Planning Commission Meeting Agenda
Regular Scheduled Meeting Thursday, June 8, 2017– 6:30PM
CITY HALL COUNCIL CHAMBERS 300 CHIEF EDDIE HOFFMAN HIGHWAY

MEMBERS

Kathy Hanson
Chair
Term Expires 12/2018

Lorin Bradbury
Vice-Chair
Term Expires 12/2017

John Guinn
Commission Member
Term Expires 12/2018

Mark Springer
Council Representative
Term Expires 12/2017

Cliff Linderoth
Commission Member
Term Expires 12/2017

Jon 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 MAY 11, 2017 REGULAR MEETING

V. APPROVAL OF THE AGENDA

VI. NEW BUSINESS

A. PUBLIC HEARING: Applicant: Cezary J. Maczynski, dba Kusko Liquor Store—a continuance of a previous hearing in applying for a Conditional Use Permit in order to open a package liquor store. The legal description is a portion of United States Survey Number 1002. The physical address is 801 Front Street. (ACTION ITEM).

B. PUBLIC HEARING: Applicant: Steven Chung dba Tundra Liquor Cache; the Planning Commission response to City Council remand for Tundra Liquor Cache Conditional Use Permit in order to open a package liquor store. The legal description is Plat number 80-14, Lot 3, Block 1, Nunvak Estates. The physical address is 105 Hoffman (ACTION ITEM).

C. Review of Ordinance 17-__amending Bethel Municipal Code Section 17.04 General Provisions and Requirements Subdivision Agreements

VII. PLANNER'S REPORT

VIII. COMMISSIONER'S COMMENTS

IX. ADJOURNMENT

Posted June 2, 2017 at City Hall, Post Office, Bethel Native Corp. and Swanson's Grocery Store Bulletin Boards

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City of Bethel, Alaska
Planning Commission

May 11, 2017 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A regular meeting of the Planning Commission was held on May 11, 2017 at 6:30 pm in the City of Bethel Council Chambers room, in Bethel, Alaska. Vice-Chair Bradbury called the meeting to order at 6:30 Pm.

II. ROLL CALL

Compromising a quorum of the Committee, the following members were present for roll call: Shadi Rabi, Lorin Bradbury, Jon Cochrane, Alex Wasiserski, Cliff Linderoth. Mark Springer arrived 5 minutes after roll call.

Ex-Officio members present were the following: Ted Meyer, City Planner, Betsy Jumper, Recorder, and Patty Burley, City Attorney.

Other people present were Hugh Short, representative for Lyman Hoffman, and Mike Horne, consultant.

III. PEOPLE TO BE HEARD: Nobody wished to be heard at this time.

IV. APPROVAL OF AGENDA

MOTION TO APPROVE THE AGENDA OF MAY 11, 2017

MOVED:	John Cochrane	To approve the agenda, with Item A postponed.
SECONDED:	Cliff Linderoth	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion passes.	

V. APPROVAL OF MINUTES

MOTION TO APPROVE THE MINUTES OF APRIL 13, 2017

MOVED:	Jon Cochrane	To approve the minutes.
SECONDED:	Alex Wasiserski	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion passes.	

VI. NEW BUSINESS

A. PUBLIC HEARING: Applicant: Lyman Hoffman has applied for a filing of a preliminary plat that creates Blue Sky Subdivision, consisting of Tracts A-F, block 1 lots 1-33; block 2, lots 1-10; block 3 lot 1; block 4 lots 1-16; block 5 lots 1-8; block 6 lots 1-7, and block 7, lots 1-3. A subdivision of Tract 41, situated within Section 11 & 12, Township 8 North Range 72 West Seward Meridian, Alaska Containing 157.52 acres more or less in the Bethel Recording District (Action Item).

Vice-Chair Bradbury opened the Public Hearing.

City Planner Ted Meyer presented a report on the preliminary plat and his facts and findings on the proposed Blue Sky Subdivision.

The Planning Commission members asked the City Planner questions.

Applicant representative Hugh Short gave an overview of the history and the reasons for wanting and needing a new subdivision in Bethel.

The Planning Commission members asked the applicant questions.

PEOPLE TO BE HEARD:
--William Montgomery – a resident of Larson Subdivision, spoke in opposition of the proposed subdivision.
--Alex Judy – a resident of Larson Subdivision, spoke in opposition of the proposed subdivision.
--Nick and Jessica Flinkinger – a resident of Larson Subdivision, spoke in opposition of the proposed subdivision.
--Anna Komulainen – a resident of Larson Subdivision, spoke in opposition of the proposed subdivision.
--Joe Moses – a resident of Larson Subdivision, spoke in opposition of the proposed subdivision.
--Alisa Brown – a resident of Larson Subdivision, spoke in opposition of the proposed subdivision.
--John Sargent, a part-time resident of Larson Subdivision, spoke in opposition of the proposed subdivision.
--Jeannie Smith, a resident of Larson Subdivision, spoke in opposition of the proposed subdivision.

Vice-Chair Bradbury called for a 5-minute break. Back on record at 8:30.

The Planning Commission asked more questions of the applicant.

Ted addressed the public on their questions/concerns.

The Planning Commission discussed the issues.

MOTION TO APPROVE THE PRELIMINARY PLAT

MOVED:	John Cochrane	To approve the preliminary plat with the conditions of the City Planner's recommendations, including a subdivision agreement.
SECONDED:	Mark Springer	
VOTE ON MOTION	All in favor: roll call: Jon Cochrane – yea; Alex Wasiserksi – yea; Mark Springer – yea; Cliff Lindertoth – yea; and Lorin Bradbury – yea. 5 yes and 0 opposed.	

Vice-Chair Bradbury closed the public hearing.

VII. DIRECTORS REPORT: Ted went over the monthly planner's report.

VIII. COMMITTEE MEMBER COMMENTS: Mark Springer: happy to be here, hope to contribute. Cliff Linderoth: how is a development agreement developed? Alex Wasiserski: no comments; Shadi Rabi: no comments; Jon Cochrane: happy to get something done although it's a difficult decision when you're dealing with peoples' properties and trying to weigh that with the growth and expansion. Lorin Bradbury: always uncomfortable making these decisions but that's what we're called to do here. Keeping our responsibility on this commission separate from what's City's responsibilities are is important-- a lot of these issues raised are the City's and as the City grows these needs will need to be addressed. Ours as a commission is to focus on the codes.

IX. ADJOURNMENT

MOVED:	John Cochrane	Motion to adjourn the meeting at 9:45 pm.
SECONDED:	Mark Springer	
VOTE ON MOTION	Motion carried by unanimous voice vote.	

Next meeting will be on June 1, 2017

_____, Chairperson

ATTEST: _____, Betsy Jumper, Recorder

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City of Bethel, Alaska
Planning Commission Meeting

April 13, 2017 Regular Meeting Bethel, Alaska

I. CALL TO ORDER

A regular scheduled meeting of the Planning Commission was held on Thursday, April 13, 2017, at 6:30 PM at the Council Chambers room at City Hall in Bethel, Alaska. Chair Hanson 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: John Guinn, Alex Wasiserski, Kathy Hanson, Shadi Rabi, and Cliff Linderoth. Also present was Planning staff member Ted Meyer, Recorder Carole Jung and City Attorney Patty Burley.

III. PEOPLE TO BE HEARD: Nobody wished to be heard.

IV. MOTION TO APPROVE THE MINUTES OF THE MARCH 30, 2017 SPECIAL MEETING

MOVED:	Alex Wasiserski	To approve the March 30 meeting minutes.
SECONDED:	John Guinn	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries.	

V. APPROVAL OF THE AGENDA

MOTION TO APPROVE THE AGENDA OF APRIL 13, 2017

MOVED:	Alex Wasiserski	To approve the agenda.
SECONDED:	John Guinn	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion carries.	

VI. NEW BUSINESS: A. Non-plumbing sanitary systems presentation by Jody Drew, City of Bethel Energy Committee member. Ms. Drew was joined by Jeff Sanders in giving the Planning Commission a presentation on waterless composting toilets. B. Public Hearing: Applicant: Cezary J. Maczynski, dba Kusko Liquor Store is applying for a Conditional Use Permit (CUP) to open a package liquor store. The legal description is a portion of United States Survey Number 1002. The physical address is 801 Front Street. (ACTION ITEM).

Chair Hanson opened the Public Hearing.

Chair Hanson explained what a CUP is and how the process will work. *Cliff Linderoth was excused due to a conflict of interest.*

Planner Ted Meyer went over his facts and findings of the Conditional Use Permit for Kusko Liquor.

Applicant Cezary Maczynski presented his position.

The Planning Commission questioned both Ted and Cezary.

Applicant Cezary rebutted.

The Planning Commission deliberated.

MOTION TO CONTINUE THE CONDITIONAL USE PERMIT HEARING AT THE JUNE 8TH PLANNING COMMISSION MEETING WHILE THE APPLICANT RECEIVES LEGAL TITLE TO THE LAND

MOVED:	Shadi Rabi	To continue the hearing at the June 8th Planning Commission meeting.
SECONDED:	Alex Wasiserski	
VOTE ON MOTION	All in favor 4 yes and 0 opposed. Motion passes.	

Chair Hanson closed the Public Hearing.

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

VIII. COMMISSIONER'S COMMENTS: Alex: none; Shadi: none; John: none; Kathy: way to go; feel good about our decisions. Thank you.

IX. ADJOURNMENT

MOVED:	John Guinn	Motion to adjourn the meeting at 8:20 pm.
SECONDED:	Shadi Rabi	
VOTE ON MOTION	4 yes and 0 opposed. Motion carries.	

The next meeting will be on May 11, 2017

_____, Kathy Hanson, Chair
ATTEST:_____, Betsy Jumper

MASTER COPY

CITY OF BETHEL PLANNING OFFICE
Po Box 1388
Bethel, AK 99559

(907) 543-5306
(907) 543-4168 (facsimile)

RECEIVED
COB-Planning Dept. 12-13-16

APPLICATION FOR A CONDITIONAL USE PERMIT
REGULATION OF ALCOHOLIC BEVERAGE USES
BETHEL MUNICIPAL CODE 5.08 AND BETHEL MUNCIPAL CODE 18.60.20

Carefully read instructions and applicable City code. Fill out forms completely. Attach information as needed. Incomplete applications will create a delay in the review process.

Application Fee must be attached:	**$200.00**	Conditional Use Permit
Payment Type:	☐ Credit Card ☒ Check ☐ Money Order ☐ Cash	

1. General Information

NAME OF APPLICANT:	Cezary J. Maczyuski
Physical Address:	801 B. Front St
Mailing Address:	P.O. Box 1805
Home Phone Number:	(907) 543-2307
Work Phone Number:	(907) 543-4241
Cell Phone Number:	(907) 545-4241
Email Address:	cezarysauto@live.com

Please note:
The City of Bethel will not communicate regarding the application with anyone other than the 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.

Revised 2-8-16

NAME OF PROPERTY OWNER: (If different from Applicant)	
Physical Address:	
Mailing Address:	
Home Phone Number:	
Work Phone Number:	
Cell Phone Number:	
Email Address:	

2. Property Information / Legal Description *See attachment A

Township: 8N	Range: 71 W
Section: 9	Meridian: 5M
Subdivision:	Block(s):
Lot(s):	US Survey or Plat No.: 1002
Street Address: 801 B Front Street	

3. Conditional Use Description

a. *Please provide a detailed description of the proposed conditional use* (additional sheets of paper may be attached if necessary):

Kusko Liquor Store in Bethel

b. *Please comment on any potential impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property.*

There will be no adverse impacts on pedestrian or vehicular traffic with the proposed business.

c. *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 add additional parking spaces.*

Code calls for 3 parking spots. There is enough parking for 11 vehicles.

d. *Describe existing and any planned access to and from the property.*

Entrance to the parking is from 1st Avenue and exit is to the same. As depicted in the drawing

e. *Describe water and sewer facilities and capacities on the property.*

Water tank is 750 gallons
Sewer holding tank is 1,000 gallons

f. *Describe special features and/or restrictions you have designed to minimize potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety, and welfare of nearby structures and residents.*

There will be one handicap parking and five normal parking spots.

g. *What are the dimensions of the structure within the proposed use?*

18'X22' (22'X18' is retail and 8'X18')

4. Mapping

a. Provide a Site Map of the property drawn to Scale. Please include the following:
   1. Name of property owner and date (in lower right hand corner)
   2. Map Scale
   3. North Arrow
   4. Property lines with dimensions
   5. Streets abutting the property with names
   6. Draw in locations of existing and planned buildings with dimensions
   7. Locations of water and sewage facilities, with capacities if applicable
   8. Property driveways and vehicle parking areas showing the number of 9'x 20' parking spaces
   9. Indicate access points to and from the property

b. Provide a map or plat of the general area surrounding the parcel. The map must include street names and notations of the uses and structures that exist on the abutting and nearby lots.

c. List all buildings and structures located within 600' of the property (whether or not owned by the applicant):

5. Owner's Statement

1. I hereby apply for approval for an alcoholic beverage use conditional use permit on the above property as described in this application. 2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, Chapters 5.08, 18.04 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:	Cezary J. Maczynski
Date:	

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

Owner's Signature:	
Printed Name of Owner:	
Mailing Address for Owner:	
Contact Number for Owner:	

FOR OFFICIAL USE ONLY		
For answers that indicate a deficiency, a detailed explanation must be attached 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	☐ No
2. Is there any potential negative impact on to the street from which access to and from the establishment is obtained?	☐ Yes	☐ No
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created by issuing the permit?	☐ Yes	☐ No
4. Will a reasonably expected increase in traffic to the property impact the abutting road or to the existing road system beyond?	☐ Yes	☐ No
5. Is the use compatible with the character of the surrounding neighborhood?	☐ Yes	☐ No

6. Is the property located in a flood zone?	☐ Yes	☐ No
7. Does there appear to be adequate existing or proposed water supply and sewage capacity on the property?	☐ Yes	☐ No
8. What is the zoning designation of the property?		

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.

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. [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; (attached)

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.]

Bethel Recording District
When Recorded Return to:
Cezary J. Maczynski
P.O. Box 1805
Bethel, Alaska 99559

TRANSFER OF LEASE AGREEMENT
TO SUBSEQUENT OWNER

On November 7, 2008, Fermin Iturbide and Ulye Iturbide entered into a lease agreement with the City of Bethel to lease A Parcel of land within Tract C, Alaska Tidelands Survey No. 1346, which was recorded in Plat 92-4 in the Bethel Recording District, Alaska. The Recordation Document Number is 2008-001315-0 with a recording date as November 7, 2008. More particularly described as:

Beginning at the POINT OF BEGINNING, the Meander corner No. 1 of said Tract C of ATS 1346, proceed along the northerly boundary of Tract C S77°13'31"E, 43.88ft. and S88°44'44"E, 36.05 ft. to the southwesterly corner of Lot 2, Bethel Waterfront Subdivision; thence along the direct extension of the common line between Lots 1 and 2 of Bethel Waterfront Subdivision 11.16 ft. to the water side of the existing bulkhead of the Bethel Seawall; thence westerly along the existing bulkhead of the Bethel Seawall to a point on the direct extension of the westerly boundary of Lot 1 of Bethel Waterfront Subdivision, thence North along a line which is an extension of the westerly boundary of Lot 1, 20.7 ft. to the POINT OF BEGINNING, containing 540 square feet, more or less.

The legal description of Lot 1 of the U.S. Survey Number 1002 (Lot 1) which is referred to within the Lease Agreement is found in the Statutory Warranty Deed recorded in the Bethel Recording District Book 0096 and Page 056. The purchase from Fermin Iturbide and Ulye Iturbide by Cezary J. Maczynski on October 7, 2009 by Statutory Warranty Deed is recorded in the Bethel Recording District Document Number 2009-001227-0 on October 7, 2009.

I, Ulye Iturbide, hereby legally transfer the Lease as Lessee to Cezary J. Maczynski, Subsequent Owner of above described property.

Ulye Iturbide 12-12-16
Ulye Iturbide Date

Notary Public
ERMA PETER
State of Alaska
My Commission Expires July 13, 2019

NOTARY PUBLIC in and for the STATE OF ALASKA
This foregoing instrument was acknowledged before me this 12th Day of Dec 2016 by Ulye Iturbide. Notary Public: Erma Peter

ALASKA
Recording Dist: 402 - Bethel
11/7/2008 11:13 AM Pages: 1 of 7

LEASE AGREEMENT

The undersigned, CITY OF BETHEL, ("Lessor"), an Alaska municipal corporation, of P. O. Box 1388, Bethel, Alaska 99559 for good and valuable consideration hereby leases to Fermin Iturbide and Ulye Iturbide, a married couple, of P.O. Box 1069, Bethel, Alaska 99559 ("Lessee"), a portion of ATS 1346, situated in the Bethel Recording District, Fourth Judicial District, State of Alaska, said portion being more particularly described as follows:

> A parcel of land within Tract C , Alaska Tidelands Survey No. 1346, which was recorded in Plat 92-4 in the Bethel Recording District, Alaska, more particularly described as:
>
> Beginning at the POINT OF BEGINNING, the Meander Corner No. 1 of said Tract C of ATS 1346, proceed along the northerly boundary of Tract C S77°13'31"E, 43.88ft. and S88°44'44"E, 36.05 ft. to the southwesterly corner of Lot 2, Bethel Waterfront Subdivision; thence along the direct extension of the common line between Lots 1 and 2 of Bethel Waterfront Subdivision 11.16 ft to the water side of the existing bulkhead of the Bethel Seawall; thence westerly along the existing bulkhead of the Bethel Seawall to a point on the direct extension of the westerly boundary of Lot 1 of Bethel Waterfront Subdivision, thence North along a line which is an extension of the westerly boundary of Lot 1, 20.7ft to the POINT OF BEGINNING, containing 540 square feet, more or less.

The legal description of Lot 1 of the U.S. Survey Number 1002 (Lot 1) which is referred to within this Lease Agreement is found in the Statutory Warranty Deed recorded in the Bethel Recording District Book 0096 and Page 056, more particularly described as:

> Beginning at the B.L.M. Brass Cap monument common to the center lines of First Avenue in Bethel, Alaska and the boundary line between U.S. Survey 1002 and 3032A; thence South 85deg. 56'30" West, 309.00 feet along the center line of First Avenue to a point; thence South 04 deg. 03' 30" East, 30.00 feet to the Corner No. 1 of the original survey; thence south 85 deg. 56" 30" West, 250 feet to the Corner No. 2 of the original Survey and True Point of Beginning for this survey; thence South 04deg. 03' 30" East, 64.92 feet distant to the bank overlooking the Kuskokwim River; thence south 84 deg. 41' 54" East, 92.23 feet distant along the bank of the Kuskokwim River; thence North 04 deg. 03' 30" West, 82.48 feet creating a new boundary dividing the most Northwesterly portion of original lot; thence 85 deg. 56' 30" West along South right-of-way line of First Avenue 91.00 feet distant to Corner No. 2 and True Point of Beginning.

1. Use of Premises. The Leased property shall be used only by the owner(s) of Lot 1 of the U.S. Survey No. 1002. This right of usage of the Leased property may be transferred to subsequent owners of Lot 1 by the Lessee.

2. Term. The herein described Lease shall be for forty (40) years beginning on the date of the execution of this Lease.

3. Consideration. The Lessee shall pay the Lessor for the use of the premises a flat rate of $1 per year payment to be made in advance to Lessor. It is agreed that there shall be no adjustment of this payment to be made for any reason whatsoever. If the lease must terminate before the 40 year period has expired due to causes beyond the control of Lessor no portion of the flat rate payment shall be refunded.

4. Improvements. All improvements shall be and remain the property of the Lessee or its assigns until the expiration of the lease except for and any all parts of the seawall along the Kuskokwim River.

5. Insurance. Lessee shall obtain and pay for liability insurance. The Lessee and its assigns shall hold the Lessor harmless from any claim of whatsoever nature arising out of use or occupancy of the premises.

6. Quiet Enjoyment. Lessor agrees to defend the title of the leased premises and also agrees that the Lessee and its tenants shall peaceably and quietly hold, enjoy and occupy the leased premises for the duration of this lease without any hindrance, interruption, or ejection by Lessor or by any other person whomsoever.

7. Surrender of Possession. If upon expiration or other termination of this lease, further use rights are not granted to the Lessee or its assigns by the Lessor, said Lessee or its assigns shall upon demand, surrender to the Lessor complete and peaceable possession of the premises.

8. Leased properties. The Lessor agrees that the maintenance of the seawall may require an easement across said leased property. The parties hereby consent to such seawall maintenance by Lessor and easement for such purposes.

9. Termination. The Lessee will convey interest in the property to Lessor after 40 years, or when the property is removed, destroyed, ceases to exist, or when the terms of this lease are violated.

10. Upon Whom Binding. It is understood and agreed that the covenants and agreements herein before mentioned shall extend to and be binding upon the heirs, assigns, successors, executors and administrators of the parties of this lease.

11. Amendments. Lease conditions may be amended upon mutual and written agreement by the Lessor and Lessee. The amendment shall become effective upon the last signature date on the agreement by the Lessor and Lessee.

12. Scope. Lessee may use the Leased property for ingress and egress to navigable waters and for any reasonable use including, but not limited to, operation of a commercial fish processing business on the Lessee's parcel subject to this Agreement and any other

agreement between any of the parties hereto and subject to all laws, statutes, ordinances and regulations of any governmental authority.

13. Lessor Right of Entry: Upon reasonable notice to the Lessee, the Lessor shall have the right to enter onto the Leased property for the purpose of inspecting, monitoring, maintaining, repairing or replacing the bethel Seawall. Lessor, its representatives, agents, assigns and contractors shall have the right to maintain all tiebacks, thermo-piles and other structures associated with the Bethel Seawall, as they are currently situated within the Leased property, and to enter and occupy the Leased property for purposes of maintaining, repairing or operating the Bethel Seawall. Lessor shall further have the right to perform all acts necessary to maintain existing structures, and to modify, replace, or expand existing structures, as may be reasonably required by any modification, repair, maintenance, or expansion of the Bethel Seawall. Lessor shall have the right to use the Leased property for such purposes as may be required in connection with the maintenance, repair and operation of the Bethel Seawall, including the right to clear, remove and dispose of any and all improvements and/or obstructions from the Leased property. Lessor shall have the right to excavate, dredge, cut away and remove any and all of the Leased property, and to deposit dredge and fill material on the Leased property, as may be necessary to the construction, maintenance or continued operation of the Bethel Seawall, provided such activities do not unreasonably interfere with Lessee's use of the Lessee's parcel and access to the adjoining waters. Lessee agrees to cooperate with the Lessor in all of its reasonable activities in the Leased property that are undertaken pursuant to and in conformity with this Leased property Agreement.

14. Lessor to Cooperate with Lessee. The Lessor agrees to cooperate with Lessee so that its activities in the Leased property do not unreasonably interfere with Lessee's use of Lessee's parcel and access to the adjoining waters. The Lessor shall not make any change, alteration, or improvement to the land or erosion control structures within the Leased property that unreasonably obstructs or further burdens, hinders or interferes with mooring along any portion of the Bethel Seawall adjacent to the Lessee's parcel or the access by persons, goods, machinery or vehicles to the Lessee's parcel and the adjoining waters from the Lessee's parcel.

15. Reservations. The Lessor reserves unto itself all property rights, privileges, appurtenances, and incorporeal hereditaments in and to ATS 1346 that are not expressly granted to the Lessee under the terms of this Leased property Agreement. Lessor, its successors and assigns reserve such rights and privileges as may be used without interfering with or abridging the rights and Leased properties hereby conveyed. Notwithstanding any of the foregoing, Lessee reserves unto itself all property rights, privileges, appurtenances and incorporeal hereditaments in and on the herein described Lessee's parcel.

16. Lessee to Cooperate with Lessor. Lessee shall not disturb any improvements or work previously constructed or to be constructed by Lessor within the Leased property. Lessee shall not erect any buildings, fences or other obstructions within the Leased

property. Lessee agrees to remove any temporary obstructions from the Leased property upon reasonable notice by Lessor, when reasonably necessary to facilitate Lessor activities within the Leased property that are undertaken pursuant to the terms of the Leased property Agreement. Provided, that Lessor shall have the right to remove any obstructions without prior notice, if immediate access is necessary to the maintenance, repair, and continued operation of the seawall, and if the Lessor has made a diligent, good faith effort under the circumstances then prevailing to provide Lessee with prior notice of its needed immediate access.

17. Mutual Covenants. The Lessor herewith agrees and covenants unto the Lessee that Lessor shall not interfere with or abridge the rights and Leased property granted to the Lessee by this Access Leased property Agreement except in accordance with this Agreement. The Lessee herewith stipulates, agrees and covenants unto the Lessor that, except as otherwise expressly provided herein, Lessee shall not in any way abridge or interfere with the Lessors' quiet enjoyment of all property rights, privileges, incorporeal hereditaments and appurtenances of ATS 1346, as provided by law except in accordance with this Agreement.

The Lessor and Lessee agree and mutually covenant to each other that all terms and conditions of this Lease shall run with the herein described Lessee's parcel (Lot #1 of U.S.S. 1003), and inure to the benefit of, and be binding upon, the heirs, successors and assigns of both parties. The terms and conditions of this Lease Agreement may only be modified in writing.

18. Mutual Indemnification. The Lessee shall defend, indemnify and hold harmless the Lessor, its agents, employees, assigns and insurers from and against any and all claims, loss injury, harm or liability to any person or property arising from, or related to the Lessee's use or ownership of the Leased property, except for claims arising from or related to the negligent or intentional acts, including acts or omissions that constitute a breach of the terms of this Access Leased property Agreement, of or by the Lessor, or its officials, employees, agents or assigns.

The Lessor shall defend, indemnify and hold harmless the Lessee, its agents, employees, assigns and insurers, from and against any and all claims, loss, injury, harm or liability to any person or property arising from, or related to Lessors' use or occupancy of the Leased property, except for claims resulting from the negligent or intentional acts, including acts or omissions that constitute a breach of the terms of this Lease Agreement, of or by the Lessee, its employees, agents or assigns.

The aforementioned duties of the Lessor and the Lessee to defend, and hold each other harmless shall include, but not be limited to, all liabilities, claims obligations, causes of action, cleanup costs, judgments, damages and losses arising out of or connected with any and all Hazardous Materials spilled, leaked or appearing in or on the Leased property or the adjoining waters. "Hazardous Materials" shall be defined as:

(a) all substances the cleanup or disposal of which is regulated by the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and the Resource Conservation Recovery Act (RCRA), both as amended and all implementing regulations.

(b) The applicable provision of Title 46 of Alaska Statutes and all implementing regulations, and

(c) all substances containing petroleum or other hydrocarbons, asbestos and any other materials, substances or wastes which are or become regulated as hazardous or toxic under federal, state or local law.

18. Waiver. No forbearance or neglect or failure to enforce or bring action to enforce any covenant, agreement, duty, term or condition of this Lease Agreement shall be effective unless it is made in writing, signed by both parties hereto. No waiver by either party of any term, covenant, agreement, duty or condition of this Lease Agreement shall be construed as a waiver of any other term, covenant agreement, duty or condition of the Lease Agreement, nor shall the waiver of any breach be considered as a waiver of any other breach.

19. Headings. The headings of each paragraph within this agreement are provided only for the convenience of the reader and shall not be construed to modify, or supplement in any way the text of the provisions of said paragraph or this agreement.

20. Lease to Run With the Land. Lessor agrees this Lease shall run with the land.

21. Prior Agreements. All prior agreements between the parties related to any interest in the Lessee's parcel are hereby extinguished, replaced and superseded by this Lease Agreement.

DATED this 7 day of November, 2008.

Fermin Iturbide, Lessee

Fermin Iturbide
Fermin Iturbide

State of Alaska)
)ss.
Fourth Judicial District)

The foregoing instrument was acknowledged before me this 7 day of November, 2008 by Fermin Iturbide.

LORI STRICKLER
Notary Public, State of Alaska
Commission # 111056
My Commission Expires
August 12, 2012

My Commission Expires:
August 12, 2008

DATED this 7 day of November, 2008

Ulye Iturbide, Lessee

Ulye Iturbide
Ulye Iturbide

State of Alaska)
)ss.
Fourth Judicial District)

The following instrument was acknowledged before me this 7 day of November, 2008 by Ulye Iturbide.

Lori Strickler
Notary Public for Alaska

LORI STRICKLER
Notary Public, State of Alaska
Commission # 111056
My Commission Expires
August 12, 2012

My Commission Expires:
August 12, 2008

DATED this 7 day of November, 2008.

City of Bethel, Lessor

Lee Foley, City Manager

State of Alaska)
)ss.
Fourth Judicial District)

LORI STRICKLER
Notary Public, State of Alaska
Commission # 111056
My Commission Expires
August 12, 2012

The foregoing instrument was acknowledged before me this 7 day of November, 2008, by Lee Foley, the City Manager for the City of Bethel, a municipal corporation, on behalf of the corporation.

Notary Public for Alaska

My Commission Expires:
August 12, 2012

Please Return To:
City of Bethel
P.O. Box 1388
Bethel, AK. 99559

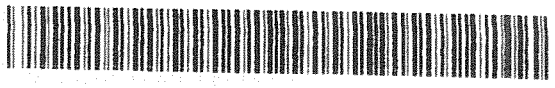
7 of 7
2008-001315-0

CC Attachment A

ALASKA

2009-001227-0

Recording Dist: 402 - Bethel
10/7/2009 10:05 AM Pages: 1 of 2



Bethel RECORDING DISTRICT

When recorded, return to:
Cezary J. Maczynski
P.O. Box 1805
Bethel, Alaska 99559

STATUTORY WARRANTY DEED

Fermin Iturbide and Ulye Iturbide ("Grantor"), whose address is P.O. Box 1069, Bethel, Alaska 99559, for and in consideration of the amount of **Ten & 00/100** Dollars (**$10.00**), in hand paid, conveys and warrants to **Cezary J. Maczynski, a married man** ("Grantee"), whose mailing address is **P.O. Box 1805 Bethel**, Alaska 99559, the following described real estate located in the **Bethel** Recording District, Fourth Judicial District, State of Alaska:

That Portion of U.S. Survey No. 1002, Bethel Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

BEGINNING AT THE B.L.M. BRASS CAP MONUMENT COMMON TO THE CENTER LINES OF FIRST AVENUE IN BETHEL, ALASKA AND THE BOUNDARY LINE BETWEEN U.S. SURVEY 1002 AND 3032A; THENCE S. 85 DEGREES 56' 30" W., 309.00 FEET ALONG THE CENTER LINE OF FIRST AVENUE TO A POINT; THENCE S. 04 DEGREES 03' 30" E., 30.00 FEET TO THE CORNER NO. 1 OF THE ORIGINAL SURVEY, THENCE S. 85 DEGREES 56' 30" W., 250 TO THE CORNER NO. 2 OF THE ORIGINAL SURVEY AND TRUE POINT OF BEGINNING FOR THIS SURVEY; THENCE S. 04 DEGREES 03' 30" E., 55.00 FEET DISTANT TO THE BANK OVERLOOKING THE KUSKOKWIM RIVER; THENCE S. 84 DEGREES 41' 54" E., 92.23 FEET DISTANT ALONG THE BANK OF THE KUSKOKWIM RIVER; THENCE N. 04 DEGREES 03' 30" W. 70 FEET CREATING A NEW BOUNDARY DIVIDING THE MOST NORTHWESTERLY PORTION OF ORIGINAL LOT, THENCE S. 85 DEGREES 56' 30" W. ALONG SOUTH RIGHT-OF-WAY LINE OF FIRST AVENUE 91.00 FEET DISTANT TO CORNER NO. 2 AND TRUE POINT OF BEGINNING.

DATED this 7th day of October, 2009.

GRANTORS:

Fermin Iturbide

Fermin Iturbide

Ulye Iturbide

Ulye Iturbide

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

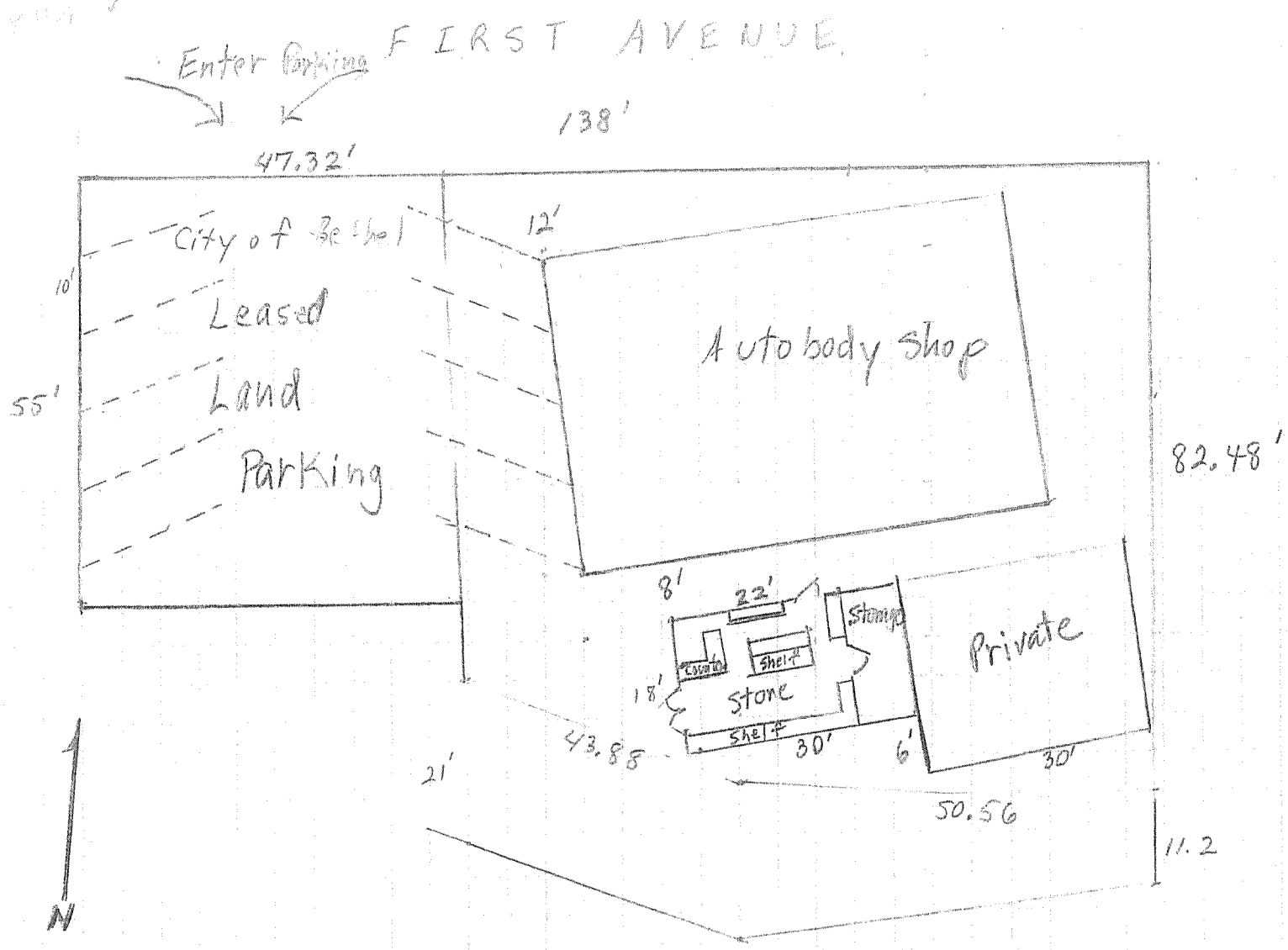
Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, and consumption. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

See Attachment

Cezary J. Maczynski.



store has 396 ☒
storage has 144 ☒

First American

Limited Liability Report

Limited Liability Report

ISSUED BY

First American Title Insurance Company

REPORT NUMBER

File No.: 0209-2826345

Ref No.:

To: City of Bethel Planning Department
PO Box 388
Bethel, AK 99559

Limitation of Liability for Informational Report

IMPORTANT - READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

First American Title Insurance Company

Choyu K. Brandon

Choyu K. Brandon, Title Officer

File No. 0209-2826345

First American Title Insurance Company

Dennis J Gilmore
President

Jeffrey S. Robinson

Jeffrey S Robinson
Secretary

Effective Date: March 07, 2017 at 8:00 am

Fee: $255.00

Title is vested in:

Kuskokwim Commercial Company

The land referred to in this Report is situated in the State of Alaska and is described as follows:

That Portion of U.S. Survey No. 1002, Bethel Recording District, Fourth Judicial District, State of Alaska, more particularly described as follows:

Commencing at B.L.M. monument U.S. S. 3230 and 1002, being the monument located on First Avenue; thence South 85°56'30" W a distance of 559.13 feet to a point on First Avenue, known as Corner 4 of the Lindsey Survey, dated October 11, 1968, being the point of beginning. Thence S04°03'30" E a distance of 60 feet more or less to a point along the bank of the Kuskokwim River; thence in a northwesterly direction along the bank of the Kuskokwim River N87°55' W a distance of 150 feet more or less to a point along First Avenue; thence N79°39' E a distance of 50 feet more or less; thence N85°56'30" E a distance of 130 feet more or less to the point of beginning.

The title to the herein described land is subject to the matters shown as exceptions herein, which exceptions are not necessarily shown in order of their priority.

EXCEPTIONS

1. Reservations or exceptions in patents or in acts authorizing the issuance thereof.

2. Subject property does not lie within an organized taxing district.

3. Rights of the public and/or governmental agencies in and to any portion of the above described real property lying within any roadway or public easement areas.

4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Kuskokwim River.

5. Any question that may arise due to the shifting and/or changing in the course of Kuskokwim River.

6. Any adverse claim based upon the assertion that some portion of said land is tide or submerged lands, or has been created by artificial means or has accreted to such portion so created.

7. Any preference rights which may exist under the Alaska Land Act, terms, provisions and reservations under the Submerged Lands Act (43 USCA 1301, 67 Stat. 29) and the enabling act (Public Law 85-508, 72 Stat. 339).

8. Terms, provisions and reservations under the Submerged Land Act (43 U.S.C.A. Sections 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.

9. Any prohibition or limitation on the use, occupancy or improvements of the land resulting from the right of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

10. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or other facts which a correct survey would disclose, and which are not shown by the public records.

11. All matters, including dedications, notes restrictions and easements shown or disclosed by the record of Survey, recorded January 8, 2009, Plat No. 2009-1.

12. Resolution No. 2016-1, including terms and provisions thereof.
Recorded: February 8, 2016 in Serial Number 2016-000093-0

13. The right, title or interest of City of Bethel, as disclosed by Statutory Quitclaim Deed Subject to Exceptions, recorded November 23, 1984 in Book 39 Page 930 and Amended Statutory Quitclaim Deed Subject to Conditions, recorded May 6, 2005 in Serial Number 2005-000579-0.

NOTE: Grantor held no record interest at time of execution of said document.

NOTE: The attached plat, if any, is furnished solely for the purpose of assisting in locating the premises and does not purport to show all highways, roads or easements affecting the property. No reliance should be placed upon this plat for location or dimensions of the property and no liability is assumed for the correctness thereof.

First American

First American Title Insurance Company
3035 C Street
Anchorage, AK 99503
Phone: (907)561-1844 / Fax: (907)562-0540

PR: NWEST

Ofc: 0209 (3426)

Final Invoice

To: City of Bethel Plannign Department
PO Box 388
Bethel, AK 99559

Invoice No.: 3426 - 20949654
Date: 03/07/2017

Our File No.: 0209-2826345
Title Officer: Choyu K. Brandon
Escrow Officer:

Customer ID: AD6913157

Liability Amounts
Owners: $255.00
Lenders:

Attention: Betsy Jumper

Your Ref.:

RE: **Property:**
Tract D Alaska Tideland Survey, Bethel, AK 99559

Buyers:
Sellers: City of Bethel

Description of Charge	Invoice Amount
Report: Lien & Encumbrance	$255.00

INVOICE TOTAL **$255.00**

Comments:

Thank you for your business!

