



Planning Commission Meeting Agenda
Regular Scheduled Meeting Thursday July 15, 2021– 6:30PM-ONC Multipurpose Building

MEMBERS

Kathy Hanson
Chair
Term Expires 12/2021

Lorin Bradbury
Vice-Chair
Term Expires 12/2023

John Guinn
Commission Member
Term Expires 12/2022

Alex Wasierski
Commission Member
Term Expires 12/2021

Shadi Rabi
Commission Member
Term Expires 12/2022

Stanley Hoffman Jr
Commission Member
Term Expires 12/2021

Brian Henry
Alternate
Term Expires 12/2023

Jessica Shroder
Alternate
Term Expires 12/2023

Haley Hanson
Council Representative
Term Expires 10/2021

Ted Meyer
Ex-Officio Member

Pauline Boratko
Recorder

You can now attend meetings in person or virtually through zoom
To join the meeting via Zoom, follow these instructions:

1. Go to the website: <https://zoom.us/join>
User ID: 929 6930 4454 Passcode: 109277

OR

2. teleconference: choose one the following numbers if one does not work use the next number +1
669 900 9128 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1
646 558 8656 US (New York) +1 301 715 8592 US (Washington D.C) +1 312 626 6799 US
(Chicago) 877 853 5257 US Toll-free 888 475 4499 US Toll-free 833 548 0276 US Toll-free
833 548 0282 US Toll-free
User ID: 929 6930 4454 Participant ID: press # Passcode: 109277
(note: *6 to mute/unmute phone)

AGENDA

- I. **CALL TO ORDER**
- II. **ROLL CALL**
- III. **PEOPLE TO BE HEARD** – (5 Minute Limit): the public may call in, join via Zoom or send their written statement to planning@cityofbethel.net or by mailing to City of Bethel- Planning Dept Box 1388 Bethel, Alaska 99559. Anonymous letters will not be accepted. Please submit statements before 5pm on July 14, 2021.
- IV. **APPROVAL OF THE AGENDA:**
- V. **APPROVAL OF THE MINUTES:**
 - A. June 13, 2021- regular meeting minutes
- VI. **SPECIAL ORDER OF BUSINESS:**
- VII. **NEW BUSINESS:**
 - A. **PUBLIC HEARING:** Recommendation regarding a proposed ordinance allowing Bed & Breakfasts in all Residential Zoning Districts.
 - B. **PUBLIC HEARING:** Notice is hereby given that on May 27, 2021 the City of Bethel Planning Office received a Conditional Use Permit Application to open a retail marijuana store. Location: 323 Chief Eddie Hoffman Highway Legal Description: US Survey 870, Block 4, Lot 5 Land Owner: AMW Property Management, LLC Applicant: Brian Glasheen, dba Good Vibes Purpose: To open a marijuana retail store in the General Use Zoning District
- VIII. **UNFINISHED BUSINESS:**
- IX. **PLANNER’S REPORT:**
- X. **COMMISSIONER’S COMMENTS:**
- XI. **ADJOURNMENT:**

Masks and social distancing are required for in person participation.

City of Bethel, Alaska

Planning Commission

June 10, 2021

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

A regular meeting of the Planning Commission was held virtually via Zoom on June 10, 2021. The Chair of Commission, Kathy Hanson called the meeting to order at 6:31 PM.

II. ROLL CALL:

Compromising a quorum of the Commission, the following members were present for roll call: Kathy Hanson, Lorin Bradbury, John Guinn, Alex Wasierski, Shadi Rabi, Jessica Shroder and Haley Hanson. Excused absence: Stanley Hoffman Jr. Unexcused Absence: Brian Henry

Also Present: Ted Meyer, City Planner; Pauline Boratko, Recorder

III. PEOPLE TO BE HEARD:

Ken Englaston/Anna David: voiced their concerns of structure already built.

Jeff Sander: voiced his concerns about the covenants in the city subdivision.

IV. APPROVAL OF THE AGENDA:

MOVED:	John Guinn	Motion to approve the agenda
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	Unanimous	

V. APPROVAL OF THE MINUTES:

MOVED:	Lorin Bradbury	Motion to approve the meeting minutes from May 13, 2021
SECONDED:	John Guinn	
VOTE ON MOTION	Unanimous	

VI. SPECIAL ORDER OF BUSINESS:

VII. NEW BUSINESS:

- A. PUBLIC HEARING: On December 17, 2020 the City of Bethel Planning Office received an application and a revised application on May 27, 2021 to vacate small sections of the width of right of way on Ridgecrest Drive to accommodate construction of the planned Ayaprun School to be located on Lower Kuskokwim School District (LKSD) grounds. Location: 1004 Ron Edwards Memorial Drive Legal Description: Plat 2011-11 within Sec. 8, T8N, R71W, Seward Meridian

Chair of the Commission Kathy Hanson opened up the public hearing.

The Chair asked members of the Commission to disclose any conflicts of interest or Ex Parte Communications they may have had on the action before them.

Stanley Hoffman Jr. stated that he is the husband of CEO and Applicant of Bethel Native Corporation, Ana Hoffman

Alex Wasierski stated that he is building a house for Ana Hoffman.

Testimony by Interested Parties:

Ted Meyer, City Planner gave his report.

Ryan Jeffries spoke on behalf of the Lower Kuskokwim School District.

People to be heard: Ken Englaston: questioned the dimensions of the right of way

Deliberation took place amongst commissioners.

MOVED:	Lorin Bradbury	Motion to approve the LKSD right of way vacation (Resolution 21-04)
SECONDED:	Shadi Rabi	
VOTE ON MOTION	6-yes; 0-no; unanimous	

- B. Public Hearing: On May 25, 2021 the City of Bethel Planning Office received a Conditional Use Permit Application from Sahmi Pellumbi to construct a single story triplex in the residential use zone. Location: 430 Napakiak Drive Legal Description: Plat #71-425 Block 3 Lot 16. Property Owner: Sahmi Pellumbi

The Chair asked members of the Commission to disclose any conflicts of interest or Ex Parte Communications they may have had on the action before them.

Testimony by Interested Parties:

People to be heard: Jeff Sander: voiced his concerns about the amount of multi family dwelling in the residential zone.

Ken Englaston: voiced his concerns about the structure already up without a permit.

Ted Meyer, City Planner gave his report.

Sahmi Pellumbi spoke on his behalf.

Deliberation took place amongst commissioners.

MOVED:	Shadi Rabi	Motion to approve the Conditional Use Permit to build a triplex in the residential zone (Resolution 21-05)
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	6-yes; 0-no; unanimous	

VIII. UNFINISHED BUSINESS:

IX. PLANNER'S REPORT: Ted Meyer gave his report.

MOVED:	Lorin Bradbury	Motion to reschedule July's regular meeting from July 8 to July 15
SECONDED:	Shadi Rabi	
VOTE ON MOTION	Unanimous	

X. COMMISSIONER'S COMMENTS:

- K. Hanson- no comment.
- H. Hanson- no comment.
- S. Rabi- no comment.
- A. Wasierski- no comment.
- J. Guinn- no comment.
- L. Bradbury- no comment
- J. Shroder- no comment.

X. ADJOURNMENT:

MOVED:	Lorin Bradbury	Motion to adjourn the meeting.
SECONDED:	John Guinn	
VOTE ON MOTION	Unanimous	

With no further business the meeting adjourned at 8:36 pm

APPROVED THIS ____ DAY OF _____, 2021

Kathy Hanson, Chair

ATTEST: Pauline Boratko, Recorder



City of Bethel

Planning Department
P.O. Box 1388
Bethel, Alaska 99559
(907) 543-5306

Memo

TO: City of Bethel Planning Commission

FROM: Ted Meyer, Planner

**SUBJECT: July 15, 2021 Planning Commission Hearing -
Review and Recommendation of a Zoning
Ordinance to Adopt Bed and Breakfast Provisions
in the Residential Zoning District.**

DATE: July 15, 2021

Background

Attached is a draft ordinance to adopt bed and breakfast provisions into the residential zoning code that was originally written by the Bethel City Clerk. At the Planning Commission meeting on December 10, 2020, commissioners created a Planning Commission subcommittee of three commissioners to review the document. The objective was to have a citizen committee made up of commissioners who have a firm grasp of land use and zoning, to review and refine the document. Three commissioners worked with the City's consultant, DOWL, and the City Planner to perform the work. There were two subcommittee meetings with the contractor in April and May 2021, followed by a bigger group review meeting that included the city manager, city clerk, and city attorney.

This next step is for the Planning Commission to review the document at the public hearing on July 15th, and then, if inclined, recommend the City Council to adopt the ordinance during the second reading at their August 24 meeting.

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CITY OF BETHEL, ALASKA

Ordinance #21-XX

AN ORDINANCE BY THE BETHEL CITY COUNCIL AMENDING THE BETHEL MUNICIPAL CODE TO ADOPT BED AND BREAKFAST PROVISIONS IN THE RESIDENTIAL ZONING DISTRICT FOLLOWING A PLAN REVIEW PERMIT PROCESS

WHEREAS, the City Council and Planning Commission have determined that regulations for bed and breakfast have identified a need to accommodate additional short term rental housing within the City of Bethel, Residential (R) district, and identifying in the code, design and operational design standards, and review process that are enforceable and would ensure compatibility in scale and character with other uses, such as single-family and duplex residential development.;

WHEREAS, It is important to maintain the character of the lower density single-family and duplex development. One way to maintain this stability for the bed and breakfast use is to have the owner occupy the unit.;

WHEREAS, in addition to the initial approval of the plan review permit for bed and breakfast homestay, an annual evaluation, in conjunction with the renewal of the operator's business license, will help keep operators in compliance with the code or any additional requirements added to their individual permits;

WHEREAS, Notwithstanding BMC 18.80.010 or any other provision of this Code, pre-existing lawful or unlawful nonconformities in existence upon the effective date of the provisions of this title or an amendment thereto shall be permitted to exist until they are removed, abandoned, substantially damaged, or sold, but not to encourage their perpetuation. Such nonconformities should be discontinued or brought into conformity with the current requirements of this title at the earliest possible time. As used in this chapter, "current" refers to the requirements applicable after the effective date of the applicable provisions of this title or an amendment thereto.

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NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA:

SECTION 1. Classification. This is a codified Ordinance is of general and permanent nature and shall become part of the Bethel Municipal Code.

SECTION 2. Amendment. Bethel Municipal Code Chapters 16.12.030 Planning Land Use, Planning and Site Development, Definitions. New language is underlined, and old language is stricken.

16.12.030 Definitions.

The following words, terms, and phrases shall have the meanings ascribed to them in this section:

"Abbreviated plat" means a representation of a subdivision in which the subdivision does not create more than four (4) lots; each lot created has legal and physical access to a public highway or street; the subdivision does not involve or require a dedication of a street, right-of-way, or other area; and the subdivision does not require a vacation of a public dedication of land or a variance from the requirements of any ordinance, including, but not limited to, requirements related to subdivision, land use, and building and construction, including flood hazard and drainage regulations.

"Access" means a means of vehicular or pedestrian approach, entry to or exit from property.

"Accessory building, structure or use" means uses and structures customarily accessory and clearly subordinate and incidental to the principal use or structure on a lot. This may include a structure or use for storage, coverage or similar use incidental to the principal use which contributes to the comfort, convenience, or necessity of occupants of the principal structure or use and is located on the same lot as the principal structure or use.

"Addition" means a parcel of land which is platted adjacent to an existing subdivision and which has the same name.

"Adequate" means sufficient in terms of actual or anticipated capacity or demand, satisfactory in terms of public safety requirements or as may be required by this code or other laws, regulations, or standards.

"Adjacent lot" means a lot or parcel of land which shares all or part of a common property line with another lot or parcel of land.

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"Aliquot part" means the division of a surveyed section of land, described without reference to bearing or distance, into square or rectilinear parcels, the area of each parcel comprising a fractional portion of the total area of the section and of the parcel from which it is being divided.

"Alley" means a public right-of-way shown on a plat which provides only a secondary means of access to a lot, block, tract or other parcel of land.

"Alteration" means any change, addition or modification in the construction, location or use of a structure or lot.

"Apartment" means any building or portion thereof which is used, designed, built, rented or leased which contains dwelling units for four (4) or more families living independently of each other.

"Appeal" means a request to a higher body for a review of the decision of an administrative officer, the planning commission or the city council.

"Arterial" means a street used to carry high volumes of traffic to and from major traffic generators or into or out of the community.

"As-built plans" means construction plans that have been revised in accordance with all field changes reflecting the improvements on the site as they actually exist.

"Automotive repair" means replacement of parts, tune-up, lubrication, and washing and polishing of passenger trucks and cars.

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year; also referred to as the one-hundred- (100-) year flood. Areas subject to the base flood are special flood hazard areas and the designation of these areas on the FIRM always includes the letter A or V.

"Basement" means any area of a building having its floor subgrade (below ground level) on all sides.

"Bedroom" means a room marketed or designed to function primarily for sleeping.

"Bed and Breakfast" means a property providing accommodations for travelers that may also include a breakfast in a common eating area.

"Bed and Breakfast Homestay establishment" means an owner-occupied residential dwelling or a duplex in which one of the residential dwellings of the duplex is owner-

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occupied with up to three guest rooms and includes residential uses offering overnight accommodations to registered transient guests.

“Block” means an area of land within a subdivision that is entirely bounded by rights-of-way, physical barriers, and exterior boundaries of the subdivision, except alleys, and which is usually divided into lots.

“Block length” means the distance between intersections of through streets, such distance being measured along the longest street bounding the block and from the right-of-way line of the two (2) intersecting streets.

“Building” means a structure of more or less permanent construction, having a roof and intended to be used for sheltering people, animals, property, or business activity. Temporary structures such as tents, fish-drying racks, dog houses, and shipping vans placed on a lot only for the reasonable duration of construction are not buildings for purposes of street and yard setbacks. Permanent structures such as houses, stores, mobile homes, manufactured homes, garages, storage sheds, shops, steambaths, and smokehouses are buildings. For setback purposes, a building includes such extended structures as arctic entries, balconies, carports, decks, exterior stairways, garages, porches, wannigans, water, sewage, and oil tanks, and windows. Where independent buildings with separate entrances are not joined by a common wall and/or ceiling or floor, each building is a separate building.

“Bunk house” means a building consisting of individual sleeping rooms for one (1) or more individuals working for the same employer, provided the rooms are not for rent or lease to persons other than employees of the same employer.

“Certificate to plat” means a certificate prepared by a title company authorized by the laws of the state to write the same, showing the names of all persons having any record title interest in the land to be platted together with the nature of their respective interests therein.

“Certified mobile home” means a transportable structure constructed to be towed on its own chassis, larger than three hundred twenty (320) square feet, designed to be used as a year-round residential dwelling, built after June fifteenth (15th), 1976, and bearing a seal certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (42 USC Section 5401 et seq.) (see also “mobile home”).

“Child care facility” means a home or structure used and maintained to provide, for compensation, care for five (5) or more children unrelated to the care provider.

“City” means the city of Bethel.

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"Collector street" means a street that carries traffic between local streets and other collectors and arterials.

"Commercial use" means a retail or wholesale business enterprise.

"Comprehensive plan" means a document of text, charts, graphics and maps, or any combination, designed to portray general, long-range proposals for the arrangement of land uses which is intended primarily to guide government policy towards achieving orderly and coordinated development of the entire community.

"Conditional use" means a use not permitted as a principal use within a district but which may be permitted if approved by the planning commission subject to conditions imposed by the planning commission that eliminate or substantially reduce the adverse effects the use would have on principal uses in the neighborhood and district and as may be necessary to preserve the integrity and character of the district and neighborhood in which the use is conditionally permitted.

"Construction" means and includes design, engineering, contract administration and work, labor and materials furnished for an improvement.

"Control valve" means the shut-off valve required by the city water utility to be placed on the water extension line on the customer's property.

"Corner lot" means a lot located at the intersection of two (2) or more streets where the angle of intersection of the lot lines abutting those streets does not exceed one hundred thirty-five (135) degrees.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

"Cul-de-sac" means a road having one (1) end open to traffic and being terminated at the other end by a vehicular turnaround.

"Dedication" means the intentional appropriation of land by the owners to public use.

"Development" means any manmade change to improved or unimproved land, including but not limited to buildings or other structures; the excavation or relocation of material or depositing of fill on a parcel of land; mining, dredging, filling, grading, paving, or drilling operations; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; for purposes of Chapter 15.08 BMC, it also

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includes any storage of equipment or materials; for purposes of BMC Title [18](#), it also includes any use or change in use of any structure or land.

"Development phasing district" means an area shown on Figure 11 as corrected under BMC [16.08.040\(A\)](#), entitled "Development Phasing" in the 1997 Comprehensive Plan of the city of Bethel. Each district is identified by a number and letter as, for example, 3B. The district designations are used separately or in combinations to identify specific areas in which certain infrastructure requirements exist with respect to subdivision or other development activities.

"District" means a land use district established by BMC Title [18](#).

"Driveway" means a driving surface that connects the parking area of a property to a city, state, or privately maintained road (also see "Interior access lane").

"Duplex" means a structure or use on one (1) lot involving two (2) attached common wall dwelling units with a common wall extending from floor to ceiling and from exterior wall to exterior wall of the unit, each having a separate entrance and each unit designed for occupancy by one (1) family.

"Dwelling" means a building designed or used as the living quarters for one (1) or more families.

"Dwelling unit" means a room or group of rooms constituting all or part of a dwelling which is arranged, designed and used or intended for use exclusively as living quarters for one (1) family which may include washing toilet facilities, living, sleeping, and eating facilities, but no more than one (1) kitchen.

