

VALDEZ PLANNING AND ZONING COMMISSION
REGULAR MEETING
MARCH 14, 2012

I. CALL TO ORDER

The regular meeting of the Valdez Planning and Zoning Commission was called to order at 7:01pm by Chairperson Malone.

II. ROLL CALL

Chairperson Malone, Commissioners Haase, Ragan, Hogarth, Swierk and Delozier were present; there is one vacancy.

Staff present included Lisa VonBargen, Director; and Janine Vadeboncoeur, Planning Technician of the Community & Economic Development Department.

There was no one in the audience.

III. APPROVAL OF MINUTES – February 8, 2012 Regular Meeting Minutes

MOTION: Commissioner Haase moved and Commissioner Delozier seconded approval of the February 8, 2012 regular meeting minutes with the following addition by Commissioner Ragan. On page 2, about $\frac{3}{4}$ of the way down on the page regarding Commissioner Ragan's statement about being pleased that the building would be going away at the owner's expense; she wanted "versus the taxpayer's expense" added to the end of her statement.

VOTE ON THE MOTION: 6 Yeas, 1 vacancy; motion carried.

IV. PUBLIC BUSINESS FROM THE FLOOR - None

V. PUBLIC APPEARANCES - None

VI. PUBLIC HEARINGS - None

VII. UNFINISHED BUSINESS – None

VIII. NEW BUSINESS

1) Approve Recommendation to City Council to Purchase Tract A, Alpine Woods Estates for \$42,500 for the Purpose of Levee Upgrades and Flood Control

MOTION: Commissioner Delozier moved and Commissioner Haase seconded approval of the Recommendation to City Council to Purchase Tract A, Alpine Woods Estates for \$42,500 for the Purpose of Levee Upgrades and Flood Control.

Commissioner Ragan questioned the assessed value of \$5,000 when the City is paying \$42,500. Lisa VonBargen responded that the property was appraised at \$42,500 and the owners agreed to sell it at the fair market value. The assessed value does not necessarily reflect the appraised value. Lisa VonBargen further stated that in her opinion it is because Valdez property is on a seven year rotation to be assessed and when a large piece

of property sits dormant for a period of time, it falls off the radar screen for assessment. Commissioner Haase commended Laura Robertson for her time and effort put into writing the agenda statement.

VOTE ON THE MOTION: 6 Yeas, 1 vacancy; motion carried.

2) Approval of Recommendation to Council to Lease 21,000 Square Feet of Tract J, Harbor Subdivision; a 4,200 Square Foot Portion of Lot 6, Block 46, Harbor Subdivision; and a Portion of South Harbor Drive ROW for a total of 25,000 Square Feet to Peter Pan Seafoods

MOTION: Commissioner Haase moved and Commissioner Delozier seconded approval of Recommendation to Council to Lease 21,000 Square Feet of Tract J, Harbor Subdivision; a 4,200 Square Foot Portion of Lot 6, Block 46, Harbor Subdivision; and a Portion of South Harbor Drive ROW for a total of 25,000 Square Feet to Peter Pan Seafoods.

Lisa VonBargen stated that Janine Vadeboncoeur prepared an agenda statement for both the Parks and Rec and Ports and Harbor Commissions; the Parks and Rec Commission took action on this item and approved it. Commissioner Delozier stated that the FAA has a parcel within Tract K and pointed out that their fence runs through Lot 6.

Commissioner Delozier further stated that at one time there was discussion about continued public use of picnic tables on the proposed area. Lisa VonBargen responded that she was concerned that this lease would take up almost all of the public access to the waterfront on that side of the harbor, especially since one of the items in the Waterfront Master Plan talks about being able to look out and see the activity over the harbor. The Parks and Rec Commission determined that they have more interest in having something around the perimeter, such as a trail or boardwalk or some kind of public access, of Tract G rather than Tract J.