To assure proper credit, please send a copy of this Invoice and Payment to:
Attention: Accounts Receivable Department
PO Box 31001-2281
Pasadena, CA 91110-2281

DEED.
#347.

Frank Joaquin.
A. H. Twitchel.
C. A. Fowler.
TO
Kuskokwim Commercial.
Company.a Corporation.

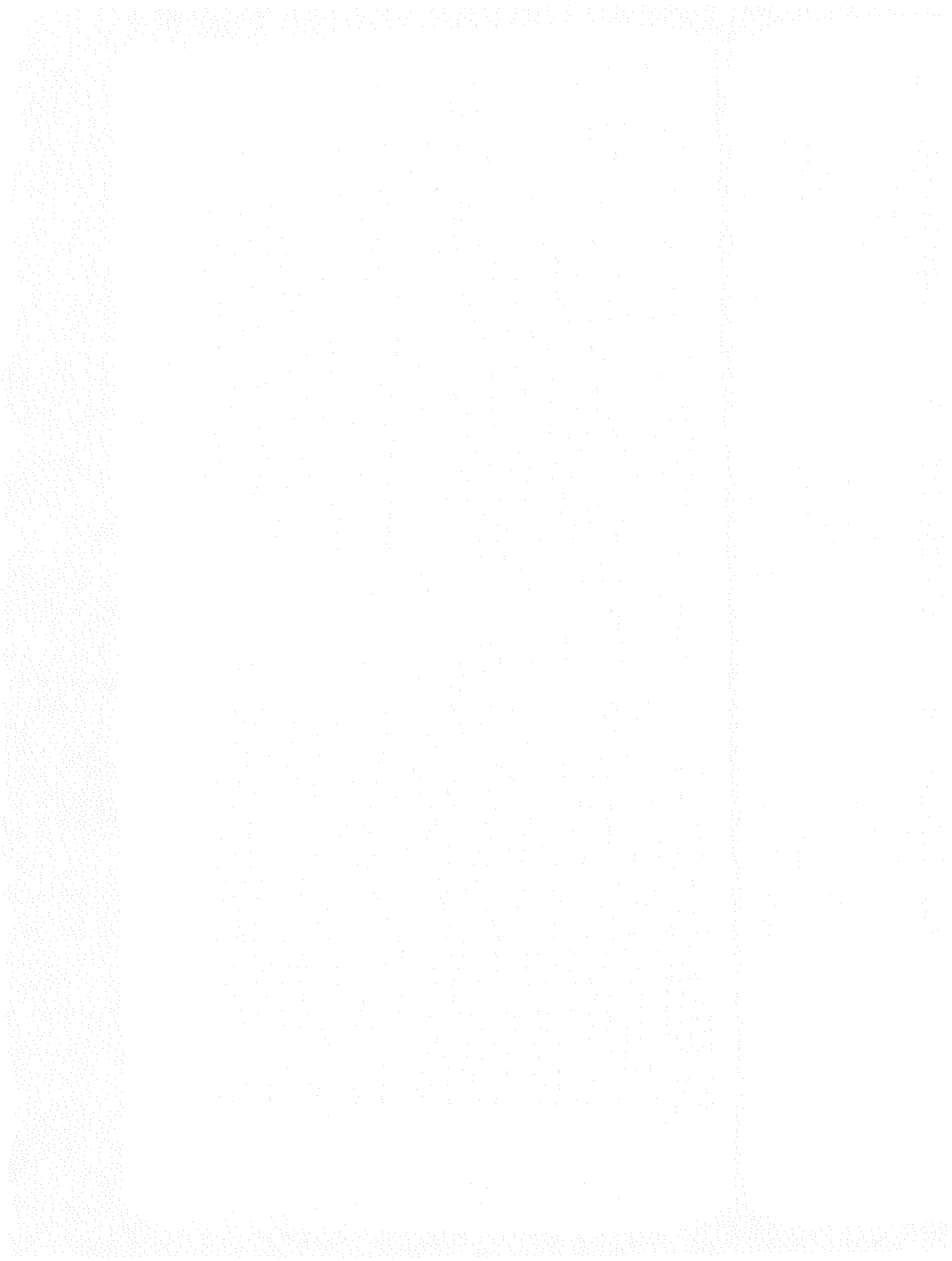
This Indenture Made this 18th day of May,1909,Between Frank Joaquin A. H. Twitchel,and C. A. Fowler,indivually and as Copartners doing buisness under the firm name of Joaquin, Twitchell,and Fowler, the parties of the first part,and the Kuskokwim Commercial Co,a Corporation Organized and existing under and by virtue of the laws of the state of Nevada,the party of the second part,Witnesseth:-That the said pary of the first part in consideration of the sum of $10.00 Ten Dollars,lawfull money of the United States of America,to them in hand paid by the said party of second part, the receipt of which is hereby asknowledged do by these presents grant,bargin,and sell unto the said party of the second part and to its heirs and assigns forever all these certain lots,pieces or parcels of land situated in and described as follows,To-wit:-That certain Soldiers Additional Homestead Claim,situatedon the right bank of the Kuskokwim Riveradjoining on the S. W. line of Bethel Mission,District of Alaska,described in plat of U. S. Survey NO,1003,as surveyed by Clinton Gurnll,U. S. Deputy Surveyer.Also trading site situated on the right bank of the Kuskokwim River,adjoining Bethel Mission on N. E. and described in plat NO,1002,as surveyed by said Gurnse,together with the Improvementsthereon,Together with the tenements and Appertainance thereunto belonging or appertaining,and the reversion and remainderand ,rents,issues and profits thereof,to have and to hold the said premises Together with the Appertenances unto the said party of the second part and to its heirs and assigns forever In Witness whereof the said parties of the first part have hereunto set their hands the day and year first above written.
1907
1908
C. A. Fowler.
A. H. Twitchel.
Frank Joaquin.
Signed Sealed, and delivered.
H. E. Heavey. U. S. Commissioner for the District of Alaska.

BILL OF SALE.
#348.

Frank Joaquin
A. H. Twitchel.
C. A. Fowler.
TO
Kuskokwim Commercial
Company a Corporation

Known all men by these presents that Frank Joaquin,A. H. Twitchell,and C. A. Fowler.Indivually and as Copartners doing business under the firm name and style of Joaquin,Twitchell and Fowler,the parties of the first part in consideration of the sum of Ten,Dollars,$10.00,gold coin of the United States of America to them in hand paidby the Kuskokwim Commercial CO,a Corporation organized and existing under and by virtue of the state of Nevada the parties of the second part,the receipt whereofis hereby acknowledged,do by these presents sell unto the party of the second of the part ,its successors and assigns the following described property:,TO-wit:Schooner Zenith,35,Ton,more or less,Tug Boat, Mary Louise:36,H. P. Gasoline Boat,6,H. P. more or less,Four fishing Boats,Also all other assetsof the said partenership, Joaquin, Twitchell,and Fowler.Mining property:excepted:and we do for our heirs excutors and adminsterators,Cauvent and agree to and with the party of the second part its successors and assigns ,to warrant and defend the sale of said property goods and chattels unto the party of the second part,its successars and assigns,against all and every person or persons whosoever lawfully claiming unto the same . In witness whereof we have hereunto set our hands the 18th,day of May,1909,
Acknowledged before Me the above Date.
H. E. Heavey.U. S. Commissioner.In and for the District of Alaska.:-C. A. Fowler. A. H. Twitchell. Frank Joaquin.doing buisaness under the name and style of,of Joaquin,Twitchell.and Fowler.

Rec. 5-18-09



BOOK 32 PAGE 930

STATUTORY QUITCLAIM DEED SUBJECT TO CONDITIONS

Subject to the limitations stated below, Grantor, Bethel Marina, Inc., of 17610 N.E. 67th Court, Redmond, Washington, for good and valuable consideration, receipt of which is hereby acknowledged, does CONVEY and QUITCLAIM to the City of Bethel, a municipal corporation, of Box 388, Bethel, Alaska, all interest which it has, if any, in the following described real estate situated in Bethel Recording District, Fourth Judicial District, State of Alaska, to wit:

A plot of land of U.S. Survey 1002, located in the City of Bethel, Alaska, described as:

Commencing at BLM monument, U.S.S. 3230, U.S.S. 1002, being the monument located on First Avenue; thence S 85° 56' 30"W a distance of 559.13' to a point on First Avenue known as Corner 4 of the Lindsey Survey, dated October 11, 1968, being the point of beginning. Thence S 04° 03' 30"E a distance of 60' more or less to a point along the bank of the Kuskokwim River; thence in a northwesterly direction along the bank of the Kuskokwim River N 87° 55'W a distance of 150' more or less to a point along First Avenue; thence N 79° 39'E a distance of 50' more or less; thence N 85° 56' 30"E a distance of 130' more or less to the point of beginning.

Said real estate is quitclaimed and conveyed to the Grantee to be used exclusively for the purpose of a public park.

EXCEPTING any portion of said property which may lie north of the centerline of that public road commonly known as First Avenue, and

EXCEPTING FURTHER any and all of said property on which any presently existing building owned by Grantor or by Edsa Enterprises, Inc. may be located, which portion is hereby reserved to Grantor, and any and all of said property reasonably necessary for access from First Avenue to said building by pedestrian and vehicular traffic.

THIS CONVEYANCE IS MADE SUBJECT TO AND ON THE CONDITION THAT said property shall be used solely for and as a public park or open space, and that said property shall be used for no commercial activities or purposes, and that the park to be established on this propperty be named DUTTU PARK. In the event said property shall cease to be so used, all interests herein conveyed shall automatically revert to the Grantor or its sucessors.

DATED this 10th day of October, 1984

84-1602

BETHEL MARINA, INC.

By [signature]

Its Vice President

RECORDED ~~FILED~~ 11:00
BETHEL RECORDING DISTRICT

Nov 23 10 15 AM '84

REQUESTED BY City of Bethel
ADDRESS PO Box 388 Bethel, AK 99559

STATE OF WASHINGTON)
County of King) ss.
)

On this 10th day of October, 1984, before me a Notary Public in and for the State of Washington, personally appeared Frank E. Foster, known to me to be the Vice President of Bethel Marina, Inc., the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed thereto is the corporate seal of said corporation.

WITNESS my hand and the official seal affixed the day and year first above written.

IRMA SHEID
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES
81003001

Irma Sheid
NOTARY PUBLIC in and for the State of Washington, residing at ARLINGTON, WA.

2005-000579-0
Recording Dist: 402 - Bethel
5/6/2005 11:26 AM Pages: 1 of 4
ALASKA

CC

THIS COVER SHEET HAS BEEN ADDED TO THIS DOCUMENT TO PROVIDE SPACE FOR RECORDING DATA. THIS COVER SHEET APPEARS AS THE FIRST PAGE OF THE DOCUMENT IN THE OFFICIAL PUBLIC RECORD.

DO NOT DETACH

AMENDED STATUTORY QUITCLAIM DEED SUBJECT TO CONDITIONS

Subject to the limitations stated below, Grantor, Bethel Marina, Inc., of 17610 N.E. 67th Court, Redmond, Washington, for good and valuable consideration, receipt of which is hereby acknowledged, does CONVEY and QUITCLAIM to the City of Bethel, a municipal corporation, of Box 388, Bethel, Alaska, all interest which it has, if any, in the following described real estate situated in Bethel Recording District, Fourth Judicial District, State of Alaska, to wit:

A plot of land of U.S. Survey 1002, located in the City of Bethel, Alaska, described as:

Commencing at BLM monument, U.S.S. 3230, U.S.S. 1002, being in the monument located on First Avenue; thence S 85° 56' 30"W as distance of 559.13' to a point on First Avenue known as Corner 4 of the Lindsey Survey, dated October 11, 1968, being the point of beginning. Thence S 04° 03' 30" E a distance of 60' more or less to a point along the bank of the Kuskokwim River; thence in a northwesterly direction along the bank of the Kuskokwim River N 87° 55'W a distance of 150' more or less to a point along First Avenue; thence N 79° 39'E a distance of 50' more or less; thence N > 5° 56'30"E a distance of 130' more or less to the point of beginning.

Said real estate is quitclaimed and conveyed to the Grantee to be used exclusively for the purpose of a public park.

EXCEPTING any portion of said property which may lie north of the centerline of that public road commonly known as First Avenue, and

EXCEPTING FURTHER any and all of said property on which any presently existing building owned by Grantor or by Edsa Enterprise, Inc. may be located, which portion is hereby reserved to Grantor, and any and all of said property reasonable necessary for access from First Avenue to said building by pedestrian and vehicular traffic.

Return to: K-300
PO Box 300
Bethel, Alaska 99559

2 of 4
2006-000579-0

THIS CONVEYANCE IS MADE TO AND ON THE CONDITION THAT

said property shall be used solely for and as a public park open space, and that said property shall be used for no commercial activities or purposes, other that the construction of Kuskokwim 300 Race Headquarters and sale of merchandise by that corporation, related to the promotion of the Kuskokwim 300. The park to be established on this property shall be named DATU PARK. In the event said property shall cease to so used, all interests herein conveyed shall automatically revert to the Grantor or its successors.

DATED this 31 day of August, 2001.

BETHEL MARINA, INC.

By: _____

Its: PRESIDENT

STATE OF ALASKA)
) ss.
)

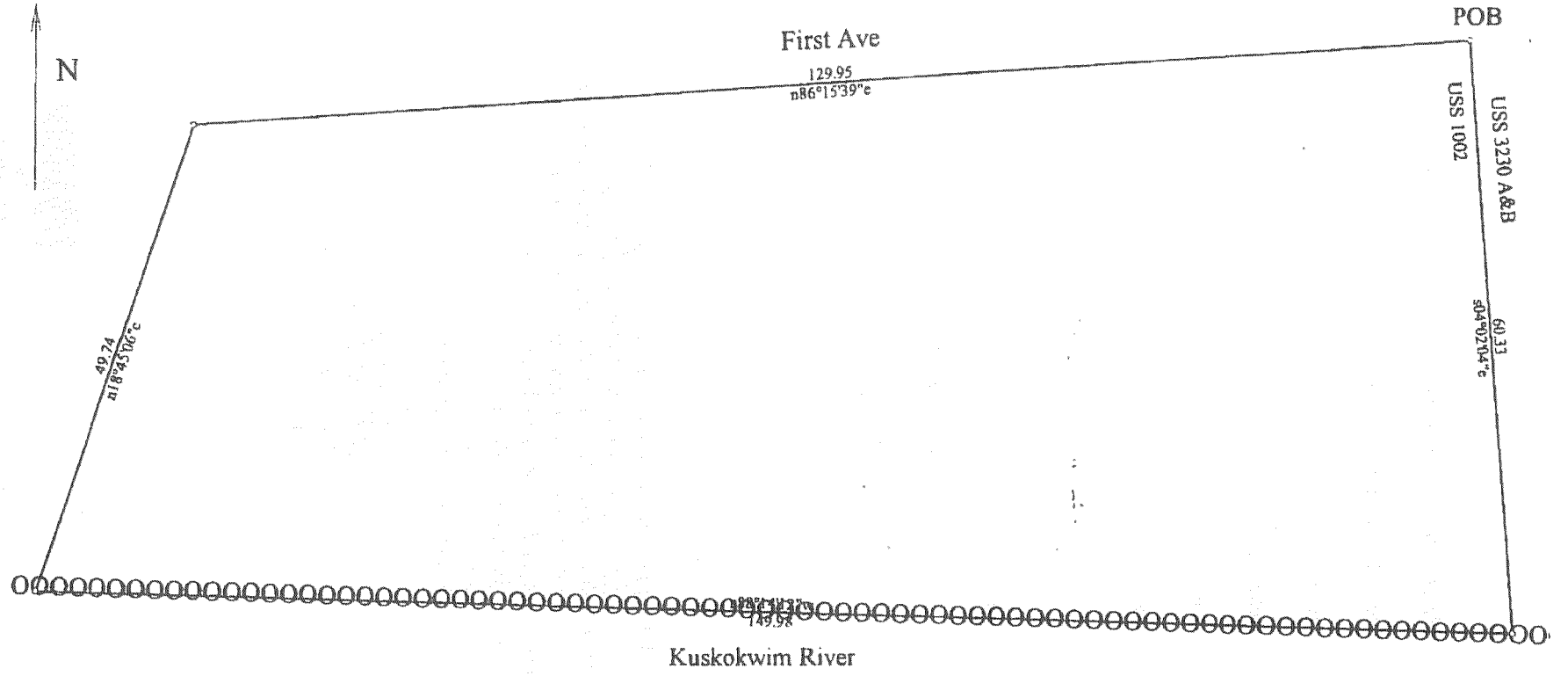
On this 31 day of August, 2001, before me a Notary Public in and for the State of Alaska, personally appeared HANS Winterlien, known to me to be the President of Bethel Marina, Inc., the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument, and the seal affixed thereto is the corporate seal of said corporation.

WITNESS my hand and the official seal affixed the day and year first above written.

_____

NOTARY PUBLIC in and for the
State of Alaska, residing at
Bethel, Alaska.

Park Strip has never been surveyed -drawing created from legal description on deed.



Title: "Duttu Park" - First Ave. (No lot or block) B-39 P-930 BRD		Date: 10-11-1996
Scale: 1 inch = 15 feet	File: DUTTU_PK.DES	
Tract 1: 0.172 Acres: 7487 Sq Feet: 695.6 Sq Meters: No significant closure error. : Perimeter = 390 feet		
001=s04.0204e 60.33 b	003=n18.4506e 49.74 b	
002=n88.1412w 149.98 b	004=n86.1539e 129.95 b	

2006-000878-0

RESOLUTION

Bethel Planning Commission

Resolution No. 2016 – 1

A RESOLUTION OF THE PLANNING COMMISSION APPROVING THE CONDITIONAL USE PERMIT APPLICATION BY BETHEL SPIRITS LLC FOR A PACKAGE LIQUOR STORE AT 750 FRONT AVENUE, UNITED STATES SURVEY NO. 1002, LOT 1.

WHEREAS, Bethel Municipal Code (BMC) Section 5.08.060 states that any use which includes the retail sale or dispensing of alcoholic beverages is permitted only by a Conditional Use Permit; and

WHEREAS, Bethel Spirits has submitted a Conditional Use Permit Application for opening a package liquor store on 750 Front Ave; and

WHEREAS, the Planning Director/Platting Officer for the City of Bethel has reviewed and wrote findings of fact for the Conditional Use Permit application and determined that it conforms to the requirements pursuant to BMC 18.60 (Conditional Use Permit Standards and Procedures) and 16.04 (Planning, Land Use, Platting, and Site Development), and recommends the Conditional Use Permit be approved.

NOW THEREFORE BE IT RESOLVED that the **PLANNING COMMISSION** has reviewed the Conditional Use application and staff's findings and has determined that they conform to the requirements pursuant to BMC 18.60 and BMC 16.04, and hereby approves the permit for recording in the Bethel District Recorder's Office. with the following condition:

- the applicant install adequate lighting surrounding the building for safety

PASSED AND APPROVED BY THE BETHEL PLANNING COMMISSION by a duly constituted quorum on this 2nd day of February 2, 2016. City of Bethel City Planning Commission Action:

Vote: In Favor: 4 Opposed: 0 Abstained: 1

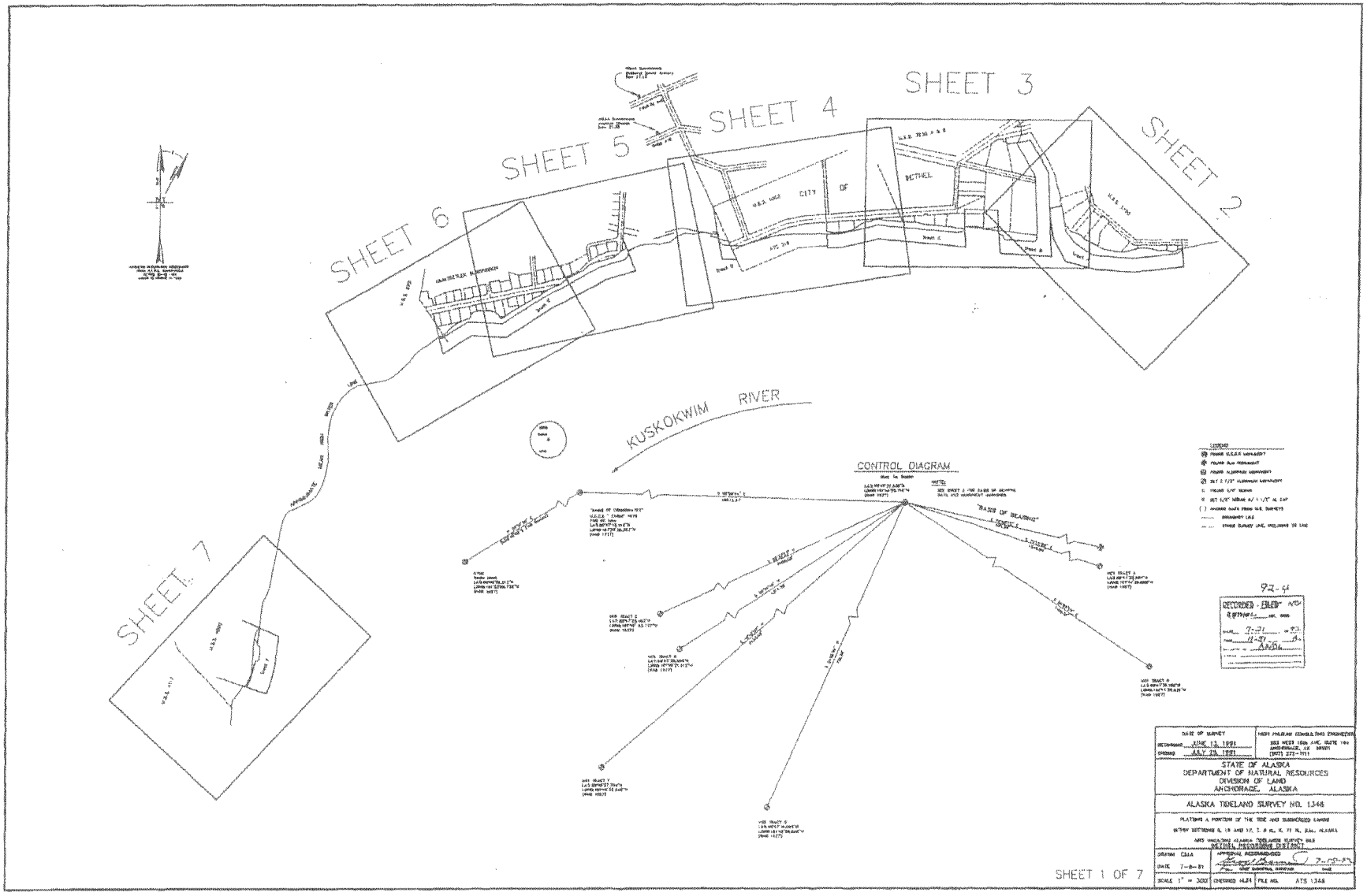
ATTEST:

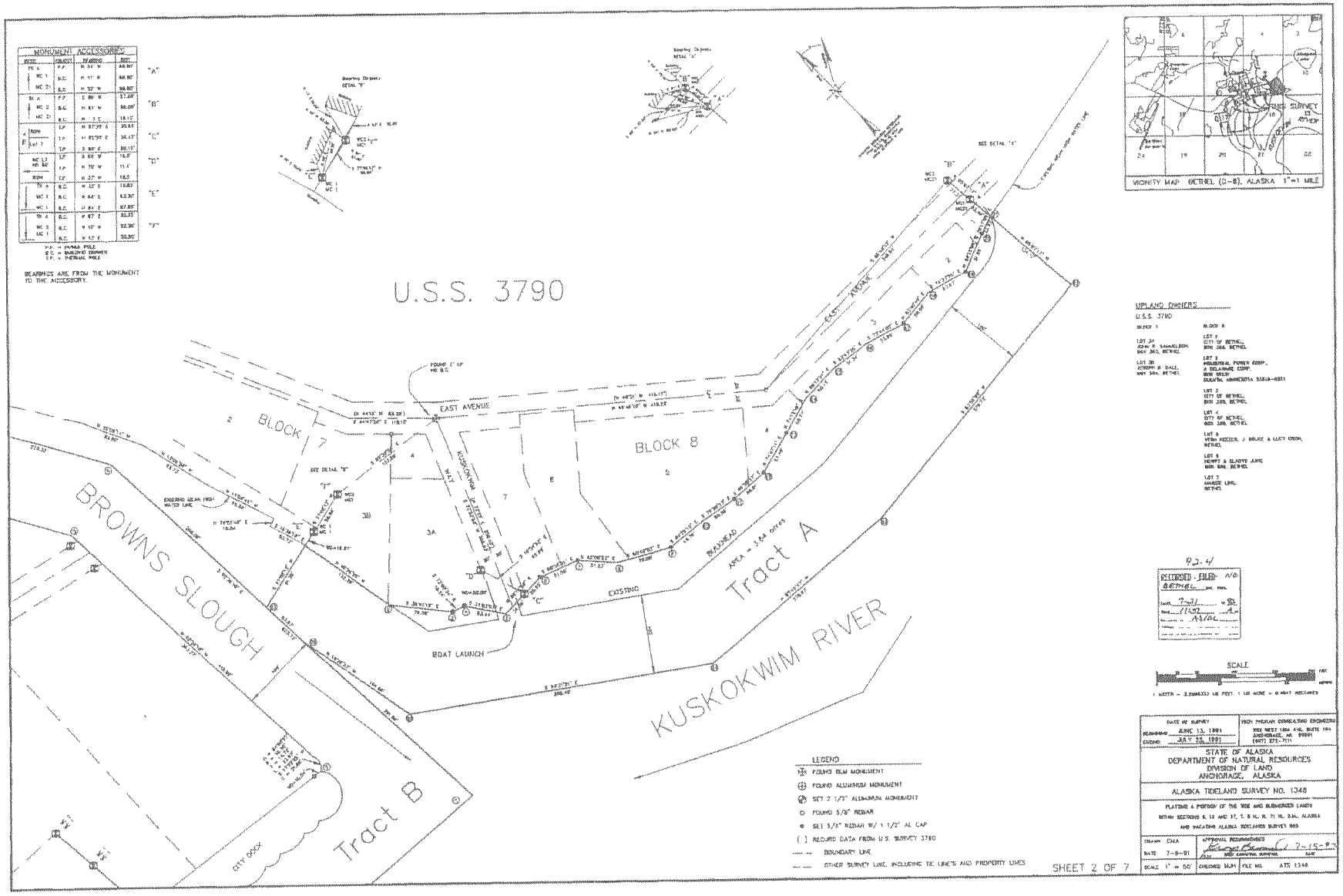
Joy Shantz, Chairman
City of Bethel Planning Commission

Betsy Jumper, Recorder

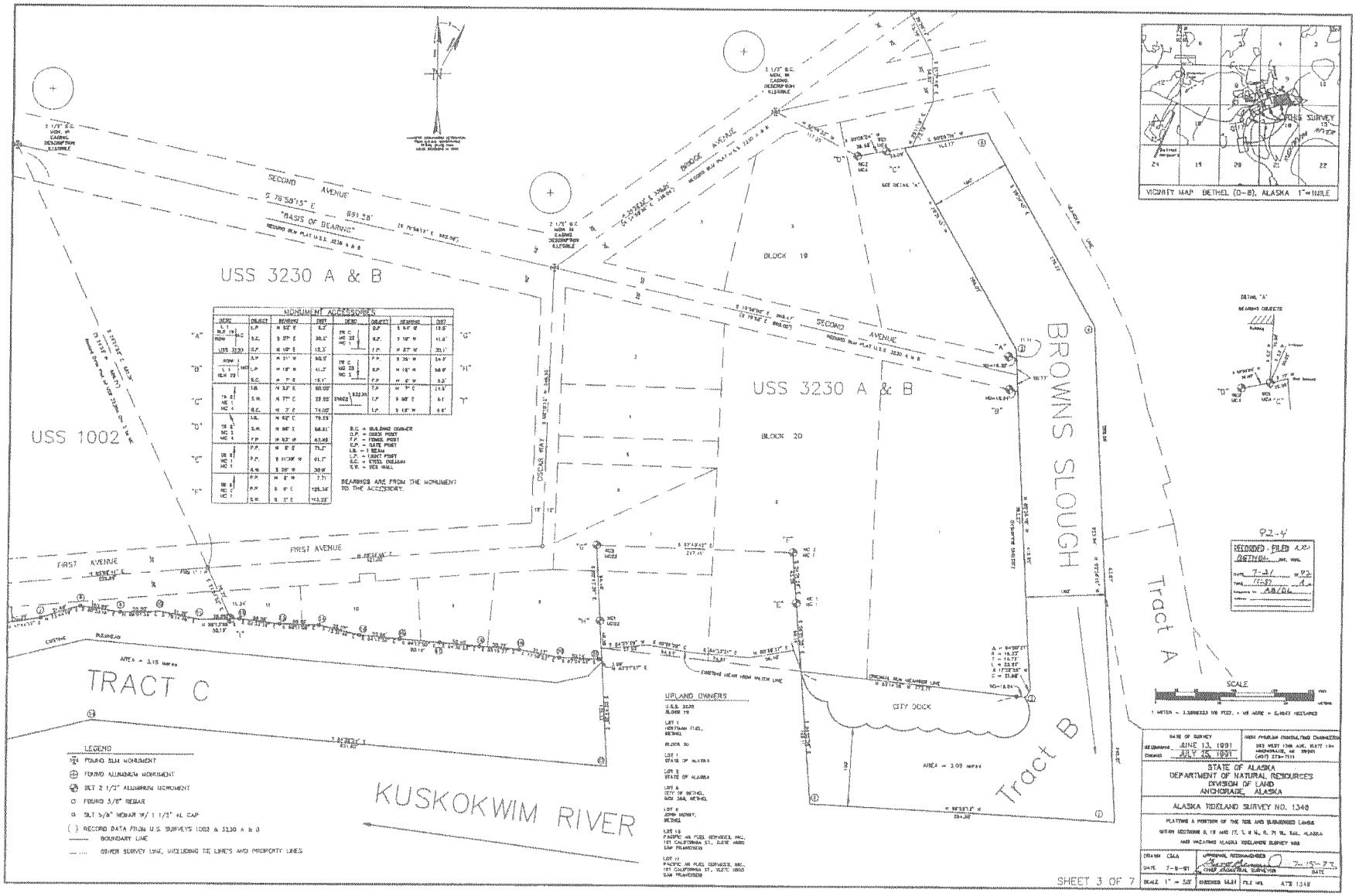
Bethel Recording District:
After recording please return to:
City of Bethel Planning Department
PO Box 1388
Bethel, Alaska 99559

2016 – 000093 – 0

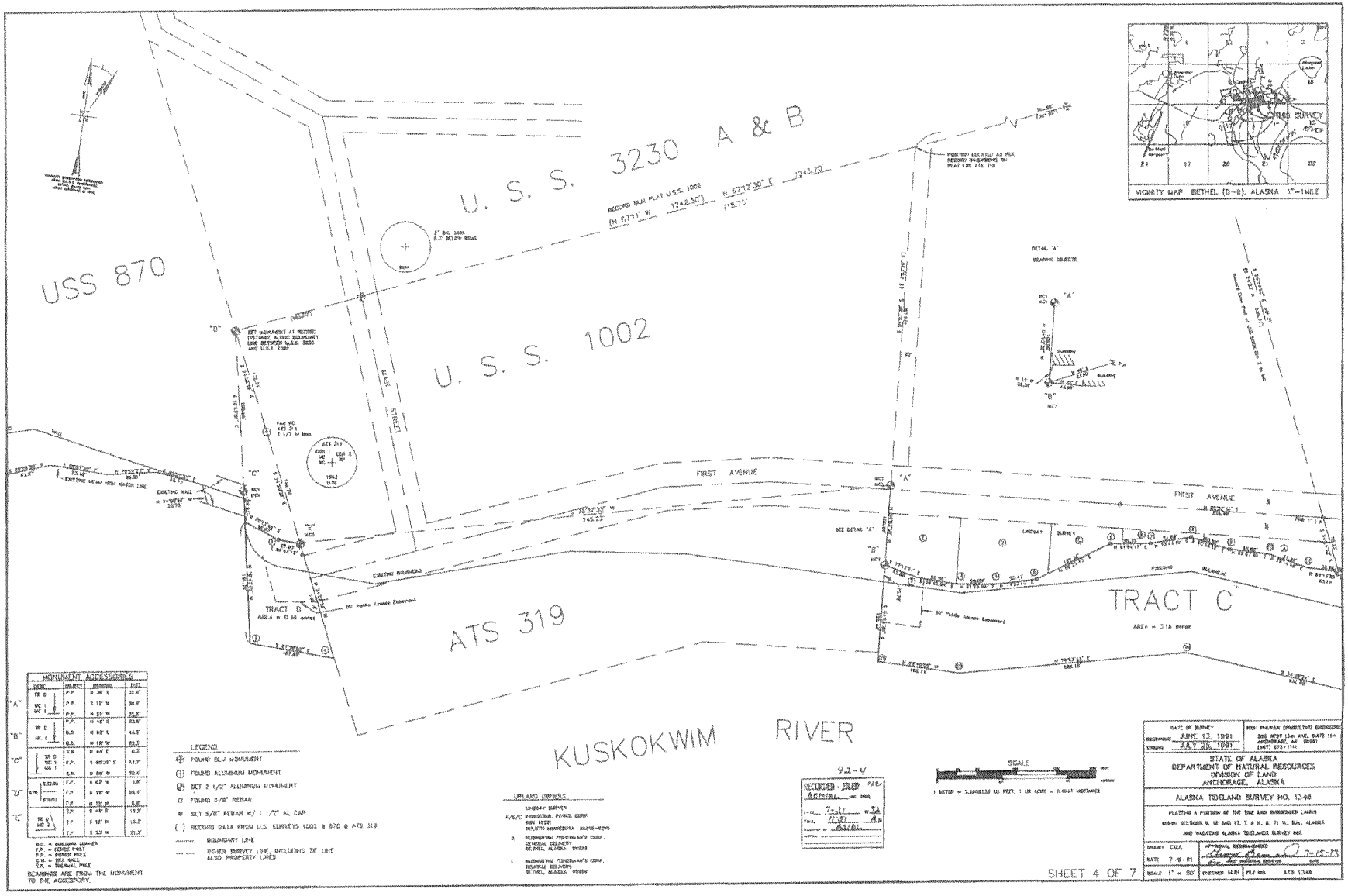

SHEET 2
SHEET 3
SHEET 4
SHEET 5
SHEET 6
SHEET 7
CITY OF BETHEL
KUSKOKWIM RIVER
CONTROL DIAGRAM
"BASIS OF BEARING"
92-4
RECORDED - FILED
DATE OF SURVEY
JUNE 13, 1991
JULY 25, 1991
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND
ANCHORAGE, ALASKA
ALASKA TIDELAND SURVEY NO. 1348
DRAWN CMA
DATE 7-8-91
SCALE 1" = 300'
CHECKED HLM
FILE NO. ATS 1348
SHEET 1 OF 7



U.S.S. 3790
BROWNS SLOUGH
KUSKOKWIM RIVER
Tract A
Tract B
BLOCK 7
BLOCK 8
EAST AVENUE
BOAT LAUNCH
EXISTING
BULKHEAD
CITY DOCK
VICINITY MAP BETHEL (D-8), ALASKA 1"=1 MILE
UPLAND OWNERS
U.S.S. 3790
SCALE
LEGEND
FOUND BLM MONUMENT
FOUND ALUMINUM MONUMENT
SET 2 1/2" ALUMINUM MONUMENT
FOUND 5/8" REBAR
SET 5/8" REBAR W/ 1 1/2" AL CAP
RECORD DATA FROM U.S. SURVEY 3790
BOUNDARY LINE
OTHER SURVEY LINE, INCLUDING TIE LINE'S AND PROPERTY LINES
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND
ANCHORAGE, ALASKA
ALASKA TIDELAND SURVEY NO. 1348
SHEET 2 OF 7



USS 3230 A & B
USS 1002
TRACT C
KUSKOKWIM RIVER
BROWNS SLOUGH
Tract A
Tract B
SECOND AVENUE
FIRST AVENUE
BRIDGE AVENUE
OSCAR WAY
"BASIS OF BEARING"
BLOCK 19
BLOCK 20
CITY DOCK
UPLAND OWNERS
MONUMENT ACCESSORIES
BEARINGS ARE FROM THE MONUMENT TO THE ACCESSORY.
LEGEND
FOUND SLM MONUMENT
FOUND ALUMINUM MONUMENT
SET 2 1/2" ALUMINUM MONUMENT
FOUND 5/8" REBAR
SET 5/8" REBAR W/ 1 1/2" AL CAP
RECORD DATA FROM U.S. SURVEYS 1002 & 3230 A & B
BOUNDARY LINE
OTHER SURVEY LINE, INCLUDING TIE LINES AND PROPERTY LINES
VICINITY MAP BETHEL (D-8), ALASKA 1"=1MILE
SCALE
DATE OF SURVEY
JUNE 13, 1991
JULY 25, 1991
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND
ANCHORAGE, ALASKA
ALASKA TIDELAND SURVEY NO. 1348
SHEET 3 OF 7



MONUMENT ACCESSORIES			
FROM	TO/ACC	BEARING	DIST
"A"	19 G	P.P.	N 26° E	22.8'
	WC 1 ACC 1	P.P.	S 13° W	26.8'
"B"	WC 1	P.P.	N 42° E	23.6'
	ACC 1	B.C.	N 83° E	43.3'
		B.C.	N 15° W	33.1'
"C"	19 G WC 1 WC 1	B.M.	N 64° E	8.3'
		P.P.	S 60°30' E	83.1'
		B.M.	N 26° W	38.6'
"D"	870 (2,000.00 RADIUS)	P.P.	S 62° W	6.8'
		P.P.	N 78° W	28.4'
"E"	19 G ACC 2	P.P.	N 13° W	5.8'
		T.P.	S 13° W	13.2'
		T.P.	S 52° W	71.3'

B.C. = BRASS CORNER
P.P. = POWER POST
P.F. = POWER POLE
B.M. = BRASS MONUMENT
T.P. = TELEPHONE POLE

BEARINGS ARE FROM THE MONUMENT TO THE ACCESSORY.

