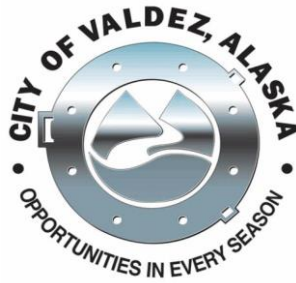


# City of Valdez

212 Chenega Ave.  
Valdez, AK 99686



## **Planning and Zoning Commission**

### **Meeting Minutes - Draft**

**Wednesday, January 10, 2018**

**Work Session**

**6:00 PM**

**Regular Meeting**

**7: 00 PM**

**Council Chambers**

I. CALL TO ORDER

II. ROLL CALL

**Present 6** - Chair Donald Haase  
Commission Member Brandon Reese  
Commission Member Roger Kipar  
Commission Member Victor Weaver  
Commission Member Harold Blehm  
Commission Member Grant Uren

**Excused 1** - Chair Pro Tempore Jess Gondek

**Also Present 2** - Administrative Assistant Sue Moeller  
Sr. GIS Planning Tech Paul Nylund, telephonically  
Sr. Planner Rochelle Rollenhagen

III. APPROVAL OF MINUTES

The motion to approve the Planning and Zoning Commission Regular Meeting Minutes of November, 8, 2017 was made by Commission Kipar and seconded by Commissioner Weaver. The minutes were approved as presented by the following vote:

Yeas - Chair Donald Haase  
Commission Member Brandon Reese  
Commission Member Roger Kipar  
Commission Member Victor Weaver  
Commission Member Harold Blehm  
Commission Member Grant Uren

Excused 1 - Chair Pro Tempore Jess Gondek

IV. *PUBLIC BUSINESS FROM THE FLOOR*

There was no public business from the floor.

V. *PUBLIC HEARINGS*

There were no public hearings scheduled for the meeting.

VI. *NEW BUSINESS*

1. The Motion to grant approval of (SUBD 17-05) Final Plat for Blue Spruce Subdivision, Creating Lots 1-20 and Tract A, Blue Spruce Subdivision was made by Commissioner Kipar and seconded by Commissioner Weaver.

Commissioner Weaver said that he would like more information on the options available for snow removal. Chair Haase reminded the Commission that there had already been an approved waiver granted for the length of the street, allowing for a greater distance to the snow lot. At this point, Chair Haase continued, the Commission was beyond that discussion. Commissioner Blehm stated that his main concern was the septic. He said that the 300' radius (of notification) was insufficient when dealing with the issue of groundwater, using the example of Alpine Woods and the hassle experienced by both the residents and the City with the septic issues. Commissioner Blehm's concerns also included the density of the septic systems in the purposed subdivision, the disposal of hazardous material, and the introduction of chemicals into those septic systems (i.e. regular household chemicals like bleach and such).

Commissioner Blehm also asked about the test wells, and whether there was a baseline for those test wells. Are those tests being done every twelve months as the code says? If there is no baseline to start with, how will we know when the problem is accelerating? He added that test wells are useless, other than to tell you you're contaminated.

Commissioner Reese pointed out that the septic systems would be reviewed by the DEC, and at that point all testing would be done to determine the system types and safeguards. Chair Haase added that, to date, the developer has complied with DEC regulation and no waiver was requested for the proposed septic.

Community member Julie Lindemann spoke to the Commission, assuring them that she was 100% behind responsible development. Her feeling was that the concentration of septic systems – 20 systems on eight acres - was far too many based on the ground water. By example, Ms. Lindemann said that the properties on the back half of the subdivision had five feet to groundwater. The developer has indicated that they will be building 'at grade' systems which could be problematic and costly to the taxpayer. The VEI Consultants indicated that there should be testing prior to beginning development, and then again after. Ms. Lindemann questioned who would be paying for that? Her thought was that the expense should be the burden of the contractor, not the taxpayer. In her letter, Ms. Lindemann recollected from the last meeting the comment made by the developer that if the waivers could not be granted, the project (subdivision) was not viable. As a taxpayer, Ms. Lindemann added, if a project is not viable following city code (which itself is at times inadequate), then it is not a viable project. Waiving current City code is not a responsible option-the City of Valdez has a history of not updating code when problems are found. Zero lot lines and homes built in the past have shown that the 10' side setback for shedding roofs is not adequate. Has this code been updated? No it has not. Snow removal continues to be a problem within the City of Valdez-we need to learn from the mistakes of our past and update the code to truly reflect the needs of development as well as under developed properties. For example, the Code requires snow storage to be determined by the square footage of road, and yet allows residents to push driveway/walkway snow into the road. Why doesn't City code take into account the extra snow and require that amount of space for snow storage? Ms. Lindemann strongly encouraged the Commission to do it right this time and deny the subdivision. Utility easements was another area she brought up, stating that with the Utilities planning on system upgrades, downsizing the required easements could cause problems. It is the responsibility of the Planning and Zoning Commission to uphold the Code and to protect the homeowners and taxpayers of this community, both present and future. Again, Ms. Lindemann encouraged the Commission to keep the 10' easement code in place.

