

Chairman
Tom Bailer

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

City Planner
Samantha Greenwood
Assistant Planner
Shannon Joekav

**PLANNING COMMISSION REGULAR MEETING
DECEMBER 10, 2013 AT 6:45 PM
LIBRARY MEETING ROOM**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

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

Scott Pegau, John Baenen

3. APPROVAL OF REGULAR AGENDA (voice vote)

4. APPROVAL OF CONSENT CALENDAR

- a. Minutes of 11-12-13 Planning Commission Public Hearing Page 1
- b. Minutes of 11-12-13 Planning Commission Regular Meeting..... Pages 2-5

5. DISCLOSURES OF CONFLICTS OF INTEREST

6. CORRESPONDENCE

- a. Shepard Point Public Notice Pages 6-15

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

8. PLANNERS REPORT..... Page 16

9. NEW/MISCELLANEOUS BUSINESS

- a. Final Plat of Whitshed Road Mile 3.8 SLUP Lot Subdivision (voice vote) Pages 17-19
- b. Final Plat of Whitshed Road Mile 5 SLUP Lot Subdivision (voice vote)....Pages 20-22
- c. Ocean Beauty letter of interest for a portion of ATS 220; adjoining
Lot 1, Block 1 Cordova Industrial Park (voice vote)..... Pages 23-27
- d. Reynaldo Velasco Variance Request for 610 Birch Street (voice vote)... Pages 28-39

10. OLD BUSINESS

- a. Harvill request for extension of Preliminary Plat (voice vote) Pages 40-43
- b. Chapter 3.40 Discussion Pages 44-63
**Edited Version, Pages 45-54*
**Current Code, Pages 55-63*

11. PENDING CALENDAR

- a. December 2013 Calendar..... Page 64
- b. January 2014 Calendar..... Page 65

12. AUDIENCE PARTICIPATION

13. COMMISSION COMMENTS

14. ADJOURNMENT

PLANNING COMMISSION PUBLIC HEARING
NOVEMBER 12, 2013 @ 6:30 PM
LIBRARY MEETING ROOM
MINUTES

DRAFT

1. Call to order

Chairman **Tom Bailer** called the Planning Commission Public Hearing to order at 6:30 PM on November 12, 2013 in the Library Meeting Room.

2. Roll Call

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

Also present was Planner, **Samantha Greenwood** and Assistant Planner, **Shannon Joekay**. There were 3 person in the audience.

3. Public Hearing Topics

- a. Preliminary Plat of Mile 3.8-Whitshed Road Eyak Corporation SLUP Lot

Bailer noted that the public hearing topics were for Mile 3.8 Whitshed Road Eyak Corporation SLUP Lot and the Plat Note modification for Lot 2, Block 7 North Fill Development Park. He asked if anyone would like to speak to either topic and no one replied.

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

Bailer called the meeting back to order at 6:43 PM and asked if anyone would like to address the commission. No one stepped forward.

4. Adjournment

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

Approved:

Shannon Joekay, Assistant Planner

PLANNING COMMISSION REGULAR MEETING
NOVEMBER 12, 2013 @ 6:45 PM
LIBRARY MEETING ROOM
MINUTES
DRAFT

1. **Call to order**
Co-Chairman **David Reggiani** called the Planning Commission Regular Meeting to order at 6:45 PM on October 8, 2013 in the Library Meeting Room.
2. **Roll Call**
Present for roll call were Chairman **Tom Bailer** and Commissioners **David Reggiani, Tom McGann, Scott Pegau, John Baenen, Roy Srb** and **John Greenwood**.

Also present were Planner, **Samantha Greenwood** and Assistant Planner, **Shannon Joekey**.

There were 6 people in the audience.
3. **Approval of Agenda**
M/Reggiani S/McGann to approve the Regular Agenda.
Upon voice vote, motion passed, 7-0
Yea: Bailer, Reggiani, McGann, Pegau, Baenen, Srb and Greenwood
Nay: None
Absent: None
4. **Approval of Consent Calendar**
 - a. Minutes of 10-8-13 Planning Commission Public Hearing
 - b. Minutes of 10-8-13 Planning Commission Regular Meeting
 - c. Record excused absences of Tom Bailer and John Greenwood for October 8, 2013 Regular Meeting**M/Reggiani S/Greenwood** to approve the Consent Calendar
Srb stated that he wasn't absent for the public hearing of 10-8-13, just a little late for roll call. **Shannon** said she would fix them prior to publishing.
Upon voice vote, motion passed, 7-0
Yea: Bailer, Reggiani, McGann, Pegau, Baenen, Srb and Greenwood
Nay: None
Absent: None
5. **Disclosure of Conflict of Interest**
None
6. **Correspondence**
None
7. **Communication by and Petitions from Visitors**
 1. **Guest Speakers**
Kate Morse, Copper River Watershed, presented an update of the Bioswale at the Hospital and also gave an update of the native plant garden around Odiak Pond.
 2. **Audience comments regarding items in the agenda**

None

3. Chairpersons and Representatives of Boards and Commissions

None

8. Planners Report

Randy Robertson, City Manager, presented **Roy Srb** with a City of Cordova, challenge coin for his service on the Planning Commission. **Samantha** told everyone that **Agnew::Beck** was hoping to postpone the Comprehensive Plan training due to receiving an award that will be presented to them at the planning conference in Anchorage. The commission agreed that December 3rd would be the best date to reschedule. **Samantha** also asked for some time to speak before Commissioner's comments at the end of the meeting and let the commissioners know that the conference call in numbers have changed, she will not be at the December meeting, **Mr. Bailer** was the only one who put in so far for one of the two open commission seats but the City will continue to hold the other open until filled. **Samantha** said that she and **Shannon** spoke with **Steve** with Alaska Safe Routes to School about the Sawmill Avenue extension. He said that it would not qualify under the grant because it does not get kids from home to school. They did speak; however, about all the feeder streets to Lake Avenue and the possibility of looking into another sidewalk on Lake Avenue so the kids didn't have to cross the street. **McGann** asked about efforts to clean up the side of New England Cannery Road. **Samantha** said she is still researching it but has been told that there is some private property on that side of the road. **Bailer** asked about for sale by owner cars and if the Chief was looking into them being parked on his property and in City right of way. **Samantha** explained that it is illegal to be parked longer than 24 hours in a right of way. **Bailer** also asked about the building permit for the Kennedy's and if it covered the apartment being built in the hanger. **Samantha** said that there hasn't been a building permit issued but she spoke with them about getting one in place.

9. New Business

a. Preliminary Plat of Mile 3.8 Whitshed SLUP Lot Subdivision

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

Pegau asked if there was a history of erosion on the bluff that the commission should be concerned about since it was a narrow lot and what the setbacks were from a marine system for a septic system. **Bailer** said that they were just forming a lot and not applying for a building permit. **Pegau** asked if the commission would review the building permit. **Samantha** said that the staff would, not the commission but approved septic plans are necessary. **Pegau** asked if there was erosion on that lot. **Bailer** said that they tried to build on a similar lot and couldn't and would have to pay attention to that.

Upon voice vote, motion passed, 7-0

Yea: Bailer, Reggiani, McGann, Pegau, Baenen, Srb and Greenwood

Nay: None

Absent: None

b. Plat Note modification for Lot 2, Block 7 North Fill Development Park

M/McGann S/Greenwood moved that the Planning Commission recommend to city council to remove Lot 2, Block 7 North Fill Development Park from the plat note that is recorded on plat 86-6 North Fill Development Park.

McGann thought that since the other businesses in the area had their lots removed from the plat note, it should be removed from this one as well. **Greenwood** said he wasn't against removing the plat note but would rather see a designated approach to those lots in case the

City needed the right of way for snow storage. **Srb** asked if there were findings as to why this was in place to begin with. **Samantha** said she couldn't find anything and looked into archives and asked **Paul Kelly**, but doesn't know why it was ever put on there. **Bailer** liked the thought of a dedicated access in case the City did need to use the right of way. **Reggiani** wanted to make sure the current lease holder needed access to it and not a potential purchaser. **Ric Schultz** confirmed that they, as the current lease holder, needed access since the traffic flow on Jim Poor Avenue makes him block cannery traffic whereas Railroad Avenue gives them space to access the lot. **Reggiani** stated that as the lessee, he does have standing for this request. **Pegau** wanted to know the difference between permitting access and guaranteeing access. **Samantha** said that if it is removed from the plat, they have the right to access from that side. The City would not be permitting access; it's just removing a plat note which is denying access. She said that it is still a right of way and we're not obligated to plow out access to anyone's lot. **Baenen** said he doesn't feel it would be a traditional snow dump but would be like any other road in Cordova; when plowing, some snow may be pushed toward that side of the road and it is the land owner's or lessee's responsibility to clear their access.

Upon voice vote, motion passed, 7-0

Yea: Bailer, Reggiani, McGann, Pegau, Baenen, Srb and Greenwood

Nay: None

Absent: None

c. Chapter 3.40 Discussion

Samantha asked the commissioners their thoughts on a commission of 5 members vs. 7 members. **Reggiani** said that more was better because of diverse surroundings and different points of view, as well as different backgrounds. **McGann** agreed. **Greenwood** said he was fine either way. **Pegau** favored a larger group since the commission would be made up of a more diverse mix of expertise and because you are more likely to have a quorum. **Baenen** agreed to have more people on the Commission and just to give it (the vacancy) more time to be filled. **Bailer** said more is better since you are really impacting people's lives with some of the agenda items. **Reggiani** brought up the ex officio members of the Commission. **Samantha** said the Public Works Director, per code, is the City building inspector and therefor an ex officio member. **Reggiani** said that previous city managers have been active at the meetings. He said he would hope that **Randy Robertson** would come to the meetings once he got situated. It is nice to have that point of view. **Samantha** said she thought that when and if the City got the building inspector in place, they would be coming to these meetings. **Pegau** said there is probably a little more work in the future if the commission decides to get caught up on the duties listed. **Samantha** said some of the duties also need better definitions. She also asked what the commission thought about absences. They all agreed that what was written should stay and **Samantha** also said that all absences are now noted in the Consent Calendar and can be searched if there is a problem. She was also going to change "noticing the commission chair, to noticing the planner" if a commissioner was going to be absent. The commission agreed. **McGann** said that "Master Plan" should be changed to "Comprehensive Plan" throughout. **Samantha** said that she will work on definitions throughout the chapter and make corrections that were brought up to present another copy at the December meeting. The Commission spoke about defining who could call a meeting or request an agenda item. **Reggiani** suggested they follow Council's practice regarding agenda items. **Samantha** will add that practice to this code and will have definitions ready for the December meeting. December's meeting will be discussion only and then they can look at sending it to the lawyers in January.

10. Old Business

None

11. Pending Calendar

- a. November 2013 Calendar
- b. December 2013 Calendar

Samantha said that December 3rd is the Comprehensive Plan training. She will be out of the office from December 9-23rd. **Shannon** said that 3.40 discussion will be on December's meeting.

12. Audience Participation

None

13. Commission Comments

Bailer asked for Planner's comments. **Samantha** and **Shannon** thanked the commissioners by giving them "funny money" for the holidays. **Samantha** and **Shannon** also presented **Roy Srb** with a certificate of appreciation and thanked him for serving on the Planning Commission. **McGann, Pegau, Greenwood, Baenen** and **Reggiani** all thanked **Roy Srb** for serving on the Planning Commission. **Greenwood** also said he will be in Mexico for the December meeting. **Srb** said it has been a labor of love to serve the community and he recommends serving on the commission. **Bailer** said he will miss **Srb's** input.

14. Adjournment

M/Reggiani S/Greenwood moved to adjourn the Regular Meeting at 8:43 PM; with no objection, the meeting was adjourned.

Approved:

Shannon Joekay, Assistant Planner



US Army Corps
of Engineers
Alaska District

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

Public Notice of Application for Permit

PUBLIC NOTICE DATE:	November 15, 2013
EXPIRATION DATE:	December 16, 2013
REFERENCE NUMBER:	POA-1994-1014
WATERWAY:	ORCA INLET

Interested parties are hereby notified that a Department of the Army (DA) permit application has been received for work in waters of the United States as described below and shown on the enclosed project drawings.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Steve Lindamood at (907) 753-2796, toll free from within Alaska at (800) 478-2712, by fax at (907) 279-0064, or by email at Steve.D.Lindamood@usace.army.mil if further information is desired concerning this notice.

