Planning Commission Meeting Agenda
Regular Scheduled Meeting September 10, 2020– 6:30PM

MEMBERS

Kathy Hanson
Chair
Term Expires 12/2021

Lorin Bradbury
Vice-Chair
Term Expires 12/2020

John Guinn
Commission Member
Term Expires 12/2021

Alex Wasierski
Commission Member
Term Expires 12/2021

Shadi Rabi
Commission Member
Term Expires 12/2021

Scott Campbell
Commission Member
Term Expires 12/2020

Stanley Hoffman Jr
Alternate Member
Term Expires 12/2021

Haley Hanson
Council Representative
Term Expires 10/2020

Ted Meyer
Ex-Officio Member

Pauline Boratko
Recorder

We are now hosting our public meetings though Zoom.
To join the meeting, follow these instructions:

1. Go to the website: https://zoom.us/join
   User ID: 488 845 6188 Passcode: 13871

OR

2. Call in by finding your local number at https://zoom.us/u/ac8LuDGiqC then Use one of the numbers: 253-215-8782, 301-715-8592, 312-626-6799, 346-248-7799, 669-900-9128, 312-626-6799 Toll-free numbers: 833-548-0276, 833-548-0282, 877-853-5257, 888-475-4499
   User ID: 488 845 6188 Passcode: 13871

AGENDA

I. CALL TO ORDER:

II. ROLL CALL:

III. PEOPLE TO BE HEARD – (3 Minute Limit)

We are only accepting written testimony from the public for each of our public meetings. Deadline to submit written testimony will be at 4pm on the day of the meeting. Please submit testimony to planning@cityofbethel.net. Anonymous submissions will not be accepted.

IV. APPROVAL OF THE AGENDA:

V. APPROVAL OF THE MINUTES:

A. July 9, 2020—regular meeting.

B. August 13, 2020—cancelled meeting

VI. SPECIAL ORDER OF BUSINESS:

VII. NEW BUSINESS:

A. Review and prioritization of hazard and nuisance property for municipal action.

VIII. UNFINISHED BUSINESS:

IX. PLANNER'S REPORT:

X. COMMISSIONER'S COMMENTS:

XI. ADJOURNMENT:

Posted at City Hall, Post Office, Bethel Native Corp. and Swanson's Grocery Store Bulletin Boards on Sept 4, 2020

City of Bethel, Alaska
Planning Commission

July 09, 2020 Regular Meeting Bethel, Alaska

I. CALL TO ORDER:

A regular meeting of the Planning Commission was held on July 09, 2020 at the Bethel City Hall, Council Chambers in Bethel, Alaska. The Chair of Commission, Kathy Hanson called the meeting to order at 6:32 PM.

II. ROLL CALL:

Compromising a quorum of the Commission, the following members were present for roll call: Kathy Hanson, Lorin Bradbury, John Guinn, Alex Wasierski, Shadi Rabi, Stanley Hoffman Jr., Scott Campbell, and Haley Hanson
Also Present: Ted Meyer, City Planner; Pauline Boratko, Recorder

III. PEOPLE TO BE HEARD:

IV. APPROVAL OF THE AGENDA:

MOVED:	Scott Campbell	Motion to approve the agenda
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	unanimous	

I. APPROVAL OF THE MINUTES:

MOVED:	Lorin Bradbury	Motion to approve the meeting minutes from June 11, 2020
SECONDED:	Shadi Rabi	
VOTE ON MOTION	Unanimous	

II. SPECIAL ORDER OF BUSINESS:

III. NEW BUSINESS:

A. Hauled Utility Services for future Subdivision developments: commissioners discussed the concern for future hauled utility services for the new and upcoming subdivisions.

IV. UNFISHINSHED BUSINESS:

V. PLANNER'S REPORT: Ted Meyer gave his report.

VI. COMMISSIONER'S COMMENTS:

H. Hanson- no comment.
A. Wasierski- no comment.
J. Guinn- no comment.

S. Hoffman- no comment.
K. Hanson- no comment.
S. Rabi-no comment.
L. Bradbury- Figure out a way to get rid of junk cars, and abandoned houses.
H. Hanson-no comment.