Ms. Lindemann also brought up responsibility for future issues, such as buying additional property for snow storage, or flooding. Is the developer to retain accountability for how the subdivision ages, or will this become a taxpayer responsibility? History has shown that it has always been the taxpayer. Taking into account the setbacks and septic, the footprint of the lots becomes 44' of buildable space.

Finally, Ms. Lindemann wanted to remind the Commission of the existence of Bear Creek, located about 100' past the proposed subdivision, and also the history the property has for flooding- in 2006 the property flooded, and boats stored there began to float. The situation necessitated Herb Hirsh removing a section of the bike path to release the water.

Commissioner Reese wanted clarification as to when the test holes were dug – was it truly at high water? He added that if it were necessary to waive codes to ensure a project could proceed, perhaps the project was not really ready for development.

Chair Haase said that the agency responsible for the test hold monitoring was the DEC, not the City. That is not an issue for the Commission. The density of the development is already prescribed by law, and there is City water hook-up so it's a way different story than the situation out at 10-mile. At 10-mile there are wells and septic; here it is only septic.

Commissioner Reese asked if the test holes were to test through the roof for nitrates, then what? Chair Haase replied that that was the responsibility of the DEC per State Law. Planning Technician Kate Huber clarified that conventional systems are reviewed by contract engineers while engineered systems are the responsibility of the DEC.

Commissioner Kipar said that the septic systems in Blue Spruce would be conventional, and therefore not under DEC approval. However, the City took over the plan approval for conventional systems and can take the DEC regulations and make them more stringent if they desired to. He agreed that there needed to be a solution developed for when testing determines a significant issue exists— would the City be liable? Or would it be put on the homeowner? Commissioner Kipar encouraged the Commission to entertain the idea of mini-sewer treatment plants.

Commissioner Blehm cited City code that said in the event of an engineered system, the manufacturer's book would be adopted. He wondered how many Robe River residents would tie into City sewer if offered. Would a cluster system be more appropriate in Blue Spruce? Is it even feasible? In point of fact, the City should have more than one sewer treatment plant...

Commissioner Weaver asked if the whole discussion should be postponed until a DEC representative could come in and discuss the septic issues being brought up. Paul Nylund, Senior Planner/GIS said that the amount of space for each septic was identical to other lots in Robe River. He added that as each septic was to be placed during new construction; it would require going through the approval process on its own. This meeting is for approval of the subdivision, not the septic system.

The discussion moved on to snow storage/removal. Commissioner Kipar noted that the roads are 50' width including the ditches. With a 14' low board, traffic in one lane is always blocked during snow removal. With additional houses and families, he feels that the amount of snow storage planned will not be adequate. Heavy snowfalls can be especially challenging as people will be pushing snow from their property on to the road.

Chair Haase responded that it was a 30' road surface that they based that on, so the calculations should be the 30' feet by the 1000' to calculate the snow lot, making the snow storage adequate. And Aurora Street has a snow lot about half way down going towards Robe River, so in fact there is enough snow storage on that street.

For clarification, Commissioner Reese asked Commissioner Kipar about his comment regarding blading the road and blocking one lane. Typically a grader comes through and puts snow in the middle of the road and opens driveways, and later a plow comes through and moves the snow. Commissioner Kipar contends that due to the narrow street, this is not an option for Skidder Street. The square foot for square foot code requirement is an absolute minimum.

Chair Haase agreed that these are important issue to address and perhaps code should be changed, but it seems unfair to require this contractor, or any developer, to plan above and beyond what City code currently requires.

Commissioner Reese brought up the letter sent in by Ms. Ruth regarding lot size and snow encroachment, as evidenced by the Resurrection Loop incident where shedding snow hit another home. Chair Haase explained that that was not a zoning issue, but rather a building issue. Commissioner Reese also brought up the water main not dead ending, but rather looping around. The City would take on some of the expense of the connection.

Commissioner Uren mentioned that there was an active stream at the back of the snow lot, and having the snow lot there may change the hydrology of the stream, and actually divert that stream into the street if we come into a freeze/thaw situation. That may be a byproduct of putting all the snow in that area.

