



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda - Final Planning and Zoning Commission

Wednesday, July 10, 2024

7:00 PM

Council Chambers

Regular Meeting

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

1. [Meeting Minutes from P&Z Meeting 6/12/2024](#)
2. [Meeting Minutes from P&Z Meeting 2/14/2024](#)

IV. PUBLIC HEARINGS

1. [Public Hearing CUP 24-05: Application from Tim Duffy for a Conditional Use Permit for a Boat Charter Service and a Recreational Vehicle Park & Campground to be Utilized as Seasonal Worker Housing](#)
2. [Public Hearing for Variance - 24-01 - A Request from Orion Construction, Inc. on behalf of Valdez Senior Housing Associates, LLC to Construct a Covered Parking Structure Encroaching into the Side Yard Setback at Lot 3 Medical Park Subdivision Senior Addition](#)

V. NEW BUSINESS

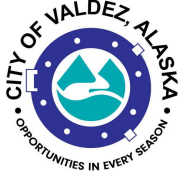
1. [Approval of Conditional Use Permit 24-05 - A Request from Tim Duffy to Allow a Boat Charter Service and a Recreational Vehicle Park & Campground to be Utilized as Seasonal Worker Housing at Lot 4 and Parcel B, D8 Subdivision no.1, Plat 83-12 \(1803 and 1829 Homestead Road\) and Adopt Findings](#)
2. [Approval of Preliminary Plat for D8 Alaska Sea Kayak Subdivision, a Re-Plat of Lot 4 and Parcel B of D8 Subdivision Plat 83-12, Creating Lot 4A, D8 Alaska Sea Kayak Subdivision.](#)
3. [Approval of Variance 24-01 - A Request from the Orion Construction on behalf of Valdez Senior Housing Associates, LLC to Construct a Roof Structure Encroaching into the Side Yard Setback at Lot 3, Medical Park Subdivision Senior Addition \(104 E Hanagita Street\)](#)

VI. REPORTS

1. [Community Development Director's Report](#)

VII. COMMISSION BUSINESS FROM THE FLOOR

VIII. ADJOURNMENT



Legislation Text

File #: 24-0273, **Version:** 1

ITEM TITLE:

Meeting Minutes from P&Z Meeting 6/12/2024

SUBMITTED BY: Jared Chase Admin Assistant

FISCAL NOTES:

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

RECOMMENDATION:

Receive and file.

SUMMARY STATEMENT:

Meeting Minutes from the Planning And Zoning Commission Meeting June 12th 2024.

City of Valdez

*212 Chenega Ave.
Valdez, AK 99686*



Minutes

Wednesday, June 12, 2024

7:00 PM

Regular Meeting

Council Chambers

Planning and Zoning Commission

REGULAR AGENDA - 7:00 PM**I. CALL TO ORDER****II. ROLL CALL**

Present 5 - Stephen Goudreau

Brandon Reese

Donald Haase

Cherise Beatus

Maureen Radotich

Absent 2 - Rhonda Wade

Caleb Metroka

Also Present 2 - Kate Huber Community Development Director

Jared Chase Administrative Assistant

Bruce Wall Senior Planner & Floodplain Manager

III. APPROVAL OF MINUTES

1. P&Z Meeting Minutes from May 9th 2024

2. P&Z Meeting Minutes from August 24th 2023

IV. PUBLIC BUSINESS FROM THE FLOOR**V. PUBLIC HEARINGS**

1. Public Hearing CUP 23-03: Application from Alaska Corporation for Affordable Housing for a Conditional Use Permit for a Planned Unit Development

Discussion: Member of the public Jim Pomplun, who is a neighbor across the street at 470 Shoup Ln, brought up a few points of concern. Specifically, he brought up the height of the planned buildings, parking concerns, sidewalks that lead to a street without an adjoining street sidewalk, roofs that aren't designed to shed now, inadequate snow storage, and overall fit with Valdez aesthetic. Chelsea Smith, the representative from Alaska Corporation for Affordable Housing, addressed Pomplun's concerns. Specifically Smith pointed out that parking is adequate to code without the need for street parking. Smith also pointed out that the roofs will be built strong enough to hold the snow with shingles to control snowshed. Smith also pointed out that part of managing the property will include proper maintenance. Roy Roundtree, the architect addressed some of Pomplun's concerns as well. Roundtree pointed out that a sidewalk may be added to the plan in order to allow kids to have a little more safety walking to school. Susie Barron, who lives on Clark street, brought up a concern about this project lowering neighboring property values.

VI. NEW BUSINESS

1. **Approval of Conditional Use Permit 24-03 - A Request from Alaska Corporation for Affordable Housing for the Approval of a Planned Unit Development at Lot 5, Evergreen Vista Addition No. 1, Plat 81-4 (700 West Clark Avenue) and Adopt Findings.**

MOTION: Commission Member Goudreau moved, seconded by Commission Member Reese, to Approve the request from Alaska Corporation for Affordable Housing for a Planned Unit Development at Lot 5, Evergreen Vista Addition No. 1, Plat 81-4 (700 West Clark Avenue) and adopt findings and conditions.

Discussion: Reese had a roofing concern and suggested having the roof shed would be safer. Goudreau pointed out that he has a roof that doesn't shed, and it would likely be safer to keep the snow on the roof rather than have it slide. Haase brought up that the architect should be trusted to make sure it can hold our snow loads. Goudreau had a question about the applicant's decision to make some units 3 stories. Chelsea Smith explained that some of them will have 3 bedrooms rather than 2 bedrooms. Goudreau pointed out that the street may be a difficult design for snow removal. Nate Duval, Capital Facilities Director and Assistant City Manager for the City of Valdez, asked that the city record and make clear in an official manner that the City will not be responsible for snow removal along this driveway. Senior Planner Bruce Wall pointed out that other apartment complexes around town, such as Evergreen Vista and Sound View, all have a privately maintained drive, and this property would be subject to the same requirements. Resident Pomplun expressed concern that some items in the design that don't conform to typical Valdez housing, such as adequate parking, height of the buildings especially considering they are 10 ft from the property line, and adequate snow storage. Haase pointed out that 1.5 parking spaces is what code requires, and this plan meets that requirement.

Vote On Motion

Yays: 6 - Goudreau, Reese, Wade, Haase, Beatus, and Radotich

Motion Carried**VII. REPORTS**

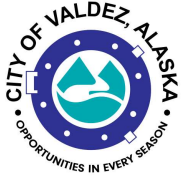
1. **Community Development Director's Report: PRICE Grant Draft Application**

VIII. COMMISSION BUSINESS FROM THE FLOOR

Director Huber recapped the HUD PRICE Grant Application. She recapped the open houses that were held for the required public input. Director Huber answered some

questions commissioners had about the program.

IX. ADJOURNMENT



Legislation Text

File #: 24-0274, **Version:** 1

ITEM TITLE:

Meeting Minutes from P&Z Meeting 2/14/2024

SUBMITTED BY: Jared Chase Admin Assistant

FISCAL NOTES:

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

RECOMMENDATION:

Receive and file.

SUMMARY STATEMENT:

Meeting Minutes from the Planning And Zoning Commission Meeting February 14th 2024.

City of Valdez

*212 Chenega Ave.
Valdez, AK 99686*



Minutes

Wednesday, February 14, 2024

7:00 PM

Regular Meeting

Council Chambers

Planning and Zoning Commission

REGULAR AGENDA - 7:00 PM**I. CALL TO ORDER****II. ROLL CALL**

Present 5 - Commission Member Donald Haase
Commission Member Rhonda Wade (Online)
Commission Member Cherise Beatus
Commission Member Maureen Radotich
Commission Member Caleb Metroka

Absent 2 - Commission Member Stephen Goudreau
Commission Member Brandon Reese

Also Present 2 - Community Development Director Kate Huber
Administrative Assistant Jared Chase
Senior Planner and Floodplain Manager Bruce Wall
Senior Planner and GIS Technician Paul Nylund
Planner Nicole LeRoy

III. PUBLIC BUSINESS FROM THE FLOOR**IV. NEW BUSINESS**

1. **Approval of a Recommendation to City Council to Grant a 237.25 Foot Long and 10 Foot Wide Utility Easement on City of Valdez Owned Block 2 Amended Mineral Creek Subdivision - North Portion, Plat #66-27M.**

MOTION: Commission Member Wade moved, seconded by Commission Member Radotich, to Approve a recommendation to City Council to grant a 237.25 foot long and 10 foot wide utility easement on City of Valdez owned Block 2 Amended Mineral Creek Subdivision - North Portion, Plat #66-27M.

After the motion the following discussion occurred.

DISCUSSION: Senior Planner Nylund explained that this plat is essentially to clarify a portion of the property that already has utilities buried.

VOTE ON MOTION

Yays: 5 - Commission Member Wade, Commission Member Haase, Commission Member Beatus, Commission Member Radotich, and Commission Member Metroka

Absent: 2 – Commission Member Goudreau, Commission Member Reese

MOTION CARRIED

2. Approval of Temporary Land Use Permit 24-02 with 907 Snowcat, LLC for an Approximately 2,200 Square Foot Portion of 3001 Richardson Highway, Tract F, ASLS 79-116 owned by the City of Valdez

MAIN MOTION: Commission Member Wade moved, seconded by Commission Member Radotich, to Approve of temporary land use permit 24-02 with 907 Snowcat, LLC for an approximately 2,200 square foot portion of 3001 Richardson Highway, Tract F, ASLS 79-116 owned by the City of Valdez with conditions.

After the motion the following discussion occurred.

DISCUSSION: Planner LeRoy explained that due to this being a multi-use trail some conditions were added. Nate Smith with 907 Snowcat requested that some of the conditions be dropped. Specifically, Mr. Smith wanted the sign requirement to be removed. He also wanted more freedom to use the Old Alpetco Rd Trail Route depending on weather conditions.

MOTION TO AMEND: Commission Member Metroka moved, seconded by Commission Member Wade, to Amend the above agenda item and include wording that 907 Snowcat LLC shall not use the Old Alpetco Rd Trail Route without approval of Parks and Rec Director.

VOTE ON MOTION TO AMEND:

Yays: 4 - Commission Member Wade, Commission Member Haase, Commission Member Beatus, Commission Member Radotich, and Commission Member Metroka

Nays: 1 - Commissioner Radotich,

Absent: 2 - Commissioners Goudreau & Reese.

VOTE ON MOTION TO AMEND PASSED

VOTE ON MAIN MOTION

Yays: 5 - Commission Member Wade, Commission Member Haase, Commission Member Beatus, Commission Member Radotich, and Commission Member Metroka

Absent: 2 – Commission Member Goudreau, Commission Member Reese

MOTION WITH INCLUDED AMENDMENT CARRIED

V. REPORTS

1. Hazard Mitigation Plan 2023 Implementation Report

No verbal report given. No questions from Commissioners.

2. Planning Director's Report

Director Huber thanked the commissioners and planning staff for all the work done on the final adopted Title 17 project. Title 17 was adopted by council and an implementation plan was summarized. Huber also summarized some housing grants that will be available for the city to apply for in the near future. Huber also summarized her work with the Prince William Sound Economic Development District working group on upcoming housing projects.

VI. COMMISSION BUSINESS FROM THE FLOOR**VII. ADJOURNMENT**



Legislation Text

File #: 24-0275, **Version:** 1

ITEM TITLE:

Public Hearing CUP 24-05: Application from Tim Duffy for a Conditional Use Permit for a Boat Charter Service and a Recreational Vehicle Park & Campground to be Utilized as Seasonal Worker Housing

SUBMITTED BY: Bruce Wall, Senior Planner

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

Public hearing only.

SUMMARY STATEMENT:

The purpose of this hearing is to allow the public to comment on an application for a Conditional Use Permit. The application was submitted by Tim Duffy, owner of Alaska Sea Kayak Adventures LLC (Pangaea Adventures) for a Boat Charter Service and a Recreational Vehicle Park & Campground to be utilized as seasonal Worker Housing located at 1803 and 1829 Homestead Road.

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

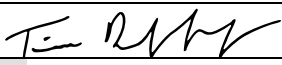
Notice of the meeting was published on the City of Valdez website on July 26, 2024. Notice of the meeting was mailed on July 26, 2024, to the 12 property owners within 300 feet of the subject properties. A document holder was posted on Homestead Road with public notice flyers on June 20, 2024.



FEE: \$50.00
SITE PLAN
(WAIVED 2013 PER
RESOLUTION #12-72)

CITY OF VALDEZ

APPLICATION FOR CONDITIONAL USE PERMIT

APPLICATION NUMBER	DATE 6/3/24
NAME OF APPLICANT Tim Duffy	
ADDRESS OF APPLICANT 1803 Homestead Rd. (PO Box 775), Valdez, AK 99686	
DAYTIME PHONE 907-831-1977	
SIGNATURE 	
LEGAL OWNER Alaska Sea Kayak Adventures, LLC DBA Pangaea Adventures	
ADDRESS 1803 (& 1829 Homestead Rd.) (PO Box 775), Valdez, AK 99686	
PHONE NUMBER 907-831-1977	
STREET ADDRESS: 1803 Homestead Rd., Valdez, AK 99686	
LEGAL DESCRIPTION: Lot 4 (& Parcel B), D-8 Subdivision, Valdez, Alaska 99686	
CURRENT ZONING Rural Residential	
PROVISIONS OF ZONING ORDINANCE REQUIRING A VARIANCE (I.E. SETBACK, LOT COVERAGE, ETC.)	
USE REQUESTED Conditional Use Permit for 1803 (& 1829 Homestead Rd). I and any of my successors would like to continue to use the land the exact same way that I have been since I acquired the property from the original owner of Pangaea Adventures back in 2009, as a residence, as well as boat, vehicle, and equipment storage along with employee housing.	
TEMPORARY N/A	HOW LONG N/A
PERMANENT x	

Please answer the following questions:

How will the proposed use conform to the present and future development of the area? What will be its effect on present and future development?

Ultimately, we just want to continue to exist here. To live and do business. Through providing jobs, rich outdoor experiences to visitors, charitable contributions to local causes, decent revenue for the Bear Paw RV Park and City of Valdez, significant traffic for the hotels, stores, eateries, RV parks and campgrounds here. Pangaea Adventures has consistently proven to be an upstanding contributor to the Valdez community and economy. In gaining full compliance and a letter from the town to acknowledge this, we hope to continue to be able to do this.

Why is there a need in the area for the Conditional Use requested? Wherever possible, substantiate this statement with factual data.

Pangaea Adventures hires individuals uniquely suited to be able to run boats and guide groups in the wild, many of whom are from elsewhere and need to travel to Valdez for the summer months. A very tight and pricy housing market here has created the need for Pangaea to provide housing for its employees. Pangaea also has operational equipment it needs a place to store. 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, especially when considering he had a garage permitted and built with bathrooms and a kitchen to help facilitate employee living. Also the property is owned by a business. Therefore, I honestly thought we were already permitted for this use! I assure you that we all are, and have only ever been, respectful, low-impact individuals and good neighbors to have.

Why is this site especially suited to the Conditional Use proposed?

Our property is perfectly suited for these needs and uses, because the garage was actually built to fit our existing water taxis, as well as to provide a kitchen space and bathrooms for our employees. With tents that we construct and deconstruct each May and September, we offer a minimum-impact way for our workers to remain here, out on the edge of town where the lots are bigger, we are hidden from view from everyone but ourselves, and our back yard abuts undeveloped land to the north for further than the eye can see. We all share a common interest in the outdoors, and having that "wilderness experience" really helps to make a difference, and ultimately, this a desirable place to be for our employees.

Why would the Conditional Use have no detrimental effects on surrounding property and uses?

There have not been any detrimental effects on surrounding property and uses since 2008 when Pangaea began using this property in this capacity, and again, we are only looking to officially continue using this property in this very same manner. We have had no run-ins with any neighbors over the years, and have actually only developed decent relationships with some of them. We are on fantastic terms with Donna Schantz to our east, we became good friends with the Edelmans across the street to the south when they were here for 15 years, and we've actually never encountered our neighbor to the west.

Attach or include any other information you feel is relevant to this application

As I've made it be known to Nicole, for years I've been trying to sell my business Alaska Sea Kayak Adventures, LLC, or Pangaea Adventures as we all know it, but not to just anyone. I'm trying to find a suitable successor who will continue to uphold the values of a respectable person, neighbor and business. After a few years, I have finally found a serious and seemingly virtuous prospective buyer. He is currently trying to secure a SBA 7a loan to make this deal happen, and turns out, this is one of the critical path "show-stopper" items, where the lender needs to first see a letter from the town of Valdez acknowledging and accepting the existing use for the land. Our proposed closing date is July 15, and obtaining this document has been listed as a key objective for the week ahead. Therefore, your timely attention to this matter would be greatly appreciated.

I sincerely appreciate you all taking the time to consider my position here, and for helping me find my way to full compliance.



6/10/24

P.O. Box 775
Valdez, AK 99686

Bruce Wall, AICP
Senior Planner
City of Valdez - Planning Department
PO Box 307
Valdez, AK 99686
(907)834-3451
bwall@valdezak.gov

Hi Bruce & Co.

