

6/20/06 Deed for lack of action pursuant to AMC 2.30.050. F.

Submitted by: Chair of the Assembly  
at the Request of Assemblymember Birch  
Prepared by: Planning Department  
For reading: January 24, 2006

Anchorage, Alaska  
AO 2006-18

An ordinance amending the zoning map and providing for the rezoning of approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential) for the NW ¼, NE ¼, S ½, NE ¼ of Section 10, T11N, R3W, S.M., AK.

(Rabbit Creek Community Council) (Planning and Zoning Commission Case 2005-139)

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as R-7 (Intermediate Rural Residential) zone:

The NW ¼, NE ¼, S ½, NE ¼ of Section 10, T11N, R3W, S.M. AK, containing approximately 120 acres, as shown on Exhibit A.

**Section 2.** This ordinance is effective immediately upon passage and approval. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day  
of \_\_\_\_\_ 2006.

ATTEST:

Chair

Municipal Clerk

(Tax ID # 020-181-19)

**MUNICIPALITY OF ANCHORAGE**  
**Summary of Economic Effects -- General Government**

AO Number: 2006-188

Title: PLANNING AND ZONING COMMISSION CASE 2005-139; A  
 REZONING REQUEST FROM PLI (PUBLIC LANDS AND  
 INSTITUTIONS) TO R-7 (INTERMEDIATE RURAL  
 RESIDENTIAL); LOCATED WITHIN THE NW ¼, NE ¼, S1/2,  
 NE ¼ OF SECTION 10, T11N, R3W, S.M., ALASKA.  
 LOCATED WEST OF GOLDENVIEW DRIVE AND  
 SOUTHWEST OF 172ND AVENUE.

Sponsor:

Preparing Agency:

Others Impacted:

**CHANGES IN EXPENDITURES AND REVENUES:**

(In Thousands of Dollars)

	<u>FY06</u>	<u>FY07</u>	<u>FY08</u>	<u>FY09</u>
<b>Operating Expenditures</b>				
1000 Personal Services				
2000 Non-Labor				
3900 Contributions				
4000 Debt Service				
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Add: 6000 Charges from Others

Less: 7000 Charges to Others

<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
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**REVENUES:**

**CAPITAL:**

**POSITIONS: FT/PT and Temp**

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this rezone should have no significant impact on the public sector.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

Approval of the rezoning should have no significant economic impact on the private sector except that the value of the property would likely be increased.

Property Appraisal notes: Considering the proposed development and infrastructure, property appraisal foresees no significant impacts to the proposed zoning change.

Prepared by: Jerry T. Weaver Jr.

Telephone: 343-7939

Validated by OMB: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
 (Director, Preparing Agency)

Date: \_\_\_\_\_

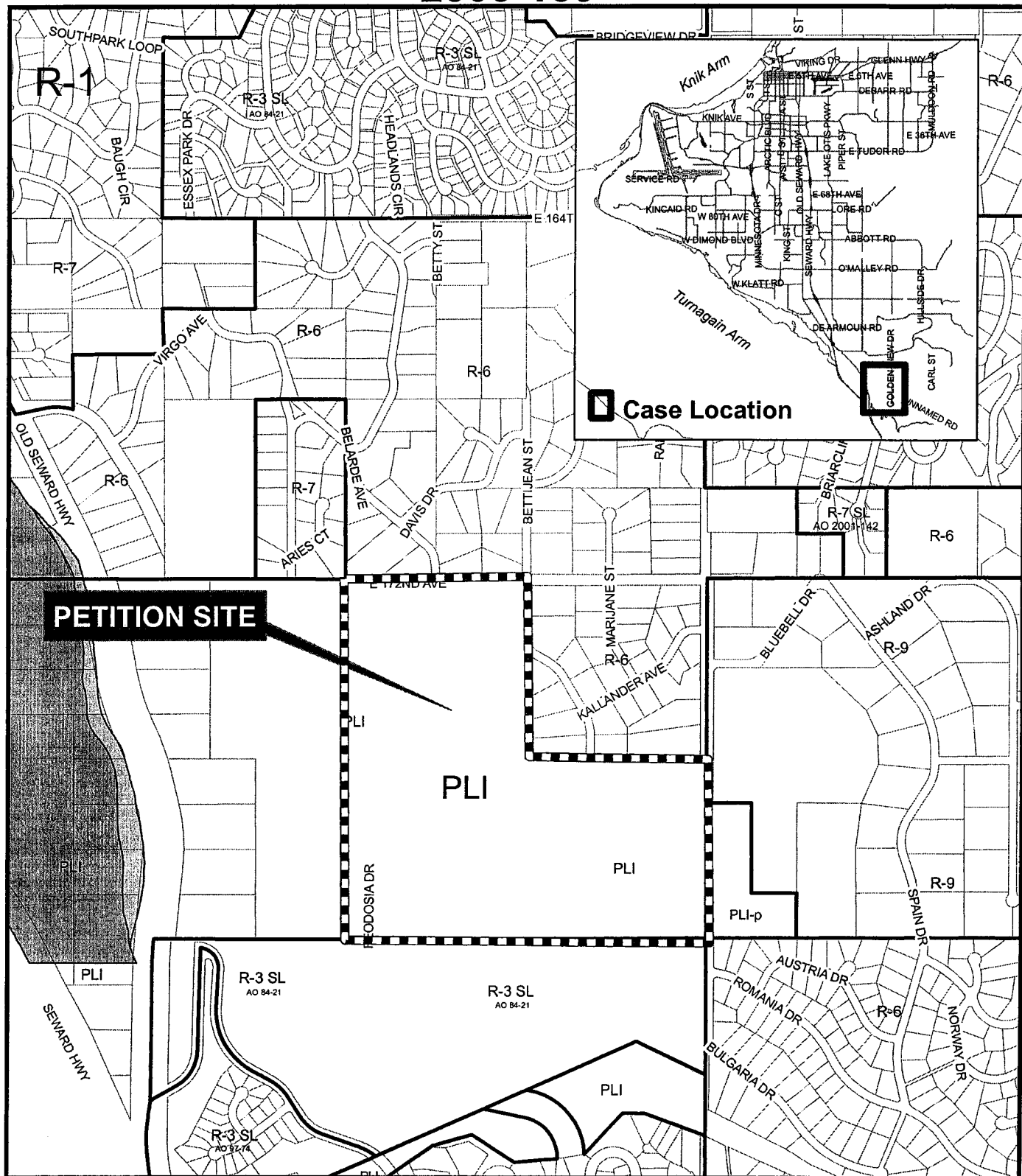
Concurred by: \_\_\_\_\_  
 (Director, Impacted Agency)

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
 (Municipal Manager)

Date: \_\_\_\_\_


**REZONE-EXHIBIT A**  
**2005-139**



**Municipality of Anchorage  
Planning Department**

Date: December 23, 2005

### Flood Limits

 100 Year 500 Year

 Floodway



MUNICIPALITY OF ANCHORAGE

REZONINGS OR ORDINANCES AMENDMENTS\*

\$960

REQUEST FOR A PUBLIC HEARING BY THE MUNICIPAL ASSEMBLY

(I) (WE) THE UNDERSIGNED DO HEREBY REQUEST THAT THE MUNICIPAL ASSEMBLY HOLD A PUBLIC HEARING ON CASE NO. 2005-139 WHICH RECEIVED AN UNFAVORABLE RECOMMENDATION FROM THE MUNICIPAL PLANNING AND ZONING COMMISSION ON Nov. 7, 2005 FOR THE FOLLOWING REASONS: - (SEE ATTACHMENT) (WRITTEN FINDINGS APPROVED DECEMBER 12, 2005)

M.O.A.  
2005 DEC 20 AM 9:19  
CLERKS OFFICE

SIGNED: Thomas H. Oryen (PETITIONER'S REPRESENTATIVE) FOREST HEIGHTS, LLC.

ADDRESS: 440 W. BENSON AVE. #200, ANCH PHONE: 562-5291

FEE: Paid by Check: # 8651 Cash \_\_\_\_\_  
Receipt # 267265

RECEIVED BY: Spencer L. Glenn

DATE RECEIVED: 12/20/05

\* Rezoning (Petitioner or anyone objecting to decision)

\* Ordinance Amendments - changes to Title 21 regarding text (petitioner or anyone objecting to decision).

ATTACHMENT 'A'

The Planning and Zoning Commission, at a public hearing held on November 7, 2005, denied our petition for rezoning the property commonly referred to as Forest Heights form PLI to R-7 with special limitations.

The written findings were approved on December 12, 2005, listing 30 written findings of fact.

This is a request to forward our request for rezone to the Municipal Assembly for consideration.

The request is to rezone 120 acres commonly known as Forest Heights, from P.L.I. to R-7sl zoning. The parcel is more definitely described as:

NW ¼, NE ¼, and the S ½, NE ¼, of Section 10, Township 11 North, Range 3 West, S.M., Ak. (Parcel also to be platted as Tract 'A', Forest Heights by platting action Case S-11418.)

Special limitations proposed are:

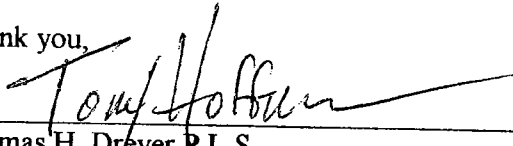
1. Density is limited to 2 dwelling units per acre. (DUA)
2. Development within substantial areas greater than 30% slope affected land shall be prohibited except for special limited clearing of vegetation, location of utilities and road construction, unless with an approved mitigation plan by the MOA Planning Department.
3. Public water and sewer shall service each dwelling unit and provide required fire flow requirements.
4. Traffic Impact Analysis must be approved by the MOA Traffic Department.
5. All streams shall have protective easements.
6. If the MOA selects Tract B, Forest Heights, (From platting Case S-11418.) then Tract B would remain as PLI.
7. A 30' wide buffer yard is required along Golden View Drive.
8. All lots shall only access the internal circulation roads within Forest Heights.
9. Recommendations of the final, approved Drainage Impact Analysis shall be implemented through the platting or site plan process.

Our reasons for bringing this forward to the Assembly are listed below:

1. The MOA planning department fully recommended our proposal to the P&Z Commision.

2. We complied with all Title 21 requirements for rezones.
3. The P&Z Commission made their decision not on the facts, but relied on emotionalism from a few biased neighbors.
4. We complied with all aspects and met the intent of the Anchorage 2020 Plan.
5. We complied with and met the intent of the Anchorage Comprehensive Plan.
6. A near exact rezone as this petition was approved by the P&Z Commission on June 5, 2000.
7. The P&Z Commission relied on innuendos of the Public testimony instead of the facts as presented by the Petitioner and the MOA Planning Department.
8. The P&Z Commission ignored the fact that the petitioner had submitted a Traffic Impact Analysis, and relied instead on hearsay.
9. The P&Z Commission ignored the fact that the petitioner had submitted a Drainage Impact analysis, and relied on hearsay.
10. Errors are rampant in the P&Z Commission's resolution No. 2005-067, and will be further itemized and outlined in future submittals for the Assembly.

Thank you,

  
\_\_\_\_\_  
FOR Thomas H. Dreyer P.L.S.  
Petitioner's representative.

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7 **The finding of fact as per Planning & Zoning Resolution No. 2005-067:**  
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9

- 10 1. This is a request to rezone a 120 acre undeveloped, un-subdivided parcel. The  
11 applicant proposes a minimum lot size of 20,000 square feet. The developer  
12 expects to extend sewer and water to the subdivision.  
13
- 14 2. Located in the lower elevations of the south Anchorage hillside, the property's  
15 topography is shown in the *Potter Valley Land Use Analysis* as ranging from less  
16 than 15% to greater than 46%. Portions of the west half of the property and the  
17 northwest corner have a series of steeply sloped ridges and ravines constraining  
18 development. The eastern portion of the site is uniformly gently sloped. The site  
19 is heavily forested with a mix of birch and spruce with some pockets of scrub  
20 spruce, brush and grasses.  
21
- 22 3. The applicant identified vehicular access to the development from Goldenview  
23 Drive and Bettjean Street and also identified future access from Potter Valley  
24 Road. Goldenview Drive and Potter Valley Road are designated as Class I  
25 Residential Collectors requiring 80 foot rights of way. Area residents strongly  
26 objected to access via Bettjean due to the inability of this access to handle more  
27 subdivision traffic or traffic associated with subdivision construction. The  
28 applicant's representative subsequently supported their concerns and cited the  
29 *Hillside Wastewater Management Plan* which states that exit and entry points to a  
30 subdivision are permitted only on streets defined as residential collectors or  
31 arterial streets.  
32
- 33 4. The property is located within the building safety, fire, police, parks and solid  
34 waste disposal service areas. The petition property is outside of both the  
35 Anchorage Roads and Drainage Service Area (ARDSA), and any Limited Road  
36 Service Area (LRSA). The site is adjacent to the Goldenview LRSA and the  
37 Potter Valley Road ARDSA.  
38
- 39 5. MOA Watershed Management and the *Potter Valley Land Use Analysis* reveal  
40 that the property exhibits substantial environmental characteristics that could  
41 constrain development. These characteristics include the presence of significant  
42 mammal habitat, wetlands, springs, high watertable, shallow bedrock, and  
43 extreme topography.  
44
- 45 6. The *Areawide Trails Plan* shows the Moen Trail as a planned multi-use unpaved  
46 trail crossing the property in a northeast to southwest direction. The Moen Trail

1 is a long established and popular trail that passes through the site. An additional  
2 trail is also shown on the Plan running south from Feodosia Drive and connecting  
3 to the Moen Trail.  
4

- 5 7. The *Anchorage Long-Range Transportation Plan* encompasses the span of time to  
6 the year 2025. It identifies the Rabbit Creek Road as the primary access to many  
7 lower Hillside residential areas, especially those served by Goldenview Drive. By  
8 2025, Rabbit Creek Road shows a capacity deficiency. A third lane for left turns  
9 likely will be needed to accommodate the projected traffic demand. The list of  
10 Recommended Road Improvement Projects shows improvements to Rabbit Creek  
11 Road from New Seward Highway to Goldenview Drive as an upgrade to a 3-lane  
12 arterial to increase capacity.  
13

- 14 8. The *Anchorage 2020 Comprehensive Plan* indicates there is approximately  
15 14,300 acres of vacant land remaining in the Anchorage Bowl, of which  
16 approximately 11,200 acres is classified as suitable or marginally suited for all  
17 future development - residential, commercial, industrial, PLI, and other. Of the  
18 11,200 acres, 8,537 acres (76%) is designated residential, of which 49% or 5,447  
19 acres is located in Southeast Anchorage.  
20

- 21 9. The 2020 Plan-forecasts the addition of 81,800 residents and 31,600 more  
22 housing units in the Anchorage Bowl by the year 2020. Growth allocation is  
23 spread among the five sub-areas (Northwest, Northeast, Southwest, Central and  
24 Southeast). The petition area is located within the Hillside Wastewater  
25 Management Plan boundary.  
26

- 27 10. Surrounding land use densities is a subject of disagreement. Of the land already  
28 developed, regardless of how the land is zoned, it appears that developed densities  
29 tend to be less than that called for in the 1982 Comprehensive Plan residential  
30 intensity map and approved zoning. This is most likely the result of development  
31 being market driven, with a preference in this area for single-family detached  
32 homes on large lots.  
33

- 34 11. The application proposes 160 dwelling units at a DUA of 2.0. During the public  
35 hearing the applicant's representative offered a DUA of 1.4 in this situation as R-7  
36 allows a density of 2.0 DUA and R-6 allows a density of 0.8 DUA.  
37

- 38 12. Based on AMC 21.85.050, 160 dwelling units at 8.2 ADT per unit results in the  
39 generation of 1,312 average daily trips per day. An additional road link is needed  
40 between Goldenview Drive and Potter Valley Road through the petition site to  
41 function as a collector street. The link would greatly improve access to the site  
42 and serve as a primary access. It would help to reduce the traffic on Goldenview  
43 Drive as well as provide a needed south access to the area for emergency services.  
44

- 1 13. The long range development of the hillside area will likely require the  
2 construction of a new elementary school. A possible location for a school site  
3 could be in the southeast area of the petition site.  
4
- 5 14. Roadway standards applicable to the rest of the Municipality are often  
6 compromised by hillside conditions, such as shallow soils, near-surface bedrock,  
7 extreme topographic variations and slope aspects, poor drainage and local  
8 glaciation. Concerns center on access for public health and safety and especially  
9 on the regular maintenance and repair of subdivision roads. Designing and  
10 maintaining roadways accessible to fire trucks, school buses and other public  
11 vehicles continues to be a specific hillside problem that will only become more  
12 significant as the area continues to grow. Roadway financing has occasionally  
13 been problematic within the Hillside area particularly under private financing  
14 schemes.  
15
- 16 15. The Rabbit Creek Community Council believes the request for rezone is  
17 premature due to the need for additional studies and the lack of a final traffic plan.  
18 Any rezone should be at a lower density due to land constraints and impacts on  
19 the surrounding neighborhoods and infrastructure. Rezones must follow the  
20 guidelines of Anchorage 2020, which state that a Hillside District Plan is needed  
21 to map out traffic circulation, land use, residential densities, sewer and water, and  
22 trails and parks. This plan has not been completed, yet many large tracts are  
23 being zoned and platted. Further wetland studies are needed to determine how the  
24 presence of wetlands will impact the subdivision layout. A final Traffic Impact  
25 Analysis is needed to determine the ability of existing and proposed roadways to  
26 support the requested rezone to R-7. Identification of any additional roadways  
27 and their classification is also needed. The Council noted the Fire Department did  
28 not submit review comments on the rezone.  
29
- 30 16. Public testimony is in opposition to the rezoning on the basis that it violates  
31 several policies of Anchorage 2020.  
32
- 33 17. Public testimony noted that the subdivision should be required to annex into the  
34 LRSA as all subdivision traffic would travel on LRSA roads. Thus, the new  
35 homeowners should contribute to maintenance of LRSA roads.  
36
- 37 18. Other testimony focused on wildlife, trails, and watershed value. The R-7 zoning  
38 would irreparably fragment and destroy the last wildlife corridor connecting sea  
39 level marshes with the alpine tundra and protected ecosystem of Chugach State  
40 Park. Wildlife is now a common feature of the area and this is a major part of  
41 what makes Anchorage a special place to live. The Moen Trail should be  
42 maintained where it exists as it is a popular trail and used for many recreational  
43 activities. It is also an accessible and dry trail. A 50 foot naturally vegetated  
44 buffer should be provided on either side of the trail. R-7 zoning would further  
45 compromise water quantity and quality essential to Potter Marsh and the Potter  
46 Point State Game Refuge. Waterways originating on the petition site drain into

Potter Marsh providing about half of the water that sustains the marsh as documented in the Potter Valley Land Use Analysis. As a result of the study, the Municipality designated the HLB land between the subject tract and the marsh as open space. Testimony recommended denial of the proposal or a significant delay to allow the petitioner to continue discussions initiated at a recent Rabbit Creek Community Council meeting.

19. Further public testimony commented on the difference in character between the newer neighborhoods that are devoid of trees and animals and older neighborhood that have retained these characteristics.

20. Public testimony provided a history of the Moen Trail which runs from the Potter Section House to the Moen Homestead. A request was made to maintain the first pathway used for the pioneers of South Anchorage.

21. The loss of vegetation under R-7 zoning was noted during testimony. The proposed zoning is not thought to be a practical density on the petition site and maintain any natural vegetation. Also development of this subdivision would not allow a corridor for wildlife.

22. Testimony stressed whether the Commission has the data and analysis to support the request for rezoning. Still needed, is mapping of the surface and subsurface hydrology, traffic studies delineated, addressing the mitigation of impacts to wildlife and other natural uses, and the use of the Moen Trail.

23. Testimony noted the Commission must evaluate the cumulative effect of similar development. The approval of two preceding rezones for Goldenvue Park and Prominence Pointe is known. These rezones resulted in traffic and environmental harm to surrounding neighborhoods.

24. There was testimony comparing the hydrological analysis of the site as prepared by consultants for the developer and the analysis done by MOA Watershed Management Services. Each of the two studies produced a map depicting the watershed but with very different conclusions.

25. Addressing the Commission's question - why the petitioner feels it is in the best interest of the public to zone this property R-7 rather than R-6. Mr. Dreyer stated Anchorage 2020 defines this property as on the urban side of the urban/rural line. AMC 21.45.200 defines the urban/rural lot cutoff at 2.2 DUA. The petitioner's proposal is considerably less than 2.2 DUA. In response to a question from the Commission as to whether staff has the same understanding about the definitiveness of the urban/rural boundary. Staff responded that the urban/rural boundary is conceptual only; the study area goes further west.

26. The Commission finds that the applicant did not adequately demonstrate that the rezoning was in the best interest of the public per AMC 21.20.090. Members

1 cited insufficient information to decide if the rezoning is appropriate. Specifically  
2 lacking, is complete information on the dwelling units per acre, the drainage plan  
3 is uncertain, uncertainty about the Potter Marsh recharge, and information on  
4 schools and fire service. The testimony and pictures show a rural surrounding  
5 area. The Commission noted there was compelling testimony about the  
6 insufficiency of information and were persuaded by testimony that the  
7 Commission could not understand the effect of development and the cumulative  
8 impact on the surrounding neighborhood.  
9

10 27. A member of the Commission felt there are portions of the Hillside that should be  
11 developed at higher density than R-6 allows, that is supported by public need.  
12 Noted is the severe shortage of residential land in the community. The sewer  
13 system installed in the area was designed to take this proposed density and above.  
14 Issues raised by the neighborhood are accurate but the Commission does not have  
15 sufficient information to address them. A master planning process would allow  
16 this development to look at broader issues outside the typical platting process.  
17

18 28. The Commission finds the request is not in conformance with *Anchorage 2020*  
19 *Comprehensive Plan* polices # 13, 46, 48, 65, and 67.  
20

21 29. The Commission finds the Preliminary Traffic Impact Analysis is deficient in its  
22 analysis. The Commission finds that the Final Traffic Impact Analysis shall extent  
23 well beyond the subject property to fully analyze the traffic circulation and traffic  
24 impacts of the proposed rezoning.  
25

26 30. The Commission offered the applicant an opportunity to prepare a master plan for  
27 the proposed residential subdivision in order to supply information necessary for  
28 the Commission to make an informed decision. The offer was declined by the  
29 applicant's representative, Tom Dreyer, stating that he did not believe the issues  
30 on this property are more difficult than those on many other subdivisions and  
31 professionals have been engaged to design appropriately around those issues. He  
32 did not believe that adding another step was desirable as the process is difficult as  
33 it is. Mr. Dreyer felt the Platting Board regularly deals with larger issues and it is  
34 appropriate to address those issues through that process.  
35  
36  
37

# CASH RECEIPT

267265

Municipality of Anchorage  
P.O. Box 196650 • Anchorage, AK 99519-6650  
FINANCE DEPARTMENT



Date of Payment (MMDDYY)

12/20/05

Received from

Baron Scott

Remarks/Address

Rezoning Request 2005-139

Amount of Payment

\$ 960.-

CK # 8651

Payment type (select only one)

☒ Cash/Check

☐ Credit Card

☐ Debit Card

☐ Other

Employee I.D.

21923

Coll. Org.

1020

Deposit I.D.

## ACCOUNTING INFORMATION

LN#	\$ AMOUNT	FUND	ACCOUNT	ORG	PROGRAM	CLASS	BDGT PERIOD	PROJECT/GRANT
	ACTIVITY ID		RES TYPE	RES CAT	OPEN ITEM			DESCRIPTION
1	960.-	101	9794	1020	0000	000	2005	102000
								Appeal
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								

AARON F. SCOTT  
TABITHA R. SCOTT  
8324 E. 130th Avenue  
Anchorage, AK 99516

# 267265  
8651

12/19/05 DATE

89-93/1252

Pay to the order of MOA

nine hundred sixty + 00/100 DOLLARS

Northrim Bank  
Customer First Service  
www.northrim.com

FOR

⑆ 25200934⑆ 7100526211⑆

8651

Prepared by: Spide L. Green

Date prepared: 12/20/05 Phone no: 343-4314

**MUNICIPALITY OF ANCHORAGE**  
**PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-067**

A RESOLUTION DENYING A REZONING FROM PLI (PUBLIC LANDS AND INSTITUTIONS) TO R-7 (INTERMEDIATE RURAL RESIDENTIAL) FOR NW1/4, NE1/4, S1/2, NE1/4 OF SECTION 10, TOWNSHIP 11 NORTH, RANGE 3 WEST, S.M. AK; GENERALLY LOCATED BETWEEN THE SEWARD HIGHWAY AND GOLDENVIEW DRIVE, AND EAST 172<sup>ND</sup> AVENUE AND POTTER VALLEY ROAD.

(Case 2005-139, Tax I.D. No. 020-018-19)

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WHEREAS, a request has been received from Forest Heights LLC to rezone from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential) for NW1/4, NE1/4, S1/2, NE1/4 of SECTION 10, TOWNSHIP 11 NORTH, RANGE 3 WEST, S.M. AK; generally located between the Seward Highway and Goldenview Drive, and East 172<sup>nd</sup> Avenue and Potter Valley Road, and

WHEREAS, notices were published, posted and 67 public hearing notices were mailed and a public hearing was held on November 7, 2005.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

1. This is a request to rezone a 120 acre undeveloped, unsubdivided parcel. The applicant proposes a minimum lot size of 20,000 square feet. The developer expects to extend sewer and water to the subdivision.
2. Located in the lower elevations of the south Anchorage hillside, the property's topography is shown in the *Potter Valley Land Use Analysis* as ranging from less than 15% to greater than 46%. Portions of the west half of the property and the northwest corner have a series of steeply sloped ridges and ravines constraining development. The eastern portion of the site is uniformly gently sloped. The site is heavily forested with a mix of birch and spruce with some pockets of scrub spruce, brush and grasses.
3. The applicant identified vehicular access to the development from Goldenview Drive and Bettjean Street and also identified future access from Potter Valley Road. Goldenview Drive and Potter Valley Road are designated as Class I Residential Collectors requiring 80 foot rights of way. Area residents strongly objected to access via Bettjean due to the inability of this access to handle more subdivision traffic or traffic associated with subdivision construction. The applicant's representative subsequently supported their concerns and cited the *Hillside Wastewater Management Plan* which states that exit and entry points to a subdivision are permitted only on streets defined as residential collectors or arterial streets.
4. The property is located within the building safety, fire, police, parks and solid waste disposal service areas. The petition property is outside of both the Anchorage Roads and Drainage Service Area (ARDSA), and any Limited Road

Service Area (LRSA). The site is adjacent to the Goldenview LRSA and the Potter Valley Road ARDSA.

5. MOA Watershed Management and the *Potter Valley Land Use Analysis* reveal that the property exhibits substantial environmental characteristics that could constrain development. These characteristics include the presence of significant mammal habitat, wetlands, springs, high watertable, shallow bedrock, and extreme topography.
6. The *Areawide Trails Plan* shows the Moen Trail as a planned multi-use unpaved trail crossing the property in a northeast to southwest direction. The Moen Trail is a long established and popular trail that passes through the site. An additional trail is also shown on the Plan running south from Feodosia Drive and connecting to the Moen Trail.
7. The *Anchorage Long-Range Transportation Plan* encompasses the span of time to the year 2025. It identifies the Rabbit Creek Road as the primary access to many lower Hillside residential areas, especially those served by Goldenview Drive. By 2025, Rabbit Creek Road shows a capacity deficiency. A third lane for left turns likely will be needed to accommodate the projected traffic demand. The list of Recommended Road Improvement Projects shows improvements to Rabbit Creek Road from New Seward Highway to Goldenview Drive as an upgrade to a 3-lane arterial to increase capacity.
8. The *Anchorage 2020 Comprehensive Plan* indicates there is approximately 14,300 acres of vacant land remaining in the Anchorage Bowl, of which approximately 11,200 acres is classified as suitable or marginally suited for all future development – residential, commercial, industrial, PLI, and other. Of the 11,200 acres, 8,537 acres (76%) is designated residential, of which 49 % or 5,447 acres is located in Southeast Anchorage.
9. The 2020 Plan forecasts the addition of 81,800 residents and 31,600 more housing units in the Anchorage Bowl by the year 2020. Growth allocation is spread among the five sub-areas (Northwest, Northeast, Southwest, Central and Southeast). The petition area is located within the Hillside Wastewater Management Plan boundary.
10. Surrounding land use densities is a subject of disagreement. Of the land already developed, regardless of how the land is zoned, it appears that developed densities tend to be less than that called for in the 1982 Comprehensive Plan residential intensity map and approved zoning. This is most likely the result of development being market driven, with a preference in this area for single-family detached homes on large lots.
11. The application proposes 160 dwelling units at a DUA of 2.0. During the public hearing the applicant's representative offered a DUA of 1.4 in this situation as R-7 allows a density of 2.0 DUA and R-6 allows a density of 0.8 DUA.

12. Based on AMC 21.85.050, 160 dwelling units at 8.2 ADT per unit results in the generation of 1,312 average daily trips per day. An additional road link is needed between Goldenview Drive and Potter Valley Road through the petition site to function as a collector street. The link would greatly improve access to the site and serve as a primary access. It would help to reduce the traffic on Goldenview Drive as well as provide a needed south access to the area for emergency services.
13. The long range development of the hillside area will likely require the construction of a new elementary school. A possible location for a school site could be in the southeast area of the petition site.
14. Roadway standards applicable to the rest of the Municipality are often compromised by hillside conditions, such as shallow soils, near-surface bedrock, extreme topographic variations and slope aspects, poor drainage and local glaciation. Concerns center on access for public health and safety and especially on the regular maintenance and repair of subdivision roads. Designing and maintaining roadways accessible to fire trucks, school buses and other public vehicles continues to be a specific hillside problem that will only become more significant as the area continues to grow. Roadway financing has occasionally been problematic within the Hillside area particularly under private financing schemes.
15. The Rabbit Creek Community Council believes the request for rezone is premature due to the need for additional studies and the lack of a final traffic plan. Any rezone should be at a lower density due to land constraints and impacts on the surrounding neighborhoods and infrastructure. Rezones must follow the guidelines of Anchorage 2020, which state that a Hillside District Plan is needed to map out traffic circulation, land use, residential densities, sewer and water, and trails and parks. This plan has not been completed, yet many large tracts are being zoned and platted. Further wetland studies are needed to determine how the presence of wetlands will impact the subdivision layout. A final Traffic Impact Analysis is needed to determine the ability of existing and proposed roadways to support the requested rezone to R-7. Identification of any additional roadways and their classification is also needed. The Council noted the Fire Department did not submit review comments on the rezone.
16. Public testimony is in opposition to the rezoning on the basis that it violates several policies of Anchorage 2020.
17. Public testimony noted that the subdivision should be required to annex into the LRSA as all subdivision traffic would travel on LRSA roads. Thus, the new homeowners should contribute to maintenance of LRSA roads.
18. Other testimony focused on wildlife, trails, and watershed value. The R-7 zoning would irreparably fragment and destroy the last wildlife corridor connecting sea level marshes with the alpine tundra and protected ecosystem of Chugach State Park. Wildlife is now a common feature of the area and this is a major part of what makes Anchorage a special place to live. The Moen

Trail should be maintained where it exists as it is a popular trail and used for many recreational activities. It is also an accessible and dry trail. A 50 foot naturally vegetated buffer should be provided on either side of the trail. R-7 zoning would further compromise water quantity and quality essential to Potter Marsh and the Potter Point State Game Refuge. Waterways originating on the petition site drain into Potter Marsh providing about half of the water that sustains the marsh as documented in the Potter Valley Land Use Analysis. As a result of the study, the Municipality designated the HLB land between the subject tract and the marsh as open space. Testimony recommended denial of the proposal or a significant delay to allow the petitioner to continue discussions initiated at a recent Rabbit Creek Community Council meeting.

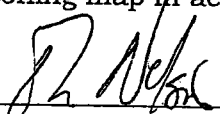
19. Further public testimony commented on the difference in character between the newer neighborhoods that are devoid of trees and animals and older neighborhood that have retained these characteristics.
20. Public testimony provided a history of the Moen Trail which runs from the Potter Section House to the Moen Homestead. A request was made to maintain the first pathway used for the pioneers of South Anchorage.
21. The loss of vegetation under R-7 zoning was noted during testimony. The proposed zoning is not thought to be a practical density on the petition site and maintain any natural vegetation. Also development of this subdivision would not allow a corridor for wildlife.
22. Testimony stressed whether the Commission has the data and analysis to support the request for rezoning. Still needed, is mapping of the surface and subsurface hydrology, traffic studies delineated, addressing the mitigation of impacts to wildlife and other natural uses, and the use of the Moen Trail.
23. Testimony noted the Commission must evaluate the cumulative effect of similar development. The approval of two preceding rezones for Goldenview Park and Prominence Pointe is known. These rezones resulted in traffic and environmental harm to surrounding neighborhoods.
24. There was testimony comparing the hydrological analysis of the site as prepared by consultants for the developer and the analysis done by MOA Watershed Management Services. Each of the two studies produced a map depicting the watershed but with very different conclusions.
25. Addressing the Commission's question - why the petitioner feels it is in the best interest of the public to zone this property R-7 rather than R-6. Mr. Dreyer stated Anchorage 2020 defines this property as on the urban side of the urban/rural line. AMC 21.45.200 defines the rural/urban lot cutoff at 2.2 DUA. The petitioner's proposal is considerably less than 2.2 DUA. In response to a question from the Commission as to whether staff has the same understanding about the definitiveness of the rural/urban boundary. Staff responded that the rural/urban boundary is conceptual only; the study area goes further west.

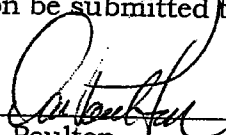
26. The Commission finds that the applicant did not adequately demonstrate that the rezoning was in the best interest of the public per AMC 21.20.090. Members cited insufficient information to decide if the rezoning is appropriate. Specifically lacking, is complete information on the dwelling units per acre, the drainage plan is uncertain, uncertainty about the Potter Marsh recharge, and information on schools and fire service. The testimony and pictures show a rural surrounding area. The Commission noted there was compelling testimony about the insufficiency of information and were persuaded by testimony that the Commission could not understand the effect of development and the cumulative impact on the surrounding neighborhood.
  27. A member of the Commission felt there are portions of the Hillside that should be developed at higher density than R-6 allows, that is supported by public need. Noted is the severe shortage of residential land in the community. The sewer system installed in the area was designed to take this proposed density and above. Issues raised by the neighborhood are accurate but the Commission does not have sufficient information to address them. A master planning process would allow this development to look at broader issues outside the typical platting process.
  28. The Commission finds the request is not in conformance with *Anchorage 2020 Comprehensive Plan* polices #13, 46, 48, 65, and 67.
  29. The Commission finds the Preliminary Traffic Impact Analysis is deficient in its analysis. The Commission finds that the Final Traffic Impact Analysis shall extent well beyond the subject property to fully analyze the traffic circulation and traffic impacts of the proposed rezoning.
  30. The Commission offered the applicant an opportunity to prepare a master plan for the proposed residential subdivision in order to supply information necessary for the Commission to make an informed decision. The offer was declined by the applicant's representative, Tom Dreyer, stating that he did not believe the issues on this property are more difficult that those on many other subdivisions and professionals have been engaged to design appropriately around those issues. He did not believe that adding another step was desirable as the process is difficult as it is. Mr. Dreyer felt the Platting Board regularly deals with larger issues and it is appropriate to address those issues through that process.
- B. The Commission recommends the DENIAL of the rezoning by the Anchorage Assembly for NW1/4, NE1/4, S1/2, NE1/4 OF SECTION 10, TOWNSHIP 11 NORTH, RANGE 3 WEST, S.M. AK.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 7th day of November, 2005.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 12<sup>th</sup> day of Dec 2005. If the Planning and Zoning Commission recommends that the Assembly disapprove a zoning map amendment, that action is final unless within

15 days of the Commission's written resolution recommending disapproval, the applicant files a written statement with the municipal clerk requesting that an ordinance amending the zoning map in accordance with the application be submitted to the Assembly.

  
\_\_\_\_\_  
Tom Nelson  
Secretary

  
\_\_\_\_\_  
Don Poulton  
Chair

(Case 2005-139)  
(Tax ID No. 020-018-19)

sf

The public hearing was opened and closed without public comment.

COMMISSIONER SIMONIAN moved for approval of the ordinance amendment to AMC 21.50.160, establishing new subsections G and H, along with revised fees, as contained in the revised ordinance. COMMISSIONER ISHAM seconded.

COMMISSIONER SIMONIAN supported her motion, stating that this is a way to streamline a process that was unfriendly to people wishing to conduct important cultural and other events in the community. This will take the burden off the Department and Assembly and make these events and outdoor activities more likely to happen.

AYE: Isham, Pease, T. Jones, G. Jones, Simonian, Wielechowski,  
Debenham

NAY: None

PASSED

- 3. 2005-139** Forest Heights LLC. A request to rezone approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential). T11N R3W, Section 10, the NW 1/4 NE 1/4 S 1/2 NE 1/4, S.M., AK. Located west of Golden View Drive and southwest of 172nd Avenue, an "L" shaped 120-acre parcel of land.

Staff member SHARON FERGUSON stated the Planning Director had signed this Staff analysis ahead of reviewing it due to deadline requirements for submittal to the Commission. Upon later review, he requested that she make revisions to the recommendations deleting special limitations 1 and 3. He felt that the items listed in 3 could be handled at the Platting Board. She stated the 120-acre petition site is generally located between the Seward Highway to the west, Goldenview Drive to the east, Potter Valley Road to the south and East 172<sup>nd</sup> Avenue to the north. The petition site consists of a large undeveloped, unsubdivided parcel. The petitioner proposes a minimum lot width of 20,000 SF, for a density of 2.2 DUA. The petitioner indicates that development would occur in at least two phases over the next one to five years, depending on market conditions and absorption rates. The Heritage Land Bank (HLB) is currently negotiating for acquisition of Tract B for a public purpose, perhaps as a school site or water reservoir.

The Areawide Trails Plan shows the existing Moen Trail and an additional trail is shown on the Plan running south from Feodosia Drive connecting

to the Moen Trail. The LRTP identifies Rabbit Creek Road as the primary access to many lower Hillside residential areas, especially those served by Goldenview. By 2020, the Plan depicts Rabbit Creek Road showing a traffic deficiency and at that time a third lane would likely be need for left-hand turns to accommodate traffic demand. The *Potter Valley Land Use Analysis* for Area A to the west of the subject site refers to the Alaska Department of Fish and Game (ADF&G) identifying this area as being a significant mammal habitat. The ADF&G has indicated this area has hydrology concerns, specifically the effects of development on freshwater drainages that serve as base flow to the Potter Marsh system. Transportation Planning has long noted that the circulation system in this area of the Hillside is incomplete, including a north/south collector system. At present, Goldenview Drive serves as the only collector road into and out of the area. MS. FERGUSON corrected page 7 of the packet to indicate that Susitna View Estates subdivision does have on-site systems.

The Preliminary Traffic Impact Analysis (TIA) states that the primary access will be via Goldenview Drive and a secondary access from Bettjean Street will be constructed during the first phase of the project. The access from Bettjean Street would connect to the Old Seward Highway by means of Virgo Avenue. An additional link is needed between Goldenview Drive and Potter Valley Road through the petition site that will function as a collector street. This new link will greatly improve the access to this site and should serve as its primary access. It is not know if the developers have acquired any access to Potter Valley Road as the land between their property and the road is under other ownership.

The application states that public water and sewer will be extended to the subdivision. The high school and elementary school in this area are currently over capacity. This area is identified for low- to medium-residential density of 1 to 8 DUA. Anchorage 2020 forecasts the addition of 81,800 residents and 31,600 more housing units in the Anchorage Bowl by the year 2020. Growth allocation is spread among the five sub-areas. Of the land already developed, regardless of how the land is zoned, it appears that developed densities tend to be less than that called for in the 1982 Comprehensive Plan residential intensity map. This is most likely the result of development being market driven, with a preference for single-family detached homes.

The developers had a consultant prepare a wetlands delineation. At a meeting last week between the developers, municipal staff, the EPA and the Corps of Engineers (COE), the EPA and the COE questioned the assumptions and findings of that delineation. MS. FERGUSON added a new special limitation: "If the Municipality of Anchorage does select Tract B, the zoning shall remain as PLI. The remainder of the parcel shall be



zoned R-7 per the rezone application. If the Municipality of Anchorage does not select Tract B, then the entire 120-acre parcel will be rezoned to R-7 per the rezone application."

COMMISSIONER WIELECHOWSKI noted that an October 19, 2005 letter from the Rabbit Creek Community Council says there is substantial material variance between the application and the notice provided. MS. FERGUSON stated when the notices were originally sent the rezoning was shown as R-7SL; the mistake was recognized and new notices were sent within the 21-day period. The developer put a notice in the *Anchorage Daily News* reflecting that as well.

COMMISSIONER DEBENHAM noted that page 35 of the packet shows the proposed Forest Heights multi-use detached trail. He asked if that is acceptable in lieu of the Moen Trail. MS. FERGUSON stated Staff would like to refrain from comment on the issue of the trail, which will be addressed through the platting process. COMMISSIONER DEBENHAM asked if the issue of the north/south collector street has been resolved to the Department's satisfaction. MS. FERGUSON replied that would be finalized during a subdivision plat. COMMISSIONER DEBENHAM asked if the density of 2 DUA or less in the original special limitation 1 came from the recommendation of ADF&G on page 52 of the packet. He asked why the Department was deleting special limitation 1. MS. FERGUSON replied the developer is proposing a minimum lot size of 20,000 SF, which is a density in the range of 2.2 DUA. VICE CHAIR G. JONES noted that ADF&G has recommended 2-acre lot size. MS. FERGUSON replied that this issue would come up during the platting process. VICE CHAIR G. JONES stated that the Commission is establishing density tonight and a Staff recommendation is needed. MS. FERGUSON replied that the Department supports the petitioner's proposal of 2.2 DUA.

Regarding the new special limitation 1, COMMISSIONER T. JONES asked when the Municipality anticipates making the decision regarding acquisition of Tract B. She asked whether the zoning case would not go forward in the interim. MS. FERGUSON asked that Robin Ward address this question. MS. WARD replied that it would take several months to finish the process of negotiating the contract to acquire Tract B. She suggested that if the Commission would feel more comfortable imposing a time frame to consummate a contract, she would feel comfortable with that. She did not want to preclude the ability of the petitioner to accomplish a full rezoning if the Municipality does not consummate acquisition of Tract B. VICE CHAIR G. JONES suggested this is an effective date clause that would apply to that portion of the subdivision (Tract B).

COMMISSIONER PEASE noted that at a land use map revision worksession attended by some of the Commissioners on November 3, 2005 one of the adjacent HLB parcels was a special study area. MS. FERGUSON stated she attempted to contact the Staff member who developed the draft land use map, but he was not available. The special study area is a public land parcel for which a specific use has yet to be identified. Such areas are subject to an area-specific land use study before use or development. MS. WARD stated there is an HLB parcel to the west of this property that has been identified, at least in part, as a transportation corridor reserve. If there is a future road through the petition site and the adjacent GCI parcel, in order to create an appropriate road for school buses and fire trucks, there needs to be a repair, redesign, and reconstruction of the hairpin turn into Potter Valley Road; the HLB area has been set aside for redesign of that hairpin.

The public hearing was opened.

TOM DREYER, representing the petitioner, introduced Tony Hoffman with Lantech, Dave Grenier with Triad Engineering, Dan Young with Terrasat, Chris Love with CH2M Hill, Bill Bobrick consultant, and Don McClintock attorney with Ashburn & Mason. He noted that by virtue of a rezoning to R-7, the density required is 2 DUA. He asked to add a condition 3 to read "A buffer yard is required along Goldenview Drive. He added a condition 4 to read "All lots shall only access the internal circulation roads within Forest Heights" and a condition 5 to read "Recommendations of the final approved drainage impact analysis shall be implemented through the lot platting process." He noted that the Comprehensive Plan shows no listed density goals or preferred development for this property because it was zoned PLI. The land use policy map on page 50 of Anchorage 2020 shows this land on the urban side of the conceptual boundary between urban and rural. R-7 zoning is somewhere between a typical rural and urban zoning, an R-7 zoning in this area conforms to Anchorage 2020. The Hillside Wastewater Management Plan (HWMP) shows this area within the area recommended for public sewerage. Lots larger than R-7 lots would be very expensive to develop. Public sewer and water is cleaner and a more environmentally safe alternative to on-site septic systems and water wells. The HWMP showed this property within the area to develop at a minimum density of 3 DUA until AO 2002-97 deleted that clause. The Official Streets and Highways Plan (OS&HP) specifies what is or is not a collector. Goldenview Drive and Potter Valley Road are both designated as neighborhood collectors for this area. The roads within Forest Heights will serve as local roads. MR. DREYER ensured the Commission that Lantech's teams of professionals will diligently work with all agencies, Planning staff, and the local community to ensure a subdivision of very high quality. Lantech's approach to a project of this type is to assemble the professional team, develop the needed reports, and then design the subdivision. Chris Love with CH2M Hill has delineated the wetlands and is working with the

COE and ADEC to approach those issues appropriately. Shannon & Wilson has completed their phase 1 environmental report. Dan Young has been diligently working out the issues concerning groundwater with the Municipal Watershed Management Services. Ron Theil, former traffic engineer with the Municipality, is working with Dave Grenier on the final TIA. Mr. Grenier has performed a preliminary drainage impact analysis that will be further refined as the project proceeds. The LRTP draft of 2005 shows Goldenview Drive and Potter Valley Road as the main collectors for this area. Title 21.05.120 states several issues that should be addressed by special limitations. The first is buffering. Buffering standards are being met. The HWMP envisioned this area to be rezoned to a much higher density than R-7 allows. The original text of the HWMP set a maximum density of 3 DUA and the petitioner is proposing a density of 2 DUA. The HWMP lists several concepts of buffering to apply to tracts of lands at the periphery of the sewered and non-sewered areas; it is not intended to apply to other tracts well within the sewerage area boundary. Buffering is addressed by the addition of a buffer along Goldenview Drive. Internal circulation is addressed; all lots will be accessed internally with the main entry/exit to the site via Goldenview and Potter Valley Road. The access to Bettijean is a difficult issue; it is important for fire and police safety and for neighborhood connectivity, but the residents are against the connection. The neighbors' concerns are supported by HWMP Technical Report #3, page 46, Section 6.3 that reads "Both exit and entry points to the internal circulation system will be permitted only on streets as defined as residential collectors or arterial streets as defined by the street classification system in the OS&HP." AMC 21.05.120 next requires that drainage be addressed. A drainage impact analysis has been submitted. All drainage issues will be addressed and the petitioner is working with all regulatory agencies that comment on such issues. The next item is protection of vegetation as required in 21.45.200. This requirement is being met. AMC 21.45.200.D defines a rural residential lot as meaning a residential lot with a developed density not exceeding 2.2 DUA; Forest Heights will be developed at less than 2 DUA. MR. DREYER noted that the average density in the area south of Rabbit Creek is 1.6 DUA.

