



City of Valdez

ALASKA

Planning Department

Conditional Use Permit - Proposed Findings & Conclusions

VMC 17.04.420 Conditional use.

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

Date: June 20, 2019

File: CUP #19-04

To: Planning & Zoning Commission

From: Kate Huber, Senior Planner

Conditional Use: Non-commercial gardening and placement of temporary shed and temporary greenhouse.

General Information

Applicant: Valdez Community Garden

Property Owner: City of Valdez

Street Address: 911 Meals Avenue

Legal Description: Portion of Valdez Medical Park

Zoning District: Public lands

Utility Service: Water accessed from fire hydrant onsite

Existing Land Use: Developed - hospital, medical clinic, senior center, dog park, and community garden

Adjacent Land Uses:

North – State of Alaska undeveloped land

South – Church, RV park, other commercial uses

East – State of Alaska Department of Transportation

West – Residential uses

Access: Hospital driveway and parking lot off of Meals Avenue

Project Description

The applicants wish to continue the Valdez Community Garden in its existing location. The garden provides community members beds to plant vegetables, fruit and flowers, as well as spaces for communal planting.

Findings

Planning Department staff shall make findings on an application for a conditional use permit. The Planning & Zoning Commission shall review and adopt the findings unless it finds by a preponderance of the evidence that the findings are in error.

1. Is the requested permit proper according to the conditional uses allowed in the zoning district?

Yes. The public lands zoning district, according to VMC 17.12.010, is intended to contain major open space areas, watershed management areas and major public and quasi-public, recreational, educational and institutional uses, including private lands and uses that are essentially public in character and of specific value to the entire community. VMC 17.12.040 permits truck gardening, tree nurseries and greenhouses, agriculture, aquaculture and horticulture including necessary accessory buildings and the storage of required equipment to be used on the land as a conditional use.

2. Is the application complete?

Yes. The application is complete, however a more detailed legal description of the site boundaries will be required during the lease process. More detailed designs for the proposed greenhouse will be required during the building permit application process.

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

This permit application is in conformance with Title 17, the City of Valdez land use code. Agriculture and horticulture, including accessory buildings are an allowable conditional use in the public lands zoning district. If CUP 19-04 is granted by the commission, the applicant will be required to obtain a City Council-approved lease for the use of City Land. Building permits will be required for the placement of any additional temporary structures. The zoning requirements for the structures will also be reviewed during the building permit process. CUP 19-04 does not waive any of the existing building or zoning code requirements.

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

No. Staff does not have any concerns that the continuation of this use or associated structures will materially endanger the public health or safety. During a recent visit to the garden, staff did notice a piece of rebar sticking out the ground that was clearly marked with an orange flag and paint. Staff will pursue getting this removed by a City department, as it is believed that this was on site prior to the Community Garden.

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

No. This is an existing use and staff does not have any reason to believe it is decreasing the value or out of harmony with the property in the neighboring area. A community garden fits well into the recreational area of the dog park and is in convenient walking distance from neighboring homes. The employees of the neighboring hospital and medical clinic are also involved in the project.

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

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

Valdez Comprehensive Plan - 2.2 OVERALL GOAL

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

The overall goal of the Valdez Comprehensive Plan highlights the need to enhance quality of life and make improvements that give the elements that give the community its character. This use is the result of an ongoing community effort that seeks to improve the quality of life of Valdez residents by providing a source of local, community-grown food.

7. Are any of the following criteria such to materially endanger the public health or safety: topography, slope and soil stability, geophysical hazards, surface and subsurface drainage and water quality? No.

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

The project will not require extension of public utilities. The existing conditional use permit allows for the use of City of Valdez water via an onsite fire hydrant. The garden provides hoses and water cans for water distribution.

Decision of the Commission:

The Planning & Zoning Commission may, regardless of the above findings, conditionally approve or deny the permit. The commissioners' own independent review of information submitted at the public hearing and additional information requested provides the basis for the decision. The decision needs supportive findings based on factors associated with the same questions answered in staff's findings.

17.50.020 Criteria to be considered.

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

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

- A. Topography, slope and soil stability, geophysical hazards, surface and subsurface drainage and water quality, and the probable effects of the proposed conditional use upon these factors.*

- B. Utilities and services requirements of the proposed conditional use, including sewers, storm drainage, water, fire protection, access and electrical power; the planning and zoning commission may request the assistance of public officials with knowledge of the relevant public utility and service systems in evaluating the probable effects of the proposed use of public systems, and may consider the costs of enlarging, upgrading or extending public utility or service systems for the proposed use in establishing conditions under which the use shall be permitted.*

- C. Lot or tract characteristics, including minimum lot size, minimum yard requirements, maximum lot coverage by all buildings or structures, and maximum height of buildings or structures.*

- D. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, numbers of persons, traffic volumes, off-street parking and loading facilities, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements.*

- E. Community appearance, such as landscaping, fencing and screening, depending upon the specific use and its visual impact on the community.*

Staff Recommendation:

Staff recommends that CUP #19-04 be approved by the Planning & Zoning Commission with the following conditions:

1. The City of Valdez reserves the right to use the land for future development if the need arises. A 90-day notice will be given to the Community Garden Committee should such a need arise.
2. Any structures (temporary or permanent) must meet the provisions of the Valdez Municipal Code, including (but not limited to) requirements for building (Title 15) and zoning (Title 17).
3. The Valdez Community Garden is required to submit a copy of the garden rules and regulations to the Planning Department annually by May 15th.
4. Any fire pit located on site must be approved by the City of Valdez Parks & Recreation Department.