

Principles of the Unalaska Planning Commission

1. The Position: In any community, the position of Planning Commissioner is a highly respected and honored one.
2. The Job: The job of Planning Commissioner is to serve the public, as representatives of the City Council and to the best of their ability, in ensuring sound planning and growth management in Unalaska. All decisions of the Planning Commission should be based on sound planning principles and practices, and not on the personal opinion of individual Planning Commissioners. Once the Planning Commission makes a recommendation to the City Council, the job of the Planning Commissioners and Planning Commission is over, in terms of that particular action.
3. Integrity: Planning Commissioners are appointed by City Council. The actions, behavior, and comportment of each Planning Commissioner reflect not only on that Planning Commissioner's integrity – but also on the integrity of the City Council and of the entire City government.
4. Collaboration: An individual Planning Commissioner is not a “lone wolf,” but is part of a collective body. As such, each Planning Commissioner is expected to act in a collaborative manner with his and her fellow Planning Commissioners.
5. Respect Each Other: While it is understandable to sometimes disagree with your fellow Planning Commissioners on issues brought before the body, and appropriate to publically vocalize that disagreement during Planning Commission meetings, a Planning Commissioner should always respect the opinion of their fellow Commissioners and treat each other with respect.
6. Majority Rules: It is important to remember that, at the end of the day, the majority rules. So, after each action is brought before the body, discussed, and voted upon, Planning Commissioners must accept and respect the rule of the majority – even if the ruling was counter to an individual Commissioner's position.
7. Respect Staff: A Planning Commissioner should respect the opinion of City Planning Staff, whether the Planning Commissioner agrees with staff or not. Planning Staff Members are professionals who are employed to serve not only the Planning Commission and general public, but the City Council.
8. The Las Vegas Rule: What comes before the Planning Commission must stay before the Planning Commission. This means there can be no outside negotiating with petitioners or with the public regarding applications brought before the Commission. And, all discussions – pro or con – concerning a petition before the Planning Commission, must take place solely within Planning Commission meetings.
9. Respect Applicants and Public: Each Planning Commissioner must always show professionalism and respect for applicants and the general public – regardless of the position held by that Planning Commissioner or by the Planning Commission.
10. Upholding the Principles: Any member of the Planning Commission who finds that he or she cannot uphold and abide by the above principles should resign from the Commission.

CONDUCTING A PUBLIC HEARING

The following is the sequence of events that is followed by the City of Unalaska Planning Commission and Platting Board in conducting a Public Hearing before the body.

1. The Public Hearing is opened by the Chair of the Planning Commission/Platting Board who reads from the agenda.
2. Any Ex-Parte questions or Commission member involvement are raised. If a Commission member(s) is excused, this is the proper time.
3. Presentation by the staff. This is a short summary of the application, explanation of any maps, plats, exhibits, and code standards that might apply to the application. New written information not in the board packet is provided at this time.
4. Presentation by the applicant. The applicant bears the responsibility for making the case or argument before the Commission. This is the time for Board members to ask questions of the applicant. Attempts to “negotiate” with the applicant should be conducted at this step (Step 4), while the public hearing is still open.
5. Public Testimony. This includes those who are opposed to the application, and also the public in general.
6. Rebuttal by the applicant. Final questions of all parties by the Commission.
7. The Chair closes the Public Hearing and Commission deliberations begin. Once the hearing is closed, DO NOT REOPEN unless absolutely necessary. Questions of staff, the applicant, and the public are acceptable but uninitiated testimony is not. Attempts to “negotiate” with the applicant should be conducted at Step 4, not after the public hearing is closed.
8. Commission discusses or debates the application. A motion must be made, with a second, and then final discussion. If a motion falls, an amendment(s) could be made to further or facilitate Commission final action. After “final action” is taken, reconsideration is possible per 8.04.060(G).

DON'T BEND THE RULES FOR ONE, UNLESS YOU CHANGE THE RULES FOR ALL.

**CITY OF UNALASKA
UNALASKA, ALASKA
PLANNING COMMISSION & PLATTING BOARD
AGENDA/PUBLIC NOTICE
COUNCIL CHAMBERS
April 24, 2014
7:00 P.M.**

The purpose of the meeting will be to consider matters brought to the attention of the Planning Commission & Platting Board and will include the following. The typical process for discussing an item is as follows:

1. Staff presentation,
2. Applicant presentation,
3. Public comments,
4. Motion/discussion/vote.

1. CALL TO ORDER

2. REVISIONS TO THE AGENDA

3. APPEARANCE REQUESTS

4. ANNOUNCEMENTS

5. MINUTES

- Regular Meeting March 20, 2014

Public Hearing Action Items:

6. Consideration of a portion of Draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.06 updating the definition of *Subdivision* and *Lease Lot* and Chapter 8.08 adding the *Requirement to Plat*.
7. Consideration of a Zoning Map Amendment to Zone 2.94 acres, more or less, of State tidelands within Captains Bay adjacent to Offshore Systems, Inc. as Developable Tidelands (*Owner: State of Alaska; Applicant: City of Unalaska; Property ID: N/A*)
8. A 12-Month Extension of the Approval of the Preliminary Plat for Ptarmigan Flats Subdivision – Replat of Tract B, Parcel 1-A, and ATS 1353, a 15.24 acre subdivision of Parcel 1-A and Tract B Ptarmigan Flats Subdivision, Plat Number 90-5 and Alaska Tideland Survey Number 1353, Plat Number 88-4, Aleutian Island Recording District. (*Owner: Rick Miller, CEO, Ounalashka Corporation/FDOC, Inc; Applicant: Delta Western; Property IDs: 04-03-340, 04-03-345, and 01-10-180*)

Regular Meeting: *No Items*

Worksession: *No Items*

11. OTHER BUSINESS

12. ADJOURNMENT

Chair Help Sheet

Approval of Minutes Steps:

1. Open the Commission discussion by calling for a motion to approve.
2. Call for a second to the motion.
3. Commission discussion.
4. Close the Commission discussion.
5. Vote.

Public Hearing Steps:

1. Open the Public Hearing.
2. Chair calls for potential Ex Parte Communications and potential Conflicts of Interest from Commissioners.
3. Staff Presentation.
4. Ask if Commissioners have any questions of staff.
5. Applicant Presentation.
6. Ask if Commissioners have any questions for the applicant.
7. Public Testimony. (Ask person to state name for the record.)
8. Ask if Commissioners have any questions of the public.
9. Close the Public Hearing.
10. Open the Commission discussion by calling for a motion to approve Resolution 2014-xx.
11. Call for a second to the motion.
12. Commission discussion.
13. Close the Commission discussion.
14. Vote.

**CITY OF UNALASKA
UNALASKA, ALASKA
PLANNING COMMISSION MINUTES
Thursday, March 20, 2014
CITY COUNCIL CHAMBERS, CITY HALL
7:00 P.M.**

- 1. CALL TO ORDER:** Chair Chris Bobbitt called the meeting to order at 7:00 PM.

Staff Present:

Anthony Grande, Planning Administrator
Erin Reinders, Planning Director

Roll Call:

Commissioners present:

Chris Bobbitt
Steven Gregory
Vicki Williams

Commissioners absent:

Doanh Tran
Jessica Earnshaw

- 2. REVISIONS TO THE AGENDA:** *None*

- 3. APPEARANCE REQUESTS:** *None*

4. ANNOUNCEMENTS:

Erin Reinders announced that she heard from the APA Community Planning Assistance Team and they are honing on a date. It looks like they will be here from May 19th – 23rd. She said to look out for further announcement anytime soon.

Mrs. Reinders also informed the Commissioners that there would be a Planning Commission Meeting on the 24th, which is the 4th Thursday of the month because some Planning Staff will not be in town on the 3rd Thursday of April. Mr. Gregory said that he would not be in town on the 24th. Mrs. Reinders said that she would send out an email to confirm with everyone and find out if there will be a quorum.

5. MINUTES:

Mr. Gregory moved to approve the minutes from the February 20, 2014 meeting. Ms. Williams seconded the motion. Chair Bobbitt called for a discussion or comments on the minutes. There being no comments, Chair Bobbitt called for a vote and the motion to approve the minutes was unanimous (3-0). The minutes for the February 20, 2014 were adopted.

PUBLIC HEARING ACTION ITEMS:

- 6. Consideration of amending Unalaska Municipal Code Chapter 8.06 by adding and updating definitions, Chapter 8.08 by clarifying subdivision requirements for lease lots,**

Chapter 8.12 by deleting building separation language, adding a conditional use for construction camps, and changing submittal deadline requirements.

Chair Bobbitt opened the public hearing and called for a disclosure of any ex parte communication or conflicts of interest. Hearing none, the Chair called for staff presentation.

Staff informed the Commissioners that in order to allow for the Commissioners to vote on the proposed changes separately, Staff has drafted five different resolutions referencing each of the subject areas and placed them on their table. The resolutions for the proposed changes are focused on five distinct topics: construction camps, planned unit developments, lease lots, building separation, application deadline. Some of the proposed language had been changed based on feedback and would be reviewed in detail. Staff recommends voting on the resolutions separately and suggests continuing the dialogue on lease lots with stakeholders.

With regard to construction camps, Staff now proposed that the use be a permitted use in the Marine-Related/Industrial and Marine-Dependent/Industrial Districts. In the first draft, construction camps were a conditional use in these districts but with this change, its use is now by right. However, Staff is also proposing that construction camps be a conditional use in the General Commercial District. Four safeguards, which were discussed in past meeting, remain with the conditional use. First, the use must be tied to a project or series of projects. Second, a deconstruction plan for the camp must be provided. Third, a removal bond must be provided. Fourth, a uniform appearance must be maintained for each building in the camp. For the permitted use in industrial districts, a condition has been added stating that any housing in industrial areas must be uniform in appearance.

For Planned Unit Developments (PUD), Staff explained that there have been no changes from the last presentation and have not received any feedback about the revisions to PUD. Staff is excited with the revision to code, as it encourages creative solutions and master planning for development in this unique environment, such as allowing for a mixture of land uses, increased densities, and building clustering.

Staff explained the three primary changes to the proposed wording clarifying subdivision requirements for lease lots, which have been updated based on feedback and additional consideration:

- The addition of a clear requirement to plat, which is a standard statement in subdivision regulation codes, clarifying that subdivisions are to occur by the platting procedure outlined in this chapter of code, rather than by deed or lease. Subdivisions for sale or development would need to be platted first, which is a requirement in any municipality. It is stated here more explicitly as most other municipality's codes have it and it is written in Alaska's state laws as well.
- The definition of a "subdivision" is edited so that subdivisions are for the purpose, whether immediate or future, of sale or development, "including development associated with a property lease", clarifying that development on lease lots is not exempt from subdivision regulation. The definition already refers to development, not only sale, as a purpose of subdivisions, but staff feels it is important to make it clear that the types of non-sale developments covered under this definition would include those which occur on lease lots.
- The definition of a "lease lot" is broadened to include not only lots created by lease lines, but also lots created by any other means in a lease document. This allows for leases of legally recorded lots to fit this definition.

Staff explained that these changes are important because it is the role of Planning to manage development, regardless of the means of conveyance of property rights leading up to it. When development applications come to the department, staff will check to see that the lot is legally platted first even if the lot for development is a lease lot. It is common city planning practice in the United States to enforce subdivision regulations on lease lots, but we are taking a modest approach here, only regulating those lease lots that result in development.

The majority of the feedback from the public has been on this particular issue. Staff referenced written comments at the Commissioners tables from the Ounalashka Corporation with proposed alternative wording. Staff recommended that the Commission defer this portion of the Title 8 changes to next meeting to allow for more time to discuss this item.

Staff proposed to remove the references to building separation from Title 8. The Fire Chief support this change and is most appropriately handled by building permit reviews conducted by the fire chief and the state fire marshal, in addition to advice from the city engineer. The zoning code should avoid placing unnecessary restrictions on building separation when qualified experts in the city already address the issue.

Chair Bobbitt asked the Commissioners if they have any questions for Staff. Chair Bobbitt asked Staff if only the lease lot and subdivision changes in Title 8 drew a lot of feedback and the other changes have not. Staff answered that construction camps had some discussions but felt that these concerns have been adequately addressed with the revised working discussed tonight. Chair Bobbitt asked if the change pertain to adding conditional use in a General Commercial District. Staff agreed and added that the previous version had the construction as a conditional use in the two industrial districts whereas now the camps are included as by-right use.

Mr. Gregory asked Staff if changes in the definition of subdivision were made to address concerns from the public regarding the minimum lease lot sizes. Staff answered that has not been addressed with the current definition. Staff went on to explain that a separate conversation would such a change would require a focused discussion just as it was just a couple of years ago that Commission voted to reduce the minimum lot size for residential properties. We need make sure that lot sizes of Industrial and Commercial Districts because of their nature have enough space for setbacks, parking, and other requirements. The possibility also exists for the variance or PUD to be utilized when developments can demonstrate that the tests of code are addressed.

Chair Bobbitt asked the Commissioners if they have any other questions for Staff. Hearing none, he asked anyone from the public who would like testify. Ms. Nancy Luff asked for clarification regarding the removal of the building separation from the code. Chair Bobbitt explained that it is specifically applies to separation of buildings on the same lot and not between lot lines. Chair Bobbitt asked anyone else from the public to testify. Hearing none, Chair Bobbitt closed public testimony.

