Planning Commission Meeting Agenda

Regular Meeting Thursday, May 14, 2015 – 6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffman Highway

MEMBERS

Joy Shantz
Chair
Term Expires
12/2015

John Guinn
Vice-Chair
Term Expires
12/2015

Heather Pike
Council Rep.
Term Expires
10/2015

Kathy Hanson
Committee Member
Term Expires
12/2016

Cliff Linderoth
Committee Member
Term Expires
12/2016

Vacant
City Planner
Ex-Officio Member

Betsy Jumper
Recorder

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD – (5 Minute Limit)

IV. APPROVAL OF THE MINUTES OF THE APRIL 9, 2015 MEETING

V. APPROVAL OF THE AGENDA

VI. NEW BUSINESS

A. Minor Replat of United States Survey No. 3230, Vacating a Common Lot Line Between lots 6 and 7, Block 12, to Create a Single lot 1 Block 12 to create JWS Subdivison. The Applicant is Showalter Smith. The Address is 372 Jacobs Way, in Bethel, Alaska (ACTION ITEM)

B. Tall Tower Ordinance

VII. COMMISSIONER COMMENTS

VIII. ADJOURNMENT

Posted May 8, 2015, at City Hall, Post Office, AC Quick Stop, and Corina's Case Lot Groceries

City of Bethel, Alaska
Planning Commission Meeting

April 9, 2015 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on Thursday, April 9, 2015, at 6:30 PM in the City of Bethel Council Chambers room, in Bethel, Alaska. Chairman Shantz called the meeting to order at 6:30 pm.

II. ROLL CALL

Compromising a quorum of the Committee, the following members were present for roll call:
John Guinn, Joy Shantz, Kathy Hanson, and Cliff Linderoth; Heather Pike was excused. Also present was Recorder Betsy Jumper.

III. PEOPLE TO BE HEARD: Shannon Freitas was wondering about the status of the proposed Lyman Hoffman Subdivision and about the notification process in regards to the proposed subdivision.

IV. APPROVAL OF THE MINUTES OF MARCH 12, 2015 REGULAR MEETING

MOVED:	John Guinn	To approve the minutes for the March 12, 2015 meeting.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries	

V. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA OF APRIL 9, 2015

MOVED:	Kathy Hanson	To approve the agenda for the meeting of April 9, 2015.
SECONDED:	John Guinn	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries.	

VI. SPECIAL ORDER OF BUSINESS: City Clerk Lori Strickler presented the annual Planning Commissioner training.

VII. NEW BUSINESS: None

VIII. UNFINISHED BUSINESS: None

IX. COMMISSIONER'S COMMENTS: Cliff: no comments; John: no comments; Kathy: no comments; Joy: no comments.

IV. ADJOURNMENT

MOVED:	John Guinn	Motion to adjourn the meeting.
SECONDED:	Kathy Hanson	
VOTE ON MOTION	4 yes and 0 opposed. Motion carries.	

Next meeting on will be on May 14, 2015

_____, Joy Shantz, Chairman

ATTEST: _____, Betsy Jumper, Recorder

CITY OF BETHEL

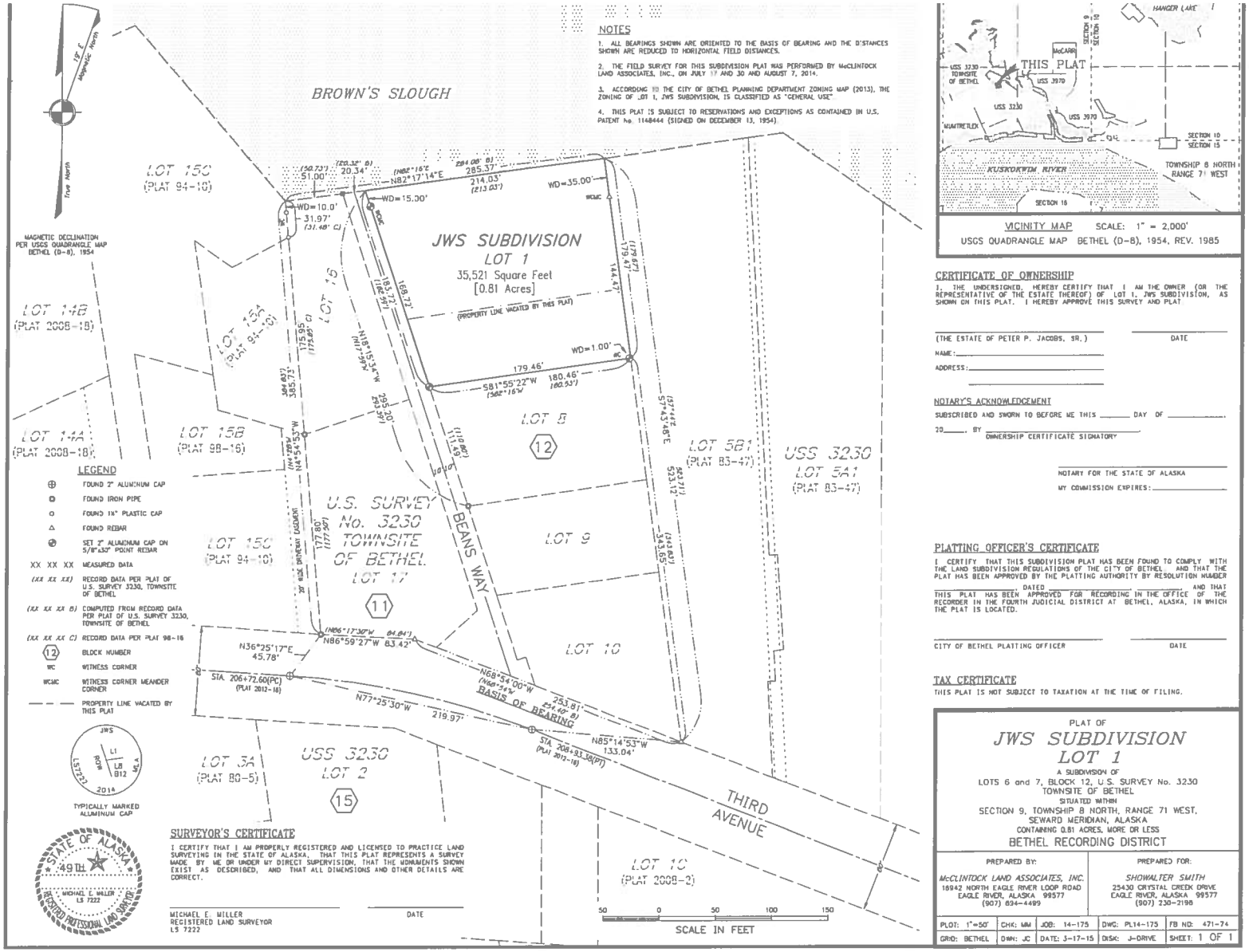
Planning Department
P.O. Box 1388 • Bethel, AK 99559
Phone (907) 543-5306 Fax (907) 543-4168
www.cityofbethel.org

Celebrating 50 Years of Service

Staff Report

To: *Bethel Planning Commission*
From: *Betsy Jumper, Planning Assistant*
Meeting: May 14, 2015
Subject: Minor Replat—concerning the subdivision of Lots 6 and 7, Block 12, USS 3220, of the Bethel Recording District to vacate a common lot line of 2 lots to create one lot, to be named JWS Subdivision
General Information:
Applicant: Showalter Smith
25430 Crystal Creek Dr.
Eagle River, AK. 99557

Requested Action: Lot Line Vacation approval to make one larger lot—vacates common lot line between lots 6 and 7, to create Lot 1, Block 12, to be named JWS Subdivision.
Location: 372 Jacob's Way in Bethel, Alaska 99559
Existing Legal Description: Lots 6 and 7, Block 12, USS 3230, in the Bethel Recording District.
Size of Existing Lots: Lot 6 – 23,798 sq.ft.; lot 7-11,558 sq.ft.
Size of Proposed Lot: Lot 1 – 35,521 sq. ft.
Zoning: General Use
Comprehensive Plan: Downtown core—Higher density--more intense commercial and office use
Wetland Status: The COE General Permit POA-2011-24 designates the wetland to lie within the General Permit Area boundary managed by the Land Use Administrator.
Floodplain Status: Yes—Zone AE, FIRM MAP #0201040042C
Utilities: City water and sewer are trucked in. No lines are found to be servicing this property; improvements of any addition would be subject to City review.
Public Notice: Notice was sent out April 24, 2015 as per BMC 17.20.040, to property owners abutting the lots within the minor replat, including owners separated by a street from the lots to be replatted, along with public posting within 3 public places in the City. The mailing list was comprised from City of Bethel Utility records.



VICINITY MAP SCALE: 1" = 2,000'
USGS QUADRANGLE MAP BETHEL (D-8), 1954, REV. 1985

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER (OR THE REPRESENTATIVE OF THE ESTATE THEREOF) OF LOT 1, JWS SUBDIVISION, AS SHOWN ON THIS PLAT. I HEREBY APPROVE THIS SURVEY AND PLAT

(THE ESTATE OF PETER P. JACOBS, SR.) DATE

NAME:

ADDRESS:

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____. BY _____
OWNERSHIP CERTIFICATE SIGNATORY

NOTARY FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES:

PLATTING OFFICER'S CERTIFICATE

I CERTIFY THAT THIS SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE CITY OF BETHEL AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY RESOLUTION NUMBER _____, DATED _____ AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE FOURTH JUDICIAL DISTRICT AT BETHEL, ALASKA, IN WHICH THE PLAT IS LOCATED.

CITY OF BETHEL PLATTING OFFICER DATE

TAX CERTIFICATE

THIS PLAT IS NOT SUBJECT TO TAXATION AT THE TIME OF FILING.

PLAT OF

JWS SUBDIVISION LOT 1

A SUBDIVISION OF
LOTS 6 and 7, BLOCK 12, U.S. SURVEY No. 3230
TOWNSITE OF BETHEL
SITUATED WITHIN
SECTION 9, TOWNSHIP 8 NORTH, RANGE 71 WEST,
SEWARD MERIDIAN, ALASKA
CONTAINING 0.81 ACRES, MORE OR LESS
BETHEL RECORDING DISTRICT

PREPARED BY:	PREPARED FOR:
McCLINTOCK LAND ASSOCIATES, INC. 16942 NORTH EAGLE RIVER LOOP ROAD EAGLE RIVER, ALASKA 99577 (907) 694-4499	SHOWALTER SMITH 25430 CRYSTAL CREEK DRIVE EAGLE RIVER, ALASKA 99577 (907) 230-2198

PLOT: 1"=50'	CHK: MM	JOB: 14-175	DWG: PL14-175	FB NO: 471-74	
GRID: BETHEL	DWN: JC	DATE: 3-17-15	DISK: J-DRIVE	SHEET: 1 OF 1	

CITY OF BETHEL

PLANNING OFFICE

P.O. Box 1388 • Bethel, Alaska 99559
907-543-5301
Fax # 907-543-4186

April 24, 2015

To Whom this may concern:

You are receiving this notice pursuant to BMC 17.20.040, "Notice shall be mailed to the owners of property abutting the lots within the replat, including owners of property separated by a street from the lots to be replatted"……

You have been identified on city utility service lists as someone who may have property interest in the area described above. If you are not the property owner, please pass this notice along to them.

