



## Legislation Text

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**File #:** ORD 17-0009, **Version:** 1

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### **ITEM TITLE:**

Ordinance #17-09 - Amending the Zoning Map to Effect a Change to Parcels A, B, and C, ATS 564 from Unclassified and Public Zoning Districts to the Light Industrial Zoning District. Second Reading. Adoption.

**SUBMITTED BY:** Rochelle Rollenhagen, Senior Planner, Community Development

### **FISCAL NOTES:**

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

### **RECOMMENDATION:**

Approve Ordinance #17-09 amending the zoning map to effect a change to Parcels A, B, and C, ATS 564 from the Unclassified and Public Zoning Districts to the Light Industrial Zoning District. Second Reading. Adoption.

**ATTACHMENTS:** ☒ Rezone Application #17-02 ☒ 300ft Radius Map  
☒ Adjacent Owner Notification ☒ Location Map ☒ Public Hearing Notice  
☒ Index for Anadromous Waters Atlas ☒ Proposed Findings & Conclusions

### **SUMMARY STATEMENT:**

The City of Valdez is requesting a rezone and zoning map change 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. This rezone is logical regardless of the lease proposals as Light Industrial zoning will ensure future development and consistency with the Comprehensive Plan.

The Planning and Zoning Commission held a public hearing on this request December 14, 2016; however, no action was taken. The Planning and Zoning Commission held another public hearing on November 29, 2017 and recommended that the City Council rezone these parcels to the Light Industrial Zoning District. Staff also requested a recommendation from the Ports and Harbor Commission as the rezone may affect operations of the Ports and Harbor and involves tidelands adjacent to their operations. At their meeting on November 9, 2017 the Ports and Harbor Commission voted unanimously to recommend the Planning and Zoning Commission recommend

approval of Rezone #17-01 to City Council.

The authority to make amendments to modify the boundaries of the zoning districts is given to City Council by Valdez Municipal Code (VMC). A proposed amendment requires a report from the Planning and Zoning Commission which includes findings as to the need and justification for a change or amendment, findings as to the effect a change or amendment would have on the objectives of the comprehensive plan, and a recommendation as to the approval or disapproval of the change or amendment.

The authorization for Rezone as outlined in VMC 17.54 is outlined below:

***17.54.010 Authority:** Whenever the public necessity, convenience, general welfare, modifications to the comprehensive plan or good zoning practice requires, the city council may amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts in conformity with the provisions of this title and in accordance with the comprehensive plan.*

***17.54.020(C) Minimum Area:** 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.*

The plat for ATS 564 was recorded in 1974. It technically remains un-subdivided, although portions of ATS 564 are leased. The leased areas of ATS 564 were approved by City Council via Resolution #10-27 in 2010. The leased areas were surveyed via recorded exhibit in 2011.

The parcels proposed for rezone are surrounded by Light Industrial zoned land, the rezone is a logical extension of the existing Light Industrial zoning district. Rezone #17-01 meets the minimum area criteria identified in VMC 17.54.020(C).

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 an attachment to this report.

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.

VMC identifies the intent for each of the zoning districts. Staff evaluates this intent as part of the findings to the need and justification for a change or amendment.

#### **17.12.010 Intent.**

*The P (public lands) district is intended to contain major open space areas, watershed management areas and major public and quasi-public, recreational, educational and institutional uses, including private lands and uses that are essentially public in character and of specific value to the entire community.*

The frontages of tide-lands were zoned public to manage watersheds. The proposed Rezone #17-01 would allow for the future development of waterfront in conformance with the goals outline in the City

of Valdez Comprehensive Plan.

**17.44.010 Intent.**

*The Unclassified Lands zoning district is intended to include lands which are undeveloped and cannot be precisely zoned due to inadequate information on the extension of public services and utilities, and the suitability of the land to support commercial, residential, industrial or public uses.*

The Unclassified Lands zoning district, by nature of the intent, sets aside land for future rezones as adequate information is developed. Rezone #17-01 allows for future development consistent with zoning district intent for the development of tidelands.

**17.36.010 Intent.**

*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.

The Ports and Harbor Commission approved a recommendation to the Planning and Zoning Commission in favor of Rezone #17-01 on November 9, 2017. Per notification requirements in VMC, a 300ft notification was mailed on November 10, 2017. A public hearing notification was published for two consecutive weeks prior to the public hearing. No public comments were submitted to the Community Development Department in relation to Rezone #17-01. On November 29, 2017 the Planning and Zoning Commission voted unanimously to recommend that City Council approve Rezone #17-01, rezoning and changing the zoning map for Parcels A, B, and C, ATS 564 from the Unclassified and Public Zoning Districts to the Light Industrial Zoning District. The City Council conducted a first reading/public hearing of the Ordinance on December 19, 2017 with no comment from the public.