

City of Bethel
Planning Commission

Regular Meeting of

I. CALL TO ORDER

The meeting was convened at 7:35 PM, at the City Conference Room, Bethel, Alaska, by Chairman Guinn.

II. ROLL CALL

Present: Andrew, Guinn, McComas, Warner

Absent: Hamilton, Metcalfe, Trailov

III. APPROVAL OF MINUTES

motion M/M by McComas, 2nd by Warner, to approve the minutes of the November 10, 1994, regular Commission meeting as presented. Voice vote. Motion carried unanimously.

IV. APPROVAL OF AGENDA

The Chair asked if the Commission could add Walter Larson under Old Business and delete Item E: Recommendation to City Council to adopt revision codes regarding the ten percent recreational dedication - BMC 17.24.210.

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

V. COMMUNICATIONS

There were no new communications for this meeting.

VI. PLANNER'S REPORT

There was no report given.

VII. PEOPLE TO BE HEARD

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

VIII. OLD BUSINESS

ITEM A: SUBDIVISION OPEN SPACE REQUIREMENTS - WALTER LARSON

Mr. Larson came before the board to ask if any progress had been made in defining the ten percent rule as it applies to subdivisions. Mr. Larson wished to know and have in writing the recreation development plan, how and when it would take place, and warned the Planning Commission about the cost of maintenance upkeep of recreation open space lands. Mr. Larson also cited the liability of accidents on City land.

Mr. Warner indicated that there appeared to be a misunderstanding. The City would not be taking possession of the open space. The intent is to try and maintain open space. Subdividers still own open space.

Mr. Warner asked Mr. Guinn, since Guinn was on the commission at the time the ordinance was adopted, if when they originally worded the ordinance if they intended to set aside 10% of gross area. Mr. Guinn said 10% of total gross area. Warner asked Guinn if at any time had the Planning Commission specified where the 10% was to be. Guinn said they had not specified.

Mr. Warner said he felt the plat met the letter and intent of the law if Mr. Larson set aside 3.7 acres on the South side of the BIA Road, near what Walter was describing as a small lake.

Mr. McComas questioned the placement of the utility easements saying he felt a better placement was in the front where there is street access. Mr. Larson said that the utility companies had looked at the plans and approved of the easements as drawn.

Mr. Post stated that before anything could be done the Planning Department needed a copy of the final plat and that public notice had to be given. There is a process that needs to be followed for approval.

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Mr. Warner agreed with Mr. Post but felt that the Commission could probably reassure the Larsons that there didn't appear to be a problem at this time. Mr. Andrew agreed that it could be approved in context. It was asked that this issue be put on the agenda for the next meeting.

As a side issue Mr. Larson brought to the Commissions attention the need for work at the cemetery.

motion

M/M by Warner 2nd by Andrew to recommend to the City Council that Public Works give an estimate, when possible, of the amount of fill necessary on the south side of the cemetery to make it usable for burial. Voice vote. Motion carries unanimously.

IX. NEW BUSINESS

ITEM A: RULES OF PROCEDURE: CONNIE TUCKER, CITY CLERK

Ms. Tucker came before the Board to hear recommendations for additions or deletions to a standardized form of Rules of Procedure which is to be used in all Committee or Council meetings.

The first section in question dealt with special meetings. The Board agreed that it was a gray area but the decision was made to leave this section as written.

Mr. Warner stated that Part D under Committees/Commissions was unclear and should read "...a majority of the number of members...".

The board was in agreement that Part C under Committee/Commission Voting should be deleted. It was also noted that Part E should read "...a majority of the number of members...".

There was discussion on the section titled Attendance with a general agreement that absences should be excused at the discretion of the Chair. The main idea was that adequate prior notification should be given.

Ms. Tucker asked the board for their opinions concerning term limitations and residency requirements. The Board agreed that they should adopt the same requirements as those required by the City Council for residency but, because the Board is made up of volunteers, term limits are not needed.

The Board felt that sections J and K concerning reconsideration votes under Conduct of Debate and Discussion should be deleted. Approved actions should not be reversed.

ITEM B: POLICY DISCUSSION CONCERNING UNENFORCED FLOOD REGULATION REQUIREMENTS

Bethel Municipal Codes require individuals to obtain an elevation certificate and conform to certain flood-safety design principals. Mr. Post stated that these requirements are currently not being enforced and have not been for the past couple of years. He indicated that he felt it was beneficial for the City to participate in the National Flood Insurance Program which would require enforcement.

It was noted by Mr. Warner that the City is currently a participant and therefore should be complying with the requirements. If there was a bad flood and the City was declared a disaster area and it became known that we were not complying then we might be jeopardizing any disaster aid.

It was the consensus of the Board that the regulations should be complied with but that this could pose an undo hardship on individual builders.

The Board agreed to discuss the item next meeting to allow for further thought on the problem. Mr. Post said that he would try and provide some cost estimates for construction.

ITEM C: REVIEW OF NEW SITE PLAN PERMIT

The Board was shown a revised Site Plan Application which would provide the Planning Department with much needed information and at the same time be more "user friendly". The revision is necessary due to the numerous ordinance changes that have occurred since the introduction of the old form.

Mr. Guinn stated that Mr. Post should be commended for his work and felt that this new form would solve a lot of the problems that were coming before the Board.

motion M/M by Warner 2nd by Andrew to approve the use of the new Site Plan form. Voice vote. Motion carried unanimously.

ITEM D: RECOMMENDATION TO CITY COUNCIL TO ADOPT REVISION TO ZONING CODES REGARDING GRANDFATHER RIGHTS - BMC 18.80

Mr. Post brought to the attention of the Board the need to clarify BMC 18.80.040 B which currently reads: "Should a non-conforming structure be totally destroyed, it shall not be reconstructed except in conformity with this ordinance." He recounted a recent incident which showed the need for closing significant loopholes that allowed the construction of a new structure to replace an older nonconforming structure by including insignificant portions of the older structure. He cited the need to eliminate ambiguities and the potential for litigation. The proposed ordinance would eliminate the word "totally" with "totally destroyed". Any nonconforming structure or portion thereof that is damaged beyond 80% of its replacement cost shall not be reconstructed expect in conformity.

motion M/M by Warner 2nd by McComas to adopt the recommendation in Item D to clarify the intent of the grandfather clause in Chapter 18.80.040 with one change making it 75% instead of 80%. Voice vote. Motion carries unanimously.

ITEM E: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT REVISION TO SUBDIVISION CODES REGARDING THE TEN PERCENT RECREATIONAL DEDICATION - BMC 17.24.210

This Item was removed under Approval Of Agenda.

ITEM F: RECOMMENDATION TO CITY COUNCIL TO ADOPT REVISION TO ZONING CODES RESTRICTING LOT COVERAGE

Mr. Post stated that this ordinance would no longer make it possible for an individual to completely fill a residential lot with a single sprawling building. The ordinance would limit lot coverage to 40%. Commercial lots would not be affected.

motion M/M by Warner 2nd by McComas to adopt the recommendation as presented for amending Chapter 18.32 inidential districts. Voice vote. Motion carries unanimously.

ITEM G: RECOMMENDATION TO CITY COUNCIL TO ADOPT REVISION TO ZONING CODES REGARDING SETBACK REQUIREMENTS

Mr. Post indicated that this ordinance was being introduced to reduce the number of variance requests which are being routinely granted. It would set a standard that the Planning Commission could strictly enforce. The current setback requirements impact subminimum lots more than others and this would give those owners a little more flexibility.

There are two different ways to decide the setback requirement. The first would require a formula, which could be difficult to interpret, and the other involves a simple reduction at a specified lot size. The first would require a setback based on the lot size divided by 9000 square feet and then this ratio multiplied by 10. In no case would the setback be less than 5 feet. The second simply puts the setback at 7 feet for any lot under 7000 square feet.

Mr. Warner stated that he preferred the second option because it was clearer, straightforward, and more people would be able to understand it.

Mr. McComas asked if the intent of this ordinance was to also not grant variances. Mr. Post replied that the granting of variances as defined by City ordinance should occur only under unusual circumstances. Variances for setbacks have been an increasing without a valid basis. This ordinance would set a standard that the Commission could be comfortable enforcing.

There was a discussion of the setback requirement width. The general consensus was that 7 feet was a good compromise length.

motion M/M by McComas 2nd by Warner to amend Title 18 Chapter 18.32 as it is before us. Voice vote. Motion carries unanimously.

ITEM H: RECOMMENDATION TO CITY COUNCIL TO ADOPT FEES FOR APPEALS, CONDITIONAL USE PERMITS AND VARIANCES

Mr. Warner felt that public opinion would be against this increase. He noted that although this would not cause problems for a contractor it may for the person with a limited budget.

Mr. Post said that these are relatively conservative amounts and that in most cities the fees are considerably higher. The main intent of this ordinance was to stem the appeals that are not legitimate and backed by the codes. Appeals are time consuming for the Planning Department and can create a considerable expense.

Mr. McComas thought that it may be a good idea to take it in steps. Cut the proposed fees by half then reconsider the ordinance again in a year or six months.

motion M/M by Warner 2nd by McComas to recommend to the council that they adopt the fee schedule as presented with the changes that all presented fees be cut in half. Voice vote. Motion carries unanimously.

X. ADJOURNMENT

motion M/M by Guinn, 2nd by Warner to adjourn the meeting at 9:15. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1995

ATTEST:

John Guinn, Chairman

David Post, Planning Manager

PLANNING COMMISSION MINUTES**PAGE 1****DATE: February 23, 1995****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 Metcalfe.

II. ROLL CALL

Present: Andrew, Metcalfe, McComas, Warner

Absent: Guinn, Hamilton, Trailov

III. APPROVAL OF MINUTES

motion M/M by Warner, 2nd by Andrew, to approve the minutes of the January 12, 1994, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

Mr. Warner asked if there were any changes to the agenda. The Planning Manager asked the Commission to table Item B under old business and Item A under new business.

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

V. COMMUNICATIONS

The Planning Department received a letter from Greg Goff, Operations Manager for GTE Alaska Incorporated in regards to service rates outside of GTE's base rate area. Mr. Post explained that the Planning Department had inquired specifically about H-Marker Lake. The communique indicates that the residents in the H-Marker Lake area will not be paying for the actual line extension but will be paying a monthly service charge which equates to about fifty cents a mile.

