

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: June 12, 2007

CLERK'S OFFICE

APPROVED

ANCHORAGE, ALASKA

Date: 7-17-07 AO No. 2007- 88

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING THE ZONING MAP, AND PROVIDING FOR THE REZONING FROM R-2A SL (TWO-FAMILY RESIDENTIAL) DISTRICT WITH SPECIAL LIMITATIONS, TO PLI (PUBLIC LANDS AND INSTITUTIONS), FOR A PORTION OF GOVERNMENT LOT 6, TRACT A, CONTAINING 9 +/- ACRES, LOCATED WITHIN THE SE ¼ NE ¼ OF SECTION 36, LYING NORTH OF FIRE CREEK, T15N, R2W, S.M. (PROPOSED ALASKA STATE LAND SURVEY #2006-3, TRACT A, PER S-11420-1); GENERALLY LOCATED EAST OF THE OLD GLENN HIGHWAY, AND ON THE NORTH SIDE OF FISH HATCHERY ROAD IN EAGLE RIVER.

(Chugiak Community Council) (Planning and Zoning Case 2007-049)

THE ANCHORAGE ASSEMBLY ORDAINS:

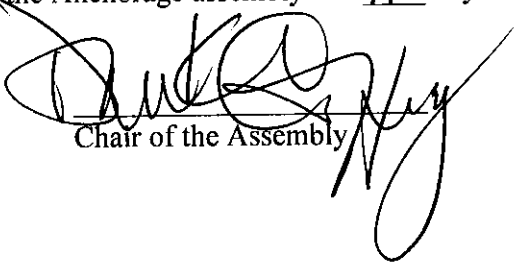
Section 1. The zoning map shall be amended by designating the following described property as PLI (Public Lands and Institutions District):

A portion of Government Lot 6, Tract A, containing 9 +/- acres, located within the SE ¼ NE ¼ of Section 36, lying north of Fire Creek, T15N, R2W, S.M. (proposed Alaska State Land Survey #2006-3, Tract A, per S-11420-1), containing approximately 9 +/- acres, as shown on Exhibit "A."

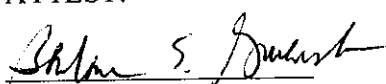
Section 2. The Director of the Planning Department shall change the zoning map accordingly.

Section 3. This ordinance shall become effective immediately upon approval and passage of this ordinance.

PASSED AND APPROVED by the Anchorage assembly this 17th day of July, 2007.


Chair of the Assembly

ATTEST:


Municipal Clerk

(Tax ID #051-324-15)

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2007- 88

Title: AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM R-2A SL (TWO-FAMILY RESIDENTIAL) DISTRICT WITH SPECIAL LIMITATIONS, TO PLI (PUBLIC LANDS AND INSTITUTIONS), FOR A PORTION OF GOVERNMENT LOT 6, TRACT A, CONTAINING 9 +/- ACRES, LOCATED WITHIN THE SE ¼ NE ¼ OF SECTION 36, LYING NORTH OF FIRE CREEK, T15N, R2W, S.M. (PROPOSED ALASKA STATE LAND SURVEY #2006-3. TRACT A PER S-11420-1)

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

| CHANGES IN EXPENDITURES AND REVENUES: | | (In Thousands of Dollars) | | | |
|--|-------------|----------------------------------|-------------|-------------|--|
| | FY07 | FY08 | FY09 | FY10 | |
| Operating Expenditures | | | | | |
| 1000 Personal Services | | | | | |
| 2000 Non-Labor | | | | | |
| 3900 Contributions | | | | | |
| 4000 Debt Service | | | | | |
| TOTAL DIRECT COSTS: | \$ - | \$ - | \$ - | \$ - | |
| Add: 6000 Charges from Others | | | | | |
| Less: 7000 Charges to Others | | | | | |
| FUNCTION COST: | \$ - | \$ - | \$ - | \$ - | |
| 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.

Property Appraisal notes: Due to the lack of sewer and water to the area, the property has been valued in line with R6 & R10 values. Consequently, property appraisal notes no significant impacts.

| | | | |
|-------------------|---|------------|-----------------|
| Prepared by: | <u>Jerry T. Weaver Jr.</u> | Telephone: | <u>343-7939</u> |
| Validated by OMB: | <u></u> | Date: | <u></u> |
| Approved by: | <u></u> (Director, Preparing Agency) | Date: | <u></u> |
| Concurred by: | <u></u> (Director, Impacted Agency) | Date: | <u></u> |
| Approved by: | <u></u> (Municipal Manager) | Date: | <u></u> |



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 389-2007

Meeting Date: June 12, 2007

From: Mayor

Subject: Planning and Zoning Commission, Case 2007-049; recommendation of approval to rezone from R-2A SL (Two Family Residential) District with Special Limitations, to PLI (Public Lands and Institutions) District, for a portion of Government Lot 6, Tract A, containing 9+/- acres, located within the SE ¼ NE ¼ of Section 36 lying north of Fire Creek, T15N, R2W, S.M. (Proposed Alaska State Land Survey # 2006-3, Tract A, per S-11420-1); generally located east of the Old Glenn Highway and on the north side of Fish Hatchery Road in Eagle River.

The State of Alaska owns Government Lot 6, Tract A, located within SE ¼ NE ¼ of Section 36, T15N, R2W, S.M. This is an unsubdivided parcel consisting of approximately 19.64 acres. Fish Hatchery Road divides the tract of land. The Municipality of Anchorage selected a portion of this parcel for transfer from the Department of Natural Resources. Preliminary plat S-11520-1 approved subdividing the lot into three tracts. The State of Alaska will retain ownership of proposed Tract A, and the Municipality will receive Tracts B and C.

The State Geological Materials Center has its soil testing and test log storage facilities at this site and is requesting the property be rezoned from R-2A SL to PLI. A determination of nonconforming status prepared by Land Use Enforcement, dated November 22, 2006, determined that use of the existing structures was as a warehouse. Warehouses are a prohibited use in the R-2A District. This violation will be cured by rezoning Proposed Alaska State Land Survey # 2006-3, Tract A, per S-11420-1 to PLI. It is the policy of the Municipality of Anchorage that publicly-owned land be zoned PLI.

The Planning and Zoning Commission held a public hearing on this request on April 2, 2007. They determined that PLI zoning is generally consistent with the *2006 Update of the Chugiak-Eagle River Comprehensive Plan*, and the rezoning application meets the zoning standards AMC 21.20.090. The Plan classifies this property as "Community

1 Facility.” This classification is for areas substantially developed for active public and
2 institutional use, and undeveloped areas designated for future public and institutional
3 use.

4
5 The Chugiak Community Council voted to support rezoning this property to PLI at its
6 February 2007 meeting. The Planning and Zoning Commission recommends approval
7 without any special limitations. The vote was 6 ayes and 0 nays.

8
9 THE ADMINISTRATION CONCURS WITH THE PLANNING AND ZONING
10 COMMISSION RECOMMENDATION TO REZONE THE PARCEL TO PLI.

11
12 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

13 Concur: Tom Nelson, Director, Planning Department

14 Concur: Mary Jane Michael, Executive Director, Office of Economic and
15 Community Development

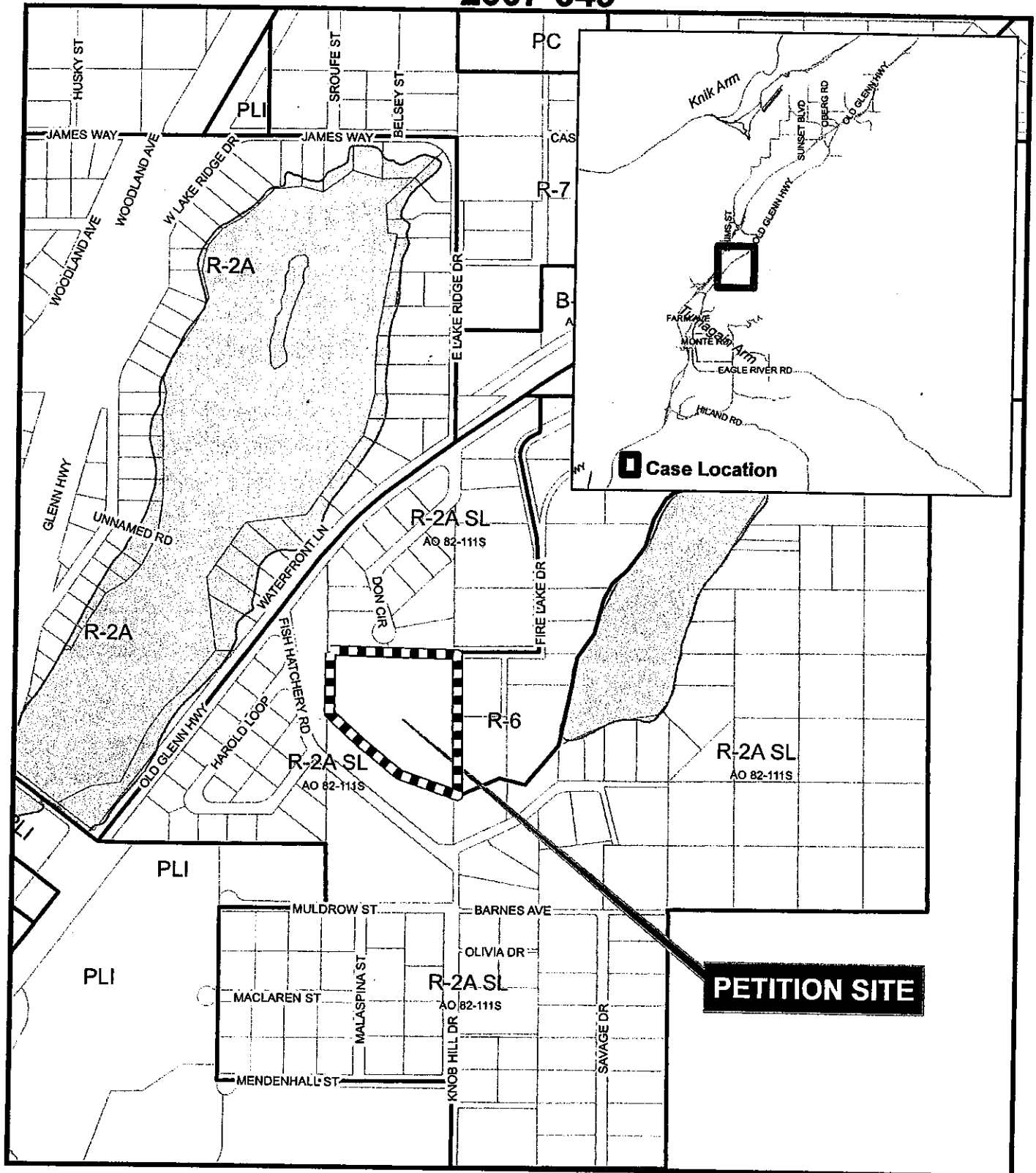
16 Concur: Municipal Attorney, James N. Reeves

17 Concur: Denis C. LeBlanc, Municipal Manager

18 Respectfully submitted, Mark Begich, Mayor
19
20

REZONE 2007-049

EXHIBIT A



Municipality of Anchorage
Planning Department

Date: February 9, 2007

Flood Limits
 100 Year
 500 Year
 Floodway



COPY

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2007-024**

A RESOLUTION APPROVING A REZONING FROM R-2A SL (TWO-FAMILY RESIDENTIAL) DISTRICT, WITH SPECIAL LIMITATIONS, TO PLI (PUBLIC LANDS AND INSTITUTIONS) DISTRICT, FOR A PORTION OF GOVERNMENT LOT 6, TRACT A, CONTAINING 9 +/- ACRES, LOCATED WITHIN THE SE4NE4 OF SECTION 36, LYING NORTH OF FIRE CREEK, T15N, R2W, S.M. (PROPOSED ALASKA STATE LAND SURVEY NUMBER 2006-3, TRACT A, PER S-11420-1); GENERALLY LOCATED EAST OF THE OLD GLENN HIGHWAY AND ON THE NORTH SIDE OF FISH HATCHERY ROAD IN EAGLE RIVER.

(Case 2007-049; Tax I.D. No. 051-324-15)

WHEREAS, a request has been received from the State of Alaska Department of Natural Resources, Division of Geological and Geophysical Surveys to rezone approximately 9 +/- acres from, R-2A SL (Two-Family Residential) District, with special limitations, to PLI (Public Lands and Institutions District), for a portion of Government Lot 6, Tract A, containing 9 +/-, located within the SE4NE4 of Section 36, lying north of Fire Creek, T15N, R2W, S.M. (proposed Alaska State Land Survey No. 2006-3, Tract A, per S-11420-1); generally located east of the Old Glenn Highway and on the north side of Fish Hatchery Road in Eagle River, and

WHEREAS, the Chugiak Community Council passed a resolution in support of the rezoning request, and

WHEREAS, notices were published, posted and 71 public hearing notices were mailed March 12, 2007, and a public hearing was held on April 2, 2007.

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

- A. The Commission makes the following findings of fact:
1. The subject property is owned by the State of Alaska and occupied by the State Geological Materials Center. It is used for soil testing and test log storage.
 2. The Municipality of Anchorage has selected Tracts B and C, of Proposed Alaska State Land Survey # 2006-3, for land transfer from the State. A condition of the preliminary plat is for Proposed Tract A to be rezoned to PLI.
 3. A November 22, 2006 determination of nonconforming status by Land Use Enforcement determined that the use of the structures and the land was as a warehouse: warehouses are prohibited use in the R-2A District. The nonconformity violation will be cured by rezoning the property to PLI.
 4. The Chugiak Community Council voted to support rezoning this property to PLI at its February 2007 meeting.
 5. It is the policy of the Municipality of Anchorage that publicly owned lands be zoned PLI.
 6. The Commission finds the proposed rezoning is generally consistent with the 2006 *Update of the Chugiak-Eagle River Comprehensive Plan* and zoning standards AMC 21.20.090.
 7. The 2006 *Update of the Chugiak-Eagle River Comprehensive Plan* classifies this property as Community Facility. This classification is for areas substantially


COPY

developed for active public and institutional use, and undeveloped areas designated for future public and institutional use.

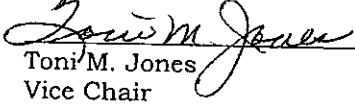
8. The Commission voted to excuse Commissioner Pease from participating in the public hearing due to her possible future involvement with work on the subject property.
 9. The Commission recommended approval of the request by a unanimous vote of 6-aye, 0-nay
- B. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to PLI.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 2nd day of April, 2007.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 7th day of May 2007.



Tom Nelson
Secretary



Toni M. Jones
Vice Chair

(Case 2007-049)
(Tax I.D. No. 051-324-15)

COMMISSIONER PALMER arrived at 6:40 p.m.

AYE: None

NAY: Pease, Josephson, Jones, Isham, Fredrick, Wang

ABSTAIN: Phelps

FAILED

COMMISSIONER WANG noted he did not participate in case 2007-040, which is the subject of Resolution 2007-022, and would abstain from the vote on that resolution.

D. CONSENT AGENDA

1. **Resolutions for Approval:** 2007-007 (case 2007-022), 2007-022 (case 2007-040), 2007-023 (case 2007-037)
5. **Other**

MS. AUTOR noted that Resolutions 2007-007 and 2007-022 were pulled for corrections. They will reappear on a future agenda.

COMMISSIONER ISHAM moved to approve Resolution 2007-023.
COMMISSIONER WANG seconded.

AYE: Pease, Josephson, Jones, Isham, Fredrick, Palmer, Phelps

NAY: None

ABSTAIN: Wang

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS – None

F. REGULAR AGENDA – None

G. PUBLIC HEARINGS

1. **2007-049** Department of Natural Resources. A request to rezone approximately 9.0 acres from R-2ASL to PLI. A portion of Government Lot 6, Tract A of T15N R2W, Section 36, the SE ¼

NE ¼, S.M., AK. Located east of Fish
Hatchery Road at Harold Loop.

Staff member MARY AUTOR stated this is a housekeeping rezoning. The Municipality has an interest in acquiring a portion of what would be proposed Tracts B and C. In order to effectuate the transfer, the Platting Board has approved a subdivision into three tracts. In order to finalize the plat and make the structures used by Department of Natural Resources (DNR) legally conforming, a request to rezone to PLI has been made. It is a longstanding policy of the Municipality and the Assembly that publicly owned lands be zoned PLI. The State has owned the property since 1962 and it was zoned R-2 in 1966. No reason for the rezoning to R-2 was found in the records. The request before the Commission is to eliminate the existing special limitations, which require a one-acre minimum lot size and prohibit cluster housing development. The Department found that the 2006 update of the *Chugiak-Eagle River Comprehensive Plan* classified this property as a community facility, which is consistent with PLI zoning. The plat requires a 25-foot stream setback around Fire Lake Creek, and a 50-foot public access easement, as required by State statute. The preliminary plat would also provide a dedicated 25-foot access from the road. The site is not served by public services, but rather by on-site water and sewer. There is no other PLI zoned property in the immediate area, however, Standard 2 regarding the supply of land was found not relevant to this rezoning because government owned land is intended to be zoned PLI. This rezoning would legitimate the warehouse and office structures that have existed on the property since 1960. There were 71 public hearing notices mailed in March 2007; at the time of the Staff report, no responses were received. The Department has received some telephone calls inquiring why the rezoning was occurring, but not objecting to it.

