

**AGENDA  
FOR THE REGULAR MEETING  
OF THE CITY COUNCIL  
FOR THE CITY OF THORNE BAY  
ALASKA,  
COUNCIL CHAMBERS  
CITY HALL  
TUESDAY  
December 1, 2015  
6:30p.m.**

**The meeting will be preceded by a workshop beginning at 6:00p.m.  
The public is invited and encouraged to attend**

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. CITY ADMINISTRATOR'S REPORT:
7. PUBLIC COMMENTS:
8. COUNCIL COMMENTS:
9. NEW BUSINESS:
  - A. Resolution 15-12-01-01, a resolution of the City Council establishing moorage fees for use of city owned submerged lands, discussion and action item:
  - B. Resolution 15-12-01-02, a resolution of the City Council, requesting the FY16 Legislative Appropriations for assistance with water improvements, sewage treatment disinfection, library facilities, solid waste recycling program and emergency services boat engines, discussion and action item:
  - C. Resolution 12-15-01-03, a resolution of the City Council supporting POWCAC's resolution setting transportation priorities for Prince of Wales Island for 2016, discussion and action item:
10. ORDINANCES FOR INTRODUCTION:
  - A. Ordinance 15-12-15-01, an ordinance of the City Council amending Title 16-Subdivisions, discussion and action item:
  - B. Ordinance 15-12-15-02, an ordinance of the City Council amending Title 17.04.043 – Conditional Use Permits and Title 17.04.044 – Variance Procedures, discussion and action item:
  - C. Ordinance 15-12-15-03, an ordinance of the City Council amending Title 18-Harbor, discussion and action item:
11. ORDINANCES FOR PUBLIC HEARING:
  - A. Ordinance 15-11-17-01, a non-code ordinance directing the City Clerk to place the question "shall Resolution number 15-09-01-01, which amended Resolutions 13-07-02-02, 09-11-30-03 and 09-01-20-01, titled Fee Schedule for Fire and EMS Departments be repealed" on the October 4, 2016, Ballot for the General Municipal Election, discussion and action item:
12. EXPENDITURES EXCEEDING \$2,000.00:
  - A. Expenditure exceeding \$2,000.00 for water and sewer chemicals, discussion and action item:

13. **EXECUTIVE SESSION:** The Council May adjourn to executive session for the purpose of discussing pending or threatened lawsuits in which the city has an interest, which are matters, the immediate knowledge of which would clearly have adverse effect upon the finances of the city.
14. **CONTINUATION OF PUBLIC COMMENT:**
15. **CONTINUATION OF COUNCIL COMMENT:**
16. **ADJOURNMENT:**

Posted: November 23, 2015  
City Hall (2), A&P, SISD, USFS, The Port, Thorne Bay School

**CITY OF THORNE BAY  
RESOLUTION 15-12-01-01**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, ESTABLISHING MOORAGE  
FEES FOR USE OF CITY OWNED SUBMERGED LANDS**

WHEREAS, the City Council is the governing body of Thorne Bay, Alaska; and

WHEREAS, Title 18 of the Thorne Bay Municipal Code provides a means for the City to assess fees for use of City Harbor Facilities; and

WHEREAS, the Harbor section of the Thorne Bay Municipal Code states that City owned submerged lands are included in harbor facilities; and

WHEREAS, the City owns submerged lands in and around the City Harbor Facility and Davidson Landing Harbor Facility and Davidson Landing Recreational Area; and

WHEREAS, the City assess fees to use other City lands and City harbor facilities; and

WHEREAS, allowing free use of submerged lands is not consistent with charging for use of other City Lands; and

WHEREAS, mooring a boat over submerged lands would be equivalent to parking a vehicle on City land; and

WHEREAS, uses of City owned uplands associated with use of submerged lands follow the land rental agreement process,

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Thorne Bay use the current and future approve parking fee structure to assess fees for the use of City owned submerged lands and the land rental agreement process for use of City owned uplands associated with use of submerged lands.

PASSED AND APPROVED December 1, 2015

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James Gould, Mayor

ATTEST:

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Teri Feibel, City Clerk/Treasurer

CITY OF THORNE BAY  
RESOLUTION 15-12-01-02

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
REQUESTING THE FY 16 LEGISLATIVE APPROPRIATIONS FOR ASSISTANCE WITH  
WATER IMPROVEMENTS, SEWAGE TREATMENT DISINFECTION, LIBRARY  
FACILITIES, SOLID WASTE RECYCLING PROGRAM AND EMERGENCY SERVICES  
BOAT ENGINES

WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and

WHEREAS, the State of Alaska Legislature is appropriating funds for critical development projects that provide revenue, jobs, protect investments and improve on water quality; and

WHEREAS, The City of Thorne Bay is requesting the following FY 16 State Legislative allocations:

- Priority #1: \$212,000 for Water Well Exploration and Water Improvements---The City is seeking funding to assist with developing ground water sources for potable water to replace the City surface water source that contains high levels of organic matter and make improvements to the potable water treatment process to reduce the disinfection by products (Compliance)
- Priority #2: \$175,000 for Sewage Treatment Disinfection---EPA has mandated that all sewage discharge into waters of the United States must be disinfected by 2015. (Compliance)
- Priority #3: \$1,400,000 for Library Facility---The City is seeking funding to construct and furnish a new library building. (Community)
- Priority #4: \$348,000 for Solid Waste Recycling Program---The City is seeking funding to assist with the construction and equipment to provide a citywide and Island wide recycling program. (Revenue)
- Priority #5: \$23,000 for Emergency Service Boat Engines---The City is seeking assistance with funding to purchase new boat engines for the Emergency Services Boat. (Safety)

WHEREAS, all five projects listed are on the City's Project Priority List and are deemed critical development projects that will provide revenue, jobs, protect investments and improve on water quality. Priority # 1 and # 2 are the result of Federal Mandates for potable water and sewage disposal.

NOW, THEREFORE, BE IT RESOLVED

The City of Thorne Bay hereby approves the FY 16 list of priorities for submittal to the 2016 State of Alaska Legislative Capital Projects Appropriation.

