



Planning Commission Meeting Agenda

Regular Meeting Thursday, May 8, 2014 – 6:30PM
Public Works Building, Second Floor, 1155 Ridgecrest Drive

NOTE: DIFFERENT MEETING LOCATION

MEMBERS

John Guinn
Chair
Term Expires
12/2014

Joy Shantz
Vice-Chair
Term Expires
12/2014

Heather Pike
Council Rep.
Term Expires
10/2015

Vacant

Abe Palacios
Committee Member
Term Expires
12/2015

Cliff Linderoth
Committee Member
Term Expires
12/2014

VACANT
Committee Member
Term Expires

Rachael Pitts
Ex-Officio Member

Betsy Jumper
Recorder

AGENDA

- I. CALL TO ORDER
- II. ROLL CALL
- III. PEOPLE TO BE HEARD – (15 Minute Limit)
- IV. APPROVAL OF MINUTES OF THE MARCH 13, REGULAR MEETING
- V. APPROVAL OF AGENDA
- VI. UNFINISHED BUSINESS
Public Hearing: A Final Plat of a portion of US Survey 3790, Block 6, Lot 15
located in the right-of-way of East Avenue, ten feet in width and 97.85 feet in length, a total of 978.5 square feet. Property of Sharon J. Strauss and Samuel Strauss. The address is 206/208 East Avenue. The purpose is a right-of-way dedication.
- VII. NEW BUSINESS
A. Public Hearing: Preliminary Plat of the Proposed Snowridge Subdivision.
The location is the Heirs of Nicholas A. Charles Property, located at Tundra Ridge Road. The purpose is to create a residential subdivision.
B. Public Hearing: Preliminary Plat of a 6-foot Utility and Public Access Easement and miscellaneous sewer and utility easements. The location is City of Bethel Property adjacent to the City of Bethel Recreational Center subdivision. The purpose is to create a utility access.
C. Wind Turbine Ordinance
- VIII. DIRECTOR'S REPORT
- IX. COMMISSIONER'S COMMENTS
- X. ADJOURNMENT

City of Bethel, Alaska

Planning Commission

March 13, 2014

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on at 6:30 pm in the City Hall conference room in Bethel, Alaska.

Chairman, John Guinn, called the meeting to order at 6:30 pm.

II. ROLL CALL

Compromising a quorum of the Commission, the following members were present for roll call: John Guinn, Heather Pike, Abe Palacios, and Cliff Linderoth. Excused: Joy Shantz.

Ex -Officio members present were the following:

Rachael Pitts, Planning Director

Betsy Jumper, Recorder

III. PEOPLE TO BE HEARD

- None

IV. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA FOR THE MARCH 13, 2014 MEETING

| | | |
|----------------------------|---|---|
| MOVED: | Abe Palacios | To approve the agenda for the March 13, 2014 meeting. |
| SECONDED: | Heather Pike | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

V. APPROVAL OF MINUTES

MOTION TO APPROVE THE MINUTES FROM THE DECEMBER 5, 2013 SPECIAL MEETING

| | | |
|----------------------------|---|---|
| MOVED: | Heather Pike | To approve the minutes of the Dec. 5, 2013 Special meeting. |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

VI. SPECIAL ORDER OF BUSINESS: ELECTION OF VICE-CHAIR

| | | |
|----------------------------|---|---|
| MOVED: | Abe Palacios | To nominate Joy Shantz as Vice-Chair for the Planning Commission. |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

VII. UNFINISHED BUSINESS

A. Public Hearing: A Final Plat of Lot 3A, Block 19, USS 3230 A&B, containing 1.8 acres, Property of the City of Bethel.

| | | |
|----------------------------|---|--|
| MOVED: | Abe Palacios | To approve the final plat of Lot 3A, USS 3230 A&B. |
| SECONDED: | Heather Pike | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

B. Public Hearing: A Final Plat of Lots 5 A and 5 B, Block 8, USS 3790, Containing 0.71 acres, Property of the City of Bethel.

| | | |
|----------------------------|---|---|
| MOVED: | Abe Palacios | To approve the final plat of Lots 5 A and 5B of USS 3790 A&B. |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

C. Public Hearing: A Final Plat of Tracts H-1 And H2, Block 2, Turnkey III Subdivision, Containing 3.61 acres, Property of the City of Bethel.

| | | |
|----------------------------|---|--|
| MOVED: | Abe Palacios | To approve the final plat of Tracts H1 and H2, Block 2, Turnkey III Subdivision. |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

VII. NEW BUSINESS

A. Public Hearing: Pinky's Park Preliminary Plat, Tract 1, containing 31.43 acres, Property of the City of Bethel. The address is 326 Akiachak Avenue. The purpose is the addition of 10 acres to Pinky's Park.

| | | |
|----------------------------|---|--|
| MOVED: | Heather Pike | To approve the Pinky's Park Preliminary Plat, Tract 1, containing 31.43 acres. |
| SECONDED: | Abe Palacios | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

- B. Public Hearing: A Portion of United States Survey 3790, Block 6, lot 15D, located in the right-of way of East Avenue, ten feet width and 978 feet in length, a total of 978.5 square feet. Property of Sharon J. Strauss and Samuel Strauss. The address is 206/208 East Avenue. The purpose is a right-of-way dedication.**

| | | |
|----------------------------|---|---|
| MOVED: | Heather Pike | To approve Preliminary Plat of USS 3790, Block 6, lot 15 D. |
| SECONDED: | Abe Palacios | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

- C. Public Hearing: Application for Knik Construction of Bulkhead at the Knik Construction Bethel Yard Dock. The request is to build an 850-foot bulkhead on the Kuskokwim River. The Planning Commission endorses Resolution Number 2014-05 dated March 11, 2014 that the City Council did.**

IX. DIRECTOR'S REPORT: The Planning Director went over the monthly Planner's report.

X. COMMISSIONER'S COMMENTS: None.

XI. ADJOURNMENT

| | | |
|----------------------------|---|------------------------------------|
| MOVED: | Abe Palacios | To adjourn the meeting at 7:10 pm. |
| SECONDED: | Cliff Linderoth | |
| VOTE ON MAIN MOTION | All in favor Motion passes; 4 yes and 0 opposed. | |

Next meeting will be on April 10, 2014.

John Guinn, Chairman

Betsy Jumper, Recorder



City of Bethel
Planning Department
Staff Report for Preliminary Plat, January 29, 2014

| | |
|-----------------------------------|---------------------------|
| Planning Commission Hearing Date: | February 13, 2014 |
| Request: | Preliminary Plat |
| Property Owner: | City of Bethel |
| Applicant / Representative: | Sharon and Samuel Strauss |
| Recommendation: | Approval |

| | |
|---------------------------|------------------------------------|
| | Drawing Number 826.11 |
| Description | Record Survey of Lot 15D |
| Action | Dedication of right of way |
| Size of Existing Lot | 8,889.36 sf |
| Size of Proposed Lot | 978.5 sf for dedication |
| Zoning | General Use |
| Floodplain Status | Flood Zone AE |
| Potential for Development | Presently developed as residential |
| Previous Plats / Surveys | US Survey 3790, 81-16, 83-13 |

BACKGROUND AND ISSUES

The surveying and platting of this property was requested by the Port Director in order to secure a strip of land for dedication, which is currently located within the right of way of East Avenue. Although this dedication will reduce the size of Lot 15D, the lot will still conform to the required minimum lot size in the General Use zoning district of 7,000 square feet.

On the original US Survey 3790 from 1962, Lot 15 is shown encroaching into the right of way.

The Planning Department recommends approval of the preliminary plat.

Writer
REP
1/29/2014

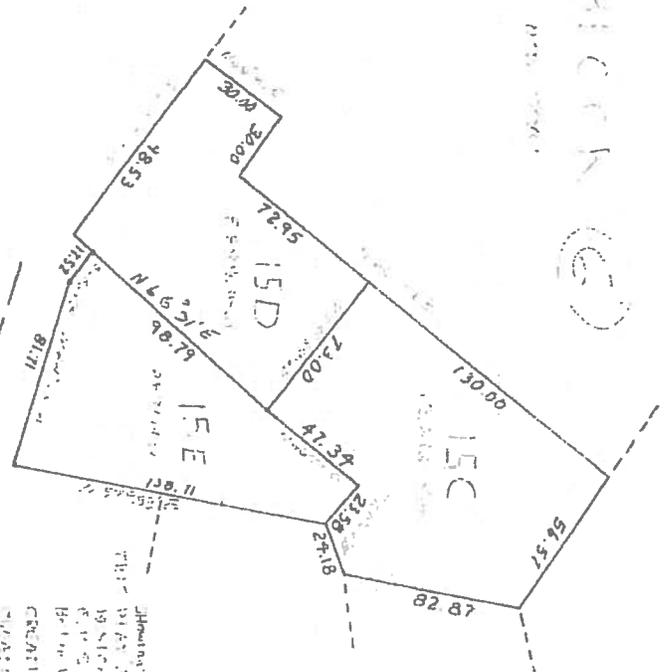
Attachments

Plat 81-16

Plat 83-13

US Survey 3790 Sheet 2

PLANNING



8313
 107
 Referred
 April 1st 83
 3:25 PM
 Vernon Keenan
 P. O. Box 274
 DeWitt, Nevada

Continuation of Lot 15D

This survey was made for the purpose of subdividing Lot 15D into two lots, Lot 15D and Lot 15E, as shown on the attached plat. The survey was made by Plat No. 81-16.

