

May 17, 2017

City of Valdez
Valdez Planning and Zoning Commission,
Attention Lisa Von Barga, Director CEDD

Comments regarding the Public Hearing, request from Dwain Dunning for a Rezone from (R-C) Multi-Family Residential to (L-I) Light Industrial. Parcels located at 4271 Richardson Highway, Tract 2&3 Alpine Village, USS 3323.

Dear Zoning Commission members;

I am writing to object to the request to rezone the property as noted above. The property has been operated as an apparent illegal junk yard for many years, in violation of the property current zoning, Multi-Family Residential. This illegal junk yard is a blight to our community, an apparent violation of both our Valdez Local Ordinances, State of Alaska Title 19, Chapter 27 Junk Yards, as well as Federal laws 23 U.S.C. 136 control of Junk Yards and possibly EPA Clean Water Laws.

Additionally, this property has an anadromous fish stream which flows into the Robe Lake, a fish stream supporting several natural runs of Salmon. This stream is shown on the State of Alaska Fish Resource Monitor Map. The potential for contaminants from this apparent illegal junk yard flowing into the waters of Alaska and of our community are a real concern.

For these reasons as expressed above, I object to the request to rezone. Further I ask the City of Valdez to enforce the current zoning regulations.

I have provided attachments regarding Valdez Local Ordinances, State of Alaska and Federal Laws as well as State of Alaska Fish Resource Monitor map for reference.

Thank you,

A handwritten signature in dark ink, appearing to read "Jim Gifford", written in a cursive style.

Jim Gifford
Resident of Valdez, Alaska
PO Box 1253
Valdez Alaska 99686



NOTE: Map depicting approximate parcel boundary only.
Use recorded plat for accurate delineation.

City of Valdez

17.04.790 Junkyard.

"Junkyard" means any lot or portion of a lot used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled discarded tangible materials, combination of materials, or items, such as machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

8.20.040 Junk vehicles.

A. It is unlawful for any person to place upon public property not set aside by law as a refuse disposal, or upon any private property, except licensed junk yards, any wrecked, junked or abandoned vehicle.

B. It is unlawful for any owner, lessee, agent, tenant or occupant to allow or permit to remain on any property owned or controlled by him, except licensed junk yards, any wrecked, junked or abandoned vehicle.

C. Any violation of subsection A or B of this section shall constitute a public nuisance. The costs of abatement may be charged or assessed by the city council as provided by Section 8.20.150(B) against any or all of the following:

1. The vehicle;
2. The registered owner of the vehicle;
3. Any person who has acquired the right to possession of the vehicle from or through the registered owner;
4. Any person in violation of subsection A or B of this section;
5. The owner, lessee, agent, tenant or person in control of the property where the vehicle was situated at the time of the notice to abate.

D. As used in this section:

1. The term "abandoned" includes any vehicle which, at the time of the notice of abandonment, cannot be operated as a motor vehicle in compliance with the laws of the state because of mechanical failure or condition.

2. The term “vehicle” means any motor vehicle as defined in this code and includes any body or part of any such motor vehicle.

E. A person having upon his premises an abandoned vehicle which is in need only of reasonable repairs and is without available funds to obtain the required license or to make such repairs may apply to the city manager for a permit to keep the vehicle upon the premises. (Ord. 11-02 § 1 (part); prior code § 16-4)

State of Alaska, Title 19, Chapter 27, Junk yards, Section 10 through 140

AS 19.27.010. Purpose.

For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways and other roads maintained by the state, and to preserve and enhance the scenic beauty of land bordering public highways and other roads maintained by the state, it is declared to be in the public interest to regulate and restrict junk yards in areas adjacent to the interstate, primary, and secondary systems within this state and other roads maintained by the state. The legislature finds and declares that junk yards that do not conform to the requirements of this chapter are public nuisances.

Federal, 23 USC 136, Control of Junk Yards

Title 23: Highways

PART 751—JUNKYARD CONTROL AND ACQUISITION

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AUTHORITY: 23 U.S.C. 136 and 315, 42 U.S.C. 4321-4347 and 4601-4655, 23 CFR 1.32, 49 CFR 1.48, unless otherwise noted.

SOURCE: 40 FR 8551, Feb. 28, 1975, unless otherwise noted.

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§751.1 Purpose.

Pursuant to 23 U.S.C. 136, this part prescribes Federal Highway Administration [FHWA] policies and procedures relating to the exercise of effective control by the States of junkyards in areas adjacent to the Interstate and Federal-aid primary systems. Nothing in this part shall be construed to prevent a State from establishing more stringent junkyard control requirements than provided herein.

[40 FR 12260, Mar. 18, 1975]

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§751.3 Applicability.

The provisions of this part are applicable to all areas within 1,000 feet of the nearest edge of the right-of-way and visible from the main traveled way of all Federal-aid Primary and Interstate Systems regardless of whether Federal funds participated in the construction thereof, including toll sections of such highways. This part does not apply to the Urban System.

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§751.5 Policy.

In carrying out the purposes of this part:

(a) Emphasis should be placed on encouraging recycling of scrap and junk where practicable, in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*);

(b) Every effort should be made to screen nonconforming junkyards which are to continue as ongoing businesses; and

(c) Nonconforming junkyards should be relocated only as a last resort.

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§751.7 Definitions.

For purposes of this part, the following definitions shall apply:

(a) *Junkyard*. (1) A Junkyard is an establishment or place of business which is maintained, operated or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. This definition includes scrap metal processors, auto-wrecking yards, salvage yards, scrap yards, autorecycling yards, used auto parts yards and temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises. The definition includes garbage dumps and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.

(2) An Automobile Graveyard is an establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Ten or more such vehicles will constitute an automobile graveyard.

(3) An Illegal Junkyard is one which was established or is maintained in violation of State law.

(4) A Nonconforming Junkyard is one which was lawfully established, but which does not comply with the provisions of State law or State regulations passed at a later date or which later fails to comply with State regulations due to changed conditions. Illegally established junkyards are not nonconforming junkyards.

(b) *Junk*. Old or scrap metal, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof.

(c) *Main traveled way*. The traveled way of a highway on which through traffic is carried. In the case of a divided highway, the traveled way of each of the separated roadways for traffic in opposite directions is a main traveled way. It does not include such facilities as frontage roads, turning roadways, or parking areas.

(d) *Industrial zones*. Those districts established by zoning authorities as being most appropriate for industry or manufacturing. A zone which simply permits certain industrial activities as an incident to the primary land use designation is not considered to be an industrial zone. The provisions of part 750, subpart G of this chapter relative to Outdoor Advertising Control shall apply insofar as industrial zones are concerned.

(e) *Unzoned industrial areas*. An area where there is no zoning in effect and which is used primarily for industrial purposes as determined by the State and approved by the FHWA. An unzoned area cannot

include areas which may have a rural zoning classification or land uses established by zoning variances or special exceptions.

[40 FR 8551, Feb. 28, 1975, as amended at 41 FR 9321, Mar. 4, 1976]

Fish Resource Monitor Map, Alaska Department of Fish & Game

