

City of Valdez

212 Chenega Ave.
Valdez, AK 99686



Meeting Minutes - Final

Wednesday, February 22, 2017

6:00 PM

Regular Meeting

Council Chambers

Planning and Zoning Commission

WORK SESSION AGENDA - 6:00 pm

Work Session: Valdez Glacier Stream Bridge Easement

Elke Doom, the new City Manager, came to the Planning & Zoning Commission meeting to introduce herself and see listen to the meeting. She said she did so to learn more about how the Commission operates, and meet the Commissioners. Ryan McCune and Nate Smith introduced the East Peak Year Round Mountain Recreation Site project to the Commission and had a conversation about access to both the City's property and Mr. McCune's property on the east side of the Glacier Stream. There was discussion about the process for taking public input on a proposed access bridge easement and taking approval for the easement to the Commission and Council.

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

Present 7 - Chair Donald Haasee
Commission Member Harold Blehm
Commission Member Roger Kipar
Commission Member Victor Weaver
Sr. Office Assistant Selah Bauer
Director of Community & Economic Development Lisa Von Bargaen
Sr. GIS Planning Tech AnnMarie Lain
Excused 3 - Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Kristian Fagerberg

III. APPROVAL OF MINUTES

MOTION: Commission Member Weaver moved, seconded by Commission Member Kipar, to Approve the Regular Meeting Minutes of February 8, 2017. The motion carried by the following vote after the following discussion occurred.

Yays: 4 - Chair Haasee, Commission Member Blehm, Commission Member Kipar, and Commission Member Weaver
Excused 3 - Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Kristian Fagerberg

1. Approval of Regular Meeting Minutes of February 8, 2017

IV. PUBLIC BUSINESS FROM THE FLOOR

There was no Public Business from the Floor.

V. NEW BUSINESS

1. Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code Related to Breweries, Wineries and Distilleries

MOTION: Commission Member Kipar moved, seconded by Commission Member Blehm, to Approve Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code Related to Breweries, Wineries, and Distilleries. The motion failed by the following vote after no discussion.

Yays: 3 - Chair Haase, Commission Member Blehm, and Commission Member Kipar

Nays: 1 - Commission Member Weaver

Excused 3 - Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Kristian Fagerberg

2. Approval of Homeowners Association Covenants for CUP #14-03 for a Planned Unit Development - Easley Grove Townhomes. Applicant: Cody Galipeau

MOTION: Commission Member moved Kipar, seconded by Commission Member Weaver, to Approve the Homeowners Association Covenants for CUP #14-03 for a Planned Unit Development – Easley Grove Townhomes. The motion passed by the following vote after discussion.

Yays: 4 - Chair Haase, Commission Member Blehm, Commission Member Kipar, and Commission Member Weaver

Excused: 3 - Chair Pro Tempore Jess Gondek
Commission Member Brandon Reese
Commission Member Kristian Fagerberg

Commissioner Blehm said although he understands the need for protective Covenants, he wants to make sure that the enforcement of the covenant does not fall on the City. Furthermore, he asked if there could be a disclaimer statement provided in the approval document, stating that the City of Valdez would not be responsible to enforce the covenants.

Community & Economic Development Director, Lisa VonBargen, said she agrees with Commissioner Blehm. She said protective covenants such as this, are a civil matter that the City does not enforce in any way. Ms. VonBargen said the reason why these covenants are being submitted to the City is so that the City can make sure that as a set of condominiums, the homeowners in some form in aggregate are responsible to maintain certain things.

Commissioner Blehm said he understands the importance of the City approval of the wording of the protective covenants, in order to ensure the things being asked for are realistic, but he still sees value in specifying that the City would not be held accountable for the enforcement of the protective covenant.

Commissioner Haase said he belongs to a Homeowners Association, and whenever issues arise with folks in the Association, they consult a lawyer and it is handled that way. Community & Economic Development Director, Lisa VonBargen, said she will consult with the City Attorney before the next P&Z meeting, to determine if it is legally necessary to include a disclaimer by the City, specifying that they will not be held responsible to enforce the protective covenants in question. She said she would inform the Commissioners as to what the City Attorney suggests.