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VI. PLANNER'S REPORT

Mr. Post informed the Commission of his intention to take a new position with the Mat-Su Borough in Palmer. Mr. Post indicated that his last day as Planning Manager would be March 10th which would allow him to attend the next Planning Meeting.

Recently, most of the Planning Departments activities have revolved around the Bank Stabilization Program Project for the Corps of Engineers. The negotiation packets were sent out today and our contractor, Landfill Services, will be contacting these people individually to try and get there signatures signing off on these easements. The City will be paying approximately \$800,000 for these easements.

Negotiations have been finalized with DNR on our long outstanding Tidelands Lease. Very good terms for the City have been attained. The yearly lease rate is going to run approximately \$40,000 which is considerably lower than the earlier proposals which ranged in excess of \$200,000 to \$120,000.

VII. PEOPLE TO BE HEARD

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

PLANNING COMMISSION MINUTES**PAGE 3****DATE: February 23, 1995****VIII. OLD BUSINESS****ITEM A: REVIEW OF THE FINAL PLAT TSIKOYAK SUBDIVISION, NORTH SIDE OF BIA ROAD - WALTER LARSON**

Walter Larson spoke of the progress of the platting process to date. He indicated that, until the recent intervention of the City Manager and The Public Works Department, headway was being made smoothly through the Planning Commission. The DEC requires an agreement from the City indicating that they will provide water delivery and sewage pickup. Mr. Parsi and Mr. Hunter have refused to sign such an agreement. Mr. Larson indicated that he felt the City could not refuse to make water and sewer services available due to the utilities already provided to others in the same area. He also foresaw problems with future developers on the same issue.

Mr. Post said that whenever there is a transition in City offices there is a problem with maintaining the proper processes. Prior to this plat being reviewed by the Planning Commission last October there was no notice given out to other agencies, no opportunity for the DOT, Department of Environmental Conservation, and utilities to make comments. Nor did he think the plat was given adequate review. Mr. Larson has done a lot of work with very little feedback.

Mr. Post said that the DOT, which oversees the use of BIA Road, does have the authority to limit access to state roads. The DOT indicated in a letter that they would not allow more than two access points on this proposed subdivision. Also, they said that there would need to be a 100' right-of-way instead of 60' along the Bia Road.

Bethel Utilities has asked that there be 20' wide easements instead of the proposed 10' easements. Mr. Post indicated that he thought this to be excessive and that 15' was more of a standard. There are no easements running along BIA Road and Mr. Post asked that there be easements along the road as well as within the subdivision.

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The City of Bethels Comprehensive Plan recommends that areas North and West of the airport not be encouraged for development. Distance from the City center is one reason for this. It is expensive to provide water and sewer service to this area. From a planning perspective it doesn't make much sense to have isolated residential subdivisions so far from city center. There is very little possibility for future piped water and sewer to the area.

Mr. Post indicated that the Fire Chief, George Young, had voiced some concerns about the placement of this subdivision. First, maintenance of BIA Road was questioned. Secondly, the distance from the fire station to the subdivision was not advantageous for safety due to the response time needed.

Mr. McComas indicated he was in favor of the subdivision and made aired several views. YKHC is going to use the BIA facility and the traffic to it will be three times the traffic in this subdivision. The State or City or someone is going to have to maintain the road. As far as the commercial development goes it can be done by commercial zoning and sounds like we are protecting the current stores operations and I don't think that was the design of the Comprehensive Plan. As for the water and sewer service, privatization might be the profitable solution.

Mr. Warner saw problems needing to be addressed as the DOT's insistence that there be only two access points on BIA Road and BUC's easement proposals. He also stated that if the DEC requires a letter from the City stating that the City will provide service then that is basically a contractual agreement on the part of the City. The condition of BIA Road is such that the City cannot provide service at times. The City is not going to improve or take over the maintenance of the road. if the City signs off then the City needs to be careful that it can fulfill the obligation. The cost issue of providing services is a City Council issue. They can impose additional fees if they feel the need.

Mr. Post said that the authority to extend water and sewer service areas does not reside with the Planning Commission. It resides with the City Council. There is a formal method for doing this. The City Council adopts by resolution inclusions within the water and sewer service area.

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Mr. Warner was concerned that some provision be made to insure the drainage ways be kept open. Mr. Larson indicated that provisions had been made to divert the flow along the south side of the road.

Mr. Larson commented on recent developments regarding the subdivision. AVCP has approached him concerning the acquisition of forty lots. AVCP wants to drill their own wells and a sewer line. There is also the possibility of the subdivision hauling its own sewage or hiring someone to haul it.

motion

M/M by Warner 2nd by Andrew that the Commission conditionally approve the plat of Tsikoyak Subdivision, Section 12 Township 8N Range 72W, with the following conditions:

1. The access to BIA Road meet State DOT requirements as to number and size.
2. The utility power line access along the Bia Road either be an easement formally shown on the plat or somehow shown on the plat that its a dutifully approved right-of-way, either on an easement or on the roadway.
3. Mr. Larson make some provision for the water flow that presently moves across BIA Road onto his property to take care of that somehow to either direct it or maintain the flow in the subdivision.
4. If the Corps of Engineers requires a 404 Permit for fill that be obtained before it is approved.
5. The 10% Open Space Setback be formally designated on the plat someplace in the entire development where that space would be so that for future Commissions and future Planning Managers they have some indication that it's actually someplace on the plan.

Voice vote. Motion carries unanimously.

PLANNING COMMISSION MINUTES**PAGE 6****DATE: February 23, 1995****IX. NEW BUSINESS****ITEM B: CONDITIONAL USE PERMIT: PROPOSED PLANNED DEVELOPMENT IN A PRESERVATION DISTRICT AT 260 OSAGE, LOT 2D1 - MEFAIL KADRIJOSKI**

Margaret Gregory was present representing Mefail Kadrijoski. Ms. Gregory indicated that the proposal consisted of moving two homes onto the lot. In a response to Mr. Warner asking how much additional fill would be required, Ms. Gregory replied that there would be no new fill.

Mr. Post asked if at any point in time did they seek a Site Plan permit or authorization to put in this fill. Ms. Gregory replied yes but that she didn't know the exact date. Mr. Post said that he thought she was referring to a Site Plan Permit signed by Al Bianchi May 7, 1993. The aerial photo we have taken in 1990 shows the pad extending about here and now the pad extends to this point. At some point in time there has been fill put in this area. Ms. Gregory indicated that they put fill only where sand already existed. Mr. Post went on to say that sometime between 1990 and when they took possession of the property that there was unauthorized fill placed on the site. The Planning Department has contacted the Corps of Engineers about this fill and it is now basically a mute point because the Corps has said they do not plan to pursue the matter.

Mr. Warner voiced an original concern over additional fill near Brown Slough but this appears not to be the case. The Corps should certainly have been involved with the original fill. He didn't see any harm with approval although he didn't like the idea of dense residential structures in a Preservation District.

motion M/M by Warner 2nd by Andrew to approve the conditional use permit for the proposed development in a Preservation District at 260 Osage, Lot 2 D1 with the condition that the wrecked vehicles be removed before the houses are placed on the lot. Voice vote. Motion passes unanimously.

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ITEM C: PRELIMINARY PLAT: UIVUQ SUBDIVISION ADDITION NO. 1 - BETHEL NATIVE CORPORATION

Mr. Post showed the Planning Commission the preliminary plat of Uivug Subdivision and told them that this was their opportunity to direct comments to the subdividers. He indicated this subdivision was much more in conformance with the requirements than past plats. There were a couple of things that he noted. There is a ten foot utility easement designated and, although there is not a set standard for easements, he thought fifteen feet was appropriate. There is a problem with the ten percent recreation dedication. They have dedicated an amount which is not equal to ten percent but they have indicated that they would be willing to dedicate Lot 1 for such design. All agencies who we are required to be notified by municipal codes have been notified.

Mr. McComas noted the need for an ordinance which would require all new construction to bury telephone and cable lines.

motion M/M by McComas 2nd by Andrew to approve the plat for Uivug Subdivision with the condition that the entire 10% open space be included in the plat, fifteen foot utility easements where easements are indicated and all telephone and television cables will be buried. Voice vote. Motion carries unanimously.

ITEM D: RECOMMENDATION TO CITY COUNCIL TO ADOPT REVISION TO SUBDIVISION CODES REGARDING THE TEN PERCENT RECREATIONAL DEDICATION - BMC 17.24.210

Mr. Post gave a brief overview of the proposed ordinance. He said that it would define and specifically state ten percent rather than saying one foot for every ten feet available for recreation. This proposal allows a fair amount of flexibility for the Planning Commission to designate what is appropriate in terms of location and size. It specifically states the ownership of the open space shall be designated.

Mr. Warner stated the need to have the ordinance state the ten percent as a minimum.

motion M/M by Warner 2nd by Andrew to pass this recommendation on to the council as presented. Voice vote. Motion carries unanimously.

PLANNING COMMISSION MINUTES**PAGE 8****DATE: February 23, 1995****ITEM E: RECOMMENDATION TO CITY COUNCIL REGARDING DISPOSAL OF INTERESTS IN CITY LAND TO DEPARTMENT OF TRANSPORTATION FOR REPLACEMENT OF BETHEL BROWNS SLOUGH BRIDGE**

Mr. Post was asked to give some background information. The Alaska Department of Transportation is approaching the City to acquire an easement on Lot 1A of USS 3790. This easement does not have to go through the subdivision process. It is approximately 3,275 square feet with a fair market value of \$19,700. This property is needed for the extension of the bridge. Mr. Post felt that this would be good for the City and recommended placing it before the Council for approval.

motion M/M by McComas 2nd by Andrew to recommend to the City Council to accept the disposal of interest in Lot 1A of USS 3790 to the Department of Transportation for replacement of Browns Slough Bridge. Voice vote. Motion carries unanimously.

X. ADJOURNMENT

motion M/M by Warner 2nd by McComas to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1994.

