



City of Valdez

ALASKA

Community Development Department

Conditional Use Permit – Proposed Findings and Proposed Conditions

Date: July 10, 2024
File: CUP 24-05
To: Planning & Zoning Commission
From: Bruce Wall, Senior Planner
Conditional Use: Boat Charter Service and Recreational Vehicle Park & Campground to be utilized as seasonal Worker Housing

General Information

Applicant: Tim Duffy
Property Owner: Alaska Sea Kayak Adventures LLC
Street Address: 1803 and 1829 Homestead Road
Legal Description: Lot 4 and Parcel B, D8 Subdivision no.1, Plat 83-12
Zoning District: Rural Residential (RR)
Existing Land Use: Residential, Boat Charter Service and Recreational Vehicle Park & Campground to be utilized as seasonal Worker Housing
Access: Homestead Road

Ordinance 24-01 17.02.030

"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.

"Recreational vehicle park or campground" means a lot or portion of a lot where two or more recreational vehicles or tents are parked, camped, leased or rented for temporary occupancy for recreation or vacation purposes. A recreational vehicle park or campground may be improved or unimproved providing remote, rural or nonrural settings that may or may not include improvements and amenities such as water, showers, electricity, a dump station, cable television, Internet service or similar services.

"Worker Housing" means accommodation that is used solely for the purpose of providing cooking, sanitary, and sleeping facilities to house transient workers

associated with a particular business, institution or industry. Housing types may include, but are not limited to, bunkhouses, boarding houses, dormitories, attached dwelling units, mobile and manufactured homes.

Project Description

The applicant purchased Alaska Sea Kayak Adventures, LLC (Pangaea Adventures) in 2009. His application states, “*The former owner of Pangaea Adventures assured me back in 2008, before I purchased the business from him, that the use of the property was legitimate...*” Staff’s review of our files did not find any approved conditional use permits for the property that would have allowed the current business to operate at that location. The applicant is now in the process of selling the business and the lender has requested verification from the City that the current business use of the property is an allowed use. The property contains a residential dwelling and a garage for the storage of the business’s boats, and it also contains cooking and sanitation facilities. The property also has a shed, kayak rack, sauna, ten tent platforms, and a school bus being utilized as an RV.

The Planning and Zoning Commission shall conduct a public hearing to review the conditional use application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, adopt findings of fact (from staff or establishing their own), and take action on the application. The Commission may approve, approve with conditions, or deny the application.

Findings

Procedural Findings

- a) On June 5, 2024, the Community Development Department received a conditional use permit application from Tim Duffy for a Boat Charter Service and a Recreational Vehicle Park & Campground to be utilized as seasonal Worker Housing.
- b) The applicant supplied a site plan and narrative to support the application on June 10, 2024 and updated the narrative on June 11, 2024.
- c) The Community Development Department reviewed the application and determined that it was complete, in accordance with Ordinance 24-01 17.04.060(E)(1).
- d) The subject properties are located in the Rural Residential district.
- e) Boat Charter Services, Recreational Vehicle Park or Campground, and Worker Housing are allowed conditional uses in the Rural Residential District. Ordinance 24-01 17.04.060(E)(1).
- f) A public hearing was scheduled for July 10, 2024, to consider the Conditional Use Permit.
- g) Notice of the meeting was published on the City of Valdez website on June 26, 2024, in accordance with Ordinance 24-01 17.04.060(E)(5) and 17.04.180(C)(1).

- h) Notice of the publication was published in KVAK's e-blast newspaper on July 1, 2024 and July 8, 2024.
- i) Notice of the meeting was mailed on June 26, 2024, to the 12 property owners within 300 feet of the subject properties, in accordance with Ordinance 24-01 17.04.060(E)(5) and 17.04.180(C)(2).
- j) A document holder was posted on Homestead Road with public notice flyers on June 20, 2024, in accordance with Ordinance 24-01 17.04.060(E)(5) and 17.04.180(C)(3).

