



Planning Commission Meeting Agenda
Regular Scheduled Meeting Thursday, August 8, 2019– 6:30PM
BETHEL COURT HOUSE 204 CHIEF EDDIE HOFFMAN HIGHWAY

MEMBERS

Kathy Hanson
Chair
Term Expires 12/2021

Lorin Bradbury
Vice-Chair
Term Expires 12/2020

John Guinn
Commission Member
Term Expires 12/2019

Alex Wasierski
Commission Member
Term Expires 12/2021

Shadi Rabi
Commission Member
Term Expires 12/2019

Scott Campbell
Commission Member
Term Expires 1/2020

Tracy Beans
Alternate Member
Term Expires 12/2021

Thor Williams
Council Representative
Term Expires 10/2019

Pauline Boratko
Recorder

AGENDA

- I. CALL TO ORDER:
- II. ROLL CALL:
- III. PEOPLE TO BE HEARD – (3 Minute Limit)
- IV. APPROVAL OF THE AGENDA:
- V. APPROVAL OF THE MINUTES:
 - A. Regular Meeting- July 11, 2019
- VI. NEW BUSINESS:
 - A. PUBLIC HEARING: Request for Conditional Use Permit- On June 25, 2019, the City of Bethel Planning Office received an application from Thae Ho Jeoun and Chu Sung Kim doing business as The Green Store for a Conditional Use Permit to open a retail marijuana store. The legal description is Plat # 81-10, Block 1, Lot 18 in the Bethel Recording District. The physical address is 658 Ptarmigan Street. (action item)
 - B. PUBLIC HEARING: Request for Conditional Use Permit- On June 27, 2019, the City of Bethel Planning Office received an application from Essenkey, LLC doing business as Kusko Kush for a Conditional Use Permit to open a retail marijuana store. The legal description United States Survey 3230 A&B, Block 15, Lot 4 in the Bethel Recording District. The physical address is 731 Third Avenue. (action item)
- VII. PLANNER'S REPORT:
- VIII. COMMISSIONER'S COMMENTS:
- IX. ADJOURNMENT:

City of Bethel, Alaska

Planning Commission

July 11, 2019

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

Due to the lack of quorum there was not regular meeting held on July 11, 2019

II. ROLL CALL:

The following members were present for roll call: Kathy Hanson, John Guinn, and Shadi Rabi

Excused Absence: Lorin Bradbury, Alex Wasierski, and Tracy Beans.

Unexcused Absence: Thor Williams and Scott Campbell

Also Present: Pauline Boratko, Recorder; Acting City Manager, Bill Howell.

Meeting adjourned at 6:46pm due to the lack of quorum.

APPROVED THIS _____ DAY OF _____, 2019

ATTEST: Pauline Boratko, Recorder

Kathy Hanson, Chair

Chapter 18.60 CONDITIONAL USE PERMIT (CUP) STANDARDS AND PROCEDURES

Sections:

- 18.60.010 Authorization.
- 18.60.020 Application.
- 18.60.030 Hearing and notification.
- 18.60.040 Staff review.
- 18.60.050 Planning commission review.
- 18.60.060 Standards for planning commission decision.
- 18.60.070 Lapse of approval.

18.60.010 Authorization.

A. The planning commission may grant a conditional use permit for those uses or structures authorized as a conditional use in the applicable land use district chapter of this title, subject to the standards provided in this chapter. An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. The planning commission has discretion to deny a conditional use permit application if it is not convinced the proposed use is compatible with principal permitted uses, existing neighborhood development, the environment, the comprehensive plan or maintenance of compatible and efficient development patterns.

B. If conditions are imposed on a conditional use permit, the planning commission may delegate authority to the land use administrator to issue the conditional use permit when the conditions have been met. [Ord. 16-27 § 2; Ord. 01-05 § 8.]

18.60.020 Application.

A. The applicant shall complete a conditional use permit application on a form provided by the planning department in which the applicant shall state and describe in narrative:

1. A legal description and street address of the parcel;
2. The names and addresses of the owners of the parcel and of the applicant;
3. A description of the proposed conditional use;
4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;
9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180;

10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.

B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

18.60.030 Hearing and notification.

A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC 18.04.070. [Ord. 01-05 § 8.]

18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;
2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;
3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;
4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;
8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;

9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]

18.60.050 Planning commission review.

A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.

B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.

C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:

1. The chairperson shall explain the hearing procedure;
2. Planning department staff shall present a staff report and recommendations regarding the subject project;
3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
5. Planning commissioners may ask the applicant any questions they may have about the project;
6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;
7. Members of the planning commission may ask any questions of neighbors or other interested persons;
8. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons;
9. After the applicant has given rebuttal evidence and summarized, the staff shall be given an opportunity to comment on evidence presented and to make new or amended recommendations.

D. The planning commission may make a decision to approve, conditionally approve, or deny the project. The commission may also decide to take the matter under advisement or continue the hearing or commission discussion to a future date in order to allow time to acquire more information as needed. The planning commission and the planning staff shall be given the opportunity to comment during and between any of these steps.

E. The commission shall make a decision based upon the standards specified in BMC 18.60.060. The commission may impose any conditions reasonably necessary for the proposed use to comply with the standards listed in BMC 18.60.060. If the planning commission does not adopt the land use administrator's recommendations and conclusions, it must support its findings with a statement of findings and conclusions, which shall be included in the official minutes of the hearing and in the resolution approving or disapproving the conditional use. [Ord. 01-05 § 8.]

18.60.060 Standards for planning commission decision.

A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC 18.60.040(B)(1) through (10).

B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:

1. To ensure the public health, safety, and welfare of residents; and
2. To minimize or eliminate adverse impacts on residential property.

C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC 16.04.010.

D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought. [Ord. 01-05 § 8.]

18.60.070 Lapse of approval.

A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.

B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]

The Bethel Municipal Code is current through Ordinance 19-08, passed May 14, 2019.

Disclaimer: The City Clerk's Office has the official version of the Bethel Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 16.04 PURPOSES AND GENERAL PROVISIONS

Sections:

- 16.04.010 Purposes.
- 16.04.020 Application.
- 16.04.030 Design and construction standards.
- 16.04.040 Fee schedule.
- 16.04.050 Enforcement, violations and penalties.

16.04.010 Purposes.

A. In addition to the purposes set out in each title, the purposes of BMC Titles 15, 16, 17, and 18 together are to:

1. Promote a logical growth pattern within the city and the economic extension of public services and facilities;
2. Encourage the most appropriate use of land throughout the city;
3. Reduce congestion in the streets;
4. Enhance safety from fire, flooding and other dangers;
5. Provide adequate light, air and open space;
6. Preserve property values;
7. Prevent the overcrowding of the land;
8. Avoid undue concentration of population;
9. Facilitate adequate provisions for transportation, water, sewage, drainage, schools, parks and other facilities;
10. Assure that development does not adversely affect either the ability of the city to deliver public services or the safety of property and the health, safety and welfare of persons;
11. Assure that the burdens placed on public facilities by development are borne by the development;
12. Promote the public health, safety and welfare.

B. BMC Titles 15, 16, 17 and 18 shall be interpreted and administered to complement each other and so as to implement the purposes set out in subsection A of this section. [Ord. 10-15 § 4.]

16.04.020 Application.

The provisions of this chapter apply to BMC Titles 15, 16, 17 and 18 as if set out in each title. [Ord. 10-15 § 4.]

16.04.030 Design and construction standards.

A. The city engineer shall issue and may amend design and construction standards to be applied in the review and approval of subdivision plat, site plan permit, and other applications submitted under BMC Titles 15, 16, 17 and 18, and shall review for approval plans for improvements that are proposed or required under the application. If unusual conditions exist in a particular case or if a matter arises that is not addressed or is inadequately addressed in the issued standards, the city engineer may establish standards or other requirements that address

the special conditions or matters. The authority to issue and establish standards and requirements under this section is not limited to those matters or applications where specific mention is made of city or city engineer standards in BMC Titles 15, 16, 17 and 18.

B. In the absence of the city engineer, the director of public works shall assume the duties and authority of the city engineer unless the manager has designated some other appropriate professional person or position to assume specified or all the duties and authority of the city engineer under this section. [Ord. 10-15 § 4.]

16.04.040 Fee schedule.

A fee schedule for actions requested under BMC Titles 15 through 18 shall be established by the city council by resolution upon the recommendation of the land use administrator or platting officer. The fee schedule shall be reviewed annually for possible revisions. Fees shall be paid upon the submission or application for preliminary plat, vacation, platting waiver, abbreviated plat, final plat waiver, final plat, inspection of improvements, floodplain land use permit, site plan permit, conditional use permit, planned unit development, variance, renewals, extensions, appeals, or other actions. An application or submission is incomplete and may not be acted upon until the required fee and any applicable notice, filing and other reimbursable costs have been paid. [Ord. 10-15 § 4.]

16.04.050 Enforcement, violations and penalties.

A. If there is a violation or a threatened violation of the terms of any provision of BMC Title 15, 16, 17 or 18, the city manager, land use administrator, platting officer or any aggrieved citizen may institute or cause to be instituted an appropriate civil action to enjoin the violation, and to have a civil penalty not exceeding one thousand dollars (\$1,000) imposed for each violation, and may proceed to obtain damages for any injury the plaintiff suffered as a result of the violation. Each day that a violation continues is a separate violation. An action to enjoin a violation of BMC Title 15, 16, 17 or 18 may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or a threatened violation, the Superior Court shall grant the injunction.

B. A person who violates any provision of BMC Title 15, 16, 17 or 18 is guilty of an infraction and upon the first (1st) conviction for the violation is punishable by a fine of not less than one hundred dollars (\$100) and not more than one thousand dollars (\$1,000). Each day that a violation continues is a separate violation.

C. A contractor or other person who engages in, directs, or supervises the work on land or a structure, or a use of property, or an activity or action, may be held liable for any violation of BMC Title 15, 16, 17 or 18 resulting from the work performed, the use of the property, or the activity or action, and is subject to the penalty and remedy provisions of this section.

D. A person who fails or refuses to comply with an order of correction, suspension, discontinuation, removal, demolition or other enforcement order issued under BMC Title 15, 16, 17 or 18 is guilty of a violation of the code section under which the order was issued in addition to any underlying or other violation of a provision of BMC Title 15, 16, 17 or 18.

E. An action authorized under this section may be brought without a notice of violation or an order of correction having first (1st) been issued or disobeyed. [Ord. 10-15 § 4.]

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4. Land Use, Housing and Environment

Introduction

Land use in Bethel reflects an ongoing response to human pressures for growth and change as shaped by the challenges of the western Alaska physical environment. The community is located on the Kuskokwim River, which has long served as the primary route for moving people and goods into and within the region. Bethel's specific location is based on its strategic location at a point that can generally be reached by larger oceangoing vessels, and that also serves as a jumping off place to interior villages.

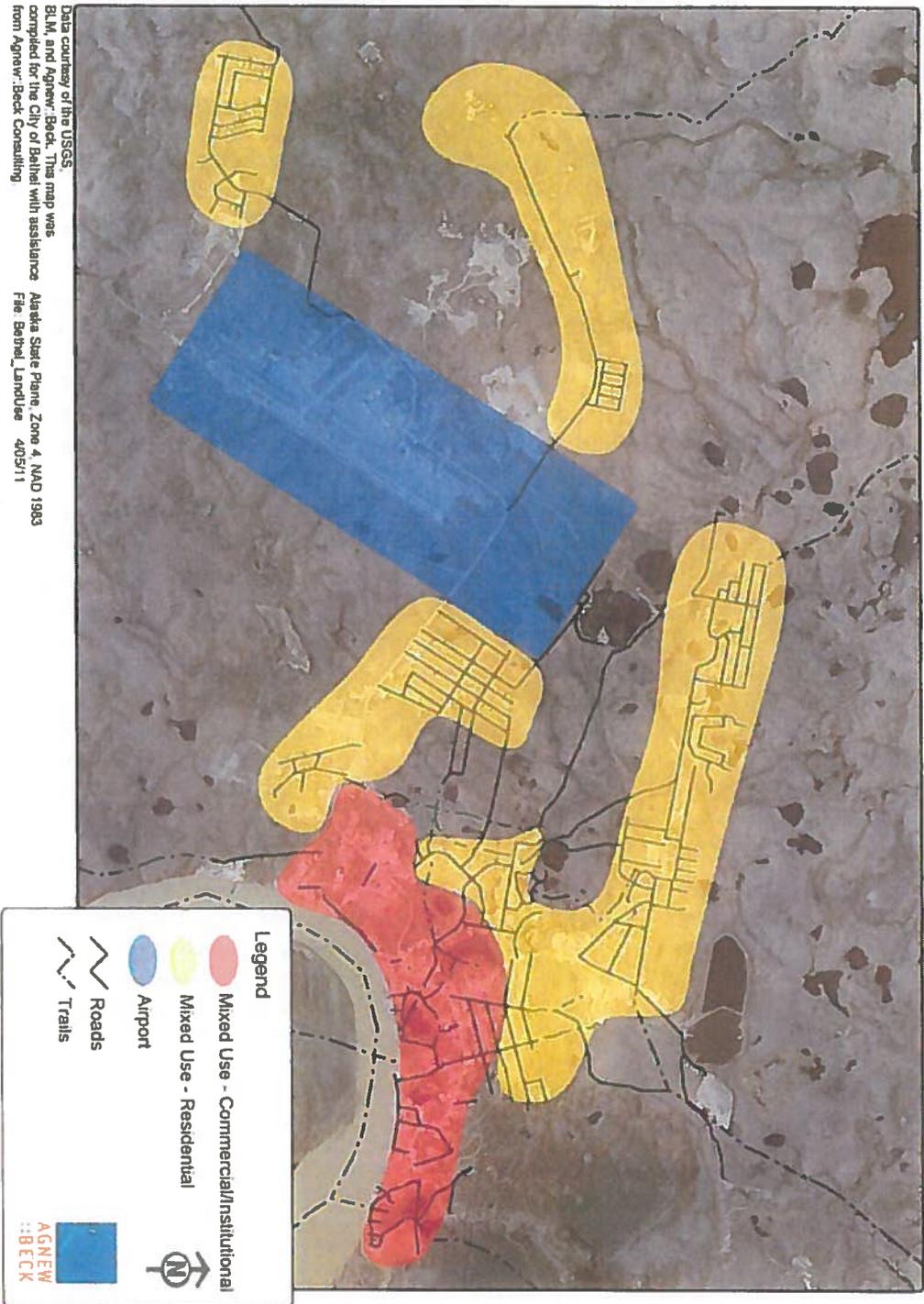
The river has been both the stimulus for settlement and a hazard to development. The original townsite was on the south side of the river, opposite from where it is located today. Because of flooding and erosion, the city moved to its present location. Even at its present location, over the last fifty years the city has had to shift roads and buildings to adjust to the changing forces of the river. As is discussed in the transportation chapter, this critical transportation corridor continues to change course, potentially reducing or even ending water access to the current Bethel port.