Jake Metcalfe, Acting Chairman

ATTEST:

David Post, Planning Manager



CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska
907-543-2087
FAX # 543-4171

PLANNING COMMISSION MINUTES

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DATE: March 9, 1995

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, McComas, Warner

Absent: Andrew, Metcalfe, Trailov

III. APPROVAL OF MINUTES

motion M/M by Warner, 2nd by McComas, to approve the minutes of the February 23, 1994, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

Mr. Warner asked if Item A under New Business should be under Old Business. The Planning Manager indicated that this Item had not been discussed before or had there been any public hearing.

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

V. COMMUNICATIONS

Mr. Post gave the Planning Commission a brief overview of a proposed subdivision on Tract N of Tundra Ridge. This is in the area of the sandpit. Mr. Guinn indicated that he thought that this area was originally set aside for the 10% open space. The proposal shows lot sizes of 7,000 square feet and is intended for the 40 unit AVCP housing project. The developer is asking for some kind of escapement for the 10% open space requirement.

"Deep Sea Port and Transportation Center of the Kuskokwim"

Mr. Warner saw three potential problems. First, the 10% open space requirement. Second, the lots are a lot smaller than those in the existing subdivision. Third, why should this area be changed to commercial.

VI. PLANNER'S REPORT

Mr. Post told the Planning Commission that he would like to give them a feel for what goes on at the department level.

Regular Duties:

Site Plan Applications and Code Enforcement:

There have been approximately four houses moved within the City in the last month. The Planning Department has received six site plan applications in this same period. Three letters have been sent notifying property owners of violations and infractions and requesting them to remedy the violation in a ninety day period. All violators have either complied or stated they intend to do so within a specified time period after thaw.

City Lands Management:

As well as the proposal from ADOT to purchase an easement for construction of Brown Slough Bridge, the City has received proposals from D&G Express to lease portions of the City Dock and a warehouse building. The City Attorney's office has stated the lease of a portion of a lot is not legal and the City must follow the subdivision process, however the issue is still being discussed at staff level.

Omni Enterprises Inc. has approached the City on re-entering into a lease for the property at the corner of Ridgecrest and Akakeek where they currently own QFC#1. The building itself resides on three separate lots two of which are City owned. The City met with a representative of Omni Enterprises to discuss the outstanding lease, the encroachment problem and subdivision requirements for replatting to alleviate the encroachment problem.

Follow up on Previous planning Commission Meetings:

DATE: March 9, 1995

Ordinances 95-02 and 95-04 concerning grandfather rights and reduction in setback requirements were passed by the City Council at their February 28th meeting. The lot coverage restriction did not pass the introduction phase at the City Council Meeting of February 14. Ordinance 95-07 amending open space requirement will be heard and voted on at the next march 14, City Council Meeting.

Specific Duties:

Bank Stabilization Project:

Charlie Parr of Land Field Services, Inc., the City's contractor for land acquisition on this project, arrived in Bethel on Wednesday. He and P. j. Sullivan will be negotiating with the land owners which the City must acquire property interests from. The City must have title to these properties by April 3, 1995. There are approximately 17 property owners.

Department of Natural Resources Tidelands Lease:

The City has been working towards meeting insurance and bonding requirements and will have them in place when the lease becomes effective on March 15.

City staff and the City attorney have been attempting to arrive at a standard sublease rate to the upland owners of the tideland property. Eventually the leases will have to be brought to the Planning Commission for recommendation to the City Council.

Policy and Ordinance Proposals/Discussions:

Utility billing staff have requested that the Ordinance requiring water and sewer tanks of a specific size be interpreted such that each unit in a two family dwelling unit, duplex, or triplex be required to have separate water and sewer tanks so that they can have separate accounts. Utility billing has had many difficulties involving disputes between renters of different units connected to the same water and sewer tanks often placing the City in the middle of neighbor disputes. For these reasons I have required several builders of duplexes to connect separate water and sewer tanks to each unit.

The Drainage Ordinance is not precisely laid out for purposes of maintaining drainage along roadways. At this point we are trying to draft something that would require a separate drainage along the roadway and require culverts.

VII. PEOPLE TO BE HEARD

Paul O'Brien asked for a clarification of the definition of a two family dwelling. The definition is vague and does not compare with other agency definitions. He also asked what the City considered constituted a firewall.

Mr. Post said that this was not an Ordinance but a definition. It was defined because of the problem of distinguishing between two homes which were next to each other and two homes which were joined. It was made to provide minimum safety standards.

Mr. O'Brien said that all new construction is inspected and is subject to ICBO codes. It is made to national standards. Banks require the inspections.

It was thought that the City should go to the State Fire Marshall and ask what he would suggest for an Ordinance so that we can be assured of a minimum for safety.

Mr. Warner said that we are required to adhere to the definitions because they are all a part of Title 18. We have multiple problems because we have new construction, people who want to join old homes and everything in between. What we need is consistency.

Ms. Hamilton suggested that there be some research done with similar cases or situations. There needs to be some kind of uniformity.

The Commission saw the need for the Fire Marshalls input as to firewalls and safety aspects.

VIII. OLD BUSINESS

ITEM A: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT REVISIONS TO FLOOD REGULATION REQUIREMENTS

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Mr. Post told the Commission that the Flood Regulation Requirements, which were discussed at the last Planning Meeting, had a history of being unenforced except when required by a bank or other lender. He indicated that he had tried to answer questions that had come up in the last meeting.

Estimates of cost to an individual begin with a survey to establish the ground level elevation. This cost varies between \$100 and \$400 dollars. The largest cost would be to build to the required elevation. Around town the flood level is 17 feet. To elevate a home 10 feet costs would run between \$11,000 and \$25,000 dollars for a 1500 square foot home depending on the soil, permafrost and type of building.

Currently the City's regulations are somewhat above the minimum requirements. Mr. Post posed the question to the Council "What are we going to do about enforcing the Flood Plain regulations?".

Mr. Warner felt that if the regulations were not being enforced that the City could possibly be leaving itself open to a potential liability.

Ms. Hamilton asked how long had the City been a participant. Mr. Post replied since 1976. She then asked why there had not been an ongoing enforcement policy. Mr. Post said that he talked to former administrators and found that it had not been a popular regulation and that they had found little support when they tried to enforce it. The regulation has been on the books for a number of years and has never been enforced and Mr. Post asked that some sort of policy decision made before somebody is made a test case.

Mr. Warner was concerned that in essence the City was participating in the National Flood Insurance Program fraudulently. There are some tough choices to be made. People are not going to want to elevate their homes or cannot afford to do so.

motion M/M by McComas 2nd by Guinn to recommend to the City Council to approve Item A. Voice vote. Motion passes unanimously.

IX. NEW BUSINESS

**ITEM A: CONDITIONAL USE PERMIT: PROPOSED LAW OFFICE IN A
RESIDENTIAL DISTRICT AT 9340 NENQERRALARIA, TUNDRA RIDGE
SUBDIVISION - CHRIS PROVOST**

Mr. Guinn opened the public hearing and asked for an introduction from the Planning Manager. Mr. Post said Chris Provost recently purchased and renovated a small house for the purpose of establishing a residence and a law office. A law office is classified as a commercial use and requires a conditional use permit to be located in an area zoned residential. Mr Provost informed the Planning Department of the intended use and was given some form of approval to do so. This use was brought to the attention of the current Planning Manager by a concerned citizen. The former Planning Manager did not have the authority to permit the use of the building as a law office.

Mr. Post indicated that Mr. Provost's business is likely to have a minimum impact and recommended approval with the following conditions:

1. No business signs be displayed,
2. Fire Marshall approval be obtained for the business portion of the building,
3. The number of employees limited to himself and an assistant.

Mr. Provost asked the Commission why this was a problem since there is already commercial use out in this subdivision. Mr. Post replied that it violates the codes and citizen complaint brought this matter to the attention of the Planning Department.

A resident of 9342, a neighbor, says there is no traffic flow problems or intrusiveness. He wished that all of Tundra Ridge was built like Mr. Provost home. He has no problem with this proposal even though he lives next door.

Michael Brown indicated that if he were open to the public he wouldn't be in Tundra Ridge. It is more of an administrative operation, it is not a traditional law office.

Jack Flood, another neighbor, agreed that the houses were very tastefully rehabed. He does not see any increase in traffic. He didn't see the need to limit the number of

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DATE: March 9, 1995

employees. He supported Mr. Provost.

Mr. Metcalfe asked Mr. Provost if he had any problems with the conditions given by Mr. Post. Mr. Provost indicated that he didn't plan to put up any signs. He said that all the remodeling that was done was up to code so that he didn't any expect any problem with the Fire Marshall but reserved the right to object. He has no problem with employees because he has only one part time employee who lives in Tundra Ridge.

Mr. Post said that there was no chose with condition 2. A designated commercial building requires Fire Marshall approval by local ordinance.

Mr. Guinn read a fax from Cliff Hickson who also voiced approval for Mr. Provosts building. Mr. Hickson is an ICBO inspector.

Mr. McComas indicated that he supported the conditional use permit.

Mr. Warner said , for clarification, that a conditional use permit is required because commercial structures and uses are a conditional use under residential district. A professional office is listed as a conditional use. He lives in Tundra Ridge and feels a concern about businesses is that the area is zoned residential. If there are people operating businesses there they are doing so surreptitiously. As this business is structured he didn't find a problem with it. He didn't want to set a precedence for the area. He felt the conditions to be reasonable. He supports it with the conditions.

motion M/M by Warner 2nd by McComas that the conditional use permit for 9340 Nenqgerralria, Tundra Ridge for use as a professional law office be granted with the conditions as outlined in the staff report. Voice vote. Motion passes unanimously.

ITEM B: RECOMMENDATION TO CITY COUNCIL ON PROPOSED LEASE OF CITY OWNED WAREHOUSE BUILDING LOCATED AT THE CITY CARGO DOCK - D & G EXPRESS

Mr. Post introduced the proposal. D & G Enterprises has approached the city with a request to lease the City's warehouse at the cargo dock. It is required that the Planning Commission give a recommendation to the City

PLANNING COMMISSION MINUTES

PAGE 8

DATE: March 9, 1995

Council concerning the disposal. The proposed use of the building, which has been largely unused, will be the same as its current use, and since it presents an opportunity for the City to make money off of an otherwise unproductive facility, the staff recommends the lease of the building. He felt the requirements for Commission approval to be procedural. The building needs to be leased at fair market value by code.