"Easement" means an interest in land owned by another that entitles the easement holder to a specified limited use, right or enjoyment. A public easement is an area legally reserved by plat or conveyed or reserved by deed for the purpose of allowing use by vehicles, pedestrians, utilities, drainage or for other purposes.

"Egress" means an area where a vehicle may leave a parcel and enter the public right-of-way or alley.

"Elevated building" means, for flood insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns.

"Engineer" means a registered professional civil engineer authorized to practice engineering in the state.

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"Excessive" means a degree of use causing effects exceeding those generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare or convenience.

"Family" means one (1) or more persons occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a roominghouse, club, fraternity house or hotel.

"Federal Insurance Administration (FIA)" means the division of the Federal Emergency Management Agency which is responsible for administration of the National Flood Insurance Program as set out in [44](#) CFR Part [2](#).

"Federal Insurance Administrator" means the administrator of the FIA as established in [42](#) USC Section [4129](#).

"Fence" means an artificially structured barrier of any material or combination of materials erected to enclose or screen areas of land.

"Final acceptance" means acceptance by the city, at the completion of construction and upon the posting of all required warranties, of a public improvement constructed as a condition of approval of a subdivision plat or other development permit.

"Final plat" means the final map, drawing, or chart on which the subdivision or resubdivision of land is presented to the planning commission or platting officer for approval, and which, when approved as meeting all preliminary plat conditions, will be submitted to the district recorder for recording.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood insurance rate map" or "FIRM" means the official map of the city on which the Federal Insurance Administration has delineated both the special flood hazard areas and the risk premium zones applicable to the city.

"Floodplain" or "flood-prone area" means any area of land susceptible to being inundated by water from any source. See definition of "flooding."

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"Food and beverage sales" means retail sales of groceries, beverages, and household items. Typical uses include grocery stores, convenience stores and bakeries.

"Food and beverage services" means establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption. Typical uses include restaurants, cafes, fast food outlets, including drive-through or drive-in establishments, and taverns.

"Freezer van" means a containerized shipping van usually about eight (8) feet wide by eight (8) feet high and either twenty (20) or forty (40) feet long and which have sometimes been converted to dwellings or storage and other nonshipping uses.

"Front lot line" means that boundary of a lot measured along the edge of the right-of-way of a dedicated street, private street or public road easement but not an alley, which abuts that line. In the case of a corner lot, either line which meets this description may be designated by the land use administrator as the "front lot line" and the other shall be treated as a side lot line.

"Front yard" means the distance between the front lot line and the part of the permanent structure nearest the front lot line. It also includes that portion of a yard between the front lot line and the required front yard setback line extended to the two (2) side lot lines, the depth of which is the least distance between the front lot line and the nearest permanent structure. In the case of a corner lot, the front lot line is the lot line so designated by the land use administrator.

"General permit" means general permit No. 83-4, as amended, extended or reauthorized, and issued by the Corps of Engineers, which places conditions on land development.

"Greenbelt or buffer park" means a strip or parcel of land privately restricted or publicly dedicated as open space for the purpose of protecting and enhancing the environment.

"Gross usable area" means the area within a lot or parcel of land that can be developed after subtracting areas of drainages, water areas, significant wetlands, setbacks, easements and areas that cannot be developed as a practical matter because of topography, soil or other physical conditions.

"Group home" means a facility located in a residential structure, the principal use of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity in a family setting as part of a group rehabilitation or recovery program involving counseling, self-help or other treatment or assistance.

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“Home occupation” means an occupation carried on by the occupants of a dwelling as an accessory use in connection with which there is no exterior display of the activity except as noted in this definition, no persons are employed and no trucks or mechanical equipment are used or stored except trucks that are normally associated with a single-family residence. Home occupations include knitting, making of clothing, basketmaking, skinsewing, jewelrymaking, fish smoking, dance or music instructions in classes of five (5) pupils or less, and child care involving three (3) or fewer children who are not members of the household. Home occupation does not include use by an electrician, plumber, doctor, dentist, repair or fix-it shop.

“Improvement” means any construction incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, construction of driveway approaches, sidewalks, street signs, street lights, water lines, sanitary sewers and treatment systems, storm sewers, culverts, bridges, utilities, waterways, lakes and other items; the construction of any building or permanent structure or any external addition to a structure that constitutes a betterment of real property. The relocation of a structure within a lot or the relocation of a structure to another lot, the addition or relocation of fill or native material, the addition of a floor or room that changes the exterior dimensions of the building and the change to or addition to the sewer or water system serving the building are improvements; painting, siding, reroofing or other cosmetic changes are not considered to be improvements.

“Industrial use” means the use of a building or land where a primary use or activity is the warehousing, storage, movement, shipment or sale of cargo, petroleum products, gravel, sand, lumber, timber, fish, fish or material processing, port activities, or use of heavy equipment. The manufacturing of goods that emits obnoxious noise or fumes, requires the use of chemicals or materials that present a threat to the public health or safety, or requires the use of heavy equipment on the premises is an industrial use.

“Ingress” means the area where a vehicle may enter a private lot from the public right-of-way or public or private easement or other way.

“Institutional” means a structure where the primary use is for educational, governmental, or hospital activities.

“Interceptors” means all trunk, main and lateral sewer lines of every kind which are connected to and used for the collection of sewage from the customer service lines and its delivery to the sewage treatment plant.

“Interior access lane” means a nondedicated small vehicular way that is totally within the boundaries of a lot and provides direct access to parking spaces and/or provides interior circulation on the lot (see “Driveway”).

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“Land use administrator” means the manager of the city planning department or such other person as the city manager appoints to administer BMC Titles [15](#), [16](#) and [18](#).

“Legal access” means the right of access to an abutting public, dedicated street, highway or road which is connected to and a part of the public system of streets of the city.

“Local street” means a street, generally within a subdivision, designed primarily to provide direct access to individual abutting properties.

“Lot” means the smallest portion of a subdivision being a measured portion of a parcel of land which is described, identified by a lot number, and fixed on an approved plat filed for record; also, when used in a more general sense, including parcel, tract, plat and property.

“Lot depth” means the distance between straight lines connecting side lot lines, measured between the midpoint of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

“Lot frontage” means the length of the front lot line.

“Lot improvement” means any building, structure, water or sewer facility, work of art or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

“Lot line” means a fixed boundary of a lot described by survey located on an approved plat filed for record.

“Lot width” means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or limited storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation requirements of BMC [15.08.100](#).

“Manufactured home” means a structure, including a mobile home, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when

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connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; it also includes any structure which meets all the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under [42 USC Sections 5401](#) through [5426](#); and except that such term shall not include any self-propelled recreational vehicle.

“Marginal street access” means a frontage road which separates properties from arterials and collectors and eliminates the need for unlimited access to such streets.

“Minor structure” means, for purposes of yard setback requirements, a structure such as a doghouse, small storage box or other small structure, not exceeding three (3) feet in height and not occupying more than twenty-five (25) square feet; except, a fence that does not exceed six (6) feet in height is treated as a minor structure.

“Mobile home” means a transportable structure constructed to be towed on its own chassis and designed to be used as a year-round residential dwelling (see also “certified mobile home”).

“Mobile home park” means any parcel of land, including separate parcels under common ownership, which is occupied by four (4) or more mobile homes but not including a mobile home sales lot if none of the mobile homes are used as dwellings.

“Nonconforming use, lot, or structure” means lots, structures, buildings, or uses of land that were lawful prior to the effective date of a provision of BMC Title [15](#), [16](#), [17](#) or [18](#), an amendment thereto, the removal of federal or state protections on land, or the annexation of land into the city, but which fail by reason of such new or revised provision, removal of government restriction, or annexation to conform to the present requirements of the provision.

“Nonconformity” means a nonconforming lot, structure, or use of land or structures.

“Nuisance” means an activity which arises from unreasonable, unwarranted or unlawful use by a person of property, which interferes with, obstructs or injures the right of another, or the public, in the use or enjoyment of property, endangers personal health or safety or produces material annoyance, inconvenience and discomfort.

“Official map” or “official land use map” means the map adopted by ordinance showing the boundaries of the land use districts to which the regulations of this code apply.

One-Hundred- (100-) Year Flood. See “Base flood.”

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One-Hundred- (100-) Year Floodplain. See "Special flood hazard area."

"Ordinance" means any legislative action of the city council which has the force of law, including any amendment or repeal of any ordinance or Bethel Municipal Code provision.

"Owner" means any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient property interest in a parcel that is subject to the provisions of BMC Title 15, 16, 17 or 18.

"Owner-Occupied" means the property owner considers the property their primary residence.

"Parcel" means an area of land, legally created and described, not containing any smaller legally created area of land. A lot, tract, outlot, and area of land described by aliquot parts may be referred to as a "parcel."

"Parking space" means a driveable surface of gravel, sand, concrete or asphalt that is accessible from a street, interior access lane or aisle.

"Party wall" means a wall shared as a common support between two (2) contiguous structures, buildings, or dwelling units under different ownerships.

Person. The word "person" includes corporations and other entities and forms of association as well as individuals.

"Personal services" means commercial establishments primarily engaged in the provision of support services to other business, or services of a personal, professional or nonprofessional nature. Business activity may be conducted on the premises or off premises. Typical uses include barber and beauty shops, shoe repair, office maintenance services, health fitness studios, photographers, film processing shops, funeral and mortuary services, travel agencies, laundry and dry cleaning establishments, pharmacy, veterinary services, and secretarial services (see also "Professional office").

"Plan" means the city comprehensive plan.

"Planned development" means a form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases, and a mix of building types and land uses. It permits the planning of a project and the calculation of densities over the entire development rather than on an individual lot-by-lot basis. It also refers to a process, mainly revolving around site plan review, in which public officials have considerable involvement and

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discretion in determining the nature and arrangement of and special restrictions on the development.

"Planning commission" means the city of Bethel planning commission.

"Plat" means a map or representation on paper of a parcel of land. A "preliminary plat" is a map showing the salient features of a proposed subdivision of land submitted to the planning commission for purposes of preliminary consideration and approval. A "final plat" is a map of a subdivision of land made up in final form ready for approval and filing.

"Platting authority" means the planning commission.

"Platting officer" means the manager of the city of Bethel planning department or such other person as the city manager appoints to administer BMC Title 17.

"Preliminary consultation" means a voluntary meeting between the subdivider or developer and the land use administrator or platting officer for the purpose of informing the subdivider or developer of subdivision and development procedures and standards as prescribed by BMC Titles 15 through 18.

"Preliminary plat" means the conceptual maps, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning commission.

"Principal structure" means a building within which a principal use takes place, such as a residence or a business. Principal structure is a concept similar to principal use, except that it is specific to the use of a building.

"Principal use" means the major or predominant use of land or a structure, as distinguished from a secondary or accessory use.

"Professional office" means an office for the conduct of any one (1) of the following uses: accountant, advertising agency, architect, attorney, chiropractor, civil engineer or surveyor's drafting office, photographer, private detective, real estate office, social work, doctor, dentist, insurance sales or similar use, but not including barber shop, beauty parlor, contractor, pest control, pharmacy, veterinary. (Also see "Personal services.")

"Property line" means the perimeter of the lot.

"Public improvement" means any drainage ditch, roadway, park, pedestrian way, street, off-street parking area, lot improvement, street light, sewer, water or other facility for

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which the city may ultimately assume the responsibility of maintenance and operation, or which may affect an improvement for which city responsibility is established.

“Public improvement guarantee” means a performance bond, deposit in escrow, letter of credit or a note from the applicant secured by a first (1st) deed of trust upon land given to the city to secure the timely performance of the applicant in the construction of required improvements.

“Public open space” means land dedicated or reserved for the use by the general public, including, but not limited to, parks, parkways, recreation areas, and school sites.

“Public utility” means all persons, firms, corporations, or municipal or public authorities which are certified as public utilities by the state and which provide gas, electricity, water, telephone, cable, storm sewers, sanitary sewers or other services of a similar nature.

“Rear lot line” means that boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot, “rear lot line” means a line twenty (20) feet in length within the lot parallel to and at the maximum distance from the front lot line.

“Rear yard” means the distance between the property line that parallels or generally parallels the rear lot line and the part of a structure, other than a minor structure, nearest the rear lot line.

“Recreational vehicle” means a vehicle which is: built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Regulatory flood” means the one-hundred- (100-) year flood. The water surface elevation of the regulatory flood is the water surface elevation delineated on the flood insurance rate map.

“Replat” means an alteration to an original recorded plat; a resubdivision.

“Reserve strip” means land reserved adjacent to a proposed street for the purpose of denying access from adjacent property to such street.

“Residential” means a structure where the primary use is for human habitation.

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"Residential structure" means a single structure used primarily as a residence which may have one (1) or more dwelling units.

"Residential unit" means a common living area designed or advertised to house one (1) family.

"Resubdivision" means the redelineation of an existing lot, block, or tract of a previously recorded subdivision involving the change of property lines after vacation, the altering of dedicated streets, easements or public areas.

"Right-of-way" means land reserved, used or to be used for the use of supporting city services.

"Road" means a way for vehicular traffic, dedicated to public use.

"Setback" means the minimum distance required between a lot line and structures other than minor structures.

"Sewer facilities" means all interceptors, pressure pumps, valves, sumps, heating and electrical facilities, manholes, guards and other features required for an operating, piped sewage collection system.

"Shopping center" means a group of commercial establishments planned, constructed, developed, and managed as a unit with off-street parking provided on site.

"Side lot line" means that boundary of a lot which is neither a front nor rear lot line and which is perpendicular or generally perpendicular to the front lot property line.

"Side yard" means the distance between the side lot line and the part of a structure, other than a minor structure, nearest the side lot line.

"Significant wetlands" means (1) those areas of the floodplain that have not been developed; rivers, lakes, streams, sloughs, drainages, and ponds at least one-half (1/2) acre in size; and (2) a twenty-five- (25-) foot-wide area upland from the mean high water mark of major drainageways, lakes and ponds.

"Single-family dwelling" means a site-built dwelling unit designed for occupancy by one (1) family for individual ownership, lease, or rental.

"Site plan" means a plan, drawn to scale, which depicts and describes uses and structures proposed for a parcel of land as required by the regulations in BMC Title 15. It includes lot lines, streets, building sites, reserved open space, buildings, major

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landscape and drainage features, proposed fill activity, plans for accommodating drainage, access location and dimensions and plans for the water and sewer system.

"Special flood hazard area" and "area of special flood hazard" mean the area within the city subject to the one-hundred- (100-) year flood as delineated on the flood insurance rate map for Bethel published by the Federal Insurance Administration. Designation of an area on the FIRM will always include the letter A or V.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State" means the state of Alaska.

"Street" means a right-of-way which provides for vehicular and pedestrian travel access to abutting properties and includes arterials, collectors, roads, avenues, highways, ways and other rights-of-way for transportation, and other street uses such as placement of utilities.

"Street right-of-way width" means the distance between property lines measured at right angles to the centerline of the street.

"Street width" means the shortest distance between the lines delineating the right-of-way of the street.

"Structural alteration" means any addition to or subtraction from parts of a building, including walls, columns, beams, girders, foundations, doors and windows.

"Structure" means anything constructed or erected on the ground or attached to something located on the ground. Structures include walled or roofed buildings, radio and TV towers, storage vans, sheds, water tanks, sewage tanks, oil tanks, gas or liquid

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storage tanks that are principally above ground, fences and signs. Operable vehicles, sidewalks and boardwalks, and pavement are not considered structures for yard setback purposes (see also "minor structure" and "temporary structure"). For floodplain management purposes, a "structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Stub street" means a dead-end local street which provides for eventual expansion of the street onto unplatted land.

"Subdivider," "owner" or "developer" means a person, firm, association, partnership, corporation, governmental unit or combination of any of these which may hold any legal or equitable ownership interest in land being subdivided. The terms shall also include heirs, assigns, or successors in interest, or representatives of the subdivider, owner, proprietor or developer.

"Subdivision" means the division of a tract or parcel of land into two (2) or more lots, sites or other divisions by the landowner for the purpose, whether immediate or future, of sale, lease, conveyance or building development, or by the creation of public access other than common carrier and public utility access, including any resubdivision, and when appropriate to the context, the process of subdividing the land subdivided.

"Substandard lot" means a lot that was lawfully created and met all conditions of the applicable provisions of law and ordinance at the time the plat was approved by the platting authority, or at the time it was filed if platting authority approval was not required by state law at the time it was filed, but does not conform to one (1) or more of the applicable standards of BMC Title 17 or 18.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

"Substantial improvement" means, as applied to an existing structure, any remodeling, repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the fair market value of the structure either: (1) as such value exists before the improvement is started; or (2) if the structure has been damaged and is being restored, as such value existed before the damage occurred. Substantial improvement commences when the first (1st) alteration of any wall, ceiling, floor, or other structural part of a structure begins, whether or not that alteration affects the external dimensions of the structure. The term does not include either a project for improvement of a structure to correct existing violations of state or local

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health, sanitary, or safety code specifications which have been identified by the appropriate code enforcement official and which are the minimum necessary to assure safe living conditions or to any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

"Surveyor" means a land surveyor who is registered in the state.

"Temporary structure" means a structure that can easily be dismantled by one (1) person in one (1) day, or could be moved with human labor without the aid of mechanical lifting equipment. Examples of temporary structures are tents, fish-drying racks, dog houses, and small storage boxes.

"Through or double-frontage lot" means a lot other than a corner lot with frontage on more than one (1) street.

"Topographic map" means a map showing the land form by the use of contour lines.

"Tract" means an area within a subdivision that has been identified as a tract, but which is not a lot located within a numbered or lettered block and is not identified as a block.

