

**CITY OF UNALASKA, ALASKA  
PLANNING COMMISSION & PLATTING BOARD  
AGENDA/PUBLIC NOTICE  
CITY HALL COUNCIL CHAMBERS  
SEPTEMBER 17, 2015  
6:00 P.M.**

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1. CALL TO ORDER AND ROLL CALL
2. REVISIONS TO THE AGENDA
3. APPEARANCE REQUESTS
4. ANNOUNCEMENTS
5. MINUTES:

- Planning Commission & Platting Board, August 6, 2015

PUBLIC HEARING ACTION ITEMS

6. **RESOLUTION 2015-21:** A RESOLUTION APPROVING PRELIMINARY PLAT OF DEFFENDALL SUBDIVISION, A REPLAT OF LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION, LOCATED AT 201 TRAPPER DRIVE

REGULAR MEETING

*No items*

WORKSESSION

*No items*

OTHER BUSINESS

*No items*

7. ADJOURNMENT

# 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.**

## 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, AUGUST 6, 2015  
CITY COUNCIL CHAMBERS, CITY HALL  
12:00 P.M.**

- 1. CALL TO ORDER:** Chair Doanh Tran called the meeting to order at 12:00 PM.

**Roll Call:**

*Commissioners present:*

Doanh Tran

Vicki Williams

Jessica Earnshaw

Lottie Roll (*arrived at 12:06pm after minutes were approved*)

Billie Jo Gehring

**Staff Present:**

Anthony Grande, Acting Planning Director

Don Moore, City Manager

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

- 3. APPEARANCE REQUESTS:** *None*

- 4. ANNOUNCEMENTS:** City Manager, Don Moore, stated that this was one of the better Land Use Plans that he has seen in his experience serving as City Manager around the state and that the community involvement with this plan was commendable.

- 5. MINUTES:** *Planning Commission & Platting Board, July 16, 2015.* Chair Tran called for a motion to approve the minutes from the July 16, 2015 meeting. Jessica Earnshaw made a motion, Vicki Williams seconded the motion. Chair Tran asked if there were any further discussions on the minutes. There being no comments, Chair Tran called for a vote, which was unanimous (4-0). The minutes for the July 16, 2015 meeting were adopted.

**PUBLIC HEARING ACTION ITEMS:**

- 6. Resolution 2015-19:** *A resolution approving preliminary plat and lot width reduction variance from 60 feet to 20 feet for Hatfield Subdivision, a resubdivision of Lot 2, A.R.C. Subdivision Addition No.1, located at 1926 East Broadway Avenue.*

Chair Tran confirmed that there was no conflict of interest or exparte communication, opened the public hearing and called for the staff presentation.

Anthony Grande explained that this was a subdivision and variance request for a lot width reduction. Approval of this resolution approves both the variance and preliminary plat. The 20 foot request is for Lot 3 and is similar to other flagpole lots that have been previously approved. The subdivision meets all other requirements according to the subdivision code. Utilities will need to be shown on the plat and utility service lines installed before final plat approval. Once

Last revised: 8/28/2015 2:58:52 PM

the utility requirements and other listed conditions are met, staff finds that the subdivision meets the requirements.

Looking at the variance component of this request requires reviewing the three tests of code. The shape of the property, although almost 2 acres in size, only touches the road way at the front making access to the back lot more problematic. Granting the 20 foot lot width makes the subdivision more practical and would promote the general interest of the public by providing more space for housing. Approving this variance request will not have a negative impact on public welfare. All three newly created lots are still large lots and should not create a hardship for the neighboring properties. Making land available for housing is priority with the Comprehensive Plan. Staff is recommending approval since the variance request meets all three tests of code. Mr. Grande stated that two members of the public spoke to him expressing their concern about the creation of a flagpole lot in that area. Mr. Grande said the concern was very valid and the commission should take that into account during their discussion. Even though the commission has been approving flagpole lots, each request needs to be evaluated for its appropriateness before approval is granted. Another concern was that the creation of Lot 3 has the potential to cause a visual impact to neighbors due to a portion of the hillside being destroyed. This was not considered in the initial analysis since, on paper, it looks very similar to other variances that have been approved. Staff recommended that the commission take those comments into consideration.

Chair Tran asked the commissioners if they had any question for staff. Hearing no questions, Chair Tran opened the floor for any public comment. Juliann Tucker spoke on the behalf of herself and Gerard Parker. She spoke about several points, including the fact that this is a family friendly neighborhood with 20 kids living within two blocks that are under ten years old, and the increased density would not be appropriate for children. She also noted that the area already has a dangerous 3-way stop that will be made more dangerous as a result of this variance. She believes that development should be focused on the medium and high density areas instead of the single family areas. She hopes that the lots in her area will remain large lots. Chair Tran asked if there were any other members of the public who wished to speak. Chair Tran asked Mr. Hatfield, the applicant, if he had anything he would like to add. There being no further public comments and no questions of the commissioners, Chair Tran closed the public hearing.

Chair Tran opened the commission discussion. Commissioner Roll asked if the new lots were all zoned as residential or if they were commercial. Staff informed the commission that the current zoning was residential and no commercial activity could take place on the lot without a conditional use permit. Chair Tran expressed her appreciation for Ms. Tucker's testimony and added it was the commissioners' job to balance differing viewpoints in the community. While Chair Tran appreciated Ms. Tucker's concerns, she feels the commission should move forward with approval to create new housing opportunities. Commissioner Earnshaw also understands wanting to maintain family friendly neighborhoods but also knows that more housing is needed.

Chair Tran asked staff how density changes are handled by the Planning Department. Mr. Grande explained that density in an area can change in one of two ways. The first would be by subdividing into smaller lots, much like this request. The other would be dependent on the type of development, whether it be multi-family or single-family building. The current City zoning code only addresses how lots are zoned (single family, moderate density, high density) it does not address the size of the lot in different areas of the City. The Land Use Plan that will be discussed later in the meeting is the first step in the direction of identifying which areas should

be lower density and which areas should be higher density. In this particular subarea, the Land Use Plan calls for the lowest density possible as desirable. Mr. Grande informed the commission that it is in their hands if they want to amend the City's zoning code or policies. Code can be changed to have minimum lot sizes specific to certain areas if that is the direction the commission wants to go.