Betsy Jumper
Planning Assistant

Attached: One Drawing
One Notice

CITY OF BETHEL

PLANNING OFFICE

P.O. Box 1388 • Bethel, Alaska 99559
907-543-5301
Fax # 907-543-4186

NOTICE OF FILING – SUBDIVISION BY MINOR REPLAT

NOTICE IS HEREBY GIVEN that on March 23, 2015, the City of Bethel Planning Office received an application for a Minor Replat to vacate the common lot line between Lots 6 and 7, Block 12, US Survey 3230, creating a single Lot 1 of Block 12, to be named JWS Subdivision. The location is 372 Jacob's Way in Bethel, Alaska 99559.

APPLICANT: Showalter Smith, 25430 Crystal Creek Drive, Eagle River, AK. 99557.

CONTACT: Planning Director/Platting Officer/Planning Assistant, City of Bethel Planning Office, PO Box 1388, Bethel, AK. 99559. Phone: 543-5306.

PURPOSE: Create one lot under the common ownership of the applicant. The applicant has applied to vacate the common boundary lines of Lots 6 and 7, thus creating a single Lot 1, Block 12, consisting of 0.81 acres.

TIME AND PLACE FOR WRITTEN COMMENTS: To be considered as part of the record, written comments must be received by the City of Bethel Planning Office prior to 5:00PM May 14, 2015. At the conclusion of the written comment period the Platting Officer, pursuant to BMC 17.20.050, shall determine if a public hearing is warranted in the matter.

I hereby certify that this Notice of Minor Replat has been posted at City Hall, A.C. Quick Stop, Corina's Case lot Groceries, and the Post office bulletin boards, within the City of Bethel, on or before the 24th day of April, 2015.

Betsy Jumper, Planning Assistant

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #15-10

AN ORDINANCE BY THE BETHEL CITY COUNCIL ESTABLISHING CHAPTER 16.10 TALL TOWERS

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that the Bethel Municipal Code shall be amended and revised as follows:

SECTION 1. Classification. This ordinance is of a permanent nature and shall become a part of the Bethel Municipal Code.

SECTION 2. Severability. If any provisions of this ordinance or application thereof to any person or circumstances are held invalid, the remainder of this ordinance and the application to the other persons or circumstances shall not be affected thereby.

SECTION 3. Establishing BMC Chapter 16.10 Tall Towers Chapter 16.10 is added to the Bethel Municipal Code as follows:

An Ordinance Amending Chapter 16, Land Use Code to Add for the Regulation of Tall Structures

16.10.010 Purpose
16.10.020 Definitions
16.10.030 Application
16.10.040 Exemptions
16.10.050 Location Preferences
16.10.060 Collocation
16.10.070 Permit Required
16.10.080 Types of Permits
16.10.090 Pre-Application Requirements
16.10.100 Permit Application Process
16.10.110 General Standards and Design Requirements
16.10.120 Additional Standards for Wind Energy Conversion Systems
16.10.130 General Application Submittal Requirements
16.10.140 Planning Director's Review
16.10.150 Planning Commission Review
16.10.160 Extent and Parameters of Special Use Permits
16.10.170 Interference with Public Safety Equipment
16.10.180 Transfers and Assignments
16.10.190 Network Improvement Permit
16.10.200 Reconstruction and Replacement

16.10.210 Non-Use and Abandonment
16.10.220 Removal of Facilities
16.10.230 Transfer of a Conditional Use Permit
16.10.240 Tall Structures in Existence or Under Construction on the Date of Adoption of this Chapter
16.10.250 Conflict with Other Ordinances
16.10.260 Violations, Enforcement and Penalties
16.10.270 Appeals – In General
16.10.280 Appeals to the Planning Director
16.10.290 Appeals to the Planning Commission
16.10.300 Appeals to the City Manager
16.10.310 Appeals to Hearing Officer(s)
16.10.320 Determination After Hearing

Chapter 16
Section 16.10 Tall Structures

16.10.010 Purpose

It is the purpose of this chapter to establish reasonable regulations for the placement, construction and modification of Tall Structures, including wireless communication facilities (WCF) consistent with the Telecommunications Act of 1996 and applicable law and to:

A. Promote the health, safety, and general welfare of the public and the City;
B. Provide for adequate fall-zones to protect from falling ice and debris, and potential tower failure;
C. Enable the orderly build-out of wireless communication infrastructure, wind energy conservation systems (WECS) and other Tall Structures;
D. Encourage potential applicants for new Tall Structures to involve citizens early in the process so concerns can be mitigated prior to application for permits;
E. Minimize the overall impacts of Tall Structures by establishing standards for siting, design and screening and by requiring consistency;
F. Encourage the collocation of antennas on existing structures thereby minimizing new visual impacts and reducing the need for new Tall Structures;
G. Encourage the placement of Tall Structures in a manner that minimizes the negative effects on the visual and scenic resources of all surrounding properties;
H. Accommodate the growing need and demand for wireless communications services; and
I. Promote alternative, affordable energy sources in the City.

16.10.020 Definitions

1. "Adverse Impact" means a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on other properties and facilities.
2. "Ancillary Structure" means any form of development associated with a telecommunication facility or Tall Structure, including but not limited to: foundations,

concrete slabs on grade, guy anchors, generators, and transmission cable supports; however, specifically excluding equipment cabinets.

3. "Antenna" means communications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services or any apparatus designed for the transmitting or receiving of electromagnetic waves. Types of antenna include, but are not limited to, omni-directional antennas, directional antennas, multi or single bay, yagi, or parabolic antennas.
4. "Antenna Array" means a single or group of antennas or antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the purpose of transmitting or receiving electromagnetic waves.
5. "Appurtenant or Associated Facilities" means an accessory facility or structure serving or being used in conjunction with a Tall Structure and located on the same property or lot as the Tall Structure including, but not limited to, utility or transmission equipment storage shelters or cabinets.
6. "Breakpoint Technology" means the engineering design of a monopole wherein a specified point on the monopole is designed to be at least five percent more susceptible to failure than any other point along the monopole so that in the event of structural failure, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.
7. "Broadcast Facilities" means a tower, antennas, or antenna arrays for FM/TV/HDTV broadcasting transmission facilities, and tower(s) utilized as antennas for an AM broadcast station that are licensed by the Federal Communications Commission.
8. "Collocation" means the installation or placement of antenna or associated equipment for more than one provider on a single structure.
9. "Commercial" means having profit as a chief aim.
10. "Commercially Impracticable" means the inability to perform an act on terms that are reasonable in commerce. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not be considered "commercial impracticability" and shall not render an act or the terms of an agreement commercially impracticable.
11. "Conditional Use" means a use of a structure or land, which may be allowed by the planning commission after a public hearing and review and subject to certain prescribed or imposed conditions.
12. "Conditional Use Permit (CUP)" means a written document which may specify controls, restrictions and safeguards on the conditional permitted activity to ensure compatibility with permitted uses.
13. "EIA/TIA 222" means the most current structural standards for steel antenna towers and antenna support structures published by the Telecommunication Industry Association and accredited by the American National Standards Institute.
14. "Equipment Cabinet or Shelter" means a small structure shelter, cabinet or vaults used to house and protect the electronic equipment necessary for processing

wireless communication signals or other Tall Structure signals. Associated equipment may include air conditioning and emergency generators.

15. "Equipment Compound" means the area occupied by a tower including areas inside or under the following: an antenna-support structure's framework, equipment cabinets, ancillary structures such as equipment necessary to operate the antenna on the tower including: cabinets, shelters, pedestals, and other similar structures, and access ways.
16. "FAA" means the Federal Aviation Administration or its duly designated and authorized successor agency.
17. "Fall Radius" means the circular area measured from the base of the tower outward in a circular pattern (radius) for a distance of 100 percent of the proposed or existing tower's height including appurtenances.
18. "FCC" means the Federal Communications Administration or its duly designated and authorized successor agency.
19. "Feasible" means consistent with sound engineering practice and not causing environmental, social, or economic costs that outweigh the public benefit to be derived from compliance with the standard which is modified by the term "feasible and prudent."
20. "Feed Lines" means cables used as the interconnecting media between the transmission/receiving base station and the antenna.
21. "Fence" means a fence other than one made of chain link, chicken wire, or similar materials.
22. "Flush-Mounted" means any antenna or antenna array attached directly to the face of the support structure or building in a manner that permits mechanical beam tilting if necessary but such that no portion of the antenna extends above the height of the support structure or building.
23. "Geographic Search Area" means an area designated by a wireless provider or operator for a new base station or WCF, produced in accordance with generally accepted principles of wireless engineering.
24. "Guy Wire" means any wire or cable that provides structural support between a tower and the ground.
25. "Height (tall structure)" means the vertical distance measured from finished grade to the highest point of the tall structure, not including appurtenances or equipment affixed thereto.
26. "Landscape" means:
    a) An expanse of natural scenery;
    b) To add lawns, trees, plants, and other natural and decorative features to land.
27. "Monopole" means a style of freestanding WCF consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of WCF is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof.
28. "Non-Concealed" means a Tall Structure that has not been treated, camouflaged, or disguised to blend with its surroundings and is readily identifiable.

29. "Propagation Study" means a computer generated study estimating the signal emanating, and prediction of coverage, from antennas or repeaters sited on a specific tower or structure.
30. "Radio Frequency Emissions" means any electro-magnetic radiation or other communication signal emitted from an antenna that is regulated by the FCC.
31. "Screening" means a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.
32. "Setback" means the required distance between the tall structure and the property line or right-of-way line to allow for a fall radius.
33. "Structure" means anything which is constructed or erected and located on or under the ground, or attached to something fixed to the ground, including the following:
    a) A building, regardless of size, purpose, or permanence;
    b) A tower, sign, antenna, pole or similar structure;
    c) A basement, foundation, or mobile home pad;
    d) A fence;
    e) A sign;
    f) A street, road, sidewalk, driveway, parking area, or storage area.
34. "Tall Structure or Tall Tower" means a structure that is over one hundred (100') feet above grade. The term includes, but is not limited to, tethered balloons, flag poles, sculptures, buildings, water tanks, derricks, cranes, signs, chimneys, area illumination poles, towers, broadcast facilities, and supports for communication.
35. "Telecommunication" means the technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.
36. "Telecommunication Tower" means a tower contained within a telecommunication facility.
37. "Tower" means a vertical projection composed of metal or other material designed for the purpose of accommodating antennas, wind turbine equipment, or other equipment. Examples of tower types include guyed, lattice, monopole, concealed, and other similar type facilities. Towers do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than twenty (20') feet.
38. "Tower Base" means the foundation, usually concrete, on which the tower and other support equipment is situated. For measurement calculations, the tower base is that point on the foundation reached by dropping a perpendicular from the geometric center of the tower.
39. "Tower Height" means the vertical distance measured from the natural lay of the land or ground to the upper most point of a freestanding or guyed telecommunication tower or other type of tall tower and includes any antenna, beacon, light or other structure(s) attached to the tall tower.
40. "Tower Site" means the land area that contains, or will contain, a proposed tower, support structures, and other related buildings and improvements

41. "Wind Energy Conversion System (WECS)" means any device such as a wind charger, windmill, turbine, energy ball, wind tower, or another similar device, which is typically mounted to a tower or pole, and its associated mechanical and electrical equipment, which is designed to convert wind energy to a form of usable energy.
42. "Wireless Communication Facility (WCF)" means any manned or unmanned location for the transmission and/or reception of radio frequency signals or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. The following developments shall be considered a WCF: developments containing new, mitigated, or existing antenna support structures, public antenna support structures, replacement antenna support structures, collocation on existing antenna support structures, attached wireless communications facilities, concealed wireless communication facilities, and non-concealed wireless communication facilities.

