

CLERK'S OFFICE

APPROVED

Date: 3-24-09

Submitted by: Chair of the Assembly at
the Request of the Acting
Mayor

Prepared by: Planning Department

For reading: February 24, 2009

Anchorage, Alaska

AO 2009-24

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM I-2 SL (HEAVY INDUSTRIAL DISTRICT) WITH SPECIAL LIMITATIONS PER AO 85-125 AA TO I-2 SL (HEAVY INDUSTRIAL DISTRICT) WITH SPECIAL LIMITATIONS FOR TRACT 38, LYING WITHIN SECTION 5, SECTION 7, AND SECTION 8, T15N, R1W, SEWARD MERIDIAN, AK PER BLM PLAT DATED NOVEMBER 21, 1991, EXCEPT ALL THAT PORTION LYING WITHIN SAID SECTION 7; AND ALL THAT PORTION LYING WITHIN THE WEST ½ AND SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 8, GENERALLY LOCATED EAST OF BIRCHWOOD SPUR ROAD AND NORTH AND EAST OF SOUTH BIRCHWOOD LOOP ROAD IN CHUGIAK.

(Birchwood Community Council) (Planning and Zoning Commission Case 2008-130)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described property as I-2 (Heavy Industrial District) :

That portion of Tract 38, lying within Section 5, Section 7, and Section 8, T15N, R1W, Seward Meridian, AK per BLM Plat dated November 21, 1991, except all that portion lying within said Section 7; and all that portion lying within the west ½ and southwest ¼ of the northwest ¼ of Section 8, generally located east of Birchwood Spur Road and north and east of South Birchwood Loop Road, consisting of approximately 140 +/- acres.

Section 2. The I-2 SL district established by Section 1 shall be subject to the following Special Limitations:

1. A 200-foot separation buffer shall be located on all boundaries adjacent to residentially zoned land. The inbound 100 feet of the 200-foot buffer may substitute a revegetated earthen berm subject to a standard design (slope, height, width, type of soils, and revegetation) approved by the Planning and Zoning Commission, for undisturbed natural vegetation. The outer 100-foot buffer shall remain as undisturbed natural vegetation.

2. No existing trees or vegetation shall be removed or cleared within the inward 100 feet of the 200-foot buffer prior to an engineered configuration and design of the berm (including access breaks) have been reviewed and approved by the Municipal Project Management and Engineering Department.
3. A land clearing permit is required for each phase of construction of the earthen berm. Prior to the initiation of each phase, the existing natural vegetative buffer of 200-feet shall remain with no clearing until just before the berm is constructed. A site plan showing the 200-foot buffer, reflecting the boundary of a public use easement, shall be submitted with each clearing permit.
4. The berm shall provide a visual and noise barrier equal to or better than the existing 100 feet of natural buffer that will be replaced.
5. The 200-foot buffer shall begin at the inward boundary of the lot boundary, or the public use road easement, as applicable.

Section 3. The I-2 SL district established by Section 1 shall be subject to the following effective clause:

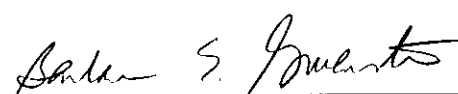
1. Prior to this rezoning becoming effective, resolve the need to dedicate a 50-foot wide public use easement west of the Birchwood Spur Road centerline, and a 35-foot wide public use easement west and north of the Birchwood Loop Road centerline.

Section 4. This ordinance shall become effective 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. The rezone approval contained herein shall automatically expire, and be null and void, if the written consent is not received within 120 days after the date on which this ordinance is passed and approved. In the event no special limitations are contained herein, this ordinance is effective immediately upon passage and approval. The Director of the Planning Department shall change the zoning map accordingly.

PASSED AND APPROVED by the Anchorage Assembly this 24th day of March 2009.

ATTEST:


Chair


Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2009-24

Title: AN ORDINANCE OF THE ANCHORAGE ASSEMBLY
AMENDING THE ZONING MAP AND PROVIDING FOR THE
REZONING FROM I-2 SL (HEAVY INDUSTRIAL DISTRICT)
WITH SPECIAL LIMITATIONS PER AO 85-125 AA TO I-2 SL
(HEAVY INDUSTRIAL DISTRICT) WITH SPECIAL
LIMITATIONS FOR TRACT 38, LYING WITHIN SECTION 5,
SECTION 7, AND SECTION 8, T15N, R1W, SEWARD
MERIDIAN, AK PER BLM PLAT DATED NOVEMBER 21,
1991, EXCEPT ALL THAT PORTION LYING WITHIN SAID
SECTION 7; AND ALL THAT PORTION LYING WITHIN THE
WEST ½ AND SOUTHWEST ¼ OF THE NORTHWEST ¼ OF
SECTION 8, GENERALLY LOCATED EAST OF
BIRCHWOOD SPUR ROAD AND NORTH AND EAST OF
SOUTH BIRCHWOOD LOOP ROAD IN CHUGIAK.

Sponsor:

Preparing Agency: Planning Department

Others Impacted:

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)			
	FY09	FY10	FY11	FY12	
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. No additional public improvements are required.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of this rezone should have no significant impacts on the private sector.

Prepared by: Jerry T. Weaver Jr.

Telephone: 343-7939



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 91-2009

Meeting Date: February 24, 2009

From: Acting Mayor

Subject: An Ordinance of the Anchorage Assembly Amending the Zoning Map and Providing for the Rezoning of Approximately 140 +/- acres from I-2 SL (Heavy Industrial District) with special limitations per A.O. 85-125 AA to I-2 SL (Heavy Industrial District) with special limitations, for Tract 38, lying within Section 5, Section 7, and Section 8, T15N, R1W, Seward Meridian, AK per BLM Plat dated November 21, 1991, except all that portion lying within said Section 7; and all that portion lying within the west ½ and southwest ¼ of the northwest ¼ of Section 8, generally located east of Birchwood Spur Road and north and east of South Birchwood Loop Road in Chugiak.

1 On December 8, 2008, the Planning and Zoning Commission recommended approval to
2 rezone approximately 140 +/- acres of the subject property owned by Eklutna Inc., from
3 I-2 SL per A.O. 85-125 AA to amend the I-2 SL buffer special limitation. The
4 Commission also approved a natural resource extraction conditional use for the subject
5 property to remove an estimated four million tons of aggregate by rail over a five-year
6 period (Case 2008-140).

7
8 The subject property of 141 +/- acres is an unsubdivided parcel within the larger parcel
9 consisting of approximately 161 acres under single ownership. The property is split
10 zoned I-1 SL and I-2 SL, and each zoning district has a similar special limitation
11 requiring a 200-foot wide undisturbed naturally vegetated buffer on all boundaries
12 adjacent to residential land. This rezoning, and the approved natural resource extraction
13 conditional use, only affects the 140 +/- acre portion of the I-2 SL portion of the
14 property.

15
16 The current I-2 special limitation require "a 200 foot undisturbed naturally vegetated
17 buffer remain on all boundaries adjacent to residential land. . ." that offers a visual
18 buffer separation, but does not speak to sound mitigation performance or to decibel
19 levels of noise transferred from the site to the adjacent residential. The purpose of this
20 rezoning is to modify the language of the existing special limitation to allow an earthen
21 berm to be developed within the inbound 100 feet of the 200-foot buffer that will
22 provide sound buffer remediation as well as a visual buffer separation. Construction of
23 the berm will include overburden and woodchips from the existing trees on the site, and

1 eliminate an estimated 14,000 truck trips otherwise needed to haul the overburden off-
2 site.

3
4 As part of the Commission's review of the natural resource extraction conditional use,
5 they reviewed the petitioner's proposed general berm design. The berm would be 20
6 feet height with a 3:1 slope on the side facing the surrounding area and a 2:1 slope
7 internally facing. At no time would there be excavation under the berm.

8
9 Birchwood Spur Road has an existing 50-foot wide right-of-way dedication. The
10 *Official Streets and Highways Plan (OSH&P)* classifies it as a Class III Major Arterial
11 requiring a 100-foot wide dedication. South Birchwood Loop Road, a collector road,
12 has an existing 33-foot wide right of way dedication in some sections and a 50-foot
13 wide dedication in others. The *OSH&P* requires a 70-foot wide dedication for collector
14 roads. The Planning and Zoning Commission recommended an effective clause
15 requiring the petitioner to dedicate their half of the minimum right-of-way as applicable
16 before the rezone becomes effective.

17
18 The Commission also recommended special limitations to specify engineered design
19 parameters (such as slope, height, width, type of soils, and revegetation) needed for
20 development of an earthen berm, with review and approval by *PM&E* of an engineered
21 configuration, and berm design prior to clearing of any trees and/or vegetation. The
22 inward 100-feet of the 200-foot buffer may substitute an earthen berm meeting
23 approved design standards for existing natural vegetation. The 100 feet of the buffer
24 adjacent to the Birchwood Spur Road and Birchwood Loop Road shall remain as
25 undisturbed natural vegetation. Existing vegetation within the 100-foot outbound buffer
26 (adjacent to the property boundary and/or matching road dedication), may not be
27 removed or cleared prior to an engineered configuration and design of the berm. A land
28 clearing permit is required prior to initiation of each phase of berm construction.

29
30 The Birchwood Community Council, after two public hearings and discussions with
31 Eklutna Inc., voted to support the rezone with some recommended modifications. There
32 was extensive testimony at the public hearing about the utility of the berm in terms of
33 minimizing visual and noise impacts, and public support to modify the special
34 limitation. The Commission incorporated their suggested modifications. Berms provide
35 significantly more noise attenuation than natural vegetation alone. A berm will provide
36 a long-term public benefit to the surrounding residentially zoned districts.

37
38 The proposed rezoning is in compliance with the *Chugiak-Eagle River Comprehensive*
39 *Plan* and zoning standards of AMC 21.20.090 Zoning Standards for Approval.

40
41 The Planning and Zoning Commission recommended APPROVAL of the rezone to
42 modify the I-2 special limitation for the subject property by a vote of seven yeas and
43 zero nays.

1
2 THE ADMINISTRATION RECOMMENDS ADOPTION OF THE PROPOSED
3 ORDINANCE.
4
5
6

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

8 Concur: Tom Nelson, Director, Planning Department

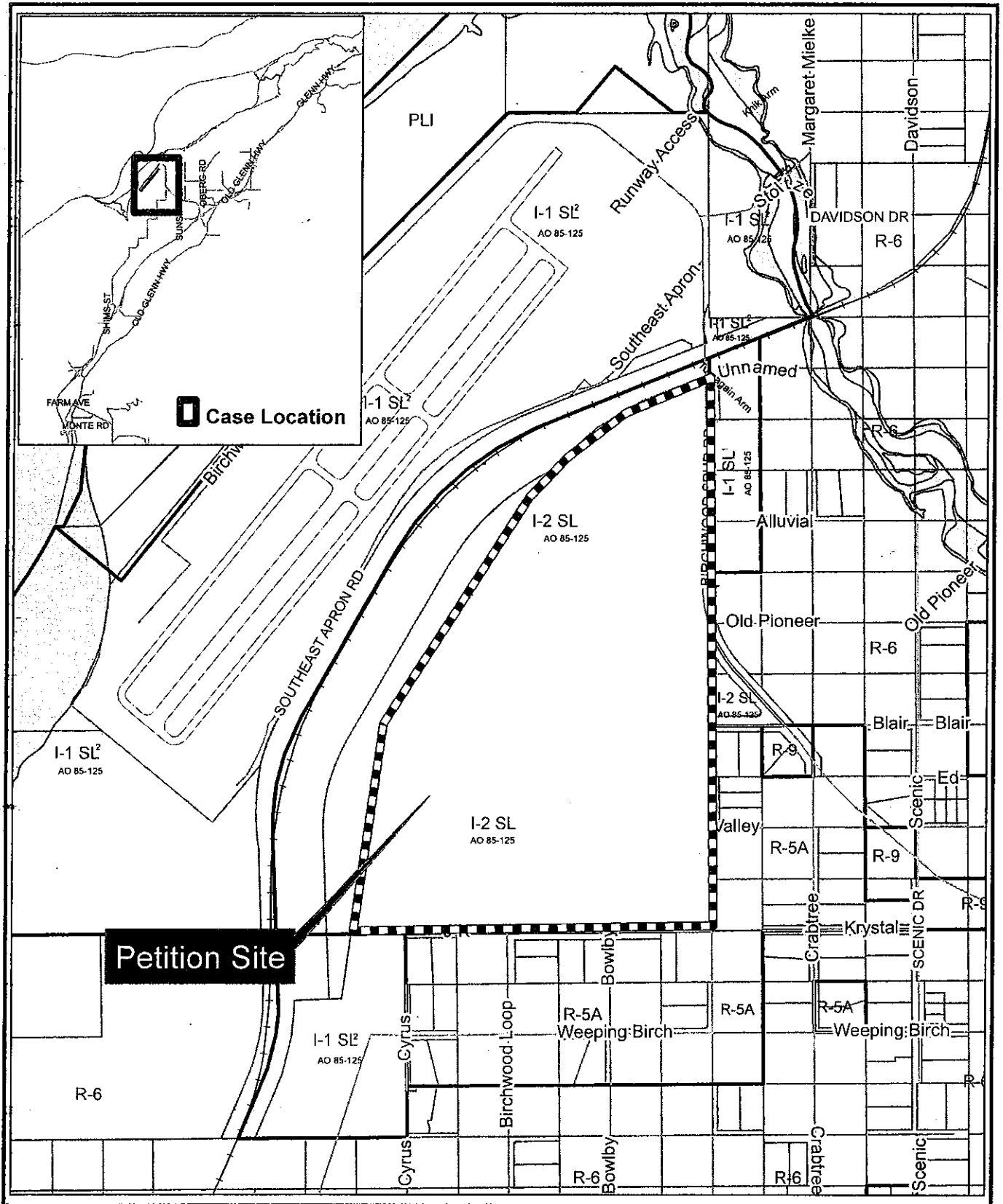
9 Concur: Mary Jane Michaels, Director, Office of Economic and
10 Community Development

11 Concur: James N. Reeves, Municipal Attorney

12 Concur: Michael K. Abbott, Municipal Manager

13 Respectfully submitted: Matt Claman, Acting Mayor
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16
17
18

(Tax I.D. No. 051-094-05)



MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2008-082

A RESOLUTION RECOMMENDING APPROVAL OF A REZONE FROM I-2 SL (HEAVY INDUSTRIAL DISTRICT WITH SPECIAL LIMITATIONS) PER A.O 85-125 AA TO I-2 SL (HEAVY INDUSTRIAL DISTRICT WITH SPECIAL LIMITATIONS) FOR TRACT 38, BIRCHWOOD PARCEL A, LYING WITHIN SECTION 5, SECTION 7, AND SECTION 8, T15N, R1W, SEWARD MERIDIAN, ALASKA, PER BLM PLAT DATED NOVEMBER 21, 1991, EXCEPT ALL THAT PORTION LYING WITHIN SAID SECTION 7; AND ALL THAT PORTION LYING WITHIN THE WEST ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 8, GENERALLY LOCATED EAST OF SOUTHEAST APRON ROAD, WEST OF BIRCHWOOD SPUR ROAD, AND WEST AND NORTH OF SOUTH BIRCHWOOD SPUR ROAD, IN CHUGIAK.

(Case 2008-130; Tax I.D. No. 051-094-05)

WHEREAS, a request has been received from Eklutna, Inc. to rezone approximately 139 acres from I-2 SL (Heavy Industrial District with special limitations) per A.O. 85-125 AA to I-2 SL (Heavy Industrial District with special limitations), for Tract 38, Birchwood Parcel A, lying within Section 5, Section 7, and Section 8, T15N, R1W, Seward Meridian, Alaska, per BLM Plat dated November 21, 1991, except all that portion lying within said Section 7; and all that portion lying within the west ½ of the southwest ¼ of the northwest ¼ of said Section 8, generally located east of Southeast Apron Road, west of Birchwood Spur Road, and west and South Birchwood Spur Road, in Chugiak; and

WHEREAS, notices were published, posted, public hearing notices were mailed, and a public hearing was held on December 8, 2008.

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

A. The Commission makes the following findings of fact:

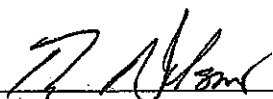
1. The petitioner requests to change the existing special limitation to allow an earthen berm to substitute for the north and west 100-feet of the existing 200-foot natural vegetative buffer, where it abuts residentially zoned land. The south and east 100-feet of the natural vegetative buffer is to remain undisturbed natural vegetation.
2. Earthen berms provide significantly more noise attenuation than natural vegetation alone. A berm will provide a long-term benefit to the surrounding residentially zoned districts.
3. This property was designated for industrial development in the 1979 Eagle River-Chugiak-Eklutna Comprehensive Plan. The Assembly rezoned the subject property from T (Transition) to I-1 SL (Light Industrial) and I-2 SL (Heavy Industrial) in 1985.

4. The total parcel contains 161 acres, which is zoned I-1 SL and I-2 SL. Only the I-2 SL portion of the parcel, approximately 139 acres, is the subject of this rezone.
 5. The Official Streets and Highways Plan identifies Birchwood Spur Road as a Class III Major Arterial and classifies South Birchwood Loop Road as a Collector.
 6. This rezoning complies with the 2006 Chugiak-Eagle River Comprehensive Plan Update and zoning standards of AMC 21.20.090, Zoning Standards for Approval.
 7. The Commission recommended approval of the request by a unanimous vote: 7-yes, 0-nea.
- B. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to I-2, subject to the following effective clauses and special limitations:
1. Effective Clauses
 - a. Prior to rezoning, resolve the need to dedicate a 50-foot wide public use easement west of the Birchwood Spur Road centerline, and a 35-foot wide public use easement west and north of the Birchwood Loop Road centerline.
 - b. Correct the site plan to show that the natural vegetative buffer begins inbound of the public use easement.
 - c. The natural vegetative buffer shall begin at the inward boundary of the public use easement rather than the lot boundary.
 2. Special Limitations
 - a. A 200-foot separation buffer shall be located on all boundaries adjacent to residentially zoned land. The inbound 100-feet of the 200-foot buffer may substitute a revegetated earth berm subject to a standard design (slope, height, width, type of soils, and revegetation) approved by the Planning and Zoning Commission, for undisturbed natural vegetation. The out-bound 100-foot buffer shall remain as undisturbed natural vegetation.

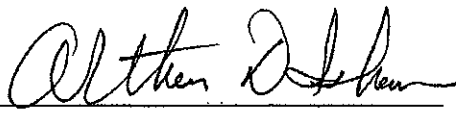
- b. No existing trees or vegetation shall be removed or cleared within the inward 100-feet of the 200-foot buffer prior to an engineered configuration and design of the berm (including access breaks) has been reviewed and approved by PM&E.
- c. A land clearing permit is required.
- d. The berm must provide a visual and noise barrier equal to or better than the existing 100-feet of natural buffer that will be replaced
- e. Prior to the initiation of each phase, the vegetative buffer of 200-feet shall remain with no clearing until just before the berm construction.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission on the 8th day of December, 2008.

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 5th day of January, 2009.



Tom Nelson
Secretary



for Toni M. Jones
Chair

(Case 2008-130; Tax I.D. No. 051-094-05)

fm

D. CONSENT AGENDA – None

VICE CHAIR ISHAM assumed the Chair for cases 2008-130 and 2008-140.

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS

ACTING CHAIR ISHAM noted that these cases would be heard jointly. The petitioner will be given 20 minutes, groups 10 minutes, and individuals 6 minutes.

1. 2008-130

Eklutna, Inc. A request to rezone approximately 139 acres from I-2SL (Heavy Industrial with special limitations) to I-2SL (Heavy Industrial with special limitations). Tract 38, Birchwood Parcel A, Lying within Sections 5, 7 and 8, T15N, R1W, S.M., Alaska, consisting of 161 +/- acres, except all that portion lying within said Section 7, and all that portion lying within the W1/2 of the SW1/4 of the NW1/4 of said Section 8. Generally located east of Southeast Apron Road, west of Birchwood Spur Road, and west and north of South Birchwood Spur Road.

2. 2008-140

Eklutna, Inc. A request for a conditional use to allow for a natural resource extraction (gravel) in the I-2SL (Heavy industrial with special limitations) zoning district, approximately 139 acres. Tract 38, Birchwood Parcel A, Lying within Sections 5, 7 and 8, T15N, R1W, S.M., Alaska, except all that portion lying within said Section 7, and all that portion lying within the W1/2 of the SW1/4 of the NW1/4 of said Section 8. Generally located east of Southeast Apron Road, west of Birchwood Spur Road, and west and north of South Birchwood Spur Road.

Staff member FRANCIS McLAUGHLIN stated that these requests apply only to the I-2 zoned portion of this property. There is an existing special limitation on this parcel requiring 200 feet of natural vegetative buffer where the parcel abuts residential land. The petitioner asks to be allowed to substitute an earthen berm for the inward 100 feet of buffer.

COMMISSIONER PEASE arrived at 6:35 p.m.

The Department believes there is a long-term public benefit with a berm and natural vegetation over a natural vegetation alone. A berm would provide both noise attenuation and a visual separation, whereas a natural vegetative buffer offers only the visual separation. The Department recommends approval of the rezoning request. A memorandum from the Planning Department that was delivered after the Commission's packets were delivered recommends one effective clause for the rezone dealing with resolving the need to dedicate a public use easement to match the existing right-of-way dedication abutting the subject parcel. The memorandum also makes three changes to the Department's recommended conditions of approval for the conditional use permit.

Regarding the conditional use, the conditional use permit can go forward whether or not the change in special limitations is approved. If the zoning change is approved, then a berm may substitute for the 200 feet of natural vegetative buffer. If the zoning change is denied, the petitioner has said they will haul the overburden away from the site by truck. The application states the petitioner proposes to excavate the site for gravel and export by train. No blasting, processing, or truck hauling are being requested. The petitioner has proposed hours of operation of 7:00 a.m. to 6:00 p.m. Monday through Saturday, no Sundays and no holidays. The petitioner has asked that train loading be allowed from 6:00 a.m. to 11:00 p.m. to accommodate train schedules. DHHS supports these loading hours and all loading activities will have to comply with the noise ordinance. The berm would have a base of 100 feet wide at the base and 20 feet tall at the highest point. The side facing the surrounding area would have a 3:1 slope and the internally facing side would have a 2:1 slope. There is a condition requiring the berm be approved by PM&E. there is also a condition requiring the petitioner to install 1,320 white spruce seedlings no less than 6 inches in height on the outward facing side of the berm; this will replace some vegetation lost with installation of the

berm. The Department recommends approval of the conditional use permit.

COMMISSIONER EARNHART asked whether there should be a condition prohibiting blasting, processing, or hot batching. MR. McLAUGHLIN replied there is a condition stating that the project must comply with the application, but Staff would not object to a specific condition in this regard.

COMMISSIONER PHELPS noted that condition 9 indicates that loading of aggregate into train cars occurs between 7:00 a.m. and 11:00 p.m. He asked if loading is permitted at other times during the day. MR. McLAUGHLIN replied that these are the hours during which loading is permitted and that is the petitioner's request. COMMISSIONER PHELPS noted that condition 8.f asks for plastic snow fencing, but he understood there have been problems with that fencing over long terms. He asked if this would be a short-term operation. MR. McLAUGHLIN replied that orange fencing is typically used to delineate clearing boundaries. This natural resource extraction is for five years. The condition requires a welded wire mesh fence 6 feet in height and the snow fencing must be attached to it. A temporary orange mesh fence will also be required 15 feet interior to the site and everything within that 15 feet must be removed manually. COMMISSIONER PHELPS asked what is the purpose of the construction fencing attached to the wire fencing. MR. McLAUGHLIN stated that the operation will require pushing dirt close to the limits and it is appropriate to require something greater than the plastic fencing. COMMISSIONER PHELPS asked if the intent of the plastic fencing is to provide a cautionary statement to the clearing operations. MR. McLAUGHLIN stated that the orange fencing denotes the limits of the clearing area and the Department is asking for a wire mesh fence in order to avoid the fence being moved by animals, snow, or the machines themselves. COMMISSIONER PHELPS understood the plastic snow fencing would be in place for the five-year conditional use period. MR. McLAUGHLIN confirmed this understanding. COMMISSIONER PHELPS asked if the reference to "game fencing" in condition 8.f is correct. MR. McLAUGHLIN indicated that condition should refer to "welded wire mesh fencing."

COMMISSIONER WEDDLETON asked what is a welded wire fence. MR. McLAUGHLIN replied that it is chicken wire fencing. COMMISSIONER WEDDLETON asked what is planned in terms of restoration of the property. MR. McLAUGHLIN stated the applicant

has stated the future use of the site is an industrial park. The revegetation plan will have a requirement for topsoil and revegetation.

COMMISSIONER FREDRICK noted that condition of approval 8.c is to "Resolve with PM&E, the engineering and construction of the berm so that erosion is minimized, and after consolidation/settling, the berm will be a minimum of 20-feet at the highest point" and asked the height at the lowest point. He thought the condition should read a 20-foot height at the lowest point. MR. McLAUGHLIN indicated this is correct.

COMMISSIONER YOSHIMURA asked what is the height of the berm at its highest point. MR. McLAUGHLIN explained the intent of condition 8.c is that the berm provide visual buffering at a height of 20 feet. The Department wants a 3:1 slope on the exterior side of the berm leading to a height of 20 feet. COMMISSIONER YOSHIMURA asked what is the maximum height of the berm. MR. McLAUGHLIN replied that the applicant seeks to build a 20-foot berm with a 3:1 slope on one side and 2:1 on the other. The Department wants to ensure the berm does not settle to a height less than 20 feet. COMMISSIONER YOSHIMURA asked what is the depth of excavation. MR. McLAUGHLIN replied that the depth would be 95 feet above mean sea level. The site has gradually sloping topography from a high point in the southeast to a low point at the railroad tracks at the northwest corner. COMMISSIONER YOSHIMURA asked if there is a proposed grading plan. MR. McLAUGHLIN indicated that a grading plan is contained in the packet for case 2008-140. COMMISSIONER YOSHIMURA asked what is the change in elevation over the entire site. MR. McLAUGHLIN stated page 75 of the packet shows the final grading plan. COMMISSIONER YOSHIMURA asked what would be grade of the road created in this area for the industrial park. MR. McLAUGHLIN replied that the site would have two tiers; the portion from the railroad tracks is one tier, with a second tier 8 to 12 feet higher in the area not proposed for excavation. COMMISSIONER YOSHIMURA asked how long it would take for the saplings to grow to a 10 to 20 foot height. MR. McLAUGHLIN presumed it would take 20 to 30 years.

COMMISSIONER PEASE asked why the Department advocates use of a chicken wire fence rather than a chain link fence. MR. McLAUGHLIN replied that this is a very large site and installation of chain link fence for the entire length would be very costly. The purpose of the fencing is to protect the remaining natural vegetative buffer and

the Department believed that could be achieved through this less expensive fencing. COMMISSIONER PEASE noted that buffers have been violated in other projects and asked what assurance exists that this fence is not violated. MS. FERGUSON replied that, should violation occur, the developer would have to provide a ratio of 3 new trees to 1 damaged trees. COMMISSIONER PEASE asked if this requirement is in the code. MS. FERGUSON suggested that this requirement should be put in the conditions. COMMISSIONER PEASE asked if the proposed easements take care of all required trails, including the proposed multi-use trail along Birchwood Loop. MR. McLAUGHLIN replied in the affirmative. COMMISSIONER PEASE noted that page 9 of the packet for case 2008-140 indicates the Department of Natural Resources (DNR) is still reviewing the water data. She asked if additional information has been received. Page 90 talks about depths to confined aquifers. She believed the excavation depth would go below the depth of some of the aquifers. MR. McLAUGHLIN stated there is no more recent information. There is a condition of approval that DNR would have more time to review the Terrasat memorandum to protect the public's interest. COMMISSIONER PEASE hoped that wells 8 and 10 would not be excavated to that depth. MR. McLAUGHLIN deferred this question to the petitioner.