LEGEND

- FOUND BLM MONUMENT
- FOUND ALUMINUM MONUMENT
- SET 2 1/2" ALUMINUM MONUMENT
- FOUND 5/8" REBAR
- SET 5/8" REBAR W/ 1 1/2" AL CAP
- ( ) RECORD DATA FROM U.S. SURVEYS 1002 & 870 & ATS 319
- BOUNDARY LINE
- OTHER SURVEY LINE, INCLUDING TIE LINE ALSO PROPERTY LINES

UPLAND OWNERS

LINDSAY SURVEY

A/B/C PERPETUAL POWER CORP.
BOX 1020
AUSTIN MINNESOTA 55912-4270

D MUSHKEMIUK PERSEVERANCE CORP.
GENERAL DELIVERY
BETHEL, ALASKA 99559

E MUSHKEMIUK PERSEVERANCE CORP.
GENERAL DELIVERY
BETHEL, ALASKA 99559

92-4

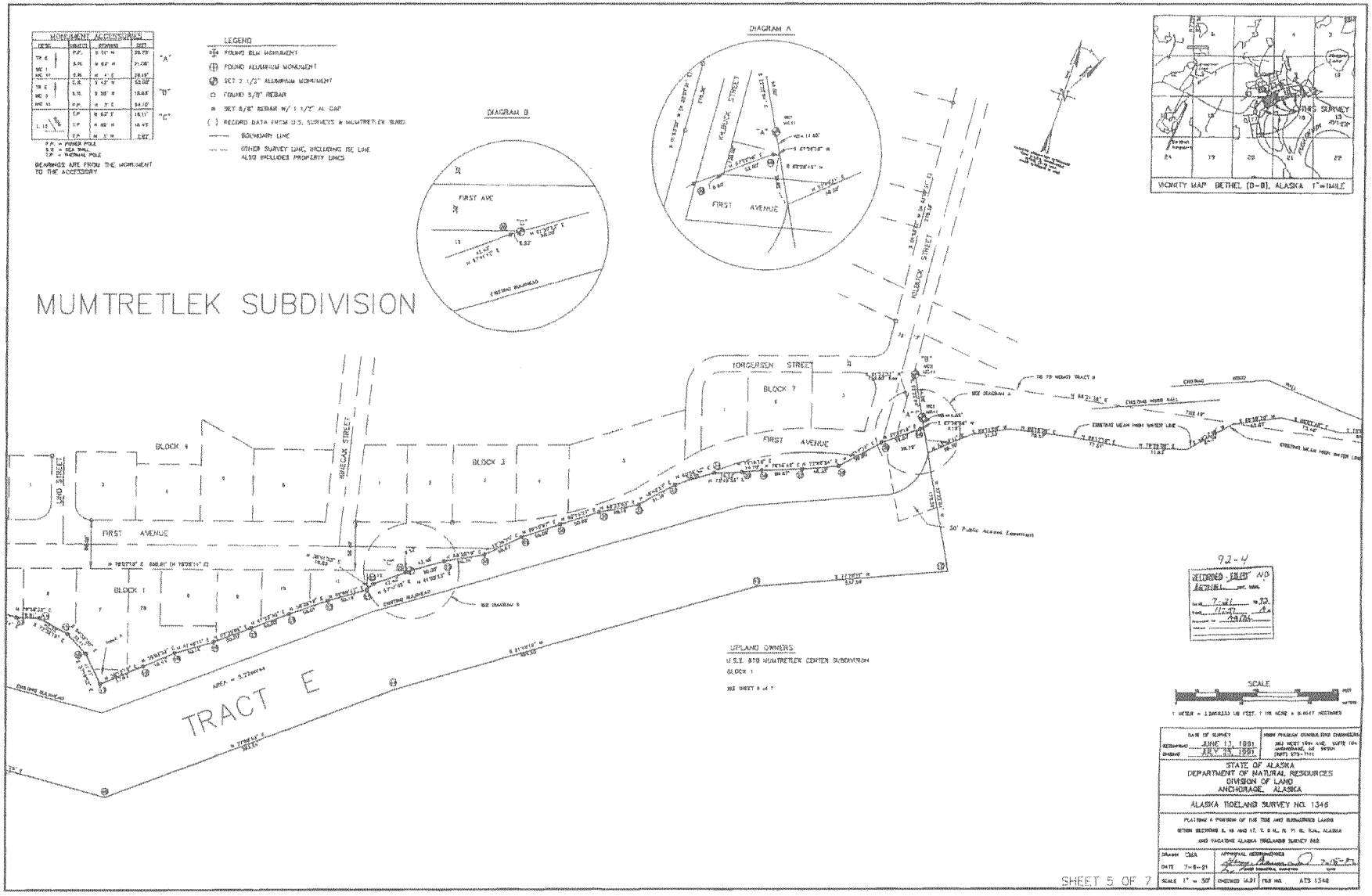
DATE OF SURVEY: BEGINNING JUNE 13, 1991 ENDING JULY 26, 1991	MCKAY ENGINEERING CONSULTANTS ENGINEERS 203 WEST 15th AVE, SUITE 104 ANCHORAGE, AK 99501 (907) 272-7111

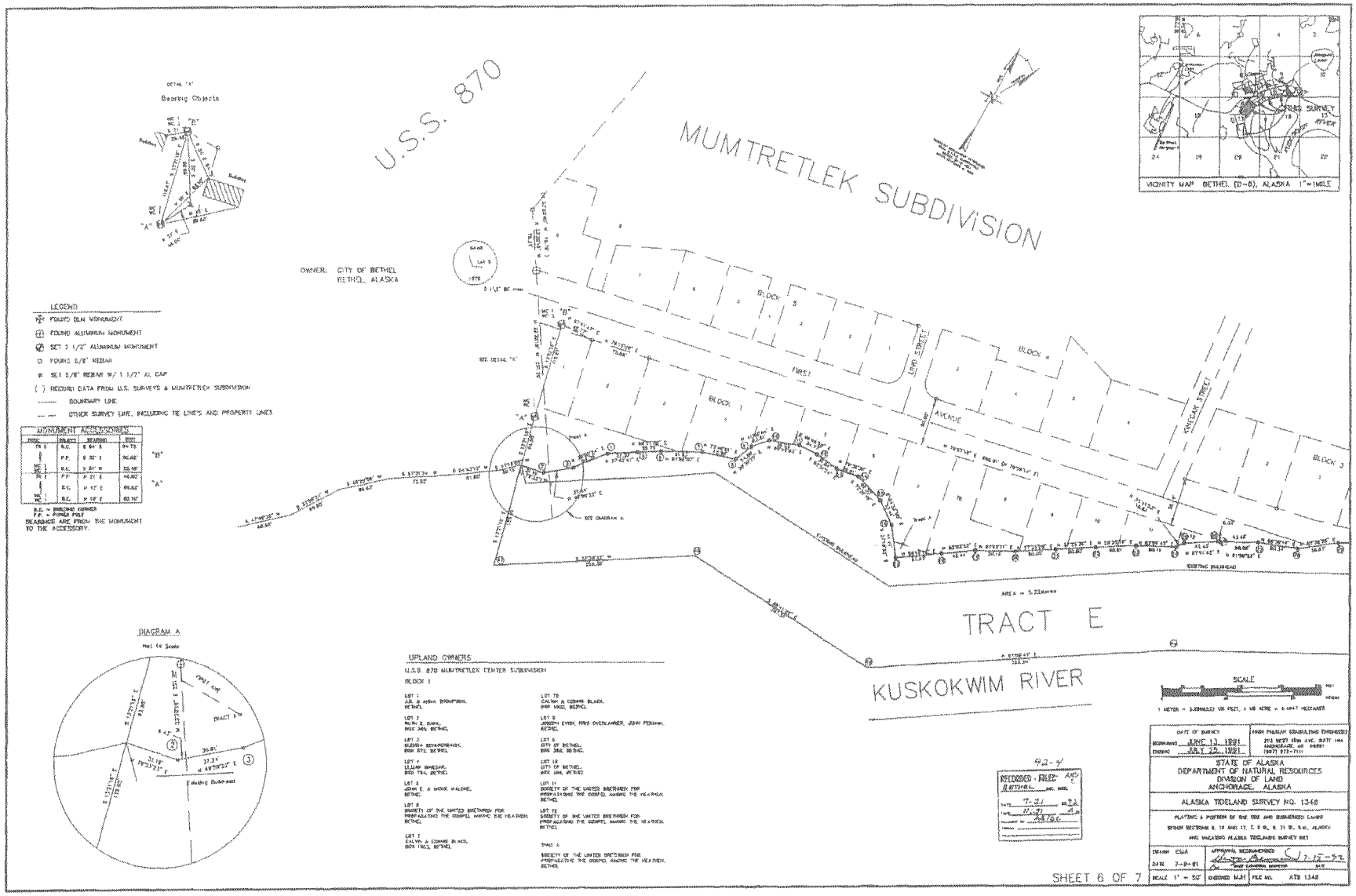
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND
ANCHORAGE, ALASKA

ALASKA TIDELAND SURVEY NO. 1348

PLATTING A PORTION OF THE TIDE AND SUBMERGED LANDS WITHIN SECTIONS 6, 12 AND 13, T. 8 N., R. 71 W., S.M., ALASKA AND VALIDATING ALASKA TIDELANDS SURVEY 660

DRAWN CMA	APPROVED, RECOMMENDED
DATE 7-16-91	for Director, Division of Land
SCALE 1" = 50'	CHECKED MJH FILE NO. ATS 1348


MUMTRETLEK SUBDIVISION
LEGEND
FOUND BLM MONUMENT
FOUND ALUMINUM MONUMENT
SET 3 1/2" ALUMINUM MONUMENT
FOUND 5/8" REBAR
SET 5/8" REBAR W/ 1 1/2" AL CAP
( ) RECORD DATA FROM U.S. SURVEYS & MUMTRETLEK SUBD.
BOUNDARY LINE
OTHER SURVEY LINE, INCLUDING TIE LINE ALSO INCLUDES PROPERTY LINES
MONUMENT ACCESSORIES
BEARINGS ARE FROM THE MONUMENT TO THE ACCESSORY
DIAGRAM A
DIAGRAM B
KILBUCK STREET
FIRST AVENUE
FIRST AVE
TORGERSEN STREET
BLOCK 7
BLOCK 4
BLOCK 3
BLOCK 1
HINECAK STREET
UNO STREET
TRACT E
VICINITY MAP BETHEL (D-8), ALASKA 1"=1MILE
FIRS SURVEY
UPLAND OWNERS
U.S.S. 810 MUMTRETLEK CENTER SUBDIVISION
BLOCK 1
SCALE
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND
ANCHORAGE, ALASKA
ALASKA TIDELAND SURVEY NO. 1346
SHEET 5 OF 7


U.S.S. 870
MUMTRETLEK SUBDIVISION
OWNER: CITY OF BETHEL
BETHEL, ALASKA
LEGEND
FOUND BLM MONUMENT
FOUND ALUMINUM MONUMENT
SET 2 1/2" ALUMINUM MONUMENT
FOUND 5/8" REBAR
SET 5/8" REBAR W/ 1 1/2" AL CAP
RECORD DATA FROM U.S. SURVEYS & MUMTRETLEK SUBDIVISION
BOUNDARY LINE
OTHER SURVEY LINE, INCLUDING TIE LINES AND PROPERTY LINES
MONUMENT ACCESSORIES
BEARINGS ARE FROM THE MONUMENT TO THE ACCESSORY.
DIAGRAM A
Not to Scale
UPLAND OWNERS
U.S.S. 870 MUMTRETLEK CENTER SUBDIVISION
BLOCK 1
BLOCK 3
BLOCK 4
FIRST AVENUE
LIND STREET
KWECAK STREET
TRACT E
KUSKOKWIM RIVER
SCALE
VICINITY MAP BETHEL (B-8), ALASKA 1"=1MILE
RECORDED - FILED
BETHEL
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND
ANCHORAGE, ALASKA
ALASKA TIDELAND SURVEY NO. 1348
DATE OF SURVEY
JUNE 13, 1991
JULY 25, 1991
DRAWN CSLA
DATE 7-8-91
SCALE 1" = 50'
DESIGNED MJH
FILE NO. ATS 1348
SHEET 6 OF 7

Certificate of Ownership and Dedication

I, the undersigned, hereby certify that I am the Director, Division of Land, and that the State of Alaska is the owner of ATS No. 1348, as shown hereon. I hereby approve this survey and plat for the State of Alaska, and dedicate for public use as noted, all easements, public utility areas, and rights-of-way as shown and described hereon.

June 19, 1992
Date

Director
Division of Land

Notary's Acknowledgement

Subscribed and sworn before me this 19TH day of June, 1992

for Richard A. Lemaresquier

Notary Public for Alaska
My Commission Expires 12-10-92

Lessee Certificate

(I) We, the undersigned, hereby certify that (I am) we are the lessee(s) as shown hereon.
(I) We hereby approve this survey and plat.

ADL No. 223779

City Manager
City of Bethel, Ak

June 19, 1992
Date

Notary's Acknowledgement

Subscribed and sworn before me this 23 day of June, 1992

for

Notary Public for Alaska
My Commission Expires

Notes

1. This survey was accomplished in accordance with AS 38.05.810 and CSI No. 1348
2. All bearings shown are true bearings as oriented to the basis of bearing, and distances shown are reduced to horizontal field distances.
3. The accuracy of this survey is greater than 1:5000.
4. The landward boundary of this survey is based on the mean high water line as determined:
   a. by Seefeldt & Stokes Joint Venture, and depicted on the Multipurpose Bulkhead, Port of Bethel Development, Waterfront Property Plan, Existing tidal survey at 2.7' line based on entering horizontal bearing in Bethel.
   b. Record GLO meander

Surveyor's Certificate

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

6-9-92
Date

Registration Number

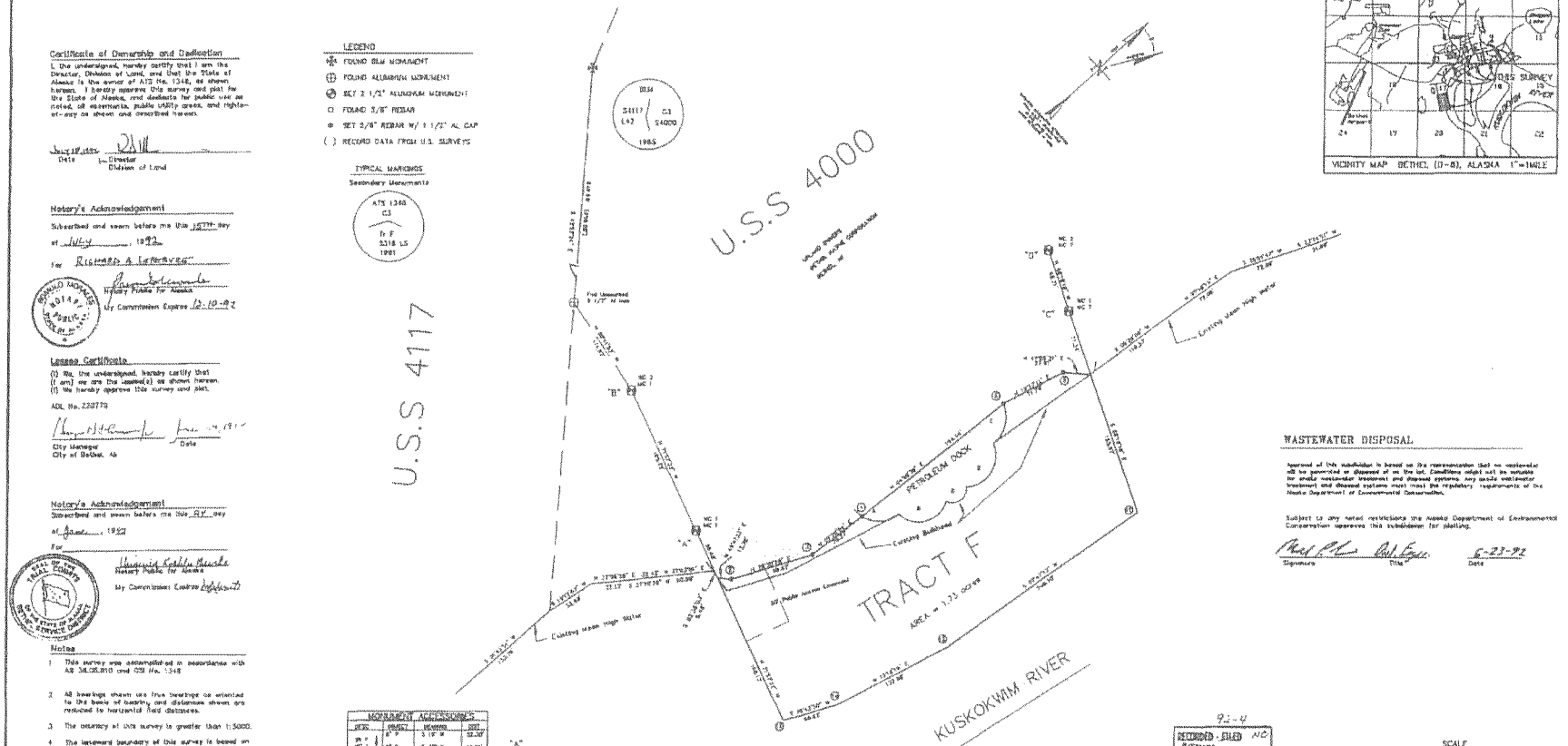
Registered Land Surveyor

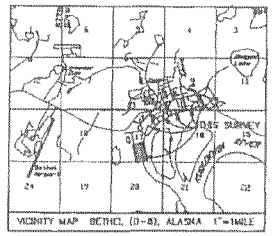
LEGEND

- FOUND BLM MONUMENT
- FOUND ALUMINUM MONUMENT
- SET 2 1/2" ALUMINUM MONUMENT
- FOUND 5/8" REBAR
- SET 5/8" REBAR W/ 1 1/2" AL CAP
- ( ) RECORD DATA FROM U.S. SURVEYS

TYPICAL MARKINGS
Secondary Monuments

ATS 1348
C3
Tr F
5318 LS
1991





WASTEWATER DISPOSAL

Approval of this subdivision is based on the representation that no wastewater will be generated or disposed of on the lot. Conditions might not be suitable for onsite wastewater treatment and disposal systems. Any onsite wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Subject to any noted restrictions the Alaska Department of Environmental Conservation approves this subdivision for platting.

Signature
Title
6-23-92
Date

MONUMENT ACCESSORIES

MON.	CONDITION	MEASURED	DIST.
MC 1 / MC 2	6" P	S 15° W	52.36'
	6" P	S 17° W	51.85'
	P.P.	N 32° W	66.35'
MC 2 / MC 3	3/4" V.S.	N 32° E	28.61'
	P.P.	S 58°30' E	77.38'
	7/8" V.S.	N 28°30' W	23.69'
MC 1 / MC 3	B.M.	W 89° E	78.88'
	12" PINE	S 89° E	77.96'
	P.P.	S 82°39' E	62.13'
TP 1 / MC 1		SET REBAR 99' OFF LINE 84' NORTH DIRECTIONS	

6" P = 6" IRON POST IN CONC.
P.P. = POWER POST
P.P. = POWER POLE
B.M. = BEA MARK
V.S. = VERTICAL SUPPORT BEAM

BEARINGS ARE FROM THE MONUMENT TO THE ACCESSORY.

Certificate of Approval

I certify that the subdivision as shown hereon has been found to comply with the subdivision regulations of the City of Bethel and that the plat has been approved by the Planning Commission by the plat resolution #, at a regular meeting held on May 1, 1992, and that the plat has been approved for recording in the office of the recorder in the recording district in which the plat is located.

May 19, 1992
Date

Chairman, Planning Commission
City of Bethel
Planning Commissioner

RECORDED - FILED
BETHEL REC. DIST.
DATE 7-31-92
TIME 11:21 A.M.
REQUEST OF
NAME

SCALE
1 METER = 3.2808333 US FEET, 1 US ACRE = 0.4047 HECTARES

DATE OF SURVEY: BEGINNING JUNE 13, 1991; ENDING JULY 25, 1991	HIGH PLAINS SURVEYING AND ENGINEERING, 3015 WEST 19th AVE, SUITE 104, ANCHORAGE, AK 99503, (907) 272-7711

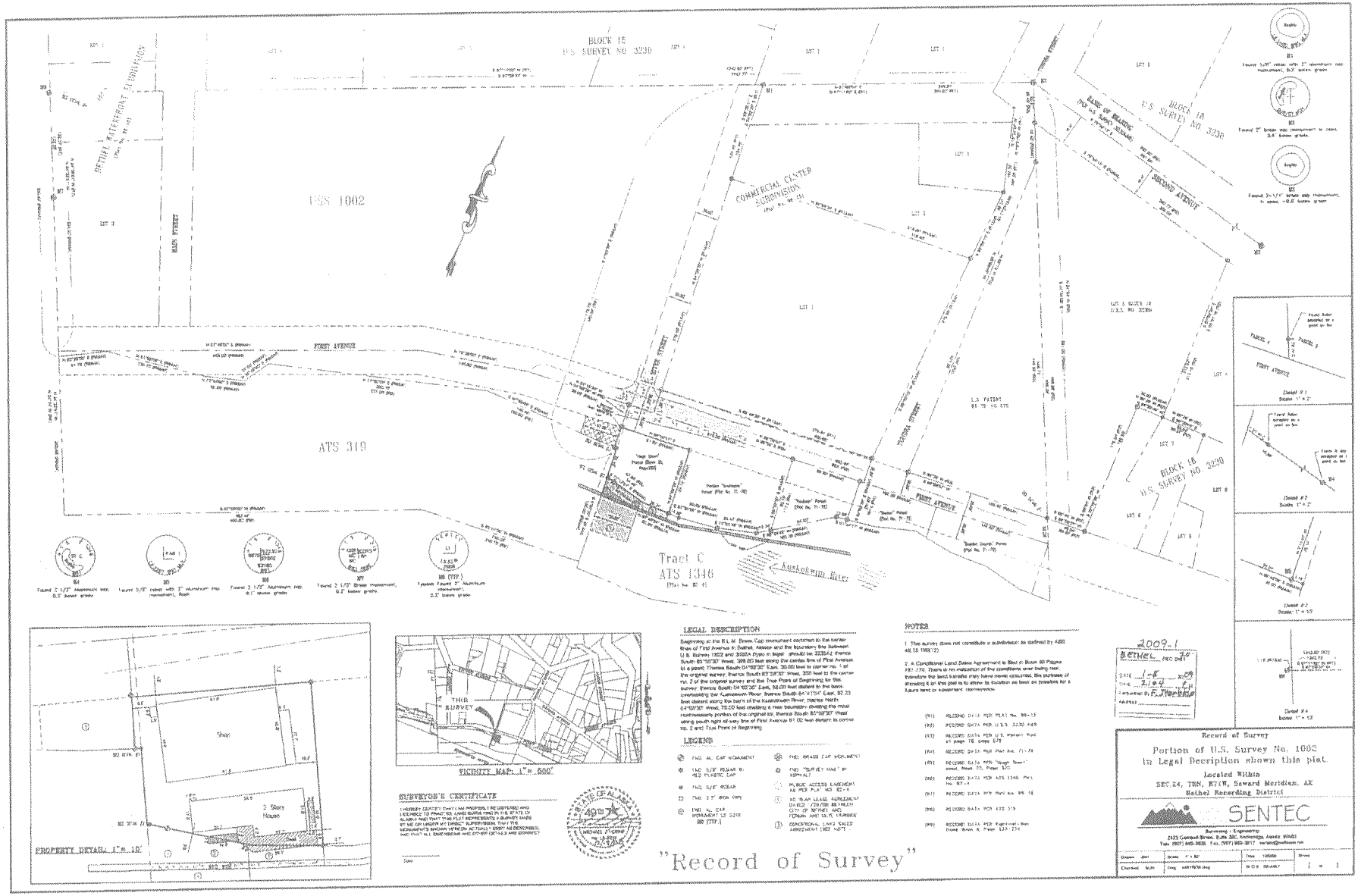
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND
ANCHORAGE, ALASKA

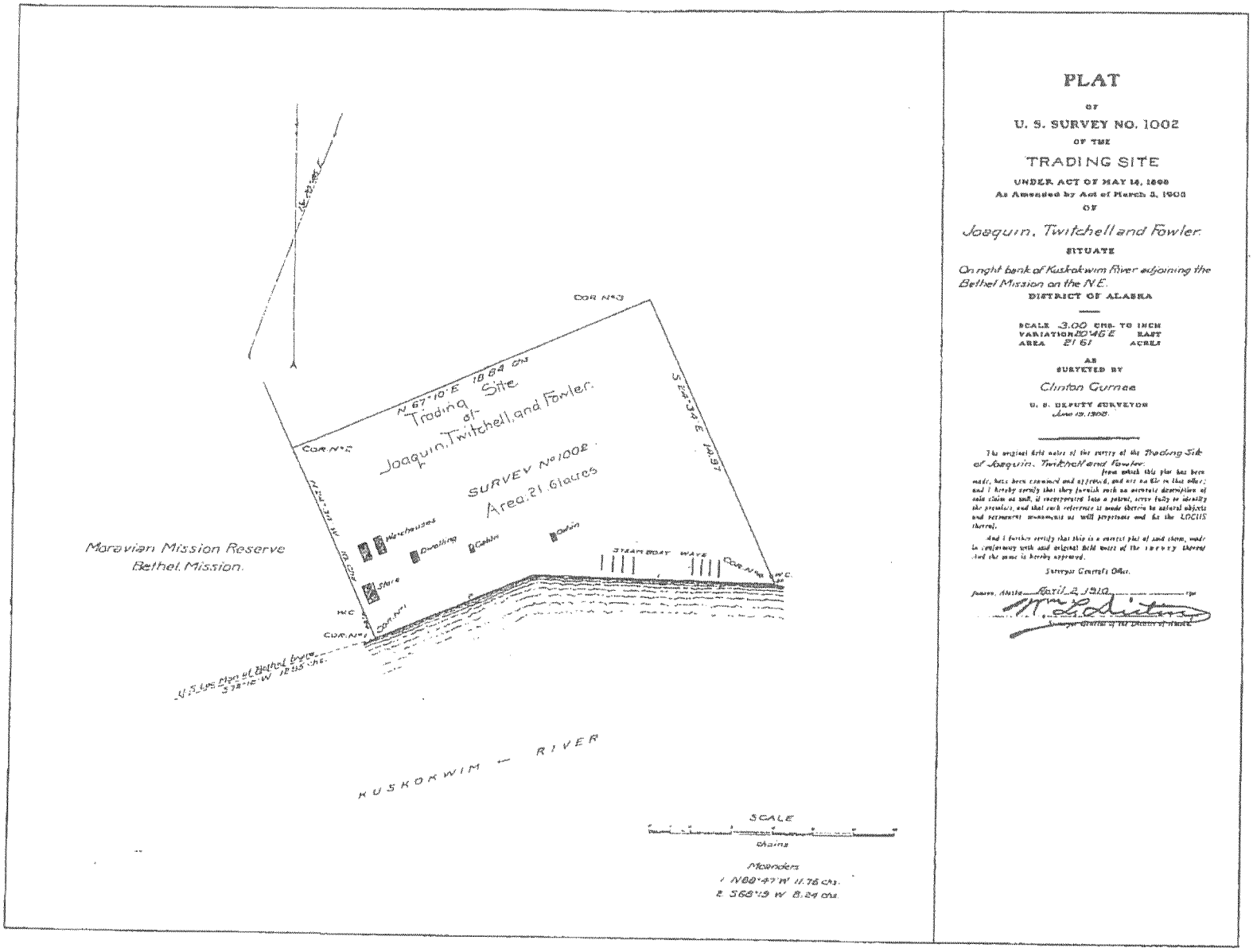
ALASKA TIDELAND SURVEY NO. 1348

PLATTING A PORTION OF THE TIDE AND SUBMERGED LANDS WITHIN SECTIONS 8, 9, 16 AND 17, T. 8 N., R. 71 W., S.M., ALASKA AND VACATING ALASKA TIDELANDS SURVEY 988

DRAWN CMA	APPROVED RECOMMENDED		
DATE 7-9-91	Director, Division of Land	DATE	
SCALE 1" = 30'	CHECKED MJH	FILE NO.	ATS 1348

SHEET 7 OF 7


BLOCK 18
U.S. SURVEY NO. 3230
BETHEL WATERFRONT SUBDIVISION
MAIN STREET
USS 1002
COMMERCIAL CENTER SUBDIVISION
FIRST AVENUE
SECOND AVENUE
ATS 310
Tract C
ATS 1346
Kuskokwim River
PROPERTY DETAIL: 1" = 10'
VICINITY MAP: 1" = 500'
SURVEYOR'S CERTIFICATE
LEGAL DESCRIPTION
LEGEND
NOTES
2009-1
BETHEL
Record of Survey
Portion of U.S. Survey No. 1002
in Legal Description shown this plat.
Located Within
SEC.24, TBN, R71W, Seward Meridian, AK
Bethel Recording District
SENTEC
"Record of Survey"



PLAT

OF

U. S. SURVEY NO. 1002

OF THE

TRADING SITE

UNDER ACT OF MAY 14, 1898
As Amended by Act of March 3, 1903

OF

Joaquin, Twitchell and Fowler.

SITUATE

On right bank of Kuskokwim River adjoining the Bethel Mission on the N.E.

DISTRICT OF ALASKA

SCALE 3.00 CHS. TO INCH
VARIATION 20°46 E EAST
AREA 21 61 ACRES

AS
SURVEYED BY

Clinton Gurnee

U. S. DEPUTY SURVEYOR
June 19, 1903.

The original field notes of the survey of the *Trading Site of Joaquin, Twitchell and Fowler.* from which this plat has been made, have been examined and approved, and are on file in that office; and I hereby certify that they furnish such an accurate description of said claim as will, if incorporated into a patent, serve fully to identify the premises, and that such references to monuments as will perpetuate and fix the LIMITS thereof.

And I further certify that this is a correct plat of said claim, made in conformity with said original field notes of the survey thereof and the same is hereby approved.

Surveyor General's Office.

Juneau, Alaska *April 2* 1910

Wm. L. Distin
Surveyor General of the District of Alaska.

Vol. 4 Sp 1

Memo

TO: City of Bethel Planning Commission

FROM: Ted Meyer, Planner

SUBJECT: **Findings and Recommendation for a Conditional Use Permit Application Submitted by Cezary Maczyuski dba Kusko Liquor, for a Package Liquor Store License**

DATE: 4/7/17

Background

Cezary Maczyuski has applied for a Conditional Use Permit in order to obtain a package liquor store License to do business as Kusko Liquor. The property is located at 801 B. Front Street in Bethel, Alaska at the site of the existing Cezary's Auto, owned by Mr. Maczyuski. The conversion to a liquor store would occur underneath the 2-story residence behind the shop ***(see photo #1)***. If successful in obtaining a package liquor store license, Mr. Maczyuski plans to convert a portion of the first floor (an existing storage area) of the 2-story residence into a package liquor store. He would also convert most of the auto shop office into three parking spaces ***(see photo #2).***

Per Bethel Municipal Code Section 5.08.060 (Alcoholic Beverages), a Conditional Use Permit is required for the sale of alcohol.

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.

Below is Code Section 18.60.040 (Conditional Use Permit) followed by 10 questions answered by staff regarding the location of the proposed conditional use. The answers to these questions form the basis for the Planner's recommendation to the Planning Commission.

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:

Staff Findings

1. The conditional use meets the standards otherwise applicable to a use in the applicable land use district.
The proposed Kusko Liquor site is located next to the Kuskokwim River in the middle of General Use Zoning District. ***(see attached Bethel Zoning Map)***. *The General Use District is intended to allow a mix of compatible residential and commercial uses.* Observations made while performing a land use survey of the 600-foot radius area are that this is a predominant commercial area.

2. 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 Auto body shop has been a business on the site since 1996. For converting to a package liquor store, there is no planned expansion of the structure. However, the footprint of the shop building will actually decrease, as approximately 600 square feet of the office will be demolished for three parking spaces.

Existing Parking
Customers currently park perpendicular to the shop. The shop is seven feet from the western property line resulting in vehicles parked partially across the line. This same property to the west of Cezary's has also been used for a row of customer parking for many years, with no problem.

Planned Parking
For off-street parking, BMC 18.48.160 D16 (Retail Sales and Services) requires one space per 300 feet of gross floor area.

The 18-foot x 30.7-foot structure (553.6 sq. feet) would require a minimum of two (2) parking spaces. ***According to the attached site map drawing***, the new parking configuration shows three (9' wide by 20' long) parking spaces. An existing portion of the shop office would be demolished in order to accommodate the three parking spaces, which would make them now completely within Cezary's property line. As a result, the remaining building edge would now be 28.5-feet from the property line. BMC 18.48.200 (Driveway Standards) also calls for a 25-foot wide driveway, which would accommodate two-way traffic on and off the property. The required 20-foot parking lengths plus the 25-foot wide driveway equals 45 feet required for the parking space length plus driveway width. Cezary's property line falls 16.5-feet short to accommodate these requirements which would result in his driveway width extending 16.5 feet onto the neighboring property ***(see photos #3 and #4).***

Water and Sewer

There is a water tank on the property with a capacity of 750 gallons and sewer tank with a capacity of 1,000 gallons.

Drainage

According to the COB Roads Foreman, there are no drainage issues associated with this property.

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

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;
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.]

Except for the highlighted Goal #3 above (Reducing Congestion in the streets), the proposed Conditional Use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010. Although this liquor store may cause congestion on Front Street because of limited parking spaces, it may actually help in reducing traffic congestion at the other package liquor store located on a much busier street in town.

4. 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.

Within the 600-foot radius of Cezary's Auto, there are the following uses:
(see attached Land Use Map for reference)

Main Street
AVCP office building

Front Street (*formerly First Ave*)
Bentley's Bed & Breakfast, First National Bank, Bethel Spirits Liquor Store, AVCP storage building, barge & boat fuel and water delivery services, Cezary's Auto with residence, café, one residence

Note: Bethel Spirits liquor store, located across the street from the proposed Kusko Liquor, was open for 30 days last year, starting at the end of September to November. For 2017, their plan is to open the store for 30 days in the summer.

Private Road (*road between Bethel spirits and AVCP Storage across the street)*
Swanson's Lumber, Social House, Catholic Church.

Second Avenue
Swanson's Store, Hardware Store

Total Uses by Type in the 600-foot Radius
One office building,
Bed & Breakfast
Bank
Liquor store
Storage building
Fuel and water delivery services (at the seawall – ***see photo#5)***
Auto body shop
Café
Lumber store
Social house
Church
2 residences (one residence is behind Cezary's shop and the other residence is 640-feet away (as the crow flies).

There are no schools or alcohol in/out-patient facilities in the area. The front entrance from Kusko Liquor to the front entrance of the Catholic Church next to Swanson's is approximately 600 feet. This distance is well beyond the State of Alaska statute distance restriction of 200 feet (AS.o4.11.410).

5. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan.
The conditional use is in accordance with the Bethel Comprehensive Plan 2035, adopted in 2011. Under the Goals and Strategies Section of Chapter 4 (Land Use, Housing, and the Environment). the relevant sections, "Growth Patterns" and "Land Use Compatibility" both concern development site location.

Goal #2 under "Growth Patterns" encourages future growth to locate near existing employment centers and public services ***(see page 4-8 of the attached section of the Bethel Comprehensive Plan).*** The site location of this proposed establishment into an existing commercial structure also adheres to the associated Action step #1b that encourages infill of development.

Under the Land Use Compatibility section ***(see page 4-11 of the attached section of the Bethel Comprehensive Plan),*** Goal #3 provides for compatibility among adjoining land uses so that future development maintains or improves the quality of life or land value of surrounding uses". Except for the non-commercial structures (2 church buildings and 1 residence, each located on the fringe of the 600-foot radius, the Kusko Liquor Store would fit well into this commercial neighborhood.

Map 4.4 (***Future Land Use Plan Map - see page 4-10 of the attached section of the Bethel Comprehensive Plan***) is a long-term vision of how and where the city will grow and change over the next 20 years to accommodate expected population and job growth (versus the City's current Zoning Map which designates how land can be used and what can be built on any given property **today**). The Future Land Use Map designates the current Cezary's Auto site as being in the "Industrial/Commercial District. This future zoning designation encompasses most of the riverfront areas of Bethel, including the Port close by.

6. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions. Front Street is not a very busy street. The liquor store across the street is open 30 days out of the year. The driveway of the nearest daily commercial activity is 170 feet away (the bank). In the summer months, fuel and water trucks access the property to the west as a driveway to deliver water and fuel to barges and boats docked behind the seawall.

Cezary's Auto currently attracts customers and vehicles to the premises. Kusko Liquor would attract customers and vehicles as well. There will be a difference though regarding the frequency of vehicles coming into the neighborhood as the liquor store will experience peak - rush hour traffic to the premises, especially one hour before store closure. The question to consider in this case is how much of an impact will there be for peak-rush hour traffic in this highly commercialized neighborhood with low volume traffic?

7. 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.

Customers to Cezary's Auto currently come from all over the city. If the auto shop is converted to a liquor store, customers would continue to come from a broad area of the city.

As this site is located in a big commercial/industrial area of Bethel, and away from residential neighborhoods, the site may be more appropriate for a liquor store than most other areas of Bethel. A second liquor store would certainly reduce congestion at the other store in town.

However, there is an existing package liquor across the street, but open only 30 days out of the year. This may or may not be an impact.

8. 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.

The proposed use is in a strictly commercial area and is located across the street from a former fish processing plant, now used for storage.

There are no drainage issues on the property.

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 conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]
Cezary's's Auto is located in the floodplain. However there will be no new construction nor expansion of the existing structures footprint that would require flood proofing.

10. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment.
Concern for the public's health, safety, and general welfare are reflected in the regulations of the Bethel Municipal Code. Below is a summary of findings relative to the Code:

Summary of Findings

a) The proposed package liquor store site complies with location restrictions contained in BMC Section 5.08.30 and Alaska Statute 04.11.410 regarding proximity to sensitive establishments such as schools, alcohol in/outpatient facilities and churches. The closest church is 600-feet away.

b) The location for the Conditional Use Permit request is consistent with the City of Bethel's General Use Zoning District. Also, the closest residence is 640 feet away.

c) The conditional use is in accordance with two land use goals in the Bethel Comprehensive Plan's Land Use Goals and Strategies section. It is consistent with the encouragement of the "infill" of development, and consistent with the encouragement of future growth to locate near existing employment centers and public services. According to the Future Land Use Plan Map, Kusko Liquor is located in an Industrial/Commercial district.

d) Regarding 16.04.010 A3 (Reducing Congestion in the Streets): Although this liquor store may cause congestion on Front Street because of limited parking spaces, it may actually help in reducing traffic congestion at the other package liquor store located on a much busier street in town.

e) The property will meet the two parking space BMC requirement for retail sales and services. However, the availability of only 3 parking spaces combined with peak hour traffic demand may cause congestion in the neighborhood. During peak demand sales, there would be many more vehicles parked offsite than onsite.

f) Cezary's property line falls 16.5-feet short of accommodating the required 20-foot parking length plus the 25-foot wide, two-way driveway. The required 45-feet would extend 16.5 feet beyond the neighboring property line. This circumstance would require a lease or easement from the neighboring property owner to accommodate this requirement.

Recommendation to the Planning Commission

Most of the findings are consistent with the BMC except for non-compliance with the 25-foot width standard for the two-way driveway. This driveway cannot cross another property line unless there is a lease or easement obtained from the property owner.

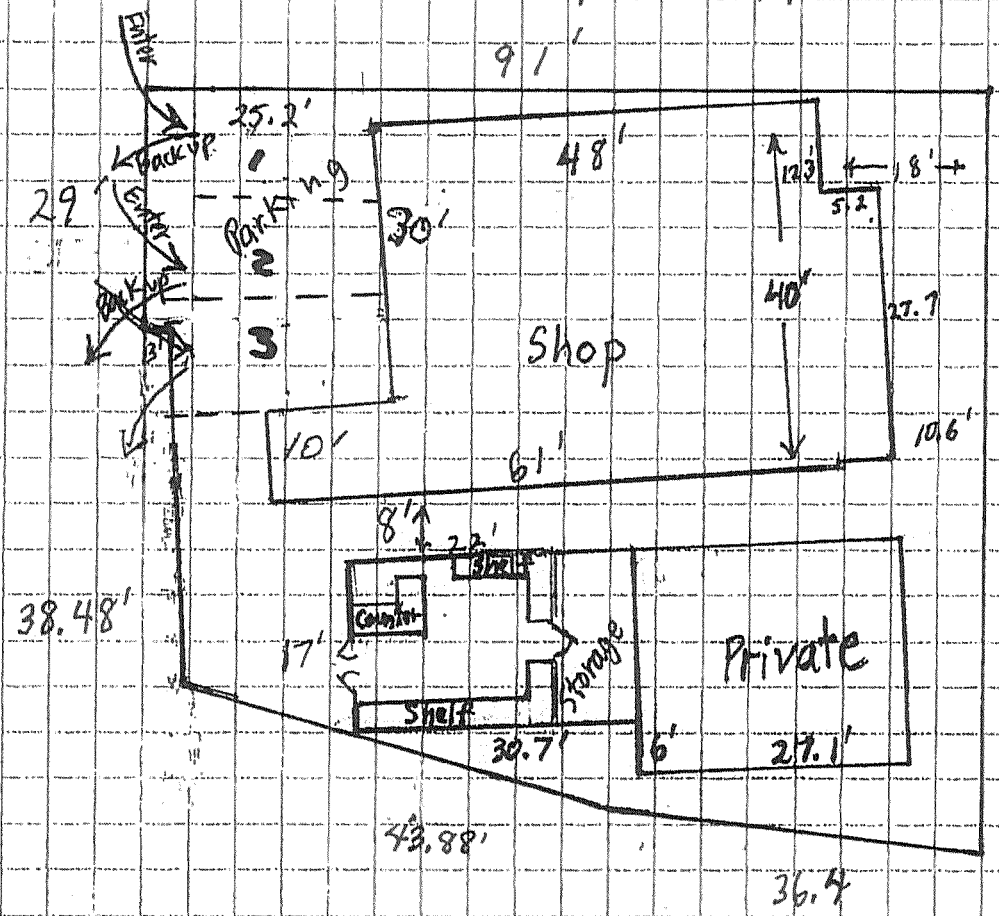
As the proposed liquor store size is only 554 square feet, this small sizes requires only two parking spaces. Yet peak hour demand will be far greater than the offering of only two parking spaces. During these peak times, there would be more cars looking for a place to park on the street than on the premises.