1. **Criterion 1: Site Suitability.** The subject site shall be suitable to support the proposed conditional use and its associated structure(s) and site improvements. The Planning and Zoning Commission shall consider topography, slope and soil stability, geophysical hazards, surface and subsurface drainage, and water quality conditions on and around the subject site and the probable effects of the proposed conditional use upon these factors. Ordinance 24-01 17.04.060(C)(1)

- a) The subject properties have a 1.4% slope with the highest point in the northeast corner and the lowest point along Homestead Road.
- b) The subject properties are located within the tsunami inundation zone.
- c) The geography of the site is suitable for the proposed uses and is unlikely to have an effect on the drainage or water quality in the vicinity.

2. **Criterion 2: Utility, Sanitation, and Public Service Needs.** The conditional use and the associated site improvements shall be adequately served by utilities, emergency responders, and a sanitation facility to ensure long-term safety for its occupants and surrounding populations. The Planning and Zoning Commission shall consider whether adequate sewer/sanitation, storm drainage, potable water, fire protection, public safety, access, and electrical power exist to serve the proposed use and associated structures/site improvements. Ordinance 24-01 17.04.060(C)(2)

- a) The supplemental information submitted by the applicant states, *"Infrastructure regarding utility, sanitation, and public service needs are more than adequate and need not change. In the garage, employees have good access to a kitchen with refrigeration and an oven, and two full bathrooms offering decent opportunity to upkeep proper hygiene at all hours of the day."*
- b) Notice of the application was provided to the following. Valdez Fire, Valdez Police, Valdez Public Works, Valdez Capital Facilities, Valdez Building Official, and Copper Valley Electric Association.
- c) The property is served by city sewer and city water.
- d) No comments were received concerning utility, sanitation, and public service needs.
- e) The application materials demonstrate that the utility, sanitation, and public service needs will be met.

3. **Criterion 3: Zoning District Standards.** With the exception of Planned Unit Developments (PUDs), the proposed conditional use and its associated site

improvement(s) shall comply with the dimensional standards of the zone in which it is located. Notwithstanding, those zoning standards may be adjusted pursuant to a separate variance and/or administrative adjustment application. Ordinance 24-01 17.04.060(C)(3)

- a) The Rural Residential district requires a 20-foot front setback, 10-foot side setback, and 15-foot rear setback, it also establishes a 35-foot maximum building height for primary and accessory structures. Ordinance 24-01 Table 17.06.070.a
- b) Accessory structures two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and side yard setbacks provided the structure is located on the rear 25 percent of the parcel and is a minimum of five feet from both the rear and side lot lines. Ordinance 24-01 Table 17.06.070.a
- c) The submitted narrative indicates that the tents are located on 10' x 12' platforms and the submitted site plan indicates that all but one of these are located at least five feet from the rear property line. The site plan also indicates that one of these platforms crosses the lot line between Parcel B and Lot 4.
- d) Condition of approval number 3 requires that any existing structures that are located within five feet of the rear property line be relocated so that they meet the required setback for small accessory structures.
- e) Condition of approval number 4 requires that the properties be replatted to eliminate the lot line between Parcel B and Lot 4.
- f) The site plan indicates that the other required side and front setbacks are met along with the maximum height requirements.
- g) The materials submitted with the application together with the conditions of approval indicate that the proposed use will be in compliance with these dimensional standards. Any future additional building will be enforced administratively at the time of building permit application.

4. **Criterion 4: Specific Use Standards.** The proposed conditional use and its associated site improvement(s) shall comply with the applicable specific use standards pursuant to Chapter 17.08. Ordinance 24-01 17.04.060(C)(4)

- a) The narrative submitted by the applicant states, *"Our campsites appear to meet all the specific use standards for an RV Park and Campground. For instance, each tent site is limited to the 500sf of habitable area, restrooms are provided and accessible at all hours of the day and night, and campers are present less than 180 days per year."*
- b) The submitted site plan designates specific sites for each tent and the bus being utilized as an RV.
- c) The applicant has demonstrated compliance with the specific use standards for a Recreational Vehicle Park or Campground.
- d) The specific use standards for Worker Housing indicates Recreational Vehicle Parks or Campgrounds may be used for summer seasonal worker housing.
- e) The applicant has demonstrated compliance with the specific use standards for Worker Housing.

- f) Ordinance 24-01 does not contain any specific use standards for Boat Charter Services.