COMMISSIONER PEASE asked if it is correct that this rezoning is needed in order to file the plat. MS. AUTOR explained that in order to finalize the transfer of land, the property has to be properly platted. It is a condition of the plat that the property be rezoned.

COMMISSIONER PEASE thought the plat was finalized. Finding that is not the case, she felt she should abstain because she could be involved with work on the tract that will be created by the plat.

COMMISSIONER ISHAM moved to direct Commissioner Pease to participate in case 2007-049. COMMISSIONER WANG seconded.

COMMISSIONER ISHAM did not support this motion due to the potential conflict affecting Commissioner Pease.

AYE: None

NAY: Josephson, Jones, Isham, Fredrick, Wang

ABSTAIN: Phelps, Pease

FAILED

COMMISSIONER PALMER asked if the Chugiak Community Council had no objection to this rezoning. MS. AUTOR noted there is an email from the Chugiak Community Council on page 020 of the packet stating no objection.

The public hearing was opened.

MIKE SULLIVAN with DNR explained that this property was originally developed with the Fire Lake Fish Hatchery, which was begun in 1962. In approximately 1986 the fishery ceased to function and the buildings were transferred from the Department of Fish and Game. DNR is using the buildings to store core samples and rocks, etc. The future plans are to get a better facility and eventually move off-site, but that is a future plan. In the process of the survey on this property, DNR learned of the zoning situation. This application is designed to address that and to allow the property to be platted in order to be transferred to the Municipality, as well as to preserve driveway access into the State facility.

The public hearing was closed.

COMMISSIONER ISHAM moved for approval of the rezoning from R-2ASL to PLI, portion of Government Lot 6, Tract A containing 9.0 acres + located within the SE ¼ NE ¼ of Section 36. COMMISSIONER JOSEPHSON seconded.

COMMISSIONER ISHAM felt this action was housekeeping in nature. This property is identified in the *Chugiak-Eagle River Comprehensive Plan* as a community facility, so this rezoning is appropriate.

AYE: Josephson, Jones, Isham, Fredrick, Palmer, Wang

NAY: None

ABSTAIN: Phelps, Pease

PASSED

- 2. 2007-044** Municipality of Anchorage. An ordinance amending Anchorage Municipal Code Section 21.09.050B.3.b to clarify the definition of Community Buildings and Uses.

Staff member TOM NELSON explained this ordinance is an amendment to the Girdwood regulations and would apply only to Chapter 9 of Title 21. The amendment modifies the definition of Community Buildings and Uses to include private nonprofit organizations. This amendment is proposed because the Girdwood Community Club, a nonprofit operating in Girdwood, provides public services in Girdwood and they are looking for a new location for their facility. There have also been discussions that other nonprofits might provide recreational facilities in the community. These facilities would be on public land, but run by private nonprofit organizations. This ordinance amendment would permit that to occur.

COMMISSIONER JOSEPHSON asked why this ordinance amendment would not also apply to Anchorage. MR. NELSON explained the term Community Buildings and Uses is not included in Title 21 other than in Chapter 9. Private nonprofit organizations are currently allowed in a variety of use districts in Anchorage. The nuance of the zoning districts in Girdwood makes them not allowed. COMMISSIONER JOSEPHSON noted the Staff report, which states, "...until the adoption of the full Title 21 rewrite, all major site plan review shall be reviewed and approved as conditional uses." He asked if after the Title 21 Rewrite would conditional uses not be looked at to the same degree or in the same way. MR. NELSON explained that projects would fall under "major site plan review," which is being proposed in Chapter 3, but does not currently exist. If and when major site plan review are allowed as a type of approval, the conditional use provisions are being used.

COMMISSIONER PEASE asked if Hilltop and the Chamberlain Equestrian are similar situations in Anchorage. MR. NELSON responded that there is a list of permitted uses and a list of conditional uses in the PLI district. Some permitted uses are provided by

PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING

DATE: April 2, 2007

CASE NO.: 2007-049

APPLICANT: Department of Natural Resources,
Division of Geological and Geophysical Surveys

**PETITIONER'S
REPRESENTATIVE:** Sam Means

REQUEST: Rezoning from R-2A (SL) to PLI

LOCATION: A portion of Government Lot 6, Tract A containing 9
acres +/- located within the SE4NE4 of Section 36,
lying north of Fire Creek, T15N, R2W, S.M.
(Proposed Alaska State Land Survey No. 2006-3,
Tract A, per S-11520-1)

SITE ADDRESS: 18205 Fish Hatchery Road

**COMMUNITY
COUNCIL:** Chugiak

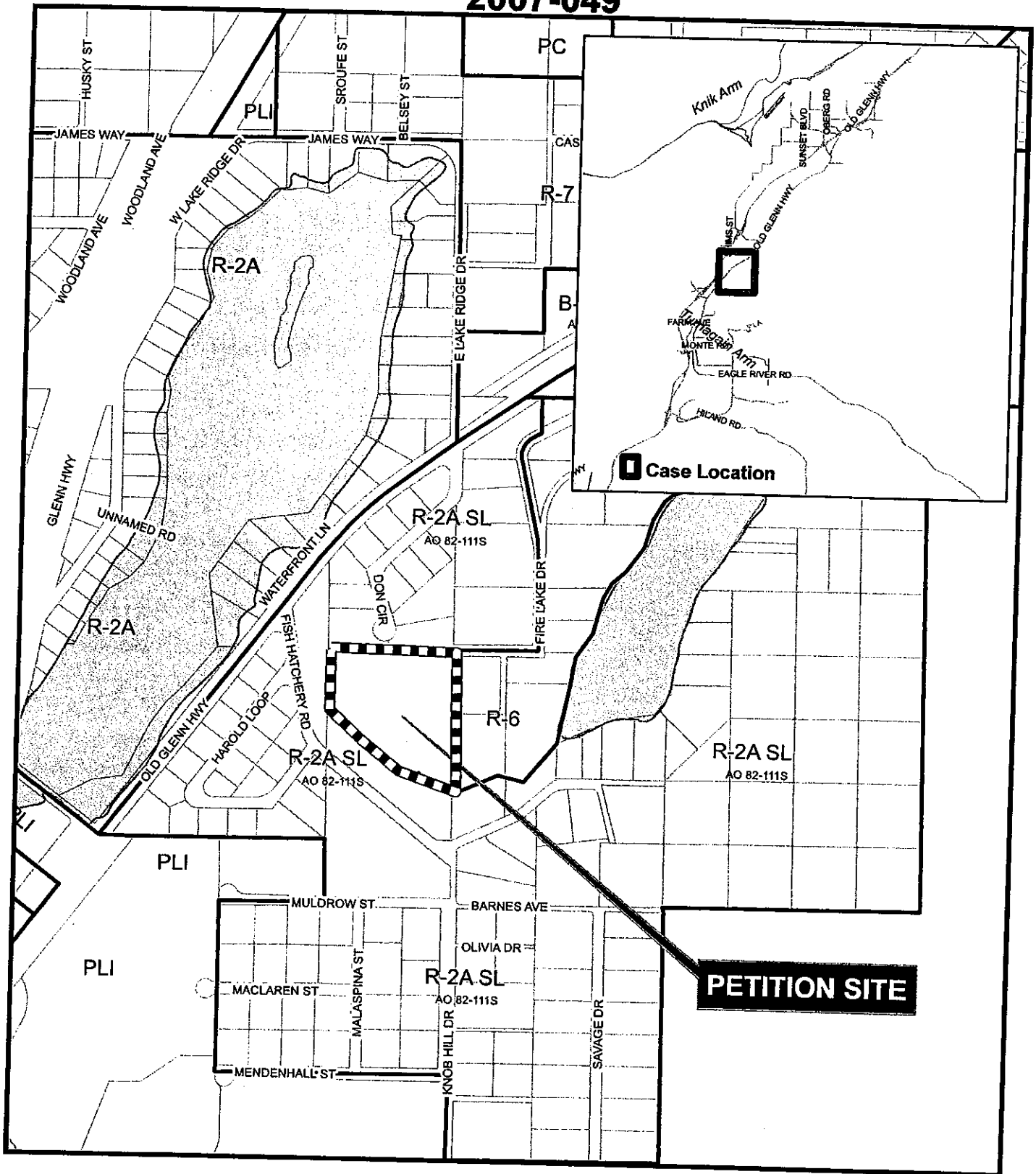
TAX NUMBER: 051-324-15 / Grid NW0553

ATTACHMENTS:

1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

RECOMMENDATION SUMMARY: **APPROVAL.**




REZONE 2007-049



Municipality of Anchorage
Planning Department

Date: February 9, 2007

Flood Limits

-  100 Year
-  500 Year
-  Floodway



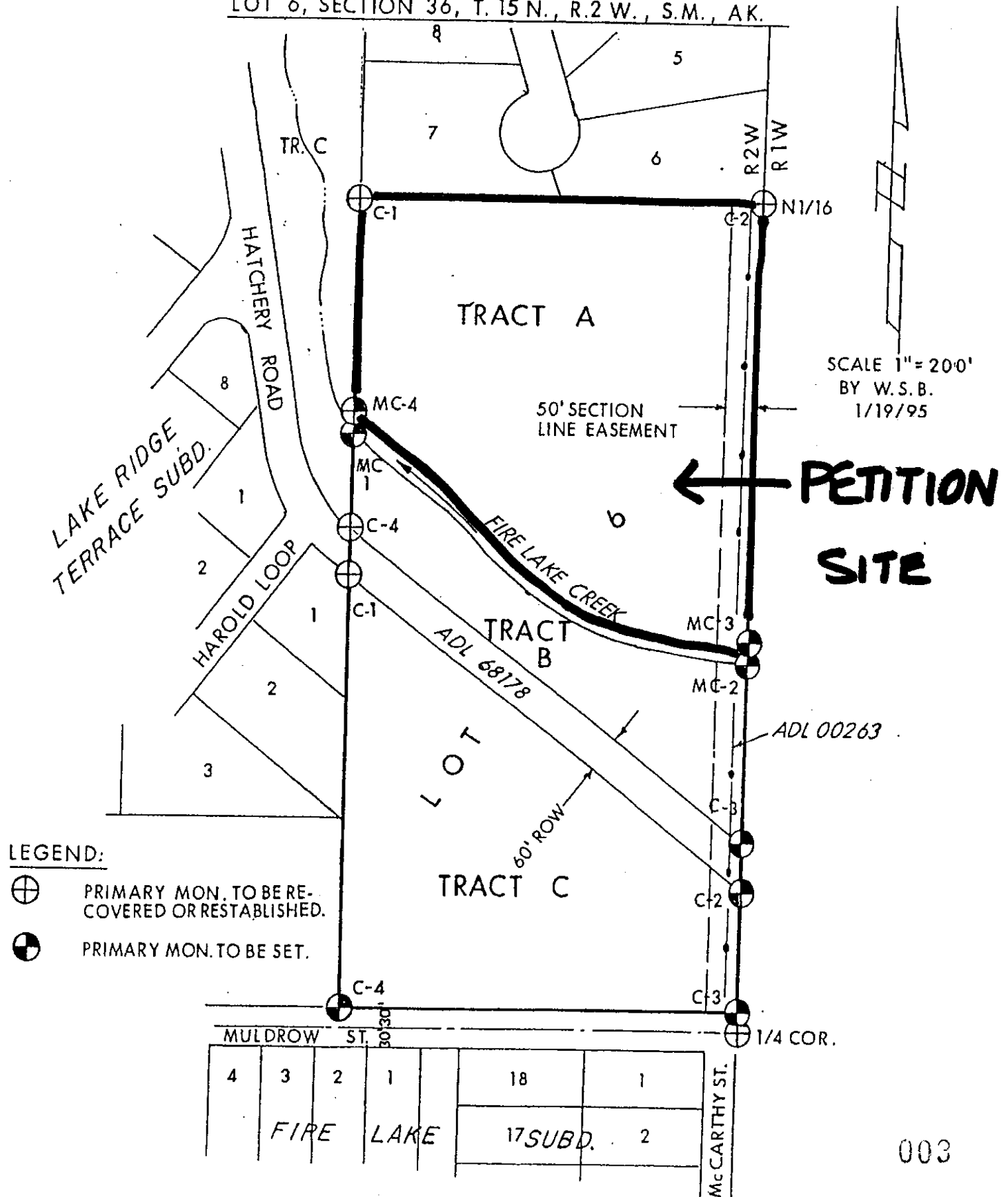
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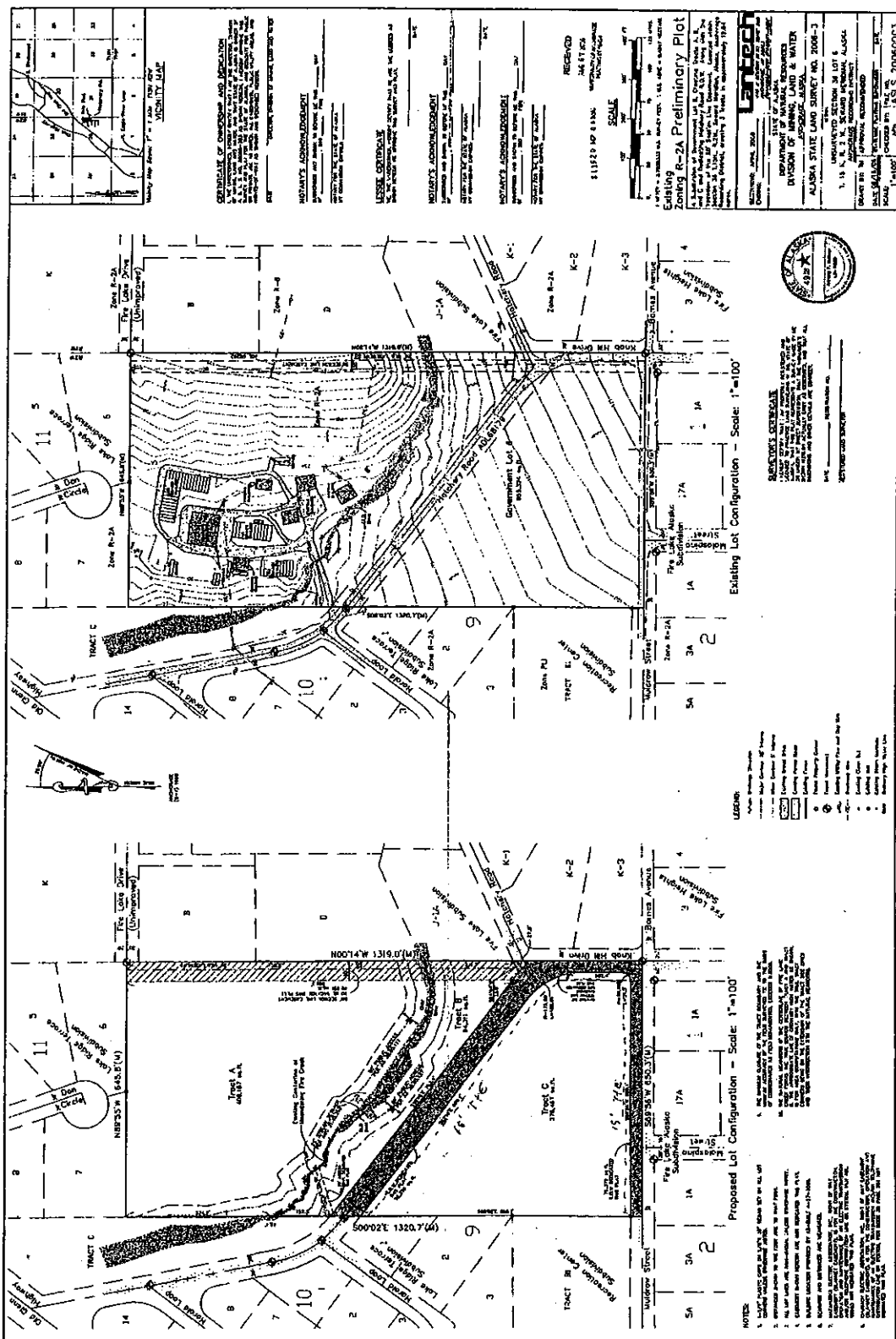
PLAN OF SURVEY

ASLS 94-139

ADL 201181 - CITY OF ANCHORAGE

LOT 6, SECTION 36, T. 15 N., R. 2 W., S.M., AK.