Commissioner Hogarth asked if the lease was transferrable and Lisa VonBargen responded that if Peter Pan were to sell their business and transfer the lease to the purchaser, that purchaser would have to come to the City for approval. Lisa also stated that it is the intent of the City to structure the lease to allow permanent improvements on the property just like they do on their other properties. She further stated the term of the lease is scheduled through 2039 which is the same as their other leases. Commissioner Hogarth stated that he understands why the term is for so long but wishes there was a way around tying up the waterfront for 30 years. Lisa VonBargen stated that there is still access within Lot 6 that looks smaller on the map than it actually is.

Commissioner Swierk asked who owns lot 6 and Lisa responded that the City owns it as well as Tract J and that the trailers shown on the map in Tract J are no longer present.

Commissioner Delozier stated that the City's interest is for Peter Pan to make capital improvements, such as expanding their buildings, but there is no guarantee that they will comply. They may just use the area as a lay down space. Lisa VonBargen added that

expanding the buildings would strengthen the City's fishing industry. Commissioner Delozier felt that the intent was to use it as a lay down area. However, Janine Vadeboncoeur stated that the last email she received indicated that they want to expand.

Commissioner Delozier is concerned about Lot 6 because it is being encroached upon by the FAA and feels that renders the lot unusable. He feels that since there are some trees on the lot it would make a nice treed picnic table area. Commissioner Delozier is also concerned about Tract J becoming a lay down area for nets and/or aluminum structures for the fishing fleet, which are not compatible with a picnic area. Lisa VonBargen responded that the lease could be structured so that the City retains public access to use Lot 6 until such time as Peter Pan is ready to make permanent improvements. Commissioner Delozier responded that he is then concerned about Peter Pan as well as the FAA because he used to plow in that area and there is a pole on or very near Lot 6 and the City could have problems retrieving it from the FAA.

Commissioner Haase feels that the economic benefit of expanding the fishing far outweighs the picnic tables, especially because there are other areas available for the picnic tables. However, he is concerned with the length of the lease. Commissioner Haase stated that when Councilmen Long and Lisey were on the City Council they wanted to limit all leases to 5 or 10 years at the most, and he wondered if that had ever been put into policy. Lisa VonBargen responded that it had not because no company has the capability see return on capital improvement investment in that short amount of time; nor will banks loan on that short of a lease. The City has a policy to not sell any uplands, so long term leasing is a way to allow for commercial development of the property without losing interest in the land. Commissioner Haase then asked Lisa VonBargen if, given the current make-up of the Council, did she see it being approved fairly easily and Lisa responded yes.

Chairperson Malone stated he did not want the area to become a junk yard as the people in the Best Western look out over that area. Lisa VonBargen stated that the City has the ability to specify in the lease the use of the property, such as it may not be used for storage.

Commissioner Hogarth asked if Peter Pan was specific as to why they wanted the additional 50 feet, if they had any building plans included in their request. Commissioner Hogarth further stated that he understood from a business aspect but was concerned when compared to past history with Nautilus and what happened with them. Janine Vadeboncoeur referred to an email from Peter Pan stating that they are in the preliminary stages of planning but indicates that the additional feet would make it more useable to them. Lisa VonBargen stated that the current short term lease for the 50 foot portion of Tract J expires on June 30th, so more specific information could be obtained and be brought back to the Commission.

MOTION: Commissioner Delozier moved and Commissioner Ragan seconded postponement of the Approval of Recommendation to Council to Lease 21,000 Square Feet of Tract J, Harbor Subdivision; a 4,200 Square Foot Portion of Lot 6, Block 46, Harbor; and a Portion of South Harbor Drive ROW for a total of 25,000

Square Feet to Peter Pan Seafoods, until such time that Peter Pan can supply some fairly firm construction plans as well as a conversation between staff and Peter Pan regarding concerns by the Commission regarding use.

