Planning Commission Meeting Agenda

Regular Rescheduled Meeting Thursday, February 23, 2017– 6:30PM
City Hall Council Chambers 300 Chief Eddie Hoffman Highway

MEMBERS

Chair
Term Expires 12/2017

John Guinn
Vice-Chair
Term Expires 12/2016

Nikki Hoffman
Council Rep.
Term Expires 12/31/17

Kathy Hanson
Commission Member
Term Expires 12/2018

Cliff Linderoth
Commission Member
Term Expires 12/2017

Lorin Bradbury
Commission Member
Term Expires 12/2017

John Cochrane
Commission Member
Term Expires 12/2018

Alex Wasierski
Commission Member
Term Expires 12/31/18

Shadi Rabi
Alternate Member
Term Expires 12/31/19

Ted Meyer
Ex-Officio Member

Betsy Jumper
Recorder

AGENDA

I. CALL TO ORDER

II. ROLL CALL

III. PEOPLE TO BE HEARD – (5 Minute Limit)

IV. APPROVAL OF THE MINUTES FROM THE DEC. 8, 2016 MEETING

V. APPROVAL OF THE AGENDA

VI. SPECIAL ORDER OF BUSINESS
   A. Election of the Planning Commissioner Chairperson (Action Item)
   B. Election of the Planning Commission Vice-Chairperson (Action Item)

VII. NEW BUSINESS
   A. Proposed Senate Bill 18 – 3rd Class Borough (Discussion Item)

VIII. PLANNER'S REPORT

IX. COMMISSIONER'S COMMENTS

X. ADJOURNMENT

Posted Feb 17 at City Hall, Post Office, Bethel Native Corp. and Swanson's Grocery Store Bulletin

City of Bethel, Alaska
Planning Commission Meeting

Dec. 8, 2016 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on Thursday, December 8, 2016, at 6:30 PM at the City Hall chambers room in Bethel, Alaska. Chairman Shantz called the meeting to order at 6:30 pm.

II. ROLL CALL

Comprising a quorum of the Commission, the following members were present for roll call: Lorin Bradbury, Nikki Hoffman, Jon Cochrane, John Guinn, Alex Wasiserski, and Joy Shantz. Also present were Planning staff members Ted Meyer, Betsy Jumper and City Attorney Patty Burley.

III. PEOPLE TO BE HEARD

Nobody wished to be heard.

IV.MOTION TO APPROVE THE MINUTES OF THE OCT. 13, 2016 MEETING

MOVED:	Lorin Bradbury	To approve the Oct. 13, 2016 minutes.
SECONDED:	Nikki Hoffman	
VOTE ON MOTION	All in favor 5 yes and 0 opposed. Motion carries.	

V. APPROVAL OF THE AGENDA

MOTION TO APPROVE THE AGENDA OF Dec. 8, 2016

MOVED:	Nikki Hoffman	To approve the agenda.
SECONDED:	Jon Cochrane	
VOTE ON MOTION	All in favor 5 yes and 0 opposed. Motion carries.	

VI. NEW BUSINESS: A. PUBLIC HEARING: Zoning of Tsikoyak (Larson) Subdivision, Plat Number 96-18, physical location off of BIA Road.

Chair Shantz opened the public hearing.

City Planner Ted Meyer presented his facts and findings and recommendations on the zoning of Tsikoyak/Larson Subdivision.

People to be Heard:

--Walter Larson – It's good residential—leave it residential. But, maybe on the Southside of the road, which we're in the process of developing, maybe it could be something other than residential.
--Alex Judy – I'm a resident of Larson and would like to see it stay residential.
--Juan Delgado – a newcomer, trying to comprehend the codes here.

MOTION TO RECOMMEND TO CITY COUNCIL THAT TSIKOYAK (LARSON) SUBDIVISION BE ZONED RESIDENTIAL – NORTHSIDE OF THE ROAD

MOVED:	Jon Cochrane	To approve residential zoning northside of the road in Larson Subdivision.
SECONDED:	John Guinn	
VOTE ON MOTION	All in favor 5 yes and 0 opposed. Motion carries.	