COMMISSIONER PEASE noted the LRTP has not yet been adopted. She asked if the petitioner is aware of the proposed amendment #91 that would create project #809, a collector from Goldenview Drive to Potter Valley Road across HLB, AMHTA and private land. MR. DREYER heard there were many changes being discussed in relation to the LRTP; he was not aware of those changes.

DONNA VAN FLEIN, representing the Rabbit Creek Community Council, submitted photographs for the Commission's review. She suggested that this rezone is premature due to the need for additional studies and the lack of a traffic plan, but if considered, should be at a lower density due to the constraints on the land and its impacts on the surrounding neighborhoods and infrastructure. Any rezone must follow the guidelines of Anchorage 2020, which states that a

Hillside District Plan is needed to map out traffic circulation, land use, residential densities, sewer and water, trails and parks, among other items. This plan has not been completed, yet many large tracts are being zoned and platted. Policy #67 of Anchorage 2020 states "The Municipality shall preserve the functions and values of important wetlands and manage the proper use of low value wetlands with general permits, as delineated in the Anchorage Wetlands Management Plan." In 2002 and 2005, the MOA Watershed Management Department conducted a stream and drainage mapping survey that shows significant streams and wetlands on this parcel that will impact the placement of this development. The report also states that the mapping is not intended to supplant either a precise survey or accurate location of these features in the field. The Staff did not address this survey in its recommendations through special limitations. The Traffic Department determined that a full traffic impact analysis must be completed by the petitioner. This is a very important point that should not be left to platting. The MOA conducted a Hillside Sub-area Circulation Plan to determine the impact of new homes in this area from Bear Valley up to, but not including, this parcel and its neighboring undeveloped parcel to the south. This study indicates that an additional 500+ homes will be built and will all access the Goldenview/Rabbit Creek intersection. This is already an overburdened road before these developments occur and will be further impacted by the Forest Heights and View Point Subdivisions, if allowed primary access to Goldenview Drive. The Council strongly believes a primary access from the south via Potter Valley Road should be considered as a special limitation to the zoning. In 2000, the MOA comment on a prior rezone attempt on this parcel noted that "an additional link is needed between Goldenview Drive and Potter Valley Road through the petition site that will function as a collector street. this new link will greatly improve the access to this site and should serve as its primary access. It would help to reduce the traffic on Goldenview Drive, as well as provide a needed south access to the area for emergency services. For those reasons, Transportation Planning does not agree with the petitioner's proposal to utilize Goldenview Drive as a primary access to this site and recommends that a long-term need to accommodate a connector to Potter Valley Road should be addressed with the subdivision." The developer of Forest Heights plans to build in phases and begin primary access on Goldenview and on the existing LRSA maintained subdivision roads that were not meant to hold high density subdivision traffic, including Bettijean, 172<sup>nd</sup> Avenue, Calendar, Belarde, and Virgo. These roads barely accommodate the current residents and cannot handle more subdivision traffic or the construction traffic needed to develop the proposed subdivision at an R-7 zoning density level. The Council strongly objected to the connectivity of these roads, except for pedestrian access. This goes against the previous MOA comments on traffic in this area and against Anchorage 2020 Policy #13. The R-7 zoning is the same as for Prominence Pointe Subdivision, which is in this area. It is a zone that clearly violates Policy #13 and has not maintained the rural character of this area. The clearcutting of natural vegetation, mining of gravel, and disturbing of slopes caused erosion and

glaciation within that subdivision and downslope residents. Due to the similar features of this parcel, with even more wetlands, the Council submitted that the lower density subdivision would be a better solution. Furthermore, the Council notes that the Fire Department did not comment on this rezone, which is a great concern to this area.

COMMISSIONER PEASE asked what is the zoning of Prominence Pointe. MS. VAN FLEIN replied that it is zoned R-7 SL. COMMISSIONER PEASE asked if the roads shown in the handout are the secondary access to the site. MS. VAN FLEIN stated the petitioner has proposed that the two primary accesses at the first phase of the project be at Goldenview and Bettjean. COMMISSIONER PEASE asked if Virgo connects to the Old Seward Highway. MS. VAN FLEIN replied that Virgo connects to Tidewater and that leads to the Old Seward Highway. COMMISSIONER PEASE asked if the grades are steep along those roads. MS. VAN FLEIN replied that from 172<sup>nd</sup> down is a tremendous slope. In addition, 172<sup>nd</sup> from Bettjean to Belarde is an unmaintained trail and is not part of the LRSA.

LAURIE DAVEY, representing the South Goldenview LRSA, was glad to see special limitation 3.g deleted to annex into the ARDSA. Her concern was that all the access for this subdivision would be through LRSA roads. If they were part of ARDSA, there would be no contribution from the new homeowners to maintenance of the LRSA roads. The current LRSA area involves 450 property owners. By adding this new subdivision with 155 homes there would be an increased impact on the roads by 130%. The impact of construction traffic during the build out of this subdivision would be rough on area roads. It is also not fair to the South Goldenview LRSA constituents to have to subsidize road maintenance for the residents of this new subdivision. The LRSA has a four-hour call out for plowing and a contract for sanding. If these neighborhoods were forced to be under ARDSA standards, travel on these roads would be impeded. She noted that drainage from the north side of 164<sup>th</sup> Avenue naturally went toward Little Rabbit Creek but two homes were built in Goldenview Park blocking that natural drainage area. They want to put that drainage into the LRSA area with a \$30,000 bill, which is an unexpected expense at this time of the year. While sympathetic to the concept that water should be put to Little Survival Creek, putting the drainage into the LRSA area to in effect subsidize new subdivisions is unconscionable. She asked that the Commission require that the new subdivision annex into the LRSA.

COMMISSIONER WIELECHOWSKI asked if the Commission has the authority to require annexation to the LRSA. VICE CHAIR G. JONES replied that the Commission does not have the authority to do LRSA work, but the Assembly could. However, the Commission can make the recommendations it wants. MS. DAVEY stated she asked the developer whether they would agree to annex into the LRSA and they said they would.

ANN RAPPAPORT, resident to the north, asked that the rezone be postponed until a number of serious issues are resolved, and in particular wildlife, trails, watershed values. Current problems with this proposal are that it is contrary to the adjacent R-6 rural neighborhood and designated open space, and thus in conflict with Anchorage 2020 and its companion document *Living with Wildlife* that document the importance of wildlife and natural spaces to residents of and visitors to Anchorage. These documents were developed with extensive public comment and inter-agency involvement and should not be ignored. R-7 zoning would irreparably fragment and destroy the last wildlife corridor connecting sea level marshes with the alpine tundra and protected ecosystem of Chugach State Park. Wildlife are now a common feature of the area and this is a major part of what makes Anchorage a special place to live. Once the habitat is gone, it cannot be regained. The Municipal Trails Coordinator has documented the legal and historic features of the Moen Trail. This popular, accessible, and dry trail should be maintained where it exists and a 50-foot naturally vegetated buffer provided on either side. The trail is an excellent route for walking, cross-country skiing, sledding, wildlife observation, enjoying natural open spaces, and mountain biking. R-7 zoning would further compromise water quantity and quality essential to Potter Marsh and the Potter Point State Game Refuge. Waterways originating on the petition site drain into Potter Marsh providing about half of the water that sustains the marsh, as documented in the Municipality's Potter Valley Land Use Analysis. After that careful study the Municipality designated the HLB land between the subject tract and the marsh as open space. Tourists regularly visit Potter Marsh to view wildlife and those tourists represent an important and renewable component of Anchorage's economy. She recommended denial of the proposal or that it be significantly delayed to allow the petitioner to continue discussions initiated at the recent Rabbit Creek Community Council meeting. The goals of those discussions should be to develop a plan that better addresses concerns and the broader needs of Anchorage residents and visitors. She believed there could be a combination of larger lots, some smaller lots in cluster developments that protect areas of open space, maintenance of the Moen Trail, and naturally vegetated setbacks along waterways. There are opportunities to apply for grants to provide additional open space.

COMMISSIONER PEASE questioned the Staff density analysis chart with respect to the rural character of this neighborhood, noting that it states Susitna View Estates has a density of 3.7 DUA. MS. RAPPOPORT stated she lives in that subdivision, which is R-6, and the density is not that high; all lots have on-site systems. There are higher density developments to the north and they have caused significant traffic and glaciation problems, proving that higher density on the Hillside does not work. COMMISSIONER PEASE noted that Pennington Park is shown at 2.9 DUA in the packet. MS. RAPPOPORT was not familiar with the density of that subdivision.

ART WEINER, resident 1/4 mile to the north of the subject parcel, asked that the rezoning be denied. He stated he is a biologist; for the last 10 years he has become familiar with this property. He indicated he has submitted detailed comments to the Department's website, but in general, he wished to state that the forest is a very mature forest dominated by large spruce, birch, alder, and cottonwood. Many of the large spruce escaped the recent spruce bark beetle infestation and those that were infested were removed by the AMHTA. This property is now a natural, disease-free property, which is exceptional. He agreed with ADF&G that it provides a wonderful habitat for a variety of wildlife. It is a major part of the upper watershed of Potter Marsh. A stream mapping report published by the Municipality on October 21 substantiates the nature of the hydrology in the area and is somewhat in conflict with the petitioner's information. It appears the Municipality's hydrology found a great deal more in the way of wetlands, surface and groundwater features. This area is also an important movement for animals between Potter Marsh and the uplands of the Chugach Mountains. Older neighborhoods in this area are very different than the newer neighborhoods. The newer neighborhoods are devoid of trees and animals as opposed to older neighborhoods where there is vegetation and wildlife. The impacts of developing this property would be its obliteration resulting from construction of roads, pipelines for water and sewer, and homes.

COMMISSIONER PEASE noted the Staff comments did not mention the north/south trail. She asked whether Mr. Weiner could add any information in terms of who uses that trail and whether it is a needed corridor. MR. WEINER responded that he enters from Belarde, walks down the gas pipeline that transects the Moen Trail, which then goes east/west and exits at Goldenview. COMMISSIONER PEASE indicated that the north/south trail is the gas line. MR. WEINER indicated that the gas line has been trashed by four-wheelers, but it must be used to access the Moen Trail. It is possible to see the subsurface of this property on that north/south trail; they are very hydrated.

JANEY MOEN stated cited references of the National Archives, the Office of History and Archaeology, BLM, Division of Natural Resources, Municipality of Anchorage, municipal tax records and family history to provide a history of the Moen Trail. She stated every agency she listed had the Moen Trail in their books. The trail goes from Potter Section House to the Moen Homestead. The portion under discussion is from Moen Park down into the petition site. She explained the federal government initially owned the land, it went to Chugach Park, State of Alaska, Municipality of Anchorage, AMHTA, HLB, and then to the developer. She stated she had given Ms. Ferguson a copy of the State of Alaska patent, which states in 1980 120 acres were sold for the sum of \$10 to the Municipality of Anchorage "subject to valid existing trails, roads, and easements." At the Office of History and Archaeology this trail was immediately assigned number 162 in terms of historical perspective. Potter was developed in 1917 and served as the entry point for the hunters and trappers; there was also gold

mining and trapping in this area. In the 1930s homesteaders occupied the area, those being the Moens, Penningtons, and Martins. Pennington Park shows the Moen Trail "road" that was used to build that area. Through 1970 there was school bus access to local high schools. In 1997, the Moen Trail was put on the municipal Trails Plan map. The trail does not cover any wetlands. She asked that the first pathway used for the pioneers of South Anchorage not be dismissed. She indicated this road is 8 feet across in most places and is very dry.

COMMISSIONER PEASE asked if Ms. Moen has received an official determination or what is the length of the process to do so. MS. MOEN stated she took in her paperwork and the Office of History and Archaeology assigned the trail a number. When it was put on the municipal Trails Plan map she thought there would be no controversy.

GARY CAIN stated he is a licensed civil engineer who has been practicing in the State of Alaska for 23 years, 17 in Anchorage. He stated he generally does not take exception to development so long as plans call for responsible development and they are consistent with community policies and compatible with appropriate land use designations. He stated that, because the Commission is responsible for setting density, he wished to note that the density chart in the Staff analysis for adjacent zoning does not reflect reality. He displayed a subdivision map showing the petition site and the surrounding R-6, R-9 and R-10 properties. He stated there are only several R-7 subdivisions in this area. He indicated it is not practical to construct an R-7 density on the petition site and maintain any natural vegetation. He stated that development of this subdivision would not allow a corridor for wildlife. He noted that Prominence Pointe has no vegetation and has experienced severe glaciation. That subdivision is just roads and houses and a small amount of retained vegetation. He displayed a photograph that showed the treed R-6 subdivision areas, and then a photograph comparing that to R-7 development. He stated Anchorage 2020 is violated by the petitioner's proposal. He indicated his written submittal delineates specific Anchorage 2020 Policies that would not be met.

COMMISSIONER DEBENHAM asked if R-6 zoning would be more appropriate for this area. MR. CAIN replied in the affirmative.

LETA OBEGAARD stated she is always concerned about development projects that radically affect the character and integrity of an established environment. To develop an R-7 high density housing area adjacent to Potter Marsh, revered trails, wildlife areas, and established residential areas where families have lived for decades in relative peace and quiet with access to natural surroundings is the wrong project in the wrong place. When projects of this magnitude are up for consideration she asks who benefits. The surrounding neighborhoods would not benefit; there would be increased noise, and traffic. The marsh and the wildfowl that find sanctuary there would not benefit. Only the developers would benefit.

She stated that she was born and raised in Alaska and highly values the Anchorage community and its health. She has also lived in southern California and has seen how overly ambitious development can obliterate the character of a community and increase the contaminants to the environment. She now lives in Eagle River and has been surprised by a condominium project that has gouged a scar on a hillside.

KY HOLLAND stated the petition site is currently zoned PLI. The standard for the Commission's decision on future zoning is very high when considering a change from PLI. He asked that the Commission look carefully at whether it has the data and analysis to support this change. He complimented the developer on talking with the neighbors and working with the community council. He felt that some of the special limitations brought forward indicate there is a good exchange of ideas on this development, but it is incomplete. The petitioner's team is excellent, but they have not provided the data the Commission needs to make this decision. He suggested the Commission look at Prominence Pointe, which was developed on steep slopes, to see that the area is barren of natural vegetation. Special limitation 2 suggests that there be a minimal amount of disruption on slopes of 30% and yet it allows the use in that area of digging trenches for underground electricity, water pipelines, sewer, and building the roads. He noted there has been failure of the land in Prominence Pointe due to unmapped underground hydrology. The glaciation problems have disrupted the LRSAs. The Commission does not have the information it needs to support an R-7 zoning. He stated the Mayor observed at a Bear Valley Community Council meeting last year that in the past it was assumed that the land in Anchorage could support development, but that has to change. The assumption now is that the remaining land will be difficult to develop and it must be done carefully.

COMMISSIONER PEASE asked what information the Commission is missing. MR. HOLLAND did not believe that the surface and subsurface hydrology was mapped, the traffic studies were not delineated, and the recommendations do not identify how the petitioner would mitigate potential impacts to wildlife and other natural uses in the area. He did not feel their analysis has adequately addressed the use of the Moen Trail.

CAROL FREIS, resident on Virgo Avenue, stated she recently represented Rabbit Creek Community Council in meetings associated with the development of the Hillside Sub-area Transportation Study and, unfortunately, the study did not address the petition site, although the traffic from this proposed subdivision will impact the area covered by that Study. The Study predicted counts for housing counts for the area east of Goldenvue and north of 172<sup>nd</sup> Avenue and it was abundantly clear that all of those homes will use the intersection of Goldenvue Drive and Rabbit Creek Road. The Study indicated this level of development would generate 5,000 to 7,000 additional weekday trips into that intersection. The conclusion was that this would create a significant projected

operational deficiency causing significant traffic delays on Goldenview Drive and the intersection would have a LOS F by 2015; these projections did not include the development of the petition site. The Municipality of Anchorage states that it wishes to maintain a LOS D standard for city intersections. She asked why her neighborhood is being set up to live with less than this standard. She noted there was no analysis that the impact these units and associated vehicles will have on the intersection of Bridgeview and Rabbit Creek Road or Old Seward and Rabbit Creek Road. The impacts of the development in this area extend beyond the Goldenview area. ADOT staff agrees that traffic lights at the Goldenview and Rabbit Creek Road intersection are not viable due to steep grade. While the Sub-area Circulation Study does not solve the traffic problem on Goldenview Drive, it clearly points out the need for infrastructure planning prior to development in the area south of Rabbit Creek Road. Traffic is not the only impact from these additional units; wear and tear on roads is a problem. By including the subdivision in LRSA, the MOA is asking all members of the LRSA to subsidize the impact of the residents of this subdivision on Goldenview Drive. Previous zoning requests resulted in comments from the Municipality that required a collector road be built through the subdivision connecting Goldenview to Potter Valley Road. The main road for the subdivision, as designed, does not appear to meet collector standards. It is unclear from the information presented whether it will meet ASD standards for buses or standards for emergency vehicles. She asked that Traffic comments on platting case S-11418 indicate that a traffic analysis is required and she requested that this analysis be approved prior to the rezoning process. She found it troubling that special limitations were presented in the packet and then changed at this hearing.

COMMISSIONER PEASE asked if Staff reviewed the past Traffic decisions regarding a collector. She asked if the issue of the previous need for a collector was discussed. MS. FERGUSON stated Traffic has reviewed the TIA and said what needs to be addressed in the final TIA. Whether or not the collector and its past status was reviewed by Traffic she was not aware.

TOM VAN FLEIN, resident at Bettijean and 172<sup>nd</sup> Avenue, stated the municipal code puts the burden of proof on the petitioner to provide evidence that the rezone petition is in the best interest of the public (AMC 21.20.090.B). This section of the code has four sub-parts; the Commission must evaluate the cumulative effect of similar development. Testimony has been given tonight in this regard, particularly that two predecessor rezones were approved with Goldenview Park and Prominence Pointe and the cumulative effect is now known. He felt it was fair to consider both traffic and environmental harm that has resulted from those two subdivisions. He stated this information is in reports from the municipal hydrologists and the traffic report. There has also been testimony regarding the environment, which is also a consideration in AMC 21.090.B.1. There has been no comment that it is in the best interest of the public to approve the rezone. He felt the real concern with this proposal is that it

is such a high density rezone and it will create substantial changes. He stated that, as a person who develops properties in Anchorage, the first thing he does is look at the zoning of a parcel before purchasing it. If the zoning does not allow what he wants, he does not have the gall to buy it and then come to the Commission to change the law in order to make more money. He noted that this property has been zoned PLI for some time. People have purchased property in the area knowing that this property was zoned PLI. He stated there are many uses available under the PLI. The assumption has been in this petition and somewhat in the Staff analysis that the petitioner is entitled to a rezone, but he felt they had not proved the merit of a rezone.

PETER JOHNSON, resident on Taurus Circle north of the petition site, stated he has a Masters in Geology and has worked in the geologic profession for nearly 30 years. While not a hydrologist, he has an understanding of hydrologic principals. He stated he personally traversed this property on foot carrying a hand held GPS to plot areas wherever his feet got wet. He was aware of two wetland analyses on this property; both were presented to the Platting Board and he saw only one presented to the Commission. One was done for the developers by CH2M Hill and the other was done by Scott Wheaton with Municipal Watershed Management Services. Each of these two studies produced a map depicting the watershed on the petition site and both were completed this fall, but they have very different conclusions. MR. JOHNSON displayed an overhead of a map upon which the results of the two studies were overlain. The CH2M Hill study resulted in a map showing isolated areas of surface water with no attempt to interpret the significance of those areas and seemed to conclude that there is very little significant surface water on the property. They made no attempt to tie the surface water areas together and in places attempted to diminish the significance of the wet areas. The Watershed Management Services report included an in-depth analysis of the wet areas, noting for example the relationship between the steep escarpments and the location of streams and the interconnectivity of the wetlands along drainages, especially along the north/south face of the trending escarpment just above the gas line. Recognizing the interconnectivity of these wet areas is critical to understanding the impacts of developing the petition site. As a geologist, he understood how the various springs throughout this property must be interconnected just below the surface as shallow groundwater. They are not isolated pools. He stated that along the gas line forming the western boundary of this property there are broad areas of surface water and mud. There are not similar areas in the forest either above or below the gas line. The broad area of mud bog is due to the disruption of the water table in this area due to the construction of the pipeline and subsequent off road vehicle use. The natural flow of groundwater is halted and it must flow along the surface across this barrier. Similar or worse disruption of water flow can be expected in the proposed subdivision if development is allowed to disrupt both surface and shallow subsurface areas. MR. JOHNSON proposed that if the Commission recommends rezoning this property, it require a special limitation

tracting out the wet areas and associated steep slopes similar to that depicted in Figure 1 of the Watershed Management Services document and preserve it as natural open space area as called for in the Comprehensive Plan and proposed Title 21.07.020 and Title 21.07.030.

SUSANNE COMELLAS, 30-year resident of property four miles away from the petition site, stated that despite the petitioner's assertion that this rezone complies with Anchorage 2020 Policy #8, the standards in Policies #13, #46, #48, #66 and #67 cannot be met with this rezone. Policy #13 is inspiring. "New rural residential subdivisions shall be designed to: a) maintain the rural character of the area; b) link to adjacent road and trail systems; c) protect, maintain, or avoid sensitive environmental areas, wetlands, steep slopes, drainageways, unsuitable soils; and d) incorporate wildland fire safety and design standards. No reasonable person could conclude that the zoning requested could have any resemblance to the development surrounding it. This makes this subdivision fall short of Policy #13 and #46 that states "The unique appeal of individual residential neighborhoods shall be protected and enhanced in accordance with applicable goals, policies, and strategies." The fragile R-6 infrastructure would be significantly impacted by the proposed Development. The standard in Policy #13 to maintain the rural character of the area cannot be retrofitted. It also states that it is necessary to protect, maintain, or avoid sensitive environmental areas, wetlands, steep slopes, drainageways, unsuitable soils." This goes hand-in-hand with Policy #66 "Fish and wildlife habitat protection methods shall be addressed in land use planning, design, and development processes," and #67 "Critical fish and wildlife habitats, high value wetlands, and riparian corridors shall be protected as natural open spaces whenever possible." The long east/west roads will bisect this property at least five times, disrupting the wildlife corridors, wetlands, and drainageways. She noted that photographs have shown the damage that has been done by Prominence Pointe and the gas line that has existed on the petition site for many years. In Staff's own analysis the Watershed Management Section states the petitioner must resolve with WMS complete identification and mapping of all creeks, wetlands, water bodies, and major drainageways prior to recording the final plat. She did not think that comprehensive plan policies should be designated to plat notes. She understood that this rezone is a request for the Commission to approve a density prior to conclusion of studies that determine buildable ground and the ability of this development to remotely conform to Anchorage 2020. The Commission is being asked to guess whether this rezone is appropriate without the benefit of completed engineering, mapping, and conformance to the Comprehensive Plan.

BEN MAY, resident between Prominence Pointe and the petition site, stated he has a Bachelors in Geology and this parcel is a sheet of water atop bedrock and when it is permeated, mud will flow downhill to the neighbors and to Potter Marsh. He noted that spring sapping is daylighting into the roads in his subdivision as a result of runoff from Prominence Pointe. He has heard recently

that due to the movement of groundwater at Prominence Pointe, six people lost their septic systems because of flooding. He encouraged the Commission to look at the petition site as public land, as a wildlife corridor, and a fragile ecosystem that was designated for public use because that is its best use. He stated he was bothered that again the Commission is being asked to look at things that are still in question; transportation and hydrology have not been dealt with.

MAGIL ADAMSON, area resident, suggested that the Commission consider the fact that if there were not a water problem on this property it would not literally hum with four-wheelers that want to get into mud. He asked that consideration be given to Brent Scowcroft, former National Security Advisor, who said, "if I go in, how will I go out." In this vein, he asked if the site is bulldozed, how will the issues be addressed through the completion of the project and for the homeowners to be. The third thought is to "measure twice, cut once." He asked what is the harm of studying the hydrology and developing a functioning plan.

PATTY ROCKWELL, owner of property abutting the petition site, stated she was born and has lived in Alaska most of her life. She stated that most people in the area of the petition site are not anti-development zealots, but would look for a compromise. People were surprised that Staff was willing to make a favorable recommendation in this rezoning request when many people think there are insufficient facts upon which to base a recommendation. If a favorable recommendation is made, she asked that the approval be for less density than the petitioner is requesting. She noted that with less density, both the neighboring property owners and the petitioners would be making a compromise. She stated her subdivision of Pennington Park is zoned R-6. People in this area have been aware that when development comes into this area wildlife will be lost, quiet will be lost, and traffic will increase. People have been willing to pay the price to live in their subdivisions but ask that they not be asked to sacrifice more than necessary.

BRUCE SEPPI, resident at 172<sup>nd</sup> Avenue and Belarde adjacent to the petition site, stated submitted comments on the municipal website and he assumed they were in the Commission's packets. He stated his concerns deal with many issues, but his biggest concern after reading the Staff packet is that it seemed the decision has already been made on the rezone. He feared that the issues and problems with access, wildlife, lot density, fire, traffic congestion, the use and maintenance of connecting roads are to be addressed at platting; he did not think this was acceptable. He asked that the issues brought up in public testimony at this hearing be resolved before a rezoning is approved.

GERALD DUBEY, resident on Bettjean since 1978, stated he testified, as did many other residents, five years ago about a proposal to rezone this property, which was voted down. He strongly suggested that the Commission review the record of that case before making a decision on this request because many of

the issues are the same. He stated he invited the Assembly five years ago to visit this area so they could understand the true character of the neighborhoods in this area. He extended the same invitation to the Commission. He stated he would be glad to walk the Commission through the area so they can be aware of the different characters of the subdivisions in the area, what has happened in Prominence Pointe, and what could happen in this subdivision.

In rebuttal, MR. DREYER stated the minimum lot size in PLI is 15,000 SF; uses allowed or permitted by conditional use in PLI include housing for the elderly, day care facilities, 24-hour childcare facilities, natural resource extraction, correctional institutions, quasi-institutional uses, landfills, motorized sports facilities, and homeless and transient shelters. He felt that there was agreement that R-7 is more appropriate for this area. He asked that the Commission direct any questions it may have to the professionals on the project team.

DAN YOUNG stated the team met with Watershed Management, EPA and COE last week and he spent hours today with Watershed Management and they worked out a strategy that is mutually acceptable to all parties.

COMMISSIONER SIMONIAN was concerned about the lack of information on hydrology made available to the Commission. She stated she lives off Rabbit Creek Road and has seen Prominence Pointe; she asked how this subdivision would be different than Prominence Pointe. MR. YOUNG replied that this subdivision is inverted and there will be no roads onto which drainage will flow. There will be between 8 and 11 acres in lower lying areas that will be constructed wetlands and sediment traps to purify the water. Any potential pollutants would be mitigated before the water leaves the petition site. The discharges leaving the petition site will not increase from the current peak discharges. Any glaciation will be on areas that are not roads in areas that already have icing and there would be no impact to Potter Marsh or the areas below it. COMMISSIONER SIMONIAN asked for response to Mr. Johnson's request that there be mapping that synthesizes Watershed Management Services' findings with those of the petitioner. MR. YOUNG replied that Mr. Johnson's remarks are a misconception; the mapping from Watershed Management Services was of the streams and the areas shown in conflict are buffers around the streams. He was sure Mr. Johnson misunderstood the information. Watershed Management Services agreed to reflag the streams and the petitioner will survey those. He has also mapped the streams and at this point there are no conflicts. A comparison of the wetlands would be done with the COE and EPA; that has also been resolved. There are no conflicts in the wetlands, the streams, or the stream setbacks. MR. DREYER added that all the results from the meetings with the COE and Watershed Management Services are details that affect the lot layout and how parcels are tracted; this will be addressed through the platting process.



COMMISSIONER DEBENHAM asked why the petitioner feels it is in the best interest of the public to zone this property R-7 rather than R-6. MR. DREYER replied that studies have been done over the years that support this type of zoning in this area, the largest of which is Anchorage 2020. He stated he submitted an Exhibit E responding to the conclusions of the Rabbit Creek Community Council. He stated Anchorage 2020 defines this property as on the urban side of the urban/rural line. AMC 21.45.200 defines the rural/urban lot cutoff at 2.2 DUA. The petitioner's proposal is considerably less than 2.2 DUA. Anchorage 2020 has gone through many public meetings and is a very well thought out document. He noted that the ADF&G letter from Rick Sinnott has no basis in any of the planning documents.

COMMISSIONER PEASE asked whether Staff has the same understanding about the definitiveness of the rural/urban boundary. MS. CHAMBERS replied that the rural/urban boundary is conceptual only; the study area goes further west. Although the 2.2 DUA density has been seen as the guidance for the division between urban and rural, but it will probably be revisited in application to Eagle River, Chugiak, and this Hillside area. MR. DREYER noted that while Paradise Valley is zoned R-6, it is developed at 1.3 DUA. The property along the south boundary of the petition site will have a 6 DUA development. There is 0.8 DUA to the north and 1.3 DUA off of the northwest corner of the petition site. The petition site will be a buffer to the property to the south, which will be two to three times denser.

COMMISSIONER SIMONIAN asked how the petitioner responds to the charge of the Commission to consider under 21.20.090.B.1 the cumulative effect of similar development, especially given the unique nature of the topography in this area and the impact of cumulative development on existing homes. MR. DREYER stated the impact on adjacent properties is multi-faceted and one would be drainage. MR. GRENIER stated the petition site gives the opportunity for a connector road from Goldenview Drive to Potter Valley Road, which is a positive effect for the area. The density would impact the analysis and results of the TIA, so without knowing density it is difficult to prepare the TIA. In terms of drainage, the buffers provided are twice as wide as called for in Title 21. The petitioner will work with the community in the platting of this property to address the underlying issues of trails, watercourses, traffic, and connectivity. The studies that are started are continuing. The platting issues will culminate those studies.

COMMISSIONER PEASE asked if some of the 6 DUA property is developed and if so, to what density. MR. DREYER stated the list he had provided is of approved densities allowable in the area. The property between the petitioner's south boundary line and Potter Creek has not been developed yet. MS. CHAMBERS replied that 6DUA is an approved density and the property will be developed to that density not far in the future. COMMISSIONER PEASE noted that other persons testifying mentioned R-9 and R-10. She believed part of the

Moen development was at 2.5-acre lots. She asked why some of the other areas are not shown in the petitioner's information and whether those areas were considered in developing the average DUA for the area. MR. DREYER explained that he analyzed subdivisions that have DUA that is the same or greater than Forest Heights. The area south of Rabbit Creek has an average of 1.6 DUA, counting existing development or what is the approved density. The R-7 allows a density of 2.0 DUA and R-6 allows a density of 0.8 DUA. In this situation the petitioner is willing to agree to a density of 1.4 DUA for this area.

VICE CHAIR G. JONES asked if Mr. Grenier has seen the lot layout for the property to the south of the petition site. MR. GRENIER replied that there have been meetings with that developer to look at traffic circulation. VICE CHAIR G. JONES asked if they are considering a density of 6 DUA. MR. GRENIER replied that he did not think it was at that density. VICE CHAIR G. JONES stated the south half of the parcel shown on the petitioner's map as 6 DUA is developed at 1.9 DUA and the north half is being designed at a similar density.

COMMISSIONER PEASE asked if *Living with Wildlife* is a document that is formally or informally consulted by the MOA and if there is municipal staff that could provide information on the impacts of wildlife or is Rick Sinnott an appropriate expert. MS. FERGUSON replied that *Living with Wildlife* is not municipally approved. There is no municipal wildlife biologist. She believed the comments from Rick Sinnott were appropriate.

VICE CHAIR G. JONES felt there is a simple solution to at least a part of the issues that have been presented in this hearing. These issues are some of the more unique and complex ones that face real estate development in Anchorage. The Platting Board addresses some of them, but there are others, including the interface between urban and rural, public facilities on the site, the historic significance of the site, orientation of the buildings, and unique hydrology problems. There has been negative testimony about some of the projects in the neighborhood that were not subject to master plan approval. There has not been testimony about projects that were subject to master plan approval. He thought that many of the non-normal platting issues could be addressed by adding a step in the process requiring the petitioner to come back to the Commission with a master plan addressing the unique concerns of the neighborhood before the platting is done. MR. DREYER stated the issues on this property are not more difficult than those on many other subdivisions and the appropriate professionals have been engaged to design appropriately around those issues. He did not think adding another step was desirable; the process is difficult as it is. The petitioner is required to undergo this rezoning process, be in contact with the neighbors and community council over a minimum of the next three months before the matter goes to the Assembly, the plat will then be submitted and the platting process undergone. The Platting Board deals with larger issues regularly and he felt it is appropriate to address those issues through that process. He

noted that the petitioner does not object to working with either Staff or the neighbors regarding the LRSA issue.

COMMISSIONER PEASE asked for a response to the components of the reviews done by Scott Wheaton and Rick Sinnott. MS. FERGUSON stated a page of the analysis is devoted to the environment. COMMISSIONER PEASE noted that Mr. Sinnott commented on lot size and Mr. Wheaton had comments regarding a sensitive recharge zone and stream setbacks. She asked why Staff had not addressed why these were not valid or valuable. MS. FERGUSON stated regarding the appropriateness of lot size that it is recognized if the property is developed R-7 there are areas that will be tracted out because of environmental constraints; those have not been identified. She did not think it was likely that the entire site could be developed R-7. COMMISSIONER PEASE asked with respect to the character of the area if Staff visited the site. MS. FERGUSON replied that Staff had not visited the site.

The public hearing was closed.

COMMISSIONER WIELECHOWSKI moved for approval of a rezoning to R-7 subject to Staff recommendations. COMMISSIONER ISHAM seconded.

COMMISSIONER WIELECHOWSKI did not support his motion. He felt this rezoning was not in the best interest of the community under 21.20.090.B that requires a zoning map amendment can only be approved if it is in the best interest of the public. Based on the significant testimony before the Commission, he did not think this rezoning is in the best interest of the community.

COMMISSIONER PEASE also did not support the motion, in particular noting that it would not support Anchorage 2020 Policy #13, which calls for maintaining rural character, linking to adjacent roads and trails, avoiding or protecting sensitive environments, and ensuring wildfire safety. There was testimony from the petitioner that this property fit within the urban boundary, but Staff has indicated that boundary is conceptual and the study area extends west beyond this area. There was also incomplete information on the dwelling units per acre. The testimony and pictures show a rural surrounding area. Policy #46, "protecting the unique appeal of individual neighborhoods," may be not met. Policy #48, "designing to enhance scenic views and significant natural features" and Policy #65, "promoting and encouraging identification of open space," including the Coastal Wildlife Refuge and Chugach State Park in this case, are not met. With respect to Policy #67, "protecting high value wetlands and wildlife corridors" the road patterns would make it difficult to know what would be the impacts or how to ensure the value. Policy #69 "preserving functions and values of important wetlands" is not met. In addition there was compelling testimony about the insufficiency of information. She was persuaded by testimony that the Commission could not understand the effect of development or the cumulative

impact on the surrounding neighborhood. The Commission did not have the TIA and furthermore it appears that the boundaries of the TIA need to extend well beyond this property. The drainage plan seems to be uncertain. There was testimony that the COE had some questions about it. There were competing hydrology analyses. There is uncertainty about the Potter Marsh recharge. Also, the Commission is asked under the standards for rezoning to understand the impact of a rezoning on public service and there was not information on schools and fire service. She concluded that the Commission did not have sufficient information to know its action would be in the public interest under 21.20.090. This is a high stakes area for the public because of the traffic situation and the high regional value of the Potter Marsh area.

VICE CHAIR G. JONES stated he would like to support this rezone, but he was having difficulty doing so. He stated he believes there are portions of the Hillside that should be developed at higher density than R-6 allows; that is supported by public need. There is a severe shortage of residential land in the community; people are moving to the Valley and commuting and creating far more environmental damage on an areawide basis than would a subdivision, if it were done correctly. The flood of housing out of this community is a serious issue. There are public facilities that have been designed to accommodate development in this area; the sewer system installed in this area was designed to take this proposed density and above. When this property was given to the AMTHA, which is one of the largest developers in this community, it was bound for development. The difficulty he had with rezoning this property at this time was that many of the issues raised by the neighborhood are accurate and the Commission does not have sufficient information to address them. He felt that a master planning process would allow this development to look at broader issues outside the typical platting process. He indicated he would support the motion if there were a requirement for a master plan to address environmental issues, hydrology, public facilities, circulation, buffering, and land use interface between high and low density areas. This would allow broader public policy issues to be addressed as opposed to technical subdivision issues. He was surprised this was not recommended by Staff, given that Potter Creek was developed with a master plan and the property to the south of the petition site is required to go through a master planning process.

COMMISSIONER SIMONIAN concurred with the remarks made by Mr. Jones. The code puts the Commission in the position of evaluating density against very specific standards and the Commission must have the information upon which it can make a decision. It is difficult for the Commission to determine the density proposed under R-7 is appropriate without knowing what will be the traffic impact and what is the situation with respect to hydrology. The only argument from the petitioner in response to that was a listing of undesirable uses that could be developed in the PLI, which is not persuasive because those uses are not going to be developed on this property. She agreed that if the Commission could see

this request after having gone through the reviews typical under the platting process, she would be more comfortable approving the density as proposed by R-7. She stated all of the Anchorage 2020 policies cited by Ms. Pease argue against doing this at this time. Unfortunately, there are developments in this area that were not master planned that have created problems for people who live in this area.

COMMISSIONER DEBENHAM agreed with the remarks made by Ms. Pease and Mr. Jones that the Commission has insufficient information upon which to base a decision to approve this rezoning request. He thought the Hillside needs to have higher density than what R-6 permits; perhaps R-7 at 2.0 DUA is not appropriate for this land, but the Commission does not know. He agreed with Mr. Jones that a master plan would make sense in this situation to work through the issues with this subdivision. He proposed a friendly amendment to require a master plan to include a review of hydrology, historical significance, buffering, circulation, traffic, the relationship of high and low density areas, and wetlands.

MS. CHAMBERS noted that AO 84-021 identifies the master planning process under which other properties have been master planned in this area.

COMMISSIONER WIELECHOWSKI asked if the Commission has the authority to require a master plan. MS. CHAMBERS replied in the affirmative.

COMMISSIONER WIELECHOWSKI felt the issues of concern were very large. He commented that the decision before the Commission is whether or not to change the density of the area by rezoning, which would be done by approving this amendment, but he was not yet sure that the density of R-7 is appropriate. He rejected the friendly amendment.

COMMISSIONER DEBENHAM thought that during the master plan process density would be addressed; he added this to his amendment. COMMISSIONER T. JONES seconded the amendment.

VICE CHAIR G. JONES explained that the decision would be to rezone to R-7, if this motion is approved, but the density would be determined through master planning.

COMMISSIONER PEASE asked for clarification of the amendment. VICE CHAIR G. JONES explained that there is a main motion to approve the rezoning to R-7 and an amendment to require a master plan that addresses environmental, traffic, buffering, hydrology, and land use issues, as well as a determination of the appropriate density.

COMMISSIONER WIELECHOWSKI asked for Staff input regarding the proposed amendment. MS. CHAMBERS replied that AO 84-021 has a set process for master plans, including what submittals are required. She thought







that would be helpful to the petitioner in terms of submittal requirements. She suggested there be reference to that ordinance in the amendment in terms of clarifying process. COMMISSIONER WIELECHOWSKI asked if the ordinance contemplates a public hearing. MS. CHAMBERS replied that it requires a master plan that can address traffic, hydrology, density, housing styles, etc. but it does not address all of the technical details that a plat would.

COMMISSIONER DEBENHAM amended his amendment to reference AO 84-021.

COMMISSIONER ISHAM noted that the petitioner was offered the opportunity to undertake a master plan and he rejected it. He did not think the Commission should be trying to solve the petitioner's problems or is the Commission in a position to impose a master plan requirement.

COMMISSIONER PEASE was concerned whether having R-7 as an underlying zoning would in any way hamper the creative solutions that seem to be called for with this property. She felt a master plan should come before a presumptive zone.

Amendment

AYE: T. Jones, G. Jones, Simonian, Debenham

NAY: Isham, Wielechowski, Pease

FAILED

COMMISSIONER DEBENHAM was frustrated because he felt the petitioner had attempted to develop something that could benefit the public, yet the Commission could not help them move forward in that development.

AYE: Aye

NAY: Isham, Pease, T. Jones, G. Jones, Simonian, Wielechowski,  
Debenham

FAILED

**5. 2005-137**

MOA Heritage Land Bank. A request to rezone approximately 8.26 acres from PLI (Public Lands and Institutions) and R-1 (Single Family Residential) to all R-1 (Single Family Residential). Campbell Lake Outfall Subdivision, Tract B. Located at the west end of Cheveley Street and adjacent the shoreline of Turnagain Arm.

## MUNICIPALITY OF ANCHORAGE PLANNING DEPARTMENT

### Memorandum

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**DATE:** November 7, 2005

**CASE NO.:** 2005-139

**APPLICANT:** Forest Heights LLC

**PETITIONERS  
REPRESENTATIVE:** Tom Dreyer, Tony Hoffman  
Lantech, Inc.

**REQUEST:** A request to rezone approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential)

**LOCATION:** NW1/4, NE1/4, S1/2, NE1/4 of Section 10, Township 11 North, Range 3 West, S.M. AK.; generally located between the Seward Highway and Goldenview Drive, and East 172<sup>nd</sup> Avenue and Potter Valley Road.

**SITE ADDRESS:** Goldenview Drive

**COMMUNITY COUNCIL:** Rabbit Creek

**TAX NUMBER:** 020-018-19

**ATTACHMENTS:**

1. Zoning & Location Maps
2. Department & Public Comments
3. Application
4. Preliminary Traffic Impact Analysis

**RECOMMENDATION SUMMARY:** Approval with special limitations

**SITE:**

Acres: 120  
Vegetation: Spruce and Birch  
Zoning: PLI  
Topography: Slopes range from less than 15% to greater than 46%  
Existing Use: Undeveloped  
Soils: High watertable, shallow depth to bedrock, and numerous creeks and seeps in western portion of site

**COMPREHENSIVE PLAN:**

1982 Anchorage Bowl Comprehensive Development Plan  
Classification: Public Lands & Institutions  
Density: Not designated

**APPLICABLE LAND USE REGULATIONS:**

	<u>Proposed R-7 Zoning</u>	<u>Current PLI Zoning</u>
Height limitation:	35 ft	Unrestricted
Minimum lot size	20,000 sf / 120 ft wide	15,000 sf / 100 ft wide
Single family:		
Lot coverage:	30%	30% - 45% depending on acreage
Density/acre for Single family:	Not designated	Not applicable

**SURROUNDING AREA:**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-6 /R-7	R-6/PLI-p	R-3 SL	PLI
Land Use:	Susitna View Estates; Loma Estates Subdivision	Pennington Park Subdivision & Moen Park	Undeveloped – Northcreek/ Viewpoint	Heritage Land Bank – Designated as Open Space

**PROPERTY HISTORY:**

05-18-82		Hillside Wastewater Management Plan Adopted. The two petition parcels are identified on Map 9 of the HWMP as “areas recommended for public sewerage at minimum densities of 3 dwelling units/acre.”
04-10-84	PLI	G-5 Areawide Rezoning established PLI from Unrestricted zoning for the petition parcels.
07-11-95	AO 95-138	Municipality of Anchorage Assembly approved disposal of interest in Heritage Land Bank Parcel 2-137, 120 acres, to Mental Health Land Trust litigation settlement established by the Alaska State Legislature. The exchange between the Municipality and the State of Alaska for the reconveyance to the Municipality of Anchorage of the 15 acre potential future school site currently contained within the 120 acre property known as HLB Parcel 2-137 shall be subject to future Assembly approval in accordance with AMC 25.30.020 and AMC 25.20.020.
12-07-99	AO 99-144	The Potter Valley Land Use Analysis is adopted as an element of the Municipality of Anchorage

Comprehensive Plan (MOACP), and AMC 21.05.030 is amended to add it as an element of the MOACP.

05-03-00	Platting Case S-10561	Public hearing to consider a preliminary plat S-10561 Goldenview South Subdivision to subdivide two unsubdivided parcels of land into seven tracts consisting of 170 acres, and includes the petition property.
05-08-00	Rezone Case 00-026	Public hearing to rezone the petition property from PLI to R-3 SL is scheduled before the Planning and Zoning Commission.

#### **SITE DESCRIPTION AND PROPOSAL:**

The 120-acre petition site is generally located between the Seward Highway to the west, Goldenview Drive to the east, Potter Valley Road to the south and East 172<sup>nd</sup> Avenue to the north. The petition site consists of a large undeveloped, unsubdivided parcel. The L-shaped parcel contains 120 acres.

Located in the lower elevations of the south Anchorage hillside, the property's topography is shown in the *Potter Valley Land Use Analysis* as ranging from less than 15% to greater than 46%. Portions of the west half of the property and the northwest corner have a series of steeply sloped ridges and ravines constraining development. The eastern portion of the site is uniformly gently sloped. The site is heavily forested with a mix of birch and spruce with some pockets of scrub spruce, brush and grasses.

Primary access is from Goldenview Drive along its eastern boundary; secondary access could be gained from East 172<sup>nd</sup> Avenue, Bettjean Street and Belarde Avenue to the north and east, and to the south through undeveloped residential land to Potter Valley Road.

The property is located within the building safety, fire, police, parks and solid waste disposal service areas. The petition property is outside of the both the Anchorage Roads and Drainage Service Area (ARDSA), and any Limited Road Service Area (LRSA). However, the site is adjacent to the Goldenview LRSA and the Potter Valley Road ARDSA.