Chair Bobbitt called for a motion regarding:

- *Resolution 2014-11, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.06 adding and updating definitions relating to Construction Camps and Chapter 8.12 adding a zoning designation for Construction Camps.*

Mr. Gregory motioned to approve Resolution 2014-11, there was a second. Chair Bobbitt asked if there was any discussion needed on Resolution 2014-11. Mr. Gregory said that he does not have comments on this resolution as well as the other three resolutions except for the one on lease lot. Chair Bobbitt called for a vote. The vote was unanimous and the motion carried.

Chair Bobbitt called for a combined motion regarding:

- *Resolution 2014-12, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.06 updating the PUD definition and Chapter 8.12 deleting the subsection about PUDS and replacing it with a new section for PUD procedures; and*
- *Resolution 2014-14, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.12 striking building separation language; and*
- *Resolution 2014-15, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.12 changing submittal deadline requirements.*

Mr. Gregory moved to approve Resolutions 2014-12, 2014-14 and 2014-15, there was a second. Chair Bobbitt asked if there was any discussion regarding these resolutions. Hearing none, Chair Bobbitt closed the Commission Discussion. Chair Bobbitt called for a vote. The vote was unanimous and the motion carried.

Chair Bobbitt called for a motion regarding:

- *Resolution 2014-13, A Resolution recommending approval of a portion of draft City Council Ordinance 2014-04 amending Unalaska Municipal Code Chapter 8.06 updating the definition of subdivision and lease lot and Chapter 8.08 adding the requirement to plat.*

Chair Bobbitt said that the Commission has two options to start the discussion and that is to call for a motion to approve the resolution or to call for a motion to continue the discussion in the next scheduled meeting.

Ms. Williams moved to continue the discussion of Resolution 2014-13 to the next scheduled meeting. Mr. Gregory seconded the motion. Chair Bobbitt asked if there was any discussion needed. Hearing none, Chair Bobbitt closed the Commission Discussion. Chair Bobbitt called for a vote. The vote was unanimous and the motion carried.

7. Consideration of a zoning map amendment to rezone Lot 8, Block 8, Haystack Hill Subdivisions, located at 134 Raven Way, from Single-Family Residential to Moderate Density Residential (Owner/Applicant: Travis Swangel; Property ID: 04-09-233)

Chair Bobbitt opened the public hearing and called for a disclosure of any ex parte communication or conflicts of interest. Hearing none, the Chair called for staff presentation.

Staff presented the background of the application from Travis Swangel, owner of the property in question, to rezone the property from Single-Family/Duplex to Moderate Density, which would increase the allowed number of units from two to four. This application is intended to support plans to add new dwelling units and renovate one of the buildings on the lot. The property in question is in an area that does not have a single-family character and is predominantly

institutional uses, including City Hall and the clinic, as well as the chiropractic center. It serves as a transitional area between these higher intensity uses and the low intensity housing higher up the hill. Therefore, staff found that this is a reasonable location for the Moderate Density district. Staff is recommending approval of Mr. Swangel's application.

Chair Bobbitt asked the Commissioners if they have any questions for Staff. Mr. Gregory asked what Quasi-Public Zoning means. Staff said The Public/Quasi-Public District is intended to provide for public and institutional land uses and structures such as a clinic or city hall. Ms. Williams asked up to what point we should start to reconsider changes to the zoning at Haystack Hill Subdivision and maintain the character of the neighborhood and maintain the Single-Family District designation.

Chair Bobbitt asked the applicant if he would like to make a presentation. Mr. Swangel said that he was satisfied with Staff's presentation. He further stated that his plans to put up a triplex would not drastically affect the character of the neighborhood.

Chair Bobbitt asked if there were any other questions. Hearing none, Chair Bobbitt called for a motion to approve Resolution 2014-08.

Mr. Gregory moved to approve Resolution 2014-08, there was a second. Chair Bobbitt asked if there was any discussion needed on Resolution 2014-08. Hearing none, he called for a vote. The vote was unanimous and the motion was carried and adopted.

8. Consideration of a variance request to allow for a 2.5-foot front setback to accommodate a fish oil processing plant at 146 Gilman Road (Owner: OC; Applicant: Bering Fisheries; Property ID: 04-05-390)

Chair Bobbitt opened the public hearing and called for any ex parte communication or conflicts of interest to be disclosed. Hearing none, the Chair called for staff presentation.

Staff explained that the applicant proposes to construct a new cod liver oil processing plant on the lot, adjacent to the existing Bering Fisheries building. The effective functioning of the fish oil processing plant requires that it is adjacent to the existing building as shown in the site plan. Because of the orientation of the existing building, being a waterfront structure, there is limited room available on the side with the proposed new structure. This variance would allow the structure to be within 2.5 feet of the lot line, which is a legal right-of-way. Staff explained that this right-of-way is not used as a street but is intended to be a drainage ditch. City staff has indicated that the structure will not inhibit the use of the ROW as a drainage ditch. Staff is recommending approval of the variance request because it meets the tests of code.

Chair Bobbitt asked the Commissioners if they have any questions for Staff. Hearing none, Chair Bobbitt asked the applicant if he would like to make a presentation.

Mr. Zimmerman, representing the applicant said that Staff did a good job of summarizing the intent of their variance application and had nothing further to add

Chair Bobbitt asked the Commissioners if they have any questions for the applicant. Chair Bobbitt asked if there was any compelling reason for the choice of dimension and size of the building. Mr. Zimmerman said the building has to be in that size and dimension in order to fit all

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the equipment and processing lines inside. Chair Bobbitt asked if the Commissioners have any questions for the applicant. There being no questions, Chair Bobbitt asked anyone from the public who would like to speak about this application. Hearing none, Chair Bobbitt called for a motion to approve Resolution 2014-09.

Mr. Gregory moved approve Resolution 2014-09, there was a second. Chair Bobbitt asked if there were any further discussions on the resolution. Hearing none, he called for a vote on Resolution 2014-09. The vote was unanimous and the motion carried.

9. Consideration of an amended site plan to a conditional use permit issued in August 2013 allowing for a new temporary-style bunkhouse at 1829 Ballyhoo Road, the base of the spit. (Owner: OC; Applicant: Icicle Seafoods; Property ID: 02-05-150)

Chair Bobbitt opened the public hearing and called for any ex parte communication or conflicts of interest to be disclosed. Hearing none, the Chair called for staff presentation.

Staff explained that this was a site plan amendment to a previously approved conditional use permit from Icicle Seafoods last August 8, 2013 through Resolution 2013-13 for a temporary bunkhouse. The findings and analysis is restricted to the difference between the original application and the new one. The original plan was found to have met the three tests of code and this review is to determine whether the changes to the plan still meet the tests of code. The site plan amendments involve the design element of the building and the location of the building on the lot compared to the previous plan that was approved. Staff is recommending approval of the amended site plan because it meets the tests of code.

Chair Bobbitt asked the Commissioners if they have any question for staff. Hearing none, the Chair asked if the applicant would like to make a presentation.

Mr. Pugmire said that the changes were minor, such as, from double-stacked to single-stacked interconnected bunkhouses that are more user-friendly to the inhabitants. There is also a slight change of the location from the previous plan as they are moving it near the dock to be closer in proximity to the company's processing facility.

Chair Bobbitt asked the Commissioners if they have any questions for applicant. There being no questions from the Commissioners, Chair Bobbitt asked if the public had any questions for the applicant. Hearing none, Chair Bobbitt closed the public hearing at this point and called for a motion to approve 2014-10.

Mr. Gregory moved to approve Resolution 2014-10, there was a second. Chair Bobbitt asked if there were any further discussions on the resolution. Hearing none, he called for a vote on Resolution 2013-08. The vote was unanimous and the motion carried.

REGULAR MEETING:

10. Receipt of Platting Resolution Authority Resolution 2014-07 of the approval of the preliminary plat for Hazen Subdivision, a resubdivision of Lot 1, US Survey 5185, P-81014, and Lot 1, ARC Subdivision, P-2000-04, Aleutian Islands Recording District, located on Steward Road.

Staff explained that Resolution 2014-07 was an abbreviated plat approved by the Platting Authority. A two-lot subdivision that had its existing lot lines repositioned.

WORK SESSION:

11. OTHER BUSINESS: *None*

12. ADJOURNMENT: Chair Bobbitt adjourned the meeting at 7:52PM.

PASSED AND APPROVED THIS _____ DAY OF _____ 2014 BY THE CITY OF UNALASKA, ALASKA PLANNING COMMISSION.

Chris Bobbitt
Chair

Date

Erin Reinders, AICP
Recording Secretary

Date

Prepared by Veronica De Castro and Erin Reinders, Planning Department

TITLE 8 REVISIONS
UPDATING THE DEFINITION OF
SUBDIVISION AND LEASE LOT

MEMORANDUM TO PLANNING COMMISSION

TO: PLANNING COMMISSIONERS
FROM: ERIN REINDERS, DIRECTOR OF PLANNING
ANTHONY GRANDE, PLANNING ADMINISTRATOR
DATE: APRIL 24, 2014
RE: RESOLUTION 2014-13

SUMMARY: Research, City Staff and Attorney suggestions, Planning Commissioner feedback, and Public comments have provided ongoing guidance for developing recommended revisions to Title 8. Staff has drafted the proposed revisions to address the concerns and needs of the community as a whole and to meet the goals and objectives of the Comprehensive Plan. Staff recommends approval of this Planning Commission Resolution 2014-13 in support of the Title 8 changes listed in draft City Council Ordinance 2014-04 as they relate to lease lots, subdivisions and platting requirements.

BACKGROUND: Code changes involve a public and continual process with multiple opportunities for feedback from the public, city officials and professional staff. During the second half of 2013, planning staff began collecting information about necessary changes to Title 8 and conducting research to determine remedies. The changes focused on five distinct topics including construction camps, planned unit developments, lease lots, building separation, and the application deadline. Additional changes to these revisions have taken place, and may continue to do so, as a result of further feedback and direction from the public, Planning Commission and City Council.

Potential changes were introduced to the Planning Commission at their January 23, 2014 meeting. A public hearing was conducted on February 20, 2014 where the Commission voted to continue the discussion to gather more public input. At the request of the Planning Commission, a public mailing was sent to the entire city inviting them to the March 20, 2014, continuation of the Title 8 Revisions Public Hearing. At this March 20, 2014 meeting, the Planning Commission voted to recommend the code changes outlined in Draft City Council Ordinance 2014-04 as they relate to construction camps, planned unit developments, building separation, and the application deadline to the City Council. Also at this March 20, 2014 meeting, the Planning Commission voted to continue the discussion of the changes related to lease lots.

Attached to this memo is the Planning Commission Resolution 2014-13 to the City Council, which indicates Planning Commission's support of Title 8 changes, as they relate to lease lots, subdivisions and platting requirements. Also included is the draft City Council Ordinance 2014-04, referenced in Planning Commission Resolution 2014-13, which identifies the specific code changes.

DISCUSSION: Staff proposes to clarify subdivision and platting requirements for **lease lots**. This includes amending the definitions of "subdivision" and "lease lot" as well as adding a section clearly explaining that a subdivision of land must follow the platting process. The purpose of subdivision review is to promote orderly growth in the community. New subdivisions, relevant to the future pattern of the community, can be created without property sales occurring. For example, developments may occur on lease lots. These revisions would clarify that developments occurring on lease lots are as relevant to the public interest as any other developments, and thus must occur on legally platted lots.

Under consideration by the Planning Commission at the April 24, 2014 meeting are the proposed changes to §8.06.020(A)(82) revision to the definition of lease lot, §8.06.020(A)(157) revision to the definition of subdivision, and §8.08.020(E) addition of a requirement to plat. These three changes are outlined below.

1. The definition of a “lease lot” is to be broadened to include not only lots created by lease lines, but also lots created by any other means in a lease document. This allows for leases of legally recorded lots to fit this definition. The proposed change is underlined below:

“LEASE LOT” or “LEASE PARCEL” means a parcel or tract of land described and designated by lease lines, or otherwise described in a lease document, and which at the time of applying for a building permit or another use permit is designated as the tract or parcel of land to be used, developed, or built upon as a unit of land. For purposes of zoning information, setbacks, yards, and other dimensional information, lease lots shall be interpreted as if they were actual lots or parcels.

2. The definition of a “subdivision” is to be edited clarifying that developments on lease lots are not exempt from subdivision regulation. The definition already refers to development, not only sale, as a purpose of subdivisions, but staff feels it is important to make it clear that the types of non-sale developments covered under this definition would include those which occur on lease lots. Additionally, this proposed definition has been revised since the March 20, 2014 meeting to clarify the triggers for what constitutes a subdivision. The need for this clarification was brought to the attention of the Planning Department and the Planning Commission by the Ounalashka Corporation. The proposed change is underlined below:

“SUBDIVISION” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or development, including development associated with a property lease, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided. No such division of a parcel of land into a lease lot or lease property shall constitute a subdivision of land until and unless: (a) the lease term (including all extensions to which the lessee is entitled as a matter of contractual right) is equal to or exceeds thirty (30) years; or (b) a building or structure requiring a building permit is constructed or sited upon the lease lot or lease parcel.

3. A statement pertaining to the requirement to plat is to be added. This is a standard statement in subdivision regulation codes, clarifying that subdivisions are to occur by the platting procedure outlined in this chapter of code, rather than by deed or lease. Subdivisions for sale or development would need to be platted first. This proposed addition is underlined below:

Requirement to plat. All subdivision of land within the jurisdiction of the city shall be by plat in compliance with this chapter.

The intent of these three changes is to emphasize that the purpose of subdivision regulation is to manage development, regardless of the means of conveyance of property rights leading up to it. When development applications come to the department, staff will check to see that the lot is legally platted first (which is already done for sale parcels), even if the lot for development is a lease lot. It is common city planning practice in the United States to enforce subdivision regulations on lease lots; however, we are taking a modest approach here and only regulating those lease lots that result in development.