Commissioner Williams wondered if the ordinance should be changed to have a 20 foot frontage instead of 60 feet so the commission didn't have to keep granting variances. Mr. Grande clarified that the reduction was just for the 20 feet fronting the road, not for an overall lot width of 20 feet. The variances that have been granted in the past have been looked at on a case by case basis.

Chair Tran asked the applicant, Jay Hatfield, if this request was an urgent matter. Mr. Hatfield stated that he had a buyer lined up for the existing structure on Lot 2. Mr. Hatfield has no plans on developing Lot 3 at this time, but would like to proceed with the process in order to sell Lot 2.

Juliann Tucker pointed out that she felt the addition of the flagpole lot would create confusion at the 3-way stop and had concerns about water run-off if the ravine was altered.

Chair Tran asked the commissioners if they wanted to vote on this resolution tonight or postpone their decision. Commissioner Gehring made a motion to approve Resolution 2015-19, Commissioner Earnshaw seconded. Chair Tran asked if there were any further questions or comments. Hearing none, Chair Tran called for a vote to approve Resolution 2015-19. The vote was unanimous (5-0), and the motion was carried and adopted.

## **REGULAR MEETING:**

**7. Resolution 2015-20:** *A resolution adopting and recommending approval to the Unalaska City Council the Unalaska Land Use Plan: 2015 as a component of the Comprehensive Plan.*

Mr. Grande presented the final draft of the Unalaska Land Use Plan to the commissioners. At the July 16<sup>th</sup> Planning Commission meeting, the commissioners let staff know that they were comfortable voting for the final draft with some language changes. Mr. Grande made the following requested changes to the plan:

- Added language in the Alyeska Subarea about the historic value of the Iliuliuk River.
- Added language to the Captain Bay Subarea explaining that there may be recreational/subsistence value in the developable tidelands.
- Removed language in the Amaknak Retail Subarea related to limiting industrial development in Margaret Bay.
- Added language to the existing conditions clarifying that some vacant land is owned by the City.

Staff informed the commission that approval of Resolution 2015-20 would adopt this plan as part of the Comprehensive Plan and recommend its approval to City Council. Chair Tran asked the commissioners if they had any questions regarding the changes that were made. Commissioner Earnshaw wanted to thank Planning Staff for their work on the plan and their patience with the process. Chair Tran also expressed her thanks.

Last revised: 8/28/2015 2:58:52 PM

Chair Tran asked if there were any members of the public that would like to comment on the plan. Hearing no comments, Chair Tran closed the public hearing. Commissioner Earnshaw made a motion to approve Resolution 2015-20, Commissioner Roll seconded. There being no further commission discussion, Chair Tran called for a vote to approve Resolution 2015-20. The vote was unanimous (5-0), and the motion was carried and adopted.

**WORK SESSION:** *None*

**OTHER BUSINESS:** *None*

**8. ADJOURNMENT:** Chair Tran adjourned the meeting at 12:37 PM.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015 BY THE CITY OF UNALASKA, ALASKA PLANNING COMMISSION.

\_\_\_\_\_  
Doanh Tran  
Commission Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Anthony Grande  
Secretary of the Commission

\_\_\_\_\_  
Date

Prepared by Kelly Tompkins and Anthony Grande, Planning Department



Item 6:

DEFFENDALL

PRELIMINARY

PLAT

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

**A RESOLUTION APPROVING PRELIMINARY PLAT OF DEFFENDALL SUBDIVISION, A  
REPLAT OF LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION, LOCATED AT 201  
TRAPPER DRIVE**

<b>Project Information</b>	
<b>Land Owner</b>	Roger Deffendall
<b>Applicant</b>	Roger Deffendall
<b>Location</b>	201 Trapper Drive
<b>Property Identification</b>	04-09-211
<b>Application Type</b>	Preliminary Plat
<b>Project Description</b>	The proposal is to split one existing lot into three lots.
<b>Zoning</b>	Single-Family/Duplex Residential
<b>Exhibits</b>	Draft Resolution 2015-21, Preliminary Plat of Deffendall Subdivision, Parent Plat 91-14, Planning Commission Resolution 2014-24, Planning Commission Resolution 2015-13, and Location Map
<b>Staff Recommendation</b>	Approval with Conditions as identified in Resolution 2015-21

### **BACKGROUND**

The landowner/applicant has applied to subdivide one existing lot into three lots. The proposed Lot 3 would contain the existing building, which is a 3-unit apartment. Lots 1 and 2 are vacant. In December of 2014, the applicant received Variance Permit #2014-03 (included in this packet) through Resolution 2014-24 (included in this packet) that allows a lot width reduction from 60 feet to 20 feet.

The plat is not an approval of development or construction, which is made clear in Condition #3, but the plat simply approves the subdivision of property. In order to approve a plat, the Platting Board must find that it conforms to the standards outlined in UCO 8.08.090 and 8.08.100, Subdivision Design Standards and Subdivision Improvements. Planning Staff has reviewed the plat and found that the conditions listed in the draft resolution are necessary to find the plat in compliance with these standards.

Conditions #1 and #2 relate to the need for utilities serving the properties, which is the responsibility of the subdivider/applicant. Condition #4 requires that the setback lines shown be accurate. Condition #5 requires that the applicant complete the conditional use permit process started in Resolution 2015-13 (included in this packet), which would make the triplex on proposed Lot 3 a legal nonconforming use. Condition #6 requires dedication of an easement that may be needed in the future for an electric transformer for the development of Lots 1 and 2. Condition #7 clarifies that the access/utilities easement is not public, but is simply a private agreement. Condition #8 clarifies who will sign this plat. Conditions #9 and #10 are included for every plat, requiring electronic submittals from the surveyor.

With these conditions in the resolution, staff finds that the proposed plat meets the standards.

### **RECOMMENDATION**

In accordance with the standards outlined in Unalaska City Code of Ordinances Chapter 8.08 (Platting and Subdivision), the City of Unalaska Department of Planning, in concert with the Development Review Team, recommends approval of the preliminary plat of Deffendall Subdivision, with associated conditions outlined in draft Resolution 2015-21.

