

DRAFT

Planning Commission Minutes

Rescheduled Meeting July 15, 2004

PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM

6:30 PM

I. CALL TO ORDER

Chair John Guinn called the meeting to order at 6:40 pm.

II. ROLL CALL

Present: John Guinn, Brian Glasheen, Mark Charlie, Pat Jennings
 Excused: Joy Shantz, Tundy Rodgers, Joan Hamilton
 Others Present: John Malone, Planning Director
 Emilee Kutch, Planning Technician
 Abe Palacios, AVCP-RHA (Item B New Business)
 Abe Andrew, AVCP-RHA (Item B New Business)
 John Larsen, Larsen Consulting Group (Item B New Business)
 John Biamonte (Item A New Business)

III. APPROVAL OF MINUTES

M/M M. Charlie/B. Glasheen Approve the minutes of June 10, 2004 meeting.
 Unanimous

IV. APPROVAL OF AGENDA

M/M M.Charlie/P. Jennings Approval of agenda.
 Unanimous

V. COMMUNICATIONS

None additional to that included in meeting packet.

VI. PLANNERS REPORT

J. Malone reported:

National Flood Insurance Program (NFIP): As I'm sure you are all aware the city has been a participant in the NFIP since the early 1970's. We revised our flood management ordinances in 2002 as part of the general amendments to all our land use ordinances at that time. The amended portions dealing with the NFIP (Title 15) were also reviewed and approved by the Federal Emergency Management Agency (agency that administers the NFIP) at fed Region X prior to council adoption. I was informed a week or so ago about a new program dealing with community ratings that has the potential of providing significant premium savings to those

Planning Commission Minutes, July 15, 2004 (Cont)

building owners with properties in the Special Hazard flood zone within the city. The program is called Community Rating System (CRS). It is based on rather complex criteria established by FEMA and the Insurance Services Office (ISO) that reportedly will provide more flexible ratings to communities based on several criteria. The application process appears to be quite formidable both in complexity and time. Minimally it will involve a community assistance visit and evaluation by our state flood management staff in DNR, onsite evaluation by an ISO representative and site visit from the fed Region X FEMA office. However, I have been told by our state flood management staff in DNR, from preliminary information that I provided, that we most likely are immediately eligible for a Zone 8 rating from ISO, which could translate to an approximate 20% savings in flood insurance premiums.

Bethel Cadastral GIS Integration Project Grant: We have a service agreement between ASCG and us in place. We learned earlier this week that we needed to get this and the federal BLM financial reporting documents to BLM by today (July 15). Needless to say this caused a bit of a stir amongst all those necessarily involved in organizing this rather technically, and administratively, complex project together (Finance Department, city attorney, ASCG and our office). The acceptance of the grant still needs council approval. We have included this contingency (council approval) in our agreement document with ASCG.

Alaska Coastal Management Program: As I previously reported we were given additional grant funds in our FY'05 ACMP grant award to have our plan and enforceable policies reviewed. This is one of the requirements of the new legislation and recently adopted regulations. We retained the services of a contractor who is performing the same service for several of the smaller coastal districts to accomplish this. The submittal deadline for this review process is August 2nd.

Address Map Project: We certainly are pleased to announce that we are finally publishing the new address map booklets. The departments did an excellent and very thorough job of review that resulted in finding some omissions and mistakes that we had not caught, which of course was the purpose of the department reviews. We hope you find your booklets of benefit.

Site Plan Permit Applications and Code Enforcement: The issuance of site plan permits has increased significantly for the same period over prior years. We have issued 84 as of July 14th. Code Enforcement has mostly been pursuing follow-up compliance on 27 previously issued citations for failure to comply with sanitation services ordinances. Emilee made two court appearances on these type of violations in the past week. The court found both defendants guilty and imposed fines. Responding to a request from the Public Works Committee we are now including the type erosion control on fill sites indicated on a permit application, on the permit itself. What is accepted as effective erosion control is seeding, sandbagging, gravel or a combination of these.

Planning Commission Minutes, July 15, 2004 (Cont)

Phase 3 City Subdivision Sewer and Water Easement Acquisitions: As of yesterday (July 14) we are down to the last property owner in these easement acquisition negotiations. Hopefully, this many time amended acquisition packet will meet with this landowners approval and that will conclude the acquisitions for this phase.