Bethel, like much of the Yukon Kuskokwim Delta, is a mosaic of wet and dry tundra, small lakes and streams, where conditions for development range from challenging to very challenging. Almost all the land is underlain by permafrost, and much of the area is poorly drained. Soils are not well suited for on-site septic systems, and many sites do not have the potential for wells. Map 4.2 gives a general picture of the relative degree of physical constraints in different parts of Bethel.

The location of development in Bethel is dominated by the need to use the relatively few areas where soils offer few physical building constraints, and where road access is available. The result has been a community with a small central "downtown" with a gridded road system and relatively concentrated, mixed use development. Extending for miles west from the center are several major roads, which provide access to low density, mostly residential subdivisions, irregularly spaced commercial and public uses, and the airport

Another factor influencing the location of development is the limited supply of private land. Bethel is embedded in the Yukon Delta National Wildlife Refuge. As a result, in contrast to many Lower 48 communities, private land is quite limited. In addition, much of the private land that does exist is Native allotments, which present unique development challenges. The advantage of this land ownership pattern is that almost all the land surrounding Bethel is undeveloped public property, which supports the subsistence activities that are an essential part of Bethel residents' way of life.

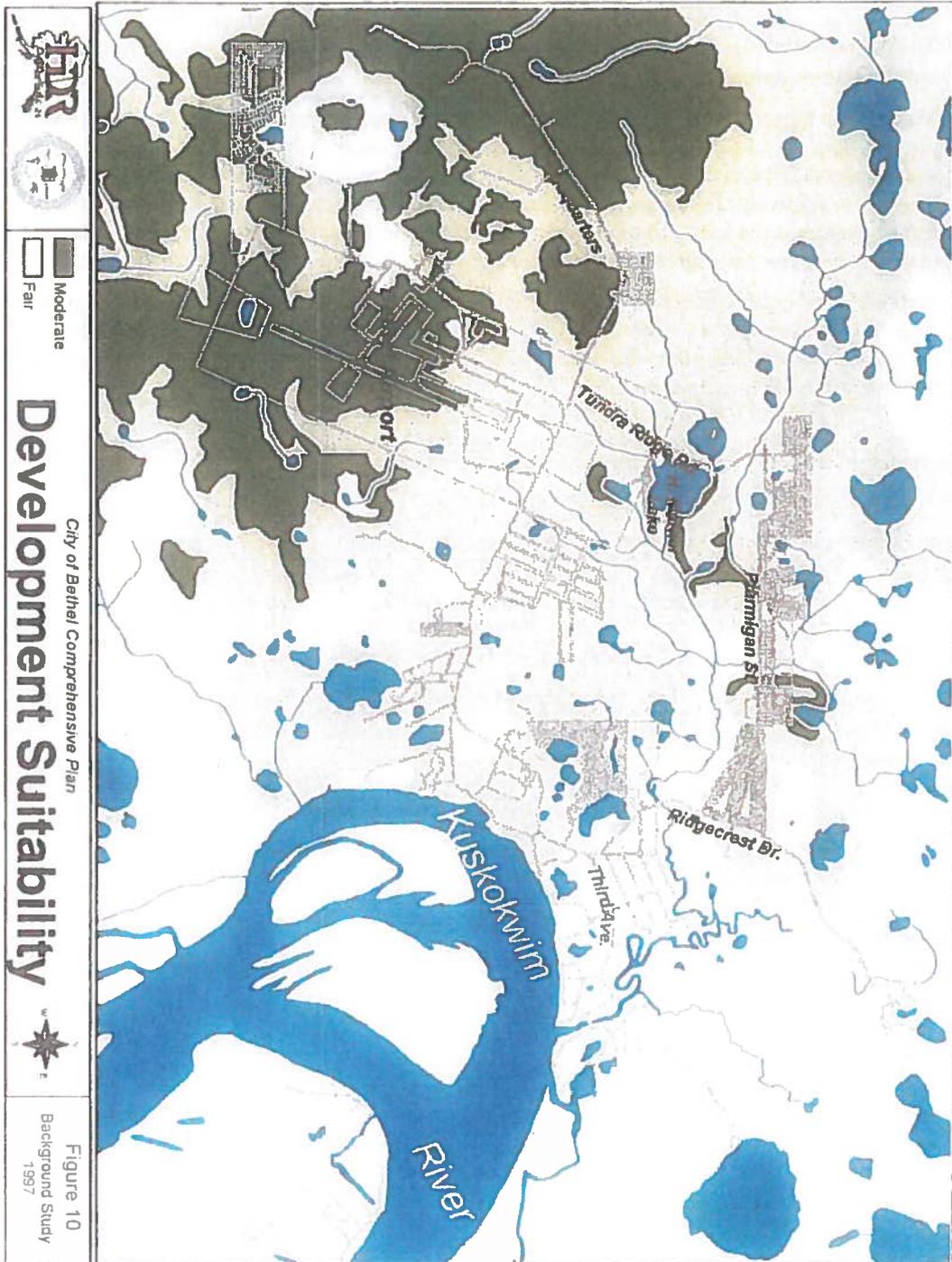
Map 4.1
City of Bethel Existing Land Use



Map 4.1 gives a very generalized picture of the patterns of land use in Bethel. The yellow areas indicate areas of town that are predominantly (but not exclusively) residential. Included in this area are a set of residential subdivisions and scattered commercial, institutional or industrial uses. The red areas indicate portions of town that are mostly commercial, institutional and/or industrial uses, but include some residential development.

Map 4.2 is a physical suitability map from the 1997 Comprehensive Plan. It indicates the relative physical constraints for land development in Bethel, considering limitations due to hydrology, soils, wetlands, riparian areas, floodplains, elevation, and drainage. As noted previously, all of this land is relatively challenging to develop. The map identifies areas as fair to moderate where these constraints are less extreme. Though not labeled in the map's legend, the white area in the map generally has poor development suitability.

Map 4.2 helps explain the city's development patterns. The original settlement focused near the river (regardless of poor physical development suitability). The remaining, more recently developed areas spread out along major roadways and near the airport, largely in areas where the land is higher, drier, and more stable.



Goals and Strategies

General Land Planning

<p>GOAL 1: Reserve space for critical anticipated community needs, including commerce, transportation, housing, community facilities and infrastructure.</p>
<p>Strategy 1: Reserve land for specific uses that are a) critical to the future of the community, and b) almost certainly will need space for expansion or relocation.</p> <p><i>These include:</i></p> <ul style="list-style-type: none"> • <i>Port expansion and/or relocation. The current port site may not be useable in the future, due to changes in the river's course. Development of the Donlin Creek mine may create a need for new expanded port facilities.</i> • <i>Sewer lagoon and/or new wastewater treatment facilities.</i> • <i>Expanded "downtown" commercial and housing development, including land within areas already accessible by road and the land adjoining the easternmost of the possible "donut hole" routes (a new north-south road and water/sewer line just west the existing downtown Bethel).</i> • <i>Commercial/industrial activities near the airport.</i> • <i>Energy infrastructure (e.g., new or supplemental fuel storage, land for wind farms).</i> • <i>Landfill.</i> • <i>Institutional Corridor piped water improvements.</i>
<p>Action 1a: Identify and map critical anticipated community needs (Map 4.3).</p>
<p>Action 1b: Work with existing landowners in priority growth areas to reach agreements that would allow needed growth to occur (e.g., purchase land, land trade, secure easements). <i>Priority varies with use: a new or alternative treatment option for the sewer lagoon is currently of the highest priority.</i></p> <p><i>For example, work with ONC and holders of Native allotments to open up options for expanded port development.</i></p>
<p>Strategy 2: Reserve adequate rights of way for access and public utilities when land is subdivided.</p>
<p>Action 2a: Review and revise (as necessary) Bethel's existing subdivision code (BMC Title 17) to ensure that the code presents reasonable, practical requirements for access and easements.</p> <p><i>Particular subjects include road dimensions (e.g., revising road standards to better provide space for winter snow management), pedestrian connectivity, utility requirements and requirements for setbacks from water bodies.</i></p>
<p>Action 2b: Work with the ONC and Native allotment owners to better understand advantages and disadvantages of complying with BMC; agree upon recommended subdivision and land use standards to preserve and enhance value, recognizing the special status of these lands.</p>
<p>Policy 2c: Continue to enforce BMC by not accepting subdivisions that do not comply with City subdivision code.</p> <p><i>For private subdivisions that have met City standards, the City of Bethel receives ownership of roads and rights of way and is thereafter responsible for maintenance of these features. When the City does not accept the subdivision because it does not comply with City standards, e.g., roads do not have acceptable base material or acceptable width, it means the subdivision will not be eligible for use of City water and sewer or City road maintenance. The City's rationale for this approach is understandable: maintenance on substandard roads is more costly than roads that meet City standards, and result is that City takes on a burden that would have been avoided if the subdivision was developed correctly. This policy can, however, result in problems, as described below for the Haroldson subdivision.</i></p>

Background

The supply of land in Bethel is constrained by physical limitations, ownership, and limited road access and other infrastructure. Given these constraints, a more proactive approach is needed to

first anticipate specific uses that are vital to the future of the community and will need space, then to ensure adequate amounts and locations of land are available to meet these needs.

Local governments have the authority to set rules for the subdivision of private land¹. Responsibility for ensuring quality subdivisions is one of the basic services provided by local governments all over America. Subdivision ordinances, including the existing Bethel ordinance, customarily include standards for roads and pedestrian access, utilities, and the dimensions of lots. Local government authority for subdivision design comes from the need to protect public health, safety and welfare; for example, by ensuring that streets are wide enough to accommodate emergency vehicles and that easements are reserved to create efficient layouts for water and sewer lines, as well as other utilities. Communities and individuals benefit from subdivision standards because property boundaries (once in place) tend to endure, and poorly laid out subdivisions can create costly, difficult-to-solve access, utility and drainage issues for decades into the future.

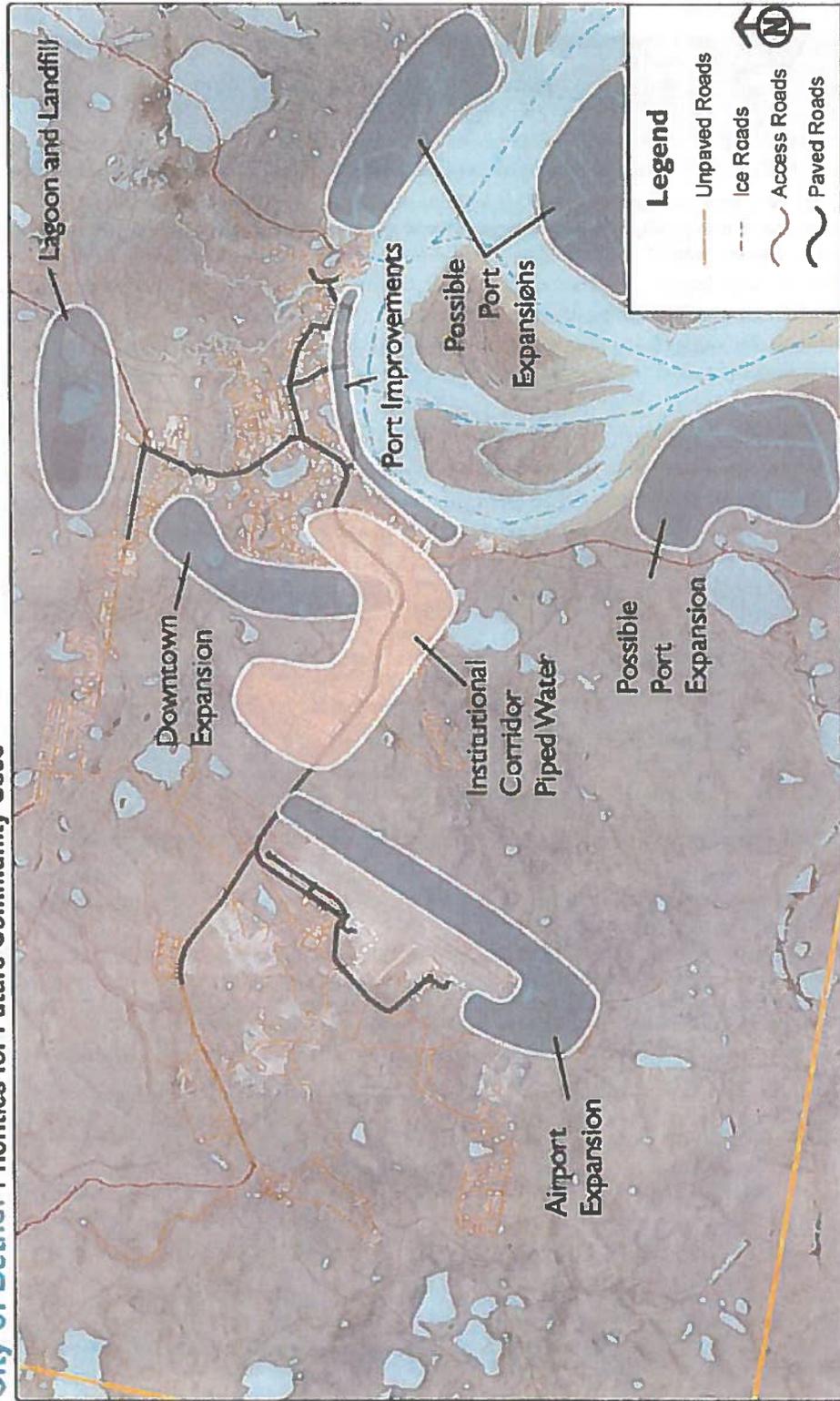
In the past, some subdivisions in Bethel were developed without adequate rights of way for roads and other infrastructure. This lack of infrastructure ultimately creates a number of problems: it limits connectivity (e.g. by blocking access to adjoining lands, or through an imperfect internal road network), creates safety issues (e.g., by creating barriers to emergency access), and limits options to provide for improved services, such water and sewer. All of these impacts in turn can reduce land values and resident quality of life.

