AGENDA

1. CALL TO ORDER
2. ROLL CALL
   Commissioners Tom McGann, Chris Bolin, Trae Lohse, Mark Hall, Sarah Trumblee, Tania Harrison, and Kris Ranney
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT CALENDAR
   a. Record unexcused absence for Chris Bolin and Tania Harrison from the November 8, 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
9. UNFINISHED BUSINESS
10. NEW BUSINESS
    a. Letter of Interest from Trident Seafoods Corp, for a Portion of Lot 3, Block 7A, Tidewater Development Park ..........................................................Page 2
    b. Letter of Interest from Prince William Sound Science Center, for a Portion of Lot 3, Block 7A, Tidewater Development Park ..........................................................Page 6
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

If you have a disability that makes it difficult to attend city-sponsored functions, you may contact 424-6200 for assistance.

Full Planning Commission agendas and packets are available online at www.cityofcordova.net.
Hi Kevin,

Hoping you can pass my comments along to the commission. I wanted to comment on the CIP Recommendations list that was passed at a recent meeting. I am a lifelong resident, parent, an avid volunteer, and my husband is a Police Officer of 6 years here. I also lived off of Chase for 8 years, so I know how badly that road needs updating.

I was disappointed to see the new Public Safety building ranked below street projects on that list. The building currently houses the Alaska Wildlife Troopers, EMS, the Fire Dept, the Police Department, and the Dispatchers, where we dispatch for AWT, USFS, the PD, as well as the PD in Girdwood and Whittier. The space has been retrofitted for very technical and specific work over the years. A broken down building impacts recruitment and retention of workers, in a challenging hiring environment, and is tough on morale for the people who work long hours for you and I.

All of our first responders are in a tsunami zone. Every time a tsunami warning is issued from an earthquake, volunteers/workers must leave their jobs or their home life to move all resources to second street. They have to practice moving dispatch to higher ground, and I can only imagine should something ever happen, having to do that could impact response times to emergencies.

I have spent at least a week's worth of days helping clean, paint, organize and make it a more useful space. That doesn't compare to the many Officers, Dispatchers, Fire, EMS, Troopers, volunteers and even City Council Members that have dumped hundreds of hours into basic polishing of the current PS Building. But you can only paint a place so much before its time for new, and we're a decade past due on a new building.

This CIP list is not in alignment with the City Councils. Outside complete amazement over ranking an entire public safety building below a walkway from the North to South harbor, I have legitimate concerns over the image that portrays on future grant applications. Whether intentionally or not, it gives an assumption of how the commision values Public Safety.

I would ask that you reconsider your list as we enter a time where there may be infrastructure money for such a project in the near future.

I would encourage you to reach out to Fire Marshall Paul Trumbee or Chief Andrew Goss, if you'd like more insight into the building and the needs of the departments. If you come by the department, bring an extra layer in the winter, as the heat doesn't work well upstairs. But boy does it sweat you out in the summer.

Thank you for all of your volunteer time and efforts.

Kelsey Hayden
AGENDA ITEM # 10a
Planning Commission Meeting Date: 12/13/22

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner

DATE: 12/13/22

ITEM: Letter of Interest from Trident Seafoods Corp, for a Portion of Lot 3, Block 7A, Tidewater Development Park

NEXT STEP: Recommendation to City Council on Disposal and Disposal Method

____ INFORMATION  __X__ MOTION  ____ RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Recommendation to City Council on Disposal and Disposal Method
Applicant: Trident Seafood Corporation
Legal Description: Portion of Lot 3, Block 7A, Tidewater Development Park
Area: Approximately 22,292 Sq. Ft.
Zoning: Harbor (unzoned)
Attachments: Location Map
Letter of Interest

II. RECOMMENDED ACTION / NEXT STEP:

Staff suggests the following motion:
“I move to recommend to City Council to dispose of a portion of Lot 3, Block 7A, Tidewater Development Park as outlined in Cordova Municipal Code 5.22.060 B by *”

Choose one of the following to insert for the asterisk:
   1. Negotiating an agreement with Trident Seafood Corporation to lease or purchase the property.
   2. Requesting sealed proposals to lease or purchase the property.
   3. Inviting sealed bids to lease or purchase the property.
   4. Offering the property for lease or purchase at public auction.