Mr. Warner asked if the Port Commission had acted on this. Mr. Post was unsure of the Ports recommendation.

motion M/M McComas 2nd by Hamilton to recommend to the City Council to enter into a lease agreement with D&G Express.

M/M by Warner 2nd by Hamilton to amend the previous motion to read recommend the City Council lease the City owned warehouse to D&G Express contingent on Port Commission approval. Voice vote. Motion passes unanimously.

ITEM C: RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED LEASE OF A PORTION OF LOT 2, BLOCK 20, USS 3230 - D & G EXPRESS

Mr. Post indicated that the City is still trying to work out certain details in regards to legal issues of leasing a portion of a lot without going through the subdivision process. He is not ready to bring it before the Commission.

motion M/M Warner 2nd by McComas to table this item. Voice vote. Motion passes unanimously.

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DATE: March 9, 1995

X. ADJOURNMENT

motion M/M by Warner 2nd by McComas to adjourn the meeting.
Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1995.

John Guinn, Chairman

ATTEST:

Richard Nolan, Acting Planning Manager



CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska
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FAX # 543-4171

PLANNING COMMISSION MINUTES

PAGE 1

DATE: April 19, 1995

City of Bethel Planning Commission

Regular Meeting of

I. CALL TO ORDER

The meeting was convened at 7:35 PM, at the City Conference Room, Bethel, Alaska, by Chairman Guinn.

II. ROLL CALL

Present: Andrew, Guinn, Hamilton, McComas, Warner

Absent: Metcalfe, Trailov

III. APPROVAL OF MINUTES

motion M/M by McComas, 2nd by Warner, to approve the minutes of the March 9, 1995, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

motion M/M by McComas 2nd by Hamilton to approve the agenda as presented. Voice vote. Motion carried unanimously.

V. COMMUNICATIONS

Mr. Nolan showed the commission several old plats requiring the signature of the Commission chairman. These were easement plats that had been sent to the Planning Manager by BUC because they could not be recorded without the signatures. The plats would not have needed the approval of the Commission but they had a boilerplate stamp which must be filled in.

VI. PLANNER'S REPORT

Mr. Nolan indicated the interest by developers in the AVCP 40 unit housing project. He said that the building season is upon us and that the requests for Site Plan Reviews is increasing rapidly.

The Planning Department had to meet several program deadlines in April. Several quarterly reports, grant applications and the annual budget were among the programs mentioned.

The Planning Department gave the City Manager a proposed budget but with a protest to the budgetary restraints. Mr. Nolan expressed a concern that without proper funding the Planning Department would be unable to function properly.

The position for the new Planning Manager was discussed. There are now six applicants with five considered qualified. Mr. Nolan noted that it would be in the City's best interest to proceed as rapidly as possible with the candidate selection.

motion M/M by Warner 2nd by McComas to have the City Manager and City Council include the Planning Commission in the Planning Manager review process. Voice vote. Motion passes unanimously.

VII. PEOPLE TO BE HEARD

Louie Anderson said that there was a problem on one of the City's undeveloped right of ways. He has had complaints from the neighboring homeowners about the trash that has collected in this area. The site is next to lot 11, block 10, USS 3790 which is an undeveloped portion of First Street. He has asked the Planning Department to look into the possibility of evicting the person residing there and having the debris removed. Carl Russell is the person who had been occupying this site.

Joan Hamilton said that there is also an eyesore near the powerplant. She believed the owner to be a cab company. The site is on low ground and there is a considerable amount of trash there. She also wanted to know what the area was zoned for.

Tom Warner expressed concern about a state House bill that was called the "takings bill". He said he thought that it would require the City to dispose of 50% of it land.

Buford McComas recommended to the council that all future TV and phone service be required by ordinance to be buried. He asked that the City attorney be asked to draft an ordinance.

VIII. OLD BUSINESS

There was no old business to be heard.

IX. NEW BUSINESS

ITEM A: RECOMMENDATION TO THE CITY COUNCIL TO ISSUE A USE PERMIT TO OPERATE A LUNCH WAGON AT THE SMALL BOAT HARBOR - DONALD SADDLER

Mr. Nolan gave a brief introduction of the requested recommendation. He indicated that the City does not have a Use Permit in the codes at this time but that the City is pursuing one through it's attorney. He noted that this type of permit had been issued, although in error, several times in the past.

With minimal discussion the committee concluded that this issue was not necessarily a Planning function. All agreed that it should be approved by the Port Commission.

motion M/M by Warner 2nd by Hamilton to send the recommendation to the City Council with the approval of the Port Commission. Voice vote. Motion passes unanimously.

ITEM B: PRELIMINARY CONSULTATION FOR PROPOSED SUBDIVISION, TRACT N, TUNDRA RIDGE SUBDIVISION - CHRIS HAMRI

Mr. Warner stated that there had not been time enough for public notification therefore no action could be taken by the committee. Mr. Nolan agreed that he had not placed the notices in time to meet required time period. Mr. Nolan asked if they could still discuss some of the problems the members had with this plat so that he would be able to meet with Mr. Hamri with suggestions for improvement.

Most of the committee members agreed that the plat as shown would likely encounter drainage problems. They wanted to know what the developers intentions were concerning runoff and how he intended to ensure adequate drainage. It was asked if the committee could require the posting of a bond for roads and drainage. The Planning Manager was asked to check with the City attorney.

ITEM C RECOMMENDATION TO THE CITY COUNCIL TO ADOPT ORDINANCE HOLDING CONTRACTORS LIABLE FOR WORK COMMENCED WITHOUT A SITE PLAN PERMIT - 18.84.040

There was very little discussion on this item. All commissioners were in agreement that this was a good ordinance. It was the general opinion that any steps that could be taken to stop unpermitted building were appropriate.

motion M/M by McComas 2nd Andrew to send the ordinance to the City Council for adoption. Voice vote. Motion passes unanimously.

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DATE: April 19, 1995

ITEM D: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT RESOLUTION IMPOSING A FEE FOR REVIEW OF SITE PLAN PERMITS AFTER WORK HAS BEEN COMMENCED ON ANY IMPROVEMENT OR AFTER THERE HAS BEEN A CHANGE IN THE PRINCIPAL USE OF A PROPERTY

Mr. Nolan said that he would like to have this item tabled until the next meeting. He indicated that he was not satisfied with the resolution and wished to have time to make some changes. The committee agreed to table this item.

ITEM E: RESOLUTION OF THE CITY COUNCIL REFERRING A PROPOSAL FOR THE ACQUISITION OF CITY PROPERTY BY THE BETHEL FUEL SALES TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION

Mr. Nolan said that this resolution asked for input from Land Field Services and Bethel Fuel Sales. Information had not been received from either company at this time. He felt that it would be inadvisable to make a decision on this resolution without the information that was to be provided. He asked that this resolution be acted upon at the next meeting.

The committee agreed to table this item until the next Planning Commission meeting.

X. ADJOURNMENT

motion M/M by Warner 2nd by McComas to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1995.

John Guinn, Chairman

ATTEST:

Richard Nolan, Acting Planning Manager



CITY OF BETHEL

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PLANNING COMMISSION MINUTES

PAGE 1

DATE: May 11, 1995

City of Bethel Planning Commission

Regular Meeting of

I. CALL TO ORDER

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

II. ROLL CALL

Present: Guinn, Hamilton, Hickson, Metcalfe

Absent: Andrew, Warner, McComas

III. APPROVAL OF MINUTES

motion M/M by Hamilton, 2nd by Metcalfe, to approve the minutes of the April 19, 1995, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

Mr. Nolan indicated that there needed to be some changes in the agenda. Items C and E under New Business should be placed under Old Business as Items B and C. Item D under New Business would become C.

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

V. COMMUNICATIONS

Mr. Nolan told the Commission that there had been numerous complaints filed with the Planning Department in the last few weeks. There had been several encroachment problems, complaints regarding the separation distances between buildings in the Turnkey III Subdivision, and other possible zoning violations. He indicated that he was looking into these complaints and responding as required by the City codes.

VI. PLANNER'S REPORT

Mr. Nolan attended the Alaska Coastal Management Conference in Juneau in April. He said that most government agencies, boroughs, and cities were or plan to update to some form of electronic information systems. He indicated the City's need for some type of geographic information system.

House Bill 154, the "takings" bill, is in the Judiciary committee and will not be addressed until the House begins its next session. This Bill, if passed, could have a dramatic effect on municipalities.

The Planning Commission was included in the selection process for the new Planning Manager position. All applicants job applications were included in the packets along with evaluation sheets for the commissioners.

The City Council public review of the 95-96FY budget is in progress. The Planning function budget was to be reviewed the same night as the Planning Commission meeting. Mr. Nolan felt that this was poor judgement on the part of the City Manager but had prepared a statement to be read.

VII. PEOPLE TO BE HEARD

Walter Larson had a encroachment complaint concerning 211 State Highway, a piece of property belonging to Emma Evon, and his property. Some time ago a small house was built between the two properties for Lela Johnson. The house was built without permission from either landowner. Mr. Larson asked if something could be done about removing the house.

Walter asked if anything had been done about the request to look into improving the cemetery. Mr. Nolan said that it was being addressed but that at this point there was a question about how many new plots could be made available. Mr. Larson said that the by moving the sewage line and the boardwalk you could get a lot more usable space. Mr. Nolan mentioned that there was also a need to find out who was responsible for the cemetery.

VIII. OLD BUSINESS

ITEM A: PRELIMINARY PLAT FOR PROPOSED SUBDIVISION, TRACT N,
TUNDRA RIDGE SUBDIVISION - CHRIS HAMRI

The Planning Department has been asked by C2 Architects and Chris Hamri to review a preliminary plat of Tract N, Tundra Ridge. This plat was briefly discussed at the March 9th and April 13th meeting.

The plat was changed to give a good representation of the 10% recreation dedication. Instead of one large area the developers have selected two separate tracts which have good access. The tract that had previously been set aside and labeled commercial has had the commercial designation removed. This lot will now have to go through the conditional use permitting process if a commercial venture is desired.