SITE:

Acres: 9 +/- acres (approximately 408,167 sq ft)
Vegetation: Birch, spruce and undergrowth
Zoning: R-2A SL (Two Family Residential) with Special Limitations per AO 82-111(S)
Topography: 17% - 28% slope, east to west
Existing Use: State Geological Materials Center
Soils: Served with On-site well and On-site septic systems

COMPREHENSIVE PLAN: Chugiak-Eagle River Update 2006

Classification: Community Facility
Density: N/A

SURROUNDING AREA

| | <u>NORTH</u> | <u>EAST</u> | <u>SOUTH</u> | <u>WEST</u> |
|-----------|---------------|---------------|--------------|--------------------------------|
| Zoning: | R-2A SL | R-6 | R-2A SL | R-2A SL/ PLI |
| Land Use: | Single Family | Single Family | vacant | Single family; Recreation Ctr. |

PROPERTY HISTORY

| | | |
|----------|-----------|--|
| 1966 | Zoning | Property zoned R-2 (Two-Family Residential) |
| 08-10-82 | Rezoning | R-2 to R-2 A with Special limitations approved per AO 82-111(s) |
| 09-06-06 | S-11520-1 | The Platting Board approved a vacation (elimination) of that portion of the 50-foot section line easement along the east property boundary extending from Fish Hatchery Road ROW to the north boundary of Government Lot 6, located with Section 36, T15N, R2W, S.M., AK (Proposed Alaska State Land Survey No. 2006-3, Tracts A, B and C); and, approved a preliminary plat S-11520-1 for proposed Alaska State Land Survey No. 2006-3, Tracts A, B and C, a subdivision of Government Lot 6, located with Section 36, T15N, R2W, S.M., AK (containing 19.64 acres) |
| 11-22-06 | | A determination of nonconforming status was issued by Land Use Enforcement for 18205 Fish Hatchery Road (subject property). It concluded 1. The southernmost building is a legal |

| | | |
|--|--|---|
| | | <p>nonconforming structure that encroaches into the stream protection setback per AMC 21.55.040;</p> <p>2. The legal nonconformity for the fish hatchery terminated one year after the hatchery use was discontinued estimated to be earlier than 09/22/81;</p> <p>3. Warehousing is not a permitted principal, accessory, or conditional use in the R-2A and is in violation of AMC 21.40.015 B.</p> |
|--|--|---|

APPLICABLE ZONING REGULATIONS: copies found in Historical Information Section

- AO 82-111(S). The special limitations that apply to the subject property are:
 - One acre minimum lot size
 - Cluster Housing Development Provisions of AMC 21.45.190 shall not be applicable (
- Platting Board Resolution No. 2006-013 approving the vacation (elimination) of that portion of the 50-foot section line easement along the east property boundary extending from Fish Hatchery Road ROW to the north boundary of Government Lot 6, located with Section 36, T15N, R2W, S.M., AK (Proposed Alaska State Land Survey No. 2006-3, Tracts A, B and C)
- Preliminary Plat Approval for S-11520-1 Proposed Alaska State Land Survey No. 2006-3, Tracts A, B and C,

SITE DESCRIPTION AND PROPOSAL:

Site Description:

The property is owned by the State of Alaska and occupied by the State Geological Materials Center. It is used for soil testing and test log storage. The site is located east of the Old Glenn Highway and on the north side of Fish Hatchery Road in Eagle River.

Government Lot 6, Tract A is a single tract consisting of 19.64 acres. On September 6, 2006, the Platting Board approved S-11520-1 preliminary plat to subdivide this single tract into three smaller tracts, Tracts A, B and C. They also approved the vacation of the 50-foot section line easement along the east property boundary.

The Municipality has selected Proposed Alaska State Land Survey No. 2006-3, Tracts B and C for land transfer from SOA Department of Natural Resources. The purpose of the plat is to effectuate the land transfer to the Heritage Land Bank. Proposed Tract A will remain in State ownership.

Proposal

The November 22, 2006 letter of determination of nonconforming status for the subject property from Land Use Enforcement advised the Division of Geological and Geophysical Surveys, that the use of the property was a warehouse, and is in violation of the current R-2A SL zoning. Warehouses are a prohibited use in the R-2A District. The violation can be cured by rezoning the property to PLI (Public Lands and Institutions). This is the subject of this rezoning application.

FINDINGS:

21.20.090 Standards for Approval – Zoning map Amendments.

A. Conformance to the Comprehensive Plan.

The standard is met.

The *2006 Update of the Chugiak-Eagle River Comprehensive* does not include the complete menu of public facilities and services addressed in the 1993 *Chugiak-Eagle River Comprehensive Plan*. The Alaska Statehood Act entitled the State to select up to 104 million acres of federally owned land. Besides Chugach State Park, the State holds other parcels of land in the Chugiak-Eagle River area. The State has owned this property since 1962.

The 1966 rezoning inappropriately zoned the subject property R-2. For whatever reasons, Areawide rezones in the 1960's, such as the 1966 rezoning, did not always discriminate between government and privately owned property. It has been a long standing policy of the Assembly and the Administration that government owned land and facilities should be zoned PLI (Public Lands and Institutions).

The *2006 Update* Land Use Plan identifies this property as a Community Facility. This classification is for areas substantially developed for active public and institutional use, and undeveloped areas designated for future public and institutional use.

Although this proposal requests the loss of a parcel zoned for residential use the land has never been classified as residential, and this site is not

changing its land use classification from Community Facility. Due to State ownership, the use of the land was always intended to be, and will continue to be, that of a government facility and service.

PLI zoning is consistent with the *2006 Update Public Facilities and Services Goal to provide public facilities and services that are located, designed and maintained to accommodate current and future needs of the area in an effective, cost-efficient and timely manner.*

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 and Land Use Patterns

The Standard is met.

According to Preliminary Plat 11520-1, Fire Lake Creek forms the south-southwest boundary of proposed Tract A (the subject property). There is a 25-foot stream setback on either side of the creek per AMC 21.45.210, plus a 50-foot public access easement per AS 38.05.127. The preliminary plat also provides a 20 foot dedicated road access easement from Fish Hatchery Road to the proposed Tract A.

The *1996 Anchorage Wetlands Management Plan* indicates that there are no associated wetlands on this site, and no further stream setback is required.

The subject property does not have public water or sanitary sewer main available to provide service. The State of Alaska Department of Environmental Conservation (DEC) has issued certificates to operate permits for the proposed on-site water disposal systems and water systems that serve the existing structures.

Transportation/Drainage

This Standard is met.

Fish Hatchery Road provides access to the unsubdivided site. It has a 60-foot wide right-of-way dedication. When platted, the existing 20-foot wide

road access easement will be dedicated extending from Fish Hatchery Road, across proposed Tract B, to Tract A.

Public Services and Facilities

This Standard is met.

Public water and sanitary sewer main service is not available to this property. On-site well and septic is provided. State of Alaska Department of Environmental Conservation has issued certificates to operate.

Special Limitations

No special limitations have been offered by the applicant.

AO 82-111 (S) will be repealed in its entirety as applied to the subject property, but will remain in effect for Proposed Alaska State Land Survey No. 2006-3, Tract B & C, per S-11520-1.

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.

This standard is not relevant to this rezoning, since government owned land is intended for a public purpose and intended to be zoned PLI (Public Lands and Institutions). In the immediate area the Municipality has school and parks zoned PLI. The State holds large and small parcels in the area including Chugach Park, the Birchwood airport, the Eagle River campground and the Hiland Mountain correctional facility.

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.

No new development is planned. Warehouse and office structures were established in the 1960.

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 Comprehensive Plan land classification (Community Facility) and use of the land (state owned soils test lab and warehouse) is not changing.

COMMUNITY AND COMMUNITY COUNCIL COMMENTS

There were 71 public hearing notices mailed on March 12, 2007. At the time this report was prepared, no PHN's were returned. Written comments recommending approval of the PLI rezoning have been received from the Chugiak Community Council.

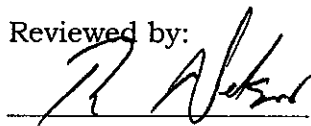
DISCUSSION:

The property has been owned by the State of Alaska since 1962. The use of the property has been for a public purpose. The original use was a fish hatchery, and later changed to a soils test laboratory and warehouse. It is the policy of the Assembly and Administration that government owned property is zoned Public Lands and Institutions. This is a housekeeping matter to rezone the property to PLI.

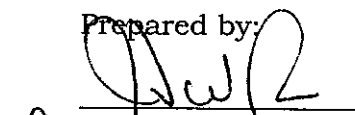
DEPARTMENT RECOMMENDATION:

The Department finds that the proposed rezoning is in conformance with the Comprehensive Plan and zoning standards AMC 21.20.090. The Department supports the rezoning of the subject property to PLI.

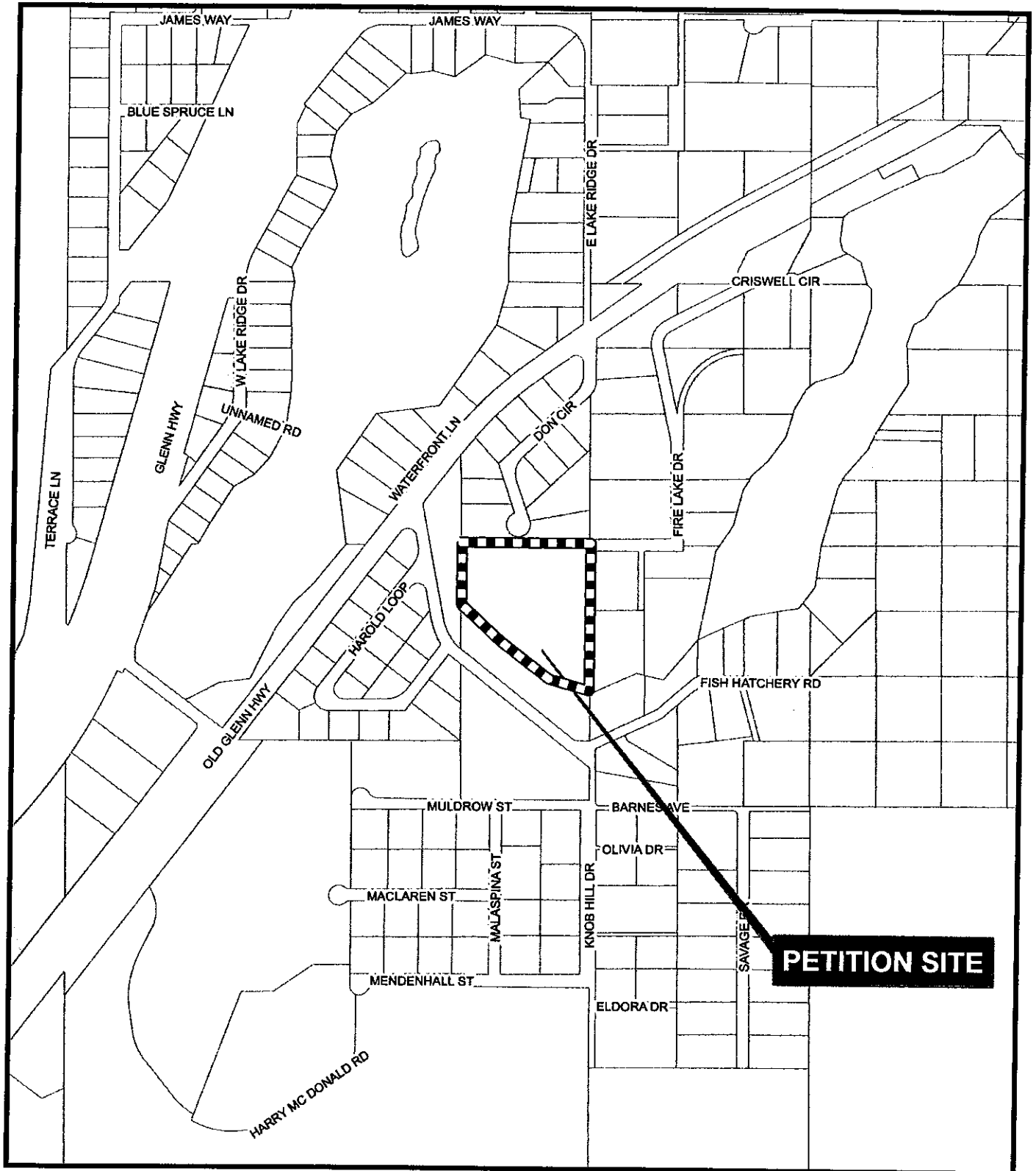
Reviewed by:


Tom Nelson
Director

Prepared by:





Mary Autor
Senior Planner

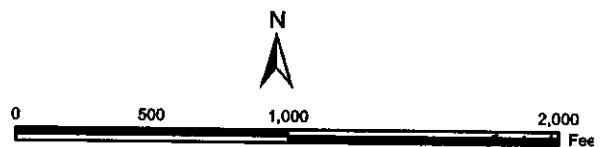
REZONE 2007-049



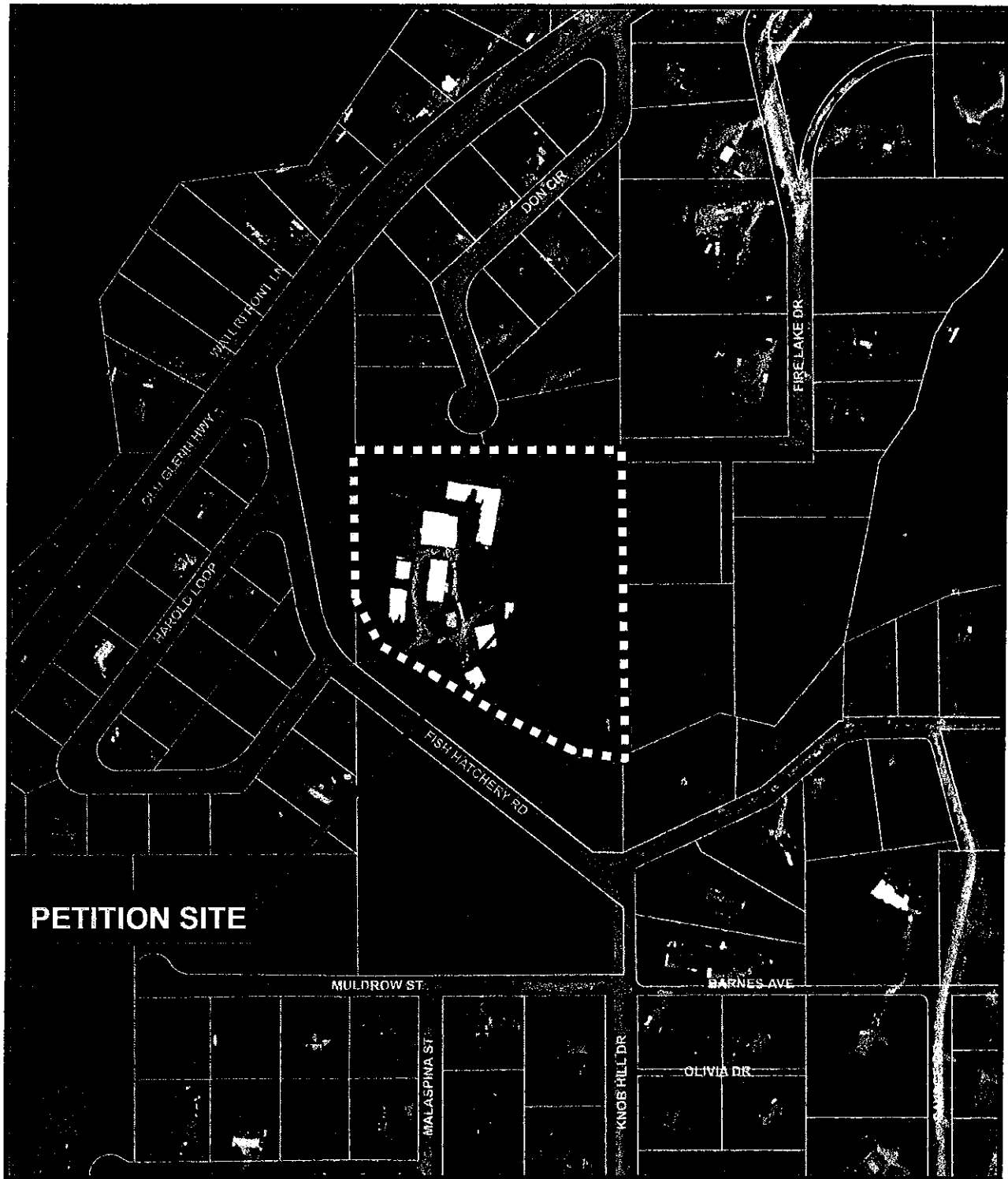
Municipality of Anchorage
Planning Department

