



CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

907-543-2087

FAX # 543-4171

PLANNING COMMISSION MEETING MINUTES

January 6, 1994

CALL TO ORDER

Chairman Guinn called the regular Planning Commission meeting of January 6, 1994 to order at 7:45 PM.

ROLL CALL

Present: John Guinn, Louie Andrew, Joan Hamilton, Tom Warner, Doug Moody, Jake Metcalfe.

Absent: 1 vacant seat

Also

Present: Tom Bouillion; Planning, Geoff Kennedy, Tad Miller, John Abrant, Oly Olson, Thor Williams, Vern Keezer, Tracy Silta, Courtney Geertz, Dave Trantham, Brian Glasheen, Myron Naneng, Gloria Simeon, Jerry John, Kathy Gross, Paul Gregory, Clyde Fergesson, Pat Sampson, David L. David, Paul Gregory, Annie Lou Williams, Melinda Eggers, Steve Flodin and other citizens.

APPROVAL/MINUTES

M/M by Warner, 2nd by Moody to approve the minutes of the November 22, 1993 rescheduled Commission meeting. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA

M/M by Hamilton, 2nd by Andrew to approve the agenda. Voice vote. Motion carried unanimously.

COMMUNICATIONS

No communications were presented

PLANNER'S REPORT

Mr. Bouillion referred the Commissioners to his written report which included a report on the wetlands teleconference, an ASHA housing complaint, a new cemetery site and a proposal for electrical inspection. Commissioners

Warner and Moody both supported the idea of electrical inspection and wanted to see more information on the subject.

PEOPLE TO BE HEARD Cortney Geertz asked for a resubdivision of a lot around his business.

motion M/M by Metcalfe, 2nd by Warner to require that proper notice be provided before the resubdivision comes before the February Planning Commission.

OLD BUSINESS

NEW BUSINESS

Item A:

ABBREVIATED PRELIMINARY PLAT: LOT NORTH OF TRACT C, BLOCK 4, TURNKEY III HOUSING, 226 PTARMIGAN STREET-STATE OF ALASKA DHSS

Mr. Bouillion presented his report which gave background information on the receiving home issue and answered several questions that were raised regarding selection of the site and the legality of subdividing the parcel.

The public hearing was opened by Chairman Guinn. Myron Naneng, Gloria Simeon, Tad Miller, Jerry John, Paul Gregory Clyde Gregory, Brian Glasheen, Pat Sampson, David L. David, Vern Keezer, Annie Lou Williams and Joe Corrigan spoke in favor of the proposed site. Kathy Gross, John Abrant and Dave Trantham spoke against the proposed site. Chairman Guinn closed the public hearing.

Chairman Guinn stated his support for the subdivision. Commissioner Warner also stated his support, but wanted to see the sewer and water easement extended west along the south property line.

motion M/M Metcalfe, 2nd by Hamilton to approve the preliminary plat, on the condition that the sewer and water easement be extended west along the south property line. Voice vote. Motion carried unanimously.

Item B:

RECOMMENDATION REGARDING THE LEASE OF CITY LAND FOR THE PURPOSE OF A CHILDREN'S RECEIVING HOME: LOT NORTH OF TRACT C, BLOCK 4, TURNKEY III HOUSING, 226 PTARMIGAN STREET-STATE OF ALASKA DHSS

Mr. Bouillion introduced the topic and directed the commissioners to the proposed lease.

Commissioners Moody, Andrew and Metcalfe favored recommending approval of this lease. Commissioner Hamilton expressed concern over possible snow drifting problems and clauses 8, 14 and 15 of the proposed lease. Commissioner Warner said he opposed the lease because he felt other land options had not been explored.

motion M/M by Metcalfe, 2nd by Hamilton to recommend approval of the draft lease as a negotiating device. Voice vote. Motion passed, 6 yes, 1 no (Warner).

motion M/M by Warner, 2nd by Moody to adjourn the regular meeting of the Planning Commission at 9:55 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994

John Guinn, Chairman

ATTEST:

Tom Bouillion, Planning Manager



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PLANNING COMMISSION MEETING MINUTES

March 10, 1994

CALL TO ORDER

Acting Chairman Warner called the regular Planning Commission meeting of March 10, 1994 to order at 7:30 PM.

ROLL CALL

Present: Louie Andrew, Joan Hamilton
Tom Warner, Doug Moody,
Jake Metcalfe.

Absent: John Guinn, Mary Trailov

Also

Present: Tom Bouillion; Planning, Sharon Hanek; FAA, Jim Murphy; AHFC, Courtney Geerdths, Ted Simmons, Heidi Simmons, Mildred Samuelson, Jim Tompkins, Bob Graham, Mary Thulman.

APPROVAL/MINUTES the

M/M by Metcalfe, 2nd by Hamilton to approve minutes of the January 6, 1994 regularly scheduled Commission meeting. One correction by Warner. The motion for new business item b was passed 5 to 1 rather than 6 to 1. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA

M/M by Metcalfe, 2nd by Moody to approve the agenda. Voice vote. Motion carried unanimously.

COMMUNICATIONS

One communication was presented from Jane Elam, City Clerk reminding all Commissioners that they must complete a conflict of interest form prior to April 15th.

PLANNER'S REPORT

Mr. Bouillion referred the Commissioners to his written report which included a report on Jim Tompkins property at 295 Mission Lake Road. Several of his neighbors had complaints, including that the buildings were too close to the rear and side set-backs.

Upon further investigation, planning staff found these allegation to be true. Therefore, Mr. Tomkins was told he would need to apply for a variance at the next Planning Commission meeting.

PEOPLE TO BE HEARD Mary Thulman expressed concerns over Mr. Tompkins property at 295 Mission Lake Road on the behalf of Rita and Issac Kalistook and other neighbors in the area.

OLD BUSINESS

Item A:

**RESUBDIVISION: LOT 2, TRACT A, GEERDTHS
SUBDIVISION-COURTNEY GEERDTHS**

Mr. Geerdths told the Commissioners he needed to get a resubdivision in order to obtain a bank loan.

motion

M/M Metcalfe, 2nd by Moody to approve the resubdivision of Lot 2, Tract A, Geerdths Subdivision. Voice vote. Motion carried unanimously.

NEW BUSINESS

Item A:

CONSIDERATION OF DISPOSAL OF CITY LAND-PARCEL C1, 3.31 ACRES, BEHIND EXISTING FAA HOUSING-FEDERAL AVIATION ADMINISTRATION

Sharon Hanek discussed FAA's interest in purchasing city land for the purposes of building new housing and in entering into an agreement with the city to build a sewer line to the property.

Commissioners Warner and Moody both expressed concern that citizens should not be required to pay a charge to hook up to the sewer line. Commissioner Warner was also concerned about the disposal of surplus FAA houses.

motion

M/M Metcalfe, 2nd by Moody to recommend the sale of city land , if the City Council amends the ordinance to drop the reverter clause, if the sewer line is built and if there are no hook-up costs to future customers of the sewer line. Roll call vote. Motion passed, 4 yes, 1 no (Hamilton).

Item B:

**VARIANCE: LOT 15, BLOCK 3 PTARMIGAN
SUBDIVISION, 249 AKAKEEK STREET-TED AND HEIDI
SIMMONS**

Ted and Heidi Simmons proposed to build a

garage into the 15 foot front setback. Commissioner Moody wanted to see a better map indicating the distance from the front property line.

motion M/M by Metcalfe, 2nd by Andrew to table the issue until the next Planning Commission meeting. Voice vote. Motion carried unanimously.

