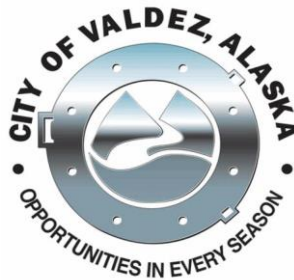


# City of Valdez

212 Chenega Ave.  
Valdez, AK 99686



## Meeting Minutes - Draft

Wednesday, March 22, 2017

7:00 PM

Regular Meeting

Council Chambers

## Planning and Zoning Commission

**REGULAR AGENDA - 7:00 PM****I. CALL TO ORDER****II. ROLL CALL**

**Present** 9 - 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 Victor Weaver  
Sr. Office Assistant Selah Bauer  
Director of Community & Economic Development Lisa Von Bargaen  
**Excused** 1 - Sr. GIS Planning Tech AnnMarie Lain

**III. APPROVAL OF MINUTES****IV. PUBLIC APPEARANCES****V. PUBLIC BUSINESS FROM THE FLOOR****VI. PUBLIC HEARINGS****1. Public Hearing: Chickens in Residential Subdivisions**

Community and Economic Development Director, Lisa Von Bargaen, gave a quick synopsis of why chickens and bees are being brought to the attention of the Planning and Zoning Commission. She said there have been many members of the public, approximately one request per month, who have come to the Community & Economic Development Department, to see if they can own chickens in residential subdivisions in the City limits. Miss Von Bargaen said the Planning and Zoning Commission asked staff to present them with a list of recommended regulations and/or requirements under which chickens may be permitted in residential subdivisions in the community. She stated that the Planning and Zoning Commission has seen and discussed those recommendations at this point, which is why they are all meeting today to hold the initial Public Hearing on this topic.

Community & Economic Development Director, Lisa Von Bargaen, said because this change would affect zoning changes to so many properties zoning districts within the community of Valdez, the department sent out Public Notices out to nearly 900 residences in Valdez, advising them of the potential change. She said some people have called the Community & Economic Development department for clarification on the proposed changes and some have written letters for and against the changes, which is why this Public Hearing is being conducted. She said depending on the feedback the Planning and Zoning Commission gets, the Commission can say whether they want an ordinance brought back to them depicting changes to the Zoning Code. If an ordinance is

brought back, Miss Von Barga said it will have its own Public Hearing and action by the Planning and Zoning Commission, as well as two readings of the ordinance by the City Council before it is adopted.

According to Community & Economic Development Director, Lisa Von Barga, there are a few additional items to be considered regarding allowing chickens in residential subdivisions:

- 1) Some community members said that chicken pens need a fence around them, and also a roof or fencing over them to protect them from eagles and other predators.
- 2) The sex of chickens is not always determined accurately when they are chicks, meaning that although someone could believe that they have purchased a hen, they may later realize they have a rooster instead. What will they do with the rooster then?
- 3) Hens only produce eggs for a few years, although the life span of a chicken is 7 to 10 years. What will become of the chickens after they stop producing eggs? Will people who don't have the heart to kill the chicken for food simply drop it off at the animal shelter? She said some communities around the U.S. have seen a rise in chickens being left at animal shelters. This is something Valdez wants to avoid.

Community & Economic Development Director, Lisa Von Barga, said she met with the Police Chief and the Animal Control Officer, and it became clear that any chicken issues would be the responsibility of the Animal Control Officer. Therefore, not only would the zoning code need to be amended, but the code for animals would need to be amended as well. She said the current codes for kennels are addressed under the Zoning section of the Municipal Code, and people have to come before the Planning and Zoning Commission and ask for a conditional use permit if they want to open a kennel. But the enforcement of kennels is found under the animal section of the Municipal Code, so that the Animal Control Officer has enforcement capabilities over the animals in the kennel- which makes it more than just a zoning issue. Similarly, that is what would be needed for chickens to be permitted in additional residential zoning districts. Not only would the Zoning Code need to be amended, but also the Animal section of the Code simultaneously.

Chairman Haase reminded everyone present that this meeting is only to hear from the public on the matter of allowing Chickens [and eventually bees, potentially] to be permitted in residential areas in Valdez. He reminded everyone no decisions will be made at this particular meeting. With that, he invited the public to speak freely on the issue.

