.gov/stwdplng/cip/stip/amendments/16/index.shtml>
- Tidelands request has moved from the agency review phase to the preliminary decision phase. See Correspondence. DNR is accepting public comments on the preliminary decision.
- Commission will need to schedule a Special Meeting for Blackler's Site Plan Review for their shipyard building.
- Three building permits issued since last Planning Commission Regular Meeting.
- Paving ITB for Nicholoff and Harbor Loop was not approved by City Council. Engineers will add Railroad Avenue to the project and ITB will be issued in the fall.
- Safe Routes to School project has started.
- Mobile Grid lease with option to purchase has been signed.
- Alpine Diesel passed second reading. Commission will be doing site plan.
- RR3 Rural Residential Code Change – Passed second reading, effective 7/18/15.
- Snow load ordinance passed second reading and will become effective in August 3rd.
- 18.39 code changes are being reviewed by lawyer.
- Request for code update money will be on the July 15th City Council meeting.
- A motion to rescind the breakwater fill lot vote was made at the July 1st City Council and will be voted on at the July 15th City Council meeting.
- Native roses planted on Adams ROW.
- Attended grant writing training.

Memorandum

To: Planning Commission
From: Planning Staff
Date: 7/9/15
Re: Resolution 15-10 – Adopt New Official Zoning Map

PART I – GENERAL INFORMATION

The Official Zoning Map in the Clerk’s Office is the final authority on zoning. The current Official Zoning Map for Cordova was adopted by the Planning Commission and City Council in 1999. Since 1999 there have been several changes to zoning and property lines. The 1999 map also did not show the Unrestricted District or the City’s Boundaries. It has become dated and was created using software the City no longer uses.

The new official zoning map is an update of the 1999 map which depicts changes that have occurred since 1999 and displays the Unrestricted District, Avalanche Overlay District, and the City’s boundaries. It uses the City’s GIS software, which will be useful for electronic reproductions and makes it easier for staff to accurately depict zoning districts.

The new map does not change any zoning district boundaries or designations. Adoption of the new Official Zoning Map does not follow the same procedure as a zone change. If the Planning Commission or City Council desires to change any zoning, that should be done after the adoption of the new Official Zoning Map.

The existing Official Zoning Map and a draft of the new Official Zoning Map will be available at the meeting and are also located in the Planning Department at City Hall or online (located on right-hand navigation bar under “Packet Supplements”):

<http://www.cityofcordova.net/government/boards-commissions/planning-zoning-commission>

Improvements to the New Official Zoning Map:

- Aerial imagery is used to help observers orient themselves on the map.
- All three zone changes since 1999 are now depicted.
- The Old City Boundary from 1972 and Current City Boundary from 1993 are now depicted.
- The Unrestricted District is now depicted. This zone generally contains everything outside the 1972 Old City Boundary. On southern edge within the Old City Boundary, several slivers of much larger parcels are considered Unrestricted.
- The Avalanche Overlay District at Five Mile Loop is now depicted.
- All subdivisions and replats of property within the City are now depicted.
- Economic Development Zone has been removed as it is not a codified zoning district; the area is now depicted as unzoned.

Once the Zoning Map has been adopted by the Planning Commission, it will be forwarded to the City Council for adoption and certification.

PART II – BACKGROUND

5/12/99 – The Planning Commission passed Resolution 99-01, adopting a new Official Zoning Map.

6/16/99 – City Council passed Resolution 06-99-46, adopting and certifying the new Official Zoning Map.

2/1/06 – City Council passed Ordinance 983 which rezoned ASLS 88-55, ASLS 77-30, ASLS 79-260 to RR3 Rural Residential District (Alpine Properties Subdivision).

9/5/09 – City Council passed Ordinance 1054 which rezoned Lots 15, 16, 17, 18; Block 14; Original Townsite Public Lands and Institutions District (Elementary School reconstruction).

