

VALDEZ PLANNING AND ZONING COMMISSION
REGULAR MEETING
OCTOBER 10, 2012

I. CALL TO ORDER

The regular meeting of the Valdez Planning and Zoning Commission was called to order at 7:00pm by Chairman Delozier.

II. ROLL CALL

Chairman Delozier, Commissioners Haase, Swierk, Fannin, and Hogarth were present; Commissioners Malone and Ragan were absent and excused.

Staff present included Lisa Von Bargen, Director; Laura Robertson, Senior GIS/Planning Technician and Janine Vadeboncoeur, Planning Technician of the Community & Economic Development Department.

Frank Cook, Pat Day and Dwain Dunning were in the audience.

III. APPROVAL OF MINUTES – September 12, 2012 Regular Meeting Minutes

MOTION: Commissioner Haase moved and Commissioner Fannin seconded approval of the September 12, 2012 regular meeting minutes.

VOTE ON THE MOTION: 5 Yeas, 2 absent and excused (Commissioners Malone and Ragan); motion carried.

IV. PUBLIC APPEARANCES - None

V. PUBLIC BUSINESS FROM THE FLOOR

Resident Pat Day spoke to the Commission on the topic of comments that were made in the July 25, 2012 Planning and Zoning minutes regarding what was said at a Council meeting about the City Beautification Task Force. Pat stated that he is a land owner in the Central Business District (CBD) owning several lots and has spent a considerable amount of time over the past couple of months studying the various task forces set up by the City. However, they are hard to follow as they don't take minutes and very seldom vote, making it hard to find out what was done. At any rate, Pat stated that his comments were specifically about the Beautification Task Force and the plan that was submitted to City Council which Pat feels drastically changes the CBD. Pat further stated that the CBD is only a few blocks long and the intention is to take out three blocks, which in Pat's opinion would severely cripple the commercial operation of the area. Pat further stated that when he first heard about the plan from a tenant in one of his buildings he was surprised as he had not been contacted regarding the plan nor had several of the neighbors he asked. Pat supplied a copy of the statement that several owners signed stating that they do not want the streets removed. Pat questioned whether or not it would have to come before the Planning and Zoning Commission for approval if streets were being removed. In addition, while the plan has been modified somewhat, as the street in front of his store will remain open, Pat is still upset with the proposed plan. Pat acknowledged that it is still in the preliminary stages, but is concerned that the City has spent \$97,000 planning and is still upset that none of the landowners had been notified.

Pat also spoke about the proposed drastic change to Egan Drive by taking out the turning lane and making it a two lane street which would be fourteen feet wide, making it the narrowest street in Valdez. As examples, Pat pointed out that Fidalgo Street in front of his warehouse is 40 feet wide and the street in front of his home is 30 feet wide, so he can't imagine taking a main street and making it so narrow. In addition, it would make it difficult to plow snow. Pat stated that he has some concerns about it, and that while he doesn't feel it will ever happen, he feels that it's a good thing for him to share his opinion. To summarize, Pat stated that he's concerned that the committee has been meeting and proposing drastic changes that will affect the infrastructure of the commercial part of town and yet none of the property owners, who have spent millions of dollars in the community, have been notified.

Resident Frank Cook spoke to the Commission again regarding the proposed GCI cell tower on Deep Lake Drive near his property. Frank stated that he first heard about the tower from the landowner, Chris Latham, on whose property the tower will be built. Frank indicated that Chris originally said the tower would be around 100 feet and yet the proposal was for 184 feet and the City did not object to that height. Frank stated that he was willing to accept 100-120 feet but feels that at 184 feet, GCI will be renting space every five feet to virtually any company who has the ability to provide service in Valdez. Frank feels that GCI had the option to reduce the tower by 50 feet and the City did not capitalize on it. Frank stated that he's frustrated that companies seem to be able to come to Valdez and do whatever they want. He explained that he took retirement money to buy a piece of property only to have the view marred by a cell tower and that the City didn't tell GCI to try and find another piece of property higher on the mountain that wouldn't affect views. In conclusion, Frank asks that in the future, the City takes into consideration the people affected and not let a company do whatever they want without extensive discussions.

Lisa Von Barga addressed the comments made by Frank Cook. Specifically she explained that the City should not have allowed a variance to be applied for as it wasn't appropriate. The code allows for utilities to be installed in residential areas and also exempts height restrictions, so no public hearing was required. The City decided to conduct a public hearing anyway. If the code had been followed, no one would have known anything until the tower was being erected. Lisa further stated that as the code reads now, the City does not have the ability to say no. However, the Planning & Zoning Commission has asked the City to look at ways to regulate these types of installations in the future.

