

By: Planning Commission  
Public Hearing: March 8, 2018  
Public Hearing: April 11, 2019  
Adopted:

**CITY OF BETHEL PLANNING COMMISSION  
SUPPLEMENTAL RESOLUTION SERIAL NO. 2019-03**

**A RESOLUTION OF THE BETHEL PLANNING COMMISSION CONDITIONALLY APPROVING THE  
PRELIMINARY PLAT REQUEST FROM THE ORUTSARARMIUT NATIVE COUNCIL FOR THE  
CIULLKULEK SUBDIVISION, BETHEL, ALASKA**

**WHEREAS**, the Orutsararmiut Native Council, owner of Orutsararmiut Subdivision, requested a review of a Preliminary Plat; and

**WHEREAS**, notice of the application was mailed to all property owners within 600 feet of the exterior boundary of the proposed Subdivision on February 27, 2018; and

**WHEREAS**, a notice of the Planning Commission public hearing and review of the Preliminary Plat was published in the Delta Discovery on February 28, 2018 and March 7, 2018; and

**WHEREAS**, the Planning Commission held a public hearing on the Preliminary Plat request on March 8, 2018; and

**WHEREAS**, at the March 8, 2018 meeting the Planning Commission approved the Preliminary Plat request with conditions; and

**WHEREAS**, one of the Preliminary Plat conditions requires the Developer to enter into a Subdivision Agreement; and

**WHEREAS**, between the time the Preliminary Plat was applied for as Orutsaramiut Subdivision and the time it was approved, the Developer began to refer to the development as the Ciullkulek Subdivision; and

**WHEREAS**, the Bethel Planning Commission deliberated on the Orutsaramiut Subdivision (Ciullkulek Subdivision) Application for a Preliminary Plat, taking into account the information submitted by the Applicant, the evaluation and recommendation by Staff contained in the Planner's Report, Public Testimony, the applicable provisions of the Bethel Municipal Code and Comprehensive Plan, and other pertinent information brought before them; and

**WHEREAS**, the Bethel Planning Commission adopted the following Findings of Fact; and

**NOW THEREFORE BE IT RESOLVED**, the Bethel Planning Commission hereby initially approved the Orutsararmiut Native Council application on March 8, 2018 as restated herein:

1. All platting, permitting, and construction processes must conform to the City of Bethel Municipal Code.
2. The Subdivider is responsible for obtaining and conforming to all required local, state and federal permits.
3. Site Plan Permits must be obtained from the Bethel Planning Department for all components of Subdivision Development.
4. The subdivision must show and provide dedicated areas/easements for locations of neighborhood dumpsters.
5. Subdivision Development Agreement. The Subdivider shall enter into a Subdivision Development Agreement with the City of Bethel which meets, at a minimum, the requirements set out in this report. All of the conditions and expectations necessary for Final Plat approval to be listed by both the City and the Subdivider in the Subdivision Agreement. Both the City and the Subdivider to work cooperatively to complete the Subdivision Agreement within no more than sixty (60) days from the date of the Preliminary Plat approval. No work is to commence until the Subdivision Development Agreement is completed.

The Subdivision Development Agreement shall include, but not be limited to, the following:

- a. A designation of the public improvements required to be constructed.
- b. The construction and inspection requirements of the City or utility for which the improvements are constructed.
- c. The time schedule for completing the improvements.
- d. A performance guarantee.
- e. The allocation of costs between the City and the subdivider for required public improvements.
- f. A reasonable warranty on public improvements.
- g. The consent of the subdivider for the ownership of specified public improvements to vest with the City upon final acceptance by the City.
- h. A warranty that the Subdivider has title to the Subdivision property and the authority to execute the Subdivision Development Agreement.
- i. A provision requiring the Subdivider to submit plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, a traffic control plan, and any other pertinent data and information necessary for City officials to evaluate the proposed installation.
- j. A provision that work shall not commence until plans have been approved by the Planning Department and the Public Works Department and the notice to proceed is given.
- k. Final Plat not to be approved until the City accepts all improvements.

**NOW THEREFORE BE IT FURTHER RESOLVED** the Planning Commission hereby adopts the following additional findings and conditions:

*BMC § 17.12 Before a Preliminary Plat can be approved, with or without conditions, the following BMC platting requirements must be met:*

**17.12.030(A) An original reproducible copy of the Preliminary Plat and all information, certifications and material required under this section shall be submitted to the Platting officer at least thirty (30) calendar days prior to the Planning Commission meeting at which consideration of the Preliminary Plat is desired.**

Finding: The Preliminary Plat was timely filed having been filed on February 23, 2017. More than thirty (30) calendar days passed from the time of the filing of the Preliminary Plat request to the time of the Planning Commission meeting on March 8, 2018.

