

Chair

Nancy Bird

Vice Chair

Mark Hall

Commissioners

Tom McGann

Chris Bolin

Trae Lohse

Sarah Trumblee

City Planner

Kevin Johnson

**PLANNING COMMISSION REGULAR MEETING
FEBRUARY 08, 2022 AT 6:30 PM
CORDOVA CENTER COMMUNITY ROOMS A & B**

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Chair Nancy Bird, Commissioners Tom McGann, Chris Bolin, Trae Lohse, Mark Hall, and Sarah Trumblee

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT CALENDAR

- a. Record excused absence for Chris Bolin from the January 11, 2022 Regular Meeting

5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

6. CORRESPONDENCE

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Guest Speakers

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

8. PLANNER'S REPORT.....Page 1

9. UNFINISHED BUSINESS

- a. Resolution 22-01 Title 16 Building Code UpdatePage 2

10. NEW BUSINESS

- a. Resolution 22-02 2022 Land Disposal Maps..... Page 32

11. AUDIENCE COMMENTS

12. COMMISSION COMMENTS

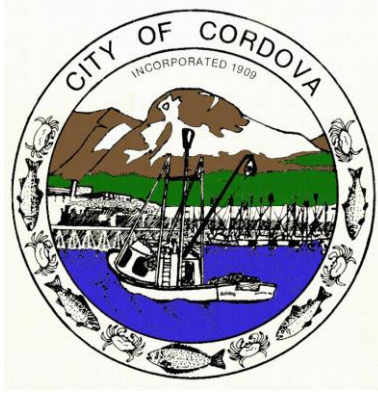
13. ADJOURNMENT

You may submit written public comments via email to planning@cityofcordova.net, mail comments to City of Cordova, PO Box 1210, Cordova, AK 99574, or delivered to City Hall directly. Written public comments must be received by 4:00 p.m. on the day of the meeting

Planner's Report

To: Planning and Zoning Commission
From: Kevin Johnson, City planner
Date: 2/08/22
Re: Recent Activities and Updates

-
- Addressing project continues. Staff finalizing review of base data. Addressing of unaddressed property's beginning. Project anticipated completion date of 3/31
 - Land disposal code changes being drafted based on the discussions with P&Z and City Council. Anticipating bring these changes to Commission in March.
 - State DOT Copper River Highway Master Plan process has begun. State held a meeting with a committee of local stakeholders as well as an open house for the public. Community input to be gathered over the next couple of months. Next committee meeting to be held in June.
 - City Council deferred on making a decision regarding No Road Brewing request to lease the PWSSC building. Requested that staff work on a timeline and cost associated with updating planning efforts for the north harbor area.



AGENDA ITEM # 9a

Planning Commission Meeting Date: 2/8/2022

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner

DATE: 2/8/22

ITEM: Resolution 22-01 Title 16 Building Code Update

NEXT STEP: Make a Recommendation to City Council on the Proposed Code Update

☐ INFORMATION
☐ MOTION
☒ RESOLUTION

I. REQUEST OR ISSUE:

It is requested that the Planning and Zoning Commission pass a resolution recommending that the City Council amends Title 16, and associated references, of the Cordova Municipal Code to update and clarify the code.

II. RECOMMENDED ACTION / NEXT STEP:

Recommended Motion: "I move to approve Resolution 22-01"

III. FISCAL IMPACTS:

Legal review time

IV. BACKGROUND INFORMATION:

This is the continuation of the Title 16 Building Code rewrite that has been in discussion since 2016. The purpose of this update is to bring the city into alignment with the construction codes adopted by the State and the Alaska Housing Finance Corporation. The Changes are also intended to simplify the code for both the public and staffs use and enforcement.

As of 2021, the following has occurred:

The Commission was presented with the draft ordinance that had been created based on the past discussions (~2016 to 2021) at the 12/14/21 meeting and requested additional time to review the material and continue the discussion at the January 2022 meeting.

At the 1/11/22 meeting it was determined that changes needed to the draft ordinance included limiting the scope to when a permit is required, clarifying some language, removing references to the building code in the zoning code (Title 18), and other minor edits.

Staff made the changes requested by the Commission and has provided you with a resolution for you to recommend that the City Council approves the suggested changes.

V. LEGAL ISSUES:

The ordinance is currently under review with legal, but staff does not anticipate any issues.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. ATTACHMENTS:

- A. Resolution 22-01
- B. Title 16 Draft Ordinance
- C. ~~Strikethrough~~ Underline Title 16 Draft Ordinance

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 22-01**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA,
ALASKA, RECOMMENDING TO THE CITY COUNCIL OF THE CITY OF CORDOVA,
ALASKA TO AMEND CORDOVA MUNICIPAL CODE TITLE 16 BUILDING CODES AND
ASSOCIATED REFERENCES IN ORDER TO UPDATE AND CLARIFY THE CODE.**

WHEREAS, the Planning Commission has determined that Chapter 16.90.080 entitled
“Violations designated” is difficult to interpret and administer, and has outdated language; and

WHEREAS, the Planning Commission finds that building codes protect lives, property, and the
public interest; and

WHEREAS, the changes will align the city with the construction codes adopted by the State and
Alaska Housing Finance Corporation, except as specifically amended in the ordinance; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of
Cordova, Alaska hereby recommend to the City Council of the City of Cordova, Alaska to amend Cordova
Municipal Code Title 16 Building Codes and associated references in order to update and clarify the code.

PASSED AND APPROVED THIS 8TH DAY OF February, 2022

Nancy Bird, Chair

ATTEST:

Kevin Johnson, City Planner

**CITY OF CORDOVA, ALASKA
ORDINANCE 1144**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA
REPEAL chapter 16.05 through chapter 16.75 and reenacting chapters 16.10 through
16.30
OF THE CORDOVA MUNICIPAL CODE ENTITLED “BUILDING REGULATION” TO
ADOPTED CURRENT BUILDING CODES AND LOCAL AMENDMENTS, AND
AMENDING SECTIONS**

1.28.085, 18.08.010, 18.17.100, 18.32.055, 18.33.060, 18.33.070, 18.33.080, 18.33.110.
18.34.070, 18.34.080, 18.34.100, 18.38.090, 18.38.100, 18.39.100, 18.44.010, 18.44.020,
18.44.030, 18.44.090, 18.46.030, 18.76.070, AND 18.80.020 **OF THE CORDOVA
MUNICIPAL CODE**

WHEREAS, it is in the City of Cordova’s best interest to clarify the current building codes and local amendments; and

WHEREAS, the current nuisance abatement process requires city council’s initial review of a nuisance complaint but does not provide a right of appeal to the Board of Adjustment; and

WHEREAS, it is in the City’s best interest to streamline the nuisance abatement declaration and hearing process while providing the City administration greater authority in declaring and enforcing nuisances within the City;

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

Section 1. Chapters 16.05 through chapter 16.75 of the Cordova Municipal Code is repealed and reenacted as follows:

Chapter 16.10 - BUILDING REGULATION

- 16.10.050 – Purpose
- 16.10.010 - Adoption of codes.
- 16.10.015 – Conflicts – How resolved.
- 16.10.020 - Copies on file.
- 16.10.030 – Building Code—Modifications.
- 16.10.404 - Building Code—Disclaimers.

Chapter 16.10 - BUILDING REGULATION

16.10.050 – Purpose.

The City of Cordova finds that building codes protect lives, property, and the public interest. The purpose of this chapter is to identify references, standards and procedures that will enable building codes to be implemented within the City.

16.10.010 - Adoption of codes.

The city adopts by reference the following codes:

- A. The current codes adopted by the state, including those from the International Code Council, and any others related to building, mechanical, plumbing, gas fuel, electric and fire, as amended by the state, for all buildings except one- and two-family dwellings and residential accessory buildings.
- B. The current International Residential Code adopted by the with Alaska Housing Finance Corporation Alaska including their specific amendments or current adopted Alaska Finance House Corporation code for residential structures containing three or fewer dwellings and townhouses not more than three stories above grade plane and their accessory structures.
- C. 1997 Uniform Code for Abatement of Dangerous Buildings.

16.10.015 – Conflicts – How Resolved

Although not published in full in this title, all the provisions of these codes shall be and are adopted by reference to the same extent as if set forth in full herein, except to the extent that they shall be in conflict with this code or any relevant ordinance later adopted shall be resolved as follows:

- A. In case of conflict between the above-mentioned codes and other codes adopted in this chapter, the code that, in the opinion of the Building Official, is more restrictive or more protective of public safety shall prevail.
- B. In case of conflict between the codes referenced in this chapter and other development codes adopted by the City, the code that, in the opinion of the head of the Planning and Zoning Department, is more restrictive or more protective of public safety and welfare shall prevail.

16.10.020 - Copies on file.

One copy of each code of technical regulation adopted by reference in Section 16.10.010 shall be kept in the office of the Planning Department.

16.15.030 - Building Code—Modifications.

The city council shall have power to modify the provisions of the Building Codes adopted by this title.

16.15.040 - Building Code—Disclaimers.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Chapter 16.15 - BUILDING CODE ADMINISTRATION

- 16.15.015 - Building Official
- 16.15.020 - Licenses required.
- 16.15.025 - Building permit required.
- 16.15.030 - Building permit fees.
- 16.15.035 - Work exempt from permit.
- 16.15.040 - Appeals.
- 16.15.050 - Reserved
- 16.15.055 - Stop work order.
- 16.15.060 – Violations.

16.15.015 - Building Official.

The building official shall be the officer charged with the administration and enforcement of this title. The head of the Planning and Zoning Department shall act as building official unless the City Manager otherwise designates.

16.15.025 - Licenses required.

- A. It is unlawful to engage in business in the city as a building contractor without having first complied with all State licensing requirements.
- B. A contractor must obtain a City business license per CMC 6.05, prior to beginning work
- C. The term contractor as used in this section means a person or entity that enters into a contract or agreement to construct a building or to provide or install specialized portions of the construction.
- D. City building officials shall be given free access during reasonable working hours to any premises where a contractor or subcontractors is performing work. It shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto for the purpose of making the inspection, the building official who is authorized or directed to make such inspection, and to present to the building official upon request of the official, evidence of compliance with the provisions of this code and State requirements.

16.15.030 - Building permit required.

A building permit shall be required for any work within city limits that involves construction of a new structure, or modifications to structural elements of an existing structure, or changes to the existing footprint or height of a structure, subject to the following provisions:

- A. Application for a building permit shall be filed with the building official on a form approved by them. If the application meets the requirements of this title and any other applicable regulations, the building official will issue a building permit.
- B. In all cases where the planning commission or the board of adjustment has allowed a variance or an exception, the building official shall issue a building permit sufficient to allow such building or work to be done in accordance with that decision; provided, that no permit shall be issued pursuant to any decision until the time for rehearing or for appeal shall have expired and then only in the event that no appeal or application for rehearing shall have been filed within such time.
- C. No building permit shall be issued by the building official without review and approval from the City Planner for zoning compliance. Any permit issued in conflict with the zoning title shall be null and void.
- D. The building permit or copy of it shall be displayed at the work site until completion of the project.
- E. It shall be the duty of every person who performs work for the installation or repair of a building or structure for which this title refers to, to comply with the codes.
- F. The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this title or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of this title shall be valid except insofar as the work or use which is authorized is lawful and permitted.

16.15.035 – Building Permit Fees.

- A. Fees shall be established by resolution of the city council.
- B. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining such permit, the fees specified by resolution shall be doubled.