Community member, Mark Latendre, from the Robe River area, said he doesn't want chickens allowed in residential subdivisions because it will attract too many bears and other unwanted predators.

Community member, Rick Riggins, said he lived in Kenny Lake in previous years, and had approximately 150 chickens in pens without roofs, and they didn't draw unwanted

wildlife to his property. He said he may recommend putting a roof on chicken coops in Valdez, because of the eagles. He said he supports chickens in town because it's good for people to be able to expose children to raising animals for food, so they can learn where food comes from- allowing them to see a different way of life. He said he's happy to butcher any unwanted chickens and use them for food.

Community member, Austin Love, said he supports the idea of allowing chickens in town. He said there may be issues that need to be addressed, but nothing that can't be managed. He spoke of his experiences of owning chickens in the past, and said he understands why roosters wouldn't be allowed because of their loud crow. He thinks allowing chickens would be a great thing, as children can learn from where their food comes, as well as people can have more control of producing their own food. He said Delta and other communities in Alaska allow chickens in residential areas, and Valdez can learn from those communities on how to deal with issues around owning chickens. He said he is all for having chickens allowed in Valdez.

Community & Economic Development Director, Lisa Von Bargaen, said she did use a portion of Seattle's and Juneau's regulations, to develop a list of regulations.

Community member, John Engles, from Corbin Creek, supports chicken ownership in town. He said there have already been some chickens in town, and they haven't caused any issues he's aware of. He said he thinks the waste management issues can be solved by composting etc. He thinks the City shouldn't be "so prescriptive" when it comes to restrictions of chicken coops and such, as that may cause more problems. He said there's a lot of innovation that can be lost when such restrictions are imposed. Heat lamps can cause fire hazards etc. He said insulated chicken coops, or heat lamps assembled on the ceiling can be a good way to keep heat inside the chicken coop. He said roosters can make for a healthier chicken flock, by protecting hens, fertilizing eggs and more. Mr. Engles said there may be ways to deal with rooster issues, besides completely banning them.

Community & Economic Development Director, Lisa Von Bargaen, said the heat lamp issue was brought up to her recently. However, she also learned that insulating a coop can help keep heat in and certain kinds of chickens can withstand colder temperatures than others. However, if heat lamps are used and then the power goes out for some reason, that is when freezing issues become a problem for chickens.

Community and Economic Director, Lisa Von Bargaen said in her mind that is an issue where she doesn't want the code to be so prescriptive as well. Ms. Von Bargaen said with regard to the location of the coop, the City is trying to avoid violation of fire separation. If a coop was attached to house that wasn't fire rated, that would be a fire separation violation. She said if there is a way to deal with that, that something that can be discussed, but first and foremost, the City has to make sure there are no safety issues with construction of a chicken coop.

Community Member, Jamie Winchester, said she has property in Robe River and

Corbin Creek. She said allowing chickens can secure food supply in Alaska. She said she agrees with more relaxed restrictions on chicken coops etc., as most people will do what they can to protect their animals naturally, as most people treat their chickens as pets, and people love and protect their pets usually. She said there are a variety of methods to deal with predator control etc.

Community Member, Bob Roundtree, asked about whether or not bees would be allowed in the final proposal. Community & Economic Development Director, Lisa Von Bargaen, said bees will be considered eventually, but she said it's important to deal with one issue at a time. Mr. Roundtree said he is in support of bee keeping for sure, as bees are important for food production and pollination. He said his garden and fruit trees produce far more in years when more bees are present. He also said bees are dying off in alarming amounts around the world, so the more bees we can produce the better. Mr. Roundtree said the City should be very careful as to where they spray for mosquitoes and other pesticides they may use, as such toxins kill bees and poison vegetables in peoples gardens.

Community Member, Regina Blood, said she is in full support of allowing chickens in town, as she's had chickens out on Loop Road for years, and has no predators threatening her chickens- except her own dog. Community & Economic Development Director, Lisa Von Bargaen, asked how Ms. Blood how she stores her chicken food. Ms. Blood answered that she stores her food in large metal garbage cans with lids on them.