COMMISSIONER EARNHART noted there are new conditions proposed this evening and asked if the petitioner accepts those. MR. McLAUGHLIN replied that the memorandum is new to the petitioner.

The public hearing was opened.

TIM POTTER, representing the petitioner, introduced individuals available on the petitioner's team to respond to questions. He asked to respond to questions about the fence after his presentation. He noted that this property is zoned I-2 and can be used for heavy industrial purposes. In the 1979 *Eagle River-Chugiak-Birchwood Comprehensive Plan* this property was identified for industrial uses. In 1985, an areawide rezone was done by the MOA that rezoned the property to I-2, including a special limitation (SL) that the outboard boundary of 200 feet would be retained as a natural vegetative buffer. Currently gravel could be trucked in, screened, crushed, made into asphalt or cement, and trucked back out. In 2005, the Eagle River-Chugiak-Birchwood area underwent a process to update the *Comprehensive Plan* and it further identified this property as industrial. Tonight's actions are relatively simple in that they modify the SLs and permit a conditional use to allow gravel extraction without processing or crushing. These actions allow

for the end use of an industrial park utilized in conjunction with the railroad. Eklutna Inc. has heard concern during the Long-Range Transportation Plan (LRTP) and other plans regarding the access road from the this property to and Birchwood Airport and its inability to handle heavy trucks. When Eklutna contacted Wilder, they were told the gravel could only leave the site by rail. There are only three entities in town that have access by rail and Wilder is one. This means the property is not open to many other operators in town and Wilder was chosen. The current SLs call for a 200-foot wide natural vegetative buffer, but do not speak to performance or to decibel levels of noise transferred from the site to the adjacent residential. The petitioner is proposing a 20-foot high berm because berms are a very good sound buffer and visual buffer. There are other uses in the area that produce noise, including the rifle range and airport. The petitioner proposes a 100-foot vegetated area with a berm. The property will be dropped down so that noise will have less impact on the residential area. The petitioner proposes that the berm be 70% inorganic and 30% organic materials and located 100 feet inboard from the edge of the site. The berm would be 20 feet high and it could potentially settle over 20 to 50 years to 16 feet. The berm will be grass seeded and saplings would be planted. He noted that the seeds in the organic material and root mass that is torn up and shredded carries vegetation that grows well in advance of white spruce, reaching mature height in the 5-10 year time frame and accomplishing better buffering. The berm creates a better noise and visual buffer than a natural forest.

The conditional use takes material out via rail rather than by truck, eliminating truck traffic on that road in a similar condition. It drops the site down, enhancing the noise buffer through horizontal and vertical separation. It creates berms. It controls access to the site; access is via a driveway owned by Spenard Builders Supply (SBS). For the period of the conditional use, there would be no access from residential streets. Staff proposed planting the berm with white spruce and the petitioner does not object. The site will be revegetated with a fast-growing seed mix. Operating hours are tied to the railroad schedule. Currently trains with gravel cars can get onto the circuit at only two times during the day and the petitioner is asking for gravel extraction operation from 7:00 a.m. to 6:00 p.m. and then from 7:00 p.m. until 11:00 p.m. the petitioner would load the train cars using a hopper and conveyor belt. The loading equipment would only beep on backing up if something were sensed behind the equipment. Loading the train takes about three hours. The evening train is scheduled to arrive at 7:00 p.m. and the loading should be done by 10:00 p.m. with loading occasionally extending to 11:00 p.m. The petitioner has offered to inform the public when operations would go beyond 10:00 p.m. The pit would operate from 7:00 a.m. to 6:00 p.m.

and loading would occur once in the morning and in the evening from 7:00 p.m. to no later than 11:00 p.m.

MR. POTTER referred to a packet of photographs and plans he had distributed to the Commission. He reviewed the photograph and located the driveway for SBS and the airport in relation to the petition site. He reiterated that the property is zoned I-2. He then showed an aerial depicting the buffer and berm area. He referred to a drawing showing a cross-section of the berm and landscaping, explaining that the ridgeline of the berm would be a minimum of 20 feet in height upon compaction. The berm should settle to a maximum of 16 feet over time. MR. POTTER did not object to the conditions as proposed in the initial package for 2008-130. He suggested that condition 2.a state "existing trees or vegetation should not be cleared within the inward 100 feet" and at the end state "being reviewed and approved by PM&E."

MR. POTTER stated regarding case 2008-140 that the application and narrative indicates how the petitioner will operate. Anything that is not modified by the conditions reflects how the petitioner will operate. The petitioner did not object to including an item that indicates nothing aside from loading material will be done, although he did not think it was necessary. As the petitioner presented to the community, the 20-foot high berm with a 16-foot minimum is appropriate. Regarding condition 8.f, the petitioner had proposed placing a 4-foot high construction fence 20 feet away from the clearing limits. When clearing had been done to that point, the clearing limits fence would then be put back 20 feet and all clearing within that area would be done with the on-site inspector. He stated that the standard in the industry is orange construction fence, and with an inspector on-site there is additional protection.

COMMISSIONER PHELPS asked for more information on fencing. MR. POTTER stated that orange fencing has been used successfully. It was used on the Takatna Commons mall site, but a lazy crew used an excavator to carry the orange fence to the site and ran into the 30-foot highway screening area. They were immediately given a stop work order, a meeting was held on the site, and a fence was put out an additional 20 feet out from the 30 feet and all the work beyond that had to be done under the scrutiny of an on-site inspector. There was no chain link fence, which is typically an urban response. The welded wire fence might be less expensive but still carries a cost of \$25,000 and he felt that was an absolute waste of money. The orange fabric fence is durable and can be zip tied to either posts or vegetation. The petitioner has offered to put the fence 20 feet out from the clearing limits. He stated that operators pay more attention to an inspector on-site than to a fence. Wilder will start work no sooner than May 1 of each season and there

can be an inspection of the fence prior to work beginning. He reiterated that he could not support the Staff's request for fencing and recommended an on-site inspector. He noted that Wilder would be doing the construction on this site as well. COMMISSIONER PHELPS asked for clarification on the movement of the orange construction fence. MR. POTTER stated that the berm associated with each phase would be constructed at the time that phase is done. The petitioner will place the clearing limits fence around the perimeter of the east and south side. Once the inboard area is cleared, the crew will move the fence to the flagged clearing limits and put it in place.

COMMISSIONER WEDDLETON asked if the Staff is asking for two fences. MR. POTTER understood that Staff is asking for a welded wire fence, a construction fence tied to that fence, and an offset 4-foot high construction fence located 15 feet from the welded wire fence. This standard is not used by the City in its work, nor is it used by the National Forest Service or the National Park Service. COMMISSIONER WEDDLETON asked if an inspector is optional. MR. POTTER stated that his initial response to Staff's request for an 8- or 10-foot panels of chain link fence is to use an orange construction fence and when the petitioner got to the point of going on the inboard side of the 200 feet to clear the last bit, that work would be done under the guidance of an inspector. COMMISSIONER WEDDLETON asked who would be responsible for paying the inspector. MR. POTTER replied that Wilder would pay for an inspector. An inspection could be done May 1 of every year for the duration of the project.

COMMISSIONER YOSHIMURA believed that if the berm was not built, the over burden would be trucked from the site. She asked where that route would be located. MR. POTTER used an aerial to show the route to the interchange, down the Glenn Highway to an Eklutna site. COMMISSIONER YOSHIMURA asked the distance from the excavation to the interchange, noting concern about impacts on residences. MR. POTTER estimated the distance at approximately two miles and did not know how many residences would be impacted. He noted that the lots are 1.5- to 2-acre lots. He noted that the road is not in a condition to haul the quantity of trucks that would be required. COMMISSIONER YOSHIMURA asked if improving the road would be an additional cost to the petitioner. MR. POTTER replied that the petitioner would not pursue the proposal before the Commission this evening, if there were a requirement to upgrade the road. COMMISSIONER YOSHIMURA did not think that upgrading a road to a rural standard is that expensive. MR. POTTER asked that those who testify this evening be asked if that road, even if upgraded, is appropriate for hauling gravel. COMMISSIONER YOSHIMURA stated she calculated 14,000 truckloads over the life of the project, which is 1.3 or 1.4 trucks per hour. MR. POTTER

noted that the 14,000 trips are overburden only and there is also 3 to 4 million tons of gravel that, if it did not go out by rail, would have to be hauled on the road. COMMISSIONER YOSHIMURA clarified that she was discussing the overburden only. MR. POTTER stated that things would happen in phases, so the removal of over burden would happen over a short period of time in order to open the footprint for the gravel.

COMMISSIONER PEASE asked why fast-growing seed mix would not quickly outgrow the seedlings. MR. POTTER stated that the seedlings would be Forest Service reforestation seedlings. COMMISSIONER PEASE stated that the roots of seedlings take some time to establish. MR. POTTER agreed that there would be some time before the white spruce take over. COMMISSIONER PEASE asked if consideration was given to planting taller seedlings. MR. POTTER explained that this recommendation came from Staff. Based on his experience, when the berms are seeded for stabilization, the organics from the site, birch, alder, and willow, seed very quickly and over time the succession forest will take over. The Staff believed there should be an attempt to reforest the berm. The first year or two the seedlings will grow, but not much higher than grass. COMMISSIONER PEASE asked, if the Staff agrees with providing a snow fence in lieu of wire fencing, would the petitioner concur with a requirement that, if there is disturbance of the root zones of the trees, the developer would provide replacement trees at a 3:1 ratio at a size to be determined. MR. POTTER agreed to this. COMMISSIONER PEASE asked if Staff consulted with foresters about whether the vegetation would outstrip the trees. MS. FERGUSON replied that foresters were consulted regarding the plan, but the question of whether the seed mix would outgrow the seedlings was not discussed. She did not know the composition of the seed mix. COMMISSIONER PEASE asked if there should be a condition that DNR review the well water information to ensure there is no impact on area wells. MR. McLAUGHLIN replied to the earlier question that page 140 has the seed mix being proposed by the applicant. He then stated there is a condition requiring the applicant to confer with DNR and get their sign-off before construction can begin. COMMISSIONER PEASE asked if there is any reason that the Staff did not agree to the staged approach to clearing suggested by the petitioner, which is to install a fence and remove it once all mechanical clearing is accomplished. MR. McLAUGHLIN explained that the differences between Mr. Potter's suggestion and Staff's suggestion is that Mr. Potter is now proposing that there be a monitor and Staff asks for a chicken wire fence. Staff is asking for a 15-foot corridor and the petitioner is asking for a 20-foot corridor. He stated he has spoken with engineers in PM&E who have experience with berms and gravel extraction sites and they recommended a welded wire fence because when the berm is constructed there will be dirt being pushed to the clearing

limit. He had a quote from the Acme Fence Company for 4,400 feet of welded wire fence on T posts of \$40,480. Instead of that, the petitioner wants to provide an inspector once a year. PM&E stated that it would not be effective to have the fence monitored even weekly.

COMMISSIONER PHELPS noted that condition 9 speaks to loading and he understood the train would load from 7:00 a.m. to 10:00 a.m. and 8:00 p.m. to 11:00 p.m. MR. POTTER explained that full construction activities can occur from early morning until dinnertime. All day long, trains can be loaded. There is an early train and an evening train. The coverage for the loading activity goes from the morning until the evening. COMMISSIONER PHELPS understood that loading occurs once in the evening. MR. POTTER replied that loading would occur from 7:00 p.m. to 11:00 p.m. at night. TREVOR EDMONDSON with Wilder explained that it takes 12 hours to cycle a train through the system. The times for loading those trains, because of the traffic on the track, is 7:00 a.m. and again at 7:00 p.m. In order to get two trains a day, loading will have to begin at 7:00 a.m. and conclude at 10:00 p.m. COMMISSIONER PHELPS understood the actual loading is 7:00 a.m. to 10:00 a.m. and 7:00 p.m. to 10:00 p.m. MR. EDMONDSON stated this is correct.

COMMISSIONER PHELPS understood the purpose of the orange construction fence is to ensure that mechanized machinery not enter inappropriately into some areas. He also understood there was a two-phase process: putting the fence 20 feet from the clearing line and then, at the end of that operation, the fence would be relocated to the clearing limit line and the material within that 20 remaining feet would be removed manually and during that time the inspector would be on-site. MR. POTTER indicated this was correct and noted that at all times there is work in the 20 feet an inspector would be on-site. COMMISSIONER PHELPS asked if this process would be repeated over the project period. MR. POTTER replied in the affirmative. He noted that the work would begin on one-third of the site at a time, working from north to south in a year. COMMISSIONER PHELPS asked if the petitioner would agree to a condition stating, "A 6-foot high orange construction fence shall be placed 20 feet outbound from the clearing limit line. The fence may be resituated when clearing is required within 20 feet of the clearing limit line. An on-site inspector that monitors operations within this area shall be provided at all times of this operation to ensure that intrusion into this area does not occur. This process of fencing and review shall be repeated for each phase of the project." MR. POTTER did not object to this wording. He clarified that the fencing material is 4 feet high, although it would be possible to overlap so there is a height of 6 feet.

COMMISSIONER WEDDLETON understood there would be two trains loaded per day. MR. POTTER confirmed that this is the case. COMMISSIONER WEDDLETON suggested a requirement that "Any protected trees that are damaged shall be replaced on a 3:1 basis." MR. POTTER agreed to this requirement.

COMMISSIONER YOSHIMURA stated it has been her experience that hauling off is more expensive than disposing of over burden on site. She believed the petitioners would save money by being able to dispose of over burden on the site. She commented that she is disappointed that the berm has only a utilitarian aspect as opposed to creating a more aesthetic benefit to the surrounding property owners. She asked if there is any way to improve the berm so that it is something more than a "green wall." She believed these saplings will be lost or eaten by moose and will not create the aesthetic benefit she felt should be there to protect the surrounding property owners.

COMMISSIONER EARNHART stated that orange fence is ugly and a chicken wire fence will be destroyed and both catch garbage and will be put in the landfill at the end of this project. He asked if there could be staking 110 feet inside of the property line and a hydroax run down the length of the two property lines. MR. POTTER agreed that this was an option. This could be done based on a surveyed line. An orange fence could be installed during the years of operation. He had concern that a corridor such as Commissioner Earnhart suggests could become a likely avenue for human trespass. COMMISSIONER EARNHART understood this is a fairly wooded area and a hydroaxed area could not be seen. MR. POTTER believed that the gap would not be seen from the road.

COMMISSIONER PEASE noted that fill would continue in this area, so the protection is not only from clearing, but also from equipment operation. MR. POTTER stated that a hydroaxing could be done based on a surveyed line, under the supervision of someone on site. Then prior to the berm construction, an orange construction fence could be erected to contain the limits of the berm. COMMISSIONER PEASE asked if the petitioner agrees with Staff that the 100-foot tree buffer will be inboard of the easement requested for Birchwood Spur Road and Birchwood Loop Road. MR. POTTER replied that in fact those exist in existing easements.

MR. McLAUGHLIN stated that many decisions would need to be made on which trees to keep or remove. The approval is conditioned with "Obtain approval from a PM&E arborist, for the flagging of clearing limits that are to be set 5-feet off the drip line of the largest tree closest to the boundary of the 100-foot natural vegetative buffer before any clearing or installation of tree

protection fencing." A PM&E arborist would visit the site with the petitioner and flag the clearing limit. The Department is recommending placing plastic snow fencing 15 feet from the clearing limit and that area shall be cleared by hand only. This would ensure that nothing within the 100-foot remaining natural vegetative buffer would be harmed. It also requires that a 6-foot welded wire fabric mesh fence with orange construction fence attached shall be placed on the clearing limit line. There is also a requirement for signage.

COMMISSIONER EARNHART asked if the fence effectively protects vegetation from a loader or the berm being pushed to far or might it be destroyed. The fence provides a visual barrier, but not a physical barrier other than to pedestrians. MR. McLAUGHLIN did not disagree with these points, but reiterated that the fence is a visual signal to not work beyond that point. MR. POTTER stated that he is working on the basis of experience and stated that it is always frustrating for Staff to pull something "out of the blue." The 20-foot area is a "sneak up zone" that he has used in the past and it is effectively with an inspector. He noted that there is a requirement for a sign on the welded wire fence every 100 feet and asked whom that signage would notify. He wished to understand to whom this signage is directed.

COMMISSIONER PEASE asked for respect for the Staff, noting that Mr. McLaughlin had consulted other staff and investigated cost before recommending the conditions of approval put forward by the Department. MR. POTTER stated that the cost difference between fencing is not of concern to him, rather he wished to use what makes sense; he has a proven methodology and the petitioner is willing to replace any trees that are damaged at a ratio of 3:1.

MR. McLAUGHLIN stated that the purpose of the signs is to prevent people who are constructing the berm, clearing trees, and excavating from crossing that point. That only exists during the five-year conditional use permit.

COMMISSIONER PHELPS understood that the berm would be planted with seed mix and then saplings. He stated it has been his experience that it is advisable to put in seedlings, wait a couple of years, and then put down seed mix. MR. POTTER stated it is important to get seed mix on the berm to stabilize it. His experience with berms from the Alaska Native Heritage Center that are 10-12 years old that they are seeding themselves with birch and alder. They do not appear to have gone down in height. COMMISSIONER PHELPS asked if it is Mr. Potter's opinion that the plugs will grow with the mix. MR. POTTER replied in the affirmative, noting that the plugs are used in the reforestation of logging operations.

BOBBI WELLS, representing the Birchwood Community Council, stated regarding 2008-1030 that the Council generally approves the rezone with the modifications in wording to more accurately reflect what is necessary to reduce impacts to residential properties adjacent to this parcel. She asked for a minimum 200-foot separation buffer to be maintained on all south and east boundaries adjacent to the land currently developed or zoned as residential. The lower lots on the east boundary may be zoned I-1SL, but all but one are developed residentially. She asked that the 200-foot buffer remain 200 feet. The Council did not want the interior 100 feet to be cleared or grubbed in anticipation of a berm that may not be immediately constructed. She noted that this is a four-phase project that will proceed north to south, so one million cubic yards of gravel would be moved per season. She believe CIRI would offer free firewood and then it will be grubbed and cleared by phase. The neighborhood simply wants the buffer to not be reduced to less than 200 feet until the berm for each particular phase is built. She asked regarding case 2008-130 to remove either the first "no" or "not" for clarification in condition 2.a. She noted that she has signatures on a petition from area property owners supporting the Council's position and requesting six additional items. MS. WELLS asked to be allowed to poll the audience to determine support for the conditional use and rezone with additional modifications that the Council has discussed and as outlined in the petition. She asked for a show of support for the Council's position and requested conditions. Approximately 30 people stood in response to this request. She stated that everyone at this meeting is from Birchwood Community Council, has seen the testimony and has read the petition.

Regarding case 2008-140, MS. WELLS stated the Council approved a motion that, after this extraction, some sort of plat or site plan review with public comment take place for the planned final development. She wished to ensure that the Council be permitted to comment on that final development. She stated that the petition asks to: require a minimum separation distance of 4 feet be maintained between the bottom depth of the gravel excavation and the seasonal high water table. The petitioner has said they will maintain a distance of 15 feet from the water table, but the neighbors want the wording proposed by the Council. The petitioner is also being asked to secure an environmental insurance policy for the appropriate period. General liability insurance includes environmental impacts. The Council also asks that the petitioner delineate the southeast corner that they say will not be mined and list that as a condition of approval or have Staff confirm that condition 7 includes that. She noted that there are perched aquifers in that southeast corner. The petitioner was asked specifically at the Council meeting that if that well, or the three potential wells are affected in any way, would they replace them and they replied that they would. The petitioner also

volunteered to test the quality and chemical content of all the wells to establish baseline parameters, free of charge. MS. WELLS stated that the petitioner states on page 55 of the packet that they will not mine the southeast corner. She stated that a full 200-foot berm is needed at all times. She asked that the inside 100 feet not be removed because the intent of the berm is to protect what follows this gravel extraction because the last part of the berm will not be in place until the fourth year of the permit. She questioned whether there should be a question about the berm construction where the powerline crosses Birchwood Spur Road near SBS. Also, when an access is created, noise will channel through it. That is close to Alluvial where there are three-story apartment buildings by the road. Construction impacts on off-site drainage should be the responsibility of the petitioner. Water Management Services states that the surrounding urban area is primarily drained by open ditches and driveway culverts, all of which funnel into the project area. People have reported of flooding during a storm event. She understood that the petitioner would need to comply with AMC 15.070 with respect to noise. She asked to amend conditions 8.g and 8.h add the words "an acceptable" after the word "provide". She asked when these plans are provided for public review it would be helpful to have the plans in hand. While appreciating the attempts of the Commission she favored Mr. Potter's idea of the fence and the inspector. She did not favor use of a hydroax or a permanent fence. Hours of operation for loading trains is of deep concern. The neighborhood is at the mercy of the petitioner and the petitioner is at the mercy of the railroad. She hoped they would arrange for an earlier evening train. North Birchwood Loop is a narrow road and more truck traffic is not desirable. There are two more gravel conditional use permits that will come to the Commission and the neighborhood did not want these extended hours to set a precedent; this is a one-time exclusion for rail haul. MS. WELLS noted that the petitioner has been diligent to maintain early and constant contact with the Council for this proposal.

COMMISSIONER WEDDLETON asked if the Council opposes the 7:00 p.m. to 11:00 p.m. train loading. MS. WELLS stated that gravel would be dropped from 20 to 30 feet in the air and hit the bottom of the rail car at 7:00 p.m. The area is accustomed to quiet at that hour. She visited the railroad and they are not to be persuaded to change. She also noted that the railroad crew would likely be replaced after 12 hours, so they would "go dead" during the loading and the new crew would come on at 7:00 p.m. She described what would be involved in the loading operation. COMMISSIONER WEDDLETON noted that the loading area is as far west as it can be on the site. MS. WELLS realized there was no other location for this operation, but it is still close to residences.

COMMISSIONER PHELPS asked what separation distance the Council wants from the water table. MS. WELLS replied that the Council wants a distance of four feet above the seasonal high water table. COMMISSIONER PHELPS believed the Council recommended the monitoring of water quality and chemical content in the adjacent wells. MS. WELLS replied that Eklutna Inc. is doing that on their own. A chemical analysis will determine from where contamination may come. COMMISSIONER PHELPS asked for discussion of the requirement to replace wells that are affected. MS. WELLS noted that wells have been identified and the petitioner has agreed to replace them. COMMISSIONER PHELPS asked for a description of the southeast corner that Ms. Wells asked be protected. MS. WELLS used page 2 of the packet for case 2008-140 for this purpose. COMMISSIONER PHELPS asked what distance of setback she was requesting. MS. WELLS stated that she wants this identified as an area that will not be mined.

COMMISSIONER PEASE asked if Ms. Wells had changes to condition 7 of case 2008-140. MS. WELLS felt this was a catchall condition that addresses all things that are contained in the petitioner's narrative. COMMISSIONER PEASE was not aware of environmental insurance and asked if Ms. Wells could recommend language. MS. WELLS was only aware that the general contractor's general liability policy specifically includes environmental claims and she would like that to address any on-site or off-site environmental impacts from this project.

COMMISSIONER YOSHIMURA supported the Council's request for a lack of fencing, noting that, in her experience, the best way to preserve trees and reduce over clearing is to have an inspector on site with the ability to fine operators and stop machinery. She wanted to correct any impression she may have made that she is in favor of more gravel trucks. She was attempting to quantify the difference in cost for on-site disposal of over burden versus hauling it away; there is considerable benefit to the petitioner with on-site disposal.

COMMISSIONER PEASE noted that the current conditions imposed by Staff require lapping the berm at the South Birchwood Loop driveway. MS. WELLS stated there are two points of access, one that is probably going to be an extension of Alluvial Road across Birchwood Spur Road below SBS and probably below the spur. There are residential uses down Alluvial. The neighborhood would prefer there not be a South Birchwood Loop access; there are three apartment buildings in that area. The neighborhood prefers a 20-foot minimum berm after compaction. She did not discuss a 16-foot berm with the Council.

MR. McLAUGHLIN noted that condition 8.c requires that "The berm shall not have any break at the South Birchwood Loop driveway." This sentence is a result of the petitioner indicating they no longer want a break in the berm at South Birchwood Loop. A lapped berm is not required close to SBS because it abuts an industrial district and the petitioner has expressed concern with trucks having to make the S-turn it would create.

COMMISSIONER EARNHART understood the berm would be 20 feet high after compaction but it may be 16 feet 15 years from now, after the five years of gravel extraction. MS. WELLS responded that she personally believed, if the berm is made 20 feet now and it is still 20 feet at the end of the conditional use permit, when the gravel pit is lowered there would be additional protection.

ACTING CHAIR ISHAM asked whether there are any existing concerns arising from industrial and airport activities in the area. MS. WELLS noted that there is also a shooting range in this area. She stated she wants to ensure the berm is extended as close to the SBS entrance as possible so there is protection for residents. There are concerns with the train blowing its whistle. The noise in the area is bothersome at times.

RANDY McCAIN asked that the Commission not lose sight of the fact that the berm is part of the 200-foot setback and after the conditional use is completed it would become part of the setting. He felt the Staff is being over sensitive about where the natural setback ends and the fence begins. He stated the petition site is very wooded and the geography undulates. He thought it was silly to have one, two, or three fences, rather he believed the judgment of the developer may be best. He stated he recently had work done by DOWL Engineers and he was surprised and impressed that they took photos daily and contacted permitting regularly to ensure compliance.

COMMISSIONER YOSHIMURA asked what the berm should look like and whether Mr. McCain is satisfied with saplings. MR. McCAIN saw the benefit of the berm for the community. He thought it would be a mistake for the Commission to regulate the height of the berm today when no berm was required under the current zone. He felt there was benefit both to the community and to the petitioner by providing a berm. COMMISSIONER YOSHIMURA asked if Mr. McCain would like to see faster growing trees or a more aesthetic seed mix. MR. McCAIN stated he has had his property for six or seven years and any pathways he has created have been taken over by 10- to 15-foot trees that have grown in 5 to 10 years.

SCOTT PICKETT, area resident, stated where he lives the railroad creates the loudest noise pollution, well above the airport or shooting range. He had concern that many of the houses are not air-conditioned and keep their windows open in the summer. Where houses are above the berm, noise is a greater impact. He had concerns with the impacts on small children with gravel loading at 11:00 p.m. He was not convinced that using conveyor belts for loading is quieter than using front end loaders to consolidate that material at 7:00 p.m.

DOROTHY COOK stated she is an Eklutna Inc. and CIRI shareholder and president of the Native Village of Eklutna. She is also one of the family owners who have interest in the native allotment in Birchwood measuring 8 acres with the railroad on one side, Birchwood Spur Road on one side, Peters Creek on one side, and a power line on one side. There are nine individuals who have interest in that allotment and she was not aware of this hearing until she read it in the Star one week ago. She had concern that none of those who have interest in that property received notice of this hearing. She has spoken to her brother who lives on that property and her other brother who lives in Wasilla and they both object to this gravel operation. She had concern with the dust generated by a gravel extraction use. She noted that there is a gravel operation near Eklutna Village and the impacts from dust on office equipment is considerable, although the road is watered. About two years ago her family was discussing developing this Native allotment, but she felt it would not proceed if there were a gravel extraction on the petition site.