"Triplex" means a structure involving three (3) attached common wall dwelling units, each unit designed for occupancy by one (1) family, for ownership, lease or rental.

"Use" means the purpose for which any land, structure, or building is arranged, designed, intended, occupied, or maintained.

"Used" or "occupied" as applied to any land or structure shall be construed to include the phrase "intended, arranged or designed to be used or occupied."

"Vacation" means the act of making legally void the public interest or rights in a dedicated right-of-way, easement, public area or other dedicated public interest.

"Variance" means permission to depart from the literal standards or requirements of certain provisions of BMC Titles [15](#) through [18](#) granted pursuant to Chapter [18.64](#) BMC or, when applicable, BMC [15.08.260](#).

"Vehicle" means any mechanical device for carrying passengers, goods or equipment, usually moving on wheels or runners, such as a car, bicycle, sled or snow machine.

"Walkway" means a right-of-way, dedicated to public use, which crosses within a block to facilitate pedestrian access to adjacent streets and properties.

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“Warranty” means a guarantee by the subdivider that the completed public improvement, accepted by the city, is free of defects in materials and workmanship and shall remain in good condition during the warranty period.

“Water area” means an area that is regularly or always occupied by water, whether standing, flowing or frozen.

“Water connection” means that part of the water distribution system connecting a water main with the lot line of the property to be furnished water service.

“Water-dependent” means a use or structure for commerce or industry that is dependent on the water by reason of the intrinsic nature of its operations and which cannot exist in any other locations.

“Water facilities” means all water mains, water connections, pumps, valves, fire hydrants, heating and electrical facilities, storage tanks and other parts of the city or a community water system.

“Water main” means that part of the water distribution system intended to directly or indirectly serve more than one (1) water connection.

“Zero lot line” means a development approach in which a building is sited on one (1) or more lot lines with no yard on at least one (1) side.

SECTION 3. Amendment. Bethel Municipal Code Chapters 18.32 Zoning, Residential District-R District. New language is underlined and old language is stricken.

Chapter 18.32 RESIDENTIAL DISTRICT – R DISTRICT

Sections:

18.32.010	Intent.
18.32.020	Permitted and principal uses and structures.
18.32.030	Conditional uses.
18.32.040	Minimum lot size.
18.32.050	Minimum setback requirements.
18.32.060	Maximum height of structures.
18.32.080	Noise.

18.32.010 Intent.

The intent of the residential district is to provide protection to residential areas from encroachment from nonresidential activities.

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18.32.020 Permitted and principal uses and structures.

The following are permitted and principal uses and structures in the R district:

- A. Trails and boardwalks.
- B. Nonmotorized public access areas to the Kuskokwim River or other areas that require public access.
- C. Single-family dwelling units.
- D. Duplex uses.
- E. Greenbelts and land reserves.
- F. Subsistence activities.
- G. Any accessory use or structure associated with the principal use or structure on the lot. The use of a freezer van for any purpose is specifically prohibited; except, during the construction or substantial improvement of the primary structure on a lot, a freezer van used solely for storage of construction materials and equipment may be located on the lot for a period not to exceed twelve (12) months unless, for good cause shown, the time is extended in writing by the land use administrator.
- H. The facilities of sewer, water and other utilities required to serve the lots in the district.
- I. Home occupations, but not more than two (2) per dwelling unit.
- J. A bed and breakfast homestay as an accessory use to the principal structure.

18.32.030 Conditional uses.

The following uses and structures are permitted in the R district under the terms of a conditional use permit.

- A. Triplex and residential apartment buildings.
- B. Planned unit developments.
- C. Professional offices.
- D. Parks, playfields, and playgrounds.

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- E. Churches and synagogues, along with the customary accessory uses, including administrative offices, parsonages, day nurseries, kindergartens and meeting rooms.
- F. Headquarters or administrative offices for charitable organizations and similar quasi-public organizations of a noncommercial nature.
- G. Radio and television transmission towers and antennas, not including amateur radio and citizen band radio antennas that are accessory to a residential use.
- H. Food and beverage sales.
- I. Personal services.
- J. The facilities of sewer, water and other utilities required to serve lots outside the district.

18.32.090 Bed and Breakfast Homestay

A. A bed and breakfast homestay may be allowed as an accessory use to a residential use provided that the use of the guest rooms for the bed and breakfast homestay is clearly incidental and subordinate to the use for residential purpose by its occupants.

B. Use Specific Standards

1. Definition. A bed and breakfast homestay as defined in 16.12.030

2. General Standards

a. The host-operator of the bed and breakfast homestay shall establish and maintain the single-family or duplex as his or her primary domicile at all times while it is operated as a bed and breakfast homestay.

b. A bed and breakfast homestay may have up to three guest rooms. In the case of a duplex, the total number of bed and breakfast homestay guest rooms for the entire duplex cannot exceed three guest rooms. The guest rooms will have no more than three occupants per guest room.

c. All structures are subject to all dimensional requirements of the R (residential) zoning district as outlined in 18.32.

d. The accessory use shall protect and maintain the integrity of the residential neighborhood. A bed and breakfast homestay shall not detract

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from the principal use and shall not place a burden on any private or public infrastructure (i.e. streets or utilities) greater than anticipated from permitted development.

e. An operational fire extinguisher, smoke detectors (one per guest room plus one in each hallway) and carbon monoxide detectors shall be provided.

f. Operable egress windows must be in each guest room.

C. Parking. One off-street parking space per guest room in addition to the parking spaces required for the principal dwelling unit is required for the bed and breakfast homestay. The required parking must occur on site and meet all design standards requirements set forth in 18.48.180. Landscaping or other screening structure may be required by the Planning Manager to buffer parking from abutting homes.

D. Plan Review Permit. A bed and breakfast homestay shall require a plan review permit form that is created by the City Planning Department . An application for a bed and breakfast homestay shall not be complete unless it is accompanied by proof of current business license and a site plan and building floorplans for each level with the guest rooms identified. Prior to the issuance of a permit, the City Planning Manager or his/her designee will inspect the bed and breakfast homestay for compliance with the submitted plans. The Owner will be required to submit an affidavit on a form created by the City Planning Department yearly to verify the plans for the bed and breakfast homestay have not changed since the original approval.

E. Violations – Enforcement

1. The Owner of the bed and breakfast homestay is responsible for compliance with all provisions of this chapter and failure of the Owner to comply with this chapter will be deemed noncompliance by the Owner. The City Planning Manager may revoke or void any approval for the bed and breakfast homestay.

2. Remedies and penalties for violations under this chapter are provided in BMC Chapter 18.84 and this section. The following conduct shall constitute a violation for which the referenced penalties may be imposed, or permit revoked:

a. noncompliance with any of the requirements in this chapter.

b. noncompliance with conditions imposed by the City Planning Manager.

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c. Failure to comply with a notice of violation/citation and/or pay fines imposed pursuant this subsection.

d. Failure to remit city sales tax or submit a report as required by BMC Chapter 4.16.

e. The occupants of the bed and breakfast homestay have created noise, disturbances, or nuisances, in violation of the BMC or state law pertaining to consumption of alcohol or the use of illegal drugs.

3. Evidence of Violation.

a. Advertising of any kind by an owner or agent that offers a residential dwelling unit as a bed and breakfast homestay, as defined and regulated in this chapter, shall constitute prima facie evidence of the operation of a bed and breakfast homestay. The burden of proof shall be on the owner to establish that the subject property is being used as a legal bed and breakfast homestay or is not in operation.

b. Other evidence of operation of a bed and breakfast homestay without a valid permit may include, but not limited to, occupant testimony, rental agreements, advertisements, and receipts or bank statements showing payments to owner by an occupant.

4. Penalties. The penalties for violations specified in this chapter shall be subject to 16.04.050,

5. Complaints and Corrections of violations. Complaints and violations shall be in accordance to 18.84.020 and 18.84.030.

a. Revocation. If the violation results in the revocation of the approval for the bed and breakfast homestay, the written notice will set the ground upon which the permit was revoked, the date and time when the revocation is effective, and the appeals procedure. These provisions do not preclude the City Planning Manager's use of any other remedy prescribed by law with respect to violation of this chapter.

6. Application for Permit after Revocation. A person who has had a bed and breakfast homestay approval revoked shall not be permitted to apply for a subsequent bed and breakfast homestay for a period of one year from the date of revocation.

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7. Appeals. Appeals of an action made pursuant this chapter must be filed in accordance with BMC Chapter 18.72.

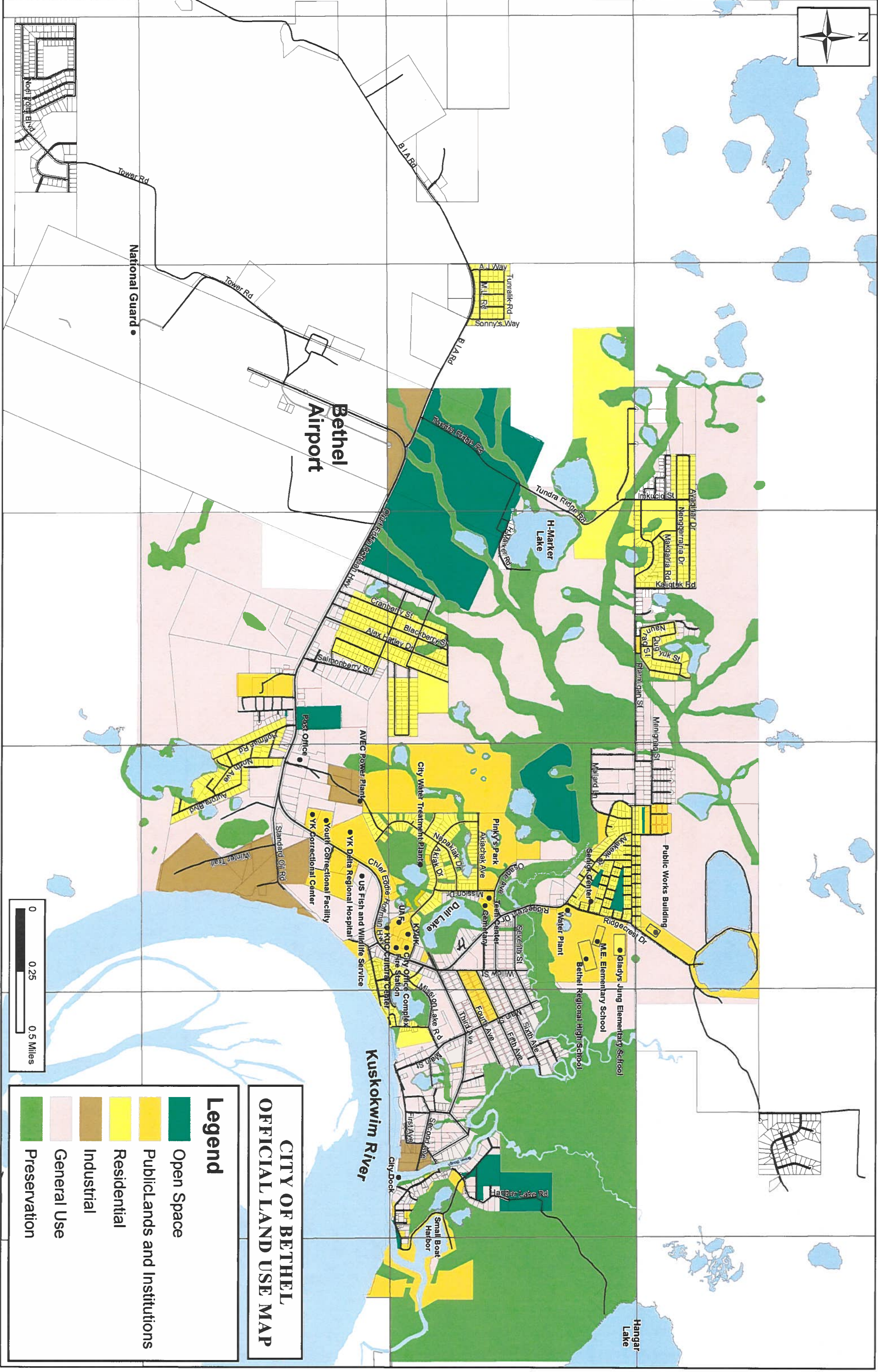
SECTION 4. Effective Date. This ordinance shall become effective September 1, 2021.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL, ALASKA
THIS __ DAY OF XXXX 2020 BY A VOTE OF _ IN FAVOR AND _ OPPOSED.**

Perry Barr, Mayor

ATTEST:

Lori Strickler, City Clerk



**CITY OF BETHEL
OFFICIAL LAND USE MAP**

Legend

- Open Space
- Public Lands and Institutions
- Residential
- Industrial
- General Use
- Preservation

Chapter 18.76

AMENDMENTS TO THE OFFICIAL MAP AND LAND USE CODE

Sections:

- 18.76.005 Status of actions.**
- 18.76.010 Initiation of text amendments and land use map modifications.**
- 18.76.020 Application.**
- 18.76.030 Hearing and notification.**
- 18.76.040 Staff review.**
- 18.76.050 Planning commission hearing.**
- 18.76.060 City council hearing.**

18.76.005 Status of actions.

Requests for amendments to the text of the land use code or amendments to the official map are requests for legislative actions. The actions of the planning commission in recommending for or against requested amendments is legislative and policy-making in nature. An applicant who is a property owner does not have a right to a requested amendment, but has only the right to have the application heard by the planning commission and, if a timely request is filed upon a rejection by the planning commission, to have an ordinance that would implement the requested amendment transmitted to the city council for its consideration for rejection or introduction and hearing. The requirement for planning commission hearings is to provide an opportunity for broad public input and does not create a due process right in the applicant or a property owner. The requirements for findings, support and reasons is for the purpose of communicating the commission rationale for the policy decision it made or followed in taking its action on the applications. The lack of findings, support or reasons does not invalidate a planning commission action under this chapter. The requirements for hearings, findings, support and reasons do not change the nature or substance of the proceeding under this chapter from legislative to quasi-judicial or quasi-administrative. [Ord. 01-05 § 8.]

18.76.010 Initiation of text amendments and land use map modifications.

An amendment to any portion of the text of this title or of the official land use map may be initiated by application from any of the following:

- A. The city council;
- B. The planning commission;
- C. Any citizen, group of citizens, firm or corporation residing, owning, or leasing property in the city;

D. The manager. [Ord. 01-05 § 8.]

18.76.020 Application.

- A. An application for an amendment to any portion of the text of this title shall be made by filing a written request with the planning department. The application shall request the planning commission review the proposed change in this title. The application shall specifically state the proposed change and the rationale for the change including how the change would further the goals and objectives and better implement the comprehensive plan. The application shall also include the fee as established by resolution by city council.
- B. An application for an amendment to the official land use map to change a district designation or boundary shall contain:
1. A description of the land area to be redesignated, the requested new designation, along with the existing designation of the area proposed for redesignation and of the areas on all adjacent sides of the area proposed for redesignation;
 2. A written statement of justification for the redesignation setting out the facts that show that the redesignation proposed is consistent with the comprehensive plan and furthers its goals and objectives, and showing that one (1) or more of the following conditions exist:
 - a. Changing area conditions;
 - b. Error in original land use designation;
 - c. Demonstrated suitability of the area for the uses that would be authorized as principal and conditional uses under the new designation and the compatibility of the potential new uses with established uses within the existing district and property abutting the area proposed for redesignation;
 3. A description of the structures and uses within three hundred (300) feet of the boundary of the proposed area of change, in all directions, and the effects of the potential uses upon the adjacent areas;
 4. The fee as established by resolution of the city council.
- C. A request by the city council, the planning commission or the manager for an amendment to the text or map need not meet the fee or content requirements of subsections A and B of this section but must clearly describe the amendment requested. [Ord. 01-05 § 8.]

18.76.030 Hearing and notification.

- A. Upon receipt of a complete application for an amendment to the text of this title or to the official map, the land use administrator shall set a date for a public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed text or map amendment shall be published once a week for at least two (2) consecutive weeks preceding the public hearing in a newspaper of general circulation in the city or posted at City Hall and in at least three (3) public places at least two (2) weeks before the public hearing. If notice is published in a newspaper, the last publication shall be on the day of the hearing or any day that is within fourteen (14) days of the hearing. The notice shall also be delivered to a local radio station five (5) days prior to the scheduled hearing for use on public announcements. The notice shall include a brief description of the amendment or redesignation. Failure to provide one (1) or more of the forms of notice does not invalidate action of the planning commission on the matter so long as there is substantial compliance with either the posting or the publication requirement.

C. If an amendment of the official map is involved and the area proposed for redesignation is small or involves only a few lots, the planning administrator should, but is not required to, send written notice of the hearing to owners of land that is within three hundred (300) feet of the boundaries of the area proposed for redesignation and may send notice to owners of land beyond the three-hundred- (300-) foot boundary. [Ord. 01-05 § 8.]

18.76.040 Staff review.

A. The planning department shall evaluate the application for amendment to the text of this title and shall conduct such investigations as may be relevant. The planning department may only make a recommendation for approval with the following findings:

1. The proposed amendment will be consistent with the comprehensive plan and will further specific goals and objectives of the plan;
2. The proposed amendment will be fair and reasonable to implement and enforce;
3. The proposed amendment will enhance the stated purpose of this title of promoting the public health, safety and welfare of the present and future inhabitants of the city;
4. The proposed amendment will be consistent with the intent and wording of the other provisions of this title.