PASSED AND APPROVED December 1, 2015

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James Gould, Mayor

ATTEST:

\_\_\_\_\_  
Teri Feibel, City Clerk

**CITY OF THORNE BAY  
RESOLUTION 15-12-01-03**

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
SUPPORTING THE PRINCE OF WALES ADVISORY RESOLUTION NO 15-01**

**WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and**

**WHEREAS, the City of Thorne Bay is a member of the Prince of Wales Advisory Council; and**

**WHEREAS, the Prince of Wales Advisory Council has discussed road needs on Prince of Wales Island and recommends that the projects and priorities listed on the attached Resolution No. 15-01 be adopted by the island communities and submitted to the Alaska Department of Transportation and Public Facilities for inclusion in the State's planning and prioritization process;**

**NOW, THEREFORE, BE IT RESOLVED**

**The City of Thorne Bay, City Council, hereby approves the joint resolution by and between the communities of the Prince of Wales Community Advisory Council setting transportation priorities for Prince of Wales Island for 2016.**

**PASSED AND APPROVED December 1, 2015**

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**James Gould, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Teri Feibel, City Clerk**

# PRINCE OF WALES COMMUNITY ADVISORY COUNCIL RESOLUTION No. 16-01

## A JOINT RESOLUTION BY AND BETWEEN THE COMMUNITIES OF THE PRINCE OF WALES COMMUNITY ADVISORY COUNCIL (POWCAC) SETTING TRANSPORTATION PRIORITIES FOR PRINCE OF WALES ISLAND FOR 2016

WHEREAS, the Prince of Wales Community Advisory Council acts in an advisory capacity for participating communities on Prince of Wales Island; and,

WHEREAS, the representatives from the Alaska Department of Transportation and Public Facilities have discussed proposed road projects for Prince of Wales Island and have suggested that communities on the island develop a consensus of road projects priorities for inclusion in the State of Alaska's STIP, Public Forest Service Roads Program, and the Bureau of Indian Affairs Roads Program; and,

WHEREAS, the Prince of Wales Community Advisory Council has discussed road needs on Prince of Wales Island and recommends that the following projects and priorities be adopted by the island communities and submitted to the Alaska Department of Transportation and Public Facilities for inclusion in the State's planning and prioritization process; and,

NOW, THEREFORE, BE IT RESOLVED that the communities of the Prince of Wales Community Advisory Council hereby adopt the following regional transportation projects and priorities for roads on Prince of Wales Island:

### FOREMOST TRANSPORTATION PRIORITY

<u>Priority</u>	<u>Project Name</u>	<u>Project Description</u>
1.	Operational Support to IFA	Continue annual appropriation in the State of Alaska General Fund operating budget.

### SURFACE TRANSPORTATION PRIORITIES

<u>Priority</u>	<u>Project Name</u>	<u>Project Description</u>
1.	Kasaan Road	Phase I-Goose Creek to Tolstoi Bay; Phase II-Tolstoi Bay to Kasaan: Upgrade to a two-lane road at 35 mph design speed. Surface with D1 and asphalt. The road is critical to Kasaan and carries school bus traffic, daily commuting from S. Thorne Bay to the balance of Prince of Wales Island, and industrial truck traffic, making upgrade of the right of way priority.
2.	Resurfacing Hydaburg Road	Redesign, straighten, and resurface the Hydaburg Road to provide safe driving conditions.
3.	Naukati Bay Road	Upgrade and pave Naukati Bay access road between the North POW Road and the Naukati Seaplane Float.
4.	Whale Pass Road	Upgrade and pave the Neck Lake and Twin Island roads to create a suitable road base for El Capitan Cave and north island traffic loop through Whale Pass

- |    |                             |   |
|----|-----------------------------|---|
| 5. | Sandy Beach Road            | Upgrade and reconstruct between Thorne Bay and Coffman Cove. Evaluate merits of construction of the low elevation Eagle Creek road segment. |
| 6. | Ratz Harbor-Eagle Creek Rd. | Construct a low elevation road between Ratz Harbor and Eagle Creek.   |

### **AIR TRANSPORTATION PRIORITIES**

- | <u>Priority</u> | <u>Project Name</u>       | <u>Project Description</u>  |
|-----------------|---------------------------|---|
| 1.              | Frank Peratrovich Airport | Construct/install improvements detailed in the airport master plan, and provide a public parking facility. Address invasive plant species issues. |

### **ROADS TO RESOURCES**

- | <u>Priority</u> | <u>Project Name</u>              | <u>Project Description</u>  |
|-----------------|----------------------------------|---|
| 1.              | POW Minerals and Hydropower Road | Construct road access to POW mine and hydro-electric project sites, including Reynolds Creek, Niblack Mine, and Bokan Mountain sites. |

### **ALTERNATIVE TRANSPORTATION PRIORITIES**

- | <u>Priority</u> | <u>Project Name</u>                                    | <u>Project Description</u>  |
|-----------------|--|---|
| 1.              | IFA Terminal & Clark Bay Float Plane Dock Parking area | Expand the public parking area shared by IFA and State of Alaska for passengers using the IFA and Clark Bay Floatplane Dock facilities. |
| 2.              | Community Transit System                               | Establish an Island-wide bus system to connect communities and transportation hubs.   |

### **NON-MOTORIZED FACILITY PRIORITIES**

- |    |                              |  |
|----|------------------------------|--|
| 1. | IFA Covered Walkways         | Construct covered pedestrian walkways at both the Hollis and Ketchikan IFA Terminals.                    |
| 2. | Craig-Klawock Path           | Construct a multi-use path for 4.7 miles along the uphill side of the highway between Craig and Klawock. |
| 3. | Multiple Use Paths           | Construct multi-use paths along the mainline road system Prince of Wales Island.                         |
| 4. | POW Discovery/Visitor Center | Planning, design, and construction of a POW Discovery/visitor's center.                                  |

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bureau of Indian Affairs, US Forest Service and FHWA Western Federal Lands Division in Vancouver, Washington, Alaska Department of Transportation and Public Facilities, Governor Bill Walker, Senator Bert Stedman, Rep. Dan Ortiz, Rep. Jonathan Kreiss-Tomkins, and other members of the Alaska Legislature that represent Southeast Alaska communities.

PASSED AND APPROVED this 17<sup>th</sup> day of November, 2015 by the Prince of Wales Community Advisory Council.

POWCAC Chair

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Member Approvals:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
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- 9.
- 10.
- 11.
- 12.

CITY OF THORNE BAY  
ORDINANCE 15-12-15-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 16-SUBDIVISIONS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 16-Subdivisions, is hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED December 15, 2015

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction: December 1, 2015]  
[Public Hearing: December 15, 2015]

Title 16

SUBDIVISIONS

Chapters:

- 16.04 General Provisions
- 16.08 Definitions
- 16.12 Platting Requirements
- 16.16 Short Plats
- 16.20 Preliminary Plats
- 16.24 Final Plat Approval
- 16.28 Design Standards and Improvements
- 16.32 Monumentation-Vacations-Dedications
- 16.36 Variances-Appeals
- 16.40 Violations-Penalties

Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 Applicability.
- 16.04.020 Purpose.
- 16.04.030 Intent.
- 16.04.040 Basis for platting.
- 16.04.050 Planning official-Designated.
- 16.04.060 Platting board-Designated.