COMMISSIONER PEASE asked the location of the allotment referred to by Ms. Cook and whether the berm would provide any protection. MS. COOK used an aerial of the site to indicate the location of her Native allotment. COMMISSIONER PEASE asked whether Staff had any concern with respect to notification. MR. McLAUGHLIN had concern, but explained that the Department puts ads in the newspaper and requires the petitioners to post signs and both of those were done. Email alerts are sent to those who sign up for them. The Community Council reviews the project and public hearing notices are mailed to all property owners within 600 feet of the subject property. Those owners are identified through Property Appraisal. In this case, the owner was identified as the Department of Interior and that is where a notice was mailed. He has talked with Ms. Cook about signing up for email alerts.

ACTING CHAIR ISHAM asked if the issue of dust control is addressed in the condition to provide a dust control plan. MR. McLAUGHLIN replied in the affirmative.

JILL CROSBY stated that Eagle River is becoming the location of many gravel pits. This land is zoned industrial and she did not think much could be done to prevent such a use on this property. Without the rezoning and conditional use permit, the use on the site could be dustier with fewer controls. She felt that, because there are so many gravel pits operating and slated for operation, this one should be done right. Paying attention to seasonal high water tables and dust issues is important. She understood the issue with respect to hours of operation and stressed that this is a one-time permit.

COMMISSIONER PEASE noted there was not a great deal of residential testimony regarding concerns about the wells and Ms. Wells has indicated there is an agreement between Eklutna and the property owners regarding that subject. She asked for language regarding this subject. MS. CROSBY stated there is a suggested condition for a 4-foot separation. As a community member of Eagle River, she felt attention should be paid to this issue for all gravel pits.

COMMISSIONER YOSHIMURA asked where Ms. Crosby lives in relation to the petition area. MS. CROSBY replied that she lives in the area and is the vice chair of the Birchwood Community Council. She lives above Chugiak High School near the border of Eklutna Tract 28 and Section 25.

TRACY REED, resident two blocks from the petition site, was concerned with water quality. Many people in the area have low production wells and this project has the potential to cause those wells to dry up or become contaminated. He was also concerned about dust.

COMMISSIONER YOSHIMURA asked if Mr. Reed has had any discussion with the petitioner about the potential establishment of a well fund. MR. REED replied that he was aware of no such discussions. COMMISSIONER YOSHIMURA asked if that would satisfy some of his concerns. MR. REED stated that his concern stems from the fact that his well has a 1.5 gpm flow that he reached by drilling to 300 feet. He had concern that he might have to drill a new well, which could cost thousands of dollars.

COMMISSIONER PEASE asked if there is an agreement between Eklutna Inc. and homeowners regarding the continued function of their wells. MR. REED stated that nothing of that nature has been communicated to him. MR. POTTER suggested that Dan Young go through this information when appropriate.

ACTING CHAIR ISHAM asked if Mr. Reed has had his well tested. MR. REED replied in the negative.

GENE NUGENT, resident across from the proposed gravel pit, stated that both his residence and a small greenhouse nursery are located on his property. His concern is with water availability. His groundwater is at six feet. He had concern what happens if he does not have a well. He also thought the berm is a good idea to address noise, but further away from the project the property rises and the berm will not serve as an effective noise buffer to those properties.

NED WHITNEY noted that Ms. Wells provided a phone number to contact so someone would test his well and he has received no response to his inquiries in this regard.

COMMISSIONER YOSHIMURA asked the location of Mr. Whitney's home in relation to the petition site. MR. WHITNEY used an aerial to indicate the location of his home.

COMMISSIONER WEDDLETON asked what Mr. Whitney called for the petitioner to do. MR. WHITNEY replied that he requested that the petitioner test his well. MR. POTTER stated that at the most recent Community Council meeting the petitioner asked for volunteers to establish a baseline. Names have been taken and that information has been given to Mr. Young to select several in each aquifer area for testing at no cost to the property owners. The results will be given to the property owner. Monitoring wells will be established as well. COMMISSIONER WEDDLETON felt this was an exceptional amount of effort. MR. POTTER stated that this is a different approach than the Commission has typically seen.

COMMISSIONER PEASE asked if Terrasat or Wilder is willing to test any wells in the area. MR. POTTER replied that this would be done within reason. Mr. Young has said he needs three wells per aquifer to establish a baseline. He noted that the lots are 300 feet wide, so three wells would be 900 feet away from the petition site.

COMMISSIONER YOSHIMURA asked if the petitioner and other parties involved have any concern with memorializing any arrangement to protect this well fund. She felt that, in order to protect those concerned with their wells, it seemed there should be some way of memorializing the commitment made.

DWAYNE WRIGHT stated he is in the process of building a home across the street from the proposed development. He favored the berm, but was concerned with dust and noise level. He did not want to hear noise until 10:00 p.m. or 11:00 p.m. With a new well, well level is a concern to him. He wanted something to fall back on if there are issues.

RON OHMAN, resident adjacent to the petition site, was concerned with the well situation and wanted something in writing stating that his well would be fixed or a new well drilled if it deteriorates during excavation of gravel.

ACTING CHAIR ISHAM asked that Mr. Potter address guarantees for persons who have concerns regarding their wells. MR. POTTER suggested that Dan Young, who is advising the petitioner on testing and water monitoring, address this issue. He stated that the issue of the last gentleman who spoke is the concern. To the extent that this project is responsible for any problems associated with wells, the petitioner will address them. There are issues in terms of the existing condition of wells and what level of maintenance has been done. DAN YOUNG with Terrasat Inc. presented a summary of the conceptual hydro-geological situation in this area. Three aquifers have been classified. The first is a shallow water table aquifer 15 to 30 feet deep. Three wells have been identified as using that aquifer; they are all up gradient. There will be no mining into that aquifer and there will be no impact to those wells. Below that is the intermediate aquifer that is comprised of different aquifers at different levels. Those aquifers are artesian. The water gradient from this aquifer is vertically upward. The third aquifer is deeper and water from that rises as well. The proposed operation will not interfere with any aquifer. He noted that gravel pits are not typically a dangerous source of contaminants. If they were, there are regulations that protect the environment. This operation is down gradient from water supplies, so there is an unlikely chance that this operation would impact water. The best way to protect the water is to restrict contaminants. He advised that this operation follow best management practices for gravel pits, as developed by ADEC. With that conceptual model in mind, he is going to establish a baseline for water chemistry and an ongoing monitoring program to ensure that the water table is protected.

COMMISSIONER EARNHART asked how close the operation comes to the seasonal water table. MR. YOUNG replied that there is 15 feet of distance in most places. There is one place that is around 4 feet.

COMMISSIONER WEDDLETON understood that there was drilling within the boundaries of this area to determine the depth of aquifers. MR. YOUNG stated that wells were already drilled and well logs from the DNR database

and the MOA were used to make the determination. COMMISSIONER WEDDLETON asked if these wells are on residential lots or on the petition site. MR. YOUNG replied that the developer drilled some shallow wells and test pits and the well logs are from the surrounding community. COMMISSIONER WEDDLETON asked why more is being done for the other homes. MR. YOUNG explained that the petitioner is establishing a baseline water chemistry so that the chemistry in each aquifer is known before operations begin. If problems occur in wells, there will be an understanding of the baseline and data from ongoing monitoring to determine whether the impact has come from this operation. He noted that wells do go bad regardless of surrounding operations. COMMISSIONER WEDDLETON understood that chemical testing would be done on area wells. MR. YOUNG replied that the petitioner is volunteering to do this testing to establish a baseline.

COMMISSIONER PHELPS asked if the petitioner would agree to a condition "Well monitoring of adjacent selected wells should occur periodically during the time of this conditional use. The results shall be supplied to AWWU. The purpose of this analysis is to establish the baseline water chemistry and to provide the basis for evaluation of subsequent impacts." MR. EDMONDSON noted that the petitioner has a monitoring plan in place to submit to the MOA. Wilder has committed to do the initial testing and the water monitoring. If it is proven that Wilder's operations negatively impact any wells, they will correct the situation. COMMISSIONER PHELPS felt the petitioner would be receptive to a condition requiring a well monitoring plan during the conditional use period.

COMMISSIONER FREDRICK noted that the application states that extraction will not occur below an elevation of 95 msl feet based on boring log data. The only portion of the property where the water level is above the mining elevation is the southeast corner of the site. This corner contains the clay layer, which has a perched layer of water, and will not be mined. He was unclear the extent of that area. He asked where within that area mining would not occur. MR. YOUNG showed the location of this area on an aerial photograph. COMMISSIONER FREDRICK asked if this area is all of phase 4. MR. POTTER replied that it is not all of phase 4. He displayed a grading plan and noted that there would be two base elevations within the pit. In the southeast corner there is the tip of a clay lens and the excavation will stay at least four feet above that clay layer. The project has been stepped up to stay out of the seasonal high water table. If while developing the limits of the clay layer are better identified, the industrial development area may come back somewhat. He noted that at the edge of the clay lens the material is NSF and water drops; borings at 50 to 60 feet showed no water.

COMMISSIONER WEDDLETON asked the depth of the water on the clay lens. MR. YOUNG replied that it is fairly shallow. COMMISSIONER WEDDLETON noted that if the mining is four feet from clay, it is not four feet from the top of the water. MR. YOUNG replied that mining would be four feet from the top of seasonal high water. COMMISSIONER WEDDLETON understood that no wells are getting water from the aquifer on top of the clay. MR. POTTER replied that there are some wells up gradient, but not down gradient.

COMMISSIONER FREDRICK understood the mining will occur in phases and the berm will be created in phases. As a result, most of the life of the project there will be an incomplete berm. He asked for some comfort that there would be protection from visual, noise, and dust pollution early in the project when most of the berm will not exist. MR. POTTER stated that each phase would still have a required 200 feet of vegetation as a buffer. COMMISSIONER FREDRICK asked if the amount of material being removed is equal to the amount of material that will be used to create a 20-foot of berm. MR. POTTER replied that the height of the berm is a function of how much over burden will be removed. The berm starts at the northeast corner and then moves south and then west.

COMMISSIONER WEDDLETON noted that noise has been an issue and people in the northeast corner are on higher ground. He asked whether it is possible to build a 20-foot berm in the area where gravel will be dumping into freight cars. MR. POTTER thought this would not be practical because of the working area required around the loading area. He noted that the residential lots are 300 feet square and those are one-quarter mile from the loading area. The site does angle. The properties at the northeast corner are at grade or higher than the base elevation of the pit. The road south of the SBS site is at grade. MR. EDMONDSON stated that building a berm around the loading area is not practical, but there will be a large stockpile in front of the train loading system that will be used to load the trains. That pile will probably be 40-45 feet tall and will provide some noise barrier. MR. POTTER noted that there is also a misting unit on the conveyor that sprays material as it is dropped into the car, providing dust control.

COMMISSIONER YOSHIMURA asked if the berm could be made more attractive. She was concerned that, although this berm mitigates noise and she supports this operation, including the requested hours of operation, she was concerned with protecting property values for area residents. She thought a more attractive berm would alleviate some of those concerns. MR. POTTER stated that if there were enough room, a more sinuous land form

could be created, but this berm is viewed through 100 feet of mature spruce and birch. He did not think the berm would be intrusive to the neighborhood. COMMISSIONER YOSHIMURA asked if anything could be done with the seed mix to make it more attractive. MR. POTTER stated that the berm is a 3:1 slope on the outboard side so trees can establish. He stated that the landscape architect determined the best natural mix that would establish structure and stability and he was satisfied with the landscape architect's recommendation. He noted that he had provided photographs of berms at the Alaska Native Heritage Center as they exist approximately 10 years after creation.

COMMISSIONER PEASE asked if the petitioner would be amenable to a condition stating, "Developing a vegetation and restoration management plan to be approved by an urban forester to reduce competing vegetation around the spruce seedlings for an appropriate period of time." MR. POTTER was willing to work with the City's arborist or a forester within the city in this regard. COMMISSIONER PEASE proposed another condition that "The developer will collect baseline well data and conduct a residential well monitoring program for existing residential wells that are dependent on the aquifer beneath the extraction site for the duration of this conditional use and one year after. If there is any demonstration that the extraction contaminates these wells or results in insufficient flow for current uses, the developer will provide a remedy to restore the affected water supply." MR. POTTER noted that Wilder carries insurance covering contamination. If they are responsible, they will fix the problem they are responsible for creating. He asked that the monitoring plan be submitted to the City.

COMMISSIONER WEDDLETON believed the most recent packet shows three roads coming into the site. He asked if the road midway on the east boundary titled "future road" would not be done. MR. POTTER stated that road will not exist during the excavation process. The petitioner will not create that road unless the Municipal Fire Marshal requires a second access. He stated that the berm could be overlapped where trucks drive through at an angle. COMMISSIONER WEDDLETON asked if access to SBS is taken via Birchwood Spur Road. MR. POTTER replied that access is from the north and east sides. There is a driveway along the railroad right-of-way on the west side of SBS to get to Eklutna's property; it traverses railroad and SBS lease land.

MR. McLAUGHLIN stated the proposed condition is that there are no breaks in the berm at the driveway to South Birchwood Loop. Originally the petitioner proposed three driveways: a temporary driveway along the railroad corridor, another near the rail spur, and a third near South Birchwood Loop.

The petitioner then decided to not interrupt the berm with a driveway at South Birchwood Loop. When the land is developed with an industrial park, there may be a requirement for a second access; during the gravel extraction operation, there is no need for that access.

MR. POTTER stated that the petitioner has offered to submit monthly reports on the operation to log the completion time of the operation, the arrival of the train and the departure of the train. Drainage concerns have resulted in redoing the plan. Originally all water was collected into a sedimentation pond at the south corner and run to the north. Watershed Management wants drainage to end up where it is going now, so the base elevation of the pit is regraded so that a quarter of the water sheds to the south and west and the rest to the north near SBS and through a culvert to a depression.

MR. POTTER also noted that keeping the material on site and building a berm does save money. Information from the petitioner and DHHS indicates the preference for a berm and trees rather than only trees. The berm will provide noise and visual barriers for all industrial activities, including the railroad, the airport, and the firing range.

The public hearing was closed.

A brief recess was called. CHAIR JONES resumed the chair in order to make decisions regarding the remainder of the agenda.

CHAIR JONES explained that, after polling staff and the Commission, a suggestion was made to postpone case 2007-153 to December 29, 2008.

COMMISSIONER ISHAM moved to postpone 2007-153 to December 29, 2008. COMMISSIONER EARNHART seconded.

AYE: Phelps, Weddleton, Isham, Jones, Yoshimura, Fredrick, Pease,
Earnhart
NAY: None

PASSED

VICE CHAIR ISHAM resumed the chair.

COMMISSIONER PHELPS moved to approve case 2008-130, a rezoning from I-2SL to I-2SL for Tract 38 as physically described, subject to Staff

recommended special limitations 1, 2.a deleting "not", and 2.b.
COMMISSIONER PEASE seconded.

COMMISSIONER PEASE suggested adding a new condition 3 "Prior to the initiation of each phase, the vegetation buffer of 200 feet shall remain with no clearing until just before the berm construction." *This was accepted as a friendly amendment.*

COMMISSIONER PHELPS supported his motion. He stated the rezoning is in a district that is already I-2SL. The existing limitation provides for a vegetative barrier of 200 feet. the purpose of this rezoning is to substitute that special limitation with one that allows the construction of a berm. There has been extensive testimony about the utility of the berm in terms of minimizing visual impact and noise impact. There seemed to be extensive public support for this change. It does not seem that this is a significant change in a negative direction in terms of rezoning.

COMMISSIONER WEDDLETON suggested adding a new condition 2.c "The berm must provide a visual and noise barrier equal to or better than the existing 100 feet of natural buffer that will be replaced." *This was accepted as a friendly amendment.*

COMMISSIONER WEDDLETON suggested adding a new condition 4 "Any break in the berm will be lapped to maintain its effectiveness as a noise barrier." *This was accepted as a friendly amendment.*

COMMISSIONER WEDDLETON suggested adding a new condition 5 "The natural vegetative buffer shall begin at the inward boundary of the public use easement rather than the lot boundary." *This was accepted as a friendly amendment.*

COMMISSIONER WEDDLETON supported the requirement for the berm, noting that buffers are typically 30 feet between residential and industrial, so a 200-foot separation with this use is notable.

COMMISSIONER YOSHIMURA noted that special limitation 2 states, "the inbound 100 feet of the 200-foot buffer may substitute a revegetated earth berm subject to a standard design (slope, height, width, type of soils, and vegetation) approved by the Planning and zoning Commission," and asked if the design of the berm is being approved this evening or would the design of the berm be seen again. MR. McLAUGHLIN replied that case 2008-130 deals only the special limitation is being changed to allow a substitution of 100 feet with a berm.

COMMISSIONER EARNHART moved to amend to eliminate condition 4 "Any break in the berm will be lapped to maintain its effectiveness as a noise barrier," noting that this is a rezone that will run with the land. He felt this issue would be better addressed in the conditional use. COMMISSIONER WEDDLETON noted that the conditional use ends in five years and this rezone would still include the requirement for overlap of the berm because the industrial use will also be noisy. COMMISSIONER EARNHART understood this as a requirement on the conditional use, but when the site is developed as an industrial park, he felt the entrance should be clear for safety reasons.

COMMISSIONER PHELPS felt that many issues would be addressed during platting, including this issue. The property will have to come back for redevelopment and design issues would be addressed at that time.

COMMISSIONER FREDRICK seconded.

MR. McLAUGHLIN noted that condition 2.a says "No existing trees or vegetation shall be removed or cleared within the inward 100 feet of the 200-foot buffer prior to an engineered configuration and design of the berm (including access breaks) has been reviewed and approved by PM&E." He felt this addressed Commissioner Weddleton's concern.

COMMISSIONER YOSHIMURA agreed with Commissioner Phelps that this issue is better addressed during the platting process.

COMMISSIONER PEASE asked Commissioner Earnhart what would be the difference in leaving it in now and removing it during platting.

COMMISSIONER EARNHART was unsure of the operations of the Platting Board, but he was sure that the berm is addressing concerns with the gravel pit use. The rezone runs with the land and theoretically the petitioner might not have to go to the Platting Board to redevelop this land, so long as the rezone is followed. COMMISSIONER PEASE stated that noise from an I-2 use can be substantial and she would think that overlapping of the berm might be advisable for certain uses. COMMISSIONER EARNHART felt that some things are simply over conditioned.

Amendment

AYE: Phelps, Isham, Yoshimura, Fredrick, Earnhart

NAY: Pease, Weddleton

ABSTAIN: Jones

PASSED

Main Motion

AYE: Phelps, Weddleton, Isham, Yoshimura, Fredrick, Pease, Earnhart

NAY: None

ABSTAIN: Jones

PASSED

COMMISSIONER PHELPS moved to approve case 2008-140, a final conditional use to allow natural resource extraction per AMC 21.50.020 and 21.50.070, subject to condition 1. Staff's recommended new condition 2 to state "Correct the site plan to show that the natural vegetative buffer begins inbound of the public use easement," subject to conditions 3, 4, and 5, condition 6 amended to add "all transport of aggregate shall be by railroad only," subject to conditions 7, 8.a and 8.b and restating 8.c to state "Resolve with PM&E, the engineering and construction of the berm so that erosion is minimized, and after consolidation/settling within a five year period, the berm will be a minimum of 20-feet at its highest point and as further described in the diagram titled "End Use Reclamation Plan: Site 1, September 23, 2008," subject to conditions 8.d and 8.e, rewording condition 8.f to state, "A 4-foot high orange construction fence shall be placed outbound from the clearing limit line. The fence may be resituated when clearing is required within 20 feet of the clear limit line. An on-site inspector that monitors operations in this area shall be provided, the intent of which is to ensure that intrusions within this inbound area shall not occur. This process shall be repeated for each phase of berm construction and as consistent with the phasing plan. All trees disturbed by development activity shall be replaced by the applicant at a 3:1 ratio," subject to condition 8.g, amending 8.h to add "Well monitoring of adjacent selected wells shall occur periodically during the period of the conditional use permit. The results of this process shall be forwarded to the Department of Planning. A well management plan shall be prepared and provided to the MOA that document the results of these inventories," subject to condition 8.i and 8.j, amending condition 9 to insert "Operational hours for excavation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Saturday, with no operations on Sundays or holidays. Loading of aggregate into train cars shall be limited to the periods of 7:00 a.m. to 10:00 a.m. and 7:00 p.m. to 11:00 p.m.," subject to conditions 9.a, 9.b, 9.c, 9.d, 9.e, 10, 11, and 12, adding a condition 13 "Following the completion of excavation that is subject

to this conditional use permit, there shall be notice of and the community shall have opportunity to comment, on a site plan or plat for the future development or redevelopment of the area.” adding a new condition 14 “There shall be a minimum separation distance of 4 feet between the depth of resource extraction and the seasonal high water table within the site.” and adding a new condition 15 “Extraction operations shall follow ADEC best management requirements and practices for gravel pit operations.”
COMMISSIONER PEASE seconded.

COMMISSIONER PEASE suggested a new condition 16, “Hot batching, crushing, and blasting are prohibited. *This was accepted as a friendly amendment.*

COMMISSIONER PEASE suggested amending the end of condition 8.h to read “The developer will collect baseline well data and develop and conduct a residential well monitoring program that meets MOA DHHS approval for existing residential wells dependent on the aquifers beneath the conditional use site. Monitoring will continue for the duration of the conditional use and one year after. If there is a demonstration that this extraction has contaminated the residential wells or resulted in insufficient flow for current uses, the developer will provide a remedy to restore the water supply to affected properties.” *This was accepted as a friendly amendment.*

COMMISSIONER PEASE suggested amending the motion to include condition 13 proposed in the Staff memo as a new condition 17. *This was accepted as a friendly amendment.*

COMMISSIONER PEASE suggested amending condition 8.d to state “The developer will implement a vegetation restoration management plan as approved by the municipal arborist to suppress competing vegetation around the spruce seedlings on the berm for the duration recommended by the arborist to ensure that the trees will dominate. Topsoil depth shall be a minimum of 8 inches to ensure tree survival.” *This was accepted as a friendly amendment.*

COMMISSIONER PEASE suggested amending condition 8.g to insert “acceptable” before “dust control plan.” *This was accepted as a friendly amendment.*

COMMISSIONER PEASE suggested amending condition 8.h to state “DNR will review and approve the water table information promised in this application.” COMMISSIONER PHELPS had concern with this condition because municipal authority should not be given to a State entity. He

suggested that the language be "The MOA or the DNR, as appropriate, shall review the water table information mentioned on page 9 of the packet." *This was accepted as a friendly amendment.*

COMMISSIONER WEDDLETON suggested amending condition 9 to add "Monday through Saturday with no operations on Sundays or holidays." *This was accepted as a friendly amendment.*

MR. McLAUGHLIN noted that condition 8.a was intended to ensure DNR fully reviews the information submitted by the petitioner. Commissioner Pease also suggested a condition to provide water information to DHHS and it might be better to change that to "the appropriate municipal agency" or "to PM&E, DNR and ADEC" because DHHS does not review water.

COMMISSIONER PHELPS thought it was appropriate to delete condition 8.a.

COMMISSIONER EARNHART asked to reconsider the hours of operation, noting that restricting loading to two time periods does not gain anything and could result in losing something. COMMISSIONER PHELPS heard the petitioner indicate that the trains are only operational at two periods of time during a day. He agreed to revise condition 9 to remove the two time periods. *This was accepted as a friendly amendment.*

COMMISSIONER PEASE suggested amending condition 8.h as Mr. McLaughlin suggested to insert, "the appropriate municipal agency." *This was accepted as a friendly amendment.*

COMMISSIONER YOSHIMURA did not think that 8 inches of topsoil is necessary for seedlings to grow and suggested going back to the typical 4 inches of topsoil. COMMISSIONER PEASE objected to this change, noting that the topsoil will settle and what is underneath is hard packed. MS. FERGUSON remarked that 12 inches of topsoil is always specified for trees. Given that these are seedlings, 8 inches should be sufficient. The 8 inches is to grow a large, mature tree, not for seedlings. Four inches of topsoil is sufficient for seed mix, but not for tree growth. COMMISSIONER PEASE asked if the seed plugs often have a root depth of four inches. MS. FERGUSON believed that a 6-inch tree plug would have a 3- to 4-inch root.

COMMISSIONER YOSHIMURA asked that the petitioner offer any information they want to share regarding this subject. MR. POTTER replied that the organic material will be mixed in the top layers and it will not be a problem meeting an 8-inch topsoil requirement.

MR. POTTER asked that Commissioner Phelps clarify on the language in condition 8.f that the trees replaced at a 3:1 ratio are those within the setback area. COMMISSIONER PHELPS stated this is his intent. COMMISSIONER YOSHIMURA asked if those trees are replaced like for like. COMMISSIONER PHELPS suggested it could be subject to the approval of a municipal arborist. MR. POTTER stated that a typical evergreen tree is 5-8 feet and a deciduous would be 2-3 inch caliper. COMMISSIONER YOSHIMURA suggested adding that the evergreen trees to be replaced would be 6-8 feet and birch would be 2-inch caliper. *This was accepted as a friendly amendment.*

ACTING CHAIR ISHAM stated that this approval meets the standards of AMC 21.50.020 in that it furthers the goals and policies of the *Eagle River-Chugiak-Birchwood Comprehensive Plan* updated January 2006. It also conforms to the standards for that use in the title and the regulations promulgated under the title. It appears to be compatible with the existing and planned uses in the surrounding neighborhood and the use district. It will not have a permanent impact on the items listed in the code that is substantially greater than permitted development, particularly since this is a by-right use that could be developed and the petitioner in this case has gone well beyond the by right uses and is protecting the neighborhood.

AYE: Phelps, Weddleton, Isham, Yoshimura, Fredrick, Pease, Earnhart
NAY: None
ABSTAIN: Jones

PASSED

3. 2007-153

Planning Department, Municipality of Anchorage. Continuation of Title 21 Rewrite, Chapter 7.

POSTPONED

- F. REGULAR AGENDA – None
- G. PUBLIC HEARINGS – None
- I. REPORTS – None
- J. APPEARANCE REQUESTS – None

MUNICIPALITY OF ANCHORAGE**MEMORANDUM**

DATE: December 8, 2008

TO: Planning and Zoning Commission

Thru: *TN* Tom Nelson, Director, Department of Planning

FROM: *FM* Francis McLaughlin, Associate Planner

SUBJECT: 2008-130 (Rezone) and 2008-140 (Conditional Use Permit), Birchwood Industrial

The purpose of this memo is to amend the Department recommendations for cases 2008-130 (Rezone) and 2008-140 (Conditional Use Permit), Birchwood Industrial.

Road Right-of-Way

Birchwood Spur Road has an existing 50-foot wide right-of-way dedication. The *Official Streets and Highways Plan (OS&HP)* requires a 100-foot wide dedication because Birchwood Spur Road is classified as a Class III Major Arterial street. Therefore, the petitioner should be required to dedicate a matching 50-foot wide public use easement for Birchwood Spur Road. Similarly, South Birchwood Loop Road has an existing 33-foot wide right-of-way dedication in some sections and a 50-foot wide dedication in others. The *OS&HP* requires a 70-foot wide dedication because South Birchwood Loop Road is classified as a Collector street. Therefore, the petitioner should be required to dedicate their half of the required minimum right-of-way, which is 35-feet.

