



City of Valdez

**ALASKA**

Planning Department

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## Copper Valley Wireless Rezone – Proposed Findings

Date: May 12, 2021

File: Rezone 21-01

To: Planning & Zoning Commission

From: Bruce Wall, Senior Planner

### General Information

Property Owner:	Copper Valley Wireless Inc.
Street Address:	106 River Drive
Legal Description:	Lot 1, Block 2, Robe River Subdivision, Plat 84-2
Current Zoning District:	Residential Mobile Home (R-M)
Proposed Zoning District:	General Commercial (G)
Existing Land Use:	Communication Tower
Access:	River Drive
Size:	0.30 Acres

### Project Description

In 1987 the subject property was rezoned to General Commercial with the enactment of Ordinance 8704. Earlier this year the city adopted new official zoning maps and the subject property's zoning designation was changed to Residential Mobile Home with the enactment of Ordinance 21-02. The Planning Department has recently become aware of this error and has brought it to the attention of the property owner. The property owner agrees that the correct zoning designation should be General Commercial.

### Findings

#### 1. Procedure.

- a) The planning department has recently become aware that the subject property's zoning designation was changed to Residential Mobile Home with the enactment of Ordinance 21-02.
- b) The Planning Department contacted the property owner and they indicated that they would like the City to correct this error.
- c) A public hearing was scheduled to correct this error for May 12, 2021.
- d) Notice of the meeting was published in the Copper River Record on April 29, 2021 and May 6, 2021, in accordance with VMC 17.06.060(B)(1) and VMC 17.54.040. The initial week of publication incorrectly listed the address of the subject property, this was corrected for the second week of publication.

- e) Notice of the publication was published in KVAK's e-blast newspaper on April 26, 2021 and May 3, 2021. The initial publication incorrectly listed the address of the subject property, this was corrected on April 28, 2021.
- f) Notice of the meeting was mailed on April 30, 2021 to the five property owners within 300 feet of the subject property, in accordance with VMC 17.06.060(B)(2) and VMC 17.54.040.

2. Reasons and justification for proposing such change. VMC 17.54.030(A)

The change is being proposed to correct the recent error of changing the zoning designation of this property with the adoption of the official zoning maps. The recent change was done without specific notification to the property owner.

3. 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. VMC 17.54.020(C)

- a) The property size is approximately 0.30 acres.
- b) In 1987, the subject property was rezoned from Residential Mobile Home to General Commercial.
- c) In 2002, the 5-acre adjacent property to the northwest was rezoned from General Commercial to Commercial Residential.
- d) The property is no longer located adjacent to an existing General Commercial district.
- e) In 2021, with the adoption of the official zoning maps, the subject property zoning was changed to Residential Mobile Home.
- f) The requirement for the property to be at least 2-acres or an extension of existing district boundaries is not relevant to this change in district classification because this rezone is being proposed to correct a recent error in the adoption of the official zoning maps.

4. The effect the rezone will have on the objectives of the comprehensive plan. VMC 17.54.030(B)

It is not anticipated that this rezone will have an effect on the objectives of the comprehensive plan.

5. Whether the public necessity, convenience, general welfare, modification of the comprehensive plan, or good zoning practice requires the rezone. VMC 17.54.050

Public necessity, convenience, general welfare, and good zoning practice requires the rezone because of the following.

- a) With the enactment of Ordinance 21-02 the subject property's zoning district was inadvertently changed.
- b) This change in the zoning designation was done without specific notification to the property owner.
- c) It is in the public interest to ensure that there is due process for all land use decisions concerning private property.

6. Whether the rezone is in accordance with the comprehensive plan. VMC 17.54.050

The requirement for the rezone to be in accordance with the comprehensive plan is not relevant for this rezone because this rezone is being proposed to correct a recent error in the adoption of the official zoning maps.