By: Planning Commission
Public Hearing: April 11, 2019
Adopted: April 11, 2019

CITY OF BETHEL PLANNING COMMISSION
RESOLUTION SERIAL NO. 2019-06

A RESOLUTION OF THE BETHEL PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL DISPOSE OF LAND LOCATED AT 831 RIVER STREET VIA LEASE RENEWAL

WHEREAS, on April 11, 2019, the Planning Commission held a public meeting after ensuring that a quorum of the Planning Commissioners had been established; and

WHEREAS, one of the items for the Planning Commission's review was the proposed Lease Agreement between the City of Bethel and BTP, LLC; and

WHEREAS, the Commission was provided copies of section 4.08 of the Bethel Municipal Code regarding disposal of City lands; and

WHEREAS, the Bethel Planning Commission had an opportunity to review the different options available for the disposal of this option, namely: Property No Longer Necessary for Municipal Purposes (4.08.030A); Disposal in Furtherance of Local Trade or Industry (4.08.030C) and Renewal (4.08.050C); and

WHEREAS, after learning of the difficulties and attempts which the tenant had made over the years to renew its expired Lease, the Bethel Planning Commission adopts the following Findings of Fact:

4.08.030A Property No Longer Necessary for Municipal Purposes. The city council may, by ordinance, provide for the disposal of an interest in any real property which is no longer necessary for municipal purposes. All such disposals shall be by sealed bid to the highest bidder and shall be made at least at current assessed value or at current appraised value unless otherwise determined by ordinance.

Finding: While this section could be applicable, given the amount of time the current tenant has been on the current Premises and the lengths the Tenant has gone through to remain on the Premises, the Planning Commission does not recommend utilizing this method of disposal.

4.08.030C Disposal in Furtherance of Development of Local Trade or Industry. The city council may, by ordinance, provide for the disposal of an interest in real property to any person or entity in furtherance of the development of local trade or industry without seeking competitive bids but not for less than the current

assessed value or current appraised value, whichever is higher, of that interest in real property. All disposals made pursuant to this subsection shall include a condition requiring that the interest of the city being disposed of revert to the city in the event that the real property disposed of is not being used in furtherance of the development of local trade or industry justifying the original disposal.

Finding: Because this term is not defined in the Bethel Municipal Code, it is difficult to determine whether the use of land to support the operation of a business would qualify under this section of the Code. Therefore the Commission does not recommend utilizing this section of the Code.

4.08.050C Renewal. If the lessee wishes to renew the lease, the lessee shall make written application to the city clerk for renewal of the lease at least one hundred eighty (180) days prior to the expiration of the lease. The written renewal application shall contain terms of the proposed renewal. The city manager shall, upon majority vote of the city council after a public hearing, and after the recommendation of the planning commission, if deemed appropriate by city manager, issue a renewal of the lease to the lessee.

Finding: While the previous Lease did not contain specific renewal language, the Tenant has been on a month-to-month lease since their previous Lease expired. In all that time, per the City's records, the Tenant has not missed a payment and has not been late on any one payment. Additionally, the Tenant has been diligent in its request for a new or updated Lease. As a result, the Planning Commission recommends the City proceed under this section of the BMC.

NOW THEREFORE BE IT RESOLVED, the Bethel Planning Commission hereby recommends the City Council approve the Lease as a renewal pursuant to BMC 4.08.050C without the need for a public bid provided the rent is at or above Fair Market Rent as determined by an appraisal.

PASSED AND APPROVED BY THE BETHEL PLANNING COMMISSION by a duly constituted quorum on this 11th day of April, 2019.

City of Bethel Planning Commission Action: 4 In Favor 0 Opposed 0 Abstained

ATTEST:

Kathy Hanson, Chairwoman
City of Bethel Planning Commission

B. Ingersoll for P. Boratko
Pauline Boratko, Recorder
City of Bethel Planning Commission