

**AGENDA
FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS
CITY HALL
TUESDAY
December 15, 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. CONSENT AGENDA:
 - A. Minutes for the November 2, 2015, Planning and Zoning Meeting, discussion and action item:
 - B. Minutes for the November 3, 2015, Regular City Council Meeting, discussion and action item:
 - C. Minutes for the December 3, 2015, Special City Council Meeting, discussion and action item: (note: the meeting of December 3rd was a regular meeting session that was rescheduled from a regular meeting date of December 1st due to electrical issues in City Hall)
9. NEW BUSINESS:
 - A. Resolution 15-12-15-01, a resolution of the City Council adopting an alternative allocation method for the FY16 Shared Fisheries Business Tax Program, discussion and action item:
 - B. Resolution 15-12-15-02, a resolution of the City Council adopting new platting fees, discussion and action item:
 - C. Resolution 15-12-15-03, a resolution of the City Council approving plat #89-29, a subdivision of Lot 2, Block 6, ASLS 80-121, Thorne Bay Subdivision creating Lots 2a and 2b, Wilburn Subdivision, discussion and action item:
10. ORDINANCES FOR INTRODUCTION:
 - A. Ordinance 16-01-05-01, an ordinance of the City Council amending Title 15.04-Setbacks adding Section 15.04.020-Development Plans, discussion and action item:
 - B. Ordinance 16-01-05-02, an ordinance of the City Council amending Title 17.04-Planning and Zoning, Sections 17.04.022-Residential zone, 17.04.023 Deer Creek residential, 17.04.024 Mixed residential/commercial I, 17.04.025 Mixed residential/commercial II, 17.04.026 Mixed residential/commercial III, 17.04.027 Commercial zone, 17.04.028 Industrial zone, 17.04.029 Waterfront development zone, 17.04.030 Public zone, discussion and action item:

11. ORDINANCES FOR PUBLIC HEARING:
 - 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:
12. EXPENDITURES EXCEEDING \$2,000.00:
 - A. Expenditure of \$2,611.50, to Grainger for Fire Department equipment, discussion and action item:
 - B. Expenditure of \$28,600.00, to Nick and Wendy Gefre for purchase of mobile home trailer, 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: December 8, 2015
City Hall (2), A&P, SISD, USFS, The Port, Thorne Bay School

**MINUTES
FOR THE
CITY COUNCIL
ACTING AS THE
PLANNING AND ZONING
COMMISSION
FOR THE
CITY OF THORNE BAY
November 2, 2015
6:00 p.m.**

The public was invited and encouraged to attend

1. **CALL TO ORDER:**

Mayor Gould called the meeting to order at 6:00p.m.

2. **PLEDGE TO FLAG:**

The council and audience stood for the pledge to the flag.

3. **ROLL CALL:**

Gould, Slayton, McDonald, and Edenfield were present. Burger and Carlson were tardy to the meeting missing the approval of the agenda. Hartwell attended by phone.

4. **APPROVAL OF AGENDA:**

Gould moved to approve the agenda. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: Gould/Edenfield

YEAS: Gould, McDonald, Slayton, Edenfield and Hartwell

NAYS: None

STATUS: Motion Passed.

5. **PUBLIC COMMENTS:**

Mel Slayton commented on the following:

- Variance not being granted just because of past decisions
- Suggested a public meeting to make people aware of what a variance is and property development standards

6. **COMMISSION COMMENTS:**

Gould stated the land being effected by the encroachment was not City land, therefore the City cannot allow a variance as it is not a variance issue. Gould stated the land the Strams built on was a public easement owned by the State

and the only obligation the City has to this land is to protect it for public use/access.

Slayton stated this request was similar to other variance issues the City has had. Slayton stated that people needed to be aware of their property lines before laying foundation for a home or any other building. Slayton stated building permits are helpful in this case for making people aware of their property lines and property development standards in their zone.

McDonald stated the Strams would asking for a variance that the city had no right to grant.

7. NEW BUSINESS:

- A. Review of Thorne Bay Municipal Code 17.04.044-Variance Procedure, 17.04.044 (A)-Criteria for approval, discussion item:
(The City Council acting as the Planning Commission will take this time to review the required criteria for approval)

Gould explained it was the councils duty to review the required criteria for granting a variance. Gould stated even if in this case the criteria was met, the city could not grant the variance because it was not on city land, it was on a public easement.

The council reviewed the criteria and a consensus that not all criteria was met.

8. RESOLUTIONS:

- A. Resolution 15-11-02-01, approving the Variance Request from John and Juanita Stram for encroachment of setback requirements, discussion and action item:

Gould moved to deny resolution 15-11-02-01, due to the fact the request is not a variance issue and the City does not own the property effected. Edenfield seconded the motion. Gould stated the land the foundation encroached on was a public easement owned by the state and the City could not grant a variance. McDonald suggested the City create a form that someone could review to make sure they are meeting all required criteria for property development to avoid this issue in the future. Gould stated he believed this was already addressed in the Municipal Code and was only a matter of education. There was further discussion.