B. The planning department shall make such investigations as are relevant and evaluate the proposed amendments to the official map. The department shall submit its analysis and recommendations to the planning commission along with findings consistent with its recommendations. The department may only recommend approval of the map amendment if it makes and supports the following findings:

1. The proposed redesignation will be consistent with and further the goals and objectives of the comprehensive plan;
2. If applicable, that the proposed redesignation is better suited to the area because either the conditions have changed in the area to be redesignated since the present designation was assigned, or the area was previously assigned an inappropriate zoning district designation;

3. The principal and conditional uses permitted in the proposed redesignated area will be compatible with the principal and conditional uses permitted in the surrounding area for a one-thousand- (1,000-) foot radius considering factors such as distance, topography, materials, screening, actual and potential development, comprehensive plan designations, and other relevant factors;
4. The area proposed to be redesignated either constitutes an expansion of an area of the same designation or is at least two (2) acres in size;
5. The existing or proposed water, sewage and transportation systems are adequate to serve the principal and conditional uses permitted in the proposed redesignation. [Ord. 01-05 § 8.]

18.76.050 Planning commission hearing.

A. The land use administrator or other representatives of the planning department and interested persons shall be heard at the hearing on the amendment application. The planning commission may adjourn the hearing from day to day. After the hearing is closed, the commission shall consider the merits of the application. The commission shall only consider:

1. The application for text or map amendment and accompanying materials submitted by the applicant;
2. The planning department's report which shall include the analysis, findings and recommendation of the planning department;
3. Written comments and material submitted prior to the public hearing; and
4. Verbal comments made and written materials received at the public hearing.

B. The planning commission may approve the application, modify and approve the application, or deny the application. Notwithstanding other quorum or voting requirements that may apply to planning commission actions, a commission approval or recommendation of approval of a text or map amendment application is effective only if the motion receives the number of affirmative votes equal to a majority of the authorized membership of the commission.

C. If the planning commission approves the application without modifications it shall set out its findings and the factual support for its findings. For this purpose, it may adopt, or modify and adopt, the findings and support of the planning department as its own findings and support. The commission findings must meet the requirements of BMC [18.76.040\(A\)](#) or (B), as appropriate, if it recommends approval of the application.

D. The planning commission may modify the application and approve the application as modified. If it approves the application as modified, it shall set out its findings and the factual support for its findings. It may incorporate from the planning department's findings and support those findings and support that are appropriate to the modified application approved by the commission. The commission findings must meet the requirements of BMC [18.76.040\(A\)](#) or (B), as appropriate, if it recommends approval of a modified application.

E. If the planning commission approves the application or a modified application, the planning department shall draft and forward to the manager for introduction at the next regular city council meeting an ordinance making the amendments as approved by the commission. If the approved application was for a map amendment, there shall be included as an attachment or exhibit to the ordinance a map or drawing that accurately depicts the area that is subject to the redesignation. The application and all reports, recommendations, maps, correspondence and other documentary evidence shall be provided to the city council with the application and the planning commission's findings and support.

F. If the planning commission denies the application, the members of the commission that voted against the proposal shall set out the deficiencies and negative factors of the proposal that they believe justify the denial.

G. If the planning commission recommends denial of any proposed text or map amendment (including a failure to recommend), the denial will be considered a final decision of the planning commission. Within ten (10) days of the date of the decision, the applicant may file a written application with the city clerk requesting that the proposed amendment be considered by the city council. The city clerk shall then request the land use administrator to submit an ordinance that would effect the proposed amendment and any additional application materials for the proposed amendment, including the written record before commission and the commission decision and findings. The ordinance and materials shall be forwarded to the city council which may, in its discretion, take such action on the ordinance as it believes appropriate. [Ord. 01-05 § 8.]

18.76.060 City council hearing.

An ordinance transmitted to the city council pursuant to this chapter may be rejected by the council or introduced and set for a public hearing. The ordinance is subject to the procedural requirements of other ordinances. [Ord. 01-05 § 8.]

The Bethel Municipal Code is current through Ordinance 21-32, passed June 22, 2021.

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Chapter 18.76

AMENDMENTS TO THE OFFICIAL MAP AND LAND USE CODE

Sections:

- 18.76.005** **Status of actions.**
- 18.76.010** **Initiation of text amendments and land use map modifications.**
- 18.76.020** **Application.**
- 18.76.030** **Hearing and notification.**
- 18.76.040** **Staff review.**
- 18.76.050** **Planning commission hearing.**
- 18.76.060** **City council hearing.**

18.76.005 Status of actions.

Requests for amendments to the text of the land use code or amendments to the official map are requests for legislative actions. The actions of the planning commission in recommending for or against requested amendments is legislative and policy-making in nature. An applicant who is a property owner does not have a right to a requested amendment, but has only the right to have the application heard by the planning commission and, if a timely request is filed upon a rejection by the planning commission, to have an ordinance that would implement the requested amendment transmitted to the city council for its consideration for rejection or introduction and hearing. The requirement for planning commission hearings is to provide an opportunity for broad public input and does not create a due process right in the applicant or a property owner. The requirements for findings, support and reasons is for the purpose of communicating the commission rationale for the policy decision it made or followed in taking its action on the applications. The lack of findings, support or reasons does not invalidate a planning commission action under this chapter. The requirements for hearings, findings, support and reasons do not change the nature or substance of the proceeding under this chapter from legislative to quasi-judicial or quasi-administrative. [Ord. 01-05 § 8.]

18.76.010 Initiation of text amendments and land use map modifications.

An amendment to any portion of the text of this title or of the official land use map may be initiated by application from any of the following:

- A. The city council;
- B. The planning commission;
- C. Any citizen, group of citizens, firm or corporation residing, owning, or leasing property in the city;

D. The manager. [Ord. 01-05 § 8.]

18.76.020 Application.

A. An application for an amendment to any portion of the text of this title shall be made by filing a written request with the planning department. The application shall request the planning commission review the proposed change in this title. The application shall specifically state the proposed change and the rationale for the change including how the change would further the goals and objectives and better implement the comprehensive plan. The application shall also include the fee as established by resolution by city council.

B. An application for an amendment to the official land use map to change a district designation or boundary shall contain:

1. A description of the land area to be redesignated, the requested new designation, along with the existing designation of the area proposed for redesignation and of the areas on all adjacent sides of the area proposed for redesignation;
2. A written statement of justification for the redesignation setting out the facts that show that the redesignation proposed is consistent with the comprehensive plan and furthers its goals and objectives, and showing that one (1) or more of the following conditions exist:
 - a. Changing area conditions;
 - b. Error in original land use designation;
 - c. Demonstrated suitability of the area for the uses that would be authorized as principal and conditional uses under the new designation and the compatibility of the potential new uses with established uses within the existing district and property abutting the area proposed for redesignation;
3. A description of the structures and uses within three hundred (300) feet of the boundary of the proposed area of change, in all directions, and the effects of the potential uses upon the adjacent areas;
4. The fee as established by resolution of the city council.

C. A request by the city council, the planning commission or the manager for an amendment to the text or map need not meet the fee or content requirements of subsections A and B of this section but must clearly describe the amendment requested. [Ord. 01-05 § 8.]

18.76.030 Hearing and notification.

A. Upon receipt of a complete application for an amendment to the text of this title or to the official map, the land use administrator shall set a date for a public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed text or map amendment shall be published once a week for at least two (2) consecutive weeks preceding the public hearing in a newspaper of general circulation in the city or posted at City Hall and in at least three (3) public places at least two (2) weeks before the public hearing. If notice is published in a newspaper, the last publication shall be on the day of the hearing or any day that is within fourteen (14) days of the hearing. The notice shall also be delivered to a local radio station five (5) days prior to the scheduled hearing for use on public announcements. The notice shall include a brief description of the amendment or redesignation. Failure to provide one (1) or more of the forms of notice does not invalidate action of the planning commission on the matter so long as there is substantial compliance with either the posting or the publication requirement.

C. If an amendment of the official map is involved and the area proposed for redesignation is small or involves only a few lots, the planning administrator should, but is not required to, send written notice of the hearing to owners of land that is within three hundred (300) feet of the boundaries of the area proposed for redesignation and may send notice to owners of land beyond the three-hundred- (300-) foot boundary. [Ord. 01-05 § 8.]

18.76.040 Staff review.

A. The planning department shall evaluate the application for amendment to the text of this title and shall conduct such investigations as may be relevant. The planning department may only make a recommendation for approval with the following findings:

1. The proposed amendment will be consistent with the comprehensive plan and will further specific goals and objectives of the plan;
2. The proposed amendment will be fair and reasonable to implement and enforce;
3. The proposed amendment will enhance the stated purpose of this title of promoting the public health, safety and welfare of the present and future inhabitants of the city;
4. The proposed amendment will be consistent with the intent and wording of the other provisions of this title.

B. The planning department shall make such investigations as are relevant and evaluate the proposed amendments to the official map. The department shall submit its analysis and recommendations to the planning commission along with findings consistent with its recommendations. The department may only recommend approval of the map amendment if it makes and supports the following findings:

1. The proposed redesignation will be consistent with and further the goals and objectives of the comprehensive plan;
2. If applicable, that the proposed redesignation is better suited to the area because either the conditions have changed in the area to be redesignated since the present designation was assigned, or the area was previously assigned an inappropriate zoning district designation;

3. The principal and conditional uses permitted in the proposed redesignated area will be compatible with the principal and conditional uses permitted in the surrounding area for a one-thousand- (1,000-) foot radius considering factors such as distance, topography, materials, screening, actual and potential development, comprehensive plan designations, and other relevant factors;
4. The area proposed to be redesignated either constitutes an expansion of an area of the same designation or is at least two (2) acres in size;
5. The existing or proposed water, sewage and transportation systems are adequate to serve the principal and conditional uses permitted in the proposed redesignation. [Ord. 01-05 § 8.]

18.76.050 Planning commission hearing.

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D. The planning commission may modify the application and approve the application as modified. If it approves the application as modified, it shall set out its findings and the factual support for its findings. It may incorporate from the planning department's findings and support those findings and support that are appropriate to the modified application approved by the commission. The commission findings must meet the requirements of BMC [18.76.040\(A\)](#) or (B), as appropriate, if it recommends approval of a modified application.

- E. If the planning commission approves the application or a modified application, the planning department shall draft and forward to the manager for introduction at the next regular city council meeting an ordinance making the amendments as approved by the commission. If the approved application was for a map amendment, there shall be included as an attachment or exhibit to the ordinance a map or drawing that accurately depicts the area that is subject to the redesignation. The application and all reports, recommendations, maps, correspondence and other documentary evidence shall be provided to the city council with the application and the planning commission's findings and support.
- F. If the planning commission denies the application, the members of the commission that voted against the proposal shall set out the deficiencies and negative factors of the proposal that they believe justify the denial.
- G. If the planning commission recommends denial of any proposed text or map amendment (including a failure to recommend), the denial will be considered a final decision of the planning commission. Within ten (10) days of the date of the decision, the applicant may file a written application with the city clerk requesting that the proposed amendment be considered by the city council. The city clerk shall then request the land use administrator to submit an ordinance that would effect the proposed amendment and any additional application materials for the proposed amendment, including the written record before commission and the commission decision and findings. The ordinance and materials shall be forwarded to the city council which may, in its discretion, take such action on the ordinance as it believes appropriate. [Ord. 01-05 § 8.]

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Sent to kyuk:

The public is invited to participate in the July 15, 2021 Planning Commission Public hearing at 6:30pm at the ONC Multipurpose Building regarding a proposed ordinance to allow Bed & Breakfasts in all residential zoning districts. You can join us virtually via Zoom or in person. Please visit our website under the planning commission at www.cityofbethel.org. Masks and social distancing are required for in person participation.



PLANNING COMMISSION

PUBLIC HEARING NOTICE

Purpose: Review and recommendation of a proposed ordinance amending the Bethel Municipal Code to adopt short term rental provisions in the Residential Zone.

City of Bethel Contact: Ted Meyer, City Planner phone 907-543-5306/5301 or email: planning@cityofbethel.net

Time & Place: July 15, 2021 at 6:30 pm. In person public meetings are now being held at the ONC Multi-Purpose Building or virtually through Zoom. To join the meeting on Zoom, follow these instructions:

1. Go to the website: <https://zoom.us/join> User ID: 929 6930 4454 Passcode: 109277

OR

2. teleconference: choose one of the following numbers if one does not work use the next number
+1 669 900 9128 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston)
+1 646 558 8656 US (New York) +1 301 715 8592 US (Washington D.C) +1 312 626 6799 US
(Chicago) 877 853 5257 US Toll-free 888 475 4499 US Toll-free 833 548 0276 US Toll-free 833
548 0282 US Toll-free User ID: 929 6930 4454 Participant ID: press # Passcode: 109277
(note: press *6 to mute/unmute phone).

Masks and social distancing are required for in person participation.

A handwritten signature in black ink that reads "Ted Meyer". The signature is written in a cursive style and is positioned above a horizontal line.

Ted Meyer, Planning Director

I hereby certify that this Notice of Hearing – Conditional Use Permit application to construct a triplex in the residential use zone – has been posted at the ONC Multipurpose Building, Post Office, AC and Swanson’s Bulletin Boards on or before July 2, 2021. It is further certified that this Notice has been published in the Delta Discovery July 7 & 14, 2021 publications.



City of Bethel

Planning Department

P.O. Box 1388

Bethel, Alaska 99559

(907) 543-5306

Memo

TO: City of Bethel Planning Commission

FROM: Ted Meyer, Planner

SUBJECT: July 15, 2021 Planning Commission Hearing - Findings and Recommendation for a Conditional Use Permit Application for a Proposed Marijuana Retail Store in the General Use Zone, Submitted by Alex Wasierski and Brian Glasheen.

DATE: July 15, 2021

BACKGROUND

Alex Wasierski and Brian Glasheen, dba Good Vibes, seek a Conditional Use Permit to open a retail marijuana store to be located in the General Use Zoning District at 323 Chief Eddie Hoffman Highway (Chief Eddie Hoffman Highway) in Bethel, Alaska. Per *Bethel Municipal Code 18.36.030(H)*, a Conditional Use Permit is required to open a marijuana retail store in the General Use District.

The Conditional Use Permit provides additional review of land uses which are generally considered appropriate in certain zoning districts provided that appropriate safeguards are considered to ensure their compatibility with permitted principal uses. The conditional use permit procedure is intended to allow more scrutiny on the impact of the proposed conditional use on surrounding property, and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area.

BMC 18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address

drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection **B** of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment.

The division of a municipality into zoning districts for particular uses are designed to serve the general welfare of the community. Zoning ordinances divide a city into separate residential, commercial (General Use), and industrial districts, thereby preserving the desirable characteristics of each type of setting.

Permitting a commercial business such as a marijuana retail store inside the General Use District, a mixed-use district, may generally not be detrimental to the public health, safety, and welfare. But the store's abutting proximity to the residences to the rear and side require additional scrutiny from the planning Commission regarding neighborhood compatibility, which is the subject of this hearing.

Planning staff contacted both Police and Fire Departments for comments regarding the proposed store and its location. There was no negative feedback from either.

BMC 5.10.030 (J) Marijuana Regulation (see attached), refers to the proximity of marijuana sales to certain establishments such as a school, licensed day care, and alcohol inpatient or outpatient treatment facility. There is no school, licensed day care, or alcohol treatment facility within the State standard of 500 feet of the proposed use. As there is no distance stated in the City consideration (***BMC 5.10.030 (J)***), the Planning Department uses the State standard distance of 500 feet from store entrance to church entrance (***see attached State Statute, 3AAC 306.010***). It is 737 feet from the proposed store entrance to Covenant Church entrance.

2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district.

Per ***BMC 18.36.010 (see attached)***, the General Use District is intended to allow a mix of compatible residential and commercial uses. The proposed marijuana retail store is located on Chief Eddie Hoffman Hwy in a narrow strip of the General Use Zone (***see attached Zoning Map***). There is a row of single family housing units immediately to the north of the property on Chief Eddie Hoffman Hwy (Chief Eddie Hoffman Highway) that are included in the General Use Zone as well (***see Photo #1***).

Immediately behind and abutting this narrow strip of GU zoned land is a Residential-zoned district, with all residences in the 600-foot radius of the site. Across the street on the west side of

the highway is a small enclave of Public Land and Institution-zoned land containing the Cultural Center, City Fire Department, City Hall, Courthouse, and KYUK Radio Station ([see Photos 2 & 3](#)).

There are no other commercial establishments in the vicinity. However, there are two vacant lots immediately to the south of the property on Chief Eddie Hoffman Highway ([see Photo #4](#)). The immediate, abutting vacant lot owner has submitted plans for construction of a new restaurant, which if both permits approved, would form a small enclave of commercial properties.

3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities.

The now-vacant lot at 323 Chief Eddie Hoffman Hwy formerly had an abandoned and dilapidated, burnt house on the property. This house was placed on the list of public nuisance structures that was sent to the Planning Commission in February 2021 for prioritization for abatement. The house was demolished in the spring of 2021 by the new owner, AMW Property Management, LLC. The 9,073 square-foot lot was surveyed on May 7, 2021 ([see Photo #5](#)).

The site plan drawing shows a 28-foot x 28-foot building with an 8-foot x 8-foot arctic entry way equaling a total of 880 square feet. There will be one window in the main building area and one window in the arctic entry. The building will have two commercial exterior doors. One door will access the back restricted area and one will access the main retail store area ([see attached architectural drawings](#)).

The proposed retail store will experience short-term customers and parking times. A 24-foot wide driveway will provide access to and from the property from Chief Eddie Hoffman Hwy ([see Photo #6](#)). Although a continuously a busy street, there is currently no traffic problem in the immediate vicinity. It is anticipated that there would be an increase in traffic to the vicinity upon operation startup.

