

Chair

Nancy Bird

Vice Chair

Mark Hall

Commissioners

Tom McGann

Chris Bolin

Trae Lohse

Sarah Trumblee

Tania Harrison

City Planner

Kevin Johnson

**PLANNING COMMISSION SPECIAL MEETING
APRIL 14, 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, Sarah Trumblee, and Tania Harrison

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT CALENDAR

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

10. NEW BUSINESS

a. Variance Request - Setback and Off-Street Parking – Lot 3, Block 2, Railroad Addition Page 2

b. PIDP North Harbor Project Concept Letter of Support..... Page 25

c. Land Disposal Code CMC 5.22 Update Discussion Page 31

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 5:00 p.m. on the day of the meeting

Planner's Report

To: Planning and Zoning Commission
From: Kevin Johnson, City planner
Date: 4/14/22
Re: Recent Activities and Updates

- Addressing project approaches completion. Final checks of the data are underway. Address database completion expected by first week of May. Following the completion of the data base the city will begin a notification process to all residents.
- FEMA and the State will be collecting city wide LIDAR data in April and again in September for avalanche and landslide risk analysis. More information to come.
- NVE has formed a housing committee. Two city staff members are participating on the committee. First meeting held in March to discuss how the community can work towards addressing the housing challenges. Next meeting to take place in June / July where members will bring forward possible projects that the city and NVE could collaborate on.
- Title 16 update continues. Staff working with Legal on adding code language to help with enforcement of abating dangerous buildings.
- City staff attended state grant symposium to prepare for applying for upcoming Federal infrastructure money.
- Planning Commission training part two on 4/24 reminder.



AGENDA ITEM # 10a

Planning Commission Special Meeting Date: 4/14/22

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner

DATE: 4/14/22

ITEM: Variance Request - Setback and Off-Street Parking – Lot 3, Block 2, Railroad Addition

NEXT STEP: Decide Whether to Grant Variance

☐ INFORMATION
☒ **MOTION**
☐ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Grant of Variance
Applicant: Hayley Hoover
Address: NA
Legal Description: Lot 3, Block 2, Railroad Addition
Zoning: Medium Density Residence District
Lot Area: 3,792 sq. ft.

The City of Cordova received an application requesting a variance from Cordova Municipal Code (CMC) 18.24.060 – Side Yard and 18.48.060 – Off-Street Parking.

The application specifically requests a variance from the requirement for two onsite parking spaces and a variance to allow for a portion of the building to encroach approximately seven feet into the ten-foot side yard setback along the west property line.

II. RECOMMENDED ACTION / NEXT STEP:

A Commissioner should make the following motion followed by a second to open the item for discussion

“I move that the Planning Commission grant the variance request by Hayley Hoover and to adopt and incorporate the findings within the staff report.”

Staff recommends the Planning Commission grant the variance request.

The variance can be granted with or without special conditions or denied.

III. FISCAL IMPACTS:

Increased property value and tax base.

IV. BACKGROUND INFORMATION:

Applicable Codes:

18.24.060 – Side Yard

- A. *There shall be a side yard in the R medium density district of not less than five feet. The minimum side yard on the street side of a corner shall be ten feet.*

18.48.060 – Off-street Parking Requirements

Any structure or building hereafter erected, converted or enlarged for any of the following uses shall be provided with not less than the minimum spaces as set forth below unless otherwise permitted under this code. Fractional numbers of required parking spaces shall be increased to the next whole number.

Single Family Dwelling - Two parking spaces

18.64.020 – Variances

- A. *An application for a variance shall be filed in writing and verified by the owner of the property concerned.*
- 1. The application shall contain the following data with respect to the property and the applicant:*
 - a. - A legal description of the property involved,*
 - b. - Plot plans showing the location of all existing and proposed buildings or alterations, elevations of such buildings or alterations, and such other data as may be required,*
 - c. - 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;*
 - 2. - The application shall contain a statement and adequate evidence showing the following conditions, all four of which must exist before a variance may be granted.*
 - a. - That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same land use district,*
 - b. - That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship,*
 - c. - 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,
d. - That the granting of the variance will not be contrary to the objectives of the comprehensive plan.

Suggested Findings:

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

This condition has been met. Given the unusual topography of this lot building over the setback will not impact any neighboring properties or the adjacent ROW of Railroad Ave. The lot has both a physical constraint but also a unique shape as it tapers going from the south to more narrow in the north. This taper along with the physical constraints makes placing a footprint outside of all setbacks very difficult while still having a usable building area. Snow shedding has been accounted for with the roof sloping to the east so that snow does not shed over the east property line down onto Railroad Ave. The property is ~ 30 ft above Railroad Ave and ~ 60 ft below Davis Ave which creates a significant physical barrier to create a driveway into the lot. Davis Ave also “dead ends” into Railroad Ave but due to the topographic difference of almost 100 feet these roads cannot be connected.

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

This condition has been met. Adhering to the required setbacks and provisions would require onsite parking which would lead to significant structural and developmental difficulties which have the potential to make building infeasible. Because the lot is technically a corner lot the setback for the west property line is ten feet as opposed to a standard five feet for side yards. The requirement for a ten foot setback is unnecessary in this case due to the topographic differences between the two ROWs and that the applicant has accounted for snow shedding in the roof design.

- c. 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.*

This condition has been met. The granting of the variance for the setback does not result in harm to other properties in the vicinity as the setback variance requested is along a ROW, and the public will not be harmed by this as snow shedding has been accounted for in the roof design. The variance for off-site parking also does not cause harm to other properties or the public as the proposed parking along Davis Ave is a “dead end” portion of ROW as it cannot and will most likely never be connected to Railroad Ave for vehicular traffic.

- d. That the granting of the variance will not be contrary to the objectives of the comprehensive plan.*

This condition has been met. The 2019 Comprehensive Plan identifies that there is limited availability of land, new construction is expensive, and there is a limited stock of affordable housing. Requiring parking on this lot further limits the availability of land, and if the creation of off-street parking was possible, the cost would be prohibitively expensive and eat up valuable living space. Granting the proposed variances for this topographically-challenged lot would enable a new single-family dwelling to be built which would help to alleviate the lack of housing and would make use of land in the city that may have gone unused due to the hardship associated with developing the lot. Building a home on the lot will also increase property values in

the area.

V. LEGAL ISSUES:

The public or applicant may appeal the decision of the Planning Commission to the City Council.

VI. ENVIRONMENTAL ISSUES:

N/A

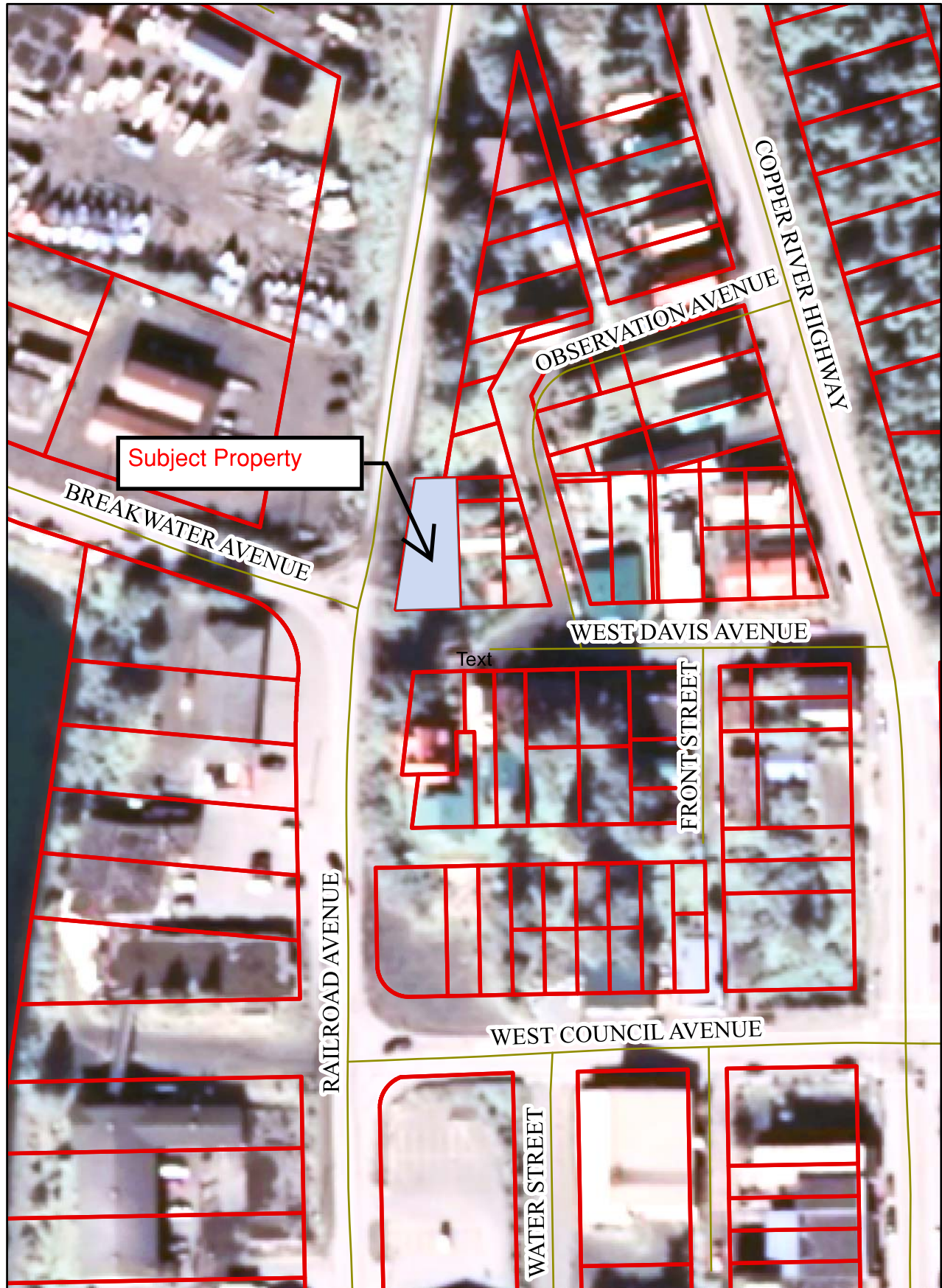
VII. SUMMARY AND ALTERNATIVES:

Staff has reviewed the proposal and feels that the grant of a variance for the proposed new home is reasonable and within the allowances laid out in code. The lot has extreme physical, geological, and topographical constraints that limits the owner's ability to enjoy the full use of the lot if strict adherence to the code was required. While it may be possible to engineer a solution, the cost associated with such a feat is disproportionate to the outcome.

