



CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

543-2297—Area Code 907

PLANNING/PORT SPECIAL MEETING MINUTES

February 8, 1993

CALL TO ORDER

Port Commission Chairman DeSousa called the special Planning/Port Commission meeting of February 8, 1993, to order at 7:30.

ROLL CALL

Present: (Port) Allen DeSousa, John Hawkins, Manny Konig, Bruce Nerby, Buster Richardson; (Planning) Bill Adams, Louie Andrew, Joan Hamilton, Doug Moody, Tom Warner
Absent, excused: (Port) Grant Fairbanks, Allan Wintersteen; (Planning) John Guinn, Jake Metcalfe

Also present were Bartz Englishhoe of Englishhoe and Associates, Port Director Stuart Greydanus and Planning Manager Jerry White.

Port Commission Chairman DeSousa opened the Public Hearing on the Comprehensive Land Use and Development Plan for the City of Bethel's Reclaimed Tidelands.

Chairman DeSousa questioned Mr. Greydanus on the moorage of tender boats and barges on the upriver portion of the Seawall. Mr. Englishhoe stated that he would define the sizes better on the final draft.

PEOPLE TO BE HEARD

J.B. Crow addressed Mr. Englishhoe and the Commissions with a series of questions and comments:

-Mr. Crow disagreed with the first sentence under the heading "Scope of Study" on page 1. Mr. Crow stated that at this time he did not acknowledge that any reclaimed uplands were created by the construction of the bulkhead on lot 5, block 8, USS 3790. He also stated that he did acknowledge that a certain amount of reclaimed upland area may exist on lot 4, block 8, USS 3790.

-Mr. Crow took issue with the first sentence of paragraph 3, page 2, stating it implied that prior to the late 1960's the City had not started working towards a "common solution". Mr. Crow stated that in the early 1960's Art Nicholson secured State

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funding and, under his supervision, the City built a wood piling and planking wall.

-Mr. Crow suggested the wording of the first sentence under "Riparian Rights of Upland Owners" on page 6 be changed to read "Riparian rights refer to the legally vested rights held by owners..."

-Mr. Crow asked Mr. Englishoe if the last sentence of the second paragraph on page 7 was taken from the City Attorney's opinion on Riparian Rights. Mr. Englishoe confirmed that it was.

-Mr. Crow stated that on page 8, while lot 4, block 8 is deeded to the City, the City's acquisition of it is under a measure of uncertainty.

-On page 9, lot 5, block 8, Mr. Crow stated the moorage recommendation should read tender boats and/or fish processing vessels.

-Mr. Crow then discussed the accuracy of various surveys taken throughout the years of his property.

Fay Short asked Mr. Englishoe why the maps were not drawn to scale. Mr. Englishoe explained that land use maps are drawn more for looks than detail, but that the proportions were correct. Mr. Short then addressed the Commissions on his experience with property he had purchased along the seawall.

Donna Chris presented the Commissions with photographs of the construction of the seawall in front of her home. Mrs. Chris disputed the statement in the introduction that the seawall would be good for another 25 years, claiming that with present maintenance, it would not be good for another five years. Mrs. Chris expressed her concern about vehicle traffic if tender boats were allowed to tie up at that portion of the seawall.

Dave Trantham pointed out that some of the land in tract 5C on page 13 had been sold to Bethel Fuel Sales. Mr. Trantham also suggested the City continue to pursue the possibility of obtaining a Quitclaim Deed from the State instead of a lease.

Ben Dale addressed the Commissions on his concern with the recommendation for lot 3B, block 7, which he owns. Mr. Dale stated that he bought the land with the intent of processing fish, and he opposes the recommendation of no processors there. Mr. Greydanus pointed out that the land is zoned General Use and, under the current definitions, Mr.

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Dale could process there. Mr. Dale also reiterated his offer to the City to dredge Brown's Slough in exchange for free moorage.

Chairman DeSousa closed the Public Hearing and opened the meeting to comments of Commissioners.