VII. PEOPLE TO BE HEARD

None

IX. COMMISSIONERS COMMENTS

None

X. OLD BUSINESS

None

X. NEW BUSINESS

ITEM A. APPLICATION FOR A CONDITIONAL USE PERMIT FOR A NONCONFORMING PROPERTY LOCATED AT 132 BLACKBERRY STREET. THE APPLICATION IS FOR APPROVAL FOR THE TRANSFERING OF A NONCONFORMING PROPERTY THROUGH A CONDITIONAL USE PERMIT PURSANT TO BMC 18.80.050. C.

ACTION ITEM

Chair J. Guinn asked J. Malone to introduce the item.

J. Malone reported that an application had been received and noticed. There were no comments from the noticing. As stated in his staff report to the commission, the nonconforming setback was eligible for a conditional use permit, and further there appeared to be no adverse conditions affecting the general public, health, safety or welfare. It is the staff recommendation that the permit be granted as applied for.

J. Malone further stated that because the ordinance specifically required that this permit be provided as a recordable instrument (in the District Records Office) he had asked the city attorney to prepare such, and this has been done.

M/M B. Glasheen/P. Jennings Grant the Conditional Use Permit (as applied for).

Unanimous

ITEM: B. A PRE-CONSTRUCTION VARIANCE APPLICATION BY AVCP RURAL HOUSING AUTHORITY TO CONSTRUCT TWO BUILDINGS AT 405 PTARMIGAN STREET. THE REQUESTED VARIANCE IS FOR AN ENCROACHMENT INTO THE REQUIRED SETBACK ALONG A NOT-NAMED AND UNDEVELOPED RIGHT-OF-WAY ON THE SUBJECT PROPERTIES WEST BOUNDARY.

Chair J. Guinn asked J. Malone to introduce the item.

J. Malone recommends that we hold the variance application in abeyance pending an alternative solution to the applicants problem on the right-of-way.

J. Guinn asks what the staff recommendation for agenda item is (variance application).

J. Malone responded that his staff report states that the application does not satisfy all 6 requirements that are prescribed by ordinance and therefore the application should be denied. He further stated that his staff report is written in response to information presented to him at that time (July 1'04). The applicant may have additional information to present before the commission that would satisfactorily rebut the earlier findings in his staff report, which is one of the purposes of the public hearing.

J. Malone continues that he has had a further consultation with the applicant, the applicants attorney and J. Larsen of Larsen Consulting. The applicant is prepared to offer an alternative solution to the variance request by adjusting the right-of-way along the subject property boundary that would cure the setback encroachment, and extending the right of way up to 10 feet onto the Lulu Heron leased site (under long term lease to the applicant). The applicant presented a scaled drawing provided by J. Larsen showing this proposed realignment.

J. Malone offered that this appeared as a viable solution that would further benefit the city by modifying the existing platted 50 foot right-of-way to 60 feet, which is the current minimum now prescribed in ordinance. J. Malone continues that the commission could accept applicants scaled drawing as a preliminary plat drawing for accomplishing this.

Chair J. Guinn states if a good faith effort is shown that AVCP will be in compliance with the preliminary plat (completing the platting application process) that he will have no problem accepting the drawing tonight. Chair J. Guinn further stated that he will entertain a motion to approve this drawing as a preliminary plat to be further discussed at another meeting.

J. Malone asked the applicant representatives if they would agree to hold the variance application in abeyance pending the outcome before the commission of the right-of-way realignment platting. There was no objection.

Planning Commission Minutes, July 15, 2004 (Cont)

M/M B. Glasheen/P. Jennings Accept as a preliminary plat, applicants drawing for the realignment of the right-of-way and hold applicants variance application in abeyance pending the outcome of the right-of-way platting realignment.

Unanimous

XI. ADJOURNMENT

M/M M. Charlie/B. Glasheen To adjourn.

Unanimous

Meeting adjourned at 7:05PM

Minutes prepared by Emilee Kutch, Planning Technician

ATTEST:

John Guinn, Chair

Date: _____