

**CITY OF UNALASKA
UNALASKA, ALASKA
PLANNING COMMISSION MINUTES
Thursday, May 15, 2014
CITY COUNCIL CHAMBERS, CITY HALL
7:00 P.M.**

- 1. CALL TO ORDER:** Chair Chris Bobbitt called the meeting to order at 7:08 PM.

Staff Present:

Chris Hladick, City Manager
Erin Reinders, Planning Director
Anthony Grande, Planning Administrator

Roll Call:

Commissioners present:

Chris Bobbitt
Doanh Tran
Steven Gregory

Commissioners absent:

Jessica Earnshaw
Vicki Williams

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

- 3. APPEARANCE REQUESTS:** *None*

- 4. ANNOUNCEMENTS:** Erin Reinders informed the Commissioners that this meeting would be Chair Chris Bobbitt's last meeting. She asked the other Planning Commissioners to attend the City Council's recognition and appreciation of Chair Bobbitt's service to the Planning Commission Board and the community at the May 27, 2014 City Council Meeting. Ms. Reinders proceeded to read words of appreciation from the plaque to be presented at the Council for the record. "Presented to Chris Bobbitt in appreciation of dedicated service. Chris Bobbitt served our community as one of five Planning Commissioners for eight years and provided the leadership as Vice-Chair and Chair. A Planning Commissioner's call is to establish principles and policies for guiding actions affecting the growth of their community. This involves a multitude of meetings, lively debate and difficult decisions. Chris answered this call and consistently demonstrated his dedication and commitment to Unalaska, its beauty, its uniqueness and its residents with grace and respect. Unalaska is a better place because of you. From all of us, thank you."

Another announcement is an update on the Community Planning Assistance Team. Roger Wagner is the team leader. Greg Easton is the Economic Development resource of the team, Tom Kurkowski is based in Fairbanks and the GIS Expert in the team. Shelly Wade is from Anchorage and she specializes in Community Engagement. Majid Yavary has extensive experience in Ports Planning and Management. Ms. Reinders provided an update on the team's schedule and highlighted the date where she expects the Planning Commissioners' attendance.

- 5. MINUTES:** Chair Bobbitt called for a motion to approve the minutes from the May 15, 2014 meeting. Ms. Tran made a motion, Mr. Gregory seconded the motion. Chair Bobbitt

asked if there were any further discussions 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 April 24, 2014 meeting were adopted.

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.

Chair Bobbitt opened the public hearing and called for a disclosure of any ex parte communication or conflicts of interest. Hearing none, the Chair asked the Commissioners if they have questions for Staff considering this is a continuation of an action item discussed in a previous meeting.

There being no questions from the Commissioners, Chair Bobbitt opened the hearing to Public Testimony.

Public Testimony:

Mr. Miller, of Ounalashka Corporation presented a letter from their legal counsel in response to the letter from the City Attorney regarding proposed changes in Resolution 2014-13. Mr. Miller said that he would not go into detail but in summary said that the interpretation of the State laws cited in the letter were “arguable”. He reiterated that the changes would affect how OC will do business, which is primarily the leasing of land. He said that they do not understand precisely how it will affect their business. They believe that it has the potential to slow development of lease land, and it can possibly increase the cost of development. He said he prefers to have more time to work with the Planning Department on refining it and getting a better understanding before it is actually put into an ordinance. On the other hand, he said that he cannot keep coming back to a Planning Commission meeting when there is a Title 8 revision in the agenda and so he respectfully request that the Commission to make a decision and move this item forward to the City Council.

Chair Bobbitt asked the Commissioners if they had any questions for Mr. Miller. Mr. Gregory said that it would help him make a better decision if he given more concrete examples of how this is bad or burdensome for OC or any other landowners in the City. Mr. Miller said that the change requires a lot to be subdivided prior to leasing and that has not been the case in the past. Mr. Gregory asked what the consequences are for not adopting the change. Staff said that what is proposed here is simply additional guidance and there is not much difference to what is already required. Staff said this has been elevated to the public level so everyone is aware and Planning will start enforcing the requirement in the Building Permit process to make sure that construction is done on a legally subdivided lot. Mr. Gregory asked Staff if this constitutes a cleaning up of language in Title 8 and not a major revision. Staff said this would be classified as cleaning up the language to give landowners, Planning, City Officials and Staff guidance on how the ordinance will be interpreted.

Chris Hladick said this is already in the law and we are clarifying the land leases in the law. He said that he understands the issues with OC as they develop lots and Lessees not knowing how much land they need or how much they can afford. Mr. Hladick said that this is something that is going on all over the state and across the lower 48. It helps the person buying the lot and ensures

that the easements are there, access is there, and utilities are provided. Everything is worked out ahead of time and these are important issue to remember.

