



City of Valdez  
212 Chenega Ave.  
Valdez, AK 99686

## **Action Summary**

**Wednesday, November 14, 2018**

**7:00  
Regular Meeting**

**Council Chambers**

**Planning and Zoning Commission**

## **I. CALL TO ORDER**

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

## **II. ROLL CALL**

Present: 6 – Chair Jess Gondek  
Commission Member Don Haase  
Commission Member Brandon Reese  
Commission Member Rhonda Wade  
Commission Member Harold Blehm  
Commission Member Roger Kipar

Excused: 1 - Commission Member Grant Uren

Also Present: 4 – Community Development Director Rochelle Rollenhagen  
Sr. Planner / GIS Technician Paul Nylund  
Planning Technician Nicole LeRoy  
Administrative Assistant Danae Gilfillan

## **III. PUBLIC BUSINESS FROM THE FLOOR**

There was no public business from the floor

## **IV. NEW BUSINESS**

- 1. Approval of Preliminary Plat for Leimomi Subdivision (SUBD #18-02), a Re-subdivision of Lot 1A Replat of USS 3939 Lots 1 and 2 Plat #86-5, Valdez Recording District, Creating Lots 1B and 2A, Leimomi Subdivision.**

MOTION: Commission Member Haase moved, seconded by Commission Member Reese, to recommend that the Planning and Zoning Commission grant preliminary approval of the plat if it is shown that the existing structures conform to VMC 17.20 Rural Residential zoning district. 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 discussion occurred.

Commissioner Haase noted that while the staff agenda statement identified missing information from the subdivision application, he intended to disregard that information and was in favor of approving the subdivision. He explained he felt the three missing items, height of the home, dimensions of the structures on the lot, and the setback distances were irrelevant for making a reasonable determination of approval. He said the district had a fifty percentage lot coverage restriction, and because the lot was over one acre, the house would have to be roughly 21,000 square feet in order to present a violation, something he found highly unlikely. He added that he thought the height of the home was irrelevant for the subdivision application, and that the closet side was marked a minimum

distance of 22' and was oriented in such a way that allowed one to assume that the other side was greater.

Ms. Rochelle Rollenhagen, Community Development Director, clarified that the missing information had been submitted by the applicant shortly after the agenda statement had been published.

Mr. Paul Nylund, Senior Planner / GIS Technician, said he could understand where Commissioner Haase was coming from and while he thought it made logical sense in that particular case, he did not think it was the best policy to make assumptions regarding material on applications. He said while in that case, many of those assumptions could be reasonably drawn, as soon as it became a closer call it would matter a great deal to require the exact structure footprint size, setbacks, etc. and emphasized the need to enforce standard requirements for consistency. Mr. Nylund said Community Development was working to develop concise site plan requirements for Valdez Municipal Code. He explained that most other municipalities went into great detail on their site plan requirements, which could be scaled up and scaled down depending on the complexity of the project. He said consistently requiring the same information from all applicants helped to develop a standard for subdivision applications.

Commissioner Haase said he agreed that on a much smaller lot size, the setbacks, and structure footprint would make a great deal of difference between compliance and violation. Commissioner Reese said he was in favor of the approving the subdivision.

**VOTE ON THE MOTION:**

Yays: 6 - Chair Gondek, Commission Member Haase, Commission Member Reese, Commission Member Wade, Commission Member Blehm, and Commission Member Kipar

Excused: 1 - Commission Member Uren

**2. Approval of Recommendation to City Council to Approve a Lease with Harris Sand & Gravel for a 45,000 Square Foot Portion of Blocks 7 & 8, Valdez Townsite.**

MOTION: Commission Member Haase moved, seconded by Commission Member Kipar, to Approve Recommendation to City Council to Approve a Lease with Harris Sand and Gravel for a 45,000 Square Foot Portion of Blocks 7 & 8, Valdez Townsite. The motion carried by the following vote after the following discussion occurred.

Commissioner Haase had nothing to add. Commissioner Kipar asked if soil testing was completed at the beginning and termination of the agreement, as was required under the original land use permit. Ms. Nicole LeRoy, Planning Technician, replied the soil was tested in 2007 and in 2016 at the end of the lease. Commissioner Kipar asked why the lease was not renewed in 2016. Ms. LeRoy said it was unclear why the original land use permit was neglected and

explained that it was not in holdover. Commissioner Kipar asked if the lessee had paid permit fees over the last few years. Ms. LeRoy replied the lease was billed in 2017 but not in 2018.

