



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda

City Council

Tuesday, January 23, 2024

7:00 PM

Council Chambers

Special Meeting - Title 17 Revision First Reading

WORK SESSION AGENDA - 6:00 pm

Transcribed minutes are not taken for Work Sessions. Audio is available upon request.

1. [Child Care Crisis Task Force Final Report: Presentation and Discussion](#)

SPECIAL MEETING AGENDA - 7:00 PM

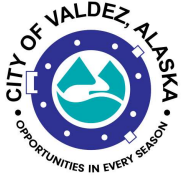
I. CALL TO ORDER

II. ROLL CALL

III. ORDINANCES

1. [#24-01 - Repealing and Reenacting Title 17 of the Valdez Municipal Code Titled Zoning and Adopting Official Zoning Maps. First Reading. Public Hearing.](#)

IV. ADJOURNMENT



Legislation Text

File #: 24-0033, **Version:** 1

ITEM TITLE:

Child Care Crisis Task Force Final Report: Presentation and Discussion

SUBMITTED BY: Elise Sorum-Birk, Deputy City Clerk

FISCAL NOTES:

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

RECOMMENDATION:

n/a

SUMMARY STATEMENT:

CCCTF Chair Susan Love will provide City Council with an overview of the task force's final recommendations.

The work session will also be an opportunity for Council to discuss options outlined in the recommendations with task force members and possible next steps.

The final recommendations document is attached for review.

VALDEZ CHILD CARE CRISIS TASK FORCE FINAL RECOMMENDATIONS TO THE VALDEZ CITY COUNCIL

Presented January 23, 2024

COVER LETTER

Enclosed are the Valdez Child Care Crisis Task Force's (CCCTF) Recommendations to the Valdez City Council. The task force focused primarily on the logistics of creating an initial licensed child care facility in the community, but also researched various avenues that would help create a diverse mixed delivery system for child care and early education in Valdez. We have developed a strong foundation and vision for the future, answered many questions about what is and is not feasible, and identified where additional information is needed for responsible decision-making. Additionally, this group has helped to secure resources for the next phase of this project.

The \$880,000 Community INNOVATION Grant that the City of Valdez has secured from thread was written with extensive input from the CCCTF and provides the means to pilot some short-term approaches, as well as providing funding to conduct the necessary analysis to advance final site selection and establish community supports. Thanks to the efforts of Senator Murkowski, there is also potential for an additional \$3 million federal earmark to fund building renovations for a child care center, though this funding is contingent on the still uncertain FY 2024 federal appropriations process.

Recognizing that a single center may not solve the child care crisis in Valdez, we developed strategies that support a healthy ecosystem of child care in the community. Additionally, we believe that the plan we have outlined creates other pathways to increase the availability of all kinds of licensed child care in the community, which would contribute to parents' choices and increase the overall stability of the sector. It was also important to many members of the group that we bring attention to the structural challenges contributing to the child care crisis, outside the scope of this task force and the power of local government. It was also the desire of certain task force members to make clear that the City of Valdez should not take on the role of directly owning and operating a child care facility but rather be a facilitator in the process of creating robust licensed care in Valdez. We recognize that creating resilient child care programming is a process that must involve the full community.

The care and education of our youngest citizens is precious and essential work. A healthy, forward-looking community should lift up those carrying out the work, be it parents and other family members, or paid caregivers. This plan is an expression of that commitment and a roadmap to stronger support; it is our belief that the jewels of progress will extend beyond young children and families. Private industry, schools, healthcare, homeland security, and others will reap benefits from a stable and successful child care sector in Valdez.

**Denotes a recommendation that was not unanimously supported by task force membership.

EXECUTIVE SUMMARY

The attached Child Care Crisis Task Force plan includes five priorities, with short, middle and long-term actions needed to establish and maintain licensed care in Valdez. Below are key recommendations for each priority:

- » *Key Recommendations for Priority 1: Sustainable Child Care Workforce Pipeline*
 - Recruit and provide monetary support to train an initial cohort of early educators and work toward making Prince William Sound College into a training hub for the profession.
 - Assess the minimum pay and benefits needed to retain a professional workforce and determine how to make these needs a reality.**
- » *Key Recommendations for Priority 2: Site Selection*
 - Select top choice for child care center location using the CCCTF's analysis of facilities as a baseline.
 - Contract with an architect to assess top facility (or facilities) and establish a timeline for financing and renovation of the space.
 - Create a cooperative space for in-home child care providers to use.
- » *Key Recommendations for Priority 3: Management Structure and Licensing¹*
 - Use the CCCTF's analysis to guide the decision on a management structure for an initial licensed care facility based on who owns and operates the facility, potentially in a public-private partnership.
 - Create a community support system to help caregivers and educators who wish to operate independently to navigate the licensing process and gain access to other existing financial and professional development supports.
- » *Key Recommendations for Priority 4: Sustainable Funding*
 - Create a Child Care Endowment to fund grant programs aimed at supporting the child care and early childhood education sector and build community partnerships with local stakeholders to maintain funding.
 - Establish a discretionary sales tax on alcohol, tobacco and/or marijuana to directly provide revenue to the fund in perpetuity.
- » *Key Recommendations for Priority 5: Communications and Advocacy*
 - Develop communication tools that connect families to quality care and advocate at the State and Federal levels for support of local child care efforts.

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While the group's work has concluded, members are happy to remain as resources to those who will carry on this important work. We look forward to seeing our vision of a community-supported child care center that:

¹ Management Structure decisions will depend heavily on the ultimate outcome of site selection and facility ownership.

**Denotes a recommendation that was not unanimously supported by task force membership.

- » Provides high-quality care and early learning opportunities for children, contributing to increasing school readiness.
- » Ensures employers in Valdez can attract and retain the workforce they need.
- » Creates jobs and contributes to the community's economic vitality.
- » Preserves the City's family-friendly status with the Coast Guard.

BACKGROUND ON THE TASK FORCE

Established by Resolution 23-07 (see Appendix A) on February 21st, 2023, the primary purpose of the Child Care Crisis Task Force (CCCTF) was to create and submit to City Council for approval a strategic plan outlining short, middle, and long-term actions recommended to address the child care crisis and other recommendations to strengthen Valdez's early childhood system. The strategic plan was to include recommendations to City Council on each of the following factors relating to the logistics of establishing an initial licensed child care facility:

- » Analysis of existing buildings in the community capable of serving as a physical location for a child care facility, including a summary of renovations or adjustments that would be needed prior to use.
- » Desirable management structures and licensing avenues for establishment of initial child care facility.
- » Potential funding mechanisms to create and sustain a licensed child care facility in Valdez.
- » Methods for attracting, retaining, and training a high-quality child care workforce.

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MEMBERSHIP

The Resolution outlined nine specific organizations that were to make up the membership of the CCCTF. The individual members and their organizations were:

1. Susan Love, Valdez Zero to Three with Families Alliance
2. Lori Plaster, Early Childhood Workforce Profession
3. Ana Stroup, City of Valdez
4. Tim Bauer, Valdez City Schools
5. Melanee Tiura, Providence Valdez Medical Center
6. Dennis Humphrey, Prince William Sound College
7. Kate Dugan, Alyeska Pipeline Service Company
8. Tim Mason, United States Coast Guard
9. Anna Bateman, Valdez Native Tribe (this seat was later filled by Ashley Christensen, Chugach Alaska Corporation, after Anna Bateman's resignation as tribal administrator).

Members of the Valdez City Council served as ex officio task force members, Council Member Olivia Foster actively participated throughout the process.

Staff support was provided by Elise Sorum-Birk, with the City Clerk's office.

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MEETING SCHEDULE

The CCCTF met every two weeks from March 30, 2023 through October 5, 2023 with an additional full-day strategic planning session on April 29, 2023. The City Council extended the sunset of the taskforce to January 2024 and changed the meeting frequency to as needed to allow the group to complete their work. All meetings were open to the public.

INITIAL RESEARCH AND BRAINSTORMING

The initial meetings of the CCCTF focused on gathering information about licensing requirements, existing child care funding streams and brainstorming about community needs and potential solutions generally. The strong connection between licensing and providers accessing funding streams came to the forefront in these discussions.

The task force also conducted a survey of individuals who had previously been involved in the local child care sector to learn about challenges and opportunities to providing care in Valdez from their perspectives (Appendix B).

SUBCOMMITTEES

Members of the CCCTF broke into four subcommittees that conducted more detailed research and assessment of options and brought their findings and recommendations back to the CCCTF for inclusion in the plan.

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Facility Review Subcommittee: Susan Love, Tim Mason, and Tim Bauer

The CCCTF provided an initial list of buildings, both public and privately owned, to be reviewed as potential childcare sites. COV Capital Facilities Director and Interim City Manager Nathan Duval drafted a rubric for analyzing those facilities, the CCCTF provided edits, and a final draft was completed. The rubric included the following categories: Community Support/Vision, Property Features, Site Compatibility, Purchase Cost/Terms, Potential Renovation Costs, and Natural/Physical Environment.

Management Subcommittee: Lori Plaster, Melanee Tiura, Susan Love

The Management Subcommittee reviewed licensing requirements related to staffing for different levels and explored the barriers and opportunities with different child care business models.

Sustainable Funding Subcommittee: Ashley Christensen, Kate Dugan, Olivia Foster, Melanee Tiura, Ana Stroup

The Sustainable Funding Subcommittee reviewed a variety of models for providing long-term funding for early childhood programming, including models in other Alaskan communities.

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Workforce Subcommittee: Dennis Humphrey, Tim Bauer, Lori Plaster, Olivia Foster

The Workforce Subcommittee explored questions related to recruitment, training, and retention of workforce in the community.

CHILD CARE CRISIS TASK FORCE ACTION PLAN

PRIORITY 1: SUSTAINABLE CHILD CARE WORKFORCE

A well-trained and qualified early childhood education workforce is essential to offering high-quality early learning opportunities in the community. There are specific education and staffing ratios that must be met and sustained daily for licensing. An inability to sustain the workforce with the necessary qualifications to meet state licensing guidelines contributed to the closure of the last early learning center in the community and keeping a qualified administrator was cited as one of the biggest challenges by the local experts surveyed. The difficulty of attracting and retaining the workforce at all levels within early childhood education is an ongoing state and national challenge, primarily due to low wages and lack of benefits. The high costs of health care, and restrictions on pooling workers for insurance makes it nearly impossible for small businesses to provide these critical benefits for valued employees.

The Workforce Subcommittee explored ideas related to recruitment and retention, as well as the training requirements and availability of training to meet those requirements (Appendix C). The exact workforce needed to support an early learning center is not yet known and will depend on the size. However, some of the training needed for leadership positions requires time and resources to achieve, which means that investment is needed prior to the opening of any center. Both Valdez High School and Prince William Sound College (PWSC) were identified as significant assets and partners in developing the early childhood education workforce. New early childhood education programs at the University of Alaska Anchorage can be leveraged by PWSC to meet local needs and develop a homegrown early education workforce.

Potential Resources

The INNOVATION Grant has two funding avenues to support workforce development. There is \$30,000 to fund a cohort of six to ten early childhood educators with tuition and fees necessary to receive their child care associate (CCA), which can be earned with 12 college credits. There is also \$500,000 to support sustainability and quality of programming, including costs for workforce recruitment, development, and retention.

SHORT-TERM ACTIONS

1. Cover all preliminary education costs for an initial cohort of aspiring early education professionals using INNOVATION Grant Funds.

The City should work with PWSC to recruit future professionals into the field and to ensure that students will meet minimum state administrator requirements in a relatively short period of time.

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To incentivize an initial cohort, INNOVATION grant funds should be used directly to pay tuition and a living expense stipend** for up to 10 individuals to complete the 12 college credits needed to obtain a CCA.

These initial credits may provide scaffolding to students, who will have the option to further their professional education by going on to earn an associate degree or bachelor's degree from UAA. In-home providers also must meet minimum requirements, but they are not the same as in center-based care. If in-home providers are interested in continuing their professional development and becoming licensed, they may also access the same tuition assistance opportunities.

2. Develop an ECE Workforce Recruitment Plan.

The capacity of the early learning center and ages served will determine what the number of staff required will be, and what training requirements must be met. However, a single center may not meet all the community's needs, so it is also imperative to support those wishing to enter the profession independently as well. A recruitment plan to attract workers of all levels will be needed.

The CCCTF recommends a balanced approach to recruitment that recognizes that long-term employees, particularly in leadership positions, will be essential for ensuring the continuity of operations for an early learning center while also drawing from a short-term pool that includes Coast Guard spouses, and those who may be proceeding through a larger ECE workforce pipeline, such as high school students earning dual credits in early childhood education or college students working part-time in a center while finishing their teaching degree.

The recruitment plan will also need to include options for funding attractive pay**, benefits**, and ongoing training and professional development, as well as avenues and outlets for advertising vacancies. Some possible mechanisms for augmenting pay and benefits are discussed in *Priority 4: Sustainable Funding*.

3. Create a scholarship program to support ongoing training and professional development opportunities for those already in the field as well as future early educators.

It is essential that those already in the profession be able to advance in their level of education and understanding of child development. Ongoing scholarships should also be available for those who want to enter the workforce at any level.

The CCCTF recommends establishing an ongoing ECE scholarship program to support the professionalization of the child care sector in Valdez and to build a robust pool of professionals to draw on. The scholarship program could be funded by the Child Care Endowment Fund described in *Priority 4: Sustainable Funding*.

MEDIUM TO LONG-TERM ACTIONS

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4. Establish Prince William Sound College as a hub of training / professional development for the early childhood education workforce in Valdez.

An established and functioning pipeline for workforce development that provides initial and continuing education and training that meets the needs of the existing child care center consistently will be important for maintaining licensing and quality standards and attracting other people into the field. Priorities identified by the CCCTF include:

- » Faculty and curriculum are in place, funded, and stable.
- » Student tuition support identified and made known to prospective students.
- » Established training cycles and relationships coordinated with providers.
- » Education relationships are well-established and responsive to shifts in needs.
- » Internships with child care entities.
- » Dual credit options established with Valdez High School.

Strong partnerships between PWSC, Valdez High School, and System for Early Education Development (SEED) will be needed to provide training in accessible, timely packages and take advantage of existing funding opportunities that may exist. Additional resources may be needed to support some of these initiatives.

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5. Minimum salary and benefits needed to maintain stable staffing of a facility.

The management structure of a facility will influence exactly what salary and benefits are available. The CCCTF's preliminary research indicated that an external entity would not be able to leverage the benefits package available to other City of Valdez or school district employees, which means other methods of providing competitive salaries and benefits will need to be pursued by the managing entity. However, the lack of adequate pay and benefits, especially health insurance, was also identified as a key barrier to retaining workers in the field.

The salaries and benefits offered will also affect the financing needed to sustain the early learning center, although the CCCTF's research has pointed to the stabilizing effect that attractive salaries and benefits also have, so the costs are offset in both the reduced turnover and higher quality of care that results.

6. Address affordable housing needs**

Recruitment and retention depend on the availability of affordable housing. One potential benefit or incentive in Valdez for those in the ECE workforce could also be a housing-related benefit. In other communities, specific tax incentives have been created, and there are also other examples of child care providers receiving free or subsidized housing, including homeownership for operating licensed care under specific terms (Appendix G). Options to

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increase affordable housing that align with the City's Comprehensive Plan, Plan Valdez, should be explored.

7. Establish ongoing incentive programs to support workforce needs.

In addition to an ongoing scholarship fund, the creation of other compensation-related initiatives can help ensure that the pay and benefits offered remain competitive without making the operation cost-prohibitive. The CCCTF recommends that any wage and compensation models adopted incentivize ECE professionals to move up the pipeline, which contributes to higher quality care, and ensure that higher levels of education/training lead to higher wages. *Priority 4: Sustainable Funding* expands on this concept further.

8. Monitor the impacts and results of workforce investments.

The CCCTF recommends developing a mechanism to assess progress towards broader goals and to ensure that any incentives offered are responsive to the needs of both child care professionals and families.

PRIORITY 2: FACILITIES

The Facilities Subcommittee identified more than 20 potential facilities in the community, with a mix of public and private ownership. The facilities on this list were scored by two members of the CCCTF. The rubric included the following categories: Community Support/Vision, Property Features, Site Compatibility, Purchase Cost/Terms, Potential Renovation Costs, and Natural/Physical Environment. One federally-owned building and one state-owned building were removed from the list due to limitations, and a subsequent SWOT analysis of the top four facilities was conducted. The complete list of facilities included in the initial assessment is in Appendix D.

The top-ranked facilities of interest are:

1. Hermon Hutchens Elementary School
2. City of Valdez Recreation Center
3. Prince William Sound College
4. Royal Center Building

It is important to note that significant barriers exist to establishing licensed child care in any of these four selected facilities and shifting to a child care use would lead to displacement of other uses. Challenges and opportunities for each space were carefully outlined in the subcommittee's SWOT analysis (Appendix E).

However, the real estate market is dynamic, and there may be additional facilities that are becoming available and should be included. The CCCTF advises the City not to limit future discussions to only the buildings on this initial list if other options become available.

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Professional services are also necessary to complete the review, along with conversations with building owners, to determine the true feasibility of these and other potential locations.

Potential Resources

The thread INNOVATION grant has \$75,000 for an architect's assessment of buildings and \$200,000 for fixtures, furniture, and equipment for a child care facility. Construction costs are not covered. The City of Valdez has also requested an earmark from Senator Murkowski of \$3 million for building renovations to support a child care facility.

SHORT-TERM ACTIONS

1. Select the top choice for child care center location.

Use the criteria established by the CCCTF to select the best location, informed by the architect's assessment of site compatibility and potential renovation costs. Part of the decision-making process will need to include securing the rights to use the selected facility, and whether the potential site is to be purchased, or simply leased, or repurposed, if it is already City owned. If none of the sites can satisfactorily meet the need, it may need to be determined if new construction is a better option.

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2. Complete the architect's assessment of the top selected facility.

The architect's assessment should include the potential capacity of each space if developed. The anticipated costs of renovations, building life expectancy, and timeline for renovations should also be included. The CCCTF anticipates that the thread INNOVATION Grant funds will be available for this task.

Additionally, the City should consider putting out a Request for Information to ensure that any other potential locations, particularly those in private ownership, have the opportunity to be considered prior to initiating the architect's assessment and to consider if there are any new building projects where it could be viable to include a child care center in construction plans.

3. Develop a financing plan (to support renovation, purchase, and construction).

Once the location has been finalized, a plan for financing the start-up costs will need to be developed. While the CCCTF anticipates that the thread INNOVATION Grant and federal earmark will both be available, it is possible that additional funding will be needed. These start-up costs are distinct from ongoing operational costs.

MEDIUM TO LONG-TERM ACTIONS

4. Implement the decision (to purchase, lease, renovate, build).

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The City of Valdez will, by necessity, play a key role in administering initial grant funds for the development of the location and needs to responsibly utilize the funding to manage the grants/next steps. Ideally, these plans should be made in a private-public partnership so that the needs and desires of the future operator are captured in the development of the space. The final building selection and potential operator will determine the scope of the City's involvement.

5. Engage in long-term sustainability planning.

To ensure that the facility does not fall into disrepair and the investment is maintained over time, long-term sustainability planning should be conducted by the operator to ensure that there is ongoing compliance with Valdez Municipal Code and child care licensing requirements and ongoing maintenance and repair costs can be planned for. This will be important for the ongoing sustainability of the facility. This is linked to sustainability planning for the management structure as well.

OTHER IDEAS WORTH CONSIDERING

While not an immediate priority, there were some other innovative ideas that came out of the research that are consistent with the City's goals and priorities. As plans progress and other partnerships and funding becomes available, the CCCTF recommends keeping these alternatives in mind for development when the time is right.

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6. Establish a cooperative space for in-home child care providers.

While the community has been clear in its desire for a high-quality childcare center, there are also other ways to support and incentivize smaller providers to become licensed. One idea that has been successful in other communities is to provide a cooperative space that multiple in-home providers can utilize (Appendix I). Having suitable space, especially in a community with a tight housing market and limited services for repair and renovation, is often a barrier to in-home providers becoming licensed. The CCCTF recommends continuing to explore whether this is a viable option to increase both supply and parent choice.

PRIORITY 3: MANAGEMENT STRUCTURE AND LICENSING REQUIREMENTS

A subcommittee of the CCCTF met and explored several potential structures for management of a child care facility: A SWOT Analysis was conducted of the following six ideas:

1. Shared space for multiple providers
2. Employer-sponsored model

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3. Individually owned for-profit child care center
4. Non-profit child care facility
5. Head Start/Early Head Start
6. Shared Service Alliance

A few other ideas were also considered. The subcommittee also compiled the staffing requirements for licensing, including qualifications and ratios, for various scenarios. The results of the SWOT Analysis are in Appendix F. However, without having information on the facility size and capacity or ownership structure, the subcommittee did not have enough information to make a concrete recommendation. Additionally, ongoing City and other supports are anticipated to be needed for the ongoing operations, and there may need to be a separate mechanism to administer those.** The management structure may also influence the financing/funding plan, as the administration of potential supports will need to be considered.

SHORT-TERM ACTIONS

1. **Determine who will own/operate an ELC and what will be required to tap into possible supports (funding, facility, other supports/benefits).**

As a result of the SWOT analysis (Appendix F), the CCCTF has determined that the management structures most likely to be viable are:

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- » Management by a nonprofit for administration/management of an ELC
 - Newly formed for this purpose
 - Expanding an existing local nonprofit to fill the role
- » Management by with a for-profit entity
 - National ECE model
 - Expansion of facility from another community
- » Co-operative model or Shared Services Alliance

However, the ownership of the facility itself, as well as the financial support available, may influence which model is best. For example, a nonprofit or public organization may be eligible for grants and contributions that for-profit models would not be able to access. Depending on the building selected, a for-profit entity might eventually have the capacity to take over ownership of the facility and become a taxpayer for the City.** Potential contracted entities may have requirements of their own that must be met, such as minimum contributions or facility size.

2. **Determine who will administer the ongoing operational support on an ongoing basis and oversee operating contracts (if needed).**

Beyond the operational support for a child care center, the CCCTF has recommended several other potential supports that should be offered to bolster the workforce and encourage additional providers in the community. These are detailed in *Priority 4: Sustainable Funding*.

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Ownership of a facility will drive how contracts are entered into and administered for the management of the facility.

MEDIUM TO LONG-TERM ACTIONS

3. Support the development of an operations plan.

To ensure that the Early Learning Center is financially stable, long-term business planning is needed. This includes supporting the operator in the development and execution of an Operations Plan and a Strategic Plan. The work to develop sustainable funding is intertwined. Small business support through an agency like the Alaska Small Development Center can provide needed expertise, and the City can potentially provide financial support for costs associated with those services**.

4. Develop a mechanism to assess progress towards broader goals.

If a contracted model is decided upon, there will need to be a mechanism for the City of Valdez to assess whether the investments are meeting their intended goals of contributing to the availability and accessibility of high-quality child care in the community and living wages** provided to the workforce.

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OTHER IDEAS WORTH CONSIDERING

5. Increase availability of out-of-school time programming (potentially at elementary school)

While not an immediate priority, the CCCTF recognizes that there is also a need for out-of-school time programming, both after school and in the summer months. It is possible that the facility developed will have this capacity or be able to expand to provide at a future time. However, if not, the CCCTF recommends that future work be done to better understand the current need for more regularly available out-of-school-time programming. Suggested steps include a review of existing programs for school-age children to identify gaps. Potential partners include the City of Valdez Parks and Recreation Department, Advocates for Victims of Violence, faith-based organizations, and sports-focused nonprofits and community groups.

6. Creation of a Municipal Corporation or Economic Development Authority

In Alaska, municipal governments have the ability under state law to incorporate municipal corporations or economic development authorities that can operate independently from the City government. Currently, the Valdez Museum and Historical Archive, Inc. is the only example

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of this model locally, but in many communities across the nation, public corporations exist to focus on specific economic development issues like urban renewal, housing, or child care. Public corporations can often access grants and financing options not directly available to municipal governments.

PRIORITY 4: SUSTAINABLE FUNDING

To support a healthy ecosystem of options for child care within the community, ongoing public support will be needed. While providing ongoing operational support for a child care center is one need, the Sustainable Funding Subcommittee also found many examples of local grant funds that provide funding for start-up costs for in-home providers, scholarships to build a quality workforce, wage and benefit supplements for the workforce, and supplies and equipment that contribute to safety and quality of care in the community (Appendix G). Support for out-of-school time programming could also be provided. While the initial focus will be on encouraging new care, on an ongoing basis the needs may shift to retaining the providers in the community and encouraging quality.

Discretionary taxes are used in many communities to fund early learning goals, including start-up grants for new centers, workforce development, and out-of-schooltime programming. Additionally, many child care centers also have direct support from one or more employers in the community.

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Potential Resources

There is \$500,000 in the thread INNOVATION Grant that can be used as seed funding for initiatives to support and stabilize the early childhood workforce and ensure quality programming while other resources are secured.

SHORT-TERM ACTIONS

1. Establish a Child Care Endowment Fund

The CCCTF recommends that the City of Valdez establish a Child Care Endowment with the thread INNOVATION grant funds. The purpose of the endowment is to create self-sustaining grant programs that support a robust array of quality early learning and care options in the community, encourage smaller providers to become licensed, and build a well-trained workforce through offering scholarships.

Any new initiative will need support to get the word out to the community, answer potential questions from community members and organizations interested in applying, and provide ongoing administration of grant funds, including developing an application process and a procedure to make awards and disburse funds.

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The CCCTF believes that an endowment fund could potentially be managed by a third-party fiscal agent (like the Prince William Sound Economic Development Authority) or could be managed in tandem with the City's permanent fund (as the Museum endowment fund currently is). The CCCTF recommends that the City of Valdez Economic Diversification Commission be tasked with the initial development of grant programs that support child care professionals and offset the cost of providing care.

Long-term infrastructure and financial goals for the Grant Fund are discussed below. Additional communication needs are also discussed.

2. Pass an ordinance for a discretionary sales tax (sin tax).

Options for the discretionary sales tax include alcohol, marijuana, or tobacco. The purpose of the discretionary tax is to provide funds for ongoing financial support for licensed child care and early learning in Valdez by contributing to the Child Care Endowment. In light of long-term priorities around increasing the availability of out-of-school programming, being expansive in enabling legislation language to fund out-of-school time, as well as early care and learning, with funds generated should be considered. The CCCTF found similar models in communities outside and inside of Alaska (Appendix H).

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3. Determine needed ongoing financial contributions.

The exact amount of start-up costs and annual revenue needed to sustain the initial early learning center is not yet determined. As noted earlier, the facility choices and management structure will be components of assessing these needs. However, ongoing financial supports are anticipated to be necessary due to the reality of child care sector economics. Contributions from other employers in the community are another potential revenue stream, in addition to ongoing incentive programs supported by the Child Care Endowment Fund. A facility maintaining licensure will also be key to families receiving Child Care Assistance and the center receiving the formulaic State Child Care Program Office's Child Care Grant. Soft money, such as discretionary grants, may be useful but should not be part of the ongoing sustainability plan.

4. Build funding partnerships with local employers.

Several of the largest employers in the community have expressed interest in supporting a child care center, but not a willingness to directly operate a center. As the budget and ongoing operational support needs of the proposed child care center become clearer, these employers should be engaged to explore the potential for ongoing contributions, as well as other potential benefits that may contribute to sustainability, such as guaranteeing slots for employees. If employers purchase slots in the early learning center, this will have a two-fold effect of increasing the sustainability of the center's business model while guaranteeing employees access to quality care for their children. Employers, including the City of Valdez, may also choose to subsidize child care costs as a benefit to employees.

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MEDIUM TO LONG-TERM ACTIONS

5. Finalize long-term administration of the Child Care Endowment grant programs.

Determine if the City is willing and able to continue to serve as the administrative home for grant programs or if other options would better serve the community and meet the goals for the grant funds. For example, having a nonprofit intermediary administer grant programs, similar to the HEARTS model adopted in Juneau (Appendix G).

6. Sustain at least one high-quality child care center in Valdez.

The ultimate purpose of the sustainability planning process is to sustain at least one high-quality child care center in Valdez. This will require ongoing communication and coordination between the City of Valdez, its partners, and the administration of the Early Learning Center. As the facility comes into operation, it is likely adjustments will have to be made to its operations and sustainability planning.

7. Ensure accountability through regular reporting on donations/usage of funding.

To ensure continued public support, it is important to promote transparency and accountability in the use of City of Valdez funds. Ensuring that there is ongoing accountability through reporting back on the use and impact of the grant funds will be important for both recipients of grant funds and the child care center. Communication strategies are further discussed within in *Priority 5: Communications and Advocacy*. The model should also be re-evaluated at set intervals to determine if it is cost-effective and meets its stated goals.

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OTHER IDEAS WORTH CONSIDERING

8. Embed child care sector supports in existing local organizations.

The CCCTF noted that community support for licensed care need not all stem from a single organization and need not be expressly monetary. Additional supports could include a modest expansion of services already provided by organizations (for example food and nutrition or janitorial services) or having embedded personnel in another organization play an additional role in supporting the child care facility or sector (for example a PWSC faculty also playing the role of administrator for the early learning center).

Specifically, the CCCTF's research found that the child care licensing process can be very difficult to navigate, and dedicated staff who can assist interested community members with navigating this process, while also connecting them to grants to fund start-up costs, could be very helpful. The CCCTF recommends that the current grant-funded position in the Public Health Nurse's office, the Healthy & Equitable Communities Coordinator, be considered to take on this role in the short term during this pilot phase.

**Denotes a recommendation that was not unanimously supported by task force membership.

9. Explore universal pre-k in Valdez.

The CCCTF found that some communities are moving towards offering universal pre-k for all children in the community. In the long-term, the City should continue to explore and encourage other organizations to explore what it would take to make child care and preschool universally available in the community at no cost to families. This vision could serve as a model for other communities in the state.

PRIORITY 5: COMMUNICATIONS AND ADVOCACY

The issue of access to child care is a complex one that affects the entire community - not just parents. For example, the CCCTF found that lack of child care threatens the communities' Family Friendly Status with the U.S. Coast Guard. State and national data reviewed also shows that access to high-quality early learning opportunities promotes kindergarten readiness for students, and the economy improves when parents have reliable child care and can go to work. The CCCTF strongly believes that education and ongoing communication are integral to sustaining public support for City of Valdez leadership on this issue, as well as ensuring that the actions taken are transparent and the public has opportunities to provide input as plans are developed.

The CCCTF also sees opportunities to share the successes and challenges that Valdez is facing with both state and federal policymakers and other stakeholders and weigh in on policy and programmatic decisions that may affect the availability of high-quality early learning and care options in the community.

SHORT-TERM ACTIONS

1. Develop a communications plan.

The City of Valdez needs to develop a communications plan to support this work and encourage robust public engagement throughout the process, communicate about policy choices being made as a result of the recommendations, and increase understanding of the centrality of child care access to the economic health of the community.

2. Encourage innovation in the grant funds through deliberate language choices.

As grant funds and partnerships are created, the language used will either inhibit or increase opportunities for creative, community-driven approaches. The CCCTF strongly recommends that language be open enough to encourage creative problem solving while maintaining a focus on the core priority of expanding access to high quality early care and learning opportunities in the community.

3. Promote the work of the CCCTF with state/federal representatives and continue to advocate for the community's needs.

**Denotes a recommendation that was not unanimously supported by task force membership.

The leadership that the City of Valdez and CCCTF have shown in addressing the community's needs should be celebrated and highlighted in ongoing communication with state and federal representatives to ensure that state and federal actions to address the child care crisis are consistent with the needs identified in the City of Valdez.

MEDIUM TO LONG-TERM ACTIONS

4. Implement a media campaign.

The CCCTF recognizes that community support is vital to ongoing sustainability. However, many people still do not fully understand how central access to quality child care is to family and community well-being, and many businesses do not see the connection between child care and their workforce. The CCCTF recommends an educational media campaign be created to foster support and increase understanding of the City's interest and investment in this sector.

5. Improve communication about community-based events and opportunities for young children and families.

The CCCTF found that there is no central location for access to up-to-date information on community events and priorities and encourages the development of a community calendar of family/children's events or other similar platforms.

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LIST OF APPENDICES

- » **Appendix A - Resolution 23-07**
- » **Appendix B - Local Child Care Expert Survey**
- » **Appendix C - Workforce Subcommittee Report**
- » **Appendix D - Facilities Assessment Rubric**
- » **Appendix E - Facilities SWOT Analysis**
- » **Appendix F - Management Structures SWOT Analysis**
- » **Appendix G - Sustainable Funding Models Research Summary**
- » **Appendix H - Sin Tax and Revenues Research Summary**
- » **Appendix I - Pod Model Research Brief**

**Denotes a recommendation that was not unanimously supported by task force membership.

Appendix A - Resolution 23-07

CITY OF VALDEZ, ALASKA

RESOLUTION NO. 23-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA,
FORMALLY ESTABLISHING THE VALDEZ CHILD CARE CRISIS TASKFORCE

WHEREAS, the lack of affordability, adequacy, and availability of child care or early childhood education options is an immense problem both in Valdez and throughout Alaska; and

WHEREAS, Valdez's only licensed childcare facility closed unexpectedly in 2022, leaving many working parents unable to find safe and reliable care for their children; and

WHEREAS, the City of Valdez contracted with the Stellar Group in 2022 to conduct an Early Childhood Needs Assessment with the goal of better understanding the effects of Valdez's child care crisis on families, businesses, and the community more broadly; and

WHEREAS, the needs assessment identified Valdez as a "childcare desert" noting that sixty percent of survey respondents were "looking for any, more, or different child care," four in ten respondents had considered moving away from Valdez due to a lack of child care and eighty-six percent of respondents identified safety as their top consideration when selecting a child care provider; and

WHEREAS, section XIII.D of Council Policies and Procedures, specifically outlines the procedures for establishment of temporary citizen advisory groups (task forces); and

WHEREAS, the City Council has determined that no existing city board or commission has the capacity or expertise to engage on this issue and that a need exists for a dedicated group to actively address the lack of child care in the community; and

WHEREAS, the City of Valdez recognizes the necessity for collaboration between varied local stakeholder groups in addressing the ongoing child care crisis and acknowledges the value of considering the widest variety of outlooks and leveraging existing community resources wisely.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Section 1: The Child Care Crisis Task Force is hereby established on a temporary, short-term basis and shall meet at least twice monthly.

Section 2: The scope of the Child Care Crisis Task Force will consist of the following task:

1. With the assistance of the Stellar Group, create and submit to City Council for approval a strategic plan outlining short, middle and long-term actions recommended to address the child care crisis and other recommendations to strengthen Valdez's early childhood system. The strategic plan shall include recommendations to City Council on each of the following factors relating to the logistics of establishing an initial licensed child care facility:
 - a. Analysis of existing buildings in the community capable of serving as a physical location for a child care facility, including a summary of renovations or adjustments that would be needed prior to use.

- b. Desirable management structures and licensing avenues for establishment of initial child care facility.
- c. Potential funding mechanisms to create and sustain a licensed child care facility in Valdez.
- d. Methods for attracting, retaining and training of a high-quality child care workforce.

Section 3. The Child Care Crisis Task Force will be comprised of nine members total representing each of the following groups. Members will be selected by the City Manager in consultation with each group.

- 1. One Member representing the Valdez Zero to Three with Families Alliance.
- 2. One Member representing the Early Childhood Workforce Profession.
- 3. One Member representing the City of Valdez.
- 4. One Member representing Valdez City Schools.
- 5. One Member representing Providence Valdez Medical Center.
- 6. One Member representing Prince William Sound College.
- 7. One Member representing Alyeska Pipeline Service Company.
- 8. One Member representing the United States Coast Guard.
- 9. One Member representing the Valdez Native Tribe.

Section 4. Terms of the members shall expire in September 30, 2023 or until the Child Care Task Force completes the tasks outlined in Section 2, whichever occurs first. Resignations, vacancies, and new member appointment processes shall be handled using the same methods as standing citizen advisory groups.

Section 5. All City Council Members shall serve as ex-officio members of the Child Care Crisis Task Force.

Section 6. The City Clerk's Office shall be designated to provide staff and administrative support to the Child Care Crisis Task Force.

Section 7. City task forces are intended to be temporary in time and scope.

No additional tasks may be added to the scope of the Child Care Crisis Task Force without documented, formal agreeance of the City Council.

Section 8. The Child Care Crisis Task Force is directed to complete the task outlined in Section 2 of this resolution by September 30, 2023. City Council may extend the sunset date of the Child Care Task.

Once the Child Care Crisis Task Force has completed the task outlined in Section 2 of this resolution, they shall forward a final report to City Council prior to dissolution of the task force.

Section 9. In accordance with XIII.D. of the City Council Policies and Procedures, the Child Care Task Force shall be subject to the same standard policies and procedures established for other citizen advisory groups.

These standard policies and procedures include election of a chair and chair pro tempore during the first task force meeting following establishment; adherence to attendance, quorum, and remote participation policies; proper meeting noticing and adherence to the Alaska Open Meetings Act; use of proper parliamentary procedure and meeting decorum; recording of meeting minutes; and use of the full city legislative management software system.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 21st day of February, 2023.

CITY OF VALDEZ, ALASKA

Sharon Scheidt, Mayor

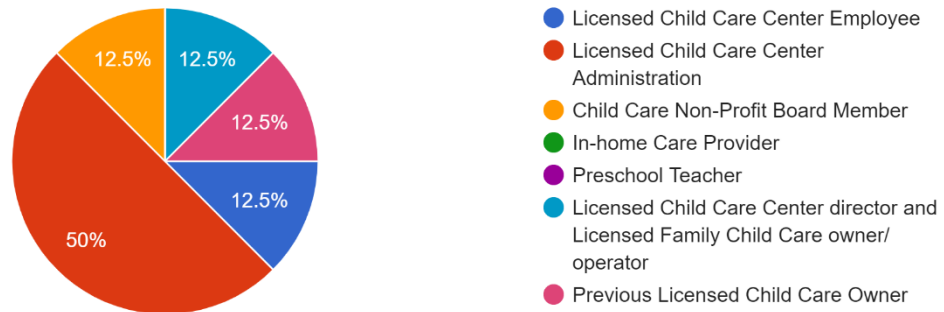
ATTEST:

Sheri Pierce, MMC, City Clerk

Appendix B - Local Child Care Expert Survey

How would you describe your role (now or previous) in the field?

8 responses

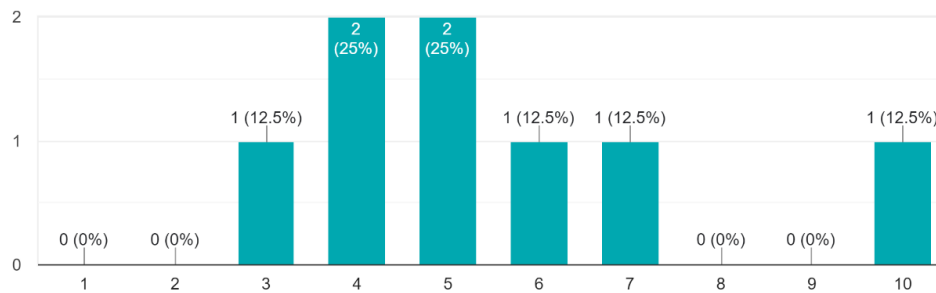


Based on your personal experience, please rate the following potential barriers to staying in the profession/ operating a sustainable program on a scale of 1 to 10.

1= not a barrier and 10= very large barrier

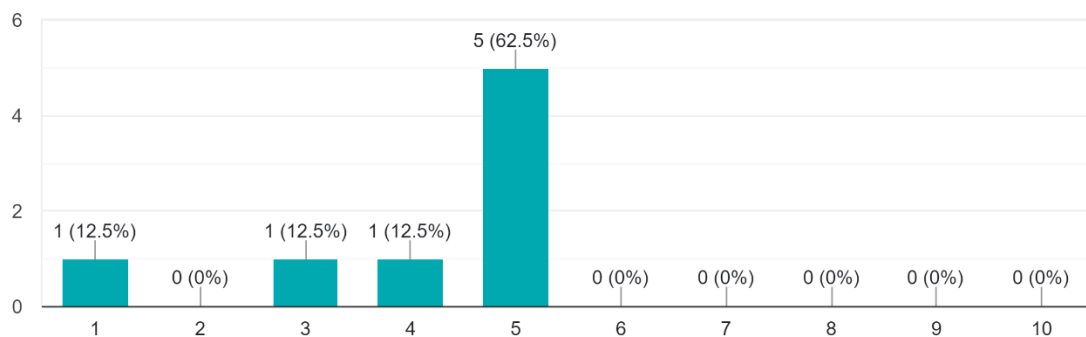
Cost of Training and Professional Development

8 responses



Availability of Training and Professional Development

8 responses



Any additional feedback on cost or availability of training and professional development?

6 responses

Stepping Stones looked into coordinating with PWSC for Early Childhood Development courses but we were unable to find any courses specifically geared towards it. That could be that we just didn't find it but in that case it would be great to have more advertising or general public knowledge of it. We fully paid for new employees to get First Aid and CPR certified along with a couple others and it became difficult to pay for. So, we tried to coordinate with Providence for CPR training. We reached out and were told they would look into it. I tried reaching out again after not hearing from them to see how it was going. I did not hear back. For longer retention of staff, we tried a reimbursement policy instead where they pay for those trainings and then we reimburse after 3 months of working at the daycare. I'd also recommend that, if there will be a Board, that there be more training for board members and how a board is to function. I was able to provide the training for free because I have a father who is a trainer specifically for Organizational Leadership and he was willing to come in pro bono. But it was only months before we officially closed so we were unsuccessfully in fully implementing what he had provided.

I was able to retain a Certificate (12 credit hours) in Early Childhood Education through Ashworth College. Cost was about \$1k and was reimbursed by Thread so I could assume my admin role.

There are numerous agencies in Alaska that provide training online & in person.

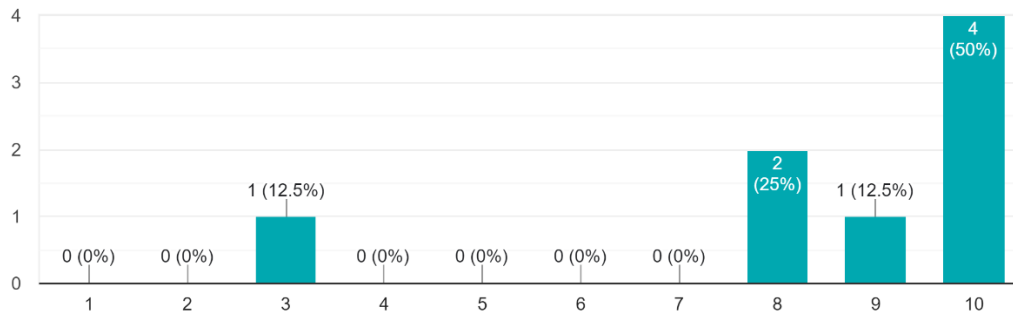
Low-level/refresher online training was easy to come by but finding/hiring/retaining those with a degree in education was more difficult as the school district is able to offer benefits Stepping Stones could not.

Training was easy to find using Alaska SEED but the availability of said training and the schedule/staffing shortage made it extremely hard to participate in the trainings.

From my understanding, there are grants that can cover the cost of training. The biggest issue is finding time to train properly and effectively while also providing full-time care.

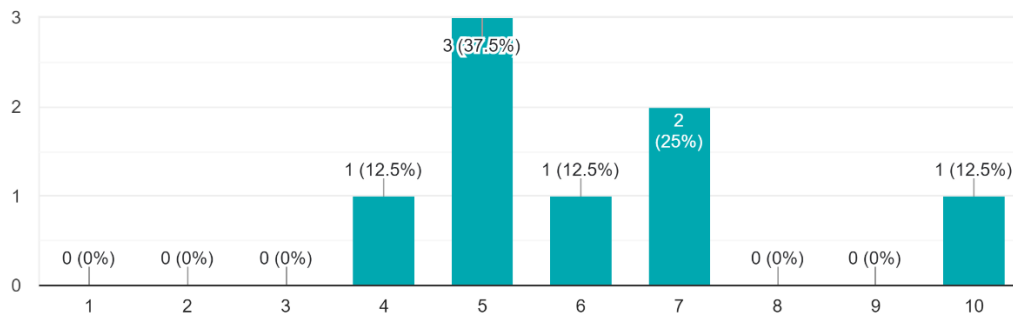
Staffing levels/ staff availability

8 responses



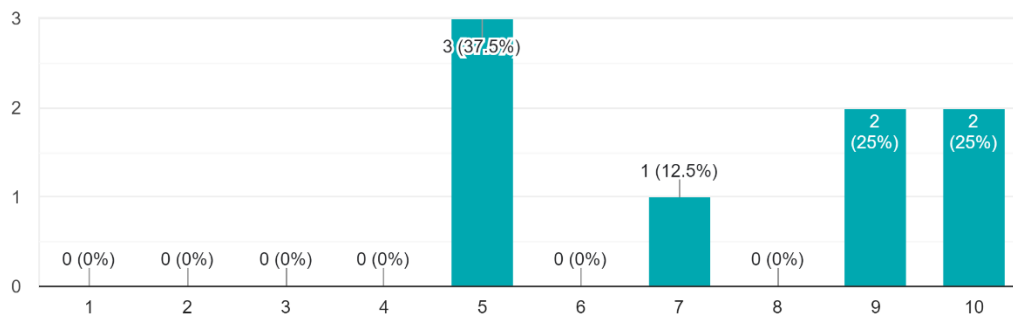
Time commitment/ personal of family needs

8 responses



Stress/ burnout

8 responses



Any other comments on personal or stress related barriers? Any barriers not listed above?

8 responses

The time commitment would fully depend on the amount of staff we have. We were on minimal staff so the burnout and time commitment was much more for those individuals, unfortunately. Being president of the board, I was also providing more time than was required of a president to do. Commitment to the board was difficult to receive from some board members so the board members who were willing and able took on those extra duties by default.

I think lack of qualified staff is a huge stress in this field

This is my opinion formed from when things did run relatively well. It always starts at the top. If you have directors who know how to run a daycare and have the proper education on it, you might cycle through staff but your staff retention will always be better. When you have directors who don't have an education on early childhood, it puts a lot more stress on classrooms as working with small children is difficult. Having predictable classroom schedules, a structured handbook, and goals for each classroom is imperative. This is what I have witnessed.

As an administrator/owner, the difficult times were when staffing was not available

None

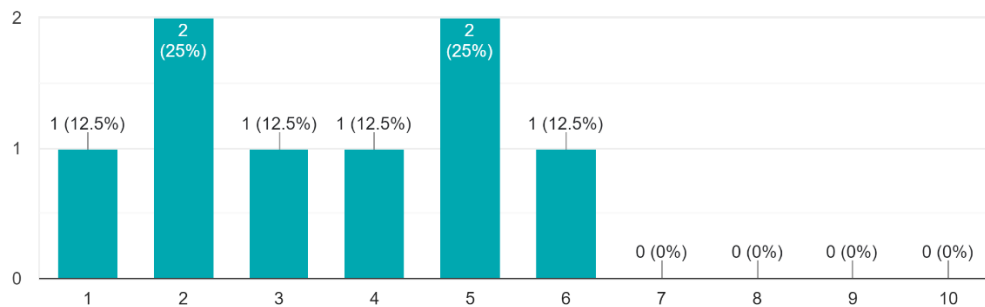
COVID presented a significant barrier to staffing levels; also, employees with children who fell with anything was a major impact to staffing availability.

N/a

From my personal experience, the lack of training received at Stepping Stones created more stress on the overall work environment. We wanted more training but we're so short staffed that it was nearly impossible to find a safe way to do that within our nonprofit budget.

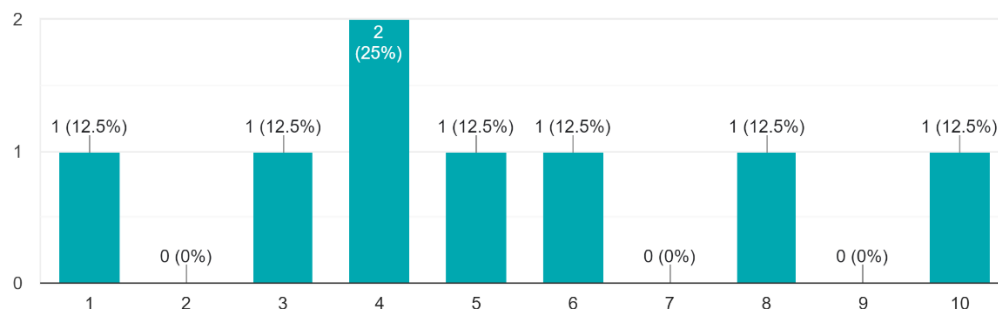
Navigating Licensing and Legal Requirements

8 responses



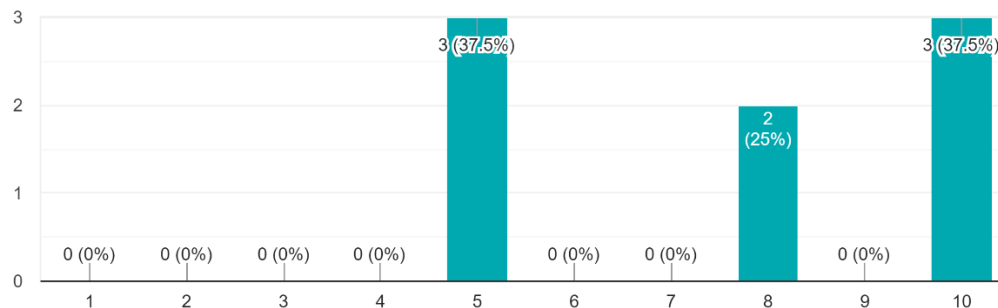
Physical Space Limitations

8 responses



Pay and benefits

8 responses



Any other comments on structural barriers? Any barriers not listed?

8 responses

Stepping Stones had issues with pay and benefits. We did increase our pay significantly to try to lure more staff but we were unable to afford benefits. Due to COVID, benefits was what people were looking for when it came to a job and we were told by potential employees that they chose a different job due to benefits available. I would say that benefits would definitely need to be implemented for the providers of the childcare.

Lack of available affordable space to rent or purchase is a problem

Valdez needs a proper childcare building. I think benefits like being able to have your children in care for free or reduced is a bonus. It was for me. Being competitive with pay is important, but once again, having top notch leadership will always affect employee retention more than pay, in my opinion.

Having a nice space is key to good childcare

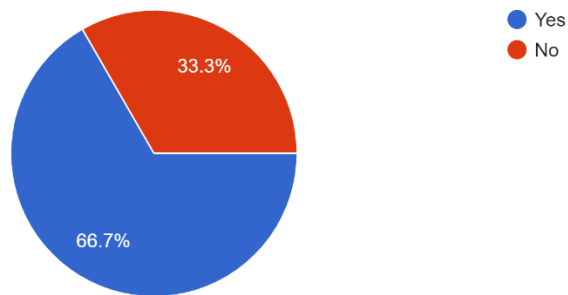
Outdoor space and transportation for school age children

Understandably, people want (and deserve) health insurance among other benefits!!!
Pay and burnout were two of the highest barriers with stepping stones followed by lack of trainings to get more people licensed to become a CCA which was needed on the premises at all times while the doors were open.

One barrier that comes to mind is the hours of operation. For those that work at Alyeska or work 12 hour days, there hasn't been someone to provide care during those hours. Staffing has been a huge barrier but could be rectified with a livable wage and benefits.

Have you (did you ever) considered becoming a licensed in-home care provider?

6 responses



What do (did) you like most about providing small scale unlicensed care in your home? 4 responses

I have only provided licensed in home care

I never did it, just considered it.

Easier to manage

N/A

What do (did) you dislike most about providing small scale unlicensed care in your home?

2 responses

Giving up space in my home

N/A

What supports would you need (or have needed) to consider becoming licensed?

4 responses

I understand the licensing process I would love start up stipends or grants

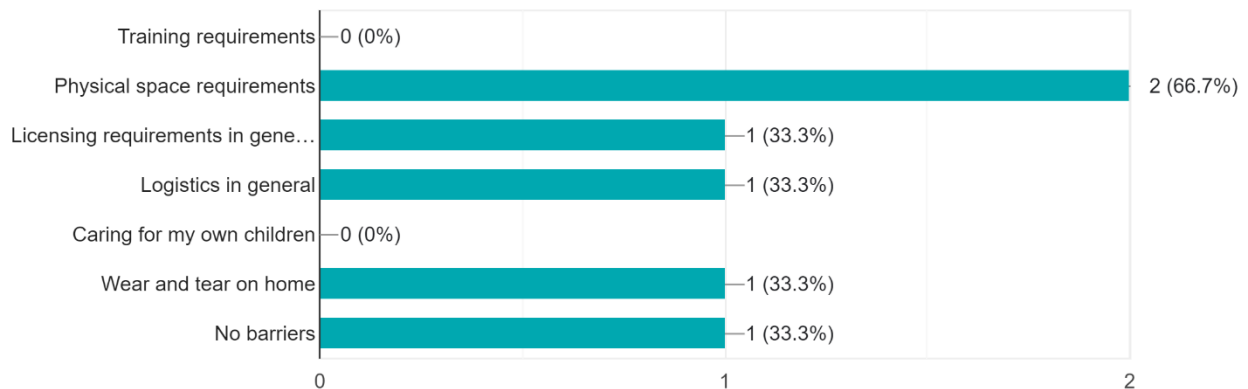
I know there is a ton of hoops to jump through to do licensed in your home, not to mention the wear and tear on your home, or the no days off really. I don't think Valdez will ever see an uptick on licensed in home care. I've never known of a single one in my 11 years. My opinion again, I'd like to see a center.

Was not required in the 1990's in CG housing at that time

N/A

Which of the following are (or were) barriers to you providing licensed care in your home?

3 responses



What was (or is) the reason you worked in (or helped with) early education or child care? What were the parts of the work you liked best?

8 responses

I went to college with a degree that emphasized on behavior modification and development. I worked at a licensed in-home daycare while in college. I also have 2 small children who both need childcare because my husband and I both work full time and have to. I was presented the idea to join the board from a past Executive Director of Stepping Stones. On the first board meeting, they were looking for new officers. I accidentally accepted the president position.

It's my field of study I love teaching and helping children and I was raising my own family so it was perfect for me.

I like kids! At the time, my kids were small as well. It gave me the opportunity to work but still be with/be near my kids and involved. When I first started, I was also working at the elementary school, but quit that to be full time and admin for the daycare. I loved making a curriculum and learning about what made a good classroom and how to help my own kids as well. I loved running the preschool room! We had a ton of fun and it was absolutely rewarding.

The love of children. Best parts were always the kids! Helping out the community with subsidized daycare costs. Supplying the town with job opportunities. And again the kids!!
Ability to be with my young children

When Stepping Stones' location on Chenega experienced the fire, it became obvious that those not impacted by the potential loss of childcare were unaware (or not concerned) with it, so I wanted to do what I could to help the daycare.

I wanted to help a town I loved and they needed childcare when we were stationed here.

Watching children grow and develop is so fun and fulfilling.

What worked well in the care setting(s) you were in? Please give examples...

8 responses

The physical indoor space was actually great. The Royal Center really had the room and amenities to provide what we needed. The structure of the pipes and the mold were not awesome. But the general physical space and rooms and kitchen all were very useful and helpful. The location of the building was great also as it was in town and close to parks and Ruth Pond respectively. I feel like our pay range was very reasonable for what we were able to provide without going bankrupt. It was \$14-\$24/hour depend on experience. Most people were \$18+ for pay.

Providing a loving family environment

Clear communication with parents

Flexible hours Treating the children in my care like my own children and establishing a life long relationship with the families

We had a schedule, rules, and predictable days. We had a routine and a staff that had been around for a bit.

Our building arrangement that we did ourselves was perfect. A room for each age group, nicely decorated, neat and clean. Outside play area. Having a good everyday preschool program included in the price of daycare. Having 2 associates was ideal.

I had Chris Kupczyk work at my center, everyone should have someone like her.

Having a clear process/plan for business operations

Having a board that helped with the overall well-being of the daycare was amazing because it took some of the stress off me running the place by myself.

The most efficient part of Stepping Stones while I was there was the paperwork/business side of things was dealt by someone separate from the kids day to day teacher.

Describe your vision for child care or early education in Valdez- What would your ideal system look like?

8 responses

Ideal system is universal childcare for small children until they are old enough to go to public school. Public school is free (somewhat, except lunch or extra curricular accessories) but not daycare? But that's a federal situation (or state?). Outside of that dream world, childcare vision:

Liveable wages

Full benefits

Employee support

Random drug testing

Coordination with a college/high school/hospital for those CPR/First Aid trainings and staff with college/high school students (18+ is the requirement to be able to count towards ratios but 16+ can be support staff) to do maybe a work program for school or internship.

Community involvement/support - this doesn't happen in larger places necessarily, I know, but we are a small town where everybody likes to be in everybody's business. The one licensed daycare in town received 0 support from the community. I feel that had we had more community support at least, we would have gotten better word of mouth at the very least. We received a lot of flack from the community a lot of times. We weren't perfect but we did try very hard and had the community had more involvement they would have seen that we had reasons behind the process, such as closing for COVID exposures. We had a lot of flack for that when we were required to follow State protocols and when dealing with children we weren't about to cut corners. But all the community saw was that we closed for COVID.

It would look like a licensed program in my home or a licensed center in town. I would love to be hands on and involved with the children in our community

A building that's an appropriate size with a green outdoor space! PLEASE outdoor space. I would love some of our larger companies in Valdez to get involved and have a stake in providing care for younger families. I think something like a Boys and Girls Club would be fantastic. Even now that my kids are school age, my family still struggles for care in the summer. It would be great to see this rolled into one solution. I think space and strong leadership in directors are the two main problems.

A dedicated entrepreneur that loves children. Center based childcare facility with quality staff. To be licensed for 75 children the need is for 2 staff members that have the right education level all other staff can learn on the job with classes that the center can supply.

A early learning center that is NOT funded or operated by the City of Valdez.

Employee-subsidized childcare that offers business hours which accommodate the majority of employers. Ex: many Alyeska employees found Stepping Stones to not be a good fit b/c its shift last 12 hours and SS was only open ~11 hours max at its peak operating hours.

Honestly I don't know. I think without a lot of funding to pay employees a livable wage it is going to be pointless.

A big playground that is safe and fenced for kids to run and play. A kitchen that provides meals and has hot meals for those kids who might not have one at home. Classrooms full of smiles and laughter. Special guest of Molly Walker from the library story time often. Staff that are happy and not stressing about where their next paycheck is coming from.

What would make you want to stay in the early education/ child care profession?

8 responses

I personally do not have a passion for it so due to only that reason I will not be in childcare anymore. However, if it was, I would want support and appreciation, and a liveable wage with benefits.

On going training opportunities, grants, stipends

I am no longer in the profession and will not return. For no other reason than it was a time and place for me. I took some years off my career and changed paths to benefit my children.

Ohhh to be younger!! I sold to a younger couple mostly because of health and age!

I am not interested working in this field.

N/A

Nothing, I will not be returning to childcare.

Livable wage and benefits, training

Anything else you want to share?

8 responses

Feel free to reach out any time.

Thank you for including me in this survey There is definitely a need for licensed child care in Valdez

Although, I am no longer involved in childcare I am still passionate about it. It is so important for Valdez to have a quality provider in an appropriate space. I am always available for any other questions. Thanks to the Task Force!

With the right building and the right person with a background in early childhood education, a quality program could be achieved in Valdez. It has been done (by me) but it takes a dedicated paid staff, & a qualified administrator & associate that will stay on.

No

I strongly believe childcare continues to be viewed as a "woman's problem" which negatively impacts its prioritization. Everyone (men, those who are not parents, those whose children have aged out, and those who have a stay-at-home spouse/partner) needs to recognize that this is a COMMUNITY issue which affects ALL of us in one way or another.

N/a

Thank you for putting this together!

Appendix C - Workforce Subcommittee Report

Child Care Crisis Task Force

Workforce Development

Key Questions for Developing a Sustainable Child Care Workforce

1. Workforce Recruiting

How do we attract people to the workforce in the first place?

2. Workforce Training

What training do they need to start?

What training do they need to continue and/or advance?

3. Workforce Retention

How do we keep enough people to sustain a viable workforce?

Workforce Recruiting

1. **Identify Sources** (who do we recruit and where do we find them?)

- a. High School/College dual credit
- b. Other existing community members
- c. Recruitment outside Valdez
- d. Funding for recruitment marketing
- e. Shared workforce

2. **Recruiting Issues/Complications**

- a. Traditionally low wages
- b. Background checks
- c. Tight labor market with other opportunities
- d. Training required to start and to remain in workforce
- e. Housing limitations for those recruited from outside
- f. Caregiver/child ratios drive staffing minimums
- g. Limited career advancement available, especially locally
- h. Community understanding of need (lunch & learn)

Workforce Training

1. State Minimums

- a. Low Bar (list of items in [7 AAC 57.350](#))
- b. Multiple avenues available ([SEED training](#)), but those avenues are complicated
- c. Programs not articulated or packaged for ease of completion

2. Postsecondary training/education

- a. [UAA Early Childhood program](#) has nested certificate, associates, and bachelors programs
 - i. Certificate: 18 credits
 - ii. AAS: 60 credits
 - iii. BA: 120 credits (also qualifies for PK-3 state licensure)

3. Continuing Education and Prerequisites

- a. Certifications in CPR, 1st Aid, Food Handling must be obtained and kept current
- b. Annual Training requirements (24 clock hours full-time/12 part-time, not to include items in 3a)

Workforce Retention

1. **Pay** (lower than fast food or grocery clerk)

- a. How can this be increased or subsidized without making care unaffordable?
- b. How can this be scaled to reward longevity?
- c. What other incentives besides pay may be available?
 - i. Housing assistance/subsidy? Dual-use facilities?
 - ii. Education access?

2. **Benefits**

- a. Types (health, retirement, vacation)?
- b. Sources? (City? Schools? Hospital?)

3. **Cost & Opportunities for Professional Development**

- a. Initial training and certifications (CPR, 1st Aid, food handling, state minimums)
- b. College credits (for advancement to associate, administrator, or PK-3 teacher)
- c. Funding sources
 - i. City pays for dual credit. Could similar programs be built for others?
 - ii. Federal Financial Aid
 - iii. Grants/Sponsorships
 - iv. Shared services alliances?

Recommendations

1. **Recruitment:** Develop balanced approaches to recruit short-term help (dual credit, summer interns) where we anticipate turn over and long term help to ensure continuity of operations. Identifying means to fund an attractive package of pay/benefits/opportunities will be key, as will funds and outlets for advertising vacancies.
2. **Training:** Coordinate agreements with PWSC, VHS, and SEED to provide training in accessible packages. Funding that training may require multiple means and sources. Identify existing sources and develop additional sources to fill gaps.
3. **Retention:** Mainly funding to make and keep pay, benefits, and professional development competitive without making the operation cost-prohibitive. Identify sources for augmenting funding beyond what the center's own revenue can sustain (city, local industry partners, grants, etc.)

Appendix D - Facilities Assessment Rubric

Potential Sites	Weight	Priority	A	B	C	O	T	L	H	K	D	U	P	G	J	Q	N	E	F	S	I	R	M	V
Common Name/ Description		Updated 5/15/23	Old Alyeska Building (by Man Camp)	Airport Whitney Museum Space	Armory	Old Pizza Shop	Old Plumbing Shop	Mountain Sky	Halibut House	Royal Center Building	Glen Mills Building	Library Basement	Masons Building	Blue (Yellow) Building	Ferry Building	Civic Center (Ball room / Conference Room)	R Bell Building	Available HHES Space	District Office Building	Coast Guard Community Center	City Rec Center	PWSC	New Construction Hospital Campus (Masterplan)	
Community Support/Vision	20	1																						
Positive impact on local community			Med (use vacant property)	Low	Med (use mostly vacant property)	Med	Med	Low (displacement)	Med (use vacant property)	High (use vacant property)	Med	Med	Low	Med (use mostly vacant property)	Low/ Med	Low (displacement)	Low (displacement)	High	Low (displacement)	Med	Low	Low/Med	High	
Supports COV comprehensive plan			Med/Low	Low	Med/Low	Low/Med	Low/Med	Low/ Med	Med/High	High	Med/High	Low	Med	Low	Low	Low	Low	High	Med	Med	Med	Low/Med	Med	
Property Features	20	1																						
Lot size			1.8-2 acres	>1 acre	10 acres	.25 acres	.33 Acres	1.33 acres	.33 Acres	> .25 acres	.15 Acres	.5 acres	.75 acres	.25 acres	> .5 acres	>1 acre	>1 Acre	>2 acres	>2 acres	>1 acre	1 acre	>1 acre	> .25 acres	
Lot configuration			Large Rectangle, flat	Large Rectangle, flat	Large Rectangle, flat	Odd shape, flat, gravel	Odd shape, flat, gravel	Odd Shape, Flat, Paved	Small Rectangle, paved	Large Rectangle, flat	Small Rectangle, paved	rectangle, paved/ lawn	Odd shape, large, flat, gravel	Odd Shape, Flat, Paved	Odd Shape, Flat, Paved	narrow grassy areas, hillside, paved parking	Odd shape, flat, gravel	Odd Shape, Flat, Paved/lawn	Square Paved/ lawn	rectangle, paved/ lawn	rectangle, paved/ lawn	Odd Shape, Flat, Paved	Flat grassy	
Adequate parking			Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Adequate outdoor space (75sf/child)			Yes	No	Yes	No (needs improvement)	Yes (needs improvement)	Yes	Yes (needs improvement)	No (needs improvement)	No	Yes	Yes (needs improvement)	Yes	Yes (needs improvement)	Yes	Yes (needs improvement)	Yes	Yes	Yes	Yes	Yes (needs improvement)	Yes	
Existing Kitchen			Unknown	Yes (no oven/Stove top)	Yes	unknown	No	Yes	Yes	Yes	unknown	No	unknown	No	unknown	Yes	unknown	Yes	Yes (no oven/Stove top)	Yes	Yes	Yes	Yes	
Snow storage			Yes	Yes	Yes	yes, cut off by snoe wstorage	Yes (needs improvement)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
ADA Compliance			1st floor - Yes	Yes	Yes	No	No	Yes	No (needs improvement)	No (needs improvement)	No	Yes	No	No	Yes	Yes	No (needs improvement)	Yes	Yes	Yes	Yes	Yes	Yes	
Additional property amenities (existing)			potential for housing	N/A	N/A	N/A	N/A	N/A	N/A	close to City facilities	N/A	Library	N/A	Ruth Pond	waterfront and parks	close to parks	N/A	Playground	Playground	Playground	lawn, close to schools	close to parks	N/A	
Site Compatibility	20	1																						
Adjacent to outdoor or offsite programs			Low	Low	Low	Low	Low	Low	Low/Med	High	High	High	Low	Low/ Med	Med	Med	Low	Med	Med	Med	High	High	Med	
Compatible with adjacent uses			Medium	Low	Med	Low	Low	Low	Medium/High	High	High	Med	Low	Med	Low	Med	Low	High	High	Med	High	Med	Med	
Safe pedestrian access / routes			Low	Low	Med	Low	Low	Low	High	Med	High	High	Med	High	High	Med	Med	High	High	Med	High	High	High	
Conformance with COV zoning			No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	
Purchase Cost/Terms	15	2																						
Probability of Availability			High	Med	Low	Med	Med	Low/Med	Med/ High	High	Med	Low	Low/Med	Med/ High	Low	Low	Low	High	Low (displacement)	Low	Med (displacement)	Low	High	
COV Tax Assessment of Property or Published \$\$			\$500k (2020)	N/A	N/A	Unknown	Unknown	\$ 1,900,400	\$ 240,700.00	\$ 950,000	unknown	N/A	\$ 137,700	N/A	N/A	N/A	\$ 228,300	N/A	N/A	N/A	N/A	N/A	N/A	
Purchase / Rent Cost			High	Low	Unknown	unknown	unknown	Very High	Low/Med	High	Med	Low	unknown	Low	unknown	Low	Med	Low	Low	unknown	Low	unknown	High (construction)	
Operational costs			High	Low	High	Low	Low	High	Med	Med	Med	Low	Med	High	High	Med	Med	Low	Med	Med/Low	Med	Low	Med	
City-owned			No	Yes	No, State	No	No	No	No	No	No	Yes	No	Yes	No, State	Yes	No	Yes	Yes	No, Fed	Yes	No, State	Yes	
Potential Renovation Costs	13	3																						
Site / Civil			Low	Low	Low	Med	Med	Low/Med	Low/Med	Low	Low	Low	Med	Med	Med	Low	Med	N/A	N/A	Low	Low	Low	High (construction)	
Interior Renovation potential costs			Low/Med	Low	Low	Med	Med	High	Low/Med	Med	Low/Med	Low	Med	High	Low	Low	Med	Low/Med	High (Relocation)	Low	Low	Low	High (construction)	
Hazmat Remediation			No	No	No	Possibly	Possibly	No	Possibly	Possibly	Possibly	No	Possibly	Yes	No	No	No	No	No	No	No	No	No	
Natural/ Physical Environment	12	3																						
Natural Daylight			Med	Low	High	Med	Med	High	High	Med	Low	High	Low	Low	High	High/Low	Med	Med	High	High	High	High	High	
Tsunami/ Avalanche			Low	Low	Low	Low	Low	High	Med	Med	Med	Med	Med	High	High	Low	Low	Low	Low	Low	Low	Low	High	
Surface water			Low	Low	Low	Low	Low	Med	Low	High	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Low	Med	
TOTAL SCORE	100		0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Site Purchase Cost Category:	Site Preparation Cost Category:	Site Probability of Availability
Low: <\$250,000	Low: Minimal clearing, unsuitable material or fill	Low:Current use unlikely to change, not for sale, not highest use of property
Med: \$250,000-\$500,000	Med: Partial clearing, some unsuitable material and fill, no bedrock removal	Med: For sale, potentially for sale, child care is use improvement
High: \$500,000-\$1,000,000	High: All clearing, extensive unsuitable material and fill, bedrock blasting/ripping and removal	High: For sale and vacant, no competing uses
Very High: >\$1,000,000		

Priority	A	B	C	O	T	L	H	K	D	U	P	G	J	Q	N	E	F	S	I	R	M	V
	Old Alyeska Building (by Man Camp)	Airport Whitney Museum	Armory	Old Pizza Shop	Old Plumbing Shop	Mountain Sky	Halibut House	Royal Center Building	Glen Mills Building	Library Basement	Masons Building	Blue (Yellow) Building	Ferry Building	Civic Center (Ball room / Conference	R Bell Building	Available HHES Space	District Office Building	Coast Guard Community Center	City Rec Center	PWSC	New Construction Hospital	
AVERAGE	68	68.5	67.5	58.5	58.5	59	73	77	64.5	73.5	63.5	62	64	75	61.5	92	81	79	86	77.5	74	
							8	4		7				5		1			2	3	6	

1	Available HHES Space
2	City Rec Center
3	District Office Building
4	Coast Guard Community Center
5	PWSC
6	Royal Center Building
7	Civic Center (Ball room / Conference Room)
8	New Construction Hospital Campus (Masterplan)
9	Library Basement
10	Halibut House

Appendix E - Facilities SWOT Analysis

City of Valdez Child Care Crisis Task Force

Facilities Review, as outlined in Resolution No. 23-07:

“The strategic plan shall include recommendations to City Council on each of the following factors relating to the logistics of establishing an initial licensed child care facility:

- a. Analysis of existing buildings in the community capable of serving as a physical location for a child care facility, including a summary of renovations or adjustments that would be needed prior to use.”*

The CCTF provided an initial list of buildings, both public and privately owned, to be reviewed as potential childcare sites. COV Capital Facilities Director Nathan Duval drafted a rubric for analyzing those facilities, the CCTF provided edits, and a final draft was completed (attached). The rubric included the following categories: Community Support/Vision, Property Features, Site Compatibility, Purchase Cost/Terms, Potential Renovation Costs, and Natural/Physical Environment.

