

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Community Development  
Department  
For reading: August 16, 2011

CLERK'S OFFICE

APPROVED

9-13-11

Anchorage, Alaska  
AO 2011-82

Date:

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2  
3  
4  
5 **AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE**  
6 **REZONING OF APPROXIMATELY 157.7 ACRES FROM R-3 SL (MULTIPLE-**  
7 **FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS) DISTRICT PER AO 84-**  
8 **21 TO R-6 SL (SUBURBAN RESIDENTIAL, LARGE LOT WITH SPECIAL**  
9 **LIMITATIONS) DISTRICT FOR VIEWPOINT SOUTH SUBDIVISION, TRACTS A-**  
10 **1, A-4, B-1 AND B-2; GENERALLY LOCATED ON POTTER VIEW DRIVE.**

11  
12 (Rabbit Creek Community Council) (Planning and Zoning Commission Case 2011-032)

13  
14 **THE ANCHORAGE ASSEMBLY ORDAINS:**

15  
16 **Section 1.** The zoning map shall be amended by designating the following  
17 described property as R-6 SL (Suburban residential, large lot with special  
18 limitations) District:

19  
20 Viewpoint South Subdivision, Tracts A-1, A-4, B-1 and B-2, consisting of  
21 approximately 157.7 acres, generally located on Potter View Drive, as  
22 shown on Exhibit "A" attached.

23  
24 **Section 2.** The zoning map amendment described in Section 1 above shall be  
25 subject to the following special limitation:

26  
27 A. The following uses are allowed:

28  
29 1. Permitted principal uses and structures.

30  
31 a. Single family home per lot.

32  
33 **Section 3.** This ordinance shall become effective 10 days after the Deputy  
34 Director of the Planning Division has received the written consent of the owners of  
35 the property within the area described in Section 1 above to the special limitations  
36 contained herein. The rezone approval contained herein shall automatically  
37 expire, and be null and void, if the written consent is not received within 120 days  
38 after the date on which this ordinance is passed and approved. In the event no  
39 special limitations are contained herein, this ordinance is effective immediately

1 upon passage and approval. The Deputy Director of the Planning Division shall  
2 change the zoning map accordingly.

3  
4 PASSED AND APPROVED by the Anchorage Assembly this 13<sup>th</sup> day of  
5 September, 2011.

6  
7  
8 ATTEST:

Debbie Ossander  
Chair

Antone S. Gault  
Municipal Clerk

(2011-032) (020-281-46, 020-281-50, -51, -52)

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

AO Number: 2011-82      Title: AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 157.7 ACRES FROM R-3 SL (MULTIPLE-FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS) DISTRICT PER AO 84-21 TO R-6 SL (SUBURBAN RESIDENTIAL, LARGE LOT WITH SPECIAL LIMITATIONS) DISTRICT FOR VIEWPOINT SOUTH SUBDIVISION, TRACTS A-1, A-4, B-1 AND B-2; GENERALLY LOCATED ON POTTER VIEW DRIVE.

Sponsor:  
 Preparing Agency: Community Development Department  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>	<b>(In Thousands of Dollars)</b>				
	<u>FY11</u>	<u>FY12</u>	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>
<b>Operating Expenditures</b>					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>
<b>REVENUES:</b>					
<b>CAPITAL:</b>					
<b>POSITIONS: FT/PT and Temp</b>					

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance should have no significant impact on the public sector. No additional public expenditures are required.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

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

Prepared by: Angela C. Chambers      Telephone: 343-7940



# MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 437-2011

Meeting Date: August 16, 2011

From: MAYOR

Subject: AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 157.7 ACRES FROM R-3 SL (MULTIPLE-FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS) DISTRICT PER AO 84-21 TO R-6 SL (SUBURBAN RESIDENTIAL, LARGE LOT WITH SPECIAL LIMITATIONS) DISTRICT FOR VIEWPOINT SOUTH SUBDIVISION, TRACTS A-1, A-4, B-1 AND B-2; GENERALLY LOCATED ON POTTER VIEW DRIVE.

1 This is a request by Potter Creek Development to rezone approximately 157.7  
2 acres from R-3 SL (Multiple-Family Residential with Special Limitations) District  
3 per AO 84-21 to R-6 (Suburban Residential, Large Lot) District. This will allow  
4 residential development on large lots with individual well and septic systems. The  
5 property is also being replatted and a preliminary plat has been approved for  
6 seventy-nine single family lots to be developed over a seven year period.

7  
8 The Planning and Zoning Commission recommended approval of the rezoning,  
9 subject to a special limitation which limits development to single family homes. In  
10 addition to removing the special limitations from the property, which require a  
11 specific site plan and public water/sewer service, the rezone will remove the  
12 property from the Potter Creek Master Plan.

13  
14 The rezoning request is generally consistent with the *Anchorage 2020, Anchorage*  
15 *Bowl Comprehensive Plan*, and generally meets the rezoning standards in AMC  
16 21.20.090.

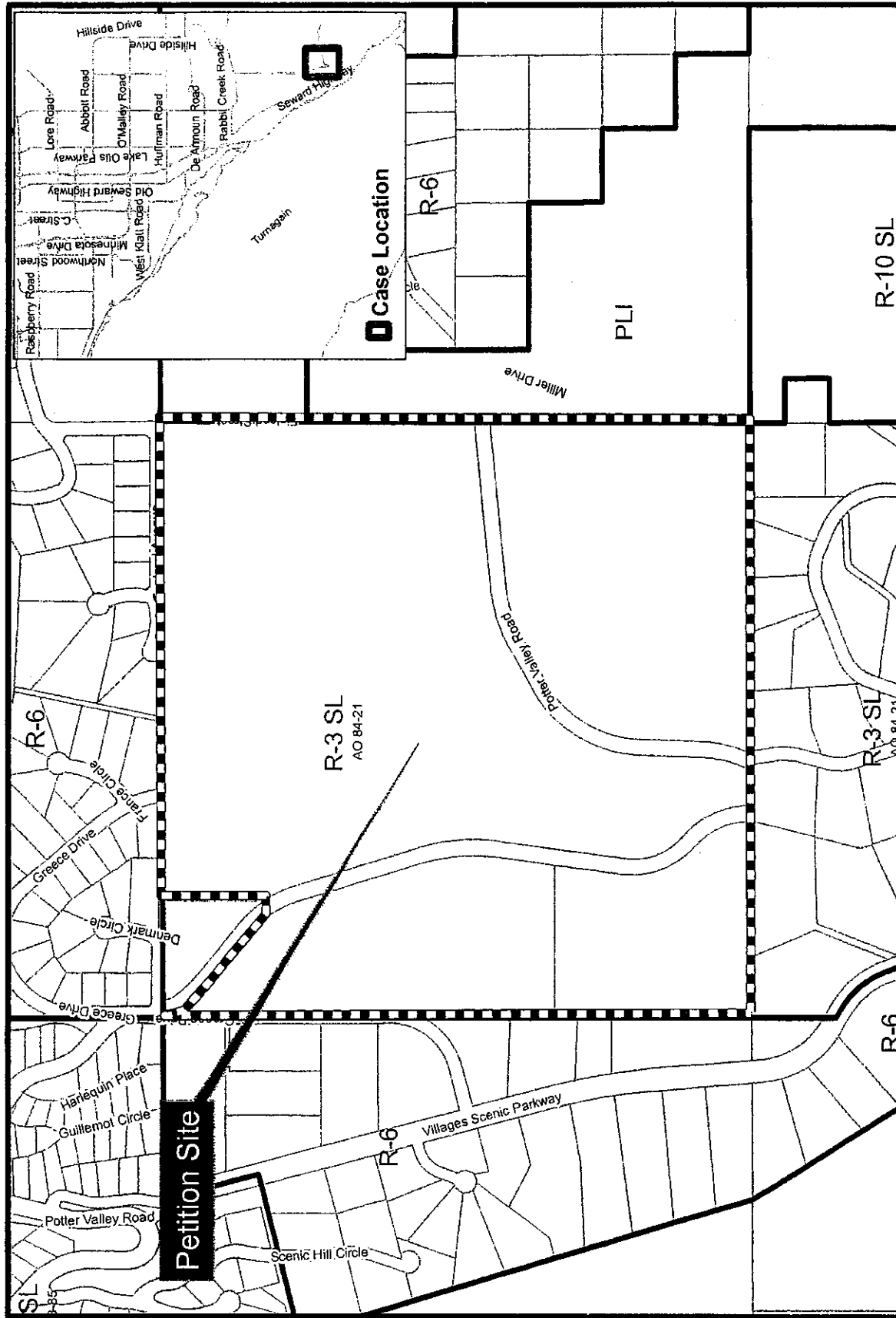
17  
18 A secondary access issue was presented to the Planning and Zoning  
19 Commission, and the Commission did not make provisions for secondary access  
20 from this property, for either the rezoning or subdivision. The Administration  
21 recommends an effective clause to this ordinance requiring a thirty-five foot right-  
22 of-way/public use easement on the Finland Street alignment on the east boundary  
23 of the property from England Avenue to Potter Valley Road.

24  
25

1 THE ADMINISTRATION RECOMMENDS APPROVAL OF THE ZONING MAP  
2 AMENDMENT, PROVIDING FOR THE REZONING OF APPROXIMATELY 157.7  
3 ACRES FROM R-3 SL (MULTIPLE-FAMILY RESIDENTIAL WITH SPECIAL  
4 LIMITATIONS) DISTRICT PER AO 84-21 TO R-6 SL (SUBURBAN  
5 RESIDENTIAL, LARGE LOT WITH SPECIAL LIMITATIONS) DISTRICT FOR  
6 VIEWPOINT SOUTH SUBDIVISION, TRACTS A-1, A-4, B-1 AND B-2;  
7 GENERALLY LOCATED ON POTTER VIEW DRIVE.  
8

9  
10 Prepared by: Angela C. Chambers, AICP, Current Planning Section  
11 Supervisor, Planning Division  
12 Approved by: Jerry T. Weaver Jr., Director,  
13 Community Development Department  
14 Concur: Dennis A. Wheeler, Municipal Attorney  
15 Concur: George J. Vakalis, Municipal Manager  
16 Respectfully submitted, Daniel A. Sullivan, Mayor

17 (Case 2011-032; Tax I.D. No. 020-281-46; 020-281-50, -51, -52)  
18



Municipality of Anchorage  
 Planning Department  
 Date: August 1, 2011

**MUNICIPALITY OF ANCHORAGE  
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2011-020**

A RESOLUTION RECOMMENDING APPROVAL OF A REZONE OF APPROXIMATELY 157.7 ACRES FROM R-3 SL (MULTIPLE-FAMILY RESIDENTIAL DISTRICT WITH SPECIAL LIMITATIONS) ZONE TO R-6 SL (SUBURBAN RESIDENTIAL DISTRICT - LARGE LOT WITH A SPECIAL LIMITATION) ZONE FOR TRACTS A-4, B-1 AND B-2 (PLAT 98-20) AND TRACT A-1 (PLAT 84-403), VIEWPOINT SOUTH SUBDIVISION, GENERALLY LOCATED SOUTH OF ENGLAND AVENUE, NORTH OF SOUTHPOINTE RIDGE DRIVE AND EAST OF GREECE DRIVE AND VILLAGES SCENIC PARKWAY WITHIN THE NW ¼ OF SECTION 14, T12N, R-3W, S.M., ALASKA.

(Case 2011-032; Tax I.D. No. 020-281-46; 020-281-50, -51, -52)

WHEREAS, a petition has been received from Potter Creek Development, LLC to rezone approximately 157.7 acres from R-3 SL (Multiple-Family Residential District with Special Limitations) to R-6 SL (Suburban Residential District - Large Lot with a Special Limitation) for Tracts A-4, B-1 and B-2 (Plat 98-20) and Tract A-1 (Plat 84-403), Viewpoint South Subdivision; generally located south of England Avenue, North of Southpointe Ridge Drive and East of Greece Drive and Villages Scenic Parkway within the NW ¼ of Section 14, T12N, R-3W, S.M., Alaska; and

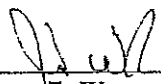
WHEREAS, notices were published, posted, public hearing notices were mailed, and a public hearing was held on June 6, 2011.


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

1. The Commission makes the following findings of fact:
  - a. Staff and public testimony have agreed that the rezone is compatible with the intent of the *Hillside District Plan*.
  - b. The Land Use Plan calls for limited residential density for this area of less than one dwelling unit per acre (<1 DUA).
  - c. Adoption of the Hillside District Plan removed the petition site from the Hillside Wastewater Management Plan (HWMP) that required public water and sanitary sewer for development of this property. Larger lots are necessary for on-site utilities.
  - d. The site has a number of sensitive features such as steep ridges, wetlands, bedrock, high winds and road access issues that make lower density more environmentally appropriate. The site is not necessarily developable at the minimum lot size of the R-6 zone, but the subdivision platting process will ascertain the adequate lot size to accommodate on-site services as the project moves ahead.

- e. The Commission does not concur with the effective clause as the issue of construction of a second access is a timing issue and is not an issue of the rezoning. The issue in the rezoning is whether the R-6 land use district is appropriate for this area.
  - f. The rezone petition conforms to *Anchorage 2020* Policy Nos. 3, 5, 7, 8, 13, 48, 50, 55 and 65 and is consistent with the *Hillside District Plan* Goals of 5, 6, 7, 8, 9, 10 and 13.
  - g. The use is appropriate to the Comprehensive Plan, the District Plan and other planning documents.
  - h. This rezoning request generally meets the rezoning standards in AMC 21.20.090.
  - i. The Commission recommended approval of R-6 zoning with a special limitation by a unanimous vote of 8 in favor, 0 opposed and 1 abstain.
2. The Commission recommends to the Anchorage Assembly that the subject property be rezoned to R-6 SL (Suburban Residential District - Large Lot) with the following Special Limitation:
- a. "Residential uses are limited to single-family homes on individual lots."

ADOPTED by the Anchorage Municipal Planning and Zoning Commission this 11<sup>th</sup> day of July, 2011

  
\_\_\_\_\_  
Jerry T. Weaver, Jr.  
Secretary

  
\_\_\_\_\_  
Arthur D. Isham  
Chair

(Case 2011-032)  
(Tax I.D. No. 020-281-46; 020-281-50, -51, -52)

ab



COMMISSIONER PARKS seconded.

COMMISSIONER YOSHIMURA stated she appreciates the petitioner following the rules as others in Woodside East Subdivision have not always done so when it has come to the installation of their decks. She finds that the Department believes the deck is a minor amendment and recommends approval.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Yoshimura, Fredrick, Pease  
NAY: None

**PASSED**

5. **Other - None**

**G. PUBLIC HEARINGS**

1. **CASE: 2011-019 POSTPONED INDEFINITELY**  
**PETITIONER: MOA**  
**REQUEST: Master Plan Review of a public park**

*This case was postponed indefinitely.*

CHAIR ISHAM noted Cases 2011-032 and S11864, Agenda Items (2) and (3), would be heard simultaneously.

*COMMISSIONER YOSHIMURA was recused from participating in Agenda Items G(2) and (3), Cases 2011-032 and S11864 and was not present when those cases were heard by the Commission.*

2. **CASE: 2011-032**  
**PETITIONER: Potter Creek Development**  
**REQUEST: Rezoning to R-6 Suburban residential district**

This is a request to rezoning R-3SL (multi-family residential with special limitations) to R-6 (suburban residential, large lot). If approved, this rezoning also removes the property from the Potter Creek Master Plan. The location is Viewpoint South SD, Tracts A-1, A-4, B-1, B-2 on Potter View Drive in Anchorage. The applicant owns four tracts which make up the 158 acres proposed for R-6, single family development. At build-out the applicant is proposing approximately 79 single family lots. The property will be developed in phases, beginning Summer 2011 with a proposed 7 year build-out. The first phase will consist of 30 lots.

**3. CASE: S11864**  
**PETITIONER: Potter Creek Development**  
**REQUEST: Plat for review by the Planning and Zoning Commission**

Potter Highlands Subdivision Phase 1 is a request for the subdivision of three (3) tracts into 30 lots and four tracts with vacation of a portion of Potter Valley Drive and 20' utility easement with variances from AMC 21.80.010 (Dedication-streets) and AMC 21.85 Table C (interior streets).

The plat before the Commission is a 120-acre subdivision of existing Tracts B-1, B-2 and A-4, Viewpoint South Subdivision (Plat 98-20). The revised preliminary plat for proposed Potter Highlands Subdivision indicates 30 lots and four tracts. Proposed Tracts A-4-A, A-4-C and B-3 are identified as dedicated greenbelt tracts containing 9.8 acres, 0.9 acres and 3.5 acres respectively. The 30.2 acre Tract A-4-B is slated for future development.

The application includes a request to vacate a portion of the western segment of Potter Valley Road with the intent to re-align and to dedicate right-of-way to match the existing gravel road. Vacation of a 20' x 785' CEA easement that extends south from the north property boundary within existing Tract A-4 is requested.

Variances are requested from AMC 21.80.010 and AMC 21.85.050 (Table C) seeking relief from the requirements to dedicate and construct right-of-way for Greece Drive that adjoins a portion of the western boundary of the petition site.

The petition site is generally located east of Villages Scenic Parkway and Greece Drive extended, west of Potter Heights Drive, north of Southpointe Ridge Drive and south of England Avenue.

**Postponement Request for Cases 2011-032 and S11864**

MARGARET O'BRIEN provided a revised, combined staff report for the petition to rezone, Case 2011-032, and the plat, Case S11864, which was laid on the table. The Department requested a postponement of both cases based on issues relating to recently passed amendments to the Fire Code that included exceptions to fire access, proposed amendments to the fire code to be processed by Administration for Assembly review and public hearing, and issues related to public safety. The Department recommended postponement of the cases until July 11, 2011.

DON MCCLINTOCK with ASHBURN & MASON represented the petitioner, POTTER CREEK DEVELOPMENT. At the request of the Commission, he spoke to the postponement issues on behalf of the petitioner.

COMMISSIONER PARKS moved to postpone Agenda items G(2) and G(3). Cases 2011-035 and S11864 to the July 11, 2011 meeting. COMMISSIONER FREDRICK SECONDED.

COMMISSIONER PARKS thinks it is a great disservice to someone who has paid their fees and spent the time and energy to bring something forward to the Planning and Zoning Commission to have it put off at somewhat of a last minute. He will not be supporting this motion.

COMMISSIONER PEASE asked for further comments from other Commissions on this unusual case. In response to COMMISSIONER PEASE, MS. CHAMBERS noted MR. KEEFER from Private Development was present and could speak on the issues of fire safety access or egress.

COMMISSIONER FREDRICK will not be supporting the motion. He believes the Assembly has spoken and that whatever might be going on somewhere else in terms of disapproval of the Assembly's action is, he believes, not the Commission's concern at this point. For the reasons otherwise stated that a lot of effort has gone into this, and the time involved, he believes it is time for the Commission to move forward with this case.

COMMISSIONER PHELPS expressed uncertainty as to what to do at this particular point. He indicated what would probably decide his vote for him is the statement by the petitioner that they would lose a whole construction season. For that reason, he will be opposing the proposal and the motion as well. He noted it is difficult vote because typically he would support the Municipality in a postponement.

COMMISSIONER WILSON was interested in the Administration's position on how much of a priority a State request for State funding for that second access road might be. He thinks it was apparently attempted this legislative session (or another legislative session), and it did not make it, and he wondered if that would be attempted again. In response, MS. CHAMBERS noted Staff did not have information or specifics on that.

COMMISSIONER WILSON noted he would be hesitant to cause a petitioner that has gone through this much work and through the process in good faith to have a last minute postponement.

CHAIR ISHAM will be opposing the motion. He believes that the Assembly made the decision, and the Administration had the opportunity to veto it and did not take that opportunity. He stated the law is the law, and he thinks the Commission has to uphold the law and interpret it appropriately.

COMMISSIONER PEASE will not be supporting this motion. She indicated she is always supportive of postponing for additional information, or sometimes there are hardship circumstances, and she does like to ensure that Staff has had enough time, but in this case she indicated it appears to her that the postponement would be for a hoped for change in rules that were recently passed. As noted by CHAIR ISHAM, COMMISSIONER PEASE noted Administration had a chance to weigh in on those rules. She will not be supporting it for a potential rule change.

AYE: None

NAY: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease

ABSTAIN: Yoshimura

**FAILED**

**JOINT PUBLIC HEARING – CASES 2011-032 and S11864**  
**POTTER HIGHLANDS REZONE AND PLAT**

With the failure of the motion to postpone, CHAIR ISHAM stated the Commission would hear both cases at this meeting, and the cases would be heard at the same time.

MS. CHAMBERS provided the Staff Report and recommendations on behalf of the Municipality's Planning Department. Planning recommended approval of the rezone subject to one special limitation and an effective clause.

MS. O'BRIEN provided the Staff Report and recommendations on behalf of the Municipality's Planning Department. Planning recommended approval of the two vacation requests, the requested variances, and the plat for 18 months subject to 21 conditions.

Also present from the Municipality were DON KEEFER, Private Development Manager, and LORI SCHANCHE, Non-Motorized Transportation Coordinator.

MS. SCHANCHE briefly discussed the issue of paved shoulders on Potter Valley Road, Condition 10(e) relating to the width of trails, and their preference for an 8 foot wide trail.

CHAIR ISHAM opened the public hearing.

DON MCCLINTOCK with ASHBURN & MASON, represented the petitioner, POTTER CREEK DEVELOPMENT, and provided the presentation on behalf of the petitioner. Also present on behalf of the petitioner were the following individuals: DAVE GRENIER with TRIAD ENGINEERING, lead civil engineer; TONY HOFFMAN with LANTECH, registered land surveyor; JIM MUNTER, hydro geologist; STEVE ING, former director of Alaska Department of Environmental Conservation for wetlands issues; WILL WEBB, USKH traffic engineer; RICK DAVICH, nature trail issues; BOB PETERSEN and JOHN HAGMEIER, principals with POTTER CREEK DEVELOPMENT.

CHAIR ISHAM opened the hearing to public testimony. The following individuals testified:

JOHN WEDDLETON  
TODD DUNLAP  
DIANNE HOLMES

MR. MCCLINTOCK provided rebuttal testimony on behalf of the petitioner.

CHAIR ISHAM closed the public hearing.

COMMISSIONER PEASE moved to approve in Case 2011-032 the rezone with the following special limitation as noted on Page 15 of the Staff Packet modified to read “Residential uses are limited to single family homes on individual lots” and deleting the proposed effective clause offered by Staff. COMMISSIONER FREDRICK seconded.

COMMISSIONER PEASE in speaking to her motion noted the Staff and public testimony have agreed that the rezone is compatible with the intent of the Hillside District Plan. She noted the Land Use Plan calls for limited residential density for this area of less than 1 DUA (dwelling unit per acre), and in addition this area was removed from the City wastewater zone so larger lots are necessary for on-site septic. She thinks that in addition the site has a number of sensitive features such as steep ridges, wetlands, bedrock, high winds and road access issues that make lower density more environmentally appropriate. COMMISSIONER PEASE noted this site is not necessarily developable at the minimum lot size of the R-6 zone, but the subdivision platting process and the building permit review process will ascertain the adequate lot size to accommodate on-site services as the project moves ahead. She noted the reason for not taking the Staff's recommendation on the effective clause is that the issue of road construction and access is not really tied to the appropriate density and that is a timing issue. COMMISSIONER PEASE finds this rezone appears appropriate for the reasons stated in and found in the Hillside District Plan. With those findings, she will be supporting her motion.

COMMISSIONER PHELPS will also support this motion. He also endorsed the comments made by COMMISSIONER PEASE, particularly the statement she made where the effective clause on Number 1 of the Department's recommendations would be dropped. He noted that is really not an issue in the rezoning; the issue in the rezoning is whether or not the use is appropriate for this area, and he stated the Commission has heard from COMMISSIONER PEASE that the use is appropriate relative to the Comprehensive Plan, the District Plan and other Planning documents. For those reasons, he will support the motion as proposed by COMMISSIONER PEASE.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to approve in the matter of Case S11864-1. the plat with the conditions proposed by Staff on Pages 24 through 30 of the Staff Packet with some changes.

MS. O'BRIEN called for *point of order* noting that the Commission needs to deal with each item individually for the vacation requests, the variance requests and approval of the plat as noted in the Department's recommendations on Pages 24 and 25 of the Staff Packet. The Commission proceeded with motions for the vacation and variance requests, and then returned to the original motion.

COMMISSIONER PEASE moved to approve in the matter of S11864-1, the vacation of two easements as noted on Page 24 of the Staff Packet:

Vacation of the 20' x 785' T&E Easement (Plat 84-402) subject to the non-objection of all affected utilities; and

Vacation of a portion of the western segment of Potter Valley Road (Plat 84-402) and the triangular-shaped dedication at the southeast corner of proposed Lot 11.

COMMISSIONER FREDRICK seconded.

COMMISSIONER PEASE finds that the first vacation is a utilities easement, and utilities will be provided along a different alignment. She noted this vacation is subject to the non-objection of all affected utilities, and as such, it appears to be fairly cut and dried. She noted the second vacation of a portion of the western segment of Potter Valley Road has been explained in the Staff Packet as less disruptive to the natural features of the Hillside because there is an existing road in an alignment to the east, and this vacation will be replaced by the replatting of a suitable alignment, which is already disturbed and in use. She finds this vacation reduces the impact to the natural environment of the Hillside, and it also enables some flatter portions of ground to be available for development, and as such, it is an appropriate vacation.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to approve in Case S11864-1 the variances requested as noted in Item B on Page 25 of the Staff Packet, granting the variance from AMC 21.80.010 (dedication-streets) and AMC 21.85 Table C (interior streets) and granting relief from the requirements to dedicate and construct right-of-way for the east half of Greece Drive.  
COMMISSIONER FREDRICK seconded.

COMMISSIONER PEASE noted this portion of Greece Drive falls across a large area of wetlands so construction of the right-of-way would be problematic from an environmental standpoint and a cost standpoint. In addition, she noted it is not needed for access to this subdivision as the developer is providing access to all lots that border Greece Drive. She noted that all lots that border Greece Drive are accessed from Potter Valley Road instead. She finds that all lots in the vicinity of drive that other lots outside this subdivision have access from Villages Scenic Parkway. She does not think the access is needed, and because of the environmental conditions along that right-of-way that it is not practical. She did note that the section line easement is retained. She also finds that in the Hillside District Plan there is a potential trail along that area, which possible could be done in a more environmentally friendly way than a road. She finds the variance to not construct and develop that road is appropriate.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE restated her original motion for approval of the plat.

COMMISSIONER PEASE moved to approve in the matter of Case S11864-1, the Potter Highlands Subdivision plat for Phase 1 with Staff recommendations on Pages 25 through 30 of the Staff Packet, Items C(1) through C(21). COMMISSIONER PARKS seconded.

COMMISSIONER PEASE moved to amend Item C(3) to read “provide a second access prior to approval of a final plat for Phase 2.” COMMISSIONER PARKS seconded. *(WITHDRAWN)*

In speaking to her amendment, COMMISSIONER PEASE noted this access has changed since the original review of this plat by Staff, and on approximately May 11, 2011 the Assembly passed an ordinance that says that for developments of 30 lots or less, which this is, separate from any other development in that subdivision, secondary access is not absolutely required. In addition, she noted that currently there is an ordinance that says that if secondary is not practical, it may be not required as part of a subdivision. She noted she did leave Phase 2 in the amendment as a time by which secondary access should be required, and this is out a few years. COMMISSIONER PEASE indicated there may well be more ordinance changes between now and then, but the intent is that under the current rules for access that the Commission is operating under at this hearing for a 30 unit subdivision the secondary access is not necessary, and she finds this plat can therefore go ahead.

COMMISSIONER PEASE had concerns about whether the words “provide a second access” need to be clarified as to whether it says construct, or just provide a right-of-way, and the Commission went into a *Committee of the Whole* to discuss this.

COMMISSIONER PEASE moved to go into a *Committee of the Whole*. COMMISSIONER FREDRICK seconded.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to come out of the *Committee of the whole*. COMMISSIONER FREDRICK seconded.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE *WITHDREW her motion to amend Item C(3)*. She proposed an amendment to delete Item C(3) in lieu of her withdrawn amendment.

COMMISSIONER PEASE moved to amend the motion by deleting Condition C(3) from the conditions of approval for the plat. COMMISSIONER PARKS seconded.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to clarify in Item 10(a) that Potter Valley Road will have four foot paved shoulders unless found not necessary in consultation with the Non-Motorized Trails Coordinator. COMMISSIONER PARKS seconded.

COMMISSIONER PEASE noted the cross-section shown to the Commission in the Hillside District Plan for potential road configurations talk about a 2 to 4 foot shoulder, and it was unclear from the Commission's discussion earlier whether that shoulder would even have to be paved. She stated this is a collector road that will have 2,000 or greater vehicle trips a day, and noted it is already heavily used by bikers, rollers, skiers, and some pedestrians. She thinks this activity, as the Commission heard in testimony, is likely to increase. On a road such as this with some limited site lines and steep grades, she indicated it seems that the 4 foot shoulders are important for safety of the non-motorized users on the road shoulder, and that there is no attached path. She feels the path that is a nature path would not accommodate those wheeled users, or is less likely to. As such, she thinks is a safety issue and a community quality of life issue as well.

COMMISSIONER PRUHS does not disagree with the 4 foot shoulder, but he does disagree with paving adding a lot of cost to the project for a select group of users.

COMMISSIONER PEASE feels if the shoulder is not paved, then the bikers and the other users will be on the pavement and in the lane. She noted this is like that on the Old Seward Highway already behind Potter Marsh, and it is inherently unsafe. She thinks it is important to have a paved shoulder. Again, she noted this is a collector road, and typically they are required to have pedestrian ways on both sides of the street.

AYE: Wilson, Parks, Phelps, Isham, Fredrick, Pease



NAY: Pruhs, Dean  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to amend Condition 10(e), Trail Improvements, to add a specification that the main nature path parallel to Potter Valley Road will be an 8 foot wide trail. *This motion died for lack of a second.*

COMMISSIONER PEASE proposed amending the main motion by adding a condition of approval and a plat note ensuring pathways will be permanently dedicated for legal public use, but asked for assistance on wording and location of the condition from Staff.

MS. O'BRIEN noted Condition 15 already states "dedicating a 20 foot wide easement for the proposed trail within Tract A4A," which is the greenbelt tract, based on the final alignment of the trail. She indicated the Commission could add "dedicating a 20 foot wide public use easement" and so identified on the plat, it would be for the public.

COMMISSIONER PEASE clarified it was not just for Tract A4A, and that she wanted to make sure that the description included all of the trails.

MS. CHAMBERS indicated it would be Condition 18, which is the plat note section where all the plat notes are located. She also suggested that the condition state to resolve the wording with Staff, and then COMMISSIONER PEASE state her intent again.

COMMISSIONER PEASE restated her motion.

COMMISSIONER PEASE moved to amend the main motion to add to Section 18 of the Conditions a plat note which ensures dedication of the pathways to enable permanent public pedestrian use. COMMISSIONER FREDRICK seconded.