VII. ATTACHMENTS:

- A - Location Map
- B - Application
- C - Application Supplemental
- D – Site Survey
- E – Proposed Site Plan
- F – Conceptual Drawings

Hoover Variance Request Location Map



CITY OF CORDOVA



VARIANCE APPLICATION

City of Cordova, Alaska

INSTRUCTIONS

Print or type requested information. Incomplete applications will be returned to the applicant and will delay processing of the request. Applications must be received by the Planning Department 21 days prior to the next Planning Commission Regular Meeting, which is scheduled the second Tuesday of each month.

PERMIT TYPE

☒ Variance

FEE

\$250

APPLICANT INFORMATION

Name: Hayley Hoover

Mailing Address: PO Box 2302

City/State/Zip: Cordova/AK/99574

Phone Number: 2063717856

Email Address: hhoover@pwssc.org

OWNER INFORMATION

Name:

Mailing Address:

City/State/Zip:

Phone Number:

Email Address:

Only complete this section if owner is different from applicant.

PROPERTY INFORMATION

Address: 121 West Davis AVE

Legal Description: Lot 3, Block 2, Railroad Addition

Tax Lot No.: 02-060-417

Zone District: MDR

Planning Department can assist if unknown.

REQUEST DESCRIPTION

Please describe your request in detail and identify which provision(s) of the code you are seeking a variance from.

See attached

With this application you must also include:

1. Plot plans showing the location of all existing and proposed buildings or alterations and the elevations of such buildings or alterations.
2. Evidence of the ability and intention to proceed in accordance with the plans within six months after the effective date of the variance.

Planning Department staff recommend that you provide any additional documents which will help the Planning Commission better understand the request, such as a cover letter, drawings, maps, or photographs.

VARIANCE CONDITIONS

The Planning Commission may only approve a variance if the commission finds that **ALL** of the following four conditions are met. You must include a statement and adequate evidence showing that each of the conditions has been met. Use additional pages if needed.

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

See attached

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

See attached

CONDITION 3: 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.

This condition has been met. Due to the location of the lot relative to it's neighbors there will be minimal impacts to the adjacent properties. Several properties nearby also do not meet the setback requirements or the on-site parking requirement. The proposed home has been professionally designed and will meet current building codes. Per the variance process, letters will be mailed to all properties within 300 feet of the proposed variance.

CONDITION 4: The granting of the variance will not be contrary to the objectives of the comprehensive plan.

This condition has been met. The 2019 Comprehensive Plan identifies "limited stock of affordable housing" as a key issue of the plan along with the "limited availability of land". Granting the proposed variances for this topographically-challenged lot would enable a new single-family dwelling to be built which would help to alleviate the lack of housing and would make use of land in the city proper that may have gone unused due to the hardship associated with developing the lot. Building a home on the lot will also increase property values in the area.

APPLICANT CERTIFICATION

By the signature attached hereto, I certify that I am the owner or duly authorized owner's agent and that the information provided within this application and accompanying documentation is correct. Furthermore, I hereby authorize the City and its representatives to enter the property associated with this application for purposes of conducting site inspections.

Applicant Signature: _____



Date: 4/1/22

Print Name: Hayley Hoover

Applicable codes:

- **18.24.030 - Lot area.**

A. The minimum lot area in the R medium density district shall be four thousand square feet and the minimum lot width shall be forty feet. Applicable codes:

B. The minimum lot area for dwellings in the R medium density district shall be:

1. For a one—family dwelling, four thousand square feet per dwelling unit;

- **18.24.060 - Side yard.**

A. There shall be a side yard in the R medium density district of not less than five feet. The minimum side yard on the street side of a corner shall be ten feet.

- **18.48.060 - Off-street parking requirements.**

- Any structure or building hereafter erected, converted or enlarged for any of the following uses shall be provided with not less than the minimum spaces as set forth below unless otherwise permitted under this code. Fractional numbers of required parking spaces shall be increased to the next whole number.

Dwellings and Lodgings	Minimum Number of Parking Spaces Required
2. Single-family dwellings, two-family dwellings, trailers, multifamily dwellings and other places containing dwelling units.	Two parking spaces for each unit.

18.64.020 - Variances.

A. An application for a variance shall be filed in writing and verified by the owner of the property concerned.

1. The application shall contain the following data with respect to the property and the applicant:

- a. A legal description of the property involved,
- b. Plot plans showing the location of all existing and proposed buildings or alterations, elevations of such buildings or alterations, and such other data as may be required,

- c. 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;

Request description:

I am requesting a variance from codes 18.24.030, 18.24.060, and 18.48.060. The lot is under the 4,000 sq ft requirement for medium density land use by 208 sq ft. I would like to be given the ability to build a home here. I would also like to be able to build over the “side yard” variance which is the western line of the property. Given the unusual topography of this lot building over the setback will not impact any neighboring properties or the adjacent ROW of Railroad Ave. The property is ~ 30 ft above the road surface. I am also requesting a variance from “onsite parking” due to the topography of the lot in relationship to the adjacent road surfaces. As stated, the property is ~ 30 ft above Railroad Ave and ~ 60 ft below Davis Ave.

Due to the topography of the lot in relationship to the adjacent road surfaces the proposed build would not impede the drivers of either Davis Ave or Railroad Ave’s views while driving. The property is ~ 60 ft below Davis Ave and ~ 30 ft above railroad row. The proposed house will have a single pitch roof shedding snow towards the eastern “side” of the lot. The proposed encroachment will mostly be decking as can be seen in the attached house plans and the northeastern corners of the house.

See attached site plan.

I have marked in yellow the “traditional” parking spot for this lot as suggested by the neighbors.



Condition 1:

This condition has been met. The Medium Density Residential District encompasses a wide range of properties; however, this lot is exceptionally challenging to develop due to its topography, access, size, and adjacent road surfaces. The lot is situated at a significantly lower grade than Davis Ave, which is the only way the lot can be reasonably accessed. While the south side of lot is adjacent Railroad Avenue, the terrain is very steep and would be infeasible to construct a driveway on. Off-street parking is nearly infeasible on the lot.

The lot is under 4000 sq ft which is the part of the definition of the “medium density” lot in the code. Presumably a previous variance for this breach of code was already granted to the previous owner given that there was a residence on the lot.

All setbacks will be adhered to with the exception of the proposed variance of the western “side” of the lot. Due to the topography of the lot in relationship to the adjacent road surfaces the lot does not fall into the traditional sense of what a corner lot is and may not have to have the same considerations. As stated, the property is ~ 60 ft below Davis Ave and ~ 30 ft above railroad row. Because the lot is less than 4000 sq ft gaining an additional few ft on the west “side” would make a significant difference in the feasibility of the build.

Granting variances for the build, the west setback and to the onsite parking provision would allow the applicant to build a viable home on a property that was in a dilapidated state upon acquisition.

Condition 2:

This condition has been met. Adhering to the required setbacks and provisions would require onsite parking would lead to significant structural and developmental difficulties which have the potential to make building infeasible. Also, the contractor’s ability and amount of time to construct a steep grade driveway is impractical.

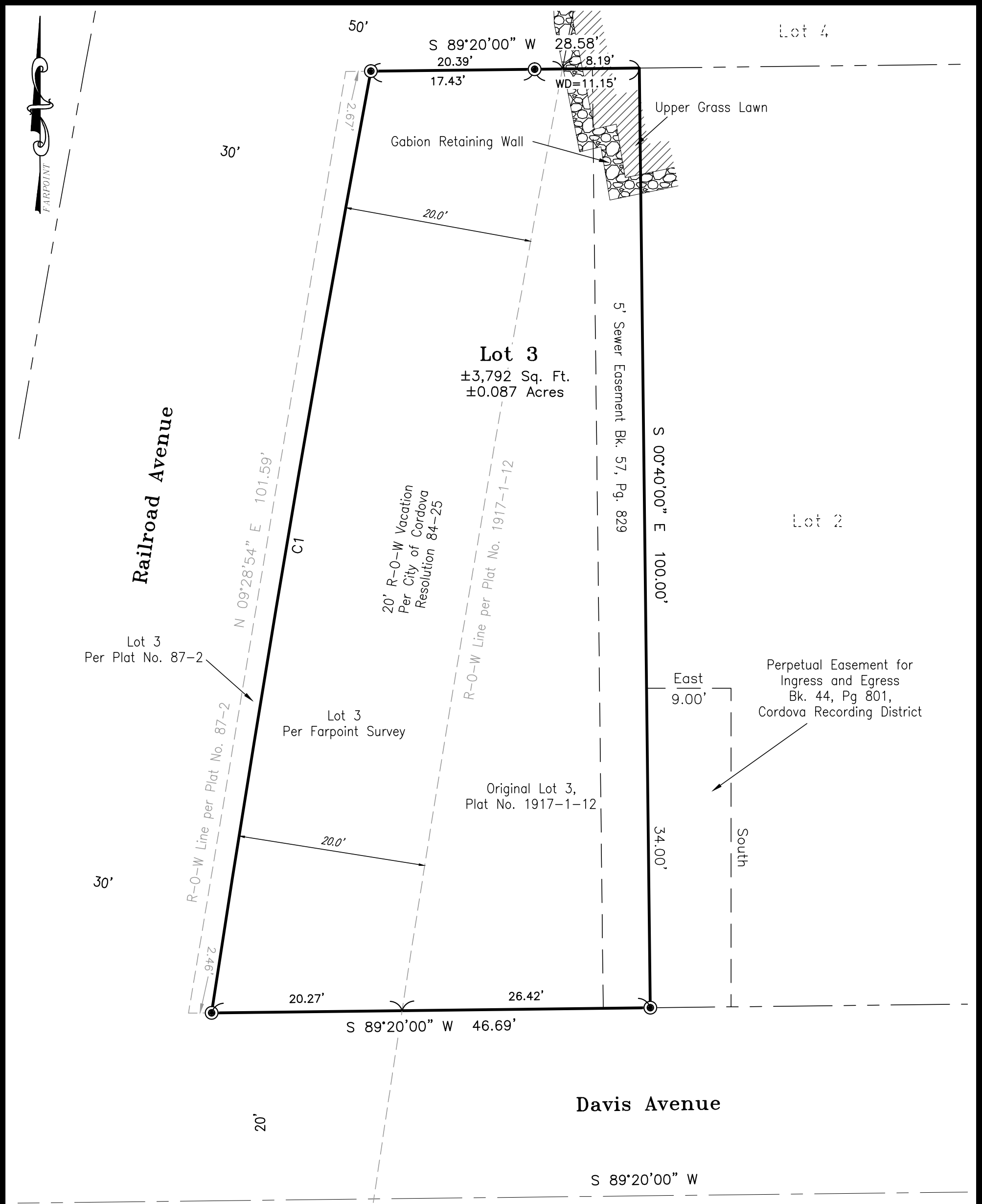
Because the lot is technically a corner lot the setbacks are larger than expected. Given the unusual shape of the lot that the lot is under 4000 sq ft maintaining all setbacks according to the code is impractical. Building the house within the setbacks would make an additional floor to the house plan be added. This would negatively impact the value of the north neighbor by obstructing their view and add hardship to the build again due to the specifics of the lot.

