



THE CITY OF WHITTIER

Gateway to Western Prince William Sound

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**PLANNING COMMISSION
REGULAR MEETING
WEDNESDAY, DECEMBER 6, 2017
Homeowners' Lounge, BTI Building
6:00 p.m.**

MINUTES

1. CALL TO ORDER

Charlene Arneson called the meeting to order at 6:03 pm.

2. ROLL CALL

Charlene Arneson, Dyanna Pratt, Lindsey Erk and Jean Swingle

COMMISSION MEMBERS ABSENT

Ed Hedges

MOTION: Dyanna Pratt made a motion to excuse Ed Hedges from tonight's meeting

SECOND: Jean Swingle

DISCUSSION: None

VOTE: Motion Passed

3. ADMINISTRATION PRESENT

Naelene Matsumiya, Office Assistant

John Janik, Finance Officer

Scott Korbe, Public Works Director

PUBLIC PRESENT

Paul Farnsworth, Doug Stephens, Ron Noland

4. APPROVAL OF REGULAR MEETING AGENDA

MOTION: Dyanna Pratt made a motion to approve the December 6, 2017 Regular Meeting
Agenda as is.

SECOND: Jean Swingle

DISCUSSION: None

VOTE: Passed Unanimously

5. APPROVAL OF MINUTES

MOTION: Dyanna Pratt made a motion to approve the Regular Meeting Minutes of November 1,
2017, with amendments.

SECOND: Jean Swingle

DISCUSSION: Change typo regarding term date for newly appointed members.

VOTE: Passed Unanimously

6. CORRESPONDENCE

None

7. NEW BUSINESS:

A. ARR Public Hearing – A Public Hearing for ARR’s Rezone Request

Charlene Arneson closed the regular meeting and opened up the Public Hearing for Alaska Railroad’s Rezone request at 6:07 pm.

Charlene Arneson called to order the Public Hearing to allow the rezoning of lots 3 & 5 of Whittier Subdivision Phase II from commercial to industrial to allow truck and rail traffic to support the development of the Del Long Dock and ITB Facilities and other Alaska Railroad barge and rail operations.

Charlene called for any Planning and Zoning Commission members who would like to abstain from the hearing. Seeing none, she continued. She asked if any members of the audience would like to challenge the jurisdiction of the Planning and Zoning Commission for hearing the matter. Seeing none, she continued.

She then called for any City of Whittier Staff who could share information on the project before turning the public hearing over the Paul Farnsworth and Doug Stephens of the Alaska Railroad. Seeing none, she allowed Mr. Farnsworth and Mr. Stephens to begin their testimonies and present their proposal.

Mr. Farnsworth explained that an application for this rezone was submitted a few years ago, but he was more than willing to refresh the Commission. He told the Commission that the Alaska Railroad acquired lots in the hopes of creating more land in the Smitty’s Cove area. He described that the idea was to purchase the lots and take the rock out of there to take the lots down to the same grade as Tract 1A and the roads around them. He clarified that one of the reasons to have more land down in the area was more than just for work. Mr. Farnsworth stated that there is a plan to put a designated road directly to the boat ramp because right now, the road crosses paths with commercial vehicles and it can be dangerous to civilians.

Mr. Farnsworth continued by saying their plan is to bring the cliffs in the area down to the same elevation as the existing lands in Smitty’s Cove. Charlene stated that they can go forward with that without a rezoning request. Mr. Farnsworth clarified that according to the City’s code, they cannot. He explained that if the land has to be zoned industrial before they can begin extraction activities.

Director of Public works, Scott Korbe commented that if the Alaska Railroad were grating and mining rocks for their own purposes, they would not need to have the lots rezoned, however, if they were going to use it as commercial operations to sell it for profit, it would be deemed as a mineral source for sale, then they would have to have it rezoned.

Paul Farnsworth advised that he does not know what the future plans will be other than maybe selling some of the product to the Department of Transportation. He reminded that since there aren’t any projects for the product as of yet, but there are potential projects they are looking at. Mr. Farnsworth said that if they are going to grade the cliff to the same level as the parking lot at Smitty’s cove, a great amount of product will come out of that and if someone requested the material, it would expedite the project.

Doug Stephens added that there are several reasons to rezone and one of those reasons was to allow the potential of selling material removed from the sight to another party. Another reason was for future land uses. He mentioned that if they succeed in bringing the cliff to grade with the lot, it is most likely going to be used for railroad purposes. He stated that there aren’t any specific plans yet, but the land can be used as a yard for railroad activity. He mentioned the leasing of the lot to clients just as they are doing in some of their other properties.