The layout and use for 1803 & 1829 Homestead Rd. was in place before I acquired the business and properties, and I have only ever maintained it as I encountered it. Again, we are aiming to keep the situation the exact same way that it has been on this land since 2008. No material, structural, or environmental changes are to be made to this property. We are simply requesting approval of a Boat Charter Service and also a Recreational Vehicle Park or Campground to be used as Worker Housing. I have been encouraged by the planning office that this would be the most suitable way for us to structure the plan, and that to do so, we'll need to secure a conditional use permit, as well as to replat/consolidate the two adjacent lots (1803 & 1829 Homestead Rd.) into one single property.

Having this been said, I have developed a narrative and will now speak to how the proposal complies with specific use standards, as well as the conditional use criteria.

Looking at the satellite property map provided, we aim to keep the property as-is, with the small two-story home (20'x30'), garage (36'x52'), shed (30'x20'), kayak rack (12'x12'), sauna (north of the kayak rack -8'x8'), tent platforms (10'x12' each), schoolbus (west of the garage), and parking (south and southwest of the house, as well as on occasion in front of the garage and/or south of the small outbuilding/shed) where they are all situated in that property map. As of this moment, there are no proposed building plans. This layout has proven to be very low-impact on the land, and much of the equipment we own lives in the garage and shed, out of sight. The



worker housing infrastructure (e.g., kitchen/bathrooms/water/septic) is already in place, and there is currently no plan or need to make any changes to it.

As for the conditional use criteria:

1, In that the subject site has already operated under the proposed conditional use plan since before my time (via assurance from the old owner, I honestly thought we've been compliant all this time!), without any adverse effects, the subject site in its current form has already proven to produce no negative effects. It has, however, served as a great, simple home for seasonal employees who have all positively contributed to this community. In the summer, during our operating season, when employees are present (for only 4 months out of the year), and when the vegetation grows all around the tents and bus, it is hard to even see them, as they are almost fully camouflaged by the greenery. The tents and bus therefore minimally impact the landscape, and actually blend in well. Thus, the proposed use suits the site quite well.

2, 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. Water and septic are hooked up, and smoke detectors and fire extinguishers are also available.

3, Again, I am trying to secure a conditional use permit allowing for the existing use of the site (1803) to continue. Simultaneously, we need to replat the land to remove the property line between 1803 and 1829 (or Parcel B) Homestead Rd., thus combining the two properties into one, which will then allow for the current accessory use to continue across the entire swath. In that there is a primary residence located at 1803 Homestead Rd., granted 1829 Homestead Rd. can be added to it, the accessory uses in their current format should comply with the current local zoning district standards.

4, We are not currently planning to expand or build a new campground or RV park. Our current layout appears to meet all of the Specific Use Standards for Recreational Parks or Campgrounds as well as Worker Housing.

5, Our proposed conditional use will comply with all the applicable specific use standards included in Valdez's Administration and Enforcement Code Chapter 17.06 and 17.13.030. 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. As for the snow removal plan, we do not have employees present when snow is a factor. Even still, during the winter and spring, we have a good system for removing snow and creating access to important areas such as doorways, windows, fuel tanks and overhang shed zones that require periodic clearing. Please see property drawing for snow removal plan.

6, All of our employees go through an extensive application process and are thoroughly vetted prior to their hiring. We do background checks and ensure that anyone slated to live on the property is respectable, well-mannered, and conscious of not producing any negative externalities. 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. We also hold monthly meetings which address any concerns that may come up in this regard. Many of our employees use bikes that we provide for them to get to and from work at our office in town. Ultimately, we practice and remain ever-mindful of nuisance mitigation on our property.

7, We have ample space on our property to provide good access for our workers, as well as their vehicles and bikes.

I hope this all helps and makes sense! Please let me know what questions come up.

Please pardon any undue pressure to get this done. Again, given that we are aiming for a closing date of July 15 of this year for the sale of the business and property -all pending proof of compliance from the City of Valdez, I greatly appreciate your guidance in helping us navigate our way through this process in as timely a manner as is possible.

My Best,

Tim Duffy

Owner/Captain/Guide
Pangaea Adventures
(907)831-1977

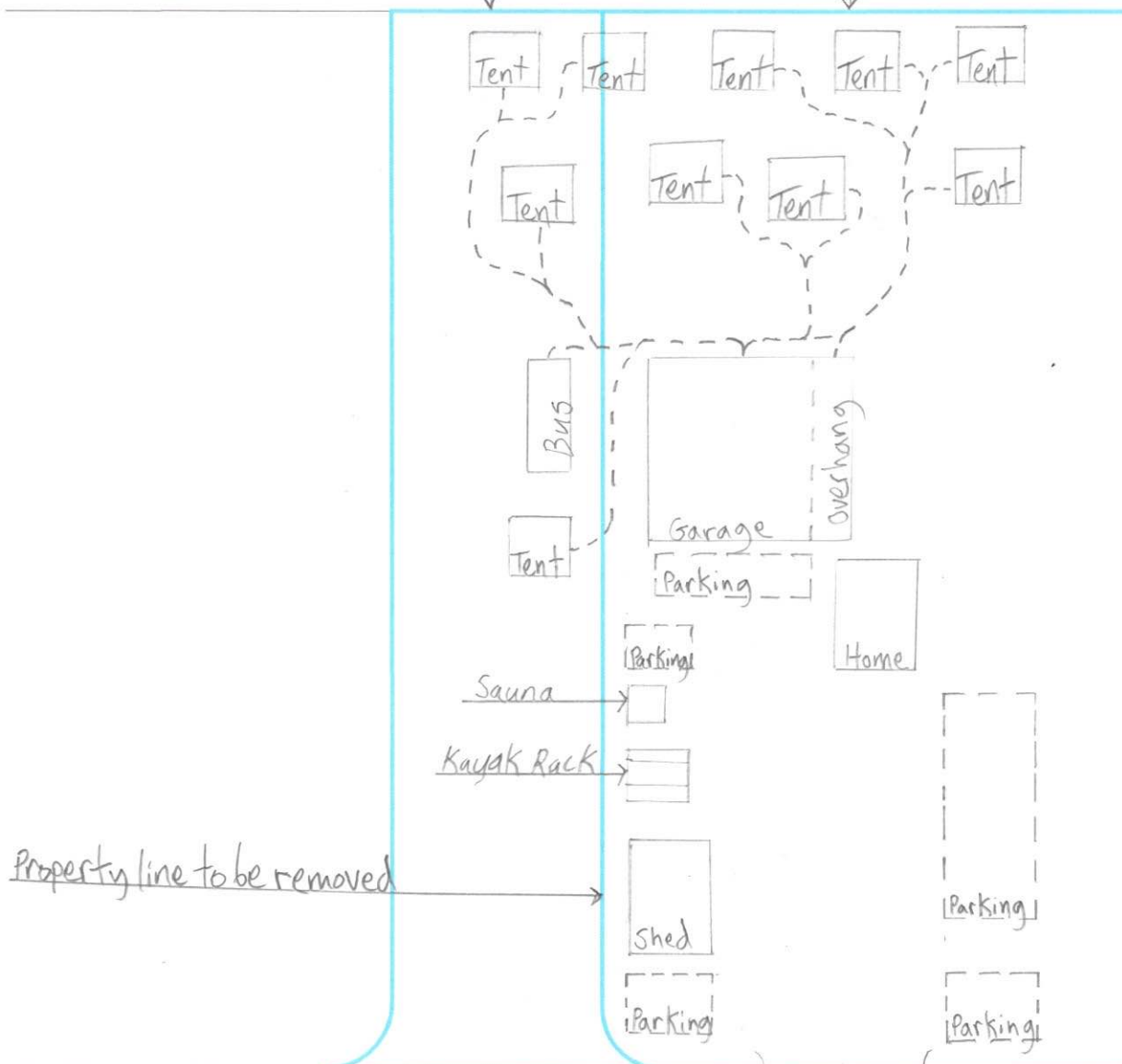


trduffy77@hotmail.com

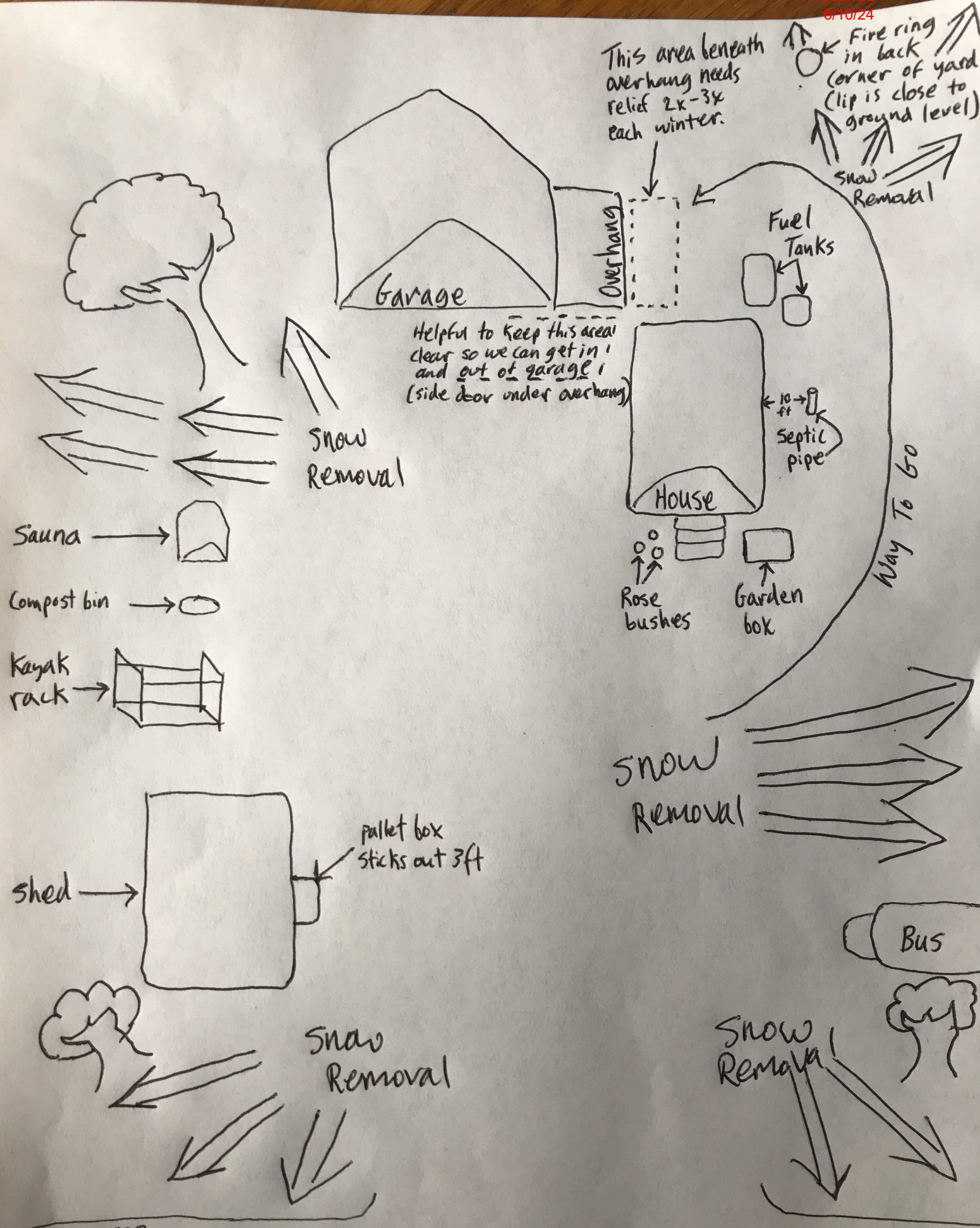
Site Plan

1829 Homestead
(Parcel B, D8
Subdivision)

1803 Homestead
(Lot 4, D8 Subdivision)



Homestead Rd



1803
Homestead Rd.



NOTICE OF PUBLIC HEARING CONDITIONAL USE PERMIT

The Valdez Planning and Zoning Commission will hold a public hearing on Wednesday, **July 10, 2024**, at 7:00 pm in the City Council Chambers at 212 Chenega Avenue, Valdez, Alaska.

The purpose of the hearing is to take public testimony concerning a Boat Charter Services and a Recreational Vehicle Park & Campground to be utilized as seasonal summer Worker Housing to be located at 1803 & 1829 Homestead Road (Lot 4 and Parcel B, D8 Subdivision no.1, Plat 83-12). The applicant is Tim Duffy and the property owner is Alaska Sea Kayak Adventures LLC.

The public is encouraged to attend the hearing to provide comments or may submit comments in writing to the Community Development Department. Submitted comments must be received by 4:00 pm on the day of the meeting to be presented to the Planning & Zoning Commission. Submissions by email may be sent to: communitydevelopment@valdezak.gov.

Anyone having questions concerning this notice, or who would like more information should contact the Community Development Department at 907-834-3401.



Conditional Use Permit for a Boat Charter Service
and a Recreational Vehicle Park & Campground
to be utilized as seasonal Worker Housing

P & Z Commission Meeting - July 10, 2024

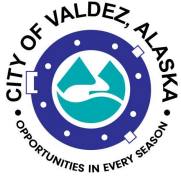
2023 Aerial Photo



0 75 150 300 Feet

Date: 6/20/2024

Notification Radius
Subject Property



Legislation Text

File #: 24-0276, **Version:** 1

ITEM TITLE:

Public Hearing for Variance - 24-01 - A Request from Orion Construction, Inc. on behalf of Valdez Senior Housing Associates, LLC to Construct a Covered Parking Structure Encroaching into the Side Yard Setback at Lot 3 Medical Park Subdivision Senior Addition

SUBMITTED BY: Nicole Chase, Planner

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

N/A - public hearing only.

SUMMARY STATEMENT:

The purpose of this hearing is to allow the public to comment on the application submitted by Orion Construction, Inc. on behalf of Valdez Senior Housing Associates, LLC to allow a variance to construct a 207' x 20' roof structure for covered parking that would encroach 6.7' within the required 15-foot side yard setback. The request is for a 6.7' encroachment into the side yard setback for this covered parking structure.

Property Owner: Valdez Senior Housing Associates, LLC

Street Address: 104 E Hanagita Street

Legal Description: Lot 3, Medical Park Subdivision Senior Addition (plat 2022-2)

Zoning District: High Density Residential (R2)

Existing Land Use: Multi-unit dwelling (Senior housing)

Access: Hanagita Street

Property Size: 83,758 square feet (plat 2022-2)

Adjacent Land Use: Vacant, Residential, & Hospital

Notice of the meeting was published in the Copper River Record on June 27, 2024, in accordance with (Ord. 24-01) VMC 17.04.180. Notice of the hearing was also published in KVAK's e-blast newspaper on June 24, 2024, and July 1, 2024, in accordance with (Ord. 24-01) VMC 17.04.180.

Notice of the meeting was also posted on the City of Valdez website on June 24, 2024, in accordance with (Ord. 24-01) 17.04.180. Notice of the hearing was mailed on June 26, 2024, to the 21 property owners within 300 feet of the subject property, in accordance with (Ord. 24-01) VMC 17.04.180.

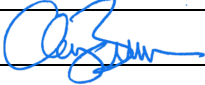


FEE \$50.00
SITE PLAN
WAIVED 2013 PER
RESOLUTION #12-72

CITY OF VALDEZ

APPLICATION FOR VARIANCE

Received 6/21/2021 NC

APPLICATION NUMBER	24-01	DATE	6/20/2024
NAME OF APPLICANT	Orion Construction, Inc. Chris Brunner PM		
ADDRESS OF APPLICANT	3038 N Caribou St. Wasilla, AK. 99654		
DAYTIME PHONE	907-841-4541		
SIGNATURE			
LEGAL OWNER	Valdez Senior Housing Associates LLC		
ADDRESS	22701 E. Briarwood Place Aurora, CO. 80016		
PHONE NUMBER	914-441-3880		
LOCATION OF PROPERTY AND/OR LEGAL DESCRIPTION/STREET ADDRESS			
Lot 3 Medical Park Subdivision Senior Addition			
104 East Hanagita			
CURRENT ZONING	Ord. 24-01 c. On corner lots, the minimum front setback		
for lots with multi-family dwellings is now 15' as of February 2024			
PROVISIONS OF ZONING ORDINANCE REQUIRING A VARIANCE (I.E. SETBACK, LOT COVERAGE, ETC.)			
Setback			
SECTION NUMBER			
VARIANCE REQUESTED	Requesting a variance allowing for a setback of 6.7' for		
a covered parking structure in front of the Senior Housing Apartments.			

Please answer the following questions:

Describe any exceptional physical characteristics or conditions pertaining to the property which may affect the intended use or development, which do not generally apply to other properties in the same zoning district.

Lot 3, on which the apartment have been built, is a very narrow lot. We have less than an inch of wiggle room for the new covered parking structure and also a required minimum distance from the building to avoid the need of installing a sprinkler system

Describe how the strict applications of the provisions of the zoning regulations would result in practical difficulties or unnecessary hardship.

When the structure was designed, the setback codes were not as strict and the covered parking structure was designed based on the old zoning. There is physically not enough room on the lot to accommodate the new zoning rules.

Describe how the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

Granting this variance will affect no other properties or be detrimental to public health, safety, or welfare, but will greatly benefit the senior occupants of the apartments.