I’ve included two photos below for reference of the lot and the tear down work done last spring.



Thank you for your time and consideration.

Hayley Hoover
4/1/22



CURVE DATA						
CURVE	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD BEARING
C1	3096.83'	101.63'	1°52'49"	50.82'	101.63'	S 09°35'49" W

NOTES

- Bearings and distances are record per referenced plat unless otherwise noted.
- Sufficient boundary evidence was recovered to establish the subject parcel on the ground. Not all controlling evidence is shown hereon.



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

BOUNDARY SURVEY OF:
Lot 3, Block 2, Railway Addition
Subdivision, Plat No. 1917-1-12 &
Plat No. 87-2, Cordova, Alaska

SURVEY CERTIFICATION: FARPOINT has conducted a physical
survey of the subject property, the improvements situated
thereon are within the property lines as shown.

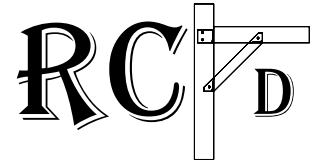
EXCLUSION NOTES: It is the owners responsibility to determine
the existence of any easements, covenants, or restrictions which
do not appear on the Plat used for this survey. NOTE: Under no
circumstances should any data hereon be used for construction
or for the establishing of property lines.

LEGEND

- Fnd 5/8" Rebar
- Fnd 1" Pipe
- ⦿ Set 5/8" Rebar with Plastic Cap

PREPARED FOR:
Hayley Hoover
PO Box 2302
Cordova, AK 99574





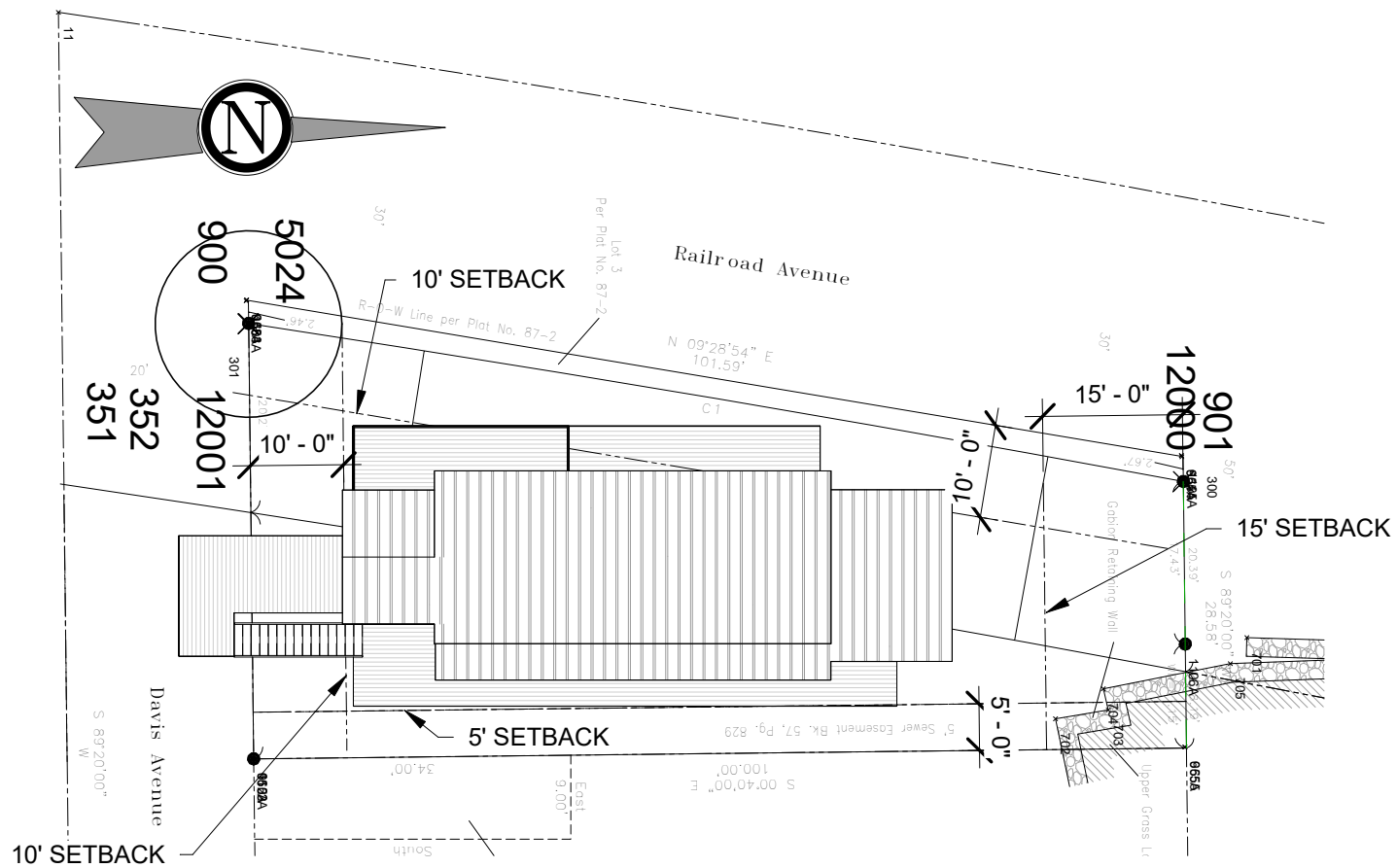
Hoover Residence

Project number 22.07

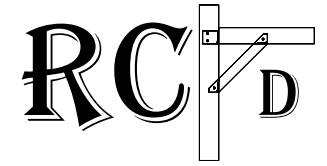
Scale 1" = 20'-0"