COMMISSIONER PEASE noted some of these pathways, the one parallel to the road for example, are serving as a kind of transportation alternative to the road itself in lieu of the pathways that would normally be required along the road. She believes there is a need for permanent public use in this corridor; it is a collector corridor. In addition, she noted connectivity between neighborhoods is promoted by the Hillside District Plan, as well as the 2020 Comprehensive Plan, and stated permanent connectivity is clearly the public benefit that is sought. She noted the applicant indicated that permanent dedication of the public easements was acceptable to their clients. She stated the petitioner has been very supportive of trails, and he did speak to the acceptability of dedicating the public easements.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to amend the main motion to add to the plat conditions in Condition 18 to “provide a pedestrian pathway along the lower cul-de-sac for connectivity from Potter Valley Road to the pedestrian easement shown between Lots 14 and 15.”  
COMMISSIONER FREDRICK seconded.

Staff indicated this proposed amendment would likely be a new condition.

COMMISSIONER PEASE noted the Hillside District Plan and the Comprehensive Plan talk about pedestrian connections between neighborhoods and a connected system of pathways. She noted there is a pathway along Potter Valley Road. She stated there is a pathway at the end of this cul-de-sac, and what she is requesting is that in this plat that an intermediate segment of pathway on the cul-de-sac also be provided so there is a continuous pedestrian connection so you do not have to come off the trail in Potter Valley Road and go down the cul-de-sac, and then find the other trail. She believes it is safer and more navigable for pedestrians if it is continuous.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease

NAY: None

ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to amend Condition 18 to add a similar plat condition along the Upper Spur Road, which provides access to Lots 20 and 26. COMMISSIONER FREDRICK seconded.

COMMISSIONER PEASE noted this is a trail connection that will eventually proceed to England Circle in the next subdivision, and that this is a trail connection that is shown on the recently adopted Hillside District Plan. For the same reasons as stated in her previous amendment for a trail segment, she thinks it provides continuity, which is safer and more navigable and easier to find for pedestrians.

COMMISSIONER PEASE noted the connection all the way to England is not shown, but this is a trail segment that is shown on the Hillside District Plan, which the Commission just passed. She feels if the Commission does not put this in, show this segment platted and build it now, it becomes really hard to retrofit. She believes it does a service to the prospective lot owners to know that there is intended to be a trail, and there will be or is a trail across the lot before they buy it rather than as a retrofit.

COMMISSIONER DEAN disagreed. She noted it has not been subdivided yet, so you cannot very well plat a trail across there and require the building of a trail at this time until it is subdivided.

COMMISSIONER PEASE noted she may have been unclear. The pedestrian easement would go along the proposed section of road to be constructed to the tee.

COMMISSIONER DEAN indicated she misunderstood.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

COMMISSIONER PEASE moved to amend the main motion to move Greenbelt Tract B-3 thirty-three feet to the east so that Greenbelt Tract B-3 retains its full width, and no portion of it overlies the section line easement along the west boundary of the property. (WITHDRAWN)

COMMISSIONER PEASE noted Staff may have already included the condition in her proposed amendment, and asked if it had already been handled.

MS. O'BRIEN noted she discussed this issue with Staff, as well as with the petitioner's representative, and it creates real problems. She indicated if they are creating a tract, and you move it 33 feet to the east, you have a long narrow, thin tract for the section line easement that does not meet any standard of the subdivision regulations. She also noted there is the problem that some of the lots impacted by this may not meet the minimum lot size. She indicated that has not been determined, and it may not meet the subdivision standards, lot depth to width and things of that nature. She noted it revamps all the lot configurations on the east side of Potter Valley Road, and it creates a number of problems with the lot configuration creating a tract that does not meet any kind of subdivision standard. She stated that is why there was a plat note added that the greenbelt tract does not preempt the rights of the 33 foot section easement for extension of trails or utilities, if required. She noted this proposed amendment truly modifies this plat totally to move that and create a tract.

In response to CHAIR ISHAM, MS. O'BRIEN clarified it was Plat note 18(l).

There was no second to the proposed amendment.

COMMISSIONER PEASE *withdrew her proposed amendment regarding Greenbelt Tract B-3.*

COMMISSIONER PEASE moved to amend Condition 18(l) to remove the word "roadway" so that the 33 foot section line easement may still be used for utility or pedestrian access purposes. (WITHDRAWN)

POINT OF ORDER was called by MS. O'BRIEN. She noted she specifically had to include "roadway" because the greenbelt cannot preempt a right granted by the federal government through the section line easement, and she had to make it clear. She does not know if a roadway would ever be there, but indicated it was a legal issue. MS. O'BRIEN noted you cannot preempt by a note on the plat the use of a section line easement, which is usually reserved for roadway, utility, pedestrian access, drainage, any of that type of function that would have been provided by a dedicated roadway. She noted this is why she had to leave "roadway" in.

There was no second, and COMMISSIONER PEASE *withdrew her proposed amendment regarding removal of the word "roadway" from Condition 18(l).*

COMMISSIONER PEASE moved to amend the main motion by adding a Condition to Section 18 to read "Work with Staff to identify public easements for the plat along practical alignments as identified by the non-motorized trails coordinator (and these are mentioned in her comments) an east-west path from Greece Drive to Potter Valley Road near Tract 4A4 in the vicinity of Lot 5, an east-west path from Greenbelt Tract A4A to the unnamed spur road near Lot 26, and a trail from the north border of the property through Tract A4A to Potter Valley Drive. COMMISSIONER FREDRICK seconded.

COMMISSIONER PHELPS stated he was concerned that the Commission has not really had a discussion about this particular issue, and it just came up at this hearing. He noted there has been a lot of review of this particular plat, and he does not think this is an appropriate time to modify it in such a substantial way.

COMMISSIONER PEASE suggested that these suggestions have been made in writing by the non-motorized trails coordinator, they are in the Commission's Staff Packet, and Staff has had a chance to see them. She thinks these suggestions help to implement the concepts of the Hillside District Plan, which is to provide connectivity between and among neighborhoods. In this case, she feels it is important to ask Staff to pursue them because we have this system that switchbacks at great north/south distances across the Hillside, and those switchbacks are very long for pedestrians and are not very safe for pedestrians because of the sight lines and the fact switchbacks are not safe when you are on foot. She noted that to the west Villages Scenic Parkway is a cul-de-sac of almost a mile in length so the distance around on foot to get up to Potter Valley Road would be over a mile versus a quarter mile on the direct line. She indicated the same holds for the other accesses proposed, which are more to serve residents in this subdivision. She thinks it is safer to provide ways, where practical, for pedestrians to go through the subdivision. She noted the Potter Valley Land Use Master Plan originally did not require pathways or sidewalks on this collector road because there was to be a network of "village pathways along interior lot lines," and as such, she thinks this is a well supported concept. She noted MS. SCHANCHE has already identified locations and that this asks to resolve the connections in a practical way.

In response to COMMISSIONER PHELPS, COMMISSIONER PEASE clarified her amendment was "to resolve with Staff the locations of the easements."

AYE: Isham, Fredrick, Pease  
NAY: Wilson, Pruhs, Parks, Phelps, Dean  
ABSTAIN: Yoshimura

**FAILED**

COMMISSIONER PEASE moved to amend the main motion by adding a condition that the on-site services section will attempt to find opportunities for draw down testing of nearby wells with voluntary cooperation of the well owners. *The motion died for lack of a second.*

COMMISSIONER PEASE moved to amend the main motion by adding a condition to read "Resolve with Staff the acceptability of the road design for school bus service for the Potter Valley Road collector." *The motion died for lack of a second.*

COMMISSIONER PEASE moved to amend the main motion to add a condition to "Resolve with staff the possibility through building permits or final plat approval limiting heavy vehicle access for construction from using the Portugal Place and Finland access." *This motion died for lack of a second.*

COMMISSIONER PEASE moved to amend the main motion by adding that "Staff will resolve the phasing of secondary access roads to ensure that the intent of the Hillside District Plan for relief of traffic on Golden View and for resolution of the Seward Highway intersections at Potter Valley Road be met."

MS. CHAMBERS noted this may tie up the petitioner's plat if the Municipality cannot resolve this. She noted it is a large regional traffic issue for the whole Hillside, and it is not something that will get resolved quickly enough within the petitioner's timeframe that they would like to get their plat recorded.

*The motion died for lack of a second.*

COMMISSIONER PEASE moved to amend Condition 13(a), which reads "water body mapping of this subdivision and showing the final delineation of all water bodies on the final plat" to amend that sentence to read "all water bodies, wetlands and setbacks from those areas on the final plat." *The motion died for lack of a second.*

There were no further amendments, and the Commission provided findings on the main motion.

COMMISSIONER PEASE finds this proposed plat lays out lots that each demonstrates buildable sites and septic locations with sensitivity to natural features such as wetlands, slopes, and natural hazards such as the steep road and the access issues resulting from the steep road. She noted the petitioner has done a commendable job in trying to incorporate several elements of the newly adopted Hillside District Plan, which includes some greenbelt tracts along steep areas which will

provide not only open space, but help to protect or preserve the view shed for all of Anchorage from down below at the bottom of the hill. In addition, she noted there is a trail system which attempts to capture some of the natural setting, and that is something that Hillside residents expressed as desirable. She further noted that the elements of the roadway are a rural collector road and by not having such items as curbs and gutters, it fits better into the rural setting and requires less disturbance of the contours. She thinks this is a commendable effort to provide a rural setting, a rural feel, while providing collector access onto the Hillside and connectivity to existing neighborhoods. She noted the conditions of the plat require additional drainage and water well testing. She thinks these are important to ensure a sustainable sewer and water system, but noted these protocols are laid out and will serve to protect the long-term use of groundwater and on-site septic systems for this subdivision and for the neighborhood.

COMMISSIONER PEASE believes the need persists to provide secondary access to this subdivision and to this part of the Hillside. She noted the Commission felt that given the currently standing policies adopted by the Assembly a few weeks ago in May that this subdivision of 30 lots should not be required to provide secondary access. She indicated the standards for platting secondary access or the requirements may change again, and as such, she noted the Commission has said that prior to Phase 2 this issue needs to be revisited. She noted the Commission heard from the public in written testimony about the substandard condition of that current secondary access along Portugal Place to Romania, and believes this will continue to be an issue, but thinks to place that requirement on one subdivision for 30 units did not seem an equitable assignment of expense. She believes there is still a need for looking at the road carefully, and hopes that Staff will independently ensure that school buses will be able to use this segment of the road. She stated that she knows that the non-motorized trail coordinator will be involved to advise on the safety of the road for bicycles and to further advise on the pathway construction. COMMISSIONER PEASE noted the Commission heard testimony, which she believes is very important to that area of the Hillside, regarding how future road access is phased. She indicated this is something that, although the Commission did not adopt any conditions, the traffic burdens on Golden View finding their way over to Potter Valley Road is going to continue to be an issue. She thinks the whole picture of secondary access off of the Hillside will need to be revisited and will continue to come before the Commission, but noted that for now the Commission has found that this Potter Valley Road can handle the traffic from this one discreet subdivision of 30 lots. She will be voting for approval with the conditions that the Commission specified and the Staff's conditions as amended.

COMMISSION PHELPS finds that this proposal is consistent with the previously recommended rezoning of the area to the R-6 density, and that it is also consistent with the Comprehensive Plan in the community. More specifically, he finds it is in conformance with the recently adopted Hillside District Plan. He noted the Hillside District Plan laid out a scheme for development in the Hillside area and it laid out very specific conditions in terms of facilities. He further noted that, in large part, this particular design has followed through on that plan and has incorporated many of the design features of that particular document. He also finds that this particular plan has been reviewed with the public, and that both community councils in the area have recommended its adoption. He further finds that this particular subdivision meets the standards of the subdivision code of the Municipality of Anchorage, and that the stipulations for approval

that are recommended and as amended here will essentially meet those standards and will provide for adequate public health and safety, and a nice environment in that area.

**MAIN MOTION AS AMENDED**

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Fredrick, Pease  
NAY: None  
ABSTAIN: Yoshimura

**PASSED**

The Commission discussed their ability to complete the remaining public hearing agenda items and whether the cases should be postponed.

COMMISSIONER PEASE moved to postpone hearing Agenda Item G(6), Case 2011-053, Agenda Item G(7), Case 2011-058, Agenda Item G(8), Case 2011-059 and Agenda Item G(9), Case 2011-061, to the first order of business at the Commission's next meeting on June 13, 2011. COMMISSIONER PARKS seconded.

AYE: Wilson, Pruhs, Parks, Phelps, Dean, Isham, Yoshimura, Fredrick, Pease  
NAY: None

**PASSED**

4. **CASE: 2010-109**  
**PETITIONER: Alaska Mental Health Trust Land Office -TLO**  
**REQUEST: Zoning conditional use for a natural resource extraction**

This is a request for a conditional use permit to allow a fill operation from the date of this approval to December 1, 2016. The petitioner intends to deposit approximately 132,000 cubic yards of fill at the site. Approximately 80,000 cubic yards will come from the extraction project at Tract C-2 on the northeast corner of Folker Street and the 40<sup>th</sup> Avenue right of way. This will be completed within 60 days, after which fill will come from other locations. The fill will be deposited on the PLI SL portion of the property, whereas, stockpiling of top soil will occur in the R-1 SL area adjacent to the fill operation. The site is located north of Eagle River Loop Road and east of Yosemite Drive, NE ¼, Section 23, T14N, R2W, Seward Meridian, Alaska.

COMMISSIONER PHELPS called for point of order to provide a disclosure on this case. He disclosed he works for the Alaska Department of Natural Resources, and deals with the Mental Health Trust Land Office on a regular basis. He stated he is not affected by this case in a fiduciary manner, but he wanted to indicate he does deal with the Trust Land Office. He believes he would be impartial in this particular case.

**PLANNING DEPARTMENT**  
**PLANNING STAFF ANALYSIS**  
**REZONING**

**DATE:** June 6, 2011

**CASE NO.:** 2011-032

**APPLICANT:** Potter Creek Development

**PETITIONER'S REPRESENTATIVE:** Lantech, Inc.

**REQUEST:** Rezoning from R-3SL (multi family residential with special limitations) to R-6 (suburban residential, large lot).  
Note: if approved, this rezoning also removes the property from the Potter Creek Master Plan.

**LOCATION:** Viewpoint South SD, Tracts A-1, A-4, B-1, B-2

**SITE ADDRESS:** Potter View Drive

**COMMUNITY COUNCIL:** Rabbit Creek

**TAX NUMBER:** 020-281-46, 020-281-50, -51, -52

**ATTACHMENTS:**

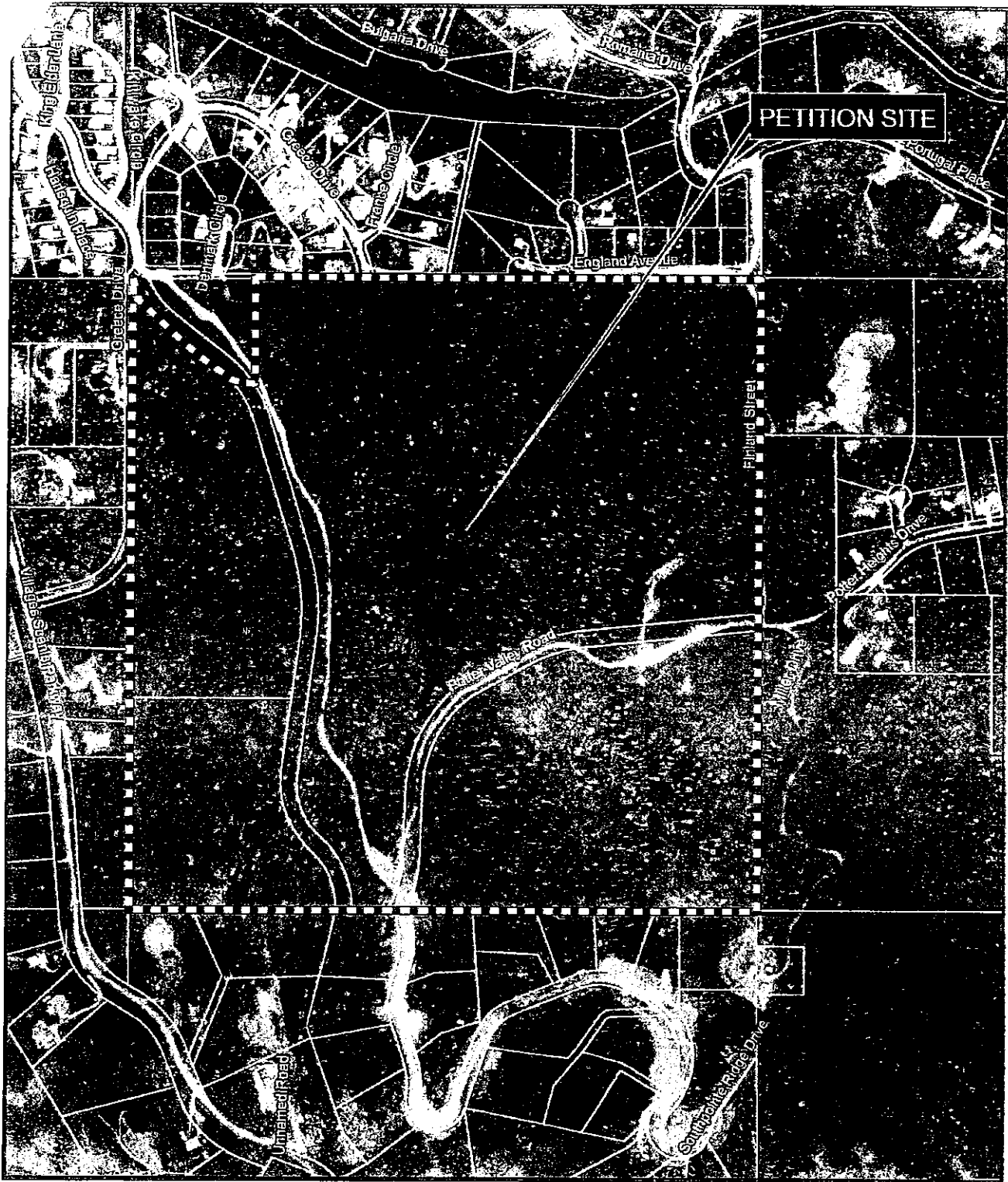
1. Zoning & Location Maps
2. Departmental Comments
3. Application
4. Posting Affidavit
5. Historical Information

**RECOMMENDATION SUMMARY:** *APPROVAL with Special Limitations and effective clauses.*

*The proposed rezoning meets the general standards of the Comprehensive Plan and the Hillside District Plan.*

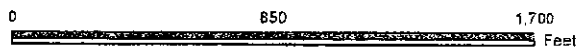


2011-032



Municipality of Anchorage  
Planning Department

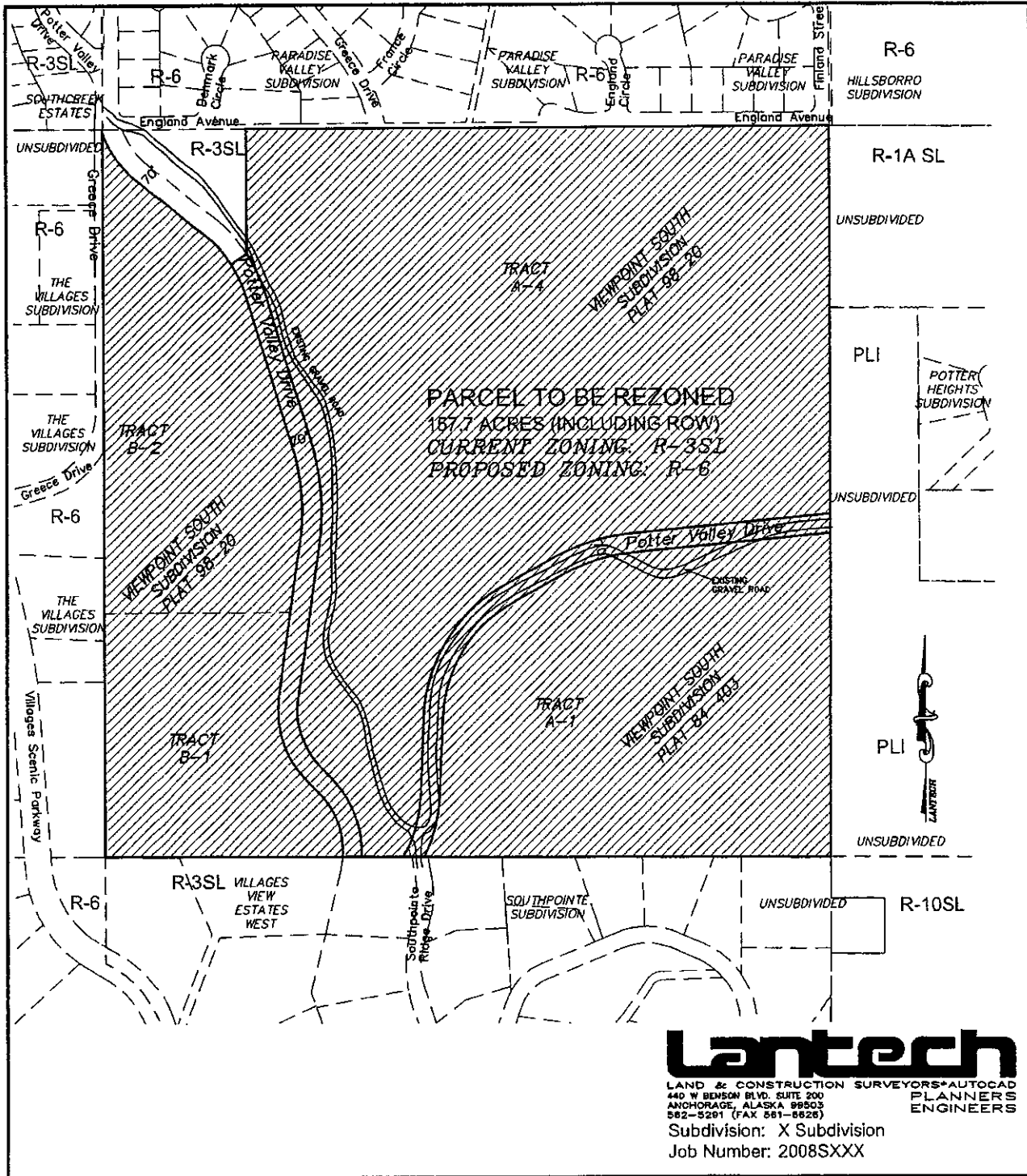
Date: May 16, 2011



ORTHOPHOTO 2007 USGS 1FT

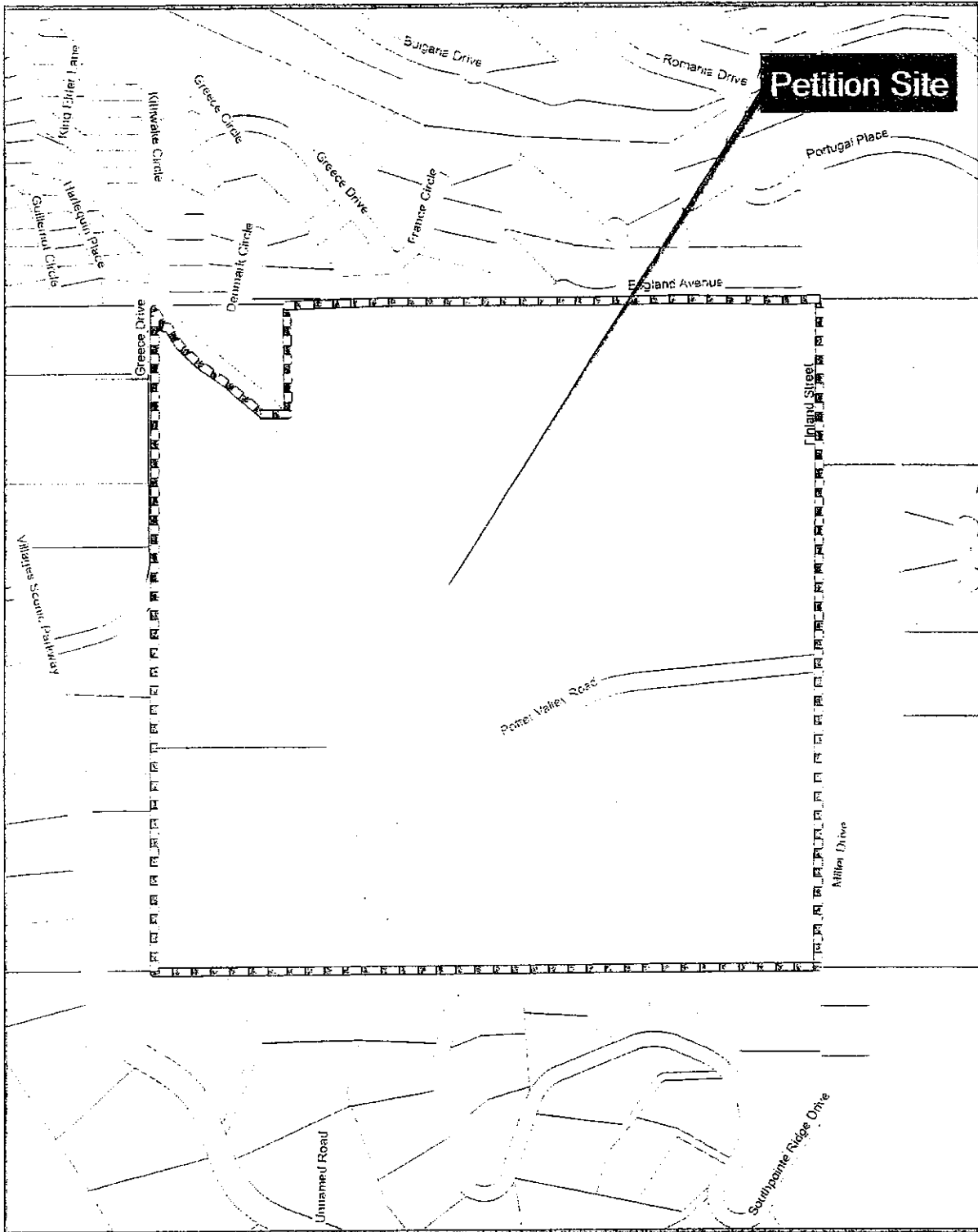


# Zoning Map








2011-032



Municipality of Anchorage  
Planning Department

Date: May 16, 2011

-  Mobile Home Park
-  Multi-Family
-  Single Family



0 167.5 335 670 Feet

**SITE:**

Acres: Total property size is 157.7 acres.  
 Tract A-1 is 34 acres (1,484,960 sq ft),  
 Tract A-4 is 81 acres (3,525,267 sq ft),  
 Tract B-1 is 14 acres (626,349 sq ft),  
 Tract B-2 is 21 acres (913,061 sq ft).  
 The individual lots will take up approximately 135.5 acres. About 7 to 8 acres will be used for right-of-way which includes the road and a trail. Approximately 14.5 acres are dedicated greenbelts.

Vegetation: Natural, property is undeveloped.

Zoning: R-3SL. The SL is related to a requirement for a master plan, a site specific plan, and water and sewer service. The 1984 master plan would have allowed an overall density of 4 dwelling units per acre (DUA).

Topography: Steep slopes in some areas.

Existing Use: Vacant.

Soils: Well and septic will be required. This is an area of slopes, shallow water table, and bedrock.

**COMPREHENSIVE PLAN:**

Classification: Very low density residential.  
 Density: < 1 DUA

**SURROUNDING AREA**

	<u>NORTH</u>	<u>EAST</u>	<u>SOUTH</u>	<u>WEST</u>
Zoning:	R-6	PLI and R-1A SL	R-3SL	R-6
Land Use:	Single family and vacant	Vacant and single family	Mostly vacant	Single family and vacant

**PROPERTY HISTORY**

11-02-84 Plat 84-402 Tracts A and B Viewpoint South SD

created.

11-02-84 Plat 84-403 Tracts A-1 and A-2 created

03-13-98 Plat 98-20: Tract B divided into B-1 and B-2;

03-13-98 Plat Tract A-2 divided into A-3 and A-4

Original zoning U (unrestricted)

04-10-84 Rezoning R-3 SL (multiple family residential with special limitations)

06-25-2000 Rezoning Request to rezone Tract A-4 to R-6, failed

04-03-10 AO 2010-022 Hillside Wastewater Management Plan replaced by Hillside District Plan. Subject property removed from HWWMP.

	<b>R-3 District AMC 21.40.050</b>	<b>R-6 District AMC 21.40.080</b>
Intent:	The R-3 district is intended to include urban and suburban single-family, two-family and multiple-family residential uses with medium population densities, and uses and structures required to serve governmental, educational, religious, noncommercial recreational and other needs of such areas. The regulations and restrictions in the R-3 district are intended to protect, preserve and enhance the primarily residential character of the district	Intended for land areas where large lot development is desirable as an adjunct to the more typical urban and suburban residential zoning districts. Designed to encourage low-density residential development while at the same time protecting and enhancing those physical and environmental features which add to the desirability of suburban residential living.
Structure height	35 feet	Unrestricted (except per FAA regulations)
Minimum lot size	6,000 sq ft Width - 50 ft.	54,450 sq ft Width - 150 ft
Yard setback:		
Front	20 feet	50 feet
Side	5 feet	25 feet
Rear	10 feet	50 feet
Lot Coverage:	40 percent	30 percent
Landscaping	Visual enhancement	Depends on the use

- Special limitations      a. Hillside wastewater plan  
   b. Master plan, individual site plan (density limit)

**SITE DESCRIPTION AND PROPOSAL:**

The applicant owns four tracts which make up the 158 acres proposed for R-6, single family development. The property has wetlands, streams and drainage ways, and steep slopes in various areas. This is also an area of shallow bedrock and shallow water table. It is a ground water recharge area.

In 1984, the property was rezoned from the G-5 areawide rezone U category to the R-3 SL district. The Special Limitations required property owners to submit a site plan showing conformance to the Potter Creek Master Plan and the Hillside Wastewater Management Plan (HWMP). In 2010, the boundary of the HWMP was moved to place the subject property outside the boundary. A rezoning to R-6 will remove the requirements for a master plan and site plan. There will be a note in the rezoning ordinance to this effect.

At buildout the applicant is proposing approximately 79 single family lots. The property will be developed in phases, beginning Summer 2011 with a proposed 7 year buildout. The first phase will consist of 30 lots.

This is an area of shallow bedrock and a high water table. Public sewer and water are not available so, on site systems will be required for all development. The applicant is proposing covenants to require Advantex or other category III nitrogen reducing wastewater systems. Category III nitrogen reducing systems also pre-treat the effluent so that drainfield field sizes may be smaller, but the On-site Division still requires one primary and two backup drainfield locations be identified for each system. The holding tanks still require periodic pumping. The advanced systems have annual fees for maintenance.

The applicant proposes the R-6 district and the Department considered the R-6, R-9 and R-10 districts for this application. The R-8 district was not considered because of the large minimum lot size, 5 acres.

**The R-6 district** is intended for those land areas where large lots or acreage development is desirable as an adjunct to the more typical urban and suburban residential zoning districts. The R-6 district is designed to

encourage low-density residential development while at the same time protecting and enhancing those physical and environmental features which add to the desirability of suburban residential living.