Three CCTF members were appointed to the Facilities Review Subcommittee: Susan Love, Tim Mason, and Tim Bauer. Susan Love and Tim Mason completed the rubric independently and compiled their scores for a final list, and met as a group to review. While Tim Bauer did not complete the rubric, he ranked HHES as the top choice.

The top ten facilities are:

1. Hermon Hutchens Elementary School
2. City of Valdez Recreation Center
3. VCS District Office Building*
4. USCG Community Center*
5. PWSC
6. Royal Center Building
7. City of Valdez Civic Center
8. New Construction Providence Hospital Campus
9. City of Valdez Library Basement
10. Former Halibut House

*Tim Mason, who represents the USCG, said that the number 4 building was a non-starter due to the unlikelihood that the USCG/Dept of Defense would release a building for this type of use that was not under USCG management. Tim Bauer, VCS Superintendent, stated that the number 3 building was also unavailable due to organizational purposes and recent renovation tailored to current use.

What follows is a SWOT analysis of the top four ranked facilities (after removing 3 and 4), with some additional notes on the consideration of constructing a new building.

Facilities Review – SWOT Analysis

- **Herman Hutchens Elementary School**

- **Strength**

- Potential available space within building
 - City owned – lease may be potentially low cost
 - Low overhead costs as maintenance, utilities are already provided to some extent
 - Commercial kitchen
 - Convenient for families with elementary-age kids
 - Potential selling point for HHES workforce to have their children in childcare on-site
 - Parking and snow removal provided
 - Building is ADA compliant
 - Library space

- **Weakness**

- Extensive renovation may be required
 - Food service could not be provided through VCS Food Service program
 - Sharing playground/facility space may be logistically challenging
 - Point of entry – if daycare/HHES and parents cannot comingle, another entrance must be designated
 - Drop off traffic routes are already problematic – this will add volume and additional challenges

- **Opportunity**

- VCS programs like Child Find may have access to daycare attendees and identify useful early interventions even sooner
 - Being located in a school could provide work/learn opportunities for high school students interested in the profession.

- **Threat**

- Capital projects for building maintenance occur during summer, some may be extensive
 - Jobs in the childcare center must be competitive with VCS jobs, especially if qualification level is equivalent to a benefited paraprofessional position within VCS
 - Depending on management structure- there is liability to consider for shared space

- **COV Recreation Center**

- **Strength**

- Current lay out could work for child care center
- ADA Compliant
- City owned – lease may be potentially low cost
- Low overhead costs as maintenance, utilities are already provided to some extent
- Proximity to park and high school/ middle school
- o **Weakness**
 - Displacement – Building is currently occupied and used for Parks and Rec daytime programming, including Mighty Mites, Beginner Pickleball, Open Rec hours as a place for youth/general public to hang out
 - Displacement of Parks & Rec office staff
 - If the space was no longer shared with P&R, utilities may not be covered
 - No commercial kitchen
 - Used as polling location
- o **Opportunity**
 - Shorter hours for daycare (7:30am-3pm) could allow for continued use of Open Rec after-school hours
 - Creative shared use of space could preserve Parks & Rec office space for current use
- o **Threat**
 - Renovation may be more extensive than anticipated to meet state licensing requirements
 - Depending on management structure- there is liability to consider for shared space
 - Parking lot can be tight, especially during winter
- **Prince William Sound College – Whitney Museum**
 - o **Strength**
 - Relatively newer building
 - Adjacent to park space (summer only)
 - Centrally located in town
 - ADA Compliant
 - Low overhead costs as maintenance, utilities, snow removal are already provided
 - Parking space available
 - o **Weakness**
 - Space is currently used and unlikely to change – Whitney Collection is currently held in the space
 - Displacement of office space and elimination of workload for one staff member

- No commercial kitchen
- No other space on campus is available year-round for childcare
- No park space available during winter months
- Renovation needed to effectively use space for childcare –
 - Additional bathrooms
 - Additional egress points
- o **Opportunity**
 - Childcare would be a year-round use and source of revenue, current usage is limited to summer months
 - Could result in new tuition revenue for PWSC through early childhood educator program
 - Utilities for museum-grade HVAC systems is expensive, potential cost-savings if those systems were no longer needed
 - Potential tie-in with workforce development opportunities, onsite training for providers
 - University of Alaska has existing models of onsite childcare centers ([UAF Bunnell House](#))
 - Potential workforce incentive for PWSC employees with children
 - Administrative staff on same campus can assist with administrative needs
- o **Threat**
 - Facility has no windows in main area
 - Increase of traffic on residential street (Lowe St)
 - Long-term funding for UA facilities maintenance has been underfunded for years
 - Depending on management structure- there is liability to consider for shared space. Vetting through UA risk analysis and legal office can be a lengthy process.
 - Change of use could include a lengthy approval process through UA administrative levels
- **Royal Center**
 - o **Strength**
 - Layout for childcare center already exists within building
 - Centrally located
 - Building is available for lease or purchase
 - Natural light in all classrooms
 - Adequate onsite parking
 - o **Weakness**
 - Lease costs are high

- Outdoor space is limited (I would be interested in identifying specifically where the property line is located)
- Located within tsunami inundation zone
- Building requires extensive renovation
- o **Opportunity**
 - Extensive renovation of building could include mixed-use (apartments above, commercial space below)
 -
- o **Threat**
 - If the building was purchased by COV, cost to renovate is very high – very rough estimates for low end is \$500K and roughly \$3M on the high end
 - Ongoing maintenance and utility costs are very high
 - Adjacent lot is owned by a different individual and used for snow storage purposes. Heavy equipment operates in area. This lot could make a great outdoor environment/ community green space were it to be purchased as well – but snow storage would be an issue.

New Construction Providence Hospital Campus

Initial conversations within the Child Care Task Force and Facilities Subcommittee indicate the desire to find an existing facility before considering a ‘new build’, and only if the costs to renovate begin to approximate the cost of constructing a new building should it be considered.

Providence Valdez Medical Center (PVMC) recently completed a 10-year Hospital Master Plan, and within different proposed sections of that plan there is the potential for a recreation/multi-use space that could be used or designed as a childcare center. At this time, that portion of the Hospital Master Plan is not listed as a high priority and no funds have been allocated towards it. However, if a new build were to occur, the PVMC campus is one of the top locations to consider.

Other COV Facilities- Civic Center Conference Room & Library Downstairs

The Civic Center conference room (not in the top 4 but in the top 10) has significant potential as a site as well and while it would displace certain business meetings, existing ballrooms have similar a/v capabilities. The conference room side has a separate entrance with a handicap accessible ramp and existing bathroom facilities in this portion of the building (would need remodel). There is unused land near this entrance where an outdoor environment could be put. The current layout, with dividing walls, would allow for a classroom area and a gross motor area

that could double as a nap space. Large windows in the space bring in natural light. There is an existing commercial kitchen (underutilized) and lawn in summer.

This room did have major tech upgrades recently so the cost of those might figure into whether the space is viable. There would be a need for additional fencing for an outdoor space due to the location on the hill. Drop off logistics would need to be considered in design.

The downstairs of the library has existing bathroom facilities (just remodeled but not with children in mind) and an elevator for handicap access if needed. The space itself would be conducive to setting up an ECE environment- large and open with small side rooms and conference rooms that could potentially serve as office space or separate napping areas.

The space does not have natural light and is currently used frequently for internal library programs and for community meetings so has similar shortcomings to the recreation center relating to potential displacement of existing youth activities.

Appendix F - Management Structures SWOT Analysis

City of Valdez Child Care Crisis Task Force

MANAGEMENT STRUCTURE – SWOT ANALYSIS

Sections taken from the City of Valdez Comprehensive Plan (page 34):

Healthy Living - A healthy Valdez also means access to health care, childcare, education, and overall public health, safety, and welfare of its citizens.

Goal 5.1 Provide community services

Provide safe, equitable, and convenient access to healthcare, education, childcare, wellness, and social support services.

Quality of life is directly linked to a community's ability to provide safe, convenient and equitable access to facilities and services related to childcare and education, healthcare, wellness and social services support. When one or more of these are missing, the community becomes less desirable at retaining and attracting new families and creates economic impacts.

In the Community Survey, the top three improvements to improve the quality of life in Valdez are increased childcare/preschool options, community self-sufficiency, and support services for lower-income residents. Increased access to health care, improved K-12 education and mental health care support were prioritized by 24% or more of community members. The Survey also found that providing childcare and pre-K education was a top three priority to support economic growth. The top City facilities to be expanded or renovated included the senior center, school renovations, and hospital expansion.

Shared facility space for multiple childcare providers (POD Model)*

*Information provide in the Service Planning Brief presented by Stellar Group

○ **Strength**

- Each business is still separately owned, but some resources are held in common, such as administration and facility space.
- Reduction in licensing burden by allowing multiple providers access to a shared facility up-to-par with licensing requirements.
- Shared administrative overhead that can be subsidized at a variety of levels.
- Encourages a variety of ECE options and approaches for parents to choose from.
- Creates a network of providers, enabling shared resources, trainings, and ideas.

○ **Weakness**

- This approach involves a sponsoring entity, securing and maintaining a suitable facility.
- Securing a contract administrator to oversee partnered childcare providers utilizing the shared space.
- Requires interest among informal provers and other potential providers in becoming licensed.
- Coordination required for scheduling use of the space.
- Difficulty in preparing a learning environment appropriate to multiple age groups or pedagogies.

○ **Opportunity**

- Additional supports that can be offered include providing grants for supplies, grant writing support, and equipment and/or offering wage subsidies.
- Large employers can also financially support individual providers such as by paying for (in whole or part) a set number of slots for employees; this helps increase financial stability and ensures the employees of sponsoring employers benefit.
- Technical assistance and professional development opportunities offered by thread Alaska are also available to providers in this model.
- Locations could include churches or a city-owned building for lower/no cost rent.
- Potential for developing a unique and flexible local economy for early childhood educators.

○ **Threat**

- Multiple businesses involved – who is ultimately the responsible entity?
- Decrease workforce availability – many Valdez employers continue to struggle to hire employees.
- There may be little oversight in terms of ensuring that providers meet insurance requirements and or adhere to terms of use - would need to be monitored in some way.

Employer-Sponsored Childcare Facility*

*Information provided in the Service Planning Brief presented by Stellar Group

○ **Strength**

- There are many models of employer-sponsored childcare centers, including managing the childcare center in-house or contracting out the operations to a nonprofit or for-profit provider.
- Employers may subsidize the cost of care, or ask employees to pay full price.
- Employer-sponsored childcare can be located on-site or at a separate facility location.

○ **Weakness**

- Management of the facility would also have to be determined (example: employee of employer-sponsored facility or an independent contractor).
- Staffing may be less challenging due to the benefits/wages that can be offered but is still likely to be a challenge.
- Employer may select to only offer services to infants and children of employees.

○ **Opportunity**

- Employers may also be eligible for tax benefits for some of the expenses incurred and there are myriad benefits to providing this service for employees.

○ **Threat**

- This would entail a long-term commitment by one or more employers in Valdez of space and/or operating funds to sustain the program.
- Decrease workforce availability – many Valdez employers continue to struggle to hire employees.

Individually Owned For-Profit Childcare Facility

(vs. a KinderCare or affiliating with a Multicenter Agency such as Tundra Tykes in Anchorage)

○ **Strength**

- Provides a creative aspect for the owner who is able to develop the early childhood curriculum used.
- Allows for small scale/ individual entrepreneurial opportunities.

○ **Weakness**

- Start-up cost can be exorbitant.
- Unforeseen maintenance cost if the building is owned and not part of a lease agreement.
- Tuition/fees high enough to cover costs may outprice potential families if grants/subsidies are unavailable to private entities.

○ **Opportunity**

- Potential for growth.

○ **Threat**

- Decrease workforce availability – many Valdez employers continue to struggle to hire employees.
- Depending on how the business is structured (sole proprietor, partnership, corporation, or LLC) there are different legal and financial liabilities to consider either for owners or families of children.
- Potential for financial instability if owner is unfamiliar with business/ accounting practices or lacks administrative resources.

Not-For-Profit Childcare Facility

○ **Strength**

- Tax exempt status
- Strong continuity and structure provided by articles of incorporation and bylaws.

○ **Weakness**

- Governed by a Board of Directors, can have an impact on the management style and day-to-day operations, but depending on the board composition it can also be a strength.
- BOD composition – if the BOD consist of parents of enrolled children, it can result in lack of continuity of leadership over time.

○ **Opportunity**

- Donation sources: increased access to grant funding.
- Can receive Alaska charitable gaming funds directly.
- Create a strong message that inspires organizations, companies and individuals to help.
- Potential for growth.

○ **Threat**

- Funding needs, lack of knowledge in preparing grant proposals and its administrative component.
- Decrease workforce availability – many Valdez employers continue to struggle to hire employees.

Head Start / Early Head Start Program*

*Information provided in the Service Planning Brief presented by Stellar Group

○ **Strength**

- Head Start is a federally funded preschool program that offers services to low-income families at no cost.

○ **Weakness**

- Limits age of provided care: available for infants and toddlers under the age of three from low-income families.
- Most Head Start programs are run by non-profit organizations, though other entities are eligible such as city and Tribal governments, for-profit businesses, school districts, and higher education institutions.
- Grants for Head Start programs are awarded on a competitive basis.
- Not a weakness but a challenge, providers must demonstrate that they are able to provide scientifically based and age-appropriate educational material, have adequate facility, and meet administrative and financial management standards.
- According to the Head Start Act (Section 640(b)), the federal share of the total costs of a Head Start program cannot exceed 80% of the total budget unless a waiver has been requested and granted.
- Head Start class maximum capacity is 20 children.

○ **Opportunity**

- Supports pregnant women. Offering EHS also provides opportunity to offer families care for infants and toddlers.
- Head Start can be either full-day or half-day. Therefore, half-day services could potentially serve 40 children, though for fewer hours each day.

○ **Threat**

- In a center-based EHS program, the staff to child ratio in EHS is one teacher to four children, with a maximum of nine children and three teachers.
- Decrease workforce availability – many Valdez employers continue to struggle to hire employees.

Additional Information

- Valdez City School District- Expanded programming for 4 and 5 year olds - 60 slots available this coming school year
- Decentralized Model - In Home Childcare Provider Expansion
 - This model could benefit from shared services and/or shared administrator similar to POD model.
- Expansion of City - Managed Programming for After School/Summer Programming
- Cooperative Childcare Model - Participating families provide support for coverage (Book: Bringing Families Together)

Shared Services Alliance

- Through the State of Alaska or regionally (something like the PWS Economic Development District) an alliance is created to assist licensed childcare facilities to provide:
 - Program Coordination
 - HR Services
 - Grant oversight/administration
 - Enrollment Services
 - Payroll
 - Training
 - Quality Assessment
 - IT
- Ownership – TBD
- Desired Location: HHES
 - Capacity (35 square ft. of usable indoor space per child): TBD

Shared Services Alliance

- Desired Workforce:
 - 1 Administrator
 - 2 Associates
 - TBD: ELC employees
- Possible other shared services:
 - XX amount of slots reserved for PWSCC employees in exchange for yearly free Wellness Center membership for the employee only of the ELC.
 - XX amount of slots reserved for VCS employees in exchange for maintenance, janitorial, snow removal and utilities services.
 - XX amount of slots reserved for COV employees in exchange for financial support to PWSCC for dual credit courses relating to Early Childhood Education.
 - XX amount of slots reserved for Alyeska TAPS employees in exchange for financial support to cover cost of food program when VCS is in session.
 - XX amount of slots reserved for Providence Valdez employees in exchange for food program over-sight & delivery during school closure.
 - Local employers could purchase set amount of slots regardless of demand in order to ensure revenue.

Caregiver to Child Ratios

0 to 1.5 years – 5:1

1.5 to 3 years – 6:1

3 to 4 years – 10:1

5 to 6 years – 14:1

○ 7 AAC 57.210 – Administrator

- May be the same individual as the owner.
- Must have at least 12 semester hours of college credit in childhood related courses, or hold a CDA credential from the Council for Early Childhood Professional Recognition or a Montessori certificate issued by an accredited program.
- **Must be on-site during daytime operations at least 20 hours per week.**
- Per 7 AAC 57.330 – An on-site administrator can serve the role of a child care associate for the first 30 children who are present at the center.

○ 7 AAC 57.330 – Child Care Associate

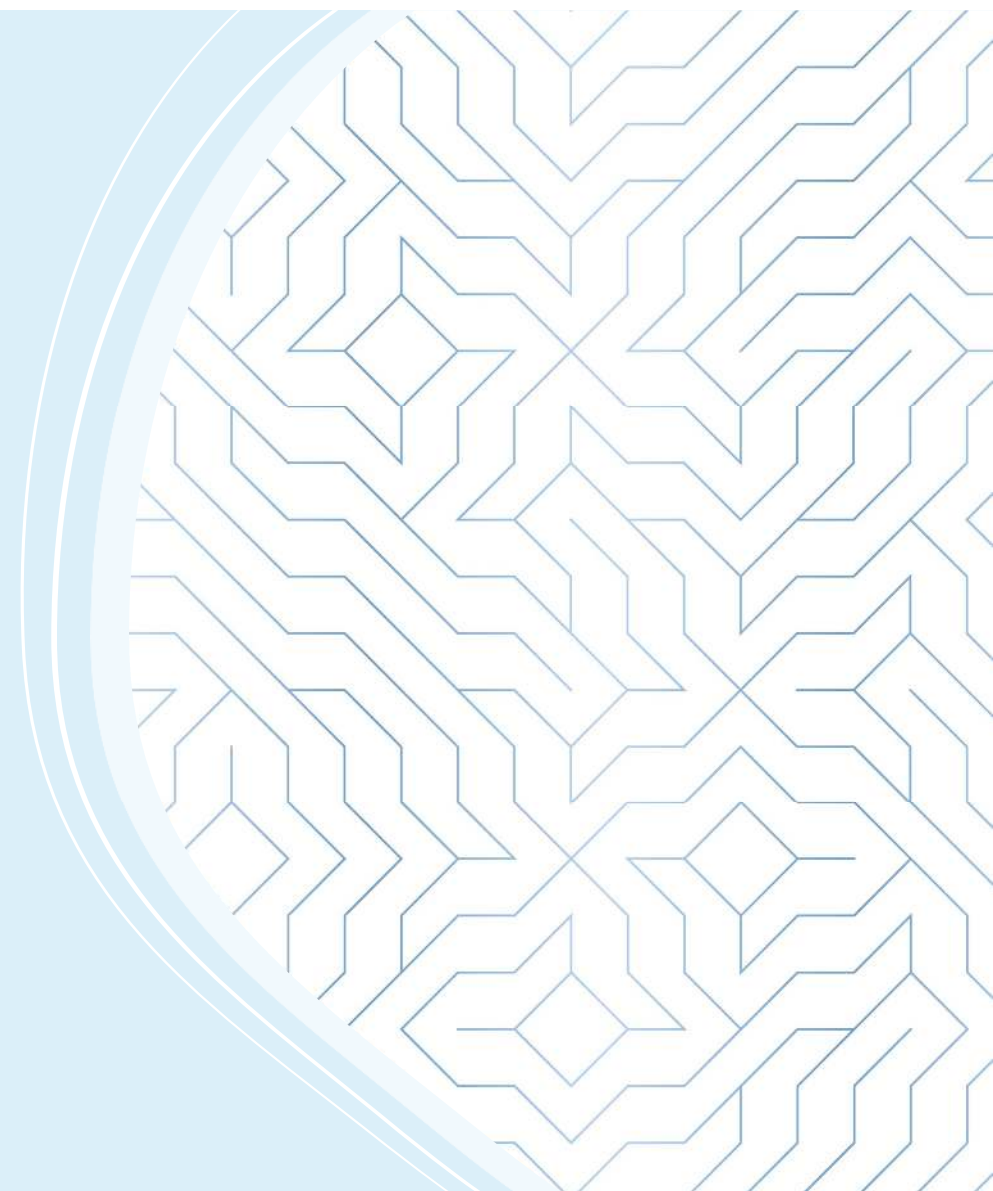
- Must have at least 12 semester hours of college credit in childhood related courses, or hold a CDA credential from the Council for Early Childhood Professional Recognition or a Montessori certificate issued by an accredited program.
- **Must be on-site & available for each 30 children present.**
- Per 7 AAC 57.210 – When the Administrator is absent from the facility the child care associate can be designated for that role.

***Appendix G -
Sustainable
Funding Models
Research
Summary***

Findings and Recommendations

*Valdez CCTF Sustainable
Funding subcommittee*

Members: Ashley Christensen, Kate Dugan,
Olivia Foster, Melanee Tiura, Ana Stroup



Finding 1: Funding will depend on management structure

Appropriate funding sources will depend the entity, e.g. private business, non-profit, public/government-driven or tribal.

See management structure presentation for more information.

Finding 2: Other Alaska communities have enacted specific taxes to fund childcare

Examples: Juneau – 1% sales tax for special projects, and a tax on marijuana in Anchorage. In Juneau, this is supplemented with general fund dollars.

Finding 3: Municipality and non-profit funding partnerships

For grant funding, the mechanism must be flexible; able to accept funds from the largest variety of sources and have authority to give funds to public/private entities and individuals.

Other communities, like Juneau, have leveraged agreements with a local non-profit to fund incentive and education grants to entities and individuals

Recommendation #1: Establish nonprofit fund for incentive grants

Similar to the CBJ and AEYC, the city could work with a non-profit like the Prince William Sound Economic Development District would be able to hold funds and act as a fiscal agent with an MOA in place.

The fund could start small and grow in size and complexity with community efforts and capacity.

Recommendation #2: Consider local sin tax

A city tax on alcohol, marijuana and tobacco is estimated to produce \$180-300K/per year and could provide a stable, regular source of income for childcare efforts.

Research on this topic specific to Valdez is limited, so it should be more thoroughly explored.

Appendix H - Sin Tax and Revenues Research Summary

Sin Taxes and Other Revenues Directed to Child Care

Alaska Specific Examples

- Anchorage: Passage of Proposition 14 in April of 2023 redirected the existing 5% sales tax on marijuana purchase to be dedicated to child care. The specific ways in which the funds from Proposition 14 will be used to benefit young children will be decided in 2024. The revenue from this tax is roughly \$6 million each year. (<https://www.careforkidsanchorage.com/>)
- Juneau: Voters extended Juneau's temporary 1% sales tax in October of 2022 and \$2.5 million of the \$60 million in annual revenue from this tax is earmarked for Child Care Assistance and specifically go toward will fund the new The Juneau Child Care Expansion and Start-up Program as well as the existing HEARTS initiative. (<https://www.ktoo.org/2021/11/03/local-governments-steer-money-to-juneau-child-care-centers-struggling-to-find-workers/>)
- Petersburg: The Borough Assembly established an Education Incentive Program funded at \$40,000 per year to incentivize those working in the ECE field.
- Sitka: The Sitka Assembly earmarked roughly \$500,000 of its COVID relief funds to bolster child care in the community. They have directed one of their commissions to explore the problem further.
- Seward: A non-profit organization, Happy Youth Programs & Educational Resources (HYPER), was initially funded with a \$500,000 pass through grant from the City of Seward (part \$1 million in COVID relief funds the city received from Norwegian Cruise Lines) and has a Childcare Provider Startup Assistance Program and now has a program to provide additional funding to parents to offset cost of child care as well. (https://www.sewardjournal.com/news/local/hyper-announces-childcare-provider-startup-assistance-program/article_e0fefbc6-a506-11ec-a778-6fa6b1e8bf1d.html)
- State of Alaska: Included \$7.5 million in the FY24 Alaska State budget to increase wages for child care professionals and stabilize child care operations in the state- this funding will be distributed as part of the SEED ROOTS award through thread.

The federal Child Care Technical Assistance Network provides examples of ECE funding mechanisms in other jurisdictions. These include taxes, tax credits, lotteries, gambling revenue and private/public partnership. (<https://childcareta.acf.hhs.gov/systemsbuiding/systems-guides/financing-strategically/revenue-generation-strategies/local-taxes>)

Other potential cost defrayment options for communities:

- Charitable gaming activities authorized under AS 5.15
- Creation of an endowment fund that private industry, employers and philanthropic organizations can pay into.

Appendix I-
Pod Model
Research Brief

SERVICE PLANNING BRIEF: POD MODEL FOR MULTIPLE PROVIDERS

BACKGROUND

NEED

Individuals interested in becoming licensed for in-home care must meet certain infrastructure requirements that can require costly and time-consuming renovations, potentially posing a barrier to achieving licensure. Those who desire to open a center-based child care business also face significant overhead costs and obligations to become licensed. The recent needs assessment revealed a desire among parents and caregivers for not only more availability of care, but also a variety of options and approaches.

SOLUTION

A shared facility space for multiple childcare providers, or pod model, is one potential solution to the above concerns.¹ In a pod model, each business is still separately owned, but some resources are held in common, such as administration and facility space. This can reduce the licensing burden by allowing multiple providers access to a shared facility up-to-par with licensing requirements and shared administrative overhead that can be subsidized at a variety of levels. Additionally, a pod model could encourage a variety of ECE options and approaches for parents to choose from. This model also creates a network of providers, enabling shared resources, trainings, and ideas.

CONSIDERATIONS

This approach involves a sponsoring entity, such as the City of Valdez or another organization, securing and maintaining a suitable facility and securing a contract administrator to oversee partnered child care providers utilizing the shared space. It also requires interest among informal providers and other potential providers in becoming licensed.

Additional supports that can be offered include providing grants for supplies and equipment and/or offering wage subsidies. Large employers can also financially support individual providers such as by paying for (in whole or part) a set number of slots for employees; this helps increase financial stability and ensures the employees of sponsoring employers benefit. Technical assistance and professional development opportunities offered by thread Alaska are also available to providers in this model.

¹ State of Minnesota, Family Child Care Task Force. (n.d.) *Existing MN child care delivery models & other state examples*. https://mn.gov/dhs/assets/Duty-5%20work-group-examples-child-care-models_tcm1053-450175.pdf

REQUIRED PARTNERS

- » *Potential child care providers*

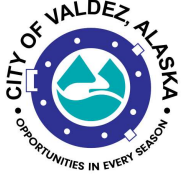
POTENTIAL PARTNERS

- » *Local religious organizations/houses of worship*
- » *Large employers*

TIMELINE

Below is a tentative timeline for implementation of a pod-model child care facility.

- » **2023**
 - *Develop partnerships with current/potential licensed and unlicensed providers*
 - *Discuss and research facility options*
 - *Secure facility*
 - *Develop and finalize business plan with partners and identify necessary facility renovations*
 - *Complete facility renovations*
 - *Draft and finalize business provider licensing assistance materials and templated business plans*
- » **2024**
 - *Recruit current and potential providers, provide assistance with licensure and business planning as needed*
 - *Conduct community outreach to recruit families for enrollment*
 - *Maintain facility and provide ongoing support for quality child care services*



Legislation Text

File #: ORD 24-0001, **Version:** 1

ITEM TITLE:

#24-01 - Repealing and Reenacting Title 17 of the Valdez Municipal Code Titled Zoning and Adopting Official Zoning Maps. First Reading. Public Hearing.

SUBMITTED BY: Kate Huber, Planning Director

FISCAL NOTES:

Expenditure Required: n/a

Unencumbered Balance: n/a

Funding Source: n/a

RECOMMENDATION:

Approve Ordinance 24-01 Repeal and Replacement of Valdez Municipal Code Title 17 - the Valdez Zoning Code and Official Zoning Maps (first reading.)

SUMMARY STATEMENT:

Following adoption of the 2021 Valdez Comprehensive Plan, Plan Valdez, the Planning Department embarked on a full revision of the zoning code (Valdez Municipal Code Title 17.) The goals for the revision include the following:

- Be consistent with Plan Valdez
- Allow more housing options
- Accommodate mixed-use projects
- Address natural hazards
- Plan for winter city conditions
- Remove unnecessary regulations
- Create land use/development flexibility
- Streamline review procedures

The project team, made up of Planning staff and representatives from Agnew::Beck Consulting in Anchorage and Stantec in Minneapolis, MN, began work in the fall of 2022. From November 2022 - May 2023, the team met monthly with a working group of Valdez residents to discuss issues and receive input on the project. Additionally, in March and April of 2023 we conducted a public open

house and a community survey that helped inform the ordinance.

In October of 2023, the first draft ordinance was presented to the community and a lengthy public comment period was conducted. The Planning & Zoning Commission and City Council held multiple joint work sessions to discuss the project, culminating in a joint work session November 29, 2023 to discuss public comments received and give the project team direction for modifying the draft.

The draft presented here for discussion is a result of the direction received during the November work session and all the feedback received throughout the process. As a part of the code revision, some zoning districts are consolidated, therefore new maps are proposed reflecting these consolidated districts. Outside of district consolidation, no zoning map changes are proposed in this update.

The City has identified multiple city-owned properties that should be rezoned, based on the comprehensive plan future land use maps. Planning staff will present these at a later date. Additionally, some privately owned properties within Valdez will have options to rezone based on Plan Valdez. Staff will work with any property owners who desire to rezone their properties based on the comprehensive plan updates.

On January 10th, the Planning & Zoning Commission held a public hearing to take comment on the proposed draft. A summary of the public comments received is attached here. The complete comments can be heard in the recording for the meeting available on the city's agenda website. Included are three comments that were received in writing prior to that hearing.

Following the public hearing, the commission voted to recommend approval of the new zoning code. The vote was 6 in favor, 1 absent (Commissioner Goudreau). During their discussion three amendments to the draft were approved via vote of the commission. Their recommended amendments are detailed below.

Planning staff and City Administration discussed their recommendations and have included two within the draft proposed for Council consideration. After discussion with the City Attorney, the third recommendation was not incorporated into the draft. If Council would like to add the third proposed amendment, a motion to amend will need to be made and voted on during the City Council meeting.

P&Z Recommended Amendment 1: Incorporate a 60-day timeline for decision on complete conditional use permit applications. This is a provision included in the current code, but was not incorporated into the new draft. Staff has added this language to the draft.

P&Z Recommended Amendment 2: Adding to 17.04.120 G6 for temporary land use permits, allowing permanent alteration of the land for a temporary land use permit with City staff or commission approval. After discussion internally and with the City Attorney, staff has not incorporated this recommendation into the draft.

Temporary land use permits are designed to allow short-term uses of City of Valdez property (6 months or less) or to allow use that is not permitted in a district to happen on temporary basis. The criterion included in this section are designed to ensure that a use is truly temporary and does not exceed the 6-month maximum. Permanent alteration of City land should be done through a long-term lease or City project. Permanent alteration of private land should be reviewed for zoning compliance. If it is in alignment with the zoning district's allowable uses or is superseded by other jurisdiction, a

temporary land use permit would not be required.

P&Z Recommended Amendment 3: Add religious institutions to the listed organizations in 17.12.090 (F1). This will allow religious institutions to display information on an electronic message board. Staff has incorporated this into the draft.

Additionally, following the public hearing, the City Attorney identified a provision of the sign code related to electronic message boards that needed to be further revised. His redlines are included in this draft.

Two versions of the draft ordinance are attached. One is a clean version and one includes redlines documenting the changes made since the October 2023 public comment period. There is also more information regarding the process of developing this draft and significant changes to the code that can be found on the project website www.zoningvaldez.com. The current Title 17 Zoning Code is available on the City of Valdez website at www.valdezak.gov.

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 24-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA
REPEALING AND REENACTING TITLE 17 OF THE VALDEZ MUNICIPAL CODE
TITLED ZONING AND ADOPTING NEW ZONING MAPS

WHEREAS, Valdez Municipal Code Title 17 is intended to regulate the use of land and improvements by districts, in accordance with the city comprehensive plan. These zoning regulations are designed to promote public safety; to protect the public health and general welfare; and to provide a high quality of life; and

WHEREAS, Valdez Municipal Code Title 17 was last updated in 1983, and is not in conformity with the 2021 Comprehensive Plan, Plan Valdez; and

WHEREAS, the goals of the ordinance revision are to develop consistency with Plan Valdez, simplify the code, allow for a diversity of housing options, accommodate mixed-use development, remove unnecessary regulations, allow for greater development flexibility, and make the ordinance more equitable to all residents of Valdez; and

WHEREAS, City of Valdez staff has presented a revised draft of Valdez Municipal Code Title 17 based on input received from the residents of Valdez during a multi-year process, beginning in the fall of 2022; and

WHEREAS, changes to the zoning district names and the consolidation of zoning districts in the draft ordinance, necessitate an update to the official zoning maps of Valdez; and

WHEREAS, a working group was formed, made up of nine Valdez community members, including two City Council members and two Planning & Zoning Commissioners, that met monthly with Planning Department staff and the project consultant team between November 2022 and May 2023 to provide guidance on topics within Title 17; and

WHEREAS, a public open house was held on March 16, 2023 at the Valdez Civic Center, in which information was presented about the process to revise Title 17 and the public provided their feedback on various topics through polling and written feedback; and

WHEREAS, a community survey was conducted in March and April 2023 to gather further input from the public that was directly incorporated into the first ordinance draft; and

WHEREAS, the City Council and Planning & Zoning Commission held joint work sessions on October 12, 2022 and October 11, October 30, November 29, 2023 to discuss the content of Title 17, public comments received, and provide direction to Planning Department staff; and

WHEREAS, a public draft of the proposed code was made available to the public on the project website, city website, and at City Hall and a public comment period was held from October 22 to November 12, 2023; and

WHEREAS, a notification of public hearing for Ordinance No. 24-01 was mailed to all Valdez post office boxholders on December 29, 2023 and public notices were published in the KVAK Newsletter on 12/26/2023, 01/02/24, and 01/08/24; and

WHEREAS, a public hearing was held on January 10th, 2024 during the regular meeting of the Planning & Zoning Commission and members of the public gave comment on the draft ordinance; and

WHEREAS, the Planning & Zoning Commission, during their regular meeting on January 10th, 2024 voted to recommend adoption of the revised Title 17 Zoning code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Section 1: Title 17 is hereby reenacted to read as follows:

Title 17

ZONING

Chapter 17.01

General Provisions

17.01.010 Title.

VMC Title 17 shall be known and cited as the “Zoning Ordinance of the City of Valdez, Alaska.” (Ord.

17.01.020 Purpose and Applicability.

- A. The purpose of VMC Title 17 is to regulate the use of land and improvements by districts in accordance with the city comprehensive plan. These zoning regulations are designed to provide for orderly development; to lessen street congestion; to promote public safety; to protect the public health and general welfare; to provide a high quality of life; to prevent overcrowding; and to stimulate systematic development of transportation, public utilities, educational facilities, parks, and other public facilities.
- B. No building or land within the city shall have the existing use altered, used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the applicable provisions specified in VMC Title 17.
- C. Approval Required to Ensure Conformance. To ensure that public uses and structures conform to the general community pattern and to regulations governing private uses and development, agencies of the federal government, the state and the city shall submit plans and receive approvals in conformance with the requirements outlined in this title.

17.01.030 Comprehensive Plan.

- A. The Comprehensive Plan of the City of Valdez is the primary policy document to guide land use, transportation, conservation, public services, and capital investment decisions within the city. The zoning districts and associated development standards herein, are intended to implement the goals and policies from the comprehensive plan. The comprehensive plan serves as the guiding document for the zoning ordinance. The provisions of VMC Title 17 have been developed according to the goals and policies of the Plan.
- B. The comprehensive plan shall provide guidance for actions including, but not limited to, rezoning as referenced herein.

17.01.040 Other Plans.

- A. Other long-range planning documents may be adopted by the City, such as the Local Hazard Mitigation Plan, plans for small areas of the city, and more.
- B. These plans provide context and guidance for land use and development decisions enabled by VMC Title 17.

17.01.050 Code and Land Use Interpretations.

In their interpretation and application, the provisions of VMC Title 17 shall be minimum regulations and shall apply uniformly within each district, each class or kind of building, structure, land, or water area, except as hereinafter specifically provided.

17.01.060 Conflicts with Other Regulations.

When the requirements of VMC Title 17 are at variance with the requirements of any other lawfully adopted ordinance of the city, those imposing the higher standards shall apply.

17.01.070 Emergency Situations.

During a local disaster emergency declaration under AS 26.23.140 or a state disaster emergency declaration under AS 26.23.020(c), provisions of VMC Title 17 may be waived by the city manager or designee if deemed necessary to restore order. See VMC 9.36.060 for emergency declaration information.

Chapter 17.02

Definitions

17.01.010 Purpose and Applicability.

- A. Purpose. The purpose of this Chapter is to define specific and notable terms for VMC Title 17 of the VMC.
- B. Applicability. For the purposes of VMC Title 17, the following terms, words and phrases shall have the meanings respectively ascribed to them by this Chapter.
- C. Interpretation. The Planning Director shall have the authority to determine the interpretation or usage of words or terms used in VMC Title 17, subject to appeal as set forth in Table 17.04.030.a Review Matrix. Any person may request an interpretation of any word or term by submitting a written request to the Planning Director.

17.02.030 Definitions—Generally.

The following define the terms, words, and phrases as they apply to VMC Title 17. For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section.

“Abut” means to physically touch or border upon; or to share a common property line.

“Access” means a way or means of approach to provide legal and physical entrance to a lot.

“Accessory Dwelling Unit” means a residential dwelling unit smaller and clearly subordinate to a primary dwelling unit(s) located on the same lot, which is attached or detached.

“Accessory use, building, or structure” means a use or structure incidental and subordinate to the primary use of the property and located on the same lot as the primary use or uses. An accessory use can be one listed as permitted, conditional or accessory in the zoning district in which it is located.

“Adult Entertainment use” means any business that meets the definition of “business that offers adult entertainment” as specified in AS 23.10.350(f).

“Agricultural activity” means farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting.)

“Alteration” means any change, addition or modification in the construction, location, occupancy or use classification.

“Animal boarding, kennels, and shelters” means any premises where domestic animals, such as dogs and cats, are boarded, trained, or bred.

“Animal hospital and veterinary practices” means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

“Animal husbandry” means the use of land for dairying, animal raising, and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities.

“Aquaculture and mariculture operation” means any establishment or facilities where aquatic plants and animals are cultivated.

“Aviation Instruction Facility” means any pilot school, flight training center, air carrier flight training facility, or flight instruction facility.

“Assembly Hall” means a building or portion of a building in which facilities are provided for civic, educational, political, or social purposes.

“Assisted Living Home” means a residential facility that serves three or more adults or that receives state or federal payment for services regardless of the number of adults served as defined by AS 47.32.900(2)(A).

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

“Building area” means the total areas taken on a horizontal plane at the main grade level of the primary building and all accessory buildings, exclusive of external steps.

“Building code” means the International Building Code as adopted by the City in VMC Titles 15, 8, and 13 of this code, including local amendments, applicable to the city. Referred to in VMC Title 17 as Valdez Building Code.

“Existing building” means a building erected prior to the adoption of this code for which a legal building permit has been issued.

“Building facade” means any exterior wall plane and associated windows, openings, and architectural elements that extends from the ground to the top of each wall of a structure but not including roof.

“Building height” means the vertical distance measured from the average ground level prior to construction to the highest point of building.

“Building Material Supply Establishment” means a lot, building, and/or structure used for the wholesale or retail sales of building or construction supplies and accessories, including outdoor storage of building materials.

“Child care facility” means a facility providing day care to children required to be licensed under AS 47.32.

“Clinic” means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not usually lodged overnight.

“Commercial and Retail Sales” means a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

“Community building” means a building or structure owned and operated by an agency or political subdivision of the United States, state of Alaska, City of Valdez, or a tribal organization providing service to the public.

“Comprehensive plan” means an officially adopted document including text, charts, graphics or maps, or any combination, designed to portray general long-range proposals for the arrangement of land uses and development of an economic base and human resources and which is intended to guide government policy towards achieving orderly and coordinated development of the entire community.

“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 primary uses. Conditional uses are subject to a permit process, pursuant to 17.04.060.

“Connex” see intermodal shipping container.

“Contiguous” means next to, abutting, or touching and having a boundary, or portion thereof, which is common, coterminous or coextensive.

“Construction yard” means any area used on a temporary basis for the storage or processing of materials and supplies used in the construction of a project for a limited period of time. Includes construction offices necessary for work on the associated project.

“Corral” means the any type of enclosure for confining livestock.

“Correctional facility” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, and contract jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense, not including short-term holding facilities associated with police departments or stations.

“Cultural institution” means a library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

“Density” means the number of inhabitants, or dwellings, per unit of geographical region; may refer to population or housing density.

“Drinking establishment” means a building or place of business involving the retail sale or dispensing of alcoholic beverages by the drink. May include beverage dispensaries, eating establishments, clubs, breweries, brewpubs, wineries, or distilleries. Drinking establishments shall be licensed by the State of Alaska under AS Title 4, Chapter 11, as a retailer of alcoholic beverages.

“Dwelling – Detached” means a dwelling that is not attached to any other dwelling, excluding accessory dwelling units.

“Dwelling – Attached Duplex (up to 2 units per building)” means a dwelling that is attached to one other dwelling unit of equal size (excluding accessory dwelling units) located on a single lot.

“Dwelling – Attached Townhouses” means a dwelling that is attached to another dwelling in a side-by-side fashion, with each dwelling on a separate lot.

“Dwelling – Multi-unit (up to 4 units per building)” means a building or portion thereof containing 3 or 4 dwelling units per building and located on a single lot.

“Dwelling – Multi-unit (more than 4 units per building)” means a building or portion thereof containing more than 4 dwelling units per building and located on a single lot.

“Dwelling – Manufactured Home” means a detached dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer, meeting the manufacturer’s association codes and designed primarily for placement on an impermanent

foundation. Manufactured homes, meeting this definition are constructed on or after June 15, 1976.

“Dwelling – Mobile Home” means a detached dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer. Mobile homes, meeting this definition are constructed prior to June 15, 1976.

“Dwelling unit” means a building or portion of a building, that has independent living facilities including provisions for sleeping, cooking and sanitation, and is designed for residential use. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

“Easement” means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.

“Eating establishment” means a place, building or structure where the preparation or serving of food for sale or consumption is conducted.

“Educational Institution” means any public or private property or building or part thereof which is designed, constructed or used for educational purposes or instruction in any branch of knowledge.

“Educational Institution – Vocational” means an educational institution where students learn the specific skills required for a job in the trades. Examples may include educational institutions that teach: auto repair, welding, carpentry, or cosmetology.

“Entitlement” means any permit or approval granted under VMC Title 17, including, but not limited to zoning map amendments, conditional use permits, land use permits, and variances.

“Fence” means a barrier which is constructed of wood, metal, plastics, masonry materials or a combination thereof.

“Fence height” shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence is erected to the highest point of the fence. To allow for variation in topography on a parcel, the height of a fence may vary up to six inches. Where there is a difference in the ground elevation or finished grade between two adjoining parcels of less than two feet, the height of any fence constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel. When there is a difference in the ground level between two adjacent parcels of two feet or more, the height of a fence or wall shall be determined by the Planning Director or designee. The Director shall consider the physical and visual height impact on abutting properties.

“Floor area” means the total horizontal area of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

“Food production and processing, small scale” means establishments that prepare, process, can, or package food products. Examples of activities include bakeries, dairies, and candy-making.

“Food production and processing, large scale” means establishments that prepare, process, can, or package food products including meat processing facilities.

“Frozen Food Storage” means refrigerated lockers provided for the storage of frozen food, either private or rented, for a fee.

"Fuel and Gas Stations" means facility used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of automobiles. Includes the storage of fuel, above ground or underground, to serve the gas station. Includes car wash as a primary or accessory use.

"Fuel Pier" means a pier used as an off-load and on-load point for deliveries of fuel oil and petroleum products to and from water-based vessels.

"Fuel storage, small scale" means the storage of flammable or combustible liquids or gases in above- or below-ground containers in conjunction with an approved residential or commercial use for use on-site.

"Fuel storage, medium scale" means the storage of flammable or combustible liquids or gases in above- or below-ground containers serving gas stations and small boat harbors.

"Fuel storage, large scale" means the storage of flammable or combustible liquids or gases in above-ground containers serving industrial uses, either for on-site uses or distribution.

"Garage" means a building or portion thereof in which motor vehicles are stored.

"Grade or ground level" means the average level of the finished ground at the center of all exterior walls of a building.

"Hazardous substance production and storage" means a facility for hazardous substance storage or production, not including the temporary storage and retail sale of consumer products containing hazardous substances.

"Helipad" means a facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, or storage of helicopters.

"Home occupation" means an accessory occupational use which is clearly incidental and subordinate to the use of the dwelling for living purposes and does not change the character thereof.

"Hospital" means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

"Hotel, Motel, Inn, or Lodge" means any building or group of buildings in which there are multiple guest rooms, used, designed or intended for use for the purpose of offering public lodging on a day-to-day basis. Does not include short-term rentals or rental cabins, as defined by VMC Title 17.

"Intermodal shipping container" means a pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called connex units or cargo containers.

"Industrial, heavy" means activity including heavy manufacturing, shipping terminals, material extraction (not including timber harvesting), and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service.

"Industrial, light" means light industrial manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations.

“Kennel” means any enclosure, building, shelter, area or establishment used for the purpose of breeding, buying, selling, keeping or boarding six or more dogs over the age of four months either for profit, pleasure, or as pets.

“Livestock” means generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, etc.) not to include barnyard fowl, cats, dogs, and other house pets. Livestock under six months of age are considered to be in the weaning process and is not included in the total number of countable livestock on a property.

“Livestock, Large” means livestock whose typical weight for that breed is greater than or equal to two hundred fifty pounds.,

“Livestock, Small” means livestock whose typical weight for that breed is less than two hundred fifty pounds.

“Lot” means a parcel or tract of land shown as an individual unit on the most recent plat of record.

“Lot - Corner lot” means a lot situated at the junction of, and bordering on, two intersecting rights-of-way.

“Lot- Depth of lot” means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot line.

“Lot - Interior lot” means a lot located within a group of lots other than on intersecting streets.

“Lot- Front lot line” means the lot line adjacent to a public street. In the case of a corner lot, the front line shall be the shorter of the street lot lines. In the case of a triangular lot located on a curved street, the front lot line shall be the chord line of the curve measured from the points where property intersects the right-of-way.

“Lot - Lot lines” means the property lines bounding a single parcel of property.

“Lot - Lot width” means the mean horizontal distance separating side lot lines of an individual lot.

“Lot - Rear lot line” means the lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd-shaped lot, the line not less than ten feet in length, within the lot, and at the maximum distance from the front lot line.

“Lot line- Side lot line” means any lot line not a front lot line or a rear lot line.

“Major street” means a roadway which serves as the primary artery of through traffic movement.

“Master plan” means a plan for a subdivision or similar improvement that includes development aspects, including, but not limited to, zoning, lot size, utilities, recreational/public facilities, biological issues, snow removal, geological hazards, drainage, access, streets, public areas, rights-of-way, easements, and future expansion options.

“Marijuana cultivation facility” has the meaning given in AS 17.38.900(8) and is subject to the privileges and prohibitions set out in 3 AAC 306.405.

“Marijuana product manufacturing facility” has the meaning given in AS 17.38.900 and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310.

“Marijuana retail store” has the meaning given in AS 17.38.900 and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310. “Marijuana retail store” and “retail marijuana store” have the same meaning as used herein.

“Marijuana testing facility” has the meaning given in AS 17.38.900 and is subject to the privileges and prohibitions set out in 3 AAC 306.610.

“Minor street” means that which is used primarily for access to the abutting properties.

“Manufacturing and Processing” means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, the blending of materials, such as lubricating oils, plastics, resins, or liquors, and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service. May also include warehousing, storage and distribution of said products.

“Manufacturing and Processing, Artisan” means an establishment where preparation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items; as well as the incidental storage, sales and distribution of such products.

“Manufacturing and Processing, Light” means manufacturing and processing that does not include a large number of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service.

“Manufactured home park” means any area, lot, or portion of a lot where space for two or more manufactured or mobile homes are leased, rented or held out for rent for occupancy, having separate attachments for utilities; this does not include automobile or trailer sales lots on which unoccupied manufactured or mobile homes are parked for inspection and sale.

“Motel” See Hotel, motel, lodge, inn.

“Material resource extraction” means commercial or industrial operations involving removal of topsoil, fill, sand, gravel, rock, or any operations having similar characteristics.

“Mining operation” has the meaning given in 15 AAC 65.990.

“Nonconformity” means any lot, structure, use of land, use of a structure or characteristics of such use which does not conform to the terms of VMC Title 17 or future amendments, but which was lawful when established.

“Nursery” means any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

“Open space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

“Common open space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, studio, service industry, or government.

“Off-street parking space” means a space located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening the doors and adequate maneuvering room on a parking lot with access to a public right-of-way or alley.

“Park” means a tract of land, designated and used by the public for active and/or passive recreation.

“Passive” means existing, conducting or experiencing without active or concerted effort; receiving an action without responding or initiating a return action.

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

“Personal Communication Antennae” means any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas, which are located on the exterior of, or outside of, any building, or structure; other than commercial wireless communication towers.

“Personal Services” means services generally related to personal needs, such as barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair/tailoring, laundry cleaning, shoe repair, and other similar establishments.

“Planned unit development” means a group or combination of uses developed as a functional unit, the plan of which may not conform to the regulations established in any one or more zoning districts with respect to lot size, mixture of uses, dimensional standards, or required open space.

“Port and harbor facilities” means those facilities generally associated with a port or harbor such as docks, piers, floats, harbormaster offices, and any associated accessory uses and maintenance facilities, to include fuel docks for the purpose of fueling vessels for their own operation.

“Primary use” means the primary or predominant use or uses of any lot or tract.

“Property line” means a demarcation limit of a lot dividing it from other lots or parcels of land.

“Quasi-public” means in a manner or degree of being public, having some, but not all of the particular attributes of being public.

“Recreation, indoor, commercial/private” means a private/commercially owned and operated recreational land use conducted entirely within a building that includes activities for play, amusement, or relaxation.

“Recreation, indoor, public” means a public recreational land use conducted entirely within a building that includes activities for play, amusement, or relaxation.

“Recreation, outdoor, commercial/private” means a private/commercially owned and operated recreational land use that primarily takes place outdoors that includes activities for play, amusement, or relaxation and which may include related buildings or structures.

“Recreation, outdoor, public” means a public recreational land use that primarily takes place outdoors that includes activities for play, amusement, or relaxation and which may include related buildings or structures.

“Recreational vehicle” means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or other temporary occupancy use, which either has its own motive power, or is mounted on or drawn by another vehicle. Examples include travel trailer, camping trailer, truck camper, motor home, and other similar vehicles.

“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.

“Recreational vehicle park or campground site” means a plot of ground within a recreational vehicle park or campground intended for the accommodation of a recreational vehicle, a tent, or other individual camping unit on a temporary basis.

“Religious institution” means a place of gathering for the purpose of religious worship or related activities, including the permanent place of residence of a pastor, minister or equivalent religious leader.

“Rental cabins” means detached cabins for temporary lodging that are available for rent on a nightly basis as part of a group of three (3) or more cabins for rent. Rental cabins are considered a primary use only. Detached accessory dwelling units utilized as short-term rentals are excluded from rental cabins.

“Residential” means activity involving the occupation of a building for living, cooking, sleeping, and recreation.

“Right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

“Scrap yard” means any lot or portion of a lot used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled discarded tangible materials, combination of materials, or items, such as automobiles, machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose.

“Self-storage” means a building or group of buildings in a controlled-access and secured site that contains individual compartmentalized and controlled-access storage spaces which are leased or rented for storage purposes on an individual basis.

“Setback” means that line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which a structure must be erected or placed.

“Shelter (e.g. homeless, victims, emergency)” means a facility providing temporary protective sanctuary for victims of crime, abuse, or other events that necessitate temporary shelter, including emergency housing during crisis intervention for individuals.

“Shooting range” means a facility or area used for controlled, live discharge at a target by firearm instruments, including, but not limited to, archery items, rifles, pistols, air guns and shotguns.

“Short-term rental” means a transient lodging establishment, located within a residential structure, engaged in providing temporary accommodations for the general public. Stay duration is less than 30 days. These may include, but are not limited to: entire dwellings, rooms within a dwelling, attached and detached accessory dwelling units, and bed and breakfast establishments. Short-term rentals do not include worker housing as defined in VMC Title 17, which is strictly for transient workers.

“Short-term rental, owner occupied” means a short-term rental where the owner is the primary resident and their residence is located on the same property as the short-term rental. On such

properties, the short-term rental may be located within/attached to the primary residence or within an accessory dwelling unit associated with the primary residence.

“Sign” means any device, flat, light, figure, picture, letter, message, symbol, plaque or poster visible outside the lot on which it is located and which is designed to inform or attract the attention of the public, excluding murals or architectural designs which do not advertise a business, product or service.

“Small wind or solar energy system” means any mechanism or device designed for the purpose of converting wind or solar energy into electrical or mechanical power.

“Solid waste disposal” means an area used for the disposal or storage of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse by abandonment, discarding, dumping, reduction, burial, incineration, or any other similar means.

“Solid waste processing facility” means a facility where solid that is derived primarily from off-site is to be processed. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of the waste.

“State highway” means all public vehicular ways designated as state highways in accordance within Title 19 of the Alaska Statutes.

“Story” means that portion of a building between any floor and the next floor above; except, that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar or unused floor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar or unused floor space shall be considered a story.

“Street” means a permanently designed major, collector, or minor way, open to public use, which affords the primary means of access to abutting property, such as an avenue, place, drive, boulevard, highway and any other similar public thoroughfare.

“Street, collector” means a street designed and intended to carry traffic from residential street systems to arterial street systems or state highways.

“Structure” means anything which is constructed or erected, and which is located on or under the ground, or attached to something fixed to the ground.

“Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

“Tent” means a portable, collapsible, enclosed shelter made of canvas or nylon, or comparable material, which has been specifically designed and manufactured for temporary use.

“Trail” means a marked, worn or beaten path, through woods or wilderness.

“Trailer” means a utility structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

“Timber harvesting” means the commercial cutting of timber.

“Use” means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

See “Accessory use.”

See “Primary use.”

See “Conditional use”

“Utility, Class I” means utility installations including substations and indoor processing that do not create noise, odor, or vibration impacts that negatively affect surrounding properties.

“Utility, Class II” means power generation facilities and facilities that include outdoor processing that may generate noise, odor, or vibration impacts on surrounding properties.

“Utility installation” means an installation owned by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, water, sewage collection and treatment, or other similar service.

“Variance” grants an exception to a standard of a zoning district but not to the use restriction of that zoning district, and then only when the criteria for variance approval within VMC Title 17 are met.

“Vehicle sales (motor vehicles)” means the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other minor repair service conducted as an accessory use.

“Vehicle Service (automobiles, boats and marine equipment)” means general repair, rebuilding, or reconditioning of engines, motor vehicles, boats, marine equipment, or trailers, including body work, framework, welding, and major painting service.

“Warehouse” means a building used primarily for the storage of goods and materials.

“Wireless Communication Towers (commercial)” means a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure.

“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.

“Yard, Front” means a yard extending the full width of the lot across the front of a lot adjoining a public street and measured horizontally at right angles to the front lot line, extending to the edge of the nearest structure on the lot.

“Yard, Rear” means a yard extending the full width of the lot across the rear of the lot and measured horizontally at right angles to the rear lot line, extending to the edge of the nearest structure on the lot.

“Yard, Side” means a yard extending from the front yard to the rear yard and measured horizontally at right angles to the side lot line. In the case of a corner lot or side yard abutting a public street, the side yard shall be measured horizontally at right angles to the side lot line extending to the edge of the nearest structure on the lot.

Chapter 17.04

Administration and Enforcement

17.04.010 Purpose and Applicability

- A. Purpose. The purpose of this Chapter is to establish the decision-making authorities, review procedures, and enforcement actions that shall apply the provisions of VMC Title 17.
- B. Applicability. The provisions of this Chapter shall apply to situations that apply to the establishment of a new use on a lot, expansions of an existing use on a lot, new development projects, subdivision activities, construction activities, and modifications to previous approvals. These provisions are also applicable to situations where a use is in violation with VMC Title 17.

17.04.020 Decision-making Authorities

- A. General. This section establishes the decision-making authorities and their powers to interpret the provisions of VMC Title 17, review and act on specified land use and development proposals, and/or recommend certain actions to a higher-level decision-making authority. Decision-making authorities are established in VMC Title 2.
- B. City Council.
 - 1. Powers and Duties. The Council possesses the following authority as it relates to various land use permits/applications associated with VMC Title 17. The Council shall follow the review criteria, process, and standards outlined in VMC Title 17.
 - a. Zoning and Code Amendments. The Council shall review and take action on requests to amend, update, or replace the official zoning map, code text, and other regulatory provisions. The Council may approve, approve with modifications, or deny requests affecting the City's zoning map and code.
 - b. Comprehensive Plan. The Council shall review and take action on requests to amend, update, or replace the Comprehensive Plan including maps, text, and exhibits therein. The Council may approve, approve with modifications, or deny requests amending the City's Comprehensive Plan.
 - c. Other Permits. The Council shall review and take action on other permits designated by VMC Title 17.
 - d. Appeals. The Council shall review and take action on appeals related to reviews pursuant to Table 17.04.030.a Review Matrix. In this review, The Council may adhere to the decision made by the previous decision-making authority or issue a new finding on the subject case.
 - e. Other Plans. The Council may review and take action on other planning documents.
 - f. Developer Agreements. The Council may review and take action on developer agreements as it relates to land use and development.
- C. Planning and Zoning Commission.
 - 1. Powers and Duties. The Planning and Zoning Commission possesses the following authority as it relates to the various land use permits/applications associated with VMC Title 17. The Planning & Zoning Commission shall follow the review criteria, process,

and standards, as outlined in VMC Title 17. The following lists powers and duties granted to the Planning and Zoning Commission.

- a. Conditional Use Permits. The Planning and Zoning Commission shall review and take action on conditional use permits and amendments thereto. The P&Z shall approve, approve with conditions, or deny conditional use permits.
- b. Variances. The Planning and Zoning Commission shall review and take action on variance requests and amendments thereto. The Planning and Zoning Commission shall approve, approve with conditions, or deny variance requests.
- c. Zoning and Comprehensive Plans. The Planning and Zoning Commission shall provide the City Council with a recommendation to approve, approve with limitations, or deny requests to amend VMC Title 17, the City's official zoning map, and/or the City's Comprehensive Plan.
- d. Other plans. The Planning and Zoning Commission shall provide the City Council with a recommendation to approve, approve with limitations, or deny special studies/plans related to land use, zoning, and land development.
- e. Other Permits. The Planning and Zoning Commission shall review and take action on other permits designated by VMC Title 17, the VMC, and/or as directed by the City Council.
- f. Appeals. The Planning and Zoning Commission shall review and take action on appeals as set forth into Table 17.04.030.a Review Matrix. The Planning and Zoning Commission shall adhere the department review decision or issue a new finding on the subject appeal.

D. Planning Department.

1. Planning Department. The Valdez Planning Department is designated as the primary administrator of VMC Title 17 of the VMC. The Planning Director, or designee, shall have the authority to interpret the standards outlined in VMC Title 17. The Planning Director may designate a person (designee) to carry out the functions and duties of the Planning Director identified in this chapter.
2. Powers and Duties. The Planning Department is granted the following authority as it relates to the various land use actions associated with VMC Title 17.
 - a. Conditional Use Permits. The Planning Director, or designee, shall review and make recommendations to the decision-making authority pertaining to conditional use permits and amendments thereto; the process shall include review and comment from other City departments, as appropriate.
 - b. Variances. The Planning Director, or designee, shall review and make recommendations pertaining to variance requests.
 - c. Administrative Adjustments. The Planning Director, or designee, shall review and take action on administrative adjustments.
 - d. Zoning Code and Comprehensive Plan Amendments. The Planning Director, or designee, shall review and make recommendations to the Planning and Zoning Commission and City Council pertaining to amendments to the zoning code, the City's official zoning map, and the City's Comprehensive Plan.

- e. Special Studies. The Planning Director, or designee, shall review and make recommendations to the decision-making authority pertaining to special studies or other plans affecting the City.
 - f. Zoning Review and Zoning Interpretations. The Planning Director, or designee, shall make land use clearance determinations. The Planning Director shall make interpretations relating to VMC Title 17 and the official zoning map.
 - g. Enforcement. The Planning Director, or designee, is primarily responsible for enforcement of VMC Title 17.
3. Other Departments. Other municipal departments may provide additional technical review and guidance related to land use and enforcement matters. The Planning Director, or designee, may solicit reviews by various departments as appropriate.

17.04.030 Review Matrix

- A. General. Review procedures established in this section are applicable to any development or land use located within the City of Valdez.
- B. Review Matrix. The review matrix is provided as Table 17.04.030.a. The review matrix identifies each land use action along with the corresponding review authority, decision-making authority and appellate authority.

Table 17.04.030.a Review Matrix			
Permit/Application Type	Reviewing Authority (recommendation)	Decision-making Authority	Appellate Authority
Comprehensive Plan Amendments	Planning Department Planning and Zoning Commission	City Council	Superior Court or Court of Competent Jurisdiction
Zoning Code and Zoning Map Amendments	Planning Department Planning and Zoning Commission	City Council	Superior Court or Court of Competent Jurisdiction
Conditional Use Permits	Planning Department	Planning and Zoning Commission	1 st Appeal: City Council 2 nd Appeal: Superior Court or Court of Competent Jurisdiction
Variances	Planning Department	Planning and Zoning Commission	1 st Appeal: City Council 2 nd Appeal: Superior Court or Court of Competent Jurisdiction
Administrative Adjustments	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council

Table 17.04.030.a Review Matrix			
Permit/Application Type	Reviewing Authority (recommendation)	Decision-making Authority	Appellate Authority
Zoning Clearances (stand-alone applications)	Planning Staff	Planning Director or designee	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council
Code Interpretation	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission
Temporary Land Use Permits – Short-Term	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council
Temporary Land Use Permits – Long-Term	Planning Department	Planning and Zoning Commission	1 st Appeal: City Council 2 nd Appeal: Superior Court or Court of Competent Jurisdiction
Minor Permit Amendments	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council
Major or Other Permit Amendments	See Section 17.04.140	See Section 17.04.140	Other Amendments: See Appellate Authority for the specific Permit/Application Type.
Enforcement Orders	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council

17.04.035 Schedule of fees, charges and expenses.

- A. General. The City Council shall adopt a schedule of fees that shall be paid by the applicant for the specific requests/applications outlined in VMC Title 17. The schedule of fees shall be adopted by resolution and is hereby referenced by VMC Title 17.

- B. Payment of Fees. The City, its staff, and departments shall not take action on any request/application until all applicable fees, charges, and expenses have been paid in full by the applicant.
- C. Fee Refunds. The City may issue a refund for any request/application that is withdrawn by the applicant so long as no final action has been made by the decision-making authority pursuant to Table 17.04.030.a.
- D. Associated Expense. The City may charge the applicant any associated expenses that may be warranted to conduct a thorough and complete review of a request/application that are in addition to standard staff time. These expenses may include, but not limited to, third-party consultants, technical advisors, technical studies, and other scientific/engineering studies. In those situations, the city shall notice the applicant of the additional review expense and provide a good faith estimate of the costs before expenses are incurred.

17.04.036 Permit Applications

- A. General. The City shall make available an application with detailed submittal requirements for each land use permit listed in VMC Title 17. Applicants shall be required to submit a complete application and the associated technical materials so that the City staff and the decision-making authorities may conduct a thorough review and take action on said requests/applications.
- B. Review Procedures. The City shall process all applications pursuant to Table 17.04.030.a and the provisions listed under each of the subsequent sections as they relate to the specific request/application type.
- C. Submittal Allowances. The Planning Director may waive some of the submittal requirements listed in VMC Title 17 when they determine the information is not warranted for the subject request/application.

17.04.037 Permit and Application Records

- A. General. The City Clerk shall maintain records of formal permits and applications relating to VMC Title 17. The Planning Director shall create and implement internal procedures for providing the City Clerk with current and past permit and application documentation.
- B. Action Records. The City shall be responsible for maintaining records regarding the final decision-making authority's actions pertaining to permits and applications associated with VMC Title 17.

