

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2026-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DILLINGHAM, ALASKA, ADOPTING THE 2036 DILLINGHAM COMPREHENSIVE PLAN UPDATE AS THE OFFICIAL COMPREHENSIVE PLAN OF THE CITY OF DILLINGHAM PURSUANT TO AS 29.40.030 AND DMC 18.04.020(B), SUPERSEDING THE 2010 DILLINGHAM COMPREHENSIVE PLAN, AND ESTABLISHING AN IMPLEMENTATION FRAMEWORK.

WHEREAS, Alaska Statute AS 29.40.030(a) mandates that the planning commission of a first class city shall prepare and recommend to the city council a comprehensive plan for the development of the municipality. This statutory obligation is not discretionary — it is a foundational requirement of municipal governance for first class cities under Alaska law;

WHEREAS, Alaska Statute AS 29.40.030(b) further mandates that a first class city shall adopt a comprehensive plan. The use of the word "shall" establishes this as a binding legal duty of the City Council, enforceable under Alaska law and essential to the City's ability to lawfully exercise its planning, zoning, and land use authorities under AS 29.40.040;

WHEREAS, Dillingham Municipal Code Section 18.04.020(B) separately and independently requires that the City Council shall adopt by ordinance a comprehensive plan upon receiving the recommendation of the Planning Commission, and shall periodically undertake an overall review of the plan and update it as necessary. This Ordinance satisfies both the state statutory requirement and the City's own code obligation;

WHEREAS, Alaska Statute AS 29.40.040 provides that after adoption of a comprehensive plan, the planning commission of a first class city shall prepare and recommend land use regulations to implement the comprehensive plan, and no land use regulation shall be adopted, amended, or repealed without first being referred to the planning commission. The existence of a current, adopted comprehensive plan is therefore a legal prerequisite to the full and lawful exercise of the City's land use and zoning authority;

WHEREAS, Alaska Statute AS 29.40.030(c) states that a comprehensive plan shall set out development policies for the municipality and may address the location, character, and extent of streets, utilities, public facilities, recreation areas, and land uses. The 2036 Dillingham Comprehensive Plan Update is designed to fully satisfy and implement these statutory requirements across all eight of its focus areas;

WHEREAS, the City of Dillingham is incorporated as a home rule municipality and first class city under the laws of the State of Alaska and is therefore fully subject to the requirements, obligations, and authorities set forth in AS 29.40.030, AS 29.40.040, and DMC 18.04.020(B). The City Council has an affirmative legal duty to ensure that a current and valid comprehensive plan is in effect at all times;

WHEREAS, the City of Dillingham last adopted a Comprehensive Plan in 2010, and the Planning Commission and City administration determined that a comprehensive update was both legally necessary and practically essential to reflect the substantial changes in community conditions, demographics, infrastructure, housing, economic circumstances, and regional challenges that have occurred in the

sixteen years since the prior plan was adopted;

WHEREAS, the 2036 Dillingham Comprehensive Plan Update (hereinafter the "Plan") was developed through an extensive, inclusive, and legally sufficient community engagement process extending from Spring 2023 through Spring 2026, including: (a) a community site visit in May 2023; (b) a community-wide survey and stakeholder interviews conducted in Fall 2023; (c) compilation and analysis of demographic, economic, housing, infrastructure, environmental, and hazard data; (d) a Planning Commission work session held January 28, 2026; (e) public release of a draft plan for public review and comment on February 12, 2026; and (f) a public hearing held before the Planning Commission prior to transmittal to the City Council;

WHEREAS, the planning process was conducted with technical assistance from Agnew::Beck Consulting and was overseen by the Dillingham Planning Commission, comprising seven seated commissioners who fulfilled their advisory and review duties under AS 29.40.030(a) with diligence and commitment to community service;

WHEREAS, the Planning Commission adopted Resolution No. PC-2026-02 on April 28, 2026, formally adopting the Plan as the planning commission's recommended comprehensive plan for the City of Dillingham and transmitting it to the City Council with a recommendation for adoption, fulfilling the Commission's statutory obligation under AS 29.40.030(a) and its advisory role under DMC 18.04.020(B);

WHEREAS, the Dillingham City Council has duly noticed and conducted a public hearing on the Plan in accordance with applicable provisions of Alaska law and the Dillingham Municipal Code, and has provided the public with a full and fair opportunity to review, comment upon, and participate in the adoption process;