Lisa also stated that the reason the Planning and Zoning Commissioners did not speak to anything at the previous meeting regarding the tower, is the code prohibits discussion by Commissioners during a public hearing; it is a time for the public to speak. When an item is presented under action items, the Commission is then allowed to discuss and comment. In this case, it never made it to action so that is why the Commissioners did not comment.

Frank Cook spoke from his chair stating that it is horrible that GCI is allowed to do what they want and the City cannot prevent them. Frank thanked Lisa for attempting to explain procedures but doesn't feel it clarified anything for him. Lisa responded that the City attorney, Lindsay Hobson participated in an online webinar regarding cell towers, specifically a new case called T-Mobile v. the Township of New Bloomfield. Lisa stated that unfortunately it won't help the current tower but will hopefully be useful in future requests.

VI. PUBLIC HEARINGS - None

VII. UNFINISHED BUSINESS - None

VIII. NEW BUSINESS

1) Approval of recommendation to City Council to approve gravel lease renewal for Haltness Construction, Inc.

MOTION: Commissioner Haase moved and Commissioner Swierk seconded approval of the recommendation to City Council to approve gravel lease renewal for Haltness Construction, Inc.

Commissioner Fannin asked if there had been any violations of any type and Lisa responded no. Chairman Delozier asked if the pit had been impacted in any way during the most recent flooding and Laura Robertson responded that approximately one third of the land was lost, however Erik Haltness had not started extracting in the lost area. Laura stated that Janine Vadeboncoeur addressed that issue with Erik Haltness and Erik stated he did not want to change the area on the lease as the river changes and could go down in the future, making the lost area available again.

Commissioner Swierk asked if there were several sites in the same area that would be available for lease. Lisa responded yes, however many of the sites are now under water. Lisa further stated that the City hopes to explore the option of gravel extraction in water, which would allow some of these sites to be useable again, but they will require extensive permitting. The last time water extraction was discussed with the Corp of Engineers, they wanted a hydrological study done. The University of Alaska-Fairbanks/Alaska Geological Survey is currently working on some of that right now so hopefully the City will be able to use that data in the near future.

Commissioner Haase reported that a member of the public suggested that the gravel extraction caused the undercutting of the road and, therefore, the washing out of Glacier Haul Road and wanted to know if there was any legitimacy to the claim. Laura Robertson responded that wasn't the case at all and said she could supply a copy of the map done by John Engles of the Department of Environmental Conservation (DEC), which shows that on the southeast side of the river the water was very strong, causing the water to shoot across the river and in turn undercut the road.

Commissioner Swierk asked what the road blocks are for river extraction because he was under the impression they had river extraction on the other side of the river from the ALPETCO road. Lisa Von Barga stated there wasn't river extraction; the contractor for the Dayville Road had approval from the Army Corps of Engineers for dry digging because the river was not in that area. They were able to do what is called a clean dig, which is scoop the gravel out of the river bed because there wasn't any water; if there had been water they would have had to go through the full blown permitting process.

Chairman Delozier asked about the gravel lease that Benny James operated and Lisa responded that it had been washed out and was relocated to the 800 area (referring to a map with the agenda statement). It was taken over by Cameron Hursh and then again by Dean Cummings, who is the current lessee. Chairman Delozier expressed concern that the only thing between the current gravel leases and the landfill is the road and asked if the City has done any kind of engineering analysis on the impact of gravel extraction in this area with respect to the erosion that is taking place. Lisa responded no analysis has been done. Chairman Delozier is concerned that if gravel extraction continues in this area, with the flooding that the City has had in the last several years, there will be more potential of breaching to the Glacier Haul Road and in turn the city landfill. Chairman Delozier asked if it was prudent to continue to approve gravel extraction in this area without any type of analysis. Commissioner Fannin stated that rivers are going to go where they want to unless some kind of dike or rip rap is put into place and would happen whether or not there were gravel leases. Commissioner Fannin further stated that the current river has been all over that valley and could certainly breach the landfill unless it is contained somehow; however, a study might be helpful. Chairman Delozier feels that if extraction continues it will only erode quicker.