17.04.040 Comprehensive Plan Amendments

- A. Purpose. The purpose of this section is to identify the limitations and procedure for amending or updating the Comprehensive Plan.
- B. Applicability. The provisions of this section apply to any changes, updates, or revisions to the City's Comprehensive Plan including changes to its text, exhibits, and associated maps. For applications initiated by City staff, Planning and Zoning Commission or City Council, all provisions of 17.04.040 apply except for fee requirements.
- C. Approval Considerations.
 - 1. Limitations. The City Council shall have the authority to limit its approval of amendments to the Comprehensive Plan to protect the surrounding character, limit certain land use activities, protect public health, safety, and welfare, the environment, and preserve the goals and intent of the community's long-range vision for the City.

- D. Submittal Requirements. Applicants for a Comprehensive Plan amendment 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 fees at the time of submittal. 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. Narrative. Applicants shall provide a project narrative that describes the location, surrounding land uses, environmental features, proposed use(s), and proposed development activity (as applicable). The narrative shall describe how the proposed amendments align with other goals and objectives within the Comprehensive Plan.
 3. Proposed Amendments Documentation. Applicants shall provide documentation that clearly explains the proposed amendments.
 - a. Text Amendments. Applicants shall provide proposed text amendments in underline/strikethrough format to demonstrate how the proposed changes compare with existing text. Proposed additions shall be displayed as underline text and proposed omissions shall be displayed as strikethrough text.
 - b. Map Amendments. Applicants shall provide proposed map amendments on a figure that clearly delineates the proposed changes.
 4. Map Set. At the discretion of the Planning Director, and depending on the amendment proposed, applicants may be required to provide a map set to graphically illustrate the surrounding context. When required, map set may include the following.
 - a. Property Location Map. This shall be a scaled drawing or current aerial photograph that identifies/delineates the subject properties and show the surrounding context.
 - b. Natural Resources Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural resources in and around the subject properties. Where natural resources are present, the map shall show/label streams, wetlands, shorelines, forested areas, protected habitat (pursuant to state and federal law), areas with steep slopes, groundwater recharge areas, and similar features.
 - c. Natural Hazards Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural hazards on and around the subject property. Where hazards are present, the map shall show/label flood zones, avalanche zones, areas of unstable soils/landslide areas, and other similar hazards that should be considered.
 - e. Utilities Map. This shall be a scaled drawing or aerial photograph identifying and labeling existing utilities service lines on and around the subject property. Where utilities are present, the map shall show/label potable water lines, sanitary sewer lines, reservoirs, treatment plants, and public stormwater management facilities.
 - f. Zoning Map. This shall be a scaled drawing the current zoning designations on and around the subject property.
 5. Technical Studies. At the discretion of the Planning Director, and depending on the amendment proposed, the applicant may be required to submit technical studies to justify the proposed Comprehensive Plan amendment and to demonstrate consistency with other goals and policies therein. These may include, but not limited to, traffic studies, drainage studies, environmental impact statements, environmental site assessments (ESAs), natural hazard studies, and/or visual impact studies.

- E. Amendment Procedure. Applications to amend the Comprehensive Plan 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.
 2. Sufficiency Review. The Planning Department will conduct a thorough review of the application's consistency with other goals and policies within the Comprehensive Plan, other applicable regulatory and policy documents. The review shall also assess potential impacts relating to public safety, natural resource protection, natural hazards, public services, and existing land uses. The Planning Department may circulate the application submittal 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 City standards or fail to address potential negative impacts to humans, the environment, infrastructure, and surrounding land uses.
 3. Application Revisions. As applicable, the applicant may revise their application submittal to address the Planning Department's comments. After 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 to the decision-making authority that (i) summarizes the proposed amendment(s) in terms of location, environmental conditions, existing land use, and proposed land use(s), (ii) provides findings to the applicable Comprehensive Plan goals and policies, (iii) provides analysis of potential changes to VMC Title 17 that could occur as a result of the amendment, (iv) provides findings related to potential impacts to public services, and (v) provides a recommendation to approve, approve with limitations, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
 5. Public Notice Required. The City shall provide public notice and document public comments regarding the Comprehensive Plan amendment application pursuant to Section 17.04.180.
 6. Planning and Zoning Commission Hearing & Recommendation. The Planning and Zoning Commission shall conduct a public hearing to review the Comprehensive Plan amendment application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and make a formal recommendation to City Council. Following the hearing, the Planning Department shall update its staff report to include the Planning and Zoning Commission's recommendation.
 6. City Council Hearing & Decision. The City Council shall conduct a public hearing to review the Comprehensive Plan amendment application, review the Planning & Zoning Commission recommendation, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take formal action to approve, approve with limitations, or deny the application.

17.04.050 Zoning Ordinance Text and Map Amendments

- A. Purpose. The City's zoning code and the official zoning map are intended to implement the Comprehensive Plan, state and federal rules, protect health/safety, enforce environmental protection, and reduce conflicts amongst neighboring land uses. The purpose of this section is to outline the procedure for amending the zoning code and the official zoning map.
- B. Applicability. The provisions of this section apply to any changes, updates, or revisions to the City's zoning code including changes to its text, exhibits, and the official zoning map. These provisions apply to both city- and public-initiated amendments, with the exception that fees are not required for city-initiated applications. City-initiated amendments include those directed by City Council, the Planning & Zoning Commission, and/or the City Manager.
- C. Approval Considerations.
 - 1. Limitations. The City Council shall retain the authority to limit its approval of amendments to the zoning code and the official zoning map to limit certain land use activities, protect public health, safety, and welfare of humans and the environment, and ensure its ability to serve properties/individuals with adequate public services.
 - 2. Comprehensive Plan Consistency. Amendments to VMC Title 17 and/or the official zoning map shall be consistent with the Comprehensive Plan.
- D. Submittal Requirements. Application involving amendments to the zoning code and/or the official zoning map 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. Narrative. Applicants shall provide a project narrative that describes the location, surrounding land uses, environmental features, proposed use(s), and proposed development activity, as applicable. The narrative shall describe how the proposed amendments align with the goals and policies within the Comprehensive Plan. For map amendments, the narrative shall identify whether the proposal will result in nonconforming situations that involve the existing structure and land uses within the subject property.
 - 3. Proposed Amendments Documentation. Applicants shall provide documentation that clearly explains/delineates the proposed amendments.
 - a. Text Amendments. Applicants shall provide proposed text amendments in underline/strikethrough format to demonstrate how the proposed changes compare with existing text. Proposed additions shall be displayed as underline text and proposed omissions shall be displayed as strikethrough text.
 - b. Map Amendments. Applicants shall provide proposed map amendments on a figure that clearly delineate and labels the proposed changes.
 - 4. Map Set. At the discretion of the Planning Director, and depending on the amendment proposed, applicants may be required to graphically illustrate the surrounding context, existing structures/land uses, relationship with other regulatory/policy maps, and to identify natural resources. The map set may include the following.

- a. Property Location Map. This shall be a scaled drawing or a current aerial photograph that identifies/delineates the subject properties and shows the surrounding context in terms of structures, built features, and land uses, as applicable.
 - b. Natural Resources Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural resources in and around the subject properties. Where natural resources are present, the map shall show/label streams, wetlands, shorelines, forested areas, protected habitat (pursuant to state and federal law), areas with steep slopes, groundwater recharge areas, and similar features.
 - c. Natural Hazards Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural hazards on and around the subject property. Where natural hazards are present, the map shall show/label flood zones, avalanche zones, areas of unstable soils/landslide areas, and other similar hazards that should be considered.
 - e. Utilities Map. This shall be a scaled drawing or aerial photograph identifying and labeling existing utilities service lines on and around the subject property. Where utilities are present, the map shall show/label potable water lines, sanitary sewer lines, reservoirs, treatment plants, and public stormwater management facilities.
 - f. Comprehensive Plan Map (Place Types). This shall be a scaled drawing depicting the Place Type designations from the Comprehensive Plan. The subject property shall be delineated on the map.
5. Technical Studies. At the discretion of the Planning Director, the applicant may be required to submit technical studies to justify the proposed zoning code and/or official zoning map amendment and to demonstrate consistency with the Comprehensive Plan, mitigation of potential adverse impacts, and to address other state/federal requirements. These may include, but not limited to, traffic studies, drainage studies, environmental impact statements, environmental site assessments (ESAs), land use studies, natural hazard studies, and/or visual impact studies.
- a. Rezone Requests in the Future Industrial/Working Waterfront Place Type. Requests for rezoning of land within the Future Industrial/Working Waterfront Place Type shown in the Comprehensive Plan shall be accompanied by a study that presents the risks, costs and benefits of allowing development of the area. The study shall include data on the expected costs of extending and maintaining public infrastructure and services and an assessment of natural hazards.
 - b. Rezone Requests in the Future Residential/Recreation Place Type. Requests for rezoning of land within the Future Residential/Recreation Place Type shown in the Comprehensive Plan shall be accompanied by a study that presents the risks, costs and benefits of allowing development of the area. Lands within the Future Residential/Recreation place type are intended as second-priority development areas; therefore, the study shall include information showing that the area is appropriate for residential or recreational development at the time of application. The study shall include data on the expected costs of extending and maintaining public infrastructure and services and an assessment of natural hazards.
 - c. Rezone requests to Planned Resort (PR) District. Only lands within the Destination Resort Overlay place type within the Valdez Comprehensive Plan are eligible for rezoning to the PR district. Requests for rezoning to PR shall be accompanied by a study demonstrating feasibility for development, land use compatibility and

sustainability, efficient provision of transportation and utility infrastructure and to suitably protect environmentally sensitive resources, community character, and natural features. Once the PR district has been established, a Planned Unit Development (PUD) shall be approved prior to development. The PUD shall be accompanied by a detailed master plan for the development.

- E. Review Procedure. Applications to amend the zoning code and/or the official zoning map 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.
 2. Sufficiency Review. The Planning Department shall conduct a review of the application's consistency with other Municipal Code provisions, the Comprehensive Plan, and other applicable regulatory and policy documents. The review shall also assess potential adverse impacts relating to public safety, natural resource protection, natural hazards, public services, and existing land uses. 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 City policies and/or fail to address potential negative impacts to humans, the environment, infrastructure, and surrounding land uses.
 3. Application Revisions. As applicable, the applicant may revise their application submittal to address the Planning Department's comments. After 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 to the decision-making authority that (i) summarizes the proposed amendment(s) in terms of location, environmental conditions, existing land use, and proposed land use(s), (ii) provides findings to the applicable Comprehensive Plan goals and policies, (iii) provides findings related to potential impacts to public services, and (iv) provides a recommendation to approve, approve with limitations, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
 5. Public Notice Required. The City shall provide public notice and document public comments regarding zoning code and/or the official zoning map amendment application pursuant to Section 17.04.180.
 6. Planning and Zoning Commission Hearing & Recommendation. The Planning and Zoning Commission shall conduct a public hearing to review the application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and make a formal recommendation to City Council. Following the hearing, the Planning Department shall update its staff report to include the Planning and Zoning Commission's recommendation.
 7. City Council Hearing & Decision. The City Council shall conduct a first and second reading of the proposed amendment pursuant to the Valdez City Charter, Chapter IV, to review the application, Planning & Zoning Commission recommendation, staff report,

hear staff, applicant, and public testimony, discuss the proposal, and take formal action to approve, approve with limitations, or deny the application.

17.04.060 Conditional Use Permits

- A. Purpose. Conditional Use Permits are intended to establish a process to review specific land uses on a case-by-case basis through a public hearing process to examine and address potential impacts and compatibility concerns to the immediate vicinity.
- B. Applicability. The provisions of this section apply to new uses or expansions of existing uses that are listed as “C” on the Land Use Table contained in Section 17.06.060.
- C. Approval Criteria. 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. The Planning and Zoning Commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest.
 - 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.
 - 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.
 - 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 it which it is. Notwithstanding, those zoning standards may be adjusted pursuant to a separate variance and/or administrative adjustment 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.
 - 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.
 - 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.
 - 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.

- D. Submittal Requirements. Applications for a conditional use permit 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 the property that is subject of the conditional use 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 list all the specific use standards that are applicable to the proposal and provide a response describing how the proposal complies with those standards. The narrative shall list all of the conditional use review criteria and provide a response describing how the proposal complies with those criteria.
 4. Plan Set. Applicants shall provide a plan set to illustrate the proposed site improvements. A plan set may only be required where the proposed conditional use application includes new buildings and/or site improvements. At the discretion of the Planning Director, 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 parcel configuration with boundary dimensions, depicts current easements, and illustrates the exact location and dimensions of existing site improvements (e.g., structures, pavement areas, etc.). The survey shall also include a legal description.
 - b. Site Plan. This shall be a scaled drawing that depicts the proposed site layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, and any other information necessary to visually describe the proposed project.
 - c. Subdivision Plat. This shall be a scaled drawing showing the proposed lot configurations, easements, tracts, and rights-of-way. This shall only be required where subdivision activities are proposed as part of the conditional use permit request.
 - d. Grading and Drainage Plan. This shall be a scaled drawing showing existing and proposed contours, and proposed drainage features.
 - e. Utilities Plan. This shall be a scaled drawing showing existing and proposed utility service line, connection points, and sanitation elements.
 - f. Building Elevations. This shall be scaled drawings showing the proposed building elevations for primary structures. The elevations shall include dimensions and material labels. Elevations are not required for accessory structures under 1,000-sf.
 5. Technical Studies. At the discretion of the Planning Director, the applicant may be required to submit technical studies to demonstrate compliance with the conditional use review criteria. These may include, but are not limited to, traffic studies, drainage studies, noise and vibration studies, and/or visual impact studies.

- E. Review Procedure. Conditional use 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. After the applicant addresses the deficient items, the Planning Department may restart its review.
 2. Sufficiency Review. The Planning Department shall conduct a review of the application's consistency with the approval criteria, pursuant to Section 17.04.060.C, 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 City standards.
 3. Application Revisions. As applicable, the applicant may revise its application submittal to address the Planning Department's comments. If the applicant provides a revised application submission, 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 to the Planning and Zoning Commission that (i) summarizes the proposed conditional use in terms of location, proposed land use(s), and proposed structures, (ii) provides findings to the conditional use approval criteria, (iii) 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.
 5. Public Notice Required. The City shall provide public notice and document public comments regarding the conditional use permit application pursuant to Section 17.04.180.
 6. Hearing & Decision. 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.
 7. The planning and zoning commission shall make its findings and determination within sixty days from the date of receipt of a complete application and shall notify the applicant in writing of its decision. If approval is denied, the commission shall state its reason for denial. Failure of the planning and zoning commission to decide within the time specified shall advance the application to the appellate authority.
 8. Use Within Twelve Months Required. Any conditional use approved by the planning and zoning commission must be utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must commence within the stated period and must be diligently pursued to completion, otherwise the approval is automatically voided. The planning and zoning commission may extend the time the construction is to start if satisfactory evidence of planning progress is presented.
- F. Conditional Use Permit Amendments. The permit amendment procedures are established to allow applicants to revise and/or modify permits within VMC Title 17 to respond to unique

site conditions, changes in the proposal, and/or respond to unique situations. The permit amendment process is not intended to circumvent conditions of approval imposed by the original decision-making authority.

1. **Applicability.** The provisions of this section are applicable to land, projects, and areas within the municipal limits that have an approved permit under VMC Title 17, and where future land uses, construction or development activities are subject to that permit.
2. **Amendment Options.** Applicants may request to amend plans/permits pursuant to the following options and subject to the associated allowances/limitations for each.
 - a. **Option 1: Minor Amendments.** The applicant may apply for a minor amendment to an approved plan/permit as an administrative review through the Planning Department. Under this option, the applicant shall submit revised plans and other documents detailing the proposed changes, a cover letter describing the changes and reasoning, and pay associated fees. The Planning Director or designee shall take action to approve or deny the proposed amendment(s) based on compliance with the applicable code and policy standards.
 - i. **Minor Amendment Determination.** A minor amendment may be allowed for situations/site elements associated with a Conditional Use Permit or Planned Unit Development that include the following, notwithstanding, the proposed amendments shall fully comply with the Municipal Code:
 - 1) Increase in the building height by 10%.
 - 2) Expansion of the building floor area up to 20% or 1,500 square feet, whichever is less.
 - 3) Expansion or reduction in the quantity of vehicle parking areas for nonresidential and multi-unit projects by up to 10%.
 - 4) Expansion or reduction of designated open space areas by up to 10%.
 - 5) Increase in project site area by up to 10% or 1 acre, whichever is less. This shall not include applications for Rezones, Comprehensive Plan amendments, Conditional Uses, or subdivisions.
 - 6) Designation of additional uses that only involve those listed as permitted ("P") in the land use table for the zoning district pursuant to Section 17.06.060.
 - 7) Changes in the building facade design, floorplan layout, and/or exterior materials.
 - 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.
 2. On-Site Construction Yard. On-site construction yards, storage structures/vehicles, and offices, in conjunction with an approved construction project on the same parcel are not subject to a temporary land use permit. When allowed, said activities/structures/materials shall be removed within 30 days upon completion of the construction project, or the expiration of the building permit authorizing the construction project, whichever first occurs.
 3. Emergency Response Activities. Emergency public health and safety land use activities, as determined by resolution of the City Council, or authorized under an emergency declaration, or during an active response by emergency service agencies, shall not require a temporary land use permit.

4. Short-term Events at Specific Locations. Events or uses occurring less than ten consecutive days at the City of Valdez Civic Center, City of Valdez Recreation Center, Kelsey Dock, the Valdez Airport, or other facilities specifically designated by the Planning Director, shall not require a temporary land use permit.
 5. Garage or Yard Sales. Garage sales or yard sales that occur at a personal residence shall not require a temporary land use permit subject to the following provisions:
 - a. Only one garage or yard sale may be conducted within any one-month period and the sale shall be limited to not more than three consecutive days or to two consecutive weekends not to exceed four days in all.
 - b. The sale shall not be conducted between the hours of eight p.m. of any day and seven a.m. of the following day.
 - c. The sales shall not encroach or be made on or from public streets or rights-of-way.
 - d. No licensed retail or wholesale dealer shall be allowed to consign or offer for sale any goods or merchandise or participate in any private sale authorized by this subsection.
 6. Events at Personal Residences. Small events such as celebrations, social engagements, weddings, and/or parties at personal residences shall not require a temporary land use permit.
- F. Permit Types. Temporary land use permits are allowed by the provisions of this section and pursuant to the following:
1. Short-term Permits. Applicants may request a short-term permit for temporary uses that occur less than 10 consecutive days each year at a specific location. Short-term permits may be approved through an application, internal review, and a decision from the Planning Director pursuant to Table 17.04.030.a.
 2. Long-term Permits. Applicants may request a long-term permit for temporary uses that occur 10 or more consecutive days at a specific location. The duration of the permit shall not exceed six months unless the permit is issued to a contractor working on a city project. No more than one long-term permit shall be issued each calendar year for the same location to the same applicant. Long-term permits may be approved by the Planning and Zoning Commission pursuant to Table 17.04.030.a. Long-term permit activities that reoccur on an annual basis may be renewed annually, with approval by the Planning Director, if the duration of the use exceeds one year, and may be renewed for a maximum of four years. After four years the reoccurring use must go through the full application and approval process. Minor changes to the original permit may be reviewed and approved by the Planning Director during the renewal process if the changes do not change the extent, intensity, or use approved in the original permit.
 3. Prohibited Land Uses/Events. The following land uses may not be approved as a temporary land use permit.
 - a. Any land use that requires a Conditional Use Permit.
 4. City-owned Property Liability Insurance Requirements. Applicants that seek to conduct a temporary use on city-owned land shall maintain liability insurance as set forth herein naming the City as an additional insured party for the duration of the permit. The minimum insurance requirements are as follows:

- a. General Liability. Applicants shall provide general liability insurance covering the permittee and the City for any and all claims for personal injury, bodily injury (including death) and property damage (including environmental degradation or contamination) arising from any activity occurring as a result of this temporary land use permit agreement.
 - b. Auto Liability (If Applicable). Permittee shall maintain business auto liability insurance covering liability arising out of any auto (including owned, hired, and non-owned autos).
 - c. Minimum limits: Applicants shall provide insurance equaling at least one million dollars combined single limit each accident and subject to the following other minimum limits.
 - i. \$100,000,000 each occurrence
 - ii. \$100,000 damage to rented premises
 - iii. \$5,000 medical payments
 - iv. \$1,000,000 personal and advertising injury
 - v. \$2,000,000 general aggregate
 - vi. \$2,000,000 products and completed operations aggregate
 - d. Waiver of Subrogation. For the purpose of waiver of subrogation, Permittee releases and waives all rights to claim or recover damages, costs or expenses against Valdez for any casualty of any type whatsoever in, on or about the Premises if the amount of such damage, cost or expense has been paid to such damaged party under the terms of any policy of insurance required herein.
 - e. Worker Compensation. The City may require proof of workers compensation issuance for activities that are subject to state and/or federal law.
 - f. Alternatives and Waivers of Insurance Requirements. At the discretion of the Planning Director, event insurance may be accepted for short-term permits. Upon a showing of good cause, in the discretion of the Planning Director, insurance policies not fully conforming with the minimum requirements set forth herein may be accepted where the nature of the use under the temporary land use permit poses a low risk of liability for the city. For permits on private, state, or federally owned land, the Planning Director may require insurance as a condition of permit approval.
- G. Approval Criteria. The Planning Department and the final decision-making authority shall evaluate whether the temporary land use permit 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 demonstrate compliance.
- 1. Criterion 1: Use of the property under the permit shall not constitute a nuisance, substantially interfere with the use and enjoyment of adjacent property, or adversely impact public access or city operations.
 - 2. Criterion 2: The proposed property shall be adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary land use is reasonably expected to generate.

3. Criterion 3: Adequate temporary parking to accommodate vehicular traffic generated by the use shall be available either on the property or at alternate locations acceptable to the city.
 4. Criterion 4: All permits must be for a fixed period of time identified in the permit.
 5. Criterion 5: No permanent structures shall be erected on the property.
 6. Criterion 6: No permanent alteration of land shall occur.
 7. Criterion 7: The permittee shall obtain all required permits for the proposed use from the city or other required agencies.
 8. Criterion 8: The permittee shall clear the property of any debris, litter, or other evidence of the temporary use upon expiration or termination of the permit.
 9. Criteria 9: For permits on city owned land, the permittee shall pay fees as established by resolution of the city council. No fees shall be charged for permits issued to contractors for the purpose of completing city-owned projects.
 10. Criterion 10: The proposed use will not jeopardize, endanger, or substantially interfere with the public convenience, health, safety, or general welfare.
- H. Submittal Requirements. Applicants for a temporary land use permit 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. Complete applications for short-term permits must be submitted at least fourteen days before the date that the proposed temporary use is scheduled to take place in order to ensure applications are processed in time. Complete applications for long-term permits must be submitted at least forty-five days before the date that the proposed temporary use is scheduled to take place in order to ensure applications are processed in time. The application deadlines may be waived, at the sole discretion of the Planning Director.
 2. Narrative. Applicants shall provide a project narrative that describes the location, proposed use(s), associated structures/vehicles, hours/dates of the use/event, and proposed parking arrangements. The narrative shall describe the existing site improvements, and site conditions. The narrative should address the temporary use review criteria and provide a response describing how the proposal complies with those criteria.
 3. Site Plan. Applicants shall submit a scaled site plan, as applicable, that graphically illustrates the site location, access locations, proposed temporary use location on the site, and major geographical features.
- I. Review Procedure. Temporary land use permits 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.
 2. Sufficiency Review. As applicable to the size and location of the proposed temporary use, the Planning Director may circulate the application submittal to other city

departments to conduct a review of the application's consistency with the approval criteria pursuant to 17.04.120.G.

3. Staff Report. For long-term permits, the Planning Director or designee shall draft a report summarizing the request, any compliance concerns, and a recommendation to the Planning and Zoning Commission.
3. Action for Short-term Permits. The Planning Director shall review the short-term temporary land use permit application, review staff comments, and take action on the application. The Planning Director may approve, approve with conditions, or deny the application. Issuance of short-term permits shall be reported to the planning and zoning commission and city council at the next regularly scheduled meetings.
4. Action for Long-term Permits. The Planning and Zoning Commission shall review the long-term temporary land use permit application, review staff comments, and take action on the application. The Commission may approve, approve with conditions, or deny the application. Issuance of long-term permits shall be reported to the city council at the next regularly scheduled meeting.

17.04.130 Pre-Application Meeting

- A. Purpose. A pre-application meeting is a process for applicants to seek guidance and preliminary advising from city staff pertaining to a proposed land use or development plan for a property before submitting an application for review. The pre-application meeting is intended to allow applicants to obtain preliminary staff comments on their proposal before creating detailed construction documents and technical studies/analysis. Under this provision, City staff is expected to conduct a preliminary review of the proposal's compliance with the applicable City of Valdez code and permitting standards; this process is not intended to be a detailed analysis or constitute an approval.
- B. Applicability. A pre-application meeting is a voluntary process for any individual seeking guidance for proposed land use and development activity within the municipal limits. A formal pre-application meeting is not required for general inquiries to the City.
- C. Response. City staff will provide a written response to the applicant regarding materials reviewed during the preapplication meeting.

17.04.140 Appeals

- A. Purpose. This section establishes the process, allowances, and limitations for interested parties/individuals to appeal the decision-making authority's action(s) for a specific permit, application or any action of the Planning Director or other administrative official in enforcement of VMC Title 17.
- B. Applicability. The provisions of this section apply to any appeal pursuant to Table 17.04.030.a. An appeal may be sought only under the provisions of this section by a person affected or aggrieved by the action being appealed. These procedures apply to appeals to the Planning and Zoning Commission or City Council (together "City Appellate Authority").
- C. Filing Limit. The appeal must be filed within fifteen days of the date of the action or decision being appealed. The notice of appeal must be filed with the city clerk. The notice of appeal shall be in the form of a written statement containing detailed and specific allegations of error and describe how the appellant will be affected or aggrieved by the action or decision.
- D. Appeals Hearing. Upon a determination by the city clerk that a notice of appeal is properly filed, the City Clerk shall schedule an appeal hearing before the City Appellate Authority within 60 days of the appeal request. The appeals hearing may be scheduled during a

regular or special Planning and Zoning Commission or City Council meeting as deemed appropriate by the City Clerk.

- D. Notice of Hearing. A notice of the date, time, and place of the appeals hearing before the City Appellate Authority shall be served on the appellant and shall be titled "NOTICE OF HEARING," and shall set forth the nature of the appeal to be heard. At least 14 days prior to the hearing, the City Clerk shall cause the notice of hearing to be posted on the City's public notice web page and City Hall notice board, and notice shall be mailed to the appellant. The City Appellate Authority may prescribe rules of procedure for additional notification in cases where a decision of the board would have a substantial effect on surrounding properties.
- E. Stay of Proceedings. The filing of an appeal shall stay all proceedings in the matter until a determination is made by the City Appellate Authority, unless the court issues an enforcement order based on a certificate of imminent peril to life or property or in the case of an emergency as set forth in VMC Title 17.
- F. Staff Report. The Planning Director shall write a staff report that (i) summarizes the original application and its approval, (ii) provides findings for each of the appellate claims, and (iii) provides a recommendation to approve, approve with conditions, or deny the appeal claim. All data pertaining to the case shall accompany the staff report. The report shall be provided to the City Clerk.
- G. Procedure for Hearing. An appeal before the City Appellate Authority shall be conducted in accordance with the following procedures:
 - 1. Failure of Appellant to Appear. If an appellant fails to appear in person, the City Appellate Authority may proceed with the hearing.
 - 2. Oath to Be Administered. Anyone testifying before the City Appellate Authority shall be administered an oath prior to giving testimony.
 - 3. Record. The city clerk shall be ex officio clerk of the City Appellate Authority and shall keep verbatim stenographic records or electronic recordings of the board's proceedings, showing the vote of each member on every question and all of the evidence presented.
 - 4. Burden of Proof. The burden of proof rests with the appellant. The city shall make available to the appellant all reasonably pertinent documents requested for presentation of the appeal.
 - 5. Rules of Evidence. The hearing of an appeal shall be conducted informally. The City Appellate Authority shall not be restricted by the formal rules of evidence; however, the chair may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered, provided there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.
 - 6. General Procedure. Each side shall have a total of no more than thirty minutes to present their case. Each side shall be responsible for dividing their thirty minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings.
 - 7. Order of Presentation. The appellant shall present argument first. Following the appellant, the Planning Director, or designee, shall present the city's argument. The

appellant may, at the discretion of the chair, make rebuttal presentations directed solely to the issues raised by the Planning Director, or designee. The members of the City Appellate Authority may ask questions through the chair of either the appellant or the Planning Director at any time during the hearing.

8. Witnesses and Exhibits. The appellant and the Planning Director, or designee, may offer oral testimony of witnesses and documentary evidence during the hearing. All testimony before the City Appellate Authority shall be under oath.

9. Decision of City Appellate Authority.

- a. At the conclusion of the appeal hearing, the City Appellate Authority, shall, based on the information received at the hearing, affirm or reverse the appealed action or decision in whole or in part.
- b. It shall require a majority of the full membership of the City Appellate Authority, minus those members who disqualify themselves with conflicts of interest.
- c. Every decision of the City Appellate Authority to affirm or reverse an action or decision shall be in writing setting forth the findings and conclusions adopted. Such findings must be reasonably specific so as to provide the community and, where appropriate, reviewing authorities, with a clear and precise understanding of the reasons for the City Appellate Authorities decision.
- d. Decisions of the City Appellate Authority may be appealed pursuant to Table 17.04.030.a Review Matrix.

H. Judicial Appeal.

1. Final decisions of the highest City Appellate Authority set forth in VMC Title 17 may be appealed to the superior court or a court of competent jurisdiction.
2. Filing Timeline Requirement. The appellant shall file an appeal within 30 days to the superior court by filing with the court, and provide a copy to the Valdez City Clerk.
3. Appeal Procedures. The appeal claim shall be subject to the rules, allowances, limitations, and procedures established by the superior court.
4. Stay of Proceedings. The filing of an appeal to superior court does not stay any proceedings in the matter, nor the effect of the decision of the City's decision-making authority or City Appellate Authority.

17.04.160 VMC Title 17 Violations

- A. Purpose. This chapter establishes code violation rules and enforcement procedures to ensure compliance with VMC Title 17 and remedy violations.
- B. Applicability. The provisions of this section apply to the following violations and unlawful acts, whereas nuisance violations within the municipal limits are addressed in VMC Title 8.
 1. Use of Land. Any land use activities that are not allowed pursuant to the property's zoning code designation and/or require specific City approvals which have not been granted.
 2. Development Activities. Any development activities that are not allowed or require specific City approvals/permits which have not been granted pursuant to VMC Title 17.
 3. Permit Violations. Any land use, development activities, subdivision activities, and/or land modifications that are a direct violation to a permit issued pursuant to VMC Title 17.

4. Violation not condoned by permit issuance or plan approval. The issuance or granting of a building permit or approval of plans or specifications under the authority of the Valdez Building Code) herein shall not be deemed or construed to be a permit for or an approval of any violation of the provisions of VMC Title 17 or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of VMC Title 17 shall be valid except insofar as the work or use which is authorized is lawful and permitted.
 5. Activity inconsistent with VMC Title 17. Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of VMC Title 17 or in any way inconsistent with the terms and conditions of any entitlement required to engage in such activity.
- C. Continuing violations. Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of VMC Title 17, provided however the director has the authority to enter into a civil compromise as to the amount of the fine.
- D. VMC Title 17 Violation Enforcement Process.
1. Primary Responsibility. The Planning Director, or designee, shall have primary responsibility for enforcement of VMC Title 17.
 2. Inspections.
 - a. The Planning Director, or designee, may at any reasonable time, upon presentation of proper identification, enter upon and inspect any land, structure, or premises where he or she has reasonable cause to believe there exists a violation of VMC Title 17, or enter upon such a building or premises to perform a duty of the director under VMC Title 17.
 - b. At any reasonable time, the Planning Director may enter upon and inspect any land or structure where any entitlement has been applied for or issued. The purpose of such inspection shall be to verify conformity with the application or entitlement.
 - c. Where the Constitution of the United States or of the state so requires, the Planning Director shall obtain an administrative search warrant authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The director or representative shall apply to the trial courts of the state to obtain a warrant, stating in the application the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection, and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within ten days.
 3. Enforcement Orders.
 - a. In the case of a violation of VMC Title 17, the Planning Director, or designee, may issue an enforcement order pursuant to this section mandating:
 - i. Discontinuation of a use of land or a structure that is in violation of VMC Title 17;
 - ii. Abatement or removal of a structure or part of a structure that is a violation of VMC Title 17;

- iii. Discontinuation of construction or other activity preparatory to a structure or use of land or a structure that is a violation of VMC Title 17;
 - iv. Suspension or revocation of an entitlement issued under VMC Title 17.
 - v. Restoration of any structure, vegetation, land, water body, or other thing upon the land that is destroyed, damaged, altered, or removed in violation of VMC Title 17; and
 - vi. Any other action necessary to prevent, abate, or discontinue a violation of VMC Title 17.
- b. No penalty or fine shall be assessed pursuant to VMC Title 17 unless and until the violator has been notified of the enforcement order in accordance with this section.
- c. The enforcement order shall be in writing and shall describe the violation, shall identify the provision or provisions of VMC Title 17 that are being violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified reasonable time period, and shall state that penalties, civil claims, or criminal violations may be assessed or brought against the violator if he or she fails to take appropriate action to cure or correct the violation. If no other violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.
- d. An enforcement order may be directed to one or more violators. An enforcement order that is served on a violator personally or by certified mail is final with respect to that violator if not timely appealed.
- e. Upon receipt of a written request for an extension of time to cure or correct the violation, the Planning Director may grant extensions in their sole discretion.
- f. Compliance Agreement. The Planning Director, or designee, may enter into a voluntary compliance agreement with the property owner or violator that is subject of the code violation. The voluntary compliance agreement is a written, signed commitment by the property owner to correct/address the code violations. The voluntary compliance agreement shall include the following:
- i. The name and address of the property owner or violator;
 - ii. The address or other identification of the location of the violation;
 - iii. A description of the violation and a reference to the applicable code provisions;
 - iv. A description of required corrective action and the date and time within by which compliance must be completed;
 - v. An acknowledgment that if the city determines that the terms of the voluntary compliance agreement are not met, the City may impose any remedy authorized by this chapter or other applicable code section(s);
 - vi. A list of fine and penalties that the property owner shall pay as allowed under this section and/or Section 8.20.
 - vii. An acknowledgment that by entering into the voluntary compliance agreement, the property owner admits that the conditions described in the voluntary compliance agreement existed and constituted a code violation.

- g. Corrective action taken. If the violation is cured or corrected within the time period specified in the enforcement order or compliance agreement, or within any extension of time granted, then the municipality shall take no further action against the violator.
 - h. Options upon noncompliance. Whenever a written enforcement order has become final or the term for compliance under a compliance agreement has run and the violation continues to exist, the Planning Director, or designee, may pursue any of the forms of relief under Section 17.04.160(C).
4. Private Enforcement Actions. Whenever a violation occurs, any aggrieved or affected person may file a written complaint in regard thereto. All such complaints shall be brought to the attention of the Planning Director who may cause such complaint to be properly recorded, investigated and reported upon. City staff who observe violations while on duty may also file complaints to be investigated. The Planning Director, or designee, has sole discretion regarding whether to pursue investigation and enforcement proceedings.
- a. Investigation. Upon receipt of a code violation complaint, the Planning Director, or designee, may investigate the claim and determine whether a violation has occurred. The Planning Director, or designee, shall prepare a memorandum documenting the complaint, an analysis of the land activities/development associated with the complaint, and a finding to whether the violation has occurred.
 - b. Remedy Request. In the event the complaint results in the identification of a violation, the Planning Director, or designee, may issue an enforcement order or pursue other remedies.

E. Remedies and Penalties.

- 1. Fines. The City may impose fines for code violations subject to the schedule set forth in this section.

Table 17.04.160.a Fine and Penalties Schedule		
Code Section	Violation Description	Fine / Penalty
VMC Title 17, Chapter 17.06	Unlawful use of land.	\$200.00 per violation/per day.
VMC Title 17, Chapter 17.04	Development and/or land use in violation of an associated permit.	\$200.00 per violation/per day.
17.04.160	Situations where the property owner fails to satisfy the provisions and terms of a Compliance Agreement.	\$200 per violation PLUS any other associated fine/penalty listed above/per violation per day.
VMC Title 17 – Generally	Failure to comply with the requirements of Title 17 aside from the violations specifically identified above.	\$200 per violation/day

- 2. Civil remedies and enforcement powers.
 - a. Deny/withhold entitlements. The Planning Director may deny or withhold all entitlements, including any authorization to use or develop any land, structure, or improvements, until a violation, associated civil penalty, and/or lien resulting from a

previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

b. Revoke entitlements. The Planning Director may revoke any entitlement or other form of authorization required under VMC Title 17. Written notice of revocation shall be served on the property owner and/or the person to whom the entitlement was issued or such notice may be posted in a prominent location at the place of violation.

c. Restoration. The Planning Director may require a violator to restore land or premises damaged as a result of a violation to its original condition.

d. Judicial Relief. The Planning Director may seek injunctive relief, damages, or other appropriate relief in superior court or other court of competent jurisdiction against any person who fails to comply with any provision of VMC Title 17 or any requirement or condition imposed pursuant to VMC Title 17.

e. Fines. A person who violates this title shall be subject to a civil fine as set forth in Table 17.04.060.a. When such a fine remains unpaid after 30 days of issuance, the fine may be recorded as a lien against the subject property or otherwise recovered by the City in any manner legally permissible.

f. Abatement. The Planning Director may abate a violation of VMC Title 17.

- i. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt required to the violator and the owner of record of the property.
- ii. Unless this notice is appealed, pursuant to section 17.04.140, the Planning Director may proceed to abate the violation.
- iii. The Planning Director, or designee, shall keep an accounting of the cost of abatement, including incidental expenses. The Planning Director will forward a bill for collection to the violator and record owner of the property specifying the nature of the costs and work performed. For purposes of this chapter incidental expenses shall include preparation of the notices, legal fees and costs, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
- iv. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely with the owner of the property upon which the abatement occurred. Such charges become a lien upon the real property where the violation occurred. When charges for abatement remain unpaid after 30 days from billing, the Planning Director, or designee, may record a claim of lien at the district recorder's office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes. The lien shall continue until the charges and all interest due and payable thereon are paid.
- v. The lien created under this section may be enforced as provided in AS 34.35.005—34.35.045.

3. Remedies cumulative. The remedies provided for violations of VMC Title 17 shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

17.04.180 Public hearings and notification requirements.

- A. Purpose. The purpose of this section is to define the requirements of public hearings and notice as they relate to the review and approval procedures for VMC Title 17.
- B. Public Hearings. When conducting a public hearing, the Planning and Zoning Commission shall hear and consider relevant evidence and facts from any person at the public hearing or written communication (received prior to the hearing) from any person relative to the matter. The City Clerk shall document and record public testimony, the actions of the decision-making authority, and the application package.
- C. Notification. Notices required by VMC Title 17 shall include the date, time, and location of the hearing, as well as the description of the action requested and the property for which the action has been requested. The names of the property owners and the parties filing the application shall also be included. The following notices shall be given:
 1. Published Notices. The notice shall be published on the City of Valdez website in a designated section with reasonable navigation links thereto. At least 14 days before the public hearing, the city clerk shall provide notice to local media outlets to the extent deemed reasonable by the city clerk and post on the city website a notice of such election.
 2. Mail Notices. A notice shall also be sent by mail at least 14 days prior to the public hearing to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in the application for the requested action. Mail notices are not required for city-initiated legislative actions that involve multiple properties or the City as a whole (e.g., Comprehensive Plan amendments, city-wide rezones, Municipal Code text amendments).
 3. Site Postings. For any rezone, comprehensive plan amendment, or conditional use permit that involves a specific lot, the Planning Department staff shall post the property with a document holder containing public notice flyers on a public roadway that abuts the property at least 14 days before the scheduled hearing. The flyers shall list the date, time and location of the hearing and summarize the application request. The following exemptions shall apply to site posting standards.
 - a. City-initiated Applications. This is not required for city-initiated rezones or Comprehensive Plan amendments involving more than one lot.
 - b. Non-roadway Accessible Land. Site posting is not required where the lot subject of the application does not abut a public roadway (e.g., land only accessible by water or access easements).

17.04.190 Annexation

- A. Purpose. The annexation describes the process to bring land into the official Valdez municipal limits; where such land would be applicable to the City's rules, laws, and governing structure.
- B. Requirements and Procedure. Annexations shall be processed pursuant to the State of Alaska boundary changes review procedures and through the Local Boundary Commission

Chapter 17. 06

Zoning Districts

17.06.010 Zoning Established.

A. Purpose. The purpose of VMC Title 17 is to regulate the use of land and improvements by districts in accordance with the city comprehensive plan. These zoning regulations are designed to provide for orderly development; to lessen street congestion; to promote public safety; to protect the public health and general welfare; to provide a high quality of life; to prevent overcrowding; and to stimulate systematic development of transportation, public utilities, educational facilities, parks, and other public facilities.

B. Generally.

1. Conformance with title required. No building or land within the city shall have the existing use altered, used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the applicable provisions specified in VMC Title 17. Whenever private use is made of any public land or public structures, such use shall fully conform to the regulations set forth in VMC Title 17.
2. Interpretation and application of provisions. In their interpretation and application, the provisions of VMC Title 17 shall be minimum regulations and shall apply uniformly within each district, each class or kind of building, structure, land, or water area, except as hereinafter specifically provided.
3. Conflicts with other regulations. Whenever the requirements of VMC Title 17 are at variance with the requirements of any other lawfully adopted ordinance of the city, those imposing the higher standards shall apply.

17.06.020 Official maps.

A. Generally. The use districts are bounded and defined on official zoning maps of the city entitled "Zoning Maps of the City of Valdez, Alaska" and identified by the signature of the mayor and attested to by the city clerk. The Planning Department shall also maintain a digital version of the official zoning maps. These maps are by this reference made a part of VMC Title 17.

B. Changes.

1. No changes of any nature shall be made to the official zoning maps or matter shown thereon except in conformity with the procedures set forth in VMC Title 17. Any unauthorized change of any kind whatsoever by any person or persons shall be considered a violation of VMC Title 17 and punishable as provided in Section 17.06.170.
2. Regardless of the existence of proposed copies of the official zoning maps which may from time to time be made or published, the official zoning maps shall be located in the Planning Department office, where they can be kept current and shall be the final authority as to the current zoning status of lands and water areas.

C. Replacement. If the official zoning maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of the changes and additions, the city council, after recommendation from the planning and zoning commission, may by ordinance adopt new official zoning maps which shall supersede the prior official zoning maps.

17.06.030 Interpretation of boundaries

When uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

- A. Zoning district boundaries are assumed to extend to the centerline of any public right-of-way adjacent to the parcel.
- B. Boundaries indicated as approximately following the centerline of streets and highways shall be construed as following such centerlines.
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines in effect at the time the zoning district was approved.
- D. Boundaries indicated as approximately following section or section subdivision lines shall be construed as following such section or section subdivision lines; boundaries indicated as approximately following city limits shall be construed as following city limits.
- E. Boundaries indicated as following shorelines shall be construed as following the mean water line of that shore. In the event of change, the boundary shall be construed as moving with the actual shoreline affected by that change. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines.
- F. Tidelands, as defined in Section 14.04.020 , shall be construed as taking on the zoning district of the adjacent lot(s).
- G. Navigable Rivers shall be zoned as P Public Lands district. The stream channels and meandering beds of Mineral Creek, Valdez Glacier Stream, and Lowe River shall be assumed to be zoned as P Public Lands district.
- H. Where interpretation is needed as to the exact location of the boundaries of a district, as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped district boundary and actual field conditions, the Planning Director shall make the necessary interpretation.
- I. Where any public street or alley is officially vacated or abandoned, the zoning district on the abutting property shall apply to the newly vacated or abandoned area.

17.06.040 Zoning Districts

- A. Purpose. Zoning districts are designed to assist in carrying out the intent and purpose of the Comprehensive Plan and to protect the public health, safety, and general welfare of the community.
- B. Allowed Uses by Zoning District. The following table (17.06.040.a) provides the allowed uses in each zoning district.

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
Residen- tial															
Accessory Dwelling Units	A	A	A	A	-	-	A	A	A		C				Y
Assisted Living Homes	P	P	P	P	P	P									
Dwellings - Detached	P	P	P	P	-	-									
Dwellings - Attached - Duplex (2 units per building) and town-houses (2 units)	P	P	P	P	-	-									
Dwellings - Attached - Town-house (more than 2 units per building)		P	P	P	P	P									
Dwellings - Multi-unit (up to 4 units per building)		P	P	P	P	P									
Dwellings - Multi-unit (more than 4 units per building)		C	P	P	P	P									Y
Dwellings - Manufactured Home (built after	P	P	P	P											

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
June 15, 1976)															
Dwellings - Mobile Home (built prior to June 15, 1976)	P	P	P	P											
Home occupations	A	A	A	A	A	A									Y
Manufactured home parks			P												
Planned Unit Development	C	C	C	C	C	C									Y
Shelters (e.g., homeless, victims, emergency)	P	P	P	P	P	P					P				Y
Short term rentals	P	P	P	P	P	P									Y
Worker Housing	C		P			C	C	C	C		C				Y
Lodging															
Hotels, Motels, Inns, Rental Cabins	C		C	P	P	P		C			C				
Commer- cial															
Adult Entertainment Uses						C	C	C							Y
Building material					P	P	P	P	P						

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
supply es- tablish- ments															
Commer- cial and Retail Sales (all uses un- less other- wise listed in this ta- ble)			A	P	P	P	P	P	A	P	A				
Food pro- duction and pro- cessing, small scale				P	P	P	P	P							
Frozen food stor- age				P	P	P	P	P	P						
Fuel and Gas Sta- tions				C	C	P	P	P	P						Y
Marijuana retail stores				C	P	P	P	P	A	P					
Self-Stor- age				C			P	P	P						
Vehicle Parts and Tire sales				P	P	P	P	P							
Vehicle Sales (mo- tor vehi- cles)				C	C	P	P	P							
Eating and Drink- ing															

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
Drinking establish-ments			A	C	P	P	P	P	P						
Eating es-tablish-ments			A	P	P	P	P	P	A						Y
Office and Services															
Animal hospitals, veterinary practices	C			P	P	P	P	P	P						
Animal boarding, kennels and shel-ters	C			C	C	C	P	P	P		C				Y
Boat char-ter ser-vices	C			P	P	P	P	P	P						
Govern-ment Of-fices and Services	C			P	P	P	P	P	P		P				
Laundries, laundro-mats	C		A	P	P	P	A	A	A						
Mortuar-ies/funeral homes				C	P	P	C	C	C		C				
Offices (Business, Profes-sional, Medical) - all similar uses un-less other-wise listed				P	P	P	-	-		P					

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
in this table															
Public Services (non-office oriented)			A	P	P	P	P	P	P		C				
Personal-Services (all similar uses unless otherwise listed in this table)				P	P	P	-	-							
Vehicle Service (automobiles, boats, and marine equipment)				C	C	P	P	P	P						Y
Vehicle Rental				P	P	P	P	P	P	P					
Public and Quasi-Public															
Assembly halls, Community buildings, Religious institution	P	P	P	P	P	P	C	C	-		C				
Cemeteries	A	A	A								P				
Child Care Facilities	P	P	P	P	P	P	C	C			C				Y

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
Correc- tional facili- ties					C			C	C		C				
Dams, wa- ter reser- voirs and water tow- ers	C	C	C	C	C	C	P	P	P		P	P	C	P	
Educa- tional Insti- tution or school	P	P	P								P				
Educa- tional Insti- tution - Vo- cational	P		C	P	P	P		C			P				
Hospital					P	P					C				
Library, Museum, Cultural In- stitution, and Art Gallery	C	C	C	P	P	P	C	C			C		-		
Small wind or solar energy systems	A	A	A	A	A	A	A	A	A		A				
Utilities (service lines and small transform- ers)	P	P	P	P	P	P	P	P	P		P	P	P	P	
Utilities Class I (subst- ations, in- door pro- cessing)	C	C	C	C	C	C	C	C	C		C	-	-	-	

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
Utilities Class II (power generation, outdoor processing)	C			C	C	P	P	P	P		C	-	-	-	
Waste Disposal Facility							C	C	P		C				
Wireless Communication Tower (commercial)	C	C	C	C	C	C	C	C	C		C	C	C	C	Y
Recreation															
Indoor recreation, private/commercial				C	P	P	C								
Indoor recreation, public		C	C	C	P	P					P				
Outdoor recreation, private/commercial				P	P	P					P			P	Y
Outdoor recreation, public	P	P	P	C	C	C	P	P	C		P	P	P	P	
Recreation equipment rental				C	P	P	C				P			C	
Recreational vehicle park or	C	C	C	C	C	C	C	C			C		C	C	Y

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
campground															
Shooting range								C	C		C				
Industrial, Production and Storage															
All industries dependent on marine transportation							P	P	P						
Asphalt and concrete plant								C	P						
Barge freight terminal							P	P	P						
Boat and RV sales and storage				C		C	P	P	P						
Construction yard				C	-	C	P	P	P						
Docks and harbor facilities						P	P								
Explosive ammunition, gunpowder manufacture and storage									C						
Ferry terminals and cruise ship landing						C	P								

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
Food pro- duction and pro- cessing, large scale				-		C	P	P	P						Y
Freight staging and han- dling areas							P	P	P						
Fuel stor- age, small scale	A	A	A	A	A	A	A	A	A	A					
Fuel stor- age, me- dium scale				A	A	A	P	P	P						
Fuel stor- age, large scale							P	P	P						
Fuel piers						C	P	P	P						
Hazardous substance production and stor- age							C	C	C		C				
Ice manu- facture, storage and sales						P	P	P	P						
Junkyards, auto wrecking and scrap yards con- ducted within an enclosure							C	C	C						
Manufac- turing and processing							P	P	P						

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
Manufac- turing and processing - Artisan				-	C	P	P	P	P						
Manufac- turing and processing - Light				-	-	P	P	P	P						
Marijuana cultivation							P	P	P						
Marijuana manufac- turing				C	C	C	P	P							
Marine equipment and repair facilities						P	P	P	P						
Material resource extraction							C	C	C		C				Y
Seafood processing				C		C	P	P	P						
Mining op- eration	-										C				Y
Mining support services	-								P		C				
Oil refin- eries and petro- chemical plants, gas liquefac- tion and fractiona- tion plants							C		C						
Petroleum products, docks and							P		P						

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
related fa- cilities															
Sawmills							P	P	P						
Solid waste dis- posal									P		C				
Solid waste pro- cessing fa- cility								C	P		C				
Timber harvesting											C				
Ware- house				-	C	P	P	P	P		C				
Aviation															
Aircraft mainte- nance and repair op- erations						-				P					Y
Aircraft parking in conjunc- tion with permitted or condi- tional uses						-			-	P					Y
Aircraft rental agencies, lots and hangars						-				P					Y
Aircraft sales						-			-	P					Y
Airport									-	P					Y
Aviation electronics and radio sales and repair										P					Y

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	R R	R 1	R 2	NM U	C B	G	W I	LI	HI	A	P	U L	C O	N H	Specific Use Stand- ards (y = ap- plicable)
Aviation in- struction facility										P					Y
Aviation products and petro- leum sales										P					Y
Helipad				C		C	C	C	C	P	C			C	Y
Agricul- ture															
Agricultural activity	P	C	C			P	P	P	P		P				
Aquacul- ture opera- tions						-	P	P	P		C				
Nursery	C		C	P		P	P	P	P		P				
Raising of livestock	P	C	C	C		-		C	C		P		-		Y
Acces- sory Uses															
Personal Communi- cation An- tennae (PCA)	A	A	A	A	A	A	A	A	A		A	A	A	A	

C. Districts Established.

1. Public lands district (P). The P (public lands) district is intended to contain major open space areas, watershed management areas and major public and quasi-public, recreational, educational and institutional uses. Private, commercial recreational uses that are open to the public are also intended for this district, including private lands and uses that are essentially public in character and of specific value to the entire community.
 - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review

proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Shelters (e.g., homeless, victims, emergency)
 - ii. Government offices and services
 - iii. Cemeteries
 - iv. Dams and Water reservoirs
 - v. Educational institution
 - vi. Educational institution, vocational
 - vii. Utilities (service lines and small transformers)
 - viii. Recreation equipment rental
 - ix. Indoor recreation, public
 - x. Outdoor recreation, private/commercial
 - xi. Outdoor recreation, public
 - xii. Nurseries
 - xiii. Agricultural activities
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - ii. Small wind or solar energy systems
 - iii. Accessory Buildings
 - iv. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Accessory Dwelling Units
 - ii. Worker Housing
 - iii. Hotels, Motels, Inns, and lodges, and Rental Cabins
 - iv. Animal boarding, kennels and shelters
 - v. Public services (non-office oriented)
 - vi. Mortuaries/funeral homes
 - vii. Assembly halls, Community buildings, Religious institutions
 - viii. Child Care Facilities
 - ix. Correctional facilities
 - x. Hospitals
 - xi. Libraries, Museums, Cultural Institutions, and Art Galleries
 - xii. Utilities Class I (substations, indoor processing)
 - xiii. Utilities Class II (power generation, outdoor processing)
 - xiv. Wireless Communication Towers (commercial)
 - xv. Recreational vehicle parks or campgrounds
 - xvi. Shooting ranges
 - xvii. Warehouses
 - xviii. Hazardous substance production and storage
 - xix. Mining operations
 - xx. Mining support services
 - xxi. Solid waste disposal
 - xxii. Solid waste processing facilities
 - xxiii. Timber harvesting

- xxiv. Helipads
- xxv. Aquaculture operations

2. Rural Residential district (RR). The RR district is intended to include lands where public utilities may not be available, but topography and soil conditions allow development at low population densities that can rely on on-lot water and sewer without creating a public health hazard. The RR district is intended to be rural in character with low-density living options.

- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Assisted Living Homes
 - ii. Dwellings – Detached
 - iii. Dwellings - Attached - Duplex (2 units per building) and townhouse (2 unit)
 - iv. Dwellings - Manufactured Home (built after June 15, 1976)
 - v. Dwellings - Mobile Home (built prior to June 15, 1976)
 - vi. Shelters (e.g., homeless, victims, emergency)
 - vii. Short term rentals
 - viii. Assembly halls, Community buildings, Religious institutions
 - ix. Child Care Facilities
 - x. Educational institutions
 - xi. Educational institutions, vocational
 - xii. Utilities (service lines and small transformers)
 - xiii. Outdoor recreation, public
 - xiv. Agricultural activities
 - xv. Raising of livestock
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Home Occupations
 - ii. Accessory Dwelling Units (ADUs)
 - iii. Cemeteries
 - iv. Small wind or solar energy systems
 - v. Fuel storage, small scale
 - vi. Accessory Buildings (Non-residential)
 - vii. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Planned Unit Developments
 - ii. Worker Housing
 - iii. Hotels, Motels, Inns, and lodges, and Rental Cabins
 - iv. Animal hospitals, veterinary practices
 - v. Animal boarding, kennels and shelters
 - vi. Boat charter services

- vii. Government Offices and Services
 - viii. Laundries, laundromats
 - ix. Dams and water reservoirs
 - x. Libraries, Museums, Cultural Institutions, and Art Galleries
 - xi. Utilities Class I (substations, indoor processing)
 - xii. Utilities Class II (power generation, outdoor processing)
 - xiii. Wireless Communication Towers (commercial)
 - xiv. Recreational vehicle parks or campgrounds
 - xv. Nurseries
3. Moderate density residential district (R1). The R1 district is intended primarily for detached dwellings and duplexes at moderate densities in areas with public utilities. Structures and uses required to serve recreational and other noncommercial needs of residential areas are allowed as permitted or conditional uses. These uses must be designed to be compatible with the residential uses in the R1 district.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Assisted Living Homes
 - ii. Dwellings – Detached
 - iii. Dwellings - Attached - Duplex (2 units per building) and townhouse (2 units)
 - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - v. Dwellings - Multi-unit (up to 4 units per building)
 - vi. Dwellings - Manufactured Home (built after June 15, 1976)
 - vii. Dwellings - Mobile Home (built prior to June 15, 1976)
 - viii. Shelters (e.g., homeless, victims, emergency)
 - ix. Short term rentals
 - x. Assembly halls, Community buildings, Religious institutions
 - xi. Child Care Facilities
 - xii. Educational institutions
 - xiii. Utilities (service lines and small transformers)
 - xiv. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Home Occupations
 - ii. Accessory Dwelling Units (ADUs)
 - iii. Cemeteries
 - iv. Small wind or solar energy systems
 - v. Fuel storage, small scale
 - vi. Accessory Buildings
 - vii. Personal Communication Antennae (PCA)
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.

- i. Dwellings - Multi-unit (more than 4 units per building)
 - ii. Planned Unit Developments
 - iii. Dams and water reservoirs
 - iv. Libraries, Museums, Cultural Institutions, and Art Galleries
 - v. Utilities Class I (substations, indoor processing)
 - vi. Wireless Communication Tower (commercial)
 - vii. Recreational vehicle parks or campgrounds
 - viii. Indoor recreation, public
 - ix. Agricultural activities
 - x. Raising of livestock
- 4. High density residential district (R2). The R2 district is intended for a wide variety of housing types including multi-unit dwellings. Structures and uses required to serve recreational and other noncommercial needs of residential areas are allowed as permitted or conditional uses. These uses must be designed to be compatible with the residential uses in the R2 district.
 - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Assisted Living Homes
 - ii. Dwellings - Detached
 - iii. Dwellings - Attached - Duplex (up to 2 units per building)
 - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - v. Dwellings - Multi-unit (up to 4 units per building)
 - vi. Dwellings - Multi-unit (more than 4 units per building)
 - vii. Dwellings - Manufactured Home (built after June 15, 1976)
 - viii. Dwellings - Mobile Home (built prior to June 15, 1976)
 - ix. Manufactured home parks
 - x. Shelters (e.g., homeless, victims, emergency)
 - xi. Short term rentals
 - xii. Worker Housing
 - xiii. Assembly halls, Community buildings, Religious institutions
 - xiv. Child Care Facilities
 - xv. Educational institutions
 - xvi. Utilities (service lines and small transformers)
 - xvii. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Home occupations
 - ii. Accessory Dwelling Units (ADUs)
 - iii. Commercial and Retail Sales (all uses unless otherwise listed)
 - iv. Eating establishments
 - v. Drinking establishments
 - vi. Public Services (non-office oriented)
 - vii. Laundries, laundromats

- viii. Cemeteries
 - ix. Small wind or solar energy systems
 - x. Fuel storage, small scale
 - xi. Accessory Buildings
 - xii. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Planned Unit Developments
 - ii. Hotels, Motels, Inns, and lodges, and Rental Cabins
 - iii. Dams and water reservoirs
 - iv. Educational Institution - Vocational schools
 - v. Libraries, Museums, Cultural Institutions, and Art Galleries
 - vi. Utilities Class I (substations, indoor processing)
 - vii. Wireless Communication Tower (commercial)
 - viii. Recreational vehicle parks or campgrounds
 - ix. Nurseries
 - x. Agricultural activities
 - xi. Raising of livestock
 - xii. Indoor recreation, public
- 5. Neighborhood Mixed Use district (NMU). The NMU district is intended primarily for areas with utilities that include residential and supporting commercial and institutional uses that serve the convenience shopping needs for local residents. Business establishments should be developed in a small and compact format to serve adjacent neighborhoods. Both vertical and horizontal mixed-use configurations are encouraged. Some non-residential uses are allowed as conditional uses so that their compatibility with surrounding neighborhoods can be evaluated on a case-by-case basis. All uses shall be compatible in terms of scale and design.
 - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Assisted Living Homes
 - ii. Dwellings - Detached
 - iii. Dwellings - Attached - Duplex (up to 2 units per building) and townhouse (2 units)
 - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - v. Dwellings - Multi-unit (up to 4 units per building)
 - vi. Dwellings - Multi-unit (more than 4 units per building)
 - vii. Dwellings - Manufactured Home (built after June 15, 1976)
 - viii. Dwellings - Mobile Home (built prior to June 15, 1976)
 - ix. Shelters (e.g., homeless, victims, emergency)
 - x. Short term rentals
 - xi. Hotels, Motels, Inns, and lodges, and Rental Cabins
 - xii. Commercial and Retail Sales (all uses unless otherwise listed)

- xiii. Frozen food storage
 - xiv. Food production and processing, small scale
 - xv. Vehicle Parts and Tire sales
 - xvi. Eating establishments
 - xvii. Personal Services - all similar uses unless otherwise listed
 - xviii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
 - xix. Animal hospitals, veterinary practices
 - xx. Boat charter services
 - xxi. Government Offices and Services
 - xxii. Public Services (non-office oriented)
 - xxiii. Laundries, laundromats
 - xxiv. Vehicle Rentals
 - xxv. Assembly halls, Community buildings, Religious institutions
 - xxvi. Child Care Facilities
 - xxvii. Libraries, Museums, Cultural Institutions, and Art Galleries
 - xxviii. Utilities (service lines and small transformers)
 - xxix. Outdoor recreation, private/commercial
 - xxx. Outdoor recreation, public
 - xxxi. Nurseries
 - xxxii. Educational institutions, vocational
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Home occupations
 - ii. Accessory Dwelling Units (ADUs)
 - iii. Small wind or solar energy systems
 - iv. Fuel storage, small scale
 - v. Fuel storage, medium scale
 - vi. Accessory Buildings
 - vii. Personal Communication Antennae (PCA)
 - viii. Construction yards
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Planned Unit Developments
 - ii. Fuel and Gas Stations
 - iii. Marijuana retail stores
 - iv. Vehicle Sales (motor vehicles)
 - v. Drinking establishments
 - vi. Animal boarding, kennels and shelters
 - vii. Mortuaries/funeral homes
 - viii. Vehicle Services (automobiles and boats)
 - ix. Dams and water reservoirs
 - x. Utilities Class I (substations, indoor processing)
 - xi. Utilities Class II (power generation, outdoor processing)
 - xii. Wireless Communication Towers (commercial)
 - xiii. Recreation equipment rental

- xiv. Indoor recreation, private/commercial
 - xv. Indoor recreation, public
 - xvi. Outdoor recreation, public
 - xvii. Meat processing
 - xviii. Raising of livestock
 - xix. Recreational vehicle park/campground
 - xx. Helipads
 - xxi. Marijuana manufacturing
 - xxii. Boat and RV sales, storage
 - xxiii. Self-storage
6. Central business district (CB). The CB district blends commercial, moderate- to high-density residential, cultural, institutional and entertainment uses with walkability and connections to other live/work/play destinations. Uses in the CB are designed to satisfy the needs of residents of the entire community in one central location. The unique character of the CB is enhanced by buildings and entrances oriented to the street, off-street parking located at the side or rear of buildings, and small gathering spaces throughout the district.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Assisted Living Homes
 - ii. Dwellings - Multi-unit (up to 4 units per building)
 - iii. Dwellings - Multi-unit (more than 4 units per building)
 - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - v. Shelters (e.g., homeless, victims, emergency)
 - vi. Short term rentals
 - vii. Hotels, Motels, Inns, Lodges, and Rental Cabins
 - viii. Building material supply establishments
 - ix. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - x. Frozen food storage
 - xi. Food production and processing, small scale
 - xii. Marijuana retail stores
 - xiii. Vehicle Parts and Tire sales
 - xiv. Eating establishments
 - xv. Drinking establishments
 - xvi. Personal Services - all similar uses unless otherwise listed
 - xvii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
 - xviii. Animal hospitals, veterinary practices
 - xix. Boat charter services
 - xx. Government Offices and Services
 - xxi. Public Services (non-office oriented)

- xxii. Laundries, laundromats
 - xxiii. Mortuaries/funeral homes
 - xxiv. Vehicle Rentals
 - xxv. Assembly halls, Community buildings, Religious institutions
 - xxvi. Child Care Facilities
 - xxvii. Hospitals
 - xxviii. Libraries, Museums, Cultural Institutions, and Art Galleries
 - xxix. Utilities (service lines and small transformers)
 - xxx. Recreation equipment rentals
 - xxxi. Indoor recreation, private/commercial
 - xxxii. Indoor recreation, public
 - xxxiii. Outdoor recreation, private/commercial
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Home occupations
 - ii. Small wind or solar energy systems
 - iii. Fuel storage, small scale
 - iv. Fuel storage, medium scale
 - v. Accessory Buildings (Non-residential)
 - vi. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Dwellings- Attached- Townhouse (more than 2 units per building)
 - ii. Planned Unit Developments
 - iii. Fuel and Gas Stations
 - iv. Vehicle Sales (motor vehicles)
 - v. Animal boarding, kennels and shelters
 - vi. Vehicle Services (automobiles and boats)
 - vii. Correctional facilities
 - viii. Dams and water reservoirs
 - ix. Utilities Class I (substations, indoor processing)
 - x. Utilities Class II (power generation, outdoor processing)
 - xi. Wireless Communication Tower (commercial)
 - xii. Recreational vehicle parks or campgrounds
 - xiii. Outdoor recreation, public
 - xiv. Manufacturing and processing, artisan
 - xv. Warehouses
 - xvi. Marijuana manufacturing
7. General commercial district (G). The G district includes those areas which are heavily exposed to automobile traffic and where public utilities are available. The district is intended specifically for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the G district commercial uses along arterials in a “strip” fashion is discouraged.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific

Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Assisted Living Homes
- ii. Dwellings - Multi-unit (up to 4 units per building)
- iii. Dwellings - Multi-unit (more than 4 units per building)
- iv. Dwellings - Attached - Townhouse (more than 2 units per building)
- v. Shelters (e.g., homeless, victims, emergency)
- vi. Short term rentals
- vii. Hotels, Motels, Inns, Lodges, and Rental Cabins
- viii. Fuel and Gas Stations
- ix. Building material supply establishments
- x. Commercial and Retail Sales (all uses unless otherwise listed in this table)
- xi. Frozen food storage
- xii. Food production and processing, small scale
- xiii. Marijuana retail stores
- xiv. Vehicle Parts and Tire sales
- xv. Vehicle Sales (motor vehicles)
- xvi. Eating establishments
- xvii. Drinking establishments
- xviii. Personal Services - all similar uses unless otherwise listed
- xix. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
- xx. Animal hospitals, veterinary practices
- xxi. Boat charter services
- xxii. Government Offices and Services
- xxiii. Public Services (non-office oriented)
- xxiv. Laundries, laundromats
- xxv. Mortuaries/funeral homes
- xxvi. Vehicle Services (automobiles and boats)
- xxvii. Vehicle Rentals
- xxviii. Assembly halls, Community buildings, Religious institutions
- xxix. Child Care Facilities
- xxx. Hospitals
- xxxi. Libraries, Museums, Cultural Institutions, and Art Galleries
- xxxii. Utilities (service lines and small transformers)
- xxxiii. Utilities Class II (power generation, outdoor processing)
- xxxiv. Recreation equipment rental
- xxxv. Indoor recreation, private/commercial
- xxxvi. Indoor recreation, public
- xxxvii. Outdoor recreation, private/commercial
- xxxviii. Manufacturing and processing, Artisan
- xxxix. Warehouses
- xl. Docks and harbor facilities
- xli. Ice manufacture, storage and sales
- xl. Nurseries
- xliii. Agricultural activities

- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Home occupations
 - ii. Small wind or solar energy systems
 - iii. Fuel storage, small scale
 - iv. Fuel storage, medium scale
 - v. Accessory Buildings (Non-residential)
 - vi. Personal Communication Antennae (PCA)
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Planned Unit Developments
 - ii. Worker Housing
 - iii. Adult Entertainment Uses
 - iv. Animal boarding, kennels and shelters
 - v. Dams and water reservoirs
 - vi. Utilities Class I (substations, indoor processing)
 - vii. Wireless Communication Towers (commercial)
 - viii. Recreational vehicle parks or campgrounds
 - ix. Outdoor recreation, public
 - x. Construction yards
 - xi. Boat sales and storage
 - xii. Ferry terminals and cruise ship landings
 - xiii. Food and Seafood Processing, large scale
 - xiv. Fuel piers
 - xv. Marijuana manufacturing
 - xvi. Meat processing
 - xvii. Helipads
- 8. Light Industrial district (LI). The LI district is intended for light industrial development including light manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. Limited commercial uses and accessory residential uses are allowed in the LI district to serve the uses for which the district is primarily intended. Limited recreation (including motorized sports facilities) are allowed.
 - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Fuel and Gas Stations
 - ii. Building material supply establishments
 - iii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - iv. Frozen food storage
 - v. Food production and processing, small scale