Commissioner Hogarth likes the idea of getting some clarification but was concerned about how much of a construction plan they will be able to submit. Commissioner Delozier responded that he had a conversation with a gentleman at Peter Pan last summer and Commissioner Delozier was under the impression that they were not committed to build and if all they want is parking or a lay down area, there is plenty of space across the street. Commissioner Hogarth asked who owns the property east of Tract F with all of the junk and Lisa VonBargen responded that it is Peter Pan's lay down items but that there is some private property in there. Lisa clarified that it is one lot, across from Tract C.

Commissioner Swierk asked for clarification on the one year lease of the 50 feet of Tract J. Lisa VonBargen responded that Peter Pan wanted the 50 feet for fish scrapping to sell for dog food, and since neither they nor the City knew how the program would go and the old Sea Otter RV Park building was being torn down, the City agreed to a one year lease.

Commissioner Haase suggested that instead of postponing approval, the Commission approve it with a couple of conditions, such as erecting a fence until they were ready to build and if building hasn't started within 5 years it would come back to Planning and Zoning for review or be terminated. Commissioner Malone agreed but stated that because the Best Western is right across from it, it would have to be a very high fence.

Commissioner Hogarth stated that he would be comfortable approving it with the stipulation that the property cannot be used as a lay down area.

Lisa VonBargen stated that she would prefer that it be postponed to get a more detailed plan from Peter Pan that everyone is comfortable with, because if their plan is for a lay down area, then there isn't any point in pursuing this lease and Peter Pan and the City could look at property across the street, adjacent to Tract F.

Commissioner Delozier stated that he wanted a more definitive plan as to what their intention is; he's not trying to lock them into "they must construct" but the Commission needs to do good diligence for land use in the City.

VOTE ON THE POSTPONEMENT: 6 Yeas, 1 vacancy; motion carried.

3) Approval of Planning & Zoning Commission Goals

Lisa VonBargen stated that in hindsight this might have been best handled as a discussion item and suggested that if the Commissioners wanted to make a motion to bring it onto the floor, they could then vote to postpone and it could be brought back however the Commission wanted.

MOTION: It was moved by Don Haase and seconded by Keith Hogarth to approve the Planning & Zoning Commission Goals

Commissioner Haase asked for information on the borough and what would be proposed before it was added as a goal. Lisa VonBargen responded that it was added because staff is tasked with bringing some alternatives to City Council and part of that is creating a borough committee or task force and one or more members if this Commission could potentially be appointed to this. Commissioner Delozier asked who else in the City is working on the borough issue. Lisa VonBargen responded that Eric Phillips, Assistant City Manager, will be assisting and the City will be contracting with Lamar Cotton, who served many years ago on the local boundary commission and has dealt with this issue and could be considered the City's borough expert. Lisa further stated that right now it's mostly fact finding and coming up with a variety of alternatives. Commissioner Delozier asked if the borough issue is a Commission or City Council issue and Lisa VonBargen responded that it is a Council issue.

Commissioner Delozier questioned the small boat harbor in the uplands master plan as a goal. Lisa VonBargen responded that it could be considered a committee item. It is an item that the City Manager, the Port Director and a member of the Capital Facilities staff just attended a meeting on with the core of engineers and there were specific items that were addressed that needed to be done on the City side with regard to the development of a new harbor. There was a brainstorming session on all of the things that needed to be done in preparation for that and the list is long such as; the survey and geotechnical analysis of hotel hill, what the float configuration would be if the City gets a new harbor, i.e. will the fleet go in the new harbor or be split, will certain types of vessels be reallocated, will there be a fuel dock in the new harbor, where the pump out stations will be, where will the utilities go, what the uplands will look like, will there be an additional boat launch, parking and/or public access, private upland needs such as boats being picked or lifted, etc. There is a 2 page list of items. Commissioner Delozier asked if these types of items would be under the small boat harbor uplands master plan and Lisa VonBargen responded yes and further stated that a formal master plan has not been formulated yet but it is her assumption that a group of people will be formed to oversee them.