Site Plan L1.0

3/23/2022 7:28:59 PM



Site Plan



Hoover Residence

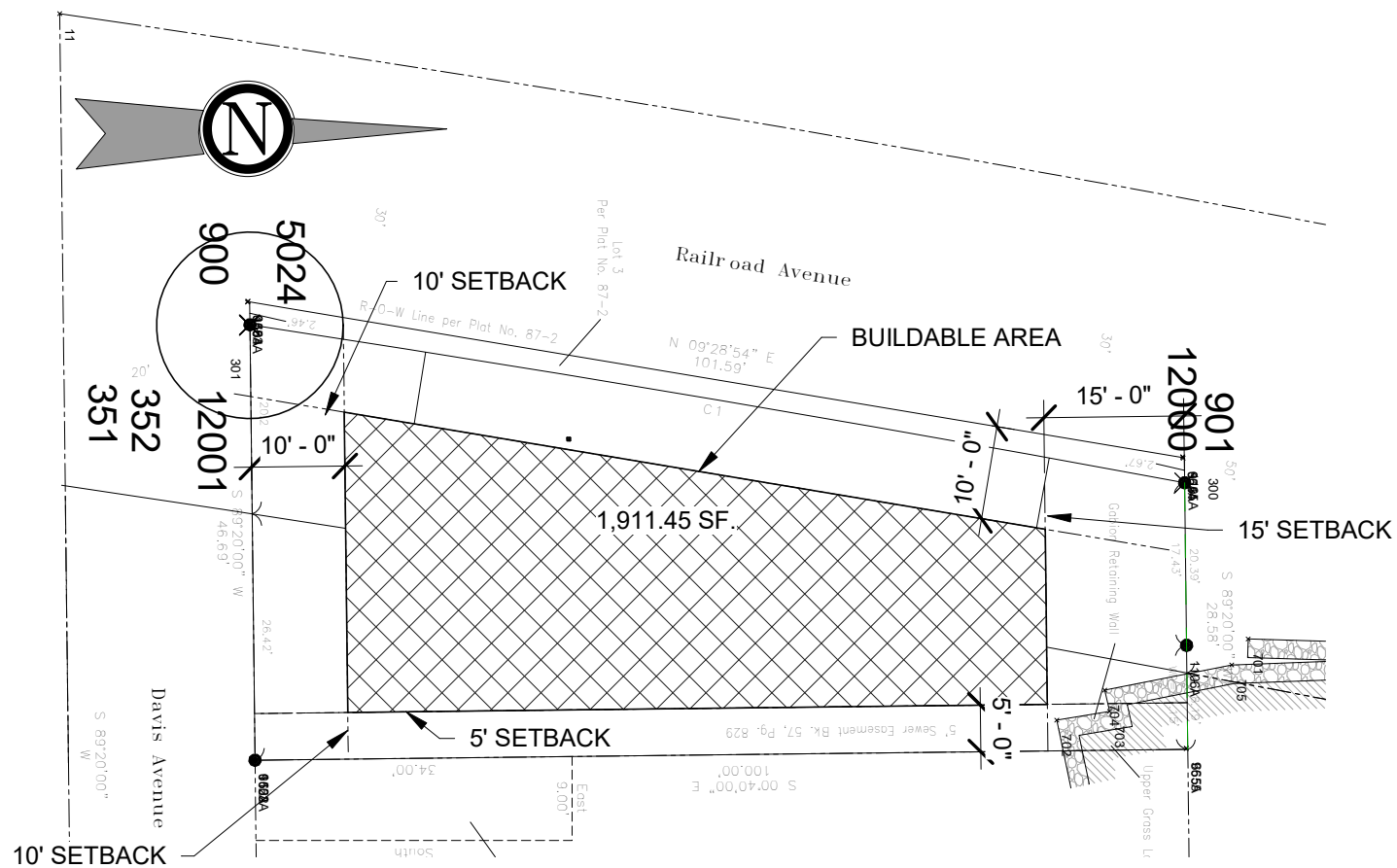
Project number 22.07

Scale 1" = 20'-0"

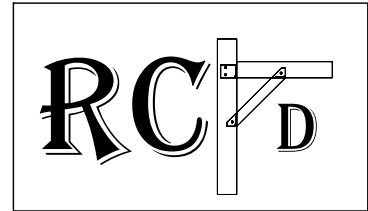
BUILDING AREA

L1.1

3/23/2022 7:28:59 PM



Site Plan - BUILDABLE AREA



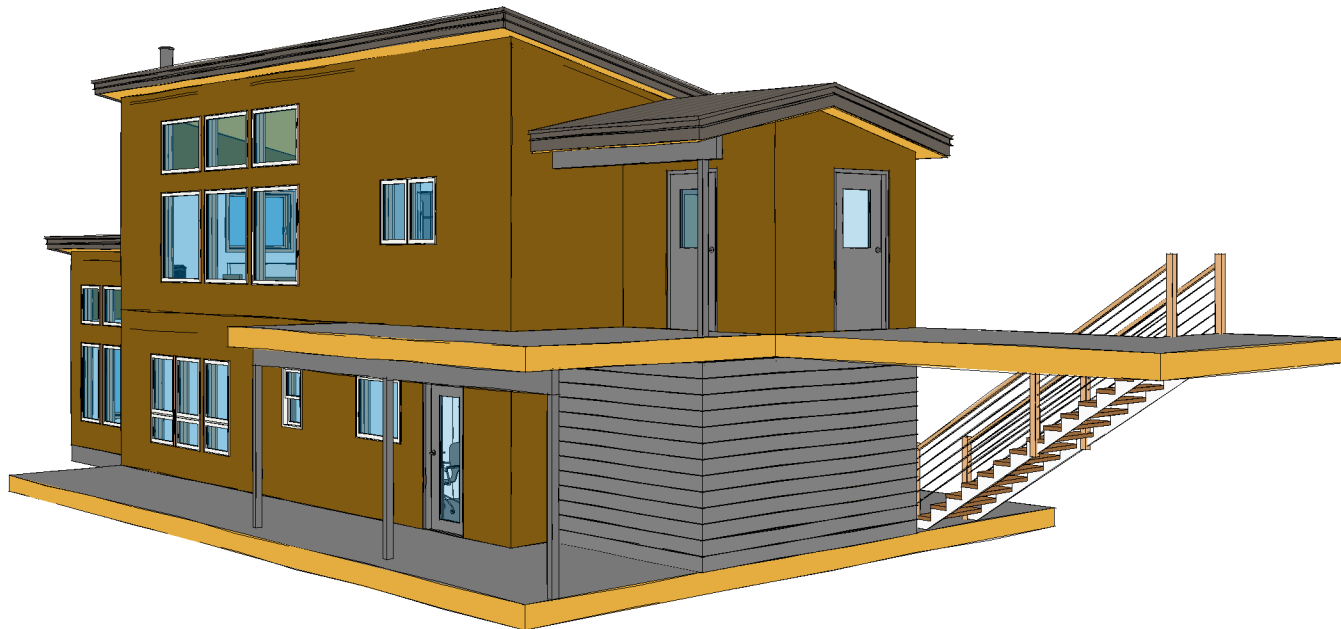
hoover Residence

Project number 22.07

Scale

Cover Sheet L0.1

3/13/2022 2:51:44 PM

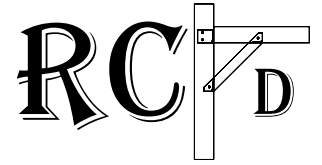


Sheet List

Sheet Number	Sheet Name
--------------	------------

L0.1	Cover Sheet
L1.0	Site Plan
L2.1	Lower Level
L2.2	Upper Level
L4.1	N. Elev
L4.2	S. Elev
L4.3	W. Elev
L4.4	E. Elev

SE



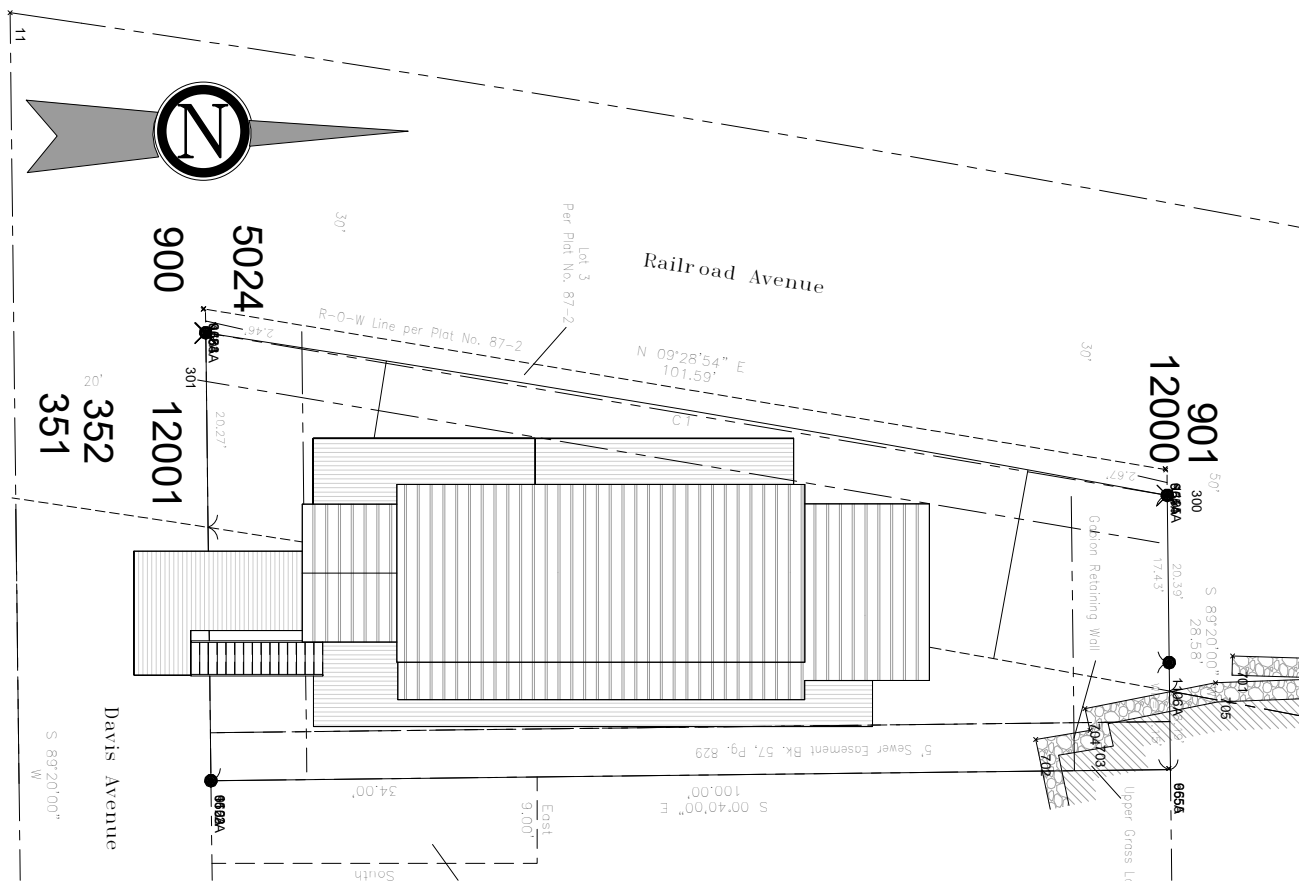
hoover Residence

Project number 22.07

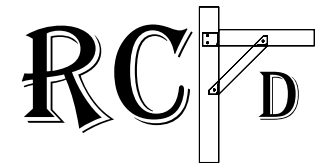
Scale 1" = 20'-0"