The committee had voiced concern with the size of the lots. This area is zoned General Use and as such requires 7,000 square feet for each lot. Larger lots would be desirable but the lot sizes meet the City codes.

There is some thought that there will be a problem with drainage. If the drainage problem can be adequately addressed there is no reason this subdivision proposal should not be approved.

The Planning Department feels that the developer has listened to the concerns of the Department and has corrected the deficiencies found. The new design indicates that considerable thought has been given to the eventual residents, utilities, and the surrounding homeowners. It was also noted that a preliminary plat for this same tract had previously been approved with 45 lots in 1983. The Planning Department feels that this subdivision merits approval.

Mr. Larson thought that this plat would be creating the same problems that now plague the Turnkey project. He felt the lot sizes were too small and would leave little room for storage. Mr. Nolan said that the lots in this proposed plat were 3,000 square feet larger than those in Turnkey and that there would be a significant difference between the two subdivisions.

Chris Hamri was present to answer questions about the project. He insured the committee that there would be good drainage throughout the profile. Drainage and elevation survey work would be done by a qualified civil engineer.

Cliff Hickson asked if the City would wait for a period of time before accepting the roadways. Nolan said that he didn't know if the Public Works had a waiting period but that the City would not accept any roads until they had been inspected and approved by the Public Works Director.

Ms. Hamilton had concerns about the recreational areas. She wanted assurance that the recreation areas would be usable. She felt that the sites should be dry and usable. She also felt that the surrounding landowners were not being given proper notification of pending land use proposals.

Mr. Hamri said that it was his understanding that the preliminary plat process was his opportunity to be made aware of the City's concerns and requests and to then answer those concerns and meet the City's requirements. He made the committee aware of the need to have this project proceed as quickly as possible. Those members in attendance agreed that his plat had been postponed long enough and that a decision should be made.

motion

M/M by Hickson 2nd by Metcalfe to approve the preliminary plat of Tract N, Tundra Ridge Subdivision with the following stipulations:

- 1) The developer provide proof of adequate drainage,
- 2) The developer provide an elevation map of the area,
- 3) The developer provide proof that the area dedicated for recreation be usable,
- 4) The Planning Manager will deliver, in person, adequate public notice to surrounding homeowners and post notification at the site.

ITEM B: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT RESOLUTION IMPOSING A FEE FOR REVIEW OF SITE PLAN PERMITS AFTER WORK HAS BEEN COMMENCED ON ANY IMPROVEMENT OR AFTER THERE HAS BEEN A CHANGE IN THE PRINCIPAL USE OF A PROPERTY

The Planning Department continues to have problems with construction that is commenced without Site Plan Approval. The Planning Department feels this resolution would be an important tool in permit enforcement. The Planning Department does not have the staff available to effectively monitor the building activity in the City.

The Planning Department has contacted the City attorney and received a positive enforcement for this resolution. It was concluded that this change is permissible under the City Code and under state law.

The first paragraph reads may instead of shall which gives the Planning Department the ability to cite only those major improvements (the placement of sand pads or fill material, conversion from secondary to primary use, changes in the principal use, etc.) instead of things like fences, smoke houses, and so on.

motion M/M by Metcalfe 2nd by Hamilton to recommend that the City Council adopt a resolution imposing a fee for review of a site plan permit after work has been commenced on any improvement or after there has been a change in the principal use of a property. Voice vote. Motion passes unanimously.

ITEM C: A RESOLUTION OF THE CITY COUNCIL REFERRING A PROPOSAL FOR THE ACQUISITION OF CITY PROPERTY BY THE BETHEL FUEL SALES TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION

The Planning Commission has been directed to consider the sale of property to Bethel Fuel Sales in the furtherance of the development of local trade or industry. Bethel Fuel Sales has asked to trade for a portion Tract 5C of the Bethel Seawall Expansion project instead of receiving monetary reimbursement.

The resolution has asked for input from land Field Services and Bethel Fuel Sales. A letter from Bethel Fuel Sales indicated that their intention was to move the buildings and operations that were displaced by the easement to this property.

motion M/M by Hamilton 2nd by Metcalfe to recommend that the City Council accept Bethel Fuel Sales proposal of acquisition. Voice vote. Motion passes unanimously.

IX. NEW BUSINESS

ITEM A: REQUEST FOR VARIANCE LOT 48 BLOCK 3, TURNKEY III SUBDIVISION - MIKE GRANT

Mike Grant asked to place a 16' x 20' storage building on lot 48 block 3, Turnkey III Subdivision. This called for a 5' setback from the property line of the neighboring lot and a 3' setback on the easement side. The structure would be 8' from the porch on the residence.

All of the commissioners agreed that there continues to be a problem with construction in the Turnkey project. Because of the number of variances that have been granted in the past the committee agreed that they could not deny this request without good justification.

motion M/M by Metcalfe 2nd by Hickson to approve the variance request for lot 48 block 3, Turnkey III Subdivision. Voice vote. Motion passes unanimously.

ITEM B: RECOMMENDATION TO THE CITY COUNCIL REGARDING DISPOSAL OF CITY DOCK WAREHOUSE

The City wants to enter into a lease agreement to the highest bidder for the City Dock Warehouse. The City is proposing to lease the building for \$14,400.00 for six months. This property was already approved for lease to D & G Express who decided to withdraw their proposal.

There was very little discussion with all members agreeing that the City should lease the dock warehouse for needed City revenue.

motion M/M by Hamilton 2nd by Metcalfe to recommend to the City Council disposal of the City dock warehouse. Voice vote. Motion passes unanimously.

ITEM C: RECOMMENDATION TO CITY COUNCIL REGARDING DISPOSAL OF INTERESTS IN CITY LAND TO DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENT OF RIDGECREST DRIVE

The DOT is getting ready to award a contract for the upgrading of Bethel's Ridgecrest Drive for the Fall of 1995. Construction is expected to begin and be completed by the summer of 1996. An Easement encompassing a portion of the City's property is needed to build the project.

The DOT wishes to purchase an easement, known as Parcel No. E-5, Tract B, Bethel Heights Addition No. 1, containing 4,044 sq. feet. A Fair Market Value for the property has been appraised at \$500.00 by a professional appraiser.

Mr. Nolan stated that Bob Wright, Right of Way Agent for the DOT, has informed him that this easement needs to be agreed upon by mid June to allow this project to begin this year.

There was some concern that there would be a problem with the existing sewer and water pipes located in this parcel. Mr. Nolan indicated that the pipes would not be disturbed and that the parcel was needed by the DOT for part of the roadway slope.

motion M/M by Hickson 2nd by Metcalfe to recommend the City Council accept DOT's disposal offer. Voice vote. Motion carries unanimously.

X. ADJOURNMENT

motion M/M by Metcalfe 2nd by Hickson to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS ____ DAY OF _____, 1995.

John Guinn, Chairman

ATTEST:

Richard Nolan, Acting Planning Manager



CITY OF BETHEL

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PLANNING COMMISSION MINUTES

PAGE 1

DATE: June 8, 1995

City of Bethel Planning Commission

Regular Meeting of

I. CALL TO ORDER

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

II. ROLL CALL

Present: Guinn, Hickson, Metcalfe, McComas, Warner

Absent: Andrew, Hamilton

III. APPROVAL OF MINUTES

motion M/M by Metcalfe, 2nd by McComas to approve the minutes of the May 11, 1995, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

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

V. COMMUNICATIONS

Mr. Nolan indicated that the Planning Department had received a request from Lenny Welch, acting on behalf of Bethel Utilities Corporation (BUC), and the Port Director to place two utility poles on lot 8, block 18, USS3230, a City owned lot. The poles were to be used to provide electrical power for a fish processor that was docked along the seawall. The processor was placed in this position by the Port Director with the

PLANNING COMMISSION MINUTES

PAGE 2

DATE: June 8, 1995

promise that power could be provided. This lot is zoned industrial and is used by the Port.

After looking through the codes it was his understanding that BMC 14.02.030B(3) allows the Port Director to have these poles put in without an easement. An easement could have been requested by BUC at a later date. After consulting with the City Manager he was asked to refer this matter to the City attorney. The response from the attorney was that the placement of the poles would amount to granting of an easement and would require the City to pursue the disposal process.

It was his opinion that the City's attorney is being used to run the City on a day to day basis which is unjustified and expensive. This policy is costing the City large amounts of money and, as in this case, much needed revenue. He thought that the codes, as written, need to be adjusted to provide adequate control over problems that could be handled by the appropriate departments.

Lenny Welch was present and was asked by the council if placing the poles would necessitate an easement. He said that once the poles are in place the power company would have the right of access from then on. The City Attorney indicated that allowing the power company to place the poles on City property would imply the granting of an easement.

Mr. Warner gave a brief history of the lot. He said that the portion of the lot in question was designated to be left as open space. It is not really part of the port.

The Port Director was present and told the committee that there was a pressing need for power to the processor to ensure a competitive fish market.

A representative for the processor gave the committee an idea of what their needs were. He indicated that the City would benefit from their presence.

Mr. Warner said that the question for the Planning Commission was whether or not the City needs to go through the disposal process to grant an easement. There was agreement that this was a matter for City management.

PLANNING COMMISSION MINUTES

PAGE 3

DATE: June 8, 1995

Mr. Nolan presented a request from Walter Larson concerning the Tsikoyak Subdivision. Mr. Larson was requesting that his original 60' road easement be acceptable. He indicated that the Alaska Department of Transportation had suggested a 100' right of way but because of a Native allotment certificate he could only provide 60'.

The committee needed to know if this 100' easement was a stipulation or a suggestion.

VI. PLANNER'S REPORT

Mr. Nolan indicated that there had been a considerable amount of building activity in Bethel this month. The Planning Department has issued 18 Site Plan Permits and was reviewing several others. The ability of the Planner to physically visit each site is severely restricted due to the staffing problem.

The annual budget process is coming to a close and the Planning Department is making some gains. The Planning Department received a new computer which will be capable of performing future needs. Money is being made available for a land records system in the new budget. Mr. Nolan thanked Mr. McComas for his work on the City Council to provide an increase in the Planning Department budget.

The new Planning Manager position is being reopened due to a limited list of applicants.