6/16/10 – City Council passed Ordinance 1066 which zoned a portion of ATS 1004 Waterfront Industrial District (north of Ocean Dock Subdivision).

PART III – APPLICABLE CODE

18.12.040 - Map—Designated.

A. The use districts are bounded and defined as shown on a map entitled "Zoning Map of the City of Cordova," a certified copy of which is on file in the office of the city clerk and which, with all explanatory matter thereon, is made a part of this title.

18.12.050 - Map—Changes.

A. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this title and punishable as provided under Chapter 18.80
B. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city clerk shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the city.

18.12.060 - Map—Replacement.

In the event that the official zoning map becomes damaged, destroyed or difficult to interpret because of the nature or number of changes and additions, the city planning commission may by resolution adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Cordova City Code of the City of Cordova, Alaska."

PART IV – SUGGESTED MOTION

"I move to approve Resolution 15-10."

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 15-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA,
ALASKA ADOPTING A NEW OFFICIAL ZONING MAP**

WHEREAS, Section 18.12.050 of the Cordova Municipal Code states, “the Official Zoning Map... shall be the final authority as the current zoning status of land and water areas, buildings and other structures in the city;” and

WHEREAS, Section 18.12.060 of the Cordova Municipal Code states, “the City Planning Commission may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map;” and

WHEREAS, the prior Official Zoning Map was adopted in 1999 and has become difficult to interpret due to changes in zoning boundaries, subdivisions and replats of property, and age; and

WHEREAS, the prior Official Zoning Map does not depict the Unrestricted District, Avalanche Overlay District, or the City boundaries; and

WHEREAS, the new Official Zoning Map depicts the Unrestricted District, Avalanche Overlay District, City boundaries, and zoning amendments contained in Ordinances 983, 1054, and 1066; and

WHEREAS, the new Official Zoning Map does not have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Cordova, Alaska hereby adopts a new Official Zoning Map of the City of Cordova; and

BE IT FURTHER RESOLVED that the Planning Commission requests that the City Council certify through formal action the new Official Zoning Map of the City of Cordova.

PASSED AND APPROVED THIS 14TH DAY OF JULY, 2015.

John Greenwood, Chair

ATTEST:

Samantha Greenwood, City Planner

Memorandum

To: Planning Commission
From: Planning Staff
Date: 7/9/15
Re: Resolution 15-11 – Code Change for Chapter 19.04 – Flood Protection

PART I – GENERAL INFORMATION

In order to participate in the National Flood Insurance Program (NFIP), the City is required to adopt floodplain management regulations that meet the standards of the NFIP and adopt the new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) prior to December 16, 2015.

Chapter 19.04 of the Cordova Municipal Code was reviewed by State FEMA officials who provided several adjustments in order to fully comply with NFIP standards. Most of these changes are in the “Definitions” section of the code. Following the resolution is a redline for all of Chapter 19.04. Once the Planning Commission approves of the changes to the code, it will go to City Council in the form of an ordinance.

The FIS and FIRMs will be at the meeting and are available in the Planning Department at City Hall or online at:

<http://commerce.state.ak.us/dnn/dcra/PlanningLandManagement/RiskMAP/CityofCordovaRiskMAPStudy.aspx>

PART II – BACKGROUND

8/25/14 – Preliminary FIS and FIRMs released.

9/23/14 – FEMA officials in town for a Community Coordination and Outreach Public Open House.

10/31/14 – Revised Preliminary FIS and FIRMs released.

1/2/15 – 90 Day appeal period for maps began.

3/11/15 – FEMA responded to staff comments on the FIRMs and made changes to several panels.

6/16/15 – FEMA issued the City a Letter of Final Determination stating that the FIS and FIRMs will become effective 12/16/15, and that they need to be adopted by the City prior to that date.

PART II – SUGGESTED MOTION

“I move to approve Resolution 15-11.”