Native allotments are not subject to local government subdivision rules. The Bureau of Indian Affairs (BIA) is increasingly working with holders of Native allotments all over Alaska to comply with local government subdivision requirements, in order to avoid the issues mentioned above.

¹ The exception to this statement is for Native allotments, which are exempt from local government land use regulations as well as property taxes.

Map 4.3

City of Bethel Priorities for Future Community Uses



Growth Patterns

GOAL 2: Encourage future growth to locate near existing employment centers and public services. Coordinate plans affecting the location of growth with plans for the location of water, wastewater and roads, as economically feasible.

Strategy 1: Explore policies (including infill and redevelopment) that could be used to encourage development of lands within or adjoining existing developed areas that have the potential to accommodate new growth.

Action 1a: Identify and map areas within or adjoining existing developed areas that have the potential to accommodate new growth; these include vacant or underutilized lands served by roads, with good access to public services and employment.

Candidate areas include:

- *The developed areas of "downtown Bethel."*
- *Undeveloped land immediately adjoining downtown Bethel, for example, the land adjoining the easternmost of the possible "donut hole" road routes – a new north-south road and water/sewer line just west the existing downtown Bethel.*
- *River front land downriver from the existing port, and the vicinity of the East Harbor.*

Action 1b: Review and work to remove barriers that discourage infill and redevelopment (e.g., lack of access to properties, excessive restrictions in the BUC).

Action 1c: Create appropriate incentives for individual landowners to redevelop property and/or carry out infill projects that would otherwise not be feasible.

This might include assisting land owners apply for façade improvement grants, energy-related building upgrades or temporary reductions in taxes (this latter is a strategy that typically applies in communities with property taxes, and may not be possible in Bethel).

Action 1d: Plan for and develop expanded infrastructure, as needed, to support priority uses.

For example, water and sewer lines serving expanded or relocated port facilities.

Policy 1e: Protect the interests of current users as land is redeveloped.

For example, if the City partners with a private developer in redeveloping land currently used for housing, take steps to provide affordable housing available to households currently living on the property.

Strategy 2: Remove regulatory hurdles and/or create incentives for more concentrated development.

Action 2a: Review and revise (as necessary) Bethel's existing parking requirements; where possible, reduce parking requirements and encourage shared parking or access for alternative transportation modes (e.g., pedestrian facilities, public transit).

Public discussion indicated some concern about new retail businesses having adequate off-street parking. BMC Chapter 18.48 Article II. Off-Street Parking and Loading includes parking requirements for all uses. If there is a lack of parking, this code could be revised to require additional spaces. However, if development is concentrated (particularly in central commercial areas) and transportation policies promote alternative modes (e.g., sidewalks for walking or bicycling, legal access for snowmachines), the need for off-street parking can be reduced. Likewise, the need for larger parking areas can be reduced through the use of shared parking arrangements.

Clarification of Neighborhood Revitalization Terms

Infill refers to new development on undeveloped parcels within areas that are already largely developed. Often these parcels have problems (such as poor soils or difficult access) that caused them to be passed over.

Redevelopment refers to replacing older, and/or underutilized current uses with new, higher intensity uses.

Underutilized refers to a parcel that has some current use (such as storage, an older vacant structure or perhaps a still used but rundown structure), where the current use does not take full advantage of the potential value of the property.

Background

Multiple benefits can come from concentrating new development in locations with existing road access, existing water and sewer lines and close-by access to jobs and services:

- Reduce or avoid the need to install new infrastructure. For example, by serving new growth with existing roads *versus* requiring new roads.
- Reduce infrastructure operation costs. Concentrated development is easier to serve (e.g., fewer school bus miles, fewer miles of roads to maintain).
- Improve quality of life for residents (e.g., ability to walk to jobs, to shopping, services).
- Reduces energy use. For example, concentrated development reduces driving, and if attached housing is built, such housing is less costly to heat, because of shared walls, than detached housing.
- Can either reduce the need for taxes or free up money for other more important uses.
- Provides one of the few viable options for reducing the cost of living in Bethel.

Redevelopment Case Study: Haroldson Subdivision

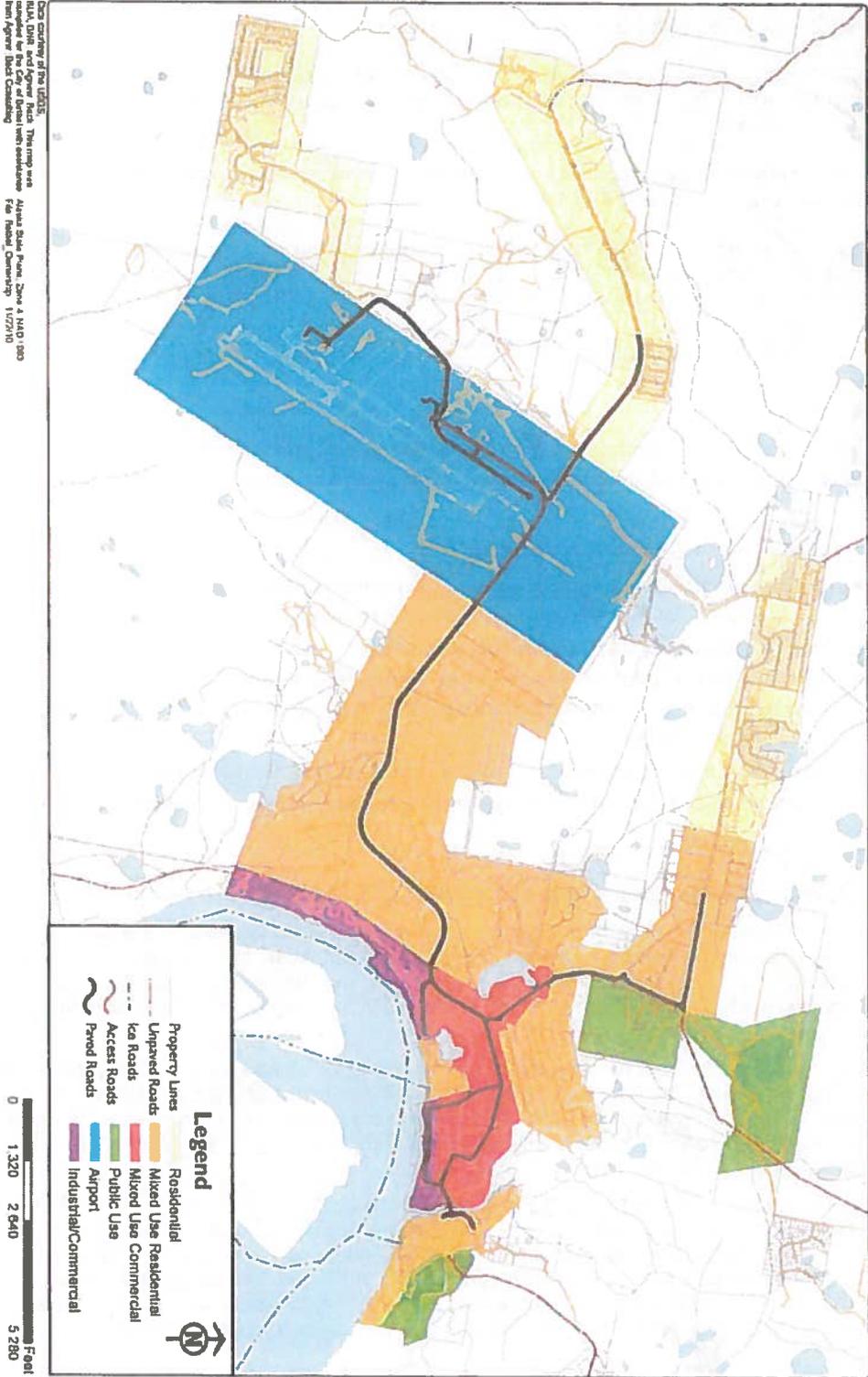
Haroldson subdivision is Bethel's forgotten subdivision, located northeast of the landfill/lagoon. For reasons that are not clear, the original subdividers did not develop the subdivision road to City standards. Consequently, the City did not accept the subdivision and does not provide normal services to the area. A handful of people live in the subdivision without running water, sewer service or electricity.

This situation clarifies the reasons why a city imposes subdivision standards. If a subdivision is developed correctly, the City can provide standard services at normal costs. If, however, the subdivision is not developed correctly (for example, if the roads are substandard), the City is either stuck with ongoing higher maintenance costs and/or having to retrofit the road without any good way to fund the improvement.

Some solution is now needed for this subdivision. The City currently allows ambulance and fire trucks to serve the area, and Bethel Public Works has occasionally put sand and gravel on the road. Options to bring the subdivision road up to City standards include a combination of using City general funds, seeking out one time grant funds or a legislative appropriation, and partnering with land owners in the subdivision who might help raise funds from third party sources, or themselves contribute money and or sweat equity to improve the road.

Map 4.4

City of Bethel Future Land Use Plan Map



Data courtesy of the USGS. NLA, DNR, and Agyer's Facts. This map was prepared for the City of Bethel with assistance from Agyer's Fact Consulting. 1/2/2010

Land Use Compatibility

GOAL 3: Provide for compatibility among adjoining land uses, so future development maintains or improves the quality of life or land values of surrounding uses.

Strategy 1: Review and revise Bethel land use regulations.

Action 1a: Examine existing Bethel code and existing land uses; revise and simplify land use designations to better fit the reality of Bethel's mixed use land use patterns.

A first suggestion for these uses includes the following categories:

- *Low density residential areas*
- *Mixed use - residential primary (residential and limited, residential-compatible uses)*
- *Mixed use (mix of commercial & residential, fewer constraints on size and character of commercial).*
- *Industrial/heavy commercial zone,*
- *Public Use*
- *Airport and related uses*

Action 1b: Use the generalized future land use designations in the Land Use Plan Map (Map 4.4), which broadly identifies areas intended for various uses, as the starting point for revising the zoning code in BMC Title 18 (Bethel zoning code).

For example,

- *Low density residential areas. This zone takes in several specific subdivisions, e.g., Tundra Ridge, Larson and Blueberry. In these areas uses should be generally limited to residential uses. Exceptions would be for small home-based businesses with minimal off-site impacts, or perhaps neighborhood serving commercial, such as a small grocery store.*
- *Mixed use. This use is intended to be the most common land use zone, made up of residential and residential-compatible uses. Examples of residential compatible uses include schools and other community serving, non-industrial facilities, and churches, office and professional services uses (e.g. health facilities), and neighborhood-serving commercial*
- *Industrial/Heavy Commercial. This zone is intended for uses that are generally incompatible with residential, and consequently need to be located where they do not disrupt adjoining residential or residential-compatible uses. This zone includes such uses as warehousing, storage, construction-related industries, marine and aviation-related industries. Key industrial locations include the tank farm, the port, the airport and portions of the waterfront between Second Avenue and the waterfront and the airport.*

Action 1c: Modify code to require a conditional use review process for large- scale uses or any other use likely to have significant off-site impacts.

Examples of such projects include a large scale public building, or a private use such as car repair.

Background

Alaskans are known for not welcoming rules controlling what they can do on their property. At the same time, most Alaskans (particularly when it comes to their homes) want a quiet, peaceful place, where adjoining uses do not create noise, glare, excessive traffic or other problems.

Zoning codes are the standard tool for addressing these issues and providing compatibility among uses. Zoning typically includes two categories of rules: first, uses are allowed or not allowed in any specific location, and secondly, the character of uses is regulated (e.g., rules on building setbacks or building heights).

The primary way to better achieve the goal of compatibility among land uses in Bethel is by improving the City's existing zoning code. The general theme of this effort should be to simplify the code, so that it focuses only on the most important issues, where public and political support is strong, and where the Planning Department and City Council have the capacity to enforce the rules. A starting assumption for revising the zoning code is acceptance that land uses are mixed in much of Bethel. As a result, it is not practical to impose a complex zoning code or one that attempts to separate most uses by category, as is done in most U.S. towns (e.g., establishing areas that are purely residential, purely commercial). Instead the code should generally allow for a continuation of mixed use development in much of the community, but set standards so that serious incompatibility can be avoided (for example, a noisy industrial use or auto repair shop in a predominately residential neighborhood).

"Conditional Use" Definition

A "conditional use" is a category of use identified in a zoning code. Most Alaska communities and boroughs have a conditional use process, with the specific goal of guiding land uses that have potential for significant off-site impacts, such as adult oriented businesses, or auto-wrecking yards. Elements of a conditional use process typically include:

- A list of uses that require such a permit (which can vary by location).
- A list of general conditions for consideration in the approval of specified uses (e.g., standards for traffic or safety impacts).
- A review process, typically including a public hearing, where the specific conditions of approval are required of the planned use.

Housing

GOAL 4: Encourage a range of housing opportunities for current and future Bethel residents, including more housing within the purchasing or rental capabilities of young families, single people, school teachers and other workers.
Strategy 1: Improve existing housing stock, as needed.
Action 1a: Adopt standards for basic level of housing quality.
Action 1b: Create a fund to help property owners upgrade housing to meet minimum standards.
Strategy 2: Encourage cooperative programs to provide additional housing.
Action 2a: Document housing needs.
Action 2b: Identify and, through zoning and infrastructure provision, encourage new housing development in appropriate areas (<i>Land Use Goal 1</i>).

Background

Bethel would benefit from upgrades in the quality and availability of housing. Several specific neighborhoods are in particularly poor condition. A suggestion was made during one of the public workshops to redevelop the BIA hospital, potentially as a rental housing development.

Safe, High Quality Neighborhoods

GOAL 5: Create safe, livable neighborhoods centered around community facilities such as schools, parks, the teen center, and the senior center.
Strategy 1: Encourage neighborhood revitalization and development.
Action 1a: Craft a cooperative strategy to upgrade select neighborhoods (among the City and Bethel-based regional organizations; e.g. AVCP, ONC).
Action 1b: Form a revitalization task force (working with residents and landowners) to identify and prioritize most important revitalization needs. <i>Take an integrated approach, tackling crime, underdeveloped infrastructure, high energy costs, inadequate housing, lack of parks and open space.</i>
Action 1c: Work with the City and regional organizations to find funding or other needed resources for carrying out priority projects and programs.
Strategy 2: Establish better neighborhood public safety programs.
Action 2a: Establish a neighborhood watch/citizen patrol program. <i>Bethel does not currently have a neighborhood watch program.</i>
Action 2b: Establish a "safe routes to schools" program.
Action 2c: Establish a "Kids don't float" program to educate and distribute flotation devices and coats for kids; keep people from drowning.
Policy 2d: Locate and design community facilities in central areas with high visibility.