APPLICANT: Native Village of Eyak (NVE), Post Office Box 1388, Cordova, Alaska 99574-1388, Mr. Joel A. Azure, Executive Director NVE.

LOCATION: The starting point of the proposed project is located approximately 0.4-miles from the end of Orca Cannery Road in Cordova, Alaska, at Latitude 60.3441° N., Longitude 145.4312° W. The end point of the proposed project is located at Shepard Point, which is located at Latitude 60.3752° N., Longitude 145.4010° W.

The proposed location of the deep water port, staging area, and boat launch is located approximately 7 miles northeast of Cordova, at Shepard Point. The 4.5-mile-long road to Shepard Point is proposed to be located in Sections 1, 2, 10, and 11, T. 15 S., R. 3 W., Copper River Meridian; USGS Quad Map CORDOVA C-5; near western Prince William Sound (PWS) and Cordova, Alaska.

SPECIAL AREA DESIGNATION: None

PURPOSE: The applicant's stated purpose is to construct an Oil Spill Response (OSR) Facility at Shepard Point to enhance current OSR capabilities, near Cordova, Alaska. The facility would be able to receive oil spill equipment from any location through a transportation sequence of either air-to-ground-to-response-vessel or cargo-vessel-to-response-vessel sequence. The facility would also accommodate existing and foreseeable future oil spill response and cargo vessels with deeper drafts than the current capabilities of existing facilities in the area and provide an adequate staging area contiguous to the proposed dock.

The applicant states the project is needed to improve and enhance Cordova's existing OSR capabilities, and to maximize the efficiency with which Cordova could support a response effort. While Cordova has the longest runway and all-weather airport in PWS, the lack of a deepwater port reduces its ability to transfer supplies

efficiently to the site of a major spill. By providing access to deep-draft OSR vessels at any tide, with road connection to the airport, the proposed facility would improve response capacities. Under current spill response plans, crude oil industry logistics planners have assumed that if another large spill occurred in PWS, the Cordova airport would receive 20 percent of out-of-region equipment mobilized to the PWS region, which would then be transported to the spill site by fishing vessels.

In addition, the applicant states that the proposed facility is needed to fill requirements from the following legal mandates:

- In the Exxon Valdez Oil Spill (EVOS) civil settlement of 1992 final Alyeska consent decree (U.S. District Court, Alaska), the facility was specifically agreed upon, and funding was designated for construction of a road, OSR equipment, and a staging area at Shepard Point (see Appendix A).
- Construction and operation of an OSR facility and deepwater dock in the Cordova area would fulfill the requirements of the Alyeska Consent Decree and the memorandum of understanding (MOA) between the NVE and Alaska Department of Transportation and Public Facilities (ADOT&PF) (see Appendix B).
- The United States Congress identified the project in public law 109-59 in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users (SAFTEA-LU) in section 1939.
- The Oil Pollution Act of 1990 (OPA 90) and Alaska Statute 46.04.030(k)(3)(B) require PWS oil spill responders to be able to rapidly mobilize out-of-region equipment from around the world to the eastern PWS through Cordova's all-weather airport.

The applicant states the Shepard Point facility is the only Alyeska Consent Decree OSR facility that has not yet been constructed. It is the most important, because it will provide a deepwater OSR facility linked with the only all-weather airport in the PWS, the Cordova Municipal Airport (Cordova airport), a critical connection for fast response.

Currently, Cordova has existing docks and OSR equipment stored in the vicinity of the docks. The Cordova docks have been used to load fishing vessels with OSR equipment and respond to oil spills in the past. However, the Shepard Point facility would provide many improvements over the existing OSR capabilities, including a deep water port, additional storage and increased dockside space for efficient staging and sorting. All improvements would lead to a more robust and timely response from Shepard Point.

PROPOSED WORK: The Shepard Point Oil Spill Response Facility would include the following components:

- **Access road** – A new 4.5-mile road connecting Shepard Point to the existing Cordova road system, which provides a connection to the all-weather airport in Cordova. The road would have a crushed aggregate gravel surface of two lanes in the uplands and one lane in areas requiring tideland fill. Two-lane sections would have a top width of 32 feet and one-lane sections would have a top width of 16 feet. The minimum elevation for the road surface would be 20 feet above mean lower low water (MLLW) to prevent the road from being overtopped by waves from Orca Inlet. The roadway would be protected from storm damage by a 6-foot-thick layer of coarse rock riprap on the Orca Inlet side of the road.

The road would cross anadromous fish streams at Unnamed Creek and Humpback Creek using bridges such that approaches, abutments, and piers will be located above the ordinary high water mark (OHWM) with no fill placed in the creeks. Other drainages along the route do not provide fish habitat and would be crossed using culverts, with the exception of one at the beginning of the project. Bridges and culverts would be designed to pass, at a minimum, a 100-year flood event. Road material, including crushed rock surfacing, will be obtained from roadway cuts, and no off-site mining operations are anticipated. The road would be designed and constructed to accommodate avalanche mitigation measures where required.

- **Deepwater dock** – An all-tide, all-weather, deepwater dock at Shepard Point dedicated to oil spill response (OSR) would be constructed. The dock face would be 600 feet long; big enough to serve the largest deepwater OSR vessels while simultaneously serving several smaller craft. Major components would be a wharf, mooring dolphins, a trestle, an uplands staging area, and a small boat launch. The wharf would consist of a traditional dock on pilings connected to the uplands by a trestle. Mooring dolphins would be used to provide capacity at the dock face while minimizing the number of piles and wharfs

required. The wharf and dolphins would provide approximately 640 feet of useable mooring space, with approximately 340 feet available as useable dock face. The wharf would be situated so that at least 32 feet of water depth will be provided at MLLW without requiring dredging. To construct and support the wharf, trestle, and mooring dolphins, 213 piles would be required. The piles would be embedded approximately 20 feet below the existing mud line. The uplands staging area would cover approximately 3.5 acres, and the expected utilities are electricity from the Cordova Electric Cooperative power plant (located at Humpback Creek), a water well, and a modest wastewater facility. The boat launch ramp would be constructed on a 12-percent grade with a top elevation of +20 feet MLLW and a bottom ramp elevation of -4 feet MLLW. Additional facilities at the port include watertight storage for OSR equipment, a movable crane, gasoline and diesel fuel tanks, a contained concrete or asphalt vessel decontamination washdown area and water recycling system, decontaminated fuel storage tanks, an all-weather equipment storage building, and an administration/office building.

- **Staging/loading area** – A staging and loading area would be constructed adjacent to the deepwater dock dedicated to OSR materials and equipment to ensure efficient loading and off-loading of vessels.

PROPOSED IMPACT AMOUNTS:

Material Discharged, by Habitat Type					
Habitat	Feature ID	Qty (CY)	Area Covered (SF)	Area Covered (acre)	Linear Feet of Impact
Stream	1	245	312	0.01	74.85
Stream	2	45	425	0.01	97.2
Stream	3	200	487	0.01	107
Stream	4	120	536	0.01	70.38
Stream	5	1,100	2,063	0.05	315.85
Stream	6	425	992	0.02	195.62
Stream	7	165	388	0.01	66.3
Stream	8	150	288	0.01	78.24
Stream	9	150	350	0.01	123.69
Stream	10	45	225	0.01	29.87
Stream	11	70	726	0.02	64.35
Stream	12	80	231	0.01	31.54
Stream	13	90	337	0.01	42.31
Stream	14	275	1,044	0.02	87.67
Stream	15	5,825	4,843	0.11	311.74
Stream	16	1,200	2,031	0.05	357.73
Stream	17	55	178	0.00	78.55
Stream	18	2,250	4,095	0.09	587.89
Stream	19	500	718	0.02	117.67
TOTAL		12,990		0.47	2838.45

Wetland	1	105	5,774	0.13
Wetland	2	640	1,122	0.03
Wetland	3	6,600	29,150	0.67
URSBIA	WET 1	2,350	9,000	0.21
Subtotal		9,695		1.03

TABLE 1

Material Discharged, by Habitat Type

Habitat	Feature ID	Qty (CY)	Area Covered (SF)	Area Covered (acre)	Linear Feet of Impact
Intertidal	1	5,025	15,402	0.43	
Intertidal	2	19,750	61,231	1.41	
Intertidal	3	9,980	26,979	0.62	
Intertidal	4	1,650	10,316	0.24	
Intertidal	5	109,100	51,445	1.18	
Intertidal	6	59,400	129,714	2.98	
Intertidal	7	38,400	101,325	2.33	
Intertidal	8	175	2,567	0.06	
Subtotal		243,480		9.16	
Eelgrass	1	4,650	12,514	0.29	
Eelgrass	2	3,375	13,966	0.32	
Eelgrass	3	5,200	12,929	0.30	
Subtotal		13,225		0.90	
Subtidal (non-eelgrass)	1	21,100	48,279	1.11	
Subtotal		21,100			
TOTAL DISCHARGE		284,095		11.47	

All work would be performed in accordance with the enclosed plan (sheets 1-34), dated 10/07/2013.

ADDITIONAL INFORMATION: The NVE previously applied for a DA permit for the above project for which a public notice was issued on December 28, 2009, after which the NVE withdrew their DA application. Since that time the NVE has changed their project design and fill amounts. The primary difference is the construction of the dock which was previously proposed to be a fill dock requiring approximately 2.3 acres of fill into marine waters versus the current dock proposal being pile supported and no fill materials being placed in marine waters for its construction. Many of the design changes and avoidance/minimization efforts have resulted in less overall fill impacts in the current proposal than was proposed previously. Previously, the NVE proposed a total discharge of 289,594 CY of fill into 14.8 acres of waters of the U.S. (WOUS) Currently, the NVE proposes to discharge 284,095 CY of fill materials into 11.47 acres of WOUS.

The Bureau of Indian Affairs in cooperation with the NVE, U.S. Army Corps of Engineers, and the U.S. Federal Highway Administration previously conducted an Environmental Impact Statement which analyzed hosts of potential human and environmental impacts from the project. The Final Environmental Impact Statement (FEIS) is available for view at <http://shepardpoint.com>, under the *Documents/Downloads* tab.

APPLICANT PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

a. Avoidance: The applicant states they have completed all practical means to avoid impacts to all resources from the previous alternative. The proposed alignment has undergone several design refinements to avoid and minimize impacts to wetlands, marine habitats, wildlife, fish, and cultural resources. The NVE has also completed an addendum to the Wetlands and Waters of the U.S. Technical Report completed for the FEIS. The addendum documents a field verification of wetlands boundaries as observed in October 2013. Proposed impacts to wetlands and marine habitats have been reduced since the original DA application. These design refinements resulted in a reduction of 0.17 acres of wetlands impacts and a reduction of 0.87 acres of eel grass impacts. The resulting final impact to eel grass from the original Alternative 4 in the FEIS is 97 percent fewer acres of impacts to WOUS.

Humpback Creek, Orca Creek, and Unnamed Creek would be crossed by bridges and therefore no fill would be placed in the creeks below the OHWM. The 0.10-acre of stream impacts to Orca Creek have been completely removed from the design since the original DA application. Additionally, piers below the OHWM in Humpback Creek and Unnamed Creek have been removed since the original DA application. In-water work will be isolated to avoid direct impacts to fish and downstream water quality impacts.

b. Minimization: The roadway would be constructed using the minimum width of fill footprint necessary to provide a stable road base and utilize 1.5:1 side slopes to minimize the fill footprint. No grubbing would be done outside of the footprint and only the minimum clearing required for safety would be done beyond the toe of the slope.

An erosion and sediment control plan would be prepared to describe the best management practices used to avoid water quality impacts to wetlands and other water bodies. The details of the erosion and sediment control plan would be completed in final design and will ensure compliance with Alaska's Pollution and Discharge Elimination System. No additional impact to wetlands or marine habitats would result from implementing the erosion and sediment control plan.

Areas disturbed during the construction would be revegetated in the same growing season as the disturbance. In peat wetlands, the natural vegetative mat will be removed prior to construction and then placed after recontouring of the ground following construction.