ALTERNATIVES: Although changes to code are ultimately the decision of the City Council, the Planning Commissions provides important recommendations to the City Council to consider regarding Title 8. The Planning Commission may:

1. Approve Planning Commission Resolution 2014-13 recommending code changes identified in the Draft City Council Ordinance 2014-04 as they relate to lease lots, subdivisions and platting requirements, or
2. Approve the Planning Commission Resolution 2014-13 contingent on particular revisions to the code changes identified in the Draft City Council Ordinance 2014-04 as they relate to lease lots, subdivisions and platting requirements, which would be shared with City Council, or

3. Continue the Discussion of Planning Commission Resolution 2014-13 and Draft City Council Ordinance 2014-04 as they relate to lease lots, subdivisions and platting requirements, or
4. Disapprove Planning Commission Resolution 2014-13 and recommend that City Council not approve the code changes identified in the Draft City Council Ordinance 2014-04 as they relate to lease lots, subdivisions and platting requirements.

LEGAL: The City Attorney has been consulted and the proposed revisions are in keeping with his recommendations.

STAFF RECOMMENDATION: Staff recommends approval of Planning Commission Resolution 2014-13 supporting the Title 8 revisions identified in City Council Ordinance 2014-04 as they relate to lease lots and subdivision requirements.

Attachments:

- 1) Planning Commission Resolution 2014-13
- 2) Draft City Council Ordinance 2014-04
- 3) OC written comments

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2014-13**

**A RESOLUTION RECOMMENDING APPROVAL OF A PORTION OF DRAFT CITY
COUNCIL ORDINANCE 2014-04 AMENDING UNALASKA MUNICIPAL CODE CHAPTER
8.06 UPDATING THE DEFINITION OF SUBDIVISION AND LEASE LOT AND CHAPTER 8.08
ADDING THE REQUIREMENT TO PLAT**

WHEREAS, the city desires to encourage sound, orderly growth within the city limits and to avoid land use incompatibilities resulting from uncoordinated development; and

WHEREAS, one of the duties of the Planning Commission is to prepare and to recommend to the City Council ordinances, regulations, or other proposals promoting orderly development indicated as desirable by the Comprehensive Plan; and

WHEREAS, the potential updates and revisions to Title 8 were introduced and discussed at the January 23, 2014 Planning Commission meeting and further discussed with a public hearing at the February 20, 2014 and March 20, 2014 Planning Commission meetings; and

WHEREAS, the proposed code amendments included in Draft City Council Ordinance 2014-04 have been drafted to address concerns of professional staff members, and have been revised in response to input from Planning Commissioners and members of the public, as well as input from the City Attorney; and

WHEREAS, the proposed code amendments included in the Draft City Council Ordinance 2014-04 have been drafted as a result of the recommendations, goals, and objectives identified in the Unalaska Comprehensive Plan 2020; and

WHEREAS, the Planning Commission conducted a formal public hearing on April 24, 2014 in order to further consider the testimony of the public; and

WHEREAS, the Planning Commission finds the code amendments to be reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan; and

NOW THEREFORE BE IT RESOLVED the Planning Commission recommends the City of Unalaska City Council approves the proposed code amendments, relating to lease lot subdivisions in §8.06.020(A)(82), §8.06.020(A)(157), and §8.08.020(E), included in Draft City Council Ordinance 2014-04, as shown in Attachment A.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014, BY THE
PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

Chris Bobbitt
Chair

Erin Reinders, AICP
Recording Secretary

CITY OF UNALASKA
UNALASKA, ALASKA

DRAFT ORDINANCE NO. 2014-04

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING UNALASKA MUNICIPAL CODE CHAPTER 8.06 ADDING AND UPDATING DEFINITIONS, CHAPTER 8.08 CLARIFYING SUBDIVISION REQUIREMENTS, AND CHAPTER 8.12 DELETING BUILDING SEPARATION LANGUAGE, ADDING A ZONING DESIGNATION FOR CONSTRUCTION CAMPS, AND CHANGING SUBMITTAL DEADLINE REQUIREMENTS

BE IT ENACTED by the City Council of the City of Unalaska:

Section 1: **Form.** This is a Code ordinance.

Section 2: **Amendment of CHAPTER 8.06: DEFINITIONS**

Section 8.06.020 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.06.020 DEFINITIONS

(A) For the purpose of Title 8 UCO, certain terms, words, or phrases used herein shall be interpreted as follows:

[...]

(48) “CONSTRUCTION CAMP” ~~means those on-site buildings and/or trailers that are temporarily used to house and feed construction workers and/or store project construction materials and/or provide office space for contractors and sub-contractors.~~ means those temporary structures used to house and feed a variety of workers or for storage of materials or office space in connection with (a) the construction, alteration or demolition of a structure or vessel, (b) the exploration or support of any mine or oilfield operation, or (c) any other work that requires a temporary work force to reside in the city.

(82) “LEASE LOT” or “LEASE PARCEL” means a parcel or tract of land described and designated by lease lines, or otherwise described in a lease document, and which at the time of applying for a building permit or another use permit is designated as the tract or parcel of land to be used, developed, or built upon as a unit of land. For purposes of zoning information, setbacks, yards, and other dimensional information, lease lots shall be interpreted as if they were actual lots or parcels.

(110) “PLANNED UNIT DEVELOPMENT (PUD)” means a form of development, on a property of at least 2 acres, characterized by a unified site design for a number of houses, clustering buildings, and providing common open space, density increases, and a mix of building types and land uses, the plan for which may not conform to regulations established in Title 8 UCO. ~~The PUD may require variances to Chapter 8.08, “Platting and Subdivision,” by the Platting Board and/or conditional use permit and/or variance approval by the Planning Commission for purposes of Chapter 8.12, “Zoning.”~~ Any aspects of the development, which do not conform to Title 8 UCO and would typically require a platting variance, conditional use

permit, or zoning variance, shall be considered an allowable nonconformity upon approval of the development as specified in § 8.12.215.

(157) “SUBDIVISION” means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or development, including development associated with a property lease, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided. No such division of a parcel of land into a lease lot or lease property shall constitute a subdivision of land until and unless: (a) the lease term (including all extensions to which the lessee is entitled as a matter of contractual right) is equal to or exceeds thirty (30) years; or (b) a building or structure requiring a building permit is constructed or sited upon the lease lot or lease parcel.

(161) “TEMPORARY” means those structures, which, based on their design elements, are not reasonably expected to be productive for more than 30 years, or are designed to be moved or dismantled. The Director of Planning shall have the discretion in determining whether a structure fits this definition and may consider the anticipated use of the structure and its surroundings.

[subsections 161 through 172 shall be renumbered 162 through 173]

Section 3: Amendment of CHAPTER 8.08: PLATTING AND SUBDIVISION

Section 8.08.020 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.08.020 GENERAL PROVISIONS

[...]

(E) Requirement to plat. All subdivision of land within the jurisdiction of the city shall be by plat in compliance with this chapter.

[subsections E through J shall be renamed F through K]

Section 4: Amendment of CHAPTER 8.12: ZONING

Section 8.12.040 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.040 SINGLE-FAMILY/DUPLEX RESIDENTIAL DISTRICT

[...]

~~(L) Special provisions for multiple buildings on a lot.~~

~~(1) More than one building may be placed on a lot. Each building shall be considered as one building for the purpose of front, side, and rear yard requirements.~~

~~(2) Access between buildings. Buildings or structures arranged so that vehicular access driveways separate them shall not have less than 30 feet between the buildings or structures so arranged.~~

[subsections M through O shall be renamed L through N]

Section 8.12.050 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.050 MODERATE-DENSITY RESIDENTIAL DISTRICT

[...]

~~(K) Special provisions for multiple buildings on a lot.~~

~~(1) More than one building may be placed on a lot. Each building shall be considered as one building for the purpose of front, side, and rear yard requirements.~~

~~(2) Access between buildings. Buildings or structures arranged so that vehicular access driveways separate them shall not have less than 30 feet between the buildings or structures so arranged.~~

[subsections L through N shall be renamed K through M]

Section 8.12.060 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.060 HIGH-DENSITY RESIDENTIAL DISTRICT

[...]

~~(K) Special provisions for multiple buildings on a lot.~~

~~(1) More than one building may be placed on a lot. Each building shall be considered as one building for the purpose of front, side, and rear yard requirements.~~

~~(2) Access between buildings. Buildings or structures arranged so that vehicular access driveways separate them shall not have less than 30 feet between the buildings or structures so arranged.~~

[subsections L through N shall be renamed K through M]

Section 8.12.070 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.070 GENERAL COMMERCIAL DISTRICT

[...]

(D) *Conditional uses and structures.* In the General Commercial District, the following uses and their accessory uses may be permitted, subject to securing a Conditional Use approval in each case as provided for in this chapter (See § 8.12.200):

[...]

(6) Bulk chemical and petroleum storage and sales;

(7) Construction camps, provided the following safeguards are addressed, in addition to other conditions that the Planning Commission finds necessary as they relate to the specific request:

(a) the use is tied to a specific project or projects and is discontinued following the completion of that project or projects; and

(b) a detailed plan for deconstruction and removal is be provided; and

(c) the applicant provides proof of a bond in an amount, deemed by the Planning Commission to be sufficient to ensure removal of the structure upon project completion; and

(d) the appearance of each structure, comprising the construction camp, is substantially uniform.

[subsections 7 through 20 shall be renumbered 8 through 21]

Section 8.12.080 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.080 MARINE-RELATED/INDUSTRIAL DISTRICT

[...]

(B) *Uses permitted.* In the Marine-Dependent/Industrial District, no building or structure or land shall be used, and no building or structure shall be erected which is arranged, intended, or designated to be used for other than one or more of the following uses:

[...]

(10) Construction camps;

[subsections 10 through 24 shall be renumbered 11 through 25]

[...]

(J) *Special provisions.* The following special provisions apply to all land uses within the Marine-Related/Industrial District:

[...]

(6) All housing is subject to the condition that the appearance of each structure is substantially uniform.

[...]

Section 8.12.090 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.090 MARINE-DEPENDENT/INDUSTRIAL DISTRICT

[...]

(B) *Uses permitted.* In the Marine-Dependent/Industrial District, no building or structure or land shall be used, and no building or structure shall be erected which is arranged, intended, or designated to be used for other than one or more of the following uses:

[...]

(8) Construction camps;

[subsections 8 through 11 shall be renumbered 9 through 12]

[...]

(J) *Special provisions.* The following special provisions apply to all land uses within the Marine-Related/Industrial District:

[...]

(6) All housing is subject to the condition that the appearance of each structure is substantially uniform.

[...]

Section 8.12.170 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.170 GENERAL PROVISIONS

[...]

~~(J) *Planned unit developments.* A developer may request exceptions from portions of this chapter in the case of a planned unit development. Application for any such exception shall be made in writing by the developer before or at the time the proposed development is submitted to the Department of Planning. The request for planned unit development shall be supplemented with maps, plans, or other data which may aid in the analysis of the proposed project. When an application for a planned unit development is complete, the request will be treated as application for conditional use permit(s) and/or variance request(s) and will be heard in public hearing(s) before the Commission.~~

[subsections K through Q shall be renamed J through P]

Section 8.12.190 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.190 AMENDMENTS

[...]

(B)(2) *Submittal/timing*

(a) The application must be received at least ~~15~~ 22 days prior to the next regular meeting of the Planning Commission.

[...]

Section 8.12.200 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.200 CONDITIONAL USE APPLICATIONS

[...]

(A)(2) *Submittal/timing*

(a) The application must be received at least ~~15~~ 22 days prior to the next regular meeting of the Planning Commission.

[...]

Section 8.12.210 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.210 VARIANCES

[...]

(B)(2) *Submittal/timing*

(a) The application must be received at least ~~15~~ 22 days prior to the next regular meeting of the Planning Commission.

[...]

Section 8.12.215 of the Unalaska Municipal Code is hereby added as follows:

§ 8.12.215 PLANNED UNIT DEVELOPMENTS

(A) *Procedure.* A developer may apply for approval of a planned unit development from the Planning Commission, granting exemption from portions of this chapter for large

scale developments. The procedure for taking action on a planned unit development application shall be as follows:

(1) Written application. A written application for a planned unit development approval shall be filed with the Department of Planning on forms prescribed by the Department. Upon filing an application for a planned unit development approval with the Department of Planning by a landowner or his/her authorized agent, the applicant shall be informed of the time and place of the next regular meeting at which the application will be considered.

(2) Submittal/timing.

(a) The application must be received at least 22 days prior to the next regular meeting of the Planning Commission.

(b) The application will not be scheduled for a public hearing unless the Department of Planning, following an examination of the City of Unalaska Real Property Tax Roll, determines the person signing as landowner(s) on the application form are in fact the latest owner(s) of record.

(B) Public Hearing. The Planning Commission shall hold at least one public hearing on the application. Notice of the Public Hearing shall be given not less than 10 days prior to the public hearing in the following manner:

(1) The Department of Planning will mail notice of public hearing to all landowners of record within 300 feet of the proposed planned unit development as shown on the City of Unalaska Real Property Tax Roll; and

(2) The Department of Planning will post at least two copies of this notice, printed or written, in a conspicuous place not less than 10 days prior to the date of the hearing.

(C) Findings. At public hearing, the Planning Commission shall determine if any application for a planned unit development:

(1) Furthers the goals and objectives of the Comprehensive Development Plan;

(2) Will be compatible with the existing and planned land uses in the surrounding neighborhood and with the intent of its zoning district; and

(3) Will not have a permanent negative impact substantially greater than anticipated from permitted development within the zoning district.

