

CITY OF DILLINGHAM PLANNING COMMISSION

RESOLUTION NO. 2025-14

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL DIRECT STAFF TO CONDUCT A COMPREHENSIVE STREET-BY-STREET EVALUATION AND DEVELOP A STREET MAINTENANCE ORDINANCE TO BRING CITY PRACTICES INTO COMPLIANCE WITH MUNICIPAL CODE REQUIREMENTS

WHEREAS, the City of Dillingham Municipal Code Sections 17.23.090 and 17.23.100 require formal city inspection and written acceptance before the city assumes maintenance responsibility for any street; and

WHEREAS, upon investigation, the Planning Commission has determined that no street currently maintained by the City of Dillingham has the required formal acceptance documentation as mandated by Municipal Code; and

WHEREAS, the city currently maintains various streets without legal authority while refusing to maintain other dedicated streets such as Dragnet Drive and Squaw Creek Road, creating arbitrary and inconsistent treatment of property owners; and

WHEREAS, the Municipal Code contains no grandfather clause for streets developed prior to the adoption of comprehensive subdivision regulations in 1990 (Ordinance 90-03); and

WHEREAS, original subdivision developers for most existing streets are deceased and all affected parcels are now privately owned, making retroactive compliance with original subdivision approval procedures impossible; and

WHEREAS, the current inconsistent maintenance practices violate the city's own municipal code, create potential legal liability, prevent accurate budget planning, and undermine fair treatment of all property owners; and

WHEREAS, a local federally-recognized tribe has claimed city-dedicated streets, state roads, and other public rights-of-way in their Tribal Transportation Program (formerly Indian Reservation Roads) inventory and receives federal funding based on these claims, but does not maintain any of the claimed roads; and

WHEREAS, the overlapping and conflicting claims between the city, tribe, state, and private property owners create federal compliance concerns and require coordination with the Bureau of Indian Affairs and Federal Highway Administration; and

WHEREAS, the Planning Commission cannot effectively develop a Comprehensive Plan, Capital Improvement Program, or Road Priority List without first establishing clear legal authority and responsibility for street maintenance; and

WHEREAS, Municipal Code Chapter 17.19 (Street Design and Construction Standards) establishes objective engineering standards for right-of-way width, improved surface width, construction specifications, sight distances, grades, and other measurable criteria that can be applied uniformly to evaluate all existing streets; and

WHEREAS, resolving street maintenance responsibilities is a prerequisite to meaningful comprehensive planning, capital improvement programming, and coordination with federal, state, and tribal transportation authorities;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1: RECOMMENDATION TO CITY COUNCIL

The Dillingham Planning Commission recommends that the City Council adopt a resolution directing staff to conduct a comprehensive street-by-street evaluation and develop a Street Maintenance Ordinance as described herein, and refer the matter to the Code Committee for ordinance development.

SECTION 2: COMPREHENSIVE STREET INVENTORY AND EVALUATION

The Planning Commission recommends the City Council direct staff to complete within six (6) months a comprehensive inventory and evaluation of all streets within city boundaries, including:

A. Street Inventory Documentation:

1. Legal status (dedicated public right-of-way, easement, or private)
2. Right-of-way width and improved surface width measurements
3. Current city maintenance practices
4. Number of parcels served by each street
5. Integration with city street system
6. Utility infrastructure present
7. Emergency vehicle access requirements
8. Historical subdivision approval documentation

B. Engineering Assessment Using Municipal Code Standards (Chapter 17.19):

Evaluate each street against:

- Right-of-way width compliance (Section 17.19.050)
- Improved surface width compliance (Section 17.19.050)
- Construction standards (Section 17.19.100): 18" compacted gravel, 95% compaction, drainage
- Safety standards: sight distances, grades, curve radius (Sections 17.19.080, 17.19.100.J)
- Public benefit: parcels served, emergency access, network integration

C. Federal Coordination:

Staff shall coordinate with:

1. Bureau of Indian Affairs Alaska Region to obtain tribal TTP inventory and clarify overlapping claims
2. Federal Highway Administration to understand TTP eligibility and coordination requirements
3. Alaska Department of Transportation to clarify jurisdictional boundaries

D. Legal Analysis:

City Attorney shall provide written analysis of:

- Municipal code violations in current practices
- Legal liability from inconsistent maintenance
- Federal compliance issues related to tribal TTP claims
- Recommended framework for street acceptance ordinance

SECTION 3: STREET ACCEPTANCE CRITERIA

Within three (3) months of completing inventory, develop objective criteria for street acceptance based on Municipal Code standards:

A. Minimum Acceptance Requirements:

1. **Safety and Structural Adequacy** - meets minimum construction standards (Section 17.19.100)
2. **Right-of-Way Status** - dedicated public right-of-way with minimum 50-foot width
3. **Public Necessity** - serves multiple parcels or provides essential public access
4. **Integration** - connects to city street network
5. **Financial Feasibility** - reasonable ongoing maintenance costs

B. Modified Standards for Pre-1990 Streets:

Develop alternative acceptance standards for existing streets that meet minimum safety requirements even if not meeting full current code, including reduced right-of-way widths where justified by engineering analysis.

C. Non-Accepted Streets:

Streets not meeting criteria shall be designated for:

- Private maintenance responsibility with property owner notification, OR
- Vacation proceedings under Chapter 17.15, OR
- Exception road status under Section 17.07.090.E, OR

- Conditional acceptance with required property owner-funded improvements

SECTION 4: COMMUNITY ENGAGEMENT

Conduct comprehensive public process including:

- Community meetings explaining situation and approach
- Written notification to all affected property owners
- Minimum 30-day public comment period
- Government-to-government tribal consultation
- Public hearings before Planning Commission and City Council

SECTION 5: COMPREHENSIVE STREET MAINTENANCE ORDINANCE

Direct Code Committee to develop ordinance including:

A. Code Amendments:

1. **New Section 17.23.xxx - Existing Street Acceptance:**
 - Procedures for evaluating existing streets
 - Acceptance criteria from Section 3
 - Modified standards for pre-1990 streets
 - Appeal procedures
2. **New Section 17.23.xxx - Grandfather Provisions:**
 - Streets currently maintained meeting minimum safety standards deemed accepted
 - Formal inspection within 12 months
 - Streets not meeting safety standards subject to evaluation criteria
3. **Amendments to Sections 17.23.090 and 17.23.100:**
 - Clarify application to new subdivisions
 - Reference new sections for existing streets

B. New Chapter: Street Maintenance Responsibilities

Including sections on:

- Definitions (City-Maintained vs. Private-Maintenance Streets)
- Official Street Inventory with four schedules:
 - **Schedule A:** City-Maintained Streets (with legal basis for each)
 - **Schedule B:** Private-Maintenance Streets (with owner responsibilities)
 - **Schedule C:** Streets Under Evaluation (with required improvements)
 - **Schedule D:** Streets Recommended for Vacation
- City maintenance obligations for Schedule A streets
- Private maintenance obligations for Schedule B streets
- Petition process for property owners to request acceptance
- Annual review and update procedures

- Effective date and transition timeline

SECTION 6: FEDERAL AND TRIBAL COORDINATION

Prior to final ordinance adoption:

1. Complete government-to-government consultation with affected tribe
2. Obtain written BIA guidance on coordination procedures
3. Notify Federal Highway Administration of acceptance process
4. Explore opportunities for coordinated maintenance agreements using TTP funds

SECTION 7: RELATIONSHIP TO COMPREHENSIVE PLAN

Resolution of street maintenance responsibilities is prerequisite to development of Comprehensive Plan transportation element, Capital Improvement Program, and Road Priority List. Street inventory shall be incorporated as official transportation facilities inventory in Comprehensive Plan.

SECTION 8: TIMELINE

- **Months 1-6:** Street inventory and evaluation
- **Months 4-6:** Community engagement begins
- **Months 7-9:** Acceptance criteria development and federal coordination
- **Months 10-12:** Code Committee drafts ordinance
- **Month 12:** Planning Commission review
- **Month 13:** City Council hearings and adoption
- **Months 13-24:** Implementation and transition

SECTION 9: FISCAL IMPACT

Implementation requires staff time, engineering consultant, legal counsel, and public meeting costs. However, cost of action is significantly less than cost of continued legal violations, liability risk, budget uncertainty, and federal compliance issues.

SECTION 10: RECOMMENDATION

The Dillingham Planning Commission recommends the City Council:

1. Adopt resolution directing comprehensive street-by-street evaluation;
2. Refer to Code Committee for Street Maintenance Ordinance development;
3. Authorize necessary funding and resources;
4. Direct federal, state, and tribal coordination; and
5. Report progress to Planning Commission quarterly.

PASSED and ADOPTED by the Dillingham Planning Commission on December 10, 2025.

SEAL:

Cade Woods, Commissioner

ATTEST:

Abigail Flynn, City Clerk