



## Legislation Text

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**File #:** ORD 21-0006, **Version:** 1

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### **ITEM TITLE:**

#21-06 - Establishing Valdez Municipal Code 17.50.080 Conditional Use Permits for Telecommunication Tower. Second Reading. Adoption.

**SUBMITTED BY:** Planning Department, City Clerk, City Attorney

### **FISCAL NOTES:**

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

### **RECOMMENDATION:**

Approve Ordinance #21-06

### **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 ordinance, if approved, will establish a process for permitting telecommunication towers over 35 feet within the City of Valdez. Staff is proposing this ordinance to help clarify and bring alignment to current code provisions related to towers and allowable height.

Most zoning districts within the Valdez Municipal code restrict the height of structures to 35 feet. Exceptions include the heavy industrial zoning district, in which structure height is unrestricted and the light industrial district, in which a conditional use permit is required for structures over 35 feet in height. Additionally, VMC 17.48.050 includes some exceptions for structures attached to a building and buildings that include an approved fire suppression system. The city attorney has made the determination that the exemptions in VMC 17.48.050 do not apply to free standing tower structures.

Because free standing telecommunications towers are considered a structure and because the nature of providing such services sometimes requires the location of these structures outside of the heavy industrial zoning district, staff is proposing the attached draft ordinance to allow for the Planning & Zoning Commission to issue a conditional use permit (CUP) for a tower over 35 feet in height in any zoning district. By utilizing the CUP process, this will incorporate public notification of

the permit application and allow the public the opportunity to provide comment during a hearing of the commission.

Additionally, staff has proposed provisions requiring appropriate review and reporting by a registered structural engineer to insure that the tower and antenna design will withstand winds in accordance with current structural standards and that the applicant must show that the equipment cannot be collocated on an already existing tower in the area.

On April 14, 2021 the Planning & Zoning Commission approved a recommendation to City Council to adopt the proposed ordinance. During their discussion, the commission requested that staff review the provisions of VMC 17.48.150 related to the height restrictions for small wind generation systems. Staff plans to review these provisions and bring recommendations to the Commission for any modifications, as necessary.

The first reading before Council serves as a public hearing and provides the opportunity for the public to make comments on the proposed ordinance.