In-water work in anadromous streams is not anticipated. Restoration and revegetation of stream bank and shoreline habitat would use bioengineering techniques to stabilize soils and re-establish native cover. Streams with resident fish or the potential for resident fish would have culverts placed to provide fish passage. No culverts would be allowed to impede flood flows. To the extent practicable, excavation equipment would work from upland sites to minimize adding fill into Waters of the U.S. Excavation equipment would minimize disturbance to the stream channel and stream bank.

Bank access points would be selected to take advantage of existing landings, previously disturbed sites, or locations of planned fill. Additional necessary access points identified during construction would be located to minimize impacts to habitat and would be restored to their pre-existing condition after project completion. In water work for fill placement, dredging or pile driving would be timed to avoid impacts to spawning and migrating fish species.

c. Compensatory Mitigation: The applicant proposed the following: "where adverse impacts cannot be avoided, compensatory mitigation will be provided for wetlands and other Waters of the U.S. impacted by the project. Because onsite mitigation is not practical for this project, a combination of permittee-responsible mitigation,

out-of-kind mitigation, and in-lieu fee arrangement will be used as compensatory mitigation to replace ecological functions and services lost as a result of the project. Compensatory mitigation will be provided for intertidal and subtidal habitat impacts, based on the value of the intertidal and subtidal habitat affected by the project. Compensatory mitigation will be used to preserve or restore wetlands impacted by the construction of the project to meet the standard of "no net loss to wetlands." Ongoing work is developing for the mitigation proposal and will be submitted to the USACE in consultation with other federal agencies. At present, several proposed mitigation strategies have been advanced for the permittee-responsible mitigation, out-of-kind mitigation, and in-lieu fee mitigation approach. Options include restoration of previously affected aquatic resources (herring fishery), conservation easements on aquatic habitat, funding for research (herring fishery), and creation of new wetlands habitat. Potential mitigation measures will involve payment, donations of land or placement of conservation easements on land donated or purchased.

The NVE Humpback Creek Hatchery Project is being proposed help replenish lost herring fishery resources as a result of the EVOS in 1989 (Appendix J). The proposed project would permanently eliminate approximately 0.9 acres of eelgrass. Eelgrass is an important spawning substrate for herring. It is also important rearing habitat for juvenile salmon. A herring enhancement hatchery could replace lost eelgrass habitat function for herring spawning by increasing incubation and early rearing survival for herring spawn (eggs) acquired from nearby herring spawning areas. There are many ways this can be done as described in the draft document "Integrated Herring Restoration Program" (Exxon Valdez Oil Spill Trustee Council, 2010). The cost of a hatchery program is orders of magnitude greater than the ecological value of eelgrass lost as a result of the proposed project, although there is no clear way of defining the monetary value. The monetary value of eelgrass habitat loss has been determined arbitrarily in the past."

Permittee-Responsible Mitigation

"The NVE has been in consultation with the U.S. Forest Service (USFS) on restoration of aquatic organism passage barriers on anadromous streams in the Cordova area. Several culvert crossings are being evaluated to reconnect habitat, as well as options to create new or more diverse habitat and/or restore habitat that has been lost."

In-lieu Fee Mitigation

"In-lieu fee mitigation options are being evaluated related to replacement of intertidal and subtidal habitat impacts, based on the value of the intertidal and subtidal habitat affected by the project. Specific details will be provided in the final mitigation plan prepared for the project. Additionally, NVE is in discussions with project partners in establishing conservation easements on lands that can be valued in supporting the functions and services of habitats impacted by the project."

Out-of-Kind Mitigation

"Before the EVOS, the herring fishery was at an all-time high point of species productivity, yielding approximately 120,000 tons from 1988 to 1990 (Figure 2). In 1993, the herring population crashed and has not been able to rebound enough to support a fishery or the top predators that survive on them. Even 20 years later, the population of herring is only 15 percent of what it was prior to the spill. The herring's lack of recovery is not bad only for Alaska's economy, but also for the ecology of the PWS. The herring are an important source of protein for marine mammals, birds, and other fish. Assigning value to the environment is a difficult task because there are many environmental services to consider. Herring are a crucial factor in the entire PWS food web. NVE recognized this fact and is taking corrective action, including advancing a proposal to begin work on restoring the fishery. The preceding information was presented as background on the impacted fishery; it outlines NVE draft plans for addressing the long road to recovery. NVE proposes to use the development of the Humpback Creek Hatchery Project as a component of the mitigation for the Shepard Point project impacts on habitat."

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion

in the National Register of Historic Places. There are properties in the vicinity of the worksite; they are identified as COR-00400, COR-00098, COR-00303, COR-00563, COR-00427, COR-00564, COR-00433, COR-00089, COR-00431, COR-00428, and COR-00429. Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Commander at this time, and he is otherwise unaware of the presence of such resources. This application is being coordinated with the State Historic Preservation Office (SHPO). Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

ENDANGERED SPECIES: The project area is within the known or historic range of the Steller sea lion, Western Distinct Population Segment (DPS) (*Eumatopias jubatus*). The project area is within the known or historic range of the Steller sea lion. A Biological Assessment was completed by the BIA and is included in the FEIS as Appendix T. This assessment determined that the selected alternative will have no effect on the Steller sea lion; the Corps concurs with this finding. The USFWS indicated that there were no endangered, threatened, or proposed ESA-listed species under their jurisdiction that have the potential to occur within the action area, nor any areas designated or proposed as critical habitat within the action area of the project.

ESSENTIAL FISH HABITAT (EFH): The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH).

The following EFH species were identified by NOAA during the FEIS as being present in project area: all five species of Pacific salmon (*Oncorhynchus spp.*), Pacific cod (*Gadus macrocephalus*), flathead sole (*Hippoglossoides elassodon*), walleye Pollock (*Theragra chalcogramma*), yellowfin sole (*Pleuronectes asper*), sablefish (*Anoplopoma fimbria*), rock sole (*Lepidopsetta polyxstra* and *L. bilineata*), rex sole (*Errex zachirus*), arrowtooth flounder (*Atheresthes stomias*), and sculpin (*Scorpaenidae spp.*).

We are currently gathering information regarding these species and have yet to make a determination of effect. Should we find that the described activity may affect the species listed above, we will follow the appropriate course of action under Section 305(b)(2) of the Magnuson-Stevens Act. Any comments the National Marine Fisheries Service may have concerning essential fish habitat will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between Federally recognized Tribes and the Federal government. Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Commander during the public comment period.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The outcome of the general balancing process would determine whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur. The decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food

and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Commander determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

AUTHORITY: This permit will be issued or denied under the following authorities:

(X) Perform work in or affecting navigable waters of the United States – Section 10 Rivers and Harbors Act 1899 (33 U.S.C. 403).

(X) Discharge dredged or fill material into waters of the United States – Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

Project drawings and a Notice of Application for State Water Quality Certification are enclosed with this Public Notice.

District Commander
U.S. Army, Corps of Engineers

Enclosures

December 10, 2013

SEAN PARNELL, GOVERNOR

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
401 Certification Program
Non-Point Source Water Pollution Control Program

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WQM/401 CERTIFICATION
555 CORDOVA STREET
ANCHORAGE, ALASKA 99501-2617
PHONE: (907) 269-7564/FAX: (907) 334-2415

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-1994-1014, ORCA INLET**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify there is reasonable assurance the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project, with respect to Water Quality Certification, may submit written comments to the address above by the expiration date of the Corps of Engineer's Public Notice.

NOTICE TO EDITORS:

This public notice is provided as background information and is not a request or contract for publication.

NOTICE TO POSTMASTERS:

It is requested that this notice be conspicuously and continually placed until the expiration date.

**Project drawings
are available online at:**

<http://www.poa.usace.army.mil/Missions/Regulatory/PublicNotices.aspx>

December 10, 2013

Planning Department

Planners Report

To: Planning Commission
From: Planning Department Staff
Date: November 19, 2013
Re: Recent Activities and updates

- The following permits were issued:

035-2013	Fireweed Business Solutions	Sign Permit for Cordova Village Post Office
----------	-----------------------------	---

- Will be holding election for chair and vice chair in January—so think about it
- Archived old documents
- Estimated costs for paving, drainage and sidewalks for possible bond for City Council.
- Worked on new Fish & Game lease
- Met with Kristen & Kate from Copper River Watershed and Jonah from NVE re: possible grant opportunities for Sawmill extensions & sidewalks.
- Didn't get sidewalk grant with NVE, but got a new cop car!
- Shepard Point Road: City Council has passed 2 resolutions (2007, 2013) in support for the project. These resolutions have been included by NVE in the application to the Army Corp of Engineers.
- Finalizing long term lease request with ADF&G on current lot on Center Street (warehouse)
- Finalized fee schedule for inclusion in City Council packet
- Did resolution for Sheridan Alpine Association requesting reimbursement for insurance purchase
- Providing water usage as requested by canneries for LT2 projects
- Worked with Agnew:Beck preparing for the training on December 3, 530 dinner, training 6-9
- Received a notice from the State Fire Marshal that Camtu's Building Framing is approved. Complete approval is still pending.

Memorandum

To: Planning Commission
Thru: Planning Department Staff
Date: November 20, 2013
Re: Final Plat

PART I. GENERAL INFORMATION:

File No.: Whitshed Road-Mile 3.8 SLUP Lot Subdivision within USS 5103
Requested Action: Final Plat approval

Applicant: Eyak Corporation
Owner's Name: Eyak Corporation
Zoning: Unrestricted District (UR)
Applicable Regulations: Title 17, Subdivision Regulations

PART II. BACKGROUND:

11/12/2013 P&Z approved the preliminary plat.

PART III. SUGGESTED FINDINGS:

1. The proposed plat conforms to the Comprehensive Plan Policies and serves the public use, health and safety
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

PART IV. STAFF RECOMMENDATION:

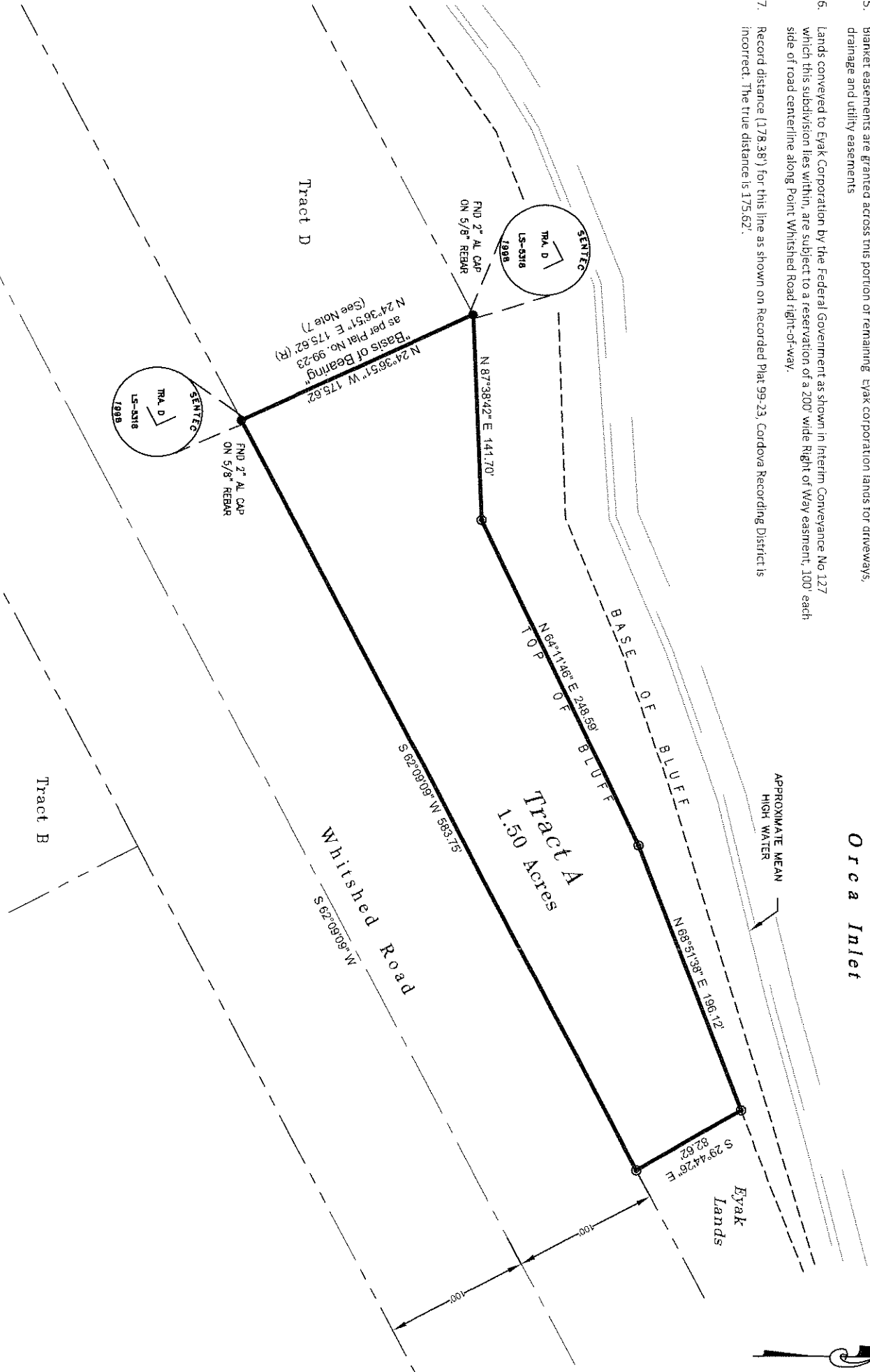
Staff recommends that the request for the Final Plat approval for Eyak Corporation, Whitshed Road-Mile 3.8 SLUP Lot Subdivision: A Subdivision of Eyak Corporation Lands within USS 5103 be approved by the Planning Commission.