III. FISCAL IMPACTS:

Lease would generate revenue for the city.

IV. BACKGROUND INFORMATION:

Trident Seafood Corporation has leased a portion of the city’s harbor tidelands to support the production operations of their south plant since 1993. The use of this tidelands was originally leased for the construction of a dock and float used for moorage, loading and unloading of fish products, and other activities in support of Tridents uplands facility.

The current lease with Trident has expired and all lease extension options have been exhausted. As there are no renewals remaining, the applicant is required to go through the land disposal process as if they are a requesting to lease the land for the first time. If the City Council determines it is in the city’s best interest to continue leasing the tidelands to Trident, a new lease will be negotiated. This new lease will then need to be approved by Council before it goes into effect.

Applicable Code:

5.22.040 - Letter of interest to lease or purchase.
   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).

5.22.060 - Methods of disposal.
   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.

VI. LEGAL ISSUES:

Legal review of lease will be required.

VII. SUMMARY AND ALTERNATIVES:

N/A
Helen Howarth, City Manager  
City of Cordova  
Via email: citymanager@cityofcordova.net

Kevin Johnson, City Planner  
City of Cordova  
Via email: planning@cityofcordova.net

November 10, 2022  
Letter of Interest

Dear M. Howarth and M. Johnson:

Trident Seafoods Corporation hereby notifies the City of Cordova that it would like lease the tidelands in Cordova that is has leased for several years as more fully described below.

Name: Trident Seafoods Corporation

Address: 5303 Shilshole Ave NW  
Seattle WA 98107

Use: In conjunction with operating seafood production facility located on adjacent uplands

Term: 10 years with two 10-year renewals

Legal Description of Property:

Approximately 22,292 square feet of Lot 3, Block 7A, adjacent to Lot 5A, Block 3, Tidewater Development Park, as shown on the Tideland Lease Plat prepared by Robert T. Kean and Associates, entitled “A Resubdivision of Block 7 Tideland Development Park” (Plat B1-7) and Lots 5 through 11, Block 2, Tidewater Development Park (Plat 68-414) located within Sections 21 and 28, T15S, R3W, C.R.M., Alaska, and recorded as Plat No. 93-2, Cordova Recording District, Third Judicial District.

Please contact Jarred Brand (jbrand@tridentseafoods.com) and Rick Isaacson (risaacson@tridentseafoods.com) for the business details related to this lease and legalnotice@tridentseafoods.com for the legal and execution details or for further questions.

Thank you.

Regards,

Stephanie Hampshire, Counsel  
Trident Seafoods Corporation  
shampshire@tridentseafoods.com
AGENDA ITEM # 10b
Planning Commission Meeting Date: 12/13/22

PLANNING COMMISSION COMMUNICATION FORM

FROM: Kevin Johnson, City Planner
DATE: 12/13/22
ITEM: Letter of Interest from PWSSC for the “Old Sea Grant Building” located within a portion of Lot 3, Block 7A, Tidewater Development Park

NEXT STEP: Recommendation to City Council on Disposal and Disposal Method

I. REQUEST OR ISSUE:

Requested Actions: Recommendation to City Council on Disposal and Disposal Method
Applicant: Prince William Sound Science Center
Legal Description: Portion of Lot 3, Block 7A, Tidewater Development Park
Area: Old Sea Grant Building
Zoning: Harbor (unzoned)
Attachments: Location Map
Letter of Interest

II. RECOMMENDED ACTION / NEXT STEP:

Staff suggests the following motion:
“I move to recommend to City Council to dispose of a portion of Lot 3, Block 7A, Tidewater Development Park as outlined in Cordova Municipal Code 5.22.060 B by *”

Choose one of the following to insert for the asterisk:
1. Negotiating an agreement with Prince William Sound Science Center to lease or purchase the property.
2. Requesting sealed proposals to lease or purchase the property.
3. Inviting sealed bids to lease or purchase the property.
4. Offering the property for lease or purchase at public auction.

