

City of Bethel  
Planning Commission

Regular Meeting of

**I. CALL TO ORDER**

The meeting was convened at 7:35 PM, at the City Conference Room, Bethel, Alaska, by Chairman Guinn.

**II. ROLL CALL**

Present: Andrew, Guinn, McComas, Warner

Absent: Hamilton, Metcalfe, Trailov

**III. APPROVAL OF MINUTES**

**motion** M/M by McComas, 2nd by Warner, to approve the minutes of the November 10, 1994, regular Commission meeting as presented. Voice vote. Motion carried unanimously.

**IV. APPROVAL OF AGENDA**

The Chair asked if the Commission could add Walter Larson under Old Business and delete Item E: Recommendation to City Council to adopt revision codes regarding the ten percent recreational dedication - BMC 17.24.210.

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

**V. COMMUNICATIONS**

There were no new communications for this meeting.

**VI. PLANNER'S REPORT**

There was no report given.

**VII. PEOPLE TO BE HEARD**

There were no people to be heard on items not on the agenda.

VIII. OLD BUSINESS

ITEM A: SUBDIVISION OPEN SPACE REQUIREMENTS - WALTER LARSON

Mr. Larson came before the board to ask if any progress had been made in defining the ten percent rule as it applies to subdivisions. Mr. Larson wished to know and have in writing the recreation development plan, how and when it would take place, and warned the Planning Commission about the cost of maintenance upkeep of recreation open space lands. Mr. Larson also cited the liability of accidents on City land.

Mr. Warner indicated that there appeared to be a misunderstanding. The City would not be taking possession of the open space. The intent is to try and maintain open space. Subdividers still own open space.

Mr. Warner asked Mr. Guinn, since Guinn was on the commission at the time the ordinance was adopted, if when they originally worded the ordinance if they intended to set aside 10% of gross area. Mr. Guinn said 10% of total gross area. Warner asked Guinn if at any time had the Planning Commission specified where the 10% was to be. Guinn said they had not specified.

Mr. Warner said he felt the plat met the letter and intent of the law if Mr. Larson set aside 3.7 acres on the South side of the BIA Road, near what Walter was describing as a small lake.

Mr. McComas questioned the placement of the utility easements saying he felt a better placement was in the front where there is street access. Mr. Larson said that the utility companies had looked at the plans and approved of the easements as drawn.

Mr. Post stated that before anything could be done the Planning Department needed a copy of the final plat and that public notice had to be given. There is a process that needs to be followed for approval.

PLANNING COMMISSION MINUTES

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DATE: JANUARY 12, 1995

Mr. Warner agreed with Mr. Post but felt that the Commission could probably reassure the Larsons that there didn't appear to be a problem at this time. Mr. Andrew agreed that it could be approved in context. It was asked that this issue be put on the agenda for the next meeting.

As a side issue Mr. Larson brought to the Commissions attention the need for work at the cemetery.

**motion**

M/M by Warner 2nd by Andrew to recommend to the City Council that Public Works give an estimate, when possible, of the amount of fill necessary on the south side of the cemetery to make it usable for burial. Voice vote. Motion carries unanimously.

**IX. NEW BUSINESS**

**ITEM A: RULES OF PROCEDURE: CONNIE TUCKER, CITY CLERK**

Ms. Tucker came before the Board to hear recommendations for additions or deletions to a standardized form of Rules of Procedure which is to be used in all Committee or Council meetings.

The first section in question dealt with special meetings. The Board agreed that it was a gray area but the decision was made to leave this section as written.

Mr. Warner stated that Part D under Committees/Commissions was unclear and should read "...a majority of the number of members...".

The board was in agreement that Part C under Committee/Commission Voting should be deleted. It was also noted that Part E should read "...a majority of the number of members...".

There was discussion on the section titled Attendance with a general agreement that absences should be excused at the discretion of the Chair. The main idea was that adequate prior notification should be given.

Ms. Tucker asked the board for their opinions concerning term limitations and residency requirements. The Board agreed that they should adopt the same requirements as those required by the City Council for residency but, because the Board is made up of volunteers, term limits are not needed.

The Board felt that sections J and K concerning reconsideration votes under Conduct of Debate and Discussion should be deleted. Approved actions should not be reversed.

**ITEM B: POLICY DISCUSSION CONCERNING UNENFORCED FLOOD REGULATION REQUIREMENTS**

Bethel Municipal Codes require individuals to obtain an elevation certificate and conform to certain flood-safety design principals. Mr. Post stated that these requirements are currently not being enforced and have not been for the past couple of years. He indicated that he felt it was beneficial for the City to participate in the National Flood Insurance Program which would require enforcement.

It was noted by Mr. Warner that the City is currently a participant and therefore should be complying with the requirements. If there was a bad flood and the City was declared a disaster area and it became known that we were not complying then we might be jeopardizing any disaster aid.

It was the consensus of the Board that the regulations should be complied with but that this could pose an undo hardship on individual builders.

The Board agreed to discuss the item next meeting to allow for further thought on the problem. Mr. Post said that he would try and provide some cost estimates for construction.

**ITEM C: REVIEW OF NEW SITE PLAN PERMIT**

The Board was shown a revised Site Plan Application which would provide the Planning Department with much needed information and at the same time be more "user friendly". The revision is necessary due to the numerous ordinance changes that have occurred since the introduction of the old form.

Mr. Guinn stated that Mr. Post should be commended for his work and felt that this new form would solve a lot of the problems that were coming before the Board.

**motion**

M/M by Warner 2nd by Andrew to approve the use of the new Site Plan form. Voice vote. Motion carried unanimously.

**ITEM D: RECOMMENDATION TO CITY COUNCIL TO ADOPT REVISION TO ZONING CODES REGARDING GRANDFATHER RIGHTS - BMC 18.80**

Mr. Post brought to the attention of the Board the need to clarify BMC 18.80.040 B which currently reads: "Should a non-conforming structure be totally destroyed, it shall not be reconstructed except in conformity with this ordinance." He recounted a recent incident which showed the need for closing significant loopholes that allowed the construction of a new structure to replace an older nonconforming structure by including insignificant portions of the older structure. He cited the need to eliminate ambiguities and the potential for litigation. The proposed ordinance would eliminate the word "totally" with "totally destroyed". Any nonconforming structure or portion thereof that is damaged beyond 80% of its replacement cost shall not be reconstructed expect in conformity.

**motion** M/M by Warner 2nd by McComas to adopt the recommendation in Item D to clarify the intent of the grandfather clause in Chapter 18.80.040 with one change making it 75% instead of 80%. Voice vote. Motion carries unanimously.

**ITEM E: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT REVISION TO SUBDIVISION CODES REGARDING THE TEN PERCENT RECREATIONAL DEDICATION - BMC 17.24.210**

This Item was removed under Approval Of Agenda.

**ITEM F: RECOMMENDATION TO CITY COUNCIL TO ADOPT REVISION TO ZONING CODES RESTRICTING LOT COVERAGE**

Mr. Post stated that this ordinance would no longer make it possible for an individual to completely fill a residential lot with a single sprawling building. The ordinance would limit lot coverage to 40%. Commercial lots would not be affected.

**motion** M/M by Warner 2nd by McComas to adopt the recommendation as presented for amending Chapter 18.32 inidential districts. Voice vote. Motion carries unanimously.

## COMMUNICATIONS

In December a letter was written to the Alaska Department of Commerce and Economic Development regarding the availability of telephone service by GTE to H-Marker Lake Subdivision. GTE was requested by the Alaska Public Utilities Commission (APUC) to respond to this issue. We have since received the solicited correspondence from GTE. The H-marker Lake Subdivision is outside the Base Rate Area (BRA) and as such is subject to line extension and milage charges to the existing BRA boundary. The charges are based on the actual cost of materials and labor. Although, there have been inquiries about service before, the high cost has been prohibitive.

A revised line extension tariff is being filed with the APUC which will allow a quarter mile credit allowance per customer requesting service outside of the existing BRA boundary. The distance at H-Marker Lake would require three customers to offset the extension costs. Milage charges would be applicable in addition to basic exchange rates and a one year service guarantee.

The tariff revision has not been approved at this time but permission is expected in the first half of 1995. GTE has budgeted funds for extending service to the H-Marker Lake Subdivision. Dan Poe, Bethel Exchange Manager, will be keeping the Planning Department informed on the progress of the pending tariff.

## NOTICE OF UTILITY TARIFF FILING

The ALASKA PUBLIC UTILITIES COMMISSION gives notice that GTE ALASKA INCORPORATED (GTE), a local exchange telecommunications utility, has filed a tariff revision (TA80-3). The major purpose of the filing is to revise GTE's line extension policy; the filing includes many changes and additions including new and revised rules, definitions, and maps. In general, GTE proposes to apply to all its Alaska exchanges a line extension policy now applicable only in Haines.

A summary of a few of the proposed revisions is shown below.

- GTE proposes to revise its maps to show new base rate areas (BRA) and supplemental base rate areas (SBRA) in each exchange. Under the proposed revisions mileage charges are not applicable in the BRA or the SBRA. GTE states, "Generally, the BRA is an area not less than one air mile distant from the serving central office . . . . An SBRA is entirely separated from the BRA." GTE proposes SBRA's in two exchanges: Bethel and Metlakatla.
- Currently there is no charge for line extensions inside the BRA and the charge for line extensions outside the BRA is actual cost. GTE proposes that there be no charge for line extensions inside the BRA or SBRA. GTE proposes to charge the actual cost for additional outside plant facilities beyond its existing outside plant facilities outside the BRA or SBRA in excess of the actual cost of the free footage allowance. GTE will construct at its expense a maximum of 1/4 mile of outside plant facilities per applicant; this does not include an additional maximum of 250 feet of construction on private property per applicant. All applicants are grouped in a single project when there is no more than 1/4 mile of construction between successive applicants. No charge is made to a group of applicants whose collective allowance equals the construction required to serve them. If there are remaining applicants on a project, the incremental cost of the project for the second group is divided equally among all applicants in this second group.
- GTE proposes new definitions of the following terms: actual cost, air line mileage, applicant, bona fide request, contract, facilities, route mileage, speculative project, supplemental base rate area, temporary service, trenching, underground supporting structure.
- Under the proposed provisions for temporary service or speculative projects, an applicant may be required to pay GTE in

advance the net cost of installing and removing any facilities necessary to furnish the service. This charge may be refunded if after 36 months a customer proves permanency.

•GTE proposes specific line extension rules addressing private property construction, special construction, relocation of existing outside plant facilities, and extraordinary circumstances.