16.10.030 Application

A. This chapter shall apply to
   1. All private and public lands within the City of Bethel;
   2. All tall Structures taller than one hundred (100') feet including, but not limited to:
      a) Broadcast Facilities,
      b) Telecommunication Towers, and
      c) Wind Energy Conversion Systems.
   3. Development activities including installation, construction, or modification of all Tall Structures including, but not limited to:
      (i) Existing Structures,
      (ii) Proposed Structures and
      (iii) Collocated facilities on existing structures.
B. The number of Tall Structures authorized by the Planning Commission shall be the minimum reasonably required to provide services.
C. Permits are required prior to construction, modification, replacement or removal of all Tall Structures.
D. To the greatest extent feasible, location of Tall Structures shall be in compatible areas where the adverse impact of the use is minimized.
E. Permits under this chapter will not be approved unless the applicant has provided evidence demonstrating that the proposal conforms to the applicable provisions of this chapter as well as all applicable zoning requirements.

16.10.40 Exemptions

A. A government-owned or temporary tall tower installed upon the declaration of a state of emergency by federal, state or local government, or a written determination of public necessity by the city manager; except that such facility must comply with all federal and state requirements. The tall tower shall be exempt from the provisions of this chapter for up to four (4) months after the duration of the state of emergency. An additional extension, no longer than three (3) months, may be granted by the city council upon

written request and determination that the tall tower facilities continue to be necessary for post-emergency operations; and

B. Temporary tall structures, including but not limited to, drilling derricks and construction cranes which are utilized on active construction projects or are on site less than one hundred eighty (180) calendar days total within a consecutive six (6) month period and are not intended to routinely reoccur on the same site;

C. The following items are also exempt from the provisions of this chapter:
   1. Church spires, religious icons, and flag poles displaying official government or religious flags;
   2. Lighting support structures less than one hundred (100') feet in height that are constructed for the Alaska Department of Transportation, are located within a right of way, and are used exclusively for illuminating main arterials and highways;
   3. Routine maintenance and repair of tall structures and their components

16.10.050 Location Preferences

A. Tall Structure locations must be approved in accordance with the following location preferences, one being the highest priority and six being the lowest priority:
   1. Collocated antenna on existing Tall Structure;
   2. Concealed attached structures;
   3. Non-concealed attached structures;
   4. New concealed freestanding Structures;
   5. New non-concealed freestanding Structures;
   6. Any lighted Tall Structure or any Tall Structure requiring air navigation lighting.

B. If the proposed location is not the highest priority listed above, then a detailed explanation justifying why a site of a higher priority was not selected must be submitted with the Tall Tower application. Any application seeking approval to locate a Tall Tower in a lower-ranked location may be denied unless the applicant demonstrates to the satisfaction planning commission the following:
   1. That despite diligent efforts to adhere to the established hierarchy, doing so is technically infeasible or commercially impractical; and
   2. The reason or reasons why the application should be approved for the proposed location.

16.10.060 Collocation

A. In all applications for construction of a new Tall Tower, the applicant must prove by substantial evidence that a bona fide need exists for the facility and that no reasonable combination of locations, techniques or technologies will obviate the need. The applicant must further prove that it has made all reasonable efforts to procure space on existing facilities and that the cost of collocation exceeds the cost of a new facility by at least fifty (50%) percent.

B. Prior to the issuance of a permit for a new Tall Tower, the applicant shall demonstrate commitment to joint use as follows:
   1. The applicant requesting the permit shall submit evidence to the City demonstrating that a genuine effort has been made to solicit additional users for the proposed new

tower. Evidence of this shall include, at a minimum, copies of notices sent by certified mail, return receipt requested, to other potential users in the city, advising of the intent to construct a new tower, identifying the location, inviting the joint use and sharing of costs, and requesting a written response within thirty (30) calendar days. The applicant's letter(s) as well as response(s) must be presented to the Planning Commission as a means of demonstrating the need for a new tower.

2. The applicant shall sign an instrument, maintained by the City, agreeing to encourage and promote the joint use of the Tall Tower within the city and, to that extent, committing that there shall be no unreasonable act or omission that would have the effect of excluding, obstructing or delaying joint use of any tower where fair and just market reasonable compensation is offered for such use.

16.10.070 Permit Required

No person shall be permitted to place, build, construct, modify, prepare, replace or remove any Tall Structure or appurtenant equipment without having first obtained the appropriate permit from the city. All applicants for a permit and any modification of such must comply with the requirements set forth in this chapter.

16.10.080 Types of Permits

A. *Special Use Permit* – Required for all new Tall Structures regardless of height or zoning location. Receipt of a Special Use Permit does not alleviate any zoning requirement for a Conditional Use Permit.
B. *Network Improvement Permit* – Required before any legally constructed Tall Structure's height may be increased pursuant to BMC 16.10.190.
C. *Modification Permit* – Required before any legally constructed Tall Structure may be modified.
D. *Reconstruction and Replacement Permit* – Required before any legally constructed Tall Structure can be reconstructed or replaced.
E. *Removal Permit* – Required prior to the demolition, relocation or removal of any Tall Structure.

16.10.090 Pre-Application Requirements

A. Prior to submission of an application, the applicant shall meet with the planning director for the purpose of discussing the site and development proposal, and to address any issues that will help to expedite the review and permitting process, including the scope of the visual assessment the applicant will be required to provide as part of the permit process. The pre-application process may also include a site visit, as determined by the planning director. No statement by either the applicant or the planning director shall be regarded as binding or authoritative for purposes of this section.
B. *Visual Impact Assessment:* The scope of the required assessment will be reviewed at the pre-application meeting, but the planning commission may require submission of a more detailed visual analysis after submittal of the actual permit application. The visual impact assessment must include:

1. A "zone of visibility map" sufficient in detail to allow for a determination of where the Tall Structure may be seen;
2. Current maps at appropriate scale, showing: the location of the proposed use, the locations of other Tall Structure facilities operated by the applicant and those within two (2) miles of the proposed Tall Structure;
3. An analysis demonstrating that the Tall Structure will be sited so as to have the least adverse visual impact on the environment and its character, on existing vegetation, and on the properties in the area, while still meeting the applicant's objectives;
4. A "before" pictorial representation of the proposed Tall Structure site together with photo-simulated post-construction renderings of the completed proposed support structures, equipment cabinets, and ancillary structures which must, at a minimum, include renderings from multiple vantage points of any adjacent roadways and occupied or proposed non-residential or residential structures, and other locations as determined by the planning director. The "before" representations and photo-simulations shall be from the same locations. The applicant shall also provide simulated photographic evidence of the proposed Tall Structure's appearance from any and all residential zones (as identified in the City of Bethel's latest Comprehensive Plan) that are within one thousand five hundred (1500') feet of the proposed site, from vantage points approved by the planning director. The photo-simulated renderings must represent, at a minimum, the proposed Tall Structure's overall height, configuration, physical location, mass and scale, materials and color, illumination and architectural design. The applicant shall also submit proposed exterior paint and stain samples for any items to be painted or stained, and exterior building material and roof samples.
5. Elevation drawings of the facilities depicting existing and proposed Tall Structures, other structures, landscaping, proposed color(s), method of camouflage and illumination.
6. A description of the visual impact of the tower base and accessory buildings from abutting properties and streets;
7. The applicant shall demonstrate, in writing and by drawing, how it will effectively screen from view the base of its proposed Tall Structure tower and all appurtenant facilities and structures; and
8. If the tower is to be lit, a description of the specific type of lighting applicant proposes using and a description of how the applicant will comply with a directive in BMC 16.10.200, requiring the lighting be oriented, shielded or otherwise designed so as to not project directly on to surrounding property.
9. When the proposed Tall Structure facility is to include a new tower, a plot plan at a scale of not less than one (1") inch is equal to one hundred (100') feet must be submitted. This plot plan must indicate all building uses within three hundred (300') feet of the proposed new facility. Aerial photos and/or renderings may augment the plot plan.

C. The applicant shall provide evidence that the proposed facility is designed to meet the minimum height requirement necessary for effective functioning of the tower's intended use.

D. A site plan, drawn to scale under the seal of a qualified Alaska registered surveyor, clearly indicating all site boundaries, location of existing and proposed Tall Structures, antennas, other structures and other development on site, means of access, screening and fencing, topography, landscaping, drainage management, adjacent public easements and rights-of-way.
E. The applicant shall provide evidence that the proposed Tall Structure will not interfere with the approaches to any existing airport or airfield, including water bodies supporting aircraft use.
F. The applicant shall provide the results of a propagation study for the proposed Tall Structure which must have been conducted within the previous twelve (12) months.
G. *Community Meeting* Prior to applying for a Special Use Permit for a new Tall Structure, the potential applicant shall hold at least one (1) community meeting.
   1. The meeting must be held at a centrally located public location capable of seating a minimum of forty (40) people;
   2. Notice of the meeting must be published in a newspaper of local circulation a minimum of two (2) times prior to the meeting;
   3. Notice of the meeting must be announced on the local radio a minimum of five (5) times during the week prior to the meeting;
   4. Notice of the meeting must be posted on at least three (3) bulletin boards within the City limits which are generally accessible to the public;
   5. Notice of the meeting must also be mailed by the applicant to all property owners within twelve hundred (1200') feet of the parcel(s) under consideration for the proposed Tall Structure;
   6. The meeting must be held at least fifteen (15) calendar days after all notifications are completed;
   7. The meeting may not start prior to 5:30 p.m. or later than 7:00 p.m.;
   8. Notification of the meeting must, at a minimum, include the following:
      a) A legal description and map of the general parcel, or parcels, within the coverage area under consideration for the Tall Structure and upon which the Tall Structure is intended to be placed;
      b) A description of the proposed development including height, design, lighting, potential access to the site and proposed service;
      c) The date, time, and location of the informational meeting; and
      d) The contact name, telephone number, and address of applicant;
   9. A written report summarizing the results of the community meeting must be prepared and submitted to the planning director prior to submitting an application for a new Tall Structure permit. At a minimum, the written report must include the following information:
      a) The date(s) and location(s) of all meetings where citizens were invited to discuss the potential applicant's proposal;
      b) The content, dates mailed, and number(s) of mailings, including letters, meeting notices, newsletters and other publications;

c) Sign-in sheet(s) used at the meeting, that includes places for names, addresses, phone numbers and other contact information such as e-mail addresses for the meeting participants;
d) A list of residents, property owners, and interested parties who have requested, in writing, that they be kept informed of the proposed development through notices, newsletters, or other written materials;
e) The number of people who attended meeting(s);
f) Copies of written comments received at the meeting;
g) A certificate of mailing identifying all who were notified of the meeting; and
h) A written summary that addresses the following:
(i) The substance of the public's written concerns, issues, and problems;
(ii) How the applicant has addressed, or intends to address, concerns, issues and problems expressed during the process; and concerns, issues, and problems the applicant has not addressed or does not intend to address and why.

16.10.100 Permit Application Process

A. Applicants shall submit to the Planning Department:
1. Applications on a form specified by the Planning Department, and
2. Site Plans for all Tall Structures.

B. At the time that a person submits an application for a permit for any type of Tall Structure, such person shall pay a nonrefundable application fee to the city, as set forth in the city's Fee and Rate Schedule.