Chair Shantz closed the public hearing.

VII. PLANNER'S REPORT: Ted went over the monthly report.

VIII. COMMISSIONER'S COMMENTS: **Jon**: No comments; **Lorin**: Glad to see everyone out here and I would like to see us address Bed and Breakfasts and have them defined and where they would fit into zoning. **Alex**: Looking forward to being on the Commission; **John**: glad to be here after being off my feet for a long time, thank you for putting up with me; **Nikki**: Welcomes Alex, happy to see turn-out today. Some of my comments were addressed. My goal is to see that the code matches the maps; **Joy**: I'm a little concerned about City Sub freezing up; the pipes should have been leveled during the summer. Also, at UUI in Blueberry, there's a little road that comes out to Cranberry—2 times I almost hit somebody. Maybe they can reverse the road, it's a danger. This is my final meeting, I am resigning, it's been a good 15 years run. John has been the best mentor I could ask for. Learned a lot, but moving on.

X. ADJOURNMENT

MOVED:	John Guinn	Motion to adjourn the meeting at 7:45 PM.
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	5 yes and 0 opposed. Motion carries.	

The next meeting will be on January 12, 2017

_____, Chairman
ATTEST:_____, Betsy Jumper, Recorder

30-LS0252\A

SENATE BILL NO. 18

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY SENATOR HOFFMAN

Introduced: 1/18/17
Referred: Community and Regional Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to third class boroughs."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 14.08.011(a) is amended to read:
4 (a) It is the purpose of this chapter to provide for public education in the
5 unorganized borough**, third class boroughs,** and the military reservations in the state.
6 * **Sec. 2.** AS 14.08.031(a) is amended to read:
7 (a) The Department of Commerce, Community, and Economic Development**,**
8 in consultation with the Department of Education and Early Development and local
9 communities**,** shall divide **the area comprising** the unorganized borough **and third**
10 **class boroughs** into educational service areas using the boundaries or sub-boundaries
11 of the regional corporations established under the Alaska Native Claims Settlement
12 Act, unless by referendum a community votes to merge with another community
13 contiguous to it but within the boundaries or sub-boundaries of another regional
14 corporation.
15 * **Sec. 3.** AS 14.08.031(b) is amended to read:

(b) An educational service area established in **the area comprising** the unorganized borough **and third class boroughs** under (a) of this section constitutes a regional educational attendance area. As far as practicable, each regional educational attendance area shall contain an integrated socio-economic, linguistically and culturally homogeneous area. In the formation of the regional educational attendance areas, consideration shall be given to the transportation and communication network to facilitate the administration of education and communication between communities that comprise the area. Whenever possible, municipalities, other governmental or regional corporate entities, drainage basins, and other identifiable geographic features shall be used in describing the boundaries of the regional school attendance areas.

* **Sec. 4.** AS 14.08.071(a) is amended to read:

(a) In each regional educational attendance area in **the area comprising** the unorganized borough **and third class boroughs**, the lieutenant governor, within not less than 60, nor more than 90**,** days after the establishment of the regional educational attendance area, shall provide for the election of a regional school board.

* **Sec. 5.** AS 14.12.010 is amended to read:

Sec. 14.12.010. Districts of state public school system. The districts of the state public school system are as follows:

(1) each home rule and first class city in the unorganized borough **or in a third class borough** is a city school district;

(2) each **first class, second class, or home rule** [ORGANIZED] borough is a borough school district;

(3) the area outside **first class, second class, or home rule** [ORGANIZED] boroughs and outside home rule and first class cities is divided into regional educational attendance areas.

* **Sec. 6.** AS 14.12.110 is amended to read:

Sec. 14.12.110. Single body as assembly and school board. Notwithstanding the provisions of this chapter or other law, a single body may serve as both the assembly and school board in the manner provided **under (b) of this section** [FOR THIRD CLASS BOROUGHS UNDER AS 29.20.300(b)], if

(1) an ordinance for that purpose is approved by the assembly and

ratified by a referendum of a majority of the qualified borough voters voting on the question at a regular or special election; and

(2) the public school population within the borough is 500 pupils or less.

