



# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska  
907-543-2087  
FAX # 543-4171

**PLANNING COMMISSION MINUTES**

**PAGE 1**

**DATE: March 9, 1995**

## City of Bethel Planning Commission

### Regular Meeting of

#### I. CALL TO ORDER

The meeting was convened at 7:30 PM, at the City Conference Room, Bethel, Alaska, by Chairman Guinn.

#### II. ROLL CALL

Present: Guinn, Hamilton, McComas, Warner

Absent: Andrew, Metcalfe, Trailov

#### III. APPROVAL OF MINUTES

**motion** M/M by Warner, 2nd by McComas, to approve the minutes of the February 23, 1994, regular Commission meeting as presented.

#### IV. APPROVAL OF AGENDA

Mr. Warner asked if Item A under New Business should be under Old Business. The Planning Manager indicated that this Item had not been discussed before or had there been any public hearing.

**motion** M/M by Warner, 2nd by Hamilton to approve the agenda as proposed. Voice vote. Motion carried unanimously.

#### V. COMMUNICATIONS

Mr. Post gave the Planning Commission a brief overview of a proposed subdivision on Tract N of Tundra Ridge. This is in the area of the sandpit. Mr. Guinn indicated that he thought that this area was originally set aside for the 10% open space. The proposal shows lot sizes of 7,000 square feet and is intended for the 40 unit AVCP housing project. The developer is asking for some kind of escapement for the 10% open space requirement.

*"Deep Sea Port and Transportation Center of the Kuskokwim"*

Mr. Warner saw three potential problems. First, the 10% open space requirement. Second, the lots are a lot smaller than those in the existing subdivision. Third, why should this area be changed to commercial.

**VI. PLANNER'S REPORT**

Mr. Post told the Planning Commission that he would like to give them a feel for what goes on at the department level.

**Regular Duties:**

**Site Plan Applications and Code Enforcement:**

There have been approximately four houses moved within the City in the last month. The Planning Department has received six site plan applications in this same period. Three letters have been sent notifying property owners of violations and infractions and requesting them to remedy the violation in a ninety day period. All violators have either complied or stated they intend to do so within a specified time period after thaw.

**City Lands Management:**

As well as the proposal from ADOT to purchase an easement for construction of Brown Slough Bridge, the City has received proposals from D&G Express to lease portions of the City Dock and a warehouse building. The City Attorney's office has stated the lease of a portion of a lot is not legal and the City must follow the subdivision process, however the issue is still being discussed at staff level.

Omni Enterprises Inc. has approached the City on re-entering into a lease for the property at the corner of Ridgecrest and Akakeek where they currently own QFC#1. The building itself resides on three separate lots two of which are City owned. The City met with a representative of Omni Enterprises to discuss the outstanding lease, the encroachment problem and subdivision requirements for replatting to alleviate the encroachment problem.

**Follow up on Previous planning Commission Meetings:**

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Ordinances 95-02 and 95-04 concerning grandfather rights and reduction in setback requirements were passed by the City Council at their February 28th meeting. The lot coverage restriction did not pass the introduction phase at the City Council Meeting of February 14. Ordinance 95-07 amending open space requirement will be heard and voted on at the next march 14, City Council Meeting.

Specific Duties:

Bank Stabilization Project:

Charlie Parr of Land Field Services, Inc., the City's contractor for land acquisition on this project, arrived in Bethel on Wednesday. He and P. j. Sullivan will be negotiating with the land owners which the City must acquire property interests from. The City must have title to these properties by April 3, 1995. There are approximately 17 property owners.

Department of Natural Resources Tidelands Lease:

The City has been working towards meeting insurance and bonding requirements and will have them in place when the lease becomes effective on March 15.

City staff and the City attorney have been attempting to arrive at a standard sublease rate to the upland owners of the tideland property. Eventually the leases will have to be brought to the Planning Commission for recommendation to the City Council.

Policy and Ordinance Proposals/Discussions:

Utility billing staff have requested that the Ordinance requiring water and sewer tanks of a specific size be interpreted such that each unit in a two family dwelling unit, duplex, or triplex be required to have separate water and sewer tanks so that they can have separate accounts. Utility billing has had many difficulties involving disputes between renters of different units connected to the same water and sewer tanks often placing the City in the middle of neighbor disputes. For these reasons I have required several builders of duplexes to connect separate water and sewer tanks to each unit.

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The Drainage Ordinance is not precisely laid out for purposes of maintaining drainage along roadways. At this point we are trying to draft something that would require a separate drainage along the roadway and require culverts.

**VII. PEOPLE TO BE HEARD**

Paul O'Brien asked for a clarification of the definition of a two family dwelling. The definition is vague and does not compare with other agency definitions. He also asked what the City considered constituted a firewall.