- vi. Marijuana retail store
 - vii. Self-Storage
 - viii. Vehicle Parts and Tire sales
 - ix. Vehicle Sales (motor vehicles)
 - x. Eating establishments
 - xi. Drinking establishments
 - xii. Animal hospitals, veterinary practices
 - xiii. Animal boarding, kennels and shelters
 - xiv. Boat charter services
 - xv. Government Offices and Services
 - xvi. Public Services (non-office oriented)
 - xvii. Vehicle Service (automobiles and boats)
 - xviii. Vehicle Rentals
 - xix. Dams and water reservoirs
 - xx. Utilities (service lines and small transformers)
 - xxi. Utilities Class II (power generation, outdoor processing)
 - xxii. Outdoor recreation, public
 - xxiii. Manufacturing and processing
 - xxiv. Manufacturing and processing, Artisan
 - xxv. Manufacturing and processing, Light
 - xxvi. Warehouses
 - xxvii. All industries dependent on marine transportation
 - xxviii. Construction yards
 - xxix. Barge freight terminals
 - xxx. Boat sales and storage
 - xxxi. Fabrication facilities
 - xxxii. Food and Seafood Processing, large scale
 - xxxiii. Freight staging and handling areas
 - xxxiv. Fuel storage, medium scale
 - xxxv. Fuel storage, large scale
 - xxxvi. Fuel piers
 - xxxvii. Ice manufacture, storage and sales
 - xxxviii. Marijuana cultivation
 - xxxix. Marijuana manufacturing
 - xl. Marijuana retail
 - xli. Meat processing
 - xl. Material resource extraction
 - xl. Sawmills
 - xliv. Nurseries
 - xl. Agricultural activities
 - xlvi. Aquaculture operations
 - xlvi. Outdoor recreation, private
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Accessory Dwelling Units
 - ii. Laundries, laundromats
 - iii. Small wind or solar energy systems

- iv. Fuel storage, small scale
 - v. Accessory Buildings
 - vi. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Worker Housing
 - ii. Hotels, Motels, Inns, Rental Cabins
 - iii. Adult Entertainment Uses
 - iv. Mortuaries/funeral homes
 - v. Assembly halls, Community buildings, Religious institutions
 - vi. Child Care Facilities
 - vii. Correctional facilities
 - viii. Educational Institution - Vocational schools
 - ix. Libraries, Museums, Cultural Institutions, and Art Galleries
 - x. Utilities Class I (substations, indoor processing)
 - xi. Helipads
 - xii. Wireless Communication Tower (commercial)
 - xiii. Recreational vehicle parks or campgrounds
 - xiv. Shooting ranges
 - xv. Asphalt and concrete plants
 - xvi. Hazardous substance production and storage
 - xvii. Scrap yard conducted within an enclosure
 - xviii. Solid waste processing facilities
 - xix. Raising of livestock
9. Heavy industrial district (HI). The HI district is intended for industrial development, including heavy manufacturing, shipping terminals, natural resource extraction and other processes or operations which involve one or more of the following: employs large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water or sewer service or storage of hazardous materials under a conditional use permit. Limited recreation (including motorized sports facilities) are allowed.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
- i. Fuel and Gas Stations
 - ii. Building material supply establishments
 - iii. Frozen food storage
 - iv. Self-Storage
 - v. Drinking establishments
 - vi. Animal hospitals, veterinary practices
 - vii. Animal boarding, kennels and shelters
 - viii. Boat charter services
 - ix. Government Offices and Services

- x. Public Services (non-office oriented)
 - xi. Vehicle Services (automobiles and boats)
 - xii. Vehicle Rentals
 - xiii. Dams and water reservoirs
 - xiv. Utilities (service lines and small transformers)
 - xv. Utilities Class II (power generation, outdoor processing)
 - xvi. Manufacturing and processing
 - xvii. Manufacturing and processing, Artisan
 - xviii. Manufacturing and processing, Light
 - xix. Warehouses
 - xx. All industries dependent on marine transportation
 - xxi. Construction yards
 - xxii. Asphalt and concrete plants
 - xxiii. Barge freight terminals
 - xxiv. Boat sales and storage
 - xxv. Fabrication facilities
 - xxvi. Food and Seafood Processing, large scale
 - xxvii. Freight staging and handling areas
 - xxviii. Fuel storage, medium scale
 - xxix. Fuel storage, large scale
 - xxx. Fuel piers
 - xxxi. Ice manufacture, storage and sales
 - xxxii. Marijuana cultivation
 - xxxiii. Meat processing
 - xxxiv. Material resource extraction
 - xxxv. Mining support services
 - xxxvi. Petroleum products, docks and related facilities
 - xxxvii. Sawmills
 - xxxviii. Solid waste disposal
 - xxxix. Solid waste processing facilities
 - xl. Nurseries
 - xli. Agricultural activities
 - xlii. Aquaculture operations
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Accessory Dwelling Units
 - ii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - iii. Marijuana retail stores
 - iv. Eating establishments
 - v. Laundries, laundromats
 - vi. Small wind or solar energy systems
 - vii. Fuel storage, small scale
 - viii. Accessory Buildings (Non-residential)
 - ix. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Worker Housing

- ii. Mortuaries/funeral homes
 - iii. Correctional facilities
 - iv. Utilities Class I (substations, indoor processing)
 - v. Wireless Communication Towers (commercial)
 - vi. Outdoor recreation, public
 - vii. Shooting ranges
 - viii. Explosive ammunition, gunpowder manufacture and storage
 - ix. Hazardous substance production and storage
 - x. Scrap yards conducted within an enclosure
 - xi. Oil refineries and petrochemical plants, gas liquefaction and fractionation plants
 - xii. Raising of livestock
 - xiii. Helipads
10. Waterfront Industrial District (WI): The WI district is intended to be applied to lands with direct access or close proximity to navigable waters within the city. Uses within the WI district are intended to be water-related and primarily those uses that are particularly related to marine industries. The WI district is intended to make the city waterfront as productive and efficient as possible for the allowable uses. Commercial establishments that support the marine uses are also permitted. Limited recreation uses (including motorized sports facilities) are allowed.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Fuel and Gas Stations
 - ii. Building material supply establishments
 - iii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - iv. Frozen food storage
 - v. Food production and processing, small scale
 - vi. Marijuana retail stores
 - vii. Self-Storage
 - viii. Vehicle Parts and Tire sales
 - ix. Vehicle Sales (motor vehicles)
 - x. Eating establishments
 - xi. Drinking establishments
 - xii. Animal hospitals, veterinary practices
 - xiii. Animal boarding, kennels and shelters
 - xiv. Boat charter services
 - xv. Government Offices and Services
 - xvi. Public Services (non-office oriented)
 - xvii. Vehicle Services (automobiles and boats)
 - xviii. Vehicle Rentals
 - xix. Dams and water reservoirs
 - xx. Utilities (service lines and small transformers)

- xxi. Utilities Class II (power generation, outdoor processing)
- xxii. Outdoor recreation, public
- xxiii. Manufacturing and processing
- xxiv. Manufacturing and processing, Artisan
- xxv. Manufacturing and processing, Light
- xxvi. Warehouses
- xxvii. All industries dependent on marine transportation
- xxviii. Construction yards
- xxix. Barge freight terminals
- xxx. Boat sales and storage
- xxxi. Docks and harbor facilities
- xxxii. Fabrication facilities
- xxxiii. Ferry terminals and cruise ship landings
- xxxiv. Food and Seafood Processing, large scale
- xxxv. Freight staging and handling areas
- xxxvi. Fuel storage, medium scale
- xxxvii. Fuel storage, large scale
- xxxviii. Fuel piers
- xxxix. Ice manufacture, storage and sales
 - xl. Marijuana cultivation
 - xli. Marijuana manufacturing
 - xlvi. Meat processing
 - xlvi. Material resource extraction
 - xlvi. Petroleum products, docks and related facilities
 - xlvi. Sawmills
 - xlvi. Nurseries
 - xlvi. Agricultural activities
 - xlvi. Aquaculture operations
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Accessory Dwelling Units
 - ii. Laundries, laundromats
 - iii. Small wind or solar energy systems
 - iv. Fuel storage, small scale
 - v. Accessory Buildings (Non-residential)
 - vi. Personal Communication Antennas (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Worker Housing
 - ii. Adult Entertainment Uses
 - iii. Mortuaries/funeral homes
 - iv. Assembly halls, Community buildings, Religious institutions
 - v. Child Care Facilities
 - vi. Libraries, Museums, Cultural Institutions, and Art Galleries
 - vii. Utilities Class I (substations, indoor processing)
 - viii. Wireless Communication Towers (commercial)
 - ix. Recreational vehicle parks or campgrounds
 - x. Recreation equipment rental

- xi. Indoor recreation, private/commercial
 - xii. Hazardous substance production and storage
 - xiii. Scrap yard conducted within an enclosure
 - xiv. Oil refineries and petrochemical plants, gas liquefaction and fractionation plants
 - xv. Helipads
11. Airport district (A): The A district is intended to include aviation lands and areas directly adjacent to the airport which, because of their proximity to the airport, are directly influenced by aviation-related uses. Primary land uses within these areas should be aviation-related or of a character that does not conflict with the safe and efficient operation of the airport.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - ii. Marijuana retail stores
 - iii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
 - iv. Vehicle Rentals
 - v. Aircraft maintenance and repair operations
 - vi. Aircraft rental agencies, lots and hangars
 - vii. Airports
 - viii. Helipads
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Fuel storage, small scale
 - ii. Aircraft parking in conjunction with permitted or conditional uses
 - iii. Aircraft sales
 - iv. Aviation facilities
 - v. Aviation electronics and radio sales and repair
 - vi. Aviation products and petroleum sales
12. Unclassified lands district (UL): The UL district is intended to include lands which are undeveloped, not served by public utilities, and the suitability of the land to support development is unknown. Lands must be rezoned prior to development.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Dams and water reservoirs, water towers
 - ii. Utilities (service lines and small transformers)
 - iii. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Accessory Buildings (Non-residential)
 - ii. Personal Communication Antennae
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Wireless communication towers (commercial)
- 13. Conservation district (CO): The CO district is intended to include lands designated for conservation that are intended to remain in their natural state. The primary use of these lands will be for the enhancement and protection of existing fish and wildlife habitats, as well as preservation of historic sites. Acceptable uses in this district would include parks whose recreation activities and facilities would be passive in nature. "Passive" is defined as those activities which include wildlife viewing, nature walks, educational and interpretive uses and other uses that do not change the character of the land, disrupt fish and wildlife. Passive activities would be secondary to habitat protection, enhancement, and historic preservation.
 - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Utilities (service lines and small transformers)
 - ii. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Accessory Buildings (Non-residential)
 - ii. Personal Communication Antennae
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Dams and water reservoirs
 - ii. Wireless communication towers (commercial)
 - iii. Recreational vehicle parks or campgrounds
- 14. Natural Hazard district (NH). The NH district is intended to establish the high natural hazard areas within the city. The NH district is appropriate for lands highly susceptible to natural hazards such as avalanches, landslides, significant erosion, and flooding. Uses within the NH district will be restricted to recreation and open space to maintain life safety of the public.
 - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance

(and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Dams and water reservoirs
 - ii. Utilities (service lines and small transformers)
 - iii. Outdoor recreation, private/commercial
 - iv. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Personal Communication Antennae
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Wireless communication towers (commercial)
 - ii. Recreational vehicle parks or campgrounds
 - iii. Recreation equipment rental
 - iv. Helipads
 - v. Accessory Buildings (non-residential)
15. Planned Resort district (PR). The PR district is intended to allow for the development of a Planned Resort consistent with its intended purpose in the Comprehensive Plan. The PR is also intended to promote economic opportunity while achieving a balance with environmental characteristics of the land.

17.06.060 Uses Not Specifically Listed

- A. Should the Planning Director or designee determine that a requested use of land or of a building or structure does not appear in the district regulations as a permitted, accessory, conditional, the director or designee shall refer the request to the city planning and zoning commission who, upon written decision, may allow the unlisted use within a district. Such action shall follow the public notice requirements in Section 17.04.180. Each unlisted use meets all of the following criteria:
 - 1. The use is not specifically permitted in any other district;
 - 2. The use is not more appropriate in another district; and
 - 3. The use is consistent with the purpose of the district in question and is similar to other uses permitted outright.
- B. Prohibited Uses. If a use is not listed as permitted, accessory, or conditional, and it is not allowed per Section 17.06.060.A, it is assumed to be prohibited.

17.06.070 Dimensional and Intensity Standards

- A. Dimensional and Intensity Table. The following table (17.06.070.a) provides standards for lots, setbacks, and dimensional standards for uses. If no specific use is listed, the standards provided apply to any use or structure in the district.

Table 17.06.070.a Dimensional and Intensity Standards

		RR	R1	R2	NM U	CB	G	WI	LI	HI	P	C O	N H	U
Structure Height (maximum)	Primary	35-ft	35-ft	40-ft	40-ft	40-ft	40-ft	40-ft	40-ft	--	40-ft	--	35 ft.	-
	Accessory	35-ft	20-ft	20-ft	20 ft	20-ft	20-ft	35-ft	35-ft	35-ft	35-ft	--	--	-
	Accessory (Agriculture)	45-ft	--	--	--	--	--	--	--	--	--	--	--	-
Lot Area (minimum)⁷		40,000-sf	5,500-sf	4,000-sf	5,500-sf	--	--	6,000-sf		40,000-sf	--	--	--	-
Lot Width (minimum)		120-ft	50-ft	40-ft	100-ft	--	50-ft	50-ft		200-ft	--	--	--	-
Setback (minimum)^{2,3,4,5}	Front	20-ft	20-ft	20-ft	20-ft	--	--	20-ft	20-ft	20-ft	20-ft	--	--	-
	Side	10-ft	10-ft	10-ft	10-ft	--	--	10-ft	10-ft	10-ft	10-ft	--	--	-
	Rear	15-ft	15-ft	15-ft	15-ft	--	--	15-ft	15-ft	15-ft	15-ft	--	--	-
Dwelling - Attached, Town-houses	Lot Area Per Unit (minimum)	--	1,500-sf	1,500-sf	1,500-sf	1,500-sf	1,500-sf	--	--	--	--	--	--	-
	Lot Width (minimum)	--	--	--	--	--	--	--	--	--	--	--	--	-
Dwelling – Multi-Unit – up to 4 units per building and more than 4 units per building (units on a shared lot)	Lot Width (minimum)		--	80-ft	60-ft	60-ft	60-ft	--	--	--	--	--	--	-
	Set-back ^{3,5} (minimum)	Front	--	20-ft	15-ft	15-ft	15-ft	--	--	--	--	--	--	-
		Side ¹	--	10-ft	10-ft	10-ft	10-ft	--	--	--	--	--	--	-
		Rear	--	15-ft	10-ft	10-ft	10-ft	--	--	--	--	--	--	-

Notes:

1. Setbacks apply between buildings and property lines. Zero setback is required where units share a wall with an abutting dwelling. Setbacks do not apply to building separation on the same lot.
2. Setbacks may be reduced by 5-ft if structure roofs are designed to either hold snow or not shed into the setback subject to the reduction, so long as structure does not encroach on a platted easement and remains a minimum of 5 feet from any property line.
3. Accessory structures two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and side yard setbacks only; provided, the structure is located on the rear 25 percent of the parcel and is a minimum of 5-ft from both the rear and side lot lines.
4. All lands adjacent to conservation districts will be required to maintain a minimum 25-ft setback.
5. Setbacks in districts with no minimum shown in this table shall be subject to Building and Fire Code requirements regarding firewalls and separation of buildings.
6. The Planning Director or designee may permit smaller lot sizes for lots used for utilities.
7. See VMC 17.13.020 regarding additional height standards.

17.06.100 Planned Resort District (PR) Standards

- A. Purpose. The purpose of these standards is to ensure that the Planned Resort District (PR) is developed and used consistent with its intended purpose in the Comprehensive Plan. The PR district is intended to promote economic opportunity while achieving a balance with environmental characteristics of the land. Resort development within the PR district should be self-contained and provide visitor-oriented accommodations and recreational facilities in a setting with high natural amenities. Development in the PR district must complement the physical attractiveness and constraints of the area without significant adverse effects on adjacent residential subdivisions, or the significant natural and cultural features which contribute to the setting.
1. Planned Unit Development (PUD). Land within the PR district is intended to be accompanied by a master plan as part of a PUD review and approval process. This requires the applicant to plan for a thoughtful mix of uses and quality project design prior to most land development activities occurring on the property. This also provides certainty to the City that the resulting project aligns with the Comprehensive Plan.
- B. Applicability.
1. This section shall apply to all lands zoned as PR on the City's Official Zoning Map.
 2. All other provisions of VMC Title 17 apply to land in the PR district unless otherwise exempted by this section or an associated PUD approval.
- C. Establishment and Prerequisite Standards. The following provisions apply to the establishment of a new PR district, adjustments thereto, and/or land development/land use activities within PR designated properties.
1. Planned Unit Development Requirement. The applicant must obtain an approved planned unit development (PUD) pursuant to Chapter 17.09 for properties within the PR district prior to building construction and a land use being established/expanded on the property. The following activities may occur in the PR district prior to a PUD approval but only as allowed by this section.
 - a. Recreational Uses. These uses shall be limited to motorized and non-motorized trails and other passive recreation.
 - f. Temporary land use permits. All temporary land use permits may be allowed pursuant to Section 17.04.120.
 2. Rezone Limitations and Allowance. The following rezone limitations and allowances apply to land areas that are either currently zoned PR or are planned to be designated PR. All rezone activities shall be processed pursuant to Table 17.04.030.a.
 - a. PR Establishment. The following applies to situations involving the establishment of a new PR district designation on the City's Official Zoning Map.
 - i. Comprehensive Plan Consistency. The City may rezone land to PR for those lands designated within the Destination Resort Overlay Place Type on the Comprehensive Plan Land Use Place Type Maps. Any other rezones to PR may only be processed with a concurrent Comprehensive Plan Amendment application to the Destination Resort Overlay Place Type designation.
 3. Subdivision Activities. The City shall limit subdivision and lot modification activities for properties within the PR district to those that align with an approved PUD pursuant to Chapter 17.09. Per Chapter 17.09 herein, subdivision activities within the PR may

accompany a phased PUD approval. The platting activities may occur in PR zoned land prior to a PUD approval.

- a. New lots shall be equal to or greater than 15 acres. The Planning Director may allow exceptions for critical infrastructure and utility services.

D. Land Use Allowances. The following provisions apply to the land use allowances for PUDs in the PR.

1. PUD Approval. Applicants shall specifically request approval for any land use activity as part of the PUD review process; only those uses approved for the PUD may be allowed within the associated project(s).
2. Allowable Uses. Applicants may propose any land use that is compatible with the intent of the PR district and is listed as permitted ("P"), conditional ("C"), and/or accessory ("A") in any other district. The Planning and Zoning Commission may approve those uses that it deems compatible with the Comprehensive Plan, the land's environmental features, and surrounding land uses.

E. Development/Design Standards. PUDs within the PR are subject to the following development/design standards:

1. Open Space and Conservation. All PUDs in the PR shall designate at least ten percent (10%) of the total land area within its boundary for open space and/or conservation; this shall not be in addition to the minimum open space requirements of Section 17.09.010.E.
2. Resort Destination Use(s). All PUDs within the PR shall include a destination resort use that will serve as a draw for residents and visitors as well as an anchor for the associated project. The resort destination use shall be recreational or leisure in nature including, but not limited to, lodging, retail, health spas, recreational uses, biking and motorsports, ski activities (including ski lifts), campgrounds, and similar uses. The resort destination use shall include an associated primary structure.
3. Architectural Theme. All primary structures, wayfinding and entry signage, and street/roadway designs shall be constructed pursuant to a consistent architecture theme. The architecture theme shall be established as part of the PUD approval process. Architectural themes include facade materials and design elements, pavement materials/applications, roof forms, and lettering.
4. Housing and Residential Uses. The following standards apply to any PUD in the DRO that includes 50 or more dwelling units. Applicants may not apply for multiple PUDs to circumvent this unit standard.
 - a. Housing Variety. The PUD shall include at least two distinct housing types as listed in the underlying zone. (e.g., detached dwellings, attached dwellings, and/or multi-unit). Each of the distinct housing types shall comprise at least ten percent (10%) of the total housing units.
 - b. Architectural Variety. Each attached dwelling and multi-unit building within the PUD shall possess different yet complementary architectural and facade design elements. Design elements may include different window shapes, roof lines, and/or exterior materials to achieve architectural uniqueness from adjacent buildings of these same housing type.

5. Commercial Center. A commercial center may be designated for a PUD in the PR subject to the following provisions.
 - a. Building Orientation. The buildings within the designated commercial center shall be oriented close to the adjacent streets/roadways.
 - i. All surface parking lots shall be constructed to the side or rear of the buildings they are intended to serve. Surface parking lots shall not be constructed between a front facade of a primary building and the adjacent street.
 - ii. A customer entrance shall be provided on the street-facing facades.
6. Schools and Colleges. If a schools or colleges are proposed as part of a PUD, it shall be integrated into an existing or planned residential neighborhood within the PR. In those situations, a lot shall be specifically designated for public school or college use with sidewalk connections to the surrounding housing units.
7. Trail Connections. All residential neighborhoods, commercial service areas, and resort destinations within the PUD shall be interconnected with a multi-use trail and/or sidewalk network to encourage and accommodate non-automobile travel within the PR.
8. Interim Gravel Extraction and Forestry Activities. Material resource extraction, and/or forestry activities may be approved as an interim use as part of a PUD for the PR subject to the following standards and limitations.
 - a. Time Limits. The Planning and Zoning Commission shall establish the duration these uses may occur on the property (e.g., number of years the activities may occur or limits on material harvesting/extracting).
 - b. Buffering and Nuisance Mitigation. The applicant shall employ methods to mitigate compatibility concerns and potential impacts to adjacent uses/property through effective buffering, screening, or other methods as deemed appropriate by the Planning & Zoning Commission.
 - c. Reclamation Plan. The applicant shall provide a reclamation plan that defines how the land will be restored after the interim use ceases. The reclamation plan shall address grading, revegetation, site hydrology, and safety hazards. The applicant shall define when the reclamation activities will be completed after the interim use ceases. The decision-making authority may require the applicant to issue a bond or other financial security to ensure the reclamation activities occur after the use ceases.

Chapter 17.08

Specific Use Standards

17.08.010 Purpose and Applicability

- A. Purpose. Some uses allowed by this title have special requirements or standards associated with them, as shown in the zoning district descriptions in section 17.06.040. The specific use standards described in this section are generally organized by major types of uses including residential, commercial, industrial, and other major types of uses.
- B. Applicability. Specific use standards apply to uses listed in the Use Tables in section 17.06.060 that are marked as having such standards. These standards are applicable to situations that include the establishment of a new uses and the expansion of an existing use.

17.08.020 Review Process and Application

- A. Generally. The City shall review the specific use standards herein concurrently with the associated building permit, conditional use permit, and/or zoning clearance application.
- B. Submittal Requirements. In addition to other submittal requirements, applicants shall provide materials to demonstrate compliance with the applicable specific use standards.

17.08.030 Residential and Housing Uses

- A. Accessory Dwelling Units
 - 1. Purpose. Accessory dwelling units (ADUs) are intended to function as an independent housing unit that is subordinate to a primary use on the same lot. Accessory dwelling units are intended to provide guest housing, caretaker residence, or general housing for the Valdez community.
 - 2. Applicability. The standards herein are applicable to all new ADUs and expansions to existing ADUs.
 - 3. Specific Use Standards. The following standards apply to all accessory dwelling units in addition to the zoning district requirements.
 - a. General Standards. All ADUs shall be subject to the following general standards.
 - 1. The ADU shall be subordinate to a primary use or residence established on the same lot.
 - 2. The ADU must be smaller in size (floor area) than the primary use.
 - 3. The ADU may be attached to or detached from the primary use or accessory structure established on the same lot.
 - 4. The ADU may be connected to the same utility meters/lines as the primary use/building on the lot.
 - 5. ADUs shall meet the Valdez Building Code standards and are subject to building permit requirements.
 - 6. Manufactured and mobile homes may be used as ADUs.
 - 7. Recreational vehicles shall not be used as ADUs.

8. ADUs may be associated with a detached dwelling, duplex, or townhouse but shall not be established as part of a larger multi-unit dwelling.
- b. Residential Zones. The following standards apply to all ADUs in the RR, R1, R2, or NMU zoning districts.
 1. For residential lots of at least 8,000 sf., one attached ADU and one detached ADU may be established/expanded on each lot where a primary use/residence exists. Additional ADUs are allowed at a rate of one unit per additional 10,000 sf. of lot area up to a maximum of 5 ADUs.
 2. For non-residential lots, a maximum of one (1) ADU, either attached or detached, may be established as a caretaker residence.
- B. Dwelling – Mobile Home
 1. Applicability. The standards herein are applicable to the placement of mobile homes not present within the boundaries of the City of Valdez on the date of [insert date of adoption of this title.]
 2. Specific Use Standards.
 - a. No mobile home, as defined in this title, and constructed and fabricated prior to June 15, 1976, may be brought into the City of Valdez after [insert date of adoption of this title.]
 - b. Mobile homes present within the boundaries of the City of Valdez on [insert the date of adoption of this title] may be relocated within the City of Valdez, pursuant to VMC Title 15 and other provisions of this title.
- C. Dwelling – Multi-unit (more than 4 units per building)
 1. Applicability. The standards herein are applicable to attached dwelling units (more than 4 units per building).
 2. Specific Use Standards.
 - a. Parking Lots. New surface parking lots shall be oriented to the side or rear of the multi-unit dwelling building they are intended to serve.
 - c. Facade Design. Twenty percent (20%) of street-facing building facades shall include windows or door openings.
- D. Shelters
 1. Applicability. The standards herein are applicable to the establishment shelters larger than those located in individual residential dwellings. These standards do not apply in situations where the City, State, or Federal governments provide temporary housing to response to an emergency or catastrophic event.
 2. Specific Use Standards.
 - a. Housing Types. Shelters may be provided as manufactured homes, detached/attached dwellings, multi-family, or similar types.
 - b. Unit Types/Living Environments. The living environments within shelter may be provided a sleeping halls, individual units, or dormitories.

- c. Sanitation and Bathing Facilities. Shelters shall include restrooms, bathing/showering rooms, and similar sanitary facilities consistent with the Valdez Building Code. Those facilities may be provided in individual units or in a shared arrangement.
 - d. Cooking/Dining Facilities. Shelters shall include a cooking and dining facilities to serve the daily needs of the residents. This may include kitchens in individuals dwelling units and/or as common dining halls with a shared kitchen.
 - e. Resident Services. Shelters may include resident service activities such as mental health counseling, childcare, job training, victims' resources, and similar activities. Those activities shall be subject to applicable state and City of Valdez licensing standards.
 - f. Parking Lots. When proposed, new surface parking lots shall be oriented to the side or rear of the shelter building they are intended to serve.
 - g. Building Design. Twenty percent (20%) of street-facing building facades shall include windows or door openings. In residential zones, shelter buildings shall be limited to three stories.
- E. Worker Housing
- 1. Applicability. The standards herein are applicable to the establishment of new worker housing for temporary employees in districts where it is a conditional use.
 - 2. Specific Use Standards.
 - a. Building Types. Worker housing units may be in the form of detached homes, manufactured homes, attached multi-unit dwellings.
 - b. Recreational Vehicle Parks and Campgrounds. Recreational vehicle parks and campgrounds may be used for summer seasonal worker housing subject to the approval requirements for recreational vehicle parks and campgrounds.
- F. Home Occupations
- 1. Purpose. The purpose of this section is to establish what constitutes a home occupation and the conditions under which they are permitted. Generally, a home occupation may include any time of office, service, or commercial use that is of a scale that meets the standards herein. Commercial activities that are larger in scale than described herein are required to be located in an appropriate zoning district.
 - 2. Applicability. The standards herein apply to all Home Occupations allowed in dwelling units pursuant to the standards in this section.
 - 3. Specific Use Standards
 - a. Review. Home occupations shall be established through the issuance of a City of Valdez business registration, pursuant to VMC Title 5.
 - b. Location. Home occupations may take place within a dwelling or associated accessory structure.
 - c. Employees. Employees associated with the home occupation business may include those individuals residing on the property plus one additional individual that does not reside on the property.
 - d. Incidental Scale. The home occupation business must be clearly subordinate to the primary residential use of the property. The property shall be the primary residence of

the business owner. There shall be no visible evidence of the conduct of such home occupation other than one sign as specified in Section 17.13.090(l)(1). No change to the outside of the building or premises shall be made for the purpose of accommodating or enhancing the home occupation that would change the residential character of the building or premises.

- e. Compatibility. The home occupation shall not cause any noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions that would interfere with the quiet enjoyment of the residential neighborhood in which it is located.
- f. Parking and Deliveries. A home occupation shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client's vehicles in numbers or frequency, over and above the normal traffic associated with the dwelling as a residence.
- g. Allowed Uses & Standards. Home occupations may include, but are not limited to, the uses listed in this section. Any home occupation may be permitted if in conformance with all provisions of Title 17.
 - i. Home-based instructors/tutors. Instruction services such as, but not limited to, tutoring, music classes, crafts classes, meditation guidance, and small-scale yoga classes, may be allowed between the hours of 8 a.m. and 9 p.m. for up to three students per class.
 - ii. Offices.
 - iii. Personal services, salon, barber, nails, tattoo, dog grooming, massage, acupuncture, chiropractic, etc.
 - iv. Contractors, subject to the following requirements:
 - 1 – Outdoor storage of materials: In the R1 and R2 districts, no outdoor storage of materials is permitted unless associated with a permitted construction project. In the RR district, all materials must be stored either within a structure or completely screened from view from neighboring properties.
 - 2 – Commercial vehicles. In the R1 and R2 districts, the number of commercially licensed vehicles shall be limited to two. In the RR district, the number of commercially licensed vehicles shall be limited to four.
 - 3 – Outdoor Storage of Heavy equipment associated with the contractor operation. No heavy equipment shall be stored in the public right of way in any district. The number of heavy equipment machines shall be limited as follows: one in the R1 and R2 districts. Two in the RR district.
 - 4 - All waste shall be disposed of off-site at either a city baler/landfill facility or the city construction and demolition pit.
 - v. Wood working and Furniture Repair/Fabrication. Small scale wood working, and furniture repair/fabrication may be allowed as a home occupation. These activities shall be conducted within an enclosed structure. Associated debris and materials shall be stored in a structure or within a fenced area on the property.
 - vi. Small Engine and Appliance Repair. Small engine and appliance repair may be allowed as a home occupation. These activities shall be conducted within an enclosed structure. Associated debris and materials shall be stored in a

structure. This shall not include marine craft, automobile, or aviation service and repair.

- vi. Arts and Crafts. The creation of arts and crafts, including but not limited to painting, sculpture, drawing, ceramics, printmaking, needle and yarn works may be allowed as a home occupation.

- h. Prohibited Uses. Examples of occupations (businesses) that shall not be permitted as home occupations include, but are not limited to: vehicle/boat sales, vehicle/boat repair, general retail, eating establishments, drinking establishments, heavy industrial activities, activities including explosives and hazardous materials, kennels, medical services, self-storage (third party storage) and similar uses that detract from the neighborhood's residential uses.

J. Short-Term Rentals

- 1. Purpose. The purpose of this section is to establish rules, regulations, and limitations on housing arrangements which are typically an alternative to traditional lodging/accommodation establishments such as hotels and motels. Short-term rentals provide lodging or housing for terms less than 30 days.

- 2. Applicability. The standards herein apply to all short-term rentals as allowed as accessory uses in residential and commercial zones pursuant to Table 17.06.060.a. The provisions of this section shall be applicable to all short-term rentals that (i) provide accommodations for terms less than 30 days. Motels, hotels, lodges, and inns, rental cabins, and long term residential rentals (30 days or more) are not subject to the provisions of this section.

3. Specific Use Standards

- a. Review. Short-term rentals shall be established through a short-term rental application and permit, provided by the Planning Department. The City may establish or modify a limit on the number of short-term rental permits it allows within the municipal limits, as established by resolution of City Council.

- b. Issuance. Permits will be issued and require renewal on an annual basis. During annual permit renewal period, the applicant must demonstrate that the short-term rental has been active (in both advertising and use) during the prior permit period.

- c. Types of Rental Situations. Short-term rentals may be permitted as one of the following:

- i. Dwelling Units – In these situations, a temporary tenant/guest may rent and occupy an entire dwelling unit which may include a house or apartment. These units typically possess a kitchen, bathroom, and any number of sleeping rooms. Dwelling units have the capacity to support multiple temporary tenants.
- ii. Rooms within Dwelling Units – In these situations, individual sleeping rooms within a dwelling unit are rented/leased to temporary tenants/guests and the larger dwelling unit may be shared with the permanent resident. Rooms have limited tenant/guest capacity due to their size.

- c. Business Registration. Permitted short-term rentals shall maintain an active business registration pursuant to City of Valdez Title 5.

- d. Owner/Caretaker Registration. The owner shall register the name and contact information of the responsible caretakers/property manager with the City of Valdez so

that public safety officials can effectively respond to neighborhood complaints or safety-related events. The owner shall also post the caretaker/property manager contact information within each rental.

- e. **Inspection Required.** Prior to issuance of a short-term rental permit, the unit will be subject to an inspection to determine that the rental unit is safe for human occupancy and in compliance with the Valdez Building Code. Each rental unit shall have a working smoke detector, carbon monoxide monitor, and fire extinguisher. Approved units may be subject to inspection during subsequent renewals.
- f. **Transferability.** Short-term rental permits are for specific properties and are not transferable to any other properties. Short-term rental permits are transferable to a new owner, if the property on which the short-term rental is located changes ownership.

17.08.040 Nonresidential Uses

A. Adult Entertainment Uses.

- 1. **Applicability.** The standards herein apply to adult entertainment uses allowed pursuant to Table 17.06.060.a.
- 2. An adult entertainment use shall not be allowed within 1,000 feet of another existing adult entertainment use.
- 3. An adult entertainment use shall not be located within 500 feet of any property with an existing residential dwelling and any property within the RR, R1, R2, or NMU zoning districts, or property in a PUD that includes or is projected to include residential uses.
- 4. An adult entertainment use shall not be located within 500 feet from the building to an existing school, religious institution, group day care facility or nursery school.
- 5. All distance requirements shall be measured along a straight line from the nearest property lines of each use.
- 6. No adult entertainment establishment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment which is prohibited by any ordinance of the City of Valdez, the laws of the State of Alaska or the United States of America. Nothing in this section shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of obscene material to minors.
- 7. No adult entertainment use shall be conducted in any manner that is visible to minors outside the property.
- 8. All adult uses shall prominently display a sign located within two feet of the door-opening device at the entrance of the adult entertainment use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter." Said sign shall have letters at least one inch and no more than two inches high.

9. No person under the age of 18 shall be permitted access to material displayed or offered for sale or rent by an adult entertainment establishment.

B. Animal husbandry, boarding, kennels, animal shelters.

1. Animal husbandry, boarding, kennels, and animal shelter uses must comply with VMC Title 6.
2. Animal husbandry uses are restricted to zoning districts where agricultural uses are permitted, except for the keeping of poultry and fowl pursuant to VMC Title 6.
3. Raising of Livestock. The raising of livestock, when allowed as a permitted use, shall comply with the following:
 - a. On lots one (1) acre and larger: the number of large livestock does not exceed two AND the number of small livestock does not exceed three;
 - b. On lots smaller than one (1) acre, either the number of small livestock does not exceed three OR the number of large livestock does not exceed two (2);
 - c. An approved surface water drainage plan is submitted;
 - d. An approved manure disposal plan is submitted;
 - e. The manure storage pile and corral are located at least one hundred feet from any private well;
 - f. The manure storage pile shall not be closer than twenty-five feet from any property line;
 - g. The corral will be set back a minimum of five feet from the property line;

C. Aviation-related uses

1. Applicability. The standards herein apply to aviation-related uses within the A Airport district pursuant to Section 17.06.040.B.11. These uses are aviation-related or of a character that does not conflict with the safe operation of the airport.
 - a. Aircraft maintenance and repair operations
 - b. Aircraft parking
 - c. Aircraft rental agencies, lots and hangars
 - d. Aircraft sales
 - e. Airport
 - f. Aviation facility
 - g. Aviation electronics and radio sales and repair
 - h. Aviation products and petroleum sales
2. Prohibited Uses. The following uses are prohibited on or adjacent to airport property:
 - a. Any use or structure that obstructs the airport's navigable airspace, navigational aids or facilities as set forth in Part 77 of the Federal Aviation Regulations, as amended.

- b. Any installation of an object which would create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and other lights, result in a glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

D. Helipads

1. Helipads must demonstrate conformance with current FAA requirements for heliport and helipad design including touchdown and lift areas, final approach and takeoff areas, safety areas, and design for the weight and size of the helicopter.
2. The helipad must not create noise or winds that negatively impact pedestrians.
3. Parcels with helipads shall not exceed permitted noise limits in VMC Title 8.
4. Helicopter landings hours may be restricted as a condition of a conditional use permit depending on the location of the helipad in relation to other uses.
5. The number of landings may be restricted as a condition of a conditional use permit depending on the location of the helipad in relation to other uses.
6. Additional public notice is required to be provided to properties within 500 feet of the proposed helipad and requested flight paths.

E. Recreational Vehicle Parks or Campgrounds

1. Purpose. The purpose of this section is to establish the site development and operations standards for campgrounds and recreational vehicle (RV) parks. These uses are intended to serve as a temporary housing or lodging for visitors.
2. Applicability. The standards herein apply to the establishment of new or expansions of existing campgrounds and RV parks.
3. Specific Use Standards
 - a. Camping and RV Sites. Specific sites shall be designated for camping and RV parking shall be designated pursuant to this subsection.
 - b. RV Site Width. The minimum width per RV site shall be ten (10) feet plus the width of the RV.
 - c. Structures. One cabin is allowed on each camping site. Said structures shall be limited to 500-sf of habitable area.
 - d. Restrooms and Sanitation. Each campground and/or RV park shall provide restroom facilities for the occupants. Said facilities shall remain accessible to occupants 24 hours a day.
 - e. Occupancy Limitations. Occupancy is limited to 180 consecutive days.
 - f. Retail Allowances. Each campground or RV park may contain small retail stores and mobile vendors, intended to serve occupants of the campground or RV park and that are accessory and incidental to RV park operations.

F. Child Care Facilities

1. Applicability. The standards herein apply to the establishment of new child care facilities.
2. Specific Use Standards.

a. Child care facilities must meet all current state of Alaska day care facilities license requirements.

3. Child care facility conditional use permits may be conditionally approved prior to the applicant obtaining a state license. The child care center conditional use permit will be issued upon receipt of a state of Alaska child care center license and will be valid as long as the state of Alaska child care license remains valid.

G. Vehicle Service Stations

1. Applicability. The following standards apply to the establishment of fuel and gas stations and vehicle service stations pursuant to Tables 17.06.060.a-e.

2. Oils and grease. All new and used petroleum products and other products, liquids or chemicals used in the operation must be stored indoors, except the bulk storage of fuel.

3. Inoperable vehicles. No inoperable vehicle shall be kept on the site longer than 45 days.

4. Vehicle sales. The site shall not be used to sell vehicles unless permitted in that district or a conditional use permit authorizing such use/sales has been granted.

5. Fencing. Fencing shall be required along with additional landscaping to screen the view of the use from existing residential uses.

6. Noise. Noise resulting from vehicle repair must comply with VMC Title 8.

H. Material resource extraction.

1. Applicability. The following standards apply to material resource extraction operations pursuant to Table 17.06.060.a.

2. Specific use standards.

a. Material resource extraction requires a conditional use permit. In addition to meeting the general standards for conditional uses, an applicant for a conditional use permit for material resource extraction shall submit the following:

i. Site Plan including:

1- Drainage

2- Existing and proposed contours

3- Work depths

4- Overburden and debris disposition,

5- Erosion and sediment control plan,

6- Revegetation or restoration plan,

7- Water table information,

8- Water quality information for work in waterways,

9- Floodplain alteration information for all work in the special flood hazard area;

ii. Final site restoration and revegetation plan;

iii. Security plan to prevent trespass;

iv. Description of natural resource extraction and processing operations, including:

1- Ingress and egress points,

- 2- Hours of operation,
- 3- Estimate of quantities to be extracted and timetable;
- v. Other materials city staff may require.
- b. Setbacks:
 - i. The minimum front setback for material resource extraction operations shall be fifty feet (50').
 - ii. The minimum side setback for material resource extraction operations shall be twenty-five feet (25').
 - iii. The minimum rear setback for material resource extraction operations shall be twenty-five feet (25')
- c. The Planning and Zoning Commission may approve a material resource extraction use only if the commission finds that the use meets the standards for conditional uses and the following:
 - i. The extraction operations will not pose a hazard to the public health and safety;
 - ii. The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly affect the surrounding land use;
 - iii. The permittee assures that after extraction operations cease, the site will be left in a safe, stable and aesthetically acceptable condition.
- d. The Planning and Zoning Commission shall attach such conditions to the approval as it finds necessary to conform the use to the standards set forth herein.
- I. Mining Operations.
 - 1. Mining operations, as defined in 15 AAC 65.990 must be conducted in accord with state and federal law.
- J. Wireless Communication Towers and Antennae
 - 1. A conditional use permit is required for the construction of communication towers exceeding thirty-five feet in height within all zoning districts of the city. The planning and zoning commission may grant a conditional use permit for the substantial modification or construction of a telecommunication tower in any zoning district subject to the conditions in this section.
 - 2. Purpose. The purpose of this section is to provide standards and procedures for wireless communications towers, antennae and associated equipment as allowed pursuant to Table 17.06.060.a.
 - 3. Permits. Wireless communication towers that exceed the maximum height of the zoning district must comply with the standards in this section and obtain a Conditional Use permit pursuant to Table 17.06.060.a.
 - a. The application for a conditional use permit for a telecommunication tower shall include the following information:
 - i. A written narrative explaining why the proposed site has been chosen, why the telecommunication tower is necessary, why the requested height was chosen, and a full explanation regarding the telecommunication tower's ability to accommodate other providers;

- ii. Specifications for the telecommunication tower and all antennas to be located on it, including a description of design characteristics and materials;
 - iii. A site plan drawn to scale showing property boundaries, telecommunication tower location, telecommunication tower height, guy wires and anchors, existing structures and land uses on the site and on adjacent property, access roads and easements to be used for the site;
 - iv. A map showing the locations of the applicant's existing telecommunication towers that serve customers in the city and of all telecommunication towers that the applicant proposes to construct to serve customers in the city;
 - v. A report prepared by a person registered as a structural engineer in Alaska showing the capacity by type and number of the telecommunication tower and antennas, and that the telecommunication tower and antennas are designed to withstand winds in accordance with the latest revision of ASI/EIA/TIA/222 standards ("Structural standards for steel communications antenna towers and communications antenna supporting structures");
 - vi. Identification of the person or persons who own the telecommunication tower and the equipment that is to be located on it;
 - vii. Written authorization for the application from the owner of the site;
 - viii. Evidence that the applicant has a valid FCC license for the use of the telecommunication tower;
 - ix. A line-of-sight analysis showing the potential visual and aesthetic impacts of the telecommunication tower on adjacent residential districts through the use of photo simulations of the telecommunication tower, including all antennas, structures, and equipment, using the vantage points and number of photo simulations requested by the planning department;
 - x. A written agreement, on a form approved by the city attorney, to remove the telecommunication tower and restore the site to its original condition within one hundred eighty days after the telecommunication tower is substantially unused for a period of twelve consecutive months; and providing that if the telecommunication tower is not removed within this one-hundred-eighty-day period, the city may remove the telecommunication tower at the cost of the owner;
 - xi. A cell phone coverage map showing the applicant's proposed cell phone coverage within the city;
 - xii. A certificate from an engineer licensed in Alaska that the telecommunication tower, and all antennas and other equipment located on it, are built and installed to approved specifications and will contain only equipment meeting Federal Communications Commission requirements; and Any additional information required by the planning department during the application process.
- b. The planning and zoning commission may approve an application under this section, with or without conditions, if the application meets the following criteria:
- i. Location and Visual Impact. The proposed location of the telecommunication tower will minimize the visual impact on the surrounding area while allowing the telecommunication tower to function in accordance with minimum standards imposed by the applicable telecommunications regulations and the applicant's technical design

requirements. Telecommunication towers and attached antennas and equipment must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors unless otherwise required under this code or other applicable law. Where necessary to make a telecommunication tower compatible with the historical, environmental or cultural character of its location, the planning and zoning commission may require that the telecommunication tower be disguised, hidden or screened, or integrated as an architectural feature of a structure, to reduce its visual impact.

- ii. Inability to Collocate. It is not feasible to locate the applicant's telecommunication antenna and other equipment on any existing structure or tower under the control of the applicant.
 - iii. Location in a Residential Zoning District. An applicant seeking to locate a telecommunication tower in a residential zoning district must show that the area cannot be adequately served by a telecommunication tower located in a nonresidential zoning district for valid technical reasons.
 - iv. Design for Future Use. A new telecommunication tower shall be designed to allow collocation of telecommunication antennas equal in number to the applicant's present and reasonably foreseeable future requirements.
 - v. Safety Code Met. The telecommunication tower meets all applicable laws and code requirements, including without limitation health, nuisance, noise, fire, building and safety code requirements.
 - vi. Distance from Existing Telecommunication Towers. A telecommunication tower shall not be approved if it is located within one-half mile (two thousand six hundred forty feet) of an existing telecommunication tower, unless the applicant certifies that the existing telecommunication tower does not meet the applicant's structural specifications and technical design requirements, or that a collocation agreement could not be obtained.
 - vii. Zoning Requirements. With the exception of requirements for setback and height, which are established in this section, the telecommunication tower must comply with all applicable zoning laws and regulations.
 - viii. Signs. No signs may be located on a telecommunication tower except for identification signage.
 - ix. Lighting. No lighting may be located on a telecommunication tower except as reasonably required for safety purposes or as required by the Federal Communications Commission, Federal Aviation Administration or other government agency with jurisdiction.
 - x. Fencing. A fence with a minimum height of eight feet must be placed on the perimeter of the site of a telecommunication tower site to limit access by the public.
- c. No decision regulating the placement, construction or modification of a telecommunication tower may be made on the basis of environmental or health effects of radio frequency emission if the antennas and other equipment on the telecommunication tower comply with Federal Communications Commission regulations.

K. Outdoor commercial recreation.

1. Applicability. The following standards apply to outdoor, privately owned and operated recreational businesses located within the Public Lands district.
2. Standards. Commercial recreational uses may be allowed on public lands provided that the use does not negatively impact public access to or availability of public recreational trails and facilities. The operator of said use must obtain permission from the entity that owns the public land.

17.08.050 Accessory Structures and Uses

- A. Applicability. The provisions of this section shall apply to all accessory structures and uses established, added, modified or expanded on a lot, other than accessory dwelling units.
- B. Standards. All accessory structures and uses shall comply with the following standards:
 1. Accessory Building without a Primary Structure. No accessory building or structure shall be constructed on any lot prior to the time of construction of the primary building to which it is accessory. The City may allow, at the discretion of the Planning Director, an accessory structure prior to the construction of a primary structure if a building permit for the primary structure has been obtained and remains in good standing.
 2. Size. The footprint of an accessory structure may exceed that of the primary structure.
 - a. Garages or workshops, attached or detached, are permitted to be larger than the primary residential structure on a lot.
 - b. Garages or workshops may have a dwelling unit, such as an apartment or residential loft, attached. In such cases, where the garage or workshop is located on a lot zoned RR, R1, R2, the dwelling unit is considered the primary use of the property.
 3. Separation. Detached accessory structures are subject to the Valdez Building Code regarding fire separation.
 4. Location.
 - a. Accessory structures must meet the minimum front setback requirement for the zoning district in which it is located.
 - b. Accessory structures, such as a workshop or storage shed, two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and

- side yard setbacks only; provided, the structure is a minimum of five feet from both the rear and side lot lines.
- c. On corner lots, the minimum front setback requirement in a) shall be met along each street frontage.
 - d. Height. No detached accessory structure shall exceed the height of the primary structure with which it is associated.
 - e. Attached accessory structures. When an accessory structure is attached to a primary structure, it shall conform to all regulations of this ordinance applicable to primary structures.
5. Intermodal shipping containers (connex units). The use of a connex unit as an accessory structure is allowed in all zoning districts subject to the following:
- a. Except in the industrial and commercial districts, connex units shall be screened on sides facing abutting public streets by structures, landscaping, and/or fences at least as high as the unit.
 - b. Connex units must conform with all applicable standards of the Valdez Building Codes.
 - c. In commercial districts, connex units shall be located to the rear of all primary structures or alternately, meet the screening requirements of subsection 17.13.061.
 - d. In the RR, R1, R2, and NMU districts, connex units existing as of [date of adoption] on any size lot may continue as long as the screening requirements of subsection 17.13.061 are met by September 30, 2025.
 - e. Self-storage establishments in compliance with this ordinance are exempt from this section.
 - f. Loading or unloading a connex unit, or the use of a connex during a permitted construction project is exempt from this section, as long as the connex unit is removed promptly at the finish of the loading/unloading or construction activity.
 - g. In the RR, R1, R2, and NMU districts, connex units existing on [date of adoption] that are located between the front plane of the primary structure and the front property line shall be removed or relocated by September 30, 2025.
 - h. The provisions of this section do not apply to connex units incorporated into approved structures.

Chapter 17.09

Planned Unit Developments (PUDs)

17.09.010 Purpose and Applicability

- A. Purpose. A Planned Unit Development (PUD) is a type of conditional use permit that allows for design flexibility of the City's zoning dimensional standards with the intent to achieve better project design than could be otherwise achieved through the direct application of those standards. A PUD is different from a variance in that a PUD grants flexibility from ordinance standards in exchange for some community benefit pursuant to the review criteria herein. PUD designs and project elements shall align with the Comprehensive Plan in terms of community vision, land use compatibility, housing variety (as applicable), and environmental conservation.
- B. Applicability. The provisions of this section apply to applicants that seek development approval through the PUD process in the districts where a PUD is listed as an approved use. This section also applies to any changes to any previously approved PUD. Applicants may apply for PUD approval pursuant to the requirements of this section.
- D. Allowances. Applicants may seek regulatory relief or design flexibility from certain dimensional and use standards of the subject property's zoning district pursuant to the allowances and limitations of this section.
 - 1. Lot Dimensions. Applicants may seek to reduce the lot dimensional standards of the property's zoning district, including lot area and width.
 - 2. Setbacks. Applicants may seek to reduce the building setback standards of the property's zoning district, however the resulting site plans and built conditions must effectively address snow storage.
 - 3. Height. Applicants may seek to increase the maximum building height of the property's zoning district.
 - 4. Land Uses. Applicants may propose any land use that is listed as a permitted ("P"), conditional ("C"), and/or accessory use ("A") in any district in the land use table pursuant to Section 17.06.060. For conditional uses, those uses must be specifically requested and approved as part of the PUD application process. The decision-making authority may assign additional limitations to those land uses as part of its final approval.
 - 5. Roadway Standards. Applicants may propose roadway and multiuse trail designs that may be different from the City's standard street sections; the designs shall effectively and safely accommodate the transportation modes they are intended to serve.
- E. Open Space. The City encourages designation of open space and conservation within PUDs; such designation is considered pursuant to PUD Criterion 1 in 17.09.020.B.1.
 - 1. Residential Zones. For portions of the PUD with an underlying zone of RR, R1, R2, or NMU, five percent (5%) of those areas shall be designated as open space or conservation areas.
 - 2. Natural Features Priority. The applicant shall prioritize areas of the property that contain natural features for said open space designation. For the purposes of a PUD, "Natural Features" include wetlands, streams, lakes, rock outcroppings, native forest land, and high-value animal habitat pursuant to readily available public studies.

3. **Platting Requirement.** All designated open space and conservation areas within a PUD approval shall be assigned a parcel as part of the associated platting process. The Plat shall identify the parcel as open space and list the associated land use restrictions therein. The Planning Department shall apply this requirement as part of any subdivision application associated with the property with a PUD approval.
4. **Management.** All designated open space and conservation areas within a PUD shall be managed and maintained by a property owner or neighborhood association unless dedicated to the public during the platting process.
5. **Snow Storage.** Designated open space and conservation areas within a PUD do not count toward snow storage areas required pursuant to VMC Title 16.

17.09.020 Review Process and Application

- A. **Review Process Generally.** The City shall review applications for PUD approval as a conditional use permit pursuant to Section 17.04.060.
- B. **Review Criteria.** The Planning Department and the final decision-making authority shall evaluation whether the PUD application complies with the review criteria for conditional uses as specified Section 17.04.060 and the PUD criteria listed in this subsection in determining to approve, approve with conditions, or deny the request.
 1. **PUD Criterion 1 – Open Space:** The project design and spatial layout results in additional open space than could otherwise be achieved with the strict application of the zoning district standards. Open space that meets the standards of 17.09.010.E is required.
 2. **PUD Criterion 2 – Design Excellence:** The project is expected to achieve a better design than could be achieved with the strict application of the zoning district standards in terms of building architecture, pedestrian orientation/access, retaining natural features, and implementing the community vision as articulated in the comprehensive plan.
 3. **PUD Criterion 3 – Impact Mitigation:** The project applies buffering, vegetation, and building placement considerations as methods to mitigate potential adverse impacts onto neighboring properties that may be caused by a reduction in the required building setbacks, or an increase in building height.
- C. **Submittal Requirements.**
 1. **General.** Applicants shall provide the submittal items as specified in Section 17.04.060 in addition to the other submittal items listed in this subsection.
 2. **Narrative and Dimensional Standards.** The applicant shall provide project narrative that provides findings and responses to each of the PUD review criteria. The narrative shall also list the proposed dimensional standards (e.g., building setbacks, height) that would apply to all development activity within the PUD project boundaries. The narrative shall also list all the proposed land uses that would be allowed within the approved PUD project.
 3. **Plan Set.**
 - a. **PUD Master Plan.** This shall be a scaled drawing that depicts the proposed site layout, land use areas, vehicular and pedestrian circulation, open space and recreation areas, and any other information necessary to visually describe the proposed project. The master plan shall include a site statistics table listing the dimensional standards and allowable land uses that would apply to all future

development and land uses activities within the project boundaries. The site statistics data shall also identify the proposed land use areas within the PUD in terms of acreage, number of dwelling units, total proposed square-footage for non-residential uses, and open space area.

- b. Open Space and Conservation Plan. This shall be a scaled drawing depicting the spatial layout, access points, and configuration for all open space, conservation, and parks areas within the PUD. The Plan shall depict the conceptual site design for areas designated for open space, conservation, and/or park use. The Plan shall include a site statistics table that identifies the recreational uses/elements for each open space area and their land areas.
- c. Roadway and Circulation Plan. This shall be a scaled drawing that depicts the typical cross sections for all typical roadways, alleys, and multiuse pathways within the PUD. The Plan shall provide the dimensional standards for each roadway/trail element (e.g., travel lane widths, sidewalk widths, on-street parking staff width). Cross sections are not required if the PUD follows the City of Valdez Standards and Specifications.
- d. Utility Plan. This shall demonstrate the availability of city water and sewer connections or the suitability of the property for proposed sewer and water systems that have the capacity to support the proposed development.
- d. Building Elevations. In lieu of the building elevation requirements of Section 17.04.060, the applicant may provide typical designs for buildings that would be constructed within the PUD boundaries. The elevations shall depict architectural elements such as windows, facade materials, and roof shapes.
- E. Rezones. The applicant may apply for a property rezone concurrently with a PUD application.
- F. Phasing. A PUD may be proposed in phases, such that additional detail (including subdivisions, concurrent rezones, and site plans) may be approved after the initial PUD master plan approval. A PUD master plan for the entire project is required at the initial PUD approval stage.

Chapter 17.13

Site Development Standards

17.13.010. Purpose and Applicability

- A. Purpose. This chapter is intended to provide additional details on measurements and calculations used throughout this ordinance relating to site development and standards for site development that apply to all zoning districts.
- B. Applicability. This section applies to the establishment or expansion of all uses and structures.

17.13.020. Measurements and Calculations Methodology.

- A. Yards and setbacks. The following regulations supplement, define and restrict the meaning and intent of the yard and setback provisions set forth in VMC Title 17:
 - 1. Where setbacks are required, they shall be open and unobstructed. Fences, driveways, paved parking lots, and other non-obstructing uses of the property are permitted within the setback area.
 - 2. Unroofed landings, ramps, steps and decks may project into any required setback provided that they maintain a minimum five feet (5') of distance from the nearest property line is maintained and the structure is not located in an easement. No portion other than a handrail shall extend higher than eighteen inches above the finished grade level.
 - 3. Window sills, belt courses, cornices, eaves, and similar incidental architectural features may project into any required setback provided that a minimum five feet (5') of distance from the nearest property line is maintained.
- B. Building Heights. The following regulations supplement, define and restrict the meaning and intent of the building height provisions set forth in this title:
 - 1. Measurement of Building Height. The vertical distance measured from the average ground level prior to construction to the highest point of the building.
 - 2. Exempted Structures.
 - a. Roof structures (located on a rooftop) for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts or similar structures and necessary mechanical appurtenances may be erected above the permitted height limit of buildings but shall not be for the purpose of providing additional floor space.
 - b. Flag poles. The maximum height for a flag pole shall be 25 ft.
 - c. Light poles. Outdoor lighting, including street lights, shall be reflected downwards to reduce light pollution and glare in all districts. Outdoor lighting on freestanding poles shall not exceed 35' in height in residential and commercial districts. Outdoor lighting on freestanding poles shall not exceed 50' in height in industrial districts.

17.13.030. Snow Storage

- A. Purpose. This section is intended to establish basic standards and a review process to ensure adequate snow storage for new developments.
- B. Applicability. These provisions apply to all new or expanded developments except development of one detached dwelling unit, duplex, 2-unit townhouse, or accessory dwelling unit.
- C. Snow Storage Plan. A snow storage plan shall be submitted with all land use or permit applications involving new commercial, industrial, or multi-unit residential construction. The plan shall include:
 - 1. A sketch plan, to scale, showing the area(s) of the site to be used for snow storage. If applicable, any proposed off-site snow storage areas shall also be shown.
 - 2. Amount of parking spaces/area that will be taken up by snow storage, if any.
 - 3. Narrative description of the proposed snow storage plan. Include a description of winter parking demand if required off-street parking spaces are to be used for snow storage.
- D. Standards. The following criteria for snow storage shall be reviewed by Planning Staff during the land use application or zoning clearance review process.
 - 1. Impacts on required parking. Reductions in available parking spaces shall be offset by reductions in seasonal demand for parking.
 - 2. Adequacy of space. Enough snow storage area shall be designated to reasonably handle expected snow storage needs on the site. This includes snow from plowed areas and snow-shedding from roofs.
 - 3. Visibility at intersection(s) with public streets. The site visibility triangle described in section 17.13.065 shall be maintained.
 - 4. Use of publicly-owned snow storage lots, including the proposed means of safely transporting snow from the site to the snow storage lot. Capacity shall exist to accommodate the proposed snow storage, as determined by the public works director.
 - 5. Snow shedding. On all residential dwellings, and non-residential primary structures, roofs shall be designed to either:
 - a. Shed snow into a side or rear yard; or
 - b. Handle the snow load without shedding. Setback reductions are available for buildings with these types of roofs, as described in Table 17.06.070.a.
 - c. Snow shall not shed in a manner that blocks ingress or egress of the structure.

17.13.060. Parking and Loading.

- A. Purpose. This section establishes standards for the amount, location and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas. These regulations are designed to avoid parking shortages, to encourage compact development patterns, to accommodate redevelopment, and to recognize alternative modes of transportation.
- B. Applicability. The parking and loading standards in this section apply to all new development in the city, as well as changes of use and redevelopment.

C. Parking Lot Design Standards.

1. Dimensional Standards. Table 17.13.060.a provides the minimum parking lot dimensional requirements.

Table 17.13.060.a Parking Lot Minimum Dimensional Standards					
Parking Angle	Drive Aisle One-Way Width	Drive Aisle Two-Way Width	Stall Width	Stall Depth	Wheel Curb Offset
0-degrees / Parallel	12' 6"	24'	23'	8' 6"	N/A
45-degrees	12' 6"	24'	8' 6"	19'	1' 6"
60-degrees	18'	24'	8' 6"	19'	1' 6"
90-degrees	23'	24'	8' 6"	19'	1' 6"
Notes:					

1. Access.

- a. All motor vehicle parking lots shall be designed to allow vehicles to enter and exit the street in a forward motion. An exception may be allowed in cases where parking is provided abutting an alley.
- b. A tandem parking arrangement may be allowed only when provided in the following situations:
 - i. As part of an associated valet service; and/or
 - ii. As part of a multi-unit development where the set of tandem stalls are assigned to the same unit; and/or
 - iii. As part of designated employee parking.
- c. Motor vehicle parking lots shall provide for internal vehicle connections at logical locations between abutting parking lots and adjacent nonresidential and multi-unit properties. Exceptions to this standard are allowed to protect natural resources, where onerous topographic features exist, and to comply with design restrictions from other governing agencies.

2. Materials. Areas used for parking for more than two vehicles shall be graded and surfaced with a crushed rock, gravel, asphalt, or other suitable material that will provide for a surface that is stable and allowed to reduce dust and erosion.
3. Striping. Paved parking lots are required to be striped in accordance with Table 17.13.060.a.
4. Lighting. Artificial lighting which may be provided shall not shine or create glare in any property zoned RR, R1, R2, or NMU or any existing dwelling. Artificial lighting shall be positioned downward.
5. Electric Vehicle (EV) Charging Infrastructure. Where an EV charging station is provided, the adjacent parking shall be reserved for vehicles that can be electrically charged.

D. Motor Vehicle Parking Ratios.

1. Parking Ratios. Table 17.13.060.b provides the minimum required off-street parking spaces by land use.

Table 17.13.060.b Motor Vehicle Parking Ratios by Land Use (s)	
Land Use	Motor Vehicle Parking Ratio Standard (min.)
<i>Residential Categories</i>	
Assisted Living Facility	0.25 space per bed
Dwelling – Detached	2 spaces per unit
Dwelling – Manufactured Homes	2 spaces per unit
Dwelling – Attached	2 space per unit
Dwelling – Multi-unit	1.5 spaces per unit
Group homes and quasi-institutional facilities	0.25 space per bed
Shelter (e.g., homeless, victims, emergency)	0.25 space per bed
Worker Housing	0.5 spaces per unit
Hotels	0.5 spaces per unit
Rental Cabins	1 space per unit
Notes: 1. INSERT	

3. Administrative Reductions. The Planning Director shall have the authority to grant reductions to the minimum number of off-street parking spaces for a site. Applicants proposing a parking reduction shall provide documentation, including quantitative analysis, that justifies the proposed number of parking spaces based on the site and proposed land use(s). Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to the follow:
 - a. Size of building
 - b. Type of use
 - c. Number of employees
 - d. Projected volume of delivery or service vehicles
 - e. Projected frequency and volume of delivery or service vehicles
 - f. Number of company owned vehicles
 - g. Storage of vehicles on site
 - h. The availability of street parking within the project vicinity
 - i. The availability of on-site bicycle parking
 - j. Shared Parking. Use of Parking Spaces by More Than One Establishment. Notwithstanding the previous subsection, required parking spaces may serve more than one establishment on the same parking lot; provided, that sufficient evidence is

presented which shows that the normal hours of operation of such establishments do not overlap.

4. **Parking Stall Use.** Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
5. **Location to Use.** Off-site parking facilities may be used to supplement required off-street parking. Such parking must be located within six hundred feet of the use to which they are accessory, measured from nearest point to nearest point using parcel lines.
- E. **Accessible Parking Spaces.** Parking shall be provided consistent with the American with Disabilities Act (ADA) requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.
 1. **Applicability.** All off-street parking must comply with ADA parking space requirements.
 2. **ADA Parking Amount and Design.** All off-street parking lots must provide ADA-accessible parking spaces in accordance with the most current ADA Standards for Accessible Design.
- F. **Bicycle Parking.** Bicycle parking encourages shoppers, customers, employees, and other visitors to use bicycles by providing a convenient and readily accessible place to park and secure bicycles. Bicycle parking should be placed near main entrance(s) of a building and should be accessible to pedestrians and bicyclists.
 1. **Quantity.** All new uses/developments shall provide bicycle parking racks, spaces, or similar features to allow bicycles to be securely attached to the apparatus as follows:
 - a. Multi-unit dwellings: minimum two spaces
 - b. Commercial uses: minimum two spaces
 - c. Industrial uses: minimum spaces to be determined by the Planning Director or designee.
 - d. All other uses: minimum of two spaces.
 2. **Location.**
 - a. For sites with one primary building, the bicycle parking shall be within 50 feet of the main entrance to the building.
 - b. For sites with more than one primary building, the bicycle parking shall be distributed evenly amongst the primary buildings and shall be within 50 feet of a main entrance
 3. **Design.**
 - a. Bicycle racks or similar features shall be provided with the primary purpose to allow bicycles to be securely attached to the apparatus. Sign poles, planters, and utility poles shall not be considered bicycle parking racks or used to satisfy the bicycle parking requirement.
 - b. Bicycle rack design shall accommodate a high security, U-shaped lock.
 - c. Bicycle racks shall be constructed using durable finishes that are not damaged by the constant abrasion from bicycles.

G. Loading.

1. Purpose. This section is intended to establish basic standards and a review process for loading spaces for businesses to ensure that adequate space is provided in a location that does not obstruct traffic or impact pedestrian safety.
2. Applicability. Loading space shall be provided for non-residential new construction or additions greater than 5,000 square feet. Loading spaces are not required for existing buildings that are subject to a change of use.
3. Loading Plan. A loading plan shall be submitted with all land use or permit applications involving new commercial, industrial, or multi-use construction. The plan shall include:
 - a. A sketch plan, to scale, showing the area to be used for loading and deliveries.
 - b. Narrative description of the types of deliveries, typical vehicles making deliveries, timing and frequency of deliveries.
4. Standards. Staff shall review loading plans against the following criteria on a case-by-case basis during the land use application and/or permitting process.
 - a. Adequacy of loading space based on the typical vehicles used for deliveries.
 - b. Impact on traffic and right-of-way based on the frequency, timing, and duration of deliveries.
 - c. Impact on pedestrian access to the business.
 - d. Loading spaces shall not hinder the movement of vehicles and pedestrians over a street, alley or sidewalk.
 - e. Loading spaces shall not create a safety hazard for pedestrians or vehicles within a site.

H. Parking on Residential Lots.

1. The following may be parked and stored outside on a residential lot according to the zoning district in which the property is located: commercial vehicles, boats, recreational vehicles, utility trailers, or small heavy equipment for snow removal such as skid steers or tractors. Additional vehicles or equipment may be permitted if associated with an approved home occupation:
 - a. RR district: maximum of 6
 - b. R1 district: maximum of 4
 - c. R2 district: maximum of 2 per unit
 - d. NMU district: maximum of 4
2. The above vehicles shall be maintained in a safe and orderly manner and separated by at least 5 feet from any property lines.
3. ATVs, UTVs, side-by sides, and snow machines are excluded from the above requirements.