16.15.040 - Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or any other laws or ordinances. Permits shall not be required for the following:

- A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and 12 feet in height.

16.15.045 - Appeals.

Whenever the building official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the building official in the manner set forth in Section 18.64.040. Appeals of the Planning Commission shall be conducted in the manner set forth in Section 18.64.030.

16.15.050 - Reserved.

16.15.055 - Stop work order.

- A. Upon notice from the building official that work on any building or structure is being performed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.
- B. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

16.15.060 – Violations.

Failure to obey or comply with any provision of this title or any rule, order or regulation issued thereunder is a violation. The minimum penalty upon conviction of a single violation of this chapter is specified in Chapter 1.28.

Chapter 16.20 – INTERNATIONAL BUILDING CODE

The following amendments are made to the International Building Code, 2009 Edition (references are to section numbers in the International Building Code):

- A. Section 1609.3 Basic wind speed, is amended by adding the following:

The basic wind speed in MPH, for the determination of the wind loads shall be 110 MPH.

Chapter 16.30 – INTERNATIONAL RESIDENTIAL CODE

The following amendments are made to the International Residential Code, 2012 Edition (references are to section numbers in the International Residential Code):

- A. R101.1, Title, is amended to read as follows:

This code shall be known as the 2012 International Residential Code (IRC) with amendments and shall be cited as such. It is referred to herein as 'the code'.

- B. R101.2, Scope, is amended to read as follows:

The 2012 IRC with Amendments shall be the referenced code for residential structures containing three or fewer dwellings and townhouses not more than three stories above grade plane in height and their accessory structures.

- C. Part 2, Administration and Enforcement, is deleted.

- D. Table R301.2(1), Climatic and Geographic Design Criteria, is amended to read as follows:

| | | |
|-----------------------------------|---------------------|-----------------------|
| GROUND SNOW LOAD | | 100 lbs. per sq. foot |
| WIND DESIGN | Speed (mph) | 110 miles per hour |
| | Topographic Effects | No |
| SEISMIC DESIGN CATEGORY | | D2 |
| SUBJECT TO DAMAGE FROM | Weathering | Severe |
| | Frost Line Depth | 24" |
| | Termite | No |
| WINTER DESIGN TEMP | | 1° F |
| ICE BARRIER UNDERLAYMENT REQUIRED | | Yes |
| FLOOD HAZARDS | | 2015 FIRM and FIS |
| AIR FREEZING INDEX | | 2500 |
| MEAN ANNUAL TEMP | | |

- E. R302.2, Townhouses, is amended in the exception, to add at the beginning of the paragraph:

If the building is not constructed utilizing a fire-suppression system, a common 2 hour fire-resistance-rated wall shall be used. If it is constructed with an approved fire-suppression system...

- F. R303.3, Bathrooms, is amended to read as follows, with the exception deleted:

Bathrooms, water closet compartments and other similar rooms shall be provided with exhaust ventilation in accordance with the requirements of ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard and per manufacturer requirements.

- G. R303.4, Mechanical ventilation, is amended to read as follows:

Whole-house and spot ventilation shall be installed per the requirements of ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard (chapter 11 of the code with Alaska-specific amendments).

- H. R303.5.1. Intake openings, is amended to read as follows:

Add to the last sentence of the first paragraph:

... and 3 feet horizontally from the contaminant source.

Delete the second paragraph and replace it with:

All mechanical ventilation shall be in accordance with ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard (chapter 11 of the code with Alaska-specific Amendments).

- I. R309.5, Fire sprinklers, is amended so the first sentence reads as follows:

Private garages shall be protected by fire sprinklers where required by the Department of Public Safety and/or where the garage wall has been designed based on Table R302.1(2) Footnote a.

- J. R310.2.2, Window well drainage, is amended to add the following sentence prior to the exception:

Window wells shall be designed to minimize the potential of the well becoming filled with snow and/or standing water which impedes operation of the egress fenestration.

- K. R313, Automatic Fire Sprinkler Systems, is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. If installed, automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. If installed, automatic residential fire sprinkler systems for one- and two-family dwelling units shall be designed and installed in accordance with Section P2904 or NFPA 13D.

L. R317.1, Location required, is amended to delete “naturally durable wood or” from the first sentence.

M. R501.3, Fire protection of floors, is amended to modify exception 2 to read:

Floor assemblies located directly over a crawl space containing a direct-vent, sealed combustion appliance with forced draft exhaust; combustion air intake must terminate to the building exterior. Application of this exception requires installation of a smoke alarm in the crawl space in accordance with the requirements of Section R314 Smoke Alarms, with the exception of R314.3 Location, and a carbon monoxide alarm in accordance with the requirements of Section R315 Carbon Monoxide Alarms.

N. R703.3.1, Panel siding, is amended to add the following to the end of the paragraph:

Exterior type plywood siding with a grooved pattern shall not be installed horizontally and used as the weather resistant siding.

O. R806.1, Ventilation required, is amended to add the following to the beginning of the first sentence and to delete the exception:

When located outside of the building thermal envelope...

P. Table R806.5, Insulation for Condensation Control, is replaced with the following table:

| Table R-A806.5 Insulation for Condensation Control | |
|---|---|
| Air-Permeable Insulation R-Value | Minimum Air-Impermeable Insulation R-Value ^a |
| R-15 | R-30 |
| R-19 | R-38 |
| R-21 | R-42 |
| R-25 | R-50 |
| R-30 | R-60 |
| R-38 | R-76 |
| R-N | 2*(R-N) ^b |
| *Installed on the warm-in-winter side | *Installed on the cold-in-winter side |
| a. Contributes to but doesn't not superseded the requirements in Section N1102. | |

- | |
|---|
| b. Air-Impermeable Insulation R-Value shall equal, at minimum, twice the R-value of the Air Permeable insulation. |
|---|

Q. R807.1, Attic access, is amended to add the following to the end of the paragraph:

Attic access shall not be located in a room containing one or more fixtures in the Bathroom Group. Access may be located in closets with minimum depth of 23 inches and minimum width of 48 inches.

R. Chapter 11, Energy Efficiency, is replaced with the following:

The 2012 Building Energy Efficiency Standard (BEES), being comprised of the 2012 IECC with Alaska-Specific Amendments, is the AHFC energy standard for all residential construction projects.

S. Chapter 12, Mechanical Administration, is deleted.

T. M1301.2, Identification, is replaced with the following:

Each length of uncut pipe and tubing, and each pipe fitting utilized in a mechanical system shall bear the identification of the manufacturer.

U. M1501.1, Outdoor discharge, is amended to delete the exception.

V. M1502.4.2, Duct installation, is amended as follows:

In the first sentence, replace '12' with '10' to conform with section R1604.1.3 Support.

Remove from the end of the third sentence "...and shall be mechanically fastened..." and replace it with "...except where in conflict with the requirements of M1502."

Replace the last sentence with the following:

Dryer exhaust ducts shall not be joined with screws or similar fasteners that protrude into the duct.

W. M1506.2, Exhaust openings, is amended as follows:

Add to the end of the first sentence:

...and 3 feet (914 mm) horizontally from the air intake.

Add the exception:

Exhaust and intake openings that are part of a system engineered to prevent entrainment of exhaust air are exempt; the exemption applies only to the exhaust and

intake that is part of the engineered system only, adjacent exhaust and inlet openings are not exempt.

Add the exception:

A ventilation system's supply and exhaust vents on the exterior of a building may be separated less than 10 feet as long as they are separated a minimum of 6 feet horizontally. (to conform with Alaska-specific amendments to ANSI/ASHRAE 62.2-2010)

X. M1507, Mechanical ventilation is replaced with the following:

Mechanical Ventilation shall be installed per the requirements of ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard and per manufacturer requirements.

Y. M1602.1, Return air, is amended to add to the end of the second sentence:

only if an exhaust fan is installed with automated control such that a positive pressure is not exerted on the structure while the furnace supply air handler is operating. Supply only systems and/or systems designed to induce a positive pressure inside the dwelling with reference to the outdoors are not permitted in Alaska.

Z. M1602.2, Prohibited sources, is amended to add to the end of 1:

...and at least 3' horizontally from the air intake.

AA. Chapter 23, Solar Energy Systems, is replaced with the following:

Per AS 18.60.705 (a)(3): the 1997 edition of the Uniform Solar Energy Code published by the International Association of Plumbing and Mechanical Officials and adopted at the 67th annual conference, September 1996, excluding pages 1-7 of Part I, Administration.

BB. G2412.9, Identification, is replaced with the following:

Each uncut length of pipe and tubing and each pipe fitting, utilized in a fuel gas system, shall bear the identification of the manufacturer.

CC. Chapters 25-43 are deleted.

Chapter 1.28 – Violations

1.28.085-Minor Offense fine Schedule

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below:

16.15.025 A. Engaging in business in the city as a contractor without having first complied with the appropriate provisions of Alaska Statutes. \$300.00 (16.10.020)
16.10.010 Failure to obey or comply with the adopted-building codes. \$300.00 (16.20.204)
16.15.030 Failure to obtain permit from building official. \$300.00 (16.10.020)
16.15.030 E Changing plans and specification after they have been approved by the building official. \$300.00 (16.10.020)
16.15.055 Violation of a stop-work order. \$300.00 (16.10.020)
16.15.055 A. Failure to perform required conditions of stop work order \$300.00 (16.10.020)

18.17.100 - Special provisions.

The following special provisions apply to all land uses within the parks and open space district:

C. The storage of commercial quantities of flammable materials, hazardous materials, or toxic materials on-site shall be prohibited. Smaller quantities of these materials needed for maintenance and operation of permitted facilities may be stored only in strict compliance with, adopted Building Code and other applicable federal, state, and local laws and regulations;

18.32.055 - Rear and side yard requirements.

None, except as necessary to provide required off-street parking and loading as per Chapter 18.48 of this code.

18.33.060 -A. Minimum Setbacks.

1. Front yard-Twenty feet.
2. Side yard and rear – None.

18.33.070 - Lot coverage.

A. None.

18.33.080 - Height.

A. Maximum height of buildings and structures: Three Stories or fifty (50) feet

18.33.110 - Signs.

A. Signs. Signs may be allowed in the waterfront industrial district subject to Chapter 18.44 of this code.

18.34.070 - Minimum setback requirements.

The following are the minimum setback requirements in the WHD.

A. Front yard, side yard, and rear yard setbacks: None

18.34.080 C.

C. The planning and zoning commission may grant conditional use permits for taller buildings subject to requirements of Chapter 18.60.

18.34.100 - Signs.

Signs are permitted subject to Chapter 18.44 of this title.

18.38.090 - Maximum height of structures.

The maximum height of structures is unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches.

18.38.100 - Signs.

Signs may be allowed in connection with any permitted use, subject to the supplementary district regulations and Chapter 18.44 of this title.

18.39.100 - Signs.

Signs are permitted subject to Chapter 18.44 of this title.

18.44.010 - Definitions.

For the purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in the applicable codes adopted in Chapter 16.10. In the applicable code adopted in Chapter 16..

18.44.020 - General provisions.

All signs shall conform in design and construction to the applicable codes adopted in Chapter 16.10. Further, any sign, whether attached to a structure or freestanding, shall be so located as to conform to minimum yard requirements and maximum height requirements of the district in which the sign is located.

18.44.030 - Permit required.

A permit shall be obtained from the building official prior to the installation of any sign in any district, except for those signs exempted from the permit requirement by the terms of this chapter.