MOTION: Move to deny resolution 15-11-02-01, due to the fact the request is not a variance issue and the City does not own the property effected

F/S: Gould/Edenfield

YEAS: Edenfield, Carlson, Slayton, Gould, Hartwell, McDonald and Burger

NAYS: None

STATUS: Motion Passed.

9. COMMISSION COMMENTS:
There were no further commission comments.

10. PUBLIC COMMENTS:
There were no further public comments.

11. ADJOURNMENT:
Mayor Gould adjourned the meeting at 6:20p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

**MINUTES
FOR THE REGULAR MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS
CITY HALL
TUESDAY
November 3, 2015
6:30p.m.**

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

1. **CALL TO ORDER:**

Mayor Gould called the meeting to order at 6:30p.m.

2. **PLEDGE TO FLAG:**

The council and audience stood for the pledge to the flag.

3. **ROLL CALL:**

Gould, Carlson, Slayton, McDonald, Burger and Edenfield were present. Hartwell attended by phone.

4. **APPROVAL OF AGENDA:**

Gould moved to approve the agenda removing item 10(a) under New Business. Slayton seconded the motion.

MOTION: Move to approve the agenda removing item 10(a) under New Business

F/S: Gould/Slayton

YEAS: Burger, Gould, McDonald, Carlson, Slayton, Edenfield and Hartwell

NAYS: None

STATUS: Motion Passed.

5. **MAYOR'S REPORT:**

Mayor Gould stated the November 17th Regular City Council Meeting will be cancelled due to employee and council absence.

6. **CITY ADMINISTRATOR'S REPORT:**

The City Administrator gave a report (report attached).

7. **PUBLIC COMMENTS:**

Doug MacAllister commented on the following:

- Inquired if volunteers were exempt from ems and fire billing like in the past

Jim McFarland commented on the following:

- Annual School Fall cleanup with bar-b-que after on Thursday November 5th
- Volley Ball game in Thorne Bay on November 6th
- November 12th Dinner out in Thorne Bay, cross country team doing the dinner with an ASC meeting at 6pm.

8. COUNCIL COMMENTS:

McDonald commented on the new IFA doc and stated he had photos if anyone was interested in seeing them.

9. CONSENT AGENDA:

The Consent Agenda includes routine items of business, which may not require separate discussions. When the Mayor calls for public comment on the consent agenda, you may raise your hand and the Mayor will recognize you, asking which item(s) you wish to have removed from the consent agenda for separate discussion and action. Following the removal of any item from the consent agenda, the Council votes on the remaining items in one motion. All items that are removed from the consent agenda will follow the format of Administrative Report, or Public Hearing/Participation and Council Action.

A. Minutes for the October 12, 2015, Special City Council Meeting, discussion and action item:

B. Minutes for the October 19, 2015, Special City Council Meeting, discussion and action item:

Gould moved to approve the consent agenda. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the consent agenda

F/S: Gould/Hartwell

YEAS: Edenfield, Carlson, Slayton, Gould, Hartwell, McDonald and Burger

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

A. Resolution 15-11-03-01, a resolution of the City Council accepting the Planning and Zoning recommendation to approve Variance request submitted by Jon and Juanita Stram for reduction to setback requirements, discussion and action item:

This item was removed from the agenda.

B. Resolution 15-11-03-02, a resolution of the City Council supporting SISD resolution 2016-03, requesting the legislature not increase the minimum student count from 10 to 25, discussion and action item:

McDonald moved to approve Resolution 15-11-03-02. Burger seconded the motion. Gould stated the school was the heart of the community and many schools will be closed if the count is increased. Hartwell requested that if the resolution passed that the City send a letter to the legislature with the resolution explaining how it would devastate some communities to increase the minimum student count. There was further discussion of what families would have to do if the school in their community was closed.

MOTION: Move to approve Resolution 15-11-03-02

F/S: McDonald/Burger

YEAS: Slayton, Hartwell, Gould, Burger, Edenfield, McDonald and Carlson

NAYS: None

STATUS: Motion Passed.

11. ORDINANCES FOR INTRODUCTION:

- 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:

Gould moved to approve Ordinance 15-11-17-01. McDonald seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance 15-11-17-01

F/S: Gould/McDonald

YEAS: McDonald, Burger, Carlson, Gould, Edenfield, Hartwell and Slayton

NAYS: None

STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:

There were no expenditures exceeding \$2,000.00.

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.

There was no executive session.

14. CONTINUATION OF PUBLIC COMMENT:

There were no further public comments.