17.13.061 Outdoor Storage.

A. Outdoor storage accessory to a commercial or industrial use.

Outdoor storage of goods, equipment, and/or materials accessory to a commercial or industrial principal use shall be allowed subject to the following standards:

1. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.
2. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.
3. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area.
4. Landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.
5. No goods, equipment, and/or materials may be stored in areas required for vehicular or pedestrian circulation or parking.

B. Outdoor storage accessory to a residential use.

Outdoor storage of equipment, recreational vehicles, and other materials accessory to a residential use shall be allowed subject to the following standards:

1. The outdoor storage shall not include junk vehicles pursuant to VMC Title 8.
2. Construction and landscaping materials and equipment are allowed if these are used or intended for use on the premises within a period of six (6) months, unless there is an active building permit issued for improvements on the property, or as otherwise approved by the Planning Director.
3. Any outdoor storage shall not become a nuisance as defined in VMC Title 8.

C. Intermodal shipping container (connex unit): see Accessory Structures section 17.08.050.

17.13.065. Intersection Sight Visibility.

- A. Purpose.** Sight visibility triangles are designated areas located near streets and/or commercial driveway intersections that shall be free from visual obstruction to maintain safe visibility for vehicles, bicyclists, and pedestrians.
- B. Applicability.** All property shall maintain sight visibility triangles as described in this section.
- C. Establishment.** Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or non-residential driveway.
- D. Limitations.**
 1. No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.

2. On corner lots, no fence, wall, hedge or other planting or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grade of the intersecting streets shall be erected, planted, placed or maintained.
 3. No vehicle so impeding visibility shall be parked within the sight visibility triangles.
 4. If the relation of the surface of the lot to the street is such that visibility is already obscured, nothing shall be done to increase the impediment to visibility within the vertical and horizontal limits set forth above.
- E. Sight Visibility Triangle Designation. Sight visibility triangles shall be designated pursuant to figure 17.13.065.1 below.
1. Points of intersections shall be measured along the constructed street or sidewalk.

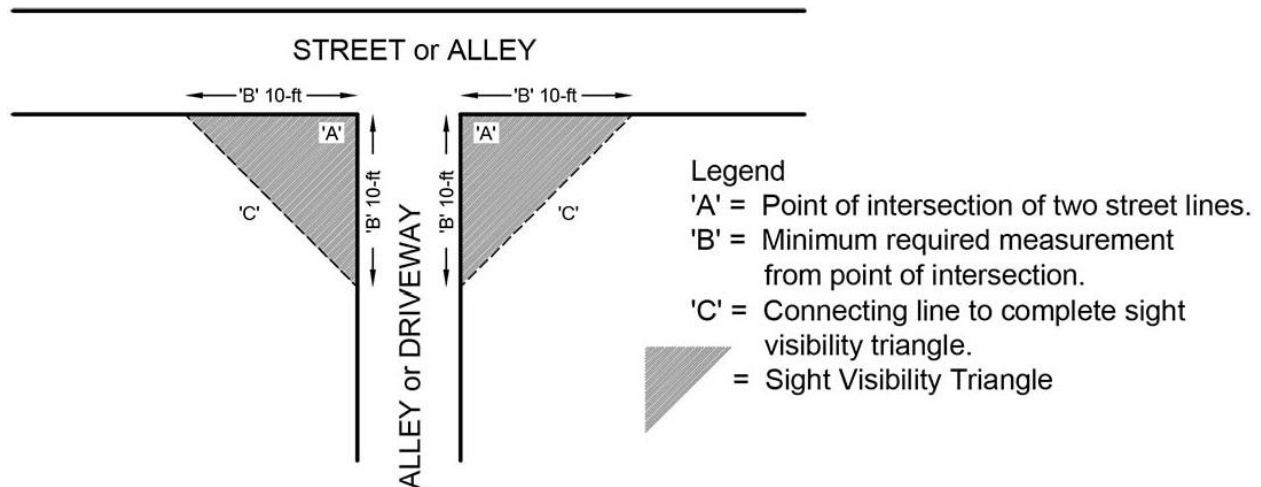


Figure 17.13.065.1 – Sight Visibility Diagram.

- F. Exemptions. The following exemptions may apply to intersection sight visibility standards.
1. Fences up to 2.5 feet in height. Transparent fences that are taller than this, including chain link, wrought iron, and similar styles, may be exempt so long as visibility is maintained through the fence.
 2. Official traffic and street signs, including wayfinding signage approved by the Planning Director, or designee, in the right-of-way.
 3. Fire hydrants, uncovered benches, and traffic control devices in the right-of-way.
 4. Utility poles and one utility transmission or control device in the right-of-way.

17.13.070. Fences and Walls.

- A. Purpose. The purpose of this section is to regulate the location, height, materials, and maintenance of fences, gates, and walls to prevent the creation of nuisances, allow for privacy, maintain access to light and air, and to protect the safety and general welfare of the public.
- B. Applicability. Fences or walls shall be constructed and maintained pursuant to this section.
- C. Design Standards.
 1. Front Yards.

- a. Residential Zoning Districts. Fences and walls within the required front setback areas shall be limited to four (4) feet in height. This limitation shall not apply to retaining walls intended to hold soil and/or to allow for site grading.
 - b. Commercial and Mixed-Use Zoning Districts. Fences and walls within the required front setback areas, shall be limited to eight (8) feet in height. This limitation shall not apply to retaining walls intended to hold soil and/or to allow for site grading.
 - c. Industrial Zoning Districts. Unrestricted.
2. Other Lot Locations. Fences and walls shall be limited to nine feet in height for other locations on the lot which are outside of the front setback.
3. Adjacent Right-of-Way. Fences and walls shall not be constructed in the right-of-way except for masonry or concrete retaining walls, and then only to a height not exceeding six inches above the grade such wall is constructed to retain and with an approved right-of-way permit, pursuant to title 12.
4. Post Spacing. Fence posts shall not exceed ten feet in spacing.
5. Measurement of Fence, Hedge, and Wall Height.
 - a. General. For the purposes of this title, fence, hedge, and wall height shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence, hedge, or wall is erected or planted to the highest point of the fence, hedge, or wall. To allow for variation in topography on a lot, the height of a fence, hedge, or a wall may vary up to six inches.
 - b. Difference in Grade Height between Two Lots. Where there is a difference in the ground elevation or finished grade between two adjoining parcels of less than two feet, the height of any fence or wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel (see [Figure 3-6](#)). When there is a difference in the ground level between two adjacent parcels of two feet or more, the height of a fence or wall shall be determined by the Planning Director. The Planning Director shall consider the physical and visual height impact on abutting properties.
6. Materials.
 - a. Allowed Materials. Fences or walls may be constructed of any of the following standard fencing materials: wrought iron, brick, concrete block, plastic, vinyl, chain link, metal wire, or wood products that are typically pre-fabricated and are commercially available.
 - b. Barbed wire and Electrical Strands. Barbed wire or electrical strands or similar type of fencing may be allowed pursuant to the following:
 1. Barbed wire and electrical strand fencing, where allowed, shall be limited to eight feet in height.
 2. Barbed wire and electric strand may be used on security fences for agricultural, livestock keeping, industrial, institutional, and commercial operations.
 3. Barbed wire or electrical strands or similar type of fencing may be used when specifically authorized in conjunction with a conditional use permit and/or a variance.

- c. Any departure of materials required by this section shall require the approval of the Planning Director.

7. Maintenance. All fences and walls shall be maintained in good repair and all surfaces thereof shall be kept painted or have similar protective coating where customarily necessary. Any departure from the materials prescribed by this section shall require the approval of the Planning Director or designee.

17.13.090 Signs.

A. Purpose. The purposes of this sign code are to promote:

1. The protection of the health, safety, property and welfare of the citizens of Valdez, and vision of the community;
2. Commercial and civic communications that accommodate the need of the community to convey information to the public;
3. The protection and enhancement of the historic charm and natural beauty, and the visual character and identity of the community, by the thoughtful placement and design of signs;
4. Flexibility for creative and innovative sign designs;
5. The proper maintenance of signs; and
6. Consistency with the goals and objectives of the Valdez Comprehensive Plan.

B. General Provisions.

1. A sign permit shall be obtained from the Planning Department before any sign is installed in any district, except for those signs exempted from the permit requirement by this section.

C. Definitions.

The following terms, as used in this section, shall have the meanings stated. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Awning sign. A building sign attached to, affixed to, or painted on an awning.

Banner sign. A sign made of fabric or other similar nonrigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners.

Billboard. An off-premises sign intended by the sign owner to be available for sale, lease, or rental for the purpose of promoting any commercial activity which is not situated on the same property as the billboard or of promoting any product or service which is not primarily available on the same property as the billboard; and incidentally used for the display of public service messages.

Building sign. A building sign is attached to or supported by a building whether it is the wall, window, or roof of the building. This sign type includes awning, canopy, projecting, roof, and wall signs.

Electronic Message Board (EMB). A sign that can display words, symbols, figures, or images that can be electronically changed by remote or automatic means.

Flag. Any fabric or flexible material attached to or designed to be flown from a flagpole or other similar structure.

Freestanding sign. A sign on a frame, pole, or other, support structure not attached to any building. This sign type includes pylon, post and arm, and monument signs.

Lawn Signs. A freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

Monument sign. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Off-Premise sign. A sign whose message is unrelated to the premises or the activity and use occurring on the premises on which the sign is located.

On-premise sign. A sign whose message is related to the premises or the activity and use occurring on the premises on which the sign is located.

Permanent sign. A sign structure that is intended for permanent display due to the construction, materials, placement, or installation. See also building and freestanding sign definitions.

Portable sign. A movable sign that is not attached to a structure or the ground. Portable signs include A-boards, portable reader boards, and similar signs

Projecting sign. A type of building sign extending outward from the face of the building.

Sign. A device, structure, or fixture which communicates a message using words, graphics, letters, figures, symbols, trademarks, or other visual representations. Painted wall designs or patterns are not considered signs.

Sign face. The sign face is that portion of a sign upon which the message, advertisement or similar display is presented, as distinguished from the structural members.

Snipe sign. A sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

Temporary sign. A sign constructed of cloth, canvas, vinyl, paper, cardboard, plywood, fabric, plastic, or other lightweight material that is neither permanently installed in the ground or permanently affixed to a building or structure. "Temporary signs" include but are not limited to, flags, lawn signs, banners, inflatable signs, and window signs.

Wall sign. A building sign mounted flat against a wall or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

D Type and Size Permitted.

1. The surface area of a sign shall be computed as including the area comprising the entire display but not including forming parts of the display such as frames or standards. The area permitted is the total for all signs on the premises unless otherwise provided.
2. For residential dwellings, the following type and size of signs are permitted:
 - a. One non-illuminated wall sign per dwelling unit not exceeding four (4) square feet.
 - b. Temporary signs with the following conditions:
 - 1) Flags not exceeding fifteen (15) square feet each.
 - 2) Lawn signs not exceeding three (3) square feet each.

- 3) Banners not exceeding twelve (12) square feet each.
 - 4) Window signs not exceeding twenty percent (20%) of the area of the window within which they are placed.
 - 5) Other temporary signs not exceeding twelve (12) square feet each.
 - c. The total area of all temporary signs shall not exceed thirty (30) square feet per dwelling unit. Temporary signs are not counted in the total square footage of signage allowed at the dwelling unit.
 - d. One announcement sign or bulletin board not exceeding twenty (20) square feet for buildings used for purposes other than as a dwelling including assembly halls, community buildings, and religious institutions; child care facilities; and schools. Such sign shall be located at least five feet back from the front property line and on a lot under the same ownership as the primary use. Announcement signs shall not be located in the right-of-way nor within any sight visibility triangle.
 - e. One sign not exceeding six (6) square feet in area for the purpose of advertising the sale or lease of a building or premises.
 - 1) When a residential lot abuts on more than one street, one such sign may face each street, providing no sign at or near the intersection may obstruct free and clear vision of such involved streets.
 - f. Schools in the RR, R1, R2, and NMU districts may have one free-standing sign not exceeding 60 square feet located at least five feet (5') from the front property line in addition to the announcement sign permitted in subsection 2(d) above.
3. For non-residential or dwelling uses, the following type and size of signs are permitted:
- a. If there is one business establishment in a building, that business may have three (3) signs, with a maximum total area per sign of three (3) square feet for every lineal foot of primary building façade. Each business is allowed only one (1) freestanding sign.
 - b. If two or more business establishments are located in the same building, each business may have two signs, with a maximum area per sign of three (3) square feet for every linear foot of primary building frontage. Each business is allowed only one (1) freestanding sign.
 - c. Temporary signs with the following conditions:
 - i. Flags not exceeding fifteen (15) square feet each
 - ii. Lawn signs not exceeding six (6) square feet each
 - iii. Banners not exceeding twenty-four (24) square feet each
 - iv. Window signs not exceeding twenty percent (20%) of the area of the window within which they are placed.
 - v. Other temporary signs not exceeding twelve (12) square feet each.
 - vi. The total area of all temporary signs shall not exceed thirty (30) square feet per business or the sign area permitted in Subsection 3(a) or (b) above, whichever is less. Temporary signs are not counted in the total square footage of signage allowed at the site.
 - d. Signs directing and guiding traffic and parking on public or private property, but bearing no advertising matter.

- e. Signs may be electronic, but shall not blink, flash, or simulate movement so as to create distraction or a hazard to the public health, safety, or welfare. Light from such signs shall not have a brightness level that exceeds 0.3 foot-candles above ambient light as measured from the property line.
- 4. Height: Maximum sign height is fourteen (14) feet or the height of the primary structure on the parcel, whichever is less.
- E. Commercial Marijuana Signs. Commercial marijuana facilities are subject to the requirements of this section to the extent that they are more restrictive than those set out in Section 3 AAC Article 3.
- F. Electronic Message Boards (EMB).
 - 1. EMBs are allowed when associated with the following permitted uses: educational institution, religious institution, library, museum, cultural institution, and government offices/services.
 - 2. Each property shall only be permitted one EMB.
 - 3. EMBs shall only be permitted on freestanding signs, and must adhere to the freestanding sign height standards.
 - 4. EMBs shall comply with size restrictions as set forth in this section.
 - 5. Display.
 - a. EMBs shall maintain no less than an eight second dwell time for any images and messages.
 - b. Any change from one static display to another must be instantaneous and shall not include any distracting effects, such as dissolving, spinning, or fading. Animation, motion, or video displays are prohibited.
 - c. No EMB shall have a brightness level that exceeds 0.3 foot-candles above ambient light as measured from the property line.
 - d. EMBs may use multiple colors within the display, but the use of color shall not create distraction or a hazard to the public health, safety, or welfare.
 - 6. Operation. EMBs shall be equipped with a means to immediately discontinue the display if it malfunctions. The owner of the EMB must immediately cease operation of the EMB when notified by the city that it fails to comply with the standards of this section.
- G. Signs allowed without permits.
 - 1. Signs for home occupations and short-term rentals.
 - 2. City-issued memorial signs and plaques.
 - 3. Legal notices, traffic signs, informational signs, historic signs or directional signs erected by government bodies and signs required by law.
 - 4. Notices and warning signs of not more than two (2) square feet each in area, i.e., vacancy, no trespassing, beware of dog.
 - 5. Signs advertising subdivision tract developments of two (2) or more acres, not exceeding thirty-two (32) square feet and limited to one (1) such sign per street frontage.

6. Sandwich boards not exceeding twelve (12) square feet each provided that they do not exceed two (2) per business, and are located entirely on private property and in accordance with AS 19.25.105.
 7. Temporary Signs permitted under this section.
- H. Prohibited Signs. Unless otherwise and specifically authorized, the following signs are prohibited in all districts:
1. Signs within any sight distance triangle or right-of-way, unless otherwise authorized;
 2. Signs prohibited by state or federal law.
 3. Signs attached to, or placed on, vehicles or trailers which are parked or located for the primary purpose of displaying said sign (see also signs allowed without permits—vehicles with signs used in the normal course of business);
 4. Off-premises signs and/or billboards except the posting of temporary signs relating to civic events subject to the limitations of this section;
 5. Snipe signs;
 6. Portable signs;
 7. Any sign with incandescent lamp bulbs exposed to view, with or without internal or external reflectors.
 8. Banners, clusters of flags, pennants, ribbons, streamers, or balloons, except as allowed as temporary signs
 9. Suspended strings of spinners; twirlers or propellers; flashing, rotating (except barber poles) or blinking light; beacons; chasing or scintillating lights; flares, or signs containing elements creating sound;
 10. Abandoned signs or sign structures;
 11. Signs imitating or resembling a traffic-control sign, signal or device, or the light of an emergency vehicle; or which obstructs the visibility of any traffic or street sign or signal device.

Chapter 17.20

Nonconforming Situations

17.20.010 Purpose, Applicability, and General Provisions

- A. Purpose. The provisions of this Chapter are intended to establish the standards, allowances, and limitations relating to nonconforming situations. Nonconforming situations includes land use, structures, site improvements, signs, and lots/parcels that were legally established and remained in continuously existence but do not fully (or partial) comply with the current standards of VMC Titles 16 and 17. The City of Valdez intends to allow nonconforming situations to remain in operation/existence, allow for repairs and maintenance, and to allow for limited expansions thereto.
- B. Applicability. The provisions of this Chapter apply to nonconforming situations relating to land uses, structures, sites improvements, signs and lots/parcels that were lawful at the time they were established. These provisions do not apply to lots, land uses, structures, signs and other site improvements established in violation of the VMC.
- C. Nonconforming Situations Described. This Chapter recognizes the following nonconforming situations that may exist within the municipal limits.
 - 1. Nonconforming Uses. Land uses or land use activities that may exist within a zoning district that would not be allowed, or that would normally require special approval to establish, under the current code standards.
 - 2. Nonconforming Structures/Buildings and Other Site Improvements. Any building, structure, and/or site improvement that may exist which does not comply with the dimensional standards and/or building size limitations of the underlying zoning district (e.g., setbacks, building height, and similar standards). This also describes existing developments that do not fully comply with the standards of this code.
 - 3. Nonconforming Signs. Any sign or collection of signs on a given lot that does not comply with the code's size, area, and quantity limitations.
 - 4. Nonconforming Lots of Record. Any lot that may exist that does not comply with the minimum size or dimensional standards of district for which it is zoned. This also includes lots that do not comply with the zoning district's access and frontage requirements.
 - 5. Nonconforming Elements of an Approved Permit/Plan. Any site element and/or land use component that was legally allowed under a City of Valdez land use permit.
- D. Continuation, Repair, and Maintenance.
 - 1. Continuation. A legally established nonconforming situation may remain in existence; however, the provisions of Section 17.20.020 apply where a nonconforming land use is abandoned or ceases to operate.
 - 2. Lot. Any legally established nonconforming lot/tract may be used and developed pursuant to the use and dimensional standards of the current zoning district and the other applicable provisions of VMC Title 17. Said lot/tract shall also be subject to the use and development limitations pursuant to any plat in which it is a part.

3. **Repair and Maintenance.** Ordinary repairs and maintenance of nonconforming buildings/structures, building/structures supporting a nonconforming use, and nonconforming sites are allowed. This may include, but is not limited to, the repair/maintenance of walls, roofs, fixtures, wiring or plumbing. All repair and maintenance activities shall conform to the applicable Valdez Building Code standards and associated permit requirement. This allowance also includes activities that increase building/structural integrity, seismic ratings, energy efficiency ratings, and/or Americans with Disabilities Act (ADA) accessibility standards. The provisions of 17.20.030.D herein apply where a building is damaged due to a catastrophe.
 4. **Other Allowances.** Sections of this Chapter establish the allowances and limitations for other activities associated with each nonconforming situation.
 5. **Zoning Clearance.** The City shall determine whether a nonconforming situation was legally established and the allowances thereto as a zoning clearance review pursuant to Section 17.04.090.
- E. **Verification of Nonconforming Situation(s).** The Planning Director may verify whether a nonconforming situation was legally established by reviewing information submitted by the applicant, public records and other readily available information to reach a determination. The Planning Director, or designee, may conduct the initial investigation as part of the corresponding review process pursuant to Chapter 17.04. The Planning Director may request that the applicant provide evidence to be considered in the nonconforming determination, and it shall be the responsibility of the applicant to prove a nonconforming situation was legally established. The following items may be used in confirming a nonconforming situation:
1. Building and other land use permits.
 2. Zoning maps and past Municipal Code editions.
 3. Property tax records.
 4. Land surveys with surveyor's seal.
 5. Recorded plats.
 6. Lease agreements relating to the subject use/property.
 7. Utility bills relating to the subject use/property.
 8. Insurance policies and/or mortgage contracts for the subject property.
 9. Aerial photography.
 10. Historic land use and/or insurance maps (e.g., Sanborn® Fire Insurance Maps).
 11. Business Licenses.
 12. Witness affidavits.

17.20.020 Nonconforming Uses.

- A. **General.** A nonconforming use that was legally established according to the zoning ordinance in effect at the time the use was established shall be subject to the standards herein.
- B. **Continuation.** A nonconforming use may continue to operate on the lot where it was legally established provided the use remained in continuous operations pursuant to this section.

- C. Discontinuation Clause. Where a nonconforming use ceases to operate on its lot for a period of twelve consecutive months, any subsequent use of land shall conform to the regulations specified in VMC Title 17 for the zoning district in which the land is located.
- D. Intensity/Density Limitations. A nonconforming use may not be expanded, enlarged, or increased in a manner that would increase its noncompliance with VMC Title 17; unless allowed by this Chapter.
- E. Moving. Nonconforming uses shall not be moved, in whole or part, to any other portion of the lot on which it was originally established.
- F. Nonconforming Detached and Attached Dwellings. Legally existing nonconforming detached and attached dwellings, including manufactured and mobile homes, shall be allowed to remain in existence and are not subject to the expansion limitations or discontinuation clauses of this Chapter. All building additions shall conform to the dimensional standards of the zoning district. No additional units therein may be added unless specifically allowed in the zoning district.
- G. Expansions of a Nonconforming Use. A nonconforming use may only be expanded pursuant to the following standards.
 - 1. Administrative Allowances. Applicants may request a one-time expansion of a nonconforming use as an Administrative Adjustment pursuant to Section 17.04.070 and subject to the review criteria therein. If the request is granted, the City shall not consider future applications for the same use to expand. Said expansions may not exceed five percent of the area the nonconforming use occupies at the time of application.
 - 2. Other Allowances. Applicants may request other expansions of a nonconforming use as a Variance pursuant to Section 17.04.070 and subject to the review criteria therein. Applications under this provision shall be limited in scale and not exceed ten percent of the area the nonconforming use occupies at the time of application.

17.20.030 Nonconforming Buildings, Structures and Site Improvements.

- A. General. A nonconforming structure, building or other site improvement that was legally established according to the zoning ordinance in effect at the time the structure was built shall be subject to the standards herein.
- B. Continuation. A nonconforming structure, building or other site improvement may remain on the lot and may continue to be inhabited pursuant to the applicable standards of VMC Title 17 and applicable Valdez Building code.
- C. Expansions, Enlargements, and other Modifications. A nonconforming structure, building, or other site improvement may be expanded, enlarged, modified, or moved pursuant to the standards of VMC Title 17 and the Valdez Building Code (including the dimensional standards of the zoning district in which it is located). Requests to expand, enlarge or modify a building, structure, or other site improvement that would increase its nonconformity, shall be reviewed as a variance or administrative adjustment pursuant to Section 17.04.070.
- D. Damage and Catastrophes. In the event a nonconforming structure, building, or other site improvement is damaged to an extent of more than fifty percent of its assessed value at the time of destruction, it may only be reconstructed in conformity with the provisions of VMC Title 17, the Valdez Building Code, and/or its associated land use permit (e.g., Conditional Use approval).

- E. Repair and Maintenance. Repair and maintenance activities are allowed pursuant to 17.20.010.D herein.

17.20.040 Nonconforming Signs.

- A. General. A nonconforming sign that was legally established according to the zoning ordinance in effect at the time the sign was built shall be subject to the standards herein.
- B. Continuation. A nonconforming sign may remain on the lot.
- C. Expansions, Enlargements, and other Modifications. A nonconforming sign be expanded, enlarged, modified, or moved only in a way to conforms to the standards of VMC Title 17 and the Valdez Building Code (e.g., area limitations, setbacks, and structural integrity standards). Requests to expand, enlarge or modify a sign that would increase its nonconformity, shall be reviewed as a variance or administrative adjustment pursuant to Section 17.04.070.
- D. Sign Face/Text. The face/text of a nonconforming sign may be modified to reflect a new business, tenant, or destination on the lot/tract in which it is located so long as the original area is not increased. Face/text modifications shall comply with applicable Valdez Building Code standards.

17.20.050 Nonconforming lots of record.

- A. General. A nonconforming lot/tract that was legally established prior to the effective date of VMC Titles 16 and 17 shall be subject to the standards herein.
- B. Use and Continuation. A nonconforming lot may be used and built upon pursuant to the following:
 - 1. Zoning, Site Specific, and Site Development Standards. Buildings, structures, and uses shall comply with the applicable zoning dimensional standards, site specific standards, and site development requirements pursuant to VMC Title 17. These may include, but not limited to, building setback requirements, structure height limitations, and buffering standards.
 - 2. Building Code. Buildings, structures, and site improvements shall comply with applicable Valdez Building Code requirements.
 - 3. Legal Access. Building permits for construction on nonconforming lot may only be granted where the applicant demonstrates there is legal access to the property for both the intended property occupants and emergency responders. This may include direct street frontage, access easements, or other legal instruments.
 - 4. Contiguous Property of Same Ownership. If two or more existing lots of record with continuous frontage are contained in a single ownership, the lands involved will be considered to be an undivided parcel and no portion shall be used or sold which does not meet the area and width requirements. Any such series or combination of land ownership shall be required to replat the property in order to conform to the existing requirements.
- C. Platting Activities. Any subdivision activity involving a nonconforming lot shall only be allowed where the resulting lots/parcels/tracts meet the size and dimensional standards the current zoning district and associated standards listed in VMC Title 16.

Section 2. This ordinance shall take effect immediately upon adoption by the Valdez City Council.

PASSED AND APPROVED BY THE VALDEZ CITY COUNCIL THIS
_____ day of _____, 2024.

CITY OF VALDEZ, ALASKA

Sharon Scheidt, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

Jake Staser, City Attorney
Brena, Bell, & Clarkson, P.C.

First Reading:
Second Reading:
Adoption:
Ayes:
Noes:
Absent:
Abstain:

Title 17
ZONING

Style Definition: TOC 1

Style Definition: TOC 2

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Chapter 17.01

General Provisions

17.01.010 Title.

VMC Title 17 shall be known and cited as the “Zoning Ordinance of the City of Valdez, Alaska.” (Ord.

17.01.020 Purpose and Applicability.

- A. The purpose of VMC Title 17 is to regulate the use of land and improvements by districts in accordance with the city comprehensive plan. These zoning regulations are designed to provide for orderly development; to lessen street congestion; to promote ~~fire safety and public order~~public safety; to protect the public health and general welfare; to provide ~~safe, aesthetic surroundings and living conditions~~a high quality of life; to prevent overcrowding; and to stimulate systematic development of transportation, ~~water, sewer, school~~public utilities, educational facilities, parks, and other public facilities.
- B. No building or land within the city shall ~~hereafter~~ have the existing use altered, used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the applicable provisions specified in VMC Title 17.
- C. Approval Required to ~~E~~nsure Conformance. To ensure that public uses and structures conform to the general community pattern and to regulations governing private uses and development, agencies of the federal government, the state and the city shall submit plans and receive approvals in conformance with the requirements outlined in ~~VMC Title 17~~this title.
- ~~D. Private Use of Public Property. Whenever private use is made of any public land or public structures, such use shall fully conform to the regulations set forth in VMC Title 17.~~

17.01.030 Comprehensive Plan.

- A. The Comprehensive Plan of the City of Valdez is the primary policy document to guide land use, transportation, conservation, public services, and capital investment decisions within the city. The zoning districts and associated development standards herein, are intended to implement the goals and policies from the comprehensive plan. The comprehensive plan serves as the guiding document for the zoning ordinance. The provisions of VMC Title 17 have been developed according to the goals and policies of the Plan.
- B. The ~~comprehensive p~~lan shall provide guidance for actions including, but not limited to, rezoning as referenced herein.

17.01.040 Other Plans.

- A. Other long-range planning documents may be adopted by the City, such as the Local Hazard Mitigation Plan, plans for small areas of the city, and more.
- B. These plans provide context and guidance for land use and development decisions enabled by VMC Title 17.

17.01.050 Code and Land Use Interpretations.

In their interpretation and application, the provisions of VMC Title 17 shall be minimum regulations and shall apply uniformly within each district, each class or kind of building, structure, land, or water area, except as hereinafter specifically provided.

17.01.060 Conflicts with Other Regulations.

When~~ever~~ the requirements of VMC Title 17 are at variance with the requirements of any other lawfully adopted ordinance of the city, those imposing the higher standards shall apply.

17.01.070 Emergency Situations.

During a local disaster emergency declaration under AS 26.23.140 or a state disaster emergency declaration under AS 26.23.020(c), provisions of VMC Title 17 may be waived by the city manager or designee if deemed necessary to restore order. See VMC 9.36.060 for emergency declaration information.

Chapter 17.02

Definitions

17.01.010 Purpose and Applicability.

- A. Purpose. The purpose of this Chapter is to define specific and notable terms for VMC Title 17 of the VMC.
- B. Applicability. For the purposes of VMC Title 17, the following terms, words and phrases shall have the meanings respectively ascribed to them by this Chapter.
- C. Interpretation. The Planning Director shall have the authority to determine the interpretation or usage of words or terms used in VMC Title 17, subject to appeal as set forth in Table 17.04.030.a Review Matrix. Any person may request an interpretation of any word or term by submitting a written request to the Planning Director.

17.02.030 Definitions—Generally.

The following defined the terms, words, and phrases as they apply to VMC Title 17. ~~For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section. When a word or term is not specifically stated, the city manager or designee shall have the authority to interpret the meaning or description most comparable, subject to appeal to the planning and zoning commission, then city council.~~

“Abut” means to physically touch or border upon; or to share a common property line.

“Access” means a way or means of approach to provide legal and physical entrance to a lot.

“Accessory Dwelling Unit” means a residential dwelling unit smaller and clearly subordinate to a primary dwelling unit(s) located on the same lot, which is ~~an~~ attached or detached ~~addition to an existing primary structure.~~

“Accessory use, building, or structure” means a use or structure incidental and subordinate to the ~~main-primary~~ use of the property and located on the same lot as the ~~main-primary~~ use ~~or uses. An accessory use can be one listed as permitted, conditional or accessory in the zoning district in which it is located.~~

“Adult Entertainment use” means any business that meets the definition of “business that offers adult entertainment” as specified in AS 23.10.350(f).

“Agricultural ~~activity~~” means farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting.)

“Alteration” means any change, addition or modification in the construction, location, occupancy or use classification.

“Animal boarding, kennels, and shelters” means any premises, ~~except where accessory to an agricultural use (e.g., a dog kennel on a farm),~~ where domestic animals, such as dogs and cats, are boarded, trained, or bred.

“Animal hospital and veterinary practices” means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short ~~time term~~ boarding and shall be only incidental to such hospital use.

“Animal husbandry” means the use of land for dairying, animal raising, and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities.

“Aquaculture and mariculture operation” means any establishment or facilities where aquatic plants and animals are cultivated.

~~“Artisan Manufacturing” means an establishment where hand tools, mechanical tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products.~~

"Aviation Instruction Facility" means any pilot school, flight training center, air carrier flight training facility, or flight instruction facility.

"Assembly Hall" means Aa building or portion of a building in which facilities are provided for civic, educational, political, ~~religious~~, or social purposes.

"Assisted Living Home" means a residential facility that serves three or more adults ~~who are not related to the owner by blood or marriage~~, or that receives state or federal payment for services regardless of the number of adults served as defined by AS 47.32.900(2)(A).~~residential~~.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

"Building area" means the total areas taken on a horizontal plane at the main grade level of the ~~principal~~primary building and all accessory buildings, exclusive of external steps.

"Building code" means the International Building Code as adopted by the City in VMC Titles 15, 8, and 13 of this code, including local amendments, applicable to the city. Referred to in VMC Title 17 as Valdez Building Code.

"Existing building" means a building erected prior to the adoption of this code for which a legal building permit has been issued.

"Building facade" means any exterior wall plane and associated windows, openings, and architectural elements that extends from the ground to the top of each wall of a structure but not including roof.

"Building height" means the vertical distance measured from the average ground level prior to construction to the highest point of building.

"Building Material Supply Establishment" means a lot, building, and/or structure used for the wholesale or retail sales of building or construction supplies and accessories, including outdoor storage of building materials. Examples of building materials include, but are not limited to: lumber, millwork, cement, siding, roofing, plumbing or electrical supplies, heating, cooling or ventilating construction supplies, fireplaces, windows, paints, wall coverings, and floor coverings.

~~"Principal building or structure" means a building in which is conducted the principal or main use of the lot on which the building is situated.~~

"Child care facility" means a facility providing day care to children required to be licensed under AS 47.32.

"Clinic" means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not usually lodged overnight.

"Commercial and Retail Sales" means a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

"Community building" means a building or structure owned and operated by an agency or political subdivision of the United States, state of Alaska, City of Valdez, or a tribal organization providing service to the public.

"Comprehensive plan" means an officially adopted document including text, charts, graphics or maps, or any combination, designed to portray general long-range proposals for the arrangement of land uses and development of an economic base and human resources and which is intended to guide government policy towards achieving orderly and coordinated development of the entire community.

"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~~primary uses. Conditional uses are subject to a permit process, pursuant to 17.04.060.

"Connex" see intermodal shipping container.

"Contiguous" means next to, abutting, or touching and having a boundary, or portion thereof, which is common, coterminous or coextensive.

Commented [BK1]: Needs modifications

Commented [BK2R1]: Does adding "instruction" to the title solve the issue?

“Construction yard” means any area used on a temporary basis for the storage or processing of materials and supplies used in the construction of a project for a limited period of time. Includes construction offices necessary for work on the associated project.

“Corral” means the ~~any type of enclosure that serves as the primary enclosure~~ for confining livestock.

“Correctional facility” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, and contract jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense, not including short-term holding facilities associated with police departments or stations.

“Cultural institution” means a library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

“Density” means the number of inhabitants, or dwellings, per unit of geographical region; may refer to population or housing density.

“Drinking establishment” means a building or place of business involving the retail sale or dispensing of alcoholic beverages by the drink. May include beverage dispensaries, ~~eating establishments~~ restaurants, clubs, breweries, brewpubs, wineries, or distilleries. Drinking establishments shall be licensed by the State of Alaska under AS Title 4, Chapter 11, as a retailer of alcoholic beverages.

“Dwelling – Detached” means a dwelling that is not attached to any other dwelling, excluding accessory dwelling units.

“Dwelling – Attached Duplex (up to 2 units per building)” means a dwelling that is attached to one other dwelling unit of equal size (excluding accessory dwelling units) located on a single lot.

“Dwelling – Attached Townhouses” means a dwelling that is attached to another dwelling in a side-by-side fashion, with each dwelling on a separate lot ~~(also known as “zero-lot-line” dwelling)~~.

“Dwelling – Multi-unit (up to 4 units per building)” means a building or portion thereof containing 3 or 4 dwelling units per building and located on a single lot.

“Dwelling – Multi-unit (more than 4 units per building)” means a building or portion thereof containing more than 4 dwelling units per building and located on a single lot.

“Dwelling – Manufactured Home” means a detached ~~single-family~~ dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer, meeting the manufacturer’s association codes and designed primarily for placement on an impermanent foundation. Manufactured homes, meeting this definition are constructed on or after June 15, 1976.

“Dwelling – Mobile Home” means a detached ~~single-family~~ dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer. Mobile homes, meeting this definition are constructed prior to June 15, 1976.

“Dwelling unit” means a building or portion of a building, that has independent living facilities including provisions for sleeping, cooking and sanitation, and ~~that~~ is designed for residential use. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

“Easement” means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.

“Eating establishment” means a place, building or structure where the preparation or serving of food for sale or consumption is conducted.

“Educational Institution ~~or School~~” means any public or private property or building or part thereof which is designed, constructed or used for educational purposes or instruction in any branch of knowledge.

“Educational Institution ~~—~~ Vocational” means an educational institution where students learn the specific skills required for a job in the trades. Examples may include educational institutions that teach: auto repair, welding, carpentry, or cosmetology.

“Entitlement” means any permit or approval granted under VMC Title 17, including, but not limited to zoning map amendments, conditional use permits, land use permits, and variances.

“Fence” means a barrier which is constructed of wood, metal, plastics, masonry materials or a combination thereof.

“Fence height” shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence is erected to the highest point of the fence. To allow for variation in topography on a parcel, the height of a fence may vary up to six inches. Where there is a difference in the ground elevation or finished grade between two adjoining parcels of less than two feet, the height of any fence constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel. When there is a difference in the ground level between two adjacent parcels of two feet or more, the height of a fence or wall shall be determined by the Planning Director or designee. The Director shall consider the physical and visual height impact on abutting properties.

“Floor area” means the total horizontal area of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

“Food production and processing, small scale” means establishments that prepare, process, can, or package food products. Examples of activities include bakeries, dairies, ~~and candy-making, and meat, poultry, and seafood canning, curing, and byproduct processing (not including facilities that also slaughter animals).~~

“Food production and processing, large scale” means establishments that prepare, process, can, or package food products, ~~including facilities that slaughter animals.~~ including meat processing facilities.

“Frozen Food Storage” means refrigerated lockers provided for the storage of frozen food, either private or rented, for a fee.

“Fuel and Gas Stations” means facility used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of automobiles. Includes car wash as accessory use or stand alone. Includes the storage of fuel, above ground or underground, to serve the gas station. Includes car wash as a primary or accessory use.

“Fuel Pier” means a pier used as an off-load and on-load point for deliveries of fuel oil and petroleum products to and from water-based vessels.

“Fuel storage, small scale” means the storage of flammable or combustible liquids or gases in above- or below-ground containers in conjunction with an approved residential or commercial use for use on-site.

“Fuel storage, medium scale” means the storage of flammable or combustible liquids or gases in above- or below-ground containers serving gas stations and small boat harbors.

“Fuel storage, large scale” means the storage of flammable or combustible liquids or gases in above-ground containers serving industrial uses, either for on-site uses or distribution.

“Garage” means a building or portion thereof in which motor vehicles are stored.

“Grade or ground level” means the average level of the finished ground at the center of all exterior walls of a building.

“Hazardous substance production and storage” means a facility for hazardous substance storage or production, not including the temporary storage and retail sale of consumer products containing hazardous substances.

“Helipad” means a facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

“Home occupation” means an accessory occupational use which is clearly incidental and subordinate to the use of the dwelling for living purposes and does not change the character thereof.

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and

including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

“Hotel, Motel, ~~or Inn, or Lodge~~” means any building or group of buildings in which there are multiple guest rooms, used, designed or intended for use for the purpose of offering public lodging on a day-to-day basis. Does not include short-term rentals ~~or rental cabins~~, as defined by VMC Title 17.

“Intermodal shipping container” means a pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called connex units or cargo containers.

“~~Heavy~~ Industrial, ~~heavy~~” means activity including heavy manufacturing, shipping terminals, material extraction (not including timber harvesting), and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service.

“~~Light~~ Industrial, ~~light~~” means light industrial manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations.

~~“Junkyard” means any lot or portion of a lot used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled discarded tangible materials, combination of materials, or items, such as machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose.~~

“Kennel” means any enclosure, building, shelter, area or establishment used for the purpose of breeding, buying, selling, keeping or boarding six or more dogs over the age of four months either for profit, pleasure, or as pets.

“Livestock” means generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, etc.) not to include barnyard fowl, cats, ~~dogs~~, and other house pets. Livestock under six months of age ~~are~~ considered to be in the weaning process and is not included in the total number of countable livestock on a property.

“Livestock, Large” means livestock ~~whose typical weight for that breed is greater than or equal to two hundred fifty pounds, and over, and older than twelve months.~~

“Livestock, Small” means livestock ~~whose typical weight for that breed is less than under two hundred fifty pounds and older than six months.~~

“Lot” means a parcel or tract of land shown as an individual unit on the most recent plat of record.

“Lot - Corner lot” means a lot situated at the junction of, and bordering on, two intersecting ~~streets~~ rights-of-way.

~~“Lot Coverage” means the percentage of the total area allowed to be covered by buildings or structures of any type or size.~~

“Lot- Depth of lot” means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot line.

“Lot - Interior lot” means a lot located within a group of lots other than on intersecting streets.

“Lot- Front lot line” means the lot line adjacent to a public street. In the case of a corner lot, the front line shall be the shorter of the street lot lines. In the case of a triangular lot located on a curved street, the front lot line shall be the chord line of the curve measured from the points where property intersects the ~~right-of-way~~ street.

“Lot - Lot lines” means the property lines bounding a single parcel of property.

“Lot - Lot width” means the mean horizontal distance separating side lot lines of an individual lot.

“Lot - Rear lot line” means the lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd-shaped lot, the line not less than ten feet in length, within the lot, and at the maximum distance from the front lot line.

“Lot line- Side lot line” means any lot line not a front lot line or a rear lot line.

“Major street” means a roadway which serves as the ~~principal~~ primary artery of through traffic movement. ~~They are generally high-speed highways with limited access.~~

“Master plan” means a plan for a subdivision or similar improvement that includes development aspects, including, but not limited to, zoning, lot size, utilities, recreational/public facilities, biological issues, snow removal, geological hazards, drainage, access, streets, public areas, rights-of-way, easements, and future expansion options.

“Marijuana cultivation facility” has the meaning given in AS 17.38.900(8) and is subject to the privileges and prohibitions set out in 3 AAC 306.405.

“Marijuana product manufacturing facility” has the meaning given in AS 17.38.900 and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310.

“Marijuana retail store” has the meaning given in AS 17.38.900 and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310. “Marijuana retail store” and “retail marijuana store” have the same meaning as used herein.

“Marijuana testing facility” has the meaning given in AS 17.38.900 and is subject to the privileges and prohibitions set out in 3 AAC 306.610.

~~“Marine equipment and repair facilities” means an establishment where marine equipment is sold and/or repaired.~~

“Minor street” means that which is used primarily for access to the abutting properties.

“Manufacturing and Processing” means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, the blending of materials, such as lubricating oils, plastics, resins, or liquors, and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service. May also include warehousing, storage and distribution of said products.

~~“Artisan Manufacturing and Processing, Artisan” means an establishment where preparation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items; as well as the incidental storage, sales and distribution of such products. hand-tools, mechanical tools and electronic tools are shared or individually used for the manufacture of artisan finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products.~~

“Manufacturing and Processing, Light” means manufacturing and processing that does not include a large number of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service.

“Manufactured home park” means any area, lot, or portion of a lot where space for two or more manufactured or mobile homes ~~are~~ is leased, rented or held out for rent for occupancy, having separate attachments for utilities; this does not include automobile or trailer sales lots on which unoccupied manufactured or mobile homes are parked for inspection and sale.

“Motel” See Hotel, motel, lodge, inn.

“Material resource extraction” means commercial or industrial operations involving removal of topsoil, fill, sand, gravel, rock, or any operations having similar characteristics.

“Mining operation” has the meaning given in 15 AAC 65.990.

~~“New construction” means any structure for which the start of construction commenced on or after the effective date of the ordinance codified in VMC Title 17.~~

“Nonconformity” means any lot, structure, use of land, use of a structure or characteristics of such use which does not conform to the terms of VMC Title 17 or future amendments, but which was lawful when established.

“Nursery” means any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

“Open space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

“Common open space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, studio, service industry, or government.

“Off-street parking space” means a space located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening the doors and adequate maneuvering room on a parking lot with access to a public [right-of-way](#)~~street~~ or alley.

“Park” means a tract of land, designated and used by the public for active and/or passive recreation.

“Passive” means existing, conducting or experiencing without active or concerted effort; receiving an action without responding or initiating a return action.

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

“Personal Communication Antennae” means any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas, which are located on the exterior of, or outside of, any building, or structure; [other than commercial wireless communication towers](#).

“Personal Services ~~Establishment~~” means [an establishment primarily engaged in providing individual services](#) generally related to personal needs, such as barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair/tailoring, laundry cleaning, shoe repair, and other similar establishments.

“Planned unit development” means a group or combination of uses developed as a functional unit, the plan of which may not conform to the regulations established in any one or more zoning districts with respect to lot size, mixture of uses, [density](#)~~dimensional standards~~, [lot coverage](#) or required open space.

“Port and harbor facilities” means those facilities generally associated with a port or harbor such as docks, piers, floats, harbor master offices, and any associated accessory uses and maintenance facilities, to include fuel docks for the purpose of fueling vessels for their own operation.

“~~Principal~~[Primary](#) use” means the primary or predominant use or uses of any lot or tract. [The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses.](#)

“Property line” means a demarcation limit of a lot dividing it from other lots or parcels of land.

“Quasi-public” means in a manner or degree of being public, having some, but not all of the particular attributes of being public.

“Recreation, indoor, commercial/private” means a private/commercially owned and operated recreational land use conducted entirely within a building that includes activities for play, amusement, or relaxation.

“Recreation, indoor, public” means a public recreational land use conducted entirely within a building that includes activities for play, amusement, or relaxation.

“Recreation, outdoor, commercial/private” means a private/commercially owned and operated recreational land use that primarily takes place outdoors that includes activities for play, amusement, or relaxation and which may include related buildings or structures.

“Recreation, outdoor, public” means a public recreational land use that primarily takes place outdoors that includes activities for play, amusement, or relaxation and which may include related buildings or structures.

“Recreational vehicle” means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or other temporary occupancy use, which either has its own motive power, or is mounted on or drawn by another vehicle. Examples include travel trailer, camping trailer, truck camper, [house trailer](#), motor home, and other similar vehicles.

“Recreational vehicle park or campground” means a ~~parcel of land 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 ~~restrooms~~, water, showers, electricity, a dump station, cable television, Internet service or similar services.

“Recreational vehicle park or campground site” means a plot of ground within a recreational vehicle park or campground intended for the accommodation of a recreational vehicle, a tent, or other individual camping unit on a temporary basis.

“Religious ~~institution~~ Institution” means a ~~building or structure generally open to the public and used as a~~ place of gathering for the purpose of religious worship or related activities, including the permanent place of residence of a pastor, minister or equivalent religious leader.

“Rental cabins” means detached ~~dwelling units~~cabins for temporary lodging that ~~contain no more than one sleeping room or area and~~ are available for rent on a ~~limited nightly~~ basis as part of a group of ~~three (3) or more~~ cabins for rent. ~~Rental cabins are considered a primary use only.~~ –Detached accessory dwelling units utilized as short-term rentals are excluded from rental cabins.

“Residential” means activity involving the occupation of a building for living, cooking, sleeping, and recreation.

“Right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

~~“Scrap Junkyard” means any lot or portion of a lot used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled discarded tangible materials, combination of materials, or items, such as automobiles, machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose.~~

“Self-storage” means a building or group of buildings in a controlled-access and secured site that contains individual compartmentalized and controlled-access storage spaces which are leased or rented for storage purposes on an individual basis.

“Setback” means that line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which a structure must be erected or placed.

“Shelter (e.g. homeless, victims, emergency)” means a facility providing temporary protective sanctuary for victims of crime, abuse, or other events that necessitate temporary shelter, including emergency housing during crisis intervention for individuals.

“Shooting range” means a facility or area used for controlled, live discharge at a target by firearm instruments, including, but not limited to, archery items, rifles, pistols, air guns and shotguns.

“Short-term rental” means a transient lodging establishment, located within a residential structure, engaged in providing temporary accommodations for the general public. Stay duration ~~may range from one night to 30~~is less than 30 days. These may include, but are not limited to: entire dwellings, rooms within a dwelling, attached and detached accessory dwelling units, and bed and breakfast establishments. Short-term rentals do not include worker housing as defined in VMC Title 17, which is strictly for transient workers.

~~“Short-term rental, owner occupied” means a short-term rental where the owner is the primary resident and their residence is located on the same property as the short-term rental. On such properties, the short-term rental may be located within/attached to the primary residence or within/attached to an accessory dwelling unit associated with the primary residence.~~

“Sign” means any device, flat, light, figure, picture, letter, message, symbol, plaque or poster visible outside the lot on which it is located and which is designed to inform or attract the attention of the public, excluding murals or architectural designs which do not advertise a business, product or service.

“Small wind ~~or solar~~ energy system” means any mechanism or device designed for the purpose of converting wind ~~or solar~~ energy into electrical or mechanical power.

"Solid waste disposal" means an area used for the disposal or storage of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse by abandonment, discarding, dumping, reduction, burial, incineration, or any other similar means.

"Solid waste processing facility" means a facility where solid that is derived primarily from off-site is to be processed. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of the waste.

"State highway" means all public vehicular ways designated as state highways in accordance with [VMC](#) in Title 19 of the Alaska Statutes.

"Story" means that portion of a building between any floor and the next floor above; except, that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar or unused floor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar or unused floor space shall be considered a story.

"Street" means a permanently designed major, collector, or minor way, open to public use, which affords the ~~principal~~primary means of access to abutting property, such as an avenue, place, drive, boulevard, highway and any other similar public thoroughfare.

"Street, collector" means a street designed and intended to carry traffic from residential street systems to arterial street systems or state highways.

"Structure" means anything which is constructed or erected, and which is located on or under the ground, or attached to something fixed to the ground.

"Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

"Tent" means a portable, collapsible, enclosed shelter made of canvas or nylon, or comparable material, which has been specifically designed and manufactured for temporary use.

"Trail" means a marked, worn or beaten path, through woods or wilderness.

"Trailer" means a utility structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

"Timber harvesting" means the commercial cutting of timber.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

See "Accessory use."

See "~~Principal~~Primary use."

See "Conditional use"

“Utility, Class I” means utility installations including substations and indoor processing that do not create noise, odor, or vibration impacts that negatively affect surrounding properties.

“Utility, Class II” means power generation facilities and facilities that include outdoor processing that may generate noise, odor, or vibration impacts on surrounding properties.

“Utility installation” means an installation owned by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, water, sewage collection and treatment, or other similar service.

“Variance” grants an exception to a standard of a zoning district but not to the use restriction of that zoning district, and then only when the criteria for variance approval within VMC Title 17 are met.

“Vehicle sales (motor vehicles)” means the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other minor repair service conducted as an accessory use.

“Vehicle Service (automobiles, ~~and~~ boats ~~and marine equipment~~)” means general repair, rebuilding, or reconditioning of engines, motor vehicles, boats, ~~marine equipment~~, or trailers, including body work, framework, welding, and major painting service.

~~“Waste Disposal Facility” means a facility for the purpose of treating, burning, compacting, composting, storing, or disposing of solid waste.~~

“Warehouse” means a building used primarily for the storage of goods and materials.

“Wireless Communication Towers (commercial)” means a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure.

“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.

“Yard, Front” means a yard extending the full width of the lot across the front of a lot adjoining a public street and measured horizontally at right angles to the front lot line, [extending to the edge of the nearest structure on the lot](#).

“Yard, Rear” means a yard extending the full width of the lot across the rear of the lot and measured horizontally at right angles to the rear lot line, [extending to the edge of the nearest structure on the lot](#).

“Yard, Side” means a yard extending from the front yard to the rear yard and measured horizontally at right angles to the side lot line. In the case of a corner lot or side yard abutting a public street, the side yard shall be measured horizontally at right angles to the side lot line [extending to the edge of the nearest structure on the lot](#).

Chapter 17.03

Reserved

DRAFT

Chapter 17.04

Administration and Enforcement

17.04.010 Purpose and Applicability

- A. Purpose. The purpose of this Chapter is to establish the decision-making authorities, review procedures, and enforcement actions that shall apply the provisions of VMC Title 17.
- B. Applicability. The provisions of this Chapter shall apply to situations that apply to the establishment of a new use on a lot, expansions of an existing use on a lot, new development projects, subdivision activities, construction activities, and modifications to previous approvals. These provisions are also applicable to situations where a use is in violation with VMC Title 17.

17.04.020 Decision-making Authorities

- A. General. This section establishes the decision-making authorities and their powers to interpret the provisions of VMC Title 17, review and act on specified land use and development proposals, and/or recommend certain actions to a higher-level decision-making authority. Decision-making authorities are established in VMC Title 2.
- B. City Council.
 1. Powers and Duties. The Council possesses the following authority as it relates to various land use permits/applications associated with VMC Title 17. The Council shall follow the review criteria, process, and standards outlined in VMC Title 17.
 - a. Zoning and Code Amendments. The Council shall review and take action on requests to amend, update, or replace the official zoning map, code text, and other regulatory provisions. The Council may approve, approve with modifications, or deny requests affecting the City's zoning map and code.
 - b. Comprehensive Plan. The Council shall review and take action on requests to amend, update, or replace the Comprehensive Plan including maps, text, and exhibits therein. The Council may approve, approve with modifications, or deny requests amending the City's Comprehensive Plan.
 - c. Other Permits. The Council shall review and take action on other permits designated by VMC Title 17.
 - d. Appeals. The Council shall review and take action on appeals related to reviews pursuant to Table 17.04.030.a Review Matrix. In this review, The Council may adhere to the decision made by the previous decision-making authority or issue a new finding on the subject case.
 - e. Other Plans. The Council may review and take action on other planning documents.
 - f. Developer Agreements. The Council may review and take action on developer agreements as it relates to land use ~~and~~, development, ~~and regulatory relief~~.
- C. Planning and Zoning Commission.
 1. Powers and Duties. The Planning and Zoning Commission possesses the following authority as it relates to the various land use permits/applications associated with VMC Title 17. The Planning & Zoning Commission shall follow the review criteria, process, and standards, as outlined in VMC Title 17. The following lists powers and duties granted to the Planning and Zoning Commission.
 - a. Conditional Use Permits. The Planning and Zoning Commission shall review and take action on conditional use permits and amendments thereto. The P&Z shall approve, approve with conditions, or deny conditional use permits.
 - b. Variances. The Planning and Zoning Commission shall review and take action on variance requests and amendments thereto. The Planning and Zoning Commission shall approve, approve with conditions, or deny variance requests.

- c. Zoning and Comprehensive Plans. The Planning and Zoning Commission shall provide the City Council with a recommendation to approve, approve with limitations, or deny requests to amend VMC Title 17, the City's official zoning map, and/or the City's Comprehensive Plan.
- d. Other plans. The Planning and Zoning Commission shall provide the City Council with a recommendation to approve, approve with limitations, or deny special studies/plans related to land use, zoning, and land development.
- e. Other Permits. The Planning and Zoning Commission shall review and take action on other permits designated by VMC Title 17, the VMC, and/or as directed by the City Council.
- f. Appeals. The Planning and Zoning Commission shall review and take action on appeals as set forth into Table 17.04.030.a Review Matrix. The Planning and Zoning Commission shall adhere the department review decision or issue a new finding on the subject appeal.

D. **Planning Department-Reviews.**

- 1. Planning Department. The Valdez Planning Department is designated as the primary administrator of VMC Title 17 of the VMC. The Planning Director, or designee, shall have the authority to interpret the standards outlined in VMC Title 17. The Planning Director may designate a person (designee) to carry out the functions and duties of the Planning Director identified in this chapter.
- 2. Powers and Duties. The Planning Department is granted the following authority as it relates to the various land use actions associated with VMC Title 17.
 - a. Conditional Use Permits. The Planning Director, or designee, shall review and make recommendations to the decision-making authority pertaining to conditional use permits and amendments thereto; the process shall include review and comment from other City departments, as appropriate.
 - b. Variances. The Planning Director, or designee, shall review and make recommendations pertaining to variance requests.
 - c. Administrative Adjustments. The Planning Director, or designee, shall review and take action on administrative adjustments.
 - d. Zoning Code and Comprehensive Plan Amendments. The Planning Director, or designee, shall review and make recommendations to the Planning and Zoning Commission and City Council pertaining to amendments to the zoning code, the City's official zoning map, and the City's Comprehensive Plan.
 - e. Special Studies. The Planning Director, or designee, shall review and make recommendations to the decision-making authority pertaining to special studies or other plans affecting the City.
 - f. Zoning Review and Zoning Interpretations. The Planning Director, or designee, shall make land use clearance determinations. The Planning Director shall make interpretations relating to VMC Title 17 and the official zoning map.
 - g. Enforcement. The Planning Director, or designee, is primarily responsible for enforcement of VMC Title 17.
- 3. Other Departments. Other municipal departments may provide additional technical review and guidance related to land use and enforcement matters. The Planning Director, or designee, may solicit reviews by various departments as appropriate.

17.04.030 Review Matrix

- A. General. Review procedures established in this section are applicable to any development or land use located within the City of Valdez.
- B. Review Matrix. The review matrix is provided as Table 17.04.030.a. The review matrix identifies each land use action along with the corresponding review authority, decision-making authority and appellate authority.

Table 17.04.030.a Review Matrix

Permit/Application Type	Reviewing Authority (recommendation)	Decision-making Authority	Appellate Authority
Comprehensive Plan Amendments	Planning Department Planning and Zoning Commission	City Council	Superior Court or Court of Competent Jurisdiction
Zoning Code and Zoning Map Amendments	Planning Department Planning and Zoning Commission	City Council	Superior Court or Court of Competent Jurisdiction
Conditional Use Permits	Planning Department	Planning and Zoning Commission	1 st Appeal: City Council 2 nd Appeal: Superior Court or Court of Competent Jurisdiction
Variances	Planning Department	Planning and Zoning Commission	1 st Appeal: City Council 2 nd Appeal: Superior Court or Court of Competent Jurisdiction
Administrative Adjustments	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council
Zoning Clearances (stand-alone applications)	Planning Staff	Planning Director or designee	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council
Code Interpretation	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission
Temporary Land Use Permits – Short-Term	Planning Staff	Planning ~~Department~~ Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council
Temporary Land Use Permits – Long-Term	Planning Department	Planning and Zoning Commission	1 st Appeal: City Council 2 nd Appeal: Superior Court or Court of Competent Jurisdiction
Minor Permit Amendments	Planning Staff	Planning Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council
Major or Other Permit Amendments	See Section 17.04.140	See Section 17.04.140	Other Amendments: See Appellate Authority for the specific Permit/Application Type.
Enforcement Orders	Planning ~~Department~~ Staff	Planning Director	1 st Appeal: Planning and Zoning Commission 2 nd Appeal: City Council

17.04.031 – 17.04.034 *Reserved*

17.04.035 *Schedule of fees, charges and expenses.*

- A. General. The City Council shall adopt a schedule of fees that shall be paid by the applicant for the specific requests/applications outlined in VMC Title 17. The schedule of fees shall be adopted by resolution and is hereby referenced by VMC Title 17.
- B. Payment of Fees. The City, its staff, and departments shall not take action on any request/application until all applicable fees, charges, and expenses have been paid in full by the applicant.
- C. Fee Refunds. The City may issue a refund for any request/application that is withdrawn by the applicant so long as no final action has been made by the decision-making authority pursuant to Table 17.04.030.a.
- D. Associated Expense. The City may charge the applicant any associated expenses that may be warranted to conduct a thorough and complete review of a request/application that are in addition to standard staff time. These expenses may include, but not limited to, third-party consultants, technical advisors, technical studies, and other scientific/engineering studies. In those situations, the city shall notice the applicant of the additional review expense and provide a good faith estimate of the costs before expenses are incurred.

17.04.036 *Permit Applications*

- A. General. The City shall make available an application with detailed submittal requirements for each land use permit listed in VMC Title 17. Applicants shall be required to submit a complete application and the associated technical materials so that the City staff and the decision-making authorities may conduct a thorough review and take action on said requests/applications.
- B. Review Procedures. The City shall process all applications pursuant to Table 17.04.030.a and the provisions listed under each of the subsequent sections as they relate to the specific request/application type.
- C. Submittal Allowances. The Planning Director may waive some of the submittal requirements listed in VMC Title 17 when they determine the information is not warranted for the subject request/application.

17.04.037 *Permit and Application Records*

- A. General. The City Clerk shall maintain records of formal permits and applications relating to VMC Title 17. The Planning Director shall create and implement internal procedures for providing the City Clerk with current and past permit and application documentation.
- B. Action Records. The City shall be responsible for maintaining records regarding the final decision-making authority's actions pertaining to permits and applications associated with VMC Title 17.

17.04.038 – 17.04.039 *Reserved*

17.04.040 *Comprehensive Plan Amendments*

- A. Purpose. The purpose of this section is to identify the limitations and procedure for amending or updating the Comprehensive Plan.
- B. Applicability. The provisions of this section apply to any changes, updates, or revisions to the City's Comprehensive Plan including changes to its text, exhibits, and associated maps. For applications initiated by City staff, Planning and Zoning Commission or City Council, all provisions of 17.04.040 apply except for fee requirements.
- C. Approval Considerations.
 - 1. Limitations. The City Council shall have the authority to limit its approval of amendments to the Comprehensive Plan (e.g., ~~reduce the land area for map amendments~~) to protect the surrounding character, limit certain land use activities, protect public health, safety, and welfare, the environment, and preserve the goals and intent of the community's long-range vision for the City.
- D. Submittal Requirements. Applicants for a Comprehensive Plan amendment 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 fees at the time of submittal. 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 request/application.

2. Narrative. Applicants shall provide a project narrative that describes the location, surrounding land uses, environmental features, proposed use(s), and proposed development activity (as applicable). The narrative shall describe how the proposed amendments align with other goals and ~~policies-objectives~~ within the Comprehensive Plan.
3. Proposed Amendments Documentation. Applicants shall provide documentation that clearly explains the proposed amendments.
 - a. Text Amendments. Applicants shall provide proposed text amendments in underline/strikethrough format to demonstrate how the proposed changes compare with existing text. Proposed additions shall be displayed as underline text and proposed omissions shall be displayed as strikethrough ~~text~~.
 - b. Map Amendments. Applicants shall provide proposed map amendments on a figure that clearly delineates the proposed changes.
4. Map Set. At the discretion of the Planning Director, and depending on the amendment proposed, applicants may be required to provide a map set to graphically illustrate the surrounding context. When required, map set may include the following.
 - a. Property Location Map. This shall be a scaled drawing or current aerial photograph that identifies/delineates the subject properties and show the surrounding context.
 - b. Natural Resources Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural resources in and around the subject properties. Where natural resources are present, the map shall show/label streams, wetlands, shorelines, forested areas, protected habitat (pursuant to state and federal law), areas with steep slopes, groundwater recharge areas, and similar features.
 - c. Natural Hazards Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural hazards on and around the subject property. Where hazards are present, the map shall show/label flood zones, avalanche zones, areas of unstable soils/landslide areas, and other similar hazards that should be considered.
 - e. Utilities Map. This shall be a scaled drawing or aerial photograph identifying and labeling existing utilities service lines on and around the subject property. Where utilities are present, the map shall show/label potable water lines, sanitary sewer lines, reservoirs, treatment plants, and public stormwater management facilities.
 - f. Zoning Map. This shall be a scaled drawing the current zoning designations on and around the subject property.
5. Technical Studies. At the discretion of the Planning Director, and depending on the amendment proposed, the applicant may be required to submit technical studies to justify the proposed Comprehensive Plan amendment and to demonstrate consistency with other goals and policies therein. These may include, but not limited to, traffic studies, drainage studies, environmental impact statements, environmental site assessments (ESAs), natural hazard studies, and/or visual impact studies.
- E. Amendment Procedure. Applications to amend the Comprehensive Plan 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.
 2. Sufficiency Review. The Planning Department will conduct a thorough review of the application's consistency with other goals and policies within the Comprehensive Plan, other applicable regulatory and policy documents. The review shall also assess potential impacts relating to public safety, natural resource protection, natural hazards, public services, and existing land uses. The Planning Department may circulate the application submittal 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 City

standards or fail to address potential negative impacts to humans, the environment, infrastructure, and surrounding land uses.

3. Application Revisions. As applicable, the applicant ~~shall~~may revise their application submittal to address the Planning Department's comments. After 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 to the decision-making authority that (i) summarizes the proposed amendment(s) in terms of location, environmental conditions, existing land use, and proposed land use(s), (ii) provides findings to the applicable Comprehensive Plan goals and policies, (iii) provides analysis of potential changes to VMC Title 17 that could occur as a result of the amendment, (iv) provides findings related to potential impacts to public services, and (v) provides a recommendation to approve, approve with limitations, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
5. Public Notice Required. The City shall provide public notice and document public comments regarding the Comprehensive Plan amendment application pursuant to Section 17.04.180.
6. Planning and Zoning Commission Hearing & Recommendation. The Planning and Zoning Commission shall conduct a public hearing to review the Comprehensive Plan amendment application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and make a formal recommendation to City Council. Following the hearing, the Planning Department shall update its staff report to include the Planning and Zoning Commission's recommendation.
6. City Council Hearing & Decision. The City Council shall conduct a public hearing to review the Comprehensive Plan amendment application, review the Planning & Zoning Commission recommendation, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take formal action to approve, approve with limitations, or deny the application.

17.04.041 – 17.04.049 *Reserved*

17.04.050 *Zoning Ordinance Text and Map Amendments*

- A. Purpose. The City's zoning code and the official zoning map are intended to implement the Comprehensive Plan, state and federal rules, protect health/safety, enforce environmental protection, and reduce conflicts amongst neighboring land uses. The purpose of this section is to outline the procedure for amending the zoning code and the official zoning map.
- B. Applicability. The provisions of this section apply to any changes, updates, or revisions to the City's zoning code including changes to its text, exhibits, and the official zoning map. These provisions apply to both city- and public-initiated amendments, with the exception that fees are not required for city-initiated applications. ~~City-initiated amendments include those directed by City Council or the Planning & Zoning Commission, and which are prepared by City staff or consultants.~~ City-initiated amendments include those directed by City Council, the Planning & Zoning Commission, and/or City Staff/the City Manager.
- C. Approval Considerations.
 1. Limitations. The City Council shall retain the authority to limit its approval of amendments to the zoning code and the official zoning map to limit certain land use activities, protect public health, safety, and welfare of humans and the environment, and ensure its ability to serve properties/individuals with adequate public services.
 2. Comprehensive Plan Consistency. Amendments to VMC Title 17 and/or the official zoning map shall be consistent with the Comprehensive Plan.
- D. Submittal Requirements. Application involving amendments to the zoning code and/or the official zoning map 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. Narrative. Applicants shall provide a project narrative that describes the location, surrounding land uses, environmental features, proposed use(s), and proposed development activity, as applicable. The narrative shall describe how the proposed amendments align with the goals and policies within the Comprehensive Plan. For map amendments, the narrative shall identify whether the proposal will result in nonconforming situations that involve the existing structure and land uses within the subject property.
3. Proposed Amendments Documentation. Applicants shall provide documentation that clearly explains/delineates the proposed amendments.
 - a. Text Amendments. Applicants shall provide proposed text amendments in underline/strikethrough format to demonstrate how the proposed changes compare with existing text. Proposed additions shall be displayed as underline text and proposed omissions shall be displayed as strikethrough text.
 - b. Map Amendments. Applicants shall provide proposed map amendments on a figure that clearly delineate and labels the proposed changes.
4. Map Set. At the discretion of the Planning Director, and depending on the amendment proposed, applicants may be required to graphically illustrate the surrounding context, existing structures/land uses, relationship with other regulatory/policy maps, and to identify natural resources. The ~~required~~ map set may include the following.
 - a. Property Location Map. This shall be a scaled drawing or a current aerial photograph that identifies/delineates the subject properties and shows the surrounding context in terms of structures, built features, and land uses ~~(as applicable)~~.
 - b. Natural Resources Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural resources in and around the subject properties. Where natural resources are present, the map shall show/label streams, wetlands, shorelines, forested areas, protected habitat (pursuant to state and federal law), areas with steep slopes, groundwater recharge areas, and similar features.
 - c. Natural Hazards Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural hazards on and around the subject property. Where natural hazards are present, the map shall show/label flood zones, avalanche zones, areas of unstable soils/landslide areas, and other similar hazards that should be considered.
 - e. Utilities Map. This shall be a scaled drawing or aerial photograph identifying and labeling existing utilities service lines on and around the subject property. Where utilities are present, the map shall show/label potable water lines, sanitary sewer lines, reservoirs, treatment plants, and public stormwater management facilities.
 - f. Comprehensive Plan Map (Place Types). This shall be a scaled drawing depicting the Place Type designations from the Comprehensive Plan. The subject property shall be delineated on the map.
5. Technical Studies. At the discretion of the Planning Director, the applicant may be required to submit technical studies to justify the proposed zoning code and/or official zoning map amendment and to demonstrate consistency with the Comprehensive Plan, mitigation of potential adverse impacts, and to address other state/federal requirements. These may include, but not limited to, traffic studies, drainage studies, environmental impact statements, environmental site assessments (ESAs), land use studies, natural hazard studies, and/or visual impact studies.
 - a. Rezone Requests in the Future Industrial/Working Waterfront Place Type. Requests for rezoning of land within the Future Industrial/Working Waterfront Place Type shown in the Comprehensive Plan shall be accompanied by a study that presents the risks, costs and benefits of allowing development of the area. The study shall include data on the expected costs of extending and maintaining public infrastructure and services and an assessment of natural hazards.
 - b. Rezone Requests in the Future Residential/Recreation Place Type. Requests for rezoning of land within the Future Residential/Recreation Place Type shown in the Comprehensive Plan shall be accompanied by a study that presents the risks, costs and benefits of allowing development of the area. Lands within the Future Residential/Recreation place type are intended as second-priority development areas; therefore, the study shall include information showing that the area is appropriate for residential or

recreational development at the time of application. The study shall include data on the expected costs of extending and maintaining public infrastructure and services and an assessment of natural hazards.