18.46.030 - Design and construction requirements.

A. A wind energy system shall conform to the applicable code requirements that are adopted by reference in Title 16 of this Code, and to the requirements in this section.

~~18.76.070 - Building permit.~~

~~A building permit shall be required for the erection, construction, establishment, moving, alteration, enlargement, repair or conversion of any building or structure in any district established by this title, subject to the following provisions:~~

- ~~A. Application for a building permit shall be filed with the building official on a form approved by him. If the application meets the requirements of this title and any other applicable regulations, the building official will issue a building permit.~~

~~B. In all cases where the planning commission or the board of adjustment has allowed a variance or an exception, the building official shall issue a building permit sufficient to allow such building or work to be done in accordance with that decision; provided, that no permit shall be issued pursuant to any decision until the time for rehearing or for appeal shall have expired and then only in the event that no appeal or application for rehearing shall have been filed within such time.~~

~~C. No building permit shall be issued by the building official unless it appears from the application and coincident application for zoning compliance certificate that the building for which such permit is granted conforms to all of the applicable regulations of this title and is to be occupied for a use in conformity with the provisions thereof. Any permit issued in conflict with this title shall be null and void.~~

~~18.80.020 Building permit Scope and validity.~~

~~The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this title or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of this title shall be valid except insofar as the work or use which is authorized is lawful and permitted.~~

PASSED AND APPROVED THIS _____ DAY OF _____, 2022.

ATTEST:

Clay Koplin, Mayor

Susan Bourgeois, CMC, City Clerk

**CITY OF CORDOVA, ALASKA
ORDINANCE 1144**

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WHEREAS, it is in the City of Cordova’s best interest to clarify the current building codes and local amendments; and

WHEREAS, the current nuisance abatement process requires city council’s initial review of a nuisance complaint but does not provide a right of appeal to the Board of Adjustment; and

WHEREAS, it is in the City’s best interest to streamline the nuisance abatement declaration and hearing process while providing the City administration greater authority in declaring and enforcing nuisances within the City;

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

Section 1. Chapters 16.05 through chapter 16.75 of the Cordova Municipal Code- is repealed and reenacted as follows:

Chapter 16.10 - BUILDING REGULATION

- 16.10.050 – Purpose
- 16.10.010 - Adoption of codes.
- 16.10.015 – Conflicts – How resolved.
- 16.10.020 - Copies on file.
- 16.10.030 – Building Code—Modifications.
- 16.10.404 - Building Code—Disclaimers.

Chapter 16.10 - BUILDING REGULATION

16.10.050 – Purpose.

The City of Cordova finds that building codes protect lives, property, and the public interest. The purpose of this chapter is to identify references, standards and procedures that will enable building codes to be implemented within the City.

16.10.010 - Adoption of codes.

The city adopts by reference the following codes:

- A. The current codes adopted by the state, including those from the International Code Council, and any others related to building, mechanical, plumbing, gas fuel, electric and fire, as amended by the state, for all buildings except one- and two-family dwellings and residential accessory buildings.
- B. The current International Residential Code adopted by the ~~with~~ Alaska Housing Finance Corporation Alaska including their specific amendments or current adopted Alaska Finance House Corporation code for residential structures containing three or fewer dwellings and townhouses not more than three stories above grade plane and their accessory structures.
- C. 1997 Uniform Code for Abatement of Dangerous Buildings.

16.10.015 – Conflicts – How Resolved

Although not published in full in this title, all the provisions of these codes shall be and are adopted by reference to the same extent as if set forth in full herein, except to the extent that they shall be in conflict with this code or any relevant ordinance later adopted shall be resolved as follows:

- A. In case of conflict between the above-mentioned codes and other codes adopted in this chapter, the code that, in the opinion of the Building Official, is more restrictive or more protective of public safety shall prevail.
- B. In case of conflict between the codes referenced in this chapter and other development codes adopted by the City, the code that, in the opinion of the head of the Planning and Zoning Department, is more restrictive or more protective of public safety and welfare shall prevail.

16.10.020 - Copies on file.

One copy of each code of technical regulation adopted by reference in Section 16.10.010 shall be kept in the office of the Planning Department.

16.15.030 - Building Code—Modifications.

The city council shall have power to modify the provisions of the Building Codes adopted by this title.

16.15.040 - Building Code—Disclaimers.

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter. The city council hereby declares that it would have passed the ordinance codified in this chapter, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Chapter 16.15 - BUILDING CODE ADMINISTRATION

- 16.15.015 - Building Official
- 16.15.020 - Licenses required.
- 16.15.025 - Building permit required.
- 16.15.030 - Building permit fees.
- 16.15.035 - Work exempt from permit.
- 16.15.040 - Appeals.
- 16.15.050 - Reserved
- 16.15.055 - Stop work order.
- 16.15.060 – Violations.

16.15.015 - Building Official.

The building official shall be the officer charged with the administration and enforcement of this title. The head of the Planning and Zoning Department shall act as building official unless the City Manager otherwise designates.

16.15.025 - Licenses required.

- A. It is unlawful to engage in business in the city as a building contractor without having first complied with all State licensing requirements.
- B. A contractor must obtain a City business license per CMC 6.05, prior to beginning work
- C. The term contractor as used in this section means a person or entity that enters into a contract or agreement to construct a building or to provide or install specialized portions of the construction.
- D. City building officials shall be given free access during reasonable working hours to any premises where a contractor or subcontractors is performing work. It shall be the duty of the licensee or the person in charge of the premises to be inspected to admit thereto for the purpose of making the inspection, the building official who is authorized or directed to make such inspection, and to present to the building official upon request of the official, evidence of compliance with the provisions of this code and State requirements.

16.15.030 - Building permit required.

A building permit shall be required for any work within city limits that involves construction of a new structure, or modifications to structural elements of an existing structure, or changes to the existing footprint or height of a structure ~~the erection, construction, establishment, moving, alteration, enlargement, repair or conversion of any building or structure in any district established by this title~~, subject to the following provisions:

- A. Application for a building permit shall be filed with the building official on a form approved by them. If the application meets the requirements of this title and any other applicable regulations, the building official will issue a building permit.
- B. In all cases where the planning commission or the board of adjustment has allowed a variance or an exception, the building official shall issue a building permit sufficient to allow such building or work to be done in accordance with that decision; provided, that no permit shall be issued pursuant to any decision until the time for rehearing or for appeal shall have expired and then only in the event that no appeal or application for rehearing shall have been filed within such time.
- C. No building permit shall be issued by the building official without ~~a coincident review and approval from the City Planner application~~ for zoning compliance. Any permit issued in conflict with the zoning title shall be null and void.
- D. The building permit or copy of it shall be displayed at the work site until completion of the project.
- E. It shall be the duty of every person who performs work for the installation or repair of a building or structure for which this title refers to, to comply with the codes.
- F. The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this title or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of this title shall be valid except insofar as the work or use which is authorized is lawful and permitted.

16.15.035 – Building Permit Fees.

- A. Fees shall be established by resolution of the city council.
- B. Where work for which a permit is required by this chapter is started or proceeded with prior to obtaining such permit, the fees specified by resolution shall be doubled.

16.15.040 - Work exempt from permit.

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the code or ~~if~~ any other laws or ordinances. Permits shall not be required for the following:

- A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and 12 feet in height.

16.15.045 - Appeals.

Whenever the building official shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the building official in the manner set forth in Section 18.64.040. Appeals of the Planning Commission shall be conducted in the manner set forth in Section 18.64.030.

16.15.050 - Reserved.

16.15.055 - Stop work order.

- A. Upon notice from the building official that work on any building or structure is being performed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.
- B. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

16.15.060 – Violations.

Failure to obey or comply with any provision of this title or any rule, order or regulation issued thereunder is a violation. The minimum penalty upon conviction of a single violation of this chapter is specified in Chapter 1.28.

Chapter 16.20 – INTERNATIONAL BUILDING CODE

The following amendments are made to the International Building Code, 2009 Edition (references are to section numbers in the International Building Code):

- A. Section 1609.3 Basic wind speed, is amended by adding the following:

The basic wind speed in MPH, for the determination of the wind loads shall be 110 MPH.

~~B.— Appendix H—Signs is adopted.~~

Chapter 16.30 – INTERNATIONAL RESIDENTIAL CODE

The following amendments are made to the International Residential Code, 2012 Edition (references are to section numbers in the International Residential Code):

- A. R101.1, Title, is amended to read as follows:

This code shall be known as the 2012 International Residential Code (IRC) with amendments and shall be cited as such. It is referred to herein as 'the code'.

- B. R101.2, Scope, is amended to read as follows:

The 2012 IRC with Amendments shall be the referenced code for residential structures containing three or fewer dwellings and townhouses not more than three stories above grade plane in height and their accessory structures.

- C. Part 2, Administration and Enforcement, is deleted.

- D. Table R301.2(1), Climatic and Geographic Design Criteria, is amended to read as follows:

| | | |
|-----------------------------------|---------------------|-----------------------|
| GROUND SNOW LOAD | | 100 lbs. per sq. foot |
| WIND DESIGN | Speed (mph) | 110 miles per hour |
| | Topographic Effects | No |
| SEISMIC DESIGN CATEGORY | | D2 |
| SUBJECT TO DAMAGE FROM | Weathering | Severe |
| | Frost Line Depth | 24" |
| | Termite | No |
| WINTER DESIGN TEMP | | 1° F |
| ICE BARRIER UNDERLAYMENT REQUIRED | | Yes |
| FLOOD HAZARDS | | 2015 FIRM and FIS |
| AIR FREEZING INDEX | | 2500 |
| MEAN ANNUAL TEMP | | |

- E. R302.2, Townhouses, is amended in the exception, to add at the beginning of the paragraph:

If the building is not constructed utilizing a fire-suppression system, a common 2 hour fire-resistance-rated wall shall be used. If it is constructed with an approved fire-suppression system...

- F. R303.3, Bathrooms, is amended to read as follows, with the exception deleted:

Bathrooms, water closet compartments and other similar rooms shall be provided with exhaust ventilation in accordance with the requirements of ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard and per manufacturer requirements.

- G. R303.4, Mechanical ventilation, is amended to read as follows:

Whole-house and spot ventilation shall be installed per the requirements of ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard (chapter 11 of the code with Alaska-specific amendments).

- H. R303.5.1. Intake openings, is amended to read as follows:

Add to the last sentence of the first paragraph:

... and 3 feet horizontally from the contaminant source.

Delete the second paragraph and replace it with:

All mechanical ventilation shall be in accordance with ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard (chapter 11 of the code with Alaska-specific Amendments).

- I. R309.5, Fire sprinklers, is amended so the first sentence reads as follows:

Private garages shall be protected by fire sprinklers where required by the Department of Public Safety and/or where the garage wall has been designed based on Table R302.1(2) Footnote a.

- J. R310.2.2, Window well drainage, is amended to add the following sentence prior to the exception:

Window wells shall be designed to minimize the potential of the well becoming filled with snow and/or standing water which impedes operation of the egress fenestration.

- K. R313, Automatic Fire Sprinkler Systems, is amended to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. If installed, automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section P2904.

R313.2 One- and two-family dwellings automatic fire sprinkler systems. If installed, automatic residential fire sprinkler systems for one- and two-family dwelling units shall be designed and installed in accordance with Section P2904 or NFPA 13D.