It is for these two issues, that I recommend **against** approval of the Conditional Use Permit for Kusko Liquore for package liquor store sales on the property located at 801 B Front Street in Bethel, Alaska.

Cezary J. Maczynski

Kusko Liquor

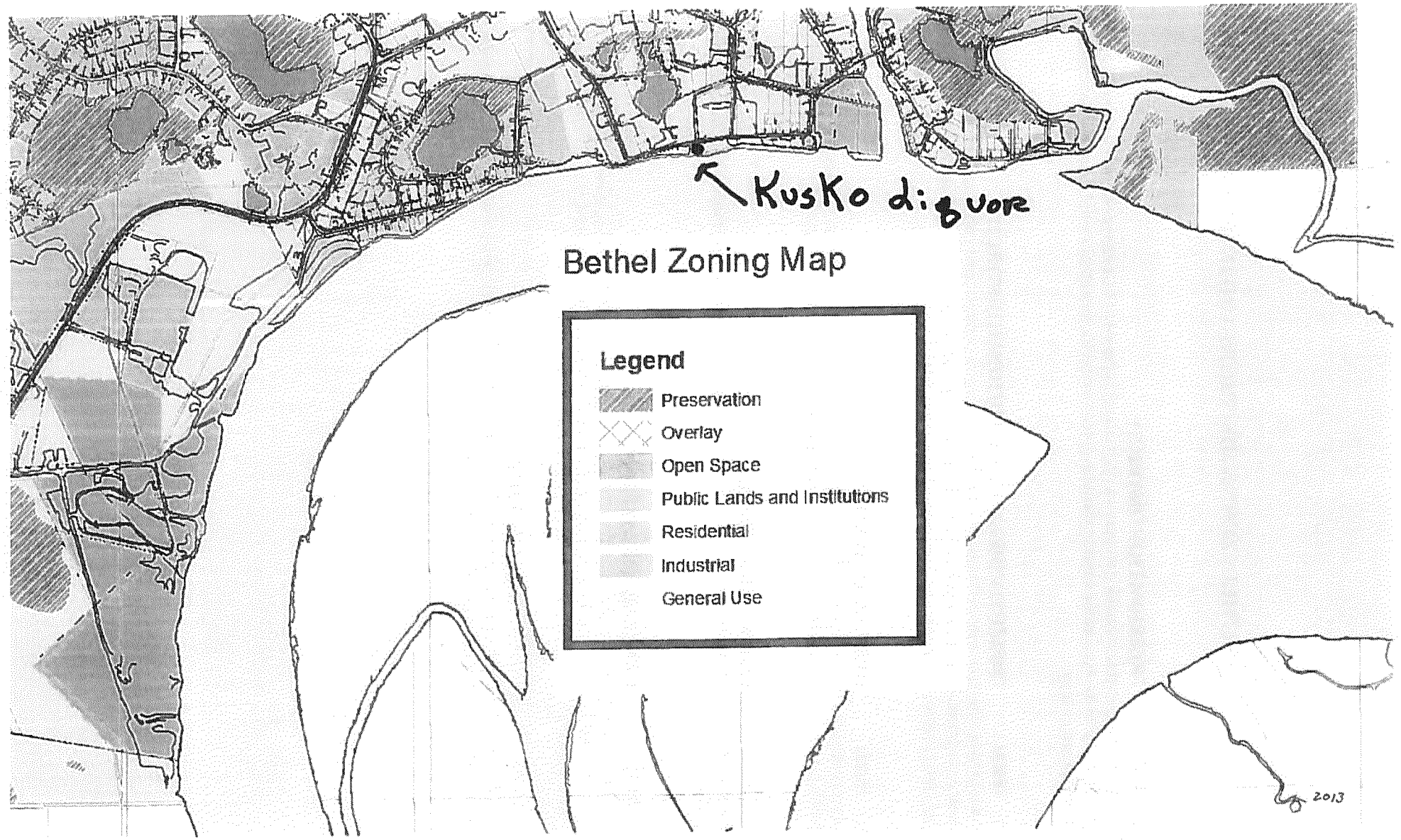
Scale 1" = 20



Store has 374 ☒

Storage has 318 ☒

Kuskokwim River


Kusko digvor
Bethel Zoning Map
Legend
Preservation
Overlay
Open Space
Public Lands and Institutions
Residential
Industrial
General Use
2013

BETHEL ZONING DISTRICTS AND INTENTS

1. 18.20 PRESERVATION DISTRICT

The preservation district is intended to apply to significant wetlands and drainage ways that should be preserved as open areas or to which careful attention must be given to development that would disturb the wetlands or affect the drainage ways.

2. 18.24 PUBLIC LANDS AND INSTITUTIONAL DISTRICT

The public lands and institutional district is intended to apply to undeveloped public lands not dedicated for open space, and public and quasi-public institutional uses, including government office buildings, facilities, and existing land reserves for public and institutional use. [Ord. 01-05 § 8.]

3. 18.28 OPEN SPACE DISTRICT

The open space district is intended to provide undeveloped open space, to protect trails, to provide open areas for recreation, and to provide buffers between incompatible districts. [Ord. 01-05 § 8.]

4. 18.32 RESIDENTIAL DISTRICT

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

5. 18.36 GENERAL USE DISTRICT

The general use district is intended to allow a mix of compatible residential and commercial uses. Noxious, injurious, or hazardous uses shall not be permitted in the GU district. [Ord. 01-05 § 8.]

6. 18.40 INDUSTRIAL DISTRICT

The industrial district is intended to apply to areas where industrial development is the predominant, or is expected to be the predominant use. [Ord. 01-05 § 8.]

BETHEL

COMPREHENSIVE PLAN

2035

ADOPTED

SEPTEMBER 2011

prepared by AGNEW::BECK Consulting
for the City of Bethel, Alaska

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,

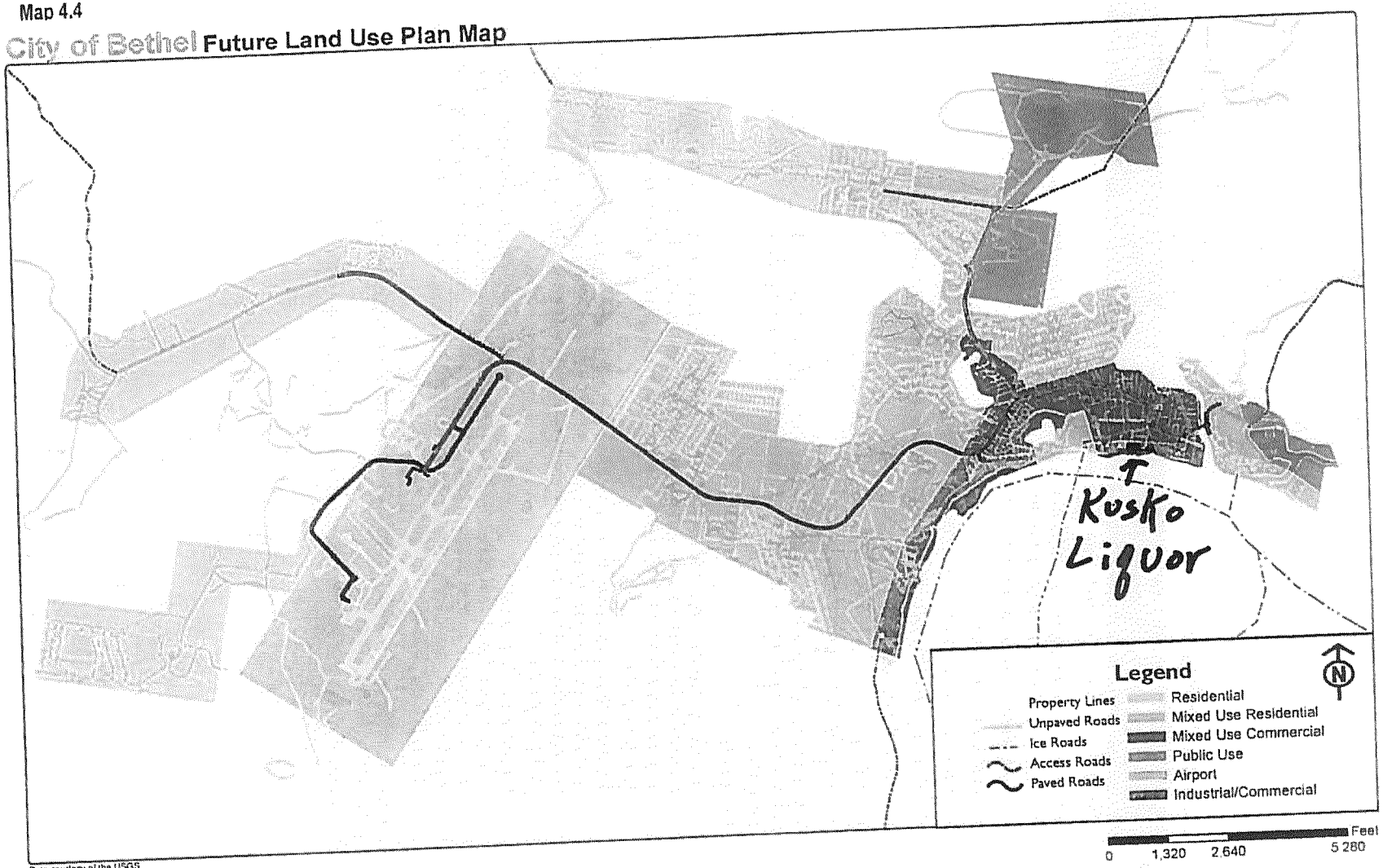
- *Low density residential areas. This zone takes in several specific subdivisions, e.g., Tundra Ridge, Larson and Blueberry. In these areas uses should be generally limited to residential uses. Exceptions would be for small home-based businesses with minimal off-site impacts, or perhaps neighborhood 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.

Map 4.4

City of Bethel Future Land Use Plan Map



Data courtesy of the USGS
BLM, DNR, and Agnew::Beck. This map was compiled for the City of Bethel with assistance from Agnew::Beck Consulting

Alaska State Plane, Zone 4, NAD 1983
File: Bethel_Ownership 11/22/10

Land Use Compatibility

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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.

STATE OF ALASKA

AS 04.11.410. Restriction of Location Near Churches and Schools.

(a) A beverage dispensary or package store license may not be issued and the location of an existing license may not be transferred if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground or a church building in which religious services are regularly conducted, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church building. However, a license issued before the presence of either cause of restriction within 200 feet of the licensed premises may be renewed or transferred to a person notwithstanding this subsection.

(b) If a beverage dispensary or package store license for premises located within 200 feet of a school ground or church building in which religious services are regularly conducted is revoked, expires, or is transferred to another location, a beverage dispensary or package store license may not be issued or transferred to the formerly licensed premises until the cessation of either cause of restriction.

5.08.030 City council review of license.

The city council shall determine whether to protest or recommend with conditions, the issuance, renewal or transfer of a liquor license application and shall consider the following factors it believes are pertinent. Such factors shall include, but not be limited to:

A. City records indicating whether the applicant and/or transferor is in violation of the city sales tax ordinances or regulations, has failed to comply with any of the filing, reporting or payment provisions of the city ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or transferor is liable;

B. The character and public interests of the surrounding neighborhood;

C. Actual law enforcement problems with supporting data;

D. The concentration of other licenses of the same and other types in the area;

E. The adequacy of parking facilities;

F. The safety of ingress to and egress from the premises;

G. Compliance with state and local fire, health and safety codes;

H. The degree of control the licensee has or proposes to have over the conduct of the licensed business. In determining the applicant's demonstrated ability to maintain order and prevent unlawful conduct, the city council may consider police reports, the appearance of a readily identifiable pattern or practice of recurring violent acts or unlawful conduct on the licensed premises, testimony presented before the council, written comments, or other evidence deemed to be reliable and relevant to the purpose of this subsection;

I. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC 5.08.110;

J. The proximity to a school or alcohol inpatient or outpatient treatment;

K. Any history of convictions of the applicants and affiliates of the applicants for:

1. Any violation of AS Title 4;

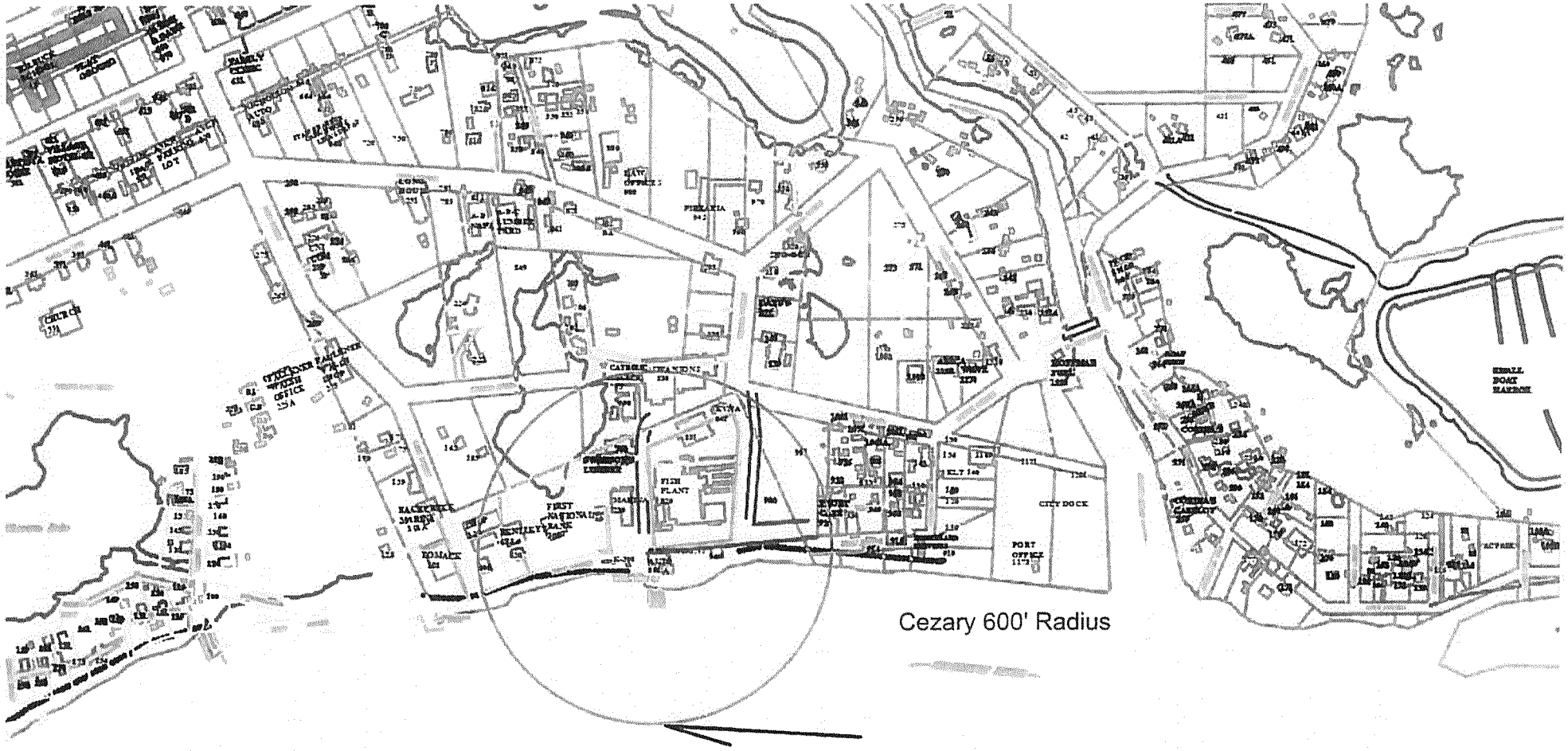
L. Any other factor the city council determines is relevant to a particular application. [Ord. 15-32 § 2.]

5.08.040 Council action on liquor license applications.

A. If a city council member wishes to protest the application, a resolution shall be prepared and introduced at the next regularly scheduled council meeting or earlier if necessary to meet the requirements of AS 04.11.480.

B. At least seven (7) calendar days prior to the council meeting, the city clerk shall provide the applicant with:

1. A copy of the proposed resolution; and


Cezary 600' Radius

State of Alaska
Office of the State Fire Marshal
Plan Review

This is to certify that the plans for this building were reviewed by the *State Fire Marshal* on March 15, 2017 for conformance with AS 18.70.010 – 100, 13 AAC 50.027

This certificate shall be posted in a conspicuous place on the premises named Kusko Liquor (801 Front Street) and shall remain posted until construction is completed

NOTICE: Any changes or modifications to the approved plans must be resubmitted for review by the *State Fire Marshal*

Plan Review # 2017Anch1072

By Diana C. Parks

Diana Parks
Supervisor

Authority AS 18.70.080
Form 12-741
(6/01)

Renovation / Remodel ONLY

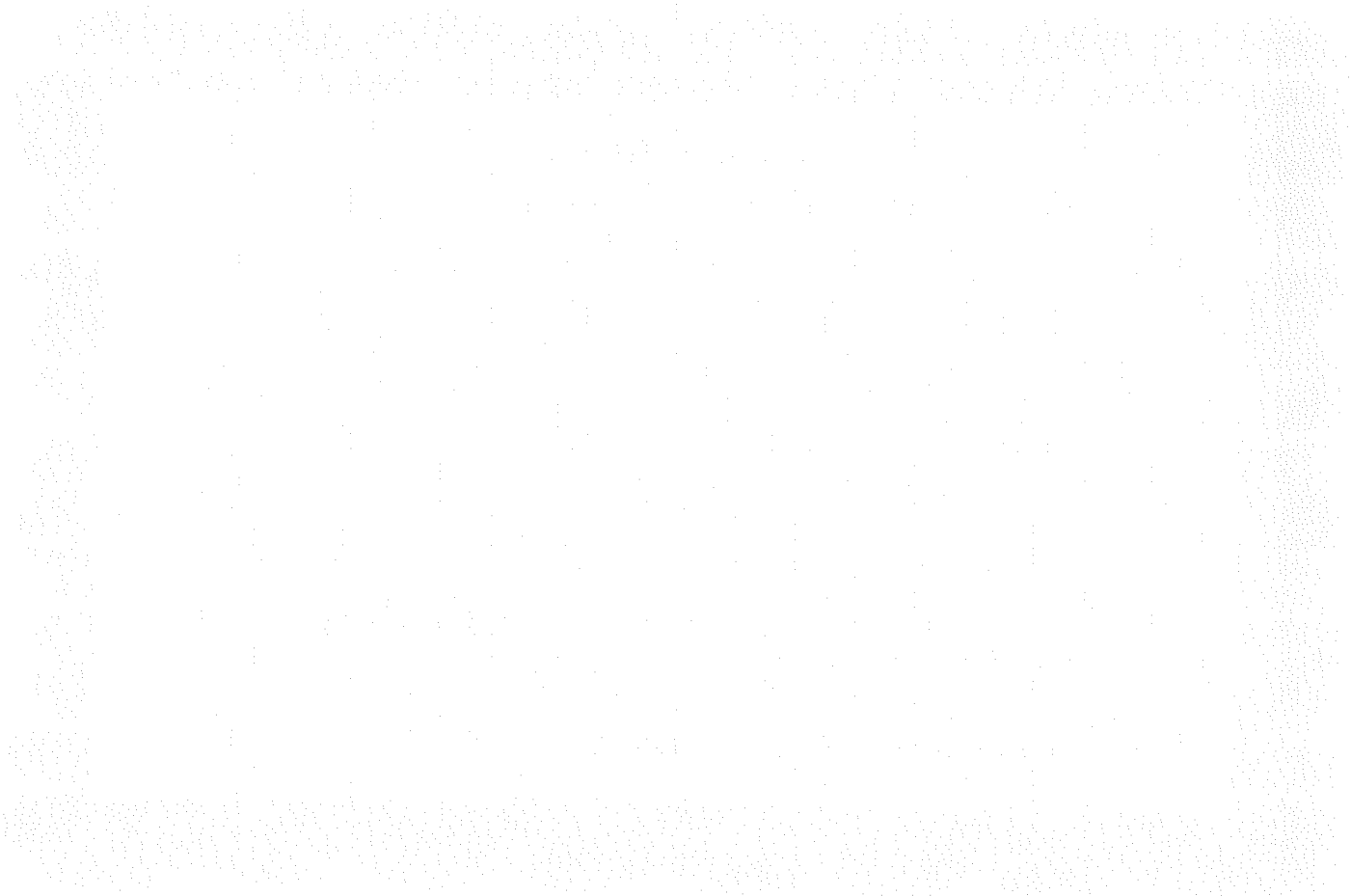


PHOTO #1

PHOTO #2

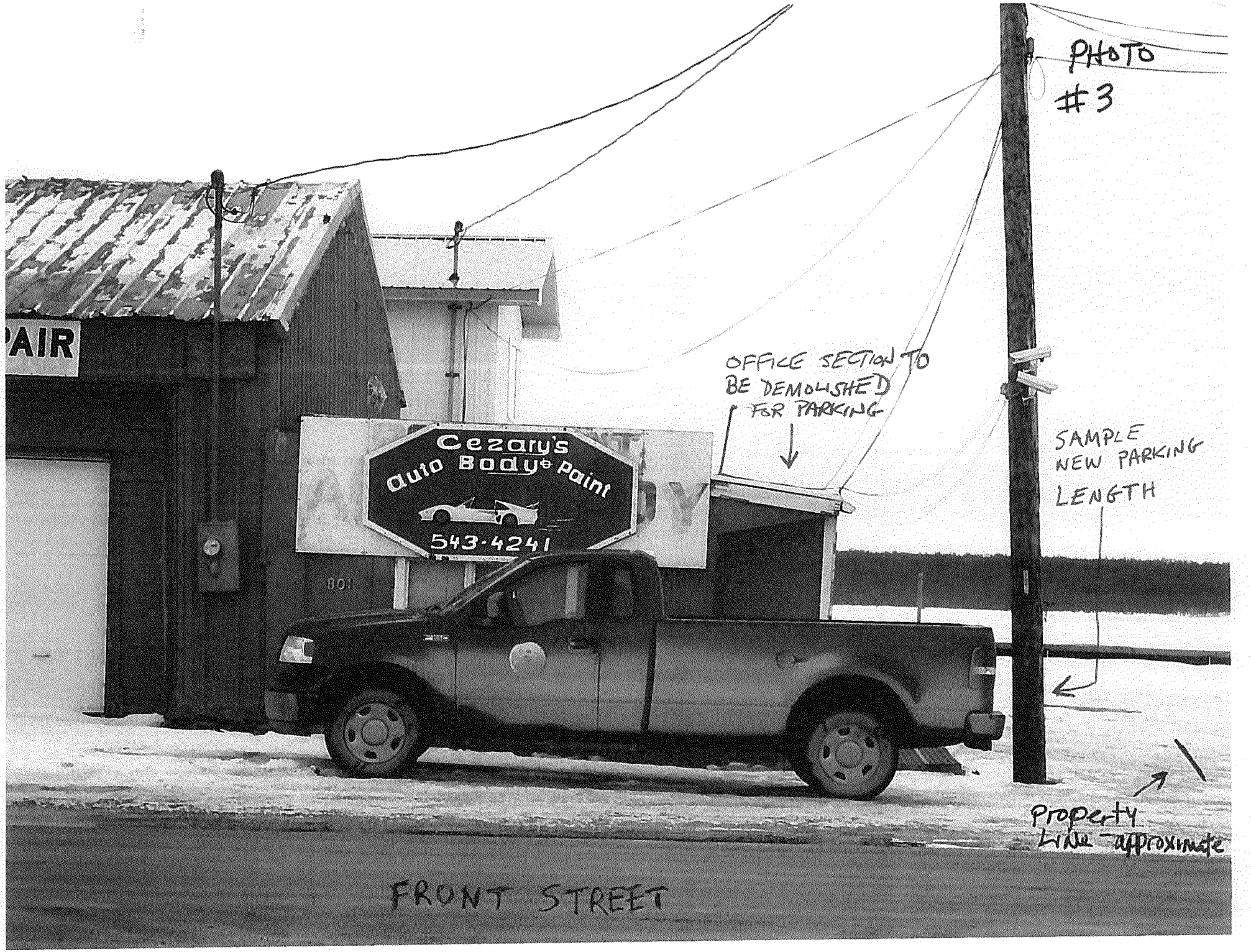


PHOTO #3
PAIR
Cezary's
Auto Body & paint
543-4241
801
OFFICE SECTION TO BE DEMOLISHED FOR PARKING
SAMPLE NEW PARKING LENGTH
Property Line - approximate
FRONT STREET

PHOTO #4

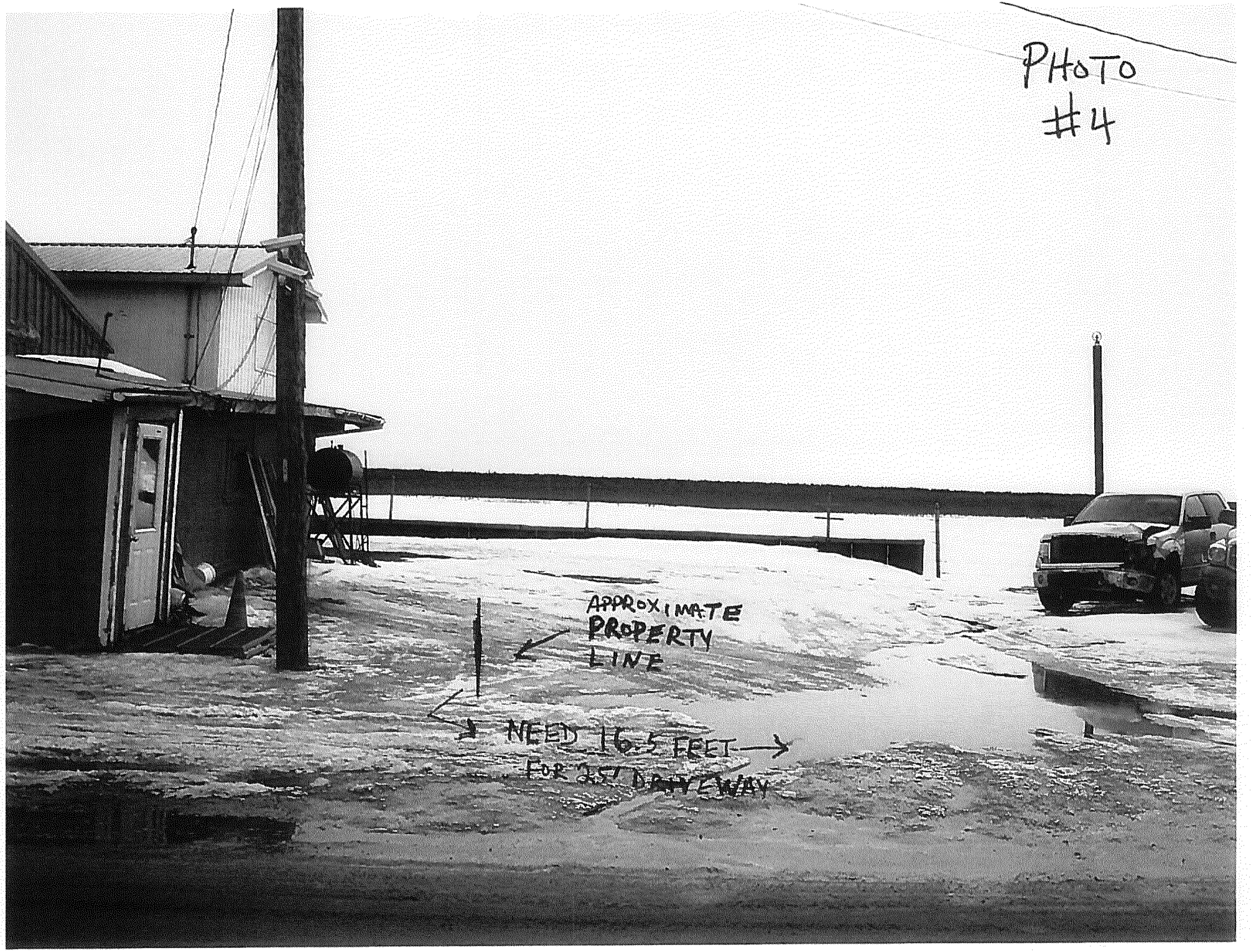
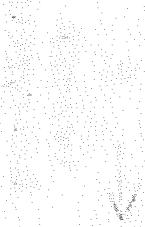


PHOTO #5



Chapter 18.48
SUPPLEMENTAL REGULATIONS

Sections:

Article I. Zero Lot Line Development

18.48.030 Zero lot line development.

Article II. Off-Street Parking and Loading

18.48.150 Purpose of off-street parking, loading and driveway requirements.
18.48.160 Off-street parking requirements.
18.48.170 Parking area location.
18.48.180 Off-street parking design standards.
18.48.190 Disabled parking standards.
18.48.200 Driveway standards.
18.48.210 Loading standards.

Article III. Height Restrictions

18.48.250 Air navigation hazards – Purpose.
18.48.260 Height restrictions.
18.48.270 Airport height map.

Article I. Zero Lot Line Development

18.48.030 Zero lot line development.

A. The purpose of this section is to allow more flexibility in site design and to provide for increased open or yard space.

B. The planning commission may approve a residential zero lot line development following the conditional use procedures pursuant to Chapter 18.60 BMC. Except as provided in subsection C of this section, the development requirements shall be in conformance with all other requirements of the district. The required yard on the side of the lot opposite the property line on which the party wall rests shall be increased by the amount of yard otherwise required adjacent to the party wall property line. A site plan permit is required prior to construction of a structure exempted from a yard requirement under this section.

C. Single-family, duplex and triplex residential structures may be exempted from a side or the rear yard requirements by the planning commission if:

1. The party wall of the separate residential units rests on the lot line;

2. A signed party wall agreement is submitted to the planning commission and approved by the commission; and

3. The planning commission determines that the yard adjacent to the party wall lot line is not necessary for drainage, access, circulation, parking or for use as a buffer area from adjacent uses. [Ord. 01-05 § 8.]

Article II. Off-Street Parking and Loading

18.48.150 Purpose of off-street parking, loading and driveway requirements.

The purpose of off-street parking, loading and driveway requirements is to establish and maintain areas for efficient and convenient driveway access and parking for residential, civic, commercial and industrial uses, and to provide a safe means for discharging people and products from ground transportation. BMC 18.48.150 through 18.48.210 may be referred to as the off-street parking and loading code. [Ord. 01-05 § 8.]

18.48.160 Off-street parking requirements.

A. No parking area provided for the purpose of complying with the provisions of this code shall be eliminated, reduced, or converted to another use unless equivalent facilities are provided in conformance with this chapter and approved by the planning department on a site plan permit. New structures or uses on a lot must provide parking space as required by this chapter. Additions or expansions to any structure or a change in use on a property shall be accompanied by parking facilities to replace parking lost or to achieve conformance with this chapter.

B. Space computations for any parking requirements that result in fractional requirements shall be increased to the next higher whole number.

C. Parking requirements for types of structures or uses not specifically listed in this section shall be determined by the land use administrator based on comparable uses listed in this chapter or on standards recommended by a professional planning or engineering organization.

D. Off-street parking space shall be provided as set out in this subsection:

1.	Single-family and duplex	2 spaces per dwelling unit
2.	Multifamily, including triplex	1.5 spaces per dwelling unit
3.	Religious assembly	1 space per 4 seats or 8 feet of bench in the main assembly
4.	Library, cultural exhibits	1 space per 400 square feet gross floor area

5.	Primary and secondary schools	1 space per classroom plus 1 space per administrative employee, and 1 space per 6 students design capacity or 1 space per 4 seats/8 feet of bench in the main auditorium, whichever is greater
6.	College/trade school	1 space per 1 faculty FTE plus 1 space per 5 student FTE design capacity
7.	Stadium/fairground	1 space per 4 seats or 1 space per 8 feet of bench, whichever is greater
8.	Other public assembly, recreation, or entertainment	1 space per 4 seats or 1 space per 8 feet of bench, or 1 space per 100 square feet of gross floor area, whichever is greater
9.	Hospital	1 space per two beds
10.	Professional/ administrative offices	1 space per employee plus 1 space per 400 square feet gross floor area
11.	Medical offices and clinics	1 space per employee plus 1 space per 200 square feet gross floor area
12.	Retail sales and service	1 space per 300 square feet gross floor area
13.	Retail sales and service of large items such as furniture and appliances	1 space per 750 square feet gross floor area
14.	Personal service	1 space per 300 square feet gross floor area

15.	Shopping center/department store	5 spaces per 1,000 square feet gross floor area, except restaurant space shall be provided as set out in subsection (D)(16) of this section
16.	Restaurant	1 space per 100 square feet gross floor area
17.	Motel, hotel, bed and breakfast, boarding and lodging facilities	1 space per guestroom
18.	Warehouse, wholesale, distribution, manufacturing	1 space per employee plus 1 space per commercial vehicle plus 1 space per 700 square feet of patron service area
19.	Heavy industrial	1 space per each 1.5 employees

[Ord. 01-05 § 8.]

18.48.170 Parking area location.

A. Required parking facilities for long-term residential uses shall be located on the same lot as the use the parking facilities are intended to serve.

B. Required parking facilities shall be located on the same lot as the use such parking facilities are intended to serve or, except for uses other than long-term residential use on a lot under the same ownership if such parking is located adjoining or in close proximity to the actual use or uses served, and there is a safe, convenient pedestrian connection between the lots.

C. Except for long-term residential uses, required parking facilities of two (2) or more uses, structures or contiguous lots or parcels may be satisfied by the same parking facilities used jointly if the parking facility meets the total requirement for all uses and situations; provided, an overlap of up to twenty (20) percent of the highest overlapping single user's requirement may be permitted if, but only for so long as, the hours of operation of the overlapping users do not overlap and the right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use which remains effective for so long as the users' requirements must be met by overlapping use. [Ord. 01-05 § 8.]

18.48.180 Off-street parking design standards.

A. All off-street parking spaces shall be no less than nine (9) feet by twenty (20) feet in size, except that all parallel parking spaces shall be no less than nine (9) feet by twenty-two (22) feet in size.

B. The aisle width between parking spaces shall be no less than:

1. Sixteen (16) feet between rows of parking spaces angled thirty (30) degrees or less;

2. Eighteen (18) feet between rows of parking spaces angled at greater than thirty (30) degrees but not greater than sixty (60) degrees;

3. Twenty-five (25) feet between rows of parking spaces angled at greater than sixty (60) degrees;

4. Twelve (12) feet for one-way aisles and twenty-four (24) feet for two-way aisles between parallel parking spaces.

C. Each parking space shall have access to a circulation isle which shall access a street or alley.

D. Maneuvering and access aisle area shall be sufficient to permit vehicles to enter the space in a forward motion except that residential and employee parkers may back in from alleys.

E. Parking lots with four (4) or more stalls shall have an improved surface approved by the city engineer; provided, the overall finished grade of a parking lot shall not exceed a five (5) percent slope.

F. The lot shall be graded so that it will drain as required by the city engineer.

G. All boundaries of the lot directly abutting public or private property shall have a landscaped setback of at least eight (8) feet or shall have a suitable barrier to prevent vehicle encroachment beyond the property line.

H. Neither the landscaped setback required in subsection G of this section nor any landscaping or sign shall block the visibility of drivers exiting across a public sidewalk or entering a public street. If located closer than eight (8) feet to the nearest sidewalk or twenty (20) feet from the nearest improved edge of the street, any closed fence, wall, ground-mounted sign, bush, or hedge line shall not exceed twenty-four (24) inches in height along any side having a driveway exit across a sidewalk or to a street.

I. Parking facilities available for night use by employees or patrons shall be lighted during the night hours of use.

J. Covered parking spaces shall have a vertical clearance of a least seven (7) feet six (6) inches above the parking lot surface for all uses except residential. [Ord. 01-05 § 8.]

18.48.190 Disabled parking standards.

A. Parking lots which contain six (6) to twenty-five (25) required spaces shall provide one (1) space for restricted use of disabled persons. Parking lots that contain twenty-six (26) to fifty (50) required spaces shall contain two (2) spaces for restricted use of disabled persons. Parking lots which contain more than fifty (50) required spaces shall contain one (1) additional space for restricted use of disabled persons for each additional one hundred (100) parking spaces or fraction thereof that are required.

B. Parking spaces required by this section shall be at least nine (9) feet wide and shall have an adjacent aisle that is at least six (6) feet wide. Two (2) adjacent parking spaces that meet the requirement of this section may share an aisle.

C. A sign shall be posted for each disabled person parking space. The sign shall be clearly visible, and be marked with the international symbol of handicap access.

D. All other design considerations must comply with the Americans With Disabilities Act. [Ord. 01-05 § 8.]

18.48.200 Driveway standards.

A. Driveways serving residential uses on lots served by piped sewer and water shall have a minimum width of not less than nine (9) feet when serving four (4) or fewer dwelling units and a driveway width of not less than sixteen (16) feet when serving five (5) or more dwelling units or in lieu thereof, two (2) separate driveways not less than nine (9) feet in width.

B. Driveways serving other than residential uses on lots served by piped sewer and water shall have a minimum width of fifteen (15) feet to accommodate one-way traffic and a minimum width of twenty-five (25) feet to accommodate two-way traffic.

C. Driveways serving any use on a lot that is not served by both piped water and piped sewer shall have a minimum width of not less than twenty-five (25) feet unless the land use administrator determines that practical considerations such as lot frontage, proximity to a street intersection, lot size, lot topography, drainage patterns, the location of preexisting structures or the proposed principal structure and other considerations require a lesser width be provided. Before authorizing a lesser width, the land use administrator shall obtain and consider the recommendations of the director of public works.

D. Parking areas for two (2) or more vehicles shall be designed to prevent or discourage cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots shall be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.

E. Access driveways to parking areas containing four (4) or more spaces shall be located and designed as follows:

1. Parking area entrance and exit driveways shall be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest line of the nearest travel lane of the intersecting street.

2. Driveways crossing the street property line of a single lot shall be limited to one (1) entrance and one (1) exit driveway along the frontage of a single street. The centerline of the driveways on the same lot shall be separated by a minimum of thirty (30) feet.

3. A combined entrance and exit driveway shall be perpendicular to the street centerline for a distance of twenty-five (25) feet from the street property line.

RESOLUTION

Bethel Planning Commission

Resolution No. 2017 – 04

A RESOLUTION OF THE PLANNING COMMISSION APPROVING/DISAPPROVING THE CONDITIONAL USE PERMIT APPLICATION BY CEZARY J. MACZYNSKI, DBA KUSKO LIQUOR STORE, FOR A PACKAGE LIQUOR LICENSE LOCATED AT 801 FRONT STREET, IN BETHEL, ALASKA, A PORTION OF UNITED STATES SURVEY 1002.