Site Plan L1.0

3/13/2022 2:51:45 PM



Site Plan



hoover Residence

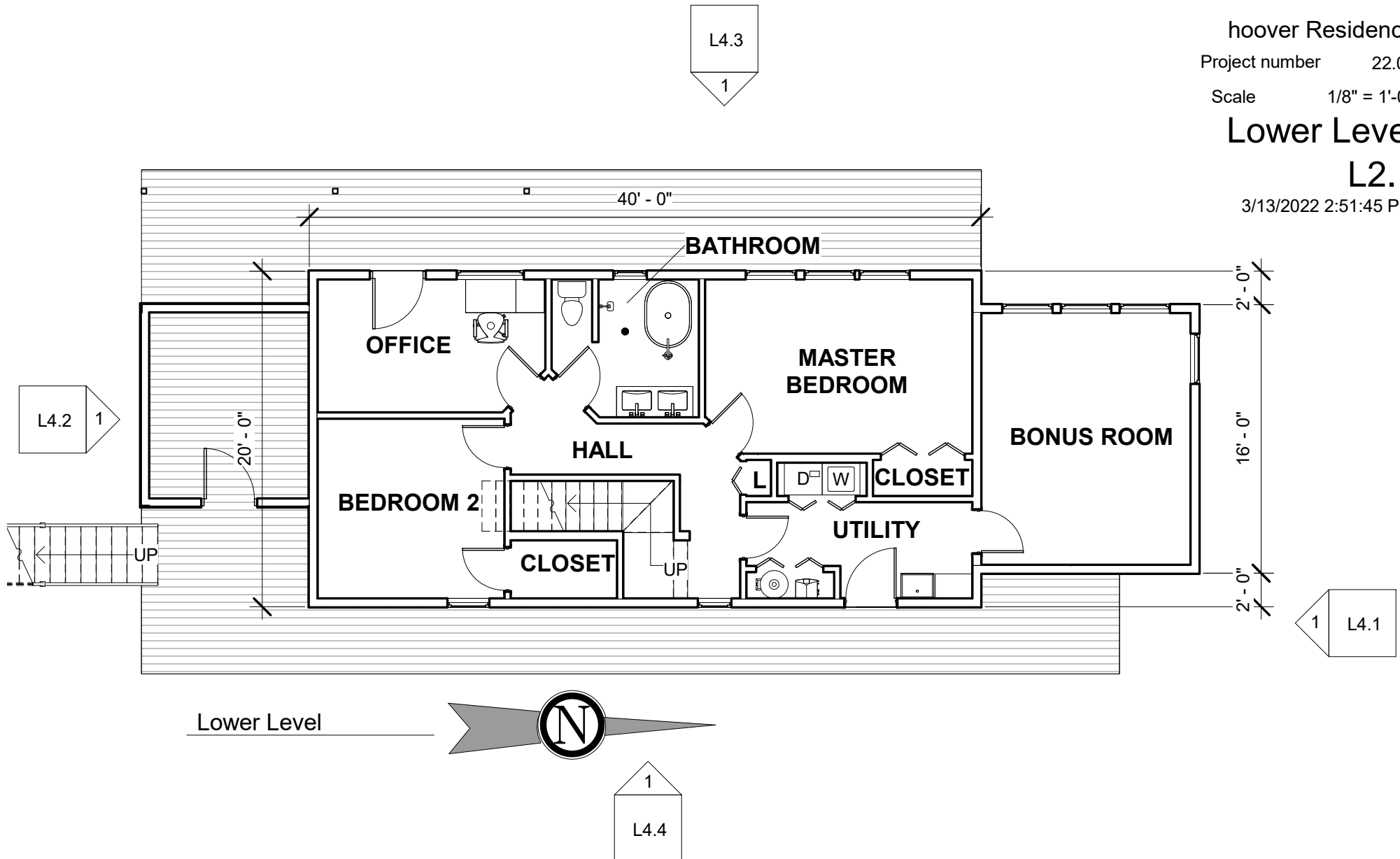
Project number 22.07

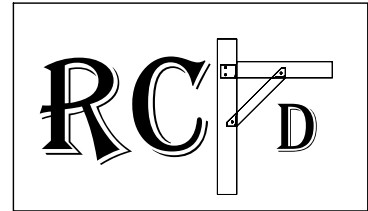
Scale 1/8" = 1'-0"

Lower Level

L2.1

3/13/2022 2:51:45 PM





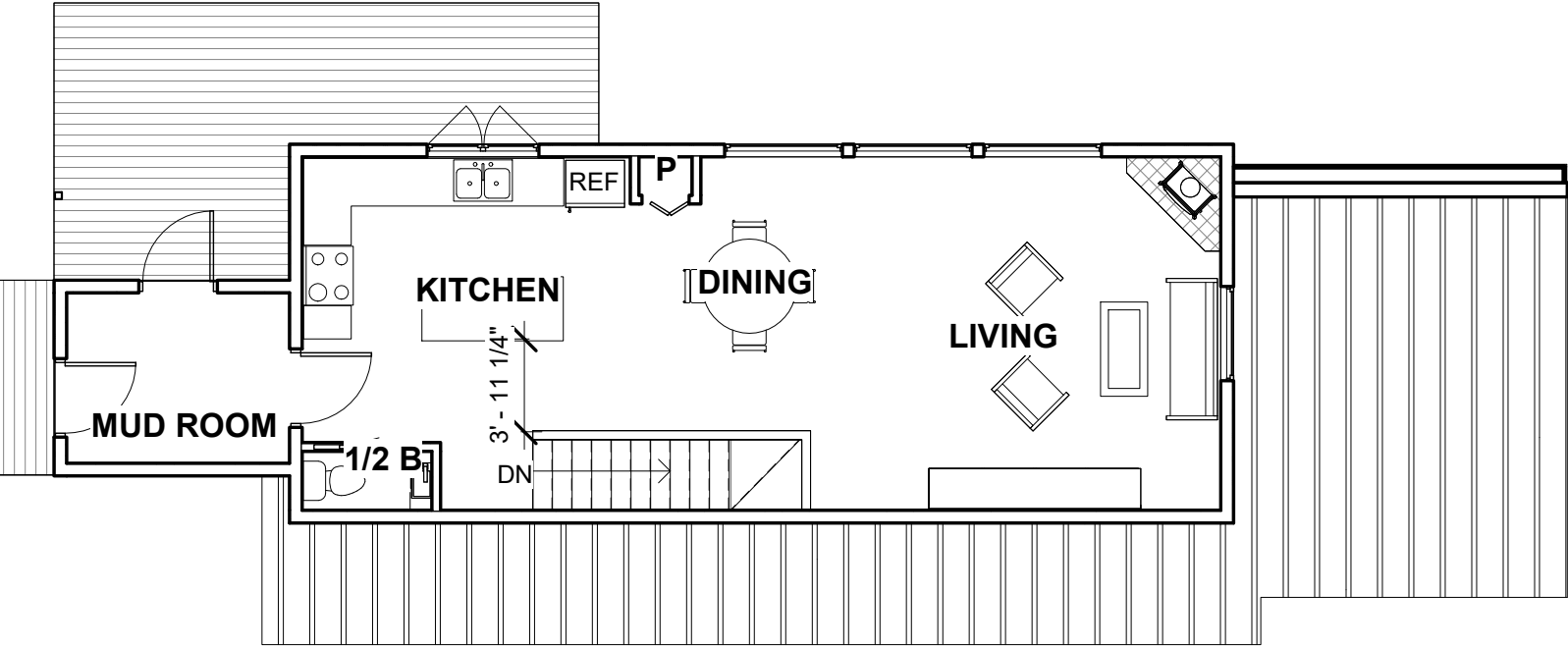
hoover Residence

Project number 22.07

Scale 1/8" = 1'-0"

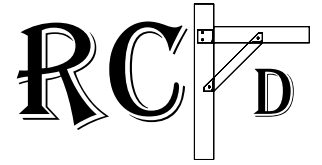
Upper Level
L2.2

3/13/2022 2:51:45 PM



SECOND FLOOR





hoover Residence

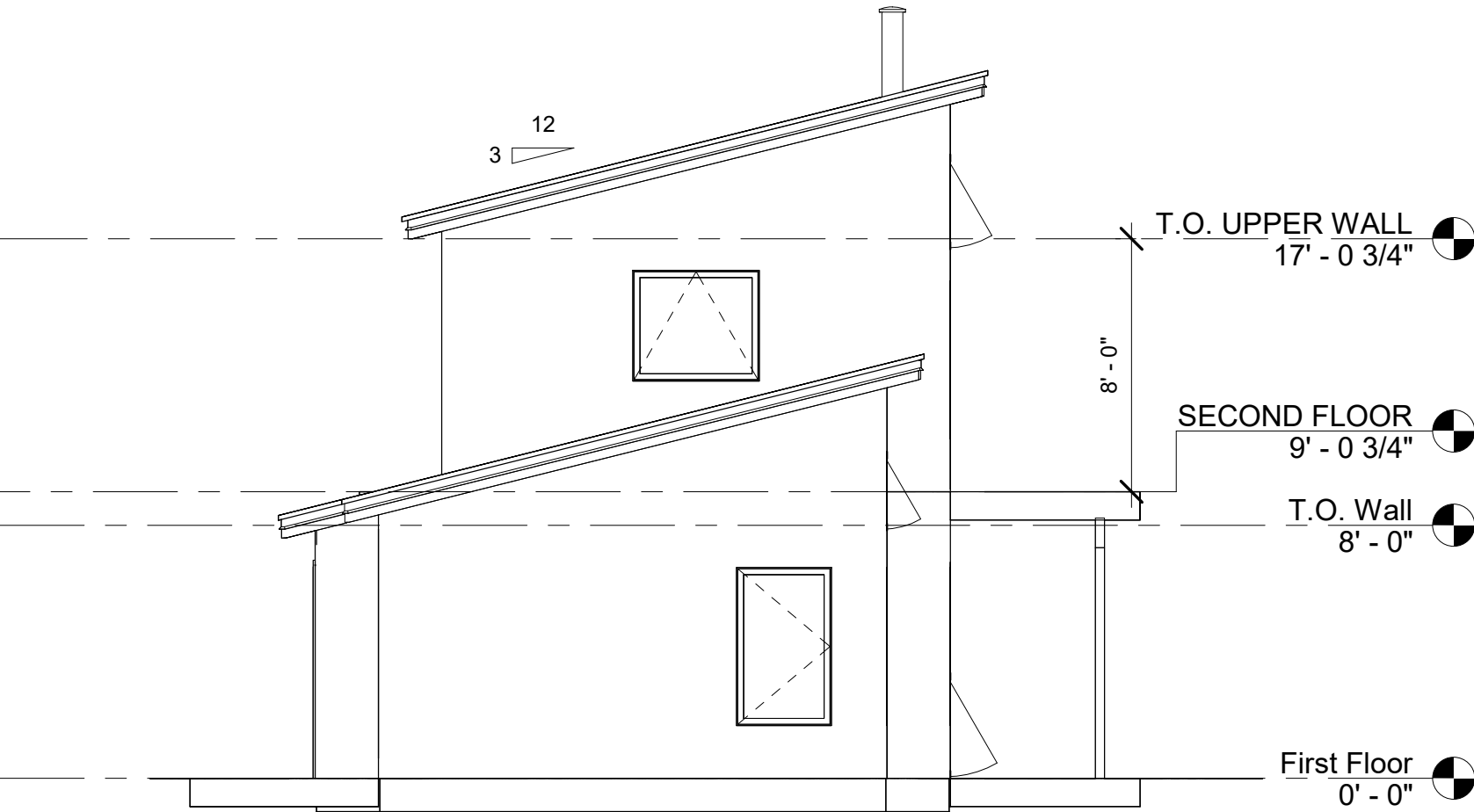
Project number 22.07

Scale 3/16" = 1'-0"

