



City of Valdez

212 Chenega Ave.

Valdez, AK 99686

Meeting Minutes

Planning and Zoning Commission

Wednesday, August 10, 2016

7:00 PM

Council Chambers

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Present 11 - Chair Donald Haase
Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Harold Blehm
Commission Member Kristian Fagerberg
Commission Member Roger Kipar
Commission Member Steven J Cotter
Sr. Office Assistant Keri Talbott
Sr. Office Assistant Selah Bauer
Director of Community & Economic Development Lisa Von Bargaen
Sr. GIS Planning Tech AnnMarie Lain

III.. PUBLIC BUSINESS FROM THE FLOOR

Mr. and Mrs. Josh Swierk stated they came to address the Commission on several items. They were unable to attend the last meeting and wanted to explain that they will not be attending meetings where Mr. Cummings would be in attendance. History with Mr. Cummings has been confrontational. Mr. Swierk believes Mr. Cummings slanders them at these meetings.

Mr. Swierk stated that he would like to address some of the things they have been accused of. Things like violating covenants, vandalism, theft, and most recently the

accusation of pumping raw sewage on to the neighbor's property.

Mr. Swierk stated he would like to address those items. The tumultuous history with Mr. Cummings has been going on for over twelve years.

The two properties that they have applied for the CUP are actually on top of a hill.

The lodge property they had originally had a Conditional Use Permit for rental cabins. It was recorded to the deed. It made it very difficult for them because the banks do not like it. To get a mortgage, they had to remove the CUP from the deed.

Mr. Swierk stated he has an extensive construction background. He was accused of building on un-compacted soil, which is not true because the house sits on solid bedrock. He has 18 inch concrete footers down and can show pictures. He was accused of not putting in a proper driveway. Mr. Cummings has pictures of the driveway which sloughed in 2012. Many areas in the City sloughed that year. The road did not go anywhere. The water ran off the compacted soil on to the road fabric and on to the bedrock and it sloughed. That was repaired. It was repaired legally and with FEMA money. It was engineered by Bill Harris's engineer. They hauled rock in there. When they were hauling rock in there from the State quarry, Mr. Cummings called the state and accused them of stealing rock out of there. The State informed Mr. Cummings that they did have permits, and that everyone is entitled to buy gravel or rock from there for their own use.

Mr. Swierk stated that they applied to the City again to get a CUP for cabins. Mr. Cummings convinced the City that the cabins were in the utility easement and setbacks. City Administration hired engineer Allen Minish to prove that not only were Mr. Swierk's buildings out of the easements, but they were also well out of the setbacks. It took nine months. They missed that building season.

Mr. Swierk stated they have seven rental cabins or RV's, if that is how they are categorized. The State of Alaska registers them as trailers because they are built on dual axel trailers, and built by Bob Zastrow on steel trailers, they are under 200 sq. feet and self contained. Two of the trailers are not being lived in, they are next to his shop. Four are still at their ski base. Mr. Swierk is contesting the accusation made by Mr. Cummings that his septic on his rental house is not working properly, or that he's been pumping raw sewage from his Lodge onto Mr. Cummings property, or that there is no proper fire alarms etc. on Swierk's property. Mr. Swierk said the accusations made by Mr. Cummings at the last Commission meeting were all unfounded, slanderous, and intended to hold back the progression of Mr. Swierk's business. Mr. Swierk is not sure that they are going to do anything commercial or permanent with the small cabins on their property at this point, however, they would like Lisa Von Borgen, or someone with the City, to come inspect their cabins anyway, just so they can prove that they are doing everything lawfully, etc.

Commissioner Reese told Mr. and Mrs. Swierk that none of the complaints from Mr. Cummings regarding the Swierk's land, cabins, sewage etc. had any bearing on him. His only concern was that he wasn't comfortable issuing a CUP on any of his buildings before an inspection had been done, due to potential liability issues. Mr.

Swierk asked if they needed inspections since they were small enough to be considered trailers. Ms. Von Barga clarified that buildings under 200 ft² that are not for human occupancy (e.g. a shed) don't require a building permit, but buildings that are under 200 ft² and made for human occupancy still require a building permit. She said an inspection is needed to clarify how to identify what legal descriptions the cabins fall under.

IV. PUBLIC HEARINGS

Agenda Item #1: Chairman Haase presented the next item discussed by the Commission as a Public Hearing for Rezone# 16-06, a rezone of Tracts 2 & 3, Alpine Village from, Multi-Family Residential (RC), to Tract 2 being Commercial Residential (CR), and Tract 3 being Light Industrial (LI). Applicant Dwaine Dunning was present. No discussion occurred at this meeting, but will be picked up at the next Commission meeting and will be on the next agenda.

Jim Gifford expressed his concern that the property seems to have a junkyard on it, with many broken down cars that are encroaching out to the highway and entrances of the property. Mr. Gifford said the property is an eyesore. Mr. Gifford said according to the City, the junkyard is illegal. He is concerned about the salmon stream running through the property becoming toxic and flowing out into Robe Lake, he cited the EPA and other entities that have Best Practices and rules that are not being followed by the land owner. Mr. Gifford would like to see the junk being removed or made into an actual, legal junk yard and follow the specific laws pertaining to junk yards. Mr. Haase asked Mr. Gifford if the junk cars were removed etc., would he be ok with the rezoning of this property. Mr. Gifford replied, "Correct."