16.04.010 Applicability. This title shall apply to the subdivision of land within the city. It shall also apply to vacations of public land and the dedication of land to public purposes. The title will describe three classes or levels of review for land proposed to be subdivided: a waiver for certain types of newly created lots; a short plat procedure for subdivisions involving four or fewer lots where one or more of the lots is less than five acres; and a full procedure (preliminary and final plats) for subdivisions involving five or more lots of any size. (Ord. 87-01 § 1(part), 1987)

**Ordinance 15-12-15-01**

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16.04.020 Purpose. It is the purpose of this title to:

A. Provide for the safety, health and welfare of the citizens of Thorne Bay through the regulation of platting, including provisions for streets and trails, utility easements, dedications, vacations, plat review, survey monumentation, variances, appeals and penalties;

B. Provide for orderly development consistent with community growth;

C. Establish reasonable procedures for the subdivision of land, and assure the proper legal description and monumentation of subdivided land. (Ord. 87-01 § 1(part), 1987)

16.04.030 Intent. It is the intent of this title to place certain requirements on the subdivision of land, and to create standards and procedures for regulating the subdivision of land. (Ord. 87-01 § 1(part), 1987)

16.04.040 Basis for platting. Second class cities outside of boroughs are authorized under AS 29.35.260(c) to provide the planning, platting and land use regulation. The basis of platting is contained in AS 29.40.070 through 29.40.200. (Ord. 87-01 § 1(part), 1987)

16.04.050 Administrative provisions.

A. Unless the City Council opts to administer and enforce this title pursuant to Section 2.48.010, the chief executive officer shall appoint and the City Council shall confirm a planning official to administer and enforce this title.

B. The planning commission shall perform all planning functions pursuant to Alaska Statutes 29.33 and this title, including serving as the platting board pursuant to Alaska Statutes 4.15.

C. The chief executive officer or his delegate shall serve as the city planning official until such time as he appoints and the city council confirms another to perform that function. (Ord. 12-04-03-02)

16.04.060 Platting board-Designated. The planning commission shall serve as the platting board under the direction of the planning official. (Ord. 87-01 § 1(part), 1987) (Ordinance 12-04-03-02)

Chapter 16.08

DEFINITIONS

Sections:

- 16.08.010 Dedication.
- 16.08.020 Easement.
- 16.08.030 Final plat.
- 16.08.040 Metes and bounds.
- 16.08.050 Monument.
- 16.08.060 Plat.
- 16.08.070 Preliminary plat.
- 16.08.080 Right-of-way.
- 16.08.090 Subdivision.
- 16.08.100 Vacation.

16.08.010 Dedication. "Dedication" means the deliberate appropriation of land by a land owner, for any public use, where the land owner preserves no other rights in the property to himself than may be enjoyed by the public at large. **Any dedication of land to the City must be accompanied by a transaction granting the City all rights and title to the land being dedicated. Dedication of land (Right-of-way, easement, etc.) does not imply the City assumes any responsibility for maintenance and / or construction of any improvements within the dedication.** (Ord. 87-01 § 14(part), 1987)

16.08.020 Easement. "Easement" means a grant of land by a property owner, to the public or other entity, for specified uses and activities, within specified geometric boundaries. (Ord. 87-01 § 14(part), 1987)

16.08.030 Final plat. "Final plat" means the final drawing of the subdivision, containing all of the elements required under this title and any further conditions required by the platting board, for filing with the district recorder. (Ord. 87-01 § 14(part), 1987)

16.08.040 Metes and bounds. "Metes and bounds" means a description of real property which starts at a known point, and

describes the bearings and distances of the line which forms the boundary of the property. (Ord. 87-01 § 14(part), 1987)

16.08.050 Monument. "Monument" means an object used to permanently mark a surveyed location. (Ord. 87-01 § 14(part), 1987)

16.08.060 Plat. "Plat" means a map or other representation of a subdivision showing lots, blocks, rights-of-way, easements, dedications and other information as required under ordinance. (Ord. 87-01 § 14(part), 1987)

16.08.070 Preliminary plat. "Preliminary plat" means the scale drawing of a proposed subdivision showing lots, blocks, easements, rights-of-way and other information required by ordinance, which provides a basis for approval or denial of the general layout of a subdivision. (Ord. 87-01 § 14(part), 1987)

16.08.080 Right-of-way. "Right-of-way" means a strip of land dedicated, **as defined in Section 16.08.010 Dedication**, ~~to~~ and maintained by the city for transportation and utility purposes, and on a portion of which a street or trail may be built. **Dedication of Right-of-way as defined in Section 16.08.010 does not imply the City assumes any responsibility for maintenance and / or construction of any improvements within the dedication.** (Ord. 87-01 § 14(part), 1987)

16.08.090 Subdivision. "Subdivision" means a division of land into two or more lots, tracts or parcels. (Ord. 87-01 § 14(part), 1987)

16.08.100 Vacation. "Vacation" means the transfer or sale of **dedicated land**, public easement or right-of-way into private ownership. **The City may not vacate any dedicated land without all rights and title vested in the City or the land owner who offered the dedication granting all rights and title to the vacated land.** (Ord. 87-01 § 14(part), 1987)

Chapter 16.12

PLATTING REQUIREMENTS

Sections:

- 16.12.010 Administration.
- 16.12.020 Waiver provisions.
- 16.12.030 Procedure.

16.12.010 Administration. The planning commission shall act as the platting board and shall have jurisdiction over platting which includes but is not limited to:

- A. Form, size and other aspects of subdivision, dedications and vacations of land;
- B. Dimensions of lots or tracts;
- C. Public rights-of-way including roads and trails, and easements for sewer lines, water lines, drainage courses and other public facilities and improvements;
- D. Street width and configuration, including provisions for ditching and drainage;
- E. Setbacks along streams used as water supply and along anadromous fish streams;
- F. Establishment of parks and other public open space;
- G. Setbacks along lot lines. (Ord. 87-01 § 2, 1987)

16.12.020 Waiver provisions. The designated planning official (DPO) shall, in individual cases, and in accordance with AS 29.40.090, waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that:

- A. The subdivision will result in the creation of four or fewer lots, and each lot created by the subdivision will be at least five acres in size;
- B. Each tract or parcel of land created will have legal and physical access to an existing street or public highway;
- C. No dedication of a street, alley, thoroughfare, easement, right-of-way or other public area is involved or required;
- D. No vacation of a public dedication of land, and no variance from a subdivision regulation is involved or required. (Ord. 87-01 § 3(part), 1987)

16.12.030 Procedure. A. The applicant shall submit a written application and an accurate map (at a scale not to exceed one inch equals fifty feet) of the area, showing the total property involved, proposed subdivision, existing development within five hundred feet, with dimensional and other information sufficient for a decision by the DPO.

