



City of Valdez

**ALASKA**

Planning Department

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## **Conditional Use Permit - Proposed Findings & Conclusions**

*VMC 17.04.420 Conditional use.*

*“Conditional use” means a provision which allows for flexibility within this chapter by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional conditions and safeguards are applied to ensure their compatibility with permitted principal uses.*

**Date:** April 13, 2020

**File:** CUP #20-03

**To:** Planning & Zoning Commission

**From:** Nicole LeRoy, Planning Technician

**Conditional Use:** Rental cabins

### **General Information**

**Applicant:** Geeks in Valdez

**Property Owner:** Geeks in the Woods, LLC

**Street Address:** 5445 Cummings Way

**Legal Description:** Lot 1A, Block 3, Robe Lake Wilderness Estates

**Zoning District:** Commercial residential

**Utility Service:** N/A private well and septic

**Existing Land Use:** Mobile home dwellings

**Access:** Cummings Way

### **Project Description**

Geeks in Valdez is seeking to operate three existing 10' X 45' mobile homes as rental cabins at 5445 Cummings Way, Lot 1A, Block 3, Robe Lake Wilderness Estates. Geeks in Valdez has applied for a temporary conditional use permit for two years and intends to rent the cabins on a short term, day-to-day basis.

### **Findings**

*Planning Department staff shall make findings on an application for a conditional use permit. The Planning & 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 according to the conditional uses allowed in the zoning district?**

Yes. The commercial residential district is intended primarily for commercial and light industrial uses of land which do not detract from the residential use of the land by introducing excess noise, increased safety hazards, air pollution or water pollution. VMC 17.26.040 39 permits rental cabins as a conditional use. Rental cabins are defined as “a single-family dwelling that does not exceed seven hundred square feet in total area and contains no more than one sleeping room or area, and is available for rent on a limited or long-term basis.”

**2. Is the application complete?**

Yes. The application is complete.

**VMC 17.50.030 Applications—Requirements.**

*A. A person intending to apply for a conditional use under this section shall submit the proposed project data to the community development department. The community development department shall contact the applicable agencies and utilities to allow them the opportunity to comment. The agencies to be contacted may include but not be limited to:*

- 1. City public works department for water and sewer and snow removal;*
- 2. City engineering department;*
- 3. City building inspector;*
- 4. State Highway Department, if applicable;*
- 5. Local electricity utility;*
- 6. City fire department;*
- 7. Local telephone utility; and*
- 8. Cable TV utility.*

*B. It is recommended that the application be accompanied by the following materials:*

- 1. Narrative Documentation.*
  - a. A legal description of all properties involved in the projects;*
  - b. A statement of the objectives expected to be achieved by the project for the consumer and the public;*
  - c. A detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist the planning and zoning commission in making this decision; and*
  - d. The community development department shall provide the proposed findings and conclusions for consideration by the planning and zoning commission. The proposed findings and conclusions will include comments and issues presented by the reviewing agencies along with a list of any unresolved issues.*
- 2. Site Plans and Supporting Drawings.*
  - a. As appropriate, details of the proposed project showing land use layout, building location, vehicular and pedestrian circulation, open space and recreation area, parking layout, schematic sewer and water layout, and any other information necessary to adequately describe the project;*
  - b. A preliminary subdivision plat showing proposed lot and dedicated street layout;*
  - c. A site grading and drainage plan including existing and proposed topography; and*
  - d. Utilities.*

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

This permit application is in conformance with Title 17, the City of Valdez land use code. Rental cabins are an allowable conditional use in the commercial residential zoning district. All three

cabins were permitted appropriately through the building permit process. Prior to issuance of CUP 20-02, the applicant must submit the ADEC approval to operate for an approved solid waste disposal system. The applicant has been informed of this requirement.

In conformance with Valdez Municipal Code Section 17.06.070 (B), any conditional use, variance or exception approved by the Planning and Zoning Commission shall be conditional upon the privilege granted being utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion; otherwise the approval is automatically voided. The Planning and Zoning Commission may extend the time the construction is to start if satisfactory evidence of planning progress is presented. Any substantial change to the plans or building proposal shall require resubmission to the Planning and Zoning Commission.

**4. Will the proposed development materially endanger the public health or safety?**

No, staff does not have any concerns that the proposed development will materially endanger public health or safety.

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

The proposed use fits well with the intention of the commercial residential zoning district, and will not be out of harmony or character with the surrounding neighborhood. The lots immediately adjacent to the proposed development are vacant, and the others in the subdivision have existing residential uses.

