

**PLANNING COMMISSION REGULAR MEETING
AUGUST 11, 2020 AT 6:45 PM
ELECTRONIC – INFORMATION BELOW**

Chair

Tom McGann

Commissioners

Scott Pegau

John Baenen

Nancy Bird

Chris Bolin

Trae Lohse

Mark Hall

City Planner

Leif Stavig

AGENDA

1. CALL TO ORDER

2. ROLL CALL

Chair Tom McGann, Commissioners Scott Pegau, John Baenen, Nancy Bird, Chris Bolin, Trae Lohse, and Mark Hall

3. APPROVAL OF AGENDA

4. APPROVAL OF CONSENT CALENDAR

- a. Record excused absence for Chris Bolin and Trae Lohse from the January 1, 2020 Regular Meeting
- b. Record excused absence for Trae Lohse from the March 10, 2020 Regular Meeting
- c. Record excused absence for Nancy Bird from the June 9, 2020 Regular Meeting
- d. Minutes of February 6, 2020 Public Hearing.....Page 2
- e. Minutes of February 6, 2020 Special Meeting.....Page 3
- f. Minutes of March 10, 2020 Public Hearing.....Page 5
- g. Minutes of March 10, 2020 Regular Meeting.....Page 6
- h. Minutes of June 9, 2020 Regular Meeting.....Page 9
- i. Minutes of July 14, 2020 Public HearingPage 11
- j. Minutes of July 14, 2020 Regular MeetingPage 12

5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

6. CORRESPONDENCE

- a. US Army Corps of Engineers Special Public NoticePage 17

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

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

8. PLANNER’S REPORTPage 20

9. NEW/MISCELLANEOUS BUSINESS

- a. Conditional Use Permit for Single-Family Residence on Lot 4B, Block 1, Original Townsite.....Page 21

10. PENDING CALENDAR

- a. August 2020 Calendar.....Page 29
- b. September 2020 Calendar.....Page 30

11. AUDIENCE COMMENTS

12. COMMISSION COMMENTS

13. ADJOURNMENT

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**PLANNING COMMISSION PUBLIC HEARING
FEBRUARY 6, 2020 AT 12:00 PM
CORDOVA CENTER EDUCATION ROOM
MINUTES**

1. CALL TO ORDER

Chair **Tom McGann** called the Planning Commission Public Hearing to order at 12:00 PM on February 6, 2020 in the Cordova Center Education Room.

2. ROLL CALL

Present for roll call were Chair **Tom McGann** and Commissioners **Chris Bolin**, **Trae Lohse**, and **Mark Hall**. **Scott Pegau**, **John Baenen**, and **Nancy Bird** were absent.

Also present was City Planner **Leif Stavig**.

One person was in the audience.

3. PUBLIC HEARING

a. Variance Request – Jeremiah and Kristie Beckett

Bird arrived at 12:01 PM.

M/Hall S/Bolin to recess until 12:14 PM.
With no objection, the hearing was recessed.

The Public Hearing came back to order at 12:14 PM.

4. ADJOURNMENT

M/Bird S/Bolin to adjourn the Public Hearing at 12:15 PM.
With no objection, the meeting was adjourned.

Approved:

Tom McGann, Chair

Leif Stavig, City Planner

**PLANNING COMMISSION SPECIAL MEETING
FEBRUARY 6, 2020 AT 12:15 PM
CORDOVA CENTER EDUCATION ROOM
MINUTES**

1. CALL TO ORDER

Chair **Tom McGann** called the Planning Commission Special Meeting to order at 12:15 PM on February 6, 2020 in the Cordova Center Education Room.

2. ROLL CALL

Present for roll call were Chair **Tom McGann** and Commissioners **Nancy Bird, Chris Bolin, Trae Lohse, and Mark Hall. Scott Pegau and John Baenen** were absent.

Also present was City Planner **Leif Stavig**.

Two people were in the audience.

3. APPROVAL OF AGENDA

M/Bolin S/Bird to approve the agenda.

Upon voice vote, motion passed 5-0.

Yea: **McGann, Bird, Bolin, Lohse, Hall**

Absent: **Pegau, Baenen**

4. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

5. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. **Guest Speakers**
- b. **Audience comments regarding agenda items**

6. NEW/MISCELLANEOUS BUSINESS

- a. **Variance Request – Jeremiah and Kristie Beckett**

M/Bolin S/Bird to grant the variance request by Jeremiah and Kristie Beckett and to adopt and incorporate the findings within the staff report.

Bird said she was comfortable with the application. The commission agreed with the staff report on Condition A and B of the variance. In discussion of Condition C, **Bird** mentioned that a driveway to a garage still has the effect of impacting on-street parking since no one would be able to park in front of the driveway. **Stavig** said that the garage was a two-car garage, so it meets the off-street parking requirement for two parking spaces. **Hall** said that it would be an improvement for snow clearing as the vehicle wouldn't be in the road. **Lohse** said that any off-street parking in the area would be an improvement. **Hall** verified that the applicant would be required to get a DOT right of way permit. He said he was concerned about the overhang going into DOT right of way. **Jeremiah Beckett** said that none of the structure would extend beyond his property line; the only thing that would extend into the right of way would be the bridge, which is allowable.

On Condition D, the commission agreed with the staff report. **Lohse** said more housing goes right along with the Comprehensive Plan. **McGann** said that there were many parts of the Comprehensive Plan that the variance was compatible with.

Upon voice vote, motion passed 5-0.

Yea: **McGann, Bird, Bolin, Lohse, Hall**

Absent: **Pegau, Baenen**

7. AUDIENCE PARTICIPATION

Beckett said that he appreciated the city walking him through the process so that they did the right homework and were able to get through the process.

Per Nolan was curious about where the right of way was compared to the bulkhead supporting the road. **Hall** said that there was about a foot gap from the end of the sidewalk to the property line.

