



# CITY OF BETHEL

P.O. Box 388 Bethel, Alaska 99559  
907-543-2297  
FAX # 543-4171

## Planning Commission Minutes

**Regular Scheduled Meeting December 11, 1997**

**CITY OFFICES, CONFERENCE ROOM**

**7:30 PM**

### **I. CALL TO ORDER**

Meeting was called to order at 7:43 p.m. by Chairman John Guinn

### **II. ROLL CALL**

Present: Guinn, Notti, Warmer and Hamilton

Absent: Hickson, Herron, Andrew

Others Present: John Malone, Wayne Smith, Greg Roczicka, Helen Rose, and Nadine Griffin

### **III. APPROVAL OF MINUTES**

Hamilton offered two amendments to the minutes regarding a spelling correction and the addition of language regarding staff reporting on pathways and pathway access in the seawall area.

M/M Hamilton/Notti to approve minutes as amended

Motion approved- unanimous

### **IV. APPROVAL OF AGENDA**

M/M Hamilton/Notti to approve as published.

Motion approved- unanimous

### **V. COMMUNICATIONS**

E-Mail response from Alaska DOT to letter sent by staff regarding land use control and a consolidated terminal facility at the Bethel Airport.

### **VI. PLANNER'S REPORT**

Re: above-mentioned Communication. Staff will attend a meeting with Alaska DOT, FAA officials, and other parties of interest on December 18<sup>th</sup> in Anchorage.

**Planning Commission Minutes - December 11, 1997 (Cont.)**

**VII. PEOPLE TO BE HEARD**

There were no people to be heard.

**VIII. OLD BUSINESS**

**ITEM A: KASAYULI SUBDV: AMENDED FINAL PLAT. (PUBLIC HEARING)**

Due to limited number of members present there would not be enough members for a vote after Chairman Guinn stepped down due to previously stated conflict of interest in this matter. A revised copy of the proposed Amended Final Plat was distributed by Mr. Guinn and a discussion session was held to allow the members present to review and comment.

M/M Warner/Hamilton to table this issue until the next meeting.

Motion approved- unanimous

**ITEM B: RECONSIDERATION OF DENIAL OF GREG ROCZICKA'S PROPOSAL FOR THE ACQUISITION OF A PORTION OF TRACT C, USS 3770 (CITY SUBDV). RESIDENCE CURRENTLY ENCROACHES ON CITY OWNED TRACT C (449 NAPAKIAK DR.).**

Mr. Roczicka presented an estimate from Walsh-Faulkner Construction for moving the house to comply with set-back requirements. He noted that the cost of moving the house is considerably higher than the acquisition of the city owned portion of Tract C that he has proposed. Mr. Roczicka addressed the commission's previously stated concern regarding the setting of precedent, alleging that issues such as his should be dealt with on a case-by-case basis. He reiterated that placement of his house had been accomplished with the assistance of a City employee at that time (location of lot boundaries). He added that the acquisition of the portion of Tract C in question would present no conflict with the drainage or future use of the remainder of Tract C for the City.

Mr. Malone advised the commission that such a disposal recommendation to the Council must be in accordance with the purposes contained in the City's land disposal ordinance (Title 4).

Mr. Notti asked if a covenant could be added to the disposal to include a "no fill" clause. Mr. Malone said such a restriction could be included in the Site Plan Permit.

Mr. Warner noted that if the disposal is approved by council it would be at current market value appraisal and advertised for public bid.

Mr. Malone questioned if the circumstance of such a disposal, to cure an encroachment when there was sufficient property owned by Mr. Roczicka to cure the encroachment by moving his house, met the authorized disposal purposes in ordinance.

**Planning Commission Minutes - December 11, 1997 (Cont.)**

Mr. Warner suggested such was probably not the case, adding that he believed the landowner bears responsibility for identifying where property lines fall when he constructs.

Mr. Notti suggested a disposal in this case might be covered by the stipulation the City no longer has need for the tract.

Mr. Malone cautioned that the City Attorney would request legal justification for the disposal, including reasons why the City no longer needs the property in question.

M/M Notti/Guinn to recommend disposal of the minimal portion of the tract to satisfy set-back requirements, with the stipulation that no fill be added to the property.

Discussion:

Ms. Hamilton expressed her concern that such broad interpretation of the disposal ordinance will set a poor precedent. She stated she would oppose the motion.

Mr. Warner asked how much of the property had already been filled. Mr. Roczicka described the filled area from a site drawing .

Mr. Notti noted there was no through traffic in that area of City Subdivision, that there was good drainage remaining in the tract after such a disposal, that there was no apparent need for greater City access and no further development probably would occur within the larger open space portion of Tract C.

Vote: Guinn, Notti: Yes  
Warner, Hamilton: No

Motion failed.

**IX. NEW BUSINESS**

**ITEM A: TRESPASS BY GCI ON CITY OWNED LT 5, BLK 9, USS 3230 A & B (WATSON'S CORNER)**

Mr. Malone presented the staff recommendation to remediate the trespass through disposal under a lease agreement at current market value under the "furtherance of local trade" clause of the disposal ordinance. Mr. Malone explained that this trespass had occurred inadvertently due to the fact that when the City purchased the property from the Watson family in the early 80's it did so by deed and not a replat. This deed did not renumber or in any other way delineate the subdivision of the

**Planning Commission Minutes - December 11, 1997 (Cont.)**

original Lot 5 except by the deed description . GCI assumed that it was the owner of the entire Lot 5 as originally platted. It filed a Site Plan and received a Permit in 1995 for the use and development of what had been the entire Lot 5. They currently have one satellite dish, a small equipment building and a driveway access located on the City's lot.

Mr. Malone noted the need of retaining ownership because the City may wish to consider the future modification of the angle of the intersection of Third Ave. and Ridgecrest Dr.

M/M Warner/Hamilton to recommend to the City Council a five-year lease with one-year extensions based on a current market value appraisal.

Motion approved- unanimous

ITEM B: BETHEL COMMUNITY SERVICES, INC. REPLAT OF LOT 32, USS 4117 (CHIEF EDDIE HOFFMAN HIGHWAY)

Nadine Griffin of BCS presented a subdivision replat of Lt 32, USS 4117 that changed lot lines on three lots in this subdivision to accommodate a set-back of an existing building that BCS was modifying/renovating. This revised plat created no new lots, easements or rights-of way.

M/M Warner/Hamilton to approve the re-plat

Motion approved- unanimous

**X. ADJOURNMENT**

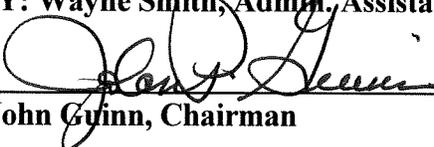
M/M Hamilton/Warner to adjourn

Motion approved- unanimous

The meeting was adjourned at 8:33 p.m.

**PREPARED BY: Wayne Smith, Admin. Assistant**

**APPROVED:**

  
John Guinn, Chairman

**DATE APPROVED:**

1/8/98