

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes - Draft

Wednesday, September 11, 2019

7:00 PM

Regular Meeting

Council Chambers

Planning and Zoning Commission

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

Chair Pro Tem Blehm called the meeting to order at 7:20 p.m. in Valdez City Council Chambers.

II. ROLL CALL

Present: 4 Chair Pro Tem Harold Blehm
Commissioner Brandon Reese
Commissioner Rhonda Wade
Commissioner Don Haase

Excused: 3 Chair Jess Gondek
Commissioner Steve Goudreau
Commissioner Roger Kipar

III. APPROVAL OF MINUTES**1. Planning and Zoning Regular Meeting Minutes of February 27, 2019**

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to approve the Planning and Zoning regular meeting minutes of February 27, 2019. The motion carried by the following vote after the following discussion occurred.

There was no discussion on the item.

VOTE ON THE MOTION:

Yays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau,
Commissioner Kipar

2. Planning and Zoning Regular Meeting Minutes of March 13, 2019

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to approve the Planning and Zoning regular meeting minutes of March 13, 2019. The motion carried by the following vote after the following discussion occurred.

There was no discussion on the item.

VOTE ON THE MOTION:

Yays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade, Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau
Commissioner Kipar

3. Planning and Zoning Regular Meeting Minutes of March 27, 2019

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to approve the Planning and Zoning regular meeting Minutes of March 27, 2019. The motion carried by the following vote after the following discussion occurred.

There was no discussion on the item.

VOTE ON THE MOTION:

Yays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade, Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau, Commissioner Kipar

4. Planning and Zoning Regular Meeting Minutes of April 10, 2019

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to approve the Planning and Zoning regular meeting minutes of April 10, 2019. The motion carried by the following vote after the following discussion occurred.

There was no discussion on the item.

VOTE ON THE MOTION:

Yays: 4 Chair Pro-Tempe Blehm, Commissioner Reese, Commissioner Wade, Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau, Commissioner Kipar

IV. PUBLIC BUSINESS FROM THE FLOOR

There was no public business from the floor.

V. NEW BUSINESS

1. Approval to Sell by Negotiation a 2,750 Square Foot (.06313 acre) Parcel of City Owned Land within Lot 25A, Block 1 Fireweed Hill Subdivision (Plat # 2014-14) to Mary Helen Stephens

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to approve a recommendation to City Council to sell by negotiation a 2,750 square foot piece of City of Valdez owned property within Lot 25A, Fireweed Hill SUBD, if they determine that the sale conforms to VMC 4.04.070. If approved, the Planning Department requests that a plat note or an easement precluding hazardous materials on the subject parcel be a requirement of the sale in order to provide adequate protection for our municipal drinking water source. Also, the removal of the snow storage dedication for the 2,750 square foot portion should be noted on the new plat. The motion carried by the following vote after the following discussion occurred.

Commissioner Haase said he did not see any issues with approval, and asked staff for clarification on the proposed conditions. Mr. Paul Nylund, Senior Planner, said there were two conditions recommended for approval of the item. Mr. Nylund explained that the sale of this area had come before the Planning and Zoning Commission a few times in the past and for whatever reason, had not been fully processed. He explained that at one point there was concern with Alaska Department of Environmental Conservation (ADEC) with proximity the City of Valdez well house. He said ADEC had noted that part of the area to be sold, encompassing the driveway, fell within 100 feet of the municipal well. ADEC said the new owner would be prohibited from storing or using certain hazardous

materials on that section of the saleable area. Mr. Nylund said it would be designated as a drinking water protection area. He said he felt a plat note would be sufficient to meet this condition, and an easement was not necessary.

Mr. Nylund added that a plat note for removal of the prior snow storage dedication would be also necessary. He explained that one of the conditions of a negotiated sale with the City was that no portion of the property sold could be dedicated for public use.

Mr. Nylund added that it had come to his attention that day that there was a minor error in the calculation of the salable portion. He said that rather than being 25' wide as was previously stated, the area would be 27' wide. He said with this correction, the portion sold would be 2,946.51 square feet, rather than the 2,750 square feet referenced in the agenda statement.

Ms. Rochelle Rollenhagen, Planning Director, said that the square footage could be changed on the final plat.

Commissioner Haase asked if the extra 2' would still accommodate enough space on the adjacent snow storage lot to meet the City's needs. Mr. Nylund replied it would. He said the Public Works Department had not been using the driveway for snow storage for 30 plus years, and that the driveway had existed prior even to the Stephen's building their home.

Ms. Rollenhagen clarified that they could speak with Public Works to make sure the additional square footage removed from the snow lot wouldn't impact their operations.

Mr. Nylund said the applicant had stated if the additional area was a problem, they could modify their driveway to remove that portion from the proposed sale area.

There being no further comment, Chair Pro-Tempe Blehm invited a vote on the motion.