8. COMMISSION COMMENTS

Hall said he spoke to **Stavig**, but he disagreed with having to do the variance. The wording from code is that the front setback is from the “curb line,” and staff have taken interpretation that that is the lot line. He thought the code needed to be cleaned up. **McGann** said he was glad **Hall** was on board with cleaning up code.

McGann thanked everyone for coming and thought they did good.

9. ADJOURNMENT

M/Hall S/Bolin to adjourn the Special Meeting at 12:34 PM.

With no objection, the meeting was adjourned.

Approved:

Tom McGann, Chair

Leif Stavig, City Planner

**PLANNING COMMISSION PUBLIC HEARING
MARCH 10, 2020 AT 6:30 PM
CORDOVA CENTER COMMUNITY ROOMS A & B
MINUTES**

1. CALL TO ORDER

Chair **Tom McGann** called the Planning Commission Public Hearing to order at 6:30 PM on March 10, 2020 in Cordova Center Community Rooms A & B.

2. ROLL CALL

Present for roll call were Chair **Tom McGann** and Commissioners **Scott Pegau, John Baenen, Nancy Bird,** and **Mark Hall.** **Chris Bolin** and **Trae Lohse** were absent.

Also present was City Planner **Leif Stavig.**

Two people were in the audience.

3. PUBLIC HEARING

a. Permit ‘Marine Education and Science Activities’ as a Use on ASLS 2001-5

Katrina Hoffman thanked the commission for taking this up. This issue came up during the sale, and it was thought to be an acceptable use under the Conservation District. There’s a project manager on board, **Rich Rogers,** and a design team, and they are ready to move dirt. 2021 will be the busy build year.

M/Hall S/Bird to recess until 6:44 PM.

With no objection, the hearing was recessed.

Bolin arrived at 6:33 PM.

The Public Hearing came back to order at 6:44 PM.

4. ADJOURNMENT

M/Baenen S/Hall to adjourn the Public Hearing at 6:45 PM.

With no objection, the meeting was adjourned.

Approved:

Tom McGann, Chair

Leif Stavig, City Planner

**PLANNING COMMISSION REGULAR MEETING
MARCH 10, 2020 AT 6:45 PM
CORDOVA CENTER COMMUNITY ROOMS A & B
MINUTES**

1. CALL TO ORDER

Chair *Tom McGann* called the Planning Commission Regular Meeting to order at 6:45 PM on March 10, 2020 in Cordova Center Community Rooms A & B.

2. ROLL CALL

Present for roll call were Chair *Tom McGann* and Commissioners *Scott Pegau, John Baenen, Nancy Bird, Chris Bolin*, and *Mark Hall*. *Trae Lohse* was absent.

Also present was City Planner *Leif Stavig*.

Two people were in the audience.

3. APPROVAL OF AGENDA

M/Pegau S/Bolin to approve the agenda.

Upon voice vote, motion passed 6-0.

Yea: *McGann, Pegau, Baenen, Bird, Bolin, Hall*

Absent: *Lohse*

4. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

Pegau said he had a conflict with the one agenda item. The commission did not object.

5. CORRESPONDENCE

6. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

b. Audience comments regarding agenda items

Rich Rogers, said that as a project manager for the Science Center, he would be working on the project for some time. The project gives the Science Center room to grow. They are working on the permitting for the seawater pump. There shouldn't be any surprises about what is before them tonight.

Katrina Hoffman said they are collaborating with the city on the sewer line, which will become a new asset for the city. She thanked the commission for taking their request under consideration.

7. PLANNER'S REPORT

Stavig said the city budget is on the city webpage. He encouraged the commission to take a look at that. Between the budget and the new comprehensive plan, someone could learn a lot about the city. He said that he attended the planning conference in Anchorage and *Bird* and *Hall* attended the Planning

Commissioner Training. He thought if there was enough in the budget it would be great if someone from the commission could go to the full conference. He thought it was interesting to see different communities dealing with similar issues. He said office traffic has been nonstop.

8. NEW/MISCELLANEOUS BUSINESS

a. Permit 'Marine Education and Science Activities' as a Use on ASLS 2001-5

M/Bird S/Bolin to permit 'marine education and science activities' as a permitted use on ASLS 2001-5.

Bird said it was laid out well in the packet and she agrees with the findings. *Bolin* said that it would be a good fit with the community and aligned with the comprehensive plan. *Hall* said that there is land owned by the city around the area, and the new sewer line would increase the value of the land.

Stavig said that the land is deed restricted for public use. He has heard people talk about the land disposal to the Science Center, and he thinks people have forgotten that the land is dedicated for a public purpose. The way the Science Center is developing the property and the purpose of the Conservation District goes together well.

Rogers said that he envisioned limited tree cutting and foundation work to commence in the fall. *Hoffman* said that they have been working with the City Parks and Recreation Department on the use of the campsites, which will continue until the end of August.

Upon voice vote, motion passed 6-0.

Yea: McGann, Pegau, Baenen, Bird, Bolin, Hall

Absent: Lohse

9. PENDING CALENDAR

Stavig said that most of the city staff is part of the Emergency Management Organization. His role is Planning Section Chief, and the training he may attend in April is a four-day course funded by a grant. It is a whole side of the city most people don't know about that is very interesting.

10. AUDIENCE PARTICIPATION

Hoffman thanked the commission.

11. COMMISSION COMMENTS

Hall said he was looking forward to construction of the Science Center.

Bolin said the Science Center has done a lot for the city and looks forward to seeing what they do in the future.

Baenen said after 30 years, it's about time they had a better place.

McGann said he was glad they went through the formality. He said that he wants to restart the discussion on Title 16.

12. ADJOURNMENT

M/*Bolin S/Baenen* to adjourn the Regular Meeting at 6:47 PM.
With no objection, the meeting was adjourned.