The minimum lot size for R-6 property is 1.25 acres and minimum lot width is 150 feet.

**The R-9 district** is designed to satisfy the needs for low-density residential development in areas where public sewers and water are unlikely to be provided for a considerable period of time or where topographic or other natural conditions are such that higher-density development and the provision of public sewers and water would be unfeasible at any time. In the first instance, where public facilities may be provided in the distant future, the regulations are written to ensure that development during the interim period does not exceed geological and hydrological capacities for safe and healthful maintenance of human habitation, while still allowing for the maintenance of a rural lifestyle. In the second instance, where natural conditions would make higher densities and the provision of public facilities unfeasible, the regulations would fill a need on those lands where the application of R-6 zoning would be inadequate for the characteristics of the land, while R-8 zoning would be too restrictive. Application of the R-9 zoning district most probably in these instances would include lands which have hazards from the standpoint of water recharge areas, steep slopes, wind hazard and marginal soil conditions. In many cases, this zone would be applied to lands which have, without zoning, been developed at these standards.

The R-9 minimum lot size is 2.5 acres, 108,900 square feet with a minimum lot width of 180 feet.

The R-9 was ruled out because the larger lot area requirement would severely restrict the most buildable portions of the property, the area shown for lots 18 through 30. The R-9 also has small yard setbacks, 25 feet front and rear yard and 15 feet side yard, relative to the R-6 which has 50 feet front and rear yard and 25 feet side yard setbacks.

**The R-10** district is intended for use in those areas in the municipality where natural physical features and environmental factors such as slopes, vegetation, alpine and forest, soils, slope stability and geologic hazards require unique and creative design for development. Creative site design



and site engineering are essential to ensure that the development of these lands will:

1. Enhance and provide stability to natural features such as ponds, streams, wetlands and forested areas and will incorporate such features into the development of the site design.
2. Take into consideration the topography and the location of all physical improvements on the land.
3. Avoid development of land within geologic hazard areas to minimize the possibility of loss of life and property damage.
4. Promote the natural flow and storage capacity of any watercourse, to minimize the possibility of flooding or alteration of water boundaries.
5. Consider the suitability of the soils and sub-soils conditions for excavations, site preparation and on-site sewage disposal.
6. Consider the adequacy of the site drainage to avoid erosion and to control the surface runoff in compliance with section 208 of Public Law 91-500, the 1972 Clean Water Act. The surface runoff and drainage from developments should not exceed the surface runoff and drainage in its natural undeveloped state for all intensities and durations of surface runoff.
7. Guarantee an adequate supply of potable water for the site development, without destruction or depletion of the water source.
8. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

In the R-10 district, minimum lot size and lot width depend on the average slope of the lot, and the R-10 was ruled out precisely for that reason. In areas where slope is less than 15 percent, lots can be as small as one-half acre. However, the use of on site systems requires a minimum 40,000 square foot lot size. In areas with slope 25 to 30 percent, lot size must be 5 acres. Greater than 30 percent slope requires 7.5 acres. Once developed, the properties could have an uneven look in terms of density. Also, the R-10 allows a zero feet front and rear yard setback. The department did not want to encourage homes close to the street.

#### **FINDINGS:**

#### **21.20.090 Standards for Approval – Zoning map Amendments.**

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

The standard is met.

Applicable elements of the comprehensive plan include:

2020 Land use policy map;  
1982 Comprehensive plan;  
2005 Official Streets and Highways Plan (OSHP)  
1997 Areawide trails plan, as amended by the 2010 Hillside District Plan.  
2010 Hillside district plan.

The area is not designated in the 2020 plan.  
The 1982 plan designates the area as very low density residential.  
The 1984 rezoning to R-3 SL and adoption of the Hillside wastewater management plan, and the Potter Creek Master Plan would have allowed higher density development (approximately 4 units per acre) with a requirement for a master plan, site plan, and public utilities to be installed. The requirements of the 1984 rezoning are superseded by the adoption of the Hillside plan and this rezoning.

The OSHP designates Potter Valley Road as a class I residential street with 80 feet of right of way. A reduction to 70 feet is allowed with direct driveway access. The project will comply with the 70 feet and will be constructed to rural standards and the Hillside plan road standards, see attached figure 4.4.

A low density residential zone district, less than 1 du/a, for this property is consistent with the 1982 plan, the Hillside District Plan, the proposed Concept Plan Map, and appropriate for the existing development pattern in the area.

The following policies are applicable to, and supported by this application:  
Anchorage 2020 – policies 3, 5, 7, 8, 13, 48, 50, 55, and 65.  
Hillside District Plan – goals 5, 6, 7, 8, 9, 10, and 13 are applicable.

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

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

Environment and Land Use Patterns

The Standard is met.

There is a large amount of vacant land in the area, generally zoned PLI, R-1A, R-3 SL or R-6. There are R-8, R-9 and R-10 districts to the north and east within one mile of the subject property. The general area, even the R-3 SL to the south, is developed at very low density. A new low density zone such as R-6, R-9, or R-10 is compatible with the general area.

The area is sloped and there are streams, wetlands and other environmentally sensitive lands around the developable uplands portion of the property. Although there are setbacks from streams and wetlands, some uses could pose runoff and drainage problems, or cause excess ground disturbance, impacts to groundwater, etc.

In order to protect sensitive areas, accommodate the low density nature of the hillside, minimize impacts to the road network, and minimize impacts due to well and septic system use, the Department is recommending that uses be limited to single family homes, garages, and sheds on individual lots, each served by an individual well and category III nitrogen reducing septic system. Child care, adult care, large animal facilities (as either accessory or conditional uses), and so on, are not allowed.

All uses are subject to AMC Noise and Air Quality ordinances.

The applicant shall provide the Corps of Engineers approved wetlands delineation map and the approved Watershed Management Division watercourse mapping summary prior to final plat.

### **Transportation**

***This Standard is not yet met.*** At the time this report was written, the applicant was in discussions with the municipality regarding the timing and construction of a second access driveway to the property. This is an issue of fire access and for the plat. The rezone can continue with an effective clause that the rezoning is not in effect until the final plat is filed. The plat in turn can resolve the second access.

There are numerous comments from Traffic and Project Management & Engineering regarding required road improvements, right of way, easements, drainage, grading and fill, etc. These issues will also be discussed as part of the plat.

The internal road network will be designed and built to Municipal rural improvement area standards.<sup>1</sup> Any improvements made prior to final approval of the rezoning and recording of the final plat are made solely at the developer's risk.

#### Public Services and Facilities

This Standard is partially met. All services and facilities need to be extended to the property.

Sewer and water are not available, so on-site systems will be needed. This is an area of shallow ground water and shallow bedrock. The information submitted regarding septic systems is not sufficient for review and needs to be finalized prior to final plat approval. See comments from the On-site Systems Department.

The Hillside District Plan, adopted, April 13, 2010, updates the 1996 Areawide Trails Plan. There are new standards for a rural trail.

The applicant is proposing a natural grade, nature trail parallel to Potter Valley Drive. The trail will parallel the road, setback a minimum of 10 to 15 feet, but be outside of the right of way. This is further discussed in the plat application. The trail will be a gravel, multi-use pathway, 8 to 10 feet wide. The homeowner's documents need to specify the trail will be maintained by the homeowners association and is a multi use trail, open to the public. A maintained, gravel trail is in keeping with the rural nature of the area and reduces impervious area.

#### Schools

The 79 dwelling units proposed over seven years of development will not significantly impact the system: 31 elementary students, 7 middle school students, and 15 high school students can be expected.

#### Special Limitations

No Special Limitations have been offered by the applicant.

---

<sup>1</sup> Definition: Rural standard – for density <3 du/a and 500 to 2,000 ADT: strip paved, 24 ft width, max 10% slope, no curb/gutter required, drainage ditches with shoulders to accommodate pedestrians. These are minimum standards, HOA, LRSA may require more.

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.

There is both vacant and developed residential property, in several zoning categories, in the area. There does not appear to have been any demand for high density R-3 zoning as water and sewer service are not readily available. The change in zoning from R-3 SL to R-6 is not significant.

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.

Services are not currently available and will need to be extended to the property. Road service is the initial need. Development may begin once the rezoning is in place and the final plat has been recorded. The final plat cannot be recorded until the rezone has been approved by the Assembly. Water and waste water will be handled by individual on site systems. Category III nitrogen reducing septic systems will be required.

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 rezone to R-6 is consistent with the density specified in the 2020 comprehensive plan. R-6 is appropriate given the terrain, existing development pattern, environmentally sensitive nature of the area, and the fact that the property is not included in the sewer service area, and that the applicant will not be extending sewer service to the property.

#### **COMMUNITY AND COMMUNITY COUNCIL COMMENTS**

On March 21, 2011, a total of 102 public hearing notices were mailed. As of the date this report was written, no written responses from the public or the community council, had been received.

#### **DEPARTMENT RECOMMENDATION:**

The Department recommends that the proposed rezoning is in conformance with the Anchorage 2020 Anchorage Bowl Comprehensive

Plan, and the Hillside District Plan and should be approved subject to the following special limitations and effective clauses:

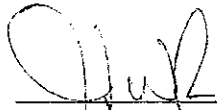
Special limitations:

1. Uses are limited to single family homes on individual lots.

Effective clause:

1. This rezoning shall not become effective until the applicant has resolved road construction for secondary access to the property.

Reviewed by:



Jerry T. Weaver, Jr.  
Director

Prepared by:

Alfred Barrett  
Senior Planner

(Case No. 2011-032) (Tax Parcel #020-281-46, 020-281-50, -51, -52)



# Hillside District Plan

Adopted April 13, 2010



## Background

Over the course of preparing this plan, a number of people suggested the need for new or modified road design standards for the Hillside. Prior to completion of the Hillside District Plan Public Hearing Draft, the Municipality adopted new road standards for the Municipality as a whole, including the Hillside. These new standards are included in the Design Criteria Manual (DCM). Because many people are not aware of these new standards, they are summarized in Table 4.5 (also addressed by HDP Policies 14-M and 14-N).

Road design standards are set considering the way roads function within the system and the physical character of the land. Standards ensure proper design and a safe operating environment. Special consideration must be given when designing roads in a hillside environment. Slopes, depth to bedrock, cut-and-fill, drainage, wetlands, and topography pose unique challenges and require innovative strategies on the Hillside. Hillside residents have made clear their preference for roads that fit the rural character that exists in much of the district (Figure 4.4).

Figure 4.4  
Rural Roads – Typical Section

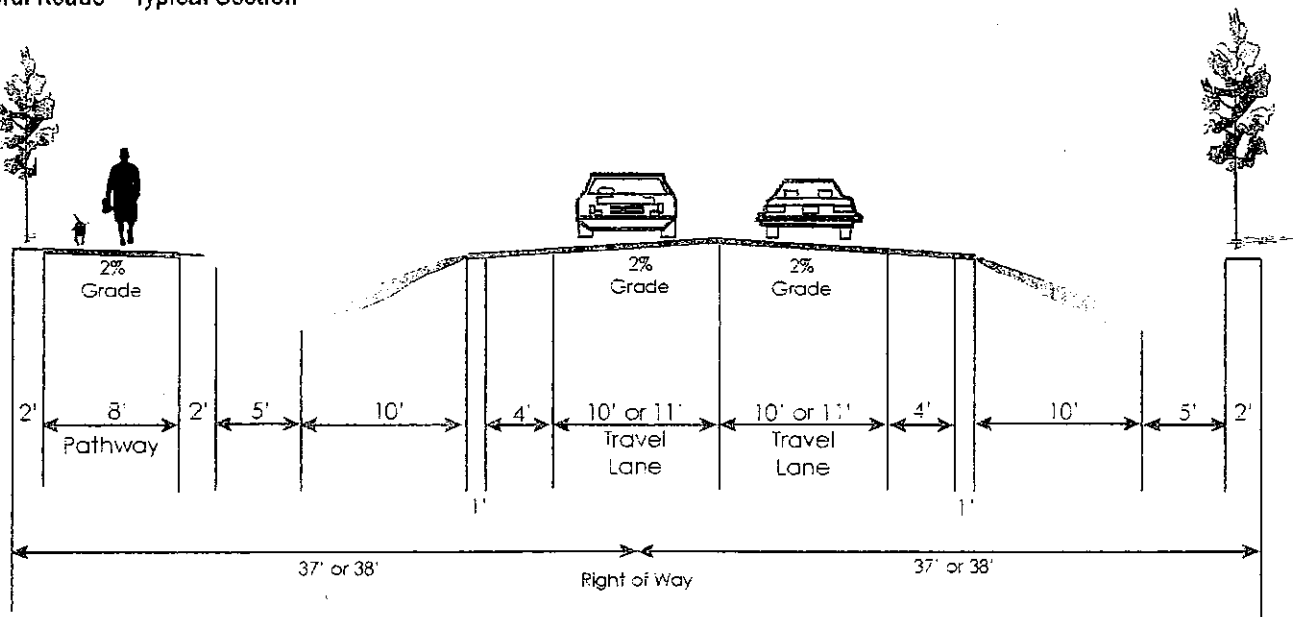


Figure 4.4 is the typical section for a rural collector. For local secondary roads, a typical section would have a 50-foot right-of-way and would include 20- to 24-foot surface widths (10- to 12-foot travel lanes), depending on average daily traffic (see Table 4.5). These local roads would include 2- to 4-foot shoulders, wide enough to accommodate pedestrians.



This recently adopted set of MOA road standards is briefly summarized below; a more complete discussion of these standards is presented in the Implementation Chapter.

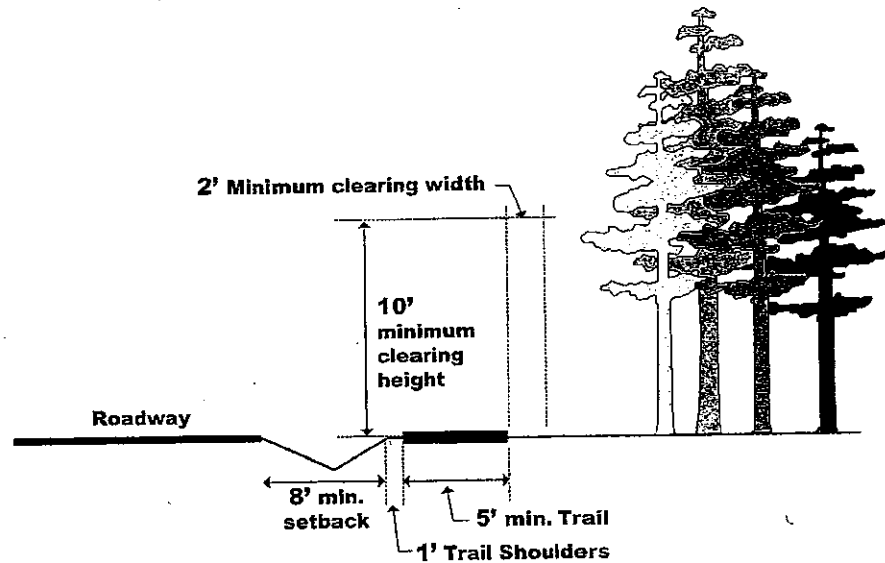
- Develop a road system that reflects Hillside character. Paving is required on public roads, but strip-paving (no curbs and sidewalks) and narrower rights-of-way are allowed in specific situations. This approach is intended to recognize the need for adequate emergency access, the desire to retain rural character, and the tradeoff between construction costs and maintenance costs.
- Road standards will vary based on context. The Hillside District Plan defines three areas where different road standards are appropriate:
  - Urban: Portions of the Hillside District that are within the Anchorage Roads and Drainage Service Area (ARDSA).

Table 4.5  
General Standards for New Roads

Setting (Refer to Land Use Map)	Average Daily Traffic ADT greater than 2,000	ADT 2,000 to 500	ADT 500 to 100	ADT less than 100
Areas three dwelling units per acre (DUA) or greater: <ul style="list-style-type: none"> <li>• Residential</li> <li>• Commercial</li> <li>• Park and Natural Resources</li> <li>• Community Facility in areas generally</li> </ul>	<ul style="list-style-type: none"> <li>• Surface paved (with curbs and gutter)</li> <li>• Min Surface Width: 24'</li> <li>• Max Slope: 8%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface paved (with curbs and gutter)</li> <li>• Min Surface Width: 24'</li> <li>• Max Slope: 8%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>
Areas less than three dwelling units per acre (DUA): <ul style="list-style-type: none"> <li>• Residential</li> <li>• Park and Natural Resources</li> <li>• Community Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Surface paved (with curbs and gutter)</li> <li>• Min Surface Width: 24'</li> <li>• Max Slope: 8%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 24'</li> <li>• Max slope: 10%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: gravel or strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>

\*The variance is a solution of last resort; it is not to be used as a standard practice or considered the minimum acceptable design to work from. See also HDP Policies 14-M and 14-N.

Figure 4.7  
Trail Development  
(continued)



**Rural Typical Section:** Trail/pathways associated with the road network are recommended to be on one side of the roadway and separated "where possible and appropriate from the roadway to increase pedestrian safety and comfort and provide space for snow storage."

**Natural Setting Trails:** Natural setting trails and walkways may be located within greenbelts and parks, located along section line or utility easements where no road construction is anticipated, or located in "open spaces between subdivisions to allow connectivity in a natural setting" (recommendation from the October 2006 Hillside Subarea Transportation Study, page 41). It is recommended that, to the extent possible, natural setting trails should be located and developed to take best advantage of views, scenery, and the natural setting, and to be complementary to nearby development.

Trails subject to new Title 21 Subdivision Standards in Section 21.08.040.D Chugach State Park, Community Use Areas, and Natural Resource Use Areas will follow easement provisions required by that municipal code language. Portions of the Hillside present particular challenges to developing trails that are safe, attractive, and have minimal environmental impact. Hillside trails will be designed to maintain and protect the Hillside's natural setting and rural character. General objectives for trail design are presented below, recognizing that these objectives do not apply in all situations and that flexibility is needed to respond to the unique conditions of individual settings. Because of Hillside-specific slope and erosion considerations, some natural setting



trail segments may require a wider than typical easement, or necessitate the use of retaining walls to ensure safe and reasonable trail development. Where trails are constructed, cut-or-fill slopes associated with development are recommended not to exceed a ratio of two feet horizontal to one vertical foot (2H:1V) to minimize sloughing and support slope re-vegetation. In lower traffic and alpine areas, the use of stabilized single track trails that follow slope contours is recommended. These minimize the disturbance footprint, protect scenic and natural setting values, and will allow greater opportunities for including trails on constrained sites. All natural setting trails are recommended to be developed to a grade of 20 percent or less.

Where possible, separate roadside trails from roads. This can provide a more enjoyable trail experience and reduce problems of winter snow being stored on pathways. Avoid the use of overly steep terrain, including section lines that may provide legal access but are too steep for sustainable use. Where possible, avoid the use of utility easements and avoid locating trails in creek setbacks. For trails in particularly complex steep terrain, consult a professional trail designer.

It is preferable to have public trails on public land. This is more important as the level of use increases. For regional and district trails, the strong preference is for land in public ownership or reserved through public easement; local trails should be on public land where possible but can also be on land held by homeowners associations.

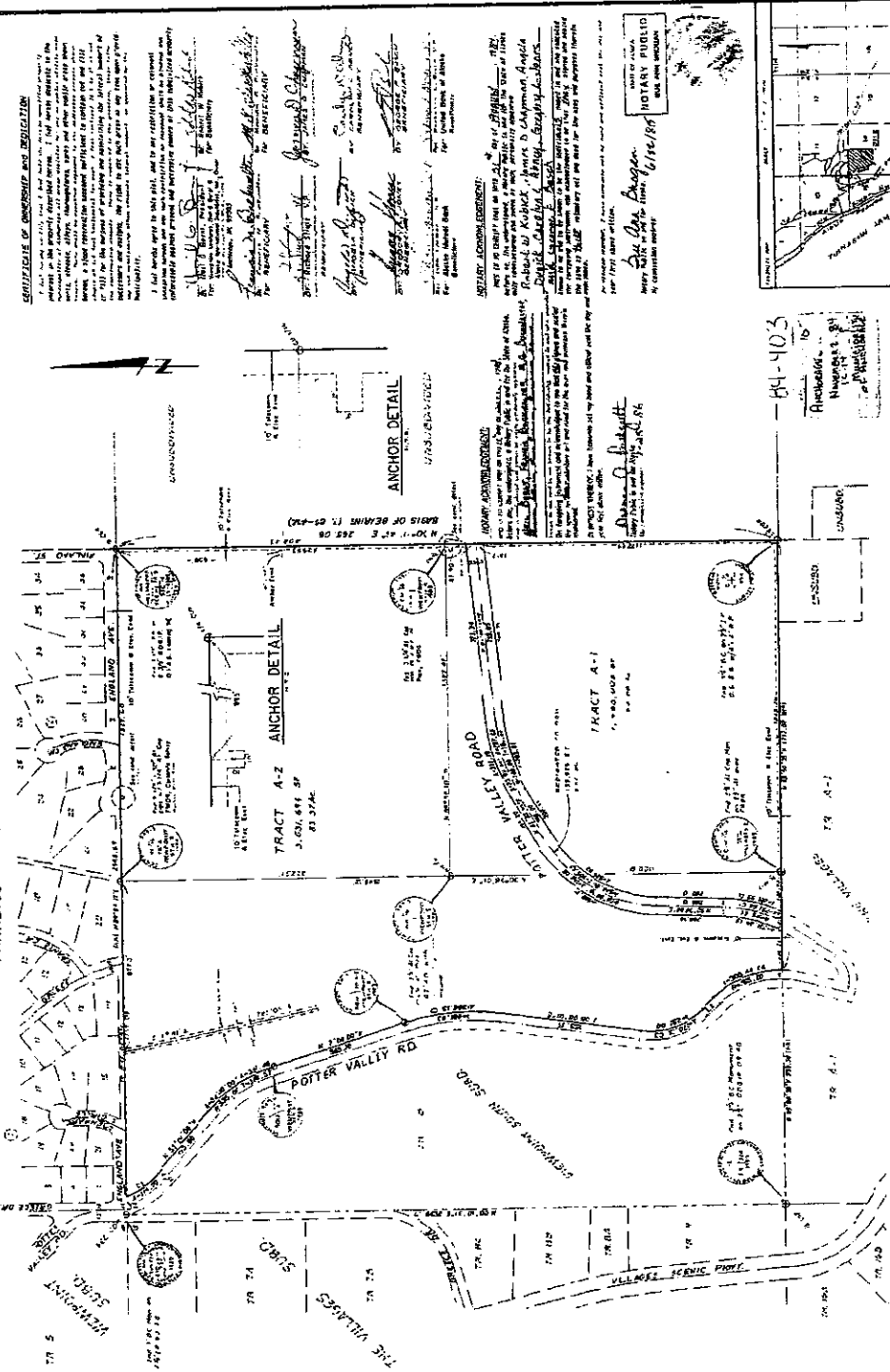
Natural Setting trails may be paved in higher use areas in order to protect natural resources, or they may be soft surface trails developed to a minimal level to retain the natural experience. Multi-use paved trail design standards are provided in the Municipality's Design Criteria Manual. New citywide standards are being developed by the Anchorage Parks and Recreation Department for soft surface trail classification, development, and maintenance.

#### **Improved Trails and Trailheads Funding and Management**

Many of the adverse side effects of trail use and Chugach State Park access will only be resolved through a better funded, more aggressive management and development program. This must include law enforcement, collection of park access fees, and trail (and road) maintenance and trailhead improvements. Hillside residents have voiced strong support for trails and, based on the Hillside survey results, a willingness to pay more for trails. Clearly,

# 2

HISTORICAL MAPS  
AND  
AS-BUILTS



**NOTICE:** The map is a true and correct copy of the original map as shown on file in the office of the County Clerk, County of Butte, California.

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**VIEWPOINT SOUTH SUBDIVISION**  
**TRACTS A-1 & A-Z**  
 A subdivision of the Viewpoint South Subdivision, located in the NW 1/4 of Sec. 14, T. 10 N., R. 3 W., S. 14 S., California. Containing 11.12 Acres, of more or less.

**CENTRUM**  
 REAL ESTATE BROKER  
 1000 N. 10th St., Suite 100  
 Chico, CA 95924  
 Phone: (530) 891-1111

**CERTIFICATE TO PLAT** 83-7911A  
 5 SHEET

**ACCEPTANCE OF DESIGNATION**  
 I, the undersigned, hereby accept the designation of the above described property as a scenic highway, and I agree to comply with the provisions of the California Scenic Highway Act, Chapter 439, of the Statutes of the State of California, as amended.

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# 3

DEPARTMENTAL

COMMENTS

**Kimmel, Corliss A.**

---

From: Barrett, Al W. (Zoning)  
Sent: Thursday, May 26, 2011 9:22 AM  
To: Kimmel, Corliss A.  
Subject: FW: Message from "PLN005PRT"

**RECEIVED**

MAY 26 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

For inclusion in the packet

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone  
907 343-7927 fax  
barrettaw@muni.org

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

From: Ferguson, Dwayne G.  
Sent: Wednesday, May 25, 2011 5:30 PM  
To: Barrett, Al W. (Zoning)  
Subject: RE: Message from "PLN005PRT"

Al,

For your consideration:

Potter Valley has been classified as a collector road and is anticipated to see 2000 vehicles per day or greater. The desirable width of this trail is directly related to the projected volume of users and use. Traffic does not support the proposed five (5) foot trail width offered in the initial trail design. Traffic recommends that a paved, 8 foot wide, multi-use trail be designed and constructed as determined for collector roads in MOA DCM. In addition, as the proposed trail alignment is substantially separated from the right of way at differing vertical elevations from the profile of the roadway. The design should also provide adequate trail-roadway signage treatments to maximize accessibility. Finally, design considerations should also be made for long term maintenance of the multi-use trail by the developer. Thank you.

Dwayne

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

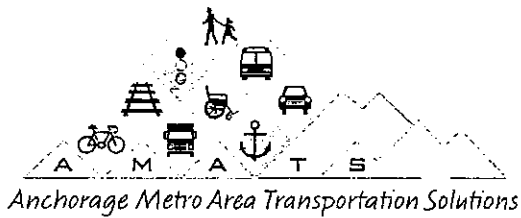
From: Barrett, Al W. (Zoning)  
Sent: Wednesday, May 25, 2011 11:21 AM  
To: Walsh, Sharen A.; Chambers, Angela C.; Keefer, Don C.; Ferguson, Dwayne G.; Ellis, Steve M.; Keesecker, Karen M.; Wong, Carol C.; Czajkowski, Alan J.; Gray, James D.; Schanche, Lori E.; Wockenfuss, Deborah M.  
Subject: FW: Message from "PLN005PRT"

Potter highlands supplemental info, just delivered. Please come by asap for a copy and try to find time to review and offer at least brief comments. Strict limit 1 copy per division.

Thanks. al

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone  
907 343-7927 fax  
barrettaw@muni.org





MUNICIPALITY OF ANCHORAGE  
Community Development Department,  
Transportation Planning Section  
Non-Motorized Transportation Coordinator  
Planning & Development Center, 4700 Elmore Road  
P. O. Box 196650, Anchorage, AK 99519-6650  
voice (907) 343-8368, facsimile (907) 249-7806  
email: [lori.schanche@dmuni.org](mailto:lori.schanche@dmuni.org)

RECEIVED

MAY 26 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

DATE: May 26, 2011  
TO: Angela Chambers, Platting Officer  
FROM: Lori Schanche, Non-Motorized Transportation Coordinator  
SUBJECT: Case No. S-11864-1  
Potter Highlands - REVISED

There are several issues with this plat that Staff and the Petitioner do not agree. These include the Nature Trail (paved or unpaved), shoulders on the road (paved or unpaved) and adding steps or stairs into the trail to deter bicycle traffic.

Following is information on each issue to back up Staff requests for an 8' wide Paved Trail, Paved Shoulders on the road and NO stairs on the pathway.

#### **Issue A – Nature Trail**

Staff requests that the nature trail be 8' wide and paved.

The Petitioner is requesting that trails being constructed as part of this development be unpaved 5' wide 'nature trails', under the category of Natural Setting Trails per the *Hillside District Plan, 2010* (HDP).

After review of various documents that relate to this argument including, the HDP, the *Areawide Trails Plan, 1997* and the Design Criteria Manual (DCM) we continue to request a paved pathway.

Following are excerpts from these plans.

#### **1. HDP, Natural Setting Trails, pg. 4-29**

The HDP notes these type (natural, unpaved) trails may be located within greenbelts and parks, located along section line or utility easements where no road construction is anticipated.

This trail is adjacent to the roadway, but not in the road row. Since it is in a dedicated greenbelt, it could satisfy the description of a natural setting trail and be unpaved. However, the following items give more credence to paving.

**2. HDP, pg. 4-30, 4<sup>th</sup> para.**

"Natural setting trails may be paved in higher use areas in order to protect natural resources, or they may be soft surface trails developed to a minimal level to retain the natural experience."

We feel paving will protect the trail and keep people on the trail.

**3. HDP , Existing/Proposed Trail Routes, Map 4.6**

This map identifies the trail along Potter Valley Road as a "**Proposed HDP Secondary Trail**". However, the HDP document does not identify what surface or type of trail this would be, except HDP (pg 4-28), discusses following the MOA Design Criteria Manual.

**4. MOA Design Criteria Manual, Section 4.2A**

DCM identifies paving trails in road rights of way except those that are;  
-identified as multi-use unpaved trails in the Areawide Trails Plan  
-in the Anchorage Bowl and Chugiak-Eagle River areas that the Planning and Zoning Commission elects to waive.

**5. Areawide Trails Plan (ATP)**

The ATP identifies a trail along Potter Valley Road as a "**Planned Multi-use Paved Trail**"

The ATP identifies the section as an 8' paved trail similar to HDP Figure 4.7 (pg. 4-28).

The HDP was meant to accomplish all the planning work and identify trail locations and types of trails and supersede the ATP for this area of Anchorage. The HDP does identify trails, however there are no definitions. The HDP is ambiguous due to this but the ATP identifies a paved trail.

Staff supports a paved 8' wide trail.

**Issue B – Paved Shoulders on the Road**

Staff requests that the 4' roadway shoulders be paved. This will allow utility bicyclists to have a solid surface out of the way of traffic to bicycle.

**HDP Figure 4.4 (p. 4-15) Rural Roads – Typical Section**

Shows 4' shoulders. No distinction is made with regard to the material.

The DCM identifies paved shoulders be added as part of Rural Collector Standards.

**Issue C – Adding stairs or steps to deter bicyclists**

The Petitioner stated in a meeting with Staff on 5/23/11, that they were considering adding stairs or steps to the pathway to deter people bicycling.

The DCM does not condone adding stairs on a trail. Americans for Disabilities Act, (ADA) would not support stairs.

Steps would only put a barrier in the trail. Steps on trails, are not expected, and are not safe and would likely create pedestrian or bicycle crashes and injuries.

HDP page 4-29 notes, "Portions of the Hillside present particular challenges to developing trails that are safe, attractive....."

Staff does not support adding stairs or steps to the trail.