The applicant's narrative indicates that development would occur in at least two phases over the next one to five years depending on market conditions and absorption rates.

Note: The Heritage Land Bank is currently negotiating with the developer to purchase 13 acres in the southeast portion (Tract B) of the site for a public purpose (refer to attachment, preliminary plat for Forest Heights Tracts A and B). The applicant's representative indicated in a letter to the department that if the purchase took place prior to Assembly action that Tract B would be withdrawn from the request. Tract B is also one of three sites under review through the school site selection process for an

elementary school. If the purchase occurs, Tract B shall remain as PLI zoning while Tract A zoning would remain R-7 per the applicant's request. If the purchase does not occur both Tracts A and B would be zoned R-7 per the applicant's request.

**21.30.090 Standards for Zoning Map Amendments.**

**A. Conformance to the Comprehensive Plan.**

This standard is generally met. Some of the aspects of Policy 13 below will be determined during the subdivision platting process.

Policy 13 of the Comprehensive Plan applies to the proposed rezoning: New rural residential subdivisions shall be designed to: a) Maintain the rural character of the area; b) Link to existing adjacent road and trail systems; c) Protect, maintain, or avoid sensitive environmental areas (wetlands, steep slopes, drainageways, unsuitable soils, geohazard areas); and d) incorporate wildland fire safety design standards.

The Comprehensive Plan consists of the following applicable elements:

- 2001 Anchorage 2020 Anchorage Bowl Comprehensive Plan and 1982 Anchorage Bowl Comprehensive Development Plan – Generalized Land Use Plan
- 1982 *Hillside Wastewater Management Plan*
- 1982 *Official Streets and Highways Plan*
- 1996 *Areawide Trails Plan*
- 1985 *Anchorage Park, Greenbelt and Recreation Facility Plan*
- 1990 *Utility Corridor Plan*
- 2005 *Draft Long Range Element of the Transportation Plan (AMATS)*

**1982 Anchorage Bowl Comprehensive Development Plan**

The Generalized Land Use Plan map 3-1 classifies the petition property as public lands and institutions. Property to the north, south and east are classified as residential. The Generalized Residential Intensity Plan map 3-2 does not delineate this area for residential use as it is depicted as PLI on map 3-1.

**1982 Hillside Wastewater Management Plan**

An ordinance in 2002 removed the map legend reference to dwelling density associated with sewer service within HWWMP (refer to attachment). Therefore, minimum density is no longer applicable. The applicant proposes to extend public sewer and water to the petition property. The applicant proposes a minimum lot size of 20,000 square feet or approximately two dwelling units per acre.

**1982 Official Streets and Highways Plan**

Both Goldenview Drive and Potter Valley Road are designated as a Class I Residential Collector requiring a 40-foot setback from centerline. The petition area has access from two existing roadways: Goldenview Drive to the east and East 172<sup>nd</sup> Avenue to the north. A future connection to the south will access Potter Valley Road. Phasing, internal circulation and road connectivity will be resolved with the plat.

**1996 Areawide Trails Plan**

The Anchorage Bowl Areawide Trails Plan shows a proposed multi-use unpaved trail (includes equestrian use) crossing the property in a northeast to southwest direction from Moen Park to an extended south alignment of Feodosia Drive to the Potter Creek Section House. The Moen Trail is a long established and popular trail that passes through the site. Trail location will be addressed with subsequent platting action.

**1985 Anchorage Park, Greenbelt and Recreation Facility Plan**

The 1985 Plan identified a neighborhood park in a generalized location on the west side of Goldenview and spanning a portion of Pennington Park Subdivision to the north and the petition property to the south. Moen Park was established in the mid-1990's. Heritage Land Bank parcels to the west are designated open space/parkland with use restricted to open space and recreation.

**1990 Utility Corridor Plan**

The plan shows a proposed 16-inch water main transmission line along the easternmost boundary of this parcel and a pressure vault to the north. A north-south gas line is located near the west property line.

**Public Review Draft of the Long Range Element of the Transportation Plan (AMATS)**

The draft Long-Range Transportation Plan extends the Plan period to 2025. It identified the Rabbit Creek Road as "the primary access to many lower Hillside residential areas, especially those served by Goldenview. By 2025, Rabbit Creek Road shows a capacity deficiency. A third lane for left turns likely will be needed to accommodate the projected traffic demand." The list of Recommended Road Improvement Projects shows improvements to Rabbit Creek from New Seward Highway to Goldenview Drive as an upgrade to a 3-lane arterial to increase capacity.

- B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:

1. The effect of development under the amendment, and the cumulative effect of similar development, on the surrounding neighborhood, the general area and the community; including but not limited to the environment, transportation, public services and facilities, and land use patterns, and the degree to which special limitations will mitigate any adverse effects.

### **Environment**

*Potter Valley Land Use Analysis* for Subarea A which is located immediately west (refer to attachment) of the proposed Forest Heights subdivision reads: "The Alaska Department of Fish and Game has identified the hillside stream corridors and season drainages as significant mammal habitats since these serve as migratory and seasonal feeding avenues.

At the request of the Department of Community Planning and Development, the Alaska Department of Fish and Game surveyed portions of the study area, mainly within Subarea A. Fish and Game biologists found evidence that wildlife was abundant mainly from significant browse of all known forage plant species. They determined that probably because of the combination of low elevation, available browse species and slope aspects, at least Subarea A was a frequently used wintering site for Moose. Since Subarea A is connected to a large block of undeveloped land immediately uphill and to Potter Marsh, that together these lands represent a significant zone of wildlife habitat that provides food resources, cover, escape routes and travel corridors that connect the coast with the Hillside/mountains and other sections of the coastal zone.

Fish and Game biologists also conveyed concern about the affects of development on the freshwater drainages that serve as baseflow to the Potter Marsh system. Non-point source pollution and sediments from future residential development may be introduced into Potter Marsh via these new developments. Since the base flow of the 3 or 4 small watercourses that drain through Subarea A were felt to equal or exceed that of Little Survival Creek, they were concerned that residential use of this source (for watering, etc) may be detrimental to the Potter Marsh water budget."

The department recommends the designation of a 50 foot wide east-west wildlife corridor through the site. This is supported by the following 2020 Plan policies: Policy # 66 – Fish, wildlife, and habitat protection methods shall be addressed in land use planning, design, and development processes. Policy # 67 – Critical fish and wildlife habitats, high-value wetlands, and riparian corridors shall be protected as natural open spaces, wherever possible. Policy # 13 – New rural residential subdivisions shall be designed to: c) Protect, maintain, or avoid sensitive

environmental areas (wetlands, steep slopes, drainageways, unsuitable soils, geohazard areas).

**Land Use Patterns**

This property borders land classified as residential to the north, east and south, and PLI to the west. Land use to the east is Moen Park and R-9 (Low-Density Rural Residential)

<b>Subdivision</b>	<b>Zoning</b>	<b>Density</b>	<b>HWMP In/out (3 DUA Minimum)</b>	<b>Public Sewer / Water</b>	<b>On-Site System</b>	<b>Con- form- ing Lot Size</b>
Pennington Park (north of petition site)	R-6	1.92	Inside	No	yes	no
Loma Estates (north of petition site)	R-6	0.95	Inside	No	Yes	All but one
Susitna View Estates (north of petition site)	R7	3.27	Inside	No	No	Yes
View Point Subdivision (Potter Creek Master Plan/Northcreek Development Area) south of petition site	R-3 SL	Unsub- divid -ed	Inside	Yes	No	Unsub- divid -ed

**Transportation/Drainage**

This property fronts onto Goldenview to the east, designated a Class I Residential Collector requiring a 40-foot setback from centerline. It is possible for future street connections with Belarde Avenue, Bettjean Street and East 172<sup>nd</sup> Avenue to the north, and to Potter Valley Road to the south, also designated a Class I Residential Collector. Road connectivity will be resolved with the plat.

Transportation Planning has long noted that the circulation system in this area of the hillside is incomplete, including a north-south collector system. At the present time, Goldenview Drive serves as the only collector road in and out of the area. It is not likely that the Goldenview Drive-Rabbit Creek Road intersection will be signalized due to excessive intersection grades.

The Preliminary Traffic Impact Analysis (TIA) states that the primary access will be via Goldenview Drive and a secondary access from Bettjean Street will be constructed during the first phase of the project. The access from Bettjean Street would connect to the Old Seward Highway by means of Virgo Avenue.

According to AMC 21.85.050, differing housing types generate different average daily trips per dwelling unit (ADT): single family detached homes generate 8.2 ADT, Duplex/Townhouses generate 8.0 ADT, and Multifamily generates 7.3 ADT. Assuming 160 dwelling units at 8.2 ADT per unit results in 1,312 average daily trips per day generated.

An additional link is needed between Goldenview Drive and Potter Valley Road through the petition site that will function as a collector street. This new link will greatly improve the access to this site and should serve as its primary access. It would help to reduce the traffic on Goldenview Drive as well as provide a needed south access to the area for emergency services.

It is assumed that long range development of the hillside area will see construction of a new elementary school. It is possible that a school site could be located in the southeast area of the petition site.

The need is evident for a road serving as the primary internal "spine" for the petition site. It is important that it be designed as a collector and accommodate school buses.

Roadway standards applicable to the rest of the Municipality are often compromised by hillside conditions, such as shallow soils, near-surface bedrock, extreme topographic variations and slope aspects, poor drainage and local glaciation. Roadway standards, road conditions and maintenance actions are inconsistent within the hillside and among neighborhoods. Concerns with these inconsistencies center on access for public health and safety and especially on the regular maintenance and repair of subdivision roads. The Municipal Charter provides for the establishment of the Limited Road and Service Areas (LRSAs) common on the Hillside, but road maintenance and repairs remain inconsistent subject to the vagaries of LSRA ballot agreements. There are a dozen LRSA's all with different service contracts. Designing and maintaining roadways accessible to fire trucks, buses and other public vehicles continues to be a specific hillside problem that will only become more significant as the area continues to grow. Roadway financing has occasionally been problematic within the Hillside area particularly under private financing schemes.

Given the importance of a north-south connecting collector road for fire safety and emergency vehicles and Anchorage School District buses to a future elementary school, it is reasonable to require a special limitation

to annex the petition area to the Anchorage Roads and Drainage Service Area. The petition site is located immediately north of the Anchorage Roads and Drainage Service Area that serves Potter Valley Road.

Road design and drainage issues will be addressed during the platting of the subdivision.

### **Public Services and Facilities**

Utilities: With the exception of public sewer and water, gas and electrical utilities are available to this property. According to the application, the developer expects to extend sewer and water to the subdivision. The petitioner must demonstrate to AWWU that domestic and fire flows are attainable, and AWWU must review and approve a detailed engineering plan to serve this property with gravity sanitary sewer and water.

Schools: The petition site is located in the following attendance boundaries: South Senior High Grades 9-12; Goldenview Middle School Grades 7-8; Bear Valley Elementary Grades K-6. The Anchorage School District uses the most recent 1992-1993 housing stock multipliers by elementary, junior high and senior high attendance boundary, as described in the following table. Note: percentages are calculated as the ratio of the number of students in an area who reside in a given housing type to the total number of housing units of that type in the area.

<b>Table 1</b> <b>Anchorage School District</b> <b>1992-1993 Housing Stock Multipliers</b>			
Attendance Boundary	Single Family	Duplex	5 to 19 Plex
Bear Valley Elementary	0.39	0.31	0.17
Goldenview Middle	0.11	0.04	0.02
South Senior High	0.19	0.07	0.02

<b>Table 2</b> <b>Projected School Enrollments</b> <b>With 2 DUA/160 Single Family Housing Units</b>			
	Elementary	Junior High	Senior High
Single Family	62.4	17.6	30.4

Projected enrollment capacity for the 2005 - 2006 school year for Bear Valley Elementary is 111% capacity; Goldenview Middle School is 98%, and South High School is 110% capacity.

Heritage Land Use parcels 2-127 through 2-136 are located immediately west of the petition site.

The Land Use Map for the Preferred Alternative for Subarea A of the *Potter Valley Land Use Analysis* designates 20.22 acres (HLN 2-127) as Open Space Reserve and 58.15 acres (HLB 2-128 through 136 as Open Space Reserve (with condition for location of future neighborhood park of 10 acres or less). An 8 acre portion of HLB 2-136 is designated as Development/Access Reserve and recommended for R-3 SL densities and/or for utility and roadway access to future up slope residential development in the Mental Health Trust Land (this petition property).

Public Safety: The petition site is located within the Police, Fire, Building Safety, Parks and Solid Waste Disposal service areas.

2. The supply of land in the economically relevant area that is in the use district to be applied by the zoning request or in similar use districts, in relationship to the demand for that land.

The Anchorage 2020 Comprehensive Plan indicates there is approximately 14,300 acres of vacant land remaining in the Anchorage Bowl, of which approximately 11,200 acres is classified as suitable or marginally suited for all future development – residential, commercial, industrial, PLI, and other. Of the 11,200 acres, 8,537 acres (76%) is designated residential, of which 49 % or 5,447 acres is located in Southeast Anchorage.

The 2020 Plan forecasts the addition of 81,800 residents and 31,600 more housing units in the Anchorage Bowl by the year 2020. Growth allocation is spread among the five sub-areas (Northwest, Northeast, Southwest, Central and Southeast). The petition area is located within the Hillside Wastewater Management Plan boundary.

Of the land already developed, regardless of how the land is zoned, it appears that developed densities tend to be less than that called for in the 1982 Comprehensive Plan residential intensity map. This is most likely the result of development being market driven, with a preference for single-family detached homes.

3. The time when development probably would occur under the amendment, given the availability of public services and facilities, and the relationship of supply to demand found under paragraph 2 above.

Assuming the rezoning is approved, preliminary plats need to be designed and submitted for review and public hearing through the

platting process. The applicant's narrative submittal indicated the subdivision would be developed in at least two phases over the next one to five years, but the Forest Heights Preliminary TIA states full build out of the project within a four to six year period.

4. The effect of the amendment on the distribution of land uses and residential densities specified in the Comprehensive Plan, and whether the proposed amendment furthers the allocation of uses and residential densities in accordance with the goals and policies of the Plan.

The proposed rezoning will not alter the residential land use distribution. The proposal removes private property from the PLI (Public Lands and Institutions) category and develops it as residential.

**RECOMMENDATION:**

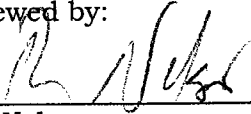
The Department finds that the requested rezoning from PLI to R-7 meets the standards of the Comprehensive Plan and AMC 21.20.090 rezoning standards and therefore recommends APPROVAL of the rezoning, subject to the following special limitations:

**SPECIAL LIMITATIONS:**

1. Density: 2 DUA or less.
2. Development within areas greater than 30% slope affected land shall be prohibited except for specific limited clearing of vegetation, location of utilities and road construction.
3. The following shall be addressed by the Platting Authority with a subdivision application:
  - a. Public water and sewer shall serve each dwelling unit and provide required fire flow requirements.
  - b. Underground all utilities.
  - c. Traffic Impact Analysis approved by the MOA Traffic Department to determine the location and size of any east/west collector streets.
  - d. Housing design shall incorporate appropriate architecture suited to the natural topography to minimize cut and fill and drainage impacts.
  - e. A 50 foot wide east-west undisturbed open space corridor through the site to allow wildlife movement. The location shall be determined in consultation with the State Department of Fish and Game. The open space tract shall be maintained by establishing a homeowners association.

- f. All streams and creeks shall have protective easements.
- g. Annexing into the Anchorage Roads and Drainage Service Area.

Reviewed by:



Tom Nelson  
Director

Prepared by:



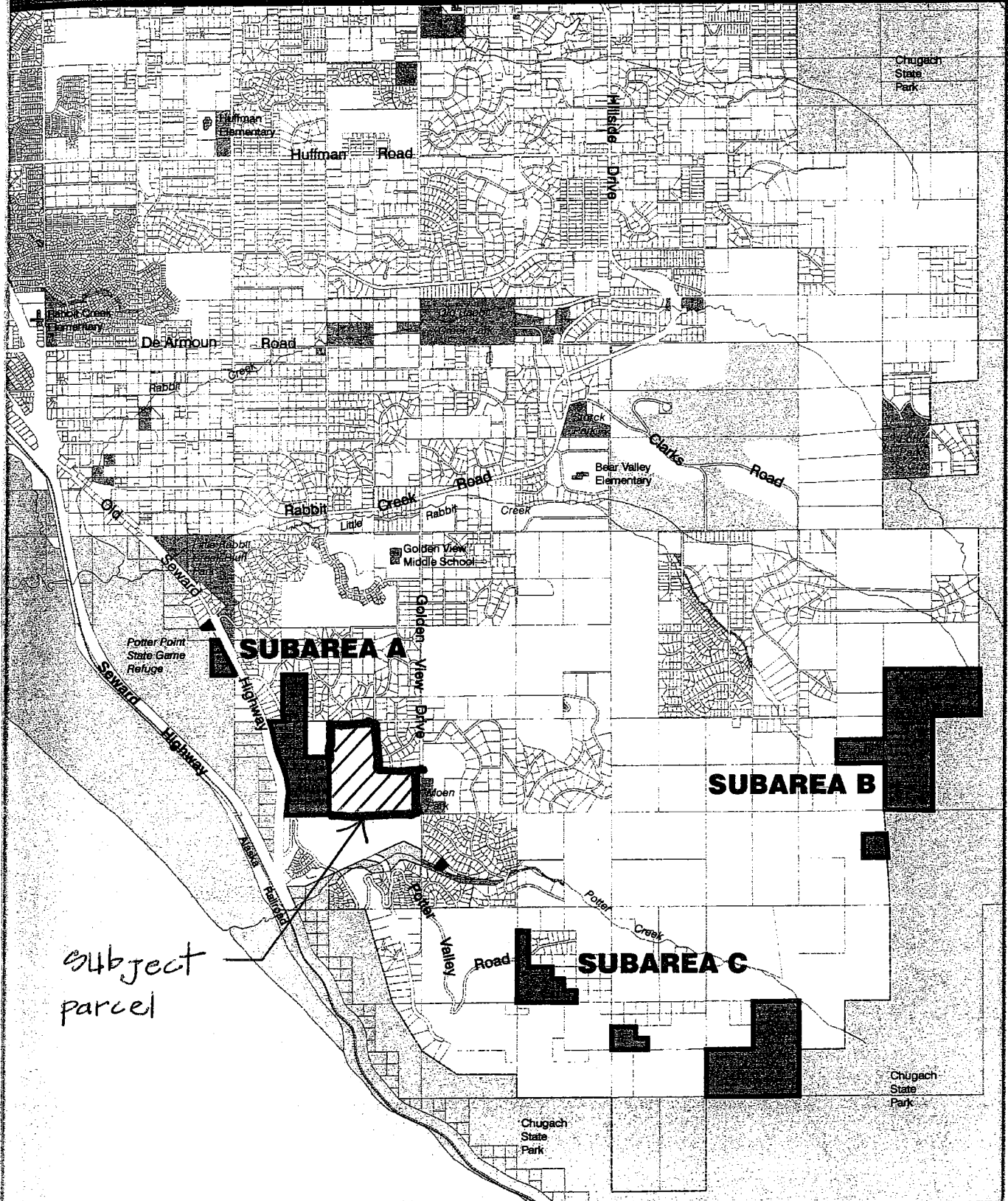
Sharon Ferguson  
Senior Planner

(Case 2005-139, Tax ID 020-181-19)



# Vicinity Map

Approximate Scale: 1" = 3800'



subject  
parcel

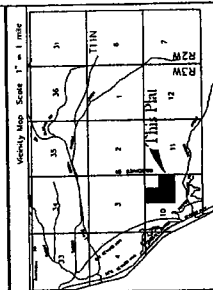
[illegible]

Owner: Forest Heights LLC  
4370 Budeaux Park Blvd  
Suite M-14  
Anchorage, Alaska 99503

**GRAPHIC SCALE**



Surface Drainage  
Contour Elevation  
Existing Zoning



ONINO: PLD

**Forest Heights**  
Tracts A and B

A SUBORDIN OF NMN/4 ME1/4 AND S1/2 ME1/4 OF, SEC. 10, T11N, R3E.

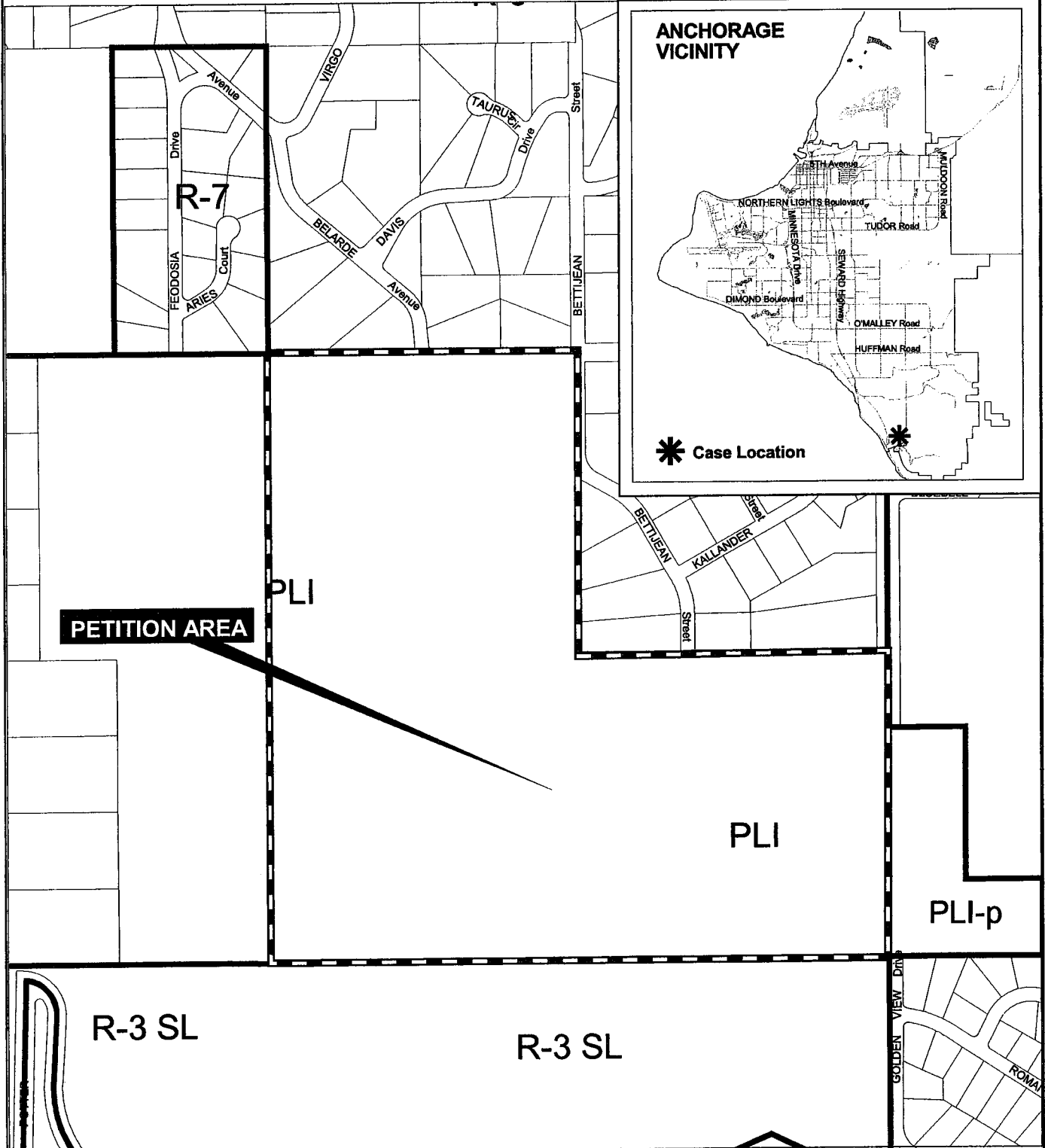
**Lantech**  
AND AS: CONSTRUCTION SURVEYORS • AUTOCAD  
PLANNERS  
ENGINEERS  
4480 WILSON RD. SUITE 103  
ALABAMA 36903  
TEL: 334-5281 (FAX: 334-5826)

DATE: 8/22/2006	SCALE: 1"=200'	3437
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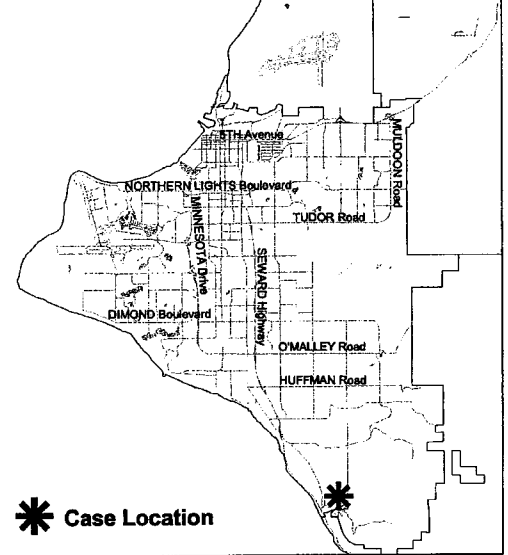
NOTES:

1. CEA Right Of Way Easement. (Blanket Easement) is for the construction, operation, and maintenance of an electric transmission line and/or telephone line.
2. The MGA Wetlands Atlas classifies the wetland as Type "D", or un-designated.
3. The entire site is heavily vegetated with natural fauna.

# REZONE 2005-139



## ANCHORAGE VICINITY



Municipality of Anchorage  
Planning Department

### Flood Limits

- 100 Year Floodplain
- 500 Year Floodplain
- Floodway



0 500 1000 Feet

Date: September 14, 2005

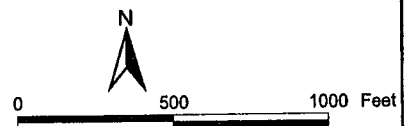
# REZONE 2005-139



Municipality of Anchorage  
Planning Department

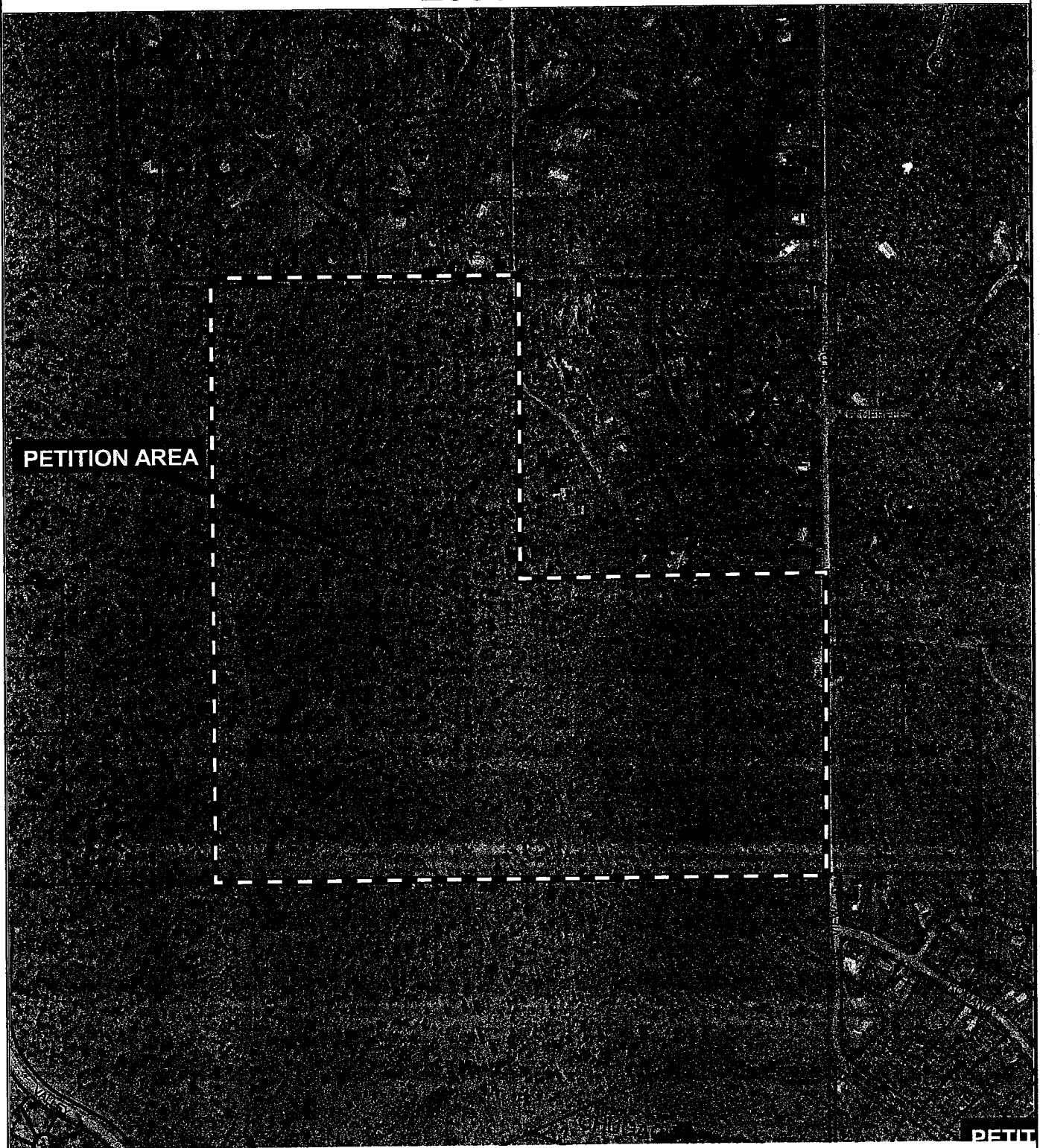
Date: September 14, 2005

- Single Family Detached
- Single Family Attached, Duplex
- Mobile home
- Multi - Family 3 & 4 Plex
- Multi - Family 5+



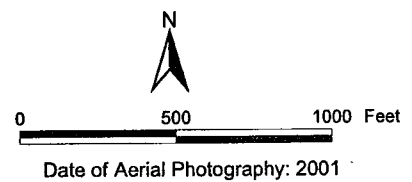
Source: Housing Stock based on 1998 Land Use Inventory  
Planning Department, MOA

# REZONE 2005-139



Municipality of Anchorage  
Planning Department

Date: September 14, 2005



CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 11-19-02

Submitted by: Assemblymember Tremaine  
Prepared by: Department of Assembly  
For reading: June 25, 2002

ANCHORAGE, ALASKA  
AO NO. 2002-97

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY REMOVING THE  
MAP LEGEND REFERENCE TO DWELLING DENSITY ASSOCIATED WITH SEWER  
SERVICE WITHIN THE HILLSIDE WASTEWATER MANAGEMENT PLAN**

**THE ANCHORAGE ASSEMBLY ORDAINS**

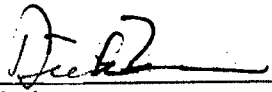
**Section 1:** That the legend and hatched area representing "Areas recommended for public sewerage at minimum densities of 3 dwelling units per acre" from the Recommended Sewerage Areas map (originally map 9) of the Hillside Wastewater Management Plan is removed.

**Section 2:** That the following interim measure is implemented:

- A. The Assembly finds the current Hillside Wastewater Management Plan no longer adequately addresses proposed residential development in areas governed by the Plan and that the public health, safety, and welfare is not well served if new residential development is prevented or proceeds while corrective amendments to the Plan are considered in the normal course of administrative review and initial review by the Planning and Zoning Commission. Accordingly, this ~~interim~~ Measure serves those interests.
- ~~B. This ordinance and the amendment to the Hillside Wastewater Management Plan set forth in Section 1 above shall become effective immediately upon passage and approval of this ordinance and shall remain in effect until October 31, 2002 unless repealed before that date by the Assembly.~~
- ~~C. Immediately upon enactment of this ordinance, the Director of Community Planning shall submit this ordinance to the Planning and Zoning Commission for its review and recommendation as allowed under 21.10.015 and other provisions of this Title. The Commission's public hearing and final action on this ordinance together with preparation of its resolution, minutes and complete packet shall be completed in such time as to enable the Assembly to conduct a public hearing on or before October 31, 2002 and decide whether, based on the public testimony given, the staff analysis, and the recommendation of the Planning and Zoning Commission, to make permanent the amendment to the Hillside Wastewater Management Plan set forth in Section 1 above.~~
- ~~D. This ordinance shall be formally noticed and scheduled for Public Hearing by the Assembly as a permanent enactment of the Anchorage Assembly its regular meeting occurring immediately before October 31, 2002.~~

**Section 3:** That this ordinance shall take effect immediately upon passage and approval

PASSED AND APPROVED by the Anchorage Assembly this 19<sup>th</sup> day of November, 2002.

  
Chair

ATTEST:

  
Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

NO. AM 667-2002

Meeting Date: July 23, 2002

1 **From:** Assemblymember Tremaine

2 **Subject:** AO 2002-97 - REMOVING THE MAP LEGEND REFERENCE TO DWELLING  
3 DENSITY ASSOCIATED WITH SEWER SERVICE WITHIN THE HILLSIDE  
4 WASTEWATE MANGEMENT PLAN  
5  
6

7 The Hillside Wastewater Management Plan (HWWMP) was implemented by AO 82-52 on May 18,  
8 1982. The plan governs septic systems and recommends parcels for public sewerage in the area  
9 generally south of Abbott Road and east of the Seward Highway. Some of the parcels  
10 recommended for sewerage are also recommended for rezoning to higher density of a minimum  
11 three dwelling units per acre. In addition, the plan addresses buffering between urban and rural  
12 residential areas. This part of the plan was later incorporated into AMC 21.45.200.  
13

14 Since 1982 several parcels have been added to the area suitable for sewerage. In most cases the  
15 parcel owners have requested and been granted densities less than three dwelling units per area.  
16 In one case an area was removed from the area to be served by sewer. In recent years requests  
17 have increased to include parcels into the sewerage area. As property values and housing choices  
18 have changed, there have also been property owners desiring sewerage at densities of one or  
19 fewer dwelling units per acre.  
20

21 The 2020 Comprehensive Plan envisions maintaining the rural character of new subdivisions along  
22 the hillside (Policy #13)<sup>1</sup>. Much of the undeveloped land in south Anchorage is geophysically  
23 challenged with steep slopes, shallow bedrock, and/or wet soils.  
24

25 In order to accommodate continued development along the hillside in a manner in keeping with  
26 local geophysical constraints, the 2020 Comprehensive Plan, and neighborhood development  
27 patterns it is necessary to remove the recommendation for increased density attached to sewerage  
28 in some areas. This course of action is recommended by five community councils affected by the  
29 HWWMP and by HALO, the group representing land owners on the hillside.  
30

31 Approval of AO 2002-97 is recommended..

32 Respectfully submitted,  
33  
34

35   
36  
37  
38 Dick Tremaine  
39 Assemblymember  
40  
41

42 AO 2002-97.

43 EGJ/2002AMS/AM39  
44

<sup>1</sup> New rural residential subdivisions shall be designed to: a) Maintain the rural character of the area; b) Link to existing adjacent road and trail systems; c) Protect, maintain, or avoid sensitive environmental areas (wetlands, steep slopes, drainage ways, unsuitable soils, geohazard areas; and, d) Incorporate wildland fire safety design standards.

# Application for Zoning Map Amendment

Municipality of Anchorage  
Planning Department  
PO Box 196650  
Anchorage, AK 99519-6650

Please fill in the information asked for below.

<b>PETITIONER*</b>	<b>PETITIONER REPRESENTATIVE (if any)</b>
Name (last name first)	Name (last name first)
Forest Heights LLC	Lantech, Inc.
Mailing Address	Mailing Address
4370 Business Park BLVD Ste H-14	440 West Benson Blvd., Suite 103
Anchorage, AK. 99503	Anchorage, Alaska 99503
Contact Phone: Day: 273-7360      Night:	Contact Phone: Day: 562-5291      Night:
Fax:	Fax: 561-6626
E-mail:	E-mail: mail@lantechi.com
*Report additional petitioners or disclose other persons	

\*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application

PROPERTY INFORMATION		
Property Tax # (000-000-00-000):020-181-19-000		
Site Street Address: Golden View Dr. & 172nd Ave.		
Current Legal Description (use additional sheet if necessary)		
T11N, R3W, SEC. 10, NW1/4, NE1/4, S1/2, NE1/4		
Zoning: PLI	Acreage: 120 AC.	Grid #: SW3437

I hereby certify that (I am) (I have been authorized to act for) owner of the property described above and that I petition to rezone it in conformance with Title 21 of the Anchorage Municipality Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the rezoning. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department Staff, the Planning and Zoning Commission, or the Assembly for administrative reasons.

10-12-05  
12/31/03  
Date

Signature (Agents must provide written proof of authorization)

Accepted by:	Poster & Affidavit:	Fee:	Case Number:
--------------	---------------------	------	--------------

**COMPREHENSIVE PLAN INFORMATION**Anchorage 2020 Urban/Rural Services: ☐ Urban ☒ RuralAnchorage 2020 West Anchorage Planning Area: ☐ Inside ☒ Outside

Anchorage 2020 Major Urban Elements: Site is within or abuts:

- ☐ Major Employment Center ☐ Redevelopment/Mixed Use Area ☐ Town Center  
☐ Neighborhood Commercial Center ☐ Industrial Center  
☐ Transit - Supportive Development Corridor

Eagle River-Chugiak-Peters Creek Land Use Classification:

- ☐ Commercial ☐ Industrial ☐ Parks/Open Space ☐ Public Land Institutions  
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study  
☐ Residential at \_\_\_\_\_ dwelling units per acre.

Girdwood-Turnagain Arm:

- ☐ Commercial ☐ Industrial ☐ Parks/Open Space ☐ Public Land Institutions  
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study  
☐ Residential at \_\_\_\_\_ dwelling units per acre.

**ENVIRONMENTAL INFORMATION**

- Wetlands Classification: ☒ None ☐ "C" ☐ "B" ☐ "A"  
Avalanche Zone: ☐ None ☐ Blue Zone ☐ Red Zone  
Floodplain: ☐ None ☐ 100 Year ☐ 500 Year  
Seismic Zone (Harding/Lawson): ☐ "1" ☒ "2" ☐ "3" ☐ "4" ☐ "5"

**RECENT REGULATORY INFORMATION** (Events that have occurred in the last 5 years for all or portion of site)

- ☐ Rezoning Case Number: \_\_\_\_\_  
☐ Preliminary Plat ☐ Final Plat Case Number(s): \_\_\_\_\_  
☐ Conditional Use Case Number(s): \_\_\_\_\_  
☐ Zoning Variance Case Number(s): \_\_\_\_\_  
☐ Land Use Enforcement Action for: \_\_\_\_\_  
☐ Building of Land Use Permit for: \_\_\_\_\_  
☐ Wetland ☐ Army Corp of Engineers ☐ Municipality of Anchorage

**APPLICATION ATTACHMENTS**

- Potable Water provided by: ☒ Public Utility ☐ Community well ☐ Private well  
Wastewater disposal method: ☒ Public Utility ☐ Community system ☐ Private on-site

**APPLICATION CHECKLIST**

Fee:

- Plat: Copies ☒ 42 each ☒ 8 1/2"x11" reduced copy  
Other Maps ☒ Aerial photo ☒ Housing stock ☒ Zoning

Property Title: ☒ Certificate to Plat

Additional required documents unless specifically waived by Platting Officer:

- ☒ Site topography (4 copies minimum) Waived by \_\_\_\_\_  
☐ Soils investigation and analysis Waived by \_\_\_\_\_  
☐ Subdivision Drainage Plan Waived by \_\_\_\_\_

**2005 139**

Wed Sep 14, 09:33:02, 2005

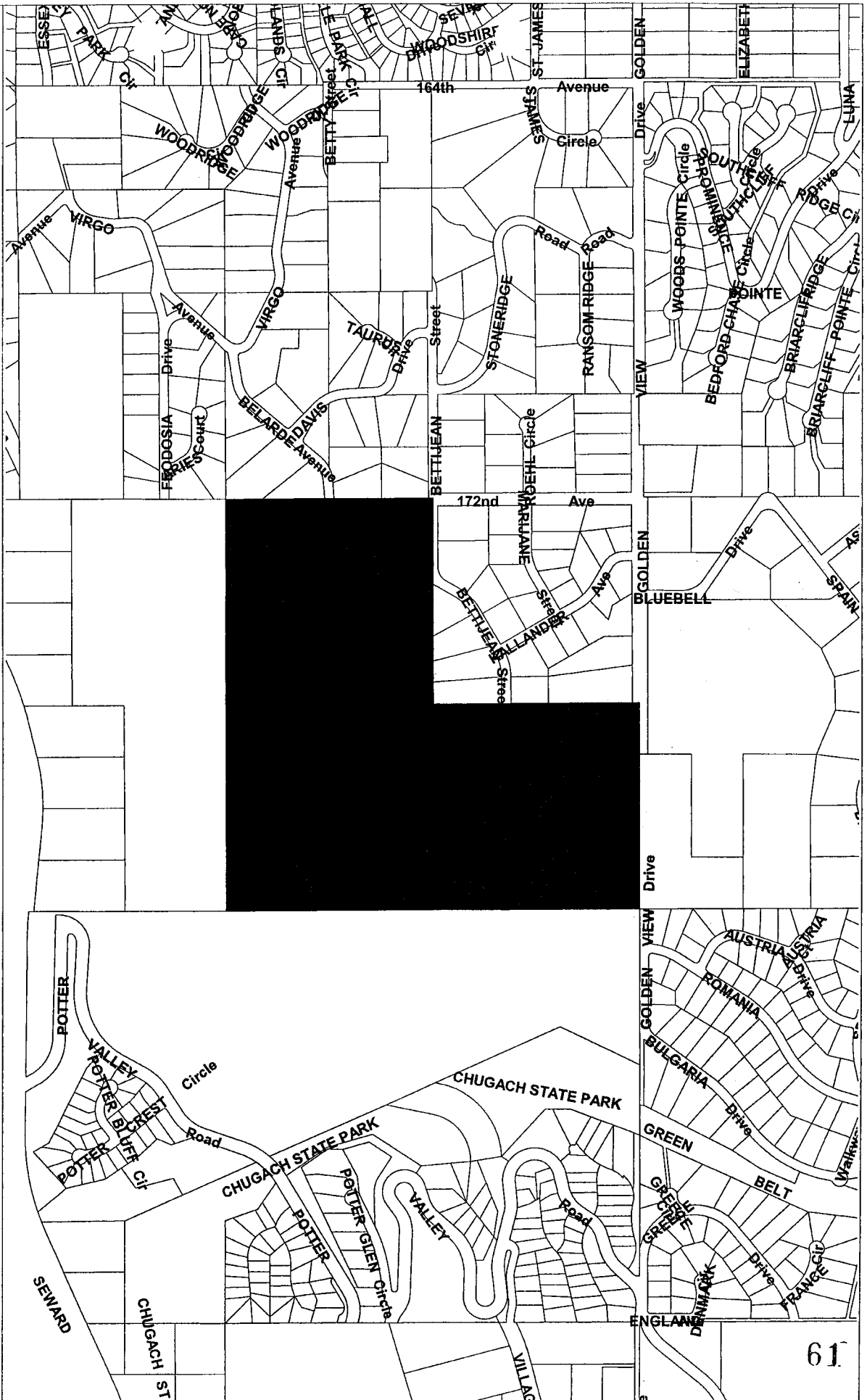
Map: Parcels--Basic Layers



Scale 1:10000

**Legend:**

Txt STRNAME\_BLI  
PARCELS





# Aerial Photo



## 1452



2005-139



RECEIVED

SEP 22 2005

Municipality of Anchorage  
Zoning Division

September 19, 2005

Community Planning and Development  
Municipality of Anchorage  
4700 Bragaw Street  
Anchorage, Alaska, 99507  
(907) 343-7900 Fax (907) 343-7927

Attn: Angela Chambers, Senior Planner

Re: Forest Heights Rezone Application Amendment

Cases: 2005-139 (Re-Zone Application)  
S-11418 (Preliminary Plat)

Dear Ms. Chambers,

We would like to make a slight modification in the above-mentioned rezoning application. As you are aware, a portion of the property we are requesting rezoning from PLI-P to R-7 is being evaluated as a potential school site by the Municipality of Anchorage. Due to the uncertainty of the outcome regarding the school site selection, we would like to add the following stipulations\ conditions to the application and subsequent approval of the 120 acre site:

*IF* the Municipality of Anchorage does select the proposed school site, depicted as the 13.2 acre Tract "B", in M.O.A. platting case #S-11418, the original zoning (PLI-p) will remain effective for that Tract. The remainder of the parcel (approximately 104.7 acres) will be zoned R-7, per the re-zone application.

*IF* the Municipality of Anchorage does not select the school site, the entire 120 acre parcel will be rezoned to R-7, per the re-zone application.

I have attached a copy of the preliminary plat depicting the site, for your use.

Please let us know if you need any additional information.

Thank you,

Tony Hoffman TH  
Lantech Inc.  
Petitioner's representative

Cc: Joanne Contreras, Senior Planner

**LANTECH, INC. • SURVEYORS • PLANNERS • ENGINEERS**  
440 WEST BENSON BLVD., SUITE 103 • ANCHORAGE, AK 99503 • (907) 562-5291 • FAX 561-6626

[illegible]

Owner: Forest Heights LLC  
4370 Business Park Blvd  
Suite H-14  
Anchorage, Alaska 99503

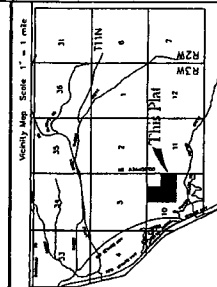
GRAPHIC SCALE

( IN FEET )

1 inch = 200 ft.

A horizontal scale bar with alternating black and white segments. The segments are labeled 0, 100, 200, 300, and 400. The bar is used to indicate distances in feet.

Surface Drainage  
Contour Elevation  
Existing Zoning



ZONING: PLI

**Forest Heights**  
Tracts A and B

A SUBDIVISION OF NMI/A NCI/A AND 31/2 NCI/A OF, SEC. 10, 71TH AVE.  
EDWARD MCKENNA ALASKA. ANCHORAGE RECORDS DISTRICT.