Date: February 9, 2007

-  Single Family
-  Multi-Family
-  Mobile Home Park



2007-049

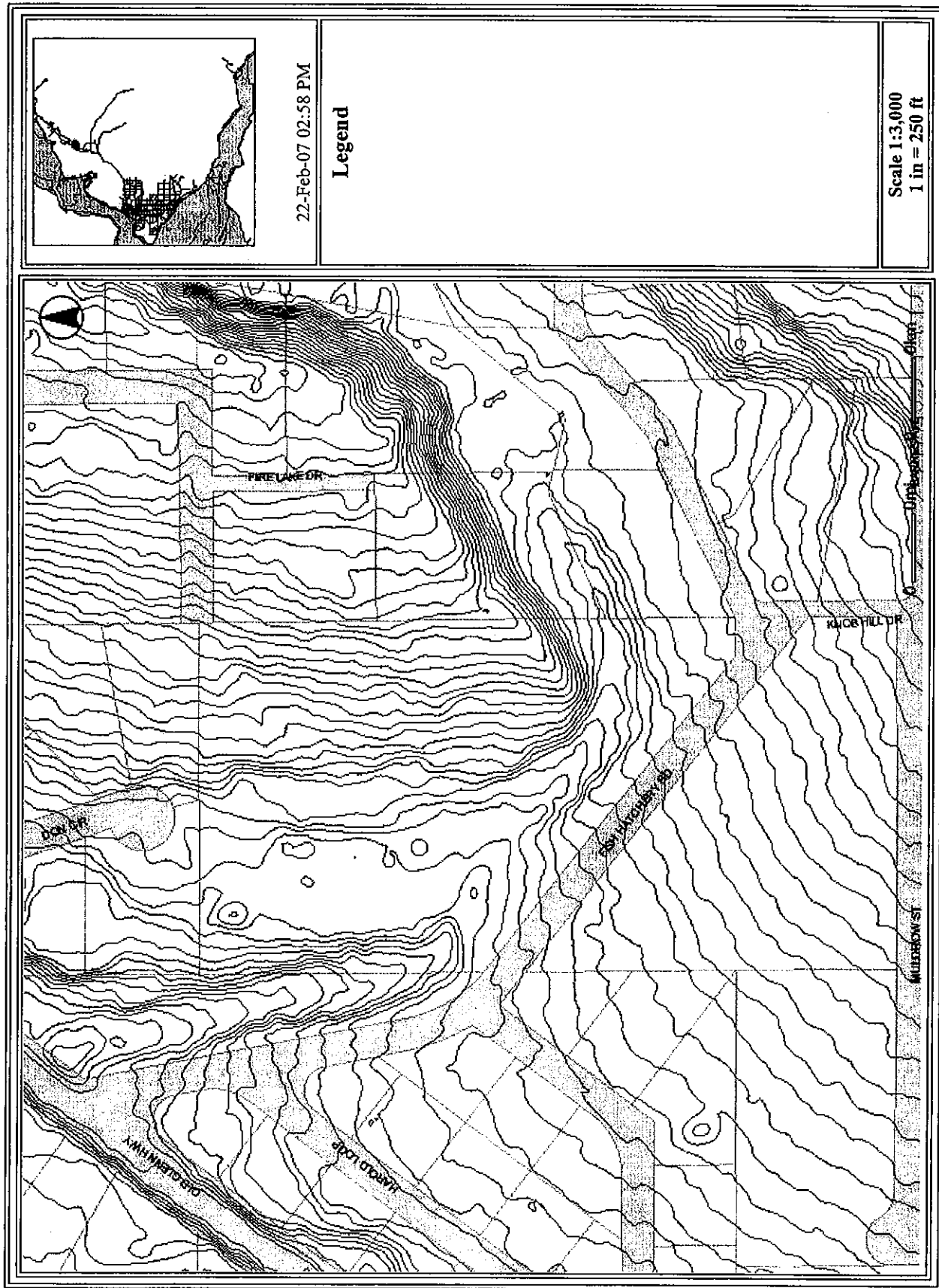


Municipality of Anchorage
Planning Department

Date: February 9, 2007



0 375 750 1,500 Feet



2

DEPARTMENTAL COMMENTS

Reviewing Agency Comment Summary Case No.: 2007-049

| Agency | Comments Included in Packet | No Comments and/or Objections | No Response |
|--|--------------------------------|----------------------------------|-------------|
| Air Pollution Control | | | |
| Animal Care | | | |
| Animal Division of PHHS | | | |
| Animal Welfare | | X | |
| Archaeology Section Department of Cultural Resources | | | |
| Code Enforcement | X | | |
| Construction Services Division | | | |
| Department of Public Safety | | | |
| Department of Transportation | | | |
| Department of Public Works | X | | |
| Fire Department | | | |
| Health Department | | | |
| Police | | | |
| On Site Veterans Affairs Office | | | |
| Parks and Recreation | | X | |
| Physical Planning | X | | |
| Public Works Department | | X | |
| Public Works Department | | X | |
| School District | | | |
| Shelby | | | |
| Threats | | | |
| Utility & Transportation Planning | | X | |

Municipality of Anchorage MEMORANDUM

DATE: February 28, 2007
TO: Jerry Weaver, Manager, Zoning and Platting Division
FROM: Don Dolenc, Development Reviewer
SUBJECT: Development Review Comments, Planning and Zoning Commission case for the meeting of April 2, 2007.

Case #: 2007-049
Type: Rezoning to PLI Public Lands & Institutions district
Subdivision: T15N R2W SEC 36 LOT 6
Grid: NW 553
Tax ID #: 051-324-15
Zoning: R-2A SL (AO 82-111S)

Platting: BLM plat, accepted August 12, 1930

Lot area and width: AMC 21.40.020.E: "Minimum lot requirements are as follows:

1. Lot width: 100 feet.
2. Lot area: 15,000 square feet."

The lot meets the minimum area and width requirements.

Minimum lot dimensions: The lot meets the width, depth, and width-to-depth ratio requirements of AMC 21.80.300.

OS&HP setbacks: The property does not adjoin any classified street.

Yard requirements: AMC 21.40.020.F: "Minimum yard requirements are as follows:

1. Front yard: A minimum of 25 feet or not less than the front yard of the abutting use district, whichever is the greater when the abutting district is PLI or residential, otherwise equal to the minimum front yard requirement in the district abutting the front yard.
2. Side yard: A minimum of 25 feet or not less than the side yard of the abutting use district, whichever is the greater when the abutting district is PLI or residential, otherwise equal to the minimum side yard requirement in the district abutting the side yard."

AMC 21.45.030.A.2: "Sheds of 150 square feet or less and not attached to a foundation may be erected in a required side or rear yard."

Lot coverage: AMC 21.40.020.G: "Maximum lot coverage is as follows: ...

| <u>Lot Size (Acre)</u> | <u>Maximum Lot Coverage</u> |
|------------------------|-----------------------------|
| 3. 5 acres – 25 acres | 40%" |

Separation between buildings: AMC 21.45.030.B requires ten feet of separation between principal and detached accessory buildings.

Clear vision area: A clear vision area, as defined in AMC 21.45.020.A, applies to this property.

Legal nonconformities: Nonconforming Determination (reference 011996) was done by Plan Reviewer Don Dolenc on November 22, 2006.

Enforcement actions: No land use cases are open on the property.

Use determination: Property tax records indicate a 3,552 square foot office built in 1960, a 2,080 square foot office built in 1960, and a 7,184 warehouse built in 1960.

Building height: AMC 21.40.020.H: "Maximum height of structures is unrestricted except as follows:

1. Where buildings exceed 35 feet in height adjacent to a residential use or district, the minimum yard requirement established by subsection F of this section shall be increased one foot for each 1.5 feet in height exceeding 35 feet. This provision shall only apply to the yard adjacent to the residential use district. More restrictive height limits may be imposed by the planning and zoning commission for uses under subsections B and D of this section.
2. Structures shall not interfere with Federal Aviation Administration regulations on airport approaches."

The property is not within any established Airport Height Zone.

Off-street parking: AMC 21.45.080.X.7: "The off-street parking area, including all points of ingress and egress, shall be constructed in accordance with the following standards:

- a. A parking area related to any use within an urban or suburban use district, as defined in section 21.85.020, shall be paved with a concrete or asphalt compound to standards prescribed by the traffic engineer."
- b. A parking area related to any use within a rural use district, as defined in section 21.85.020, shall be paved with a concrete or asphalt compound to standards prescribed by the traffic engineer or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches."

Landscaping requirements: AMC 21.40.020.L: "All areas not devoted to buildings, structures, drives, walks, off-street parking facilities, usable yard area or other authorized installations shall

be planted with visual enhancement landscaping. The landscaping shall be maintained by the property owner or his designee.”

Fences: AMC 21.45.110.A: “A fence may be constructed at the lot line”

Access: Access is shown to Fish Hatchery Road, meeting the requirements of AMC 21.45.040.

Stream protection setbacks: The property adjoins a stream protected by AMC 21.45.210. A stream maintenance and protection easement “at least 25 feet wide on either side of the stream” is required by AMC 21.80.040, and will be provided in the proposed replat (case S-11520.)

Wetlands: Map 49 shows the property as uplands.

Seismic hazard: The property is not within an area of high ground failure susceptibility.

Recommendations: Development Review has no adverse comment on this case, and thanks the Division of Natural Resources for not seeking a gubernatorial waiver under AS 35.30.030.

(Reviewer: Don Dolenc)

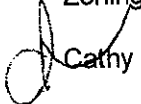
MUNICIPALITY OF ANCHORAGE

MEMORANDUM

RECEIVED

DATE: March 2, 2007 **MAR 05 2007**

TO: Jerry T. Weaver, Jr., Division Administrator
Zoning Division, Planning Department **Municipality of Anchorage
Zoning Division**

THRU:  Cathy Hammond, Physical Planning Supervisor

FROM: Physical Planning Division Staff

SUBJECT: Staff comments for Planning and Zoning Commission Case No. 2007-049,
Rezone from R-2ASL two-family residential district with special limitations to
PLI Public lands and institutions district 19.65 acres.

**2007-049 2007-001 Rezone from R-2ASL two-family residential district with special limitations
to PLI Public lands and institution district 19.65 acres**

The petition site is located in Eagle River. The parcel is currently zoned R-2A SL two family residential district with special limitations.

The adopted *Chugiak-Eagle River Comprehensive Plan Update* 2006 designates the petition site as Community Facility. This designation allows for areas substantially developed for active public and institutional use. These areas on the Land Use Plan Map are generally existing facilities or known planned facilities. The proposed uses under a rezone would be compatible with the 2006 Plan Update.

The petition site does not include wetlands but does include steep slopes and Fire Creek flows south-east along the south border of the property. A minimum setback of twenty-five feet from the edge of the Creek's channel should be maintained with this rezone.

Physical Planning recommends granting the rezone to PLI based on these findings.

CHUGIAK COMMUNITY COUNCIL

P.O. Box 871350
Chugiak, Alaska 99587

February 16, 2007

RECEIVED

FEB 22 2007

TO: Municipality of Anchorage
Department of Planning
Zoning Division
P.O. Box 196650
Anchorage, AK 99519-6650
(4700 South Bragaw Street)
Phone: 343-7900
Fax: 343-7927

Municipality of Anchorage
Zoning Division

SUBJECT: Council Comments on Rezone Request Case No. 2007-049

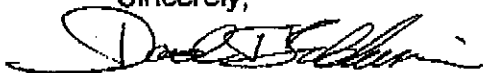
Dear Sir/Madam:

At the monthly meeting of the Chugiak Community Council (the "Council"), held on February 15, 2007, the Council discussed Case No. 2007-049. This case is a request to rezone approximately 9.0 acres from R-2ASL (Two Family Residential with Special Limitations) to PLI (Public Lands and Institutions). The site is a portion of Government 10, Lot 6, Tract A of T15N R2W, Section 36, the SE 1/4 NE 1/4, S.M., AK located east of Fish Hatchery Road at Harold Loop. The case is scheduled to go before the Planning and Zoning Commission on April 2, 2007.

The Council unanimously passed a motion to recommend that this request for rezone be approved.

You may contact me at 688-0123 if you have any questions.

Sincerely,



Dave Baldwin
President
Chugiak Community Council



MUNICIPALITY OF ANCHORAGE
PARKS & RECREATION DEPARTMENT
MEMORANDUM



DATE: March 5, 2007
TO: Jerry T. Weaver, Zoning Div. Administrator
FROM: Tom Korosei, Park Planner
SUBJECT: Planning and Zoning Case Reviews

RECEIVED

MAR 06 2007

Municipality of Anchorage
Zoning Division

Parks and Recreation has the following comments:

CASE NO.

CASE

2007-049

Rezoning approximately 19.65 acres from R-2ASL Two-family residential district with special limitations to PLI Public lands and institutions (State of Alaska Dept. of Nat. Res.)

No comment.

MUNICIPALITY OF ANCHORAGE
Anchorage Water & Wastewater Utility

RECEIVED

MAR 07 2007

MEMORANDUM

Municipality of Anchorage
Zoning Division

DATE: March 7, 2007
TO: Jerry Weaver, Zoning Division Administrator, Planning Department
FROM: Sandy Notestine, Engineering Technician, AWWU *BDB For SDW*
SUBJECT: **Zoning Case Comments**
Planning & Zoning Commission Hearing April 2, 2007
Agency Comments Due March 5, 2007

AWWU has reviewed the case material and has the following comments.

2007-049 T15N R2W Section 36, Lot 6 (rezone from R2A-SL to PLI) Grid NW0553

1. AWWU has no objection to the proposed rezone.

If you have questions pertinent to public water and sanitary sewer, you may call me at 564-2757 or the AWWU Planning Section at 564-2739, or email sandy.notestine@awwu.biz.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

SARAH PALIN, GOVERNOR

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

RECEIVED

March 13, 2007

MAR 14 2007

RE: MOA Zoning Review Municipality of Anchorage
Zoning Division

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

Dear Mr. Weaver:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, has reviewed the following Title 21, site plan, and zoning cases and has no comment:

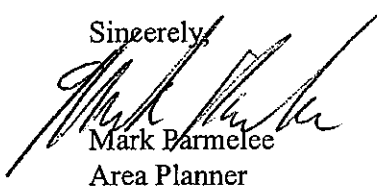
2007-049 Rezoning to PLI, GLO Lot 6, Section 36, Department of Natural Resources
2007-050, Urban Design Commission, Assembly Member Birch
2007-054, MC 21.47.040, Signs, Assembly Vice Chair Ossiander

Comments:

2007-053, E Street Enhancement, Russ Oswald, MOA

This project will be evaluated through our approach road review process. Please expect feedback directly from our right of way section.

Sincerely,



Mark Parmelee
Area Planner

/lm

cc: Paula Brault, Right of Way Supervisor, Right of Way



Municipality of Anchorage
Office of Planning, Development, & Public Works
Project Management & Engineering Department



RECEIVED

MAR 15 2007

Municipality of Anchorage
Zone Division

PZC Case Comments

DATE: March 14, 2007
TO: Gloria Stewart, P&Z
FROM: Jerry Hansen, Deputy Director
PM&E
SUBJECT: Comments for hearing date: 4/2/07

Case No. 2007-049

Project Management and Engineering has no comment on the subject case.



MUNICIPALITY OF ANCHORAGE

Development Services Department
Right of Way Division



MEMORANDUM

DATE: March 1, 2007
TO: Planning Department, Zoning and Platting Division
THRU: Jack L. Frost, Jr., Right of Way Supervisor *L*
FROM: Lynn McGee, Senior Plan Reviewer *L*
SUBJ: Request for Comments on Planning and Zoning Commission case(s) for the Meeting of April 2, 2007.

RECEIVED

MAR 01 2007

Municipality of Anchorage
Zoning Division

Right of Way has reviewed the following case(s) due March 5, 2007.

07-049 GLO Lot 6, Tract A, grid NW 0553
(Rezoning Request, R-2ASL to PLI)
Right of Way Division has no comments at this time.
Review time 15 minutes.



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

FEB 21 2007

Municipality of Anchorage
Zoning Division

DATE: February 20, 2007
TO: Jerry T. Weaver, Platting Supervisor, Planning Department
THRU: Leland R. Coop, Associate Traffic Engineer *ZC*
FROM: Mada Angell, Assistant Traffic Engineer *MA*
SUBJECT: Traffic Engineering and Transportation Planning Comments for
April 2, 2007 Planning & Zoning Commission

07-049

**GLO Lot 6, Tract A, Sec 36; Rezone to PLI from R-2ASL; Grid
NW553**

Traffic Engineering and Transportation Planning have no comment.

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

FEB 20 2007

Municipality of Anchorage
Zoning Division**1. Select a Case:** [View Comments](#)**2. View Comments:****Case Num:** 2007-049

Rezoning to PLI Public lands & institutions district

Site Address: E OF FISH HATCHERY RD @ HAROLD LP**Location:** A request to rezone approximately 9.0 acres from R-2ASL (Two Family Residential with Special Limitations) to PLI (Public Lands and Institutions). A portion of Government Lot 6, Tract A of T15N R2W, Section 36, the SE 1/4 NE 1/4, S.M., AK. Located east of Fish Hatchery Road at Harold Loop.[Details](#) | [Staff Report](#) | [submit a comment](#)

Public Comments

2/17/07

Chugiak Community Council, Linda Kovac, Secretary-Treasurer

At the monthly meeting of the Chugiak Community Council (the "Council"), held on February 15, 2007, the Council discussed Case No. 2007-049. This case is a request to rezone approximately 9.0 acres from R-2ASL (Two Family Residential with Special Limitations) to PLI (Public Lands and Institutions). The site is a portion of Government 10, Lot 6, Tract A of T15N R2W, Section 36, the SE 1/4 NE 1/4, S.M., AK located east of Fish Hatchery Road at Harold Loop. The case is scheduled to go before the Planning and Zoning Commission on April 2, 2007. ---
-- The Council unanimously passed a motion to recommend that this request for rezone be approved.