**Potter Valley Master Plan**

Originally the Plat was to conform to the Potter Valley Master Plan. It is our understanding that is being repealed, however if that is not being repealed the following must be added to the plat;

- East-west pathway from Greece Drive to the greenbelt, in the vicinity of Lot 5
- East-west pathway from greenbelt to roadway north of Lot 26.
- Construction of pathway along Potter Valley Drive to east end of property - currently the trail stops short.
- trail from north border to Potter Valley Drive through the greenbelt to connect the 20' pedestrian walkway easement to Potter Valley Road.
- extension of greenbelt south of Potter Valley Drive in the vicinity of Lot 11

Cc: Craig Lyon, AMATS  
Dwayne Ferguson, Traffic



MUNICIPALITY OF ANCHORAGE  
Traffic Department



DATE: March 11, 2011

TO: Angela Chambers, Acting Division Manager Zoning and Platting Division

THRU: Leland R Coop, Traffic Engineer Associate

FROM: Dwayne Ferguson, Assistant Traffic Engineer

SUBJECT: Traffic Engineering Comments for April 1, 2011 Planning and Zoning  
Commission Hearing

RECEIVED

MAR 17 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

2011-32 Rezoning to R-6 Suburban residential district.

S11864-1 Potter Highlands Subdivision - R-3SL Multiple-family residential  
district with special limitations.

The Traffic Division has the following comments:

- a) Please adjust the grid number reference shown on the preliminary plat dated 2/8/2011 from SW3738 to SW3638. The grid number is incorrect as shown.
- b) Bordering Villages and Paradise Valley Subdivisions appear to have anticipated future connectivity/completion of Greece Drive and England Avenue. The petitioner should identify any design considerations made in deciding not to similarly dedicate and continue these adjacent existing road segments through or along this subdivision with an alternate roadway alignment.
- c) Provide an acceptable radius dimension for the cul-de-sac (turnaround) for Fire access.
- d) Considering the provided contour elevations, it appears that additional slope right-of-ways may be required along Potter Valley Drive to accommodate future maintenance of the roadway shoulder slopes.
- e) Bring the ten (10) foot T&E Easement notation forward for Tract A-1's south and east perimeter borders as it appears on the MOA grid plat.
- f) Provide minimum twenty (20) foot curb return radii along the unnamed north-south roadway for Lots 20-31.
- g) Signage shall be posted regarding the proposed roadway grades exceeding 8% for winter access. Chain up areas shall also be delineated.
- h) The proposed common access drive easements shall be provided by plat note.
- k) The proposed multi-use pathway width shall be a minimum (8) foot.
- l) Remove the portion of Note #2.....and is intended for pedestrian use only.

## Dave Grenier

---

**From:** Keefer, Don C. [KeeferDC@ci.anchorage.ak.us]  
**Sent:** Monday, June 14, 2010 12:31 PM  
**To:** Dave Grenier; Schwan, Martin K.; Kniefel, Robert E.; Walsh, Sharen A.  
**Subject:** RE: Potter Highlands: Phasing Plan and Secondary Access

Dave,

See recommended changes in red below.

Don Keefer  
Private Development Manager  
Planning Development Services Department

---

**From:** Dave Grenier [mailto:daveorenier@lantechi.com]  
**Sent:** Monday, June 14, 2010 11:30 AM  
**To:** Schwan, Martin K.; Kniefel, Robert E.; Keefer, Don C.; Walsh, Sharen A.  
**Subject:** Potter Highlands: Phasing Plan and Secondary Access

Good morning Martin, Bob, Don and Sharen,

Thank you for meeting with Connie and myself last Monday to discuss the proposed phasing of Potter Highlands as it relates to the timing and construction of the secondary access.  
The following is a summary of the discussion:

The first platting action will consist of creating five tracts (A, B, C, D & E) and the 6 lots at the end of Greece Drive.

The first phase, Tracts A & B, will consist of 31 lots that use Potter Valley Road as their primary access as shown on the attached phasing plan.

The secondary access upgrades will be required ~~made~~ during the development of Phase 2 (Tract C) also as shown on the attached phasing plan. Dave, Clearly identify your understanding of the location (on site and off site) for the secondary access.

No lots will be sold in Phase 2 (Tract C) until the secondary access is constructed.

The secondary access upgrades will also be required prior to development of Phase 3 (Tract D and Tract E, individually or in total) as shown on the attached phasing plan in the event Phase 3 were to precede Phase 2. No lots will be sold in Phase 3 (Tracts D and E) until the secondary access is constructed.

A 60 month approval for a master plan layout will be requested.

The Planning and Zoning Commission will hear the case which will involve the rezone, master plan and plat approval.

Upon receiving your concurrence of the above summary, a preliminary plat will be prepared and submitted to the MOA for staff review and the Planning & Zoning Commission public hearing.

If you have any questions or need additional information at this time, please advise.

Thanks,

Dave Grenier  
TRIAD ENGINEERING  
P.O. Box 110890  
Anchorage, Alaska 99511  
(907) 561-6537  
e-mail: [davegrenier@lantechi.com](mailto:davegrenier@lantechi.com)

Click [here](#) to report this email as spam.

## Dave Grenier

---

**From:** Dave Grenier  
**Sent:** Tuesday, June 15, 2010 8:39 AM  
**To:** Keefer, Don C.; Schwan, Martin K.; 'Kniefel, Robert E.'; 'Walsh, Sharen A.'  
**Cc:** 'cyoshimura@gci.net'  
**Subject:** Potter Highlands: Phasing Plan and Secondary Access  
**Attachments:** SLantech, I10061411120.pdf

Martin, Bob, Don and Sharen,

The following revised summary is based upon Don's comments from yesterday relating to the proposed phasing of Potter Highlands and the timing/construction of the secondary access.

The first platting action will consist of creating five tracts (A, B, C, D & E) and the 6 lots at the end of Greece Drive.

The first phase, Tracts A & B, will consist of 31 lots that use Potter Valley Road as their primary access as shown on the attached phasing plan.

The secondary access upgrades will be required during the development of Phase 2 (Tract C) also as shown on the attached phasing plan. The secondary access will include onsite road construction from the end of the improvements in Phase 1 to the northeast corner of the parcel. It will also include off-site road upgrades to Finland Street, from the northeast corner of Potter Highlands to Portugal Place and to Portugal Place up to and including a portion of Romania Drive to improve the crossing at Potter Creek.

No lots will be sold in Phase 2 (Tract C) until the secondary access is constructed.

The secondary access upgrades will also be required prior to development of Phase 3 (Tract D and Tract E, individually or in total) as shown on the attached phasing plan in the event Phase 3 were to precede Phase 2.

No lots will be sold in Phase 3 (Tracts D and E) until the secondary access is constructed.

A 60 month approval for a master plan layout will be requested.

The Planning and Zoning Commission will hear the case which will involve the rezone, master plan and plat approval.

Upon receiving your concurrence of the above summary, a preliminary plat will be prepared and submitted to the MOA for staff review and the Planning & Zoning Commission public hearing.

Thanks,

Dave Grenier  
**TRIAD ENGINEERING**  
P.O. Box 110890  
Anchorage, Alaska 99511  
(907) 561-6537  
e-mail: [davegrenier@lantechi.com](mailto:davegrenier@lantechi.com)



Mark Begich, Mayor

# Municipality of Anchorage Project Management & Engineering Department

Mail: P.O. Box 196650, Anchorage, AK 99519-6650  
4700 Elmore Road, Anchorage, AK 99507  
Phone (907) 343-8135 Fax (907) 343-8088  
[www.muni.org](http://www.muni.org)



October 23, 2008

David A. Grenier, PE  
Triad Engineering  
440 W. Benson Blvd., Suite #206  
PO Box 110890  
Anchorage, Alaska 99511-0890

**RE: Your letter dated April 29, 2008; supplemented July 9, 2008  
Road Grade Variance for Specific Segments of Potter Valley Road**

Dear Mr. Grenier:

This letter is to memorialize past verbal understandings reached between the Municipality and Potter Creek Development, LLC (LLC) regarding road grades along segments (identified below) of Potter Valley Road. The LLC plans, the Potter Highlands development along these segments, and when Potter Highlands is presented for development, these roadway segments are subject to reconstruction to meet road standards in effect at that time.

Field discussions offered general agreement on reconstructing the roadways to the grades of the existing roadway.

The right-of-way for the length of Potter Valley Road in the NW1/4, Section 14, T11N, R3W, SM Alaska appears to have been dedicated by a series of plats for the Viewpoint South Subdivision, specifically plats 84-402, 84-403 and 98-020 on file with the Anchorage District Recorder. The right-of-way alignment is subject to further refinement through a future platting action defined in an agreement between Potter Creek Development, LLC and Potter Creek Land Company dated July 17, 2006, generally relocating the right-of-way to the physical location where the roadway exists today. Much of the travel way through the NW1/4 of Section 14 is *rough* construction, and meanders significantly outside of previously dedicated right-of-way.

You have requested variances for Potter Valley Road at Potter Highlands from the Design Criteria Manual (DCM) Sections 1.9 D2c(1) and 1.9 D2f.

\*\*\*\*\*

**DCM 1.9 D2c(1):**

"In the hillside areas of the municipality, the maximum street or road grade is as follows: (1) For streets or roads with 2000 or greater projected Average Daily Traffic (ADT), the maximum road grade is 8.0 percent."

**Variance Consideration:**

From your letter, "Potter Valley Road is classified as a collector road so it is anticipated that it will see 2000 vehicles a day or greater." The current OS&HP confirms this roadway as a Class I collector street (two lanes; 80' wide right-of-way). Per the enclosed Potter Highlands Road Layout, dated April 2008, prepared by Triad Engineering, an estimated 2400 lineal feet of existing roadway is at 10 percent grade. The 2400 feet is the sum of two roadway lengths, 845' and 1555' at 10% grade, separated by a length of 160' roadway at 8% grade.



**Variance Approved:** PM&E (Municipal) approval of a variance for 10% grades previously approved verbally (first quarter 2007) without benefit of written documentation is hereby memorialized. Due to Potter Valley Road's collector status and anticipated average daily traffic above 2000, approval of the 10% grade variance is conditioned on resolution of 1) signage to be posted to alert the public of roadway grades exceeding 8 percent and an advisory for winter access, and 2) construction of designated chain-up areas for winter travelers. Vehicle chain-up areas: 7-foot aprons alongside the travel lane between the travel lane and the roadside shoulder with capacity for X vehicles (X to be determined through resolution). This approval is specific to the grade variance, and does not imply or grant any other approvals.

Approval of this variance is not to set a precedent for streets in other hillside developments or for other streets within this same development. Given that this approval of the 10% grade is already variance-based, no grades in excess of 10% will be considered for future variances. The Municipality will require further and future development to comply with current municipal design criteria.

\*\*\*\*\*

**DCM 1.9 D2f:**

"The maximum grade of a primary street through an intersection is 5.0 percent."

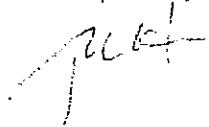
**Variance Consideration:**

Per the enclosed Potter Highlands Road Layout, dated April 2008, prepared by Triad Engineering, three intersections are depicted estimating grades of the primary street (Potter Valley Road) at 8%, 8% and 6%.

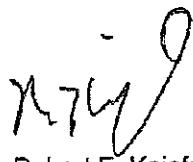
**Variance Denied:** Municipal officials have no recollection of discussions or verbal agreements for increased grades on the primary street at intersection. Verbal approval was neither stated nor implied, nor should it have been inferred. Out of concern for safety for users of this roadway system, grade of Potter Valley Road through an intersection shall be no greater than 5% per the DCM. Conformance to the DCM appears possible from the Potter Highland Road Layout, dated April 2008. The layout depicts an "existing road" and a "new design", suggesting there is some latitude for horizontal movement from the existing to a new roadway alignment.

\*\*\*\*\*

Respectfully,



J. W. Hansen  
Acting Director  
Project Management & Engineering



Robert E. Kniefel, P.E.  
Municipal Traffic Engineer  
Safety

JWS/DCK/jbl

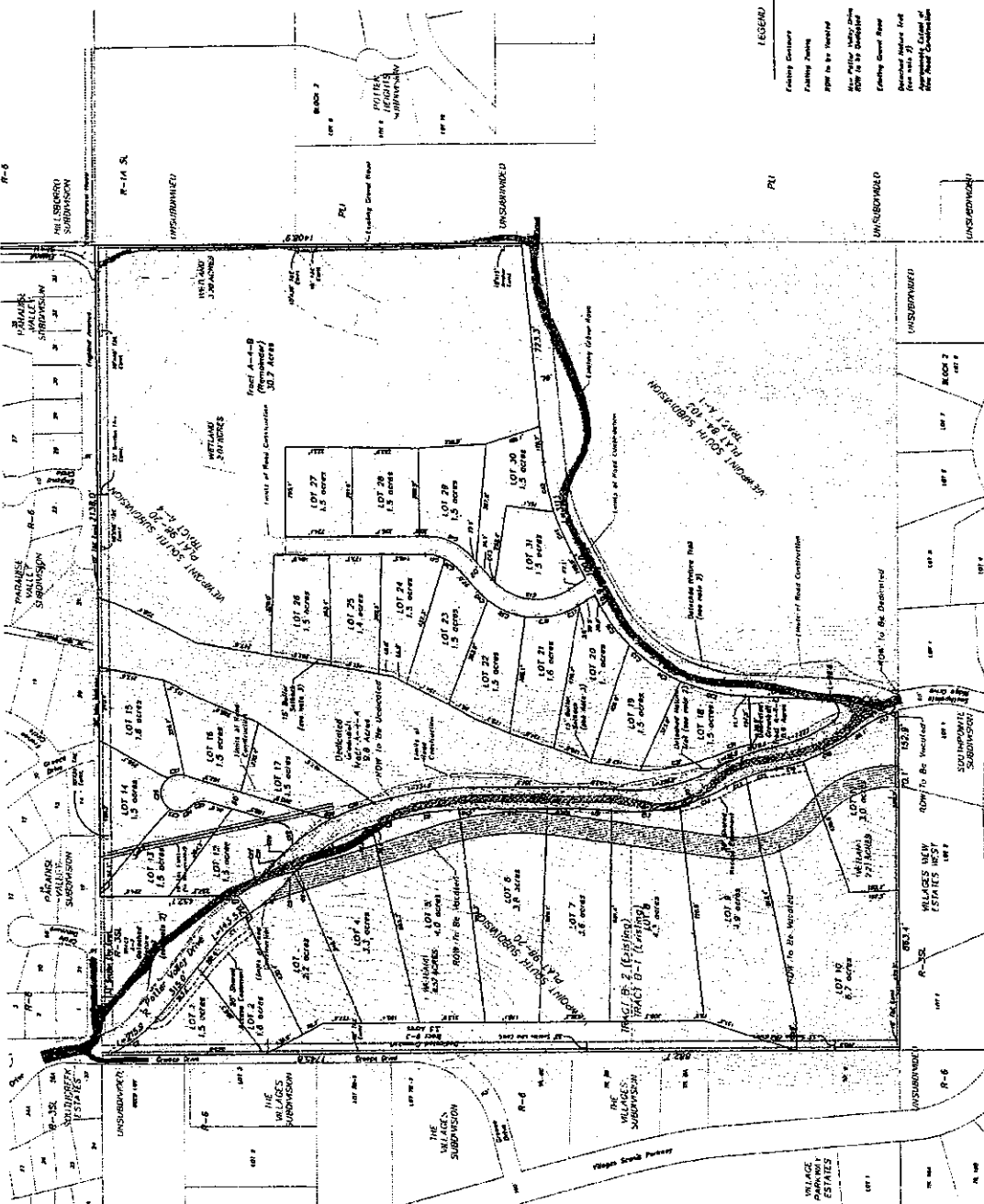
Enclosures: Potter Highlands Road Layout, dated April 2008, prepared by Triad Engineering

CC: Connie Yoshimura, Potter Creek Development LLC  
3801 Centerpoint Drive, Suite 104, Anchorage, AK 99503  
Variance file

Lot No.	Area (Acres)	Area (Sq. Ft.)
1	1.5	104,544
2	1.5	104,544
3	1.5	104,544
4	1.5	104,544
5	1.5	104,544
6	1.5	104,544
7	1.5	104,544
8	1.5	104,544
9	1.5	104,544
10	1.5	104,544
11	1.5	104,544
12	1.5	104,544
13	1.5	104,544
14	1.5	104,544
15	1.5	104,544
16	1.5	104,544
17	1.5	104,544
18	1.5	104,544
19	1.5	104,544
20	1.5	104,544
21	1.5	104,544
22	1.5	104,544
23	1.5	104,544
24	1.5	104,544
25	1.5	104,544
26	1.5	104,544
27	1.5	104,544
28	1.5	104,544
29	1.5	104,544
30	1.5	104,544
31	1.5	104,544
32	1.5	104,544
33	1.5	104,544
34	1.5	104,544
35	1.5	104,544
36	1.5	104,544
37	1.5	104,544
38	1.5	104,544
39	1.5	104,544
40	1.5	104,544
41	1.5	104,544
42	1.5	104,544
43	1.5	104,544
44	1.5	104,544
45	1.5	104,544
46	1.5	104,544
47	1.5	104,544
48	1.5	104,544
49	1.5	104,544
50	1.5	104,544

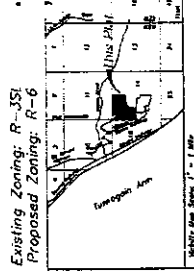
Lot No.	Area (Acres)	Area (Sq. Ft.)
51	1.5	104,544
52	1.5	104,544
53	1.5	104,544
54	1.5	104,544
55	1.5	104,544
56	1.5	104,544
57	1.5	104,544
58	1.5	104,544
59	1.5	104,544
60	1.5	104,544
61	1.5	104,544
62	1.5	104,544
63	1.5	104,544
64	1.5	104,544
65	1.5	104,544
66	1.5	104,544
67	1.5	104,544
68	1.5	104,544
69	1.5	104,544
70	1.5	104,544
71	1.5	104,544
72	1.5	104,544
73	1.5	104,544
74	1.5	104,544
75	1.5	104,544
76	1.5	104,544
77	1.5	104,544
78	1.5	104,544
79	1.5	104,544
80	1.5	104,544
81	1.5	104,544
82	1.5	104,544
83	1.5	104,544
84	1.5	104,544
85	1.5	104,544
86	1.5	104,544
87	1.5	104,544
88	1.5	104,544
89	1.5	104,544
90	1.5	104,544
91	1.5	104,544
92	1.5	104,544
93	1.5	104,544
94	1.5	104,544
95	1.5	104,544
96	1.5	104,544
97	1.5	104,544
98	1.5	104,544
99	1.5	104,544
100	1.5	104,544

- Notes:**
- Tract A-4-B and Tract A-7 (Newport South Subdivision, Plat 84-403) shall be restricted to no more than 31'.
  - The detached refuse tract indicated shall be constructed at a minimum of 10 to 15 feet from the edge of line of the proposed road.
  - The 15' buffer setback is to serve as a non disturbance easement. No construction activities are permitted in the easement. Outdoor firewalls are 5'.
  - Outdoor firewalls are 5'.



**LEGEND**

- Falling Contour
- Falling Zone
- R-6
- 200' to 100'
- New Peter Valley Subdivision Plat 84-403
- Existing Contour
- Dashed Contour (from area 2)
- New Road Location



**Peter Highlands Subdivision PHASE I**

**Tracts A-4-A, A-4-B, A-4-C and B-3**

**and**

**Vacation of a Portion of Peter Valley Drive and 20' CEA Pleted Exmt. per Plat 84-403**

**A Subdivision of Tracts B-1, B-2 and A-4, Newport South 1 Subdivision Plat 84-403 Located Within the 1/4 of Section 14, T14N, R29E, S1E, Aerial Survey 1901-1902**

**Lots 1 through 100**



*Tetter Higdon*

# MUNICIPALITY OF ANCHORAGE



Community Development Department  
Development Services Division

Private Development Section

*Mayor Dan Sullivan*

## MEMORANDUM

### Comments to Planning and Zoning Applications

**DATE:** March 14, 2011

**TO:** Angela Chambers, Manager, Zoning and Platting

**FROM:** Don Keefer, Private Development Manager

**SUBJECT:** Comments for Planning & Zoning Commission Public Hearing date:  
**April 11, 2011**

**Case 2011-032** – Rezoning to R-6 Suburban Residential District  
Viewpoint South, Tracts A-1, A-4, B-1, and B-2  
and **Platting Case S11864-1**: Subdivision of Viewpoint South, Tracts A-4-, B-1,  
and B-2

*Private Development has no objection to rezoning the property (Viewpoint South, Tracts A-1, A-4, B-1, and B-2) from R-3SL to R-6. Approval of this rezoning proposal would take the property from an urban improvement area to a rural improvement area. Because AMC improvement requirements differ significantly by improvement area, any request or election to proceed, or any subsequent authorization to proceed, with any improvements prior to Board and Assembly approval of the rezoning is at the developer's risk solely.*

#### **Road Improvement Requirements:**

**Interior Collector Street:** The petitioner shall improve Potter Valley Drive to collector street standards in accordance with the applicable and resultant AMC improvement area (see above) and the current PM&E Design Criteria Manual.

**AMC 21.85.050: Interior streets:** The petitioner shall improve the unnamed interior secondary residential streets in accordance with the applicable and resultant AMC improvement area (see above) and the current PM&E Design Criteria Manual, inclusive of permanent – and temporary - regulation turnarounds, as applicable.

Resolve with the Anchorage Fire Department any improvements that may be required to provide a regulation turnaround on Greece Drive south of France Circle.

**Subdivision Agreement Requirement:**

AMC 21.85.030. Prior to final plat approval the petitioner shall enter into a subdivision agreement with Development Services Division / Private Development Section (Private Development) for the required road improvements, drainage, pathway/trail, and for other installations prescribed for the improvement area where the subdivision is located. Also see AMC 21.08.060.

**Drainage Requirements:**

Prior to final plat approval, submit the following to Private Development for review and approval:

- A comprehensive site grading and drainage plan to resolve the need for drainage easements and drainage improvements and to demonstrate that all post development drainage patterns will not adversely impact adjacent properties or rights of way, and to include a suitable outfall.
- A groundwater hydrology analysis of the subject area to determine the seasonal high groundwater table elevation and to resolve the need for storm drain with footing drains stub outs to any (or all) lots within the proposed subdivision. The analysis shall also address surface runoff/drainage, existing natural drainage paths, and provide methods to prevent exposing subsurface water flows. Drainage plan shall also address measures to be taken in the event that excavation associated with the subdivision agreement or build-out of the lot exposes subsurface flows.
- Where footing drains are deemed to be necessary, place the following note on the plat:
  1. All structures within this subdivision are required to have footing drains connected to the drainage infrastructure.

Include notes on the final plat to state:

1. All lots within the subdivision shall conform to the elevations and drainage patterns shown on the grading and drainage plan approved by the Municipality of Anchorage, as applicable.
2. Property owners or utilities shall not raise, lower, or re-grade the property in a manner that will alter the drainage patterns from those shown on the approved grading and drainage plan without prior approval from Municipality of Anchorage Building Safety Office.
3. Property owners or utilities shall not obstruct, impede or alter approved drainage facilities (e.g. swales, ditches) in any way that will adversely impact adjacent properties or rights of way.

### **Right of Way/Easement Dedication Requirements:**

- **Right of Way dedications** are required (and proposed) for Potter Valley Drive and the unnamed streets, per OS&HP and AMC 21.85 Table A, respectively. Private Development has no objection to the vacation of existing Potter Valley Drive corridors identified in the petition, and rededication at new locations provided the petitioner demonstrates the road grades within the new corridor comply with limits for Hillside Area roadway development per the PM&E Design Criteria Chapter 1 Streets Table 1-8.

Private Development has no objection to variances for relief of requirements to provide a matching 30' dedication for the east half of Greece Drive from England Ave to Village Scenic Pkwy, and further, to construct road improvements within the matching 30' wide dedication for the east half of Greece Drive (west perimeter of subdivision). See "Other" below.

- See **drainage easement** discussion above.
- Resolve dedication of **trail easements** outside proposed municipal right-of-way with the PM&E Non-Motorized Transportation Coordinator.
- **Driveways** proposed as common access to multiple properties shall be located in "**common access easement**" and memorialized by plat note and agreement. Examples of plat notes follow:
  1. The common access easement dedicated this plat is for the private and exclusive use of Lots <enter legal description>, and for their owners, tenants, guests, invitees, and public service vehicles.
  2. The Municipality of Anchorage will not now or in the future accept or assume responsibility for the construction, maintenance and operation, snow plowing or removal, repairs or reconstruction of the private improvements within the common access easement shown on this plat. Road maintenance and operations, snow plowing or removal, repairs and reconstruction shall be the responsibility of those served by the common access easement.

Petitioner may coordinate execution and recording of this agreement with the Municipality of Anchorage Land Use Review Office.

### **Fill and Excavation Permit Requirements:**

Advisory Comment: A fill and grade permit from Building Safety must be obtained by the applicant prior to the commencement of grading and/or excavation of on site material or the import of fill material in excess of fifty cubic yards. A site grading and drainage plan

and an erosion and sediment control plan must be included with fill and grade permit application.

**Erosion and Sediment Control Requirements:**

Prior to final plat approval an erosion and sediment control plan for the required improvements must be submitted for review and approval. The plan must detail all measures to be implemented on site to prevent the transport of sediment beyond property boundaries or into existing development setbacks and/or stream maintenance and protection setbacks both during and after construction.

**Other:** Private Development recommends Tract B-3 Dedicated Greenbelt be moved easterly thirty-three feet so as not to unnecessarily encumber the 33' section line easement, leaving the Greece Drive public place open to construction of public improvements if and/or when needed.

Show potential driveway locations to all lots to verify that they can be constructed to a grade of 10% or less, and in conformance to the Municipality of Anchorage Driveway Standards, to be approved by Traffic Engineering.

**Department Recommendations:**

Private Development recommends approval of this case subject to the above conditions.

~~**Case 2011-041**~~ – Amending a conditional use for a utility substation  
Simonson Tract Subdivision, Tract 1

Private Development has no objection to approval.

**Barrett, Al W. (Zoning)**

---

**From:** Ezell, Jacob E.  
**Sent:** Thursday, March 31, 2011 3:49 PM  
**To:** Barrett, Al W. (Zoning)  
**Subject:** RE: AADT

The AADT count was from the State in 2009

Jacob Ezell  
Engineering Tech I  
Municipality of Anchorage  
Traffic Department  
(907) 343-8053  
Fax: (907) 343-8488  
EzellJE@Muni.org

---

**From:** Barrett, Al W. (Zoning)  
**Sent:** Thursday, March 31, 2011 3:45 PM  
**To:** Ezell, Jacob E.  
**Subject:** RE: AADT

Thanks, approx date of count?

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone  
907 343-7927 fax  
barrettaw@muni.org

---

**From:** Ezell, Jacob E.  
**Sent:** Thursday, March 31, 2011 3:38 PM  
**To:** Barrett, Al W. (Zoning)  
**Subject:** AADT

Hello

The most current AADT on Potter Valley Road is 800.

Jacob

Jacob Ezell  
Engineering Tech I  
Municipality of Anchorage  
Traffic Department  
(907) 343-8053  
Fax: (907) 343-8488  
EzellJE@Muni.org

800 2011  
2011

---

**From:** Keefer, Don C.  
**Sent:** Thursday, March 31, 2011 2:19 PM  
**To:** Barrett, Al W. (Zoning)  
**Subject:** RE: Potter Highlands

Does the Municipality (Traffic) have, or were you provide in the traffic comments, an analysis of the Average Daily Traffic that is anticipated on Potter Valley Road through the Potter Highlands location?

Don Keefer  
Private Development Manager  
Development Services

---

**From:** Barrett, Al W. (Zoning)  
**Sent:** Thursday, March 31, 2011 12:01 PM  
**To:** Keefer, Don C.  
**Subject:** Potter Highlands

I already have your comment regarding rural standard in the report so, how about just the definition for rural standard and I can make it a footnote in the report.

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone  
907 343-7927 fax  
[barrettaw@muni.org](mailto:barrettaw@muni.org)



# Interoffice Memo

**Date:** March 31, 2011  
**From:** Don Keefer, Private Development Manager  
**To:** Al W. Barrett, Senior Planning  
**Subject:** Potter Highland Collector and Local Residential Secondary Street Standards

**Minimum Rural Standards** (from the Hillside District Plan): Rural streets are strip-paved (paved streets without curb and gutter), with shoulders to accommodate pedestrians, drainage ditches, and limited lighting. These are minimum standards. An individual, developer, homeowners association, LRSA, etc. may elect higher standards.

Potter Valley Road (a HDP primary road) (an OSHP Collector) See chart below and footnote under cross section road graphic below  
 For local residential secondary streets, also see chart below and footnote under cross section road graphic below

Table 6.8  
 Summary of General Standards for New Roads

Area Type	Surface	Width	Max Slope	Min Surface Width
Areas three dwelling units per acre (DU/A) or greater • Residential • Commercial • Park and Nature Resources • Community Facility (area general)	• Surface paved with curbs and gutters • Min Surface Width: 24' • Max Slope: 1%	• Surface paved with curbs and gutters • Min Surface Width: 24' • Max Slope: 1%	• Surface: strip-paved • Surface width: 20' • Max slope: 2% (Option for 2.5% with variance)	• Surface: strip-paved • Surface width: 20' • Max slope: 2% (Option for 2.5% with variance)
Areas less than three dwelling units per acre (DU/A) • Residential • Park and Nature Resources • Community Facility	• Surface paved with curbs and gutters • Min Surface Width: 24' • Max Slope: 1%	• Surface: strip-paved • Surface width: 24' • Max slope: 2%	• Surface: strip-paved • Surface width: 20' • Max slope: 2% (Option for 2.5% with variance)	• Surface: grave or strip-paved • Surface width: 20' • Max slope: 2% (Option for 2.5% with variance)

\*The variance is a solution of last resort. It is not to be used as a standard practice or considered the minimum acceptable design to which from.

Figure 4.4  
 Rural Roads - Typical Section

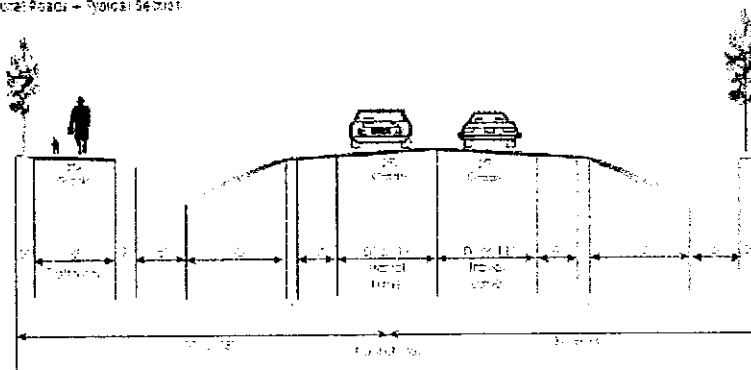


Figure 4.4 is the typical section for a rural collector. For 200-foot collectors, the typical section would have a 50-foot sidewalk and would include 20- to 24-foot surface widths (20- to 22-foot travel lanes), depending on a grade of 1% or 2% (see Table 4.5). These local roads would include 20- to 40-foot shoulders wide enough to accommodate sidewalks.