Environmental Conservation

GOAL 6: Maintain and protect the quality of the water, land, and biological resources within the City; encourage the sustainable use of those resources for current and future generations.
Strategy 1: Conserve and protect natural resources and features that serve valuable functions in the community.
Action 1a: Identify (and record in the City's land use records) natural resources and features, open spaces, cultural and historic sites that should be protected from development through the City's land use regulatory mechanisms.
Action 1b: Set standards in Bethel Municipal Code to protect these natural resources and features. <i>For example, establish setbacks from important water bodies</i>
Action 1c: As funding allows, acquire suitable land for open space preservation.
Action 1d: Identify and clean up brownfields (contaminated lands) within the City of Bethel. <i>Brownfields refer to areas that have been developed and used in the past, and are currently vacant or underutilized, and have development constraints such as blighted structures or contaminated soils.</i>
Policy 1e: Prohibit and prevent the dumping of hazardous substances. (Related actions: Public Facilities and Services Goal 1, Objective B: Water and Sewer, Action 4b and Objective C: Solid Waste)
Policy 1f: Limit discharges from existing and future development to meet applicable state or federal environmental quality statutes, rules and standards.
Policy 1g: Encourage wider use of the Planned Unit Development/"Conservation Subdivision" approach to development in Bethel.
Strategy 2: Engage in regional efforts to protect the integrity of natural resources.
Action 2a: Coordinate with other villages in the region, state and federal agencies to monitor and address any Kuskokwim River water quality problems.

Background

Bethel is located in the biologically rich landscape of the Yukon-Kuskokwim Delta.

Bethel has a Planned Unit Development (PUD) section in the land use code, but this approach has never been used in the community. A planned unit development (or conservation subdivision) provides an opportunity for greater flexibility and creativity in site development.

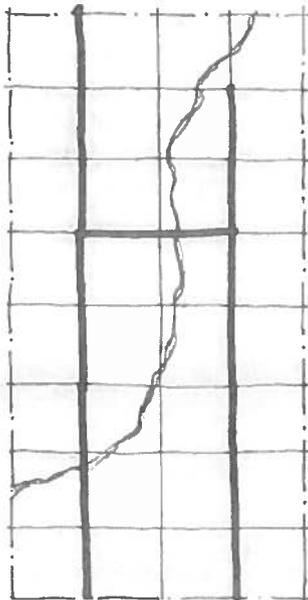
In a planned unit development, for example, a developer might be able to use smaller lot sizes than would otherwise be permitted, and consequently be more able to set aside land for open space or trails. The PUD overlay zone can be used in conjunction with any zoning classification in Bethel. Benefits of the use of a PUD approach include:

- Encourages imaginative design and the creation of permanent open space.
- Preserves, protects and enhances special site features, such as stream corridors, wildlife habitat, or subsistence areas.
- Provides diverse and convenient recreational opportunities, such as neighborhood "pocket parks."
- Allows for the development of a variety of housing types, and/or mixed uses.
- Encourages the development of street, pedestrian and bicycle paths that contribute to a system of fully connected multi-use routes.
- Facilitates the economical and adequate provision of public services.
- Promotes land use patterns that support a sense of community.

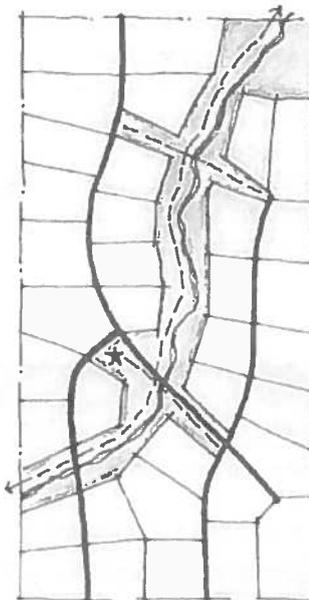
Figure 4.5 Planned Unit Development/Conservation Subdivisions

Subdivision Options - Three Illustrative Alternatives
Illustrative 80 acre parcel

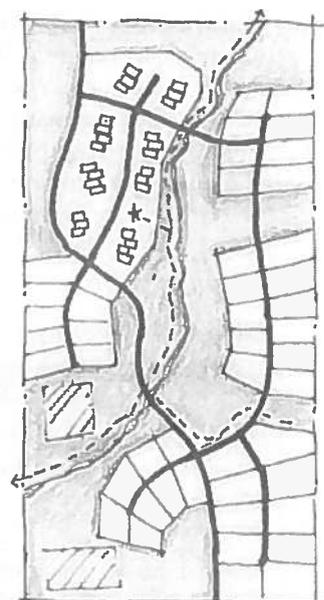
A. Traditional Subdivision
32 lots, 2.5 acre per lot
No reserved open space
(onsite wells and septic)



B. Open Space Subdivision
36 lots, 1.5-2.5 acres per lot
Approximately 15 acres open space
(onsite wells and septic)



C. Open Space Subdivision
50 lots, about .50-75 ac/lot (20-30,000 SF)
Approximately 35 acres open space
(sewer or "neighborhood" septic system)



Natural Disaster and Hazards

GOAL 7: Protect life and property from natural disasters and hazards.
Strategy 1: Discourage development in areas more susceptible to natural disasters.
Action 1a: Investigate alternative ways to reduce the flood hazard within Bethel City Limits.
Policy 1b: Use City land use regulations to direct development to locate outside floodplains, natural drainage ways, steep slopes, and other hazardous areas.
Policy 1c: Use City land use regulations to limit land use in the undeveloped floodplain within the urban growth area to open space, recreation or other appropriate uses that a) minimize the potential loss to life or property and b) comply with federal and state regulations.
Policy 1d: As part of development review process, require site specific information clearly determining the degree of hazard present from applicants who seek approval to develop residential, commercial, or industrial uses within known areas of natural disasters and hazards.

Land Records System

GOAL 8: Improve the City's ability to provide quick access to current and accurate information on land status, easements and rights of way, and zoning and other land use regulations.

Strategy 1: Upgrade the land records system for all property in the City of Bethel.

Action 1a: Develop a city-wide, Geographic Information System (GIS) land records system; update as lands are subdivided or developed, and make data available for use by City staff and the general public.

Background

Bethel's ability to make sound decisions about future growth and change is hindered by the lack of a basic, 21st century, land records system. Current land records are out of date, incomplete and difficult to use. Accurate and complete land record information is the foundation for both public and private sector land use activity, and for both near term parcel-specific issues and for citywide long range planning. Good land use records are needed, for example, as a reference for real estate transactions and land development, to manage lands held by the City, and to plan new or improved roads, water and sewer and other infrastructure.

City Land Management

GOAL 9: Improve the City's ability to effectively and efficiently manage City-held lands.

Strategy 1: Upgrade the system for managing lands held by the City of Bethel.

Action 1a: Prepare an inventory of the location, current use, and physical capability of all land held by the City of Bethel.

This can be done as part of this goal and the evaluation of priority future land use needs in the community (Goal 1).

Action 1b: Working with the community, designate the appropriate intended future uses all City of Bethel land (e.g., disposals, public facilities, parks and recreation).

Action 1c: Establish code sections that outline procedures for ongoing management of City land, including sales, permits, rights of way, long-term retention for public uses (e.g., parks and open space).

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

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

RECEIVED
JUN 25 2019
 CITY OF BETHEL
 PLANNING DEPARTMENT



**APPLICATION FOR A CONDITIONAL USE PERMIT
 BETHEL MUNICIPAL CODE 18.60.20**

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

Application Fee must be attached:	\$200.00	Conditional Use Permit
Payment Type:	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Check
	<input type="checkbox"/> Money Order	<input checked="" type="checkbox"/> Cash

1. General Information

NAME OF APPLICANT:	Thae Ho Jeoun and Chu Sung Kim
Physical Address:	658 Ptamigan Street, Bethel, Alaska, 99559
Mailing Address:	P. O, Box 2294
Home Phone Number:	
Work Phone Number:	9075433090
Cell Phone Number:	9077642294/9075441980
Email Address:	bercharlieu@gmail.com

Please note:

The City of Bethel will not communicate regarding the application with anyone other than the applicant or his/her designated agent. If applicant will be represented by an agent or attorney, proof of consent for representation must be submitted with the application.

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

2. Property Information / Legal Description

Township: Bethel	Range:
Section:	Meridian:
Subdivision: Martina Oscar Subdivision	Block(s): 1
Lot(s): 18	US Survey or Plat No.: 81-10
Street Address: 658 Ptarmigan Street, Bethel, Alaska, 99559	

3. Conditional Use Description

a. *Please provide a detailed description of the proposed conditional use in order to provide a thorough understanding of the project (additional sheets of paper may be attached if necessary):*

A Retail Marijuana Store, Green Store Bethel LLC (doing business as "Green Store") seeking for conditional use permit at 658 Ptarmigan Street, Bethel, Alaska 99559 (also known as Ptarmigan Quick Stop). Green Store understand that An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. Green Store is in compliance with 18.36.030 H. Marijuana retail store. [Ord. 16-23 § 2; Ord. 16-11 § 2; Ord. 01-05 § 8.]; 18.60; 18.48.160-200; 5.10; and 3 AAC 306 (Regulations for the Marijuana Control Board). We will be installing about 70 linear feet of interior walls, 3 new doors, alarm system, security surveillance system, remove windows and paint the walls.

b. Please comment on any potential project impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property. Discuss thoroughly, any proposed mitigation activities and show on your site map as well.

There are no added potential impacts on pedestrian and vehicular traffic circulation and safety on the roads abutting the property. Previous businesses of the location were restaurants, very busy retail store, and still operating gas station. Proposed property has experienced high traffic by pedestrians and vehicular traffic circulation. Located away from Center of Bethel with limited residents near by. Property has 15,000 square foot of land more than enough to accommodate greater vehicular traffic circulation. No changes are needed! Whole property will be monitored and recorded 24/7.

c. Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.

Off-street parking requirements 18.48.160 (12) is eight(8) and one(1) disabled parking for 2344 square feet of total space . Proposed property has five(5) single parking, six(6) double parking and (2) disabled parking, on 15,000 square feet of land. Green Store is capable to accomodate much more as is.

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

There are two(2) existing drive ways one of them sharing with adjacent property Kuskowim Inn. Both driveways meets requirement for 18.40.200, driveways are over 30 feet wide. We do not plan to add any access points.

e. Describe water and sewer facilities and capacities on the property. Discuss existing drainage conditions, and any planned improvements

Delivery water 750 gallon capacity , hauled sewage 1000 gallon capacity. All plumming including drainage are in good working order.

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

See attached sheet

g. What are the dimensions of the structure within the proposed use?
total 2344 square feet on 59 ft X 60 ft dimension
(see attachments)

4. Mapping

- a. Provide a Site Map of the property drawn to Scale. Please include the following:
1. Name of property owner and date (in lower right hand corner)
 2. Map Scale
 3. North Arrow
 4. Property lines with dimensions
 5. Streets abutting the property with names
 6. Draw in locations of existing and planned buildings with dimensions
 7. Locations of water and sewage facilities, with capacities if applicable
 8. Property driveways and vehicle parking areas showing the number of 9'x 18' parking spaces
 9. Indicate access points to and from the property
 10. Show project mitigation improvements

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

- c. List all buildings and structures located within 600' of the property (whether or not owned by the applicant):
622, 625, 626, 628, 631, 634A, 634B, 634C, 634D, 635, 637, 640A, 640B, 640C, 640D, 643, 646A, 646B, 646C, 646D, 652A, 652B, 661, 802, 808, 814, 822, and 825 Ptarmigan Street.

5. Owner's Statement

1. I hereby apply for approval for a conditional use permit on the above property as described in this application. 2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, 18.04 and 18.60 and with all other applicable State or Federal laws. 3. The information submitted in this application is accurate and complete to the best of my knowledge.	
Applicant's Signature:	
Printed Name:	Thae Ho Jeoun
Date:	06-21-2019

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

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

FOR OFFICIAL USE ONLY		
For answers that indicate a deficiency, a detailed explanation must be attached explaining the deficiency and outlining the City's request to the applicant.		
1. Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is there any potential negative impact on to the street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Will a reasonably expected increase in traffic to the property impact the abutting road or to the existing road system beyond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Is the property located in a flood zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Does there appear to be adequate existing or proposed water supply and sewage capacity on the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. What is the zoning designation of the property?		

CONDITIONAL USE PERMIT (CUP) STANDARDS AND PROCEDURES

Sections:

- [18.60.010](#) Authorization.
- [18.60.020](#) Application.
- [18.60.030](#) Hearing and notification.
- [18.60.040](#) Staff review.
- [18.60.050](#) Planning commission review.
- [18.60.060](#) Standards for planning commission decision.
- [18.60.070](#) Lapse of approval.

18.60.010 Authorization.

The planning commission may grant a conditional use permit for those uses or structures authorized as a conditional use in the applicable land use district chapter of this title, subject to the standards provided in this chapter. An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. The planning commission has discretion to deny a conditional use permit application if it is not convinced the proposed use is compatible with principal permitted uses, existing neighborhood development, the environment, the comprehensive plan or maintenance of compatible and efficient development patterns. [Ord. 01-05 § 8.]

18.60.020 Application.

- A. The applicant shall complete a conditional use permit application on a form provided by the planning department in which the applicant shall state and describe in narrative:
1. A legal description and street address of the parcel;
 2. The names and addresses of the owners of the parcel and of the applicant;
 3. A description of the proposed conditional use;
 4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
 5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
 6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
 7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
 8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;
 9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180;
 10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.
- B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

18.60.030 Hearing and notification.

- A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.
- B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC 18.04.070. [Ord. 01-05 § 8.]

18.60.040 Staff review.

- A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any

additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;
2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;
3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;
4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010; (attached)
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;
8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;
9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property,

including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]

18.60.050 Planning commission review.

A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.

B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.

C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:

1. The chairperson shall explain the hearing procedure;
2. Planning department staff shall present a staff report and recommendations regarding the subject project;
3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
5. Planning commissioners may ask the applicant any questions they may have about the project;
6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided

should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;

7. Members of the planning commission may ask any questions of neighbors or other interested persons;

8. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons;

9. After the applicant has given rebuttal evidence and summarized, the staff shall be given an opportunity to comment on evidence presented and to make new or amended recommendations.