Mr. Miller reiterated issues from the previous meeting and in summary see the changes as making it more difficult, more challenging and more costly for them to lease their property and will have an effect on their flexibility to do business and ability to promote development in the City.

Mr. Gregory asked Staff if old leases would have to be changed or made retroactive due to the changes to the ordinance. Staff explained that if a building were constructed on that lease lot then it would have to be platted. Mr. Miller asked Staff if a lessee on a grandfathered lease lot that has not been platted, decides to expand his building that already have utilities laid out by adding another building on a lot would he/she be required to plat. Staff said that OC as the owner will have to plat the land as a requirement for a building permit.

Mr. Hladick cited several instances of a company blasting and clearing land haphazardly and kept making changes. If the company had platted the property even before the project started it would have been less costly and time-consuming to figure out where utilities would be laid out had there been a plat.

Chair Bobbitt changed the wording of the ordinance in response to Mr. Miller's issue with the wording to remove reference to the term of the lease and read: (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 of a lease lot or lease parcel, including any resubdivision and when appropriate to the context, the process of subdividing or the land actually subdivided. Division of a parcel of land into a lease lot or lease parcel shall constitute a subdivision of land when an application for a building permit to construct or site a building or structure upon the lease lot or lease parcel has been submitted to the Building Official.*

Chair Bobbitt called for a motion to approve Resolution 2014-13. Mr. Gregory moved to approve Resolution 2014-13 with the proposed new wording. Ms. Tran seconded the motion for discussion purposes.

Commission Discussion:

Mr. Gregory said that the intention is not to inconvenience landowners but sees this as necessary in modernizing our community and having responsible planning and development. Mr. Gregory said that he supports the resolution and to send it to City Council for further discussion and eventual decision.

Ms. Tran said that cleaning up land and platting it is a good thing for the community but she does not agree about mandating the changes from this level to OC is the right way to do it. She said having conversation with OC recommending on their end to do so with their company land would be the best way to go about it.

Chair Bobbitt said that it is the Planning Commission's job to mandate changes and that is what the City appointed the Commissioners to make decisions for Planning. It is not a decision targeted at one group but it affects everyone in town. There has been a lot of back and forth

between the Planning Commission and OC discussing the changes and four (4) months have gone by when this was proposed last January. The definition has been narrowed significantly so that it is triggered only on new construction. Chair Bobbitt said that it is a reasonable clarification on the City's part to make the process codified so everyone knows what is expected of him or her, be aware of the process and be able to plan for it. Chair Bobbitt said that the Planning Commission is not changing an ordinance but recommending to the City Council to change an ordinance. Chair Bobbitt said that he is in support of Resolution 2014-13.

Ms. Tran said that she was not in support of this Resolution. Mr. Gregory said that he would much rather have full board vote on this issue. Affected parties have requested that Planning Commission come up with a decision on this so it can move to the City Council for further arbitration that is the reason why he wants to vote on it tonight.

Staff agreed with Chair Bobbitt that we have had continuous discussion on the proposed changes since January and added that it has been a challenge with not having full a commission in attendance at the meetings. Staff explained that what has been considered in this motion is exactly the way the process should be working for code changes, a process that includes dialogue between Staff and key stakeholders. Although all parties may not be in full agreement with the wording, it seems that Staff and OC agree that we have gotten to the point that the current wording is as good as it is going to get at this point. Staff recommends moving on this item and taking it to City Council for continued discussion.

Chair Bobbitt called for a motion to continue. Ms. Tran moved to continue the discussion to the next public hearing. There was no second and so the motion failed.

Chair Bobbitt called for a vote on the main motion by roll call. Mr. Gregory – Aye, Ms. Tran – Nay, Chair Bobbitt – Aye. The majority has the vote and Resolution 2014-13 was adopted.


REGULAR MEETING: *None*

WORK SESSION: *None*


11. OTHER BUSINESS: *None*

12. ADJOURNMENT: Chair Bobbitt adjourned the meeting at 8:09PM.

PASSED AND APPROVED THIS 21st DAY OF August 2014 BY THE CITY OF UNALASKA, ALASKA PLANNING COMMISSION.


Steven Gregory, Acting Chair

8/21/14
Date


Anthony Grande, Recording Secretary

8/21/14
Date

Prepared by Veronica De Castro and Erin Reinders, Planning Department

Last revised: 8/14/2014 3:17:03 PM