**17.12.030(A)(1) The Preliminary Plat submission shall include the Preliminary Plat Fee:**

Finding: The Preliminary Plat fee of Three Hundred (\$300) Dollars was paid on February 23, 2017.

**17.12.030(A)(2) A certificate of ownership indicating the date the land proposed to be subdivide was acquired, together with the book and page of each conveyance to the present owner or owners as recorded in the Bethel District Recorder's Office.**

Finding: Proof of ownership was filed with the Bethel Recorder's Office on April 4, 2012, document number: 2012-000358-0 indicating the land was conveyed to the Orutsararmiut Native Council on February 21, 2012 containing 17.24 acres located at Lot 13, U.S. Survey No. 4117 Alaska, located approximately 1 mile west of Bethel, Alaska, on the north side of the Bethel-airport road, as shown on the plat of survey filed on May 9, 1966.

**17.12.030(A)(3) A statement that all taxes and special assessments pertaining to the property have been paid or that a payment schedule satisfactory to the City has been arranged.**

Finding: The Finance Department has certified that no taxes or other bills are currently due and/or owing by the Developer.

**17.12.030(A)(4)**      **A list of the names and addresses of the owners of record of all property contiguous to and across a public right-of-way from the proposed subdivision**

Finding:              This list was provided by the subdivider and verified by the City of Bethel's Planning Department pursuant to BMC 17.04.025(D) with notices being sent by the City's Planning Department on February 27, 2018.

**17.12.030(A)(5)**      **Completed applications for all waivers, variances or other special permissions required under the BMC.**

Finding:              The property sits on wetlands and requires an Army Corp. of Engineers Wetland Permit. The Corp. Wetland Permit was applied for on January 10, 2018. Orutsararmiut Tribal Council returned the appropriate documents to the Corp. on April 1, 2019 for signatures. Before any site plan permits are issued, the Subdivider must file copies of the Wetland Permits with the City of Bethel.

**17.12.030(B)**              **The Preliminary Plat shall show the land to be subdivided and the entire tract, plat, parcel or survey in which the land proposed to be subdivided is located, including all subdivided land within the tract, plat, parcel or survey.**

Finding:              A review of the Preliminary Plat confirms it does show the land to be subdivided and the entire tract, plat, parcel or survey in which the land proposed to be subdivided is located, including all subdivided land within the tract, plat, parcel or survey.

**17.12.030(B)(1)**              **The plat shall contain a notation that the Plat is Preliminary**

Finding:              A review of the Plat shows the notation is contained as required.

**17.12.030(B)(2)**              **The Plat shall contain information regarding the date, scale and Northpoint.**

Finding:              A review of the Plat shows the required information is provided as required.

**17.12.030(B)(3)**              **The Plat shall contain the name of the proposed subdivision.**

Finding:              The Preliminary Plat contains the name Ciullkulek Subdivision.

**17.12.030(B)(4)**      **The Plat shall show the location of the property by U.S. Survey, section, township and range.**

Finding:              This information is shown on the Preliminary Plat.

**17.12.030(B)(5)**      **The Plat shall contain the names and addresses of the subdivider(s) and the surveyor preparing the plat.**

Finding:              This information is shown on the Preliminary Plat.

**17.12.030(B)(6)**      **The Plat shall contain a citation of existing covenants, reservations, deed restrictions, trails and easements on the property, if any.**

Finding:              This requirement is not applicable – the proposed subdivision contains no covenants, reservations or deed restrictions.

**17.12.030(B)(7)**      **The Plat shall indicate zoning on and adjacent to the proposed subdivision and any other land use designation of this area as established under BMC Title 18.**

Finding:              This section was not complied with. Zoning for the subdivision was indicated as General Use, however zoning for the adjacent lands was not indicated. Before the Final Plat can be authorized, zoning shall be clearly shown on the subdivision itself as well as on all adjacent lands.

**17.12.030(B)(8)**      **The Plat shall indicate the approximate acreage, dimensions and size of each lot of the proposed subdivision, including rights-of-way and easements, and the number of lots contained therein;**

Finding:              This requirement was fully complied with on the Preliminary Plat.

**17.12.030(B)(9)**      **The Plat shall indicate the location and size of existing and proposed utility systems or other improvements including, but not limited to, water, sewer, telephone, cable and electrical in and within two hundred (200) feet of the proposed subdivision.**

Finding:              A review of the Preliminary Plat indicates this was complied with.

**17.12.030(B)(10)**      **The Plat shall indicate the general location of streams, lakes, other bodies of water, and waterways, swamps, muskeg or marshy areas, drainage and erosion patterns including culverts and other drainage facilities in and within two hundred (200) feet of the proposed subdivision including proposed drainage ways and drainage way modifications both within and outside the subdivision.**

Finding: A review of the Preliminary Plat indicates this was complied with. However, drainage arrows were not clearly identified on the legend for the Plat. The Final Plat shall correct this deficiency.