The Department recommends that the following zoning effective clause be added to case 2008-130:

1. Prior to rezoning, resolve the need to dedicate a 50-foot wide public use easement west of the Birchwood Spur Road centerline and a 35-foot wide public use easement west and north of the Birchwood Loop Road centerline.

The Department recommends that the following condition of approval be added to case 2008-140:

13. Resolve the need to dedicate a 50-foot wide public use easement west of the Birchwood Spur Road centerline and a 35-foot wide public use easement west and north of the Birchwood Loop Road centerline.

Natural Vegetative Buffer

In regards to case 2008-140, the natural vegetative buffer should begin at the inward boundary of the public use easement, rather than the lot boundary.

The Department recommends that the following condition of approval be amended to state:

2. Correct the site plan to show that the natural vegetative buffer begins inbound of the public use easement.

Berm and Fencing

The petitioner has stated that for case 2008-140, they do not intend to construct a driveway from South Birchwood Loop Road, and therefore, want to build a continuous berm without any break for a driveway.

The purpose of the fencing requirement in case 2008-140 is to protect the natural vegetative buffer during the construction of the berm. Welded wire fabric fencing with orange construction fencing attached is a suitable substitute for chainlink fencing.

The Department recommends that the following conditions of approval be amended to state:

8. Prior to the issuance of any land use or excavation permit, the following shall be accomplished:
 - c. Resolve with PM&E, the engineering and construction of the berm so that erosion is minimized, and after consolidation/settling, the berm will be a minimum of 20-feet at the highest point with a 3:1 slope on the outward facing side and a 2:1 slope on the inward facing side. The berm shall utilize salvaged soil from the site to support regrowth of natural vegetation. The berm shall not have any break at the South Birchwood Loop driveway.
 - f. Plastic snow fencing shall be placed 15-feet from the clearing limit. This 15-foot area shall be cleared by hand only. A 6-foot welded wire fabric mesh fence with orange construction fence attached shall be placed on the clearing limit line. No storage or construction activity shall be allowed beyond the clearing limit line. Signage shall be attached to the game fencing every 100-feet stating: "No storage or construction activity shall occur beyond this fence line."

PLANNING DEPARTMENT
PLANNING STAFF ANALYSIS
REZONING

DATE: December 1, 2008

CASE NO.: 2008-130

APPLICANT: Eklutna, Inc.

**PETITIONER'S
REPRESENTATIVE:** Dowl- HKM Engineers

REQUEST: Rezoning from I-2 SL to I-2 SL

LOCATION: Tract 38, lying within Section 5, 7 and 8, T15N,
R1W, Seward Meridian AK, per BLM Plat dated
November 21, 1991, except all that portion lying
within said Section 7; and all that portion lying
within the west ½ of the SW ¼ of the NW ¼ of
said Section 8.

SITE ADDRESS: 20850 Birchwood Spur Road

**COMMUNITY
COUNCIL:** Birchwood

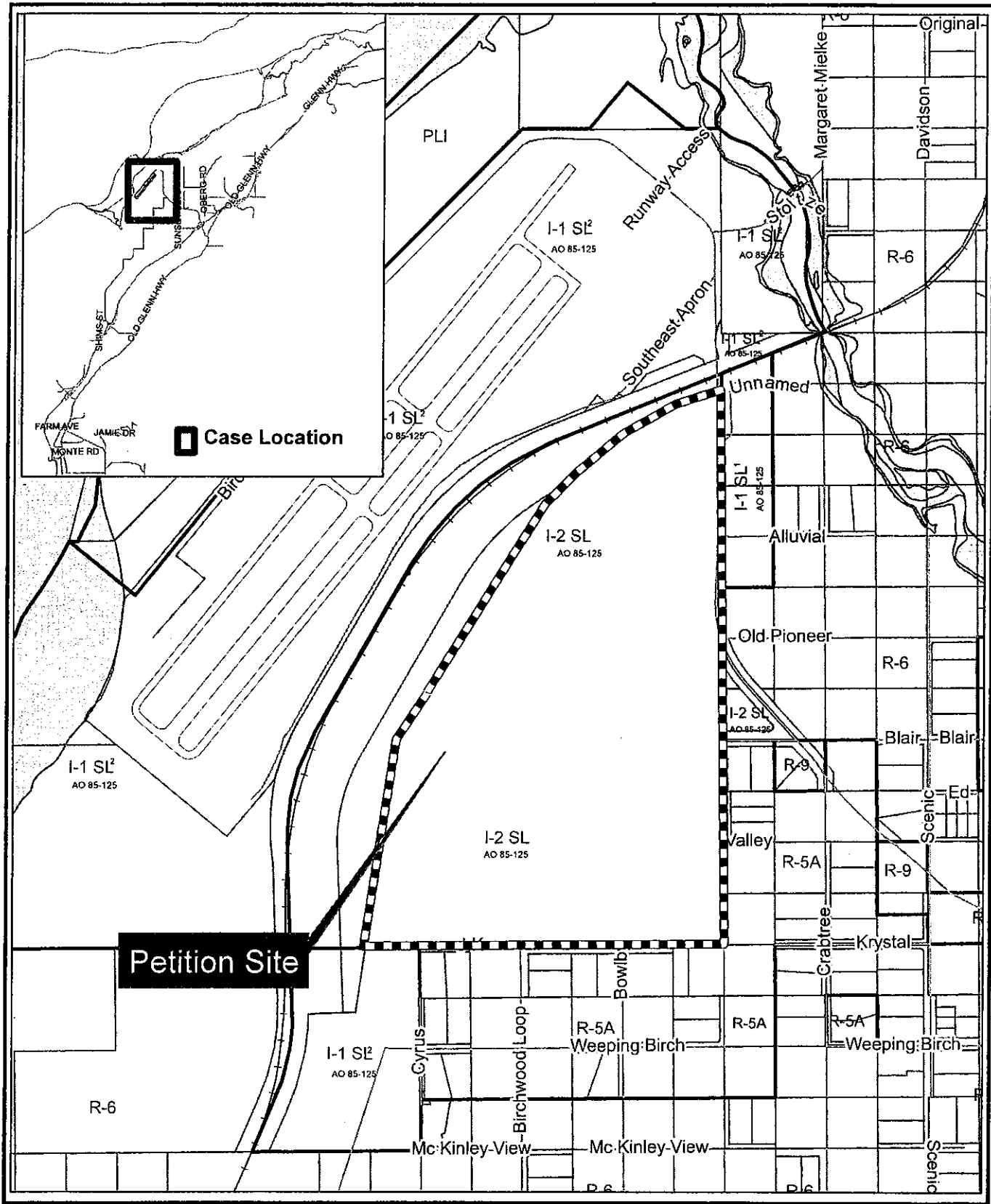
TAX NUMBER: 051-094-05/ Grid NW1356/NW1456/NW1256

ATTACHMENTS:

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

RECOMMENDATION SUMMARY: **APPROVAL.**

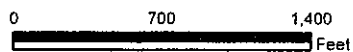
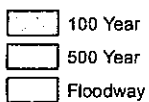
SITE:



Municipality of Anchorage
Planning Department

Date: October 21, 2008

Flood Limits



2008-130



Municipality of Anchorage
Planning Department

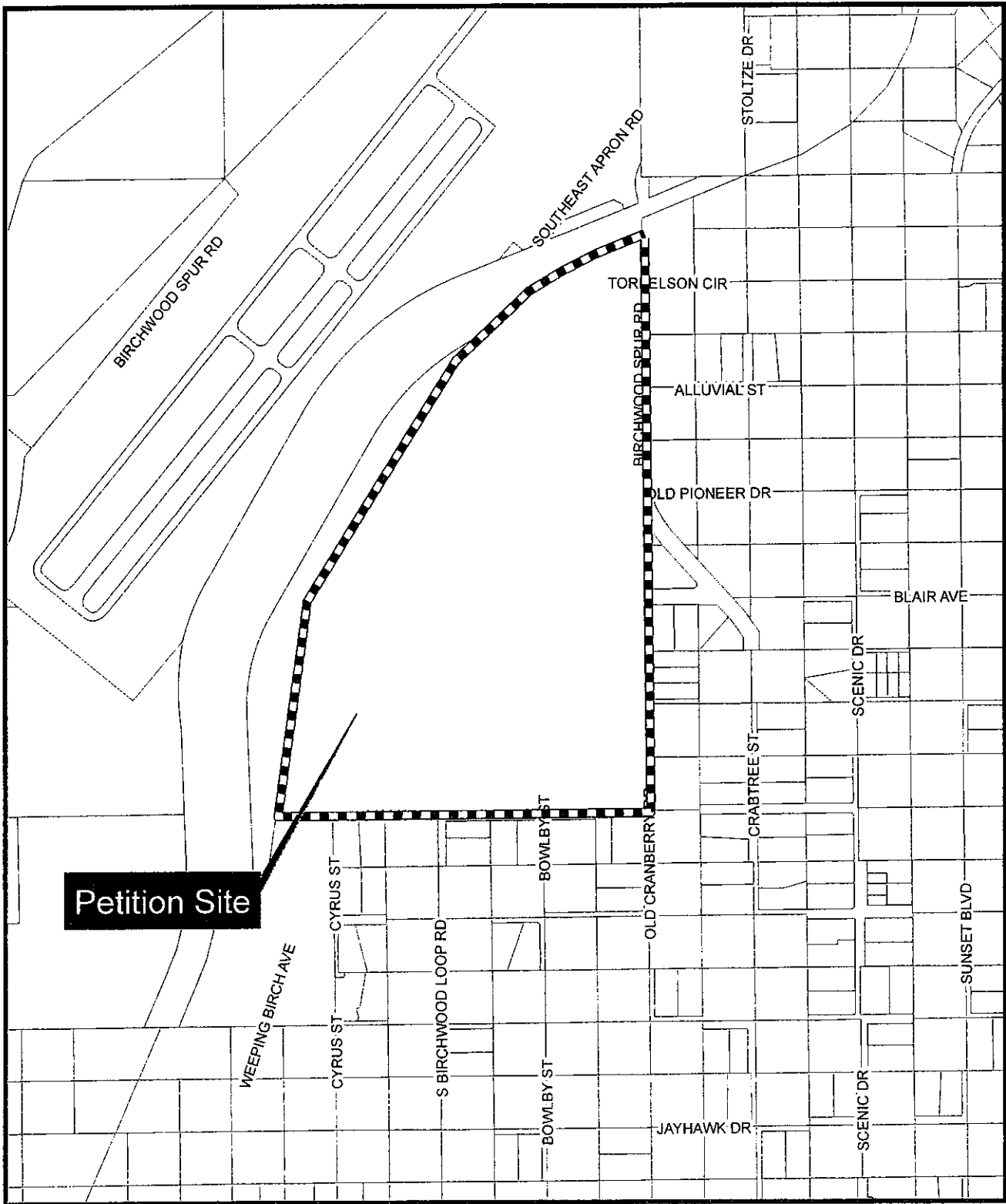
Date: October 21, 2008

0 1,000 2,000
Feet



039

2008-130



Petition Site

Municipality of Anchorage
Planning Department

Date: October 21, 2008

Single Family

Multi-Family



Mobile Home Park

0 800 1,600
Feet



040

Acres: Rezone portion: 140 acres +/- of the entire
161 +/- acres
Vegetation: Mature mix of Birch, Spruce and undergrowth
Zoning: I-1 SL(2) with Special Limitations per AO 85-125(aa)
I-2 SL with Special Limitations per AO 85-125(aa)
Topography: Gradual Slope SE to NW
Existing Use: Spenard Builders Supply Distribution Center in
northeast corner, remainder is vacant
Soils: On-site well and septic systems required

COMPREHENSIVE PLAN: Chugiak-Eagle River Update 2006

Classification: Industrial
Density: n/a

SURROUNDING AREA

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	I-1 SL	I-1 SL/I-2/ R-5A/R-6	R-6/R-5	I-1 SL/R-6
Land Use:	Birchwood Airport	Residential	Residential	Birchwood Airport/ Railroad tracks/vacant

PROPERTY HISTORY

11-19-85	Birchwood Areawide Rezoning	Property zoned from T (Transition) to I-1 SL (2) and I-2 SL with Special Limitations. AO 85- 125 (aa)
11-21-91	BLM Plat	BLM Plat created Tract 37 and 38, lying within Sections 5, 7 & 8, T15N, R1W, SM, AK . Tract 38 contains 160.57 acres
2008-140	11-03-08	Eklutna has submitted a conditional use for natural resource extraction on the petition site. A public hearing has been scheduled for 11-03- 08.

APPLICABLE ZONING REGULATIONS:

AO 85-125 (aa). The special limitations that apply to the subject property
containing approximately 140 +/- acres:

Section 6: I-2 SL

1. A 200 foot undisturbed naturally vegetated buffer shall remain on all boundaries adjacent to residential land.

COMMUNITY AND COMMUNITY COUNCIL COMMENTS

Initially this case was scheduled for public hearing on October 6, 2008, and Case 2008-140 was scheduled for public hearing one month later. Both cases were postponed to December to allow the community council to consider both cases together. The Birchwood Community Council has held several regular meetings in which both cases were discussed. As of the date this report was prepared no formal response has been received from the community council. Of 66 public hearings mailed out on November 6, 2008, three emails have been received. They objected to the property being rezoned to industrial (presumably from residential), a natural resource operation, and to roads carrying gravel trucks and increased road traffic.

SITE DESCRIPTION AND PROPOSAL:

Proposal

The subject property is an unsubdivided BLM parcel consisting of approximately 161 acres under single ownership. The property is split zoned I-1 SL (2) (approximately 20 acres) and I-2 SL (approximately 141 acres), and each zoning district has a similar special limitation requiring a 200-foot wide undisturbed naturally vegetated buffer on all boundaries adjacent to residential land.

The purpose of this rezoning application is to modify the language of the I-2 SL special to allow an earth berm to be developed within the inbound 100-feet of the 200-foot buffer. This rezone request does not include or affect the approximate 20 acre portion of I-1 SL (2) zoned property.

Final use of the property will be an industrial park following a natural resource extraction project¹ to prepare the "floor" of the industrial park for future development. The new zoning will revise the special limitation to allow for a more effective noise and visual buffer from the site and adjacent residential properties.

¹ A conditional use for natural resource extraction, Case 2008-140, is scheduled for public hearing November 3, 2008.

The applicant proposes the following modification to the special limitation:

1. A 100-foot undisturbed naturally vegetated buffer and a 100 foot berm shall remain on all boundaries adjacent to residential land.

Site Description:

The property is generally located west of Birchwood Spur Road, Birchwood Loop Road, South Birchwood Loop Road, Cyrus Street, and north of McKinley View Drive extended. The railroad tracks, Birchwood Airport, Isaac Walton League shooting range and Knik Arm are to the west of the property. The subject site is largely undeveloped, with the exception of the Spenard Builders Supply Distribution Center located in the northeast corner of the site.

Birchwood Loop and Birchwood Spur Road are state owned and maintained roads, and are designated a Class III Major arterial road from the New Glenn Highway on the Official Streets and Highways Plan (OS&HP). South Birchwood Loop is a Collector road, owned and maintained by the Municipality. Industrial traffic and haul routes are allowed on the major arterial system, but are restricted from local roadways and neighborhood collectors when other routes are available (Title 9).

Roads separate the most of subject property from adjacent development on the east boundary, except the south boundary of the I-1 SL property. Surrounding lots to the east include a body shop, and residential uses. Properties to the south are developed residential, and also a commercial greenhouse. On-site systems are required.

FINDINGS:

21.20.090 Standards for Approval – Zoning map Amendments.

A. Conformance to the Comprehensive Plan.

The standard is met.

This property was designated for industrial development in the 1979 *Eagle River-Chugiak-Eklutna Comprehensive Plan*. At the time of areawide rezoning in 1985, Eklutna, Inc. was in the process to receiving these lands

as part of their land selection entitlement under the Alaska Native Land Claims Act and requested the property be zoned I-2. The Assembly zoned the subject property I-1 SL and I-2 SL.

Most residential development in the Birchwood area is on 2.5 acre home sites or subdivided 1.25 acre lots. At the time the revised Comprehensive Plan was going through public review there was concern expressed by members of the Assembly that there needed to be a natural vegetated buffer setback to ameliorate visual impacts between industrial uses and the rural residential development. The Assembly approved a 200-foot wide buffer as a special limitation to I-1 and I-2 zoning of this parcel during the areawide rezoning. The petition site and surrounding property to the west (Birchwood Airport general area) were zoned I-2 SL, and a small portion at the southwest end of the petition site, and a small area to the east, were zoned I-1 SL.

The *2006 Update of the Chugiak-Eagle River Comprehensive Plan* designates this property as industrial. In its description of the land use plan classifications, the industrial classification provides for existing and future industrial development. It also applies to vacant areas that are best suited to industrial development.

The *Chugiak-Eagle River Comprehensive Plan*, as early as 1979, recognized that there was a demand for, and a shortage of, industrial zoned land in the area. The *Updated 2006 Chugiak-Eagle River Comprehensive Plan* industrial policies/strategies provide a list of characteristics that generally apply to existing and future industrial areas:

- A range of utilities and services appropriate for the category of development;
- Adequate and efficient access to major transportation systems, without reliance on residential streets;
- The use of natural or constructed buffers, barriers or transition areas separating commercial or industrial areas and their effects from existing or anticipated incompatible land uses; and
- Consideration for the provision of trails where there has been historical use.

This rezoning does not change the industrial classification of this property; it only proposes to modify the special limitation language. There is existing industrial rail and road access to Birchwood Loop and Birchwood Spur Road. The roads are designated as Class III Major

Arterial Road. The existing 200-foot buffer is heavily treed and provides a visual separation. Modifying the 200-foot buffer special limitation to allow a man-made vegetated berm within a portion of the inbound buffer does not reduce the width of the transition or separation buffer setback from existing residential uses. Barriers, such as an earthen berm, serve as both visual and noise mitigation depending on its design (slope, height, width, type of soils, and revegetation).

Future planned development of the site is as an industrial park following natural extraction of the site. Natural resource extraction is a conditional use in all industrial zoning districts. A railroad spur will be extended into the site, and gravel will only be removed by rail.

At such time as the industrial park is ready to be developed, the property will be subdivided and physical access and trail easements will be addressed. The 1997 Anchorage Trails Plan, for instance, identifies a future multi-use unpaved trail along Birchwood Loop, Birchwood Spur Road and South Birchwood Loop roads. The 2007 Anchorage Pedestrian Plan identifies a sidewalk along Birchwood Loop road from the Birchwood Airport to the Glenn Highway.

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

Wetlands/streams: There are no wetlands or streams on the subject property. It does contain three major drainage way features

The subject property does not have public water or sanitary sewer main available to provide service to the site. On-site services are required.

Noise: The intent of the I-2 district is intended primarily for heavy manufacturing, storage, major shipping terminals and other related uses. The entire west boundary of the property is adjacent to railroad tracks and

the Birchwood Airport. Noise is a predictable by-product of airports and industrial uses. The Alaska Railroad and the Birchwood Airport have slowly expanded their facilities over the past 20 years. Industrial development is expected to grow in this area. The existing two hundred feet of undisturbed vegetation, consisting of mixed spruce and birch, serves as a development setback and provides a visual separation, but provides very little noise attenuation. Earth berms provide both noise attenuation and visual separation.

An acoustics study for this site estimated that an earth berm will reduce noise from this site by 50%. The Department of Health and Human Services concurs that an earth berm will be more effective noise mitigation than the existing natural vegetation. They note that while the existing vegetation will continue to be a visual buffer with minimal reflective properties, the proposed berm will help to maximize absorption and reflect noise away from the residential areas.

If approved, the gravel extraction at the subject site would occur in phases beginning at the northwest corner of the site and working its way to the southeast corner, creating the berm with each phase. Design standards of the berm (slope, height, width, vegetation, type of soils) could be determined, and the berm approved, by the Planning and Zoning Commission as a component of the natural resource extraction conditional use Case 2008-140.

Transportation/Drainage

See discussion under Conformance to the Comprehensive Plan, pg 5.

Public Services and Facilities

Public water and sanitary sewer main service is not available to this property. On site permits for well and septic are required through the State of Alaska Department of Environmental Conservation for commercial and industrial development. The property abuts natural gas, telephone and electrical services. Police, Fire, Education and park are not affected by this rezoning.

Special Limitations

The applicant proposes the following modification to the special limitation:

2. A 100-foot undisturbed naturally vegetated buffer and a 100 foot berm shall remain on all boundaries adjacent to residential land.

Project Management and Engineering (PM&E) does not object to amending the special limitation to allow an earth berm, however, they recommend the ultimate engineered configuration of the berm be approved by PM&E prior to construction (development). For example, depending on the composition of the vegetative matter used, there could be accelerated erosion as a result of decomposition of the berm. PM&E notes that the grading plan associated with Case 2008-140 shows a break in the berm to provide access to the upper plateau in the extraction area. If a lapped break were constructed access can still be provided and noise attenuation can be preserved.

The Department recommends the proposed special limitation be reworded to make clear:

- the modification of the 200-foot buffer special limitation applies only to the second 100-feet located to the inward side of the lot, not at the edge of the parcel boundary adjacent to residentially zoned land;
- a preapproved design standard by which the berm can be developed be established by the Planning and Zoning Commission;
- existing trees and vegetation shall not be removed or cleared prior to an engineered configuration and design of the berm (including breaks for access breaks) has been reviewed and approved by PM&E;
- a land clearing permit is required.

The Department recommends the following special limitations:

- 1) A 200-foot separation buffer shall be located on all boundaries adjacent to residentially zoned land. The inbound 100-feet of the 200-foot buffer may substitute a revegetated earth berm subject to a standard design (slope, height, width, type of soils, and revegetation) approved by the Planning and Zoning Commission, for undisturbed natural vegetation. The out-bound 100-foot buffer shall remain as undisturbed natural vegetation.
 - a) No existing trees or vegetation shall be removed or cleared within the inbound 100-feet of the 200-foot buffer prior to an engineered configuration and design of the berm (including access breaks) has been reviewed and approved by PM&E.

b) A land clearing permit is required.

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 as the proposed special limitation applies only to the I-2 portion of this parcel. This rezone does not propose to change the residential classification; it will only modify the special limitations. This rezoning will not alter the existing density of the area.

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.

An earth berm is proposed as part of the natural resource extraction proposal in Case 2008-140.

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 (Industrial) is not changing.

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 recommends the following special limitations:

- 2) A 200-foot separation buffer shall be located on all boundaries adjacent to residentially zoned land. The inbound 100-feet of the 200-foot buffer may substitute a revegetated earth berm subject to a standard design (slope, height, width, type of soils, and revegetation) approved by the Planning and Zoning Commission, for undisturbed natural vegetation. The out-bound 100-foot buffer shall remain as undisturbed natural vegetation.

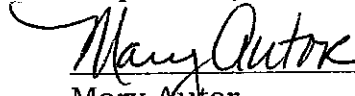
- a) No existing trees or vegetation shall not be removed or cleared within the inward 100-feet of the 200-foot buffer prior to an engineered configuration and design of the berm (including access breaks) has been reviewed and approved by PM&E.
- b) A land clearing permit is required.

Reviewed by:



Tom Nelson
Director

Prepared by:



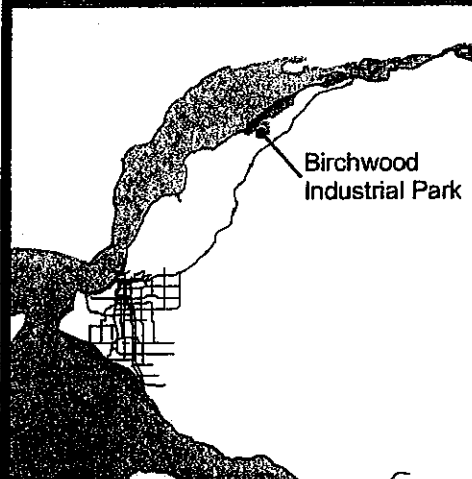
Mary Autor
Senior Planner

(Tax Numbers 051-094-05)

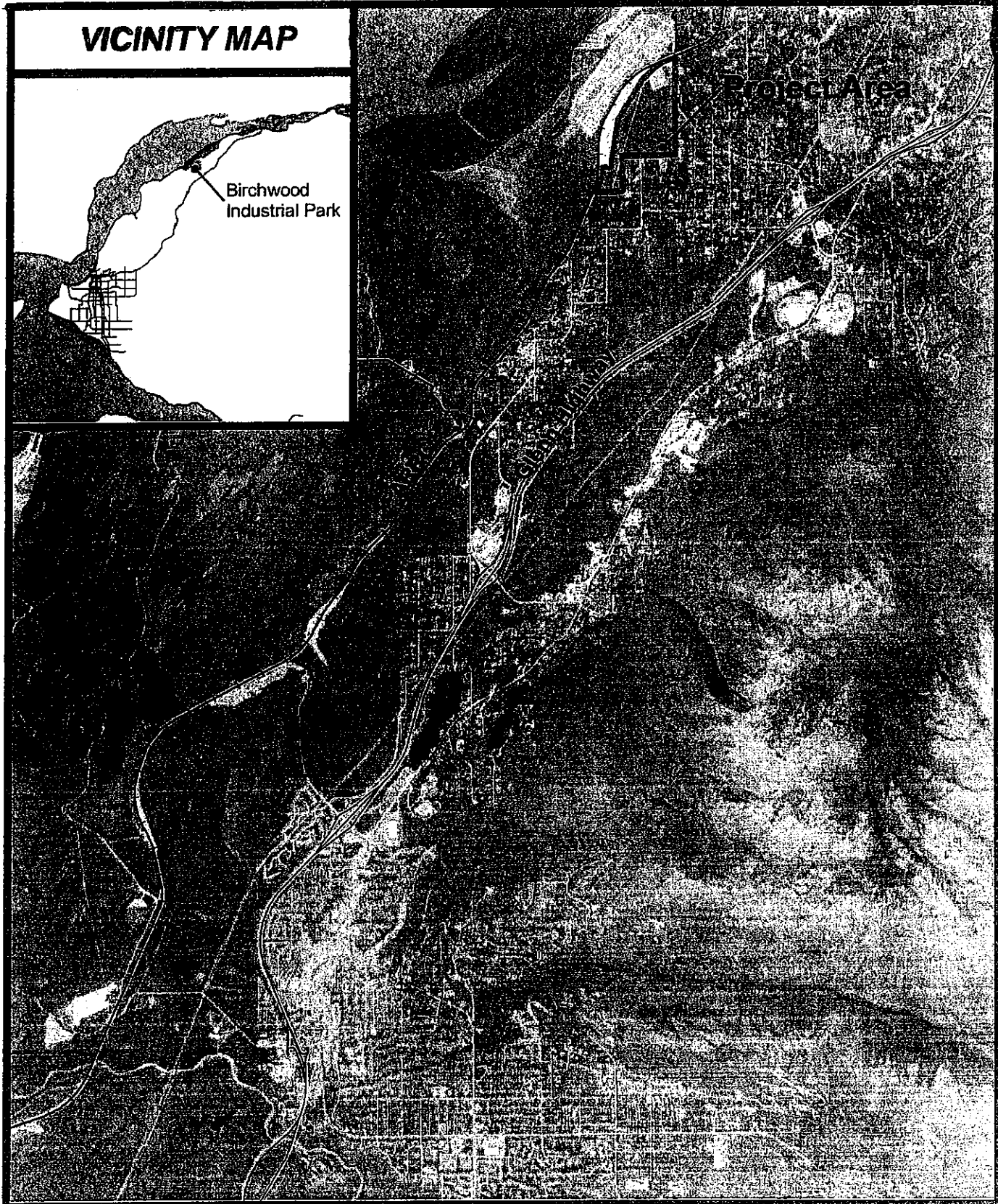
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LOCATION MAPS