# Inter

AND & CONSTRUCTION SURVEYORS-AUTOCAD PLANNERS CHORAGE, ALASKA 99503 ANCHORAGE, ALASKA 99503 ANCHORAGE, ALASKA 99503 ANCHORAGE, ALASKA 99503	DATE 8/22/2005
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NOTES:

1. CEA Right of Way Easement, (Blanket Easement) is for the construction, operation, and maintenance of an electric transmission and/or telephone distribution line or system. Recorded January 15, 1955, book 113 page 195.
2. The MOA Wetlands Atlas classifies the wetland as Type "D", or un-un-dominated.
3. The entire site is heavily vegetated with natural fawns.



Planning Department  
Municipality of Anchorage  
4700 S. Bragaw Street  
Anchorage, Alaska 99519-6650

August 29, 2005

Attn: Jerry Weaver, Planning & Zoning Commission

Re: Forest Heights Zoning Amendment

### **Summary**

Please accept this letter as a request for re-starting the application process for the rezoning of Forest Heights from PLI to R-7. We have responded to planning staffs request to further investigate bringing public sewer and water facilities to this parcel, and their request to consider the Moen Trail. The issues were addressed as follows:

#### **Zoning**

We hereby amend our application to read: "This application is for rezoning from PLI to R-7. (No S.L's)

#### **Sewer**

Issue: Planning staff was concerned about the on-site septic sewer served lots that were shown on our original proposal.

Solution: We now are proposing to extend public sewer to all of the lots within this subdivision. This has been achieved by extensive efforts and coordination between AWWU, our engineers, and planning staff. Sewer will be extended from the existing sewer main near the switchback in Potter Drive, west to this parcel.

#### **Water**

Issue: Planning Staff was concerned about the utilization of on-site water well's.

Solution: We are proposing to serve all of the lots with public water facilities. The existing water main will be extended south along Goldenvue Drive to this parcel.



### **School Site**

Issue: Planning Staff requested that we address the possibility of a School Site parcel on this property.

Solution: We have identified a School Site on our concept plan. Through extensive meetings with the School District and the Mayor's Office, a school site has been designed into our site plan. A plat tracing out this site is currently within the Municipal review process.

### **Moen Trail**

Issue: How is the Moen Trail being addressed?

Solution: We are proposing two replacements and upgrades to the trail issue.

1) We are proposing a ten foot wide trail easement that will follow a 50 foot wide natural greenbelt/stream easement, as shown on the concept plan.

2) We are also proposing a separated bike trail that will follow the main road traversing the property as shown on the concept plan. This will be a safe place for bicyclists and pedestrians, by being separated from the traffic lanes, and by being about half of the steepness of the current Moen Trail.

Thus, we feel we are addressing all of the salient issues from planning staff and respectfully resubmit this application.

Thank you,

Tom Dreyer, petitioner's representative



## Forest Heights

"ATTACHMENT A"

Amended 8/29/2005

### Introduction:

This Zoning Map Amendment Application (rezone) is an application to change approximately 120 acres from PLI zoning to R-7. No special limitations are being proposed.

### History:

1983: This property was zoned from 'Unrestricted' to PLI.

12/31/2003 Application for Zoning Map Amendment submitted by petitioner to change zoning from PLI to R-7SL.

3/19/2004 MOA Planning Staff notified petitioner that additional information is needed, staff postpones case indefinitely.

### Narrative

On 3/19/2004 MOA Planning Staff requested further information, as listed below. Many of the concerns were related to our previous proposal's use of some on-site septic systems on a portion of the parcel, and also private water wells on the entire parcel. Our current amended proposal now has public sewer service and public water service to all of the lots.

The following information was requested, (listed below with our response.) ;

1. *Additional soils information.* This request was a function of our original petition including areas that were proposed to utilize on-site septic systems. This current proposal now has the entire site being serviced by public water and sewer.



2. *Mapping of Water courses.* Water courses are shown on the attached Concept Plan and a Drainage Impact Analysis is a part of this application.
3. *Define size of acreage being withdrawn from HWMP.* Our current proposal does not require any land to be removed from the HWMP.
4. *Submit Traffic Impact Analysis.* A TIA has been performed and is a part of this application.
5. *Submit Phasing Schedule of Development.* The phasing time frame will be from 2 to five years from the time of plat approval and recordation, of course, this is dependent upon the real estate market.

This proposed rezoning is appropriate for the following reasons:

1. This allows a smooth transition of these former Mental Health Trust lands between the existing lower density developments to the north and to the master plan approved Northcreek higher density development to the south as well as the vacant Heritage Land Bank property to the west.
2. It is consistent with the 2020 Comprehensive Plan and the Hillside Wastewater management Plan supporting single family development.
3. It is in the Hillside Wastewater Management Plan and would provide public Sewer.
4. Public water will be available to this site.
5. This rezone will not affect a school site that may be selected along Goldenview Drive on the east portion of the property.

*A. Conformance to Comprehensive Plan.*

1. *If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:*
  - a. *The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;*
  - b. *The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or*



- c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.*

Because the Comp Plan was created when this property was zoned PLI, the map shows this area as a Land Use of PLI. The definition of PLI in Title 21, among other uses, also includes in Title 21.40.020.A the following; "...and activities and land reserves for which a specific use or activity is not yet identified." The 2020 Land use Policy Map shows this area as being mostly on the Urban side of the border between Urban and Rural development. The 2020 Plan on page 60, where referring to the expected growth patterns in the Southeast area of Anchorage, states: "...The growth allocation generally continues the pattern of single family subdivisions and low density residential use that now dominate the subarea." Policy #8 on page 72 of the 2020 Plan states this area should be developed at a density of over 1 D.U.A. This further supports the type of land use this rezone will bring to fruition. Therefore, this rezone does conform to the land use classification map of the Comprehensive Plan Land Use Classification Map, and the 2020 Anchorage Bowm Comprehensive Plan. The Hillside Watewater Management Plan recognizes this residential development area with an original designation of 3 dwelling units per acre or greater density.

- 2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:*
- a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:*
    - i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.*
    - ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.*
  - b. In cases where the proposed rezoning would result in a lesser residential intensity (density), explain how the rezoning would provide a clear and overriding benefit to the surrounding neighborhood.*
  - c. Explain how the proposed residential density conforms with the applicable Comprehensive Development Plan goals and policies pertaining to the surrounding neighborhood or the general area.*

For the same reasons as stated above in reference to question number 1, our proposed rezone is in compliance and conforms with the intent of the generalized intensity of the Comp Plan. The proposed R-7 zone would facilitate



a maximum density of 2 dwelling units per acre, well below the Hillside Wastewater Management Plan expected density levels of 3 D.U.A.'s. The 2020 Comp Plan shows most of this property being within the urban area density level, with portions also on the border or within the rural density level. The Rural/Urban line shown on the 2020 Land Use Policy Map is only a Conceptual Boundary, but gives a very good indication that our proposed density level conforms for all intent and purposes with the 2020 Plan.

*B. A zoning map amendment may be approved only if it is in the best interest of the public, considering the following factors:*

*1. Describe the effect of development under the amendment and the cumulative effect of similar development on (a) the surrounding neighborhood, (b) the general area, and (c) the community with respect to the following (The discussion should include the degree to which proposed special limitations will mitigate any adverse effect.):*

*a. Environment;*

Due to the low density ( 2 D.U.A.'s) nature of this development, this project will not have a negative effect on the environment over and above the surrounding developments.

*b. Transportation;*

Interior roads will be paved to Title 21 standards. This development will access Golden View Drive to the east, a fully improved access road. This development will provide a very important transportation connection from Golden View Drive to the east and to the Old Seward Highway to the west.

*c. Public Services and Facilities;*

The parcel will be serviced by public water and public sewer, gas, telephone and electricity.

*c. Land Use Patterns;*

This rezone will have a positive effect on land use patterns by; 1) Providing essentially a buffer zone between the R-6 to the north and the high density R-3SL zoning to the south, 2) Supporting the development of single family residential as per the 2020 Plan for the general area.



2. *Quantify the amount of undeveloped (vacant) land in the general area having the same zoning or similar zoning requested by this application. Explain why you feel the existing land is not sufficient or is not adequate to meet the need for land in this zoning category?*

This R-7 rezone will provide Anchorage with a unique and individual subdivision and will help create a diverse selection of properties for the homebuying public to choose from. Other properties currently available in this general area do not have the unique properties as Forest Heights will provide.

3. *When would development occur under the processed zoning? Are public services (i.e., water, sewer, street, electric, gas, etc.) available to the petition site? If not, when do you expect that it will be made available and how would this affect your development plans under this rezoning?*

The parcel will be developed in at least two phases being developed over the next one to five years, depending, of course, on market conditions and absorption rates. All public services are available to this parcel.

4. *If the proposed rezoning alters the use of the property from that which is indicated in the applicable Comprehensive Plan, explain how the loss of land from this use category (i.e., residential, commercial, industrial) might be regained elsewhere in the community?*

As stated above, in essence, this rezoning does not effectively change the use or density of this parcel as envisioned by the Anchorage Comprehensive Plan or the 2020 Anchorage Bowl Comprehensive Plan.

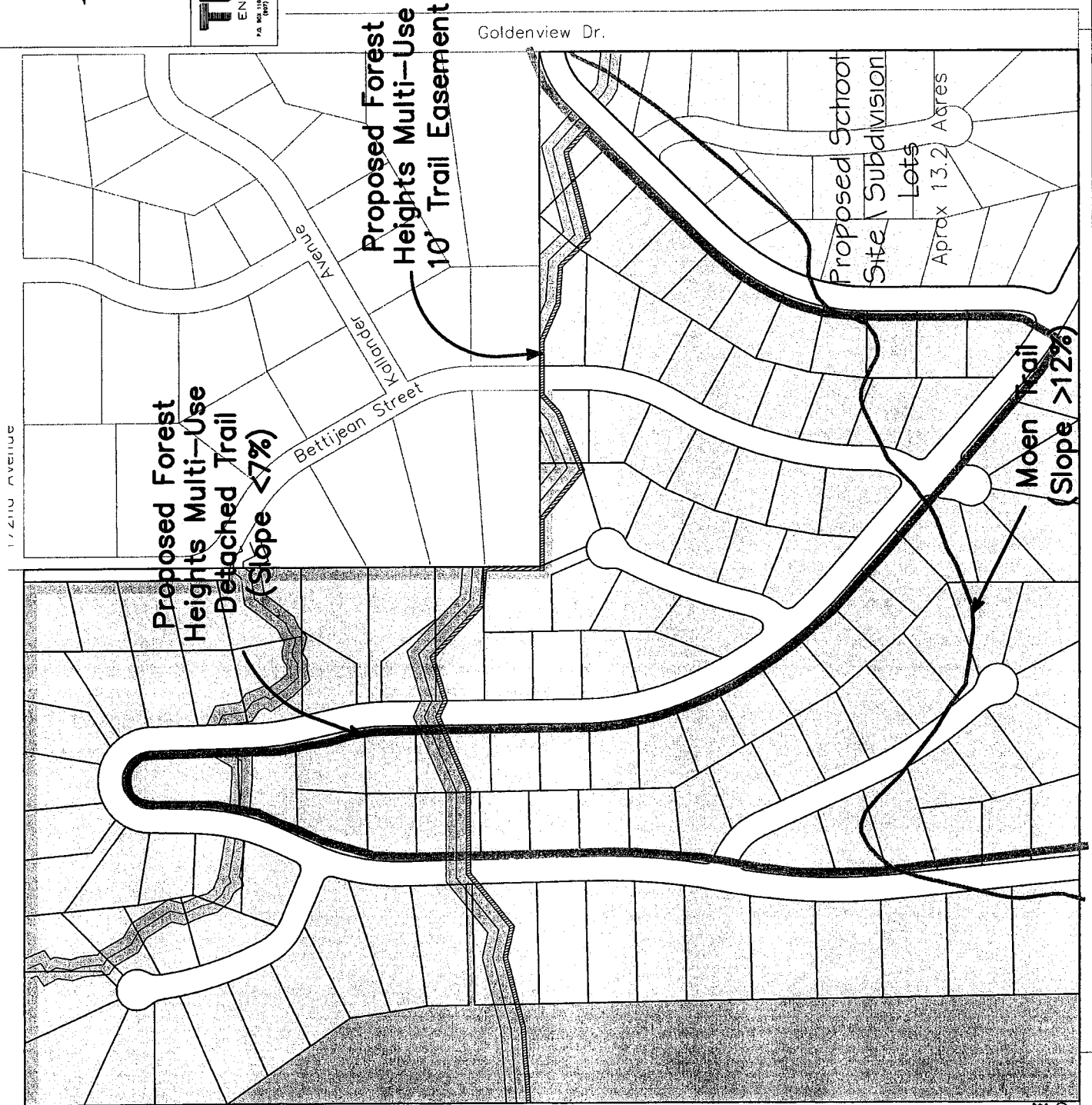
Concept Plan

# Forest Heights Subdivision

**TRIAD**  
ENGINEERING

P.O. BOX 119055 / JACKSONVILLE, FLORIDA 32211  
(904) 344-6837 (Fax 321-1254)

**Lantech**  
LANDSCAPE ARCHITECTURE  
P.O. BOX 119055 / JACKSONVILLE, FLORIDA 32211  
(904) 344-6837 (Fax 321-1254)



**FOREST HEIGHTS**  
**PRELIMINARY**  
**DRAINAGE IMPACT ANALYSIS**

The following drainage analysis is for the proposed development of Forest Heights, a 120 acre parcel located south of 172<sup>nd</sup> Avenue and west of Goldenview Drive. The project is proposed to be developed as single family residential lots under the R-7 zoning classification. Approximately 155 lots are anticipated, which will be served with a public water and sanitary sewer system. A portion of the site is being looked at by the School District as a potential school site. The full build out of the project is anticipated to occur within a 4 to 6 year period.

**EXISTING DRAINAGE PATTERNS:**

The initial tasks of this analysis included preparation of a two foot contour map, study of aerial photographs and field locate the existing drainage courses found on the parcel. The field investigation also noted several spring areas in the vicinity of the natural gas pipe line located along the western boundary of the parcel. The attached map shows the proposed drainage plan as well as the proposed lot layout, topographic contours and the existing drainage courses. The intent of the drainage plan is to not affect adjoining property drainage as well as have the surface runoff follow the existing courses.

**PROPOSED IMPROVEMENTS:**

No improvements exist on the site at this time. Proposed improvements include public water and sanitary sewer, drainage swales along with concrete edging, paved streets and pathways. The maximum road grade will be 10% with the majority being at 7% or less. Swales and slopes will be grassed for stabilization. A combination of rock lining and check dams will be installed to reduce the runoff velocities and potential erosion in the steeper portions of the swales. At selected locations, the roadside swales will be diverted into the existing natural drainage courses where the undisturbed vegetation will provide biofiltration, infiltration, storm drainage velocity reduction, retention and sedimentation control.

The intent is to leave the natural drainage courses undisturbed as much as possible. Drainage from the proposed roads, driveways & building pads will sheet flow either to the grassed roadway drainage swales or, where appropriate, into the natural drainage courses. These natural drainage swales, with undisturbed vegetation, will provide biofiltration, infiltration, storm drainage velocity reduction, retention and sedimentation control. With the exception of road & driveway culverts, no piped storm drain system is anticipated.

**SUMMARY:**

The first phase of the proposed development will consists of between 35 to 50 lots with full build out over a 6 to 8 year period. With the key elements outlined above the proposed site drainage improvements will provide proper water quality through the use of recognized best management practices. The proposed plan demonstrates a feasible as well as a natural and sensible approach to the drainage issues.

**FOREST HEIGHTS  
PRELIMINARY  
TRAFFIC IMPACT ANALYSIS**

**Prepared By:**

**Triad Engineering  
440 W. Benson Blvd., Suite 206  
Anchorage, Alaska 99503**

**September 15, 2005**

## **INDEX**

- I: Introduction**
- II: Project Access Routes**
- III: Project Trip Generation**
- IV: Existing Off Site Conditions**
- V: Project Affect to Off Site Conditions**
- VI: Accidents in the Area**
- VII: Cul-de-sac Length**
- VIII: Lots Fronting Primary Drive**
- IX: Trails & Pedestrian Facilities**
- X: Summary**
- APPENDIX A: Concept Map**
- APPENDIX B: Location Map**
- APPENDIX C: Goldenview Drive & Rabbit Creek Road  
Accident Report Summary 1997 through 2004**

## **I: Introduction:**

The following preliminary traffic analysis is for the proposed development of Forest Heights, a 120 acre parcel located south of 172<sup>nd</sup> Avenue and west of Goldenview Drive. The project is proposed to be developed as single family residential lots under the R-7 zone classification, which has a 20,000 sf minimum lot size. Since the existing zoning classification is PLI, a rezone action by the Planning & Zoning Commission and Assembly will be required to develop under the R-7 classification. Approximately 160 lots are anticipated, which will be served with a public water and sanitary sewer system. A portion of the site is being looked at by the School District as a potential school site. The full build out of the project is anticipated to occur within a 4 to 6 year period. The proposed main access road within the development is at an average grade of 6.8% which is well within Municipality of Anchorage (MOA) standards.

## **II: Project Access Routes:**

The primary access will be provided at Goldenview Drive located at the northeasterly corner of the development. A second access to Goldenview will be available at the southeast corner when the parcel to the south develops. This connection will align in the vicinity of Romania Drive, which is a primary access for Paradise Valley Subdivision. Another future access point is planned at the southwest corner of the parcel, which will connect to Potter Valley Road when the parcel to the south develops. This connection is important in that it provides the entire south Goldenview area an additional route to the New Seward Highway. A fourth access point will connect to Bettijean Street, which will provide a physical secondary access route to the Old Seward Highway by means of Virgo Avenue. The Bettijean Street connection along with the primary connection to Goldenview Drive will be built during the first phase of the project.

## **III: Trip Generation:**

The following table summarizes the anticipated morning & evening peak traffic volumes for the proposed 160 single family development. It is anticipated that 42% of the Forest Heights traffic will use Goldenview Drive (GV) as their main access and that 58% will use the southwest access to the New Seward Highway (NS) when the property to the south develops the Potter Valley Road connection. This is based upon the assumption of 4 trips per day for school traffic from 50% of the lots with 2 additional trips from 50% of the lots for access to Rabbit Creek Road.

**Table 1**  
**Trip Generations for the Proposed 160 Units**

AM	Daily Total	AM Peak Hour Factors			AM		
		Entering	Exiting	Total	Daily Trip Ends	Peak Entering	Peak Exiting
<b>Trips/Single/Family Dwelling Units</b>	<b>9.57</b>	<b>0.19</b>	<b>0.56</b>	<b>0.75</b>	<b>1531</b>	<b>(GV) (NS) 13 17</b>	<b>(GV) (NS) 38 52</b>
PM		PM Peak Hour Factors			PM		
<b>Trips/Single Family Dwelling Units</b>	<b>9.57</b>	<b>0.66</b>	<b>0.35</b>	<b>1.01</b>	<b>1531</b>	<b>(GV) (NS) 45 61</b>	<b>(GV) (NS) 24 32</b>

(GV) Goldenview Drive (NS) New Seward Highway

#### **IV: Existing Off Site Conditions**

Rabbit Creed Road is classified as a minor arterial west and a residential collector east of Goldenview Drive. The two lane arterial extends to the Old Seward Highway and provides the most direct route to downtown Anchorage. A turn and deceleration lane is located at Rabbit Creek Road and Goldenview Drive. The posted speed limit is 50 mph.

Goldenview Drive is a two-lane residential collector that extends south approximately 2 miles south of Rabbit Creek Road. The roadway is posted at a speed limit of 35 mph, and provides access to residential developments.

The attached Appendix B is titled "Existing AM & PM Peak Hour Traffic Volumes", dated April 2005, and is from the draft report prepared by USKH for the Municipality Hillside Sub-Area Transportation Study. It summarizes the existing traffic volumes for the area north of the proposed development.

The Hillside Sub-Area Transportation Study draft report classifies the Rabbit Creek Road & Goldenview Drive Intersection AM Peak Hour Level of Service at C with a delay of 15.8 seconds on the worst approach. The PM Peak Hour Level of Service is classified at B with a delay of 12.0 seconds on the worst approach.

#### **V: Project Affect to Off Site Conditions**

The anticipated affect of full project build out to the Goldenview Drive & Rabbit Creed Road, assuming 160 units and 42% using Goldenview Drive, is that the Peak Hour AM traffic leaving the project would increase by 38 vehicles and the Peak Hour PM traffic returning to the project would increase by 45 vehicles.

#### **VI: Accidents in the Area:**

The attached Appendix C is a summary of accident records in the vicinity of Rabbit Creek Road and Goldenview Drive from 1997 through 2004. This information was obtained from the Municipality of Anchorage, Department of Public Works, Traffic Engineering Division, Data Collection Section, Accident Database Listing.

A total of 19 accidents were reported during the 8 year period, of which 12 occurred at the intersection. Of the 12 total accidents reported at the intersection, 5 were due to failure to yield, 2 occurred due to slippery road conditions, 3 were due to excessive speed, 1 occurred due to driver inattention and 1 was due to improper lane usage.

#### **VII: Cul-de-sac Length:**

The primary design criteria for a subdivision road layout are to provide easy, safe access to the proposed building sites. The proposed lot layout accomplishes these goals by keeping road grades well within municipal standards. To achieve these goals, one cul-de-sac exceeds the Title 21 length of 750 ft by 100 ft. However, the maximum number of lots with access off of a cul-de-sac is 16. This number of units is well below what is normally found in a standard subdivision design and is therefore not seen as a problem or safety issue.

#### **VIII: Lots Fronting Primary Drive:**

To minimize traffic interruption along the primary drive, corner lots will have driveway access from the adjoining side streets. This will minimize driveways onto primary drive. Lots that access directly to the primary drive will have a turnaround on site, which will result in reducing the number of vehicles backing out onto the primary drive.

Traffic calming features will be incorporated into the street design. These include separated pedestrian pathways with crossings constructed using raised sections located at street intersections and intermediate crossing points. In addition, the 24 ft. paved suburban road sections with grassed swales with separated pedestrian pathways create a traffic-calming environment vs. the wider urban sections that tend to increase traffic speeds.

Also note that driveways also provide a traffic calming effect, especially when integrated with pedestrian features.

The goal of the subdivision design is to provide a pedestrian friendly environment in a quiet neighborhood setting, not a "race track" route.

#### **IX: Trails & Pedestrian Facilities**

A separated paved pathway, 5 ft wide, is proposed to be constructed along the main roadway. It would begin at Goldenview Drive and continue to the southwest corner of the project. The future extension would eventually connect to Potter Valley Road.

In addition to the separated pathway along the main road, unpaved pedestrian trails are proposed along the two existing creeks that cross the parcel.

#### **X: Summary**

Development of the Forest Heights project will begin at the easterly side of the parcel using Goldenview Drive as the primary access. Development will continue westerly as dictated by market conditions.

It is anticipated that at full build out, possibly within 6 years, the connection to Potter Valley Road will be completed by the developer to the south. Plans for development of the southerly parcel and connection to Potter Valley Road have already been presented to various groups and agencies for preliminary review and comment. This will then provide the Potter Valley Road/New Seward Highway connection for both traffic and pedestrians as discussed above.

The possibility of a school within a portion of this parcel is in the discussion phase at this point with an unknown scope and time frame. A separate Traffic Impact Analysis will be required once a project description and schedule is formulated.

The development of this project will not adversely affect the existing traffic within the area. The affect of this project on the Level of service at Goldenview Drive and Rabbit Creek Road intersection will remain within acceptable parameters established by the Municipality.

## **APPENDIX A**

### **Concept Map**

Concept Plan

# Forest Heights Subdivision

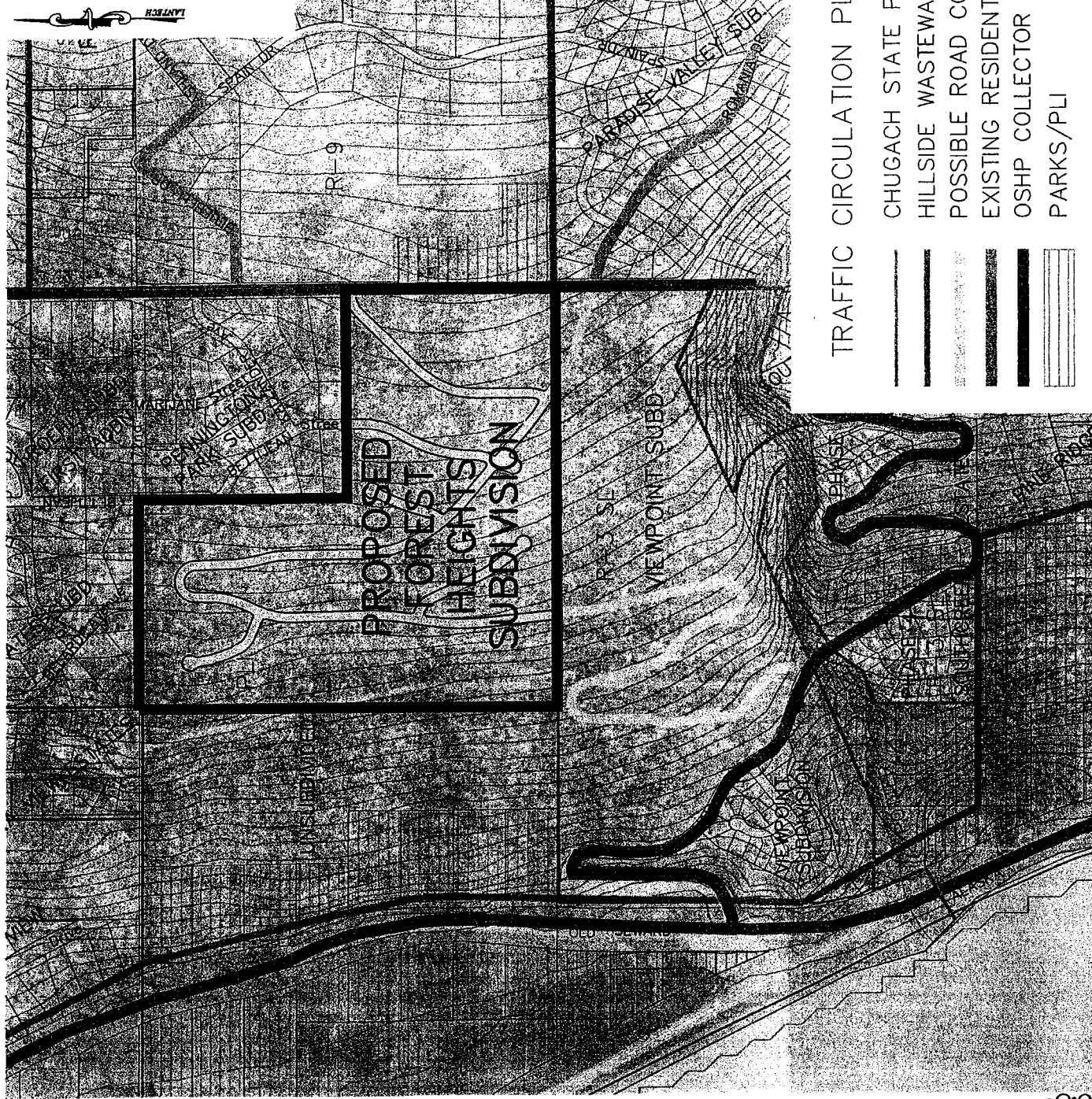
**TRIAD**

ENGINEERING

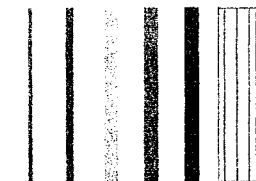
P.O. BOX 117000, Charlotte, North Carolina 28211  
(704) 366-1000 FAX (704) 366-1001

**Lantech**

10000 LANTANA AVE. #200  
DALLAS, TEXAS 75243  
(214) 343-1000 FAX (214) 343-1001



## TRAFFIC CIRCULATION PLAN

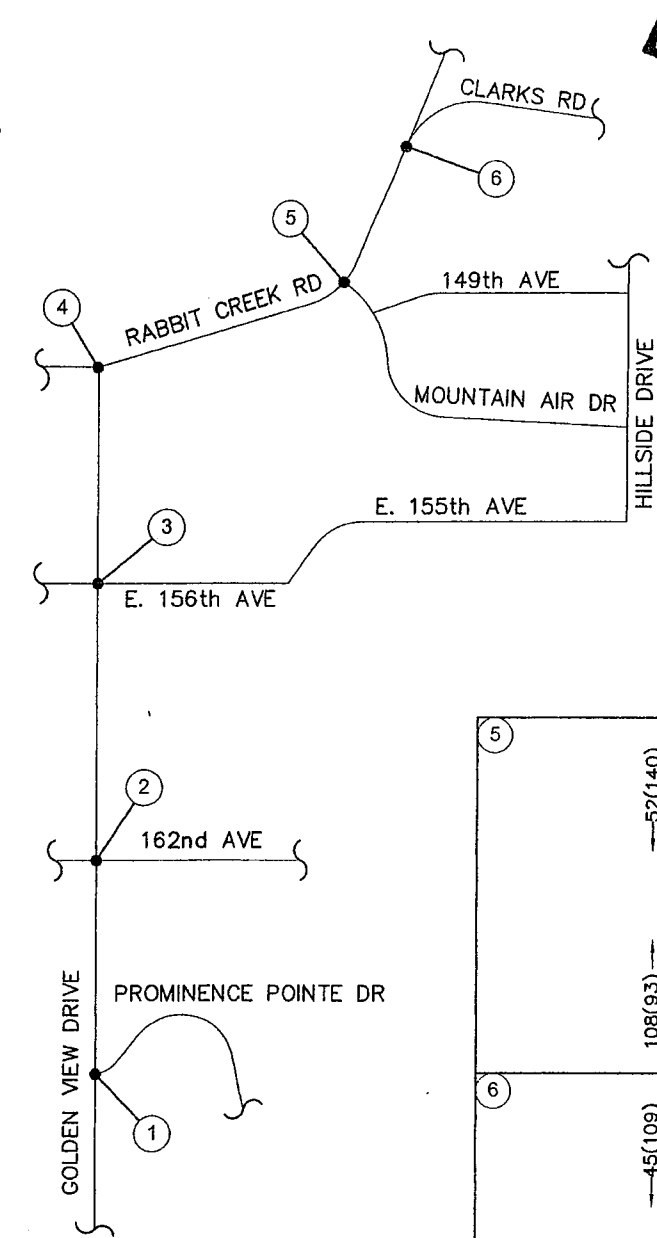


- CHUGACH STATE PARK BOUNDARY
- HILLSIDE WASTEWATER MANAGEMENT PERIMETER
- POSSIBLE ROAD CONNECTIONS
- EXISTING RESIDENTIAL CONNECTING STREET
- OSHP COLLECTOR
- PARKS/PLI

## **APPENDIX B**

### **Existing AM & PM Peak Hour Traffic Volumes**

**DRAFT**



LEGEND	
123	PM PEAK HOUR
(123)	AM PEAK HOUR

1	<p>→ 76(15)   21(17)</p> <p>37(107)   1(1)</p> <p>1(1)   1(1)</p> <p>1(1)   1(1)</p>
2	<p>1(1)   2(27)   157(37)   19(150)</p> <p>1(1)   1(17)</p> <p>1(1)   171(35)   1(1)   1(1)</p>
3	<p>→ 52(140)   3(58)   10(34)</p> <p>108(93)   20(50)   27(109)</p> <p>2(27)   1(1)   198(80)   24(1)   7(5)</p> <p>1(1)   1(1)   111(75)   1(1)   1(1)</p>
4	<p>→ 45(109)   5(2)   7(6)</p> <p>68(61)   63(19)   19(78)</p> <p>30(4)   13(27)   7(2)   4(1)   5(3)</p> <p>127(125)   62(202)</p> <p>192(84)   103(170)   3(1)   14(11)   24(13)</p>
5	<p>→ 52(140)   3(58)   10(34)</p> <p>108(93)   20(50)   27(109)</p>
6	<p>→ 45(109)   5(2)   7(6)</p> <p>68(61)   63(19)   19(78)</p>

**USKH**

Architecture • Engineering  
Land Surveying • Planning

Date APRIL 2005  
Drawn BS  
Checked BW  
USKH W.O. 768110

FIGURE

4 84



MUNICIPALITY OF ANCHORAGE TRAFFIC DEPARTMENT  
PROJECT XX-XXX  
HILLSIDE SUB-AREA TRANSPORTATION STUDY  
EXISTING AM & PM PEAK HOUR  
TRAFFIC VOLUMES

## **APPENDIX C**

### **Goldenvue Drive & Rabbit Creek Road Accident Report Summary 1997 through 2004**

## **EXPLANATION OF CODES FOR ACCIDENT REPORTS**

### **INTERSECTION RELATED (XSECT-R)**

- |   |   |
|---|---|
| 1. At Intersection<br>13. Private Drive, Intersection Related | 2. Not At Intersection<br>23. Private Drive, Not Intersection Related |
|---|---|

### **VEHICLE TYPE (TYPE VEH)**

PC - Passenger Car  
 PA - Panel Trucks  
 LL - Light Trucks  
 PB - Passenger Car with Trailer  
 PU - Pick-Up Trucks  
 TK - Large Truck - UPS Delivery Trucks  
 TT - Tractor-Trailer  
 CB - Commercial/Tour Bus  
 SB - School Bus  
 PM - People Mover  
 EV - Emergency Vehicle  
 CM - Construction/Maintenance  
 SM - Snow Machine  
 BI - Bicycle  
 MC - Motorcycle/Scooter  
 MH - Motorhome  
 RV - Recreation  
 SK - Skates/Skateboard  
 SL - Sled  
 PX - Taxi/Cab  
 TR - Train  
 PD - Pedestrian  
 OT - Airplane

### **INJURIES (INJ)**

1. Amputation
2. Concussion
3. Internal
4. Minor Bleeding
5. Severe Bleeding
6. Minor Burn
7. Moderate Burn
8. Severe Burn
9. Fracture/Dislocation
10. Contusion/Bruise
11. Abrasion
12. Complaint of Pain
13. None Visible

### **WEATHER ( WTHR)**

1. Clear
2. Cloudy
3. Rain
4. Snow
5. Sleet/Hail
6. Fog/Smog/Smoke
10. Other

### **TYPE OF ACCIDENT (TYPE-COL)**

1. Pedestrian
2. Pedacycle
3. Train
4. Animal
5. Moose
6. Head-On
7. Rear-End
8. Angle
9. Head-On
10. Rear-End
11. Angle
12. Parked
13. Bridge/Overpass
14. Building
15. Culvert
16. Curb/Wall
17. Ditch
18. Divider
19. Parking Meter
20. Traffic Light
21. Light Support
22. Sign Post
23. Utility Post
24. Other Support
25. Embankment
26. Fence
27. Guard Rail
28. Machinery
29. Tree/Shrub
30. Other Object
31. Aircraft
40. Overturn
41. Fire/Explosion
42. Immersion
43. Gas Inhalation
50. Other
66. Driving While Intoxicated
99. Hit and Run

### **LIGHT (LIGHT)**

1. Daylight
2. Twilight
3. Dark/Streetlight
4. Dark

### **PRE-ACCIDENT CONDITION (MOV-PROCOL)**

1. Going Straight Ahead
2. Making Right Turn
3. Making Left Turn
4. Making U-Turn
5. Starting from Parked Position
6. Starting in Traffic
7. Slowing or Stopping
8. Stopped in Traffic
9. Entering Parked Position
10. Parked
11. Avoiding Object in Roadway
12. Changing Lanes
13. Overtaking
14. Merging
15. Backing
16. Skidding
17. Out of Control
20. Other

### **TRAFFIC CONTROL (CNTRL)**

1. None
2. Traffic Signal
3. Stop Sign
4. Flashing Light
5. Yield Sign
6. Officer/Flagman
7. No Passing Zone
8. RR Crossing Sign
9. RR Crossing Flashing Light
10. RR Crossing Gate
20. Other

### **ROAD CONDITION (RD-CON)**

1. Dry
2. Wet
3. Muddy
4. Snow/Ice
5. Slush
10. Other

## **EXPLANATION OF CODES FOR ACCIDENT REPORTS**

### **CONTRIBUTING FACTORS (CON-FACTOR)**

1. None

#### **HUMAN**

2. Alcohol-Test Given
3. Alcohol-No Test Given
4. Alcohol Suspected
5. Unsafe Backing
6. Driver Inattention
7. Driver Inexperience
8. Drugs
9. Failure to Yield
10. Fell Asleep
11. Following too Closely
12. Illness
13. Lost Consciousness
14. Passenger Distraction
15. Passing or Lane Usage Improper
16. Pedestrian Error/Confusion
17. Physical Disability
18. Prescription Medication
19. Traffic Control Device Disregarded
20. Turning Improperly
21. Unsafe Speed
22. Other

#### **OTHER CODES**

**Fat** = Fatality

**X-Section** = Cross Section

**Nbr-Veh** = Number of Vehicle

**Street** = Street where accident occurred

**Date** = Date accident occurred

**Time** = Time accident occurred

**Distance** = Distance accident occurred from

X-Section

**Dir** = Direction accident occurred from

X-Section

#### **VEHICULAR**

41. Accelerator Defective
  42. Brakes Defective
  43. Headlights Defective
  44. Other Lighting Defective
  45. Oversized Vehicle
  46. Steering Failure
  47. Tire Failure/Inadequate
  48. Tow Hitch Defective
  49. Windshield Inadequate
  50. Other
- #### **ENVIRONMENTAL**
61. Animal Action
  62. Glare
  63. View Obstructed/Limited
  64. Other
- #### **ROADWAY**
71. Lane Marking Improper/Inadequate
  72. Construction Debris
  73. Pavement Deteriorated
  74. Slippery Pavement
  75. Shoulders
  76. Signs Missing/Inoperative
  77. Traffic Signal Inoperative
  80. Other

### **DIRECTION OF TRAVEL (DIR-TRAV)**

1. Northbound
3. Eastbound
5. Southbound
7. Westbound

### **PROPERTY DAMAGE (PRP-TRAV)**

1. Private
2. Municipal
3. State
4. Federal

### **PEDESTRIAN ACTION (PD-ACT)**

1. Crossing with Signal
2. Crossing Against Signal
3. Crossing, No Signal, Marked Crosswalk
4. Crossing, No Signal, No Marked Crosswalk
5. Walking Along With Traffic
6. Walking Along Against Traffic
7. Emerging in front of/behind parked vehicle
8. Child Getting On/Off School Bus
9. Getting On/Off Vehicle Other than School Bus
10. Pushing/Working On Car
11. Parking in Roadway
12. Playing in Roadway
13. Other Actions in Roadway
14. Not in Roadway
15. Alcohol Involvement

# AGENCY AND PUBLIC REVIEW COMMENTS

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

### DIVISION OF WILDLIFE CONSERVATION

**FRANK H MURKOWSKI,  
GOVERNOR**

333 Raspberry Road  
Anchorage, AK 99518-1599  
PHONE: (907) 267-2182  
FAX: (907) 267-2433

[www.state.ak.us/adfg](http://www.state.ak.us/adfg)

**RECEIVED**

**APR 05 2004**

**MUNICIPALITY OF ANCHORAGE  
PLANNING & ZONING DIVISION**

April 2, 2004

Department of Planning  
Zoning and Platting Division  
P.O. Box 196650  
Anchorage, AK 99519-6650

Re: Case No. 2004-053

Dear Members of the Planning and Zoning Commission:

The Alaska Department of Fish and Game has concerns about the proposed rezoning of the 120-acre parcel owned by Mr. John Berggren. The parcel is located on the hillside above Potter Marsh, and the entire parcel drains into Potter Marsh, which is an important component of the Anchorage Coastal Wildlife Refuge and managed by the department. The surface and ground water from the parcel is important to maintaining Potter Marsh as a valuable wetland. In addition to its value as a spawning and rearing area for five species of salmon, a breeding area and stopover for many thousands of migratory waterfowl and shorebirds, and a calving area for moose, Potter Marsh is one of the most popular natural areas in the Anchorage Bowl.

The parcel, located on the Anchorage Hillside west of Goldenview Drive and south of 172<sup>nd</sup> Avenue, has a complex landform, consisting of benches, swales, and intersecting ridges of morainal and some alluvial deposits. Vegetation includes old-growth birches mixed with white spruce and associated understory plants. Although we have conducted no in-depth studies of wildlife on this parcel, it clearly supports moose, lynx, coyotes, black and brown bears, and other wildlife common to mixed spruce-hardwood forests in the Anchorage area. Large animals tend to have large home ranges, and many moose and bears have seasonal movements between Chugach State Park and the Anchorage Coastal Wildlife Refuge (which encompasses Potter Marsh). Black and brown bears that feed on salmon and vegetation in Potter Marsh den in Chugach State Park. Mr. Berggren's parcel is the only large block of natural habitat remaining on the hillside directly above and adjacent to Potter Marsh.

High and moderate-density housing (more than 1 house/acre) will tend to block the free movement of wildlife between Chugach State Park and the Anchorage Coastal Wildlife Refuge. Developing the area will also result in more moose and bears in residential areas, where they are attracted to garbage and can become a public safety hazard. Urban-dwelling moose and bears need blocks of natural habitat to retreat into; otherwise, they become increasingly habituated to and agitated by people, vehicles, and dogs, and may become dangerous to neighborhood residents.

As important as the parcel is for terrestrial wildlife, its greatest environmental value is as a water source to Potter Marsh. Maintaining a freshwater marsh depends on maintaining incoming water quality and quantity. The entire 120-acre parcel drains into Potter Marsh. About one-fourth of the parcel, on the north end, drains directly into Little Survival Creek. The remainder is an unnamed drainage with many tributaries that drain into the south end of Potter Marsh. Munter (1984) considered the unnamed drainage part of the Little Survival Creek drainage.

Munter (1984) concluded that 78% of the fresh water in Potter Marsh was sustained by precipitation and groundwater inputs from the 2.5-square-mile drainage of Little Survival Creek. In accordance with AS 46.15.145 and all other applicable state laws and regulations, the Alaska Department of Fish and Game has the right to reserve water from Little Survival Creek to support the rearing of salmon. The mouth of Little Survival Creek begins at the north boundary of the watershed (i.e., at the north end of Potter Marsh, near the boardwalk), and the grant includes the unnamed drainages in the Berggren parcel, according to maps in the Certificate of Reservation of Water Rights. Any proposed development in this drainage, particularly of the magnitude considered in the rezoning request, should show that the water flowing into Potter Marsh will be maintained at the seasonal levels reserved.

Despite its location on a moderately steep hillside, large portions of the property have shallow groundwater, with a seasonal high water table one foot or less below the land surface (Emanuel and Cowing 1982). Emanuel and Cowing (1982) warned that "septic systems may not operate safely where landslope exceeds 20 percent, where the permeability of surficial materials is very high or low, or where the water table or bedrock is within 15 feet of land surface." Where maps indicate wetlands or shallow ground water, moderate to steep slopes, near-surface bedrock, or surficial materials of low permeability, site-specific investigations may be necessary to determine suitability for development (Emanuel and Cowing 1982).

According to Munter (1984), "urbanization may result in the transport of oils, greases, salts, nutrients [including lawn fertilizers and septic wastes], other contaminants [including lawn and spruce bark beetle pesticides], and excessive amounts of sediment into the marsh." In addition, "public sewers...may result in significant reductions in groundwater replenishment, with impacts to the marsh," and "development of a storm water drainage system may result in the diversion of water away from the marsh." Furthermore, "development of wells in the basin above Potter Marsh may result in lower water levels and...a decrease in groundwater flow to the marsh, with impacts on the marsh," and "urbanization may significantly alter the timing and duration of flows to the marsh, with direct impacts on resident or migratory fish and wild fowl."

## **Recommendations**

The municipality should consider purchasing part or all of the parcel and dedicating it as a community or regional park, similar to Kincaid or Bicentennial parks. Ski and hiking trails on this parcel would be compatible with wildlife conservation and provide Hillside residents with an easily accessed park. More importantly, the natural vegetation of a park would help maintain the water quality and quantity essential to the functioning of Potter Marsh.

If creating a park is infeasible, houses should be built on large lots (e.g., 2 acres or greater) and natural vegetation should be maintained. Houses, lawns, driveways, and roads should avoid the swales and tributaries of Little Survival Creek and areas with shallow water tables to minimize adverse impacts to Potter Marsh.

### **Literature Cited**

- Emanuel, R.P., and D.J. Cowing. 1982. Hydrogeology for land-use planning: the Potter Creek area, Anchorage, Alaska. Open-File Report 82-86. Prepared by the U.S. Geological Survey in cooperation with the Municipality of Anchorage. 4 sheets.
- Munter, J.A. 1984. Status of hydrogeologic work near Potter Marsh with suggestions for future work. Unpublished report. Alaska Department of Natural Resources, Division of Geological and Geophysical Surveys, Eagle River, Alaska. 8 pp.

Sincerely,

Rick Sinnott  
Wildlife Biologist

Cc: Stewart Seaberg, DNR  
Ellen Simpson, Sport Fish Division  
Thede Tobish, Municipality of Anchorage

## Ferguson, Sharon D.

---

**From:** Wheaton, Scott R.  
**Sent:** Friday, October 21, 2005 3:23 PM  
**To:** Bischofberger, Kristi L.  
**Cc:** Ferguson, Sharon D.; Taylor, Anastasia J.; Ellis, Steve M.; Tobish, Thede G.  
**Subject:** Mental Health Trust Lands '05 Streams Mapping

Kristi,

Attached is a summary (MHTLstrms\_05map) of our latest streams mapping at Parcel ID 02018119-000 ('Mental Health Trust Lands' off Goldenview). I have also attached our earlier mapping results (LSC10map—completed and submitted in 2002). Mapping and recommendations as a result of our 2005 work are generally unchanged from our earlier work—the western border of this parcel includes streams and terrain that is particularly sensitive to land development and increased storm water flows and will require careful drainage design and operations to limit downstream impacts as a result of increased flooding, erosion, sedimentation, icings and water quality degradation. Let me know if you need anything else on this. ///srw



MHTLstrms\_05map. pdf (304 KB)



\_SC10map.pdf (257 KB)

**DATE:** October 21, 2005

**TO:** Kristi Bischofberger, Watershed Administrator

**FROM:** Scott R. Wheaton, Watershed Scientist  
Watershed Management Services

**SUBJECT:** Parcel ID 02018119-000 (Mental Health Trust Lands) '05 Streams Mapping

Kristi, as you requested, we have completed reconnaissance mapping of stream and drainageway features for portions of Parcel ID 02018119-000. This parcel has been previously mapped (see appended WMS mapping file document dated December 2002). Mapping in 2002 was performed with snow on the ground making it difficult to determine exact source and channel locations for small first order streams. Though no snow was present, current mapping was impeded by dense stands of devils club typical along stream channels and recent leaf-fall obscuring small channel features, but all features shown on the attached map were able to be positively identified on the ground. Though some features were spatially intermittent, all mapped streams displayed very well defined channels from source to outlet except in areas of significant disturbance (mostly along and immediately adjacent to the gas pipeline alignment). All features also had pronounced and easily identifiable source areas. All carried flows from source to outlet at the time of mapping. All features identified in the 2002 mapping were observed during the current mapping, though continuing ground disturbance along the gas pipeline alignment had noticeably altered some stream channel positions. Limited map-grade GPS point data were collected to help locate features on MOA base orthoimagery (Figure 1).