Ms. Rollenhagen noted that the original agreement was not a lease, but rather something called a "Land Use Permit" which was not substantiated in Valdez Municipal Code. She said it was unclear why former staff used Land Use Permits in place of lease agreements for parcels that should have been managed under leases. Commissioner Kipar said it seemed the lease had gotten dropped with staff turnover. Ms. Rollenhagen replied that the lease program had been very backed up at the time Ms. LeRoy began employment, and that she had continued the process of updating the City's approximately forty industrial leases begun by Senior Planner Ms. Kate Huber.

Commissioner Blehm said he thought the phrasing in the original land use permit stating that the permittee should use the land for marine repair work and for no other purposes whatsoever seemed harsh. He said he thought they were using the property for other things at that time, and asked if the current land use permit had been modified to reflect the new activities at the site.

Ms. LeRoy explained that there was no active land use permit. She said she would be working with the City Attorney to draft language going forward. She explained that the document was meant to be as clear as possible and clarified that the lease was for marine repair and boat storage, and that it would be listed as such in the new lease document. Commissioner Wade clarified that even though the lease was expired, the applicant had been continuously using the land. Ms. LeRoy replied they had been. Commissioner Wade and Commissioner Reese had no further comments.

**VOTE ON THE MOTION:**

Yays: 6 - Chair Gondek, Commission Member Haase, Commission Member Reese, Commission Member Wade, Commission Member Blehm, and Commission Member Kipar

Excused: 1 - Commission Member Uren

**3. Approval of Final Plat for Raven Zastrow Subdivision (SUBD #18-02), a Subdivision of Lot 5A, Block 1, Raven Subdivision, Plat 2013-1, Creating Lots 5B and 6A, Block 1, Raven Subdivision.**

MOTION: Commissioner Reese moved, seconded by Commissioner Haase, to approve the final plat for Raven Zastrow Subdivision (SUBD #18-02), a Subdivision of Lot 5A, Block 1, Raven Subdivision, Plat 2013-1, Creating Lots 5B and 6A, Block 1, Raven Subdivision. The motion carried by the following vote after the following discussion occurred.

Commissioner Reese, Commissioner Wade, Commissioner Blehm, and Commissioner Kipar had nothing to add. Commissioner Haase said he was in favor of approving the subdivision and asked if driveway access to the new lot

would be a problem. Mr. Nylund said the applicant planned to reroute the driveway to his new house.

Mr. Nylund added that the Building Inspector had gone out to inspect the lot that afternoon and confirmed the applicant had met all the conditions listed in the agenda statement, including removal of their materials from City land at the rear of the lot. Ms. Rollenhagen added that although the applicant did not have their accessory building permitted, they were working towards it.

**VOTE ON THE MOTION:**

Yays: 6 - Chair Gondek, Commission Member Haase, Commission Member Reese, Commission Member Wade, Commission Member Blehm, and Commission Member Kipar

Excused: 1 - Commission Member Uren

**4. Approval of Recommendation to City Council to Authorize a Lease with Silver Bay Seafoods, LLC for Tract E Harbor Subdivision**

MOTION: Commissioner Haase moved, seconded by Commissioner Kipar, to Approve Recommendation to City Council to Authorize a Lease with Silver Bay Seafoods, LLC for Tract E Harbor Subdivision. The motion carried by the following vote after the following discussion occurred.

Commissioner Haase pointed out a typo in the resolution. He also asked if staff needed to find an alternative to the public notice requirements since the City of Valdez was no longer serviced with a newspaper. Ms. Rollenhagen said the Clerk's Department were researching notification requirements in light of the discontinuation of the newspaper.

Commissioner Haase, Commissioner Kipar, Commissioner Reese, Commissioner Blehm, and Commissioner Wade had nothing to add.