Approved:

Tom McGann, Chair

Leif Stavig, City Planner

**PLANNING COMMISSION REGULAR MEETING
JUNE 9, 2020 AT 6:30 PM
ELECTRONIC
MINUTES**

1. CALL TO ORDER

Chair *Tom McGann* called the Planning Commission Regular Meeting to order at 6:30 PM on June 9, 2020 held electronically and open to the public.

2. ROLL CALL

Present for roll call were Chair *Tom McGann* and Commissioners *Scott Pegau, John Baenen, Chris Bolin, Trae Lohse*, and *Mark Hall*. *Nancy Bird* was absent.

Also present was City Planner *Leif Stavig*.

Zero people from the public attended the meeting.

3. APPROVAL OF AGENDA

M/Pegau S/Baenen to approve the agenda.

Upon voice vote, motion passed 6-0.

Yea: *McGann, Pegau, Baenen, Bolin, Lohse, Hall*

Absent: *Bird*

4. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

5. CORRESPONDENCE

6. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

- a. Guest Speakers
- b. Audience comments regarding agenda items

7. PLANNER'S REPORT

Pegau asked *Stavig* if the variances referenced in the report were approved or upcoming. *Stavig* said that these were approved variances that have commenced, but have not been completed. *Stavig* explained that *Carl* and *Jane Jensen* had a lease with option to purchase for a garage, which they completed. *Stavig* explained that the Forest Service lease was in hold-over and will come up in the next few months.

8. NEW/MISCELLANEOUS BUSINESS

a. Resolution 20-01 - 2020 Land Disposal Maps

A resolution of the Planning Commission of the City of Cordova, Alaska, recommending the City Council of the City of Cordova, Alaska adopt the 2020 Land Disposal Maps

M/Pegau S/Bolin to approve Resolution 20-01.

McGann said they have been through the Land Disposal Maps thoroughly. He went through each map and no one from the commission had any questions or comments.

Upon voice vote, resolution passed 6-0.

Yea: *McGann, Pegau, Baenen, Bolin, Lohse, Hall*

Absent: *Bird*

9. PENDING CALENDAR

Stavig said there would be a meeting in July for sure.

10. AUDIENCE PARTICIPATION

11. COMMISSION COMMENTS

Pegau said it was surprising things had been this light for months.

Bolin thanked everyone for their time.

Hall gave appreciation to *Stavig* for work on COVID task force.

12. ADJOURNMENT

M/Bolin S/Lohse to adjourn the Regular Meeting at 6:43 PM.

With no objection, the meeting was adjourned.

Approved:

Tom McGann, Chair

Leif Stavig, City Planner

**PLANNING COMMISSION PUBLIC HEARING
JULY 14, 2020 AT 6:30 PM
ELECTRONIC
MINUTES**

1. CALL TO ORDER

Chair *Tom McGann* called the Planning Commission Public Hearing to order at 6:30 PM on July 14, 2020 held electronically and open to the public.

2. ROLL CALL

Present for roll call were Chair *Tom McGann* and Commissioners *Scott Pegau, John Baenen, Nancy Bird, Chris Bolin,* and *Mark Hall. Trae Lohse* was absent.

Also present was City Planner *Leif Stavig*.

Two people from the public were in attendance.

3. PUBLIC HEARING

- a. Conditional Use Permit for Small Engine Repair Ops on Tract B-1 USS 833**
- b. Variance Request – John Stack**

Sheridan Joyce said he was there for questions from the commission during the Regular Meeting.

M/Pegau S/Baenen to recess until 6:43 PM.
With no objection, the hearing was recessed.

The Public Hearing came back to order at 6:43 PM.

4. ADJOURNMENT

M/Bird S/Baenen to adjourn the Public Hearing at 6:44 PM.
With no objection, the meeting was adjourned.

Approved:

Tom McGann, Chair

Leif Stavig, City Planner

**PLANNING COMMISSION REGULAR MEETING
JULY 14, 2020 AT 6:45 PM
ELECTRONIC
MINUTES**

1. CALL TO ORDER

Chair **Tom McGann** called the Planning Commission Regular Meeting to order at 6:45 PM on July 14, 2020 held electronically and open to the public.

2. ROLL CALL

Present for roll call were Chair **Tom McGann** and Commissioners **Scott Pegau, John Baenen, Nancy Bird, Chris Bolin, Trae Lohse, and Mark Hall.**

Also present was City Planner **Leif Stavig.**

Three people from the public were in attendance.

3. APPROVAL OF AGENDA

M/Bird S/Bolin to approve the agenda.

Upon voice vote, motion passed 7-0.

Yea: **McGann, Pegau, Baenen, Bird, Bolin, Lohse, Hall**

4. APPROVAL OF CONSENT CALENDAR

a. Minutes of January 14, 2020 Regular Meeting

M/Bird S/Baenen to approve the consent calendar.

Upon voice vote, motion passed 7-0.

Yea: **McGann, Pegau, Baenen, Bird, Bolin, Lohse, Hall**

5. DISCLOSURES OF CONFLICTS OF INTEREST AND EX PARTE COMMUNICATIONS

6. CORRESPONDENCE

a. Correspondence from Jerry & Vicki Blackler

7. COMMUNICATIONS BY AND PETITIONS FROM VISITORS

a. Guest Speakers

b. Audience comments regarding agenda items

Craig Kuntz, 404 Fourth Street, said he had submitted a letter of interest for the eastern half of a neighboring lot. The only way to access the lot is through his property. He is just looking for more area to play in.

8. PLANNER'S REPORT

Stavig said he was behind on minutes; his goal was to finish those by the next meeting. *Stavig* said as an update to his report on changing the code to require appraisals, he and other colleagues decided against changing code, but rather they will now have a policy that appraisals are required unless there is a very unique situation. *Stavig* explained that the Forest Service lease was from the 1960s and actually was due to expire this year, but they set up a hold-over agreement to give the city more time to negotiate and deal with COVID.