15. CONTINUATION OF COUNCIL COMMENT:

Slayton stated the fire and ems departments only had an annual income of a couple hundred dollars a year. Gould stated the City has only charged for fires when they were at fault of the home owner. McDonald stated the IFA selected new officers and they were the same as have been.

16. ADJOURNMENT:

Gould adjourned the meeting at 6:52p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

ADMINISTRATOR'S REPORT 11-3-15 Wayne Benner

Meetings Attended and Updates:

Tasks and Projects:

1. City has received the draft of the Solid Waste Permit Renewal and is awaiting final DEC signature. The new permit will allow the present operation to continue as the city makes the transition to shipping waste south.
2. Working on some Municipal Code amendments for use of submerged lands, right-of-way definition, fees for utility connections, building location permits, elections, finances and municipal lands.

Old Business:

New Business:

1. Resolution 15-11-03-01 for a setback variance could not be acted upon as the request was for a variance for building on a public right-of-way which is a vacation issue on right-of-way owned by the State of Alaska.
2. Ordinance 15-11-17-01 is the next step in the council decision to place the appeal of Fire and EMS Department fee schedule on the next general election.

Harbor and Parks: Water is now shut off at harbor. Davidson Landing restroom designs are working on the pros and cons of drainfield vs direct discharge for the caretaker facility.

Streets and Roads: Sandy Beach Road Improvement Project had the final walk through today. Delineators are still need to be installed to separate the pedestrian path from roadway. Road has been extended into the Bypass intersection. Working with Kasaan on a project to repair the Kasaan Road just past the Solid Waste site where road was built over logs. Some asphalt patching and drainage cleaning has been completed. Nice to see that the stormwater drainage work on Sandy Beach Improvements and at the Market work with the recent heavy rains.

Water and Sewer: Working on low voltage power issues that are effecting the automated operations at the water treatment plant.

Solid Waste: Finished pumping the septic system and cleaning the runoff system that handles the liquid from the baling operation.

Law Enforcement: Buck Baznet is now working officially.

FIRE/EMS: Interviewed 3 new volunteers and have one more to interview. All have passed the recent training. The City has also been asked to participate with Klwock EMS in recertification for ETT-EMT I. The City will be splitting the cost with Klwock making our share \$2500.

Library: .

**MINUTES
FOR THE SPECIAL MEETING
OF THE CITY COUNCIL
FOR THE CITY OF THORNE BAY
ALASKA,
COUNCIL CHAMBERS
CITY HALL
THURSDAY
December 3, 2015
6:30p.m.**

The meeting was preceded by a workshop beginning at 6:00p.m.

1. CALL TO ORDER:

Mayor Gould called the meeting to order at 6:30p.m.

2. PLEDGE TO FLAG:

The council and audience stood for the pledge to the flag.

3. ROLL CALL:

Gould, Carlson, Slayton, McDonald, Burger and Edenfield were present. Hartwell attended by phone.

4. APPROVAL OF AGENDA:

Gould moved to approve the agenda noting the correct resolution number for item 9c. Hartwell seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda noting the correct resolution number for item 9c
F/S: Gould/Hartwell
YEAS: Burger, Gould, McDonald, Carlson, Slayton, Edenfield, and Hartwell
NAYS: None
STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor Gould reported he would be out of town for the Holidays returning January 8th.

6. CITY ADMINISTRATOR'S REPORT:

City Administrator gave a report.

7. PUBLIC COMMENTS:

Jim McFarland commented on the following:

- POW Votec meeting Monday December 7th at 1pm in the Votec Center
- Dinner out in Thorne Bay December 10th at 5pm, Girls Volley Ball team serving dinner with ASC Meeting starting at 6pm.
- Annual Christmas Dinner December 16th at the School Gym starting at 6pm. Bring your own plate and silverware
- Pre-Christmas Holiday Party at Rob Berney's home (currently occupied by Gary and Erica Anderson) at 5pm on December 22nd

Brandi Blair commented on the following:

- Appreciation for VPSO, Troopers and City for efforts in finding stolen guns. Items were returned

8. COUNCIL COMMENTS:

McDonald commented on the IFA.

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:

Gould moved to approve Resolution 15-12-01-01. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve Resolution 15-12-01-01

F/S: Gould/Slayton

YEAS: Edenfield, Carlson, Slayton, Gould, Hartwell, McDonald, and Burger

NAYS: None

STATUS: Motion Passed.

- 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:

Gould moved to approve Resolution 15-12-01-02. Burger seconded the motion. Gould stated the Legislative Appropriation request was the same as the year before since none of the projects had been funded. Slayton stated there were more options for water sources other than a well source. Slayton stated he wanted to make sure the wording in the Legislative request did not restrict to only that source of water. There was further discussion.