C. In addition to the application fee, the planning director may require a technical review by a third party expert, the actual costs of which shall be borne by the applicant.

D. Based on the results of the technical review, the planning director may require changes or additional documentation before the application will be considered complete. The technical expert review may address some or all of the following, at the discretion of the director:
1. The accuracy and completeness of the items submitted with the application;
2. The applicability of analysis, techniques and methodologies proposed by the applicant;
3. The validity of conclusions reached by the applicant;
4. Whether the proposed Tall Structure complies with applicable approval criteria set forth in this chapter, the Bethel Municipal Code and the Bethel Comprehensive Plan as applicable; and
5. Other matters deemed to be relevant to determining whether a proposed Tall Structure complies with the provisions of this chapter.

16.10.110 General Standards and Design Requirements

A. *Concealed and non-concealed antenna.*
1. Antennas must be mounted on Tall Structures so as to present the smallest possible silhouette, profile, or cross-section, unless applicant provides sufficient evidence that doing so would prohibit the applicant from properly deploying the network. New antenna mounts must be flush-mounted onto existing Tall Structures, unless it is demonstrated through RF propagation analysis that flush-mounted antennas will not meet the network objectives of the desired coverage area.

2. Attached, concealed feed lines and antennas must be designed to architecturally match the facade, roof, wall, or structure on which they are affixed so that they blend with the existing design, color, and texture of the structure.

B. *Security of Tall Structures.* All Tall Structures must be located, fenced and secured in a manner that prevents unauthorized access.
   1. All antennas, towers and other supporting structures must be constructed or shielded to reasonably prevent unauthorized access.
   2. Transmitters and telecommunications control points must be installed in a manner to be readily accessible only to persons authorized to operate or service them.
   3. A fence or wall not less than eight feet (8') in height with a secured gate must be maintained around the base of the tower, the equipment shelter and any guy wires, either completely or individually as determined by the planning director. The security fence must be locked when the facility is unattended.

C. *Height Restrictions.*
   1. Support structures must be designed to bet the minimum height needed to meet the service objectives of the applicant and anticipated collocators.
   2. No new Tall Structures shall exceed two hundred fifty (250') feet in height. However, in the event of dense vegetation or other substantial obstacles to the intended purpose of the Tall Structure, facility height can be extended to no more than three hundred fifty (350') feet by special permission of the Planning Commission.
   3. Tall Structures that simulate objects that typically occur in landscapes similar to the proposed location (except electrical transmissions or telecommunication towers) may exceed two-hundred fifty (250') feet in height if, based on the judgment of the Planning Commission, it would appear in context to the landscape, is aesthetically acceptable, and would be a preferable alternative to an undisguised facility.
   4. Tall Structures located atop or within existing buildings or structures may result in an overall increase in height of the structure of no more than ten (10%) percent of the structure's height without the facility or the maximum height allowed in the zoning district in which the structure is located, whichever is less.

D. *Signage.*
   1. Tall Structures must contain a sign no larger than four square feet with text in a sufficient font size to provide adequate notification to persons in the immediate area of the presence of an antenna that has transmission capabilities. The sign shall contain:
      a) The name(s) of the owner(s) and operator(s) of the facility;
      b) An emergency phone number(s), and FCC registration number, if applicable;
      c) Information for the purpose of identifying the tower such as the antenna structure registration number required by the FCC;
      d) The party responsible for the operation and maintenance of the facility; and
      e) A twenty-four (24) hour emergency contact number.
   2. The sign must be on the equipment shelter or cabinet and be visible from the access point of the site. The sign must not be lighted unless authorized by the city or unless applicable provisions of law require such lighting.

3. No other signage is permitted on any Tall Structure unless required by law.
4. No advertising is permitted on any facility with the exception of identification signage.
5. If more than 220 volts are necessary for the operation of the facility, warning signs must be located at the base of the facility and must display in large, bold, high contract letters the following: "HIGH VOLTAGE – DANGER";
6. Signs other than warning signs and those specifically required by this Chapter are not allowed on Tall Structures.

E. *Lighting.*

1. Tall Structures may not be lighted or marked unless required by the FCC or FAA.
2. Notice is required to be provided to the FAA, on a form prescribed by the FAA, if the facility falls under notification requirements mentioned in 14 CFR Part77. The applicant is responsible for determining whether notification is required. Any Tall Structure that is required to have lighting by the FAA will be lighted with the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA.
3. When lighting is required:
   a) The lights must be oriented, shielded or otherwise designed so as not to project directly on to surrounding property, consistent with FAA requirements.
   b) Tall Structures must use nonstrobe type red lights for night air safety illumination unless otherwise required by law.
   c) The negative impact across lot lines caused by Tall Structure lights and illumination on the site must be minimized
   d) Scenic and night sky views, traffic safety, enjoyment of residential and other lawful uses must be protected.
4. Additional conditions may be required for lighting: type, wattage, brightness, shrouds, direction, location, height and other buffers.

F. *Design criteria.*

1. All freestanding Tall Structures between eighty (80') and one hundred twenty (120') feet in height must be engineered and constructed to accommodate no fewer than four (4) antenna arrays. All Tall Structures between one hundred twenty one (121') feet and one hundred fifty (150') feet must be engineered and constructed to accommodate no fewer than five (5) antenna arrays. All Tall Structures one hundred fifty one (151') feet and taller must be engineered and constructed to accommodate no fewer than six (6) antenna arrays.
2. All utilities for a Tall Structure site must be installed underground whenever possible and in compliance with all ordinances, rules and regulations of the city, including, but not limited to, the National Electrical Code where appropriate.
3. All appurtenant or associated facilities of a Tall Structure must maximize use of building materials, colors and textures designed to blend with the structure to which it may be affixed, or to harmonize with the natural surroundings or built environment, which must include the utilization of concealed or concealment technology for facilities appurtenant to concealed Tall Structures. If located in or abutting a Residential, Commercial or Mixed-Use district, the appurtenant or

associated facility must be placed inside an enclosed structure, fenced and screened with sight-obscuring foliage, which will be as tall as the appurtenant or associated facility.

G. *Setbacks.* Freestanding towers and appurtenant structures shall be subject to the setbacks described below:
   1. If the tower is not constructed using breakpoint design technology, the minimum setback distance from the nearest property line must be equal to the height of the proposed tower.
   2. If the tower has been constructed using breakpoint design technology, the minimum setback distance must be equal to one hundred ten (110%) percent of the distance from the top of the structure to the breakpoint level of the structure, or the minimum yard setback requirements, whichever is greater. For example, on a 100-foot tall freestanding tower with a breakpoint at 80 feet, the minimum setback distance would be 22 feet (110 percent of 20 feet, the distance from the top of the tower to the breakpoint) plus the minimum side or rear yard setback requirements for that zoning district. Certification by a professional engineer registered in the State of Alaska, of the breakpoint design and the design's fall radius must be provided with the application.
   3. Any appurtenant structure must be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.
   4. Guy, guy anchors, and accessory facilities must meet zoning district setback requirements.
   5. Setbacks will be determined from the dimensions of the entire lot, even though the Tall Structure may be located on lease areas within the lot.
   6. A variance from the setback requirement may be granted by the planning commission upon receipt of signed and duly notarized waivers by all adjoining property owners agreeing to such modification or waiver.

H. *Parking.* For all Tall Structures regulated under this chapter, vehicle parking must be provided on the subject property, outside of public use easements and rights-of-way to enable emergency vehicle access. No more than two (2) spaces per provider are required.

I. *Equipment Shelters.* No equipment shelter for a Tall Structure may exceed seven hundred fifty (750') square feet in area or twelve (12') feet in height. All such shelters must be screened with vegetation or other aesthetically pleasing materials. Furthermore, all such shelters must be secured with approved fencing and a locked gate.

J. *Landscaping.* The Planning Commission has the authority to impose reasonable landscaping requirements surrounding the Tall Structure and all accessory equipment. When landscaping is required, existing mature tree growth and natural land on the site must be preserved to the greatest extent feasible.

K. *Facility Color.* The Tall Structure, facility and fence must be earth tone or natural colors that blend with the surrounding area, except when specific colors or color patterns are required by state or federal regulations.

L. *Visibility.*

1. Tall Structures must be configured and located in a manner that minimizes adverse effects including visual impacts on the landscape and adjacent properties and must be maintained in accordance with the requirements of this chapter.
2. Tall Structures must be designed to either resemble the surrounding landscape and other natural features where located in proximity to natural surroundings, or be compatible with the surrounding, built environment, through matching or complementing existing structures and specific design considerations such as architectural designs, height, scale, color, and texture.
3. Surrounding topography and development must be used to reduce negative impacts. Height above nearby ridge lines, hills, trees and buildings must be the minimum needed to reasonably conduct the use.
4. Aerial lines crossing parks, trails and water bodies must be minimized.

M. *Structural assessment.* The owner of a freestanding Tall Structure shall have a structural assessment of the tower conducted by a professional engineer, licensed in the State of Alaska if:

1. The Tall Structure is within the distance from the top of the structure to the breakpoint level of the structure from a dwelling, parking lot, playground, or right-of way, or
2. If the Tall Structure was not constructed using breakpoint design technology and the tower is at a distance equal to the tower's height from a dwelling, parking lot, playground, or right-of way.

The owner shall submit the structural assessment report required by this subsection, signed by the engineer who conducted the assessment, to the director by July 1st every fifth year from the date of issuance of the Special Use permit.

N. *Ice and Wind.* A professional engineer, licensed in the State of Alaska, must provide certification that the proposed Tall Structure, at a minimum, will withstand one hundred (100) year return wind speed for the site and one-half (1/2") inch of solid radial ice.

16.10.120 Additional Operation Standards for Wind Energy Conversion Systems

In addition to the operation standards for new Tall Structures required by section 16.10.110, the following standards apply to Wind Energy Conversion Systems (WECS):

1. WECS must be equipped with an automatic over speed control device designed to protect the system from sustaining structural failure such as splintered or thrown blades and the overturning or breaking of towers due to an uncontrolled condition brought on by high winds; and
2. WECS must have a manually operable method that assures the WECS can be brought to a safe condition in high winds. Acceptable methods include mechanical or hydraulic brakes or tail vane deflection systems which turn the rotor out of the wind.

16.10.130 General Application Submittal Requirements

A. An application for a Tall Structure must be signed by a person having knowledge of the contents of the application.
B. The landowner, if different than the applicant, must also sign the application.

