

Introduced by:	Planning Commission
Date:	April 28, 2009
Action:	Referred to the Planning Commission
Vote:	

## *CITY OF BETHEL, ALASKA*

### **Resolution # 09-22**

**PLANNING COMMISSION OF THE CITY OF BETHEL  
SUPPORT OF A SEVENTEEN (17) MONTH MORATORIUM ON  
SUBDIVISION AND DEVELOPMENT OF LAND  
IN THE CITY OF BETHEL TO REVIEW/REVISE & DEVELOP A NEW  
COMPREHENSIVE PLAN, NEW SUBDIVISION AND REVISE LAND USE  
REGULATIONS IN THE BETHEL MUNICIPAL CODE**

**WHEREAS**, the City of Bethel [the "City"], has adopted Zoning as a comprehensive codification to address orderly development in the City of Bethel, which is codified in City Code, Zoning, Chapter 18;

**WHEREAS**, the City of Bethel, has been presented with applications by individuals and developers who seek development of land for residential purposes;

**WHEREAS**, the City of Bethel has been presented with concerns by residents and people in the City concerning open space, soil and wetland conservation, water and sewer connections, rural development, municipal or private roads, and such concerns, among others, are not properly addressed in the current subdivision and land use or planning regulations of the City Code;

**WHEREAS**, the City of Bethel realizes the need for orderly development of land, consistent with its Comprehensive Master Plan, and to consider development for the current and future times, which must be balanced with the other concerns of the residents and people in the City of Bethel;

**WHEREAS**, the City of Bethel seeks, through its Zoning Code, Subdivision of Land, Land Use Regulations and its Master Plan, to preserve the essential character of the City of Bethel, balancing such interests of its residents;

**WHEREAS**, the City of Bethel seeks to revise its Zoning Code, Subdivision of Land and Land Use Regulations to update it consistent with the needs and concerns of the City, its residents, and the surrounding area;

**WHEREAS**, the City of Bethel has received numerous inquiries and applications for the new subdivisions of land, which will entail the creation, establishment, placement, construction of roads, houses, buildings and other structures,

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and it is reasonably expected that the City of Bethel will receive additional inquiries and applications in the near future;

**WHEREAS**, the City of Bethel believes that the current Zoning, Subdivision of Land and Land Use Regulations do not adequately reflect the City's needs, goals, or concerns as to orderly development;

**WHEREAS**, the Zoning Code of the City of Bethel has been read and interpreted that if there is no specific provision for the stated or permitted use as defined therein for a certain activity or use, it is given to the most restrictive standard shall apply;

**WHEREAS**, the City of Bethel seeks to receive comment and study the possible change to the Zoning, Subdivision of Land and Land Use Regulation as it relates to land subdivision and development in the City of Bethel;

**WHEREAS**, there are significant shortcomings with respect to the current City of Bethel's Zoning, Subdivision of Land and Land Use Regulations and Laws, as they apply to the development of land for residential purposes in the City of Bethel;

**WHEREAS**, the City wishes to implement laws and regulations to more effectively protect the health, safety and welfare of the community, and to assure the orderly development of land for residential poses in the City of Bethel;

**WHEREAS**, the City Planning Commission initially believed that a reasonable time for the City to complete its aforementioned review, and for the City to study, gather public comment and input, to hold hearings, and to have reasoned decisions on the same, and to enact any required legislation resulting there from was deemed to be 17 months from the date such local law enacting said moratorium;

**WHEREAS**, there are significant shortcomings with respect to the current City of Bethel's Zoning Codes, as it applies to the land use and zoning regulations, and the City of Bethel Planning Commission believes that it is in the best interests of the City to begin a moratorium until such committee work and proposed legislation is complete;

**WHEREAS**, the City passes a ordinance enacting a seventeen (17) month Moratorium for the in the City of Bethel on the issuance of permits by the City on applications for the development of new residential subdivision purposes in the Urban Reserve in the City of Bethel, for the purpose of allowing the development of amendments to the Zoning Code [Chapter 18], Subdivision of Land [Chapter 17] and Land Use Regulations concerning the regulation, approval and permitting of such development and uses with an effective

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date of April 14, 2011;

**WHEREAS**, the City believes it to be in the best interests of all involved to make a careful study and consideration of the matter, and in doing so it needs time for the same, and as such needs to have the Moratorium for a period of seventeen (17) Months, which the Planning Commission believes is the shortest period needed to complete such study, prepare any legislation and to consider and adopt the same;

**WHEREAS**, this moratorium is not meant to be prohibitive or exclusionary in nature, and during the moratorium, applications shall be accepted and considered by the Planning Department, City Planning Commission where existing subdivisions, infrastructure already exists. This Moratorium is enacted to balance the aforementioned interests and rights, and done in the narrowest possible way so as to preserve and protect such interests and rights, pending final determination by the City Council. To avoid any extreme hardships, a variance or waiver of this Moratorium is provided for in this Local Law. In accepting an application during the period of this moratorium, however, no action shall be taken other than as permitted herein. Further, if an application is accepted and processed, it shall be done pursuant to Zoning Code in effect at the time of such consideration or final determination;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Bethel that it hereby adopts effective upon the date of filing of this local law with the Secretary of State.

**ENACTED THIS \_\_\_ DAY OF \_\_\_\_\_ 2009 BY A VOTE OF 0 IN FAVOR AND 0 OPPOSED.**

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Tiffany Zulkosky, Mayor

ATTEST:

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Lori Strickler, City Clerk