Stavig said if people want any maps of GIS data they currently have to go through him, however the information is public, and there are some hunting apps that have all of the city property tax information and ownership. He would prefer that the city have an official map that is more current. *Stavig* said that the number of building permits is average for other years. He has had a lot of traffic and there is still a lot going on in town despite the pandemic.

9. NEW/MISCELLANEOUS BUSINESS

a. Conditional Use Permit for Small Engine Repair Operations on a Portion of Tract B-1 USS 833

M/Bolin S/Pegau to approve the conditional use permit request by Sheridan Joyce for small engine repair operations on a Portion of Tract B-1 USS 833 as described in the application and to adopt and incorporate the findings and special conditions contained in the staff report.

Stavig said he had received questions about when the subdivision for the land would occur, and he has confirmed that the process is underway. Conditional use permits are basically the starting point for many people, so the subdivision will be occurring soon. *Stavig* said the language in the memo says, "small engine repair operations," to make it clear that the entire property will be used this way, not just the future building.

Pegau was curious about how the lot was accessed. *Stavig* said the lot to the west is owned by *Jerry Blackler* and there is a 50-foot easement that provides access from Whitshed Road. *Hall* said that there wasn't a road being dedicated, it was just an easement for access. *Bird* asked about the required timeframe for when conditional uses must commence after they are granted. *Stavig* said that there is a required time frame, but because the conditional use is for the entire lot, it doesn't necessitate the building be constructed for that use to occur.

M/Pegau S/Bird to amend the conditional use request to add a requirement that the owner of the property provide the signed authorization for the conditional use permit.

McGann said he just wanted to make sure this was a part of the application.

Upon voice vote, amendment passed 7-0.

Yea: McGann, Pegau, Baenen, Bird, Bolin, Lohse, Hall

Upon voice vote, motion passed 7-0.

Yea: McGann, Pegau, Baenen, Bird, Bolin, Lohse, Hall

b. Variance Request – John Stack

M/Bolin S/Bird to grant the variance request by John Stack and to adopt and incorporate the findings within the staff report.

Stavig said that the building was nonconforming and there was no off-street parking. **Stavig** said that the variance was only needed for the covering over the deck. There are stairs that extend further into the setback, but those are required for legal access to the main floor of the building. The old stairs went straight out into the right of way, and the new stairs are designed to stay within the property. There is also an existing covering on the ground level door that is unenclosed and doesn't provide any additional space within the building.

McGann said the stairs should be considered part of the structure, so really the owner is constructing to the front property line. **Pegau** said that he wasn't sure from the drawings that the stairs would be entirely within the property. **Bird** said that her understanding was that the stairs would be inside the ground level covering so it would remain on **Stack's** property. She also noted that while there was no off-street parking, there was parking in the right of way that did not negatively interfere with the street. **Baenen** said he agreed with **Bird** and said there was ample parking in the right of way, but off the street. **Hall** said it was a nonconforming lot and structure and the owner was trying to use the existing building. **Hall** said he looks at the stairs sort of as a driveway instead of the structure as it is access to the structure.

Pegau said he did not agree with the staff findings for Condition 2, being aesthetic is not a practical difficulty or unnecessary hardship. He agrees with all of the other conditions. **McGann, Baenen, Bird, Bolin, Lohse, and Hall** agreed that all four conditions were met and agreed with the staff findings.

Upon voice vote, motion passed 6-1.

Yea: **McGann, Baenen, Bird, Bolin, Lohse, Hall**

Nay: **Pegau**

c. Resolution 20-02 – Make Eastern Half of Lot 3, Block 17, Original Townsite ‘Available’

A resolution of the Planning Commission of the City of Cordova, Alaska, recommending to the City Council of the City of Cordova, Alaska that an approximately 1,750 square foot area corresponding with the eastern half of Lot 3, Block 17, Original Townsite be updated to ‘Available’ and added to the 2020 Land Disposal Maps

M/Bolin S/Hall to approve Resolution 20-02.

Lohse was disconnected from the meeting at 7:38 PM.

Stavig said there was a stream in the far corner. If this was a large, developed subdivision there would be an easement required along the stream. Since this is already subdivided property, that is not a requirement. He said it had been listed as ‘Not Available’ because of the large drainage that goes through it. The western half has a culvert that goes underneath the road. **Stavig** said when he spoke to **Kuntz** prior to his letter, they discussed how it made sense to subdivide the property since the western half contains the drainage and is close to a different property owner's house.

Pegau said he was concerned about making a nonconforming lot. **Stavig** said that if the purchased portion was added to **Kuntz's** existing property, it would be one large lot. He noted that there is a 10-foot-wide parcel that was subdivided in an un-ideal way, and this purchase would help clean up

all of the property lines. **Pegau** said his concern was that they are setting it up so that one person can purchase versus putting the entire lot out to the public for purchase. **Stavig** said that Lot 3 would already be considered nonconforming as it was under 4,000 square feet, which is the minimum lot size. **McGann** said that if it is nonconforming than the neighboring property owners would be the only people who could purchase the property.

Baenen said the west half of the lot was basically a canyon and would be unusable for anyone. **Hall** said he liked the idea that it cleans up the mess with property lines. **McGann** agreed that the lot as a whole wasn't really sellable, so if the city can get revenue for a portion of it, he is in favor. **Pegau** said that he doesn't understand why they would subdivide it just because the interested person doesn't want the whole thing. **Pegau** made a motion to amend the resolution to make the whole lot 'Available,' but the motion was not seconded.

Bird said that by subdividing it they are protecting the landowner to the north by not selling land directly adjacent to their house which is close to the property line. She said it was likely more important for the city to retain ownership for drainage maintenance. **Baenen** said the actual drainage culvert may be on the lot and the city needs to retain the property.

Upon voice vote, motion passed 5-1.

