

By: Planning Commission  
Public Hearing: April 9, 2020  
Adopted: April 9, 2020

**RESOLUTION**  
**City of Bethel Planning Commission**  
**Resolution No. 2020 – 03**

**A RESOLUTION OF THE BETHEL PLANNING COMMISSION RECOMMENDING AN ORDINANCE AMENDING CHAPTER 15.12.060 (A & C) OF THE BETHEL MUNICIPAL CODE TO MAKE EXPLICITLY CLEAR THAT THE 10-DAY DEADLINE TO REVIEW SITE PLAN PERMIT APPLICATIONS DOES NOT APPLY TO PROJECTS THAT REQUIRE STATE OR FEDERAL APPROVAL, AND TO REMOVE THE FOUR REFERENCES TO TENTATIVE APPROVAL.**

**WHEREAS**, In Fall 2019, the planning department complied with a request from the U.S. Army Corps of Engineers (Corps) for Site Plan Permit application data from 2017 to 2019. The results of their audit was that there were approximately 30-plus applications that should have been forwarded to and reviewed by the Corps before planning department approval; and

**WHEREAS**, Corps staff followed up on their audit by giving a presentation followed by question and answers at the March 12, 2020 Planning Commission meeting. Corps staff discussed the Bethel General Permit Wetlands Program in terms of the City of Bethel Planning Department’s approval process of Site Plan Permit applications, emphasizing the lack of required Corps review; and

**WHEREAS**, recent clarifications made by the Army Corps of Engineers regarding Bethel’s General Permit Wetland’s Program, make it likely that at least a few of the City’s Site Plan Permit Applicants each year will be required to submit an additional application to the Corps for review as to whether their project qualifies for the General Permit; and

**WHEREAS**, the City Planner, in response to clarification of Corps guidelines has reviewed BMC 15.12.060 (Action on Site Plan Permit Applications) and recommends that the stated 10 working days for review by the Planning Department of a Site Plan Permit Application found in BMC 15.12.060 (A) should be reworded so that the 10-day deadline explicitly does not apply to projects requiring Corps and other required state and federal review; and

**WHEREAS**, the City Planner further recommends that the following words and phrases (in reference to Site Plan Permit approval), “tentatively”, “has been tentatively approved and”, and “that have been tentatively approved by the land use administrator” be removed in BMC15.12.06 A and C because a Site Plan Permit application cannot be tentatively approved. If waiting for state, federal, or other approvals, the City’s Site Plan Permit application cannot be considered complete until receiving these required approvals. Tentative approval may provide a perceived green light to some applicants to begin construction.

**NOW THEREFORE BE IT RESOLVED** the Planning Commission recommends the following changes to BMC 15.12.060:

15.12.060 Action on an application.

A. ~~Within ten (10) working days of receipt of a complete application, the planning department shall review the application.~~ **Unless state or federal approval is required, the planning department has ten (10) working days upon receipt of a complete application to review an application.** If the application is subject to city engineer review, an additional seven (7) working days shall be permitted for review of the application. Plans approved and conditions required by the city engineer become a part of the site plan permit. An application may be approved; approved subject to modifications; ~~tentatively~~ approved subject to receipt of required city engineer **approval, approved subject to receipt of** state or federal approval; or disapproved.

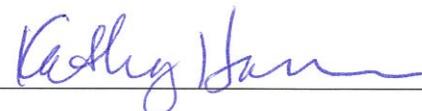
B. If approved subject to modification, the applicant shall be notified in writing of the modifications required. The permit will be issued after the applicant has agreed, in writing, to the modifications. If the applicant refuses to agree to a required modification, condition or other requirement, the application shall be denied.

C. If approved subject to receipt of required state or federal approval, the applicant shall be notified in writing that the site permit ~~has been tentatively approved and~~ will be issued upon receipt by the land use administrator of proof that specified state or federal approval has been given. State and federal agencies that may require approval of improvements or uses include, but are not limited to, U.S. Army Corps of Engineers, the Alaska Department of Environmental Conservation, and the State Fire Marshal. If state or federal approval required modifications to plans, structures, improvements or uses ~~that have been tentatively approved by the land use administrator,~~ the land use administrator shall review the modifications to determine whether the improvement, structure or use, as modified, still meets the requirements of this code.

**PASSED AND APPROVED BY THE BETHEL PLANNING COMMISSION** by a duly constituted quorum on this 9th day of April 2020 by the City of Bethel City Planning Commission Action:

Vote: In Favor: **6** Opposed: **0** Abstained:

ATTEST:   
Pauline Boratko, Recorder

  
Kathy Hanson, Chair  
City of Bethel, Planning Commission