MOTION: Move to approve Resolution 15-12-01-02

F/S: Gould/Burger

YEAS: Slayton, Hartwell, Gould, Burger, Edenfield, McDonald and Carlson

NAYS: None

STATUS: Motion Passed.

- C. Resolution 15-12-01-03, a resolution of the City Council supporting POWCAC's resolution setting transportation priorities for Prince of Wales Island for 2016, discussion and action item:

Gould moved to approve Resolution 15-12-01-03. Hartwell seconded the motion. Gould stated Slayton had commented earlier on priority number 5 and 6 not being as big of a need since there had been other upgrades on travel sources to Coffman Cove. There was further discussion.

MOTION: Move to approve Resolution 15-12-01-03

F/S: Gould/Hartwell

YEAS: McDonald, Burger, Carlson, Gould, Edenfield, Hartwell and Slayton

NAYS: None

STATUS: Motion Passed.

10. ORDINANCES FOR INTRODUCTION:

- A. Ordinance 15-12-15-01, an ordinance of the City Council amending Title 16-Subdivisions, discussion and action item:

Gould moved to approve Ordinance 15-12-15-01. Edenfield seconded the motion. The City Administrator explained the changes to the ordinance were defining right-of-way and requiring new plats to have a statement to the effect that the City was not responsible for maintenance of roads or right of ways. There was further discussion.

MOTION: Move to approve Ordinance 15-12-15-01
F/S: Gould/Edenfield
YEAS: Edenfield, Burger, Hartwell, Carlson, Gould, Slayton, and McDonald
NAYS: None
STATUS: Motion Passed.

- 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:

Gould moved to approve Ordinance 15-12-15-02. Carlson seconded the motion. The City Administrator explained the ordinance change was to define the criteria needed for approving a variance and conditional use permit request. There was further discussion.

MOTION: Move to approve Ordinance 15-12-15-02
F/S: Gould/Carlson
YEAS: McDonald, Burger, Edenfield, Carlson, Gould, Slayton and Hartwell
NAYS: None
STATUS: Motion Passed.

- C. Ordinance 15-12-15-03, an ordinance of the City Council amending Title 18-Harbor, discussion and action item:

Gould moved to approve Ordinance 15-12-15-03. McDonald seconded the motion. The City Administrator explained this ordinance was to include the definition of submerged lands, and goes along with the resolution for establishing use fees. There was further discussion.

MOTION: Move to approve Ordinance 15-12-15-03
F/S: Gould/McDonald
YEAS: Carlson, Burger, McDonald, Gould, Hartwell, Slayton and Edenfield
NAYS: None
STATUS: Motion Passed.

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:

Gould moved to approve Ordinance 15-11-17-01. Hartwell seconded the motion. McDonald stated if the resolutions were repealed the City would not be able to set rates for fire and ems for two years. McDonald stated the code says the City may charge not shall charge. McDonald stated the current administration would not charge for a fire that was not at fault of the owner. Gould stated the fees are used to offset the expenses for fire and ems. There was further discussion.

MOTION: Move to approve Ordinance 15-11-17-01
F/S: Gould/Hartwell
YEAS: Burger, Carlson, Gould, Hartwell, Slayton and Edenfield
NAYS: McDonald
STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:

A. Expenditure exceeding \$2,000.00 for water and sewer chemicals, discussion and action item:

Gould moved to approve the expenditure of \$8,400.00 to Cascade Columbia plus shipping. McDonald seconded the motion. There was further discussion.

MOTION: Move to approve the expenditure of \$8,400.00 to Cascade Columbia plus shipping
F/S: Gould/McDonald
YEAS: McDonald, Burger, Carlson, Gould, Hartwell, Slayton and Edenfield
NAYS: None
STATUS: Motion Passed.

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. There was no executive session.

14. CONTINUATION OF PUBLIC COMMENT:

Yvonne Seaford commented on the following:

- Repeal of resolution question on the next ballot and what it meant to vote yes or no

The City Clerk stated voting no on the question for repealing the resolutions meant that the fire and ems fees would stay in effect, and voting yes on the question would repeal the resolutions establishing the fees and that no fees would be charged for fire and ems response.

Bruce Maldonado commented on the following:

- Sunken boat in the harbor over the weekend and thanked city for help with raising it

15. CONTINUATION OF COUNCIL COMMENT:

There were no further council comments.

16. ADJOURNMENT:

Mayor Gould adjourned the meeting at 7:25p.m.