Yea: **McGann, Baenen, Bird, Bolin, Hall**

Nay: **Pegau**

Absent: **Lohse**

d. Letter of Interest from Craig Kuntz for the Eastern Half of Lot 3, Block 17, Original Townsite

M/**Bolin** S/**Bird** to recommend to City Council to dispose of the eastern half of the remainder of Lot 3, Block 17, Original Townsite as outlined in Cordova Municipal Code 5.22.060 B by negotiating an agreement with Craig Kuntz to lease or purchase the property.

Pegau asked if the other adjacent landowner had submitted a letter of interest, to which **Stavig** explained there was only a letter from **Kuntz**; there is no public notification process associated with land disposals as there is with variances or conditional use permits. **Pegau** said he would much rather see it go out for proposals.

M/**Bird** S/**Pegau** to amend the motion to request sealed proposals to lease or purchase the property.

Bolin said that anyone can approach the city for property and **Kuntz** has done the legwork to start the process. **Hall** said that **Kuntz** put in the request and no one else has shown interest. The majority of the land requested is on the south side of the stream, which serves as a natural division between the property owner to the north. **Hall** said the Planning Commission meeting was publicly noticed and so would the future City Council meeting. **Bird** said she wishes there was a way to make the process more public. **Pegau** said that they just made it 'Available,' so he prefers that it goes to proposals since there are two property owners.

Upon voice vote, motion to amend failed 2-4.

Yea: **Pegau, Bird**

Nay: **McGann, Baenen, Bolin, Hall**

Absent: **Lohse**

M/Bird S/Hall to amend the motion to add a special condition that the lot be added to the rest of his property and combined into one lot.

Upon voice vote, motion to amend passed 6-0.

Yea: **McGann, Pegau, Baenen, Bird, Bolin, Hall**

Absent: **Lohse**

Upon voice vote, motion passed 5-1.

Yea: **McGann, Baenen, Bird, Bolin, Hall**

Nay: **Pegau**

Absent: **Lohse**

10. PENDING CALENDAR

11. AUDIENCE PARTICIPATION

Kuntz thanked the commission. He verified that if he were to purchase the lot, all of his property would become one lot.

12. COMMISSION COMMENTS

Pegau said it was good to get back into the meetings.

Baenen said it was a great meeting and he looks forward to sitting together some day.

Bolin said he was glad they were all able to be together, sort of.

Hall said he looked forward to doing the meeting in person versus over computer.

Bird said that the Cordova Historic Preservation Commission is having a meeting and there's a very interesting draft report from a historical consultant about how to do a historic building survey.

13. ADJOURNMENT

M/Bolin S/Hall to adjourn the Regular Meeting at 7:55 PM.

With no objection, the meeting was adjourned.

Approved:

Tom McGann, Chair

Leif Stavig, City Planner



**US Army Corps
of Engineers
Alaska District**

Special Public Notice

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

PUBLIC NOTICE DATE:	July 24, 2020
EXPIRATION DATE:	August 24, 2020
REFERENCE NUMBER:	POA-2017-00271
WATERWAY:	MULTIPLE

NOTICE OF AVAILABILITY FOR THE PEBBLE PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT

Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, Alaska District, Regulatory Division (USACE), in cooperation with U.S. Coast Guard (USCG), Department of the Interior's Bureau of Safety and Environmental Enforcement (BSEE), the Advisory Council on Historic Preservation (ACHP), the U.S. Fish and Wildlife Service (USFWS), the U.S. Environmental Protection Agency (EPA), the U.S. Department of Interior National Park Service (NPS), the Pipeline and Hazardous Materials Safety Administration, the State of Alaska, the Lake and Peninsula Borough, the Curyung Tribal Council, and the Nondalton Tribal Council, has completed and is making available to the public, a Final Environmental Impact Statement (FEIS) for the proposed Pebble Project.

The proposed Pebble Project includes the construction of an open-pit mine and associated ore processing facilities; an 82-mile road from the mine site to a port facility; a port facility near Diamond Point; a lightering location in Iniskin Bay; a 164-mile natural gas pipeline originating on the Kenai Peninsula and extending across Cook Inlet to the port facility, following the transportation corridor and terminating at the mine site; a 164-mile fiber optic cable paralleling the natural gas pipeline; concentrate and return water pipelines which parallel the transportation corridor between the mine site and the port facility; and power generation facilities located at the mine and the port site.

The Notice of Availability (NOA) of the FEIS was published in the *Federal Register* on July 24, 2020. In accordance with NEPA regulations, the USACE will not issue a Joint Record of Decision (JROD) on the proposed action until at least 30 days after the NOA publication date. The JROD will state the decision of USACE and of USCG on whether to authorize the portions of the Pebble Project which require USACE or USCG authorization, and if authorizations are issued, the conditions under which the activities would be allowed to occur, and the factors considered in the decisions.

The FEIS, as well as the Department of the Army permit application and its revisions, and other supporting information can be viewed on the Pebble Project EIS website: www.pebbleprojecteis.com. In addition, copies of the FEIS may be viewed at the following locations: Bristol Bay Borough Libraries (serving King Salmon, Naknek, and South Naknek); Dillingham Public Library, Dillingham, Alaska; Georgetown University, Washington, D.C.; Homer Public Library, Homer, Alaska; Kenai Community Library, Kenai, Alaska; Soldotna Public Library, Soldotna, Alaska; Z.J. Loussac Public Library, Anchorage, Alaska; Alaska Resource Library and Information Services, Anchorage, Alaska; and the University of Alaska/Pacific University, Anchorage Consortium Library, Anchorage, Alaska.

