

To: Paul Nylund, Project Manager and Kate Huber, City of Valdez Community Development Director

From: Dave Whitfield, Senior Planner, R&M Consultants, Inc.

Date: February 28, 2025

RE: City of Valdez Title 16 *Subdivisions* Code and *Plan Valdez* Analysis

R&M Consultants, Inc., in collaboration with Valdez Community Development Department staff, has reviewed the City of Valdez Comprehensive Plan, *Plan Valdez*, Title 17 *Zoning* code, and Title 16 *Subdivision* code. The following memo identifies where Title 16 *Subdivisions* code appears in conflict with *Plan Valdez* and Title 17 *Zoning* code. These areas of conflict should be considered for an amendment to bring Title 16 *Subdivision* code in line with the goals and policies of *Plan Valdez* and the most recent update to Title 17 *Zoning* code. Below are broad areas of Title 16 that should be considered for amendment and the Comprehensive Plan Goals the proposed amendment would implement.

MINOR SUBDIVISIONS: CONSIDER ESTABLISHING AN ADMINISTRATIVE APPROVAL PROCESS

GOAL 2.2 – ENCOURAGE REDEVELOPMENT AND NEW DEVELOPMENT.

Finding ways to streamline, facilitate and incentivize development will help to generate higher quality development, new investment in underperforming properties and aging buildings, and new construction.

Reinvestment programs should include smaller-scale redevelopment efforts or infill development and feature more targeted programs to improve building quality, adaptive reuse of parcels and buildings.

GOAL 2.3 D - PROVIDE EXPEDITED DEVELOPMENT REVIEW AND PERMITTING FOR NEW HOUSING CONSTRUCTION IN STRATEGIC HOUSING INVESTMENT AREAS.

This can help support diverse types of development by limiting the uncertainty associated with project review, zoning, permitting, entitlement, and other approval processes.

Title 16 provides definitions for both minor and major subdivisions. However, it does not distinguish a separate process for each. Currently, all preliminary plat applications are reviewed and approved by the Planning and Zoning Commission following a public hearing. Establishing an administrative review and approval process for smaller, less complicated subdivisions has community benefits. Valdez, being a winter city, depends heavily on the short summer months for

construction. Creating a streamlined process for plat review and approval allows simple subdivisions to record expeditiously, while at the same time maintaining oversight and compliance with development regulations.

FORMAL PROCESS AND CRITERIA FOR VACATION OF RIGHTS-OF-WAY (ROW) AND EASEMENTS

GOAL 1.2 A – IMPLEMENT CONSISTENT, CODE-BASED DECISION-MAKING PROCESSES FOR LAND USE ACTIONS.

Develop consistent, code required review processes specific to development actions to facilitate predictable reviews for developers and the public. The process should describe the steps in each review process by land use action type, required applications, approximate timelines, when the public is able to provide input, who is the reviewing body, etc.

Title 16 currently lacks a formal process and criteria in evaluating requests for relinquishment of public right-of-way and public interest in land. Establishment of a formal process with criteria helps ensure that public interest is protected, that the request is consistent with *Plan Valdez* and other adopted plans, that private property rights are considered, and that there is legal compliance. The Title 16 rewrite should consider establishing a formal process with criteria for review of requests to vacate public right-of-way and other public interests in land.

FORMAL CRITERIA FOR VARIANCES/WAIVERS

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Section 16.04.060 states in part “When, in the judgment of the commission, it would be inappropriate to apply literally a provision of this title the commission may waive or vary such provisions so that substantial justice may be done, and the public interest secured....” While this section does provide the Planning and Zoning Commission the discretion to grant variances, it does not establish formal criteria for which the variance request is to be evaluated against. Establishing criteria ensures that exceptions are granted only when necessary and in a way that maintains the overall integrity of the code and the adopted plans. It helps prevent unfair advantages and personal bias, while allowing flexibility to property owners and preventing harm to adjacent property and/or the public. The establishment of criteria provides the Planning and Zoning Commission the ability to establish defensible findings more easily to be used in case of an appeal.



SNOW STORAGE AREAS AND LOTS

GOAL 2.1 N - ENSURE THAT SNOW STORAGE SITES ARE MAINTAINED AND ASSESSED TO MATCH DEVELOPMENT AND COMMUNITY NEEDS.

Future land use and development in the community may modify the need, location, and size of snow storage areas to allow the community to operate in winter. Climate change over time may also modify snow storage needs. Mapping and monitoring will allow assessment of snow storage needs over time in the developed areas.

Current requirements of Title 16 state that “snow storage areas shall be dedicated to the city.” However, Title 16 does not clarify how the snow storage area is to be “dedicated to the city.” Should snow storage areas be dedicated as right-of-way or lots deeded to the City of Valdez, or should ownership be retained by developer with “use rights” (by easement) given to City of Valdez? The Title 16 rewrite should clarify the mechanism by which snow storage areas are dedicated to the city.