CREATING LOT 15E consisting of 1.711 acres. The boundary (lot line) recorded as 9E. of 15D. Plat No. 81-16.

Lot 15E contains the same of the original Lot 15D. The survey was made by Plat No. 81-16.

CERTIFICATE OF OWNERSHIP AND DEDICATION
 OR LAND CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY
 HEREIN AND ACCEPTED HEREOF. WE HEREBY REQUEST APPROVAL
 OF THIS PLAT SHOWING OUR CONSENT TO THE PUBLIC
 UTILITIES HEREON AND SHALL BE RESPONSIBLE FOR PAYING COSTS
 OF THE PLAT.

APPROVED BY THE PLANNING COMMISSION
 THIS PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF
 THE CITY OF DEWITT, NEVADA, ON APRIL 1, 1983.

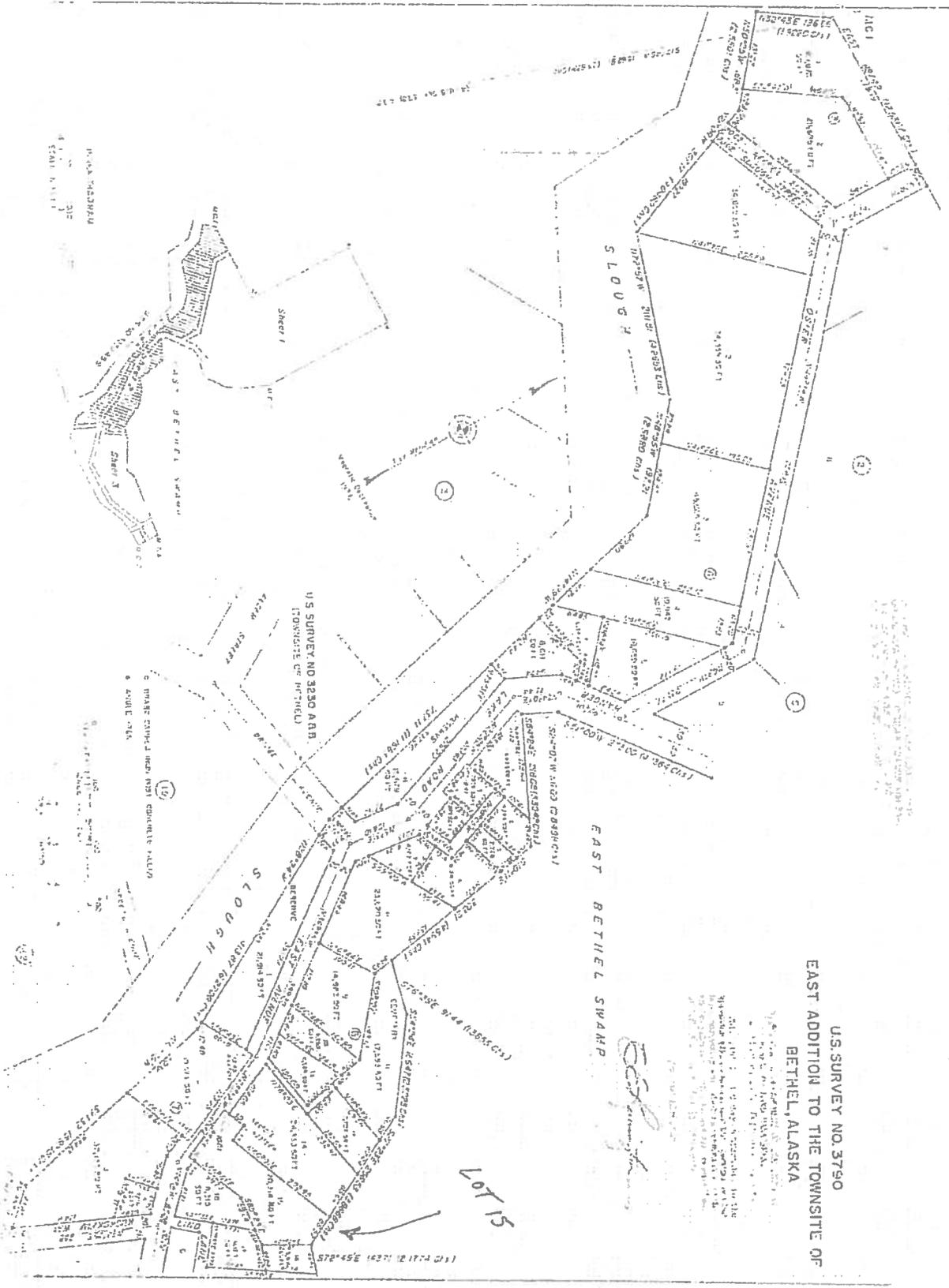
APPROVED BY THE STATE OF NEVADA BY COMMISSIONER DEWITT
 APRIL 1, 1983

APPROVED BY THE PLANNING COMMISSION
 THIS PLAT IS HEREBY APPROVED BY THE PLANNING COMMISSION OF
 THE CITY OF DEWITT, NEVADA, ON APRIL 1, 1983.

APPROVED BY THE STATE OF NEVADA BY COMMISSIONER DEWITT
 APRIL 1, 1983

NOTE 4/1/83
 Albert Borch
 PLANNING COMMISSION

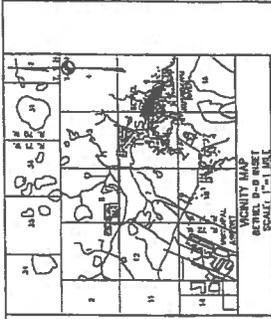




U.S. SURVEY NO. 3790
 EAST ADDITION TO THE TOWNSITE OF
 BETHEL, ALASKA

1912

E.S.P.



CERTIFICATE OF OWNERSHIP AND DEDICATION OF PUBLIC USE OF THE LANDS OF THE STATE OF ALASKA

WHEREAS, the undersigned, a commissioned and sworn, PERSONALLY APPEARED, COMMISSIONED AND SWORN, HAS RECEIVED THE ABOVE CERTIFICATE OF OWNERSHIP AND DEDICATION, AND WHO, BEING FULLY AND LEGALLY OF SOUND MIND AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN EXPRESSED (AND THAT THEY ARE SO OF FULL AGE AND WITH THE FULL AUTHORITY OF CITY COUNCIL, WHICH BY HAND AND OFFICIAL SEAL, MAY, 2014, WITHIN THE STATE OF ALASKA, BY COMMISSION EXPRESSES:

SHARON J STRAUSS
P.O. BOX 134
BETHEL, AK 99559

DATE _____

NOTARY ACKNOWLEDGMENT

I, _____, NOTARY PUBLIC, DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSONS, PERSONALLY APPEARED, COMMISSIONED AND SWORN, HAS RECEIVED THE ABOVE CERTIFICATE OF OWNERSHIP AND DEDICATION, AND WHO, BEING FULLY AND LEGALLY OF SOUND MIND AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN EXPRESSED (AND THAT THEY ARE SO OF FULL AGE AND WITH THE FULL AUTHORITY OF CITY COUNCIL, WHICH BY HAND AND OFFICIAL SEAL, MAY, 2014, WITHIN THE STATE OF ALASKA, BY COMMISSION EXPRESSES:

DATE _____

ACCEPTANCE, DEDICATION

THE UNDERSIGNED, AS A MEMBER OF THE PUBLIC USE AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEDICATED TO THE PUBLIC BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, UTILITIES AND PUBLIC USE OF PUBLIC PURPOSE DOES NOT DEBATE THE PUBLIC OR ANY GOVERNMENT BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