VICINITY MAP



Project Area



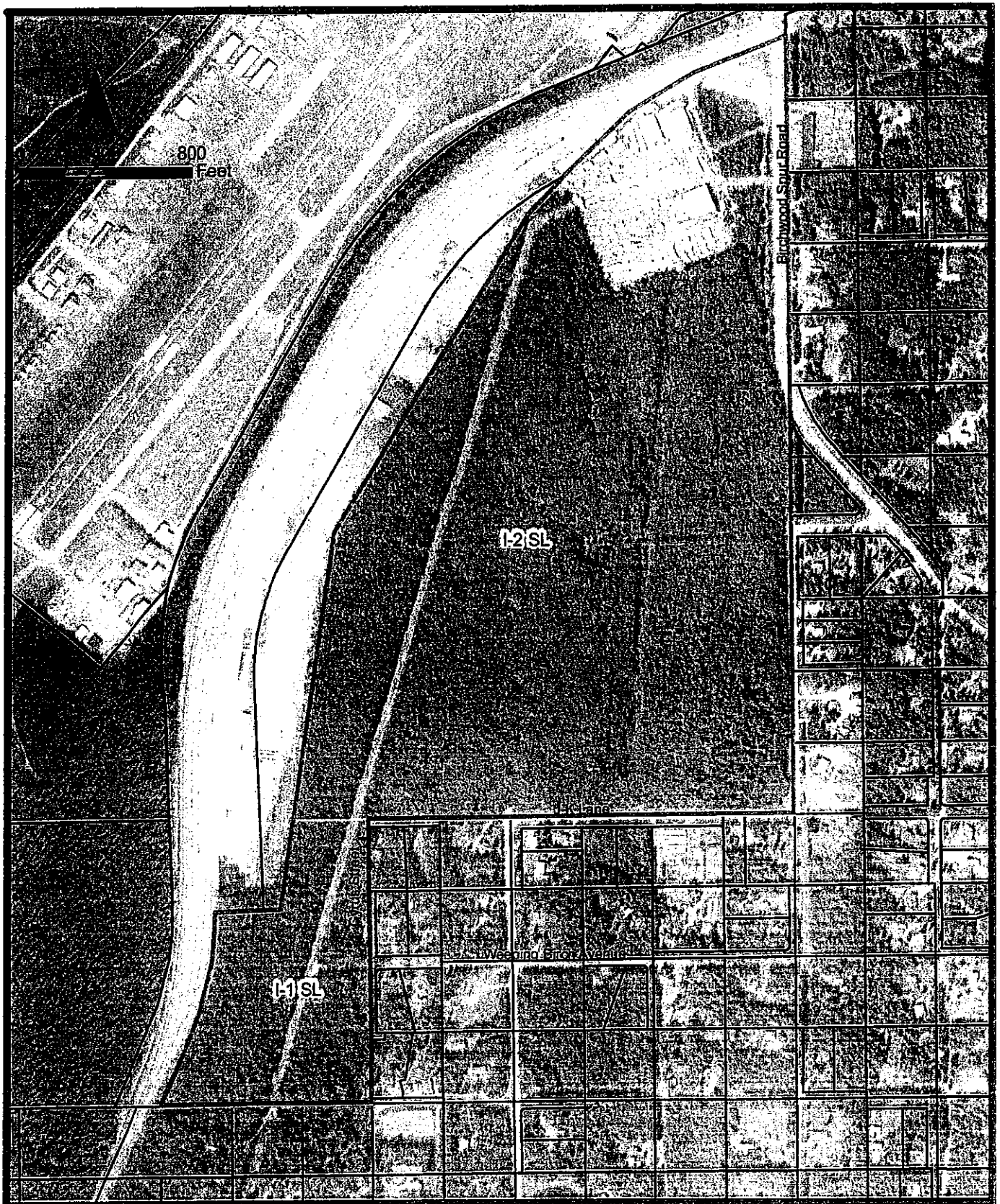
P:\Projects\160078\GIS\ENV\VicinityMap.mxd 2008-9-11



Figure 1

Vicinity Map
Birchwood, Alaska








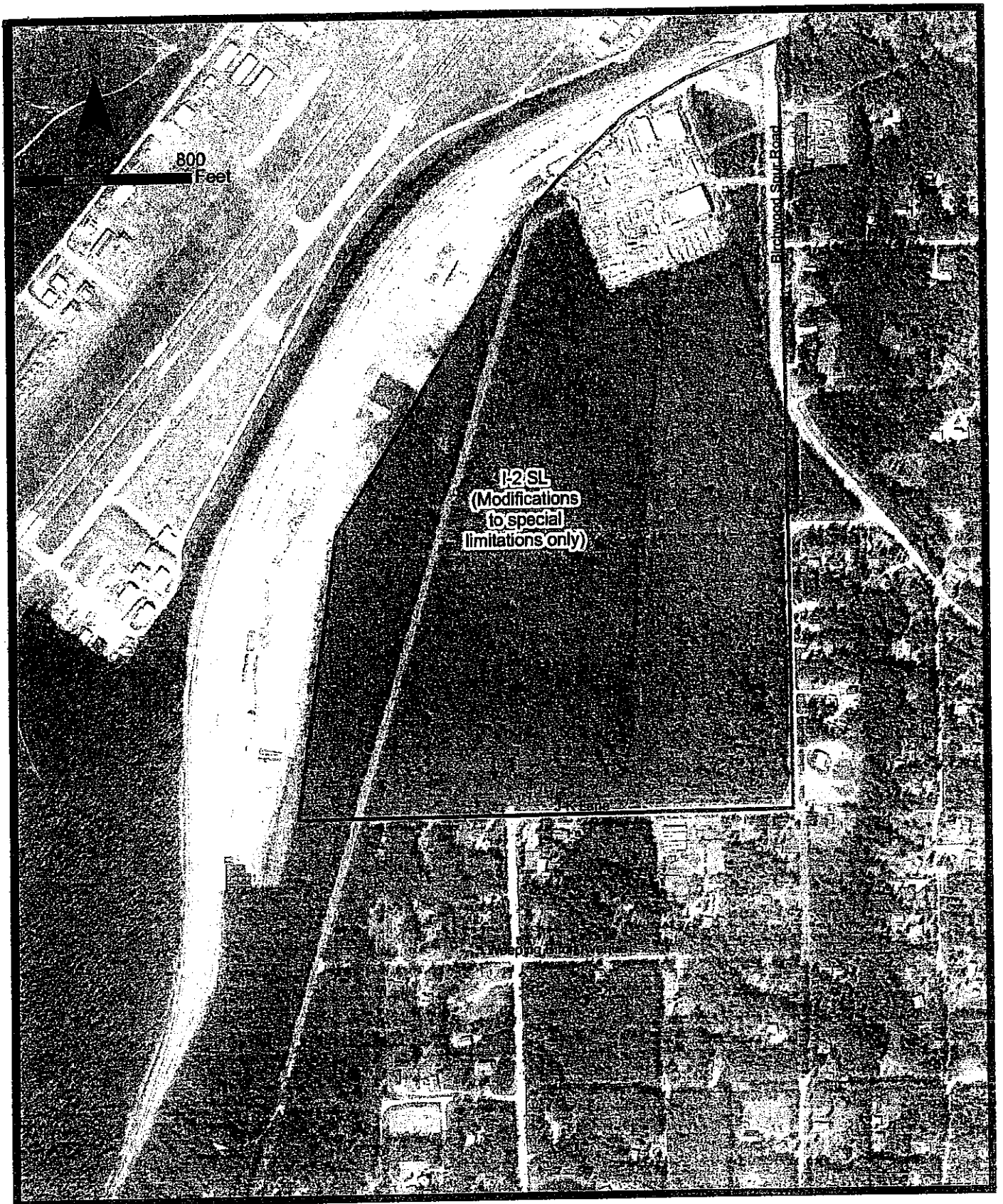
P:\Projects\ID60078\GIS\ENV\Current Zoning.mxd 2008-10-09



Figure 2

Current Zoning
Birchwood, Alaska

-  Project Boundary
-  Zoning Line
-  Parcel Boundary



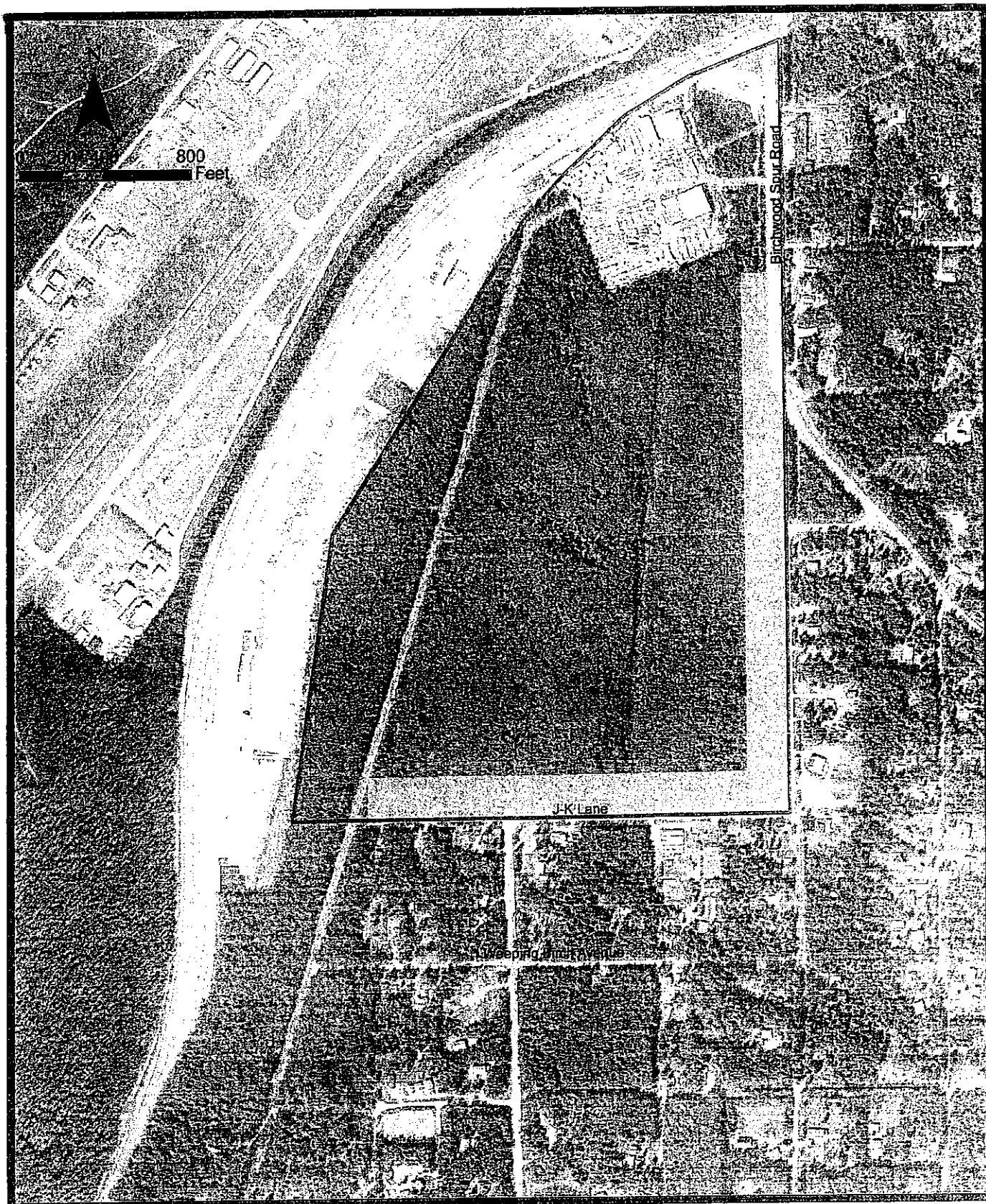
P:\Projects\ID60078\GIS\ENV\Proposed Zoning.mxd 2008-10-09



Figure 3

Proposed Zoning
Birchwood, Alaska

 Project Boundary





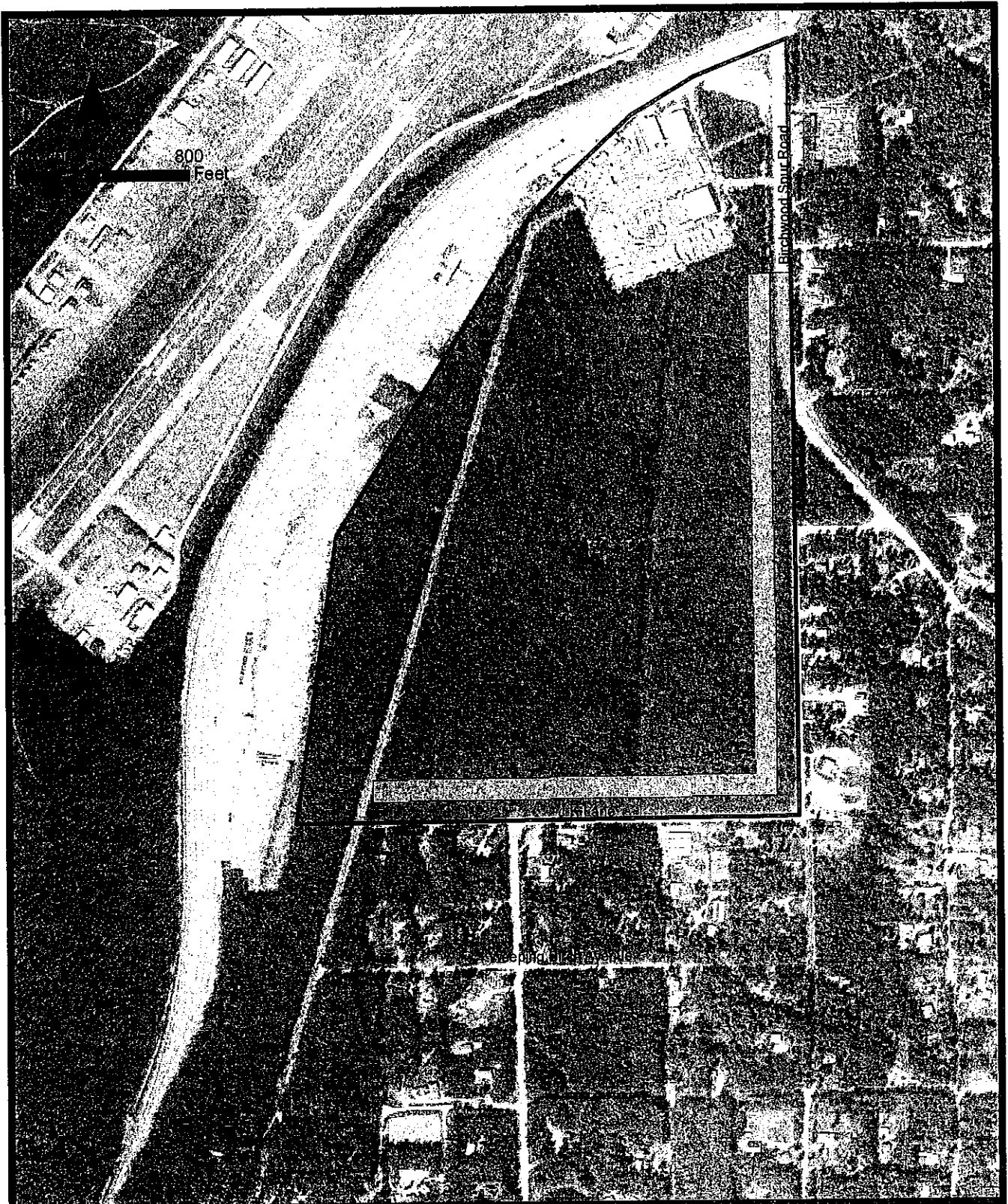
P:\Projects\ID80078\GIS\ENV\200ft Buffer Zone.mxd 2008-10-09



Figure 4

Current Buffer I-2SL
Birchwood, Alaska

 Project Boundary
 200ft Vegetation Buffer






P:\Projects\060078\GIS\ENV\Vegetation Buffer.mxd 2008-10-09



Figure 5

Proposed Buffer
Birchwood, Alaska

-  Project Boundary
-  100ft Vegetation Buffer
-  100ft Berm

2

COMMENTS

Reviewing Agency Comment Summary Case No.: 2008-130

Agency	Comments Included in Packet	No Comments and/or Objections	No Response
Air Pollution Control			
Alaska DEC			
Alaska Division of Parks			
Alaska DOT/PP		✓	
Anchorage Police Department			
AWWU	✓		
DHHS Environmental	✓		
DHHS Social Services			
Community Council			
Fire Prevention		✓	
Flood Hazard		✓	
ML&P			
On-Site Water & Wastewater		✓	
Parks and Recreation			
Project Mgt. & Engineering	✓		
Right of Way	✓		
School District			
Transit		✓	
Treasury			
Traffic & Transportation Planning		✓	
Watershed Management Services	✓		

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

NOV 05 2008

MEMORANDUM

Municipality of Anchorage
Zoning Division

DATE: October 29, 2008

TO: Jerry Weaver, Zoning Division Administrator, Planning Department

FROM: Paul Hatcher, Engineering Technician III, AWWU PAH

SUBJECT: Zoning Case Comments
Planning & Zoning Commission Hearing December 1, 2008
Agency Comments due November 3, 2008

AWWU has reviewed the materials and has the following comments.

07-277-2 GREEN #1 TR B-1 & B2, T12N R3W SEC 17 N 240' OF S 570' OF W 150' OF E 600' & S 80' OF N 320' OF S 570' OF W 150' OF E 600', Rezoning to R-4SL Multiple-family residential district with special limitations, Grid SW2533

1. AWWU water main located in Lake Otis Parkway is currently available to proposed Tract 1.
2. AWWU sanitary sewer not available to these tracts.
3. AWWU has no objection to this rezoning.

08-130 T15N R1W POR IN SEC 5,7 & 8 TR 38 BIRCHWOOD PARCEL A, Rezoning to I-2SL Heavy industrial district with special limitations, Grid NW1356

1. AWWU water and sanitary sewer not available to this parcel
2. AWWU has no objection to this rezoning.

08-140 T15N R1W POR IN SEC 5, 7 & 8 TR 38 BIRCHWOOD PARCEL A, Zoning conditional use for a natural resource extraction, Grid NW1356

1. AWWU water and sanitary sewer not available to this parcel
2. AWWU has no objection to this conditional use.

08-150 LANCASTER TR A, Zoning conditional use for a Water Boosting Station, Grid SW2324

1. AWWU water main located in Sand Lake Road is currently available to this property.
2. AWWU sanitary sewer currently not available to this property.
3. AWWU has no objection to this conditional use.



MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



Date: November 3, 2008
To: Department of Planning, Zoning and Platting Division
From: Nathan D. Johnson, Division Manager, DHHS
Subject: Comments Regarding CUP 2008-130

RECEIVED

NOV 04 2008

Municipality of Anchorage
Zoning Division

2008-130

Rezoning to I-2SL heavy industrial district with special limitations

This property is currently zoned I-2 SL. This CUP proposes to change the special limitations from a 200-foot naturally vegetated buffer, to a 100-foot naturally vegetated buffer plus a 100-foot berm on all boundaries adjacent to residential land.

This special limitation change will make the buffer more effective in noise mitigation. While the vegetation will continue to be a visual buffer with minimal reflective properties, the proposed berm will help to maximize absorption and reflect noise away from the residential areas.

CC:

PM&E 10/31/2008

Case No. 2008-130 – Rezoning to I-2SL Heavy Industrial District with special limitations and Case No. 2008-140 – Zoning Conditional use for a natural resource extraction

Please also see previous comments submitted for Case 2008-130.

PM&E has participated in several meetings regarding the nature and character of the 100-foot berm. PM&E does not have objection to the berm concept per se, however, the ultimate engineered configuration of the berm should be approved by PM&E prior to construction. For example, note that the Grading Plan dated 10/20/2008 shows a break in the berm to provide access to the upper plateau in the extraction area. As shown, the break will compromise the noise attenuation benefits of the berm. If a lapped break were constructed, access can still be provided and noise attenuation can be preserved. There is also some concern about predicted decomposition of the vegetative matter in the berm and accelerated erosion as a result of this decomposition. There may be some merit to building a structural core in the berm out of inorganic waste material. However, these details can be worked out as the site design progresses. Therefore, the petitioner shall submit engineered drawings of the proposed berm for approval by PM&E.

The petitioner is also alerted to the requirement to provide a comprehensive site grading and drainage plan, a drainage analysis, and calculations to PM&E under land use permit processes. The analysis will be required to address the quantity and quality of storm runoff as a result of the proposed changes to infrastructure and to permeable/impermeable surface treatments

Project Management and Engineering recommends approval of the rezoning and the conditional use subject to the above conditions.



MUNICIPALITY OF ANCHORAGE

Development Services Department

Right of Way Division

Phone: (907) 343-8240 Fax: (907) 343-8250



DATE: November 3, 2008

TO: Planning Department, Zoning and Platting Division

THRU: Jack L. Frost, Jr., Right of Way Supervisor

FROM: Lynn McGee, Senior Plan Reviewer

SUBJ: Request for Comments on Planning and Zoning Commission case(s) for December 1, 2008.

RECEIVED

NOV 03 2008

Municipality of Anchorage
Zoning Division

Right of Way Division has reviewed the following case(s) due November 3, 2008.

07-077-2 Green, Tracts B-1 & B-2 and S 80" of N 320' of the S 570' of W 150' of E 600' of Sec 17 T12N R3W, grid 2533

(Rezoning Request, R-1A to R-4)

Right of Way Division has no comments at this time.

Review time 15 minutes.

08-130

Section 8, T15N R1W, Tract 38, Birchwood Parcel A, grid NW1356

(Rezoning Request, I-1SI & I-2SI to I-2SL)

Correct, if necessary, the land description to include Sections 5, 7, & 8, T15N R1W.

Correct, if necessary, the land description in the proposed ordinance omitting Section 6.

Review time 15 minutes.

08-140

Section 5, T16N R1W Birchwood Parcel A, Tract 38, grid NW1356

(Conditional Use, Natural Resource Extraction)

Correct in the parcel description in the report and on the application as part of this land is in the NW ¼ of Section 8, T15, and some is in Section 5, T16N, etc.

Review time 15 minutes.

08-150

Lancaster, Tract A, grid 2324

(Conditional Use, Water Boosting Station)

Right of Way Division has no comments at this time.

Review time 15 minutes.

08-151

Knik View Estates, Tract D, grid NW1558

(Conditional Use, Utility Substation)

Right of Way Division has no comments at this time.

Review time 15 minutes.

08-157

Ordinance Amendment

(Title 21 for Social Service Facilities in Various Zoning Districts)

Fire

RECEIVED

OCT 22 2008

MUNICIPALITY OF ANCHORAGE
PLATTING DIVISION

2008-130 Tract 38 sect 5,7,8, T15N R1w

No Objection

2008-140 T15N R1W Tr 38 Birchwood

No Comment

2008-154 Lake Park Estate3s, Tr A
also S11695): 1) Is the existing building sprinklered? 2) Will the whole building be
sprinklered? 3) Is there an existing fire alarm? 4) Will the whole building have a fire
alarm? 5) Please show fire lanes and provide signage. 6) Verify fire department access
to within 150' of all points of the building. 7) Show location of fire hydrants and provide
flow.

Comment (See

S11710-1 Fairview Sub

No Objection

S11712-1 Cerveza Sub

Comment 1)

Proper on-site fire apparatus turnaround shall be provide on lot 2. 2) Please show
location of hydrants

S11586-2 Green Sub.

No Objection



**Municipality of Anchorage
Development Services Department
Building Safety Division**

MEMORANDUM



0CT 31 2008

DATE: October 31, 2008
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM: Daniel Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due November 3, 2008

Municipality of Anchorage
Zoning Division

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

2008 - 130 Rezoning to I-2SL Heavy industrial district with special limitations

No objection

2008 - 140 Zoning conditional use for a natural resource extraction

No objection

S11586 - 2 Plat for review by the Planning and Zoning Commission

No objection

2007 - 077-2 Rezoning to R-4SL Multiple-family residential district with special limitations

No objection

2008 - 150 Zoning conditional use for a Water Boosting Station

No objection

2008 - 151 Zoning conditional use for a utility substation

No objection

z



MUNICIPALITY OF ANCHORAGE
Traffic Department



MEMORANDUM

SEP 29 2008

DATE: August 21, 2008

TO: Jerry T. Weaver, Platting Supervisor, Planning Department

THRU: Leland R. Coop, Associate Traffic Engineer

FROM: Mada Angell, Assistant Traffic Engineer

SUBJECT: Traffic Engineering and Transportation Planning Comments for
October 6, 2008 Planning & Zoning commission Public Hearing

08-130 Birchwood Industrial Park; Rezone from I-1/SL & I-2 to I-2/SL; Grid
NW1356

Traffic Engineering and Transportation Planning have no comment.

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)

September 19, 2008

RE: MOA Zoning Review

SEP 24 2008


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 and has no comment:

2008-122; Tudor Centre; Southcentral Foundation
2008-125; Glenn Heights Subdivision; Cook Inlet Housing Authority
2008-126; Hanson Acres #1; Harbottle
2008-127; Title 21 for Wind Energy Conversion Systems; All Community Councils
2008-129; Alyeska Basin #7 Subdivision; West Alta Holdings, LLC
2008-130; Birchwood Spur Road; Eklutna Inc.
2008-131; Eklutna-Chugiak Site; Eklutna Inc.

Sincerely,


Mark Parmelee
Area Planner

/mm

Scott Thomas, P.E. Regional Traffic Engineer



FLOOD HAZARD REVIEW SHEET

RECEIVED

AUG 19 2008

Date: 08/19/08

Case: 2008-130

Flood Hazard Zone: C

Map Number: 0020B

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

☐ Flood Hazard requests that the following be added as a condition of approval:

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

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

☐ Other:

☒ I have no comments on this case.


Reviewer: Jeffrey Urbanus



**Municipality of Anchorage
Development Services Department
Building Safety Division**



MEMORANDUM

DATE: September 10, 2008
TO: Jerry Weaver, Jr., Platting Officer, CPD
FROM:  Daniel Roth, Program Manager, On-Site Water and Wastewater Program
SUBJECT: Comments on Cases due September 8, 2008

SEP 10 2008

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

2008 – 130 Rezoning to I-2SL Heavy industrial district with special limitations
No objection

Graves, Jill A.

RECEIVED

From: Staff, Alton R.
Sent: Friday, August 22, 2008 4:14 PM
To: McLaughlin, Francis D.; Graves, Jill A.; Stewart, Gloria I.
Subject: Zoning and Plat Comments

AUG 22 2008

2008-121 to 2008-131
2008-121 to 2008-131

2008-122 People Mover provides fixed route service to this area with bus stops on Diplomacy, Ambassador and Tudor Centre Drive.

2008-125 People Mover provides fixed route service to this area with an existing bus stop at Centennial Village on Centennial Drive.

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

2008-121

2008-126

2008-127

2008-129

2008-130

2008-131

S11698 People Mover provides fixed route service to this area with an existing bus stop at Centennial Village on Centennial Drive.