Describe how the granting of the variance will not be contrary to the objectives of the comprehensive plan.

The granting of this variance is in line with the plan that was originally conceived with the cooperation by the City of Valdez.

From: [Chris Brunner](#)
To: [Nicole Chase](#)
Cc: [Kate Huber](#); [Michael Wesson](#)
Subject: Re: Valdez Senior Housing Parking
Date: Friday, June 21, 2024 12:50:23 PM

Nicole,

I have added some wording to the narrative:

The covered parking structure was specifically designed with measures to direct snow and rain into the drainage swale along Hanagita road. This design approach is common in areas where snow and rain are frequent, ensuring that runoff is managed effectively without posing a danger to pedestrians on the sidewalk. The projects design team worked with the City as well as Public Works to ensure that sidewalk is plowed with Hanagita Street at every snowfall helping to mitigate the accumulation of snow that will accumulate from shedding.

The fact that the structure will be approximately 14 feet from the sidewalk suggests that there should be ample distance to prevent any direct impact or danger to pedestrians from shedding snow. This separation is designed to allow for safe clearance and to minimize any risk of falling snow or ice reaching pedestrian areas.

The structure has been designed with these considerations in mind, including proper drainage and clearance from pedestrian paths, and it should mitigate any potential hazards associated with shedding snow and rain. However, as with any construction project, ongoing monitoring and maintenance are important to ensure that the design performs as intended over time.

Chris Brunner

Project Manager

Orion Construction Inc.

SDVOSB & HUBZone Certified

2019 SBA Alaska District Veteran-Owned Business of the Year for South Central

907-841-4541 Cell

907-631-3550 Office

chrisb@orionconstructioninc.com

On Fri, Jun 21, 2024 at 12:23 PM Chris Brunner <chrisb@orionconstructioninc.com> wrote:

Nicole,

Please see the narrative below:

Have a good weekend and again, thanks for your help!

Respectfully,

The covered parking structure was specifically designed with measures to direct

snow and rain into the drainage swale along Hanagita road. This design approach is common in areas where snow and rain are frequent, ensuring that runoff is managed effectively without posing a danger to pedestrians on the sidewalk.

The fact that the structure will be approximately 14 feet from the sidewalk suggests that there should be ample distance to prevent any direct impact or danger to pedestrians from shedding snow. This separation is designed to allow for safe clearance and to minimize any risk of falling snow or ice reaching pedestrian areas.

The structure has been designed with these considerations in mind, including proper drainage and clearance from pedestrian paths, and it should mitigate any potential hazards associated with shedding snow and rain. However, as with any construction project, ongoing monitoring and maintenance are important to ensure that the design performs as intended over time.

Chris Brunner

Project Manager

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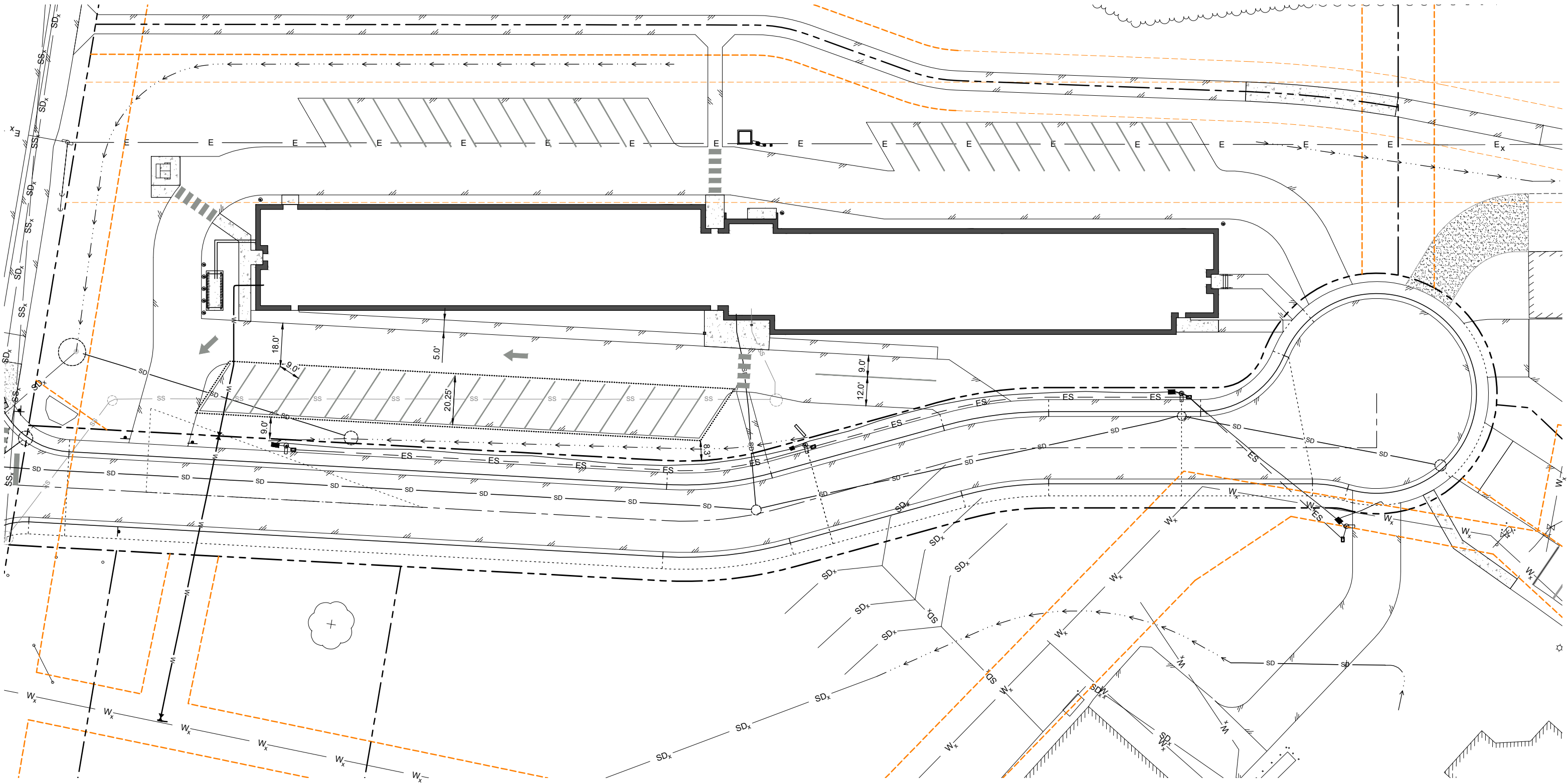
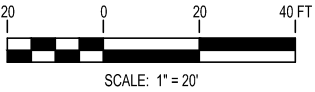
907-841-4541 Cell

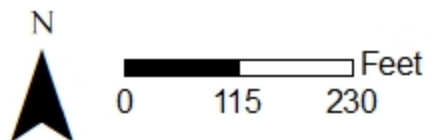
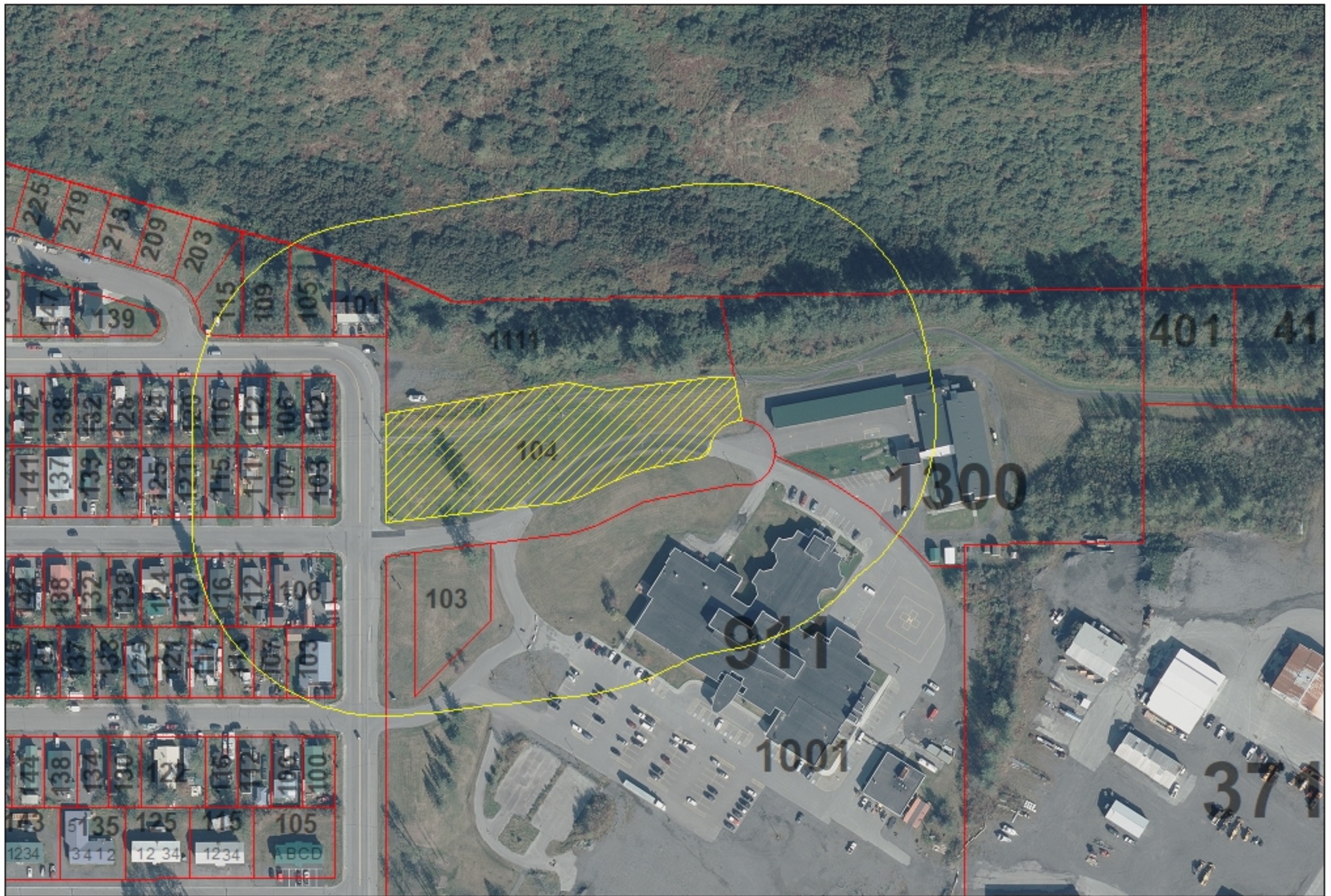
907-631-3550 Office

chrisb@orionconstructioninc.com

2023-08-31 COVERED PARKING

GRAPHIC SCALE





104 E Hanagita Street
300' Variance Request Notification Area

Information displayed is for informational purposes only. The City of Valdez makes no warranties, expressed or implied as to the veracity or accuracy of the information herein.





NOTICE OF PUBLIC HEARING SIDE YARD SETBACK VARIANCE

The Valdez Planning & Zoning Commission will hold a public hearing on Wednesday, July 10, 2024, at 7:00 pm in the City Council Chambers at 212 Chenega Ave Valdez, Alaska 99686.

The purpose of the hearing is to take public testimony concerning a variance request to allow construction of a covered parking structure within the required side yard setback. The subject property is 104 E Hanagita Street, Lot 3, Medical Park Subdivision Senior Addition. The applicant is Orion Construction, Inc. and the property owner is Valdez Senior Housing Associates, LLC.

The public is encouraged to attend the hearing to provide comments or may submit comments in writing to the Community Development Department prior to the meeting. Submitted comments must be received by 4:00 pm on the day of the meeting to be presented to the Planning & Zoning Commission. Submitted comments will be presented to the Planning & Zoning Commission. Submissions by email may be sent to: communitydevelopment@valdezak.gov.

Anyone having questions concerning this notice, or who would like more information should contact Community Development Department at 907-834-3401.



Legislation Text

File #: 24-0277, **Version:** 1

ITEM TITLE:

Approval of Conditional Use Permit 24-05 - A Request from Tim Duffy to Allow a Boat Charter Service and a Recreational Vehicle Park & Campground to be Utilized as Seasonal Worker Housing at Lot 4 and Parcel B, D8 Subdivision no.1, Plat 83-12 (1803 and 1829 Homestead Road) and Adopt Findings

SUBMITTED BY: Bruce Wall, Senior Planner

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

Approve the request from Tim Duffy to allow a Boat Charter Service and a Recreational Vehicle Park & Campground to be utilized as seasonal Worker Housing at Lot 4 and Parcel B, D8 Subdivision no.1, Plat 83-12 (1803 and 1829 Homestead Road) and adopt the proposed findings.

SUMMARY STATEMENT:

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 being utilized as seasonal Worker Housing

Access: Homestead Road

Ordinance 24-01 states, "*The Planning and Zoning Commission shall evaluate whether the conditional use permit application complies with the criteria established in this section in determining to approve, approve with conditions, or deny the request.*"

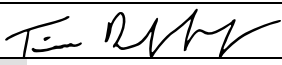
Please see the attached staff report for details on the code requirements and staff's evaluation of the application.



FEE: \$50.00
SITE PLAN
(WAIVED 2013 PER
RESOLUTION #12-72)

CITY OF VALDEZ

APPLICATION FOR CONDITIONAL USE PERMIT

APPLICATION NUMBER	DATE 6/3/24
NAME OF APPLICANT Tim Duffy	
ADDRESS OF APPLICANT 1803 Homestead Rd. (PO Box 775), Valdez, AK 99686	
DAYTIME PHONE 907-831-1977	
SIGNATURE 	
LEGAL OWNER Alaska Sea Kayak Adventures, LLC DBA Pangaea Adventures	
ADDRESS 1803 (& 1829 Homestead Rd.) (PO Box 775), Valdez, AK 99686	
PHONE NUMBER 907-831-1977	
STREET ADDRESS: 1803 Homestead Rd., Valdez, AK 99686	
LEGAL DESCRIPTION: Lot 4 (& Parcel B), D-8 Subdivision, Valdez, Alaska 99686	
CURRENT ZONING Rural Residential	
PROVISIONS OF ZONING ORDINANCE REQUIRING A VARIANCE (I.E. SETBACK, LOT COVERAGE, ETC.)	
USE REQUESTED Conditional Use Permit for 1803 (& 1829 Homestead Rd). I and any of my successors would like to continue to use the land the exact same way that I have been since I acquired the property from the original owner of Pangaea Adventures back in 2009, as a residence, as well as boat, vehicle, and equipment storage along with employee housing.	
TEMPORARY N/A	HOW LONG N/A
PERMANENT x	

Please answer the following questions:

How will the proposed use conform to the present and future development of the area? What will be its effect on present and future development?

Ultimately, we just want to continue to exist here. To live and do business. Through providing jobs, rich outdoor experiences to visitors, charitable contributions to local causes, decent revenue for the Bear Paw RV Park and City of Valdez, significant traffic for the hotels, stores, eateries, RV parks and campgrounds here. Pangaea Adventures has consistently proven to be an upstanding contributor to the Valdez community and economy. In gaining full compliance and a letter from the town to acknowledge this, we hope to continue to be able to do this.

Why is there a need in the area for the Conditional Use requested? Wherever possible, substantiate this statement with factual data.

Pangaea Adventures hires individuals uniquely suited to be able to run boats and guide groups in the wild, many of whom are from elsewhere and need to travel to Valdez for the summer months. A very tight and pricy housing market here has created the need for Pangaea to provide housing for its employees. Pangaea also has operational equipment it needs a place to store. 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, especially when considering he had a garage permitted and built with bathrooms and a kitchen to help facilitate employee living. Also the property is owned by a business. Therefore, I honestly thought we were already permitted for this use! I assure you that we all are, and have only ever been, respectful, low-impact individuals and good neighbors to have.

Why is this site especially suited to the Conditional Use proposed?

Our property is perfectly suited for these needs and uses, because the garage was actually built to fit our existing water taxis, as well as to provide a kitchen space and bathrooms for our employees. With tents that we construct and deconstruct each May and September, we offer a minimum-impact way for our workers to remain here, out on the edge of town where the lots are bigger, we are hidden from view from everyone but ourselves, and our back yard abuts undeveloped land to the north for further than the eye can see. We all share a common interest in the outdoors, and having that "wilderness experience" really helps to make a difference, and ultimately, this a desirable place to be for our employees.

Why would the Conditional Use have no detrimental effects on surrounding property and uses?

There have not been any detrimental effects on surrounding property and uses since 2008 when Pangaea began using this property in this capacity, and again, we are only looking to officially continue using this property in this very same manner. We have had no run-ins with any neighbors over the years, and have actually only developed decent relationships with some of them. We are on fantastic terms with Donna Schantz to our east, we became good friends with the Edelmans across the street to the south when they were here for 15 years, and we've actually never encountered our neighbor to the west.

