

## **Planning Commission Minutes**

**Scheduled Meeting October 9, 2003**

**PUBLIC WORKS BLDG., SECOND FLOOR CONFERENCE ROOM**

**6:30 PM**

### **I. CALL TO ORDER**

Meeting was called to order by Chair Guinn at 6:37 PM

### **II. ROLL CALL**

Present: J. Guinn, B. Glasheen, J. Hamilton, M. Charlie, J. Shantz

Excused: P. Jennings

Others Present: John Malone, City Planner

Quinton Duruji, Planning Technician/Code Enforcement

Sandra Moseley, Recorder of Minutes

Lonny Shagnae, Resident

Irv Krieder, Resident

Dave Henderson, Attorney

### **III. APPROVAL OF MINUTES**

M. Charlie asked that the minutes reflect that he had an excused absence. He stated that he could not inform of his absence for the August 14<sup>th</sup> meeting because he was out of the community at a location that did not have a phone.

Chair Guinn approved M. Charlie's absence as excused.

M/M J. Shantz/M. Charlie to approve the minutes of the August 14, 2003 meeting as amended.

Unanimous

### **IV. APPROVAL OF AGENDA**

Mr. Malone asked that that an item be added to New Business as Item D. He explained that he had received a draft ordinance from the city attorney after the meeting packets were mailed pertaining to the PATC ground lease disposal to YKHC. Such a disposal required a recommendation from the Planning Commission.

M/M M. Charlie/J. Shantz to approve the agenda as amended.

Unanimous

**V. COMMUNICATIONS**

Handouts:

1. New Business Item B. – new markup draft of proposed ROW acquisition ordinance from the city attorney.

2. New Business Item D. - Draft ordinance for PATC ground lease.

All others included in the meeting packet.

**VI. PLANNERS REPORT**

Mr. Malone reported:

Crowley Bulk Fuel Facility: A substantial completion inspection was conducted last week by our city engineer from ASCG. The handout on the table outlines some of the remaining items that needs to be addressed both by the owner and the contractor. The last of the bulk fuel product for this season was received on Oct 2<sup>nd</sup>.

Site Plan Activity: Site Plan application activity has dropped off considerably. As of yesterday we issued 101 Site Plan Permits so far this year.

US Army Corps of Engineers General Permit: This is just a heads-up, our 5 year General Permit is up for renewal in April '04. Normally the renewal process involves considerable lead time as these require both Pacific Northwest and Washington, DC approval before going to nationwide noticing.

Seawall Project – Brown's Slough and East Ave.: Surveyors from ASCG started the permanent easement acquisition surveys for this project along Brown's Slough and East Ave on October 7<sup>th</sup>. The RFP and contract for appraisal services for the acquisition of these easements is prepared and in the Finance Dept.

Recommendation to council on PATC ground lease: The city attorney has prepared an ordinance for the disposal by lease of the ground under the PATC. The term is 10 years w/a reversion to the city should the facilities be used for other then behavioral health. I would like to request that this be added to the agenda for this evening.

ROW Acquisition Ordinance: DOT/PF returned a suggested markup to this ordinance earlier this week. The city attorney and discussed these on Tuesday. She uploaded a final markup from DOT/PF's comments and our discussions today and I've provided as a replacement to the original drafts enclosed in your packet.

Address Map Project: This is our third start on this project. As I've previously reported, we have had to physically verify every address to resolve many of the conflicts that have crept into

our original address map and that which has appeared on buildings. This physical verification is now just about complete and Quinton has been entering the numbers into a new digital master address map created from our AutoCad base map. There remains many address conflicts to resolve. Physical addressing affects many entities such as public safety, municipal utilities, 911 emergency calling, insurance policy location, mortgage banking, Bureau of Census reporting, election district precinct reporting, etc.