PART V. RECOMMENDED MOTION:

"I move to approve the Final Plat request for Eyak Corporation, Whitshed Road-Mile 3.8 SLUP Lot Subdivision: A Subdivision of Eyak Corporation Lands within USS 5103."

NOTES

1. The minimum closure of the tract boundary and minimum accuracy of the field survey exceeds 1:5000.
2. All bearings are true bearings as oriented to the "basis of bearing."
3. All distances shown hereon are reduced to horizontal field distances.
4. The right of way for Whittshed Road was established from the existing physical roadway and adjacent surveys.
5. Blanket easements are granted across this portion of remaining Eyak corporation lands for driveways, drainage and utility easements
6. Lands conveyed to Eyak Corporation by the Federal Government as shown in Interim Conveyance No 127 which this subdivision lies within, are subject to a reservation of a 200' wide Right of Way easement, 100' each side of road centerline along Point Whittshed Road right-of-way.
7. Record distance (178.38') for this line as shown on Recorded Plat 99-23, Cordova Recording District is incorrect. The true distance is 175.62'.



LEGEND

- FND. MONUMENT (5/8" rebar)
- SET 5/8" x 30" REBAR (SEE TYPICAL DETAIL)
- () RECORD INFORMATION



SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown on the plat actually exist as described, and that all dimensional and other details are true and correct to the best of my knowledge.



Date _____

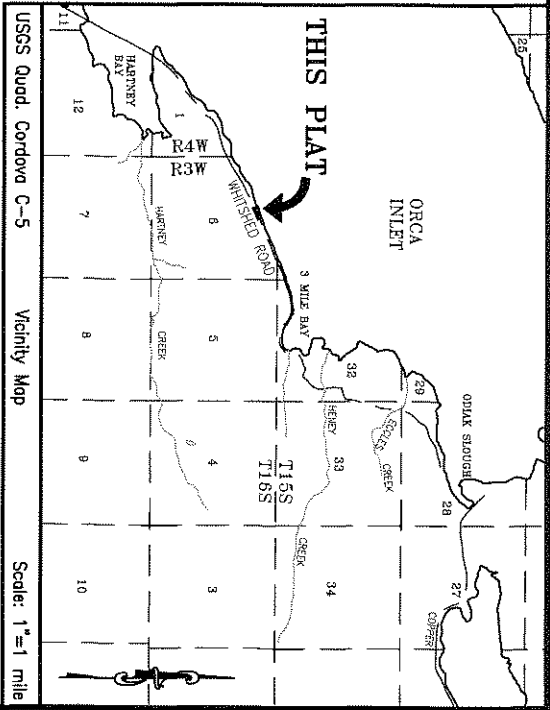
WASTEWATER DISPOSAL

No wastewater system shall be permitted on any lot unless such systems are located, constructed and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation (ADEC). Construction plans must be submitted and approved by (ADEC) prior to construction of any portion of a sewage disposal system. Additional soils information may be necessary. Permits from other agencies may also be required.

PLAT APPROVAL

This plat conforms to the requirements of the City of Cordova Planning and Zoning commission and is hereby accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

City Manager	Date
Chairman, Planning & Zoning Commission	Date
Plating Official	Date



OWNERSHIP DEDICATION

We hereby certify that we are the owners of the property shown and described hereon. We hereby request approval of this plat showing such easements for public utilities, roadways, and alleys dedicated for public use.

Angela Reilly, Land Manager
Eyak Corporation
P.O. BOX 340
Cordova, Alaska 99574

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this _____ Day of _____ 2013, for _____

Notary Public for the State of Alaska
My Commission Expires _____

TAX CERTIFICATIONS

All real property taxes are levied by the City of Cordova on the area shown on this plat have been paid through _____.

Attest: City Clerk _____ Date _____

CORDOVA RECORDING DISTRICT

A PRELIMINARY PLAT OF
WHITTSHED ROAD MILE 3.8
SLUP LOT SUBDIVISION

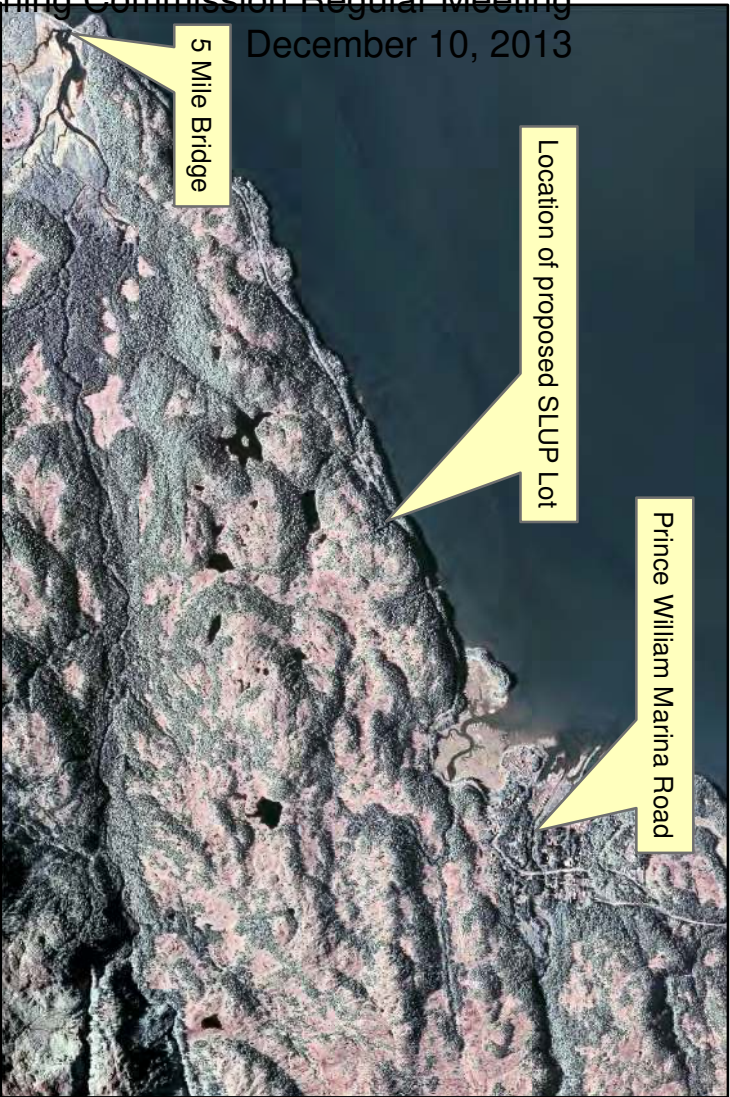
A SUBDIVISION OF:
EYAK CORPORATION LANDS WITHIN USS 5103
SITUATED WITHIN
SECTION 6, T. 16 S., R. 3 W., COPPER RIVER MERIDIAN, ALASKA
CONTAINING 1 TRACT AND 1.50 ACRES, MORE OR LESS

Farpoint Land Services, LLC
SURVEYING, MAPPING, LAND PLANNING, GIS

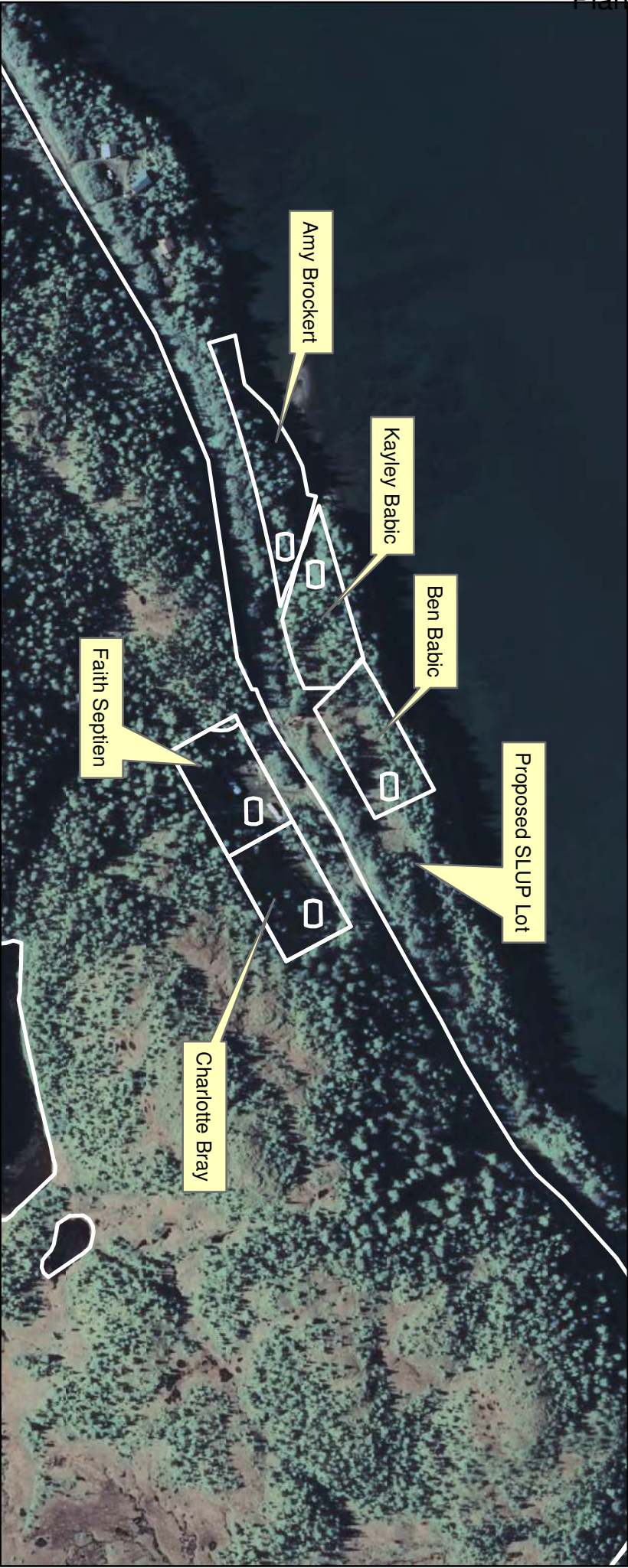


1131 E 76th Ave., Suite 101 Anchorage, Alaska 99516
FarpointAK.com • (907) 522-7770 • survey@farpointak.com

WORK ORDER NO.	DATE	SCALE	ES	ES	DRAWING DATE	SHEET
13076	NOV 9, 2013	1" = 60'	NOV	NOV	10/16/13	1 of 1



Location Map for Proposed Eyak Corporation SLUP Lot at 3.8 Mile Whitshed Road



Memorandum

To: Planning Commission
Thru: Planning Department Staff
Date: November 20, 2013
Re: Final Plat

PART I. GENERAL INFORMATION:

File No.: Whitshed Road-Mile 5 SLUP Lot Subdivision within USS 5103
Requested Action: Final Plat approval

Applicant: Eyak Corporation
Owner's Name: Eyak Corporation
Zoning: Unrestricted District (UR)
Applicable Regulations: Title 17, Subdivision Regulations

PART II. BACKGROUND:

8/13/2013 P&Z referred plat back to staff after letter of concern was received
10/8/2013 P&Z approved the preliminary plat.