X. ADJOURNMENT:

MOVED:	Shadi Rabi	Motion to adjourn the meeting.
SECONDED:	Lorin Bradbury	
VOTE ON MOTION	Unanimous	

With no further business the meeting adjourned at 7:33 pm

APPROVED THIS _____ DAY OF _____, 2020

_____
Kathy Hanson, Chair

_____
ATTEST: Pauline Boratko, Recorder

DRAFT

City of Bethel, Alaska
Planning Commission

August 13, 2020 | Regular Meeting | Bethel, Alaska

This meeting cancelled due to the concern of community spread of COVID-19.

DRAFT

To: Planning Commission

From: Ted Meyer, City Planner

Subject: City Council Directive by Action Memorandum Regarding Review and Prioritization of Hazardous and Nuisance Properties by the Planning Commission

Date: September 4, 2020

I. INTRODUCTION

The City Council wishes to begin a public process to evaluate current nuisance properties and identify a plan to mitigate the problem. For reference, attached are the City Council's Action Memorandum, BMC 15.04 (Hazards and Nuisances), and BMC 16.04.050 (Enforcement, Violation, and Penalties). BMC 15.04 is broad in implementation plan/policy, so I have researched other government programs for reference in helping to build an implementation plan for nuisance/hazardous properties and abatement. This data helped build the roles and action plans below. So far, I've spoken with the City's Police and Building Departments and both have agreed to participate.

On page 2, Section III of this memo, is a google article describing the abatement process followed by the State of New Jersey. Good, practical information to borrow from.

II. ROLES AND ACTION PLANS

The roles and actions stated below are an initial suggestion to get the ball rolling. The purpose of this meeting is to review, add to, and edit the plan suggestions below. And make adjustments to the plan along the way, as needed.

City Departments

1. To investigate building conditions in the municipality and determine which buildings are unfit for human habitation or use
2. To enter upon premises for purpose of investigation
3. City Departments to work as a team to build a case for Abatement:
   a) City Building Dept. - determine if abandoned/dilapidated building should be rehabbed or demolished. Use Building Code.
   b) Fire – determine/confirm fire hazards and mitigation
   c) Police – provide the number of calls made to the property
   d) Utilities (Water & Sewer)- confirm current provision of service or lack of.
   e) Finance – status of billing for utilities
   f) Planning – Assist with investigations, compile reports from other City Departments, writes complaint and notifies property owner, coordinates process, and presents data to the Planning Commission. Implements Planning Commission evaluations and prioritization. Presents recommendations to City Council. Code compliance.

g) Legal – Closely watches entire process from property investigation to abatement. Code Compliance.

Planning Commission

1. Evaluates data presented by planning staff
2. Prioritizes nuisance and blight properties
3. Makes recommendations to City Council
4. Evaluates process.

City Council

1. To hold hearings on complaints
2. Considers reports, acts upon recommendation of Planning Commission, orders abatement or alternatives
3. To issue orders requiring owners to repair, vacate or demolish properties as appropriate
4. City to take action to repair, vacate or demolish properties, if the owner fails to do so (work performed by City or private- property owner may not be able to afford private)

III. ***Good Googled article from the Housing and Community Development Network of New Jersey regarding their Nuisance Abatement Process:***

There are many abandoned property situations where it is far better to attempt to get the owner to correct or abate nuisance conditions, or to have the municipality abate the conditions directly, than to go through the often arduous process of taking title to the property.

THE SCOPE OF NUISANCE ABATEMENT

The basic legal threshold that triggers nuisance abatement action is that the building must be "unfit for human habitation, occupancy or use." The provisions of the law apply to any building used by people, for non-residential as well as residential purposes, occupied or vacant. Although the phrase, to the layman, might imply a building that is on the verge of collapse, the standards for determining what meets that test are quite broad. Standard conditions may include:

(1) The conditions must be "dangerous or injurious to the health or safety of the occupants of such building, the occupants of neighboring buildings or other residents of such municipality; and

(2) Such conditions "shall be deemed to include (without limiting the generality of the foregoing) defects therein increasing the hazards of fire, accident or other calamities; lack of adequate ventilation, light or sanitary facilities; dilapidation; disrepair; structural defects; uncleanliness; failure to comply with the requirements of the building code or

the certificate of occupancy." This section permits municipalities to provide additional standards beyond those cited above "to guide the public officer…in determining the fitness of a building for human habitation or use." While the scope of what constitutes unfitness is broad, it is clearly not designed to address trivial or minor violations.