L. R317.1, Location required, is amended to delete “naturally durable wood or” from the first sentence.

M. R501.3, Fire protection of floors, is amended to modify exception 2 to read:

Floor assemblies located directly over a crawl space containing a direct-vent, sealed combustion appliance with forced draft exhaust; combustion air intake must terminate to the building exterior. Application of this exception requires installation of a smoke alarm in the crawl space in accordance with the requirements of Section R314 Smoke Alarms, with the exception of R314.3 Location, and a carbon monoxide alarm in accordance with the requirements of Section R315 Carbon Monoxide Alarms.

~~N. R703.2, Water resistive barrier, is amended to add the following at the beginning of the sentence:~~

~~When installed or required by the manufacturer...~~

~~O.N.~~ R703.3.1, Panel siding, is amended to add the following to the end of the paragraph:

Exterior type plywood siding with a grooved pattern shall not be installed horizontally and used as the weather resistant siding.

~~P.O.~~ R806.1, Ventilation required, is amended to add the following to the beginning of the first sentence and to delete the exception:

When located outside of the building thermal envelope...

~~Q.P.~~ Table R806.5, Insulation for Condensation Control, is replaced with the following table:

| Table R-A806.5 Insulation for Condensation Control | |
|---|---|
| Air-Permeable Insulation R-Value | Minimum Air-Impermeable Insulation R-Value ^a |
| R-15 | R-30 |
| R-19 | R-38 |
| R-21 | R-42 |
| R-25 | R-50 |
| R-30 | R-60 |

| | |
|---|---------------------------------------|
| R-38 | R-76 |
| R-N | $2*(R-N)^b$ |
| *Installed on the warm-in-winter side | *Installed on the cold-in-winter side |
| a. Contributes to but doesn't not superseded the requirements in Section N1102. | |
| b. Air-Impermeable Insulation R-Value shall equal, at minimum, twice the R-value of the Air Permeable insulation. | |

R.Q. R807.1, Attic access, is amended to add the following to the end of the paragraph:

Attic access shall not be located in a room containing one or more fixtures in the Bathroom Group. Access may be located in closets with minimum depth of 23 inches and minimum width of 48 inches.

S.R. Chapter 11, Energy Efficiency, is replaced with the following:

The 2012 Building Energy Efficiency Standard (BEES), being comprised of the 2012 IECC with Alaska-Specific Amendments, is the AHFC energy standard for all residential construction projects.

T.S. Chapter 12, Mechanical Administration, is deleted.

U.T. M1301.2, Identification, is replaced with the following:

Each length of uncut pipe and tubing, and each pipe fitting utilized in a mechanical system shall bear the identification of the manufacturer.

V.U. M1501.1, Outdoor discharge, is amended to delete the exception.

W.V. M1502.4.2, Duct installation, is amended as follows:

In the first sentence, replace '12' with '10' to conform with section R1604.1.3 Support.

Remove from the end of the third sentence "...and shall be mechanically fastened..." and replace it with "...except where in conflict with the requirements of M1502."

Replace the last sentence with the following:

Dryer exhaust ducts shall not be joined with screws or similar fasteners that protrude into the duct.

X.W. M1506.2, Exhaust openings, is amended as follows:

Add to the end of the first sentence:

...and 3 feet (914 mm) horizontally from the air intake.

Add the exception:

Exhaust and intake openings that are part of a system engineered to prevent entrainment of exhaust air are exempt; the exemption applies only to the exhaust and intake that is part of the engineered system only, adjacent exhaust and inlet openings are not exempt.

Add the exception:

A ventilation system's supply and exhaust vents on the exterior of a building may be separated less than 10 feet as long as they are separated a minimum of 6 feet horizontally. (to conform with Alaska-specific amendments to ANSI/ASHRAE 62.2-2010)

~~Y.X.~~ M1507, Mechanical ventilation is replaced with the following:

Mechanical Ventilation shall be installed per the requirements of ANSI/ASHRAE 62.2-2010 as amended in R403.5 of the 2012 Building Energy Efficiency Standard and per manufacturer requirements.

~~Z.Y.~~ M1602.1, Return air, is amended to add to the end of the second sentence:

only if an exhaust fan is installed with automated control such that a positive pressure is not exerted on the structure while the furnace supply air handler is operating. Supply only systems and/or systems designed to induce a positive pressure inside the dwelling with reference to the outdoors are not permitted in Alaska.

~~AA.Z.~~ M1602.2, Prohibited sources, is amended to add to the end of 1:

...and at least 3' horizontally from the air intake.

~~BB.AA.~~ Chapter 23, Solar Energy Systems, is replaced with the following:

Per AS 18.60.705 (a)(3): the 1997 edition of the Uniform Solar Energy Code published by the International Association of Plumbing and Mechanical Officials and adopted at the 67th annual conference, September 1996, excluding pages 1-7 of Part I, Administration.

~~CC.BB.~~ G2412.9, Identification, is replaced with the following:

Each uncut length of pipe and tubing and each pipe fitting, utilized in a fuel gas system, shall bear the identification of the manufacturer.

~~DD.CC.~~ Chapters 25-43 are deleted.

Chapter 1.28 – Violations

1.28.085-Minor Offense fine Schedule

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below:

- ~~16.10.015(a & b)~~ **16.15.3025 A.** Engaging in business in the city as a ~~building~~ contractor ~~or electrical contractor~~ without having first complied with the appropriate provisions of Alaska Statutes. \$300.00 (16.10.020)
- ~~16.20.204~~ 16.10.010 Failure to obey or comply with the ~~Uniform Mechanical Code, 1985 Edition~~ adopted building codes. \$300.00 (16.20.204)
- ~~16.30.015~~ 16.15.030 Failure to obtain permit from building official ~~for installing electrical equipment within or on any premises.~~ \$300.00 (16.10.020)
- ~~16.30.025(a & b)~~ 16.15.030 E Changing plans and specification after they have been approved by the building official. \$300.00 (16.10.020)
- ~~16.30.045~~ Failure to repair, replace or alter electrical systems deemed to be unsafe by the ~~building official.~~ \$300.00 (16.10.020)
- ~~16.30.050~~ 16.15.055 Violation of a stop-work order. \$300.00 (16.10.020)
- ~~16.30.055~~ **16.15.055 A** Failure to obtain a new permit when work is recommenced perform ~~recommended~~ required conditions of stop work order ~~or after work has been suspended or abandoned for more than 180 days.~~ \$300.00 (16.10.020)

18.17.100 - Special provisions.

The following special provisions apply to all land uses within the parks and open space district:

C. The storage of commercial quantities of flammable materials, hazardous materials, or toxic materials on-site shall be prohibited. Smaller quantities of these materials needed for maintenance and operation of permitted facilities may be stored only in strict compliance with, adopted International Building Code and other applicable federal, state, and local laws and regulations;

18.32.055 - Rear and side yard requirements.

None, except as necessary to provide required off-street parking and loading as per Chapter

18.48 of this code. ~~and to comply with the Uniform Building Code as adopted by the city~~

18.33.060 -A. Minimum Setbacks.

1. Front yard-Twenty feet.

2. Side yard and rear ~~– None. yard: subject to adopted International Building Code Uniform Building Code regarding fire walls and separation of buildings.~~

18.33.070 - Lot coverage.

A. ~~Maximum lot coverage by all buildings and structures as regulated by the Uniform Building Codes-None.~~

18.33.080 - Height.

A. Maximum height of buildings and structures: Three Stories or fifty (50) feet ~~subject to Uniform Building Code the.~~

18.33.110 - Signs.

A. Signs. Signs may be allowed in the waterfront industrial district subject to ~~the supplementary district regulations, the Uniform Sign Code adopted International Building Code, as set forth in and~~ Chapter 18.44 of this code.

18.34.070 - Minimum setback requirements.

The following are the minimum setback requirements in the WHD.

A. Front yard, side yard, and rear yard setbacks: ~~None subject to Uniform Building Code requirements regarding building construction type, occupancy, separation distance between buildings, access and egress. Zero lot line construction is not expressly prohibited.~~

18.34.080 C.

C. The planning and zoning commission may grant conditional use permits for taller buildings subject to requirements of ~~Chapter 18.60, the uniform building code and the policies in the Cordova coastal management plan regarding the maintenance of visual access to coastal waters.~~

18.34.100 - Signs.

Signs are permitted subject to the ~~Uniform Sign Code~~ and Chapter 18.44 of this title.

18.38.090 - Maximum height of structures.

The maximum height of structures is unrestricted, except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches. ~~and conform with the Uniform Building~~

18.38.100 - Signs.

Signs may be allowed in connection with any permitted use, subject to the supplementary district regulations ~~and the Uniform Sign Code. Signs are permitted subject to the adopted International Building Code~~ and Chapter 18.44 of this title.

18.39.100 - Signs.

Signs are permitted subject to ~~the Uniform Sign~~ Chapter 18.44 of this title.

18.44.010 - Definitions.

For the purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in ~~the applicable codes adopted in Chapter 16.10. In the applicable code adopted in Chapter 16, either Chapter 2 of the Uniform Sign Code, 1985 Edition, or the Uniform Building Code. Further, "sign" shall be construed as defined under Section 18.08.520 of this title.~~

18.44.020 - General provisions.

All signs shall conform in design and construction to ~~the applicable codes adopted in Chapter 16.10, Chapter 4 of the Uniform Sign Code, 1985 Edition.~~ Further, any sign, whether attached to a structure or freestanding, shall be so located as to conform to minimum yard requirements and maximum height requirements of the district in which the sign is located.

18.44.030 - Permit required.

A permit shall be obtained from the building official prior to the installation of any sign in any district, except for those signs ~~exempted from the permit requirement by the terms of the Uniform Sign Code, 1985 Edition, or those signs~~ exempted from the permit requirement by the terms of this chapter. ~~The procedure for obtaining a sign permit shall be as set forth in Chapter 3 of the Uniform Sign Code, 1985 Edition.~~

18.46.030 - Design and construction requirements.

A. A wind energy system shall conform to the applicable code requirements that are adopted by reference ~~in Section 16.05.010 and amended~~ in Title 16 of this Code, and to the requirements in this section.

~~18.76.070—Building permit.~~

~~A building permit shall be required for the erection, construction, establishment, moving, alteration, enlargement, repair or conversion of any building or structure in any district established by this title, subject to the following provisions:~~

~~A. Application for a building permit shall be filed with the building official on a form approved by him. If the application meets the requirements of this title and any other applicable regulations, the building official will issue a building permit.~~

~~B. In all cases where the planning commission or the board of adjustment has allowed a variance or an exception, the building official shall issue a building permit sufficient to allow such building or work to be done in accordance with that decision; provided, that no permit shall be issued pursuant to any decision until the time for rehearing or for appeal shall have expired and then only in the event that no appeal or application for rehearing shall have been filed within such time.~~

~~C. No building permit shall be issued by the building official unless it appears from the application and coincident application for zoning compliance certificate that the building for which such permit is granted conforms to all of the applicable regulations of this title and is to be occupied for a use in conformity with the provisions thereof. Any permit issued in conflict with this title shall be null and void.~~

~~18.80.020—Building permit—Scope and validity.~~

~~The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this title or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of this title shall be valid except insofar as the work or use which is authorized is lawful and permitted.~~

PASSED AND APPROVED THIS _____ DAY OF _____, ~~2016~~2022.

