

City of Valdez

**212 Chenega Ave.
Valdez, AK 99686**



Regular Meeting Minutes - Final

Wednesday, June 26, 2019

7:00 PM

Regular Meeting

Council Chambers

Planning and Zoning Commission

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

Chair Gondek called the meeting to order at 7:00 p.m. in Valdez City Council Chambers.

Ms. Rochelle Rollenhagen, Planning Director, notified Chair Gondek that the agenda needed to be amended before they could begin, to move item number seven to before item number six.

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar to amend the June 26, 2019 meeting agenda to hear item number seven of new business prior to item number six.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm,
Commissioner Kipar, and Commissioner Wade

Excused: 1 Commissioner Reese

Vacancy: 1 Commissioner Uren

II. ROLL CALL

Present: 5 Chair Gondek
Commissioner Haase
Commissioner Blehm
Commissioner Kipar
Commissioner Wade

Excused: 1 Commissioner Reese

Vacancy: 1 – Commissioner Uren

III. PUBLIC BUSINESS FROM THE FLOOR

There was no public business from the floor.

IV. PUBLIC HEARINGS

1. **Public Hearing for Variance Application 19-02 for an Eight-foot (8') Projection of a Proposed Deck into the Required Rear Yard Setback for Jesse Deaton at his Single-family Residence Located at 455 Resurrection Loop (Lot 20, Block 1, St. Elias Subdivision)**

Chair Gondek opened the public hearing, Mr. Jesse Deaton, applicant, spoke and said he wanted to construct a deck, but that they would be encroaching on the required rear yard setback based on the plans they had submitted. He said their neighbor had built the exact same deck. He said he just wanted to get the same thing approved and asked if the commission had any questions for him and they did not.

Ms. Kate Huber, Senior Planner, noted that she had received three public comments via email and read them for the record. The first was from Mr. Jeremy Robida, Valdez resident, who said he had no problems with the variance. The second comment was from Mr. Nathan Duval, Valdez resident,

who said he was also in favor of approval and thought the deck construction would increase property values. The final comment read was from Mr. Sam Owen, Valdez resident, who was also in favor of approval. There being no more public comments, Chair Gondek closed the public hearing.

2. Public Hearing for Conditional Use Permit #19-04 Application from the Valdez Community Garden for Non-commercial Gardening and the Placement of a Temporary Shed and Temporary Greenhouse on the City of Valdez Owned Parcel Located at 911 Meals Avenue (Medical Park)

Chair Gondek opened the public hearing. Ms. Huber said there were two public comments staff had received via email and read them for the record. The first was from Ms. Katherine Walters, Valdez resident, who said she had no problems with the Community Garden. The second was from Providence Valdez Hospital Administrator, Mr. Jeremy O'Neil who commented in support of approval of the request. Ms. Huber said she had also received comments from city staff but would discuss those during the decision section.

There being no further public comment, Chair Gondek closed the public hearing.

3. Public Hearing for Application 19-01 Submitted by Copper Valley Electric Association to Rezone a Portion of ASLS 79-94, 1570 Dayville Road, from the Unclassified Lands Zoning District to the Public Lands Zoning District

Chair Gondek opened the public hearing, Mr. Travis Million, Chief Operating Officer for Copper Valley Electric, said they planned to construct a gazebo at Solomon Gulch Lake, but as they were going through the permitting process, they found that the area was zoned unclassified, and would need to be rezoned before the development could be permitted. He said they hoped to be able to construct the gazebo for public use. There being no further comment, Chair Gondek closed the public hearing.

V. NEW BUSINESS

1. Approval of Conditional Use Permit #19-03 for Sheryl Beck and Todd Wegner to Place 2 Rental Cabins on Lot 1, Tract D, Port Valdez Subdivision

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to approve conditional use permit #19-03 for Sheryl Beck and Todd Wegner to place two rental cabins on Lot 1, Tract D, Port Valdez Subdivision. The motion carried by the following vote after the following discussion occurred.

