

**CITY OF CORDOVA, ALASKA
ORDINANCE 1123**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING
CORDOVA MUNICIPAL CODE SECTIONS 18.35.010, 18.35.020, 18.35.030, 18.35.040 AND 18.35.050
AND ENACTING CORDOVA MUNICIPAL CODE SECTION 18.35.035 CONDITIONAL USES IN
THE BLUE ZONE**

WHEREAS, the City of Cordova ("City") experienced an avalanche during the winter of 1999-2000 where property was destroyed and a life was lost; and

WHEREAS, the area was declared a FEMA disaster and a portion of the area where the property was destroyed was purchased and deeded to the City;

WHEREAS, the avalanche code was created to protect the citizens of Cordova and two zones, the red and blue zones, were defined and have different conditions and restrictions; and

WHEREAS, the changes being implemented will generate revenues and are seasonal; and

WHEREAS, the City Council finds that it is in the City's best interest, to amend sections 18.35.010, 18.35.020, 18.35.030, 18.35.040 and 18.35.050 and enact section 18.35.035.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Cordova, that:

Section 1. Cordova Municipal Code sections 18.35.010, 18.35.020, 18.35.030, 18.35.040 and 18.35.050 are amended to read as follows: Added language bold and underlined and deleted language stricken through

18.35.010 – Purpose

D. To give notice to the public of those areas within the city where such avalanche potential has been found to exist;

18.35.020 - Definition and designation of avalanche district.

A. The avalanche district shall be a district overlaying an existing zoning district. It shall designate those areas within Cordova found **to be** subject to potential avalanche danger. Additional requirements of the avalanche district shall be applied to uses otherwise permitted in the existing zoning district.

B. The avalanche district shall consist of two sub-zone designations. The distinction between these subzones is defined according to the frequency and destructive force of potential avalanches. They include high hazard "Red Zones" and moderate hazard "Blue Zones."

1. High Hazard Zones: Red Zones. High ~~h~~**H**azard Red Zones are used to define the greatest potential avalanche risk and are defined as areas subject to:
 - a. Avalanche return periods of less than thirty years; and/or
 - b. Impact forces of greater than six hundred pounds per square foot, assuming a flat, normal, rigid surface.

People living in or traveling through a high hazard zone should expect to be infrequently impacted by major avalanche events capable of severely damaging or destroying standard wood frame structures and severely injuring or killing people. This includes the following range of exposure: structures could be totally

destroyed or severely damaged, roofs could be blown off or caved in, walls could be pushed in or sucked out, houses could be pushed from their foundations, vehicles could be severely damaged, mature trees could be broken off, and windows and doors could be ripped off, sucked out or pushed in, with considerable broken glass and debris carried by hurricane force winds. People outside or inside of structures could be severely injured or killed. Children or adults playing or working outside would be particularly susceptible **to injury or death**. The risk of fuel leaks and/or fire and explosion is high.

2. Moderate Hazard Zones: Blue Zones. Moderate ~~h~~Hazard Blue Zones are exposed to potential avalanche threat, but to a lesser degree. Mitigation will usually be feasible but requires site specific analysis. By definition, these areas are subject to:
 - a. Return periods of greater than thirty years, but under three hundred years; and
 - b. Impact pressures of less than six hundred pounds per square foot, assuming a flat, normal, rigid surface.

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

18.35.030 - Principal uses - ~~u~~Uses permitted.

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

- A. High Hazard Red Zone.
 1. Water conservation and flood control installations;
 2. Seasonal parks, campgrounds and parkways, greenbelts, land reserves and related facilities ~~when their use is restricted~~ **except** between December 1st and May 1st or other times when the city has declared an avalanche hazard; and
 3. Installation of sewer, water and utilities.
- B. Moderate Hazard Blue Zone.
 1. Single-family ~~residences~~ **residences** and associated structures. Proper mitigating measures are required for construction permits within the Blue Zone. Additional information and/or reports are required by the building official related to construction within the Blue Zone; and
 2. ~~Any uses authorized for the Red Zone.~~ **Seasonal bed and breakfast businesses except between December 1st and May 1st or other times when the city has declared an avalanche hazard;**
 3. ~~Any uses authorized permitted for~~ **in** the Red Zone.

18.35.035 - Conditional uses in Blue Zone.

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

A. Commercial occupancies.

18.35.040 - Prohibited uses.

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

The following uses are prohibited in the:

A. High Hazard Red Zone.

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

B. Moderate Hazard Blue Zone.

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

18.35.050 - Required permits.

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

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

- A. Construction of avalanche protective, deflective and preventative structures, devices or earthwork that may deflect avalanches shall be permitted only as a conditional use. Prior to granting of a conditional use permit, the applicant shall submit to the city plans thereof signed by an engineer licensed in the state of Alaska, certifying that the proposed construction will withstand the designated avalanche forces within the zone or the avalanche forces set forth in a study of the property in question prepared at the owner's expense and submitted to the city by a recognized expert in the field of avalanche occurrence, force and

behavior, and that the proposed construction will not deflect avalanches toward the property of others. Other information and engineering studies may be requested in consideration of an application for a conditional use permit. Appropriate landscaping may be required where such structures, devices or earthwork alter the natural slope or beauty of the land;

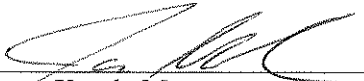
- B. Excavation or removal of soil, trees, shrubs or downed timber when the activity results in alterations of the landscape that could increase or create avalanche hazard;
- C. Construction of structures for, or installation of public services and utilities;
- D. Camping on public lands in the avalanche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

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.


1st reading: March 4, 2015
2nd reading and public hearing: April 15, 2015

PASSED AND APPROVED THIS 15th DAY OF APRIL, 2015




James Kacsh, Mayor

Attest:


Susan Bourgeois, CMC, City Clerk