B. The DPO shall be responsible for reviewing the waiver application to assure that it is complete and meets all of the provisions stated above. No waiver shall be granted for a parcel that, in the DPO's judgment, is unsuitable for development due to geophysical hazards.

C. Upon approval of the waiver application by the DPO, a plat waiver containing a legal description of the parcel for which the waiver has been granted shall be signed by the designated planning official. The original shall be recorded in the district recording office and a copy placed with the original waiver application and filed with the city clerk.

D. A nonrefundable fee, as set by resolution of the city council, of ~~twenty-five dollars~~ shall be charged for reviewing and recording a waiver. (Ord. 87-01 § 3(part), 1987)

## Chapter 16.16

### SHORT PLATS

#### Sections:

16.16.010 Application.

16.16.020 Procedure.

16.16.010 Application. The short plat procedure may be used for the subdivision of a parcel into not more than a total of four lots.

A. An applicant for a short plat subdivision shall be required to submit the following to the designated planning official:

1. A nonrefundable short plat application fee as set by resolution of the city council. of ~~twenty-five dollars~~

2. Four neatly and accurately composed drawings (plat map) no larger than twenty-four inches wide by thirty-six inches long showing the proposed subdivision.

B. The plat shall be prepared by a professional land surveyor licensed to practice in the state of Alaska.

C. The plat maps shall contain the following information:

1. The signature and seal of a land surveyor licensed to practice in the state of Alaska;

2. A title block in the lower right-hand corner containing the following information:

a. Proposed name of the subdivision,

b. Horizontal scale not to exceed fifty to the inch,

c. Date of application,

d. Name and address of the property owner,

e. Location of the subdivision by reference to U.S. survey numbers;

3. A north arrow;

4. The area and linear dimensions of each newly created lot;

5. Topographic lines at twenty-foot intervals;

6. The location of significant natural features such as, but not limited to, anadromous fish streams, existing material sites, wetlands and eagle trees;

7. The location and flow of all natural drainages and the location, type and purpose of all fabricated drainage improvements. (Ord. 87-01 § 4(part), 1987)

16.16.020 Procedure. A. Upon receipt of a completed application, the designated planning official shall give appropriate notice that the application has been received, and shall state a time by which the plat is to be reviewed. If the plat is not reviewed within sixty days of the date of submittal, it shall be automatically approved. If the application as received is not complete, it shall be rejected within ~~ten days~~ **two weeks** after its submittal, with written indication of the manner in which it is incomplete; and the sixty-day review period shall not begin to run until a satisfactorily complete application has been received by the DPO.

B. If the designated planning official determines that the subdivision as proposed is located in a geophysical hazard area or for some other reason may be detrimental to the public health, safety or welfare, or involves unusual factors, the designated planning official shall treat the application as a preliminary plat submission and refer the plat to the platting

board unless the applicant withdraws the plat. The applicant shall pay such additional fees as may be required for processing plats under the preliminary and final plat procedure.

C. All lots shall front on a dedicated right-of-way.

D. A new right-of-way dedicated as a part of a short plat shall meet the dimensional and other requirements for rights-of-way set out in this title.

E. Short plat subdivisions shall meet the design standards set forth in this title.

F. Short plat subdivisions shall meet the monumentation standards of this title.

G. If a plat is disapproved, the reasons shall be stated in writing. If a plat is approved, the plat shall be acknowledged and filed in accordance with AS 40.15.010 through 40.15.020. (Ord. 87-01 § 4(part), 1987)

#### Chapter 16.20

#### PRELIMINARY PLATS

#### Sections:

16.20.010 Application.

16.20.020 Procedure.

16.20.030 Platting board action on preliminary plat.

16.20.040 Action following approval.

16.20.010 Application. A. An applicant for the preliminary plat shall be required to submit the following to the designated planning official:

1. A nonrefundable plat application fee as set by resolution of the city council;

2. Four neatly and accurately composed drawings (plat maps) no larger than twenty-four inches wide and thirty-six inches long showing the proposed subdivision.

B. The plat shall be prepared by a professional land surveyor licensed to practice in the state of Alaska.

C. The plat maps shall contain the following information:

1. The signature and seal of a land surveyor licensed to practice in the state of Alaska;

2. A title block in the lower left-hand corner containing the following information:

a. Proposed name of subdivision,

b. Horizontal scale not to exceed fifty feet to the inch,

c. Date of application,

d. Name and address of the property owner,

e. Location of the subdivision by reference to

U.S. survey numbers;

3. A north arrow;

4. The location of existing and proposed property lines;

5. The size of each parcel created by the subdivision, expressed in square feet;

6. The linear dimensions of each lot created by the subdivision;

7. Topographic lines at twenty-foot intervals;

8. The location of significant natural features such as, but not limited to, anadromous fish streams, existing material sites, wetlands and eagle trees;

9. The location and flow of all natural drainages and the location, type and purpose of all fabricated drainage improvements;

10. The location and type of all improvements;

11. An inset map at a scale not to exceed one inch to one thousand feet, showing the location of the subdivision within the municipal limits of Thorne Bay;

12. The designated planning official may require that the applicant show the location of all new construction proposed to take place in the subdivision.

D. If the application and plat maps are not complete, they shall be rejected within two weeks after their submittal to the DPO, with written indication of the manner in which they are incomplete. (Ord. 87-01 § 5(part), 1988)

16.20.020 Procedure. A. Upon receipt of a completed application, the designated planning official shall give appropriate notice that the application has been received, and shall state a time by which the plat is to be reviewed. If the plat is not reviewed within sixty days of the date of submittal, it shall be automatically approved. If the application as received is not complete, it shall be rejected within ten days two weeks after its submittal, with written indication of the manner in which it is incomplete; and the sixty-day review period shall not begin to run until a satisfactorily complete application has been received by the DPO.

The designated planning official shall assure preliminary plat compliance with the following requirements:

1. All lots must front on a dedicated right-of-way, which may not be less than forty feet in width. The platting board shall also require the Land Owner of the proposed subdivision to dedicate rights-of-way alongside yard lot lines where it finds such rights-of-way are needed to assure access and provide for public transportation corridors.

2. Utility easements shall be dedicated by the Land Owner along property lines wherein deemed necessary by the platting board. Width of the easements shall be minimum of twenty feet.

3. All streams and watercourses used to provide domestic water shall be protected by a fifty-foot buffer on each side of the stream or watercourse.