## **Barrett, Al W. (Zoning)**

---

**From:** Wockenfuss, Deborah M.  
**Sent:** Wednesday, April 13, 2011 9:59 AM  
**To:** O'Brien, Margaret R.; Chambers, Angela C.; Barrett, Al W. (Zoning)  
**Subject:** RE: Questions - potter highlands

There may be a need for additional test holes. I do not have complete information to review, but I have gotten the impression that property lines have moved and test holes are not on the lots anymore.

Deb Wockenfuss  
Onsite Water/Wastewater Department  
Municipality of Anchorage  
343-7906

---

**From:** O'Brien, Margaret R.  
**Sent:** Wednesday, April 06, 2011 5:13 PM  
**To:** Chambers, Angela C.; Barrett, Al W. (Zoning)  
**Cc:** Wockenfuss, Deborah M.; Keefer, Don C.  
**Subject:** RE: Questions - potter highlands

Angela,

I think that Deb Wockenfuss needs to address the 4<sup>th</sup> question. From conversations with her, she said that the test holes are old and didn't provide adequate information based on the current design of the plat. Deb had some doubts whether the 100-foot setback from septic systems to wells could be met. Deb is out of town with a sick relative and will be back next Wednesday I believe. Jim Cross (formerly MOA On-Site Manager) provided extensive comments on the 2000 request to remove 29-acres of this petition site from the Potter Creek Master Development Plan. The request was denied by the commission. That indicates that MOA has jurisdiction over this site. I have been told by On-Site staff that MOA has jurisdiction over single-family development with on-site utilities within the municipality.

Given the environmental concerns especially the topography, I believe Don K. wanted the profiles. Traffic Engineering had concerns regarding the 70-foot width of the road being sufficient and whether additional right-of-way and/or slope easements would be required. Dwayne Ferguson and Don Keefer would be best to direct this question.

We don't know if the creek mapping has been done by the petitioner. Information was not submitted on creek mapping. However, Steve Ellis has mentioned that MOA creek mapping would begin in May on this property.

The wetlands are not designated as to type and there are streams associated with the wetlands. A determination is needed from the Corps because the wetlands have not been typed as to A, B or C in the Wetlands Management Plan. There may be varying setbacks required for the streams depending on location vis-à-vis the wetlands. Karen K. probably could address this issue in more detail.

Margaret O'Brien  
Planning Department  
4700 Elmore Road  
P.O. Box 196650  
Anchorage, AK 99519-6650  
(907)-343-7937  
obrienmr@muni.org

---

**From:** Chambers, Angela C.  
**Sent:** Wednesday, April 06, 2011 4:52 PM  
**To:** Barrett, Al W. (Zoning); O'Brien, Margaret R.  
**Subject:** Questions - potter highlands

Can you give me a quick answer on these?

They are down-zoning the property and reducing the allowable dwelling units. They don't need a final Corps approval for the replat or rezone.

It sounds like they have preliminary wetlands analysis but no stream mapping. Where are they on the stream mapping?

Vertical and horizontal road information is not needed at the preliminary stage unless someone believes the general road layout will push limits.

I recall seeing a bunch of test holes. Do they need more?  
HHS doesn't have any oversight in this area.

*Angela C. Chambers, AICP*

*Section Supervisor  
MOA Planning Division  
Current Planning Section  
4700 Elmore Road  
PO Box 196650  
Anchorage, AK 99507*

*tel. (907) 343-7940  
fax (907) 343-7927*



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



**MEMORANDUM**

**RECEIVED**

**DATE:** March 11, 2011  
**TO:** Angela Chambers, Manager, Current Planning Section  
**FROM:** Deb Wockenfuss, Civil Engineer, On-Site Water and Wastewater Program  
**SUBJECT:** Comments on Cases due March 14, 2011

MAR 11 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

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

2011-032 R-6 rezoning

No objection

S11864-1 Potter Highlands Subdivision, Phase 1

Information to satisfy the requirements specified by AMC 21.15, AMC 15.55 and AMC 15.65 must be submitted for each lot within this proposed subdivision. This information must include, but may not necessarily be limited to:

1. Soils testing, percolation testing, and ground water monitoring must be conducted to confirm the suitability for development using on-site wastewater disposal systems. Ground water monitoring must be conducted during a high ground water season in either the fall (October) or spring (May). Soils logs have been submitted but the engineers signature is needed.
2. Areas designated for the original and replacement wastewater disposal system sites must be identified and must meet all criteria specified in AMC 15.65 including slope and slope setback requirements for each lot.
3. Topographical information must be submitted.
4. Provide documentation for water availability to serve water wells.

Nitrate modeling may be needed if the plat does not have a note requiring the use of a Category III Nitrogen Reducing wastewater system. The note should not have a requirement of a specific brand of wastewater system (the Advantex). The Onsite Water and Wastewater staff does not have access to the Covenants, Conditions and Restrictions (CCR). A conventional system could be approved if the requirement is only stated in the CCR

Page 2 of the Plat and Vacation Narrative has an informational section on the AdvanTex septic system. Much of the information appears to be incomplete or inaccurate regarding installation within the municipality. For example, the system does have timed dosing to the Advantex filter basin, but the discharge to the drain field is based on the volume in the second compartment of the septic tank. Also, the effluent from an Advantex system may only be discharged into a conventional drain field per AMC 15.65. Because of the treatment received within the system, the drain field is allowed to be smaller than one designed for use with a conventional septic system.

**Kimmel, Corliss A.**

---

**From:** Tremont, David J.  
**Sent:** Wednesday, March 23, 2011 11:34 AM  
**To:** O'Brien, Margaret R.; Barrett, Al W. (Zoning); Kimmel, Corliss A.  
**Cc:** Wong, Carol C.; Keesecker, Karen M.; Tobish, Thede G.  
**Subject:** comments on 4-11-11 PZC cases

Following are the Long-Range Planning Section's comments regarding several cases to be heard by the Planning and Zoning Commission on April 11, 2011.

Thank you.

**David Tremont**  
Senior Planner  
Community Development Department  
Planning Division  
Long-Range Planning Section  
Municipality of Anchorage  
(907) 343-7915  
[tremontdj@muni.org](mailto:tremontdj@muni.org)

**RECEIVED**

MAR 23 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

**Case #2011-032      Rezoning to R-6 Suburban Residential District**

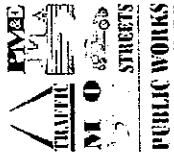
The proposed rezoning to R-6 is consistent with the land use designation (residential at less than 1 du) in the adopted *Hillside District Plan*. The proposed large lot subdivision is also located outside the maximum perimeter of public sewerage that is designated in the *Hillside District Plan*. The Long-Range Planning Section has no objection to the proposed rezoning and no further comment on this case.

**Case #S-11864-1      Potter Highlands Subdivision**

1. The applicant will need to request a Jurisdictional Determination from the U.S. Army Corps of Engineers to accept new wetland boundaries that are shown on the plat. A note must be included on the plat which references the need for U.S. Army Corps of Engineers – Regulatory Branch authorization prior to any development within wetlands.
2. The Long-Range Planning Section has the following comments regarding streams and other waterbodies within the plat area:
  - According to the Municipality of Anchorage Wetlands Atlas map# 32a; the site contains "open channels". Verify the nature of these features with MOA Watershed Management. If these channels are considered 'drainageways', the Long-Range Planning Section recommends 25-ft setbacks from centerline (i.e., a 50-ft wide corridor)
  - Streams mapped west of Potter Valley Drive, lots 1-11, require 85-ft setbacks if wetlands are associated; if no wetlands are within the stream corridor, the minimum setback is 25-ft. The Long-Range Planning Section recommends a 50-ft setback per the provisionally adopted Title 21.
  - MOA Watershed Management needs surveyed stream information. All streams, waterways and waterbodies with appropriate setbacks need to be designated on the plat. Include plat notes relative to setbacks: 25-ft setbacks per Title 21 (AMC 21.45.210); 85-ft setbacks in wetlands per Anchorage Wetlands Management Plan (1996).
3. Lots 3 through 6 (and especially lots 4 and 5) are significantly covered by wetlands. In addition to the U.S. Army Corps of Engineers authorizations discussed in comment #1 above, the proposed building layout of these lots and

locations of septic systems should be resolved with the Municipal On-Site wastewater Section.

4. According to the submitted plat, an existing gravel road extends along the entire eastern boundary of the plat and connects to a subdivision to the north and Potter Valley Drive to the south. Much of this road appears to be located within Tract A-4-B of the plat area. The Long Range Planning Section recommends that a 30-foot wide half-street dedication should be considered for the eastern boundary of Tract A-4-B in accordance with AMC 21.080.10.C.



MUNICIPALITY OF ANCHORAGE  
 PUBLIC WORKS DEPARTMENT  
 4700 Elmore Road  
 Anchorage AK 99507

RECEIVED

MAR 23 2011

Project Review Form

MUNICIPALITY OF ANCHORAGE  
 ZONING DIVISION

Project Name: Rabbit Creek / Potter Creek  
 Project No: 01-01b  
 2011-032 & S11864-1  
 Project Status:  Design Study  35%  65%  95%  Other  Platt for review  
 Name/Title: Randy Bergt / Sandy Hansen  
 Organization / Department: Transit Project Coordinator  
 Phone Number: 343-8285 or 343-8213  
 Date: March 23, 2011

Page/Sheet No.	Reviewer	Comment	Response
1)		No Comment	
2)			
3)			
4)			
5)			
6)			
7)			
8)			
9)			
10)			
11)			
12)			

Potter  
Highlands

Thanks for calc, Tony.

Because the trail standards are in an adopted plan, PZC cannot process the request as a variance. If I can get everyone to agree, we can put the proposed trail standard in as an SL.

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone  
907 343-7927 fax  
barrettaw@muni.org

---

**From:** Tony Hoffman [mailto:tonyhoffman@lantechi.com]  
**Sent:** Friday, March 04, 2011 3:18 PM  
**To:** Barrett, Al W. (Zoning)  
**Cc:** Connie Yoshimura; Ric Davidge; Dave Grenier  
**Subject:** RE: Potter Highlands Trail

Al,  
We are depicting about 4,086 linear feet of trail on the plan, which would equate to 40,860 square feet (or 0.94 acres) of impervious surface, if it were built to 10' wide asphalt surface. That doesn't include additional ground disturbance that would be caused by construction of a full trail (native material cuts and fills, gravel bedding, etc).

Tony Hoffman PLS  
Lantech, Inc  
907-562-5291 main  
907-317-7724 cell

---

**From:** Barrett, Al W. (Zoning) [mailto:BarrettAW@ci.anchorage.ak.us]  
**Sent:** Thursday, March 03, 2011 1:48 PM  
**To:** Tony Hoffman  
**Cc:** Connie Yoshimura; Ric Davidge; Dave Grenier  
**Subject:** RE: Potter Highlands Trail

Could someone do a quick calc (width times length of trail) of how much impervious area, therefore runoff, would be added by a paved trail?

I know over time, dirt gets compacted and there will still be runoff, perhaps there is an adjustment to calculate that: paved vs. gravel runoff amount?

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone



907 343-7927 fax  
barrettaw@muni.org

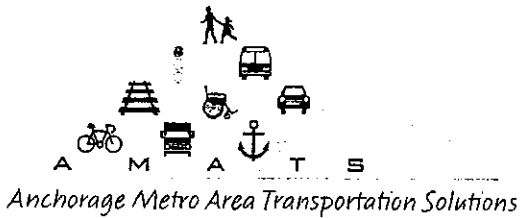
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**From:** Tony Hoffman [mailto:tonyhoffman@lantechi.com]  
**Sent:** Thursday, March 03, 2011 1:06 PM  
**To:** Barrett, Al W. (Zoning); O'Brien, Margaret R.; Weaver Jr., Jerry T.; Chambers, Angela C.  
**Cc:** Connie Yoshimura; Ric Davidge; Dave Grenier  
**Subject:** Potter Highlands Trail

Al,  
Please include the attached letter in the public record and package. We are requesting that Planning revisit the design variation request the petitioner has requested for the pedestrian use trail in Potter Highlands Development. We will be making a strong request that the Planning and Zoning Commission consider this request.  
Thanks.

Tony Hoffman PLS  
Lantech, Inc  
907-562-5291 main  
907-317-7724 cell

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MUNICIPALITY OF ANCHORAGE  
Community Development Department,  
Transportation Planning Section  
Non-Motorized Transportation Coordinator  
Planning & Development Center, 4700 Elmore Road  
P. O. Box 196650, Anchorage, AK 99519-6650  
voice (907) 343-8368, facsimile (907) 249-7806  
e-mail: [schanchele@muni.org](mailto:schanchele@muni.org)

DATE: March 2, 2011  
TO: Angela Chambers, Platting Officer  
FROM: Lori Schanche, Non-Motorized Transportation Coordinator  
SUBJECT: Case S11864  
Potter Highlands Subdivision

Per the *Areawide Trails Plan*, the pathway noted as Nature Trail should be a paved multi-use pathway, not a natural grade path as Note 2 describes. This should be minimum 8-10' wide. This was explained to the petitioner in response to their questions via email on February 10, 2011.

Cc: Craig Lyon, AMATS

## **Barrett, Al W. (Zoning)**

---

**From:** Gray, James D.  
**Sent:** Thursday, March 03, 2011 10:38 AM  
**To:** 'cyoshimura@gci.net'  
**Cc:** Weaver Jr., Jerry T.; Walsh, Sharen A.; Keefer, Don C.; Furch, Tom P.; Hall, Mark S.; 'RDavidge@cyalaska.com'; Barrett, Al W. (Zoning); O'Brien, Margaret R.  
**Subject:** Secondary access at Potter Highlands Development

Connie:

I have just become aware of some previous discussions and agreements on access to the homes up Potter Valley Road. I need to have further discussions with the Fire Chief about it, but at this point I do not believe that we can allow any further development without the 2<sup>nd</sup> access.

As you have stated, there are many homes there already – possibly over 300. Adding another 30 homes will further exacerbate the access and emergency evacuation problems. To further complicate the issue, Potter Valley road has sections that do not meet the maximum grade allowed for a fire apparatus road (10%). While I understand that this is an existing condition, our responsibility is to not make the situation worse by allowing more development until the secondary access is in.

I realize that this is contrary to the preliminary agreement I spoke of in our meeting yesterday. I apologize for not having all of the information in hand before we met.

I have apprised the Fire Chief of the situation at this point. As always, you are free to appeal to the Building Board of Examiners and Appeals. Please feel free to call me with any questions.

**James Gray, Acting Fire Marshal**  
**Anchorage Fire Department, Fire Prevention Division**  
**4700 Elmore Road**  
**Anchorage, Alaska 99507**  
**907-267-4970 desk**  
**907-727-7854 cell**  
**grayjd@muni.org**

**Barrett, Al W. (Zoning)**

---

**From:** Gray, James D.  
**Sent:** Thursday, March 03, 2011 10:38 AM  
**To:** 'cyoshimura@gci.net'  
**Cc:** Weaver Jr., Jerry T.; Walsh, Sharen A.; Keefer, Don C.; Furch, Tom P.; Hall, Mark S.; 'RDavidge@cyalaska.com'; Barrett, Al W. (Zoning); O'Brien, Margaret R.  
**Subject:** Secondary access at Potter Highlands Development

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I have apprised the Fire Chief of the situation at this point. As always, you are free to appeal to the Building Board of Examiners and Appeals. Please feel free to call me with any questions.

**James Gray, Acting Fire Marshal**  
**Anchorage Fire Department, Fire Prevention Division**  
**4700 Elmore Road**  
**Anchorage, Alaska 99507**  
**907-267-4970 desk**  
**907-727-7854 cell**  
**grayjd@muni.org**

**Barrett, Al W. (Zoning)**

---

**From:** Hill, Cleo C.  
**Sent:** Monday, March 14, 2011 2:17 PM  
**To:** Barrett, Al W. (Zoning); Coop, Leland R.; Ferguson, Dwayne G.; Keefer, Don C.; Inglis, Jillanne M.; O'Brien, Margaret R.; Chambers, Angela C.  
**Subject:** Rezoning & Plat Comments 2011-031 and S11864-1

Rezone 2011-032

Objection: No further development or change until an approved second egress route is constructed as previously agreed to.

Case S11864-1

No further development or construction until an approved second means of egress is constructed as previously agreed to.

Cleo Hill  
Inspector  
Anchorage Fire Department  
267-4911  
hillcc@muni.org

---

**From:** Barrett, Al W. (Zoning)  
**Sent:** Friday, March 11, 2011 3:26 PM  
**To:** Coop, Leland R.; Ferguson, Dwayne G.; Keefer, Don C.; Furch, Tom P.; Inglis, Jillanne M.  
**Cc:** O'Brien, Margaret R.; Chambers, Angela C.  
**Subject:** Solara comments

Just a reminder, comments due Monday. We are still waiting on Potter Valley Drive issues, so if you're short of time, do rezone comments first. The road issue is more related to the plat, and that may go into next week to resolve.

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone  
907 343-7927 fax  
[barrettaw@muni.org](mailto:barrettaw@muni.org)

*Comment section.***Barrett, Al W. (Zoning)**

---

**From:** Connie Yoshimura [cyoshimura@gci.net]  
**Sent:** Tuesday, May 24, 2011 11:41 AM  
**To:** Weaver Jr., Jerry T.; Chambers, Angela C.; Barrett, Al W. (Zoning); O'Brien, Margaret R.  
**Cc:** 'Donald W. McClintock'  
**Subject:** Response to Cleo C. Hill's email

This memo is in response to Cleo C. Hill's email, dated March 14, 2011, to Al W. Barrett regarding Rezone 2011-032 stating, "Objection: No further development or change until an approved second egress route is constructed as previously agreed to" and Case S11864-1 "No further development or construction until an approved second means of egress is constructed as previously agreed to."

During the year 2007, Potter Creek Development, LLC entered into discussions with the MOA to develop a 16 lot subdivision known as Potter View. Secondary egress was an issue because of the recent decision to aggregate count all development along Potter Valley Road even though they were developed under separate subdivision agreements, had different road and design standards and had never been aggregated in the past.

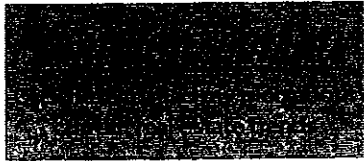
After much discussion, which included the fire chief, city manager and the mayor, a cooperative course of action was decided upon. Potter Creek Development would be allowed to develop its 16 lots in exchange for agreeing to a plat note that builders would be required to install sprinklers in all homes (although the note was placed on the plat, building dept. officials did not require sprinklers and approved building plans without them) and Potter Creek Development, LLC and the MOA would work together to get capital improvement project funding for the upgrade of the secondary egress from the northeast corner of Potter Highlands down to Golden View Drive. This upgrade was also in the best interests of the MOA because the Heritage Land Bank owns approximately 80 acres adjacent to the current rezone and platting request of the 160 acres.

As a result of those discussions, Potter Creek Development hired Jerry Jackie as a lobbyist to assist in obtaining the necessary funds from the state legislature. Over the next two years, Potter Creek Development paid Jerry Mackey \$73,000 in lobbying fees. The first year Mackie was hired, through the support of Mike Hawker, the funds passed the senate and house but, unfortunately, all projects in Hawker's district were vetoed by then Governor Sarah Palin, due to his lack of support for AGIA. The second year we were told that the MOA was not supporting the CIP request because the MOA had other priorities. Without the support of the MOA, there was no possibility of funding.

Although our informal arrangement included the proposal that we would not start our next phase until we secured this funding for the road connection, the current failure of the MOA to support this project has made that unworkable. It is wrong for Ms. Hill to suggest that there is an "agreement" binding on Potter Creek Development; by the same token, I cannot claim that the MOA "breached" its agreement to support state funding for a connection that all agree is in the best interests of the community. There is no support for her position that there is an "agreement" that governs this project.

Please make sure this memo is included in the packet for the Planning and Zoning Commission members.

Connie Yoshimura  
Managing Partner  
Potter Creek Development, LLC



3801 Centerpoint Drive #104  
Anchorage, AK 99503  
[cyoshimura@gci.net](mailto:cyoshimura@gci.net)  
907-762-7570

Information from ESET Smart Security, version of virus signature database 6149  
(20110524)

The message was checked by ESET Smart Security.

<http://www.eset.com>

**Barrett, Al W. (Zoning)**

---

**From:** Tony Hoffman [tonyhoffman@lantechi.com]  
**Sent:** Thursday, March 03, 2011 1:06 PM  
**To:** Barrett, Al W. (Zoning); O'Brien, Margaret R.; Weaver Jr., Jerry T.; Chambers, Angela C.  
**Cc:** Connie Yoshimura; Ric Davidge; Dave Grenier  
**Subject:** Potter Highlands Trail  
**Attachments:** Potter Highlands Trail Design Variance Request.doc

Al,

Please include the attached letter in the public record and package. We are requesting that Planning revisit the design variation request the petitioner has requested for the pedestrian use trail in Potter Highlands Development. We will be making a strong request that the Planning and Zoning Commission consider this request.

Thanks.

Tony Hoffman PLS  
Lantech, Inc  
907-562-5291 main  
907-317-7724 cell



## **Request for Variance Proposed Potter Highlands Nature Trail**

We are requesting a variance in support of the Potter Creek LLC proposed nature trail in Potter Highlands because it is more consistent with the concepts of this development. Although the Anchorage Areawide Trails Plan requires a ten foot wide, paved w/6 inch gravel pad trail in this area, things have changed since that plan was written and approved and we do not believe the construction of this type of trail to be consistent with the more “natural” nature of the project nor is it responsive to the new Hillside District Plan.

### **Density**

The density of the proposed Potter Highlands project is dramatically lower; responsibly consistent with the new Hillside District Plan, then what was originally approved for this area. Density will be down from a zone of R3SL to R6 and from almost 700 units to no more than 82 units, **a density reduction of about 88%**.

The anticipated users of this nature trail will be the residents of this area. There will likely be some who use the trail that do not live in the immediate area, but we do not anticipate them representing more than 10% of the users.

### **Drainage**

One of the overarching issues on the hillside is drainage and a paved 10 ft wide trial does not help in that direction. A natural trail with a 3 inch gravel base enables perkability (it is not a hard paved surface) into the groundwater, which is very consistent with the mitigation of the hillsides drainage concerns.

### **Development Philosophy**

The Hillside District Plan (HDP), the latest accepted community wide narrative on the development philosophy of this area of Anchorage, talks a lot about the need for more “trail diversity” (see HDP Goal 10 – Trails) consistent with the nature of the proposed developments. Additionally, we are concerned about the amount of cut and drainage both for the road and the separated trail and have attempted in every case to minimize the cut into the hillside.

The proposed nature trail is also designed and will be signed for “**Pedestrian Use Only**”. Again, this is more in keeping with the rural nature of the area and the proposed development, rather than a paved multi-use trail that is more appropriate at much lower elevations.

In the new Title 21 under walkways (Sec 21.07.060 3) the minimum unobstructed clear width required is 5 ft, except where otherwise stated. We selected the 5 ft width not only consistent with this objective but with the objective of it functioning as a nature trail rather than just a walkway. Having it only 5 ft wide brings “nature” much closer to the trail than if it was a 10 ft paved trail.

In the HDP Policy 10-C there is a discussion of “Natural Setting Trails” that makes common and esthetic sense in this location. There is no school or shopping in this area and for the most part the general area is considered “rural”. This specific development is planned for the rural or natural feeling with very large lots, limited roads, and extraordinary views. There will be a serious effort to retain as much of the natural vegetation as possible and there will be specific “replacement” requirements for trees in this project. All of this is to underscore the natural

setting of this development. As the HDP states: *“to the extent possible, natural setting trails should be located and developed to take best advantage of views, scenery, and the natural setting, and to be complimentary to nearby development.”* It is our hope that our nature trail can provide just these kinds of experiences to families as they enjoy this part of Alaska.

The proposal separates the proposed trail from the road ROW by a minimum of 10 ft where other options are not available, and will attempt to keep as much separation and natural vegetation between the road and the trail as possible, again for the purpose of providing a less “urban” feeling on this trail. There is significant open space, protected wetlands, and protected view sheds in this development that enhance the proposed “nature trail experience.

Having a 5 ft wide natural “nature” trail that provides a different trail experience for users of walkways, then the standard 10 ft wide paved walkway, will greatly enhance the character and appreciation of this trail not only for area residents but also visitors.

### **The Market**

The proposed nature trail is also responsive to the desires of the market. We have spent about a year in the area actively listening to prospective buyers and this proposal is in response to their wishes; more rural, much more natural, more Alaskan.

### **Maintenance**

The proposed nature trail, although open to the public, will be maintained by the Home Owners Association to be established with this development. Again, we think this is directly reflective of the interests expressed by this market and doesn't require any additional MOA expense.

*Potter Highlands*

**Barrett, Al W. (Zoning)**

**From:** Tony Hoffman [tonyhoffman@lantechi.com]  
**Sent:** Monday, May 09, 2011 9:23 AM  
**To:** Barrett, Al W. (Zoning)  
**Cc:** Connie Yoshimura; Ric Davidge; Dave Grenier  
**Subject:** RE: Potter Highlands

Al,  
Attached are the responses to your written comments of 4/11/11. Please feel free to let any of us know if you have any questions regarding them.  
Thanks

Tony Hoffman  
770-9206

The code citations are provided for broad guidance to the required information.

AMC 21.15.110 B. 3.g. and 4.b., c. and d., and 21.15.110 C. and D. Submission of preliminary plat; and AMC 21.75.010, plat approval.

Red text is the code section and reason for the request. Black text is the code language.

21.15.110 B.4.b. and c. Plans, data, tests, and reports necessary for DHHS and On-site Systems to evaluate safe and adequate volume of water for domestic purposes and the capability to dispose of water borne domestic waste. This includes: test sites for water sources, results of chemical and bacteriologic tests, soil and or percolation tests, aquifer tests, location of primary and reserve drain fields, a soils report, and a copy of protective covenants, deed restrictions, or HOA documents affecting the subdivision.  
**Soils testing by Steve Eng was provided. Aquifer testing will be performed in accordance with MOA approved standards prior to final plat approval.**

Horizontal location of streets and drainage facilities and other public improvements necessary to make a preliminary determination as to conformance with other muni and state standards and regulations. This includes PME, DHHS and the Corps of Engineers standards and regulations. 21.15.110 B.3.g. (3) requires this information. The road will be rural standards, no curb/gutter, and without drainage plans it's certain to be an issue.

**Road Grading is shown on the preliminary plat. Additionally, a drainage plan was provided when the plat was submitted. Also, see attached road profile.**

This section applies to the next two paragraphs: 21.15.110 C. The wetlands have never been officially delineated or classed. The preliminary wetland survey is from 2006 (but not submitted to Corps until 4-7-11) and it does show some streams. Most of the information is probably still valid, but the Corps has never seen the study and WMS believes the streams might be more extensive. 21.15.110 B.3.g.(4) also applies, as well as 110.C. Steve Ellis and Scott Wheaton have this property high on their list, but it will probably be May-June for the mapping.

**Stream easements and setbacks are shown on the new plan provided, as well as the revised Restoration Science exhibit . Additionally, the stream mapping overlay provided by the MOA closely matches the stream locations we surveyed, and provides a good, substantive basis to create solid preliminary lot lines with. Final**

lot line adjustments will be made once the final stream mapping and analysis have been completed, which is scheduled for the week of May 16th. Regarding the wetlands, since no wetlands will be disturbed, classification and permitting isn't necessary. A jurisdictional classification from the Corps of Engineers has been requested, based on the wetland mapping performed by Restoration Science.

The general location of streams, swamps, lakes, drainage courses, and floodplain areas to an accuracy sufficient to allow the platting authority to make an intelligent appraisal of the subdivision. This includes information to be reviewed by the Corps and forwarded to the muni.

Corps approved wetlands delineation map and watercourse survey and map from WMS. For wetlands areas: soil borings sufficient to characterize the underlying strata, hydrologic information specifying the quality, amount and direction of flow of surface and subsurface water, and the drainage impact to adjacent property, vegetative information indicating distribution of wetland, coniferous, and deciduous species, and habitat information on the type, number and species of animals. [some of these items are in the Athey 2006 report already, but the Corps needs to review and accept the reports' conclusions.]

A driveway analysis for each lot including slope, and locations where shared access is needed or desirable. Traffic and PME need this info. Vertical and horizontal road information per 21.15.110 B.3.g.(3).

**Building locations and driveway grades for the wetland impacted lots along the west side of Potter Valley Road are shown on the new plan provided.**

21.15.110 B.3.g.(3) and (4) A comprehensive drainage plan, including the location(s) for outfall of surface water. An analysis of effects on surrounding area. Information regarding wetlands, streams, drainage, etc has not been submitted. PME also requested this.

**Stream easements and setbacks are shown on the new plan provided.**

As the wetlands are not officially delineated, and the waterways have not been mapped, the following code sections also apply:

21.05.115.B.1 Anchorage Wetlands Management Plan: "*P&Z actions must be consistent with the AWMP.*" Without to best possible estimates for wetlands and streams, the PZC cannot make this determination could be approving lots that will require variances.

**Stream easements and setbacks are shown on the new plan provided.**

21.45.210 Stream Protection Setback – streams have a code required 25 foot setback in the R-6 district, possibly greater depending on *whether the stream has adjacent wetlands; where wetlands are adjacent to the stream, an 85-ft setback for headwater streams is warranted per Anchorage Wetlands Management Plan.*

**Stream easements and setbacks are shown on the new plan provided.**

Without approved wetlands delineation and stream locations, some lots may require large variances. Applicant related during the pre-application meeting that streams had been mapped. Earlier in the meeting WMS told her the property needed stream mapping and that WMS could do the mapping or she could have someone else do the mapping and WMS would do a field verification. She was also told she needed to complete a mapping request form and if the mapping had already been done please provide WMS with the map data. A week later, WMS relayed the same information again in an e-mail. April 5 WMS received a copy of Pat Athey's report on wetlands delineation. It shows significantly more extensive stream features than the most recent mapping by WMS. WMS conducted some stream mapping approximately 2005 on the west side of this development. None of this has been shown on the proposed plat. The stream mapping provided by Athey will need to include some type of digital information so WMS can incorporate it into the Municipal mapping database. **A revised stream exhibit has been provided by Restoration Science which coincides with those field surveyed and shown on the new plan provided.**

1. WMS still does not have a mapping request from the petitioner.
2. The most recent mapping by WMS and the streams shown in Athey's report both indicate some of the proposed lots do not appear to be developable without variances for setbacks.

WMS can get this property mapped and a report out for the applicants use most likely by the end of June, but we need a request.

21.80.040 Dedication of Stream Easements. Without knowing approximate locations, easements cannot be shown on the plat.

**Stream easements and setbacks are shown on the new plan provided.**

21.15.110.C. Additional information for wetlands. This entire section applies. Since the site is "D", undesignated, a COE permit would be required; hence the reference back to COE sign off of the wetlands boundaries.

**Stream easements and setbacks are shown on the new plan provided. A jurisdictional classification has been requested, based on the wetland mapping performed by Restoration Science. The development, including house, driveway, well and septic locations will all be out of the wetlands, and will be subject to the appropriate setbacks.**

Secondary access per fire code requirements and other access to individual lots, including slope, for fire apparatus. Also, AMC 21.75.010 A.8.