III. FISCAL IMPACTS:
Lease would generate revenue for the city.

IV. BACKGROUND INFORMATION:
Prince William Sound Science Center (PWSSC) has leased the “old Sea Grant building” which is located within a portion of the city’s harbor tidelands. PWSSC began leasing this space since 1999 to support their operations. The use of this space has been for the storage of supplies and equipment and is used as a staging area from which the science center can deploy and retrieve their equipment for research expeditions.

The current lease with PWSSC has expired and no renewal options were included. As there are no renewals remaining, the applicant is required to go through the land disposal process as if they are a requesting to lease the land for the first time. If the City Council determines it is in the city’s best interest to continue leasing the tidelands to PWSSC, a new lease will be negotiated. This new lease will then need to be approved by Council before it goes into effect.

As this building is located within the “north harbor”, there is the possibility that it could be impacted by future development activities associated with grants that the city is pursuing to update the area. As such, staff would include provisions within the lease that would require PWSSC to relocate in the event that money is received to update the area.

Applicable Code:

5.22.040 - Letter of interest to lease or purchase.
   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).

5.22.060 - Methods of disposal.
   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.
VI. **LEGAL ISSUES:**

Legal review of lease will be required.

VII. **SUMMARY AND ALTERNATIVES:**

N/A
21 November 2022

Dear City of Cordova,

We are submitting this letter of interest to renew our lease of the Old Sea Grant building located on a portion of Lot 3, Block 7A, Tidewater Development Park.

There are approximately 2-3 people utilizing this as storage space for supplies and equipment. It is used as a staging area from which we deploy and retrieve instrumentation and supplies onto and off of vessels using the crane on the dock when we are departing on and returning from research cruises. The individuals using the facility will need to access it occasionally as required by their job/project. When removing/storing equipment they would be parking on the street near the old science center building or temporarily on the dock as necessary to load/unload items.

We are requesting to renew the lease for an additional five years. This facility has been an important asset and although we have new facilities, they are not in a location that allows us to easily aggregate and deploy the supplies we use in research cruises, both on our own vessel and chartering vessels owned by other entities in the community. We appreciate your consideration of this request.

Thank you,

[Signature]

Katrina Hoffman
President & CEO
khoffman@pwssc.org
AGENDA ITEM # 10c
Planning Commission Meeting Date: 12/13/2022

PLANNING COMMISSION COMMUNICATION FORM

FROM:   Kevin Johnson, City Planner
DATE:   12/13/22
NEXT STEP:   Review for Future Recommendation

___X___ INFORMATION
____ MOTION
____ RESOLUTION

I.   REQUEST OR ISSUE:

FEMA is requiring updates to the city’s floodplain protection code to remain in compliance with the requirements of FEMA’s Flood Insurance Program. Commission should review the attached draft changes to the floodplain protection code and discuss as needed.

II.  RECOMMENDED ACTION / NEXT STEP:

Following this meeting, staff will develop a draft ordinance for review by the city attorney. After attorney review, the next step for the commission will be to make a recommendation to the City Council

III.  FISCAL IMPACTS:

Legal review time
IV. BACKGROUND INFORMATION:

In 2015 the city adopted codes regulating FEMA identified floodplains. The adoption of these codes served two main purposes, first to protect life and property and the second was to make our community eligible for flood insurance and disaster relief.

In the summer of 2022, a FEMA representative visited for a compliance check. During this check it was determined that some items within our code were now outdated and require updating. These updates are required for our city to remain in compliance with FEMA’s flood insurance program.

Attached is a draft of the changes to the specific sections. Existing code that is to be deleted is struck-through and new proposed code is underlined.

V. LEGAL ISSUES:

None anticipated, but unknown until after final legal review

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

The updates to this code do not change the status of any legally constructed structures within the established floodplain.

VII. ATTACHMENTS:
A. Chapter 19.04 draft updated sections (strikethrough / underline version)
B. Chapter 19.04 Full existing version
C. Cordova Floodplain Maps
Title 1 Changes

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:

<table>
<thead>
<tr>
<th>Environment</th>
<th>Failure to comply with the requirements of this Title</th>
<th>500.00</th>
</tr>
</thead>
</table>

Title 19 Changes

19.04.040 - Purpose.