C. All information submitted in an application must be provided by a person qualified and authorized to provide the information.
D. All applications for the construction or installation of a new Tall Structure must be accompanied by the following documentation:
   1. A narrative describing compliance with BMC 16.10.110;
   2. A copy of the deed showing ownership of the property, including book and page number where the deed is recorded with the Bethel Recorder's Office;
   3. A copy of a written instrument (lease, sublease, memorandum, deed, etc.) demonstrating the applicant has secured the property owner's permission to use the property for placement and use of a Tall Structure;
   4. Evidence of legal access to the tower site and ability to maintain this access regardless of other developments that may take place on the site;
   5. Copy of any recorded easements necessary to reach the Tall Structure site. Easements may not be less than twenty (20') feet in width with a road base not less than ten (10') feet in width;
   6. The location of existing streets, buildings, transmission lines, sewers, culverts, drainpipes and easements to the extent that these may be ascertained from a field inspection of the property;
   7. The general geographic information about the site including topography, proximity to surface waters, susceptibility to flooding, soil characteristics and other characteristics which might impose restrictions on the development of the site;
   8. The applicant shall have prepared, by a registered land surveyor registered in the State of Alaska, a boundary survey, which must meet all requirements for recordation in the Bethel Recorder's Office;
   9. A detailed development plan not less than 18"x24" drawn at a scale of sufficient size to accurately and clearly show all required information with a certifying signature, seal and date of a State of Alaska licensed engineer;
   10. For wireless Communication Facilities (WCF), a signed statement from a qualified person, together with a statement of that person's professional qualifications, certifying that radio frequency emissions from the antenna array(s), both individually and cumulatively considering any other WCF located on or immediately adjacent to the proposed WCF, will comply with FCC standards;
   11. Certification from the State of Alaska licensed engineer regarding the proposed Tall Structure's ability to accommodate antennas from wireless communication providers;
   12. The names and addresses of all adjoining property owners;
   13. The name, address, email address, phone number and fax number of all persons preparing the application and any required submittals;
   14. The name, address, phone number and fax number of the property owner, applicant, and facility owner, if applicable;
   15. The name, title and contact numbers for persons in charge of the operation and who will be responsible for compliance with the permit;
   16. An organizational chart or description identifying the lines of responsibility and general function of the organization that will own and operate the facility.

17. A description of all major types of activities proposed to occur on the site including at a minimum, the purpose, number, type and general performance specifications of all Tall Structures and antennas, on site staffing, accessory structures, equipment (such as generators) and plans for collocation of other Tall Structures, and antennas on the site.
18. A general description of the security and safety measures proposed to protect the public safety.
19. The zoning designation of the property on which the proposed Tall Structure will be situated;
20. The size of the property stated both in square feet and lot line dimensions, and a diagram showing the location of all lot lines;
21. The locations of any dwellings within a radius equal to the height of the proposed tower from its base;
22. The location, size and height of all structures on the property which are the subject of the application;
23. The location, size and height of all proposed and existing antennas and all appurtenant structures;
24. The type, locations and dimensions of all proposed and existing landscaping and fencing;
25. A detailed description of the proposed Tall Structures and all related fixtures; structures, appurtenances and apparatus, including height above preexisting grade, materials, color and lighting;
26. Design drawings for the proposed tall structure, drawn to scale, and certified by a registered engineer licensed in the State of Alaska; and
27. Certification that the application is in compliance with all applicable laws pertaining to the type of service offered;

E. In addition to the information required by BMC 16.10.050(B), an affidavit demonstrating compliance with BMC 16.10.050. If a lower ranking alternative is proposed, the applicant shall include a separate affidavit demonstrating why higher ranked options are technically infeasible or commercially impracticable given the proposed location of the Tall Structure. Such narrative must be accompanied by an affidavit by an engineer licensed in the State of Alaska.
F. Applicant shall disclose in writing the existence of any agreement that would limit or preclude the ability of the applicant to share any new Tall Structure that it constructs;
G. Applicant shall furnish written certification by a professional engineer, licensed in the State of Alaska, that the Tall Structure, foundation and appurtenant attachments are designed to meet relevant site and subsurface conditions,
H. For WCF, applicant shall furnish written certification by a professional engineer, licensed in the State of Alaska, that the Tall Structure and will be constructed to meet EIA/TIA 222 G (as amended) and local building code structural requirements for loads, including wind, snow and ice loads for the specified number of collocations.
I. Applicant shall file a copy of a determination of no hazard to air navigation from the FAA;

J. If breakpoint technology is intended to be utilized, a written statement specifying the height at which the engineered structural weakness will be located; and
K. Proof of compliance with FAA regulations in 14 CFR Part 77, if applicable.
L. All applications must have an attestation clause requiring the applicant to attest to the truth and completeness of the information provided in the application.

16.10.140 Planning Director's Review.

A. The planning director shall review the application for completeness and shall notify the applicant within twenty (20) calendar days of receipt of the initial submission whether the application is deemed complete.
B. Incomplete applications will be rejected, in writing, within thirty (30) calendar days of receipt of the initial submission. If rejected, the director's decision must identify the deficiencies in the application, which, if cured, would make the application complete.
C. Once an application is deemed complete, the planning director shall schedule it for a hearing before the Planning Commission and shall give notice to the applicant and the public in accordance with subsection (D) below:
D. *Public Notice.* Public notice of Planning Commission consideration of a Special Use Permit request for a new Tall Structure, at a minimum, shall be provided as follows:
    1. Permit consideration must be included as an item in the posted agenda.
    2. Notice of the hearing and the agenda item must be published in a newspaper of general circulation in the city a minimum of ten (10) calendar days prior to the date of the meeting. The cost of publication will be paid by the applicant. Publication will be accomplished by the planning director.
    3. The planning director, or their designee, shall post copies of the agenda showing the request for a Special Use Permit, in at least three (3) bulletin boards accessible to the general public. Posting will be completed at least five (5) calendar days prior to the scheduled hearing.
    4. The applicant shall post signs on the proposed site at least fourteen (14) calendar days prior to the hearing at locations determined by the planning director. The sign must be between four (4) square feet and thirty two (32) square feet in area, must have a red background, and must indicate in white lettering, 216-point or larger, that a Special Use Permit for a Tall Structure has been sought for the site, the date of the hearing thereon, and that further information is available from the city's planning director. The applicant must maintain the sign and shall remove it within fourteen (14) calendar days after final action on the application.
    5. The planning director shall mail notice of the application and the public hearing to the owners of record of all property located within one thousand five hundred (1,500) feet of the site and all individuals who submitted comments at the community meeting. The actual cost of mailing will be paid by the applicant.

16.10.150 Planning Commission Review

The planning commission is authorized to review, analyze, evaluate and make decisions with respect to reviewing Special Use Permits for Tall Structures.

A. *Process Timeframe.*

1. A public hearing must be held by the planning commission within forty-five (45) calendar days of receipt of a complete application;
2. The commission shall render a written decision within thirty (30) days from the close of the public hearing.

B. The planning commission may impose conditions on a Tall Structure permit:
   1. Required to ensure compliance with the design criteria specified in section 16.10.110; and
   2. That is consistent with the purposes of this chapter, which may include conditions related to the aesthetic effect of the Tall Structure and compatibility with the surrounding area. Factors relevant to aesthetic effects are:
      a) The protection of the view in sensitive or particularly scenic areas;
      b) The concentration of Tall Structures in the proposed area; and
      c) Whether the height, design, placement or other characteristics of the proposed facility could be modified to have a less intrusive visual impact.
   3. Conditions for approval. Conditions set by the Planning Commission for a Special Use Permit may include, but are not limited to, the following:
      a) Height limitations;
      b) Increased height or structural capacity of a proposed Tall Structure to accommodate future collocation;
      c) Mitigation of drainage concerns;
      d) Tower type (monopole, lattice, guyed);
      e) Color;
      f) Landscaping;
      g) Parking;
      h) Screening;
      i) Security
      j) Signage;
      k) Visibility and/or camouflaging;
      l) Lighting;
      m) Signage;
      n) Setbacks greater than those required under the applicable zoning regulations; and
      o) Any other conditions deemed appropriate to protect the public health, safety and general welfare.

C. The Planning Commission may deny an application for any of the following reasons:
   1. Conflict with safety and safety-related codes and requirements;
   2. Conflict with the purpose of a specific zoning, overlay, or land use designation;
   3. Presence of another approved Tall Structure or Tall Structure application within the geographic search area, which is available to the applicant;
   4. The proposed site is on, or eligible to be on, the National Register of Historic Places;
   5. The applicant failure to demonstrate that no existing structure or tower can accommodate the applicant's proposed use without increasing the height of another existing tower or structure or otherwise creating a greater visual impact; or that use of other existing facilities is technically infeasible or commercially impracticable; and

6. Conflicts with the provisions of this article.

D. The Planning Commission shall deny any application for a Tall Structure in the following locations:
   1. State or local wildlife refuges; and
   2. In any area designated as a public park, unless screened so as to minimize visual and noise impacts, and as long as public use will not be disrupted.

E. Any and all representations made by the applicant to the Planning Commission on the record during the application process, whether written or verbal, will be deemed a part of the application and may be relied upon in good faith by the Planning Commission.

F. In granting or denying a Special Use Permit, the Planning Commission shall make written findings on whether the applicant has demonstrated that:
   1. The location chosen complies with the location preferences set out in subsection 16.10.050;
   2. To the extent that is technically feasible and potentially available, the location of the Tall Structure is such that its negative effects on the visual and scenic resources of all surrounding properties have been minimized;
   3. The Tall Structure will not interfere with the approaches to any existing airport or airfield; and
   4. That granting the permit will not be harmful to the public health, safety, convenience, and welfare.

G. The Planning Commission's decision shall be in writing must include written findings of fact.

H. If the Planning Commission denies a request to place, construct or modify a Tall Structure, the applicant may, within fifteen (15) calendar days from the postmarked date of the decision, appeal the planning commission's decision in accordance with section 16.10.270.

16.10.160 Extent and Parameters of Special Use Permits

A. A holder of a Special Use Permit granted under this chapter shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the city and other governmental entity or agency having jurisdiction over the applicant.

B. Within ten (10) calendar days from the issuance of a Special Use Permit, the holder shall file with the planning director a written indemnification of the city and proof of liability insurance or financial ability to respond to claims up to one million ($1,000,000) dollars in the aggregate which may arise from operation of the facility during its life. The city will not bear any cost for the holder's required insurance. Proof of insurance must be maintained throughout the life of the Tall Structure.

C. A Special Use Permit will become void six (6) months after its effective date if no substantial construction progress has been made. A new application must be submitted for a voided permit, including new payment of any required fees, and a new permit obtained. No permit may be renewed more than once, the maximum duration of which shall be twelve (12) months.

D. Upon an application submitted at least thirty (30) days before the expiration of an existing Special Use Permit, the Planning Commission shall hold a hearing to consider whether the permit should be extended. Notice of said hearing will be provided in accordance with the procedures set out in section 16.10.140(D). At the hearing, the burden of proof for the justification for a permit extension shall rest with the applicant. Upon written findings that such burden has been met, the Planning Commission may grant an extension the maximum duration of which shall not exceed twelve (12) months. The Planning Commission may not delete from, amend or add to the conditions contained in the original permit. Upon written findings that the applicant's burden has not been met, or that the conditions contained in the permit should be changed, or both, the commission shall deny the application whereupon the permit shall be voided.

E. The property owner and the permittee shall be responsible for maintaining all aspects of the operation, improvements, development, and site in compliance with the terms and conditions of the permit and all applicable local, state and federal requirements.

F. The holder of a Special Use Permit shall notify the city of any intended modification of a Tall Structure and shall apply to the planning director prior to modifying, relocating or rebuilding any Tall Structure.

G. Following prior written notice to the applicant and a hearing on the matter, Special Use Permits may be revoked, canceled or terminated for a violation of the conditions and provisions of the special use permit for Tall Structures or for a material violation of this chapter.