Chair Gondek asked if there was any discussion on this item. Commissioner Wade asked if the applicant was going to have any well or septic plans associated with the rental cabins. Ms. Huber replied the applicant would need to secure septic permitting prior to the placement of the cabins. She said their septic would likely be an engineered system and permitted through the Alaska Department of Environmental Conservation. Commissioner Wade asked if the cabins had been placed. Ms. Huber replied they had not been and clarified that the septic system approval would be the first part in the building permit process, after which the applicant could apply for a building permit to place the cabins. There being no further comment, Chair Gondek invited a vote on the motion.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm, Commissioner Kipar and Commissioner Wade
Excused: 1 Commissioner Reese
Vacancy: 1 Commissioner Uren

2. Approval to Conduct the Public Hearing and Action to Grant Variance #19-02 for an Eight-foot (8') Projection of a Proposed Deck into the Required Rear Yard Setback at 455 Resurrection Loop (Lot 20, Block 1, St. Elias Subdivision) on June 26, 2019

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to grant approval to conduct the public hearing and action to grant variance #19-02 during tonight's meeting on June 26, 2019 or postpone, if more information is required. The motion carried by the following vote after the following discussion occurred.

Chair Gondek invited comment on the item and there was none.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm, Commissioner Kipar and Commissioner Wade
Excused: 1 Commissioner Reese
Vacancy: 1 Commissioner Uren

3. Approval of Variance #19-02 for an Eight-foot (8') Projection of a Proposed Deck into the Required Rear Yard Setback for Jesse Deaton at his Single-family Residence Located at 455 Resurrection Loop (Lot 20, Block 1, St Elias Subdivision)

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to approve variance #19-02 for an eight-foot (8') projection of a proposed deck into the required rear yard setback for Jesse Deaton at his single-family residence located 455 Resurrection Loop (Lot 20, Block 1, St. Elias Subdivision) or postpone if questions or concerns are raised during tonight's public hearing that require further research by Planning staff. The motion carried by the following vote after the following discussion occurred.

Commissioner Haase said he appreciated the positive comments from the applicant's neighbors and said it helped him to make a decision on the item.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm, Commissioner Kipar, and Commissioner Wade
Excused: 1 Commissioner Reese
Vacancy: 1 Commissioner Uren

4. Approval to Conduct the Public Hearing and Action to Approve CUP #19-04 for Non-Commercial Gardening for the Valdez Community Garden at 911 Meals Avenue (Medical Park) on June 26, 2019

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to grant approval to conduct the public hearing and action to approve conditional use permit #19-04 during tonight's meeting on June 26, 2019 or postpone, if more information is required. The motion carried by the following vote after the following discussion occurred.

Chair Gondek invited discussion on the item and there was none.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm, Commissioner Kipar, and Commissioner Wade
Excused: 1 Commissioner Reese
Vacancy: 1 Commissioner Uren

5. Approval of Conditional Use Permit #19-04 for the Valdez Community Garden for Non-Commercial Gardening and the Placement of a Temporary Shed and Temporary Greenhouse on the City of Valdez Owned Parcel Located at 911 Meals Avenue (Medical Park)

MOTION: Commissioner Haase, seconded by Commissioner Kipar to approve conditional use permit #19-04 for the Valdez Community Garden for non-commercial gardening and the placement of a temporary shed and temporary greenhouse on the City of Valdez owned parcel located at 911 Meals Avenue (Medical Park). The motion carried by the following vote after the following discussion occurred with the conditions listed below.

1. The City of Valdez reserves the right to use the land for future development if the need arises. A 90-day notice will be given to the Community Garden Committee should such a need arise.
2. Any structures (temporary or permanent) must meet the provisions of the Valdez Municipal Code, including (but not limited to) requirements for building (Title 15) and zoning (Title 17).
3. The Valdez Community Garden is required to submit a copy of the garden rules and regulations to the Planning Department annually by May 15th.
4. Any fire pit located on site must be approved by the City of Valdez Parks & Recreation Department.

