

**Planning Commission
REGULAR MEETING
CITY HALL CONFERENCE ROOM
TUESDAY, APRIL 10, 2012
MINUTES**

**In those matters coming before the Cordova Planning Commission at 6:00 p.m.;
Tuesday, April 10, 2012, in the City Hall Conference Room, 602 Railroad Road Cordova,
Alaska, are as follows:**

- A. Call to order –**
- B. Roll Call** Present for roll call were Chairman Tom Bailer, David Reggiani, Greg LoForte, John Greenwood, Roy Srb, Tom McGann and Scott Pegau.
Also present were City Planner Samantha Greenwood and Assistant Planner Faith Wheeler-Jeppson.
There were 2 people in the audience.
- C. Approval of Agenda**
M/Greenwood S/Reggiani
Upon voice vote, motion passed, 7-0
- D. Approval of Consent Calendar**
Minutes from the December 19, 2012 Worksession
Minutes from the February 14, 2012 Public Hearing
Minutes from the February 14, 2012 Regular Meeting
Minutes from the February 28, 2012 Worksession
Minutes from the March 6, 2012 Regular Meeting
- M/Srb S/McGann**
Upon voice vote, motion passed, 7-0
- E. Record Absences**
None
- F. Disclosure of Conflict of Interest**
Scott Pegau spoke up regarding the Prince William Science Center for the Waterfront section in code ~ Chairman Bailer made the determination that there was no conflict of interest.
- G. Correspondence**
None
- H. Communication by and Petitions from Visitors**
- 1. Guest Speakers**
- Moe Zamarron ~ Public Works Director Moe Zamarron provided a presentation on a Solid Waste Upgrade Plan.**
Moe ~ We're in the middle of assessing our Solid Waste Department, there were a few things that came to light this year and the timing was right to take a look at it. Obviously the Burn Pile is a big part of our Solid Waste disposal here in town it has the potential to need to be moved soon. That and the fact that we have some funds left over from the relocating of the Land Fill out to 17 Mile, there was some money still in the bank for that, for use in Solid Waste upgrades and this fits the bill real well for that money. We have grants right at \$500,000, but we do have to match that so that's going to be something that we have to deal with yet is whether we can use it effectively and is it going to be worth it to the City to put up the matching funds for that.
- There's really two points to this presentation, first of all step lightly and get involved.
- Questions from the Commission after Moe's presentation:
Pegau ~ So with the wood thing, how would you handle the painted wood and nails?
Moe Zamarron ~ The paint would just run through like the rest of it and the nails the crusher will handle just fine.
McGann ~ In the new facility where is the shredder material going to be stored?
Moe Zamarron ~ In silos, they're not real large but they're tall. We would allow a space right next to the burner.
Srb ~ Is there any consideration with the hours of operation?
Moe Zamarron ~ Yes, I expect that the number of people it would take would be two more people; we could add another shift which would allow people to come in the evenings.
Greenwood ~ So the new construction, you're planning to expand the current building even though we're not sure if the burners are a go?
Moe Zamarron ~ Part of the expansion can happen we need some of the space just for operations out there right now. It needs improvements, we need a new roof on it, we need to dry it out, some insulation, there are some things that need to happen out there anyway.

LoForte ~ Can you address the Air Quality issue for the new equipment? It meets all of the requirements?

Moe Zamarron ~ It does, two things it does get rid of what the Burn Pile produces as far as lack of Air Quality and also replaces what we have for current oil burners at these facilities.

The PowerPoint presentation is in the permanent file and a copy is available upon request.

2. Audience comments regarding items in the agenda

3. Chairpersons and Representatives of Boards and Commissions

I. Planners Report

Samantha Greenwood ~ So if you have any questions, feel free to ask either one of us.

Tom (McGann), Paul Trumblee and I met and talked about eave heights, Paul is going to set up a conference call with the State Fire Marshal because I can't believe that we're the only ones that has a 31' ladder issue. I don't know if you guys read your Zoning Bulletin, but it was good, very good definitions and the other one was on the Open Meetings Act.

J. New Business

1.) Comprehensive Plan Update

Bailer ~ Is this just for our information?

Srb ~ I have one or two comments as I was reading through, it seems like some of this is still kind of dated there was some references to 1998 and in 2002 about meetings that have had. I would think that we have put that beyond us as far as having Public Meetings about Tourism and what not that now it is what it is.

Samantha Greenwood ~ Can you give me an example?

Faith Wheeler-Jeppson ~ What Page?