4. All anadromous fish streams shall be protected by a fifty-foot buffer on each side of the anadromous fish stream.

5. Written approval from the Alaska Department of Environmental Conservation for domestic water supply and wastewater and sewage disposal systems. The applicant shall be required to submit the preliminary plat to the Department of Environmental Conservation for review. The platting board may approve a preliminary plat only after it has been reviewed and approved by the Department of Environmental Conservation.

6. The drainage plan for the subdivision shall be designed so that no one lot becomes the destination for run-off waters from adjacent lots. Nor shall any lot be permitted whose surface area is twenty-five percent or more covered by a lake, bog, march, estuary, stream or creek.

7. Elongated lots are discouraged. As a standard, the commission shall not approve lots where the length of the lot exceeds the width of the lot by four or more times.

8. All property under contiguous and common ownership shall be shown on the preliminary plat, even if only a portion of the property is being submitted for plat approval.

9. Structures subsequently located on approved platted lots shall be set back at least ten feet from the front and rear property lines and at least five feet from the side property lines.

B. The designated planning official ~~platting board~~ shall issue a notice of public hearing on the preliminary plat at least ~~ten~~ twenty one days before the plat is scheduled for public hearing. Notice may be given in a local newspaper of

general circulation, or may be posted in a conspicuous public location. The notice must contain at a minimum, the location of the proposed subdivision, the number of lots created and the name of applicant. The DPO ~~platting board~~ may add further information to the notice at its discretion. (Ord. 87-01 § 5(part), 1988)

16.20.030 Platting board action on preliminary plat. A. After considering the preliminary plat, the planning commission sitting as the platting board shall take one of the following actions, and shall state the reasons for its action in writing:

1. Approve the preliminary plat as submitted;
2. Approve the preliminary plat with conditions;
3. Deny the preliminary plat with cause.

~~B. Failure to act on the preliminary plat within sixty days of the date of submission to the designated planning official of a plat and application (which the DPO has not rejected as incomplete) shall constitute approval of the preliminary plat.~~

~~B.~~ Preliminary plat approval shall become nullified if the applicant has not subdivided the parcel within two calendar years of the date of approval of the preliminary plat. (Ord. 87-01 § 5(part), 1988)

16.20.040 Action following approval. Upon platting board approval of the preliminary plat, the applicant may undertake certain activities prior to approval of the final plat. These activities are:

- A. Completing required surveying and monumentation;
- B. Complying with plat conditions required by the platting board as conditions of approval, including but not limited to physical improvements to the property such as land clearing, installation of drainage and identification of rights-of-way and easements.
- C. Preparing a reproducible mylar of the plat as approved by the platting board. (Ord. 87-01 § 5(part), 1988)

Chapter 16.24

FINAL PLAT APPROVAL

Sections:

16.24.010 Guarantee of required improvements.

16.24.020 Final plat submittals.

16.24.010 Guarantee of required improvements. Final plat approval shall be granted if the final plat, as submitted, conforms to the approved preliminary plat, and if the applicant has made or guaranteed to make all required improvements, and has completed all required surveying and monumentation. To assure that required improvements are constructed, the platting board may require the applicant to submit a surety bond or certified check with the final plat, in an amount equal to the cost of the improvements as determined by the platting board. The guarantee shall require completion of all improvements within twenty-four months of final plat approval. If the improvements are completed, the city will return the full amount of the guarantee to the applicant; if the improvements are not completed, the city shall construct (or complete the construction of) the improvements with the guarantee. Any amount of the guarantee in excess of the costs of completing the required improvements will be returned to the applicant; however, the applicant cannot be charged any amount in excess of the original guarantee. (Ord. 87-01 § 6(part), 1988)

16.24.020 Final plat submittals. The applicant must submit a reproducible black-line plat of the subdivision on a sheet of twenty-four inch by thirty-six inch mylar. The final plat must meet all of the requirements for a preliminary plat map. The city shall keep a copy of the plat on file. The original shall be recorded in the district recording office. The following information shall appear on the final plat:

A. Certification of Ownership.

I (we) hereby certify that I am (we are) owners of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, and

dedicate all easements, streets, alleys, walks, parks and other open spaces to public or private use as noted:

Date , 19

Witness Owner

Witness Owner

Signature and seal of Notary

B. Certification of Registered Land Surveyor. The certification of registered land surveyor shall be as follows:

I hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and that this plat represents the survey made by me or under my direct supervision, that all dimensional and relative bearings are correct and the monuments are set in place and noted upon this plat as present.

Signature and Stamp

C. Certification of Approval and dedication by the Board. The certification of approval by the board shall be as follows:

**CERTIFICATION OF APPROVAL**

I hereby certify that the subdivision plat hereon has been found to comply with the subdivision requirements of the City of Thorne Bay, Alaska, and that said plat has been approved by the City Council, Resolution No. \_\_\_\_\_, Dated \_\_\_\_\_, and the plat shown here on has been approved for recording at the Appropriate Recording Office in Alaska.

**CERTIFICATION OF DEDICATION**

The rights-of-ways and easements shown on said plat are here by dedicated to the public for public use. The acceptance of land for public use or public purpose does not obligate the public or any governing body to construct, operate or maintain improvements. The City of Thorne Bay assumes: no responsibility

to construct, improve, or alter any roadway or walkway and no responsibility to provide any summer or winter maintenance within any right-of-way or easement as shown on said plat.

~~I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City of Thorne Bay, Alaska, and that said plat has been approved by the Platting Board by Plat Resolution No. \_\_\_\_\_, dated \_\_\_\_\_, 19\_\_\_\_\_ and that the plat shown hereon has been approved for recording at the District Recording Office, Ketchikan, Alaska.~~

Dated \_\_\_\_\_, 19\_\_\_\_\_

Chairman, Thorne Bay Planning Commission

Attest

Clerk, Thorne Bay Planning Commission

(Ord. 87-01 § 6(part), 1988)

### Chapter 16.28

#### DESIGN STANDARDS AND IMPROVEMENTS

Sections:

- 16.28.010 General provisions.
- 16.28.020 Water supply.
- 16.28.030 Sewer system.
- 16.28.040 Streets.
- 16.28.050 Rights-of-way-Pavement widths.

16.28.010 General provisions. The design standards and other requirements of this section are intended to establish and define minimum standards for water, sewer and streets. (Ord. 87-01 § 7(part), 1987)

16.28.020 Water supply. A. Each lot within the proposed subdivision shall be connected to the city water system if any

portion of the subdivision is within three hundred feet of a city water distribution line.

B. If a city water system is not within three hundred feet of any portion of the subdivision, the applicant shall provide a water supply system which shall be reviewed by and meet the approval of the Alaska Department of Environmental Conservation.