During public comment, Allen Minish, Wrangell Mountain Technical Services, who is the surveyor and engineer for this project, replied to a number of issues brought forth during the Commissioner's discussion:

Septic systems—the VEI report was a recommendation to the City to do monitoring of the Robe River area. It did not specifically state the Blue Spruce Subdivision needed to be monitored, but rather that the whole area needed to be monitored. There were no test wells or monitoring holes going on in Robe River that Mr. Minish was aware of, again citing the VEI recommendation as affecting the whole area. The septic systems on these sites have pretty much been pre-designed and each lot has alternative sites for the septic, they are to ADEC requirements, and the City does do the review due to them being conventional systems.

Test holes — Mr. Minish said that he could not locate any requirement for a pipe being inserted into a test hole, and read an excerpt from the ADEC that laid out the specifics. In his experience, there was little variation in the water levels in the number of test holes he had done. Mr. Minish stated that he felt very comfortable with where the water table was located and what it was doing in the Robe River area.

Failure rate — Mr. Minish said that it varied depending on who put the septic system in (were they reputable?), how old the system was, and the method of installation. There were septic systems that have been replaced three times on the same lot, in part because the homeowner wants to go cheap and five years later they're replacing it again because they just don't do it right. The more components you add to a system shortens the life expectancy of that system. The main goal of septic systems is to keep it as simple as possible.

Road size — Mr. Minish guaranteed that the 30' with the cul de sac around there equals the snow lot. He stated that he spent quite a bit of time moving that road and the cul de sac back and forth to equal the snow lot as required by code. The snow from the driveways was not in the code, so was not accounted for in the equation of the snow lot.

Water looping — Mr. Minish reiterated the plans that the developer and the City came up with to prevent a dead end on the water system, including the additional easement specifically for the loop around, with the City being responsible for the loop part.

Aurora — The Commission is right in that there is not enough snow storage on Aurora. Skidder Street has enough snow storage for Skidder Street and it's also attached to the snow storage for Aurora, so Aurora can push over to the Skidder Street snow storage if necessary. But the issue of snow storage on Aurora Street involves a different subdivision and Mr. Minish encouraged the Commission to treat it as such.

Finally, Mr. Minish stated that neither he nor the developer knew anything about the flooding of the property located on the west end of the subdivision. When doing research on this plat, Mr. Minish looked at the flood plain maps and talked to the City, adding that on the agenda statement for the development it was noted that no part of this subdivision is in the regulated flood plain nor were there any designated wet lands within 2000' of the proposed subdivision. If it has flooded in the past, then that is something the developer needs to address as he builds the homes.

Brad Barnett, the developer, came to the microphone in response to Commissioner Blehm's question regarding the building schedule. Mr. Barnett said that as the market's there, and the need's there, he would build. Mr. Barnett added that he currently has cliental and a lot of interest in his homes. With regards to the comments being made about 'responsible development', Mr. Barnett pointed out that he has planned the subdivision and homes per the City code. Building plans and septic systems will all go through the City's building department. How much more responsible can he be? Any developer approximates what it will take to develop a subdivision while still being able to make it financially worthwhile.

\*Five minute break from approximately 8:10pm to 8:15pm.

Julie Lindemann, Community Member, refuted the previously reported comparison of lot size for Blue Spruce and Eagle Avenue, stating that the Blue Spruce lot size was 1327 square feet smaller than the Eagle properties. The smaller lots on Eagle are 115' X 124'. Ms. Lindemann also noted that while Robe River and Blue Subdivisions' would be on City water, the houses across the street have wells – adding more septic systems could affect their drinking water. She encouraged the Commission to look at the whole picture when considering the effect of this proposal. Ms. Lindemann asked the Commission not to waive the length of the snow push – the length was designated in City code, and we need to follow City code. She noted that the snow storage already was potentially going to be a problem, and by extending the push, the problem could be compounded. And don't waive the easement size – the utilities do not survey prior to installation, and will probably end up using the 20'. As for filling in the low lying end of the subdivision, Ms. Lindemann has no doubt that Mr. Barnett will fill the low areas, but wants this noted in the plans so that the building inspector knows what to look for during inspections. It might be dry when the building inspector goes out there and then it all gets approved. As a taxpayer, Ms. Lindemann would like the waivers denied. Looking over the proposed septic systems, focusing on the rear portion of it, the plan is to dig out and replace with 3" minus. Ms. Lindemann would like to know who's doing the 3" minus classification, and the perc test on that new fill. During a class she attended, a perc test done on 3" minus taken from Lowe River resulted in more than an inch/minute. This undermines the intent of the filtering of the materials and really needs to be taken into consideration.

