



## Legislation Text

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**File #:** 18-0441, **Version:** 1

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### **ITEM TITLE:**

Approval of Preliminary Plat, Second Submittal, of Robe Lake Municipal Entitlement Survey ADL-225451. Terry Gilmore Surveyor.

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

### **FISCAL NOTES:**

Expenditure Required: \$40,000

Unencumbered Balance: \$0

Funding Source: 350-8000-55000.583

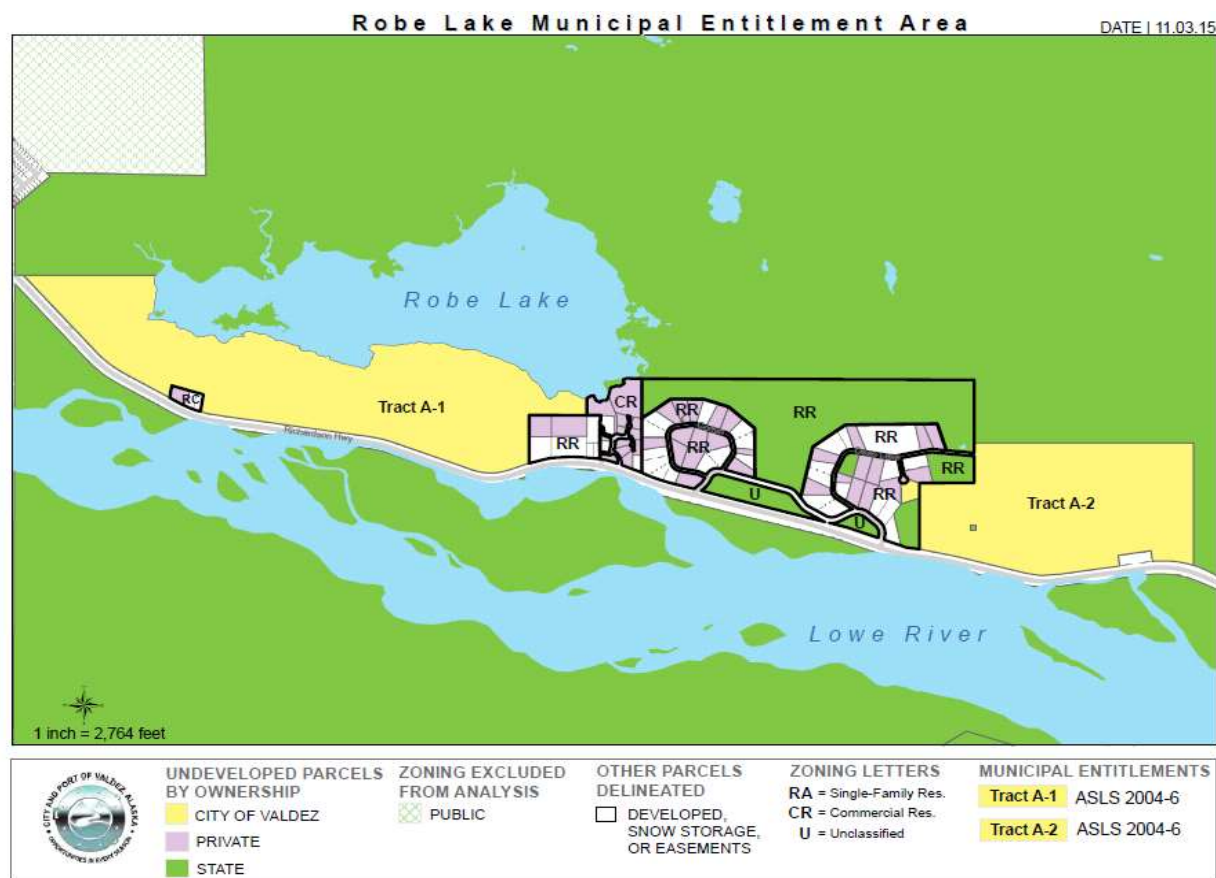
### **RECOMMENDATION:**

Approve Second Submittal of the Preliminary Plat of Robe Lake Municipal Entitlement Survey ADL-225451.