16.10.170 Interference with Public Safety Equipment

In order to facilitate the regulation, placement, and construction of antenna, and to ensure that all parties are complying to the fullest extent possible with the rules, regulations, and/or guidelines of the FCC, each WCF applicant or owner applicant shall agree in a written statement to the following:

1. Compliance with "good engineering practices" as defined by the FCC in its rules and regulations;
2. Compliance with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI);
3. In the case of an application for collocated telecommunications facilities, the applicant, together with the owner of the subject site, shall use their best efforts to provide a composite analysis of all users of the site to determine that the applicant's proposed facilities will not cause radio frequency interference with the city's public safety communications equipment and will implement appropriate technical measures, as described in antenna element replacements, to attempt to prevent such interference; and

4. Whenever the city has encountered radio frequency interference with its public safety communications equipment, and it believes that such interference has been or is being caused by one or more antenna arrays, the following steps may be taken:
   a. The city will provide notification to all wireless service providers operating in the city of possible interference with the public safety communications equipment, and upon such notifications, the owners shall use their best efforts to cooperate and coordinate with the city among themselves to investigate and mitigate the interference, if any, utilizing the procedures set forth in the joint wireless industry-public safety "Enhanced Best Practices Guide," released by the FCC in Appendix D of FCC 04-168 (released August 6, 2004 or most recent edition), including the "Good Engineering Practices," as may be amended or revised by the FCC from time to time in any successor regulations.
   b. If any equipment owner fails to cooperate with the city in complying with the owner's obligations under this section or if the FCC makes a determination of radio frequency interference with the city's public safety communications equipment, the owner who failed to cooperate and/or the owner of the equipment which caused the interference shall be responsible, upon FCC determination of radio frequency interference, for reimbursing the city for all costs associated with ascertaining and resolving the interference, including but not limited to any engineering studies obtained by the city to determine the source of the interference. For the purposes of this subsection, failure to cooperate shall include failure to initiate any response or action as described in the "Enhanced Best Practices Guide" within seventy-two (72) hours of the city's notification.

16.10.180 Transfers and Assignments

A. Permits obtained pursuant to this chapter may not be assigned or transferred without providing prior notice to the city, on a form acceptable to the planning director.
B. In the event a WCF provider or owner transfers ownership of a WCF to a different provider or owner, the previous and new service provider or owner shall notify the planning director no less than ten (10) calendar days from the date of transfer. The new provider or owner shall include the name, address and phone number of the person to be responsible for the WCF.

16.10.190 Network Improvement Permit

A. A Network Improvement Permit allows legally constructed Tall Structures to be replaced or modified in a manner that increases the overall height of the existing Tall Structure in accordance with this section.
B. A Network Improvement Permit does not require notification to surrounding property owners.
C. The base of a replacement tower may be located no farther than fifty (50') feet from the base of the original tower. The original tower shall be removed within ninety (90) calendar days upon completion of construction of the replacement tower.
D. More than one Network Improvement Permit may be obtained. However, the cumulative increase in overall height may not exceed the following:

1. Up to twenty (20') feet for telecommunications towers that are located within a Residential District. If the existing tower exceeds two hundred (200') feet, it can be increased by up to ten percent (10%) of the height of the existing tower;
2. Within a Residential District, height increase under this section is limited to a cumulative increase of ten (10%) percent of the existing facility unless the applicant demonstrates that the additional height, not to exceed twenty (20') feet, is necessary for installation of one (1) additional antenna array.

E. Application for a Network Improvement Permit must include the following:
   1. Application form signed by the property owner and authorized agent for the Tall Structure;
   2. A description of the proposed modifications to the Tall Structure, including a description of the height, type, and lighting of the new or modified structure and the existing structure; and
   3. Design drawings for the proposed modified or replaced structure, drawn to scale, and certified by a registered engineer licensed in the State of Alaska.

F. In granting a Network Improvement Permit, the planning director shall make the following findings:
   1. That the proposed development conforms to setback requirements of BMC 16.10.110;
   2. That the Tall Structure being extended was lawfully constructed at the time of application for a Network Improvement Permit; and
   3. That the proposed modification does not violate permit conditions of any valid permits that have been issued to the existing facility.

G. A Network Improvement Permit must be approved within sixty (60) calendar days from the time of application if it meets the requirements of this section.

H. Replacement or modification of a Tall Tower that is in accordance with this section is not subject to application or pre-application requirements required for a new tower under this chapter.

16.10.200 Reconstruction and Replacement

A. This section only applies to Tall Structures that are legally permitted or have obtained pre-existing legal nonconforming status.

B. The tower operator is responsible for all aspects of the operation, improvements, development, and maintenance of the site in compliance with the terms and conditions of the permit and all applicable local, state, and federal requirements.

C. Tall structures may be replaced or reconstructed in order to improve the structural integrity of the tall structure or in the case of accidental damage or collapse.

D. Reconstruction or replacement shall not:
   1. Increase lighting;
   2. Change the type of lighting;
   3. Change the tower type;
   4. Change the location of the Tall Structure; or
   5. Increase the height of a tall structure.

E. In the case of accidental damage or collapse, if reconstruction or replacement has not commenced within six (6) months from the date of the damage, the structure is considered to be abandoned and is subject to section 16.10.210.
F. Reconstruction or replacement must conform to all the requirements and conditions of a previously granted permit or pre-existing legal nonconforming determination.

16.10.210 Non-Use and Abandonment

A. Notwithstanding the emergency powers of the City, the planning director may require removal of a Tall Structure under the following circumstances, which are deemed detrimental to the health, safety, and welfare interests of the city:
   1. Tall Structures with a permit that has not been used as a Tall Structure for a period exceeding sixty (60) consecutive days or a total of eighty (180) calendar days in any three hundred sixty five (365) day period, except for periods caused by force majeure or acts of God, in which case, repair or removal shall commence within ninety (90) calendar days.
   2. Permitted Tall Structures that have fallen into such a state of disrepair that they create a public health or safety hazard, which shall be deemed a nuisance per se.
   3. Tall Structures that have been located, constructed or modified without first obtaining all permits required by law, or that have been located, constructed or modified in a manner inconsistent with the applicable permit requirements, which shall be deemed a nuisance per se.
B. If the planning director makes such a determination as noted in subsection (A) of this section, the planning director shall notify the permittee in writing that said Tall Structure is to be removed. Notification shall be deemed completed when notice is mailed, certified mail, return receipt, to the last known address on file.
C. Within ninety (90) days of the postmarked date of the planning director's notice, the permittee, or its successors or assigns, at its sole expense, shall dismantle and remove such Tall Structure (and all associated structures and facilities) from the site and restore the site as close to its original condition as is possible. Restoration being limited only by physical or commercial impracticability proven to the satisfaction of the planning director.
D. If the Tall Structure owner cannot be found, the landowner will be notified and will become responsible for removal of the unused structures.
E. If the Tall Structure is not removed within ninety (90) days after the permit holder and/or landowner have received notice, the City may remove or cause to be removed the Tall Structure at the sole expense of the owner, permit holder and landowner.
F. Notwithstanding anything in this section to the contrary, the planning director may approve a temporary use permit/agreement for the Tall Structure, for no more than ninety (90) calendar days, during which time a suitable plan for removal, conversion or relocation of the affected Tall Structure shall be developed by permit holder or owner, subject to the approval of the planning director. If such a plan is not developed, approved and executed within the ninety (90) day time-period, then the city may take possession of and dispose of the affected Tall Structure in the manner provided in this section.

16.10.220 Removal of Facilities

A. The owner of a facility shall establish a ten thousand ($10,000) dollar cash security fund or provide the city with an irrevocable letter of credit in the same amount to secure the cost of removing the Tall Structure and all appurtenances once abandoned.
B. In the event of a transfer of ownership, the seller shall be responsible for notifying the buyer of this requirement and for notifying the city of the transfer.
C. In the event of a transfer of ownership, the city will not refund the security to the initial owner until the new owner of the Tall Structure posts the required ten thousand ($10,000) dollar security or letter or irrevocable letter of credit.

16.10.230 Transfer of a Conditional Use Permit

The privileges and requirements of a permit issued under this chapter shall run with the land.

16.10.240 Tall Structures in Existence or Under Construction on the Date of Adoption of this Chapter

A. All Tall Structures greater than one hundred (100") feet must be registered with the city within ninety (90) calendar days of the adoption of this chapter.
B. All existing Tall Structures must be brought into compliance with the Signage and Security Fencing requirements of this chapter (section 16.10.110) within one hundred eighty (180) calendar days of the adoption of this chapter.
C. Tall Structures which have commenced construction or are in existence as of the effective date of this ordinance, but which would otherwise be prohibited, regulated or restricted under this chapter, are allowed to continue subject to the provisions set out in this section.
    1. Structures which have commenced construction as of the date of adoption of this chapter are allowed to be constructed. The height of the structures one (1) year after the date of adoption of this chapter shall be considered the final height of the structure. Such structures may only be expanded in accordance with a permit under this chapter.
    2. Existing or proposed structures which have been granted a Special Use Permit under 16.10.100 and other related sections of this chapter, are considered to have pre-existing legal nonconforming status and are allowed to continue in accordance with the requirements of the permit but shall not be increased in height except as provided in this chapter.
    3. Structures which are existing as of the date of adoption of this chapter are eligible for pre-existing legal nonconforming status under this chapter.
    4. All telecommunications towers greater than eighty (80') feet shall comply with operations standards required by 16.10.110.
D. Alteration or modification of greater than thirty (30%) percent of existing Tall Structure, or an increase in height to an existing Tall Structure will void its "grandfather" status, and all elements of this chapter will apply.

E. Nonconforming Tall Structures which have commenced construction or are in existence as of the date of this chapter are eligible for pre-existing legal nonconforming status upon submittal of the following:
   1. Name, title, and contact numbers of the landowner, applicant, and persons in charge of the operation;
   2. Height of structure;
   3. Legal description of the subject parcel;
   4. A certified site plan;
   5. Documentation of all signage within the equipment compound;
   6. Documentation demonstrating that the structure was in existence or had commenced construction prior to the date of adoption of this chapter; and
   7. Certified written assurance by the owner of the Tall Structure that they intend to take responsibility for the safe and proper removal of the Tall Structure when it ceases to be used for its intended purpose.

F. Within fifteen (15) calendar days of submittal, the planning director shall issue a determination of incompleteness if the application fails to meet the requirements of this chapter. Rejection of the application for pre-existing legal nonconforming status shall be in writing and shall state the deficient items. Once the deficiencies are corrected, the application shall be accepted as complete.

G. Pre-existing legal non-conforming status will be determined based on the following:
   1. Whether the applicant has demonstrated that the Tall Structure was constructed or construction had commenced legally under the applicable code provisions at the time, if any.

16.10.250 Conflict with Other Ordinances

Where any provision of this ordinance differs or conflicts with other ordinances, unless the right to do so is preempted or prohibited by state or federal law, the more restrictive or protective of the city and the public shall apply.

16.10.260 Violations, Enforcement and Penalties

A. Any person violating the provisions of this chapter may be guilty of a minor offense punishable by a fine of one thousand ($1,000) dollars per day.
B. Additionally, the city may utilize any other provisions of law available to it in order to enforce the provisions of this ordinance, including, but not limited to, injunction and abatement.
C. Every day there is a violation of this ordinance shall be considered a unique and separate offense.
D. In addition to other applicable penalties, failure to correct the violation of code, after reasonable notice, may result in revocation of the permit.
E. Complaints received by the city of violations of state or federal law will be forwarded to the appropriate agency for enforcement.
F. Authorized representatives of the city are allowed to inspect the site and related records at reasonable times for the purpose of monitoring compliance with all permit conditions.