**17.12.030(B)(11)** The Plat shall indicate if any portion of the proposed subdivision is located in an area identified as a flood hazard area, a delineation of the one-hundred (100) year floodplain, every floodway and drainage way that is delineated within the floodplain, and the information required under BMC 15.08.170.

Finding: A review of the Preliminary Plat indicates this was complied with. No portion of the Subdivision is within a floodplain.

**17.12.030(B)(12)** The Plat shall include a statement concerning responsibility for construction, operation and maintenance of water supply and sewage collection, treatment and disposal facilities in the proposed subdivision.

Finding: This section is not applicable as Subdivider intends to rely on the City's hauled water and sewer system.

**17.12.030(B)(13)** The Plat shall include recommended or proposed type and location of water sources and sewage treatment or disposal systems on a typical lot diagram in relation to water sources and sewage collection, treatment and disposal systems on adjacent lots or in relation to present or future City and community systems.

Finding: This section is not applicable as the Subdivider intends to rely on the City's hauled water and sewer system.

**17.12.030(B)(14)** The Plat shall include a statement concerning future community water and sewage systems derived from the Bethel Water and Sewer Master Plan including an appropriate timetable for their development and the proposed layout of service lines.

Finding: The Subdivider addressed future community water and sewer systems in its Mater Plan.

**17.12.030(B)(15)** The Plat application shall include representative soil testing, logs and borings prepared by a professional engineer registered in the State of Alaska.

Finding: This section of the BMC is not applicable for this Development.

**17.12.030(B)(16)**      **The Plat shall indicate contours sufficient to show topography in no greater than five foot intervals.**

Finding:                      This section of the BMC was complied with.

**17.12.030(B)(17)**      **The Plat shall include a surveyor's certificate.**

Finding:                      A review of the Preliminary Plat indicates this section of the BMC was complied with.

**17.12.030(C)**              **The Plat shall indicate the names of proposed and existing streets in and adjacent to the proposed subdivision.**

Finding:                      A review of the Preliminary Plat indicates this section of the BMC was complied with.

**17.12.030(D)**              **The Plat shall include a vicinity map showing streets and other general development of the surrounding area at a scale of no less than one (1") inch equals one thousand five hundred (1,500') feet.**

Finding:                      A review of the Preliminary Plat indicates this section of the BMC was complied with.

**17.12.030(E)**              **The Applicant shall include a copy of the current plat or U.S. Survey that creates the parcels subject to the proposed subdivision.**

Finding:                      A Title Report was provided by the Subdivider showing chain of title and indicating compliance with this section of the BMC.

**17.12.030(F)**              **The Applicant shall submit a copy of the current plats and U.S. Surveys of the land that abuts the boundaries of the proposed subdivision.**

Finding:                      A review of the documents provided with the Preliminary Plat application indicates this section was complied with.

*BMC §17.24*                      *Subdivisions shall comply with the requirements of BMC 17.24. Prior to construction, the Planning Commission shall review the following:*

**17.24.010**                      **The Subdivision shall be designed to accommodate the type of land use designated by the zoning code for the area of the proposed subdivision.**

Finding:                      A review of the Preliminary Plat indicates this was complied with.

**17.24.030**            **The public streets within the Subdivision are considered: (arterial, collector, local).**

Finding:            Based on the information provided to date, it appears the streets would be classified as local streets. If future development occurs to the north, then Iteryaraq could become a collector. Subdivider shall construct this road as a collector street.

**17.24.040**            **The Subdivision complies with 17.24.040 by providing access via dedicated right-of-way to all lots, tracts and parcels within the subdivision.**

Finding:            A review of the Preliminary Plat indicates this section of the BMC was complied with.

**17.24.050**            **The circulation system within the Subdivision is designed in accordance with BMC 17.24.050.**

Finding:            A review by the City's Engineers of the circulation system within the Subdivision indicates compliance with the intent of this section of the BMC.

**17.24.210**            **Utility Easements are provided and dedicated.**

Finding:            Utility easements are proposed for dedication which the City in its discretion may accept.

**17.24.220**            **Adequate provisions for Storm water and Floodwater drainage have been made by the Subdivider.**

Finding:            Drainage reports were provided as well as roadway improvement drawings. Based on the information in those reports, this requirement was met.

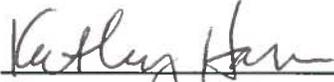
**17.24.290**            **Open Space Dedications have been provided by the Subdivider.**

Finding:            A review of the Preliminary Plat indicates this section of the BMC was complied with.

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

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

ATTEST:

  
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Kathy Hanson, Chairwoman  
City of Bethel Planning Commission

  
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Pauline Boratko, Recorder  
City of Bethel Planning Commission