The Public Transportation Department has no comment on the following plats:

S11699

S11700

Thank you for the opportunity to review.

Alton R. Staff
Planning Manager
Public Transportation Department
3650A East Tudor Road
Anchorage, AK 99507
907-343-8230

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**.

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

SEP 18 2008

2. View Comments:

Case Num: 2008-130

Rezoning to I-2SL Heavy Industrial district with special limitations

Site Address: 20850 BIRCHWOOD SPUR RD

Location: A request to rezone approximately 161 acres from I-1SL (Light Industrial with special limitations) and I-2SL (Heavy Industrial with special limitations) to I-2SL (Heavy Industrial with special limitations). T15N, R1W, Tract 38, Birchwood Parcel A, S.M., AK, Generally located east of Southeast Apron Road, west of Birchwood Spur Road and north of Birchwood Loop Road.

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

Public Comments

9/18/08

mary rutz

po box 672345

Chugiak ak 99567

I have lived in the Birchwood area for almost 20 years. This is a residential area. My property is located very near to the area in question (possibly right next to it - the map is difficult to read). I am opposed to any re-zoning that will allow increased heavy industrial use in this neighborhood and next to my home. The zoning already allows heavy industrial use - enough is enough. Allowing increased heavy industrial use will have a negative impact on the surrounding property values and quality of life of the residents.

069

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**.

1. Select a Case:

[View Comments](#)

2. View Comments:

SEP 23 2008

Case Num: 2008-130

Rezoning to I-2SL Heavy Industrial district with special limitations

Site Address: 20850 BIRCHWOOD SPUR RD

Location: A request to rezone approximately 161 acres from I-1SL (Light Industrial with special limitations) and I-2SL (Heavy Industrial with special limitations) to I-2SL (Heavy Industrial with special limitations). T15N, R1W, Tract 38, Birchwood Parcel A, S.M., AK, Generally located east of Southeast Apron Road, west of Birchwood Spur Road and north of Birchwood Loop Road.

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

Public Comments

9/22/08

David Rutz

P.O. Box 672345

Chugiak AK 99567

I am strongly opposed to this project. I have been a resident of the area for 20 years. We already have a busy airport, a rifle range and a heavily used train rail yard. Since we moved in the railroad yard, airport and the Issac Walton rifle range have increased many fold in terms of use and attributed noise. A 24 hour gravel extraction operation would take the last bit of solitude away from local residence and no doubt decrease property values as well. These are primarily residential areas with some B-4 SL properties. Activities such as this thwart due process and convert these properties into de facto I-2 or I-3 properties, with all the adverse impacts those bring.

070

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**.

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

SEP 25 2008

2. View Comments:

Case Num: 2008-130

Rezoning to I-2SL Heavy Industrial district with special limitations

Site Address: 20850 BIRCHWOOD SPUR RD

Location: A request to rezone approximately 161 acres from I-1SL (Light Industrial with special limitations) and I-2SL (Heavy Industrial with special limitations) to I-2SL (Heavy Industrial with special limitations). T15N, R1W, Tract 38, Birchwood Parcel A, S.M., AK, Generally located east of Southeast Apron Road, west of Birchwood Spur Road and north of Birchwood Loop Road.

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

Public Comments

9/25/08

karen perry

20305 white birch rd

chugiak ak 99567

I already commented on 2008-140 and have the same concerns. North Birchwood Loop MUST NOT be zoned for heavy industrail use as it puts residents at risk of serious injury. These large gravel trucks come screaming back and forth on North Birchwood despite its havey use of children getting on and off school buses, walking to and from school and home and heavy recreational use by walkers, joggers, bicyclists, etc. With the SBS plant, rifle range (and my understanding another proposed rifle range) and the airport, we have more than enough traffic on this road without adding more tonnage of gravel vehicles. We have had experience with gravel trucks before, none of them good. there are very narrow shoulders on the Loop and NO pedestrian paths nor bike trails. Please find another way to move this gravel out, such as freight trains which are right next to the gravel pads. Kids and general citizens have a right to safety in their communities.

071

Birchwood Community Council

19213 Sprucecrest Drive
Chugiak, Alaska 99567
688-4321 barb@mtaonline.net

TO: Ms Mary Autor, Planning
RE: P&Z Case 2008-130

Ms Autor,

Birchwood Council, at their regular scheduled meeting on Sept 24, 2008 hosted a presentation given by Eklutna, Inc and Dowl Engineering on their proposal for development near the Birchwood Airport property.

The proposal was discussed in the context that we had one more meeting in which to discuss and formulate a council position on this development as the CUP would not be coming before the P&Z Board of Commissioners until November 3, 2008. Almost all discussion centered on mitigation of the incompatible use of industrial next to rural residential zoning.

We would like for Staff and the P&Z Commissioners to be aware that we have a serious concern regarding the most effective 200 foot buffer to mitigate the incompatibilities but felt that such a buffer would be connected to the CUP public hearing action (P&Z Case 2008-140). Eklutna, Inc did not indicate that our thinking was in error.

Therefore no official action was taken regarding the actual rezone application of and in itself.

Respectfully,



Bobbi Wells, Chair
Jill Flanders-Crosby, Vice Chair

9-25-08


3

APPLICATION

073



MEMORANDUM

To: Mary Autor, Senior Planner
From: Michelle McNulty, Land Use Planner 
Date: 10/14/08
Subject: Revised Birchwood Zoning Map Amendment Application

W.O.: D60078

Dear Mary,

DOWL HKM, on behalf of Eklutna Inc. respectfully submits the attached revised Zoning Map Amendment for the Birchwood Industrial Park. The site is legally known as Tract 38, lying within Sections 5, 7, and 8, T15N, R1W, Seward Meridian, Alaska, per Bureau of Land Management (BLM) Plat dated November 21, 1991, except all that portion lying within said Section 7; and all that portion lying within the west 1/2 of the SW 1/4 of the NW 1/4 of said Section 8. The property is located in Birchwood, Alaska.

Please call me if you have any questions or require additional information.

Application for Zoning Map Amendment

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

Please fill in the information asked for below.

PETITIONER*	PETITIONER REPRESENTATIVE (IF ANY)
Name (last name first) Eklutna Inc.	Name (last name first) DOWL Engineers
Mailing Address 16515 Centerfield Dr., Suite 201 Eagle River, AK 99577	Mailing Address 4041 B Street Anchorage, AK 99503
Contact Phone: Day: 696-2828 Night:	Contact Phone: Day: 562-2000 Night:
FAX: 696-2845	FAX: 563-395
E-mail: jim@eklutnainc.com	E-mail: mmculty@dowl.com

*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): 051-094-05-000

Site Street Address: 20850 Birchwood Spur Road

Current legal description: (use additional sheet if necessary)

Tract 38 lying within Sections 5, 7 and 8, T15N, R1W, Seward Meridian, Alaska, per BLM Plat dated November 21, 1991 except all that portion lying within said Section 7; and all that portion lying within the west 1/2 of the SW 1/4 of the NW 1/4 of said Section 8. Containing 139 acres more or less.

Zoning: I-2 SL

Acreage: ~ 139

Grid # NW1356

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.

10/14/2008

Date

Signature (Agents must provide written proof of authorization)

Accepted by:

Poster & Affidavit:

Fee

Case Number

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/opens space ☐ Public Land Institutions
☐ Marginal land ☐ Alpine/Slope Affected ☐ Special Study
☐ Residential at _____ dwelling units per acre

Girdwood- Turnagain Arm N/A

- ☐ Commercial ☐ Industrial ☐ Parks/opens 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:
☐ Preliminary Plat ☐ Final Plat - Case Number(s):
☐ 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.

Eklutna Birchwood
Zoning Map Amendment Application
Overview

DOWL HKM is submitting this application on behalf of Eklutna Inc. (Eklutna) for a zoning map amendment. The purpose of this zoning amendment is to rezone property that is part of an Eklutna natural resource extraction project and subsequent industrial park. This zoning amendment will rezone approximately 139 acres of the parcel from I-2 SL (Heavy Industrial with Special Limitations) to I-2 SL, maintaining the current zoning but modifying the special limitations. The current zoning and special limitations were set forth by AO 85-125 (Appendix A). The proposed rezone will revise the special limitations to allow for a more effective noise and visual buffer from the site to adjacent residential properties and to postpone replatting until completion of the natural resource extraction.

The area subject to be rezoned is approximately 139 acres of an approximately 161 acre parcel that is split-lot zoned. The rezone subject area is legally described as Tract 38, lying within Sections 5, 7, and 8, T15N, R1W, Seward Meridian, Alaska, per the Bureau of Land Management (BLM) plat dated November 21, 1991, except all that portion lying within said Section 7 and all that portion lying within the west 1/2 of the SW 1/4 of the NW 1/4 of said Section 8, consisting of approximately 139 acres. The entire parcel is legally described as Tract 38, lying within Sections 5, 7, and 8, T15N, R1W, Seward Meridian, Alaska, per BLM plat dated November 21, 1991. The site is located east of the Alaska Railroad Corporation and the Birchwood Airport (Figure 1).

The proposed rezone will maintain the current zoning for the I-2 SL zoned portion of the subject parcel and will only modify the special limitations (Figure 3). AO 85-125, requires that a 200-foot undisturbed naturally vegetated buffer shall remain on all boundaries adjacent to residential land along the I-2 portion of the parcel (Figure 4). The proposed modification to this special limitation would require that a 100-foot undisturbed naturally vegetated buffer and a 100-foot berm shall remain on all boundaries adjacent to residential land (Figure 5). This modification is expected to allow for a more effective noise and visual buffer from the site to adjacent residential properties.

21.20.090 Standards for Approval

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.

The rezone request is consistent with land use patterns in the surrounding neighborhood and general area. The Municipal Zoning Map shows the surrounding parcels to this site as mixed. The adjacent lands to the north and west are designated Industrial and are occupied by the railroad and the Birchwood Airport. The land adjacent to the lower portion of the proposed site, to the southwest is zoned residential. Lands to the northeast are designated Industrial while lands to the southeast are residential. The residentially zoned lands are designated low-density residential, or one dwelling per acre.

This zoning amendment modification to the special limitations will allow for a more effective noise and visual buffer from the site to the adjacent residentially zoned parcels.

The anticipated long-term development for the proposed parcel would provide much needed usable industrial zoned land for the Chugiak-Eagle River area, which would benefit the Community as a whole. Following natural resource extraction and prior to development of industrial park uses, the parcel will be replatted. It is not expected that the proposed development will have substantive adverse effects on the environment, transportation, public services and facilities or land use patterns.

The proposed natural resource extraction will not involve processing or crushing and material will be shipped from the site by rail car only. It is not expected to generate additional traffic, demand for schools, or other public facilities, or substantive environmental pollution. The proposed rezone and proposed development are compatible with current land use patterns.

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

The Chugiak-Eagle River Comprehensive Plan identifies the site as the largest vacant industrial area in Chugiak-Eagle River and anticipates a future demand for industrial space. The adjacent Industrial zoned land to the north and west are occupied by the Birchwood Airport and the Alaska Railroad line. Thus the proposed amendment to the zoning map is consistent with the economic demand for the land.

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 Subsection 2 of this subsection.

Construction is proposed to begin by early May 2009. Currently there are no water and sewer services on the proposed site. Based on the low intensity and recreational industrial nature of permitted development, it is assumed that on-site water and waste water systems will be developed to serve the site at the time long term development begins. Currently there is an electrical mainline which runs northwest to southwest through the property. Gas, cable, and telephone service lines are available to surrounding parcels and it may be possible to extend service lines to the proposed development.

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.

This amendment is not expected to have any substantive effect on the distribution of land uses and residential intensities specified in the comprehensive plan. The proposed zoning amendment maintains the existing I-2 zoning, only modifying the special limitations. The concept-approved Land Use Plan Map designates this area as an Industrial district. This case would be consistent with that density.

The proposed development fulfills Policy Numbers 26 and 31 in the ABC 2020 Plan. Policy 26 states that key industrial lands, such as the Industrial Reserves designated on the Land Use Policy Map, shall be preserved for industrial purposes. The proposed zoning amendment intends to maintain this land as Industrial.

Policy 31 is to provide safe and efficient freight routes that minimize impacts on the neighborhoods. The proposed development would provide for freight to move through the area via the rail line, thus providing an efficient freight route that will not impact the neighborhood. Thus, the proposed zoning amendment is in line with the goals and intent of the Anchorage Bowl Comprehensive 2020 Plan.

D60078.UPDATED Zoning Map Amendment App.MJM.101008.tla.mas

Submitted by: Chair of the Assembly at
the Request of the
Mayor Prepared by: Planning Department
For reading: , 2008

ANCHORAGE, ALASKA
AO No. 2008-_____

**AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY
AMENDING THE ZONING MAP, AND PROVIDING FOR THE REZONING
OF TRACT 38 LYING WITHIN SECTIONS 5, 7 AND 8, T15N, R1W,
SEWARD MERIDIAN, ALASKA, PER BLM PLAT DATED NOVEMBER 21,
1991, EXCEPT THAT PORTION LYING WITHIN SAID SECTION 7; AND
ALL THAT PORTION LYING WITHIN THE WEST ½ OF THE SW ¼ OF
THE NW ¼ OF SAID SECTION 8 FROM I-2 SL (HEAVY INDUSTRIAL
WITH SPECIAL LIMITATIONS) TO I2-SL, MAINTAINING THE CURRENT
ZONING BUT MODIFYING THE SPECIAL LIMITATIONS.**

(Birchwood Community Council) (Planning and Zoning Case 2008-xxx)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map shall be amended by designating the following described property as I-2 (Heavy Industrial District) with Special Limitations zone and shall modify the existing special limitations:

Tract 38 lying within Sections 5, 7 AND 8, T15N, R1W, Seward Meridian, Alaska, per BLM Plat dated November 21, 1991. Excepting there from all that portion lying within said Section 7; and all that portion lying within the West ½ of the SW ¼ of the NW ¼ of said Section 8, as shown on Exhibit "A."

Section 2. The I-2 SL district established by Section 1 shall be subject to the following Special Limitations providing for buffering of adjacent residential properties and replatting:

1. A 100 foot undisturbed naturally vegetated buffer and a 100 foot berm shall remain on all boundaries adjacent to residential land.

Section 3. The special limitations set forth in this ordinance prevail over any inconsistent provision of Title 21 of the Anchorage Municipal Code, unless specifically provided otherwise. All provisions of Title 21 of the Anchorage Municipal Code not specifically affected by a special limitation set forth in this ordinance shall apply in the same manner as if the district classification applied by this ordinance were not subject to special limitations.

1 **Section 4.** This ordinance shall become effective within 10 days after the Director of the
2 Planning Department has received the written consent of the owners of the
3 property within the area described in Section 1 above to the special limitations
4 contained herein. The rezoning approval contained herein shall automatically
5 expire, and be null and void if the written consent is not received within 120
6 days after the date on which this ordinance is passed and approved. The
7 Director of the Planning Department shall change the zoning map
8 accordingly.

9
10 PASSED AND APPROVED by the Anchorage assembly this ____ day of _____ 2008.

11
12
13 _____
14 Chair of the Assembly

15 ATTEST:

16 _____
17 Municipal Clerk
18
19

APPENDIX A

Figures



MEMORANDUM

To: Mary Autor
From: Michelle McNulty, Land Use Planner
Date: 10/02/2008
Subject: Birchwood Zoning Admendment Application Acoustics Study

W.O.: D60078

Dear Mary,

Stephanie Mormillo from our office is a Traffic Engineer who specializes in noise attenuation. Ms. Mormillo performed an acoustic model representative of the Birchwood Site.

- The program used was FHWA's Traffic Noise Model version 2.5 (TNM 2.5), this traffic noise predication and analysis software is capable of accurately predicting highway traffic noise. TNM 2.5 predicts noise levels at users-defined receivers based on vehicular volume, speed, fleet mix, distance to received, and area terrain. TNM also serves as a noise barrier design tool by determining the most effective location and height of highway noise barriers along their length.
- TNM 2.5 is used in the urban environment where available right-of-way is limited, construction of noise barriers is typically the noise abatement measure of choice, but not necessarily the most practical or cost-effective to implement.
- Equal-height berms mitigate noise comparable to noise barriers.
- The baseline study model consisted of the noise source being placed 200 feet from the receiver with no trees present between the noise source and the receiver. 56.3 dBA was the mean noise level used in the baseline study.

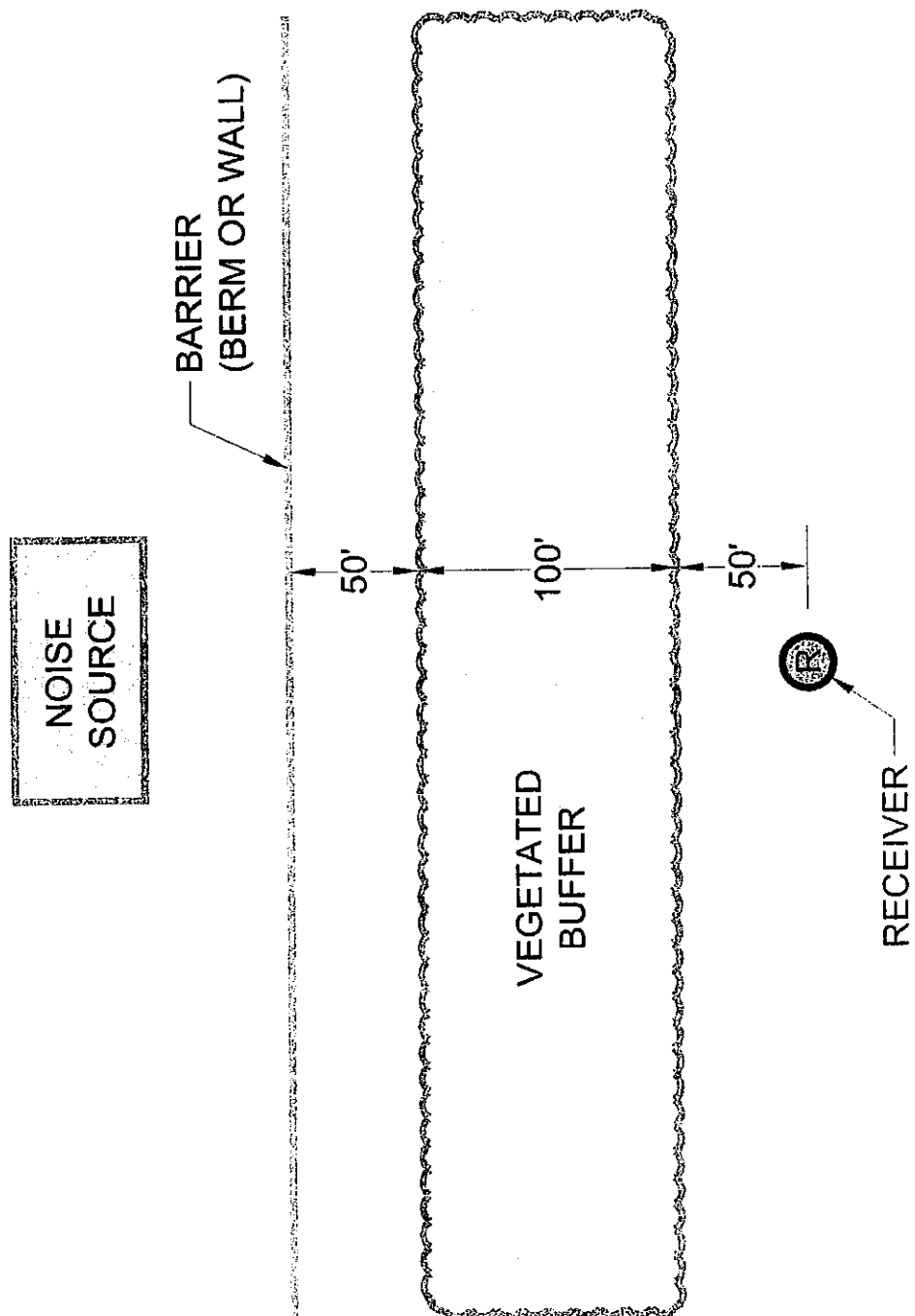
- A variety of barrier alternatives were inputted into the model. Figure 1 compares each of the barrier alternatives in terms of the difference in noise and energy loss associated with each alternative.
 - No trees, 200 feet of trees, 100 feet of trees, 100 feet of trees plus a 16 foot berm, and 100 feet of trees plus a 16 foot wall
 - The difference in noise level between 56.3 dBA and 200 feet of trees was -3.1 dBA, which is a 51% energy loss.
 - The difference in noise level between 56.3 dBA and 100 feet of trees and a 16 foot berm was -9.4 dBA which is an 87.6% energy loss.
- Figure 2 compares human perception of sound and decibel or energy loss.
 - The sound level change associated with the difference in noise level between 56.3 dBA and 200 feet of trees produced a 51% energy loss, which is barely perceptible to the human ear.
 - The sound level change associated with 100 feet of trees and a 16 foot berm produced a 87.6% energy loss, which is almost half as loud as the original sound to the human ear.
- Our findings conclude that a 100 foot vegetated buffer, paired with a 20 foot high berm will be considerably more effective in noise attenuation than would be a 200 foot vegetated buffer.

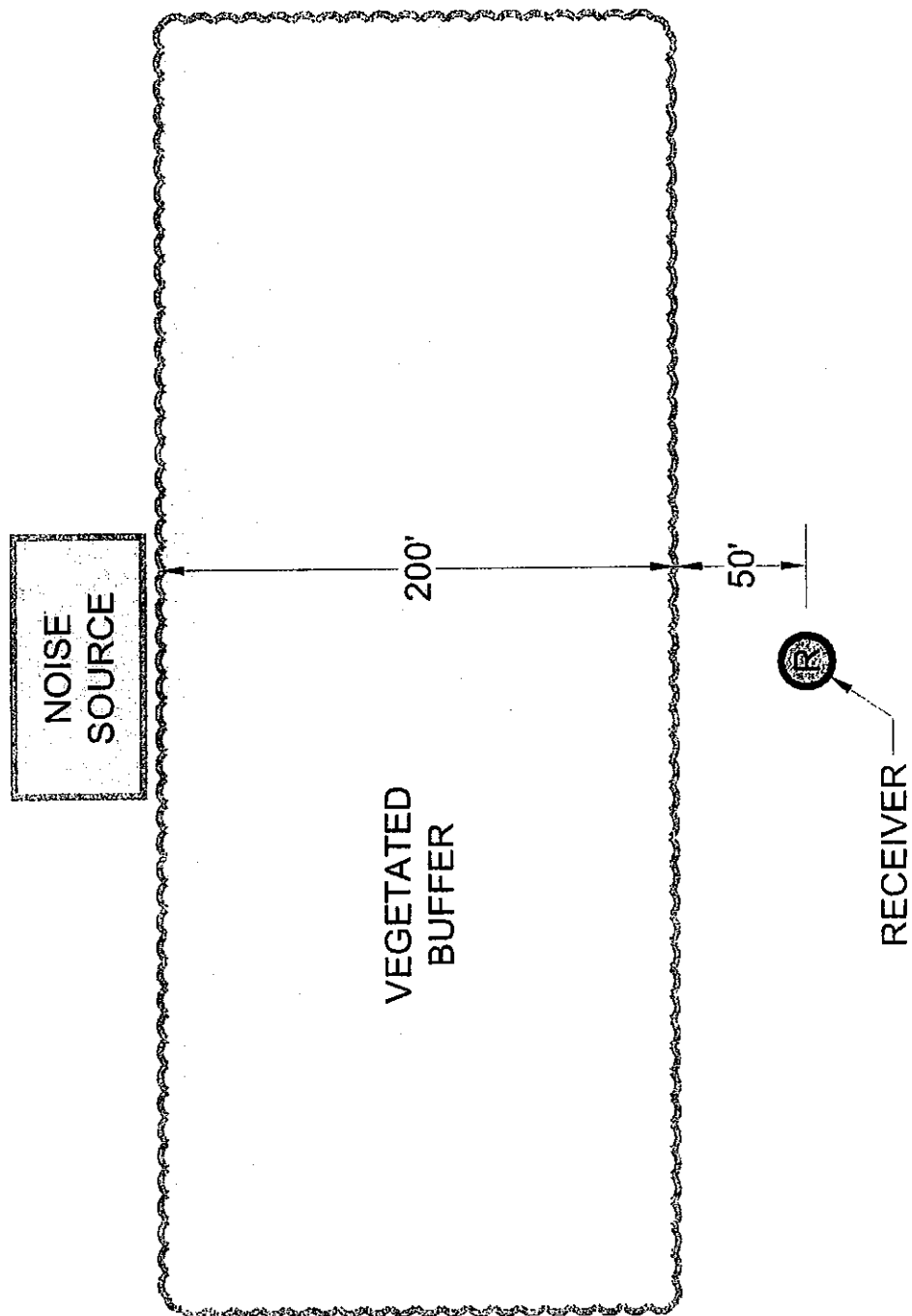
Figure 1: Noise Numbers

Alternative	Noise Level (dBA)	Difference in Noise (dBA)	Energy Loss
No Trees	56.3	-	0.0%
200' of trees	53.2	-3.1	51.0%
100' of trees	54.3	-2	33.3%
100' of trees plus a 16' berm	46.9	-9.4	87.6%
100' of trees plus a 16' wall	46.2	-10.1	90.1%

Figure 2: Relative Change in "Loudness"

Sound Level Change	Acoustic Energy Lost	Relative Loudness Change
0 dB	0	Reference
-3 dB	50%	Barely perceptible change
-5 dB	70%	Readily perceptible change
-10 dB	90%	Half as loud as original
-20 dB	99%	1/4 th as loud as original
-30 dB	99.9%	1/8 th as loud as original
+10 db	900% gain	Twice as loud as original





POSTING AFFIDAVIT

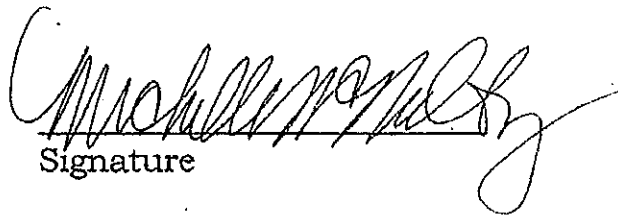


AFFIDAVIT OF POSTING

Case Number: 2008-130

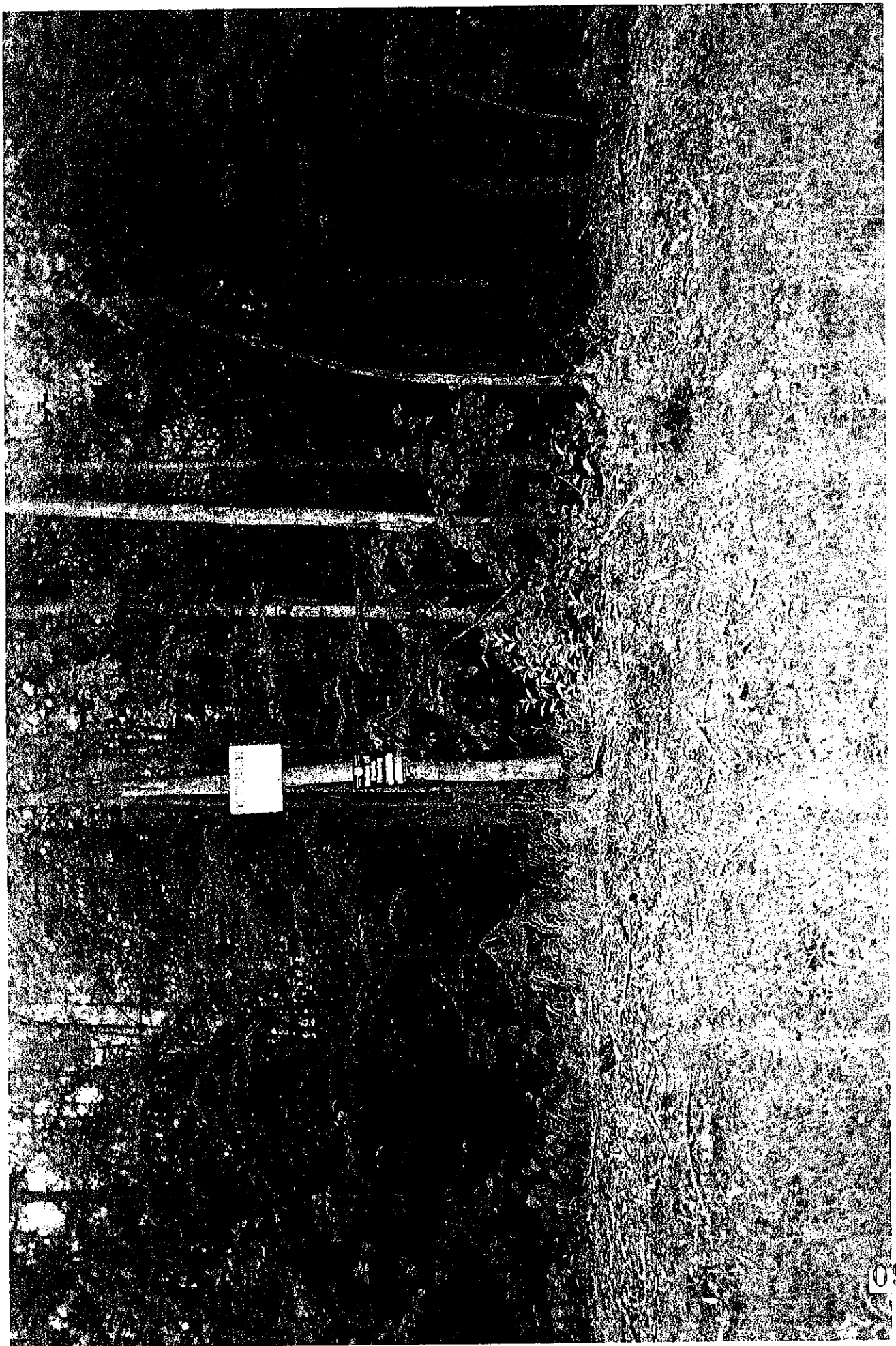
I, Michelle McNulty, hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Zoning Map Amendment. The notice was posted on September 2, 2008 which is at least 21 days prior to the public hearing on 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 2 day of September, 2008.