Srb ~ For instance under the bullet point under Economic Development strategies page 40 and under the bullet point "Work with Cordova Electric Cooperative to promote projects that will result in lower power rates and increased benefits to its residents and customers, such as the development of solar, wind, tidal and hydro-electric energy." We've already determined that solar, wind and tidal just isn't really a good fit here. If it was changed to say "The development of alternative energy sources such as Hydro-electric."

Faith Wheeler-Jeppson ~ Okay, if you go back to page 21 of the packet there is the Memo for the Comp Plan updates, the top bullets were the sections that were sent out to the Department Heads or the other agencies and they updated their portions. The Table of Contents, Economic Development and Land Use that is for the Planning Commission to update. So what you're seeing on page 40 is from 2008 and hasn't been updated, that's what the Commission needs to do.

Bailer ~ Oh, I was thinking it was Staff's.

Faith Wheeler-Jeppson ~ That's what we had talked about 2 or 3 months ago, that I would send out the appropriate sections to the Department Heads, let them make their edits and updates then send it back. And then you guys could start on the sections that are more for Planning and Zoning and not for a specific to a Department.

Srb ~ So that would fit in here on page 44 where it's on Land Use, under "A" approximately the sixth bullet point down "Protect the citizens of the community and the investments that have been made." What I took that to be was once we start dickering with setbacks, it goes back to the question "What's grandfathered, what's not grandfathered?" because there is a certain taking potentially.

Samantha Greenwood ~ I guess I'd just like to throw this out there again, we talked about this when this all came up. I think we need to prioritize what we have on the table already. We have Code and the South Fill is going to be a big time suck for you guys, so that's something to think about.

Bailer ~ I guess my intention was when I brought this to the table was to have the School update their section of it, I didn't even think we would be looking at it other than, yeah it looks good. I didn't even realize that it was up to us for the Economic Development part that we were expected to go through it.

Faith Wheeler-Jeppson ~ The ones that I put in there for you guys are the same ones that we all sat around the table back in 2008 when Dan McDaniel was here and we hashed out what had already been done and got rid of it. So, it's just come back around and it's time to look through it and decide if it needs to be updated or not.

Bailer ~ So basically from page 34 on is Planning and Zoning.

Reggiani ~ Tom if I could, I appreciate you bringing it up and looking at it but I'm trying to come to grips and I spent a little bit of time in Code the last couple of days trying to understand the guidance as far as the Comprehensive Plan. I'm trying to figure out if it's a living document that we update when things happen or if it's more of a strategic plan that's developed periodically. I know that it was updated in 2008 from a 1995 plan so there was 13 years of no activity, but then it took a long time to update it. As Sam is pointing out there is Department Heads that need to provide input, there are other Commissions that need to provide input, there is City Council that needs to provide input because it really is the vision document for the community for where we're going in the next 10 years or whatever the periodic review is. I'm wondering if the intention is, is it time to start that process now for the next strategic plan or was it...I'm trying to sort it out if it is a living document or if 2008 is what it is until it's amended and revised in 2018 or some other date.

Srb ~ On the Council level does the City Manager come to you then with any proposals or any recommendations consistent with the Comprehensive Plan?

Reggiani ~ We do look back to it and on a recommendation certainly we looked at that around this table.

LoForte ~ My read of it was that it was totally not up to date, I just couldn't understand where we were going with it. It looked to me like we worked on the one in the Harbor Commission and went over it and Dale (Muma) set it up as a detailed account of the actual structures, where we're at, where we're going to go, what the Harbor looks like and what we're going to need to do in five years and ten years down the road. The others like the Medical Center it just didn't strike me as it was up to date. I mean they talk about "Ilanka Health Clinic opened recently to provide health and well-being care for members of Native Village of Eyak and all other people seeking care regardless of ethnic or economic background." It just looked to me like no one has looked at this for a number of years and I didn't know what the heck you wanted out of it.

Bailer ~ Well that goes with Dave's (Reggiani) point about whether it's a living document and we keep this updated or do we set a five year time frame.

LoForte ~ But is it our job to go around and I mean I'm not familiar with what's going on in the hospital being taken over by Providence.

Bailer ~ No, and that's what we did the last time when we struggled with this, we sent it out to the Fire Department, the Police Department, to the Hospital and it took a long time as Faith remembers just to get something back. Then we just kind of proof read it to make sure it wasn't saying something completely asinine but we went with what they had. So I guess really the discussion goes back to what Dave (Reggiani) said, is this a living document? Do we want to go through this and get it updated or do we set it at 2013?