Charlene Arneson expressed that whatever configuration the land is, it is of no real issue when rezoning. Mr. Stephen clarified that in order to sell it, the lands must be rezoned for industrial. Scott Korbe commented that if the Alaska Railroad was opening up a mine for retail sales, they’d become an industrial operation. He said if the

Alaska Railroad has a grading plan to bring the elevation down, how to dispose of extra material is up to them, but if their sole purpose is to drill and resale, it becomes a mine operation.

Mr. Farnsworth understood. He replied that they will be removing the material to create property for railroad use and purposes. Charlene Arneson asked Paul Farnsworth if there is a plan in place for the lots. She expressed her concerns about the vagueness of their proposal. Mr. Farnsworth replied that once it is zoned to industrial, that's when they can begin setting a plan in motion to put things on top of the lots. He stated that the main concern was moving the access road to Smitty's Cove away from the road that the Commercial vehicles use. He reminded the Commission that the safety of the civilians and the people working around the area, are what they're thinking about during this early stage.

Doug Stephens mentioned that there isn't a specific plan yet, but the land is a Commercial/Industrial checkerboard, and it would be appropriate if the land be zoned as, just and only, industrial.

Commission recessed at 6:25 – 6:26

Charlene Arneson opened the Public Hearing up to those who would like to testify against the proposal. Seeing none, she closed that portion of the public hearing and opened it up for those who are neutral.

Terry Bender came forward and testified as neutral for the proposal. She introduced herself and inquired about the road. She asked if a road is going to be built in the part that will be blasted in exchange for the already existing road. Charlene clarified that in the Ordinance, an alternate road must be available if the main roadway will be vacated.

Terry Bender also mentioned the noise that this project will generate. Paul Farnsworth assured that the blasting will be small and very well contained in the early stages. He commented that it will take a while for it to reach the later stages. Terry asked about the traffic that the construction will generate. Mr. Farnsworth replied that most of the material that will be removed from the site will be transported by train. He hopes that the project will not generate as much traffic. Terry Bender was satisfied with Mr. Farnsworth's answers.

Scott Korbe asked if the Railroad ran a theoretical gross *unintelligible*. Mr. Farnsworth stated that there was some core drilling and the rocks that came back were better than what they were expecting. He was expecting subgrade material and rocks that had to be processed, but it was not bad at all. Mr. Farnsworth continued saying that depending on the slope, the yield is going to be somewhere between 100,000-200,000 yards. He anticipates that what he'd really like to do is have a grade separated road from the yard going down to Smitty's Cove. He reassured that a guard rail will go along the road.

Mr. Stephens reminded the Commission that there isn't a preliminary plan, let alone a design in place for this.

Charlene asked who will maintain the road and be responsible for snow removal. She admitted that her mind is beginning to wrap about the issue. Scott Korbe stated that he cannot speak to that as of yet. Charlene asked if it would become a new issue. Scott replied that it can possibly become a new issue.

Mr. Farnsworth stated that there is a contract with the City and the Railroad stating that the Railroad will maintain access to Smitty's Cove. He assures that it will remain that way for years until they agree on a different route.

Charlene closed the Public Hearing for the audience at 6:47 pm and opened it up for the Commission.

MOTION: Dyanna Pratt made a motion to approve the re-proposed rezoning of lots 3 and 5 on Block 10 of Whittier Subdivision Phase II from Commercial to Industrial.

SECOND: Jean Swingle

DISCUSSION: Jean Swingle stated that the more the City does for the railroad, the more they don't take the community into account. She said that she was concerned about the only access across town. She mentioned that

the railroad does not take tunnel times into consideration and the tourists that are trying to make the tunnel.

Mr. Farnsworth stated that one of the options that they're looking at is extending the tracks at Smitty's Cove so that more of the train will be south. He mentioned that he'd have to be careful in not blocking Smitty's Cove. He stated that most of their freight duties have been moved to when the tunnel is closed and midnight to accommodate the City. He reminded that it is the success with the cruise line that's obstructing the access way.

Charlene stated that the railroad has always been very good at accommodating the City's Emergency Response Team. Charlene said that it was a lot to wrap her head around because unlike their proposal last time, this one was different. She said she did not feel comfortable with the vagueness of their proposal.

Mr. Farnsworth stated that before anything can be done, the lots have to be zoned as industrial so that the yard is a uniformed industrial yard. He said it makes it very difficult to operate business when the yard is an industrial/commercial checkerboard.