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 15-11**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA, ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA TO AMEND CHAPTER 19.04 OF THE CORDOVA MUNICIPAL CODE IN ORDER TO ADOPT THE DECEMBER 16, 2015 FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAP AND TO COMPLY MORE FULLY WITH THE NATIONAL FLOOD INSURANCE PROGRAM STANDARDS

WHEREAS, the City is required to adopt the December 16, 2015 Flood Insurance Study and Maps to continue to participate in the National Flood Insurance Program; and

WHEREAS, the City was advised to change and add definitions and to add sections to the existing code in order to more fully comply with the National Flood Insurance Program standards; and

WHEREAS, the Planning Commission has reviewed the December 16, 2015 Flood Insurance Study and Flood Insurance Rate Map and the proposed amendments to Chapter 19.04 – Flood Protection; and

WHEREAS, the Planning Commission has determined that the proposed amendments are in accordance with the purpose of Title 19; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend to the City Council of the City of Cordova, Alaska to amend Chapter 19.04 of the Cordova Municipal Code.

PASSED AND APPROVED THIS 14TH DAY OF JULY, 2015



John Greenwood, Chair

ATTEST:

Samantha Greenwood, City Planner

Title 19 - ENVIRONMENT

Chapter 19.04 FLOOD PROTECTION

Chapter 19.04 FLOOD PROTECTION

Sections:

- 19.04.010 Definitions.
- 19.04.020 Statutory authority.
- 19.04.030 Findings of fact.
- 19.04.040 Purpose.
- 19.04.050 Reduction of flood losses.
- 19.04.060 Interpretation.
- 19.04.070 Applicability.
- 19.04.080 Compliance required.
- 19.04.090 Basis for establishing the areas of special flood hazard.
- 19.04.100 Development permit.
- 19.04.110 City manager—Administration.
- 19.04.120 City manager—Duties generally.
- 19.04.130 City manager—Permit review.
- 19.04.140 City manager—Use of other base flood data.
- 19.04.150 City manager—Further information to be obtained.
- 19.04.160 City manager—Alteration of watercourse.
- 19.04.170 City manager—Interpretation of FIRM boundaries.
- 19.04.180 Standards and specifications—Generally.
- 19.04.190 Subdivision proposals.
- 19.04.200 Review of building permits.
- 19.04.210 Anchoring.
- 19.04.220 Construction materials and methods.
- 19.04.230 Utilities.
- 19.04.240 Standards and specifications—Areas of special flood hazard.
- 19.04.250 Residential construction.
- 19.04.260 Nonresidential construction.
- 19.04.270 Mobile homes.
- 19.04.280 Floodways.
- 19.04.290 Equalizing hydrostatic load.
- 19.04.~~300~~~~280~~ Appeals.
- 19.04.~~290~~~~310~~ Variances.
- 19.04.~~300~~~~320~~ Conflict of provisions.
- 19.04.~~310~~~~330~~ Liability.

Title 19 - ENVIRONMENT

Chapter 19.04 FLOOD PROTECTION

19.04.010 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- A. "Appeal" means a request for a review of the city manager's interpretation of any provisions of this chapter or a request for a variance.
- B. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.
- C. "Area of special flood hazard" means ~~the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.~~ for regulatory purposes, the areas designated as subject to the "100 year flood", "Base Flood" and "one percent flood" on Flood Insurance Rate Maps issued by the National Flood Insurance Program and other Flood Hazard Studies used by the city for similar purpose. Also known as "Special Flood Hazard Area."
- D. "Base flood" means ~~the flood having a one percent chance of being equaled or exceeded in any given year.~~ a flood that has a one percent chance of occurring in any given year as determined by NFIP guidelines. Also known as, "One Percent Flood" and "100 year flood."
- E. "Base Flood Elevation (BFE)" means the elevation of surface water resulting from a flood that has a one percent chance of occurring in any given year. The elevation of the Base Flood.
- F. "Basement" means any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.
- ~~GE.~~ "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- ~~HF.~~ "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this chapter.
- ~~IG.~~ "Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- ~~JH.~~ "Flood" ~~or "flooding"~~ means a general and temporary condition of partial or complete inundation of ~~two or more acres of normally dry land areas~~ or of two or more properties (at least one of which is the policyholder's property) -from:
 - 1. The overflow of inland or tidal waters; and/or
 - 2. The unusual and rapid accumulation of runoff of surface waters from any source.
- ~~KI.~~ "Flood Insurance Rate Map" (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