WHEREAS, Bethel Municipal Code (BMC) Section 5.08.060 states that any use which includes the retail sale or dispensing of alcoholic beverages is permitted only by a Conditional Use Permit; and

WHEREAS, Kusko Liquor has submitted a Conditional Use Permit Application for obtaining a Package Liquor License; and

WHEREAS, the Planner for the City of Bethel has reviewed and wrote findings of fact and recommendation for the Conditional Use Permit application and determined that it DOES/DOES NOT conform to the requirements pursuant to BMC 18.60 (Conditional Use Permit Standards and Procedures) and 16.04 (Planning, Land Use, Platting, and Site Development), and recommends the Conditional Use Permit be DENIED/APPROVED; and

NOW THEREFORE BE IT RESOLVED that the **PLANNING COMMISSION** has reviewed the Conditional Use application and staff's findings and has determined that it DOES/DOES NOT conforms to the requirements pursuant to BMC 18.60 and BMC 16.04, and hereby APPROVES/DENIES the permit with the following conditions: LIST THE REASONS WHY DENIED OR LIST THE CONDITIONS IF ACCECPTED:

1.

2.

3.

PASSED AND APPROVED BY THE BETHEL PLANNING COMMISSION by a duly constituted quorum on this 30th day of April 13, 2017 by the City of Bethel City Planning Commission Action:

Vote: In Favor: _____ Opposed: _____ Abstained: _____

ATTEST:_____ _____

Kathy Hanson, Chairman
City of Bethel Planning Commission

Recorder

Bethel Recording District:
After recording please return to:
City of Bethel Planning Department
P.O. Box 1388
Bethel, Alaska 99559

ALL NOTICES WERE DONE IN ACCORDANCE OF BMC 18.04.070

Classifieds *from page 14*

Bid Opening: 1:00 PM on April 13, 2017
Telephone: (907) 269.0767
TTD: (907) 269.0473
TTY: (800) 770.8973
Copies of the Contract bid documents may be obtained at the Napakiak Post Office or the M&O Bethel Station Airport Manager's Office.
Up to date and additional information is available on the web at (http://dot.alaska.gov). Under the Section called Find it Fast!, select DOT&PF Public Notices. Look through the section called Procurement for the Invitation for Quotes. (107)(3/29-4/5)

Public Notice

VFW MEMBERSHIP Freedom isn't free, and millions of Americans have paid the price for the freedom we enjoy today. Since 1899, the Veterans of Foreign Wars has served those who served America. From writing veterans legislation and then leading the fight to get it through Congress, to community projects that benefit all Americans, the VFW is an opportunity for veterans to continue to serve. Contact the VFW Robert V. Lindsey Post #10041 at 543-2241 and ask what you can do for your community. (83)(3/26-cnx)

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA FOURTH JUDICIAL DISTRICT AT BETHEL
In the Matter of the Estate of:
SETH GRANT FAIRBANKS, Deceased.
Case No. 4BE-17-6PR
NOTICE TO CREDITORS
You are notified that the court appointed DEBORAH FAIRBANKS as Personal Representative of this estate. All persons having claims against the person who died are required to present their claims within four months after the date of first publication of this Notice or said claims will be forever barred.
the Estate of SETH GRANT FAIRBANKS, or filed with the Court.
DATED this _22nd_ day of March 2017 at Bethel, Alaska
DEBORAH FAIRBANKS
Personal Representative (115)(3/22-4/5)

PUBLIC HEARING NOTICE
CONDITIONAL USE PERMIT
Notice is hereby given that on March 23, 2017, the City of Bethel Planning Office received an application for a Conditional Use Permit for a liquor license. The legal description is a portion of United States Survey 1002. The physical address is 801 Front Street.
Land Owner: Cezary J. Maczynski, dba Kusko Liquor, P.O. Box 1805, Bethel, AK 99559 phone 907-543-4241.
Applicant: same as above.
Purpose: To obtain a package liquor store license in order to sell alcohol.
City of Bethel Contact: Ted Meyer, Planning Director, City of Bethel Planning Dept., phone 907-543-5603.
Time and Place: The regular scheduled meeting of the City of Bethel Planning Commission, 6:30 PM April 13, 2017 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers. (131)(4/5)

Goose *from page 5*

Learn more about the Alaska M Bird Co-management Council at: ws gov/alaska/ambcc/. The public reg booklet, Emperor Goose Manageme and other information will be avai this site.

The Alaska Migratory Co-Management Council was for 2000 to collaboratively manage the summer subsistence migratory bird in Alaska. Members include represe of Alaska Native peoples, the U.S. Fi Wildlife Service and the Alaska Depa of Fish and Game.

ARCTIC CHIROPRACTIC THERAPY AND REHA

Physical Therapy Chiropractic Massage

Sheri Schoenberg, Physical Therapist
Dr. Garrett Hussion, Chiropractor

If you have been told you need physical therapy or rehabilitation now you hav a choice.

We have our own physicians on staff so you DO NOT need a referral-just call us directly.

We accept most insurance plans and will happily file your claims for you in a timely and correct manner.

LKSD, YKHC, City of Bethel, State of Alaska, BCBS, Meritain, United, Premier, Trusteed, Wells Fargo, ASEA52, Aetna

April 5, 2017

To Whom this May Concern:

You are receiving this notice of a Public Hearing pursuant to Bethel Municipal Code 18.04.070 "Notice shall be mailed to the owners of each parcel of property 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 notice on.

PUBLIC HEARING NOTICE
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Ted Meyer

Ted Meyer, Planning Director

I hereby certify that this Notice of Public Hearing - Conditional Use Permit Application, has been posted at AC Quick Stop, Bethel Native Corporation, City Hall, and the Post Office on or before April 7. It is further certified that this Notice will be published in the Delta Discovery weekly newspaper beginning the week of April 5, 2017 for one week.

To: Pete Williams, City Manager
From: Ted Meyer, Planner
Subject: **March 2017 Manager's Report**
Date: March 31, 2017

---

1. **ONC Proposed Easement for Access to Planned Subdivision**

An easement by deed is currently being drafted for Council review.

2. **Planning Commission Business**

The Planning Commission recommended approval of the ROW vacation located on the hospital campus in a hearing held on March 9. An ordinance is being drafted for Council review.

The Conditional Use Permit application for the Tundra Liquor Cache located at 105 Hoffman Road was denied approval at a March 30 Planning Commission hearing.

3. **RFP Scoring**

Met to review and score an RFP for City health insurance on March 31.

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

Site Plan Permit Applications

- YKHC 54-unit apartment building
- YKHC Man Camp
- LKSD building addition

Conditional Use Permit Applications (2)

- YKHC hospital expansion project - A workgroup consisting of YK consultants, DOT&PF and City Planning staff teleconferences every other Friday to review traffic mitigation alternatives. The Planning Commission hearing is now tentatively scheduled for May.
- The Kusko Liquor Store CUP application is scheduled for a Planning Commission hearing on April 13.

Preliminary Plats (3)

One preliminary plat was determined complete and is scheduled for PC hearing in April/May. Two more preliminary plats are to follow.

City of Bethel
Grant Summary
Calendar Year 2017

Preparing

Sponsor	Name	Products/Services	City Depts. (Partners)	Date	$ Grant $ City Match
AK Dept. of Health & Social Services	Community Service Patrol Grant	Fund 3 CSPs, gasoline, minor equipment	Police	4/26/17	$323,081 $32,308 in-kind
USDA-RD and DEC	Water and Sewer grants and loan	Sewer Lagoon Rehabilitation Project	Public Works	Ongoing	USDA: $3,332,358 DEC: $4,464,167

Submitted in Calendar Year 2017

Most recent first

Sponsor	Name	Products/Services	City Depts.	Date	$ Grant $ Match
AK Division of Homeland Security & Emergency Mgmt.	State Homeland Security Program	Video camera system, repeaters for radio signals, police active shooter training.	Police, Fire, Port, Public Works	2/17/17	$350,000 est.
State of Alaska	State Capital Requests	Institutional Corridor, Road Around H-Marker Lake, Ladder Truck, Small Boat Harbor.	PW, Fire, Port	12/16	$9,670,752

Approved in Calendar Year 2017

Most recent first

AK Dept. of Transportation & Public Facilities	FY 2018 Community Transit Grant	Bethel Transit System operations.	Public Works	12/16	$250,597 $80,580
Alaska Public Entity Insurance	Surface Material Grant	Playground surface material (woodchips)	Parks & Rec.	1/16	$10,000 $10,000
				Total	$260,597

Not Approved

Most recent first

CITY OF BETHEL

P.O. Box 1388 Bethel, Alaska 99559
907-543-1384
FAX # 543-3817

May 5, 2017

Planning Commission
P.O. Box 1388
Bethel, AK 99559

Dear Planning Commissioners:

On May 4, 2017, the Board of Adjustment considered the Record on Appeal and testimony from interested parties, regarding Appeal Number 17-01, *Tundra Liquor Caches application denial from the Planning Commission for a conditional use permit to operating a package liquor store, to be located at 105 Hoffman, Bethel.*

The Board of Adjustment maintains jurisdiction of the appeal and remands the appeal to the Planning Commission with the following directions:

1. Prepare a complete record of decision;
2. Assure conflicts of interest are declared and ruled on the record;
3. Consider mitigation measures collaboratively between the applicant and interested parties;
4. Prepare a resolution with findings and conclusions as described in BMC 18.60.050 (e) based upon the existing record on appeal; and
5. Consider the recommendations of the City Planner in the resolution setting forth the findings and conclusions.

The Planning Commission decision on remand of the Conditional Use Permit shall be decided by June 2, 2017.

If the Planning Commission reverses its decision, that decision may be subject to appeal.

Sincerely,

Lori Strickler
City Clerk

City of Bethel

Betsy Jumper <bjumper@cityofbethel.net>

Fwd: possible conflict

1 message

Ted Meyer <tmeyer@cityofbethel.net> Fri, Jun 2, 2017 at 11:26 AM
To: Betsy Jumper <bjumper@cityofbethel.net>

Please put in packet for Steve Chung. Thanks.

---------- Forwarded message ----------
From: **Alex Wasierski** <awasierski@gmail.com>
Date: Wed, May 31, 2017 at 10:44 AM
Subject: Fwd: possible conflict
To: Ted Meyer <tmeyer@cityofbethel.net>

---------- Forwarded message ----------
From: "Alex Wasierski" <awasierski@gmail.com>
Date: Mar 29, 2017 9:48 PM
Subject: possible conflict
To: <kathyhanson49@gmail.com>
Cc:

I Alex Wasierski was contacted by steve chung about getting a quote for installing commercial doors and a wall partition. I informed him that he would need to get the Fire Marshall to sign off on any changes to his building and I gave him the number of a architect. I have not had any contact with him after the initial conversation.

--
Alex Wasierski
AMW Construction
PO Box 573
Bethel, AK 99559
907-545-3499

--
Ted Meyer, Planner
City of Bethel
P.O. Box 1388
Bethel, AK. 99559
907-543-5306
tmeyer@cityofbethel.net

City of Bethel, Alaska
Planning Commission Meeting

March 30, 2017 Special Meeting Bethel, Alaska

I. CALL TO ORDER

A special scheduled meeting of the Planning Commission was held on Thursday, March 30, 2017, at 6:30 PM at the Log Cabin in Bethel, Alaska. Chair Hanson 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: John Guinn, Alex Wasiserski, Kathy Hanson, Shadi Rabi, Jon Cochrane, and Nikki Hoffman. Also present was Planning staff member Ted Meyer and City Attorney Patty Burley.

III. PEOPLE TO BE HEARD

--Gloria Simeon, spoke out against the proposed liquor store.
--Jane Koski, " " " " " ".
--Glen Koski, " " " " " ".
--Sam White, spoke about the ONC housing lot 15; community dog park; concerned about the easement. Preliminary plat being prepared to be submitted—okay with both dog park as long as not at the expense of the easement.
--Justin Wintersteen, spoke out against the proposed liquor store.
--Nili Sundown, only against the location, does not want in a residential neighborhood.
--Mike Burley, spoke out against the proposed liquor store.
--Samatha Buckly, " " " " " ".
--Fred Watson, " " " " " ".

IV. MOTION TO APPROVE THE MINUTES OF THE MARCH 9, 2017 MEETING

MOVED:	Jon Cochrane	To approve the March 9 minutes.
SECONDED:	Jon Guinn	
VOTE ON MOTION	All in favor 6 yes and 0 opposed. Motion carries.	

V. APPROVAL OF THE AGENDA

MOTION TO APPROVE THE AGENDA OF MARCH 30, 2017

MOVED:	Lorin Bradbury	To approve the agenda.
SECONDED:	Jon Cochrane	
VOTE ON MOTION	All in favor 6 yes and 0 opposed. Motion carries.	

VI. NEW BUSINESS: A. PUBLIC HEARING: Applicant: Steven Chung, dba Tundra Liquor Cache, is applying for a Conditional Use Permit (CUP) in order to open a package liquor store. The legal description is Plat number 80-14, Lot 3, Phase 1, Nunvak Estates. The physical address is 105 Hoffman (ACTION ITEM).

Chair Hanson opened the Public Hearing.

Chair Hanson explained what a CUP is and how the process will work. *Alex Wasierski was excused due to a conflict of interest.*

Planner Ted Meyer went over his facts and findings of the Conditional Use Permit for Tundra Liquor Cache.

Applicant Steve Chung presented his position.

The Planning Commission questioned both Ted and Steve.

Applicant Steve Chung rebutted. There are many businesses on the highway, such as GCI, Mud Hut, Post Office, Public Health, Post Office, Q2. Police and Fire Dept.—low level of incidences in the neighborhood. It is a very quiet neighborhood. There is a bus stop within my property lines to be used instead of the one at Q2. Q2 is popular, functions just fine. Alcohol cannot be sold to inebriates. Traffic on Hoffman Road, agrees there would be an increase in traffic, but this is a city-wide problem. Snow machines are a way of life/transportation— "it's pretty much anything goes", unwritten rules.

The Planning Commission deliberated.

MOTION TO APPROVE THE CONDITONAL USE PERMIT AS DRAFTED BY PLANNER

MOVED:	Jon Cochrane	To deny the Conditional Use Permit because 1. Lack of compatibility with the neighborhood; 2. Safety issues regarding the increased 4-wheeler and snow machine traffic coming off the river to the store will create for the residential neighborhood. The proximity to the highway, with the lack of parking coupled with the increased traffic and pedestrians will also be a safety issue so close to the highway; alcohol and the high rates of speed on the highway are a very dangerous mix, and 3. No adequate parking (barely meets minimum but not realistic for taxicab drivers and shoppers; traffic and congestion it will cause at the intersection of Hoffman Road and the State Highway.
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	All in favor 0 yes and 4 opposed. Motion fails.	

Chair Hanson closed the Public Hearing.

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

Commissioner Hoffman excused herself and had to leave the meeting.

VIII. COMMISSIONER'S COMMENTS: Jon: none; Alex: none; Shadi: none; John: none; Kathy: thanked everyone for being prepared and a good discussion.

IX. ADJOURNMENT

MOVED:	Jon Cochrane	Motion to adjourn the meeting at 9 40 pm.
SECONDED:	John Guinn	
VOTE ON MOTION	4 yes and 0 opposed. Motion carries.	

The next meeting will be on April 13, 2017

Kathy Hanson, Chair

ATTEST: _____, Recorder

CITY OF BETHEL PLANNING OFFICE
Po Box 1388
Bethel, AK 99559

(907) 543-5306
(907) 543-4168 (facsimile)

RECEIVED
COB PLANNING DEPT
2-23-17

APPLICATION FOR A CONDITIONAL USE PERMIT
REGULATION OF ALCOHOLIC BEVERAGE USES
BETHEL MUNICIPAL CODE 5.08 AND BETHEL MUNCIPAL CODE 18.60.20

Carefully read instructions and applicable City code. Fill out forms completely. Attach information as needed. Incomplete applications will create a delay in the review process.

Application Fee must be attached:	**$200.00**	Conditional Use Permit
Payment Type:	☐ Credit Card ☐ Check ☐ Money Order ■ Cash	✓ 200.00 2-23-17

1. General Information

NAME OF APPLICANT:	Steve Chung
Physical Address:	105 Hoffman
Mailing Address:	Po Box 3067
Home Phone Number:	907-545-0467
Work Phone Number:	907-543-4445
Cell Phone Number:	907-545-0467
Email Address:	steeb0o1022@yahoo.com

Please note:
The City of Bethel will not communicate regarding the application with anyone other than the 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. Also, **State Fire Marshal approval and Dept. of Environmental Conservation** approvals must be included in this application to be complete.

NAME OF PROPERTY OWNER: (If different from Applicant)	
Physical Address:	
Mailing Address:	
Home Phone Number:	
Work Phone Number:	
Cell Phone Number:	
Email Address:	

2. Property Information / Legal Description

Township: 8 N	Range: 71 W
Section: 18	Meridian: SEWARD
Subdivision: ~~GEERDTS~~ NUNVAK ESTATES	Block(s):
Lot(s): 3	US Survey or Plat No.: P 80-14
Street Address: 105 HOFFMAN	

3. Conditional Use Description

a. *Please provide a detailed description of the proposed conditional use*
(additional sheets of paper may be attached if necessary):

This lot currently houses Eds Automotive, a local auto shop. The proposed change is to convert the building into a liquor/pacage store

b. Please comment on any potential impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property.

The location of this building is on the corner of the state highway and Hoffman Rd., directly across the street fro, Public Health building. The easy access to the state highway should make the impact on traffic minimal. Additionally, there are two entrance to the Hoffman Subdivision that can be taken to access this lot, which should minimize any potential traffic back up.

c. 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 add additional parking spaces.

There is currently a parking lot on the south side of the buliding as well as in front of the building on the east side. Altogether, this lot can accommodate 15 spaces, including one handicap space near the front entrance.

d. Describe existing and any planned access to and from the property

The layout of the lot allows for multiple access points to and from the property. The primary entrance for parking would be on the south side of the buliding.

e. Comment on any potential output of noise or dust, fumes, waste, and other forms of potential environmental pollution

The conversion of this lot from Eds Automotive to a liquor store is not expected to increase the output of noise, dust, or other forms of potential environmental pollution. Currently, the property has no water and sewage, instead utilizing a rainwater system, which can hold up to 800 gallons of collected rainwater at a time. Additionally, the building is heated utilizing a waste oil heater.

f. Describe special features and/or restrictions you have designed to minimize negative impacts and to ensure the public health, safety, and welfare of nearby structures and residents

The property will have a new light system on the outside of the building, helping to illuminate the property and parking lot surrounding the building. There will also be security cameras located both inside and outside of the building. the building itself does not have any windows. These factors will hopefully act to deter criminal activity on the property. Another benefit of the location of this property is that it is less than .5 miles from Bethel Police Department. Additionally, the lots that surround this property are also commercial lots, so there are no residential properties directly next to this location.

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

Width 40'
Length 77'

4. Mapping

a. Provide a map or plat of the general area surrounding the parcel. The map must include street names and notations of the uses and structures that exist on the abutting and nearby lots. Indicate access to and from the property.
b. If applicable, attach a site plan permit application
c. List all buildings and structures located within 600' of the property (whether or not owned by the applicant):
d. Attach a notice form conforming to all of the requirements set out in Bethel Municipal Code, Section 18.04.070. The notice must, at a minimum, include the following information: 1. The name of the owner of the parcel that is the subject of the application; 2. The name of the person who made the application if not the owner; 3. A description of the action sought in the application; 4. A description of the location and a legal description of the subject parcel; and 5. Space for the City to insert the date, time and place of a hearing.

5. Owner's Statement

1. I hereby apply for approval for an alcoholic beverage use conditional use permit on the above property as described in this application.
2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, Chapters 5.08, 18.04 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:	
Date:	

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

Owner's Signature:	
Printed Name of Owner:	Steve Chung
Mailing Address for Owner:	Po Box 3067 Bethel AK 99559
Contact Number for Owner:	

FOR OFFICIAL USE ONLY		
For answers that indicate a deficiency, a detailed explanation must be attached 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	No
2. Are sufficient setbacks, lot area, buffers, and other safeguards being provided?	Yes	No
3. Is there any potential negative effect on the safe, efficient flow of traffic on any highway, arterial, collector Or street from which access to and from the establishment is obtained?	Yes	No
4. What measures are being proposed to reduce any negative effect upon the number of entries and exits on the frontage road or highway?	Yes	No
5. Are there adequate parking facilities to accommodate a reasonably expected increase demand for parking created by issuing the permit?	Yes	No
6. Will access to and from the premises create an unreasonable traffic hazard?	Yes	No
7. Will a reasonably expected increase in traffic to the property overtax the existing road system?	Yes	No
8. Is the use compatible with the character of the surrounding neighborhood?	Yes	No
9. Is the property located in a flood zone?	Yes	No
10. Does there appear to be adequate existing or proposed water supply and sewage capacity on the property?	Yes	No
11. What is the zoning designation of the property?		

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.

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. [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; (attached)
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

State of Alaska
Office of the State Fire Marshal
Plan Review

This is to certify that the plans for this building were reviewed by the *State Fire Marshal* on March 06, 2017 for conformance with AS 18.70.010 -- 100, 13 AAC 50.027.

This certificate shall be posted in a conspicuous place on the premises named Tundra Liquor Cache (105 Hoffman) and shall remain posted until construction is completed.

NOTICE: Any changes or modifications to the approved plans **must** be resubmitted for review by the *State Fire Marshal*.

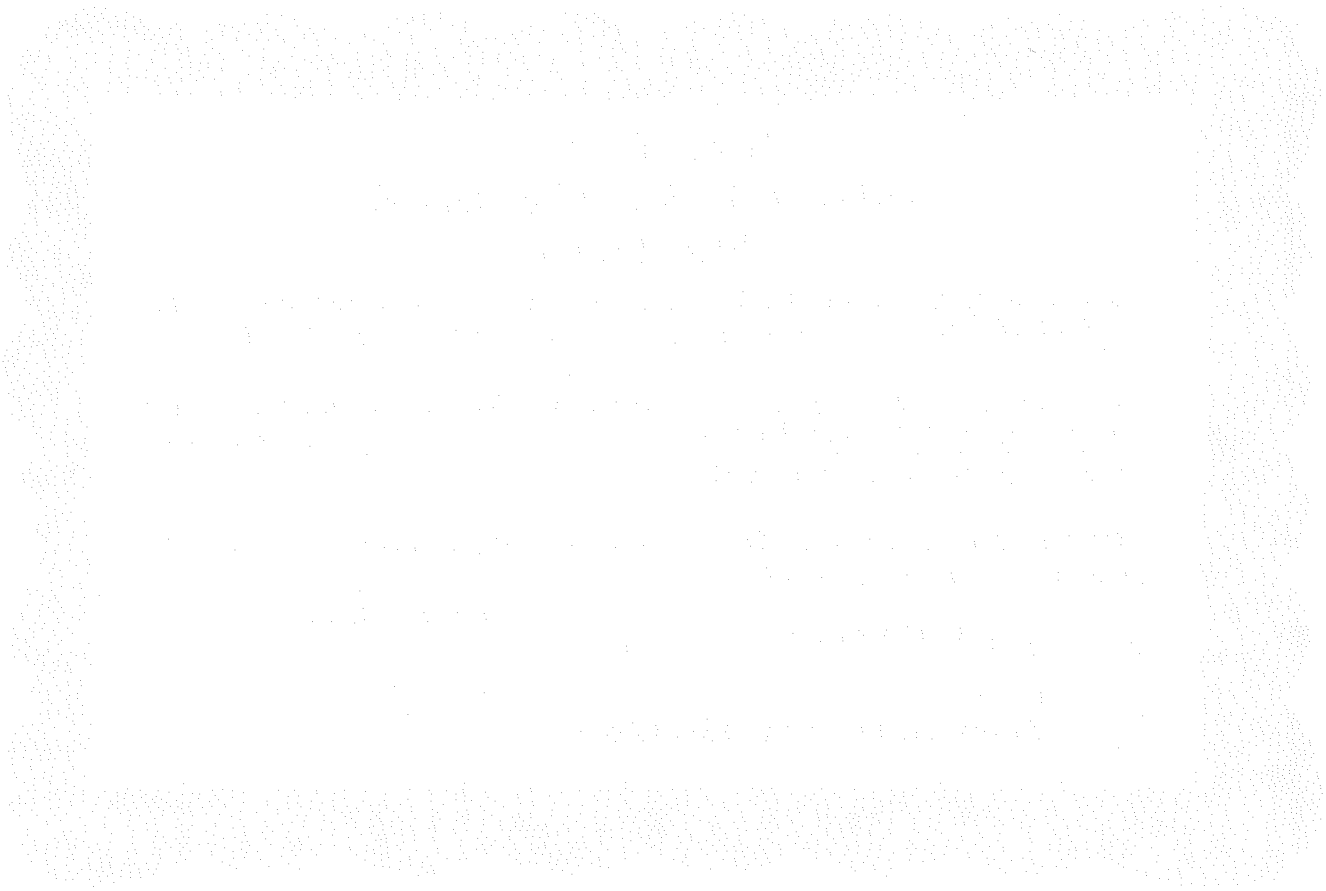
Plan Review # **2017Anch1073**

By: Diane C. Parks

Diana Parks
Supervisor

Authority: AS 18.70.080
Form 12-741
(6/01)

Renovation / Remodel ONLY



Memo

TO: City of Bethel Planning Commission

FROM: Ted Meyer, Planner

SUBJECT: **Findings and Recommendation for a Conditional Use Permit Application Submitted by Steve Chung dba Tundra Liquor Cache, for a Package Liquor Store License**

DATE: 3/13/17

Background

Steve Chung has applied for a Conditional Use Permit in order to obtain a package liquor store License to do business as Tundra Liquor Cache. The property is located at 105 Hoffman Road in Bethel, Alaska at the site of the existing Ed's Automotive, owned by Mr. Chung as well. If successful in obtaining a package liquor store license, Mr. Chung plans to convert the automotive shop into a package liquor store.

Per Bethel Municipal Code Section 5.08.060 (Alcoholic Beverages), a Conditional Use Permit is required for the sale of alcohol.

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.

Below is Code Section 18.60.040 (Conditional Use Permit) followed by 10 questions answered by staff regarding the location of the proposed conditional use. The answers to these questions form the basis for the Planner's recommendation to the Planning Commission.

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:

Staff Findings

1. The conditional use meets the standards otherwise applicable to a use in the applicable land use district.
The proposed Tundra Liquor Cache site is located in the middle of a strip of General Use-zoned land that borders the State Highway to the north. ***(see attached Bethel Zoning Map)***. *The General Use District is intended to allow a mix of compatible residential and commercial uses.* This strip of GU land is part of a much bigger General Use zoned area interspersed with other and smaller zoning districts. Immediately to the south begins an enclave of residential neighborhoods. There is a Public Land and Institution-zoned land (land reserves for public and institutional use) 530 feet to the west. Directly north, across the street from the State Hwy is an area of land zoned Open Space (*intended to provide undeveloped open space, recreational areas, and buffer zones).*

2. 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.
Ed's Automotive has been a business on the site for 25 years. For converting to a package liquor store, there is no planned expansion of the existing structure; the footprint of the building will remain the same.

Existing Parking
There are currently 17 off-street parking spaces at Ed's Automotive.

Planned Parking
For off-street parking, BMC 18.48.160 D16 (Retail Sales and Services) requires one space per 300 feet of gross floor area. The 40' x 77' structure (3,080 sq. feet) would require 11 parking spaces. According to the attached scaled site map drawing, the new parking configuration shows there are 11 (9'x20') parking spaces, the code-minimum required ***(see Photo #1 for planned south-boundary parking).*** Six of the original 17 spaces will be reconfigured in the front of Ed's so that no cars would be backing out on to Hoffman Road ***(see Photo #2)***. As seen on the site map, a portion of the parking lot on the northeast side of the property adjacent to the State Highway, will be blocked off for parking in order to follow the required 50-foot distance a driveway must be from the road edge. ***(see Photos #3 and #4 for reference).***

Water and Sewer
There are currently no water and sewer facilities on the property. This condition may have been grandfathered in for Ed's Automotive, but the change in land use will eliminate the grandfather clause and will require following the BMC. According to BMC 13.08.025 (Mandatory Subscription), *"Each person shall be jointly and severally responsible to subscribe for sewer service from the city and shall so subscribe for city-approved sewer service no later than October 1, 1994. The city or its designee shall regularly collect sewage from each premises by either an interceptor or by a holding tank"*. Installing sewage facilities should a condition for CUP approval.

There are no drainage issues on the property.

3. 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 intent and purposes of the land use code that are set out in BMC 16.04.010 *(see code directly below)*

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;
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.]

4. 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.
Within the 600 foot radius of Ed's Auto, there are the following uses:

(see attached Land Use Map for reference)

Hoffman Road
2 duplexes, 3 single family residences, 2 warehouses, and 8 vacant lots *(see photos 5 and 6)*

State Highway
State of Alaska Public Health Center, 1 single family residence, 11 vacant lots *(see photo #7)*

Our Own Road (road between the trailer court and the Q2 convenience store)
1 Convenience Store, 4 single family residences, 1 restaurant, auto shop, 40 mobile homes (in Trailer Court), 6 vacant lots

Private Road
1 single family house, 1 duplex

Total Uses by Type in the 600-foot Radius
3 duplexes
9 single family residences
40 mobile home units
2 warehouses
1 convenience store
25 vacant lots

Land use on properties that immediately abut Ed's Automotive include a convenience store to the west, vacant lots to the south, vacant lots directly across the street to the east on Hoffman Drive, and vacant lots across the street to the north of the State Highway.

There are no schools, churches, or alcohol in/out-patient facilities in the area.

5. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan.
The conditional use is generally in accordance with the Bethel Comprehensive Plan 2035, adopted in 2011. Under the Goals and Strategies Section of Chapter 4 (Land Use, Housing, and the Environment). the relevant sections, "Growth Patterns" and "Land Use Compatibility" both concern development site location.

Goal #2 under "Growth Patterns" encourages future growth to locate near existing employment centers and public services ***(see page 4-8 of the attached section of the Bethel Comprehensive Plan)***. The site location of this proposed establishment into an existing commercial structure also adheres to the associated Action step #1b that encourages infill of development.

Under the Land Use Compatibility section ***(see page 4-11 of the attached section of the Bethel Comprehensive Plan)***, Goal #3 provides for compatibility among adjoining land uses so that future development maintains or improves the quality of life or land value of surrounding uses". Although a residential-zoned area begins immediately to the south, Ed's automotive site conforms to a pattern of large strips of General Use-zoned land that is found along most sections of major roads in Bethel ***(see attached Zoning Map)***. The zoning intent is to have business access to major roads with residential areas directly behind.

Map 4.4 (***Future Land Use Plan Map - see page 4-10 of the attached section of the Bethel Comprehensive Plan***) is a long-term vision of how and where the city will grow and change over the next 20 years to accommodate expected population and job growth (versus the City's current Zoning Map which designates how land can be used and what can be built on any given property

today). The Future Land Use Map designates the current Ed's Automotive site as being in the "Mixed Use Residential" District (defined as residential primarily with limited compatible uses). This future zoning designation encompasses most of the current General Use-zoned districts of Bethel.

6. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions.
Ed's Automotive currently attracts customers and vehicles to the premises. The Tundra Liquor Cache will attract customers and vehicles as well. There will be a difference though regarding the frequency of vehicles coming into the neighborhood as the liquor store will experience peak or rush hour traffic to the premises, especially one hour before store closure. The question to consider is whether **the location of the store and the number of parking spaces available will have an impact on the neighborhood during peak or rush hour demand.**

7. 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.
Customers to Ed's Automotive currently come from all over the city. If Ed's Automotive is converted to the Tundra Liquor Cache, customers would still come from a broad area of the city, as they do for the convenience store located behind Ed's Automotive.

8. 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.
The proposed Tundra Liquor Cache site is located in the middle of a strip of General Use-zoned land that borders the State Highway to the north. This strip of GU land is part of a much bigger General Use zoned area interspersed with other smaller, zoning districts. Immediately to the south begins an enclave of residential-zoned neighborhoods. ***Referring to the attached Zoning Map***, you'll notice the strip of GU land where Ed's Automotive is located, follows a zoning trend in Bethel that shows mainly General Use zoning designations along the major highways with un-buffered residential zones beginning immediately behind.

The neighborhood currently experiences vehicles coming to Ed's Automotive and the convenience store immediately behind it, and would continue to do so for the Tundra Liquor Cache.

There are no drainage issues on the property.

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 conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]
Ed's Automotive is not located in the floodplain.

10. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment.
Concern for the public's health, safety, and general welfare are reflected in the regulations of the Bethel Municipal Code. Below is a summary of findings:

Summary of Findings

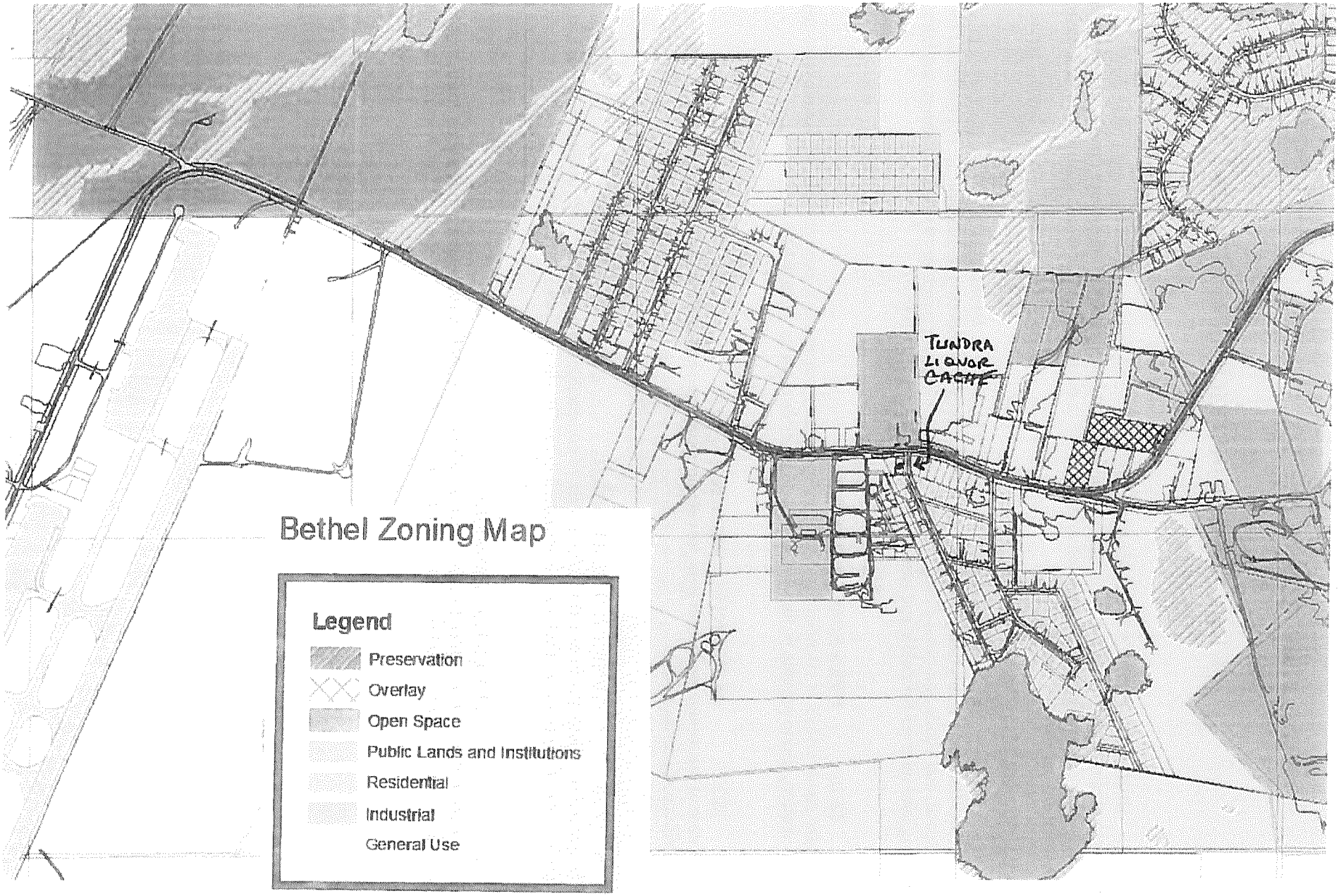
1. The proposed package liquor store site complies with location restrictions contained in BMC Section 5.08.30 and Alaska Statute 04.11.410 regarding proximity to sensitive establishments such as schools, alcohol in/outpatient facilities and churches.
2. The location for the Conditional Use Permit request is consistent with the City of Bethel's General Use Zoning District.
3. The conditional use is in accordance with two land use goals in the Bethel Comprehensive Plan's Land Use Goals and Strategies section. It is consistent with the encouragement of the "infill" of development, and consistent with the encouragement of future growth to locate near existing employment centers and public services. According to the Future Land Use Plan Map, The Tundra Liquor Cache would be located in a Mixed Use Residential area (limited residential compatible uses), which requires more scrutiny, which is the purpose of this CUP.
4. There is safe access to and from the property on Hoffman Road which is the current site location of Ed's Automotive.
5. The property will meet the 11 parking space BMC requirement for retail sales and services.

Recommendation to the Planning Commission

The findings are consistent with the BMC. As with all Conditional Use Permit hearings, I'm hoping there is good turnout from occupants in the neighborhood and/or the 600 foot-distance to this CUP public hearing. The content of their opinions would provide a good measure for compatibility of alcohol sales in the neighborhood. Approval of this Conditional Use Permit should also be based on consideration from the Planning Commission whether traffic from peak hour demand sales will impact the neighborhood. I tentatively recommend approval of the Conditional Use Permit for Steve Chung dba Tundra Liquor Cache for package liquor store sales on the property located at 105 Hoffman Road in Bethel, Alaska, with the following conditions:

1. A portion of the parking lot on the northeast side of the property adjacent to the State Highway, shall be blocked off for parking in order to follow the 50-foot distance a driveway must be from the nearest travel lane road edge, required by BMC 18.48.200 (E1).

2. As there are currently no sewer facilities on the property, the change in land use will eliminate the grandfather clause for the existing nonconforming structure and will require following the BMC 13.08.025 (Mandatory Subscription) by installing sewer facilities.


TUNDRA
LIQUOR
CACHE
Bethel Zoning Map
Legend
Preservation
Overlay
Open Space
Public Lands and Institutions
Residential
Industrial
General Use

BETHEL ZONING DISTRICTS AND INTENTS

1. 18.20 PRESERVATION DISTRICT

The preservation district is intended to apply to significant wetlands and drainage ways that should be preserved as open areas or to which careful attention must be given to development that would disturb the wetlands or affect the drainage ways.

2. 18.24 PUBLIC LANDS AND INSTITUTIONAL DISTRICT

The public lands and institutional district is intended to apply to undeveloped public lands not dedicated for open space, and public and quasi-public institutional uses, including government office buildings, facilities, and existing land reserves for public and institutional use. [Ord. 01-05 § 8.]

3. 18.28 OPEN SPACE DISTRICT

The open space district is intended to provide undeveloped open space, to protect trails, to provide open areas for recreation, and to provide buffers between incompatible districts. [Ord. 01-05 § 8.]

