



Agenda Statement

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Title: Report: Temporary Land Use Permit #19-03 for Alyeska Pipeline Service Company, Agent for TAPS Owners, for Six Months, for a Seventeen (17) Acre Portion of Tract D Section 34 ASCS 98-30

Sponsors:

Indexes:

Code sections:

Attachments: 1. TLUP Application 19-03, 2. Proposal letter, 3. Letter of self insurance, 4. Temporary Land Use Permit Alyeska 19-03. 2019-04-30

Date	Ver.	Action By	Action	Result
5/8/2019	1	City Council	received and filed	

ITEM TITLE:

Report: Temporary Land Use Permit #19-03 for Alyeska Pipeline Service Company, Agent for TAPS Owners, for Six Months, for a Seventeen (17) Acre Portion of Tract D Section 34 ASCS 98-30

SUBMITTED BY: Nicole LeRoy, Planning Technician

FISCAL NOTES:

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

RECOMMENDATION:

Receive and file.

SUMMARY STATEMENT:

On March 15, 2019, Planning Department staff received temporary land use permit application 19-03 from the Alyeska Pipeline Service Company, an agent of Trans-Alaska Pipeline owners, for use of a portion of Tract D Section 34 ASCS 98-30 (per plat 2016-7) owned by the City of Valdez. Alyeska has requested use of sections of ASCS 98-30 adjacent to Brown's Creek for access, and equipment and fill staging, for flood mitigation work to preserve depth of cover over the Trans-Alaska Pipeline in Brown's Creek (see attached application.) The area requested is vacant, zoned unclassified lands, totaling seventeen (17) acres. Alyeska has requested use of the property from May through October. Equipment utilized for the project, and brought through the permitted area, will be dozers, excavators, trucks, and loaders. In addition, the applicant has indicated some brushing through city property may

be necessary to access the creek at the appropriate locations.

Alyeska has applied for the required permits with Alaska Department of Natural Resources, Alaska Department of Fish and Game, and the Army Corp of Engineers, for the work in Brown's Creek. They have also submitted an application for a City of Valdez floodplain development permit. Staff recommended approval of temporary land use permit application #19-03 be conditioned on the applicant achieving the appropriate State of Alaska and Army Corp permitting. Per 15.30.040 A, Alyeska is also required to have an approved City of Valdez floodplain development permit for their proposed work.

It should also be noted that while the heading on the application submitted by Alyeska reads "Land Use Permit," this form is no longer in use because land use permits are not substantiated in Valdez Municipal Code. However, the document is identical to the current temporary land use permit application except for the title. In light of this, staff thought it unnecessary to require resubmittal of the application over the omission of the word "temporary."

Per Valdez Municipal Code 17.48.140 B 2e, temporary land use permit requests not to exceed six months in duration may only be granted by the Planning and Zoning Commission. Fees for temporary land use permits of this type were established by City Council with Resolution #12-36 which states that "for permits exceeding two acres in size, and for a period of six months or less, the fee shall be ten percent of the fair market value per acre of the property, divided by twelve and multiplied by the number of months for which the permit is issued. The fair market value is determined to be:

Waterfront: \$131,000/acre

Tidelands: \$12,415/acre

Commercial: \$217,800/acre

Heavy Industrial: \$10,890/acre

Light Industrial: \$15,000/acre"

Although the area requested by Alyeska is unclassified lands, staff felt it was most appropriately billed as heavy industrial for the purposes of determining fair rental value, based on use of the property. For the period Alyeska has requested, the permit cost for the 17 acre portion will be \$9,256.50.

On April 24, 2019 the Planning and Zoning Commission voted unanimously to approve temporary land use permit 19-03 with conditioned approval on the receipt of required permitting from Alaska Department of Natural Resources, Alaska Department of Fish and Game, Army Corp of Engineers, and the City of Valdez. The Planning and Zoning Commission also indicated they would like to see staff complete a site inspection before and after permit issuance to insure the area is appropriately cleaned and any damages remediated.

Per Valdez Municipal Code 17.48.140 B2k, the Commission's decision is reported to City Council. Only upon no objection from City Council will the permit become effective, after which, staff will prepare a temporary land use permit using standard language approved by the City attorneys and include any conditions required by the Commission (see attached draft.)