Commissioner Blehm agreed to that idea and thanked Ms. Von Bargen. Commissioner Weaver added that reason why the Commission is being asked to review this covenants now, is because the applicant is asking for something out of the ordinary by building a Planned Unit Development. "All we're doing is allowing a more dense population than would otherwise be allowed on that piece of property," Commissioner Weaver said. "We aren't approving them saying these are good covenants, we're just approving saying yes, these meet our needs."

Community & Economic Development Director, Lisa VonBargen, said that by approving the Homeowners Association Covenants, it ensures that a mechanism is put in place to handle things that would usually be the responsibility of an individual homeowner (snow storage, building code specifications, etc.).

There being no other questions, the Commission voted to approve the Homeowners Association Covenants for a Planned Unit Development.

3. **Discussion Item: Waterfront Master Plan:** Discussion of waterfront Master plan is postponed to next meeting, as there was no one available from the Ports and Harbor Commission present the discussion.
4. **Discussion Item: Chickens in Residential Subdivisions:** Commissioner Blehm asked Senior GIS/Planning Technician, AnnMarie Lain, if she found any information pertaining to whether or not chickens can be legally referred to as pets. Mrs. Lain replied that chickens are legally referred to as domestic livestock and barnyard fowl per the City code. Commissioner Blehm stated the Commission will proceed with that the definition then. Chairman Haase asked about whether animals would be allowed in the RN Residential area (N standing for "No Animals").

Community & Economic Development Director, Lisa VonBargen, said that if certain animals are allowed in the RA Zoning District, which is right next to the RN Zoning District, it makes sense to allow it in both. However, she said this issue needs to be brought to a Public Hearing, and residents need to be informed that the N in RN Residential area zoning would then mean that no other types of animals aside from chickens (and possibly bees) would be allowed in these particular areas. Ms. VonBargen said the community will want to weigh in on this issue, and the Commission will await the public's replies.

Chairman Haase asked if there is any road or other property separating the RN and RA zoning districts. Ms. VonBargen replied no, there is no separation.

Chairman Haase asked if the Commission wanted to implement a Waste Management Plan for chicken owners, or mandate that a permit be applied for by chicken owners (i.e. a chicken permit). He said on a personal level, he doesn't think that either are a good idea, as the Community & Economic Development Department is already over worked, and most residents wouldn't be likely to comply to such conditions anyway. He then asked what the rest of the Commissioners thought.

Commissioner Kipar said he doesn't think permits are necessary.

Commissioner Weaver said he thinks the Waste Management Plan for chickens is a good idea, as there are a lot of wild animals that may be attracted to the waste.

Community & Economic Development Director, Lisa VonBargen, said the reason she added that option to the Agenda Statement is because there are a number of stipulations that are being asked by people who want to own chickens. She said the question becomes, should those stipulations be checked. She said the City could require an electrical permit and a building permit for the chicken coop. She said a zoning review would be necessary, and such permits would help the review process to ensure zoning, building and other safety requirements are being met. Ms. VonBargen said there are some things that wouldn't get inspected under the current specifications including; whether or not an owner has a protective fence for their chickens, oversight of the amount of chickens a person has, etc. She said that if the City required a waste management plan, those things could be assessed by the Building Inspector or other City Officials. All other aspects would be on the honor system of the chicken owners.

Commissioner Kipar asked if chicken owners ran an extension cord from one building to another, would that be a violation of City Code. Community & Economic Development Director, Lisa VonBargen replied that she asked Building Inspector, Rusty Hansen, that question, and Miss Hansen said it's not allowed. However, if power was being run from the house to a chicken coop, there would have to be a separate shutoff. Chairman Haase suggested that the City simply state that any electrical sources would have to be installed per the guidelines of National Electrical Code, if they allow extension cords. Various ideas were discussed about potential power guidelines.

Commissioner Kipar said there are already Code violations happening around Valdez, that the City is unable to enforce. Therefore, the simpler the City can make this issue, the better. He suggested that the Animal Control Officer may already have the responsibility to enforce mistreatment etc. of the animals in question.

Commissioner Blehm said he's somewhat in favor of the permit process, because it establishes a baseline of requirements for people who want to own chickens.