Attach or include any other information you feel is relevant to this application

As I've made it be known to Nicole, for years I've been trying to sell my business Alaska Sea Kayak Adventures, LLC, or Pangaea Adventures as we all know it, but not to just anyone. I'm trying to find a suitable successor who will continue to uphold the values of a respectable person, neighbor and business. After a few years, I have finally found a serious and seemingly virtuous prospective buyer. He is currently trying to secure a SBA 7a loan to make this deal happen, and turns out, this is one of the critical path "show-stopper" items, where the lender needs to first see a letter from the town of Valdez acknowledging and accepting the existing use for the land. Our proposed closing date is July 15, and obtaining this document has been listed as a key objective for the week ahead. Therefore, your timely attention to this matter would be greatly appreciated.

I sincerely appreciate you all taking the time to consider my position here, and for helping me find my way to full compliance.



6/10/24

P.O. Box 775
Valdez, AK 99686

Bruce Wall, AICP
Senior Planner
City of Valdez - Planning Department
PO Box 307
Valdez, AK 99686
(907)834-3451
bwall@valdezak.gov

Hi Bruce & Co.

The layout and use for 1803 & 1829 Homestead Rd. was in place before I acquired the business and properties, and I have only ever maintained it as I encountered it. Again, we are aiming to keep the situation the exact same way that it has been on this land since 2008. No material, structural, or environmental changes are to be made to this property. We are simply requesting approval of a Boat Charter Service and also a Recreational Vehicle Park or Campground to be used as Worker Housing. I have been encouraged by the planning office that this would be the most suitable way for us to structure the plan, and that to do so, we'll need to secure a conditional use permit, as well as to replat/consolidate the two adjacent lots (1803 & 1829 Homestead Rd.) into one single property.

Having this been said, I have developed a narrative and will now speak to how the proposal complies with specific use standards, as well as the conditional use criteria.

Looking at the satellite property map provided, we aim to keep the property as-is, with the small two-story home (20'x30'), garage (36'x52'), shed (30'x20'), kayak rack (12'x12'), sauna (north of the kayak rack -8'x8'), tent platforms (10'x12' each), schoolbus (west of the garage), and parking (south and southwest of the house, as well as on occasion in front of the garage and/or south of the small outbuilding/shed) where they are all situated in that property map. As of this moment, there are no proposed building plans. This layout has proven to be very low-impact on the land, and much of the equipment we own lives in the garage and shed, out of sight. The



worker housing infrastructure (e.g., kitchen/bathrooms/water/septic) is already in place, and there is currently no plan or need to make any changes to it.

As for the conditional use criteria:

1, In that the subject site has already operated under the proposed conditional use plan since before my time (via assurance from the old owner, I honestly thought we've been compliant all this time!), without any adverse effects, the subject site in its current form has already proven to produce no negative effects. It has, however, served as a great, simple home for seasonal employees who have all positively contributed to this community. In the summer, during our operating season, when employees are present (for only 4 months out of the year), and when the vegetation grows all around the tents and bus, it is hard to even see them, as they are almost fully camouflaged by the greenery. The tents and bus therefore minimally impact the landscape, and actually blend in well. Thus, the proposed use suits the site quite well.

2, 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. Water and septic are hooked up, and smoke detectors and fire extinguishers are also available.

3, Again, I am trying to secure a conditional use permit allowing for the existing use of the site (1803) to continue. Simultaneously, we need to replat the land to remove the property line between 1803 and 1829 (or Parcel B) Homestead Rd., thus combining the two properties into one, which will then allow for the current accessory use to continue across the entire swath. In that there is a primary residence located at 1803 Homestead Rd., granted 1829 Homestead Rd. can be added to it, the accessory uses in their current format should comply with the current local zoning district standards.

4, We are not currently planning to expand or build a new campground or RV park. Our current layout appears to meet all of the Specific Use Standards for Recreational Parks or Campgrounds as well as Worker Housing.

5, Our proposed conditional use will comply with all the applicable specific use standards included in Valdez's Administration and Enforcement Code Chapter 17.06 and 17.13.030. 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. As for the snow removal plan, we do not have employees present when snow is a factor. Even still, during the winter and spring, we have a good system for removing snow and creating access to important areas such as doorways, windows, fuel tanks and overhang shed zones that require periodic clearing. Please see property drawing for snow removal plan.

6, All of our employees go through an extensive application process and are thoroughly vetted prior to their hiring. We do background checks and ensure that anyone slated to live on the property is respectable, well-mannered, and conscious of not producing any negative externalities. 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. We also hold monthly meetings which address any concerns that may come up in this regard. Many of our employees use bikes that we provide for them to get to and from work at our office in town. Ultimately, we practice and remain ever-mindful of nuisance mitigation on our property.

7, We have ample space on our property to provide good access for our workers, as well as their vehicles and bikes.

I hope this all helps and makes sense! Please let me know what questions come up.

Please pardon any undue pressure to get this done. Again, given that we are aiming for a closing date of July 15 of this year for the sale of the business and property -all pending proof of compliance from the City of Valdez, I greatly appreciate your guidance in helping us navigate our way through this process in as timely a manner as is possible.

My Best,

Tim Duffy

Owner/Captain/Guide
Pangaea Adventures
(907)831-1977

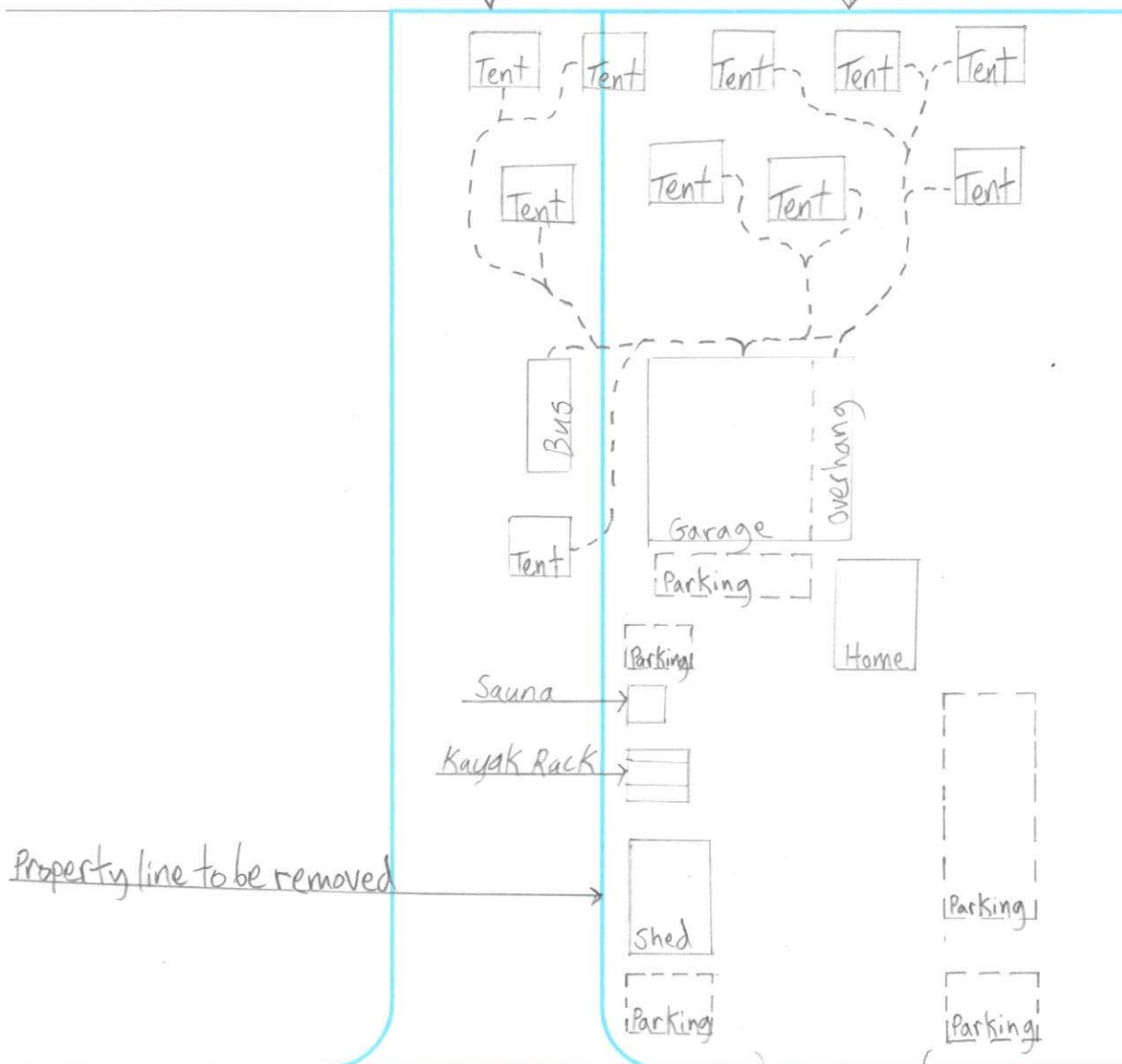


trduffy77@hotmail.com

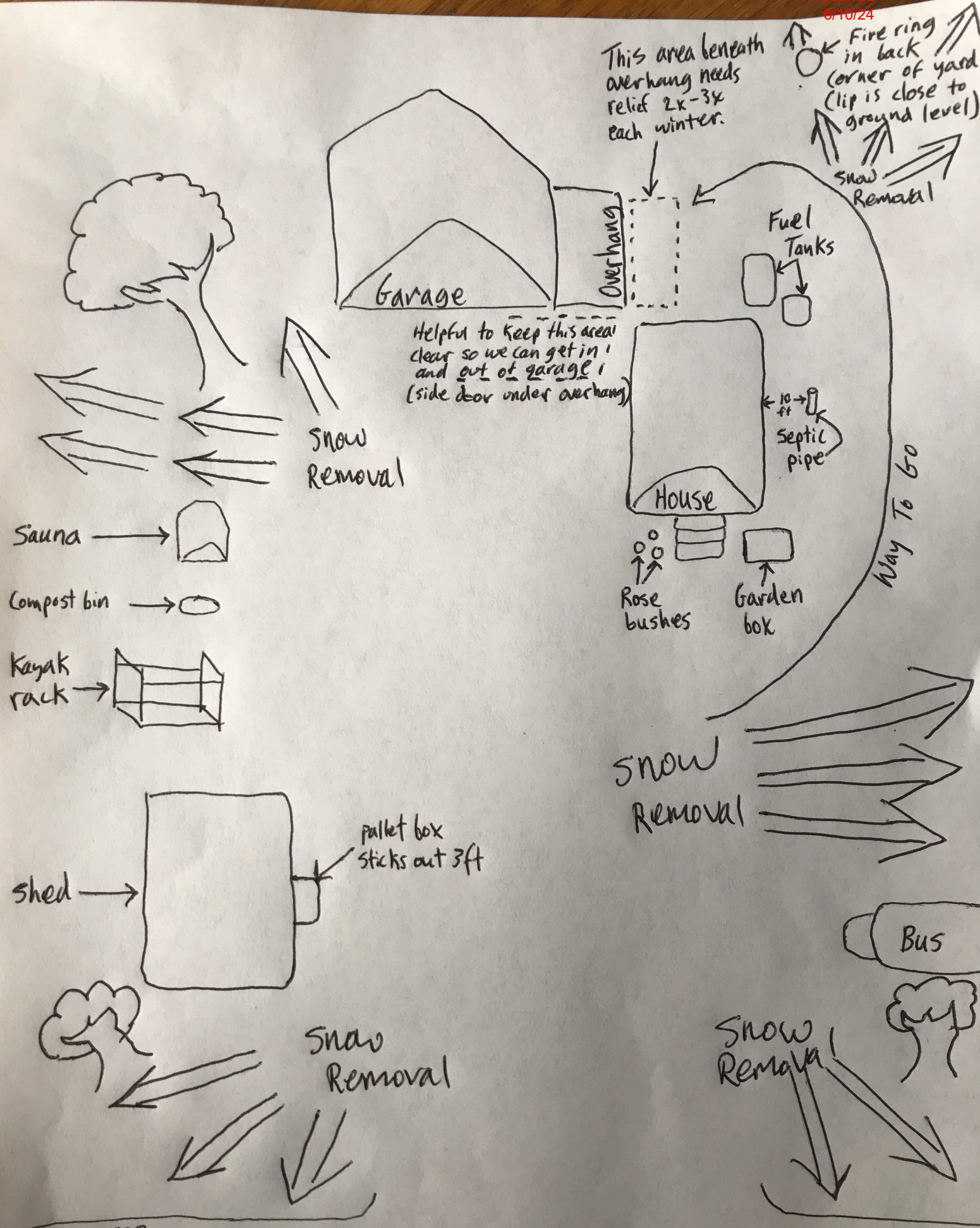
Site Plan

1829 Homestead
(Parcel B, D8
Subdivision)

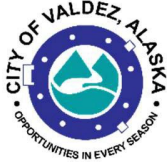
1803 Homestead
(Lot 4, D8 Subdivision)



Homestead Rd



1803
Homestead Rd.



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.

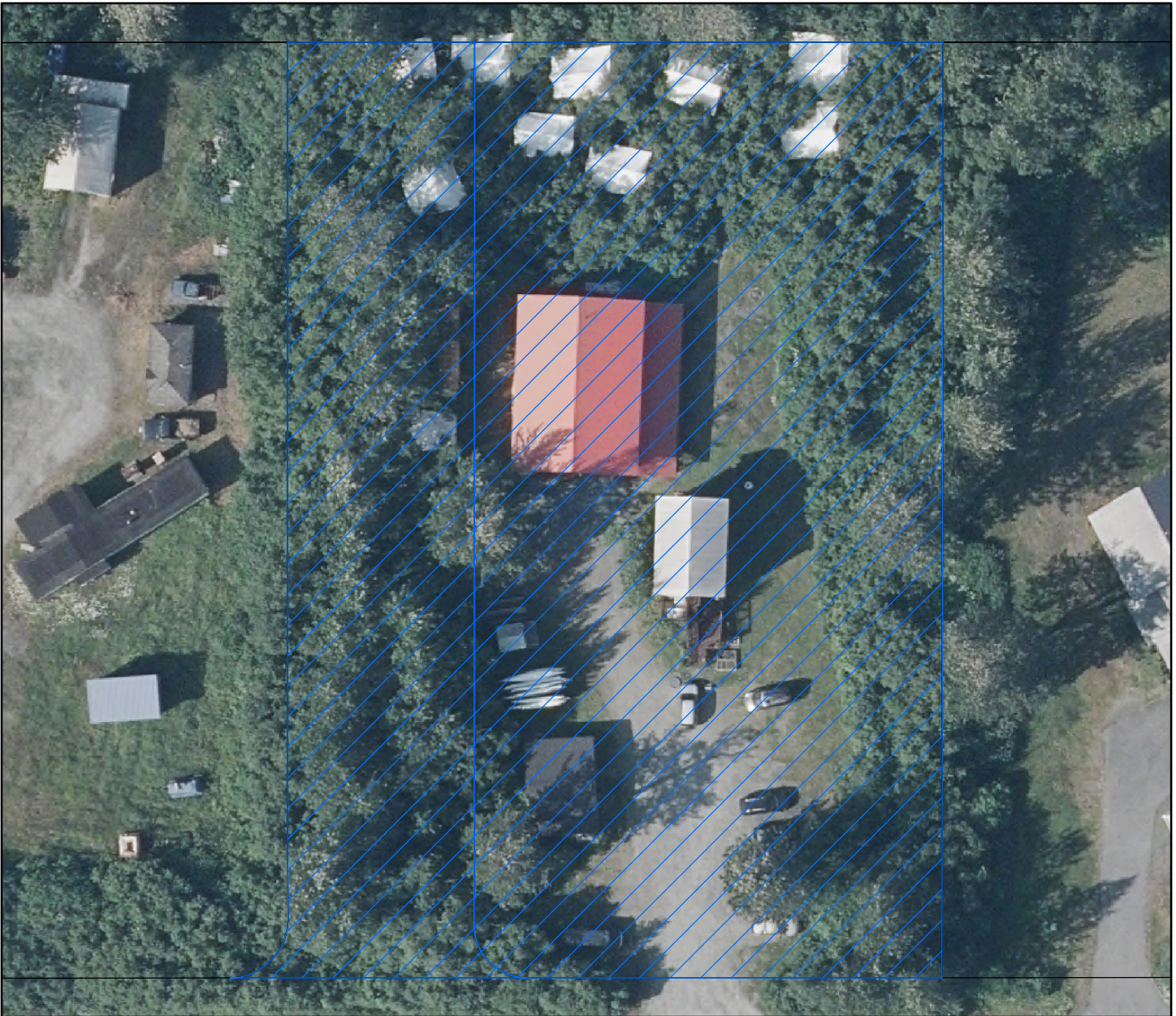
7. **Criterion 7: Access and Circulation.** The proposed conditional use and its associated site improvement(s) shall provide adequate site access for motor vehicles, pedestrians, and cyclists. Applications shall not be approved where the proposed use would create undue traffic congestion or pose a safety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

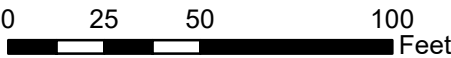
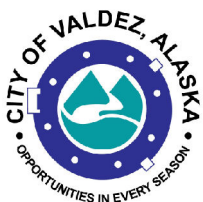


Conditional Use Permit for a Boat Charter Services and a
Recreational Vehicle Park or Campground to be utilized
as seasonal summer Worker Housing