Community & Economic Development Director, Lisa Von Bargaen, said one of the letters from the community attached to the Planning and Zoning meeting packet, is from a woman who supports having chickens in light industrial zones throughout Valdez. She wondered if chickens are being considered for such areas, or if it's being left off for a reason. Ms. Von Bargaen said no, it's not being excluded completely, but rather the City wants to deal with one zoning area at a time, starting with residential subdivisions, as more people have requested owning chickens in that area more than any other area in town.

Community Member, John Engles, said bees are a vital resource in Valdez and around the world, as bees are dying off from pesticides and other toxins. He said when bees come around his yard, his vegetables and flowering trees grow so much better. He said the City needs to be careful of pesticides they use to kill mosquitoes also kills bees on contact and poisons food and plants.

Community & Economic Development Director, Lisa Von Bargaen, thanked everyone for coming to speak on the issue of owning chickens in residential subdivisions in Valdez, and invited anyone with further suggestions and/ or concerns to bring them to the department, or call or email. Ms. Von Bargaen explained that the Community Development department gets approximately one request for chicken ownership per month, which is why this zoning change is being brought up now. She mentioned various things to keep in mind when considering the allowance of chickens in residential subdivisions, such as the accumulation of unwanted chickens.

## **2. Public Hearing: North Valdez Glacier Stream Bridge Easement**

Community & Economic Development Director, Lisa Von Barga, explained why this hearing is taking place, as the City has been requested to allow a bridge easement on the North end of Valdez Glacier Stream, which would give access to an area of land titled, Alaska State Land Survey 79-116; the area of land near the southeast side of the Valdez Glacier Stream. The need to access that area of land is for the following reasons:

- 1) There is potential for part of that land to be used as a year-round mountain recreational site in the East Peak area - 100 acres of which are privately owned.
- 2) The City of Valdez owns nearly a thousand acres of land in that area which could be developed for mixed use etc., and could be sold to community members for development, which could help with the housing shortage in the community.
- 3) Shorter potential access to City Land compared to starting off the highway via the dike that goes on the south east side of the Valdez Glacier Stream, and runs into the Alpetco Road. This is being looked at as an alternative access because it would come off airport road and go into the Valdez Glacier area, and would be a better access option than building a new road off the Richardson Highway.

Community Development Director, Lisa Von Barga, said the Planning and Zoning Commission had a work session on this topic a few weeks ago, and the Commission asked her staff to bring them back action pertaining to an easement, at which point it was decided that a public hearing should be called on the topic; specifically because although only an easement for a bridge is being asked for currently, there is a potential that the creation of the bridge could change the use of the land that it would connect to, and there have been some safety issues the public has brought forward.

Community Member, Nate Smith, said that he's happy to help provide information to the Commission and City Council and anyone else that may have further questions about the potential project, as he is a partner in the project.

Community member, Mark Latendre, asked about who would be responsible for maintaining the bridge. He said the road is already dangerous for the limited traffic that exists already, and he believes that improvements to the road would be needed if the bridge goes in. However, he thinks it's a good idea to allow a bridge to connect to that area, for a variety of reasons. He said if the road to access the property in question goes in on Alpetco Road, the road will border residential areas. The soil there is mud and silt, so it would be more difficult and dangerous to build there. He believes the access road closest to the airport would be best.

Community Development Director, Lisa Von Barga, said regardless of which road area is chosen, there will need to be bridge access to get to the land in question.

Community Member, Phillipe Visintainer, said he's been helping with the project for about 10 years, and he supports the project going forward.

Community Member, Mark Latendre, asked if the City plans to straighten or widen the road to the property. Although he is all for the bridge easement, he said he's concerned that the road is already dangerous for the limited amount of traffic there currently, which will be worse if traffic increases.

Community and Economic Development Director, Lisa Von Bargaen, said there are no plans for that yet. What they are trying to decide now is whether or not an easement will be put in place, but no discussions have occurred about the road aspects yet. She said Airport Road is a State road, so stakeholders would need to work with the State regarding changes to that road. Also, portions of the area around the Valdez Glacier Lake are State owned, and others that are City owned, so the City would likely be responsible for a portion of the road development there, and then an easement from DNR would also be needed for some of it.

Commissioner Blehm referred to the proposed bridge drawings, and asked if the proposed bridge was rated for 10 tons.