**VOTE ON THE MOTION:**

Yays: 6 - Chair Gondek, Commission Member Haase, Commission Member Reese, Commission Member Wade, Commission Member Blehm, and Commission Member Kipar

Excused: 1 - Commission Member Uren

**VI. COMMISSION BUSINESS FROM THE FLOOR**

Commissioner Kipar asked if staff was in the habit of touring the town. He suggested that they do so in order to see some of the nuisances and violations around the community. He informed staff that there was a large amount of old concrete and rip rap down Copper Avenue in Old Town Valdez left over from the flood mitigation efforts that had taken place in that area. He said he thought it was unsightly for tourists and should be removed. Ms. Rollenhagen said, unfortunately, Commissioner Kipar was correct, there was a large amount of debris and overburden at the site. Commissioner Kipar reiterated that he felt cleaning up projects like that were very important.

Commissioner Blehm had nothing to add.

Commissioner Wade let staff know of a recently washed out area on a popular snow machine trail that presented a serious safety hazard to riders. She suggested that some signage and barriers be placed warning riders of the washed out area. Commissioner Reese confirmed that he had seen the washed out area as well, and said it presented an abrupt, roughly thirty foot drop. Ms. Rollenhagen said she would speak to Parks and Recreation about the area and ensure safety measures were taken. Commissioner Wade said she was looking forward to the upcoming work session on the Community Development administrative process.

Commissioner Reese asked if the junk car disposal program was still in operation. Commissioner Kipar said he thought they had extended the time on the contract to allow for more cars to be picked up. He said himself and Valdez resident Mr. Dwain Dunning were contractors on the project.

Chair Gondek asked if Community Development staff was involved with the Bumper Blitz program. Ms. Rollenhagen replied they were not and that the program was managed by the Police Department. Commissioner Reese remarked he thought it was a good program and hoped it would continue.

Ms. Rollenhagen announced City Council would be holding a work session scheduled for December 6<sup>th</sup>, 2018 on the topic of code enforcement in the community. Ms. Rollenhagen invited the Commissioners to attend if they were interested. Chair Gondek asked if staff had anything further to add.

Ms. Rollenhagen announced the Alaska Planning Association was holding their annual conference January 13<sup>th</sup>-15<sup>th</sup>, 2019 and said any commissioners interested in attending should contact her for enrollment. She also noted at the last meeting, Commissioner Kipar had been interested in the potential for Environmental Protection Agency (EPA) brownfield grants. She said she had completed some research and pursuing EPA grants could be an option for 2019.

Commissioner Kipar said he had just completed a brownfield grant project in Gakona, Alaska and stated how expensive environmental remediation was. He said the brownfield grant would only cover below-surface cleanup and did not include solid waste removal. He added that the cost of the environmental testing was astronomical but said he was in favor of pursuing the grants. Ms. Rollenhagen asked if Commissioner Kipar had contact information for the person in Gakona he had coordinated with. Commissioner Reese said the City should probably try to identify several potential contaminated sites and move forward with the grant application process. Ms. Rollenhagen noted the grants were usually matching and said she would like to see the EPA grant values increase to cover the high cost of environmental remediation.

Mr. Nylund announced the UAA land sale had recently closed and that the City had acquired a section of the Mineral Creek Trail. He added they had also received the final submittal of the Robe Lake Municipal Entitlement Survey which would come before the Commission at the next meeting. He said once they had the

Commissioner's comments, they would bring the item back to the surveyor and submit it to the State of Alaska. If it was accepted, the City would be awarded roughly 600 acres of land on the south shore of Robe Lake.

Ms. LeRoy announced that Community Development was planning a work session for December 12<sup>th</sup>, 2018 on lease process for the Planning and Zoning Commission.

Commissioner Blehm asked what the training session on December 6<sup>th</sup> would be regarding. Ms. Rollenhagen replied it was a work session with City Council on code enforcement. She explained that City Council approved a new full time employee to take the code enforcement position. She noted that the position had been transferred to the Police Department, and said the new code enforcement officer would need to work closely with Community Development as they had many zoning violations in addition to nuisance and abatement problems. Commissioner Wade asked if the code enforcement officer had been hired. Ms. Rollenhagen replied they had, and said it was Mr. Dan Plaster, former Police Department Dispatcher.

## **VI. ADJOURNMENT**

There being no further business, Chair Gondek adjourned the meeting at 7:31 p.m.