LEE FREY, CITY MANAGER
CITY OF BETHEL
BETHEL, AK 99559

DATE _____

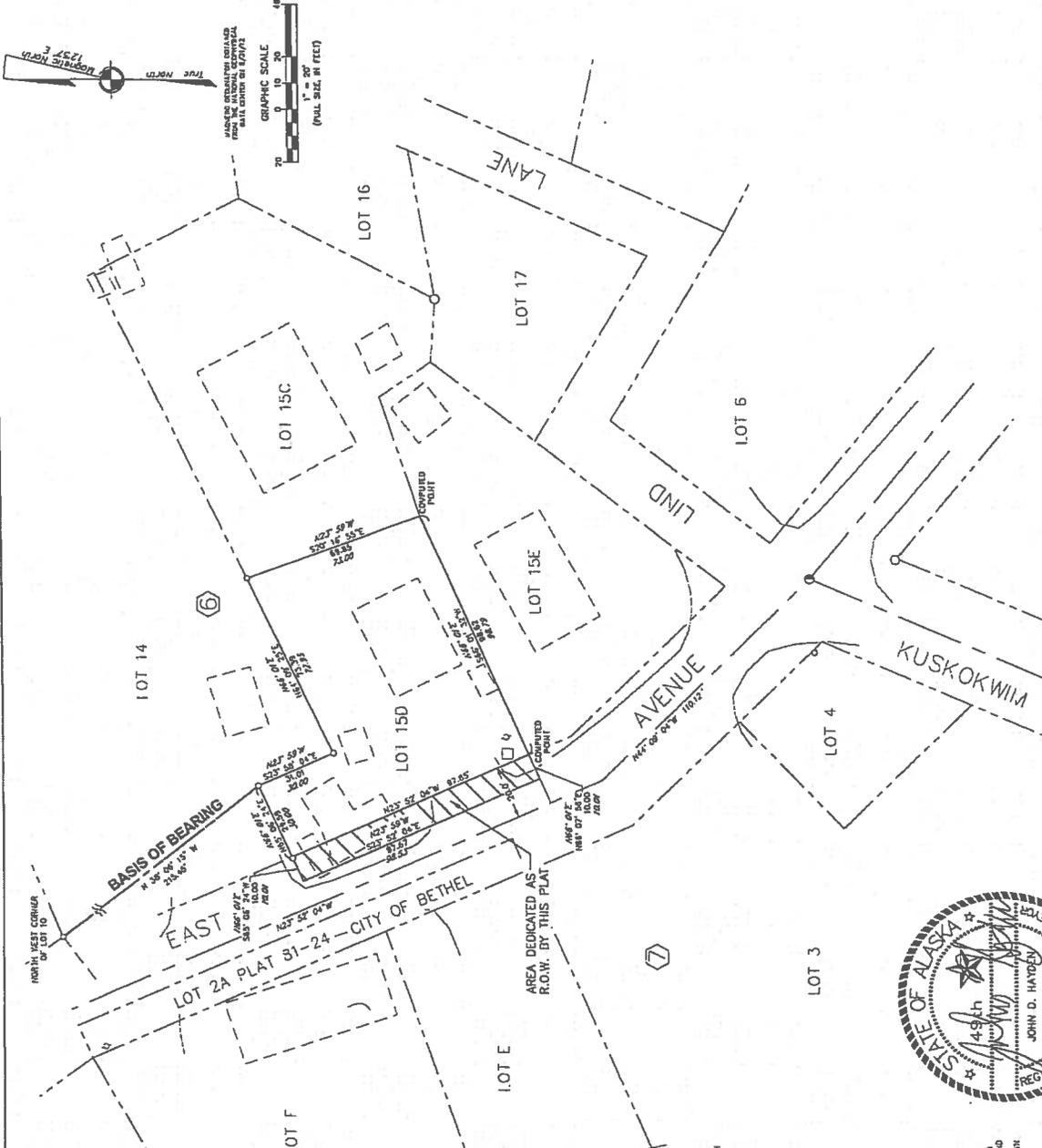
FINAL PLAT OF LOT 15D

WITH DEDICATION OF RIGHT OF WAY

LOCATED WITHIN:
SEC. 34 1/4
R. 10
S. 24
T. 14N, R. 10W, S. 24
SEWARD ALUTKA, ALASKA

BETHEL, ALASKA
BETHEL RECORDING DISTRICT
3770 Hoodland Dr.
Suite 2100
Bethel, AK 99577
LAWRENCE CONSULTING, INC.
(907) 435-6565

| | | |
|----------|------------|------------|
| BOOK NO. | PAGE NO. | DATE |
| 01/09/14 | AS NOTED | 10 PAGES |
| 05/11/13 | BOOK NO. 1 | PAGE NO. 1 |
| 05/11/13 | BOOK NO. 1 | PAGE NO. 1 |



- LEGEND**
- FOUNDED 3" IRON PIP
 - FOUNDED 5/8" IRON
 - FOUNDED YELLOW PLASTIC CAP
 - UNGRAVELLED
 - GRAVELLED
 - RIFF CATCHMENT
 - BOUNDARY OF ROAD
 - BOUNDARY OF LOT
 - BOUNDARY OF PLAT
 - MEASURED

- NOTES:**
- THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1/1000.
 - ALL BEARINGS SHOWN ARE TRUE BEARINGS AS OBTAINED TO THE BASIS OF BEARINGS TO HORIZONTAL FIELD DISTANCES.
 - REFERENCES: LOT 15D, PLAT 81-13, PLAT 81-16, PLAT 81-24, PLAT 81-30, PLAT 81-33, PLAT 81-34, PLAT 81-35, PLAT 81-36, PLAT 81-37, PLAT 81-38, PLAT 81-39

TAX STATEMENT

THE LANDS CONTAINED AND DESCRIBED HEREON ARE NOT SUBJECT TO TAXATION AT THE TIME OF RECORDING.

PLATTING OFFICER'S CERTIFICATE

I, _____, PLATTING OFFICER, DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSONS, PERSONALLY APPEARED, COMMISSIONED AND SWORN, HAS RECEIVED THE ABOVE CERTIFICATE OF OWNERSHIP AND DEDICATION, AND WHO, BEING FULLY AND LEGALLY OF SOUND MIND AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN EXPRESSED (AND THAT THEY ARE SO OF FULL AGE AND WITH THE FULL AUTHORITY OF CITY COUNCIL, WHICH BY HAND AND OFFICIAL SEAL, MAY, 2014, WITHIN THE STATE OF ALASKA, BY COMMISSION EXPRESSES:

DATE _____

CITY OF BETHEL PLATTING OFFICER



SURVEYOR'S CERTIFICATE

I, _____, SURVEYOR, DO HEREBY CERTIFY THAT THE ABOVE NAMED PERSONS, PERSONALLY APPEARED, COMMISSIONED AND SWORN, HAS RECEIVED THE ABOVE CERTIFICATE OF OWNERSHIP AND DEDICATION, AND WHO, BEING FULLY AND LEGALLY OF SOUND MIND AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN EXPRESSED (AND THAT THEY ARE SO OF FULL AGE AND WITH THE FULL AUTHORITY OF CITY COUNCIL, WHICH BY HAND AND OFFICIAL SEAL, MAY, 2014, WITHIN THE STATE OF ALASKA, BY COMMISSION EXPRESSES:

MAR 19 2014



City of Bethel
Planning Department
Staff Report for Preliminary Plat, March 25, 2014

| | |
|-----------------------------------|---|
| Planning Commission Hearing Date: | April 10, 2014 |
| Request: | Preliminary Plat |
| Property Owner: | The Heirs of Nicholas A. Charles |
| Applicant / Representative: | John Copenhaver, McClintock Land Associates, Inc. |
| Recommendation: | Approval. |

| | |
|---------------------------|---|
| | Drawing: PL10-246 |
| Description | Snow Ridge Subdivision |
| Action | Create 11 residential lots, and Tract B1 |
| Size of Existing Parcel | 150 acres |
| Size of Proposed Lots | Tract B =6.52 acres, Block 1 with 11 lots that vary in size |
| Zoning | Residential |
| Floodplain Status | N/A |
| Potential for Development | Residential Development |
| Previous Plats | None |

BACKGROUND AND ISSUES

According to Planning Department records, the preliminary plat for the Snowridge Subdivision was first submitted in 2005. The changes to the plat requested at that time were required to be cleared by the Bureau of Indian Affairs before the plat could be changed. In subsequent years the delays at BIA, and the changes to the Bethel Municipal Code have prevented the submittal and approval of the plat in a timely manner.

The property was zoned Residential in 2013. The Charles family is proposing a large-lot subdivision on the north side of the Un-Named Lake that covers 10.43 acres of their land (Tract F). The subdivision will be on the north shore of this lake, and the plat includes a loop road that surrounds Tract B, and provides access to Tract B1. This loop road satisfies the requirement in the Bethel Municipal Code for traffic circulation.

Proposed Block 1 is located on the west side of Bethel, outside of the areas FEMA identifies as floodplain. There are some wetland areas that are exempt from the General Permit for the Discharge of Dredged and/or Fill Material into Wetlands at Bethel. The area containing the eleven residential lots has sufficient elevation to permit fill. The plat indicates that fill will not be permitted within 25 feet of the edge of the UnNamed Lake, per the requirements in Residential zoning districts.

The road that passes through the Charles property is an important part of city traffic circulation. It was part of the Interim Conveyance by the Kuskokwim Corporation, in the Kuskokwim Recording District, in 1983 (Book 17, Page 99). The extension from the Ptarmigan corridor includes two road segments (16 and 16a, C4) that extend to the BIA Road, and a one acre site easement that allows parking, temporary camping, and loading and unloading. The southern extension to BIA Road has been closed by allotment holders, and alternative traffic circulation corridors are being sought by the city. The BIA assures us at this time that they are continuing to work for access across closed property in order to improve traffic circulation.

All drainage is the responsibility of the property owners. Sufficient ponds, channels, and culverts are required to be installed as part of the development so that the burden of solving drainage problems does not fall on city staff and funding. A review of drainage solutions will be done when Site Plan Permit requests are submitted to the Planning Department.

These stipulations were included with the Residential zoning that was approved in 2013:

1. Site Plan Permits must be obtained from the Bethel Planning Department for fill, and construction.
2. The platting, permitting, and construction processes must conform to the City of Bethel Municipal Code, and any and all requirements of the State Fire Marshall must be met.
3. At the time piped water and sewer services are provided to the area, property owners are required to hook up to these services. Until that time properties must provide sufficient clearance for water and wastewater trucks to access the residences.
4. The subdivision must provide dedicated areas for location of neighborhood dumpsters.
5. The Planning Department will assign street numbers to individual properties, and these must be visible from the street.
6. No fill is permitted in preservation areas, to include private property.

Staff recommends approval of the preliminary plat.