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

027

3

APPLICATION

Application for Zoning Map Amendment

Planning Department
2007-04-06
2007-04-06 14:00:00

Please fill in the information asked for below.

| PETITIONER* | | PETITIONER REPRESENTATIVE (IF ANY) | |
|---|--|--|--|
| Name (last name first) Dept. Natural Resources Div. Geological + Geophysical Surveys | | Name (last name first) Dept. Natural Resources Div. Mining Land Water | |
| Mailing Address P.O. Box 772805 Eagle River AK 99577 | | Mailing Address 550 W 7th Ave Suite 900C Anchorage AK 99501 | |
| Contact Phone: Day: 451-5007 Night: | | Contact Phone: Day: 269-8566 Night: | |
| FAX: | | FAX: 269-8913 | |
| E-mail: rod.combellich@dnr.state.ak.us | | E-mail: mike.sullivan@dnr.state.ak.us | |

*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): 051-324-15 | | |
| Site Street Address: | | |
| Current legal description: (use additional sheet if necessary) That portion of GLO Lot 6, Tract A located within the SE 1/4 NE 1/4 of Section 36, Lying north of Fire Creek, Township 15N Range 2W Seward Meridian. more specifically identified as GLO Lot 6 Tract A. Containing 9.0 acres more or less. rezone to PL1 | | |
| Zoning: R2A SL | Acreage: 9.0 | Grid # |

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 Municipal 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.

| | |
|----------------|---|
| Date 2-2-07 | Signature (Agents must provide written proof of authorization) Sam Means |
|----------------|---|

COMPREHENSIVE PLAN INFORMATIONAnchorage 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 (All or portion of site affected)

- Wetland 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 last 5 years for all or portion of site)

- ☐ Rezoning - Case Number: ZP 82-73 AO 82-111 (S)
☐ Preliminary Plat ☐ Final Plat - Case Number(s): S 11520-1
☐ Conditional Use - Case Number(s): _____
☐ Zoning variance - Case Number(s): _____
☐ Land Use Enforcement Action for _____
☐ Building or Land Use Permit for _____
☐ Wetland permit: ☐ Army Corp of Engineers ☐ Municipality of Anchorage

APPLICATION ATTACHMENTS

- Required: ☐ Area to be rezoned location map ☐ Signatures of other petitioners (if any)
☐ Narrative statement explaining need and justification for the rezoning; the proposed land use and development; and the probable timeframe for development.
☐ Draft Assembly ordinance to effect rezoning.
- Optional: ☐ Building floor plans to scale ☐ Site plans to scale ☐ Building elevations
☐ Special limitations ☐ Traffic impact analysis ☐ Site soils analysis
☐ Photographs

APPLICATION CHECKLIST

1. Zoning map amendments require a minimum of 1.75 acres of land excluding right-of-way or a boundary common to the requested zone district.
2. The petitioning property owner(s) must have ownership in at least 51% of property to be rezoned.



Municipality of Anchorage
Department of Community Planning and Development
P.O. Box 196550
Anchorage, Alaska 99519-6550

STANDARDS FOR ZONING MAP AMENDMENTS

The petitioner must provide a written narrative which addresses the following standards. Zoning map amendment applications which do not address these items will be considered invalid and will not be accepted for public hearing by the Department of Community Planning and Development. (Use additional paper if necessary).

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.

The site and warehouse in question have been
in existence since the 1960's.

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.

The site has been in existence since the 1960's

- 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.

The site has been in existence since the 1960's

- 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.

The residential density will not change as the
site has been in existence since the 1960's

- ### 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;

There will be no effect on the environment
as the site is pre-existing.

b. Transportation;

There will be no change, no new development
planned.

c. Public Services and Facilities;

There will be no change, no new development
planned.

d. Land Use Patterns;

There will be no change as the site is
pre-existing

Note: Surrounding neighborhood = 500 - 1000' radius
General Area = 1 Mile radius
Community = Anchorage as a whole

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?

There is no new development planned.

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?

There will be no new development.

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?

The site has been in state use since the
1960's



Municipality of Anchorage

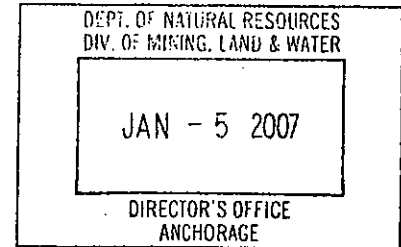
P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927
Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

January 3, 2007

Dick Mylius, Acting Director
Division of Mining, Land, & Water
State of Alaska, Department of Natural Resources
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501



RE: Platting Case S-115201-1 AK State Land Survey No. 2006-3, Govt. Lot 6, Tracts A, B, & C

Dear Mr. Mylius, *Dick*

The property identified in Alaska State Land Survey No. 2006-3 is in the process of being platted. Tracts B and C will be conveyed to the Municipality of Anchorage, but the State of Alaska will retain Tract A under state ownership. The State is using a warehouse located on Tract A for soil testing and test log storage. Tract A is located in an area zoned residentially as R2A SL. However, given the warehouse and soils testing that are located on Tract A, the Department of Natural Resources (DNR) needs to apply for a zoning change to have the property rezoned as PLI (public lands and institutions.)

Per the fee schedule found in the Anchorage Municipal Code of Regulations 21.20.002(A)1(c), the applicable fee for an application to rezone a property from 5.01 to 40 acres in size is \$8,800. The Planning Department must charge all rezoning applicants the fees set by code; there are no waivers for governmental or nonprofit applicants.

Thus, I am enclosing an application for the rezone for DNR to complete. Please return the completed application with a check for \$8,800 to cover the rezoning fee by either mailing it to:

Planning Department, ATTN: Jerry Weaver
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

or by dropping off the application and check at Planning's public counter located at 4700 Bragaw Street in the Municipality's Planning and Development Center. Alternatively, you could have the consultant who is handling the replat also prepare your rezoning application. Other than the application fee, the expense should be relatively minor.

While the \$8,800 application fee may seem high, the Assembly revised platting and zoning fees in 2003 to more adequately cover costs for legal notices and staff time involved in research, preparation, and presentation of cases to the Planning and Zoning Commission and the Assembly. Please do not hesitate to contact me if you have any questions or need further assistance.

Sincerely,

Tom Nelson
Tom Nelson
Planning Director

Community, Security, Prosperity

033



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-0650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927
Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

November 22, 2006

Dr. John Reeder
Division of Geological and Geophysical Surveys
P.O. Box 772805
Eagle River, AK 99577

Dear Dr. Reeder:

This letter is in response to your request for a determination of the nonconforming status of the property located at 18205 Fish Hatchery Road. (Parcel: 051-324-15, Grid: NW553)

This determination is based on the following information:

- T15N R2W Section 36, Lot 6 was created by a General Land Office plat accepted on August 12, 1930.
- The property was zoned U, Unrestricted on June 7, 1965 by Greater Anchorage Area Borough Ordinance 24.
- The property was zoned R-2 on October 21, 1968 by GAAB Ordinance 62-68.
- An aerial photo dated August 8, 1969 (labeled HPR 4-4) shows the fish hatchery. Four of the buildings shown on the preliminary plat of June 15, 2006 (including the southernmost building) are visible in the photograph. Eight outdoor tanks, presumably for fish rearing, are also visible.
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- The property was zoned R-2A SL (R-2A with Special Limitations) on August 10, 1982 by AO 82-111 (S). The only applicable special limitation is a minimum lot area of one acre.
- The stream protection setback provisions of AMC 21.45.210 were adopted on May 14, 1985 by AO 85-57.
- A preliminary plat dated June 15, 2006 shows 7 buildings and 57 conex containers.
- The application for this nonconforming determination states that the current use of the property is for sample storage for the State of Alaska Department of Natural Resources, Division of Geological and Geophysical Surveys.

The following sections of the Anchorage Municipal Code are relevant to this determination:

- AMC 21.35.020.B: "Warehouse means a structure containing an area available for the purpose of storing commercial, industrial or private personal property."
- AMC 21.40.015.B: "A structure, or use of land or a structure, that is not listed as a permitted use, an accessory use or a conditional use in one use district, but is so listed in another, is prohibited in the former use district."

The following conclusions are drawn from the above information:

- The southernmost building encroaches into the stream protection setback. Since it predates the setback requirement, the southernmost building is a legal Nonconforming Structure with respect to AMC 21.45.210 and is governed by AMC 21.55.040.
- The fish hatchery was presumably established prior to the R-2 zoning. Since it predated restrictive zoning, the fish hatchery was a legal Nonconforming Use of Structure. The legal nonconformity for the fish hatchery terminated one year after the hatchery use was discontinued (no later than September 22, 1982), pursuant to AMC 21.55.050.E.
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Note: This determination is based on the information listed above, which was provided by the applicant or was in the files of the administrative official. If additional information is obtained, or the information provided above is later determined to be inaccurate, and materially changes the conclusion herein, the administrative official may revise or revoke this determination.

The Anchorage Municipal Code is available online at www.municode.com. If I may be of further assistance, please call me at 343-8329 or fax to 343-8437.

Respectfully,



Donald Dolenc
Development Reviewer

MEMORANDUM

DEPARTMENT OF NATURAL RESOURCES

State of Alaska

DIVISION OF LAND & WATER
SOUTHCENTRAL REGION

TO: Richard B. Thompson
Regional Manager

DATE: March 23, 2005

FILE NO:

TELEPHONE NO.: 269-8568

FROM: Mary Sims
NRM

SUBJECT: After-the-Fact
ILMA
ADL 209892

Background: On April 16, 1981 this office received a request from the Division of Geological and Geophysical Surveys (DGGS) for an ILMA for Tract A and B within Lot 6, located in the E1/2 of Section 36, Township 15 North, Range 2 West, Seward Meridian. This site had previously been under ILMA to Department of Fish and Game under ADL 18526 for the Fire Lake Fish Hatchery. The ILMA to ADF&G was closed May 22, 1986. In October 1986 the application from the Division of Geological and Geophysical Survey was amended deleting a portion of the lands south of Fire Creek for conveyance to the Municipality of Anchorage.

A memo in the file dated July 14, 1994 to the Director of DGGS from the Deputy Director of DMLW advises that the application for an ILMA, ADL 209842 will be closed. The memo stated that "it is understood that there will remain facilities on the land and that maintenance is required." The memo does not give an explanation as to why the file was being closed and what was to happen to DGGS.

Recently, DMLW was made aware that DGGS still occupies a portion of the site, Tract A, of Lot 6 and has had continuous occupation of the site since 1981.

The application for DGGS was reinstated February 25, 2005.

Requested Action: Issue an ILMA to DGGS for the continued use of state lands.

Legal Description: Tract A, Lot 6, Section 36, Township 15 North, Range 2 West, Seward Meridian, containing 11.423 acres more or less.

Rational: DGGS has continuously occupied the site. Agency review was conducted in 1982 with no adverse comments received. An ILMA was prepared for signature but never signed. There is no benefit to requiring DGGS to move nor is there an alternate location for them to move onto.

Recommendation: It is recommended that the Division of Mining, Land and Water issue an ILMA to DGGS, with stipulations, for the continued occupation of the site known as the old Fire Lake Hatchery. Use of the site will continue to be for the purpose of the material center and office space. The material center is a permanent, publicly accessible repository for geological samples and related data and supports energy-and mineral-resource exploration, development, research and education. The term of the ILMA will not exceed 30 years. DGGS will be required to supply an updated development plan for the site prior to the issuance of the ILMA. Stipulations will be developed as an attachment to ensure that the site is being used for the purpose for which it is being granted and for general management purposes.

I find that all applicable statutes and regulations have been met and it is in the best interest of the state to proceed with this action.

Mary Sims

Mary Sims, Natural Resource Manager

3/22/05
Date

I concur X

I do not concur _____

I concur as modified _____

Richard B. Thompson

Richard B. Thompson, Regional Manager
Southcentral Region Office
Division of Mining, Land and Water

3/23/05
Date

MEMORANDUM

State of Alaska

DEPARTMENT OF NATURAL RESOURCES DIVISION OF LAND AND WATER MANAGEMENT

TO: Margaret J. Hayes
Southcentral Regional Manager

DATE: May 21, 1986

Carol Shobe *CS*
Chief Title Administrator

FILE NO: T. 15N., R. 2W., S.M.
8403H

TELEPHONE NO: 762-2326

FROM: R.J. Bilak, NRO II *RJB*
Title Administration Unit

SUBJECT: Anchorage Entitlements -
Special Title Report
SC-86-203

- I. Land Description: Parcel #7, Old Fish Hatchery Site
T. 15 N., R. 2 W., S.M.
Section 36: Lot 6 (referred to unofficially as Tracts A and B by ADFG which will require re-survey) and Tract "C" of Lake Ridge Terrace Subdivision.
- II. Land Title: Application for patent to school section Lot 6 was made to BLM on April 13, 1960 (BLM case file A-051787). State School Selection case file SCH-33 applies. BLM Patent #1226962 was issued on May 18, 1962 confirming title which was granted to and vested in the State of Alaska on January 3, 1959 under the Act of March 4, 1915 (38 Stat. 1214). Tract "C" of Lake Ridge Terrace Subdivision was conveyed and warranted to the State of Alaska, Department of Fish and Game, from Joe and Mary Wallis by warranty deed on May 12, 1978. (Reference OSL-999). The State has verified the chain of title to these lands
- III. Conveyance Conditions: Lot 6 is subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts; and reserved a right-of-way for ditches or canals constructed by the authority of the United States. A right-of-way is also reserved for the construction of railroads, telephone and telegraph lines. Tract "C" of Lake Ridge Terrace Subdivision is subject to the same conditions noted above.
- IV. Land Status: Lot 6 is classified Reserved Use - C1-193. Interagency Land Management Transfer ADL 18526 transferred management from DNR to DFG, Division of Sport Fisheries on May 22, 1962. Interagency Land Management Application ADL 209842 was submitted on April 17, 1981 by DGGs. Water Right ADL 213077 applies. Electric Power Line Right-of-Way ADL 00263 follows the east boundary. Pipeline Letter Permit ADL 68179 applies. Municipal Selection ADL 201181 encompasses all of Lot 6. Tract "C" does not reflect any status on the State plat. The Pending Actions Menu of the Status Plat Tracking System (ALRS) is attached.
- V. BLM Records System: The BLM Master Title Plat, dated May 24, 1985 and the BLM Alaska Automated Land Records System (AALRS), inquired on May 14, 1986 reflected no information that would affect the State's title to the project area.

Margaret Hayes
Page 2
May 21, 1986

VI. Unique/Special Findings: The description of Lot 6 will require replatting to accurately portray the DGGs interests to be retained by the State and that interest to be conveyed to the Municipality.

RJB:ck

Attachments: Color coded state status plat
BLM Master Title Plat
ALRS extract of Pending Action Menu

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, There are now deposited in the Bureau of Land Management of the United States, an application by the State of Alaska and a decision of the Land Office at Anchorage, Alaska, directing that a patent issue to the State of Alaska under the provisions of the Act of Congress approved June 21, 1934 (48 Stat. 1185), entitled "An Act Authorizing the Secretary of the Interior to issue patents to the numbered school sections in place, granted to the States by the Act approved February 22, 1889, by the Act approved January 25, 1927 (44 Stat. 1026), and by any other Act of Congress," for the following numbered school section lands in place, granted for the support of common schools and the title to which vested in the State of Alaska under the Act of March 4, 1915 (38 Stat. 1214), upon its admission into the union on January 3, 1959, by Presidential Proclamation (73 Stat. c16):

Seward Meridian, Alaska.

T. 15 N., R. 2 W.,

Sec. 36, Lots 4, 5 and 6, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.

The area described contains 209.39 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW, THEREFORE, KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the said Act of Congress of June 21, 1934 and as evidence of the title which was granted to and vested in the State of Alaska to the above described lands on January 3, 1959, for the support of common schools, as aforesaid, and in confirmation of such title for such purpose, HAS

GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said State of Alaska, and to its assigns the lands above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said State of Alaska, and to its assigns forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States. There is, also, reserved to the United States a right-of-way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914 (38 Stat. 305; 48 U.S.C. Sec. 305); and also, as to the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ said Sec. 36, subject to the easement of 150 feet on each side of the centerline of the Glenn Highway, as established by Public Land Order 1613 (23 F.R. 2376), pursuant to the Act of August 1, 1956 (70 Stat. 898; 48 U.S.C. sec. 420-420c), for highway purposes, including appurtenant protective, scenic and service areas.