Chair Gondek asked if there was any staff input. Ms. Huber said she wanted to summarize a recent discussion with the Parks and Recreation Department because it had occurred after the agenda statement had been submitted. She said overall Parks and Recreation was in support of the community garden. However, they had two concerns. The first was that the City wanted the fire pit at the community garden to be an approved city fire pit. Ms. Huber said the city had fire pits available for the community garden to use or would purchase one if necessary.

Ms. Huber said the other issue that was discussed was related to snow grooming around the adjacent dog park. She said Parks and Recreation groomed a trail around the dog park, and wanted to make sure there weren't any large, cement planters or other items that would get in the way of grooming that trail. Ms. Huber said the solution they had discussed was a check in with the Parks department and/or the Planning Department at the end of each season.

Chair Gondek said he did not think an approved fire pit was a thing.

Commissioner Kipar asked who at the City was qualified to approve a fire pit. Chair Gondek said they appreciated the comments from Parks and Recreation.

Ms. Huber asked the Commission to clarify if they wanted to approve the item with the four conditions listed in the recommendation, or if they wanted to strike them from the record.

Chair Gondek requested feedback from the commissioners. Commissioner Blehm and Commissioner Haase commented that the conditions should remain and the commission voted on the original motion, with the included conditions.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm, Commissioner Kipar, and Commissioner Wade

Excused: 1 Commissioner Reese

Vacancy: 1 Commissioner Uren

7. Approval to Conduct the Public Hearing and Action to Approve Rezone Application #19-01 for the Copper Valley Electric Association for a Portion of ASLS 79-94, 1570 Dayville Road from the Unclassified Lands Zoning District to the Public Lands Zoning District on June 26, 2019

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to approve to conduct the public hearing and make a recommendation on the requested rezone from the unclassified lands zoning district to the public lands zoning district on a portion of ASLS 79-94, 1570 Dayville Road, submitted by Copper Valley Electric Association at the June 26, 2019 Planning and Zoning Commission meeting. This decision may be postponed if new information or testimony is presented during the public hearing that makes it difficult for a decision this evening. Staff will follow up on any new information that is presented this evening if the Commission deems necessary. The motion carried by the following vote after the following discussion occurred.

Chair Gondek invited comment on the item and there was none.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm, Commissioner Kipar and Commissioner Wade

Excused: 1 Commissioner Reese

Vacancy: 1 Commissioner Uren

6. Approval of Recommendation to City Council to Approve Application #19-01 to Rezone a Portion of ASLS 79-94, 1570 Dayville Road, from the Unclassified Zoning District to the Public Lands Zoning District, Submitted by the Copper Valley Electrical Association

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to approve a recommendation to City Council for a rezone of a portion of ASLS 79-94, 1570 Dayville Road from the unclassified lands zoning district to the public lands zoning district. The motion carried by the following vote after the following discussion occurred.

Chair Gondek invited discussion on the item. Commissioner Blehm said he thought he read in the agenda state the rezone was for the entire 750 acre parcel, and asked if the whole area was being rezoned. Ms. Rollenhagen said she believed that was what Copper Valley had applied for, but said the applicant could clarify. There was no further comment. Chair Gondek invited a vote on the motion.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner Blehm, Commissioner Kipar, Commissioner Wade

Excused: 1 Commissioner Reese
Vacancy: 1 Commissioner Uren

8. Approval of Preliminary Plat for Ade Robe Lake Subdivision (SUBD #19-03), a replat of Lot 8 and Lot 9, Block 4, Robe Lake Alaska Subdivision ASLS 79-146, Creating Lot 8A, Robe Lake Ade Subdivision, ASLS 79-146

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to approve the preliminary plat. Staff will continue to work with the surveyor and landowner to insure all final plat requirements are met before bringing this plat back to the commission for final approval. The motion carried by the following vote after the following discussion occurred.