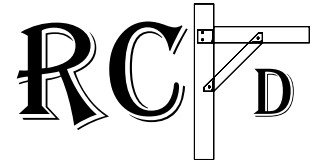
N. Elev

L4.1

3/13/2022 2:51:46 PM



N. Elev



hoover Residence

Project number 22.07


Scale 3/16" = 1'-0"


S .Elev


L4.2

3/13/2022 2:51:46 PM

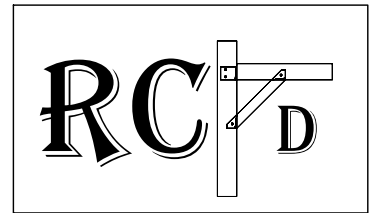
T.O. UPPER WALL
17' - 0 3/4" 

SECOND FLOOR
9' - 0 3/4" 

T.O. Wall
8' - 0" 

First Floor
0' - 0" 

S. Elev



hoover Residence

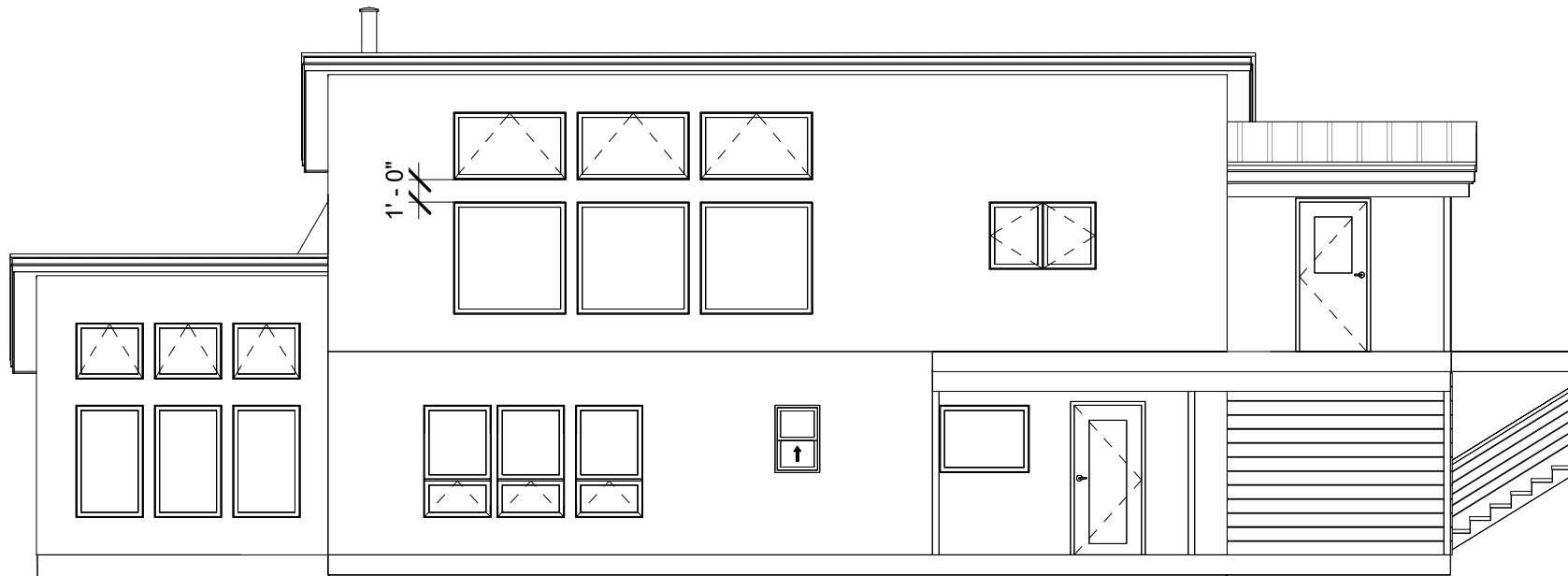
Project number 22.07

Scale 1/8" = 1'-0"

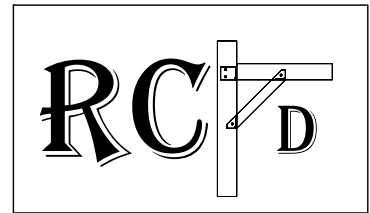
W. Elev

L4.3

3/13/2022 2:51:46 PM



1 W. Elev
1/8" = 1'-0"



hoover Residence

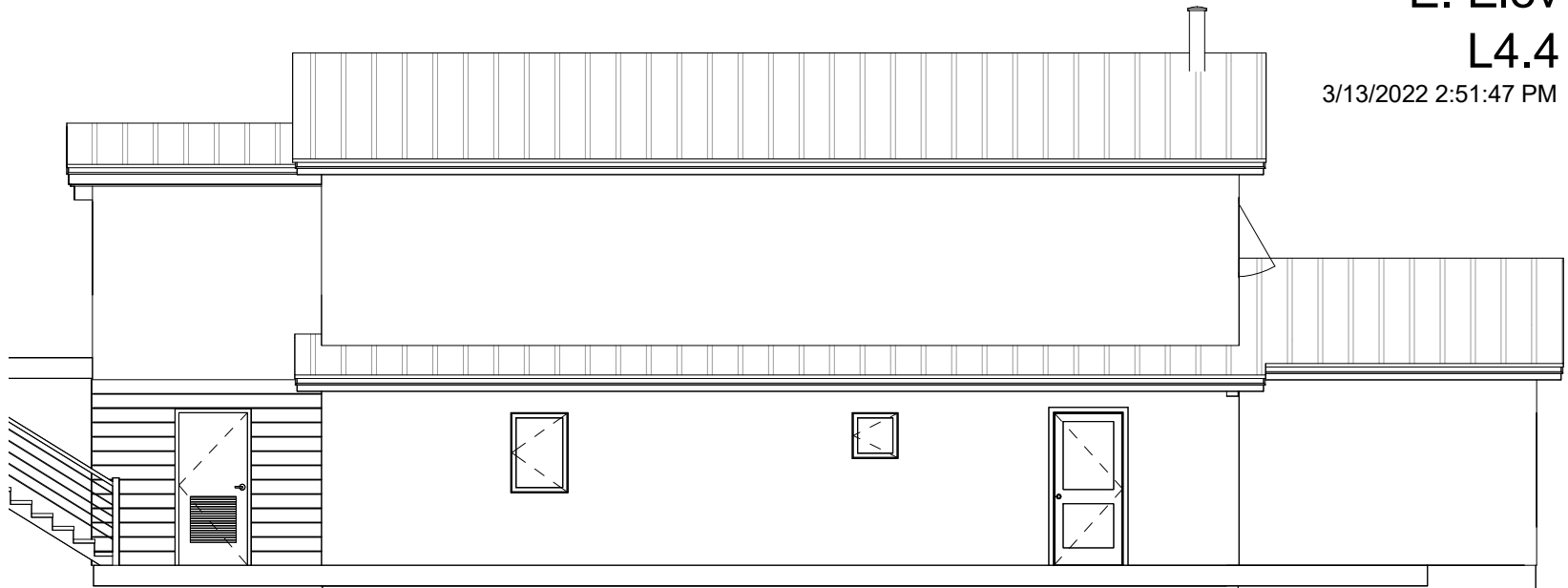
Project number 22.07

Scale 1/8" = 1'-0"

E. Elev

L4.4

3/13/2022 2:51:47 PM



E. Elev



AGENDA ITEM # 10b

Planning Commission Meeting Date: 4/14/22

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner
Tony Schinella, Harbormaster
Curtis Fincher, Special Projects & Communications

DATE: 4/14/22

ITEM: North Harbor Port Infrastructure Development Program (PIDP) 2022 Grant Concept

NEXT STEP: Make a Recommendation on Approval of the Concept

☐ INFORMATION
☒ **MOTION**
☐ RESOLUTION

I. REQUEST OR ISSUE:

The City of Cordova is preparing an application package for the 2022 PIDP grant. Applications for this grant are due by May 16, 2022.

City staff has refined a concept for the north harbor that is expected to be approved by the Harbor Commission at their 4/13/22 meeting.

Staff Requests that Planning Commission reviews the concept and makes a motion to agree with Harbor Commissions resolution and to recommend City Council pass a resolution of support for the grant application.

II. RECOMMENDED ACTION / NEXT STEP:

Commissioner should open the item for discussion with a motion and a second

“I move to support Harbor Commission resolution 04-22-01 and to recommend that City Council pass a resolution supporting the concept for grant application.”

Once the item is open for discussion the commission should hear staff’s presentation and then discuss the concept. After the general discussion, if any commissioner feels strongly that an item should be added, removed, or modified, a motion should be made to amend the concept. Following a second of that motion the commission should discuss. For clarity, please discuss each action separately.