**City of Unalaska, Alaska  
Planning Commission/Platting Board  
Resolution 2015-21**

**A RESOLUTION APPROVING PRELIMINARY PLAT OF DEFFENDALL SUBDIVISION, A  
REPLAT OF LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION, LOCATED AT 201  
TRAPPER DRIVE**

**WHEREAS**, UCO 8.08 sets forth the procedures and requirements for the subdivision and platting of land and provides that the Planning Commission/Platting Board shall act as the Platting Authority; and

**WHEREAS**, Roger Deffendall is the owner of Lot 14, Block 8, Haystack Hill Subdivision, P-91-14, Aleutian Islands Recording District (04-09-211); and

**WHEREAS**, the landowner has submitted a plat application to split the existing lot into three lots; and

**WHEREAS**, the Commission held a public hearing and approved Resolution 2014-24 on November 20, 2014, which led to Variance 2014-03, allowing a 20-foot lot width on this property; and

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

**WHEREAS**, the City of Unalaska Planning Commission held a public hearing on September 17, 2015 to consider this platting action and to hear testimony of the public;

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

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

1. All utility lines serving this subdivision must be shown on the final plat, including relevant mainlines. All easements must be shown on the final plat.
2. Utility service lines shall be installed for all lots prior to approval of the final plat, and their locations shall be shown on the final plat. Utility service lines for any lot shall not cross through another lot without a dedicated utility easement.
3. The plat shall clearly distinguish between existing and proposed buildings. A note shall be added stating, "The proposed buildings shown on Lots 1 and 2 have not been approved by the City of Unalaska, and this plat does not imply endorsement or approval of the proposed buildings."
4. Setback lines shown on the plat shall be adjusted to match the current zoning requirements upon consultation with the Department of Planning.
5. The applicant shall not proceed to the final plat until the existing triplex on Lot 3 is a legal nonconforming use, which may be accomplished by completing the conditions of approval of the Conditional Use Permit obtained in Resolution 2015-13.
6. A 10-foot by 10-foot electric utility easement shall be dedicated for a possible future transformer and shown on this plat. The location shall be coordinated with the Department of Public Utilities. A signature box shall be added for acceptance of easements by the City.
7. The 20-foot access/utilities easement shown on the plat shall be relabeled as "20' Private Access and Utility Easement."

8. The name of the signer under City Approval must be changed from “Planning Director, Platting Authority” to “Chair of the Platting Board”.
9. A closure report shall be submitted.
10. Electronic versions of the final plat shall be provided to the Department of Planning at the time of mylar plat submittal, allowing for incorporation into the City’s CADD and GIS programs.

Upon the correction of the aforementioned deficiencies, the applicant shall 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 \_\_\_\_ DAY OF \_\_\_\_\_, 2015, BY THE PLATTING BOARD OF THE CITY OF UNALASKA, ALASKA.

\_\_\_\_\_  
Doanh Tran  
Commission Chair

\_\_\_\_\_  
Anthony Grande  
Secretary of the Commission



PLANNING REQUEST APPLICATION FORM  
CITY OF UNALASKA, ALASKA

received  
12/30/14 4:40

Department of Planning  
PO Box 610  
Unalaska, Alaska 99685-0610  
Phone: (907) 581 3100 FAX (907) 581 4181  
Email: [planning@ci.unalaska.ak.us](mailto:planning@ci.unalaska.ak.us)  
Website: [www.ci.unalaska.ak.us](http://www.ci.unalaska.ak.us)

The undersigned hereby applies to the City of Unalaska for approval of the following as per Title 8: Planning and Land Use Development, UCO.

APPLICATION FOR:

☐

VARIANCE

☐

CONDITIONAL USE

☐

ZONE AMENDMENT

☒

PLAT

Brief Description of Request: (attach additional information to communicate request)

Lot split - see attached

Current Zone Designation: Single Fam Duplex Proposed Zone Designation(s) (if applicable): Single Fam Duplex

Current Land Use(s): Residential Proposed Land Use(s) (if changing): \_\_\_\_\_

Property Owner: Roger Duffendall

Property Owner Address: 1916 Raven Way PO Box 224 Unalaska AK 99685

Street Address of Property: 1916 Raven Way

Applicant's Name: Roger Duffendall

Mailing Address: PO Box 224 Unalaska

Email: r-duffendall@yahoo.com Day Time Phone: 907-359-4848 Message Phone: same

FOR OFFICE USE ONLY		DATE	
Preliminary Plat Copies		Attachment A	
Applicant Letter		Site Plan	
Application Fee		Title Search/Certificate-to-Plat	

**PROPERTY LEGAL DESCRIPTION:** (Fill in applicable blanks)

Tax Lot ID No.: 04-09-211 Lot: 14 Block: 8 Tract: \_\_\_\_\_

Subdivision: Haystack Hill USS: P. 91. 14

Section(s): \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_

**PROPOSED FUTURE DESIGNATION OF PROPERTY:** (For Plat Application Only)

Platting Procedures and Requirements are described in detail in Chapter 8.08: Platting and Subdivision. A certificate to plat as proof of ownership shall accompany the submittal of a plat.

SUBDIVISION Haystack Hill

Block(s) 8 Lot (s) 14 Tract (s) \_\_\_\_\_ USS \_\_\_\_\_

Containing: \_\_\_\_\_ Acre(s) \_\_\_\_\_ Lot(s) \_\_\_\_\_ Tract(s) \_\_\_\_\_

**SURVEYOR INFORMATION**

Surveyor Name: John Segesser

Firm Name: Segesser Surveys Inc

Address: 30485 Rosland Seldotna, AK 99669

Contact Details: Email seggy@ptialaska.net Phone Number 907-252-3421

Registered in Alaska: Yes ☒ No ☐

**REQUIRED SUPPLEMENTAL INFORMATION** (For Variance, Zone Amendment and Conditional Use Application Only).

**Subdivision Variance (8.08.110)**

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

- Is needed due to special circumstances or conditions affecting the proposed subdivision such that strict application of the provisions of this chapter would clearly be impractical or undesirable to the general public or that strict application would be unreasonable or cause undue hardship to the applicant requesting the variance.
- Will not be detrimental to the public welfare or injurious to other property in the area in which the proposed subdivision is located;
- Will be in accord with the intent and purpose of this chapter and of the Comprehensive Plan of the city.