* **Sec. 7.** AS 14.12.110 is amended by adding a new subsection to read:

(b) When a single body serves as both the assembly and the school board, the mayor is the presiding officer of the assembly and president of the school board. However, the mayor may not veto an action of the school board.

* **Sec. 8.** AS 14.60.010(7) is amended to read:

(7) "regional educational attendance area" means an educational service area in **the area comprising** the unorganized borough **and third class boroughs,** which may [OR MAY NOT] include a military reservation, and that contains one or more public schools **with one or more grade levels** of [GRADE LEVELS] K-12 [OR ANY PORTION OF THOSE GRADE LEVELS THAT ARE TO BE] operated under the management and control of a single regional school board;

* **Sec. 9.** AS 23.40.250(8) is amended to read:

(8) "regional educational attendance area" means an educational service area in **the area comprising** the unorganized borough **and third class boroughs, which** [THAT] may [OR MAY NOT] include a military reservation, and that contains one or more public schools **with one or more grade levels** of [GRADE LEVELS] K - 12 [OR ANY PORTION OF THOSE GRADE LEVELS THAT ARE TO BE] operated under the management and control of a single regional school board;

* **Sec. 10.** AS 29.04.060(a) is amended to read:

(a) A third class borough may reclassify as a first or second class borough in the manner provided by AS 29.35.320 - 29.35.330 for the addition of an areawide power by a first or second class borough, except the petition or proposal requests reclassification instead of requesting addition of a power. [AT THE TIME OF VOTING ON RECLASSIFICATION OF A THIRD CLASS BOROUGH TO FIRST OR SECOND CLASS STATUS, VOTERS SHALL VOTE ALSO ON WHETHER THE BOROUGH SHALL, ON RECLASSIFICATION, RETAIN A COMBINED ASSEMBLY AND SCHOOL BOARD OR ELECT A SEPARATE ASSEMBLY

AND BOARD AS OTHERWISE PROVIDED FOR FIRST AND SECOND CLASS BOROUGHS.]

* **Sec. 11.** AS 29.05.031(a) is amended to read:

(a) An area that meets the following standards may incorporate as a home rule, first class, [OR] second class**, or third class** borough, or as a unified municipality:

(1) the population of the area is interrelated and integrated as to its social, cultural, and economic activities, and is large and stable enough to support borough government;

(2) the boundaries of the proposed borough or unified municipality conform generally to natural geography and include all areas necessary for full development of municipal services;

(3) the economy of the area includes the human and financial resources capable of providing municipal services; evaluation of an area's economy includes land use, property values, total economic base, total personal income, resource and commercial development, anticipated functions, expenses, and income of the proposed borough or unified municipality;

(4) land, water, and air transportation facilities allow the communication and exchange necessary for the development of integrated borough government.

* **Sec. 12.** AS 29.05.190(c) is amended to read:

(c) **This** [EXCEPT AS PROVIDED IN (d) OF THIS SECTION, THIS] section does not apply to a borough incorporated by consolidation or to a unified municipality that occupies the area formerly occupied by a borough.

* **Sec. 13.** AS 29.06.090(a) is amended to read:

(a) Two or more municipalities may merge or consolidate to form a single general law or home rule municipality [, EXCEPT A THIRD CLASS BOROUGH MAY NOT BE FORMED THROUGH MERGER OR CONSOLIDATION].

* **Sec. 14.** AS 29.06.470(a) is amended to read:

(a) Except as provided in (b) of this section, voters of a municipality may petition for dissolution when the municipality is free of debt, or, if in debt, each of its creditors is satisfied with a method of repayment and

(1) the municipality no longer meets the minimum standards prescribed for incorporation by AS 29.05 [, OR FORMER AS 29.18.030 IF IT IS A THIRD CLASS BOROUGH];

(2) the municipality ceases to use each of its mandatory powers; or

(3) the dissolution petition filed under AS 29.06.460 is signed by a number of voters of the municipality proposed to be dissolved greater than 50 percent of the number of votes cast in the last regular election in that municipality.