III. FISCAL IMPACTS:

We anticipate the following financial impacts from the project for City of Cordova:

- Save/eliminate demolition costs for PWSSC building (to be borne by fuel provider).
- Save costs to repair Breakwater Ave. sloughing, and eliminate underlying problem causing sloughing via sheet piled bulkhead.
- Save costs to repair 3 stage dock
- Create lease and sales tax revenue via leasable waterfront commercial space.
- Save costs of future north harbor float system rebuild by completing sheetpiling now with available federal infrastructure funding.
- Eliminate electric metering issue in north harbor where City currently pays for electricity for vessels at slips with faulty meters.
- While the required 20% match for the project will come from private investment in the form of a fuel provider’s construction of their fuel dock infrastructure, City Staff is requesting a \$1-2 million match in the event the grant is awarded to demonstrate City commitment to the project and significantly increase chances of an award.

A detailed benefit cost analysis, conducted by Northern Economics, will be included with the grant application.

IV. BACKGROUND INFORMATION:

City staff began working on the 2022 PIDP grant application in February. During this time staff reviewed the 2021 PIDP concept and made modifications including the addition of a pedestrian path linking the north harbor to the south harbor, adjusting crane location, adding a floating fuel dock, incorporating 3 stage dock repairs and an additional launch ramp, as well as other minor tweaks. This concept was presented to Harbor Commission at their March 10 meeting. Following that meeting staff made additional changes based on the conversation with commissioners. Those changes are being presented at the 4/13 Harbor Commission meeting, at which staff expects harbor commission to pass a resolution of support.

The attached concept has incorporated comments made by commissioners as well as additions and modifications by staff based upon feedback from the PIDP 2021 debrief. This concept seeks to accomplish the following:

- Repair Breakwater Ave. where it is sloughing into the harbor via the construction of a sheet piled bulkhead. The bulkhead will:
 - Increase north harbor parking capacity.
 - Reduce construction costs when the north harbor float system is rebuilt in 15-20 years.
 - Create leasable waterfront commercial space.
- Construct a floating fuel dock in the current location of PWSSC.
- Create an off-street pedestrian sidewalk and walking path to increase freight efficiency, pedestrian safety, and quality of life for residents and visitors. Path to include tie-in to south harbor.
- Return 3 stage dock to a state of good repair.
- Add additional launch ramp between current S harbor launch ramp and 3 stage dock.
- Decrease north harbor's environmental footprint via permanent waste oil & antifreeze collection station, and replacement of current lights with LEDs.
- Expand north harbor bathrooms to include showers.
- Install one 1500 lb. crane on north harbor bulkhead; install one 1500 lb. and one 5 ton crane on City Dock (also known as "T dock").
- Install 220v shorepower on City Dock.
- Replace broken electrical pedestals in north harbor.
- Install up-and-out safety ladders in north harbor.

The concept provided in this packet does not show some of the above items. An updated concept is expected to be available and handed out at the 4/13 Harbor Commission meeting which will also be handed out at the 4/14 Planning Commission Meeting.

V. LEGAL ISSUES:

The project potentially decreases City liability via a number of safety improvements.

VI. ENVIRONMENTAL ISSUES:

An environmental impact assessment is being conducted as a part of the south harbor rebuild. At this time staff has not been made aware of any significant environmental impacts. Staff believes that the project will decrease possible environmental impacts through the upgraded oil / antifreeze disposal facility and installation of a modern fuel dock. With the exception of the fuel dock, all environmental permitting for the PIDP 2022 project will be completed as part of the permitting for the S harbor rebuild, making the project more attractive to potential funders.

VII. SUMMARY:

With the expectation that Harbor Commission passes Resolution 04-22-01, staff believes that the concept is inline with the needs and wants of the Harbor Commission and the community at large. Staff requests Planning Commission agree with Harbor Commissions resolution and recommends City Council pass a resolution of support for the grant application.

VII. ATTACHMENTS:

- A. Harbor Commission Resolution 4-22-02
- B. 2022 PIDP Concept Drawing

**CORDOVA HARBOR COMMISSION
CORDOVA, ALASKA
RESOLUTION 04-22-01**

**A RESOLUTION OF THE HARBOR COMMISSION OF THE CITY OF CORDOVA, ALASKA
SHOWING SUPPORT FOR THE PIDP 2022 “NORTH HARBOR MODERNIZATION PROJECT”
CONCEPT AND RECOMMENDING CITY APPROVE THE CONCEPT FOR GRANT
APPLICATION.**

WHEREAS, the project would repair the sloughing of Breakwater Ave, the main artery connecting to the north harbor, through construction of a sheet piled bulkhead; and

WHEREAS, the bulkhead will, increase north harbor parking capacity, reduce construction costs when the north harbor float system is eventually rebuilt, and create leasable waterfront commercial space; and

WHEREAS, construction of a floating fuel dock will improve efficiency within the fishing fleet by increasing the number of available fuel pumps, reducing travel time to fuel up, improving safety for smaller vessels by offering a protected area for fueling, and reducing potential negative environmental impacts via a modernized fuel float with built-in fuel catchment in the event of a spill; and

WHEREAS, the project would create an off-street pedestrian connection between north and south harbor which increases freight efficiency on city streets, and improves pedestrian safety and quality of life; and

WHEREAS, Additional cranes will improve harbor efficiency for loading and unloading boats and freight vehicles, and relieving congestion at the limited number of existing cranes; and

WHEREAS, an additional launch ramp lane will greatly relieve uplands traffic congestion and increase user efficiency; and

WHEREAS, the three-stage dock is a vital piece of harbor infrastructure and is in need of repair to remain safe and usable; and

WHEREAS, the project will decrease the harbor’s environmental impact through LED lighting upgrades, and installation of a permanent oil and antifreeze collection station; and

WHEREAS, the project will increase north harbor user safety and decrease City liability by installing up-and-out safety ladders; and

WHEREAS, the project will increase large-vessel convenience and efficiency by installing high-voltage shore power at the City Dock; and

WHEREAS, the project will save the Harbor enterprise fund significant money by replacing broken electrical meters that currently allow users’ electricity to be billed to the harbor.

NOW, THEREFORE, BE IT RESOLVED, that the Harbor Commission of the City of Cordova, Alaska, supports the 2022 PIDP North Harbor Modernization Project grant application concept and recommends the Council of the City of Cordova approve of the concept for grant application.

PASSED AND APPROVED ON THE 13th DAY OF APRIL, 2022.

Vice Chairman Andy Craig

Tony Schinella, Cordova Harbormaster



DRAFT
4/1/22

PND Engineers, Inc. (PND) is not responsible for safety programs, methods or procedures of operation, or the construction of the design shown on these drawings. Where specifications are general or not called out, the specifications shall conform to standards of industry. Drawings are for use on this project only and are not intended for reuse without written approval from PND. Drawings are also not to be used in any manner that would constitute a detriment directly or indirectly to PND.

REV	DATE	DESCRIPTION

DATE: _____

1506 West 36th Avenue
Anchorage, Alaska 99503
Phone: 907.561.1011
www.pndengineers.com
AK. LIC# AECC250



**CORDOVA WATERFRONT
IMPROVEMENTS**

**NORTH WATERFRONT
IMPROVEMENTS**

PROJECT:		SHEET NO:	
TITLE:		02	
DESIGNED BY:	BJ	DATE:	4/1/22
CHECKED BY:	CC	PROJECT NO:	221031

OF 30 3



AGENDA ITEM # 10c

Planning Commission Special Meeting Date: 4/14/22

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner

DATE: 4/14/22

ITEM: CMC 5.22 – Disposal of Real Property, Code Update Discussion

NEXT STEP: Discuss land disposal code updates and direct staff on next steps

☒ INFORMATION
☐ MOTION
☐ RESOLUTION

I. REQUEST OR ISSUE:

Staff has provided draft changes to CMC 5.22 – Disposal of Real Property as requested by the Planning Commission and City Council. Staff requests the commission review the proposed changes and provide staff with direction on if the changes are ready to be brought forward for a recommendation to council.

II. RECOMMENDED ACTION / NEXT STEP:

The chair should open the agenda item for discussion. No motion necessary.

III. FISCAL IMPACTS:

The proposed changes would increase materials costs and staff time an additional 3 to 5 hours for processing a letter of interest that involves a request for changing the status of a lot from “Not Available” to “Available” for the public noticing requirements. There will also be additional legal fees for the review of an ordinance to change the code.

IV. BACKGROUND INFORMATION:

City Council and Planning Commission identified a potential need to change city code regarding disposal of city land and a need for additional noticing in certain circumstances. Multiple Planning Commission regular meetings and a joint meeting with City Council was held in 2021 to identify the desired changes. Based on those discussions staff has drafted changes that address the following:

- Define land disposal map definitions and update procedures
- Includes public noticing when a lots status is requested to be changed from “Not Available” to “Available”. Noticing includes:
 - A sign posted on the site
 - Notice sent to all property owners within 300 feet
 - Notice posted at regular city locations (City Hall, Cordova Public Library, and the Post Office)

Staffs additions to the code are red and underlined, deletions are ~~red and struck through~~.

V. LEGAL ISSUES:

N/A

VI. ENVIRONMENTAL ISSUES:

N/A

VII. SUMMARY:

Staff requests the commission review the proposed changes and provide staff with direction on if the changes are ready to be brought forward for a recommendation to council.