Chairperson Malone asked about goals that have a completion date in 2012 and whether or not they would be handled in a work session. Lisa VonBargen responded that previously she has come to the Commission at a regular meeting with recommended updates, giving the Commissioners time to review prior to the meeting and then voting yea or nay.

Lisa VonBargen stated that in regards to the Subdivision Code Revisions, Wrangell Mountain Technical Services will have an initial draft for review at the next meeting.

Chairperson Malone asked about the Source Water Protection Plan goal. Lisa VonBargen responded that this is a discussion that needs to take place. No one is driving this at the moment; however it fell to the City years ago but they aren't really getting any support from other agencies or from the Public Works Department because there isn't

anyone pushing them to do anything about it. The primary reason it is on the list is because several years ago the EPA was sending out requirements for the treatment of water. If these requirements were to come into effect, it would one, not benefit Valdez because the more you add to the water the worse it is and two, it would be extremely costly. Lisa further stated that how fearful the City needs to be about it remains to be seen; it's really a call to be made by Larry Weaver, the Public Works Director. It fell to us because source water protection is very much a land regulation issue because the watershed is being protected. Commissioner Delozier suggested doing nothing about it and if they come and check we'll say we're working on it. The Commission isn't going to get to it this year anyway because there are too many items that need attention. Lisa VonBargen stated that it is a huge undertaking and really what it takes is staff pulling together the components, writing the plan along with a couple of alternatives for some sections and giving to Larry Weaver as well as the Commission for review, making sure that it's reviewed by the appropriate state or federal agencies and then passing it. It takes a lot of uninterrupted time.

Chairperson Malone brought up the Old Town Master Plan/Foreign Trade Zone and Lisa VonBargen stated that it had been started in 2011. Commissioner Delozier asked if the foreign trade zone is with the Ports and Harbor Commission and Lisa VonBargen responded yes.

Commissioner Hogarth stated that he would like the Commission to concentrate on the Sea Otter Master Plan because it is feasible and within the Commission's grasp. Lisa VonBargen stated that she could resurrect what was sent to Council previously and have a work session. Commissioner Hogarth expressed frustration that three Commissions were behind it and yet the Council dismissed it. Commissioner Hogarth stated that he didn't think there needed to be anything grandiose; maybe just a bike path around the perimeter. Lisa VonBargen responded that some of these items will come up under the small boat harbor and uplands master plan and the Planning & Zoning Commission could say here's what we'd like to see this area used for and send it to the Ports and Harbor and Parks and Rec Commissions. Lisa reiterated that a work session could certainly be held to talk about it. Commissioner Swierk stated that he was involved when he was on the Parks and Rec Commission and he'd like to see it discussed on the Planning & Zoning Commission. Commissioner Delozier agreed with Commissioner Hogarth and stated that the small boat harbor is key to the area and not knowing exactly when or what the small boat harbor is or isn't going to require means that tract of land needs to remain in abeyance until the bigger piece has been figured out. That doesn't mean the Commission can't proceed but we also need to see what the core of engineers will allow the City to do for putting in the small boat harbor. Lisa VonBargen responded that the small boat harbor is part of the strategic plan; it is definitely going to be east of the SERV'S dock and south of hotel hill. The idea that is being discussed is the eastern half of hotel hill is going to be removed to make room for the uplands and all of its infrastructure and it will be 100% the City's project and has nothing to do with the core of engineers, unless a portion of it requires regulatory permitting. Commissioner Hogarth stated that he would hate to see hotel hill be overrun with alders in the mean time and Commissioner Delozier agreed. Lisa VonBargen stated that she would pull the report that the joint Commissions

presented to the Council, along with the diagrams that Laura Robertson put together, and bring them to the Commission for discussion.

Commissioner Ragan suggested moving the source water protection plan to the holding group of goals since we don't know what's going to happen with the borough situation and that could have a bearing on the source water protection plan. Lisa VonBargen stated that it is possible that, since the strategic planning is scheduled to end in May, by the end of the year the City could be entered into a contract with somebody to do our comprehensive plan; so leaving the source water protection plan on the list would be a good idea.