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

A. To protect human life and health;
B. To minimize expenditure of public money and costly flood control projects;
C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.

I. Participate in and maintain eligibility for flood insurance and disaster relief.

9.04.010 - definitions.

C. "Area of special flood hazard" means The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR IV, VO, V1-30, VE. "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard", for regulatory purposes, the
areas designated as subject to the "one-hundred-year flood," "base flood," and "one percent flood" on
the flood insurance rate maps issued by the National Flood Insurance Program (NFIP) and other flood
hazard studies used by the city for similar purposes. Also known as "special flood hazard area."

D. "Base flood" means a flood that has a one percent chance of occurring in any given year as
determined by NFIP guidelines. Also known as "one percent flood" and "one-hundred-year flood." the
flood having a one percent chance of being equaled or exceeded in any given year.

L. "Flood insurance study (FIS)" means the official report provided by the Federal Insurance
Administration that includes flood profiles, the flood boundary-floodway map and the water surface
elevation of the base flood. Flood elevation study: An examination, evaluation and determination of
flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation
and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a
Flood Insurance Study (FIS).

M. "Floodproofing" means any combination of structural and nonstructural additions, changes, or
adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved
real property, water and sanitation facilities, or structures with their contents. Any combination of
structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate
risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and
their contents.

N. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must
be reserved in order to discharge the base flood without cumulatively increasing the water surface
elevation more than one foot the channel of a river or other watercourse and the adjacent land areas
that must be reserved in order to discharge the base flood without cumulatively increasing the water
surface elevation more than a designated height. Also referred to as "Regulatory Floodway."

P. "Functionally dependent use" A use which cannot perform its intended purpose unless it is located or
carried out in close proximity to water. The term includes only docking facilities, port facilities that are
necessary for the loading and unloading of cargo or passengers, and ship building and ship repair
facilities, and does not include long term storage or related manufacturing facilities.

ABA. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for
recreational, camping, travel, or seasonal use.
Vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Also known as camper, and travel trailer.

AI. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

19.04.050 – Violations

Violation of the provisions of this Title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be in violation of this code and subject to abatement as outlined in Section 8.08.030. Each day a violation occurs is a separate violation. The minimum penalty for a single violation of this chapter is specified in Chapter 1.28 of this Code. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

19.04.150 – City manager – Further information to be obtained

The city manager shall:

A. Obtain and record the actual elevation (in relation to the FIS and FIRM) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

B. For all new or substantially improved flood-proofed structures:
   1. Verify and record the actual elevation (in relation to the FIS and FIRM), and
   2. Maintain the flood proofing certifications required in Section 19.04.100.C;

C. Maintain for public inspection all records pertaining to the provisions of this chapter. Obtain and maintain the following for public inspection and make available as needed:
   1. Certification required by Section 19.04.250 and Section 19.04.270 (lowest floor elevations for all structures, bottom of the lowest horizontal structural member (if applicable), and service facilities/mechanical equipment);
   2. Certification required by Section 19.04.260 (lowest floor elevations or floodproofing of non-residential structures and service facilities/mechanical equipment);
   3. Certification required by Section 19.04.277;
   4. Certification required by Section 19.04.276;
   5. Records of all variance actions, including justification for their issuance;
   6. Improvement and damage calculations.
19.04.160 – City manager—Alteration of watercourse.

The city manager shall:

A. Notify adjacent communities and the State Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

C. Notify the Federal Insurance Administrator in writing of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.


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

B. A garage attached to a residential structure, constructed with the garage floor slab below the Base Flood Elevation, must be designed to allow for the automatic entry and exit of flood waters.

19.04.265 – Accessory structure construction (detached garages & storage structures).