Commissioner Weaver asked if chickens are allowed in any rural area currently. Ms. VonBargen answered that chickens are allowed in the Robe Lake subdivision, the six mile area, and in Alpine Woods. Chairman Haase said he believes most of those areas are at least an acre in size, which is a big difference in size as to what's being

considered. Ms. VonBargen said that's why there are limitations in places like Juneau that only allow six hens for a 10,000 sq. ft. lot, which is what she recommends. She said she also recommends one hen per 2,000 sq. feet, not to exceed a maximum of 24 hens per property owner. Commissioner Kipar asked Ms. VonBargen if roosters would be allowed in town as well. She answered that no roosters would be allowed, and suggested the banning of geese ownership in the City as well. Further discussion ensued with Commissioners in a general way regarding chickens, roosters and geese.

Chairman Haase asked if there were any further comments on the chicken topic. Ms. VonBargen said she wants to be clear on the Commission's recommendation for chicken permits. Do they want them or not? Commissioners threw out some ideas, but did not come to a conclusion. Ms. VonBargen said if all the Community & Economic Development Department only has to issue the permit, she believes that wouldn't cause too much additional time for the department, especially if it is an option that someone like the Animal Control Officer could do the inspections. But she said even if chicken permits are not mandated, Valdez citizens who would like to own chickens would still need to apply for building and/or electrical permits to build their coops etc.

She suggested that if people submitted it all as one packet, along with a chicken permit, it may be easier for the department, rather than having people apply for separate permits. Chairman Haase said he imagines the Commission would approve whatever Lisa VonBargen brings back as a recommendation. Commissioner Kipar asked if additional requirements, such as a chicken permit, would put too much additional stress on the Community & Economic Development Department.

Community & Economic Development Director, Lisa VonBargen, discussed potential distribution of enforcement duties, and what that might look like in general ways. She said she would do some further investigation and report back to the Planning & Zoning Commission, so they can make an informed decision.

Commissioner Blehm asked Ms. VonBargen if she could also look into whether or not an informational class on rearing chickens should be offered to the public. Ms. VonBargen said she would look into it and that there may also be a pamphlet that exists on rearing chickens, which we could include in a packet for potential chicken owners.

Commissioner Kipar asked some general questions about how to obtain chickens, how to care for them etc., and whether or not a fence would be mandatory for owners of chickens. Ms. VonBargen mentioned a variety of ways to get chickens or find out how to get chickens, and she added that fences will be mandated to protect chickens.

Chairman Haase asked if there is anything keeping people from raising chickens in their garage and install a fence out their back garage door. Community & Economic Development Director, Lisa VonBargen said she'll look into it and let the Commission know. More general discussion took place about a variety of potential concerns regarding chicken rearing in town. Commissioner Kipar stated that in the beginning of the meeting he wasn't in favor for mandating a permit for chicken owners. But he said he changed his mind, and is now perhaps in favor of a requiring a permit, so that some of the potential issues can be mitigated by oversight.

VI. REPORTS

Chairman Haase asked if there were any reports that anyone wanted to brief the Commission on. Community & Economic Development Director, Lisa VonBargen, said the hiring of a new Senior Planner has been approved, and is being advertised for. She also reminded the Commission that Keri Talbott has moved back to Washington, and that her position is open now.

VII. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Kipar commented on Code Enforcement. He said he is concerned about the condition of some of the buildings around town, and he realizes that the City is helping businesses beautify their building and such, but he believes the City should be more aggressive about enforcing building codes simultaneously.

Community & Economic Development Director, Lisa VonBargen, said she agrees. Furthermore, she said part of the beautification process could potentially includes removing blights. She said if the Beautification Program included assistance in removing blights from a particular property, that could help the process of cleaning up the town. She said perhaps the City could send out an enforcement letter letting stating that, for instance, "as a participant in the City's Abatement Demolition Grant-Matching Program, you are eligible for assistance removing blights from your property/ demolition costs up to a certain amount," that might be a helpful assistance. Ms. VonBargen said it may be helpful to include mobile home properties too.

Commissioner Weaver asked if there is a limit as to how many cars a person can have on their property, according to city code. Ms. VonBargen said there is. Commissioner Weaver said he sees so many dilapidated cars that create an eye sore in the town. Commissioner Kipar said he is concerned that there are too many code violations occurring around the City, and if the City goes after one person for a code violation, that person will ask why the City is picking on them and not their neighbor, who also has code violations occurring on their property.