ATTEST:

Clay Koplin, Mayor

Susan Bourgeois, CMC, City Clerk



AGENDA ITEM # 10a

Planning Commission Meeting Date: 2/8/22

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner

DATE: 2/8/22

ITEM: Resolution 22-02 - 2022 Land Disposal Maps

NEXT STEP: Make a Recommendation to City Council via Resolution

☐ INFORMATION
☐ MOTION
☒ RESOLUTION

I. REQUEST OR ISSUE:

The Land Disposal Maps are updated annually. At this time, the Planning Commission should review the 2022 Land Disposal Map document to make a recommendation to City Council to adopt the update the proposed update.

II. RECOMMENDED ACTION / NEXT STEP:

“I move to approve Resolution 22-02”

Once the motion to approve the resolution is on the table, the commission should discuss the maps and make changes as they see fit. For clarity, please discuss each action separately.

If an action clearly has unanimous consent, no motion to amend is necessary. If there are differing opinions concerning any amendments, then a motion to amend the maps should be made and voted on by voice vote.

III. FISCAL IMPACTS:

Land disposals can be a revenue source for the city.

IV. BACKGROUND INFORMATION:

The descriptions of the map designations and the update policy are on the cover page of the 2021 Land Disposal Maps document, attached.

Specific Updates by Map Page:

- Map Designations
 - The description of “Leased” property was modified to include clarification on when these properties are eligible for someone to submit a Letter of Interest. staff has proposed that no Letter of Interest may be submitted until the last year of the specific lease term. This allows for the city to review options for future tenants and reduce any down time between tenants thus reduce lost rental revenue.
- Old Town
 - Remove East Half Lot 3 Block 17 Original Townsite from Disposal Map due to sale of property
- Odiak Park
 - Remove East Half Lot 10 Block 6 USS 3345 from Disposal Map due to sale of property

V. LEGAL ISSUES:

N/A

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY AND ALTERNATIVES:

N/A

VII. ATTACHMENTS:

- A. Resolution 22-02
- B. 2022 Land Disposal Map
- C. 2022 Land Disposal Map Cover Page ~~Strikethrough~~ Underline

**CITY OF CORDOVA, ALASKA
PLANNING COMMISSION
RESOLUTION 22-02**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORDOVA,
ALASKA RECOMMENDING THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA
ADOPT THE 2022 LAND DISPOSAL MAPS**

WHEREAS, the City of Cordova's City Manager and City Planner are directed by Cordova Municipal Code Section 5.22.040(B) – *The city manager shall refer a letter of interest from a qualified interested party to the city planner. If the city planner finds that the real property is available for lease or purchase, the city planner shall schedule the letter of interest for review by the planning commission;* and City of Cordova's Planning Commission is directed by Cordova Municipal Code Section 5.22.040(C) – *The planning commission shall review the letter of interest and recommend to the city council whether to offer the real property interest for disposal by one of the methods as described in Section 5.22.060(B);* and

WHEREAS, the Planning Commission has determined that annually reviewing and recommending the Land Disposal Maps for City Council's approval will enable the City Manager and City Planner to efficiently determine if land is available for purchase, lease, or lease to purchase; and

WHEREAS, the Planning Commission has identified these Land Disposal Maps as the most current and updated version to be used in the land disposal process; and

WHEREAS, having annually updated maps will benefit the citizens of Cordova by providing maps for public review.

NOW, THEREFORE BE IT RESOLVED THAT the Planning Commission of the City of Cordova, Alaska hereby recommend the City Council of the City of Cordova, Alaska adopt the 2022 Land Disposal Maps.

PASSED AND APPROVED THIS 8TH DAY OF FEBRUARY, 2022

Nancy Bird, Chair

ATTEST:

Leif Stavig, City Planner

2022 Land Disposal Maps

Adopted by City Council: xx/xx/xx

Map Designations

Available – Available to purchase, lease, or lease with an option to purchase. Any of these lots may have conditions or special criteria that must be met.

Available - Requires Subdivision – These parcels are considered ‘Available.’ These are large parcels of land which would most likely be developed as a subdivision. The disposal process for these parcels may require some or all of the following: city acquiring title to the land from the state, surveying, or subdivision development agreements. Many of these parcels contain city improvements that would not be disposed of, such as access roads, water infrastructure, trails, cemeteries, etc.

Not Available – These parcels include substandard lots, snow dumps, property with improvements/buildings on them, or other lots used or occupied by the city. The city manager will accept a Letter of Interest from an interested party who requests the property designation be changed to ‘Available,’ however the existing city use of the property will be examined and carefully weighed against the letter of interest.

Tidelands – A Letter of Interest to purchase or lease tidelands will be reviewed by the Planning Commission following a recommendation by the Harbor Commission. The Planning Commission will make a recommendation on disposing of the tidelands to City Council.

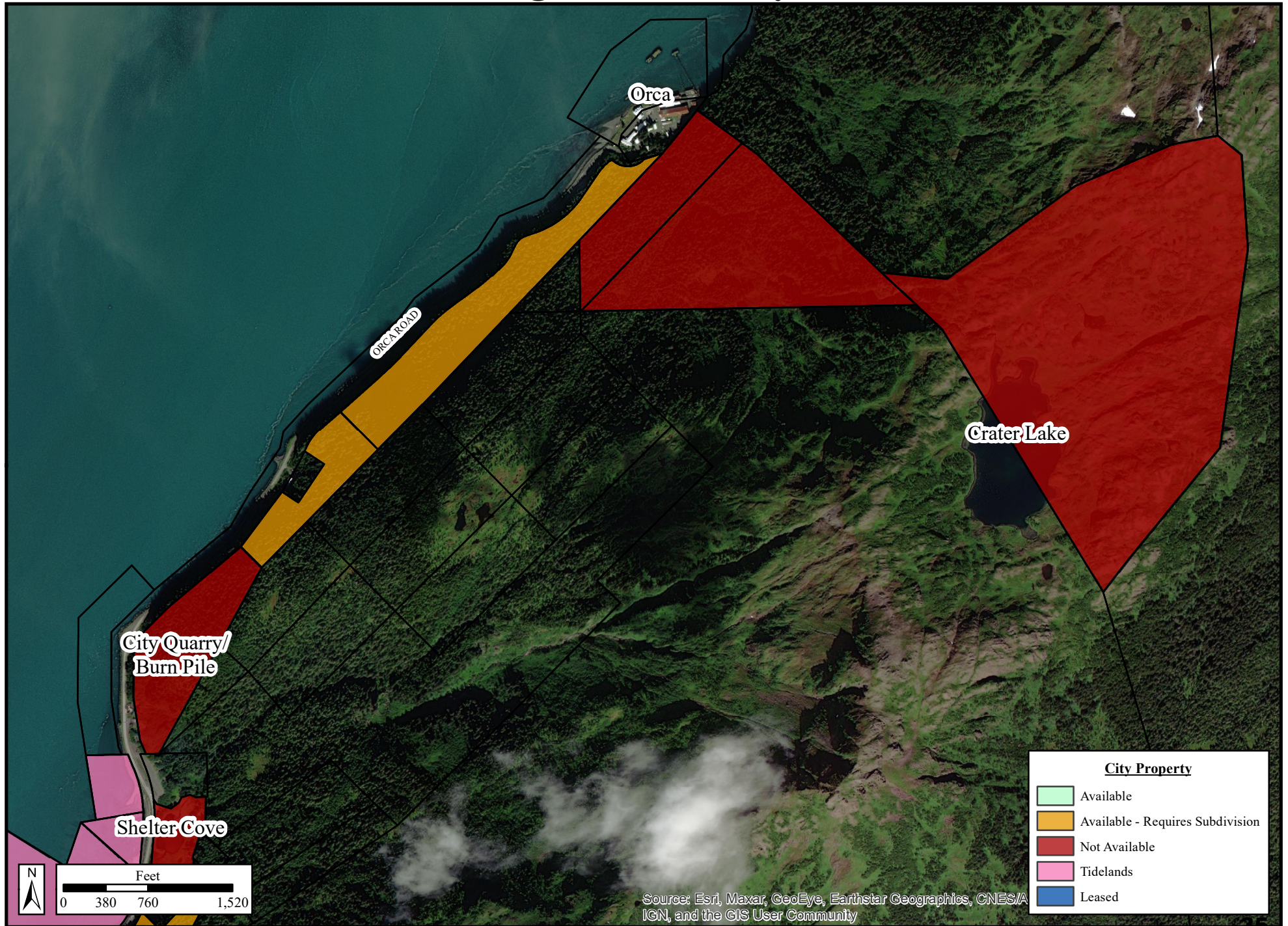
Leased – These are parcels currently leased to a business or government entity by the city. There are leases that are short term, others are long term leases with substantial improvements on the property. Some leased property has an option to purchase. A Letter of Interest for a property that is under lease may be considered when the lease enters the final year of its term.

Update Policy

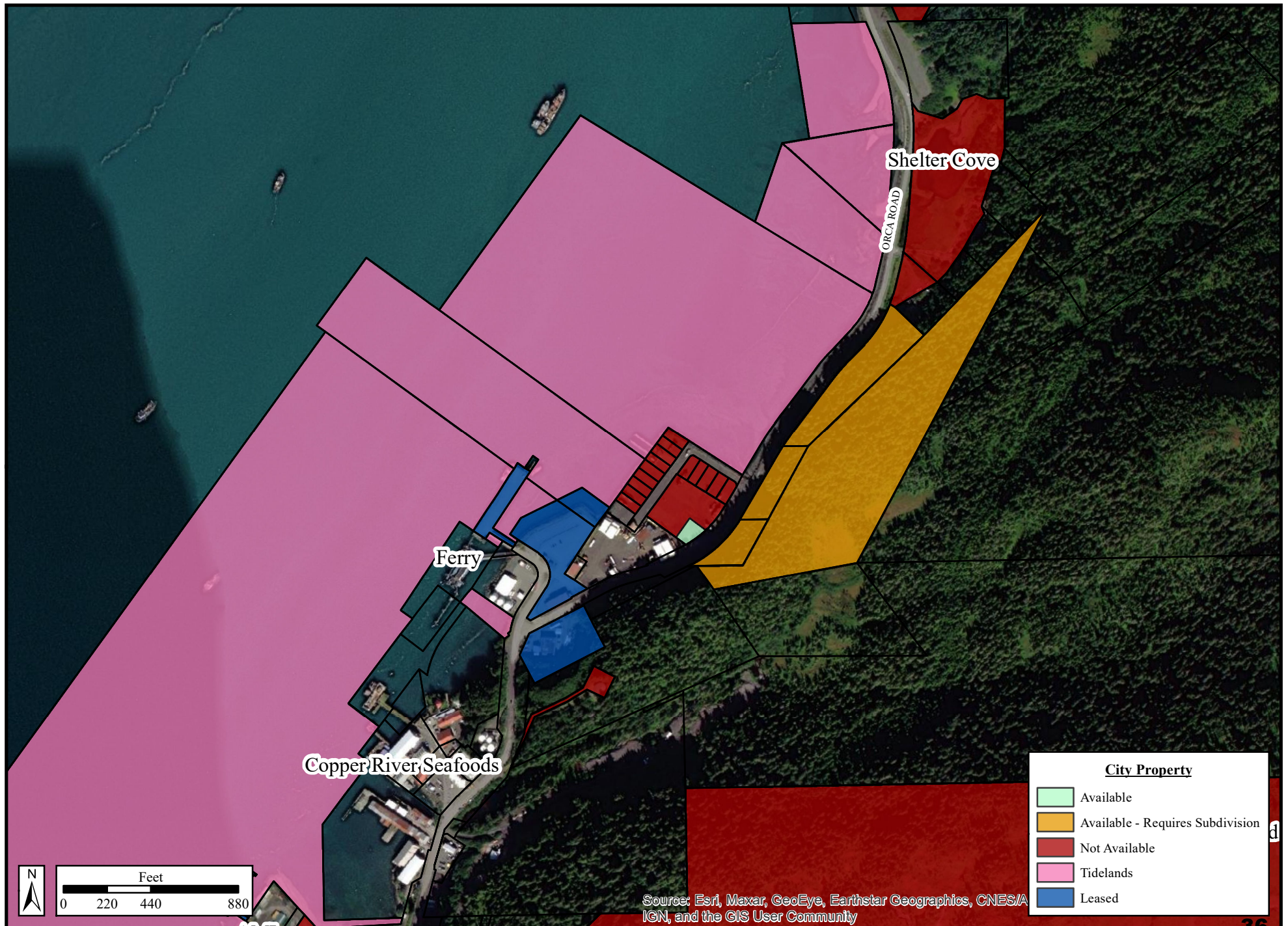
Maps will be updated on an annual basis by the Planning Department staff, reviewed by the Planning Commission, and adopted by City Council. This update process begins each year with updated maps being presented to the Planning Commission in January, but the maps may be modified throughout the year on a case-by-case basis.