WHEREAS, the Plan establishes a community vision — that Dillingham's residents, Tribes, businesses, and community partners will work together to build a vibrant, resilient community by revitalizing infrastructure, expanding opportunities, and protecting the land, waters, and traditions that sustain Dillingham's way of life — and articulates seven core values: Community Wellbeing, Stewardship, Cultural Values, Opportunity and Prosperity, Safe and Connected Community, Collaboration, and Education;

WHEREAS, the Plan addresses eight focus areas essential to Dillingham's long-term health and resilience: (1) Housing, (2) Land Use, (3) Transportation, (4) Waterfront, (5) Economic Development, (6) Energy, (7) Community Wellness and Education, and (8) Public Facilities and Services — each supported by goals, evidence-based strategies, and actionable steps consistent with the development policy requirements of AS 29.40.030(c) and the content standards of DMC 18.04.020(A);

WHEREAS, with respect to Housing, the Plan finds that Dillingham faces a documented 232-unit housing deficit over the next ten years, with construction costs regularly exceeding \$300 per square foot and freight adding an additional 20-30 percent; that housing shortages directly constrain the City's ability to recruit and retain teachers, healthcare workers, and essential employees; and that no single entity can address this need alone, requiring coordinated action among the City, Curyung Tribal Council, Bristol Bay Housing Authority, ANTHC, Bristol Bay Native Association, and regional employers;

WHEREAS, with respect to Land Use, the Plan updates the City's Future Land Use Map for the first time since 2010, reflecting new residential development, downtown conditions, coastal erosion dynamics, and the need to modernize Title 17 Subdivision Code and Title 18 Planning and Land Use Regulation to create more buildable lots, reduce development uncertainty, and protect natural systems including Dillingham's wetlands, erosion-prone shoreline (ranked 12th of 58 rural Alaska communities for erosion risk), and sensitive tundra ecosystems;

WHEREAS, with respect to Transportation, the Plan identifies persistent maintenance gaps in Dillingham's approximately 128-mile road network and establishes strategies for safe routes, trail and sidewalk connectivity, motorized recreation management, marine and aviation access coordination with Alaska DOT&PF and the FAA, and cross-agency transportation planning with the Curyung Tribal Council and BBNA;

WHEREAS, with respect to the Waterfront, the Plan prioritizes completion of Phase I harbor upgrades including float replacements, bulkhead extensions, revetment construction, and utility expansion essential to sustaining Dillingham's role as the hub of the Bristol Bay commercial fishing economy, alongside development of public waterfront spaces, subsistence access improvements, and redevelopment of the Bingman property;

WHEREAS, with respect to Economic Development, the Plan recognizes commercial fishing as the backbone of Dillingham's economy and the Bristol Bay salmon fishery as a world-class, irreplaceable natural resource, and establishes strategies to increase local participation, extend the processing season, modernize harbor facilities, position Dillingham as the Heart of Bristol Bay for sportfishing and cultural tourism, and support locally owned businesses and workforce development;

WHEREAS, with respect to Energy, the Plan addresses the disproportionate burden of high energy costs on Dillingham residents, businesses, and the City's ability to deliver services, and establishes strategies for energy efficiency, weatherization, and diversification of the energy supply through renewable options including hydro, wind, solar, biomass, and waste-heat recovery in partnership with Nushagak Cooperative and regional entities;

WHEREAS, with respect to Community Wellness and Education, the Plan addresses urgent behavioral health needs including addiction, suicide prevention, and family violence, alongside strategies for teacher retention, vocational training, cultural programming, and expanded youth opportunity, reflecting the community's understanding that a safe, healthy, and educated population is the foundation of everything else the Plan seeks to accomplish;

WHEREAS, with respect to Public Facilities and Services, the Plan addresses decades of deferred maintenance in City buildings, equipment, and infrastructure, establishes a framework for systematic asset management, and prioritizes investment in water and wastewater systems, solid waste compliance, fire and EMS facility modernization, and the development of recreation programs and spaces that support community wellness;

WHEREAS, the Plan includes an updated Future Land Use Map with clearly defined land use designations for all areas within the City of Dillingham, a Cross-Reference Table linking related strategies across focus areas, an implementation framework based on annual work plans with assigned responsibilities and timelines, and a framework for measuring and reporting progress to residents and the City Council;

WHEREAS, the Plan reflects and honors the foundational importance of the Curyung Tribal Council, the subsistence traditions and cultural heritage of the Yup'ik people, the ANCSA land holdings of Choggiung Limited and other Native landowners, and the collaborative governance relationships between the City and its Tribal and regional partners that are essential to meaningful progress on every goal in the Plan;

WHEREAS, the City Council finds that the Plan is consistent with the needs, values, and priorities of the Dillingham community; satisfies the content requirements of AS 29.40.030(c) and DMC 18.04.020(A); was developed through a legally sufficient public process consistent with DMC 18.04.020(B); and constitutes a sound, comprehensive, and actionable framework for guiding municipal decision-making through 2036;

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Dillingham, Alaska:

SECTION 1. Adoption. The Dillingham City Council hereby adopts the 2036 Dillingham Comprehensive Plan Update as the official comprehensive plan of the City of Dillingham, effective upon the date of this Ordinance's adoption, in full satisfaction of the City's obligations under Alaska Statute AS 29.40.030(b) and Dillingham Municipal Code Section 18.04.020(B).