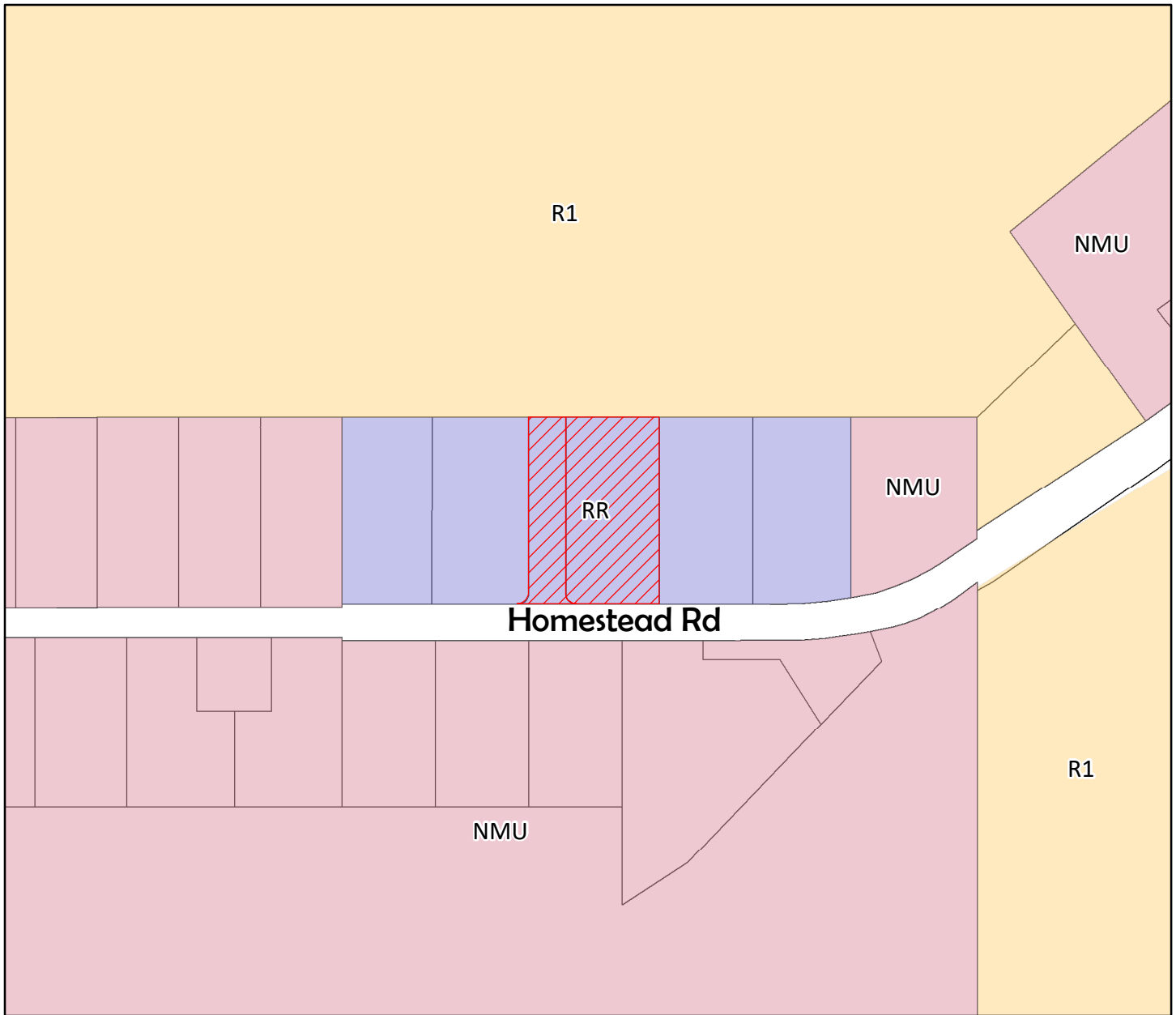
P & Z Commission Meeting - July 10, 2024

2023 Aerial Photo



Date: 6/12/2024

 Subject Property



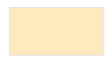


Conditional Use Permit for a Boat Charter Services and a
Recreational Vehicle Park or Campground to be utilized
as seasonal summer Worker Housing

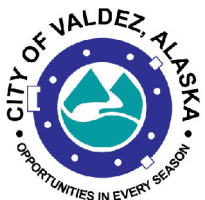
P & Z Commission Meeting - July 10, 2024



 Subject Property

Current Zoning

-  Moderate Density Residential (R1)
-  RR
-  NMU



0 125 250 500
Feet

Date: 6/12/2024



Legislation Text

File #: 24-0278, **Version:** 1

ITEM TITLE:

Approval of Preliminary Plat for D8 Alaska Sea Kayak Subdivision, a Re-Plat of Lot 4 and Parcel B of D8 Subdivision Plat 83-12, Creating Lot 4A, D8 Alaska Sea Kayak Subdivision.

SUBMITTED BY: Paul Nylund - Senior Planner/GIS Technician

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve the preliminary plat for D8 Alaska Sea Kayak Subdivision, a re-plat of Lot 4 and Parcel B of D8 Subdivision Plat 83-12, creating Lot 4A D8 Alaska Sea Kayak Subdivision.

SUMMARY STATEMENT:

Tim Duffy, on behalf of Alaska Sea Kayak Adventures LLC, has requested a replat within Section 36, Township 8 South, Range 7 West, Copper River Meridian, Alaska.

Alaska Sea Kayak Adventures LLC is the property owner of the land on which the replat is to take place.

Allen Minish, or Wrangell Mountain Technical Services, is the land surveyor on this project.

This proposed platting action is considered a minor subdivision. A minor subdivision is defined by Valdez Municipal Code (VMC) 16.04.020 as: any subdivision containing not more than four lots and includes simple lot line adjustments such as this.

Floodplain Considerations:

A thorough Floodplain Determination will be done on this property before the final plat is submitted, and if any portion of the subject property is within Flood Zone A this will be shown on the plat.

VMC 16.12.020

18. If the property lies within Flood Zone A the area shall be delineated and a note

shall be included on the plat, stating that “The property within Flood Zone A as identified by the Federal Emergency Management Agency shall be required to comply with Federal Regulations”;

Zoning Considerations and Conditional Use Permit:

Both subject properties are zoned Rural Residential. The existing and proposed continued use on 1803 Homestead Road is a detached residence, a boat charter service including gear and boat storage, and a campground for the purpose of worker housing associated with the boat charter business. The existing and proposed continued use on 1829 Homestead Road is a portion of the campground for the purpose of worker housing associated with the boat charter business. Worker housing, boat charter services, and recreational vehicle parks and campgrounds require a conditional use permit in the rural residential district. Alaska Sea Kayak Adventures, LLC is pursuing a conditional use permit for the proposed use.

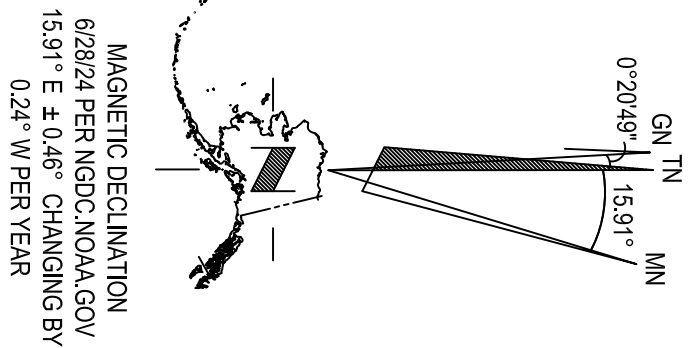
Per Ord. 24-01 VMC 17.13.060.b Motor Vehicle Parking Ratios by Land Use (s) requires a minimum of .5 parking spaces per unit for worker housing, a minimum of 2 parking spaces per unit for detached dwellings. The proposed property has enough area for off-street parking to accommodate these requirements. Approval of this plat will not reduce the amount of available parking.

The minimum lot width in the Rural Residential district is 120 feet (Ord. 24-01 VMC 17.06.070.) The minimum lot area dimensions in the Rural Residential district is 40,000 square feet (Ord. 24-01 VMC 17.06.070.) This subdivision will be bringing both lots into compliance with these requirements as 1829 Homestead Road is currently too small to meet these dimensional standards.

Notification:

Notice was sent to all property owners within 300 feet of the property, per Section 16.04.090 of the Valdez Municipal Code, on July 1st, 2024. Notice was sent to the utilities on July 1st, 2024.

Staff will continue to work with the surveyor and landowner to insure all final plat requirements are met before bringing the final version of this plat to the commission for approval.



TRACT A-3
ASLS 79-117
PLAT 2000-15
ZONED R1
CITY OF VALDEZ

N 88° 39' 59" W 1082.28'
N 88° 58' 00" W 1082.30' (R1+R2)

HOMESTEAD ROAD 60'

LOT 4A
D8 ALASKA SEA
KAYAK SUBD.
63,084.70 SF (1.448 ACRES)

D=40'0"157"
R=15.00'
L=23.57'
N88° 39' 47" W 350.77'
N88° 58' 00" W 350.00' (R1)

S88° 38' 16" E 224.90'
MON. SET PER PLAT 93-11

LOT 2
BLOCK 1
RAVEN SUBDIVISION
PLAT 94-9
ZONED NMU

LOT 1
BLOCK 1
RAVEN SUBDIVISION
PLAT 94-9
ZONED NMU

LOT 6
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

LOT 5
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

LOT 4
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

LOT 3
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

LOT 2
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

TRACT I
RAVEN SUBDIVISION
SNOW STORAGE
PLAT 97-16
ZONED NMU

LOT 9
RAVEN SUBDIVISION
PLAT 97-16
ZONED NMU

LOT 8
RAVEN SUBDIVISION
PLAT 97-16
ZONED NMU

LOT 8
D-8 SUBDIVISION
PLAT 93-11
ZONED R2

LOT 7
D-8 SUBDIVISION
PLAT 93-11
ZONED R2

TRACT K
USS 5113
PLAT 99-15
ZONED R2

TRACT J
RAVEN SUBDIVISION
SNOW STORAGE
PLAT 97-16
ZONED R2

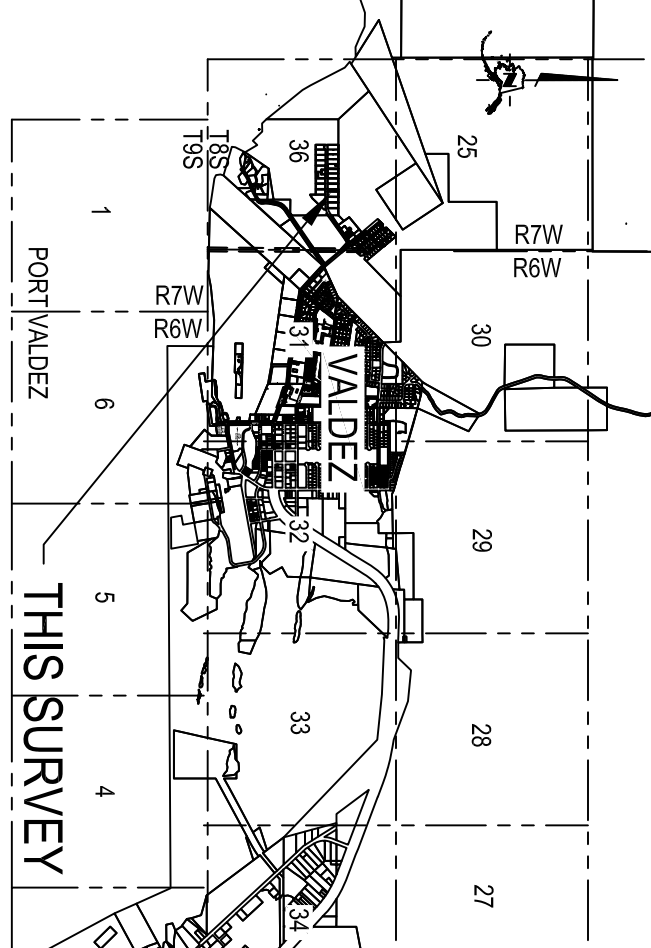
LEGEND

- FOUND PRIMARY 3.5" ALCAP MONUMENT
- FOUND SECONDARY MONUMENT ALCAP ON REBAR
- FOUND REBAR
- FOUND IRON PIPE
- SET SECONDARY MONUMENT YELLOW PLASTIC CAP ON 5/8" X 30" REBAR
- SUBDIVISION EXTERIOR BOUNDARY
- SUBDIVISION INTERIOR BOUNDARY
- OTHER BOUNDARIES
- SECTION LINES
- (R1) RECORD PLAT 83-12
- (R2) RECORD PLAT 94-9
- (R3) RECORD PLAT 93-11 SETTING OF MONUMENT ONLY REFERENCE

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF D-8 ALASKA SEA KAYAK SUBDIVISION, AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT AND DEDICATE OR RESERVE FOR PUBLIC, AS SHOWN, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED ON THIS PLAT.

VICINITY MAP
SCALE: 1" = 1 MILE



TIM DUFFY, AGENT
ALASKA SEA KAYAK ADVENTURES, LLC
PO BOX 775
VALDEZ, AK 99686

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, PERSONALLY APPEARING BEFORE ME,
BY: _____

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: _____

TAX CERTIFICATE

I, SHERIL PERCE, CITY CLERK FOR THE CITY OF VALDEZ, ALASKA, DO HEREBY CERTIFY THAT ALL TAXES LEVIED AGAINST THE PROPERTIES REPRESENTED BY THESE LOT LINES ARE PAID AS OF _____.

SIGNED _____
SHERIL PERCE, MMC
CITY CLERK
CITY OF VALDEZ

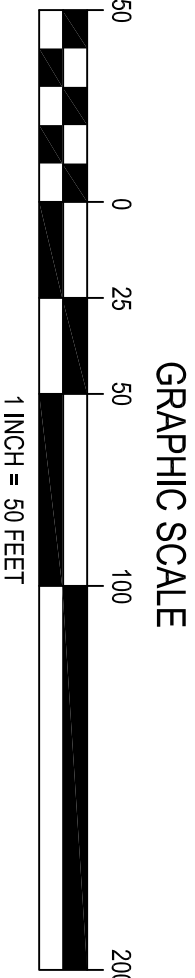
PLAT APPROVAL

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN APPROVED BY THE CITY OF VALDEZ PLANNING AND ZONING COMMISSION FOR RECORDING.

SIGNED _____
DON HAASE
CHAIR OF THE PLANNING AND ZONING COMMISSION
CITY OF VALDEZ

NOTES

1. THE ERROR OF CLOSURE OF THIS SURVEY DOES NOT EXCEED 1:5000.
2. BASIS OF BEARING IS FROM HIGH ACCURATE GPS DERIVED USING ALASKA SPC ZONE 3 AND THE DISTANCES SHOWN ARE REDUCED TO HORIZONTAL FIELD DISTANCES.
3. REF. PLATS: 83-12, 93-11, 97-16, 99-15 VALDEZ R.D.
4. REF. FIELD BOOK: 24-01.