James Gould, Mayor

ATTEST:

Teri Feibel, City Clerk

ADMINISTRATOR'S REPORT 12-1-15 Wayne Benner

Meetings Attended and Updates:

1. POWCAC--- meeting had more discussion on the DRAFT Borough Charter and the comment period has been extended until the March meeting. Those with comments on the draft charter need to be presented to the mayor and he will forward on to the Chair of POWCAC. Comments are not about whether there should be a borough but on the charter wording itself.
2. Forest Service new format for District Ranger---Matt Anderson, the Craig District Ranger will now also be the Thorne Bay District Ranger and he will have deputies at both Craig and Thorne Bay to deal with matters when he is not available. He plans on spending a lot of time in Thorne Bay.
3. City Hall had a little excitement Tue, hence the cancellation of the council meeting, when wires on the transformer grounded out while AP&T was replacing the street light sending 440 through city hall, the library, VPSO, Gefre trailer and two school owned trailers. According to AP&T connections at the transformer were not to code and were amazed that the short did not occur a long time ago. Thanks to power strips with fused protection and battery backups the only real loss was one old computer, one battery backup and 10 power strips. Had city hall not been open so staff could run out and yell at AP&T workers, who knows what might have happened. The power strip at one of the trailers, saved all the electronics plugged into it, but was hot enough to sing the wood and melted the plugs.

Tasks and Projects:

1. Will have the review meeting on Thursday for a 2 lot short plat.
2. More code amendments that are being reviewed by Bob Blasco (finance, purchasing, selling property, elections).
3. Trailer purchase for VPSO or Emergency Service personnel.
4. Location for Tongass Credit Union.
5. Finalizing Harbor Master Plan
6. Working with AP&T and Craig to try and get left over project funding from AEA for Greentree Heights and Craig Generator
7. Preparing letter and comments to DNR about their next plan to subdivide the land southeast of the sewage treatment plant.

Old Business:

New Business:

- A. Resolution 15-12-01-01 establishes moorage fees for use of city owned submerged lands, which is connected with Ordinance 15-12-15-03 that adds submerged lands as part of the harbor operations. Currently the city charges harbor fees for moorage at docks but has no fee for placing buoys on city owned submerged lands. Mooring boats at buoys would be similar to storing a boat on city property hence the rationale behind charging the same as a parking fee.
- B. Resolution 15-12-01-02 establishes the priority list for projects for the FY 17 Legislative Appropriations. Just received the CAPSIS information yesterday. With all the cut backs being discussed at the legislature not sure how capital projects will fair this year. This priority list is the same as last year as nothing was funded and the

same priorities still exist. Water and Sewer funding are still the top two priorities followed by Library Building, Solid Waste Waste Reduction Program and New Emergency Boat Engines.

- C. Resolution 12-15-01-03 establishes Thorne Bays Support for POWCAC's transportation resolution setting Transportation Priorities on POW. The priority list has not changed from last year except for some clarification on parts of projects completed and the addition of the North End Ferry. Kasaan Road Improvement still is the number 1 Surface Transportation Priority.
- A. Ordinance 15-12-15-01 amends Title 16-Subdivisions. This amendment clarifies the definition of right-of-way, how they are dedicated, vacated and the wording for the plats which is the same as approved by the council for the Skid Road Plat. The amendment also puts fees by resolution and clarifies some procedures and dates. Because of the number of sections dealing with subdivision the same changes show up in numerous areas. These amendments stem from the confusion with the recent request to vacate a portion of Right-of-way that the city does not own.
- B. Ordinance 15-12-15-02 amends conditional use and variance procedures. These amendments clarify the procedures for requesting a CUP or variance and the process for approving or denying them. These amendments stem from the confusion with recent variance requests.
- C. Ordinance 15-12-15-03 amends Title 18-Harbor to include regulating the use of city owned submerged lands. This amendment adds city owned submerged lands and uplands associated with submerged lands to the definition of Harbor Facilities. This amendment stems from the Harbor Master Plan discussions as to who regulates use of the areas around the city harbor facilities. The State of Alaska requires permits for placement of buoys in all areas outside the city owned submerged lands.
- A. Ordinance 15-11-17-01 is the second reading of the request placing the repeal of Emergency Fees on the ballot.

Expenditures of \$8450 plus shipping are for the purchase of 3 chemicals to be used by both the water and sewer department. This occurs annually as we try to buy the chemicals that come from the same company at one time to consolidate the shipping.

Streets and Roads: Made it through the first snow without too many glitches despite Max being out of town.

Water and Sewer: Had one water leak but luckily it surfaced in the road so was found quickly but it was enough to interrupt treatment operations.

Solid Waste: We have been evaluating the need to continue having the Solid Waste facility open to the public on Thursdays. Will be meeting with staff to make sure operations are conducted in a way that meets the conditions of the new permit.

Law Enforcement: In between training Buck has been making his presence around town. Monday morning there were two vehicles broken into on Bay View Court. Cameras here at city hall and at the harbor have helped with the investigation.

FIRE/EMS: Had one EMS call.