D. The planning commission may make a decision to approve, conditionally approve, or deny the project. The commission may also decide to take the matter under advisement or continue the hearing or commission discussion to a future date in order to allow time to acquire more information as needed. The planning commission and the planning staff shall be given the opportunity to comment during and between any of these steps.

E. The commission shall make a decision based upon the standards specified in BMC 18.60.060. The commission may impose any conditions reasonably necessary for the proposed use to comply with the standards listed in BMC 18.60.060. If the planning commission does not adopt the land use administrator's recommendations and conclusions, it must support its findings with a statement of findings and conclusions, which shall be included in the official minutes of the hearing and in the resolution approving or disapproving the conditional use. [Ord. 01-05 § 8.]

18.60.060 Standards for planning commission decision.

A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC 18.60.040(B)(1) through (10).

B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:

1. To ensure the public health, safety, and welfare of residents; and
2. To minimize or eliminate adverse impacts on residential property.

C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the

public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC 16.04.010.

D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought. [Ord. 01-05 § 8.]

18.60.070 Lapse of approval.

A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.

B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]

3. f.

There are special features and restrictions that we have designed to minimize potential negative impacts from proposed Conditional Use in order to ensure the public health, safety, and welfare.

Green Store Bethel, LLC doing business as "Green Store"; we are using a name that does not contain, promote, or directly express marijuana to minimize potential negative impact. There will be NO photographic images, words, or anything that represent Marijuana Products and Marijuana, Only the Restricted Access Areas of Green Store will have marijuana exposure to its visitors. Green Store will have three (3) signages, 2' X 4' with only the name "Green Store" outside the building. Furthermore Green Store has no plans to advertise.

Designed extra on-site parking spaces, more than required eight (8) parking spaces (18.48.160). There are eleven (11) parking spaces plus two (2) disabled parking, (1) extra.

We have designed and placed Lobby for all visitors inside of facility when entering facility.

1. To provide protection from weather such as rain, snow, wind, and cold temperature.
2. In purposed of eliminating direct exposure of all marijuana and marijuana products until access is granted to Showroom.
3. Fail safe entry of anyone under age of twenty one (21) from entering restricted access area. Valid photographic identification will be checked by Security Personnel and/or customer service window in Lobby.

Added Security, All perimeter of Green Store will be monitored 24/7 without any blind spots. Absolutely No Trespassing or Loitering allowed. Total of 16 cameras will monitor the premise inside and out. Security cameras are five (5) Megapixels, High Definition, and Infrared capable of capturing up to 65 feet in complete darkness. Surveillance recording will be kept for minimum of 40 days.

No window or direct ventilation exhaust to outside to eliminate marijuana scent/odor to escape from facility. Odor filtration system will be installed if necessary.

Designated Consumption Area (Onsite Consumption will be available in short near future) to minimize potential public marijuana products and marijuana consumption.

1. Available only for purchased product from Green Store.
2. Time limit, Log Book will be used to maintain order and use.
3. Continuously monitored by Green Store and surveillance cameras.
4. Transportation from facility must be made and verified by Green Store prior to entry.
5. Absolutely NO entry for any visitors that arrived by operating any type of motor vehicles.

Educational materials and Hazardous Warnings will be posted in Lobby to inform all visitors its awareness and potential impact when consuming Marijuana Products and Marijuana.

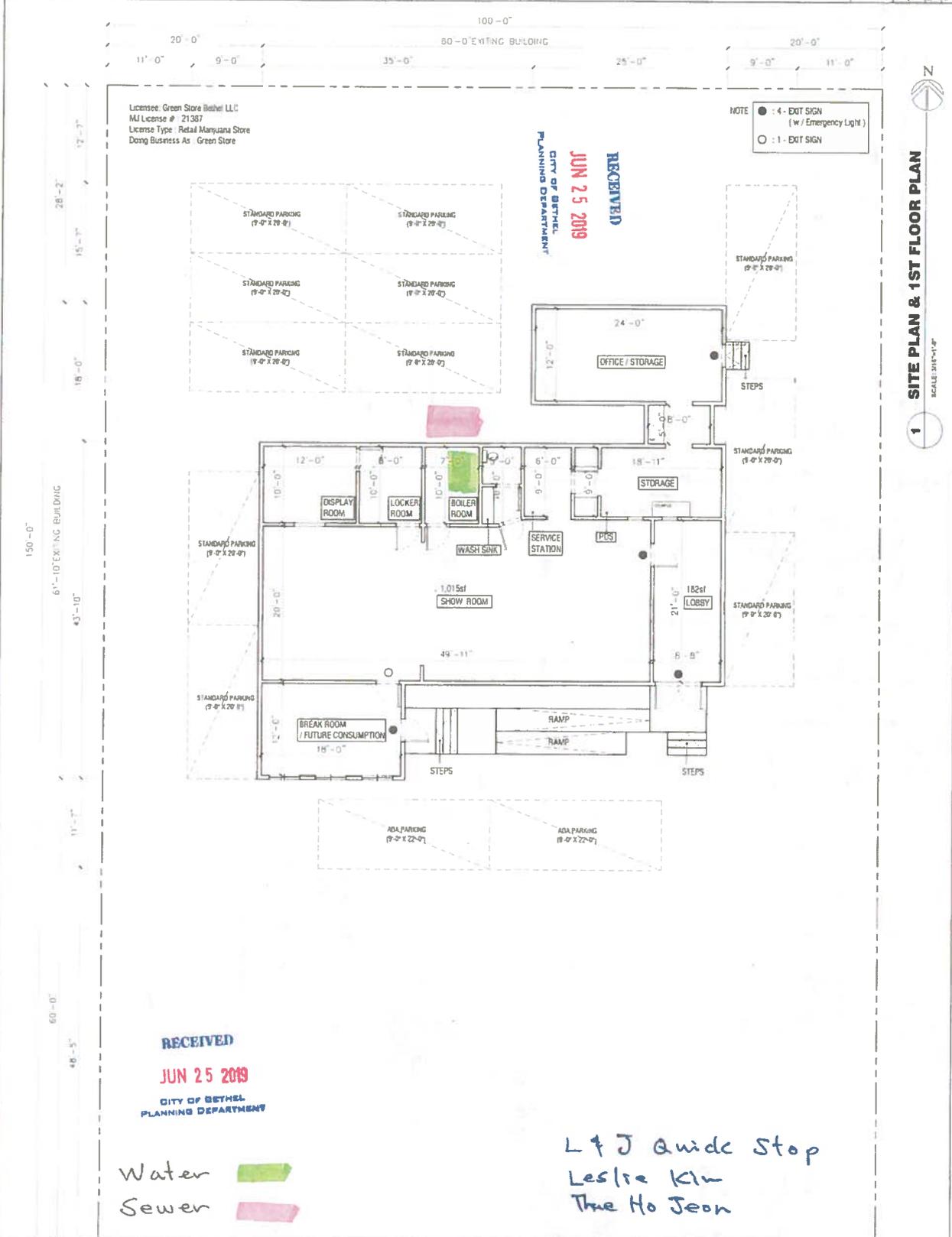
RECEIVED

JUN 25 2019

CITY OF BETHEL
PLANNING DEPARTMENT

PROJECT ADDRESS 658 Ptarmigan St Bethel, AK 99559		DESIGNER	OWNER	DATE	ISSUED FOR	NO.	REVISIONS

PROJECT NO. **A-01**
SHEET NO. **1**
DATE **JUN 25 2019**
DRAWN BY **CONCEPT**



Ptarmigan St



PUBLIC HEARING NOTICE CONDITIONAL USE PERMIT

Notice is hereby given: that on June 25, 2019, the City of Bethel Planning Office received an application for a Conditional Use Permit to open a retail marijuana store. The legal description is United States Survey 81-10, Lot 18 Block 1. The physical address is 658 Ptarmigan Street, Bethel, Alaska.

Land Owner/Applicant: Thae Ho Jeoun and Chu Sung Kim, doing business as The Green Store, P.O. Box 2294, Bethel, Alaska 99559 phone 907-543-3090.

Purpose: To obtain a Conditional Use Permit in order to open a retail marijuana store.

City of Bethel Contact: Pauline Boratko, Acting Planning Director, City of Bethel Planning Department, phone 907-543-5301.

Time and Place: The regular meeting of the City of Bethel Planning Commission, at 6:30PM, August 8, 2019 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers.

A handwritten signature in cursive script, reading "Pauline Boratko", is written over a horizontal dashed line.

Pauline Boratko, Acting Planning Director

I hereby certify that this Notice of Hearing - Conditional Use Permit for Marijuana - has been posted at City Hall, the Post Office, Bethel Native Corp. and Swanson's Bulletin Boards on or before July 26, 2019. It is further certified that this Notice will be published in the Delta Discovery weekly newspaper beginning the week July 31, 2019, for two weeks publication.



July 26, 2019

To Whom this may concern: You are receiving this notice pursuant to Bethel Municipal Code 18.04.070 "Notice shall be mailed to the owners of each parcel of property any part of which is within six (600) feet of the exterior boundary that is the subject of the application" If you are not the owner please pass this along to them.

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

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

RECEIVED

JUN 27 2019

**CITY OF BETHEL
 PLANNING DEPARTMENT**



**APPLICATION FOR A CONDITIONAL USE PERMIT
 BETHEL MUNICIPAL CODE 18.60.20**

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

Application Fee must be attached:	\$200.00	Conditional Use Permit
Payment Type:	<input type="checkbox"/> Credit Card	<input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Cash

1. General Information

NAME OF APPLICANT:	Essenkay, LLC
Physical Address:	781 Third Avenue
Mailing Address:	PO Box 2343
Home Phone Number:	907-545-4977
Work Phone Number:	
Cell Phone Number:	
Email Address:	kuskokush@gmail.com

Please note:

The City of Bethel will not communicate regarding the application with anyone other than the applicant or his/her designated agent. If applicant will be represented by an agent or attorney, proof of consent for representation must be submitted with the application.

NAME OF PROPERTY OWNER: (If different from Applicant)	City of Bethel
Physical Address:	300 Chief Eddie Hoffman State Highway
Mailing Address:	PO Box 1388
Home Phone Number:	907-543-2047
Work Phone Number:	
Cell Phone Number:	
Email Address:	

2. Property Information / Legal Description

Township:	Range:
Section:	Meridian:
Subdivision:	Block(s): 15
Lot(s): 4	US Survey or Plat No.: 3230 A & B
Street Address: 781 Third Avenue	

3. Conditional Use Description

a. *Please provide a detailed description of the proposed conditional use in order to provide a thorough understanding of the project (additional sheets of paper may be attached if necessary):*

See attached narrative.

b. Please comment on any potential project impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property. Discuss thoroughly, any proposed mitigation activities and show on your site map as well.

See attached narrative.

c. Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.

See attached narrative.

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

See attached narrative.

e. Describe water and sewer facilities and capacities on the property. Discuss existing drainage conditions, and any planned improvements

See attached narrative.

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

See attached narrative.

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

4. Mapping

a. Provide a Site Map of the property drawn to Scale. Please include the following:

1. Name of property owner and date (in lower right hand corner)
2. Map Scale
3. North Arrow
4. Property lines with dimensions
5. Streets abutting the property with names
6. Draw in locations of existing and planned buildings with dimensions
7. Locations of water and sewage facilities, with capacities if applicable
8. Property driveways and vehicle parking areas showing the number of 9'x 18' parking spaces
9. Indicate access points to and from the property
10. Show project mitigation improvements

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

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

- Barber Shop/Dental Office/potential future marijuana retail establishment, 660 Third Avenue;
- Midtown Cottage Rentals, 720 Third Avenue;
- Lumberyard, 841 Third Avenue;
- Gas Station and Auto Repair Shop, 630 Third Avenue;
- Law Office, 900 Third Avenue;
- Restaurant, 751 Third Avenue;
- Hotels, 751 Third Avenue and 881 Third Avenue;
- United Utilities Office, 280 Main Street;
- Potentially ACC Liquor Store (currently unused grocery store), 811 Third Avenue.
- Four apartment complexes owned and operated by the State of Alaska (Trooper Housing), 842 Fourth Avenue.
- Approximately 20 other residential structures, various address on Third Avenue/Jacob's Way

5. Owner's Statement

1. I hereby apply for approval for a conditional use permit on the above property as described in this application. 2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, 18.04 and 18.60 and with all other applicable State or Federal laws. 3. The information submitted in this application is accurate and complete to the best of my knowledge.	
Applicant's Signature:	
Printed Name:	Jared Kerr
Date:	6/27/2019

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

Owner's Signature:	
Printed Name of Owner:	City of Bethel, Bill Howell
Mailing Address for Owner:	P.O. Box 1388 Bethel AK. 99559
Contact Number for Owner:	545-4998

FOR OFFICIAL USE ONLY		
For answers that indicate a deficiency, a detailed explanation must be attached explaining the deficiency and outlining the City's request to the applicant.		
1. Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
2. Is there any potential negative impact on to the street from which access to and from the establishment is obtained?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created by issuing the permit?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Will a reasonably expected increase in traffic to the property impact the abutting road or to the existing road system beyond?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
5. Is the use compatible with the character of the surrounding neighborhood?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
6. Is the property located in a flood zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
7. Does there appear to be adequate existing or proposed water supply and sewage capacity on the property?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
8. What is the zoning designation of the property?		

CONDITIONAL USE PERMIT (CUP) STANDARDS AND PROCEDURES

Sections:

- 18.60.010 Authorization.
- 18.60.020 Application.
- 18.60.030 Hearing and notification.
- 18.60.040 Staff review.
- 18.60.050 Planning commission review.
- 18.60.060 Standards for planning commission decision.
- 18.60.070 Lapse of approval.

18.60.010 Authorization.

The planning commission may grant a conditional use permit for those uses or structures authorized as a conditional use in the applicable land use district chapter of this title, subject to the standards provided in this chapter. An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. The planning commission has discretion to deny a conditional use permit application if it is not convinced the proposed use is compatible with principal permitted uses, existing neighborhood development, the environment, the comprehensive plan or maintenance of compatible and efficient development patterns. [Ord. 01-05 § 8.]