Item C: ABBREVIATED PRELIMINARY PLAT: LOT 15, BLOCK 11, USS 3230, 810 3RD AVENUE-MILDRED SAMUELSON

Mildred Samuelson wanted to subdivide a piece of property on her existing lot. The new lot met the access and minimum size requirements.

motion M/M by Andrew, 2nd by Hamilton to approve the abbreviated preliminary plat for lot 15, block 11, USS 3230. Voice vote. Motion carried unanimously.

Item D: CONSIDERATION OF 62 UNIT FINAL PHASE OF ASHA RECONSTRUCTION-JIM MURPHY, AHFC

Jim Murphy described the upcoming project as an informational item for the Commissioners. All of the site plans requiring variances will be on the next Planning Commission agenda. Commissioner Warner expressed concern over disposal of the surplus houses. Tom Bouillion suggested that all of the houses be brought up to uniform building code standards and inspected by building inspector Cliff Hickson.

Item E: PRELIMINARY SUBDIVISION CONSULTATION: MARGARET CHANEY NATIVE ALLOTMENT, NORTH SIDE OF BIA ROAD-MARGARET CHANEY

Margaret Chaney, the applicant, was not present.

motion M/M by Hamilton, 2nd by Metcalfe to table the issue until the next Planning Commission meeting. Voice vote. Motion carried unanimously.

Item F: ABBREVIATED PRELIMINARY PLAT: TRACT 5, USS 4000, EDDIE HOFFMAN HIGHWAY, ACROSS FROM YKHC-YKHC

YKHC seeks to subdivide a piece of land for the purpose of building an office building.

The new lot met the access and minimum size requirements.

motion

M/M Metcalfe, 2nd by Moody to approve the abbreviated preliminary plat for tract 5, USS 4000. Voice vote. Motion carried unanimously.

Item G:

CONSIDERATION OF A COMMERCIAL ENTERPRISE: LOT 12, BLOCK 1 TUNDRA RIDGE SUBDIVISION, 9460 AYAGINAR-JAMES AND LISA WEBB

The Commissioners believed that the enterprise would not be considered a home occupation and thus would require a variance at the next Planning Commission meeting.

motion

M/M by Moody, 2nd by Metcalfe to adjourn the regular meeting of the Planning Commission at 9:40 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994

John Guinn, Chairman

ATTEST:

Tom Bouillion, Planning Manager



CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

543-2297—Area Code 907

PLANNING COMMISSION MEETING MINUTES

May 12, 1994

CALL TO ORDER

Chairman Guinn called the regular Planning Commission meeting of May 12, 1994 to order at 7:40 PM.

ROLL CALL

Present: Joan Hamilton, Mary Trailov
Tom Warner, Doug Moody,
John Guinn.

Absent: Louie Andrew, Jake Metcalfe

Also

Present: Tom Bouillion; Planning, Andrew Martin, Father Mc Caffery, Joanne Martin; Cooperative Extension Service, Antone Anvil, Robert Testa, Marsha Francisco, Gail Thomas, James and Lisa Webb, other members of the public.

APPROVAL/MINUTES

M/M by Andrew, 2nd by Warner to approve the minutes of the May 12th regularly scheduled Commission meeting with two corrections. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA

M/M by Warner, 2nd by Hamilton to approve the agenda. Voice vote. Motion carried unanimously.

COMMUNICATIONS

No communications were presented.

PLANNER'S REPORT

Mr. Bouillion referred the Commissioners to his report, including proposed budget cuts in the Planning Department.

PEOPLE TO BE HEARD

Andrew Martin spoke on behalf of his father, Peter Martin to get access to his native allotment behind LKSD. Mr. Martin was advised that he needed to contact LKSD in order to get access through their lands.

OLD BUSINESS

Item A:

CONDITIONAL USE: COMMERCIAL ENTERPRISE IN A RESIDENTIAL DISTRICT, LOT 12, BLOCK 1, TUNDRA RIDGE, 9460 AYAGINAR-JAMES AND LISA WEBB

James and Lisa Webb stated that they would like to withdraw their proposal.

motion

M/M Moody, 2nd by Warner to table the item. Voice vote. Motion carried unanimously.

Item B:

PRELIMINARY SUBDIVISION CONSULTATION: MARGARET CHANEY NATIVE ALLOTMENT, NORTH SIDE OF BIA ROAD-MARGARET CHANEY

The applicant, Margaret Chaney was not present.

motion

M/M Warner, 2nd by Hamilton to table the item. Voice vote. Motion carried unanimously.

Item C:

BUILDING CODE CONSIDERATION

Mr. Bouillion stated that he would get a legal opinion from Brooks Chandler regarding the City's legal liability in having some form of inspection. Mr. Warner suggested that Dillingham's system of electrical and plumbing inspection was a good example. Mr. Guinn suggested calling the Public Health Service for inspection standards.

NEW BUSINESS

Item A:

NEW CEMETERY SITE CONSIDERATION

Mr. Bouillion read his report which suggested several sites for a new cemetery including across from the Teen Center; expansion of the existing site by Dull Lake; behind the bowling alley; adjacent to the pumphouse opposite trailer court; Tundra Ridge and BIA Road. Some members of the public felt that the current 'new' cemetery above Ptarmigan Street should continue to be used. Father Mc Caffery said that was very cold and exposed in the winter and he understood that the graves filled with water. Several Commissioners asked that test holes be dug to determine water content at the gravesite above Ptarmigan Street.

Item B:

COMMUNITY GARDEN SITE CONSIDERATION

Mr. Bouillion presented several sites for consideration as the new Community Garden site, including a previously proposed site behind the recycling center. Joanne Martin of the Cooperative Extension Service recommended using this site.

motion

M/M by Warner, 2nd by Hamilton to recommend to City Council that the site behind KYUK and the recycling center be designated as the Community Garden site. Voice vote. Motion carried unanimously.

Item C:

CONDITIONAL USE: MINOR PLANNED DEVELOPMENT, LOT 5, BLOCK 3, TUNDRA RIDGE, 9461 AYAGINAR-KEN KIRBY AND ROBERT TESTA

Mr. Bouillion presented his report on the proposal to have two houses on a single lot. Two citizens, Marsha Francisco and Lisa Webb spoke against the development. Mr. Warner said he was against having more than one house per lot.

motion

M/M Trailov, 2nd by Hamilton to deny the conditional use of having two houses on a single lot in a residential district. Voice vote. Motion passed unanimously.

Item D:

ABBREVIATED PRELIMINARY PLAT: SUBDIVISION CREATING 3 LOTS, TRACT D-24, BLUEBERRY SUBDIVISION-AL BIANCHI

The applicant, Al Bianchi, was not present.

motion

M/M Warner, 2nd by Hamilton to table the item until next meeting. Voice vote. Motion carried unanimously.