VII. PEOPLE TO BE HEARD

Ted Simmons brought to the attention of the committee a continuing problem in the Tundra North Subdivision. He wanted to encourage the City to deny any permits in this area for non residential uses. They have a perpetual problem with one lot in the subdivision whose owner persists on trying to lease the property for commercial purposes.

Mr. Nolan indicated that he had talked with Jim Murphy, the project engineer for AHFC, and informed him of the residential restrictions in this area. The contractor is aware of the problem.

Mr. Warner was concerned with the residential developments around the airport. He wanted to know what type of zoning surrounded the airport area. He requested that an item for discussion on the next agenda be the zoning requirements, present and future, around the airport.

VIII. OLD BUSINESS

ITEM A: RECOMMENDATION TO THE CITY COUNCIL TO ADOPT ORDINANCE HOLDING CONTRACTORS LIABLE FOR WORK COMMENCED WITHOUT A SITE PLAN PERMIT - 18.84.040

The ordinance was referred back to the Planning Commission for re-evaluation. Harry Faulkner Jr., of Foundation Services, had stated the need for more information on the site plan permit. He had requested the permit to be more specific and to be able to call in and get the information needed to verify the information quickly.

Mr. Nolan was asked if more information could be supplied on the permit form. He stated that the permit form would take little work to provide the needed information. He asked that he be given a short period of time to update the form. The members agreed that the 1st of July would be acceptable.

motion M/M by Warner, 2nd by McComas that the ordinance be approved with an effective date of July 1, 1995. Voice vote. Motion carried unanimously.

ITEM B: DISPOSAL OF CITY PROPERTY KNOWN AS PARCEL C-1, SECTION 13, T8N, R72W TO THE FAA

Mr. Warner asked if the City Council agreed to the disposal of the property. The process has taken such a long time that there is some concern as to what actually was agreed upon. The commission decided that they needed to find out if a plat was ever approved by the Planning Commission. If it was not then a public hearing needs to be held for plat approval.

Mr. McComas asked if they could go back and request that a larger pipe be used for the sewer if the plat was never approved. There was concern that the sewer line should not be accepted unless it could be used for other purposes.

Mr. Guinn asked for research into what happened in the past at this level and what happened in the past at Council level.

motion M/M by Warner 2nd by Metcalfe to table the discussion pending further investigation. Voice vote. Motion carries unanimously.

IX. NEW BUSINESS

ITEM A: RECOMMENDATION TO CITY COUNCIL ON PROPOSED LEASE OF TRACT A-1 AND A-2, TURNKEY III SUBDIVISION - OMNI ENTERPRISES, INC.

Omni Enterprises, Inc. has requested an extension of their lease on tract A1, Turnkey III. The current building on tract A1 is encroaching on lot A2. To alleviate the encroachment problem Omni has asked to lease lot A2 also. This is the current site of the QFC #1 convenience store.

The property appraisal completed by Stan Dunigan of Affiliated Appraisers of Alaska indicates that the property is valued at \$18,548.00 and after completing a market rent analysis concluded that \$1,500.00 per annum for 5 years would be a fair annual market rent. The City Manager and Finance Director have decided that the City will offer Omni the property for \$1,900.00 per annum over a ten year period.

The Planning Department advocates recommendation of this lease proposal to the City Council.

motion M/M by Warner 2nd by Metcalfe to recommend the City Council lease Tract A-1 and A-2, Turnkey Subdivision to Omni Enterprises for the dollar amounts and the time period stipulated with the further restriction that the lots could not be subleased by Omni. Voice vote. Motion carries unanimously.

ITEM B: RECOMMENDATION TO CITY COUNCIL TO ADOPT ORDINANCE REQUIRING TELEPHONE AND CATV CABLES TO BE BURIED - 15.12

A copy of the proposed new ordinance was presented. Mr Nolan indicated that he was expecting a written response from the Utility companies involved. He Had spoken with local technicians who did not think that this was a feasible plan due to the problems they have encountered previously with buried lines. He asked them to respond by mail with their concerns.

The committee discussed the possible problems and the advantages of buried lines.

motion M/M by McComas 2nd by Warner to recommend the City Council adopt the proposed ordinance with the change to 15.12.070B of "2% of its gross revenue over 15 years". Voice vote. Motion carries unanimously.

ITEM C: WAIVER REQUEST FOR SUBDIVISION OF TRACT 5A1, USS4000 - YKHC

The Yukon Kuskokwim Health Corporation (YKHC) submitted a waiver request to the Planning Commission for an abbreviated plat of tract 5A1, USS4000. Section 17.04.050B states that the transaction not fall within the intent of AS 29.33.150--.240 and AS 41.5. The latter was removed from the Alaska Statutes.

Mr. Guinn declared that he was involved with this project and said that he would remove himself from the decision making. He explained YKHC's plans and gave the committee a description of the proposed lots and their uses.

PLANNING COMMISSION MINUTES

PAGE 7

DATE: June 8, 1995

Mr. Nolan indicated a need for an abbreviated process for simple subdivisions. The Planning Department should have the ability to approve short plats without a lengthy process. The Planning Department would still like to have abbreviated plats recorded.

Mr. Warner proposed the plat be put on the agenda for the next meeting for approval. The item was tabled.

X. ADJOURNMENT

motion M/M by Warner 2nd by Metcalfe to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS ____ DAY OF _____, 1995.

John Guinn, Chairman

ATTEST:

Richard Nolan, Acting Planning Manager



CITY OF BETHEL

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PLANNING COMMISSION MINUTES

RE-SCHEDULED REGULAR MEETING AUGUST 17, 1995

(City Clerk's note: Due to the failure of the recording equipment, the names of the Commission members making and seconding motions was unavailable.)

I. CALL TO ORDER

Chairman Guinn called the meeting to order at 7:35 pm, at the City Office Conference Room, Bethel, Alaska.

II. ROLL CALL

Present: Andrew, Guinn, Hamilton, Hickson, McComas, Warner

Absent: Metcalfe

III. APPROVAL OF MINUTES

It was noted in the minutes of the July 13, 1995, regular meeting that Metcalfe was absent from the meeting. It was also noted that the reason for the no conflict of interest decision made at the last meeting was because the Commission found no financial interest or benefit. It was also requested that all written communication be included with the minutes.

Motion was made and seconded to approve the July 13, 1995, minutes as corrected. Motion carried unanimously.

IV. APPROVAL OF AGENDA

Motion was made and seconded to approve the agenda as presented. Motion carried unanimously.

V. COMMUNICATIONS

None

VI. PLANNER'S REPORT

City Manager William Hunter, acting for the Planning Manager, reported the number one candidate for the vacant Planning Manager position had declined the City's offer. An offer has been extended to the second candidate, but the City had received no response as of 8/17/95.

VII. PEOPLE TO BE HEARD

No one testified under people to be heard.

Commission member Andrew pointed out that the City had granted a site plan to place a structure in the platted road across the slough, and it was his understanding that the Commission and the City had agreed that this would no longer happen. Mr. Andrew suggested that the Planning Manager research records more thoroughly prior to approving site plan applications.

VIII. OLD BUSINESS

None

IX. NEW BUSINESS

ITEM A: Preliminary Plat For Proposed Subdivision, Block 2, Martina Oscar, Subdivision-Karluk Design

A representative for Karluk Design testified in support of this subdivision.

The Commission expressed its concern that the design does not call for the connection of the structures to the City's piped water and sewer system as required by ordinance. City Manager Hunter also expressed his concern that because the units were for low-income families, the need for an escrow account had not been addressed for the eventual hook-up to the piped water and sewer system. A representative from AVCP indicated that money might be available to the City for the purchase of another water or sewer truck to offset the increased demand on the City.

Motion made and seconded to approve the preliminary plat for the proposed subdivision. Motion carried unanimously.

ITEM B: Request For Variance Lot 3 Block 2, Uiviq Subdivision-David Kutch

David Kutch testified in support of the variance. Mr. Kutch indicated that he had contacted neighbors to the property and they expressed no opposition, as well as contacting the Public Works Department for the road easement requirements, again with no opposition.

Motion made and seconded to approve the variance. Motion carried, 5-Yes, 1-No (Warner).

ITEM C: Request For Variance Lot 10 Block 13, USS 3230-United Pentecostal Church

No representative from the United Pentecostal Church attended the meeting.

Motion made and seconded to table this item to the next meeting. Motion carried unanimously.

ITEM D: Request for Variance Tract A, Ptarmigan Subdivision--YKHC

A representative from YKHC testified in support of the variance, and indicated the variance was to assist in providing support systems to their employees in the adjacent properties. The representative also addressed the drainage problems caused by the variance and assured the Commission that the proper culverts would be installed.

Motion made and seconded to approve the variance. Motion carried, 4-Yes, 1-No (Warner), 1-Abstention (Guinn).

ITEM E: Resubdivision of Lot 11A, USS 4117--Don Elliott

Mr. Elliott was not in attendance at the meeting.

Motion made and seconded to table this item to the next meeting. Motion carried unanimously.

ITEM F: Conditional Use Permit for Temporary Office in a Residential District at 154 Torgerson, Lot 5, Block 3, Mumtretlik Subdivision--Verla Mojin

Stuart Greydanus, representing Ms. Mojin, presented an overview of the proposed activities on the property.

Public testimony was heard against the conditional use permit, both written and oral (written testimony is attached as part of these official minutes).

Motion was made and seconded to deny the conditional use permit. Motion carried unanimously.

ITEM G: Discussion of Planning Commission's Role and Interaction with City Council

Discussion regarding the Planning Commission's role was held.

Council member McComas stated that the Planning Commission's recommendations should go directly to the City Council for its consideration, and that the Planning Manager should attend Council meetings to speak in support of the Commission's recommendations. City Manager Hunter responded that all recommendations from the Committees and Commissions do go directly to the City Council through the City Clerk. Mr. Hunter continued that all legal matters are referred to the attorney through the City Council or City Manager and replies are sent to the City Manager, and that the role of the staff is to serve as the secretariat and provide clerical support, but staff's attendance at Council meetings is directed by the Department Head with the

appropriate overtime authorization. Discussion followed regarding the process for introducing ordinances to the City Council.