When applied to an occupied property, the law clearly implies that the defects must be such that if not repaired, the building may have to be vacated in order to protect the health and safety of the occupants.

The standard for a vacant property is much clearer. Given the "presumptive nuisance" (section 2.C) language of the Abandoned Properties Rehabilitation Act, as well as the broad language of the nuisance abatement law, any vacant property in need of repair can be considered presumptively subject to the municipal nuisance abatement procedure.

NUISANCE ABATEMENT REMEDIES

The threshold remedy for a nuisance is for the City to order the owner to abate the nuisance; that is, to repair those conditions that have led a property to be deemed a nuisance.

The order requires the owner to make the repairs or take other action within a "reasonable time" set by the public officer. With respect to an occupied building, since the purpose of nuisance abatement is to abate the condition, rather than to affirmatively mandate the rehabilitation of the property, the owner is given the choice of repairing the conditions or vacating the building within the same time period (N.J.S.A.40:48-2.5[c] and [d]).

The scope of potential remedies is similar for vacant buildings. The City can require the owner to "repair, alter or improve" the property. If the building is "in such a condition as to make it dangerous to the health and safety of persons on or near the premises", the public officer can order the owner either to repair the building, or demolish it. Under the nuisance abatement law, the public officer cannot prevent the owner from demolishing the building, even if the municipality would prefer that it be rehabilitated and reused.

If the owner fails to take appropriate action within the time allowed by the public officer, the City may act to remedy the conditions that led to the property being deemed a nuisance, and to the issuance of the order. While the City is not legally obligated to take action, inaction in a case involving the health and safety or residents or neighbors is hard to justify. For that reason, whenever the public officer issues an order to an owner, she must recognize that there is a significant likelihood that she may have to act to remedy the nuisance.

Depending on the circumstances, the City's actions may include:

- Repair, alteration or improvement of the structure to render it suitable for human habitation or use, or to eliminate the nuisance conditions
- Vacating and closing the building
- Demolition of the building

Within the framework of the initial order, the public officer has broad discretion to determine what action to take. While the public officer may not be able to compel the owner to pursue a more expensive alternative when the nuisance can be abated through a less expensive action; e.g., rehabilitating a property rather than vacating or demolishing it, the public officer is not similarly constrained in her own actions, resources permitting. This creates a potentially valuable opportunity for partnerships between the municipality, acting through the public officer, and community-based organizations such as CDCs with strong capabilities in the area of property rehabilitation.

NUISANCE ABATEMENT PROCEDURE

The procedure through which a nuisance abatement action takes place is set forth generally in N.J.S.A.40:48-2.5. As noted earlier, it is triggered by the adoption of a municipal ordinance designating the public officer and granting her the powers set forth in state law. As with any legal procedure affecting property, the action takes place through a series of steps designed to ensure that parties receive notice, and have the opportunity to challenge the process.

Step 1: The public officer can act on complaints from citizens charging property nuisance conditions, or can act directly on conditions she has identified. Where there is a basis for charges, the public officer issues a complaint stating the charges. The complaint must be served on all parties with a legal interest in the property, including the owner and any lien or mortgage holder.

Step 2: The public officer must hold a hearing on the complaint no less than seven and no more than 30 days after serving the complaint, at which the owners and parties in interest can contest the findings in the complaint. If, after the hearing, the public officer "determines that the building under consideration is unfit for human habitation or occupancy or use," she must issue written findings of fact, and serve an order on the owner and parties in interest.

Step 3: The order is served on the parties in the same manner as the complaint. The order must specify:

- The actions that the owner must take to abate the nuisance
- The time period the owner is given to take action

An owner or party in interest has 30 days from the service of the order to seek an injunction barring the public officer from carrying out the order.