Mr. Post said that this was not an Ordinance but a definition. It was defined because of the problem of distinguishing between two homes which were next to each other and two homes which were joined. It was made to provide minimum safety standards.

Mr. O'Brien said that all new construction is inspected and is subject to ICBO codes. It is made to national standards. Banks require the inspections.

It was thought that the City should go to the State Fire Marshall and ask what he would suggest for an Ordinance so that we can be assured of a minimum for safety.

Mr. Warner said that we are required to adhere to the definitions because they are all a part of Title 18. We have multiple problems because we have new construction, people who want to join old homes and everything in between. What we need is consistency.

Ms. Hamilton suggested that there be some research done with similar cases or situations. There needs to be some kind of uniformity.

The Commission saw the need for the Fire Marshalls input as to firewalls and safety aspects.

**VIII. OLD BUSINESS**

**ITEM A: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT REVISIONS TO FLOOD REGULATION REQUIREMENTS**

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Mr. Post told the Commission that the Flood Regulation Requirements, which were discussed at the last Planning Meeting, had a history of being unenforced except when required by a bank or other lender. He indicated that he had tried to answer questions that had come up in the last meeting.

Estimates of cost to an individual begin with a survey to establish the ground level elevation. This cost varies between \$100 and \$400 dollars. The largest cost would be to build to the required elevation. Around town the flood level is 17 feet. To elevate a home 10 feet costs would run between \$11,000 and \$25,000 dollars for a 1500 square foot home depending on the soil, permafrost and type of building.

Currently the City's regulations are somewhat above the minimum requirements. Mr. Post posed the question to the Council "What are we going to do about enforcing the Flood Plain regulations?".

Mr. Warner felt that if the regulations were not being enforced that the City could possibly be leaving itself open to a potential liability.

Ms. Hamilton asked how long had the City been a participant. Mr. Post replied since 1976. She then asked why there had not been an ongoing enforcement policy. Mr. Post said that he talked to former administrators and found that it had not been a popular regulation and that they had found little support when they tried to enforce it. The regulation has been on the books for a number of years and has never been enforced and Mr. Post asked that some sort of policy decision made before somebody is made a test case.

Mr. Warner was concerned that in essence the City was participating in the National Flood Insurance Program fraudulently. There are some tough choices to be made. People are not going to want to elevate their homes or cannot afford to do so.

**motion** M/M by McComas 2nd by Guinn to recommend to the City Council to approve Item A. Voice vote. Motion passes unanimously.

**IX. NEW BUSINESS**

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**ITEM A: CONDITIONAL USE PERMIT: PROPOSED LAW OFFICE IN A RESIDENTIAL DISTRICT AT 9340 NENQERRALARIA, TUNDRA RIDGE SUBDIVISION - CHRIS PROVOST**

Mr. Guinn opened the public hearing and asked for an introduction from the Planning Manager. Mr. Post said Chris Provost recently purchased and renovated a small house for the purpose of establishing a residence and a law office. A law office is classified as a commercial use and requires a conditional use permit to be located in an area zoned residential. Mr Provost informed the Planning Department of the intended use and was given some form of approval to do so. This use was brought to the attention of the current Planning Manager by a concerned citizen. The former Planning Manager did not have the authority to permit the use of the building as a law office.

Mr. Post indicated that Mr. Provost's business is likely to have a minimum impact and recommended approval with the following conditions:

1. No business signs be displayed,
2. Fire Marshall approval be obtained for the business portion of the building,
3. The number of employees limited to himself and an assistant.

Mr. Provost asked the Commission why this was a problem since there is already commercial use out in this subdivision. Mr. Post replied that it violates the codes and citizen complaint brought this matter to the attention of the Planning Department.

A resident of 9342, a neighbor, says there is no traffic flow problems or intrusiveness. He wished that all of Tundra Ridge was built like Mr. Provost home. He has no problem with this proposal even though he lives next door.

Michael Brown indicated that if he were open to the public he wouldn't be in Tundra Ridge. It is more of an administrative operation, it is not a traditional law office.

Jack Flood, another neighbor, agreed that the houses were very tastefully rehabed. He does not see any increase in traffic. He didn't see the need to limit the number of

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employees. He supported Mr. Provost.

Mr. Metcalfe asked Mr. Provost if he had any problems with the conditions given by Mr. Post. Mr. Provost indicated that he didn't plan to put up any signs. He said that all the remodeling that was done was up to code so that he didn't any expect any problem with the Fire Marshall but reserved the right to object. He has no problem with employees because he has only one part time employee who lives in Tundra Ridge.

Mr. Post said that there was no chose with condition 2. A designated commercial building requires Fire Marshall approval by local ordinance.