C. Fire hydrants shall be installed in all subdivisions which are serviced by the city water system. (Ord. 87-01 § 7(1), 1987)

16.28.030 Sewer system. A. Where a city sewer line or sewer force main is within three hundred feet of any portion of the proposed subdivision, the applicant will be required to extend sewer service to the site and to each lot therein.

B. If a city sewer line or sewer force main is not within three hundred feet of any portion of the subdivision, the applicant shall provide an on-site sewage disposal system design which shall be reviewed by and meet the approval of the Alaska Department of Environmental Conservation.

C. The planning commission may require the applicant to install oversize water and/or sewer lines in order to accommodate probable and/or desirable future growth in the immediate vicinity. When such oversize lines are required, the applicant will be reimbursed for the excess cost in providing

oversize utility lines above the costs of providing standard utility lines, in an amount to be approved by the planning commission and the city council. (Ord. 87-01 § 7(2), 1987)

16.28.040 Streets. A. General. Streets shall be designed and located in relation to existing and planned streets; in relation to topographical conditions and natural features such as streams; in consideration of public convenience and safety; and in a manner appropriate to the proposed uses of the subdivided parcel.

B. Types of Streets.

1. Major Streets. Major streets are streets which may have traffic signals at important intersections and typically have stop signs on the side streets. A major street, sometimes called an arterial, collects and distributes traffic to and from collector streets.

2. Collector Streets. Collector streets are streets which collect traffic from minor or local streets and connect with major streets or arterials.

3. Minor Streets. Minor streets are streets designated to provide access to abutting properties and are not meant or intended for through traffic.

4. Alleys. Alleys are secondary means of providing access to abutting properties and are not meant or intended for general traffic circulation. (Ord. 87-01 § 7(3), 1987)

16.28.050 Rights-of-way-Pavement widths. A. Street's rights-of-way shall be sufficiently wide to provide for existing pavement widths, future street expansion, sidewalks and access for installation and maintenance of street drainage facilities or other utilities. Rights-of-way shall not have structures built upon them.

B. Right-of-way width and surface width, unless otherwise specified by the planning commission, are:

Right-of-way	Surface
Major streets 60	40
Collectors 50	35
Minor streets 40	24-36
Alleys 20	16-20

C. Grade. Street grade shall not exceed twelve percent. The minimum grade of all streets shall not be less than two percent to provide for proper drainage.

D. Sight Distances. A minimum sight distance, with visibility measured along the centerline of the street, shall be provided for both vertical and horizontal curves as follows:

	Minor Streets*	All Others
Horizontal	200	300
Vertical	200	300

\* including cul-de-sacs

E. Tangents. A straight section of street at least one hundred feet in length shall be built between reverse curves on major and collector streets.

F. Cul-de-sacs. Cul-de-sacs shall have a maximum length of six hundred feet and a minimum width of forty feet with a turnaround diameter of eighty feet.

G. Intersections.

1. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point.

2. Offset intersections shall have a minimum distance of one hundred twenty-five feet between the centerlines of the intersecting streets. (Ord. 87-01 § 7(part), 1987)

### Chapter 16.32

#### MONUMENTATION-VACATIONS-DEDICATIONS

Sections:

16.32.010 Monumentation.

16.32.020 Vacations.

16.32.030 Dedications outside subdivision process.

16.32.010 Monumentation. The exterior corners of the subdivision, and all corners of each lot within the subdivision, shall be monumented with a 5/8" x 24" pipe or bar capped and marked. If a plat corner or a lot corner is identical with a

United States Survey, a United States Mineral Survey or an Alaska Tidelands Survey, the primary monument shall be shown on the plat, or reestablished and shown if not found. (Ord. 87-01 § 8, 1987)

16.32.020 Vacations. A. The city may vacate public property and turn it over to private ownership when it finds that the property is no longer needed for a public purpose or to promote the public welfare. **The City may not vacate any dedicated land without all rights and title vested in the City or the land owner who offered the dedication granting all rights and title to the vacated land.** The planning commission shall make a recommendation to the city council on property vacations, and the council shall decide whether or not a vacation is to be permitted.

B. All vacations of city-owned property shall be governed by the provisions of state law given in AS 29.40.140 through 29.40.160.

C. ~~The planning commission must give thirty days notice of a meeting in which the vacation of public property is to be discussed, and must notify all property owners adjacent to the property proposed for vacation.~~ (Ord. 88-35 § 4, 1988: Ord. 87-01 § 9, 1987) The planning commission shall hold a public hearing on the proposed vacation. **Property owners adjacent to the property proposed for vacation shall be notified of the public hearing at least thirty days in advance of the hearing. Notice of the hearing shall also be posted in a conspicuous place in the community thirty days in advance of the hearing**

16.32.030 Dedications outside subdivision process. A. Streets, utility easements and other forms of interests in land are routinely dedicated to public use by sub dividers as part of the subdivision process. In addition, the city may accept other property for dedication to public use and advancement of the public welfare, outside the process of approving a subdivision.

B. The planning commission shall hold a public hearing on the proposed dedication. Property owners adjacent to the property proposed for dedication shall be notified of the public hearing at least thirty days in advance of the hearing. Notice of the hearing shall also be posted in a conspicuous place in the community thirty days in advance of the hearing.

C. The planning commission shall forward its recommendation to the city council, which shall decide whether or not to accept the dedication.

D. A plat of the dedication shall contain a short narrative explaining the purpose of the dedication, and shall contain the donor's certificate of dedication to public use and **contain the City's certificate of acceptance for public use** ~~the city's acceptance,~~ and shall be submitted for recording at the district recorder's office. **If the City is to assume responsibility for use and / or maintenance of the dedicated lands, all rights and title to the land being dedicated must be granted to the city.** (Ord. 87-01 § 10, 1987)

Chapter 16.36

VARIANCES-APPEALS

Sections:

- 16.36.010 Variance requirements.
- 16.36.020 Variance procedure.
- 16.36.030 Appeals.

16.36.010 Variance requirements. A variance from the requirements for this title may be granted only if the following conditions are met:

A. The granting of a platting variance will not be detrimental to the public health, safety or welfare, or injurious to adjacent property.

B. The conditions upon which the platting variance is based do not apply generally to the properties other than the property for which the variance is sought.

C. The tract to be subdivided is of such unusual size and shape or topographical configuration that strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property.