4. 18.32 RESIDENTIAL DISTRICT

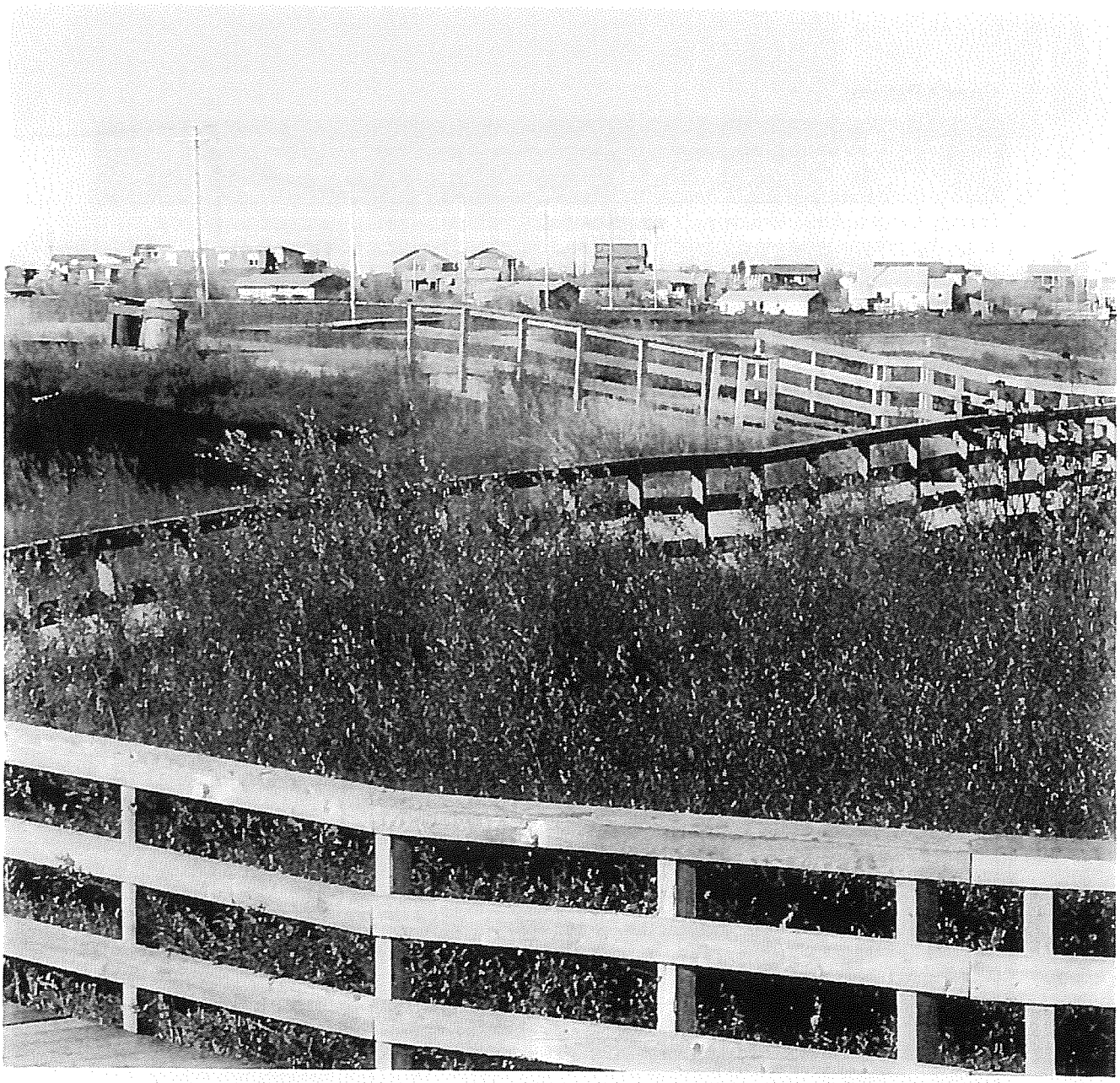
The intent of the residential district is to provide protection to residential areas from encroachment from nonresidential activities.

5. 18.36 GENERAL USE DISTRICT

The general use district is intended to allow a mix of compatible residential and commercial uses. Noxious, injurious, or hazardous uses shall not be permitted in the GU district. [Ord. 01-05 § 8.]

6. 18.40 INDUSTRIAL DISTRICT

The industrial district is intended to apply to areas where industrial development is the predominant, or is expected to be the predominant use. [Ord. 01-05 § 8.]



BETHEL

COMPREHENSIVE PLAN

2035

SEPTEMBER 2011

prepared by AGNEW::BECK Consulting
for the City of Bethel, Alaska

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,

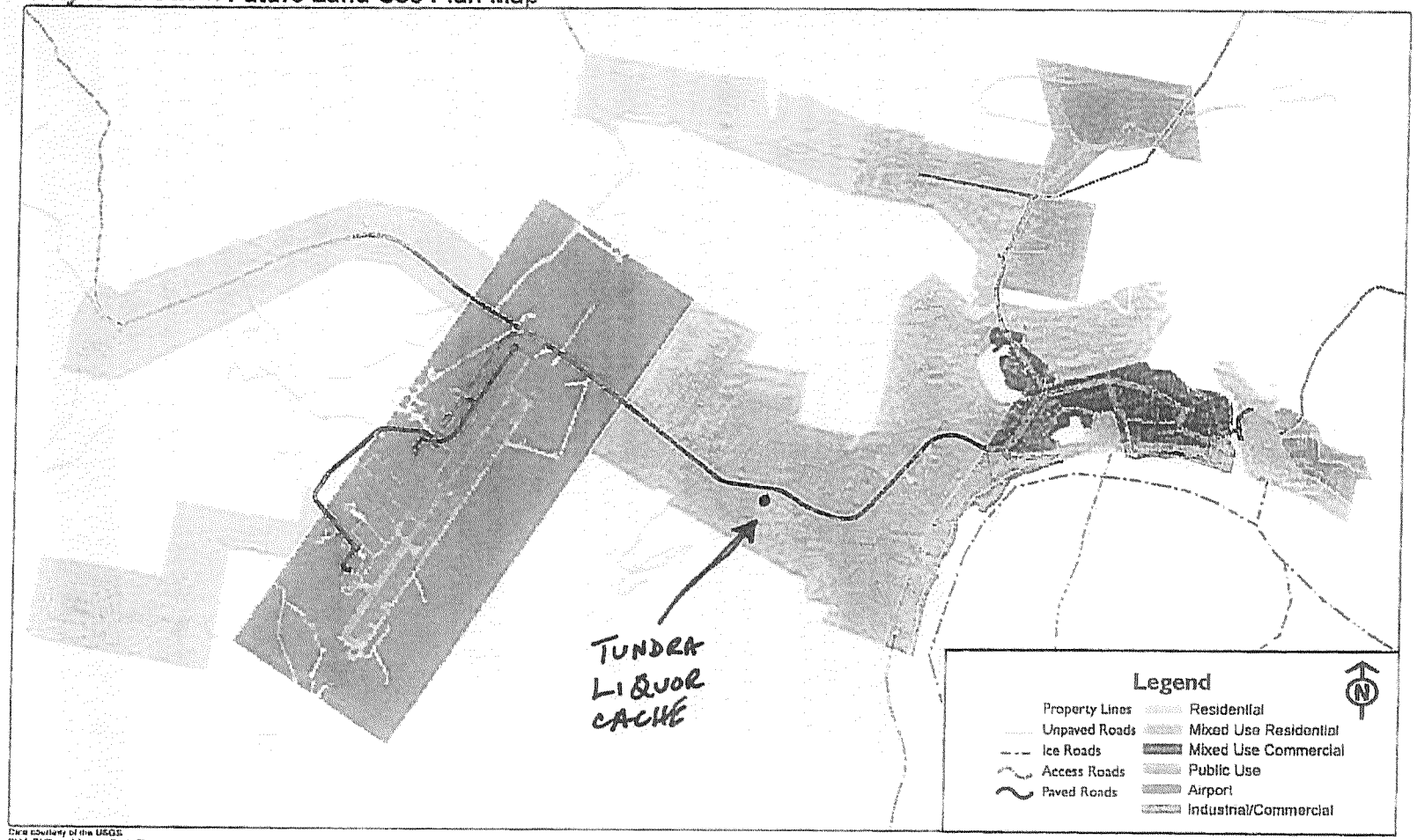
- *Low density residential areas. This zone takes in several specific subdivisions, e.g., Tundra Ridge, Larson and Blueberry. In these areas uses should be generally limited to residential uses. Exceptions would be for small home-based businesses with minimal off-site impacts, or perhaps neighborhood 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.

Map 4.4

City of Bethel Future Land Use Plan Map



Data courtesy of the USGS
BLM, DNR and Agnew Beck. This map was
compiled for the City of Bethel with assistance from Agnew Beck Consulting.
Alaska State Plane, Zone 4, NAD 1983
File: Bethel_Ownership, 1/27/10

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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.

STATE OF ALASKA

AS 04.11.410. Restriction of Location Near Churches and Schools.

(a) A beverage dispensary or package store license may not be issued and the location of an existing license may not be transferred if the licensed premises would be located in a building the public entrance of which is within 200 feet of a school ground or a church building in which religious services are regularly conducted, measured by the shortest pedestrian route from the outer boundaries of the school ground or the public entrance of the church building. However, a license issued before the presence of either cause of restriction within 200 feet of the licensed premises may be renewed or transferred to a person notwithstanding this subsection.

(b) If a beverage dispensary or package store license for premises located within 200 feet of a school ground or church building in which religious services are regularly conducted is revoked, expires, or is transferred to another location, a beverage dispensary or package store license may not be issued or transferred to the formerly licensed premises until the cessation of either cause of restriction.

5.08.030 City council review of license.

The city council shall determine whether to protest or recommend with conditions, the issuance, renewal or transfer of a liquor license application and shall consider the following factors it believes are pertinent. Such factors shall include, but not be limited to:

A. City records indicating whether the applicant and/or transferor is in violation of the city sales tax ordinances or regulations, has failed to comply with any of the filing, reporting or payment provisions of the city ordinances or regulations, or has any unpaid balance due on tax accounts for which the applicant and/or transferor is liable;

B. The character and public interests of the surrounding neighborhood;

C. Actual law enforcement problems with supporting data;

D. The concentration of other licenses of the same and other types in the area;

E. The adequacy of parking facilities;

F. The safety of ingress to and egress from the premises;

G. Compliance with state and local fire, health and safety codes;

H. The degree of control the licensee has or proposes to have over the conduct of the licensed business. In determining the applicant's demonstrated ability to maintain order and prevent unlawful conduct, the city council may consider police reports, the appearance of a readily identifiable pattern or practice of recurring violent acts or unlawful conduct on the licensed premises, testimony presented before the council, written comments, or other evidence deemed to be reliable and relevant to the purpose of this subsection;

I. Whether the applicant can demonstrate prospective or continued compliance with operations procedures for licensed premises set forth in BMC 5.08.110;

J. The proximity to a school or alcohol inpatient or outpatient treatment;

K. Any history of convictions of the applicants and affiliates of the applicants for:

1. Any violation of AS Title 4;

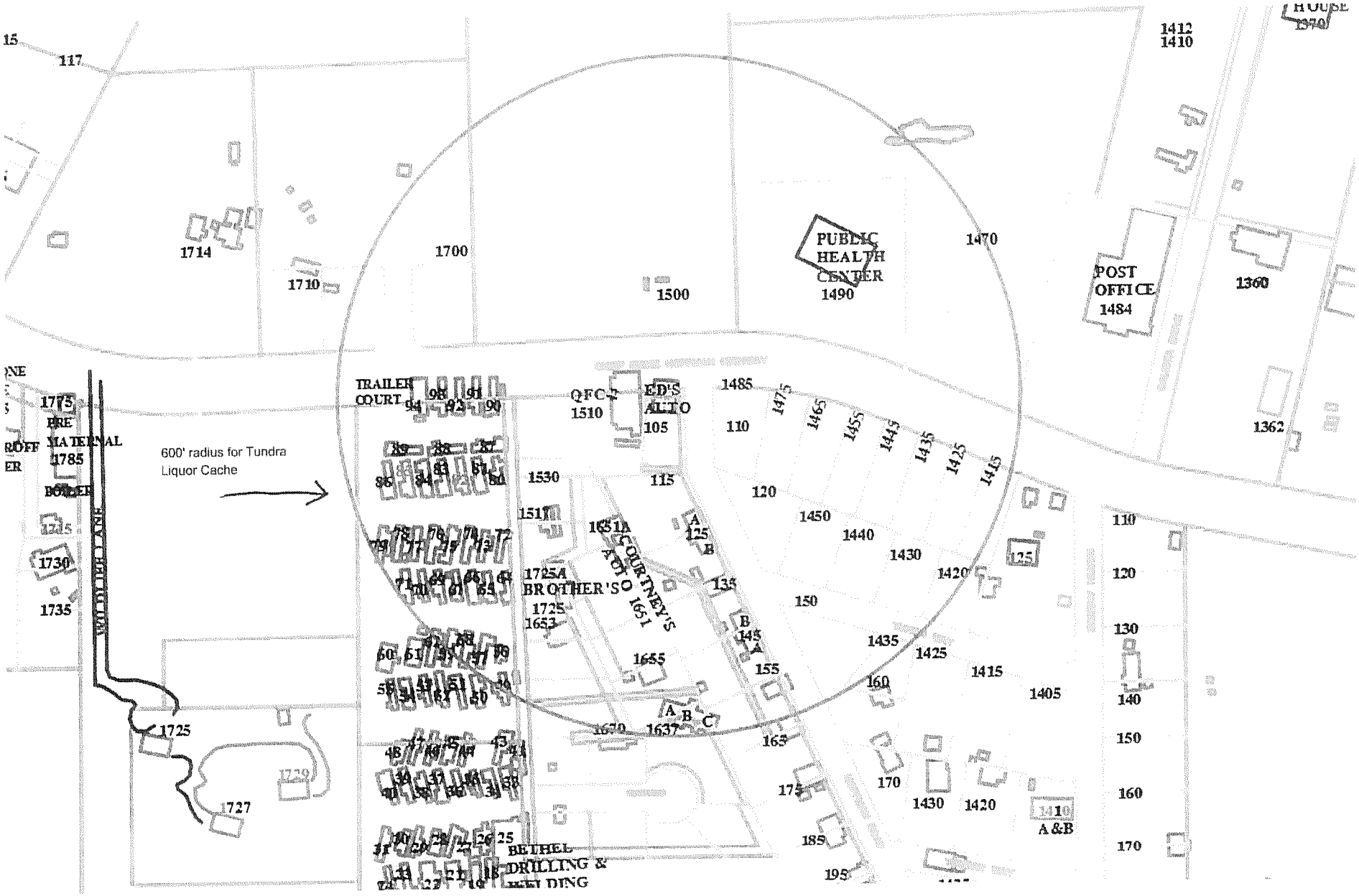
L. Any other factor the city council determines is relevant to a particular application. [Ord. 15-32 § 2.]

5.08.040 Council action on liquor license applications.

A. If a city council member wishes to protest the application, a resolution shall be prepared and introduced at the next regularly scheduled council meeting or earlier if necessary to meet the requirements of AS 04.11.480.

B At least seven (7) calendar days prior to the council meeting, the city clerk shall provide the applicant with:

1. A copy of the proposed resolution; and


600' radius for Tundra
Liquor Cache
PUBLIC
HEALTH
CENTER
1490
POST
OFFICE
1484
TRAILER
COURT
QFC
1510
ED'S
AUTO
105
COURTNEY'S
AUTO 1651
BROTHER'S
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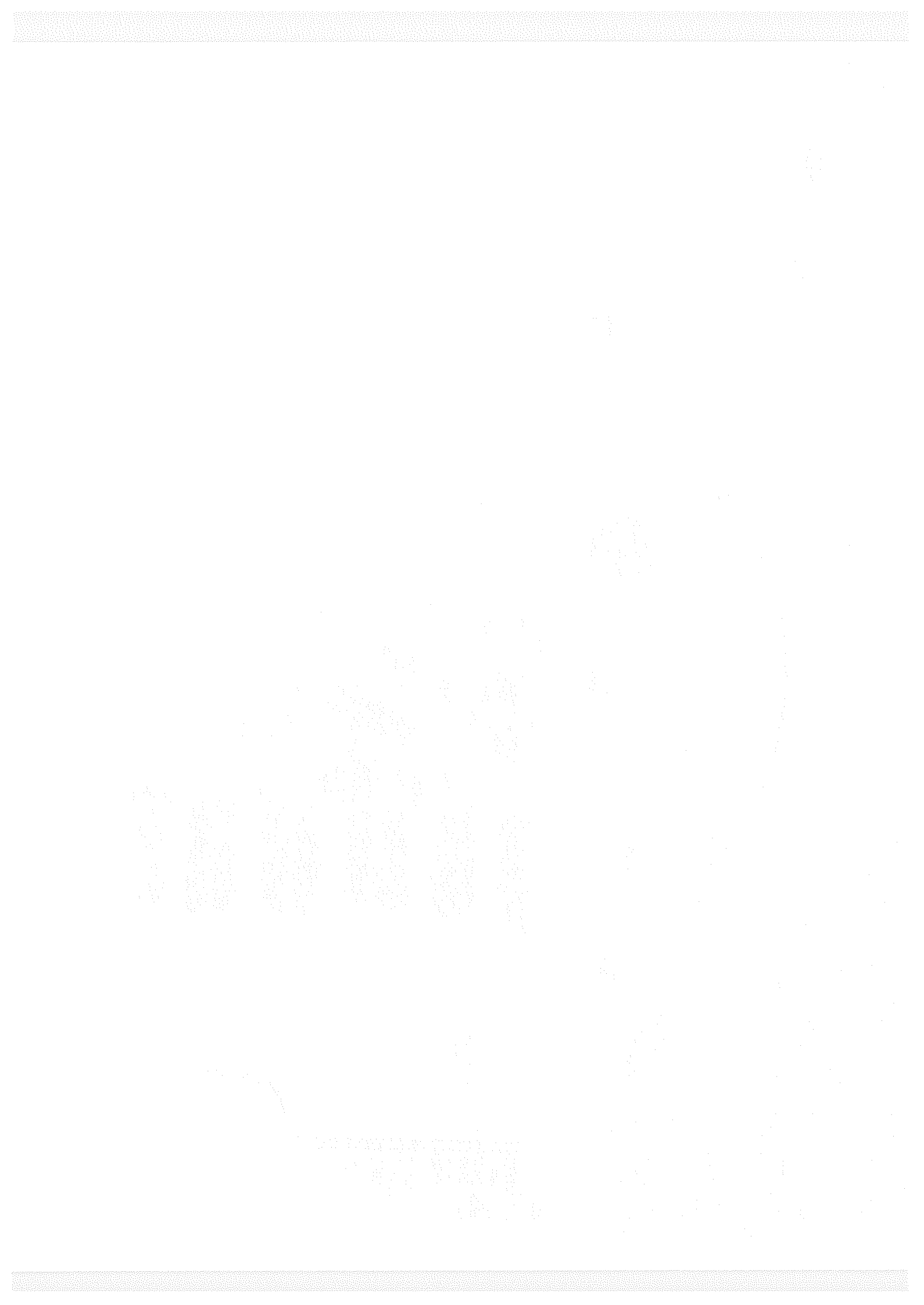
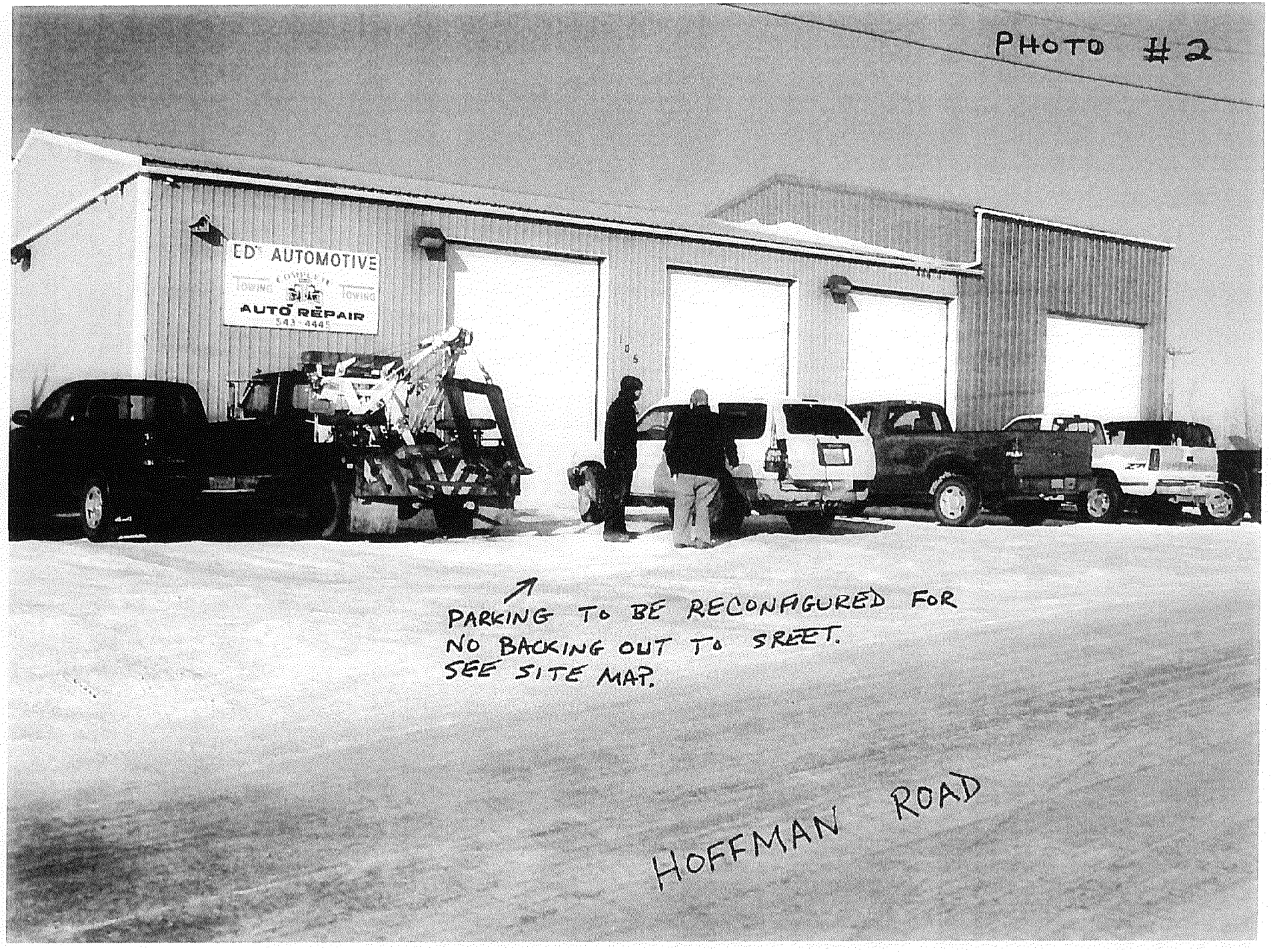


PHOTO #1
SOUTH END OF PROPERTY PARKING

PHOTO #2



PARKING TO BE RECONFIGURED FOR NO BACKING OUT TO SREET. SEE SITE MAP.

HOFFMAN ROAD

PHOTO #3
QUICK ROOMS
Deli • ATM • Gas
EDGE OF NEAREST
TRAVEL LANE

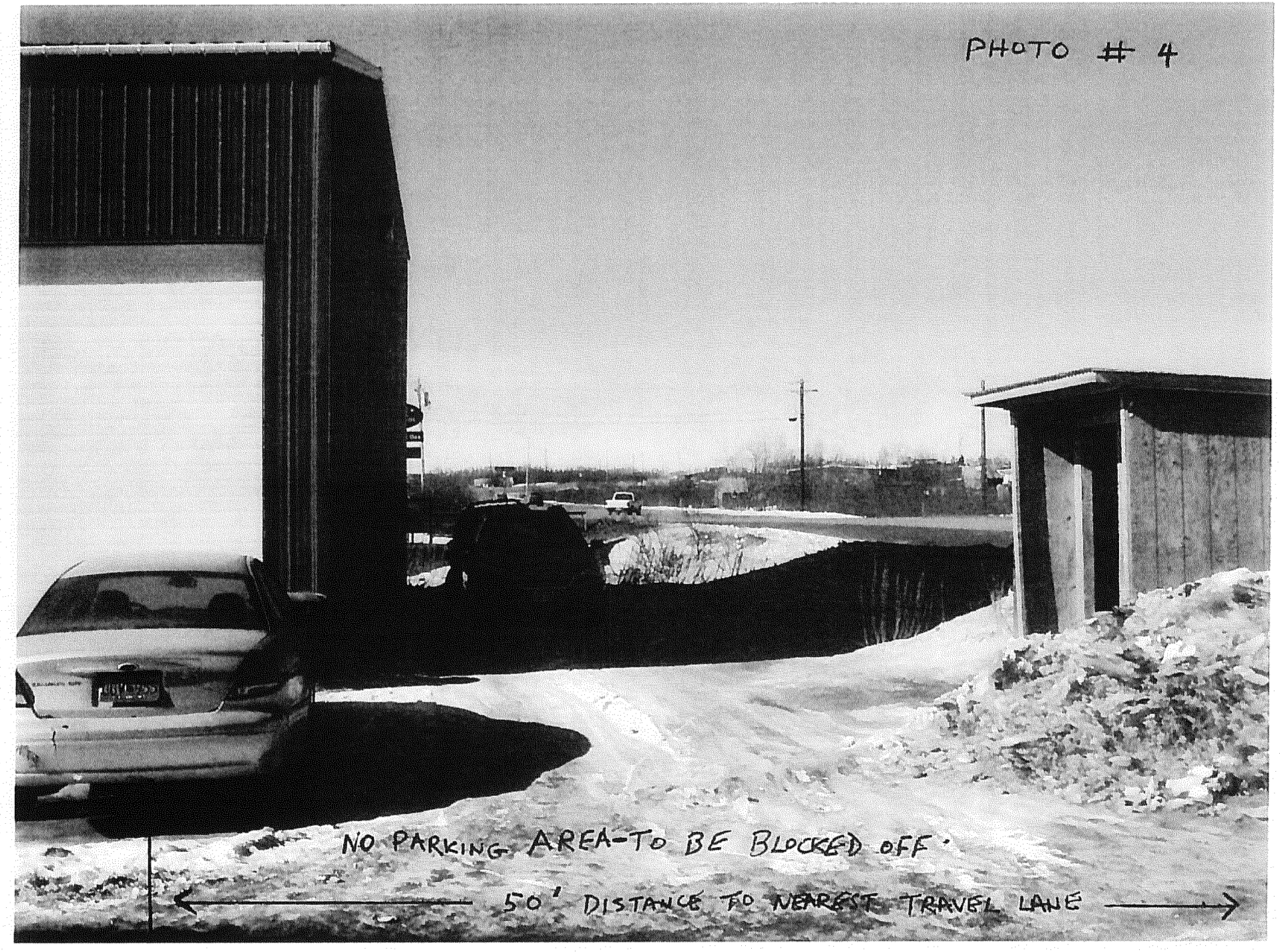
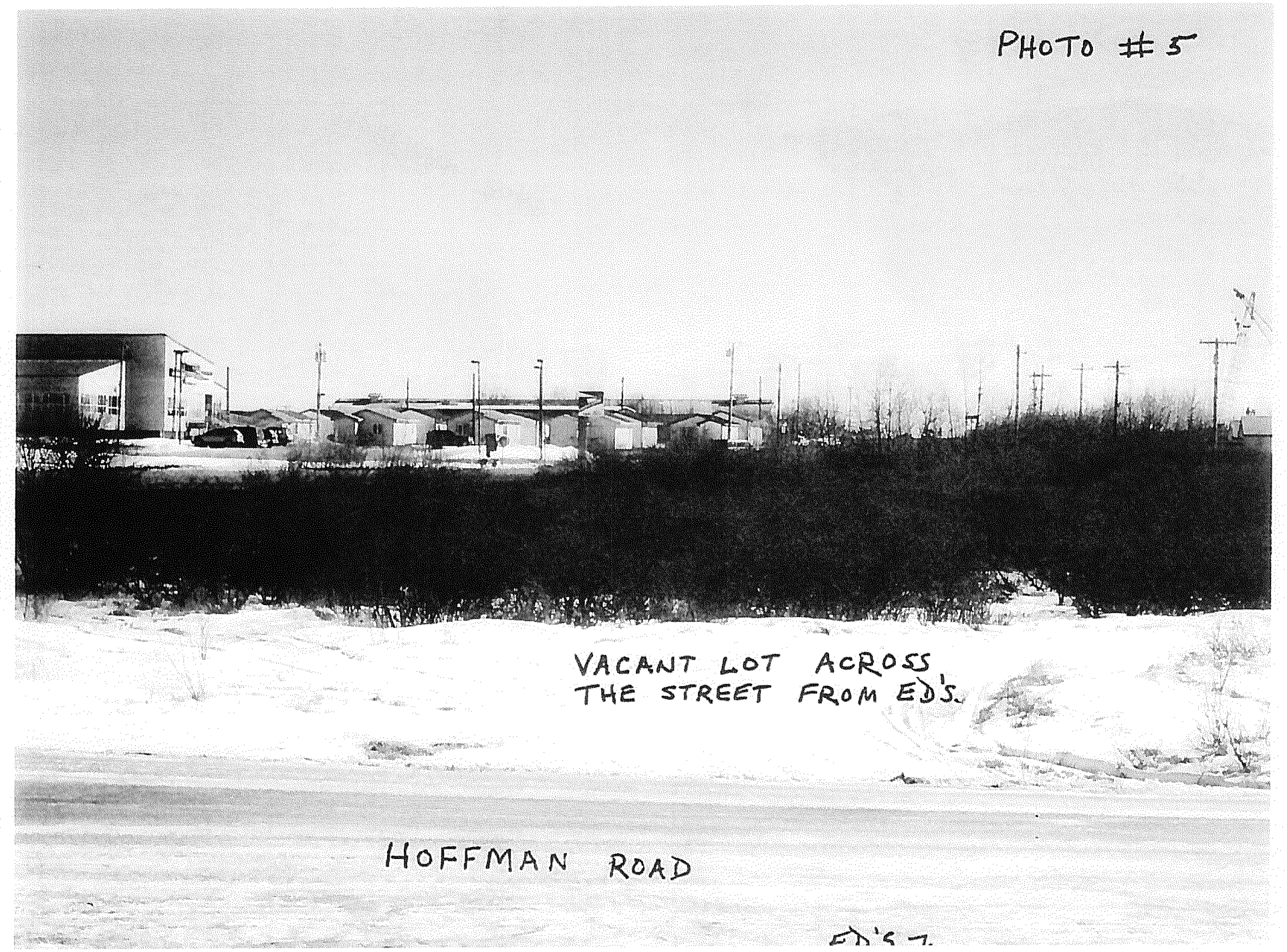


PHOTO # 4
NO PARKING AREA-TO BE BLOCKED OFF.
50' DISTANCE TO NEAREST TRAVEL LANE

PHOTO #5



VACANT LOT ACROSS
THE STREET FROM ED'S.

HOFFMAN ROAD

ED'S

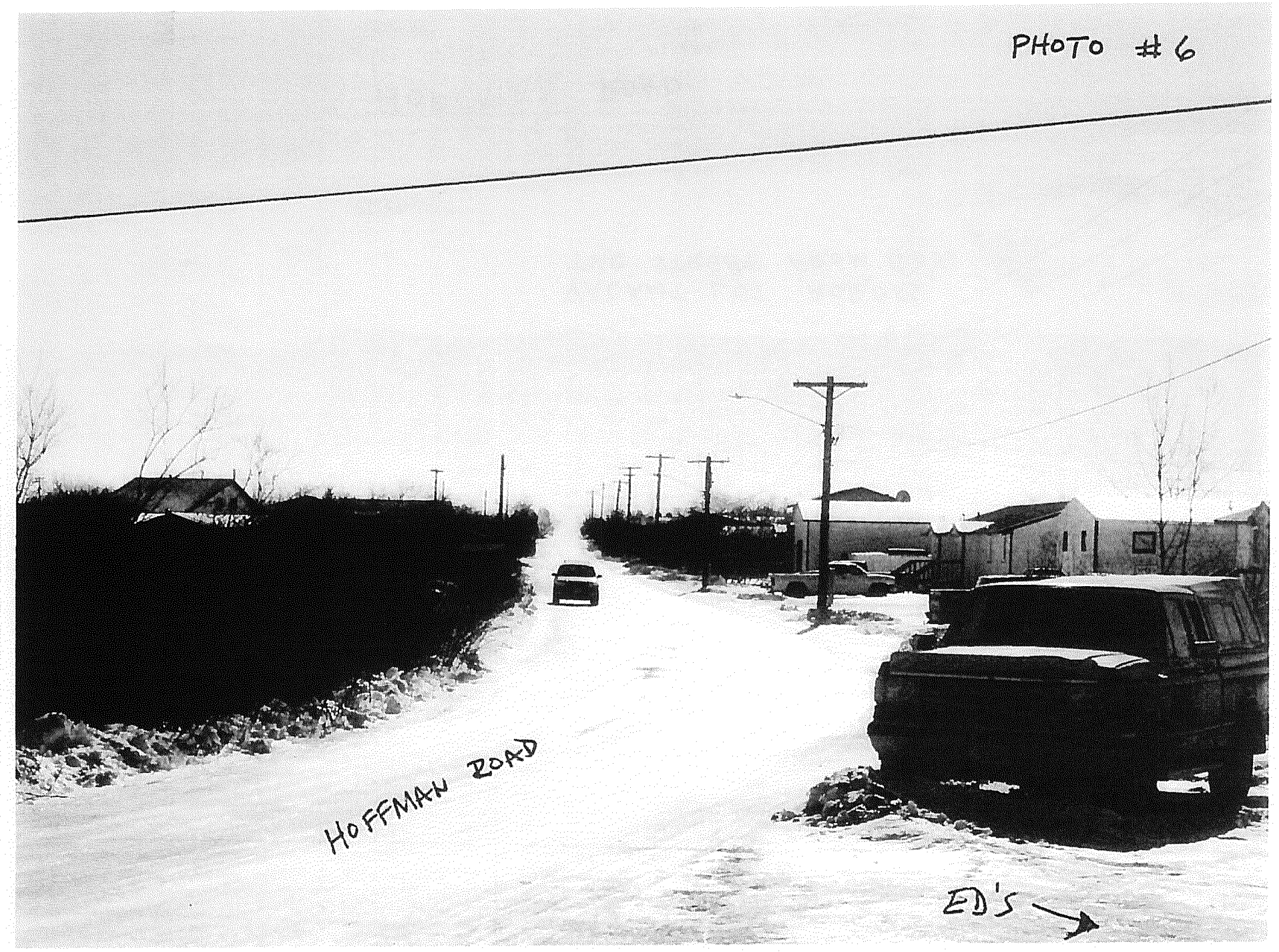


PHOTO #6
HOFFMAN ROAD
ED'S

PHOTO #7
HOFFMAN RD
POST OFFICE
STATE HWY
ED'S

ALL NOTICES WERE DONE IN ACCORDANCE OF BMC 18.04.070

PUBLIC HEARING NOTICE
CONDITIONAL USE PERMIT

Notice is hereby given that on February 23, 2016, the City of Bethel Planning Office received an application for a Conditional Use Permit for a liquor license. The legal description is Plat number 80-14, lot 3, Phase 1 Nunvak Estates. The physical address is 105 Hoffman.

Land Owner: Steve Chung, P.O. Box 3067, Bethel, AK 99559. Phone 907-543-4445.

Applicant: Same as above.

Purpose: Planning Commission response to City Council remand for Tundra Liquor Cache Conditional Use Permit application for a package liquor store license.

City of Bethel Contact: Ted Meyer, Planning Director, City of Bethel Planning Dept., phone 907-543-5603.

Time and Place: The regular scheduled meeting of the City of Bethel Planning Commission, 6:30 PM June 8th, 2017 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers.

Ted Meyer

Ted Meyer, Planning Director

I hereby certify that this Notice of Public Hearing - Conditional Use Permit Application, has been posted at AC Quick Stop, Bethel Native Corporation, City Hall, and the Post Office bulletin boards on or before May 31, 2017. It is further certified that this Notice will be published in the Delta Discovery weekly newspaper beginning the week of May 29, 2017 for one week.

June 1, 2017

To Whom This May Concern:

You are receiving this notice of a Public Hearing pursuant to Bethel Municipal Code 18.04.070 "notice shall be mailed to the owners of each parcel of property 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 on to them.

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Classifieds *from page 13*

the M&O Bethel Station Airport Manager's Office.
Up to date and additional information is available on the web at (http://dot.alaska.gov). Under the Section called Find it Fast!, select DOT&PF Public Notices. Look through the section called Procurement for the Invitation for Quotes. (107)(5/31-6/7)

Public Notice

VFW MEMBERSHIP Freedom isn't free, and millions of Americans have paid the price for the freedom we enjoy today. Since 1899, the Veterans of Foreign Wars has served those who served America. From writing veterans legislation and then leading the fight to get it through Congress, to community projects that benefit all Americans, the VFW is an opportunity for veterans to continue to serve. Contact the VFW Robert V. Lindsey Post #10041 at 543-2241 and ask what you can do for your community. (83)(3/26-cnx)

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA SECOND JUDICIAL DISTRICT AT KOTZEBUE
In the Matter of the Estate of
LOIS CLEVELAND, Deceased.
Case No. 2KB-17-00013 PR
NOTICE TO CREDITORS [AS 13.16.450]
Notice is hereby given that Minnie Cleveland has been appointed personal representative of the above-referenced estate. All persons having claims against the decedent are required to present their claim within four (4) months after the date of the first publication of this notice or said claims will be forever barred. Claims must either be presented to the law office of Birch Horton Bittner & Cherot, 510 L Street, #700, Anchorage, Alaska 99501, or filed with the Court.
DATED this 20th day of March 2017.
Minnie Cleveland,
Personal Representative (121)(5/24-6/7)

PUBLIC HEARING NOTICE CONDITIONAL USE PERMIT
Notice is hereby given that on March 23, 2017, the City of Bethel Planning Office received an application for a Conditional Use Permit for a liquor license. The legal description is a portion of United States Survey 1002. The physical address is 801 Front Street.
Land Owner: Cezary J. Maczynski, dba Kusko Liquor, P.O. Box 1805, Bethel, AK 99559 phone 907-543-4241.
Applicant: same as above.
Purpose: A continuance of hearing to obtain a package liquor store license in order to sell alcohol.
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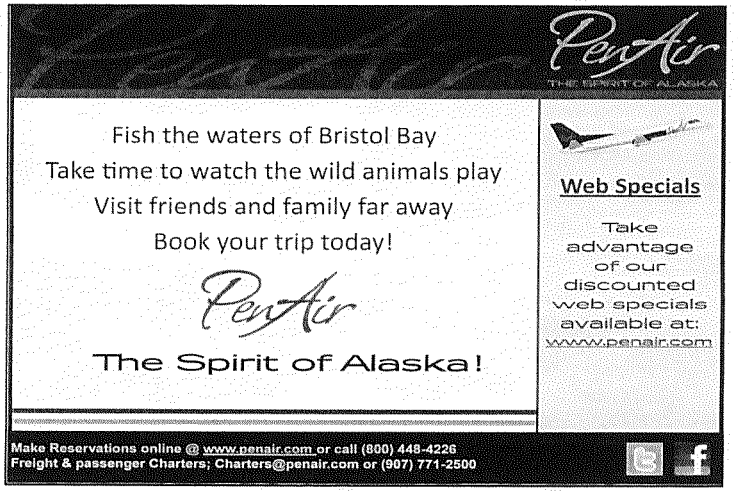

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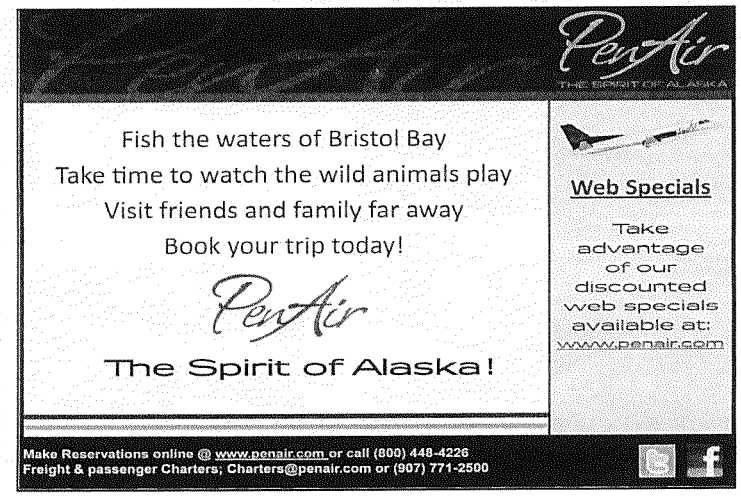

In The Matter Of:

City of Bethel Planning Commission

Regular Meeting

Transcript of Proceedings

March 30, 2017

Glacier Stenographic Reporters Inc.

P.O. Box 32340

Juneau, Alaska 99803

www.glaciersteno.com

Glacier Stenographic REPORTERS, INC

Original File City of Bethel Planning Commission 3-30-2017.txt

Min-U-Script® with Word Index

CITY OF BETHEL, ALASKA

PLANNING COMMISSION

REGULAR MEETING

March 30, 2017

6:38 P.M.