Mr. Guinn read a fax from Cliff Hickson who also voiced approval for Mr. Provosts building. Mr. Hickson is an ICBO inspector.

Mr. McComas indicated that he supported the conditional use permit.

Mr. Warner said , for clarification, that a conditional use permit is required because commercial structures and uses are a conditional use under residential district. A professional office is listed as a conditional use. He lives in Tundra Ridge and feels a concern about businesses is that the area is zoned residential. If there are people operating businesses there they are doing so surreptitiously. As this business is structured he didn't find a problem with it. He didn't want to set a precedence for the area. He felt the conditions to be reasonable. He supports it with the conditions.

**motion** M/M by Warner 2nd by McComas that the conditional use permit for 9340 Nenggerralria, Tundra Ridge for use as a professional law office be granted with the conditions as outlined in the staff report. Voice vote. Motion passes unanimously.

**ITEM B: RECOMMENDATION TO CITY COUNCIL ON PROPOSED LEASE OF CITY OWNED WAREHOUSE BUILDING LOCATED AT THE CITY CARGO DOCK - D & G EXPRESS**

Mr. Post introduced the proposal. D & G Enterprises has approached the city with a request to lease the City's warehouse at the cargo dock. It is required that the Planning Commission give a recommendation to the City

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Council concerning the disposal. The proposed use of the building, which has been largely unused, will be the same as its current use, and since it presents an opportunity for the City to make money off of an otherwise unproductive facility, the staff recommends the lease of the building. He felt the requirements for Commission approval to be procedural. The building needs to be leased at fair market value by code.

Mr. Warner asked if the Port Commission had acted on this. Mr. Post was unsure of the Ports recommendation.

**motion**

M/M McComas 2nd by Hamilton to recommend to the City Council to enter into a lease agreement with D&G Express.

M/M by Warner 2nd by Hamilton to amend the previous motion to read recommend the City Council lease the City owned warehouse to D&G Express contingent on Port Commission approval. Voice vote. Motion passes unanimously.

**ITEM C: RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED LEASE OF A PORTION OF LOT 2, BLOCK 20, USS 3230 - D & G EXPRESS**

Mr. Post indicated that the City is still trying to work out certain details in regards to legal issues of leasing a portion of a lot without going through the subdivision process. He is not ready to bring it before the Commission.

**motion**

M/M Warner 2nd by McComas to table this item. Voice vote. Motion passes unanimously.

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X. ADJOURNMENT

motion M/M by Warner 2nd by McComas to adjourn the meeting.  
Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995.

\_\_\_\_\_  
John Guinn, Chairman

ATTEST:

\_\_\_\_\_  
Richard Nolan, Acting Planning Manager

## V. COMMUNICATIONS

Bethel Utilities Corporation contacted the Planning Department about a problem they are having with easement plats that are unrecordable. Due to unsigned boilerplate Planning Commission stamps the District Recorders Office will not accept them. These plats would not necessarily need Committee approval but since the stamp was included on the plat it must be signed to be recorded. BUC has asked that the plats be presented to the Planning Commission for their signatures.

## VI. PLANNER'S REPORT

The 40 unit AVCP housing project has raised a lot of interest in the development of subdivisions. The Planning Department has received several inquiries into the subdivision process. Also, the building season is quickly approaching. The number of Site Plan Permits being filed is rising rapidly.

The period since our last meeting has been a hectic one. Several programs with deadline periods have been due this week. A short list would include:

- 1996 ACMP Grant Application
- ACMP Quarterly Report
- General Permit Quarterly Report
- CDGA for Sanitation Improvements
- Annual Budget Proposal

The City Manager asked all departments to introduce a budget with a 5-10% decrease in spending. The Planning Department has complied with this request but we have also protested any decrease in our budget. The department is literally at a point of non-productivity due to budgetary restraints.

There are now six applicants for the position of Planning Manager. It would be advantageous for everyone to appoint a new Planner as soon as possible. David Post gave the City 5 weeks notice so that there would be as little disruption as possible in the Planning Department. I have seen little or no effort made to hire. I can keep the office running on a day to day basis but I do not feel that my knowledge and qualifications are acceptable for a long duration without qualified assistance. I feel that it is in the City's best interest to proceed as rapidly as possible with the hiring of a new Planner.

**ITEM A: PRELIMINARY CONSULTATION FOR PROPOSED SUBDIVISION, TRACT N,  
TUNDRA RIDGE SUBDIVISION - CHRIS HAMRI**

The Planning Department was contacted by C2 Architects in Anchorage about putting a preliminary plat for Tract N, Tundra Ridge before the Commission. After a brief conversation with Hildi Cain, the principal architect for this plan, we agreed that a preliminary consultation would be a wiser decision. This would allow the Commission to supply Mr. Hamri with information which will facilitate a smoother transition from the preliminary plat to final plat phase.

