



Agenda Statement

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Title: Approval of Conditional Use Permit Application #19-01 for Gravel Extraction on a Portion of Tract A, ASLS 79-116 (1500 Airport Road) from Roger Kipar

Sponsors:

Indexes:

Code sections:

Attachments: 1. CUP 1901 Roger Kipar Application 22January19, 2. Note on Impound Lot Potential 14February19, 3. Portion of Tract A, ASLS 79-116, 4. 1500 Airport Road Contour Map, 5. CUP 1901 Roger Kipar Proposed Findings & Conclusions, 6. Kipar Gravel CUP Public Notice, 7. CUP 1901 Roger Kipar 300 Notification Affidavit of Mail, 8. VMC Chapter 17.38 H-I HEAVY INDUSTRIAL DISTRICT

Date	Ver.	Action By	Action	Result
3/13/2019	1	Planning and Zoning Commission	approved	Pass

ITEM TITLE:

Approval of Conditional Use Permit Application #19-01 for Gravel Extraction on a Portion of Tract A, ASLS 79-116 (1500 Airport Road) from Roger Kipar

SUBMITTED BY: Kate Huber, Senior Planner

FISCAL NOTES:

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

RECOMMENDATION:

Staff recommends that the commission not approve conditional use permit #19-01 for gravel extraction on a portion of Tract A, ASLS 79-116 (1500 Airport Road) from Roger Kipar. It is the opinion of the Planning Department that it is in the public's best interest for gravel extraction to occur in the City's rivers until a detailed gravel management plan can be developed based on current hydrological data.

SUMMARY STATEMENT:

On January 22, 2019 the Planning Department received an application for Conditional Use Permit (CUP) #19-01 from Roger Kipar for gravel extraction at 1500 Airport Road, a Portion of Tract A, ASLS 79-116 (see attached). The proposed site for gravel extraction is located to the east of the City of

Valdez Police Department Shooting Range, and to the southwest of Valdez Glacier Lake.

Tract A of ASLS 79-116 covers a large area of over 1000 acres. It was a municipal entitlement selection made by the City and was officially conveyed from the State of Alaska in 1992. The tract is currently zoned for heavy industrial uses. The heavy industrial zoning district is intended for industrial development, including natural resource extraction. Per VMC 17.38.040 J, natural resource extraction requires a conditional use permit.

The applicant is requesting a temporary conditional use approval for gravel extraction for ten years.

Street Address: 1500 Airport Road

Legal Description: Portion of Tract A, ASLS 79-116

Property Owner: City of Valdez

Access: Applicant intends to access property using VPD shooting range driveway

Current Uses: Shooting range, natural resource extraction, recreation

Zoning District: Heavy industrial

The H-I (heavy industrial) district is intended for industrial development, including heavy manufacturing, shipping terminals, natural resource extraction and other processes or operations which involve one or more of the following: employs large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water or sewer service or storage of hazardous materials under a conditional use permit. (VMC 17.38.01)

Adjacent Zoning Districts: The lots immediately adjacent to and surrounding Tract A are designated within the heavy industrial or public lands zoning districts

Obtaining approval of a CUP is the applicant's first step for a proposed gravel extraction lease in this area. If the Planning & Zoning Commission approves CUP #19-01, it will be necessary for Mr. Kipar to submit an application for a gravel lease on City of Valdez property. That application will be reviewed by the Planning & Zoning Commission for a possible recommendation to City Council. The Valdez City Council will then review the gravel lease application and make a decision on approval.

A public hearing was held at the February 27, 2019 Planning & Zoning Commission meeting to allow the public an opportunity to comment on the proposed conditional use. The public hearing notice (see attached) was published in the online Valdez Star on February 13, 2019 for a period of two weeks. A 300' property owner notification (see attached) was mailed to all property owners located within a 300' radius of the proposed conditional use on February 14, 2019.

During the public hearing, Mr. Jesse Passin spoke about the process that he went through to obtain a gravel lease from the City in 2016/2017. After requesting an uplands gravel lease in a similar area, Mr. Passin was told by the Planning Department that there would not be any new uplands gravel leases established in the area to the West of Valdez Glacier Stream and the only option available for new gravel leases was extraction from the rivers. Mr. Passin spoke of the process he went through to permit gravel extraction in Valdez Glacier Stream and the subsequent lease he secured from the City of Valdez for equipment storage and gravel processing. Mr. Passin expressed frustration regarding the costs associated with this process and method of extraction.

In addition to public comment, Planning staff spoke with Police Chief Hinkle about the proximity of

this proposed use to the VPD Shooting Range. Chief Hinkle did not have any objections to the CUP application, as submitted.

After much consideration, staff has decided to recommend that the Planning & Zoning Commission deny approval of CUP #19-01 application for gravel extraction on a portion of Tract A, ASLS 79-116. The reason for this recommendation is that staff believes that at this time it is in the best public interest for any future gravel extraction within the City of Valdez to take place in Mineral Creek, Valdez Glacier Stream and the Lowe River. Before further upland gravel extraction is approved by the City of Valdez, staff believes that a new comprehensive plan document should be released and subsequently, the City of Valdez should work to establish a new gravel management plan. This plan should be compiled through consultation with professional engineers and hydrologists so that future gravel extraction decisions can be made based on recent data, fully considering natural hazard concerns and public health and welfare.

Although staff is recommending the denial of CUP #19-01, it should be noted that the Planning & Zoning Commission considered an application from Mr. Kipar for a gravel extraction CUP in 2018 for a different area of Tract A, ASLS 79-116. Staff recommend that Mr. Kipar's CUP #18-01 be denied. After the Planning & Zoning Commission voted to deny the CUP, staff agreed to work with Mr. Kipar to determine an alternative location for gravel extraction. The area being currently considered for ASLS 79-116 is preferred by staff to the previous site and is one that was presented by the City as a better alternative for upland gravel extraction. However, it is still highly recommended that the applicant pursue the process of gravel extraction from a local river with permitting as required by the State of Alaska and U.S. Army Corps of Engineers.

Please see the attached report from staff and the CUP application for more details.

Although not being considered tonight for approval, the applicant did express the possible desire to lease additional land in this area for the use of a City vehicle impound lot. This conditional use permit does not approve such use and no agreement has been established with the City of Valdez, however the applicant wanted to mention the possibility for the consideration of the Commission.