FRIENDLY AMMENDMENT: Commissioner Haase offered a friendly amendment and Commissioner Hogarth seconded to amend the primary goals by moving the small boat harbor and uplands master plan from the newly proposed goals to the holding group goals.

VOTE ON THE POSTPONEMENT: 6 Yeas, 1 vacancy; motion carried.

The 2012 Goals are as follows:

Primary Goals

1. Comprehensive Plan
Timeline waiting on outcome of Strategic Planning
2. Tracts G & J, Harbor Subdivision (Sea Otter) Master Plan
Timeline waiting on Harbor & Uplands Master Plan
3. Zoning Code Supplementary Section Revisions
Completed by end of June 2012
4. Subdivision Code Revisions
March – September 2012 (Currently have contract with Wrangell Mountain Technical Services to conduction revisions. First draft will be provided to the Commission on March 28 or April 11).
5. Source Water Protection Plan
October 2012 – April 2013
6. Old Town Master Plan / Foreign Trade Zone
August – December 2012

Holding Group Goals

- A) Area Specific Master Planning
- B) Accessory Buildings & Uses Code Revisions
- C) Tideland Zoning

- D) Land Same & Lease Code & Policy Revision
- E) Robe Lake Master Plan (It may be necessary to move this up on the primary list based on the level of interest and activity in the area. It is possible the survey will be complete and submitted to the State by the end of the year).
- F) Small Boat Harbor(s) & Uplands Master Plan (This will need to be a joint activity with the Ports & Harbor Commission. This is of some urgency based on the timeline necessary to move forward with development o f the proposed new small boat harbor). **Moved from Newly Proposed Goals by Commission.**

Newly Proposed Goals

- A: Borough
- B: Port of Valdez & East Alaska Transportation Corridor Plan (This will need to be a joint activity with the Ports & Harbor Commission. This is of some urgency based on the Port of Anchorage Expansion Plans).

IX. REPORTS

1) E-Notes

Lisa VonBargen stated that staff has received a demolition plan on the Lynden Building from Zastrow and demolition will begin soon. Lisa also spoke with Mr. Reynolds regarding the old Three Bears Building and he advised her that someone from an environmental company had tested for hazardous materials and unknown substances in the building and the information will be submitted shortly.

2) Staff Report – Verbal at Meeting

Lisa VonBargen apprised the Commission that the City received the annual population count from the State of Alaska and it was slightly higher than what the census numbers were but still below what the City thinks it should be at 3,992. The City will be challenging that count and staff is in the process of completing that right now. As part of the energy assistance program, applicants were asked to fill out a survey asking for type of dwelling, how many people lived there and how long they've lived there. From that survey, staff will match that to the GIS addresses to get a better picture of population. Commissioner Delozier asked how many people applied for the energy assistance program and Lisa VonBargen responded that it was roughly 1300, with approximately 1600 dwellings in town. Commissioner Delozier asked what the definition of a population was and Lisa VonBargen responded that it is an individual who resides in town at least 181 days.

Lisa VonBargen stated that the strategic planning committee met last weekend and was the first day of milestone development; interest in strategic planning is starting to wane considerably. Lisa encouraged the Commission to contact anyone on the strategic planning committee and provide them with input. Lisa said she is happy to take any ideas the Commission may have back to the committee's next meeting which will be March 31st.

X. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Hogarth stated that the trailer on Robe Lake Subdivision that Gene Kroll lived in is now caved in. He would also like to receive abatement reports. Lisa VonBargen responded that there will be a report at the next meeting.

Chairperson Haase asked if the new Tsaina Lodge is within the city limits and Lisa VonBargen responded no, that the City limits end at approximately 19 mile.

XI. ADJOURNMENT

The meeting adjourned at 8:02 pm.