The Public Hearing came to a close.

(Rezone #16-06) Approve Recommendation to City Council to Authorize the rezone of Tracts 2 & 3, Alpine Village, from Multi-Family Residential (RC) to Tract 2 Commercial Residential (CR) and Tract 3 Light Industrial (LI). Applicant: Dwain Dunning

V. NEW BUSINESS

(SUBD #16-06) Approval of Preliminary Plat of the Replat of Tracts 2 & 3, Alpine Village Subdivision. Applicant: Dwain Dunning.

MOTION: Chair Pro Tempore Gondek moved, seconded by Commission Member Cotter, to Approve (SUBD 16-06) Preliminary Plat of the Replat of Tracts 2 & 3, Alpine Village Subdivision. Applicant: Dwain Dunning. The motion carried by the following vote after the following discussion occurred.

Ann Marie Lain gave some background information to the Commission regarding the rezone request made by Mr. Dwain Dunning. She said the applicant is interested in doing a lot-line adjustment to bring Tract 2 to a total of two acres. No comments were made. The Commission voted and the motion carried.

Yays: 7 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, Commission

Approve the Final Plat of (SUBD 16-02) Alaska State Cadastral Survey No. 98-30

MOTION: Commission Member Reese moved, seconded by Commission Member Fagerberg, to Approve the Final Plat of (SUBD 16-02) Alaska State Cadastral Survey No. 98-30. Applicant: City of Valdez. The motion carried by the following vote after the following discussion occurred.

The location refers to the Brown's Creek area by Keystone Canyon. AnnMarie Lain gave background information stating that the survey has been in the process since 1997. It was brought back to the Commission for preliminary approval in February of 2016, and then had to go through the State preliminary approval process before it could be brought back for final approval. The State is now asking for a final Mylar so that 1,900 acres can be conveyed to the City. If it gets final permission through the Commission, it will need to get approval from City Council because it will ultimately become City land once it's been conveyed.

No public comments were made.

Motion carried.

Yays: 7 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, Commission Member Kipar, and Commission Member Cotter

(EXCEPT #16-01) Approval of Exception for Encroachment of Two Feet by an Existing House into the Western Side Yard Setback on Lot 9A, Block 7, Mineral Creek Subdivision. Applicant: Myrna Dahl.

MOTION: Commission Member Kipar moved, seconded by Commission Member Cotter, to (EXCEPT #16-01) Approve Exception for Encroachment of Two Feet by an Existing House into the Western Side Yard Setback on Lot 9A, Block 7, Mineral Creek Subdivision. The motion carried by the following vote after the following discussion occurred.

Background information was given by Lisa Von Bargaen. She said the applicant came in to get a permit to put a smaller structure on the property and it was noted that the house encroaches two feet into the existing side yard setback. It is allowed under current code. This is an old house and Ms. Von Bargaen suggested it would be best to make an exception. There is no opposition or comments from the public.

Motion passed.

Yays: 7 - Chair Haase, Chair Pro Tempore Gondek, Commission Member Reese, Commission Member Blehm, Commission Member Fagerberg, Commission Member Kipar, and Commission Member Cotter

VI. REPORTS

Lisa Von Bargaen said the City Manager asked the Community Development Department to put together a matrix report regarding everything that's going on in that department (zoning, subdivision activity, and building permits) and to map them out throughout the community. Ms. Von Bargaen said this was the first attempt at that report. It's on the agenda to show how much zoning and subdivision activity has taken place this year.

Zoning & Subdivision Activity Report YTD thru August 8, 2016.

Ms. Von Bargaen stated that the City Manager had requested a more comprehensive report.

VII. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Fagerberg explained his Boss, Larry Chesley, is concerned about the road being shut down for the Arch going in downtown, and believes turning the tight corners will harm the big trucks. Commissioner Fagerberg said TSA is the only entity that can reroute Big State. Lisa Von Bargaen said she would have Todd Wegner, Assistant City Manager and Laura Langdon, Project Manager, contact Mr. Chesley regarding the rerouting issue.

Commissioner Blehm stated his concern about the radio antenna for KCHU at the Glacier Stream near Old Town. The shift has put it within 100 feet of the radio tower and he's concerned the tower will fall. Ms. Von Bargaen suggested Mr. Blehm speak with Rob Comstock, Director of Public Works, regarding this issue.

Commissioner Kipar questioned if the house on Mendeltna had been abated. Ms. Von Bargaen stated that the step-daughter is the assigned power of attorney but she does not have an original copy of the will. She does not have the legal capacity to deal with the property until she gets an original copy of the will. The City is trying to help her. Mitigation of the house is being considered. The condition of the property is beyond repair. She is attempting to deal with it from another location.

Commissioner Haase welcomed Selah Bauer in her new position.

VIII. ADJOURNMENT

There being no further business Chair Haase adjourned the meeting at 7:58PM.