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- ~~LJ~~. "Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.
- M. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.
- ~~NK~~. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- O. "Freeboard" means an additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or flood proofed to be in accordance with State or community floodplain management regulations.
- ~~PL~~. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A flood used only for storage purposes is not a "habitable floor."
- Q. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- ~~RM~~. "Historic Building" means any building that is listed individually in the National Register of Historic places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or Individually listed in a state inventory of historic places in states with preservation programs that have been approved by the Secretary of the Interior; or Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a. by an approved state program as determined by the Secretary of the Interior; or b. directly by the Secretary of the Interior in states without approved programs.
- S. "Letter of Map Amendment (LOMA)" means an amendment to the currently effective FEMA map which establishes that a property is not located in a Special Flood Hazard Area. A LOMA is issued only by FEMA.
- T. "Letter of Map Revision (LOMR)" means an official amendment to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- U. "Lowest Floor" means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of requirements.
- V. "Manufactured (Mobile) Home" means a structure that is transportable in one or more sections, built on a permanent chassis, transported to its site in one or more sections, and designed to be used with or without affixed to a permanent foundation, when connected to the required utilities. It does not include recreational vehicle or travel trailers. "Manufactured (mobile) home" does not include recreational vehicles.
- W. "Modular Building" means a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home.
- ~~XN~~. "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

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- YQ. "New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this chapter.
- Z. "One-hundred-year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to a hundred that this size flood will occur during a given year, but there is a one percent chance that a flood will occur each year. Also known as the "One Percent Flood", and the NFIP "Base Flood."
- AA. "Recreational Vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Also known as camper, and travel trailer.
- BB. "Special Flood Hazard Area (SFHA)" means an area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map. Also the area subject to inundation by the "Base Flood", "One Percent Flood" and "100 year flood". Also known as Area of Special Flood Hazard.
- CCP. "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- DDQ. "Structure" means a walled and roofed building, and includes ~~mobile homes, manufactured homes, and gas and liquid storage tanks or containers~~ that ~~is~~ are principally above ground.
- EE. "Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than 50% of the structure's market value before damages, then the structure must be elevated (or floodproofed if it is non-residential) to or above the Base Flood Elevation (BFE), and meet other applicable NFIP requirements.
- FFR. "Substantial improvement" means any ~~repair, reconstruction, rehabilitation, addition~~ or other improvement of a ~~building structure~~, the cost of which equals or exceeds ~~fifty~~ 50 percent of the market value of the ~~structure building~~ either:
1. ~~Before the "start of construction" of the improvement, or repair is started; or~~ Substantial improvement includes buildings that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a building to correct existing state or local code violations or any alteration to a "historic

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building," provided that the alteration will not preclude the building's continued designation as a "historic building."

- ~~2. If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.~~

~~The term does not, however, include either:~~

- ~~1. Any project for improvement of a structure to comply with existing state of local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or~~
- ~~2. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.~~

GG. S.—"Variance" means a grant of relief by a participating community from the terms of its floodplain management regulations from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. 507 (part), 1979: prior code § 15.400.2).

19.04.020 Statutory authority.

The Legislature of the state has in Alaska Statute 29.33.070 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

(Ord. 507 (part), 1979: prior code § 15.400.1.1).

19.04.030 Findings of fact.

- A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(Ord. 507 (part), 1979: prior code § 15.400.1.2).