PART III. SUGGESTED FINDINGS:

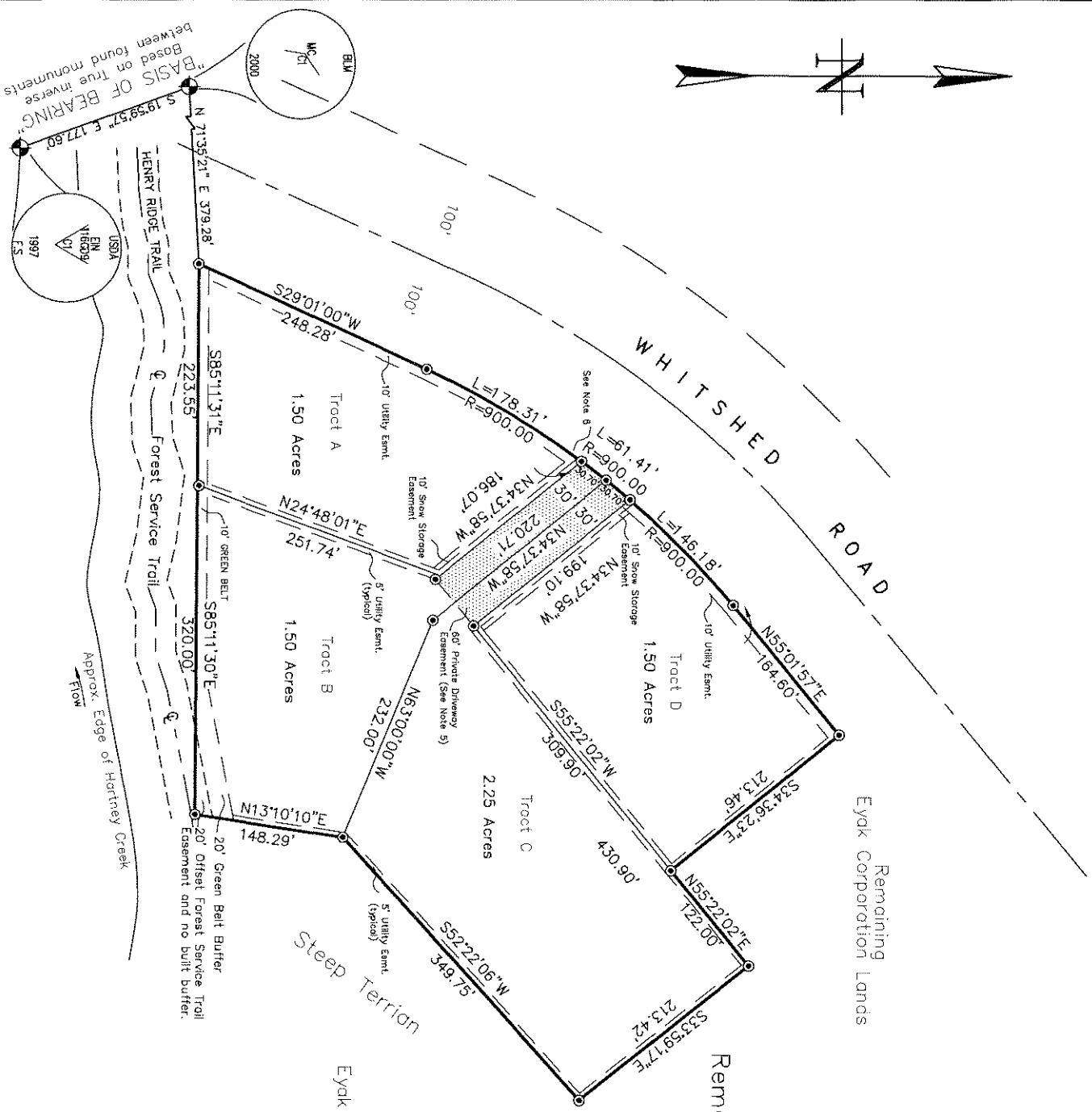
1. The proposed plat conforms to the Comprehensive Plan Policies and serves the public use, health and safety
2. There are no known physical conditions present which may be hazardous to the future inhabitants of these tracts.

PART IV. STAFF RECOMMENDATION:

Staff recommends that the request for the Final Plat approval for Eyak Corporation, of Tracts A, B, C & D Whitshed Road-Mile 5 SLUP Lot Subdivision: A Subdivision of Eyak Corporation Lands within USS 5103 be approved by the Planning Commission.

PART V. RECOMMENDED MOTION:

“I move to approve the Final Plat request for Eyak Corporation of Tracts A, B, C & D Whitshed Road-Mile 5 SLUP Lot Subdivision: A Subdivision of Eyak Corporation Lands within USS 5103.”



Remainder USS 5103

Remaining Eyak Corporation Lands

LEGEND

- FIND. MONUMENT
- SET 5/8" x 30" REBAR (SEE TYPICAL DETAIL)
- RECORD INFORMATION
- APPROX. DRAINAGE ARROWS



Typical set corners are 5/8" x 30" rebar with 1 1/4" yellow plastic cap unless otherwise noted.

TAX CERTIFICATIONS

All real property taxes are levied by the City of Cordova on the area shown on this plat have been paid through _____.

Attest: City Clerk

Date

PLAT APPROVAL

This plat conforms to the requirements of the City of Cordova Planning and Zoning commission and is hereby accepted as the official plat, subject to any and all conditions and requirements of ordinance and law pertaining thereto.

City Manager

Date

Chairman, Planning & Zoning Commission

Date

Platting Official

Date



SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown on the plat actually exist as described, and that all dimensional and other details are true and correct to the best of my knowledge.

Date

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this _____ Day of _____

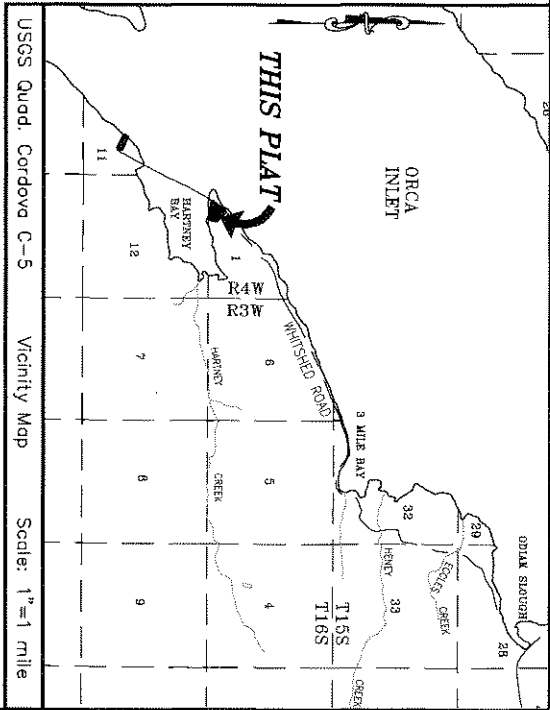
2013, for _____

Angela Reilly, Land Manager
Eyak Corporation
P.O. BOX 340
Cordova, Alaska 99574

Date

Notary Public for the State of Alaska

My Commission Expires _____



NOTES

- The minimum closure of the tract boundary and minimum accuracy of the field survey exceeds 1:5000.
- All bearings are true bearings as oriented to the "Basis of Bearing."
- All distances shown hereon are reduced to horizontal field distances.
- The right of way for Whited Road was established from the existing physical roadway and adjacent surveys
- The area shown as hatched is a private driveway easement for the common use of tracts A, B, C & D. Over that portion of tracts B & C a common private road will be constructed by the tract owners for access to each lot.
- Drainage arrows are based on anticipated development of each tract and do not show natural existing drainage pattern.
- Lands conveyed to Eyak Corporation by the Federal Government as shown in Interim Conveyance No 127 which this subdivision lies within, are subject to a reservation of a 200' wide Right of Way easement, 100' each side of road centerline along Point Whited Road right-of-way.
- Prior to construction, a driveway permit will be required from state of Alaska D.O.T.

WASTEWATER DISPOSAL

No wastewater system shall be permitted on any lot unless such systems are located, constructed and equipped in accordance with the requirements of the Alaska Department of Environmental Conservation (ADEC). Construction plans must be submitted and approved by (ADEC) prior to construction of any portion of a sewage disposal system. Additional soils information may be necessary. Permits from other agencies may also be required.

CORDOVA RECORDING DISTRICT

TRACTS A, B, C, & D
WHITSHED ROAD MILE 5, SLIP LOT SUBDIVISION

A SUBDIVISION OF:
EYAK CORPORATION LANDS WITHIN USS 5103
SITUATED WITHIN
SECTION 1, T. 16 S., R. 4 W., COPPER RIVER MERIDIAN, ALASKA
CONTAINING 4 TRACTS AND 6.75 ACRES, MORE OR LESS

Farpoint Land Services, LLC

SURVEYING, MAPPING, LAND PLANNING, GIS
1131 E 76th Ave., Suite 101 Anchorage, Alaska 99518
Farpointak.com • (907) 522-7770 • survey@farpointak.com

WORK ORDER NO.	DATE	SCALE	DRAWN BY	CHECKED BY	DESIGNED BY	DRAWING NAME	SHEET
13003	NOV 8, 2013	1" = 100'	MH	ME	N/A	13003S.dwg	1 of 1

**Preliminary Plat of Eyak Corporation-5 Mi SLUP Lot
Location Map**



Memorandum

To: Planning Commission

Thru: Planning Department Staff

Date: November 20, 2013

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

PART I. GENERAL INFORMATION:

Address & Survey: Portion of ATS 220 to the west of Lot 1, Block 1 Cordova Industrial Park

Lot Size: Approximately 1,900 square feet

Zoning: Waterfront Industrial Zone District

Requested Action: Recommendation to City Council

PART II. BACKGROUND:

The letter of interest, attached, is for a (square footage here) portion of ATS 220 to the west of Lot 1, Block 1 Cordova Industrial Park. It was received by the City from Ocean Beauty Seafoods on December 3, 2013 and is being brought forward on the December 10th, 2013 Planning Commission meeting.

In the land disposal maps all ATS are classified as Tidelands and are to be:

1. **Tidelands** – All requests to purchase tideland will be reviewed by Planning and Zoning commission as they are received. Planning and Zoning will make a recommendation on disposing of the tidelands to city council.

PART III. REVIEW OF APPLICABLE CRITERIA:

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

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

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

PART IV. STAFF RECOMMENDATION:

Staff recommends disposing of the portion of ATS 220 to the west of Lot 1, Block 1 Cordova Industrial Park by method 1- direct negotiation.

PART V. RECOMMENDED MOTION:

"I move to recommend to City Council disposal of a portion of ATS 220 to the west of Lot 1, Block 1 Cordova Industrial Park by method 1 – direct negotiation."