BMC 17.12.010 Preliminary consultation. The subdivider may and **is encouraged** to, at any time prior to submitting a preliminary plat, request a meeting with the planning commission for the purposes of a preliminary consultation....



801 W Fireweed Ln Ste 101 Anchorage, AK (907)279-4543

March 6, 1995

TO: David Post  
Planning Manager  
City of Bethel

RE: Preliminary Plat for Tract N  
Tundra Ridge  
Bethel, AK

Dear Dave:

Thank you for speaking with me this morning. I am sending a reduced copy of the proposed revised plat for the above piece of property. I will mail the large copy, (24"x36") so you will have it for the meeting on Thursday, March 9.

As you know, the owner of the property, Chris Hamre, is proposing to provide the AVCP Regional Housing Authority with 40 Units of Mutual Help Housing, (AK94B009093) on this site. His company, Denali General Contractors, is attempting to respond to the Request for Proposals which is currently out for this project.

The original preliminary plat for this site showed 36 lots averaging 9,000 SF. Since the property is in a General Use District, we are assuming that we can use the minimum lot size designated for this District of 7,000 SF, which also conforms to the minimum lot sizes in the Request for Proposals. As indicated, we have kept the street layout and dimensions from the original approved Preliminary Plat, and simply made the lot sizes smaller.

Basically, Mr Hamre will be requesting a variance from Section 135.40.010 of the City of Bethel Subdivision Ordinance which requires that 10% of the area of new subdivisions of this size, be set aside for recreation. As you can see, this property is immediately adjacent to an existing Public Recreation Area. Mr Hamre proposes to leave a portion of his property, approximately 1/3 of an acre, in the northwest corner undeveloped, to be used as an addition to that Recreation Area.

More importantly, he proposes to utilize the remaining area at the southeast corner, just under one acre, for a small commercial development to include a convenience-type store. This store would then be available to serve the new homeowners as well as the existing local area.

At this time, we are seeking a preliminary review and an indication as to whether our proposal would be acceptable to the City of Bethel at this time.

Thank you in advance for your consideration.

Sincerely,

Hildie Cain  
Principal Architect



**ITEM B: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT ORDINANCE  
HOLDING CONTRACTORS LIABLE FOR WORK COMMENCED WITHOUT A  
SITE PLAN PERMIT - 18.84.040**

The Planning Department continues to have problems with construction that is commenced without Site Plan Approval. There are a limited number of contractors in the city who do a majority of the construction. Making contractors insure that the property owners have Planning Department approval will considerably reduce the work load in the department and halt most of the unapproved building. This ordinance will not remove liability from the property owner but will be in addition to that liability.

The Planning Department has contacted the City's attorney and received a positive enforcement for this ordinance. It was concluded that this change is permissible under the City Code and under state law.

The Planning Department feels this ordinance would be an important tool in permit enforcement. We do not have the staff available to effectively monitor the building activity in the City. If the contractors must require the property owners to have a Site Plan Permit before construction begins unapproved building will almost cease.

ORDINANCE # 95-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHEL, ALASKA, AMENDING TITLE 18, CHAPTER 84 BY ADDING A NEW PART C TO THE EXISTING SECTION 18.84-.040, ENTITLED PENALTIES AND REMEDIES.

WHEREAS, the City Council for the City of Bethel, Alaska, recognizes the need for development within its boundaries in accordance with the City's Land Use Ordinance and its Comprehensive Plan; and

WHEREAS, contractors performing work for property owners, or for the agents of property owners, are often in the best position to determine whether construction, improvements, or changes made to property comply with the provisions of the Land Use Ordinance; and

WHEREAS, concerns for present and future health, safety, and welfare of the citizens of the community dictate that the Land Use Ordinance be complied with by those effecting improvements, construction, and other changes to property;

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, AS FOLLOWS:

Section 1: Title 18 of the Bethel Municipal Code is amended by adding Section 18.84.040(C).

Section 2: This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing laws or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the City under any section or provision existing at the time this ordinance is adopted, or as vacating or annulling any right obtained by any person, firm, or corporations, by lawful action of the City except as shall be expressly provided for in this title.

Section 3: If any part or provision of the ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confirmed in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 4: Section 18.84.010 of the Bethel Municipal Code of Ordinances is hereby amended by adding a new subpart (C) to read as follows:

C. A contractor commencing or completing work on a building or structure may be held liable for any violation of this title resulting from the work performed by the contractor, and is subject to the penalty and remedy provisions of this Chapter and to the general penalty provisions of section 1.08.010.

