



Agenda Statement

File #: ORD 21-0005 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 4/13/2021 **In control:** City Council
On agenda: 5/18/2021 **Final action:** 5/18/2021
Title: #21-05 - Repealing and Reenacting Valdez Municipal Code Title 17.48.140 Temporary Land Use Permits. Second Reading. Adoption

Sponsors:

Indexes:

Code sections:

Attachments: 1. #21-05 Amending Chapter 17.pdf, 2. VMC 17.48.140 Temporary Land Use Permits

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|-----------------------------|--------|
| 5/18/2021 | 1 | City Council | approved | Pass |
| 4/20/2021 | 1 | City Council | introduced on first reading | Pass |

ITEM TITLE:

#21-05 - Repealing and Reenacting Valdez Municipal Code Title 17.48.140 Temporary Land Use Permits. Second Reading. Adoption

SUBMITTED BY: Planning Department, City Clerk and City Attorney

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Ordinance #21-05

SUMMARY STATEMENT:

The Planning Department has been working with the City Clerk and legal team on a number of proposed ordinances to update various sections of Valdez Municipal code related to the operations of the Planning Department. The intention of these proposed modifications is to provide clarification for the public and streamline the permitting process for various land use related permits.

The attached draft VMC 17.48.140 would replace the existing code related to temporary land use permits (TLUPs). It simplifies the structure of TLUPs to create two permit types - short term and long term. Short term permits (10 days or less) would be issued administratively with Planning Director

Approval and long term permits (11 days - 6 months) would require approval by the Planning and Zoning Commission. All issued temporary land use permits would be reported to both the Planning & Zoning Commission and City Council.

The current VMC 17.48.140 is attached for review. You will notice that under the current ordinance there are three types of temporary land use permits that are approved by the City Manager or Planning & Zoning Commission, and reported to City Council. Under the current ordinance, longer term permits can only become effective after a non-objection from City Council. The Planning & Zoning Commission and City staff have heard repeatedly from the public that this process is cumbersome and requires that an applicant submit a request too far in advance of the temporary use. The new structure is meant to simplify the review process for these temporary uses and allow issuance of a long term permit based on the Planning and Zoning Commission approval. Should Council object to the permit issuance at the time of reporting, the permits will allow for the City to revoke the permit.

The fees for temporary land use permits will still be adopted by City Council via resolution, however the proposed ordinance will remove fees for TLUPs for off-site staging areas for City of Valdez projects. Recently, requests by those contracting on City of Valdez projects to waive the fees for associated TLUPs have been approved by Council via resolution on an individual basis. The proposed ordinance would exempt this type of permit from the adopted fees.

Another significant change in the proposed ordinance is the addition of an option to apply for a temporary land use permit on private, federal, or state-owned land. This provision will allow applicants to apply for a temporary use that does not conform with the permitted uses of the zoning district. Such approvals will be made only on a temporary basis and conditions may be required by the Planning Director or Planning & Zoning Commission.

On April 14, 2021, the Planning & Zoning Commission approved a recommendation to City Council to adopt the proposed ordinance. Commissioners directed staff to modify the draft ordinance to allow one garage sale per one-month period to be exempted from the temporary land use requirement. The original draft read that one garage sale per four-month period would be allowed.

Procedural Note: After reviewing the video recording of the May 5, 2021 meeting, staff discovered no motion was made on this ordinance to put it on the floor for discussion or vote. Therefore the vote taken is not valid and the item must be heard again for a proper motion and vote. Item was administratively moved to the next regular City Council meeting of May 18, 2021 for second reading and adoption.