* **Sec. 15.** AS 29.20.300(a) is amended to read:

(a) Each municipal school district has a school board. **Members** [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, MEMBERS] of a school board are elected at the regular election for three-year terms and until their successors take office. Members are elected at large unless a different method of election has been approved by the voters in a regular election.

* **Sec. 16.** AS 29.35.160(a) is amended to read:

(a) Each **first class, second class, and home rule** borough constitutes a borough school district and establishes, maintains, and operates a system of public schools on an areawide basis as provided in AS 14.14.060. A military reservation in a borough is not part of the borough school district until the military mission is terminated or until inclusion in the borough school district is approved by the Department of Education and Early Development. However, operation of the military reservation schools by the borough school district may be required by the Department of Education and Early Development under AS 14.14.110. If the military mission of a military reservation terminates or continued management and control by a regional educational attendance area is disapproved by the Department of Education and Early Development, operation, management, and control of schools on the military reservation transfers to the borough school district in which the military reservation is located.

* **Sec. 17.** AS 29.35.220 is repealed and reenacted to read:

AS 29.35.220. Third class borough powers. (a) Notwithstanding any other provision of law, a third class borough has only the following powers:

(1) to levy a property tax and impose a lien for its enforcement as

provided in AS 29.45.020 - 29.45.500;

(2) to enter into an agreement with a taxpayer for the taxpayer to make a payment to the borough in lieu of taxes;

(3) to issue bonds to finance an energy infrastructure project in the borough; the borough may only borrow money and issue evidence of indebtedness for this purpose;

(4) to enact and enforce an ordinance necessary to carry out its powers under this subsection and to prescribe a civil penalty for violation of an ordinance.

(b) The legislative power of a third class borough shall be vested in the assembly under AS 29.20.050 - 29.20.180. The assembly shall enact and enforce ordinances under AS 29.25.010 - 29.25.075, except that a third class borough may not prescribe or enforce a penalty of imprisonment for violation of an ordinance.

(c) Notwithstanding any other provision of law, a third class borough may not acquire or exercise any power not listed under (a) of this section.

* **Sec. 18.** AS 38.05.037(a) is amended to read:

(a) In areas of the state outside first **<u>or</u>** [,] second [, OR THIRD] class boroughs where there is no municipality with a zoning power, the division of lands shall exercise the zoning power by adopting zoning regulations.

* **Sec. 19.** AS 46.14.400(a) is amended to read:

(a) With the approval of the department, a municipality may establish and administer within its jurisdiction a local air quality control program that operates in lieu of and is consistent with all or part of the department's air quality program as established under this chapter. A first or second class borough may administer an air quality control program approved by the department under this subsection on an areawide basis and is not subject to the restrictions for acquiring additional areawide powers specified in AS 29.35.300 - 29.35.350. [A THIRD CLASS BOROUGH MAY ADMINISTER A LOCAL AIR QUALITY CONTROL PROGRAM APPROVED BY THE DEPARTMENT UNDER THIS SUBSECTION ONLY IN A SERVICE AREA FORMED UNDER AS 29.35.490(b) OR (c).]

* **Sec. 20.** AS 14.12.110; AS 29.04.060(b), 29.04.060(c); AS 29.05.031(b), 29.05.190(d); AS 29.10.080(b); and AS 29.20.300(b) are repealed.

To: Pete Williams, City Manager
From: Ted Meyer, Planner
Subject: **January 2017 Activity Report**
Date: February 2, 2017

Right of Way Vacation Application
Developed a new application for ROW/easement vacation requests.

The following are all active applications at various stages in the permitting process:

Site Plan Permit Applications (3)

- 54-unit apartment building
- Cell tower demolition
- New medical clinic building

Conditional Use Permit Applications (3)

- YKHC hospital expansion project
- 2 liquor license CUP applications

Right of Way Vacation (1)
At YK hospital site

Preliminary Plats (2)
Review in progress of two preliminary plats.

Variance (1)
Parking variance for 54-unit apartment building