Detailed information may be obtained from GTE at 16404 Smokey Point Blvd., Suite 201, P. O. Box 1025, Arlington, Washington 98223-6025. The filing may be inspected at the offices of the Alaska Public Utilities Commission, 1016 West Sixth Avenue, Suite 400, Anchorage, Alaska 99501.

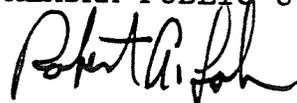
Any interested person may file with the Commission statements of views favoring or opposing this tariff filing. If you are a person with a disability who may need a special accommodation to comment on the proposed contract amendment revision, please contact Pat Oldenburg at 263-2107 by January 25, 1995, to make any necessary arrangements.

Please file comments or petitions by February 8, 1995, to assure their consideration by the Commission prior to a final decision on this matter. Any statement filed with the Commission should clearly affirm that the interested person has filed a true copy of the statement with GTE.

The Commission considers comments in determining the appropriate action to be taken. Filing comments will not make a person a party to the proceeding. To become a party, one must first petition to intervene in accordance with 3 AAC 48.110.

DATED at Anchorage, Alaska, this 9th day of January, 1995.

ALASKA PUBLIC UTILITIES COMMISSION



Robert A. Lohr  
Executive Director

**OLD BUSINESS ITEM A - REVIEW OF THE FINAL PLAT TSIKOYAK SUBDIVISION,  
NORTH SIDE OF BIA ROAD - WALTER LARSON**

Walter Larson is proposing to subdivide a 37 acre parcel of land. Approximately 20 acres lie north of BIA Road and will be subdivided into 78 lots of approximately 10,000 to 12,000 sq. ft. The subdivision is intended to be residential and will need to be zoned as such. However, another zoning consideration is the issue of significant wetlands.

Overall the subdivision meets Bethel municipal codes concerning lot size, shape, street frontage and street width.

I see four issues of concern facing the planning commission:

**1) SIGNIFICANT WETLANDS/DRAINAGEWAYS**

The City of Bethel has often had difficulties with drainage due to little consideration at the subdivision stage of development. New Item B on this month's agenda could be considered an example of this. Other problems have included roads and sand pads washing away as well as the creation of small lakes on previously unsubmerged lots due to the blockage of natural drainage features. Maybe more significant a problem than the drainage itself, is the lack of authority the Bethel Planning Department or Planning Commission has to authorize development/fill in certain areas of the City.

There are wetlands in the proposed subdivision which are designated significant wetlands by the Corps of Engineers. The area encompassing these wetlands/drainageways is approximately 5 acres and within the area north of BIA Road proposed to be residentially developed. These wetlands are excluded from the City's recently renewed general permit for the placement of fill. All fill or dredge activities in these areas require a Corps of Engineers section 404 permit. I have advised Jordahn Suhr, contractor to Walter Larson, that it will be necessary to contact the Corps of Engineers to have a jurisdictional determination and then possibly file for the necessary permits.

Also, as a condition of the City's general permit for the placement of fill in wetlands the City must designate all drainageways and significant wetlands as a portion of the preservation district. The only permitted principal uses within the preservation district include greenbelts, trails, boardwalks and subsistence and recreational uses that do not require fill.

Bethel Municipal Code 17.20.010 states:

"Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, adverse topography, utility easements, or other features which are considered harmful to the health, safety and general welfare of the present or future inhabitants of the subdivision and/or

its surrounding areas shall not be subdivided or developed unless in the opinion of the planning commission, adequate methods are formulated by the developer and approved by the planning commission to solve any problems created by the unsuitable land condition. The planning commission requires developers to submit a preliminary plat and urges developers to have a preliminary consultation to avoid problems concerning the definitions of unsuitable as determined by the developer to place notations on the plat indicating that certain areas in the development are considered hazardous by the planning Commission"

Bethel Municipal Code 17.24.180 Easements--Drainage section B states:

"Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially to the lines of such watercourse..."

There are no drainage easements shown on the final plat. The Planning Manager (Mr. Post) toured the proposed subdivision prior to freeze-up did notice standing water in places. At the time I did not think it sufficient to be significant. However it is the Corps of Engineers which has the final say on development within wetlands and I would defer to their experience and knowledge.

In Blueberry Subdivision there was no (little?) consideration given to drainage resulting in lots being sold which potentially may be undevelopable. At a minimum I would suggest the Planning Commission require that areas exempt from the general permit be so marked on the plat map. Drainage easements should also be included in the plat map. Another option would be to require the lots and streets to be reconfigured to better adapt to the drainageways in the area. The Bethel Municipal Codes That follow support both options.

- 17.24.010 - 17.24.020
- 17.24.100 Streets--Intersections.
  - 17.24.110 Streets--Cul-de-sac.
  - 17.24.120 Streets--Half streets.
  - 17.24.130 Streets--Frontage.
  - 17.24.140 Streets--Alleys.
  - 17.24.150 Streets--Names.
  - 17.24.160 Easements--Required.
  - 17.24.170 Easements--Utility.
  - 17.24.180 Easements--Drainage.
  - 17.24.190 Water supply and waste disposal.
  - 17.24.200 Recreational dedication.
  - 17.24.210 Guarantee of improvements.

17.24.010 Circulation system generally. A. Access by dedicated right-of-way shall be provided to all subdivisions and lots within the subdivisions. Access shall be developed to city standards as specified in the comprehensive plan at the subdivider's expense. In addition, boardwalks to provide for pedestrian circulation shall be constructed in locations and in a manner so as to provide adequate circulation for pedestrians and in such additional locations the planning commission shall specify. Blocks shall not be unreasonably long so as to impede movement of pedestrian traffic.

B. The creation of reserve strips shall not be permitted adjacent to a proposed road in such a manner as to completely deny access from adjacent property to such a road. (Ord. 135 §135.30.020(A), 1982)

17.24.020 Circulation system design. A. The circulation system shall be designed to:

1. Discourage through traffic in residential subdivisions;
2. Require the minimum number of roads necessary to provide convenient and safe access to property;
3. Be arranged so as to maximize the number of building sites at or above the grades of the roads;
4. Avoid a combination of steep grades and curves;
5. Conform as much as possible to existing topography;
6. Use land in the most efficient way;
7. Be properly related to all existing and proposed special traffic generators such as industries, business and shopping districts, schools and churches; to population densities; and to the pattern of existing and proposed land uses;
8. Complement drainage patterns;
9. Preserve natural features such as watercourses, geology, etc.;
10. Allow for the provision and/or extension of public utilities and services;

11. All roads shall be built with proper coordination between height and culvert placement to assure that the roadway is not threatened by runoff from surrounding areas or that the roadway does not impede water runoff;

12. All roads shall have the necessary signs properly installed. This includes street name signs as well as traffic signs properly positioned according to State of Alaska Department of Highway Standards.

B. Roads from adjacent existing subdivisions shall be continued wherever possible. (Ord. 135 §135.30.020(B, C), 1982)

shall be submitted with the preliminary plat. (Ord. 135 §135.30.050(2), 1982)

17.24.180 Easements--Drainage. A. The platting board shall not approve any plat for subdivision which does not make adequate provision for stormwater or floodwater runoff channels or basins. The stormwater drainage system shall be separate and independent of any sanitary sewer system.

B. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm easement or drainage right-of-way conforming substantially to the lines of such watercourse. Whenever possible it is desirable that the drainage be maintained by an open channel with adequate width for maximum potential volume of flow. Such area shall not be filled or built upon and a note to this effect shall be placed on the plat. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within rights-of-way, perpetual unobstructed easements at least ten feet in width for such drainage facilities shall be provided in a manner satisfactory to the planning commission. Drainage easements shall be carried to natural watercourses or to other drainage facilities.

C. The subdivider may be required by the platting board to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of, the subdivision. Such drainage facilities shall be located in a right-of-way where feasible, or in perpetual unobstructed easements.

D. Where a watercourse separates the building area of a lot from the road by which it has access provisions shall be made for installation of a culvert or other structure to provide access across the watercourse.

E. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision.

F. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility the platting board may withhold approval of the subdivision until provision has been made for the improvement of the potential condition.

G. Whenever a plat is submitted for an area which has been designated as a flood-hazard area the platting board may approve such subdivision only when it has determined that all the provisions of the city regulation requiring compliance with requirements of the National Flood Insurance Program have been met.

H. When a proposed drainage system will divert water across private land outside the subdivision, appropriate drainage easements shall be secured and submitted with the preliminary plat.

I. Drainage and utility easements shall be independent unless shared easement is agreed to by utilities. (Ord. 135 §135.30.050(3), 1982)

17.24.190 Water supply and waste disposal. All facilities for the supply of water and the disposal of waste, whether individual on-lot or serving more than one lot, including hookups to existing community systems, are subject to city ordinances and state standards. All such facilities must receive approval of a sanitarian prior to construction, installation and/or operation. (Ord. 135 §135.30.060, 1982)

17.24.200 Recreational dedication. In cases where the amount of land to be subdivided is two acres or greater and where the subdivision of land will create six or more lots, the subdividers shall be required to dedicate (for public use) suitable land with proper access for recreational purpose. The amount of land to be dedicated for recreation will be based on a square foot ration of one square foot of recreation land for every ten square feet available for recreation. (Ord. 135 §135.40.010, 1982)

17.24.210 Guarantee of improvements. To guarantee the installation of all public improvements required by this title which are not accepted at the time the final plat is filed, the subdivider shall be required to submit a public improvements guarantee and security bond at the time the final plat is submitted. (Ord. 135 §135.45.010, 1982)

## Chapter 17.28

### MONUMENTS

#### Sections:

- 17.28.010 Specifications.
- 17.28.020 Where required.
- 17.28.030 Tied to survey--Shown on plat.
- 17.28.040 Designation.
- 17.28.050 Approval before recordation.

17.28.010 Specifications. A monument shall consist of a brass cap, not less than one and one-half inches in diameter, aluminum cap or other equivalent type of monument riveted to the top of a galvanized pipe not less than one-half inch in diameter. Monuments shall be driven to refusal or thirty inches, whichever comes first. The monument shall not extend above the surface if located in a roadway and shall not extend more than four inches above the surface in other locations and shall be planted in such a manner that

Chapter 18.20

PRESERVATION DISTRICT - P DISTRICT

Sections:

- 18.20.010 Intent.
- 18.20.020 Permitted principal uses and structures.
- 18.20.030 Conditional uses.
- 18.20.040 Minimum lot size.
- 18.20.050 Minimum setback requirements.
- 18.20.060 Maximum height of structure.
- 18.20.070 Drainage.