WATER QUALITY CERTIFICATION: Department of the Army authorization of discharges of dredged or fill material into waters of the United States cannot be issued until a certification or waiver of certification, as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

HISTORIC PROPERTIES: In accordance with Section 106 of the National Historic Preservation Act, the USACE expects to make an Adverse Effect determination for the proposed project. A description of the efforts to identify historic properties and known potential historic properties that may be affected by the project is provided in the FEIS. USACE, in consultation with ACHP, the State Historic Preservation Officer, and other consulting parties, is drafting a Programmatic Agreement (PA). The PA would direct the identification, evaluation, and assessment of effects to historic properties, as well as resolution of adverse effects to historic properties which would occur as a result of the work under the requested permit. A copy of the draft PA is located in Appendix L of the FEIS.

By copy of this notice, USACE seeks comments on the draft PA. In addition, USACE continues to seek any comments concerning potential historic properties that may be affected by work under the requested permit. Comments regarding the draft PA or potential historic properties should be sent to USACE at the address above and should include the Public Notice reference number above. All comments should be post marked no later than the expiration date of this Public Notice to become part of the record and be considered.

Any questions pertaining to this notice may be directed to Shane McCoy, Program Manager, USACE, at (907) 753-2712, toll free from within Alaska at (800) 478-2712, via email at poaspecialprojects@usace.army.mil, by fax at (907) 753-5567, or at the address above.

District Commander
U.S. Army, Corps of Engineers

Enclosure: Notice of Application for State Water Quality Certification

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER

Wastewater Discharge Authorization Program (WDAP) / 401 Certification

DEPARTMENT OF ENVIRONMENTAL CONSERVATION
WDAP/401 CERTIFICATION

555 CORDOVA STREET

ANCHORAGE, ALASKA 99501-2617

PHONE: (907) 269-6285 | EMAIL: dec-401cert@alaska.gov

NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

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

Notice is hereby given that the application for a Department of the Army Permit described in this Corps of Engineers' Public Notice (PN) Reference Number **POA-2017-00271, Multiple Waterbodies**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

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

Any person desiring to comment on the project with respect to Water Quality Certification, may submit written comments to the address above or via email to dec-401cert@alaska.gov by the expiration date of the Corps of Engineer's Public Notice. All comments should include the PN reference number listed above. Mailed comments must be postmarked on or before the expiration date of the public notice.

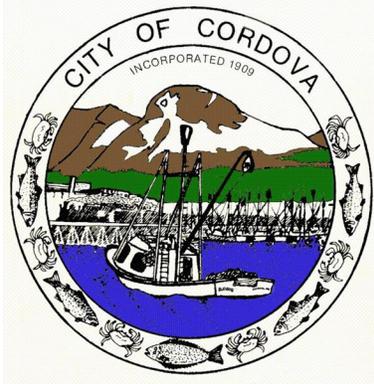
Disability Reasonable Accommodation Notice

The State of Alaska, Department of Environmental Conservation complies with Title II of the Americans with Disabilities Act of 1990. If you are a person with a disability who may need special accommodation in order to participate in this public process, please contact Kate Orozco at 907-465-6171 or TDD Relay Service 1-800-770-8973/TTY or dial 711 within 5 days of the expiration date of this public notice to ensure that any necessary accommodations can be provided.

Planner's Report

To: Planning Commission
From: Planning Staff
Date: 8/5/20
Re: Recent Activities and Updates

- Medium traffic from public with misc. planning questions, i.e., subdivisions, permits, maps, zoning, property purchasing, etc.
- Back in office, open by appointment.
- Forest Service land disposal for dock coming up shortly.
- Carl and Jane Jensen purchased property they leased.
- Rob Brown lease closing on property.
- Craig Kuntz Letter of Interest – City Council made the property available and put the property out to RFP.
- Preparing an online GIS property map available for other city employees and public; big updates to GIS so working to get up to date.
- Caught up on Planning Commission minutes.
- Prepared packet for Planning Commission Regular Meeting.
- Agenda items for September Regular Meeting – Commission should expect to have electronic meetings for the foreseeable future.
- Surveyor in town doing several private projects; reviewing several administrative and final plats; had shipyard surveyed for Harbor and COVID bathroom project.
- Assisted Public Works and Harbor with updating and resubmitting Tier I Harbor Grant.
- COVID-19 – Serving on Incident Management Team per job description; assisting with re-opening plan for City Hall.
- 14 building permits issued so far for 2020. Total for 2019: 29.



AGENDA ITEM # 9a
Planning Commission Meeting Date: 8/11/20

PLANNING COMMISSION COMMUNICATION FORM

FROM: Planning Staff
DATE: 8/5/20
ITEM: Conditional Use Permit for Single-Family Residence on Lot 4B, Block 1, Original Townsite
NEXT STEP: Review Conditional Use Permit Application

INFORMATION
 MOTION
 RESOLUTION

I. REQUEST OR ISSUE:

Requested Actions: Conditional Use Permit for Single-Family Residence
Applicant: Linden O'Toole
Legal Description: Lot 4B, Block 1, Original Townsite
Zoning: Central Business District
Attachments: Location Map
Application

II. RECOMMENDED ACTION / NEXT STEP:

“I move to approve the conditional use permit request by Linden O'Toole for a single-family residence on Lot 4B, Block 1, Original Townsite as described in the application and to adopt and incorporate the findings and special conditions contained in the staff report.”

Staff recommend the Planning Commission grant the Conditional Use Permit.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

This property is located at 405 First Street and has been used as the Cordova Realty office.

Cordova Municipal Code

Chapter 18.29 – Central Business District

18.29.040 - Yards.

A. Every building or portion thereof in the B district which is designed, intended or used for any purpose permitted in an R district for any other residential or dwelling purpose shall provide yards as required in the R district; provided, that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required except that there shall be a side yard along the side of every lot which is not bounded by an alley and which is bordering on property in an R district.

B. Yards shall not be required otherwise, except that no building shall be erected nor shall any use of land be conducted so that the same will be closer than thirty feet to the center line of any street adjoining the lot.