Chair Gondek invited discussion on the item. Commissioner Haase commented that he thought it was a simple lot line removal, and saw no problem approving it. Ms. Rollenhagen said she had received one comment from a neighbor of the proposed subdivision who wrote via email in favor of approval. There were no further comments.

VOTE ON THE MOTION:

Yays: 5 Chair Gondek, Commissioner Haase, Commissioner
Commissioner Blehm, Commissioner Kipar, and Commissioner
Wade

Excused: 1 Commissioner Reese
Vacancy: 1 Commissioner Uren

VI. REPORTS

1. Report: Temporary Land Use Permit 19-06 Issued to Faith Harbor Fellowship for Lot 22, Block 35, Mineral Creek Subdivision

Ms. Rollenhagen said Faith Harbor Fellowship had wanted to use City property for an event. She explained that any temporary land use permit for less than a period of thirty days needed to be reported to the Planning and Zoning Commission and City Council.

VII. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Hasse had nothing to add. Commissioner Wade apologized for being late to the meeting. Commissioner Blehm said he was concerned for the potential of flooding at the apartments at 4 mile. He said the Lowe River was getting high, and if it ran over the road it would be flooding a junkyard which would present an issue for the wetlands downstream. He said it was a State Department of Transportation issue but that he felt it was important to mention.

Commissioner Kipar commented that there had been quite of few temporary land use permits issued by the City that year. He thought it would be a good idea to make people aware that this was an option for businesses. Ms. Rollenhagen said that most people in the community that were looking to expand onto city property were aware of the temporary land use permit option. Commissioner Kipar said he hoped more people would take advantage of the opportunity to use city property for enterprise.

Commissioner Blehm said he toured the new Harbor facilities and announced the upcoming grand opening.

Chair Gondek said he had recently heard of a meeting with City department heads discussing chickens in residential districts.

Ms. Rollenhagen said this was true and said livestock were presently allowed in only a few zoning districts. She said the City had received some complaints of a rooster out in Corbin Creek Subdivision. She said that the City Manager had developed a task force to address the problem, composed of Chief of Police, Bart Hinkle, Interim City Manager Roxanne Murphy, and Animal Control Officer, Rich Long. She said that in 2017 there had been a public hearing at the Planning and Zoning Commission to address an ordinance change to allow livestock in residential zoning districts.

Chair Gondek said he recalled that public hearing, and said he thought the City had come to the conclusion that allowing chickens in residential districts was not a viable option. Ms. Rollenhagen clarified that there were concerns over chickens attracting bears. She said the issue of enforcement was also discussed. She said they could have great requirements for chicken coops to prevent nuisance bears, but no way to enforce those conditions.

Chair Gondek said there had been studies done showing that bears were not very attracted to chickens. He asked if there was any hope of making headway on the ordinance change.

Ms. Rollenhagen said she would take Chair Gondek's comments back to the task force and said the Comprehensive Plan revision process was a good time to take a look at the permitting of livestock. Commissioner Wade asked what the zoning in Corbin Creek Subdivision was. Ms. Rollenhagen said she did not know off the top of her head. Commissioner Wade discussed some issues surrounding dumping of moose carcasses in dumpsters which were attracting bears to residential areas.

Chair Gondek remarked that if Anchorage could coordinate and remedy their bear issues, he was certain Valdez could do the same. Commissioner Blehm said he thought it was important for the chicken task force to distinguish between chickens as pets, and chickens as livestock. Ms. Rollenhagen said the distinction did come up in the discussion and reminded the commissioners of the upcoming grant opening of the new boat harbor.

VIII. ADJOURNMENT

There being no further business, Chair Gondek adjourned the meeting was at 7:45 p.m.

Jess Gondek, Chairman

Sheri Pierce, MMC, City Clerk