**Zone Amendment (8.12.190)**

Applicant is encouraged to submit supporting documentation to demonstrate how the requested Zone Amendment is reasonable, in the public interest, and in conformance with the goals and objectives of the Comprehensive Plan.

**Conditional Use (8.12.200)**

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Conditional Use:

- Furthers the goals and objectives of the Comprehensive Development Plan;
- Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
- Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

**Zoning Variance (8.12.210)**

Applicant is encouraged to submit supporting documentation and a site plan to demonstrate how the requested Variance:

- Need is not caused by the person seeking the variance and that exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zoning district, and result from lot size, shape, topography, or other circumstances over which the applicant has no control. An argument of "financial hardship" when defined as causing a developer to spend more than he is willing to in order to conform, is not an overriding factor in the granting of a variance;
- Is necessary for the preservation of a property right of the applicant substantially the same as is possessed by other landowners in the same zoning district;
- Will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood; and
- Will not be materially detrimental to the intent of this chapter, or to properties in the same zoning district in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan and the variance requested is the minimum variance, which would alleviate the hardship.

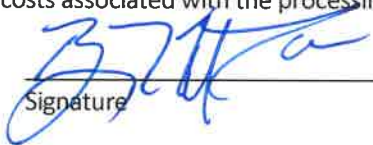
**\*SITE PLAN (TO SCALE):** Please show all existing and proposed structures, access, dimensions, utilities and parking as appropriate.

**PLEASE NOTE :** All applications must be received fifteen (15) days prior to the next regular meeting of the Planning Commission as per Section 8.12.200(A)(2), Section 8.12.210(B)(2) UCO, and Section 8.12.190 UCO. The Department of Planning will provide an examination of the City of Unalaska Real Property Tax Roll indicating that the signature of the landowner on the application form is in fact the latest owner of record. The Department of Planning will mail a notice of the public hearing to all landowners of record within 300 feet of the proposed request as shown in the City of Unalaska Real Property Tax Rolls.

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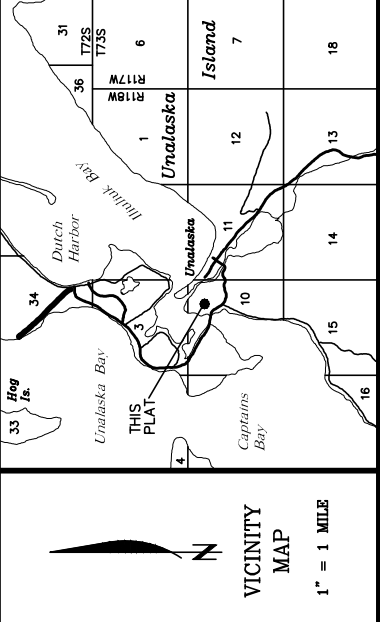
**CERTIFICATION:**

I hereby certify that (I Am) (I have been authorized to act for\*) the owner of the property described above and that I desire a planning action for this property in conformance with the Title 8, UCO and hereby dispose and say that all of the above statements are true. I am familiar with the code requirements and certify, to the best of my knowledge, belief, and professional ability, that this application meets them. I understand that payment of the review fee is non-refundable and is to cover costs associated with the processing of this application and that it does not assure approval of the request.

  
\_\_\_\_\_  
Signature

12/29/14  
\_\_\_\_\_  
Date

**\*Please fill out and submit Authorization to Make Application by Agent form if acting as Owner's Agent**



CERTIFICATE of OWNERSHIP  
and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL RIGHTS-OF-WAYS AND PUBLIC AREAS TO THE PUBLIC, AND EASEMENTS TO THE USE SHOWN.

ROGER DEFFENDALL  
P.O. BOX 226  
UNALASKA, ALASKA 99685

## NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
FOR \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

# TAX CERTIFICATE

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

TAX OFFICIAL, CITY OF UNALASKA

## Deffendall Subdivision

A replat of Lot 14 Block 8, Haystack Hill  
Subdivision, Plat 91-14 Aleutian Islands Re-

Located within protracted Section 10, T73S, R118W, S.M.,  
City of Unalaska, Alaska.

Containing 29258 s.f. 0.672 Ac.

## SEGESSE SURVEYS

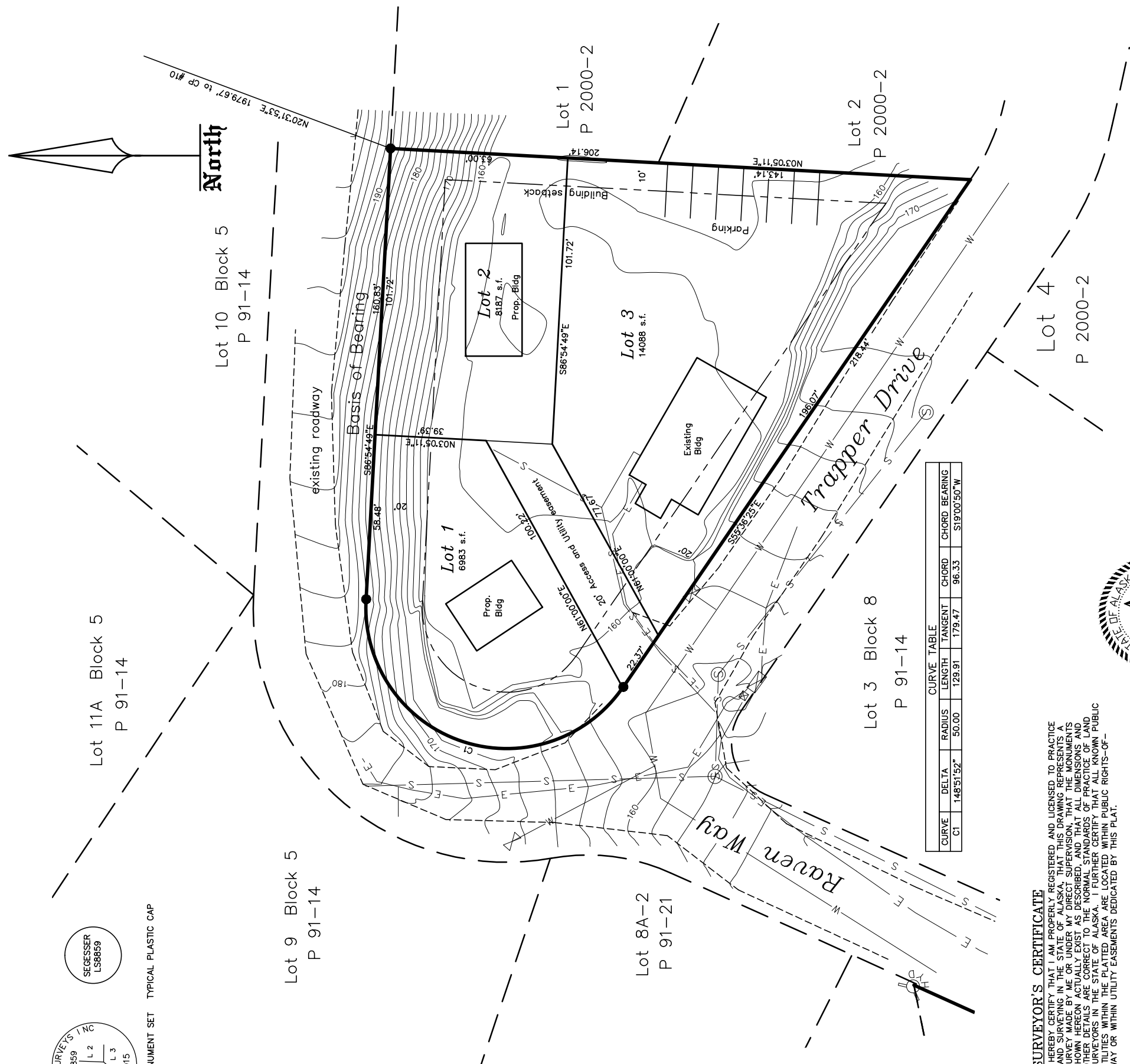
30485 Rosland St.