18.20.010 Intent. A. The Preservation District is intended to apply to significant wetlands and drainageways and should be preserved exclusively as open areas. When uncertainty exists concerning the actual physical location of the Preservation District boundary line, as shown on the official Land Use Map, the Land Use Administrator shall inspect the area of uncertainty and shall determine the physical location of Preservation District boundary using the definition of the Preservation District.

B. Any person proposing the use of fill within this district shall be required to obtain a Corps of Engineers 404 permit prior to approval by the City and before development, pursuant to General Permit 83-4A.

C. A redesignation of the preservation district must be approved by the Army Corps of Engineers, pursuant to General Permit 83-4A, prior to Planning Commission approval of the redesignation. (Ord. No. 192, 1990)

18.20.020 Permitted principal uses and structures.

A. Greenbelts.

B. Trails and boardwalks that do not require the use of fill material.

C. Subsistence and recreational uses that do not require the use of fill material.

D. Any accessory use or structure normally associated with a permitted use or structure.

E. The use of freezer vans as residential units as specifically not permitted. (Ord. No. 192, 1990)

18.20.030 Conditional uses. A. Subsistence and recreational uses that require fill.

B. Trail, walkways, boardwalks, and roads that require the use of fill.

C. Agricultural uses.

D. Residential uses.

E. Planned development (see Chapter 18.52 for standards and regulations).

F. Commercial uses (for standards and listing of commercial uses, see Chapter 18.48, Supplemental Regulations).

G. Public and Institutional uses.

H. Any of the above conditional uses that require dredge or fill activity require an approved Army Corps of Engineers permit before Planning Commission approval.

I. Landing strips and/or air taxi services. (Ord. No. 192, 1990)

18.20.040 Minimum lot size. 7000 square feet. (Ord. No. 192, 1990)

18.20.050 Minimum setback requirements.

A. Street yard: 15 feet.

B. Interior yard: 10 feet.

C. 25' from the mean high water mark of any drainage or lake. (Ord. No. 192, 1990)

18.20.060 Maximum height of structure. Unrestricted except that structures shall not interfere with Federal Aviation Administration Regulations on airport approaches. (Ord. No. 192, 1990)

18.20.070 Drainage. See Chapter 18.48, Supplemental Regulations. (Ord. No. 192, 1990)

#### Chapter 18.24

#### PUBLIC LANDS AND INSTITUTIONAL DISTRICT - PLI DISTRICT

##### Sections:

18.24.010 Intent.

18.24.020 Permitted principal uses and structures.

18.24.030 Conditional uses.

18.24.040 Minimum lot sizes.

18.24.050 Minimum setback requirements.

18.24.060 Maximum height of structure.

18.24.070 Drainage.

18.24.010 Intent. The Public Lands and Institutional District is intended to apply to undeveloped public lands not dedicated for open space, and public and quasi-public institutional uses, including government office buildings, facilities, and existing land reserves for public and institutional use. (Ord. No. 192, 1990)

18.24.020 Permitted principal uses and structures.

A. Greenbelts and lands reserves.

B. Trails and boardwalks.

C. Sewer installations and water supply installations.

D. Utilities installations.

E. Any accessory use or structure normally associated with a permitted use or structure. (Ord. No. 192, 1990)

18.24.030 Conditional uses

## 2) WATER AND SEWER SERVICE

Currently there are only two residences on BIA Road, a state maintained road. This road is the last of the state maintained roads to get snow plowed. During our most recent storm the road was impassable from Thursday evening to Monday afternoon. This last storm is one of several that have stranded residents of BIA Road.

State law requires Department of Environmental Conservation approval prior to recordation of any plat map. Bethel Municipal Code 17.16.110 Section 3 states: "A copy of the letter from the Department of Environmental Conservation approving the sewer and water plans for the subdivision is required."

Walter Larson has asked the City (Public Works Director) to write a letter stating the City will provide water and sewer services to the proposed subdivision.

Bethel Municipal Code 13.04.020 Water Service Area (13.08.020 Sewer Service Area) states:

"The water (sewer) service area shall be such within the city and such nearby territory as the council shall from time to time includes within the water (sewer) service area by resolution."

The City water and sewer trucks have had a difficult time accessing the two residences on BIA Road. The City has not been following the above regulation and as far as I know there is no formally defined service area. The issue of water and sewer service delivery has been decided on a house by house basis at the staff level not by resolution of the City Council. For these reasons, and the high cost of maintaining service to such distant residences, the Public Works Director and Planning Manager are hesitant to promise service to this area.

The proper authority for deciding whether the City wishes to supply water and sewer services to a proposed subdivision (as outlined by BMC 13.04.020 and 13.08.020) is the City Council. The City Manager has asked the Planning Manager to draft a resolution and proposed service area maps for adoption at the upcoming February 14 City Council Meeting.

I would suggest conditioning approval of this plat upon incorporation of the subdivision within the service area and/or receipt of a DEC letter approving water and sewer plans.

Also of note is that during a conversation with a DOT official, the official mentioned that the quality of BIA Road has been reliant upon the lack of traffic and that the road is likely to be a "mudhole" given the volume of traffic that will exist after this subdivision. Also YKHC is looking into refurbishing the BIA site for health care worker housing.

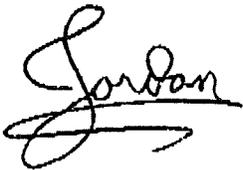
January 23, 1995

Walter & Martha,

The information which needs to be submitted to the Dept. of Environmental Conservation follows. I have filled it all out except that Martha needs to sign and date the "Subdivision Plan Review-Owner's Statement" where indicated by the "X".

We also need a letter or statement from the City of Bethel Public Works Dept. that they intend to provide water and sewer haul service once development has started. The letter should state something like: "The City of Bethel operates water delivery and waste water evacuation truck service as part of the Water and Sewer Utility. It is the City's intent to provide truck haul service to prospective residents of Tsikoyak Subdivision upon proper application for service and compliance with all City water and sewer service regulations. In accordance with City ordinance, at such time as piped utility service becomes available to the subdivision, all residents must make connection to piped utilities within one year from the date service first becomes available."

I need the signed statement from Martha and the statement from the City sent back to be by fax or mail as soon as possible so I can get the plat over to ADEC for review. Any questions just give me a call.

A handwritten signature in cursive script, appearing to read "Jordan". The signature is written in dark ink and is located in the lower-left quadrant of the page.

5. Number of Lots: Present 77 Proposed 77 Total Acreage 37.67

6. Development planned for the lots in this subdivision is: Developed ~ 25.75

Single Family & Duplex Residential  
(Single-family or duplex residential, commercial, etc.)

7. Subdivisions Exempt From Subdivision Plan Review

(Check the appropriate box if the subdivision conforms to the category listed. If one or more of the exempt categories are checked, completion of Section 8 is not required.)

- A. The smallest lot in the subdivision has an area of 400,000 square feet or greater; and/or
- B. The current action is limited to vacating lot lines to create a smaller number of lots, and the subdivision has previously been approved by the Department; and/or
- C. The current action is limited to moving lot lines a distance of 10 feet or less and not increasing the number of developable lots, and the subdivision has been previously approved by the Department; and/or
- D. The subdivision has been previously approved by the Department, and the current action is limited to moving one or more lot lines which will not increase the number of developable lots and which maintain a minimum of 20,000 square feet of contiguous wastewater disposal area, as described in the Department's wastewater regulations, for each lot affected by the proposed lot line movements.

8. Method of Providing Drinking Water and Sewage Disposal

This application is based on the means of providing potable water and sewage disposal as indicated below:

A. DRINKING WATER

(Check boxes that apply)

Drinking water is to be obtained on each individual lot from:

- groundwater sources (i)
- roof-catchment/cisterns
- surface sources
- constructing or expanding a public drinking water supply source and distribution system
- there is to be no provision for drinking water

(i) Truck haul by City of Bethel water & sewer utility

B. SEWAGE DISPOSAL

(Check boxes that apply)

Sewage is to be disposed of on each individual lot using:

- conventional on-site soil absorption systems
- alternate on-site soil disposal systems
- individual marine outfalls
- constructing a collector sewer that ties into an existing collector sewer and treatment system
- constructing a collector sewer that has individual treatment systems (examp. STEP system)
- constructing a collector sewer with a community treatment plant
- service connections from each lot to an existing system
- other (i)
- there is to be no provision for sewage disposal



State of Alaska  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 P.O. Box O, Juneau, Alaska 99811-1800



### SUBDIVISION DATA SHEET

Please type or print in ink:

Subdivision Name: Tsikoyak Subdivision

Department Completion Only	
Subdivision No.	_____
Date Received:	_____

1. Legal Description (Section, Township, Range, Meridian):

Section 12, T8N, R72W, Seward Meridian  
Bethel, Alaska

2. General Location (Please describe the location of the project in relation to the nearest community, physical landmarks such as bays, islands, rivers, lakes, etc., and in sufficient detail so that it could be physically located by Department personnel):

One mile northwest of Bethel Municipal Airport on  
31A Road

3. Owner

Name Martha Larson

Company (if applicable) \_\_\_\_\_

Street Address P.O. Box 132

City Bethel State Alc Zip 99559 Phone (907) 543-2862

4. Contact Person (Please provide the name, address, and phone of the engineer or other person that the Department should contact on matters pertaining to this application if other than the owner):

Name Jordan Suhr, PE

Company (if applicable) \_\_\_\_\_

Street Address 10536 Tokositna Circle

City Eagle River State Alc Zip 99577 Phone (907) 561-5829



State of Alaska  
 DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 P.O. Box O, Juneau, Alaska 99811-1800



**SUBDIVISION PLAN REVIEW  
 OWNER'S STATEMENT**

This information is required by 18 AAC 15.030.  
 Please type or print all non-signature items in ink:

<i>Department Completion Only</i>	
Subdivision No. _____	_____
Date Received: _____	_____

Subdivision Name: Tsikyayak Subdivision

I submit the enclosed items concerning the above referenced subdivision for review. By my signature I certify that the subdivision is (check one):

- privately owned and that I am the owner.
- owned by a sole proprietorship and that I am the proprietor.
- owned by a partnership of which I am a general partner.
- owned by a corporation of which I am a principal executive officer of at least the level of vice-president, or a duly authorized representative responsible for the overall management of this subdivision.
- owned by a municipal, state, federal or other public agency, of which I am a principal executive officer, ranking elected official, or other duly authorized employee.