D. Implementation of the variance will not cause a violation of a state fire regulation adopted pursuant to AS 18.70.080. (Ord. 87-01 § 11(part), 1987)

16.36.020 Variance procedure. A. An application for a platting variance shall include:

1. A drawing of the ~~sketch~~ plat or photocopy of the existing survey;
2. Proof of title of the applicant;
3. A written application in narrative form explaining the conditions, facts and reasons why a variance should be granted and why such facts and reasons constitute compliance with each of the requirements for variance as stated herein. Application shall be made to the city clerk, who shall forward the application to the platting board.
4. The platting board shall have the authority to grant or deny platting variances after holding a public hearing upon thirty days notice. In granting or denying any platting

variance, the platting board shall provide a full and complete disclosure, in writing, of its reasons for the decision.

B. The public hearing on the variance may be a part of the hearing on the preliminary plat itself. (Ord. 87-01 § 11(part), 1987)

16.36.030 Appeals. A. Any decision of the designated planning official may be appealed to the platting board, any decision of the platting board may be appealed to the city council sitting as the board of adjustment, and any decision of the board of adjustment may be appealed to the superior court, provided a written notice of appeal is filed within thirty days after the decision being appealed is announced in writing.

B. Any concerned person aggrieved by a decision has a right to appeal that decision.

C. 1. An appeal to a body within the city hierarchy shall be filed with the city clerk together with an application fee of fifty dollars. The appeal shall contain a written narrative explaining the basis of any reasons for the appeal. The narrative shall be specific and concise.

2. The body hearing the appeal shall first consider the record developed below, and shall make its decision based on that record if the record is adequate. If the record below is not adequate, the body hearing the appeal shall hold a hearing (after public notice) to receive additional evidence from the appellant and other interested parties, and shall reach its decision based upon the record below as supplemented by the additional evidence.

D. Any party who participated in the proceedings before the board of adjustment and is aggrieved by the resulting decision of the board of adjustment may appeal that decision to the superior court, provided:

1. Notice of appeal is filed with the superior court no later than thirty days following the board of adjustment's issuance of its written decision; this time limit is jurisdictional; and

2. The appellant pays the city, by depositing with the city clerk, the city's cost of preparing the entire record (including at transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court

reporter, and preparation of the entire record is at the appellant's expense.

E. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely on the record established in this title, pursuant to AS 29.40.060(b). (Ord. 87-01 § 12, 1987)

CITY OF THORNE BAY  
ORDINANCE 15-12-15-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 17-ZONING, CHAPTERS 17.04 –PLANNING AND ZONING,  
SECTIONS 17.04.043-CONDITIONAL USE PERMITS AND CHAPTER 17.04.044-  
VARIANCE PROCEDURE

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 17-Zoning, Chapters 17.04-Planning and Zoning, Sections 17.04.043-Conditional Use Permits and 17.04.044-Variance procedures, are hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED December 15, 2015

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James Gould, Mayor

ATTEST:

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Teri Feibel, CMC

[Introduction: December 1, 2015]  
[Public Hearing: December 15, 2015]

TITLE 17 - ZONING  
CHAPTER 17.04 - PLANNING AND ZONING

**Section 17.04.043 Conditional use permits.** A. Purpose. The purpose of a conditional use permit is to allow for flexibility in the zoning title by providing for uses that may be suitable in certain locations and not others. These uses will be expressly permitted conditional uses in the zone, clarified by a section labeled conditional use permits for each zone. It basically permits inclusion of uses that should not be permitted in every part of the zone, but are reasonable in some areas of the zone with restrictions and conditions designed to fit the particular problem that the use may present.  
**The applicant must meet with the planning official and address the Criteria for "Consideration in Establishing Approval" prior to being scheduled for a public hearing.**

B. Criteria for **Consideration in Establishing** Approval **or Denial the following criterial must be considered.** After a public hearing, the planning commission must **develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:**  
~~find the following to be~~

1. That the proposal is consistent with the Thorne Bay comprehensive plan, ~~the Thorne Bay coastal management program,~~ the **City Municipal Ceode** and all other applicable city ordinances;

2. That the proposed use is an expressly permitted conditional use in the zone, except in mixed residential/commercial III where there are no expressly permitted conditional uses;

3. That the requested use is generally compatible with other existing or proposed uses in the surrounding area;

4. That the proposed use would not adversely affect the health, safety or welfare of persons or property in the area neighboring the proposal and the surrounding area;

5. That the proposed use would not have an unfavorable or detrimental effect on property or property values in the area;

6. That building height, poor or decrepit construction and incompatibility would not significantly affect the surrounding area or the view shed in the neighborhood;

**Additions are in bold**

7. That all utilities to the proposal will be adequate or made adequate by the applicant and not interfere or adversely affect utility capacity in the area;

8. That traffic volume, type and patterns are taken into consideration and that access is adequate to serve any additional traffic flow;

9. That adequate off-street parking is provided.  
(See Section 17.04.041);

10. That the proposed use would not degrade land, water, air or habitat quality;

11. That all other reasonable objections were taken into consideration by the planning commission at the public hearing.

**12. That the conditional use request is for work yet to be performed.**

C. Procedure.

1. Application.

a. An application must be filed on forms provided by the city by the property owner or an authorized representative. The application must be filed no later than twenty-one days prior to the next regularly scheduled planning commission meeting.

b. All applications must include a site plan indicating:

- i. North arrow, scale and legend;
- ii. Property lines and approximate

dimensions;

iii. Location of all existing and proposed structures on the lot and their approximate distance from the lot lines;

iv. Access bordering streets and easements on the property;

v. Power pole; sewer and water lines serving the property;

vi. Approximate dimensions of parking spaces if applicable.

2. Notification.

a. Notice of the public hearing shall be made by first class mail to all property owners within three hundred feet of the exterior property boundary (one thousand feet in mixed residential/commercial III) and shall be posted in five public places no less than ten days prior to the public hearing date.

**Additions are in bold**

- b. The notice shall contain:
    - i. The name of the applicant;
    - ii. The date, time and place of the hearing;
    - iii. A descriptive location of the property and the legal description of the property if available;
    - iv. A description of the nature and purpose of the use;
    - v. The location where information about the proposal may be examined;
    - vi. Reference numbers of the sections of the title that pertain to the application;
    - vii. Explanation of the appeal procedure;
    - viii. Vicinity map.
  - c. Notices shall be sent to the most recent address that city records show. Failure of a property owner to receive a notification shall not invalidate a decision of the planning commission as long as a good faith effort has been shown to contact the property owner.
  - d. The property notification list shall be kept on file at City Hall.
  - e. A copy of the resolution approving or denying the application shall be sent to the applicant (and any affected party who requests notification).
- D. Reviewing Body.
- 1. The reviewing body shall be the planning commission.
  - 2. All formal decisions made by the reviewing body shall be made by resolution and shall address all required criteria for approval.
- E. Appeals.
- 1. Appeals of the planning commission's decision must be made to the city council within thirty days of the postmark of the notification of the decision. Appeals must be made in writing. (Ord. 93-23 § 6(part), 1993)

**Section 17.04.044 Variance procedure.** A variance is a tool that gives an applicant relief from the strict application of the zoning title. It will permit a justifiable exemption or exception to the development requirements of the title when

their imposition would result in unnecessary hardship or practical difficulties.