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

December 2, 2013

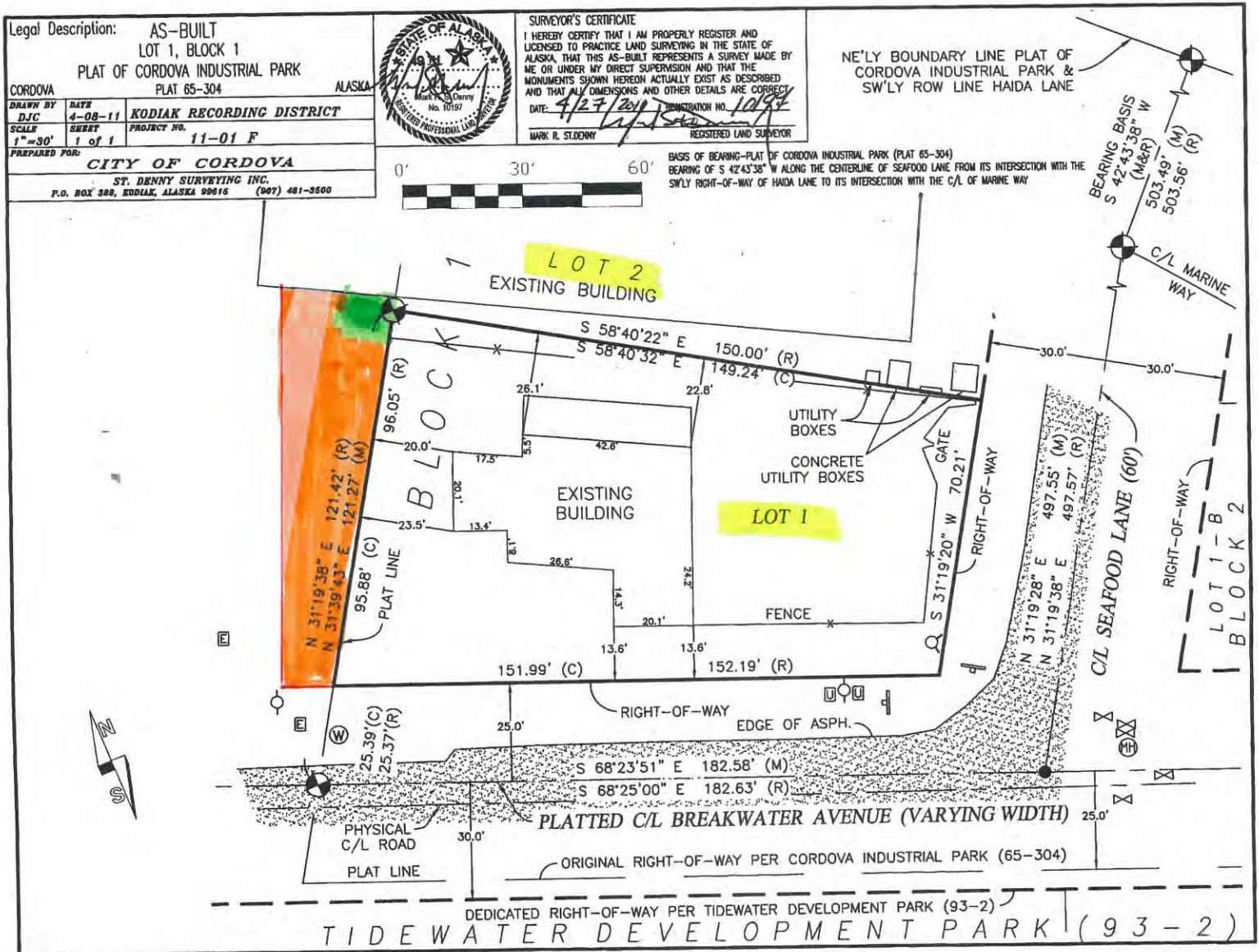
Dear Ms. Greenwood:

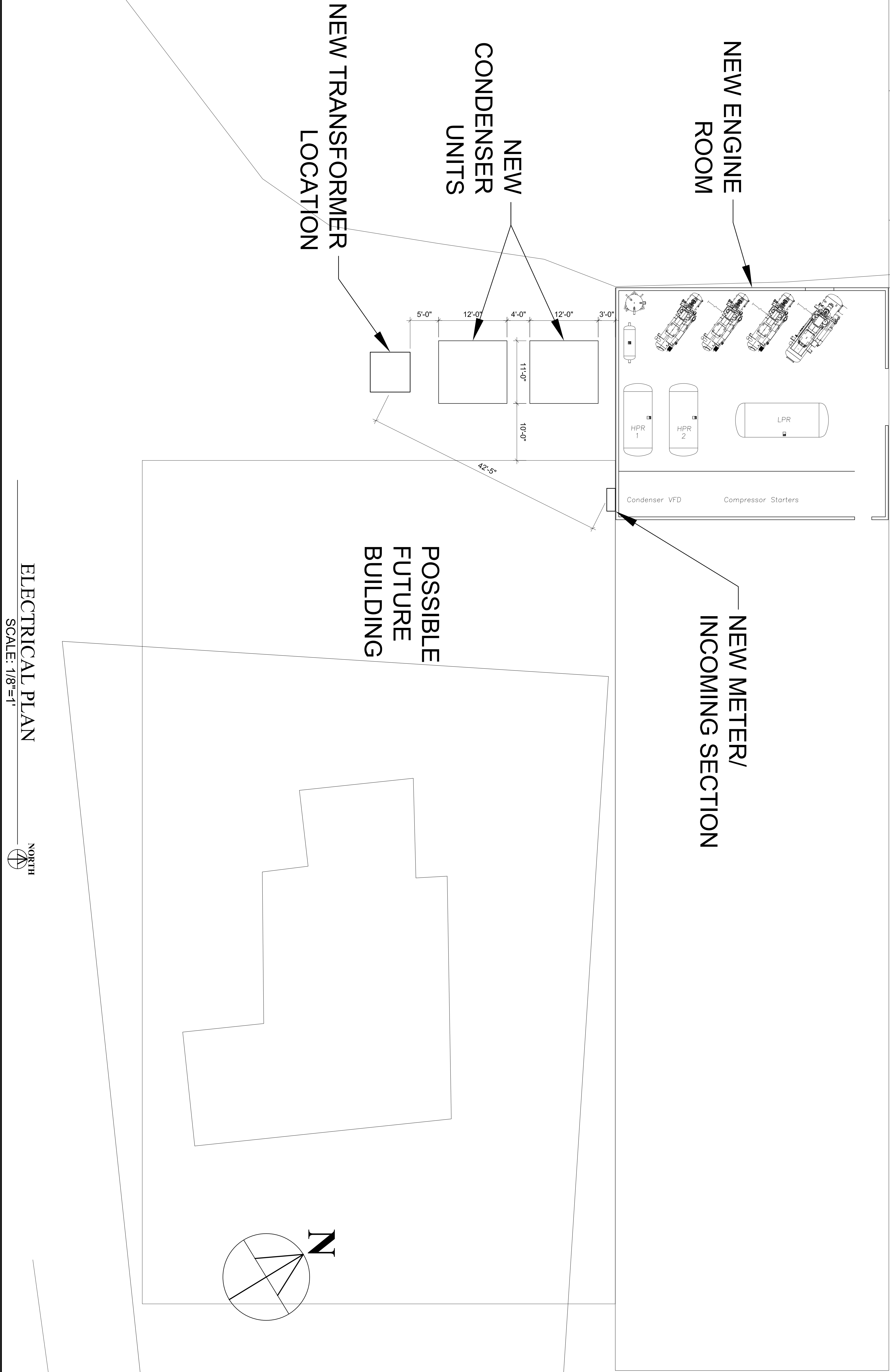
This letter is to declare our interest in acquiring the strip of land between Lot 1, Block 1, CIP and the fill marking the boundary between upland and the shore to the east of the lot. The property in question is shown in orange highlight in the Lot 1, Block 1 Shoreside attachment 1. I estimate the square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

Sincerely,

Michael Clutter

Michael Clutter
Plant Manager - Cordova
Ocean Beauty Seafoods, LLC





ELECTRICAL PLAN

SCALE: 1/8"=1'



SIZE D	SHEET	ise INDUSTRIAL SERVICE & ELECTRIC 2309 S. 3rd. Avenue Union Gap WA 98903 Ph 509-248-1447 Fx 509-457-1057
E2.0		

OCEAN BEAUTY SEAFOODS
NEW ENGINE ROOM
CORDOVA, ALASKA

ENGINE ROOM
ELECTRICAL PLAN

FILE PATH R:\Jobs\BIBK Roberts\2014-Ocean Beauty Seafoods\DWGS		
FILE NAME E1.0 Site Power Plan		
JOB NUMBER J13101	DRAWN BY RWS	CHECKED BY DJP
DATE 11/19/13	SCALE 1/8"=1'	
REVISIONS △ △ △ △ △		

ENGINEERS STAMP

Page 27 of 65

Memo

To: Planning Commission
From: Planning Staff
Date: November 25, 2013
Re: Variance Request by Reynaldo Velasco

PART I. GENERAL INFORMATION

Requested Actions: A Variance request for a five (5) foot rear setback from the required rear setback of 15 feet in the low Density Residential Zone

Applicant: Reynaldo Velasco

Owners Name: Reynaldo Velasco

Address: 610 Birch Street

Parcel Number: 02-072-535

Zoning: Low Density Residential

Lot Area: 6643 Square Feet

PART II. BACKGROUND

The property owner has requested a variance from the required 15 feet rear yard setback to a 5 foot rear setback. The variance will provide for the construction of an additional 460 square feet to the house.

Attachment C shows the rear of the lot where the reduced setback is requested.

PART III. REVIEW OF APPLICABLE CRITERIA

The applicable regulations for this variance request are the following sections:

Chapter 18.20 R LOW DENSITY RESIDENCE DISTRICT

18.20.040 Front yard.

There shall be a front yard in the R low density district of not less than ten feet from curb line. (Prior code § 15.204.1(D)).

18.20.050 Rear yard.

There shall be a rear yard in the R low density district of not less than twenty-five percent of the depth of the lot, but such yard need not exceed fifteen feet. (Prior code § 15.204.1(F)).

18.20.060 Side yard.

A. There shall be a side yard in the R low density district of not less than five feet. The minimum side yard on the street side of a corner lot shall be ten feet. Condition 18.33.060 A(1) is what the variance request is based upon.

Chapter 18.64 Exceptions, Variances and Appeals

18.64.020 Variances

An application has been filed pursuant to this section of code. Below is the review of the variance criteria.

PART IV. SUGGESTED FINDINGS

A Variance may be granted only if all four of the following conditions exist:

1. That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply to the other properties in the same land use district.

This condition has not been met. This lot is zoned low density residential there are a variety of lots sizes within this zone. Lots range in size from 4000 square feet to just over an acre for developed property. There are also large tracts up to 77 acres of undeveloped land in this zone; this lot is 6,643 square feet falling in the middle range of lot sizes. The topography of the lot is mostly flat. There are no exceptional physical circumstances or conditions to this property which do not apply to others in the same zone district.

2. That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship.

This condition has not been met. The strict application of this set back would limit the amount of area that the homeowner could expand but this does not result in unnecessary hardships for the land owner.

3. That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

The condition of material damage or prejudice has been met at the time of this writing the planning department has received no input from neighbors. If there is additional information received by the planning department it will be included in the packet. There will also be the opportunity for public comment at the hearing.

The condition of public health, safety or welfare has been met. The departments of public works, fire, and police department have been consulted and been asked for their input, if received by time the packet is printed they will be attached if not the responses will be hand out at the meeting.

4. That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan.

The strategies for the land use from the 2008 comprehensive plan are listed below. Variance requests allow for exceptions to the strategies while still providing guidance and balance in land use.

Development strategies of the land use plan are discussed for all areas of the community including residential, commercial, industrial, and public lands and are listed as follows:

- Provide land use guidance for the City.
- Plan for organized future growth and development.
- Anticipate and respond to trends in development patterns.
- Maintain and provide for a balanced and complementary pattern of land uses.
- Ensure growth patterns respect the natural environment.
- Protect the citizens of the community and the investments that have been made.
- Protect property values.
- Provide a clear and concise direction towards future growth within the community.

This condition has been met. This request for a variance, allows for consideration of the land use strategies prior to a decision being made. Allowing the variance still provides guidance and balance in land use.

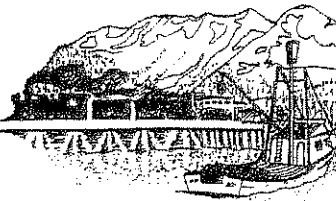
PART V. STAFF RECOMMENDATIONS

Staff recommends denying the request by Reynaldo Velasco from the required 15 foot rear yard setback to a 5 foot rear setback. All four conditions are not met above.

PART VI. SUGGESTED MOTION

“I move that the Variance request by Reynaldo Velasco from the required 15 feet rear yard setback to a 5 foot rear setback be approved as contained in the staff report.”