Per *BMC 18.48.160 D(12)*, there is a retail sales and services parking requirement of one space per 300 feet of gross floor area. The gross floor area space of the proposed store is 880 square feet. This square footage would require three (3) parking spaces. As stated on the application, there is a maximum store capacity of eight people, which includes two employees. As seen on the site plan drawing, there are an associated eight (9-foot X 20-foot) parking spaces on the property.

The facility will have a 700-gallon septic holding tank and a 500 gallon exterior water tank. According to the Public Works Department, there are no drainage issues, as long as a drainage ditch is dug at the rear of the property.

4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;

The proposed Conditional Use conforms to the intents and purposes of the land use code that are set out in BMC 16.04.010 (see code directly below.) *Please see #6 directly below for discussion on property values.*

16.04.010 Purposes.

A. In addition to the purposes set out in each title, the purposes of BMC Titles 15, 16, 17, and 18 together are to:

1. Promote a logical growth pattern within the city and the economic extension of public services and facilities;
2. Encourage the most appropriate use of land throughout the city;
3. Reduce congestion in the streets;
4. Enhance safety from fire, flooding and other dangers;
5. Provide adequate light, air and open space;

6. Preserve Property Values;

Planning staff spoke to an Anchorage Appraisal firm regarding any potential impact on property values of residential property that abuts a marijuana retail store. The appraiser stated that there is little evidence today that the marijuana store results in either decreased value or enhanced value of neighboring residences. He added, however, that because the legalized marijuana retail store industry is relatively new, there isn't a lot of evaluation data. He summed things up by saying that a marijuana store should not become a neighborhood nuisance as long as there is good security and lighting systems that will deter break-ins.

7. Prevent the overcrowding of the land;
8. Avoid undue concentration of population;
9. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
10. Assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons;
11. Assure that the burdens placed on public facilities by development are borne by the development;
12. Promote the public health, safety and welfare.

B. BMC Titles 15, 16, 17 and 18 shall be interpreted and administered to complement each other and so as to implement the purposes set out in subsection A of this section. [Ord. 10-15 § 4.]

5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located.

There are six streets located inside the 600-foot radius of 323 Chief Eddi Hoffman Hwy. (*see attached Land Use Map*). Within the 600-foot radius of the proposed marijuana store, these are the following uses:

Chief Eddie Hoffman Highway (West side)

Courthouse	
Radio Station	
City Hall & DMV	
PATC Buildings	
City Fire Dept.	
Storage lot	
Cultural Center	
University	
Vacant lot	2

Chief Eddie Hoffman Highway (East side)

Single Family	6
Church	1
Vacant lots	3

Schwalbe Street

Single Family	1
Abandoned	1

Mission Lake Drive (West side)

Single Family	5
Duplex	1
Triplex	1
10-plex	1
Abandoned	1

Mission Lake Drive (East side)

Single Family	3
Duplex	2
Lot storage	1
Abandoned	1

Weber Circle

Single Family	4
Triplex	4
Abandoned	1

Lind Street (West side)

Single Family	3
---------------	---

Lind Street (East side)

Single Family	3
---------------	---

First Ave (North side)

Single Family	11
Lions Club (nonprofit)	1

First Ave (South side)

Single Family	8
Search & Rescue	1

TOTALS

Residential

Single Family	44
Duplex	3
Triplex	5
10-plex	1

Government, Judicial,

Non-profit	9
------------	---

Vacant lots	5
-------------	---

Abandoned lots	3
----------------	---

The 600-foot radius area consists of residential, government, and non-profit uses (*see attached Land Use Map*). On Chief Eddie Hoffman Highway, a single family residence, immediately to the north, abuts the property (approximately 67-feet away), followed by four other residences and a church proceeding north. Residences abut the property to the rear, or east of the property (closest house is approximately 40-feet away). Currently, there are no other commercial uses in the 600-foot radius of the proposed store. However, there are two vacant lots immediately to the south of the property on Chief Eddie Hoffman Highway, in which the planning department recently received a permit application for a new restaurant to be constructed on the immediate abutting, vacant, property to the south.

The location of the proposed store is on Chief Eddie Hoffman Hwy, the major thoroughfare of Bethel. The proposed store is located in a narrow strip of General Use-zoned (mixed use) properties with a Residential Zone immediately abutting the property to the south.

This General Use designation fronting Chief Eddie Hoffman Highway at the location of the proposed store fits in with the land use pattern of the city in which the General Use Zone is located along the highway, with abutting Residential-Zoned areas located immediately behind. The intent of this is to attract commercial enterprise along the highway frontages, with residential customers residing nearby.

6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan.

The proposed conditional use is in accordance with the Growth Patterns section and the Land Use Compatibility section of the City of Bethel Comprehensive Plan 2035, adopted in 2011.

Goal 2 under “Growth Patterns” (*see attached page 4-8*) encourages future growth to locate near existing employment centers and public services. The proposed store’s location is on the main thoroughfare of Bethel in an area of employment opportunities and public service availability.

Goal #3 under “Land Use Compatibility” (*see attached page 4-11*) provides for compatibility among adjoining land uses so that future development maintains or improves the quality of life or land value of surrounding uses”. The proposed commercial establishment, although located inside the General Use District, at this time, appears to be incompatible with the surrounding neighborhood as there are no other commercial establishments in the vicinity. However, the Planning Department recently received a permit application for construction of a new restaurant on the vacant lot immediately abutting the property to the south on Chief Eddie Hoffman Highway (*see attached Land Use Map*). If both permits are approved, then a small enclave of commercial enterprise would be established at this location along Chief Eddie Hoffman Highway

The proposed conditional use is in accordance with the Comprehensive Plan’s *Future Land Use Plan Map 4.4 (see attached)*. The map shows the property’s location in the Mixed Use Commercial Zone (mix of commercial and residential, fewer constraints on size and character of commercial).

7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions.

The proposed retail store is located on one of the bigger thoroughfares of Bethel. The property has adequate parking and driveway, and should not interfere with vehicles and pedestrians.

Traffic generators in the immediate vicinity include city hall, DMV, courthouse, cultural center. Traffic visits to and from these sites are sporadic. It is not anticipated that the proposed store will generate significant additional traffic.

8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city.

It is anticipated that customers to the proposed Good Vibes retail marijuana store would come from all over the city. This is currently the same for city hall, DMV, courthouse, and Cultural Center. As the proposed store location on Chief Eddie Hoffman Hwy is already a busy street, anticipated, additional traffic to the store should not result in significant impact on traffic.

9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application.

Good Vibes plans to buffer the store from the residential area by installing a 6-foot privacy fence with green slats, completely around the side and rear vegetated perimeters of the property. This will allow store access from the driveway entrance on Chief Eddie Hoffman Highway only. Foot traffic from housing behind the store must walk around to Chief Eddie Hoffman Highway in order to access the store.

The applicant has submitted a security and lighting narrative addressing the proposed use. There will be motion-activated security lights around the entire perimeter of the building. Additionally, all walkways and entrance points will be well lit. The building will have both interior and exterior surveillance cameras recording 24-7. All entrance points to the building will have a motion sensor alarm system. Hours of operation will be from 11am to 8pm.

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC [15.08.160](#) through [15.08.180](#). [Ord. 01-05 § 8.]

The proposed site of the retail store is not in the floodplain.

SUMMARY OF FINDINGS

1. The proposed store is located on Chief Eddie Hoffman Highway on a narrow strip of General Use zoning. Per *BMC 18.36.010*, the General Use District is intended to allow a mix of compatible residential and commercial uses.
2. There are currently no other commercial uses in the 600-foot radius of the proposed store. However, a permit application for development of a restaurant on the abutting property south of the store was recently received by the planning department. If both permits are

approved, the properties would form a small enclave of commercial properties at this point on CEH Hwy.

3. Existing PLI uses across the street on Chief Eddie Hoffman Hwy are a type that attract vehicles and customers from all over the city.
4. The proposed retail store will experience short-term customers and parking times. A 24-foot wide driveway will provide access to and from the property from Chief Eddie Hoffman Hwy. There are adequate parking spaces (eight) shown on the site plan drawing.
5. Although CEH Hwy is a busy street, there is currently no traffic problem in the immediate vicinity. It is anticipated that there would be an increase in traffic to the vicinity upon operation startup.
6. The location of the planned store promotes a logical growth pattern within the city as it is located on a major thoroughfare in the General Use Zone. It is anticipated that customers to the proposed retail marijuana store would come from all over the city.
7. Both Police and Fire Departments had no negative comments regarding the proposed store and its location.
8. The General Use designation fronting Chief Eddie Hoffman Highway at the location of the proposed store fits in with the land use pattern of the city in which the General Use Zone is located along the highway, with abutting Residential-Zoned areas located immediately behind. The intent of this is to attract commercial enterprise along the highway frontages, with residential customers residing nearby.

Recommendation

Recommendation to the Planning Commission

The above findings are consistent with the BMC. However, as the proposed marijuana store is in close proximity to residences, the content of any statements made at the July 15, 2021 Planning Commission hearing from immediate neighbors regarding the proposed Conditional Use may provide another gauge for neighborhood compatibility. In the meantime, I recommend approval of the Conditional Use Permit for Alex Wasierski and Brian Glasheen, dba Good Vibes, to open a retail marijuana store to be located in the General Use Zoning District at 323 Chief Eddie Hoffman Highway

Condition for approval:

Parking spaces must be physically delineated on the property.



CITY OF BETHEL-Planning

P.O. BOX 1388
BETHEL, ALASKA 99559
Phone: (907) 543-5306
Email: planning@cityofbethel.net

Revised
RECEIVED

JUL 07 2021

CITY OF BETHEL

CONDITIONAL USE PERMIT APPLICATION FOR MARIJUANA Bethel Municipal Code 5.10 & 18.60

\$500 Application Fee (new) \$350 Renewal Application Fee Payment type:

Please carefully read instruction and applicable City Code. Fill out forms completely. Attach all information as needed. Incomplete applications will create a delay in the review process. Please note: The City of Bethel will not communicate regarding the application with anyone other than applicant or his/her designated agent. If applicant will be represented by an agent or attorney, proof of consent for representation must be submitted with the application.

I. APPLICANT		APPLICANT'S REPRESENTATIVE (IF ANY)	
NAME (Last Name, First Name) Glasheen, Brian		NAME (Last Name, First Name)	
Mailing Address 1834 Buccaneer Place		Mailing Address	
Contact Phone (Day) 907-545-1144		Contact Phone (Day)	
Cell:		Cell:	
Email: asbpg2@gmail.com		Email:	
PROPERTY OWNER			
Name of Property Owner (if different from Applicant): AMW Property Management LLC			
Phone Number(s)	Home	Work	Cell
907-545-1144			
Email Address amwpmllc@gmail.com			
Mailing Address 1834 Buccaneer Place, Anchorage, AK 99501			

II. PROPERTY INFORMATION

Physical Address	
323 Chief Eddie Hoffman	
Current Legal Description:	
Plat: _____ Survey <u>870</u> Lot <u>5</u> Block <u>4</u> Tract _____	
Existing Zoning Designation	Existing Use
General Use	Vacant Lot

III. MARIJUANA LICENSE INFORMATION

1. Type of License Being Applied for at the State level and for this conditional use permit.	
A. <input checked="" type="checkbox"/> Marijuana Retail Store	
B. <input type="checkbox"/> Marijuana Testing Facility	
C. <input type="checkbox"/> Marijuana Indoor Cultivation	
D. <input type="checkbox"/> Marijuana Outdoor Cultivation	
E. <input type="checkbox"/> Marijuana Standard Product Manufacturing Facility	
F. <input type="checkbox"/> Marijuana Concentrate Manufacturing Facility	
2. Is the proposed license: <input checked="" type="checkbox"/> New <input type="checkbox"/> Transfer of Location: AMCO License #:	
<input type="checkbox"/> Renewal <input type="checkbox"/> Transfer License Location:	
3. Name under which business will be Operated:	
Good Vibes	
4. Are you currently operating a business at this location?	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If yes, please indicate the name of the business, type of business, and the length of time you have been operating:	
5. If you are purchasing an existing business, please indicate the name and if they had a previous marijuana license:	

IV. CONDITIONAL USE DESCRIPTION

1. Please provide a detailed description of the proposed conditional use in order to provide a thorough understanding of the project. (Additional sheets of paper may be attached if necessary).

Good Vibes is the most recent business venture of Alex Wasierski and Brian Glasheen. The vision of Good Vibes is to create a community focused business that provides Bethel with safe, tested, and regulated legal cannabis. Good Vibes plans to open a marijuana retail shop that will be 28' x 28' with an 8'x8' arctic entry equating to 880 sqft. The arctic entry will provide access for the public into the main retail area. The main retail area will be separated from a restricted employee area by glass display cases. The restricted access area and glass cases will be locked at all times. The restricted access area will provide an employee bathroom and office area. There will be 1-2 employees per shift during operating hours. The building size will allow for a maximum of eight occupants including 1-2 employees. Hours of operation are from 11 a.m. to 8 p.m.

Good Vibes is the most recent business venture of Alex Wasierski and Brian Glasheen. The vision of Good Vibes is to create a community focused business that provides Bethel with safe, tested, and regulated legal cannabis. The owners of Good Vibes are long time Bethel residents; Alex was born and raised in Bethel, and Brian moved to Bethel in elementary school. They have a deep understanding of the importance of maintaining a sense of community in Bethel. As part of their business plan, they will provide community outreach programs and classes with the aim of simply bringing people together. Besides being a catalyst for community, Brian and Alex will give back to the community by donating a percentage of proceeds to the ANSEP program. Brian is an ANSEP alumni and is committed to ensuring the youth of Bethel succeed.

Alex and Brian are also long-time business owners in Bethel. They own and operate a construction and property management company that has been in business for over 10 years. This demonstrates their ability to operate a successful business. They understand the ins and outs of running a business in remote Alaska and have a solid business plan to ensure success. By hiring local, Good Vibes will create jobs. Good Vibes will also bring in revenue to the city of Bethel through taxes. This will be money the community can spend as they see fit. Finally, allowing Good Vibes to operate in Bethel will diversify Bethel's economy and increase the available options for the legal purchase of marijuana by adults. When Good Vibes wins, Bethel wins!

Good Vibes understands that adherence to all state and local regulations is a vital part of owning a successful cannabis business. Their business plan includes maintaining health and safety protocols, security surveillance, inventory tracking, and employee training. Alex and Brian are excited and proud to bring Good Vibes to Bethel and look forward to any community comments or concerns on the proposal.

CONDITIONAL USE DESCRIPTION

2. Please comment on any potential project impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property. Discuss thoroughly, any proposed mitigation activities and show on your site map as well.

Chief Eddie Hoffman is the main thruway abutting the property. The minimal traffic from the retail store will have no impact on vehicular traffic circulation.

3. Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to any additional parking spaces to meet BMC 18.48.160 off street parking requirement.

The property is currently a vacant lot, so no parking spaces exist. It is proposed that eight parking spots will be added of which one will be handicap enabled. Eight parking spots will allow two employees and six additional vehicles to be parked on the property. This is adequate parking to meet anticipated traffic and adheres to BMC 18.48.160. There will be adequate room in the parking area to back out of a parking space, turn around, and exit the property onto Chief Eddie Hoffman Highway facing forward in the direction of traffic flow. The parking delineation can be found on the attached plat.

4. Describe existing and any planned access to and from the property. Will there be a safe and efficient flow of traffic to and from the property?

The access will be via a 24-ft drive way that turns of Chief Eddie Hoffman. This will provide safe and efficient flow.

CONDITIONAL USE DESCRIPTION

5. Describe water and sewer facilities and capacities on the property. Discuss existing drainage conditions and any planning improvements.

The facility will have a 700 gallon septic holding tank and will have a 500 gallon exterior water tank. Good Vibes will be working with a civil contractor to ensure proper grade on the lot and seeding the banks to limit erosion. This will ensure proper drainage from the property.

6. Describe what measures and/or special features you propose to minimise potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety, and welfare of nearby structures and residents.

Good Vibes is committed to being a good neighbor and will follow all state laws/regulations regarding retail standards and disposal. All retail activities will be completed indoors. In addition, privacy fencing will be installed surrounding the perimeter. The privacy fencing will provide complete coverage and will be aesthetically pleasing. It will ensure outsiders can not see into the property and provide privacy for patrons. It will also ensure foot traffic only occurs from the designated entrance point. The existing vacant lot has been listed as

7. What are the dimensions of the structure within the proposed use?

28' x 28' main building with an 8' x 8' arctic entry equating to 880 sqft total building.

8. Will any building renovations, remodeling or repairs be completed prior to opening of business? If yes, please describe.

The building will be new construction built by a local general contractor with over 10 years of experience. The building will be single story 28' x 28' stick frame construction with a 8' x 8' arctic entry. The siding and roof will be metal. Siding color will be green and roof will be copper penny. Post and pad foundation will be used for the structure, and there will be a access via metal grip strip stairs and ADA ramp. There will be one window in the main building area and one window in the arctic entry. The building will have two commercial exterior doors. One door will access the back restricted area and one will access the main retail store area. Please see attached architectural drawings for full description of building.

CONDITIONAL USE DESCRIPTION

9. What is the distance to the nearest residence from your planned business?

Please see attached drawing.

10. Is the business located within 200 feet of a church, school, or public playground?

No; it is over 500-ft from the nearest church, school, or public playground.

11. What is the distance to other marijuana facilities?

1/2 mile to the closest marijuana facility.

12. Is the proposed use compatible with the character of the neighborhood? How?

The proposed location for the retail store is zoned for general use, and there are many existing commercial structures along Chief Eddy Hoffman highway. The retail space will be located in an area that is characterized as downtown by Bethel's Comprehensive Plan. The building will be well built and will add to the character of the surrounding properties. The vacant property where Good Vibes plans to build was recently listed as a nuisance property. With the 24-hr surveillance and added security, the retail property will enhance neighborhood safety and aesthetics. The new retail structure will better aligned with the current character of the area than the vacant lot.

