



Legislation Text

File #: 17-0312, **Version:** 1

ITEM TITLE:

Approval of Land Lease with Mega Trucking, LLC for Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy.

SUBMITTED BY: AnnMarie Lain

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

Approve Land Lease with Mega Trucking, LLC for Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy.

SUMMARY STATEMENT:

Mr. Passin, of Mega Trucking LLC, has requested the lease of Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy for the purpose of storing gravel, heavy equipment, and refining gravel from the Glacier Stream river bed.

Tract B, ASLS 98-26, is zoned Public Lands. Chapter 4 of Valdez Municipal Code states that “no application for lease shall be considered unless the land desired to be leased is zoned to permit the use to which the applicant intends to put the land.” Chapter 17 zoning requirements for Public Lands District, document attached, outlines the intent of the zoning district as well as the permitted and conditional uses. The intent of the Public Lands Zoning District is stated below:

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.

Although the intent of the purpose of storing gravel is to make the sale of gravel available to the public market which would add “specific value to the entire community,” the requested use for storing gravel, heavy equipment, and refining gravel is not listed as a permitted principal use.

Natural resource extraction; however, is listed as a conditional use. It is staffs opinion, that if code allows for the extraction of natural resources as a conditionally permitted use then code would allow for the storage of gravel and equipment in conjunction with that use. Should legal opinion state

otherwise, this lease will be dependent on the successful rezone of Tract B, ASLS 98-26 to light industrial. Staff will have a legal opinion before the lease approval is brought forward to City Council. Pending legal opinion confirming conformance with the identified conditional use, or a zoning change, this lease is in conformance with the Comprehensive Plan as follows:

Goal - Lifestyle: Provide for a maximum freedom of choice for people to engage in the cash economy and use local natural resources to supplement their selected economic lifestyles.

Objective - Conserve sensitive habitats and enhance the availability of natural resources used and consumed by residents of the community.

The extraction of gravel on City leased land, over-time, has created vulnerabilities and exposure to flooding from migrating rivers and leaves the leased land in a condition difficult for re-development. As such, the City of Valdez is in need of gravel extraction to come out of river beds instead of on City owned and. This lease application provides for the use of natural resources by enhancing the availability of gravel for use by the residents of the community in the engagement of a cash economy.

Goal - Economic Development: Encourage the development of a broad-based economy in Valdez.

Objective - Develop a community plan which accommodates resource related industrial development that meets the desires of community residents.

Objective - Strive to create an atmosphere in the community that is conducive to commercial and industrial development.

This lease will help to create an atmosphere conducive to development by providing another vender to provide gravel.

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.

The land directly adjacent to Tract B is already being utilized as a gravel extraction area by the State. This lease application meets the requirements for separation of incompatible land uses.

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.

River-bed gravel extraction is a water-related use for which inland alternatives for material and equipment storage is fiscally not feasible.

Please note that the applicant is aware that gravel extraction within the river-bed requires a significant amount of permitting through multiple federal and state agencies, and that all permitting

will be the sole responsibility of the applicant.

After the Planning and Zoning Commission reviews the application for the land lease, staff will forward its recommendation to City Council for approval or rejection of the application.