**Goldotna, AK 99669**

JOB NO.	15024	DRAWN:	8-10-15
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DATE SURVEYED:	SCALE:	1"=20'
June 2009		

FIELD BK.	08-5	SHEET: 1 of 1
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CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING
C1	148°51'52"	50.00	129.91	179.47	96.33 S19°00'50"W

## SURVEYOR'S CERTIFICATE

HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE SURVEYING AND SURVEYING IN THE STATE OF ALASKA. THAT THIS DRAWING REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA. I FURTHER CERTIFY THAT ALL KNOWN PUBLIC UTILITIES WITHIN THE PLATTED AREA ARE LOCATED WITHIN PUBLIC RIGHTS-OF-WAY OR WITHIN UTILITY EASEMENTS DEDICATED BY THIS PLAT.



REGISTERED LAND SURVEYOR	REGISTRATION NO.

DATE \_\_\_\_\_

### LEGEND

- = REBAR FOUND  
○ = REBAR W/ PLASTIC CAP SET THIS SURVEY  
⊙ = PRIMARY MONUMENTS SET THIS SURVEY  
☒ = UTILITY PEDESTALS  
— s — = SEWER LINE  
— w — = WATER LINE  
— e — = UNDERGROUND ELECTRIC  
— t — = UNDERGROUND TELEPHONE/TELEVISION

NOTES:

- 1) The Basis of bearing for this survey is S37°28'36"W, and is based on the SE property line of Lot 2, Block 6 as shown on the plat Jesse Lee Subdivision, Plat No. 93-13, and filed in the Aleutian Islands Recording District.
- 2) As of the date of survey, all public utilities are within the Right of Ways or have dedicated easements provided and the Right of Ways encompass the travelways.
- 3) No Alaska Department of Environmental Conservation approval is required for this plat.
- 4) Developers may not alter existing natural drainage without providing alternatives and/or drainage easements, if necessary.
- 5) Lot 2 is permissible due to Variance 2014-03 approved by Planning Commission Resolution 2014-24, issued December 9, 2014.
- 6) The existing building on Lot 3 operates as a triplex under Conditional Use Permit Resolution 2015-13 approved on May 14, 2015. Conditions of approval for such Conditional Use Permit shall apply to Lot 3, including the maintenance of 6 parking spaces.
- 7) This subdivision is currently zoned Single-Family/ Duplex Residential. A maximum of 2 residential units are allowed for each lot. Front and rear yard requirements for Lots 1 and 2 are 15 feet. Front and rear yard requirements are for Lot 3 are 20 feet. Side yard requirements are 10 feet for all lots. Maximum height of structures is 35 feet, and maximum lot coverage is 40%. The existing building does not meet the front yard requirements and is considered a nonconforming structure of record.

CITY 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

PLANNING DIRECTOR, PLATTING AUTHORITY

## NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
FOR \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

## NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
FOR \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_



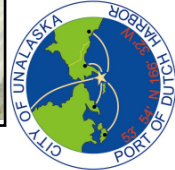




# 201 Trapper Drive



264 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.



CITY OF UNALASKA  
DEPARTMENT OF PLANNING  
UNALASKA, ALASKA

**VARIANCE PERMIT**

**PERMIT #: 2014-03**

DATE: 12-09-2014

ISSUED TO: ROGER DEFFENDALL

USE PERMITTED: A LOT WIDTH  
REDUCTION FROM 60-FEET TO 20-  
FEET TO ACCOMMODATE A  
SUBDIVISION OF LOT 14, BLOCK 8,  
HAYSTACK HILL SUBDIVISION, P-91-  
14, LOCATED AT 201 TRAPPER DRIVE.

MAILING ADDRESS: PO Box 226,  
Unalaska, AK 99685

LEGAL DESCRIPTION: LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION

TAX LOT ID NO.: 04-09-211

PHYSICAL ADDRESS: 201 TRAPPER  
DRIVE

**SPECIAL PROVISIONS:**

1. Where a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent of its fair market value as indicated by the records of the City Clerk a future structure or use on the site shall conform to this chapter.
2. Each variance 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.
3. In the event construction work is involved, it must actually commence within the stated period and must be diligently pursued to completion.
4. Provided further, when any use or land, building, structure, or premises established by variance has been discontinued for a period of one year, it shall be unlawful to use said land or building or premises again for such use unless a subsequent variance is again authorized and issued therefore.
5. Permits shall require new hearings with the Planning Commission.
6. The Planning Commission Resolution approved this permit only as it applies to the specific site plan submitted in the application and shown in Attachment A of the Resolution.