Item E:

PROPOSED NEIGHBORHOOD PARK, FIRST AVENUE-GAIL THOMAS

Gail Thomas proposed to put a park next to her house on First Avenue. The proposed park would be in an unused portion of City right-of-way.

motion

M/M Moody, 2nd by Warner to recommend dedication of the land for a park until such time that it is needed for a road. Voice vote. Motion carried unanimously.

motion

M/M by Hamilton, 2nd by Warner to adjourn the regular meeting of the Planning Commission at

10:10 p.m. Voice vote. Motion carried
unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994

John Guinn, Chairman

ATTEST:

Tom Bouillion, Planning Manager



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PLANNING COMMISSION MEETING MINUTES

June 23, 1994

CALL TO ORDER

Acting Chairman Warner called the rescheduled Planning Commission meeting of June 23, 1994 to order at 7:40 PM.

ROLL CALL

Present: Joan Hamilton, Louie Andrew
Tom Warner, Doug Moody,
Jake Metcalfe (late; 8:50 PM).

Absent: John Guinn, Mary Trailov

Also

Present: Tom Bouillion; Planning, Robin
Thompson; YKHC, Francisco Igil,
Walter Larsen, Josh Graham, Bill
Stokes, Al Bianchi, Gary Tolson,
Gary Vanasse, Glen Watson and other
members of the public.

APPROVAL/MINUTES

M/M by Moody, 2nd by Hamilton to approve the minutes of the May 12th regularly scheduled Commission meeting with two corrections. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA

M/M by Warner, 2nd by Hamilton to approve the agenda with the deletion of the Old Bus Barn from Item E of New Business. Voice vote. Motion carried unanimously.

COMMUNICATIONS

No communications were presented.

PLANNER'S REPORT

Mr. Bouillion referred the Commissioners to his report, which included grant monies that were received from the ACMP and negotiations with DNR for a seawall lease.

PEOPLE TO BE HEARD

Bill Stokes of DEC briefed the Commission on the removal from asphalt from the old airport site. He believed that the asphalt could be used by the City to pave the streets. He also stated that the City could easily obtain

a permit from DEC to dispose of junked cars around the City.

OLD BUSINESS

Item A:

**ABBREVIATED PRELIMINARY PLAT: SUBDIVISION
CREATING 3 LOTS, TRACT D-24, BLUEBERRY
SUBDIVISION-AL BIANCHI**

Al Bianchi stated that he would like to subdivide his tract of land into three lots of approximately 7,000 square feet. Warner stated that the abbreviated subdivision seemed to meet the minimum access and lot size requirements.

motion

M/M Moody, 2nd by Andrew to approve the abbreviated preliminary subdivision. Voice vote. Motion carried unanimously.

NEW BUSINESS

Item A:

**CONDITIONAL USE: INDUSTRIAL USE (WAREHOUSE)
IN A GENERAL USE DISTRICT, LOT 5A, TUNDRA
VIEW SUBDIVISION, 405 PTARMIGAN STREET-AVCP
HOUSING AUTHORITY**

Glenn Watson of AVCP stated that the proposed warehouse would be new construction and be used to hold building materials for AVCP Housing projects. Warner believed that the land was only to be used for low income housing. Moody believed that the warehouse would help to expand low income housing in the area.

motion

M/M Andrew, 2nd by Moody to approve the conditional use for a warehouse at the AVCP Housing complex. Voice vote. Motion carried unanimously.

Item B:

**VARIANCE: DISTANCE OF LESS THAN REQUIRED 20'
MINIMUM BETWEEN BUILDINGS AS PART OF A MAJOR
PLANNED DEVELOPMENT, LOTS 19, 21 AND 26-33,
BLOCK 1 OF MARTINA OSCAR SUBDIVISION, 814
PTARMIGAN STREET-ROBERT GRAHAM**

Josh Graham described his father's development and stated that the buildings would be fireproofed and brought up to Alaskan craftsmen standards. Bouillion expressed some concerns that it would be unsafe to allow fuel, water and sewer tanks to be built between structures. Moody reminded Mr. Graham that there was a need for 10% of the project area to be dedicated for

green space since the project is larger than 2 acres in area.

Gary Vanasse was concerned that the new development would look like Mr. Graham's Echo apartments on 5th Avenue.

motion

M/M Moody, 2nd Hamilton to deny the request variance for the 20' space requirement. Voice vote. Motion passed unanimously.

Item C:

VARIANCE: PLACEMENT OF TWO ASHA HOUSES TOGETHER ON A SINGLE LOT OF 7,000 SQUARE FEET, LOT 11A, BLOCK 5, USS 3230, 690 5TH AVENUE-FRANCISCO IGIL

Francisco Igil stated that his development would be a unit occupied by himself and one rental unit, with sufficient parking and access. Bouillion believed the development needed a variance because having two houses on one lot would normally require 9,000 square feet. Having them connected would leave even less space for parking. Gary Tolson, an adjacent neighbor, was concerned over access and was opposed to this development. Andrew was concerned about overcrowding on the lot. Moody was also concerned about overcrowding and said that allowing Tompkins' development was a mistake. Warner stated that allowing this development would just perpetuate the problem and the Commission should deny this and all similar developments in the future.

motion

M/M Moody, 2nd by Hamilton to deny the variance to allow two ASHA houses on a lot of 7,000 square feet. Voice vote. Motion passed unanimously.

Item D:

PRELIMINARY SUBDIVISION: 20 ACRES OF MARTHA LARSEN NATIVE ALLOTMENT, NORTH SIDE OF BIA ROAD-WALTER LARSEN

Walter Larsen described his proposed subdivision on the north side of the BIA Road of 37.7 acres. Since Jordan Suhr had not yet completed a preliminary plat, Warner suggested that Mr. Larsen return next month.

Item E:

RECOMMENDATION REGARDING LEASE DISPOSAL OF THE FOLLOWING CITY PROPERTIES: PATC BUILDING AND ONE PORTION OF THE DOCK

Hamilton abstained from voting on the PATC lease as she is an employee of YKHC. Warner was concerned that the utility cost to the City would eat into the monthly lease payment.

motion

M/M Metcalfe, 2nd Moody to recommend that the City Council accept the PATC lease with an inquiry into the utilities rate costs to the City. Voice vote. 4 yes, 1 abstaining (Hamilton).

Warner was concerned that the D & G Express Office space at the dock should be leased for fair market value.

motion

M/M Hamilton, 2nd Moody to recommend to the City Council that D & G Express be charged fair market value for property at the dock. Voice vote. Motion passed unanimously.

motion

M/M by Warner, 2nd by Hamilton to adjourn the regular meeting of the Planning Commission at 9:25 p.m. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994

John Guinn, Chairman

ATTEST:

Tom Bouillion, Planning Manager

PLANNING COMMISSION MEETING MINUTES

August 11, 1994

CALL TO ORDER Chairman Guinn called the meeting of August 11, 1994 to order at 7:40 PM.

ROLL CALL Present: John Guinn, Tom Warner, Joan Hamilton, Douglas Moody, Jake Metcalfe (late; 8:00 PM).

Absent: Louie Andrew, Mary Trailov

Also

Present: William Hunter; City Manager, David Post; Planning, Nancy Elliott, Debbie Elliott, Harry Faulkner Jr., Bill and Joy Anton, Walter Larsen, and Jim Kohl

APPROVAL/MINUTES M/M by Warner, 2nd by Moody to approve the minutes of the June 23rd rescheduled Planning Commission Meeting with no corrections. Voice vote. Motion carried unanimously.