19.04.040 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;

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- E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.

(Ord. 507 (part), 1979: prior code § 15.400.1.3).

19.04.050 Reduction of flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

(Ord. 507 (part), 1979: prior code § 15.400.1.4).

19.04.060 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 507 (part), 1979: prior code § 15.400.3.5).

19.04.070 Applicability.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. 507 (part), 1979: prior code § 15.400.3.1).

19.04.080 Compliance required.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.

(Ord. 507 (part), 1979: prior code § 15.400.3.3).

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19.04.090 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Cordova," dated ~~April 2, 1979~~December 16, 2015, with accompanying Flood Insurance Maps is adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at City Hall.

(Ord. 507 (part), 1979: prior code § 15.400.3.2).

19.04.100 Development permit.

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 19.04.090. The permit shall be for all structures including mobile homes, as set forth in Section 19.04.010, and for all other development including fill and other activities also as set forth in Section 19.04.010. Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been flood proofed;
- C. Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 19.04.260; and
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 507 (part), 1979: prior code § 15.400.4.1).

19.04.110 City manager—Administration.

The city manager is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. 507 (part), 1979: prior code § 15.400.4.2).

19.04.120 City manager—Duties generally.

Duties of the city manager shall include, but not be limited to, those set forth in Sections 19.04.130 through 19.04.170.

(Ord. 507 (part), 1979: prior code § 15.400.4.3).

19.04.130 City manager—Permit review.

The city manager shall:

- A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

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(Ord. 507 (part), 1979: prior code § 15.400.4.3—1).

19.04.140 City manager—Use of other base flood data.

When base flood elevation data has not been provided in accordance with Section 19.04.090, the city manager shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 19.04.250 and 19.04.260.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—2).

19.04.150 City manager—Further information to be obtained.

The city manager shall:

- A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable flood (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;
- B. For all new or substantially improved flood-proofed structures:
 - 1. Verify and record the actual elevation (in relation to mean sea level), and
 - 2. Maintain the flood proofing certifications required in Section 19.04.100C;
- C. Maintain for public inspection all records pertaining to the provisions of this chapter.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—3).

19.04.160 City manager—Alteration of watercourse.

The city manager shall:

- A. Notify adjacent communities and the State Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—4).

19.04.170 City manager—Interpretation of FIRM boundaries.

The city manager shall make interpretations where needed, as to exact location of the boundaries of the areas of special hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19.04.280.

(Ord. 507 (part), 1979: prior code § 15.400.4.3—5).

19.04.180 Standards and specifications—Generally.

In all areas of special flood hazards the standards set forth in Sections 19.04.190 through 19.04.230 are required.

(Ord. 507 (part), 1979: prior code § 15.400.5.1).

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19.04.190 Subdivision proposals.

- A. All subdivision proposals shall be consistent with the need to minimize flood damage.
- B. All subdivision proposals shall have public utilities and facilities such as sewer, electrical, and water systems located and constructed to minimize flood damage.
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- D. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty lots or five acres, whichever is less.

(Ord. 507 (part), 1979: prior code § 15.400.5.1-4).

19.04.200 Review of building permits.

Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high—water marks, photographs of past flooding, etc., where available.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—5).

19.04.210 Anchoring.

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- B. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - 1. Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than fifty feet long requiring one additional tie per side;
 - 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than fifty feet long requiring four additional ties per side;
 - 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and,
 - 4. Any additions to the mobile home be similarly anchored.
- C. An alternative method of anchoring may involve a system designed to withstand a wind force of ninety miles per hour or greater. Certification must be provided to the city manager that this standard has been met.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—1).

19.04.220 Construction materials and methods.

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—2).

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19.04.230 Utilities.

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 507 (part), 1979: prior code § 15.400.5.1—3).

19.04.240 Standards and specifications—Areas of special flood hazard.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 19.04.090 or Section 19.04.140, the provisions set forth in Sections 19.04.250 through 19.04.270 are required.