Training: I have been successful in negotiating through the YE-Peoples Learning Center staff a course offering for the spring semester in Real Estate Law. A course that will benefit our planning staff greatly. This will be a 3 credit course, and will be available to the public. Sean Brown of Angstman Law Offices has agreed to be the instructor. YE will also be offering the AutoCad Advanced Introductory course during the spring semester. The same instructor that taught the introductory course last winter, which Quinton attended, will be teaching this course. Needless to say, these course offerings in AutoCad represent considerable savings for us in not having to send staff to Anchorage to a private course provider.

Alaska Coastal Management Program(ACMP): As I reported last May the ACMP has been moved from the Office of Management and Budget in the Governors Office to the Department of Natural Resources (DNR). Considerable administrative and process work remains to completely accomplish this transition – regulations need be amended and replaced in Administrative Code under DNR – area and district plans need be rewritten and approved. It should be anticipated that the result of this locally (for our Coastal District) will have some impact on how we implement and conduct consistency reviews in the future.

There are essentially 4 substantial milestones for this transition:

- (1) Guidance – ASAP according to the new administration in DNR. This is in the form of a guidance document (still very rough) that outlines the necessary implementation steps of the new coastal management legislation passed in HB 191 last session, and the necessary regulations to implement this new legislation.
- (2) Development of new ACMP regulations (at 6 AAC 50, 80, and 85 in draft form) - due by July 1, 2004
- (3) Amendment of district plans - due by July 1, 2005. Amended district plans are to be submitted to DNR for approval by July 1, 2005. The regulations developed in (2) above will help provide the guidance and criteria needed to successfully amend the district plans.
- (4) DNR approval of district plans - due by July 1, 2006. With the development of the district plan criteria in 6 AAC 85, districts and DNR will know what constitutes an approvable of coastal district plans. Final work on the program changes, including adoption of the new regulations by the Commissioner, review by Department of Law,

and review and approval by NOAA/Office of Ocean and Coastal Resource Management is expected by July 1, 2006.

Chair Guinn asked if there were questions for the planner.

J. Hamilton asked about fill that had been placed in a drainage area near Watson's Corner – has this been taken care of. Mr. Malone reported that it had. The dirt fill contractor had returned to the site and removed the fill from the designated drainage area back onto the adjoining property owners site.

M. Charlie stated that earlier in the summer he had provided an example from an Oregon community of a land development handbook with the suggestion that such a handbook be created for potential land developers in Bethel. He asked if there were any further consideration of this project. Mr. Malone responded that he has asked the new Planning Technician, Quinton Duruji, to work on this. He further stated that he felt that this would be a good project for a new planning office employee as it would require a research of the ordinances from someone who was both new to the community and land matters. Q. Duruji added that he felt he would have a draft available for the commission for their November meeting.

**VII. PEOPLE TO BE HEARD**

None

**IX. COMMISSIONERS COMMENTS**

J. Hamilton asked about the hearings (DOT/PF hearings) on the airport improvements. Mr. Malone stated that these were actually sponsored by the environmental assessment contractor as a requirement for the forthcoming airport improvements already in the airport master plan. To date he has received no report on these hearings.

J. Shantz stated that she had decided to apply for the current vacant position on the planning commission.

**X. OLD BUSINESS**

NONE AT THIS TIME

**X. NEW BUSINESS**

**ITEM A. SETBACK VARIANCE APPLICATION OF DIANA AND IRV KREIDER FOR A TEN UNIT APPARTMENT BUILDING LOCATED ON LOT 20, BLOCK 8, MUMTRETLEK SUBDIVISION (275 MISSION LAKE RD.)**

PUBLIC HEARING

Open public hearing at 6:55PM

Chair Guinn asked Mr. Malone to introduce the item.

Mr. Malone stated that he had included in the meeting packets his staff report that recommended approval. From his research it was shown that a Notice of Completion had been recorded in the District Recorders Office by the original owner builder prior to the city adopting its first setback ordinance (Ordinance #138) in December 1982.