X  
 Signature (please sign in ink)

Date

Martha Larson / Owner  
 Name and Official Title

Company or Agency (if applicable)

18 AAC 15.030. SIGNING OF APPLICATIONS: All permit or approval applications must be signed as follows:  
 (1) in the case of corporations, by the principal executive officer of at least the level of vice-president or his duly authorized representative, if the representative is responsible for the overall management of the project or operation;  
 (2) in the case of a partnership, by a general partner;  
 (3) in the case of a sole proprietorship, by the proprietor; and  
 (4) in the case of municipal, state, federal or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee. (Eff. 11/25/77, Register 64)

Authority: AS 46.03.020(10), AS 46.03.090, AS 46.03.100, AS 46.03.110, AS 46.03.160, AS 46.03.330, AS 46.03.720

### 3) IMPROVEMENTS GUARANTEE/BONDING

Bethel Municipal Code 17.24.210 requires a public improvements guarantee and security bond for all public improvements required (streets, signs and culverts etc.) and not yet installed at the time of the final plat. Such bonding can help reduce the chance of situations where the subdivision is approved but the improvements are never brought up to standard.

In Haroldson Subdivision, for example, the city has been left with a substandard road. Although water and sewer service delivery is not in effect the Police and Fire departments must still service the area. The lack of maintenance on the road and the lack of water and sewer service makes it difficult for those homeowners who bought the lots with the expectation that the road would be maintained by the City. Furthermore there are land owners that may wish to subdivide beyond, or on a spur road, that are unable to because of the poor quality road. Of course there is also the problems resulting directly from the poor quality road itself such as increased wear and tear on the cars and decreased mobility.

Bethel Municipal Code 17.16.100 Section B states:

" ...As alternative, the planning commission may accept a note from the applicant secured by a deed of trust upon one or more lots in the final plat sufficient in amount to cover the estimated costs of the city constructing the required subdivision improvements, if the applicant should not construct them within the time prescribed."

I have not yet confirmed the actual cost of this development but have been told by Jordan Suhr that the improvements currently proposed shall exceed \$300,000.

### 4) EASEMENTS

At the last Planning Commission meeting the placement of the easements were questioned. The Planning Department contacted Bethel Utilities Corp.(BUC), Prime Cable and GTE to get their comments on the proposed subdivision. Officials from these agencies met to discuss the easements amongst themselves. Rodney Rodgers responded with BUC's recommendations and an official from GTE stated that he had similar concerns as BUC.

Mr. Rodgers wrote:

"The 20' utility easements(alleys)located between BIA Road and Tunralik Road would be acceptable if maintained roads were constructed to provide year round access. The 10' easements on AJ Way, Tunralik and Sonnys Way wouldn't allow enough room to put a pole line and allow room for maintenance vehicles. To remedy the 10' easement problem BUC would like to come along the East side of Sonnys Way, the North side of Tunralik, and the West side of AJ Way. The changes would allow quicker access to maintain

C. If approved, the planning commission chairman shall sign the original and five copies of the subdivision plat. Signed copies shall be distributed to the subdivider, the district recorder's office, and the local utility providing electric service, public works director, companies providing water and waste disposal, cable companies and the telephone company.

D. If conditionally approved, the planning commission chairman shall sign the original and five copies of the subdivision plat revised in accordance with the conditions specified by the planning commission as a condition of approval.

E. It is the responsibility of the administrative officer to file the plat with the district recorder's office within ten days of the date of signature.

F. No vested rights shall accrue to any plat by reason of final approval until the plat is officially recorded. (Ord. 135 §135.20.010(B) (5), 1982)

17.16.090 Public improvements guarantee. A. When a public improvements guarantee, in the form of a bond or other type of security, is required, the chairman of the planning commission shall endorse approval of the plat after the land, bond, deposit, letter of credit, restrictions, etc., have been approved by the planning commission, filed with the city clerk and/or recorded with the district recorder.

B. A public improvement guarantee, performance bond or other form of security, if required, shall include but not be limited to the performance of all required subdivision and off-site improvements, and shall provide that all improvements and land included in the offer of dedication shall be formally dedicated to the city, free and clear of all liens and encumbrances on the premises. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed five years from the date of plat approval. (Ord. 135 §135.20.010 (B) (6), 1982)

17.16.100 Final action--Improvements completion. A. The planning commission shall within sixty days from the date the final plat was submitted to the administrative officer approve, conditionally approve or disapprove the subdivision application. The applicant may consent to the extension of the period for action by the commission. In its actions the planning commission shall stipulate the period of time when any performance bond shall be filed or the required improvements installed, whichever is applicable. In no event shall a performance bond be submitted later than six months from the date of the commission's action, together with all the required documents and completion of required procedures.

B. If the applicant can show financial hardship or inability to obtain a bond, the planning commission may, in its discretion, require the recordation of restrictions for lots listed in the subdivision or placement of a note on the subdivision plat which lists for each lot the estimated dollar amount of the required improvements allocable to that lot, together with interest at eight percent from the date of recordation, which restrictions or note is a lien upon the lots and a liability which is due and payable no later than six months after the date the city, by ordinance, adopts a program for constructing the subdivision improvements. As an alternative, the planning commission may accept a note from the applicant secured by a deed of trust upon one or more of the lots in the final plat sufficient in amount to cover the estimated costs of the city constructing the required subdivision improvements, if the applicant should not construct them within the time prescribed.

C. In no event shall the period of time stipulated by the planning commission for completion of required improvements exceed five years from the date of approval. One copy of the final subdivision plat shall be returned to the subdivider with the date of approval, conditional approval or disapproval noted thereon, and the reasons therefore accompanying the plat.

D. When a bond is required, the chairman of the planning commission shall endorse approval of the plat after the bond has been approved by the planning commission, filed with the city clerk, and all conditions pertaining to the plat have been satisfied.

E. When installation of improvements is required the chairman of the planning commission shall endorse approval of the plat after all conditions have been satisfied and all improvements satisfactorily completed. (Ord. 135 §135.20-.010(C), 1982)

17.16.110 Contents. A. Generally.

1. The final plat will have incorporated all changes or modifications required by the planning commission. If none, it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all the requirements of this chapter.

2. In addition, the subdivider shall be required to submit to the planning commission proof of ownership of the land that is to be subdivided. In the case of a subdivision creating two or more lots, a deed showing ownership and a certificate by the owner that the title is clear shall be required.

3. A copy of the letter from the Department of Environmental Conservation approving the sewer and water plans for the subdivision is required.

I. Drainage and utility easements shall be independent unless shared easement is agreed to by utilities. (Ord. 135 §135.30.050(3), 1982)

17.24.190 Water supply and waste disposal. All facilities for the supply of water and the disposal of waste, whether individual on-lot or serving more than one lot, including hookups to existing community systems, are subject to city ordinances and state standards. All such facilities must receive approval of a sanitarian prior to construction, installation and/or operation. (Ord. 135 §135.30.060. 1982)

17.24.200 Recreational dedication. In cases where the amount of land to be subdivided is two acres or greater and where the subdivision of land will create six or more lots, the subdividers shall be required to dedicate (for public use) suitable land with proper access for recreational purpose. The amount of land to be dedicated for recreation will be based on a square foot ration of one square foot of recreation land for every ten square feet available for recreation. (Ord. 135 §135.40.010, 1982)

17.24.210 Guarantee of improvements. To guarantee the installation of all public improvements required by this title which are not accepted at the time the final plat is filed, the subdivider shall be required to submit a public improvements guarantee and security bond at the time the final plat is submitted. (Ord. 135 §135.45.010, 1982)

## Chapter 17.28

### MONUMENTS

#### Sections:

- 17.28.010 Specifications.
- 17.28.020 Where required.
- 17.28.030 Tied to survey--Shown on plat.
- 17.28.040 Designation.
- 17.28.050 Approval before recordation.

17.28.010 Specifications. A monument shall consist of a brass cap, not less than one and one-half inches in diameter, aluminum cap or other equivalent type of monument riveted to the top of a galvanized pipe not less than one-half inch in diameter. Monuments shall be driven to refusal or thirty inches, whichever comes first. The monument shall not extend above the surface if located in a roadway and shall not extend more than four inches above the surface in other locations and shall be planted in such a manner that



# BETHEL UTILITIES CORPORATION

From: Bethel Utilities Corp., Power Plant  
1340 Kwethluk Lane, P.O. Box 2148  
Bethel, Alaska 99559

Phone: (907) 543-2949  
Fax: (907) 543-2956

## FACSIMILE TRANSMISSION COVER LETTER

To: City of Bethel Planning Dept.

Fax No: 4171

Attention: David Post

Date: 2-1-95 Time: \_\_\_\_\_

Sender: \_\_\_\_\_

Number of Pages (including cover sheet): \_\_\_\_\_

MESSAGE: Concerning the Toikoyak subdivision.

Dave, it looks as tho were talking a 20' utility  
easement (alley) between the houses located between  
BIA road + Tunralik Rd. I believe if they put  
roads thru there in the utility easement + kept them  
maintained and open for year around access that  
would be fine. On the houses on the other side of  
AT way, Tunralik + Sonny's way there is only a 10' easement  
which wouldn't allow enough room to put a pole line in  
and be able to also drive a maintenance truck down the  
easement, so on those houses we'd probably want to come  
along the east side of Sonny's way, the north side of  
Tunralik + the west side of AT way + in the road  
easement as we are in other subdivisions. This allows  
us quicker access to maintain our lines especially in  
the winter when there is the chance of freezing some  
ones house up. Living sub looks fine - it looks like the  
easement is along the road.

Rodney Rogers

the lines especially in winter."

Verbally some officials mentioned that they had no problem with the easements along the center of the blocks so long as adequate and year round maintenance of the necessary "alley" was maintained.

Mr. Suhr has stated that he has alleviated this problem by designating a ten foot easement along the front property lines of the subdivision.

#### 5) CONFORMANCE WITH THE GENERAL PLAN

Bethel Municipal Code 17.20.050 Comprehensive Plan Conformance reads:

"Compliance with the comprehensive plan. No subdivision shall be approved which is not designed to accommodate the type of land use designated for the area of the proposed subdivision by the comprehensive plan, land use plan map, except where superseded by the zoning code once adopted."

The last paragraph of page 49 of the City of Bethel Comprehensive Plan follows:

"...There are some areas, however, that should not be priorities for residential use. For example, the land north and west of the airport is gently sloped and relatively well drained tundra. However, growth in this area should not be encouraged by the city, as road maintenance, water delivery and sewage pickup would be more costly initially than in areas closer to town. In addition, the location of a large residential area this distance from the town could result in the growth of a second commercial hub near or beyond that airport. While this might be required as Bethel's population center grows, an attempt should be made to concentrate shopping and commercial activity at the existing stores."

Personally, I believe very strongly in this as a reason to deny the proposed subdivision. From a planning perspective this is a terrible place for a subdivision for the reasons outlined above.