V. OPERATIONS PLAN

1. What is the gross square feet leasable floor space?

880-sq ft will be the square footage of the entire building.

2. What is the facility occupant capacity?

8

3. How many restrooms are available/ ADA Assessable?

Restrooms will be for employees only.

4. What are you planned hours of operation?

11 a.m. to 8 p.m.

5. Describe your exterior lighting plan

There will be motion activated security lights around the entire perimeter of the building. Additionally, all walkways and entrance points will be well lit.

OPERATIONS PLAN

6. Describe the security alarm system for the purposed premises.

The property will have both exterior and interior surveillance cameras recording 24-7. Additionally, all entrance points to the building will have a motion sensor alarm system.

7. Specify all means to be used for extracting, heating, washing, or otherwise changing the form of the marijuana plant or for testing any marijuana or marijuana product, including a verification that such plan is in compliance with all applicable federal, state, and local laws and regulations governing ventilation and safety measures for each such process (if applicable).

Not applicable

8. Describe of all toxic, flammable, or other materials regulated by a federal, state, or local government that will be used, kept, or created at the facility, the quantities and location of such materials, and the manner in which such materials will be stored.

Good Vibes will stock and use normal cleaning products which will be stored in a restricted area for employee use only. Lighters will also be stocked and available for purchase. They will be stored behind glass containers visible to the public.

OPERATIONS PLAN

9. Describe the processes that will be used to extract or distill marijuana derivatives from their source and the processes used to incorporate marijuana derivatives into all retail marijuana products produced, including a verification that such processes are in compliance with all applicable federal, state, or local laws or regulation.

Not applicable

10. Describe a plan for ventilation that will be used to prevent any odor of marijuana from dissipating into the area. For marijuana retail and cultivation facilities, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems will operate to prevent any odor leaving the premises. [Ord. 16-18 § 2.]

Good Vibes will be a stand alone building, so there is no risk of marijuana odor contaminating adjacent properties. The entrance to the building will be through two doors further limiting the risk of a marijuana odor from escaping the building. The only raw marijuana exposed in the retail area will be samples. These samples will be contained in double sealed jars and only opened when requested by customers. There will be no cultivation of plants or distillation process that cause a noticeable marijuana odor. Good Vibes is a retail store only, so a ventilation system diagram is not applicable.

VI. MAPPING

1. Provide a detailed map of the property drawn to **scale**. Please include the following:
 - A. Name of property owner and date (in lower right hand corner)
 - B. Map Scale (1 inch= xx feet)
 - C. North arrow
 - D. Property lines with dimensions
 - E. Streets abutting the property with names
 - F. Draw in locations of existing and planned building with dimensions and setbacks from property lines.
 - G. Locations of water and sewer facilities, with capacities.
 - H. Property driveways and vehicle parking areas showing the number of 9'x20' parking spaces
 - I. Indicate access point to and from the property
 - J. Show project mitigation improvements.
2. Provide a map or plat of the general area surrounding the parcel. The map must include street names and notation of the uses and structures that exist on the abutting and nearby lots. List all building and structures located within 600 feet of the property (whether or not owned by applicant):
3. Provide a detailed and scaled floor plan drawing of the interior building.
4. Provide a Google Earth image of property

VII. OWNER'S STATEMENT

1. I hereby apply for approval for a conditional use permit on the above property as described in this application.
2. I understand that all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, 5.10 and 18.60 and with all other applicable State or Federal Laws.
3. The information submitted in this application is accurate, and complete to the best of my knowledge.

Applicant's Signature:

Printed Name: Alex Wasierski

Date: 5/26/2021

If property is owned by someone else other than the applicant, the owner must consent to the application:

Owners Signature:

Printed Name of Owner:

Date:

Mailing address of Owner:

Contact number of Owner:

FOR OFFICAL USE ONLY

For answers that indicate a deficiency, a detailed explanation must be attached and explaining the deficiency and outlining the City's request to the applicant.

1. Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
2. Is there potential negative impact on to the street from which access to and from the land establishment is obtained?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created my issuing the permit?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;	YES <input type="checkbox"/>	NO <input type="checkbox"/>
10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]	YES <input type="checkbox"/>	NO <input type="checkbox"/>

Growth Patterns

GOAL 2: Encourage future growth to locate near existing employment centers and public services. Coordinate plans affecting the location of growth with plans for the location of water, wastewater and roads, as economically feasible.

Strategy 1: Explore policies (including infill and redevelopment) that could be used to encourage development of lands within or adjoining existing developed areas that have the potential to accommodate new growth.

Action 1a: Identify and map areas within or adjoining existing developed areas that have the potential to accommodate new growth; these include vacant or underutilized lands served by roads, with good access to public services and employment.

Candidate areas include:

- *The developed areas of "downtown Bethel."*
- *Undeveloped land immediately adjoining downtown Bethel, for example, the land adjoining the easternmost of the possible "donut hole" road routes – a new north-south road and water/sewer line just west the existing downtown Bethel.*
- *River front land downriver from the existing port, and the vicinity of the East Harbor.*

Action 1b: Review and work to remove barriers that discourage infill and redevelopment (e.g., lack of access to properties, excessive restrictions in the BUC).

Action 1c: Create appropriate incentives for individual landowners to redevelop property and/or carry out infill projects that would otherwise not be feasible.

This might include assisting land owners apply for façade improvement grants, energy-related building upgrades or temporary reductions in taxes (this latter is a strategy that typically applies in communities with property taxes, and may not be possible in Bethel).

Action 1d: Plan for and develop expanded infrastructure, as needed, to support priority uses.

For example, water and sewer lines serving expanded or relocated port facilities.

Policy 1e: Protect the interests of current users as land is redeveloped.

For example, if the City partners with a private developer in redeveloping land currently used for housing, take steps to provide affordable housing available to households currently living on the property.

Strategy 2: Remove regulatory hurdles and/or create incentives for more concentrated development.

Action 2a: Review and revise (as necessary) Bethel's existing parking requirements; where possible, reduce parking requirements and encourage shared parking or access for alternative transportation modes (e.g., pedestrian facilities, public transit).

Public discussion indicated some concern about new retail businesses having adequate off-street parking. BMC Chapter 18.48 Article II. Off-Street Parking and Loading includes parking requirements for all uses. If there is a lack of parking, this code could be revised to require additional spaces. However, if development is concentrated (particularly in central commercial areas) and transportation policies promote alternative modes (e.g., sidewalks for walking or bicycling, legal access for snowmachines), the need for off-street parking can be reduced. Likewise, the need for larger parking areas can be reduced through the use of shared parking arrangements.

Land Use Compatibility

GOAL 3: Provide for compatibility among adjoining land uses, so future development maintains or improves the quality of life or land values of surrounding uses.

Strategy 1: Review and revise Bethel land use regulations.

Action 1a: Examine existing Bethel code and existing land uses; revise and simplify land use designations to better fit the reality of Bethel's mixed use land use patterns.

A first suggestion for these uses includes the following categories:

- *Low density residential areas*
- *Mixed use - residential primary (residential and limited, residential-compatible uses)*
- *Mixed use (mix of commercial & residential, fewer constraints on size and character of commercial).*
- *Industrial/heavy commercial zone,*
- *Public Use*
- *Airport and related uses*

Action 1b: Use the generalized future land use designations in the Land Use Plan Map (Map 4.4), which broadly identifies areas intended for various uses, as the starting point for revising the zoning code in BMC Title 18 (Bethel zoning code).

For example,

- *Low density residential areas. This zone takes in several specific subdivisions, e.g., Tundra Ridge, Larson and Blueberry. In these areas uses should be generally limited to residential uses. Exceptions would be for small home-based businesses with minimal off-site impacts, or perhaps neighborhood serving commercial, such as a small grocery store.*
- *Mixed use. This use is intended to be the most common land use zone, made up of residential and residential-compatible uses. Examples of residential compatible uses include schools and other community serving, non-industrial facilities, and churches, office and professional services uses (e.g. health facilities), and neighborhood-serving commercial*
- *Industrial/Heavy Commercial. This zone is intended for uses that are generally incompatible with residential, and consequently need to be located where they do not disrupt adjoining residential or residential-compatible uses. This zone includes such uses as warehousing, storage, construction-related industries, marine and aviation-related industries. Key industrial locations include the tank farm, the port, the airport and portions of the waterfront between Second Avenue and the waterfront and the airport.*

Action 1c: Modify code to require a conditional use review process for large- scale uses or any other use likely to have significant off-site impacts.

Examples of such projects include a large scale public building, or a private use such as car repair.

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[Statutes, codes, and regulations](#)[Alaska Administrativ...](#)[Article 1 - Licensing; ...](#)

3 Alaska Admin. Code § 306.010

[Download](#)

Current through June 22, 2021

Section 3 AAC 306.010 - License restrictions

(a) The board will not issue a marijuana establishment license if the licensed premises will be located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility. The distance specified in this subsection must be measured by the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer boundaries of the school ground, the outer boundaries of the recreation or youth center, the main public entrance of the building in which religious services are regularly conducted, or the main public entrance of the correctional facility. This section does not prohibit the renewal of an existing marijuana establishment license, a license conversion under 3 AAC 306.047, or the transfer of an existing marijuana establishment license to another person if the licensed premises were in use before the school ground, recreation or youth center, the building in which religious services are regularly conducted, or a correctional facility began use of a site within 500 feet. If an existing marijuana establishment license for premises located within 500 feet of a school ground, a recreation or youth center, a building in which religious services are regularly conducted, or a correctional facility is revoked or expires, the board will not issue another marijuana establishment license for the same premises unless the

Search all cases and statutes...

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(c) The board will not issue a marijuana establishment license when a local government protests an application under 3 AAC 306.060 on the grounds that the applicant's proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the marijuana establishment, unless the local government has approved a variance from the local ordinance.

(d) The board will not issue a marijuana establishment license to a person that

(1) is prohibited under AS 17.38.200(i) from receiving a marijuana establishment license because of a conviction of a felony; if the applicant is a partnership, limited liability company, or corporation, the board will not issue a license if any person named in 3 AAC 306.020(b)(2) is prohibited under AS 17.38.200(i) from obtaining a license: in this paragraph, "conviction of a felony" includes a suspended imposition of sentence;

(2) has been found guilty of

(A) selling alcohol without a license in violation of AS 04.11.010;

(B) selling alcohol to an individual under 21 years of age in violation of AS 04.16.051 or 04.16.052; or

(C) a misdemeanor crime involving a controlled substance, violence against a person, use of a weapon, or dishonesty within the preceding five years; or

(3) has, within two years before submitting an application, been convicted of a class A misdemeanor relating to selling, furnishing, or distributing marijuana or operating an establishment where marijuana is consumed contrary to state law.

3 AAC 306.010

Eff. 2/21/2016, Register 217, April 2016; am 2/21/2019, Register 229, April 2019

Authority: AS 17.38.010

AS 17.38.070

AS 17.38.121

AS 17.38.150

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[Statutes, codes, and regulations](#)[Alaska Administrativ...](#)[Article 1 - Licensing; ...](#)

3 Alaska Admin. Code § 306.010

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Chapter 18.60**CONDITIONAL USE PERMIT (CUP) STANDARDS AND PROCEDURES**

Sections:

- 18.60.010 Authorization.
- 18.60.020 Application.
- 18.60.030 Hearing and notification.
- 18.60.040 Staff review.
- 18.60.050 Planning commission review.
- 18.60.060 Standards for planning commission decision.
- 18.60.070 Lapse of approval.

18.60.010 Authorization.

A. The planning commission may grant a conditional use permit for those uses or structures authorized as a conditional use in the applicable land use district chapter of this title, subject to the standards provided in this chapter. An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. The planning commission has discretion to deny a conditional use permit application if it is not convinced the proposed use is compatible with principal permitted uses, existing neighborhood development, the environment, the comprehensive plan or maintenance of compatible and efficient development patterns.

B. If conditions are imposed on a conditional use permit, the planning commission may delegate authority to the land use administrator to issue the conditional use permit when the conditions have been met. [Ord. 16-27 § 2; Ord. 01-05 § 8.]

18.60.020 Application.

A. The applicant shall complete a conditional use permit application on a form provided by the planning department in which the applicant shall state and describe in narrative:

1. A legal description and street address of the parcel;

2. The names and addresses of the owners of the parcel and of the applicant;
3. A description of the proposed conditional use;
4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;
9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC [15.08.160](#) through [15.08.180](#);
10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.

B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

18.60.030 Hearing and notification.

A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC [18.04.070](#). [Ord. 01-05 § 8.]

18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection **B** of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;
2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;
3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;
4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;

8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;

9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]

18.60.050 Planning commission review

A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.

B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.

C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:

1. The chairperson shall explain the hearing procedure;

2. Planning department staff shall present a staff report and recommendations regarding the subject project;
 3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
 4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
 5. Planning commissioners may ask the applicant any questions they may have about the project;
 6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;
 7. Members of the planning commission may ask any questions of neighbors or other interested persons;
 8. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons;
 9. After the applicant has given rebuttal evidence and summarized, the staff shall be given an opportunity to comment on evidence presented and to make new or amended recommendations.
- D. The planning commission may make a decision to approve, conditionally approve, or deny the project. The commission may also decide to take the matter under advisement or continue the hearing or commission discussion to a future date in order to allow time to acquire more information as needed. The planning commission and the planning staff shall be given the opportunity to comment during and between any of these steps.
- E. The commission shall make a decision based upon the standards specified in BMC 18.60.060. The commission may impose any conditions reasonably necessary for the proposed

use to comply with the standards listed in BMC [18.60.060](#). If the planning commission does not adopt the land use administrator's recommendations and conclusions, it must support its findings with a statement of findings and conclusions, which shall be included in the official minutes of the hearing and in the resolution approving or disapproving the conditional use. [Ord. 01-05 § 8.]

18.60.060 Standards for planning commission decision.

A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC [18.60.040\(B\)\(1\)](#) through (10).

B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:

1. To ensure the public health, safety, and welfare of residents; and
2. To minimize or eliminate adverse impacts on residential property.

C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC [16.04.010](#).

D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought. [Ord. 01-05 § 8.]

18.60.070 Lapse of approval.

A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not

involving substantial improvements to the land, the permit is “exercised” when the use commences and continues for thirty (30) days or more.

B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]

The Bethel Municipal Code is current through Ordinance 19-16, passed August 13, 2019.

Disclaimer: The city clerk’s office has the official version of the Bethel Municipal Code. Users should contact the city clerk’s office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofbethel.org](http://www.cityofbethel.org)

[Code Publishing Company](#)



PHOTO # 1
-LOOKING NORTH ON CETH.

PHOTO #2
- FIRE DEPT.



PHOTO # 3
-CITY Hall



PHOTO # 4
- ABUTTING PROPERTY
IMMEDIATELY to the SOUTH



PHOTO #5
- Surveyed Property



PHOTO #6
-DRIVEWAY





SHEET:

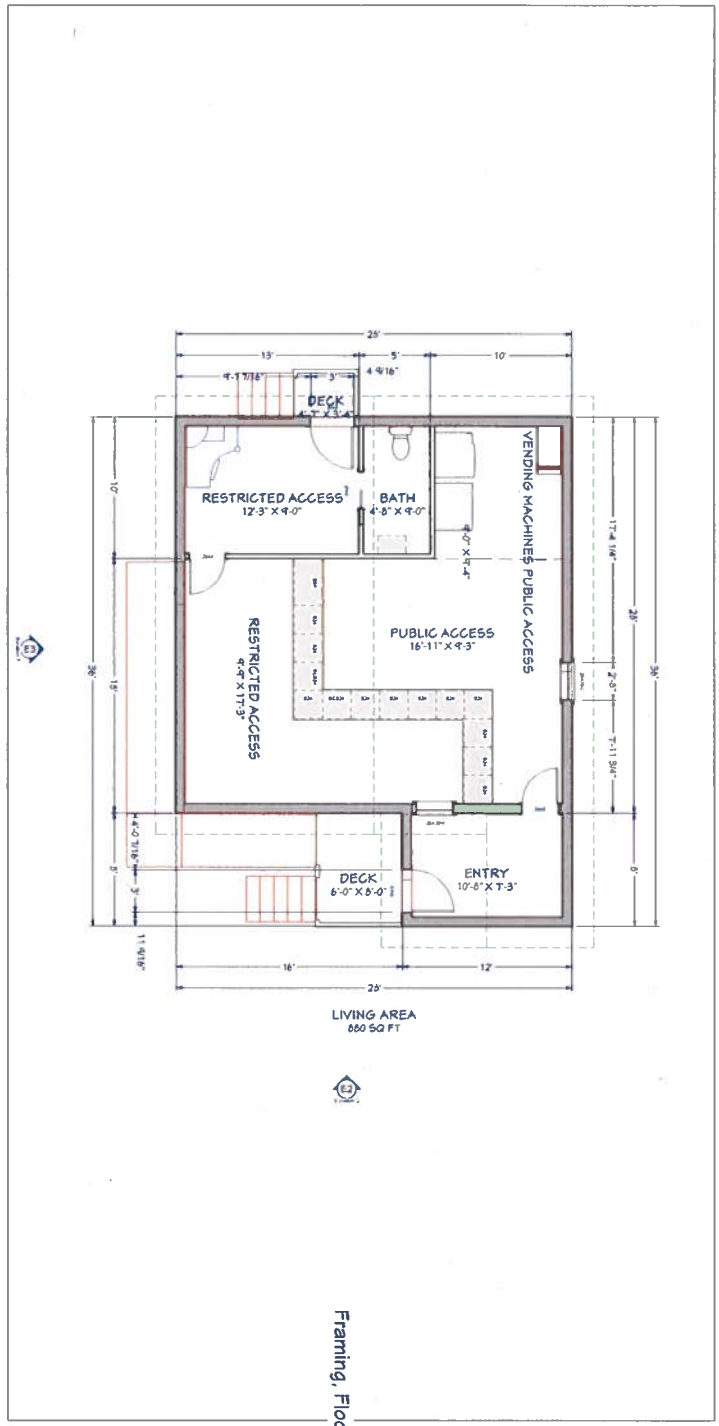
SCALE:

DATE:
5/17/2021

AMW
Construction
Custom Home Builder Est. 2010

Good Vibes
323 Chief
Eddie Hoffman
HY

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION



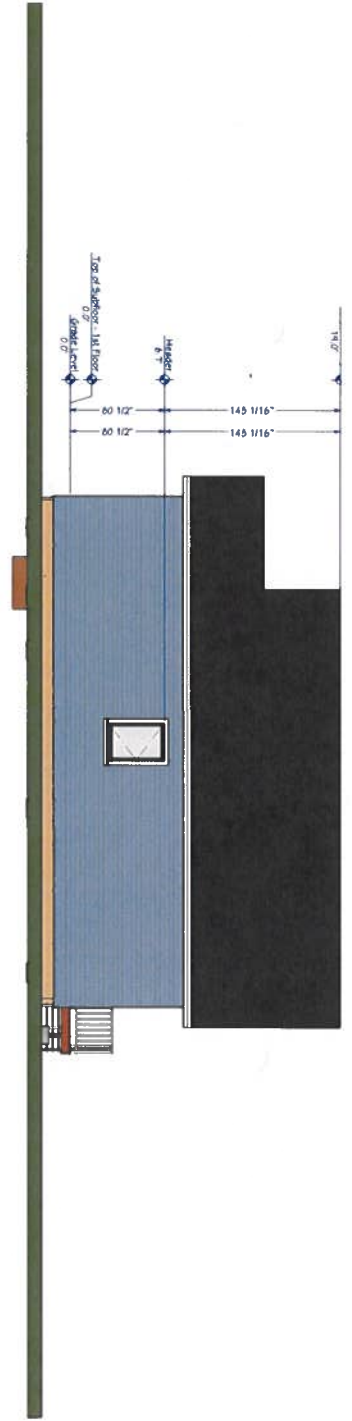
Framing, Floor Plan View

SHEET:
SCALE:
DATE: 5/17/2021

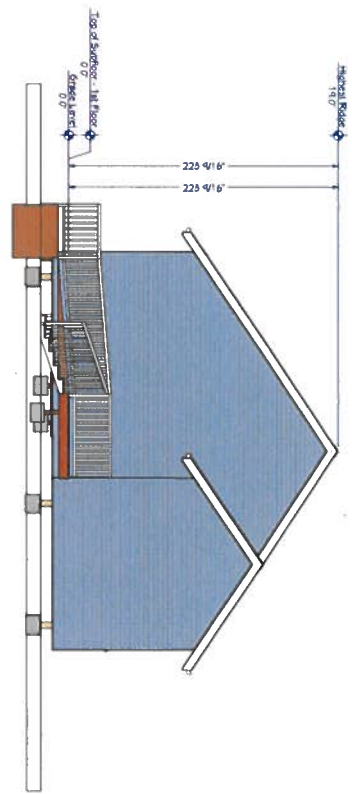
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Construction
Custom Home Builder Est. 2010

Good Vibes
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Eddie Hoffman
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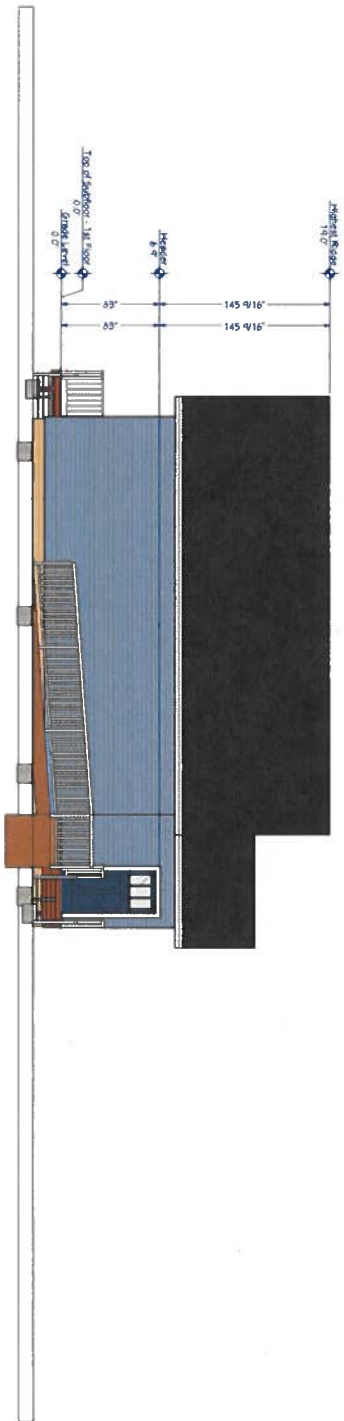
REVISION TABLE		
NUMBER	DATE	DESCRIPTION



Elevation 1



Elevation 2



Elevation 3

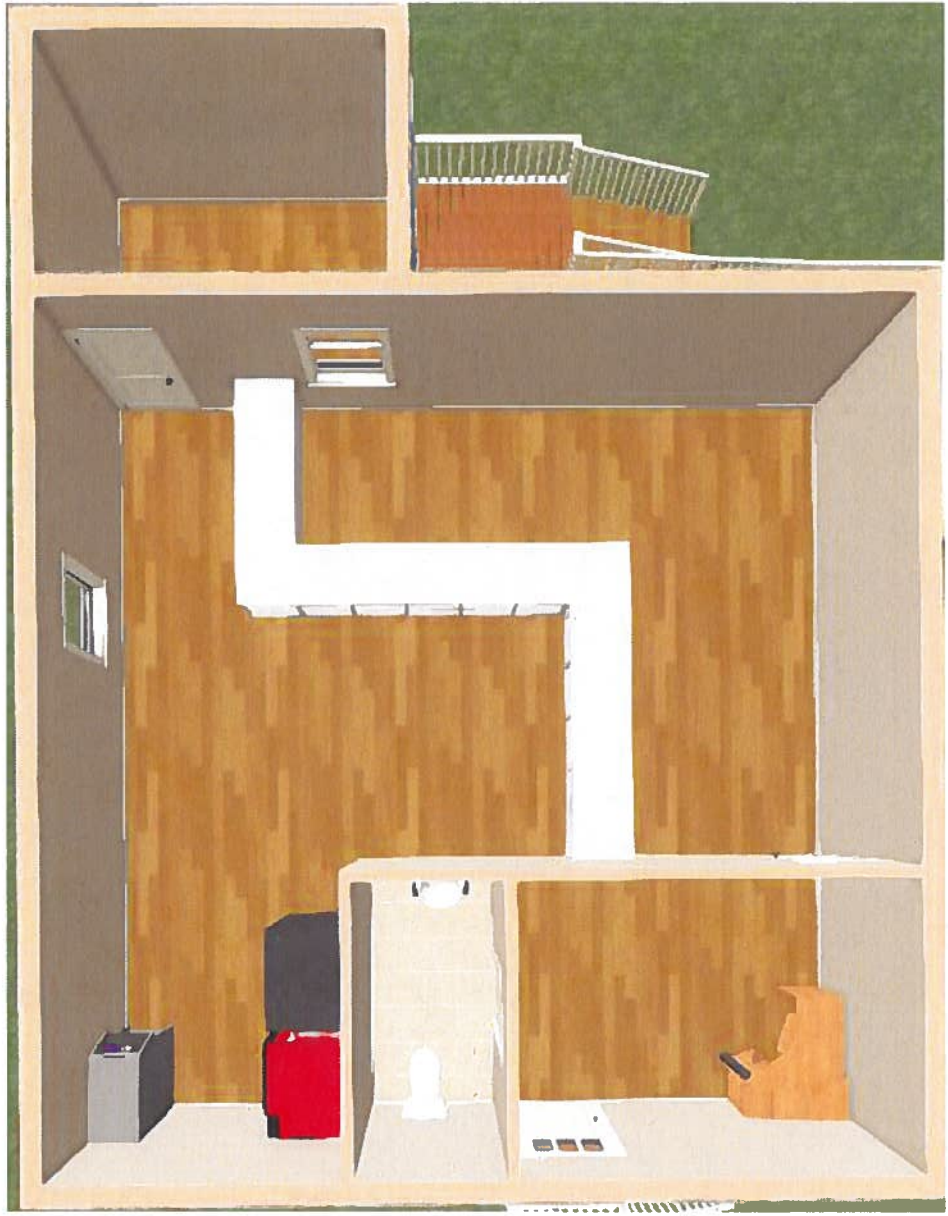

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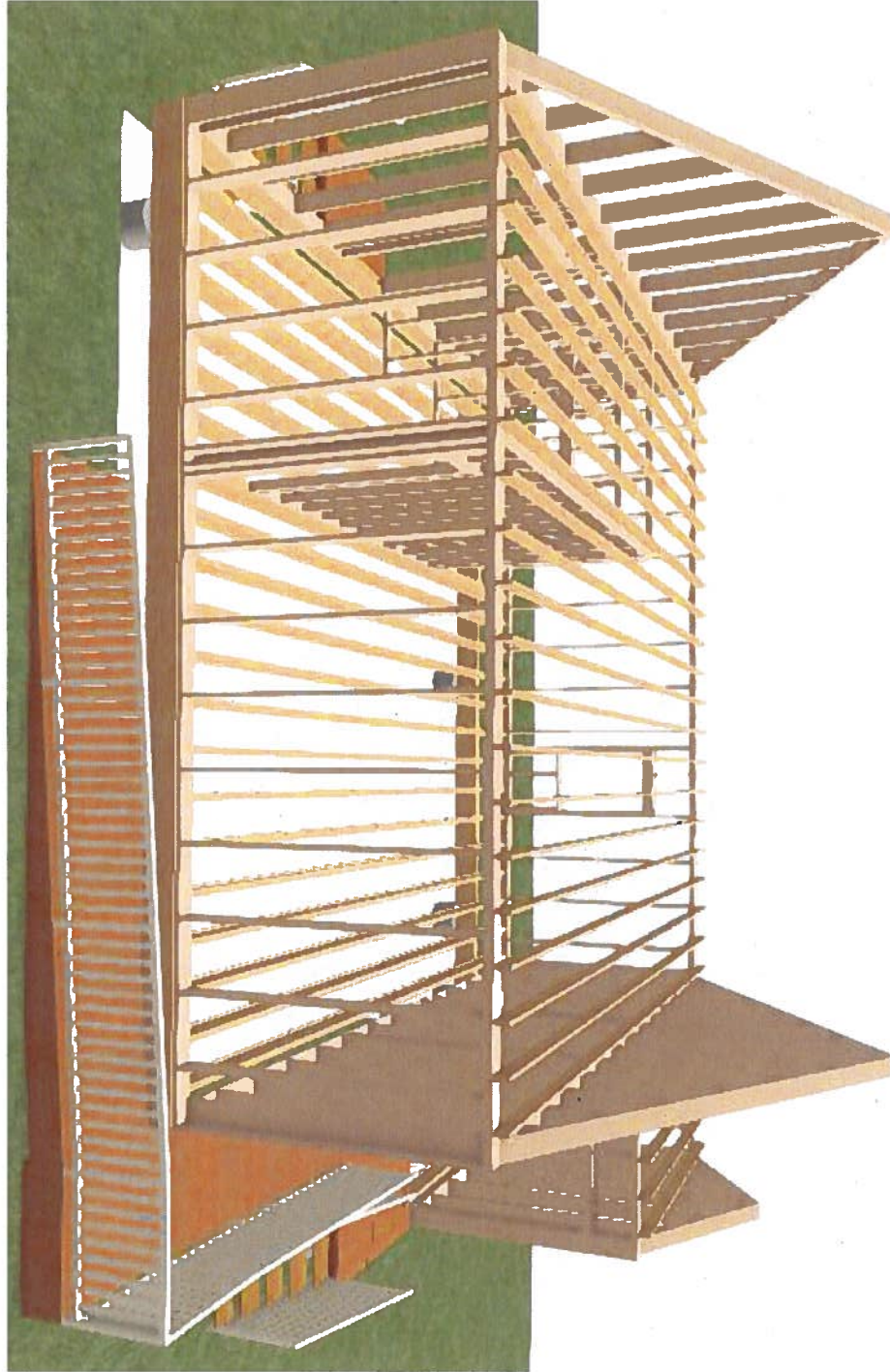
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 Eddie Hoffman
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DATE: 5/17/2021
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REVISION TABLE		
NUMBER	DATE	DESCRIPTION

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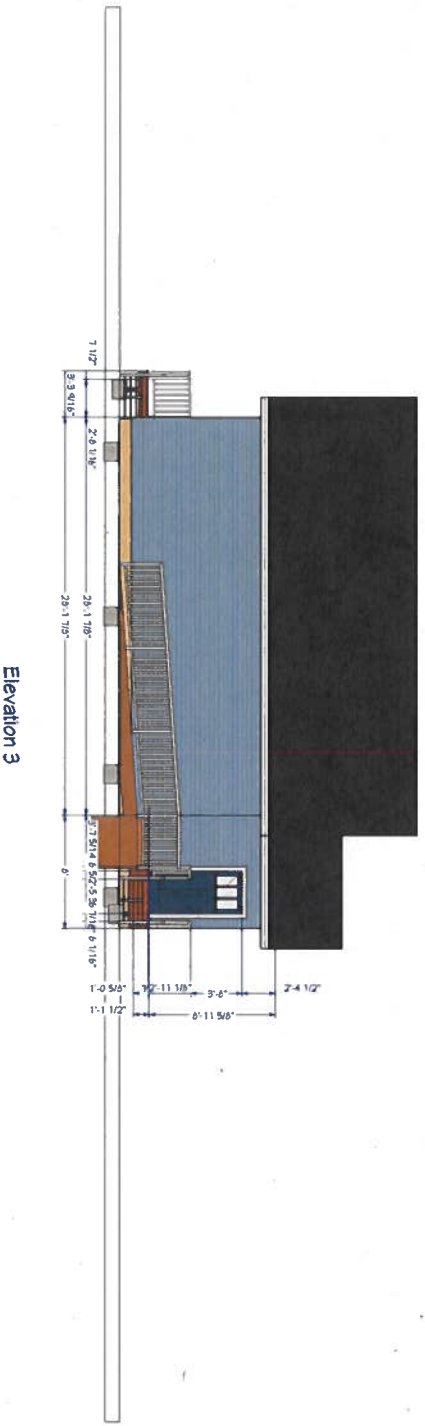


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 DATE: 5/17/2021

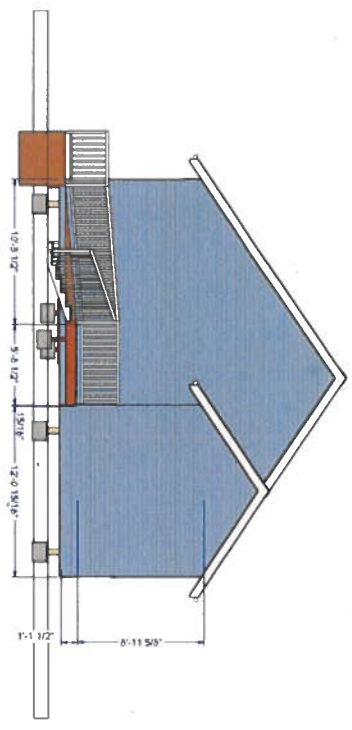
AMW
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 Custom Home Builder Est. 2010

Good Vibes
 323 Chief
 Eddie Hoffman
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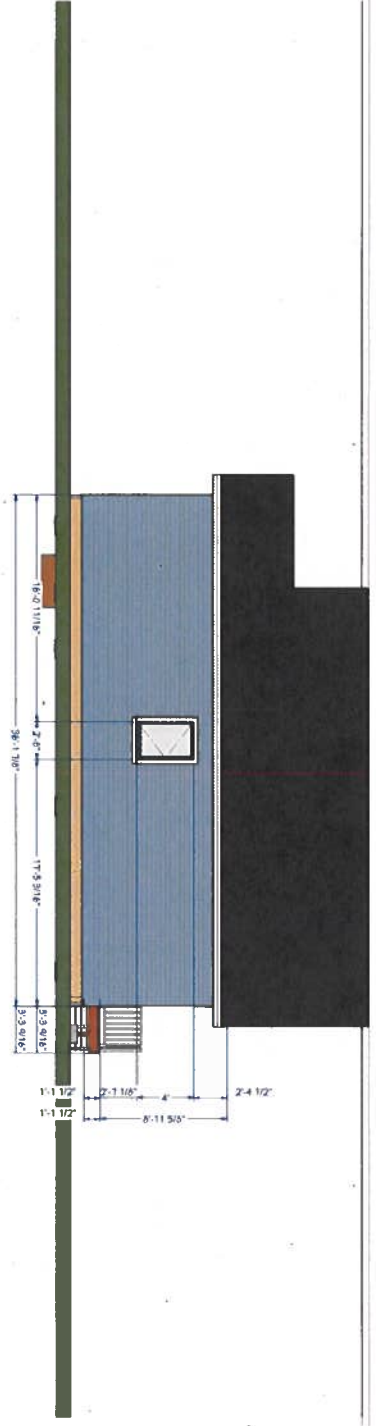
REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION



Elevation 3



Elevation 2



Elevation 1

SHEET:

SCALE:

DATE:
5/17/2021



Good Vibes
323 Chief
Eddie Hoffman
HKY

REVISION TABLE		
NUMBER	DATE	DESCRIPTION



PLANNING COMMISSION

PUBLIC HEARING NOTICE

To Whom this may concern: You are receiving this notice pursuant to Bethel Municipal Code 18.04.070 "Notice shall be mailed to the owners of each parcel of property any part of which is within six (600) feet of the exterior boundary that is the subject of the application" If you are not the owner please pass this along to them.