Step 4: The owner either carries out the steps required by the order during the time permitted, or fails to do so. It is reasonable to assume that the public officer can extend the time for good cause, although it is not explicitly provided in the statute. In so doing, however, the public officer must carefully weigh the impact of allowing the nuisance conditions to continue against the good faith effort of the owner.

If the owner abates the nuisance, the matter is at an end. As noted above, however, if the nuisance is abated by vacating a previously occupied property, without repairing the conditions that led to the order, the owner is potentially subject to further municipal action, beginning six months after the property has been vacated, under the provisions of the Abandoned Properties Rehabilitation Act.

Step 5: If the owner fails to abate the nuisance in timely fashion, the public officer must determine whether to act; and if so, what action to take. This is a critically important step. *All too often, in this situation the public officer will routinely have the building vacated, if occupied, or demolished, if vacant, and will not seriously investigate the feasibility of having the building repaired or improved.* While there are many situations where there is no realistic alternative to vacating or demolishing a building, it must also be recognized that vacating a building will in many cases only hasten its further deterioration, while demolition may permanently eliminate a building with potential reuse value.

The decision to repair rather than vacate or demolish is based on financial considerations, in two respects. One is the cost of the repairs, and whether they can be justified by the present or future value of the property. Second, even if the cost is reasonable, the public officer needs to have a source of funds that can be speedily accessed to carry out the repairs.

One way local governments can deal with the latter issue is to enact a landlord security deposit ordinance. Under such an ordinance, owners of rental property are required to put up funds—in the form of cash or a bond—which the municipality can draw upon to make repairs in the event the owner fails to do so. The ability of a municipality to enact such an ordinance was upheld in a case involving the town of Ridgefield as a legitimate use of the municipal police power. While state law does not give municipalities explicit authority to enact ordinances imposing fees or other obligations on property owners to address nuisance conditions, the Ridgefield decision indicates that such ordinances may be found to be within the municipal police power. In light of the compelling evidence that abandoned properties impose increased costs on the municipality, imposing a fee on the owners of abandoned properties might well withstand legal challenge.36 Another route, described below, is to create a revolving fund for nuisance abatement, which could use funds from the municipal budget or from a city's Community Development Block Grant allocation.

Step 6: The public officer places a lien on the property for the cost of the action. The municipality can seek to recover of its costs for abating the nuisance by placing a lien on the property. The lien can include both the actual cost of the repair, vacating or demolition, as the case may be, as well as any associated costs of litigation, title searches, and the like incurred by the municipality. The lien is a municipal lien, and as such has the same priority as tax liens over any private lien or mortgage on the property (N.J.S.A.40:48-2.5[f]).

The Abandoned Properties Rehabilitation Act significantly strengthened the municipality's ability to recover nuisance abatement costs. Under N.J.S.A.55:19-100, if the lien is not paid, the municipality has recourse against any asset of the owner of the property. *The municipality's recourse extends to any asset of any partner if the building is owned by a partnership, and any asset of any owner of a 10% interest or greater if the owner is any other business organization or entity recognized pursuant to law, including corporations or limited liability companies.*

USING NUISANCE ABATEMENT STRATEGICALLY

A municipality can use its nuisance abatement powers sparingly, by limiting its activities to responding to complaints or emergencies, or it can use them in more strategic fashion, as part of a larger strategy to stabilize neighborhoods and address the community's problem properties. A community that wants to adopt a strategic approach to nuisance abatement must begin by putting the following elements in place:

- The public officer must take an active role identifying and initiating the abatement process against problem properties, rather than simply responding to complaints from others.
- Financial resources must be identified to carry out repairs, as well as closure and demolition activities, where the owners fail to carry out the conditions of nuisance abatement orders.
- Capable firms and individuals must be engaged to carry out repairs, closure, securing and demolitions in timely and competent fashion.
- A property information system should be developed to track properties subject to nuisance abatement orders, their status and disposition.
- Aggressive cost recovery enforcement, including in personam actions against other assets of owners of properties on which liens have been placed, should be systematically carried out.