Accessory structures, both residential and nonresidential, used solely for parking of vehicles or storage may be constructed such that the floor is below the Base Flood Elevation, provided the structure is designed and constructed in accordance with the following requirements based on the floodplain zone:

   1. Use of the accessory structure must be limited to parking of vehicles or storage;
   2. The portions of the accessory structure located below the Base Flood Elevation must be built using flood resistant materials;
   3. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
   4. Any machinery or equipment servicing the accessory structure must be elevated or floodproofed to or above the Base Flood Elevation;
   5. The accessory structure must comply with floodway encroachment provisions in Section 19.04.276 and
6. The accessory structure must be designed to allow for the automatic entry and exit of flood waters in accordance with Section 19.04.277.

Detached garages, storage structures and other accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 19.04.250(A), (B), or (C) as appropriate.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.

**19.04.266 – Standards for storage of materials and equipment.**

A. The storage or processing of materials that could be injurious to human, animal or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

**19.04.275 – Recreational vehicles.**

In A1-30, AH, and AE zones, all recreational vehicles to be placed on a site must:

A. Be elevated and anchored; or

B. Be on the site for less than one hundred eighty consecutive days; and

C. Be fully licensed and highway ready.

D. Meet the permit requirements of Section 19.04.100 of this ordinance and the applicable elevation and anchoring requirements for manufactured homes in Section 19.04.270.

**19.04.276 – Floodways.**

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

Located within the special flood hazard areas established in Section 19.04.090 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through
hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

B. If Section 19.04.276 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 19.04.240.

C. Encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations may be permitted, provided that City of Cordova first applies for and fulfills the requirements for a Conditional Letter of Map Revision (CLOMR), and receives approval from the Federal Insurance Administrator to revise the FIRM and FIS in accordance with Section 19.04.160.


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

All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for meeting this requirement must meet or exceed the following criteria:

For non-engineered openings:

A. Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

B. The bottom of all openings shall be no higher than one foot above grade;

C. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Alternatively, a registered engineer or architect may design and certify engineered openings.

Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the Floodplain Administrator for verification.


The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the
surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

It is the duty of the City of Cordova to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the Base Flood Elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

A. The planning commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city manager in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the Superior Court, as provided in AS 29.33.070.

D. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and street and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors in subsection D of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

G. The city manager shall maintain the records of all appeal actions and report variances to the Federal Insurance Administration upon request.

19.04.283 – Variances – Condition for variances.

A. Variances shall only be issued:

1. Upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;

2. For the repair, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

3. Upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

4. Upon a showing of good and sufficient cause;

5. Upon a determination that failure to grant the variance would result in exceptional hardship to the applicant;

6. Upon a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 19.04.010 of this ordinance in the definition of “Functionally Dependent Use.”

B. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

C. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation, provided the procedures of Sections 19.04.180 of this
ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.


A. In considering variance applications, the (Governing Body) shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water system and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and
2. Such construction below the base flood elevation increases risks to life and property; and

C. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance.
19.04.290 – Variances (Reserved).

A. Variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:
   1. A showing of good and sufficient cause;
   2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
   3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud
      on or victimization of the public as identified in Section 19.04.280D, or conflict with existing
      local laws or ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
Chapter 19.04 - FLOOD PROTECTION

19.04.010 - Definitions.

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

A. "Appeal" means a request for a review of the city manager's interpretation of any provisions of this chapter or a request for a variance.

B. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

C. "Area of special flood hazard" means for regulatory purposes, the areas designated as subject to the "one-hundred-year flood," "base flood," and "one percent flood" on the flood insurance rate maps issued by the National Flood Insurance Program (NFIP) and other flood hazard studies used by the city for similar purposes. Also known as "special flood hazard area."

D. "Base flood" means a flood that has a one percent chance of occurring in any given year as determined by NFIP guidelines. Also known as "one percent flood" and "one-hundred-year flood."

E. "Base flood elevation (BFE)" means the elevation of surface water resulting from a flood that has a one percent chance of occurring in any given year. The elevation of the base flood.

F. "Basement" means any area of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

G. "Development" means any manmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

H. "Existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured (mobile) home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this chapter.