PERMIT ISSUED BY:



DATE:

12/9/14

Cc: File

**City of Unalaska, Alaska  
Planning Commission/Platting Board  
Resolution 2014-24**

**A RESOLUTION APPROVING A VARIANCE FOR A LOT WIDTH REDUCTION FROM 60 FEET TO 20 FEET TO ACCOMMODATE A SUBDIVISION OF LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION, LOCATED AT 201 TRAPPER DRIVE**

**WHEREAS**, UCO §8.08.110 sets forth the procedures and requirement for variances for subdivisions; and

**WHEREAS**, Roger Deffendall is the recorded owner of Lot 14, Block 8, Haystack Hill Subdivision, Aleutian Islands Recording District (04-09-211); and

**WHEREAS**, the subject property is zoned Single-Family Residential; and

**WHEREAS**, the current lot width requirement of 60 feet prevents the effective use of the property for future development, as the rear portion of the lot can only be accessed through a narrower driveway, due to the cliff near a portion of the right-of-way frontage of the lot; and

**WHEREAS**, the applicant, Roger Deffendall, has submitted a variance request to allow for a lot width reduction to 20 feet to accommodate a future platting action; and

**WHEREAS**, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the request; and

**WHEREAS**, the creation of additional land for residential development is desirable from the standpoint of public interest, as identified in the Unalaska Comprehensive Plan 2020, and the reduced lot width will not be detrimental to the welfare of the surrounding area; and

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

**WHEREAS**, the Planning Commission/Platting Board conducted a public hearing on November 20, 2014 in order to consider the testimony of the public; and


**WHEREAS**, the Planning Commission finds the Variance to be in accordance with the following tests of code:

1. There are special circumstances or conditions affecting the proposed subdivision such that strict application of the provisions of this chapter would clearly be impractical or undesirable to the general public or that strict application would be unreasonable or cause undue hardship to the applicant requesting the variance.
2. The granting of a specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the proposed subdivision is located.
3. Such variance will be in accord with the intent and purpose of this chapter and of the Comprehensive Plan of the city; and

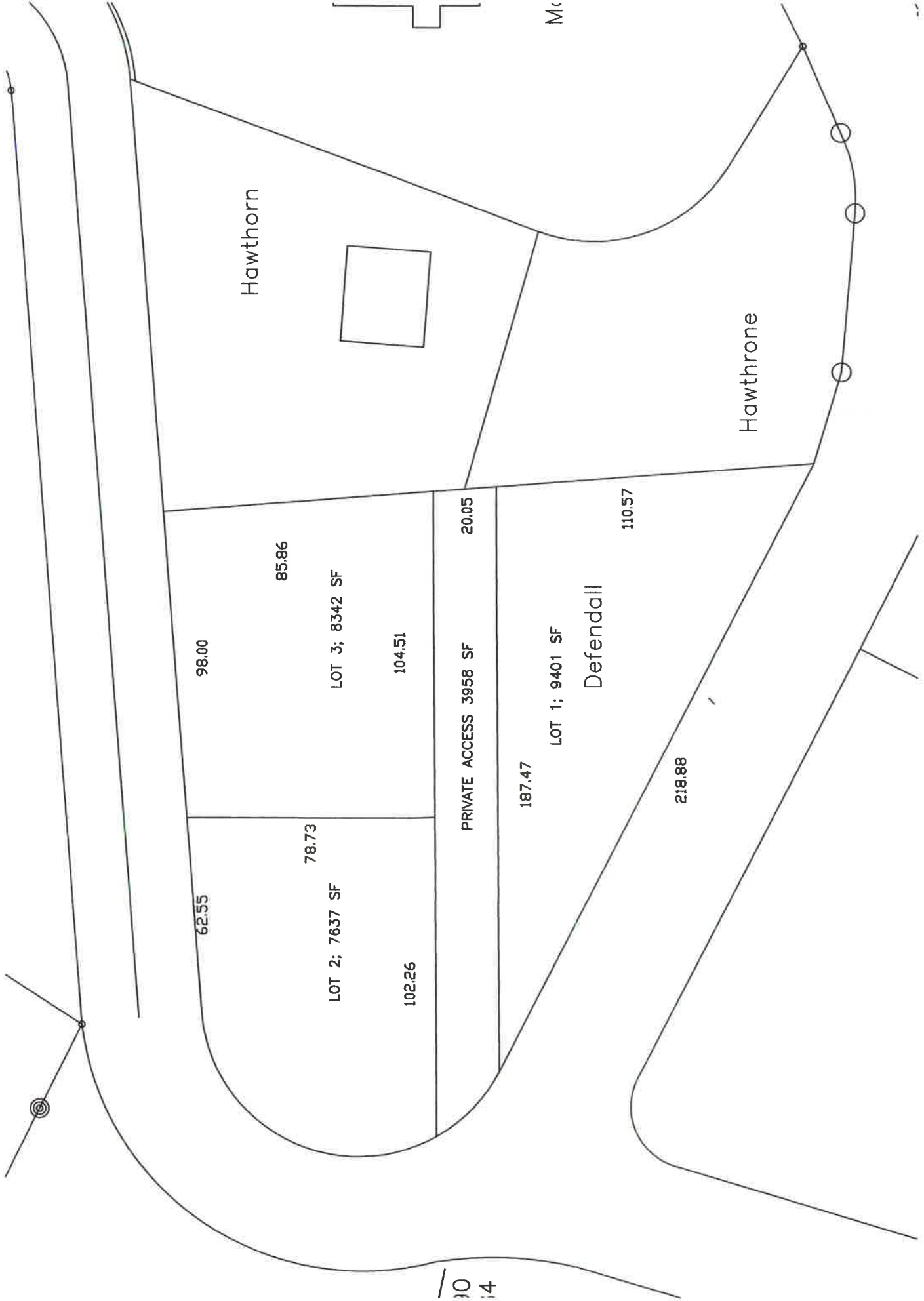
**NOW THEREFORE BE IT RESOLVED**, that in accordance with UCO §8.08.110, the Planning Commission grants a variance for a lot width reduction from 60 feet to 20 feet to accommodate a subdivision of Lot 14, Block 8, Haystack Hill Subdivision, at 201 Trapper Drive.

