



City of Valdez

**ALASKA**

Planning Department

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## **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:** May 17, 2019

**File:** CUP #19-03

**To:** Planning & Zoning Commission

**From:** Kate Huber, Senior Planner

**Conditional Use:** Rental cabins (2)

### **General Information**

**Applicant:** Sheryl Beck and Todd Wegner

**Property Owner:** Sheryl Beck and Todd Wegner

**Street Address:** 80 Meals Hill Road

**Legal Description:** Lot 1, Tract D, Port Valdez Subdivision

**Zoning District:** Commercial residential

**Utility Service:** Well and septic

**Existing Land Use:** Undeveloped and access to other parcels

**Access:** Driveway off of Hazelet Avenue

### **Project Description**

The applicants wish to place 2 rental cabins on their parcel known as Lot 1, Tract D, Port Valdez Subdivision.

### **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 commercial residential district, according to VMC 17.26.010, is intended to allow commercial and light industrial uses of land which do not detract from the residential use of the land by introducing excess noise, increased safety hazards, air pollution or water pollution. VMC 17.26.040 permits rental cabins as a conditional use. Rental cabins are defined as “a single-family

dwelling that does not exceed seven hundred square feet in total area and contains no more than one sleeping room or area, and is available for rent on a limited or long-term basis.”

**2. Is the application complete?**

Yes. The application is complete, however a more detailed site plan will be required during the building permit 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. Rental cabins are an allowable conditional use in the commercial residential zoning district. If CUP 19-03 is granted by the commission, the applicant will be required to obtain building permits for the placement of each cabin. As a part of this building permit process, approved water and septic system permits must also be issued. The zoning requirements for the structures will also be reviewed during the building permit process. CUP 19-03 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 proposed development will materially endanger the public health or safety. As stated above, building code requirements must be met and will be reviewed through the standard building permit application and inspection process.

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

The proposed development fits well with the intentions of the zoning district. The City of Valdez has plans for trails and park improvements to the Meals Hill area, however staff does not believe this development is out of harmony with those plans. Additionally, the proposed location of the cabins is on the south side of Lot 1 and away from the City’s future plans in that 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 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 economic productivity while enhancing the scenic beauty, uniqueness and historic significance of the Valdez area and opening up new land for residential, commercial, and industrial uses. This development will provide for commercial and residential opportunities in the community and will make use of an area with unique scenic beauty.

**Goal - Economic Development: 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.*

Approval of CUP 19-03 will allow the owners of the parcel to start a new rental business that will contribute to the economy in Valdez and offer new housing options, whether short-term for visitors or longer term for Valdez residents.

**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 applicant is aware that the occupancy requirements must be met during the building permit process for the placement of the cabins.

**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 #19-03 be approved by the Planning & Zoning Commission.