In assembling the capacity to carry out necessary activities, the public officer can work through:

- In-house crews.
- Contracts with qualified contractors.

- Relationships with qualified CDCs, acting either as contractors or as the public officer's agents.

By assembling a pool of financial resources and capable crews, contractors or agents, the city can carry out efficient nuisance abatement on a substantial number of properties within a short period, thereby permitting a strategic approach.

Once the pieces are in place, the next step is to determine the most strategic approach. In a city with large numbers of problem properties, they cannot all be addressed at once.
In this situation, the city should focus on strategic targeting of problem properties, in which nuisance abatement is directed to properties or geographic areas selected for particular reasons, such as:

- Properties within a neighborhood targeted for preservation or revitalization activities, particularly properties that have a disproportionate impact on the properties around them.
- Properties in strategic locations, such as gateways.
- Properties in historic districts.
- Properties adjacent to, or in close proximity to, ongoing or planned redevelopment or reuse projects.

In each of these cases, the city can leverage its ability to carry out nuisance abatement by linking those activities to other resources and activities being carried out by the municipality, CDCs, developers and others.

The strategic targeting of nuisance abatement resources must be limited by the recognition that the public officer must continue to address complaints and respond to emergencies elsewhere in the municipality. The office responsible for nuisance abatement should seek to pull together enough resources and capacity to be capable of strategically targeted efforts, while still being able to respond to complaints and deal with emergencies.

City of Bethel Action Memorandum

Action memorandum No.	AM 20-38		
Date action introduced:		Introduced by:	Vice-Mayor Hanson
Date action taken:		Approved	Denied
Confirmed by:			

Action Title: Refer, to the Planning Commission, the Review and Prioritization of Hazards and Nuisance Properties for Municipal Action

Attachment(s):

Amount of fiscal impact:		**Account information:**
X	No fiscal impact at this time.	
	Funds in City Budget.	
	Requires funding in FY 2021 Budget.	

The Community of Bethel has a growing number of blight properties that have become public nuisances. The City Council wishes to begin a public process to evaluate the current nuisance properties and identify a plan to remove the nuisances properties systematically; ensuring that properties which are presenting the most harm are addressed first.

The referral of this item to the Planning Commission not only allows for a public process through our volunteer Commission, but also places the evaluation process with indivuals most familiar with the City's Building, Planning and Zoning Codes.

Following the Planning Commission's evaluation and prioritization of the Hazards and Nuisance properties, the municipality can take steps provided for in Bethel Municipal Code Chapter 15.04; declaring properties in Bethel public hazards and/or nuisances. This process allows the City Council to evaluate a report which: identifies the fire hazards, health hazards, or public nuisances on the property; provides notice to the property owner of their need to correct the hazard and/or nuisance; and begins abatement procedures if corrective measures are not taken by the property owner.

The City of Bethel recognizes the need to address this growing problem and will work within their resources to relieve the community of these blighted and nuisance properties.

Chapter 15.04
HAZARDS AND NUISANCES

Sections:

15.04.010 Declaration, notice and hearing.
15.04.020 Abatement.
15.04.030 Appeal.
15.04.040 Definitions.
15.04.050 Enforcement.

15.04.010 Declaration, notice and hearing.

A. The manager, city engineer, chief of police, fire chief or city health officer may report to the city council that a particular parcel, property or structure constitutes a fire hazard, health hazard or public nuisance. The report shall be served on the owner or manager of the property by mail or personal delivery. The city officers and council may rely upon any nationally recognized building, plumbing, electrical, structural, mechanical, health, fire, dangerous building, hazardous materials, or similar codes or standards in determining whether a condition of a parcel, property or structure is a fire or health hazard or public nuisance.

B. Upon receiving a report under subsection A of this section, the city council shall fix a time and place for a hearing before the council to determine whether the report is correct. Unless the owner of the property or his agent requests a shorter time, the hearing may not be fixed for a date sooner than ten (10) calendar days from the date the report is mailed or delivered to the owner, manager of the property, or owners' agent for service.

