



City of Valdez, Alaska  
Planning & Zoning Commission  
Rezone  
Proposed Findings & Conclusions

Chapter 17.54 of the Valdez Municipal Code governs the amendments to the zoning districts. **Section 17.54.020(C) Minimum Area** states: “Except for the extension of existing district boundaries, no change in any use district classification or an official zoning map shall be considered which contains an area less than two acres, not including street or alley rights-of-way.” Parcels A, B, and C of ATS 564 are over 2 acres; therefore, this rezone request meets the Minimum Area code requirement.

Date: November 27th, 2017  
File No.: REZONE #17-01  
To: Planning & Zoning Commission  
From: AnnMarie Lain, Department Director  
REZONE: From Unclassified Lands and Public Lands to L-I (Light Industrial).

**General Information**

Applicant: City of Valdez  
Property Owner: City of Valdez  
Property Address: 1820 Mineral Creek Loop Road  
Legal Description: Parcels A, B, and C of ATS 564  
PIDNS: 0564-000-002-0  
Parcel Size: Parcels A (3.5 acres), B (2.8 acres), and C (4 acres) of ATS 564  
Zoning: From Unclassified Lands and Public Lands to L-I (Light Industrial)  
Utility Service: CVEA Electric, CVTC or GCI Telephone, CGI Cable  
Existing Land Use: VFDA Lease and Tidelands  
Access: Mineral Creek Loop Road  
Surrounding Land Use: North: Light Industrial  
South: Unclassified  
East: Light Industrial and Public  
West: Unclassified

**Project Description and Background Summary**

The City of Valdez is requesting a rezone for Parcels A, B, and C of ATS 564 which are currently zoned Unclassified and Public to Light Industrial. Light Industrial zoning would allow the City of

Valdez to provide tideland leases that are being requested from Valdez Fisheries Development Association and Valdez Terminal/Lynden Transport.

### **Findings**

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 department's findings are:

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

Yes. The Light Industrial zoning 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 L-I district to serve the uses for which the district is primarily intended. All principle permitted uses of the Waterfront Industrial zoning district are principle permitted uses in the Light Industrial zone. These include, but are not limited to, barge freight terminals, port and harbor facilities, and marine research and experiment stations. Rezone #17-01 is an appropriate consideration for the development of tide-lands.

***2. Is the application complete?***

Yes. The application was complete prior to the public hearing.

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

Yes. The land use code for the City of Valdez is Title 17 Zoning of the Valdez Municipal Code.

***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.

***6. Will the proposed project be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans?***

Staff finds this application to be generally in conformance with the Comprehensive Plan as reviewed below:

The Comprehensive Plan offers goals and objectives that provide guidance on general land use, economic development, and commercial-business land use, and industrial land use. Only those relevant to the specific zoning change are listed below.

Rezone requests must meet the threshold of having a clear public purpose and benefit, and must be consistent with the comprehensive plan. The following Comprehensive Plan goals and objectives are relevant to the proposed Rezone #17-01:

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

**Objective** - *Strive to maintain, restore, develop, or enhance the natural biological productivity of Port Valdez, and anadromous fish streams and lakes in the area.*

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

**Objective-** *Develop a community plan which accommodates resource related industrial development that meets the desires of community residents.*

Rezone #17-01 is consistent with the comprehensive goal on Economic Development. It will help enhance the natural biological productivity of Port Valdez by allowing for further development of the VFDA and will encourage the development of a broad-based economy in Valdez.

**Goal - Land Use:** *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.*

**Objective** - *Prohibition of the location/construction of structures in hazardous or environmentally sensitive areas.*

**Objective** - *Provide development standards for lands that require special physical or environmental attention before they can be safely used or developed.*

**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.*

One concern that was discussed during the rezone review was the proximity of the tideland lease area to Pipe Creek, the anadromous stream cataloged by the Alaska Department of Fish and Game (ADF&G). Pipe Creek is highlighted in blue in below.



Protection of these specified water bodies is granted by Alaska State Statute and regulated by the State of Alaska. Staff has attached the Valdez Index for the Anadromous Waters Atlas (Quad No. 057) produced by the State. Please reference blocks A-7 and A-6 to understand the extent, location, and amount of streams catalogued in the Valdez area.

Any development within the protected water bodies will require approval from ADF&G in the form of a Fish Habitat Permit prior to beginning the proposed use, construction or activity that would take place in specified water bodies.

Rezone #17-01 is consistent with the comprehensive goal on Land Use. Rezone # 17-01 is consistent with the land use goal of providing a community land use pattern that is compatible with existing land use patterns in the community that is physically safe and environmentally sensitive.

***Goal - Industrial Land Use:*** 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.

Rezone #17-01 is consistent with the comprehensive goal on Industrial Land Use.

**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?**

No.

#### **Decision of the Council**

The Council may, regardless of the above findings conditionally approve or deny the Rezone. The Councils' own independent review of information submitted at the public hearing provides the basis for the decision. The decision needs supportive findings based on factors associated with the same questions answered in the Findings.

#### **Planning and Zoning Recommendation**

Approve recommendation to City Council for Rezone #17-01 Rezoning Parcels A, B, and C, ATS 564 from the Unclassified and Public Zoning Districts to the Light Industrial Zoning District.