Transcript of Proceedings

Commissioners Present:

Kathy Hanson, Chair
Lorin Bradbury, Vice-Chair
John Guinn
Nikki Hoffman
Jon Cochrane
Alex Wasierski
Shadi Rabi

Commissioners Absent:

Cliff Linderoth

Staff Present:

Patty Burley, City Attorney
Ted Meyer, Planning Staff Member

I N D E X

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VI.	NEW BUSINESS	
	A. PUBLIC HEARING	14
	Applicant: Steven Chung	
	DBA Tundra Liquor Cache	
	Conditional Use Permit	

P R O C E E D I N G S

[Chung CUP partial.MP3]

00:00:00

CALL TO ORDER

ROLL CALL

CHAIR HANSON: I'll call the meeting to order at 6:38, and we'll proceed with the roll call. Betsy?

MS. JUMPER: Kathy Hanson?

CHAIR HANSON: Here.

MS. JUMPER: Lorin Bradbury?

MR. BRADBURY: Here.

MS. JUMPER: John Guinn?

MR. GUINN: Here.

MS. JUMPER: Nikki Hoffman? Cliff Linderoth? Jon Cochran?

MR. COCHRANE: Present.

MS. JUMPER: Alex Wasierski?

MR. WASIERSKI: Here.

MS. JUMPER: Shadi Rabi?

MR. RABI: Here.

MS. JUMPER: I'm sorry. And Ted Meyer.

MR. MEYER: Here.

CHAIR HANSON: Thank you.

PEOPLE TO BE HEARD

CHAIR HANSON: We'll move on to people to be heard. And I'll ask those people who are here to speak about the item on the public hearing, if you could, we would appreciate it if you would hold your comments until we get to that portion of the meeting so all the comments are together. If for some reason you can't do that -- welcome, Nikki -- then you're free to speak earlier in People to be Heard.

So I'll just go down the list, and you tell me if you want to speak now or later.

Gloria?

MS. SIMEON: I'd rather speak now and just say what I have to say and be done.

CHAIR HANSON: Okay. That's your choice. Please come up here, if you don't mind, so we can make sure we hear you.

MS. SIMEON: Name, address. What else do you need?

CHAIR HANSON: Your name and --

MS. SIMEON: My name is Gloria Simeon, and I live at 205 Yupik Way in Hoffman Sub. I've lived in

Hoffman Sub ever since Hoffman Sub was Hoffman Sub. And I've spoken to Steve about his application to open a liquor store down the road and let him know that, no, we don't need a liquor store in our neighborhood.

We already experience runoff from the trailer court on times when there's a lot of party volume over there, and it gets scary in the middle of the night when you hear people running up and down the roads hollering and people jumping out of the road in the middle of the night that you could easily hit.

And we've grown to be comfortable in our neighborhood and feel safe, and I think that having a liquor store would just really take that away and take away the character of our neighborhood that we have come to appreciate.

And furthermore, I don't think that Bethel even needs one liquor store, so that's my opinion. We're one liquor store too many and have a lot of problems with that and probably more discussion on it.

But that's my feeling about this application, this and any other application to sell booze to our people in this community. Thank you.

CHAIR HANSON: Thank you. Thank you. And fortunately enough, it was brief. I forgot to say that we have a three-minute time limit on this just so we can keep moving forward.

Thank you, Gloria.

Jane Koski?

MS. KOSKI: I know Mr. Chung. They're a good family, but we don't want a liquor store. We don't need a liquor store. There's too much liquor in Bethel as it is.

We're not teetotalers, my husband and I, but we don't -- I mean, we've had people break into houses around us. My husband has had to call the police in the middle of the night. I had a drunk come down my driveway when I was letting my dog out one evening. If it wasn't for the other dog going after him, it would have been a problem. When we used to live even in another place when the town was damp, there were always people coming down and breaking in.

We thought we moved to Hoffman Sub so we would be in a nice, fairly quiet, peaceful community. In the summertime there's lots of kids riding bikes. They're out on the streets, little boys, little girls, you know, up to 12, 13 years

old. Having people who are drunk driving around, getting ideas about children, getting ideas that maybe they'll break into this house -- there are break-ins during the day. There are drunk people during the day as it is now.

We don't need a liquor store, I'm sorry, not that far away from our home, drawing the drunks over to our place, or the people coming out of the rehab center to go straight over to the nearest bar. And so I'm against having a liquor store in our community.

CHAIR HANSON: Thank you.

Glen Koski?

MR. KOSKI: I am Glen Koski. I live at 1430 Ugak. I just recently experienced a young lady running down the street in her shorts and everything and arrested in my front yard. So I'm against having any kind of liquor store or anything like that in our -- in Bethel at all. So I'm . . .

CHAIR HANSON: Thank you, Glen.

Sam, Sam White?

MR. WHITE: My name is Sam White. I work with ONC Housing. I'm the development specialist.

I'm here in regards to Ordinance 1708 authorizing Lot 15 as a community dog park. As you

are all aware, ONC does plan to develop a subdivision adjacent to Lot 15. We are aware of the comments made by the city attorney, made in (indiscernible) discovery, that dedicating this entire park to dogs may override the resolution that was granted to ONC for a road to reach our subdivision.

In essence, shutting the access to the road down, we are also aware of Mayor Robb's comments that nothing is intended to block any easement for the proposed ONC Affordable Housing Subdivision, if that ever goes forward.

Well, we are moving forward. We already have Resolution 1628, the City Council supporting the easement across Lot 15 to access the proposed ONC subdivision, and a supporting letter from the U.S. Department of Interior, Bureau of Land Management, stating that the proposed road does not violate the provisionary interest in Patent 50-690049, as the road does not interfere with the intended purpose of the patent as a park and green space. Therefore, we concur with the granting of the proposed road.

I hired a civil engineer, who has submitted a preliminary plat -- the city planner

requested and was granted a technical assistance grant for development of a housing master plan for the subdivision. We're currently evaluating an RFP for an architectural engineering service to complete the design features of the subdivision.

In closing, I don't see why we can't accommodate the dog park and access road to the ONC subdivision, which can be an access road to the dog park also. A dog park would be nice, but affordable housing is a great need in this community. We appreciate your continued support in seeing this project go forward.

CHAIR HANSON: Thank you, Sam.

And, Sam, if you notice, that is on our agenda tonight later.

MR. WHITE: Yes.

CHAIR HANSON: Thank you.

Justin Wintersteen?

MR. WINTERSTEEN: Hi. My name is Justin Wintersteen. I live in Hoffman Sub about 100 yards from the proposed liquor store site. I'm really concerned about the increased traffic that's likely to happen and the riffraff that's going to go along with having that store there.

I really like Steve. I think he's a good

guy, but I just think it's the wrong place for this type of business. Thank you.

CHAIR HANSON: Thank you, Justin.

And Nili?

MS. SUNDOWN: Hi. I'm Nili Sundown. I came here to talk about the liquor store.

Steve, again, I have great appreciation for what you do now. Don't stop. Everybody said that. I'm not going to repeat it.

The only thing is, I'm not against liquor. I'm not against the store. I'm just against the location. I don't think the type of businesses like that needs to be in a residential area, a very -- you know, a very settled neighborhood, a very quiet neighborhood. We do not want that traffic, and we would like -- you know, and I would like to see that community stay like that for another 100 years. So . . .

CHAIR HANSON: Thank you. Is there anyone else that didn't get their name on the list?

Mike?

MR. BURLEY: My name was on the list. It wasn't called, though.

CHAIR HANSON: I skipped you, but now I'll bring you back. Just checking to see if you're

awake.

MR. BURLEY: I still am.

Good evening. My name is Mike Burley. I live in the Hoffman Subdivision on North Avenue. I've been there for about 25 years. I also am opposed to a liquor store being there only because it's a liquor store in the neighborhood.

You all have spoken about it being quiet. One of the things that hasn't been brought up is that -- or at least in any detail -- we're on one of the main traffic routes for snowmachines, our subdivision, coming from the southern (break in audio). The only time that you generally have speeding in that neighborhood happens to be usually snowmachines. Having a liquor store at the end of the road up at the highway where Steve's location is going to be (break in audio) traffic, and I've seen snowmachines doing 60 miles an hour down Hoffman road (break in audio).

There are several other reasons, and I'll keep this to the three minutes.

I was employed by the city driving a municipal bus last year, and -- prior to the opening up of AC's location, the liquor store there, and also during the first several months of that. The

difference of what went on in that store from prior to, to after, is significant. We had to move the bus stop. It was that bad. You couldn't get in and out of there. The traffic was significantly changed, and the type of traffic was quite noticeable.

(Break in audio) I drive school bus, and I'm as far away as Ridgecrest six, seven different times a day. And I can see -- while I'm concentrating going forward, I can see various things that are happening that are different (break in audio).

I don't want that in our neighborhood. So that's the root of the issue, and I second what everyone else has said. Steve is a heck of a guy, and he's been (break in audio).

CHAIR HANSON: Thank you, Mike. If there's any -- there's no one else I missed, I know that. Is there anyone else that would like to speak at this time?

MS. JUMPER: Just the neighbor on the phone (break in audio). She --

CHAIR HANSON: Okay. Well, I thought we would call her when we were having the public hearing.

MS. JUMPER: All right. That's fine.

CHAIR HANSON: Okay. All right. Thank you very much. We appreciate people coming and taking the time to talk to us about what's on -- what's on your mind.

APPROVAL OF MINUTES
MARCH 9, 2017 MEETING

CHAIR HANSON: Moving ahead, we have the Approval of the Minutes from the March 9th meeting. Do we have a motion?

MR. COCHRANE: So moved.

MR. GUINN: Second.

CHAIR HANSON: All in favor of approving the minutes from March 9th, say "aye."

(Affirmative response.)

CHAIR HANSON: Opposed?

(No response.)

APPROVAL OF THE AGENDA

CHAIR HANSON: Approval of the agenda. On the agenda tonight we have two main items. Under New Business, a Public Hearing. The applicant, Steve Chung, doing business as Tundra Liquor Cache, is

applying for a conditional use permit in order to open a package liquor store. The legal description is Plat No. 80-14, Lot 3, Phase 1, Nunvak Estates. The physical address is 105 Hoffman. This is an action item.

Number B under New Business is Recommendation to City Council regarding the Dog Park Lot. The legal description is Lot 15, United States Survey 4117. The physical location is across from the Q-2. That's also an action item, followed by the planner's report and the commissioner's comments.

Is there a motion to approve the agenda?

MR. BRADBURY: I so move.

CHAIR HANSON: Second?

MR. COCHRANE: Second.

CHAIR HANSON: All in favor?

(Affirmative response.)

CHAIR HANSON: Opposed?

(No response.)

NEW BUSINESS

PUBLIC HEARING

CHAIR HANSON: All right. Let's move on to

the new business, then, into Item A, the public hearing.

Now, I have a few things to read to you, both the commissioners and members of the public, just to clarify how -- the purpose of a public hearing, and how this one -- how they proceed.

I'm sure that all the commissioners have thoroughly read your packages. It's very interesting.

MR. BRADBURY: Do you want to call that person at this point of the hearing?

CHAIR HANSON: Maybe when we get to the time where the public can speak.

MR. BRADBURY: Okay. That's fine.

CHAIR HANSON: Unfortunately, she won't be able to listen to what goes before that, but I don't -- I don't know if we want to have your phone tied up all that time or --

MR. BRADBURY: I'm not using it for anything else during the meeting.

CHAIR HANSON: Any suggestions on how to proceed? Where is Lori?

Do you understand what the circumstance is, Lori? There's --

MS. STRICKLER: Somebody wants to participate

with the public hearing?

CHAIR HANSON: Who did not get the notice.

MS. STRICKLER: Oh, they were (indiscernible). There isn't anything inappropriate with calling them now, as long as they don't mind sitting on the phone and making sure their phone is on mute until it's time to conduct the public hearing portion.

CHAIR HANSON: Because it seems like if someone is going to speak in the public hearing, they need to hear --

MS. STRICKLER: Sure.

CHAIR HANSON: -- everything that goes on.

If you don't mind, Lorin, would you call the --

MR. BRADBURY: What is the number? Who -- did somebody -- who has --

CHAIR HANSON: Who had that number? It was on a little piece of paper.

MS. JUMPER: Right here.

CHAIR HANSON: Oh, thank you.

MS. JUMPER: Samantha Buckley, 545-45 --

MR. BRADBURY: 4535?

MS. JUMPER: Uh-huh.

CHAIR HANSON: Do you want to let me speak to her?

MR. BRADBURY: Yeah. I was just going to say, do you want to take --

CHAIR HANSON: Is it going to show that it's Lorin Bradbury?

MR. BRADBURY: Yeah, probably.

CHAIR HANSON: Hello, Ms. Buckley. This --

MS. BUCKLEY: Hello?

CHAIR HANSON: Hello. This is Kathy Hanson. I'm the chair of the Planning Commission. We understand --

MS. BUCKLEY: Yes.

CHAIR HANSON: -- that you did not get notice through the mail, and so we wanted to give you an opportunity to listen in on the public hearing if you wish and then to offer your comments at the time when that's appropriate.

MS. BUCKLEY: I would very much like to do that. Thank you.

CHAIR HANSON: All right. We ask you to put your phone on mute while you listen --

MS. BUCKLEY: Okay.

CHAIR HANSON: -- because it will be a little bit of time before we get to you.

MS. BUCKLEY: Okay.

CHAIR HANSON: Thank you.

MS. BUCKLEY: Thank you. All right. I'll take it off speakerphone.

CHAIR HANSON: Okay. The Planning Commission may grant a conditional use -- let me see. Is that the first one I want to read? Hold on. Yes.

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 -- I'm reading from the Bethel Municipal Code -- subject to the standards provided in this chapter. An applicant does not have a right to a conditional permit -- 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.

So, briefly stated, let me just say the Planning Commission, in a conditional use permit

hearing, is looking at the land use and development and planning aspects of this application. Outside of that may be factors that the City Council would consider and certainly are factors that people would think are important, but they're not necessarily all the purview of the Planning Commission, so just to make that clear.

Now we'll go on. I'll read some background information and -- a little bit more about how the conditional use hearing goes and then background information, and then I'll turn it over to the planning director.

The public hearing has a very specific procedure that has to be followed, and it starts with the chair explaining the hearing procedures, like me. Then, in this case, the planning director will present a staff report and recommendations for this project. Then the commissioners may question the planning director about what he has stated.

Following that, the applicant then will address the commission and talk about the project, explain it to us. And we have the opportunity after that to ask questions of the applicant.

Following that, the public has an opportunity to comment on the application, and then

the commissioners will have an opportunity to question the public as they may need to.

Finally, the applicant has final words, and then the staff has final words, and then the commissioners will decide. And at the end of the day, the Planning Commission may make a decision to approve the application, conditionally approve it, or deny the project. The commission may also 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. Okay?

All comments this evening should be made through the Chair, not directly to other people.

All right. Now I'll read this background and then turn it over to Ted.

The background for this project. Steve Chung has applied -- I'm sorry. There's one other piece I should have talked about. We have one commissioner who asked to be excused from the discussion and the voting as he has a conflict of interest. He's presented that conflict in writing to me. I've discussed it with the city clerk, and I believe he does have a conflict; so we'll ask Alex to just be with us but don't say anything and don't

vote.

MR. WASIERSKI: Okay.

CHAIR HANSON: All right. Thank you. All right.

The background of this project. Steve Chung has applied for a conditional use permit in order to obtain a package liquor store license to do business as Tundra Liquor Cache. The property is located at 105 Hoffman Road, in Bethel, Alaska, at the site of the existing Ed's Automotive, owned by Mr. Chung as well. If successful in obtaining a package liquor store license, Mr. Chung plans to convert the automotive shop into a package liquor store.

Per Bethel Municipal Code Section 5.08.060, Alcoholic Beverages, a conditional use permit is required for the sale of alcohol. The conditional use permit provides additional review of land uses, which are generally considered appropriate in certain zoning districts, provided that the 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 the controls and safeguards to assure that the conditional use will be compatible with the surrounding area.

So that's your background, and now we will ask the planning director to provide his report to us and recommendation.

MR. MEYER: Okay. There's 10 questions in the code that need to be answered and discussed tonight. I went through each one, and I provided information. The answers to these questions provide the basis for my findings and recommendation to the Planning Commission.

So the following 10 questions. It says here, "The land use administrator may make a recommendation for approval of the conditional use permit only when the proposed use and conditions clearly support the following conclusions."

"1. Regarding how the conditional use meets the standards otherwise applicable to a use in the applicable land use district."

I'll go on to the City of Bethel land use map. It's our zoning map. The proposed Tundra Liquor Cache site would be located in the middle -- here's the arrow here -- would be located in the

middle of a strip of General Use zoned land. There's a strip here. This is all General Use in here, but there's a strip here of land in the middle of a General Use zone land that borders the state highway to the north. Immediately to the west is a retail convenience store.

Now, the General Use District -- it's in a reddish pink here, and it encompasses a pretty big section of Bethel. The General Use District is intended to allow a mix of compatible residential and commercial uses versus the residential zones, which are in yellow, and they're all residential. That's their intent.

Immediately to the south of the proposed store is an enclave of residential neighborhoods here shown in yellow. Directly north across the street from the state highway is an area of land zoned open space, and the intent is to provide undeveloped open space, recreational areas, and buffer zones.

"2. Regarding adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities, and water supply to serve proposed conditional use without causing a substantial negative impact on the existing level of

services provided by such facilities."

The current site of Ed's Automotive has been in business for 25 years. For converting to a package liquor store, there is no planned expansion of the existing structure. The footprints of the building -- it will remain the same, so no -- the only conversion will be on the inside.

Regarding existing parking now, there's currently 17 off-street parking spaces at Ed's Automotive. Cars come in, and they head in head-first in. They park perpendicular to Ed's, and they park on the side here as well. So there's 17 spaces.

Now, planned parking for the conditional use permit, there is going to be -- there would need to be a change, because so far, in all these conditional use permit hearings, the commission hasn't allowed backing out into the street for liquor establishments.

So for off-street parking for the conditional use, in the code, BMC 18.48.160 D16, Retail Sales and Services, requires one parking space per 300 feet of gross floor area.

And you can see that in the handout I just passed out. It didn't make it into the packet,

and I gave one to Steve as well. The structure here -- parking is based on square footage of the structure, required parking is, and the 40-foot-by-77-foot structure equals 3,080 square feet and would require 11 parking spaces.

Here's his -- I need to stretch this out a little. Here's the site plan that Steve had drawn up -- his property, Hoffman Road, and the state highway. And north is that way.

The new parking configuration shows there's 11 parking spots. The code requires the parking to be 9 foot-by-20-foot parking spaces. And so those 11 parking spaces he has designated here, they're the minimum spaces required in the code for this size building. So he's got the 11, and that's what was required.

So you can see there's -- he's got eight spaces here, all 9 feet by 20 feet. The ninth space is here. And instead of cars coming in and heading head-first in there, they're now parking perpendicular. There's two spots here. They come in like this and leave like that, same thing. So there's no backing out.

Here is on the south side of his parking lot. I don't know -- I hope you can see it all, but

these cars would be these spaces here. And we went out and measured it, and there is 72 feet, and there is enough for eight. We measured it with a tape.

And in front of the store here, this is how they drive head-first in. And that would be changed to meet this new configuration right here of parking perpendicular.

As seen on the site plan map here -- I hope you can all see it -- but a portion of the parking lot on the northeast side of the property adjacent to the state highway would need to be blocked off for parking in order to follow the required 50-foot distance the driveway must be from the road edge. And I just handed that out to you in Chapter 48 Supplemental Regulations, BMC 18.48.200 E1. I'll read it, and you can follow along. It's on the third page, or page 6 of 9.

And it says here, "The parking area entrance and exit driveways shall be located a minimum of 50 feet from the nearest street intersection as measured from the center line of the driveway to the nearest line of the nearest travel lane of the intersecting street."

So here's Hoffman here -- I mean the state highway here, Hoffman here. And so they want

the center line of the driveway to be 50 feet from the edge of the nearest travel lane, so that would be cars going east this way.

And you can go out and look at it. I went out and looked at it, and you can see where the edge is of the actual travel lane where the cars are driving. And so, again, from this line here, we had a tape measure, and we measured 50 feet.

And so what -- and it's a safety precaution. They don't want cars turning in and then just making a turn immediately in. And we measured. 50 feet went 4 feet past his building edge here, so here it is here. And all this is drawn to scale, so this would need to be blocked off. And so cars would be coming -- they'd have to -- this has got to be blocked off, so clearly blocked off in order to comply with the code.

And I have got this in your packet as well. I hope you can see it. But, again, here -- here's the edge right here. Pretty obvious. The cars -- we measured 50 feet. And I should have thought to overlap the pictures. It would have come out better. But, anyway, all this needs to be blocked off, and the line, the 50-foot line, 4 feet past the building edge there.

Okay. So we are still on that same question. We checked off parking. As far as water and sewer, there's currently no water and sewer facilities on the property. And this condition may have been grandfathered in for Ed's Automotive when zoning came around, but the change in land use will eliminate the grandfather clause and will require following the BMC.

I've also got that in your packet, BMC 13.08.025, Mandatory Subscription. "Each person shall be jointly and severally responsible to subscribe for sewer service from the city and shall so subscribe for a city-approved sewer service no later than October 1st, 1994. The city or its designee shall regularly collect sewage from each premise by either an interceptor or a holding tank."

So, anyway, in approving a permit, the city can't very well approve a permit for a structure that's in noncompliance; so we're bringing it about into compliance. There's other parts of the code where, when you buy an existing property that's out of code compliance, you've got two years to bring it into compliance.

So there's a lot of grandfathered property structures here in Bethel; but when

something happens like this, like a change in use or a sale of property, if it's in noncompliance, it's got to be brought into compliance. So installing sewage facilities should be a condition for a conditional use permit approval.

The last thing here, drainage, there's no drainage issues on the property, and that was stated by our roads foreman. For every permit we do, I get the roads foreman, and we drive out there and take a look. And he knows pretty much all of Bethel, and he knows where the problems are, so -- excuse me. I need to get a drink of water here.

"3. Regarding how the conditional use conforms to the intent and purpose of the land use code that are set out in BMC 16.04.010."

That's in your packet as well. There's 12 development goals listed in this section, and it's a check-off list here. And the one that stuck out of the 12, one was -- there's a question mark: "Reducing congestion in the streets." So we're going to talk about congestion later on.

"4. Regarding whether 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."

We did a Land Use Survey of all the property located within a 600-foot radius of Ed's. And this 600-foot radius also triggered the letters that were sent out, and that's in the code as well. On Hoffman Road here, there's two duplexes, three single-family residences. There's two warehouses, one here and one there, and eight vacant lots.

So Ed's is right here. There's a vacant lot across the street, and here's Hoffman Road, a picture of Hoffman going down. Ed's is right here.

On the state highway, there's the State of Alaska Public Health Center, one family residence, a single-family residence, and there's 11 vacant lots. Here it is. And even though the post office is not in the 600-foot radius, here's Hoffman right here. And you can see the post office there and the public center over here.

And then here on the other side -- or behind it is Our Own Road. It's called Our Own Road. It's a private road, but it provides access to a lot of structures here. There's one convenience store, four single-family residences, one restaurant, an auto shop, and 40 mobile homes in

the trailer court. And there's a total of six vacant lots on this street as well.

And the last one here is a private road. That's a private road right here. There's one single-family house and one duplex.

So total uses by type in the 600-foot radius: there's three duplexes, nine single-family residences, 40 mobile home units, two warehouses, one convenience store, and 25 vacant lots.

Also, there's no schools, churches, or alcohol in/out-patient facilities in the area, and I'm talking about a much bigger area than the 600-foot.

"5. Regarding consistency with the Bethel Comprehensive Plan."

This conditional use is in accordance with the Bethel Comprehensive Plan 2035 that was adopted in 2011. In your packets under the Goals and Strategies section of Chapter 4, Land Use, Housing, and the Environment, the relevant sections, "Growth Patterns" and "Land Use Compatibility" both concern development site locations.

Goal 2 on page 4-8, under Growth Patterns, encourages future growth to locate near existing employment centers and public services,

which this proposed store does.

The site location of this proposed establishment into an existing commercial structure also adheres to the associated Action Step 1b that encourages infill of development.

This is infill of development. There was a development out here. That's not infill. Infill is taking advantage of services and, again, near places of employment, residences.

Under the Land Use Compatibility section on 4-11, Goal No. 3 provides for compatibility among adjoining land uses so that future development maintains or improves the quality of life or land value of surrounding areas.

Although a residential-zoned area begins immediately to the south of Ed's Automotive, the site conforms to a pattern of large strips of Bethel -- large strips of General Use-zoned land that's found along most sections of major roads in Bethel. So what it's saying -- what I'm saying here is that, you know, along the major roads, you have General Use -- it is immediately along the road with residences behind it.

And so -- and you can see that right here -- General Use, commercial; General Use with

residential-zoned neighborhoods behind it. And the zoning intent is to have business access to major roads with residential areas directly behind.

Map 4.4 here, this is the Future Land Use Plan Map of Bethel, which is found in this Comprehensive Plan. This map is a long-term vision of how and where the city will grow and change over the next 20 years to accommodate expected population and job growth.

And I just want to explain the difference between this. They're looking at the future here versus this is the city's current zoning map, which designates how land can be used and what can be built on any given property today. So this is what we follow today, and these are locational goals in the future. And they're never the same. Any municipality you go to, you're never going to find them the same.

For the Future Land Use Map, it designates the current Ed's Automotive site as being in the Mixed Use Residential District, this orange-ish color. And it's defined -- the district is defined as "residential primarily with limited compatible uses."

And this future zoning designation

encompasses most of a general -- of the current General Use District of Bethel, so this here is following a pretty big chunk of General Use here in Bethel.

And what it's saying here, this red, they're trying to -- the vision is that this would be a big commercial area here, is the point I'm trying to make. Well, that was the point right there, that it's a Mixed Use Residential. That's what they're looking for, and commercial will be here; but, you know, that would be a tough thing to do, because there's a lot of commercial all over the place.

And, you know, again, this Mixed Use Residential is -- where did I say that? It is a combination of -- oh, "Defined as residential primarily with limited compatible uses." So they're looking for compatible uses for this area with residential and residential compatible.

"6. Regarding whether the proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions."

Ed's Automotive currently attracts

customers and vehicles to the premises, and so would the Tundra Liquor Cache. They'll attract customers and vehicles to their premises as well. There will be a difference, though, regarding the frequency of vehicles coming into the neighborhood as the liquor store will experience peak or rush-hour traffic to the premises, especially one hour before store closure.

The question tonight is -- to consider is whether the location of the store and the minimum number of required parking spaces will have an impact on the neighborhood during peak or rush-hour demand.

(No. 7 not presented.)

"8. Regarding whether the use under the conditions proposed will be compatible with the 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."

Back to the zoning map, I'm going to repeat something I said before for an emphasis. The proposed Tundra Liquor Cache site is located in the

middle of a strip of General Use-zoned land that borders the state highway to the north. And the strip of General Use land is part of a much bigger General Use-zoned area interspersed with other smaller zoning districts.

Immediately, again, to the south begins an enclave of residential-zoned neighborhoods. And we've already heard from people tonight, and the best thing you can -- I think the best perspectives at these kind of meetings is from people that live in the neighborhood or live or work in the neighborhood.

The neighborhood currently experiences vehicles coming to Ed's Automotive and the convenience store immediately behind it, and it comes from all over the city. And they'll probably continue to do so for the Tundra Liquor Cache, people coming from all other the city.

"9. Regarding whether any part of the project is located in a flood hazard area."

Ed's Automotive is not located in the floodplain.

"10. Regarding whether the proposed conditional use will not be detrimental to the general public health, safety, or welfare to the

environment."

Concern for the public health, safety, and general welfare are reflected in the regulations in the code, and so I'm going to present a summary of my findings here as they do relate to the code.

The proposed package liquor store complies with location restrictions contained in BMC 5.08.30 and Alaska Statute 04.11.410 regarding proximity to sensitive establishments such as schools, alcohol in/outpatient facilities, and churches. And both these sections -- they're in your packet.

The location for the conditional use permit request is consistent with the City of Bethel's General Use Zoning District.

This conditional use is also in accordance with the two land use goals in the Bethel Comprehensive Plan's Land Use Goals and Strategies section, which I just read.

And going back to the Future Land Use Map, according to this map, the Tundra Liquor Cache would be located in a Mixed Use area, which is limited residential-compatible uses, which requires more scrutiny, which is the purpose of this conditional use permit.

And there's current safe access currently to and from Ed's Automotive on Hoffman Road.

Parking will meet the -- the property will meet the 11 parking space BMC requirement for retail sales and services.

So here's my recommendation to the Planning Commission. These findings are with the Bethel Municipal Code. However, as with all conditional use permit hearings, I always hope that people from the neighborhood come by, because, again, their perspective is as good as anything I have presented here tonight.

And approval of this conditional use permit should also be based on consideration from the Planning Commission whether traffic from peak hour demand sales will impact the state highway when turning onto Hoffman Road, and also impacts to the neighborhood.

So at this point, it does follow the code; but there's a couple other things involved here. So at this point, I tentatively recommend approval of the conditional use permit for Steve Chung d/b/a Tundra Liquor Cache for package liquor store sales on the property located at 105 Hoffman in Bethel, Alaska.

And if approved, I recommend the following three conditions:

This portion of the parking lot on the northeast side of the property adjacent to the state highway shall be blocked off for parking in order to follow the 50-foot distance the driveway must be from the nearest travel lane rode edge required by BMC 18.48.200 E1.

And Condition No. 2: As there are currently no sewer facilities on the property, the change in land use will eliminate the grandfather clause from the existing nonconforming structure and will require following BMC 13.08.025, Mandatory Subscription, by installing sewer facilities.

Now, there's one other condition I've got here that's not in your packet, but I added it. And it should be in here. It does follow precedent that other establishments have done here, but clearly marked parking spaces with signs stating "No backing out to Hoffman Road" -- that should be another condition. We have another -- well, everybody that has been approved, they have put in specific parking spaces; and I think that's required if the permit is approved. That is required so nobody backs out onto the street there.

And I also -- last thing, I swear to God, the very last thing. I want to add that during your deliberations of this conditional use permit, the Official Use Section on page 5 of the conditional use permit application, the application that Steve filled out, the Official Use Section, it has a good summary and considerations that you can follow when you're deliberating whether to approve or not. So --

CHAIR HANSON: Oh, these questions --

MR. MEYER: -- you might want to consider that a guideline when you're discussing it.

So, anyway, that's my presentation.

CHAIR HANSON: Thank you.

So let me ask the members of the Planning Commission if you have questions for Mr. Meyer.

MR. BRADBURY: Yes, Madam Chairman.

Mr. Meyer mentioned we should follow -- I was just looking for what he was referring to as far as things to consider. The last statement you made was there are certain things we should -- oh, that checklist. Okay.

CHAIR HANSON: Yeah.

MR. BRADBURY: Got it. Yeah. So I do have a couple of things that I did want to ask when it's

time.

CHAIR HANSON: Go ahead.

MR. BRADBURY: Okay. One of the things was -- my question was on those two parking spaces right next to the building, how do you actually get in, particularly if one is already parked? You come in one from each direction, is it? Is that how that's --

MR. MEYER: That's what it looks like. They come in, and then like this, and park like this, and then leave like that. Correct me if I'm wrong.

MR. CHUNG: Yes.

MR. MEYER: And then come in like this and leave like that.

MR. BRADBURY: Another question that I had was concerning what data has been drawn -- where have you gotten the data from that one hour prior to closing time is the busiest time? So --

MR. MEYER: It's just from observation.

MR. BRADBURY: Because I just wondered about that, because I just notice at varying times, like the time just before it opens up in the morning as far as where --

MR. MEYER: Oh, I'm sure there's other times --

MR. BRADBURY: -- where you can't hardly get down the road, where we got -- where the current liquor store is.

MR. MEYER: Oh, okay.

MR. BRADBURY: I mean, it's -- it's so full, so --

MR. MEYER: Yeah. Yeah. I guess that's the time I have observed, so --

MR. BRADBURY: Okay.

CHAIR HANSON: Okay. Jon?

MR. COCHRANE: Madam Chair?

CHAIR HANSON: Yes.

MR. COCHRANE: We went through these ten sections. On Section 3, where it talks about reducing congestion in the streets and promoting safety and welfare, did you take into consideration the increased snowmachine and four-wheeler traffic through the neighborhood from the village that isn't originating in Bethel?

MR. MEYER: No, I didn't. But we heard about that tonight, so --

MR. COCHRANE: And then my other question the -- and it's semi-related, but in Section 6, "the proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets to

hazardous or substantially increased traffic conditions" -- pretty much the same thing. It sounds like if we're having high-speed snowmachines and four-wheelers coming through the neighborhood at a much increased rate compared to what it is now, that could definitely have a safety impact as well as just a traffic impact.

Do you have any thoughts on that, or --

MR. MEYER: Well, actually, I -- honestly, I never considered the snowmachines. I really didn't know about them, but I sure got educated about them tonight.

MR. COCHRANE: Based on that education, would it cause you to revise any of your recommendation, or do you still stand by it?

MR. MEYER: Well, you know, as far as this conditional use permit following the Municipal Code and the Comprehensive Plan, it pretty much follows it, you know. But then, you know, again, safety of the neighborhood is another thing. So I tentatively approve it, because it does follow the code and the Comp Plan here; but then, additionally, impacts to the neighborhood is another thing.

So I tentatively -- because, you know, I hope that's -- I hope that's reasonable. Yeah.

Because, you know, impacts to the neighborhood -- that's as big an issue as anything we've discussed here, you know. So . . .

MR. BRADBURY: Yeah, Madam Chairman.

Two other things. One is -- and I think this is just a continuation of this, is I just happened to note the word "compatibility" in two different places under "background." And --

CHAIR HANSON: I just wrote it down here too.

MR. BRADBURY: Yeah. And I just wondered -- again, kind of a question to Mr. Meyer -- that in the event, after hearing everything you've heard tonight from the people who have spoken, whether you're still -- particularly on that second one, compatibility with the surrounding area, whether that still meets the requirement.

And then the other one was on Purposes, the 12 purposes, No. 3, and this might have been already stated. But the third one, "Reduce congestion in the streets" -- if anything, it appears that it will increase congestion as opposed to reduce congestion. I wasn't -- unless I don't understand here these --

MR. MEYER: Well, that's -- the way it's written, I don't know how any new development is

going to reduce congestion.

MR. BRADBURY: Other than I guess if it reduced it somewhere else and put it in --

MR. MEYER: Yeah.

MR. BRADBURY: Yeah, so -- okay. But the compatibility --

MR. MEYER: So maybe it would reduce congestion from another part of town, and maybe --

MR. COCHRANE: At the other liquor store.

CHAIR HANSON: Thank you.

Other comments? Questions? Jon, do you have something else?

MR. COCHRANE: Madam Chair, one more. Here under "Purposes" also it talks about preservation of property values. Was there any kind of an impact study done as to how this would affect the property values in the surrounding neighborhood?

MR. MEYER: No. And right now it's Ed's Automotive, and I couldn't see the difference whether -- you know, somebody coming in to buy property or develop some property in here, whether you've got a -- I mean, Ed's Automotive, that's not like -- it's not exactly like a store or a -- I'm trying to think of the right word. You know, whether it's Ed's Automotive or a liquor store, I

don't know that it would be -- I don't know of any difference as far as someone coming in and wanting to buy land and develop it.

MR. COCHRANE: I guess it depends on what you're building.

MR. MEYER: Yeah. Oh, yeah. That's right. Although -- let's see. Yeah. So across the street, all this is General Use. It can be commercial and/or residential. And then residential starts at this line right here going down.

So, yeah. Because they're both -- yeah. I didn't make that distinction as far as somebody coming in. It not like -- it's one of the -- I don't mean to say "cleaner" commercial enterprises, you know. An Ed's you can find in any industrial area as well, so I just didn't see much of a difference as far as detrimental to people coming in and developing this property.

CHAIR HANSON: Okay. Are there other questions or comments from the commission?

All right. We'll move on, then, and we'll ask Mr. Chung to talk to us about your project, what your plans are, your goals and dreams.

MR. CHUNG: Okay. So I'd like to thank everybody for coming up tonight. This is a very hot

topic right now because (break in audio) given the size and population, it is (break in audio). So I'd like to thank everyone for showing up, showing (break in audio).

The proposed plan would be to convert my auto shop (break in audio). I didn't even know about, or I didn't have any interest -- this is my third or fourth year as owner with Ed's Automotive, and I had no -- I didn't even follow what was going on until I heard (break in audio) our second one.

So that kind of got my attention. And, of course, this is a huge financial opportunity for any (break in audio) at the same time a huge responsibility to (break in audio) to Stage 4, that amount of responsibility.

So the two things that come to mind right now is, one, you guys had just brought up the fact that there was no account for snowmachine traffic. If you guys could see -- actually -- so this entire lot and the lot right next to me and I believe the lot behind me is all commercial, but directly across from the shop here is an empty lot.

I don't know that there are designated snowmachine parking areas anywhere in town, but this empty lot would be open to that. I'm not sure who

owns this lot. But right now currently snowmachines are passing in and out of this area.

The only snowmachine, really, signage or anything (break in audio) right near the Covenant Church. If it is possible to have some sort of signage, people could be aware or, you know, watch out (break in audio) crossing from the Tundra. But, yeah. There was no account into where the snowmachines (break in audio).

Oh, yeah. So this kind of goes along with the ingress and egress of pedestrian walking. With the post office, it's just right down the road from -- right next to Public Health. With the post office being probably the most popular place in town -- people need to get their mail. And on any given day throughout the, you know, week, you have high flow traffic there.

So -- and, again, I don't see any signage for pedestrians to walk. There is no walkway there or anything for people to know (break in audio). That's another think that I would like to (break in audio) highway.

Being right on the highway, I'd like to also address that. The proposed location is not (break in audio) surrounded by -- I mean directly

surrounded by. I understand that this is a 500- or 600-feet radius.

CHAIR HANSON: Uh-huh.

MR. CHUNG: But the location is conveniently located right next to this -- to the road. If you would look at the current liquor store, I don't really see anybody going into the store and driving further into a neighborhood for any reason (break in audio) they want and exit (break in audio). They're going to drive into the place, get their merchandise, and drive back again.

But (break in audio) tell you with the parking and the square footage, no one will be backing out into the road. (Break in audio) that with the current -- I hate to -- it's kind of a mess over there, and --

CHAIR HANSON: That was before the conditional use permit process was in place.

MR. CHUNG: I understand. I understand. They didn't have to go through that. They got off --

CHAIR HANSON: Right.

MR. CHUNG: -- kind of easy. But I guess if I were to bring up another applicant who had gone through the conditional use process, it would be Snack Shack. Snack Shack -- I personally have

swerved in and out of the way to get out of the way of people backing out into the road. Their parking has yet -- you know, from what I hear, has been adjusted to where people are (break in audio). I don't foresee anybody backing out.

CHAIR HANSON: Thank you.

So members of the Planning Commission, this is your opportunity, your first opportunity to address your questions to Mr. Chung about what he presented or questions that have come up already.

MR. COCHRANE: I'll address my question. You know, the fact that it's a liquor store, I don't see any hearing -- or any neighborhood that is going to say, "Yeah, put it in my neighborhood." But we have voted that alcohol is legal in Bethel, and that's not really our issue to consider. We're here to more consider the code and the planning.

My concern is less the nature of the business and more the possibility of increased traffic flow by the snowmachines and four-wheelers not from Bethel, because I think you're right. I think people going to the liquor store are going to come up the main highway and park, get their stuff, and leave.