(D) Action of the Planning Commission.

(1) The Planning Commission shall make its decision concerning a planned unit development application within 30 days after the first public hearing on the application, unless the hearing is continued.

(2) In rendering its decision, the Planning Commission may apply specific site or development conditions as additional safeguards or controls to ensure compatibility with surrounding land use and protection of the public. Such approval will be specifically tied to the site plan submitted with the application, unless otherwise modified and noted by the Planning Commission.

(3) The Planning Commission shall cause written notification of its action to be mailed to the applicant within 10 days after the decision has been rendered. Its decision shall be final unless appealed to the City Council.

(E) Appeals. A person aggrieved by the decision of the Planning Commission may make written request for a hearing before the City Council to appeal such decision. For purposes of this subsection, an aggrieved person means an applicant or landowner within the area involved or within 300 feet of the exterior boundaries of the area involved. Such request shall contain reference to the specific decision appealed and shall be delivered to the City Clerk within 10

working days from such ruling. Upon receipt of any such request, the City Council will set a date for a public hearing to consider the Planning Commission's decision and objections thereto. Notice of the Public Hearing shall be given not less than 10 days prior to the public hearing in the following manner

(1) The Department of Planning will mail the notice of public hearing to all landowners of record within 300 feet of the proposed planned unit development as shown on the City of Unalaska Real Property Tax Roll; and

(2) The City Clerk will post at least two copies of this notice, printed or written, in a conspicuous place not less than 10 days prior to the date of the hearing.

(F) *Action of the City Council.* At the public hearing, the City Council may uphold the action of the Planning Commission, reverse the action of the Planning Commission, or modify the action of the Planning Commission.

(G) *Decision of the City Council.* The City Council shall provide findings of fact and conclusions of law in accordance with its decision on appeal. These findings of fact and conclusions of law shall be issued within 15 working days after the final hearing on appeal. The decision of the City Council shall become final and effective immediately upon the issuance of the findings of fact and conclusions of law. No permits shall be issued concerning the property in question until the decision becomes final. A decision of the City Council may be appealed to the Superior Court within 30 days after the decision becomes final.

(H) *Reapplication.* No request for a planned unit development shall be considered by the Planning Commission within the 12-month period immediately following a previous denial of such request, except that the Director of Planning may consent to a new hearing, if in the opinion of the Director of Planning new evidence or a change of circumstances warrant it.

(I) *Time Limit.* Each planned unit development authorized under the provisions of this Chapter which is not actually established or for which the actual construction commenced on the buildings or structures involved within one year from the date of the decision of the Planning Commission, will be null and void. In the event construction work is involved, it must actually commence within the stated period and must be diligently pursued to completion.

Section 5: **Effective Date.** This ordinance is effective June 1, 2014.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS _____ DAY OF _____, 20__.

HON. SHIRLEY MARQUARDT
MAYOR

ATTEST:

_____, CITY CLERK

DRAFT

permit, or zoning variance, shall be considered an allowable nonconformity upon approval of the development as specified in § 8.12.215.

(157) "SUBDIVISION" means the division of a tract or parcel of land into two or more lots, sites, or other divisions, or the combining of two or more lots, tracts, or parcels into one lot, tract, or parcel for the purpose, whether immediate or future, of sale or development, including development associated with a property lease, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided. *No such division*

(161) "TEMPORARY" means those structures, which, based on their design elements, are not reasonably expected to be productive for more than 30 years, or are designed to be moved or dismantled. The Director of Planning shall have the discretion in determining whether a structure fits this definition and may consider the anticipated use of the structure and its surroundings.

[subsections 161 through 172 shall be renumbered 162 through 173]

Section 3: Amendment of CHAPTER 8.08: PLATTING AND SUBDIVISION

Section 8.08.020 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.08.020 GENERAL PROVISIONS

[...]

(E) Requirement to plat. All subdivision of land within the jurisdiction of the city shall be by plat in compliance with this chapter.

[subsections E through J shall be renamed F through K]

Section 4: Amendment of CHAPTER 8.12: ZONING

Section 8.12.040 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.040 SINGLE-FAMILY/DUPLEX RESIDENTIAL DISTRICT

[...]

~~(L) Special provisions for multiple buildings on a lot.~~

~~(1) More than one building may be placed on a lot. Each building shall be considered as one building for the purpose of front, side, and rear yard requirements.~~

~~(2) Access between buildings. Buildings or structures arranged so that vehicular access driveways separate them shall not have less than 30 feet between the buildings or structures so arranged.~~

[subsections M through O shall be renamed L through N]

Section 8.12.050 of the Unalaska Municipal Code is hereby amended with the following revisions: [additions are underlined; deletions are overstruck]

§ 8.12.050 MODERATE-DENSITY RESIDENTIAL DISTRICT

[...]

~~(K) Special provisions for multiple buildings on a lot.~~

of a parcel of land into a subdivision of land until constitute a subdivision of land until and unless (a) the lease term (including all extensions to which the lessee is entitled as a matter of contractual right) exceeds thirty (30) years; and/or (b) permanent, lease lot or lease parcel shall

as opposed to temporary, building or structure is constructed upon the lease lot or lease parcel.

Zoning Map Amendment
State Tideland at Captains Bay

City of Unalaska, Alaska
Planning Commission/Platting Board
Staff Report

A RESOLUTION TO THE UNALASKA CITY COUNCIL RECOMMENDING APPROVAL OF THE ZONING MAP AMENDMENT TO ZONE A 2.94-ACRE PORTION, MORE OR LESS, OF CURRENTLY UN-SURVEYED TIDELANDS IN CAPTAINS BAY THAT THE CITY OF UNALASKA HAS REQUESTED TO ACQUIRE FROM THE STATE OF ALASKA, LOCATED WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF UNALASKA

Project Information	
Land Owner	State of Alaska
Applicant	City of Unalaska
Location	Captains Bay, near OSI
Property Identification	n/a
Application Type	Zoning Map Amendment
Project Description	This is the tideland that is the City of Unalaska has request to acquire form the state of Alaska. Property is required to be zoned so that it will accommodate the development associated with the request.
Zoning	Existing: Unzoned / Proposed: Developable Tideland
Exhibits	Draft Resolution 2014-16, Application Submittal to the State (Signed Resolutions, Plat, Map)
Staff Recommendation	Approval of Resolution 2014-16

PLAN GUIDANCE

The primary Economic Development Goal identified in the Comprehensive Plan is to, “Ensure a thriving and sustainable local economy.” Several related actions items are identified in the Comprehensive Plan, which include:

1. Make land available for business and industry;
2. Broaden and diversify the local economy; and
3. Pursue pertinent global economic opportunities that might further local economic diversification or local economic expansion.

CODE REQUIREMENTS

1. According to UCO §8.12.140(A), the Developable Tidelands District is intended to provide guidelines and restrictions for those tide and submerged lands that have been identified as developable.
2. UCO Section 8.12.190 outlines the zoning amendments process including the following:
 - Boundaries of zoning districts established by this chapter and as shown on the Zoning Map, text in this chapter may be amended, reclassified, or altered whenever required by public necessity and convenience and general welfare.
 - The Planning Commission shall hold at least one public hearing on the application. At the public hearing, the Planning Commission shall determine if any application for a zone change is reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan, and make recommendations to the City Council.
 - Upon receipt of the recommendation, the City Council shall set the date for a public hearing. At that public hearing, the City Council may accept the recommendation of the Planning Commission, reject the recommendation of the Planning Commission, or approve a modification to the recommendation of the Planning Commission.

BACKGROUND

After receiving Planning Commission (Resolution 2014-04) support on January 23, 2014 and the City Council (Resolution 2014-20) support on February 11, 2014, Staff submitted an application to the State requesting the acquisition of approximately 2.94 acres of additional tidelands in Captains Bay to accommodate existing facilities and future expansion of industrial uses. To review, the northern portion of the requested tidelands is attributed to the existing facilities owned by Offshore Systems, Inc. that extend beyond existing platted tidelands (ATS 1431 Tract A). The southern portion of the request is attributed to the proposed development from Offshore Systems, Inc. for a warehouse and dock facility that will extend beyond existing platted tidelands (UTS 103 Tract A-1).

Feedback from the DNR's Municipal Entitlement Unit has indicated that before such our acquisition request will be considered, the property in question would need to be zoned to accommodate development and that such development would need to have been approved by the City. Because of this, City Staff proposes that the area being requested from the State be zoned to as Developable Tidelands. From the City's perspective, the zoning of the property is the first step in allowing for a building permit application, once it is received, to be considered for approval. An approval of a building permit application for this area shows the City's approval of the development itself. Again, the City will also need to coordinate with the State of Alaska Survey Department and arrange for a professional land surveyor to conduct tideland surveys of this area. The preliminary tideland surveys will be brought to both the Platting Board and the State for review before they are finalized and recorded.

FINDINGS

The purpose of the zoning map amendment is to allow for zoning of certain properties to be amended in order to accommodate the needs of the community. The Planning Commission is to approve the request when it finds that the request is 1) reasonable; 2) in the public interest; and 3) in conformance with the goals and objectives of the Comprehensive Plan. Staff finds that the rezoning meets this standard, as follows:

1. The proposed zoning is reasonable because it promotes a land use that matches the character of its surroundings, would not cause any particular burdens on the surrounding areas, and would not unreasonably interfere with navigation or public access.
2. The proposed zoning is in the public interest because this area is currently not zoned and assigning a zoning district provides development parameters for existing facilities and future expansion of industrial uses in a location.
3. The proposed zoning is consistent with the Comprehensive Plan adopted by the City of Unalaska as it expands economic opportunities and provides more property for increased economic production within the community.

RECOMMENDATION

In accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.12 (Zoning), the City of Unalaska Department of Planning, in concert with the City's Developmental Review team, recommends that the Planning Commission recommend approval to the City Council of this zoning map amendment by approving Resolution 2014-16.

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2014-08**

A RESOLUTION TO THE UNALASKA CITY COUNCIL RECOMMENDING APPROVAL OF THE ZONING MAP AMENDMENT TO ZONE A 2.94-ACRE PORTION, MORE OR LESS, OF CURRENTLY UN-SURVEYED TIDELANDS IN CAPTAINS BAY THAT THE CITY OF UNALASKA HAS REQUESTED TO ACQUIRE FROM THE STATE OF ALASKA, LOCATED WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF UNALASKA

WHEREAS, UCO §8.12.190 sets forth the procedures for the taking action on a zoning map amendment application; and

WHEREAS, Alaska Statute 38.05.825 describes the requirements for a municipality applying for tidelands from the State of Alaska; and

WHEREAS, the City of Unalaska has requested to acquire 2.94-acre portion, more or less, of currently unsurveyed State waters within Captains Bay to existing and proposed development related to Offshore Systems, Inc; and

WHEREAS, the tidelands are being requested from the State of Alaska for conveyance to the City of Unalaska are currently unzoned and feedback from the Department of Natural Resources Municipal Entitlement Unit has indicated that the requested area must be zoned to accommodate development; and

WHEREAS, the requested tidelands are developable, with a portion currently containing development, the Planning Department proposes a zone map amendment to classify the tidelands within the area to be acquired from the State of Alaska as Developable Tidelands; and

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the zone map amendment proposal; and

WHEREAS, the proposed zoning is reasonable because it promotes a land use that matches the character of its surroundings, would not cause any particular burdens on the surrounding areas, and would not unreasonably interfere with navigation or public access; and

WHEREAS, the proposed zoning is in the public interest because this area is currently not zoned and assigning a zoning district provides development parameters for existing facilities and future expansion of industrial uses in a location; and

WHEREAS, the proposed zoning is consistent with the Comprehensive Plan adopted by the City of Unalaska as it expands economic opportunities and provides more property for increased economic production within the community; and

WHEREAS, notices of the public hearing were posted and mailed; and

WHEREAS, the City of Unalaska Planning Commission held a public hearing on April 24, 2014 to consider this request and to hear testimony of the public, and

WHEREAS, the Planning Commission reviewed the application and finds that the zoning map amendment request is reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan.

THEREFORE BE IT RESOLVED, that the Planning Commission recommends to the City Council approval to zone a 2.94-acre portion, more or less, of previously unsurveyed State waters within Captains Bay, which the City of Unalaska is currently requesting to acquire, to Developable Tidelands.

BE IT FURTHER RESOLVED, the secretary of the Planning Commission is to certify a copy of this Resolution and to file it with the Unalaska City Clerk no later than fifteen (15) working days from the date shown below.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2014, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

Chris Bobbitt, Chair

Erin Reinders, AICP, Secretary

**STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

<input type="checkbox"/> Land Sales and Contract Administration 550 W 7th Ave., Suite 640 Anchorage, AK 99501-3576 (907) 269-8594	<input type="checkbox"/> Northern Region 3700 Airport Way Fairbanks, AK 99709 (907) 451-2740	<input type="checkbox"/> Southcentral Region 550 W 7th Ave., Suite 900C Anchorage, AK 99501-3577 (907) 269-8552	<input type="checkbox"/> Southeast Region 400 Willoughby, #400 P.O. Box 111020 Juneau, AK 99811-1021 (907) 465-3400
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APPLICATION FOR PURCHASE OR LEASE OF STATE LAND

2/14/2014
Date _____ ADL # (assigned by DNR) _____

Applicant's Name City of Unalaska Doing business as: _____

Mailing Address P.O. Box 610

City/State/Zip Unalaska, AK 99685 E-Mail ereinders@ci.unalaska.ak.us

Message Phone (907)581-3100 Work Phone (907)581-3100 Soc. Sec. # and/or Tax ID # 92-0036399

Is applicant a corporation qualified to do business in Alaska? ☒ **yes** ☐ **no**. Is the corporation in good standing with the State of Alaska, Dept. of Commerce and Economic Development? ☒ **yes** ☐ **no**.

