

City of Valdez, Alaska
Planning & Zoning Commission
Rezone 19-01
PROPOSED FINDINGS & CONCLUSIONS

Date of Public Hearing: June 26, 2019

File No.: CUP #19-01

To: Planning & Zoning Commission

From: Rochelle Rollenhagen, Planning Director

Rezone:

Property Owner: Copper Valley Electrical Association
Property Address: 1570 Dayville Road
Legal Description: A Portion of ASLS 79-94
Parcel Size: Approximately 750 acres
Zoning Request: Currently zoned Unclassified Lands. Rezone request is to the Public Lands Zoning District.
Existing Land Use: Solomon Lake, Solomon Gulch Dam, dike and spillway, John Hunter Memorial Trail
Access: Dayville Road
Surrounding Land Use: Undeveloped and not zoned
Summary: As stated in their FERC license, Copper Valley Electrical Association would like to construct a pavilion and picnic table near the existing dike. The current zoning, Unclassified Lands, does not allow for this or any use. The Public Lands District allows for both heavy industrial uses as well as recreation. Please see the intent of the existing and proposed zoning districts below.

Existing Zoning District – Unclassified Lands

17.44.010 Intent.

The UL (unclassified lands) district is intended to include lands which are undeveloped and cannot be precisely zoned due to inadequate information on the extension of public services and utilities, and the suitability of the land to support commercial, residential, industrial or public uses. (Ord. 03-15 § 20 (part): prior code § 30-28 (part))

Proposed Zoning District – Public Lands

17.12.010 Intent.

The P (public lands) district is intended to contain major open space areas, watershed management areas and major public and quasi-public, recreational, educational and institutional uses, including private lands and uses that are essentially public in character and of specific value to the entire community. (Ord. 16-04 § 3 (part): Ord. 03-15 § 2 (part): prior code § 30-13(a) (part))

VMC 17.54.020 C states that “except for the extension of existing district boundaries, no change in any use district classification or an official zoning map shall be considered which contains an area less than two acres, not including street or alley rights-of-way.

The property is approximately 750 acres and complies with VMC 17.54.020.

Findings

The Planning and Zoning Commission shall review and adopt the findings unless it finds by a preponderance of the evidence that the findings are in error.

1. Is the requested permit proper given the allowable uses in the proposed new zoning district?

VMC 17.12 Public Lands District allows for picnic facilities as a permitted use. Electric power generating stations are a conditional use in the district. If the rezone is approved by the Valdez City Council, Copper Valley Electric Association may have to apply for an after-the fact Conditional Use Permit, however, state statute may allow for this use to stay in a legal non-conforming status. A legal opinion will be sought if the rezone is approved.

2. Is the application complete?

Yes. After acquiring the deed to establish CVEA's ownership the department has a complete application.

3. Does the proposed development follow the other requirements of the City of Valdez land use code?

The applicant will be required to submit a building permit application for the pavilion structure. The Solomon Gulch Dam may require an after-the-fact CUP from the Planning and Zoning Commission. A legal opinion will be sought if the rezone is approved by City Council as to the need for a CUP.

4. Will the proposed zoning change materially endanger the public health or safety?

The change to the Public Lands district will not materially endanger the public health or safety. It will allow hikers to rest or picnic after a long hike to the dam, improving the quality of recreation.

5. Will the proposed zoning change substantially decrease the value of or be out of harmony with property in the neighboring area?

The neighboring area is undeveloped, vacant land.

6. Will the proposed project be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?

Staff finds this application to be in conformance with the Comprehensive Plan as reviewed below:

Goal - Community Facilities and Services:

Provide for the maximum range of community services and facilities in appropriate locations consistent with the community's desire and ability to fund these.

Objective - Promote private sector participation in the provision of community facilities and services.

If the rezone is approved, CVEA would be providing the community with an additional recreational amenity in the form of a picnic facility on their land that the general public uses for hiking and other recreating.

7. Are any of the following criteria such to materially endanger the public health or safety: topography, slope and soil stability, geophysical hazards, surface and subsurface drainage and water quality?

No.

8. Will the proposed project require the enlargement, upgrading or extending of public utilities or service systems?

No.