Section 5: This ordinance shall be effective upon adoption.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995.

\_\_\_\_\_  
Allan Wintersteen, Mayor

ATTEST:

\_\_\_\_\_  
Connie Tucker, City Clerk

HICKS, BOYD, CHANDLER & FALCONER

ATTORNEYS AT LAW  
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825 WEST EIGHTH AVENUE  
ANCHORAGE, ALASKA 99501  
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March 20, 1995

Mr. William Hunter  
City Manager  
P. O. Box 388  
Bethel, AK 99559

RE: Zoning Ordinance Issues

Dear Mr. Hunter:

David Post recently asked for our opinion regarding two areas of possible amendment to the City's zoning ordinance. First Mr. Post was interested in the possibility of holding a contractor liable for violations of the zoning ordinance where that contractor works on a project which violates the City's zoning ordinance. Apparently, the Planning Commission is often faced with situations where a property owner has started or completed construction on their property but this new construction is not in compliance with the zoning ordinance. The Commission is then forced either to take a hard-line approach toward the owner and require abatement, often at a high cost to the owner, or is pressured to grant an after-the-fact variance. If the contractors are held liable in addition to the owners, this situation may occur less frequently.

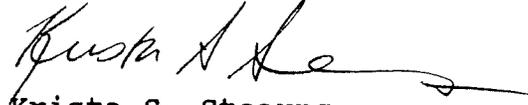
Second, Mr. Post would like to see an amendment to the ordinance which would impose a "penalty" on property owners who commence construction before the owner obtains a site plan permit as required. This is apparently quite a common practice among Bethel property owners. This "penalty" can easily come in the form of a fee for obtaining a site plan permit as suggested by Mr. Post, and we have provided for such a provision in the resolution which we have enclosed for your review. In addition to this approach, the City should also be able to impose a penalty pursuant to its general penalty provisions of section 1.08.010. Of course, any approach through the general penalty provisions would require the City to file a claim in district court.

Mr. William Hunter  
March 20, 1995  
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We have concluded that both of these suggested changes are permissible under the City Code and under state law and that the City could pass ordinances to effect both of these changes. We have enclosed a resolution and an ordinance for your consideration in the event that the City chooses to make these changes to the ordinance.

Very truly yours,

HICKS, BOYD, CHANDLER & FALCONER

A handwritten signature in cursive script, appearing to read "Krista S. Stearns", with a long horizontal flourish extending to the right.

Krista S. Stearns

KSS:lhf

**ITEM C: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT RESOLUTION  
IMPOSING A FEE FOR REVIEW OF SITE PLAN PERMITS AFTER WORK HAS  
BEEN COMMENCED ON ANY IMPROVEMENT OR AFTER THERE HAS BEEN  
A CHANGE IN THE PRINCIPAL USE OF A PROPERTY**

This resolution would impose a penalty on the property owners who commence construction before the owner obtains a Site Plan Permit. This is a common practice among Bethel property owners. The penalty would come in the form of a fee for obtaining the Site Plan Permit after construction has begun. In addition to this the City could also impose a penalty pursuant to its general penalty provisions of section 1.08.010.

This resolution is another approach to the enforcement of Site Plan Permits. The most important aspect of this resolution is that the City would not have to file a claim in district court to impose a penalty for unlawful construction as is the case under BMC 1.08.010.

**V. COMMUNICATIONS**

The Planning Department has received several complaints in the last few weeks. The following are a few of those grievances:

- Construction on Kreiders Plumbing and Heating building (Irv Kreider)
- Encroachment on lot 50, block 2, Turnkey III Subdivision (Lenny Welch)
- Distance between buildings in Turnkey III Subdivision (Jim Murphy)
- Mobile home on lot 4 block 12, USS3230 (Harry Faulkner, Sr.)
- Encroachment on City right of way (Carl Russell)
- Encroachment on lot 1B block 12, USS3230 (James Randall)

In most cases this office is following up on these incidents by phone, letters or in person. Those found to be in violation are being asked to rectify the problems. Enforcement actions will be taken against those who fail to comply.

## VI. PLANNER'S REPORT

I attended the annual Alaska Coastal Management Conference in Juneau on the 27th and 28th of April. One of the main points that continually came out was the need for comprehensive data. Consistency reviews rely on current, accurate, and relevant data which the City of Bethel is unable to provide at this time. Most municipalities, boroughs, or districts have gone to, or plan to implement, GIS systems. I have approached both the City Manager and the Finance Director in the past on the need for upgrading the Cities maps and data bases. I think both are in agreement that this needs attention but neither would agree that this could or should be budgeted for. I think that I have made some progress in initiating an automated information system. The Finance Director and City Manager are trying to update the Planning Departments computer system before the next years budget is approved.