APPROVAL/AGENDA M/M Warner, 2nd by Hamilton to approve the agenda with the addition of the ME schoolbuilding encroachment issue as item B of New Business. Voice vote. Motion carries unanimously.

COMMUNICATIONS The letter dated July 29, 1994 from Sally Elliott was noted but discussion delayed till the people to be heard section.

PLANNER'S REPORT Mr. Post stated that his activities during this first week in office consisted primarily of orienting himself to the office and familiarizing himself with the city municipal codes.

PEOPLE TO BE HEARD Mr. Post read the letter from Sally Elliott, who was not present. In the letter Sally Elliott stated her objections to Harry Faulkner purchasing the property for the purpose of expansion of his business Foundation Services due to the industrial nature of said business(dust, noise, fumes and heavy equipment traffic).

Debbie Elliott stated her family has lived in that particular section of town. Debbie pointed out that roughly half the lot is considered wetland and is a preservation

district and is thus zoned to be maintained as open space and that the exact boundary of the preservation district was to be decided by the land use manager. Debbie Elliott also stated that since the area was a wetland it required a Corps of Engineers permit for placement of fill. She also stated that Mr. Faulkner's business is an industrial use which she did not believe was an allowable use in the General Use District. She would like to have the zoning changed so that the whole lot is zoned a preservation district stating that a whole lot of ducks have been raised in that lake over the years.

Harry Faulkner stated that he was merely looking at the property as a possible purchase and the planning commission had no jurisdiction in this matter currently. He mentioned that he has spoken to the Corps of Engineers on the placement of fill in that area and that it is possible.

Commissioner Warner concurred with Mr. Faulkner in that the Planning Commission does not have authority to decide who may or may not buy property.

Nancy Elliott stated her main concern was for her children's safety which she felt would be endangered by the added heavy equipment running up and down Main Street adjacent to her house.

Mr. Post stated that the General Use zone does allow industrial uses as a conditional use but must be granted that permit by the Planning Commission.

Chairman Guinn stated the Planning Commission could not get involved at this time.

Bill and Joy Anton spoke of a dispute over the Eastern boundary of their property at 310 3rd Ave. with the adjacent property owners Bethel Community Services.

BCS had begun installation of a fence just on the Anton's side of the property line and had placed fill to a level of five feet all the way up to the property line and slightly past.

They also mentioned that there exists a drainage easement on BCS's adjacent property which they have filled in after a written request by Tom Bouillion of the Bethel Planning Department to leave the three foot easement. Consequently all the drainage on BCS's much larger lot is directed onto their property.

Jim Kohl stated that it was his understanding that there was no drainage easement on BCS's property rather that the easement ran perpendicular to their property line extending away from it. He added that the BCS property was 300 feet square and the adjacent properties were 140 feet deep with a 20 foot easement down the center of the block.

Chairman Guinn instructed Mr. Post to follow up on the drainage easement issue, but stated that the property line dispute is a civil issue and not something the Planning Commission can decide.

**OLD BUSINESS
ITEM A:**

**PRELIMINARY SUBDIVISION: 20 ACRES OF MARTHA
LARSEN NATIVE ALLOTMENT, NORTH SIDE OF BIA
ROAD-WALTER LARSEN**

Mr. Larsen showed the preliminary plat to the planning commission and asked for questions. Warner indicated on the map where he believed naturally occurring drainage was and stated that he felt like the drainage should be preserved.

Guinn indicated that since this was a native allotment that normally the planning Commission would not have jurisdiction but Mr. Larsen needs BIA approval to subdivide and the BIA decided that it would need Planning Commission approval.

Warner commented that he has noticed a pattern of small lot subdivisions and that he would be interested in seeing some development with larger lot size so that people who were interested in owning a lot with an acre or more had that option.

motion

M/M by Warner 2nd by Jake Metcalfe with stipulation that there be 10 open space requirement and proper drainage flow be

supplied.

NEW BUSINESS

ITEM A:

**PRESENTATION ON ECHO APARTMENTS COMPLEX, 510
5TH AVENUE-JOSH GRAHAM**

motion

Josh Graham was not present at the meeting. M/M Warner 2nd by Hamilton to table the presentation until the next meeting pending appearance by Josh Graham. Voice Vote motion passed unanimously.

ITEM B:

**LAND DISPOSAL: DISCUSSION OF ME SCHOOL
ENCROACHMENT ON CITY PROPERTY-JIM KOHL**

Chairman Guinn stated that they could not take action on the situation because it had not been advertised thirty days prior.

Jim Kohl stated that the original legal description of the property indicates that the tract was intended to include all the land extending north and east towards the section line. However an as-built survey done in 1989 revealed that the tract did not extend that far but fell approximately 200 feet short, and that the ME Schoolbuilding extended 200 feet into what then would be the city's property. The district is now interested in placing the new middle school within this section of land. Mr. Kohl stated that the reason he is looking at that section of land because the most of the remaining unbuilt school tract is low-lying woodland.

Mr. Warner inquired as to whether the district might be willing to swap for some of the land adjacent to the pumphouse so that the City would have room for possible expansion. Mr. Kohl stated that the school would not build south of the utility corridor as long as he is there. Jim Kohl said that the school board would likely be amenable to some sort of land swap.

motion

M/M Metcalfe 2nd by Warner to adjourn the regular meeting of the Planning Commission at 8:45 PM. Voice vote. Motion Carried unanimously.



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PLANNING COMMISSION MEETING MINUTES

September 8, 1994

CALL TO ORDER

Chairman Guinn called the meeting of September 8, 1994 to order at 7:40 PM.

ROLL CALL

Present: John Guinn, Tom Warner, Joan Hamilton, Mary Trailov

Absent: Louie Andrew, Douglas Moody

Also

Present: Scott and Mollie Bailie, Bob Graham, Larry Lewis, Imogene Samuelson.

APPROVAL/MINUTES

M/M by Warner 2nd by Hamilton to approve the minutes of the August 11 regularly scheduled Planning Commission Meeting Minutes with the following correction:

The motion filed regarding the subdivision of Martha Larsen native allotment should read: "M\M by Warner 2nd by Metcalfe for approval of preliminary subdivision with stipulation that there be 10% open space maintained and proper drainage flow be supplied."

Voice vote. Motion to approve minutes as corrected carries unanimously.

APPROVAL/AGENDA

M/M by Hamilton, 2nd by Trailov to approve the agenda as presented. Voice vote. Motion carries unanimously.

COMMUNICATIONS

Mr. Post referred to the letter from Michael Charney about the low lamp posts outside the new library and stated that the contractor intended to remedy the problem.

PLANNER'S REPORT

The Fire Chief, George Young has compiled a list of possible zoning/site plan violations which the Planning Department has been looking into.

Mr. Post stated that the City was reviewing the reclaimed tidelands lease and felt there were inconsistencies with former agreements. Furthermore, after comparison with other local municipalities' agreements it appeared that the City was not getting as good a deal.

Mr. Post gave a brief follow up on the issues and allegations addressed at the August meeting:

Jerry Haines of BCS removed some of the sand fill from the lot line/drainage area to provide adequate drainage between the lots.

The DEC stated as far as they knew Harry Faulkner did not have a permit for steam cleaning and that there were numerous violations at that level and that it would require some letter writing from concerned citizens for their agency to get on that problem.

PEOPLE TO BE HEARD There were no people to be heard.

