

Planning Commission Minutes

Rescheduled Meeting January 23, 2003

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

I. CALL TO ORDER

Meeting was called to order by Chair Guinn at 6:35 pm

II. ROLL CALL

Present: John Guinn, Brian Glasheen, Joan Hamilton, Pat Jennings, Mark Charlie, Joy Shantz

Excused: Clarence Albright

Others present: John Malone, Planning Director
Dave Trantham, City Council Member
Janelle Vanasse, Executive Director, Yuut Elitnaurviat-Peoples Learning Center, Inc.
Debbie Nieman, Planning Tech, Recorder of Minutes

III. APPROVAL OF MINUTES

M/M J. Shantz/ M. Charlie Approve the minutes of the Nov 21, 2002

Unanimous

IV. APPROVAL OF AGENDA

Chair Guinn asked that Resolution 03-02 be added as Item B under New Business. This resolution pertains to the remediation of a nonconforming new building on Lot 21, Block 5, USS 3230B.

M/M J. Hamilton/ J. Shantz Approval of the agenda as amended.

Unanimous

V. COMMUNICATIONS

Handouts at the meeting: 1. Resolution 03-01 Yuut Elitnaurviat - People's Learning Center subdivision plat.
2. Resolution 03-02 Robert Sept nonconformity Lot 21, Block 5, USS 3230 B.

All other communications included in the meeting packets.

VI. PLANNERS REPORT

Written Planners Report placed in meeting packets – originally prepared for January 9, 2003 scheduled meeting:

Unresolved issues surrounding the dedications and or conveyance to political subdivisions of rights-of-ways and easements on native allotment lands: As previously reported, on December 2nd I attended the BIA Annual Service Providers Workshop in Anchorage where the matter of public dedications on native allotment platted subdivisions was addressed by the BIA Solicitor, Roger Hudson. Shortly thereafter I received a copy of a letter to the newly appointed Attorney General for Alaska, from the Special Assistant to the Secretary of Interior for Alaska with enclosed amended draft legislation that was drafted as a result of the December 2nd meeting. As previously reported, this proposed legislation is intended to bind all previous dedications of rights-of-ways, easements and other public dedications, as public. However, there are much broader Alaska Native land issues raised by this “fix” then resolved. These involve jurisdictional authority (tribes retain jurisdiction over certain allotment ownership interests), whether political subdivisions can enforce public improvement compliance on trust lands, which courts have jurisdiction over these trust land issues when subdividing within a local platting authority (like us), federal or state – and much more that is much beyond this report. I suspect there will be much more debate and legal opinions on this in our future. That is why my position on these dedications is they need be in the form of a conveyance, not dedications. Keeping abreast of these issues is most important because we as a local platting authority have no way of knowing if all the proper and necessary duties through a simple plat dedication of public land have been fulfilled between the Dept. of Interior/BIA and an allotment holder that chooses to subdivide.

Corps of Engineers East Ave. Seawall Rehab and Extension of Brown’s Slough Bulkhead: We were notified last week by the Corps that all the required parties to the Amended Project Cooperation Agreement have now signed. We are now authorized to proceed with the permanent maintenance easement acquisitions for this project along Brown’s Slough, and the river to mouth of the small boat harbor.

Boundary Survey Yuut-Elitnaurviat – Peoples Learning Center: Mc Clintock Land Assoc’s is in town today to recover the monuments necessary to complete the ground survey. The ground survey (monumentation) will not be completed until you have approved the final platting process.

Cemetery Site #3 on Tower Road just west of the airport: Mc Clintock will also be surveying the site for this new cemetery. The city manager has been referring to this as Cemetery #3 because the city typically has differed to the Council of Churches for a recommendation to council for a given name.

Planning Commission Agenda, January 23, 2003 (Cont)

National Wetlands Mitigation Action Plan: On December 24, 2002 the Bush administration initiated a "National Wetlands Mitigation Action Plan". This is in response to numerous studies pointing out the failures of various mitigation projects nationally. This plan reasserts the intent of the 1983 Clean Water legislation to a "no net loss" of wetlands. The unfortunate national history of poor enforcement of wetlands mitigation schemes has apparently brought this about. The Corps of Engineers is the lead agency responsible for the plans implementation. I contacted the Corps Regulatory Branch last week for any comment. The below message is the response from Mary Liekum our representative at the Corps Regulatory Branch.

"The mitigation info is so new we have no feel yet for how it might impact rural communities which are long on wetlands and short on high ground. My hope is that mitigation will not be required for public service projects and that homeowners can mitigate in other ways. Other agency involvement may cause us to "toe the mitigation line" however. I'm now working on the renewal of the tank farm GP (expires before Bethel's GP) so we'll see in the next year how things go."

Mission Lake Subdivision: This plat received preliminary plat approval by you in the spring of 2001. My office received a final plat drawing in August 2002. However, the applicant has never come forward to complete their final plat application. I spoke this weekend with Grant Schimanek from the Moravian Church about this. He reports that the reason for the protracted delay has been over negotiations between the provincial headquarters in Pennsylvania and the local church over land ownership – including this parcel. He further reported that the local church board was meeting within a week and he would certainly advise as to the need to complete the final platting of this subdivision.