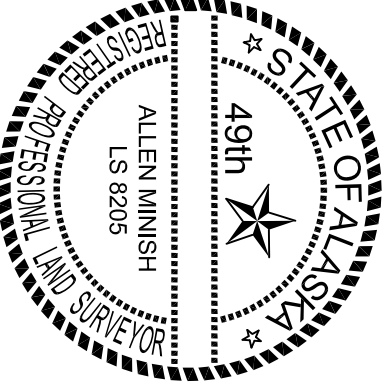


SURVEYOR'S CERTIFICATE

I CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE ALASKA SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING. THE MONUMENTS SHOWN EXIST AS DESCRIBED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: _____ REGISTRATION No. 8205 S

ALLEN MINISH
REGISTERED LAND SURVEYOR



SURVEYOR:
WRANGELL MOUNTAIN TECHNICAL SERVICES
PO BOX 118, MILE 32 EDGERTON HWY, CHITINA, AK 99566 (907) 823-2280

A PLAT OF
D8 ALASKA SEA KAYAK SUBDIVISION
A REPLAT OF
CREATING LOTS 4A

LOT 1 AND TRACT B OF D8 SUBDIVISION PLAT 83-12
WITHIN TRACT 7, USS 5113,
SECTION 36, TOWNSHIP 3 SOUTH, RANGE 7 WEST
CONTAINING 63.0847 ACRES
VALDEZ RECORDING DISTRICT 1, ALASKA

DRAWN BY: ADM DATE: 6/28/24 DATE OF SURVEY: 2024
CHECKED BY: ADM/COV START: 2024 END: 2024
DATE: 6/28/24 SCALE: 1" = 50'



City of Valdez
ALASKA

Community Development Department

*Dennis Fleming, Mayor
John Douglas, City Manager*

7/1/2024

NOTICE OF SUBDIVISION/REPLAT
TIM DUFFY – ALASKA SEA KAYAK ADVENTURES
D8 ALASKA SEA KAYAK SUBDIVISION

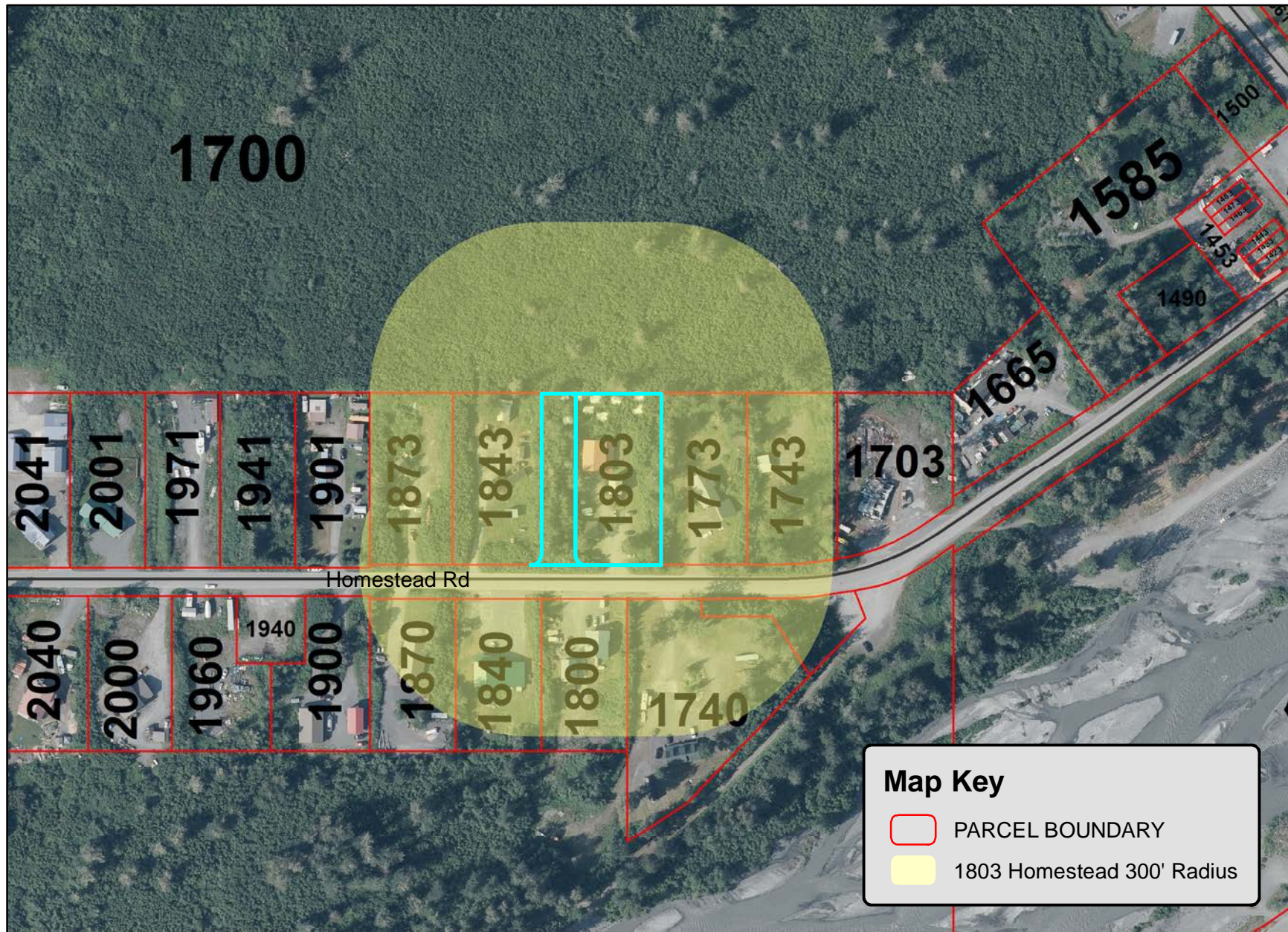
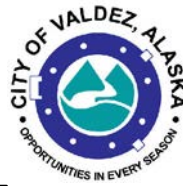
Tim Duffy has requested a survey within Section 36, Township 8 South, Range 7 West, Copper River Meridian, Valdez Recording District, Alaska. Described as follows: A re-plot of Lot 4 and Parcel B of D8 Subdivision, Plat 83-12. The subject property's street addresses are 1803 and 1829 Homestead Road.

The preliminary plat will go before the Planning and Zoning Commission for approval on July 10th, 2024, at 7:00PM in the City Council Chambers (214 Fairbanks Drive). The public is invited to attend the meeting and provide your comments. If you wish to comment on the subdivision and cannot attend the meeting, please provide your comments to the Community Development Department in writing or via e-mail to communitydevelopment@ValdezAK.Gov. Staff will pass comments received before 4:00PM the day of the hearing on to the Planning and Zoning Commission. A large scale plat is available for review at our office in City Hall.

If you have any questions please contact the Community Development Department at (907) 834-3401 or stop by our window in City Hall at 212 Chenega Avenue.

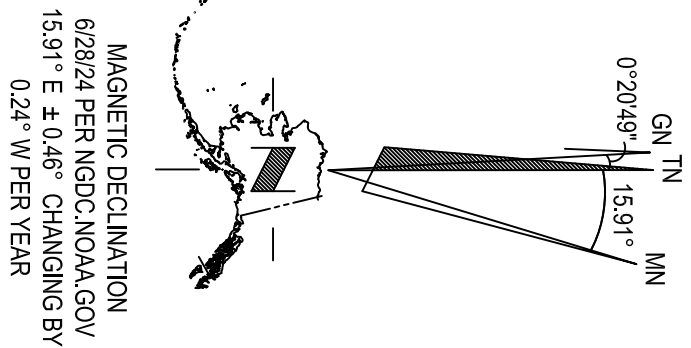


1803 Homestead Rd - 300' Radius



0 125 250 500 Feet

Information displayed is for informational purposes only. The City of Valdez makes no warranties, expressed or implied as to the veracity or accuracy of the information herein.



TRACT A-3
ASLS 79-117
PLAT 2000-15
ZONED R1
CITY OF VALDEZ

N 88° 39' 59" W 1082.28'
N 88° 58' 00" W 1082.30' (R1+R2)

HOMESTEAD ROAD 60'

LOT 4A
D8 ALASKA SEA
KAYAK SUBD.
63,084.70 SF (1.448 ACRES)

D=40'0"157"
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S88° 38' 16" E 224.90'
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D-8 SUBDIVISION
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ZONED RR

LOT 5
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

PARCEL B
D-8 SUBD.
PLAT 83-12
ZONED RR

LOT 4
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

LOT 3
D-8 SUBDIVISION
PLAT 83-12
ZONED RR

LOT 2
D-8 SUBDIVISION
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TRACT I
RAVEN SUBDIVISION
SNOW STORAGE
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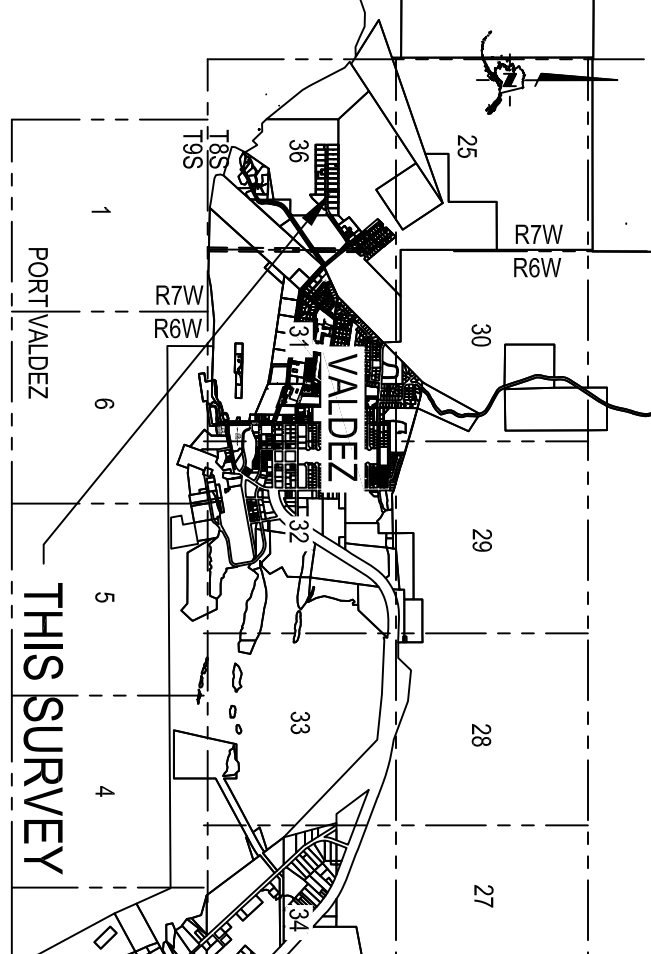
LEGEND

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CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE OWNER OF D-8 ALASKA SEA KAYAK SUBDIVISION, AS SHOWN ON THIS PLAT. I APPROVE THIS SURVEY AND PLAT AND DEDICATE OR RESERVE FOR PUBLIC, AS SHOWN, ALL EASEMENTS, PUBLIC UTILITY AREAS, AND RIGHTS-OF-WAY AS SHOWN AND DESCRIBED ON THIS PLAT.

VICINITY MAP
SCALE: 1" = 1 MILE



TIM DUFFY, AGENT
ALASKA SEA KAYAK ADVENTURES, LLC
PO BOX 775
VALDEZ, AK 99686

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, PERSONALLY APPEARING BEFORE ME,
BY: _____

NOTARY FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES: _____

TAX CERTIFICATE

I, SHERIL PERCE, CITY CLERK FOR THE CITY OF VALDEZ, ALASKA, DO HEREBY CERTIFY THAT ALL TAXES DUE AGAINST THE PROPERTIES REPRESENTED BY THESE LOT LINES ARE PAID AS OF _____.

SIGNED _____
SHERIL PERCE, MMC
CITY CLERK
CITY OF VALDEZ

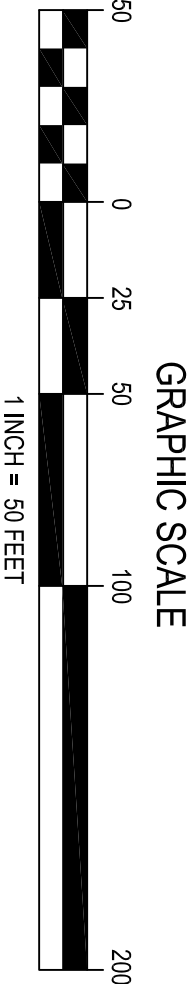
PLAT APPROVAL

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SIGNED _____
DON HAASE
CHAIR OF THE PLANNING AND ZONING COMMISSION
CITY OF VALDEZ

NOTES

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3. REF. PLATS: 83-12, 93-11, 97-16, 99-15 VALDEZ R.D.
4. REF. FIELD BOOK: 24-01.

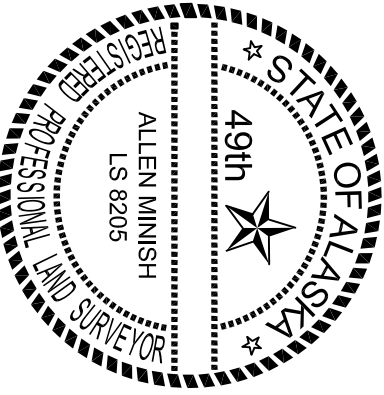


SURVEYOR'S CERTIFICATE

I CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAT IS A CORRECTION TO PLAT 83-12, AS SHOWN ON THE ATTACHED MAP. I HAVE REVIEWED THE SURVEY AND THE MONUMENTS SHOWN EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

DATE: _____ REGISTRATION No. 8205 S

ALLEN MINISH
REGISTERED LAND SURVEYOR



SURVEYOR: WRANGELL MOUNTAIN TECHNICAL SERVICES PO BOX 118, MILE 32 EDGERTON HWY, CHITINA, AK 99569 (907) 823-2280			
A PLAT OF D8 ALASKA SEA KAYAK SUBDIVISION CREATING LOTS 4A			
LOT 1 AND TRACT B OF D8 SUBDIVISION PLAT 83-12 WITHIN TRACT 7, USS 5113, SECTION 36, TOWNSHIP 3 SOUTH, RANGE 7 WEST CONTAINING 63.0847 ACRES VALDEZ RECORDING DISTRICT 1, ALASKA			
DRAWN BY: ADM	DATE OF SURVEY: 6/28/24	DATE OF PLAT: 2024	DATE OF SURVEY: 2024
CHECKED BY: ADM/COV	SCALE: 1" = 50'	DATE OF SURVEY: 2024	DATE OF PLAT: 2024
DRAWING NAME: VALDEZ V OF HWZ-LET		DRAWING #	



City of Valdez

ALASKA

Community Development Department

July 3, 2024

Subdivision #: 24-01

Applicant: Alaska Sea Kayak Adventures LLC

Zoning Review for Subdivision Application 24-01 D8 Alaska Sea Kayak Subdivision

Subdivision #24-01_D8 Alaska Sea Kayak Subdivision, a replat of 1803 Homestead Road, Lot 4 D-8 Subdivision (plat 83-12) and 1829 Homestead Road Parcel B D-8 Subdivision (plat 83-12) is the combination of Lot 4 D-8 Subdivision and Parcel B D-8 Subdivision. Both subject properties are zoned Rural Residential. The existing and proposed continued use on 1803 Homestead Road is a detached residence, a boat charter service including gear and boat storage, and a campground for the purpose of worker housing associated with the boat charter business. The existing and proposed continued use on 1829 Homestead Road is a portion of the campground for the purpose of worker housing associated with the boat charter business. Worker housing, boat charter services, and recreational vehicle parks and campgrounds require a conditional use permit in the rural residential district. Alaska Sea Kayak Adventures, LLC is pursuing a conditional use permit for the proposed use. The purpose of this review is to determine compliance of the preliminary plat with Title 17 (Ord. 24-01).

Off-street Parking Requirements:

Per Ord. 24-01 VMC 17.13.060.b Motor Vehicle Parking Ratios by Land Use (s) requires a minimum of .5 parking spaces per unit for worker housing, a minimum of 2 parking spaces per unit for detached dwellings. The proposed property has enough area for off-street parking to accommodate these requirements. Approval of this plat will not reduce the amount of available parking.

Minimum Lot Dimensions:

The minimum lot width in the Rural Residential district is 120 feet (Ord. 24-01 VMC 17.06.070.) The minimum lot area dimensions in the Rural Residential district is 40,000 square feet (Ord. 24-01 VMC 17.06.070.) This subdivision will be bringing both lots into compliance with these requirements as 1829 Homestead Road is currently too small to meet these dimensional standards.

Nicole Chase

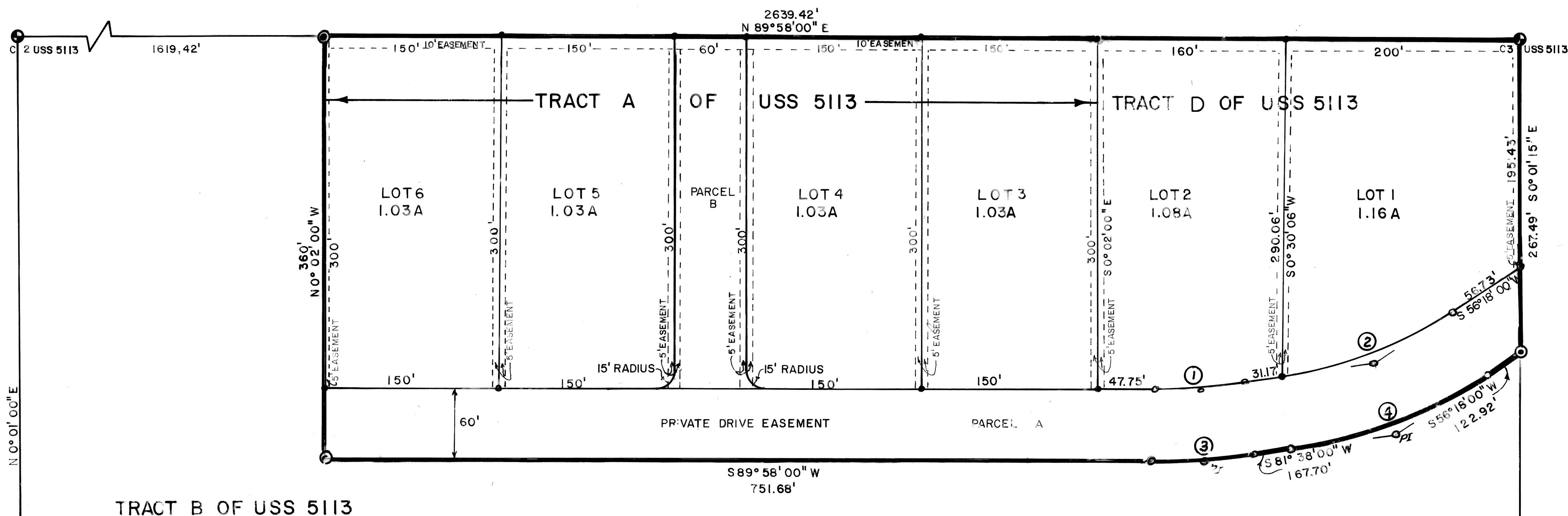
Planner

City of Valdez – Community Development Department

☎ 907.834.3427 | ✉ nchase@valdezak.gov

LEGEND:

- BASIS OF BEARING IS COR.2 & 3 USS5113, U.S. DOI, BLM, CADASTRAL SURVEY 1972.