Is applicant 18 years or older? ☒ **yes** ☐ **no**. Are you applying for a ☐ **lease** or ☒ **sale**?

What kind of lease or sale are you applying for? ☒ **Tideland**; ☐ **Public/Charitable Use**; ☐ **Grazing**; ☐ **Millsite**;
☐ **Negotiated**; ☐ **Competitive**; ☐ **Non-Competitive**; ☐ **Preference Right**.

If a lease, how many years are you applying for? _____ years. (55 years Max.)

Legal Description: Lot(s) _____ Block/Tract # _____ Survey/Subdivision _____

Other: Unsurveyed State Tidelands

Meridian Seward Township 73S, Range 118W, Section(s) 21 Acres 2.94±

Municipality City of Unalaska LORAN Reading (optional) _____

Geographic Location: Captains Bay

What is the proposed use of and activity on the state land?

Acquire tidelands for future development plans and to accommodate existing dock facilities.

Are there any improvements on the land now? ☒ **yes** ☐ **no**. If yes, who owns the improvements, and what is the estimated value? Offshore Systems, Inc. -- Value: is a portion of \$3,412,100 adjacent facilities.

If yes, describe any existing improvements on the land.

Dock facilities extended beyond existing tideland areas.

Are there any improvements or construction planned? ☒ **yes** ☐ **no**. If yes, describe them and their estimated value.
Offshore Systems, Inc. has plans to develop a dock and warehouse on the UTS 103 Tract A-1. A portion of the proposed dock extends into the tidelands that the City of Unalaska is requesting

State the proposed construction date: Spring 2014 ; estimated completion date*: Spring 2015

Name and address of adjacent land owners and, if you are applying for tidelands, the name and address of the adjacent upland owners: See map on page 4.

Are you currently in default on, or in violation of, any purchase contract, lease, permit or other authorization issued by the department under 11 AAC? ☐ **yes** ☒ **no**. Within the past three years, has the department foreclosed or terminated any purchase contract, lease, permit or other authorization issued to you? ☐ **yes** ☒ **no**.

Non-refundable filing fee: \$100
(Fee may be waived under 11 AAC 05.010(c))
102-103 (Rev. 11/08)

Date Stamp:

Is the land applied for subject to any existing leases or permits? ☐ yes ☒ no. If yes, ☐ lease or ☐ permit?

Name lease/permit is issued under: _____ ADL # _____

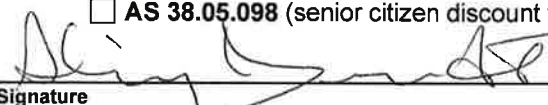
Do you think you qualify for a non-competitive lease or sale? ☒ yes ☐ no. If yes, under what provision of AS 38.05?

- ☐ AS 38.05.035(b)(2) (to correct an error or omission);
- ☐ AS 38.05.035(b)(3) (owner of bona fide improvements);
- ☐ AS 38.05.035(b)(5) (occupied, or are the heir of someone who occupied the land before statehood);
- ☐ AS 38.05.035(b)(7) (adjacent owner of remnant of state land, not adjoining other state land);
- ☐ AS 38.05.068 and .087 (U.S. Forest Service Permittee);
- ☐ AS 38.05.075(c) (upland owner or lessee);
- ☐ AS 38.05.035(f) (erected a building and used the land for business purposes);
- ☐ AS 38.05.102 (current long-term lessee or current shore fishery lessee);
- ☐ AS 38.05.255 (millsite lease for mine-related facilities);
- ☐ AS 38.05.810(a)* (government agency; tax-exempt, non-profit organization organized to operate a cemetery, solid waste facility, or other public facility; or a subdivision's nonprofit, tax-exempt homeowners' association);
- ☐ AS 38.05.810(b)-(d) (non-profit corporation, association, club, or society operated for charitable, religious, scientific, or educational purposes, or for the promotion of social welfare, or a youth encampment);
- ☐ AS 38.05.810(e) (licensed public utility or licensed common carrier);
- ☐ AS 38.05.810(f) (non-profit cooperative organized under AS 10.25, or licensed public utility);
- ☐ AS 38.05.810(h) (Alaska Aerospace Development Corporation);
- ☐ AS 38.05.810(i) (port authority);
- ☒ AS 38.05.825 (municipality applying for occupied or developable tidelands);
- ☐ other (please explain): _____

If you have checked one of the above statutes, attach a statement detailing your qualifications under each requirement of that statute.

Do you think you qualify to lease the land for less than fair market value? ☐ yes ☒ no. If yes, under what provision of AS 38.05?

- ☐ AS 38.05.097 (youth encampment or similar recreational purpose); ☐ other (please explain).
- ☐ AS 38.05.098 (senior citizen discount for a residential lease);


Signature

2/12/2014
Date

City of Uналаaska

Mayor

If applying on behalf of an agency, municipality, or organization, state which one

Title

NOTICE TO APPLICANT:

* For applications filed by a municipality under AS 38.05.810, if there is a remaining entitlement of the municipality under AS 29.65, land transferred under AS 38.05.810 shall be credited toward fulfillment of the entitlement.

* Construction may not commence until approval is granted by lessor.

* This application will not be considered unless it is accompanied by the appropriate filing fee and completed in full. THE FILING FEE WILL NOT BE REFUNDED NOR IS IT TRANSFERABLE. All checks are to be made payable to the Department of Natural Resources.

* Include a 1:63,360 USGS map showing location of proposed activities in relation to survey monumentation or fixed geographical features which fully illustrates your intended use, including the location of buildings and improvements and access points, labeled with all dimensions, and a development plan providing a complete list of proposed activities.

* The applicant may be required to deposit a sum of money sufficient to cover the estimated cost of survey, appraisal, and advertising. If the land is sold or leased to another party, the deposit will be returned to the applicant.

* The filing of this application and payment of the filing fee vests the applicant with no right or priority in the lands applied for. It is merely an expression of the desire to purchase or lease a parcel of land when and if it becomes available. Filing an application serves the purpose of notifying the state that an individual is interested in purchasing or leasing land. It is not a claim, nor does it in any way obligate the state to sell or lease land.

* If the application site is in the Coastal Zone, include a Coastal Project Questionnaire (www.gov.state.ak.us/dgc/Projects/projects.html).

* If the application is for a commercial fish camp, include a copy of your limited entry permit or an interim-use salmon set net permit.

* If applying for a senior citizen discount, include form 102-1042.

* AS 38.05.035(a) authorizes the director to decide what information is needed to process an application for the sale or use of state land and resources. This information is made a part of the state public land records and becomes public information under AS 40.25.110 and 40.25.120 (unless the information qualifies for confidentiality under AS 38.05.035(a)(9) and confidentiality is requested). Public information is open to inspection by you or any member of the public. A person who is the subject of the information may challenge its accuracy or completeness under AS 44.99.310, by giving a written description of the challenged information, the changes needed to correct it, and a name and address where the person can be reached. False statements made in an application for a benefit are punishable under AS 11.56.210.

2.94± acres within Captains Bay
Located Entirely Within the Corporate Boundary of the City of Unalaska
Within Protracted Section 21 of Township 73 South,
Range 118 West of the Seward Meridian, Alaska

The City of Unalaska (hereinafter referred to as “City”) is requesting a 2.94± acre portion of state-owned tidelands from the State of Alaska to accommodate future dock and warehouse facility expansion within Captains Bay. These requested tidelands are directly adjacent to existing tidelands previously conveyed to the City from the State of Alaska.

This area of Captains Bay contains uplands zoned for industrial development. Dock facilities that currently exist in the area – as well as proposed improvements – are outside existing City-owned tidelands and are extending into State waters.

This request satisfies the requirements for acquisition of state-owned tidelands in the following ways:

- The proposed tidelands are located entirely within the Corporate Boundary of the City of Unalaska.
- Use of the land would not unreasonably interfere with navigation or public access.
- A signed application from the City’s Mayor and a resolution from the City Council approving the action are attached.
- The land is not subject to a shore fisheries lease under AS 38.05.082.
- Acquiring the additional tidelands is consistent with the Comprehensive Plan adopted by the City of Unalaska as the acquisition allows for further development of various industries and projects. This development will help to expand Unalaska’s economic base.
- Development has been increasing in Captains Bay and there are future plans for dock and port facility expansion in that area for support and staging for oil and gas exploration.
- The tidelands requested are required for the accomplishment of private development which will be approved by the City of Unalaska. The Department of Planning has received a site plan from Offshore Systems, Inc. – the lessee of the adjacent tideland parcel – detailing a development plan for the requested areas.
- Portions of dock facilities that currently exist in the area have been built outside existing City-owned tidelands and are extending into State waters. Development proposals in this area are exceeding the tidelands to which the City previously received patent.
- If the action is approved, the City will arrange for a professional land surveyor to conduct tideland surveys of the area as required by Alaska Statutes. The preliminary tideland surveys will be brought back to the Platting Board for review before they are finalized and recorded. Once recorded, the process to zone the newly acquired tidelands would then begin.

100 ft.

782 ft.

654 ft.

P-CAPTAIN'S BAY



ATS 1431
Tract A & B
Owner:
City of Unalaska

USS 8449 Lot 1
Owner: Offshore
Systems, Inc.
12019 76th Place NE
Kirkland, WA 98034

UTS 103
Tract A-1
Owner:
City of
Unalaska

USS 8449 Lot 1
Native Allotment
Ownership: Heirs
of Constantine
Lekanoff, Sr.

Legend

-  Requested Tideland
-  Existing Parcels

**CITY OF UNALASKA
UNALASKA, ALASKA**

RESOLUTION 2014-20

A RESOLUTION OF THE CITY OF UNALASKA CITY COUNCIL APPROVING THE ACQUISITION REQUEST FOR A 2.94-ACRE PORTION, MORE OR LESS, OF STATE TIDELANDS IN CAPTAINS BAY LOCATED WITHIN THE MUNICIPAL BOUNDARY OF THE CITY OF UNALASKA

WHEREAS, Alaska Statute 38.05.825 describes the requirements for a municipality applying for tidelands from the State of Alaska; and

WHEREAS, City staff is preparing an application requesting additional tidelands addressing the requirements of the State Statute; and

WHEREAS, existing and proposed development would be served by this request to acquire a 2.94-acre portion, more or less, of previously unsurveyed State waters within Captains Bay; and

WHEREAS, the tidelands being requested from the State of Alaska for conveyance to the municipality of the City of Unalaska are currently unzoned; and

WHEREAS, the requested tidelands are developable with a portion currently containing development, and an application for a zone amendment to classify them as Developable Tidelands would be made after conveyance; and

WHEREAS, the request is reasonable because it accommodates existing and planned development consistent with the character and land uses found in this industrial portion of Captains Bay; and

WHEREAS, the request is in the public interest because it allows for further development of industries aiding in diversifying Unalaska's economic base, as supported by the Unalaska Comprehensive Plan 2020; and

WHEREAS, the Planning Commission supported the acquisition and recommend approval of the application to the City Council via Planning Commission Resolution 2014-04; and

NOW, THEREFORE, BE IT RESOLVED that the Unalaska City Council approves the application to acquire 2.94 acres of tidelands, more or less, located in Captains Bay.

PASSED AND APPROVED BY A DULY CONSTITUTED QUORUM OF THE UNALASKA CITY COUNCIL THIS 11TH DAY OF FEBRUARY 2014.

ATTEST:


CITY CLERK


MAYOR



**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2014-04**

**A RESOLUTION RECOMMENDING TO THE UNALASKA CITY COUNCIL APPROVAL OF
THE ACQUISITION FROM THE STATE OF ALASKA OF A 2.94-ACRE PORTION, MORE
OR LESS, OF TIDELANDS IN CAPTAINS BAY, LOCATED WITHIN THE MUNICIPAL
BOUNDARY OF THE CITY OF UNALASKA**

WHEREAS, Alaska Statute 38.05.825 describes the requirements for a municipality applying for tidelands from the State of Alaska; and

WHEREAS, existing and proposed development would be served by this request to acquire a 2.94-acre portion, more or less, of previously unsurveyed State waters within Captains Bay; and

WHEREAS, the tidelands being requested from the State of Alaska for conveyance to the municipality of the City of Unalaska are currently unzoned; and

WHEREAS, the requested tidelands are developable with a portion currently containing development, and an application for a zone amendment to classify them as Developable Tidelands would be made after conveyance; and

WHEREAS, the request is reasonable because it accommodates existing and planned development consistent with the character and land uses found in this industrial portion of Captains Bay; and


WHEREAS, the request is in the public interest because it will help promote a thriving and sustainable local economy by allowing businesses to relocate and expand to better serve the community, as supported by the Unalaska Comprehensive Plan 2020; and

WHEREAS, the Planning Commission finds the application for the tidelands conveyance request reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan.

NOW THEREFORE BE IT RESOLVED, the Planning Commission recommends the Unalaska City Council approve the application for acquisition of 2.94 acres of tidelands, more or less, located in Captains Bay within the municipal boundary of the City of Unalaska, from the State of Alaska.

PASSED AND APPROVED THIS 23rd DAY OF January, 2014, BY THE
PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.