- c. i.—Rezone requests to Planned Resort (PR) District. ~~Lands-Only lands~~ within the Destination Resort Overlay place type within the Valdez Comprehensive Plan are eligible for rezoning to ~~the PR district~~. Requests for rezoning to PR shall be accompanied by a study demonstrating feasibility for development, land use compatibility and sustainability, efficient provision of transportation and utility infrastructure and to suitably protect environmentally sensitive resources, community character, and natural features. Once the PR district has been established, a Planned Unit Development (PUD) shall be approved prior to development. The PUD shall be accompanied by a detailed master plan for the ~~resort-development~~.

- E. Review Procedure. Applications to amend the zoning code and/or the official zoning map 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.
 2. Sufficiency Review. The Planning Department shall conduct a review of the application's consistency with other Municipal Code provisions, the Comprehensive Plan, and other applicable regulatory and policy documents. The review shall also assess potential adverse impacts relating to public safety, natural resource protection, natural hazards, public services, and existing land uses. 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 City ~~standards/policies~~ and/or fail to address potential negative impacts to humans, the environment, infrastructure, and surrounding land uses.
 3. Application Revisions. As applicable, the applicant ~~shall may~~ revise their application submittal to address the Planning Department's comments. After 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 to the decision-making authority that (i) summarizes the proposed amendment(s) in terms of location, environmental conditions, existing land use, and proposed land use(s), (ii) provides findings to the applicable Comprehensive Plan goals and policies, (iii) provides findings related to potential impacts to public services, and (iv) provides a recommendation to approve, approve with limitations, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
 5. Public Notice Required. The City shall provide public notice and document public comments regarding zoning code and/or the official zoning map amendment application pursuant to Section 17.04.180.
 6. Planning and Zoning Commission Hearing & Recommendation. The Planning and Zoning Commission shall conduct a public hearing to review the ~~Comprehensive Plan amendment~~ application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and make a formal recommendation to City Council. Following the hearing, the Planning Department shall update its staff report to include the Planning and Zoning Commission's recommendation.
 7. City Council Hearing & Decision. The City Council shall conduct a first and second reading of the proposed amendment pursuant to the Valdez City Charter, Chapter IV, to review the ~~application, Planning & Zoning Commission recommendation~~, staff report, hear staff, applicant, and public testimony, discuss the proposal, and take formal action to approve, approve with limitations, or deny the application.

17.04.051 – 17.04.059 *Reserved*

17.04.060 *Conditional Use Permits*

- A. Purpose. Conditional Use Permits are intended to establish a process to review specific land uses on a case-by-case basis through a public hearing process to examine and address potential impacts and compatibility concerns to the immediate vicinity.

- B. **Applicability.** The provisions of this section apply to new uses or expansions of existing uses that are listed as “C” on the Land Use Table contained in Section 17.06.060.
- C. **Approval Criteria.** 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. The Planning and Zoning Commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest.
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.
 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.
 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 it which it is located (e.g., building/structural setbacks, building height, lot dimensions). Notwithstanding, those zoning standards may be adjusted pursuant to a separate variance and/or administrative adjustment 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.
 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.
 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.
 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/project would create undue traffic congestion or pose a safety hazard to motorists, pedestrians, and/or cyclists.
- D. **Submittal Requirements.** Applications for a conditional use permit 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 the property that is subject of the conditional use 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 lot coverage, proposed density (as applicable), parking and access, and environmental conditions on and adjacent to the subject site. The narrative shall list all the specific use standards that are applicable to the proposal and provide a response describing how the proposal complies with those standards. The narrative shall list all of the conditional use review criteria and provide a response describing how the proposal complies with those criteria.

4. Plan Set. Applicants shall provide a plan set to illustrate the proposed site improvements. A plan set may only be required where the proposed conditional use application includes new buildings and/or site improvements. At the discretion of the Planning Director, the plan set may include the following—~~whereas, one or more of these plans may be combined.~~
 - a. Property Survey. This shall be a scaled drawing with a surveyor's seal that graphically depicts the current parcel configuration with boundary dimensions, depicts current easements, and illustrates the exact location and dimensions of existing site improvements (e.g., structures, pavement areas, etc.). The survey shall also include a legal description.
 - b. Site Plan. This shall be a scaled drawing that depicts the proposed site layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, and any other information necessary to visually describe the proposed project.
 - c. Subdivision Plat. This shall be a scaled drawing showing the proposed lot configurations, easements, tracts, and rights-of-way. This shall only be required where subdivision activities are proposed as part of the conditional use permit request.
 - d. Grading and Drainage Plan. This shall be a scaled drawing showing ~~ing~~ existing and proposed contours, and proposed drainage features.
 - e. Utilities Plan. This shall be a scaled drawing showing existing and proposed utility service line, connection points, and sanitation elements ~~(e.g., septic tanks).~~
 - f. Building Elevations. This shall be scaled drawings showing the proposed building elevations for primary structures. The elevations shall include dimensions and material labels. Elevations are not required for accessory structures under 1,000-sf.
5. Technical Studies. At the discretion of the Planning Director, the applicant may be required to submit technical studies to demonstrate compliance with the conditional use review criteria. These may include, but ~~are~~ not limited to, traffic studies, drainage studies, noise and vibration studies, and/or visual impact studies.
- E. Review Procedure. Conditional use 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 ~~4items~~. After the applicant addresses the deficient items, the Planning Department may restart its review.
 2. Sufficiency Review. The Planning Department shall conduct a review ~~of~~ the application's consistency with the approval criteria, pursuant to Section 17.04.060.C, 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 City standards.
 3. Application Revisions. As applicable, the applicant ~~shall~~ ~~may~~ revise its application submittal to address the Planning Department's comments. ~~After~~ ~~If~~ the applicant provides a revised application ~~submission~~ ~~packet~~, the Planning Department ~~and other City departments~~ shall review the revised application for regulatory and policy compliance.
 4. Staff Report. The Planning Director, or designee, shall write a staff report to the Planning and Zoning Commission that (i) summarizes the proposed conditional use in terms of location, proposed land use(s), and proposed structures, (ii) provides findings to the conditional use approval criteria, (iii) 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.

5. Public Notice Required. The City shall provide public notice and document public comments regarding the conditional use permit application pursuant to Section 17.04.180.
 6. Hearing & Decision. 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.
 7. The planning and zoning commission shall make its findings and determination within sixty days from the date of receipt of a complete application and shall notify the applicant in writing of its decision. If approval is denied, the commission shall state its reason for denial. Failure of the planning and zoning commission to decide within the time specified shall advance the application to the appellate authority.
 8. Use Within Twelve Months Required. Any conditional use approved by the planning and zoning commission must be utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must commence within the stated period and must be diligently pursued to completion, otherwise the approval is automatically voided. The planning and zoning commission may extend the time the construction is to start if satisfactory evidence of planning progress is presented.
- F. Conditional Use Permit Amendments. The permit amendment procedures are established to allow applicants to revise and/or modify permits within VMC Title 17 (conditional use, Planned Unit Development) to respond to unique site conditions, changes in the proposal, and/or respond to unique situations. The permit amendment process is not intended to circumvent conditions of approval imposed by the original decision-making authority.
1. Applicability. The provisions of this section are applicable to land, projects, and areas within the municipal limits that have an approved permit under VMC Title 17, and where future land uses, construction or development activities are subject to that permit.
 2. Amendment Options. Applicants may request to amend plans/permits pursuant to the following options and subject to the associated allowances/limitations for each.
 - a. Option 1: Minor Amendments. The applicant may apply for a minor amendment to an approved plan/permit as an administrative review through the Planning Department. Under this option, the applicant shall submit revised plans and other documents detailing the proposed changes, a cover letter describing the changes and reasoning, and pay associated fees. The Planning Director or designee shall take action to approve or deny the proposed amendment(s) based on compliance with the applicable code and policy standards.
 - i. Minor Amendment Determination. A minor amendment may be allowed for situations/site elements associated with a Conditional Use Permit or Planned Unit Development that include the following, notwithstanding, the proposed amendments shall fully comply with the Municipal Code:
 - 1) Increase in the building height by 10%.
 - 2) Expansion of the building floor area up to 20% or 1,500 square feet, whichever is less.
 - 3) Expansion or reduction in the quantity of vehicle parking areas for nonresidential and multi-unit projects by up to 10%.
 - 4) Expansion or reduction of designated open space areas by up to 10%.
 - 5) Increase in project site area by up to 10% or 1 acre, whichever is less. This shall not include applications for Rezones, Comprehensive Plan amendments, Conditional Uses, or subdivisions.
 - 6) Designation of additional uses that only involve those listed as permitted ("P") in the land use table for the zoning district pursuant to Section 17.06.060.
 - 7) Changes in the building facade design, floorplan layout, and/or exterior materials.

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- 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. ~~Staff will apply~~ 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 ~~variance or administrative adjustment~~ 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.

17.04.061 – 17.04.069 *Reserved*

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), ~~shall be processed as a conditional use permit.~~

~~viii. Accessory buildings/use including size, quantity of structures, and location on the lot.~~

~~xvii.~~ 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 code provisions listed in 17.04.070.C.1.a, in addition 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.

~~5. Special Criteria for Deck Variances:~~

~~a. Variances on deck projections into a setback will not be approved where the setback is also an easement.~~

~~b. Deck projections into a setback will be limited to support and foundation beams, decking and railings only. No variances for enclosed decks with roofs will be approved.~~

~~c. Deck projections must remain a minimum of five feet from any property line.~~

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 lot coverage~~, 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. ~~A plan set may only be required where the proposed variance or administrative adjustment application includes new buildings and/or 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 ~~(e.g., structures, pavement areas, etc.)~~. 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~~shall revise its application submittal to address the Planning Departments comments. ~~If~~After 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.

17.04.071 – 17.04.089 *Reserved*

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.

17.04.100 – 17.04.119 *Reserved*

17.04.120 *Temporary Land Use Permits*

- A. Purpose. A temporary land use permit allows ~~an~~ 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.
 2. On-Site Construction Yard. On-site construction yards, storage structures/vehicles, and offices, in conjunction with an approved construction project on the same parcel are not subject to a temporary land use permit. When allowed, said activities/structures/materials shall be removed within 30 days upon completion of the construction project, or the expiration of the building permit authorizing the construction project, whichever first occurs.
 3. Emergency Response Activities. Emergency public health and safety land use activities, as determined by resolution of the City Council, or authorized under an emergency declaration, [or during an active response by emergency service agencies](#), shall not require a temporary land use permit.
 4. Short-term Events at Specific Locations. Events or uses occurring less than ten consecutive days at the City of Valdez Civic Center, City of Valdez Recreation Center, Kelsey Dock, the Valdez Airport, or other [facility locations](#) specifically designated by the Planning Director, shall not require a temporary land use permit.
 5. Garage or Yard Sales. Garage sales or yard sales that occur at a personal residence shall not require a temporary land use permit subject to the following provisions:
 - a. Only one garage or yard sale may be conducted within any one-month period and the sale shall be limited to not more than three consecutive days or to two consecutive weekends not to exceed four days in all.
 - b. The sale shall not be conducted between the hours of eight p.m. of any day and seven a.m. of the following day.
 - c. The sales shall not encroach or be made on or from public streets or rights-of-way.
 - d. No licensed retail or wholesale dealer shall be allowed to consign or offer for sale any goods or merchandise or participate in any private sale authorized by this subsection.
 6. Events at Personal Residences. Small events such as celebrations, social engagements, weddings, and/or parties at personal residences shall not require a temporary land use permit.
- F. Permit Types. Temporary land use permits are allowed by the provisions of this section and pursuant to the following:
1. Short-term Permits. Applicants may request a short-term permit for temporary uses that occur less than 10 consecutive days each year at a specific location. Short-term permits may be approved through an application, internal review, and a decision from the Planning Director pursuant to Table 17.04.030.a.
 2. Long-term Permits. Applicants may request a long-term permit for temporary uses that occur 10 or more consecutive days at a specific location. The duration of the permit shall not exceed six months unless the permit is issued to a contractor working on a city-owned project. No more than one long-term permit shall be issued each calendar year for the same location to the same applicant. Long-term permits may be approved by the Planning and Zoning Commission pursuant to Table 17.04.030.a. Long-term permit

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activities that reoccur on an annual basis may be renewed annually, with approval by the Planning Director, if the duration of the use exceeds one year, and may be renewed for a maximum of four years. After four years the reoccurring use must go through the full application and approval process. Minor changes to the original permit may be reviewed and approved by the Planning Director during the renewal process if the changes do not change the extent, intensity, or use approved in the original permit.

3. Prohibited Land Uses/Events. The following land uses/~~events~~ may not be approved as a temporary land use permit.
 - a. Any land use that requires a Conditional Use Permit.
4. City-owned Property Liability Insurance Requirements. Applicants that seek to conduct a temporary use on city-owned land shall maintain liability insurance as set forth herein naming the City as an additional insured party for the duration of the permit. The minimum insurance requirements are as follows:
 - a. General Liability. Applicants shall provide general liability insurance covering the permittee and the City for any and all claims for personal injury, bodily injury (including death) and property damage (including environmental degradation or contamination) arising from any activity occurring as a result of this temporary land use permit agreement.
 - b. Auto Liability (If Applicable). Permittee shall maintain business auto liability insurance covering liability arising out of any auto (including owned, hired, and non-owned autos).
 - c. Minimum limits: Applicants shall provide insurance equaling at least one million dollars combined single limit each accident and subject to the following other minimum limits.
 - i. \$100,000,000 each occurrence
 - ii. \$100,000 damage to rented premises
 - iii. \$5,000 medical payments
 - iv. \$1,000,000 personal and advertising injury
 - v. \$2,000,000 general aggregate
 - vi. \$2,000,000 products and completed operations aggregate
 - d. Waiver of Subrogation. For the purpose of waiver of subrogation, Permittee releases and waives all rights to claim or recover damages, costs or expenses against Valdez for any casualty of any type whatsoever in, on or about the Premises if the amount of such damage, cost or expense has been paid to such damaged party under the terms of any policy of insurance required herein.
 - e. Worker Compensation. The City may require proof of workers compensation issuance for activities that are subject to state and/or federal law.
 - f. Alternatives and Waivers of Insurance Requirements. ~~At the~~ the discretion of the Planning Director, event insurance may be accepted for short-term permits. Upon a showing of good cause, in the discretion of the Planning Director, insurance policies not fully conforming with the minimum requirements set forth herein may be accepted where the nature of the use under the temporary land use permit poses a low risk of liability for the city. For permits on private, state, or federally owned land, the Planning Director may require insurance as a condition of permit approval.
- G. Approval Criteria. The Planning Department and the final decision-making authority shall evaluate whether the temporary land use permit 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 demonstrate compliance.
 1. Criterion 1: Use of the property under the permit shall not constitute a nuisance, substantially interfere with the use and enjoyment of adjacent property, or adversely impact public access or city operations.
 2. Criterion 2: The proposed property shall be adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary land use is reasonably expected to generate.

3. Criterion 3: Adequate temporary parking to accommodate vehicular traffic generated by the use shall be available either on the property or at alternate locations acceptable to the city.
 4. Criterion 4: All permits must be for a fixed period of time identified in the permit.
 5. Criterion 5: No permanent structures shall be erected on the property.
 6. Criterion 6: No permanent alteration of land shall occur.
 7. Criterion 7: The permittee shall obtain all required permits for the proposed use from the city or other ~~governmental~~[required](#) agencies.
 8. Criterion 8: The permittee shall clear the property of any debris, litter, or other evidence of the temporary use upon expiration or termination of the permit.
 9. Criteria 9: For permits on city owned land, the permittee shall pay fees as established by [resolution of the city council](#) ~~by resolution~~. No fees shall be charged for permits issued to contractors for the purpose of completing city-owned projects.
 10. Criterion 10: The proposed use will not jeopardize, endanger, or substantially interfere with the public convenience, health, safety, or general welfare.
- H. Submittal Requirements. Applicants for a temporary land use permit 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. Complete applications for short-term permits must be submitted at least fourteen days before the date that the proposed temporary use is scheduled to take place in order to ensure applications are processed in time. Complete applications for long-term permits must be submitted at least forty-five days before the date that the proposed temporary use is scheduled to take place in order to ensure applications are processed in time. [The application deadlines may be waived, at the sole discretion of the Planning Director.](#)
 2. Narrative. Applicants shall provide a project narrative that describes the location, proposed use(s), associated structures/vehicles, hours/dates of the use/event, and proposed parking arrangements. The narrative shall describe the existing site improvements ~~(e.g., buildings, utilities, and parking areas),~~ and site conditions. The narrative should address the temporary use review criteria and provide a response describing how the proposal complies with those criteria.
 3. Site Plan. Applicants shall submit a scaled site plan, as applicable, that graphically illustrates the site location, access locations, proposed temporary use location on the site, and major geographical features.
- I. Review Procedure. Temporary land use permits 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.
 2. Sufficiency Review. As applicable to the size and location of the proposed temporary use, the Planning Director may circulate the application submittal to other city departments to conduct a review of the application's consistency with the approval criteria pursuant to 17.04.120.G.
 3. Staff Report. For long-term permits, the Planning Director or designee shall draft a report summarizing the request, any compliance concerns, and a recommendation to the Planning and Zoning Commission.
 3. Action for Short-term Permits. The Planning Director shall review the short-term temporary land use permit application, review staff comments, and take action on the application. The Planning Director may approve, approve with conditions, or deny the application. Issuance of short-term permits shall be reported to the planning and zoning commission and city council at the next regularly scheduled meetings.

4. Action for Long-term Permits. The Planning and Zoning Commission shall review the long-term temporary land use permit application, review staff comments, and take action on the application. The Commission may approve, approve with conditions, or deny the application. Issuance of long-term permits shall be reported to the city council at the next regularly scheduled meeting.

17.04.121 – 17.04.129 *Reserved*

17.04.130 Pre-Application Meeting

- A. Purpose. A pre-application meeting is a process for applicants to seek guidance and preliminary advising from city staff pertaining to a proposed land use or development plan for a property before submitting an application for review. The pre-application meeting is intended to allow applicants to obtain preliminary staff comments on their proposal before creating detailed construction documents and technical studies/analysis. Under this provision, City staff is expected to conduct a preliminary review of the proposal's compliance with the applicable City of Valdez code and permitting standards; this process is not intended to be a detailed analysis or constitute an approval.
- B. Applicability. A pre-application meeting is a voluntary process for any individual seeking guidance for proposed land use and development activity within the municipal limits. A formal pre-application meeting is not required for general inquiries to the City.
- C. Response. City staff will provide a written response to the applicant regarding materials reviewed during the preapplication meeting.

17.04.131 – 17.04.139 *Reserved*

17.04.140 Appeals

- A. Purpose. This section establishes the process, allowances, and limitations for interested parties/individuals to appeal the decision-making authority's action(s) for a specific permit, application or any action of the Planning Director or other administrative official in enforcement of VMC Title 17.
- B. Applicability. The provisions of this section apply to any appeal pursuant to Table 17.04.030.a. An appeal may be sought only under the provisions of this section by a person affected or aggrieved by the action being appealed. These procedures apply to appeals to the Planning and Zoning Commission or City Council (together "City Appellate Authority").
- C. Filing Limit. The appeal must be filed within fifteen days of the date of the action or decision being appealed. The notice of appeal must be filed with the city clerk. The notice of appeal shall be in the form of a written statement containing detailed and specific allegations of error and describe how the appellant will be affected or aggrieved by the action or decision.
- D. Appeals Hearing. Upon a determination by the city clerk that a notice of appeal is properly filed, the City Clerk shall schedule an appeal hearing before the City Appellate Authority within 60 days of the appeal request. The appeals hearing may be scheduled during a regular or special Planning and Zoning Commission or City Council meeting as deemed appropriate by the City Clerk.
- D. Notice of Hearing. A notice of the date, time, and place of the appeals hearing before the City Appellate Authority shall be served on the appellant and shall be titled "NOTICE OF HEARING;" and shall set forth the nature of the appeal to be heard. At least 14 days prior to the hearing, the City Clerk shall cause the notice of hearing to be posted on the City's public notice web page [and City Hall notice board](#), and notice shall be mailed to the appellant. The City Appellate Authority may prescribe rules of procedure for additional notification in cases where a decision of the board would have a substantial effect on surrounding properties.
- E. Stay of Proceedings. The filing of an appeal shall stay all proceedings in the matter until a determination is made by the City Appellate Authority, unless the court issues an enforcement order based on a certificate of imminent peril to life or property or in the case of an emergency as set forth in VMC Title 17.
- F. Staff Report. The Planning Director shall write a staff report that (i) summarizes the original application and its approval, (ii) provides findings for each of the appellate claims, and (iii) provides a recommendation to approve, approve with conditions, or deny the appeal claim. All data pertaining to the case shall accompany the staff report. The report shall be provided to the City Clerk.

- G. Procedure for Hearing. An appeal before the City Appellate Authority shall be conducted in accordance with the following procedures:
1. Failure of Appellant to Appear. If an appellant fails to appear in person, the City Appellate Authority may proceed with the hearing.
 2. Oath to Be Administered. Anyone testifying before the City Appellate Authority shall be administered an oath prior to giving testimony.
 3. Record. The city clerk shall be ex officio clerk of the City Appellate Authority and shall keep verbatim stenographic records or electronic recordings of the board's proceedings, showing the vote of each member on every question and all of the evidence presented.
 4. Burden of Proof. The burden of proof rests with the appellant. The city shall make available to the appellant all reasonably pertinent documents requested for presentation of the appeal.
 5. Rules of Evidence. The hearing of an appeal shall be conducted informally. The City Appellate Authority shall not be restricted by the formal rules of evidence; however, the chair may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered, provided there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.
 6. General Procedure. Each side shall have a total of no more than thirty minutes to present their case. Each side shall be responsible for dividing their thirty minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings.
 7. Order of Presentation. The appellant shall present argument first. Following the appellant, the ~~abatement officer~~ ~~Enforcement Officer~~ Planning Director, or designee, shall present the city's argument. The appellant may, at the discretion of the chair, make rebuttal presentations directed solely to the issues raised by the ~~abatement officer~~ ~~Enforcement Officer~~ Planning Director, or designee. The members of the City Appellate Authority may ask questions through the chair of either the appellant or the ~~abatement officer~~ Planning Director at any time during the hearing.
 8. Witnesses and Exhibits. The appellant and the ~~abatement officer~~ Planning Director, or designee, may offer oral testimony of witnesses and documentary evidence during the hearing. All testimony before the City Appellate Authority shall be under oath.
 9. Decision of City Appellate Authority.
 - a. At the conclusion of the appeal hearing, the City Appellate Authority, shall, based on the information received at the hearing, affirm or reverse the appealed action or decision in whole or in part.
 - b. It shall require a majority of the full membership of the City Appellate Authority, minus those members who disqualify themselves with conflicts of interest.
 - c. Every decision of the ~~zoning board of examiners and appeals~~ City Appellate Authority to affirm or reverse an action or decision shall be in writing setting forth the findings and conclusions adopted. Such findings must be reasonably specific so as to provide the community and, where appropriate, reviewing authorities, with a clear and precise understanding of the reasons for the City Appellate Authorities decision.
 - d. Decisions of the City Appellate Authority may be appealed pursuant to Table 17.04.030.a Review Matrix.
- H. Judicial Appeal.
1. Final decisions of the highest City Appellate Authority set forth in VMC Title 17 may be appealed to the superior court or a court of competent jurisdiction.
 2. Filing Timeline Requirement. The appellant shall file an appeal within 30 days to the superior court by filing with the court, and provide a copy to the Valdez City Clerk.

3. Appeal Procedures. The appeal claim shall be subject to the rules, allowances, limitations, and procedures established by the superior court.
4. Stay of Proceedings. The filing of an appeal to superior court does not stay any proceedings in the matter, nor the effect of the decision of the City's decision-making authority or City Appellate Authority.

17.04.151 – 17.04.159 *Reserved*

17.04.160 VMC Title 17 Violations

- A. Purpose. This chapter establishes code violation rules and enforcement procedures to ensure compliance with VMC Title 17 and remedy violations.
- B. Applicability. The provisions of this section apply to the following violations and unlawful acts, whereas nuisance violations within the municipal limits are addressed in VMC Title 8.
 1. Use of Land. Any land use activities that are not allowed pursuant to the property's zoning code designation and/or require specific City approvals which have not been granted.
 2. Development Activities. Any development activities that are not allowed or require specific City approvals/permits which have not been granted pursuant to VMC Title 17.
 3. Permit Violations. Any land use, development activities, subdivision activities, and/or land modifications that are a direct violation to a permit issued pursuant to VMC Title 17.
 4. Violation not condoned by permit issuance or plan approval. The issuance or granting of a building permit or approval of plans or specifications under the authority of the Valdez Building Code) herein shall not be deemed or construed to be a permit for or an approval of any violation of the provisions of VMC Title 17 or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of VMC Title 17 shall be valid except insofar as the work or use which is authorized is lawful and permitted.
 5. Activity inconsistent with VMC Title 17. Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of VMC Title 17 or in any way inconsistent with the terms and conditions of any entitlement required to engage in such activity.
- C. Continuing violations. Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of VMC Title 17, provided however the director has the authority to enter into a civil compromise as to the amount of the fine.
- D. VMC Title 17 Violation Enforcement Process.
 1. Primary Responsibility. The Planning Director, or designee, shall have primary responsibility for enforcement of VMC Title 17.
 2. Inspections.
 - a. The Planning Director, or designee, may at any reasonable time, upon presentation of proper identification, enter upon and inspect any land, structure, or premises where he or she has reasonable cause to believe there exists a violation of VMC Title 17, or enter upon such a building or premises to perform a duty of the director under VMC Title 17.
 - b. At any reasonable time, the Planning Director may enter upon and inspect any land or structure where any entitlement has been applied for or issued. The purpose of such inspection shall be to verify conformity with the application or entitlement.
 - c. Where the Constitution of the United States or of the state so requires, the ~~director~~ Planning Director shall obtain an administrative search warrant authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The director or representative shall apply to the trial courts of the state to obtain a warrant, stating in the application the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection, and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within ten days.

3. Enforcement Orders.

- a. In the case of a violation of VMC Title 17, the Planning Director, or designee, may issue an enforcement order pursuant to this section mandating:
 - i. Discontinuation of a use of land or a structure that is in violation of VMC Title 17;
 - ii. Abatement or removal of a structure or part of a structure that is a violation of VMC Title 17;
 - iii. Discontinuation of construction or other activity preparatory to a structure or use of land or a structure that is a violation of VMC Title 17;
 - iv. Suspension or revocation of an entitlement issued under VMC Title 17.
 - v. Restoration of any structure, vegetation, land, water body, or other thing upon the land that is destroyed, damaged, altered, or removed in violation of VMC Title 17; and
 - vi. Any other action necessary to prevent, abate, or discontinue a violation of VMC Title 17.
- b. No penalty or fine shall be assessed pursuant to VMC Title 17 unless and until the violator has been notified of the enforcement order in accordance with this section.
- c. The enforcement order shall be in writing and shall describe the violation, shall identify the provision or provisions of VMC Title 17 that are being violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified reasonable time period, and shall state that penalties, civil claims, or criminal violations may be assessed or brought against the violator if he or she fails to take appropriate action to cure or correct the violation. If no other violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.
- d. An enforcement order may be directed to one or more violators. An enforcement order that is served on a violator personally or by certified mail is final with respect to that violator if not timely appealed.
- e. Upon receipt of a written request for an extension of time to cure or correct the violation, the Planning Director may grant extensions in their-his-or-her sole discretion.
- f. Compliance Agreement. The Planning Director, (or designee,) may enter into a voluntary compliance agreement with the property owner or violator that is subject of the code violation. The voluntary compliance agreement is a written, signed commitment by the property owner to correct/address the code violations. The voluntary compliance agreement shall include the following:
 - i. The name and address of the property owner or violator;
 - ii. The address or other identification of the location of the violation;
 - iii. A description of the violation and a reference to the applicable code provisions;
 - iv. A description of required corrective action and the date and time within by which compliance must be completed;
 - v. An acknowledgment that if the city determines that the terms of the voluntary compliance agreement are not met, the City may impose any remedy authorized by this chapter or other applicable code section(s);
 - vi. A list of fine and penalties that the property owner shall pay as allowed under this section and/or Section 8.20.
 - vii. An acknowledgment that by entering into the voluntary compliance agreement, the property owner admits that the conditions described in the voluntary compliance agreement existed and constituted a code violation.
- g. Corrective action taken. If the violation is cured or corrected within the time period specified in the enforcement order or compliance agreement, or within any extension of time granted, then the municipality shall take no further action against the violator.

he. Options upon noncompliance. Whenever a written enforcement order has become final or the term for compliance under a compliance agreement has run and the violation continues to exist, the [Planning Director](#)~~director~~, or designee, may pursue any of the forms of relief under Section 17.04.160(C).

4. Private Enforcement Actions. Whenever a violation occurs, any aggrieved or affected person may file a written complaint in regard thereto. All such complaints shall be brought to the attention of the Planning Director who may cause such complaint to be properly recorded, investigated and reported upon. City staff who observe violations while on duty may also file complaints to be investigated. The Planning Director₁ or designee₂ has sole discretion regarding whether to pursue investigation and enforcement proceedings.

- a. Investigation. Upon receipt of a code violation complaint, the Planning Director₁ or designee₂ may investigate the claim and determine whether a violation has occurred. The Planning Director₁ ~~or~~ designee₂ shall prepare a memorandum documenting the complaint, an analysis of the land activities/development associated with the complaint, and a finding to whether the violation has occurred. b. Remedy Request. In the event the complaint results in the identification of a violation, the Planning ~~Department~~ [Director, or designee](#), may issue an enforcement order or pursue other remedies.

E. Remedies and Penalties.

1. Fines. The City may impose fines for code violations subject to the schedule set forth in this section.

Table 17.04.160.a Fine and Penalties Schedule		
Code Section	Violation Description	Fine / Penalty
VMC Title 17, Chapter 17.06	Unlawful use of land.	\$200.00 per violation/per day.
VMC Title 17, Chapter 17.04	Development and/or land use in violation of an associated permit.	\$200.00 per violation/per day.
17.04.160	Situations where the property owner fails to satisfy the provisions and terms of a Compliance Agreement.	\$200 per violation PLUS any other associated fine/penalty listed above/per violation per day.
VMC Title 17 – Generally	Failure to comply with the requirements of Title 17 aside from the violations specifically identified above.	\$200 per violation/day

2. Civil remedies and enforcement powers.

a. Deny/withhold entitlements. The Planning Director may deny or withhold all entitlements, including any authorization to use or develop any land, structure, or improvements, until a violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

b. Revoke entitlements. The Planning Director may revoke any entitlement or other form of authorization required under VMC Title 17. Written notice of revocation shall be served on the property owner and/or the

person to whom the entitlement was issued or such notice may be posted in a prominent location at the place of violation.

c. Restoration. The Planning Director may require a violator to restore land or premises damaged as a result of a violation to its original condition.

d. Judicial Relief. The Planning Director may seek injunctive relief, damages, or other appropriate relief in superior court or other court of competent jurisdiction against any person who fails to comply with any provision of VMC Title 17 or any requirement or condition imposed pursuant to VMC Title 17.

e. Fines. A person who violates this title shall be subject to a civil fine as set forth in Table 17.04.060.a. When such a fine remains unpaid after 30 days of issuance, the fine may be recorded as a lien against the subject property or otherwise recovered by the City in any manner legally permissible.

f. Abatement. The Planning Director may abate a violation of VMC Title 17.

i. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt required to the violator and the owner of record of the property.

ii. Unless this notice is appealed, pursuant to section 17.04.140, the Planning Director may proceed to abate the violation.

iii. The Planning Director, or designee, shall keep an accounting of the cost of abatement, including incidental expenses. The Planning Director will forward a bill for collection to the violator and record owner of the property specifying the nature of the costs and work performed. For purposes of this chapter incidental expenses shall include preparation of the notices, legal fees and costs, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.

iv. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely with the owner of the property upon which the abatement occurred. Such charges become a lien upon the real property where the violation occurred. When charges for abatement remain unpaid after 30 days from billing, the Planning Director, or designee, may record a claim of lien at the district recorder's office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes. The lien shall continue until the charges and all interest due and payable thereon are paid.

v. The lien created under this section may be enforced as provided in AS 34.35.005—34.35.045.

3. Remedies cumulative. The remedies provided for violations of VMC Title 17 shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

17.04.161 – 17.04.179 *Reserved*

17.04.180 Public hearings and notification requirements.

A. Purpose. The purpose of this section is to define the requirements of public hearings and notice as they relate to the review and approval procedures for VMC Title 17.

B. Public Hearings. When conducting a public hearing, the ~~City Council and/or the~~ Planning and Zoning Commission shall hear and consider relevant evidence and facts from any person at the public hearing or written communication (received prior to the hearing) from any person relative to the matter. The City Clerk shall document and record public testimony, the actions of the decision-making authority, and the application package.

C. Notification. Notices required by VMC Title 17 shall include the date, time, and location of the hearing, as well as the description of the action requested and the property for which the action has been requested. The

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names of the property owners and the parties filing the application shall also be included. The following notices shall be given:

1. Published Notices. The notice shall be published on the City of Valdez website in a designated section with reasonable navigation links thereto. At least 140 days before ~~each city election, regular or special~~ the public hearing, the city clerk shall provide notice to local media outlets to the extent deemed reasonable by the city clerk and post on the city website a notice of such election. ~~The last date of publication shall not be less than three days before the date of the public hearing.~~
2. Mail Notices. A notice shall also be sent by mail at least ~~ten-14~~ days prior to the public hearing to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in the application for the requested action. Mail notices are not required for city-initiated legislative actions that involve multiple properties or the City as a whole (e.g., Comprehensive Plan amendments, city-wide rezones, Municipal Code text amendments).
3. Site Postings. For any rezone, comprehensive plan amendment, or conditional use permit that involves a specific lot, the Planning Department staff shall post the property with a document holder containing public notice flyers on a public roadway that abuts the property at least 140 days before the scheduled hearing. The flyers shall list the date, time and location of the hearing and summarize the application request. The following exemptions shall apply to site posting standards.
 - a. City-initiated Applications. This is not required for city-initiated rezones or Comprehensive Plan amendments involving more than one lot.
 - b. Non-roadway Accessible Land. Site posting is not required where the lot subject of the application does not abut a public roadway (e.g., land only accessible by water or access easements).

17.04.181 – 17.04.189 *Reserved*

17.04.190 *Annexation*

- A. Purpose. The annexation describes the process to bring land into the official Valdez municipal limits; where such land would be applicable to the City's rules, laws, and governing structure.
- B. Requirements and Procedure. Annexations shall be processed pursuant to the State of Alaska boundary changes review procedures and through the Local Boundary Commission.

Chapter 17.05

Reserved

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Chapter 17.06

Zoning Districts

17.06.010 Zoning Established.

A. Purpose. The purpose of VMC Title 17 is to regulate the use of land and improvements by districts in accordance with the city comprehensive plan. These zoning regulations are designed to provide for orderly development; to lessen street congestion; to promote public safety; to protect the public health and general welfare; to provide a high quality of life; to prevent overcrowding; and to stimulate systematic development of transportation, public utilities, educational facilities, parks, and other public facilities.

B. Generally.

1. Conformance with title required. No building or land within the city shall have the existing use altered, used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the applicable provisions specified in VMC Title 17. Whenever private use is made of any public land or public structures, such use shall fully conform to the regulations set forth in VMC Title 17.
2. Interpretation and application of provisions. In their interpretation and application, the provisions of VMC Title 17 shall be minimum regulations and shall apply uniformly within each district, each class or kind of building, structure, [landland](#), or water area, except as hereinafter specifically provided.
3. Conflicts with other regulations. Whenever the requirements of VMC Title 17 are at variance with the requirements of any other lawfully adopted ordinance of the city, those imposing the higher standards shall apply.

17.06.011 – 17.06.019 *Reserved*

17.06.020 Official maps.

A. Generally. The use districts are bounded and defined on official zoning maps of the city entitled “Zoning Maps of the City of Valdez, Alaska” and identified by the signature of the mayor and attested to by the city clerk. [The Planning Department shall also maintain a digital version of the official zoning maps.](#) These maps are by this reference made a part of VMC Title 17.

B. Changes.

1. No changes of any nature shall be made to the official zoning maps or matter shown thereon except in conformity with the procedures set forth in VMC Title 17. Any unauthorized change of any kind whatsoever by any person or persons shall be considered a violation of VMC Title 17 and punishable as provided in Section 17.06.170.
2. Regardless of the existence of proposed copies of the official zoning maps which may from time to time be made or published, the official zoning maps shall be located in the Planning Department office, where they can be kept current and shall be the final authority as to the current zoning status of lands and water areas.

C. Replacement. ~~The Planning Department shall maintain a digital version of the official zoning maps.~~ If the official zoning maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of the changes and additions, the city council, after recommendation from the planning and zoning commission, may by ordinance adopt new official zoning maps which shall supersede the prior official zoning maps.

17.06.021 – 17.06.029 *Reserved*

17.06.030 Interpretation of boundaries

When uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

- A. Zoning district boundaries are assumed to extend to the centerline of any public right-of-way adjacent to the parcel.
- B. Boundaries indicated as approximately following the centerline of streets and highways shall be construed as following such centerlines.
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines in effect at the time the zoning district was approved.
- D. Boundaries indicated as approximately following section or section subdivision lines shall be construed as following such section or section subdivision lines; boundaries indicated as approximately following city limits shall be construed as following city limits.
- E. Boundaries indicated as following shorelines shall be construed as following the mean water line of that shore. In the event of change, the boundary shall be construed as moving with the actual shoreline affected by that change. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines.
- F. Tidelands, as defined in Section 14.04.020 , shall be construed as taking on the zoning district of the adjacent lot(s).
- G. Navigable Rivers shall be zoned as P Public Lands district. The stream channels and meandering beds of Mineral Creek, Valdez Glacier Stream, and Lowe River shall be assumed to be zoned as P Public Lands district.
- H. Where interpretation is needed as to the exact location of the boundaries of a district, as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped district boundary and actual field conditions, the Planning Director shall make the necessary interpretation.
- I. Where any public street or alley is officially vacated or abandoned, the zoning district on the abutting property shall apply to the newly vacated or abandoned area.

17.04.131 – 17.04.139 *Reserved*

17.06.040 Zoning Districts

- A. Purpose. Zoning districts are designed to assist in carrying out the intent and purpose of the Comprehensive Plan and to protect the public health, safety, and general welfare of the community.
- B. Allowed Uses by Zoning District. The following table (17.06.040.a) provides the allowed uses in each zoning district.

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (if applicable)
Residential															
Accessory Dwelling Units	A	A	A	A	-	-	A	A	A	-	C	-	-	-	Y
Assisted Living Homes	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Dwellings - Detached	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Dwellings - Attached - Duplex (up to 2 units)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-

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Table 17.06.040.a Allowed Uses by Zoning District

Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)

	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
per building) and townhouses (2 units)															
Dwellings - Attached - Townhouse (more than 2 units per building)	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Dwellings - Multi-unit (up to 4 units per building)	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Dwellings - Multi-unit (more than 4 units per building)	-	C	P	P	P	P	-	-	-	-	-	-	-	-	Y
Dwellings - Manufactured Home (built after June 15, 1976)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Dwellings - Mobile Home (built prior to June 15, 1976)	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Home occupations	A	A	A	A	A	A	-	-	-	-	-	-	-	-	Y
Manufactured home parks	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-
Planned Unit Development	C	C	C	C	C	C	-	-	-	-	-	-	-	-	Y
Shelters (e.g., homeless, victims, emergency)	P	P	P	P	P	P	-	-	-	-	P	-	-	-	Y
Short term rentals	P	P	P	P	P	P	-	-	-	-	-	-	-	-	Y
Worker Housing	C	-	P	-	-	C	C	C	C	-	C	-	-	-	Y
Lodging	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hotels, Motels, Inns, Rental Cabins	C	-	C	P	P	P	-	C	-	-	C	-	-	-	-

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Table 17.06.040.a Allowed Uses by Zoning District

Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)

	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Commercial	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Adult Entertainment Uses	-	-	-	-	-	C	C	C	-	-	-	-	-	-	Y
Building material supply establishments	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-
Commercial and Retail Sales (all uses unless otherwise listed in this table)	-	-	A	P	P	P	P	P	A	P	A	-	-	-	-
Food production and processing, small scale	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-
Frozen food storage	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-
Fuel and Gas Stations	-	-	-	C	C	P	P	P	P	-	-	-	-	-	Y
Marijuana retail stores	-	-	-	C	P	P	P	P	A	P	-	-	-	-	-
Self-Storage	-	-	-	C	-	-	P	P	P	-	-	-	-	-	-
Vehicle Parts and Tire sales	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-
Vehicle Sales (motor vehicles)	-	-	-	C	C	P	P	P	-	-	-	-	-	-	-
Eating and Drinking	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drinking establishments	-	-	A	C	P	P	P	P	P	-	-	-	-	-	-
Eating establishments	-	-	A	P	P	P	P	P	A	-	-	-	-	-	Y
Office and Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal hospitals, veterinary practices	C	-	-	P	P	P	P	P	P	-	-	-	-	-	-
Animal boarding, kennels and shelters	C	-	-	C	C	C	P	P	P	-	C	-	-	-	Y

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Table 17.06.040.a Allowed Uses by Zoning District

Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)

	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Boat charter services	C	-	-	P	P	P	P	P	P	-	-	-	-	-	-
Government Offices and Services	C	-	-	P	P	P	P	P	P	-	P	-	-	-	-
Laundries, laundromats	C	-	A	P	P	P	A	A	A	-	-	-	-	-	-
Mortuaries/funeral homes	-	-	-	C	P	P	C	C	C	-	C	-	-	-	-
Offices (Business, Professional, Medical) - all similar uses unless otherwise listed in this table	-	-	-	P	P	P	-	-	-	P	-	-	-	-	-
Public Services (non-office oriented)	-	-	A	P	P	P	P	P	P	-	C	-	-	-	-
Personal Services (e.g., personal services, repair shops) - (all similar uses unless otherwise listed in this table)	-	-	-	P	P	P	-	-	-	-	-	-	-	-	-
Vehicle Service (automobiles, boats, and marine equipment)	-	-	-	C	C	P	P	P	P	-	-	-	-	-	Y
Vehicle Rental	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-
Public and Quasi-Public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Assembly halls, Community buildings, Religious institution	P	P	P	P	P	P	C	C	-	-	C	-	-	-	-
Cemeteries	A	A	A	-	-	-	-	-	-	-	P	-	-	-	-

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Table 17.06.040.a Allowed Uses by Zoning District

Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)

	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Child Care Facilities	P	P	P	P	P	P	C	C	-	-	C	-	-	-	Y
Correc- tional facili- ties	-	-	-	-	C	-	-	C	C	-	C	-	-	-	-
Dams, wa- ter reser- voirs and water tow- ers	C	C	C	C	C	C	P	P	P	-	P	P	C	P	-
Educational Institution or school	P	P	P	-	-	-	-	-	-	-	P	-	-	-	-
Educational Institution - Vocational	PX	-	C	PX	PX	PX	-	C	-	-	PX	-	-	-	-
Hospital	-	-	-	-	P	P	-	-	-	-	C	-	-	-	-
Library, Museum, Cultural In- stitution, and Art Gallery	C	C	C	P	P	P	C	C	-	-	C	-	-	-	-
Small wind or solar en- ergy sys- tems	A	A	A	A	A	A	A	A	A	-	A	-	-	-	-
Utilities (service lines and small trans- formers)	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-
Utilities Class I (substas- tions, in- door pro- cessing)	C	C	C	C	C	C	C	C	C	-	C	-	-	-	-
Utilities Class II (power gen- eration, out- door pro- cessing)	C	-	-	C	C	P	P	P	P	-	C	-	-	-	-
Waste Dis- posal Facil- ity	-	-	-	-	-	-	C	C	P	-	C	-	-	-	-
Wireless Communi- cation Tower (commer- cial)	C	C	C	C	C	C	C	C	C	-	C	C	C	C	Y
Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

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Table 17.06.040.a Allowed Uses by Zoning District

Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)

	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Indoor recreation, private/commercial	-	-	-	C	P	P	C	-	-	-	-	-	-	-	-
Indoor recreation, public	-	C	C	C	P	P	-	-	-	-	P	-	-	-	-
Outdoor recreation, private/commercial	-	-	-	P	P	P	-	-	-	-	P	-	-	P	Y
Outdoor recreation, public	P	P	P	C	C	C	P	P	C	-	P	P	P	P	-
Recreation equipment rental	-	-	-	C	P	P	C	-	-	-	P	-	-	C	-
Recreational vehicle park or campground	C	C	C	C	C	C	C	C	-	-	C	-	C	C	Y
Shooting range	-	-	-	-	-	-	-	C	C	-	C	-	-	-	-
Industrial, Production and Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
All industries dependent on marine transportation	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Asphalt and concrete plant	-	-	-	-	-	-	-	C	P	-	-	-	-	-	-
Barge freight terminal	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Boat and RV sales and storage	-	-	-	C	-	C	P	P	P	-	-	-	-	-	-
Construction yard	-	-	-	C	-	C	P	P	P	-	-	-	-	-	-
Docks and harbor facilities	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Explosive ammunition, gunpowder	-	-	-	-	-	-	-	-	C	-	-	-	-	-	-

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Table 17.06.040.a Allowed Uses by Zoning District

Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)

	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
manufac- ture and storage															
Ferry termi- nals and cruise ship landing	-	-	-	-	-	C	P	-	-	-	-	-	-	-	-
Food pro- duction and processing, large scale	-	-	-	-	-	C	P	P	P	-	-	-	-	-	Y
Freight staging and handling ar- eas	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Fuel stor- age, small scale	A	A	A	A	A	A	A	A	A	A	-	-	-	-	-
Fuel stor- age, me- dium scale	-	-	-	A	A	A	P	P	P	-	-	-	-	-	-
Fuel stor- age, large scale	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Fuel piers	-	-	-	-	-	C	P	P	P	-	-	-	-	-	-
Hazardous substance production and storage	-	-	-	-	-	-	C	C	C	-	C	-	-	-	-
Ice manu- facture, storage and sales	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-
Junkyards, auto wreck- ing and scrap yards conducted within an enclosure	-	-	-	-	-	-	C	C	C	-	-	-	-	-	-
Manufac- turing and processing	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Manufac- turing and processing - Artisan	-	-	-	-	-	C	P	P	P	-	-	-	-	-	-
Manufac- turing and processing - Light	-	-	-	-	-	C	P	P	P	-	-	-	-	-	-
Marijuana cultivation	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-

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Table 17.06.040.a Allowed Uses by Zoning District

Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)

	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Marijuana manufacturing	-	-	-	C	C	C	P	P	-	-	-	-	-	-	-
Marine equipment and repair facilities	-	-	-	-	-	P	P	P	P	-	-	-	-	-	-
Material resource extraction	-	-	-	-	-	-	PC	PC	CP	-	-C	-	-	-	Y
Seafood-Meat processing	-	-	-	C	-	C	P	P	P	-	-	-	-	-	-
Mining operation	-	-	-	-	-	-	-	-	-	-	C	-	-	-	Y
Mining support services	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-
Oil refineries and petrochemical plants, gas liquefaction and fractionation plants	-	-	-	-	-	-	C	-	C	-	-	-	-	-	-
Petroleum products, docks and related facilities	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-
Sawmills	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-
Solid waste disposal	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-
Solid waste processing facility	-	-	-	-	-	-	-	C	P	-	-C	-	-	-	-
Timber harvesting	-	-	-	-	-	-	-	-	-	-	C	-	-	-	-
Warehouse	-	-	-	-	C	P	P	P	P	-	C	-	-	-	-
Aviation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aircraft maintenance and repair operations	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y
Aircraft parking in conjunction with permitted or conditional uses	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y

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Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	RR	R1	R2	NM U	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Aircraft rental agencies, lots and hangars	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y
Aircraft sales	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y
Airport	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y
Aviation electronics and radio sales and repair	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y
Aviation instruction facility	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y
Aviation products and petroleum sales	-	-	-	-	-	-	-	-	-	P	-	-	-	-	Y
Helipad	-	-	-	C	-	C	PC	CP	CP	P	C	-	-	C	Y
Agriculture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agricultural activity	P	C	C	-	-	P	P	P	P	-	P	-	-	-	-
Aquaculture operations	-	-	-	-	-	-	P	P	P	-	C	-	-	-	-
Nursery	C	-	C	P	-	P	P	P	P	-	P	-	-	-	-
Raising of livestock	P	C	C	C	-	-	-	C	C	-	P	-	-	-	Y
Accessory Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Personal Communication Antennae (PCA)	A	A	A	A	A	A	A	A	A	-	A	A	A	A	-

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B-C. Districts Established.

1. Public lands district (P). The P (public lands) district is intended to contain major open space areas, watershed management areas and major public and quasi-public, recreational, educational and institutional uses. Private, commercial recreational uses that are open to the public are also intended for this district, including private lands and uses that are essentially public in character and of specific value to the entire community.
 - a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Shelters (e.g., homeless, victims, emergency)

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- ii. Government offices and services
- iii. Cemeteries
- iv. Dams and Water reservoirs
- v. ~~Schools~~ Educational institution
- ~~v-vi.~~ Educational institution, vocational
- ~~vi-vii.~~ Utilities (service lines and small transformers)
- ~~vii-viii.~~ Recreation equipment rental
- ~~viii-ix.~~ Indoor recreation, public
- ~~ix-x.~~ Outdoor recreation, private/commercial
- ~~x-xi.~~ Outdoor recreation, public
- ~~xi-xii.~~ ~~NAgricultural nurseries~~ and greenhouse
- ~~xiii.~~ Agricultural activities
- ~~xii-~~
- ~~xiii.~~ Aquaculture operations
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - ii. ~~Small wind energy~~ Small wind or solar energy systems
 - iii. Accessory Buildings ~~(non-residential)~~
 - iv. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Accessory Dwelling Units
 - ii. Worker Housing
 - iii. Hotels, Motels, Inns, and lodges, and Rental Cabins
 - iv. Animal boarding, kennels and shelters
 - v. Public services (non-office oriented)
 - vi. Mortuaries/funeral homes
 - ~~vii.~~ Assembly ~~halls, hall,~~ Community buildings, Religious institutions and religious buildings
 - ~~viii-vii.~~ Cemeteries
 - ~~ix-viii.~~ Child Care Facilities
 - ~~x-ix.~~ Correctional facilities
 - ~~xi-x.~~ Hospitals
 - ~~xii-xi.~~ Libraries, Museums, Cultural Institutions, and Art Galleries
 - ~~xiii-xii.~~ Utilities Class I (substations, indoor processing)
 - ~~xiv-xiii.~~ Utilities Class II (power generation, outdoor processing)
 - ~~xv.~~ Waste Disposal Facilities
 - ~~xvi-xiv.~~ Wireless Communication Towers (commercial)
 - ~~xvii-xv.~~ ~~RCampgrounds and recreational vehicle parks~~ or campgrounds
 - ~~xviii-xvi.~~ Shooting ranges
 - ~~xix-xvii.~~ Warehouseing
 - ~~xx-xviii.~~ Hazardous substance production and storage
 - ~~xxi-xix.~~ Mining operations
 - ~~xxii-xx.~~ Mining support services
 - ~~xxiii-xxi.~~ Solid waste disposal
 - ~~xxiv-xxii.~~ Solid waste processing facilities
 - ~~xxv-xxiii.~~ Timber harvesting
 - ~~xxvi-xxiv.~~ Helipads
 - ~~xxvii.~~ Agriculture
 - ~~xxviii.~~ ~~NAgricultural nurseries~~ and greenhouse
 - ~~xxix.~~ Agricultural activities
 - ~~xxx-xxv.~~ Aquaculture operations

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2. Rural Residential district (RR). The RR district is intended to include lands where public utilities may not be available, but topography and soil conditions allow development at low population densities that can rely on on-lot water and sewer without creating a public health hazard. The RR district is intended to be rural in character with low-density living options.
- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
- i. Assisted Living Homes
 - ii. ~~Dwellings – Detached~~
 - iii. ~~Dwellings – Detached~~
 - iv. ~~iii.~~ Dwellings - Attached - Duplex (~~up to~~ 2 units per building) and townhouse (2 unit)
 - v. ~~iv.~~ Dwellings - Manufactured Home (built after June 15, 1976)
 - vi. ~~v.~~ Dwellings - Mobile Home (built prior to June 15, 1976)
 - vii. ~~vi.~~ Shelters (e.g., homeless, victims, emergency)
 - viii. ~~vii.~~ Short term rentals
 - ix. ~~viii.~~ Assembly halls, Community buildings, Religious institutions
 - x. ~~ix.~~ Assembly hall, community, and religious buildings
 - xi. ~~x.~~ Child Care Facilities
 - xii. ~~xi.~~ Schools Educational institutions
 - xiii. ~~xii.~~ Educational institutions, vocational
 - xiv. Utilities (service lines and small transformers)
 - xv. Outdoor recreation, public
 - xvi. Agricultural activities
 - xvii. Raising of livestock
 - xviii. ~~xvi.~~ Interim Storage Buildings
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Home Occupations
 - ii. Accessory Dwelling Units (ADUs)
 - iii. Cemeteries
 - iv. ~~Small wind~~Small wind or solar energy systems
 - v. Fuel storage, small scale
 - vi. Accessory Buildings (Non-residential)
 - vii. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Planned Unit Developments
 - ii. Worker Housing
 - iii. Hotels, Motels, Inns, and lodges, and Rental Cabins
 - iv. Animal hospitals, veterinary practices
 - v. Animal boarding, kennels and shelters
 - vi. Boat charter services
 - vii. Government Offices and Services
 - viii. Laundries, laundromats
 - ix. Dams and water reservoirs
 - x. Libraries, Museums, Cultural Institutions, and Art Galleries
 - xi. Utilities Class I (substations, indoor processing)
 - xii. Utilities Class II (power generation, outdoor processing)
 - xiii. Wireless Communication Towers (commercial)

- xiv. ~~R~~Campgrounds and recreational vehicle parks or campgrounds
 - xv. ~~All industries dependent on marine transportation for receiving raw materials or Arts and dependent upon marine transportation to ship finished products~~
 - ~~xvi-xv.~~ NAgricultural nurseries and greenhouse
3. Moderate density residential district (R1). The R1 district is intended primarily for detached dwellings and duplexes at moderate densities in areas with public utilities. Structures and uses required to serve recreational and other noncommercial needs of residential areas are allowed as permitted or conditional uses. These uses must be designed to be compatible with the residential uses in the R1 district.
- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Assisted Living Homes
 - ii. Dwellings – Detached
 - iii. Dwellings - Attached - Duplex (~~up to 2 units per building~~ and townhouse (2 units))
 - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - v. Dwellings - Multi-unit (up to 4 units per building)
 - vi. Dwellings - Manufactured Home (built after June 15, 1976)
 - vii. Dwellings - Mobile Home (built prior to June 15, 1976)
 - viii. Shelters (e.g., homeless, victims, emergency)
 - ix. Short term rentals
 - x. Assembly halls, Community buildings, Religious institutions
 - ~~x.~~ ~~Assembly hall, community, and religious buildings~~
 - xi. Child Care Facilities
 - xii. Schools-Educational institutions
 - xiii. Utilities (service lines and small transformers)
 - xiv. Outdoor recreation, public
 - ~~xv.~~ ~~Interim Storage Buildings~~
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Home Occupations
 - ii. Accessory Dwelling Units (ADUs)
 - iii. Cemeteries
 - iv. ~~Small wind~~Small wind or solar energy systems
 - v. Fuel storage, small scale
 - vi. Accessory Buildings (~~Non-residential~~)
 - vii. Personal Communication Antennae (PCA)
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Dwellings - Multi-unit (more than 4 units per building)
 - ii. Planned Unit Developments
 - iii. Dams and water reservoirs
 - iv. Libraries, Museums, Cultural Institutions, and Art Galleries
 - v. Utilities Class I (substations, indoor processing)
 - vi. Wireless Communication Tower (commercial)
 - vii. Campgrounds and recreational vehicle parks or campgrounds
 - ~~vii.~~viii. Indoor recreation, public
 - ~~viii.~~ix. Agricultural activities
 - ~~ix.~~x. Raising of livestock

4. High density residential district (R2). The R2 district is intended for a wide variety of housing types including multi-unit dwellings. Structures and uses required to serve recreational and other noncommercial needs of residential areas are allowed as permitted or conditional uses. These uses must be designed to be compatible with the residential uses in the R2 district.
- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
- i. Assisted Living Homes
 - ii. Dwellings - Detached
 - iii. Dwellings - Attached - Duplex (up to 2 units per building)
 - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - v. Dwellings - Multi-unit (up to 4 units per building)
 - vi. Dwellings - Multi-unit (more than 4 units per building)
 - vii. Dwellings - Manufactured Home (built after June 15, 1976)
 - viii. Dwellings - Mobile Home (built prior to June 15, 1976)
 - ix. Manufactured home parks
 - x. Shelters (e.g., homeless, victims, emergency)
 - xi. Short term rentals
 - xii. Worker Housing
 - ~~xiii. Assembly halls, Community buildings, Religious institutions~~
 - ~~xiii. Assembly hall, community, and religious buildings~~
 - xiv. Child Care Facilities
 - xv. ~~Schools~~Educational institutions
 - xvi. Utilities (service lines and small transformers)
 - xvii. Outdoor recreation, public
 - ~~xviii. Interim Storage Buildings (Residential Zones)~~
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Home occupations
 - ii. Accessory Dwelling Units (ADUs)
 - iii. Commercial and Retail Sales (all uses unless otherwise listed)
 - iv. ~~Restaurants and~~ Eating establishments
 - v. Drinking establishments
 - vi. Public Services (non-office oriented)
 - vii. Laundries, laundromats
 - ~~viii. Cemeteries~~
 - ix. ~~Small wind~~Small wind or solar energy systems
 - x. Fuel storage, small scale
 - xi. Accessory Buildings (~~Non-residential~~)
 - xii. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Planned Unit Developments
 - ii. Hotels, Motels, Inns, and lodges, and Rental Cabins
 - iii. Dams and water reservoirs
 - iv. Educational Institution - Vocational schools
 - v. Libraries, Museums, Cultural Institutions, and Art Galleries
 - vi. Utilities Class I (substations, indoor processing)
 - vii. Wireless Communication Tower (commercial)

- viii. ~~RCampgrounds and recreational vehicle parks or campgrounds~~
- ix. ~~NAgricultural nurseries and greenhouse~~
- x. ~~Agricultural activities~~
- xi. ~~Raising of livestock~~

~~xi~~.xii. ~~Indoor recreation, public~~

5. Neighborhood Mixed Use district (NMU). The NMU district is intended primarily for areas with utilities that include residential and supporting commercial and institutional uses that serve the convenience shopping needs for local residents. Business establishments should be developed in a small and compact format to serve adjacent neighborhoods. Both vertical and horizontal mixed-use configurations are encouraged. Some non-residential uses are allowed as conditional uses so that their compatibility with surrounding neighborhoods can be evaluated on a case-by-case basis. All uses shall be compatible in terms of scale and design.

- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Assisted Living Homes
- ii. Dwellings - Detached
- iii. Dwellings - Attached - Duplex (up to 2 units per building) ~~and townhouse (2 units)~~
- iv. Dwellings - Attached - Townhouse (more than 2 units per building)
- v. Dwellings - Multi-unit (up to 4 units per building)
- vi. Dwellings - Multi-unit (more than 4 units per building)
- vii. Dwellings - Manufactured Home (built after June 15, 1976)
- viii. Dwellings - Mobile Home (built prior to June 15, 1976)
- ix. Shelters (e.g., homeless, victims, emergency)
- x. Short term rentals
- xi. Hotels, Motels, Inns, ~~and lodges, and~~ Rental Cabins
- xii. Commercial and Retail Sales (all uses unless otherwise listed)
- xiii. Frozen food storage
- xiv. Food production and processing, small scale
- xv. Vehicle Parts and Tire sales
- xvi. ~~Restaurants and Eating establishments~~
- xvii. ~~Personal Services (e.g., personal services, repair shops)-~~ all similar uses unless otherwise listed
- xviii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
- xix. Animal hospitals, veterinary practices
- xx. Boat charter services
- xxi. Government Offices and Services
- xxii. Public Services (non-office oriented)
- xxiii. Laundries, laundromats
- xxiv. Vehicle Rentals
- xxv. ~~Assembly halls, Community buildings, Religious institutions~~
- xxv. ~~Assembly hall, community, and religious buildings~~
- xxvi. Child Care Facilities
- xxvii. Libraries, Museums, Cultural Institutions, and Art Galleries
- xxviii. Utilities (service lines and small transformers)
- xxix. Outdoor recreation, private/commercial
- ~~xxix-xxx.~~ Outdoor recreation, public
- xxxi. ~~NAgricultural nurseries and greenhouse~~
- ~~xxx-xxxii.~~ Educational institutions, vocational

- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.

- i. Home occupations
- ii. Accessory Dwelling Units (ADUs)
- iii. ~~Small wind~~Small wind or solar energy systems
- iv. Fuel storage, small scale
- v. Fuel storage, medium scale
- vi. Accessory Buildings (~~Non-residential~~)
—Personal Communication Antennae (PCA)
- vii. Helipads
- viii. Construction yards

~~vii.~~ ~~Marijuana manufacturing~~

- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.

- i. Planned Unit Developments
- ii. ~~Automobile~~Fuel and Gas Stations
- iii. Marijuana retail stores
- iv. Vehicle Sales (motor vehicles)
- v. Drinking establishments
- vi. Animal boarding, kennels and shelters
- vii. Mortuaries/funeral homes
- viii. Vehicle Services (automobiles and boats)
- ix. Dams and water reservoirs
- x. Utilities Class I (substations, indoor processing)
- xi. Utilities Class II (power generation, outdoor processing)
- xii. Wireless Communication Towers (commercial)
- xiii. Recreation equipment rental
- xiv. Indoor recreation, private/commercial
- xv. Indoor recreation, public
- xvi. Outdoor recreation, public
- xvii. Meat processing
- xviii. Raising of livestock
- xix. Recreational vehicle park/campground
- xx. Helipads
- xxi. Marijuana manufacturing
- xxii. Boat and RV sales, storage
- ~~xviii-xxiii.~~ Self-storage

6. Central business district (CB). The CB district blends commercial, moderate- to high-density residential, cultural, institutional and entertainment uses with walkability and connections to other live/work/play destinations. Uses in the CB are designed to satisfy the needs of residents of the entire community in one central location. The unique character of the CB is enhanced by buildings and entrances oriented to the street, off-street parking located at the side or rear of buildings, and small gathering spaces throughout the district.

- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall

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review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Assisted Living Homes
 - ii. Dwellings - Multi-unit (up to 4 units per building)
 - iii. Dwellings - Multi-unit (more than 4 units per building)
 - iii-iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - iv-v. Shelters (e.g., homeless, victims, emergency)
 - v-vi. Short term rentals
 - vi-vii. Hotels, Motels, Inns, Lodges, and Rental Cabins
 - vii-viii. Building material supply establishments
 - viii-ix. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - ix-x. Frozen food storage
 - x-xi. Food production and processing, small scale
 - xi-xii. Marijuana retail stores
 - xii-xiii. Vehicle Parts and Tire sales
 - xiii-xiv. Restaurants and Eating establishments
 - xiv-xv. Drinking establishments
 - xv-xvi. Personal Services (e.g., personal services, repair shops) - all similar uses unless otherwise listed
 - xvi-xvii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
 - xvii-xviii. Animal hospitals, veterinary practices
 - xviii-xix. Boat charter services
 - xix-xx. Government Offices and Services
 - xx-xxi. Public Services (non-office oriented)
 - xxi-xxii. Laundries, laundromats
 - xxii-xxiii. Mortuaries/funeral homes
 - xxiii-xxiv. Vehicle Rentals
 - xxv. Assembly halls, Community buildings, Religious institutions
 - xxiv. Assembly hall, community, and religious buildings
 - xxv-xxvi. Child Care Facilities
 - xxvi-xxvii. Hospitals
 - xxvii-xxviii. Libraries, Museums, Cultural Institutions, and Art Galleries
 - xxviii-xxix. Utilities (service lines and small transformers)
 - xxix-xxx. Recreation equipment rentals
 - xxx-xxxi. Indoor recreation, private/commercial
 - xxxi-xxxii. Indoor recreation, public
 - xxxii-xxxiii. Outdoor recreation, private/commercial
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Home occupations
 - ii. ~~Small wind~~ Small wind or solar energy systems
 - iii. Fuel storage, small scale
 - iv. Fuel storage, medium scale
 - v. Accessory Buildings (Non-residential)
 - vi. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Dwellings- Attached- Townhouse (more than 2 units per building)
 - ii. Planned Unit Developments
 - iii. ~~Automobile~~ Fuel and Gas Stations
 - iv. Vehicle Sales (motor vehicles)
 - v. Animal boarding, kennels and shelters
 - vi. Vehicle Services (automobiles and boats)

- vii. Correctional facilities~~y~~
 - viii. Dams and water reservoirs
 - ix. Utilities Class I (substations, indoor processing)
 - x. Utilities Class II (power generation, outdoor processing)
 - xi. Wireless Communication Tower (commercial)
 - xii. ~~RCampgrounds and~~ recreational vehicle parks ~~or campgrounds~~
 - xiii. Outdoor recreation, public
 - xiv. ~~MLight~~ manufacturing and processing, ~~Light~~ artisan
 - xv. Warehouses~~ing~~
 - xvi. Marijuana manufacturing
7. General commercial district (G). The G district includes those areas which are heavily exposed to automobile traffic and where public utilities are available. The district is intended specifically for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the G district commercial uses along arterials in a "strip" fashion is discouraged.
- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
- i. Assisted Living Homes
 - ii. Dwellings - Multi-unit (up to 4 units per building)
 - iii. Dwellings - Multi-unit (more than 4 units per building)
 - iii-iv. Dwellings - Attached - Townhouse (more than 2 units per building)
 - iv-v. Shelters (e.g., homeless, victims, emergency)
 - v-vi. Short term rentals
 - vi-vii. Hotels, Motels, Inns, Lodges, and Rental Cabins
 - vii-viii. Automobile Fuel and Gas Stations
 - viii-ix. Building material supply establishments
 - ix-x. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - x-xi. Frozen food storage
 - xi-xii. Food production and processing, small scale
 - xii-xiii. Marijuana retail stores
 - xiii-xiv. Vehicle Parts and Tire sales
 - xiv-xv. Vehicle Sales (motor vehicles)
 - xv-xvi. ~~Restaurants and~~ Eating establishments
 - xvi-xvii. Drinking establishments
 - xvii-xviii. Personal Services (e.g., ~~personal services, repair shops~~) - all similar uses unless otherwise listed
 - xviii-xix. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
 - xix-xx. Animal hospitals, veterinary practices
 - xx-xxi. Boat charter services
 - xxi-xxii. Government Offices and Services
 - xxii-xxiii. Public Services (non-office oriented)
 - xxiii-xxiv. Laundries, laundromats
 - xxiv-xxv. Mortuaries/funeral homes
 - xxv-xxvi. Vehicle Services (automobiles and boats)
 - xxvi-xxvii. Vehicle Rentals
 - xxviii. Assembly halls, Community buildings, Religious institutions
 - xxvii. ~~Assembly hall, community, and religious buildings~~
 - xxviii-xxix. Child Care Facilities~~y~~
 - xxix-xxx. Hospitals
 - xxx-xxxi. Libraries~~y~~, Museums, Cultural Institutions, and Art Galleries~~y~~

- ~~xxxii-xxxii.~~ Utilities (service lines and small transformers)
 - ~~xxxiii-xxxiii.~~ Utilities Class II (power generation, outdoor processing)
 - ~~xxxiii-xxxiv.~~ Recreation equipment rental
 - ~~xxxiv-xxxv.~~ Indoor recreation, private/commercial
 - ~~xxxv-xxxvi.~~ Indoor recreation, public
 - ~~xxxvi-xxxvii.~~ Outdoor recreation, private/commercial
 - ~~xxxvii.~~ ~~Light m~~~~Manufacturing and processing, Light~~
 - ~~xxxviii.~~ ~~Artisan~~ ~~Manufacturing and processing, Artisan~~
 - ~~xxxix.~~ Warehouses~~ing~~
 - xl. Docks and harbor facilities
 - xli. Ice manufacture, storage and sales
 - ~~xlii.~~ ~~Marine equipment and repair facilities~~
 - ~~xliii-xliii.~~ ~~N~~~~Agricultural nurseriesy and greenhouse~~
 - ~~xlii-xliii.~~ ~~Agricultural activitiesy~~
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Home occupations
 - ii. ~~Small wind~~~~Small wind or solar~~ energy systems
 - iii. Fuel storage, small scale
 - iv. Fuel storage, medium scale
 - v. Accessory Buildings (Non-residential)
 - vi. Personal Communication Antennae (PCA)
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. ~~Dwellings – Attached – Townhouse (more than 2 units per building)~~
- ~~ii-i.~~ Planned Unit Developments
 - ~~iii-ii.~~ Worker Housing
 - ~~iv-iii.~~ Adult Entertainment Uses
 - ~~v-iv.~~ Animal boarding, kennels and shelters
 - ~~vi-v.~~ Dams and water reservoirs
 - ~~vii-vi.~~ Utilities Class I (substations, indoor processing)
 - ~~viii-vii.~~ Wireless Communication Towers (commercial)
 - ~~ix-viii.~~ ~~R~~~~Campgrounds and recreational vehicle parks or campgrounds~~
 - ~~x-ix.~~ Outdoor recreation, public
 - ~~xi-x.~~ Construction yards, ~~equipment and storage~~
 - ~~xii.~~ ~~Animal reduction processing~~
 - ~~xiii-xi.~~ Boat sales and storage
 - ~~xiv-xii.~~ Ferry terminals and cruise ship landings
 - ~~xv-xiii.~~ Food and Seafood Processing, large scale
 - ~~xvi-xiv.~~ Fuel piers
 - ~~xvii-xv.~~ Marijuana manufacturing
 - ~~xviii-xvi.~~ Meat processing
 - ~~xix-xvii.~~ Helipads
8. Light Industrial district (LI). The LI district is intended for light industrial development including light manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. Limited commercial uses and accessory residential uses are allowed in the LI district to serve the uses for which the district is primarily intended. Limited recreation (including motorized sports facilities) are allowed.
- a. Permitted ~~principal~~~~primary~~ uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall

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review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. ~~Automobile~~ Fuel and Gas Stations
- ii. Building material supply establishments
- iii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
- iv. Frozen food storage
- v. Food production and processing, small scale
- vi. Marijuana retail store
- vii. Self-Storage
- viii. Vehicle Parts and Tire sales
- ix. Vehicle Sales (motor vehicles)
- x. ~~Restaurants and~~ Eating establishments
- xi. Drinking establishments
- xii. Animal hospitals, veterinary practices
- xiii. Animal boarding, kennels and shelters
- xiv. Boat charter services
- xv. Government Offices and Services
- xvi. Public Services (non-office oriented)
- xvii. Vehicle Service (automobiles and boats)
- xviii. Vehicle Rentals
- xix. Dams and water reservoirs
- xx. Utilities (service lines and small transformers)
- xxi. Utilities Class II (power generation, outdoor processing)
- xxii. Outdoor recreation, public
- xxiii. Manufacturing and processing
- xxiv. ~~MLight~~ manufacturing and processing, ~~Artisan~~
- xxv. ~~Artisan~~ Manufacturing and processing, ~~Light~~
- xxvi. Warehouse~~sing~~
- xxvii. All industries dependent on marine transportation ~~for receiving raw materials or Arts and dependent upon marine transportation to ship finished products~~
- xxviii. Construction yards, ~~equipment and storage~~
- ~~xxix. Animal reduction processing~~
- ~~xxx-xxix.~~ Barge freight terminals
- ~~xxxi-xxx.~~ Boat sales and storage
- ~~xxxii-xxxi.~~ Fabrication facilities
- ~~xxxiii-xxxii.~~ Food and Seafood Processing, large scale
- ~~xxxiv-xxxiii.~~ Freight staging and handling areas
- ~~xxxv-xxxiv.~~ Fuel storage, medium scale
- ~~xxxvi-xxxv.~~ Fuel storage, large scale
- ~~xxxvii-xxxvi.~~ Fuel piers
- ~~xxxviii-xxxvii.~~ Ice manufacture, storage and sales
- ~~xxxix-xxxviii.~~ Marijuana cultivation
- ~~xxxix.~~ Marijuana manufacturing
- xl. ~~Marijuana retail~~
- ~~xli. Marine equipment and repair facilities~~
- ~~xlii-xli.~~ Meat processing
- ~~xliii-xlii.~~ Material resource extraction
- ~~xliv-xliii.~~ Sawmills
- ~~xlv. Helipads~~
- ~~xlvi-xliv.~~ ~~NAgricultural~~ nurseries and greenhouse
- ~~xlvii-xlv.~~ Agricultural activities~~y~~
- ~~xlvi.~~ Aquaculture operations
- ~~xlvii.~~ Outdoor recreation, private

xlviii.

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- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Accessory Dwelling Units
 - ii. Laundries, laundromats
 - iii. ~~Small wind~~Small wind or solar energy systems
 - iv. Fuel storage, small scale
 - v. Accessory Buildings (~~Non-residential~~)
 - vi. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Worker Housing
 - ii. Hotels, Motels, Inns, Rental Cabins
 - iii. Adult Entertainment Uses
 - iv. Mortuaries/funeral homes
 - v. ~~Assembly halls, Community buildings, Religious institutions~~
~~Assembly hall, community, and religious buildings~~
 - vi. Child Care Facilities
 - vii. Correctional facilities
 - viii. Educational Institution - Vocational schools
 - ix. Libraries, Museums, Cultural Institutions, and Art Galleries
 - x. Utilities Class I (substations, indoor processing)
 - xi. ~~Helipads~~Waste Disposal Facilities
 - xii. Wireless Communication Tower (commercial)
 - xiii. ~~RCampgrounds and recreational vehicle parks~~ or campgrounds
 - xiv. Shooting ranges
 - xv. Asphalt and concrete plants
 - xvi. Hazardous substance production and storage
 - xvii. ~~Junkyards, auto wrecking and s~~Scrap yards conducted within an enclosure
 - xviii. Solid waste processing facilities
 - xix. Raising of livestock

xix.

9. Heavy industrial district (HI). The HI district is intended for industrial development, including heavy manufacturing, shipping terminals, natural resource extraction and other processes or operations which involve one or more of the following: employs large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water or sewer service or storage of hazardous materials under a conditional use permit. Limited recreation (including motorized sports facilities) are allowed.

- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. ~~Automobile~~Fuel and Gas Stations
 - ii. Building material supply establishments
 - iii. Frozen food storage
 - iv. Self-Storage
 - v. Drinking establishments
 - vi. Animal hospitals, veterinary practices
 - vii. Animal boarding, kennels and shelters
 - viii. Boat charter services
 - ix. Government Offices and Services
 - x. Public Services (non-office oriented)

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- xi. Vehicle Services (automobiles and boats)
- xii. Vehicle Rentals
- xiii. Dams and water reservoirs
- xiv. Utilities (service lines and small transformers)
- xv. Utilities Class II (power generation, outdoor processing)
- ~~xvi. Waste Disposal Facilities~~
- ~~xvii-xvi.~~ Manufacturing and processing
- ~~xviii-xvii.~~ ~~MLight~~ manufacturing and processing, Artisan
- ~~xix-xviii.~~ Artisan Manufacturing and processing, Light
- ~~xx-xix.~~ Warehousing
- ~~xxi-xx.~~ All industries dependent on marine transportation for receiving raw materials or Arts and dependent upon marine transportation to ship finished products
- ~~xxii-xxi.~~ Construction yards, equipment and storage
- ~~xxiii.~~ Animal reduction processing
- ~~xxiv-xxii.~~ Asphalt and concrete plants
- ~~xxv-xxiii.~~ Barge freight terminals
- ~~xxvi-xxiv.~~ Boat sales and storage
- ~~xxvii-xxv.~~ Fabrication facilities
- ~~xxviii-xxvi.~~ Food and Seafood Processing, large scale
- ~~xxix-xxvii.~~ Freight staging and handling areas
- ~~xxx-xxviii.~~ Fuel storage, medium scale
- ~~xxxi-xxix.~~ Fuel storage, large scale
- ~~xxxii-xxx.~~ Fuel piers
- ~~xxxiii-xxxi.~~ Ice manufacture, storage and sales
- ~~xxxiv-xxxii.~~ Marijuana cultivation
- ~~xxxv.~~ Marine equipment and repair facilities
- ~~xxxvi-xxxiii.~~ Meat processing
- ~~xxxvii-xxxiv.~~ Material resource extraction
- ~~xxxviii-xxxv.~~ Mining support services
- ~~xxxix-xxxvi.~~ Petroleum products, docks and related facilities
- ~~xl-xxxvii.~~ Sawmills
- ~~xli-xxxviii.~~ Solid waste disposal
- ~~xlii-xxxix.~~ Solid waste processing facilities
- ~~xliii.~~ Helipads
- ~~xliv-xli.~~ NAgricultural nurseries and greenhouse
- ~~xlv-xli.~~ Agricultural activities
- ~~xlvi-xlii.~~ Aquaculture operations
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Accessory Dwelling Units
 - ii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - iii. Marijuana retail stores
 - iv. Restaurants and Eating establishments
 - v. Laundries, laundromats
 - vi. ~~Small wind~~Small wind or solar energy systems
 - vii. Fuel storage, small scale
 - viii. Accessory Buildings (Non-residential)
 - ix. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Worker Housing
 - ii. Mortuaries/funeral homes
 - iii. Correctional facilities

- iv. Utilities Class I (substations, indoor processing)
- v. Wireless Communication Towers (commercial)
- vi. Outdoor recreation, public
- vii. Shooting ranges
- viii. Explosive ammunition, gunpowder manufacture and storage
- ix. Hazardous substance production and storage
- x. ~~S~~Junkyards, auto wrecking and scrap yards conducted within an enclosure
- xi. Oil refineries and petrochemical plants, gas liquefaction and fractionation plants
- xii. Raising of livestock

~~xii~~-xiii. Helipads

10. Waterfront Industrial District (WI): The WI district is intended to be applied to lands with direct access or close proximity to navigable waters within the city. Uses within the WI district are intended to be water-related and primarily those uses that are particularly related to marine industries. The WI district is intended to make the city waterfront as productive and efficient as possible for the allowable uses. Commercial establishments that support the marine uses are also permitted. Limited recreation uses (including motorized sports facilities) are allowed.

- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. ~~Automobile~~Fuel and Gas Stations
 - ii. Building material supply establishments
 - iii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - iv. Frozen food storage
 - v. Food production and processing, small scale
 - vi. Marijuana retail stores
 - vii. Self-Storage
 - viii. Vehicle Parts and Tire sales
 - ix. Vehicle Sales (motor vehicles)
 - x. ~~Restaurants and~~Eating establishments
 - xi. Drinking establishments
 - xii. Animal hospitals, veterinary practices
 - xiii. Animal boarding, kennels and shelters
 - xiv. Boat charter services
 - xv. Government Offices and Services
 - xvi. Public Services (non-office oriented)
 - xvii. Vehicle Services (automobiles and boats)
 - xviii. Vehicle Rentals
 - xix. Dams and water reservoirs
 - xx. Utilities (service lines and small transformers)
 - xxi. Utilities Class II (power generation, outdoor processing)
 - xxii. Outdoor recreation, public
 - xxiii. Manufacturing and processing
 - xxiv. ~~M~~Light manufacturing and processing, ~~Artisan~~
 - xxv. ~~Artisan~~Manufacturing and processing, ~~Light~~
 - xxvi. Warehouse~~sing~~
 - xxvii. All industries dependent on marine transportation ~~for receiving raw materials or Arts and dependent upon marine transportation to ship finished products~~
 - xxviii. Construction yards, ~~equipment and storage~~
 - xxix. Barge freight terminals
 - xxx. Boat sales and storage

- xxx. Docks and harbor facilities
 - xxxii. Fabrication facilities
 - xxxiii. Ferry terminals and cruise ship landings
 - xxxiv. Food and Seafood Processing, large scale
 - xxxv. Freight staging and handling areas
 - xxxvi. Fuel storage, medium scale
 - xxxvii. Fuel storage, large scale
 - xxxviii. Fuel piers
 - xxxix. Ice manufacture, storage and sales
 - xl. Marijuana cultivation
 - xli. Marijuana manufacturing
 - ~~xlii. Marine equipment and repair facilities~~
 - ~~xliii-xlii.~~ Meat processing
 - ~~xlii-xliii.~~ Material resource extraction
 - ~~xlii-xlii.~~ Petroleum products, docks and related facilities
 - ~~xlii-xlii.~~ Sawmills
 - ~~xlii.~~ Helipads
 - ~~xliii-xlii.~~ ~~N~~Agricultural nurseries and greenhouse
 - ~~xlii-xlii.~~ Agricultural activities
 - ~~xlii.~~ Aquaculture operations
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Accessory Dwelling Units
 - ii. Laundries, laundromats
 - iii. ~~Small wind~~Small wind or solar energy systems
 - iv. Fuel storage, small scale
 - v. Accessory Buildings (Non-residential)
 - vi. Personal Communication Antennas (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Worker Housing
 - ii. Adult Entertainment Uses
 - iii. Mortuaries/funeral homes
 - iv. ~~Assembly halls, community buildings, Religious institutions~~
 - ~~iv. Assembly hall, community, and religious buildings~~
 - v. Child Care Facilities
 - vi. Libraries, Museums, Cultural Institutions, and Art Galleries
 - vii. Utilities Class I (substations, indoor processing)
 - ~~viii. Waste Disposal Facilities~~
 - ~~ix-xiii.~~ Wireless Communication Towers (commercial)
 - ~~x-ix.~~ ~~R~~Campgrounds and recreational vehicle parks or campgrounds
 - ~~xi-x.~~ Recreation equipment rental
 - ~~xii-xi.~~ Indoor recreation, private/commercial
 - ~~xiii-xii.~~ Hazardous substance production and storage
 - ~~xiv-xiii.~~ ~~S~~Junkyards, auto wrecking and scrap yards conducted within an enclosure
 - xiv. Oil refineries and petrochemical plants, gas liquefaction and fractionation plants
 - xv. Helipads
11. Airport district (A): The A district is intended to include aviation lands and areas directly adjacent to the airport which, because of their proximity to the airport, are directly influenced by aviation-related uses. ~~Principal~~Primary land uses within these areas should be aviation-related or of a character that does not conflict with the safe and efficient operation of the airport.

- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Commercial and Retail Sales (all uses unless otherwise listed in this table)
 - ii. Marijuana retail stores
 - iii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed ~~in this table~~
 - iv. Vehicle Rentals
 - v. Aircraft maintenance and repair operations
 - vi. Aircraft rental agencies, lots and hangars
 - vii. Airports
 - viii. Helipads
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Fuel storage, small scale
 - ii. Aircraft parking in conjunction with permitted or conditional uses
 - iii. Aircraft sales
 - iv. Aviation facilities
 - v. Aviation electronics and radio sales and repair
 - vi. Aviation products and petroleum sales
12. Unclassified lands district (UL): The UL district is intended to include lands which are undeveloped, not served by public utilities, and the suitability of the land to support development is unknown. Lands must be rezoned prior to development.
- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Dams and water reservoirs, water towers
 - ii. Utilities (service lines and small transformers)
 - iii. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Accessory Buildings (Non-residential)
 - ii. Personal Communication Antennae
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Wireless communication towers (commercial)
13. Conservation district (CO): The CO district is intended to include lands designated for conservation that are intended to remain in their natural state. The primary use of these lands will be for the enhancement and protection of existing fish and wildlife habitats, as well as preservation of historic sites. Acceptable uses in this district would include parks whose recreation activities and facilities would be passive in nature. "Passive" is defined as those activities which include wildlife viewing, nature walks, educational and interpretive uses and other uses that do not change the character of the land, disrupt fish and wildlife. Passive activities would be secondary to habitat protection, enhancement, and historic preservation.

- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Utilities (service lines and small transformers)
 - ii. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Accessory Buildings (Non-residential)
 - ii. Personal Communication Antennae
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Dams and water reservoirs
 - ii. Wireless communication towers (commercial)
 - iii. ~~RCampgrounds and recreational vehicle parks~~ or campgrounds
14. Natural Hazard district (NH). The NH district is intended to establish the high natural hazard areas within the city. The NH district is appropriate for lands highly susceptible to natural hazards such as avalanches, landslides, significant erosion, and flooding. Uses within the NH district will be restricted to recreation and open space to maintain life safety of the public.
- a. Permitted ~~principal~~primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
 - i. Dams and water reservoirs
 - ii. Utilities (service lines and small transformers)
 - iii. Outdoor recreation, private/commercial
 - iv. Outdoor recreation, public
 - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
 - i. Personal Communication Antennae
 - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
 - i. Wireless communication towers (commercial)
 - ii. ~~RCampgrounds and recreational vehicle parks~~ or campgrounds
 - iii. Recreation equipment rental
 - iv. Helipads
 - v. Accessory Buildings (non-residential)
15. Planned Resort district (PR). The PR district is intended to allow for the development of a Planned Resort consistent with its intended purpose in the Comprehensive Plan. The PR is also intended to promote economic opportunity while achieving a balance with environmental characteristics of the land.

17.06.041 – 17.06.059 *Reserved*

17.06.060 *Uses Not Specifically Listed*

- A. Should the Planning Director or designee determine that a requested use of land or of a building or structure does not appear in the district regulations as a permitted, accessory, conditional, the director or designee shall refer the request to the city planning and zoning commission who, upon written decision, may allow the unlisted use within a district. Such action shall follow the public notice requirements in Section 17.04.180. Each unlisted use meets all of the following criteria:
1. The use is not specifically permitted in any other district;
 2. The use is not more appropriate in another district; and
 3. The use is consistent with the purpose of the district in question and is similar to other uses permitted outright.
- B. Prohibited Uses. If a use is not listed as permitted, accessory, or conditional, and it is not allowed per Section 17.06.060.A, it is assumed to be prohibited.

17.04.161 – 17.04.169 *Reserved*

17.06.070 Dimensional and Intensity Standards

- A. Dimensional and Intensity Table. The following table (17.06.070.a) provides standards for lots, setbacks, and dimensional standards for uses. If no specific use is listed, the standards provided apply to any use or structure in the district.

Table 17.06.070.a Dimensional and Intensity Standards														
		RR	R1	R2	NMU	CB	G	AV1	L1	H1	P	C9	NH	
Structure Height (maximum)	Primary	35-ft	35-ft	40- ft	40-ft	40-ft	40-ft	40-ft	40-ft	--	40-ft	--	35- ft	
	Accessory	35-ft	20-ft	20-ft	20-ft	20-ft	20-ft	35-ft	35-ft	35-ft	35- ft	--	--	
	Accessory (Agriculture)	45-ft	--	--	--	--	--	--	--	--	--	--	--	
Lot Area (minimum) ⁷		40,000- sf	5,500- sf	4,000- sf	5,500- sf	--	--	50- ft/6,000- 0-sf	Deter- mined by-use	200- ft/40,000 0 sf	--	--	--	
Lot Width (minimum)		120-ft	50-ft	40-ft	100-ft	--	50-ft	50- ft/6,000 0-sf		200-ft 40,000- sf	--	--	--	--
Setback (minimum) ^{1,3,4,5}	Front	20-ft	20-ft	20-ft	20-ft	--	--	20-ft	20-ft	20-ft	20-ft	--	--	
	Side	10-ft	10-ft	10-ft	10-ft	--	--	10-ft	10-ft	10-ft	10-ft	--	--	
	Rear	15-ft	15-ft	15-ft	15-ft	--	--	15-ft	15-ft	15-ft	15-ft	--	--	
Dwelling - Attached, Townhouses	Lot Area Per Unit (minimum)	--	1,500-sf	1,500- sf	1,500- sf	1,500- sf	1,500- sf	--	--	--	--	--	--	
	Lot Width (minimum)	--	--	--	--	--	--	--	--	--	--	--	--	
Dwelling – Multi- Unit – up to 4 units per building and more than 4 units per building (units on a shared lot)	Lot Width (minimum)		--	80-ft	60-ft	60-ft	60-ft	--	--	--	--	--	--	
	Setback ^{3,5} (minimum)	Front	--	20-ft	15-ft	15-ft	15-ft	15-ft	--	--	--	--	--	--
		Side ¹	--	10-ft	10-ft	10-ft	10-ft	10-ft	--	--	--	--	--	--
		Rear	--	15-ft	10-ft	10-ft	10-ft	10-ft	--	--	--	--	--	--
Notes:														
1. Setbacks apply between buildings and property lines. Zero setback is required where units share a wall with an abutting dwelling. Setbacks do not apply to building separation on the same lot.														
2. Setbacks may be reduced by 5-ft if structure roofs are designed to either hold snow or not shed into the setback subject to the reduction, so long as structure does not encroach on a platted easement and remains a minimum of 5 feet from any property line.														
3. Accessory structures two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and side yard setbacks only; provided, the structure is located on the rear 25 percent of the parcel and is a minimum of 5-ft from both the rear and side lot lines.														
4. All lands adjacent to conservation districts will be required to maintain a minimum 25-ft setback.														
5. Setbacks in districts with no minimum shown in this table shall be subject to Building and Fire Code requirements regarding firewalls and separation of buildings.														
6. The Planning Director or designee may permit smaller lot sizes for lots used for utilities.														
7. See VMC 17.13.020 regarding additional height standards.														

INSERT TABLE 17.06.070.a

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17.06.100 Planned Resort District (PR) Standards

- A. Purpose. The purpose of these standards is to ensure that the Planned Resort District (PR) is developed and used consistent with its intended purpose in the Comprehensive Plan. The PR [district](#) is intended to promote economic opportunity while achieving a balance with environmental characteristics of the land. Resort development within the PR district should be self-contained and provide visitor-oriented accommodations and recreational facilities in a setting with high natural amenities. Development in the PR [district](#) must complement the physical attractiveness and constraints of the area without significant adverse effects on adjacent residential subdivisions, or the significant natural and cultural features which contribute to the setting.
1. Planned Unit Development (PUD). Land within the PR [district](#) is intended to be accompanied by a master plan as part of a PUD review and approval process. This requires the applicant to plan for a thoughtful mix of uses and quality project design prior to most land development activities occurring on the property. This also provides certainty to the City that the resulting project aligns with the Comprehensive Plan.
- B. Applicability.
1. This section shall apply to all lands zoned as PR on the City's Official Zoning Map.
2. All other provisions of VMC Title 17 apply to land in the PR [district](#) unless otherwise exempted by this section or an associated PUD approval.
- C. Establishment and Prerequisite Standards. The following provisions apply to the establishment of a new PR district, adjustments thereto, and/or land development/land use activities within PR designated properties.
1. Planned Unit Development Requirement. The applicant must obtain an approved planned unit development (PUD) pursuant to Chapter 17.09 for properties within the PR [district](#) prior to building construction and a land use being established/expanded on the property. The following activities may occur in the PR [district](#) prior to a PUD approval but only as allowed by this section.
- a. Recreational Uses. These uses shall be limited to motorized and non-motorized trails and other passive recreation.
- f. Temporary land use permits. All temporary land use permits may be allowed pursuant to Section 17.04.120.
2. Rezone Limitations and Allowance. The following rezone limitations and allowances apply to land areas that are either currently zoned PR or are planned to be designated PR. All rezone activities shall be processed pursuant to Table 17.04.030.a.
- a. PR Establishment. The following applies to situations involving the establishment of a new PR district designation on the City's Official Zoning Map.
- i. Comprehensive Plan Consistency. The City may rezone land to PR for those lands designated within the Destination Resort Overlay Place Type on the Comprehensive Plan Land Use Place Type Maps. Any other rezones to PR may only be processed with a concurrent Comprehensive Plan Amendment application to the Destination Resort Overlay Place Type designation.
3. Subdivision Activities. The City shall limit subdivision and lot modification activities for properties within the PR [district](#) to those that align with an approved PUD pursuant to Chapter 17.09. Per Chapter 17.09 herein, subdivision activities within the PR may accompany a phased PUD approval. The platting activities may occur in PR zoned land prior to a PUD approval.
- a. New lots shall be equal to or greater than 15 acres. The Planning Director may allow exceptions for critical infrastructure and utility services.
- D. Land Use Allowances. The following provisions apply to the land use allowances for PUDs in the PR.
1. PUD Approval. Applicants shall specifically request approval for any land use activity as part of the PUD review process; only those uses approved for the PUD may be allowed within the associated project(s).
2. Allowable Uses. Applicants may propose any land use that is compatible with the intent of the PR [district](#) and is listed as permitted ("P"), conditional ("C"), and/or accessory ("A") in any other district. The

Planning and Zoning Commission may approve those uses that it deems compatible with the Comprehensive Plan, the land's environmental features, and surrounding land uses.

E. Development/Design Standards. PUDs within the PR are subject to the following development/design standards:

1. Open Space and Conservation. All PUDs in the PR shall designate at least ~~ten~~twenty percent (120%) of the total land area within its boundary for open space and/or conservation; this shall not be in addition to the minimum open space requirements of Section 17.09.010.E.
2. Resort Destination Use(s). All PUDs within the PR shall include a destination resort use that will serve as a draw for residents and visitors as well as an anchor for the associated project. The resort destination use shall be recreational or leisure in nature including, but not limited to, lodging, retail, health spas, recreational uses, biking and motorsports, ski activities (including ski lifts), campgrounds, and similar uses. The resort destination use shall include an associated primary structure.
3. Architectural Theme. All primary structures, wayfinding and entry signage, and street/roadway designs shall be constructed pursuant to a consistent architecture theme. The architecture theme shall be established as part of the PUD approval process. Architectural themes include facade materials and design elements, pavement materials/applications, roof forms, and lettering.
4. Housing and Residential Uses. The following standards apply to any PUD in the DRO that includes 50 or more dwelling units. Applicants may not apply for multiple PUDs to circumvent this unit standard.
 - a. Housing Variety. The PUD shall include at least two distinct housing types as listed in the underlying zone. (e.g., detached dwellings, attached dwellings, and/or multi-unit). Each of the distinct housing types shall comprise at least ten percent (10%) of the total housing units.
 - b. Architectural Variety. Each attached dwelling and multi-unit building within the PUD shall possess different yet complementary architectural and facade design elements. Design elements may include different window shapes, roof lines, and/or exterior materials to achieve architectural uniqueness from adjacent buildings of these same housing type.
5. Commercial Center. A commercial center may be designated for a PUD in the PR subject to the following provisions.
 - a. Building Orientation. The buildings within the designated commercial center shall be oriented close to the adjacent streets/roadways.
 - i. All surface parking lots shall be constructed to the side or rear of the buildings they are intended to serve. Surface parking lots shall not be constructed between a front facade of a primary building and the adjacent street.
 - ii. A customer entrance shall be provided on the street-facing facades.
6. Schools and Colleges. If a schools or colleges are proposed as part of a PUD, it shall be integrated into an existing or planned residential neighborhood within the PR. In those situations, a lot shall be specifically designated for public school or college use with sidewalk connections to the surrounding housing units.
7. Trail Connections. All residential neighborhoods, commercial service areas, and resort destinations within the PUD shall be interconnected with a multi-use trail and/or sidewalk network to encourage and accommodate non-automobile travel within the PR.
8. Interim Gravel Extraction and Forestry Activities. Material resource extraction, and/or forestry activities may be approved as an interim use as part of a PUD for the PR subject to the following standards and limitations.
 - a. Time Limits. The Planning and Zoning Commission shall establish the duration these uses may occur on the property (e.g., number of years the activities may occur or limits on material harvesting/extracting).

- b. Buffering and Nuisance Mitigation. The applicant shall employ methods to mitigate compatibility concerns and potential impacts to adjacent uses/property through effective buffering, screening, or other methods as deemed appropriate by the Planning & Zoning Commission.
- c. Reclamation Plan. The applicant shall provide a reclamation plan that defines how the land will be restored after the interim use ceases. The reclamation plan shall address grading, revegetation, site hydrology, and safety hazards. The applicant shall define when the reclamation activities will be completed after the interim use ceases. The decision-making authority may require the applicant to issue a bond or other financial security to ensure the reclamation activities occur after the use ceases.

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Chapter 17.07

Reserved

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Chapter 17.08
Specific Use Standards

17.08.010 Purpose and Applicability

- A. Purpose. Some uses allowed by this title have special requirements or standards associated with them, as shown in the zoning district descriptions in section 17.06.040. The specific use standards described in this section are generally organized by major types of uses including residential, commercial, industrial, and other major types of uses.
- B. Applicability. Specific use standards apply to uses listed in the Use Tables in section 17.06.060 that are marked as having such standards. These standards are applicable to situations that include the establishment of a new uses and the expansion of an existing use.

17.08.011 – 17.04.019 Reserved

17.08.020 Review Process and Application

- A. Generally. The City shall review the specific use standards herein concurrently with the associated building permit, conditional use permit, and/or zoning clearance application.
- B. Submittal Requirements. In addition to other submittal requirements, applicants shall provide materials to demonstrate compliance with the applicable specific use standards.

17.08.021 – 17.04.029 Reserved

17.08.030 Residential and Housing Uses

A. Accessory Dwelling Units

1. Purpose. Accessory dwelling units (ADUs) are intended to function as an independent housing unit that is subordinate to a primary use on the same lot. Accessory dwelling units are intended to provide guest housing, caretaker residence, or general housing for the Valdez community.
2. Applicability. The standards herein are applicable to all new ADUs and expansions to existing ADUs.
3. Specific Use Standards. The following standards apply to all accessory dwelling units in addition to the zoning district requirements.
 - a. General Standards. All ADUs shall be subject to the following general standards.
 1. The ADU shall be subordinate to a ~~principal~~primary use or residence established on the same lot.
 2. The ADU must be smaller in size (floor area) than the ~~principal~~primary use.
 3. The ADU may be attached to or detached from the ~~principal~~primary use or accessory structure established on the same lot.
 4. The ADU may be connected to the same utility meters/lines as the primary use/building on the lot.
 5. ADUs shall meet the Valdez Building Code standards and are subject to building permit requirements.
 6. Manufactured and mobile homes may be used as ADUs.
 7. Recreational vehicles shall not be used as ADUs.
 8. ADUs may be ~~established~~ associated with ~~primary townhouse or duplex~~a detached dwelling, duplex, or townhouse but shall not be established as part of a larger multi-unit dwelling.
 - b. Residential Zones. The following standards apply to all ADUs in ~~the residential zones~~RR, R1, R2, or NMU zoning districts.

1. For residential lots of at least 8,000 sf., one attached ADU and one detached ADU may be established/expanded on each lot where a primary use/residence exists. Additional ADUs are allowed at a rate of one unit per additional 10,000 sf. of lot area up to a maximum of 5 ADUs.
2. For non-residential lots, a maximum of one (1) ADUs, either attached or detached, may be established as a caretaker residence.

B. Dwelling – Mobile Home

1. Applicability. The standards herein are applicable to the placement of mobile homes not present within the boundaries of the City of Valdez on the date of [insert date of adoption of this title.]
2. Specific Use Standards.
 - a. No mobile home, as defined in this title, and constructed and fabricated prior to June 15, 1976, may be brought into the City of Valdez after [insert date of adoption of this title.]
 - b. Mobile homes present within the boundaries of the City of Valdez on [insert the date of adoption of this title] may be relocated within the City of Valdez, pursuant to VMC Title 15 and other provisions of this title.
- 2.

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BC. Dwelling – Multi-unit (more than 4 units per building)

1. Applicability. The standards herein are applicable to attached dwelling units (more than 4 units per building).
2. Specific Use Standards.
 - a. ~~Number of Structures. There is no limit to the number of multi-unit structures that can be located on one lot, as long as the following density maximums are met:~~
 - ~~R1: 20 units per acre~~
 - ~~R2: 30 units per acre~~
 - ~~NMU: 30 units per acre~~
 - ~~CBD: 30 units per acre~~
 - ~~G: 30 units per acre~~
 - ab. Parking Lots. New surface parking lots shall be oriented to the side or rear of the multi-unit dwelling building they are intended to serve.
 - be. ~~Entrance. A primary building entrance to the dwelling building shall be oriented to the adjacent street.~~
 - cd. Facade Design. Twenty percent (20%) of street-facing building facades shall include windows or door openings.
 - de. ~~Open Space. Each multi-unit dwelling building shall include outdoor living space areas at a rate of 100-sf per dwelling unit within the structure. This may include courtyards, patios, balconies, and similar features.~~

CD. Shelters

1. Applicability. The standards herein are applicable to the establishment ~~of new shelters; shelters~~ larger than those located in ~~individual residential dwellings/homes.~~ ~~If a residential home is used as a shelter, the zoning standards for the home shall apply.~~ These standards do not apply in situations where the City, State, or Federal governments provide temporary housing to response to an emergency or catastrophic event.
2. Specific Use Standards.
 - a. Housing Types. Shelters may be provided as manufactured homes, detached/attached dwellings, multi-family, or similar types.

- b. Unit Types/Living Environments. The living environments within shelter may be provided a sleeping halls, individual units, or dormitories.
- c. Sanitation and Bathing Facilities. Shelters shall include restrooms, bathing/showering rooms, and similar sanitary facilities consistent with the Valdez Building Code. Those facilities may be provided in individual units or in a shared arrangement.
- d. Cooking/Dining Facilities. Shelters shall include a cooking and dining facilities to serve the daily needs of the residents. This may include kitchens in individuals dwelling units and/or as common dining halls with a shared kitchen.
- e. Resident Services. Shelters may include resident service activities such as mental health counseling, childcare, job training, victims' resources, and similar activities. Those activities shall be subject to applicable state and City of Valdez licensing standards.
- f. Parking Lots. When proposed, new surface parking lots shall be oriented to the side or rear of the shelter building they are intended to serve.
- g. Building Design. Twenty percent (20%) of street-facing building facades shall include windows or door openings. In residential zones, shelter buildings shall be limited to three ~~levels~~ stories.
- ~~h. Open Space. Each shelter building shall include open space areas at a rate of 100-sf per dwelling unit within the structure. This may include covered courtyards, patios, balconies, indoor recreation space, and similar features.~~

HE. Worker Housing

- 1. Applicability. The standards herein are applicable to the establishment of new worker housing for temporary employees in districts where it is a conditional use.
- 2. Specific Use Standards.
 - a. Building Types. Worker housing units may be in the form of detached homes, manufactured homes, attached multi-unit dwellings.
 - b. Recreational Vehicle Parks and Campgrounds. Recreational vehicle parks and campgrounds may be used for summer seasonal worker housing subject to the approval requirements for recreational vehicle parks and campgrounds.

HE. Home Occupations

- 1. Purpose. The purpose of this section is to establish what constitutes a home occupation and the conditions under which they are permitted. Generally, a home occupation may include any time of office, service, or commercial use that is of a scale that meets the standards herein. Commercial activities that are larger in scale than described herein are required to be located in an appropriate zoning district.
- 2. Applicability. The standards herein apply to all Home Occupations allowed in dwelling units pursuant to the standards in this section.
- 3. Specific Use Standards
 - a. Review. Home occupations shall be established through the issuance of a City of Valdez business registration, pursuant to VMC Title 5.
 - b. Location. Home occupations may take place within a dwelling or in an associated accessory structure.
 - c. Employees. Employees associated with the home occupation business may include those individuals residing on the property plus one additional individual that does not reside on the property.
 - d. Incidental Scale. The home occupation business must be clearly subordinate to the ~~principal~~ primary residential use of the property. The property shall be the primary residence of the business owner. There shall be no visible evidence of the conduct of such home occupation other than one sign as specified in Section 17.13.090(I)(1). No change to the outside of the building or premises shall be made for the

purpose of accommodating or enhancing the home occupation that would change the residential character of the building or premises.

- e. Compatibility. The home occupation shall not cause any noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions that would interfere with the quiet enjoyment of the residential neighborhood in which it is located.
- f. Parking and Deliveries. A home occupation shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client's vehicles in numbers or frequency, over and above the normal traffic associated with the dwelling as a residence.
- g. Allowed Uses & Standards. Home occupations may include, but are not limited to, the uses listed in this section. Any home occupation may be permitted if in conformance with all provisions of Title 17.
 - i. Home-based instructors/tutors. Instruction services such as, but not limited to, tutoring, music classes, crafts classes, meditation guidance, and small-scale yoga classes, may be allowed between the hours of 8 a.m. and 9 p.m. for up to three students per class.
 - ii. Offices.
 - iii. Personal-care services, salon, barber, nails, tattoo, dog grooming, massage, acupuncture, chiropractic, etc.
 - iv. Contractors, subject to the following requirements:
 - 1 – Outdoor storage of materials: In the R1 and R2 districts, no outdoor storage of materials is permitted unless associated with a permitted construction project. In the RR district, all materials must be stored either within a structure or completely screened from view from neighboring properties.
 - 2 – Commercial vehicles. In the R1 and R2 districts, the number of commercially licensed vehicles shall be limited to two. In the RR district, the number of commercially licensed vehicles shall be limited to four.
 - 3 – Outdoor Storage of Heavy equipment associated with the contractor operation. No heavy equipment shall be stored in the public right of way in any district. The number of heavy equipment machines shall be limited as follows: one in the R1 and R2 districts. Two in the RR district.
 - 4 - All waste shall be disposed of off-site at either a city baler/landfill facility or the city construction and demolition pit.
 - v. Wood working and Furniture Repair/Fabrication. Small scale wood working, and furniture repair/fabrication may be allowed as a home occupation. These activities shall be conducted within an enclosed structure. Associated debris and materials shall be stored in a structure or within a fenced area on the property.
 - vi. Small Engine and Appliance Repair. Small engine and appliance repair may be allowed as a home occupation. These activities shall be conducted within an enclosed structure. Associated debris and materials shall be stored in a structure. This shall not include marine craft, automobile, or aviation service and repair.
 - vi. Arts and Crafts. The creation of arts and crafts, including but not limited to painting, sculpture, drawing, ceramics, printmaking, needle and yarn works may be allowed as a home occupation.
- h. Prohibited Uses. Examples of occupations (businesses) that shall not be permitted as home occupations include, but are not limited to: vehicle/boat sales, vehicle/boat repair, general retail, [eating establishments](#), [restaurants](#), drinking establishments, heavy industrial activities, activities including explosives and hazardous materials, kennels, medical services, self-storage (third party storage) and similar uses that detract from the neighborhood's residential uses.

J. Short-Term Rentals

1. Purpose. The purpose of this section is to establish rules, regulations, and limitations on housing arrangements which are typically an alternative to traditional lodging/accommodation establishments such as hotels and motels. Short-term rentals provide lodging or housing for terms less than 30 days.
2. Applicability. The standards herein apply to all short-term rentals as allowed as accessory uses in residential and commercial zones pursuant to Table 17.06.060.a. The provisions of this section shall be applicable to all short-term rentals that (i) provide accommodations for terms less than 30 days, ~~and (ii) require a City of Valdez business registration to operate.~~ Motels, hotels, lodges, and inns, rental cabins, and long term residential rentals (over 30 days or more) are not subject to the provisions of this section.

3. Specific Use Standards

a. Review. Short-term rentals shall be established through a short-term rental application and permit, provided by the Planning Department. The City may establish or modify a limit on the number of short-term rental ~~permits business licenses~~ it allows within the municipal limits, as established by resolution of City Council.

b. Issuance.

~~i. Residential vessels pursuant to VMC 11.04.060(H) are included in the definition of short-term rentals but will not count towards any non-owner occupied cap.~~

~~ii. Permits will be issued and require renewal on an annual basis. During annual permit renewal period, the applicant must demonstrate that the short-term rental has been active (in both advertising and use) during the prior permit period. The annual application will coincide with the annual permit renewal period.~~

b.c. Types of Rental Situations. Short-term rentals may be ~~provided permitted~~ as one of the following:

- i. Dwelling Units – In these situations, a temporary tenant/guest may rent and occupy an entire dwelling unit which may include a house or apartment. These units typically possess a kitchen, bathroom, and any number of sleeping rooms. Dwelling units have the capacity to support multiple temporary tenants.
 - ii. Rooms within Dwelling Units – In these situations, individual sleeping rooms within a dwelling unit are rented/leased to temporary tenants/guests and the larger dwelling unit may be shared with the permanent resident. Rooms have limited tenant/guest capacity due to their size.
- c. Business Registration. ~~S~~Permitted short-term rentals involving renting a dwelling unit shall maintain an active business registration pursuant to City of Valdez standards, as applicable. ~~Title 5.~~
- d. Owner/Caretaker Registration. The owner shall register the name and contact information of the responsible caretakers/property manager with the City of Valdez so that public safety officials can effectively respond to neighborhood complaints or safety-related events. The owner shall also post the caretaker/property manager contact information within each rental unit/sleeping room.
- e. Inspection Required. Prior to issuance of a short-term rental ~~license permit issuance~~, the unit will be subject to an inspection to determine that the rental unit/~~room~~ is safe for human occupancy and in compliance with the Valdez Building Code. Each rental unit shall have a working smoke detector, carbon monoxide monitor, and fire extinguisher. Approved units may be subject to inspection during subsequent renewals.
- ~~f. Transferability. Short-term rental permits are for specific properties and are not transferable to any other properties. Short-term rental permits are transferable to a new owner, if the property on which the short-term rental is located changes ownership.~~

17.08.040 Nonresidential Uses

A. Adult Entertainment Uses.

1. Applicability. The standards herein apply to adult entertainment uses allowed pursuant to Table 17.06.060.a.

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2. An adult entertainment use shall not be allowed within 1,000 feet of another existing adult entertainment use.
 3. An adult entertainment use shall not be located within 500 feet of any ~~residentially-used property; property with an existing residential dwelling and any property within the RR, R1, R2, or NMU zoning districts~~ residential zoning district, or property in a PUD that ~~is includes~~ or ~~is~~ projected to include residential uses.
 4. An adult entertainment use shall not be located within 500 feet from the building to an existing school, religious ~~institution~~ institution, group day care facility or nursery school.
 5. All distance requirements shall be measured along a straight line from the nearest property lines of each use.
 6. No adult entertainment establishment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment which is prohibited by any ordinance of the City of Valdez, the laws of the State of Alaska or the United States of America. Nothing in this section shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of obscene material to minors.
 7. No adult entertainment use shall be conducted in any manner that is visible to minors outside the property.
 8. All adult uses shall prominently display a sign located within two feet of the door-opening device at the entrance of the adult entertainment use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter." Said sign shall have letters at least one inch and no more than two inches high.
 9. No person under the age of 18 shall be permitted access to material displayed or offered for sale or rent by an adult entertainment establishment.
- B. Animal husbandry, boarding, kennels, animal shelters.
1. Animal husbandry, boarding, kennels, and animal shelter uses must comply with VMC Title 6.
 2. Animal husbandry uses are restricted to zoning districts where agricultural uses are permitted, except for the keeping of poultry and fowl pursuant to VMC Title 6.
 3. Raising of Livestock. The raising of livestock, when allowed as a permitted use, ~~and on a~~ shall comply with the following:
 - a. ~~On lots one (1) acre and larger: The number of large livestock does not exceed two AND the number of small livestock does not exceed three;~~
 - b. ~~On lots smaller than one (1) acre, neither the number of small livestock does not exceed three OR the number of large livestock does not equal exceed two (2);~~
 - c. An approved surface water drainage plan is submitted;
 - d. An approved manure disposal plan is submitted;
 - e. The manure storage pile and corral are located at least one hundred feet from any private well;
 - f. The manure storage pile shall not be closer than twenty-five feet from any property line;
 - g. The corral will be set back a minimum of five feet from the property line;

~~The number of animals permitted in subsections a, b and c of this section shall not be exceeded without an approved conditional use permit.~~

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C. Aviation-related uses

1. Applicability. The standards herein apply to aviation-related uses within the A Airport district pursuant to Section 17.06.040.B.11. These uses are aviation-related or of a character that does not conflict with the safe operation of the airport.
 - a. Aircraft maintenance and repair operations
 - b. Aircraft parking
 - c. Aircraft rental agencies, lots and hangars
 - d. Aircraft sales
 - e. Airport
 - f. Aviation facility
 - g. Aviation electronics and radio sales and repair
 - h. Aviation products and petroleum sales
2. Prohibited Uses. The following uses are prohibited on or adjacent to airport property:
 - a. Any use or structure that obstructs the airport's navigable airspace, navigational aids or facilities as set forth in Part 77 of the Federal Aviation Regulations, as amended.
 - b. Any installation of an object which would create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and other lights, result in a glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

~~D.C.~~ Helipads

1. Helipads must demonstrate conformance with ~~the most~~ current FAA requirements for heliport and helipad design including touchdown and lift areas, final approach and takeoff areas, safety areas, and design for the weight and size of the helicopter.
2. The helipad must not create noise or winds that negatively impact pedestrians.
3. Parcels with helipads shall not exceed permitted noise limits in VMC Title 8.
4. Helicopter landings hours may be restricted as a condition of a conditional use permit depending on the location of the helipad in relation to other uses.
5. The number of landings may be restricted as a condition of a conditional use permit depending on the location of the helipad in relation to other uses.
6. Additional public notice is required to be provided to properties within 5300 feet of the proposed helipad and requested flight paths.

~~E.D.~~ ~~Campgrounds and Recreational Vehicle Parks or Campgrounds~~

1. Purpose. The purpose of this section is to establish the site development and operations standards for campgrounds and recreational vehicle (RV) parks. These uses are intended to serve as a temporary housing or lodging for visitors.
2. Applicability. The standards herein apply to the establishment of new or expansions of existing campgrounds and RV parks.
3. Specific Use Standards
 - a. Camping and RV Sites. Specific sites shall be designated for camping and RV parking shall be designated pursuant to this subsection.
 - b. RV Site Width. The minimum width per RV site shall be ten (10) feet plus the width of the RV.

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- c. Structures. One cabin is allowed on each camping site. Said structures shall be limited to 500-sf of habitable area.
- d. Restrooms and Sanitation. Each campground and/or RV park shall provide restroom facilities for the occupants. Said facilities shall remain accessible to occupants 24 hours a day.
- e. Occupancy Limitations. Occupancy is limited to 180 consecutive days.
- f. Retail Allowances. Each campground or RV park may contain small retail stores and mobile vendors, intended to serve occupants of the campground or RV park and that are accessory and incidental to RV park operations.

FE. Child Care Facilities

- 1. Applicability. The standards herein apply to the establishment of new child care facilities.
- 2. Specific Use Standards.
 - a. Child care facilities must meet all current state of Alaska day care facilities license requirements.
- 3. Child care facility conditional use permits may be conditionally approved prior to the applicant obtaining a state license. The child care center conditional use permit will be issued upon receipt of a state of Alaska child care center license and will be valid as long as the state of Alaska child care license remains valid.

G. Vehicle Service Stations

- 1. Applicability. The following standards apply to the establishment of fuel and gas stations and vehicle service stations pursuant to Tables 17.06.060.a-e.
- 2. Oils and grease. All new and used petroleum products and other products, liquids or chemicals used in the operation must be stored indoors, except the bulk storage of fuel.
- 3. Inoperable vehicles. No inoperable vehicle shall be kept on the site longer than 45 days.
- 4. Vehicle sales. The site shall not be used to sell vehicles unless permitted in that district or a conditional use permit authorizing such use/sales has been granted.
- 5. Fencing. Fencing shall be required along with additional landscaping to screen the view of the use from existing residential uses.
- 6. Noise. Noise resulting from vehicle repair must comply with VMC Title 8.

H. Material resource extraction.

- 1. Applicability. The following standards apply to material resource extraction operations pursuant to Table 17.06.060.a.
- 2. Specific use standards.
 - a. Material resource extraction requires a conditional use permit. In addition to meeting the general standards for conditional uses, an applicant for a conditional use permit for material resource extraction shall submit the following:
 - i. Site Plan including:
 - 1- Drainage
 - 2- Existing and proposed contours
 - 3- Work depths
 - 4- Overburden and debris disposition,
 - 5- Erosion and sediment control plan,
 - 6- Revegetation or restoration plan,
 - 7- Water table information,

- 8- Water quality information for work in waterways,
- 9- Floodplain alteration information for all work in the special flood hazard area;
- ii. Final site restoration and revegetation plan;
- iii. Security plan to prevent trespass;
- iv. Description of natural resource extraction and processing operations, including:
 - 1- Ingress and egress points,
 - 2- Hours of operation,
 - 3- Estimate of quantities to be extracted and timetable;
- v. Other materials city staff may require.
- b. Setbacks:
 - i. The minimum front setback for material resource extraction operations shall be fifty feet (50').
 - ii. The minimum side setback for material resource extraction operations shall be twenty-five feet (25').
 - iii. The minimum rear setback for material resource extraction operations shall be twenty-five feet (25')
- c. The Planning and Zoning Commission may approve a material resource extraction use only if the commission finds that the use meets the standards for conditional uses and the following:
 - i. The extraction operations will not pose a hazard to the public health and safety;
 - ii. The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly affect the surrounding land use;
 - iii. The permittee assures that after extraction operations cease, the site will be left in a safe, stable and aesthetically acceptable condition.
- d. The Planning and Zoning Commission shall attach such conditions to the approval as it finds necessary to conform the use to the standards set forth herein.
- I. Mining Operations.
 - 1. Mining operations, as defined in 15 AAC 65.990 must be conducted in accord with state and federal law.
- J. Wireless Communication Towers and Antennae
 - 1. A conditional use permit is required for the construction of communication towers exceeding thirty-five feet in height within all zoning districts of the city. The planning and zoning commission may grant a conditional use permit for the substantial modification or construction of a telecommunication tower in any zoning district subject to the conditions in this section.
 - 2. Purpose. The purpose of this section is to provide standards and procedures for wireless communications towers, antennae and associated equipment as allowed pursuant to Table 17.06.060.a.
 - 3. Permits. Wireless communication towers that exceed the maximum height of the zoning district must comply with the standards in this section and obtain a Conditional Use permit pursuant to Table 17.06.060.a.
 - a. The application for a conditional use permit for a telecommunication tower shall include the following information:
 - i. A written narrative explaining why the proposed site has been chosen, why the telecommunication tower is necessary, why the requested height was chosen, and a full explanation regarding the telecommunication tower's ability to accommodate other providers;
 - ii. Specifications for the telecommunication tower and all antennas to be located on it, including a description of design characteristics and materials;

- iii. A site plan drawn to scale showing property boundaries, telecommunication tower location, telecommunication tower height, guy wires and anchors, existing structures and land uses on the site and on adjacent property, access roads and easements to be used for the site;
 - iv. A map showing the locations of the applicant's existing telecommunication towers that serve customers in the city and of all telecommunication towers that the applicant proposes to construct to serve customers in the city;
 - v. A report prepared by a person registered as a structural engineer in Alaska showing the capacity by type and number of the telecommunication tower and antennas, and that the telecommunication tower and antennas are designed to withstand winds in accordance with the latest revision of ASI/EIA/TIA/222 standards ("Structural standards for steel communications antenna towers and communications antenna supporting structures");
 - vi. Identification of the person or persons who own the telecommunication tower and the equipment that is to be located on it;
 - vii. Written authorization for the application from the owner of the site;
 - viii. Evidence that the applicant has a valid FCC license for the use of the telecommunication tower;
 - ix. A line-of-sight analysis showing the potential visual and aesthetic impacts of the telecommunication tower on adjacent residential districts through the use of photo simulations of the telecommunication tower, including all antennas, structures, and equipment, using the vantage points and number of photo simulations requested by the planning department;
 - x. A written agreement, on a form approved by the city attorney, to remove the telecommunication tower and restore the site to its original condition within one hundred eighty days after the telecommunication tower is substantially unused for a period of twelve consecutive months; and providing that if the telecommunication tower is not removed within this one-hundred-eighty-day period, the city may remove the telecommunication tower at the cost of the owner;
 - xi. A cell phone coverage map showing the applicant's proposed cell phone coverage within the city;
 - xii. A certificate from an engineer licensed in Alaska that the telecommunication tower, and all antennas and other equipment located on it, are built and installed to approved specifications and will contain only equipment meeting Federal Communications Commission requirements; and Any additional information required by the planning department during the application process.
- b. The planning and zoning commission may approve an application under this section, with or without conditions, if the application meets the following criteria:
- i. Location and Visual Impact. The proposed location of the telecommunication tower will minimize the visual impact on the surrounding area while allowing the telecommunication tower to function in accordance with minimum standards imposed by the applicable telecommunications regulations and the applicant's technical design requirements. Telecommunication towers and attached antennas and equipment must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors unless otherwise required under this code or other applicable law. Where necessary to make a telecommunication tower compatible with the historical, environmental or cultural character of its location, the planning and zoning commission may require that the telecommunication tower be disguised, hidden or screened, or integrated as an architectural feature of a structure, to reduce its visual impact.
 - ii. Inability to Collocate. It is not feasible to locate the applicant's telecommunication antenna and other equipment on any existing structure or tower under the control of the applicant.
 - iii. Location in a Residential Zoning District. An applicant seeking to locate a telecommunication tower in a residential zoning district must show that the area cannot be adequately served by a telecommunication tower located in a nonresidential zoning district for valid technical reasons.

- iv. Design for Future Use. A new telecommunication tower shall be designed to allow collocation of telecommunication antennas equal in number to the applicant's present and reasonably foreseeable future requirements.
- v. Safety Code Met. The telecommunication tower meets all applicable laws and code requirements, including without limitation health, nuisance, noise, fire, building and safety code requirements.
- vi. Distance from Existing Telecommunication Towers. A telecommunication tower shall not be approved if it is located within one-half mile (two thousand six hundred forty feet) of an existing telecommunication tower, unless the applicant certifies that the existing telecommunication tower does not meet the applicant's structural specifications and technical design requirements, or that a collocation agreement could not be obtained.
- vii. Zoning Requirements. With the exception of requirements for setback and height, which are established in this section, the telecommunication tower must comply with all applicable zoning laws and regulations.
- viii. Signs. No signs may be located on a telecommunication tower except for identification signage.
- ix. Lighting. No lighting may be located on a telecommunication tower except as reasonably required for safety purposes or as required by the Federal Communications Commission, Federal Aviation Administration or other government agency with jurisdiction.
- x. Fencing. A fence with a minimum height of eight feet must be placed on the perimeter of the site of a telecommunication tower site to limit access by the public.
- c. No decision regulating the placement, construction or modification of a telecommunication tower may be made on the basis of environmental or health effects of radio frequency emission if the antennas and other equipment on the telecommunication tower comply with Federal Communications Commission regulations.
- K. Outdoor commercial recreation.
 - 1. Applicability. The following standards apply to outdoor, privately owned and operated recreational businesses located within the Public Lands district.
 - 2. Standards. Commercial recreational uses may be allowed on public lands provided that the use does not negatively impact public access to or availability of public recreational trails and facilities. The operator of said use must obtain permission from the entity that owns the public land.

17.08.041 – 17.08.049 *Reserved*

17.08.050 Accessory Structures and Uses

- A. Applicability. The provisions of this section shall apply to all accessory structures and uses established, added, modified or expanded on a lot, ~~other than accessory dwelling units.~~
- B. Standards. All accessory structures and uses shall comply with the following standards:
 - 1. Accessory Building without a ~~Principal~~Primary Structure. No accessory building or structure shall be constructed on any lot prior to the time of construction of the ~~principal~~primary building to which it is accessory. The City may allow, at the discretion of the Planning Director, an accessory structure prior to the construction of a ~~principal~~primary structure if a building permit for the ~~principal~~primary structure has been obtained and remains in good standing.
 - 2. Size. The footprint of an accessory structure may exceed that of the ~~principal~~primary structure.
 - a. Garages or workshops, attached or detached, are permitted to be larger than the ~~principal~~primary residential structure on a lot.
 - b. Garages or workshops may have a dwelling unit, such as an apartment or residential loft, attached. In such cases, where the garage or workshop is located ~~on a residential lot on a lot zoned RR, R1, R2,~~ the dwelling unit is considered the ~~principal~~primary use of the property. ~~If the garage or~~

~~workshop is on a non-residential lot, and the dwelling unit is an ADU or caretaker dwelling, the principal/primary use shall be the non-residential use.~~

3. Separation. Detached accessory structures are subject to the Valdez Building Code regarding fire separation.
4. Location.
 - a. Accessory structures must meet the minimum front setback requirement for the zoning district in which it is located.
 - b. Accessory structures, such as a workshop or storage shed, two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and side yard setbacks only; provided, the structure is a minimum of five feet from both the rear and side lot lines.
 - c. On corner lots, the minimum front setback requirement in a) shall be met along each street frontage.
 - d. Height. No detached accessory structure shall exceed the height of the principal/primary structure with which it is associated.
 - e. Attached accessory structures. When an accessory structure is attached to a principal/primary structure, it shall conform to all regulations of this ordinance applicable to principal/primary structures.
5. Intermodal shipping containers (connex units). The use of a connex unit as an accessory structure is allowed in all zoning districts subject to the following:
 - a. Except in the industrial and commercial districts, connex units shall be screened on sides facing abutting public streets by structures, landscaping, and/or fences at least as high as the unit.
 - ~~b. Connex units are subject to lot coverage requirements.~~
 - b.e. Connex units must conform with all applicable standards of the Valdez Building Codes.
 - c.d. In commercial districts, connex units shall be located to the rear of all principal/primary structures or alternately, meet the screening requirements of subsection 17.13.061.
 - d.e. In ~~the residential districts~~RR, R1, R2, and NMU districts, connex units existing as of [date of adoption] on any size lot may continue as long as the screening requirements of subsection 17.13.061 are met by September 30, 2025.
 - e.f. Self-storage establishments in compliance with this ordinance are exempt from this section.
 - f.g. Loading or unloading a connex unit, or the use of a connex during a permitted construction project is exempt from this section, as long as the connex unit is removed promptly at the finish of the loading/unloading or construction activity.
 - g.h. In ~~residential-the~~ RR, R1, R2, and NMU districts, connex units existing on [date of adoption] that are located between the front plane of the principal/primary structure and the front property line shall be removed or relocated by September 30, 2025.
 - h.i. The provisions of this section do not apply to connex units incorporated into approved structures.

Chapter 17.09

Planned Unit Developments (PUDs)

17.09.010 Purpose and Applicability

- A. Purpose. A Planned Unit Development (PUD) is a type of conditional use permit that allows for design flexibility of the City's zoning dimensional standards with the intent to achieve better project design than could be otherwise achieved through the direct application of those standards. A PUD is different from a variance in that a PUD grants flexibility from ordinance standards in exchange for some community benefit pursuant to the review criteria herein. PUD designs and project elements shall align with the Comprehensive Plan in terms of community vision, land use compatibility, housing variety (as applicable), and environmental conservation.
- B. Applicability. The provisions of this section apply to applicants that seek development approval through the PUD process [in the districts where a PUD is listed as an approved use](#). This section also applies to any changes to any previously approved PUD. Applicants may apply for PUD approval pursuant to the requirements of this section.
- D. Allowances. Applicants may seek regulatory relief or design flexibility from certain dimensional and use standards of the subject property's zoning district pursuant to the allowances and limitations of this section.
1. Lot Dimensions. Applicants may seek to reduce the lot dimensional standards of the property's zoning district, including lot area and width.
 2. Setbacks. Applicants may seek to reduce the building setback standards of the property's zoning district, however the resulting site plans and built conditions must effectively address snow storage.
 3. Height. Applicants may seek to increase the maximum building height of the property's zoning district.
 - ~~4. Lot Coverage. Applicants may seek to increase the maximum lot coverage standards of the property's zoning district.~~
 - ~~45. Land Uses. Applicants may propose any land use that is listed as a permitted ("P"), conditional ("C"), and/or accessory use ("A") in any district in the land use table pursuant to Section 17.06.060. For conditional uses, those uses must be specifically requested and approved as part of the PUD application process. The decision-making authority may assign additional limitations to those land uses as part of its final approval.~~
 - ~~56. Roadway Standards. Applicants may propose roadway and multiuse trail designs that may be different from the City's standard street sections; the designs shall effectively and safely accommodate the transportation modes they are intended to serve.~~
- E. Open Space. The City encourages designation of open space and conservation within PUDs; such designation is considered pursuant to PUD Criterion 1 in 17.09.020.B.1.
1. Residential Zones. For portions of the PUD with an underlying [residential zone of RR, R1, R2, or NMU](#), five percent (5%) of those areas shall be designated as open space or conservation areas.
 2. Natural Features Priority. The applicant shall prioritize areas of the property that contain natural features for said open space designation. For the purposes of a PUD, "Natural Features" include wetlands, streams, lakes, rock outcroppings, native forest land, and high-value animal habitat pursuant to readily available public studies.
 3. Platting Requirement. All designated open space and conservation areas within a PUD approval shall be assigned a parcel as part of the associated platting process. The Plat shall identify the parcel as open space and list the associated land use restrictions therein. The Planning Department shall apply this requirement as part of any subdivision application associated with the property with a PUD approval.
 4. Management. All designated open space and conservation areas within a PUD shall be managed and maintained by a property owner or neighborhood association unless dedicated to the public during the platting process.

5. Snow Storage. Designated open space and conservation areas within a PUD do not count toward snow storage areas required pursuant to VMC Title 16.

17.09.011 – 17.09.019 *Reserved*

17.09.020 Review Process and Application

- A. Review Process Generally. The City shall review applications for PUD approval as a conditional use permit pursuant to Section 17.04.060.
- B. Review Criteria. The Planning Department and the final decision-making authority shall evaluate whether the PUD application complies with the review criteria for conditional uses as specified in Section 17.04.060 and the PUD criteria listed in this subsection in determining to approve, approve with conditions, or deny the request.
1. PUD Criterion 1 – Open Space: The project design and spatial layout results in additional open space than could otherwise be achieved with the strict application of the zoning district standards. Open space that meets the standards of 17.09.010.E is required.
 2. PUD Criterion 2 – Design Excellence: The project is expected to achieve a better design than could be achieved with the strict application of the zoning district standards in terms of building architecture, pedestrian orientation/access, retaining natural features, and implementing the community vision as articulated in the comprehensive plan.
 3. PUD Criterion 3 – Impact Mitigation: The project applies buffering, vegetation, and building placement considerations as methods to mitigate potential adverse impacts onto neighboring properties that may be caused by a reduction in the required building setbacks, ~~or an increase in building height, or increase in lot coverage.~~
- C. Submittal Requirements.
1. General. Applicants shall provide the submittal items as specified in Section 17.04.060 in addition to the other submittal items listed in this subsection.
 2. Narrative and Dimensional Standards. The applicant shall provide project narrative that provides findings and responses to each of the PUD review criteria. The narrative shall also list the proposed dimensional standards (e.g., building setbacks, height, ~~lot coverage~~) that would apply to all development activity within the PUD project boundaries. The narrative shall also list all the proposed land uses that would be allowed within the approved PUD project.
 3. Plan Set.
 - a. PUD Master Plan. This shall be a scaled drawing that depicts the proposed site layout, land use areas, vehicular and pedestrian circulation, open space and recreation areas, and any other information necessary to visually describe the proposed project. The master plan shall include a site statistics table listing the dimensional standards and allowable land uses that would apply to all future development and land uses activities within the project boundaries. The site statistics data shall also identify the proposed land use areas within the PUD in terms of acreage, number of dwelling units, total proposed square-footage for non-residential uses, and open space area.
 - b. Open Space and Conservation Plan. This shall be a scaled drawing depicting the spatial layout, access points, and configuration for all open space, conservation, and parks areas within the PUD. The Plan shall depict the conceptual site design for areas designated for open space, conservation, and/or park use. The Plan shall include a site statistics table that identifies the recreational uses/elements for each open space area and their land areas.
 - c. Roadway and Circulation Plan. This shall be a scaled drawing that depicts the typical cross sections for all typical roadways, alleys, and multiuse pathways within the PUD. The Plan shall provide the dimensional standards for each roadway/trail element (e.g., travel lane widths, sidewalk widths, on-street parking staff width). Cross sections are not required if the PUD follows the City of Valdez Standards and Specifications.

- d. Utility Plan. This shall demonstrate the availability of city water and sewer connections or the suitability of the property for proposed sewer and water systems that have the capacity to support the proposed development.
- d. Building Elevations. In lieu of the building elevation requirements of Section 17.04.060, the applicant may provide typical designs for buildings that would be constructed within the PUD boundaries. The elevations shall depict architectural elements such as windows, facade materials, and roof shapes.
- E. Rezones. The applicant may apply for a property rezone concurrently with a PUD application.
- F. Phasing. A PUD may be proposed in phases, such that additional detail (including subdivisions, concurrent rezones, and site plans) may be approved after the initial PUD master plan approval. A PUD master plan for the entire project is required at the initial PUD approval stage.

Chapters 17.10 – 17.12

Reserved

Chapter 17.13

Site Development Standards

17.13.010. Purpose and Applicability

- A. Purpose. This chapter is intended to provide additional details on measurements and calculations used throughout this ordinance relating to site development and standards for site development that apply to all zoning districts.
- B. Applicability. This section applies to the establishment or expansion of all uses and structures.

17.13.011 – 17.13.019 Reserved

17.13.020. Measurements and Calculations Methodology.

- A. Yards and setbacks. The following regulations supplement, define and restrict the meaning and intent of the yard and setback provisions set forth in VMC Title 17:
- Where setbacks are required, they shall be open and unobstructed. Fences, driveways, paved parking lots, and other non-obstructing uses of the property are permitted within the setback [areazone](#).
 - Unroofed landings, ramps, steps and decks may project into any required [yard-setback](#) provided that they maintain a minimum five feet (5') of distance from the nearest property line is maintained and the structure is not located in an easement. No portion other than a handrail shall extend higher than eighteen inches above the finished grade level.
 - Window sills, belt courses, cornices, eaves, and similar incidental architectural features may project into any required [setbackyard](#) provided that a minimum five feet (5') of distance from the nearest property line is maintained.
 - ~~Second-story, or higher, deck. The planning and zoning commission will consider the projection into a setback are available for administrative adjustment of a second-story, or higher, deck on an individual basis through the administration adjustment variance process pursuant to Section 17.04.070.~~
- B. Building Heights. The following regulations supplement, define and restrict the meaning and intent of the building height provisions set forth in this title:
- Measurement of Building Height. The vertical distance measured from the average ground level prior to construction to the highest point of the building.
 - Exempted Structures.
 - Roof structures (located on a rooftop) for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts or similar structures and necessary mechanical appurtenances may be erected above the permitted height limit of buildings but shall not be for the purpose of providing additional floor space.
 - Flag poles. The maximum height for a flag pole shall be 25 ft.
 - Light poles. Outdoor lighting, including street lights, shall be reflected downwards to reduce light pollution and glare in all districts. Outdoor lighting on freestanding poles shall not exceed 35' in height in residential and commercial districts. Outdoor lighting on freestanding poles shall not exceed 50' in height in industrial districts.
- ~~C. Density. The following regulations supplement, define and restrict the meaning and intent of the density requirements set forth in this title:~~
- ~~Density Calculation. Density of a site is calculated by dividing the number of dwelling units (existing or proposed) by the acreage of the site, as shown on the plat.~~

Commented [BK7]: @Perdu, Erin the comment is "Allow second story deck projections into setbacks available for administrative adjustment" ... please confirm this language is ok.