### **SUMMARY STATEMENT:**

The purpose of the Municipal Entitlement Act is to provide lands that would: create or expand a tax base, generate revenue through land sales and leases, and/or provide a land base that could be reserved for public areas or facilities as well as provide a land base for community expansion. Alaska Statutes Sec 29.65.070.

In July 2004, the State of Alaska, Department of Natural Resources issued the Survey Instructions to transfer state land ADL 225451, Robe Lake, ASLS 2004-6 to the City of Valdez (see attached map). A survey of municipal entitlement land must be prepared by the City and accepted by the State Department of Natural Resources (DNR) in order to complete the conveyance procedures. Currently, Valdez has interim management authority for these lands, but cannot subdivide, sell, or develop them until formal conveyance occurs.



In 2006, Terri Gilmore of Gilmore and Associates was awarded contract #762 and given the notice to proceed to survey ADL 225451. The scope of the work included survey and monumentation for the property boundaries of Tract A-1 and Tract A-2. In addition to the challenges of an extreme terrain over a large amount of land, the survey was delayed due to the placement of monumentation in areas of extreme slope.

In June 2016 Gilmore and Associates sent the preliminary plat to City Staff for review. This preliminary plat was reviewed by the Planning and Zoning Commission on June 22nd, 2017 and was unanimously approved. The State of Alaska DNR Surveying Department reviewed the preliminary plat in fall of 2017, and issued their preliminary review and a request for a second submittal on December 22nd, 2017(see attached).

It has been more than two years since the preliminary plat was approved by the Planning and Zoning Commission, and VMC 16.08.070 Section C, Part 1 states: *application for final approval must be completed and filed within twelve months of preliminary plat approval. The director may grant one twelve-month extension to this deadline after a written request and justification is submitted by the subdivider.* Due to this condition, and the fact that the DNR approval process can take up to six months, staff has decided that it would be best to bring the second submittal of the preliminary plat forward to the commission for their updated approval. Following approval, and the approval of the DNR Survey Supervisor, the final plat will be brought forward for the commission's review and approval.

Staff has requested that the surveyor add a zoning label to each tract: (UL) Unclassified Lands. The surveyor has agreed to do so, and this will be shown on the final plat.

The Valdez City Council is set to vote on the adaptation of the 2019 FEMA Flood Insurance Rate Maps in December of 2018. As stated in **VMC 16.12.020 Final Plats/Form and Contents** Section B. 18. *If the property lies within Flood Zone A the area shall be delineated and a note shall be included on the plat, stating that "The property within Flood Zone A as identified by the Federal Emergency Management Agency shall be required to comply with Federal Regulations".* This will be a requirement for final plat approval.

This project encompasses 1075 acres and represents a considerable amount of work both by the contractor and City Staff. This has been a fourteen year project and we are approaching finalization. Both the preliminary and final plat must be approved by AK DNR and the Planning & Zoning Commission. The final plat must also be approved by City Council as outlined in Municipal Code for the subdivision of City owned Land.

Notice was sent to all property owners within 300 feet of the property per Section 16.04.090 of the Valdez Municipal Code on November 30th, 2018.

**16.04.090 Notification requirements.**

A. A notice shall be sent by mail at least ten days prior to the first scheduled meeting of the planning and zoning commission to consider the preliminary plat approval to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel described in the application for subdivision.

B. Consideration of Evidence. The planning and zoning commission shall hear and consider evidence and facts from any person during preliminary and final plat approval or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such subdivision of land. (Ord. 03-10)

Staff has not received any comments from neighbors, utilities, or other notified agencies on the subdivision.

Staff recommends the Planning & Zoning Commission grant preliminary approval of the plat.