Chris Bobbitt
Chair


Erin Reinders, AICP
Recording Secretary

Extension of Preliminary Plat Approval
For Delta Western Subdivision

**City of Unalaska, Alaska
Planning Commission/Platting Board
Resolution 2014-17**

A RESOLUTION APPROVING A 12-MONTH EXTENSION OF THE APPROVAL OF THE PRELIMINARY PLAT FOR PTARMIGAN FLATS SUBDIVISION, REPLAT OF TRACT B, PARCEL 1-A, AND ATS 1353, A 15.24 ACRE SUBDIVISION OF PARCEL 1-A AND TRACT B PTARMIGAN FLATS SUBDIVISION, PLAT NUMBER 90-5 AND ALASKA TIDELAND SURVEY NUMBER 1353, PLAT NUMBER 88-4, ALEUTIAN ISLAND RECORDING DISTRICT.

Project Information	
Land Owner	Richard Miller, FDOC, Inc
Applicant	Tim Hunter, Delta Western
Location	Eastside of East Point Road, near the intersection with Delta Way
Property Identification	Tract B: 04-03-340; Parcel 1-A: 04-03-345; ATS 1353: 01-10-180
Application Type	Extension of Preliminary Plat Approval
Project Description	Reconfiguration of 3 lots on 15.24 acres as well as the dedication and vacation of various related easements.
Zoning	Tract B and Parcel 1-A are zoned Marine Dependent/Industrial and ATS 1353 is zoned Developable Tideland.
Exhibits	Draft Resolution 2014-17, Signed Resolution 2013-05, Corrected Preliminary Plat of Delta Western Subdivision, and Aerial imagery from GeoBlade
Staff Recommendation	Approval with Conditions as identified in Resolution 2014-17

BACKGROUND

The purpose of this plat is three fold:

1. To relocate a 10-foot Utility and Drainage Easement that was originally dedicated as part of Plat 2012-9, through which a number of easements were dedicated throughout Puffin and Ptarmigan Flats Subdivisions. The relocation is needed to accommodate Delta Western development.
2. To dedicate a new utility easements to be used for electrical and drainage improvements associated with the new Delta Western Warehouse.
3. To refine the property boundary, acreage, and public access easement location to accommodate fill and 2013 Meanders. Again, this action is needed to accommodate Delta Western development. As it currently stands, the new Delta Western Warehouse is constructed over existing lot lines.

The Planning Commission/Platting Board approved the Preliminary Plat at their May 16, 2013 meeting. As of August 6, 2013, the numerous corrections identified in the conditions of approval have been successfully addressed. This corrected version of the plat has been included in your packet and what is being commented on for the updated conditions of approval. As the request for extension letter indicates, the Mylar has not yet been submitted for signature and recordation because of ongoing discussion related to required easements.

The location, nature and size of these utility improvements and associated easements are directly related to the new warehouse, now fully constructed and in use, and the plat currently being considered. E-4, E-4A and E-6, the easements actually being dedicated with this plat, are in keeping with City Code. Code clearly states there will be no compensation if the size and location of the easements and improvements were based on the current proposal, as is the case here. Code talks of compensation only if the size of easements were increased to accommodate future growth and development.

The following portions of code detail this information as it relates to subdivision improvements and easements:

§ 8.08.100 SUBDIVISION IMPROVEMENTS.

(B) *Required improvements.* Prior to being granted approval for the final plat, the subdivider shall have installed, or shall have furnished an adequate guarantee for the ultimate installation of the following improvements:

(5) *Oversize utility systems.* The Board, in consultation with the Department of Public Utilities, may require the subdivider to install oversize utility systems in order to accommodate probable and desirable growth in the immediate area. When such oversize systems are required, the subdivider shall be reimbursed by the city for the excess costs of providing standard utility lines.

(6) *Easements.* The subdivider shall be required to consult with the Department of Public Utilities for location of easements as they relate to existing or proposed public utilities. In instances where the city determines that providing electric, water or wastewater utility service requires the location of electric, water or wastewater equipment and/or main lines on the lots located within the subdivision, the subdivider/developer shall be required to grant a utility easement at no charge to the city, appropriate in size, nature and location to accommodate the installation and on-going maintenance of the equipment and/or main lines needed to serve the subdivision. The equipment and/or main lines may be used to serve the properties of other utility customers if the service does not change the size, nature or location of the equipment and/or main lines, or otherwise create an additional burden upon the property within the subdivision.

(7) *Drainage.* The subdivider shall consult with the Department of Public Works for location of easements as they relate to existing or proposed drainage. In instances where the city determines that an area requires the location of drainage equipment on the lots located within the subdivision, the subdivider/developer shall be required to grant a drainage easement at no charge to the city, appropriate in size, nature and location to accommodate the installation and on-going maintenance of the equipment needed to provide adequate drainage for the subdivision. The subdivider may be responsible for a total surface drainage plan showing all drainage facilities and slopes. Drainage easements will be provided whenever the subdivision is traversed by a water course, drainage way, channel, or stream conforming to the course of that feature and wide enough to provide access for maintenance and improvement. Consultation with the Department of Public Works is advised.

(C) *Extent of improvements.* All the required improvements shall be installed to the boundaries of the subdivision and shall be designed to provide for future extension to and service of contiguous areas.

§ 10.04.035 BASIC CONDITIONS FOR EXTENDING UTILITY SERVICE(S).

(B) *Easements.* In instances where the City determines that providing electric, water, or wastewater utility service requires the location of electric, water, or wastewater equipment and/or main lines on the applicant's property, the applicant shall be required to grant a utility easement at no charge to the City, appropriate in size, nature, and location to accommodate the installation and on-going maintenance of the equipment and/or main lines needed to serve the subject property. The equipment and/or main lines may be used to serve the properties of other consumers if the service does not change the size, nature, or location of the equipment and/or main lines and if it does not otherwise create an additional burden upon the burdened subject property.

The overall purpose of planning and our development codes are to encourage sound and orderly growth, for the benefit of all members of the community, both now and in the future. Ideally, this plat would have been recorded prior to the building permit and construction of the warehouse and related utility improvements. This would have given the Planning Commission/Platting Board, City Staff, Delta Western and FDOC, Inc. an opportunity to discuss the pending development and related utility and drainage needs in a comprehensive and proactive setting. In this case, however, construction began prior to the building permit being issued and without respect to existing lot lines and we are having these important planning related discussions after construction of a building is complete.

FINDING

UCO Section 8.08.070 states that the approval of a preliminary plat shall be for a period of 12 months, unless an extension is requested and granted upon finding that it is in the public interest to do so. A written request, with the owner's permission, was submitted prior to the approval expiration date of May 16, 2014. An extension is in the public's interest as the recording of this plat is needed to accommodate development and related utility and drainage improvements.

RECOMMENDATION

The City of Unalaska Department of Planning, in concert with the Development Review Team, have reviewed the preliminary plat and considered the extension request in accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.08 (Platting and Subdivision). Staff recommends approval of the extension of the preliminary plat for Ptarmigan Flats Subdivision, Replat of Tract B, Parcel 1-A, and ATS 1353, with conditions to be met with submission of the Final Plat, as outlined on Resolution 2014-17.

RESOLUTION 2014-17

A RESOLUTION OF THE PLANNING COMMISSION/PLATTING BOARD CITY OF UNALASKA, ALASKA

A 12-MONTH EXTENSION OF THE APPROVAL OF THE PRELIMINARY PLAT FOR PTARMIGAN FLATS SUBDIVISION – REPLAT OF TRACT B, PARCEL 1-A, AND ATS 1353, A 15.24 ACRE SUBDIVISION OF PARCEL 1-A AND TRACT B PTARMIGAN FLATS SUBDIVISION, PLAT NUMBER 90-5 AND ALASKA TIDELAND SURVEY NUMBER 1353, PLAT NUMBER 88-4, ALEUTIAN ISLAND RECORDING DISTRICT.

WHEREAS, Title 8 UCO Section 8.08.070 sets forth the procedures for the subdivision and platting and states when the Planning Commission/Platting Board shall act as the Platting Authority; and

WHEREAS, FDOC, Inc is the owner of Parcel 1-A (04-03-345), Tract B (04-03-340) and ATS 1353 (01-10-180) and these properties are leased to Delta Western; and

WHEREAS, FDOC, Inc and Delta Western have submitted a platting application to reconfigure three lots and dedicate and vacate utility and drainage easements associated with the Delta Western development;

WHEREAS, the City of Unalaska Platting Board held a public hearing on May 16, 2013 to consider this platting action and to hear testimony of the public, City Staff, and the applicant and approved the Preliminary Plat via Resolution 2013-05; and

WHEREAS, in accordance with Title 8 UCO Section 8.08.070 (d), approval of a preliminary plat shall be for a period of 12 months, unless the associated final plat has been submitted to the Department of Planning for review and approval prior to the deadline; and

WHEREAS, the Platting Authority may grant and extension of the plat approve upon a finding that it is in the public interest to do so provided a written request for an extension together with the reasons why an extension is desired is submitted to the Department of Planning by the subdivider prior to the deadline; and

WHEREAS, the surveyor, with the permission of the property owner, submitted a written request to extend this approval for 12 months explaining that all required corrections had been made to the plat and that there were some ongoing discussion related to the required easements on the plat; and

WHEREAS, the City of Unalaska Department of Planning, Department of Public Works, and Department of Public Utilities staff has reviewed the corrected plat and request for extension of approval and believe it is in the public's best interest to grant such an extension; and

WHEREAS, notices were posted and mailed in accordance with Title 8, UCO Section 8.08.020 (F); and

WHEREAS, the City of Unalaska Platting Authority held a public hearing on April 24, 2014 to consider the extension of the approval of the platting action and to hear testimony of the public, City Staff, and the applicant.

THEREFORE BE IT RESOLVED, the Platting Authority approves extension of the preliminary plat of Ptarmigan Flats Subdivision – Replat of Tract B, Parcel 1-A, And ATS 1353, with the conditions to be addressed with the submittal of the final plat:

1. A closure report shall be submitted.
2. Electronic versions of the final plat details in formats allowing for incorporation into the City's CADD and GIS programs shall be provided to the Department of Planning at the time of mylar submittal.

This plat approval becomes effective if there are no appeals within ten (10) working days after the Planning Commission action and shall remain in effect for one year.

APPROVED AND ADOPTED THIS _____ DAY OF _____, 2014, BY THE PLANNING COMMISSION/PLATTING BOARD OF THE CITY OF UNALASKA, ALASKA.

Chris Bobbitt
Chair

Erin Reinders, AICP
Recording Secretary



received
3/31/2014

**AUTHORIZATION TO MAKE APPLICATION BY AGENT
CITY OF UNALASKA, ALASKA**

Department of Planning

PO Box 610

Unalaska, Alaska 99685-0610

PHONE (907) 581 3100 FAX (907) 581 4181

Email: planning@ci.unalaska.ak.us

Website: www.ci.unalaska.ak.us

I/WE FDOC, Inc. ARE THE OWNERS OF

(LEGAL DESCRIPTION OF PROPERTY)

LOT _____ BLOCK _____ SUBDIVISION Ptarmigan Flats Subdivision
TRACT B, Parcel 1-A USS _____
SECTION(S) _____ TOWNSHIP _____ RANGE _____

LOCATED WITHIN THE CITY OF UNALASKA AND DO HEREBY AUTHORIZE (APPLICANT NAME) Delta Western

_____ TO MAKE APPLICATION AS MY/OUR AGENT
FOR :

(CHECK THE APPROPRIATE BOX)

☐
☐
☐

CONDITIONAL USE
VARIANCE
PUD

☒
☐
☐

PLAT
ZONE AMENDMENT
TIDELAND LEASE

AND ACKNOWLEDGE THAT (I AM / WE ARE) AS FULLY BOUND BY THE TERMS OUTLINED IN TITLE 7 AND 8 UCO AND RELATED POLICIES AND REGULATIONS FOR THE ACTION APPLIED FOR AS THOUGH I/WE HAD MADE APPLICATION FOR SUCH ACTION MYSELF/OURSELVES.

Denise Rankin, Property Manager

NAME

Denise Rankin

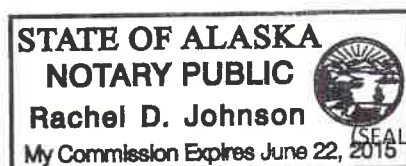
SIGNATURE

NAME

SIGNATURE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 31st DAY OF March
20 14.

[Signature]



NOTARY PUBLIC IN AND FOR Alaska

MY COMMISSION EXPIRES: 06-22-2015

ALASKA SURV/TECH

LAND SURVEYING AND DEVELOPMENT SINCE 1981

January 28, 2014

W.O. No. 2012-SVY-04

Erin Reinders
Director of Planning
City of Unalaska
P.O. Box 610
Unalaska, AK. 99685

Re: **Request for Time Extension: Final Subdivision;
"Ptarmigan Flats Subdivision – Replat of Tract B,
Parcel 1-A and ATS 1353"**

Dear Erin,

Per our conversations and e-mail correspondence during the past year, I would like to request a time extension for the above referenced plat.

I understand the current Final Plat approval will end on May, 16, 2014, and after that date all existing Subdivision Plat approvals will become null and void. I further understand that building permits and construction permissions were made with the understanding that this plat was to be completed and recorded.

I understand I was given permission from The City of Unalaska Department of Planning to go to a final mylar back in August 2013. At that time a final mylar was not submitted because I had not set the subdivision monuments and discussions were still ongoing relative to the status of easements that were required as conditions of approval. Conversations have been on going, but to date all parties (OC, Delta Western, and City) have not indicated an agreement as to the status of the easements as noted on the existing submittals. This plat needs to be approved so that the existing (new) building will be located upon the new uplands, not partially within the intertidal zone as the original subdivision plat would indicate.