Further discussion followed. J. Hamilton asked if there were many other properties such as this. Mr. Malone stated that there may be in the older portions of the city, especially in Mumtrelek Subdivision where many properties were surveyed to conform to existing houses that were quite small and closely spaced.

No testimony was offered by the public.

Closed public hearing 7:10PM

M/M M. Charlie/B. Glasheen to approve the variance.

VOTE: Yes 4 No 0 Abstain 1

**ITEM B. REVIEW PROPOSED AMENDMENT TO TITLE 17 OF THE ORDINANCES OF THE CITY OF BETHEL, ADDING A NEW CHAPTER 17.19 FOR RIGHT-OF-WAY ACQUISTION PLATS.**

ACTION ITEM

Chair Quinn asked Mr. Malone to introduce this item.

Mr. Malone stated that the new markup draft just handed out had arrived a few days ago from the city attorney. Earlier a copy had been provided DOT/PF and they had responded with a markup. The copy just provided the commission was a markup in response to DOT/PF's suggested changes.

Mr. Malone explained that the intent of this ordinance was to provide a means for platting rights-of-ways, and public use access ways on state owned airports. This ordinance would allow for a subdivision created by a right-of-way without the required public improvement

requirement as a condition of final plat approval. It also allowed for the filing of a preliminary plat without all the affected landowners endorsement at the time of the filing. This provision was considered necessary by DOT/PF in cases where they may be required to proceed with an acquisition through condemnation. It also provided for an extended period of time between the preliminary plat filing and final plat submission due to the necessary extended time required if they had to proceed with an acquisition by condemnation.

J. Hamilton asked if the state had ever condemned land in Bethel before. Mr. Malone responded that he thought the airport addition on the Tower Road side of the airport in the late 1970's was by condemnation.

J. Shantz stated that she needed more time to study the draft.

M/M J. Shantz/J. Hamilton Table until the November meeting.

Unanimous

**ITEM C. ILLEGALLY SUBDIVIDED LOT WITHIN LOT 8, BLOCK 1, MUMTRETLEK SUBDIVISION.**

DISCUSSION ITEM

Chair Guinn asked Mr. Malone to introduce this item.

Mr. Malone introduced Mr. Lonny Shagnae, the owner of the property. Mr. Malone stated that he had included in the August meeting packets an information packet concerning this property. The lot was not created through the approved subdivision platting process. This was a violation of both city ordinance and state law. The lot that was created (1,200 S/F) is also under minimal size (9,000 S/F) for the land use district. Mr. Malone further stated that he new of no administrative relief for this situation – only the city council could address this with an ordinance exception.

Further discussion was held – no action was taken.

**ITEM D. RECOMMENDATION TO THE CITY COUNCIL OF THE DISPOSAL BY GROUND LEASE OF THE LAND UNDER PATC TO THE YUKON KUSKOKWIM HEALTH CORPORATION.**

Chair Guinn, as an employee of YKHC, stepped down as chair and asked that Vice Chair M. Charlie proceed. He further stated that he would abstain from voting on this matter.

Mr. Malone reported that the city attorney had requested earlier in the week that he place this item before the commission at this next meeting. The city council would be introducing this proposed lease disposal shortly in the form of an ordinance. He further reported that

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YKHC had been running the programs and maintaining the PATC buildings for the past several years, and that the city planned to convey the buildings to YKHC. The proposed ground lease disposal was for 10 years.

M/M B. Glasheen/J. Hamilton Recommend that the city council lease the land under the PATC buildings to YKHC as an appropriate entity providing a necessary public service, pursuant to BMC 4.08.030 B.

VOTE: Yes 4 No 0 Abstain 1

Chair was returned to J. Guinn

**XI. ADJOURNMENT**

M/M J. Hamilton/M. Charlie to adjourn at 7:50PM

Unanimous

Minutes prepared by Sandra Moseley, Administrative Assistant

Approved: \_\_\_\_\_  
**John Guinn, Chair**

Date: \_\_\_\_\_