Chapter 18.60 – Conditional Use Permits.

18.60.010 - Purpose.

It is recognized that there are some uses and associated structures which may be compatible with designated principal uses in specific zoning districts provided certain conditions are met. The conditional use permit procedure is intended to allow flexibility in the consideration of the proposed use on surrounding property if the proposed use is in harmony with the various elements or objectives of the comprehensive city plan and the zoning district. The conditional use permit process provides the opportunity to apply conditions of controls and safeguards to ensure that the proposed use will be compatible with the surroundings.

Single-family residences **ARE** a permitted use in the Central Business District; however, when there is no associated business, the use is only permitted within required residential setbacks (10' in front, 5' on sides, 15' in rear). The existing building on the property is a legal building, as it was constructed for commercial use and has a dwelling unit. Buildings with a commercial use in the Central Business District do not have any setback requirements. The applicant is requesting that the building be used only as a single-family residence, which requires a Conditional Use Permit (CUP).

Conditional Use Standards

The following conditional use standards have been met:

- 1. The use is consistent with the purpose of this chapter (Chapter 18.60 – Conditional Use Permits)*

and is compatible with the zoning district and the comprehensive plan.

This condition is met. The use is consistent with the purpose of Chapter 18.60 in that it is a use which is expressly permitted for the Central Business District.

The 2019 Comprehensive Plan has identified the lack of affordable housing as one of the key issues for Cordova. If this were a single-family residence it would be a more affordable residence as it is a small building. In the Comprehensive Plan's Future Land Use Map, this property is located at the boundary of the "Community Core" and "In-Town Residential"

- 2. The use will not permanently or substantially injure the lawful use of neighboring properties.*

This condition is met. This use will not impact the lawful use of neighboring properties. All of the surrounding property is also zoned in the Central Business District, which allows for businesses and residences. A single-family residence is very low impact compared to other permitted uses in the zone district.

All the property owners within 300 feet of the property received notice of the CUP request and have the opportunity to voice concerns at the Public Hearing or provide correspondence. At the time of this memo, staff have not received any correspondence about this CUP.

- 3. Public services and facilities are adequate to serve the proposed use.*

This condition is met. The existing building has utilities which are adequate.

- 4. The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.*

This condition is met. This use is not more substantial than other permitted development. The existing building has a very small footprint and the property has plenty of room available for parking and other uses permitted in the Central Business District.

- 5. The proposed use will not adversely affect the public's safety, health, or general welfare.*

This condition is met. The building has had plan reviews through the state fire marshal in the past. The building has been used partially as a residence in the past.

VI. LEGAL ISSUES:

None currently.

VII. CONFLICTS OR ENVIRONMENTAL ISSUES:

N/A

VIII. SUMMARY AND ALTERNATIVES:

The Planning Commission may grant or deny the Conditional Use Permit and add or delete conditions.

Location Map



CITY OF CORDOVA



CONDITIONAL USE PERMIT APPLICATION

City of Cordova, Alaska

INSTRUCTIONS	PERMIT TYPE	FEE
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.	Conditional Use Permit	\$250

APPLICANT INFORMATION	
Name:	Linden O' Toole
Mailing Address:	PO Box 1875
City/State/Zip:	Cordova, AK 99574
Phone Number:	928-821-9112 or 907-424-3199
Email Address:	lindenotoole@gmail.com

OWNER INFORMATION	
Name:	Same
Mailing Address:	
City/State/Zip:	
Phone Number:	
Email Address:	
Only complete this section if owner is different from applicant.	

PROPERTY INFORMATION	
Address:	405 1st St.
Legal Description:	Block 1, Lot 4B, Cordova Original Townsite
Tax Lot No.:	02-060-762
Zone District:	Business
Planning Department can assist if unknown.	

REQUEST DESCRIPTION

Please describe your requested conditional use in detail as well as the proposed time frame for the new use.

There is much more demand for affordable homes than business properties in Cordova. There is 10% downpayment financing offered for owner-occupied homes, as opposed to much higher downpayments and interest rates for commercial properties. I would like to be able to allow someone to buy and use this building as a home. If it can be financed as a home, even a new business would be more able to purchase it.

You may add any additional documents which will help the Planning Commission better understand the request, such as a cover letter, drawings, maps, or photographs.

CONDITIONAL USE STANDARDS

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

The use is consistent with the purpose of this chapter (Chapter 18.60 - Conditional Use Permits) and is compatible with the zoning district and the comprehensive plan.

There are other buildings currently and historically being used as homes in the business zoned district.

The use will not permanently or substantially injure the lawful use of neighboring properties.

There should be no adverse impact on the neighbors, which are primarily also residential mixed use.

Public services and facilities are adequate to serve the proposed use.

Yes

The proposed use will not have a permanent negative impact on pedestrian and vehicular traffic circulation and safety substantially greater than that anticipated from permitted development.

Yes, traffic will not be impacted

The proposed use will not adversely affect the public's safety, health, or general welfare.

Correct - this change should hurt no one. The building has been my primary residence for five years.

OTHER CONDITIONAL USE REQUIREMENTS

Any application approved by the planning commission shall be conditional upon the privilege granted being utilized within six (6) months after the effective date of approval.

Plot plan is required. The plot plan needs to be drawn to scale, showing the location of all existing and proposed buildings or improvements, elevations of such buildings or alterations, and off-street parking areas.

The City Planning Commission shall have the authority to impose such conditions and safeguards as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Comprehensive City Plan and zoning ordinance.

If applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (a) apply for the conditional use permit and (b) bind the owner to the terms of the conditional use permit, if granted.

Some conditional uses (telecommunication tower, marijuana establishments, junkyards, and others) are subject to additional requirements in Chapter 18.60 of the Cordova Municipal Code.