Mike Congel, Community Member, who lives on Aurora, agrees that Mr. Barnett is going to do a good job when he gets started, but having said that, the concerns are real, and has nothing to do with these gentlemen (Minish and Barnett) but everything to do with what's been happening in Robe River for years. In this situation, Mr. Congel believes that your conscience has got to tell you what to do – do we want to take any chances on the septics? No! Mr. Congel's main concern with the whole subject is the back area flooding. Having seen the prior flooding, Mr. Congel stated that he was shocked at the extent of the flooding and if that area ever floods again, the property on the cul de sac will be under a lot of water.

Elke Doom spoke as a former planning commission member in another community. Ms. Doom said that when she takes a look at what has been presented to the Planning Commission – lot sizes, septic plans, setback – and taking away all of the emotion around it, she would have a difficult time voting no on approval of the subdivision. It may be time to look at codes, and it may be time to change codes, but good, bad or indifferent, what we have on the books is what we have on the books, and what we need to adhere to.

Commissioner Reese stated that he wanted to see the development succeed, but as people have said, the concerns are real. Commissioner Reese wants to see the public's input used to work out solutions to all issue brought to the attention of the Commission for the benefit of the community as a whole.

Mr. Barnett spoke to the Commission, stating that he, too, will be living in this community for years to come. His reputation as a builder is of value to him. He went on to say that he is aware that there is some lower ground on the property, and had intended to address that through excavation materials being put on the lower end of the property. And if that's not enough, then he'll haul fill. He personally guarantees that where every house sits there will be a mound. Mr. Barnett added that it was really hard to be a builder in this area – there were tight profit margins and its hard work. If it wasn't, there'd be other builders in town, and as far as he knew, he was one of two builders in Valdez.

Commissioner Kipar thanked all who came and spoke at the meeting. His feeling was that anyone who had a plan that benefited the community should be encouraged. Code that was not working for the community did need to be reviewed and/or changed, but not today. Mr.

Barnett is proposing a plan developed within the Code and that is good for the town. Septic problems in Robe River need to be addressed, perhaps through City involvement in building additional treatment plants on the other side of the river, or other ideas brought forth. It's a nerve wracking experience to present before the Council or a Commission, especially when you've invested a lot in the proposition, so let's try and be encouraging to people.

Commissioner Blehm asked why the requirement for replacement field locations was recommended to be waived by staff. Paul Nylund, Acting Director, said that the requirement was based on a recommendation from the consultants VEI, but as it was not required of other developers, it should not be required from Mr. Barnett. Mr. Minish spoke up saying that there was a game plan for multiple septic systems – three different options were taken into account, information that VEI did not have access to.

The motion to grant approval of (SUBD 17-05) Final Plat for Blue Spruce Subdivision passed by the following vote:

Yeas - Chair Donald Haase  
Commission Member Brandon Reese  
Commission Member Roger Kipar  
Commission Member Victor Weaver  
Commission Member Harold Blehm  
Commission Member Grant Uren

Excused 1 - Chair Pro Tempore Jess Gondek

## ***II. REPORTS: Sawmill Drive Extension Report***

Allen Minish wanted to point out that at the time the Atigun and Salsha traffic analysis was done, Atigun had not been connected to Rudolf and Hobart. Since that connection had been made, traffic has increased, especially with South Central connecting at the corner. He added that it's extremely important for development to have this extension, to correct the intersection and make it right. Benefits the fire department, police, taxis, relieve congestion on Airport Road and help in the development of the Airport Industrial Subdivision. Mr. Minish strongly encouraged the Commission to recommend this extension to the City Council.

Commissioner Blehm has also noticed an increase in traffic since Rudolf has been put through. He added that it's quite obvious that where the pavement stops by Roosevelt Lake up to the corner of Rudolf and Atigun is a drag strip. Perhaps if a regular road was put through, that wouldn't be the case any longer. It's becomes very dusty.

Chair Haase requested that this issue come back to the Commission as an action item.

## ***VIII. COMMISSION BUSINESS FROM THE FLOOR***

Commissioner Kipar reiterated his appreciation for all the work done by Mr. Barnett and the Community with regards to issues brought before the Commission. He felt we need to move forward and do more things like this – more development to bring more people into town. He felt it was a good meeting with good points and good questions.

Commissioner Blehm also noted it was a good meeting. He want this to be a 'can do' town! Commissioner Blehm also suggested that there be more work sessions.

Commissioner Weaver thanked Mr. Barnett and Mr. Minish for their attendance at this meeting. He felt it was a productive meeting. As part of the group reviewing the Code, he asked staff to

ensure those meetings would begin to meet again and start moving towards changing these Codes.

Commissioner Reese complimented Mr. Barnett on the quality of his construction. He also mentioned that if there were community concerns, he felt it was the responsibility of the Commission to address those concerns, talk everything through and make sure it was all out in the open.

#### ***VIII. ADJOURNMENT***

There being no further business, Chair Haase adjourned the meeting at approximately 9:30pm.

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