Srb ~ I'd like to make one other comment, I was trying to figure out who has ownership of this? Is it purely for City municipal components or others? It kind of lends that there is a little bit of a private aspect to this in regards to the references to the Science Center, Ilanka and what not. So I would wonder that with the improvements that both the electric company has made and the telephone company have made that this is a document that is going to be utilized for a perspective business coming to town. You know being able to speak to the fact that now we have fiber coming into town, we have 60% renewable power. Those sorts of things I think would be an important attribute for people as far as their consideration. I guess what I'm getting at is, if it is that this is kind of a statement of the assets and current condition of the community that the Coops be included in that, in as that they brought so much money into the community and we have that much more expanded capability and especially with that higher band width.

Bailer ~ I guess what I would say to that is the telephone and electric coops are more than welcome to update their sections right?

Faith Wheeler-Jepson ~ They don't have sections in the Comp Plan, I definitely think that they should.

Pegau ~ It seems that there are a couple of odd business' that have sections. I agree that it kind of looked odd to me, is it the business or is it the function?

Bailer ~ Okay do we want to set some time aside in the near future to tackle this or we want to wait the suggested five years?

Greenwood ~ I guess I would get back to what Sam (Greenwood) had said or ask her how much more Code work we have and what you think is more of a priority for you or for us to get done Code or this?

Samantha Greenwood ~ Code, we're still a ways down the road we have to have public meetings.

Bailer ~ Why don't you take a look at it and decide sometime down the line when we have time to look at it. Do we want to wait the 5 years or do we want to look at it in 6 months?

Reggiani sited section 3.40.080 and section 3.40.090 of the Cordova Municipal Code regarding Planning Commission Power and Duties.

2.) Discussion on Snow Load

Reggiani ~ Well I asked that maybe we take a look at this after the recent event that we just went through, it seemed like in the community here was a lot of confusion on snow load and what it Code and why are buildings collapsing. I kind of looked into it and I looked at the table of Ground Snow Loads for Alaska communities. What stood out to me was that Cordova was at 100 psf, Yakutat is at 150 psf, Valdez is at 160 psf and Whittier is at 300 psf. I couldn't really figure out where that data actually come from and how old that table is. And I don't know if that matters or not but typically with historical datasets you'll update them periodically and I don't know what our ground load was this year compared to the historical average.

Josh Hallquist ~ That's what you're supposed to base it off of is a 50 year snow.

Reggiani ~ It looks like the Alaska Statutes leave it up to the local municipality. Other than just picking a number I don't really know how to put some data behind it.

Pegau ~ We actually are collecting the data up on Ski Hill, there's a snow pillow that gives you snow water equivalents. It will tell you exactly how much water equivalent there was and from that you can figure out the pounds per square foot. Historically there hasn't been a measure other than height, but for the last five years they've been recording the snow depth at that elevation.

Reggiani ~ When do you think that data will be available?

Pegau ~ It's online, I always end up looking up Mt. Eyak SNOTEL.

Greenwood ~ Hoots and Kirsti are checking it regularly.

Srb ~ Tom, I have a question I'd just like to hang out there. With regards particularly to the Municipal buildings and such but is there a mechanism or way of developing a mechanism that kind of takes away the decision making process out of any one individuals processes with regards to making a determination that I need to have this shoveled or that shoveled. Some kind of way of calculating a real time snow load within the municipality that says; "within these parameters all municipal buildings will hire somebody to shovel the roofs."

Bailer ~ I think Dave (Reggiani) is kind of heading that direction aren't you?

Reggiani ~ We are, Council has asked me to start working on a Memorandum of Understanding between the City and the School District to talk about maintenance of all of the municipal buildings so that one party isn't waiting for another party or thinking that the other party is going to do something and the same thing the other way. But as far as actually getting some data and understanding that I think you could probably come up with some real good general rules from that. But going through all of this, I was impressed, just to get the discussion started I was just hoping for the table to be thrown into this but Faith and Sam did a wonderful job putting everything in there. I was looking and happy to find an importance factor thrown into it on page 64 and I think what we need to have from the City's side of things is some history and make sure that the importance factor was factored into the equation on these municipal buildings for sure. The higher the category the more important the facility is to the community.

Josh Hallquist ~ I would say by what I've seen here it would be safe to bump it up a little bit.

Srb ~ On our current building permits if someone comes in and says that they want to attach a shed style roof to the side of their house, is there any requirement for engineering?

Samantha Greenwood ~ We don't require engineering for in residential for anything.