I will be planning a trip out in May 2014 to set the final subdivision monuments and complete the field activities as required by the City Subdivision requirements, as well as make any changes or gather any additional information as needed to expedite the completion of this Plat.

Hopefully the owners and other interested parties will come to an agreement on the issues at hand and indicate to the City Planning Department, the changes that need to be made or to suggest those changes they have decided upon if any, to make the plat agreeable to all.

I will be available by phone or email to discuss any portion of the Subdivision Plat and to make those changes necessary to reach a successful completion within the new time constraints, should an extension be granted.

Sincerely,
Alaska Surv/Tech

[Terry P Irwin- \(electronic\)](#)

Terry P Irwin P.L.S.

**City of Unalaska
Unalaska, Alaska
Platting Board Resolution 2013-05**

A RESOLUTION APPROVING PRELIMINARY PLAT OF DELTA WESTERN SUBDIVISION,
A 15.24 ACRE SUBDIVISION OF PARCEL 1-A AND TRACT B, PTARMIGAN FLATS,
SUBDIVISION, PLAT NUMBER 90-5 AND ALASKA TIDELAND SURVEY NUMBER 1353,
PLAT NUMBER 88-4, ALEUTIAN ISLAND RECORDING DISTRICT.

WHEREAS, Title 8 UCO Section 8.08.070 sets forth the procedures for the subdivision and platting and provides that the Planning Commission shall act as the Platting Authority; and

WHEREAS, FDOC, Inc is the owner of Parcel 1-A/Lot 2 (04-03-345), Tract B/Lot 1 (04-03-340) and ATD 1353 (01-10-180) and these properties are leased to Delta Western; and

WHEREAS, FDOC, Inc and Delta Western have submitted a platting application to reconfigure three lots and alter the location of three easements through dedication and vacation;

WHEREAS, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the proposed plat and have recommended revisions as described below; and

WHEREAS, notices of the public hearing were posted and mailed; and

WHEREAS, the City of Unalaska Planning Commission held a public hearing on May 16, 2013 to consider this platting action and to hear testimony of the public and City Staff, and


NOW THEREFORE BE IT RESOLVED, the Platting Authority approves the preliminary plat of the Delta Western Subdivision, with the following conditions of approval in accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.08 (Platting and Subdivision):


1. The "Easement Details" list shall be correctly identified as "Lot 1 Easement Details."
2. The second list currently identified as "Easement Details" shall be titled "Easement Legal Descriptions."
3. The 10-foot easement to be vacated with this platting action shall be identified as E5 and included in the "Lot 1 Easement Details" listing.
4. The 10-foot easement to be dedicated with this platting action shall be identified as E6 and included in both the "Lot 1 Easement Details" listing and the "Easement Legal Description" listing.
5. The easement identified as E4 shall be clearly marked as being dedicated with this platting action, consistent with the hatching in the Legend, and shall be revised to include a 20-foot by 20-foot square on the southernmost portion needed to accommodate a utility improvement.
6. All existing and permanent structures (i.e. buildings and docks) shall be shown on the plat and any temporary structures shall be removed from this plat. Building setbacks to the nearest property line shall be labeled.
7. The following note shall be added: "Structures existing at the time of certification of this plat are shown. Some of these structures may not conform to City of Unalaska Code of Ordinance, Title 8, regarding minimum setbacks from property lines. All structures shown are authorized nonconforming structures of record with regard to setback requirements."
8. Note 9 shall be corrected to read that both "Lot 1 and Lot 2 are zoned Marine Dependent/Industrial..."

9. The following note shall be added: "All access easements from a fixed point to navigable or public waters extend to the waterline, extending or shortening as the water advances or recedes."
10. The following note shall be added: "Sewer service for Lot 2 will likely require crossing East Point Road and connecting near the intersection of Delta Way."
11. The owner of Lot 1 shall be correctly identified as FDOC in the Certificate of Ownership and Dedication.
12. Face details of the monuments shall be provided.
13. A tie shall be shown from one monument within the subdivision to one of the existing City control monuments with bearing and distance.
14. Surveyor shall set one new primary monument and provide coordinates in NAD 83 Alaska State Plane Zone 10, U.S. foot.
15. A closure report shall be submitted.
16. The subdivision name shall be called "PTARMIGAN FLATS SUBDIVISION REPLAT OF TRACT B AND PARCEL 1-A" and the proposed lot numbers shall be revised in coordination with the property owner and the Planning Director.

Upon the correction of the aforementioned deficiencies submit a corrected preliminary plat to the Department of Planning for review and concurrence before proceeding to final plat. This conditional plat approval becomes effective if there are no appeals within ten (10) working days after the Planning Commission action and shall remain in effect for one year.

PASSED AND APPROVED THIS 16th DAY OF May 2013, BY THE PLATTING BOARD OF THE CITY OF UNALASKA, ALASKA.


Chris Bobbitt
Chair


Erin Reinders, AICP
Secretary

TO CITY CONTROL MON #13
N28°34'41"W - GRID
N21°02'58"W - TM BRG
N 192590.53
E 531483.54
NAD 83 SP ZONE 10, U.S. FEET
AS DEFINED BY THE CITY
OF UNALASKA
CONTROL NETWORK.

SET PRIMARY MONUMENT PER
CITY OF UNALASKA TITLE 8
N 1190330.70
E 5316063.51
NAD 83 SP ZONE 10, U.S. FEET
AS DEFINED BY THE CITY OF UNALASKA
CONTROL NETWORK.

TR B-EASEMENT DETAILS

- (E-1) Existing Permanent Non-Exclusive Esmt. Easement No. J-20 Doc# 2002-000388-0
- (E-2) Existing 10' Wide Sewer Esmt. Per P# 90-5 AIRD
- (E-3) Existing Permanent Non-Exclusive Esmt. Easement No. J-13 Doc# 2002-000381-0
- (E-4) 10' wide Utility Easement- noted with dashed line for limits- TO BE DEDICATED THIS PLAT (see legal description)
- (E-4A) 20'x20' square Utility Easement- noted with dashed line for limits- TO BE DEDICATED THIS PLAT (see legal description)
- (E-5) Existing 10' wide Utility and drainage Easement P# 2012-9 AIRD-TO BE VACATED THIS PLAT
- (E-6) 15' wide Drainage Easement- noted with dashed line for limits-TO BE DEDICATED THIS PLAT (see legal description)

PAR. 1-A-EASEMENT DETAILS

- (E-7) 10' wide Utility and Drainage Easement TO BE DEDICATED THIS PLAT (See Note No.8)

EASEMENT LEGAL DESCRIPTION E-4/E-4A

A 10 FOOT WIDE UTILITY EASEMENT, 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AND AS DEPICTED HEREON. COMMENCING AT THE CORNER MONUMENT AT THE SOUTH END OF C-2 ALONG THE EAST SIDE OF EAST POINT ROAD, THENCE NORTH 84°57'15" WEST A DISTANCE OF 5.00' TO THE POINT OF BEGINNING

THENCE SOUTH 00°45'17" WEST A DISTANCE OF 33.72 FEET; THENCE SOUTH 07°39'20" EAST A DISTANCE OF 108.87 FEET; THENCE SOUTH 26°58'35" EAST A DISTANCE OF 62.00 FEET; THENCE SOUTH 19°20'59" EAST A DISTANCE OF 105.96 FEET; THENCE SOUTH 22°42'49" EAST A DISTANCE OF 85.64 FEET; THENCE SOUTH 27°43'49" EAST A DISTANCE OF 29.14 FEET; THENCE NORTH 78°10'28" EAST A DISTANCE OF 29.50 FEET TO THE END OF SAID EASEMENT.

AND

A 20 FOOT BY 20 FOOT SQUARE UTILITY EASEMENT, LOCATED ADJACENT TO THE SOUTH BOUNDARY OF THE UTILITY EASEMENT DESCRIBED ABOVE WITH THE EASTERLY BOUNDARY ENDING AT THE DISTANCE AND LOCATION AS THE 10 FOOT WIDE EASEMENT IT ADJOINS AND AS NOTED HEREON WITH A DASHED LINE.

EASEMENT LEGAL DESCRIPTION E-6

A 15 FOOT WIDE DRAINAGE EASEMENT, 7.5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AND AS DEPICTED HEREON. COMMENCING AT 5/8" REBAR NOTED HEREON, THAT BEARS NORTH 64°44'11" WEST A DISTANCE OF 48.7', FROM THE SOUTHWESTERLY CORNER OF THE NEW BUILDING SHOWN HEREON AS "NEW BUILDING UNDER CONSTRUCTION". THENCE NORTHERLY AND EASTERLY ALONG A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 581.62' AND A DELTA OF 12°36'51" AND A LENGTH OF 128.05' WITH A CHORD BEARING OF NORTH 26°3'13" WEST A CHORD DISTANCE OF 127.79 FEET TO THE POINT OF BEGINNING.

THENCE NORTH 68°39'55" EAST, A DISTANCE OF 35.00 FEET, THENCE NORTH 20°08'08" WEST, A DISTANCE OF 147.10 FEET, THENCE NORTH 03°39'15" EAST, A DISTANCE OF 173.10 FEET, THENCE NORTH 74°45'58" EAST, A DISTANCE OF 107.60 FEET, MORE OR LESS TO ITS END AT THE MEANDER LINE OF ATS 1353 AS REVISED IN 2013.

EASEMENT LEGAL DESCRIPTION E-7

A 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT, 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AND AS DEPICTED HEREON. COMMENCING AT THE 5/8" REBAR LOCATED DIRECTLY ACROSS (EAST OF) DELTA WAY, ALONG THE WEST BOUNDARY OF LOT 2, THENCE ON AND ALONG SAID BOUNDARY LINE, NORTH 32°42'29"W A DISTANCE OF 15.27 FEET, TO THE POINT OF BEGINNING. THENCE NORTH 86°51'11"E, CENTERED OVER THE EXISTING DRAINAGE PIPE, A DISTANCE OF 97.5 FEET, MORE OR LESS TO THE EAST BOUNDARY OF PAR. 1-A AND THE END OF SAID EASEMENT.

THE ABOVE DESCRIBED EASEMENTS (E-4, E-4A, E-6, E-7) ARE DEDICATED THIS PLAT, THE LOCATION IS NOTED HEREON USING A SHORT DASHED LINE AS SHOWN IN THE LEGEND FOR THE BOUNDARY, AND THE EASEMENT CENTERLINE IS FURTHER DESCRIBED TO BETTER DEFINE ITS LOCATION.

BOUNDARY CURVE TABLE

CURVE NO.	DELTA	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C-1	14°46'46"	353.04'	91.07'	90.81'	S06°24'10"W
C-2	08°45'18"	414.08'	63.27'	63.21'	S09°25'22"W
C-3	37°45'12"	581.62'	383.24'	376.35'	S13°49'53"E
C-4	58°41'15"	129.71'	132.86'	127.13'	S04°21'03"E

BOUNDARY LINE TABLE

LINE NO.	BEARING	DISTANCE
L-1	S32°42'13"E	141.57'
L-2	S32°42'54"E	90.00'
L-3	S65°00'24"E	25.90'
L-4	N06°48'35"E	26.90'
L-5	N53°23'40"E	28.30'
L-6	N14°19'27"W	26.03'
L-7	N54°30'00"E	165.27'

NOTES:

- THE PURPOSE OF THIS REPLAT IS TO REMOVE THE 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT LOCATED ON THE LOT LINE BETWEEN TRACT B AND PARCEL 1-A, AS PLATTED (P#2012-9-AIRD) AND TO ADD THE FILLED TIDELANDS TO THE AREA OF THE NEW TR B WHILE ALSO REDUCING THE AREA OF THE TIDELANDS AND TO DEDICATE NEW ELECTRIC AND DRAINAGE EASEMENTS WHERE NEEDED
- FIELD SURVEY DATA WAS COLLECTED ON MAY 25, 2012 & APRIL 27, 2013
- ALL LOTS SHALL BE SERVED BY CITY OF UNALASKA WATER AND SEWER.
- THE BASIS OF BEARING FOR THIS SURVEY IS N47°34'49"W AND IS BASED ON THE FINAL PLAT OF PUFFIN SUBDIVISION AS SHOWN ON PLAT NO 94-1 AS FILED IN THE ALEUTIAN ISLANDS RECORDING DISTRICT.
- TOPOGRAPHIC INFORMATION IS SHOWN AS FIELD SURVEYED UTILITIES ARE SHOWN AS OBSERVED IN THE FIELD OR AS LOCATED BY CITY PUBLIC WORKS PERSONNEL.
- DEVELOPERS MAY NOT ALTER EXISTING DRAINAGE WITHOUT PROVIDING ALTERNATIVES AND/OR DRAINAGE EASEMENTS, IF NECESSARY.
- A NON RESTRICTIVE RIGHT OF ENTRY IS HEREBY GRANTED TO THE CITY OF UNALASKA FOR MAINTENANCE OF THE UTILITY EASEMENTS BEING DEDICATED THIS PLAT.
- 10 FOOT WIDE DRAINAGE EASEMENT TO ACCOMMODATE NEW 2012, DRAINAGE PIPE, AS SHOWN HEREON AS E-7.
- BOTH TR B AND PAR. 1-A ARE ZONED MARINE DEPENDENT/INDUSTRIAL WITH MINIMUM FRONT, SIDE AND REAR YARD SETBACK OF 10 FEET. ATS 1353 IS ZONED AS DEVELOPABLE TIDELAND WITH FRONT AND SIDE YARD SETBACK REQUIREMENTS OF 10 FEET. IN BOTH ZONING DISTRICTS, DOCKS, DECKING AND APPROACHES ARE EXEMPT FROM THESE SETBACK REQUIREMENTS.
- THE BUILDING UNDER CONSTRUCTION SHOWN IS POSITIONED PER CONTRACTOR SUPPLIED DATA DATED 4/28/13.
- STRUCTURES EXISTING AT THE TIME OF CERTIFICATION OF THIS PLAT ARE SHOWN. SOME OF THESE STRUCTURES MAY NOT CONFORM TO CITY OF UNALASKA CODE OF ORDINANCE, TITLE 8, REGARDING MINIMUM SETBACKS FROM PROPERTY LINES. ALL STRUCTURES SHOWN ARE AUTHORIZED NONCONFORMING STRUCTURES OF RECORD WITH REGARD TO SETBACK REQUIREMENTS.
- ALL ACCESS EASEMENTS FROM A FIXED POINT TO NAVIGABLE OR PUBLIC WATERS EXTEND TO THE WATERLINE, EXTENDING OR SHORTENING AS THE WATER ADVANCE OR RECEDES.
- SEWER SERVICE FOR PAR. 1-A, WILL LIKELY REQUIRE CROSSING EAST POINT ROAD AND CONNECTING NEAR THE INTERSECTION OF DELTA WAY.