Mr. Stephens indicated that if it remains commercial and they did lower the grade to match the yard, they are still not permitted to park trucks on the lot. Charlene replied saying that they can because it is their lot. Mr. Stephens pulled up the code in which it states that it is prohibited. Charlene referenced a chart that shows allowance for commercial and Industrial activity in 17.16.230.

Paul Farnsworth indicated that on the chart that is being referenced, natural resource storage, extraction and transportation is listed under retail, and it does not stated if it is permitted on a commercial lot or not. He said that the process can begin without the lot being rezoned. Mr. Farnsworth explained to Charlene that he believes that rezoning the lots to industrial will be the best use of the property in order to bring the area down to grade. He reminded the Commission that it will open up land that can be used to service the existing marine industrial uses in the area.

Lindsey Erk referenced title 17.16.040 and stated the different facilities allowed on industrial lots and commercial lots.

Charlene indicated that their proposal was unclear. She commented that she was used to having a plan that was set in stone whenever applicants presented their proposals during public hearings.

Mr. Stephens reiterated with an apology saying that there is no distinct plan as of yet, but rezoning the lots will open up options to what they can be used for in the future. Mr. Stephens explained that the land can be leased out during heavy fishing seasons. He said that they tend to respond more to needs than having a plan.

Charlene replied that even so, there is the possibility of more rail traffic and it won't be good for the tourism that Whittier has now. She reassured that she wasn't trying to stop production; she was directing it in the right way so that it benefits everyone. She asked once more if there was a plan.

Mr. Farnsworth was willing to withdraw the application for the time being and return with a concrete plan.

Charlene stressed that she was not opposed to the proposal. She clarified that she was just considering the people of Whittier. Mr. Farnsworth replied that he understands.

Charlene listed options and said that we can either table this rezone for now until they have more conversations with Public Works Director Scott Korbe, or the Commission can approve this to go in front of Council. She recommended the latter. She commented that she would feel more comfortable if it were taken into the care of the City Council.

Mr. Farnsworth agreed to have the approval go in front of the City Council and apologized for not having a plan as of yet.

Jean Swingle mentioned that the proposal is more than reasonable and she agrees that it should go to Council for final approval.

Lindsey Erk communicated that what was presented in front of the Commission was a zoning issue, not a building permit proposal.

Charlene asked if there was any more discussion.

VOTE: Motion failed.

Dyanna Pratt amended her motion.

MOTION: Dyanna Pratt made a motion to send the approval of the rezoning of lots 3 & 5 of Whittier Subdivision Phase II from Commercial to Industrial to the City Council for final review.

SECOND: Jean Swingle

DISCUSSION: None

VOTE: Dyanna Pratt, Yes; Jean Swingle, Yes; Lindsey Erk, Yes; Charlene Arneson, Yes.

Commission recessed at 7:08-7:10

B. Passage Canal Development Parcels for Final Plat Procedures

MOTION: Dyanna Pratt made a motion to move the Passage Canal Development Parcels for Final Plat Procedure to Non-Action items.

SECOND: Jean Swingle

DISCUSSION: None

VOTE: Motion Passed Unanimously

C. Whittier Seafood LLC's Variance Request Application Introduction

Ron Noland, Whittier Seafood LLC's representative, introduced the Variance Request Application. He explained that for better processing, Whittier Seafood LLC wants to expand their freezer capacity and to do so, they had to apply for a Variance. Mr. Noland showed a photo of the desired area for these freezers to the Commission. Scott Korbe told the Commission that he and Mr. Noland were able to sit down and discuss this and he did not object to the expansion.

Charlene Arneson explained to Mr. Noland that a representative from Alaska Railroad may need to attend the meeting as they are the owners of the land. Mr. Noland said that he can send out a letter requesting they participate in the Public Hearing. Charlene stated that she will clarify with the City's attorney.

Charlene stated that the Public Hearing will be held at the Planning Commissions regular meeting on January 3rd, of next year (2018).

8. MISCELLANEOUS BUSINESS

None

9. PUBLIC COMMENTS

None

10. COMMISSION COMMENTS

None

11. NEXT MEETING AGENDA ITEMS

Public Hearing for Whittier Seafood LLC's request for a variance.

12. NEXT MEETING ATTENDANCE PLANS

None

13. ADJOURNMENT:

MOTION: Ed Hedges made a motion to adjourn the meeting

SECOND: Jean Swingle

DISCUSSION: None

VOTE: Unanimous

Charlene Arneson adjourned the meeting at 8:18 pm.

ATTEST:



Naelene Matsumiya
Office Assistant



Charlene Arneson
Commission Chairperson