Community Member and applicant for the bridge easement, Ryan McCune, said the drawings he submitted for the proposed bridge are a replica of the 13-mile Alyeska bridge; it is a 16-foot- wide, one- lane bridge. He said the dimensions he gave the Commission is an example of the size he can afford to build, if the bridge was privately owned.

Commissioner Blehm said a second route of entry onto the land in question, will be needed at some point, as the weight limit of the bridge will determine what can go over it. Also, he said if the bridge washed out for some reason, an alternate route would be needed. He said they are currently able to access the property via the Alpetco Road, but he agrees there are multiple creek crossings.

Commissioner Blehm said bridges can be altered to handle more weight. Community member and applicant for the bridge easement, Ryan McCune, agreed.

## **VII. UNFINISHED BUSINESS**

There was no unfinished business.

## **VIII. NEW BUSINESS**

There was no new business.

## **IX. REPORTS**

Community and Economic Development Director, Lisa Von Bargaen, said the City

Council held a work session last night on code enforcement, and the Mayor has asked that a task force made up of Council members and Commissioners be put together to perform a review of the current City Zoning Code- as the City Council recognizes there are certain aspects of the code that are outdated, antiquated and need a second look. Before the City begins to enforce various codes to clean up the City, they want to look at the code again to see what codes make the best sense, she said.

"For example, the code says residents can have a boat and a snow machine per lot, which is not reasonable," Von Bargaen said. Instead of having something so prescriptive for the community, let's look at what makes sense for the community, lifestyle, lot size, etc. Community and Economic Development Director, Lisa Von Bargaen, said the task force that will be created to review said zoning codes etc. will be made up of Mayor Knight, City Council member Fleming, City Council member Moulton, and three or so Planning and Zoning Commissioners. She asked for volunteers from the Planning and Zoning Commission, and said the City is hoping to get the code revisions done on a quick and timely fashion; to the degree that the committee is willing to meet on the weekends to accomplish this task. Commissioner Fagerberg, Commissioner Blehm, Commissioner Reece, and Commissioner Weaver all volunteered to be on the task force.

Chairman Haase asked if there was anything else to address. Community and Economic Development Director, Lisa Von Bargaen, said Senior GIS/ Planning Technician, AnnMarie Lain, has been named the Flood Mitigation Program person for the City of Valdez. She said her job description may be changing, as the City is hiring a full-time GIS person. Currently Lain is the Certified Flood Plain Manager for the City, which means she ensures that the City is acting in accordance to the National Flood Insurance Program and making sure people get the appropriate Flood Plain Development Permits. However, it doesn't take into consideration the City's oversight and management of flood mitigation efforts; which is what she is now being asked to oversee and organize as part of her additional new duties, Von Bargaen said. She said the new position would include staff liaison efforts to the Mayor's flood mitigation Task Force and gravel extraction issues, and AnnMarie Lane is working with DOWL on various tasks related to flood mitigation. She said she'll be bringing a report on the 2017 Action Plan to the next meeting, depicting what Senior GIS/Planning Technician, AnnMarie Lain's tasks will include regarding her new duties.

Community and Economic Development Director, Lisa Von Bargaen, said Lain will retain some of her planning work, but she's not sure exactly what her job will entail completely yet. Ms. Von Bargaen added that Selah Bauer has been promoted from Senior Administrative Assistant to Planning Technician, as Keri Talbott has quit her job with the City and moved back to Washington. She said 19 applicants have applied for the recently vacated Senior Administrative Assistant job, and interviews will be conducted soon. Until then, the Community & Economic Development Department is doing the best they can to keep up with the work load, as they are short handed. Ms. Von Bargaen said the City has received two applicants for the Senior Planner position, so they are checking to make sure the applicants are qualified for the position, or whether or not the position will need to be advertised for again.



Chairman Haase asked if there was any further business the Commission wanted to address. Commissioner Kipar said he had a question for Ms. Von Bargaen; he said in regards to the Aleutian Trailer Park, and the potential for the City to purchase the land, he's heard a lot of people are against that idea. He asked if the City has a plan B for the trailer court, or if the only option is to buy it.