It's people from the villages are coming

up the river that are going to cut across the lake there or whip down that street, cutting across private citizens' property and come down that Larson rode at, you know, between 40 and 60 miles an hour, whipping in on their snowmachine, and what the impact that could be to the neighborhood. Is that something that you put any thought into or --

MR. CHUNG: Yes. Yes, I have. I have heard what other people have said at the last council meeting, the ones (break in audio). I'm not sure if I can (break in audio) someone that's of age with the proper ID from the village, but I would be open to not selling it to anyone that lives -- or provides me with a village ID.

I mean, "No. You're not from Bethel. I can't serve you." I don't know if I can discriminate that way, but I would like to try to, you know, (break in audio) the issues down or at least try to (break in audio).

MR. BRADBURY: Madam Chairman, concerning as far as considering other people parking anywhere other than your property, that can't really be considered --

MR. CHUNG: Right.

MR. BRADBURY: -- in regards to who owns the

property, because that's someone else's.

And also I would think that whether it be a snowmachine, four-wheeler, or a pickup truck, it would basically be they need to park within a parking space. So that would seem to me that that would be a requirement; in other words, on your property. You know, whether we'll be able to see the lines in the wintertime and various things marked, you know, as it is for anywhere else, I don't know if that's possible.

But that was, I guess, my only comment on that, that we couldn't even consider the other place or even the post office without some kind of an agreement with them that they were going to allow it for X number of years or something.

MR. CHUNG: If I may, does anywhere -- does it say any vehicular transportation, or does it state just motor vehicles? Has the city taken consideration of four-wheelers and snow (break in audio). To my knowledge, everything has been checked up to its license, and everything checks out (break in audio). And we didn't really have a guideline for that. I'm sure it would have came up, and I would have been more prepared (break in audio).

MR. BRADBURY: Madam Chairman, I think really that's -- that's superfluous, like I say, to this, really, because the BMC says it's for -- or it goes by square footage, not by what we might --

CHAIR HANSON: That is a minimum guideline.

MR. BRADBURY: Yeah. Okay.

CHAIR HANSON: We could -- we could ask for a different --

MR. BRADBURY: Okay.

CHAIR HANSON: -- amount because of the -- if we thought that was needed. So the minimum has been met, yes.

I have a question, Mr. Chung. I actually have gone by the -- I think perhaps the first liquor store that opened got away easy, maybe, a little bit, but I don't think the community did. And I've been by there, because I would hear people talk about what it's like on a Friday night or a Thursday night in the evening. And I thought, "Oh, come on, people. It couldn't really be that bad."

And I was totally astounded. I saw what looked like pandemonium to me. Cars and -- cars parked in a couple of places three deep, pedestrians, parents pushing strollers, children, dogs, cats lined up, pulling in and pulling out.

And I don't know how somebody doesn't die there. It was crazy.

Now, if you take that and say, "Well, some of that -- presumably there wouldn't be enough traffic to like double that with another liquor store that's open, and so we'd have exactly the same thing, but -- because I think -- I hope there's a finite number of people that are buying alcohol.

But I think the potential to be far greater than those 11 spots -- I think the potential is absolutely there. And I think once those 11 spots are full, then the cabs start pulling up on the side of the road and waiting for their customer to go in and come back out.

And there's nothing -- all of this is all fine and legal, except I think it's going to create a terrible mess. And I think cars will be waiting on the highway to turn in because Hoffman Road is clogged. And they turn in, and then they can't get by because somebody is getting in their car on the road.

And I don't know what you would do about that unless somehow magically be able to provide more parking so there is enough for everybody to get off the road. It's not that wide of a road that we

need -- that it's safe to have people parking on it, then people walking on it, and then cars going by.

So do you have any ideas?

MR. CHUNG: As of right now, it's kind of (break in audio). To deal with a problem that hasn't occurred --

CHAIR HANSON: Yeah.

MR. CHUNG: -- is really hard to plan for. The only thing I could come up with is comparisons on any given day for, let's just say (break in audio) and Bethel Thai restaurant. They're very popular (break in audio). Those -- those parking spaces are full on a lot of occasions (break in audio) getting in, as well as people getting out and people walking.

And (break in audio) I don't know what the report is, but the amount of vehicular incidents or -- I mean, obviously, when you're talking about traffic (break in audio). I've seen really bad ways that people are parking wherever. For instance, with (break in audio), no room for parking, double-lane parking, in areas where it's residential, and yet (break in audio).

CHAIR HANSON: Okay. Sir?

MR. COCHRANE: This question would be for the

planner. I guess do you feel, in your opinion, that the 11 parking spaces are adequate? And do you feel that granting an additional permit for a liquor store would reduce congestion at the existing liquor store?

MR. MEYER: You really know how to put a guy on the spot.

MR. COCHRANE: That's my job.

MR. MEYER: Yeah. Yeah. Well, yeah, I think it would reduce congestion at the first liquor store, absolutely.

As far as 11 parking spots, honestly I think it's more (break in audio). But also backing out, no backing out, that's a positive; and that's in the code as well. It's encouraged, no backing out. But, you know, again, this Planning Commission has said no backing out to the others. So anyway, I --

MR. COCHRANE: And would you say that backing out is one of the major traffic flow issues at the existing liquor store?

MR. MEYER: Absolutely. I've seen a car hit (break in audio).

CHAIR HANSON: Mr. Bradbury.

MR. BRADBURY: Madam Chairman, and I -- just

thinking on this more, this is more of a comment than a question, if that's okay at this time.

CHAIR HANSON: Uh-huh.

MR. BRADBURY: I think what you get with -- whether it be the liquor store or a convenience store, the idea that I can just pull in anywhere here and just run in, because it's only going to be a minute --

CHAIR HANSON: Uh-huh.

MR. BRADBURY: -- versus if they were coming in, say, a restaurant or AC to shop, where you're going to look for a little more of a parking spot where you're going to be able to actually park.

I mean, that's -- and I understand there's probably adequate parking here, although adequate for the -- to meet the code of how many spaces we need, but I do question how many will actually use that, which I don't know that anybody can control. Mr. Chung maybe can't control it, unless it gets to a point he has to put a security officer or somebody out there directing traffic.

But I do see with these kinds of stores, whether it be this one or down at AC Quickstop, it's like we can just pull in anywhere. And that's what you're seeing, the pandemonium you mentioned. And

I, too -- I couldn't get through there. I mean, there's been nights I've tried to get through, and there's just cars everywhere, out in the street, people backing out.

So it will definitely change the traffic flow into Hoffman Sub. It's definitely going to impact that area at least. Whether it impacts it further down, whether we actually get the snowmachine traffic, we don't know. But it's going to impact at least that area there, from what I can -- would be my opinion on this, my thoughts, anyway.

(Break in audio)

MS. HOFFMAN: Thank you. Just as we heard earlier from Mr. (break in audio), there's a development right across the street next to a lot, but that, you know, there's that discretion that was mentioned earlier today (break in audio). And, you know, being able to (indiscernible) the post office. Are we going to take this into consideration? Are there, you know -- are there alternative places to park near that could potentially mediate this? You know, would that -- you know, have you taken that into consideration, and would that -- would that alter in any way (break in audio)?

MR. MEYER: Well, the code is specific about off-street parking. And there's nothing in the code that says you can't park along the side of the street. Yeah. There's nothing to stop anybody, but the code is specific about the parking requirement.

MS. HOFFMAN: I was asking more about do you predict, you know, a new housing development in addition to, you know, the (break in audio) you know, having this new change in use affect the traffic flow, considering that there's development?

MR. MEYER: Well, here's Ed's Automotive, and the new ONC apartment building would be (break in audio).

CHAIR HANSON: We can see on this -- that one. Uh-huh.

MR. MEYER: I don't know. Is it on here?

CHAIR HANSON: No, but you can see where it's supposed to be.

MR. MEYER: Oh. Oh, it would be on this map? Well, can someone --

CHAIR HANSON: Well, I mean, you can see where the (break in audio).

MR. MEYER: Form -- help me out. I --

MS. STRICKLER: The access point is going to be here.

CHAIR HANSON: To the right of the dog park?

MS. STRICKLER: Yeah. So through there.

MR. MEYER: Oh. Oh, that's right. Yeah. And -- oh, and so DOT already said that -- thank you, Lori.

MS. STRICKLER: Uh-huh.

MR. MEYER: You jogged my memory. DOT already said that that easement that would supply access to the planned ONC subdivision has to line up with Hoffman Drive. So it has to, and it will. There's -- that's a done deal. So -- oh, yeah. Gosh, darn. I didn't --

MR. COCHRANE: Madam Chair?

MR. MEYER: Yeah. So there would be left-hand turns going there and left-hand turns going there. But that is a fact. There's no other alignment for it.

CHAIR HANSON: Okay. Mr. Cochrane?

MR. COCHRANE: So are we going to end up with a four-way stop there at that point?

MR. MEYER: Well, right now, I haven't heard any plans from DOT about that, not yet.

MR. BRADBURY: Well, I mean, in all of this, any kind of development, I'm always, you know, not necessarily torn. I don't want to, in any way --

you know, I don't think by -- I mean, it's all going to develop eventually, you know, whether that becomes a service road eventually some day or what that becomes.

So to anticipate or even to prohibit, based on what it might be into the future, I don't know that that's really our job at this moment. I mean, that's too far into the future. It's kind of like what do we have today I think is more the -- I would think is more the concern. So . . .

CHAIR HANSON: Go ahead.

MS. HOFFMAN: Thank you. I suppose that the purpose of that is because historically, if you go into certain areas of the community (break in audio) the lanes just aren't simply wide enough. That wasn't a consideration (break in audio), you know, when we were having these meetings, taken into consideration.

Development is inevitably going to happen. I mean, there -- you know, my question is: Is this going to affect the traffic flow? I mean, you know, we do have high traffic areas that are manageable in other areas of the community, like in front of (break in audio) or at Watson's corner, or in front of Subway. I mean -- but what I'm asking

is: With the new housing development (break in audio) area potentially, you know, would that negatively affect the traffic flow?

Because, you know, just even the bus stop on the highway, you know, creates congestion. You know, going to the post office does create congestion. You know, in that four-way intersection, yes, there are snowmachines.

What I'm concerned about is, you know, does this negatively impact that area, considering all of the movement that's continuously going on throughout the day?

MR. MEYER: Well, I can say that I've already got the preliminary plat for the subdivision. I've got it in the office, and I need to review it and then pass it around. So it's -- they have already submitted it, and we're working on the easement right now. So, to me, it sounds like there's nothing very abstract in the future.

But, yeah, it's going to -- yeah, two together, yeah, there's going to be more traffic. This here is going to cause the -- when people are making a left-hand turn into the subdivision, you know, that's naturally -- if there's cars coming this way, there will be -- they'll stop cars and,

you know, just any -- any time you have a residential area, that always happens. And the same thing would be for the liquor store, left-hand turns coming this way. If the parking lot is full, then, you know, yeah, there's going to be some congestion.

So, you know, that's a big thing at the hospital development. You know, they're looking at traffic right now, traffic mitigation. Left-hand turn lanes, that -- that could be a reality in the short term. So -- but, you know, that's -- they have got money for that. You know, there is money for that. It's a huge project. This is -- these aren't that huge. I don't know (break in audio) funds from DOT, so . . .

CHAIR HANSON: Okay. Let me just remind folks that we are at that portion of our public hearing where we -- our commissioners should be directing our questions to the applicant. We'll have another chance to ask Mr. Meyer questions.

Do we have more questions for the applicant?

Seeing none and hearing none, let's move to the next portion, which is the public opportunity to speak. We ask that information that you provide, it says, should be limited to facts and -- okay.

Let's go. Do we have members of the public that would like to speak to this?

And we ask this first lady. Please identify yourself as you speak.

MS. BUCKLEY: I'm Samantha Buckley.

CHAIR HANSON: Oh, thank you.

MS. BUCKLEY: Excuse me. I recently purchased a home in Hoffman. I'm right -- right on the edge of that 600-foot area. My house is -- I already --

MR. MEYER: Right there?

MS. BUCKLEY: Yes.

MR. MEYER: Is that what you said?

MS. BUCKLEY: Yes.

MR. MEYER: Okay.

MS. BUCKLEY: And -- and I know that we -- the issue of the snowmachine traffic and the four-wheeler traffic keeps popping up. Okay? And I understand your perspective, and I totally respect anyone who is driving (indiscernible). Okay? People have said that.

But I already have -- there's already a problem in Hoffman, at least with me, with people cutting across my property on their snowmachines. I mean, I'm going to invest in a fence. I'm actually going to fence my property because people are

cutting across my front yard, around my house, and cutting over onto North Avenue.

A lot of people who come off of the river will come up through that way and straight up Hoffman. Okay? There's -- if you go just a little -- my norths and my souths are backwards -- that way from Hoffman down the river, there's like an inlet. There's a good place people can come up off the river onto the tundra.

And they come up onto the tundra. I know this because I have friends who do that. And they come up Hoffman. And it's -- like I said, they cut across my property. My house is right next to one -- a duplex that's owned by Judy Glenn, and I'm really worried about the -- you can't control that traffic. What can you do? You can't. You can't stop people from coming up there. You can't tell people they can't buy alcohol because they live in a village. That's never going to fly. It's going to happen. And I don't -- I don't know how anybody is going to do anything about that.

I don't want my property values, I don't want my peace and quiet -- which is the reason I live on Hoffman Road, because it's peaceful and quiet. I don't want that disturbed.

And I understand that my interest and your interest might conflict. Okay? But that's my home, and I don't want drunks wandering up and down the streets, screaming and hollering. (Break in audio) haven't heard any impact data about how did the liquor store over here impact the quality of life of the people who lived in the area? What are the crime statistics? Any differences in crime in the area as a result after having -- after the liquor store was put in?

And bear in mind we are -- we're ragging all over AC here, but then that's the one that's open. Okay? So that's what we got.

You know, what kind of impact studies have been done on how alcohol -- how selling alcohol in this area has impacted the children, families? We're not just talking about traffic; we're talking about lives here, where people live, and our homes.

And I don't -- I don't want that. I don't want to have people whizzing by my house at all hours of the night. I don't (break in audio) screaming and hollering. I live -- unfortunately, I'm close enough to where, you know (break in audio).

And there's nothing you can do about it.

We can't put speed bumps to stop snowmachines. They will fly. I've seen it happen. You can't put in signs that say "Snowmobile Crossings." We cannot control that traffic if the liquor store is there. The inlet coming off the river is right down on the tundra, so it's a very nice, convenient place for anyone who is coming in from the village.

The congestion that we talk about -- I have a very good friend of mine tell me that it's really kind of a joke, but people who are coming up from the villages are watching their watch. "Oh, it's almost 7:00. Got to get down the river, get to the liquor store before it closes."

That's going to be coming up there. That's going to be coming down our road where we live, and I don't know how you can fix that. I mean, I -- you know, we're not talking about parking spaces.

CHAIR HANSON: Okay.

MS. BUCKLEY: We're talking about traffic, we're talking about people, we're talking about -- and I know this is General Use land, but the reality is, in any other -- any other city, state in the United States, a liquor store is not the same as an auto parts place or an auto repair place. A liquor

store is not the same as a grocery store. It's a -- you -- there is a certain portion of the clientele of a liquor store that people simply don't want in their home, near their homes; and I think that's okay. I want to be safe and peaceful in my home.

CHAIR HANSON: Okay.

MS. BUCKLEY: So I think even though we are meeting the minimum requirements of the Planning Commission, the rule --

1:26:34

END OF RECORDING

C E R T I F I C A T E

SUPERIOR COURT)
) ss.
STATE OF ALASKA)

I, LYNDA BARKER, Registered Diplomate Reporter and certified for transcription services by the United States Courts and the Alaska State Courts, hereby certify:

That the foregoing pages contain a full, true and correct transcript of proceedings in the above-referenced matter, transcribed by me to the best of my knowledge and ability, or at my direction, from the electronic sound recording.

DATED at Juneau, Alaska, this 15th day of April, 2017.

SIGNED AND CERTIFIED TO BY:

LYNDA BARKER, RDR
Notary Public for Alaska
My commission expires:
5/6/2020

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Introduced by: Planning Commission
Introduction Date
Public Hearing:
Action:
Vote:

CITY OF BETHEL, ALASKA

Ordinance #17-

AN ORDINANCE AMENDING BETHEL MUNICIPAL CODE SECTION 17.04 GENERAL PROVISIONS AND REQUIREMENTS SUBDIVISION AGREEMENTS

WHEREAS, the Bethel Municipal Code currently only requires notification of residents within a 600 foot radius; allows for experimental and/or innovative processes or procedures for waste treatment;

WHEREAS, the recent number of Conditional Use Permit applications have demonstrated that 600 feet is not a large radius and many nearby residents are not in the mandated circle and therefore are not being notified yet they have a great deal of interest in what is happening in their neighborhood;

WHEREAS, currently the Code makes subdivision agreements optional, thus the burden of getting everything perfect at the Preliminary Plat stage is huge;

WHEREAS, while the Preliminary Plat offers a lot of information, the serious details, such as road grading, drainage, electrical, water/sewer improvements, are not always known or identified properly at this point;

WHEREAS, many, but not all, municipalities in the State make subdivision agreements mandatory in order to provide the subdivider AND the City assurances of what can be expected and to avoid disputes part-way through the process;

WHEREAS, while making subdivision agreements mandatory is only a partial fix to a complete overhaul of Title 17, it will go a long way towards protecting both the City and the developers;

NOW, BE IT FURTHER ORDAINED, the City Council adopts the updated section 17.04 of the Bethel Municipal Code as outlined in this Ordinance;

SECTION 1. Classification. This is a Codified Ordinance and shall become part of the Bethel Municipal Code.

SECTION 2. Amendments. Bethel Municipal Code Section 17.04., General Provisions and Requirements, is amended as follows (old language is stricken, new language is underlined):

Introduced by: Planning Commission
Introduction Date
Public Hearing:
Action:
Vote:

Chapter 17.04
GENERAL PROVISIONS AND REQUIREMENTS

Sections:

17.04.020 Interpretation and purpose.
17.04.025 Notice.
17.04.067 Subdivision agreements.

17.04.020 Interpretation and purpose.

~~It is the purpose of this title to promote and protect the public health, safety and general welfare of the people of the city; to provide for the proper arrangement of streets in relation to existing or proposed streets; to provide for adequate and convenient open spaces; to provide for efficient movement of vehicular and pedestrian traffic; to assure adequate and properly placed utilities; to ensure that subdivision and development occur in a logical pattern in coordination with infrastructure availability; to provide access for firefighting apparatus, sewage collection and water delivery vehicles; to secure safety from flood and other dangers; to assure adequate drainage of land; to assure the reservation of adequate open space; to facilitate the further subdivision of larger tracts into smaller parcels of land; and to ensure proper legal descriptions and monumenting of subdivided land. These regulations provide a mechanism for the planning commission to develop and apply new or more restrictive requirements when a new, unusual, or unanticipated circumstance comes to its attention and it appears to the commission that the provisions of this title are not adequate to deal with the circumstance. In addition, these regulations provide for the accurate surveying of land; for equitable processing of all plats by providing uniform procedures and standards for observance by both the city and the subdivider; and for the proper preparation and recording of plats. The provisions of this chapter set out minimum requirements and shall be interpreted in the manner to accomplish the purposes set out in this section.~~

A. *General.* These standards are enacted generally to promote the goals of the comprehensive plan as to the health, safety, convenience, quality of life, and welfare of the present and future inhabitants of the City; to secure adequate utilities and public facilities, provide for consideration of open space needs, and protect sensitive natural areas such as critical habitat, high-value wetlands, and riparian corridors; to enhance or preserve other significant natural features; to ensure the functional and efficient layout and appropriate use of land so as to achieve property lots of reasonable utility and minimize public costs to construct and maintain infrastructure; and to facilitate orderly growth and harmonious development of the municipality.

B. *Specific.* Planning, layout, and design of a subdivision are of the utmost concern. The subdivision should provide safe, efficient, and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide appropriate settings for the buildings that are to be constructed, make use of natural contours, and protect residents from adverse noise and vehicular traffic. Important natural features of the area should be preserved. Schools, parks, and other community facilities should be planned as an integral part of the area. New development should reflect and maintain the character of the neighborhood through layout of roads and lots, consideration of connectivity with

minimal cut-through traffic, pedestrian access to neighborhood destinations, and buffers or open space where appropriate to maintain privacy and views.

17.04.025 Notice.

A. Unless otherwise specifically provided in this title, notice of hearings required under this title shall be given as provided in subsections B through E of this section. When a hearing is required under Chapter 17.20 BMC, notice of that hearing shall be given as provided BMC 17.20.050.

B. Notice shall contain the following:
   1. The date the complete application or petition was filed;
   2. The name of the owner of the parcel that is the subject of the application or petition or the name of the person who made the filing;
   3. The purpose of the application or petition;
   4. A description of the location and a legal description of the parcel;
   5. The date, time and place of the hearing;
   6. The notice may contain any other information the platting officer believes to be appropriate or that the planning commission may require.

C. Notice shall be published at least ~~once~~ twice in a newspaper of general circulation in the city at least ~~six (6)~~ twenty-one (21) days before the hearing.

D. Notice shall be mailed to the owners of each parcel of property any part of which is within ~~six~~ twelve hundred (~~600~~ 1200) feet of the exterior boundary of the parcel that is the subject of the application or petition.
   1. The name and address of the owner of each parcel that is to receive mailed notice and that receives sewer or water service from the city shall be provided to the platting officer by the public works department. The name and address of each other owner that is to receive mailed notice shall be provided to the platting officer by the applicant. An application is not complete until the applicant has submitted the list of the names and addresses of all such other owners. The applicant, its agents and successors, shall save, hold harmless and defend the city, its officers and employees, from and against all claims and suits based in whole or in part on the failure of the city to provide mailed notice to a person to whom mailed notice was required to be sent under this subsection if the applicant provided an incorrect address or no address for a person whose address it was the applicant's responsibility to provide. The name and address of the person shown in the records of the Bethel district recorder's office as the owner of the relevant parcel shall be presumed to be correct;
   2. Mailed notice shall be deposited in the U.S. Mail, postage paid, at least five (5) days before the hearing;
   3. Mailed notice may include maps or other additional material that is not included in the published or posted notice.

E. Notice shall be posted on the public bulletin board at city hall and at three (3) other public places where other notices are regularly posted. Notice shall be posted at least five (5) days before the hearing.

F. The failure of the city to fully meet each requirement of this section or of any other notice requirement of this title shall not be the basis for invalidating an action taken under this title if there was substantial compliance with the requirements of this or the otherwise applicable section.

17.04.067 Subdivision agreements.

~~A. In order to assure a subdivider that the subdivider may proceed with the subdivision of a parcel in accordance with existing standards and requirements under this title and not be subject to changes in such standards and requirements before the subdivider receives unconditional approval of the final plat of the parcel, the subdivider and the city may enter into a subdivision agreement pursuant to the provisions of this section. The rejection and the approval and execution of a requested subdivision agreement are within the absolute discretion of the city. A subdivision agreement is enforceable by each party to the agreement, but is effective only if approved by the planning commission by resolution and approved by the city council by a noncode ordinance.~~

~~B. A subdivider, upon payment of the required subdivision agreement application fee and the submission of such documents as the platting officer or planning commission may require, may submit to the planning commission a request that the city enter into a subdivision agreement with respect to the subdivision of a parcel for which a complete preliminary plat application has been submitted. The submission of a request for a subdivision agreement, whether or not the request is complete, suspends the running of the time within which a pending or subsequently submitted plat must be approved until the request is withdrawn, or is rejected by the planning commission or the city council, or receives the required approvals and the agreement is executed.~~

~~C. The planning commission shall consider the request for the subdivision agreement after reviewing the preliminary plat. If the commission determines that the existing standards and requirements of this title are adequate to deal with the likely impact of the subdivision as proposed or that they would be adequate if supplemented with additional requirements to which the subdivider agrees, the commission may, in its discretion, proceed to negotiate with the subdivider for a subdivision agreement containing such additional requirements, if any, as the commission believes are appropriate. The agreement may impose additional standards, requirements and exactions not otherwise applicable to the subdivision, without regard to whether such standards, requirements or exactions could be lawfully imposed as a subdivision or other city regulation.~~

~~D. A subdivision agreement may not reduce or eliminate the application of any standard or requirement of this title or of any other provision of this code, nor of any standard or requirement issued by the city engineer. An agreement may limit the application of proposed standards and requirements to the pending plat, but may not limit or reduce any other discretion of the planning commission, require any particular decision or approval by the commission, or in any way lessen, affect or control the plat approval procedures in effect when the agreement is executed after city council approval. An agreement may not be inconsistent with applicable provisions of the comprehensive plan and shall, when possible, further the goals of the plan.~~

~~E. A subdivision agreement may not limit the application of any amendment of any title other than this title whether such amendment was recommended, proposed or adopted before of after execution of the agreement. The provision of any agreement that would have an effect prohibited by this subsection is void and unenforceable.~~

~~F. The provisions of an agreement that protect the subdivider from changes to the standards and requirements applicable to the subdivision of the parcel remain effective for so long as no party other than the city is in default under the agreement and there is timely performance by the subdivider of the construction of required subdivision improvements. The city may terminate the agreement if the final plat of the subdivision has not been approved within eighteen (18) months of the date the agreement is approved by the city council by ordinance or by the earlier of such other date as is set out in the agreement or is set out in the ordinance approving the agreement. Upon the termination of the agreement by the city for a default of the subdivider under the agreement or the failure of the subdivider to comply with a requirement of this subsection, the city may require the subdivider to bring the subdivision into compliance with all standards and requirements it avoided by virtue of the agreement and with all standards and requirements the planning commission may recommend within sixty (60) days of the date the agreement is terminated.~~

~~G. A subdivision agreement does not have effect beyond the plat to which it applies and any re-subdivision of any part of the same parcel shall be subject to all changes to the standards and requirements of this title except to the extent such re-subdivision is subject to a new subdivision agreement.~~

A. Agreement required; application; contents.

1. *Agreement required*. Before a final plat for a subdivision is approved or filed, the subdivider shall enter into a subdivision agreement with the City in accordance with this section.
2. *Application*. Application for approval of a proposed subdivision agreement shall be made to the planning department. The application shall include a copy of the platting summary of action, a copy of the preliminary plat, a tentative schedule of all proposed construction of public improvements and utilities, and an engineer's estimate of the cost of each required public improvement. The engineer's estimate shall be based on the most current average of unit bid prices for capital improvement projects, as tabulated annually and published by the Anchorage municipal engineer. The City may require a showing of the subdivider's financial responsibility.
3. *Contents*. Except as provided in subsection A.4. below, the subdivision agreement shall include but need not be limited to the following provisions:
   a. A designation of the public improvements required to be constructed.
   b. The construction and inspection requirements of the City or utility for which the improvements are constructed.
   c. The time schedule for completing the improvements.
   d. The performance guarantee required by subsection 17.04.067E.
   e. A schedule for any payments required under this section.

f. The allocation of costs between the City and the subdivider for required public improvements.
g. The warranty required by subsection 17.04.067G.
h. The consent of the subdivider for the ownership of specified public improvements to vest with the City upon final acceptance by the City.
i. A warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement.
j. Where the subdivision is within the flood hazard area, a requirement that the subdivider will submit certification of flood proofing, information on the elevation of the lowest habitable floor, and information on the elevation to which the structure is flood proofed, for each building or structure to be constructed as part of the subdivision agreement.
k. A provision requiring the subdivider to submit plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, a traffic control plan, and any other pertinent data and information necessary for City officials to evaluate the proposed installation.
l. A provision that work shall not commence until plans have been approved by the Planning Department/Commission and notice to proceed is given.

B. *Approval by Council.* Approval by the City Council shall be required to enter into those subdivision agreements where City participation in the cost of the required public improvements is estimated to be $30,000.00 or more.

C. *Time limit for completion of improvements.*
1. The planning official shall determine the time duration of the subdivision agreement, which shall not be less than two (2) years nor more than three (3), based on the size, complexity, and possible phasing of the subdivision. The improvements required under the terms of the subdivision agreement shall be fully completed and accepted for warranty within that time period. However, before the expiration of the time allowed for completion, the subdivider may request a time extension from the planning official. The planning official may grant one time extension, up to one (1) year in length, upon a showing of good cause by the developer and provided such extension does not unreasonably impact adjacent properties or the general public. The planning official does not have the authority to modify conditions placed by the planning commission. The planning official may refer any extension application to the planning commission if the project is in default or he or she deems further or more extensive analysis and public comment concerning the continuation may be needed. In considering whether an extension should be granted, the following shall be considered: the manner in which safety hazards, drainage problems, sanding, snow removal, grading, and other matters will be handled during the extension period. Performance conditions may be imposed on the extension to ensure that such matters are adequately handled.
2. Requests for a subsequent one-year time extension requires planning commission approval. All time extensions shall be conditioned to require provision of an adequate performance guarantee when the existing guarantee is inadequate.

D. *Payment of costs of required improvements inside the City Service Area.* The cost of any public improvement shall be defined to include the cost of design, engineering, contract administration, inspection, testing, and surveillance as well as all work, labor, and materials furnished for the construction of the improvement(s). The subdivision agreement shall provide for the apportionment of the cost of required public improvements between the City and the subdivider as follows:

1. *Administrative and recording costs relating to public improvement guaranties.* The subdivider shall pay 100 (100%) percent of all costs incurred in supplying and administering any method of public improvement guarantee provided for in this Section 21.08.060.
2. *Inspection, surveillance, and testing.*
   a. The subdivider shall pay 100 (100%) percent of all costs relating to any inspection, surveillance, and testing by the City, necessary for warranty acceptance of any required public improvement or during the warranty period. Surveillance shall be performed by the City during the course of construction and up to the point of final acceptance of the completed project.
   b. The City shall retain an independent registered engineer who has no financial interest in the development. The cost of the independent engineer shall be divided equally between the subdivider and the City. The engineer shall maintain in good standing professional liability insurance in the amount of $1,000,000.00 during the term of the agreement. Policies written on a "claims-made" basis shall have a two-year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.
3. *Administration of agreement.* The subdivider shall pay 100 percent of all costs of plan review, agreement administration, and attendant costs.
4. *Water/Sewer improvements.* If the subdivision is to receive water service from the City piped service, the subdivider shall provide water facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the utility. If the subdivision is to receive water service from the City Hauled System, the subdivider shall pay 100 percent of the cost of any additional lift station(s) or a pro-rata share of additional truck(s) required to provide service to the new subdivision.

E. *Guarantee of completion of improvements required; amount; methods.*

1. *Guarantee required.* To ensure the installation of required public improvements that are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified in this section. The means of a guarantee may be changed during the guarantee period upon approval by the planning official. The amount of the guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until warranty acceptance of the public improvements and the posting of an acceptable security for the warranty period.
2. *Cost estimate; overrun allowance.* The engineer's cost estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each

required public improvement shall be approved by the department. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

TABLE 17.04.067: PERCENT FOR OVERRUN ALLOWANCE	
Total Estimated Cost of Improvements	Percent for Overrun Allowance
$0.00—$500,000.00	30%
$500,000.01—$1,000,000.00	25%
More than $1,000,000.00	20%

3. *Methods*. The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:
   a. *Performance bond*. The subdivider may elect to provide a surety bond from a company authorized to do such business in the state. The bond shall be in a form acceptable to the City attorney and Finance Direction and in an amount equal to the estimated cost of all required public improvements, plus an overrun allowance as provided in subsection E.2. above. The bond shall be payable to the City if any required public improvements are not finally accepted in accordance with the provisions of this title, and shall be posted by no person other than the subdivider or a contractor obligated by written contract to the subdivider for construction of all the required public improvements. In the event a contractor posts the bond, the subdivider and the City may be dual obligees under mutually agreed terms.
   b. *Deposit in escrow*. The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection E.2. above, either with the City or in escrow with a responsible financial institution authorized to do such business in the state. In the case of an escrow account, the subdivider shall file with the City an escrow agreement that includes the following terms:
      (i) Funds of the escrow account shall be held in trust until released by the City and may not be used or pledged by the subdivider as security in any matter during that period other than payment for the improvements.
      (ii) In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in such account available to the City for use in the completion of those improvements.
   c. *Letter of credit*. The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state an irrevocable letter of credit. Such letter shall be filed with the City and shall certify the following:
      (i) That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances

as provided in subsection E.2. above, for the completion of all such improvements; and

(ii) That in the case of failure on the part of the subdivider to complete any specified improvements within the required time period the creditor shall pay to the City immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

F. *Release of guarantee of improvements.*

1. Inspection shall be made by the City prior to acceptance of the improvements for warranty. The City shall have twenty-one (21) calendar days to complete the inspection and provide a list of deficiencies, except that the planning official may extend the 21-day period for unusual circumstances such as extreme weather. The 21-day period shall begin on the day the City receives written notice from the subdivider that the subdivider's own comprehensive inspection has confirmed that construction of all required improvements is complete, all applicable subdivision agreement requirements are fulfilled, and the project is ready for City inspection.
2. After the initial City inspection provided for in subsection F.1. has been completed and all listed deficiencies noted in the initial City inspection and provided in writing to the subdivider have been corrected, the subdivider shall notify the City in writing and the City shall perform a final inspection of the listed deficiencies within fourteen (14) calendar days of receiving the notification, except that the planning official may extend the 14-day period for unusual circumstances such as extreme weather.
3. If the final inspection reveals uncorrected listed deficiencies that were identified in the initial inspection that was provided to the subdivider in writing prior to the final inspection, this procedure shall be repeated until all deficiencies noted in the initial inspection have been corrected. The warranty period shall begin after all the deficiencies in the initial inspection have been corrected.
4. Excepting any new deficiency or deficiencies resulting from the subdivider's activities correcting the deficiency or deficiencies identified above, any new deficiencies that were not discovered and identified in writing and delivered to the subdivider during the initial inspection, but are found in any final or any continuing inspection, shall be noted and corrected by the subdivider during the warranty period. However, these deficiencies shall not delay the commencement of the warranty period.
5. In addition to correcting deficiencies in the work, and prior to being placed on warranty, the subdivider shall also submit:
   a. A complete record of the engineer's daily inspection reports;
   b. Copies of test results;
   c. Reproducible mylar record drawings of the facilities constructed;
   d. Acceptance letters from electric, cable and telephone utilities that all lots have service available;
   e. Certificate of monumentation;
   f. Certificate of compliance that all suppliers and subcontractors have been paid;
   g. Payment in full for municipal billings associated with the subdivision agreement; and

6. When all deficiencies in the work have been corrected and all items listed in subsection F.5. above have been submitted, reviewed, and accepted, the project shall be eligible to be placed on warranty.
7. The City shall release the obligation for performance guarantees upon the acceptance of the improvements for warranty, together with the posting of adequate security for warranty.
8. The City may refuse to release the obligation for any particular public improvement if the subdivider or contractor is in present or imminent default in whole or in part on the completion of any public improvement or warranty covered by the subdivision agreement.

G. Improvement warranty.

1. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating specifications for two (2) years, commencing with warranty acceptance of each public improvement when it is completed. Such warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, his or her agents, or others engaged in work to be performed under the subdivision agreement. If the planning official deems appropriate, extensive repairs or modifications made during the warranty period may extend the duration of the warranty period for those repairs or modifications only. The subdivider shall not be responsible for cleaning, snow removal, ditching, grading, dust control, or similar activities during the warranty period.
2. To secure the warranty:
   a. The guarantee of performance provided for in subsection E. shall remain in effect until the end of the warranty period. If the guarantee is a performance bond posted by a contractor, the bond cannot secure the warranty unless the subdivider and contractor, by written agreement, elected this option at the time the performance bond was posted; or
   b. The subdivider shall furnish the City with a corporate surety bond, cash deposit, or letter of credit in an amount equal to a percent of the total construction costs as set forth in this subsection. This security shall guarantee the payment of any reconstruction or repair costs that may be undertaken due to failures occurring during the warranty period. Responsibility for identifying the necessity of repairs or reconstruction of the improvements shall rest with the municipality.

TABLE 17.04.067G: PERCENT TO SECURE WARRANTY	
Total Construction Cost	Percent to Secure Warranty
$0.00—$500,000.00	15
$500,000.01—$1,000,000.00	10
More than $1,000,000.00	7.5

H. *Correction of deficiencies under warranty.*

1. Within thirty (30) calendar days, or a reasonable extension at the sole discretion of the planning official, of notification by the City of the need for repair or reconstruction, the subdivider shall correct the deficiencies, satisfactory to the City. Such notification shall be made by certified mail. If the subdivider fails to repair or reconstruct the deficiency within the time specified in this section, the City will make the repair at the subdivider's sole expense. The City may then bill the subdivider for the cost of the repair and associated administrative costs, or declare the bond or deposit forfeited.
2. Notwithstanding subsection H.1. above, if the subdivider or the subdivider's engineer retained through the warranty period first identifies need for repair or reconstruction, the subdivider shall notify the City by certified mail, and the subdivider shall make the repair or reconstruction with authorization (in lieu of the above notification) from the City.

I. *End of warranty period.*
   1. The City shall inspect the required improvements and provide a list of deficiencies to the subdivider no later than sixty (60) calendar days before the end of the warranty period, except that the planning official may extend this time due to inappropriate weather or other conditions that impede complete inspection.
   2. All deficiencies identified in the warranty period shall be corrected, inspected, and approved within thirty (30) calendar days, except that the planning official may extend the 30-day period for unusual circumstances or inappropriate weather. The City is under no obligation to release any remaining security if the subdivider fails to correct any identified deficiencies.
   3. Upon final acceptance, the City will release the remaining security within ninety (90) calendar days.
   4. If the City does not timely inspect and provide a report as required in H.1. above, the warranty period ends.

J. *Default*. If the subdivider defaults on any obligation to construct required public improvements or the obligation to warrant and repair such improvements, the City may demand immediate payment on the performance or warranty guarantee. In the case of a performance bond, deposits in escrow, or letter of credit, the City may demand immediate payment of a portion of all sums obligated for the performance or warranty of any improvement. All funds received by the City shall be used for any construction, repair, or reconstruction necessary to ensure that:
   1. All required public improvements are built to specifications necessary to receive warranty acceptance; and
   2. The improvements remain in good condition for the completion of the warranty period. The City may use guarantee funds for the construction, repair, or maintenance of required public improvements from the date of initial default until three (3) years after the funds have become available to the City for such use, except that no use shall be made of the funds later than two (2) years after satisfactory completion and warranty acceptance of the work. Following either: (1) the warranty acceptance of all public improvements and posting of the warranty security, or (2) final acceptance, or (3) the three-year period provided for in this subsection, the City shall pay to the subdivider all

2.05.150 Conflict of interest – Elected city official

SHARE

A. Except as provided herein a city official may not participate in any official action in which the official or a member of the official's immediate family has a substantial financial interest. For purposes of this section participation shall not include discussing the matter with city officials or addressing the city council as a private citizen, but shall include voting and participating in the debate as a councilmember.

B. A city official shall disclose any substantial financial interest in any matter before the body, prior to debating or voting upon the matter. Any official of the body may raise a question concerning another member's financial interests, in which case the member in question shall disclose relevant facts concerning the official's financial interests in the subject of the action.

C. Whether the direct or indirect financial interest is substantial shall be determined by the presiding officer on a case-by-case basis, with evaluation of these factors:

1. Whether the financial interest is a substantial part of the consideration;

2. Whether the financial interest directly and substantially varies with the outcome of the official action;

3. Whether the financial interest is immediate and known or conjectural and dependent on the factors beyond the official action;

4. Whether the financial or private interest is monetarily significant;

5. Other factors deemed appropriate by the presiding officer under the specifics of the disclosure and the nature of the action taken before the council body, or commission.

D. After a city official has made known any substantial financial interest in any question to be voted upon by the body:

1. The officer shall ask to be excused from the debate and vote on the matter;

2. The presiding officer shall rule on the request;

3. The decision of the presiding officer shall be final unless overridden by a majority vote of the body.

E. In the event that the official with a substantial financial interest is the presiding officer, the request shall be ruled upon by a vote of the body. An official may not participate in the matter if the presiding officer or a majority vote of the body determines the financial interest is substantial. Neither the city official making the request nor any other city official, who has disclosed a similar or related interest in the same matter, may rule on any member's request to be excused from voting on the matter or vote on the question of overriding such a ruling.