G. The permittee shall assist and cooperate with authorized inspections upon reasonable notice from the city.

16.10.270 Appeals – In General

A. An applicant desiring relief, waiver or exemption from any aspect or requirement of this chapter may request same. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove.
B. No such relief or exemption will be granted unless the applicant demonstrates that, if granted, the relief, waiver or exemption will have no significant adverse effect on the health, safety and welfare of the city of Bethel, its residents and other service providers.
C. Denials of relief requested must be appealed as follows:
    1. Decisions of the planning director may be appealed to the Planning Commission.
    2. Decisions of the Planning Commission may be appealed to the City Manager.
    3. Decisions of the City Manager may be appealed to a Hearing Officer.
    4. Decisions of the Hearing Officer(s) are final.

16.10.280 Appeals to the Planning Director

A. A request for relief or reconsideration to the planning director is a more informal process and should be accomplished by a written letter. The applicant's request for relief must address the following:
    1. The type of relief sought;
    2. The basis for granting said relief;
    3. The length of the requested relief (temporary, permanent, partial or complete);
    4. Any other information the applicant feels is relevant for the planning director to review;
    5. The name and contact information for the person seeking relief.
B. The request for relief to the planning director must be clearly labeled "Request for Relief".
C. The planning director shall impartially review the request for relief and shall issue a written decision within twenty (20) calendar days after receipt of the request for relief. The request for relief must state: "This is the final decision of the city planner. This decision may be appealed to the Planning Commission. If you appeal, you must file a written notice of appeal with the City Clerk within fourteen (14) calendar days after this final decision is sent."
D. There is no fee for filing a request for relief to the planning director.

16.10.290 Appeals to the Planning Commission

A. An applicant may appeal a final decision of the planning director by filing a written request for appeal with the planning director within fourteen (14) calendar days after notice of the planning director's decision is sent.
B. When filing the appeal, the appellant shall:
    1. Certify under oath that the appeal is made in good faith;

2. Set forth the pertinent sections of the Bethel Municipal Code and/or state or federal law which the appellant believes were misapplied or misinterpreted by the city;
3. Set forth the specific relief requested.

C. The planning director shall forward the request for appeal to the Planning Commission who shall set the appeal for the next regularly scheduled Planning Commission meeting provided such meeting is scheduled sufficiently in the future to allow for proper notification as required under the Bethel Municipal Code. If the request is received too close to a scheduled Planning Commission meeting that proper notice would not be possible, the Planning Commission shall set the matter for the following meeting.

D. Written notice of the hearing shall be sent to the applicant and any other interested parties by the planning director.

E. Prior to the hearing, the planning director shall make copies of the request for relief submitted by the applicant as well as the planning director's decision.

F. Applicants may supplement the information provided to the Planning Commission by providing additional information previously presented to the planning director. Supplemental information must be provided to the planning director at least ten (10) days prior to the hearing.

G. During an appeal to the Planning Commission, appellant may not rely on or introduce information that the appellant failed to furnish to the City in support of its initial request.

H. Before issuing a written decision, the Planning Commission, shall hear from the parties and shall review the facts and documents relating to the claim.

I. Within thirty (30) days of the hearing, the Planning Decision shall issue a written decision. The decision must include the following statement: "This is the final decision of the Planning Commission. This decision may be appealed to the City Manager. If you appeal, you must file a written notice of appeal with the City Clerk within fourteen (14) calendar days after you receive this decision."

J. The planning director shall furnish a copy of the Planning Commission's decision to the appellant by certified mail or other method that provides evidence of receipt.

K. There is no fee for filing a request for relief to the planning director.

16.10.300 Appeals to the City Manager

A. An applicant may appeal a final decision of the Planning Commission by filing a written request for appeal with the City Clerk within fourteen (14) calendar days after the Planning Commission's decision is sent.

B. When filing the appeal, the appellant shall:
   1. Certify under oath that the appeal is made in good faith;
   2. Set forth the pertinent sections of the Bethel Municipal Code and/or state or federal law which the appellant believes were misapplied or misinterpreted by the city;
   3. Set forth the specific relief requested.
   4. An appeal to the City Manager must be accompanied by a filing fee as set out in the Bethel Fee and Rate Schedule.

C. If the appeal request does not meet the requirements of subsections (A) and (B) of this section, it shall be denied.

D. During an appeal under this chapter, the appellant may not rely on or introduce information that the appellant has failed to furnish to the City in support of its initial request.
E. Before issuing a written decision, the City Manager, shall review the facts relating to the claim and obtain necessary assistance from legal and other relevant advisors.
F. The City Manager's decision will be limited to a review of the file and all documents presented and accepted to date. No argument will be heard by the City Manager.
G. The City Manager shall furnish a copy of their decision to the appellant by certified mail or other method that provides evidence of receipt. The decision must include:
    1. A description of the claim;
    2. A reference to the pertinent BMC provisions;
    3. A statement of the agreed-upon and disputed facts;
    4. Findings of fact about the claim;
    5. A statement of reasons supporting the decision; and
    6. A statement substantially as follows:
    "This is the final decision of the City Manager. This decision may be appealed to a Hearing Officer. If you appeal, you must file a written notice of appeal with the City Clerk within fourteen (14) calendar days after you receive this decision."

16.10.310 Appeals to the Hearing Officer(s)

A. An applicant may appeal a final decision of the City Manager by filing a written request for appeal with the City Clerk within fourteen (14) calendar days after the City Manager's decision is sent.
B. When filing the appeal, the appellant shall:
    5. Certify under oath that the appeal is made in good faith;
    6. Set forth the pertinent sections of the Bethel Municipal Code and/or state or federal law which the appellant believes were misapplied or misinterpreted by the city;
    7. Set forth the specific relief requested.
    8. An appeal to the Hearing Officer(s) must be accompanied by a filing fee as set out in the Bethel Fee and Rate Schedule.
C. If the appeal request does not meet the requirements of subsections (A) and (B) of this section, it shall be denied.
D. During an appeal under this chapter, the appellant may not rely on or introduce information that the appellant has failed to furnish to the City in support of its initial request.
E. The hearing officer(s) shall arrange for a prompt hearing and notify the parties, in writing, of the time and place of the hearing. The hearing may be conducted in an informal manner.
F. The hearing officer(s) may:
    1. Hold prehearing conferences to settle, simplify, or identify the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding;
    2. Require parties to state their positions concerning the various issues in the proceeding;

3. Require parties to produce for examination those relevant witnesses and documents under their control;
4. Rule on motions and other procedural matters;
5. Regulate the course of the hearing and conduct of the participants;
6. Establish time limits for submission of motions or memoranda;
7. Impose appropriate sanctions against a person who fails to obey an order of the hearing officer, including:
    a) Prohibiting the person from asserting or opposing designated claims or defenses or introducing designated matters into evidence;
    b) Excluding all testimony of an unresponsive or evasive witness; and
    c) Excluding a person from further participation in the hearing;
8. Take official notice of a material fact not appearing in evidence, if the fact is among the traditional matters subject to judicial notice;
9. Administer oaths or affirmations;
10. Exclude witnesses when not testifying.

G. The parties shall have the right:
    1. To present witnesses and evidence; and
    2. To cross-examine opposing witnesses and rebut evidence.
H. The hearing will be open to the public.
I. The hearing shall be recorded. A transcribed record of the hearing shall be made available at cost to the party that requests it.
J. The hearing officer(s) shall review the City Manager's decision using a preponderance of evidence standard with the burden of proof on the claimant.

16.10.320 Determination after Hearing

A. The hearing officer(s) decision will be written findings of fact and conclusions of law and will be made within thirty (30) calendar days of the end of the hearing.
B. The decision shall include a statement substantially as follows:
    "This is the final decision of the hearing officer(s). This decision may be appealed to a court. If you appeal, you must commence your lawsuit in the Superior Court for the State of Alaska at Bethel within thirty (30) calendar days after your receipt of this decision."
C. The hearing officer(s) shall deliver the written decision to the City Clerk who shall serve the written decision on the parties by fax and by mail.
D. Appeal to Superior Court. An appeal may be made from the written decision of the hearing officer(s) pursuant to the Alaska Rules of Appellate Procedure to the superior court for the state of Alaska at Bethel only.

SECTION 4. Effective Date. This section shall become effective upon passage by the City Council.

Introduced by: Vice Mayor Albertson
Date: April 14, 2015
Public Hearing: April 28, 2015
Action:
Vote:

ENACTED THIS __ DAY OF _____ 2015, BY A VOTE OF __ IN FAVOR AND ___ OPPOSED.

Richard Robb, Mayor

ATTEST:

Lori Strickler, City Clerk

Other Miscellaneous Information

CITY OF BETHEL

PO Box 1388 (1155 Ridgecrest)
Bethel, AK 99559
(907) 543-5301

APPLICATION FOR COMMERCIAL SITE PLAN PERMIT

SITE PLAN PERMIT REQUIRED

A Commercial Site Plan Permit must be attained prior to work commencing for, but not limited to, the following:

1. An improvement or significant alteration of an existing structure resulting in a change in exterior dimensions. This includes adding a second story, porch or room onto your commercial property. This also includes demolishing or removing rooms or structures.
2. Relocation of a building from one lot to another, or relocation on the same lot.
3. The installation of a water or sewage holding tank.
4. The addition of an accessory building.
5. Placements of sand or dirt fill on the lot, or excavation of the site.
6. Construction of a new building or expanding on the lot.

SITE PLAN REVIEW STANDARDS

A Commercial Site Plan Permit will be considered under, but not limited to the following standards:

1. The site plan is consistent with any previously approved subdivision plat, planned development plan, or any other precedent plan or land use approval;
2. The site plan complies with all applicable development and design standards set forth in the Bethel Municipal Code Title 15 (Building & Construction and Flood Control); Title 16 (Planning, Land Use, Platting and Development) Title 17 (Subdivisions) and Title 18 (Zoning).
3. Minimum water and sewage holding tank requirements;
4. The site plan addresses any significant adverse impacts that can reasonably be anticipated to result from the use, by mitigating or offsetting those impacts to the maximum extent feasible; and
5. The development proposed in the site plan is consistent with the goals, objectives, and policies of the City of Bethel comprehensive plan.

PROPERTY OWNER*	OWNER'S AUTHORIZED AGENT (if any)
Name (last name, first name, middle initial)	Name (last name, first name, middle initial)
Firm Name (if applicable)	Firm Name (if applicable)
Mailing Address	Mailing Address
Physical Address	
Contact Phone (Day) Evening	Contact Phone (Day) Evening
Fax Number	Fax Number
E-Mail	E-Mail

* Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

CONTRACTOR INFORMATION (If Applicable)		
Contractor's Name:	Company Name (if different):	
Mailing Address:	State License #	
Telephone #:	Fax #:	Cell #:

TYPE OF WORK (Check all that apply)	
☐ New	☐ Public
☐ Residential	☐ Farm/Agriculture
☐ Commercial	☐ Alterations/Repairs
☐ Electrical	☐ Addition
☐ Plumbing	☐ Mechanical
☐ Drainage	☐ Water (Hauled System)
☐ Fill	☐ Water (Piped System)
☐ Outbuilding(s)	☐ Pilings
☐ Demolition	☐ Removal

Brief Description of the proposed work to be performed and the principal use. Include any information deemed necessary for evaluation of the application.