Although most of these five problems can be alleviated, the planning commission may wish to move cautiously since there are currently so many conditions that need to be placed on approval of this subdivision. Some of the requirements should have already been met. The nonconformance with the comprehensive plan is more than sufficient reason for denying the final plat. For this reason I would not recommend approval of the final plat at this time.

However the planning commission elects to decide, the planning commission should be very, very, very diligent in defining the reasons why it is denying the subdivision or the conditions it is placing on the subdivider for approval (and why these conditions are being placed upon him).

## FUTURE LAND USE

By 1990, Bethel's population is expected to more than double its 1979 level. This period of rapid growth, given relatively modest assumptions about the future economy, will require a dramatic increase in the amount of residential, commercial and industrial land in Bethel. Even under a scenario of more limited economic growth, Bethel will nearly double in size. This future land use plan provides a set of recommendations on the amount and location of the residential, commercial, industrial and public lands that will be required to support Bethel's expected growth. In total, Bethel will require approximately 2,115 acres of additional land to be developed for human use by 1990 (or a 90 percent increase over present development levels). This will result in Bethel occupying approximately 4,500 acres by 1990.

### Residential

The most significant aspect of future land use in Bethel will be the large growth in land committed to residential uses. By 1990, it is expected that homes will be the largest users of land in the city, surpassing even public uses (Table 7). As a result, the location of residential property is important to Bethel's pattern of development, the extension of utilities and the relationship of other types of land uses to the new residential areas.

The development of the Tundra Ridge Subdivision will start the expansion of residential uses into presently undeveloped areas. It is estimated that an additional 400-500 acres of residential land will be required by 1990. As shown on the fold-out future land use map, these residential areas will be located between Bethel Heights and Tundra Ridge; adjacent to the city park and Village Subdivision; and on the north side of Ridgecrest between the airport and the hospital.

Together, these areas will provide adequate land to house the expected growth in Bethel's population. Roads to serve these areas can be extended from the existing road pattern as well as a second access along the western edge of the new residential areas. This will encourage these developments to maintain the road systems orientation toward the downtown shopping areas, the city hall complex, the community college and the PHS hospital. Also, the distance between the residential areas and the water and sewage disposal building is minimized. Thus, the costs and time required to service these new residential areas will be lower than for outlying areas.

These proposed residential areas have adequate natural drainage and good southern exposures for winter sun. In general, the land is higher than most areas of town and is well out of the

floodplain. Because residential uses require a minimum of filling and leveling (compared to industrial uses) it is recommended that the sites with the best drainage be reserved for residential uses. Large industrial uses that must provide more fill over larger areas to begin with can use less well drained or low lying sites more efficiently than can residences.

As these proposed residential areas develop, care must be taken to protect the natural drainage patterns. It is recommended that greenbelts be left along all drainages leading into Brown's Slough. Special care must be taken in building roads across these protected areas. In addition, the slopes and topography of each of the areas must be considered when new subdivisions are designed, so that the eventual construction of sand pads, driveways and roads will disrupt natural drainage as little as possible. (Using road and culverting design criteria developed specifically for Bethel, as recommended in Volume V, will decrease the disruption of natural drainage patterns by roadways.)

These proposed residential areas will meet a number of the community development goals expressed by Bethel residents. First, the residential areas are separated from other conflicting uses, especially industrial uses and heavy traffic areas. Second, these residential areas should promote neighborhood feeling and community identity by being small and separated by surrounding greenbelts. The overall focus of the future land use pattern, however, remains on the downtown as a working, shopping and social center for the community. While increased physical distance from the center of the community is unavoidable (unless everyone lived in apartments downtown) the inclusion of small neighborhood shopping centers will reduce the hardship of distance for those without cars. Finally, the area to be reserved for residential use contains enough space for the proposed size increase for of residential lots so that average densities should be comparable to other larger communities in Alaska.

In most cases, these large blocks of residential land are simply "filling in" areas that are presently vacant, but surrounded by residential uses. There are some areas, however, that should not be priorities for residential use. For example, the land north and west of the airport is gently sloped and relatively well drained tundra. However, growth in this area should not be encouraged by the city, as road maintenance, water delivery and sewage pickup would be more costly initially than in areas closer to town. In addition, the location of a large residential area this distance from town could result in the growth of a second commercial hub near or beyond that airport. While this might be required as Bethel's population grows, an attempt should be made to concentrate shopping and commercial activity at the existing stores.

A second area considered for long-term residential expansion is found north of Bethel High School. However, this rather narrow area is bordered to the west by (and often downward from) the city dump and the sewage lagoon. At present, windblown trash is scattered throughout the area. Although desirable residential property in terms of topography, views and southern exposure, it is not recommended that this area be developed until the city can overcome problems created by the solid waste disposal site.

The provision of housing required to meet Bethel's projected population growth is discussed in the housing plan, Volume IV.

### Commercial

In Bethel, commercial uses presently account for some 30 acres of land, or about 1 percent of the total developed area. Primary commercial uses include the two large stores; furniture and hardware stores; a number of boat, motor and snowmachine stores; the Kuskokwim Inn complex and a number of private and public offices. Commercial uses in Bethel will grow and diversify as Bethel grows. It is expected that specialty shops, a bakery, office supply store and other service and repair businesses will be established. In addition, this type of commercial expansion is desired by Bethel residents. An attitude survey conducted in 1979 found that three-quarters of those surveyed felt that more shops and stores were needed.

Employment in government agencies, stores, restaurants, motels and transportation services is expected to double by 1990. While some of this employment will be absorbed by existing facilities and offices, some land will have to be converted to commercial use. It is expected that about 15 to 20 acres of new commercial land will be required by 1990. About 45 acres of commercial land is shown on the future land use map.

Existing commercial uses are centered along the riverfront and along Ridgecrest. Because Bethel is relatively small and compact, this concentration of shops, stores and offices is fairly accessible from most parts of town. Two smaller grocery stores in Bethel Heights, and a planned convenience food store near the trailer court, place stores within walking distance in all neighborhoods. This pedestrian access is important in Bethel, where car ownership is limited and taxi cabs provide most transportation.

This concentration of commercial uses is also good for business. Clustering of shops and stores results in more business for those stores, than for isolated shops or stores. This is especially true for specialty shops which sell things other than food, fuel,

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

Chris Provost has recently purchased and renovated a small house for the purpose of establishing a residence and law office. A law office is classified as a commercial use and hence locating the office in a residential district requires a conditional use permit whether it be a part of a home or not.

Apparently Mr. Provost informed the Planning Department of the intended use and was given some form of approval for this use. The use was brought to the current Planning Manager's attention by a concerned citizen. Regardless of what approval the former Planning Manager gave Mr. Boullion did not have authority to permit the use of the building as a law office.

Mr. Provost now requests a conditional use permit.

**STAFF REPORT:**

As indicated in the letter Mr. Provost's business is likely to have minimum impacts and I would recommend approval of the conditional use permit, conditioned upon Mr. Provost:

1. agreeing not to display any business signs,
2. obtaining fire marshall approval for the building or business portion required to be reviewed,
3. agreeing to limit the number of employees to himself and possibly an assistant.

Law Office of Chris Provost  
P.O. Box 7137  
Bethel, AK 99559  
Telephone (907) 543-4471  
Telefax (907)543-5567

---

David Post  
Planning Manager  
City of Bethel  
PO Box 388  
Bethel, Alaska 99559

November 8, 1994

Re: Conditional use permit application for 9340 Tundra Ridge

Dear Mr. Post:

In response to your inquiry, yes, I intend to operate my office out of a residence on Tundra Ridge. I advised both the bank and the city when I applied for the site plan that I would be doing so. My plan was approved by both. Attached is a copy of the site plan submitted and approved as well as the application for conditional use permit you recently requested.

To further explain why this operation will not adversely impact our neighborhood, I offer the following: my practice is limited to public advocacy under a contract with the state. As such, my office operation is administrative rather than a business held out to the public. As of July 1, 1994, I ceased taking private cases in order to concentrate on public advocacy. As a Public Advocate, I do not advertise or solicit work. My cases come as court appointments. I rarely have the need to meet a client at my office. Usually I meet my clients at the courthouse before the hearing, at YKCC if incarcerated, or most often telephonically. Therefore, the impact of my operation in the way of traffic, noise, fumes, and dust would be no different than what would occur with a resident living in it. In fact, the impact is probably considerably less than a typical family would have. Since I am not open to the public per se, no special features are needed for public health, safety, and welfare.

In deciding to move my office to Tundra Ridge, I inquired with the city about any restrictions. The issue of a conditional use permit was not mentioned. Rather, I was referred to the covenants and restrictions for T/R subdivision. That document specifically allows for administrative or professional offices if the operation is out of a residence and if no outside advertising is posted. I relied on that representation in acquiring a bank loan and proceeded in extensive remodeling. This converted "ASHA" house is an example for the community how these structures should be remodeled to meet current safety and fire codes.

If I can be of further assistance or if you require further information, please do not hesitate to contact me.

Sincerely,

  
Chris Provost



# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

543-2297—Area Code 907

## CONDITIONAL USE PERMIT APPLICATION

The applicant shall complete a Conditional Use Permit application which describes the following: (18.60.020 B.M.C.)

1. Potential impacts on pedestrian and vehicular traffic circulation and safety.

*None. - See attached supporting letter.*

2. Potential output of noise, fumes, dust or other environmental pollution.

*No more than residents of the house.*

3. Special features designed to ensure the public health, safety and welfare of the residents.

*N/A - not an office open for business to the general public.*



# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559  
907 543-4456

Ordinance 138 requires the review of a Site Plan prior to the erection of any improvement on real property within the City Limits. Application for a Site Plan Review shall be filed with the City of Bethel Planning Department. The application shall include the following:

- A. Name and address of the applicant.
- B. Legal description of the property, and the Street Address of the property.
- C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
- E. A Site Plan, drawn to scale showing the following:
  1. The location and dimension of the boundary lines, easements and required set-backs.
  2. The location and intended use of existing and proposed buildings on the site. The approximate location of existing structures on abutting property (within 50 ft.).
  3. The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, service or utility areas, fencing, signs and lighting.
  4. The location of water courses and drainage features.
  5. Illustration of existing topography and proposed changes to topography. A cross section drawing showing length, height, width and type of fill material.