**The development does not exceed 30 lots.**

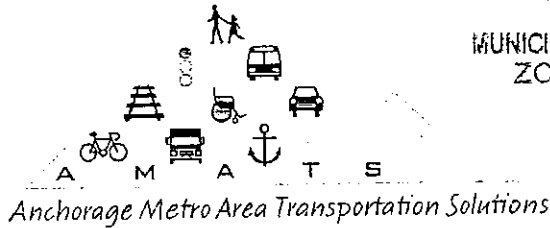
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MAR 15 2011

MUNICIPALITY OF ANCHORAGE

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

Community Development Department  
*Transportation Planning Division*  
Planning & Development Center, 4700 Elmore Road  
P.O. Box 196650, Anchorage, AK 99519-6650  
voice (907) 343-7994, facsimile (907) 343-7998  
e-mail: BrewerTM@muni.org



**TO:** Angela Chambers, Current Planning Section Supervisor  
Community Development Department - Planning, Zoning and  
Platting Division

**FROM:** Teresa Brewer, Associate Planner

**DATE:** 3 March 2011

**RE:** Rezoning Request, Potter Creek Development, Case No.2011-  
032; Agency review comments

1. Application for Zoning Map Amendment, Potter Creek Development,  
Case No.2011-032
  - A. No objection subject to the MOA Traffic Engineer's approval.



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



**RECEIVED**

APR 04 2011

MUNICIPALITY OF ANCHORAGE  
 ZONING DIVISION

**DATE:** April 1, 2011  
**TO:** Angela Chambers, Current Planning Sec. Supervisor  
**FROM:** Tom Korosei, Park Planner  
**SUBJECT:** Planning and Zoning Commission Case Review

Anchorage Parks and Recreation has comments on these cases as follows:

**CASE NO.   CASE**

- 2011-032**   Rezoning approx. 150 acres from R-3SL Multiple-family residential to R-6 Suburban residential district (Viewpoint South Subd.)
- S11864-1**   Plat for review by PZC (35 parcels; ROW vacation; Potter Highlands Subd. Phase I)  
 The *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* indicates the need for a Neighborhood Use area park within or near the proposed subdivision. The *Plan* also identifies a scenic trail corridor along Potter Valley Drive within the subdivision. The Parks and Recreation Department supports proposed separated trail, and retained and/or additional landscaping consistent with intended scenic character. The Parks and Recreation Dept. also recommends identifying and reserving/dedicating an appropriate site (area, topography, access) for future Neighborhood Park.
- 2011-041**   Amending conditional use for a utility substation (AWWU pump station; Tr. 1, Simonson Tr. Subd.)  
 No comment.

Municipality Of Anchorage  
ANCHORAGE WATER & WASTEWATER UTILITY

RECEIVED

MAR 21 2011

MEMORANDUM

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

---

**DATE:** March 17, 2011  
**TO:** Angela Chambers, Supervisor, Planning Section, Planning Division  
**FROM:** Paul Hatcher, Engineering Tech III, AWWU *PH*  
**SUBJECT:** Zoning Case Comments  
Planning & Zoning Commission Hearing April 11, 2011  
Agency Comments due March 14, 2011

AWWU has reviewed the materials and has the following comments.

**11-032 VIEWPOINT SOUTH, TR A-1, B-1 & B-2, Rezoning to R-6 Suburban residential district, Grid SW3638**

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

If you have any questions pertinent to public water and sanitary sewer, you may call me at 564-2721 or the AWWU planning section at 564-2739, or e-mail [paul.hatcher@awwu.biz](mailto:paul.hatcher@awwu.biz)





**MUNICIPALITY OF ANCHORAGE**

Development Services Division  
Right of Way Section  
Phone: (907) 343-8240 Fax: (907) 343-8250



**RECEIVED**

MAR 18 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

**DATE:** March 18, 2011  
**TO:** Planning, Zoning and Platting Division  
**THRU:** Jack L. Frost, Jr., Right of Way Supervisor  
**FROM:** Lynn McGee, Senior Plan Reviewer  
**SUBJ:** Comments on Planning and Zoning Commission case(s) for April 11, 2011.

Right of Way Section has reviewed the following case(s) due March 14, 2011.

**11-032** Viewpoint South, grid 3638  
(Rezone from R-3SL to R-6)  
Right of Way Section has no comments at this time.  
Review time 15 minutes.

**S-11864-1** Potter Highlands, Phase 1, Lots 1-31 and Tracts A-4-A, A-4-B, & B-3, grid 3638  
Right of Way Section has no comments at this time.  
Review time 45 minutes.

**11-041** Viewpoint South, grid 3638  
(Amending a Conditional Use, Utility Substation)  
Right of Way Section has no comments at this time.  
Review time 15 minutes.

# MUNICIPALITY OF ANCHORAGE



Planning & Development Services Dept.  
Development Services Division

Building Safety

## MEMORANDUM

### Comments to Miscellaneous Planning and Zoning Applications

**DATE:** March 14, 2011  
**TO:** Angela Chambers, Manager, Zoning and Platting  
**FROM:** Ron Wilde, P.E.  
Building Safety  
**SUBJECT:** Comments for Case 2011-032

No Comment.



## FLOOD HAZARD REVIEW SHEET

# RECEIVED

MAR 09 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

Date: 03/09/2011

Case: 2011-032

Flood Hazard Zone: X

Map Number: 1170D

- 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, CFM

**Barrett, Al W. (Zoning)**

---

**From:** Chambers, Angela C.  
**Sent:** Tuesday, March 08, 2011 3:30 PM  
**To:** Barrett, Al W. (Zoning); Wong, Carol C.  
**Subject:** RE: Potter Highlands rezone case 2011-032

I do believe the site is IN the plan due to the plan having been adopted as the master plan required under AO 84-21, which is the ordinance for the existing zoning.

Same thing happened with Villages View and a few others up there – they were zoned R-3 or whatever SL, per AO 84-21, and a bunch under 84-21 created and adopted that plan as the master plan requirement under 84-21.

So rezoning it would repeal 84-21, thus automatically removing it. We used specific repeal wording before so everyone would be clear on it with the AO.

---

**From:** Barrett, Al W. (Zoning)  
**Sent:** Tuesday, March 08, 2011 3:27 PM  
**To:** Chambers, Angela C.; Wong, Carol C.  
**Subject:** Potter Highlands rezone case 2011-032

A previous rezone application in 2000 also required removing the property from the Potter creek master plan. so we will have to add that into Connie's application.

Alfred Barrett,  
Senior Planner  
Planning Division,  
Current Planning Section  
907 343-7936 phone  
907 343-7927 fax  
barrettaw@muni.org

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

SEAN PARNELL, GOVERNOR

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

March 2, 2011

RE: MOA Review

Angela Chambers, AICP  
Municipality of Anchorage  
Community Development Department  
Planning Division  
P.O. Box 196650  
Anchorage, Alaska 99519-6650

**RECEIVED**

MAR 03 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

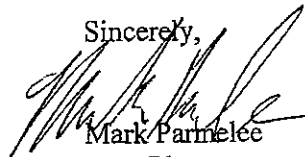
Dear Ms. Chambers:

The Alaska Department of Transportation and Public Facilities, ADOT&PF, planning office has reviewed the following plat and Zoning Map Amendment and we have no comments:

**S118641; Potter Creek Development-plat for review by the Planning and Zoning Commission.**

**2011-032; Rezoning to R-6 Suburban Residential District - Potter Creek Development**

Sincerely,



Mark Parmelee  
Area Planner

/as

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943

FIRST CLASS MAIL

ICZ PHN  
MAILED  
4-29-11

020-424-12-000  
ESS ALASKA COMMUNITY PROPERTY  
TRUST/ ESS MATTHEW JOHN &  
LINDA CAROL/TRUSTEES  
5943 GREECE DRIVE  
ANCHORAGE, AK 99516

**NOTICE OF - -**

Planning Division Case Number: 2011-032

**PUBLIC HEARING POSTPONED TO MONDAY, JUNE 6, 2011**

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2011-032  
PETITIONER: Potter Creek Development  
REQUEST: Rezoning to R-6 Suburban residential district  
TOTAL AREA: 150.3 acres  
SITE ADDRESS: N/A  
CURRENT ZONE: R-3SL Multiple-family residential district with special limitations  
COM COUNCIL(S): 1---Rabbit Creek

LEGAL/DETAILS: A request to rezone approximately 150 +/- acres from R-3SL (Multiple Family Residential) with Special Limitations to R-6 (Suburban Residential). Viewpoint South Subdivision, Tracts A-1, B-1, B-2 and A-4, generally located east of Villages Scenic Parkway and south of England Avenue.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, June 6, 2011 in the Assembly Chambers of the Z.J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Community Development, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments/Planning/Current Planning/Zoning and Platting Cases Online.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REZONING/RESIDENTS--PLANNING COMMISSION  
2011-032

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943

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020-423-15-000  
LOWE DANIEL & FULVIA CALDEI  
18700 ENGLAND CIR  
ANCHORAGE, AK 99516

**NOTICE OF --**

9951695061 0023  
Planning Division Case Number: 2011-032

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Name: Dan & Fulvia Lowe  
Address: \_\_\_\_\_  
Legal Description: Lot 25 Block 2

Comments: As a land owner in Paradise Valley subdivision I'm very concerned regarding the increase traffic this development would affect on the neighborhood where there is no road maintenance road maint. ~~road~~ should be considered & addressed prior to approval of this development.

REZONING RESIDENTS--PLANNING COMMISSION  
2011-032

# 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:**

**2. View Comments:**

**Case Num:** 2011-032  
Rezoning to R-6 Suburban residential district

**Site Address:** NO PROPERTY ADDRESS AVAILABLE  
**Location:** A request to rezone approximately 150 +/- acres from R-3SL (Multiple Family Residential) with Special Limitations to R-6 (Suburban Residential). Viewpoint South Subdivision, Tracts A-1, B-1, B-2 and A-4, generally located east of Villages Scenic Parkway and south of England Avenue.

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

## Public Comments

**4/5/11**  
Darrell Krolick  
6720 Potter Heights Dr  
Anchorage AK 99516

1) Is R6 zoning best suited for this area? New adjacent subdivisions have larger lots. 2) Access. I see Potter Valley Road is scheduled to be 'realigned'. I have not seen a map available. Will the 'new' road be safer, who will maintain it? How will the new subdivision impact residents above it? That road is the way we exit our subdivision. Will there be lighting and will the lighting be designed to turn on and off to counter the growing lighting pollution problem in Anchorage? 3) Access to Goldenview Drive via Findland to Romania. This is known locally as the 'short cut' and it is the shortest distance to SAHS, Goldenview Middle School, and Bear Valley Elementary. It is a steep dangerous road and below standard. It cannot handle increased pressure without increased safety risks.

**4/5/11**  
Darrell Krolick  
6720 Potter Heights Dr  
Anchorage AK 99516

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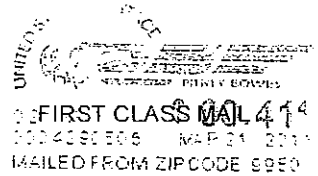
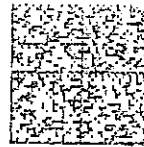


Valley Elementary. It is a steep dangerous road and below standard. It cannot handle increased pressure without increased safety risks.

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

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943

PRESORTED  
FIRST CLASS



020-424-10-000  
TISCH WILMA  
6005 GREECE DR  
ANCHORAGE, AK 99516

## NOTICE OF PUBLIC HEARING - - Monday, April 11, 2011

Planning Dept Case Number: 2011-032

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

CASE: 2011-032  
PETITIONER: Potter Creek Development  
REQUEST: Rezoning to R-6 Suburban residential district  
TOTAL AREA: 150.3 acres  
SITE ADDRESS: NO PROPERTY ADDRESS AVAILABLE  
CURRENT ZONE: R-3SL Multiple-family residential district with special limitations  
COM COUNCIL(S): 1---Rabbit Creek

LEGAL/DETAILS: A request to rezone approximately 150 +/- acres from R-3SL (Multiple Family Residential) with Special Limitations to R-6 (Suburban Residential). Viewpoint South Subdivision, Tracts A-1, B-1, B-2 and A-4, generally located east of Villages Scenic Parkway and south of England Avenue.

The Planning and Zoning Commission will hold a public hearing on the above matter at 6:30 p.m., Monday, April 11, 2011 in the Assembly Chambers of the Z. J. Loussac Library, 3600 Denali Street, Anchorage, Alaska.

The Zoning Ordinance requires that you be sent notice because your property is within the vicinity of the petition area. This will be the only public hearing before the Commission and you are invited to attend and present testimony, if you so desire.

If you would like to comment on the petition this form may be used for your convenience. Mailing Address: Municipality of Anchorage, Department of Community Development, Planning Division, P.O. Box 196650, Anchorage, Alaska 99519-6650. For more information call 343-7943; FAX 343-7927. Case information may be viewed at [www.muni.org](http://www.muni.org) by selecting Departments / Community Development / Planning / Current Planning and then clicking on the hyperlink "View active cases and maps".

Name: Wilma J. Tisch  
Address: 6005 GREECE DRIVE 99516  
Legal Description: BLK 2 LOT 11

Comments: No, NO, NO - the requests here came for quiet +  
tranquility - not apartment buildings! The homes are  
built on less 1/2 acre + most of the lots are larger  
in this area. Our roads cannot handle multiple units  
with increased traffic

REZONING/RESIDENTS--PLANNING COMMISSION  
2011-032

93

Municipality of Anchorage  
P. O. Box 196650  
Anchorage, Alaska 99519-6650  
(907) 343-7943



020-311-50-000  
DOWNING THOMAS R & KATHLEEN M  
741 OLD KLATT RD  
ANCHORAGE, AK 99515

RECEIVED

APR 12 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

**NOTICE OF PUBLIC HEARING - - Monday, April 11, 2011**

**Planning Dept Case Number: 2011-032**

The Municipality of Anchorage Planning and Zoning Commission will consider the following:

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Name: Tom Downing  
Address: \_\_\_\_\_  
Legal Description: South pointe off 2 Lot 1  
Comments: I am in favor of allowing this to happen only if the road is paved. All of the roads below and above are paved. A dirt road can not handle the traffic that these new lots will create.

POTTER CREEK HOMEOWNERS' ASSOCIATION  
PO BOX 92130  
ANCHORAGE AK 99509-2130

*will get  
final  
letter*

April 8, 2011

RECEIVED

APR 11 2011

MUNICIPALITY OF ANCHORAGE  
ZONING DIVISION

Municipality of Anchorage  
Department of Planning and Zoning  
4700 Elmore Road  
Anchorage, AK 99507

Attention: Mr. Al Barrett and Ms. Margaret O'Brien

RE: Potter Highlands #S11864-1  
Request for plat review Subdivide three (3) tracts of land into thirty-one (31) lots

Dear Mr. Barrett and Ms. O'Brien:

At the March Potter Creek Homeowners Association (PCHOA) board of directors meeting, Connie Yoshimura and Ric Davidge, representatives of CY Investments, presented their plans for Potter Highlands, a new subdivision above Potter Creek. The board was asked to send a letter in support of the development. The board voted not to do so because of the issues outlined below. Please consider these comments from PCHOA as opposition to the planned development unless the concerns raised herein are satisfactorily addressed.

Water

When the platting and zoning for the development of the Potter Valley area was originally approved, the approval was conditioned on the development having a privately owned water utility and municipal sewage through an extension of AWWU services. The three tracts of land that CY Investments is proposing to be replatted are subject to that original approval. The PCHOA and its residents support larger single family lots as is being proposed. However we have grave concerns over the current proposal for each lot to have its own well and septic system. PCHOA homes get their water from Potter Creek Water Company (PCWC), a privately owned utility. We have the highest rates of any water utility in the state. We are the sole customers of PCWC, and any costs associated with PCWC must be borne by PCHOA homeowners. The water supply for PCWC consists of a single, large diameter, deepwater well. We are very concerned that the increased concentration of individual wells directly upgradient to our subdivision will have an adverse effect on our water supply.

The aquifer for the Potter Creek well is a deep, fractured, crystalline bedrock. If the aquifer is overdrawn, the low rate of recharge would likely create a water supply shortfall. There have been no studies done as to what effect all this additional drawdown on the regional aquifer might have on our well. Some investigation is warranted before development is approved. A qualified hydrogeology

Al Barrett  
Margaret O'Brien  
April 8, 2011  
Page 2

company could construct a groundwater simulation model of the proposed development to help quantify the effect the new development would have on the existing water supply. The PCHOA homeowners should not bear the burden and cost associated with getting this wrong. CY Investments should be required to undertake this research and testing before approval is granted to the proposed development. CY Investments should be further required to indemnify the PCHOA homeowners for any future costs associated with this change if it is allowed.

Ms. Yoshimura understands the importance of PCWC to the residents of Potter Valley very well. For many years she has tried to purchase it to better allow for the development of vacant land she owns in the area. Those attempts have failed and on at least one occasion led to litigation between her company and the owner of PCWC. Her proposed rezoning would do away with the need for PCWC service for these three tracts of land. We are not opposed to this request, but we seek testing and assurances that we will not be harmed by the change.

#### Sewage

Perhaps even more important to us is the proposed installation of 31 new septic systems just uphill of our water source, creating the possibility of contamination. Again, no studies have been conducted as to the likelihood of contamination from the concentration of new septic systems. Further, the current zoning for this area requires each property to be tied into the AWWU sewage line. The AWWU infrastructure exists directly next to the three tracts of land and the three tracts of land lie within the AWWU sewage service area. We object to eliminating this requirement. If the new development were to tie into the existing nearby municipal sewer line rather than installing individual septs, there would be less risk of contamination.

#### Common Use Infrastructure – Roads, Mailbox, and Parking area

Potter Valley Road is a public road that is maintained by the municipality. Similarly, the land at the intersection of the New Seward Highway and Old Seward at the south end of Potter Marsh is public land. PCHOA, however, pays for the upkeep of the parking lot at the south end of Potter Marsh, on which our mailboxes are located and school buses pick up/drop off students. When Potter Valley was first proposed for development, our subdivision constituted the vast majority of the homes reached from Potter Valley Road, and we were required to pay for the upkeep of the parking lot. This situation has changed over time and now many homes outside of our subdivision use this area. These other homeowners get their mail there, their children catch the bus. On winter weekends and at other times of the year, those enjoying Potter Marsh use this area to park their cars while enjoying the marsh. Yet PCHOA pays the entire cost for the upkeep of this area. It is time for this to end, and we respectfully ask the Municipality to take over the cost of maintaining this publically owned and used area. In addition to the many homes further up the mountain that are not part of PCHOA, the level of use from non-homeowners is very high (bikers, skiers, walkers, etc).

Al Barrett  
Margaret O'Brien  
April 8, 2011  
Page 3

The PCHOA proposes that the cost for maintaining this area should be shared more equitably, and strongly urges upgrading it -- paving, more lights, and to consider alternative areas for the mailboxes. We already bear and have borne for many years a financial burden that the Municipality should bear. The PCHOA should not be responsible for the additional upkeep due to increased load from this new subdivision.

Disruptions during Construction

Another concern is the damage to both the main road and the parking lot that the heavy trucks make when they go up and down the mountain for the construction of a new subdivision. Over the past few years, several new smaller developments have taken place, including at least one by Ms. Yoshimura. During that construction, the trucks lined up in the parking lot at the same time the school buses were coming. The trucks tore up the parking lot and on at least one occasion, a child was almost hit by the driver of a semi tractor trailer who was not aware of the traffic pattern. Also, by the time construction was completed, the corner at the first switchback on Potter Valley Road was badly damaged. It has yet to be fixed, even though we have repeatedly placed it at the top of our list for municipal funding. The CY Investments proposed development needs a formal plan to address increased use, hours of operation, safety, and upkeep of the main road during construction.

Secondary Egress

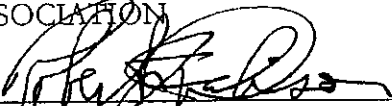
This development, or any other developments that use Potter Valley Road as their main access route, should not be allowed to proceed until firm and formal plans for a secondary egress route are adopted. The dirt road that connects Potter Valley Road to Goldenview drive is very steep, dangerous and largely impassable many times of the year. If there were a wildfire or a large earthquake that damaged the bridge over Potter Creek, residents in this area would have no viable escape route. By allowing this development to proceed, even partially, this problem is being exacerbated, and the root cause is still not being addressed.

Thank you for allowing us to comment on this matter.

Very truly yours,

POTTER CREEK HOMEOWNERS'  
ASSOCIATION

By

  
Robert J. Dickson, Its President

907-276-1700

RJD/jkh;  
109673/9998.20092

# 4

## APPLICATION

**Chambers, Angela C.**

---

**From:** Tony Hoffman [tonyhoffman@lantechi.com]  
**Sent:** Monday, January 03, 2011 2:55 PM  
**To:** Chambers, Angela C.  
**Subject:** Corrected legal  
**Attachments:** Rezoning Application Revised with Correct Legal.pdf

Angela,

Attached is the corrected sheet one of the Potter Highlands rezone application. I had the wrong plat number in the current legal description (I had plat 98-002, and it's 98-020), I didn't include Tract A-4 in the legal, and I didn't have Tract A-4 listed on the Property Tax Id's. Acreage and everything else is fine. Corrections are in red on the attached pdf. Let me know if you need something else.

Tony Hoffman PLS  
Lantech, Inc  
907-562-5291 main  
907-317-7724 cell

*added Tr. A4*

*Corrected  
APP*



# 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) Potter Creek Development	Name (last name first) Lantech, Inc
Mailing Address 3801 Centerpoint Dr #104	Mailing Address 440 West Benson
Anchorage, AK 99503	Anchorage, AK 99503
Contact Phone: Day:762-7570 Night:	Contact Phone: Day:562-5291 Night:
FAX:	FAX:
E-mail: cyoshimura@gci.net	E-mail: info@lantechi.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): 020-281-46-000, 020-281-51-000, 020-281-52-000, 020-281-50-000

Site Street Address: Potter View Drive

Current legal description: (use additional sheet if necessary)

Plat 84-403, Viewpoint South, Tract A-1  
 Plat 98-002 020, Viewpoint South, Tract B-1  
 Plat 98-002-020, Viewpoint South, Tract B-2  
 Plat 98- 020, Viewpoint South, Tract A-4

Existing Zoning: R-3SL

Acreage: 157.7

Grid # SW3638

## PROPOSED ZONING

R-6

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

--	--

Date

Signature (Agents must provide written proof of authorization)

Accepted by:

Poster & Affidavit:

Fee

Case Number

2011-032

# 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.

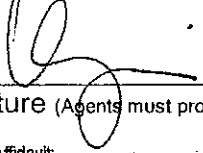


PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first) Potter Creek Development		Name (last name first) Lantech, Inc	
Mailing Address 3801 Centerpoint Dr #104 Anchorage, AK 99503		Mailing Address 440 West Benson Anchorage, AK 99503	
Contact Phone: Day:762-7570 Night:		Contact Phone: Day:562-5291 Night:	
FAX:		FAX:	
E-mail: cyoshimura@gci.net		E-mail:info@lantechi.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):020-281-46-000, 020-281-51-000,020-281-52-000		
Site Street Address:Potter View Drive		
Current legal description: (use additional sheet if necessary) Plat 84-403, Viewpoint South, Tract A-1 Plat 98-002, Viewpoint South, Tract B-1 Plat 98-002, Viewpoint South, Tract B-2  <div style="text-align: center; font-size: 2em; font-family: cursive;">Tr A-4</div>		
Existing Zoning:R-3SL	Acreage:157.7	Grid # SW3638

PROPOSED ZONING
R-6

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

Date 12/30/2010	Signature (Agents must provide written proof of authorization) 
Accepted by: 	Poster & Affidavit:  (Lantech has them)
Fee \$14,000	Case Number 2011-032

## STANDARDS FOR ZONING MAP AMENDMENTS

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

### A. Conformance to Comprehensive Plan.

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

*See attached narrative*

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

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

---

*See attached narrative*

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

---

*See attached narrative*

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

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*See attached narrative*

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# Viewpoint South, Tract A-1 (Plat 84-403) Viewpoint South, Tracts A-4, B-1 and B-2 (Plat 98-20) Rezone Narrative

## Introduction:

The intent of this Zoning Map Amendment Application is to change the current R-3SL Zoning to R-6 Zoning, which will allow 0.8 dwelling units per acre for the property described as Tracts B-1, and B-2 and A-4, Plat 98-20, Viewpoint South Subdivision, and Tract A-1, Viewpoint South Subdivision, Plat 84-403, all which are located in Section 14, Township 11N., Range 3W., Seward Meridian, Alaska.

This parcel is located in South Anchorage, east of the Old Seward Highway, and south of Potter Creek. The immediate surrounding area consists of single-family residential developments with R6 to the northeast, north and west. The recently platted subdivision to the south, Southpointe Subdivision, is platted R-3SL, but the lots are all 1.25 acres or larger.

The property was originally rezoned to its current R-3SL designation in 1984, under Anchorage Ordinance (A.O.) 84-21. That ordinance required, in addition to other restrictions, that the property be developed as high density development, requiring the extension of water and public sewer to all the lots. It also required a full site plan review as part of the development approval process.

However, since that time the cost to develop lots on the hillside with public water and sewer has become prohibitive. Additionally, over the years it has become apparent that the neighboring land owners, as well as the Rabbit Creek Community Council, desire larger lot developments. This rezone has the desirable effect of reducing the impact on the roads and other public infrastructure.

Most importantly, the property was placed OUTSIDE the Hillside District Plans *Recommended Maximum Perimeter of Public Sewerage* in AO 2010-022 (Amendment No. 2). Additionally, the map was amended to reflect development in this area as a minimum density (0.8 D.U.A.).

If the current zoning (R-3SL) and the associated Potter Creek Master Plan were utilized for development of this property, over 300 single family dwelling units (including a mixture of single and multiple family structures) could be built on the property, creating a

density of 1.90 D.U.A.. Our preliminary R-6 layout creates approximately 79 single family lots, creating a density of 0.50 D.U.A..

In effect, this rezone is basically a house cleaning action, meant to implement the Assembly Ordinance, and the Hillside District Plans objectives.

*The petitioner requests that this rezone action be heard concurrently with the preliminary plat by the Planning and Zoning Commission.* That plat (for the same property) will be a phased plat, with 31 lots in the first phase. The platting action will not only facilitate the platting of the property into the large R-6 lots, but will also relocate the Potter Valley Road Right of Way onto the existing traveled roadway. This will be accomplished through vacation and re-dedication of the right of way on the plat. The plat application will be submitted in January, 2011.

#### **Our Proposal:**

We are requesting a rezone of the current R-3 SL zoning to R-6 zoning. We feel the request for a DECREASE in density is appropriate for the property, and compatible with the development patterns in the adjoining properties, as well as with the Hillside District Plan.

We also request that this rezone action *eliminate the property from the Potter Creek Development Master Plan*, as it will no longer be compatible with the currently developed Tracts. The Potter Creek Homeowners Association has no objections to this deletion.

#### **History:**

April 1984: This property was rezoned from U (unrestricted) to R-3SL (AO 84-21).

November 1984: Plat 84-402, Viewpoint South Subdivision, Tracts A and B, is recorded.

November 1984: Plat 84-403, Viewpoint South Subdivision, Tracts A-1 and A-2, is recorded.

March, 1998: Viewpoint South Subdivision, Tracts B-1, B-2, B-3 and A-4, is recorded.

April, 2010: The Assembly adopts Ordinance 2010-22, which implements the Hillside District Plan as an element to The Comprehensive Plan.

#### **Narrative**

**This proposed rezoning is appropriate for the following reasons:**

*A. Conformance to Comprehensive Plan.*

*1. If the proposed zoning map amendment does not conform to the land use classification map contained in the applicable Comprehensive Plan, explain how the proposed rezoning meets one or more of the following standards:*

- a. The proposed use is compatible because of the diversity of uses within the surrounding neighborhood or general area;*
- b. The proposed use may be made compatible with conforming uses by special limitations or conditions of approval concerning such matters as access, landscaping, screening, design standards and site planning; or*
- c. The proposed use does not conflict with the applicable Comprehensive Development Plan goals and policies.*

**The proposed zoning amendment conforms to the Land Use Classification Map and is consistent with the existing single family residential subdivisions in the surrounding and adjacent neighborhoods.**

**The purpose of this application for rezone is to allow a lower density than the density allowed by the current zoning imposed on the property. The current zoning was enacted more than 25 years ago. The petitioner asks to down zone the property To allow a more suitable development that is more compatible with the topography, environmental features, surrounding uses, and to allow better use of the property, to better fit the needs of the community, and to be in compliance to the Hillside District Plan.**

*2. If the proposed zoning map amendment does not conform to the generalized intensity (density) of the applicable Comprehensive Plan map, explain how the proposed rezoning meets the following standards:*

- a. In cases where the proposed rezoning would result in a greater residential intensity (density), explain how the rezoning does not alter the plan for the surrounding neighborhood or general area, utilizing one of the following criteria:*
  - i. The area is adjacent to a neighborhood shopping center, other major high density mode, or principal transit corridor.*
  - ii. Development is governed by a Cluster Housing or Planned Unit Development site plan.*
- b. In cases where the proposed rezoning would result in a lesser residential intensity (density), explain how the rezoning would provide a clear and overriding benefit to the surrounding neighborhood.*

The proposed zoning amendment will allow a density that is consistent with the single family development of the surrounding and adjoining properties. The benefits of LOWER DENSITY are reduced impacts to public services, less environmental disturbance and less impact to the surrounding neighborhood and compatibility to surrounding densities.

- c. Explain how the proposed residential density conforms with the applicable Comprehensive Development Plan goals and policies pertaining to the surrounding neighborhood or the general area.*

The proposed R-6 zoning is also consistent with the Comprehensive Development Plan goals and policies in the area, as well as the adopted Hillside District Plan.

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

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

- a. Environment;*

The proposed amendment will benefit the environment by allowing development at a lower density. With the use of improved AdvanTex Septic Treatment Systems, this development will have a negligible septic impact to the down slope neighbors. The AdvanTex Septic Treatment Systems will be used exclusively in this development, and will be stipulated in the covenants, codes and restrictions for the subdivision. Their advanced technology removes more "sludge" matter than conventional sand based septic systems, and require less cleared area for installation and long term maintenance. Additionally, the AdvanTex systems are computer controlled and monitored, which helps prevent overflow and other system failures.

- b. Transportation;*

The proposed amendment will not significantly impact the surrounding area in terms of transportation. In fact, it will be substantially less than that zoning which is currently approved. The down zone will have a beneficial long term effect on the traffic impact due to the decrease in allowable households.