I. "Expansion to an existing manufactured (mobile) home park or manufactured (mobile) home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

J. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of two or more acres of normally dry land area or of two or more properties (at least one of which is the policyholder's property) from:
   1. The overflow of inland or tidal waters; and/or
   2. The unusual and rapid accumulation of runoff of surface waters from any source.

K. "Flood insurance rate map" (FIRM) means the official map on which the Federal Insurance Administration
has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

L. "Flood insurance study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map and the water surface elevation of the base flood.

M. "Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

N. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

O. "Freeboard" means an additional amount of height above the base flood elevation used as a factor of safety (e.g., two feet above the base flood) in determining the level at which a structure's lowest floor must be elevated or flood proofed to be in accordance with state or community floodplain management regulations.

P. "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Q. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

R. "Historic building" means any building that is listed individually in the National Register of Historic places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or individually listed in a state inventory of historic places in states with preservation programs that have been approved by the Secretary of the Interior; or individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1. By an approved state program as determined by the Secretary of the Interior; or
2. Directly by the Secretary of the Interior in states without approved programs.

S. "Letter of map amendment (LOMA)" means an amendment to the currently effective FEMA map which establishes that a property is not located in a special flood hazard area. A LOMA is issued only by FEMA.

T. "Letter of map revision (LOMR)" means an official amendment to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

U. "Lowest floor" means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of any other requirements.

V. "Manufactured (mobile) home" means a structure built on a permanent chassis, transported to its site in one or more section, and affixed to a permanent foundation. "Manufactured (mobile) home" does not
include recreational vehicles.

W. "Modular building" means a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home.

X. "New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

Y. "New manufactured (mobile) home park or manufactured (mobile) home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this chapter.

Z. "One-hundred-year flood" means a flood of a magnitude which can be expected to occur on the average of once every one hundred years. It is possible for this size flood to occur during any year. The odds are one to a hundred that this size flood will occur during a given year, but there is a one percent chance that a flood will occur each year. Also known as the "one percent flood", and the NFIP "base flood."

AA. "Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Also known as camper, and travel trailer.

AB. "Special flood hazard area (SFHA)" means an area having special flood, mudflow, or flood-related erosion hazards, and shown on a flood hazard boundary map or a flood insurance rate map. Also the area subject to inundation by the "base flood", "one percent flood" and "one-hundred-year flood". Also known as "area of special flood hazard."

AC. "Start of construction" means the first placement of permanent construction of a structure (other than a manufactured (mobile) home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured (mobile) homes not within a manufactured (mobile) home park or manufactured (mobile) home subdivision, "start of construction" means the affixing of the manufactured (mobile) home to its permanent site. For manufactured (mobile) homes within manufactured (mobile) home parks or manufactured (mobile) home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured (mobile) home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

AD. "Structure" means a walled and roofed building, and includes mobile homes, manufactured homes, and gas and liquid storage tanks or containers that are principally above ground.

AE. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. All structures that are determined to be substantially
damaged are automatically considered to be substantial improvements, regardless of the actual repair work performed. If the cost necessary to fully repair the structure to its before damage condition is equal to or greater than fifty percent of the structure's market value before damages, then the structure must be elevated (or floodproofed if it is non-residential) to or above the base flood elevation (BFE), and meet other applicable NFIP requirements.

AF. "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a building, the cost of which equals or exceeds fifty percent of the market value of the building before the "start of construction" of the improvement. Substantial improvement includes buildings that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a building to correct existing state or local code violations or any alteration to a "historic building," provided that the alteration will not preclude the building’s continued designation as a "historic building."

AG. "Variance" means a grant of relief by a participating community from the terms of its floodplain management regulations.

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

(Ord. No. 1136, § 1, 10-7-2015)

19.04.020 - Statutory authority.

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

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

19.04.030 - Findings of fact.

A. The flood hazard areas of the city are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

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

19.04.040 - Purpose.

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

A. To protect human life and health;

B. To minimize expenditure of public money and costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at
the expense of the general public;
D. To minimize prolonged business interruptions;
E. To minimize damage to public facilities and utilities such as water mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their action.

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

19.04.050 - Reduction of flood losses.

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

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

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

19.04.060 - Interpretation.