Signature

LEGAL DESCRIPTION

Tract or Lot Tract 38, Parcel A
Block
Subdivision Birchwood Industrial Site





Notice of Public Hearing

This property proposed

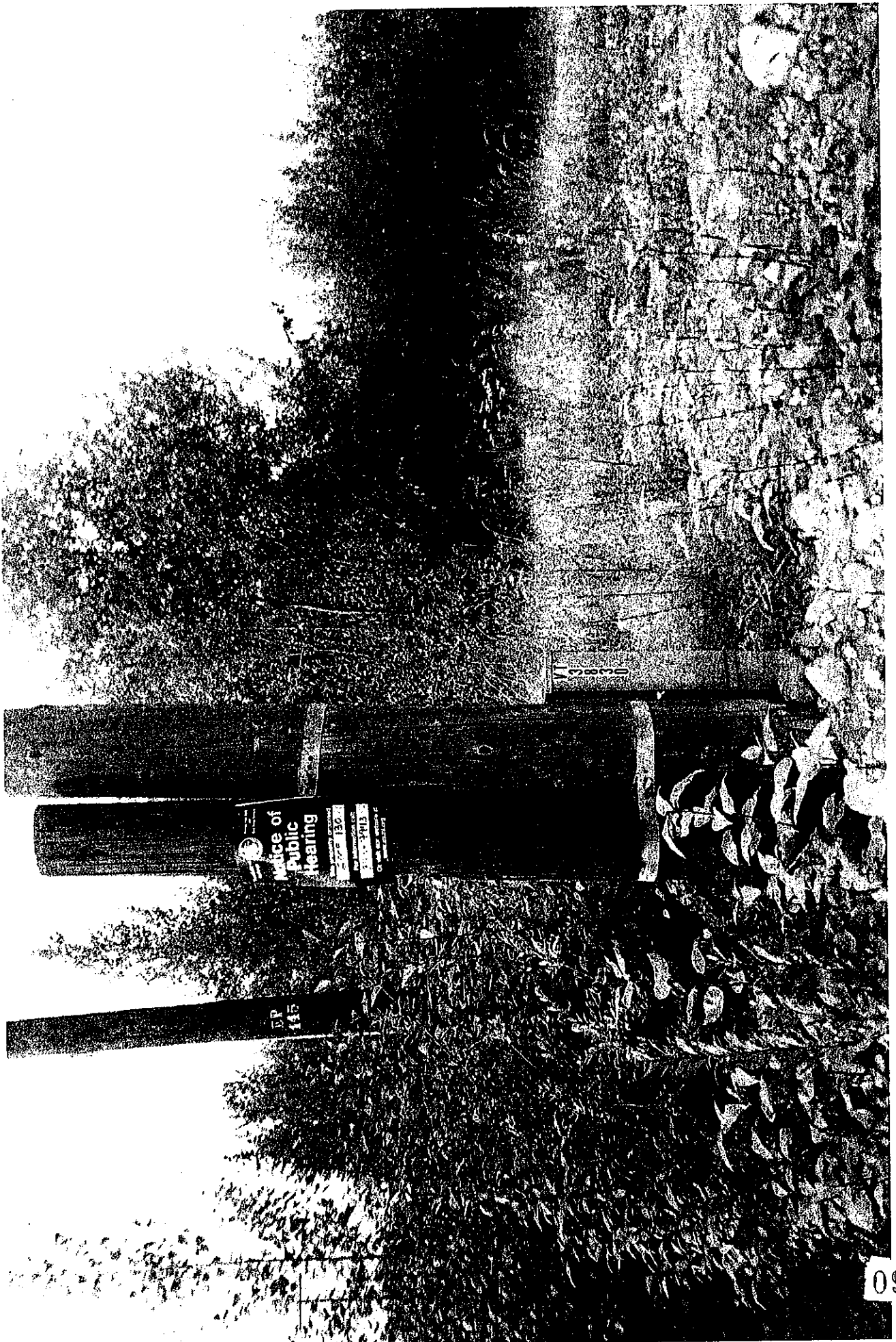
8008-130

For information call:

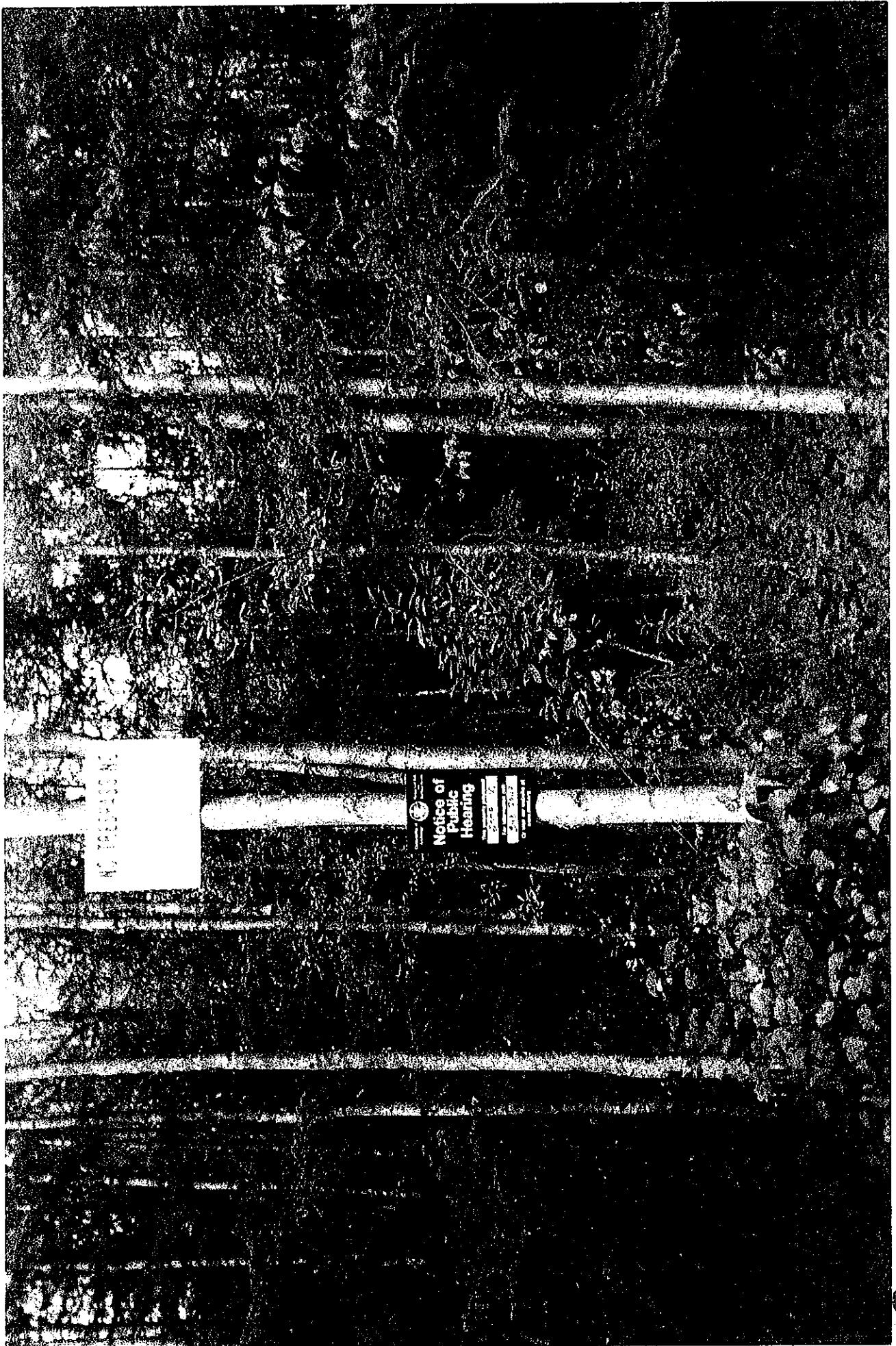
707-712

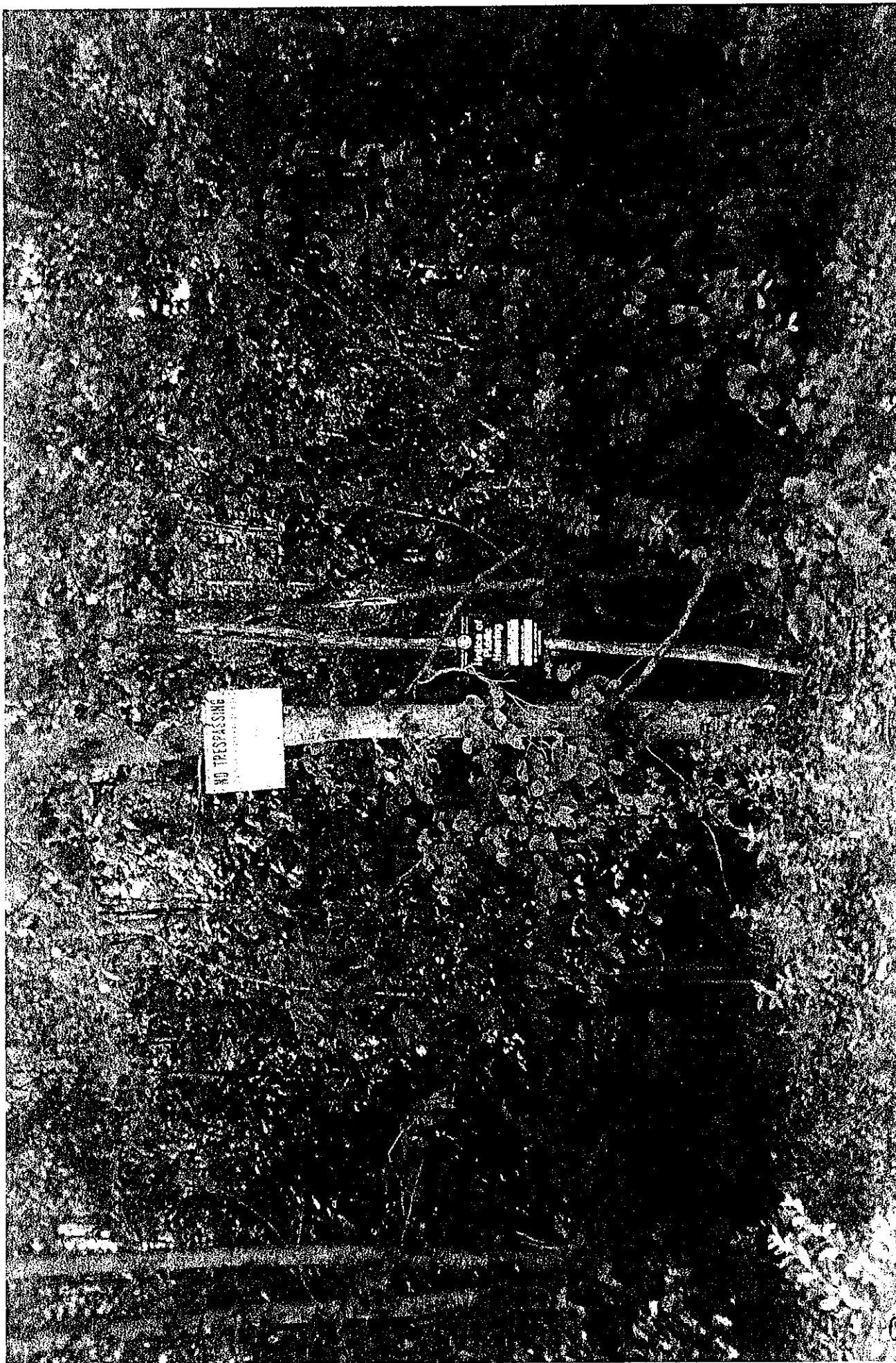
Or visit our website:

www.umd.edu









HISTORICAL INFORMATION

AMENDED AND APPROVED

DATE

11-19-85

Submitted by: Chairman of the Assembly
At the Request of the Mayor
Prepared by: Department of Community
Planning
For reading: July 23, 1985

ANCHORAGE, ALASKA
AO NO. 85-125 (as amended)

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM T (TRANSITION) TO PLI (PUBLIC LANDS AND INSTITUTIONS), R-5A (RURAL RESIDENTIAL, LARGE LOT), R-6 (SUBURBAN RESIDENTIAL), R-9 (RURAL RESIDENTIAL), PC (PLANNED COMMUNITY), B-3 SL (GENERAL AND STRIP COMMERCIAL BUSINESS WITH SPECIAL LIMITATIONS), B-4 SL (RURAL BUSINESS WITH SPECIAL LIMITATIONS), I-1 SL (LIGHT INDUSTRIAL WITH SPECIAL LIMITATIONS), AND I-2 SL (HEAVY INDUSTRIAL WITH SPECIAL LIMITATIONS) FOR T16N, R1W, SECTION 32 (A PORTION), T15N, R2W, SECTIONS 12, 13, 24 AND 25 (A PORTION) AND T15N, R1W, SECTIONS 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, AND 30 OR PORTIONS THEREOF, GENERALLY LOCATED IN BIRCHWOOD WEST OF THE NEW GLENN HIGHWAY BETWEEN LOWER FIRE LAKE AND PETERS CREEK, CONTAINING 5,000 ACRES MORE OR LESS. (BIRCHWOOD COMMUNITY COUNCIL)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The zoning map is amended by designating T16N, R1W, Section 32 (a portion); T15N, R2W, Sections 12, 13, 24, and 25 (a portion); and T15N, R1W, Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, and 30, or portions thereof, PLI (Public Lands and Institutions), R-5A (Rural Residential, Large Lot), R-6 (Suburban Residential), R-9 (Rural Residential), PC (Planned Community), B-3 SL (General and Strip Commercial Business), B-4 SL (Rural Business with Special Limitations), I-1 SL (Light Industrial with Special Limitations), and I-2 SL (Heavy Industrial with Special Limitations) as depicted in Exhibit A, attached.

Am 851-85
AIM 261-85

Section 2. The B-3 SL district established by Section 1 shall be subject to the following Special Limitations providing for site plan review:

1. Before any land use permits or building permits are issued for any lot or tract, a site plan for that lot or tract shall be submitted to and approved by the Community Planning Department to include ingress and egress, landscaping, buffering of any adjacent residential properties, location and operation of loading facilities, illumination, height of structures, and internal pedestrian and vehicular circulation.
2. There shall be no disturbance of natural topography or vegetation below elevation (mean sea level) 320' on Lot 11 and 240 feet on Lot 84.

Section 3. The B-4 SL district established by Section 1 shall be subject to the following Special Limitations:

1. The building height shall be limited to twenty-five (25) feet.
2. The minimum lot size shall be one (1) acre.
3. The maximum lot coverage shall be 30%.
4. Access for business or industrial traffic onto Adrian Avenue shall be limited to a one-way exit from the property aligned with the existing steel building in the southeast corner of the property for as long as the existing steel building is used for truck repair. When the existing steel building is no longer used for truck repair, access for business or industrial traffic onto Adrian Avenue shall cease.
5. The property owner shall construct a 6-foot high, sight-obscuring decorative fence along the north and west boundaries of the property.
6. A fence, earth berm, or combination of each shall be constructed by the property owner along Adrian Avenue.

7. The property owner shall construct a fence, berm or combination of each along Birchwood Loop Road except for one access.
8. A public hearing site plan review shall be conducted upon the redevelopment of the portion of the lot where commercial or industrial use is permitted prior to the issuance of any land use or building permits.
9. The following uses shall be prohibited:
 - a. liquor stores;
 - b. auditoriums, libraries, museums, historical and cultural exhibits and the like;
 - c. motion picture theaters, drive-in theaters;
 - d. hotels, motels, motor lodges, sports lodges;
 - e. auctions and pawn shops;
 - f. automobile display lots, new and used;
 - g. mobile home display lots, new and used;
 - h. aircraft or boat display lots, new and used;
 - i. motorcycle and snow machine display lots, new and used;
 - j. automobile, truck and trailer rental agencies;
 - k. fuel dealers.
10. No commercial or industrial uses shall be permitted within 155 feet of the west boundary of the property.
11. South of the existing steel building, in the area where commercial or industrial use is permitted, the hours of operation outside the enclosed building shall be 7 a.m. to 7 p.m., Monday through Saturday, except holidays.
12. Parking of trucks in the area where commercial or industrial use is permitted shall be restricted to the area north of the existing steel building.

Section 4. The I-1 SL(1) district established by Section 1 shall be subject to the following Special Limitations providing for buffering of adjacent residential properties and site plan review:

1. A 6 foot high decorative, sight-obscuring fence shall be installed and maintained on all boundaries with adjacent residentially zoned land.
2. A site plan depicting ingress, egress, landscaping, location and operation of loading facilities, illumination, height of structures and internal pedestrian and vehicular circulation shall be submitted to and approved by the Community Planning Department prior to the issuance of any land use or building permits.
3. There shall be a 75 foot non-disturbed vegetative buffer retained on all boundaries adjacent to residentially zoned property.

Section 5. The I-1 SL(2) district established by Section 1 shall be subject to the following Special Limitations providing for buffering of adjacent residential properties and replatting:

1. A replat shall be filed prior to the issuance of any land use permits or building permits which addresses physical access and granting of an easement(s) for the coastal bike, equestrian, cross-country ski and running trail.
2. There shall be no disturbance of any wetland areas.
3. A 200 foot undisturbed naturally vegetated buffer shall remain on all boundaries adjacent to residential land.

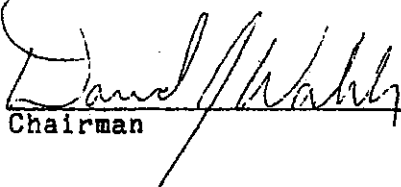
Section 6. The I-2 SL district established by Section 1 shall be subject to the following Special Limitations providing

for buffering of adjacent residential property:

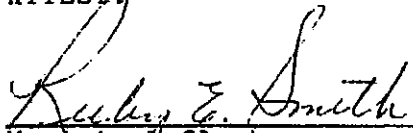
1. A 200 foot undisturbed naturally vegetated buffer shall remain on all boundaries adjacent to residential land.

PASSED AND APPROVED by the Anchorage Assembly this

19th day of November, 1985.


Chairman

ATTEST:


Municipal Clerk

sr8/hao1

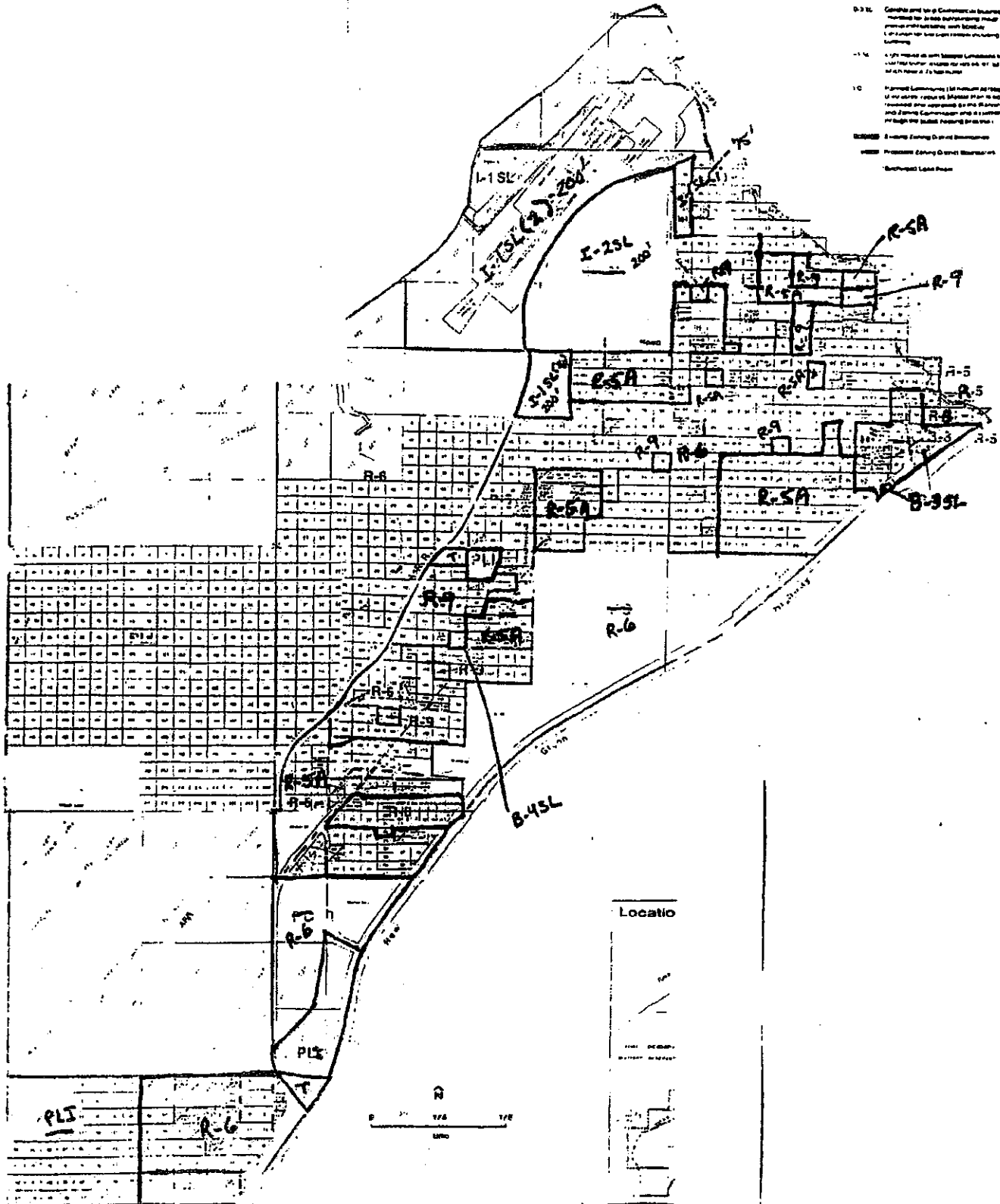
Rezoning Proposal

A085-125
Effective 11/19/85

Assembly Final 11/19/85

ZONING LEGEND

- 1.1 Public Lands & easements
- 1.2 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.3 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.4 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.5 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.6 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.7 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.8 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.9 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.10 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.11 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.12 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.13 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.14 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.15 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.16 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.17 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.18 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.19 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)
- 1.20 Public Right-of-Way (minimum 60 feet wide) or less than 60 feet wide (minimum 40 feet wide) or less than 40 feet wide (minimum 30 feet wide)



PARCEL INFORMATION

APPRAISAL INFORMATION

Legal T15N R1W TRACT 38
TR 38
BIRCHWOOD PARCEL A

Parcel 051-094-05-000
Owner EKLUTNA INC

01
02

Descr WAREHOUSE
Site Addr 20850 BIRCHWOOD SPUR RD

16515 CENTERFIELD DR #201
EAGLE RIVER AK 99577 0000

RELATED CAMA PARCELS

Related Parcel(s)	XRef Type	Leased Parcels

Cross Reference (XRef) Type Legend
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
Renumbr 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

2008-130
2008-140

Case Number 2008-130 # of Parcels 1 Hearing Date 10/06/2008
Case Type Rezoning to I-2SL Heavy industrial district with special limitations
Legal A request to rezone approximately 161 acres from I-1SL (Light Industrial with special limitations) and I-2SL (Heavy Industrial with special limitations) to I-2SL (Heavy Industrial with special limitations). T15N, R1W, Tract 38, Birchwood Parcel A, S.M., AK, Generally located east of Southeast Apron Road, west of Birchwood Spur Road and north of Birchwood Loop Road.