STATE OF ALASKA
49TH
REGISTERED PROFESSIONAL LAND SURVEYOR
E. Ruhl
3098 S

DATE November 1, 1983

NOTES

ANY FUTURE RESUBDIVISION OF THESE LOTS INTO SMALLER LOTS WILL REQUIRE TYPE I STREETS AND MUNICIPAL SEWER AND WATER. THE INDIVIDUAL LOT OWNERS AGREE TO VOLUNTARILY PARTICIPATE IN ANY LOCAL IMPROVEMENT DISTRICT FORMED TO CONSTRUCT MUNICIPAL WATER AND/OR SEWER TO THIS SUBDIVISION AT SUCH TIME AS THE UTILITY IS CONSTRUCTED TO WITHIN 200 FEET OF THIS SUBDIVISION OR IT IS DETERMINED THAT A PUBLIC HEALTH HAZARD EXISTS WHICH WOULD BE ELIMINATED BY PROVIDING OF MUNICIPAL WATER AND/OR SEWER. AT SUCH TIME AS ANY RESUBDIVISION OF ANY LOT OCCURS INTO SMALLER LOTS THE PROPERTY OWNER WILL VOLUNTARILY DEDICATE UP TO A MAXIMUM OF 30 FEET WIDE PLUS CORNER RADII ALONG THE NORTHERLY BOUNDARY OF THE LOTS AS STREET RIGHT-OF-WAY. ZONING IS RURAL RESIDENTIAL.

WATER SUPPLY AND SEWAGE DISPOSAL

NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND/OR THE CITY OF VALDEZ. APPROVAL OF SUCH SYSTEM AS INSTALLED SHALL BE OBTAINED FROM SAID AUTHORITY.

SEWAGE DISPOSAL SYSTEMS, WILL HAVE TO BE CONSTRUCTED IN ACCORDANCE WITH THE D 8 SUBDIVISION SEWAGE DESIGN PREPARED BY VALDEZ ENGINEERING, INC. AND DATED 9/19/83, WHICH IS ON FILE IN THE CITY ENGINEER'S OFFICE, OR INDIVIDUALLY DESIGNED AND STAMPED BY AN ENGINEER REGISTERED IN THE STATE OF ALASKA.

CERTIFICATE OF CITY ENGINEER

I, Eugene W. Wright, CITY ENGINEER OF THE CITY OF VALDEZ, ALASKA, DO HEREBY CERTIFY THAT THIS PLAT CONFORMS WITH THE REQUIREMENTS OF THE CITY AND IS HEREBY APPROVED.

CITY ENGINEER [Signature]
DATE 11/1/83

CERTIFICATE OF PAYMENT OF TAXES

I, Shirley Scott, ^{Deputy} CITY CLERK OF THE CITY OF VALDEZ,
ALASKA, DO HEREBY CERTIFY THAT ALL TAXES LEVIED AGAINST
THE PROPERTY REPRESENTED BY THIS SUBDIVISION ARE PAID,
AS OF November 1, 1983.

CITY CLERK [Signature]
DATE November 1, 1983

NOTE

THE CITY OF VALDEZ HAS NOT ACCEPTED THE STREET EASEMENTS AND THE CITY OF VALDEZ WILL NOT PERFORM ANY MAINTENANCE NOR SNOW REMOVAL ON THE ROADS IN THIS SUBDIVISION OR THE ACCESS TO THE SUBDIVISION FROM THE MINERAL CREEK BRIDGE UNTIL SAID STREETS ARE CONSTRUCTED TO TYPE III STANDARDS AND ACCEPTED BY THE CITY OF VALDEZ.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT, AND DEDICATE ALL EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.

OWNER Wayne Blondeau DATE 10-31-83

ACKNOWLEDGEMENT OF NOTARY

STATE OF ALASKA
THIRD JUDICIAL DISTRICT
THIS IS TO CERTIFY, THAT ON THE 3rd DAY OF October, 1983
BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE
OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED
AND SIGNED THIS PLAT.

Wayne Blondeau
OWNER OF SUBDIVISION
[Signature]
NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 1/4/86

CERCO ENGINEERING

P.O. BOX 513
VALDEZ, ALASKA 99686

D8 SUBDIVISION NO.1
A SUBDIVISION OF TRACT A, USS 5113
AND A PORTION OF
TRACT B, USS 5113

DRAWN BY: <i>CER</i>	DATE: <i>7-6-83</i>
SCALE: <i>1" = 50'</i>	REV. <i>8-9-83</i>

Plat 83-12

~~RECORDED~~ - FILED 10⁰⁰
Valdez REC. DIV.

DATE Nov. 1, 1983
TIME 3:54 P.M.
Requested by Wayne Blonjesu
Address Box 602
Valdez, AK 99686



Legislation Text

File #: 24-0279, **Version:** 1

ITEM TITLE:

Approval of Variance 24-01 - A Request from the Orion Construction on behalf of Valdez Senior Housing Associates, LLC to Construct a Roof Structure Encroaching into the Side Yard Setback at Lot 3, Medical Park Subdivision Senior Addition (104 E Hanagita Street)

SUBMITTED BY: Nicole Chase, Planner

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Variance 24-01 and adopt recommended findings.

SUMMARY STATEMENT:

The Valdez Senior Housing Associates, LLC is the owner of 104 E Hanagita Street, Lot 3, Medical Park Subdivision Senior Addition (plat 2022-2) and Orion Construction, Inc. has applied for a variance on their behalf to construct a 207' x 20' roof structure for covered parking that would encroach 6.7' within the required 15-foot side yard setback. The request is for a 6.7' encroachment into the side yard setback for this covered parking structure.

Property Owner: Valdez Senior Housing Associates, LLC

Street Address: 104 E Hanagita Street

Legal Description: Lot 3, Medical Park Subdivision Senior Addition (plat 2022-2)

Zoning District: High Density Residential (R2)

Existing Land Use: Multi-unit dwelling (Senior housing)

Access: Hanagita Street

Property Size: 83,758 square feet (plat 2022-2)

Adjacent Land Use: Vacant, Residential, & Hospital

Please see the attached proposed findings prepared by staff with more information about the

requested variance and how it complies with the requirements for variances required by Valdez Municipal Code.

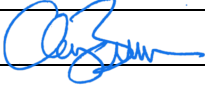


FEE \$50.00
SITE PLAN
WAIVED 2013 PER
RESOLUTION #12-72

CITY OF VALDEZ

APPLICATION FOR VARIANCE

Received 6/21/2021 NC

APPLICATION NUMBER	24-01	DATE	6/20/2024
NAME OF APPLICANT	Orion Construction, Inc. Chris Brunner PM		
ADDRESS OF APPLICANT	3038 N Caribou St. Wasilla, AK. 99654		
DAYTIME PHONE	907-841-4541		
SIGNATURE			
LEGAL OWNER	Valdez Senior Housing Associates LLC		
ADDRESS	22701 E. Briarwood Place Aurora, CO. 80016		
PHONE NUMBER	914-441-3880		
LOCATION OF PROPERTY AND/OR LEGAL DESCRIPTION/STREET ADDRESS	Lot 3 Medical Park Subdivision Senior Addition 104 East Hanagita		
CURRENT ZONING	Ord. 24-01 c. On corner lots, the minimum front setback for lots with multi-family dwellings is now 15' as of February 2024		
PROVISIONS OF ZONING ORDINANCE REQUIRING A VARIANCE (I.E. SETBACK, LOT COVERAGE, ETC.)	Setback		
SECTION NUMBER			
VARIANCE REQUESTED	Requesting a variance allowing for a setback of 6.7' for a covered parking structure in front of the Senior Housing Apartments.		

Please answer the following questions:

Describe any exceptional physical characteristics or conditions pertaining to the property which may affect the intended use or development, which do not generally apply to other properties in the same zoning district.

Lot 3, on which the apartment have been built, is a very narrow lot. We have less than an inch of wiggle room for the new covered parking structure and also a required minimum distance from the building to avoid the need of installing a sprinkler system

Describe how the strict applications of the provisions of the zoning regulations would result in practical difficulties or unnecessary hardship.

When the structure was designed, the setback codes were not as strict and the covered parking structure was designed based on the old zoning. There is physically not enough room on the lot to accommodate the new zoning rules.

Describe how the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.

Granting this variance will affect no other properties or be detrimental to public health, safety, or welfare, but will greatly benefit the senior occupants of the apartments.

Describe how the granting of the variance will not be contrary to the objectives of the comprehensive plan.

The granting of this variance is in line with the plan that was originally conceived with the cooperation by the City of Valdez.

From: [Chris Brunner](#)
To: [Nicole Chase](#)
Cc: [Kate Huber](#); [Michael Wesson](#)
Subject: Re: Valdez Senior Housing Parking
Date: Friday, June 21, 2024 12:50:23 PM

Nicole,

I have added some wording to the narrative:

The covered parking structure was specifically designed with measures to direct snow and rain into the drainage swale along Hanagita road. This design approach is common in areas where snow and rain are frequent, ensuring that runoff is managed effectively without posing a danger to pedestrians on the sidewalk. The projects design team worked with the City as well as Public Works to ensure that sidewalk is plowed with Hanagita Street at every snowfall helping to mitigate the accumulation of snow that will accumulate from shedding.

The fact that the structure will be approximately 14 feet from the sidewalk suggests that there should be ample distance to prevent any direct impact or danger to pedestrians from shedding snow. This separation is designed to allow for safe clearance and to minimize any risk of falling snow or ice reaching pedestrian areas.

The structure has been designed with these considerations in mind, including proper drainage and clearance from pedestrian paths, and it should mitigate any potential hazards associated with shedding snow and rain. However, as with any construction project, ongoing monitoring and maintenance are important to ensure that the design performs as intended over time.

Chris Brunner

Project Manager

Orion Construction Inc.

SDVOSB & HUBZone Certified

2019 SBA Alaska District Veteran-Owned Business of the Year for South Central

907-841-4541 Cell

907-631-3550 Office

chrisb@orionconstructioninc.com

On Fri, Jun 21, 2024 at 12:23 PM Chris Brunner <chrisb@orionconstructioninc.com> wrote:

Nicole,

Please see the narrative below:

Have a good weekend and again, thanks for your help!

Respectfully,

The covered parking structure was specifically designed with measures to direct

snow and rain into the drainage swale along Hanagita road. This design approach is common in areas where snow and rain are frequent, ensuring that runoff is managed effectively without posing a danger to pedestrians on the sidewalk.

The fact that the structure will be approximately 14 feet from the sidewalk suggests that there should be ample distance to prevent any direct impact or danger to pedestrians from shedding snow. This separation is designed to allow for safe clearance and to minimize any risk of falling snow or ice reaching pedestrian areas.

The structure has been designed with these considerations in mind, including proper drainage and clearance from pedestrian paths, and it should mitigate any potential hazards associated with shedding snow and rain. However, as with any construction project, ongoing monitoring and maintenance are important to ensure that the design performs as intended over time.

Chris Brunner

Project Manager

Orion Construction Inc.

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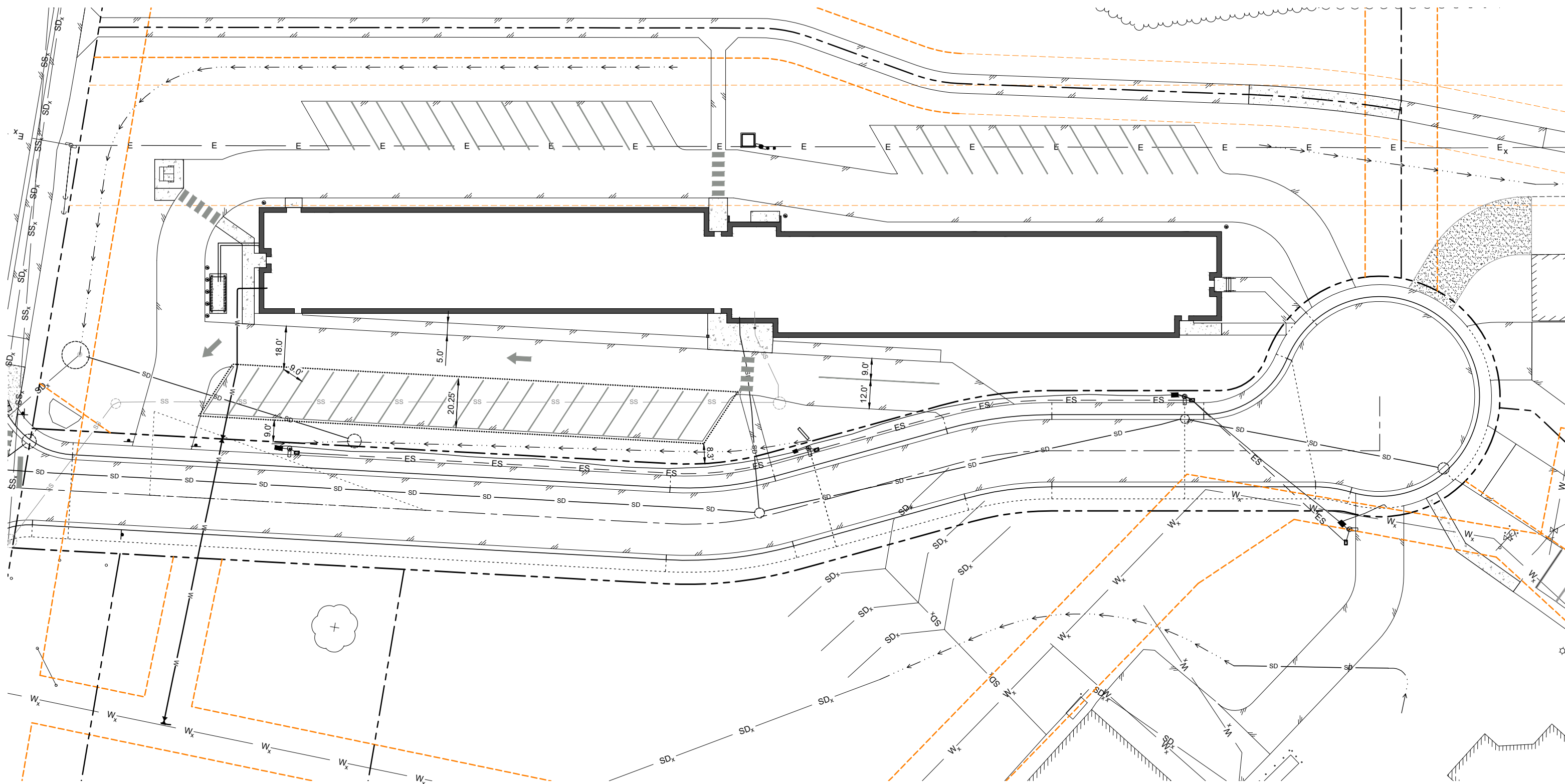
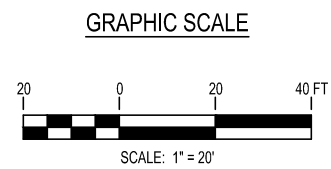
2019 SBA Alaska District Veteran-Owned Business of the Year for South Central

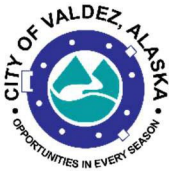
907-841-4541 Cell

907-631-3550 Office

chrisb@orionconstructioninc.com

2023-08-31 COVERED PARKING





City of Valdez

ALASKA

Community Development Department

Valdez Senior Housing Associates, LLC – Proposed Findings

Ord. 24-01 VMC 17.04.070(A) Purpose. The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of VMC Title 17 to overcome unique site impediments and area conditions. Deviations or waivers to the City's development standards may be specifically necessary to accommodate infill projects, adaptive use activities, and redevelopment projects in established areas of the City where existing site and area conditions may limit an applicant's ability to fully comply with City requirements. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process.

Date: July 10, 2024

File: Variance 24-01

To: Planning & Zoning Commission

From: Nicole Chase, Planner

General Information

Property Owner: Valdez Senior Housing Associates, LLC

Street Address: 104 E Hanagita Street

Legal Description: Lot 3, Medical Park Subdivision Senior Addition (plat 2022-2)

Zoning District: High Density Residential

Existing Land Use: Multi-unit dwelling (senior housing)

Access: Hanagita Street

Property Size: 83,758 square feet (plat 2022-2)

Adjacent Land Use: Vacant, Residential, & Hospital

Description

The Valdez Senior Housing Associates, LLC is the owner of 104 E Hanagita Street, Lot 3, Medical Park Subdivision Senior Addition (plat 2022-2) and Orion Construction, Inc. has applied for a variance on their behalf to construct a 207' x 20' roof structure for covered parking that would encroach 6.7' within the required 15-foot side yard setback along Hanagita Street in front of the Valdez Senior Housing Apartments. The request is for a 6.7' encroachment into the side yard setback for this covered parking structure.

Ord. 24-01 VMC 17.04.070 contains four provisions that must be met in order for the Commission to grant approval of a variance. In reviewing the application, staff determined all criteria were met.

Ord. 24-01 VMC 17.04.070 (I)

The Planning and Zoning Commission shall conduct a public hearing to review the variance application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take action on the application. The Commission may approve, approve with conditions, or deny the application.