Notice is hereby given that on May 27, 2021 the City of Bethel Planning Office received a Conditional Use Permit Application to open a retail marijuana store.

Location: 323 Chief Eddie Hoffman Highway

Legal Description: US Survey 870, Block 4, Lot 5

Land Owner: AMW Property Management, LLC

Applicant: Brian Glasheen, dba Good Vibes

Purpose: To open a marijuana retail store in the General Use Zoning District

City of Bethel Contact: Ted Meyer, City Planner, phone 907-543-5306/5301 or email: planning@cityofbethel.net

Time & Place: July 15, 2021 at 6:30 pm. In person public meetings are now being held at the ONC Multi-Purpose Building or virtually through zoom. To join the meeting on Zoom, follow these instructions:

1. Go to the website: <https://zoom.us/join> User ID: 929 6930 4454 Passcode: 109277

OR

2. teleconference: choose one the following numbers if one does not work use the next number +1 669 900 9128 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 646 558 8656 US (New York) +1 301 715 8592 US (Washington D.C) +1 312 626 6799 US (Chicago) 877 853 5257 US Toll-free 888 475 4499 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free User ID: 929 6930 4454 Participant ID: press # Passcode: 109277 (note: press *6 to mute/unmute phone).

Masks and social distancing are required for in person participation.



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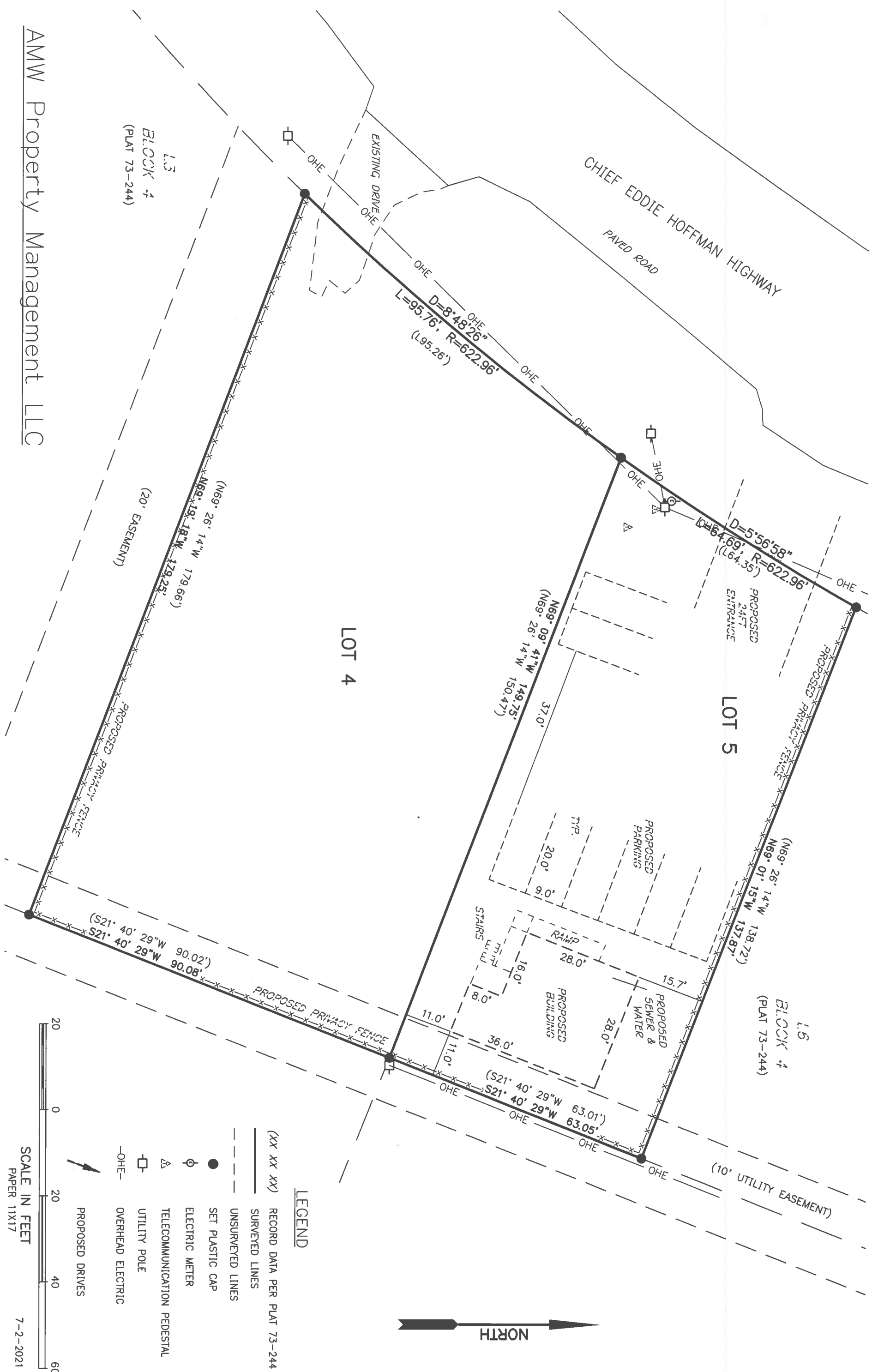
Masks and social distancing are required for in person participation.

A handwritten signature in blue ink that reads "Ted Meyer". The signature is written in a cursive style and is positioned above a horizontal line.

Ted Meyer, Planning Director

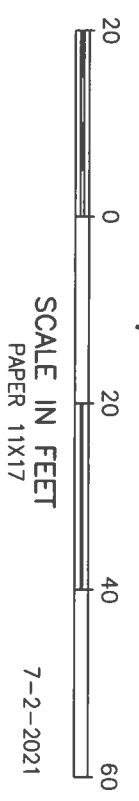
I hereby certify that this Notice of Hearing – Conditional Use Permit application to construct a triplex in the residential use zone – has been posted at ONC Multipurpose Building, the Post Office, AC. and Swanson's Bulletin Boards on or before July 9, 2021. It is further certified that this Notice has been published in the Delta Discovery July 7&14, 2021 publications.

AMW Property Management LLC



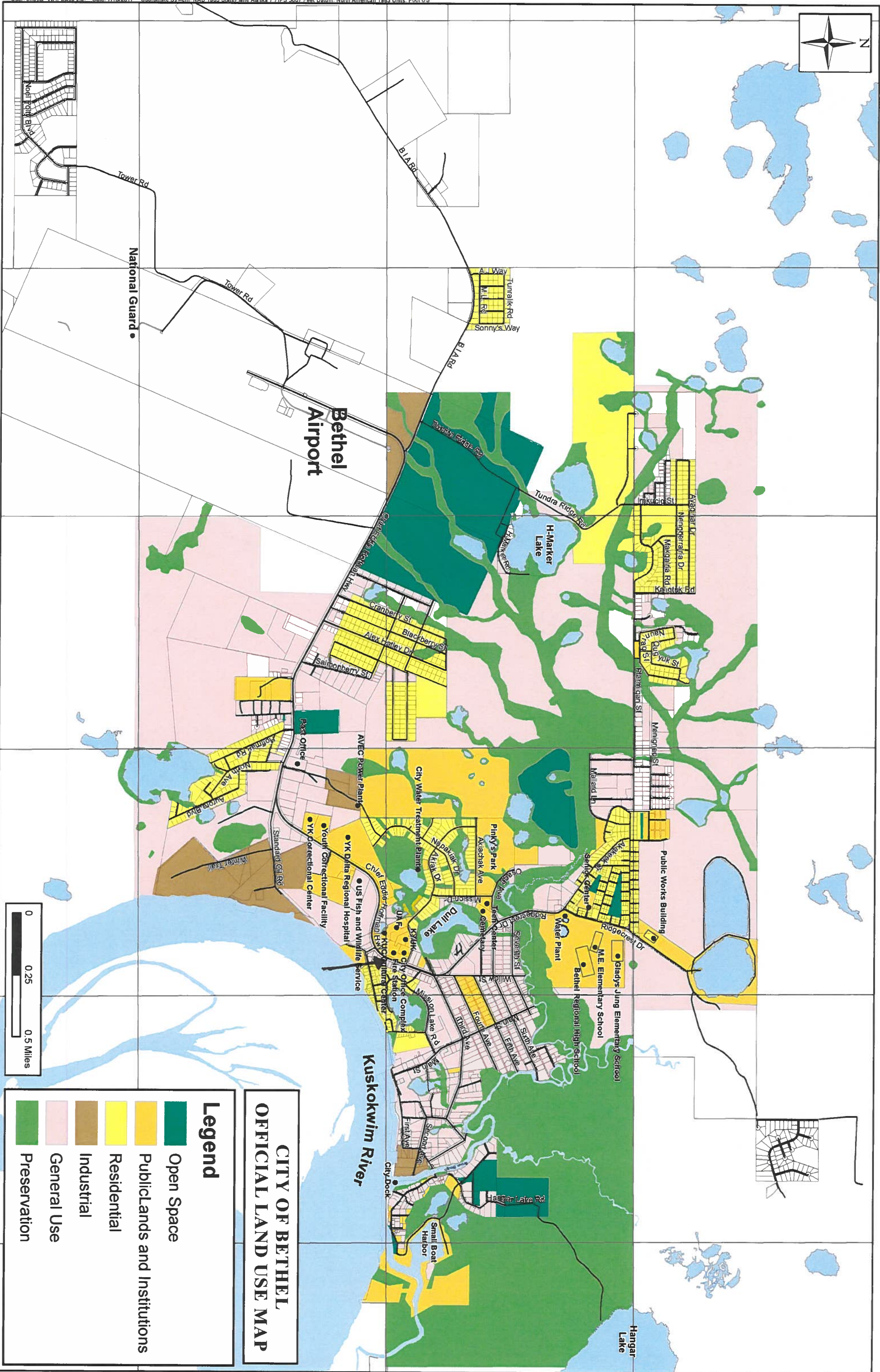
LEGEND

- (XX XX XX) RECORD DATA PER PLAT 73-244
- SURVEYED LINES
- - - UNSURVEYED LINES
- SET PLASTIC CAP
- ⊕ ELECTRIC METER
- △ TELECOMMUNICATION PEDESTAL
- UTILITY POLE
- OHE- OVERHEAD ELECTRIC
- ⚡ PROPOSED DRIVES





600 FOOT RADIUS MAP OF
PROPOSED GOOD VIBES
MARIJUANA RETAIL STORE

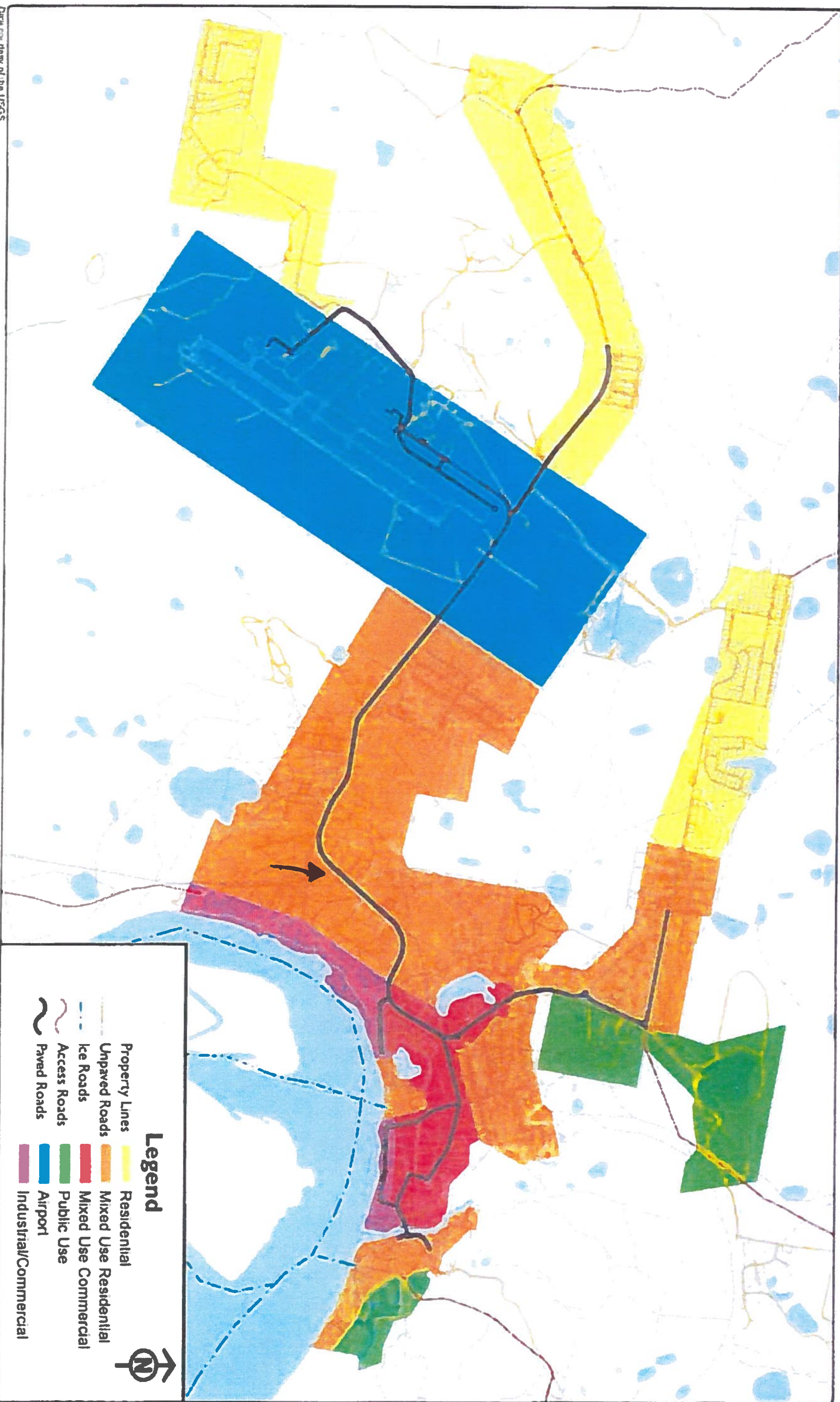


CITY OF BETHEL
OFFICIAL LAND USE MAP

Legend

- Open Space
- Publiclands and Institutions
- Residential
- Industrial
- General Use
- Preservation

City of Bethel Future Land Use Plan Map



Data courtesy of the USGS
BIM, DHR and Agnew Beck. This map was
completed for the City of Bethel with assistance
from Agnew Beck Consulting

Alaska State Plane Zone 4 NAD 83
File Bethel_Omnimap 11/2/10

0 1 320 2 640 5 280 Feet

To: Pete Williams, Acting City Manager
From: Ted Meyer, Planner
Subject: Planning Department Report, June 2021
Date: June 29, 2021

SUBDIVISION ROAD CONSTRUCTION PROJECTS

Ciullkulek Subdivision Roads

Road construction is complete. DOWL road inspectors will sign off on the project during their next visit to Bethel.

Blue Sky Subdivision Roads

Construction to finish the roads is anticipated to start in mid July.

Tanqik Subdivision Roads

To date, no construction schedule for the 2021 development season has been delivered.

SITE PLAN PERMITS

Staff received 26 Site Plan Permit applications during the month of June. Two applications are pending Corps review.

CONDITIONAL USE PERMITS

1. Staff is processing a CUP application for a proposed new marijuana retail store on Chief Eddie Hoffman Highway. Presentation to the Planning Commission is set for July 15.
2. Staff received a CUP application for a new restaurant on Chief Eddie Hoffman Highway, proposing to sell beer and wine. Presentation to the Planning Commission is set for August 12.

PRELIMINARY PLAT

Approved the preliminary plat for USS 3046 Subdivision, Lots 1A & 1B, owned by Bethel Community Services. This minor replat supports the Avenues Water and Sewer Project.

PROPOSED ZONING CODE CHANGE

Staff received a final draft of the Short Term Rental Ordinance on June 25th, that was first drafted by the City Clerk, and later enhanced by the Planning Commission Sub Committee, with the guidance from the contractor, DOWL. The Planning Commission meeting for recommendation is set to be held on July 15.

SITE PLAN PERMIT APPLICATIONS FOR FILL PLACEMENT

Staff is preparing a discussion item for the July 15th Planning Commission meeting for a potential BMC Code change regarding a proposal to allow a specified amount of truckloads of fill before a Site Plan Permit is required. Currently, any improvement to land requires a Site Plan Permit.

SURVEYS AND APPRAISALS

Ordered three surveys and three appraisals pertaining to city land development projects and potential conveyance.

PLANNING COMMISSION

At the June 10th meeting, the Planning Commission:

1. Approved a right-of-way vacation request from the Lower Kuskokwim School District to vacate 50-foot and 75-foot sections of width along a 1,387-foot right-of-way in front of the Bethel Regional High School property along Ridgecrest Drive. This ROW vacation was requested by LKSD in order to accommodate the planned new Ayaprun School to be constructed at the south end of the property.
2. Approved a Conditional Use Permit application for a proposed triplex in City Sub.