CITY OF CORDOVA



VARIANCE APPLICATION CITY OF CORDOVA

INSTRUCTIONS

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

APPLICANT INFORMATION	
Name	Reynaldo Velasco
Address	Box 1844, 1101 Lake / 610 Birch
Telephone [home]	907-424-5541
Business Name	
Business Address	
Telephone [business]	
Business FAX	
Project architect/engineer	
Address of architect/engineer	
Telephone of architect/engineer	

PROPERTY/PROJECT INFORMATION	
Address of subject property	1101 Lake Ave / 610 Birch St
Parcel identification number	02-072-535; Lot 8, Block 3 Vina Young
Property owner [name/address]	Velasco, Reynaldo & Lilia
Current zoning	LDR
Proposed use	Build an enclosed "dirty kitchen" & storage
Construction start date	

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

APPLICANT CERTIFICATION	
<p>By the signature(s) attached hereto, I (we) certify that the information provided within this application and accompanying documentation is, to the best of my (our) knowledge, true and accurate. Furthermore, I (we) hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting necessary site inspections.</p>	
By: <u>Delase</u> (Signature)	By: _____ (Signature)
Name: <u>REYNALDO VELASCO</u> (Type/Print)	Name: _____ (Type/Print)
Date: _____	Date: _____
<p>Appeal Procedures: A decision of the Planning Commission may be appealed to the Board of Adjustment. An appeal must be filed in writing with the City Clerk within ten (10) days of the decision. In accordance with the procedures outlined in Section 18.64.030 of the City of Cordova Zoning Code.</p>	

CITY USE ONLY - PLEASE DO NOT WRITE IN THIS SECTION	
ITEM	ACTION
Date application received:	
Fee paid:	
Does application require a public hearing? Planning Commission: City Council:	
Staff review date/reviewer name:	
Planning Commission final action:	
City Council final action:	
Other:	

ZONING APPLICATION continued

Project/Request Description Page:

- 1 Please describe your request in complete detail. Feel free to add additional pages and/or drawings, maps, photographs of the site, and other documentation that might be helpful to the Planning Commission as they make a decision on your request.
- 2 If you are requesting a dimensional variance, you must include a basic site plan drawing showing the location of your property lines, existing and proposed buildings, existing and proposed easements, building setbacks, and other items necessary to adequately and accurately show the nature of your request.
- 3 In order to receive a zoning compliance permit, you must meet the standards of the relevant zoning code. **PLEASE REFER TO THE FOLLOWING PAGES OF THIS APPLICATION FOR A COPY OF THE RELEVANT SECTION STANDARDS.**

Please describe your request. Add additional pages, drawings and required information.

Would like to build 10' on side A + 10' on side B
side A requires 5' setback for LDR - met
side B (Rear) requires 15' setback - not met
variance requested

wants to have both sides enclosed, needs
will be heated & will have water
connected in inside (currently outside)

VARIANCE STANDARDS 18.64.020

The Planning and Zoning Commission may only approve the variance if the Commission finds that ALL of the following 4 standards are satisfied. Each standard must have a response in as much detail as it takes to explain how your project satisfies the standard. Use additional paper if needed.

1

Exceptional physical circumstances or conditions apply to the property or to its intended use or development which do not apply to other properties in the same land use district.

EXPLAIN: Electrical box-line, water and sewer entering from front & side make it difficult to build on North & West side of my property. Also 10 foot set back on corner lot limits my space to build.

2

Granting the variance will not permit a use that is not otherwise permitted in the district in which the property lies and will not be detrimental to the public health, safety or welfare.

EXPLAIN: Granting this variance will not be detrimental to public health, safety or welfare. A variance for use is not being requested.

3

Granting the variance would be in harmony with the objectives of the zoning ordinance.

EXPLAIN: This is residential addition and is in harmony with low density residential.

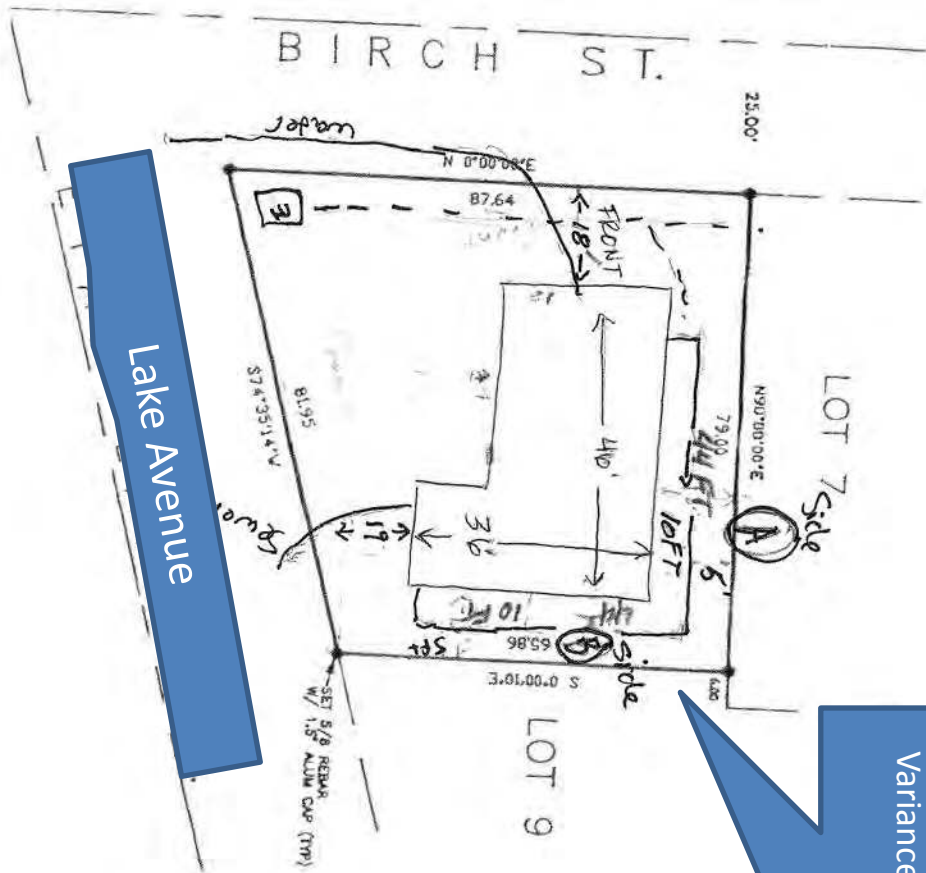
4

Strict application of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district.

EXPLAIN: My property has electric, water & sewer entering from South & West sides which hinders my ability to add to my house.

OTHER REQUIREMENTS

1. A legal description of the property involved.
2. Site and Building Plan: One copy of a site plan, drawn to scale, showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and such other data as may be required.
3. Evidence of the ability and intention of the applicant to proceed in accordance with the plans within six months after the effective date of the variance.



Rear Set back currently required 15 feet from rear lot line
Variance Request ids for 5 feet from rear lot line

NOTE: Home Inspection on 12/13/13
Home Inspection on 12/13/13
is not to be used

Velasco Variance Request







Memorandum

To: Planning Commission
Thru: Planning Department Staff
Date: November 26, 2013
Re: Preliminary Plat approval extension

PART I. GENERAL INFORMATION:

File: Alpine Properties, Phase 4, only

Requested Action: Extension of time to bring Final Plat for Phase 4, only

Applicant: John Harvill
K & H, LLC
P.O. Box 1569
Cordova, AK 99574

Zoning: RR3

Applicable Regulations: Title 17, Subdivision Regulations
Title 18, Zoning Regulations

PART II. SITE DATA:

K & H have completed the first phase of Alpine Properties. Preliminary plat approval for all 4 phases was granted in June 2005. The sequencing of the phases was changed in 2007 to accommodate the location of a water tank and compliance with City requirements in the land purchase agreement. .

PART III. BACKGROUND:

In October of 2005 a request for an extension of the time to complete a final plat was granted with the phased development approved as follows:

- Phase 1: July 30, 2007
- Phase 2: July 30, 2008
- Phase 3: July 30, 2009
- Phase 4: July 30, 2010

In November of 2007 another request for an extension of time was granted and the identification of the phases was approved as follows:

- Phase 2: November 30, 2009 (was Phase 4)
- Phase 3: November 30, 2010 (was Phase 2)
- Phase 4: November 30, 2012 (was Phase 3)

They requested an extension for Phases 3 and 4 in January 2009 which was approved, as follows:

Phase 3: December 31, 2013

Phase 4: December 31, 2013

PART IV. APPLICANT REQUEST

On November 18, 2013, Mr. Harvill met with Planning Department staff to request an extension of time to complete a final plat for Phase 4 (shown on attached drawings). He requested an additional 4 years, which would make the final plat due for Phase 4 - December 31, 2017.

PART IV. REVIEW OF APPLICABLE CRITERIA:

Chapter 17.08.020 of the Cordova Code specifies that the approval of a preliminary plat shall only be effective for a period of six months. The Planning Commission has the authority to grant an extension of time to complete the plat. If the extension is not granted the applicants will need to begin the process again.

PART VI. STAFF RECOMMENDATION:

Alpine Properties is a well planned subdivision. Four building permits have been issued for Phase 1. The Planning Commission has as a past practice granted extensions of time to complete developments as they are authorized to by City Code.

Motion for Approval:

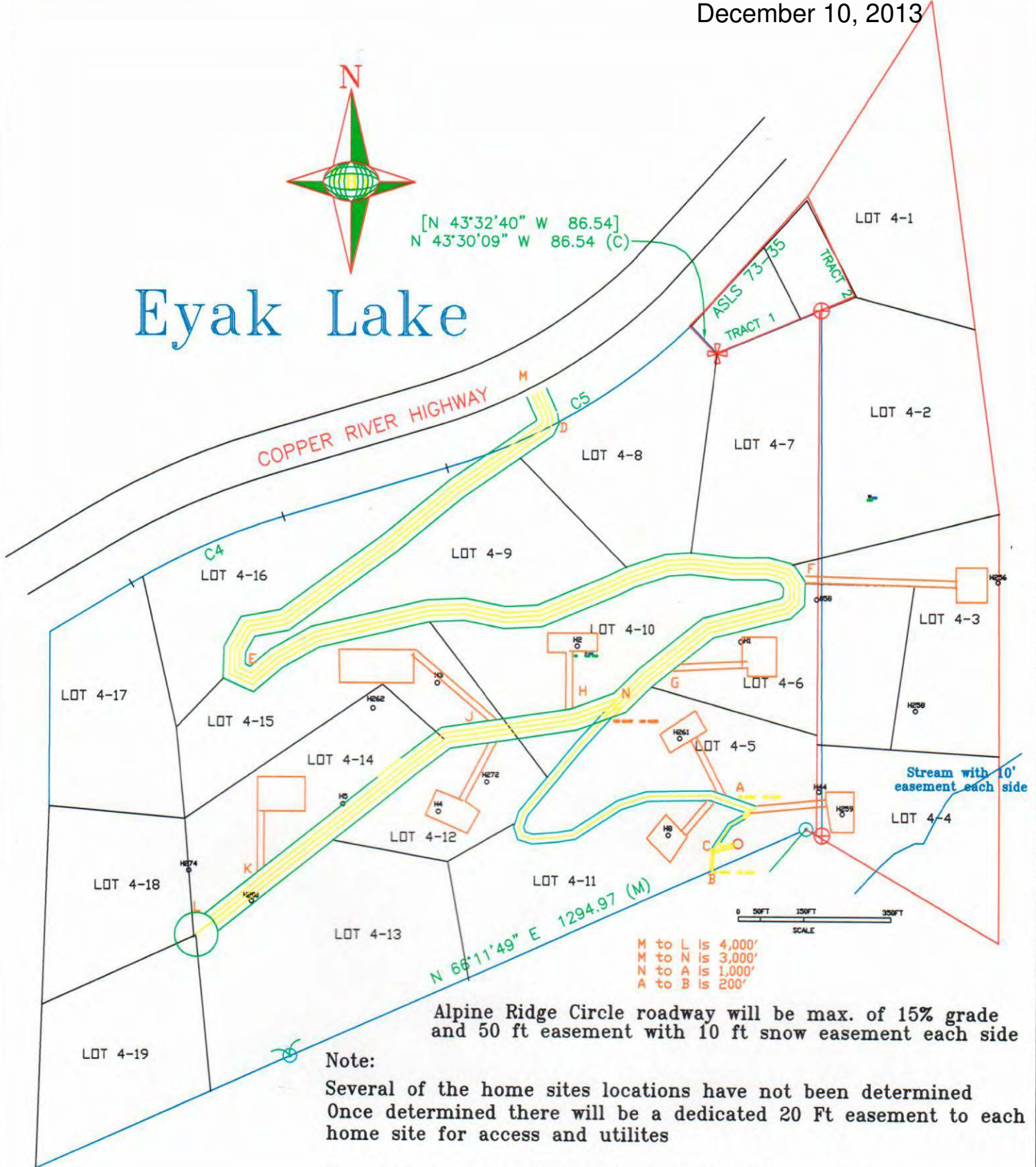
"I move that the Planning Commission **APPROVE** an extension of the time the preliminary plat must be submitted for final plat approval for Phase 4 of Alpine Properties to December 31, 2017."