For more information on the land disposal process, refer to Chapter 5.22 of the Cordova Municipal Code, or direct your questions to the Planning Department staff.

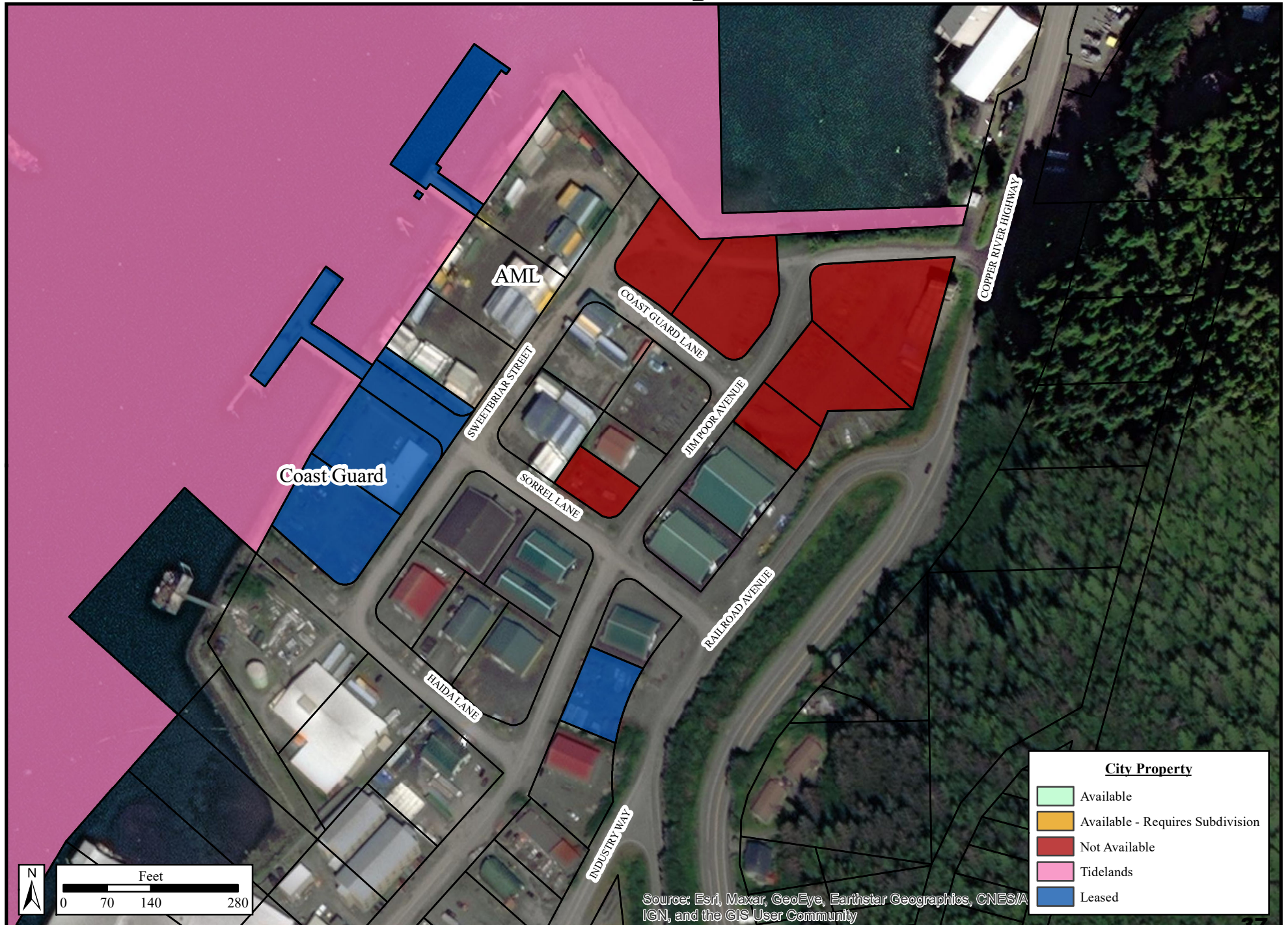
New England Cannery Road



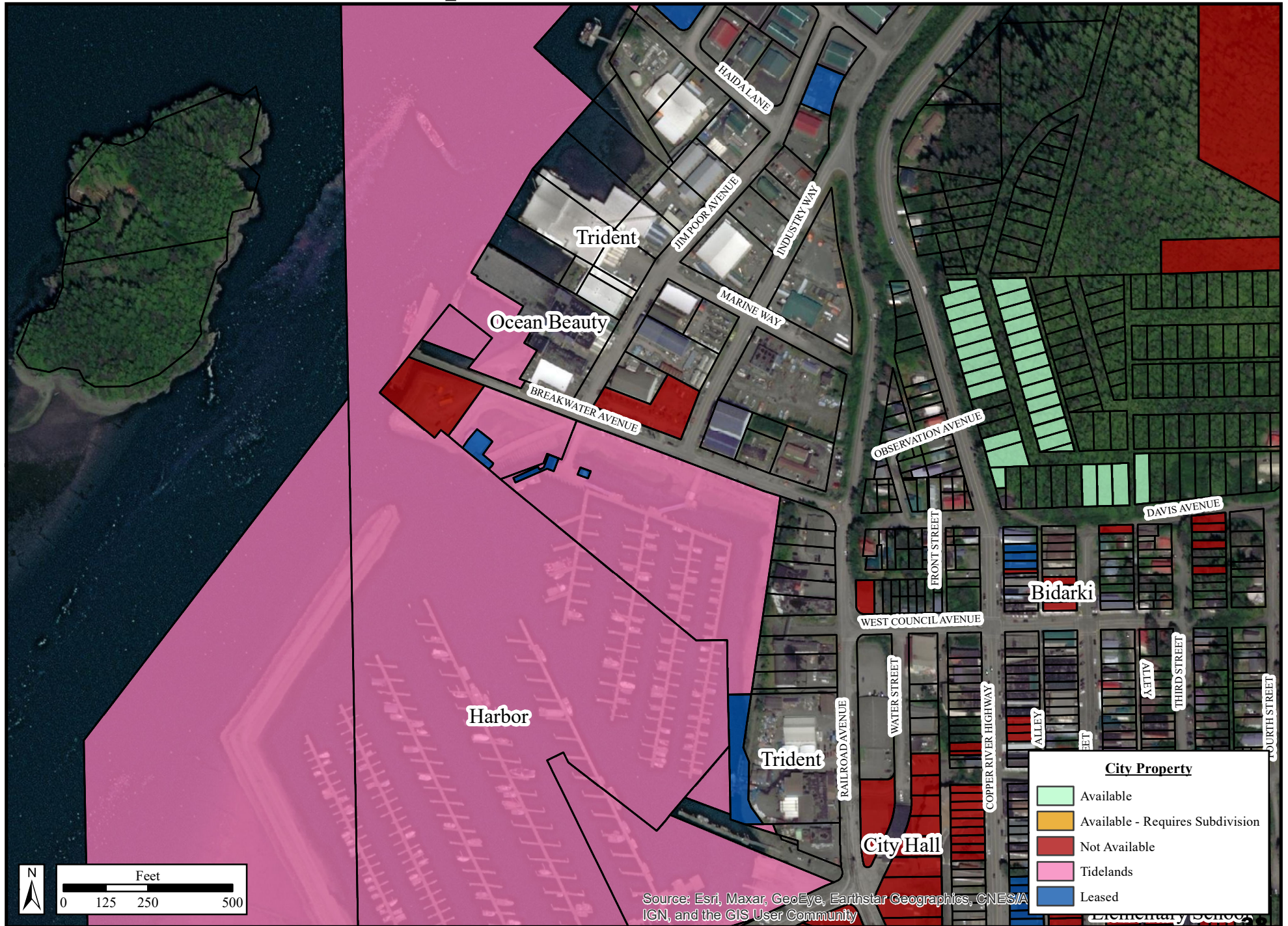
Ocean Dock Subdivision



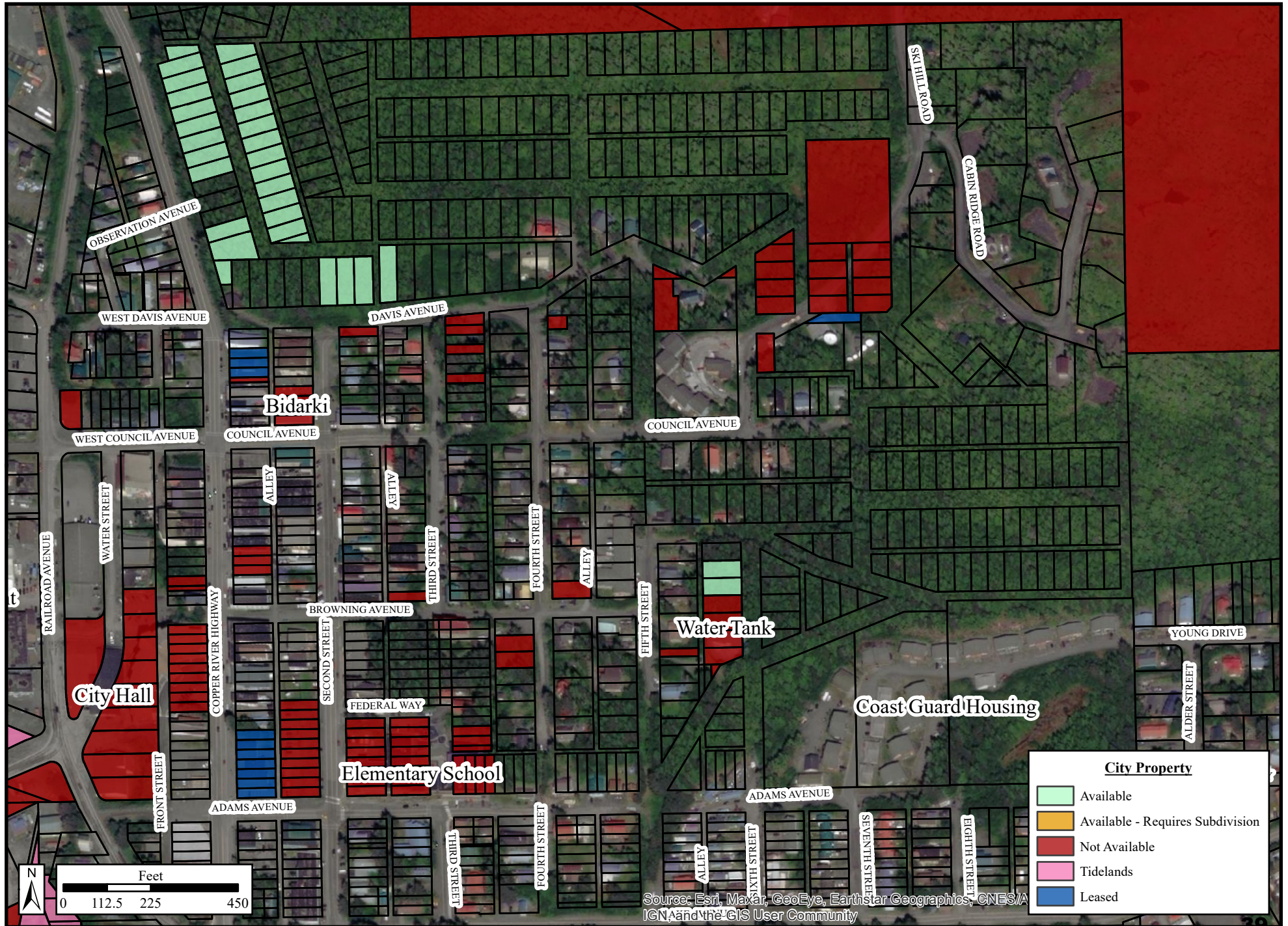
North Fill Development Park



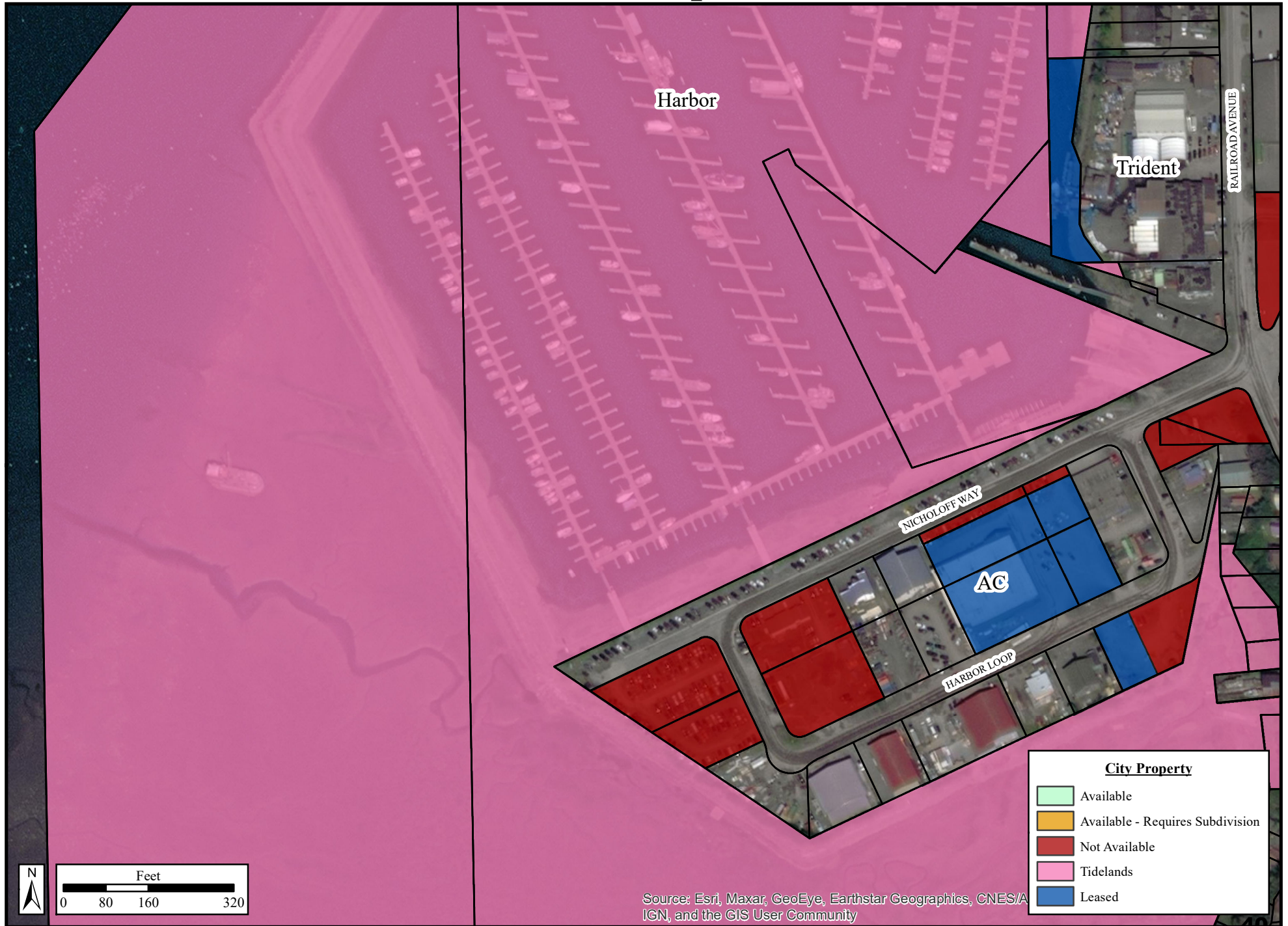
Tidewater Development Park & Cordova Industrial Park