## - SITE PLAN REVIEW APPROVAL -

NAME: <b>Chris Pruvst</b>		LEGAL DESCRIPTION OF PROPERTY: <b>Tundra Ridge Sub</b>	
MAILING ADDRESS: <b>Box 7137</b>		PHONE: <b>7450</b>	<b>Block 2</b>
CITY: <b>Bethel</b>	STATE: <b>AK</b>	ZIP CODE: <b>99559</b>	<b>Lot 33</b>
NAME OF PROPERTY OWNER: <b>Mark Barber</b>			
AUTHORIZATION OF PROPERTY OWNER: <b>Mark Barber YES</b>		DATE: <b>10/13/93</b>	
FLOOD HAZARD ZONE STATUS: <b>NONE</b>		STREET ADDRESS OF PROPERTY: <b>9340 Nenggeralria</b>	
AUTHORIZED IMPROVEMENTS: <b>Square off existing pad for ASHA house,</b>			
<b>to be remodeling in 1994-95</b>			
<b>estimate 10 loads = 100 cu' at moist</b>			
<b>Existing culvert, water/sewer tanks yet to be installed,</b>			
<b>seeding planned</b>			
CITY OF BETHEL REVIEWED: <b>J.B.</b>	DATE: <b>10/14</b>	CITY OF BETHEL APPROVED: <b>J.B.</b>	DATE: <b>10/14</b>



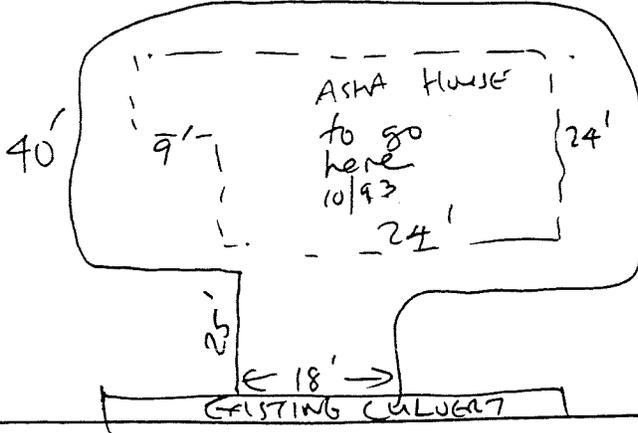
100'

Square off existing sand pad.



50'

120'



CITY OF BETHEL • BETHEL, ALASKA 99559

SITE PLAN FOR:

DATE:

PRIMARY USE:

SCALE:

DRAWN BY:

LEGAL DESCRIPTION:

27 244

of Alaska and City of Bethel Health Ordinances and pertinent restrictions.

(b) Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants; either to restrain such violation(s) or to recover damages.

These covenants and restrictions are severable and the invalidation of one shall not invalidate any other covenant hereof and each covenant shall be independent to such extent.

(c) The USE RESTRICTIONS set forth herein supersede and void the amended Building and Land Use Covenants and Restrictions for Tundra Ridge Subdivision, Phase One dated January 4, 1980 and recorded in Book 27 at Page 460.

Section 2. Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the subdivision plat. Within these easements, no structures, planting, or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each Lot and all improvements within that area shall be maintained at all times by the Lot Owner except for those improvements for which a public authority or utility is responsible.

Easements over Covered Property for the installation and maintenance of electrical, telephone, gas or drainage facilities are reserved by the Declarant, its successors and assigns, together with the right to grant and transfer the same until all Lots have become Class A Lots.

Section 3. Residences. Lots shall be used exclusively for single or multi-family purposes, except Lots 8, 9, 10, 11, 12, 13, Block Thirteen (13) and Lot Six (6), Block Fourteen (14), Tundra Ridge Subdivision, which shall be used for commercial purposes; and Tract A of Tundra Ridge Subdivision which shall be used for a public purpose by a bona fide nonprofit or organized religious organization.

Section 4. Business or Commercial Activity. No business or commercial activity shall be maintained or conducted on any single or multi-family Lot. Provided, however, that professional and administrative occupations may be carried on within residences

27 845

on Lots so long as there exists no external evidence thereof.

**Section 5. Building Locations.**

(1) No building shall be located on any Lot nearer than fifteen feet (15') from any front Lot line, ten feet (10') from any side Lot line and ten feet (10') from any rear Lot line.

**Section 6. Dwelling Quality and Size.** Notwithstanding the above, a residence shall be a minimum of 816 square feet, not including the garage area. All plans and specifications must have prior written approval of the Architectural Committee as set forth in these Declarations. The land and all improvements shall be maintained by the owner in good condition and repair.

**Section 7. Nuisances.** No noxious or offensive activity shall be carried on or upon any Lot, nor shall anything be done thereon which may be, or may become, a nuisance, or cause unreasonable embarrassment, disturbances or annoyance to other Owners in the enjoyment of their Lots.

**Section 8. Temporary Structures and Trailers or Mobile Homes.** No temporary structure, boat, truck, trailer, camper or recreational vehicle of any kind shall be used as a permanent living area or for storage purposes while located in the subdivision. No trailers or mobile homes may be permanently placed, maintained, or occupied on any Lot.

**Section 9. Outbuildings.** Outbuildings including basements, garages, greenhouses, storage sheds, barns, sauna or steam bath facilities for individual or family use may not be constructed unless it is approved by the Architectural Control Committee.

**Section 10. Animals.** No animals, livestock or poultry shall be kept in any residence, except that cats, fish and birds in inside bird cages may be kept as household pets within the subdivision, provided that they are not kept, bred or raised therein for commercial purposes or in unreasonable quantities. The Association shall have the right to prohibit maintenance of any animal which constitutes, in the opinion of the Directors of the Association, a nuisance to any other Lot Owner.

**Section 11. Waste Material.** No trash, garbage, rubbish, refuse or other solid waste of any kind, including but not limited to inoperable automobiles, appliances and furniture, shall be thrown, dumped, stored, disposed of or otherwise placed in any part of Tundra Ridge Subdivision. Garbage and similar solid waste shall be kept in sheltered, secure, sanitary containers well suited for that purpose. The Owner or occupant of each Lot shall be responsible for the disposal outside of Tundra Ridge Subdivision of all such trash, garbage, rubbish, refuse or other solid waste.



# CITY OF BETHEL

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

## **NOTICE OF A PROPOSED CONDITIONAL USE IN A RESIDENTIAL DISTRICT**

**NOTICE IS HEREBY GIVEN** that the Planning Commission of the City of Bethel will be holding a public hearing for a conditional use permit, proposed by the Law Office of Chris Provost.

**LOCATION AND NATURE OF CONDITIONAL USE PERMIT:** the proposal calls for operating a Law Office out of the residence of Mr. Provost at **9340 Nenggerralria, Bethel, AK 99559**, also known as **lot 33 block 2, Tundra Ridge Subdivision**. Professional offices are classified as a commercial use and hence requires a conditional use permit in a Residential District. As a part of the conditional use permit process is an opportunity for neighbors and the general public to express their sentiments during the public hearing prior to the Planning Commission's decision whether or not to grant the permit.

**DATE OF PUBLIC HEARING:** Thursday, December 8, 1994

**TIME AND PLACE OF PUBLIC HEARING:** The City Office Building conference room, 7:30 PM.

**NEW BUSINESS ITEM B - CONDITIONAL USE PERMIT: PROPOSED PLANNED DEVELOPMENT IN A PRESERVATION DISTRICT AT 260 OSAGE, LOT D2 - MEFAIL KADRIJOSKI**

Mr. Kodrijoski has proposed the placement of two additional homes on a 31,000 square foot lot. A residence and a shop/garage already exist on this parcel. The location of the development is 260 Osage Avenue, Lot 2,D1 which lies within the Preservation District and outside of the area authorized in the Corps of Engineers general permit. Individuals seeking to place fill on this lot must obtain a section 404 permit from the Corps.

When Mr. Kodrijoski asked to place two more homes on the same lot, by code, the project was defined a Planned Development. BMC 18.52.010(A) states "A minor Planned Development is defined as a development that has two or three single-family residential structures on a single lot...". In a Preservation District a planned Development requires a conditional use permit under BMC 18.20.030(E). A conditional use permit would also be required for a single residence.

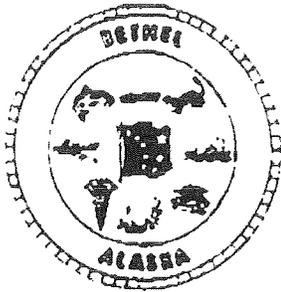
**STAFF REPORT:**

The date when fill was first placed on this lot has been undetermined although a site plan permit was made for additional fill material in May of 1993. The Planning Department is concerned that there might be a conflict with the Corps of Engineers Wetland policies. Conditions this time of year make it difficult to accurately make a reliable visual survey but the Planning Department has made a rough estimation, using 1990 aerial photo maps and a visual examination of Mr. Kodrijoski's lot, these approximations indicate that a minimum of 40 cubic yards of fill material was added to previously unfilled areas.

The 1993 Site Plan application requesting permission for additional fill indicated that the added material would be used to raise and level the existing pad. The Planning technician noted, on the cited application, that any other type of fill activity needed to be processed through the Corps of Engineers. Anita Goetz, of the Corps, has been contacted and advised of the problem. We are currently awaiting a determination by Ms. Goetz as to the Corp's disposition on this matter.

Another concern of the Planning Department is the large number of vehicles, running and not running, that cover this lot. If two new buildings are moved onto the property the space requirements for a minor Planned Development cannot be maintained.

We have asked Mr. Kadrijoski for a more detailed site plan than the one given. In hopes of expediting the process I published the conditional use permit notice in the paper and have put this item on the agenda. However, as of this writing he has not yet submitted an adequate application. The lack of an adequate site plan is sufficient reason for tabling the issue or denying the conditional use permit.