**6. Will the proposed project be in general conformity with the Valdez Comprehensive Plan or other officially adopted plans?**

To staff's knowledge, the only plan governing this area is the Valdez Comprehensive Plan. The following goals and objectives are relevant to the proposed conditional use and show that the project is compatible with the Valdez Comprehensive Plan.

***Valdez Comprehensive Plan - 2.2 OVERALL GOAL***

*To create an atmosphere that will encourage stable economic development in Valdez while enhancing the quality of life. Improvements should be made to all elements that give the community its' character. This would include enhancing the economic productivity and diversification of the region to assure continued economic prosperity; providing for public safety and the economic welfare of the community when siting future industrial, commercial, residential, and public land uses; enhancing the scenic beauty, uniqueness and historic significance of the Valdez area; and opening up new land for residential, commercial, and industrial land.*

The overall goal of the Valdez Comprehensive Plan includes enhancing economic productivity and diversification to assure continued economic prosperity. Providing rental housing in the form of

short-term use cabins helps to meet this goal by increasing the number of housing options overall. Additionally, Geeks in Valdez is bringing professionals in the tech industry to Valdez.

***Goal - Economic Development: Encourage the development of a broad-based economy in Valdez.***

***Objective - Encourage growth in tourism, fishing, and the fish processing industries.***

This proposal is in conformity with the comprehensive plan goal to encourage the development of a broad-based economy in Valdez and encourage growth in tourism by increasing the number of short-term rental options available in the City. Approval of CUP 20-03 will allow the owners of the parcel to start a new rental business that will contribute to the economy in Valdez and offer new short term housing options.

***Goal/Residential Land Use - Provide safe, convenient, and attractive residential areas that protect and enhance property values while encouraging economies in necessary community expenditures for required community infrastructure and utilities.***

***Objective - Encourage the location of residences in areas that will not be burdened with unnecessary traffic, noise, or environmental problems that might be associated with commercial or industrial land use.***

This project is in conformity with the comprehensive plan objective to encourage the location of residences in areas that are not burdened with unnecessary traffic, noise, or environmental problems that might be associated with commercial or industrial land use. The surrounding area is zoned commercial residential and the neighboring existing uses are residential in nature. The density and traffic in Robe Lake Wilderness Estates is low.

**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?**

Staff is not aware of any specific geophysical characteristics of the parcel that would materially endanger public health or safety as a result of this proposed development.

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

The area is not serviced by City of Valdez sewer and water and the proposal will require an approved sewer waste disposal system and well. During construction ADEC approved the use of holding tank system for the waste from the 3 mobile homes.

**Decision of the Commission:**

The Planning & Zoning Commission may, regardless of the above findings, conditionally approve or deny the permit. The commissioners' own independent review of information submitted at the

public hearing and additional information requested provides the basis for the decision. The decision needs supportive findings based on factors associated with the same questions answered in staff's findings.

**17.50.020 Criteria to be considered.**

*In considering the granting of a conditional use, the planning and zoning commission shall satisfy itself that the general criteria set forth for uses specified in this title will be met. The planning and zoning commission may consider any or all of the criteria listed in this section and may base conditions or safeguards upon them.*

*The planning and zoning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The burden of proof rests with the applicant. The general criteria for considering the conditions, if any, under which permission for a particular conditional use shall or shall not be granted in a district in which that use is specified in the district regulations are as follows:*

- A. Topography, slope and soil stability, geophysical hazards, surface and subsurface drainage and water quality, and the probable effects of the proposed conditional use upon these factors.*
- B. Utilities and services requirements of the proposed conditional use, including sewers, storm drainage, water, fire protection, access and electrical power; the planning and zoning commission may request the assistance of public officials with knowledge of the relevant public utility and service systems in evaluating the probable effects of the proposed use of public systems, and may consider the costs of enlarging, upgrading or extending public utility or service systems for the proposed use in establishing conditions under which the use shall be permitted.*
- C. Lot or tract characteristics, including minimum lot size, minimum yard requirements, maximum lot coverage by all buildings or structures, and maximum height of buildings or structures.*
- D. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, numbers of persons, traffic volumes, off-street parking and loading facilities, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements.*
- E. Community appearance, such as landscaping, fencing and screening, depending upon the specific use and its visual impact on the community.*

**Staff Recommendation:**

Staff recommends that CUP #20-03 be approved by the Planning & Zoning Commission.