VII. ATTACHMENTS:

- A. CMC 5.22 – Disposal of Real Property ~~strike through~~, underline review copy

Chapter 5.22 DISPOSAL OF REAL PROPERTY¹

5.22.010 Disposal authority.

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

(Ord. No. 1127, § 1, 5-6-2015)

5.22.020 Documentation of conveyance.

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

(Ord. No. 1127, § 1, 5-6-2015)

~~5.22.030 Land Disposal MapReserved.~~

~~A. The city shall maintain and update annually, a map of city owned real property. The real property shall be divided into the following designations:~~

- ~~1. Available: These properties are available to purchase, or lease.~~
- ~~2. Available – Subdivision Required: These properties are available to purchase or lease, but a subdivision of the land may be required.~~
- ~~3. Tidelands: Tidelands are considered as “Available” designation but shall require review and recommendation from the Harbor Commission. Disposal of tidelands shall follow the procedures in CMC 5.16~~
- ~~4. Not Available: These properties are currently in use for city uses and operations. This designation may be requested to be changed through the submission of a Letter of Interest. A request to change this designation shall be reviewed as outlined in this chapter and a decision made based on the proposed used versus the existing use.~~
- ~~5. Leased: These properties are currently under lease and not considered 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.~~

¹Editor's note(s)—Ord. No. 1127, § 1, adopted May 6, 2015, repealed and replaced ch. 5.22, §§ 5.22.010—5.22.120, in its entirety. Former ch. 5.22 pertained to Disposal of City Real Property and was derived from Ord. 999 § 1(part), adopted 2007; Ord. 1003 § 1, adopted 2007 and Ord. No. 1099, § 1, adopted November 7, 2012.

B. Once per year, city staff shall review, with the Planning and Zoning Commission, the land disposal map to consider possible changes to the current designations or to add or remove properties as needed. The Planning and Zoning Commission shall then forward a recommendation to the City Council for adoption.

C. Maps may be modified throughout the year at the request of the public through the submission of a Letter of Interest. Such requests will be reviewed as outlined in this chapter.

D. Noticing. A public notice shall be published, when real property is being added to the land disposal map, or an existing property is proposed to be changed from "Not Available". The notice shall include the name of the proponent, the location of the property, the proposed use and project description, and information on how the public can comment on the proposal.

No less than 30 (thirty) days prior to the Planning Commission making their recommendation, the public notice shall be published as follows:

1. A sign with the notice shall be posted onsite so that it is visible and able to be read from the Right-Of-Way.
2. At City Hall, Cordova Public Library, and the Post Office.
3. Mailed to all property owners within 300 feet of the perimeter of the subject property.

5.22.040 Letter of interest to lease or purchase.

A. A person may submit a letter of interest to the city raising an interest in the purchase or lease of city property. Except as otherwise provided in this chapter, a letter of interest shall be submitted to the city manager and must include the following information:

1. The name of the interested party and any other names under which the party does business;
2. The interested party's mailing address and the address of the interested party's registered office in the state, if applicable;
3. The use or purpose for which the interested party proposes to lease or purchase the property, and any additional information required by the city manager, school board, city planner or the planning commission.

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.

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).

D. The city council shall review the letter of interest and the planning commission's recommendation, and determine, in the city council's sole discretion, whether to offer the real property of interest for disposal by one of the methods as described in Section 5.22.060(B).

(Ord. No. 1127, § 1, 5-6-2015)

5.22.050 Letter of interest to lease or purchase school building property.

A. A letter of interest to lease or purchase an interest in a school building shall be submitted directly to the school board and shall include all the information required in Section 5.22.040.

B. Upon receipt of a letter of interest, the school board shall have authority to draft a resolution recommending action on the letter of interest and including recommended terms and conditions for any sale or lease of city owned real property with a school located on it.

C. The city council shall review the letter of interest and school board's recommendation, and determine, in the city council's sole discretion, whether to offer the real property interest for disposal by one of the methods described in Section 5.22.060(B).

(Ord. No. 1127, § 1, 5-6-2015)

5.22.060 Methods of disposal.

A. Except as this chapter provides otherwise, all disposals of interests in city real property shall be for no less than fair market value. The city may accept in exchange for an interest in city real property any consideration of sufficient value not prohibited by law.

B. In approving a disposal of an interest in city real property, the city council shall select the method by which the city manager will conduct the disposal from among the following:

1. Negotiate an agreement with the party who submitted a letter of interest to lease or purchase the property;
2. Invite sealed bids to lease or purchase the property;
3. Offer the property for lease or purchase at public auction;
4. Request sealed proposals to lease or purchase the property.

C. If the city elects to dispose of an interest in city real property under one of the competitive methods described in subsections (B)(2) through (B)(4), notice of the disposal shall be published in the manner which the city manager deems most likely to inform the public of the proposed disposal for a

period of at least thirty days. At a minimum, the notice shall describe the interest in city real property to be disposed of, the method of disposal, and the time and place for submitting bids or proposals.

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

E. A request for proposals to lease or purchase city real property shall specify the criteria upon which proposals will be evaluated and the minimum rent or purchase price. All proposals submitted in response to a request for proposals shall be reviewed by the planning commission, which shall make a recommendation to the city council to accept or decline any or all of the proposals. The city council shall review the proposals and the planning commission's recommendation and accept or decline any of the proposals.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.070 Disposal for less than fair market value.

A. The city may dispose of an interest in city real property for less than fair market value to the United States, the state of Alaska or any political subdivision thereof, or a nonprofit or tribal corporation or association, upon a finding by the council that the disposal will allow the use of the real property for a purpose beneficial to the city.

B. The city may lease city real property for less than fair market value where a commercial or industrial facility or use will be established and maintained on a continuous, year-round basis under the lease, if the council finds each of the following:

1. The reduction in rent below fair market value substantially increases the likelihood that the facility or use will be located in Cordova; and
2. The operation of the facility or use in the city will confer an economic benefit on the city and no equivalent benefit could be obtained by leasing the real property at its fair market value.

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

(Ord. No. 1127, § 1, 5-6-2015)

5.22.090 Disposal by lease.

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

-
- A. The lease may not be assigned without the approval of the city, which may be granted at the sole discretion of the city council.
- B. The term of the lease may not exceed thirty years, including renewals, unless the city council approves a longer term upon finding that the longer term will be beneficial to the city or the citizens of Cordova in light of the purpose of the lease, the use of the premises and the nature of any improvements to be constructed thereon.
- C. A lease having a term longer than two years may be subject to a rental adjustment at intervals no less frequent than every two years, but no such adjustment shall cause a reduction in the rent under the lease.
- D. A lease may grant the lessee one or more options to renew, provided that:
1. The term, including all available renewal terms, does not exceed the term permitted under subsection (B); and
 2. Upon each renewal, the lease shall be subject to all provisions of this code in effect at the time of the renewal.
- E. The lease shall reserve to the city the right to designate or grant rights-of-way or utility easements across the leased premises without compensation; provided, that the lessee shall be compensated for any resulting, taking or destruction of improvements owned by the lessee, and provided further that the rent shall be adjusted to reflect any resulting reduction in the fair market value of the leased premises.
- F. The lessee's performance under a lease shall be secured in the manner that the city council may require, including without limitation, a security deposit, surety bond or guaranty.
- G. Unless the council provides otherwise in authorizing the lease, the lessee shall pay rent to the city on an annual basis, in advance, with payments due upon commencement of the term and on each anniversary thereof during the term.
- H. The lease shall provide for payment of interest or a late fee for rent past due, and provide for recovery by the city of attorneys' fees and costs to the maximum extent allowed by law in the event the city is required to enforce the lease in court, and such additional provisions pertaining to defaults and remedies as the city manager may determine to be in the city's interest.
- I. A lease of space within a city school building shall provide that payments received for rent shall be made payable to the school district and assigned to a special revenue fund designated by the city council in consultation with the school board.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.100 Deposit—Disposal costs.

Created: 2021-07-16 14:03:01 [EST]

(Supp. No. 80)

A. When disposal of an interest in city real property is by the method in Section 5.22.060(B)(1), the interested party shall deposit the sum of one thousand dollars, and shall deposit such additional sums as the city manager may from time to time require to cover ongoing expenses incurred by the city in connection with the transaction, including without limitation staff time, appraisal costs, attorney's fees and costs, surveying and platting fees and costs, closing costs and escrow fees. The interested party shall reimburse the city in full at or before the closing of a sale or exchange, or the execution by the city of the lease or other document conveying the property interest, for all fees and costs the city incurred to third-parties in the transaction. Any unexpended deposit shall be applied to this reimbursement obligation. If negotiations with the interested party are terminated by either the city or the interested party and the disposal is not executed the city will keep the deposit to cover expenses incurred by the city in connection with the negotiation. The city will refund any unexpended part of the deposit to the interested party no later than ten days after consummation or termination of the transaction.

B. Proposals and bids submitted to the city for disposal of city real property under Section 5.22.060(B)(2) or 5.22.060(B)(4) shall include a deposit less than or equal to ten percent of the minimum purchase price to cover costs associated with the disposal process. The amount of the required deposit shall be indicated in the bidding or proposal documents. The deposit will be put toward the fees and costs the city incurs, including without limitation city staff time, appraisal costs, attorney's fees and costs, and platting fees. In the event that the city notifies an interested party that its proposal or bid has been selected and the interested party subsequently withdraws its proposal or bid, the city will retain the interested party's entire deposit. The city will refund in full an interested party's deposit if the interested party's proposal or bid is not selected by the city or the city withdraws the invitation or request for proposal after selection. Any unexpended portion of a winning bidder's deposit shall be applied toward the property's purchase price or rental rate.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.110 Valuation—Consideration.

Prior to the disposal of any interest in city real property, the city will determine the fair market value of the interest by using a qualified appraisal, tax assessment values, comparable property values or any other method the city determines, in its sole discretion, calculates the fair market value of the interest.

A. Where the disposal is by lease at fair market value, the minimum annual rent shall be the fair market value as determined by the city.

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

C. Where the disposal is to accommodate a structure that encroaches on city property or fails to conform to code requirements in Title 18, the purchase price of the property shall be three times the property's fair market value, which value is determined by the city according to this section.

Created: 2021-07-16 14:03:01 [EST]

(Supp. No. 80)

D. Where the disposal is for less than fair market value, the city council will determine the rent, purchase price or other consideration owed to the city for the property interest.

(Ord. No. 1127, § 1, 5-6-2015)

5.22.120 Effect of city actions.

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

(Ord. No. 1127, § 1, 5-6-2015)