PLAT

Case Number Action Type Grid Proposed Lots 0 Existing Lots
Action Type Legal Action Date

PERMITS

Permit Number
Project
Work Desc
Use

BZAP

Action No.
Action Date Status
Resolution Type

ALCOHOL LICENSE

Business Address Applicants Name
License Type Conditions
Status

PARCEL INFORMATION

OWNER
EKLUTNA INC

16515 CENTERFIELD DR #201
EAGLE RIVER AK 99577 0000

Deed 0000 00000000

CHANGES: Deed Date Jan 01, 1984
Name Date May 24, 1995
Address Date Jun 13, 2007

PARCEL

Parcel ID 051-094-05-000 # 01
Status # 02

Renumbr ID 051-083-04-00014

Site Addr 20850 BIRCHWOOD SPUR RD

Comm Concl BIRCHWOOD

Comments REF 051-083-04 & 051-094-03 ✓

TAX INFO

2008 Tax 29,638.03 Balance 0.00 District 022

LEGAL

T15N R1W TRACT 38
TR 38
BIRCHWOOD PARCEL A

Unit SQFT 6,994,429

Plat

Zone I1SL I2S Grid NW1356

HISTORY

	Year	Building	Land	Total
Assmt Final	2006	1,184,000	4,258,000	5,442,000
Assmt Final	2007	1,615,100	4,258,000	5,873,100
Assmt Final	2008	1,751,400	4,258,000	6,009,400
Exemptions	NATIVE CLAIM			3,858,599
State Credit				0
Tax Final				2,150,801

PROPERTY INFO

#	Type	Land Use
01	COMMERCIAL	WAREHOUSE
02	COMMERCIAL	WAREHOUSE
03	COMMERCIAL	OFFICE WAREHOUSE
04	COMMERCIAL	WAREHOUSE

SALES DATA

Mon	Year	Price	Source	Type

LAND & COMMON PARCEL INFORMATION

APPRAISAL INFORMATION

Legal T15N R1W TRACT 38
TR 38
BIRCHWOOD PARCEL A

Parcel 051-094-05-000

01 of 04

Owner EKLUTNA INC

Site Addr 20850 BIRCHWOOD SPUR RD

16515 CENTERFIELD DR #201
EAGLE RIVER AK 99577

LAND INFORMATION

Land Use WAREHOUSE
Class COMMERCIAL
Living Units 001
Community Council 003 BIRCHWOOD
Entry: Year/Quality 08 1988 LAND ONLY
06 2006 EXTERIOR
Access Quality GOOD
Access Type
Leasehold (Y=Leasehold)
Drainage GOOD
Front Traffic LOW
Street DIRT
Topography EVEN LEVEL
Utilities PRIVATE WATER SEPTIC SYSTEM
Wellsite N
Wet Land

CONDOMINIUM INFORMATION

Common Area 0
Undivided Interest 0.00

COMMERCIAL INVENTORY

APPRAISAL INFORMATION

Legal T15N R1W TRACT 38
TR 38
BIRCHWOOD PARCEL A

Parcel 051-094-05-000

01 of 04

01
02

Site Addr 20850 BIRCHWOOD SPUR RD
Prop Info # WAREHOUSE

16515 CENTERFIELD DR #201
EAGLE RIVER AK 99577

BUILDING INFORMATION

Structure Type

Building SQFT 728

Year Built 1979

Grade C

Effective Year Built 1979

Property Information # 01

Building Number 01

Identical Units	01
Number of Units	00

Number of Units 000

INTERIOR DATA

Floor	Level	Partitions	Heat System	All Conditioner	Plumbing	Physical Condition	Functional
01	01	NORMAL	UNIT HEATERS	NONE	ADEQUATE	NORMAL	NORMAL

EXTERIOR DATA

Floor	Level	Size	Perim	Use Type	Hgt	Type	Const Type
01	01	728	108	MULTI-USE STORAGE	09	FRAME T-111	WOOD JOIST(WD & STL)

BUILDING OTHER FEATURES - ATTACHED IMPROVEMENTS

Type	Qty	Size1	Size2
PORCH OPEN	01	390	1

OTHER BUILDINGS AND YARD IMPROVEMENTS

Type	Size/Amt	Units	Yr/Built	Condition	Func/Utility
TRIANGULAR TOWER	60	01	1999	NORMAL	NORMAL
CHAIN LINK FENCE	9,000	01	1984	NORMAL	NORMAL

OWNER HISTORY

APPRAISAL INFORMATION

Legal T15N R1W TRACT 38
TR 38

Parcel 051-094-05-000

01 of 04

01
02

Property Info # Descr WAREHOUSE

Site Address 20850 BIRCHWOOD SPUR RD

Current 01/01/84
EKLUTNA INC

16515 CENTERFIELD DR #201
EAGLE RIVER AK 99577 0000

3rd //

Prev //

4th //

2nd //

5th //

**PLANNING & ZONING
COMMISSION
MEETING**

December 1, 2008

Supplemental Information

**G.3., Case 2008-130
Rezoning from I-2 SL to I-2 SL**

Double-sided

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**.

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

RECEIVED

2. View Comments:

DEC 08 2008

Case Num: 2008-130

Rezoning to I-2SL Heavy Industrial district with special limitations

Site Address: 20850 BIRCHWOOD SPUR RD

Location: A request to rezone approximately 139 acres from I-2SL (Heavy Industrial with special limitations) to I-2SL (Heavy Industrial with special limitations). Tract 38, Birchwood Parcel A, Lying within Sections 5, 7 and 8, T15N, R1W, S.M., Alaska, consisting of 161 +/- acres, except all that portion lying within said Section 7, and all that portion lying within the W1/2 of the SW1/4 of the NW1/4 of said Section 8. Generally located east of Southeast Apron Road, west of Birchwood Spur Road, and west and north of South Birchwood Spur Road.

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

Municipality of Anchorage
Zoning Division

Public Comments

12/7/08

Clifford Bissell

po.671872

Chugiak Ak 99567

I am against the whole plan, however, I know it probably will go through so how about cutting down the hours of loading and or changing the hours to earlier in the day.

12/3/08

adam caswell

12621 crested butte dr.

eagle river ak 99515

I am familiar with this project development site and the benefits associated with it. This area will serve as a temporary gravel source for projects within the Municipality of Anchorage. Many of our new roads, road improvements, and airport projects will be constructed using this gravel as specified fill, leveling course, and asphalt. The gravel will be extracted and loaded onto rail cars which will then be taken south to Anchorage. This will eliminate the need for haul trucks and therefore traffic would not be affected. I strongly urge the community members such as myself to support this project, we will all benefit from it.

Zoning and Platting Cases On-line

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1. Select a Case: 2008-130

[View Comments](#)

2. View Comments:

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DEC 01 2008

Municipality of Anchorage
Zoning Division

Case Num: 2008-130

Rezoning to I-2SL Heavy industrial district with special limitations

Site Address: 20850 BIRCHWOOD SPUR RD

Location: A request to rezone approximately 139 acres from I-2SL (Heavy Industrial with special limitations) to I-2SL (Heavy Industrial with special limitations). Tract 38, Birchwood Parcel A, Lying within Sections 5, 7 and 8, T15N, R1W, S.M., Alaska, consisting of 161 +/- acres, except all that portion lying within said Section 7, and all that portion lying within the W1/2 of the SW1/4 of the NW1/4 of said Section 8. Generally located east of Southeast Apron Road, west of Birchwood Spur Road, and west and north of South Birchwood Spur Road.

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

Public Comments

12/1/08

Lisa Sanders

20722 Old Cranberry Dr.

Chugiak AK 99567

I am strongly opposed to the proposed natural resource extraction project that Eklutna Inc. plans to begin this coming spring of 2009 west of Birchwood Spur Road, Birchwood Loop and South Birchwood Loop Road. The 160 acres are located directly across South Birchwood Loop from my husband's family home where we live. My husband's grandfather, John Boyles, bought the land we (myself, my husband Mathew and my two children) live on from the State of Alaska in the early 1960's. He and his wife Mattie moved up here from Arizona to be closer to their son. Grandfather Boyles was killed in a plane crash in Juneau in 1971 and Grandmother Boyles passed away in 1994. At that time Matt moved into the family home. So this is a fourth-generation family home. During the summer of 2007 when core samples were being obtained, I called Eklutna Inc. twice. The gentleman I spoke with, Mr. Arnesen, explained that Eklutna was in the process of "finding out what was there." He assured me that 99% of Eklutna's plans "never come to fruition." So my concern about the development of the land across the road diminished. In September a neighbor informed me that Bobbi Wells, head of the Birchwood Community Council, was going door-to-door to inform residents that Eklutna planned to extract the rock from the land and then further develop it as heavy industrial (among other things). I was stunned. I called Bobbi and learned more. As the reality started to sink in, I was filled with grief. The quiet neighborhood I had lived in and enjoyed for six years, and my husband's family has lived in for over 45 years, was going to be radically changed into a loud, ugly place. Bobbi Wells created a terrific petition in an effort

112

to minimize the negative impact this gravel pit, and subsequent heavy industrial development, will have on those of us who live here. Over the last three days, I spent several hours going door-to-door in my neighborhood to obtain signatures on this petition. Over the weekend, as I thought about the people I talked to, a revelation occurred to me. This situation is really about the "HAVES and the HAVE-NOTS." Eklutna Inc. has the land, the power, and the money. Those of us who border their proposed gravel pit, etc. have no power and no wealth, so to speak. We were even told by an Eklutna Inc. representative at the community council meeting in September that we should consider ourselves fortunate that Eklutna sold us the land we are living on. It is incomprehensible to me that Eklutna Inc. would be so completely focused on their own economic gain to the total disregard of what it will be like for their fellow citizens to live right across the road from a gravel pit. Would any of the shareholders of Eklutna Inc. want to live here? Those of us who live across the road from their heavy industrial land will suffer with the noise and ugliness of their development. Dozens of nearby residents who live up the hill will also suffer. I plead with you to prevent this project from destroying our quality of life. Lisa Sanders 20722 Old Cranberry Dr. Chugiak Again I looked and saw all the oppression that was taking place under the sun: I saw the tears of the oppressed-and they have no comforter; power was on the side of their oppressors-and they have no comforter. Ecclesiastes 4:1

12/1/08

Zachariah Kaiser
PO BOX 670132
Chugiak AK 99567

I am writing to ask that you decline the rezoning of this property on the bases of once rezoned the planned use will be detrimental to our community. The community has also not been clearly informed on what the Special Limitations are on this parcel and what has been requested. All material made publicly available on-line or via mail have been uninformative. I have tried to access more info but have only been able to find the Zoning Districts Definition of I-1 and I-2. I have attached my argument on why rezoning and allowing Gravel Extraction to occur is not going to be beneficial to the community. As a property owner I understand Eklutna's desire to use their property as they see fit. However, using this land as a large scale gravel extraction project will be devastating to the surrounding residential community. I am asking you on behalf of my community and the many people in it that are unable to clearly articulate their feelings and desire for you to not approve this. This project will take place less than a football field from people's doorsteps. Our community has many times tried to talk with Dowl and Eklutna Inc where many questions were left unanswered or vague at best. It has been stated that all extraction would be done by rail. However, during a community meeting it was stated that at some point trucking out gravel would be required. This contradicts what they have been voicing as their plan of action. This raises the question of how will this operation be held accountable to using rail only? How do they plan on removing the 139 acres of trees and other vegetation? The project planners have only considered "Tier 1 and tier 2 homes" to be affected. These are properties on or one lot from the project site. This is an unreasonable assumption. This project will have much farther reaching affect to the homes in the area. Some of our major concerns include the following. 1. Noise pollution- This is a quiet community. We do have a shooting range and airport but neither of these produces continuous noise and the majority to none of their facility border

homes. This operation has planned to run their operation 6 days a week from 7am to 11pm. This is outside of the city noise ordinance. As this is a residential area we will no longer be able to enjoy a quiet peaceful evenings and Saturdays or time outside with our family and friends. This will also make for very noisy nights when trying to go to sleep and sleep. I ask that this not be allowed and that they are expected to operate m-f and only 8-10 hours a day and within the cities noise ordinance. 2. Air Quality- Anchorage has been trying to get better air quality and this project will be detrimental to our local part of anchorage. With gravel extraction will come a large amount of dust. Not only during the act of extraction but as the wind blows over the land. This in fact will affect more than the tier 1 and 2 homes. What studies have been done on how gravel pits in residential areas affect the respiratory health of high risk population especially children and elderly (much of our community). What pollutants will be released into the air via the significant increase of dust? What will the exact use of the land be when gravel extraction is finished. Will this include lots of machinery emitting air pollutants? 3. Water quality and level- This community's only source of water is wells. Many of the wells were lucky to get water and have a very low flow rate. With the extremely large amount of water that will be used out of the water aquifers to spray down the loads this is likely to adverse affect many homes. Dowl state that they would send people to test water. We were told they would be back to us in a week. No contact from them was made it has now been 3 weeks. When attempted to call for an idea when they would be coming there was no return call. If they do not test prior to you deciding on a conditional use zoning what forces them to test? 4. Accountability- As stated above concerning trucks. How will this operation be held accountable to their plan? Who will be checking them? What is stopping them from using trucks when the rails are closed or delayed? In the Alaska Star they reported that this would be an estimated 800 trips a day. That is 1,600 time a day the trucks would drive our street. How often is the water going to be tested for pollution? Is the air going to be tested for quality prior to starting operation and later? 5. Property Value- This project will most definitely decrease the property and community value of the area. I validate the argument that there is a shooting range and airport in the area. These do produce noise but not the amount of a gravel extraction project or the environmental pollution. The Airport and shooting range are also public use areas that give the people a place to go and participate in an activity. A gravel pit does not come with such benefits. I once again would ask that you not approve the land to be used as a gravel extraction site. Some of the reasons include that our only source of water is well and they plan on tapping into this source and using 1,000's of gallons a day. What are we to do when the water is reduced, eliminated or contaminated? The noise, air and light pollution will forever give our home an industrial feel and reduce the peacefulness of coming home. There are also to many question and concerns that have been left unanswered and unplanned for at this time. Most of all please keep in mind that this is not just a small project that is out of the way and will be over soon this project is less than a football field away from doorsteps and is expected to last at least 5 years going 6 days a week for 15hours a day. As planned it equates to 1,560 days and 23,400 hours of our lives spent living next to a gravel pit. And it will not end there. Allowing them to make a gravel pit then opens the lot to an open ended use as a heavy industrial park according to the Zoning Districts is defined as "I-2 -- heavy industrial district The I-2 district is intended for heavy manufacturing, storage, major shipping terminals and other related uses. Also permitted are uses generally permitted in commercial districts." Please do not open the door or allow for my home and community to forever be decimated by a

gavel extraction operation and then a heavy industrial park.

Zoning and Platting Cases On-line

View Case Comments

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

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

DEC 01 2008

 Municipality of Anchorage
Zoning Division

1. Select a Case: 2008-140

[View Comments](#)

2. View Comments:

Case Num: 2008-140

Zoning conditional use for a natural resource extraction

Site Address: 20850 BIRCHWOOD SPUR RD

Location: A request for a conditional use to allow for a natural resource extraction (gravel) in the I-2SL (Heavy Industrial with special limitations) zoning district, approximately 139 acres. Tract 38, Birchwood Parcel A, Lying within Sections 5, 7 and 8, T15N, R1W, S.M., Alaska, except all that portion lying within said Section 7, and all that portion lying within the W1/2 of the SW1/4 of the NW1/4 of said Section 8. Generally located east of Southeast Apron Road, west of Birchwood Spur Road, and west and north of South Birchwood Spur Road.

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

Public Comments

12/1/08

 Zachariah Kaiser
PO BOX 670132
Chugiak AK 99567

As a property owner I understand Eklutna's desire to use their property as they see fit. However, using this land as a large scale gravel extraction project will be devastating to the surrounding residential community. I am asking you on behalf of my community and the many people in it that are unable to clearly articulate their feelings and desire for you to not approve this. This project will take place less than a football field from people's doorsteps. Our community has many times tried to talk with Dowl and Eklutna Inc where many questions were left unanswered or vague at best. It has been stated that all extraction would be done by rail. However, during a community meeting it was stated that at some point trucking out gravel would be required. This contradicts what they have been voicing as their plan of action. This raises the question of how will this operation be held accountable to using rail only? How do they plan on removing the 139 acres of trees and other vegetation? The project planners have only considered "Tier 1 and tier 2 homes" to be affected. These are properties on or one lot from the project site. This is an unreasonable assumption. This project will have much farther reaching affect to the homes in the area. Some of our major concerns include the following. 1. Noise pollution- This is a quiet community. We do have a shooting range and airport but neither of these produces continuous noise and the majority to none of their facility border homes. This operation has planned to run their operation 6 days a week from 7am to 11pm. This is outside of the city noise ordinance. As this is a residential area we will no longer be able to enjoy a quiet peaceful evenings and Saturdays

116

or time outside with our family and friends. This will also make for very noisy nights when trying to go to sleep and sleep. I ask that this not be allowed and that they are expected to operate m-f and only 8-10 hours a day and within the cities noise ordinance. 2. Air Quality- Anchorage has been trying to get better air quality and this project will be detrimental to our local part of anchorage. With gravel extraction will come a large amount of dust. Not only during the act of extraction but as the wind blows over the land. This in fact will affect more than the tier 1 and 2 homes. What studies have been done on how gravel pits in residential areas affect the respiratory health of high risk population especially children and elderly (much of our community). What pollutants will be released into the air via the significant increase of dust? What will the exact use of the land be when gravel extraction is finished. Will this include lots of machinery emitting air pollutants? 3. Water quality and level- This community's only source of water is wells. Many of the wells were lucky to get water and have a very low flow rate. With the extremely large amount of water that will be used out of the water aquifers to spray down the loads this is likely to adverse affect many homes. Dowl state that they would send people to test water. We were told they would be back to us in a week. No contact from them was made it has now been 3 weeks. When attempted to call for an idea when they would be coming there was no return call. If they do not test prior to you deciding on a conditional use zoning what forces them to test? 4. Accountability- As stated above concerning trucks. How will this operation be held accountable to their plan? Who will be checking them? What is stopping them from using trucks when the rails are closed or delayed? In the Alaska Star they reported that this would be an estimated 800 trips a day. That is 1,600 time a day the trucks would drive our street. How often is the water going to be tested for pollution? Is the air going to be tested for quality prior to starting operation and later? 5. Property Value- This project will most definitely decrease the property and community value of the area. I validate the argument that there is a shooting range and airport in the area. These do produce noise but not the amount of a gravel extraction project or the environmental pollution. The Airport and shooting range are also public use areas that give the people a place to go and participate in an activity. A gravel pit does not come with such benefits. I once again would ask that you not approve the land to be used as a gravel extraction site. Some of the reasons include that our only source of water is well and they plan on tapping into this source and using 1,000's of gallons a day. What are we to do when the water is reduced, eliminated or contaminated? The noise, air and light pollution will forever give our home an industrial feel and reduce the peacefulness of coming home. There are also to many question and concerns that have been left unanswered and unplanned for at this time. Most of all please keep in mind that this is not just a small project that is out of the way and will be over soon this project is less than a football field away from doorsteps and is expected to last at least 5 years going 6 days a week for 15hours a day. As planned it equates to 1,560 days and 23,400 hours of our lives spent living next to a gravel pit. And it will not end there. Allowing them to make a gravel pit then opens the lot to an open ended use as a heavy industrial park according to the Zoning Districts is defined as "I-2 -- heavy industrial district The I-2 district is intended for heavy manufacturing, storage, major shipping terminals and other related uses. Also permitted are uses generally permitted in commercial districts." Please do not open the door or allow for my home and community to forever be decimated by a gavel extraction operation and then a heavy industrial park.

11/30/08

Mary Pederson

P.O. Box 671313

Chugiak Ak 99567

We live on Davidson Drive and are opposed to the conditional use permit request for gravel extraction by Eklutna. The noise would be relentless 6 days a week - 16 hours a day is too much for this area. Also the gravel trucks would pose a risk for young children in the area as we have no bike paths along the Birchwood Loop and Birchwood Spur roads. Please deny this request. Mary Pederson

Preliminary Report
Birchwood Community Council-Discussion and Action Items

For inclusion in Planning & Zoning Board packets regarding
2008-130 rezone to modify special limitations

Eklutna, Inc made two presentations to the Birchwood Community Council membership. The Sept. 24, 2008 meeting was attended by 51 individuals and the Oct. 22, 2008 meeting was attended by 21 members. Both presentations were on P&Z Cases No.2008-130 and 2008-140, a rezone to modify special limitations and a 5 year CUP for natural resource extraction.

This preliminary report will only address what we understand to be directly related to the rezone altho it is confusing because some actions appear to overflow into the CUP part of Eklutna's proposal.

Eklutna, Inc states: "following natural resource extraction & prior to development of industrial park uses, the parcel will be replatted".

BY MOTION, duly approved, this Council requests emphatically that, "following natural resource extraction and prior to any further development, that a site plan review with public input be required."

Discussion centered upon Eklutna's statements that residential would be staged but they want some industrial. They responded affirmatively when asked if a subdivision would be required before any permanent development and then went on to state that they could have industrial uses begin with just an approved CUP in hand. Eklutna offered detailed information regarding the CUP but minimal information on future development. Eklutna spoke of industrial/commercial warehousing. This council will not support a motor freight terminal, a permanent gravel pit and/or processing of aggregates, concrete or asphalt plants.

A Memorandum of Understanding involving this 160 acre property and a 400 acre parcel located in the Powder Reserve area near the North Eagle River Interchange is in the appraisal stage and could conceivably result in ARRC acquiring this I-2SL & I-1SL property in trade after the gravel is extracted. Asked why they won't be excavating gravel on the I-1SL 22 acre parcel Eklutna stated that this is not part of their contract with Wilder and they won't be asking that this piece be rezoned partly based upon comments received, access as such, and that Eklutna will be dealing with this at a later time.

Birchwood Council has not taken final action regarding the proposal to substitute a 100' width by 20' high berm for all of the inside 100 feet of the mandated undisturbed naturally vegetated buffer. The attending membership was not willing to make a declaration regarding substitution, design, or form until an individual tally was completed of those residents that will be most severely affected by this development. The council is assisting Eklutna, Inc in securing that tally and should have that completed by Nov 18. Based on general comments at both meetings and what input we have gathered to date, we believe a fully vegetated berm could be a better aid in the mitigation of noise, air and visual impacts as well as safety.

Along the Birchwood Spur Road are 7 first tier and 8 second tier properties with a majority of the first tier being I-1SL. Of those 15 properties, about 6 residential properties will be impacted.

7 first tier properties not owned by Eklutna abutting the 22 acre I-1 property, which will not be part of the gravel extraction, were also invited to continue to make comment.

Properties along the South Birchwood Loop turnoff continuing along J-K Lane to Eklutna's I-1 property consist of 17 first tier properties and 17 second tier properties. For the most part, these property owners are the ones most severely impacted.

Unfortunately, because of a rise in elevation some properties along McKinley and Jayhawk bordering South Birchwood Loop will not have the protection this buffer might offer, other than greater distance from the site.

Discussion items regarding the berm were:

- 1) Less than a 200 ft buffer in vicinity of Alluvial and Old Pioneer.
 - Appendix A figures show, if accurate, that most of Birchwood Spur Road is entirely within Eklutna's I-2SL property. We assume that the 200 ft mixed buffer will be moved in so that a true 200 ft buffer will be maintained where residential zoning is adjacent to the road.
- 2) Proposed sixty (60) foot gap in buffer funnels noise and air quality pollution.
 - While not shown in this rezone packet, Eklutna seems to have planned a third access to the site from South Birchwood Loop. How will the 'break' in the buffer be handled and how will they mitigate the noise and air quality impacts near that break?

- 3) Height of berm will diminish with the seasons.
- We want this berm to be a minimum of 20 feet high and compensation for 'settling' to be calculated into the initial construction height.
- 4) Maximize safety and effectiveness of berm through slope changes and addition of native evergreen trees on residential side.
- We were shown pictures of buffers constructed at the Native Heritage Center; they were well-treed. While the seeding of this berm and the possibility of the stumpage voluntarily creating some trees in time, we feel that placement of native evergreen trees should be planned into the landscaping when they sow the grasses. A sparsely covered berm is going to be an attractive nuisance to the multitude of ATV riders in this area and the drop into the pit is going to be sudden, long and steep: safety hazard. Rows of evergreen trees of sufficient depth, exploration of terracing on the residential side or other changed sloping would go a long way towards mitigating this. Require a 2 year warranty for landscaping.
- 5) CUP begins without full buffering in place.
- Eklutna stated their intent is to build the berm as they clear and grub, in phases, working north to south. The very first thing will be to lay the track. No matter how effective the design of the buffer, if it is not first emplaced, it won't help.

Bobbi Wells, Chair
Jill Flanders-Crosby, Vice Chair
Gail Davidson-McCain, Secty
BIRCHWOOD COMMUNITY COUNCIL

Nov 12, 2008

Graves, Jill A.

From: Staff, Alton R.
Sent: Friday, November 14, 2008 7:51 AM
To: McLaughlin, Francis D.; Graves, Jill A.; Stewart, Gloria I.
Subject: Plat and Zoning Comments

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

2008- 130
140
154
156
157

RECEIVED

NOV 14 2008

Municipality of Anchorage
Zoning Division

The Public Transportation Department has no comment on the following plats:

S10592-5
S11710-1
S11712-1
S11713-1

Thank you for the opportunity to review.

Alton R. Staff
Planning Manager
Public Transportation Department
3600 Dr. Martin Luther King Jr. Ave.
Anchorage, AK 99507
907-343-8230

Content ID: 007318**Type:** Ordinance - AO

An Ordinance of the Anchorage Assembly Amending the Zoning Map and Providing for the Rezoning of Approximately 140 +/- acres from I-2 SL (Heavy Industrial District) with special limitations per A.O. 85-125 AA to I-2 SL (Heavy Industrial District) with special

Title: limitations, for Tract 38, lying within Section 5, Section 7, and Section 8, T15N, R1W, Seward Meridian, AK per BLM Plat dated November 21, 1991, except all that portion lying within said Section 7; and all that portion lying within the west $\frac{1}{2}$ and southwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 8, generally located east of Birchwood Spur Road and north and east of South Birchwood Loop Road in Chugiak.

Author: maglaquiip**Initiating Dept:** Planning

Description: Amending the Zoning Map and Providing for the Rezoning of Approximately 140 +/- acres from I-2 SL (Heavy Industrial District) with special limitations per A.O. 85-125 AA to I-2 SL (Heavy Industrial District) with special limitations

Date Prepared: 1/20/09 1:06 PM**Director Name:** Tom Nelson**Assembly Meeting Date:** 2/24/09**Public Hearing Date:** 3/24/09

Workflow Name	Action Date	Action	User	Security Group	Content ID
Clerk_Admin_SubWorkflow	2/9/09 9:43 AM	Exit	Heather Handyside	Public	007318
MuniMgrCoord_SubWorkflow	2/9/09 9:43 AM	Approve	Heather Handyside	Public	007318
MuniManager_SubWorkflow	2/9/09 9:26 AM	Approve	Michael Abbott	Public	007318
MuniManager_SubWorkflow	1/30/09 3:21 PM	Checkin	Joy Maglaqui	Public	007318
Legal_SubWorkflow	1/30/09 12:22 PM	Approve	Dean Gates	Public	007318
Finance_SubWorkflow	1/30/09 10:52 AM	Approve	Nina Pruitt	Public	007318
OMB_SubWorkflow	1/29/09 12:26 PM	Approve	Wanda Phillips	Public	007318
ECD_SubWorkflow	1/22/09 11:27 AM	Approve	Tawny Klebesadel	Public	007318
Planning_SubWorkflow	1/22/09 11:24 AM	Approve	Tom Nelson	Public	007318
AllOrdinanceWorkflow	1/22/09 10:15 AM	Checkin	Jerry Weaver Jr.	Public	007318
ECD_SubWorkflow	1/22/09 8:55 AM	Reject	Tawny Klebesadel	Public	007318
Planning_SubWorkflow	1/21/09 6:22 PM	Approve	Tom Nelson	Public	007318
AllOrdinanceWorkflow	1/21/09 5:00 PM	Checkin	Jerry Weaver Jr.	Public	007318
OMB_SubWorkflow	1/21/09 4:54 PM	Reject	Wanda Phillips	Public	007318
ECD_SubWorkflow	1/20/09 1:40 PM	Approve	Tawny Klebesadel	Public	007318
Planning_SubWorkflow	1/20/09 1:33 PM	Approve	Tom Nelson	Public	007318
AllOrdinanceWorkflow	1/20/09 1:10 PM	Checkin	Jerry Weaver Jr.	Public	007318