



City of Valdez, Alaska
Planning & Zoning Commission
Conditional Use Permit
Proposed Findings & Conclusions

VMC Section 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. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

Date: June 22, 2017
File No.: CUP #17-01
To: Planning & Zoning Commission
From: Rochelle Rollenhagen
CUP: Equipment storage, gravel stockpiling on leased City property

General Information

Applicant: Jesse Passin, DBA Mega Trucking LLC
Property Owner: City of Valdez
Property Address: Applicant address 500 Sawmill Drive, Valdez AK 99686
Legal Description: TRACT B ASLS 98-26
PIDN: 0098-02-000-1
Parcel Size: 6.82 Acres
Zoning: Public
Utility Service: N/A
Existing Land Use: Undeveloped
Access: Richardson Highway
Surrounding Land Use: North: Richardson Highway Bridge, Glacial Stream/Unclassified
South: Undeveloped/State Owned/Zoned Public Lands
East: Richardson Highway, undeveloped glacial stream/Unclassified
West: Undeveloped/State Owned/Zoned Public Lands

Project Description and Background Summary

A Conditional Use Permit is required in the Public Lands District to store equipment, gravel stockpiles and overburden. The applicant states that the area will go from a waste site of overburden to a functional gravel storage and processing site. The applicant requests the use for five (5) years.

Findings

The Director of Community & Economic Development shall make findings on an application for a conditional use permit. The Planning and Zoning Commission shall review and adopt the findings unless it finds by a preponderance of the evidence that the findings are in error. The director's findings are:

1. Is the requested permit proper according to the Conditional Uses for the zoning district?

Yes. Mega Trucking LLC has been approved for a lease of Track B, ASLS 98-26 for storage of gravel and heavy equipment and refining gravel from the Glacier Stream river bed. Chapter 17.12 Public Lands District allows for equipment storage and natural resource extraction as a Conditional Use.

2. Is the application complete?

Yes. The application is complete with additional requested information attached.

17.50.030 Applications—Requirements.

A. A person intending to apply for a conditional use under this section shall submit the proposed project data to the community & economic development department. The community & economic development department shall contact the applicable agencies and utilities to allow them the opportunity to comment. The agencies to be contacted may include but not be limited to:

1. City public works department for water and sewer and snow removal;
2. City engineering department;
3. City building inspector;
4. State Highway Department, if applicable;
5. Local electricity utility;
6. City fire department;
7. Local telephone utility; and
8. Cable TV utility.

B. It is recommended that the application be accompanied by the following materials:

1. Narrative Documentation.
 - a. A legal description of all properties involved in the projects;
 - b. A statement of the objectives expected to be achieved by the project for the consumer and the public;
 - c. A detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist the planning and zoning commission in making this decision; and
 - d. The community development department shall provide the proposed findings and conclusions for consideration by the planning and zoning commission. The proposed findings and conclusions will include comments and issues presented by the reviewing agencies along with a list of any unresolved issues.

2. Site Plans and Supporting Drawings.

- a. As appropriate, details of the proposed project showing land use layout, building location, vehicular and pedestrian circulation, open space and recreation area, parking layout, schematic sewer and water layout, and any other information necessary to adequately describe the project;
- b. A preliminary subdivision plat showing proposed lot and dedicated street layout;
- c. A site grading and drainage plan including existing and proposed topography; and
- d. Utilities. (Ord. 97-11 § 1: prior code § 30-44)

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

The land use code for the City of Valdez is Title 17 Zoning of the Valdez Municipal Code. This permit is being pursued in conformance with Title 17 as equipment storage and natural resource extraction is a conditional use within the Public Lands Zoning District, Chapter 17.12.

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

No.

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

No, the use is compatible with the area. The parcel adjacent is a State owned gravel pit and therefore compatible with the area.

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 Comprehensive Plan. The following goals and objectives are relevant to the proposed CUP, and are compatible with the Comprehensive Plan.

Comprehensive Plan - 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.

Lifestyle

Goal -: Provide for a maximum freedom of choice for people to engage in the cash economy and use local natural resources to supplement their selected economic lifestyles.

Objective - Increase local employment opportunities.

Objective - Enhance the skills of the local labor force.

Objective – Conserve sensitive habitats and enhance the availability of natural resources used and consumed by residents of the community.

The extraction of gravel on City leased land over time, has created vulnerabilities and exposure to flooding from migrating rivers and renders the leased land in a condition difficult for redevelopment. As such, the City of Valdez is in need of gravel extraction to come out of river beds instead of City owned land. The proposed CUP provides for the use of natural resources by enhancing the availability of gravel for use by the residents of the community in the engagement of a cash economy.

Economic Development

Goal -: Encourage the development of a broad-based economy in Valdez.

Objective - Strive to create an atmosphere in the community that is conducive to commercial and industrial development.

The proposed land lease will help to create an atmosphere conducive to development by enabling another vendor to provide gravel.

Land Use

Goal -: Provide a community land use pattern that is compatible with existing land use patterns in the community, which is physically safe, environmentally sensitive, and consistent with the provisions and requirements of the Valdez Coastal Management Program.

Objective - Provide for the adequate separation of incompatible land uses.

The land directly adjacent to Tract B is already being utilized as a gravel extraction site by the State. The CUP application meets the requirements for separation of incompatible land uses.

Objective - Reserve shoreline areas for water-dependent uses and activities; water-related uses and activities; and uses and activities, which are neither water-dependent or water-related or for which there is no feasible and prudent inland alternative to meet the need for the use or activity.

River-bed gravel extraction is a water-related use for which inland alternatives fail to meet the flood mitigation priorities outlined by Council and excavate industrial lands which can be reserved for a higher use.

Industrial Land Use

Goal -: Provide for industrial land uses so that they limit impacts on adjacent land uses and the environment, and yet have safe and convenient access to the major transportation facilities they require.

Objective - Encourage the consolidation of industrial land use activities.

Objective - Provide buffers between industrial and other land uses as a means to restrict the hazardous and/or nuisance aspects of industrial uses.

Impacts of noise and dust will be limited to the area of industrial activity. A buffer has been required by the lease.

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. The applicant has obtained a lease from the State of Alaska for gravel extraction. The applicant has obtained a US Army Corps of Engineers permit, Alaska Department of Natural Resources permit and an Alaska Fish & Game permit. The applicant states the project will “reclaim City of Valdez lands from erosion.”

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

No.

Decision of the Commission

The Planning and 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 the Director’s Findings.

Staff Recommendation

Staff recommends Conditional Use Permit #17-01 be approved by the Commission with the following conditions:

1. The applicant is responsible for obtaining any required federal, state, or local permit in conjunction with the issuance of the CUP;
2. In conformance with Valdez Municipal Code Section 17.06.070 (B), any conditional use, variance or exception approved by the planning and zoning commission shall be conditional upon the privilege granted being utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion; 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. Any substantial change to the plans or building proposal shall require resubmission to the planning and zoning commission.