C. When a hearing is set, the city clerk shall cause notice of the contents of the report and of the time and place of the hearing to be served upon the owner or manager of the building, parcel, or structure. Such notice shall be served personally or by certified mail on the person shown as the owner in the Bethel district recording office or his agent or manager of the property, and shall be posted at the parcel or affixed to the structure. If the identity and address of the owner, the manager or his agent cannot be ascertained by reasonable diligence, then notice shall be sent by certified mail to the last known owner at his last known address, and shall be published in a newspaper of general circulation published within the city or posted in three (3) public places where notices of city council meetings or other public notices are posted.

D. At the time and place set for hearing, the council shall hold a hearing to determine whether the report is substantially correct in all material respects. The city administrative officials may present written, photographic, and oral evidence to support the report. The council may as part of the hearing inspect the premises and may treat its observations as evidence to determine the correctness of the report. Observations relied upon by any member of the city council shall be stated at the hearing and become a part of the record. At the hearing the owner or his representative, if present, shall be heard and may present evidence. If the report is

substantially correct in all material respects, the council may by resolution declare that the premises constitutes a fire or health hazard or a public nuisance. [Ord. 01-05 § 5.]

15.04.020 Abatement.

A. If the city council declares a parcel, property or structure to be a fire hazard, health hazard or public nuisance, it may order correction of the defects or removal or demolition thereof by the owner or his agent. If a structure constitutes a hazard to those occupying it, the council may order the structure to be vacated.

B. Unless the council determines that a longer or shorter period is reasonable or is required, notice of a correction, removal or demolition order shall specify a period of not less than fourteen (14) days from the date of the council declaration by which the correction, removal or demolition must be completed, and shall state that the city may remove or demolish the property thereafter.

C. At any time before the date set for completion of removal or demolition, the owner of the property or structure may request a rehearing. The rehearing shall be scheduled at the next regular council meeting or at a special meeting called for that purpose, occurring at least three (3) business days following the date the request for rehearing is filed. The request for rehearing shall include a notarized statement setting out with specificity the corrective actions taken or initiated, and how these steps did or will eliminate the hazard or nuisance found by the city council. At the rehearing, the owner or his agent may show that the deficiencies proved have been substantially remedied or that action has been taken to remedy them. If it is shown that the hazard or nuisance has been eliminated or will be eliminated in a reasonable time, and that the public health, safety and welfare will not be threatened if the prior council order is modified, the city council may rescind or modify its prior order.

D. If the structure or property is not removed or demolished in accordance with the order, the city may remove or demolish it or cause it to be removed or demolished. If the city removes the building, the cost of removal or demolition is a lien upon the land and chargeable to the proceeds of the sale of the structure and the salvaged material, which may be sold at public auction or by competitive bid or by negotiated agreement if no acceptable bids are received. The balance of cost, if any, remains a charge against the land. If the proceeds of any sale of the structure and salvaged material exceed the total cost to the city of the removal or demolition and sale, the excess shall be returned to the owner of the land.

E. If a condition of a structure or property on a parcel that has been ordered corrected has not been corrected in accordance with the order, the city may enter upon the property and take such action as necessary to correct the nuisance or hazard condition. The cost of correcting the condition shall be a lien against the land.

F. The owner and the person to whom the order is directed, if other than the owner, shall comply with the order and each such person is liable for failure to comply. Failure to comply is a violation of this section.

G. Notice of a lien arising under this chapter shall be filed in the Bethel district recording office and thereafter may be foreclosed as provided by Alaska Statute. [Ord. 01-05 § 5.]

15.04.030 Appeal.

The owner of the property or his agent may appeal the decision and order of the city council to the Alaska Superior Court in accordance with the court rules of appellate procedure. A request for a rehearing does not toll the time for filing the notice of appeal. [Ord. 01-05 § 5.]

15.04.040 Definitions.

In this chapter:

"Fire hazard" means any structure, which, for want of proper repairs, or by reason of age or dilapidated condition, or by reason of poorly installed or defective electrical wiring or equipment, defective chimneys, defective heating apparatus or any other cause or reason, is especially liable to fire, or which building or structure is so situated and occupied as to endanger any other structure or property or human life. Such term shall also mean and include any structure containing any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind, especially liable to cause fire or endanger the safety of such structure, premises, or human life. Such term shall also mean and include any situation or condition in which any combustible or explosive material, rubbish, rags, waste, oils, gasoline or inflammable substance of any kind is especially liable to cause or spread fire or endanger the safety of any structure, premises or human life.