**COMMISSIONERS'
COMMENTS**

Mr. Richardson spoke in favor of allowing tender boats to tie up on Tract E, stating the City needs the revenue. Donna Chris stated it was the engineers' recommendation that particular portion of the seawall would not withstand heavy moorage or vehicular traffic. Jerry Korthuis stated that as a tender operator, it would not be to his advantage to tie up at that portion because it is not close enough to his vehicle and because of the sharp rocks in that area. Mr. Korthuis also informed the Commissions of exposed rock at low tide along the seawall in front of the Joe Lomack building and of unexposed rock 2-3 feet below the surface at low tide, 50-75 feet from the bend of the seawall on sheet 6, lot 4.

Mr. Warner pointed out that on sheet 5, a lot owned by the City was not showing the City as the owner, and that on page 13, last paragraph, BNC no longer owns the western half of the petro dock.

Mr. Hawkins asked Mr. Englishoe why lot 2, block 7 was not listed on page 9. Mr. Englishoe responded that there were no reclaimed tidelands there. Mr. Hawkins also asked what would happen to businesses that became non-compatible when the area is zoned. Mr. Englishoe responded that there is a grandfather clause in the land use ordinance.

Mr. Warner revisited Mr. Dale's concerns, stating that there are no reclaimed tidelands in front of his land. Chairman DeSousa recommended leaving the zoning as general use, tenders/processing barges.

The Commissions then discussed at length the open space from the Lomack building to the Co-op land:

-Mr. Greydanus spoke in favor of allowing a processor to tie up at the eastern end of the open space.

-Mr. Warner strongly recommended leaving the open space for the public to use and enjoy, reminding

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the Commissions that the City Council made the decision to leave the open space four years ago.

-Ms. Hamilton asked for more precise definitions of marine vessels.

-Chairman DeSousa read a letter from Inlet Salmon regarding their need for space along the seawall. Mr. DeSousa suggested a compromise by leaving the area with the exposed rock along the seawall as open space and zoning the upriver usable area for processors.

-Ms. Gross suggested installing mooring buoys in the river to add space.

-Mr. Nerby spoke in favor of leaving the open space in its entirety.

-Mr. Richardson suggested eliminating moorage along the seawall from ELM to the Port to make room for the processors.

-Mr. Englishoe reminded the Commissions that the land use plan was just the first step and it couldn't deal with all the issues.

-Mr. Trantham recommended that the open space be named Datu's Park.

-Mr. Greydanus suggested appointing 150 feet for processors along the open space.

-Mr. Nerby, Mr. DeSousa, and Mr. Richardson expressed their dissatisfaction with the Co-op's operation the previous summer.

-Mr. Nerby suggested the floating dock be moved.

-Mr. Korthuis advocated moving the floating dock downriver, away from the barges, due to the number of intoxicated people using it.

-Mr. Greydanus stated he would like to remove the floating dock all together.

-Mr. Englishoe explained that the State would not relinquish a public easement along that area.

-Mr. DeSousa suggested moving the floating dock down to the Joe Lomack building and adding one or two more floating docks.

motion

M/M by Hawkins, 2nd by Adams to leave the open space as is, have the Co-op utilize the space in front of their property, and move the floating dock downriver if it proves to be a hazard. Poll vote. Motion carried, 9-yes, 1-no (Richardson).

motion

M/M by Warner, 2nd by Hamilton to limit all of Tract E to skiffs at this time.

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Mr. Warner clarified his meaning of "at this time" and suggested revisiting the issue if the Corps of Engineers reinforces that section. Mr. Richardson suggested adding language that would not exclude the moorage of tender boats in the future.

Motion withdrawn by Warner, 2nd by Hamilton.

motion

M/M by Warner, 2nd by Hawkins to limit all of Tract E to the moorage of skiffs until the beginning of May, 1994. At that time the combined Commissions will again meet to review the issue. Poll vote. Motion carried unanimously.

Mr. Warner asked for more clarification on sheet 5 of the portion to be used for float plane use.

motion

M/M by Andrew, 2nd by Hawkins to adjourn the meeting at 10:10 PM. Voice vote. Motion carried unanimously.


Connie Tucker, Commission Clerk