ALTERNATIVE SUBDIVISION DESIGNS

GOAL 7.1 K - DISCOURAGE NEW SUBDIVISIONS AND INCREASED DENSITY IN HAZARD AREAS SUBJECT TO FLOODING.

The City of Valdez has invested a great deal of resources to mitigate hazards associated with development that exists in the areas most prone to flooding. Increased density in these areas could create a further financial burden and put people and facilities at risk.

Goal 7.1 K places great importance on environmentally sensitive lands and discourages density in high hazard areas. With this goal in mind, the Title 16 rewrite may evaluate alternative subdivision designs that place value on the preservation of environmentally sensitive lands in exchange for higher densities in areas more suitable for development. Providing incentives for the preservation of environmentally sensitive lands has, in many cases, both a public and private benefit.

FINAL PLAT CERTIFICATIONS

Final plat certifications vary widely across the platting jurisdictions in Alaska. Each community develops their own ownership, dedication and survey certifications based on their legal requirements. It makes sense to allow for some flexibility in the language contained in the certifications, however, the intent of language used in legal certifications is to convey precise and unambiguous meaning, ensuring all parties involved fully understand their rights and obligations within the legal framework. Developing standard plat certifications that are vetted by Valdez’s legal department and included in the Title 16 Rewrite will ensure that all final plats contain substantially the same language and meets the legal intent of each certification.

PUBLIC IMPROVEMENTS 16.20.020

Section 16.20.020 identifies the public improvements required as part of the subdivision approval process. While the existing language provides for administrative flexibility, it leaves the development community with uncertainty as to what the improvement expectations are. The level of improvements required, in many cases, determines the economic feasibility



of a development. To provide more certainty in development, the public improvement standards should be added to Title 16.

DEFINITIONS SECTION

A review of Title 16 found that some terms used were not defined in the Title. Defining terms used within a community's subdivision regulations provides several benefits. It provides clarity by eliminating ambiguity, provides consistency in application, reduces the risk of legal challenge, makes for more efficient decision-making, and creates better public understanding. The Title 16 rewrite may consider further defining commonly used terms within the Title.

OTHER AMENDMENTS FOR CONSIDERATION

Code Citation	Description
16.04.070-Appeals	Review appeals section and identify areas that deserve clarity.
16.08.030-Forms and Content	Review of submittal requirements for preliminary plats.
16.12.020-Forms and Content	Review of submittal requirements for final plats.

PLAN VALDEZ 2021 - RELEVANT GOALS HELPING TO INFORM TITLE 16 CODE REVISIONS

GOAL 1.1 B – DEVELOP PLANNING AND ZONING COMMISSION CHECK LIST FOR NEW DEVELOPMENTS TO VERIFY THEY FURTHER THE GOALS OF ALL ADOPTED PLANS.

Develop a reference document that would provide direct guidance for review, and references to documents or code sections that should be referenced in more detail in findings of facts as part of the decision-making process. This tool would also be useful for applicants and new businesses so they can understand process and submit the necessary information to facilitate and expedite reviews.

GOAL 1.2 A – IMPLEMENT CONSISTENT, CODE-BASED DECISION-MAKING PROCESSES FOR LAND USE ACTIONS.

Develop consistent, code required review processes specific to development actions to facilitate predictable reviews for developers and the public. The process should describe the steps in each review process by land use



action type, required applications, approximate timelines, when the public is able to provide input, who is the reviewing body, etc.

GOAL 2.1 A – ADOPT TWO NEW ZONING DISTRICTS: RESIDENTIAL/RECREATION PLANNED DEVELOPMENT DISTRICT; AND INDUSTRIAL/WORKING WATERFRONT PLANNED DEVELOPMENT DISTRICT.

The zoning districts should outline a process that describes the minimum subdivision, development, and design standards based on site characteristics. For example, it should require that the nature and intensity of development be supported by adequate utilities, transportation network, drainage systems and open space to serve the development, and to minimize impacts on adjacent existing and future development and sensitive lands.

GOAL 2.1 E – REZONE PARCELS TO ALIGN WITH THE FUTURE LAND USE MAP.

Work with property owners to identify willing participants to rezone lands to bring them into conformity with the adopted future place type mapping and reduce incompatible land uses. The City should consider sponsoring the rezones at no cost to the property owner.

GOAL 2.1 L – CONDUCT RESEARCH ON INNOVATIVE APPROACHES FOR “REHABILITATION OF ABANDONED AND DILAPIDATED BUILDINGS” IN OTHER STATES/ CITIES TO SEE IF A SIMILAR PROGRAM WOULD BE FEASIBLE IN VALDEZ.

Some jurisdictions have identified a receivership tool that fosters partnerships through a receivership program between local governments, private sector and nonprofit organizations to remedy problems associated with hazardous structures and to help save demolition costs. The program helps avoid the costly process of condemnation and increases the opportunities of salvaging property instead of using demolition to abate the problem.