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

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

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

19.04.070 - Applicability.

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

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

19.04.080 - Compliance required.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations.
19.04.090 - Basis for establishing the areas of special flood hazard.

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

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

19.04.100 - Development permit.

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

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

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

(Ord. No. 1136, § 1, 10-7-2015)

19.04.110 - City manager—Administration.

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

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

19.04.120 - City manager—Duties generally.

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

(Ord. 507 (part), 1979: prior code § 15.400.4.3).
19.04.130 - City manager—Permit review.

The city manager shall:

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

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

19.04.140 - City manager—Use of other base flood data.

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

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

19.04.150 - City manager—Further information to be obtained.

The city manager shall:

A. Obtain and record the actual elevation (in relation to the FIS and FIRM) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

B. For all new or substantially improved flood-proofed structures:
   1. Verify and record the actual elevation (in relation to the FIS and FIRM), and
   2. Maintain the flood proofing certifications required in Section 19.04.100.C;

C. Maintain for public inspection all records pertaining to the provisions of this chapter.

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

(Ord. No. 1136, § 1, 10-7-2015)

19.04.160 - City manager—Alteration of watercourse.

The city manager shall:

A. Notify adjacent communities and the State Department of Community and Regional Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

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

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

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


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

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

19.04.190 - Subdivision proposals.

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

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


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

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

19.04.210 - Anchoring.

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

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

19.04.220 - Construction materials and methods.

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

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


A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

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

(Ord. No. 1136, § 1, 10-7-2015)

19.04.240 - Standards and specifications—Areas of special flood hazard.

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

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

19.04.250 - Residential construction.

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

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


New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
A. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in Section 19.04.150B.

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

19.04.270 - Manufactured (mobile) homes.

A. Manufactured (mobile) homes shall be anchored in accordance with Section 19.04.210.

B. For new manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for expansions to existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions; for existing manufactured (mobile) home parks and manufactured (mobile) home subdivisions where the repair reconstruction or improvement of the streets, utilities and pads equal or exceeds fifty percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured (mobile) homes not placed in a manufactured (mobile) home park or manufactured (mobile) home subdivision, require that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured (mobile) home and the bottom of the I-beam will be at or above the base flood level;

2. Adequate surface drainage and access for a hauler are provided; and,

3. In the instance of elevation on pilings, that:
   a. Lots are large enough to permit steps;
   b. Piling foundations are placed in stable soil no more than ten feet apart; and
   c. Reinforcement is provided for pilings more than six feet above the ground level.

C. No manufactured (mobile) home shall be placed in a floodway, except in an existing manufactured (mobile) home park or existing mobile home subdivision.

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

(Ord. No. 1136, § 1, 10-7-2015)

Editor’s note—Ord. No. 1136, § 1, adopted October 7, 2015, amended § 19.04.270, to read as set out herein. Previously § 19.04.270 was titled "Mobile homes."

19.04.275 - Recreational vehicles.

In A1-30, AH, and AE zones, all recreational vehicles to be placed on a site must:

A. Be elevated and anchored; or

B. Be on the site for less than one hundred eighty consecutive days; and

C. Be fully licensed and highway ready.

(Ord. No. 1136, § 1, 10-7-2015)
19.04.276 - Floodways.

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

(Ord. No. 1136, § 1, 10-7-2015)

19.04.277 - Equalizing hydrostatic load.

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

(Ord. No. 1136, § 1, 10-7-2015)

19.04.280 - Appeals.

A. The planning commission as established by the city shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the city manager in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the Superior Court, as provided in AS 29.33.070.

D. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The costs of providing governmental services during and after flood conditions, including maintenance and public utilities and facilities such as sewer, gas, electrical and water systems, and street and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsection D of this section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors in subsection D of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

G. The city manager shall maintain the records of all appeal actions and report variances to the Federal Insurance Administration upon request.

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

19.04.290 - Variances.

A. Variances may be issued for reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:
   1. A showing of good and sufficient cause;
   2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
   3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 19.04.280D, on conflict with existing local laws on ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

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

19.04.300 - Conflict of provisions.

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

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

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

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