Library:

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

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA; ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY16 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT THIS ALLOCATION METHOD FAIRLY REPRESENTS THE DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS ACTIVITY IN FMA 19, SOUTHERN SOUTHEAST

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

WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY16 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department of Commerce, Community, and Economic Development that the municipality suffered significant effects during calendar year 2014 from fisheries business activities; and

WHEREAS, 3 AAC 134.060 provides for the allocation of available program funding to eligible municipalities located within fisheries management areas specified by the Department of Commerce, Community, and Economic Development; and

WHEREAS, 3 AAC 134.070 provides for the use, at the discretion of the Department of Commerce, Community, and Economic Development, of alternative allocation methods which may be used within fisheries management areas if all eligible municipalities within the area agree to use the method, and the method incorporates some measure of the relative significant effect of fisheries business activity on the respective municipalities in the area; and,

WHEREAS the City of Thorne Bay City Council proposes to use an alternative allocation method for allocation of FY16 funding available within the FMA 19: SOUTHERN SOUTHEAST in agreement with all other municipalities in this area participating in the FY16 Shared Fisheries Business Tax Program;

NOW THEREFORE BE IT RESOLVED THAT the City Council of the City of Thorne Bay by this resolution certifies that the following alternative allocation method fairly represents the distribution of significant effect during 2014 of fisheries business activity in the FMA 19: SOUTHERN SOUTHEAST:

All municipalities share equally 50% of allocation; all municipalities share remaining 50% on a per capita basis.

Ketchikan Gateway Borough population is reduced by the population of the Cities of Ketchikan and Saxman

PASSED AND APPROVED December 15, 2015

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

FY 16 Shared Fisheries Business Tax Program

FMA 19: Southern Southeast Area					FY 16 Landing Tax Allocation	
<i>Alternative Method*</i>	Total allocation: \$50,392.30	50% Divided \$25,196.15	50% per capita \$25,196.15			\$0.00
Community	Population	50% divided share	50% per capita share	Calculated Allocation		Calculated Allocation
Craig	1,198	\$3,149.52	\$1,792.99	\$4,942.51		\$0.00
Hydaburg	405	\$3,149.52	\$606.14	\$3,755.66		\$0.00
Kasaan	75	\$3,149.52	\$112.25	\$3,261.77		\$0.00
Ketchikan Boro**	5,092	\$3,149.52	\$7,620.96	\$10,770.48		\$0.00
Ketchikan	8,314	\$3,149.52	\$12,443.17	\$15,592.69		\$0.00
Klawock	802	\$3,149.52	\$1,200.32	\$4,349.83		\$0.00
Saxman	419	\$3,149.52	\$627.10	\$3,776.62		\$0.00
Thorne Bay	530	\$3,149.52	\$793.23	\$3,942.74		\$0.00
Totals	16,835	\$25,196.15	\$25,196.15	\$50,392.30		\$0.00
Community Count	8					

* All municipalities share 50% of allocation equally; share remaining 50% on a per capita basis.
 **Ketchikan Borough Population = Borough (13,686) - Cities of Saxman and Ketchikan

NOV 18 2015
 COMMUNITY

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

**A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, ESTABLISHING
SUBDIVISION AND PLATTING FEES**

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

WHEREAS, Title 16 of the Thorne Bay Municipal Code provides a means for the City to assess fees for permits; and

WHEREAS, the City is in the process of removing all fees from the Thorne Bay Municipal Code; and

WHEREAS, the Platting and Subdivision sections of the Thorne Bay Municipal Code state that "fee as set by resolution of the city council"; and

WHEREAS, the Thorne Bay Municipal Code currently sets \$25 as the fee for the applications required to process the subdivision and platting process; and,

WHEREAS, the City of Thorne Bay has determined the need to increase the fees for process the subdivision and platting applications to Fifty (\$50) dollars for Chapter 16.12, Platting Requirement, Chapter 16.16, Short Plats, and Chapter 16.20 Preliminary Plats; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Thorne Bay establishes subdivision and platting fees at fifty (\$50) dollars.

PASSED AND APPROVED December 15, 2015

James Gould, Mayor

ATTEST:

Teri Feibel, City Clerk/Treasurer

CITY OF THORNE BAY
ORDINANCE 16-01-05-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 15-BUILDINGS AND CONSTRUCTION, CHAPTER 15.04-
SETBACKS, ADDING SECTION 15.04.020-DEVELOPMENT PLANS

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 15-Buildings and Construction, Chapter 15.04-Setbacks, and adding Section 15.20.020-Development Standards, is hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED January 5, 2016

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: December 15, 2015]
[Public Hearing: January 5, 2016]

TITLE 15-BUILDINGS AND CONSTRUCTION
CHAPTER 15.04-SETBACKS
ADDING SECTION 15.04.020-DEVELOPMENT PLANS

15.04.020 Development Plans.

1. Purpose: to make the public aware of setback requirements and eliminate building encroachments into rights-of-ways, easements and other properties.