[N 43°32'40" W 86.54]
N 43°30'09" W 86.54 (C)

Eyak Lake

COPPER RIVER HIGHWAY



Note:

Several of the home sites locations have not been determined
Once determined there will be a dedicated 20 Ft easement to each
home site for access and utilities

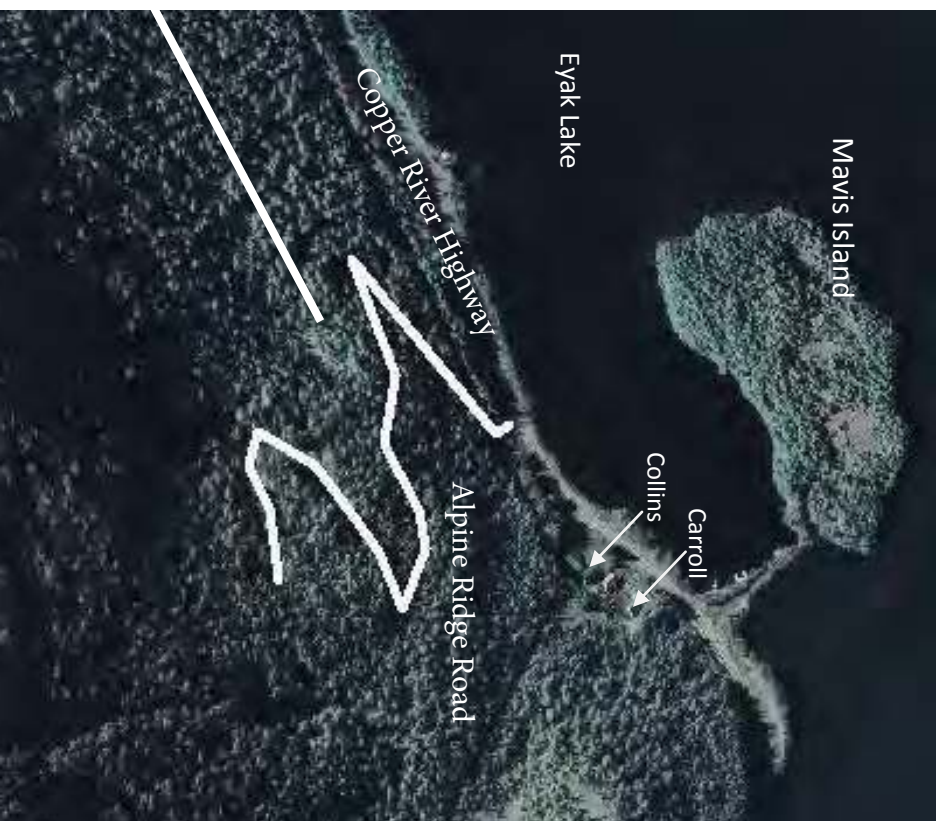
There will be 10 ft easement each side of any streams

ALPINE PROPERTY
Phase 4 Preliminary
Plat Extension 12/5/13

K&H, LLC
P.O. Box 1569
Cordova, AK 99574
Phone (907) 424-4512

Alpine Properties Phase 4

Preliminary Plat Extension Request 12-2013



Memorandum

To: Planning Commission

Thru: Planning Department Staff

Date: December 2, 2013, 2013

Re: Chapter 3.40 Planning Commission

11/12/2013 First review by P&Z of Chapter 3.4

I have edited chapter 3.4 for your review. All changes including additions, sections that have been moved or combined are in red font. The items moved or deleted have strike through font. We are including current section of code for your reference. There is still formatting to be dealt with but believe that will be easiest when edits have been completed. I also spent a fair amount of time reviewing other cities codes on blithe and slums and feel this section warrants its own discussion and write up, which will be done in the January packet.

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

Sections:

3.40.010 Definitions

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

3.40.XXX Planning Commission Created

3.40.XXX Planning commission -Membership.

3.40.030 Planning commission—Officers

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

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

3.40.070 Planning commission—Meetings.

3.40.055 Absences to terminate membership.

~~3.40.060 Planning commission—Vacancy filling.~~

3.40.080 Planning commission—Powers and duties—Designated.

3.40.090 Planning commission—Powers and duties—Zoning commission.

3.40.100 Board of adjustment.

3.40.010 Definitions see attached

Comprehensive plan is a process that determines community goals and aspirations in terms of community development

Comprehensive plan is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development, both public and private, of [the] community

Comprehensive plan is a plan for development of an area which recognizes the physical, economic, social, political, aesthetic, and related factors of the community involved.

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

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

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

Fire hazard zone ~~is an~~ area where, due to slope, fuel, weather, or other fire-related conditions, the potential loss of life and property from a fire necessitates special fire protection measures and planning before development occurs.

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

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

Parkway is a piece of land located between the rear of a curb and the front of a sidewalk, usually used for planting low ground cover and/or street trees, also known as “planter strip.”

3.40.010 State law adopted by reference.

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

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

~~3.40.020 Planning commission created—Membership.~~

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

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

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

3.40.XXX Planning Commission Created

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

3.40.XXX Planning commission-created—Membership

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

3.40.XXX Planning commission—Officers.

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

(Prior code § 15.102(e)).

3.40.040 Planning commission—Ex officio members.

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

~~(Prior code § 15.102(d)).~~

3.40.050 Planning commission—Members' terms of office.

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

~~(Prior code § 15.102(b)).~~

3.40.070 Planning commission—Meetings.

~~The commission shall meet regularly at time and places set by the commission. Special meetings shall be held at the call of the chairman and at such other times as the commission may determine. All meetings of the commission shall be open to the public and the commission shall keep minutes of its~~

~~proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be a public record.~~

3.40.XXX Planning commission—Meetings.

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

3.40.XXX Absences to terminate membership.

- A. A commissioner ~~cannot be~~ absent from more than one-half of all the regular meetings of the planning commission held within any period of four consecutive calendar months, without being excused from attending such meetings, ~~if this occurs~~ he chair of the commission shall declare the commissioner's

seat vacant. **Except** that in the case of a commissioner appointed from the council, the chair of the commission shall report such commissioner's unexcused absences to the council. ~~The commission shall determine whether any absence is excused.~~

- B. For purposes of this section, an absence will be considered excused if due to the following causes and shall require approval by the commission at the next regularly scheduled meeting:
 - 1. The illness or injury of the commission member or a family member;
 - 2. The death of a family member;
 - 3. An employment-related commitment;
 - 4. A commitment for city business; or
 - 5. Other good cause approved by the commission.
- C. Whenever possible, absences should be noticed to the ~~commission chair~~ **planning department** prior to the meeting for purposes of securing a quorum at the meeting.
- D. A commissioner may participate in a commission meeting by teleconference.

(Ord. 962 § 2, 2004).

3.40.060 Planning commission—Vacancy filling.

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

~~(Prior code § 15.102(c)).~~

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

~~(Prior code § 15.102(f)).~~

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

The commission shall be required to do the following:

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

~~the physical development of the city. Such comprehensive plan with accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of the city territory, and may include among other things:~~

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

~~3. The general extent and location of rehabilitation areas.~~

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

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

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

(Prior code § 15.102(g)).

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

- A. ~~The Planning Commission is to be Zoning Commission.~~ The planning commission is designated as the zoning commission. ~~and the terms, method of filling vacancies, ex officio~~

~~members, selection of chairman, and meeting applicable to the planning commission shall also apply to the zoning commission.~~ They shall be considered as one and the same commission for the purposes of this chapter, and all actions may be taken and all records kept in the name of the planning commission.

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

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

18.12 DISTRICT ESTABLISHMENT—BOUNDARIES—ZONING MAP or Chapter 18.72 AMENDMENTS

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

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

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

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

3.40.XXX Board of adjustment

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

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

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

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

(Prior code § 15.104).

Chapter 3.40 PLANNING COMMISSION-BOARD OF ADJUSTMENT

Current Code

Sections:

3.40.010 State law adopted by reference.

3.40.020 Planning commission created—Membership.

3.40.030 Planning commission—Chairman.

3.40.040 Planning commission—Ex officio members.

3.40.050 Planning commission—Members' terms of office.

3.40.055 Absences to terminate membership.

3.40.060 Planning commission—Vacancy filling.

3.40.070 Planning commission—Meetings.

3.40.080 Planning commission—Powers and duties—Designated.

3.40.090 Planning commission—Powers and duties—Zoning commission.

3.40.100 Board of adjustment.

3.40.010 State law adopted by reference.

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

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

3.40.020 Planning commission created—Membership.

A.

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

B.

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

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

3.40.030 Planning commission—Chairman.

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

(Prior code § 15.102(e)).

3.40.040 Planning commission—Ex officio members.

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

(Prior code § 15.102(d)).

3.40.050 Planning commission—Members' terms of office.

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

(Prior code § 15.102(b)).

3.40.055 Absences to terminate membership.

A.

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

B.

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

1.

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

2.

The death of a family member;

3.

An employment-related commitment;

4.

A commitment for city business; or

5.

Other good cause approved by the commission.

C.

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

D.

A commissioner may participate in a commission meeting by teleconference.

(Ord. 962 § 2, 2004).

3.40.060 Planning commission—Vacancy filling.

Appointment to fill vacancies shall be for the unexpired term.

(Prior code § 15.102(c)).

3.40.070 Planning commission—Meetings.

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

(Prior code § 15.102(f)).

3.40.080 Planning commission—Powers and duties—Designated.

The commission shall be required to do the following:

A.

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

1.

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

2.

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

3.

The general extent and location of rehabilitation areas.

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

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

B.

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

C.

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

D.

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

E.

Submit annually to the city council, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be

constructed during the forthcoming three-year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year;

F.

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

G.

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

H.

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

I.

Make investigations regarding any matter related to city planning;

J.

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

K.

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

(Prior code § 15.102(g)).

3.40.090 Planning commission—Powers and duties—Zoning commission.

A.

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

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

B.

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

1.

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

2.

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

3.

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

a.

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

b.

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

c.

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

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

d.

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

e.

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

i.

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

ii.

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

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

iii.

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

iv.

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

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

3.40.100 Board of adjustment.

A.

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

B.

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

C.

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

1.

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

2.

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

3.

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

D.

General provisions.

1.

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

2.

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

(Prior code § 15.104).

December 2013						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3 Comprehensive Plan Training with A::B Mt. Eccles Elementary Commons Dinner at 5:30 PM Training 6-9 PM	4 City Council Regular Meeting Library Conference Room 730	5	6 Bidartki Bazaar Mt Eccles 6:00 PM – 10:00 PM	7 Bidartki Bazaar Mt Eccles 10:00 AM – 5:00 PM
8	9 *	10 * P&Z Meeting Library Conference Room 6:30PM	11 * Harbor Commission Meeting 7:00 PM City Hall	12 *	13 *	14
15	16 *	17 *	18 * City Council Regular Meeting Library Conference Room 730	19 *	20 *	21
22	23	24	25 Christmas Day City Closed	26	27	28
29	30	31		* Sam out of the office		

January 2014						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 New Years Day City Closed	2 City Council Regular Meeting Library Conference Room 730	3	4
5	6	7	8 Harbor Commission Meeting 7:00 PM City Hall	9	10	11
12	13	14 P&Z Meeting Library Conference Room 6:30PM	15 City Council Regular Meeting Library Conference Room 730	16	17	18
19	20 MLK Day City Closed	21	22	23	24	25
26	27	28	29	30	31	