Though the two largest stream features located during our recent mapping originate in spring sources east of Goldenview Drive, most of the smaller stream features were strongly associated with a steep escarpment trending north and south along the west boundary of the parcel. Sources for these small features consist of springs and seepage zones aligned along the lower face of the escarpment. Stream channels from these source areas typically are located within well defined ravines and swales ranging from a few meters to as much as 10 meters wide near their upper ends along the lower slope of the escarpment, and merge into and flow across a broad band of wet ground extending 20 to 40 meters west from the base of the escarpment. Interestingly, location ribbons apparently placed during wetland delineations quite frequently outlined these stream swales in the field, though these features do not appear to have been included in the recent wetlands mapping prepared by CH2M Hill for this area.

In fact based on our observations from both our current and 2002 field mapping efforts, wet ground is quite common as highly localized, though secondary, features along the middle and lower slopes of the escarpment while adjacent to the base of the escarpment wetter ground becomes predominant. This type of gradational character can be typical where surfacing of shallow groundwater is promoted by sharp breaks in slope, and should be recognized as an important terrain complex to be mapped and managed as a whole (rather than as isolated bits and pieces too small to be mapped or considered as apparently was the approach in the CH2

mapping). I have mapped the approximate extent of this complex as a 'sensitive discharge zone' in both Figure 1 and in mapping performed in 2002.

Finally, although we did not have time to walk and map drainageways (non-stream, overland storm water flow paths) during our recent mapping we have provided a rough estimation of the probable location of the major features crossing the parcel in question. Although development may result in diversion of a substantial fraction of flow directly across adjacent property to the south, natural flow paths will result in much of storm water runoff being discharged down through the small stream channels, across the wetland terrain at the base of the escarpment and ultimately directly into the upper end of Potter's Marsh (Figure 1). Currently peak surface flows are attenuated by substantial detention created by the natural soils and vegetation and by the hydraulic 'brake' created by the stream swales and wetland terrain present at the bottom of the escarpment. Development will remove this natural detention and create dramatically greater peak flows, particularly given the steep slopes along the escarpment and along the hillslopes immediately adjacent to Potter Creek Canyon and Potter's Marsh. Given the significant degree of erosion and siltation that has resulted from just the relatively modest disturbance along the existing gas pipeline alignment, mitigation of storm water drainage impacts will be very important in the development of this site.

From a storm water drainage perspective we offer the following recommendations:

- Streams on this parcel occupy steep sided swales that will be sensitive to erosion, siltation and icing with any disturbance. Increase setbacks for all stream features to a minimum of 50 feet (for a total protected corridor width of 100 feet (Figure 1).
- All stream features in this vicinity cross very steep slopes, both within and outside the parcel in question and will be subject to very rapid erosion and sedimentation with any significant increase in peak stream flows. Ensure adequate control of peak and volume of storm water discharged from development storm water drainage systems.
- Set aside as an area to be minimally disturbed the gradational ground water discharge zone that extends along the face of the escarpment from approximately midslope on the escarpment to the west boundary of the property (Figure 1). This zone has a very high density of springs and streams whose disturbance would likely create significant icings, erosion and siltation problems downstream as well as impact the hydrology of Potter Marsh.
- The wetland terrain at the base of the escarpment could provide ideal filtering and detention function given a suitably controlled peak storm water input rate. Consider the escarpment set-aside for potential use in receiving and detaining increased development runoff (assuming adequate pretreatment and management of hydraulic loading). This area also has high functional value for development for larger community recreational use, particularly considering the fact that the pipeline alignment is already in place along the base of the escarpment.
- Conversely we do not recommend that any significant trail construction be allowed along any of the stream features crossing the parcel in question (including the proposed re-location of the Moen Trail). As noted above, these features are by and large located in incised and steeply sided features quite sensitive to construction and disturbance. On the other hand, the Moen Trail is ideally located for stability along a ridge of shallow bedrock and at the crest of the escarpment.

- Smaller stream features across this parcel are difficult to locate and identify due to their intermittent nature and a dense vegetative canopy. Though our current mapping is reasonably complete and accurate, it is not intended to supplant either a precise survey or accurate location of these features in the field. As development progresses, we strongly urge that first developers locate any stream feature in the field and that then these locations be checked and revised by WMS in the field before a final survey of these features is done.

SRW/

Srw: MHTLstrms\_05map.doc

cc: Sharon Ferguson, Senior Planner  
Steve Ellis, Plan Reviewer  
Ana Taylor, Plan Reviewer



## **Little Survival Creek**

December, 2002

South Potter Marsh Tributaries

Scott R Wheaton, Watershed Scientist

WMS performed watercourse mapping along the hillslopes east of the south end of Potter Marsh in mid-December, 2002. Scott Wheaton, WMS, and Bill Rice, Montgomery-Watson Harza performed initial field mapping, including GPS data collection at spring and stream features, on December 11<sup>th</sup>. Scott Wheaton and Kristi Bischofberger completed additional field confirmation mapping of the upstream extent of stream features identified in photo interpretive mapping and the earlier field mapping.

Investigators mapped watercourse features including streams and the higher order drainageways (see attached figure). Most of the watercourse features mapped were 1<sup>st</sup> or 2<sup>nd</sup> order streams and their defining characteristics were readily distinguishable except at the upper ends of stream headwaters. Streams fed by springs were easily identifiable, but new-fallen snow present during both field efforts often obscured the headwaters of those first order stream features fed solely by shallow ground water discharge zones (seeps). Drainageways were not readily identifiable on available photo coverage and snow conditions did not allow the extensive reconnaissance that would have been required to map these features in detail. Only the largest drainageway features were mapped and field confirmation of those features that were identified was minimal. All streams and drainageways mapped in this investigation have not been mapped before and are currently under process for inclusion in the MOA corporate map sets.

In addition to specific watercourse features, several other important hydrologic characteristics were identified during this investigation. The study area has a moderately sloping land surface generally underlain by low-permeability, glaciomarine till. Near the natural gas pipeline ROW as it traverses the western portion of the project area, a sharp break in slope occurs along an escarpment traversing the hillside from north to south. The sharp increase in slope promotes extensive shallow ground water discharge along a band about 350 feet wide and paralleling the base of the escarpment (see the area labeled 'High Spring Density' in the attached figure). Along this band springs and seeps are common and the ground is commonly saturated at or just below the surface. Any development within this band would require construction of extensive surface and subsurface drainage and significant alteration and integration of existing springs and lower order stream features. However land development in this zone would also have to be appropriately controlled to minimize potential negative impacts to downstream drainage systems and receiving waters. Because of the existence of the many springs and small streams and the high water table within this area it is likely that setback and other controls would preclude most land usages. The potential effects of construction within this zone are clearly demonstrated by stream erosion and icings present all along the natural gas pipeline alignment that crosses the western edge of this zone.

A short distance downslope from the spring zone the small streams drop off the escarpment bench and flow along the steeper hillslopes just east of Potter Marsh. Across this downslope zone (labeled 'High Stream Density' in the attached figure) the streams flow for short distances in separate channels until they can become integrated. Land development within this zone will be restricted by the presence of the many small streams, though shallow ground water will be more localized along the many small stream channels and drainageways.

The attached figure also shows one large natural drainageway running generally east to west across the southern portion of the area. This investigation was not able to map all these natural features, and several other large drainageways are thought to exist along the center of the study area. Both drainageways and stream features are typically steep across the project area and ground water will be at shallow depths over much of the area as well. Given these conditions, and the presence of the broad spring and stream integration zones, and the short distance to sensitive receiving waters (Potter Marsh and Little Survival Creek) site development should consider stream and drainageway setbacks more reflective of national norms. Minimum setbacks recommended for higher order (larger) drainageways is 25' (a 50' corridor) and for streams is 75' (a 150' corridor). Receiving waters and storm water hydraulic drainage systems controls may be attainable at smaller setbacks if the 'High Density Spring Zone' is preserved and discharges into this zone are carefully controlled.

**2005-138      An ordinance amendment to allow commercial fragment lots in a PC  
(Planned Community District)**

This Division reviewed the amendment and has no comment.

**2005-139      PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential)**

The 1982 *Anchorage Bowl Comprehensive Development Plan* Land Use Map shows this site as being designated for Public Lands and Institutions; the property belonged to the Mental Health Trust when the Comprehensive Plan was adopted in 1982. Properties to the north are designated for less than 1 du/a and properties to the south are in a 10du/a under controlled development requiring clustering of structures, internal circulation, water and sewage availability, transition and buffering design, and site plan review.

This rezoning will provide a transition in lot sizes between the R-6 properties to the north and the R-3 multi-family zoned property to the south. The lot sizes will also need to meet the slope chart requirements for hillside lots, which may increase the size of some of the lots. Lots located adjacent to R-6 development should meet the same lot width as adjacent platted lots, which will make a smoother transition from the lower density development to the north. The *Hillside Wastewater Management Plan* shows this area is within the area designated for public sewer.

*Anchorage 2020* addresses the Hillside (p. 48):

- Traditional low-density development continues on the upper Hillside.
- Strategic and limited revisions to zoning and public water/sewer extensions permit additional small-lot subdivisions on the lower Hillside.
- Significant environmental features are protected and integrated into new subdivisions and public facilities.
- Transportation and other land use decisions reduce traffic congestion and trip generation.
- Hillside wildfire dangers are addressed through an active management program.

*Anchorage 2020* policies affecting the Hillside area:

*Policy 13:* New rural residential subdivisions shall be designed to:

- a) Maintain the rural character of the area;
- b) Link to existing adjacent road and trail systems;
- c) Protect, maintain, or avoid sensitive environmental areas (wetlands, steep slopes, drainageways, unsuitable soils, geohazard areas); and
- d) Incorporate wildland fire safety design standards.

*Policy 46:* The unique appeal of individual residential neighborhoods shall be protected and enhanced in accordance with applicable goals, policies, and strategies.

*Policy 48:* Subdivision plats and site development plans shall be designed to enhance or preserve scenic views and other significant natural features in accordance with applicable goals, policies, and strategies.

*Policy 49:* Site plan layout and building design for new development shall consider the character of adjacent development. The Municipality may require layouts and designs to incorporate the functional and aesthetic character of adjacent development.

*Policy 53:*

Design, construct, and maintain roads to retain or enhance scenic views and improve the general appearance of the road corridor.

*Policy 54:* Design and construct neighborhood roads and walkways to ensure safe pedestrian movement and neighborhood connectivity, and to discourage high-speed, cut-through traffic.

*Policy 55:* Provide pedestrian and trail connections within and between residential subdivisions in new plats, including replants.

*Policy 67:* The Municipality shall preserve the functions and values of important wetlands, and manage the proper use of low-value wetlands with General Permits, as delineated in the *Anchorage Wetlands Management Plan*.

HLB is negotiating with the developer to purchase Tract B for a public purpose, and as such Tract B should remain PLI. The applicant's representative indicated in a letter to the department that if the purchase took place prior to Assembly action that Tract B would be withdrawn from the request. Tract B is also one of three sites being reviewed through the school site selection process for an elementary school.

There are springs on this property and a complete drainage analysis will be required when the property is developed with residential lots. There are also wetland areas that have been surveyed and will require a wetlands determination and permit prior to development. Wetlands will need to be shown on the final tract replat.

#### **2005-140      Rezone R-2M (Multi-Family District) to R-3 (Multi-Family District)**

The 1982 *Anchorage Bowl Comprehensive Development Plan* Residential Intensity Map shows this site as being designated for 7-10 dua. For comparison, the *Anchorage 2020* June 2005 Draft Residential Intensity Map designates this area for 8 to 15 dua. The current R-2M district allows 8 dwelling units on a 20,000 sf lot or 16 dua; so, this 2.3-acre site could theoretically support 40 units. The R-3 rezone request by the applicant is for 72 dwelling units (31 dua).

*Anchorage 2020* identifies Muldoon Road as a Transit-Supportive Development Corridor. Policy #34 recommends average residential densities equal to or greater than 8 dua occur within

**Ferguson, Sharon D.**

---

**From:** Coop, Leland R.  
**Sent:** Wednesday, October 19, 2005 3:01 PM  
**To:** Dave Grenier (davegrenier@triad-quest.com)  
**Cc:** Ferguson, Sharon D.; Kniefel, Robert E.  
**Subject:** Forest Heights TIA

Hey Dave, here are comments on the TIA.

1. We need a scoping meeting to discuss the items for inclusion in the traffic impact analysis.
2. Attached is a draft showing traffic impact analysis requirements as well as what is required for a submittal. Your submittal should follow the outline shown.
3. Trip distribution/assignment needs to be discussed more thoroughly and shown graphically. Assignment method should be identified.
4. In association with the above, trips from this development as well as trips from the development to the south need to mesh with each other on how many trips will use the other's roadways.
5. Internal circulation must be discussed – why cul-de-sacs instead of through streets as an example.
6. LOS analysis must be included to support the statement that this development will not have an adverse impact.
7. Is Goldenvue built to Municipal standards adjacent to the site? This should be noted in the traffic impact analysis.

Once again, please contact us to set a scoping meeting so we can answer any questions you may have.

Thank you,

Lee Coop  
Traffic Department  
4700 S. Bragaw Street  
343-8479



**MUNICIPALITY OF ANCHORAGE**  
Traffic Department



**MEMORANDUM**

**RECEIVED**

DATE: September 4, 2005  
TO: Jerry T. Weaver, Platting Supervisor, Planning Department  
THRU: Leland R. Coop, Associate Traffic Engineer  
FROM: Mada Angell, Assistant Traffic Engineer  
SUBJECT: Comments, November 7, 2005 Planning & Zoning Commission

OCT 05 2005

MUNICIPALITY OF ANCHORAGE  
COMMUNITY PLANNING & DEVELOPMENT

**05-053 Ordinance amending Title 21**

Traffic has no comment.

**05-139 Portions of Sec 10; Rezoning from PLI to R-7; Grid 3437**

- Traffic Department has reviewed the Traffic Impact Analysis dated June 15, 2005 for Forest Heights. Additional information is required in the TIA. Please call Lee Coop at 343-8479 to set up a TIA Scoping Meeting.
- At the time of the TIA Scoping Meeting, traffic calming techniques can also be established.
- Traffic has no objection to the rezone following an approved TIA.

**05-137 Campbell Lake Outfall; Rezone from Split Lot Zoning to all R-1 Zoning; Grid 2525**

Traffic has no comment.

**05-138 Ordinance amending Title 21**

Traffic has no comment.

**05-140 Eastview Estates; Rezone from R-2M to R-3; Grid 1240**

Traffic has no comment.



**MUNICIPALITY OF ANCHORAGE**  
Development Services Department  
Building Safety Division



**MEMORANDUM**

**RECEIVED**

**DATE:** October 6, 2005  
**TO:** Jerry Weaver, Jr. Platting Officer, CPD  
**FROM:** Julie Makela, P.E., Acting Program Manager, On-Site Water and Wastewater Program  
**SUBJ:** Comments on Cases due October 10, 2005

**OCT 06 2005**

**MUNICIPALITY OF ANCHORAGE**  
COMMUNITY PLANNING & DEVELOPMENT

The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

- 2005-137 Rezoning to R-1 One-family residential district. Campbell Lake Outfall, Tract B
1. The On-Site Water & Wastewater Program has no objection to the proposed re-zone from split PLI/R-1 to full R-1.
- 2005-138 On ordinance amending Title 21 for PC Planned community district
1. The On-Site Water & Wastewater Program has no objection to the proposed amended ordinance.
- 2005-139 Rezoning to R-7 Intermediate rural residential district. T11N, R3W, Section 10, NW1/4, NE1/4, S1/2, NE1/4. (Forest Heights)
1. The On-Site Water & Wastewater Program has no objections providing public sewer and water is extended to serve all future lots within the referenced parcel.
- 2005-140 Rezoning to R-3 Multiple-family residential district
1. The On-Site Water & Wastewater Program has no objection to the proposed re-zone from R-2M to R-3.

**Municipality of Anchorage  
MEMORANDUM**

**RECEIVED**

OCT 06 2005

**DATE:** October 6, 2005  
**TO:** Jerry Weaver, Manager, Zoning and Platting Division  
**FROM:** Brian Dean, Code Enforcement Manager  
**SUBJECT:** Land Use Enforcement Review Comments, Planning and Zoning Commission case for the meeting of November 7, 2005

Municipality of Anchorage  
Zoning Division

**Case #:** 2005-139  
**Type:** Rezoning  
**Subdivision:** T11N R3W SEC 10 NW4NE4S2NE4  
**Grid:** 3437  
**Tax ID #:** 020-181-19  
**Zoning:** PLI to R-7SL

**Platting:** BLM plat, accepted October 28, 1954

**Land Use Enforcement cannot support this case, and recommends that it be denied.**

AMC 21.20.020.C: "A special limitation shall do one or more of the following:  
1. Limit residential density ... otherwise permitted in a use district; ...."

Under AMC 21.40.090.F, the minimum lot area in the R-7 district is 20,000 square feet. Special Limitation 3 states that "Lot size minimum is 12,000 square feet." This would allow lots that are not "otherwise permitted in [the R-7] district" in violation of AMC 21.20.020.C. The proposed "limitation" is not a limitation at all but a *relaxation* of the requirements.

If approval of this case is granted, Land Use Enforcement recommends the following:

Special Limitation 6 effectively amends the Hillside Wastewater Management Plan. Resolve with the Law Department whether the Hillside Wastewater Management Plan can be amended through a rezoning ordinance and, if so, whether the current ordinance has been properly advertised.

(Reviewer: Don Dolenc)



# MUNICIPALITY OF ANCHORAGE

Development Services Department  
Right of Way Division



## MEMORANDUM

## RECEIVED

**DATE:** October 5, 2005  
**TO:** Planning Department, Zoning and Platting Division  
**THRU:** Jack L. Frost, Jr., Right of Way Supervisors *L*  
**FROM:** Lynn McGee, Senior Plan Reviewer *L*  
**SUBJ:** Request for Comments on Planning and Zoning Commission case(s) for the Meeting of November 7, 2005.

OCT 05 2005  
MUNICIPALITY OF ANCHORAGE  
COMMUNITY PLANNING & DEVELOPMENT

Right of Way has reviewed the following case(s) due October 10, 2005.

**05-137 Campbell Lake Outfall, Tract B, grid 2525**  
**(Rezoning Request, PLI to R-1)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**05-138 Ordinance Amendment**  
**(Title 21 for Planned Community District)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**05-139 Section 10 T11N R3W, grid 3437**  
**(Rezoning Request, PLI to R-7SL)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

**05-140 Eastview Estates, Tract A, grid 1240**  
**(Rezoning Request, R-2M to R-3)**  
Right of Way Division has no comments at this time.  
Review time 15 minutes.

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0520 (FAX 269-0521)  
(TTY 269-0473)

CENTRAL REGION - PLANNING  
RECEIVED

SEP 26 2005

September 23, 2005

Municipality of Anchorage  
Zoning Division

RE: Zoning Case Review

Jerry Weaver, Platting Officer  
Planning and Development  
Municipality of Anchorage  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

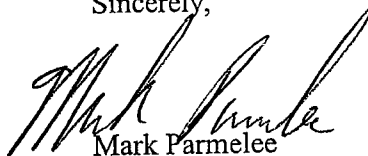
Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) reviewed the following Zoning Cases and has no comment:

2005-135 Alyeska North #3 Subdivision, Block 6, Lot 7, Taos Road, Variance: side yard setback  
2005-137 Campbell Lake Outfall, Tract B, Rezone: R-1  
2005-138 Amend Title 21 for PC Planned Community  
2005-139 Forest Heights Subdivision, Rezone: R-7SL  
2005-140 Eastview Estates Tract A Rezone: R-3

Thank you for the opportunity to comment.

Sincerely,



Mark Parmelee  
Anchorage Area Planner

/eh

**Stewart, Gloria I.**

---

**From:** Staff, Alton R.  
**Sent:** Tuesday, September 20, 2005 8:51 AM  
**To:** Stewart, Gloria I.; Pierce, Eileen A  
**Cc:** Taylor, Gary A.  
**Subject:** Zoning Reviews

**RECEIVED**

SEP 20 2005

Municipality of Anchorage  
Zoning Division

The Public Transportation Department has no comment on the following zoning cases:

2005- 127 through 129  
137 through 140

Thank you for the opportunity to review.

2005-139



## FLOOD HAZARD REVIEW SHEET for PLATS

Date: 9-19-05

Case: 2005-139

Flood Hazard Zone: C

Map Number: 0260

RECEIVED

SEP 19 2005

MUNICIPALITY OF ANCHORAGE  
COMMUNITY PLANNING & DEVELOPMENT

☐ Portions of this lot are located in the floodplain as determined by the Federal Emergency Management Agency.

☐ AMC 21.15.020 requires that the following note be placed on the plat:

"Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of Section 21.60.020 (Anchorage Municipal Code). All construction activities and any land use within the flood hazard district shall conform to the requirements of Chapter 21.60 (Anchorage Municipal Code)."

☐ A Flood Hazard permit is required for any construction in the floodplain.

☒ I have no comments on this case.

Reviewer: Jack Puff

RECEIVED

OCT 25 2005

Municipality of Anchorage  
Zoning Division

## Rabbit Creek Community Council

P.O. Box 112354, Anchorage, AK 99511-2354

October 19, 2005



TO: Planning & Zoning Commission via 3437927 fax

FROM: RABBIT CREEK COMMUNITY COUNCIL

CC: Sharon Ferguson, MOA Planning Department

Re: Forest Heights Rezone Case No. 2005-139

Dear Commissioners:

The Rabbit Creek Community Council requests that the rezone application submitted by Forest Heights, LLC be denied any hearing on November 7, 2005 before the Commission. The reason no hearing can be provided is that the applicant failed to comply with MOA notice requirements set forth in AMC 21.15.005.

The mailed notice received by the adjacent property owners states that 120 acres is being sought for rezoning from PLI to R7SL, as did the notice agenda of the Planning & Zoning Commission published in the Anchorage Daily News October 11, 2005. Under AMC 21.15.005(C)(1)(b) the form of notice shall state "a description of the application." Unfortunately, the description of the application set forth in the notice does not match the description of the application now under consideration which contains no request for special limitations, as incorrectly stated in the notice. **This is a substantial and material variance between the actual application and the notice.** By giving "notice" that special limitations are being sought, but in fact, by failing to actually request special limitations in the application, the public is mislead in thinking that if the zoning change is granted, the applicant and the Commission will impose some restrictions to conform to zoning issues when in fact that is not the case.

Notice is fundamental to procedural due process. Failure to comply with the notice requirements mandates denial of the application at this time and

removal of the issue from the Commission agenda. The applicant must meet municipal notice requirements in order for the hearing to be lawfully held.

The Forest Heights, LLC rezone application packet received by the Rabbit Creek Community Council contains a prior application submitted by John Berggren for a rezone of this property from PLI to R 7SL dated December 31, 2003. This MOA planning department required studies and data before the Commission could address that application. Action on that application was then "postponed indefinitely."

The old application that was withdrawn requests varying lot sizes on this property to be served by both sewer and water and on-site septic for the larger lots as requested by the adjoining neighbors in meetings with Mr. Berggren. The new application now contains an amendment submitted by the new owners of this property requesting a different zoning of R7 with no special limitations and public water and sewer to serve all properties in this subdivision. This amendment is located 9 pages behind the old application. The notice recently sent out and published (the only notice given to the public) erroneously omits these key changes and amendments. This is a significant change to the original application and proper notice is required under law.

The public has the right to know exactly what zoning map amendment the applicant is requesting by receiving clear and accurate notice in order to make informed comments at a public hearing. For these reasons the Rabbit Creek Community Council requests that this matter be delisted from the agenda with an order from the Planning Department to the applicant to give proper and reasonable notice that complies with MOA requirements. In the event proper notice is not required, any actions taken by the Commission may be deemed void. See AS 44.62.310(e) ("Reasonable public notice shall be given for all meetings" and (f) "Action taken contrary to this section is voidable"); *Lindblom v. Prime Hospitality Corp.*, 90 P.3d 1283 (June 10, 2004) (action deemed void and set aside for lack of proper notice).

# **Rabbit Creek Community Council**

**P.O. Box 112354, Anchorage, AK 99511-2354**

**RECEIVED**

**OCT 27 2005**

**Municipality of Anchorage  
Zoning Division**



October 27, 2005

To: Planning & Zoning Commission (via email to Eileen Pierce)

From: Rabbit Creek Community Council

Re: Case 2005-139 – Forest Heights Rezone

The Rabbit Creek Community Council ("RCCC") has reviewed information presented by the petitioner to rezone 120 acres of PLI land. This prospective rezoned property lies within the RCCC boundaries and has been the subject of prior rezoning efforts and prior studies (and directives for additional studies). This letter sets forth the RCCC position regarding the petition along with recommendations.

The property at issue is one of the last undeveloped gross acreage of 120 acres parcels on the Hillside forming the watershed for Potter Marsh. The property has seven documented streams that feed Potter Marsh, a small section of wetlands, and an historical RS 2477 trail known as the Moen Trail. This parcel contains variable topography, sections of steep terrain over 30% slope, stands of mature spruce and birch, drainage challenges, and documented important wildlife habitat; all of which should be taken into account in the plat.

This parcel has substantial environmental importance to the continued existence and vitality of Potter Marsh.

## **Petitioner's Burden of Proof**

Any purchaser of land buys the land subject to the existing zoning. It is not the job of the Planning and Zoning Commission to reward land speculation where property is purchased at a lower property designation and then the owners attempt to profit on the property by seeking a zoning that allows a far more lucrative development. There are many useful, and profitable, developments allowed in a PLI zoning district. The RCCC objects to what appears to be a presumption that whomever buys this parcel is automatically entitled to change zoning to whatever the new owner thinks is the most profitable. Yet, for good reasons, this same presumption is not applied downtown, or in South Addition, or midtown.

Given the scenic and habitat values of this tract, platting should be sensitive to terrain, drainage, and scenic qualities, as well as neighborhood connectivity. Neighborhoods cannot be orderly developed, and reasonable economic expectations cannot be protected, if zoning districts are arbitrarily changed every time a new owner buys land.

Forest Heights, LLC bought land zoned PLI. It knew what the zoning was before it bought the property. It is not "entitled" to a rezone anymore than a property owner in South Addition is entitled to change zoning from R2-M to B2-B (certainly a potentially more profitable zoning). Neighborhoods cannot be orderly developed, and reasonable economic expectations cannot be protected, if zoning districts are arbitrarily changed every time a new owner buys land.

Existing zoning requirements must be consistent and rarely altered in order to protect property values, property owners' expectations, and organized growth. Zoning variances and zoning changes are the exception, not the rule. The burden of a petitioner seeking a zoning change is heavy, and zoning changes should be granted sparingly and only under exceptional circumstances. The reasons for granting a zoning change must be substantial, serious and compelling.

In order to grant a re-zoning request such as this, Planning and Zoning Commission must have facts establishing that the new zoning or variance will be in the public interest. Here, the petitioner failed to provide any data that establishes this proposed rezone is in the public interest. Indeed, the RCCC's primary concern with the petition is that it is not in the public interest since it is contrary to the orderly development of the Hillside, imposes public safety issues because of lack of roads and emergency access, reduces quality of life for the existing residents by increasing traffic and density and violates reasonably based expectations of private property owners. The petitioner here has failed to meet its burden of providing evidence that, without a zoning change, the public interest will not be served.

### ***The Adjoining Neighborhoods***

This property is bordered on two sides by established rural neighborhoods consisting of R-6, with natural vegetation, on-site water and septic, and LRSA maintained narrow gravel roads. The southern boundary is currently undeveloped and zoned R3SL. The Western boundary is Heritage Land Bank property parcels 2-127 to 2-136, currently zoned PLI, after an intensive planning analysis in which it was determined that open space was the best use for the parcel.

The petitioner's "concept plan" and Traffic Impact Analysis show that two access points on Goldenvue Drive and one on Bettjean St. up to Goldenvue Drive would be the primary access to this development. It also states that when the connection to Potter Valley road is made that a fourth access point would be created. The petitioner failed to evaluate current traffic and road conditions, a condition on the most recent prior development proposal.

Goldenvue is an already overloaded, dead-end cul-de-sac collector road for the residents south of Rabbit Creek Road. It has two lanes, no sidewalks, no bike trails, and due to massive construction in the last 10 years, including Bridgeview Subdivision, Prominence Point, Shangri-La and a host of independent developments, more traffic than it was ever designed to handle. The cumulative effects of development in this area have created a dangerous situation that have been only partially evaluated and addressed by the MOA in the Hillside Sub Area Circulation Study dated April 2005. This study indicates that 500 - 600 new homes will be built south of Bear Valley up to 172<sup>nd</sup> Ave and that until another road is built parallel to Goldenvue Drive, the only access to Rabbit Creek Road is on Goldenvue. This does not even include any development **south of 172<sup>nd</sup> including Forest Heights and Potter View**, adding an additional 350 homes.

In 2000, the MOA Transportation Planning Department commented on a previous petition to develop this parcel and stated "the circulation system in this area of the hillside is incomplete, including a north-south collector system. At present time Goldenview Drive serves as the only collector road in and out of the area. It is not likely that the Goldenview - Rabbit Creek Road intersection will be signalized due to excessive intersection grades." It further states that "an additional link is needed between Goldenview and Potter Valley Road through the petition site that will function as a collector street. ***This new link will greatly improve the access to this site and should serve as its primary access.*** It would help to reduce the traffic on Goldenview Drive as well as provide a needed south access to the area for emergency services. For these reasons the Transportation Planning does not agree with the petitioner's proposal to utilize Goldenview Drive as the primary access to the site and recommends that the long-term need to accommodate a connection to Potter Valley road should be addressed in the subdivision plat. The Anchorage Fire Department concurs with these remarks." The MOA Transportation Planning Department comments and analysis were true in 2000, and even more true today in 2005. It is notable that the Petitioner completely ignores the Planning Department's analysis in its current petition.

According to the petitioner's "concept plan" and Traffic Impact Analysis, the main and only road to access this subdivision will begin in phase one at the northeast corner on Goldenview Drive and traverse the property with a sharp curve and a speed limit of 10 mph to ultimately tie into Potter Valley Road. This type of road would not be considered a "collector road" and would not serve as a main access road to Potter Valley Road. In addition, the petitioner states that it may take up to 8 years to complete the construction of this property and thus preventing access south to Potter Valley Road. In addition, this petitioner has no written agreement with the Heritage Land Bank or the developer to the south, Potter Heights LLC to access through their properties to Potter Valley Road. So, it remains speculative that this connection will ever be made.

The MOA has already determined this collector street **must** be the primary access for this subdivision.

Further, the petition shows no buffering from this suburban type subdivision to the rural subdivisions which border it to the north and east sides. In fact, this concept plan shows 5 lots to be built on the northeast corner of Bettjean St. These driveways will access directly into the Pennington Park and adjacent Loma Estates subdivisions and not connect at all into the Forest Heights subdivision. Pennington Park and Loma Estates are rural and are zoned R-6 with 1 house per 1-1/4 acres. Adding 2 houses per acre would have a significant effect on the existing neighborhood. **A 50 ft natural vegetative undisturbed buffer** along the north and east boundaries is needed to protect the rural nature of these existing neighborhoods. Current zoning requirements mandate a buffer between different types of zoning.

The RCCC believes that the northern boundary of this property would best be served by on-site septic and water, but only with relatively large lots of 1.25 acres, consistent with R-6 zoning and the adjoining neighborhoods. The September 2, 2005 Anderson Engineering Septic System Feasibility Study concludes that the soils in this area can support on-site septic systems. (The existing on-site septic systems in Loma Estates and Pennington Park bear witness to this). A low-density subdivision on this parcel could be made compliant with the requirements for on-site wastewater disposal systems. This was the conceptual design of the previous owners for this area of property. On building sites with compatible soils, conventional septic systems could be utilized, as is the case in nearby subdivisions. On sites with poorly drained soils, advanced on-site septic systems could be used. Many of these modern systems have already been approved elsewhere in the Municipality. Utilization of on-site septic systems would eliminate much of the topographic disturbance that would result from construction of pipelines that connect individual residences with the municipal sewage system.

We strongly recommend that if not all, at least 30 acres of the northern boundary be exempted from the HWMP and be zoned R-6. This level of zoning is compatible with the existing neighborhood zoning immediately to the north of the subject parcel, and such a zoning determination would provide a buffer to the existing Loma Estates, Pennington Park, and Susitna View Estates Subdivisions from higher density housing. It would also prevent excessive removal of native vegetation, destabilization of soils, replacement of indigenous vegetation with lawns and non-native landscaping and loss of wildlife habitat and movement corridors. It would reduce public health concerns involving stormwater runoff containing fertilizers, herbicides and pesticides. The cumulative effect of a high-density development, as proposed by the Petitioner, will adversely impact surface water, groundwater and wildlife habitat both on the parcel and within Potter Marsh.

We support extending this exemption to all areas abutting the Pennington Park, Loma Estates, and Susitna View Estates neighborhoods on the north/northeast side of the subject parcel.

#### Lack of Planning

The MOA has not completed a Hillside District Plan to help guide these last large-scale developments on the hillside to determine traffic patterns, land use patterns, and open space as mandated by the 2020 Comprehensive Plan. This is another example of development happening without a plan and the existing neighborhoods and the MOA itself having to live with the consequences of overburdened streets, fire hazards, lack of access and having to purchase land back from developers for open space and trails. This is contrary to the 2020 Plan and to the carefully planned community interest intended by the zoning regulations.

#### **Impact of the New Development**

This proposed rezone will, if approved as described in the Petition, create an additional 155 dwelling units into the area south of Rabbit Creek Road and West of Goldenview. By itself, an additional 155 dwelling units is a dramatic increase in houses and people in this area. But this development is not isolated. Recent developments in Prominence Point, Bridgeview, and Shangri-La have already introduced over 700 units in this area. Putting aside the construction of individual dwelling units which continues in this area at a rate of dozens per year, over 700 dwelling units have been or will soon be added to the same area as the Forest Heights property (all using Goldenview and Rabbit Creek Road). (Please see Hillside Sub-Area Circulation Study, April 2005 by the MOA Traffic Dept.)

This is the equivalent of building a small town, as each dwelling unit contains an average of two cars and 2.5 people or over 1,750 **new** residents. According to the 2000 census, there are only 31 towns in Alaska with populations in excess of 2,500 people. If this area was not part of Anchorage, the additional 1,750 people added to this area, which already has approximately 4,000 residents, would make this part of the Hillside, with the new development and a population of at least 6,000 people, one of the 15 largest towns in Alaska, not far behind Ketchikan, with 7,589 people or Sitka, with 8,829 people.

This information is necessary to put in perspective the magnitude of the development that is ongoing. With such large scale development, responsible planning is necessary. The impacts of this additional large-scale development on the infrastructure in this area are not addressed in this application. The MOA needs to complete an additional traffic circulation study south of 172<sup>nd</sup> to Potter Valley to determine how these new developments are going to move traffic off of the already overburdened hillside roads.

Specifically, the petitioner does not fully describe the impacts this proposed development will have on traffic loading on Goldenview Drive, which, at the intersection with Rabbit Creek Road is already at unacceptable and unsafe levels during morning commute hours, combined with the load factor from Goldenview Middle School. The situation will be further aggravated if an elementary school is built on Goldenview, which the Anchorage School District has identified as a potential elementary school site, and is adjacent to the petition property. The primary access to this subdivision should be from the south. The petition suggests a time frame of up to 8 years to complete this development with the first phase to begin off of Goldenview Drive. This will have an immediate impact on Goldenview Drive both with the construction process and with new residents moving into this subdivision. The MOA already determined this parcel should be accessed from the southern route and should not be allowed to proceed until the primary access is built.

With the addition of several thousand new residents to this area, provision needs to be made for pedestrian access along Goldenview, from Goldenview Middle School to the road terminus to the South. Presently, there is no sidewalk, bike trail or other protected access along this deteriorating road. The recent developments have resulted in hundreds of new families moving to this area with no provision for safe pedestrian, child or school access. The RCCC recommends MOA bond funds, combined with a developer's user fee, to provide funding for this access. A funding formula needs to be in place prior to any rezone approval and certainly prior to any platting approval.

### ***Connectivity***

In addition, the RCCC requests that pedestrian connectivity be retained using the existing trail from the end of Belarde Street to the Heritage Land Bank parcel 2-127 running along the western boundary of this property. This connectivity will provide existing and future residents access to these public lands which given the current proposal will be cut off from existing neighborhoods. This is an asset that should be available to residents of the proposed development and existing residents of this area. Other areas of pedestrian connectivity should be considered to allow residents of this entire area pedestrian circulation.

### ***Set Backs***

The new parcel if approved, should be required to recognize the existing streams and waterways running through this property that feed Potter Marsh. Set backs of 50 feet on each side of any stream should be required as it is on other streams in this area, including Little Survival Creek, and as is suggested in the new Title 21 rewrite as a national standard. The RCCC suggests that the petitioner's water study is incomplete and is lacking in many areas including ignoring the MOA's watercourse analysis done in December 2002 showing the tributaries to Potter Marsh. One would expect a private water study to at least discuss the MOA watercourse analysis and, if there was changed data, to explain how and why. The Petitioner's water study cannot be relied upon as a credible document since it fails to actually address the watercourses on the parcel.

This petitioner's water study ignores ephemeral streams and other existing wetlands and how they will be protected. Water flowing on to and from this parcel directly feeds Potter Marsh and **50-ft** setbacks will help maintain the water quantity and quality as the Potter Marsh watershed. Any development of this parcel must take into consideration the impacts to habitat and wildlife in Potter Marsh. These are resources enjoyed by residents of the greater Anchorage community and tourists alike. These resources help provide critical wildlife corridors. The wildlife values are promoted and endorsed by the Anchorage 2020 plan and Living with Wildlife plans.

Similarly, the Moen Trail, which qualifies as an RS-2477 trail must be platted and maintained in its original location and an easement recognized, and preserved for its historical uses, pedestrian, uses, horseback, and recreation. Federal law grants the public the right to continue to use this trail in the same manner, and in the same location, as it has always used the trail.

The petition suggests providing a "10 ft easement" along a stream as a replacement for the Moen Trail. No person can "replace" an RS-2477 trail. Federal law grants the public the right to use this trail in its historical path. The Petitioner can no more "alter" the Moen Trail than it can "alter" the Seward Highway. Both have easement rights that the Petitioner cannot alter. This is a popular and well-used trail. It is of historical significance and should not, and under federal law, cannot, be moved from its original location.

## ***CONCLUSION***

The RCCC finds the following:

- (1) Existing zoning laws should not be loosely interpreted or promiscuously amended. The petitioner must provide detailed facts establishing the reason and purpose for the rezone as requested other than "it will make more money than if it remains PLI."
- (2) The proposed rezone is inconsistent with current neighborhoods and contrary to the private property rights of current landowners in the area.
- (3) The petitioner has failed to address the impact this proposed rezone could have in this area. The Planning and Zoning Commission is required to have data before altering existing zoning. Petitioner has failed to provide detailed studies or data regarding an infrastructure study to include traffic loading on Goldenvue, a collector road to Potter Valley Road, public safety including fire ingress and egress, and the quality of the existing LRSA maintained roads and what petitioner will do to improve the roads he intends to use as access, such as Bettjean and Kallender;
- (4) A Traffic Circulation Study needs to be completed by the Traffic Dept for the area south of 172<sup>nd</sup> to Potter Valley Road to complete the circulation study for the southeastern hillside where numerous new subdivisions are scheduled to be built.
- (5) A collector road should be built on this property to encourage traffic to flow downhill to Potter Valley Road and not to Goldenvue Drive as stated in the petition.
- (6) There should be no access on Bettjean St. either directly with driveways or with a connection. This and other LRSA maintained roads were not built to the standards to handle a suburban type residential density and would disrupt the existing neighborhoods of Pennington Park and Loma Estates.
- (7) There should be 50-ft setbacks on each side of the existing streams that run across this parcel. A detailed water course and wetlands study is needed on this tract given the topographic and soils characteristics of this property. There should be protections for the ephemeral streams that were identified by the MOA Watercourse Study to maintain the quality and quantity of water flowing to Potter Marsh.
- (8) The historic RS-2477 Moen Trail should be preserved in its original alignment as a wilderness trail. This is one of the only trails that service this area and provide access to the HLB parcel of open space.
- (9) Identification of stream setbacks and vegetative buffers and screening to protect these community assets.
- (10) A Drainage Study needs to be completed before the rezone petition is considered for the area documenting surface and subsurface drainage and recommending with Corps of Engineers approval measures that will ensure no adverse damage to existing significant drainages as well as providing for mitigating measures to address new surface water

collected on homes and roadways that would otherwise have been directly absorbed in to the ground and the natural drainages. (This was a condition of the previous development proposal.)

- (11) Pedestrian circulation should be provided for between existing subdivisions and between cul de sac bulbs within this subdivision by requiring trails at strategic places in this subdivision to be determined at platting.

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### Case Num: 2005-139

Rezoning to R-7 Intermediate rural residential district

**Site Address:** GOLDEN VIEW DR & 172ND AVE

**Location:** A request to rezone approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential). T11N R3W, Section 10, the NW 1/4 NE 1/4 S 1/2 NE 1/4, S.M., AK. Located west of Golden View Drive and southwest of 172nd Avenue, an "L" shaped 120 acre parcel of land.

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## Public Comments

**10/26/05**

 Ann Rappoport  
17053 Aries Court  
Anchorage AK 99516

We recommend denial of the current proposal (Planning Dept. Case # 2005-139) to rezone 120 acres currently owned by Forest Heights LLC from PLI (Public Lands and Institutions) to R-7 (Intermediate rural residential district, or one-half acre lots). In brief, this proposal: (1) is contrary to the character of the adjacent neighborhoods and designated open space, (2) would destroy the well-used, historic Moen Trail, (3) is at odds with policies and goals established in "Anchorage 2020" and it's companion document, "Living with Wildlife," (4) would irreparably fragment and destroy the last open space and wildlife corridor connecting sea level marshes to the alpine tundra and protected ecosystem of Chugach State Park, (5) would further compromise water quality and quantity essential to Potter Marsh in the Potter Point State Game Refuge, (6) lacks coordination with an undeveloped parcel to the south so that transportation options that might result in better access for a larger area are not fully evaluated, and sewer/septic, well/city water options are not fully explained, (7) continues the area fragmentation begun with nearby Goldenvue Park and Prominence Point developments which provide no or minimal pedestrian/neighborhood connectivity for school children and area residents. We have lived in the neighborhood adjacent to the subject property for 20 years and know it very well. We regularly walk, cross-country ski, observe wildlife, and sled on the subject tract. Previously, we have been involved in proposals both to zone and to protect this parcel. We worked with our neighbors and the Municipality to ensure the adjoining 101-acre Heritage Land Bank parcel was designated as Open Space after a careful, thorough study by the Municipality resulted in that recommendation (Potter Valley Land Use Analysis, January 1998). Additional

information on our reasons for recommending denial of this proposal include: (1) Proposed R-7 zoning is contrary to the area's neighborhood character: R-6, 1 to 1 ¼-acre lots, is the zoning to the north and east; designated Open Space/Greenbelt is to the west, and land to the south is undeveloped. The subject parcel and surrounding lands are steep, include areas of near-surface bedrock, poorly drained soils, and numerous springs and drainages. The proposed half-acre lots leave few options for naturally vegetated buffers to existing neighborhoods and roads. (2) The Moen Trail is a significance and highly valuable feature of southeast Anchorage: this existing historical, popular, accessible, and dry trail (a recognized RS2477 path) should be maintained and a 50-foot, naturally vegetated buffer provided on either side of the Moen trail. It is an excellent walking, X-country skiing, sledding, wildlife observation and mountain biking trail in an area of town where similar trails are virtually nonexistent. We appreciate the petitioner's proposal to develop a trail through the parcel, but their alternative is in a boggy area, would cross the proposed subdivision road three times, and includes a significant section where the buffer of natural vegetation is actually on existing homeowner's properties. The Municipality has mapped existing waterways in this parcel and noted the extensive area of springs, including appropriate buffers of at least 25 and 75 feet. Roads and houses are an inappropriate use of the spring area. (3) Both Anchorage 2020 and our city's Living With Wildlife plans document the importance of wildlife and natural spaces to residents of, and visitors to, Anchorage. These documents were developed with extensive public comment and interagency involvement and should not be ignored. (4) The proposal fragments and interrupts an important wildlife corridor and use area: wildlife are a common feature of the area with moose a frequent sight, bald eagles and black bears occasionally seen, and brown bears, lynx, coyotes, and wolves rare but present. This wildlife is a major part of what makes Anchorage such a special place to live. Once this habitat is gone, we will not be able to get it back – having bears, moose, lynx, eagles, coyotes and even the occasional wolf wandering on this tract make it a particular treasure that should not be destroyed with a lot of houses and improved roads. (5) R7 zoning would compromise water quality and quantity: Waterways originating on this area drain into Potter Marsh, providing about half of the water that sustains the Marsh. The values of Potter Marsh have been recognized by the state with its designation as a State Game Refuge. The Municipality has agreed that the highest and best use for Heritage Land Bank land between this tract and the Marsh is as designated Open Space. Tourists regularly visit Potter Marsh to view wildlife. Those tourists represent an important, and renewable, component of Anchorage's economy; that component is ever more critical as the state faces fiscal gaps. (6) Information on water/well and sewer/septic options, and coordination of transportation with adjacent areas is lacking: We know that additional data has been gathered on area water resources but have seen no reports on how or where septic/well may be the best option or where sewer/water will be necessary. Both present problems – sewers and roads will interrupt existing drainage patterns, glaciation may result on roads and lots. Runoff may be contaminated from dirty cars, leaks, and spills. All of these could interfere with the watershed and wetland values of Potter Marsh and the critters dependent on it. The proposal shown at the October Rabbit Creek Community Council meeting included full development along the gasline on the western edge of the property. That area is an extensive wetland with many springs which should be protected with setbacks, not filled for development. Moreover, lack of a figure depicting this development plan in either the notice mailed to area residents, or the Municipality's website notification of this proposal

are a serious omission that should be corrected with proper notice before this proposal is heard before the Planning and Zoning Commission. (7) Neighborhood connectivity and values are not promoted: Pedestrian walkway connections are needed between each side of the proposed development and adjacent neighborhoods or open space. School children are currently prevented from easily walking or biking to see friends or attend Goldenview Middle School due to the lack of such connections between adjacent, long-established neighborhoods and the newer Goldenview Park. Moreover, southeast Anchorage severely lacks parks and this proposal does nothing to remedy that problem. We recommend this proposal be denied, or at a minimum, significantly delayed to allow the petitioner to continue discussions initiated at the recent Rabbit Creek Community Council meeting. The goal of these discussions should be to develop a plan that better addresses (1) concerns raised at that meeting, and in our and other neighbors' comments on this proposal; and (2) broader needs of Anchorage residents and visitors, as described above, while meeting the petitioner's needs to realize a profit on their investment. A number of recent studies show the value of open spaces in adding monetary value to residential developments. A combination of larger lots, some smaller lots in cluster developments that protect chunks of open space, and maintenance of the Moen Trail could better meet the needs of area residents as well as the developers. By developing and accessing the area from its fringes, it should be possible to maintain the Moen Trail while decreasing the petitioner's development costs. There are also opportunities to apply for a Forest Legacy or other grants, and work with land trusts and the Heritage Land Bank to establish more connected wildlife corridors and protect some open spaces within the 120 acres while compensating the petitioner for loss of revenue on those areas. We sincerely believe that the overwhelming value of this parcel to our citizens, as well as visitors to Anchorage, lies in a different zoning scheme than that proposed. We and other area residents would like to sit down with the petitioner and thoroughly investigate these and other options. In closing, please do not approve this zoning request at this time. It would be prudent to ensure that the values of this tract remain protected for future generations. Some development on this tract may be reasonable. But first, require the studies and planning that will ensure the area is not trashed, and any development is complimentary to the surrounding neighborhoods. Thank you for your attention to our concerns.