City of Bethel
Planning Department
Staff Report for Preliminary Plat, March 31, 2014

Planning Commission Hearing Date: April 10, 2014
Request: Preliminary Plat
Property Owner: City of Bethel
Applicant / Representative: Planning Department
Recommendation: Approval

| | |
|---------------------------|--|
| | Drawing Number 13209 |
| Description | 60-Foot Utility and Public Access Easement and Miscellaneous Sewer and Utility Easements |
| Action | Creating easements for the Recreation Center (Pool) Project |
| Size of Existing Lot | N/A |
| Size of Proposed Lot | N/A |
| Zoning | Public Lands and Institutions |
| Floodplain Status | None |
| Potential for Development | Presently developed as recreational center or undeveloped |
| Previous Plats / Surveys | 2012-42, 2000-12, 83-39, 74-577, US Survey 3770 |

BACKGROUND AND ISSUES

The surveying and platting of this property was requested by the City Manager to provide a power corridor between the power plant and the Recreation Center under construction. This proposed plat represents the portion of the corridor that will be located on city property only. Proposed easements include the 20-foot utility easement for powerlines, and two 15-foot easements for sewer lines.

Staff is working with Bethel Native Corporation to complete the corridor. The proposed 60-foot access easement is a continuation of an easement shown on Plat 2000-12. This plat also shows the lot owned by Bethel Native Corporation.

The Planning Department recommends approval of the preliminary plat.

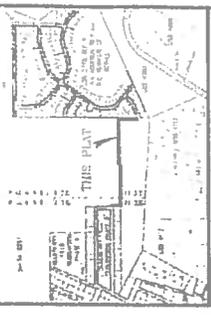
Writer

REP

3/31/2014

Attachments

Plat 2000-12



PROPERTY MAP
 U.S. SURVEY NO. 4000
 U.S. SURVEY NO. 3770

CENTERS OF GRAVITY AND DEVIATIONS
 THE CENTER OF GRAVITY OF THE EARTH IS NOT AT THE CENTER OF THE EARTH BUT AT A POINT 17.7 CM FROM THE CENTER OF THE EARTH TOWARD THE POLE. THE CENTER OF GRAVITY OF THE EARTH IS AT A POINT 17.7 CM FROM THE CENTER OF THE EARTH TOWARD THE POLE. THE CENTER OF GRAVITY OF THE EARTH IS AT A POINT 17.7 CM FROM THE CENTER OF THE EARTH TOWARD THE POLE.

U.S. SURVEY NO. 3770
 NORTHWEST ADDITION
 TO THE TOWNSHIP OF
 BETHEL.

U.S. SURVEY NO. 4000
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4117
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4118
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4119
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4120
 BETHEL NATIVE CORPORATION

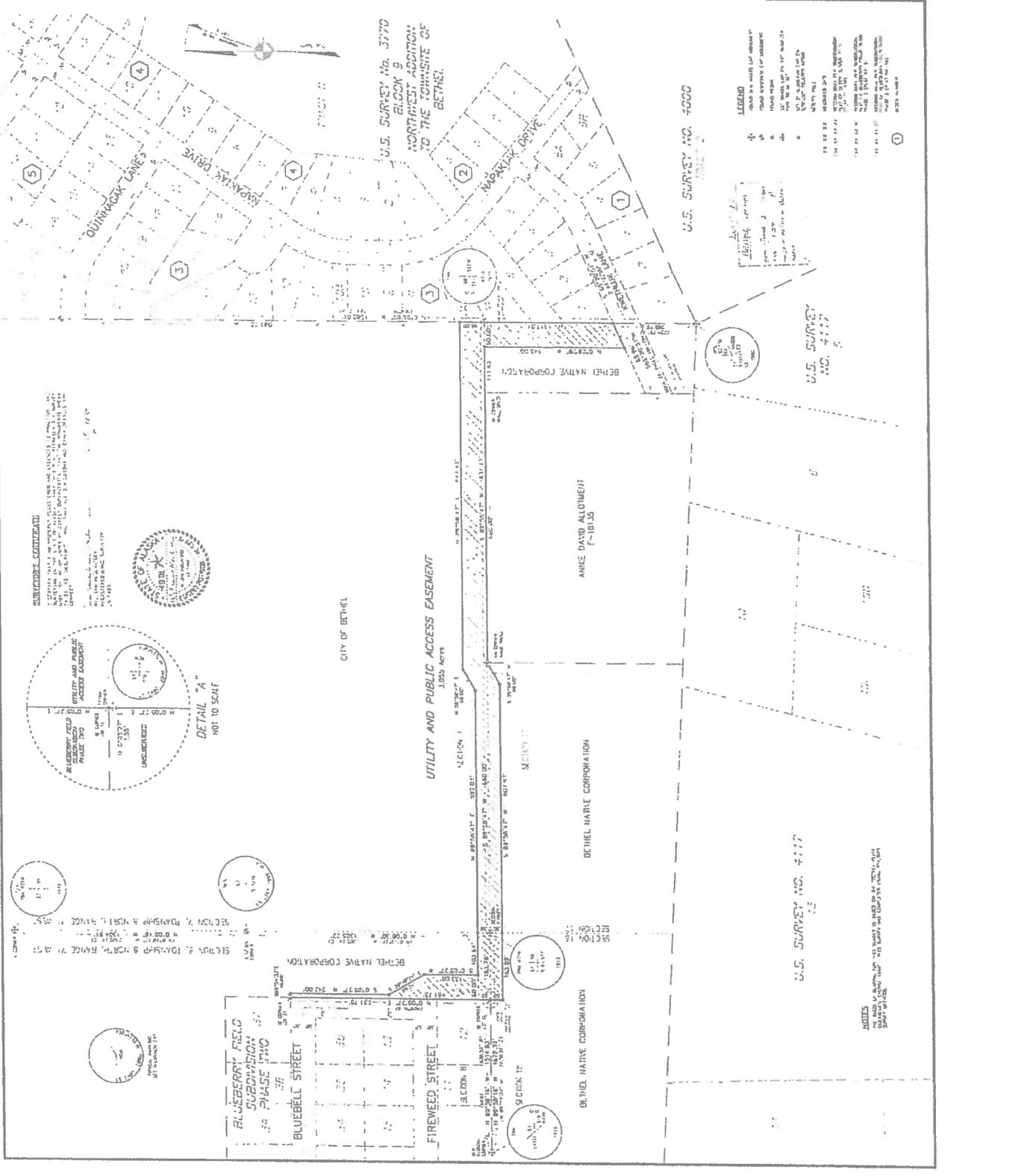
U.S. SURVEY NO. 4121
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4122
 BETHEL NATIVE CORPORATION

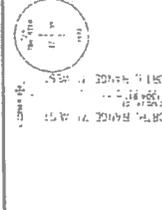
U.S. SURVEY NO. 4123
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4124
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4125
 BETHEL NATIVE CORPORATION



SUBSIDERE CORRELATE
 THIS PLAN IS A CORRELATE OF THE SURVEY NO. 4000 AND SURVEY NO. 3770. THE CORRELATE IS BASED ON THE SURVEY NO. 4000 AND SURVEY NO. 3770. THE CORRELATE IS BASED ON THE SURVEY NO. 4000 AND SURVEY NO. 3770.



LEGEND

- 1. ROAD RIGHT OF WAY
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- 19. ROAD RIGHT OF WAY
- 20. ROAD RIGHT OF WAY

U.S. SURVEY NO. 4117
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4118
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4119
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4120
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4121
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4122
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4123
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4124
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4125
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4126
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4127
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4128
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U.S. SURVEY NO. 4129
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4130
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4131
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4132
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U.S. SURVEY NO. 4133
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4134
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4135
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4136
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4137
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4138
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4139
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4140
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4141
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4142
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4143
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4144
 BETHEL NATIVE CORPORATION

U.S. SURVEY NO. 4145
 BETHEL NATIVE CORPORATION

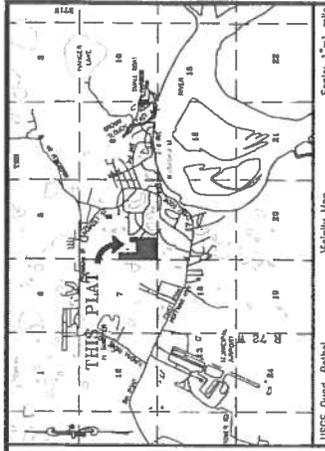
U.S. SURVEY NO. 4146
 BETHEL NATIVE CORPORATION

NOTES
 1. THIS PLAN IS A CORRELATE OF THE SURVEY NO. 4000 AND SURVEY NO. 3770. THE CORRELATE IS BASED ON THE SURVEY NO. 4000 AND SURVEY NO. 3770.

2. THE CENTER OF GRAVITY OF THE EARTH IS NOT AT THE CENTER OF THE EARTH BUT AT A POINT 17.7 CM FROM THE CENTER OF THE EARTH TOWARD THE POLE.

3. THE CENTER OF GRAVITY OF THE EARTH IS AT A POINT 17.7 CM FROM THE CENTER OF THE EARTH TOWARD THE POLE.

4. THE CENTER OF GRAVITY OF THE EARTH IS AT A POINT 17.7 CM FROM THE CENTER OF THE EARTH TOWARD THE POLE.



USGS Quad: Bethel
 Scale: 1" = 1 mile
 Vicinity Map

CERTIFICATE OF OWNERSHIP AND DEDICATION

I certify that I am the owner of the property, or of an interest therein, shown and described on this plat, and that I adopt this plan of subdivision by my free consent and dedicate all right-of-way, streets, alleys, walks, and public areas to the City of Bethel and grant to the City of Bethel for the uses shown all easements not shown as private.