Findings

1. Procedure.

- a) On June 21, 2024, the Community Development Department received the variance application for the subject property.
- b) Community Development staff reviewed the application and accompanying information against the application requirements of (Ord. 24-01) 17.04.070(E) and determined that the application was complete.
- c) A public hearing was scheduled to consider this application for July 10, 2024.
- d) Notice of the meeting was published in the Copper River Record on June 27, 2024, in accordance with (Ord. 24-01) VMC 17.04.180.
- e) Notice of the hearing was also published in KVAK's e-blast newspaper on June 24, 2024, and July 1, 2024, in accordance with (Ord. 24-01) VMC 17.04.180.
- f) Notice of the meeting was also posted on the City of Valdez website on June 24, 2024, in accordance with (Ord. 24-01) 17.04.180.
- g) Notice of the hearing was mailed on June 26, 2024, to the 21 property owners within 300 feet of the subject property, in accordance with (Ord. 24-01) VMC 17.04.180.

2. Ord. 24-01 VMC 17.04.070 (D)(1) – Criterion 1: There are exceptional physical characteristics or conditions pertaining to the property which may affect intended land use or development thereon which do not generally apply to other properties in the same zoning district.

The subject property is located within the High-Density Residential district (R2). The applicant has stated that *"Lot 3, on which the apartments have been built, is a very narrow lot. We have less than an inch of wiggle room for the new covered parking structure and also a required minimum distance from the building to avoid the need of installing a sprinkler system."* The covered parking structure cannot be placed in an alternative location on the lot. The opposite side of the Senior Housing Apartment building has overhead power lines, and the area adjacent to the Senior Housing Apartments along the front property line on Meals Avenue is too short to accommodate the covered parking structure dimensions of 207' x 20'. While there are conditions relating to the property that prevent the proposed covered parking structure from being able to be placed in another location on the lot, the restrictions are due to the placement of the existing primary structure on the lot, and the presence of the overhead powerlines, not due to an inherent physical characteristics of the property that do not generally apply to other properties in the same zoning district.

3. Ord. 24-01 17.04.070 (D)(2) - Criterion 2: The strict application of the provisions of VMC Title 17 would result in practical difficulties or unnecessary hardship to the applicant.

The applicant has applied for a variance on their behalf to construct a 207' x 20' roof structure for covered parking that would encroach 6.7' within the required 15-foot side yard setback along Hanagita Street in front of the Valdez Senior Housing Apartments. The request is for a 6.7' encroachment into the side yard setback for this covered parking structure. At the time Valdez Senior Housing Associates, LLC purchased the covered parking structure, the zoning ordinance only required a 10' setback from the side property line. Under the new zoning ordinance adopted February 7, 2024 (Ord. 24-01.) VMC 17.08.050 (B)(4)(c). *"On corner lots, the minimum front setback requirement in a) shall be met along each street frontage"* and Ord. 24-01 VMC Table 17.06.070.a requires a minimum front setback of 15' for multi-unit dwellings containing four or more units in the High-Density Residential district (R2). The strict application of the provisions of this title would result in practical difficulties and unnecessary hardship because the Valdez Senior Housing Associates would be unable to provide a covered parking area for residents because there is no other suitable area on the lot that meets the dimensions of the structure they have already purchased. There is not enough room on the lot with the size and placement of the existing primary structure to accommodate the covered roof structure in a different location.

4. Ord. 24-01 17.04.070 (D)(3)- Criterion 3: The granting of the variance or administrative adjustment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety, or welfare.

There is no evidence in the record to indicate that the granting of the variance will be detrimental to the public health, safety, or welfare or result in material damage to other properties in the vicinity. Staff had concerns that the roof structure would shed snow towards the sidewalk on Hanagita Street since the roof is designed to shed in that direction however, the applicant has stated, *"the covered parking structure was specifically designed with measures to direct snow and rain into the drainage swale along Hanagita road. This design approach is common in areas where snow and rain are frequent, ensuring that runoff is managed effectively without posing a danger to pedestrians on the sidewalk. The projects design team worked with the City as well as Public Works to ensure that sidewalk is plowed with Hanagita Street at every snowfall helping to mitigate the accumulation of snow that will accumulate from shedding. The fact that the structure will be approximately 14 feet from the sidewalk suggests that there should be ample distance to prevent any direct impact or danger to pedestrians from shedding snow. This separation is designed to allow for safe clearance and to minimize any risk of falling snow or ice reaching pedestrian areas."*

5. 4. Ord. 24-01 17.04.070 (D)(4) – Criterion 4: The variance or the exception will not be contrary to the objectives of the comprehensive plan.

In reviewing the objectives of the comprehensive plan, staff has not found that granting this variance will be contrary to the objectives of the plan. This development is compatible with the Plan Valdez Goal 2.3 to promote, protect, and build quality housing. The proposed development is an accessory covered parking structure to the newly constructed Valdez Senior Housing Apartments which

provides low-income housing to senior residents. Without this structure, residents would not have covered parking for their vehicles, which is especially important in winter during heavy snowfalls.

Staff Recommendation

Staff recommends that Variance 24-01 be approved by the Planning & Zoning Commission because the strict application of the code regarding side yard setback requirements would result in unnecessary hardship to the applicant. There are exceptional physical characteristics of the property due to the placement of the existing structure on the lot, and the presence of overhead powerlines adjacent to the existing primary structure that would prevent the applicant from locating this covered parking structure in an alternative location on the property.

- 8) Construction activities, land use, and/or other situations that are not in conflict with any condition of approval imposed as part of the original plan/permit.
- ii. Planning Director Determination. In the event the proposed minor amendment application does not clearly align with the allowances listed in subsection a. above, the Planning Director shall deem the application as a major amendment.
- iii. Approval Criteria. The following criteria apply when evaluating minor permit amendments.
 - 1) The granting of the minor amendment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.
 - 2) The granting of the minor amendment will not be contrary to the goals, policies, and objectives of the Comprehensive Plan.
- b. Option 2: Major Amendments. The applicant may apply for a major amendment to an approved permit subject to the allowances and limitations of this section. The major amendment shall be reviewed as the same application type that would have been required for the original approval. Under major amendments, the City shall only require submittal items applicable to the proposed changes.
 - i. Major Amendment Determination. A major amendment may be allowed for situations and site elements that do not constitute a "Minor Amendment" pursuant to this section.
- c. New Application. The applicant may apply for a new permit for the property where no development and land use activity has commenced pursuant to the original permit. Under a new application, the applicant shall comply with all the submittal requirements and subject to the review procedures identified in Table 17.04.030.a.

17.04.070 Variance and Administrative Adjustments

- A. Purpose. The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of VMC Title 17 to overcome unique site impediments and area conditions. Deviations or waivers to the City's development standards may be specifically necessary to accommodate infill projects, adaptive use activities, and redevelopment projects in established areas of the City where existing site and area conditions may limit an applicant's ability to fully comply with City requirements. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process.
- B. Applicability. The provisions of this section apply to any applicant that seeks regulatory relief for a specific development project or construction activity subject to the allowances and limitations set forth herein.
- C. Allowances. Applicants may seek regulatory relief through application for a variance or an administrative adjustment and as allowed by the provisions of this section. The City may not grant deviations or waivers to land use restrictions in any zone except as allowed in Chapter 17.20 and in 17.04.120.
 1. Variances. Variances include a formal process where applicants may seek deviations, waivers, and/or modifications from certain VMC Title 17 dimensional or site design

standards. Variances may be approved through a formal application, and a public hearing before the Planning and Zoning Commission pursuant to Table 17.04.030.a.

a. Allowances. Applicants may seek variances to the following code provisions:

- i. Zoning district dimensional standards including lot size, setbacks, and height.
- ii. Parking requirements including dimensional standards and parking ratios.
- iii. Landscaping and buffering standards.
- iv. Sign standards including size and location on a lot.
- v. Fence and wall standards including material, size, location, and height.
- vi. Specific use standards, except applications for additional accessory dwelling units (ADUs).
- vii. Expansions of a legal nonconforming use as allowed and limited pursuant to Chapter 17.20

2. Administrative Adjustments. An administrative adjustment is a process where applicants may seek minor and limited reductions, deviations or modifications from certain VMC Title 17 dimensional or site design standards. Administrative adjustments may be approved through application and approval from the Planning Director pursuant to Table 17.04.030.a.

a. Allowances. Applicants may seek administrative adjustments to the following code provisions:

- i. Up to twenty percent (20%) of the zoning district dimensional standards including lot size, setbacks and height.
- ii. Up to twenty percent (20%) of the required minimum parking ratio requirements for a specific use.
- iii. Up to fifty percent (50%) of the required landscaping and buffering standards.
- iv. Up to twenty percent (20%) of the required sign setback or sign size requirements.
- v. Up to twenty percent (20%) of the required wall/fence height requirements.
- vi. Up to twenty percent (20%) of the accessory structure size limitations.
- vii. Expansions of legal nonconforming uses pursuant to VMC Title 17.20.G.1.

D. Approval Criteria. The Planning Department and the final decision-making authority shall evaluate whether the variance or administrative adjustment application complies with the criteria established in this section in determining to approve, approve with conditions, or deny the request. The decision-making authority may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest and demonstrate consistency with the review criteria.

1. Criterion 1: There are exceptional physical characteristics or conditions pertaining to the property which may affect intended land use or development thereon which do not generally apply to other properties in the same zoning district. This criterion is only applicable to variance requests; this does not apply to administrative adjustments.

2. Criterion 2: The strict application of the provisions of VMC Title 17 would result in practical difficulties or an unnecessary hardship to the applicant.
 3. Criterion 3: The granting of the variance or administrative adjustment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.
 4. Criterion 4: The granting of the variance or administrative adjustment will not be contrary to the goals, policies, and objectives of the Comprehensive Plan.
- E. Submittal Requirements. Applicants for a variance or administrative adjustment shall provide the following items to the City to commence the review.
1. Application and Fee(s). Applicants shall provide a complete application and pay associated application fees at the time of application filing. Additional expenses incurred by the City that are associated with the review may be paid at a later date but prior to action being taken on the application.
 2. Legal Description. Applicants shall provide a legal description of all the property that is subject of the variance or administrative adjustment application.
 3. Narrative. Applicants shall provide a project narrative that describes the location, proposed use(s), proposed site improvements, and zoning district. The narrative shall describe the existing and proposed building sizes, proposed density, as applicable, parking and access, and environmental conditions on and adjacent to the subject site. The narrative shall describe the requested deviations, waivers, or modifications. The narrative shall list all of the variance/administrative adjustment review criteria and provide a response describing how the proposal complies with those criteria.
 4. Plan Set. Applicants shall provide a plan set, at the discretion of the Planning Director, to illustrate the proposed site improvements. The plan set may include the following.
 - a. Property Survey. This shall be a scaled drawing with a surveyor's seal that graphically depicts the current lot/tract configuration with boundary dimensions, depicts current easements, and illustrates the exact location and dimensions of existing site improvements. The survey shall also include a legal description.
 - b. Site Plan. This shall be a scaled drawing that depicts the existing and proposed site conditions with a specific focus on the construction elements that are subject of the variance/administrative adjustment application. The site plan shall include the proposed building setbacks, as applicable to the variance/administrative adjustment application.
 - c. Building Elevations. This shall be scaled drawings showing the proposed building elevations for subject structure(s) of the variance/administrative adjustment application. The elevations shall include dimensions and material labels. Building elevations are only required for variances/administrative adjustments that involve an increase in building height beyond what is allowed in the zoning district.
 5. Technical Studies. The applicant may be required to submit technical studies at the discretion of the Planning Director to demonstrate compliance with the variance and administrative adjustment review criteria. These may include, but are not limited to, traffic studies, drainage studies, noise and vibration studies, and/or visual impact studies.

- F. **Review Procedure.** Variance and administrative adjustment applications shall be reviewed pursuant to Table 17.04.030.a. The City shall process the application pursuant to the following procedures.
1. **Initial Submittal and Completeness Review.** Upon receipt of an application submittal, the Planning Department shall review the submittal for completeness. Where the submittal lacks the required information, the Planning Department shall cease its review and notify the applicant of deficient information/items. After the applicant addresses the deficient items, the Planning Department may restart its review. The Planning Department shall provide written comments to the applicant detailing elements of the application that do not comply with regulations and policies.
 2. The Planning Department shall conduct a review of the application's consistency with the approval criteria, pursuant to Section 17.04.070.D, other Municipal Code provisions, the Comprehensive Plan, and other applicable regulatory and policy documents. The Planning Department may circulate the application to other city departments for comment. The Planning Department shall provide written comments to the applicant detailing elements of the application that are inconsistent with approval criteria.
 3. **Application Revisions.** As applicable, the applicant may revise its application submittal to address the Planning Departments comments. If the applicant provides a revised application packet, the Planning Department shall review the revised application for regulatory and policy compliance.
 4. **Staff Report.** The Planning Director, or designee, shall write a staff report that (i) summarizes the proposed variance/administrative adjustment in terms of location, proposed land use(s), and proposed structures, (iii) describes the deviations, waivers or modifications sought, (iii) provides findings to the variance and administrative adjustment approval criteria, (iv) provides findings to the specific use standards, as applicable, and (iv) provides a recommendation to approve, approve with conditions, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
- G. **Public Notice Required for Variance.** The City shall provide public notice and document public comments regarding the variance application pursuant to Section 17.04.180.
- H. **Decision for Administrative Adjustments.** The Planning Director shall review the administrative adjustment application, review the staff report, and take action on the application. The Planning Director may approve, approve with conditions, or deny the application. The Planning Director, in their sole discretion, may provide public notice of an administrative adjustment application, provide opportunity for written public comments, and hold a public meeting for purposes of taking oral public comment.
- I. **Hearing & Decision for Variances.** The Planning and Zoning Commission shall conduct a public hearing to review the variance application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take action on the application. The Commission may approve, approve with conditions, or deny the application.

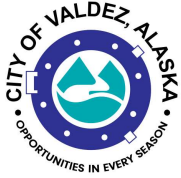
17.04.090 Zoning Clearance Review

- A. **Purpose.** A zoning clearance review is a formal process for the Planning Department to determine whether a land use or subdivision complies with VMC Title 17. A zoning clearance is intended to provide certainty to property owners, renters, occupants, and other interested parties that specific activities on a property comply with VMC Title 17.

- B. **Applicability.** A zoning clearance review is required for any new land use activity, expanded land use activity, a change of use on a property, and platting actions. A zoning clearance is a written determination granted to an applicant indicating that the property, land usage(s), and improvements conform to zoning requirements.
- C. **Review Process.** A zoning clearance application shall be reviewed pursuant to the following provisions.
 - 1. A zoning clearance must be determined prior to (1) establishing a new use on any land or within a structure or (2) the expansion of any use of land or structure. A zoning clearance shall be determined prior to the issuance of a building permit.
 - 2. A zoning clearance review may occur concurrently with other applications such as a building permit, subdivision, business registration, conditional use permit, and variance/administrative adjustment application. A separate zoning clearance application is not required during a concurrent review if sufficient information is included in the other application request.
 - 3. The Planning Director, or designee, shall review the zoning clearance application and issue a determination based on its consistency with VMC Title 17.
 - a. The issuance of a zoning clearance does not exempt an applicant from complying with all laws properly affecting the use or development of land.
 - 4. **Issuance and conditions.**
 - a. The resulting determination may require that the applicant make site modifications and/or secure the required permit approval for the requested outcome.
 - b. Planning staff may request additional information pertaining to the project in order to conduct a thorough review and ensure full compliance with VMC Title 17.

17.04.120 Temporary Land Use Permits

- A. **Purpose.** A temporary land use permit allows interim, nonpermanent, and/or seasonal uses of land that does not exceed six months in duration.
- B. **Applicability.** The provisions of this section apply to an interim, nonpermanent, and/or seasonal uses of land including but not limited to events, races, carnivals, concerts, outdoor sales events, markets, off-site construction yards, and similar uses that are not otherwise permitted outright in the zoning district in which the subject land is located or in conjunction with a legally established land use for said lot.
- C. **City-Owned Land.** Temporary land use permits shall be required for all interim, nonpermanent, and/or seasonal uses of city-owned land whether conforming or nonconforming except as otherwise provided herein.
- D. **Private, Federal, or State-Owned Land.** Temporary land use permits shall be required for all interim, nonpermanent, and/or seasonal uses on private, federal, or state-owned land that do not conform with permitted uses within the zoning district where the temporary use will occur.
- E. **Exceptions.** The following uses and situations are exempt from the temporary use standards and the associated review/approval standards of this section.
 - 1. **City use of City-owned Land.** Uses associated with municipal operations, services, and maintenance are not subject to a temporary land use permit.



Legislation Text

File #: 24-0280, **Version:** 1

ITEM TITLE:

Community Development Director's Report

SUBMITTED BY: Kate Huber, Community Development Director

FISCAL NOTES:

Expenditure Required: [Click here to enter text.](#)

Unencumbered Balance: [Click here to enter text.](#)

Funding Source: [Click here to enter text.](#)

RECOMMENDATION:

N/A Report Only

SUMMARY STATEMENT:

The Community Development Director will provide a verbal report.