- c. Public Services and Facilities;*



**The lower density we are requesting will have a significantly lower impact on all Public Services and Facilities than that which is currently approved for the 300 units.**

*C. Land Use Patterns;*

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

**There are few undeveloped (unsubdivided) parcels immediately adjacent to this parcel. The Municipality of Anchorage (Heritage Land Bank) owns one of the undeveloped parcel to the east (zoned PLI).**

**The only other undeveloped parcel adjacent to the subject parcel (the NW1/4NW1/4NE1/4 of Section 14) is outside the *Maximum Sewerage Area* shown on the adopted Hillside District Plan.**

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

**The development for the first phase of 31 lots is scheduled to start in the Summer of 2011, with a 3 to 7 year completion time frame for the remaining phases.**

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

**This rezoning does not effectively change the use of this parcel as envisioned by the Anchorage Comprehensive Plan and the Hillside District Plan, it remains residential.**

# Authorization Certificate

Date: December 30, 2010

Current Project Legal: Viewpoint South, Tract A-1 (Plat 84-403)  
Viewpoint South, Tracts A-4, B-1 and B-2 (Plat 98-20)

Proposed Legal: Same

Type of Authorization: Rezone

Statement:

I hereby authorize Lantech Inc. and it's agents to represent me in the Conditional Use Application of the above described property.

Thank you,

  
\_\_\_\_\_  
Owner:

**Chambers, Angela C.**

---

**From:** Tony Hoffman [tonyhoffman@lantechi.com]  
**Sent:** Monday, January 03, 2011 4:02 PM  
**To:** Chambers, Angela C.  
**Cc:** cyoshimura@gci.net  
**Subject:** Draft AO  
**Attachments:** Draft AO to rezone.doc

Angela,  
Attached is a draft AO for the Potter Highlands Rezone.

Tony Hoffman PLS  
Lantech, Inc  
907-562-5291 main  
907-317-7724 cell

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For reading: \_\_\_\_\_

Anchorage, Alaska  
AO 2010- \_\_\_\_\_

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING OF APPROXIMATELY 157.7 ACRES FROM R-3SL (A.O.84-21) DISTRICT TO R-6 (LARGE LOT RESIDENTIAL) DISTRICT FOR VIEWPOINT SOUTH SUBDIVISION, TRACTS A-1 (PLAT 84-403) AND TRACTS A-4, B-1 AND B-2 (PLAT 98-20); GENERALLY LOCATED NORTH OF POTTER CREEK AND EAST OF THE SEWARD HIGHWAY ON POTTER VALLEY ROAD.

(Rabbit Creek Community Council)  
(Planning and Zoning Commission Case 2010- )

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** The zoning map shall be amended by designating the following described property as R-6 (Large Lot Residential) District:

Tracts A-1 (Plat 84-403) and Tracts A-4, B-1 and B-2 (Plat 98-20);  
Generally Located North Of Potter Creek And East Of The Seward  
Highway On Potter Valley Road, as shown on Exhibit "A" attached.

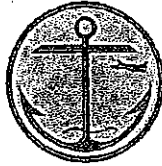
**Section 2.** This ordinance shall become effective 10 days after the Director of the Planning Department has received the written consent of the owners of the property within the area described in Section 1 above to the special limitations contained herein. The rezone approval contained herein shall 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 \_\_\_\_\_  
day of \_\_\_\_\_ 2010.

**5**

**POSTING**

**AFFIDAVIT**

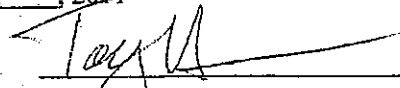


# AFFIDAVIT OF POSTING

CASE NUMBER: 2011-032 S-11864

I, Tony Hoffman hereby certify that I have posted a **Notice of Public Hearing** as prescribed by Anchorage Municipal Code 21.15.005 on the property that I have petitioned for Rezone and Platting. The notice was posted on 3-4-11, 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 7th day of March, 2011

  
\_\_\_\_\_  
Signature

## LEGAL DESCRIPTION

Tracts B-1, B-2 and A-4

Block

Subdivision Viewpont South

th Document2

## Section 6

Street standards - AMC 2185

HDP - street and trail

Phase 1 plan

Road network

HDP development sustainability

Zoning map.

Sewer lines

water lines

1990 nitrate count

HDP water sewer plans

wetland map (not official COE)

Photos

AO-HDP

AO-1984 rezoning

TABLE A. URBAN RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. <sup>2</sup>	Street Section <sup>7</sup>		Number of Lanes		Max. Design Speed <sup>3</sup> (mph) <sup>4</sup>	Rights-of-Way (feet)	Off-Street Parking <sup>5</sup>	Application
	Standard (feet)	Optional (feet)	Moving	Parking				
0-75 Residential minor	30	24	2	1	20	60	No	Cul-de-sacs, low-volume residential streets
75-300 Residential minor	30	24	2	1	25	60	No	Residential minor streets, cul-de-sacs and small loops
300-600 Residential minor	33	24	2	2	25	60	No	Residential minor streets, loop streets, high-volume cul-de-sacs
600-1,000 Residential major	33	28	2	2	25	60	No	Residential major streets, loop streets and high-volume cul-de-sacs
			2	1	25	60	Yes	
1,000-2,000	36 <sup>6</sup>	24 <sup>6</sup>	2	0	25	60	Yes	Residential limited access
			2	2	30	60	No	Residential subconnector
		36 <sup>6</sup>	3 <sup>7</sup>	0	30	60	Yes	No on-street parking permitted

<sup>1</sup> Street dimensions are from back of curb.

<sup>2</sup> See section 21.85.050.A.2 (trip generation units).

<sup>3</sup> Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.

<sup>4</sup> Design speed (not posted speed) for vertical and horizontal curves.

<sup>5</sup> Off-street parking; homeowners' association required.

<sup>6</sup> Vertical face curb; rolled curb may be substituted when sidewalk is detached.

<sup>7</sup> Center turning lane required.

(AO No. 96-153, § 1, 1-28-97)

TABLE B. URBAN COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS

Street Section* (feet)	Number of Lanes		Maximum Design Speed** (mph)	Right-of-Way (feet)	Application
	Moving	Parking			
36(V)	2	2***	30	60	Commercial/industrial streets
36(V)	3(1TL)	0	35	60	Major commercial/industrial streets; no on-street parking permitted; parking must be provided off-street



specifications adopted by the department of public works, or, in the case of a state-maintained road, the current standard specifications of the state department of highways.

(GAAB 21.10.050.C; AMC 21.85.035; AO No. 83-142)

#### 21.85.090 Sidewalks.

A. For the purpose of this section, average daily trips on residential streets shall be computed in accordance with section 21.85.050.A.2.

B. Cul-de-sac and loop streets carrying less than 300 average daily trips, with speeds limited to 25 miles per hour by design, need not have sidewalks, unless the platting authority finds there is sufficient pedestrian trip volume to require sidewalks.

C. Streets carrying from 300 to 1,000 average daily trips shall have sidewalks as follows:

1. On one side of the street, consistent with surrounding sidewalk and walkway facilities; or
2. On both sides of the street when the platting authority finds there is sufficient pedestrian trip volume, or when surrounding subdivisions consistently have sidewalks on both sides of the street.

D. Streets carrying more than 1,000 average daily trips shall have sidewalks on both sides of the street.

E. In commercial and industrial areas, sidewalks shall be provided where necessary for pedestrian access to, and circulation among, offices and other commercial facilities.

F. Sidewalks shall be improved in accordance with table E following this chapter.  
(GAAB 21.10.050.C; AMC 21.85.075; AO No. 83-142)

#### 21.85.100 Walkways.

Walkways, and trails not part of required trail dedications, shall be improved in accordance with table E following this chapter.

(GAAB 21.10.050.C; AMC 21.85.070; AO No. 83-142)

#### 21.85.110 Street lighting.

Street lighting shall conform to the requirements of the department of public works and the electric utility serving the subdivision.

(GAAB 21.10.050.C; AMC 21.85.080; AO No. 83-142)

#### 21.85.120 Traffic control devices.

A. *Traffic signs.* Traffic signs shall be installed in accordance with the requirements of the municipality in subdivisions outside of road maintenance service areas. Street name signs shall be installed in all subdivisions in accordance with the requirements of the municipality.

B. *Traffic signals.* Traffic signals shall be installed in accordance with the requirements of the municipality.

(GAAB 21.10.050.C; AMC 21.85.065; AO No. 83-142)

#### 21.85.130 Monuments.

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set in a professional manner. Survey monumentation shall conform to such additional standards as the director of public works may establish by regulation under chapter 3.40.

(GAAB 21.10.050.C; AMC 21.85.025; AO No. 83-142)

#### 21.85.140 Drainage system.

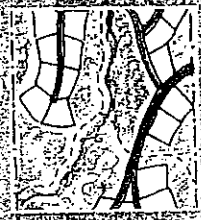
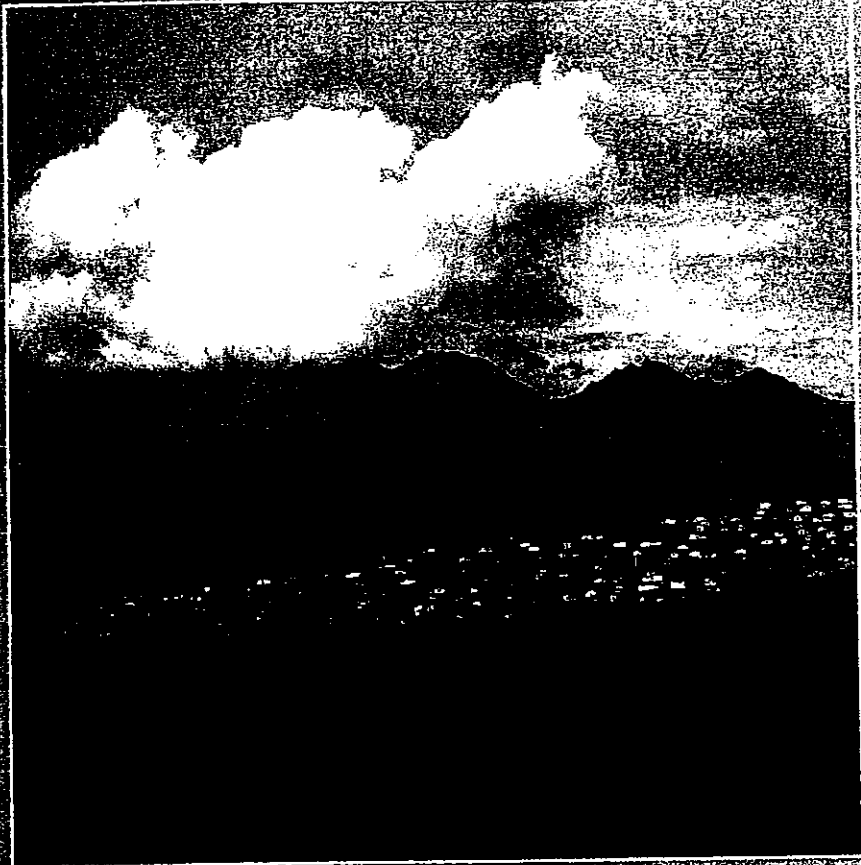
A drainage system approved by the department of public works and the department of health and human services, including necessary storm drainage facilities, drain inlets, manholes, culverts, bridges and other appurtenances, shall be installed. The design of the drainage system shall provide for the preservation of designated high-quality wetlands critical to water table levels and wildlife habitat within and surrounding the subdivision.

(GAAB 21.10.050.C; AMC 21.85.050; AO No. 83-142; AO No. 85-8; AO No. 85-166)



# Hillside District Plan

Adopted April 13, 2010



## Background

Over the course of preparing this plan, a number of people suggested the need for new or modified road design standards for the Hillside. Prior to completion of the Hillside District Plan Public Hearing Draft, the Municipality adopted new road standards for the Municipality as a whole, including the Hillside. These new standards are included in the Design Criteria Manual (DCM). Because many people are not aware of these new standards, they are summarized in Table 4.5 (also addressed by HDP Policies 14-M and 14-N).

Road design standards are set considering the way roads function within the system and the physical character of the land. Standards ensure proper design and a safe operating environment. Special consideration must be given when designing roads in a hillside environment. Slopes, depth to bedrock, cut-and-fill, drainage, wetlands, and topography pose unique challenges and require innovative strategies on the Hillside. Hillside residents have made clear their preference for roads that fit the rural character that exists in much of the district (Figure 4.4).

Figure 4.4  
Rural Roads – Typical Section

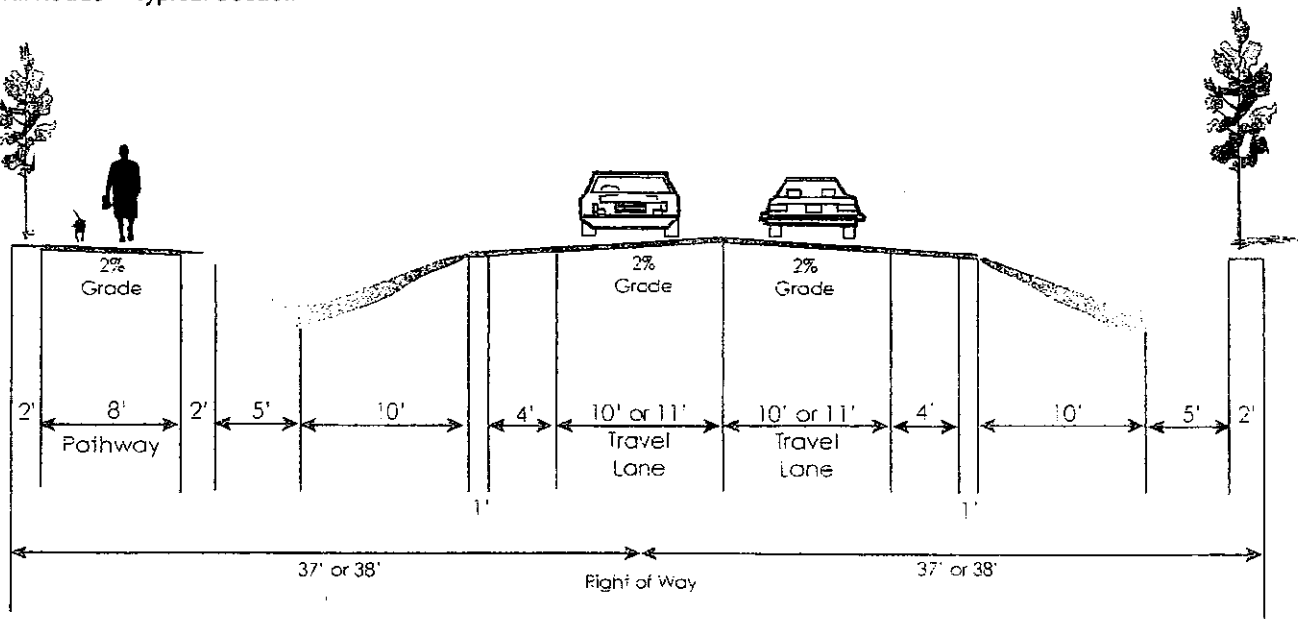


Figure 4.4 is the typical section for a rural collector. For local secondary roads, a typical section would have a 50-foot right-of-way and would include 20- to 24-foot surface widths (10- to 12-foot travel lanes), depending on average daily traffic (see Table 4.5). These local roads would include 2- to 4-foot shoulders, wide enough to accommodate pedestrians.

This recently adopted set of MOA road standards is briefly summarized below; a more complete discussion of these standards is presented in the Implementation Chapter.

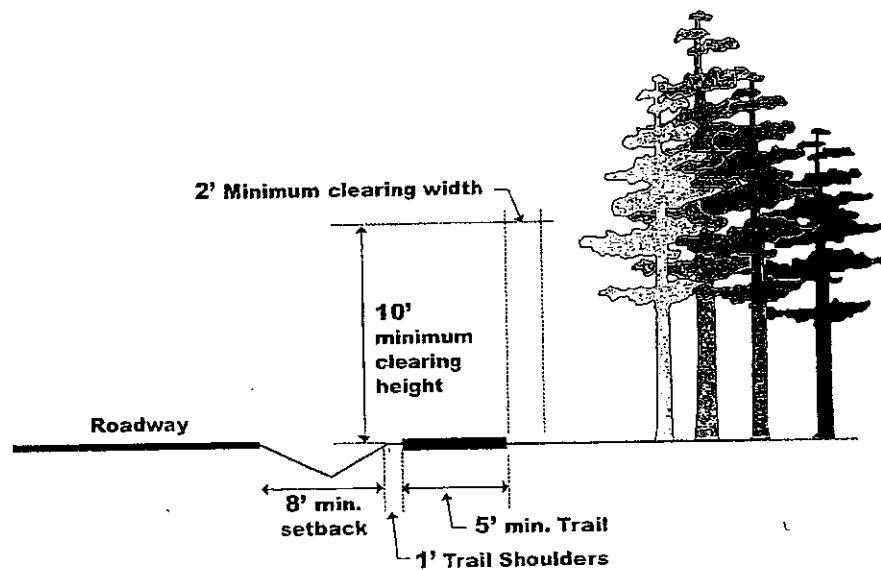
- Develop a road system that reflects Hillside character. Paving is required on public roads, but strip-paving (no curbs and sidewalks) and narrower rights-of-way are allowed in specific situations. This approach is intended to recognize the need for adequate emergency access, the desire to retain rural character, and the tradeoff between construction costs and maintenance costs.
- Road standards will vary based on context. The Hillside District Plan defines three areas where different road standards are appropriate:
  - Urban: Portions of the Hillside District that are within the Anchorage Roads and Drainage Service Area (ARDSA).

Table 4.5  
General Standards for New Roads

Setting (related to Land Use Map)	Average Daily Traffic (ADT) greater than 2,000	ADT 2,000 to 500	ADT 500 to 100	ADT less than 100
Areas three dwelling units per acre (DUA) or greater: <ul style="list-style-type: none"> <li>• Residential</li> <li>• Commercial</li> <li>• Park and Natural Resources</li> <li>• Community Facility in areas generally</li> </ul>	<ul style="list-style-type: none"> <li>• Surface paved (with curbs and gutter)</li> <li>• Min Surface Width: 24'</li> <li>• Max Slope: 8%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface paved (with curbs and gutter)</li> <li>• Min Surface Width: 24'</li> <li>• Max Slope: 8%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>
Areas less than three dwelling units per acre (DUA): <ul style="list-style-type: none"> <li>• Residential</li> <li>• Park and Natural Resources</li> <li>• Community Facility</li> </ul>	<ul style="list-style-type: none"> <li>• Surface paved (with curbs and gutter)</li> <li>• Min Surface Width: 24'</li> <li>• Max Slope: 8%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 24'</li> <li>• Max slope: 10%</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>	<ul style="list-style-type: none"> <li>• Surface: gravel or strip-paved</li> <li>• Surface width: 20'</li> <li>• Max slope: 10% (Option for 12% with variance*)</li> </ul>

\*The variance is a solution of last resort; it is not to be used as a standard practice or considered the minimum acceptable design to work from. See also HDP Policies 14-M and 14-N.

Figure 4.7  
Trail Development  
(continued)



**Rural Typical Section:** Trail/pathways associated with the road network are recommended to be on one side of the roadway and separated "where possible and appropriate from the roadway to increase pedestrian safety and comfort and provide space for snow storage."

**Natural Setting Trails:** Natural setting trails and walkways may be located within greenbelts and parks, located along section line or utility easements where no road construction is anticipated, or located in "open spaces between subdivisions to allow connectivity in a natural setting" (recommendation from the October 2006 Hillside Subarea Transportation Study, page 41). It is recommended that, to the extent possible, natural setting trails should be located and developed to take best advantage of views, scenery, and the natural setting, and to be complementary to nearby development.

Trails subject to new Title 21 Subdivision Standards in Section 21.08.040.D Chugach State Park, Community Use Areas, and Natural Resource Use Areas will follow easement provisions required by that municipal code language. Portions of the Hillside present particular challenges to developing trails that are safe, attractive, and have minimal environmental impact. Hillside trails will be designed to maintain and protect the Hillside's natural setting and rural character. General objectives for trail design are presented below, recognizing that these objectives do not apply in all situations and that flexibility is needed to respond to the unique conditions of individual settings. Because of Hillside-specific slope and erosion considerations, some natural setting

trail segments may require a wider than typical easement, or necessitate the use of retaining walls to ensure safe and reasonable trail development. Where trails are constructed, cut-or-fill slopes associated with development are recommended not to exceed a ratio of two feet horizontal to one vertical foot (2H:1V) to minimize sloughing and support slope re-vegetation. In lower traffic and alpine areas, the use of stabilized single track trails that follow slope contours is recommended. These minimize the disturbance footprint, protect scenic and natural setting values, and will allow greater opportunities for including trails on constrained sites. All natural setting trails are recommended to be developed to a grade of 20 percent or less.

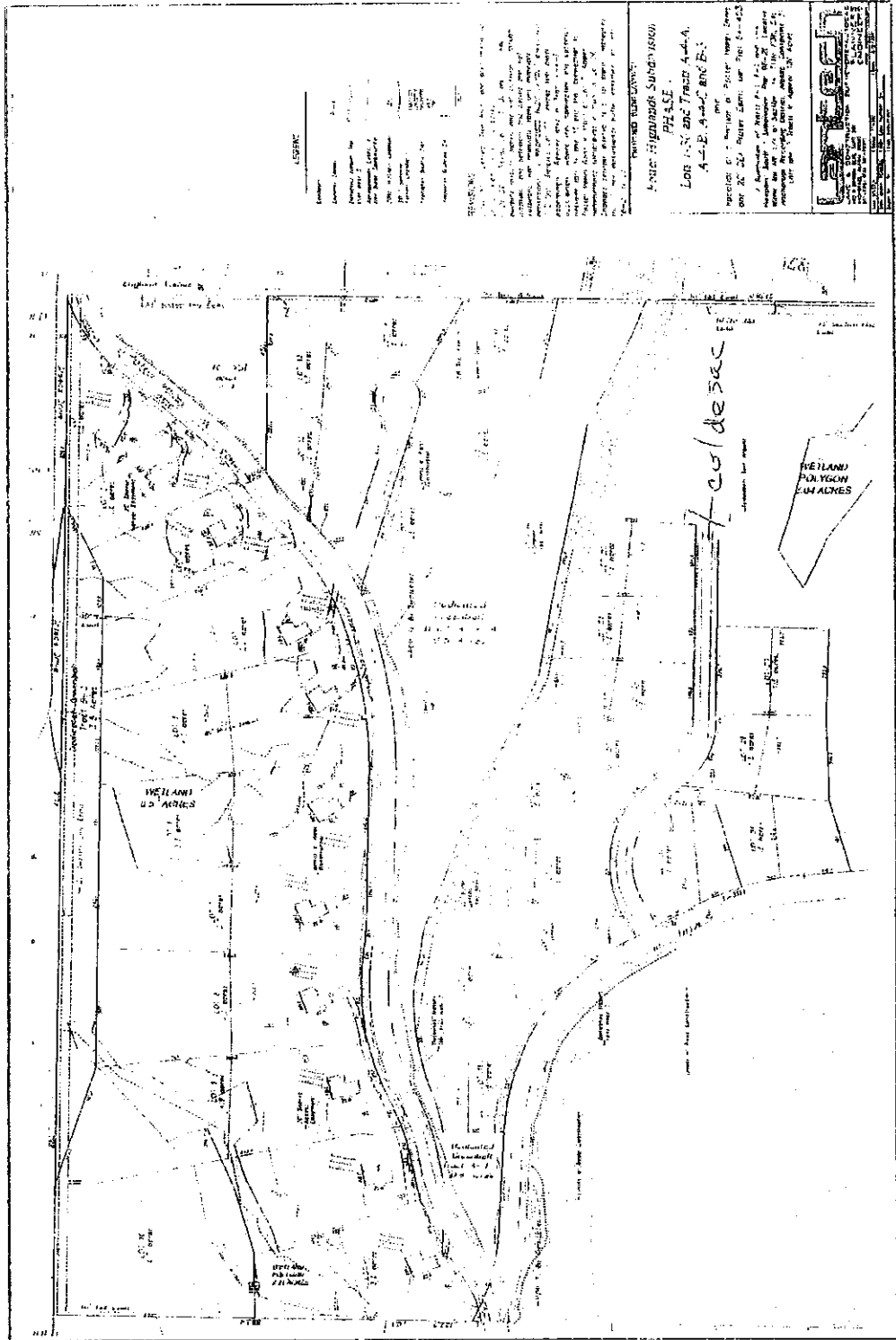
Where possible, separate roadside trails from roads. This can provide a more enjoyable trail experience and reduce problems of winter snow being stored on pathways. Avoid the use of overly steep terrain, including section lines that may provide legal access but are too steep for sustainable use. Where possible, avoid the use of utility easements and avoid locating trails in creek setbacks. For trails in particularly complex steep terrain, consult a professional trail designer.

It is preferable to have public trails on public land. This is more important as the level of use increases. For regional and district trails, the strong preference is for land in public ownership or reserved through public easement; local trails should be on public land where possible but can also be on land held by homeowners associations.

Natural Setting trails may be paved in higher use areas in order to protect natural resources, or they may be soft surface trails developed to a minimal level to retain the natural experience. Multi-use paved trail design standards are provided in the Municipality's Design Criteria Manual. New citywide standards are being developed by the Anchorage Parks and Recreation Department for soft surface trail classification, development, and maintenance.

#### **Improved Trails and Trailheads Funding and Management**

Many of the adverse side effects of trail use and Chugach State Park access will only be resolved through a better funded, more aggressive management and development program. This must include law enforcement, collection of park access fees, and trail (and road) maintenance and trailhead improvements. Hillside residents have voiced strong support for trails and, based on the Hillside survey results, a willingness to pay more for trails. Clearly,





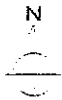




# Aerial

Tue May 24, 09:55:47, 2011

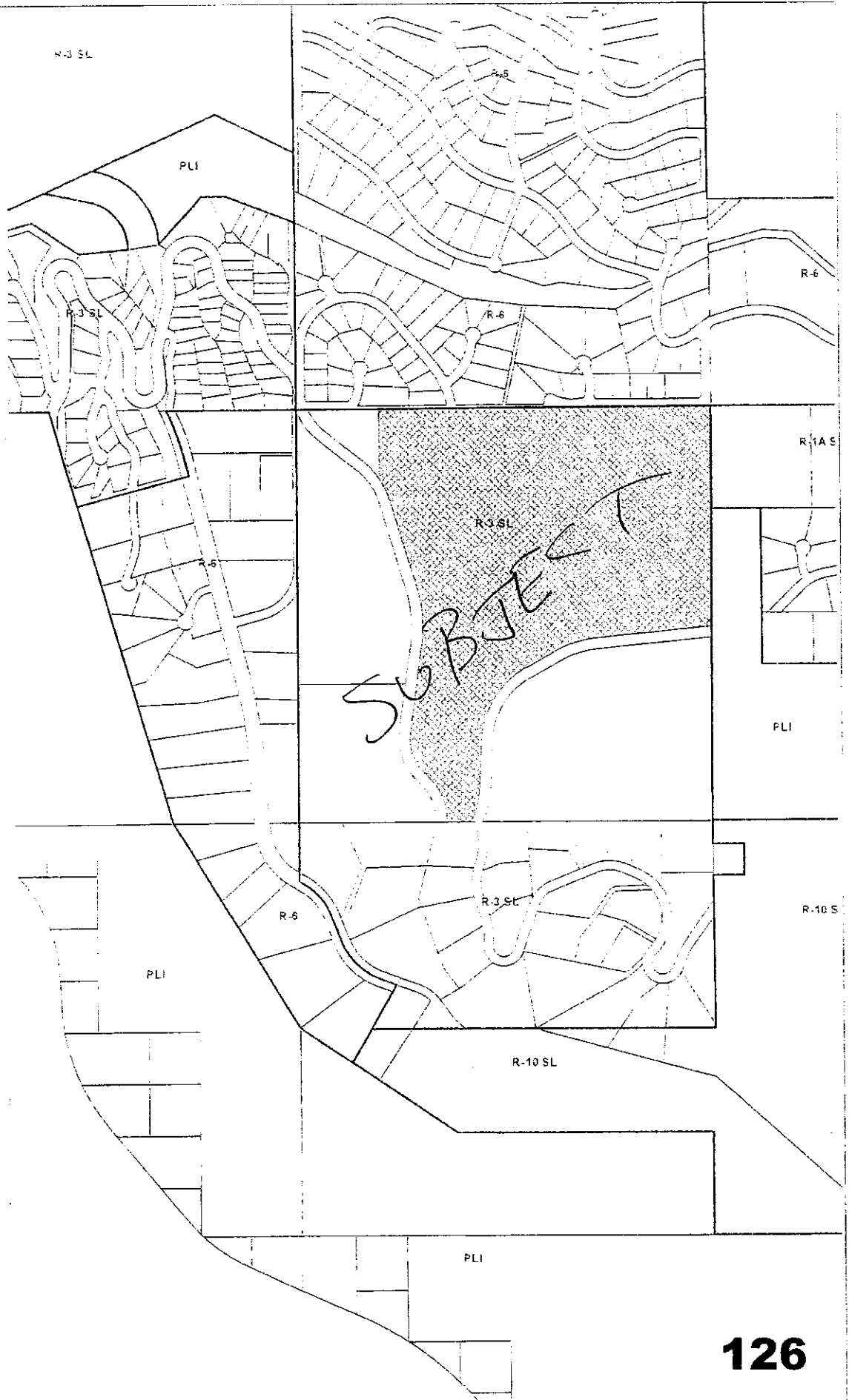
Map: Aerial



Scale 1:10000

## Legend:

Txt	ZONE_TYPE
	ZONING
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# Aerial