While in Juneau I also got more information on HB154. This is the "takings bill" mentioned by Mr. Warner at our last meeting. This bill could be very destructive for municipalities and there planning departments. The bill, which would be good for the private citizen, would make most zoning and planning ordinances ineffective. For example: "A private property owner, who is refused a variance or conditional use permit, could sue the city for compensation because his right to improve the value of his property has been taken away." I have included a copy of the bill in your packet.

The City Manager has included the Planning Commission in the selection process for the new Planning Manager. I have included in the packet the applications from all of the Planning Manager applicants. You are being asked to evaluate each applicant and then score them. The responses will be picked up at the meeting.

The City Council public review of the 95-96FY budget is now in progress. I confronted the City Manager with the fact that the budget for the Planning Department is slated to be reviewed the same night as our commission meeting. I was informed that because the Planning Manager is not a department head (the planning department is considered a function not a department) that he would be speaking for me. I said that I would be preparing a statement to be read before the council. I have included that prepared statement with this packet.



# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559  
907-543-2087  
FAX # 543-4171

## MEMORANDUM

**TO:** PLANNING COMMISSION MEMBERS

**FROM:** RICHARD NOLAN, ACTING PLANNING MANAGER *RBN*

**DATE:** MAY 9, 1995

**RE:** MAY 11th COMMISSION MEETING

The City Manager has given me copies of the applications for the Planning Manager position. He has asked that we preview and rate them according to their qualifications and background. There is a screening sheet for each applicant that is to be filled out with a scoring system. Please try and have them ready when we meet on the 11th.

You will notice in your packets that the minutes from last months meeting are missing. I apologize for not making it available at this time. I have lost or misplaced the tape and my notes and I'm still in the process of trying to find them. They will be available when we meet.

If you will not be able to attend our scheduled meeting please let me know so that I may make arrangements to pick up the candidate screening sheets. This will also give me an idea as to the availability of our having a quorum.

## VIII. OLD BUSINESS

### ITEM A: PRELIMINARY PLAT FOR PROPOSED SUBDIVISION, TRACT N, TUNDRA RIDGE SUBDIVISION - CHRIS HAMRI

The Planning Department has been asked by C2 Architects and Chris Hamri to review a preliminary plat of Tract N, Tundra Ridge. This plat was briefly discussed at the March 9th and April 13th meeting.

The plat has been changed to give a good representation of the 10% recreation dedication. Instead of one large area the developers have selected two separate tracts which have good access. The plat now meets those standards required by our new ordinance entitled recreational dedication.

The tract that had previously been set aside and labeled commercial has had the commercial designation removed. This lot will now have to go through the conditional use permitting process if a commercial venture is desired.

I realize that some members of the committee had voiced concern with the size of the lots. This area is zoned General Use and as such requires 7,000 square feet for each lot. These lots are all this size or larger. I agree that larger lots would be desirable but because the lot size specification meets the code I don't think that it can be considered when making an approval.

The Planning Department feels that the developer has listened to the concerns of the Department and has corrected the deficiencies found. The new design indicates that considerable thought has been given to the eventual residents, utilities, and the surrounding homeowners. The Planning Department feels that this subdivision merits your approval if a plan for adequate drainage can be shown for this project.

**IX. NEW BUSINESS**

**ITEM A: REQUEST FOR VARIANCE LOT 48 BLOCK 3, TURNKEY III  
SUBDIVISION - MIKE GRANT**

Mike Grant has asked to place a 16' x 24' storage building on lot 48 block 3, Turnkey III Subdivision. This would call for a 5' setback from the property line of the neighboring lot and a 3' setback on the easement side. The structure would be 8' from the porch on the residence.

There continues to be a problem with construction in the Turnkey project. I have had several recent complaints in this area due to the separation problem between structures. If the Planning Department had a bigger staff I would like to make a survey of every lot and cite each home owner who has an unpermitted violation.

But, because of the number of variances that have been granted in the past, I don't think the commission can deny this one without a very good reason. The building will not be closer than 20' to any structure other than Mr. Grants own residence. I would like to have the structure turned so that there is 10' from the porch and 5' from the access easement.

**ITEM B: RECOMMENDATION TO THE CITY COUNCIL REGARDING DISPOSAL  
OF CITY DOCK WAREHOUSE**

The City wants to enter into a lease agreement to the highest bidder for the City Dock Warehouse. The City is proposing to lease the building for \$14,400.00 for six months. This property was already approved for lease to D & G Express who decided to withdraw their proposal.