(Ord. 507 (part), 1979: prior code § 15.400.5.2).

19.04.250 Residential construction.

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

(Ord. 507 (part), 1979: prior code § 15.400.5.2-1).

19.04.260 Nonresidential construction.

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- A. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 19.04.150B.

(Ord. 507 (part), 1979: prior code § 15.400.5.2-2).

19.04.270 Mobile homes.

- A. Mobile homes shall be anchored in accordance with Section 19.04.210.
- B. For new mobile home parks and mobile home subdivisions; for expansions to existing mobile home parks and mobile home subdivisions; for existing mobile home parks and mobile home subdivisions where the repair reconstruction or improvement of the streets, utilities and pads equal or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

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1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
2. Adequate surface drainage and access for a hauler are provided; and,
3. In the instance of elevation on pilings, that:
 - a. Lots are large enough to permit steps,
 - b. Piling foundations are placed in stable soil no more than ten feet apart, and
 - c. Reinforcement is provided for pilings more than six feet above the ground level.
- C. No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

(Ord. 507 (part), 1979: prior code § 15.400.5.2-3).

19.04.280 Floodways.

Development in floodways shall not increase in upstream flood elevations. For streams and other watercourses where FEMA has provided Base Flood Elevations (BFEs), but no floodway has been designated, the community shall review floodplain development on a case-by-case basis to ensure that increases in water surface elevations do not occur and identify the need to designate a floodway if adequate information is available.

19.04.290 Equalizing hydrostatic load.

For all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are used solely for parking of vehicles, building access or storage in an area other than a basement and which is subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of floodwaters in accordance with the specifications in NFIP (Openings requirement).

19.04.280-300 Appeals.

- A. The planning commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.
- B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city manager in the enforcement or administration of this chapter.
- C. Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the Superior Court, as provided in AS 29.33.070.
- D. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 1. The danger that materials may be swept onto other lands to the injury of others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 4. The importance of the services provided by the proposed facility to the community;
 5. The necessity to the facility of a waterfront location, where applicable;

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6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 7. The compatibility of the proposed use with existing and anticipated development;
 8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and street and bridges.
- E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- F. Upon consideration of the factors in subsection D of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- G. The city manager shall maintain the records of all appeal actions and report variances to the Federal Insurance Administration upon request.

(Ord. 507 (part), 1979: prior code § 15.400.4.4—1).

19.04.290-310 Variances.

- A. Variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- C. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon:
 1. A showing of good and sufficient cause;
 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 19.04.280D, on conflict with existing local laws on ordinances.
- E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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(Ord. 507 (part), 1979: prior code § 15.400.4.4-2).

19.04.~~300-320~~ Conflict of provisions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions; however, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. 507 (part), 1979: prior code § 15.400.3.4).

19.04.~~340-330~~ Liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man—made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision law-fully made thereunder.

(Ord. 507 (part), 1979: prior code § 15.400.3.6).

July 2015

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 28	29	30	Jul 1 7:00pm City Council Regular (Library)	2	3 City Closed - Independence Day	4
5	6	7	8	9	10	11
12	13	14 6:30pm Planning Commission Regular (Library)	15 7:00pm City Council Regular (Library)	16	17	18
19	20	21	22 6:30pm City Council Work Session (Library)	23	24	25
26	27	28	29	30	31	Aug 1

August 2015

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 26	27	28	29	30	31	Aug 1
2	3	4	5 7:00pm City Council Regular (Library)	6	7	8
9	10	11 6:30pm Planning Commission Regular (Library)	12 7:00pm Harbor Commission Regular (City Hall) 7:00pm School Board Regular (High School)	13	14	15
16	17	18	19 7:00pm City Council Regular (Library)	20	21	22
23	24	25	26	27	28	29
30	31	Sep 1	2	3	4	5