**OLD BUSINESS
ITEM A:**

BUILDING CODES

Mr. Post referred to a letter from Mr. Chandler regarding the City's liability in regards to building codes. This letter states that the City has a high degree of flexibility without taking on much liability. Mr. Chandler does mention that the one thing the City should do is to make certain all the inspectors are insured.

Mr. Warner suggested that the Commission should schedule a work session on building codes. A discussion of conflicting schedules indicated that the session will be sometime towards the end of October.

**NEW BUSINESS
ITEM A:**

**CONDITIONAL USE PERMIT: REQUEST TO PLACE
THREE HOUSES ON A LOT AS A MINOR PLANNED
DEVELOPMENT—SCOTT BAILIE**

Mr. Post explained that he mistakenly approved a site plan allowing two homes on Mr. Bailie's lot 15A Tundra Ridge. Mr. Post went on to say the site plan should not have been approved without first obtaining a conditional use permit for a planned development and a variance from the lot size requirement of a minimum of 9,000 sq. ft. for

a planned development with two houses. Post went on to explain that Mr Bailie is currently proposing to dissolve the lot line between lot 15A and 15B (which he also owns and has his current residence on). This would create a single lot of roughly 12,000 sq. ft. which is the minimum required for a planned development of three houses on one lot. By so replatting his lot he would not need or request a variance. Mr. Post stated that since Mr. Bailie had asked if he could propose alternate plans he also had filed a site plan for constructing a duplex out of the two ASHA homes he acquired subsequent to the mistakenly approved site plan.

Mr. Bailie stated that he was looking for a resolution to this problem and did not want to have to lose the money he has thus far invested in the project subsequent to approval of his site plan. Mr. Bailie stated that he wanted to do whatever is right, legal and ethical and that he did not have a preference between the two alternatives. Furthermore Mr. Bailie stated that he has spent a significant sum of money subsequent to the approval of site plan Mr. Post originally approved and he stated that he did not intend to build a tenement. He further stated that the houses are built adjacent to his current residence and he has no intention of building a low budget project. Mr. Bailie said that he is aware of precedent in Tundra Ridge for placing two houses on one lot. Mr. Bailie said that he would be willing to modify the project in order to keep his project going and was looking to the Planning Commission for assistance.

Mr. Post stated that he wished Mr. Bailie would have attempted to negotiate to back out of the ASHA house purchase with Mr. Faulkner. Mr. Bailie responded that the cash had changed hands and that it was irrevocable at that point.

Mr. Post stated that because of the process he has followed subsequent to being informed of his mistake he felt the Planning Commission could decide either way without threat of liability.

Lisa Webb stated that she was annoyed that there was no public notice prior to the

decision of the Planning Department to allow two homes on one lot.

Mr. Bailie stated that he wished he could have met Mrs. Webb under better circumstances but he stated that the duplex that Mrs. Webb lives next to is the precedent he was referring to and the crux of his argument.

Mr. Post stated that probably the best way to address this is to imagine what the effect on the community would be if everyone were allowed to follow some definition of a duplex and then define accordingly.

Mr. Warner stated that we were in ITEM A on the agenda which is a conditional use permit to allow three houses on a lot and we should contain ourselves to discussion of that.

David Williams stated that what bothered him about both the Gail Powers duplex and this one is the trend of people going out and sinking money into a project and then requesting from the Planning Commission the necessary variance or permit after the fact.

Mr. Post recommended that the Planning Commission deny the conditional use permit and then work at defining a duplex.

Mr. Bailie stated that he felt the ordinances covered the situation and that he felt he qualified for the conditional use permit.

Mr. Guinn explained that the public hearing and conditional use permit process was part of the system of checks and balances in a relatively lenient planning process and one of the few opportunities for citizens to comment on the process and the Planning Commission must take into consideration the concerns of the neighbors.

Chairman Guinn asked for any other comments from the public and receiving none, closed the public hearing.

MOTION

M/M by Warner 2nd by Trailov to grant the conditional use permit to allow three houses on a single lot 9454 Ayaginar.

Warner inquired as to whether each lot was actually 6,000 sq. ft. and not 5,800 sq. ft.

which would then still require the size variance.

Mr. Post replied that he thought it was 6,000 sq. ft. but was unsure.

Mr. Warner stated that both such requests within the last six months for conditional use permits for minor planned developments in a residential zone have been denied and Mr. Warner does not feel the Planning Commission should make an exception.

Mr. Warner said that the Planning Commission decided that only if Mr. Powers built a structure with a uniform roofline, uniform wall and a firewall between the buildings then the structure would be considered a duplex.

Mr. Warner further stated that he felt it was unfortunate that Mr. Post approved the site plan without fully understanding title 18. Mr. Warner stated that based on the input he has received from surrounding property owners he would have to vote no against his own motion.

Voice vote. Motion fails unanimously.

ITEM B:

REVIEW OF SITE PLAN, DISCUSSION OF DEFINITION OF A DUPLEX OR TRIPLEX—SCOTT BAILIE

Chairman Guinn instructed Mr. Post to try to devise some form of definition of a duplex that could be applicable.

Mr. Post said that characteristics he thought could be used to define a duplex should include a structurally integral foundation and floor supports so that when settling of the pad occurred the building would not break apart and a continuous roofline and wall.

Mr. Warner stated that he felt the Planning Commission needed to take a stand and say definitively that putting two ASHA houses together either is or is not a duplex.

Mr. Warner continued to say that he felt that allowing two ASHA homes to be put together as they had allowed in Gale Power's case was a mistake and that the Planning Commission should not perpetuate the mistake by allowing

this one (Mr. Bailie's project).

Chairman Guinn stated that he felt that was not necessarily so. If Mr. Powers had complied with what he said he would do the structure would have been likely to meet some of the codes.

Ms. Hamilton stated that she thought the fact that Mr. Powers had not complied with what he said he would do was the reason the Planning Commission has decided not to allow ASHA "duplexes" since then.

Mr. Bailie stated that he is not Gale Powers and that he is willing to sign the budgets they have provided as a personal guarantee that they intend to continue on with the project. Furthermore Mr. Bailie said that he has to the best of his ability tried to follow the appropriate process for obtaining the proper permits. Also Mr. Bailie stated that he would be able to comply with all the aforementioned stipulations although the continuous roofline would be very costly.

Bob Graham stated that often it is difficult to tell what the final building will look and function like from the plans up until the time of completion.

Ms. Hamilton said that she felt the decision needed to be supported with information on how other municipalities have dealt with this issue and she did not want to decide on the issue tonight.

Mr. Warner referred to the definition of a two family dwelling and Mr. Bailie stated he could comply with that definition as written. However, Mr. Bailie stated that as per the other stipulations it would be difficult for him to comply with the continuous roofline.

In order for Mr. Bailie to more easily comply with the continuous roofline requirement he would need a 2 ft. variance from the 10 ft. setback requirements since he would be placing his building sideways on the lot.

Mr. Warner stated that there had not been any public notice for the variance request and hence it could not be heard tonight.

Mr. Bailie requested clarification of the continuous roofline requirement and Mr. Warner read the definition of a two family dwelling unit.

Mr. Bailie said that he could comply with the ordinance as written.

Mr. Warner stated that if Mr. Bailie could comply with the ordinance then the Planning Commission cannot prohibit it.