Community & Economic Development Director, Lisa VonBargen, said Commissioner Kipar is absolutely correct. When asked to address a violation the first response from property owners is that everyone else has violations so why are they being singled out.

Ms. VonBargen said one of the things the City Council brought up was to create an plan for code enforcement. First, start by prioritizing the most serious code violations. Next, inform the community that the City will begin enforcing one particular violation to start with. Include an starting point in town and inform citizens that the City will work its way from one end of town to the other. That would allow the community time to rectify issues they know the City will be citing for, before the enforcement begins. Ms.

VonBargen said once that happens, we will see people in subsequent subdivisions take care of their own issues, because they will see the City is serious about cleaning up the code violations.

Community & Economic Development Director, Lisa VonBargen, said there may be a lack of staff to handle such enforcement currently. She said although she doesn't suggest hiring a full-time code enforcement employee, it could behoove the City to hire an employee to enforce City Codes on a contractual basis, limited to a set amount of time. Once the bulk of code enforcement has been dealt with, enforcement would become maintenance after that. Ms. VonBargen said that she believes that would be the best way to deal with the code violation issue.

Commissioner Kipar said that regardless of what action the City takes, he believes there will still be some people who will not, or cannot afford to, rectify their code violation issues: things like junk cars, because there is no place to put them. Community & Economic Development Director, Lisa VonBargen, said some things would need to be set in place by the City before code enforcement begins, because it's ridiculous to try to enforce something in which there is no solution for people. She said for instance, we need someone in town that will haul junk cars, and we need a place to take the cars. Ms. VonBargen said it's important to determine what is really a problem and what is not.

One example she said comes up a lot is that according to zoning codes, a property owner or renter is allowed to store one boat, or one RV, or trailer, etc. on their property. However, most people in the community have more than the allowed vehicles stored on their property. She said that people with large lots can easily store more than one additional vehicle nicely on their property. However, people who live on smaller lots and store multiple vehicles on their property, can't get away with doing so in a visually appealing manner. Ms. VonBargen said that the city code should be written in a way that reflects the appropriate needs of different zoning areas. The Commissioners agreed with her.

Chairman Weaver asked if there was anything else the Commissioners wanted to bring up. Commissioner Kipar gave his opinion on the current political state. He said he emigrated to the U.S. because he believes in the idea of "United We Stand." He said he disagrees with those who post anti-Trump ideals on social media, because it divides the country. He said everyone should support the President, in his opinion.

Commissioner Blehm said he's been thinking about the Beautification Task Force, and he heard from two City Council members that the Community Garden area was no longer in jeopardy of being moved, because a location for the new fire station will be determined somewhere out along the Richardson Highway area. He wondered if that was true.

Community & Economic Development Director, Lisa VonBargen, said that is not the case, but rather what was discussed at a recent City Council meeting was the concept plan to build the fire station on the hospital property. However, the plan includes the desire to keep the community garden area where it is currently, she said. She said the current plan includes the existence of the new fire station, snow storage, dog park, and community garden all on the hospital property, without moving the

community garden. Ms. VonBargen went on to say that the plan also includes areas of the property to be reserved for different training to take place. However, City Council is now suggesting that the training area be moved somewhere out the road, but the specific area has not been determined yet.

Commissioner Blehm said that on the topic of junk car removal in the community, he said the City could invest in a full-sized grinder that will eat everything, including engine blocks. He said he spoke to a man from Cordova about the fact that Cordova also has a problem with junk cars. He said he asked the man whether or not he thought Cordova would be interested in loading up a barge with shredded cars, which takes up a lot less space than crushed cars do. He said the grinder could be moved easily from one place to another, allowing us to network with other nearby communities who would also like help in dealing with their junk car issues.

Commissioner Blehm said he believes the grinder costs about \$1.5 million dollars. Community & Economic Development Director, Lisa VonBargen, asked Commissioner Blehm to bring her some details regarding the grinder. Commissioner Blehm agreed to do so. He said he plans to buy a smaller version for his own personal needs.

General discussion took place about impound lots and potential locations.

VIII. ADJOURNMENT

There being no further business, Chairman Haase concluded the meeting.