# CITY OF BETHEL

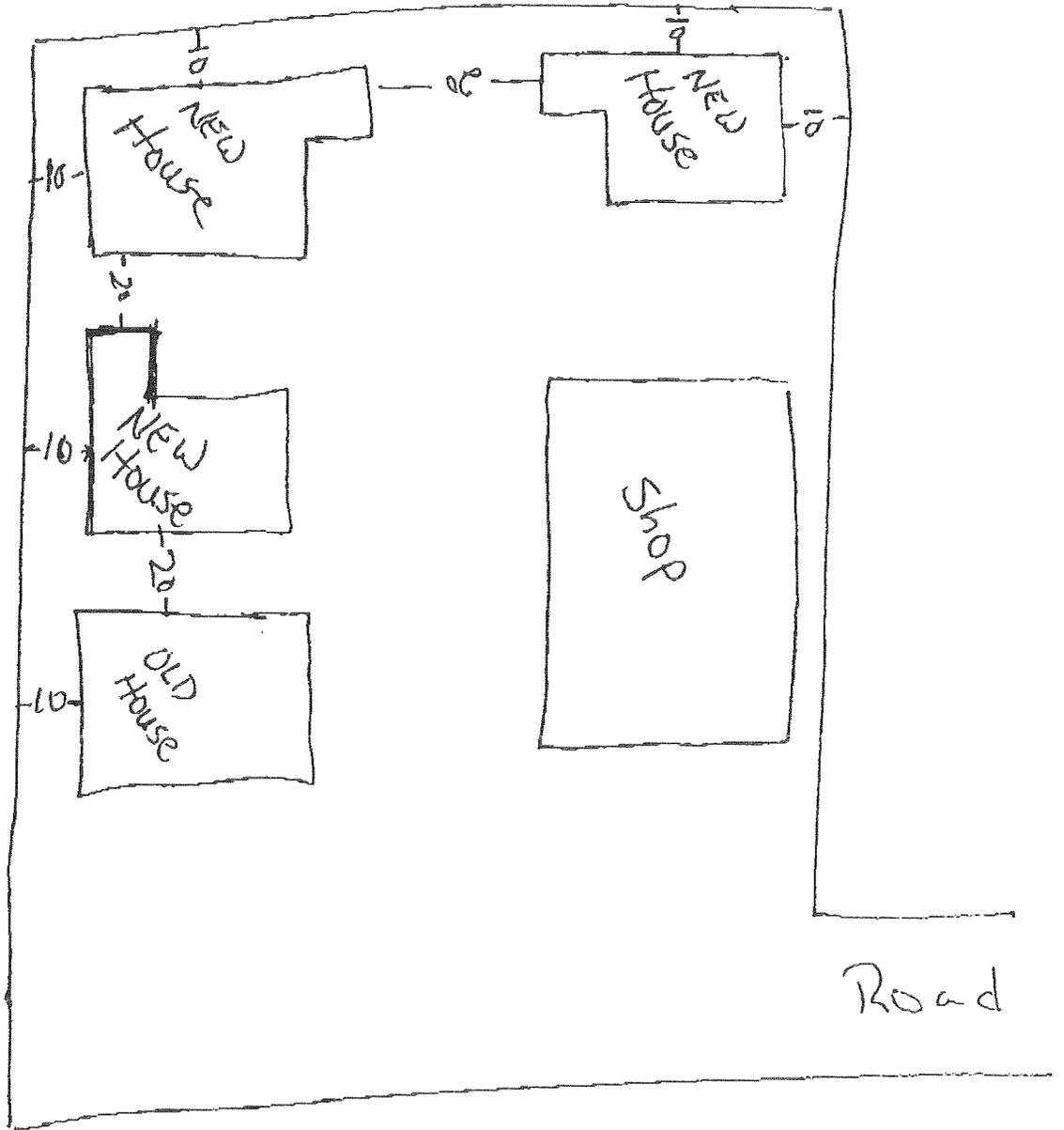
P.O. Box 388 • Bethel, Alaska 99559  
907 543-4456

Ordinance 138 requires the review of a Site Plan prior to the erection of any improvement on real property within the City Limits. Application for a Site Plan Review shall be filed with the City of Bethel Planning Department. The application shall include the following:

- A. Name and address of the applicant.
- B. Legal description of the property, and the Street Address of the property.
- C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
- E. A Site Plan, drawn to scale showing the following:
  1. The location and dimension of the boundary lines, easements and required set-backs.
  2. The location and intended use of existing and proposed buildings on the site. The approximate location of existing structures on abutting property (within 50 ft.).
  3. The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, service or utility areas, fencing, signs and lighting.
  4. The location of water courses and drainage features.
  5. Illustration of existing topography and proposed changes to topography. A cross section drawing showing length, height, width and type of fill material.

## - SITE PLAN REVIEW APPROVAL -

NAME: <u>Mefail Kadrijaski</u>		LEGAL DESCRIPTION OF PROPERTY: <u>Lot 2-01</u>	
MAILING ADDRESS: <u>Box 1251</u>		PHONE: <u>543-3237</u>	
CITY: <u>Bethel</u>	STATE: <u>AK</u>	ZIP CODE: <u>99559</u>	
NAME OF PROPERTY OWNER: <u>Mefail Kadrijaski</u>			
AUTHORIZATION OF PROPERTY OWNER:		DATE:	
FLOOD HAZARD ZONE STATUS:		STREET ADDRESS OF PROPERTY: <u>260 Osage</u>	
AUTHORIZED IMPROVEMENTS:			
CITY OF BETHEL REVIEWED:		CITY OF BETHEL APPROVED:	
DATE:		DATE:	



Brown's

S 20-59-12 E 170.32

N 66-07-30 E 18.00

80.00

121.80

S 81-20-48 W 215.26

Lot 2-D2  
31,516. Ft<sup>2</sup>

East 241.16

Lot 2-D1  
31,569. Ft<sup>2</sup>

N 43-06 W

OSAGE

N 19-22 W 117.67

N 19-22 W

48.15

N 43-06 W

240.00

40'

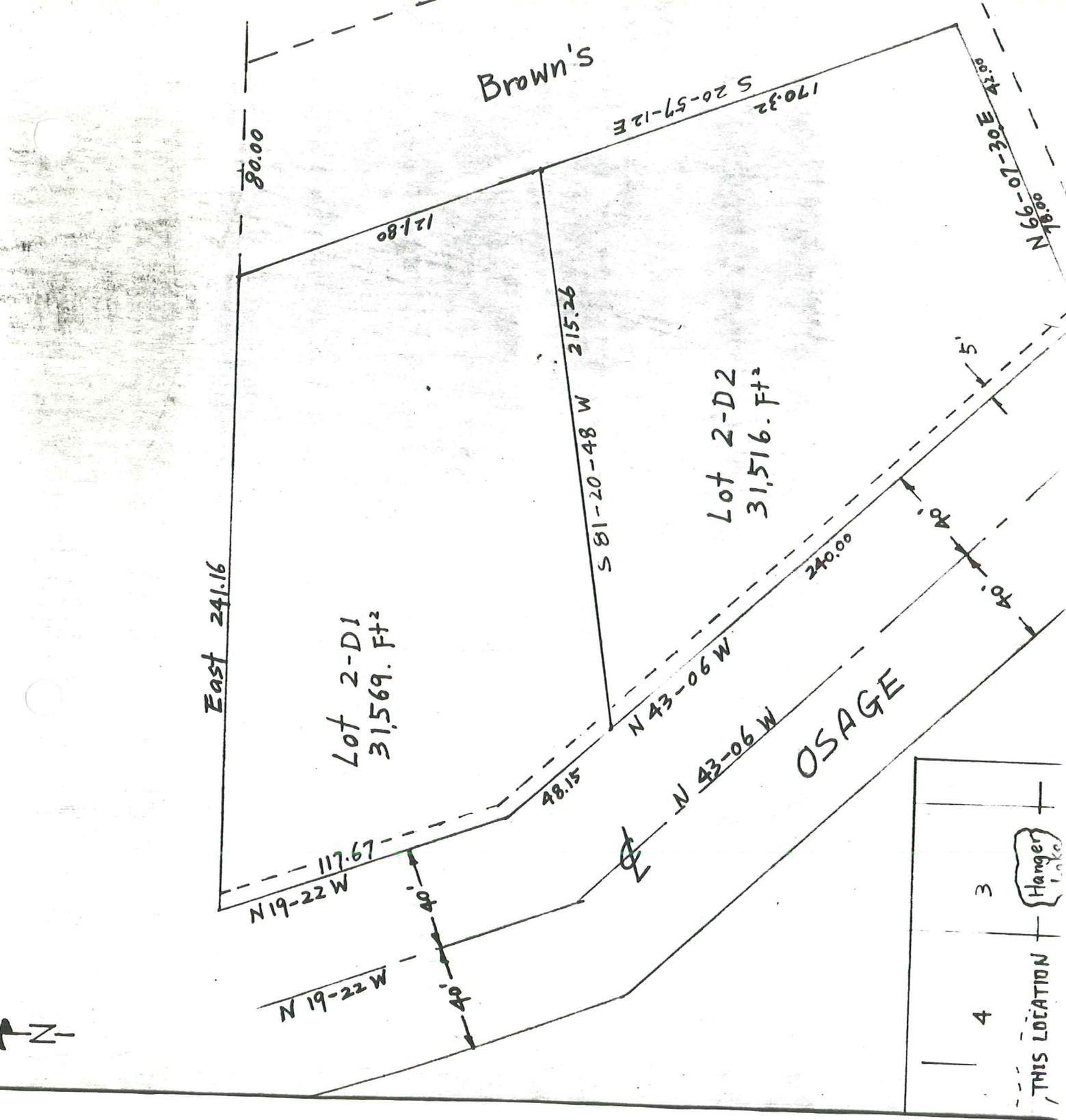
5'

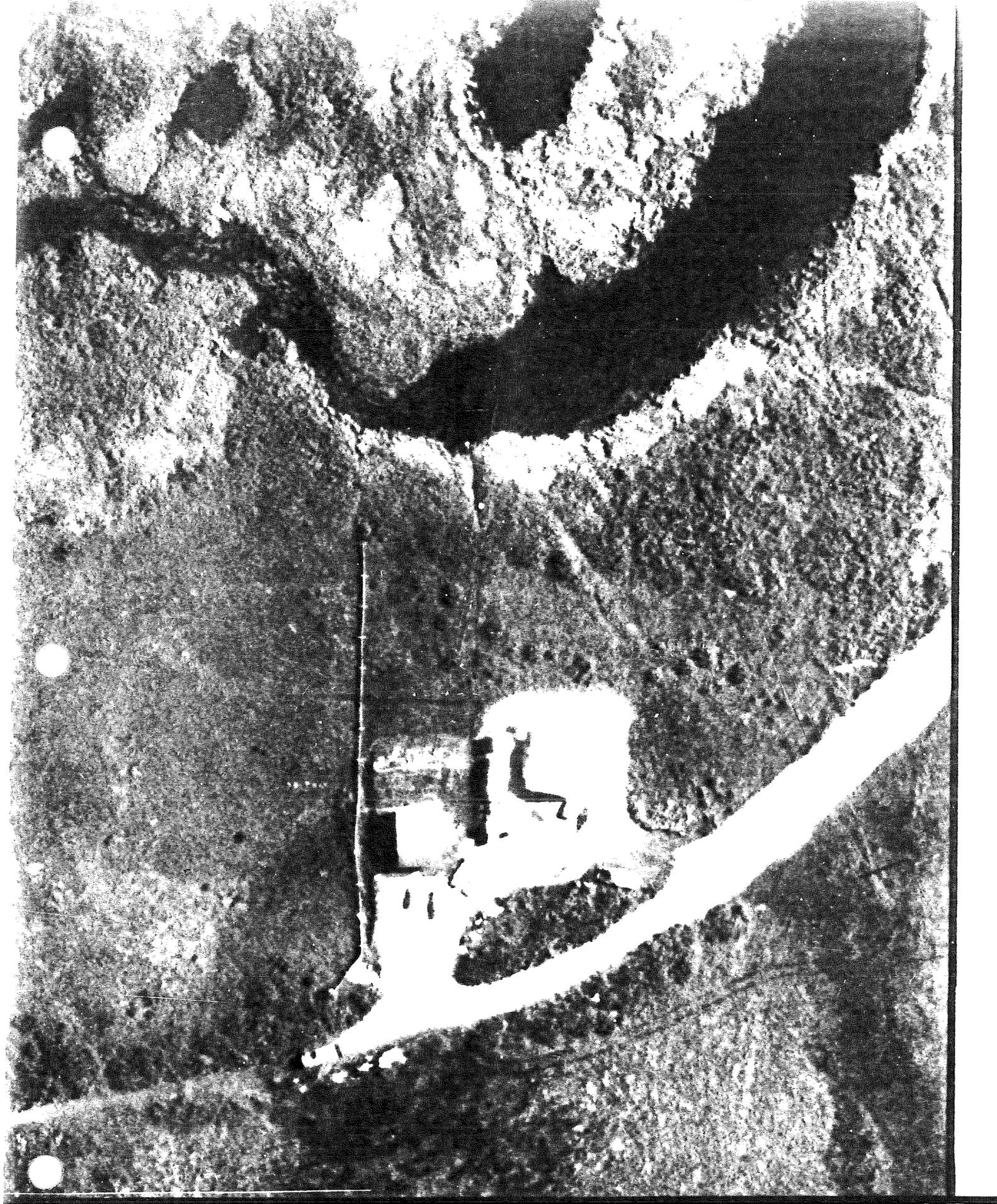
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4

