

## Keri Talbott

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**From:** Thomas E. Meacham [tmeacham@gci.net]  
**Sent:** Monday, August 29, 2016 10:53 AM  
**To:** Lisa Von Bargaen  
**Cc:** AnnMarie Lain; Keri Talbott  
**Subject:** Re: Question re CUP application

**Importance:** High

Lisa,

I believe that unless the Valdez Codes of Ordinances ties the approval of a CUP application to the “good conduct” of an applicant’s past performance regarding building or zoning requirements on another, separate parcel of property, then the P&Z Board must consider the CUP application on its own merits, and entirely separate from any other allegation of zoning or building violations.

From what you have written, it sounds as if the allegations of building violations on other properties owned by the CUP applicant are allegations only, and are not proven violations confirmed by a City agency that has the authority to make such determinations.

Even if these were proven violations, there would have to be a link in the Code between existing violations on unrelated property and the consideration and possible approval of an entirely separate CUP application on other property, for the City to have a legal basis deny the CUP permit, or to add conditions that are requested by a person’s claim arising from a separate parcel not involved in the CUP application.

I hope that this responds adequately to your inquiry.

Best wishes,

Tom Meacham

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On Aug 28, 2016, at 5:49 PM, Lisa Von Bargaen <[lvonbargaen@ci.valdez.ak.us](mailto:lvonbargaen@ci.valdez.ak.us)> wrote:

Tom,

We have an applicant for a conditional use permit in Valdez. An adjacent property owner has asked the Commission to deny the permit or add conditions to the permit for alleged building violations on an adjacent parcel also owned by the applicant. Our contention is the enforcement of that property is a wholly separate issue from this CUP. The Commission has asked for legal confirmation this is correct. True to my form I need an answer tomorrow morning if that is humanly possible. I am out of the office on leave so please copy the other two staff I have copied on this email. As always, thank you very much.  
Lisa