Lee Foley, City Manager
 City of Bethel
 Bethel, Alaska 99559
 Date _____

NOTARY'S ACKNOWLEDGMENT

This is to certify that on the _____ day of _____ 20____ before me, the undersigned, a notary public in and for the State of Alaska, duly commissioned and sworn, personally appeared _____ to me known to be the person described in and who executed the above under oath, acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned and that he did so on behalf of and with the full authority of _____

Witness my hand and official seal the day and year in this certificate first above written

Notary Public for the State of Alaska
 My Commission Expires _____

TAX CERTIFICATE

This subdivision lies outside of any taxing authority, at the time of filing.

MAR 19 2014

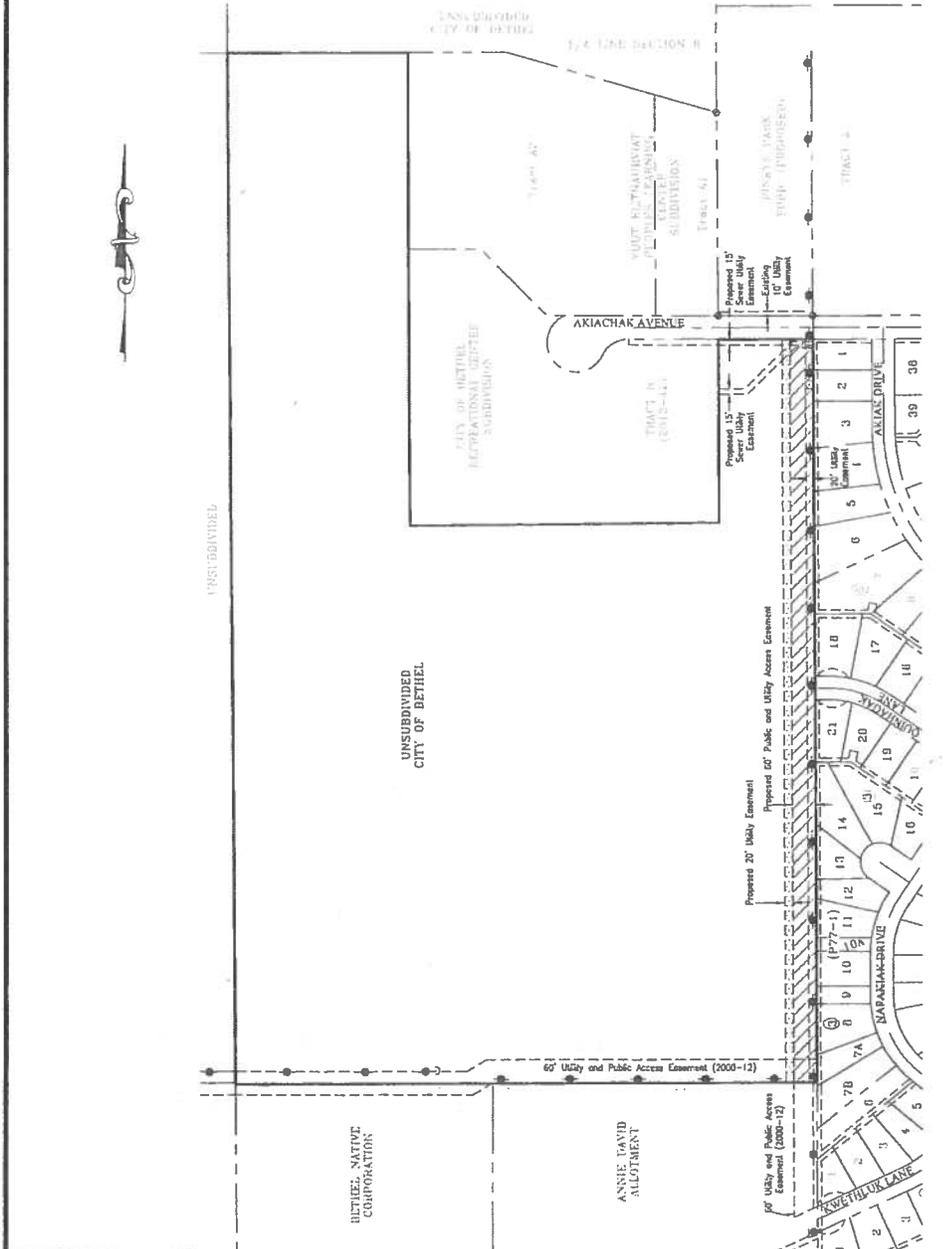
BETHEL RECORDING DISTRICT
 A PRELIMINARY PLAT OF

60' Utility and Public Access Easement &

Misc. Sewer & Utility Easements
 SECTION 8, T. 8 N., R. 71 W., SEWARD MERIDIAN, ALASKA
 CONTAINING 24.5 ACRES, MORE OR LESS

Farpoint Land Services, LLC
 SURVEYING, MAPPING, LAND PLANNING, GIS
 1131 E. 76th Ave., Suite 101, Anchorage, AK 99516
 FarpointAK.com • (907) 522-7770 • survey@farpointak.com

| | | | |
|-------------|-------|--------------------|--------|
| DATE | FILED | RECORDING DISTRICT | PLAT |
| MAR 19 2014 | 13200 | 13200 | 1 of 1 |



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 _____ and _____ 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 _____

LEGEND

- END MONUMENT (5/8" rebar)
- ⊙ SET 5/8" x 30" REBAR (SEE TYPICAL DETAIL)
- ⌋ RECORD INFORMATION



Typical set corners are 5/8" x 30" rebar with 1" diameter caps unless otherwise noted.



SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered professional land surveyor in the state of Alaska and that this plat represents a survey made by me or under my direct supervision, and that the monuments shown on the plat, actually exist and are true and correct in all dimensions and other details are true and correct to the best of my knowledge.

Date _____

**CITY OF
BETHEL**

Betsy Jumper <bjumper@cityofbethel.net>

Fwd: Wind energy

1 message

Joy Shantz <joyshantz@gmail.com>
To: Betsy Jumper <bjumper@cityofbethel.net>

Wed, Apr 30, 2014 at 1:10 PM

----- Forwarded message -----

From: **Joy Shantz** <joyshantz@gmail.com>
Date: Sat, Apr 12, 2014 at 10:38 PM
Subject: Wind energy
To: john guinn <msguinn45@gmail.com>

John,

I think the planning commission might want to be proactive in developing some guidelines for the city in the use of wind energy.

I'm not trying to discourage the use of this energy in any way, but as it is becoming a more popular idea, I think we need some control as to how it is implemented.

Below is a Minneapolis city ordinance that their planning department created and city council adopted. Parts would need to be adapted (*italics are some of them*) to our area or deleted, but I think it is a good start for getting the idea generated.

WIND ENERGY CONVERSION SYSTEMS

0000. Purpose. Regulations governing wind energy conversion systems are established to provide for appropriate locations for wind energy conversion systems, to ensure compatibility with surrounding uses, and to promote safe, effective and efficient use of wind energy conversion systems to increase opportunities for generation of renewable energy.

0001. Definitions. As used in this article, the following words shall mean:

Institutional use. Educational facilities, golf courses, sports arenas, religious institutions, athletic fields and publicly owned property. For the purpose of this section, parks and cemeteries, whether publicly or privately owned, shall not be included in this definition.

Publicly owned property. Land, buildings or structures owned by any governmental body or public agency including city, county, state or federally owned properties, other than public rights-of-way.

Tower, monopole. A wind energy conversion system tower consisting of a single pole, constructed without guyed wires and anchors.

Wind energy conversion system. Any device, such as a wind charger, windmill, or wind turbine, and associated facilities including the support structure of the system such as a tower, that converts wind energy to electrical energy.

Wind energy conversion system, building mounted. A wind energy conversion system located on a building.

Wind energy conversion system height. The height of a freestanding wind energy conversion system shall be measured as the distance from ground level to the highest point on the tower, including the vertical length of any extensions such as the rotor blade. The height of a building mounted wind energy conversion system shall be measured as the distance from the point where the base of the system is attached to the building or to the lowest point on the wind energy conversion system, whichever is closer to the ground, to the highest point on the wind energy conversion system, including the vertical length of any extensions such as the rotor blade.

0002. Permitted uses subject to administrative review and approval. Notwithstanding the height limitations of the zoning district, building mounted wind energy conversion systems shall be permitted in all zoning districts, subject to administrative review and approval by the zoning administrator, as specified in section 0003, and shall comply with the standards of section ? and the following:

- (1) Building mounted wind energy conversion systems shall not exceed fifteen (15) feet in height.
- (2) Building mounted wind energy conversion systems shall be prohibited on residential structures less than *four (4) stories and forty-two (42) feet in height*.
- (3) On nonresidential buildings less than *four (4) stories and forty-two (42) feet in height*, building mounted wind energy conversion systems shall be setback at least ten (10) feet from the front, side and rear walls of the structure upon which it would be mounted.
- (4) Building mounted wind energy conversion systems on structures over *four (4) stories and forty-two (42) feet in height* shall be installed above the fourth story.
- (5) The structure upon which the proposed wind energy conversion system is to be mounted shall have the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.

0003. Administrative review process. (a) *In general.* The planning director shall have up to fifteen (15) working days following the submittal of a complete application to approve or deny such application. The zoning administrator may impose such conditions and require such guarantees deemed reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.