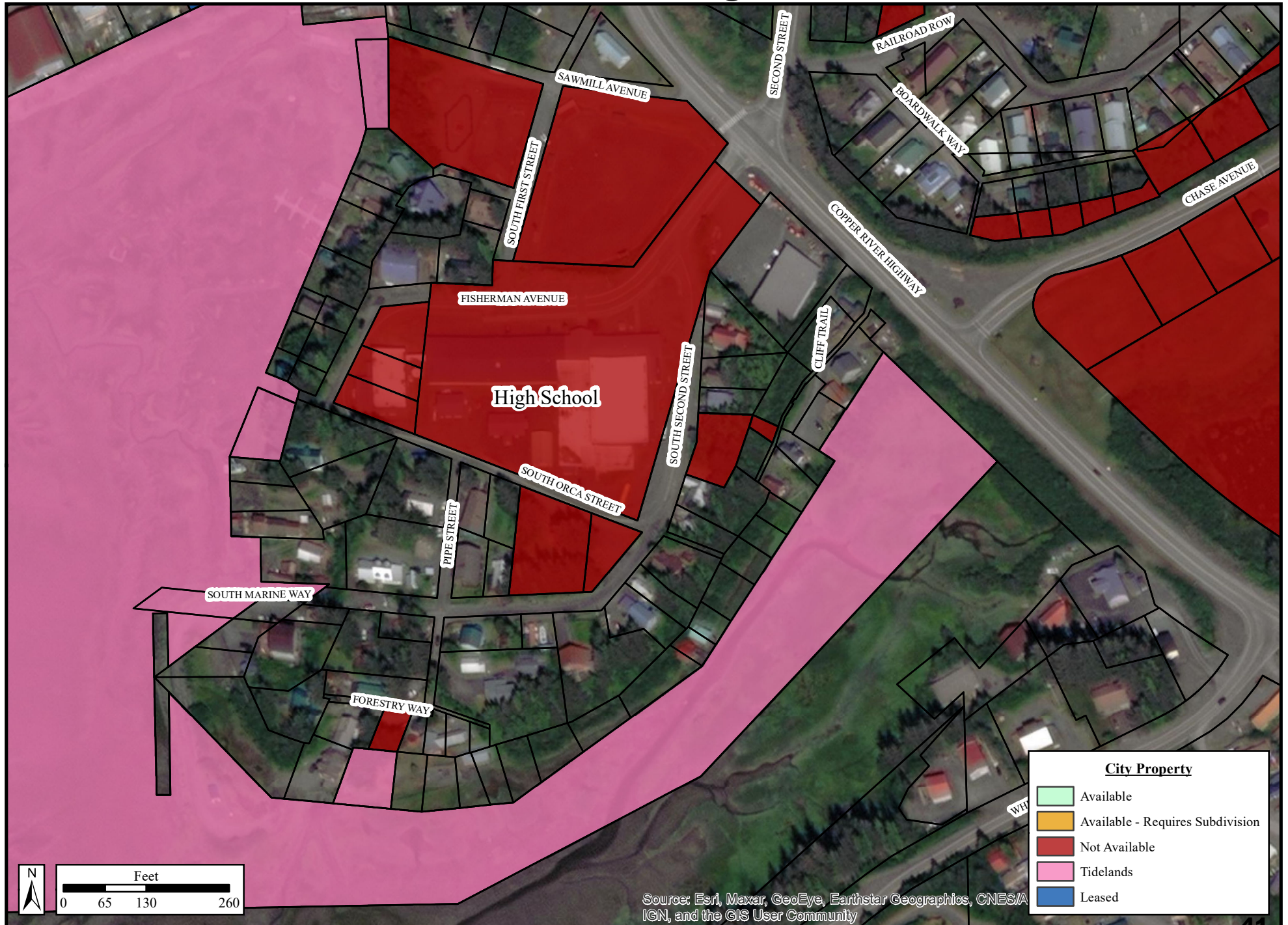
Old Town



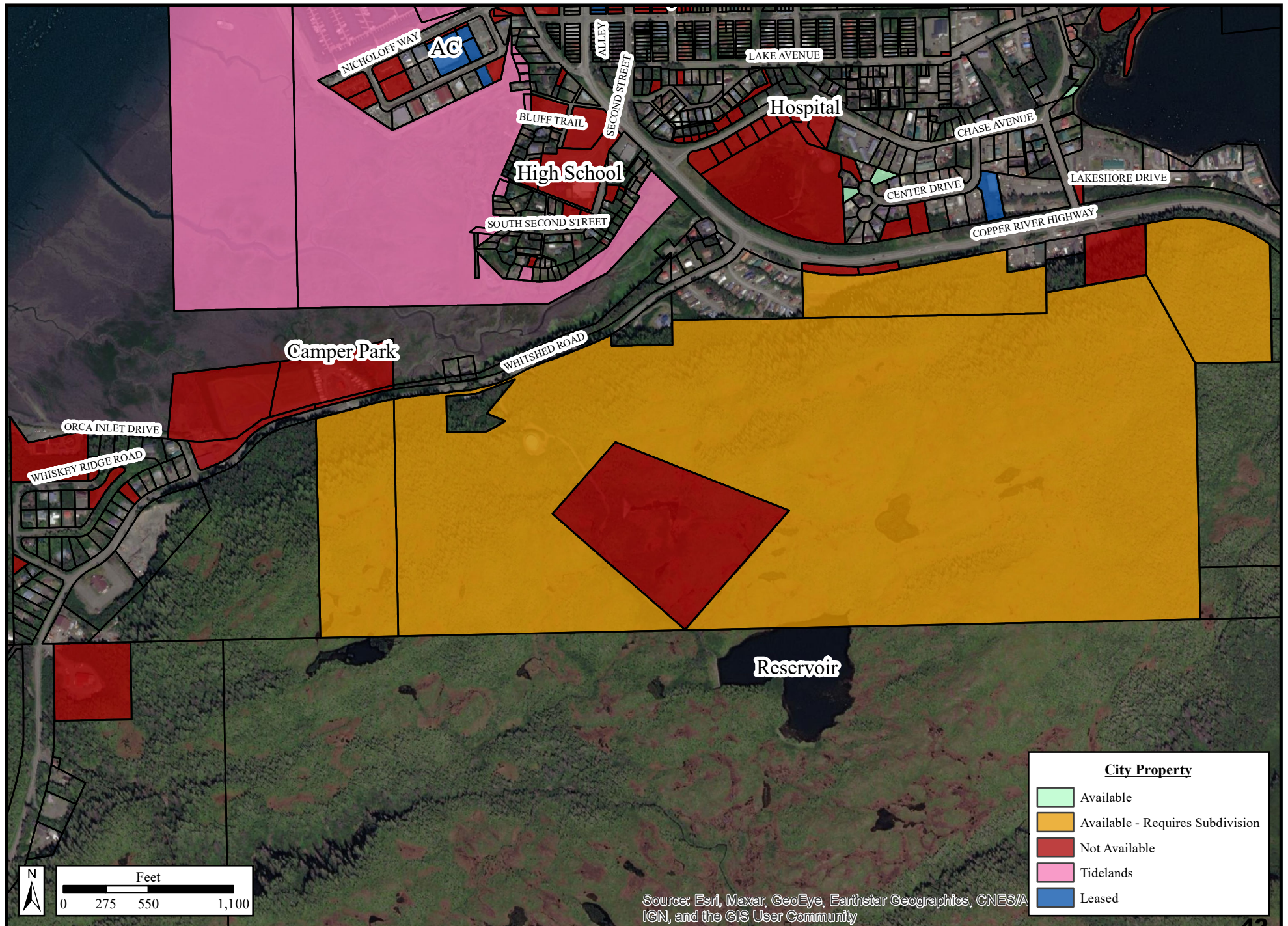
South Fill Development Park



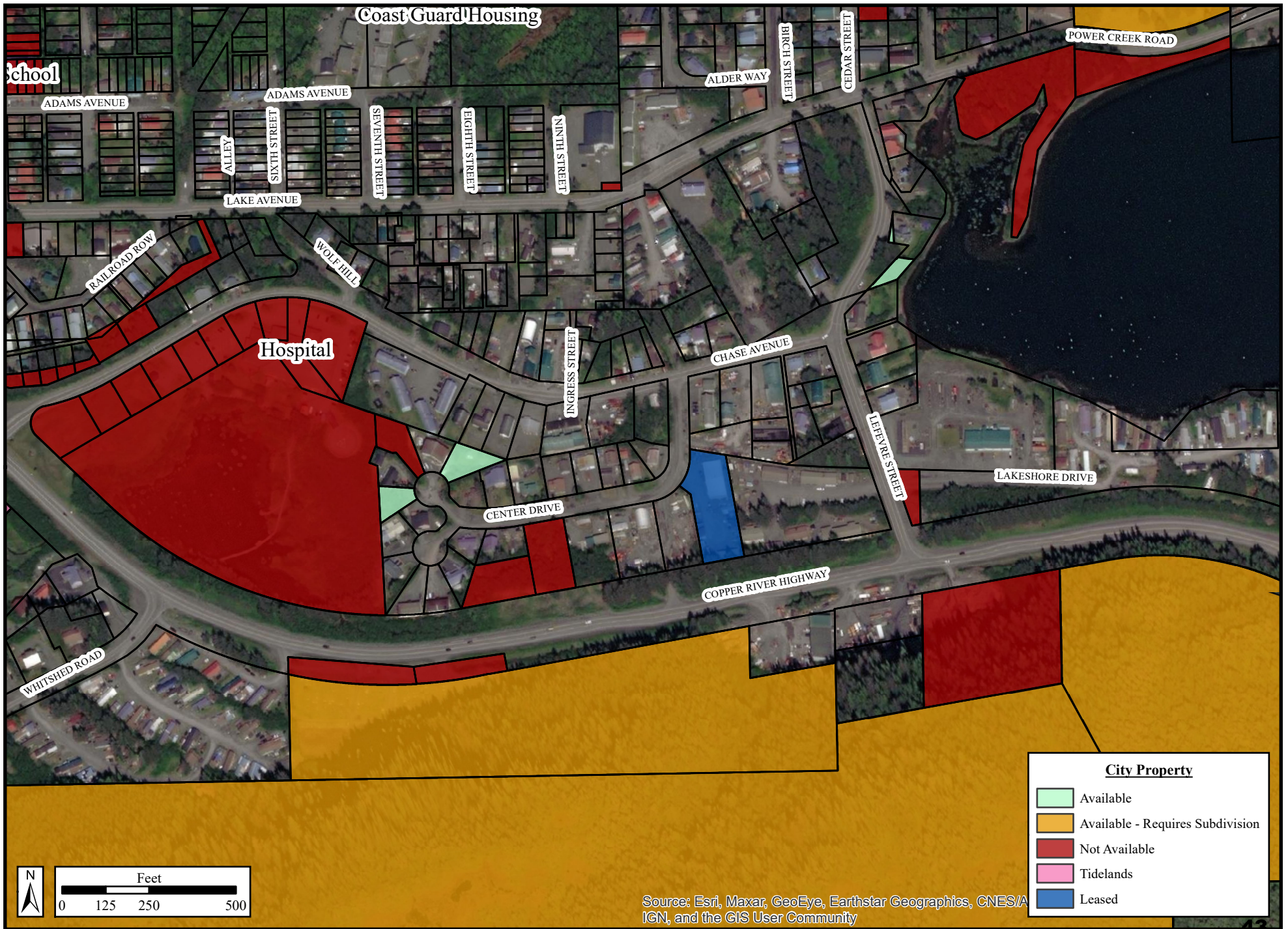
Odiak Slough



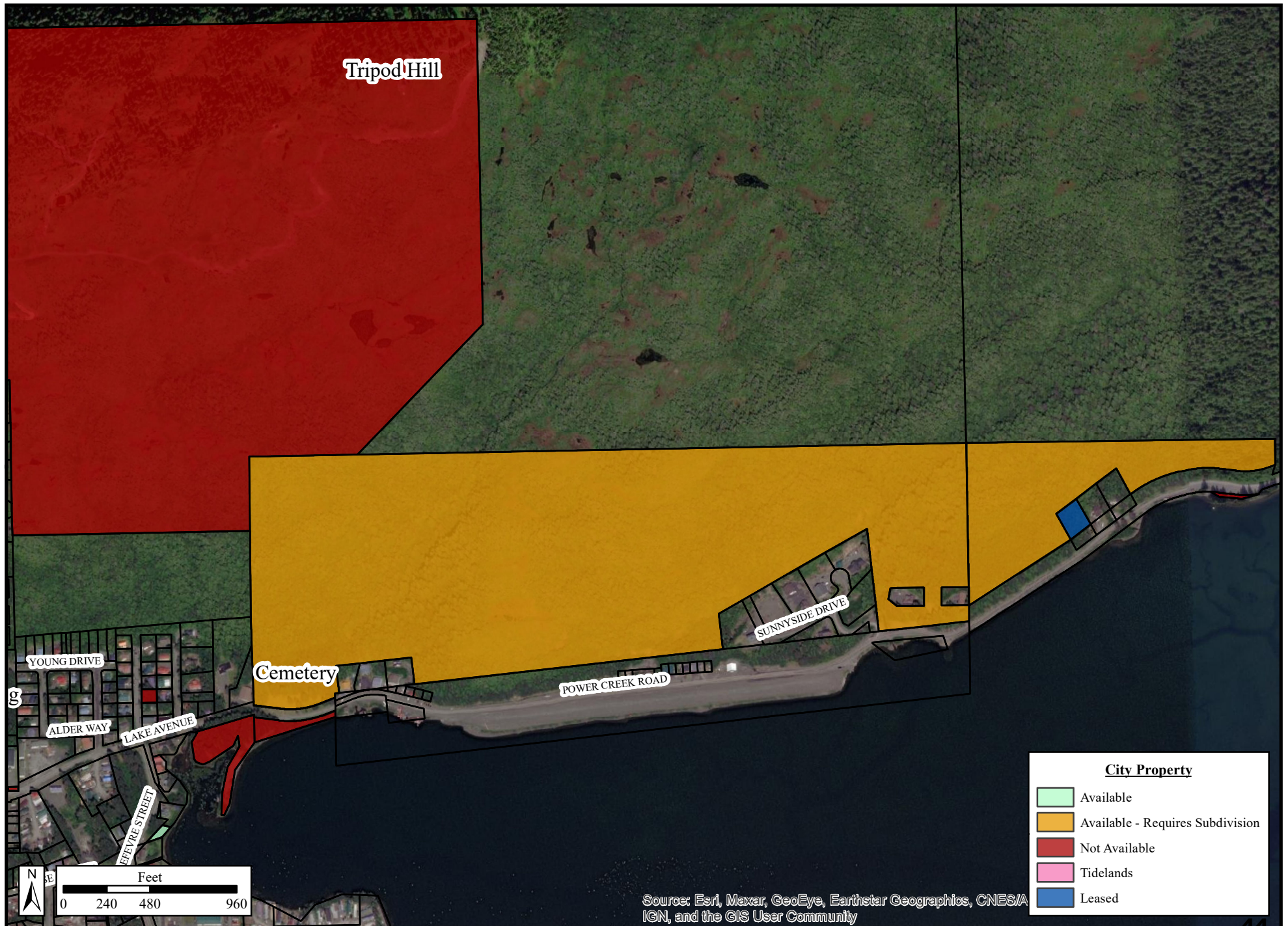
Whitshed Road



Odiak Park



Power Creek Road



2022 Land Disposal Maps

Adopted by City Council: xx/xx/xx

Map Designations

Available – Available to purchase, lease, or lease with an option to purchase. Any of these lots may have conditions or special criteria that must be met.

Available - Requires Subdivision – These parcels are considered ‘Available.’ These are large parcels of land which would most likely be developed as a subdivision. The disposal process for these parcels ~~is complex and could take a significant amount of time.~~ Many require some or all of the following: city acquiring title to the land from the state, ~~an extensive amount of~~ surveying, or subdivision development agreements. Many of these parcels ~~contain~~ include city improvements that would not be disposed ~~of~~, such as access roads, water infrastructure, trails, cemeteries, etc.

Not Available – These parcels include substandard lots, snow dumps, property with improvements/buildings on them, or other lots used or occupied by the city. The city manager will accept ~~a L~~ letters of ~~I~~ interest from an interested party who requests the property designation be changed to ‘Available,’ however the existing city use of the property will be examined and carefully weighed against the letter of interest.

Tidelands – ~~All requests~~ A Letter of Interest to purchase ~~or lease~~ tidelands will be reviewed by the Planning Commission ~~as they are received~~ following a recommendation by the Harbor Commission. The Planning Commission will make a recommendation on disposing of the tidelands to City Council.

Leased – These are parcels currently leased to a business or government entity by the city ~~and are not available during the lease term~~. There are leases that are short term, ~~and renew every two years and~~ others are long term leases with substantial improvements on the property. Some leased property has an option to purchase. ~~When a lease term ends, the property immediately becomes ‘Available.’~~ A Letter of Interest for a property that is under lease may be considered when the lease enters the final year of its term.

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