18.60.020 Application.

A. The applicant shall complete a conditional use permit application on a form provided by the planning department in which the applicant shall state and describe in narrative:

1. A legal description and street address of the parcel;
2. The names and addresses of the owners of the parcel and of the applicant;
3. A description of the proposed conditional use;
4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;
9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180;
10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.

B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

18.60.030 Hearing and notification.

A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC 18.04.070. [Ord. 01-05 § 8.]

18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any

additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;
2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;
3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;
4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010; (attached)
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;
8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;
9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property,

including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180. [Ord. 01-05 § 8.]

18.60.050 Planning commission review.

A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.

B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.

C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:

1. The chairperson shall explain the hearing procedure;
2. Planning department staff shall present a staff report and recommendations regarding the subject project;
3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
5. Planning commissioners may ask the applicant any questions they may have about the project;
6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided

should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;

7. Members of the planning commission may ask any questions of neighbors or other interested persons;

8. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons;

9. After the applicant has given rebuttal evidence and summarized, the staff shall be given an opportunity to comment on evidence presented and to make new or amended recommendations.

D. The planning commission may make a decision to approve, conditionally approve, or deny the project. The commission may also decide to take the matter under advisement or continue the hearing or commission discussion to a future date in order to allow time to acquire more information as needed. The planning commission and the planning staff shall be given the opportunity to comment during and between any of these steps.

E. The commission shall make a decision based upon the standards specified in BMC 18.60.060. The commission may impose any conditions reasonably necessary for the proposed use to comply with the standards listed in BMC 18.60.060. If the planning commission does not adopt the land use administrator's recommendations and conclusions, it must support its findings with a statement of findings and conclusions, which shall be included in the official minutes of the hearing and in the resolution approving or disapproving the conditional use. [Ord. 01-05 § 8.]

18.60.060 Standards for planning commission decision.

A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC 18.60.040(B)(1) through (10).

B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:

1. To ensure the public health, safety, and welfare of residents; and
2. To minimize or eliminate adverse impacts on residential property.

C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the

public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC 16.04.010.

D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought. [Ord. 01-05 § 8.]

18.60.070 Lapse of approval.

A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.

B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]

**PROPOSED COMMERCIAL MARIJUANA RETAIL
ESTABLISHMENT
CONDITIONAL LAND USE PERMIT NARRATIVE**

**Essenkay, LLC
dba Kusko Kush
a locally owned and operated business**

Submitted: June 27, 2019

Hearing Date: July 13, 2019

Prepared by:

RECEIVED

JUN 27 2019

**CITY OF BETHEL
PLANNING DEPARTMENT**



**JDW, LLC
Jana D. Weltzin, Esq.
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Anchorage, AK 99503
jana@jdwcounsel.com
630-913-1113
907-231-3750**

**On behalf of:
Essenkay, LLC**

NARRATIVE

Introduction – our vision & our pledge to our community.

It is with great pleasure to introduce you to the new owners of Kusko Kush, long time Bethel residents Jared Karr and Naim Sabani. Jared and Naim have been community members of Bethel for many years, and they are thrilled to start this new adventure in the community they love. Jared and Naim's new business venture focuses on two common community goals: (1) diversification of Bethel's economy; and (2) job creation for Bethel's community members. The proposed retail establishment furthers both of those vital community goals.

Jared moved to Bethel in 2002. He was a police officer for the community and during that time Jared met the love of his life and married into a local Bethel family in 2006. Jared and his new wife moved out of Bethel in 2006 and returned in 2014. During the time they left Bethel, Jared furthered his education, went to law school, and became a prosecutor in Bethel until 2016. In 2016 Jared decided it was time to venture into private practice, and he currently practices private practice in the City of Bethel. Jared also served as the Chair of the Public Safety Commission and a member of the commission from 2015-2018. He also has relevant business owning experience as earlier in his life he owned and operated a catering company in Fairbanks, Alaska for three years. Clearly, with Jared's legal training, public safety history and clear commitment to public safety, the community could not ask for a more qualified individual to own and operate a marijuana retail establishment in the City of Bethel.

Naim graduated high school in Bethel and dove right into the workplace and started working for Kusko Cab and then eventually became the owner of Kusko Cab. Naim is very invested in the City of Bethel, as this has been his home most of his life. He owns several residential property rentals and also served as City Council Member from 2017-2018. He also served on the Public Safety Commission from 2014 to 2018. Naim is married to a lifelong Alaskan, and the couple devotes a significant amount of time volunteering and donating to various non-profits that benefit the community. Again, the community could not ask for a more qualified and responsible business owner to operate this new business venture.

Kusko Kush is committed to rigorous adherence to state and local regulations, the facility will have an inventory tracking system, maintain health and safety protocols according to industry standards, maintain high level security and video surveillance, provide an employee training program, and follow efficient operating procedures. Storage functions and waste disposal processes will be carried out in the most prudent way allowed by regulation.

Kusko Kush's objective is to provide diversification to the City of Bethel's economy, provide more employment opportunities to community members, and to provide safe, tested and regulated legal cannabis to the community members who desire to engage in the purchase of marijuana. The retail establishment will be a safe and compliant retail establishment with educated budtenders who provide a quality-focused environment where employees and customers feel secure and comfortable in their surroundings. It is of the utmost importance to Jared, Naim, their staff, and their business model to respect their community's wishes and input

and provide the unrivaled quality necessary to satisfy the needs of Alaska's adult recreational consumers.

Kusko Kush's proposed home is located at 781 3rd Avenue, Bethel, Alaska 99559.

**CONDITIONAL LAND USE PERMIT ("CUP") FOR MARIJUANA RETAIL ESTABLISHMENT APPROVAL CRITERIA
(BMC 18.60.20; BMC 5.10.010-230)**

Question 3a: *Conditional Use Description of the Proposed Conditional Use in order to provide a thorough understanding of the project:*

The proposed conditional use is a marijuana retail store located at 781 3rd Ave., Bethel, Alaska. It consists of 418 square feet of restricted access area (i.e. area where marijuana is stocked and stored that is not accessible to the public) and 299 square feet of retail sales floor space (where customers can walk around and view the product menu, price sheet, and strains available), totaling a total square footage of licensed area of 717 square feet.

Jared and Naim's initial aim to hire 3-4 employees to run the retail establishment. If this honorable Council approves this CUP application, the retail store will engage in the sale and distribution of cannabis and cannabis products. Each shipment of marijuana and marijuana product that arrive at Kusko Kush will be inspected by a member of the management team before it is accepted and added to the store's inventory. The shipment will be reconciled with the transport manifest, shipment labels and packaging labels to ensure consistency. All product will be weighed by Kusko Kush and reconciled with the weight listed on the manifest and labels. Any shipments with discrepancies will be rejected. Shipments that pass initial inspection will be accepted into the facility, entered into METRC and the point of sale software and added to the store's inventory storage or display cases. At the end of each business day, the management team will reconcile the sale's transactions from the point of sale software with the inventory on hand and with METRC to ensure consistency and that any discrepancies are immediately addressed. When customers enter the retail store, they will enter into a secure entry room and immediately be asked for ID. Once ID has been verified as valid, customers can then be allowed into the retail area and browse the retail store. Employees will be trained to observe customers for signs of impairment. Once a customer completes their transaction, they will exit the licensed premises. Loitering will not be tolerated.

All customers will enter the designated entrance door to the facility where they will immediately be checked for identification. The facility will have signs displayed on the front entrance stating that the Kusko Kush will not sell marijuana or marijuana products to any person under the influence of alcohol or drugs. All employees will be trained to recognize the signs of impairment. If any employee suspects a customer of being impaired, the person will be asked to leave the premises and come back at a later date. If an individual inside the retail area appears to be impaired, the retail agents have the authority to refuse service to anyone, and have the customer removed from the premises.

All marijuana and marijuana products will be displayed in locked and secured display cases and

cabinets behind the POS counters which require employee assistance to access. Only smell sample jars will be reachable to the customers. Product displays will be in full view of a working video surveillance camera at all times that marijuana or marijuana product is stored in the display. Marijuana products will be placed in the secured displays at opening and will only be on display during business hours. Marijuana and marijuana products will be secured in a locked case at all times where customers may be present on the premises with the exception of the product hanging on hooks behind the counter. Only marijuana that is packaged and labeled in accordance with all state and municipal laws and regulations, and in accordance with Kusko Kush policies, will be placed in product displays and accessed for sale to the public.

All marijuana and marijuana products sold at the retail location will be prepackaged by the licensed cultivation or manufacturing facility from which they originate. All shipments to the retail facility will be inspected for quality and consistency with the transport manifest and shipment labels, and for regulatory compliance. Labels will be checked for: (1) name and license number of the manufacturing or cultivation facility; (2) production lot and/or batch number; (3) strain information; (4) net weight of the product (5) packaging date and expiration date; and (6) testing lab name and license number. The transport manifest will be checked for: (1) name and license number of the providing entity; (2) delivery date; (3) start time and estimated arrival time; (4) strain and batch information; (5) delivery driver name and handler's card verification; (6) the weight of the products transferred; and (7) testing information. Once a delivery is approved by either the general manager, the inventory will be accepted into the retail facility and entered into METRC with all mandatory information designated by AMCO. The shipment information will be both recorded in METRC and stored on-site as official business records. Both the transporting agent and the general manager will sign all paperwork and documents expressing that all information is deemed correct and the transfer took place. Shall any of the above be missing or inaccurate, the general manager will refuse the transfer.

In addition to the above policies and procedures, for products or bud/flower that has been returned or otherwise is not fit for sale, Kusko Kush has a disposal plan for marijuana waste and all products that do not meet state testing requirements or the company's internal quality standards for any reason. Kusko Kush will be disposing of: (1) marijuana that is identified as contaminated, infected or is otherwise rejected for quality or fails to meet quality testing; (2) all packaging, labeling, containers, or other related materials which arrive at the facility with marijuana products that have been disqualified for quality; (3) expired marijuana products and (4) any other materials or containers in contact with marijuana products that risk contamination. Marijuana waste will be stored away from all other products in a locked container inside the facility and will be rendered unusable prior to leaving the facility for disposal. Marijuana waste will be rendered unusable by grinding or mixing the materials with other compostable and non-compostable material such as, food waste, cardboard, paper, and yard waste; until the resulting mixture is no more than fifty percent (50%) marijuana waste. Management will maintain a log on the status of all marijuana waste, tracking the type, date of disposal, date it was rendered unusable, and date that it was picked up by the disposal company. The final mixture will be securely stored in locked containers located inside the premises with locks in compliance with the highest UL standards.

Kusko Kush will be equipped with a 24-hour monitoring alarm system, exterior motion detecting

lighting, and video surveillance. The restricted access area doors will always be locked with a spring-loaded hinge to ensure it closes behind persons as they enter or leave the secured area. Access will only be granted to employees, Jared, and Naim, and signage will be displayed on the door/entrance to each restricted access area indicating that members of the public are not allowed un-escorted access. At least one employee will always be present behind the counter, ensuring customers do not enter the restricted access area behind the counter. The facility will be equipped with an alarm system and video surveillance. Security cameras will be installed throughout the retail store that allow for monitoring of all areas 24 hours each day including, at a minimum: all entrances and exits, all restricted access areas, every portion of the office, and the exterior of the building to monitor and identify all activity adjacent to the facility.

No person, except a Kusko Kush employee or the licensee, (with the exception of AMCO enforcement, law enforcement, City of Bethel Officials, and other duly authorized agents) shall be allowed in the restricted access area unless they are a pre-authorized visitor by a designated employee/manager and escorted at all times. All persons who are not employees of the company, but who have been authorized by management to enter the restricted access areas of the facility shall provide a government issued identification to the escorting employee prior to entering the restricted access area in order to obtain a visitor identification badge. An employee will escort and monitor the visitor at all times while the visitor is in the restricted access area. The visitor identification badge shall be visible at all times. Kusko Kush will require the visitor to return the identification badge upon exiting the facility. Kusko Kush will maintain a visitor log, which shall include the name of the visitor, date, time and purpose of the visit. The visitor log will be made available to AMCO upon request. If an unforeseen circumstance requires the presence of a visitor and makes it impractical for designated employee/management to obtain prior authorization, the facility shall record in the visitor log the name of the visitor, date, time, purpose of the visit and the facts upon which the access was granted. Visitor records will be stored on the company's computer server, a hard-original copy will be stored in the secured locked cabinet located in the office. Hard copies will be maintained for at least 7 years. Kusko Kush does not intend to destroy any electronic copies. There will never be more than 5 Visitors per employee/licensee at any given time. Kusko Kush will keep all required records on site for a minimum of 6 months and will reside in the locked and secured storage room in a lockable file cabinet or safe. Hard copies will be scanned into digital files and stored as a backup. The backed up electronic files will be stored on a cloud-based server or external hard drive to prevent loss or destruction of records. After 7 years Kusko Kush may destroy hard copies however, Kusko Kush does not intend to destroy any electronic records.

The exterior of the building will be well lit. Exterior lighting will be specifically designed and positioned to help visually secure the premises and allow the surveillance system to depict individuals up to twenty (20) feet from all entry points. Lights will be mounted in inaccessible places and have sturdy housings and lenses to help make them vandal proof. Kusko Kush will use extremely bright lights to deter crime and ensure maximum visibility. All lights will be commercial grade LED lights and will be checked by management to ensure that each light in the system is operational and well-placed for visibility in security footage and to deter loitering or otherwise unauthorized presence on the premises. The retail facility premises will be protected by a surveillance recording system that will have cameras positioned to view the entire perimeter of the area of the licensed retail premises. The security cameras will be operational and recording 24 hours a day, 7 days a week. A variety of specialty cameras, such as infrared, motion-sensor, and night

vision cameras will be used. All cameras will have secure data storage. The premise will have surveillance over all portions of the facility, placed strategically to record all areas of the facility inside and outside, at a variety of angles. All doors and marijuana storage areas will have video coverage to clearly identify the faces of those present. The cameras will offer high resolution and weather resistant features that ensure a clear picture with every use. With these megapixel cameras, the facility will have clear, crisp images that let a Kusko Kush manager see the important details needed for identification. This includes face and license plate recognition, and facial image of anyone within twenty (20) feet of all access point while still capturing a full field of view for exterior monitoring.

As of the date of the submission of this CUP application, the MCB has not yet reviewed the state application – we anticipate that the license application will be in front of the MCB for consideration at the MCB September 2019 meeting.