SECTION 2. Amendment to DMC Chapter 18.04. Dillingham Municipal Code Section 18.04.010 is hereby amended to read as follows: "The City comprehensive plan was originally adopted by Ordinance 85-12 on December 5, 1985, and was subsequently updated and readopted by Ordinance 2026-___ on _____, 2026. The 2036 Dillingham Comprehensive Plan Update is the operative comprehensive plan of the City of Dillingham."

SECTION 3. Supersession of 2010 Plan. The 2036 Dillingham Comprehensive Plan Update shall, upon adoption, supersede and replace the 2010 Dillingham Comprehensive Plan in its entirety. The 2010 Plan shall have no further force or effect as a governing planning document of the City of Dillingham.

SECTION 4. Policy Authority. The Plan shall serve as the primary guiding policy document for all Planning Commission and City Council deliberations, decisions, and actions relating to land use, zoning, subdivision, development review, capital investment, grant applications, and public facility planning. No land use regulation shall be adopted, amended, or repealed without first being referred to the Planning Commission as required by AS 29.40.040, with the 2036 Comprehensive Plan Update serving as the framework against which all such proposals shall be evaluated.

SECTION 5. Annual Work Plan. City staff and the Planning Department Director are directed to develop an initial Annual Work Plan within ninety (90) days of adoption, identifying priority actions from the Plan's eight focus areas, assigning lead responsibility to City departments or partner organizations, establishing measurable objectives and timelines, estimating resource needs, and providing a framework for reporting progress to the City Council. Subsequent Annual Work Plans shall be presented to the City Council as part of the annual budget and Capital Improvement Plan process.

SECTION 6. Grant and Intergovernmental Authority. The City Manager and Planning Department Director are authorized and directed to use the Plan as the primary policy basis for pursuing state and federal grant funding, executing intergovernmental agreements and memoranda of understanding, engaging with Tribal, regional, and state partners, and advancing capital projects consistent with the Plan's goals and strategies. The City's grant applications and project submittals shall reference and be consistent with the Plan.

SECTION 7. Progress Reporting. The City Council directs that progress toward the Plan's goals be tracked using measurable indicators and reported publicly on an annual basis, including through updates to the City's Capital Improvement Plan, community surveys, and public presentations. The Planning Commission shall include Comprehensive Plan implementation status as a standing item in its annual report to the City Council.

SECTION 8. Official Document. The City Clerk is directed to maintain the 2036 Dillingham Comprehensive Plan Update as an official City document, make it available to the public in the City offices and on the City's website, and ensure that all references to the Comprehensive Plan in City ordinances, regulations, resolutions, and policies are understood to refer to the 2036 Plan from the effective date of this Ordinance forward.

SECTION 9. Acknowledgment of Service. The City Council expresses its sincere appreciation to the seven members of the Dillingham Planning Commission who dedicated their time, judgment, and commitment to community service throughout this process; to the residents, businesses, Tribal partners, and regional organizations who participated in surveys, interviews, and public meetings; and to Agnew::Beck Consulting for their technical assistance. This Plan is a community document, and its value will be measured by the action it inspires.

SECTION 10. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance or the Plan adopted herein is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 11. Effective Date. This Ordinance shall take effect thirty (30) days after adoption and signature by the Mayor, in accordance with DMC provisions governing the effective date of ordinances, unless the Council specifies an earlier effective date by separate action.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

_____, 2026.

Alice Ruby, Mayor

ATTEST:

[SEAL]

Abigail Flynn, City Clerk

Statutory references: AS 29.40.030 (Comprehensive Plan — mandatory adoption for first class cities); AS 29.40.040 (Land use regulations — must be consistent with comprehensive plan). Municipal code reference: DMC 18.04.020(B) (Adoption by ordinance required; periodic review by Council). Staff should verify all statutory and code citations against current Alaska Statutes and the Dillingham Municipal Code prior to final adoption.