5. **Criterion 5: Comprehensive Plan Consistency.** The proposed conditional use and its associated site improvement(s) shall be consistent with the Comprehensive Plan's goals, policies, and maps in terms of land uses, development character, and scale. Ordinance 24-01 17.04.060(C)(5)

- a) The Future Land Use Map in Plan Valdez, the comprehensive plan for the City of Valdez, depicts the subject properties within the Residential Neighborhood place type.
- b) Temporary Worker Residential uses are listed as an incompatible land use within the Residential Neighborhood place type.
- c) Title 17 was updated with the goal to implement the comprehensive plan and it was determined that Worker Housing could be approved through a conditional use permit in the Rural Residential zoning district.
- d) The Planning and Zoning Commission has previously determined that a Conditional Use Permit for Worker Housing is consistent with the comprehensive plan in place types where it is listed as incompatible.
- e) Goal 3.1, Action A is, "*Continue to advocate for the core economies (shipping, fishing, oil, tourism).*"
- f) The seasonal worker house will support the applicant's provision of services to the local tourism industry.
- g) The proposed conditional use and its associated site improvement(s) are consistent with the Comprehensive Plan's goals, policies, and maps in terms of land uses, development character, and scale.

6. **Criterion 6: Nuisance Mitigation.** The proposed conditional use and its associated site improvement(s) shall provide mitigation measures to address potential nuisances relating to excessive noise, lighting, vibration, traffic, debris and litter, and outdoor material storage. Ordinance 24-01 17.04.060(C)(6)

- a) The narrative submitted by the applicant states, "*All of our employees go through an extensive application process and are thoroughly vetted prior to their hiring. Beyond that, everyone goes through an introductory meeting each spring which covers the rules of the property, which include remarks on keeping sound and any other form of disruption at bay.*"
- b) The outdoor storage on the property is not currently visible from the street or from the adjacent properties.
- c) Condition of approval number 5 requires that the outdoor storage accessory to the commercial use of the property comply with Ordinance 24-01 17.13.061.
- d) The use has been in existence for at least 15 years, notice of the meeting was mailed to the 12 property owners within 300 feet of the subject properties and no comments were received concerning excessive noise, lighting, vibration, traffic, debris and litter, or outdoor material storage.

- e) It is not anticipated that the uses will result in any nuisances related to excessive noise, lighting, vibration, traffic, debris and litter, or outdoor material storage.

7. **Criterion 7: Access and Circulation.** The proposed conditional use and its associated site improvement(s) shall provide adequate site access for motor vehicles, pedestrians, and cyclists. Applications shall not be approved where the proposed use would create undue traffic congestion or pose a safety hazard to motorists, pedestrians, and/or cyclists. Ordinance 24-01 17.04.060(C)(6)

- a) The narrative submitted by the applicant states, *"We have ample space on our property to provide good access for our workers, as well as their vehicles and bikes."*
- b) The proposed use and its associated site improvements will provide adequate site access for motor vehicles, pedestrians, and cyclists.
- c) The proposed use will not create undue traffic congestion or pose a safety hazard to motorists, pedestrians, and/or cyclists.

The Planning and Zoning Commission shall conduct a public hearing to review the conditional use application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, adopt findings of fact (from staff or establishing their own), and take action on the application. The Commission may approve, approve with conditions, or deny the application.

Conditions

1. The conditional use permit is granted for Lot 4 and Parcel B, D8 Subdivision no.1, Plat 83-12 for Boat Charter Services and a Recreational Vehicle Park & Campground to be utilized as seasonal Worker Housing.
2. The conditional use permit is effective upon approval.
3. Any existing accessory structures that are located within five feet of the rear property line shall be relocated so that they meet the required setback for small accessory structures.
4. The properties shall be replatted to eliminate the lot line between Parcel B and Lot 4.
5. Outdoor storage accessory to the commercial use of the property shall comply with Ordinance 24-01 17.13.061.
6. The conditional use permit must be 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. Ordinance 24-01 17.04.060(E)(8)
7. The use must be consistent with the submitted application and site plan. Any change to the plans must be submitted to the Community Development Department and processed pursuant to Ordinance 24-01 17.04.060(F).