THIS LOCATION

Hanger Lake







# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559  
907 543-4456

*Rec'd 2500  
# 5563*

*DATE 1/13*

Ordinance 138 requires the review of a Site Plan prior to the erection of any improvement on real property within the City Limits. Application for a Site Plan Review shall be filed with the City of Bethel Planning Department. The application shall include the following:

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- B. Legal description of the property, and the Street Address of the property.
- C. If the applicant is not the legal owner of the property, a statement that the applicant is the authorized agent of the owner.
- E. A Site Plan, drawn to scale showing the following:
  1. The location and dimension of the boundary lines, easements and required set-backs.
  2. The location and intended use of existing and proposed buildings on the site. The approximate location of existing structures on abutting property (within 50 ft.).
  3. The location of existing and proposed improvements including parking and loading areas, pedestrian and vehicular access, landscaped areas, service or utility areas, fencing, signs and lighting.
  4. The location of water courses and drainage features.
  5. Illustration of existing topography and proposed changes to topography. A cross section drawing showing length, height, width and type of fill material.

## - SITE PLAN REVIEW APPROVAL -

NAME: <i>Mefail Kadrijoski</i>		LEGAL DESCRIPTION OF PROPERTY: <i>Block 6</i>	
MAILING ADDRESS: <i>P.O. Box 1251</i>		PHONE: <i>543-3237 (Hm)</i>	
CITY: <i>Bethel</i>	STATE: <i>Alaska</i>	ZIP CODE: <i>99559</i>	
NAME OF PROPERTY OWNER: <i>SAME</i>			
AUTHORIZATION OF PROPERTY OWNER: <i>N/A</i>		DATE: <i>N/A</i>	
FLOOD HAZARD ZONE STATUS: <i>Vas HAS elevation certificate from "91"</i>		STREET ADDRESS OF PROPERTY: <i>260 Osage</i>	
AUTHORIZED IMPROVEMENTS: <i>Fill area already filled with 10-20 loads of sand to raise elevation of PAD, and level PAD and straighten PAD. SAND BAGS &amp; seeding needed to control slopes. STRAIGHTEN out pad but do not extend into New Areas. This is not authorized under General Permits.</i>			
CITY OF BETHEL REVIEWED: <i>[Signature]</i>		DATE: <i>5/7/93</i>	CITY OF BETHEL APPROVED: <i>[Signature]</i>
			DATE:

TUNDRA PRESS FORM No. 03-5-03

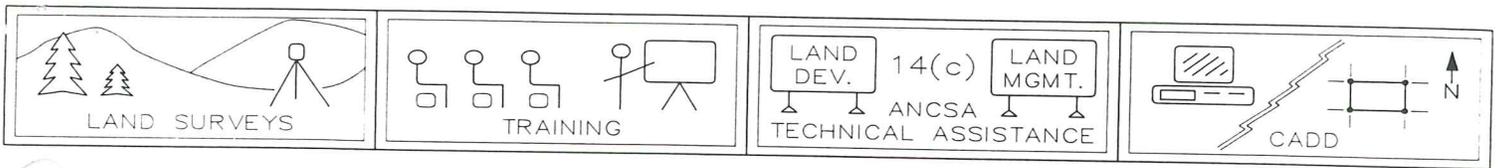
*Any other type of fill activity needs to be processed through the Corps of Engineers*

**NEW BUSINESS ITEM C - PRELIMINARY PLAT: UIVUQ SUBDIVISION ADDITION  
NO.1 - BETHEL NATIVE CORPORATION**

McClintock Land Associates, Inc. (MLA), acting on behalf of the Bethel Native Corporation, has submitted a preliminary plat for Uivug Subdivision, Addition No. 1.

As seems to be typical the subdivider did not interpret the open space requirement as intended. The Planning Department, in a telephone conversation with MLA, advised them of the requirement for 10% of the total acreage to be dedicated "open space". MLA responded that they will change Lot 1, Block 6 to park or open space or adjust accordingly to meet this condition.

The Planning Department contacted the BUC for comments on the utility easements. Rodney Rodgers, a BUC representative, indicated that the easements as they are platted appear to be acceptable.



# McCLINTOCK LAND ASSOCIATES, INC.

11940 BUSINESS BLVD., SUITE 205, EAGLE RIVER, ALASKA 99577

December 8, 1994

Planning Commission  
City of Bethel  
P.O. Box 388  
Bethel, Alaska 99559

Attn: David Post, Planning Manager

Re: Preliminary Plat of Uivuuq Subdivision, Addition No. 1

Dear Mr. Post:

Enclosed is one original mylar and five copies of the preliminary plat of Uivuuq Subdivision Addition No. 1. McClintock Land Associates, Inc. is acting in behalf of the owner, the Bethel Native Corporation, for the platting and surveying of this subdivision. The Certificate to Plat and the submittal fee are also enclosed. Please inform McClintock and Associates of the actions and progress on the plat.

I realize that there is a requirement for "open space" to be 10% of the total acreage, based on our telephone conversation this morning. We will change Lot 1, Block 6 to park or open space or adjust accordingly in order to meet this requirement on the final plat.

If you have any questions, please contact me at 694-4499.

Sincerely,

Michael J. Heinz  
Registered Land Surveyor

C:\WPDOCS\BNC\UIVUQADN.WPD

**NEW BUSINESS ITEM D - RECOMMENDATION TO CITY COUNCIL TO ADOPT REVISION TO SUBDIVISION CODES REGARDING THE TEN PERCENT RECREATIONAL DEDICATION - BMC 17.24.210**

The final ordinance shall look something like this model ordinance, however I wish to do some revisions specific for Bethel. I will have the final ordinance ready by this Thursdays meeting, however I am interested in getting this packet out with enough time for you commissioners to read what is here.

**1. OPEN SPACE REQUIREMENTS**

- a. **Amount of open space required.** Ten (10) percent of the tract proposed for development shall be set aside for developed and undeveloped open space, adjusted, as appropriate, for conditions such as population density, existing municipal facilities, topography, socioeconomic characteristics of the prospective population, and other appropriate site-and development-specific factors.
- b. **Size of open space parcels.** The area of each parcel of open space designed for active recreational purposes shall be of such minimum dimensions as to be functionally usable.
- c. **Location of open space parcels.** Open space parcels shall be convenient to the dwelling units they are intended to serve. However, because of noise generation, they shall be sited with sensitivity to surrounding development.

**2. IMPROVEMENT OF OPEN SPACE PARCELS**

- a. **Developed open space.** The planning board or other approving authority may require the installation of recreational facilities, taking into consideration:
  1. The character of the open space land;
  2. The estimated age and the recreation needs of persons likely to reside in the development;
  3. Proximity, nature and excess capacity of existing municipal recreation facilities; and
  4. The cost of the recreational facilities.
- b. **Undeveloped open space.** As a general principle, undeveloped open space should be left in its natural state. A developer may make certain improvements such as the cutting of trails for walking or jogging, or the provision of picnic areas, etc. In addition, the planning board may require a developer to make other improvements, such as removing dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.

**3. EXCEPTIONS TO THE STANDARDS**

The planning board may permit minor deviations from open space standards when it can be determined that: a) the objectives underlying these standards can be met without strict adherence to them; and/or b) because of peculiarities in the tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

#### **4. DEED RESTRICTIONS**

Any lands dedicated for open space purposes shall contain appropriate covenants and deed restrictions approved by the municipal attorney ensuring that:

- a. The open space area will not be further subdivided in the future;
- b. The use of the open space will continue in perpetuity for the purpose specified;
- c. Appropriate provisions will be made for the maintenance of the open space; and
- d. Common undeveloped open space shall not be turned into a commercial enterprise admitting the general public at a fee.

#### **5. OPEN SPACE OWNERSHIP**

The type of ownership of land dedicated for open space purposes shall be selected by the owner, developer, or subdivider, subject to the approval of the planning board. Type of ownership may include, but is not limited to, the following:

- a. The municipality, subject to acceptance by the governing body of the municipality;
- b. Other public jurisdictions or agencies, subject to their acceptance;
- c. Quasi-public organizations, subject to their acceptance;
- d. Homeowner, condominium, or cooperative associations or organizations; or
- e. Shared, undivided interest by all property owners in the subdivision.

#### **6. HOMEOWNERS ASSOCIATION**

If the open space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for the preliminary approval. The provisions shall include, but are not necessarily limited to, the following:

- a. The homeowners association must be established before the homes are sold;
- b. Membership must be mandatory for each homebuyer and any successive buyer;
- c. The open space restrictions must be permanent, not just for a period of years;
- d. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
- e. Homeowners must pay their pro rata share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association; and
- f. The association must be able to adjust the assessment to meet changed needs.

**7. MAINTENANCE OF OPEN SPACE AREAS**

The person or entity identified in Section C.6 as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.