Commissioner Swierk stated that was why he asked about the gravel extraction on the other side of the river and wanted to know how hard the full blown permitting would be. Lisa Von Barga responded that the last time the City approached the Corp of Engineers for water extraction, they wanted a hydrological study and at that time the City was not willing to pay for it. Chairman Delozier stated that several years ago the Commission asked staff to pursue information on river extraction and with continued requests for gravel lease renewals without any kind of analysis he's concerned about the impact. Chairman Delozier further stated that he feels it's time to ask the City to look into extraction out of the center of the stream instead of the perimeter. Commissioner Fannin then asked if it was the opinion of Chairman DeLozier that the lease before the Commission be denied and Chairman Delozier responded no; it's just another renewal that is coming before the Commission without any background information or justification. Commissioner Fannin suggested also looking into the 605 area on the other side of the stream and that could possibly have gravel extraction done because the river isn't going to go back over there.

VOTE ON THE MOTION: 5 Yeas, 2 absent and excused (Commissioners Malone and Ragan); motion carried.

2) Approval of recommendation to City Council to Lease Lot 2B, Block 2, Airport Industrial Subdivision to AutoCAT Recycling of Alaska.

MOTION: Commissioner Haase moved and Commissioner Swierk seconded approval of the recommendation to City Council to Lease Lot 2B, Block 2, Airport Industrial Subdivision to AutoCAT Recycling of Alaska.

Lisa stated that two items were not included in the agenda statement; the term of the lease is three years and, in the past Commissioner Fannin suggested having a cleanup bond which will also be presented to Council for approval. There was no discussion.

VOTE ON THE MOTION: 5 Yeas, 2 absent and excused (Commissioners Malone and Ragan); motion carried.

IX. REPORTS

1) E-Notes

There were no additions to the E-Notes.

2) Staff Report – Verbal at Meeting

Lisa reported that the plan was to distribute iPads next week for the new SIRE software implementation and electronic packets for Commissioners, but it has been postponed until December because SIRE was acquired by another company. While the acquisition will not affect the City, the project manager from SIRE now has 23 projects to manage and the City felt it would be prudent to make sure our initial implementation went as smoothly as possible. Chairman Delozier asked about the purpose of the iPads and Lisa responded that the packets will be available via a SIRE application which will link to the SIRE website and be accessible via the iPad - not only the most recent packet but previous packets as well. Further, the iPad will become the property of each Commissioner for the duration of their term and will remain theirs at the conclusion of their term as a gift for serving. Chairman Delozier stated that he's seen reports across the United States on inappropriate use of city iPads, iPhones, etc. and just wants to know what he's getting into. Lisa responded that there will be an agreement signed by each Commissioner and Council Member regarding protocols and use. Chairman Delozier asked if the SIRE application would be available to personal tablets and Lisa responded that she believes that will be the case. Commissioner Fannin asked if Robert's Rules of Order and the Zoning Code would be available via the iPad and Lisa responded that at the very least they would be in PDF form, allowing each Commissioner to download to their iPad library. Commissioner Fannin stated that he would like them to be searchable rather than scrolling through if possible, as that would be the most efficient.

3) Abatement Report – Verbal at Meeting

Laura Robertson handed out pictures of the Copper Avenue abatement and stated that originally the only things identified were six or seven cars, a refrigeration unit, a pile of

tires and a couple of drums, but as removal started the humps in the ground that were assumed to be dirt were actually piles of junk. Originally Laura authorized additional removal up to thirty feet down Copper Avenue but the further the contractor got, the more debris was uncovered. It appears that at one time there was a ditch along Copper Avenue and it was apparently filled with junk at some point, so removal has been done the whole length of Copper Avenue. Laura stated that this is City property and, while the abatement is not necessarily beautifying, it is protecting water quality as well as the land for future possible owners. Laura further stated that the ditch will be re-graded and will be kept mowed. Laura encouraged the Commissioners to take a drive and look at the progress.

Chairman Delozier asked if there would be more abatement contracts next fiscal year and Laura responded that the contracts that were issued this year would be finishing next year and Lisa added that more money is being appropriated for abatement projects next year.

Lisa stated that when Harris Sand and Gravel worked on the road in the Airport Industrial area, they found a row of stacked junk cars as well as a very large stack of tires. Commissioner Fannin asked if the new company AutoCAT Recycling is interested in the cars and Laura responded absolutely.

4) T-Mobile v. Township of West Bloomfield report

Lisa stated that Lindsay Hobson, of Walker and Richards, will present some draft ordinances in regards to cell towers. Commissioner Haase felt that would be a good first step and Commissioner Fannin stated that while GCI seemed to go to the feds and find regulations that tied the City's hands, we need to get leverage where we can. In addition, the Commission needs to work on defining who can just "blow in here" and do what they want.

X. COMMISSION BUSINESS FROM THE FLOOR

There was none.

XI. ADJOURNMENT

The meeting adjourned at 8:26 pm.