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## Public Comments

**10/27/05**

Wayne Skidmore - For Rabbit Creek CC

PO Box 112354

Anchorage AK 99511

The Rabbit Creek Community Council ("RCCC") has reviewed information presented by the petitioner to rezone 120 acres of PLI land. This prospective rezoned property lies within the RCCC boundaries and has been the subject of prior rezoning efforts and prior studies (and directives for additional studies). This letter sets forth the RCCC position regarding the petition along with recommendations. The property at issue is one of the last undeveloped gross acreage of 120 acres parcels on the Hillside forming the watershed for Potter Marsh. The property has seven documented streams that feed Potter Marsh, a small section of wetlands, and an historical RS 2477 trail known as the Moen Trail. This parcel contains variable topography, sections of steep terrain over 30% slope, stands of mature spruce and birch, drainage challenges, and documented important wildlife habitat; all of which should be taken into account in the plat. This parcel has substantial environmental importance to the continued existence and vitality of Potter Marsh. Petitioner's Burden of Proof Any purchaser of land buys the land subject to the existing zoning. It is not the job of the Planning and Zoning Commission to reward land speculation where property is purchased at a lower property designation and then the owners attempt to profit on the property by seeking a zoning that allows a far more lucrative development. There are many useful, and profitable, developments allowed in a PLI zoning district. The RCCC objects to what appears to be a presumption that whomever buys this parcel is automatically entitled to change zoning to whatever the new owner thinks is the most profitable. Yet, for good reasons, this same presumption is not applied downtown, or in South Addition, or midtown. Given the scenic and habitat values of this tract, platting should be sensitive to terrain,

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drainage, and scenic qualities, as well as neighborhood connectivity. Neighborhoods cannot be orderly developed, and reasonable economic expectations cannot be protected, if zoning districts are arbitrarily changed every time a new owner buys land. Forest Heights, LLC bought land zoned PLI. It knew what the zoning was before it bought the property. It is not "entitled" to a rezone anymore than a property owner in South Addition is entitled to change zoning from R2-M to B2-B (certainly a potentially more profitable zoning). Neighborhoods cannot be orderly developed, and reasonable economic expectations cannot be protected, if zoning districts are arbitrarily changed every time a new owner buys land. Existing zoning requirements must be consistent and rarely altered in order to protect property values, property owners' expectations, and organized growth. Zoning variances and zoning changes are the exception, not the rule. The burden of a petitioner seeking a zoning change is heavy, and zoning changes should be granted sparingly and only under exceptional circumstances. The reasons for granting a zoning change must be substantial, serious and compelling. In order to grant a re-zoning request such as this, Planning and Zoning Commission must have facts establishing that the new zoning or variance will be in the public interest. Here, the petitioner failed to provide any data that establishes this proposed rezone is in the public interest. Indeed, the RCCC's primary concern with the petition is that it is not in the public interest since it is contrary to the orderly development of the Hillside, imposes public safety issues because of lack of roads and emergency access, reduces quality of life for the existing residents by increasing traffic and density and violates reasonably based expectations of private property owners. The petitioner here has failed to meet its burden of providing evidence that, without a zoning change, the public interest will not be served. The Adjoining Neighborhoods This property is bordered on two sides by established rural neighborhoods consisting of R-6, with natural vegetation, on-site water and septic, and LRSA maintained narrow gravel roads. The southern boundary is currently undeveloped and zoned R-3SL. The Western boundary is Heritage Land Bank property parcels 2-127 to 2-136, currently zoned PLI, after an intensive planning analysis in which it was determined that open space was the best use for the parcel. The petitioner's "concept plan" and Traffic Impact Analysis show that two access points on Goldenview Drive and one on Bettijeau St. up to Goldenview Drive would be the primary access to this development. It also states that when the connection to Potter Valley road is made that a fourth access point would be created. The petitioner failed to evaluate current traffic and road conditions, a condition on the most recent prior development proposal. Goldenview is an already overloaded, dead-end cul-de-sac collector road for the residents south of Rabbit Creek Road. It has two lanes, no sidewalks, no bike trails, and due to massive construction in the last 10 years, including Bridgeview Subdivision, Prominence Point, Shangri-La and a host of independent developments, more traffic than it was ever designed to handle. The cumulative effects of development in this area have created a dangerous situation that have been only partially evaluated and addressed by the MOA in the Hillside Sub Area Circulation Study dated April 2005. This study indicates that 500 - 600 new homes will be built south of Bear Valley up to 172nd Ave and that until another road is built parallel to Goldenview Drive, the only access to Rabbit Creek Road is on Goldenview. This does not even include any development south of 172nd including Forest Heights and Potter View, adding an additional 350 homes. In 2000, the MOA Transportation Planning Department commented on a previous petition to develop this parcel and stated "the circulation system in this area of the hillside is incomplete, including a north-south collector system. At present time Goldenview Drive serves as the only

collector road in and out of the area. It is not likely that the Goldenview - Rabbit Creek Road intersection will be signalized due to excessive intersection grades." It further states that "an additional link is needed between Goldenview and Potter Valley Road through the petition site that will function as a collector street. This new link will greatly improve the access to this site and should serve as its primary access. It would help to reduce the traffic on Goldenview Drive as well as provide a needed south access to the area for emergency services. For these reasons the Transportation Planning does not agree with the petitioner's proposal to utilize Goldenview Drive as the primary access to the site and recommends that the long-term need to accommodate a connection to Potter Valley road should be addressed in the subdivision plat. The Anchorage Fire Department concurs with these remarks." The MOA Transportation Planning Department comments and analysis were true in 2000, and even more true today in 2005. It is notable that the Petitioner completely ignores the Planning Department's analysis in its current petition. According to the petitioner's "concept plan" and Traffic Impact Analysis, the main and only road to access this subdivision will begin in phase one at the northeast corner on Goldenview Drive and traverse the property with a sharp curve and a speed limit of 10 mph to ultimately tie into Potter Valley Road. This type of road would not be considered a "collector road" and would not serve as a main access road to Potter Valley Road. In addition, the petitioner states that it may take up to 8 years to complete the construction of this property and thus preventing access south to Potter Valley Road. In addition, this petitioner has no written agreement with the Heritage Land Bank or the developer to the south, Potter Heights LLC to access through their properties to Potter Valley Road. So, it remains speculative that this connection will ever be made. The MOA has already determined this collector street must be the primary access for this subdivision. Further, the petition shows no buffering from this suburban type subdivision to the rural subdivisions which border it to the north and east sides. In fact, this concept plan shows 5 lots to be built on the northeast corner of Bettijean St. These driveways will access directly into the Pennington Park and adjacent Loma Estates subdivisions and not connect at all into the Forest Heights subdivision. Pennington Park and Loma Estates are rural and are zoned R-6 with 1 house per 1-1/4 acres. Adding 2 houses per acre would have a significant effect on the existing neighborhood. A 50 ft natural vegetative undisturbed buffer along the north and east boundaries is needed to protect the rural nature of these existing neighborhoods. Current zoning requirements mandate a buffer between different types of zoning. The RCCC believes that the northern boundary of this property would best be served by on-site septic and water, but only with relatively large lots of 1.25 acres, consistent with R-6 zoning and the adjoining neighborhoods. The September 2, 2005 Anderson Engineering Septic System Feasibility Study concludes that the soils in this area can support on-site septic systems. (The existing on-site septic systems in Loma Estates and Pennington Park bear witness to this). A low-density subdivision on this parcel could be made compliant with the requirements for on-site wastewater disposal systems. This was the conceptual design of the previous owners for this area of property. On building sites with compatible soils, conventional septic systems could be utilized, as is the case in nearby subdivisions. On sites with poorly drained soils, advanced on-site septic systems could be used. Many of these modern systems have already been approved elsewhere in the Municipality. Utilization of on-site septic systems would eliminate much of the topographic disturbance that would result from construction of pipelines that connect individual residences with the municipal sewage system. We strongly recommend that if not all, at least 30 acres of the northern boundary be exempted from the

HWMP and be zoned R-6. This level of zoning is compatible with the existing neighborhood zoning immediately to the north of the subject parcel, and such a zoning determination would provide a buffer to the existing Loma Estates, Pennington Park, and Susitna View Estates Subdivisions from higher density housing. It would also prevent excessive removal of native vegetation, destabilization of soils, replacement of indigenous vegetation with lawns and non-native landscaping and loss of wildlife habitat and movement corridors. It would reduce public health concerns involving stormwater runoff containing fertilizers, herbicides and pesticides. The cumulative effect of a high-density development, as proposed by the Petitioner, will adversely impact surface water, groundwater and wildlife habitat both on the parcel and within Potter Marsh. We support extending this exemption to all areas abutting the Pennington Park, Loma Estates, and Susitna View Estates neighborhoods on the north/northeast side of the subject parcel. Lack of Planning The MOA has not completed a Hillside District Plan to help guide these last large-scale developments on the hillside to determine traffic patterns, land use patterns, and open space as mandated by the 2020 Comprehensive Plan. This is another example of development happening without a plan and the existing neighborhoods and the MOA itself having to live with the consequences of overburdened streets, fire hazards, lack of access and having to purchase land back from developers for open space and trails. This is contrary to the 2020 Plan and to the carefully planned community interest intended by the zoning regulations. Impact of the New Development This proposed rezone will, if approved as described in the Petition, create an additional 155 dwelling units into the area south of Rabbit Creek Road and West of Goldenvue. By itself, an additional 155 dwelling units is a dramatic increase in houses and people in this area. But this development is not isolated. Recent developments in Prominence Point, Bridgeview, and Shangri-La have already introduced over 700 units in this area. Putting aside the construction of individual dwelling units which continues in this area at a rate of dozens per year, over 700 dwelling units have been or will soon be added to the same area as the Forest Heights property (all using Goldenvue and Rabbit Creek Road). (Please see Hillside Sub-Area Circulation Study, April 2005 by the MOA Traffic Dept.) This is the equivalent of building a small town, as each dwelling unit contains an average of two cars and 2.5 people or over 1,750 new residents. According to the 2000 census, there are only 31 towns in Alaska with populations in excess of 2,500 people. If this area was not part of Anchorage, the additional 1,750 people added to this area, which already has approximately 4,000 residents, would make this part of the Hillside, with the new development and a population of at least 6,000 people, one of the 15 largest towns in Alaska, not far behind Ketchikan, with 7,589 people or Sitka, with 8,829 people. This information is necessary to put in perspective the magnitude of the development that is ongoing. With such large scale development, responsible planning is necessary. The impacts of this additional large-scale development on the infrastructure in this area are not addressed in this application. The MOA needs to complete an additional traffic circulation study south of 172nd to Potter Valley to determine how these new developments are going to move traffic off of the already overburdened hillside roads. Specifically, the petitioner does not fully describe the impacts this proposed development will have on traffic loading on Goldenvue Drive, which, at the intersection with Rabbit Creek Road is already at unacceptable and unsafe levels during morning commute hours, combined with the load factor from Goldenvue Middle School. The situation will be further aggravated if an elementary school is built on Goldenvue, which the Anchorage School District has identified as a potential elementary school site, and is

adjacent to the petition property. The primary access to this subdivision should be from the south. The petition suggests a time frame of up to 8 years to complete this development with the first phase to begin off of Goldenview Drive. This will have an immediate impact on Goldenview Drive both with the construction process and with new residents moving into this subdivision. The MOA already determined this parcel should be accessed from the southern route and should not be allowed to proceed until the primary access is built. With the addition of several thousand new residents to this area, provision needs to be made for pedestrian access along Goldenview, from Goldenview Middle School to the road terminus to the South. Presently, there is no sidewalk, bike trail or other protected access along this deteriorating road. The recent developments have resulted in hundreds of new families moving to this area with no provision for safe pedestrian, child or school access. The RCCC recommends MOA bond funds, combined with a developer's user fee, to provide funding for this access. A funding formula needs to be in place prior to any rezone approval and certainly prior to any platting approval. Connectivity In addition, the RCCC requests that pedestrian connectivity be retained using the existing trail from the end of Belarde Street to the Heritage Land Bank parcel 2-127 running along the western boundary of this property. This connectivity will provide existing and future residents access to these public lands which given the current proposal will be cut off from existing neighborhoods. This is an asset that should be available to residents of the proposed development and existing residents of this area. Other areas of pedestrian connectivity should be considered to allow residents of this entire area pedestrian circulation. Set Backs The new parcel if approved, should be required to recognize the existing streams and waterways running through this property that feed Potter Marsh. Set backs of 50 feet on each side of any stream should be required as it is on other streams in this area, including Little Survival Creek, and as is suggested in the new Title 21 rewrite as a national standard. The RCCC suggests that the petitioner's water study is incomplete and is lacking in many areas including ignoring the MOA's watercourse analysis done in December 2002 showing the tributaries to Potter Marsh. One would expect a private water study to at least discuss the MOA watercourse analysis and, if there was changed data, to explain how and why. The Petitioner's water study cannot be relied upon as a credible document since it fails to actually address the watercourses on the parcel. This petitioner's water study ignores ephemeral streams and other existing wetlands and how they will be protected. Water flowing on to and from this parcel directly feeds Potter Marsh and 50-ft setbacks will help maintain the water quantity and quality as the Potter Marsh watershed. Any development of this parcel must take into consideration the impacts to habitat and wildlife in Potter Marsh. These are resources enjoyed by residents of the greater Anchorage community and tourists alike. These resources help provide critical wildlife corridors. The wildlife values are promoted and endorsed by the Anchorage 2020 plan and Living with Wildlife plans. Similarly, the Moen Trail, which qualifies as an RS-2477 trail must be platted and maintained in its original location and an easement recognized, and preserved for its historical uses, pedestrian, uses, horseback, and recreation. Federal law grants the public the right to continue to use this trail in the same manner, and in the same location, as it has always used the trail. The petition suggests providing a "10 ft easement" along a stream as a replacement for the Moen Trail. No person can "replace" an RS-2477 trail. Federal law grants the public the right to use this trail in its historical path. The Petitioner can no more "alter" the Moen Trail than it can "alter" the Seward Highway. Both have easement rights that the Petitioner cannot alter. This is a popular and well-used trail. It is of historical significance

and should not, and under federal law, cannot, be moved from its original location. CONCLUSION The RCCC finds the following: (1) Existing zoning laws should not be loosely interpreted or promiscuously amended. The petitioner must provide detailed facts establishing the reason and purpose for the rezone as requested other than "it will make more money than if it remains PLI." (2) The proposed rezone is inconsistent with current neighborhoods and contrary to the private property rights of current landowners in the area. (3) The petitioner has failed to address the impact this proposed rezone could have in this area. The Planning and Zoning Commission is required to have data before altering existing zoning. Petitioner has failed to provide detailed studies or data regarding an infrastructure study to include traffic loading on Goldenvue, a collector road to Potter Valley Road, public safety including fire ingress and egress, and the quality of the existing LRSA maintained roads and what petitioner will do to improve the roads he intends to use as access, such as Bettijean and Kallender; (4) A Traffic Circulation Study needs to be completed by the Traffic Dept for the area south of 172nd to Potter Valley Road to complete the circulation study for the southeastern hillside where numerous new subdivisions are scheduled to be built. (5) A collector road should be built on this property to encourage traffic to flow downhill to Potter Valley Road and not to Goldenvue Drive as stated in the petition. (6) There should be no access on Bettijean St. either directly with driveways or with a connection. This and other LRSA maintained roads were not built to the standards to handle a suburban type residential density and would disrupt the existing neighborhoods of Pennington Park and Loma Estates. (7) There should be 50-ft setbacks on each side of the existing streams that run across this parcel. A detailed water course and wetlands study is needed on this tract given the topographic and soils characteristics of this property. There should be protections for the ephemeral streams that were identified by the MOA Watercourse Study to maintain the quality and quantity of water flowing to Potter Marsh. (8) The historic RS-2477 Moen Trail should be preserved in its original alignment as a wilderness trail. This is one of the only trails that service this area and provide access to the HLB parcel of open space. (9) Identification of stream setbacks and vegetative buffers and screening to protect these community assets. (10) A Drainage Study needs to be completed before the rezone petition is considered for the area documenting surface and subsurface drainage and recommending with Corps of Engineers approval measures that will ensure no adverse damage to existing significant drainages as well as providing for mitigating measures to address new surface water collected on homes and roadways that would otherwise have been directly absorbed in to the ground and the natural drainages. (This was a condition of the previous development proposal.) (11) Pedestrian circulation should be provided for between existing subdivisions and between cul de sac bulbs within this subdivision by requiring trails at strategic places in this subdivision to be determined at platting. The RCCC will have further comments should additional information including staff comments become readily available. However, as currently submitted we cannot support the request for rezone without proper protections and changes to the concept plan.

~~10/26/05~~

~~Ann Rappoport~~

~~17053 Aries Court~~

~~Anchorage, AK 99516~~

~~We recommend denial of the current proposal (Planning Dept. Case # 2005-139)~~

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## Public Comments

**10/25/05**

John Isby for Potter Creek HO Association  
18670 Harlequin Place  
Anchorage AK 99516-6112

The Board of Directors of the Potter Creek Homeowner's Association requests that the Planning and Zoning Commission deny the petitioner's request to rezone the 120 acres of PLI-zoned land in South Anchorage to R-7SL multiple-family residential district with special limitations. This tract of land is traversed by the historic Moen Trail, which is heavily used by the residents of Potter Creek. It is used for hiking and mountain biking in summer and sledding in winter. The 10 foot trail easment proposed by the developers is poorly placed and extremely boggy and is no replacement for the Moen Trail. The Moen Trail is dry, long and steep enough grade to make it a superb mountain biking and sledding route which has no equal, even in the established city parks. It is possible to plan a more environmentally friendly, lower density project on this tract of land that preserves the Moen Trail. The developers need to be made to go back to the drawing board.

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## Public Comments

**10/26/05**

Dianne Holmes

This rezone should be denied until the critical collector road (that is needed as a vital secondary access from Goldenview to Potter Valley Rd) is designed in conjunction with a larger Sub Area Circulation Study. With hundreds of acres of land being developed along with the Forest Hts lands--in the larger area--it would make it impossible to design this critically needed road should the rezone go through without the requirement for a circulation system that adheres to standards for at least one collector road. Roads that are being proposed in this subdivision will not relieve the major congestion problem along Goldenview or Rabbit Cr Rd because the design (which includes speed) will not encourage traffic to use this secondary access. This access has been planned for a long time as part of the mitigation solution for the area's traffic problems and as an emergency egress for wildfire. This will not be accomplished if this rezone and its current road design is adopted. Regarding the requested rezone--it is not in keeping with the surrounding areas which according to the policies of 2020, it should be. At a minimum the rezone should reflect larger lot sizes towards the north which would be in keeping with the adjacent area. The developers have a wonderful piece of property to work with and they can maximize their profit while providing a subdivision that is in keeping with the surrounding areas by including larger lots and a wide trail easement with extensive vegetative buffers residents to use. Economic studies show that people are willing to pay more to be near a well designed and constructed wilderness trail. This parcel allows this opportunity and it would entail less cost to the developers to do so rather than their current design.

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**Municipality of Anchorage  
Zoning Division**

**Case Num:** 2005-139

Rezoning to R-7 Intermediate rural residential district

**Site Address:** GOLDEN VIEW DR & 172ND AVE

**Location:** A request to rezone approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential). T11N R3W, Section 10, the NW 1/4 NE 1/4 S 1/2 NE 1/4, S.M., AK. Located west of Golden View Drive and southwest of 172nd Avenue, an "L" shaped 120 acre parcel of land.

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## Public Comments

**10/25/05**

Susanne Comellas

Anchorage Ak

At the Rabbit Creek Community council meeting I had an opportunity to review the proposed development plan for the Forest Heights 120 acres. To become better acquainted with the issue I took the time to walk the proposed trail easement that was flagged by Landtech. It is not possible to build a trail within the 10 ft. easement they have offered. It is steep and wet, having to cross a creek or 4, seepages, and semi frozen alder covered wetlands. The side cut created by the gasline is still a mud bog after all of these years and an easement or public access above or below the gas line is absurd with the amount of water running down that hill. This is a very poor replacement for the Moen Rd which is dry, usable and of historical value. The Moen Rd. or trail is in better shape than some of the neighborhood roads in South Anchorage and has withstood the test of time since it has been used since the early 1900's. It has been used as access for many homesteads and the Pennington subdivision. I can only think that its' destruction is tantamount to demolishing the Oscar Anderson House or building homes on the Iditarod Trail. How unfortunate that the builders are unable to recognize the value of retaining this piece of history. This could be a stunning development complete with a rich historical value unique only to Alaska instead of the mediocrity that is on the current design menu. The rezone of this area is premature. The ground is not suitable for the density desired. There is so much water on this tract. R-6 would be more appropriate and certainly help to maintain the character of the existing neighborhoods, follow the policies of the 20/20 plan, provide more space for good drainage, put less pressure on the current infrastructure, help maintain the watershed of Potter Marsh and protect our citizens by preserving wildlife corridors that give bears and moose a way to move through the area.

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**\*\* These comments were submitted by citizens and are part of the public record for the cases \*\***

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## Public Comments

**10/18/05**

Gretchen Specht  
16700 Ransom Ridge Road  
Anchorage AK 99516

I would urge the board to keep the 120 acres of land in this proposal zoned as public lands for the following reasons: 1) Anchorage is rapidly closing off the wildlife corridors from the Chugach mountains to Turnagain Arm. As we push further into the territory of moose and bear we create more needless animal deaths, and human fatalities. Once the Potter Valley is fully developed this beautiful piece of land will be the only natural buffer and safe haven for animals in this area. 2) Walking, biking, skiing and sledding the Historic Moen Trail is an activity all of Anchorage can enjoy. There are plans to extend this trail, which will create full access from Goldenview Drive all the way to the Seward Highway. It would be a benefit to everyone to add an improved and lengthened Historic Trail to Anchorage's list of attributes. In the event that this parcel, home to birch and spruce trees of amazing stature like I've not seen in Anchorage before, will be re-zoned to allow residential buildings I would offer reasons to allow re-zoning at R-6, rather than the more dense R-7 which is being requested. 1) A rural environment, low-density housing, and chances to see wildlife in our backyards are why the majority of people live on the Hillside. Communities like Bridgeview and Prominence Pointe have negatively impacted our community by destroying the character of the Hillside with high-density housing, treeless lots, increased light pollution and traffic congestion. 2) Clear cutting the lots creates erosion issues, water quality issues for the residents on wells who live below these developments, ice damming and flooding problems; in addition, these major developments are an eyesore which can be seen from the Seward highway and from the air. Building on larger lots allows room for more natural vegetation and trees and leaves a buffer between houses. 3) Larger lots with natural vegetation

also afford more wildlife access and potential corridors. 4) We have an existing traffic issue on Goldenview Drive with traffic from Goldenview school and now the Prominence Pointe subdivision; adding 300 more cars to the mix will only increase accidents, especially on Rabbit Creek when the BridgeView residents access Rabbit Creek. The developers for this tract, who expect to build 130 houses on the first tract, if all re-zoning applications are approved, have no other means for these residents to gain access to Rabbit Creek or the Seward Highway, other than Goldenview Drive. 5) R-6 zoning provides a win-win solution between development and the aesthetics of our community. A mosaic of forest and homes would be more easily integrated into the character of the Hillside. R-7 is indistinguishable from any neighborhood in any suburb. We have a wonderful opportunity to shape the character and feel of our city. We also have an opportunity to save the last pieces of land on the Hillside, or at least develop them responsibly, preserving the rural character of the earlier neighborhoods. Let's keep it looking like Alaska, not develop it into Los Anchorage. Thank you.

[Zoning & Platting Cases On-line website](#)

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## Public Comments

**10/19/05**

Art Weiner

16641 Virgo Ave.

Anchorage AK 99516

I ask that the Planning and Zoning Commission deny the petitioner's request for a rezoning of 120 acres of PLI-zoned land in South Anchorage to R-7SL multiple-family residential district with special limitations. The reasons for my request are summarized and detailed below: 1. The destruction of the forested area and its loss as wildlife habitat and as a movement corridor for wildlife. 2. Adverse impacts to Potter Marsh resulting from alteration of historic surface and groundwater flows and input of fertilizers, herbicides and pesticides. 3. Increase of traffic on local roads and no agreement allowing for a road connection to Potter Valley Road. 4. Incompatibility with existing neighborhoods. • I am a biologist who lives with my family approximately one-half mile from the northern boundary of the subject parcel. For about the last ten years I have hiked and snow shoed across this land (It is not posted to prohibit non-motorized access.). The subject parcel contains a mature forest of paper birch, sitka alder and white spruce with a relatively undisturbed ground cover of native vegetation. The area has not experienced a die-off of all mature spruce from the recent bark beetle infestation. Contractors hired by the Alaska Mental Health Trust removed most of the trees that were killed. I have observed many moose, occasional black bear and a diversity of birds as well as signs of a variety of small mammals. I have also found specimens of the rare wood frog (*Rana sylvatica*) in its wetlands. The area acts as a wildlife corridor providing a connection between Potter Marsh and the undeveloped uplands of the Chugach Mountains. Construction of the infrastructure and the residential density resulting from the proposed zoning change will, in my opinion, destroy the vegetation community and its value as wildlife habitat and movement corridor. A secondary impact will be the loss of

wildlife viewing opportunities for local residents. • The area proposed for re-zoning contains year-round streams and other numerous small water bodies, seeps and springs that drain into Potter Marsh. In addition, the parcel contains areas of wetland soils that provide characteristic wildlife habitat. Topographic alterations that will accompany road and pipeline construction will adversely impact these wetlands, water flows and alter historic drainage patterns. High-density development would result in excessive removal of native vegetation, destabilization of soils, replacement of indigenous vegetation with lawns and non-native landscaping and loss of wildlife habitat and movement corridors. Stormwater runoff containing fertilizers, herbicides and pesticides. The cumulative effects will be adverse impacts upon surface water, groundwater and wildlife habitat both on-site and within Potter Marsh. • A low-density subdivision on this parcel could be made compliant with the requirements for on-site wastewater disposal systems. On building sites with compatible soils, conventional septic systems could be utilized, as is the case in nearby subdivisions. On sites with poorly drained soils, advanced on-site septic systems could be used. Many of these modern systems have already been approved elsewhere in the Municipality. Utilization of on-site septic systems would eliminate much of the topographic disturbance that would result from construction of pipelines that connect individual residences with the municipal sewage system. • The road system in this area is already overburdened. Goldenview Drive supports traffic generated by neighborhood residents and the Goldenview Middle School. Additional traffic from the new Goldenview Park, and Prominence Point subdivisions as well as infilling of other subdivisions is adding to this load. During the morning and evening peak traffic flows, the intersection of Goldenview Drive and Rabbit Creek Road is congested. 172nd St., Bettijean St., Belarde Ave., Virgo Ave. and Tideview Drive are already in a substandard condition and are maintained by a Limited Road Service Area. During much of the winter, these roads are dangerously icy. Additional traffic emanating from the high-density development on this parcel will exacerbate traffic problems and accelerate the degradation of the unpaved secondary roads. There is currently no agreement with the landowner to the south, Potter Heights Dev. LLC that would allow for a road connection between Forest Heights and the Potter Valley Road. • Most of the land adjacent to or near the petitioner's parcel is already platted or built out to a low density. The Heritage Land Bank's acreage adjacent to this parcel is undisturbed open space. The 96 acres of R-3SL land to the south is, as yet, undeveloped. Consequently, the proposed zoning is incompatible with that of surrounding neighborhoods and will result in a development that will irrevocably alter the character of the existing community. • Much of the 120 acres is steep and densely vegetated. Consequently the area has a high risk of wildfire. High-density development with inadequate road access could place homes on this land in jeopardy from fire. Any development here needs to be made accessible by fire trucks that can access the area from either Goldenview Drive or Potter Valley Road. • Several high-density residential developments have recently been built in this area, i.e. Goldenview Park, Prominence Point. In these projects, most of the native vegetation has been entirely removed, streams have been diverted and wetlands have been obliterated. Wildlife habitat is now non-existent. Vegetated buffers between these developments and adjacent neighborhoods either no longer exist or have been significantly degraded.

# Zoning and Platting Cases On-line

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Municipality of Anchorage  
Zoning Division

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## Public Comments

**10/30/05**

Anita and Robert Felker  
17000 Bettijean St  
Anchorage AK 99516

We request that the Planning & Zoning Commission deny the petitioner's request for a rezoning of 120 acres of PLI zoned land located at Goldenview Drive and 172nd Avenue to R7 Intermediate Rural Residential district. We have lived 1/2 block away from the subject parcel since 1989 and believe that the development of this subdivision as R7 or R7SL would be an irresponsible act and a potentially costly decision for this area of South Anchorage and for the municipality for the following reasons: 1. Public safety issues: Goldenview Drive cannot continue to be the only collector road for an additional 155 homes on top of the 700 new homes from the Bridgeview, Prominence Point and Shangri-La subdivisions. Goldenview Drive is not designed to accommodate the amount of traffic generated by this new influx of automobiles. All of the traffic funnels down to the intersection of Goldenview Drive and Rabbit Creek, passing by Goldenview Middle School, where even more traffic is added to the road. The intersection at Rabbit Creek is too steep to allow for a traffic light, so significant traffic gridlock occurs during early morning commutes, especially when school buses, parents taking children to school at Goldenview and morning commuters all convene at this one uncontrolled intersection. It is bad now, but will certainly get worse as the rest of the homes are built in the exsiting subdivisions and if 150+ more homes are added to the mix. As more people are forced to use this intersection, accidents will increase with more los of property and very possibly more fatalities from these accidents. The early morning commute gridlock is minor when considering what type of gridlock that intersection would experience in the event of a major disaster such as a fire on the hillside, when this whole area tries to evacuate in a hurry with only Goldenview as an escape route. the alternative route often sited -

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172nd, Belarde, Virgo to Tidewater and the Old Seward Highway is no alternative at all. Even in our 4 wheel drive vehicle with studded tires, that way is impassable many days in the winter due to the steepness and the icy conditions. This summer, the frost heaves in portions of the road were bad enough to swallow a Volkswagon "bug". It is a joke to say that this route would be a reliable evacuation route for the proposed subdivision. Nor is it a road that could or would be used by anyone for normal commuting on a daily basis. And if it were used by many vehicles on a routine basis, it would be in worse shape than it already is. It would take a considerable investment from the municipality and/or the developers of these subdivisions to improve this route. And we have yet to see any developer want to commit dollars to improving the infrastructure of the area to support their development. 2. The developer's proposal to access the subdivision via Bettijean St and Kallender is unrealistic without major improvement to those roads, something the developer is not planning to do per his presentation to the Rabbit Community Council. In fact, the worst part of Bettijean St is the part which the developer plans to use as the ONLY access for 5 lots of his subdivision. That area of Bettijean is a muddy pit with logs and stumps coming out of the mud and only a very narrow lane passable for vehicular traffic. It is not feasible, nor desirable to the residents of these low density subdivisions to have 5 of the 155 households use this R-6 LRSA maintained road as their ONLY access. Nor is it reasonable to have more Forest Heights subdivision traffic be routed through these same R-6 roads by connecting to Bettijean St and Kallender, thus using these R-6 subdivision roads as an alternative route to Goldenview for this densely planned subdivision. The R-6 roads were not built to sustain this volume of traffic. 3. Wetlands issues: The 120 acre property is full of well documented springs, streams and wetlands. We have walked and skied on this property for many years. One only has to look at the Prominence Point subdivision to see the problems that have arisen with the man-made solutions to stream and ground water diversion in high density subdivision built on steep hillside terrain. We walk often in Prominence Point and have witnessed hillside sloughing with rivers of mud running down the paved streets, springs popping up in ditches overnight, springs pouring out of hillsides causing glaciation up to the foundations of existing homes-requiring bulldozers to come in and make ice dam trenches to divert the run-off away from the homes. And Prominence Point has even fewer documented streams and wetlands than this 120 acre parcel. 4. bike paths, pedestrian trails and connections between developments. People living in the South Anchorage hillside neighborhoods enjoy trails just like a majority of the people in the Anchorage bowl. So, it is not surprising that we want to see trails, bike paths and safe pedestrian access between our subdivision and from our subdivisions to the local schools. As these new subdivision get developed, the old trails that were used through these large tracts of land are developed and no attempt is made to develop bike paths and pedestrian access in these subdivisions. Also, no attempt is made to tie these new subdivisions to the surrounding neighborhoods through interconnecting pedestrian trails. Without these connections between the subdivisions, walkers, joggers, and bike riders are funneled onto Goldenview, just like the auto traffic. This increased pedestrian and bike traffic on Goldenview Drive compounds the existing safety issues. Most of these issues have been discussed, planned and written out in the various plans the municipality and its citizens have worked on for years and years and years - the Trails plan, the Hillside plan, the 2020 plan. What is the point of all these plans if we don't institute them until all the land is developed? Please deny the developer the re-zone to R7 and address these issues before approving further hillside development. Thank you.

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OCT 31 2005

Municipality of Anchorage  
Zoning Division**10/28/05**

Katherine Nitzberg  
18630 Snowy Plover Circle  
Anchorage AK 99516

I chose to live in Potter Creek for the nearby open space and the Moen trail. My family and I have used the trail regularly for hiking in the summer, and sledding in the winter. Forest Heights LLC proposal to change the PL1 land to dense residence and build over the Moen trail removes the neighborhoods "park". The proposed easement and 10' greenbelt along the boggy portion of the property does not replace the well drained Moen trail. I suggest that the historic Moen trail be left in its current location and condition with a natural buffer so residents and wildlife can continue to use it.

**10/28/05**

Katie Nitzberg  
18630 Snowy Plover Circle  
Anchorage AK 99516

As a resident of Potter Creek subdivision, I chose to live here because of the nearby open space and access to hiking along the Moen trail. The proposed re-zoning by Forest Heights LLC of the PL1 zoned lands into densely spaced houses removes our local "park". The Moen Trail is a favorite hiking and sledding route for our family and neighbors. Forest Heights LLC proposed 10' greenbelt easement through the wettest portion of the property does not replace the current historic trail used by many south Anchorage residents. I request that the area around the Moen Trail be left intact with a natural buffer to continue providing the existing access for people and wildlife between Potter Marsh and the tundra.

**10/28/05**

gregory schumacher  
4620 virgo ave  
anchorage AK 99516

I believe it is not in the best interest of this neighborhood to create such high density housing. The issue of safety, specifically regarding wildfire is of primary concern. Further, there is insufficient infrastructure to support such an increase in population density, the most obvious being lack of major roads. Lot sizes should be minimum 1 acre. Preservation of the MOen trail is also important to me, as is additional green space in this southern end of town, to counter ANY further development. thanks you for your consideration greg schumacher

**10/27/05**

Marilyn Scarborough

I recommend denial of the current proposal (Planning Dept. Case # 2005-139) to rezone 120 acres currently owned by Forest Heights LLC from PLI (Public Lands and Institutions) to R-7. I believe zoning of R-6 to be more appropriate. for Anchorage, this neighborhood and it's numerous wildlife. I have lived adjacent to this property for 23 years and have walked this property frequently. There I have

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OCT 31 2005

Municipality of Anchorage  
Zoning Division

observed moose, black and brown bear, lynx, coyote, wolf sign, bald eagles and many songbirds. This is an important island of wildland in the midst of many developed properties. It is the only remaining wildlife corridor to connect Potter Marsh to the tundra. The Moen trail merits saving. It is a well used, dry historic trail providing a safe place to walk and ski and much needed in this area of almost no other trails. The proposed trail is not an adequate replacement. It goes through several bogs and wet areas. There are also many issues of access to this property. The proposed roads do not adequately address these issues. Also, Potter Marsh would be adversely affected by drainage from roads and chemicals from lawns. I believe there needs to be more study of these issues and a larger lot size to adequately provide for humans and wildlife.

**10/27/05**

Valerie Kenny  
17016 Aries Court  
Anchorage AK 99516

We hope the current proposal (Planning Dept, Case #2005-139) to rezone 120 acres currently owned by Forrest Heights LLC from Public Lands & Institutions to Intermediate rural residential district or one-half acre lots fails. This proposal will devastate a serene beautiful spot which enjoys the sense of community that has past over so much of the Anchorage bowl. This proposal if agreed to would further destroy water quality and quantity essential to Potter Marsh. The system in this area is becoming overburdened. During much of the winter roads are dangerously icy and stacking up cars at the top of hills will only increase the chances for accidents. There already are traffic problems on Golden View drive with traffic from Goldenview School and now Prominence Point.

**10/27/05**

Bruce Seppi  
17140 Belarde Ave  
Anchorage AK 99516

My family and I live directly adjacent to the 120 acre parcel being reviewed for rezoning, and know it well. We request that the Planning and Zoning Commission deny Forest Heights LLC's request to rezone the property from PLI to R-7 (or is it R-7SL?). After reviewing the petitioners concept plan and rezone application we obtained from neighbors, it is very apparent that the R-7 zoning density is too high. Issues involving access, traffic congestion and road connections to existing neighborhoods have not been addressed adequately. The Moen trail is not recognized for its access or historical value. The cumulative effects of this development with other large developments on Goldenview and Rabbit Creek Rd. have not been considered. This development proposal will remove most of the forest and the character of the property, as well as its value as wildlife habitat and movement corridor between Potter Marsh and the mountains. Much of the property has bed rock near the surface, and sheet flow of water over the bedrock near the surface, causing glaciation and unstable soils, and will likely create problems with sewer lines as there has been in the nearby Prominence Point development. This development depends on access to Goldenview Road which already accommodates hundreds of new houses and a Middle School, resulting in significant traffic congestion. Connecting this development to existing neighborhood roads for addition needed access is absurd. These roads (Bettijeau, 172nd, Belarde, Virgo, Tideview) are virtually unmaintained, steep, and glaciated

and dangerous in the winter. They continue to deteriorate with existing use, yet they are the only alternative to the use of Goldenview Road. The road design and layout of the development will not encourage use of a connecting road to Potter Valley to relieve traffic on Goldenview Road. No one will travel on steep winding roads in the opposite direction to travel to Anchorage. The proposed multi-use trail along the developments road is a poor excuse for the Moen Trail. An alternative ten foot wide trail easement is pitifully narrow and its alignment is very wet. This development will essentially do away with the Moen Trail. Zoning densities of R-6 with a minimum of 1 acre lots would help reduce these problems, and leave the character of the property intact. Do not ignore public input for this rezone request. Deny the petitioners request until a proposal is submitted that realistically addresses the above issues, lowers lot densities to at least R-6, and includes careful site planning for placement of roads and houses. Don't let the petitioners profit motives take priority over sensible land use planning.



**MUNICIPALITY OF ANCHORAGE**  
**PARKS & RECREATION DEPARTMENT**  
**MEMORANDUM**



**DATE:** October 28, 2005  
**TO:** Jerry T. Weaver, Zoning Div. Administrator  
**FROM:** Tom Korosei, Park Planner  
**SUBJECT:** Planning and Zoning Case Reviews

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**NOV 01 2005**

Municipality of Anchorage  
Zoning Division

Parks and Recreation has the following comments:

**CASE NO.**      **CASE**

- 2005-137**      **Request for rezoning approx. 4 acres from PLI Public Lands and Institutions to R-1 One-family residential district** (Portion of Tr. B, Campbell Lake Outfall)  
The Anchorage Coastal Management Plan identifies the area as park/open space/recreation area, and the *Areawide Trails Plan* shows multi-use paved trail route along the westerly side of the site. Parks and Recreation staff supports retaining, at a minimum, public access in the area by reservation of adequate right-of-way for the coastal trail and access thereto, and access to/along the adjoining Campbell Creek corridor.
- 2005-138**      **Ordinance amending Title 21 for PC Planned Community district**  
No comment.
- 2005-139**      **Request for rezoning approx. 120 acres from PLI Public Lands and Institutions to R-7SL Intermediate rural residential district with special limitations** (Proposed Forest Heights Subd., portion of Sec. 10, T11N R3W)  
The *Areawide Trails Plan* shows a planned multi-use unpaved trail through the site. Parks and Recreation staff supports dedication of a public trail corridor (right-of-way or easement) in accordance with the *ATP*. Such corridor should be of adequate width and suitable alignment for feasible improvement and practical use, with consideration given to preserving the alignment of the historical "Moen Trail."
- 2005-140**      **Request for rezoning approx. 2.3 acres from R-2M multiple-family residential to R-3 multiple family residential** (Eastview Est. Tr. A).  
No comment.
- 2005-053**      **Ordinance amending Title 21 relating to alcoholic beverages.**  
No comment.

Cc: Monique Anderson

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343-7927 (PH) 343-7943 (PH)

ATT: Eileen

NOV 01 2005

RE: Case 2005-139

Municipality of Anchorage  
Zoning Division

I AM writing regarding the 120 ACRES  
south of Bettjean St. and 172<sup>ND</sup> ave.

I implore the PLATTING Authority to NOT  
Rezone this tract from PL-1 to R-7SL which  
could allow the owner to divide this very large  
tract into 20,000 sq ft minimum lots. The adjacent  
neighborhood to the north has low-density size lots.  
MANY are three times the minimum proposed  
with this rezoning. This would change the  
character of this Northerly subdivision by inviting  
small lots and rental properties proposed in  
the earlier attempt to rezone this tract.

The rezoning will also over-burden GoldenView D.  
Bettjean St., KALLANDER and 172<sup>ND</sup> avenues which were  
not designed to handle the traffic resulting from  
a minimum of 250 dwellings and a possible 1000 (plus)  
residents. Even if these roads were improved, the  
money in the maintenance budget is inadequate.  
The Davis Drive "Fix" and the pothole repair  
from Bettjean St, via Stone Ridge and Ransom Ridge  
to Holdenview is proof enough that the M.O.A.  
should reject this rezoning.

I hope you will consider these facts before  
VOTING.

Sincerely,  
Cheryl Grundman  
16910 Bettjean St

345-0174 140



## Forest Heights Tracts A and B Wetlands Delineation

PREPARED FOR: Forest Heights, LLC  
PREPARED BY: CH2M HILL Inc.  
COPIES: File  
DATE: October 4, 2005

### Introduction

CH2M Hill was contracted by Forest Heights LLC to complete a Wetland Delineation Study for Forest Heights Tracts A and B. These parcels are located at the NW ¼ NE ¼ *and* the S ½ NE ¼ of Section 10, T11N R3W Seward Meridian, Alaska (a parcel of approximately 120 acres in size). The wetland delineation study incorporated existing Municipality of Anchorage (MOA) maps and aerial photography of the parcels to locate and verify the existence of previously identified wetland habitats and to identify any new wetland habitats.

### Wetlands and Aquatic Resource Classification

Wetlands and aquatic features were assigned wetland types according to the *Classification of Wetlands and Deepwater Habitats of the United States* (Cowardin *et al.* 1979). This classification system was developed in order to inventory wetlands and deepwater habitats in the United States. The classification system uses an ecologically based classification hierarchy. Systems form the highest level of the hierarchy and include; Marine, Estuarine, Riverine, Lacustrine, and Palustrine. Marine and Estuarine Systems each have two Subsystems, Subtidal and Intertidal; the Riverine System has four Subsystems, Tidal, Lower Perennial, Upper Perennial, and Intermittent; the Lacustrine has two, Littoral and Limnetic; and the Palustrine has no Subsystems. Within the Subsystems, Classes are based on substrate material and flooding regime, or on vegetative life form. Under this system wetlands are defined by plants (hydrophytes), soils (hydric soils), and frequency of flooding. Ecologically related areas of deep water, traditionally not considered wetlands, are included in the classification as deepwater habitats. Palustrine and Upland habitats were identified within the proposed project area. The classifications of the wetland and upland habitats are described below.