IN TESTIMONY WHEREOF, the undersigned officer of the Bureau of Land Management, in accordance with section 1 of the act of June 17, 1948 (62 Stat., 476, 43 U. S. C. sec. 151), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

(SEAL)

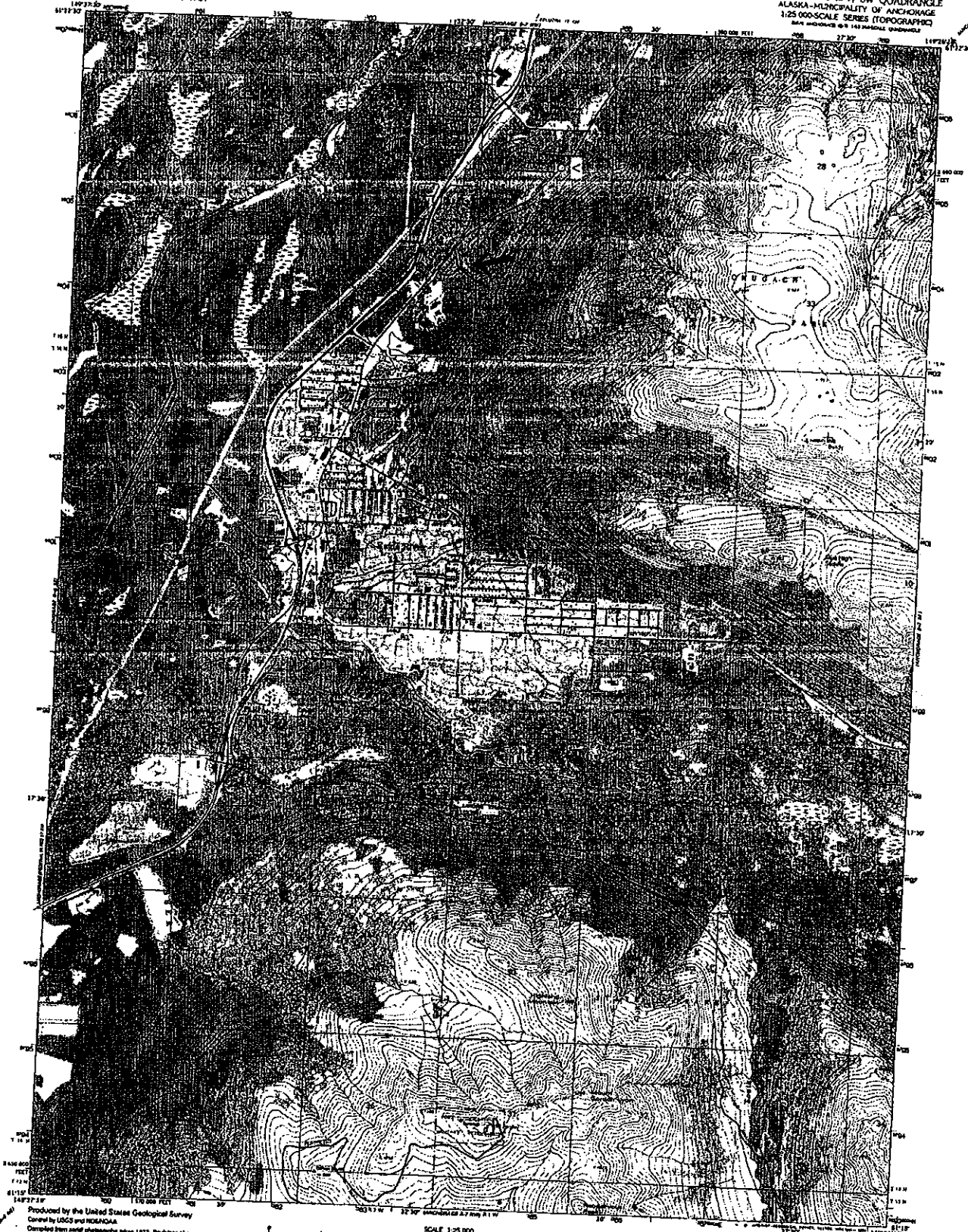
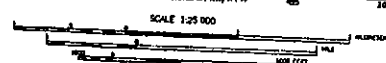
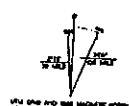
GIVEN under my hand in the District of Columbia, the
EIGHTEENTH day of **MAY**, in the year of
 our Lord one thousand nine hundred and **SIXTY-TWO**
 and of the Independence of the United States the one hundred and
EIGHTY-SIXTH.

For the Director, Bureau of Land Management,

By

Elizabeth B. Hacker
 Acting Chief, Patents Section.

ANCHORAGE (B-7) SW QUADRANGLE
ALASKA--MUNICIPALITY OF ANCHORAGE
1:25 000-SCALE SERIES (TOPOGRAPHIC)
B-7 ANCHORAGE (B-7) 143 143-143-143-143

[illegible]

CONTOUR INTERVAL 20 METERS
NATIONAL GEODETIC SERVICE DATUM OF 1929
CONTOUR ELEVATIONS SHOWN TO THE NEAREST METER
OTHER ELEVATIONS SHOWN TO THE NEAREST METER

For complete details see Appendix A to 1:50,000
Scale map of the region shown.

THE MAP COMPLETES THE NATIONAL MAP ACQUISITION STANDARDS
FOR SALE BY THE U.S. GEOLOGICAL SURVEY
BARBADOS, ALASKA, ARIZONA, CALIFORNIA, COLORADO, HAWAII, IDAHO, IOWA, KANSAS, KENTUCKY, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, OREGON, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, SOUTH DAKOTA, TEXAS, UTAH, VERMONT, VIRGINIA, WASHINGTON, WISCONSIN, WYOMING

A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST.

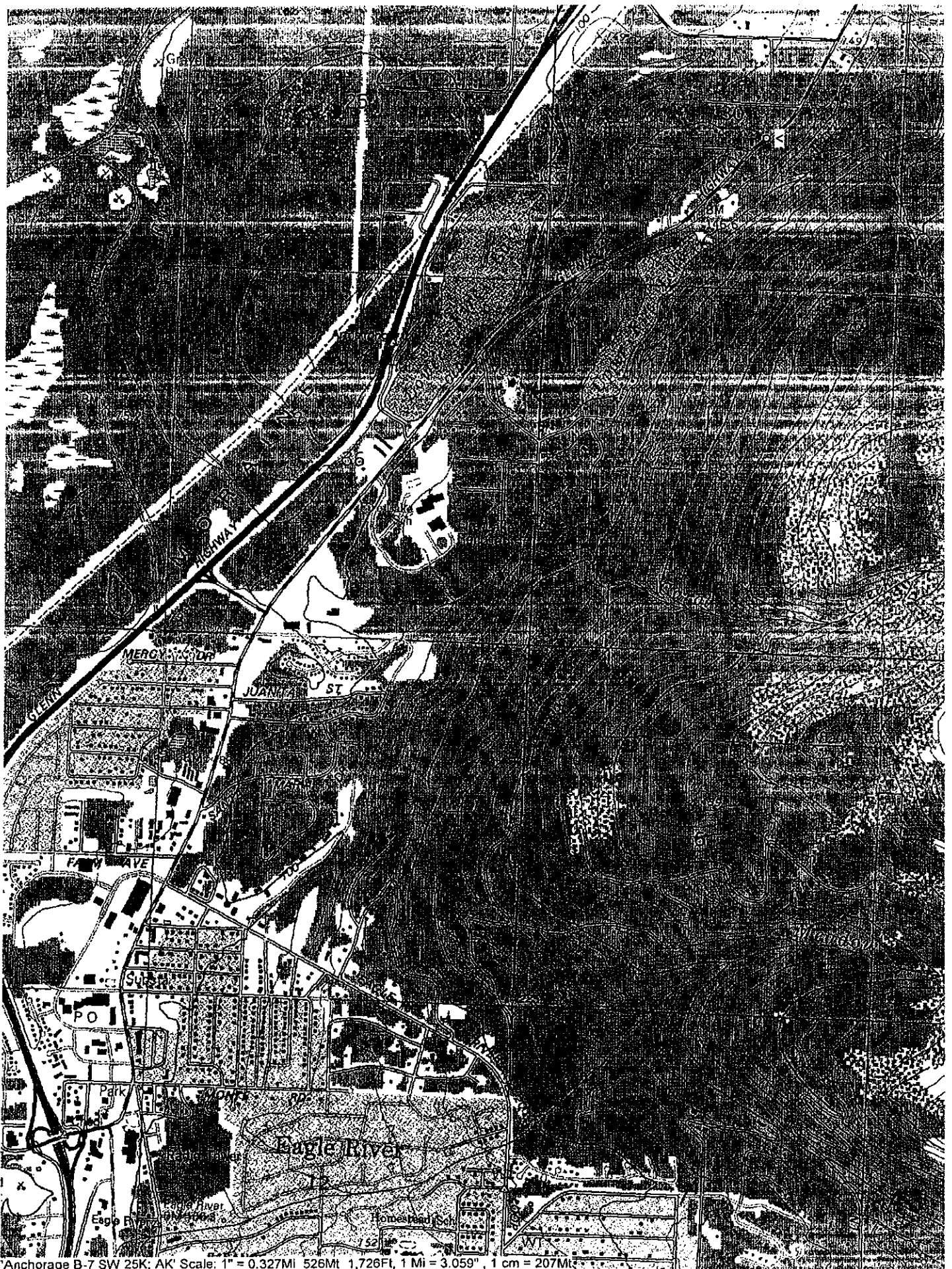
CONT

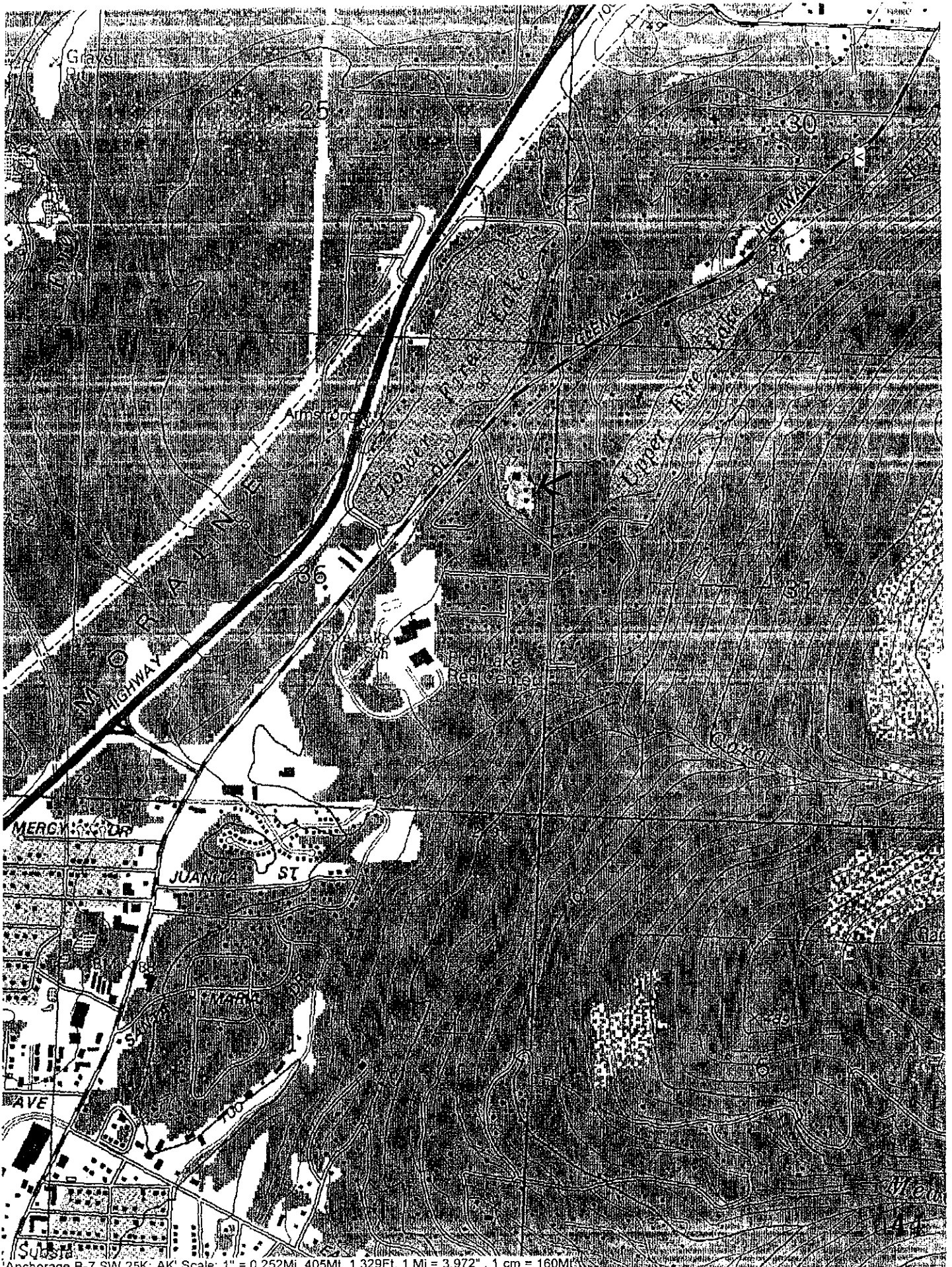


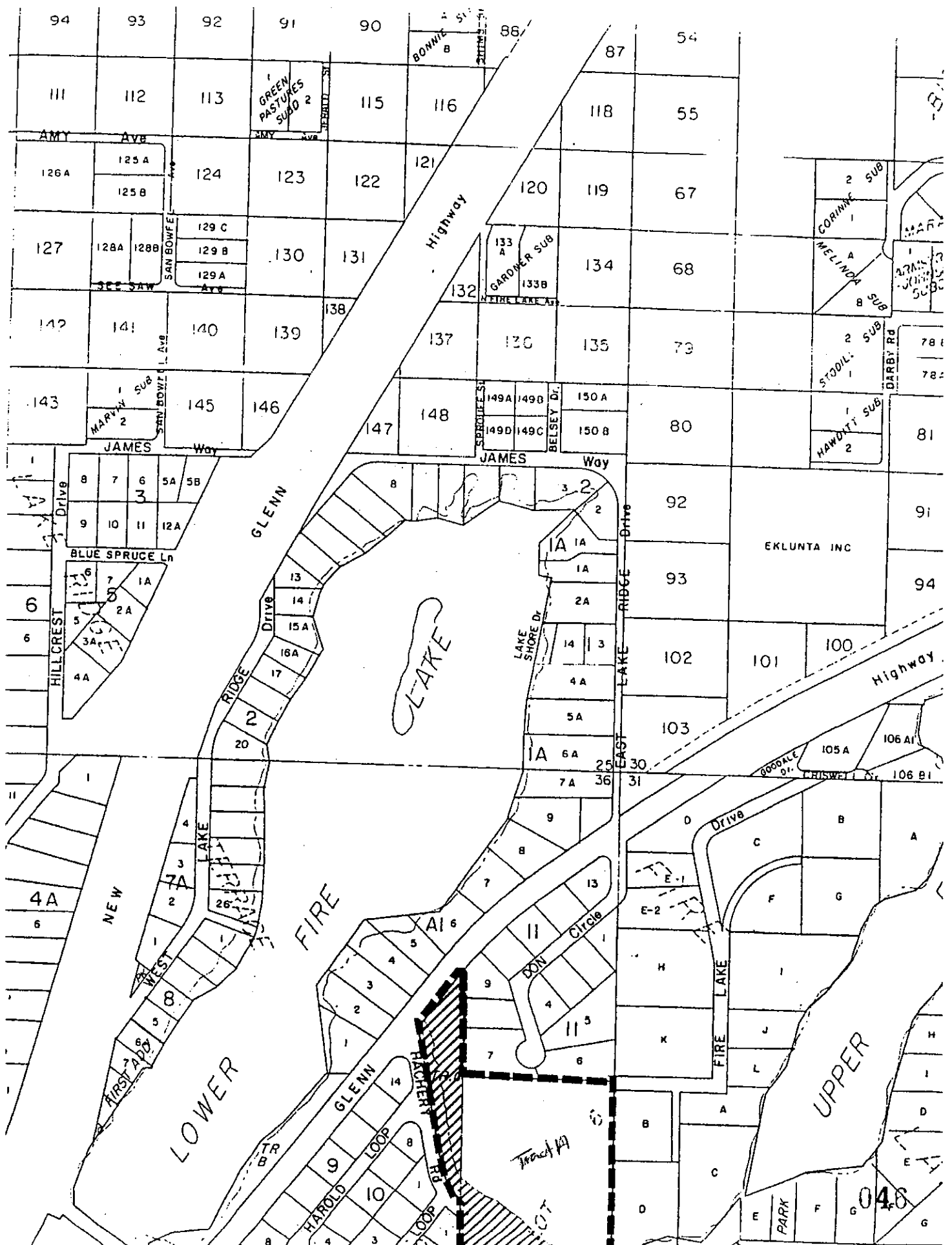
ROAD CLASSIFICATION

| | |
|------------------------------------|---|
| Primary highway, hard surface | Light duty road hard or improved surface |
| Secondary highway, hard surface | Unimproved road |
| | State Route |

ANCHORAGE (B-7) SW, ALASKA
FROM ANCHORAGE (B-7) 140 MAGICAL WINDMILL
#1143-C4 TH-025
1978
REVERED 1992







4

POSTING

AFFIDAVIT



RECEIVED

MAR 07 2007

Municipality of Anchorage
Zoning Division

AFFIDAVIT OF POSTING

CASE NUMBER: 2007-049

I, Adam Smith hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezone. The notice was posted on 3/4/07 which is at least 21 days prior to the public hearing on this petition. I acknowledge this Notice(s) must be posted in plain sight and displayed until all public hearings have been completed.