VOTE ON THE MOTION:

Yays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade, Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau
Commissioner Kipar

2. Approval of Temporary Land Use Permit #19-08 for Wook Waffaz, and Cookie Griffith, for Four Months, for a 300 Square Foot Portion of the Small Boat Harbor Overflow Parking Lot, Tract N USS 635 Harbor Subdivision (plat #86-4), 250 Chitina Drive

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to staff recommends the Planning and Zoning Commission not approve temporary land use permit #19-08. The motion failed by the following vote after the following discussion occurred.

Commissioner Haase said it seemed like the Ports and Harbors Commission made it clear they did not want anyone parked in the proposed area. He noted that when he had driven by, he hardly ever saw anyone parked there.

Chair Pro Tem Blehm asked if anyone in the audience was representing the applicant.

Mr. Jeremy Talbot, Ports and Harbors Director, said the applicant was not in attendance, and that they had not attended the Ports and Harbors Commission meeting either.

Chair Pro Tem Blehm asked what the term start and end date would be if the applicant did move forward with their proposed use.

Mr. Jeremy Talbot said he thought the applicant wanted to use the area seasonally, and that they would apply again.

Chair Pro Tem Blehm said they were looking at the possibility for next year. He said he agreed with Ports and Harbors that the City should not be competing with private land owners. He added that he thought the City's rental rates for the spaces was very high and that the area was frequently utilized by users of the Harbor.

Commissioner Reese said he thought the application should have indicated the commencement and termination of the proposed four month term on their application.

Ms. Rollenhagen clarified that the application was for that year, and said that she was not sure why the applicant wanted to move this forward, she said staff had asked if the applicant wanted to withdraw after the Ports and Harbors Commission voted down a recommendation.

Mr. Talbot said there were private land owners in the area that might be interested in accommodating the Wook Waffaz truck. He said the Harbor overflow parking lot did get lot of use from May through late August each year and added that the Ports and Harbors Commission was hesitant to lock up the parking lot for a vendor use.

Ms. Colleen Stephens, Ports and Habors Commission member, said the City was mid process on a waterfront master plan, and they were hesitant to tie up City property for a commercial use without that plan in place.

Commissioner Wade said she had the same concerns as Commission Reese over the timeline. She asked if the applicant was hoping to occupy the space immediately.

Ms. Rollenhagen said the process had started earlier in the summer, and that it had taken some time for the applicant to settle on this location which had caused the delay.

Commissioner Haase remarked that it seemed like the land was already being used, and it would be foolish for the Commission to allow a competing use.

There being no further discussion, Chair Pro Tem Blehm invited a vote on the motion.

VOTE ON THE MOTION:

Nays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade, Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau,
Commissioner Kipar

3. Approval of a Recommendation to City Council to Authorize a Lease with Haltness Equipment, LLC for Parcel 2 Tract A ASLS 79-116 (plat 2007-7)

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to approve a recommendation to City Council to authorize a lease with Haltness Equipment, LLC for Parcel 2 Tract A ASLS 79-116 (plat 2007-7). The motion carried by the following vote after the following discussion occurred.

Commissioner Haase asked if the lease area was still under litigation. Ms. Rollenhagen said it was not.

Chair Pro-Tempe Blehm clarified that Haltness's current lease would need to be terminated, and it was not a lease swap. He said if the item was approved, it would be a new lease agreement.

Commissioner Wade asked if area was the former Cummings gravel pit. Ms. Rollenhagen replied it was. Commissioner Wade asked if there had been other applicants for that land. Ms. Rollenhagen said they had received a gravel lease application at the beginning of the summer, but it was incomplete. She asked Ms. Kate Huber, Senior Planner, to speak to the question.

Ms. Huber said they had received a gravel lease application earlier that summer, and said she spoke with the applicant about the additional information required to complete their submittal. She said she sent a follow up email going over the process, and the applicant said they would contact Public Works to start a conversation about alternative locations.

Ms. Rollenhagen added that the proposed location for gravel extraction would also require a conditional use permit, but that a CUP had not been applied for.

Commissioner Wade said she wanted to ensure all applicants were treated the same. Commissioner Wade asked if the item on the floor was an application for gravel extraction.

Ms. Rollenhagen said it was not, it was for storage only. Commissioner Wade asked if the City was ever going to allow gravel extraction there.

Ms. Rollenhagen said she couldn't answer that question, but that the lease application being considered was for storage, not gravel extraction.

Ms. Huber clarified that if Mr. Haltness or anyone else wanted to extract gravel out of any location, a conditional use permit would need to be approved. She said that person would also need to re-apply for a gravel lease, which was a separate process. She clarified that a land lease could not be converted into a gravel lease. A gravel lease would require CUP approval by Planning and Zoning and lease approval by City Council.

Commissioner Wade said the City had other areas for storage, but limited areas for gravel extraction. Commissioner Wade asked the applicant if he needed the whole 20-acre parcel for storage.

Mr. Erik Haltness, lease applicant, said the location had been selected out of convenient proximity to his adjacent existing lease where Glacier Stream was

threatening to wash away his stored items. He said he was under the impression that gravel extraction was not permitted in that area anyhow but that 20 acres was greater than what he needed for storage.