### Palustrine

The Palustrine System includes wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 percent (Cowardin *et al.* 1979). Table 1 shows the palustrine habitats that were identified within the project area.

**TABLE 1**  
Wetland classifications within the project area

Code	System	Class	Subclass	Data Points (DP)
PEM1	Palustrine	Emergent	Persistent	3,6,11,13, 15,19,21,23
PSS1	Palustrine	Scrub-Shrub	Deciduous	4,9,17

## Upland Habitats

Upland habitats are those that do not meet the USACOE three parameter definition of a wetland. Table 2 lists upland habitats that were identified within the project area.

**TABLE 2**  
Upland Classifications within the project area

Code	System	Class	Data Point (DP)
F6	Forested	Deciduous	1,5,7,14
F8	Forested	Mixed	8,20,22
SS6	Shrub	Deciduous	2,10,12,16,18

## Methods

Field delineation of wetland habitats in Forest Heights Tracts A and B were conducted on September 21-23, 2005. The principal objective of the field delineations was to categorize and delineate wetland habitats within the boundaries of the stated parcels. Field data was recorded on *Routine Wetland Determination Data Forms* and wetland determinations were based on the United States Army Corps of Engineers' three parameter criteria found in the their Wetlands Delineation Manual (Environmental Laboratory 1987).

### Wetlands Office Reconnaissance

Wetlands are defined as areas that are "inundated by surface water or groundwater with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas" (Environmental Laboratory 1987).

Prior to entering the field, wetland scientists estimated the presence of wetland habitats using MOA Wetlands Atlas maps and aerial photos. The project area was visited by a field crew in early September 2005 to verify wetland habitats and boundaries and to search the site for any wetlands not registered in the MOA Wetlands Atlas.

Wetland delineations were performed using guidelines from the 1987 USACOE Wetland Delineation Manual (Environmental Laboratory 1987). Wetland determinations were based on the presence of all three wetland parameters including hydric soils, hydrophytic vegetation, and wetland hydrology indicators. In order to be classified as a wetland, a site must exhibit all three parameters.

### Vegetation Survey

Pedestrian surveys were conducted throughout the proposed project area to identify wetland habitats. At least one representative data point (DP) location was established in each wetland plant community. Data points were also established in the adjacent upland plant communities. All dominant vascular plant species were identified to species level following taxonomic designations in Hulten (1968) and Johnson (1995) at each sample location. To the extent possible, sub-dominant vascular plant species were also identified. Plants were then assigned a wetland indicator status from the *National List of Vascular Plant Species That Occur in Wetlands, Region A* (Reed 1988) and the *National List of Vascular Plant Species That Occur in Wetlands: 1996 Region A* (Kartesz 1996). Ocular estimates of percent cover were made for all strata (that is, trees, shrubs, herbaceous plants), including cryptogams (mosses and lichens), within a 1/10 acre radius of the sample point.

The Army Corps of Engineers recommends the "50/20 rule" for selecting dominant species from a plant community when quantitative data is available. The rule states that for each stratum in the plant community, dominant species are the most abundant plant species (when ranked in descending order of abundance and cumulatively totaled) that immediately exceed 50% of the total dominance measure for the stratum, plus any additional species that individually comprise 20% or more of the total dominance measure for the stratum. The list of dominant species is then combined across strata (Environmental Laboratory 1987). Plots where *more than 50 percent* of the dominant species were facultative (FAC), facultative wetland (FACW), or obligate wetland (OBL) species were considered to have hydrophytic vegetation (Table 3) and, therefore, to meet the wetland vegetation criterion.

**TABLE 3**  
U. S. Fish and Wildlife Service Wetland Indicator Status  
*Wetland Delineation and Classification Report*

Classification	Percent Occurrence in Wetlands
Obligate Wetland (OBL)	More than 99
Facultative Wetland (FACW)	67 to 99
Facultative (FAC)	34 to 66
Facultative Upland (FACU)	1 to 33
Obligate Upland (UPL)	Less than 1
No Indicator (NI)	Insufficient data to determine indicator status

Source: Reed (1988).

### Soil Survey

Where possible the upper soil horizons at each sample point were examined by excavating a small pit with a tile spade to a depth of 18-24 inches. Soils were not examined in areas where

cobbles exceeded 50%, or in areas where several inches of ponded water covered the soil surface. The soil horizons were identified and measured within each of the soil pits. Moist soil colors for each horizon were determined using Munsell® soil color charts. Soil texture, presence of organic matter (histic epipedons), and redoximorphic features (e.g., low chroma soil colors, presence of mottles, iron and manganese concretions, etc.) were also noted for each horizon. The presence of hydric soils was based upon the presence of hydric soil characteristics including redoximorphic features immediately below the A-horizon or at a 10 inch depth, whichever was shallower. Hydric soil determinations were made using the NRCS Field Indicators of Hydric Soils in Alaska 2005 in addition to the US Army Corps of Engineers 1987 Wetland delineation manual.

### Hydrology Determinations

Each DP was examined for evidence of wetland hydrology. Primary indicators included ponded water on the soil surface or the presence of free water or saturated soils within 12 inches of the soil surface in the excavated soil pits. Other primary indicators included defined drainage channels, water marks, drift lines, and sediment deposits. At sample locations where primary indicators were not apparent, other factors such as landscape position, topography, soils and dominant vegetation were taken into consideration when assessing if seasonal wetland hydrology is present during the growing season.

### Wetland Boundary and Sample Plot Markings

Wetlands were delineated with pink flagging labeled alphanumerically. Orange flagging marked numerically ("DP-#") was used to mark data points (DP) where site-specific soils, vegetation, and hydrology data were collected and recorded. The positions of the flags were recorded in a hand held recreation grade GPS unit.

## Results – Site Conditions

### Wetland A – Palustrine emergent

Wetland A is located in the southwest section of the property along the gas line easement road (Figure 1). The vegetation is classified as palustrine emergent persistent (PEM1) community. More than 50 percent of the dominant vegetation was FAC, FACW or OBL. Dominant species include *Carex utriculata*, *Equisetum hyemale*, *Epilobium palustre*, *Poa sp.*, and *Calamagrostis canadensis*. At the time of the delineation this data point had pockets of inundation to a depth of 3 inches within 1/10 acre. Saturated mineral soils were identified at this data point having a distinct sulfur smell. Wetland hydrology indicators included inundation, saturation within the top 12 inches, free water in the soil pit, and drainage patterns throughout the wetland. The data sheet (DP003) for Wetland A is located in Appendix C.

### Upland Site A – Deciduous forest –shrub land

The vegetation of the upland site adjacent to Wetland A is classified as a combination of forested deciduous (F6) and shrub (SS6) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. Species dominating this forest and shrub land included *Betula papyrifera*, *Alnus crispa*, and *Athyrium filix-femina*. At the time of the survey, hydrology ranged from total inundation to soil saturation. Although in places this site exhibited wetland hydrology and hydric soils, a hydrophytic plant community was not

present. As such, this area is not considered a wetland. Data sheets for Upland A (DP001 and DP002) are located in Appendix C.

### **Wetland B – Palustrine scrub-shrub**

This wetland is located in the northwest section of the parcel along 172<sup>nd</sup> street (Figure 1). The vegetation is classified as palustrine scrub-shrub (PSS1) community. All of the dominant vegetation was FAC, FACW or OBL and included *Alnus crispa*, *Calamagrostis canadensis*, and *Epilobium palustre*. At the time of the delineation this data point had pockets of inundation to a depth of 3 - 12 inches within 1/10 acre. Soils were well-decomposed histosol with a distinct sulfur smell suggesting a high degree of anoxia. Wetland hydrology indicators included inundation, saturation within the top 12", free water in the soil pit, and drainage patterns throughout the wetland. The data sheet for Wetland B (CP004) is located in Appendix C.

### **Upland Site B – Deciduous forest**

Upland B lies adjacent to Wetland B and is classified as a forested deciduous (F6) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This forest is dominated by *Betula papyrifera*, *Alnus crispa*, *Picea glauca*, *Rosa acicularis*, *Cornus canadensis*, and *Calamagrostis canadensis*. The soil is well drained exhibiting the distinct characteristics of a spodosol. No indicators of wetland hydrology were apparent at the time of the survey. Data sheet (DP005) for upland B is located in Appendix C.

### **Wetland C– Palustrine emergent**

Wetland C is located in the northeast section of the property along Golden View road. The vegetation is a palustrine emergent persistent (PEM1) community. All of the dominant vegetation was FAC, FACW or OBL. Wetland plants dominating this ecosystem included *Calamagrostis canadensis*, and *Epilobium palustre*. At the time of the delineation this data point had pockets of inundation to a depth of 1 inch within 1/10 acre. Soils of this wetland had saturated well-decomposed, organic surface horizons. Wetland hydrology indicators included inundation, saturation within the top 12", free water in the soil pit, and drainage patterns throughout the wetland. The data sheets for Wetland C (DP006) are located in Appendix C.

### **Upland Site C – Deciduous forest**

Upland vegetation adjacent to Wetland C is a forested deciduous (F6) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This forest is dominated by *Betula papyrifera*, *Alnus crispa*, *Picea glauca*, *Sorbus scopulina*, *Oplopanax horridus*, *Cornus canadensis*, and *Calamagrostis canadensis*. The soil is somewhat well drained having a deep A horizon. No indicators of wetland hydrology were apparent at the time of the survey. The data sheet for Upland C (DP007 and DP008) is located in Appendix C.

### **Wetland D– Palustrine scrub-shrub**

Wetland D is located in the southeast section of the parcel along Golden View Road (Figure 1). Greater than 50 percent of the dominant vegetation was FAC, FACW or OBL. The palustrine scrub-shrub (PSS1) community is dominated by *Alnus crispa*, *Ribes glandulosum*, *Calamagrostis canadensis*, and *Epilobium palustre*. A gleyed mineral soil was identified within 10" of the surface having a distinct sulfur smell. Wetland hydrology indicators included

inundation, saturation within the top 12", free water in the soil pit and drainage patterns throughout the wetland. Data sheets for wetland D (DP009) are located in Appendix C.

#### **Upland Site D – Shrub**

Upland vegetation adjacent to Wetland D is a shrub (SS6) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This forest is dominated by *Alnus crispa*, *Oplopanax horridus*, *Athyrium filix-femina*, and *Calamagrostis canadensis*. The soil was not saturated at the time of the survey and did not exhibit hydric indicators. No indicators of wetland hydrology were apparent at the time of the survey. Data sheets for upland D (DP010) are located in Appendix C.

#### **Wetland E- Palustrine emergent**

Wetland E is located in the southwest section of the property (Figure 1). The vegetation is classified as palustrine emergent persistent (PEM1) community. More than 50 percent of the dominant vegetation was FAC, FACW or OBL. Dominant species include *Epilobium palustre*, and *Calamagrostis canadensis*. At the time of the delineation this data point had pockets of inundation to a depth of 2 inches within 1/10 acre. A saturated hemic-sapric histosol was identified at this data point. Wetland hydrology indicators included marginal inundation, saturation within the top 12", free water in the soil pit and drainage patterns throughout the wetland. The data sheet (DP011) for Wetland E is located in Appendix C

#### **Upland Site E – Shrub**

The vegetation of the upland site adjacent to Wetland E is classified as shrub (SS6) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. Species dominating this forest and shrub land included *Alnus crispa*, *Sorbus scopulina*, *Oplopanax horridus*, and *Athyrium filix-femina*. At the time of the survey the soil was not saturated and did not exhibit hydric indicators. Indicators of wetland hydrology were also absent at the time of the survey. Data sheets for Upland E (DP012) are located in Appendix C.

#### **Wetland F- Palustrine emergent**

Wetland F is located in the southeast section of the property (Figure 1). The vegetation is classified as palustrine emergent persistent (PEM1) community. More than 50 percent of the dominant vegetation was FAC, FACW or OBL. Dominant species include *Calamagrostis canadensis*, *Carex canescens*, and *Juncus castaneus*. At the time of the delineation this data point had pockets of inundation to 3 inches within 1/10 acre. A saturated hemic-sapric histosol was identified at this data point having a distinct sulfur smell during the excavation of the pit. Wetland hydrology indicators included marginal inundation, saturation within the top 12", free water in the soil pit and drainage patterns throughout the wetland. Data sheets for wetland F (DP013) are located in Appendix C.

#### **Upland Site F – Deciduous forest**

The upland vegetation adjacent to Wetland C is a forested deciduous (F6) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This forest is dominated by *Betula papyrifera*, *Alnus crispa*, *Rosa acicularis*, *Cornus canadensis*, and *Calamagrostis canadensis*. The soil is well drained exhibiting the distinct characteristics of a

spodosol. No indicators of wetland hydrology were apparent at the time of the survey. Data sheets for upland F (DP014) are located in Appendix C.

### **Wetland G– Palustrine emergent – scrub shrub**

Wetland G is located in the southeast section of the property (Figure 1). The vegetation is classified as palustrine emergent persistent (PEM1) community. More than 50 percent of the dominant vegetation was FAC, FACW or OBL. Dominant species include *Alnus crispa*, *Calamagrostis canadensis*, *Equisetum hyemale*, *Epilobium palustre*, and *Juncus arcticus*. At the time of the delineation this data point had pockets of inundation to a depth of 3 inches within 1/10 acre. A saturated hemic-sapric histosol was identified at this data point having a distinct sulfur smell during the excavation of the pit. Wetland hydrology indicators included pockets of inundation, saturation within the top 12", free water in the soil pit and drainage patterns throughout the wetland. Data sheets for wetland G (DP015 and DP017) are located in Appendix C.

### **Upland Site G – Shrub**

The upland vegetation adjacent to Wetland G is shrub (SS6) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This shrub community is dominated by *Alnus crispa*, *Oplopanax horridus*, *Athyrium filix-femina*, *Heracleum lanatum*, and *Calamagrostis canadensis*. The soil was not saturated at the time of the survey and did not exhibit indicators of hydric conditions. No indicators of wetland hydrology were apparent at the time of the survey. Data sheets for upland G (DP016 and 18) are located in Appendix C.

### **Wetland H – Palustrine emergent**

Wetland H is located in the northwest section of the property (Figure 1). The vegetation is classified as palustrine emergent persistent (PEM1) community. More than 50 percent of the dominant vegetation was FAC, FACW or OBL. Dominant species include *Equisetum scirpoides*, *Epilobium palustre*, and *Calamagrostis canadensis*. At the time of the delineation this data point had pockets of inundation to a depth of 2 inches within 1/10 acre. A saturated hemic-sapric histosol was identified at this data point having a distinct sulfur smell during the excavation of the pit. Wetland hydrology indicators included marginal inundation, saturation within the top 12", free water in the soil pit, water marks, sediment deposits, and drainage patterns throughout the wetland. Data sheets for wetland H (DP019) are located in Appendix C.

### **Upland Site H – Mixed conifer deciduous forest**

The upland vegetation adjacent to Wetland H is a mixed conifer deciduous forest (F8) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This forest is dominated by *Betula papyrifera*, *Picea glauca*, *Alnus crispa*, *Oplopanax horridus*, *Shepherdia canadensis*, and *Heracleum lanatum*. The soil was not saturated at the time of the survey and did not exhibit hydric indicators. No indicators of wetland hydrology were apparent at the time of the survey. Data sheets for upland H (DP020) are located in Appendix C.

### **Wetland I – Palustrine emergent**

Wetland I is located in the northwest section of the property (Figure 1). The vegetation is classified as palustrine emergent persistent (PEM1) community. More than 50 percent of the dominant vegetation was FAC, FACW or OBL. Dominant species include *Shepherdia canadensis*, *Equisetum pratense*, and *Calamagrostis canadensis*. The soil was saturated at the surface. The soil profile also exhibited redoximorphic features within 10" or the surface at a frequency > 20% of the total matrix. Wetland hydrology indicators included inundation, saturation within the top 12", free water in the soil pit, water marks, and drainage patterns throughout the wetland. Data sheets for upland I (DP021) are located in Appendix C.

### **Upland Site I – Mixed conifer deciduous forest**

The upland vegetation adjacent to Wetland I is a mixed conifer deciduous forest (F8) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This forest is dominated by *Betula papyrifera*, *Picea glauca*, *Rosa acicularis*, *Ribes glandulosum*, and *Calamagrostis canadensis*. The soil was not saturated at the time of the survey and did not exhibit hydric indicators. No indicators of wetland hydrology were apparent at the time of the survey. Data sheets for upland I (DP022) are located in Appendix C.

### **Wetland J – Palustrine emergent**

Wetland J is located in the southeast section of the property along Golden View road (Figure 1). The vegetation is classified as palustrine emergent persistent (PEM1) community. More than 50 percent of the dominant vegetation was FAC, FACW or OBL. Dominant species include *Equisetum scirpoides*, *Equisetum pratense*, and *Epilobium palustre*. At the time of the delineation this data point had pockets of inundation to a depth of 3 inches within 1/10 acre. A saturated hemic histic epipedon was identified at this data point accompanied by a strong sulfur odor during the excavation of the soil pit. Wetland hydrology indicators included pockets of inundation, saturation within the top 12", free water in the soil pit, water marks, and drainage patterns throughout the wetland. The data sheet for wetland J (DP023) is located in Appendix C.

### **Upland Site J – Mixed conifer deciduous forest**

Upland vegetation adjacent to Wetland J is a mixed conifer deciduous forest (F8) community. Less than 50 percent of the dominant vegetation was FAC, FACW or OBL. This forest is dominated by *Betula papyrifera*, *Picea glauca*, *Sorbus scopulina*, *Oplopanax horridus*, *Cornus canadensis*, and *Calamagrostis canadensis*. The soil is somewhat well drained having a deep A horizon. No indicators of wetland hydrology were apparent at the time of the survey. The data sheet for Upland J (DP008) is located in Appendix C.

## **Conclusion**

Ten wetlands were identified as a result of this formal delineation. The wetlands were typically found on slopes in close proximity to the two identified stream channels. Each wetland was identified in accordance to methods outlined in the USACOE wetland delineation manual. Lantech surveyors recorded the flag locations using survey grade GPS and generated the map (Figure 1) used to describe wetland boundaries and locations.

9. Making the following drafting changes:
  - a. Street Names, vicinity map: Remove the "New" from Seward Hwy. Add "Old" to the Old Seward Hwy. Add space in Golden View Dr.
  - b. Map information: Area north of platted tracts is just "Keno Hills" subdivision, not "Addition No 6". Pennington Park subdivision, Lot "10" is now Lot 3A.
  - c. Amend the legal description to change the addition number to Keno Hills Subdivision (Plat 96-140 recorded Addition 7 to Keno Hills Subdivision).

g. **S- 11418-1 Forest Heights Subdivision, Tracts A and B**

Approval of the variance from 21.85.030 (Rural Area Improvement Standards) and 21.85 Table C (Gravel Street Minimum Standards).

Approval of the plat for 18 months subject to:

1. Resolving utility easements.
2. Providing a 10' trail easement through Tract B, the location of which to be resolved with the Municipal Trails Coordinator.
3. Delete the sign easement currently shown on the plat.
4. Before any development or subdivision pursuant to future platting can occur, a jurisdictional determination from the Corps of Engineers shall be obtained for the Type 'D' (unclassified) wetlands on the property.

5. Replacing the 50' *"proposed stream easements"* with 100' *"stream maintenance and protection easements"*.
6. Providing a 10-foot *'buffer landscape easement'* to the west of Golden View Drive in accordance with the requirements of AMC 21.80.340.
7. Placing the following notes on the plat:
  - a. Buffer landscaping to be installed with the building permit, and maintained by the property owner or his/her designee, shall be provided in accordance with the requirements of AMC 21.45.125.C.2.
  - b. No fill, excavation and/or clearing permits shall be issued on Tract A until future road alignments have been granted preliminary approval by the platting authority. Minimum clearing required for onsite soils investigation is permitted provided that all disturbed areas are stabilized as soon as possible upon completion of investigation.
  - c. Within the stream maintenance and protection easements, all structures and uses of land and structures, shall conform to the requirements of AMC 21.45.210.
  - d. Delete the reference on the plat to the proposed location of the new Moen Trail dedication. Any future subdivision or development of Tract A shall require the dedication and construction of a trail through Tract A in accordance with the provisions of AMC 21.85.100
8. Making the following drafting changes:
  - a. Street names: Feodosia Drive label is cut off (Dr missing), Austria Drive and Ct is spelled incorrectly ("Austra").

- b. Vicinity map street names: Golden View Dr is missing a space, and there is no "New" in the Seward Hwy.
- c. Map information: Area east of Golden View Drive should be labeled as well (Keno Hills #7 Tract A and the "unsubdivided" area). Label blocks in Paradise Hills Subdivision, and list the tract number for Viewpoint Subdivision.
- d. Correct Note 3 to read "flora" not "fauna".
- h. **S-11400-2 (Proposed Summer Stone Subdivision) within Section 23, T13N, R3W, S.M., Alaska**

Approval of the vacation of the 60' x 185' roadway easement lying in the northeast corner of the parcel.

- 2. Appearance Request
- 3. Other

G. PERSONS TO BE HEARD

H. REPORTS

- 1. Chair
- 2. Secretary
- 3. Committee

I. Board Comments

Adjourn at 11:50 p.m.

AYE: Caress, Funatake, Linnell, Dean, McKay, Walsh, Brodt, Kreger  
NAY: None

PASSED

- g. S-11418-1 Forest Heights. Forest Heights LLC. To subdivide one tract of land into two tracts of land with variances from AMC. 21.85.030 (Rural Area Improvement Standards) and AMC. 21.85.070 (Peripheral Street Improvements) for Bettjean Street and AMC. 21.85 Table C (Gravel Street Minimum Standards). Located south of 172nd Avenue and west of Golden View Drive.

Staff member DOUG LESH reviewed the requests before the Board. According to the applicant the current proposal is a mechanism to set aside Tract B for a potential school selection site. The variances are needed simply to accomplish the tracting action and allow the dedication of Bettjean Street along the northeast property boundary without requiring construction of the street at this time. The standards for granting such a variance appear to be met and are supported by Staff. The petitioner will not utilize Bettjean Street to access the site and there is no need to construct it at this time. A rezoning application was recently submitted to rezone the larger of the two tracts, Tract A, from PL1 to R-7. This request will be heard by the Planning and Zoning Commission on November 7. Approval of that rezoning would allow subdivision of the larger parcel into 20,000 SF lots. If that subdivision were proposed, it would require further platting action and review by the Platting Board. Proposed Tract B is currently being reviewed as an elementary school site option, along with three other sites in the area. While the rezone is for the entire parcel to R-7, the petitioner has indicated that if the MOA purchases this property as a school site, they will withdraw the request to rezone that parcel to R-7 and leave it zoned PL1. Because there would be no further platting action on Tract B in that case, any issues with respect to that tract should be addressed this evening. Land Use Enforcement has that indicated off-premise signs are prohibited by AMC 21.47.070.B; therefore, the sign easement on Tract B cannot be for a sign relating to Tract A. Land Use Enforcement has requested that prior to final plat approval the developer provide them with details and text with regard to the sign easement. The petitioner provided a memorandum prior to the hearing that includes changes they wish to make to their plat. The first change is that they would like to remove the sign easement entirely. This eliminates the need for conditions 3 and 4, which Staff recommends. The historic Moen Trail also runs from the historic Moen homestead to the east of the subject site down to the Potter Section House. The trail exists, is walkable, and is on the Areawide Trails Plan as an intended trail connection, albeit perhaps not in this exact alignment. This would need to be addressed in a future platting action. As the property has

significant constraints, the final alignment of the trail can be determined only after it is integrated into the design of the subdivision. Comments were received from the Rabbit Creek Community Council indicating that while the Council strongly supports trail development within and around subdivisions, it feels it is premature to include this trail on this preliminary plat. They also note that the trail, as depicted, would be unusable due to wet soils and steep slopes. The Department agrees with this statement and recommends that the most appropriate means to address the eventual provision of the trail is to include a note on the plat indicating that any future subdivision or development of Tract A shall require the dedication and construction of a trail through Tract A. It should be noted that a trail easement is requested at this time on Tract B. MR. LESH noted that Robin Ward, Executive Director of the Heritage Land Bank, is present and wishes to address the Board.

ROBIN WARD explained that the city approached this landowner for the opportunity to tract out a parcel of land for future municipal purpose, potentially an elementary school, a water reservoir, or other municipal uses. If the site is used as a school site, she wanted to resolve the location of the trail only because the design of a municipal facility is unknown at this time. She explained the city would like this land to remain zoned PLI and if it were found surplus to municipal use, it would be rezoned prior to disposal. The city wants to ensure there is property for municipal purposes in this area that is rapidly developing. VICE CHAIR WALSH asked if Ms. Ward's remarks regarding the trail are addressed to condition 2 "Providing a 10' trail easement directly adjacent to the 'stream maintenance and protection easement' through Tract B." MR. LESH suggested that condition 2 be reworded to state "Providing a 10' trail easement, location to be resolved with the Municipal Trails Coordinator."

BOARD MEMBER CARESS was concerned with the language in condition 6 that references a 50-foot stream easement, noting that the code refers to a 25-foot easement. He asked if 50 feet is 25 feet on each side. MR. LESH replied that the total stream setback is 100 feet with 50 feet on either side. BOARD MEMBER CARESS asked if this is required by Title 21. MR. LESH replied that the petitioner offered this to the Department.

The public hearing was opened.

TONY HOFFMAN, representing the petitioner, introduced Tom Dreyer with Lantech, David Grenier with Triad Engineering, Dan Young with Terrasat, and Don McClintock with Ashburn & Mason. These professionals were present to answer questions from the Board or the public. He stated this case is a simple tract plat the purpose of which is to set aside two tracts to facilitate the Heritage Land Bank selection. The petitioner has reviewed the Staff comments, as revised, and has some remaining concerns. He asked to modify condition 5 because a COE determination is only required if the properties are to

be developed. He asked that condition 5 state, "Before development or subdivision of Tracts A and B, a jurisdictional determination is required from the COE for the wetlands on the property." He asked that condition 7 be corrected to read "west" not "south." Condition 8.b refers to rezoning to R-7SL, but there is concern if this condition is put on the plat and the rezone does not change to R-7SL. He asked that condition 8.b be revised to delete "...and until the property has been rezoned to R-7SL." and that the second sentence be revised to delete "immediately" and insert "as soon as possible." He reiterated that this is a simple tract plat; no residential lots will be put on the market as a result of this plat.

BOARD MEMBER CARESS understood the petitioners volunteered a 100-foot stream setback. MR. HOFFMAN replied that this was an agreement with the MOA.

BOARD MEMBER KREGER asked what language was proposed for condition 5. MR. HOFFMAN recommended that condition 5 read, "Before development or subdivision of Tracts A and B, a jurisdictional determination is required from the COE for the wetlands on the property."

BOARD MEMBER DEAN asked why the lot line between Tracts A and B is irregular. MR. HOFFMAN replied the lot line takes into account the future road alignment, considering the grade that would be required. It also accommodates with the size needed for the Heritage Land Bank selection.

PETER JOHNSON, representing the Rabbit Creek Community Council, stated the Council does not oppose the tracting of this land into two parcels. The Council members have several concerns about the overall development, many of which will be dealt with in future plats. Those concerns are regarding wetlands and draining this property. There is concern with trails and about traffic. Goldenview Drive is the longest cul-de-sac in the MOA and it has experienced a significant increase in traffic in recent years. The Council is talking with the developers and hopes to address this concern. The Moen Trail is dear to the hearts of people in this Council area. MR. JOHNSON suggested changing condition 2 to read "Providing a trail easement along the existing Moen Trail on Tract B." The Council's hope is that when this tract is fully developed the Moen Trail will exist as a recreational trail. The trail has been used for decades and the Council hopes it will continue to be used into the future. He was personally concerned with amending condition 5 to wait for the COE approval past the point of platting. He thought platting might be affected by what the COE says about the wetlands. He noted that the Council has not taken a position on this, it was his personal opinion.

BOARD MEMBER CARESS asked if children who live in this area currently use this road to go to school elsewhere, so the traffic to Tract B, if it were developed with a school, would be those children. MR. JOHNSON stated traffic concerns relate to the overall development of this land, not with this tracting action specifically. He believed a future plat would show a secondary access to Potter Valley Drive and the question will be

whether that is an adequate alternative to Goldenview Drive; many people in the Council area are concerned it is not. He anticipated a thorough traffic study would be needed of the area.

BOARD MEMBER KREGER understood the Council was not asking for changes with respect to traffic at this point and with this plat. MR. JOHNSON replied that it would be premature for this plat. BOARD MEMBER KREGER asked what was Mr. Johnson's recommendation regarding condition 5. MR. JOHNSON assumed that the plat would be subject to obtaining the COE jurisdictional determination. He felt this was wiser than approving the plat and then asking the COE to make the wetland determination.

SUSAN WESTON, owner of Lots 1 and 2 Pennington Park Subdivision at the corner of Calendar and Goldenview, across from Bluebell, stated she does not object to this plat, but she had concern with traffic on Goldenview. She explained that on a slippery day people slide across Goldenview into her driveway. She and her husband feel it is only a matter of time until there is a fatal accident and with more traffic on Goldenview, the sooner that will happen. She noted that traffic would come to an elementary school from area subdivisions, increasing traffic. She stated there is a stop sign on Bluebell, but at times it is impossible for people to stop. She favored an access to Potter Valley Drive or some other access as the primary access for any new development because in the event of an emergency Goldenview is the only way out for hundreds of people.

ANN RAPPAPORT, resident to the north of the petition site for 20 years, did not object to subdivision into two tracts, with some exceptions. She asked that the Board's action recognize that the intent of this request is to separate a tract for potential municipal use. Also, in designating Tract B as a potential school site, she recommended maintaining the integrity of the Moen Trail on Tract B in order not to preclude future options for maintaining that trail on Tract A. She stated the Moen Trail could be a fabulous part of the school site and provide connectivity to neighborhoods. She asked that the Board's action specify that it does not assume any subsequent zoning change nor include acceptance of any new trail designation through this parcel. The existing trail is dry and well used by many area residents. She asked that the new plat, which shows the trail designated along an existing waterway, be removed in Tract A. She stated it is imperative that any actions regarding this parcel not compromise existing waterways, water table, and drainage in the area. These systems are the source of about half of the water that flows into Potter Marsh, which is a State game refuge and adjacent critical habitat. She agreed with the Department recommendation that there be no fill, excavation, or clearing permits until the potential road alignment is approved. She took exception to condition 5, stating it is important that a wetland determination be done before zoning or platting.

JANEY MOEN stated the original part of the Moen Trail affects Tract B and she felt that portion should be addressed. She did not think this would interfere with the development of a school on this site. She noted that the comments from the Municipal Trails

Coordinator found on page 93 of the staff packet are accurate with respect to the history of the trail.

BOARD MEMBER CARESS moved to extend to midnight. BOARD MEMBER LINNELL seconded.

AYE: Caress, Funatake, Linnell, Dean, McKay, Walsh, Brodt, Kreger  
NAY: None

PASSED

PATTY ROCKWELL asked why the variance for Bettjean should be approved. MR. LESH explained that the construction of Bettjean is not necessary at this time, but it would be constructed if a future subdivision is developed. MS. ROCKWELL stated she lives on Bettjean and she objected to a waiver to peripheral street improvements. This portion of Bettjean would be the only access to four lots as proposed in Planning Department case 2005-139. The road is substandard, it is a thin layer of dirt on a base of downed timber, and it is only stable when it is covered in glaciation, which occurs yearly. Several neighbors think this section of road would not withstand the inevitable degradation caused by heavy equipment and increased traffic associated with development and construction of those four lots. She felt that a variance would be premature before the area is zoned or there is platting. She asked if there is an understanding that the road would be improved before the four lots are developed. VICE CHAIR WALSH understood the purpose of this plat is to create two tracts. The right-of-way for Bettjean will be dedicated, but the variance would allow construction to be delayed until lots are created through another plat.

In rebuttal, MR. HOFFMAN concurred with Ms. Walsh's explanation of the variance for Bettjean. There is no need to construct the road, but the right-of-way dedication is required. Regarding condition 5, he stated it is important to understand that currently the MOA classifies the tract as Type D. In order to develop either parcel, a COE determination will be required. Getting a COE determination will pull this process into next year. There is no objection to doing this when the property is developed, but the only action with this plat is splitting the property, not developing it. He stated the petitioner understands the drainage difficulties associated with this property. MR. LESH indicated that Staff would not object to amending condition 5 as stated by the petitioner, but it should include "or subdivision" not only "development" of Tract A or B.

MR. HOFFMAN stated the petitioner understands the historic value of the Moen Trail, but it is not desirable to address the location of the trail at this time. The petitioner would prefer to resolve the need and location of a 10-foot easement through Tract B. VICE CHAIR WALSH stated condition 2 was reworded to "Provide the 10-foot easement through Tract B, location to be resolved with the Municipal Trails Coordinator." MR.

HOFFMAN added that there would be a site plan review associated with whatever public facility is proposed for Tract B.

BOARD MEMBER KREGER noted that one of the speakers suggested that the proposed location of the new Moen Trail as shown on the plat be deleted. MR. HOFFMAN understood the need for further design and interface with the community, so the petitioner would not object to deleting the trail easement through Tract A. MR. LESH suggested including a condition to "Eliminate the delineation of the trail easement shown on the preliminary plat adjacent to the creek on Tract A."

BOARD MEMBER LINNELL asked if condition 2 could refer to both Tract A and Tract B. MR. LESH replied that the Department believes it is not appropriate to place this requirement on Tract A until that property is subdivided. VICE CHAIR WALSH assumed there should be a condition to remove the trail easement from Tract A on the plat.

The public hearing was closed.

MR. LESH stated that he agreed with the change to condition 7. With regard to condition 8 there is no objection to deleting "and until the property has been rezoned to R-7SL." The Department does not object to the change to condition 5 so long as it refers to "subdivision" in addition to "development."

BOARD MEMBER KREGER stated one of the speakers asked for a dedication of the Moen Trail in its historic location on Tract B. He asked for the Trail Coordinator input. MS. SCHANCHE stated the MOA feels this is an historic trail, however, there has been no actual designation that requires it be maintained in its existing location. The MOA has no standards to require that it remain in its historic location. MS. WARD explained that if there is a configuration of a municipal facility on Tract B, this tract would become the trailhead and parking area for the rest of the trail and it is desirable to have flexibility to locate those facilities.

BOARD MEMBER KREGER moved for approval of the variance from AMC 21.85.030 (rural area improvement standards) and 21.80 Table C (gravel street minimum standards).

BOARD MEMBER LINNELL seconded.

BOARD MEMBER KREGER stated the Staff has given ample support that the standards for granting a variance have been met.

AYE: Caress, Funatake, Linnell, Dean, McKay, Walsh, Brodt, Kreger

NAY: None

PASSED

BOARD MEMBER KREGER moved for approval of the plat for 18 months subject to Staff conditions 1 through 9, rewording condition 2 to state "Providing a 10-foot trail easement through Tract B, the location of which to be resolved with the Municipal Trails Coordinator" changing condition 3 to read "Delete the sign easement currently shown on the plat," delete condition 4, change condition 5 to read "Before any development or subdivision pursuant to future platting can occur, a jurisdictional determination from the COE shall be obtained for the Type D (unclassified) wetlands on the property," amending condition 7 to delete "south" and insert "west", amending condition 8.b to end the first sentence with "platting authority" and in the second sentence delete "immediately" and insert "as soon as possible," amending condition 8.d to begin with the sentence "Delete the reference on the plat to the proposed location of new Moen Trail dedication."

MR. LESH stated he had developed a new condition to read "Eliminate the delineation of the trail easement shown on the preliminary plat adjacent to the creek on Tract A."

BOARD MEMBER KREGER accepted this as a new condition 10 and removed the amendment to condition 8.b.

BOARD MEMBER LINNELL seconded.

BOARD MEMBER KREGER felt the conditions address concerns that are associated with this plat. There are other concerns that will be addressed at the time of future platting. He deferred to the MOA's judgment with respect to the issue of whether the old Moen Trail should be shown on Tract B at this time.

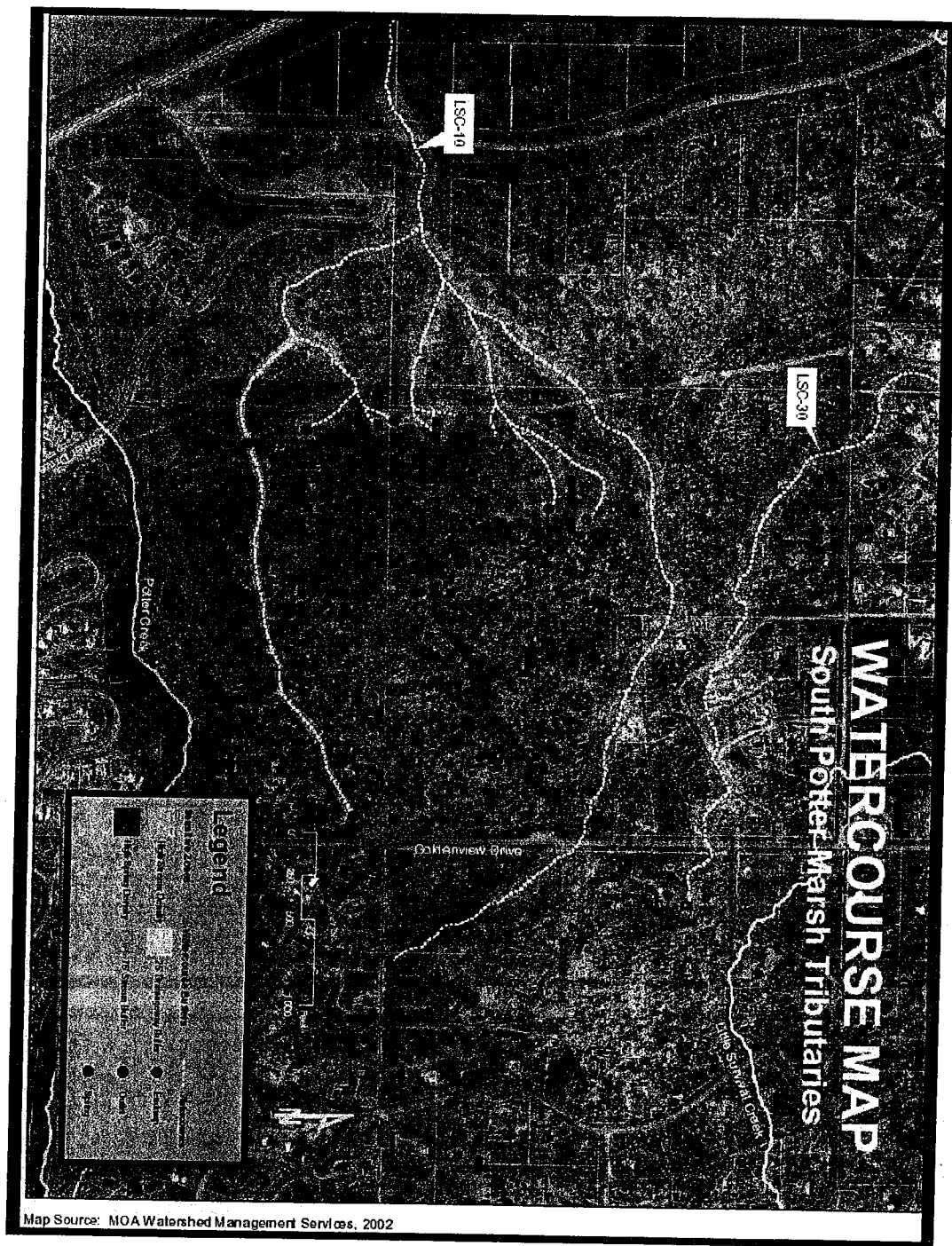
BOARD MEMBER FUNATAKE asked for Staff's opinion on changing "immediately" to "as soon as possible" in condition 8.b. MR. LESH did not object to this change.

AYE: Caress, Funatake, Linnell, Dean, McKay, Walsh, Brodt, Kreger

NAY: None

PASSED

- h. S-11400-2 T13N R3W Section 23. The Petersen Group Inc. A vacation of a 60 foot x approximately 185 foot Right-of-way easement running east to west along the northeast property boundary. Located north of East 24th Avenue, east of Pembroke Street and south of College Drive.



**PLANNING & ZONING  
COMMISSION  
PUBLIC HEARING  
November 7, 2005  
SUPPLEMENTAL INFORMATION**

**G.3. Case 2005-139  
Rezone to R-7**

Double-sided

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Municipality of Anchorage  
Zoning Division

### Case Num: 2005-139

Rezoning to R-7 Intermediate rural residential district

**Site Address:** GOLDEN VIEW DR & 172ND AVE

**Location:** A request to rezone approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential). T11N R3W, Section 10, the NW 1/4 NE 1/4 S 1/2 NE 1/4, S.M., AK. Located west of Golden View Drive and southwest of 172nd Avenue, an "L" shaped 120 acre parcel of land.

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## Public Comments

**11/4/05**

Carol Fries

16641 Virgo Ave.

Anchorage AK

The request to rezone the Forest Heights parcel containing 120 acres from PLI to R-7 is premature and unsupported by the information provided. The petitioners have failed to 1) adequately address surface and subsurface water flow through the parcel, 2) identify and accommodate all streams located on this parcel, and 3) thoroughly consider other physical characteristics, such as soils and bedrock, in developing a proposed plan. The characteristics of this parcel have been documented and additional studies previously requested by the Municipality but apparently this information has not been considered. There are no special limitations proposed, no protections offered by the developer other than two 25-foot stream setbacks on each side of two streams. Little Survival Creek in other subdivisions in this area has 45 or 50-foot stream setbacks on each side of the creek. Even with this level of protection, Little Survival Creek has been seriously impacted by upstream development. There are no plans to limit vegetative clearing to protect soils and stream health. Failure to adequately address these issues has the potential to negatively affect adjacent landowners, Potter Marsh, and as a result all residents of Anchorage. In addition, R7 zoning is not compatible with the adjacent neighborhoods to the north and east of this parcel. The proposed connection via Bettjean Street to this subdivision will route traffic from the proposed higher density subdivision into a lower density subdivision where the roads are not built to sustain this level of impact. It is unrealistic to think that Goldenview Drive can continue to absorb the traffic generated by yet another 155 units following the development of Goldenview Middle School, Prominence Point, Shangri La, and the new subdivisions planned and recently platted for the area above or east of Prominence Point. There has been no

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## Public Comments

**11/5/05**

Lori Davey

17420 Mountainside Village Drive

Anchorage AK 99516

As the current Chair, I am speaking on behalf of the South Goldenview Limited Road Service Area. I attended the Rabbit Creek Community Council meeting a few weeks ago. I asked the Lantech representatives if they intended to annex into the South Goldenview LRSA and was assured that they would. I just read over the MOA Planning Dept Memorandum dated November 7, 2005 and found that they do not intend to annex into the LRSA, but instead the ARDSA. This is not reasonable! This subdivision should absolutely be annexed into the South Goldenview LRSA primarily because ALL of their points of access are through LRSA roads. It would be unconscionable to allow 1382 additional trips through our roads without participation in the maintenance. Yes, there are several LRSA's with different contracts. However, there is only one LRSA and contract that concerns this parcel of land. Our contract is for snow removal at 4 inches with a 4 hour response time and sanding with a 2 hour response time. These standards are much higher than that of ARDSA - which I believe is snow removal within 72 hours. For this to be a viable secondary access in emergencies for the South Goldenview area, it must be maintained to the same high standards. We must request that annexation into the South Goldenview LRSA be a requirement for Subdivision Planning.

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circulation study or planning for infrastructure to alleviate the impact on existing residents from the increase in traffic these subdivisions are creating. These impacts include unacceptable levels of congestion at the intersection of Rabbit Creek and Goldenview Drive, compromised public safety in the event of a required emergency evacuation, and limited accessibility for emergency vehicles. At the very least the rezone should be denied until such time as a secondary access route can be developed from Goldenview to Potter Valley Road. It is unreasonable to expect existing residents to subsidize the development of higher density subdivisions through higher LRSA maintenance costs and the degradation of the neighborhood character that has prompted them to purchase homes in this area. Provisions for recreational access via pedestrian trails to HLB lands located at the western edge of this parcel should be addressed. These lands were determined to be best suited for Public Open Space/Greenbelt in the Potter Valley Land Use Analysis alternative adopted by the Assembly. The public has a right to access these lands. Access should be provided via the existing historical Moen Trail as well as other pedestrian connectivity connecting to the north to allow residents to access the greenbelt and also allow students to walk to Goldenview Middle School and walk to the houses of friends who live in adjacent neighborhoods. Furthermore, the comments regarding public notice offered by Ky Holland of the Rabbit Creek Community Council are indeed troubling. The public has a right to be provided a complete picture of what is proposed on this parcel. Given the information provided and the characteristics of this parcel, the characteristics of adjacent neighborhoods, and the relationship of this parcel to the health of Potter Marsh, density greater than that allowed by R-6 is not supported and a rezone at this time is premature. Thank you for the opportunity to comment.

# Zoning and Platting Cases On-line

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Municipality of Anchorage  
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## Public Comments

**11/7/05**

John Pinamont  
4936 Virgo Ave  
Anchorage AK 99516

I ask that the Planning and Zoning Commission deny the request 2005-139) for rezoning from PLI to R7 SL as requested by Forest Heights LLC. I am a homeowner in the adjacent Susitna View Estates subdivision and do not believe the proposed rezoning to high density residential with city sewer and water is comparable to the surrounding development. The nearby area consists of large lots with onsite septic and water. The flavor of the area is open land for wildlife movement, no fences, and rural unpaved roads. The proposed area has many springs, water courses, and wetlands. In addition, there is shallow bedrock with subsurface water flow that would be disturbed by trenching for water and sewer lines, leading to glaciation as already evidenced in the other high density developments (Prominence Point, Bridgeview). The suggested alternate access via Belarde, Virgo, Tideview to Old Seward is not reasonable. There are grades to 14%, winter glaciation, and road deterioration with the current traffic. Takings of private property would be required to make this route feasible. The proposed high density development will also have impacts on the night skies. Where I live there are no street lights and minimal light sources allowing for great star gazing. Thanks for accepting my comments.