Commissioner Warner stated that the Commission was not applying the ordinances of the City rigorously and consistently to regulate growth. Mr. Warner admonished the Commission to take health, safety, water and sewer requirements, and noise impact issues into account when considering new subdivisions or variances.

X. ADJOURNMENT

Motion was made and seconded to adjourn the meeting at approximately 10:20 p.m. Motion carried unanimously.

PASSED AND APPROVED THIS _____ DAY OF _____, 1995.

John Guinn, Chair



CITY OF BETHEL

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PLANNING COMMISSION MINUTES

PAGE 1

DATE: July 13, 1995

City of Bethel Planning Commission

Regular Meeting of

I. CALL TO ORDER

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

II. ROLL CALL

Present: Guinn, Hickson, McComas, Andrew, Hamilton

Absent: Metcalfe, Warner

III. APPROVAL OF MINUTES

motion M/M by McComas, 2nd by Hickson to approve the minutes of the June 8, 1995, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

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

V. COMMUNICATIONS

Mr. Nolan noted that the Planning Department had received a request from Tom Warner, who would be unable to attend the meeting, to have his comments on the review of the preliminary plat of Kasayuli Subdivision, Item B under new business, become part of the public record.

VI. PLANNER'S REPORT

The Planning Department has just completed its quarterly report to the Corps of Engineers which is required for the General Permit (GP). We had 23 of 35 permits approved under the GP this quarter compared to 7 of 14 last quarter.

The Planning Department is completing work on the district's final progress and financial report and annual report for the Alaska Coastal Management Plan.

There are presently four applicants for the position of Planning Manager. An additional four application packets have been mailed. We are having a better response to our latest advertisement. I think that the wording of the new announcement and the change in salary are the major factors in the increased interest.

VII. PEOPLE TO BE HEARD

There were no people to be heard.

VIII. OLD BUSINESS

ITEM A: SUBDIVISION OF TRACT 5A1, USS 4000 - YKHC

The Yukon Kuskokwim Health Corporation (YKHC) has submitted a request to subdivide Tract 5A1, USS 4000 into three lots. Tract 5A1 is 5.536 acres in size. The subdivision breaks Tract 5A1 into lot 1 (14,257 sq. ft), lot 2 (13,050 sq. ft.) and lot 3 (4.909 acres). A Supportive Living unit is being built on lot 1. The Planning Department found no problem with this subdivision.

John Guinn gave the committee members an overview of the proposed subdivision and its use by YKHC. Mr. Guinn, because of his affiliation with this project, abstained from voting. Mr. Andrew and Ms. Hamilton stated they also were employed by YKHC but that there was no conflict of interest.

motion M/M by Metcalfe 2nd by Hickson to approve the subdivision of Tract 5A1, USS 4000. Voice vote. Motion passes unanimously.

ITEM B: SUBDIVISION OF PARCEL C-1, USS 3729 - FAA

The Planning Committee asked the Planning Department to investigate and provide information on the disposal of this property by the City. The request by the FAA first came before this body on February 17, 1993. There was no decision made at this meeting. It was next heard at the March 11, 1993 meeting. It was tabled until the next meeting. In the April 8, 1993 session a motion was made, and passed, to recommend to the Council they enter into negotiations for the disposal of the land with the Commission's concern about "compounding" noted. March 10, 1994 a motion was made to recommend the sale of City land, if the City Council amended 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. The City Council approved Ordinance 94-06, which approved the disposal, on March 22, 1994.

The Planning Manager made the commission aware that, although the members may be opposed to the disposal itself, they were only able to act on the approval of the subdivision.

motion M/M by McComas 2nd by Andrew to approve the subdivision of Parcel C-1, USS 3729. Voice vote. Motion passes unanimously.

ITEM C: RIGHT OF WAY FOR TSIKOYAK SUBDIVISION - WALTER LARSON

Mr. Larson is asking for assurance from the City that a 60' right of way along BIA road will be accepted. The ADOT originally requested that the Larsons' provide a 100' right of way for their subdivision.

One of the conditions for passage of the final plat of Tsikoyak Subdivision made in the February 23, 1995 Commission meeting was that the access to BIA Road meet State DOT requirements as to number and size.

The Planning Commission never stipulated a 100' right of way in their conditions for approval of the final plat. If the ADOT did not require this right of way then the Planning Department saw no reason why Mr. Larson's request should not be approved.

The committee members were all in agreement that Mr. Larson has been run around long enough and that this would not impose any significant problems for the City.

motion M/M by Hamilton 2nd by Andrew that the Planning Commission agree that a sixty foot right-of-way is adequate. Voice vote. Motion passes unanimously.

IX. NEW BUSINESS

ITEM A: SUBDIVISION OF LOT 1, BLOCK 5, USS `870 - CITY

This is the lot where the bus barn and the Bojangles building now sit on. The Korean Church of Christ has made proposals to the City to purchase the Bojangles building and move it to a separate lot to be leased from the City. To provide the church with the needed lot the City wishes to subdivide the present lot into two lots and lease the smaller parcel to the church.

The surveyor, McClintock Land Associates, is currently surveying the property and the plat will not be available for recording for about two weeks. The Planning Department is asking the approval be given at this time and the plats signed and recorded when available.

Mr. McComas gave a few reasons for approval. He stated that the Korean Church was the only group or individual that the City is going to be able to sell the Bojangles building to and the City needs to move it or tear it down. There is also a large mortgage on the building and this will go a long way towards removing that burden from the City.

motion M/M by Hickson 2nd by Andrew to approve the subdivision of lot 1, block 5, USS 870. Voice vote. Motion passes unanimously.

ITEM B: REVIEW OF THE PRELIMINARY PLAT KASAYULI SUBDIVISION - YKHC

Mr. Guinn excused himself from the voting members and turned the Chair over to Mr. McComas. Mr. Guinn is working for YKHC to develop this subdivision. Ms. Hamilton and Mr. Andrew also work for YKHC but were not found to be in conflict with this issue.

The Yukon Kuskokwim Health Corporation has submitted a preliminary plat for a 144 lot subdivision in the southeast 1/4 of the northeast 1/4 and the south 1/2 of the northwest 1/4 of section 23 township 8 north range 72 west of the Seward Meridian containing 146.36 acres. This proposed subdivision will provide affordable housing for YKHC employees.

PLANNING COMMISSION MINUTES

PAGE 6

DATE: July 13, 1995

Mark Stemp, president of the Bethel Native Corporation, spoke in favor of the subdivision. It will open up access to BNC property and to surrounding native allotments. He spoke of the need for affordable housing and offered BNC's support.

Mr. Nolan indicated that he had been asked by both the Fire Chief and the Public Works Director to speak on their behalf. Objections to this plan would be its distance from the City core area. Police, Fire, and Sanitation services will be strained to provide adequate service to this area. Winter storms could cut this subdivision off for days at a time. The possibility of YKHC providing its own water, sewer, and garbage service should be looked into. The Fire Chief and the Public Works Director both like the basic plan but have not given their approval. Both department heads have grave concerns over the problems that this subdivision will create for the City.

The Planning Department is unsettled as to its stand on this development. There are pros and cons which make it difficult to come to a firm decision on whether or not to recommend approval. On the pro side is the need for housing, the site, the general subdivision layout and future expansion. There is a current land shortage for housing starts. City growth and development are at a standstill due to the lack of available building lots. This property, which is located on an excellent site, would provide an abundance of large buildable lots. The site itself is on an elevated, well drained area providing good views and solid footings. The overall subdivision layout is excellent in its use of the property. It has large lots with good access and plenty of well defined and usable recreation areas. The location will provide opportunity for others in this area to develop their own properties. On the negative side is the distance from the City core and the adverse effect it will have on the City services. The Planning Department was in favor of some of the lots being made available for other than YKHC employees.

John Guinn responded to the distance objection. Land is relatively unavailable and that land that is needed to be developed. He understood the City Departments reluctance to approve of this project but did not think distance should be a determining factor for approval. Committee members agreed with Mr. Guinn on this point. A response was also given to Mr. Warners objections. It was agreed that aircraft noise was considered to affect other areas as well and should not be a limiting factor.

PLANNING COMMISSION MINUTES

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DATE: July 13, 1995

This area was thought to be zoned general use and the ability for some lots to contain commercial ventures would be applicable.

For the record John Guinn abstained from voting due to his relationship with the development of this project. Joan Hamilton and Louie Andrew, both YKHC employees, were found not to have a conflict of interest and were allowed to vote.

motion M/M by Hickson 2nd by Hamilton to approve the review of the preliminary plat of Kasayuli Subdivision. Voice vote. Motion passes unanimously. Voice vote. Motion passes unanimously.

The chair was returned to Mr. Guinn.

ITEM C: RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED SALE OF CITY OWNED BUILDING KNOWN AS BOJANGLES - KOREAN CHURCH

Kilsoo Seo has asked the City to sell the Korean Church of Christ the property known as the Bojangles building. This building is located at 503 1st Avenue. It is a two story, steel girder quonset constructed structure with a metal sheeting exterior and a dry wall interior. The building measures 45' x 87' with an approximate total of 7,560 sq. ft. It is equipped with domestic water, sewer and heating.

The building will be moved approximately 200' from its present location to a lot (presented as ITEM A in this meeting) which will be subdivided from the current lot. There will be a lease proposal for this lot which is also City owned. A preliminary offer of \$40,00.00 has been made for this property. The sale will also be subject to provisions for payment of a mortgage already on the building.

The Planning Department recommends this sale for two reasons. First, the City has been looking for someone to purchase this property for some time and wants it moved. Second, it will provide a good location for a needed community service.

motion M/M by McComas 2nd by Hamilton to accept the proposed offer for the Bojangles building. Voice vote. Motion passes unanimously.

ITEM D: RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED LEASE OF A PORTION OF LOT 1, BLOCK 5, USS 870 - KOREAN CHURCH

This proposed lease is consistent with the requests of ITEM A and ITEM C of this section. The Korean Church of Christ is proposing to lease a newly subdivided lot on Lot 1, Block 5, USS 870 from the City for approximately \$1800.00 annually over a period of ten years.

motion M/M by Hamilton 2nd by Andrew to accept the proposed lease of lot 1, block 5, USS 870 to the Korean Church. Voice vote. Motion passes unanimously.

