



## Agenda Statement

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**File #:** 20-0236      **Version:** 1  
**Type:** New Business      **Status:** Passed  
**File created:** 5/20/2020      **In control:** Planning and Zoning Commission  
**On agenda:** 6/10/2020      **Final action:** 6/10/2020  
**Title:** Approval of Recommendation to City Council to Establish a 60 Foot Wide Public Access Easement Off the West and Northern Boundary of privately owned Parcel A-1 of Tract A, ASLS 79-116.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Reese - Easement Request Letter 2020.pdf, 2. Reese easement 2020 photos.pdf, 3. Plat #2007-20.tif, 4. RES 08-25.pdf

Date	Ver.	Action By	Action	Result
6/10/2020	1	Planning and Zoning Commission	approved	Pass

**ITEM TITLE:**

Approval of Recommendation to City Council to Establish a 60 Foot Wide Public Access Easement Off the West and Northern Boundary of privately owned Parcel A-1 of Tract A, ASLS 79-116.

**SUBMITTED BY:** Paul Nylund Senior Planner/GIS Technician

**FISCAL NOTES:**

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

**RECOMMENDATION:**

In order to approve a recommendation to City Council to dedicate this easement, the Planning & Zoning Commission should determine whether or not dedicating public land for this purpose is in the public interest. If the Commission decides that this public access easement is in the public interest, they should approve a recommendation to Council to approve the dedication of this access easement. Otherwise, no such approval is advised.

**SUMMARY STATEMENT:**

The City of Valdez Planning Department received an application for an access easement from Brandon Reese (applicant).

The requested easement would be 60 feet wide and runs along the West and Northern Boundary of privately owned Parcel A-1 of Tract A, ASLS 79-116, on City of Valdez owned Tract A of ASLS 79-116, Within T8S R5W Sections 29 and 32 C.R.M. as shown in Exhibit 1. This easement will serve to extend legal access from the section line easement which currently provides legal access to the parcels, to the northern end of parcel A-1, which will allow it to be subdivided. (See attached photos)

The applicant has included a narrative description of why he is requesting this easement, and specifically why the City of Valdez should dedicate public land for this purpose (attached). He is working in coordination with Rydor Enterprises, who is the only property owner in the area, other than the City of Valdez and the State of Alaska. The City of Valdez sold Rydor Enterprises 100 acres of City-owned land in 2007, and another 100 acres in 2019, for the purposes of developing a mountain recreation based development.

The dedication of this access easement by the City of Valdez will allow for the applicant to document the easement as legal access to the northern portion of Rydor Enterprises property in order for them to subdivide into smaller parcels for potential sale. The City of Valdez makes no commitment to clear, develop, or maintain this easement at any time. This easement will be dedicated to public use and the private property owners will not be allowed to block or restrict access across it at any time.

If the physical access to this area from the Richardson Highway is formally established in the future, and a right of way established for the old Alpetco road trail, this access easement could be incorporated into that right-of-way. However, the current location of the old Alpetco Road trail is not necessarily the best place to establish a right-of-way or physical access to these parcels. A formal geotechnical investigation and survey/design of the existing and potential routes of the road should be done prior to dedicating a right-of-way for the old Alpetco road trail. Careful consideration should be paid to stream crossings and slope grades. All applicable state and federal permits must be obtained and maintained for this access road.

## **Considerations for Approval:**

### **Conformance with the Comprehensive Plan**

The Planning and Zoning Commission should consider whether or not this action is consistent with the current City of Valdez Comprehensive Development plan, which states:

*“The (Community and Economic Development) Department is responsible for the orderly and efficient growth and development of the City's socioeconomic and physical systems.” (Valdez Comprehensive Development Plan, pg. 33)*

*Goal/Residential Land Use - Provide safe, convenient, and attractive residential areas that protect and enhance property values while encouraging economies in necessary community expenditures for required community infrastructure and utilities.*

*Objective - Encourage the location of residences in areas that will not be burdened with unnecessary traffic, noise, or environmental problems that might be associated with commercial or industrial land uses.*

The City of Valdez is currently updating their Comprehensive Plan. This area should be reexamined and possibly rezoned to reflect the current and future desires of the citizens of Valdez.

### **Physical Access / Increased use of old Alpetco road trail**

The granting of this easement will facilitate development of this area, with a resulting increase of vehicular traffic across the physical access route from the Richardson Highway. This route is a popular recreational trail and is not built to necessary standards for high volumes of traffic.

This access road has been the subject of debate in the past, and public meetings and hearings have been conducted to discuss the use/maintenance/development of this access road. Resolution #08-25 was adopted by City Council in June of 2008, which authorized Rydor Enterprises access to this property over the old Alpetco road trail until revoked via resolution, so long as all other requirements of resolution #08-25 are adhered to. There are questions on whether or not these stipulations have been adhered to.

The use of this trail is a larger public issue that should be investigated further with City Administration and consultation with the public. The Parks and Recreation Commission should be consulted, as well as concerned citizens through hearings and public meetings specifically tailored to this issue. The City of Valdez is currently updating their Comprehensive Plan, and this area should be addressed in that process.

### **Health/Safety**

The further development of this area will allow for increased people presence in this area, and the potential for the need for medical or fire control services. The old Alpetco road trail is not suitable for ambulances or fire apparatus, so any response would be difficult and expensive, such as it is in other remote areas.

### **Zoning Issues**

The intended use of this property is not in conformance with the current zoning in this area. This area is zoned Heavy Industrial (HI), and any development that is related to residential or recreational uses is in violation of City of Valdez Municipal Code, regardless of the current and historical use of the area. A rezone should be considered before development occurs, as no building permits can be issued for any use that is not a permitted primary or accessory use listed in *VMC 17.38 H-I Heavy Industrial District*.

### ***VMC 17.02.030 Conformity with title required.***

No building or land within the city shall hereafter have the existing use altered, used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the applicable provisions specified in this title. (Ord. 16-04 § 1 (part): prior code § 30-3)

If the Planning and Zoning Commission approves this recommendation to Council, it will be taken before the City Council for their approval. If the Council votes in favor of the dedication, the access easement will be granted via resolution and the easement document will be recorded to plats #2007-20, and #2019-11. The applicant will cover all the associated costs of documentation and recording.