Commissioner Wade said Public Work's concerns over potential contamination for the C/D pit monitoring wells as a result of gravel extraction could be managed by limiting the scope, depth, and amount of gravel extraction.

Commissioner Haase said there was no gravel shortage, it was just a matter of where to extract it. Chair Pro-Tempe Blehm remarked that the guidelines from the federal government were not to extract gravel next to rivers because it could encourage erosion.

There being no further discussion, Chair Pro-Tempe Blehm invited a vote on the motion.

VOTE ON THE MOTION:

Yays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade, Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau, Commissioner Kipar

4. Approval of Preliminary Plat for Hanson's Subdivision (SUBD #19-04), a Replat of a Portion of Plat 2007-15- V.R.D., Creating Parcels 1A, 3A, 4A, 5B, Tract A, and Parcel 1C USS 5625 Hanson's Subdivision

MOTION: Commissioner Haase moved, seconded by Commissioner Reese, to approve the preliminary plat. 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 the following discussion occurred.

Commissioner Haase said he wanted to disclose that he did have ex-parte contact with the applicant Mr. Hanson. He said he saw him at work where he asked Commissioner Haase who was on the commission. He clarified he did not promise the applicant he would vote either way, or discuss the application.

Mr. Nylund said he only recently learned that the name of the subdivision, should be Alpine Heights, and not Hanson's Subdivision, as the agenda item read.

Mr. Allen Minish, Wrangell Mountain Technical Services, he said he was just informed by the applicant that he had missed one of the lots that should be included in this subdivision. He clarified that the subdivision should include Lots 1A, 2A, 3A, 4A, and Parcel 1C. He said Parcel 2A was missing from the preliminary plat, and should have been included.

Mr. Minish approached the Commissioners to show them where the missing lot was on the plat.

Commissioner Haase corrected a typo on the preliminary plat. Mr. Minish said the typo would be corrected for the final plat.

Ms. Rollenhagen said that given the changes, she recommended the Commission make a motion to amend to include Parcel 2A, as well as add the

subdivision name change.

MOTION TO AMEND: Commissioner Haase moved, seconded by Commissioner Reese, to include Parcel 2A in the item title, and to change Hansen Subdivision to Alpine Heights.

VOTE ON THE ORIGINAL MOTION:

Yays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade, Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau, Commissioner Kipar

5. Approval to Conduct the Public Hearing and Action to Approve a Recommendation to the Chief of Police to Authorize a Kennel License Submitted by Christina Mitvitnikoff and FUR-ologist's LAB-rotory Located at 120 Hanagita Street, at the Meeting on September 25, 2019

MOTION: Commissioner Reese moved, seconded by Commissioner Haase, to grant approval to conduct the public hearing and action to approve a recommendation to the Chief of Police to authorize a kennel license submitted by Christina Mitvitnikoff and Fur-ologist's LAB-rotory at the meeting on September 25, 2019 or postpone, if more information is required. The motion carried by the following vote after the following discussion occurred.

Chair Pro Tem Blehm clarified that the public hearing and the decision would be at the same meeting if the item was approved.

Commissioner Haase asked if this was being brought forward because the application hadn't come in in time for proper notification.

Ms. Rollenhagen said she had offered the applicant the option to have the public hearing and decision at the same meeting as a courtesy to the applicant. She said the grooming license approval process was a new process they had discovered in code as a result of research.

Commissioner Wade remarked she appreciated Ms. Rollenhagen had pushed this forward for the applicant.

There being no further discussion, Chair Pro Tem Blehm invited a vote on the motion.

VOTE ON THE MOTION:

Yays: 4 Commissioner Blehm, Commissioner Reese, Commissioner Wade Commissioner Haase

Excused: 3 Commissioner Gondek, Commissioner Goudreau, Commissioner Kipar

VI. REPORTS

1. Report: Berth II CUP Application 19-05 Update

Ms. Huber said she was happy to answer any questions regarding the report.

Chair Pro Tem Blehm clarified that Berth II had changed their plans to a

scope that would not require a conditional use permit, and that they had withdrawn their CUP application.

Ms. Rollenhagen replied that the proposed use the applicant changed to did not require a CUP.

Ms. Huber clarified that at the time Berth II applied for building permits, a zoning review would be done, and if anything had changed regarding the use it would be assessed then.

VII. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Wade apologized for being late to the meeting, and said it would be helpful to her to have a text message reminder. Ms. Rollenhagen said they could text a reminder to the commissioners.

Commissioner Reese had nothing to add.

Ms. Rollenhagen announced the upcoming Waterfront Master Plan meeting on September 23, 2019. She also said she would be retiring on the first of October and that Ms. Huber had accepted the position of Interim Planning Director.

Chair Pro Tem Blehm thanked Ms. Rollenhagen and Ms. Huber for their work.

VIII. ADJOURNMENT

There being no further business, Chair Pro Tem Blehm adjourned the meeting at 8:22 p.m.