LOSS OF QUORUM

Ms. Hamilton left the meeting and at that time the meeting was officially over although informal discussion of some of the agenda items continued amongst the remaining Commissioners.

City of Bethel
Planning Commission

Regular Meeting of

I. CALL TO ORDER

The meeting was convened at 7:30 PM, at the City Conference Room, Bethel, Alaska, by Chairman Guinn.

II. ROLL CALL

Present: Guinn, Hamilton, Trailov, Warner

Absent: Andrew, Metcalfe, Moody

III. APPROVAL OF MINUTES

motion M/M by Warner, 2nd by Hamilton, to approve the minutes of the September 8, 1994, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

The Planning Manager asked if the Commission could add the YKHC land disposal for an access easement (driveway) to the agenda.

motion M/M by Hamilton, 2nd by Trailov to approve the agenda as amended. Voice vote. Motion carried unanimously.

V. COMMUNICATIONS

Mr. Post reported that all communications received pertained to the first item under new business on the agenda

VI. PLANNER'S REPORT

Mr. Post said that a considerable portion of his time has consisted of acting upon site plan permit applications since there have been quite a few people trying to finish projects prior to freeze up.

Negotiations with DNR over the seawall lease are ongoing. The land acquisition services provided by Land Field

Services have been progressing at a reasonable pace and now we are waiting for the Corps of Engineers approval of the appraisals prior to negotiating with the landowners.

Mr. Post stated that work has restarted on the Community Development Sanitation Block Grant and hopes to be able to resubmit the grant soon.

VII. PEOPLE TO BE HEARD

There were no people to be heard on items not on the agenda.

VIII. OLD BUSINESS

ITEM A: LAND DISPOSAL: PROPOSED LAND SWAP FOR BETHEL MIDDLE SCHOOL-LOWER KUSKOKWIM SCHOOL DISTRICT

Mr. Post mentioned that he had been unable to coordinate with LKSD officials and hence requested that this item be tabled until the next meeting.

IX. NEW BUSINESS

ITEM A: APPEAL OF THE DECISION OF THE PLANNING DEPARTMENT: ALLEGED COMMERCIAL USE (BOARDING HOUSE) ALLOWED IN A RESIDENTIAL ZONE, 312 PTARMIGAN STREET-PTARMIGAN/TUNDRA NORTH HOMEOWNERS

Heidi Simmons questioned the City Planners advertisement of the proposed site plan as a single family unit instead of a duplex. She stated that the proposal had been improperly placed and that the public had been misinformed. A copy of the advertisement was shown for public record.

Mr. Post apologized for the inaccuracy and said that he had not been aware of the mistake at the time it was posted. He allowed that although there was an error, the majority of the individuals concerned with this matter were aware of the structures design and intended use.

Tiny Shaw, a representative of Gaston and Associates (G&A), asked the board when the zoning regulations that pertained to this site plan became effective.

The board was unsure of the actual date the zoning laws

came into being but gave a concensus of 1988 or 1989.

Mr. Shaw and Ms. Simmons became involved in a discussion of G&A's intended use of the structure. During the debate, Mr. Shaw stated that the construction would blend in the subdivision along with other structures in the neighborhood. The trailers were all new and built to Alaska standards. At the end of their disputation Mr. Shaw asked Ms. Simmons if she resided near the proposed site and for her address.

Ms. Hamilton objected to the tone of Mr. Shaw's question to Ms. Simmons. She believed his question to be a threat and endangering. Mr. Shaw countered that this was not his intent. He simply wished to know if she lived in the affected area.

Kathy Gross, a resident of the subdivision, was opposed to the site approval. She stated that because the plan was proposed by a company with a commercial name the structure in question should be regarded as commercial and would therefore not comply with residential zoning ordinances.

A question was raised by an individual about rental trailers being used for commercial purposes in the same subdivision. It was noted that this housing unit had been originally constructed and approved as a single family unit and was therefore not to be considered in the same nature as a new site proposal.

Mr. Shaw requested for the record that G&A had proceeded with the development of the duplex per the approval of the Planning Department according to city regulations and with the State Fire Marshall approval. He noted that at this point the cost to move would be prohibitive and that if G&A were required to do so, a legal battle would be inevitable with the company asking for monetary reimbursement.

Mr. Post made a rebuttal to the statement of costs stating that construction and site plan application had not been dealt with in a timely manner.

Richard Olsen cited his opposition to the proposed site plan and stated that a letter of opposition had been faxed to the G&A offices on September 27, 1994.

Mr. Warner questioned the site plan approval and appeal

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dates.

The issue of G&A's equipment being left on private property was brought up. A company representative assured the questioner that the problem would be taken care of within the next few days.

Mr. Post said that the problem of the appeal centers around three arguments. First, is this structure a duplex. Second is the issue of city ordinances and finally the last objection is the violation of covenants.

Mr. Shaw asked when there will be an answer to the appeal. He is told that it will be voted on this evening and the decision given.

George Young, the City Fire Chief, said that the approval by the State Fire Marshall is approximately 3/4 done. The structure in question is considered by the State under Title 18 to be an apartment which is zoned R-1.

Mr. Post asked what is the definition of a boarding house.

Ms. Simmons cited Bethel Municipal Codes 18.16.100 and 18.04.060.

Chairman Guinn closed the public hearing is closed at 8:25.

8:30 Planning Commission begins discussion.

Mr. Warner states the case of the State Fire Marshall acceptance of the structure as an apartment building and under Ordinance 18 it is considered commercial property. Gaston's intent of the facility as a construction camp should also be considered commercial.

Mr. Post said the Planning Departments decision was based on the floor plan of the building which best fits the category of a duplex.

Mr. Warner acknowledges that the courts conflict over what constitutes a family. He also states that the definition of a boarding house is vague but he contends that this construction still falls under commercial use.

Mr. Guinn asks for any questions. There are none.

motion M/M by Warner 2nd by Hamilton that the committee focus the discussion on the appeal and the appeal be upheld.

Ms. Hamilton asks for a clarification of the appeal for public hearing validation.

Mr. Post states that the appeal is based on the classification of the structure as a commercial use, a boarding house, which would then require a conditional use permit which the development did not have.

Mr. Post cautions about the balance of rights, grey areas in the codes and the cites liability.

No further discussion.

A poled vote was taken with a yes vote signifying the proposed site plan be defined as commercial use and therefore denying the proposed site plan. Warner-yes, Hamilton-yes, Trailov-yes, Guinn-yes.

ITEM B: VARIANCE REQUEST: LESS THAN 20 FEET SEPARATION BETWEEN BUILDINGS 1220 STATE HIGHWAY - DIANE CARPENTER

Mr. Post asked that this item not be discussed until Ms. Carpenter was present. Proposal was found acceptable and item was re-scheduled to be the last item reviewed.

ITEM C: PRELIMINARY PLAT APPROVAL: IMOGENE SAMUELSON

Mr. Post told the commission that this is simply a replat of a previously approved and recorded plat with the exception of a signature. He showed the commission the replatted plat with the new signature.

Mr. Guinn asked for any questions objections.

motion M/M by Warner, 2nd by Trailov to approve the plat approval as presented. Voice vote. Motion carries unanimously.