Kusko Kush proposes to have up to three (3) signs on the Retail Store. Signs will not exceed 4800 square inches. Below is a sample rendering of the proposed signage for the Council’s consideration and approval:



There are no protected/sensitive uses within the buffer zones required by the State or BMC 5.10.060. The intent is for the retail establishment to be open Monday thru Sunday, 11am-9pm.

Question 3b: *Please comment on any potential project impacts on pedestrian and vehicle traffic circulation and safety on roads abutting the property. Discuss thoroughly, any proposed mitigation activities and show on your site map as well.*

We do not anticipate any vehicle traffic circulation issues or safety concerns regarding the proposed use and its impact on the roads abutting the property. As shown on the site plan, attached to this application, the Third Ave road that abuts the property is paved, and access to the store is via driveway. The proposed retail site provides for ample parking (off street and onsite) and turning and maneuvering. The traffic flow is indicated on the site plan and has been specifically designed and laid out for this proposed use. The site provides for 13 parking spaces including a handicap accessible space – this should eliminate any on street parking that could cause any negative impact to 3rd Ave traffic and eliminate any safety issue of parking spilling out onto 3rd Ave, which could cause accidents.

Question 3c: *Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.*

The current parking demand is zero and the anticipated parking demand, if the proposed use is approved, is estimated to be 6 spots. Currently, the site has no parking spaces (the site currently under construction) – but, once this application is approved by this Honorable Council, development of the site will be completed and parking spaces delineated. As the attached site plan indicates there will be 13 parking spaces – 12 of which are to be regular spaces, and 1 is to be handicap accessible. The entire sales floor is just over 200 sq. feet, therefore the parking layout and number of spaces proposed is in excess of the actual need. For example, in the municipality of Anchorage, one parking space is required for every 350 square feet of retail space.

Question 3d: *Describe existing and any planned access to and from the property.*

Please review site plan, the access will be via a 24-foot-wide drive way, that turns off of 3rd Ave.

Question 3e: *Describe water and sewer facilities and capacities on the property. Discuss existing drainage conditions, and any planned improvements.*

Water and Sewer facilities: The facility will have a 500 gallon septic holding tank and will have water access via a 300 gallon interior water tank. Please see sheet sewage detail within attached Permit Set for sewage holding tank information and detail. Weekly evacuation of sewer and weekly water fill up will be employed to provided more than ample supply for both waste and water usage.

The entire site is being developed from raw vacant land to a retail establishment with a parking lot, septic, power, and a new retail building. Additionally, over 60 loads of fill dirt have been added to the lot to provide adequate water runoff for drainage and easy navigation for all customers and vehicles. When construction is complete, the parking lot area will be filled with gravel to abate erosion and damage to the lot caused by vehicle traffic.

Question 3f: *Describe special features and/or restrictions you have designed to minimize potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety and welfare of nearby structures and residents.*

Kusko Kush's entire operating plan and business plan is specifically designed to minimize potential negative impacts on proposed structures and residents. If anything, this use will provide improvement to the value of the surrounding property owners¹ and increase security of surrounding property owners and residents by providing surveillance of the property's parcel.

Kusko Kush will maintain overall security and possession of the building at all times with 24/7 video surveillance to ensure community and employee safety. All marijuana related activities will **occur indoors**, and access to the retail establishment will be restricted to persons over the age of 21 only. Kusko Kush will also ensure that the property is maintained in a clean and sanitary manner and follow all state laws/regulations regarding retail standards and disposal. Kusko Kush will work pro-actively with state and local regulators as well as local community neighbors and members, to ensure that any concerns voiced in the neighborhood are promptly addressed and any problem rectified in a reasonable and prudent manner.

Additionally, the answers and information regarding the operating policies and procedures provided in Answer 3a all act as safeguards, protecting the health, safety, and wellness of the community and its residents. The policies and procedures outlined in Answer 3a are proven mitigators (as they address ID policy, waste disposal, etc) of negative impacts that an establishment such as the proposed use may have on the community.

Question 3g. *what are the dimensions of the structure within the proposed use.*

Dimensions for the structure of the retail establishment is 32'X 24'. Please see architectural floor plan page in the attached Permit Set.

List all buildings and structures within 600' of the property:

- **Barber Shop/Dental Office/potential future marijuana retail establishment, 660 Third Avenue;**
- **Midtown Cottage Rentals, 720 Third Avenue;**
- **Lumberyard, 841 Third Avenue;**
- **Gas Station and Auto Repair Shop, 630 Third Avenue;**
- **Law Office, 900 Third Avenue;**
- **Restaurant, 751 Third Avenue;**
- **Hotels, 751 Third Avenue and 881 Third Avenue;**
- **United Utilities Office, 280 Main Street;**

¹ <https://listwithclever.com/real-estate-blog/marijuana-housing-market-study/> "Cities that allow retail dispensaries saw home values increase \$22,888 more than cities where marijuana is illegal from 2014 to 2019 (controlling for population and initial home values)"; "CATO research supports our findings, suggesting homes close in proximity to marijuana retail dispensaries increase in value"; From 2017 to 2019, cities where recreational marijuana is legal saw home values increase \$6,337 more than cities where marijuana is illegal (controlling for population, initial home values, and GDP).

- **Potentially ACC Liquor Store (currently unused grocery store), 811 Third Avenue.**
- **Four apartment complexes owned and operated by the State of Alaska (Trooper Housing), 842 Fourth Avenue.**
- **Approximately 20 other residential structures, various address on Third Avenue/Jacob's Way**

LEASE ADDENDUM #1

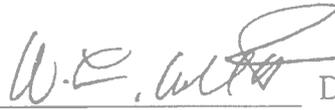
This Lease Addendum #1 is made the 28th day of May, 2019, by and between the City of Bethel, ("Lessor"), and Essenkay, LLC, ("Lessee"), an Alaska corporation.

Whereas, Lessor and Lessee understand and agree to the following:

1. The Lessee/Lessor understand and agree the property at 781 3rd Avenue is going to be used for a marijuana business.
2. The Lessee/Lessor understand and agree that in case of default, Lessee will not take possession or remove marijuana from the premises and AMCO enforcement will be contacted to take possession.

Lessor

Lessee


Date: 5-28-19
Bill Howell, Acting City Manager
City of Bethel, Alaska


Date: 06-04-19
Naim Shabani, Owner
Essenkay, LLC


Date: 5/28/19
Jared Karr, Owner
Essenkay, LLC

GENERAL NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE MOST RECENT ADOPTED EDITION OF THE INTERNATIONAL BUILDING CODE, IBC, ASADO INTERNATIONAL MECHANICAL CODE, NATIONAL ELECTRICAL CODE, INTERNATIONAL PLUMBING CODE, AND ALL LOCAL AND ALASKA STATE CODE REGULATIONS AND AMENDMENTS. CONTRACTORS ARE RESPONSIBLE FOR VERIFYING ALL APPLICABLE LOCAL CODES AND TRADE STANDARDS.
2. THESE DRAWINGS ARE SUPPLIED TO THE GENERAL CONTRACTOR AND OTHERS FOR THEIR USE ON THIS SPECIFIC PROJECT. ALL COPIES OF THESE DRAWINGS SHALL REMAIN THE PROPERTY OF JCG SURVEYING AND SHALL BE REPRODUCED WITHOUT PERMISSION FROM JCG.
3. THE ORGANIZATION OF THESE DRAWINGS IS NOT INTENDED TO CONTROL THE DIVISION OF WORK AMONG SUB CONTRACTORS. THE DIVISION OF WORK SHALL BE THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
4. CONTRACTORS SHALL TAKE ALL NECESSARY PRECAUTIONARY MEASURES TO PROTECT THE PUBLIC AND ADJACENT PROPERTIES FROM DAMAGE THROUGHOUT CONSTRUCTION. CONTRACTOR ASSUMES ALL LIABILITY FOR DAMAGES INCURRED DURING CONSTRUCTION.
5. CONTRACTOR SHALL PROVIDE ALL LABOR, EQUIPMENT AND MATERIALS REQUIRED TO COMPLETE ALL WORK AS SHOWN OR AS IMPLIED ON THESE DRAWINGS.
6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO CONSTRUCTION. IF A CONDITION NOT COVERED IN THE DRAWINGS IS ENCOUNTERED, OR IF A DIMENSIONAL ERROR IS FOUND, THE CONTRACTOR SHALL NOTIFY THE ARCHITECT BEFORE COMMENCING WITH THE POSITION OF THE WORK.
7. ALL COMPONENTS, EQUIPMENT, ETC. SHALL BE INSTALLED PER MANUFACTURER OR PRINTED RECOMMENDATIONS.
8. CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL RUBBISH AND DEBRIS RESULTING FROM CONSTRUCTION.
9. ALL DIMENSIONS ARE TO FACE OF STUDS, FACE OF PANEL SHEATHING, (FRI) LINES, FACT OF ROUGH CONCRETE, UNLESS OTHERWISE NOTED.
10. CALLER ALL DIMENTS, PROVIDE ENGINEER AND AS NOTED, AND PROVIDE ALL DIMENSIONS AND CONDITIONS AS NOTED TO PROVIDE COMPLETE WEATHER PROOF INSTALLATION.

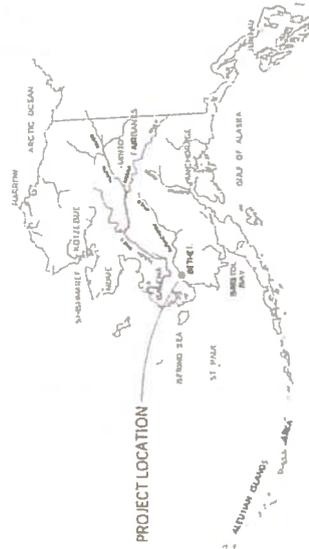
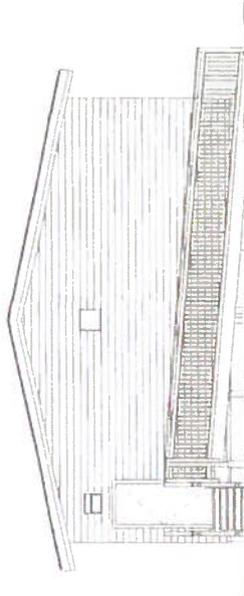
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JUN 27 2019

**CITY OF BETHEL
PLANNING DEPARTMENT**

KUSKO KUSH RETAIL

LOT 4, BLOCK 15
BETHEL, ALASKA
100% PERMIT SET
06/03/19



PROJECT DESCRIPTION

PROJECT IS A NEW 785 SF BUILDING LOCATED IN BETHEL, ALASKA. BUILDING WILL BE OCCUPIED BY A MARIJUANA RETAIL SHOP.

DRAWING LIST

CIVIL DRAWINGS	
01	SITE PLAN
02	SEPTIC HOLDING TANK DETAILS
ARCHITECTURAL DRAWINGS	
A1	FLOOR PLANS, CODE SUMMARY, SCHEDULES & BUILDING ASSEMBLIES
A2	BUILDING SECTION & EXTERIOR ELEVATIONS
A3	ARCHITECTURAL DETAILS
A4	SPECIFICATIONS & MATERIAL SCHEDULE
STRUCTURAL DRAWINGS	
S1	STRUCTURAL FRAMING PLANS & SCHEDULES
S2	ROOF STRUCTURE DETAILS
S3	DECKING, STAIR, & RAMP DETAILS
S4	SPECIFICATIONS

PROJECT TEAM

ARCHITECTURE SURVEY CIVIL AND STRUCTURAL ENGINEERING



2014 Street
Anchorage, AK 99501
Phone: 907.562.1111
Fax: 907.562.1112
www.jcg.com

KUSKO KUSH RETAIL

1263.01

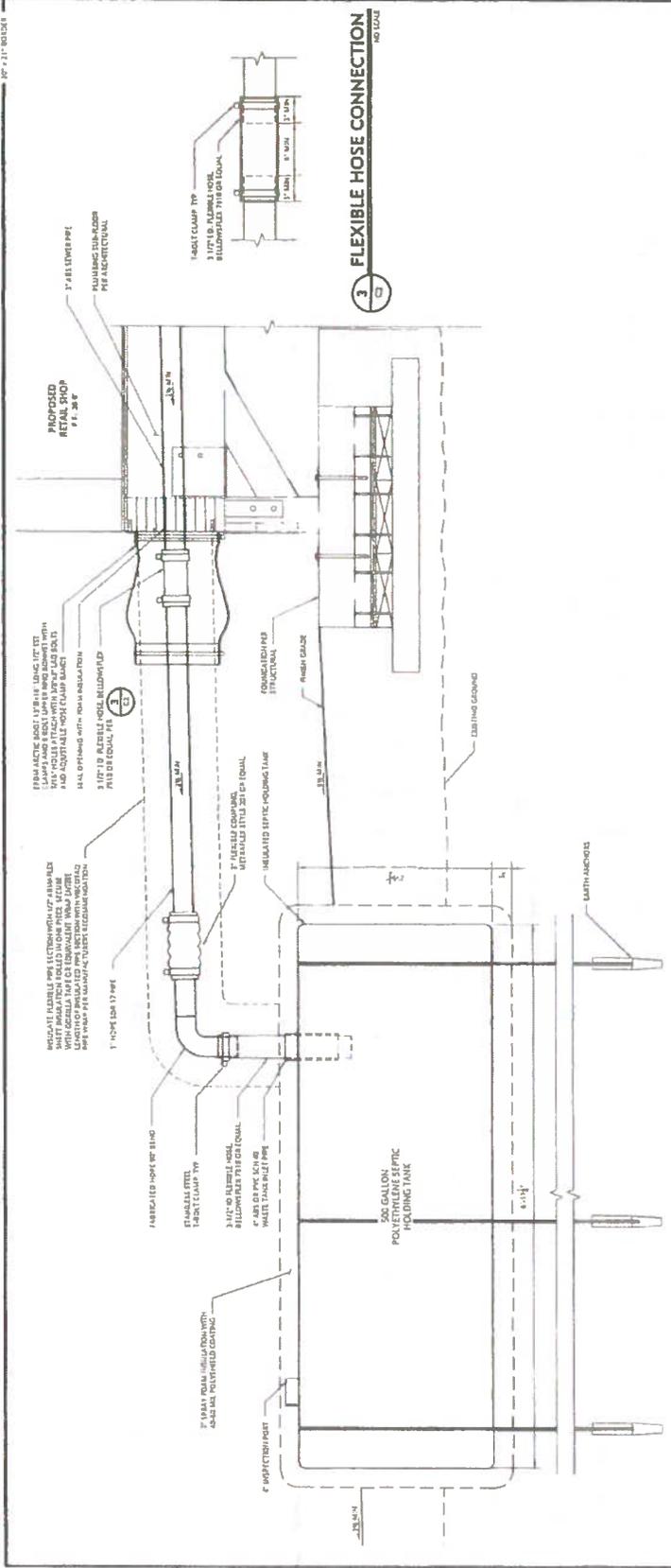


ICG
 Inc.
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 F: 907-563-8889
 E: info@icginc.com
 www.icginc.com