After a lengthy discussion the Commission agreed to have the data from the SNOTEL site compiled and bring that information back for further dialogue.

K. OLD BUSINESS

Nonconforming Uses

Bailer ~ And this is our current code?

Samantha Greenwood ~ Yes, everything in this packet is our current code.

Bailer ~ Right off the bat the discussion is; you said not all municipalities have this. If a nonconforming building burns down or gets taken away (a substandard lot) then too bad you can't rebuild on it.

Samantha Greenwood ~ If you had a mobile home and that no longer was accepted in code you can't replace it with a mobile home if it's damaged more than 50%.

Bailer ~ In a house situation it's the same thing.

Samantha Greenwood ~ A Commercial building that's in a residential.

Bailer ~ Now with that being said, before we get into any of these other things, do we want the provision that they have "x" amount of days?

Bailer ~ Can I get a clarification on this then? So it states "existing at the time the Ordinance was codified" right? So I take that as in 1970 you could build this structure on this lot, in 1990 we changed the code and you could no longer build.

Bailer ~ Here's the problem, nobody at this table can really say what this code means so how is she going to tell somebody. What do we want? Do we want to allow a grace period to rebuild on a nonconforming lot or don't we? I think we should give direction and let the lawyer give us something that we can all read and understand. Because we can't do this with a customer or you can't.

The Commission had a lengthy discussion regarding Nonconforming Uses and agreed upon the following:

The Commission agreed to keep a 90 day grace period for the property owner for a "Use" to come in and apply for a Building Permit if the damage to the structure is more than 50%.

The Commission agreed that a on a substandard lot the owner can rebuild, but if the lot is sold it becomes Nonconforming.

The Commission agreed to allow a structure to be built on a Nonconforming lot as long as the structure is Conforming.

The Commission agreed that a structure would need to be built to the IBC and IRC 2006 Code.

The Commission agreed that a "Use" has to Conform to current Code.

Chairman Bailer called for a 10 minute recess at 8:31pm

Meeting reconvened at 8:41pm

Site Plan Review

Bailer ~ Okay Sam what have you got.

Samantha Greenwood ~ You guys brought this up at the last meeting so I put it in this one and mostly wanted you to see what it currently required. One of the things that you guys talked about was snow area or a snow plan. And then just so you know what it's all about. And I'm also curious if you guys think that we need to go to Council with these.

McGann ~ I like what's here I just think it needs to be written up a little differently.

Samantha Greenwood ~ So more of the formatting, like change it to more of a paragraph form.

Pegau ~ I did notice that there is nothing about snow storage or removal in the current plan.

McGann ~ Let's add it

Greenwood ~ Also isn't a Site Plan only about Commercial?

Samantha Greenwood ~ Only for the Commercial, Industrial, Business, also four-plex and higher and any other type of business.

The Commission agreed to add Snow Storage and Removal Plan to a Site Plan Review

Waterfront Commercial Park

Samantha Greenwood ~ Okay, so what the first question is do we want a Harbor Service Zone or keep all of the areas as they are now?

McGann ~ We don't have an Economic develop Zone as such right?

Samantha Greenwood ~ Right

The Commission had a lengthy discussion on the requirements for the Waterfront Commercial Park

Pegau ~ Basically if we decide to go with what's on the map and that district then we're scrapping 18.39 and we're going to write a new one that is for that entire district.

Samantha Greenwood ~ Do you want me to make an attempt at it first?

Bailer ~ Make an attempt and put it on our next meeting agenda.

Samantha Greenwood ~ So we're going to go with the area that's delineated in the map.

L. MISCELLANEOUS BUSINESS
None

M. PENDING CALENDAR

N. AUDIENCE PARTICIPATION
None

O. COMMISSION COMMENTS

Pegau ~ No Comments

McGann ~ No Comments

LoForte ~ No Comment

Reggiani ~ No Comment

Srb ~ No Comment

Greenwood ~ I'm just kind of excited to see what Moe brings, good energy could end our garbage problem and that Burn Pile.

Bailer ~ Yeah I agree and I appreciate Moe being here and I appreciate Josh (Hallquist) showing up that was nice of him to come in and I hope he comes back. I wanted to thank all of you guys for being here, I'll tell ya I've been doing this for quite a long time and I think this is the most informed panel that I've had to deal with and I appreciate all of you guys being here.

P. ADJOURNMENT
M/Reggiani S/Greenwood
Motion to adjourn at 9:05 pm

Thomas Bailer, Chairman Date

Faith Wheeler-Jeppson, Assistant Planner Date