(b) *Submittal requirements.* In addition to the general application requirements of Chapter ?, Administration and Enforcement, the applicant shall submit the following:

- (1) Scaled schematic drawings and photographic perspectives showing the structure and the placement of the wind energy conversion system.

- (2) A written certification from a licensed structural engineer that the structure has the structural integrity to carry the weight and wind loads of the wind energy conversion system and have minimal vibration impacts on the structure.
- (3) An analysis from a licensed engineer showing how the wind energy conversion system shall be designed, constructed and operated in compliance with all applicable federal, state, and local laws, codes, standards and ordinances.
- (4) A written certification from a licensed engineer confirming that the wind energy conversion system is designed to not cause electrical, radio frequency, television and other communication signal interference.
- (5) Sufficient information demonstrating that the wind energy conversion system shall be used primarily to reduce on-site consumption of electricity, including but not limited to a complete listing of on-site electrical demands.
- (6) Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install a wind energy conversion system, unless the applicant does not plan, and so states so in the application, to connect the system to the electricity grid.

(c) *Appeals*. Notwithstanding the provisions of Chapter ?, Administration and Enforcement, decisions of the zoning administrator regarding the administrative review of permitted wind energy conversion systems shall be subject to appeal to the city planning commission.

0004. Conditional uses. Freestanding wind energy conversion systems may be allowed as a conditional use, subject to the provisions of Chapter ?, Administration and Enforcement, sections 0002 and 0003, and the following location and lot size restrictions:

- (1) *Residence and office residence districts*. Freestanding wind energy conversion systems in the residence and office residence districts shall only be located on institutional use sites.
- (2) *Downtown area*. Freestanding wind energy conversion systems shall be prohibited in the downtown area including all ???.
- (3) *Minimum lot area*. No freestanding wind energy conversion system shall be established on a zoning lot less than one (1) acre in area. A maximum of one wind energy conversion system per acre of lot area shall be allowed. ????

0005. Specific standards for conditional uses. All wind energy conversion systems requiring a conditional use permit shall be subject to the provisions of Chapter ?, Administration and Enforcement, and the submittal requirements of section 000?(b). In addition, the applicant shall comply with the following standards and submit written documentation indicating such compliance:

(1) *Tower type*. Towers shall be of a monopole design. The city planning commission may consider the substitution of alternative tower types in cases where structural and design considerations, and location suggests a tower other than a monopole.

(2) *Height of freestanding wind energy conversion systems*.

a. *Residence, office residence and commercial districts*. The height of freestanding wind energy conversion systems located in the residence, office residence and commercial districts

shall be no more than sixty (60) feet on zoning lots between one (1) and five (5) acres and shall be no more than one hundred (100) feet on zoning lots of more than five (5) acres in area.

b. *Industrial districts.* The height of freestanding wind energy conversion systems located in the industrial districts shall not exceed one hundred (100) feet.

c. *Minimum height.* The minimum distance between the ground and the vertical length of any extensions such as the rotor blades shall be fifteen (15) feet.

d. *Excess height.* The city planning commission may increase the height of freestanding wind energy conversion systems, provided that in the residence, office residence and commercial districts such increase shall not exceed the maximum height by more than fifty (50) percent. The applicant shall demonstrate to the satisfaction of the city planning commission the following:

1. The surrounding topography, structures, vegetation and other factors make a tower that complies with the district height regulations impractical.

(3) *Encroachments and setbacks.*

a. The base of the tower shall maintain a minimum distance from the nearest residential structure and from any overhead utility lines equal to twice the height of the tower. For the purposes of this article, residential structures shall also include any parking structure attached to a principal residential structure.

b. The support structure, including any guy wires, shall not be located in any required front, side or rear yard, nor shall they be located between a principal building and a required front or side yard.

(4) *Security.* All sites shall be reasonably protected against unauthorized climbing. The bottom of the tower, measured from ground level to twelve (12) feet above ground level, shall be designed in a manner to discourage unauthorized climbing.

(5) *Electrical wires.* All electrical wires associated with a freestanding wind energy conversion system shall be located within the tower and underground.???

0006. Development standards for all permitted and conditional wind energy conversion systems. In addition to the standards of sections 0000,0001, 0002, 0003, 0004, 0005 and 0006 above, all wind energy conversion systems shall be subject to the following standards:

(1) *Maximum capacity.* Wind energy conversion systems shall have a rated capacity of not more than one hundred (100) kilowatts.

(2) *///To be determined/// River Critical Area Overlay Districts.* Freestanding and building mounted wind energy conversion systems shall be prohibited in the Critical Area Overlay Districts.

(3) *Encroachments and setbacks.*

a. Wind energy conversion systems shall comply with applicable regulations as established by the Federal Aviation Administration.

- b. Wind energy conversion systems shall comply with the minimum yard requirements of the district in which they are located.
- c. No part of any wind energy conversion system shall extend across or over any part of a public right-of-way.

(4) *Compatibility with nearby properties.* Wind energy conversion systems shall utilize building materials, colors and textures that are compatible with the existing principal structure and that effectively blend the system facilities into the surrounding setting and environment to the greatest extent possible. Rotor blades shall be non-metallic to prevent communication signal interference. Metal towers shall be constructed of, or treated with, corrosive resistant material. Outside of the industrial districts, unpainted, galvanized metal, or similar towers shall be prohibited, unless a self-weathering tower is determined to be more compatible with the surrounding area.

(5) *Controls and brakes.* All systems shall contain an internal governor or braking device which engages at wind speeds in excess of forty (40) miles per hour and minimizes the potential for wind damage to the equipment.

(6) *Signage.* Advertising or identification of any kind on wind energy conversion systems shall be prohibited, except for applicable warning and equipment information signage required by the manufacturer or by federal, state or local regulations.

(7) *Lighting.* Wind energy conversion systems shall not be illuminated by artificial means, except where the illumination is specifically required by the Federal Aviation Administration or other federal, state or local regulations.

(8) *Noise.* Wind energy conversion systems shall comply with the standards governing noise contained in Chapter 389 of the Minneapolis Code of Ordinances, Noise, and with all other applicable regulations.

(9) *Heritage Preservation Ordinance compliance.* Wind energy conversion systems proposed for any locally designated historic structures or locally designated historic districts shall be subject to all requirements of the city's Heritage Preservation Ordinance.

(10) *Maintenance required.* All wind energy conversion systems shall be kept in good repair and free from rust, damaged supports, framework or other components.

0007. Abandoned or unused towers. All abandoned or unused wind energy conversion systems shall be removed within twelve (12) months of the cessation of operations unless an extension is approved by the city planning commission. If an extension is not approved, such wind energy conversion system shall be deemed a nuisance, and the city may act to abate such nuisance and require its removal at the property owner's expense. After the wind energy conversion system is removed, the owner or operator of the site shall restore the site to its original, or to an improved, condition.

And it might even be a good idea for all future wind energy projects to be approved by the planning commission.

Introduced by: Planning Commission
Date:
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance # -

AN ORDINANCE ADDING SECTION 17.04.080 OF THE BETHEL MUNICIPAL CODE REGARDING ESTABLISH A PROCESS AND STANDARDS FOR THE SITING, CONSTRUCTION, AND OPERATION OF WIND ENERGY SYSTEMS (WIND TURBINES) AS PERMITTED SECONDARY USES AND ACCESSORY STRUCTURES S

WHEREAS the City Council of Bethel has enacted the Bethel Zoning Code in the Bethel Municipal Code (BMC); and

WHEREAS the use of wind energy systems is increasing; and

WHEREAS the use of wind energy can be a low-cost, clean source of energy and desires to allow as a secondary, use, wind energy systems where the systems are used primarily for providing energy to support the primary use of the property on which a system is located; and

WHEREAS the intent of this ordinance is to establish a process for locating and constructing wind energy systems, along with standards for the construction and operation of such systems, where the systems are secondary uses to established principal uses on the parcel; and

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that:

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

SECTION 2. Amendment. the City of Bethel Code of Ordinances is hereby amended by adding a new section to be numbered BMC Section 17.04.080 of the Bethel Municipal Code is amended as follows:

17.04.080 Submittal, form, and contents

17.04.080 Wind Turbines

City of Bethel, Alaska

DRAFT

Ordinance #__

Introduced by: Planning Commission

Date:

Public Hearing:

Action:

Vote:

(a) Definitions. For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

(1) "Wind Energy System" means a system designed as a secondary, accessory use to existing principal uses and to existing buildings or facilities on a parcel, wherein the power generated is used primarily for consumption on the same parcel on which it is located. The system consists of a wind turbine and associated controls and may include a tower.

(2) "Hub Height" means the distance measured from ground level to the center of the wind turbine hub.

(3) "Total Height" means the distance measured from ground level to the highest point of any blade of the turbine

(4) "Wind Turbine" means a device which converts the kinetic energy of the wind into a rotational energy transmitted through a drive train to a generator and where the generated electricity can be connected directly to the load or feed.

(5) "FAA" stands for Federal Aviation Administration

(6) "Vertical Access System" means wind turbine or wind mill have the main rotor shaft arranged vertically

(b) Lot and Zoning Requirements.

(1) Wind energy systems shall be allowed as secondary uses on lots that are a minimum of 20,000 square feet. Any deviation from the lot size restriction may be approved through the issuance of a conditional use permit.

(2) The following types of wind energy systems are allowed as a secondary use in the associated zoning districts:

(A) Monopole, roof, and vertical access systems in the P, R, NC, DC, GU, (I-in clustered areas) Districts. In these zoning districts, no more than one wind energy system shall be permitted per parcel unless the owner applies for and is granted a conditional use permit.