Zoning limits the use of property and structures. A variance can lessen some of the limits that zoning imposes. To be granted a variance, the applicant must show how the zoning title impedes development on his/her property more than it would on other property within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other land owners within the same zone. **The applicant must meet with the planning official and address the "Criteria for Consideration in Establishing Approval" prior to being scheduled for a hearing.**

A. **Acquired Criteria for Consideration in Establishing ~~for~~ Approval or Denial the following criterial must be considered. After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:**

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;
2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;
3. That the strict application of the provisions of this title would result in unnecessary hardship;
4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;
5. That the variance will not allow a land use in a zone that prohibits that particular land use;
6. That approval of the variance is consistent with the comprehensive plan;
7. That the variance is not requested because of monetary considerations or inconvenience;
- 8. That the variance request is for work yet to be performed.**

B. Application Procedure.

1. Applications must be initiated by the property owner or by an authorized representative. The required fee must be paid and an application on city forms must be filed no less than twenty-one days prior to the hearing date.

**Additions are in bold**

2. Applications must be accompanied by a site plan that includes:

- a. North point arrow, date and scale;
- b. Exterior property boundaries and dimension;
- c. Access;
- d. All easements on the property;
- e. Location of all existing and proposed buildings on the property and their approximate distance from the lot lines;
- f. Sewer and water lines and power poles serving the property.

C. Notification.

1. Notification of variance application shall be made by first class mail to surrounding property owners which will consist of adjacent property owners and property owners located across rights-of way or alleys, no less than ten calendar days from the planning commission hearing.

2. The notice shall contain:
- a. The name of the applicant;
  - b. Date, time and place of hearing;
  - c. A description of the location of the property and the legal description of the property if available;
  - d. A description of the character and purpose of the variance;
  - e. The reference number of the sections of the title which pertain to the application;
  - f. An explanation of the appeal process.

3. Notices shall be sent to the most current address on the city's utility listing or city records, and if no address can be found, the most current property owner listed in the State Recording Office. The failure of a property owner to receive a notice shall not void a planning commission decision if a good faith attempt to contact the current property owner was made.

4. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that letters have been sent.

5. A copy of the resolution approving or denying the variance shall be sent to the applicant and to any other person who requests a resolution in writing.

**Additions are in bold**

Resolutions denying an application shall be mailed within five days of the date of the decision and will explain the appeal process.

D. Reviewing Body.

1. The reviewing body will be the planning commission.

2. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of Section 2.48.080 and shall address all required criteria for approval.

E. Appeals.

1. Appeals of the planning commission decision may be made to the city council within thirty days of the postmark of the notification of the decisions. Appeals must be made in writing. (Ord. 93-23 § 6(part), 1993)

CITY OF THORNE BAY  
ORDINANCE 15-12-15-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,  
AMENDING TITLE 18-HARBOR, CHAPTERS 18.10.010-DEFINITIONS AND CHAPTER  
18.20.020-APPLICATION FOR MOORING OR USE OF HARBOR FACILITIES AND  
18.20.030-RENTAL AND USE FEES OF VACANT STALLS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The title and chapter of Title 18-harbor, Chapters 18.10.010 and 18.20.020 and 18.20.030, are hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED December 15, 2015

\_\_\_\_\_  
James Gould, Mayor

ATTEST:

\_\_\_\_\_  
Teri Feibel, CMC

[Introduction: December 1, 2015]  
[Public Hearing: December 15, 2015]

Title 18

CITY BOAT HARBOR

18.10.020 Definitions.

H. "Harbor facility" means any float, piling, dock, ring, buoy, stall, seaplane float, boat ramp, vehicle parking area, structure, submerged lands and uplands directly associated with submerged lands use or other harbor improvement constructed, maintained, or owned or leased by the city.

Chapter 18.20

REGISTRATION AND STALL ASSIGNMENT

18.20.020 Application for mooring or use of the harbor facilities. A. The application for mooring of vessels, seaplanes or use of the Harbor Facilities, as defined in Title 18, shall be in such form as is required by the city and shall be filed with the city clerk.

B. A copy of Title 18, Thorne Bay Municipal Code, pertaining to use of Harbor Facilities as defined in Title 18 ~~the city boat harbor~~ shall be given to each successful applicant along with an approved signed application. ~~for a boat or seaplane stall.~~ (Ord. 97-03 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.20.030 Rental and use fees-Use of vacant stalls. A. Fees for the privilege of berthing or mooring any vessel or seaplane, short or long term, at the harbor facility or for use of other harbor facilities, including but not limited to seaplane floats, boat grid, pump out station, fish cleaning station, boat launch ramp, hoists or any other Harbor Facility as defined in Title 18, shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

CITY OF THORNE BAY  
ORDINANCE 15-11-17-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,  
ALASKA, DIRECTING THE CITY CLERK TO PLACE THE QUESTION OF  
REPEALING RESOLUTION 15-09-01-01 WHICH AMENDED RESOLUTIONS 13-  
07-02-02, 09-11-30-03 and 09-01-20-01, FIRE AND EMS RATES, ON THE  
OCTOBER 4, 2016, CITY OF THORNE BAY GENERAL MUNICIPAL ELECTION

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY,  
ALASKA

- Section 1. Classification. This ordinance is a non-code ordinance.
- Section 2. Purpose of the Ordinance. The purpose of this ordinance is to allow the registered voters of the City of Thorne Bay to say if they want to repeal fire and ems fees in Thorne Bay, Alaska
- Section 3. Ballot Question. The City Clerk is directed to place the following question on the ballot for the next general election, October 4, 2016:  
**“shall Resolution number 15-09-01-01, which amended Resolutions 13-07-02-02, 09-11-30-03 and 09-01-20-01, titled Fee Schedule for Fire and EMS Departments be repealed”**
- Section 4. Effective Date. This ordinance shall become effective upon its adoption by the City Council. Repealing Resolutions 15-09-01-01 which amended Resolutions 13-07-02-02, 09-11-30-03 and 09-01-20-01, shall be contingent upon the approval of a majority of qualified voters of the City of Thorne Bay.

PASSED AND APPROVED on November 17, 2015

\_\_\_\_\_  
James Gould, Mayor

ATTEST:

\_\_\_\_\_  
Teri Feibel, City Clerk

[Introduction: November 3, 2015]  
[Public Hearing: November 17, 2015]