State Transportation Improvement Plan (STIP): In you December meeting packets I enclosed the most recent spreadsheets from the Department of Transportation and Public Facilities (DOT/PF) on our STIP projects, their status and ranking, and a memo from myself and the city manager asking for comments and suggestions. The city manager has asked the Commission to respond by motion if there are comments or suggestions, and by a motion if there are none, i.e., the current projects, their ranking and scoring are OK.

Personnel: Debora Nieman has been hired effective January 6, 2003 to fill the position of Planning Tech.

Additional Planners Report Item Presented at this meeting:

Alaska Coastal Management Program (ACMP): I attend last week for three days the annual coastal district coordinators conference in Anchorage. A day and a half was devoted to new regulations involving project consistency review procedures. These

regulations become effective on January 24th. Additionally, the Division of Governmental Coordination (which administers the program) has now directed that all current coastal plans and enforceable policies within plans that cite either state regulations or statutes by name and/or number be amended by removing these regulatory or statutory citations. They want specific wording in place of these citations. This has long been a directive from the state AG's office for state regulations – the citing of existing statutes and/or regulations is a redundant restatement. We have begun working on a redraft of our program policies as our current draft (1984) cites state regulations extensively.

VII. PEOPLE TO BE HEARD

None

IX. COMMISSIONERS COMMENTS

None

X. OLD BUSINESS

None

X. NEW BUSINESS

ITEM A. PRELIMINARY PLAT OF THE SUBDIVISION OF GOVERNMENT LOT 4 INTO TRACT A (YUUT ELITNAURVIAT – PEOPLES LEARNING CENTER), AND RIGHT-OF-WAY EXTENSION OF AKIACHAK AVE. SUBDIVISION IS LOCATED JUST WEST OF THE BOWLING ALLEY.

PUBLIC HEARING

Chair Guinn asked Mr. Malone to introduce the item. Mr. Malone said that this was the second version of the boundary survey that incorporated the changes that he had recommended in his earlier written staff recommendations. This version had again been reviewed by the engineers, EEIS (engineering firm that completed feasibility study and defined the boundaries for this site location) and Bristol Environmental (engineering firm that was going to be the lead design and construction firm on the project). Mr. Malone further stated that the staff recommendations that he had prepared, and included in the meeting packets, had all been addressed on this plat.

He further stated that he had prepared a resolution (Resolution 03-01) for the Commission because the plat qualified as an Abbreviated preliminary plat under the ordinances and unless the commission had further corrections or conditions to offer, the final plat hearing could be waived.

Planning Commission Agenda, January 23, 2003 (Cont)

B. Glasheen questioned that there was only one access to the property – thought that it was required to have two. Mr. Malone responded that the ordinance only required legal access and this was accomplished with the right-of-way extension of Akiachak Street. B. Glasheen also questioned whether other sites had been considered – if this was the best site. J. Guinn responded that the commission and the council had looked at this. Mr. Malone replied that the consulting engineers (EEIS) had concurred with this site and drew the original site boundaries at this location.

Public Hearing opened at 6:45PM.

No testimony offered.

Public Hearing closed at 6:46PM

M/M J.Hamilton/ M. Charles approve Resolution 03-01.

No objection

Chair Guinn asked for a roll call vote:

J.Guinn-Yes J.Hamilton-Yes M.Charlie-Yes J. Shantz-Yes P.Jennings-Yes
B. Glasheen- No

Resolution 03-01 passed.

ITEM B. RESOLUTION 03-02. ROBERT SEPT - NONCONFORMITY OF LOT 21,
BLOCK 5, US SURVEY 3230 B (841 SIXTH AVE.)

ACTION ITEM

Chair Guinn asked Mr. Malone to introduce the item. Mr. Malone reported that this proposed land exchange was a solution that had been discussed earlier with the city attorney and Robert Septs' attorney Myron Angstman. He felt that although it would require considerable administrative work, it offered a more assured resolution to Robert Septs' nonconformity than the variance process. He further reported that both the city attorney and Robert Septs' attorney had viewed this draft of the resolution today and agreed with it.

M/M M.Charlie/J.Hamilton to pass resolution 03-02.

Unanimous

Chair Guinn asked for a roll call vote:

Planning Commission Agenda, January 23, 2003 (Cont)

J.Guinn-Yes J.Hamilton-Yes M.Charlie-Yes J. Shantz-Yes P.Jennings-Yes
B. Glasheen-Yes

Resolution 03-02 passed.

XI. ADJOURNMENT

M/M J. Hamilton/ M. Charlie

Unanimous.

Meeting adjourned at 7:00 pm

Minutes prepared by Debora Nieman, Planning Technician



~~John Guinn, Chair~~ *Mark Charlie, Vice Chair*

Date: 2/18/03