(B) Monopole, guyed, lattice, vertical access, and roof systems in the PLI, OS, and I Districts. In these zoning districts, no more than two wind energy systems shall be permitted per parcel unless the owner applies for and is granted a conditional use permit.

(c) Building Permit Application Requirements. Building permits shall be obtained for any wind energy system prior to construction and installation of the system. Building applications are reviewed under Chapter 18.16 of the BMC. The Planning Department shall review each permit
City of Bethel, Alaska

Ordinance #__-

DRAFT

Introduced by: Planning Commission

Date:

Public Hearing:

Action:

Vote:

application for compliance with the requirements of this section. The applicant shall provide documentation that the wind energy systems meet the design requirements of this section, or provide a conditional use permit approved by the City, as part of a building permit application.

(d) Development and Design Requirements.

(1) The requirements of this ordinance shall apply to all wind energy systems proposed after the effective date of this ordinance. Any deviation from the design requirements of this ordinance may be approved through the issuance of a conditional use permit.

(2) Building permit applications must include foundation plans designed for the installation location of the wind energy system and be stamped by an engineer licensed in the State of Alaska.

(3) All wind energy systems shall conform to the applicable BMC contained herein 17.04.080

(4) The turbine to be constructed as a component of the wind energy system must be approved by the Small Wind Certification Program recognized by the American Wind Energy Association (AWEA) or any another accredited organization such as the Small Wind Certification Council, National Wind Technology Certification Center, or the U.S. Department of Energy, National Renewable Energy Laboratory or must be certified by a professional mechanical engineer licensed in the State of Alaska as a system that meets or exceeds industry safety standards for small wind energy systems.

(5) No wind energy system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved, the customer's intent to install an interconnected customer -owned generator. Off -grid systems are exempt from this requirement.

(6) The permitted height shall be measured from the preexisting natural grade to the center of the turbine hub for horizontal and vertical systems. The height limitation for wind energy systems for secondary use or allowed by conditional use are as follows:

(A) In the P, R, NC, DC, GU, (I-in clustered areas) Districts the total height of the system cannot exceed 80 feet.

(B) In the OS District wind energy systems with total height not exceeding 150 feet may be permitted; total height exceeding 150 feet requires a conditional use permit and a letter from Bethel Airport Manager or FAA.

(C) In the PLI and I District wind energy system with total height not exceeding 300 feet may be permitted; total height exceeding 300 feet requires a conditional use permit and a letter

City of Bethel, Alaska

DRAFT

Ordinance #__

Introduced by: Planning Commission

Date:

Public Hearing:

Action:

Vote:

from FAA of approval of your plan must also be submitted.

(D) Total height limitation near the Bethel Airport. Regardless of zone, wind energy systems in aircraft- approach zones and within eight thousand feet (8,000) feet of the main runway shall be subject to height limitation on the basis of obstruction criteria as shown on the current FAA-approved Bethel Airport Master Plan drawings which will be on file at Bethel City Hall. No conditional use may be granted that deviates from this requirement plus a letter from the FAA of approval of your plan must also be submitted.

(7) Minimum blade ground clearance in all zoning districts is fifteen feet (15').

(8) All portions of any wind energy system, including guy wires and other anchors, shall comply with the setback standards for the principal use of the subject parcel as shown in Title 18 Zoning. No part of the wind energy system structure may extend into any access or utility easements.

(9) All portions of the wind energy system shall be a non reflective, non obtrusive color, subject to the approval of the City Planning Director. Typically, towers supporting systems shall not be finished in bright or vivid colors. The appearance of the turbines, towers, and any other related components shall be maintained throughout the life of the wind energy system pursuant to industry standards.

(10) No part of the wind energy system, including any supporting structures, shall be used for advertising of any kind. Wind energy systems shall not be artificially illuminated unless required by a state or federal agency.

(11) For roof mounted wind energy systems, the owner must provide the City with certification from an engineer licensed in the State of Alaska that the roof is built to accommodate the system.

(12) Wind energy systems shall not be climbable up to fifteen feet above the ground surface unless the system is secured in a fenced area with a minimum of a 6 -foot high fence. This requirement does not apply to roof mounted wind energy systems.

(13) The electrical collection system shall be installed underground. The electrical connection system may be placed overhead near substations or points of interconnection to the electric grid.

(14) Wind energy systems shall be designed, installed in the back yard, and operated, so that noise generated by the system shall not exceed fifty decibels (50 dB), as measured five (5) feet above ground level at the closest property line to the system; except, the sound level may be exceeded during short -term events including utility outages and /or severe wind storms.

City of Bethel, Alaska

DRAFT

Ordinance #__

Introduced by: Planning Commission

Date:

Public Hearing:

Action:

Vote:

(e) Maintenance. Wind energy systems shall be erected and maintained plumb, level, and true and shall be repaired, painted, and maintained in accordance with this ordinance, any manufacturer's recommendations and instructions, and with industry standards for small wind energy systems. The Planning Director or their designee may order the repair or removal of any wind energy system that is not maintained in accordance with this section.

(f) Nuisances; Removal.

(1) Any wind energy system that is not operated on a functional basis for a period of 180 consecutive days is hereby declared, unlawful, abandoned, and a public nuisance. In addition to other remedies provided by this Chapter, the nuisance may be restrained, enjoined, or otherwise abated by the City.

(2) Demolition permits are required before a person removes a wind energy system. The permit shall require the entire system be removed (foundations to below natural grade, collection, connection, and transmission equipment) at the owner's sole expense.

(g) Enforcement; Abatement.

(1) Failure to maintain a wind energy system is a violation of this Chapter and subject to the penalties of BMC 18.84.040.

(2) The City may issue an enforcement order under for the BMC 18.84.040 repair or removal of any wind energy system that is not operated on a functional basis for a period of 180 consecutive days or where the wind energy system becomes an immediate hazard to the safety of person or property due to emergency circumstances. Emergency circumstances include natural or manmade disasters or accidents, or when the owner or other person responsible for the system refuses to remedy a hazard.

(3) Where the system presents no immediate hazard to health or safety, the owner shall repair or remove the system within thirty (30) days of receipt of notification of the enforcement order. Upon agreement in writing that the owner will comply with an enforcement order to repair or remove the system if allowed additional time, the City may grant an extension of time within which to abate the public nuisance, if the City determines that such an extension of time will not create or perpetuate a situation dangerous to life or property. If the wind energy system is not operational or is not removed after thirty (30) days from the date of notification of the enforcement order, or after the time of any extension provided, the City may remove the system at the owner's expense.

(4) Where the City identifies an immediate health or safety hazard, and when the owner or other person responsible for the system is either not available to immediately remedy the hazard or refuses to remedy the hazard, the City may enter upon the property and disconnect, dismantle, or otherwise remove any wind energy system. The City shall attempt to notify any City of Bethel, Alaska

Ordinance # __

DRAFT

Introduced by: Planning Commission

Date:

Public Hearing:

Action:

Vote:

owner or other person responsible for the system of such action within forty-eight (48) hours. For purposes of this section, notice is effective the earlier of posting the notice on the property, personal delivery, or upon receipt, if sent by certified mail.

(5) The costs and expenses incurred by the City in abatement of any health and /or safety hazard or of any nuisance as defined in subsection (f) shall be chargeable to the owner, and levied and collected in a civil action by the City.

(6) A person aggrieved by an enforcement order may appeal that order under

SECTION 3. Effective Date. This ordinance shall become effective immediately upon passage by the City Council.

ENACTED THIS DAY OF 2006, BY A VOTE OF IN FAVOR AND OPPOSED.

Mayor

ATTEST:

Lori Strickler, City Clerk

A wind turbine is a device that converts kinetic energy from the wind into mechanical energy. If the mechanical energy is used to produce electricity, the device may be called a wind generator or wind charger. If the mechanical energy is used to drive machinery, such as for grinding grain or pumping water, the device is called a windmill or wind pump.

Planning Department Report

From: Rachael Pitts, Planning Director

Date: May 1, 2014

Permitting season has begun at the Planning Department, and residents are coming in for building permits.

The planner and the Planning Commission continue to review plats. The final plat for Pinky's Park is temporarily on hold because the surveyor is setting the markers before the plat can be finalized.

A Planning Commission member has proposed an ordinance regulating wind turbines. This will be introduced at the May 8th Planning Commission meeting.

The Planning Department now has a complaint form online at the Planning Department page, for those who need to report a violation of city code.

The planner has had two new map racks installed in the Map Room for Port drawings. These will move at a later date to the new proposed Port offices.

The planner is preparing to attend the ASFPM Conference in Seattle in June. This conference is an informational gathering for floodplain managers from around the country.

The planner continues to work with staff on the H-Marker Lake road alternative, as the process goes forward to contact other agencies and property owners who will be affected.

The planner toured the Swimming and Recreation Center, and was very much impressed by the many fun activities it will offer the community, and the beautiful design of the structure.

Site Plan Permit Applications and Code Enforcement: The Planning Department has issued nine Site Plan Permits to date, and one utility permit.

Construction Projects:

A tour of the pool project is offered every Thursday at 10:30 AM.

Pilings are being put in place for the new Phillips Treatment Center.