**ITEM C: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT RESOLUTION IMPOSING A FEE FOR REVIEW OF SITE PLAN PERMITS AFTER WORK HAS BEEN COMMENCED ON ANY IMPROVEMENT OR AFTER THERE HAS BEEN A CHANGE IN THE PRINCIPAL USE OF A PROPERTY**

The Planning Department continues to have problems with construction that is commenced without Site Plan Approval. The Planning Department feels this resolution would be an important tool in permit enforcement. We do not have the staff available to effectively monitor the building activity in the City.

The Planning Department has contacted the City's attorney and received a positive enforcement for this resolution. It was concluded that this change is permissible under the City Code and under state law.

This resolution has had some minor changes made to it. The first paragraph now reads may instead of shall. This gives the Planning Department the ability to cite only those major improvements (the placement of sand pads or fill material, conversion from secondary to primary use, changes in the principal use, etc.) instead of things like fences, smoke houses, and so on.

The second paragraph did read no fee which has since been changed to indicate the same fee still applies for on time permits.



# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559  
907-543-2087  
FAX # 543-4171

Presented by:  
Date:  
Action:  
Vote:

## RESOLUTION #95-28

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHEL IMPOSING A FEE FOR REVIEW OF APPLICATIONS FOR SITE PLAN PERMITS AFTER WORK HAS COMMENCED ON ANY IMPROVEMENT OR AFTER THERE HAS BEEN A CHANGE IN THE PRINCIPAL USE OF THE PROPERTY**

**WHEREAS**, it is the policy of the City of Bethel, Alaska, that sit plan permits be obtained before the commencement of improvements on a property or before any changes in the principal use of a property takes place; and

**WHEREAS**, the City has the authority to charge fees for site plan permits by resolution pursuant to Bethel Municipal Code 18.16.030(G).

### **NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:**

1. If a property owner, or the agent of a property owner, performs improvements on, or changes the principal use of, a building or parcel of land without first submitting an application for and obtaining a Site Plan Permit in violation of section 18.16.020, the property owner or their agent may be charged a \$200.00 fee for the review of the application for the site plan permit once such application is made.
2. There will continue to be a \$25.00 fee for review of residential applications and a \$100.00 fee for review of commercial applications for site plan permits submitted before work begins as required by the provisions of Chapter 18.16.
3. Nothing in this resolution shall be deemed to impair the rights of the City to pursue enforcement and penalties as provided for in Chapter 18.84 and in Section 1.08.010 of the Bethel Municipal Code.

PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 1995

ATTEST:

\_\_\_\_\_  
Allan Wintersteen, Mayor

\_\_\_\_\_  
Connie Tucker, City Clerk

City of Bethel  
Resolution #95-28  
Page 1 of 1 Page

**ITEM D: RECOMMENDATION TO CITY COUNCIL REGARDING DISPOSAL OF INTERESTS IN CITY LAND TO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENT OF RIDGECREST DRIVE**

The DOT is getting ready to award a contract for the upgrading of Bethel's Ridgecrest Drive for the Fall of 1995. Construction is expected to begin and be completed by the summer of 1996. An Easement encompassing a portion of the City's property is needed to build the project.

The DOT wishes to purchase an easement, known as Parcel No. E-5, Tract B, Bethel Heights Addition No. 1, containing 4,044 sq. feet. A Fair Market Value for the property has been appraised at \$500.00 by a professional appraiser.

Bob Wright, Right of Way Agent for the DOT, has informed me that this easement needs to be agreed upon by mid June to allow this project to begin this year.

**ITEM E: A RESOLUTION OF THE CITY COUNCIL REFERRING A PROPOSAL FOR THE ACQUISITION OF CITY PROPERTY BY THE BETHEL FUEL SALES TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION**

The Planning Commission has been directed to consider the sale of property to Bethel Fuel Sales in the furtherance of the development of local trade or industry. Bethel Fuel Sales has asked to trade for a portion of a parcel of land (Tract 5C of the Bethel Seawall Expansion project) instead of receiving monetary reimbursement. The Planning Commission has been asked to consider the appropriateness of exchanging the property and the future needs of the City.

The resolution has asked for input from land Field Services and Bethel Fuel Sales. I have received a letter from Bethel Fuel Sales indicating that their intention for the property is to move the buildings and operations that were displaced by the easement to this ground.



# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559  
907-543-2087  
FAX # 543-4171

Presented by: City Manager Hunter  
Date: April 11, 1995  
Action: Passed  
Vote: 6-Yes, 0-No

## RESOLUTION #95-24

### A RESOLUTION OF THE CITY COUNCIL OF BETHEL, ALASKA, REFERRING A PROPOSAL FOR THE ACQUISITION OF CITY PROPERTY BY BETHEL FUEL SALES TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION

WHEREAS, Bethel Fuel Sales has expressed an interest in purchasing or trading for a portion of a parcel of land that has been identified as Tract 5-C if the Bethel Seawall Expansion Project ("the Property"); and

WHEREAS, the City Council intends to sell the Property to Bethel Fuel Sales for fair market value if it is in the best interest of the citizens of Bethel to do so; and

WHEREAS, the future needs of the City for the Property or the appropriateness of selling the Property to Bethel Fuel Sales are proper subjects to be considered by the City of Bethel Planning Commission; and

WHEREAS, the City Council wishes to receive the input of the Planning Commission prior to making any decision regarding selling the Property.

### NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

1. The Planning Commission is directed to consider the sale of the Property to Bethel Fuel Sales in furtherance of the development of local trade or industry at its next regularly scheduled meeting and provide the City Council with a written recommendation concerning the sale of the Property.
2. Land Field Services is directed to provide the City with a cost estimate for the surveying and platting of the Property and with a cost estimate for providing an appraisal of the Property.
3. Bethel Fuel Sales is requested to provide the Planning Commission with information relating to the proposed use of the Property by Bethel Fuel Sales including all improvements planned for the Property and the proposed dates of their construction.

PASSED AND APPROVED THIS 11TH DAY OF APRIL, 1995.

  
Allan Wintersteen, Mayor

ATTEST:

  
Connie Tucker, City Clerk

City of Bethel  
Resolution #95-24  
Page 1 of 1 Page

ORDINANCE # 95-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHEL, ALASKA, AMENDING TITLE 18, CHAPTER 84 BY ADDING A NEW PART C TO THE EXISTING SECTION 18.84-.040, ENTITLED PENALTIES AND REMEDIES.

WHEREAS, the City Council for the City of Bethel, Alaska, recognizes the need for development within its boundaries in accordance with the City's Land Use Ordinance and its Comprehensive Plan; and

WHEREAS, contractors performing work for property owners, or for the agents of property owners, are often in the best position to determine whether construction, improvements, or changes made to property comply with the provisions of the Land Use Ordinance; and

WHEREAS, concerns for present and future health, safety, and welfare of the citizens of the community dictate that the Land Use Ordinance be complied with by those effecting improvements, construction, and other changes to property;

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA, AS FOLLOWS:

Section 1: Title 18 of the Bethel Municipal Code is amended by adding Section 18.84.040(C).

Section 2: This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing laws or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the City under any section or provision existing at the time this ordinance is adopted, or as vacating or annulling any right obtained by any person, firm, or corporations, by lawful action of the City except as shall be expressly provided for in this title.

Section 3: If any part or provision of the ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confirmed in its operation to the part, provision, or application directly involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 4: Section 18.84.010 of the Bethel Municipal Code of Ordinances is hereby amended by adding a new subpart (C) to read as follows:

C. A contractor commencing or completing work on a building or structure may be held liable for any violation of this title resulting from the work performed by the contractor, and is subject to the penalty and remedy provisions of this Chapter and to the general penalty provisions of section 1.08.010.

Section 5: This ordinance shall be effective upon adoption.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995.

\_\_\_\_\_  
Allan Wintersteen, Mayor

ATTEST:

\_\_\_\_\_  
Connie Tucker, City Clerk

RESOLUTION # 95-\_\_\_\_\_

A RESOLUTION OF THE CITY OF BETHEL, ALASKA, IMPOSING A FEE FOR REVIEW OF APPLICATIONS FOR SITE PLAN PERMITS AFTER WORK HAS COMMENCED ON ANY IMPROVEMENT OR AFTER THERE HAS BEEN A CHANGE IN THE PRINCIPAL USE OF A PROPERTY

WHEREAS, it is the policy of the City of Bethel, Alaska, that site plan permits be obtained before the commencement of improvements on a property or before any changes in the principal use of a property take place;

WHEREAS, the City has the authority to charge fees for site plan permits by resolution pursuant to Bethel Municipal Code 18.16-.030(G);

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. If a property owner, or the agent of a property owner, performs improvements on, or changes the principal use of, a building or parcel of land without first submitting an application for and obtaining a Site Plan Permit in violation of section 18.16.020, the property owner or their agent shall be charged a \$200.00 fee for the review of the application for the site plan permit once such application is made.
2. There will continue to be no fee for review of applications for site plan permits submitted before work begins as required by the provisions of Chapter 18.16.
3. Nothing in this resolution shall be deemed to impair the rights of the City to pursue enforcement and penalties as provided for in Chapter 18.84 and in Chapter 1.08.010.

PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE BETHEL CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995.

\_\_\_\_\_  
Allan Wintersteen, Mayor

ATTEST:

\_\_\_\_\_  
Connie Tucker, City Clerk