KUSKO KUSH RETAIL SHOP
 BETHEL, ALASKA
 SEPTIC HOLDING TANK
 DETAILS

NO.	DATE	BY

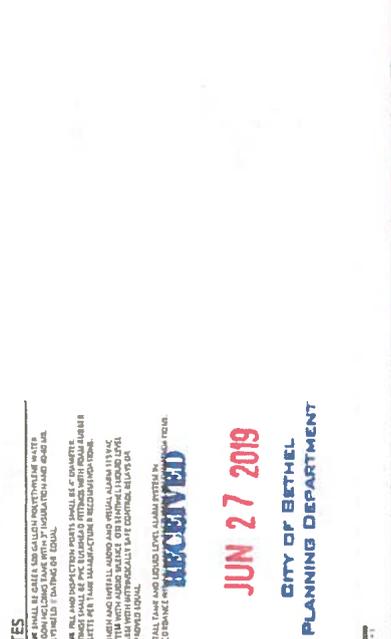
SHEET SIZE	34X22
DESIGNED BY	CS
DRAWN BY	CS
CHECKED BY	ICG
TITLE NO.	200416
FILE NO.	200416
SHEET NUMBER	C2 OF 2



1 SEWAGE HOLDING TANK - SIDE ELEVATION

NOTES

1. ALL MATERIALS SHALL BE APPROVED BY THE CITY OF BETHEL PLANNING DEPARTMENT. MATERIALS SHALL BE INSTALLED AND FINISHED IN ACCORDANCE WITH THE CITY OF BETHEL PLANNING DEPARTMENT SPECIFICATIONS.
2. ALL PIPES AND FITTINGS SHALL BE 1/2\"/>



2 SEWAGE HOLDING TANK - FRONT ELEVATION

NOTES

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2. ALL PIPES AND FITTINGS SHALL BE 1/2\"/>

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 CITY OF BETHEL
 PLANNING DEPARTMENT



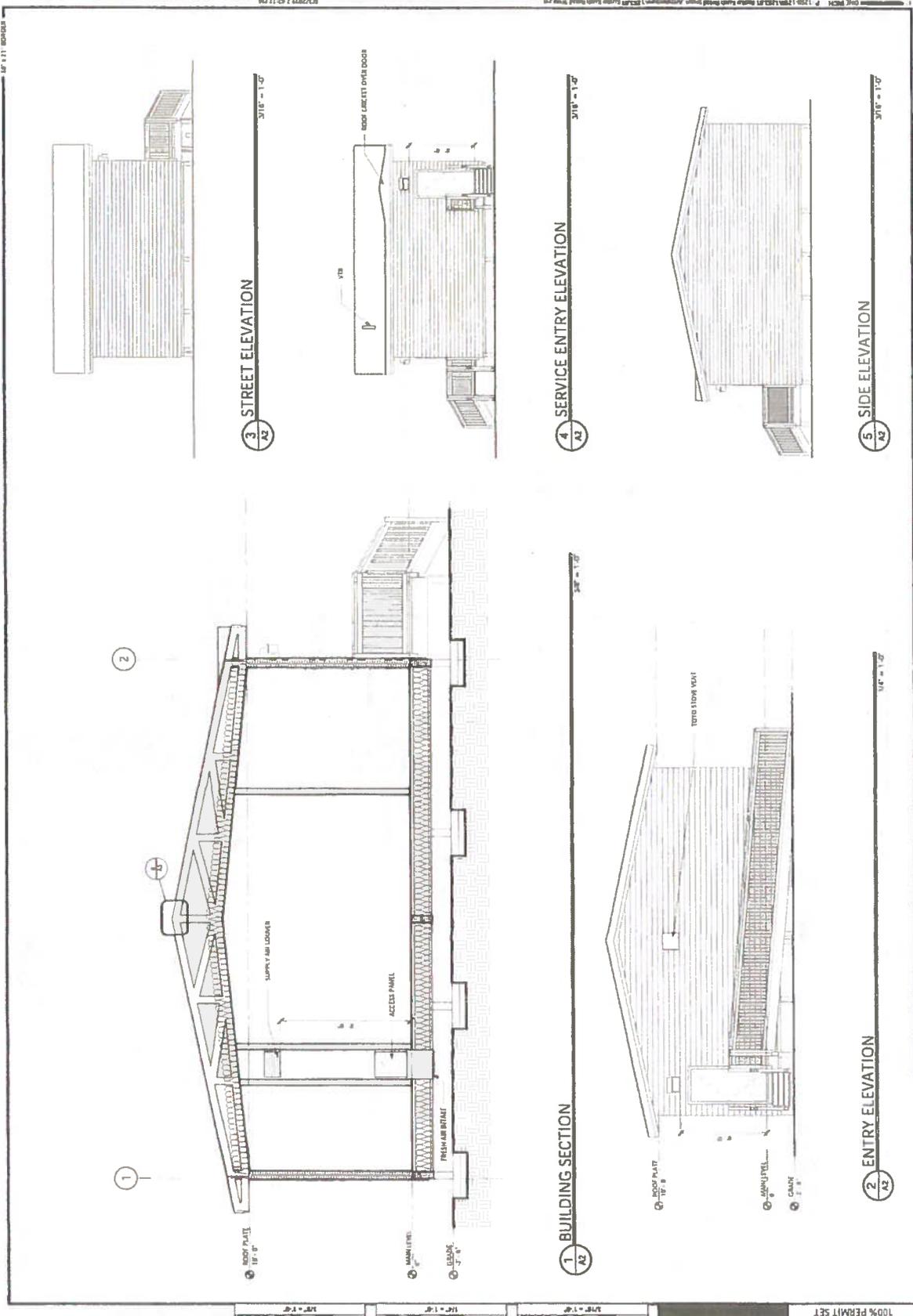
ICG
 ARCHITECTURE INC.
 ARCHITECTURAL ENGINEERING CONSULTING
 250 H STREET
 ANCHORAGE, AK 99501
 P: 907.561.4888
 F: 907.561.5888
 M: 907.561.4888

NO.	DATE	BY	REVISION

BUILDING SECTION & EXTERIOR ELEVATIONS
KUSKO KUSH RETAIL

DATE	06/03/19
FILE NO.	1903.01
SCALE	AS SHOWN
DESIGNED BY	WVS
CHECKED BY	WVS
DRAWN BY	WVS

DATE PLOTTED: 2/6/20
 SHEET NUMBER: A2 OF 4



RECEIVED

JUN 27 2019

100% PERMIT SET

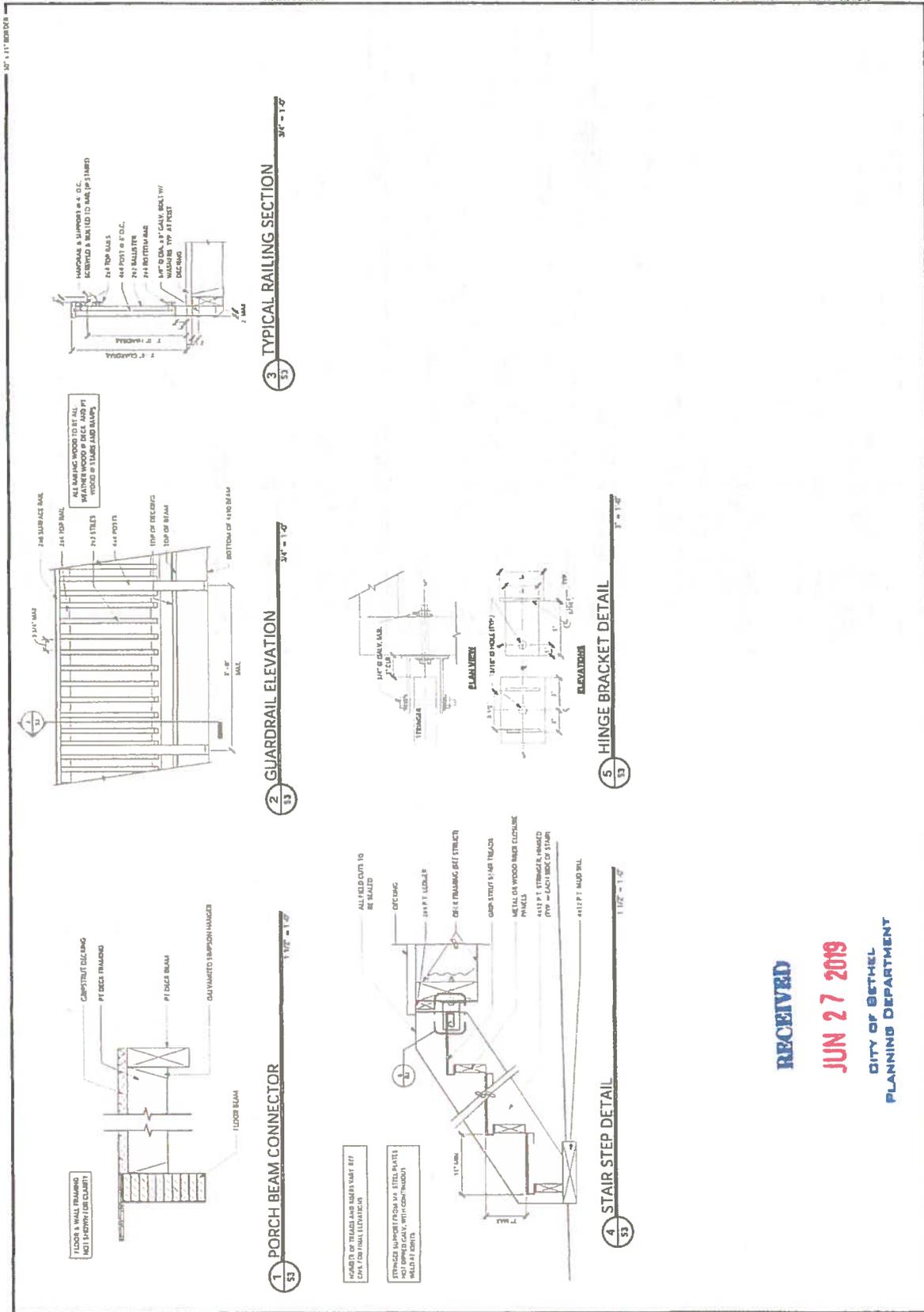


NO.	DATE	BY	REVISION

720 H STREET
 ANNAPOLIS, MD 21403
 PHONE: 410-291-1100
 FAX: 410-291-1101
 WWW.LCG-INC.COM
LCG
 LCG Inc
 Architecture • Engineering • Interiors

KUSKO KUSH RETAIL
DECK, STAIR & RAMP DETAILS

SHEET NO.	30022
PROJECT NO.	17000
DATE	06/27/19
SCALE	AS SHOWN
DESIGNED BY	RM
CHECKED BY	DM
DATE	06/27/19
FILE NO.	17000
PROJECT NAME	KUSKO KUSH
S3	4



RECEIVED
JUN 27 2019
 CITY OF BETHEL
 PLANNING DEPARTMENT



PUBLIC HEARING NOTICE CONDITIONAL USE PERMIT

Notice is hereby given: that on June 27, 2019, the City of Bethel Planning Office received an application for a Conditional Use Permit to open a retail marijuana store. The legal description is United States Survey 3230 A&B, Lot 4 Block 15. The physical address is 781 3rd Avenue Street, Bethel, Alaska.

Land Owner: City of Bethel P.O. Box 1388 Bethel, Alaska 99559 phone 907-543-2047

Applicant: Essenkay, LLC doing business as Kusko Kush P.O. Box 2343 Bethel, Alaska 99559 phone 907-545-4977.

Purpose: To obtain a Conditional Use Permit in order to open a retail marijuana store.

City of Bethel Contact: Pauline Boratko, Acting Planning Director, City of Bethel Planning Department, phone 907-543-5301.

Time and Place: The regular meeting of the City of Bethel Planning Commission, at 6:30PM, August 8, 2019 at City Hall, located at 300 Chief Eddie Hoffman Highway in Council Chambers.

A handwritten signature in cursive script that reads "Pauline Boratko".

Pauline Boratko, Acting Planning Director

I hereby certify that this Notice of Hearing - Conditional Use Permit for Marijuana - has been posted at City Hall, the Post Office, Bethel Native Corp. and Swanson's Bulletin Boards on or before July 26, 2019. It is further certified that this Notice will be published in the Delta Discovery weekly newspaper beginning the week July 31, 2019, for two weeks publication.



July 26, 2019

To Whom this may concern: You are receiving this notice pursuant to Bethel Municipal Code 18.04.070 "Notice shall be mailed to the owners of each parcel of property any part of which is within six (600) feet of the exterior boundary that is the subject of the application" If you are not the owner please pass this along to them.

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PLANNING DEPARTMENT



Monthly Manager's Report July 2019

To: Acting City Manager Bill Howell
From: Acting Planning Director, Pauline Boratko

The Planning Department is inching toward the end of the summer development season. We have approved 44 site plan permits this year, and a total of 11 for the month of July. The approved 11 site plan permits consisted of infill, the construction of single family dwellings, the construction of a storage shed, paving the City Hall, Fire Station, Court House, and Bethel Heights Water Treatment Plant front/parking lots, relocating a house on existing property, and adding single family dwelling to a garage.

I am still working closely with the Acting City Manager, Bill Howell and getting assistance from City Lawyer, Patty Burley. This month I had a meeting with Patty Burley and we have come to conclusion that with the absence of a Planning Director we will contract the Site Plan Permit Applications and the Minor Re-plat Applications to the DOWL engineers.

There was no Planning Commission meeting held on July 11, 2019 due to the lack of quorum. The next meeting is scheduled for August 8, 2019.

I am pleased to welcome back Ted Meyer our newly hired Planning Director. I am looking forward for this department to be back to running at its normal pace. It has been a learning experience and yet challenging at times, but thankful for the opportunity to get a little bit of experience of what it is like being a director.