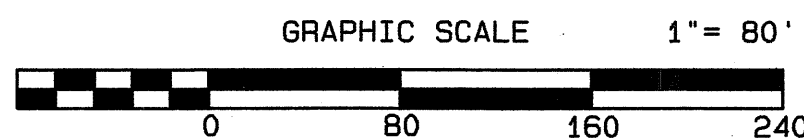
LEGEND

- ◆ SET PRIMARY MONUMENT
- FOUND RECORD CORNERS/MONUMENTS
- SET 5/8" REBAR WITH YELLOW PLASTIC CAP
- N45°34'53"W 223.78' = A RECORD MEANDER VALUE
- ▨ NEW EASEMENT TO BE DEDICATED THIS PLAT
- ▨ EXISTING EASEMENT TO BE VACATED THIS PLAT
- EXISTING EASEMENT TO REMAIN
- ATS /SEAWARD BOUNDARY
- NEW OHW MEANDER

TOPOGRAPHIC SURVEY LEGEND

- EXISTING STORM DRAINAGE PIPE
- ▨ EXISTING CONCRETE SLAB
- ⊙ EXISTING FIRE HYDRANT

● LS-5144
TYPICAL YELLOW PLASTIC CAP SET THIS SURVEY



CERTIFICATE OF OWNERSHIP AND DEDICATION

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE SURFACE ESTATE OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO THE PUBLIC, AND EASEMENTS TO THE USE SHOWN.

OWNER: TR B

RICHARD A. MILLER
FDCC INC.
PO BOX 149
UNALASKA, ALASKA 99685-0149

DATE

NOTARY ACKNOWLEDGEMENT FOR: RICHARD A. MILLER
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF ____ 2013.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES ____

OWNER: PAR. 1-A

RICHARD A. MILLER
FDCC INC.
PO BOX 149
UNALASKA, ALASKA 99685-0149

DATE

NOTARY ACKNOWLEDGEMENT FOR: RICHARD A. MILLER
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF ____ 2013.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES ____

OWNER: ATS 1353-REVISED

RICHARD A. MILLER
FDCC INC.
PO BOX 149
UNALASKA, ALASKA 99685-0149

DATE

NOTARY ACKNOWLEDGEMENT FOR: RICHARD A. MILLER
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF ____ 2013.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES ____

TAX CERTIFICATE

I HEREBY CERTIFY THAT NO TAX PAYMENT IS CURRENTLY DUE FOR THE PROPERTY SHOWN HEREON.

CITY CLERK, CITY OF UNALASKA

DATE

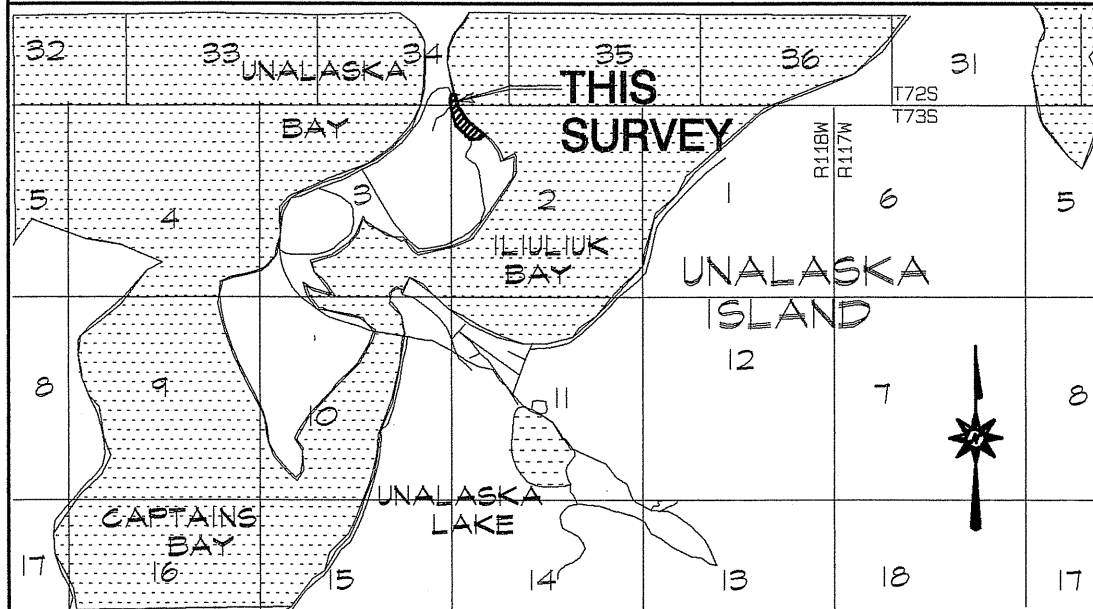
PLAT APPROVAL

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE REGULATIONS OF THE CITY OF UNALASKA, SAID PLAT HAS BEEN APPROVED BY THE CITY OF UNALASKA.

CITY CLERK, CITY OF UNALASKA

PLATTING AUTHORITY

VICINITY MAP SCALE: 1" = 5280 FEET



PTARMIGAN FLATS SUBDIVISION-REPLAT OF TRACT B, PARCEL 1-A AND ATS 1353

A SUBDIVISION OF PARCEL 1-A AND TRACT B, PTARMIGAN FLATS SUBDIVISION, PLAT NO. 90-5, AND ALASKA TIDELANDS SURVEY NO. 1353, PLAT NO. 88-4, AIRD

LOCATED WITHIN
SECTION 3 & 34, TOWNSHIP 73 SOUTH, RANGE 118 WEST,
SEWARD MERIDIAN, CITY OF UNALASKA, ALEUTIAN ISLAND
RECORDING DISTRICT, ALASKA

CONTAINING: 15.24 ACRES



ALASKA SURV/TECH
LAND SURVEYORS & DEVELOPERS

Grid: UNALASKA Scale 1" = 80' Date 8/5/13 BkUNAK MISC Pg
Drawn TJ File No. 12-04 Proj. Delta W Sheet 1 of 1
Revision # 5

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON EXIST AS DESCRIBED, AND THAT ALL OTHER DETAILS ARE CORRECT.

REGISTERED LAND SURVEYOR

REGISTRATION NO.

DATE

RECORD DOCUMENTS

- (R-1) PLAT NO 2012-9, PUFFIN-PTARMIGAN FLATS SUBDIVISION-REPLAT FOR EASEMENTS-2012 RECORDED 8/27/2012, AIRD
- (R-2) PLAT NO 90-5 PTARMIGAN SUBDIVISION RECORDED 5/2/90, AIRD
- (R-3) PLAT NO 94-1 PUFFIN SUBDIVISION RECORDED 1/5/94, AIRD
- (R-4) PLAT NO 88-4, ALASKA TIDELANDS SURVEY NO 1353, RECORDED 2/9/88, AIRD

ACCEPTANCE OF DEDICATION

THE CITY OF UNALASKA HEREBY ACCEPTS, FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEDICATED ON THIS PLAT INCLUDING, BUT NOT LIMITED TO THE REAL PROPERTY, RIGHT-OF-WAY AND EASEMENTS FOR PUBLIC UTILITIES, STREETS, ALLEYS, THOROUGHFARES, TRAILS, PARKS AND OTHER PUBLIC AREAS SHOWN HEREON.

CITY MANAGER

DATE

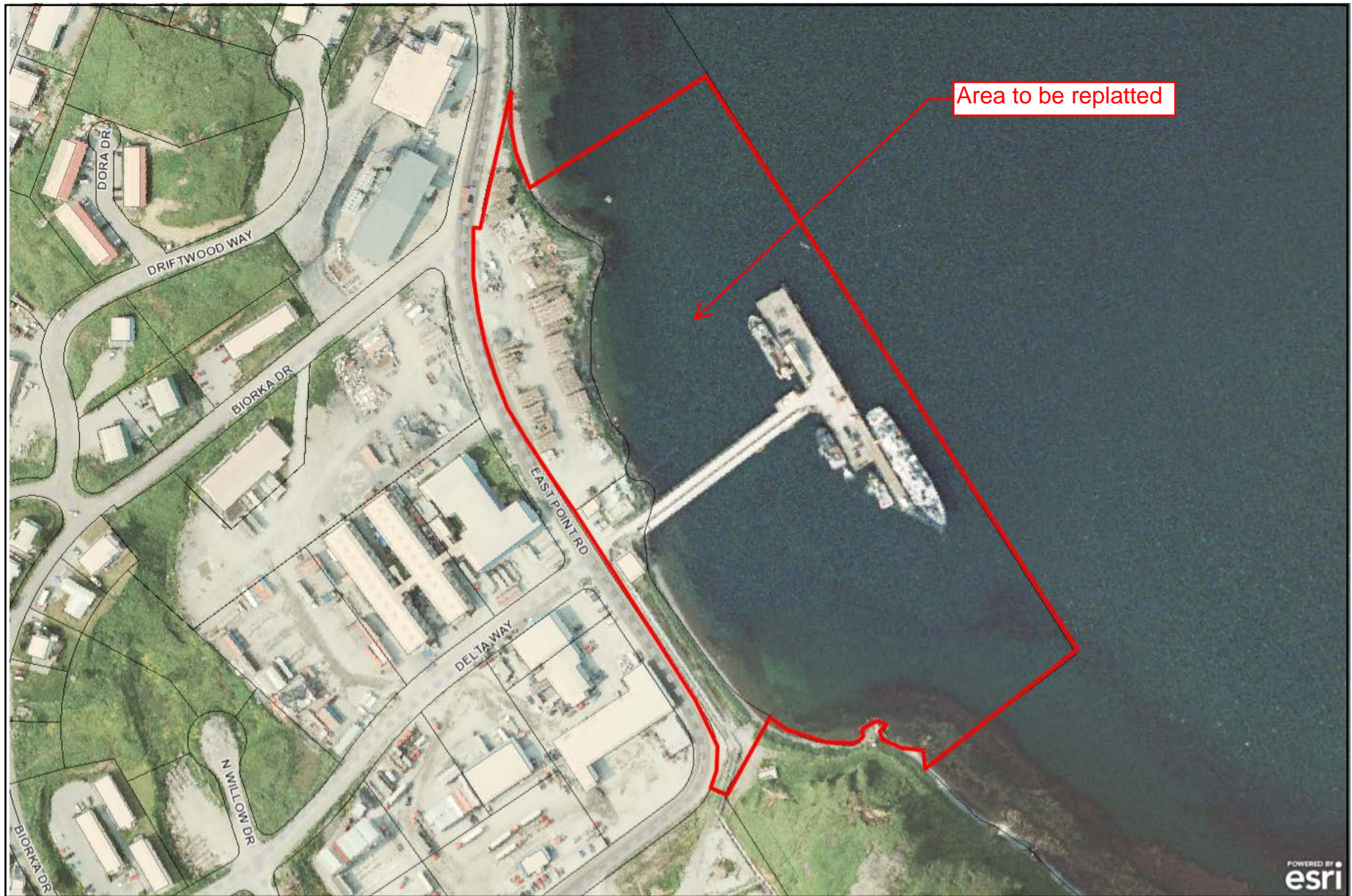
CITY CLERK, CITY OF UNALASKA

DATE

PARCEL ACREAGE CHART

NEW ACREAGE	PREVIOUS ACREAGE
PTARMIGAN FLATS SUBDIVISION : LOT 1 120.159 SQ FEET, 2.76 ACRES REPLAT OF TRACT B & PARCEL 1-A, AS PLATTED (P#2012-9-AIRD), ALASKA TIDELANDS SURVEY 1353-REV: 497,157 SQ FEET, 11.41 ACRES	PTARMIGAN FLATS SUBDIVISION : TRACT B, 101,471 SQ FEET, 2.33 ACRES PARCEL 1-A, 43,703 SQ FEET, 1.00 ACRES ALASKA TIDELANDS SURVEY 1353: 518,619 SQ FEET, 11.91 ACRES

Delta Western Preliminary Plat Location Map



405 ft



The City of Unalaska uses the most current and complete data available. However, GIS data and product accuracy may vary. GIS data and products may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc. The City of Unalaska reserves the right to correct, update, modify, or replace, GIS products without notification. The City of Unalaska cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. Using GIS data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may neither assert any proprietary rights to this information nor represent it to anyone as other than City Government-produced information. The City of Unalaska shall not be liable for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.

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