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ITEM D: RECOMMENDATION TO CITY COUNCIL TO EVICT LARRY LEWIS FROM CITY PROPERTY

Mr. Post stated that Mr. Lewis currently resides south of 385 First Avenue on an unsurveyed portion of U.S. Survey 870 owned by the City. He has no legal title to the land. This property is part of the Land Acquisition Requirements for the Bethel Bank Stabilization Project. If the trailer is not moved before next springs construction start the City will have to pay for the relocation. The City will not be eligible for credit from the Corps.

A plat was shown giving the position of Mr. Lewis' trailer and the surrounding lots. Ms. Hamilton asked if Mr. Lewis thought he was on Anna Thompson's property. Mr. Lewis responded that he had been given permission to place his trailer on ground owned by Anna Thompson and he was under the impression that he was on her lot.

Mr. Warner asked if the trailer were on Anna Thompson's lot would the City be liable for the cost of the move. Mr. Post replied that he was thought that the City would be responsible but he was unsure of what the Corps of Engineers reaction would be.

Mr. Warner suggested that the City evict Mr. Lewis but that the City give whatever help it could with the move. When asked if he was implying monetary help he replied that this his intent was help in finding another site for Mr. Lewis' trailer.

motion M/M by Warner, 2nd by Trailov that the City Council request Mr. Lewis to remove his trailer from City property. Voice vote. motion carries unanimously.

ITEM E: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT AN ORDINANCE REQUIRING DISPLAY OF APPROVED SITE PLAN

Mr. Post stated that the approval of this ordinance would alleviate several problems that are plaguing the Planning Department. At present, a considerable amount of development is going on in the City without any permits. An ordinance requiring that a site plan be displayed would ensure the compliance with the codes, save time, and give prior knowledge to surrounding homeowners.

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motion M/M by Warner, 2nd by Hamilton, that the motion be approved as presented. Voice vote. Motion carries unanimously.

ITEM B: VARIANCE REQUEST: LESS THAN 20 FEET SEPARATION BETWEEN BUILDINGS 1220 STATE HIGHWAY - DIANE CARPENTER

Mr. Post referred to a site plan submitted September 14 which showed a new structure be placed within 6 feet of a former building referred to as the Pacifica House. He cited Bethel Municipal Code 18.52.050 which states that at least 20 ft must be maintained between principal structures within a planned development. He brought up the question of the definition of a planned development and whether or not this applied to this plan. He noted that the State Fire Marshall is requiring her to move her building to obtain at least a 10 foot separation.

Mr. Warner asked the City Fire Chief for his opinion. The Fire Chief replied that he would like as much room between buildings as possible but that the requirement by the State Fire Marshall was adequate for safety and provided the needed access. Mr. Warner then asked what conditions must be met if the buildings were not moved. The City Fire Chief said that fire protection partitions would have to be installed along with a sprinkler system.

Ms. Carpenter stated that the cost to keep the buildings in their present positions would be prohibitive and that there was insufficient room to move them more than the State required 10 feet.

Mr. Post said that there was a need for coordinating the City codes with the Fire marshall codes to prevent similar problems for the Planning Department and the developers. He requested that the committee work towards passing an ordinance requiring at least 10 feet between commercial structures which is necessary to obtain State Fire Marshall Approval.

motion M/M by Warner, 2nd by Trailov, to approve the variance request. Voice vote. Motion carries unanimously.

ITEM F: REQUEST FOR DISPOSAL OF CITY LAND-YKHC

Greg McIntyre of YKHC was present to request that YKHC be allowed to purchase a portion of City property on Tract

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A Ptarmign Subdivision for the purpose of establishing an access easement. He stated that the portion of City property they wished to purchase an easement on consists of an 10 by 20 foot section. Mr. McIntyre stated that the current access to YKHC's adjacent lot had an unsafe driveway access because of the extreme slope of the driveway. He stated that emergency and service vehicles could not adequately access the lot for this reason. Also since there is a duplex on the lot it is difficult for more than one vehicle to use the lot.

Mr. Post stated that he felt the reason for the easement was less for safety and more because it was a matter of convenience for the residents. Mr. Post asked the opinion of the Fire Chief, George Young who responded that he always felt better access was important.

motion M/M by Warner, 2nd by Trailov to recommend that the City consider the sale of an easement on Tract A Ptarmign Subdivision to YKHC for not less than current appraised value.

Voice vote. Motion carries unanimously.

X. ADJOURNMENT

motion M/M by Guinn, 2nd by Hamilton to adjourn the meeting at 9:45. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994.

John Guinn, Chairman

ATTEST:

David Post, Planning Manager

City of Bethel
Planning Commission

Regular Meeting of

I. CALL TO ORDER

The meeting was convened at 7:30 PM, at the City Conference Room, Bethel, Alaska, by Acting Chairman Andrews. Mr. Andrews was selected to chair in the absence of Chairman Guinn.

II. ROLL CALL

Present: Andrews, McComas, Metcalfe, Trailov

Absent: Guinn, Hamilton, Warner

III. APPROVAL OF MINUTES

motion M/M by Metcalfe, 2nd by Trailov, to approve the minutes of the October 13, 1994, regular Commission meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF AGENDA

motion M/M by Metcalfe, 2nd by Trailov to approve the agenda as shown. Voice vote. Motion carried unanimously.

V. COMMUNICATIONS

Mr. Post reported that he had received a letter from the Bethel Utilities Corporation requesting that the Planning Department look into a city wide blanket easement for BUC power poles. This issue has been looked into by the city previously without being resolved.

Mr. Metcalfe suggested that it was the responsibility of BUC to submit a plan for consideration. Mr. Andrews indicated that research was needed to see if there might be something already drafted up. Mr. Post agreed but stated that all indications show that this might have taken place in the early 1970's and the lack of good record keeping is going to make this difficult.

The committee indicated the need for more information and asked that it be studied before the next meeting.

VI. PLANNER'S REPORT

Mr. Post thanked the Planning Commission for their support of adopting Ordinance 94.22 which requires a display of a Site Plan Permit. He said that he believed that this ordinance would greatly enhance the Planning Department efficiency.

Mr. Post reported that a lot of time was being spent on the case of Mary Tomaganuk. Currently the city has legal possession of her home and she is now pursuing different avenues to try and find a place to move her home to.

Some of the other issues that the Planning Department has been dealing with are the Alaska Coastal Management Plan Quarterly Report, which was due October 31st and which is almost complete, and the Sanitation Grants.

VII. PEOPLE TO BE HEARD

There were no people to be heard on items not on the agenda.

DATE: November 10, 1994

ITEM A: LAND DISPOSAL: PROPOSED LAND SWAP FOR BETHEL MIDDLE SCHOOL - LOWER KUSKOKWIM SCHOOL DISTRICT

This was introduced in the August Commission meeting and currently the school is planning to locate their new middle-school in the upper Northeast corner of their lot. There is an encroachment problem with the middle-school which extends 112 feet into city property. For their new school construction the School District is interested in acquiring land North and East of the section lines in the northeast corner.

Calvin Mundt spoke for the Lower Kuskokwim School District to answer the Commissions questions and provide them with information concerning the project.

The City is interested in a land swap for land in the Southwest corner near the City Shops, the slough and the Laundromat. The City's interest in the shop and laundromat areas is for future development or expansion and the slough area to prevent development in the low lying areas which could propose a problem.

The proposal which has been drawn up indicates a square foot for square foot land swap. A motion is not needed at this time but before the School District spends a considerable amount of money in surveying costs they would like to have comments from the Planning Commission on the proposal. The Public Works director has found this to be an amenable proposal.