Affirmed and signed this 5 day of March, 2007

Signature

LEGAL DESCRIPTION

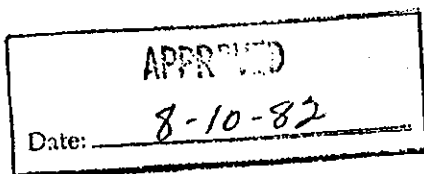
Tract or Lot Tract A / Lot 6

Block 1, 2, 3

Subdivision Fire Lake

5

**HISTORICAL
INFORMATION**



Submitted by: Assemblyman O'Connor

Prepared by: Department of Community Planning

For Reading: August 10, 1982

Anchorage, Alaska
AO No. 82-111 (S)

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM R-2 (TWO FAMILY RESIDENTIAL DISTRICT UP TO EIGHT UNITS ON 20,000 SQUARE FEET) AND R-6 (SUBURBAN RESIDENTIAL DISTRICT) TO R-2A (TWO FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR THAT PROPERTY IN THE SW 1/4 OF SECTION 30, AND IN THE NW 1/4 OF SECTION 31, AND IN THE NW 1/4 OF THE SW 1/4 OF SECTION 31 OF T15N, R3W, AND THE EAST HALF OF SECTION 36, T15N, R2W, S.M. (CHUGIAK COMMUNITY COUNCIL).

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. The zoning map be amended by designating the following described property as an R-2A (two family residential district) S.L. zone: that property as illustrated on Exhibit A, attached, located in the SW 1/4 of Section 30, and in the NW 1/4 of Section 31, and in the NW 1/4 of the SW 1/4 Section 36 of T15N, R3W, and in the east 1/2 of Section 36, T15N, R2W, S.M.

SECTION 2. The zoning map for the R-2A (two family residential district) S.L. use district designation for the property described in Section 1 above is restricted with the following limitations:

1. Lots 1 thru 14, Block 9, Lots 1 thru 8, , Block 10, Lots 1 thru 13, Block 11, and Tract C of Lakeridge Terrace Subdivision shall be restricted to a minimum lot size of 1/2 acre.
2. All other property included in this rezoning ordinance shall be restricted to a minimum lot size of one acre.
3. The provisions of AMC 21.45.190 shall not be applied.

SECTION 3. In accordance with Section 21.20.045(I) of the Municipal Code of Ordinances, all district and supplementary district regulations that are applicable to an R-2A (two-family residential district) zone not specifically affected by the restrictions and standards set forth in Section 2. above shall apply to the subject property in the same manner as if the district were not subject to special limitations.

SECTION 4. This ordinance shall take affect ten (10) days after passage by the Municipal Assembly.

SECTION 5. The Director of Community Planning is hereby directed to change the zoning map accordingly.

PASSED AND APPROVED by the Municipal Assembly this
10th day of August, 1982.


Chairman

ATTEST:


Municipal Clerk



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927
Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

January 3, 2007

Dick Mylius, Acting Director
Division of Mining, Land, & Water
State of Alaska, Department of Natural Resources
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501

RE: Platting Case S-115201-1 AK State Land Survey No. 2006-3, Govt. Lot 6, Tracts A, B, & C

Dear Mr. Mylius, *Dick*

The property identified in Alaska State Land Survey No. 2006-3 is in the process of being platted. Tracts B and C will be conveyed to the Municipality of Anchorage, but the State of Alaska will retain Tract A under state ownership. The State is using a warehouse located on Tract A for soil testing and test log storage. Tract A is located in an area zoned residentially as R2A SL. However, given the warehouse and soils testing that are located on Tract A, the Department of Natural Resources (DNR) needs to apply for a zoning change to have the property rezoned as PLI (public lands and institutions.)

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Municipality of Anchorage
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or by dropping off the application and check at Planning's public counter located at 4700 Bragaw Street in the Municipality's Planning and Development Center. Alternatively, you could have the consultant who is handling the replat also prepare your rezoning application. Other than the application fee, the expense should be relatively minor.

While the \$8,800 application fee may seem high, the Assembly revised platting and zoning fees in 2003 to more adequately cover costs for legal notices and staff time involved in research, preparation, and presentation of cases to the Planning and Zoning Commission and the Assembly. Please do not hesitate to contact me if you have any questions or need further assistance.

Sincerely,

Tom Nelson
Tom Nelson
Planning Director

Community, Security, Prosperity

052



Municipality of Anchorage

P.O. Box 196650 • Anchorage, Alaska 99519-6650 • Telephone: (907) 343-7900 • Fax: (907) 343-7927
Physical Address: 4700 Bragaw Street • Anchorage, Alaska 99507 • www.muni.org/planning

Mayor Mark Begich

Planning Department

November 22, 2006

Dr. John Reeder
Division of Geological and Geophysical Surveys
P.O. Box 772805
Eagle River, AK 99577

Dear Dr. Reeder:

This letter is in response to your request for a determination of the nonconforming status of the property located at 18205 Fish Hatchery Road. (Parcel: 051-324-15, Grid: NW553)

This determination is based on the following information:

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- The property was zoned U, Unrestricted on June 7, 1965 by Greater Anchorage Area Borough Ordinance 24.
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The following conclusions are drawn from the above information:

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Note: This determination is based on the information listed above, which was provided by the applicant or was in the files of the administrative official. If additional information is obtained, or the information provided above is later determined to be inaccurate, and materially changes the conclusion herein, the administrative official may revise or revoke this determination.

The Anchorage Municipal Code is available online at www.municode.com. If I may be of further assistance, please call me at 343-8329 or fax to 343-8437.

Respectfully,



Donald Dolenc
Development Reviewer

MUNICIPALITY OF ANCHORAGE
PLATTING AUTHORITY RESOLUTION NO. 2006-013

ANCHORAGE RECORDING DISTRICT

A RESOLUTION APPROVING THE VACATION (ELIMINATION) OF THAT PORTION OF THE 50-FOOT SECTION LINE EASEMENT ALONG THE EAST PROPERTY BOUNDARY EXTENDING FROM FISH HATCHERY ROAD RIGHT-OF-WAY TO THE NORTH BOUNDARY OF GOVERNMENT LOT 6, LOCATED WITHIN SECTION 36, T15N, R2W, S.M., ALASKA (PROPOSED ALASKA STATE LAND SURVEY NO. 2006-3, TRACTS A, B AND C).

WHEREAS, a petition has been received from State of Alaska Department of Natural Resources to vacate (eliminate) a portion of the 50-foot section line easement along the east property boundary extending from Fish Hatchery Road right-of-way to the north boundary of Government Lot 6, located within Section 36, T15N, R2W, S.M., Alaska (proposed Alaska State Land Survey No. 2006-3, Tracts A, B and C), and

WHEREAS, notices were published, posted and mailed and a public hearing was held on September 6, 2006.


NOW, THEREFORE, BE IT RESOLVED by the Platting Authority that:

1. The Platting Board makes the following findings of fact:
 - a. The vacation request has been reviewed in accordance with the applicable subdivision regulations, Municipal Vacation Policy and ordinance.
 - b. This portion of the section line easement is unimproved and has not been used for traffic circulation.
 - c. Fire Lake Creek crosses the section line easement. Within the section line easement the estimated slope of the stream banks ranges from 17% on the south side of the creek up to 28% on the north side to of the creek..
 - d. Lots within adjacent subdivisions to the north and west of the petition site are served by interior dedicated and constructed +rights-of-way that provide access to the Old Glenn Highway. Fish Hatchery Road provides access to lots within Fire Lake


Subdivision located on the southern and eastern side of Upper Fire Lake.

- e. The four (4) lots within Fire Lake Subdivision immediately east of the petition site have legal access. Physical access will be provided with development of these vacant lots.
 - f. Vacation of this portion of the section line easement will not adversely impact traffic circulation or access to adjacent property. The section line easement is excess to Municipal need for right-of-way.
2. The Platting Authority APPROVES the vacation of the 50-foot wide section line easement along the east property boundary extending from Fish Hatchery Road right-of-way to the north property boundary subject to obtaining approval from the State of Alaska Department Natural Resources and to filing a final plat within 18 months at the District Recorder's Office.

APPROVED by the Anchorage Platting Authority this 6th day of September 2006.



Tom Nelson
Secretary



Bruce Phelps
Chair

Case S-11520-1

Return to: Municipality of Anchorage
Dept. Community Planning & Development
P.O. Box 196650
Anchorage, AK 99519-6650
Attn: Margaret O'Brien



Municipality of Anchorage

P.O. Box 196650 * Anchorage, Alaska 99519-6650 * Telephone: (907) 343-7900
Physical Address: 4700 Bragaw Street * Anchorage, Alaska 99507 * www.muni.org/planning

Mayor Mark Begich

Planning Department

MAILED

SEP 11 2006

September 11, 2006

State of Alaska South Central Region
Division of Water & Land Management
550 W 7th Avenue Suite 1050A
Anchorage, AK 99501

Dear Applicant:

On Wednesday, September 06, 2006, the Platting Authority acted on your petition S11520-1, Alaska State Land Survey No. 2006-3.

The petition was APPROVED.

Special Conditions, in addition to those of Title 21, attached by the Platting Authority are on the enclosed Summary of action. If you have any questions on these conditions or changes, please call our office at 343-7942.

PRELIMINARY APPROVAL IS VALID ONLY FOR 18 MONTHS or as otherwise stated in the Summary of Action. Within that time, you must accomplish the following to finalize your request:

1. Negotiate a subdivision agreement with the Department of Public Works, if required.
2. Meet the conditions specified by the Platting Authority which are included in the attached Summary of Action in addition to those of Title 21 of the AMC.
3. Comply with all applicable provisions of the Municipal Land Subdivision Regulations.
4. In the case of subdivision, submit to the Department of Planning a properly executed final plat ready for filing.

Any individual may have appeal rights relating to any action the Platting Board takes. Appeal of this decision or any of the conditions is governed by AMC 21.11.304. The decision of the Board at the scheduled public hearing shall become final seven (7) calendar days after the date the decision is made on the record, unless a written request is submitted to the Planning Department prior to the expiration of the seventh day to prepare a written decision based upon the record made at the hearing and the request is accompanied by a written notice of intent to appeal.

Adoption of the written decision by the Platting Board becomes the final appealable decision. Within twenty (20) days of the final appealable decision, an interested party must file with the Municipal Clerk either: a) a written motion alleging new evidence or changed circumstances per AMC 21.11.503, or b) an appeal of the Board's final appealable decision per AMC 21.30.

An excerpt from applicable sections of AMC 21.11.304 is attached on page 2 of this letter. To access the Municipal Code visit the Municipal web site at: <http://www.muni.org/Zoning/index.cfm>.

Sincerely,

DEPARTMENT OF PLANNING
Zoning and Platting Section

cc: Lantech, Inc.
Tom Dreyer
440 W. Benson Blvd.
Suite 200
Anchorage, AK 99503

057

AMC 21.11.304 Decision

B. The findings of fact and decision of the board at the scheduled hearing shall become final seven (7) calendar days after the date the decision is made on the record, unless:

1. Prior to the expiration of the seventh day, a written request is received by the secretary to:

- a. Prepare a written decision based upon the record made at the hearing; and
- b. The request is accompanied by a written notice of intent to appeal.

C. If a written request is received within seven (7) calendar days of the board's decision on the record, the secretary shall prepare proposed written findings of fact and decision to submit to the board at its next regularly scheduled meeting, or as soon thereafter as feasible.

D. Board review of the written findings of fact and decision shall have priority over regular agenda items, and shall be approved, as amended by the board if necessary, and become the final appealable decision of the board.

E. Within twenty (20) days of the approval of the final appealable decision pursuant to subsection D. above, an applicant or other interested person must file with the municipal clerk either:

1. A written motion alleging new evidence or changed circumstances, pursuant to section 21.11.503; or
2. An appeal of the board's final appealable decision, pursuant to municipal code chapter 21.30.

b. Within the creek maintenance and protection easement, all structures and uses of land and structures, shall conform to the requirements of AMC 21.45.210.

c. Future subdivision or development of Tract C will require either construction of the eyebrow on Kaskanak Circle or vacation of the eyebrow portion of the right-of-way.

11. Making the following drafting corrections:

a. Show the road width from the centerline of Eagle River Loop Road to Tract A.

b. Correct note 6 so direct vehicle access is prohibited from Tract A to Eagle River Loop Road.

c. Street Names: E Eagle River Loop Rd is missing its pre-directional.

d. Title Block Information: It is also a subdivision of Roseberry Park Estates Braendel Homestead.

 h.

**S-11520-1 Alaska State Land Survey No. 2006-3
Government Lot 6, Tracts A, B, C**

Approval of the vacation of the 50-foot wide section line easement along the east property boundary extending from Fish Hatchery Road right-of-way to the north property boundary subject to obtaining approval from the Alaska Department of Natural Resources.

Approval of the plat for 18 months subject to:

1. Resolving utility easements.
2. Providing documentation on the surveyed creek boundaries to Municipal Watershed

Management Services (WMS) prior to recording a final plat.

3. Providing base flood elevation data of the petition site to Flood Hazard Review, Project Management and Engineering prior to recording a final plat.
4. Resolving the following with Land Use Enforcement:
 - a. The need to submit an as-built survey (with respect to the proposed lot lines) to Land Use Enforcement to verify compliance with yard setbacks.
 - b. The need to provide an access agreement on Municipal form for the access easement from Fish Hatchery Road to Tract A across Tract B.
 - c. Obtain a nonconforming determination for the encroachment for the structure(s) located on proposed Tract A that appear to encroach into the required stream protection easement; in the alternative remove or relocate the structure(s) to a conforming location.
 - d. Establish nonconforming rights for the office/warehouse use on the property within the R-2A SL district.
5. Placing the following notes on the plat:
 - a. "The special limitations of the R-2A SL zoning district governed by AO 82-111(S) prohibit cluster housing development on this property. The code citation for cluster housing development was renumbered to AMC 21.50.210 by AO 85.21."
 - b. "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)."

- c. "Road and drainage improvements shall be resolved with the Municipal Project Management and Engineering (PM&E) prior to any further development of the property."

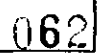
6. Making the following drafting changes:

- a. Providing the grid number information in the title block.
- a. Providing a signature block for Alaska Department of Transportation and Public Facilities (ADOT&PF) on the final plat.
- b. Street Names: Fish Hatchery Road is incorrectly labeled Hatchery Road.
- c. Street Names on Vicinity Map: Fish Hatchery Road is incorrectly labeled Hatchery Road.
- d. Map Information: Subdivision name south of platted area is Fire Lake, not Fire Lake Alaska.
- b. Title Block Information: Grid Number is not shown (NW0553). Fish Hatchery Road is incorrectly labeled Hatchery Road.

i. **S-11519-1 Timber Trail Subdivision**

Postponed to October 4, 2006 Platting Board meeting.