DIMENSTIONS OF FILL	
(Required) Max Height of Fill: (Required) Length of Fill: (Required) Width of Fill: (also see worksheet attached)	Method of Stabilizing Sand Pad Slopes: ☐ Seeding ☐ Sandbagging

If improvement(s) include plumbing, construction, renovation or floor area addition, that may reasonably come into contact with or impact the water or sewer connections, please indicate the following:

Sewer service type: ☐ Hauled ☐ Piped

If **hauled**, please indicate:

Hauled water tank size (gallons): Hauled sewer tank size (gallons):

PROPERTY INFORMATION		
Current Legal Description (Use additional sheets if necessary)		
Physical Location to be affected (site address and description):		
Zoning:	Acreage:	Underlying Plat #:
Subdivision:	Lot:	Block:
Lot Size:	# of Rooms:	Proposed # of Buildings:

Expected Start Date: _____ Expected Completion Date:_____

ENVIRONMENTAL INFORMATION (All or portion of site affected)				
Wetland Classification	☐ None	☐ "C"	☐ "B"	☐ "A"
Floodplain/Flood Zone	☐ None	☐ 100 year	☐ 500 year	

NOTICE

SEPARATE PERMITS ARE REQUIRED FOR CONSTRUCTION, ELECTRICAL, PLUMBING, MECHANICAL, FILL WORK, AND DRAINAGE WORK

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 1 YEAR, OR IF CONSTRUCTION OR WORK IS STOPPED FOR A PERIOD OF 365 DAYS AT ANY TIME AFTER WORK IS COMMENCED.

CERTIFICATION

I hereby certify that I have read and examined this application and know the same to be correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any law regulating construction, setbacks, easements or the performance of construction.

Signature of Owner	Print Name
Date:	Contact phone #
Signature of Authorized Agent (if applicable)	Print Name & Title (Contractor, Agent)

SUBMITTAL REQUIREMENTS

1 Copy required:

- ☐ Signed Application [original]
- ☐ Copy of site plan/building plans submitted (minimum size 8 ½" x 11")
- ☐ Project narrative describing the project

DEPARTMENT USE ONLY

Permit Granted By: _____ Date: _____

Printed Name: _____ Title: _____

Conditions (if any): _____

_____

_____

Permit # _____ Non-Refundable Fee: _____

Fee Receipt #: _____

For Office Use Only
Information/Documentation

Required	Received	
☐	☐	State Fire Marshall Approval
☐	☐	Local Fire Department Approval
☐	☐	Written Drainage Plan
☐	☐	Written Disposal Plan
☐	☐	Army Corp of Engineers Permit
☐	☐	State DEC
☐	☐	Public Works Department Approval
☐	☐	Other Agency _____

ALLOW UP TO 10 BUSINESS DAYS TO PROCESS THE PERMIT

Information for the site plan(s) shall include, but not be limited to the following:

- Site drainage
- Parking, including location of required accessibility spaces
- Site access (driveways, entries)
- Easements (utilities, right of way, location of proposed utility services)
- Zoning setbacks
- Fire Hydrants
- Other structures on property (include connexes)
- Drainage
- Location of water and sewer lines/connection OR water and sewer tanks
- Location of all fuel tanks

For new commercial Construction, the following must also be included:

- One set of complete structural calculations prepared by a structural engineer licensed in the State of Alaska;
- Two sets of sprinkler plans (if required);
- Soils investigation report (as determined by professional design team and actual soil conditions in field);
- Fire flow regulations which shall be verified before the construction permit can be issued (contact the local fire department)
- Army Corp of Engineers wetland determination and/or permit
- Commercial use landfill permit;
- Proof 1 or more dumpsters have been secured to collect the construction materials

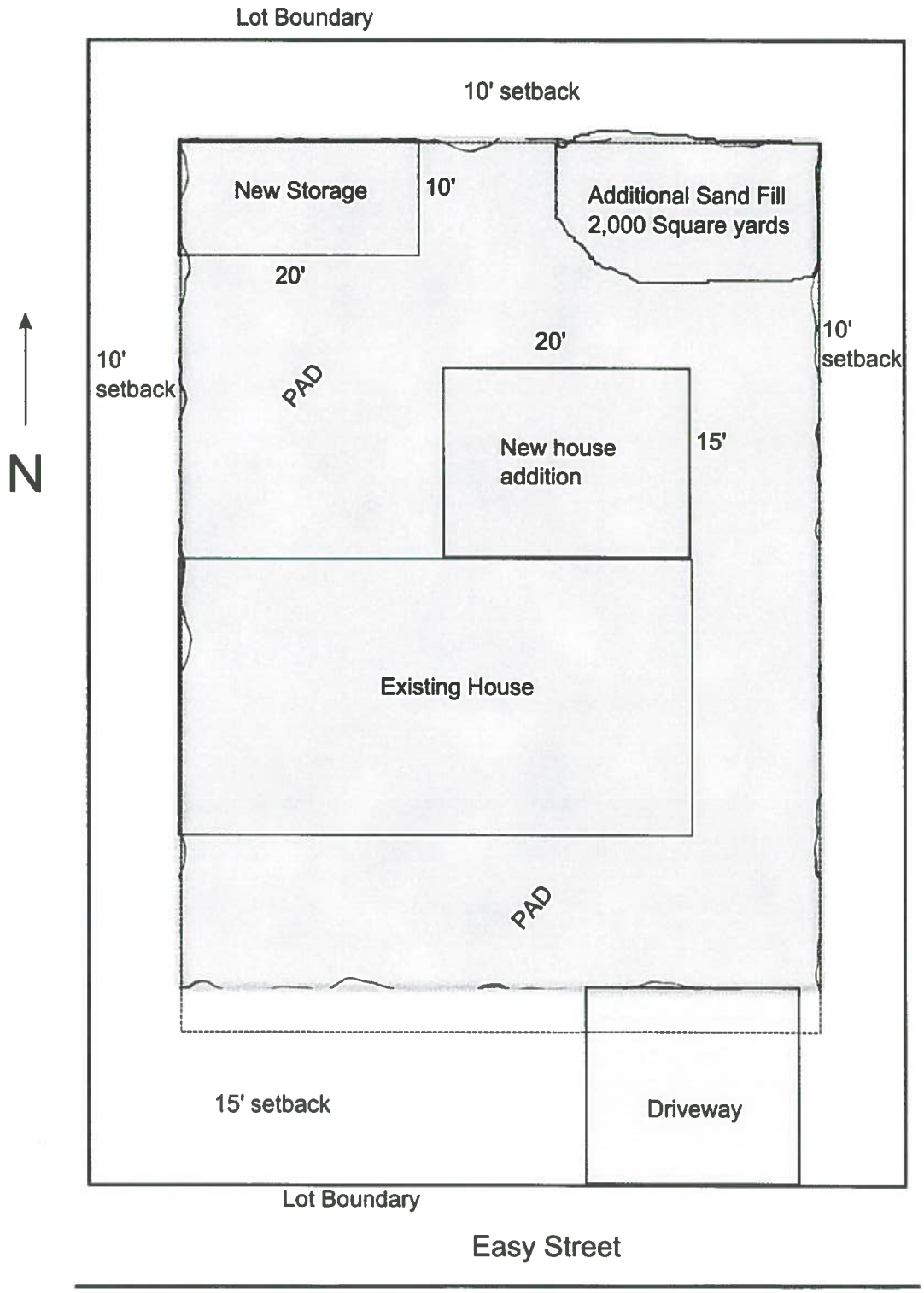
Drawing of Site Improvements

Provide a rough drawing of the site, the buildings, the parking, the access, and the proposed improvements.

NOTE: If the project is on a floodplain or wetlands area, it will be necessary to also complete the worksheet located at page 8 below.

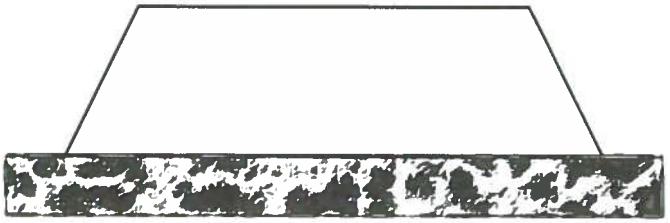
If the project is going to involve a culvert (removing, adding, replacing, relocating), it will be necessary to complete the worksheet located on page 8 below.

(Sample Drawing)



Worksheet for Fill Dimensions

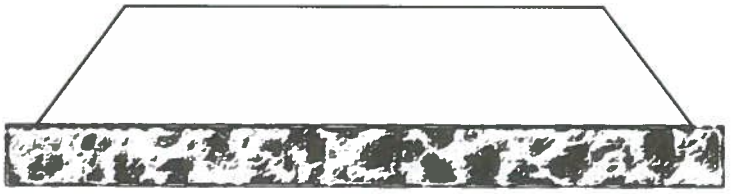
Give us an idea about how much fill is going in.



Driveway

H =
W =
L =

Parking Area



H =
W =
L =

Main Sand Pad

H =
W =
L =

Turn this form in with your Site Plan Permit Application.

City of Bethel Public Works Department

Culvert Pre-Installation Approval

APPROVED: _____ DENIED:_____ Date:_____

Signed By: _____

Brief Explanation if denied:

_____
_____
_____
_____
_____

Applicant Information

Name: _____

Property Location: _____

Mailing Address: _____

Contact Phone:_____

Request Date: _____

Site Plan Number: _____

Installation Inspection

Inspected By: _____
Comments:

_____
_____
_____

The Property Owner is responsible for culvert installation as needed, and abatement of any run-off resulting from development.

Number	Housing Type	Date arrived in Planning	Approval Date	Cubic Yards Fill	Lot	Block	Subdivision	Name of Applicant	Land Owner	Address
15-01	Infill	OCT. 2014	4/6/15	87,000	44A		USS 4117	KNIK Construciton	Alex Hatlely	1171 KNIK RD. ****POA#-2014-484
15-02	Construct a shed, infill	4/3/15	4/3/15	1920	10	6	Kasayuli	Tim and Ashley Crace	Tim and Ashely Crace	5908 Nacaullek Street
15-03	Relocate a 20'x16' bldg	4/14/15	4/14/15		9	5	Mumtretlek	Richard Yager	Richard Yager	386 1st Ave.
15-04	Construct a house	4/15/15	4/16/15				Nuvak	Henry Jung	Henry Jung	180 North Ave.
15-05	Erect a wind tower	4/15/15	4/16/01		5	1	Martina Oscar	Robert Sherer	Rober Sherer	430 Ptarmigan St.
15-06	Infill	5/4/15	5/5/15	240	36	6	City Sub	Stanley Hoffman	Stanley Hoffman	327 Akiachak
15-07	Infill	5/5/15	5/5/15	1200	13	3	USS 3230 A&B	Robert Graham	Robert Graham	510-520 6th Ave.
15-08	Infill	5/5/15	5/5/15	1200	21	2	USS 3770	Robert Graham	Robert Graham	280 6th Ave.
15-09	Infill	5/5/15	5/5/15	1296	31	6	USS 3770	Robert Graham	Robert Graham	313 Akiachak Ave.
15-10	Infill	5/6/15	5/6/15	50	20	4	USS 3230 A&B	Casey Burke	Casey Burke	840 7th Ave.
15-11	Infill	5/6/15	5/6/15	600	6	5	USS 3230 A&B	Steven Sorg	Steven and Mandy Sorg	681 6th Ave.
15-12	Infill	5/6/15	5/6/15	500	32	6	City Sub	Casey Burke	Casey Burke	319 Akiachak Ave
15-13										
15-14										
15-15										
15-16										
15-17										
15-18										
15-19										
15-20										
15-21										
15-22										
15-23										