PUBLIC HEARING NOTICE

On May 8, 2014, the City of Bethel Planning Commission will hear a request received in the Planning Office for one final plat, and two preliminary plats. The hearing will be held at the Public Works Building, 1155 Ridgecrest Drive, at 6:30 pm. If you cannot attend the meeting but would like to comment or would like more information, please call the Planning Department at 543-5306.

Description of the Final Plat is as follows: Final Plat of a portion of US Survey 3790, Block 6, Lot 15D, located in the right of way of East Avenue, ten feet in width and 97.85 feet in length, a total of 978.5 square feet. Property of Sharon J. Strauss and Samuel Strauss. The address is 206/208 East Avenue. The purpose is right of way dedication.

Description of the Preliminary Plats are as follows:

1. Preliminary Plat of a 6-foot Utility and Public Access Easement and Miscellaneous Sewer and Utility Easements. The location is City of Bethel Property adjacent to the City of Bethel Recreational Center Subdivision. The purpose is to create a utility access.
2. Preliminary Plat of proposed Snow Ridge Subdivision. The location is the Heirs of Nicolas A. Charles Property, located at Tundra Ridge Road. The purpose is to create a residential subdivision.



US Army Corps
of Engineers
Alaska District

Special Public Notice

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

PUBLIC NOTICE DATE: April 18, 2014
EXPIRATION DATE: June 05, 2014
REFERENCE NUMBER: SPN-2014-0162
WATERWAY: Statewide

PUBLIC NOTICE

CLEAN WATER ACT INTERPRETIVE RULE FOR 404(f)(1)(A)

On 21 April 2014, the USEPA and the Corps of Engineers (Corps) are publishing a Notice of Availability and Public Comment to announce the availability of an interpretive rule regarding the applicability of the exemption from permitting provided under section 404(f)(1)(A) of the Clean Water Act (CWA) for discharges of dredged and/or fill material associated with certain agricultural conservation practices based on the Natural Resources Conservation Service (NRCS) conservation practice standards that are designed and implemented to protect and enhance water quality. The interpretive rule was effective on April 03, 2014.

Under the CWA, section 404 regulates the discharges of dredged and/or fill material into waters of the U.S. and section 404(f)(1) includes a list of activities that are exempt from regulation under section 404. Section 404(f)(1)(A) provides an exemption for discharges of dredged and/or fill material from "normal farming, silviculture, and ranching activities, such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices." The interpretive rule clarifies that certain NRCS conservation practices that are designed and implemented to protect and enhance water quality are included under these "normal farming, silviculture, and ranching activities."

The USEPA, the Corps, and NRCS have also entered into a Memorandum of Understanding to guide their future coordination on the exemption. The interpretive rule, Memorandum of Understanding, as well as a list of NRCS practices that meet the exemption,

analysis would be required. The agencies emphasize that the categorical finding of jurisdiction for tributaries and adjacent waters was not based on the mere connection of a water body to downstream waters, but rather a determination that the nexus, alone or in combination with similarly situated waters in the region, is significant based on data, science, the CWA, and case law.

In addition, the agencies propose that “other waters” (those not fitting in any of the above categories) could be determined to be “waters of the United States” through a case-specific showing that, either alone or in combination with similarly situated “other waters” in the region, they have a “significant nexus” to a traditional navigable water, interstate water, or the territorial seas. The proposed rule also offers a definition of significant nexus and explains how similarly situated “other waters” in the region should be identified.

The agencies propose to exclude specified waters from the definition of “waters of the United States” in section (b) of the proposed rule. The agencies propose no change to the exclusion for waste treatment systems designed consistent with the requirements of the CWA, no change to the exclusion for prior converted cropland, and no change to the regulatory status of water transfers. The agencies propose, for the first time, to exclude by regulation certain waters and features over which the agencies have generally not asserted CWA jurisdiction. Codifying these longstanding practices supports the agencies’ goals of providing greater clarity, certainty, and predictability for the regulated public. Waters and features that are determined to be excluded under section (b) of the proposed rule will not be “recaptured” as jurisdictional waters under any of the categories in the proposed rule under section (a).

The agencies’ decision on how best to address jurisdiction over “other waters” in the final rule will be informed by the final version of the EPA’s Office of Research and Development synthesis of published peer-reviewed scientific literature discussing the nature of connectivity and effects of streams and wetlands on downstream waters (U.S. Environmental Protection Agency, *Connectivity of Streams and Wetlands to Downstream Waters: A Review and Synthesis of the Scientific Evidence*, (Washington, D.C.: U.S. Environmental Protection Agency, 2013)) (“Report”) and other available scientific information.

The goal of the agencies is to ensure the regulatory definition is consistent with the CWA, as interpreted by the Supreme Court, and as supported by science, and to provide maximum clarity to the public, as the agencies work to fulfill the CWA’s objectives and policy to protect water quality, public health, and the environment.

National Issues Concerning the Proposed Rule: Similar public notices are being published concurrently by other Corps division or district offices. The Federal Register notice is the public’s opportunity to provide comment on the proposed rule. For more information on the proposed rule, please visit:
<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/NationalNoticeandProgramInitiatives.aspx>.

DATES: Submit comments on or before July 21, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2011–0880 by one of the following methods:



US Army Corps
of Engineers
Alaska District

Special Public Notice

Regulatory Division (1145)
CEPOA-RD
Post Office Box 6898
JBER, Alaska 99506-0898

| | |
|----------------------------|-----------------------|
| PUBLIC NOTICE DATE: | April 18, 2014 |
| EXPIRATION DATE: | July 21, 2014 |
| REFERENCE NUMBER: | SPN-2014-0161 |
| WATERWAY: | Statewide |

PUBLIC NOTICE

CLEAN WATER ACT PROPOSED RULE FOR DEFINITION OF WATERS OF THE U.S.

On 21 April 2014, the USEPA and the Corps of Engineers (Corps) are publishing for public comment a proposed rule defining the scope of waters protected under the Clean Water Act (CWA), in light of the U.S. Supreme Court cases in *U.S. v. Riverside Bayview*, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers (SWANCC)*, and *Rapanos v. United States (Rapanos)*. The proposed rule was developed to enhance protection for the nation's public health and aquatic resources, and increase CWA program predictability and consistency by increasing clarity as to the scope of "waters of the United States" protected under the Act.

Developing a final rule to provide the intended level of certainty and predictability, and minimizing the number of case-specific determinations, will require significant public involvement and engagement. Such involvement and engagement will allow the agencies to make categorical determinations of jurisdiction, in a manner that is consistent with the scientific body of information before the agencies – particularly on the category of waters known as "other waters."

The agencies propose to define "waters of the United States" in section (a) of the proposed rule for all sections of the CWA to mean: traditional navigable waters; interstate waters, including interstate wetlands; the territorial seas; impoundments of traditional navigable waters, interstate waters, including interstate wetlands, the territorial seas, and tributaries, as defined, of such waters; tributaries, as defined, of traditional navigable waters, interstate waters, or the territorial seas; and adjacent waters, including adjacent wetlands. Waters in these categories would be jurisdictional "waters of the United States" by rule – no additional

are available via the Internet on the USEPA websites:

<http://water.epa.gov/lawsregs/guidance/wetlands/agriculture.cfm> and

<http://www2.epa.gov/uswaters>; as well as on the Corps website under Latest News:

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>.

National Issues Concerning the Interpretive Rule: Similar public notices are being published concurrently by other Corps division or district offices. The Federal Register notice provides public opportunity to become familiar with the interpretive rule and understand what has become effective as of April 03, 2014. The agencies recognize the importance and value of receiving public input on the implementation of this interpretive rule; input which may inform future revisions to the list of activities included under the interpretive rule. The agencies welcome comments in response to the Notice of Availability within 45 days from date of publication in the Federal Register.

DATES: Submit comments on or before June 05, 2014.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OW-2013-0820 by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* ow-docket@epa.gov. Include EPA-HQ-OW-2013-0820 in the subject line of the message.
- *Mail:* Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2013-0820.

Hand Delivery/Courier: Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2013-0820. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Public Reading Room is 202-566-1744 and the telephone number for the Water Docket is 202-566-2426.

FOR FURTHER INFORMATION CONTACT: Ms. Stacey M. Jensen, Regulatory Community of Practice (CECW-CO-R), U.S. Army Corps of Engineers, 441 G Street, NW, Washington, DC 20314; telephone number 202-761-5856; e-mail address:

USACE_CWA_RULE@usace.army.mil; and include the EPA Docket ID No. EPA-HQ-OW-2013-0820 in the subject line of the message.

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *E-mail:* ow-docket@epa.gov. Include EPA-HQ-OW-2011-0880 in the subject line of the message.
- *Mail:* Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail Code 2822T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention: Docket ID No. EPA-HQ-OW-2011-0880.
- *Hand Delivery/Courier:* Deliver your comments to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OW-2011-0880. Such deliveries are accepted only during the Docket's normal hours of operation, which are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Special arrangements should be made for deliveries of boxed information. The telephone number for the Water Docket is 202-566-2426.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Downing, Office of Water (4502-T), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460; telephone number 202-566-2428; e-mail address: CWAwaters@epa.gov. Ms. Stacey M. Jensen, Regulatory Community of Practice (CECW-CO-R), U.S. Army Corps of Engineers, 441 G Street, NW, Washington, DC 20314; telephone number 202-761-5856; email address: USACE_CWA_Rule@usace.army.mil; and include the EPA Docket ID No. EPA-HQ-OW-2011-0880 in the subject line of the message.