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# Division of Mining, Land & Water

## Alaska Department of Natural Resources

[State of Alaska](#) > [Natural Resources](#) > [Mining, Land & Water](#)

## RS 2477 Project

- [Search Case Files \(Search Tools\)](#)
- [Download RS 2477 Fact Sheet](#)
- [Frequently Asked Questions](#)

### Background

RS 2477 stands for Revised Statute 2477 from the Mining Act of 1866, which states:

*"The right-of-way for the construction of highways over public lands, not reserved for public uses granted."*

The act granted a public right-of-way across unreserved federal land to guarantee access as land to state or private ownership. Rights-of-way were created and granted under RS 2477 until its re 1976. In Alaska, federal land was "reserved for public uses" in December 1968, with passage of l also known as the "land freeze." This date ends the window of RS 2477 qualification in Alaska.

### What are RS 2477 Rights-of-Way?

The RS 2477 congressional offer stood for 110 years. Throughout that time, people created legal way by using or constructing routes across unreserved federal land. State or local officials could i right-of-way by spending tax dollars on actual construction on the route, or they could pass a lav rights-of-way for future construction. According to state court decisions, any of these methods w enough to create a legal right-of-way, provided the land was unreserved, unappropriated federal time of construction and use or acceptance. Once a right-of-way was established, it became a "v; right" owned by the state. Any homesteads, homesites, Native Allotments, federal parks, etc., cr an RS 2477 right-of-way was accepted would thus be subject to it.

Once established, an RS 2477 cannot be abandoned by non-use, or removed without undergoing easement vacation procedure. As with any other state-owned right-of-way, the federal governme cancel it, even if the land was later withdrawn or transferred out of federal ownership. RS 2477 r provide access to the public and may exist on your property.

The State of Alaska views RS 2477 as an important tool to protect public access across federal la 1980s the State of Alaska and the U.S. Department of the Interior agreed upon and platted sever rights-of-way. In the past decade the Department of the Interior has not recognized RS 2477s th land.

### The RS 2477 Project

Since 1993, the Department of Natural Resources (DNR) has received varying levels of funding to research and adjudication project for RS 2477 rights-of-way. The project identifies routes throug state that appear to qualify as public rights-of-way under RS 2477. In recent years, court cases l determined the legal validity of RS 2477 routes. There have been few court cases in Alaska that i

RS 2477 rights-of-way. In the past, the status of most routes was typically uncontested and acknowledged to be legally valid under 43 USC 932 - RS 2477.

To successfully document an RS 2477 right-of-way on a historic route, the route must be shown constructed or used when the land was unreserved federal land.

Typical route documentation includes:

- Alaska Road Commission annual reports and maps
- U.S. Geological Survey bulletins, reports, field notes, and maps
- U.S. Postal Service contracts, site reports, and maps
- Other publications (books, newspapers, magazines)

Personal accounts (affidavits) are also valuable evidence of route use and construction.

To date, DNR has researched over 2,000 routes and determined that approximately 647 qualify under the RS 2477 statute.

### **Current Litigation**

The Harrison Creek - Portage Creek route is undergoing litigation. In March 1997 the State filed a lawsuit against the Department of the Interior for the right-of-way. This case is still in its "discovery" phase with plans to go to trial during the winter of 1999. It has the potential to set important precedent on the RS 2477 issue.

The state has been involved to varying degrees in three other RS 2477 cases: the Knik Glacier Trail, the Chickaloon River Trail (a Department of Transportation and Public Facilities (DOT&PF) condemnation case), and the Jualin Mine Trail. The State also filed a friend-of-the-court brief on behalf of Paul Shultz's estate which tried to show that there was an RS 2477 right-of-way across Fort Wainwright. Mr. Shultz's estate's case to the United States Supreme Court was denied in early 1998.

### **1998 Legislation**

In May 1998, the Alaska State Legislature passed a new law (AS 19.20.400) entitled "An Act Relating to State Rights-of-Way," that declares that more than 600 routes have been accepted as RS 2477 routes by public use and mandates that DNR record them in the respective recording districts. This bill was signed into law as Chapter 26, SLA 1998 (AS 19.30.400).

In general, this statute:

- identifies DNR as manager of these routes, unless transferred to DOT&PF;
- acknowledges that there may be other qualifying routes not yet identified by the project;
- indemnifies the state from liability resulting from a person's use of an RS 2477 right-of-way;
- outlines procedures and restrictions for vacating RS 2477 rights-of-way.

In addition, the legislative act mandated the recordation of the 602 routes listed in the bill as qualifying RS 2477 rights-of-way.

The Department of Natural Resources has begun to record the surveyed RS 2477 routes and those large parcels of land held by a single landowner. Whether or not an RS 2477 route is recorded, the route still exists and encumbers the property it crosses. The original RS 2477 route may be re-routed or eradicated only through an easement vacation process. By statute, the Legislature must approve an application to vacate an RS 2477 if no reasonable, comparable alternate right-of-way or means of

exists. However, if an alternate means of access exists, then the state may approve the vacation

### **Impacts of Recording Unsurveyed RS 2477 Routes**

There are several issues associated with recording unsurveyed routes, in particular where they cross private parcels. As an example, a route that is recorded as crossing five parcels may only affect two of them and miss three other parcels that should be affected.

It is impossible to know which specific parcels are actually impacted if an RS 2477 route is not surveyed. Therefore, surveying RS 2477 routes should be made a priority.

Another issue is the broad scale of the historic maps that depict the RS 2477 routes. The actual routes may be as far removed as one mile from the line depicted on the USGS maps. This problem is significant in densely populated areas, sometimes increasing the affected parties by a factor of ten. An RS 2477 encumbrance may negatively affect the disposition of private properties for their future use or potential sale.

Once the location of an unsurveyed route is recorded, it is part of the public record and reflects on all properties over which it apparently passes. If a subsequent survey shows that the route does not affect a parcel, the original document cannot be removed from the record. The land record may be amended by recording additional documents, such as disclaimers of interest.

Although RS 2477 routes were not specifically reserved in the original patent documents issued to the state governments, all patents are conveyed subject to valid, existing rights. RS 2477 rights-of-way are subject to valid, existing rights. Lawsuits will likely occur between individuals who disagree over the actual location of an unsurveyed RS 2477 easement. This is another reason that DNR has advocated surveying RS 2477 routes before recording them. Surveys would ensure each route would be accurately applied to individual parcels and reported for all future sales. DNR has asked the Legislature for the authority to record only those routes that have been surveyed or that only cross large tracts of land in single ownership, where the route location isn't an issue. However, the Legislature has chosen not to act on this request. The law is that all qualifying RS 2477 trails must be recorded, surveyed or not. Because of the recent public concern expressed by land owners when notified that DNR would record unsurveyed routes across their property, DNR will not record unsurveyed routes crossing smaller private parcels this year. DNR does not believe it is appropriate to cause unnecessary legal problems between landowners and the public. The agency is complying with the requirements of Chapter 26 SLA 1998 by beginning to record the nine surveyed routes and those that impact only large land owners.

The statutes also do not address the issue of width of the RS 2477 easement. This will clearly be an issue for landowners impacted by valid RS 2477 encumbrances. It will also be important to the public using the routes. Generally, it is assumed that the road right-of-way width that existed at the time the RS 2477 was accepted applies to that route, up to a width of 100 feet. Individual RS 2477 widths will likely vary.

These issues affect everyone with an interest in RS 2477: public users of RS 2477s, landowners impacted due to the lack of a survey, and landowners who should be impacted by RS 2477s but do not appear on a list of affected parties due to a lack of survey.

The effect of recording an RS 2477 route across large tracts of land is significantly less than on small privately owned parcels. Generally, owners of large tracts of land do not intend to sell their property. The presence of an RS 2477 route crossing it does not have the same devaluating effect. If they do decide to subdivide and sell parcels, they may have an opportunity to relocate and build the trail elsewhere on their property where it does not interfere with the subdivision.

If you need more information about RS 2477, the statute changes, or questions about a particular

contact:

**Alaska Department of Natural Resources**  
***Division of Mining, Land & Water***  
3700 Airport Way  
Fairbanks, AK 99709-4699  
(907) 451-2740

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## Ferguson, Sharon D.

---

From: Schanche, Lori E.  
Sent: Monday, October 17, 2005 9:05 AM  
To: Ferguson, Sharon D.  
Cc: Contreras, JoAnn B  
Subject: FW: Forest Hts



DSCF0153.JPG (67  
KB)

Hi, are you both around that we could talk about this soon/now? I was sick the end of the week and need to get my comments in and so really would like your thoughts.....thx. Lori

-----Original Message-----

From: Dianne [mailto:dianneholmes@alaska.net]  
Sent: Monday, October 17, 2005 8:49 AM  
To: Schanche, Lori E.  
Subject: Re: Forest Hts

Thanks Lori. I do hope you all will be on top of the need for a collector status road through Forest Hts that does not have 10 mph curves and is generally straight through the subdivision (considering the steepness of course). What I see the developers proposing will just force people to continue to use RC Rd rather than go out to Potter and down to the Seward Hwy. Some of us have spoken with the mayor's office on this very critical need and for the need for another Sub Area Circulation Study for Goldenview/Potter. I can't emphasize the urgency for a good road design here as you are well aware, I'm sure.

Back to the trail issue, what are the legal issues surrounding using the gas line easement as a trail? I thought that could not be done? I'll attach a photo of the condition of the gas line. It is not usable. Neither would be an easement if it were put slightly up hill. I just don't think it would work due to the number of seepages that come off that part of Forest Hts. As for the creek side easement, like I said, Jack Mosby, retired Park Service trail designer walked the area and said it would not be suitable at all. No trail should go with the fall line, aside from the extreme wetness.

Have you walked this area? If not, can you? You don't have to go far to see what the situation is.  
Dianne

Schanche, Lori E. wrote:

>Hi Dianne, as you are aware, since this has happened before in other  
>plats, we cannot tell the developer where he can provide a trail  
>easement as it affects his subdivision. As long as he is meeting the  
>beginning and exit points to provide access that is all we can ask for.  
>  
>  
>There are no laws that I am aware of to honor existing trails, I am  
>going to research a federal law I heard about, but I do not think this  
>will work for us from what I have heard.  
>  
>I am in general agreement of their concept, and trails are allowed in  
>the stream setback, but in this case I am asking for a 10' easement  
>exclusive of the stream easement and 20' in areas where they are not  
>adjacent. I am also going to request the entire 50' gas line easement  
>be set aside for trail as well since this will at least provide access

>into the site.  
>  
>As far as roads, etc. this plat does not yet feature any development  
>plans so that is not something we can comment on yet. I have seen a  
>concept drawing and many staff had comments, but the roads are not up  
>for comment yet. I am sure that Traffic and PM&E will have comments  
>come the appropriate time. I am copying others so they will see your  
>concerns.  
>  
>Thanks as always for keeping me up on things,  
>  
>Lori Schanche  
>MOA Trails Coordinator  
>  
>  
>  
>-----Original Message-----  
>From: Dianne [mailto:dianneholmes@alaska.net]  
>Sent: Friday, October 14, 2005 10:24 AM  
>To: Schanche, Lori E.  
>Subject: Forest Hts  
>  
>Lori,  
>Last night at the RCCC meeting the reps for Forest Hts (Dave Grenier  
>and  
>  
>Tony? Hoffman) told us of their plans to put a trail easement (not  
>build  
>  
>a trail) along a water drainage area in the north part of the parcel.  
>Earlier in the day I walked the whole area with Janey Moen the  
>homesteader's daughter plus a retired park service trail designer Jack  
>Mosby). He says there is no way they should be putting a trail or an  
>easement for one down the fall line in this area. The 'stream' doesn't  
>even come to the surface in some areas and it full of wet ground all  
>around and alders. I suspect the Corps of Engineers will not allow this  
>either, but the reps last night referred to the MOA trails coordinator  
>as being mostly in agreement with their plans. I suspect you are not in  
>agreement, are you?  
>  
>We all know they are just trying to get the trail requirement that they  
>think they might have to fulfill out of the way in a place where they  
>know they'll be needing to block out unbuildable areas. They say the  
>Moen trail is too steep. But the Moen's drove cars and horses up it for  
>yrs. I walked it yesterday too and while a few places are over 10% grade  
>  
>somewhat, people love using it and they DO use it.  
>  
>What bothers me the most is that there are NO plans to make sure the  
>area has a collector status road as our 2ndary access out from  
>Goldenview. Their roads are still long sweeping with hairpin turns and  
>the whole affair is to accommodate their land needs not to provide a  
>good 2ndary access. We are told they don't need to provide that  
>collector status road but somewhere somehow we still need a good access.  
>D  
>  
>  
>

# Zoning and Platting Cases On-line

## View Case Comments

[Submit a Comment](#)

**\*\* These comments were submitted by citizens and are part of the public record for the cases \*\***

**Questions?** If you have questions regarding a case, please contact Zoning at **907-343-7942** or Platting & Variances at **907-343-7942**.

**RECEIVED**

**NOV 29 2005**

Municipality of Anchorage  
Zoning Division

**1. Select a Case:**  [View Comments](#)

**2. View Comments:**

### Case Num: 2005-139

Rezoning to R-7 Intermediate rural residential district

**Site Address:** GOLDEN VIEW DR & 172ND AVE

**Location:** A request to rezone approximately 120 acres from PLI (Public Lands and Institutions) to R-7 (Intermediate Rural Residential). T11N R3W, Section 10, the NW 1/4 NE 1/4 S 1/2 NE 1/4, S.M., AK. Located west of Golden View Drive and southwest of 172nd Avenue, an "L" shaped 120 acre parcel of land.

[Details](#) | [Staff Report](#) | [submit a comment](#)

## Public Comments

**11/28/05**

barbara weinig  
po box 113849  
anchorage ak 99511

I request that case number 2005-139 be sent back to the developer for the changes requested by the preceding commenters. I have been community council president three different years and have worked with the developer to improve elements of his previous subdivisions. First, the RS 2477 "Moen" trail is part of the MOA's "Trails Plan", it was ranked in the top 50 trails for development. To place the majority of the trail on inappropriate soils and slope should not be allowed. Second, there needs to be a circulation plan for vehicle traffic for the entire area not just this subdivision. This area-wide plan has been recognized as a necessity since the Heritage Land Bank work plans dating from 1985. This need was also recognized in the 2020 plan, Transportation Study, of which I was a part. Third, the inclusion of sewer and water lines to this area will cause a change the flow of the surface and sub-surface water flow. This change in the water flow could severely impact the unique geological feature, which is located below this property, and adjacent to the Old Seward Highway. If the change water flow causes this unique and delicate geological feature to erode, the entire area above could start to move downhill, just like Pacific Palisades (California) did when homes catapulted into the Pacific Ocean. (Nothing in the submitted plans takes this into consideration). The original Heritage Land Bank description, and later studies of this area all mention the possibility of this problem and recommend more study before development. They also suggested that with development special requirements would be needed to prevent water flow changes from eroding this area. Thank you for reading my comments.

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# Zoning and Platting Cases On-line

## View Case Comments

[Submit a Comment](#)

**\*\* These comments were submitted by citizens and are part of the public record for the cases \*\***

**Questions?** If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

**RECEIVED**

NOV 07 2005

 Municipality of Anchorage  
Zoning Division

1. Select a Case:  [View Comments](#)

2. View Comments:

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Rezoning to R-7 Intermediate rural residential district

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[Details](#) | [Staff Report](#) | [submit a comment](#)

## Public Comments

**11/7/05**

Gary Cain

I am a licensed civil engineer who has been practicing in Alaska for 23 years, the last 17 of which has been in Anchorage doing all kinds of site development planning and design. I have reviewed the request to rezone the property from PLI to R-7 and reviewed the Municipality of Anchorage Planning Department memorandum recommending approval. I generally do not take exception to development as long as the plan calls for responsible development that is consistent with community policies and compatible with appropriate land use designations. In this case, I strongly disagree with the direction of the rezone request as it violates numerous goals and objectives stated in the Anchorage 2020 Comprehensive plan, and standards published in Title 21 of the Anchorage Municipal Code. Approval of the rezone as requested will set a precedent for allowing development projects that do not fulfill the stated goals and objectives of the Anchorage 2020 Comprehensive Plan. To quote Anchorage 2020 "The demands of rapid growth have faded, and quality of life issues have moved to the forefront. Throughout the plan development process, the community expressed a consistent vision for Anchorage's future - a vision that balances growth with the retention of the city's natural features and quality of life." If this property is rezoned to R7, even with special limitations, the development of the 120 acres can not take place in a manner that will retain any significant amount of natural features. Furthermore, the development will not be compatible with the adjacent neighborhoods which are predominantly zoned R-6, R-9 and R-10. These adjacent appropriately zoned neighborhoods fall under the Limited Intensity Residential designation which, according to the Anchorage Bowl Land Use Plan Map - Community Discussion Draft, "provides for large-lot, single-family residences in a semi-rural environment, and relieves development pressure in areas where natural conditions and distance to urban services limit growth. The

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predominant land use consist of detached houses on lots one acre or larger in size. The intended overall density for new development is less than one housing unit per gross acre.... Lot size, setbacks, the custom built nature of residences and the presence of natural vegetation help retain a semi-rural atmosphere and the natural environment." The existing topography of the site does not allow for development of R-7 lot sizes with any significant retention of natural features. In order to physically construct a residential structure on the minimum lot area of 20,000 square feet, along with the roads, water, sewer and storm drain improvements, virtually all of the natural vegetation will have to be destroyed. A perfect example of how the property will need to be developed to accommodate R-7 density is the development where virtually all natural vegetation had to be destroyed. The destruction of the majority of the vegetation has resulted in significant storm water run-off and erosion problems. This past winter run-off from frequent freeze-thaw cycles overwhelmed the existing ditches in Goldenview Drive and caused hazardous glaciation across the roadway, with some areas experiencing ice build-up over one foot thick. Development of the 120 acre site as R-7 will result in run-off that has little or no natural vegetation for biofiltration, and will ultimately have a detrimental impact on the environmentally sensitive receiving waters of Potter Marsh. In short, this rezone request should not be approved. If it is approved the integrity of the Municipal zoning process will be compromised, and the following Anchorage 2020 policies will not have been upheld: 5. Rezones and variances shall be compatible in scale with adjacent uses and consistent with the Goals and Policies of ANCHORAGE 2020. 6. Areas designated for specific uses on the Zoning Map shall be protected from encroachment by incompatible land uses. 7. Avoid incompatible uses adjoining one another 13. New Rural residential subdivisions shall be designed to: a) maintain the rural character of the area; c) Protect, maintain or avoid sensitive environmental areas 41. Land use regulations shall include new design requirements that are responsive to Anchorage's climate and natural setting. 46. The unique appeal of individual residential neighborhoods shall be protected and enhanced in accordance with applicable Goals Policies and Strategies. 48. Subdivision plats and site development plans shall be designed to enhance or preserve scenic views and other significant natural features in accordance with applicable Goals Policies and Strategies. 49. Site plan layout and building design for new development shall consider the character of adjacent development. The Municipality may require layouts and designs to incorporate the functional and aesthetic character of adjacent development. 50. Healthy, mature trees and forested areas shall be retained as much as possible. I urge the Planning and Zoning Commission to disapprove of this rezone request. Approving Zoning of R-7 will demonstrate a general policy of choosing quantity over quality of life.

# Zoning and Platting Cases On-line

## View Case Comments

[Submit a Comment](#)

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**Questions?** If you have questions regarding a case, please contact Zoning at **907-343-7943** or Platting & Variances at **907-343-7942**.

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[Details](#) | [Staff Report](#) | [submit a comment](#)

## Public Comments

**10/25/05**

Hezekiah "Ky" Holland for Rabbit Creek CC

P.O. Box 112354

Anchorage AK 99511

The Rabbit Creek Community Council requests that the rezone application submitted by Forest Heights, LLC be denied any hearing on November 7, 2005 before the Commission. The reason no hearing can be provided is that the applicant failed to comply with MOA notice requirements set forth in AMC 21.15.005. The mailed notice received by the adjacent property owners states that 120 acres is being sought for rezoning from PLI to R7SL, as did the notice agenda of the Planning & Zoning Commission published in the Anchorage Daily News October 11, 2005. Under AMC 21.15.005(C)(1)(b) the form of notice shall state "a description of the application." Unfortunately, the description of the application set forth in the notice does not match the description of the application now under consideration which contains no request for special limitations, as incorrectly stated in the notice. This is a substantial and material variance between the actual application and the notice. By giving "notice" that special limitations are being sought, but in fact, by failing to actually request special limitations in the application, the public is misled in thinking that if the zoning change is granted, the applicant and the Commission will impose some restrictions to conform to zoning issues when in fact that is not the case. Notice is fundamental to procedural due process. Failure to comply with the notice requirements mandates denial of the application at this time and removal of the issue from the Commission agenda. The applicant must meet municipal notice requirements in order for the hearing to be lawfully held. The Forest Heights, LLC rezone application packet received by the Rabbit Creek Community Council contains a prior application submitted by John Berggren for a rezone of this property from PLI to R 7SL dated December 31, 2003. This MOA planning

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department required studies and data before the Commission could address that application. Action on that application was then "postponed indefinitely." The old application that was withdrawn requests varying lot sizes on this property to be served by both sewer and water and on-site septic for the larger lots as requested by the adjoining neighbors in meetings with Mr. Berggren. The new application now contains an amendment submitted by the new owners of this property requesting a different zoning of R7 with no special limitations and public water and sewer to serve all properties in this subdivision. This amendment is located 9 pages behind the old application. The notice recently sent out and published (the only notice given to the public) erroneously omits these key changes and amendments. This is a significant change to the original application and proper notice is required under law. The public has the right to know exactly what zoning map amendment the applicant is requesting by receiving clear and accurate notice in order to make informed comments at a public hearing. For these reasons the Rabbit Creek Community Council requests that this matter be delisted from the agenda with an order from the Planning Department to the applicant to give proper and reasonable notice that complies with MOA requirements. In the event proper notice is not required, any actions taken by the Commission may be deemed void. See AS 44.62.310(e) ("Reasonable public notice shall be given for all meetings" and (f) "Action taken contrary to this section is voidable"); Lindblom v. Prime Hospitality Corp., 90 P.3d 1283 (June 10, 2004) (action deemed void and set aside for lack of proper notice).



**Re: Planning and Zoning Commission Case 05-139 (aka Forest Heights) November 7, 2005**

**Our proposed amended special limitations are:**

1. Density: 2 DUA or less.
2. Development within areas greater than 30% slope affected land shall be prohibited except for specific limited clearing of vegetation, location of utilities and road construction.
3. The following shall be addressed by the Platting Authority with a lot subdivision application:
  - a. Public water and sewer shall serve each dwelling unit and provide required fire flow requirements.
  - b. Underground all utilities.
  - c. Traffic Impact Analysis approved by the MOA Traffic Department.
  - d. (Deleted)
  - e. (Deleted)
  - f. All streams shall have protective easements.
  - g. Annexing into the Anchorage Roads and Drainage Service Area.
  - h. If the MOA selects Tract B, (from Platting Case S-11418) for purchase, then Tract B would remain PLI. If it does not, then Tract B would become R-7. (See packet page 26.)
  - i. A 30' wide buffer yard is required along Golden View Drive.
  - j. All lots shall only access the internal circulation roads within Forest Heights.
  - k. Recommendations of the final, approved Drainage Impact Analysis shall be implemented through the lot platting process.

Thank you,

A handwritten signature in black ink, appearing to read "Tom Dreyer", is written over a horizontal line. The signature is fluid and cursive.

Tom Dreyer, P.L.S. Petitioner's representative

# Memo

**To:** Sharon Ferguson  
**From:** Tony Hoffman  
**CC:**  
**Date:** 11/7/2005  
**Re:** Case 2005-139

---

Dear Ms. Ferguson,

We would like to submit the following information and comments into the public information package for inclusion into the case documents:

***Staff Recommendations:***

We would like to see an additional recommendation added to the 10 staff has proposed: regarding the zoning of the 13.2 acres that the petitioner is negotiating a purchase contract with the Municipality of Anchorage Heritage Land Bank, we would like to include the following condition of Approval to the staff recommendation (refer to the letter on page 26 of the case packet):

- *IF the Municipality of Anchorage does select the proposed school site, depicted as the 13.2 acre Tract "B", in M.O.A. platting case #S-11418, the original zoning (PLI) will remain effective for that Tract. The remainder of the parcel (approximately 104.7 acres) will be zoned R-7, per the re-zone application.*  
*IF the Municipality of Anchorage does not select the school site, the entire 120 acre parcel will be rezoned to R-7, per the re-zone application.*

***Additional information:***

I would like the following information, documents and maps added to the case file as public exhibits:

- The planning staff analysis of case Planning and Zoning Case 00-026 and the minutes for the PZC meeting June 5, 2000 indicate that this previous case was recommended for approval by the MOA Planning Staff and approved by the Planning and Zoning Commission. The density approved was 3 D.U.A.
- Exhibit 'B': We have analyzed the surrounding subdivisions, and have determined the average D.U.A. within a 3,200 acre area to be 1.6. We feel this is further supportive documentation that our proposed zoning map amendment is in tune with the overall development character of the area.

11/6/2005

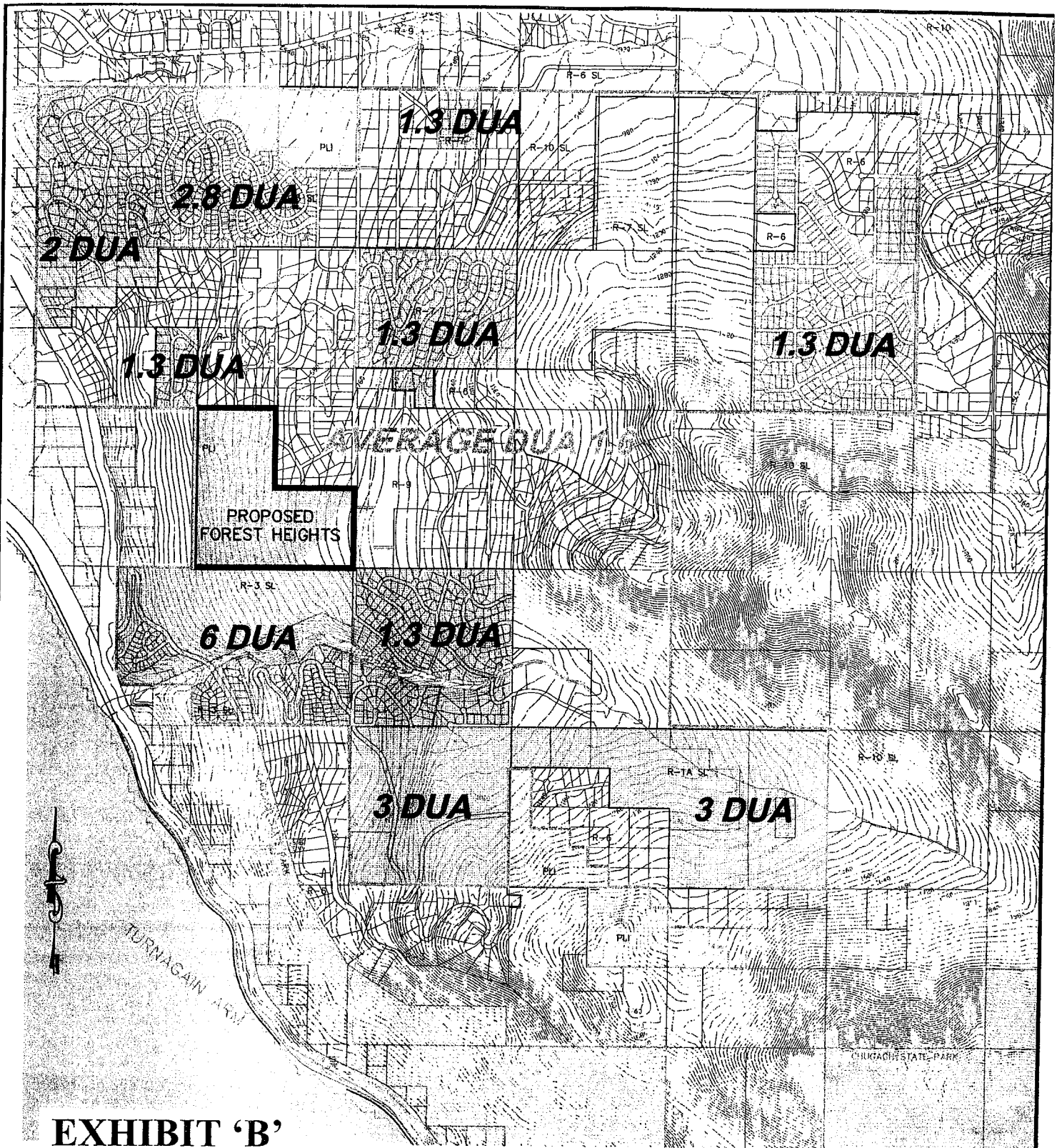
Additional Information to Staff Package 2005-139 Forest Heights

- Exhibit 'C': We have outlined the proposed area of our zoning map amendment on the "Land Use Policy Map" from the 2020 Anchorage Comprehensive Plan. The map clearly indicates that the eastern 1/3 of the property lies within the *Rural area*, as defined by the Comprehensive Plan. The remaining portions of the plan are clearly within the *Urban Service Area*.
- Exhibit 'D': We are providing a large scale map of the Traffic Circulation Map as corroborative information to our Traffic Impact Analysis map shown on page 44 of the staff packet. There is a lot of concern regarding traffic connectivity, and this additional map shows that our proposed road layout provides the possibility for an additional connection to Potter Valley Road, and "Official Streets and Highways Plan" primary collector road.

***Remarks to Staff Comments in the Packet:***

- Exhibit 'E': We feel that a concise, written response to the Rabbit Creek Community Councils letter on page 79 of the staff package is required.
- Exhibit 'F': Additionally, we feel that a written response is also required to the State of Alaska Fish and Games letter in the staff packet (pages 52-54).

Tony Hoffman PLS  
Lantech Inc  
907-770-9206



**EXHIBIT 'B'**

***SAME DUA OR GREATER THAN  
FOREST HEIGHTS***

NOV. 4 2005

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## Land Use Concept Plan

The Land Use Concept Plan is presented in three planning maps with related text that address major new land use policies, the allocation of additional population and housing, and future open space conservation. Together, they portray significant preferred scenario features and address the seven key planning issues.

**Land Use Policy Map** - Shows new land use policies that designate:

- Major Employment Centers
- Redevelopment/ Mixed-Use Areas
- Town Centers
- Neighborhood Commercial Centers
- Industrial Reserves
- Transit-Supportive Development Corridors
- Urban/Rural Services Boundary
- West Anchorage Planning Area

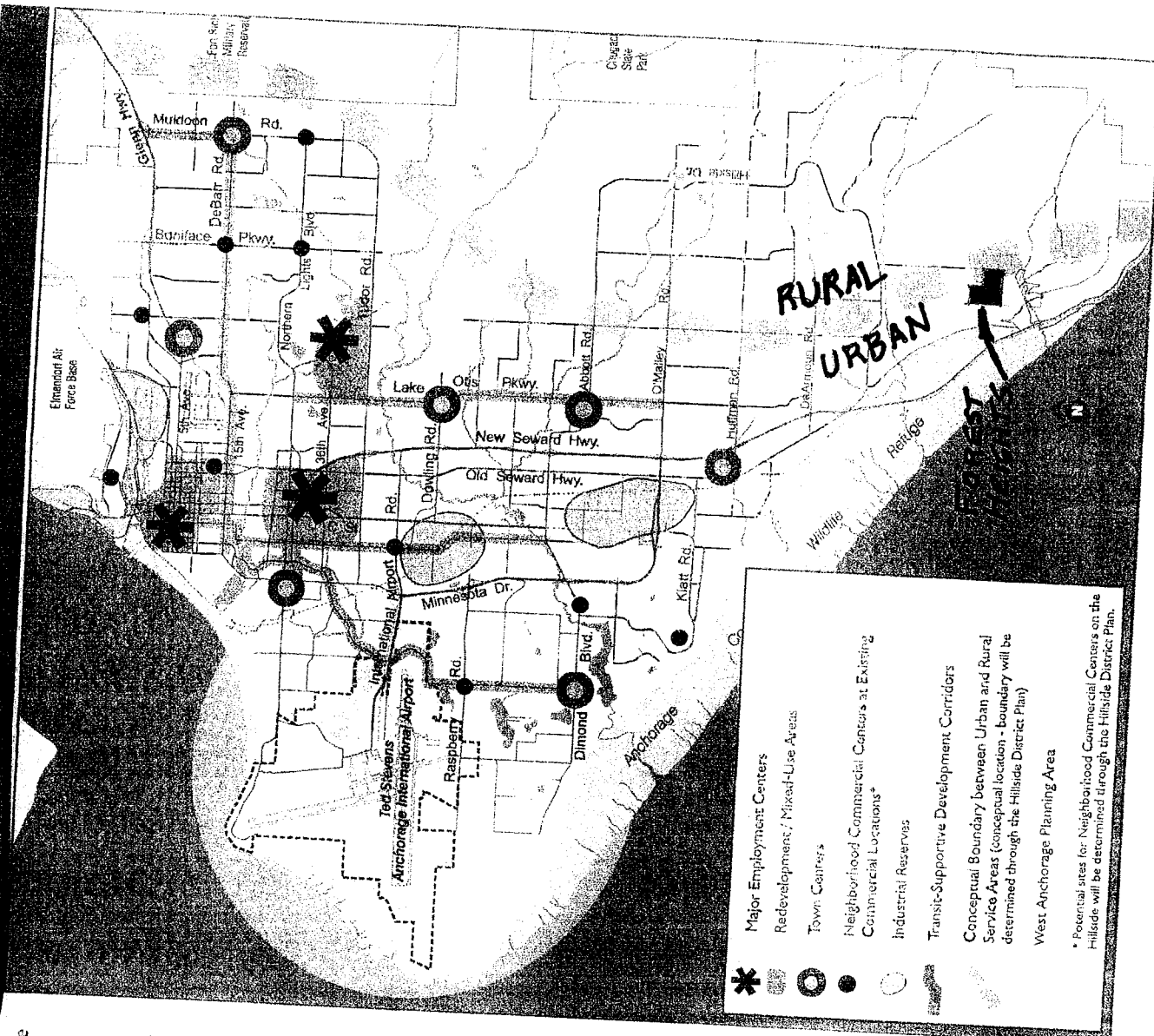
**Growth Allocation Map** - Illustrates how future population and housing are allocated in the Bow's five subareas to accommodate projected growth.

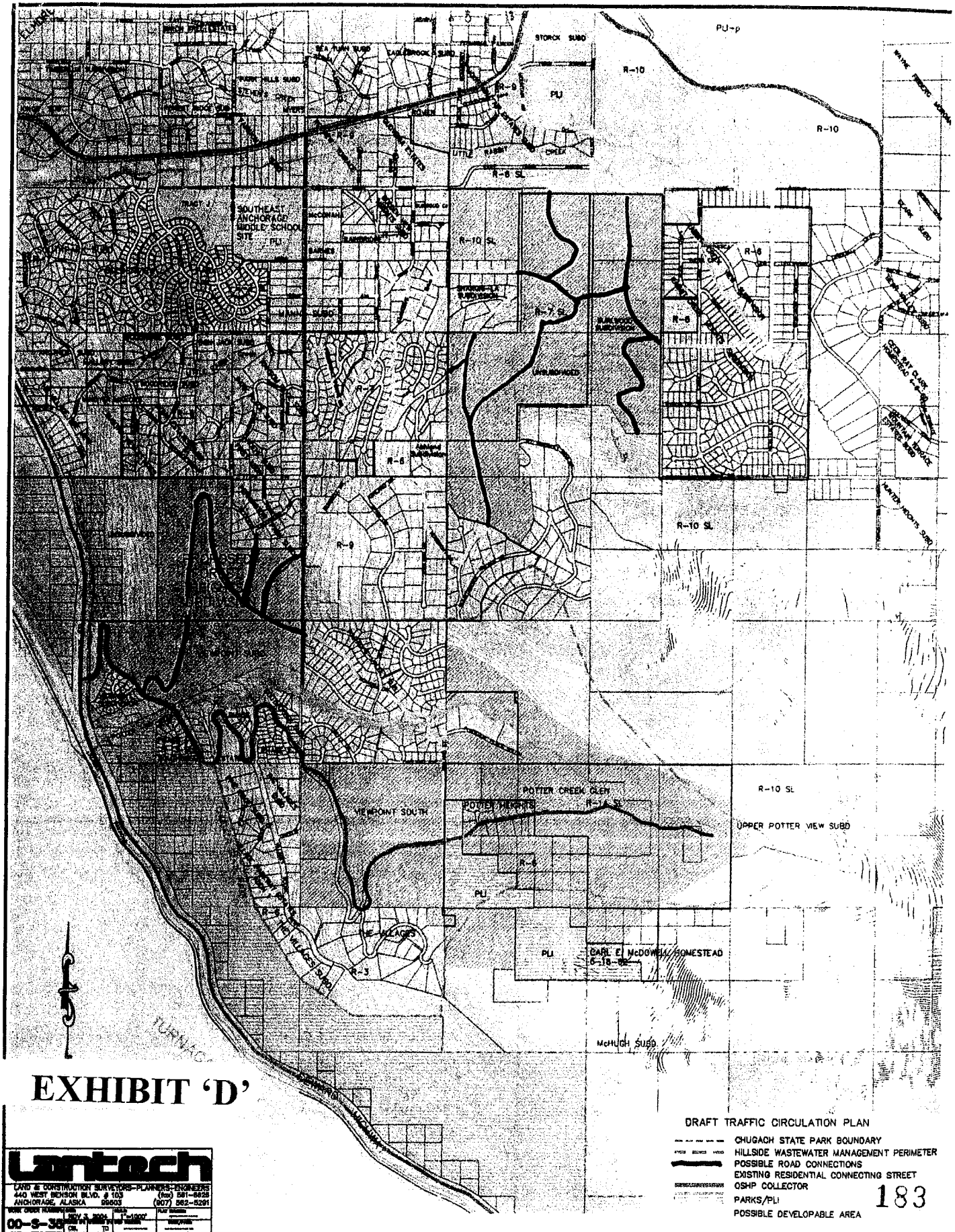
**Conceptual Natural Open Space Map** - Identifies major existing natural open spaces and possible future additions and formalizes natural open space as a land use category.

## Land Use Policy Map

The Land Use Policy Map sets the direction for the preferred form of long-term growth and development in the Anchorage Bowl. This direction will be refined in subsequent district and neighborhood plan components of the Comprehensive Plan. The map highlights only those key policies that can be shown graphically—other key ANCHORAGE 2020 policies are highlighted in the Planning Principles in this chapter and in Chapter 5.

## Land Use Policy Map





# EXHIBIT 'D'

**Lantech**  
LAND & CONSTRUCTION SURVEYORS-PLANNERS-ENGINEERS  
440 WEST BENDON BLVD. # 103 (PH) 341-8425  
ANCHORAGE, ALASKA 99503 (907) 562-5291

WORK ORDER NUMBER	DATE	BY	TO
00-8-38	NOV 3, 2004	17-1000	

DRAFT TRAFFIC CIRCULATION PLAN

- CHUGACH STATE PARK BOUNDARY
- HILLSIDE WASTEWATER MANAGEMENT PERIMETER
- POSSIBLE ROAD CONNECTIONS
- EXISTING RESIDENTIAL CONNECTING STREET
- OSHP COLLECTOR
- PARKS/PLI
- POSSIBLE DEVELOPABLE AREA



November 7, 2005

Re: Planning and Zoning Case 2005-139, Rezoning of Forest Heights Subdivision

From: Petitioner's representative, Lantech, Inc

To: Rabbit Creek Community Council & Planning & Zoning Board Members

**Responses to the conclusions of the Rabbit Creek  
Community Council on Page 79 of the Planning & Zoning  
Commission packet.**

(Numbers correlate to bulleted numbers on page 79)

1) Actually, this property could make someone more money by leaving it PLI. The minimum lot size in the PLI zoning is 15,000 square feet. Some uses permitted, and also permitted by conditional use in the PLI zoning are ; housing for the elderly, daycares, 24 hour child care facilities, natural resource extraction, correctional institutions, quasi-institutional uses, landfills, animal control shelters, motorized sports facilities, homeless and transient shelters, type 1,2,3, & 4 antennae's, community correctional residential centers and the like. I think we all agree that a residential R-7 zoning is clearly more appropriate for this area.

2) The proposed rezoning to R-7 is consistent with the neighborhood. The developed and developable areas within the RCCC boundary have an average density per acre of 1.6 dwelling units. R-7 zoning allows a density of 2.0 dwelling units per acre. (DUA) The properties directly north of Forest Heights are zoned R-6, the properties to the south are zoned R-3SL with an approved density of 6 DUA's. in most probabilities, the property to the east will be developed with a PLI type of building, if not, then Goldenvue Drive itself will buffer the property from the R-6 zoned property on the east side of the road. It is clear that R-7 for this parcel is consistent with the overall development patterns in the Rabbit Creek area.

3) We have addressed the impacts this rezoning will have in this area. A Traffic Impact Analysis has been submitted to the MOA, and is a part of the P&Z packet beginning on Page 37. Golden View Drive, and Potter Valley Road are classified as Type 1 Collector's on the Official Streets and Highways Plan. (OSHP) The OSHP is the official document of the Municipality of Anchorage and is a part of Title 21, as defined in Title 21.05.030.E.1. Forest Heights will access both of these collector roads when completed. A Type 1 Collector is designed to accommodate 10,000 Average Daily Traffic Trips per day. Forest Heights will, as planning staff condition letter g. on page 12 of the P&Z packet requires, annex into the Anchorage Roads and Drainage Service Area. Bettijean Street is only for neighborhood connectivity, and for police and fire access. As far as access to Bettijean is concerned, we will accommodate and agree through the platting process what is appropriate.

**EXHIBIT 'E'**

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- 4) The access from our Forest Heights subdivision to Potter Valley Road is not complicated. We will be providing an access point near our southwest corner for the developer to the south to continue an access road to Potter Valley Road.
- 5) The main road through Forest Heights will be built to municipal paved standards as required in a R-7 zoned area. The design of the road will be firstly considerate of the slope of the land. Designing a road through Forest Heights with as gentle of a grade as possible. On our drawing tables we have achieved a road grade less than 7%, which is 30% less than the maximum grade allowed of 10%.
- 6) During the platting process, we are more than willing to meet with the resident's who actually live on Bettjean, and the Planning Staff of the MOA to hammer out a solution to this issue of connectivity with Bettjean.
- 7) CH2MHill has conducted an extensive wetlands delineation analysis on Forest Heights. We have already met with the Municipal departments that deal with drainage and wetlands, the Corp of Engineers, the DEC, and the Fish and Game dept. All requirements of these agencies will be abided by.
- 8) Moen Trail. The Moen Trail issue will be addressed at length through the platting process. We are meeting with subgroups of the RCCC to help us understand all of the issues and hopefully we can all come to an agreement on the proper course of action.
- 9) (See #7 above.)
- 10) (See #7 above.)
- 11) We will accommodate pedestrian circulation in many ways. Firstly, Forest Heights will have a detached bike trail/ pathway along all of the roads within it's boundaries. Secondly, we will provide pedestrian access to Belarde Avenue and 172<sup>nd</sup>. through a dedicated walkway right-of-way that will connect into our bike trail system. Thirdly, the access to Bettjean will of course include a bike trail. Fourthly, to the south we are providing 2 access points for vehicular and pedestrian traffic.

# **TERRASAT, INC.**

1413 West 31<sup>st</sup> Avenue, Anchorage, Alaska 99503

(907) 344-9370

Fax: (907) 344-1490

**Geological Consulting**

• **Environmental Restoration**

• **Regulatory Compliance**

November 5, 2005

Department of Planning  
Zoning and Platting Division  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

Re: Case No. 2005-139, Forest Heights Subdivision  
Response to the Alaska Department of Fish and Game's 2004 Concerns

Dear members of the Planning and Zoning Commission:

TERRASAT Inc. represents the developer as part of the development team with Lantech, Inc. and Triad Engineering. We agree with some of the statements made by the Department of Fish and Game. For example, we agree that Potter Marsh is valuable and should remain protected. We agree that water draining into Potter Marsh should have no diluterious effects to the marsh or its inhabitants. We also agree that surface and ground water leaving the Forest Heights Subdivision flows into Potter Marsh.

We disagree with many of the statements made by the Munter's 1984 unpublished report that the Department of Fish and Game relied on. As an example, the Department of Fish and Game cite Munter (1984) as concluding that 78% of the fresh water in Potter Marsh inputs from the 2.5 square mile drainage of Little Survival Creek. Our attached Figure 1 shows a combined drainage basin from OTT Water Engineers (1985). This map shows a 12.1 square-mile basin, with the majority of the streams draining into Potter Marsh. Specifically, 18.1 miles of streams within this basin drain directly into Potter Marsh. The north end of Potter Marsh also receives water from the Rabbit Creek drainage, adding another 16.5 miles of stream. These waters flow both as surface water within Potter Marsh, and as subsurface ground water in a radial direction through the large alluvial fan-deltas associated with Rabbit Creek and Little Rabbit Creek. The amount of water that flows through Forrest Heights is miniscule compared with these major drainages.

We agree with the statement that water flowing into Potter Marsh should be maintained at the seasonal levels reserved by Fish and Game. We are working with Watershed Management Services and we are conducting a Drainage Impact Analysis. Results of this analysis will lead to drainage designs that mitigate potential impacts to Potter Marsh. We intend to maintain current peak stream flows. Our design will include stormwater management practices that filter runoff and protect the water quality of Potter Marsh.

Statements made by Fish and Game, relying on the unpublished 1984 Munter report, regarding sewer, septic, and ground water extraction are not relevant to this development. This subdivision will use City supplied water and sewers. This means that water flowing to the marsh will continue to flow to the marsh. Munter (1984) erroneously reports that piped sewers will divert water away from Potter's Marsh. Again, water is piped in from the City, will be used, and the waste water is piped away from the development. Ground water and surface water conditions will remain the same as today. Septic system failures are not an issue, because septic systems are not planned for this development.

The Department of Fish and Game relies on Munter (1984) who states that Urbanization may result in the transport of oils, greases, salts, nutrients, pesticides, and sediment to Potter Marsh. This development will use stormwater management practices, approved by Water Management Services, that biodegrade these possible pollutants and eliminate siltation.

In conclusion, our team will design stormwater management systems to preserve and protect water quality and quantity flowing into Potter Marsh.