This resolution approves the variance from the zoning code only as it applies to the specific site plan submitted with the application, shown in Attachment A, and becomes effective if there are no appeals within ten (10) working days from the decision date, as outlined in UCO §8.12.210(F).

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF November, 2014, BY THE PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

  
Steven Gregory, Chair

  
Erin Reinders, AICP, Secretary



1:40 LOT 14 BLOCK 8

**City of Unalaska, Alaska  
Planning Commission/Platting Board  
Resolution 2015-13**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR THREE EXISTING  
RESIDENTIAL DWELLING UNITS ON LOT 14, BLOCK 8, HAYSTACK HILL SUBDIVISION,  
LOCATED AT 189 TRAPPER DRIVE**

**WHEREAS**, UCO §8.12.200 sets forth the procedures for taking action on a conditional use application; and

**WHEREAS**, the applicant, Roger Deffendall, is the recorded owner of Lot 14, Block 8, Haystack Hill Subdivision, P-91-14, Aleutian Islands Recording District (04-09-211); and

**WHEREAS**, the property is zoned Single-Family/Duplex Residential; and

**WHEREAS**, UCO §8.12.040(D)(7) states that all uses may be permitted as conditional uses in this district upon approval of the Planning Commission; and

**WHEREAS**, the applicant has submitted a conditional use permit application to allow for a total of three residential dwelling units on the property whereas the zoning allows for two total units by right; and

**WHEREAS**, the City of Unalaska Departments of Planning, Public Works, Public Utilities and Public Safety have reviewed the request; and

**WHEREAS**, the creation of additional land for housing is desirable from the standpoint of public interest, as identified in the Unalaska Comprehensive Plan 2020; and

**WHEREAS**, the City of Unalaska Planning Commission held a public hearing on May 14, 2015 to consider this request and to hear testimony of the public, and

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

**WHEREAS**, the Planning Commission reviewed the application and finds that this conditional use request satisfies the three part test set forth in UCO §8.12.200(C):

1. Furthers the goals and objectives of the Comprehensive Plan;
2. Will be compatible with existing and planned land uses in the surrounding neighborhood and with the intent of its use district; and
3. Will not have a permanent negative impact substantially greater than anticipated from permitted development within the district.

**THEREFORE BE IT RESOLVED**, that the Planning Commission approves the conditional use permit for three residential dwelling units on Lot 14, Block 8, Haystack Hill Subdivision, at 189 Trapper Drive with the following conditions of approval:

1. This approval only applies to the building as it is at the time of approval. Any alterations to the building that significantly change the appearance or modify the building footprint in any way shall void the conditional use permit. The landowner must obtain a new conditional use permit prior to any such alterations.

2. Prior to issuance of the conditional use permit, the applicant must have an electric meter that meets the standards of the Department of Public Utilities for a triplex. The options are: 1) Three electric meters, one for each unit; or 2) One electric meter registered with the utility billing department as a triplex.
3. Prior to issuance of the conditional use permit, the applicant must install a backflow preventer, approved by the Department of Public Utilities, for the water service.
4. Six parking spaces shall be maintained on the property for the duration of the use, in accordance with UCO §8.12.170(L). If the property is subdivided while this conditional use is in effect, the new lot containing this structure shall have six parking spaces on it.

This resolution approves the conditional use only as it applies to the existing building and use, and becomes effective once the Planning Department issues the conditional use permit. Issuance of the conditional use permit is contingent upon 1) that there are no appeals within ten (10) working days from the decision date, as outlined in UCO §8.12.200(E); and 2) that all conditions listed above are satisfied by the applicant. Following its issuance, the applicant has the responsibility to maintain compliance with all conditions, and for any failure to abide by these conditions, the Planning Department may revoke the conditional use permit and enforce abatement proceedings on the property as a public nuisance, according to UCO §8.12.220(F), 8.12.220(H), and Chapter 11.12.

APPROVED AND ADOPTED THIS 14<sup>th</sup> DAY OF May, 2015, BY THE  
PLANNING COMMISSION OF THE CITY OF UNALASKA, ALASKA.

  
Doanh Tran  
Chair

  
Erin Reinders, AICP  
Recording Secretary



## Unalaska, Alaska Code of Ordinances

**§ 8.08.090 SUBDIVISION DESIGN STANDARDS.**

(A) *General.* The proposed subdivision shall conform to:

- (1) The provisions of AS 29.40 and AS 40.15;
- (2) Title 8 UCO; and
- (3) The Comprehensive Plan.

(B) *Streets.*

(1) *General.*

(a) The streets shall be designed and located in relation to existing and planned streets, topographical conditions, and natural terrain features (such as streams and existing growth), public convenience, and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

(b) Street right-of-ways shall be wide enough to provide for the present travel surfaces, future road expansion, sidewalks, and access for installation and maintenance of street drainage facilities or other utilities.

(c) Construction of all streets shall conform to the standard specifications as established by the “City of Unalaska Standard Specifications for Construction of Streets.” This includes, but is not limited to grades, vertical and horizontal sight distances, tangents, and intersection designs.

(d) Right-of-ways shall not have permanent structures built upon them by property owners.

(2) *Types of streets.*

(a) Arterial streets shall be properly integrated with the existing and proposed system of arterial streets and highways. The arterial street shall have a minimum sixty-foot width with a minimum travel surface of forty feet unless otherwise specified by the Platting Authority;

(b) Collector streets shall be properly related to specific traffic generated by such uses as schools, churches, small shopping areas, population centers, and the access to arterial streets. Collector streets shall have a minimum fifty-foot width with a minimum travel surface of forty feet unless otherwise specified by the Platting Authority;

(c) Minor streets, including cul-de-sacs, shall be laid out to conform as much as possible to topography, to discourage use by through-traffic, to provide the minimum amount of street necessary to provide convenient, safe access to residential lots, and to provide an efficient route for utility systems. Minor streets shall have a minimum forty-foot width with a minimum travel surface of twenty-four to thirty-six feet unless otherwise specified by the Platting Authority;

(d) Alleys should be used only in commercial areas for delivery and services. Alleys may be used in residential areas when approved by the Board. Alleys shall have a twenty-foot width with a travel surface of sixteen to twenty feet unless otherwise specified by the Platting Authority.