"Health hazard" means any parcel or structure which is in a filthy or unsanitary condition especially liable to cause the spread of contagious or infectious disease or diseases, or permits foul odors or obnoxious or poisonous gases to escape from such parcel or structure.

"Public nuisance" means any parcel or structure the condition of which is such as to likely endanger the safety of persons or property of persons other than the owner of the building or structure, whether because of damage, deterioration, dilapidation, or other cause whether or not the fault of the owner. [Ord. 01-05 § 5.]

15.04.050 Enforcement.

In addition to enforcement under the provisions of this chapter, civil and criminal actions may be taken as provided in BMC 16.04.050 for violations, threatened violations, and enforcement of this chapter. [Ord. 01-05 § 5.]

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.]

Chapter 16.08

COMPREHENSIVE PLAN

Sections:

16.08.010 Comprehensive plan description and purpose.
16.08.020 Planning commission review and recommendations.
16.08.030 City council action.
16.08.040 Adoption and contents of the comprehensive plan.

16.08.010 Comprehensive plan description and purpose.

The comprehensive plan is a guide for the systematic and organized physical, social and economic development, both public and private, of the city and serves as a long-range policy guide for the development of the city as a whole. The comprehensive plan shall be implemented through the application of existing and the adoption and application of future land use regulations, including zoning, platting, site development and other land use and related regulations. [Ord. 11-15 § 2; Ord. 10-15 § 5.]

16.08.020 Planning commission review and recommendations.

The planning commission shall regularly review the comprehensive plan and recommend additions, deletions and revisions to the city council. [Ord. 11-15 § 2; Ord. 10-15 § 5.]

16.08.030 City council action.

The comprehensive plan may be revised by the city council by the addition of documents to the plan, or by deletion or revision of documents in the plan. [Ord. 11-15 § 2; Ord. 10-15 § 5.]

16.08.040 Adoption and contents of the comprehensive plan.

The comprehensive plan for the city of Bethel consists of the following plans, reports, policies, recommendations, goals, standards, maps, and documents:

To: Lori Strickler, Acting City Manager

From: Ted Meyer, Planner

Subject: August Manager's Report

Date: August 31, 2020

SUBDIVISIONS

ONC Ciullkulek Subdivision

Construction of the Ciullkulek Subdivision access road started in mid-May. Construction temporarily stopped in August.

Blue Sky Estates Subdivision

Road construction is scheduled to begin in September.

Tanqik Subdivision

DOWL reviewed the proposed subdivision agreement and it is currently being reviewed by City staff. Once negotiated and agreed upon, the goal is for the agreement to be presented to the Planning Commission on September 10 for recommendation to the City Council.

Tract N Subdivision (at the west end of Tundra Ridge)

Staff developed a proposal to ensure compliance with BMC road constructions standards. The latest draft will be sent to the City Attorney for another look.

SITE PLAN PERMITS

Five applications were approved in July, with five pending.

PRELIMINARY PLAT

Staff is currently reviewing a preliminary plat for eventual development of a 10-parcel project in southwest Bethel.

CODE ENFORCEMENT

Staff continues to work with the City Attorney on a code enforcement issue.

PLANNED DOT&PF ROAD CONSTRUCTION PROJECT

DOT&PF continues to work on ROW issues regarding the planned road access project that would connect Tundra Ridge with BIA Road. Survey Firms started preliminary work in July and continued work into August. A conceptual Right-of-Way Acquisition Plat was emailed to the planning department for comment on August 27.

BETHEL EMERGENCY OPERATIONS CENTER BUSINESS

Planning staff, in their role as EOC Logistics, continue to order Personal Protective Equipment and sanitary supplies from the State EOC and from commercial vendors as well.

STAFF INTERVIEW

Staff sat on the interview committee for interview of a candidate for Assistant Finance Director on August 28.