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GOAL 2.1 O - OFFICIALLY ADOPT OTHER CITY OF VALDEZ DISTRICT, SPECIAL USE AREAS, AND MASTER PLANS DEVELOPED.

Adoption of these documents which includes, but not limited to, district, special use area, trails and parks, and land use master plans that will allow incorporation of their goals and recommendations into the Comprehensive Plan.

GOAL 2.2 B - CREATE AN INCENTIVE PROGRAM FOR THE INFILL/REDEVELOPMENT OF PROPERTIES ALREADY SERVED BY PUBLIC WATER AND SEWER.

Identify programs and eligibility standards to make infill/redevelopment projects more attractive to developers, including regulatory and financial incentives such as tax credits/ abatements/waivers, waiver or reduction in permit/plan review fees, expedited review process, and/or flexible zoning regulations. Priority areas should include the Town Center, and adjacent working waterfront and mixed-use place types.



GOAL 2.2 E - IDENTIFY STRATEGIC VACANT AND/OR UNDERDEVELOPED PARCELS FOR REDEVELOPMENT THAT MAY BENEFIT FROM A PUBLIC PRIVATE PARTNERSHIP.

The city should consider subdividing, rezoning, and extending utilities and roads as part of a development agreement with private developers to encourage preferred developments in strategic areas.

GOAL 2.2 G - INVESTIGATE UTILITY EXTENSIONS TO CONNECT EXISTING SEPTIC/ WELL SITES TO CITY WATER/SEWER TO IMPROVE PUBLIC HEALTH, EMERGENCY RESPONSE (FIRE HYDRANTS) AND REDUCE ENVIRONMENTAL CONTAMINATION.

To eliminate the possibility of site contamination and to ensure quality of drinking water, connect developments to City sewer and water. This will also increase fire protection coverage. Areas to be prioritized are based on data related to health and safety, development density, and lot sizes. Priority areas include Blue Spruce, Northern Lights, and Robe River Subdivisions. Explore options for shared costs for utility extensions and hook-ups.

GOAL 2.2 H - EXTEND SEWER AND WATER UTILITIES TO SERVICE FUTURE DEVELOPMENT.

To eliminate the possibility of site contamination and to ensure quality of drinking water and health issues, connect new developments to City sewer and water with a priority along perimeter of service areas. This will also increase fire protection coverage. Priority areas include Mineral Creek and high priority future housing areas. Explore options for shared costs for utility extensions and hook-ups.

GOAL 2.3 A - IDENTIFY AND ADOPT STRATEGIC HOUSING INVESTMENT AREAS.

Targeting and scaling programs and policies can increase near-term impact. It is recommended these areas are targeted within the New Town site, Town Center, and Mixed-Use Place Types.

GOAL 2.3 C - REVISE TITLE 17 TO PROVIDE GUIDELINES FOR SHORT TERM RENTAL HOUSING AND ACCESSORY DWELLING UNITS.

There is a need for both short-term rental units and accessory dwelling units to create more housing inventory, housing choice and to enable housing to be more attainable and affordable. Revisions should strike a balance between demand for short-term and long-term rental housing in the community.

GOAL 2.3 D - PROVIDE EXPEDITED DEVELOPMENT REVIEW AND PERMITTING FOR NEW HOUSING CONSTRUCTION IN STRATEGIC HOUSING INVESTMENT AREAS.

This can help support diverse types of development by limiting the uncertainty associated with project review, zoning, permitting, entitlement, and other approval processes.

GOAL 2.3 H EVALUATE LAND FOR CONSIDERATION FOR FUTURE MANUFACTURED HOMES AND OTHER FORMS OF LOWER COST HOUSING.

Evaluate all land zoned for residential, mixed use, and commercial, except for single family and rural residential areas, for consideration for future manufactured and other forms of low-cost housing to offset any future loss of existing residential units in industrial areas. As housing is phased out of industrial areas, the intent is a no-net-loss, or increase in housing.



GOAL 4.2 A - UPDATE AND MODERNIZE ROAD STANDARDS INCLUSIVE OF NON-MOTORIZED FACILITIES.

Develop a Design Criteria Manual (DCM) for road standards including non-motorized facilities for consistent development within the City of Valdez. The DCM should be adopted by the City Council. Remove references to design standards in the Municipal code and refer to the DCM. This approach facilitates amendments to the document that are based on design objectives and sound engineering principals to meet specific goals for safety, functionality, constructability, and maintenance.

GOAL 7.1 K - DISCOURAGE NEW SUBDIVISIONS AND INCREASED DENSITY IN HAZARD AREAS SUBJECT TO FLOODING.

The City of Valdez has invested a great deal of resources to mitigate hazards associated with development that exists in the areas most prone to flooding. Increased density in these areas could create a further financial burden and put people and facilities at risk.