Consensus of the Planning Commission was that the proposal was in accord with what was discussed as an acceptable proposal at the August meeting. They request that when the School District has more information they present it to the Commission. Mr. Post indicated that there would be at least two more meetings with the Planning Commission before the process would be complete.

There was some discussion over the title to the land and the deeding. Ms. Trailov brought up the issue of a Corrective Deed. Mr. Post indicated that although this would have been the fastest and least expensive way to solve the issue it wouldn't provide for all lands in the land swap.

ITEM B: SUBDIVISION OPEN SPACE REQUIREMENTS - WALTER LARSON

Walter Larson is proposing a 78 lot subdivision which will require open space for recreational purposes. This subdivision was first proposed at the August meeting of the Planning Commission. Mr. Larson asked if the Commission had decided what the open space requirements are.

Mr. Post said that there was not a lot of recent historical perspective on this issue because there have no large subdivisions have occurred in the last few years. A 10 percent open space requirement refers to subdivisions of 2 acres and 6 lots or more. Because the wording of the ordinance was somewhat vague research was initiated to find a suitable answer.

A section of the minutes from a Planning Commission meeting in 1982 referred to this ordinance as: "The amount of land to be dedicated for recreation will be based on a square foot ratio of one square foot of recreation land for every 10 square feet available for residential." This makes it clear as to what the requirements are designed to be. From looking at older plats compared to Planning Commission minutes it was found that typically it has been applied as: "10 percent of the gross area that is subdivided." That would have been the case for Nunvak Estates, Ptarmigan Subdivision, Uivik Subdivision and others.

Mr. Larson indicated that he did indeed want to provide a decent recreation area and showed the Commission a proposed recreation site. Mr. Post said that the original intention of the open space requirements was to provide numerous small areas within the subdivisions instead of one large site. A single site along the perimeter would defeat this purpose.

Mr. Larson cited the need for Commission approval to continue with his project and asked for comments on his proposal. Chairman Andrews indicated that there was indeed support for Mr. Larson's subdivision but that he should continue to work with Mr. Post and return with a final proposal.

Mr. Post stated that the current codes dealing with the Open Space requirements were vague because of the different wording and that he would probably be presenting an ordinance revision next meeting.

X. NEW BUSINESS

ITEM A: VARIANCE REQUEST: LESS THAN 10 FOOT SETBACK FROM INTERIOR LOT LINE - STEVE HOFFMAN

Mr. Post presented the situation involving Mr. Hoffmans Site Plan and his requested variance. Mr. Post cited that the staff evaluation was done strictly by the codes and for this reason the Planning Department could not recommend approval of the permit.

The Commission agreed that the area in which the building was to be built was densely populated and posed problems for building additions. All agreed that similar variances had been approved in the past.

motion M/M by Metcalfe 2nd by Trailov to approve the variance. Voice vote. Motion passed unanimously.

Mr. Post wish to comment on the issuance of variances. He indicated the need for establishing a standard for granting variances. Mr. Metcalfe agreed that the Commission has a history of granting these variance types and thought a change was called for. Mr. Post cited the need for protection in court cases when a variance is disapproved and the way the courts would look on the present system of issuance.

After a discussion period the decision was made to have Mr. Post draft an Ordinance for the Commission to preview. Some areas that would be affected by this new Ordinance would be those around Mission Lake, Turnkey III, and some East of the slough.

**ITEM B: CONDITIONAL USE PERMIT: A PLANNED DEVELOPMENT PLACING
 TWO HOUSES ON THE SAME LOT - JIM MATHER**

Buck Bukowski represented Mr. Mather. Mr. Bukowski indicated that Mr. Mather was selling him the property. Buck gave an explanation of what he planned to do with the property and showed the Commission his design.

Mr Metcalfe questioned the validity of the Site Plan Permit and the absence of Mr. mather. He felt the property did not show a clear copy of ownership or title.

Mr. Post read a statement from the City's Attorney which indicated that two separate dwellings attached by an unpierced wall constitute a duplex. It went on to request that, because of the lack of uniformity in applying the code, the Planning Commission adopt a standard. Mr. Post then said that this application does not require a conditional use permit and, in light of the City Attorney's opinion, should never have come before the board.

Mr. Metcalfe again questioned the property ownership. He said that a statement was needed showing Buck as the agent of the owner.

Mr. Metcalfe was opposed to the building because of the way ASHA homes were viewed by neighboring homeowners. Ms. Trailov said that without an ordinance personal opinions was not justification for denying a permit. Mr Post agreed and said that the way the ordinance is written the permit should have been issued.

The consensus of the board was that Mr. Bukowski should reapply for a Site Plan Permit showing proof of ownership or with a statement signed by the owner.

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ITEM C: PRESENTATION ON ECHO APARTMENT COMPLEX, 510 6TH AVENUE - BOB GRAHAM

Mr. Graham came before the board to show cause for reasonable low cost housing. He contended that to keep housing available for low income individuals the costs had to remain low for the owner. Requirements for expensive upgrades would make rental property unavailable to lower income renters.

It was the feeling of the board that it has a duty to make sure that places which are put out for rent need to be inhabitable and not present a danger to the community for health and public safety reasons. There is a problem with affordable housing in the area but a basic standard of living needs to be adopted.

ITEM D: CONSIDERATION OF ROADWAY ACCEPTANCE: NORTH EXTENSION OF ALEX HATELY STREET, BLUEBERRY SUBDIVISION - JANET KAISER

The Planning Department received a letter from Janet Kaiser, which was reviewed by Mr. Parsi the public Works director, indicating she would like to convey the roadway to the City. The work has been evaluated by Mr. Parsi and found to be acceptable.

motion M/M Melcalfe 2nd by trailov to accept the roadway. Voice vote. Motion carries unanimously.

ITEM E: CONSIDERATION OF CITY LAND DISPOSAL: LEASE OF THE LAUNDROMAT LOCATED AT 834 RIDGECREST DRIVE

Mr. Post said that under Title 4 of the codes the board is required to recommend disposal of City property. The recommendation will then go before the City Council.

Mr. Metcalfe thought that this proposal had come before the Commission in the August meeting and that there had been agreement to recommend a lease at that time.

motion M/M Metcalfe 2nd by McComas to recommend the lease agreement. Voice vote. Motion carries unanimously.

ITEM F: DISCUSSION OF CODE REVISIONS TO TITLE 18 ZONING

Mr. Post told the Commission that there were some changes in the Codes that he would like to pursue. He said that the duplex/triplex issue needed to be addressed. He felt that it was a building code problem dealing with the safety issue but a planning problem with regards to density.

Mr. Post also proposed the issuance of a temporary use permit in lieu of a conditional use permit to deal with temporary structures.

The board members recognized that building codes needed to be looked into. Mr. Post explained that a building inspector would have to be put on staff to enforce or regulate these codes.

The commission agreed that a building codes work session was necessary. A work session was tentatively scheduled for Monday the 21st of November.

X. ADJOURNMENT

motion M/M by Metcalfe 2nd by Trailov to adjourn the meeting at 9:55. Voice vote. Motion carried unanimously.

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PASSED AND APPROVED THIS _____ DAY OF _____, 1994.

Louie Andrews, Acting Chairman

ATTEST:

David Post, Planning Manager