ITEM E: RECOMMENDATION TO THE CITY COUNCIL ON PROPOSED SALE OF A UTILITY EASEMENT ON A PORTION OF LOT 8, BLOCK 20, USS 3230 - BETHEL UTILITY CORPORATION

Lenny Welch, acting on behalf of Bethel Utilities Corporation, has requested a permanent utility easement on lot 8, block 20, USS 3230. The City Council has issued a special use permit for this property to provide two new power poles for Whitney Seafood's fish processor. The easement should be continuous so that service can be provided to this area on a permanent basis.

The Planning Department recommended the approval of this easement disposal. The special use permit was given so the poles could be placed in the ground immediately while awaiting a permanent easement.

motion M/M by McComas 2nd by Hickson to approve the disposal of the utility easement with the condition that the old pole be removed. Voice vote. Motion passes unanimously.

DATE: July 13, 1995

X. ADJOURNMENT

motion M/M by Hamilton 2nd by McComas to adjourn the meeting. Voice vote.
Motion carried unanimously.

PASSED AND APPROVED THIS ____ DAY OF _____, 1995.

John Guinn, Chairman

ATTEST:

Richard Nolan, Acting Planning Manager



CITY OF BETHEL

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PLANNING COMMISSION MINUTES

PAGE 1

DATE: Sept 21, 1995

City of Bethel Planning Commission

Regular Meeting of

I. CALL TO ORDER

The meeting was convened at 7:35 PM, at the City Finance Conference Room, Bethel, Alaska, by Chairman Guinn.

II. ROLL CALL

Present: Guinn, Hickson, Hamilton, Warner

Absent: McComas, Andrew, Metcalfe

III. APPROVAL OF MINUTES

motion M/M by Warner, 2nd by Hamilton to approve the minutes of the August 17, 1995, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

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

V. COMMUNICATIONS

There were no communications.

VI. PLANNER'S REPORT

The new Planning Manager, Franklin Etheridge, and City Manager, Ken Weaver, were introduced to the Planning Commission.

A recent Site Plan Permit for Bruce Larson was presented as an example of current problems with the permitting system and ordinances relating to the permitting process.

VII. PEOPLE TO BE HEARD

Joan Hamilton was concerned about activity along the unimproved portion of Tundra Street along the slough. The area in question belongs to James Randell and contains a lot of miscellaneous junk which could be causing runoff problems into the slough. Ordinances dealing with trash as a nuisance was discussed as a possible remedy. The Planning Department was asked to discuss the problem with the local DEC official.

VIII. OLD BUSINESS

ITEM A: REQUEST FOR VARIANCE LOT 10 BLOCK 13, USS 3230 - UNITED PENTECOSTAL CHURCH

Lauren Bradbury testified in support of the variance indicating the variance was needed to provide space for a growing congregation.

The commission expressed its concern that there might be a problem with impeding the flow of traffic on the State Highway. The parking problem on Sundays was discussed and found to have little impact.

The variance permitting process was discussed by the Commission. Variances should start being strictly enforced according to the procedures described in the ordinances. All options, such as moving the home or economics, should be looked at before variances are granted.

motion M/M by Warner 2nd by Hamilton to approve the variance for Lot 10, Block 13, USS 3230 to the United Pentecostal Church with the stipulation that the addition to the church meet the State Fire Marshall approval. Voice vote. Motion passed unanimously.

ITEM B: RESUBDIVISION OF LOT 11A, USS 4117 - DON ELLIOTT

Don Elliott testified in support of the subdivision.

Mr. Nolan indicated the need for a process by which the Planning Manager could approve short plats.

motion M/M by Warner 2nd by Hickson to approve the subdivision of Lot 11A, USS 4117 to create Lot 11C. Voice vote. Motion passed unanimously.

IX. NEW BUSINESS

ITEM A: RESUBDIVISION OF LOT 13C, BLUEBERRY SUBDIVISION - KEN DOSTERT

There was no one present to testify in behalf of the subdivision request. Ms. Dostert had been available at the previous meeting which was postponed.

The concerns of the Commission were discussed. The new subdivision was found to be needed to fit the existing buildings. There are two new buildings which have been built without Fire Marshall approval or a Site Plan Permit. These are all commercial structures and need to have Fire Marshall approval before the Commission can act on this request.

motion M/M by Warner 2nd by Hamilton to table any formal action for the resubdivision of Lot 13C, Blueberry Subdivision until next meeting. Voice vote. Motion passed unanimously.

DATE: Sept 21, 1995

**ITEM B: FINAL PLAT APPROVAL UIVUQ SUBDIVISION, ADDITION NO. 1 -
BETHEL NATIVE CORPORATION**

In February the Commission gave preliminary approval for the plat with the condition that the entire 10% open space be included in the plat, fifteen foot utility easements where easements are indicated and all telephone and television cables will be buried.

The plat, which was presented for final approval, met the conditions imposed by the committee. The open space on the final plat makes up approximately 13% of the total area or 16% of the total area when the right-of-way is not included. The plat indicates utility and drainage easements of 15 feet on all lots. Note #2 states that all telephone and television cables will be installed underground.

motion M/M by Hamilton 2nd by Warner to approve the final plat for the Uiviq Subdivision, Addition No. 1. Voice vote. Motion passed unanimously.

ITEM C: PROPOSED CHANGES TO TITLE 18

A list of proposed changes to Title 18 was presented to the Commission by Tom Warner. Some of the changes were to simply clean up the language others were to make existing definitions easier to understand.

motion M/M by Warner 2nd by Hamilton to recommend the changes to Title 18 be introduced at the next City Council meeting. Voice vote. Motion passed unanimously.

X. ADJOURNMENT

motion M/M by Warner 2nd by Hamilton to adjourn the meeting. Voice vote. Motion carried unanimously.

PLANNING COMMISSION MINUTES

PAGE 5

DATE: Sept 21, 1995

PASSED AND APPROVED THIS ____ DAY OF _____, 1995.

John Guinn, Chairman

ATTEST:

Richard Nolan, Acting Planning Manager



CITY OF BETHEL

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PLANNING COMMISSION MINUTES

PAGE 1

DATE: Oct 12, 1995

City of Bethel Planning Commission

Regular Meeting of October 12, 1995

I. CALL TO ORDER

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

II. ROLL CALL

Present: Guinn, Hickson, McComas, Metcalfe

Absent: Hamilton, Andrew, Warner

III. APPROVAL OF MINUTES

motion M/M by McComas, 2nd by Hickson to approve the minutes of the September 21, 1995, regular Commission meeting as presented.

IV. APPROVAL OF AGENDA

motion M/M by Hickson, 2nd by Metcalfe to approve the agenda with the addition of Item D. Voice vote. Motion carried unanimously.

V. COMMUNICATIONS

The Planning Department received a complaint from Dick Andrew and Louie Andrew against Carl Russell and the Acting Planning Manager. The complaint against the Acting Planning Manager cited a flagrant deviation from City ordinances. Permission was given to build a porch addition behind Mr. Russell's building which is in the road right-of-way. Permission was given to build this structure when it was promised that the area would be cleaned up and the new construction would be moved by November. There has been a significant improvement in the cleanliness of area.

Concerning the complaint against Mr. Russell the eviction process was started. The Planning Department requested the City attorney's advice on the most expedient way to proceed.

VI. PLANNER'S REPORT

The new Planning Manager, Franklin Etheridge, resigned on the 27th of September. The City is once again advertising for this position.

Quarterly reports have been sent to the Corps of Engineers and the Alaska Coastal Management Program (ACMP). The report for the Corps is to maintain our general permit and the ACMP report fulfills a requirement of our grant.

VII. PEOPLE TO BE HEARD

There were no people to be heard.

VIII. OLD BUSINESS

There was no old business

IX. NEW BUSINESS

ITEM A: REQUEST FOR VARIANCE LOT 14, BLOCK 3, TURNKEY III SUBDIVISION - GRACE LIEB

Grace Lieb was represented her contractor, Jimmy Guinn, who proposed a 16' x 24' addition to the present structure plus an arctic entry which would require a setback variance.

Commissioner Guinn explained the ASHA housing complex problem.

motion M/M by McComas 2nd by Metcalfe that the variance be granted. Voice vote. Motion passed unanimously.

ITEM B: REQUEST FOR VARIANCE TRACT A, TURNKEY III SUBDIVISION - YUKON KUSKOKWIM HEALTH CORPORATION

John Guinn excused himself from chair. Buford McComas became the acting chairman.

YKHC was represented by Greg McIntyre who proposed moving an FAA duplex onto the lot requiring a lot line variance. YKHC owns Tract A and Lots 10, 11, and 12. The duplex would cross the lot line between Tract A and Lot 10. There will be the required distances to meet set back distances and at least 20' between all buildings. Planning has been made to preserve the natural drainage.

motion M/M by Hickson 2nd by Metcalfe to approve the variance subject to the Planning Departments recommendations. Voice vote. Motion passed unanimously.

PLANNING COMMISSION MINUTES

PAGE 3

DATE: Oct 12, 1995

ITEM C: REQUEST FOR VARIANCE PRELIMINARY PLAT BLOCK 2, MARTINA OSCAR SUBDIVISION - KARLUK DESIGN

BMC 135.30.020 E2 and 135.030.040 require 70' radius cul-de-sac turn arounds. Karluk Designs requests a variance from this ordinance to a 50' radii.

Corospondence from Paul Whipple, of Karluk Design, was presented as testimony on behalf of the variance.

motion M/M by McComas 2nd by Hickson to approve the variance request for 50 foot radii cul-de-sacs in Block 2, Martina Oscar Subdivision. Voice vote. Motion passed unanimously.

ITEM D: PLANNING DEPARTMENT NEEDS

The needs of the Planning Department and associated problems were discussed. The City Manager, Ken Weaver, suggested that the salary for the Planning Manager be increased to \$50,000.00 annually to allow the City to acquire and keep qualified applicants.

X. ADJOURNMENT

motion M/M by McComas 2nd by Hickson to adjourn the meeting. Voice vote. Motion carried unanimously.

PASSED AND APPROVED THIS ____ DAY OF _____, 1995.

John Guinn, Chairman

ATTEST:

Richard Nolan, Acting Planning Manager