(e) Cul-de-sacs shall have a minimum rights-of-way width of 40 feet, leading to a cul-de-sac turn-around with a minimum radius of 50 feet.

(3) *Half-streets.* Where a street is adjacent to a subdivision, the other half of that street shall be dedicated by the subdivider. No half streets within new subdivisions shall be allowed, unless specifically approved by the Board.

(4) *Crosswalks.* Pedestrian crosswalks not less than fifteen-feet wide may be required by the Board where deemed necessary to provide for pedestrian access to schools, shopping centers, and playgrounds, or other community facilities.

(5) *Street names.* See Chapter 15.08 UCO "Street Names."

(C) *Blocks.* The length, width, and shape of blocks shall be such as are appropriate for the topography, locality, and type of development.

(D) *Lots.*

(1) *General.* The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2) *Dimensions.*

(a) Lot dimensions shall conform to the requirements of Chapter 8.12, "Zoning," provided that no lot shall be less than 10,000 square feet in area. If requirements identified in § 8.08.070(A)(3)(d) have been addressed, residential lots less than 10,000 square feet but greater than 6,000 square feet may be permitted. See Chapter 8.12 for lot size requirements in different districts.

(b) Lots shall be designed with a suitable proportion between width and depth. Long and narrow, or wide and shallow lots are undesirable. Normal depth shall not exceed 2 1/2 times width, or be less than 85 feet. Width of all lots shall not be less than 60 feet. See Chapter 8.12, "Zoning," for lot dimension requirements in different districts.

(c) Lots laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of development.

(d) No lots, tracts, or parcels shall be created or designed which would create any non-conforming setbacks as they relate to any physical improvements which are subject to setback, building separation, or other dimensional provisions.

(3) *Corner lots.* Corner lots should be large enough to allow full setback of buildings from both streets as required.

(4) *Access.* Every lot shall front or abut on a publicly dedicated street.

(5) *Lot lines.* Side lines of lots shall be substantially at right angles or radial to the side of the streets.

(6) *Lot remnants.* All remnants of lots left over after subdividing of a large tract must be added to adjacent lots or right-of-way rather than be allowed to remain as unusable parcels.

(7) *Buffer zones and greenbelts.* Buffer zones and/or greenbelts may be required by the Platting Authority.

(Ord. No. 2001-04, passed 5-8-01; Am. Ord. 2005-09, passed 4-26-05; Am. Ord. 2012-07, passed 9-11-12)

## § 8.08.100 SUBDIVISION IMPROVEMENTS.

### (A) *Provision of improvements.*

(1) *Purpose.* The purpose of this section is to establish and define the improvements which will be required under a subdivision agreement developed by the subdivider and public officials and agencies concerned with the administering, planning, designing, constructing, and financing of public facilities and to establish procedures for assuring compliance with these requirements.

(2) *Responsibility.* It shall be the responsibility of the subdivider to have prepared by a registered engineer a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for the required public street, utilities, and other facilities. Such construction plans shall be based on data contained in the approved preliminary plat.

(3) *Relief to required improvements.* If the subdivider/developer or its agent seek to avoid any requirements of this section, relief to the specific requirements shall be sought from the Platting Authority. Such requests will be in writing and shall state the reasons for the request. The request will be reviewed by the applicable city departments. Consultation with appropriate departments is advised.

(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:

(1) *Streets.* All streets shall be constructed and provided in accordance with applicable standard specifications of the city (See City of Unalaska Standard Specifications for Construction of Streets.) The Platting Authority may waive this requirement.

#### (2) *Water supply.*

(a) Where the community water system is available within 300 feet of the proposed subdivision, each lot within the subdivision shall be provided with a connection thereto.

(b) Where a community water system is not available, the subdivider shall provide wells or a water-supply system for each lot in accordance with the requirements of the Alaska Department of Environmental Conservation.

(c) Fire hydrants shall be installed and approved by the Department of Public Utilities in all subdivisions with a community water system.

#### (3) *Sanitary sewage system.*

(a) Where community sewerage facilities are available within 300 feet of the proposed subdivision, the subdivider shall supply both collectors and laterals and provide for each lot the connection to the community system.

(b) Where a community sewerage system does not exist, the subdivider shall provide either individual or collective sewerage facilities for each lot in accordance with the requirements of the Alaska Department of Environmental Conservation. On large lot subdivisions of an acre or more, this requirement may be waived by the Alaska Department of Environmental Conservation.

(4) *Electric service.* Where community electric facilities are available within 300 feet of the proposed subdivision, the subdivider shall provide for each lot a connection to the community system.

(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 will 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.

(a) Utility easements along rear or side lines of all lots may be required, although utilities will be placed in public right-of-ways whenever possible.

(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.

(D) *Dedication.* All streets, facilities, and improvements shall be expressly dedicated to public use and maintenance at the time of the approval of the final plat. Those dedicated shall be constructed at acceptable city standards prior to acceptance by the city.

(E) *Guarantee of required improvements.* Before considering the final plat where improvements are required by the Platting Authority, a "Planning Determination" must be made that all improvements required by the Platting Authority have been constructed. If the required improvements have not been completed, the subdivider shall be required to include with the final plat a surety bond or certified check in an amount equal to the cost of construction of those improvements as estimated by the city. The guarantee will be subject to the conditions that the improvements will be completed within 24 months after approval of the final plat. If completed, the city will return the full amount of the guarantee to the subdivider. If not completed, the city shall complete construction of the improvements with the guarantee. Any amount of the guarantee in excess of the costs of completing the requirement improvements will be returned to the subdivider. However, the subdivider cannot be charged for any amount in excess of the original guarantee.

(F) *Maintenance agreement.* The subdivider shall guarantee that the required improvements provided will remain in good condition for a period of one year after the date of conditional acceptance by the city and shall agree to make all repairs to and maintain said improvements in

good condition during the one-year period at no cost to the city. The subdivider may be required by the Board to include with the final plat a surety bond or certified check in an amount equal to five percent of the cost of improvements, for payment of costs for any correction, reconstruction, repair, or maintenance of the improvements during the one-year warranty period. Any amount of the maintenance guarantee in excess of the costs of correction, reconstruction, repair, or maintenance will be returned to the subdivider.

(Ord. No. 2001-04, passed 5-8-01; Am. Ord. 2005-09, passed 4-26-05)