Community and Economic Development Director, Lisa Von Bargaen, said she believes the City is open to any solution for that land; whether the solution is that an operator comes in and leases and manages the land, or whether the Aleut Company continues to operate that park, or whether the land will be subdivided around each of the mobile homes and sold to the mobile home owners. She said purchasing the property takes it out of FAA control, and allows for vacant property there to be developed, which is one benefit of purchasing that property. Ms. Von Bargaen said once the City has ownership of that land, any of the options she just mentioned becomes available.

The last direction that City Council has given, she said, is to do whatever is necessary to allow the residents of Aleutian Trailer Park to remain in their homes. The Aleut Corporation has not issued any further eviction notices, since the last ones were rescinded, although they continue to say they will issue eviction notice again. Although the complete status of the situation is unknown fully, the City continues to explore all options for the land, she said.

When City representatives were in Juneau recently for their legislative mission, the DOT was clear about the area of land they are willing to sell to the City of Valdez, Community and Economic Development Director, Lisa Von Bargaen, said. She said she believes that was a recommendation from the Airport Manager in Valdez, in regard to the airport. "We met with DOT Administration and asked to be able to purchase the land that is in-between where the border of Aleutian Village is and basically where Harris starts," Von Bargaen said. Part of the reason for that request is, although that land is zoned as light industrial and near the airports, it's also adjacent to roadway, and it has access to water and sewer right off of airport road, so it's a good location for potential housing development- which housing is another priority of the City, she said. Von Bargaen said this area is a prime location for new housing development, since roadways and utilities already exist in that area. She said that there would need to be some infrastructure put in place, but there needs to be adjacent roads and utilities that already exist, in order to build affordable housing units and market rate housing. Otherwise such a project is not feasible.

Commissioner Kipar asked if the City buys the land, would they be looking for cost recovery if they sell it to individuals who own trailers in the trailer park. Community and Economic Development Director, Lisa Von Bargaen, said she doesn't know the answer to that, but she knows the City isn't interested in losing revenue, but there has been no decision on what kind of infrastructure improvements would need to be made in that area. Depending on what improvements are made to infrastructure, would also depend on the cost of each lot- as the City would want to recoup some of their costs, she said.

Community and Economic Development Director, Lisa Von Bargaen, said the City has considered the option of using a Community Development Block Grant- as they are open to communities and areas that have been determined to have a minimum threshold of low to moderate income status. She said when the eviction notice was originally issued by the Aleut Corporation, the City of Valdez used Sheinberg and Associates to conduct a socio-economic baseline survey of the residents in Aleutian Village Trailer Park. They determined that residents there had a low to moderate income status of 51%, which automatically qualifies that area for a Public Infrastructure Community Development Block Grant. Ms. Von Bargaen said those block grants open up once a year in December, and are normally awarded in the spring and available for use in about July, as they are administered through the State of Alaska. She said the problem is that President Trump's administration has just announced that they are likely going to kill the Block Grant Program, so although the City would have been eligible to apply for up to \$800,000 in matching grant funds, to potentially upgrade a utility system in the Aleutian Village area, if the program is cut, it won't be an option.

Ms. Von Bargaen said because the State is in financial crisis, they no longer offer the ADEC Municipal Matching Grant Program, which is a matching grant for water and sewer utility projects. She said often times a community could get various matching grant funds, and municipal grants- which together could create a great fiscal package to help offset the cost of utility installation. Unfortunately, only the Alaska Clean Water Fund and the Alaska Drinking Water Fund, which are low interest loans, are currently available.

She said the City applied for such a loan, and used it as match to one of the last Municipal Matching Grants the City received on the Sewer Treatment Plant Outfall Project that was just completed. There are still loan funds available for the City to use as match to extend the water and sewer at the Airport Industrial Subdivision area. Ms. Von Bargaen said obviously the City doesn't need loan funds, but because the interest rates are so low on loans, it allows the City to use their General Fund money on projects where there is no financial assistance. She said there used to be EPA Funds for water and sewer projects, but those funds are no longer available.

Community & Economic Development Director, Lisa Von Bargaen, added that the City will be getting the final environmental report back from Rhonda Wade soon.

**X. COMMISSION BUSINESS FROM THE FLOOR**

There was no Commission business from the floor.

**XI. ADJOURNMENT**

There being no further business, Chairman Haase adjourned the meeting at 9:30 p.m.