17.13.021 – 17.13.029 Reserved

17.13.030. Snow Storage

- A. Purpose. This section is intended to establish basic standards and a review process to ensure adequate snow storage for new developments.
- B. Applicability. These provisions apply to all new or expanded developments except development of one detached dwelling unit, duplex, 2-unit townhouse, or accessory dwelling unit.
- C. Snow Storage Plan. A snow storage plan shall be submitted with all land use or permit applications involving new commercial, industrial, or multi-unit residential construction. The plan shall include:
 1. A sketch plan, to scale, showing the area(s) of the site to be used for snow storage. If applicable, any proposed off-site snow storage areas shall also be shown.
 2. Amount of parking spaces/area that will be taken up by snow storage, if any.
 3. Narrative description of the proposed snow storage plan. Include a description of winter parking demand if required off-street parking spaces are to be used for snow storage.
- D. Standards. The following criteria for snow storage shall be reviewed by Planning Staff during the land use application or zoning clearance review process.
 1. Impacts on required parking. Reductions in available parking spaces shall be offset by reductions in seasonal demand for parking.
 2. Adequacy of space. Enough snow storage area shall be designated to reasonably handle expected snow storage needs on the site. This includes snow from plowed areas and snow-shedding from roofs.
 3. Visibility at intersection(s) with public streets. The site visibility triangle described in section 17.13.065 shall be maintained.
 4. Use of publicly-owned snow storage lots, including the proposed means of safely transporting snow from the site to the snow storage lot. Capacity shall exist to accommodate the proposed snow storage, as determined by the public works director.
 5. Snow shedding. On all residential dwellings, and non-residential principal~~primary~~ structures, roofs shall be designed to either:
 - a. Shed snow into a side or rear yard; or
 - b. Handle the snow load without shedding. Setback reductions are available for buildings with these types of roofs, as described in Table 17.06.070.a.
 - c. Snow shall not shed in a manner that blocks ingress or egress of the structure.

17.13.031 – 17.13.059 Reserved

17.13.060. Parking and Loading.

- A. Purpose. This section establishes standards for the amount, location and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas. These regulations are designed to avoid parking shortages, to encourage compact development patterns, to accommodate redevelopment, and to recognize alternative modes of transportation.
- B. Applicability. The parking and loading standards in this section apply to all new development in the city, as well as changes of use and redevelopment.
- C. Parking Lot Design Standards.
 1. Dimensional Standards. Table 17.13.060.a provides the minimum parking lot dimensional requirements.

Table 17.13.060.a Parking Lot Minimum Dimensional Standards

Parking Angle	Drive Aisle One-Way Width	Drive Aisle Two-Way Width	Stall Width	Stall Depth	Wheel Curb Offset
0-degrees / Parallel	12' ~~6"~~ (min.)	24'---	~~8' 6"~~ 23' (min.)	8' 6" ~~23'~~ (min.)	N/A
45-degrees	~~12~~ 4' ~~6"~~ (min.)	24'---	8' ~~6"~~ (min.)	19' (min.)	~~12'~~ ~~6"~~ (min.)
60-degrees	~~18~~ 4' (min.)	24'---	8' ~~6"~~ (min.)	19' (min.)	~~12'~~ ~~6"~~ (min.)
90-degrees	~~23~~ 12' (min.)	249' (min.)	8' ~~6"~~ (min.)	19' (min.)	~~12'~~ ~~6"~~ (min.)
Notes:					

1. Access.

- All motor vehicle parking lots shall be designed to allow vehicles to enter and exit the street in a forward motion. An exception may be allowed in cases where parking is provided abutting an alley.
- A tandem parking arrangement may be allowed only when provided in the following situations:
 - As part of an associated valet service; and/or
 - As part of a multi-unit development where the set of tandem stalls are assigned to the same unit; and/or
 - As part of designated employee parking.
- Motor vehicle parking lots shall provide for internal vehicle connections at logical locations between abutting parking lots and adjacent nonresidential and multi-unit properties. Exceptions to this standard are allowed to protect natural resources, where onerous topographic features exist, and to comply with design restrictions from other governing agencies.

2. Materials. Areas used for parking for more than two vehicles shall be graded and surfaced with a crushed rock, gravel, asphalt, or other suitable material that will provide for a surface that is stable and allowed to reduce dust and erosion.

3. Striping. Paved parking lots are required to be striped in accordance with Table 17.13.060.a.

3-4. Lighting. Artificial lighting which may be provided shall not shine or create glare in any residential zone property zoned RR, R1, R2, or NMU or any adjacent existing dwelling. Artificial lighting shall be positioned downward.

4-5. Electric Vehicle (EV) Charging Infrastructure. Where an EV charging station is provided, the adjacent parking shall be reserved for vehicles that can be electrically charged.

D. Motor Vehicle Parking Ratios.

1. Parking Ratios. Table 17.13.060.b provides the minimum required off-street parking spaces by land use.

Table 17.13.060.b Motor Vehicle Parking Ratios by Land Use (s)	
Land Use	Motor Vehicle Parking Ratio Standard (min.)
Residential Categories	
Assisted Living Facility	0.25 space per bed
Dwelling – Detached	2 spaces per unit
Dwelling – Manufactured Homes	2 spaces per unit
Dwelling – Attached	2 space per unit
Dwelling – Multi-unit	1.5 spaces per unit

Table 17.13.060.b Motor Vehicle Parking Ratios by Land Use (s)

Land Use	Motor Vehicle Parking Ratio Standard (min.)
Group homes and quasi-institutional facilities	0.25 space per bed
Shelter (e.g., homeless, victims, emergency)	0.25 space per bed
Worker Housing	0.5 spaces per unit
<u>Hotels</u>	<u>0.5 spaces per unit</u>
<u>Rental Cabins</u>	<u>1 space per unit</u>
Notes: 1. INSERT	

3. Administrative Reductions. The Planning Director shall have the authority to grant reductions to the minimum number of off-street parking spaces for a site. Applicants proposing a parking reduction shall provide documentation, including quantitative analysis, that justifies the proposed number of parking spaces based on the site and proposed land use(s). Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to the follow:

- Size of building
- Type of use
- Number of employees
- Projected volume of delivery or service vehicles
- Projected frequency and volume of delivery or service vehicles
- Number of company owned vehicles
- Storage of vehicles on site
- The availability of street parking within the project vicinity
- The availability of on-site bicycle parking
- Shared Parking. Use of Parking Spaces by More Than One Establishment. Notwithstanding the previous subsection, required parking spaces may serve more than one establishment on the same parking lot; provided, that sufficient evidence is presented which shows that the normal hours of operation of such establishments do not overlap.

4. Parking Stall Use. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

5. Location to Use. Off-site parking facilities may be used to supplement required off-street parking. Such parking must be located within six hundred feet of the use to which they are accessory, measured from nearest point to nearest point using parcel lines.

- E. Accessible Parking Spaces. Parking shall be provided consistent with the American with Disabilities Act (ADA) requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

- Applicability. All off-street parking must comply with ADA parking space requirements.
- ADA Parking Amount and Design. All off-street parking lots must provide ADA-accessible parking spaces in accordance with the most current ADA Standards for Accessible Design.

- F. **Bicycle Parking.** Bicycle parking encourages shoppers, customers, employees, and other visitors to use bicycles by providing a convenient and readily accessible place to park and secure bicycles. Bicycle parking should be placed near main entrance(s) of a building and should be accessible to pedestrians and bicyclists.
1. **Quantity.** All new uses/developments shall provide bicycle parking racks, spaces, or similar features to allow bicycles to be securely attached to the apparatus as follows:
 - a. Multi-unit dwellings: minimum two spaces
 - b. Commercial uses: minimum two spaces
 - c. Industrial uses: minimum spaces to be determined by the Planning Director or designee.
 - d. All other uses: minimum of two spaces.
 2. **Location.**
 - a. For sites with one primary building, the bicycle parking shall be within 50 feet of the main entrance to the building.
 - b. For sites with more than one primary building, the bicycle parking shall be distributed evenly amongst the primary buildings and shall be within 50 feet of a main entrance
 3. **Design.**
 - a. Bicycle racks or similar features shall be provided with the primary purpose to allow bicycles to be securely attached to the apparatus. Sign poles, planters, and utility poles shall not be considered bicycle parking racks or used to satisfy the bicycle parking requirement.
 - b. Bicycle rack design shall accommodate a high security, U-shaped lock.
 - c. Bicycle racks shall be constructed using durable finishes that are not damaged by the constant abrasion from bicycles.
- G. **Loading.**
1. **Purpose.** This section is intended to establish basic standards and a review process for loading spaces for businesses to ensure that adequate space is provided in a location that does not obstruct traffic or impact pedestrian safety.
 2. **Applicability.** Loading space shall be provided for non-residential new construction or additions greater than 5,000 square feet. Loading spaces are not required for existing buildings that are subject to a change of use.
 3. **Loading Plan.** A loading plan shall be submitted with all land use or permit applications involving new commercial, industrial, or multi-use construction. The plan shall include:
 - a. A sketch plan, to scale, showing the area to be used for loading and deliveries.
 - b. Narrative description of the types of deliveries, typical vehicles making deliveries, timing and frequency of deliveries.
 4. **Standards.** Staff shall review loading plans against the following criteria on a case-by-case basis during the land use application and/or permitting process.
 - a. Adequacy of loading space based on the typical vehicles used for deliveries.
 - b. Impact on traffic and right-of-way based on the frequency, timing, and duration of deliveries.
 - c. Impact on pedestrian access to the business.
 - d. Loading spaces shall not hinder the movement of vehicles and pedestrians over a street, alley or sidewalk.
 - e. Loading spaces shall not create a safety hazard for pedestrians or vehicles within a site.
- H. **Parking on Residential Lots.**

1. ~~No more than a total of two of the following~~ the following may be parked and stored outside on a residential lot according to the zoning district in which the property is located: commercial vehicles, boats, recreational vehicles, utility trailers, or small heavy equipment for snow removal such as skid steers or tractors. Additional vehicles or equipment may be permitted if ~~unless~~ associated with an approved home occupation: a commercial vehicle, a boat, a recreational vehicle, utility trailer, or small heavy equipment for snow removal such as a skid steer or tractorboat.
 - a. RR district: maximum of 6
 - b. R1 district: maximum of 4
 - c. R2 district: maximum of 2 per unit
 - d. NMU district: maximum of 4
2. The above vehicles shall be maintained in a safe and orderly manner and separated by at least 5 feet from any property lines.
3. ATVs, UTVs, side-by sides, and snow machines are excluded from the above requirements.

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17.13.061 Outdoor Storage.

A. Outdoor storage accessory to a commercial or industrial use.

Outdoor storage of goods, equipment, and/or materials accessory to a commercial or industrial principal use shall be allowed subject to the following standards:

1. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.
2. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.
3. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height. The fence or wall may exceed eight feet

Commented [KH8]: This language was mistakenly removed and remained in the table of contents. Added back from previous draft.

in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area.

4. Landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.
5. No goods, equipment, and/or materials may be stored in areas required for vehicular or pedestrian circulation or parking.

B. Outdoor storage accessory to a residential use.

Outdoor storage of equipment, recreational vehicles, and other materials accessory to a residential use shall be allowed subject to the following standards:

1. The outdoor storage shall not include junk vehicles pursuant to VMC Title 8.
2. Construction and landscaping materials and equipment are allowed if these are used or intended for use on the premises within a period of six (6) months, unless there is an active building permit issued for improvements on the property, or as otherwise approved by the Planning Director.
3. Any outdoor storage shall not become a nuisance as defined in VMC Title 8.

C. Intermodal shipping container (connex unit): see Accessory Structures section 17.08.050.

17.13.062 – 17.13.064 Reserved

17.13.065. Intersection Sight Visibility.

- A. Purpose. Sight visibility triangles are designated areas located near streets and/or commercial driveway intersections that shall be free from visual obstruction to maintain safe visibility for vehicles, bicyclists, and pedestrians.
- B. Applicability. All property shall maintain sight visibility triangles as described in this section.
- C. Establishment. Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or non-residential driveway.
- D. Limitations.
 1. No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.
 2. On corner lots, no fence, wall, hedge or other planting or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grade of the intersecting streets shall be erected, planted, placed or maintained, ~~and~~.
 3. No vehicle so impeding visibility shall be parked within the sight visibility triangles.
 4. If the relation of the surface of the lot to the street is such that visibility is already obscured, nothing shall be done to increase the impediment to visibility within the vertical and horizontal limits set forth above.
- E. Sight Visibility Triangle Designation. Sight visibility triangles shall be designated pursuant to figure 17.13.065.1 below.
 1. Points of intersections shall be measured along the constructed street or sidewalk.

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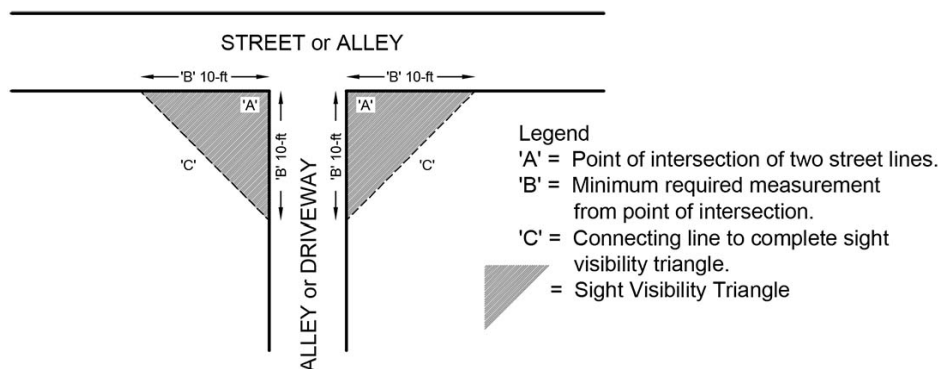


Figure 17.13.065.1 – Sight Visibility Diagram.

F. Exemptions. The following exemptions may apply to intersection sight visibility standards.

1. Fences up to 2.5 feet in height. Transparent fences that are taller than this, including chain link, wrought iron, and similar styles, may be exempt so long as visibility is maintained through the fence.
2. Official traffic and street signs, including wayfinding signage approved by the Planning Director, or designee, in the right-of-way.
3. Fire hydrants, uncovered benches, and traffic control devices in the right-of-way.
4. Utility poles and one utility transmission or control device in the right-of-way.

17.13.070. Fences and Walls

- A. Purpose. The purpose of this section is to regulate the location, height, materials, and maintenance of fences, gates, and walls to prevent the creation of nuisances, allow for privacy, maintain access to light and air, and to protect the safety and general welfare of the public.
- B. Applicability. Fences or walls shall be [constructed and maintained pursuant to this section, provided where required pursuant to Title 17.](#)
- C. Design Standards.
 1. Front Yards.
 - a. Residential Zoning Districts. Fences and walls within the required front setback areas shall be limited to four (4) feet in height. This limitation shall not apply to retaining walls intended to hold soil and/or to allow for site grading.
 - b. Commercial and Mixed-Use Zoning Districts. Fences and walls within the required front setback areas, shall be limited to eight (8) feet in height. This limitation shall not apply to retaining walls intended to hold soil and/or to allow for site grading.
 - c. Industrial Zoning Districts. Unrestricted.
 2. Other Lot Locations. Fences and walls shall be limited to ~~eight~~ nine feet in height for other locations on the lot which are outside of the front setback.
 3. Adjacent Right-of-Way. Fences and walls shall not be constructed in the right-of-way except for masonry or concrete retaining walls, and then only to a height not exceeding six inches above the grade such wall is constructed to retain and with an approved right-of-way permit, pursuant to title ~~16~~ 12.
 4. Post Spacing. Fence posts shall not exceed ten feet in spacing.

Commented [BK9]: @Perdu, Erin Need some help here.

Comment: Update fence requirements to allow for fences high enough to screen units.

Standard connex containers are 8'6" in height.

From connex section: "Except in the industrial and commercial districts, connex units shall be screened on sides facing abutting public streets by structures, landscaping, and/or fences at least as high as the unit."

Commented [PE10R9]: @Baldonado, Kristin I changed the height max in side and rear yards to nine feet (from eight) to fix this inconsistency

5. Measurement of Fence, Hedge, and Wall Height.

- a. General. For the purposes of this title, fence, hedge, and wall height shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence, hedge, or wall is erected or planted to the highest point of the fence, hedge, or wall. To allow for variation in topography on a [parcel/lot](#), the height of a fence, hedge, or a wall may vary up to six inches.
- b. Difference in Grade Height between Two [Parcels/Lots](#). Where there is a difference in the ground elevation or finished grade between two adjoining parcels of less than two feet, the height of any fence or wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel (see [Figure 3-6](#)). When there is a difference in the ground level between two adjacent parcels of two feet or more, the height of a fence or wall shall be determined by the Planning Director. The Planning Director shall consider the physical and visual height impact on abutting properties.

6. Materials.

- a. Allowed Materials. Fences or walls may be constructed of any of the following standard fencing materials: wrought iron, brick, concrete block, plastic, vinyl, chain link, metal wire, or wood products that are typically pre-fabricated and are commercially available.
 - b. Barbed wire and Electrical Strands. Barbed wire or electrical strands or similar type of fencing may be allowed pursuant to the following:
 1. Barbed wire and electrical strand fencing, where allowed, shall be limited to eight feet in height.
 2. Barbed wire and electric strand may be used on security fences for agricultural, livestock keeping, industrial, institutional, and commercial operations.
 3. Barbed wire or electrical strands or similar type of fencing may be used when specifically authorized in conjunction with a conditional use permit and/or a variance.
 - c. Any departure of materials required by this section shall require the approval of the Planning Director.
7. Maintenance. All fences and walls shall be maintained in good repair and all surfaces thereof shall be kept painted or have similar protective coating where customarily necessary. Any departure from the materials prescribed by this section shall require the approval of the Planning Director or designee.

~~17.13.071—17.13.089~~ **Reserved**

17.13.090 Signs.

A. Purpose. The purposes of this sign code are to promote:

1. The protection of the health, safety, property and welfare of the citizens of Valdez, and vision of the community;
2. Commercial and civic communications that accommodate the need of the community to convey information to the public;
3. The protection and enhancement of the historic charm and natural beauty, and the visual character and identity of the community, by the thoughtful placement and design of signs;
4. Flexibility for creative and innovative sign designs;
5. The proper maintenance of signs; and
6. Consistency with the goals and objectives of the Valdez Comprehensive Plan.

B. General Provisions.

1. A sign permit shall be obtained from the Planning Department before any sign is installed in any district, except for those signs exempted from the permit requirement by this section.

C. Definitions.

The following terms, as used in this ~~chapter~~section, shall have the meanings stated. For the purpose of this ~~chapter~~section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Awning sign. A building sign attached to, affixed to, or painted on an awning.

Banner sign. A sign made of fabric or other similar nonrigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners.

Billboard. An off-premises sign intended by the sign owner to be available for sale, lease, or rental for the purpose of promoting any commercial activity which is not situated on the same property as the billboard or of promoting any product or service which is not primarily available on the same property as the billboard; and incidentally used for the display of public service messages.

Building sign. A building sign is attached to or supported by a building whether it is the wall, window, or roof of the building. This sign type includes awning, canopy, projecting, roof, and wall signs.

Electronic Message Board (EMB). A sign that can display words, symbols, figures, or images that can be electronically changed by remote or automatic means.

Flag. Any fabric or flexible material attached to or designed to be flown from a flagpole or other similar structure.

Freestanding sign. A sign on a frame, pole, or other, support structure not attached to any building. This sign type includes pylon, post and arm, and monument signs.

Lawn Signs. A freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

Monument sign. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Off-Premise sign. A sign whose message is unrelated to the premises or the activity and use occurring on the premises on which the sign is located.

On-premise sign. A sign whose message is related to the premises or the activity and use occurring on the premises on which the sign is located.

Permanent sign. A sign structure that is intended for permanent display due to the construction, materials, placement, or installation. See also building and freestanding sign definitions.

Political sign. ~~Any sign used for the purpose of advertising or promoting a political party, candidate, initiative, cause, referendum or proposition.~~

Portable sign. A movable sign that is not attached to a structure or the ground. Portable signs include A-boards, portable readerboards, and similar signs

Projecting sign. A type of building sign extending outward from the face of the building.

Sign. A device, structure, or fixture which communicates a message using words, graphics, letters, figures, symbols, trademarks, or other visual representations. Painted wall designs or patterns are not considered signs.

Sign face. The sign face is that portion of a sign upon which the message, advertisement or similar display is presented, as distinguished from the structural members.

Snipe sign. A sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

Temporary sign. A sign constructed of cloth, canvas, vinyl, paper, cardboard, plywood, fabric, plastic, or other lightweight material that is neither permanently installed in the ground or permanently affixed to a building or structure. "Temporary signs" include but are not limited to, flags, lawn signs, banners, inflatable signs, and

~~window signs, structure or device that is easily installed and removed and is not intended or suitable for permanent display due to the construction, materials, placement, or installation.~~

Wall sign. A building sign mounted flat against a wall or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

D Type and Size Permitted.

1. The surface area of a sign shall be computed as including the area comprising the entire display but not including forming parts of the display such as frames or standards. The ~~standard~~ area permitted is the total for all signs on the premises unless otherwise provided ~~or excepted~~.

2. ~~In residential districts~~For residential ~~houses used~~dwelling, the following type and size of signs are permitted:

- a. One nonilluminated ~~wall sign on a per~~ dwelling unit not exceeding four (4) square feet ~~located flat against the wall of the building.~~
- b. Temporary signs with the following conditions:
 - 1) Flags not exceeding fifteen (15) square feet each.
 - 2) Lawn signs not exceeding three (3) square feet each.
 - 3) Banners not exceeding twelve (12) square feet each.
 - 4) Window signs not exceeding twenty percent (20%) of the area of the window within which they are placed.
 - 5) Other temporary signs not exceeding twelve (12) square feet each.

- c. The total area of all temporary signs shall not exceed thirty (30) square feet per dwelling unit.
Temporary signs are not counted in the total square footage of signage allowed at the dwelling unit.

- d. One announcement sign or bulletin board not exceeding twenty (20) square feet for buildings used for purposes other than as a dwelling including assembly halls, community buildings, and religious institutions~~buildings; child care facilities; and schools~~~~a religious institution, school or public or charitable institution.~~ Such sign shall be located at least five feet back from the front property line and on a lot under the same ownership as the ~~principal~~primary use. Announcement signs shall not be located in the right-of-way nor within any sight visibility triangle.

- e. One sign not exceeding six (6) square feet in area for the purpose of advertising the sale or lease of a building or premises.

- 1) When a residential lot abuts on more than one street, one such sign may face each street, providing no sign at or near the intersection may obstruct free and clear vision of such involved streets.

- f. Schools in ~~residential districts the RR, R1, R2, and NMU districts~~ may have one free-standing sign not exceeding 60 square feet located at least five feet (5') from the front property line in addition to the announcement sign permitted in ~~b-subsection 2(d)~~ above.

- e. ~~For nonconforming commercial uses or child care centers, one sign, not exceeding six square feet in area, to be located flat against the wall of the principal building, or more than twenty feet from the front lot line and more than ten feet from side or rear lot lines.~~

3. For ~~commercial or industrial~~non-residential or ~~housing~~dwelling uses, the following type and size of signs are permitted:

- a. If there is one business establishment in a building, that business may have three (3) signs, with a maximum total area per sign of three (3½) square ~~feet~~ for every lineal foot of primary building façade. Each business is allowed only one (1) freestanding sign. ~~No more than one sign shall be placed on any one face of the building.~~

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b. If two or more business establishments are located in the same building, each business may have two signs, with a maximum area per sign of three (3)½ square feet for every linear foot of primary building frontage. ~~No more than one sign for any business shall be placed on any one face of the building. Each business is allowed only one (1) freestanding sign.~~

c. Temporary signs with the following conditions:

i. Flags not exceeding fifteen (15) square feet each

ii. Lawn signs not exceeding six (6) square feet each

iii. Banners not exceeding twenty-four (24) square feet each

iv. Window signs not exceeding twenty percent (20%) of the area of the window within which they are placed.

v. Other temporary signs not exceeding twelve (12) square feet each.

vi. The total area of all temporary signs shall not exceed thirty (30) square feet per business or the sign area permitted in Subsection 3(a) or (b) above, whichever is less. Temporary signs are not counted in the total square footage of signage allowed at the site.

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~~de.~~ Signs directing and guiding traffic and parking on public or private property, but bearing no advertising matter.

~~ed.~~ Signs may be electronic, but shall not blink, flash, or simulate movement so as to create distraction or a hazard to the public health, safety, or welfare. Light from such signs shall not have a brightness level that exceeds 0.3 foot-candles above ambient light as measured from the property line.

4. Height: Maximum sign height is fourteen (14) feet or the height of the primary structure on the parcel, whichever is less.

~~E.~~ Notices and Warning Signs. Notices and warning signs of not more than one square foot in area, such as vacancy, no trespassing, beware of dog, etc., shall be permitted in any zoning district.

~~F.~~ Political Signs. Political signs are allowed in residential, commercial and industrial zoning districts in accordance with the terms of this subsection. Political signs shall not exceed thirty-two square feet in total area nor be placed on a public property or rights-of-way. Such signs may be displayed only for a period of ninety days prior to any primary or general election. All political signs must be removed within one week following the relevant election.

~~EG.~~ Commercial Marijuana Signs. Commercial marijuana facilities are subject to the requirements of this section to the extent that they are more restrictive than those set out in Section 3 AAC Article 3.

~~FH.~~ Electronic Message Boards (EMB).

1. EMBs are allowed for institutional uses when associated with the following permitted uses: educational institution, religious institution, library, museum, cultural institution, art gallery, and government offices/services. ~~(government offices, schools, churches, non-profit organizations) only.~~

2. Each property shall only be permitted one EMB.

3. EMBs shall only be permitted on freestanding signs, and must adhere to the freestanding sign height standards.

~~3-4.~~ EMB's shall comply with size restrictions as set forth in this section.

~~4-5.~~ Display.

a. EMBs shall maintain no less than an eight second dwell time for any images and messages.

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- b. Any change from one static display to another must be instantaneous and shall not include any distracting effects, such as dissolving, spinning, or fading. Animation, motion, or video displays are prohibited.
- c. No EMB shall have a brightness level that exceeds 0.3 foot-candles above ambient light as measured from the property line.
- d. EMBs may use multiple colors within the display, but the use of color shall not create distraction or a hazard to the public health, safety, or welfare.

5-6. Operation. EMBs shall be equipped with a means to immediately discontinue the display if it malfunctions. The owner of the EMB must immediately cease operation of the EMB when notified by the city that it fails to comply with the standards of this sectionchapter.

GI. Signs allowed without permits.

1. Signs for home occupations and short-term rentals.
2. ~~Standard flags and insignia of government, religious, civic, charitable, educational or philanthropic groups which can, in no way, be construed as advertising. This includes City-city-issued memorial signs and plaques.~~
3. Legal notices, traffic signs, informational signs, historic signs or directional signs erected by government bodies and signs required by law.
4. Notices and warning signs of not more than two (2) square feet each in area, i.e., vacancy, no trespassing, beware of dog.
5. Signs advertising subdivision tract developments of two (2) or more acres, not exceeding thirty-two (32) square feet and limited to one (1) such sign per street frontage.
6. ~~Sandwich boards not exceeding twelve (12) square feet each provided that they do not exceed two (2) per business, and are located entirely on private property and in accordance with AS 19.25.105. Political signs pursuant to this subsection.~~

Temporary Signs permitted under this section. Temporary signs may be posted for not more than 30 days in a 180-day time period

7.

- a) ~~One temporary sign is allowed per property if non-commercial residential, and one for each business in commercial districts;~~
- b) ~~Temporary signs may include banners, flags, or pennants;~~
- c) ~~Temporary signs may not exceed 12 square feet in residential areas and 32 square feet in commercial or industrial districts;~~
- d) ~~Temporary signs referencing a date or event must be removed within one week following the date or event;~~
- e) ~~Special noncommercial event signs may be erected two weeks prior to the event.~~
- f) ~~Political signs pursuant to 17.13.090(F)~~
- g) ~~Garage sale signs located at the site of the sale.~~

HI. Prohibited Signs. Unless otherwise and specifically authorized, the following signs are prohibited in all districts:

1. Signs within any sight distance triangle or right-of-way, unless otherwise authorized;
2. Signs prohibited by state or federal law.

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- ~~2.3.~~ Signs attached to, or placed on, vehicles or trailers which are parked or located for the primary purpose of displaying said sign (see also signs allowed without permits—vehicles with signs used in the normal course of business);
- ~~3.4.~~ Off-premises signs and/or billboards except the posting of temporary signs relating to civic events subject to the limitations of this ~~chapter~~section;
- ~~4.5.~~ Snipe signs;
- ~~5.6.~~ Portable signs, ~~except sandwich boards provided that they do not exceed two per business and are located entirely on private property and in accordance with AS 19.25.105;~~
- ~~6.7.~~ Any sign with incandescent lamp bulbs exposed to view, with or without internal or external reflectors.
- ~~7.8.~~ Banners, clusters of flags, pennants, ribbons, streamers, or balloons, except as allowed as temporary signs
- ~~8.9.~~ Suspended strings of spinners; twirlers or propellers; flashing, rotating (except barber poles) or blinking light; beacons; chasing or scintillating lights; flares, or signs containing elements creating sound;
- ~~9.10.~~ Abandoned signs or sign structures;
- ~~10.11.~~ Signs imitating or resembling a traffic-control sign, signal or device, or the light of an emergency vehicle; or which obstructs the visibility of any traffic or street sign or signal device.

~~Chapters 17.14 – 17.19~~

Reserved

DRAFT

Chapter 17.20

Nonconforming Situations

17.20.010 Purpose, Applicability, and General Provisions

- A. Purpose. The provisions of this Chapter are intended to establish the standards, allowances, and limitations relating to nonconforming situations. Nonconforming situations includes land use, structures, site improvements, signs, and lots/parcels that were legally established and remained in continuously existence but do not fully (or partial) comply with the current standards of VMC Titles 16 and 17. The City of Valdez intends to allow nonconforming situations to remain in operation/existence, allow for repairs and maintenance, and to allow for limited expansions thereto.
- B. Applicability. The provisions of this Chapter apply to nonconforming situations relating to land uses, structures, sites improvements, signs and lots/parcels that were lawful at the time they were established. These provisions do not apply to lots, land uses, structures, signs and other site improvements established in violation of the VMC.
- C. Nonconforming Situations Described. This Chapter recognizes the following nonconforming situations that may exist within the municipal limits.
1. Nonconforming Uses. Land uses or land use activities that may exist within a zoning district that would not be allowed, or that would normally require special approval to establish, under the current code standards (e.g., a land use that is listed as a Conditional Use pursuant to Tables 17-06.060.a-d).
 2. Nonconforming Structures/Buildings and Other Site Improvements. Any building, structure, and/or site improvement that may exist which does not comply with the dimensional standards and/or building size limitations of the underlying zoning district (e.g., setbacks, building height, and similar standards). This also describes existing developments that do not fully comply with the standards of this code.
 3. Nonconforming Signs. Any sign or collection of signs on a given lot that does not comply with the code's size, area, and quantity limitations.
 4. Nonconforming Lots of Record. Any lot that may exist that does not comply with its zoning district's the minimum size or dimensional standards of district for which it is zoned. This also includes lots that do not comply with the zoning district's access and frontage requirements.
 5. Nonconforming Elements of an Approved Permit/Plan. Any site element and/or land use component that was legally allowed under a City of Valdez land use permit.
- D. Continuation, Repair, and Maintenance.
1. Continuation. A legally established nonconforming situation may remain in existence; however, the provisions of Section 17.20.020 apply where a nonconforming land use is abandoned or ceases to operate.
 2. Lot. Any legally established nonconforming lot/tract may be used and developed pursuant to the use and dimensional standards of the current zoning district and the other applicable provisions of VMC Title 17. Said lot/tract shall also be subject to the use and development limitations pursuant to any plat in which it is a part.
 3. Repair and Maintenance. Ordinary repairs and maintenance of nonconforming buildings/structures, building/structures supporting a nonconforming use, and nonconforming sites are allowed. This may include, but is not limited to, the repair/maintenance of walls, roofs, fixtures, wiring or plumbing. All repair and maintenance activities shall conform to the applicable Valdez Building Code standards and associated permit requirement. This allowance also includes activities that increase building/structural integrity, seismic ratings, energy efficiency ratings, and/or Americans with Disabilities Act (ADA)

accessibility standards. The provisions of 17.20.030.D herein apply where a building is damaged due to a catastrophe.

4. Other Allowances. Sections of this Chapter establish the allowances and limitations for other activities associated with each nonconforming situation.
5. Zoning Clearance. The City shall determine whether a nonconforming situation was legally established and the allowances thereto as a zoning clearance review pursuant to Section 17.04.090.
- E. Verification of Nonconforming Situation(s). The Planning Director may verify whether a nonconforming situation was legally established by reviewing information submitted by the applicant, public records and other readily available information to reach a determination. The Planning Director, or designee, may conduct the initial investigation as part of the corresponding review process pursuant to Chapter 17.04. The Planning Director may request that the applicant provide evidence to be considered in the nonconforming determination, and it shall be the responsibility of the applicant to prove a nonconforming situation was legally established. The following items may be used in confirming a nonconforming situation:
 1. Building and other land use permits.
 2. Zoning maps and past Municipal Code editions.
 3. Property tax records.
 4. Land surveys with surveyor's seal.
 5. Recorded plats.
 6. Lease agreements relating to the subject use/property.
 7. Utility bills relating to the subject use/property.
 8. Insurance policies and/or mortgage contracts for the subject property.
 9. Aerial photography.
 10. Historic land use and/or insurance maps (e.g., Sanborn® Fire Insurance Maps).
 11. Business Licenses.
 12. Witness affidavits.

17.20.011 – 17.20.019 Reserved

17.20.020 Nonconforming Uses.

- A. General. A nonconforming use that was legally established ~~prior to the effective date of VMC Titles 16 and 17~~ according to the zoning ordinance in effect at the time the use was established shall be subject to the standards herein.
- B. Continuation. A nonconforming use may continue to operate on the lot where it was legally established provided the use remained in continuous operations pursuant to this section.
- C. Discontinuation Clause. Where a nonconforming use ceases to operate on its lot for a period of twelve consecutive months, any subsequent use of land shall conform to the regulations specified in VMC Title 17 for the zoning district in which the land is located.
- D. Intensity/Density Limitations. A nonconforming use may not be expanded, enlarged, or increased in a manner that would increase its noncompliance with VMC Title 17; unless allowed by this Chapter.
- E. Moving. Nonconforming uses shall not be moved, in whole or part, to any other portion of the lot on which it was originally established.
- F. Nonconforming Detached and Attached Dwellings. Legally existing nonconforming detached and attached dwellings, including manufactured and mobile homes, shall be allowed to remain in existence and are not subject to the expansion limitations or discontinuation clauses of this Chapter. All building additions shall conform to the dimensional standards of the zoning district. No additional units therein may be added unless specifically allowed in the zoning district.

- G. Expansions of a Nonconforming Use. A nonconforming use may only be expanded pursuant to the following standards.
1. Administrative Allowances. Applicants may request a one-time expansion of a nonconforming use as an Administrative Adjustment pursuant to Section 17.04.070 and subject to the review criteria therein. If the request is granted, the City shall not consider future applications for the same use to expand. Said expansions may not exceed five percent of the area the nonconforming use occupies at the time of application.
 2. Other Allowances. Applicants may request other expansions of a nonconforming use as a Variance pursuant to Section 17.04.070 and subject to the review criteria therein. Applications under this provision shall be limited in scale and not exceed ten percent of the area the nonconforming use occupies at the time of application.

17.20.021 – 17.20.029 Reserved

17.20.030 Nonconforming Buildings, Structures and Site Improvements.

- A. General. A nonconforming structure, building or other site improvement that was legally established according to the zoning ordinance in effect at the time the structure was built prior to the effective date of VMC Titles 16 and 17 shall be subject to the standards herein.
- B. Continuation. A nonconforming structure, building or other site improvement may remain on the lot and may continue to be inhabited pursuant to the applicable standards of VMC Title 17 and applicable Valdez Building code.
- C. Expansions, Enlargements, and other Modifications. A nonconforming structure, building, or other site improvement may be expanded, enlarged, modified, or moved pursuant to the standards of VMC Title 17 and the Valdez Building Code (including the dimensional standards of the zoning district in which it is located). Requests to expand, enlarge or modify a building, structure, or other site improvement that would increase its nonconformity, shall be reviewed as a variance or administrative adjustment pursuant to Section 17.04.070.
- D. Damage and Catastrophes. In the event a nonconforming structure, building, or other site improvement is damaged to an extent of more than fifty percent of its assessed value at the time of destruction, it may only be reconstructed in conformity with the provisions of VMC Title 17, the Valdez Building Code, and/or its associated land use permit (e.g., Conditional Use approval).
- E. Repair and Maintenance. Repair and maintenance activities are allowed pursuant to 17.20.010.D herein.

17.20.031 – 17.20.039 Reserved

17.20.040 Nonconforming Signs.

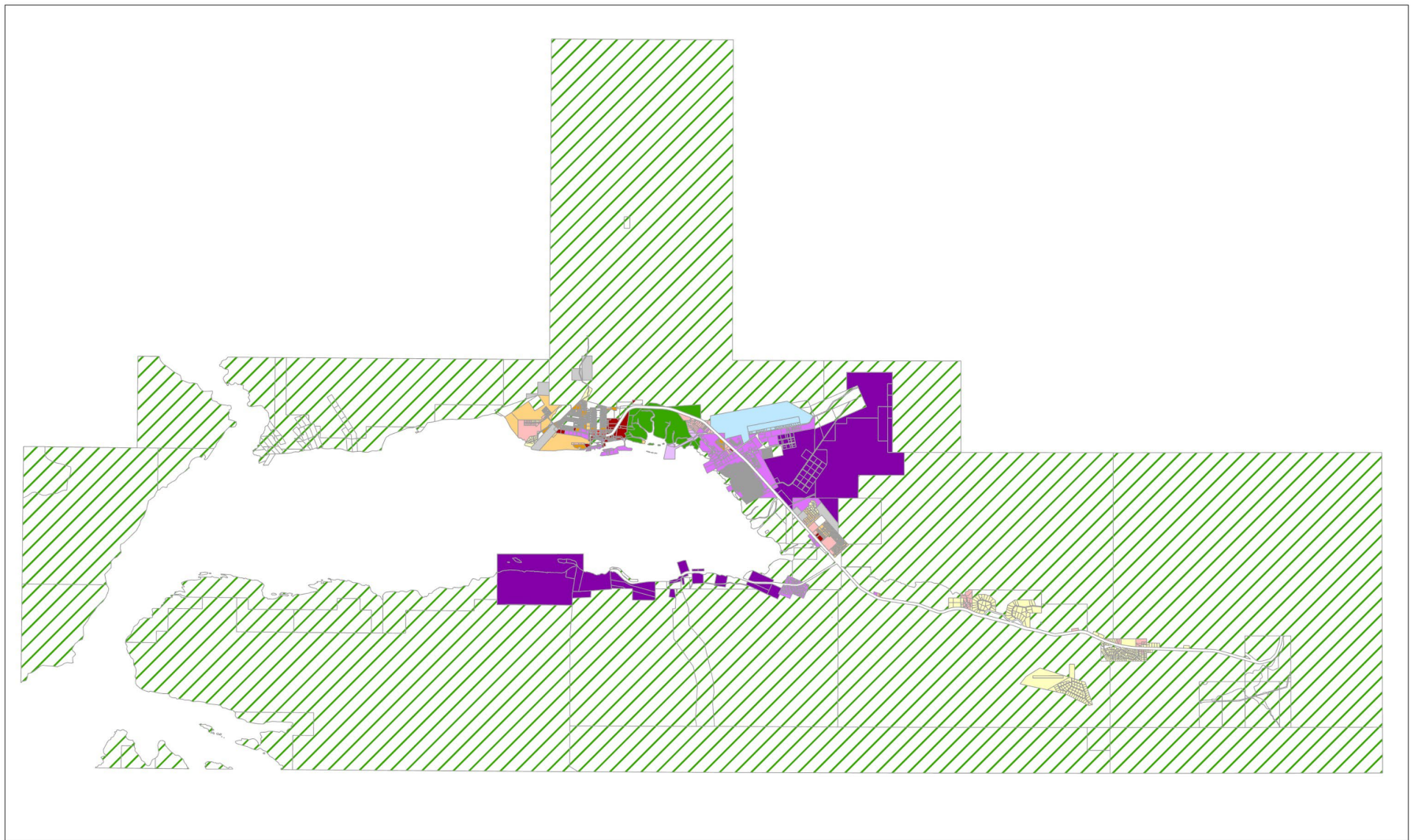
- A. General. A nonconforming sign that was legally established according to the zoning ordinance in effect at the time the sign was built prior to the effective date of VMC Title 17 shall be subject to the standards herein.
- B. Continuation. A nonconforming sign may remain on the lot.
- C. Expansions, Enlargements, and other Modifications. A nonconforming sign be expanded, enlarged, modified, or moved only in a way to conforms to the standards of VMC Title 17 and the Valdez Building Code (e.g., area limitations, setbacks, and structural integrity standards). Requests to expand, enlarge or modify a sign that would increase its nonconformity, shall be reviewed as a variance or administrative adjustment pursuant to Section 17.04.070.
- D. Sign Face/Text. The face/text of a nonconforming sign may be modified to reflect a new business, tenant, or destination on the lot/tract in which it is located so long as the original area is not increased. Face/text modifications shall comply with applicable Valdez Building Code standards.

17.20.041 – 17.20.049 Reserved

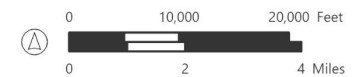
17.20.050 Nonconforming lots of record.

- A. General. A nonconforming lot/tract that was legally established prior to the effective date of VMC Titles 16 and 17 shall be subject to the standards herein.
- B. Use and Continuation. A nonconforming lot may be used and built upon pursuant to the following:

1. Zoning, Site Specific, and Site Development Standards. Buildings, structures, and uses shall comply with the applicable zoning dimensional standards, site specific standards, and site development requirements pursuant to VMC Title 17. These may include, but not limited to, building setback requirements, structure height limitations, and buffering standards.
 2. Building Code. Buildings, structures, and site improvements shall comply with applicable Valdez Building Code requirements.
 3. Legal Access. Building permits for construction on nonconforming lot may only be granted where the applicant demonstrates there is legal access to the property for both the intended property occupants and emergency responders. This may include direct street frontage, access easements, or other legal instruments.
 4. Contiguous Property of Same Ownership. If two or more existing lots of record with continuous frontage are contained in a single ownership, the lands involved will be considered to be an undivided parcel and no portion shall be used or sold which does not meet the area and width requirements. Any such series or combination of land ownership shall be required to replat the property in order to conform to the existing requirements.
- C. Platting Activities. Any subdivision activity involving a nonconforming lot shall only be allowed where the resulting lots/parcels/tracts meet the size and dimensional standards the current zoning district and associated standards listed in VMC Title 16.

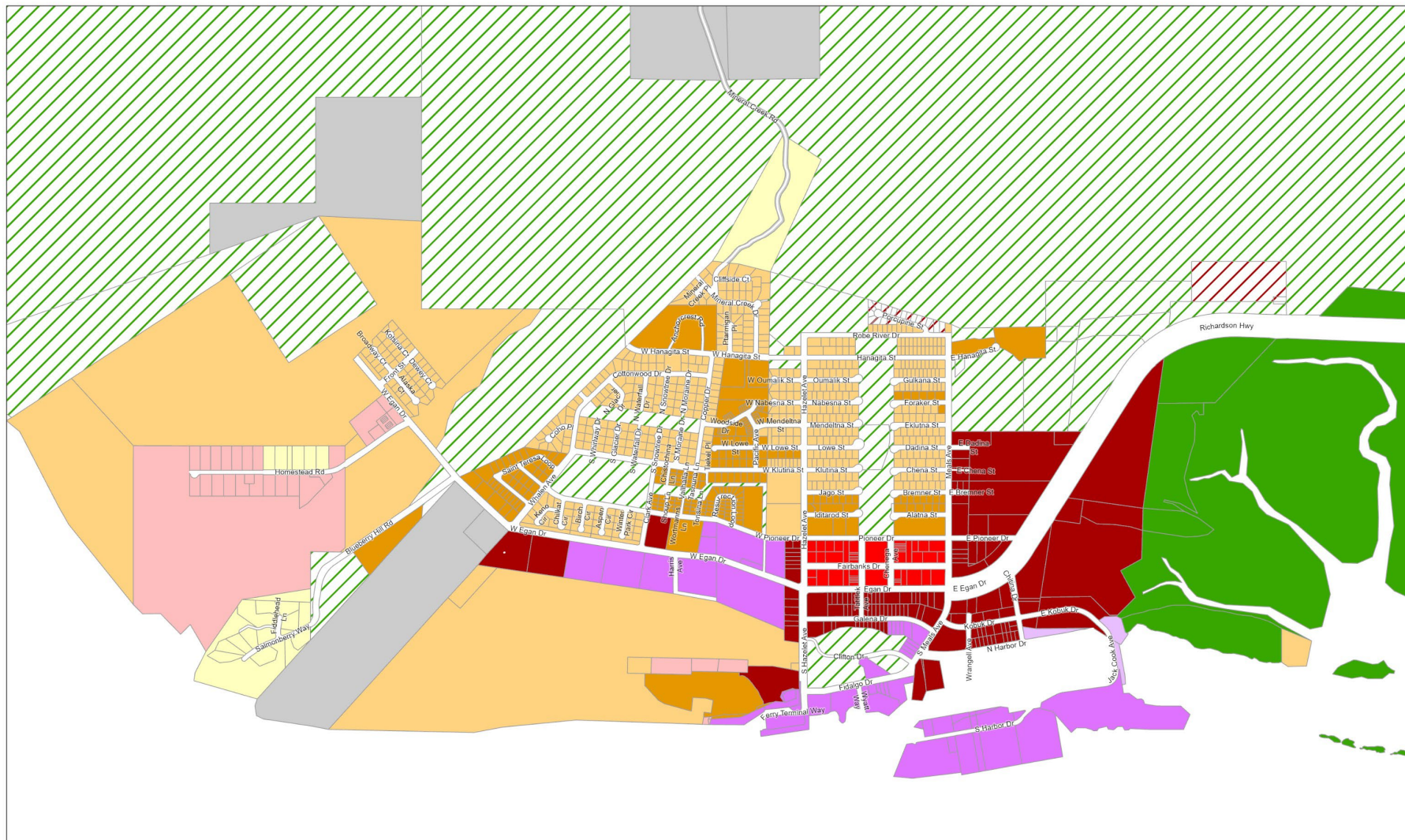


Title 17 Zoning Districts



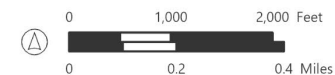
Title 17 of the Valdez Municipal Code regulates Zoning
VMC 17.06.020 establishes Official Zoning Maps
Map 1 of 5

DRAFT FOR PUBLIC HEARING



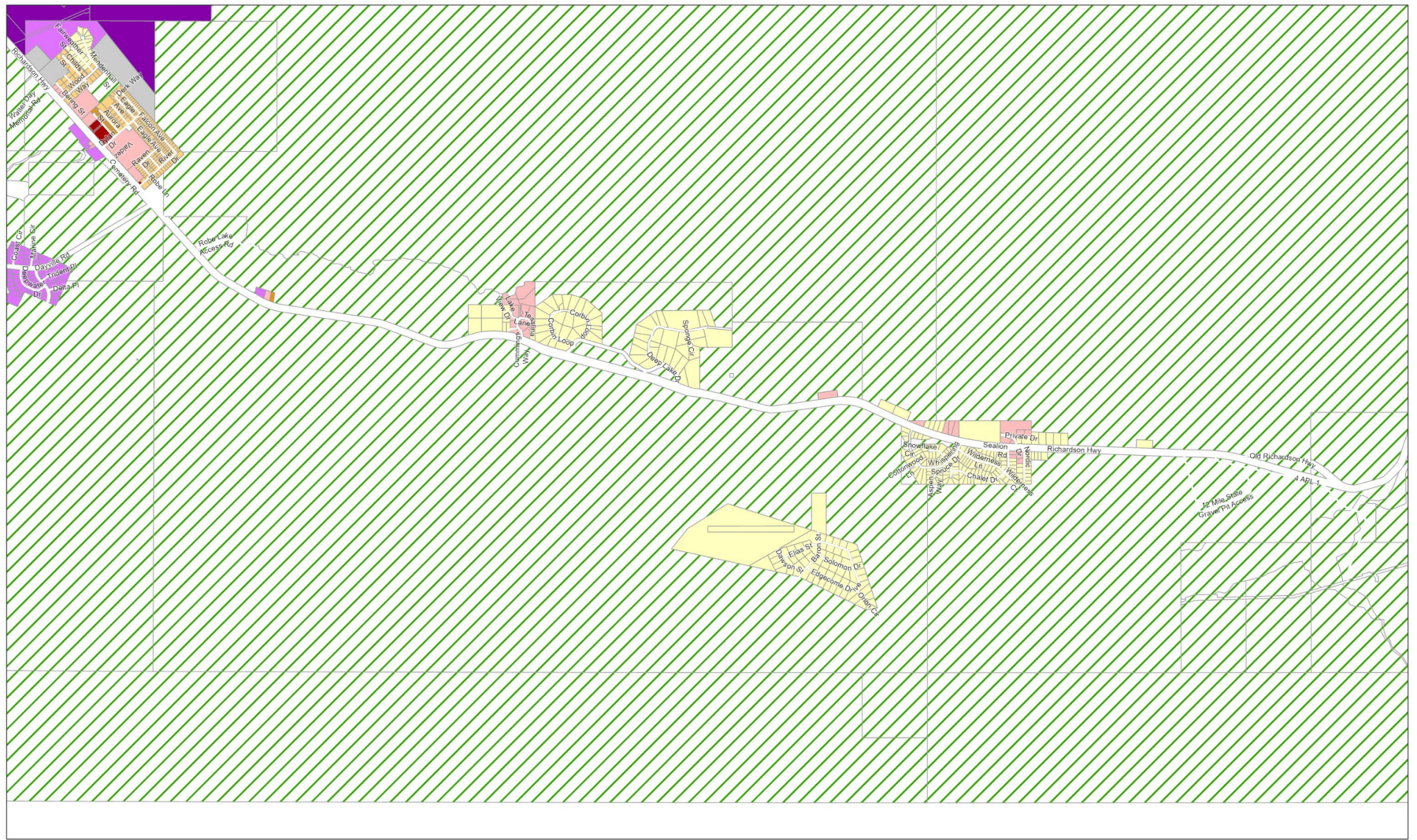
Title 17 Zoning Districts

(RR) Rural Residential	(G) General Commercial	(P) Public Lands
(R1) Moderate Density Residential	(WI) Waterfront Industrial	(NH) Natural Hazard
(R2) High Density Residential	(LI) Light Industrial	(A) Airport
(NMU) Neighborhood Mixed Use	(HI) Heavy Industrial	(U) Unclassified Lands
(CB) Central Business	(CO) Conservation	



Title 17 of the Valdez Municipal Code regulates Zoning
VMC 17.06.020 establishes Official Zoning Maps
Map 2 of 5

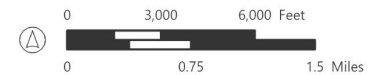
DRAFT FOR PUBLIC HEARING



Title 17 Zoning Districts

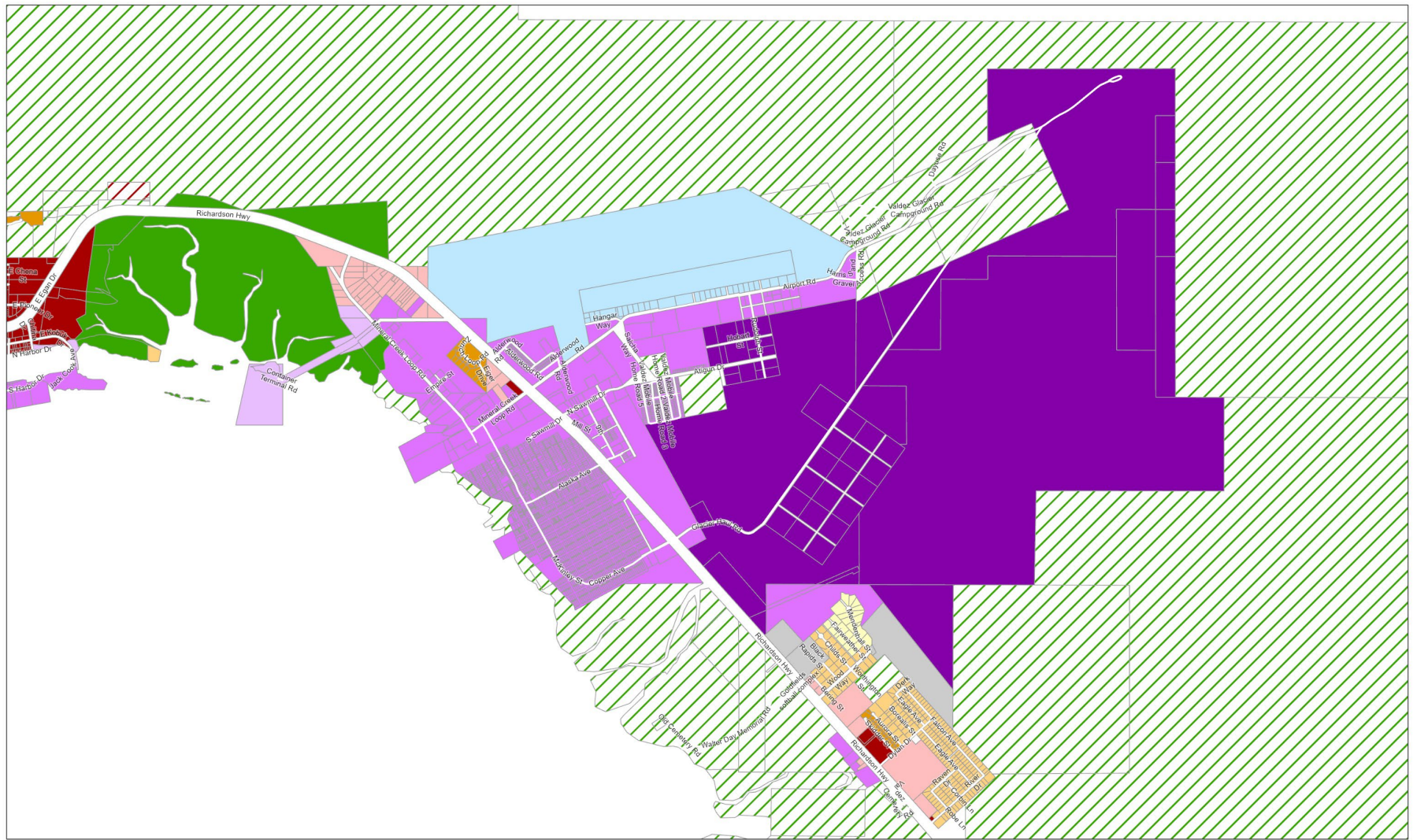
(RR) Rural Residential	(G) General Commercial
(R1) Moderate Density Residential	(WI) Waterfront Industrial
(R2) High Density Residential	(LI) Light Industrial
(NMU) Neighborhood Mixed Use	(HI) Heavy Industrial
(CB) Central Business	(CO) Conservation

(P) Public Lands
(NH) Natural Hazard
(A) Airport
(U) Unclassified Lands



Title 17 of the Valdez Municipal Code regulates Zoning
VMC 17.06.020 establishes Official Zoning Maps
Map 3 of 5

DRAFT FOR PUBLIC HEARING



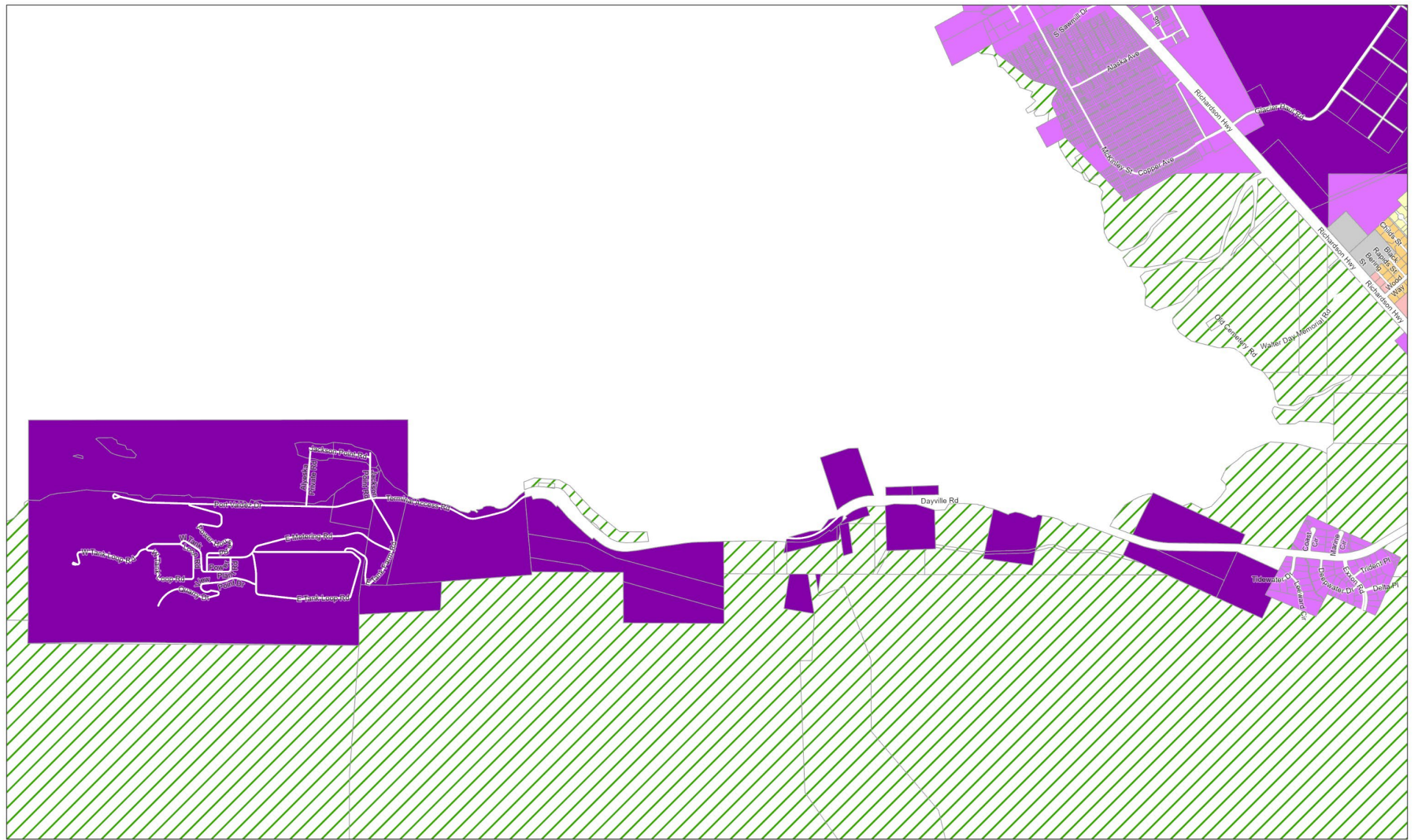
Title 17 Zoning Districts

(RR) Rural Residential	(G) General Commercial	(P) Public Lands
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(R2) High Density Residential	(LI) Light Industrial	(A) Airport
(NMU) Neighborhood Mixed Use	(HI) Heavy Industrial	(U) Unclassified Lands
(CB) Central Business	(CO) Conservation	



Title 17 of the Valdez Municipal Code regulates Zoning
 VMC 17.06.020 establishes Official Zoning Maps
 Map 4 of 5

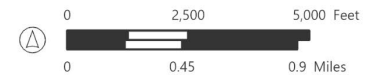
DRAFT FOR PUBLIC HEARING



Title 17 Zoning Districts

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Title 17 of the Valdez Municipal Code regulates Zoning
VMC 17.06.020 establishes Official Zoning Maps
Map 5 of 5

DRAFT FOR PUBLIC HEARING

Public Comments

Jim Gifford – Concerned about adding mobile homes to R1 district and loss of property values and neighborhood character. In favor of leaving the code as is regarding mobile homes.

Bill Comer – Advocated against a proposed cap on the number of Short-term rentals (STR) in the community. Bill argued that STR were a staple to the Valdez community and that the majority of them were small businesses who spent a lot of money to stimulate the local economy.

Lisa Von Barga- expressed concern about limiting the number of STRs by resolution because it will not provide stability for businesses year to year if they do not know if they will be able to operate. She recommended adding reference to the public accommodation tax section in the STR specific use standards. She also suggested that cemeteries should be a conditional use due to risk of ground and well water contamination from human remains.

Roger Kipar – Expressed concern about the technical study requirements referenced in 17.04.050 D (5), and worried they were too stringent and could be used to obstruct a proposal. He also expressed concern that conformance with the Comprehensive Plan was a criterion for permit approval/land use action throughout the draft. Mr. Kipar suggested adding a maximum application review length of time back to the CUP review procedures in 17.04.60 E. Mr. Kipar expressed concern about the administrative adjustment for dimensional standard relief in 17.04.070 c2a being listed as a percentage of the requirement. He said he would prefer if Planning and Zoning could waive requirements. He said he thought reference to garage sales in the Temporary Land Use Permit (TLUP) code 17.04.120(5)(b) was overreach and would be difficult to enforce. He stated his concerns about the insurance requirements for temporary land use permits being too restrictive and at the discretion of the planning director. He also expressed concern about the changes to the natural hazards district for the Crooked Creek area.

Ken Lares – Stated that he was happy to see additional housing options, including increased mobile home options. He expressed concern that the Future Land Use Maps and the zoning maps did not allow for greater residential development in the area from Zook Subdivision to Glacier Stream which is currently largely zoned light industrial. He said he thought the area was good for housing also because of relative proximity to public utilities. He commented that he thought the scope of the zoning code revision project was too big and should have been done section by section to allow for a deeper dive into the ordinance. He opposed a cap on STRs and said he thought they were vital to Valdez economy, and that sometimes all short-term rental options were booked up in town, and that the solution was for the City to build more housing units overall, not restrict the use of existing housing. He expressed concerns about placing a cap on the number of short-term rentals because he felt it was arbitrary without studies to support the number.

Kate Huber

From: Sonja Hursh <shursh@fnbalaska.com>
Sent: Wednesday, January 10, 2024 2:51 PM
To: 'Magdalena McCay'; Kate Huber
Subject: RE: Title 17 comments

I agree with Magdalena. Coming from a position of my board relationship with the VCVB and a B & B owner, please reconsider not just for the sake of B and B owners but for all of the businesses that benefit from our tourism each year. As Magdalena stated below all stores, gas stations, airlines, ferry, tour operators, restaurants, museums, radio stations, marketing companies benefit from tourism. The type of tourist that come to spend money are not the cruise ships but rather the road travelers and since we are not just a pass through town, we are at the end of the road and anyone who visits Valdez will need to have accommodations for at least one night.

Thank you for reconsidering.
Sonja

**Sonja Hursh | Operations Supervisor
Valdez Branch**



VALDEZ BRANCH
101 Egan Dr / PO Box 37 | Valdez, AK | 99686
Office: 907-834-4804 | Fax: 907-834-4825 | Cell: 907-831-0081
FNBAlaska.com

BEST PLACE TO WORK | 2016 – 2023 | Eight years in a row!

From: Magdalena McCay <magdalenamccay@gmail.com>
Sent: Wednesday, January 10, 2024 1:58 PM
To: zoning@valdezak.gov; Magdalena McCay <magdalenamccay@gmail.com>
Subject: Title 17 comments

WARNING: EXTERNAL EMAIL

Do not click on links or attachments unless you recognize the sender and know the content is safe.

Hi,

Thanks for your hard work.

Just have a comment regarding short term rentals 17.08.030.J and the possibility of the city (Council) putting limits on the number of allowed short term rentals in Valdez.

We live in a very remote, unique town which is not very economically diversified, we mainly rely on oil and have a short (about 5 months) summer season to work with tourism.

Kate Huber

From: Magdalena McCay <magdalenamccay@gmail.com>
Sent: Wednesday, January 10, 2024 1:58 PM
To: Kate Huber; Magdalena McCay
Subject: Title 17 comments

Hi,

Thanks for your hard work.

Just have a comment regarding short term rentals 17.08.030.J and the possibility of the city (Council) putting limits on the number of allowed short term rentals in Valdez.

We live in a very remote, unique town which is not very economically diversified, we mainly rely on oil and have a short (about 5 months) summer season to work with tourism.

Short term rentals are a very important part of the Valdez economy. According to the 2017 Valdez Visitor Market Profile by McDowell Group, the average visitor spends \$307 per day in Valdez (pre COVID numbers) and we have about 86,000 visitors per year, this is \$26 million injected into our economy every year!

We can't pass this opportunity to diversify our economy and limit short term rentals. Often visitors will not come here because we have no lodging available and we ALL lose on this deal. Available lodging is the #1 deciding factor if the visitor will commit to visiting Valdez and if they do, everyone benefits: stores, gas stations, airlines, ferry, tour operators, restaurants, museums, radio stations, marketing companies. The impact is huge and it brings growth.

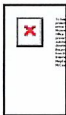
If anything, we should do more, not less. Don't single out businesses operating short term rentals.

The Mission of City is to cultivate an environment of opportunity, sustained prosperity, and wellbeing for all people of Valdez.

I propose that you reconsider putting Limitation on Short Term Rentals in Valdez.

Thank you,

Magdalena



Chief of Everything, Valdez Stay and Play





Valdez Title 17 Code Revision Project: Comment Form

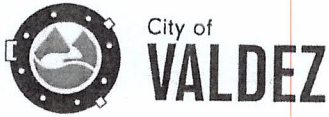
Comments due November 3, 2023

We want to hear from you! Write your comments below. If you need additional space, please write on the back.

I do not think it is appropriate for
Manufactured and/or mobile homes to be
allowed in all Residential Zones. This can
go against or fundamentally change the
character of my or other neighborhoods in Valdez,
and not for the better.

The allowance of short term rentals in residential
zones fundamentally changes the use of a
residential zone. Short term rental is a business/
commercial activity. I do not want one opening
up next to me. I prefer to know my neighbors.
I do not want frequent strangers coming and going
from my Zero Lot Line house.

~~The new designations are useless if I don't
know what zone I will be in.~~
I disagree with my placement in an R2



district. That type of potential ~~that~~ intensity
cannot be supported with the small lots and
existing infrastructure.

Optional Contact Information

Name:

Email:

Phone:

Organization:

☐ Check here to be added to the project distribution list

Submit your comments via email to zoning@valdezak.gov or mail/drop off this form to the City of Valdez Planning Department: 212 Chenega Ave, Valdez, AK 99686.

Thank you for your feedback! More comments or questions? Contact us:

Kate Huber, Valdez Planning Director | khuber@valdezak.gov | 907-834-3401
Shelly Wade, Agnew::Beck Consulting | shelly@agnewbeck.com | 907-242-5326

Project Website: www.zoningvaldez.com