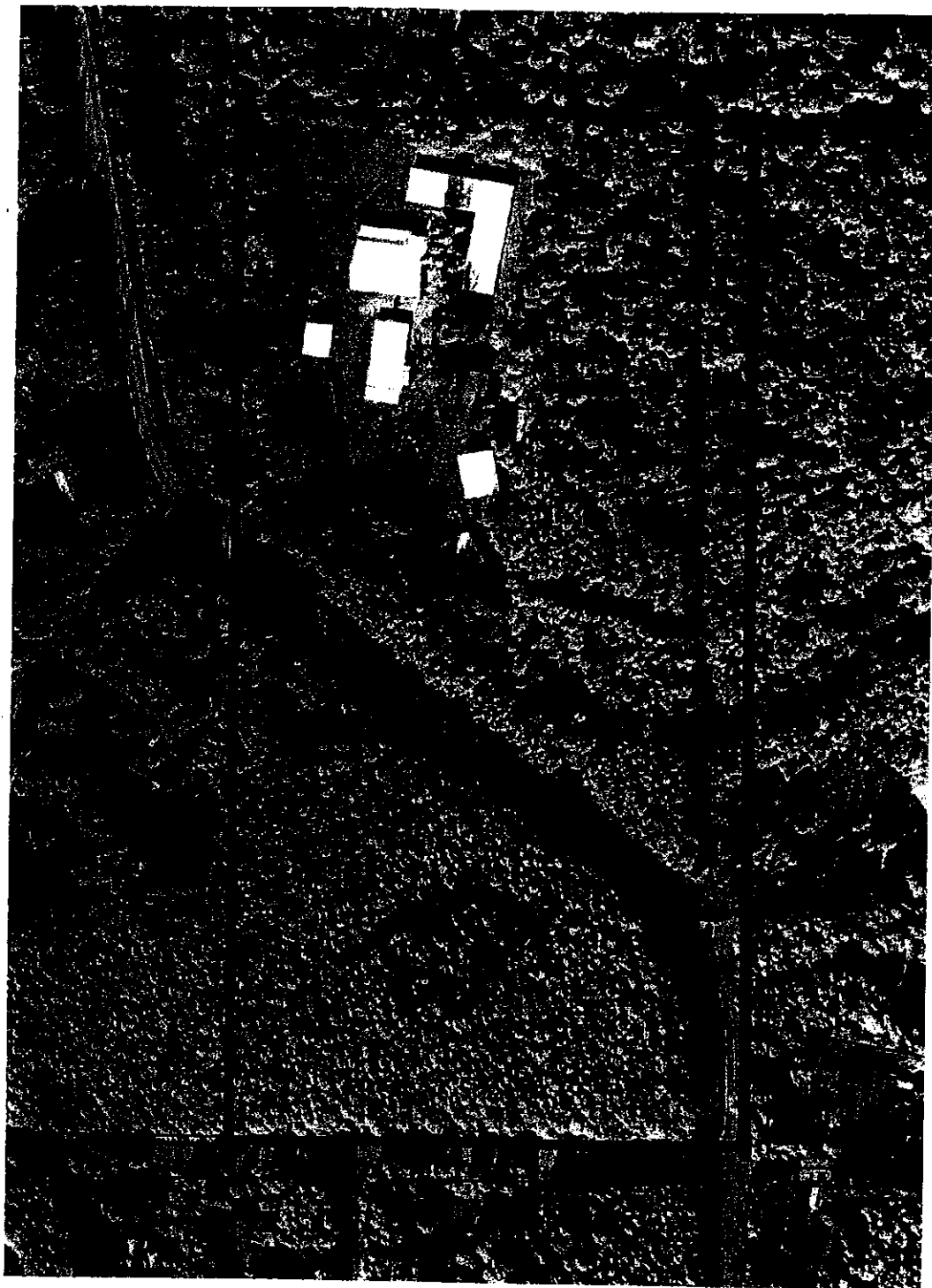
11520 SEP 06 2006





Aerial Photo

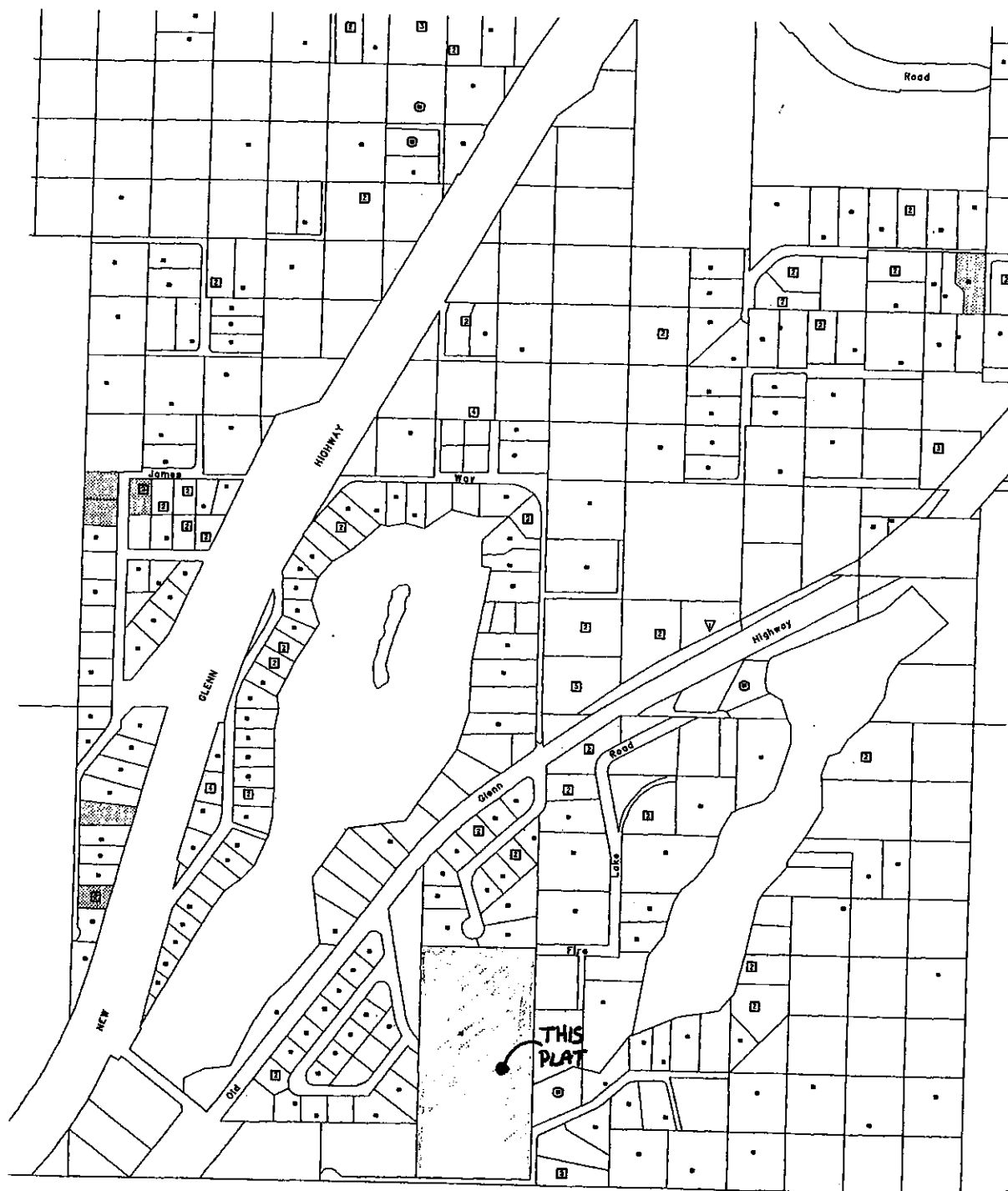
S11520 SEP 06 2006





Housing Stock Map

S 11520 SEP 06 2006



PARCEL INFORMATION

APPRAISAL INFORMATION

Legal T15N R2W SEC 36
LT 6

Parcel 051-324-15-000
Owner STATE OF ALASKA
SOUTH CENTRAL REGION
DIV OF WATER & LAND MGMT
550 W 7TH AVE #1050A %S SINGER
ANCHORAGE AK 99501 3579



Descr OFFICE BLDG LOW RISE 1-4
Site Addr

RELATED CAMA PARCELS

Cross Reference (XRef) Type Legend

| Related Parcel(s) | XRef Type | Leased Parcels |
|-------------------|-----------|----------------|
| 051-324-15-000 | | |
| 051-324-15-000 | | |

| Econ. Link | Replat | Uncouple |
|----------------|----------------|------------------|
| E = Old to New | R = Old to New | U = Old to New |
| I = New to Old | F = New to Old | Q = New to Old |
| Renumber | Combine | Lease |
| N = New to Old | C = New to Old | L = GIS to Lease |
| X = Old to New | P = Old to New | M = Lease to GIS |

Get "Type" explanation

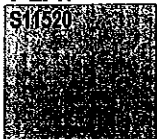
Bring up this form focused on the related parcel

REZONE



Case Number 2007-049 # of Parcels 1 Hearing Date 04/02/2007
Case Type Rezoning to PLI Public lands & institutions district
Legal A request to rezone approximately 9.0 acres from R-2ASL (Two Family Residential with Special Limitations) to PLI (Public Lands and Institutions). A portion of Government Lot 6, Tract A of T15N R2W, Section 36, the SE 1/4 NE 1/4, S.M., AK. Located east of Fish Hatchery Road at Harold Loop.

PLAT



Case Number S11520 Grid NW0553 Proposed Lots 1 Existing Lots 1
Action Type Subdivision & Vacation Action Date 09/06/2006
Legal Government Lot 6, located within the NE1/4 of Section 36, T15N, R2W, S.M., Alaska

PERMITS



Permit Number DET060143
Project
Work Desc Nonconforming determination
Use DETERMINATIONS

BZAP



Action No. 2006-
Action Date 11/22/2006
Resolution
Status N/A Not Applicable
Type NCM Non Conforming

ALCOHOL LICENSE



Business Address
License Type
Status
Applicants Name
Conditions



PARCEL INFORMATION

OWNER

STATE OF ALASKA
SOUTH CENTRAL REGION
DIV OF WATER & LAND MGMT
550 W 7TH AVE #1050A %S SINGER
ANCHORAGE AK 99501 3579
Deed 0242 0000341
CHANGES: Deed Date Jun 18, 1962
Name Date Dec 29, 1998
Address Date Oct 06, 2004

PARCEL

Parcel ID 051-324-15-000
Status
Renumbr ID 051-324-10-0001
Site Addr
Comm Concl CHUGIAK
Comments REF 051-324-10.11
FISH HATCHERY RD 52.175SF

01
02

TAX INFO

2007 Tax 0.00 Balance 0.00 District 022

LEGAL

T15N R2W SEC 36
LT 8
Unit SQFT 855,954
Plat
Zone R2ASL Grid NW0553

HISTORY

| | Year | Building | Land | Total |
|--------------|-------|----------|------|-------|
| Assmt Final | 2005 | 0 | 0 | 0 |
| Assmt Final | 2006 | 0 | 0 | 0 |
| Assmt Final | 2007 | 0 | 0 | 0 |
| Exemptions | STATE | | | 0 |
| State Credit | | | | 0 |
| Tax Final | | | | 0 |

PROPERTY INFO

| # | Type | Land Use |
|----|------------|--------------------------|
| 01 | COMMERCIAL | OFFICE BLDG LOW RISE 1-4 |
| 02 | COMMERCIAL | OFFICE BLDG LOW RISE 1-4 |
| 03 | COMMERCIAL | WAREHOUSE |

SALES DATA

| Mon | Year | Price | Source | Type |
|-----|------|-------|--------|------|
| | | | | |

LAND & COMMON PARCEL INFORMATION

APPRAISAL INFORMATION

Legal T15N R2W SEC 36
LT 6

Parcel 051-324-15-000

01 of 03

Owner STATE OF ALASKA
SOUTH CENTRAL REGION
DIV OF WATER & LAND MGMT
550 W 7TH AVE #1050A %S SINGER
ANCHORAGE AK 99501

Site Addr

LAND INFORMATION

Land Use OFFICE BLDG LOW RISE 1-4
Class COMMERCIAL
Living Units 000
Community Council 005 CHUGIAK
Entry: Year/Quality 12 1998 LAND ONLY
01 198C 0
Access Quality GOOD
Access Type
Leasehold (Y=Leasehold)
Drainage GOOD
Front Traffic LOW
Street DIRT
Topography LOW STEEP LEVEL
Utilities NONE
Wellsite N
Wet Land

CONDOMINIUM INFORMATION

Common Area 0
Undivided Interest 0.00

COMMERCIAL INVENTORY

APPRAISAL INFORMATION

Legal T15N R2W SEC 36
LT 6

Parcel 051-324-15-000

01 of 03

01
02

Owner STATE OF ALASKA
SOUTH CENTRAL REGION
DIV OF WATER & LAND MGMT
550 W 7TH AVE #1050A %S SINGER
ANCHORAGE AK 99501

Site Addr

Prop Info # OFFICE BLDG LOW RISE 1-4

BUILDING INFORMATION

Structure Type LOW RISE OFFICE BLDG

Property Information # 01

Building SQFT 3,552

Building Number 01

Year Built 1960

Effective Year Built 1960

Identical Units 01

Grade C

Number of Units 000

INTERIOR DATA

| Floor | Level | Partitions | Heat System | Air Conditioner | Plumbing | Physical Condition | Functional |
|-------|-------|------------|-------------|--------------------|----------|-----------------------|------------|
| 01 | 01 | NORMAL | HOT AIR | NONE | ADEQUATE | NORMAL | NORMAL |
| B1 | B1 | NORMAL | HOT AIR | NONE | ADEQUATE | NORMAL | NORMAL |

EXTERIOR DATA

| Floor | Level | Size | Perim | Use Type | Hgt | Wall Type | Const Type |
|-------|-------|-------|-------|------------------|-----|--------------|----------------------|
| 01 | 01 | 1,776 | 170 | OFFICES | 09 | FRAME T-111 | WOOD JOIST(WD & STL) |
| B1 | B1 | 1,776 | 170 | MULTI-USE OFFICE | 08 | NONE | WOOD JOIST(WD & STL) |

BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS

| Type | Qty | Size1 | Size2 |
|----------------|-----|-------|-------|
| PORCH ENCLOSED | 01 | 308 | 1 |

OTHER BUILDINGS AND YARD IMPROVEMENTS

| Type | Size/Amt | Units | Yr/Built | Condition | Funct/Utility |
|------|----------|-------|----------|-----------|---------------|
| | | | | | |

BUILDING PERMIT INFORMATION

APPRAISAL INFORMATION

Legal T15N R2W SEC 36
LT 6

Parcel 051-324-15-000

01 of 03

01
02

Prop Info # OFFICE BLDG LOW RISE 1-4
Site Addr

Owner STATE OF ALASKA
SOUTH CENTRAL REGION
DIV OF WATER & LAND MGMT
550 W 7TH AVE #1050A %S SINGER
ANCHORAGE AK 99501

BUILDING PERMITS

Permit # DET060143

Class Type A

Class Use DETERMINATIONS

Date Jun 26, 2006

Address FISH HATCHERY ROAD

Cond Occ/Occ 00000000 | 00000000

Certification

Contract Type OWNER

Name STATE OF ALASKA

E-mail

Phone () -

Fax () -

Address 550 W 7TH AVE #1050A %S SINGE

City/State/Zip ANCHORAGE AK 99501-3579

Project

Sewer / Water

Work Type ADMIN

Work Nonconforming determination

Description

CASES

2007-049

Case Number 2007-049

of Parcels 1

Hearing Date Monday, April 02, 2007

PERMIT COMMENT

OWNER HISTORY

APPRAISAL INFORMATION

Legal T15N R2W SEC 36
LT 6

Parcel 051-324-15-000

01 of 03

01
02

Property info # Descr OFFICE BLDG LOW RISE 1-4

Site Address

Current 06/18/62
STATE OF ALASKA
SOUTH CENTRAL REGION
DIV OF WATER & LAND MGMT
550 W 7TH AVE #1050A %S SINGER
ANCHORAGE AK 99501 3579

3rd //

Prev //

4th //

2nd //

5th //

Content Information**Content ID :** 005100**Type:** Ordinance - AO

Title: Planning and Zoning Commission, Case 2007-049; recommendation of approval to rezone from R-2A SL (Two Family Residential) District with Special Limitations, to PLI (Public Lands and Institutions) District, for a portion of Government Lot 6, Tract A, cont

Author: weaverjt**Initiating Dept:** Planning

Description: Planning and Zoning Commission, Case 2007-049; recommendation of approval to rezone from R-2A SL (Two Family Residential) District with Special Limitations, to PLI (Public Lands and Institutions) District

Date Prepared: 5/14/07 10:36 AM**Director Name:** Tom Nelson

Assembly Meeting Date: 6/12/07

Public Hearing Date: 7/17/07

Workflow History

| <u>Workflow Name</u> | <u>Action Date</u> | <u>Action</u> | <u>User</u> | <u>Security Group</u> | <u>Content ID</u> |
|--------------------------|--------------------|---------------|-------------|-----------------------|-------------------|
| AllOrdinanceWorkflow | 5/14/07 10:40 AM | Checkin | weaverjt | Public | 005100 |
| Planning_SubWorkflow | 5/14/07 11:26 AM | Approve | nelsontp | Public | 005100 |
| ECD_SubWorkflow | 5/24/07 3:12 PM | Approve | thomasm | Public | 005100 |
| OMB_SubWorkflow | 5/25/07 1:46 PM | Approve | mitsonjl | Public | 005100 |
| Legal_SubWorkflow | 5/25/07 1:54 PM | Approve | fehlenrl | Public | 005100 |
| MuniManager_SubWorkflow | 6/1/07 9:44 AM | Approve | leblancdc | Public | 005100 |
| MuniMgrCoord_SubWorkflow | 6/1/07 11:31 AM | Approve | abbottmk | Public | 005100 |

M.O.A.
 2007 JUN -1 PM 1:02
 CLEANS OFFICE