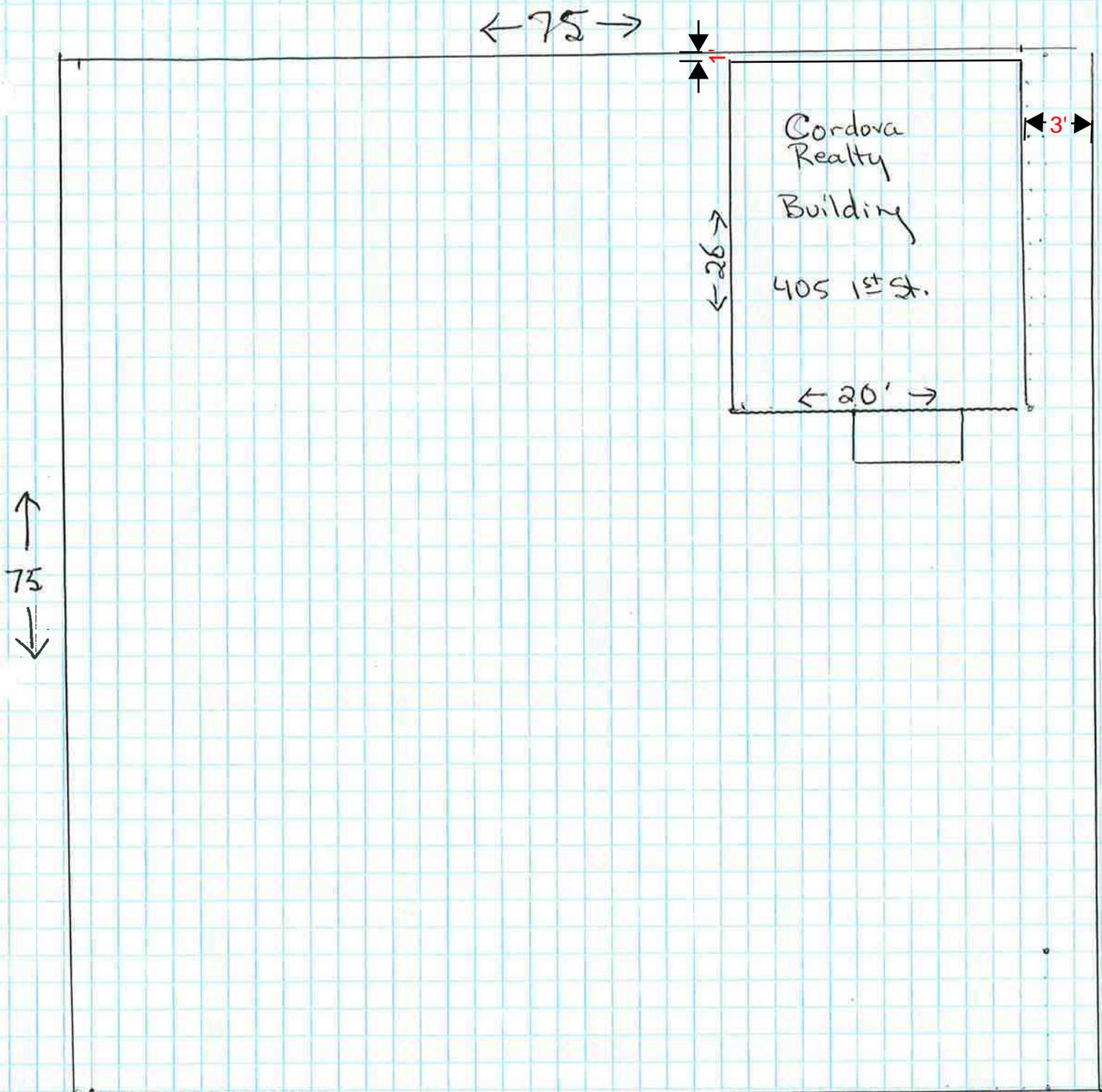
APPLICANT CERTIFICATION

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: Linden O'Toole

Date: 7/7/20

Print Name: Linden O'Toole



First Street

2020 AUGUST

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
26	27	28	29	30	31	01
02	03	04	05 7:00 PM - City Council Regular Meeting <i>(Cordova Center Rooms A & B)</i>	06	07	08
09	10	11 6:30 PM - Planning Commission Regular Meeting <i>(Electronic)</i>	12 7:00 PM - Harbor Commission Regular Meeting <i>(Cordova Center Room B)</i> 7:00 PM - School Board Regular Meeting <i>(High School Library)</i>	13	14	15
16	17	18	19 7:00 PM - City Council Regular Meeting <i>(Cordova Center Rooms A & B)</i>	20	21	22
23	24	25 6:00 PM - Parks and Recreation Commission Regular Meeting <i>(Cordova Center Rooms A & B)</i>	26	27 6:00 PM - CCMC Board Regular Meeting <i>(CCMC Conference Room)</i>	28	29
30	31	01	02	03	04	05

2020 SEPTEMBER

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
30	31	01	02 7:00 PM - City Council Regular Meeting <i>(Cordova Center Rooms A & B)</i>	03	04	05
06	07	08 6:30 PM - Planning Commission Regular Meeting <i>(Electronic)</i>	09 7:00 PM - Harbor Commission Regular Meeting <i>(Cordova Center Room B)</i> 7:00 PM - School Board Regular Meeting <i>(High School Library)</i>	10	11	12
13	14	15	16 7:00 PM - City Council Regular Meeting <i>(Cordova Center Rooms A & B)</i>	17	18	19
20	21	22	23 7:00 PM - City Council Regular Meeting <i>(Cordova Center Rooms A & B)</i>	24	25	26
27	28	29 6:00 PM - Parks and Recreation Commission Regular Meeting <i>(Cordova Center Rooms A & B)</i>	30	01 6:00 PM - CCMC Board Regular Meeting <i>(CCMC Conference Room)</i>	02	03
04	05	06	07	08	09	10