2. Plan Required. No ~~commercial~~ structure shall be erected, constructed, enlarged, relocated or extended without a development plan permit issued by the city. No existing use of a ~~commercial~~ structure shall be converted to another use without a permit issued by the city. Failure to submit a development plan shall be a violation of this chapter.

3. Application. All applications for development plans shall be completed on city forms and accompanied by a site plan that includes:

- a. Property boundaries and dimensions;
- b. Scale with north arrow;
- c. All existing and proposed structures and their dimensions;
- d. Distance of structures to all lot lines;
- e. Rights-of-way and easements adjacent to the property;
- f. Off-street parking spaces with their dimensions;
- g. Location of utility poles, and water and sewer lines;
- h. Access and driveways;
- i. Any topographical features that may affect the development of the property;
- j. Proposed use of the new structure and current use of any existing buildings.

Applications for development plans and driveway site plans shall be kept on file at City Hall. A record of plans shall also be kept on an annual basis.

4. After a site inspection to confirm the site plan, the city zoning official shall approve or deny the permit within five business days. Decisions of the administrative official

may be appealed to the planning commission. See Section 17.04.060

5. Complaints and Violations. If a violation occurs, any citizen may file a complaint at City Hall. The city zoning official shall record and investigate all complaints.

6. Stop-work Orders. If any construction work is being done contrary to this provision or without a development plan, the city zoning official or the VPSO may issue a stop-work order. This order shall be in writing and shall be posted in a conspicuous location at the building site and shall be sent to the property owner by certified mail. No person may proceed in construction or moving/relocating a building at a site so posted until authorized by the city zoning official or VPSO to proceed. A development plan may be revoked if the permit issued is in error based on incorrect information, or the permit is in violation of other regulations or provisions of ~~this~~ **Thorne Bay Municipal** code.

7. Exemption From the Development Plan Requirement. Providing all setback requirements are met where applicable, the following ~~commercial~~ structures do not require a development plan:

- a. Fences constructed up to the property line;
- b. Retaining walls not over four feet;
- c. Platforms, walls and driveways not more than thirty inches above grade;
- d. Temporary structures such as booths and other similar structures.

8. Plans Required Prior to Utility Hookup. No hookup for sewer, water, or water meter shall be made for any ~~commercial~~ structure, ~~commercial~~-mobile home or ~~commercial~~ trailer within the city until a development plan is issued.

9. Penalties for Violations. When a violation of the provisions of this title occur, the property owner shall incur a civil penalty not to exceed one hundred dollars for each day of continuing violation. (Ord. 93-23 § 6(part), 1993)

The above wording is currently in the Thorne Bay Municipal, 17.04.030 Public Zone C. Development Plans., with the additional wording as bolded and deletion of wording as shown crossed out.

CITY OF THORNE BAY
ORDINANCE 16-01-05-02

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 17-ZONING, CHAPTERS 17.04 –PLANNING AND ZONING, SECTIONS 17.04.022-Residential zone, 17.04.023 Deer Creek residential, 17.04.024 Mixed residential/commercial I, 17.04.025 Mixed residential/commercial II, 17.04.026 Mixed residential/commercial III, 17.04.027 Commercial zone, 17.04.028 Industrial zone, 17.04.029 Waterfront development zone, 17.04.030 Public zone

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, Chapter 17.04-Planning and Zoning, Sections 17.04.022-Residential zone, 17.04.023 Deer Creek residential, 17.04.024 Mixed residential/commercial I, 17.04.025 Mixed residential/commercial II, 17.04.026 Mixed residential/commercial III, 17.04.027 Commercial zone, 17.04.028 Industrial zone, 17.04.029 Waterfront development zone, 17.04.030 Public zone, are hereby amended.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED January 5, 2016

James Gould, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: December 15, 2015]
[Public Hearing: January 5, 2016]

Additions are in bold

17.04.022 Residential zone. The purpose of the residential zone is to maintain property values and to provide for aesthetically pleasing neighborhoods by permitting single-family houses, duplexes and modular homes with a limited range of compatible uses. **Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.**

17.04.023 Deer Creek residential. The purpose of this zone is to create an aesthetically pleasing residential subdivision consisting of permanent single-family housing. Lot DC14B shall be exempt from this title for the duration of municipal ownership. **Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.**

17.04.024 Mixed residential/commercial I. The purpose of this zone is to maintain property values and to provide for aesthetically pleasing neighborhoods by permitting single-family houses, duplexes and modular homes with a limited range of compatible uses. **Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.**

17.04.025 Mixed residential/commercial II. The purpose of this zone is to provide for an aesthetically pleasing neighborhood and to maintain property values by permitting single-family houses, duplexes and mobile homes plus accommodating present mixed commercial uses. **Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.**

17.04.026 Mixed residential/commercial III. The purpose of this zone is to be as open and unrestrictive as possible by allowing many different, compatible uses, yet still provide protection to all property owners in the subdivision. **Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.**

17.04.027 Commercial zone. The purpose of the commercial zone is to accommodate a wide range of commercial and compatible light industrial uses. **Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.**

Additions are in bold

17.04.028 Industrial zone. This zoning designation is intended to provide an area that is suitable for both heavy and light industrial uses such as manufacturing, processing, repairing and assembling.

Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.

17.04.029 Waterfront development zone. The purpose of this zone is to reserve areas with direct waterfront access for water-dependent or water-related uses and to give these uses first priority.

Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.

17.04.030 Public zone. The purpose of this zone is to reserve public lands for uses generally associated with government administration, and that benefit the public health, safety and welfare and local economy.

Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties.

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

James Gould, Mayor

ATTEST:

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

Page 3

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

James Gould, Mayor

ATTEST:

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)

MOBILE HOME PURCHASE

Proposed Project. To purchase of a mobile home to be used as housing for law enforcement/emergency service personnel.

The City allowed the Gefre' to lease a space to set up a mobile home on city property for the purpose of housing VPSO personnel in 2012. The Gefre' have expressed interest in selling the mobile home wherein, per the rental agreement, it would have to be moved from the present location. I would recommend the City consider purchasing the mobile home for housing that the city can in turn rent as needed, preferably for law enforcement/emergency service personal with the option that it could be used to house other persons who are similarly important to the City, such as a teacher.

In the past the city has had housing they rented, currently pays Stipends to a VPSO for housing and currently rents housing and spaces at the RV Park.

Objective. The objective is to save the City money over the long run and insure housing availability for those providing services for the city.

The City of Thorne Bay currently budgets and pays a \$700 Stipend for VPSO housing when the VPSO lives in Thorne Bay. When there were two VPSO in Thorne Bay the housing stipend was \$700 per VPSO (\$1400 per month). If the city owned housing that would eliminate the need to pay housing Stipends. If the housing was not used for VPSO housing it could be made available for emergency service providers or whoever else the City feels is providing the City a service. For the past 14 years the city has budget and paid a housing stipend for VPSO alone.

Cost. The asking price for the mobile home is \$28,600

There are a number of options as to how the mobile home could be purchased. Three stand out as follows:

1. The City could borrow the money from Tongass Credit Union and make payments with the \$700 per month stipend currently budgeted for housing. This would require a down payment and the City would be paying interest. Additional funds if necessary could be supplemented with money from the bed tax dedicated to emergency services.
2. The City could pay the full \$28,600 using the funding from the bed tax dedicated to emergency services. This would eliminate the ability for funding of other emergency needs.
3. The City could pay the \$28,600 in monthly installments directly to the Gefre' using the \$700 per month stipend currently budgeted for housing plus an additional \$100 per month from the bed tax. This would be the recommended option as Nick Gefre has agreed to a monthly payment of \$800 per month (no interest) which would result in paying the mobile home off in 36 months.

Location. The Trailer sits on municipal property to the north of city hall.

Reason. The City, by having housing, would make negotiations with prospective VPSO's or others seeking employment or volunteering for the city much easier. With the City owning housing there would not be the issue of leaving the hiring or appointment contingent upon finding housing. Had we not been able to convince Adventure Alaska to rent us a room during the winter, the hiring of a City Administrator may have taken a different twist in 2010. Owning the trailer would also provide assurance that housing would be available for VPSO or other need housing.

No Action. If no action is taken the modular home would continue to be rented by a third party as long as it is located on City land. The City would continue to be at the mercy of third parties for providing housing. Plus the City has no control over rental costs. If the owner removed the modular home there may be difficulty finding affordable housing for Fire/EMS or other such persons.

What other Actions would meet the same need? The City could continue to pay a stipend for housing assuming housing is available. This may require an increase in stipend based on available housing.

Adverse Effects. The only adverse effect is the City would own a Mobile Home and need to establish a budget for maintenance. There are no real adverse effects.

The bottom line the City is responsible to mitigate any adverse effects. The trailer was recently remodeled inside with all new appliances including hot water heater. Hence there should be no major costs in the near future

- Maintenance on the trailer will be minimal and the rental agreements can be worded wherein the renter assumes some responsible for small repairs and upkeep. Would recommend this as having responsibility establishes the mentality of ownership.
- Owning the living quarters will allow the City to better negotiate with employees who provide Law Enforcement and Emergency Services.
- This would be mitigating the adverse effect of stipends being paid out for housing after the purchase was completed.