Thu May 19, 15:54:31, 2011

Map: Aerial



Scale 1:8000

## Legend:

-  PARCELS
-  SEWER\_PIPE



SUBJECT

# Aerial

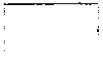
Thu May 19, 15:52:16, 2011

Map: Aerial



Scale 1:8000

## Legend:



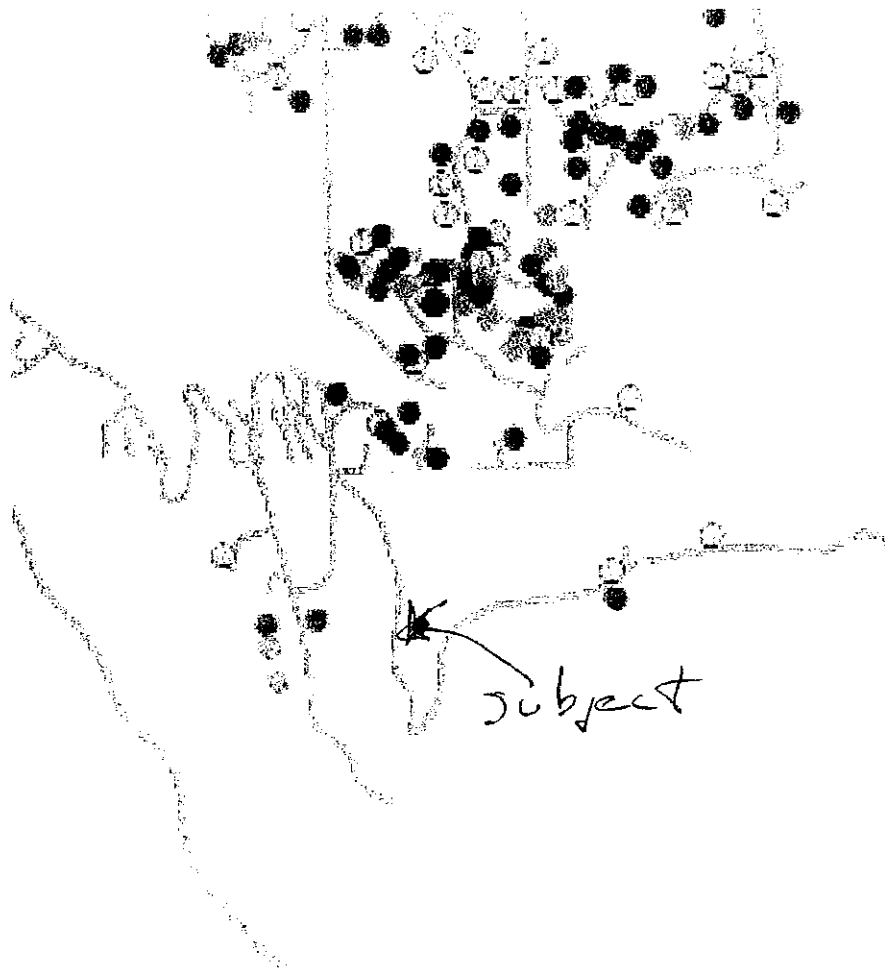
PARCELS



WATER\_PIPE



SUBJECT



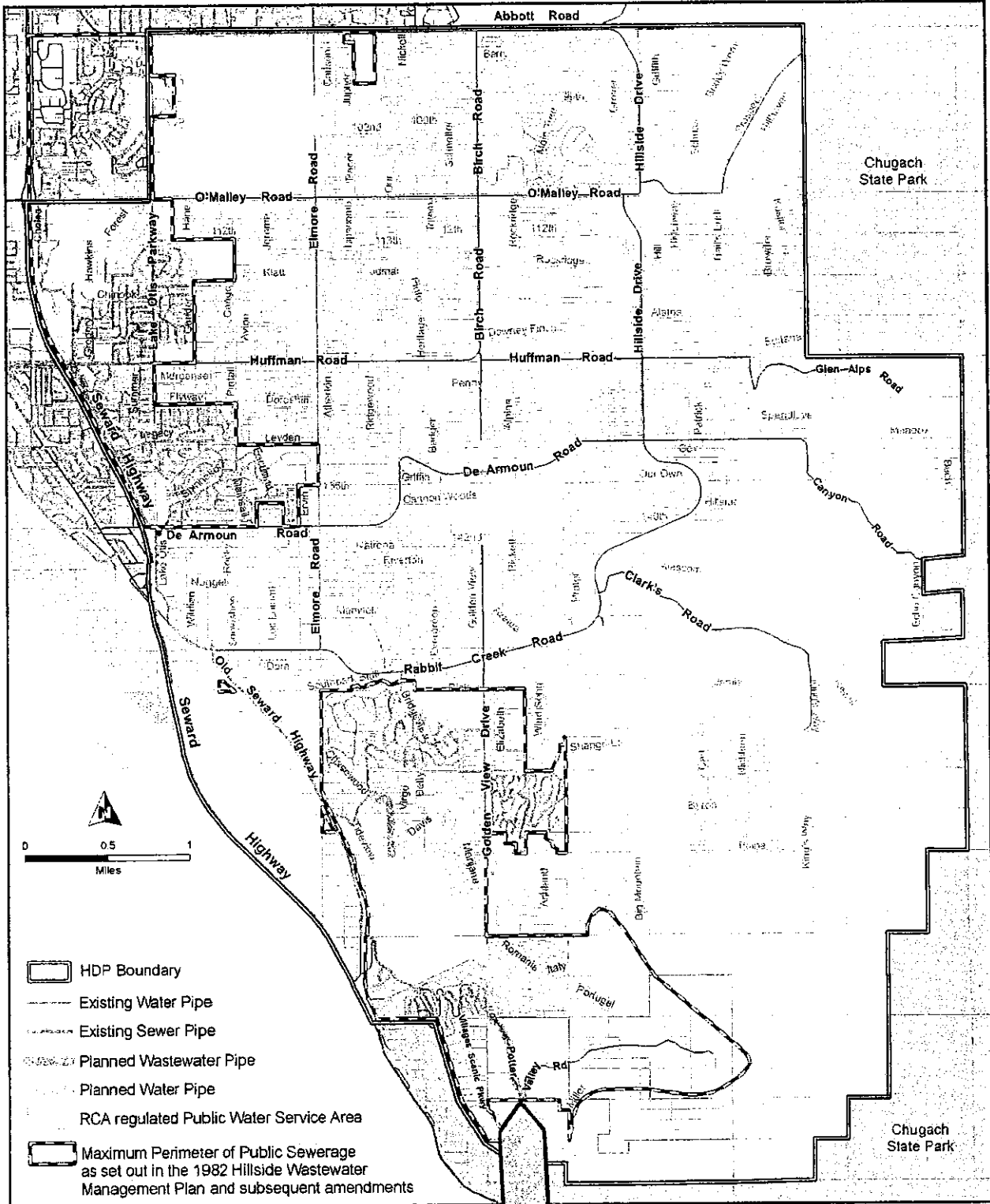
### Highest Nitrate Sample

- over 10 mg/L
- 7-10 mg/L
- 3-7 mg/L
- 1-3 mg/L
- 0-1 mg/L

Roads

Map 5.3

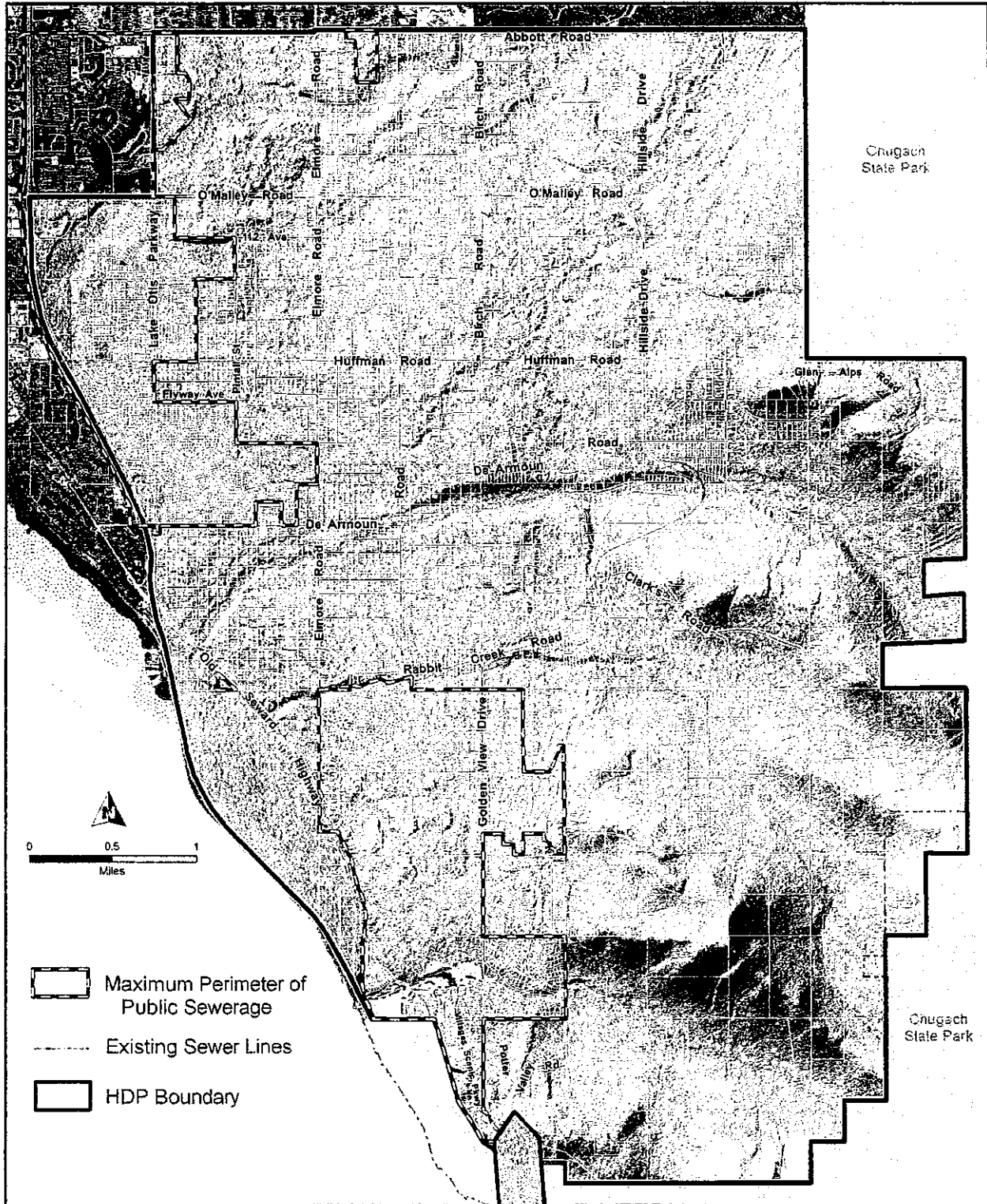
AWWU Water and Wastewater Plan



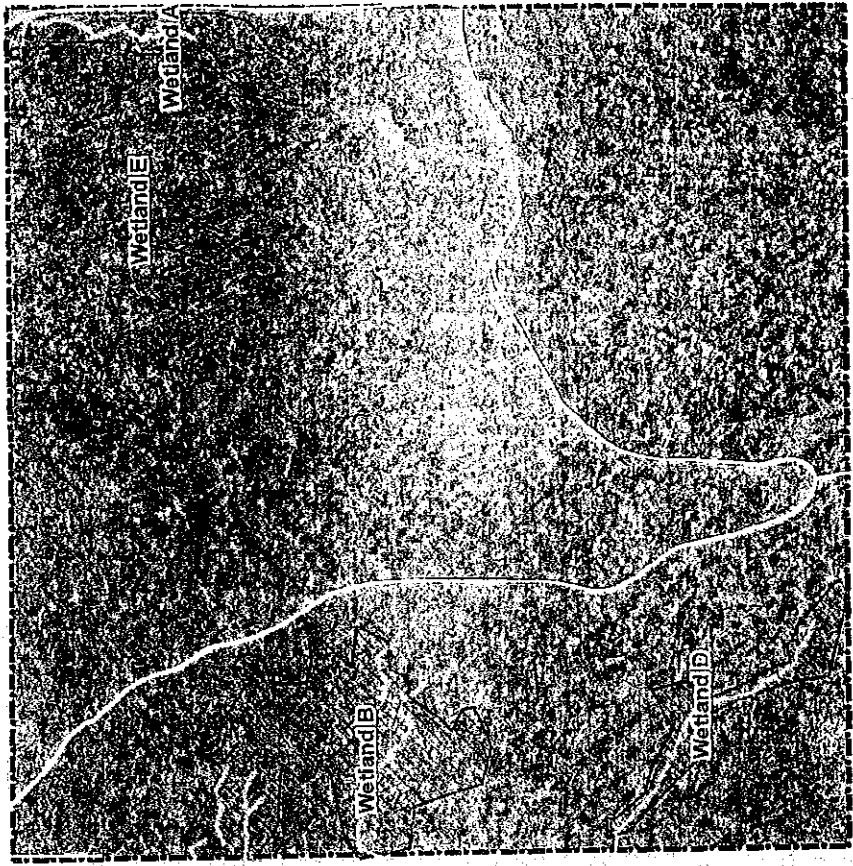
property in service area - pre HDP 130

Map 5.8

Maximum Perimeter of Public Sewerage as Established by the Hillside District Plan

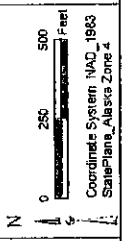


property out of service area - HDP adopt 131



**RESTORATION**  
 Science & Engineering  
 311 West 8th Avenue #100  
 Anchorage, AK 99501  
 restoration.com

**CY Investments, LLC | Potter Highlands**  
 Wetlands Investigation  
 Map 3. Wetlands & Waters (Revised Stream Layer)



**Legend**

	Roads
	Streams
	Wetlands
	Potter, Shoop, Avas





Public Safety  
21/03/2011 14:27

21/03/2011 14:27

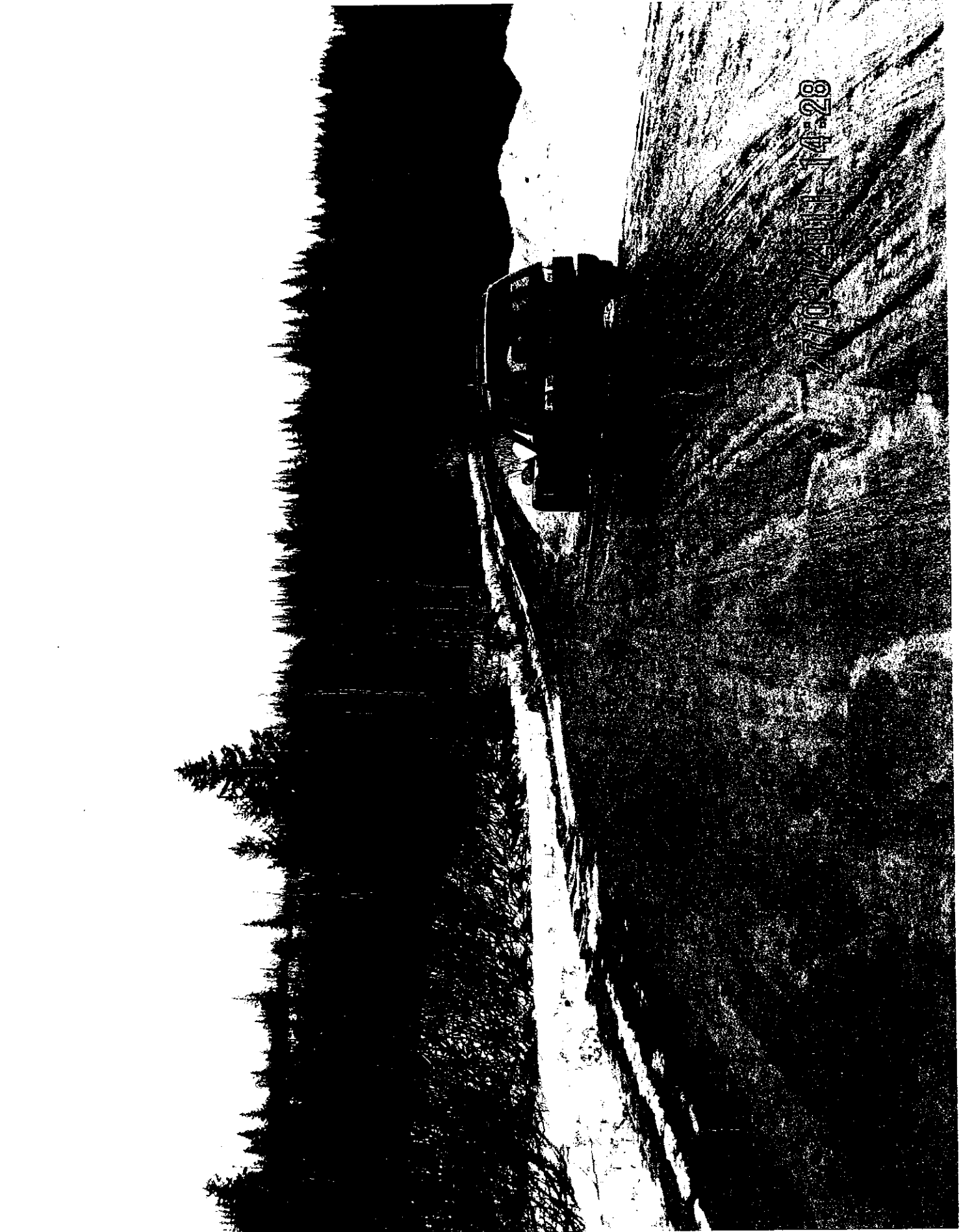


27/09/2011 14:27



27/03/2011 14:40

RECORDS



27/03/2011 14:28

Submitted by: Chair of the Assembly at  
the Request of the Mayor  
Prepared by: Planning Department  
For Reading: February 16, 2010

CLERK'S OFFICE

APPROVED *as amended*

Date: 4-13-10

The Hillside District Plan, was Amended and Approved 4-13-10

**ANCHORAGE, ALASKA**  
**AO No. 2010-22**

1 **AN ORDINANCE ADOPTING AND IMPLEMENTING THE HILLSIDE DISTRICT**  
2 **PLAN AS AN ELEMENT OF THE COMPREHENSIVE PLAN, AMENDING**  
3 **ANCHORAGE MUNICIPAL CODE SECTIONS 21.05.030 AND 21.05.120 TO**  
4 **ADD THE HILLSIDE DISTRICT PLAN, AND AMENDING ANCHORAGE**  
5 **ORDINANCE 2006-172, ATTACHMENT A, TO REVISE PROVISIONALLY**  
6 **ADOPTED SECTION 21.01.080.**

7  
8 (Planning and Zoning Commission Case 2009-090)

9  
10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

11  
12 **Section 1.** *The Hillside District Plan* dated May 7, 2009, generally encompasses  
13 the area south of Abbott Road, east of the New Seward Highway, and bounded on  
14 the east and south by Chugach State Park and other lands owned by the State of  
15 Alaska, is adopted as an element of the Comprehensive Plan. *The Hillside*  
16 *District Plan* replaces the *Hillside Wastewater Management Plan*, modifies the  
17 Recommended Maximum Perimeter of Public Sewerage, and updates the  
18 *Anchorage Trails Plan* map and the Land Use Plan map for the Hillside area, as  
19 recommended by the Planning and Zoning Commission Resolution No. 2009-047,  
20 and with the following additional modification recommended by the Administration:

21  
22 Amend Policy 13-B wording to read as follows:

23 Permit the use of neighborhood wastewater treatment systems as  
24 a viable treatment technology for the Hillside District only outside of  
25 the Recommended Maximum Perimeter of Public Sewerage after  
26 Policies 13-C, 13-D, 13-E, 13-F, 13-G, 13-H, and 13-K are  
27 implemented.  
28  
29

30 **Section 2.** Anchorage Municipal Code section 21.05.030 is amended to read as  
31 follows (*the remainder of the section is not affected and therefore not set out*):  
32

33 **21.05.030 Elements.**

34  
35 The comprehensive plan consists of the following elements, which are  
36 incorporated in this chapter by reference. While they may be valid planning  
37 tools, plans or other elements that are not listed below or incorporated into  
38 the comprehensive plan elsewhere in this Code are not official elements of  
39 the comprehensive plan. If elements of the comprehensive plan conflict,  
40 the element most recently adopted shall govern.  
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A. *Anchorage Bowl.*

\*\*\* \*\*\* \*\*\*

11. Hillside District Plan, (insert effective date, 2010) (AO No. 2010- )

\*\*\* \*\*\* \*\*\*

D. *Environmental Quality.*

\*\*\* \*\*\* \*\*\*

4 [5]. 1992 Air Quality Attainment Plan for Anchorage, Alaska, December 1992<sup>9</sup> (AR No. 82-170; AR 92-279).

[HILLSIDE WASTEWATER MANAGEMENT PLAN, 8 FEBRUARY 1982 (AO NO. 82-52; AO NO. 85-167; AO NO. 85-168; AO NO. 93-203; AO NO. 97-64, § 1, 6-3-97; AO 98-78; AO NO. 98-90, § 1, 8-18-98; AO NO. 99-51, § 1, 3-23-99; AO NO 2001-141(S), § 1, 10-23-01; AO NO. 2004-150, § 1, 11-16-04; AO NO. 2006-59, § 1, 5-2-06; AO NO. 2006-101, § 1, 9-26-06).]

5 [6]. Eagle River PM-10 Control Plan, September 1991 (AR No. 90-30; AR No. 91-197).<sup>10</sup>

6 [7]. Little Campbell Creek Watershed Management Plan.

\*\*\* \*\*\* \*\*\*

F. *Parks, Greenbelts and Recreational Facilities.*

\*\*\* \*\*\* \*\*\*

2. Areawide Trails Plan, January 1996, as amended by Hillside District Plan Map 4.4, (insert effective date, 2010) (GAAB Resolution No. RE 73-100);<sup>12</sup> AO No. 78-203; AO No. 85-16; AO No. 96-140, § 2, 4-8-97; AO No. 2010- , (insert effective date).

\*\*\* \*\*\* \*\*\*

(AO No. 18-75; AO No. 82-49; AO No. 85-165; AO No. 2000-119(S), § 4, 2-20-01; AO No. 2001-124(S), § 2, 2-20-01; AO No. 2002-68, § 1, 4-23-02; AO No. 2002-119, § 1, 9-10-02; AO No. 2003-74, § 1, 5-20-03; AO No. 2003-129, § 2, 10-21-03; AO No. 2005-115, § 3, 10-25-05; AO No. 2006-93(S-1), § 2, 12-12-06; AO No. 2007-107, § 2, 8-28-07; AO No. 2008-74, § 2, 6-24-08; AO No. 2009-69, § 2, 6-23-09)

1  
2 **Section 3.** Anchorage Municipal Code section 21.05.120 is amended to read as  
3 follows:  
4

5 **21.05.120 Implementation - Hillside District Plan [WASTEWATER**  
6 **MANAGEMENT PLAN].**  
7

8 A. The Hillside District Plan replaces the Hillside Wastewater  
9 Management Plan; updates the Recommended Maximum Perimeter  
10 of Public Sewerage; and adopts the official Land Use Plan Map for  
11 the Hillside (providing greater specificity than the Anchorage 2020  
12 Land Use Concept Plan); and replaces the 1982 Generalized Land  
13 Use Plan and Generalized Residential Intensity Plan for the Hillside  
14 area. The Hillside District Plan updates the Hillside portion of the  
15 Areawide Trails Plan Map with Map 4.4.  
16

17 B. The approving authority may approve an application for an  
18 entitlement only if it does not conflict with the Hillside District Plan  
19 goals and policies and the land use and residential intensities of the  
20 Hillside District Plan Land Use Plan Map.  
21

22 [THE HILLSIDE WASTEWATER MANAGEMENT PLAN RECOMMENDS  
23 EXTENSION OF THE PUBLIC SEWER SYSTEM TO THE AREAS SHOWN  
24 ON SHEETS 1 AND 2 OF MAP 9 OF THE PLAN. EXTENSION OF THE  
25 PUBLIC SEWER SYSTEM INTO THESE AREAS WILL MAKE POSSIBLE  
26 HIGHER DENSITY DEVELOPMENT THAN IS ALLOWED BY THE  
27 PRESENT ZONING. TO PROTECT NEIGHBORING LOWER DENSITY  
28 DEVELOPMENTS EXISTING AS OF THE DATE OF ADOPTION OF THE  
29 HILLSIDE WASTEWATER MANAGEMENT PLAN, ANY REZONING OF  
30 PROPERTY WITHIN THE SEWERAGE AREA SHOWN ON MAP 9 FROM  
31 LOWER TO HIGHER DENSITY SHALL BE ALLOWED ONLY WITH  
32 SPECIAL LIMITATIONS WHICH ADDRESS THE ISSUES OF BUFFERING,  
33 INTERNAL CIRCULATION, DRAINAGE AND PROTECTION OF  
34 VEGETATION AS REQUIRED UNDER SECTION 21.45.200.]  
35

36 (AO No. 82-52; AO No. 85-20; AO No. 85-167; AO No. 85-168; AO No. 85-  
37 165)  
38

39  
40 **Section 4:** Anchorage Ordinance 2006-172, Attachment A, adopting Anchorage  
41 Municipal Code section 21.01.080 B.1., Table 21.01-1 Comprehensive Plan  
42 Elements, is amended to read as follows (*the remainder of the section and table is*  
43 *not affected and therefore not set out*):  
44

45 **21.01.080 Comprehensive Plan.**  
46

47 \*\*\* \*\*

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B. Elements.

1. Adopted elements.

The comprehensive plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the comprehensive plan, though they may be valid planning tools.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS			
Area/Topic	Plan	Adoption Date [1]	Amendments
Anchorage Bowl	Hillside District Plan	AO 2010-_____ ; (insert effective date of this ordinance)	

\*\*\*      \*\*\*      \*\*\*

Environmental Quality	[HILLSIDE WASTEWATER MANAGEMENT PLAN]	AO 82-52; 5-18-82	AO 85-167
-----------------------	---------------------------------------	-------------------	-----------

\*\*\*      \*\*\*      \*\*\*

(AO No. 2006-172, §1, 4-10-2007)

**Section 5:** This ordinance shall become effective immediately upon passage and approval by the Assembly, except Section 4, which shall become effective simultaneous with the adoption of the rewrite of Title 21 and repeal of existing chapters.

PASSED AND APPROVED by the Anchorage Assembly this 13<sup>th</sup> day of April 2010.

  
\_\_\_\_\_  
Chair of the Assembly

ATTEST:

  
\_\_\_\_\_  
Municipal Clerk



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

AO Number: 2010-22

Title: AN ORDINANCE ADOPTING AND IMPLEMENTING THE HILLSIDE DISTRICT PLAN AS AN ELEMENT OF THE COMPREHENSIVE PLAN, AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 21.05.030 AND 21.05.120 TO ADD THE HILLSIDE DISTRICT PLAN, AND AMENDING ANCHORAGE ORDINANCE 2006-172, ATTACHMENT A, TO REVISE PROVISIONALLY ADOPTED SECTION 21.01.080. (PZC Case No. 2009-090)

Sponsor: MAYOR  
 Preparing Agency: Planning Department  
 Others Impacted:

<b>CHANGES IN EXPENDITURES AND REVENUES:</b>		<b>(In Thousands of Dollars)</b>				
	<b>FY10</b>	<b>FY11</b>	<b>FY12</b>	<b>FY13</b>	<b>FY14</b>	
<b>Operating Expenditures</b>						
1000 Personal Services						
2000 Non-Labor						
3900 Contributions						
4000 Debt Service						
<b>TOTAL DIRECT COSTS:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
<b>FUNCTION COST:</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	
<b>REVENUES:</b>						
<b>CAPITAL:</b>						
<b>POSITIONS: FT/PT and Temp</b>						

**PUBLIC SECTOR ECONOMIC EFFECTS:**

Approval of this ordinance provides economic benefits to both public and private sectors in the Hillside area. The purpose of the Hillside District Plan is to guide future growth and development. The Plan sets the goals, objectives, and policies governing development for the Hillside area and adopts recommendations and policies in areas of drainage, roads, on-site systems, zoning and subdivision standards, and funding and management of public services.

**PRIVATE SECTOR ECONOMIC EFFECTS:**

In addition to the economic benefits noted above, the Hillside District Plan is intended to provide more certainty to private developers and residents regarding the direction of development in the Hillside area. The Plan creates a planning structure to guide public infrastructure development and to preserve the rural nature and environmental quality of the Hillside area.

Prepared by: JoAnn Contreras

Telephone: 343-7914



# MUNICIPALITY OF ANCHORAGE

## ASSEMBLY MEMORANDUM

No. AM 88-2010

Meeting Date: February 16, 2010

1 FROM: MAYOR

2  
3 SUBJECT: AN ORDINANCE ADOPTING AND IMPLEMENTING THE  
4 HILLSIDE DISTRICT PLAN AS AN ELEMENT OF THE  
5 COMPREHENSIVE PLAN, AMENDING ANCHORAGE MUNICIPAL  
6 CODE SECTIONS 21.05.030 AND 21.05.120 TO ADD THE  
7 HILLSIDE DISTRICT PLAN, AND AMENDING ANCHORAGE  
8 ORDINANCE 2006-172, ATTACHMENT A, TO REVISE  
9 PROVISIONALLY ADOPTED SECTION 21.01.080.

10  
11  
12 The Anchorage Assembly is being asked to adopt the Hillside District Plan (HDP)  
13 as an element of the Comprehensive Plan. The HDP gives specificity to the goals,  
14 objectives, policies, and strategies of Anchorage 2020—Anchorage Bowl  
15 Comprehensive Plan (Anchorage 2020), and provides for the orderly growth and  
16 sufficient provision of public services to the Hillside area.

17  
18 The Hillside Wastewater Management Plan (HWMP) was adopted by the  
19 Assembly in 1982 as an element of the Comprehensive Plan (AMC chapter  
20 21.05). The HWMP established a Recommended Maximum Perimeter of Public  
21 Sewerage where public wastewater services could be extended in the Hillside  
22 area. Assembly adoption of the HDP as an element of the Comprehensive Plan  
23 will:

- 24  
25
- Replace the HWMP.
  - Adopt the official *Land Use Plan Map* for the Hillside (replacing  
26 the 1982 *Generalized Land Use Plan Map* for the Hillside area and  
27 providing greater specificity than the *Land Use Policy Map* in  
28 *Anchorage 2020*).
  - Implement an important *Anchorage 2020* strategy.
  - Update the Hillside portion of the *Areawide Trails Plan Map*.
  - Amend the Recommended Maximum Perimeter of Public Sewerage.
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- Adopt recommendations in areas of development standards, drainage, roads, and on-site systems.
- Recommend a new Hillside District Funding and Management Entity. The Entity would manage and finance roads, drainage, Built/Green Infrastructure, and trails on a watershed-level and/or at a community-wide scale, all of which will provide the foundation for future development on the Hillside.

### **HDP Development and Public Involvement**

The HDP is a complex plan where issues overlap several different functional areas—and departments—Planning (Chapter 2, Land Use); Project Management and Engineering (Chapter 3, Drainage); Transportation (Chapter 4, Transportation); and Development Services' On-Site Services and Anchorage Water and Wastewater Utility (Chapter 5, Water and Wastewater: Public and On-Site Systems); Chapter 6, Implementation, addresses implementation measures for the entire plan.

In 2006, the Municipality retained a multi-disciplinary consulting team to develop the HDP. MWH, an engineering and planning firm with offices in Anchorage, was the lead project manager. Agnew::Beck, Koonce Pfeffer Bettis, and Blue Skies Solutions are members of the lead consultant team that coordinated the development of the Plan. HDR Alaska, Inc., analyzed drainage, public water and sewer, transportation and trail access; Larsen Consulting Group, Inc., with Church On-site Wastewater Consultants, LLC, and The Boutet Company, analyzed on-site well and septic services; and Northern Economics and Ivan Moore Research conducted a Hillside area household survey contacting approximately 10,000 households. The consulting team provided a wide range of expertise and experience in hillside planning and development; and background white papers and reports produced for the HDP process can be found on the plan website at [www.hillsidedistrictplan.com](http://www.hillsidedistrictplan.com).

Several committees provided direction to the project manager.

- The Citizens Advisory Committee (CAC) consisted of 12-14 very committed members of the public with varying professional backgrounds appointed by Hillside area assembly members. A couple of committee members were unable to complete the process; however, two others were appointed. This committee provided support to the project by holding over 30 meetings to discuss topics of concern and making pertinent recommendations.

- 1 • The Technical Department Working Group consisted of staff from  
2 the five departments.  
3
- 4 • The Policy Committee consisted of the Mayor, Municipal Manager,  
5 and Executive Director for the Office of Economic and Community  
6 Development, Anchorage Water and Wastewater Utility (AWWU)  
7 General Manager, and the Project Manager (ex officio).  
8
- 9 • The Oversight Committee, which also served as the RFP review  
10 committee for selection of a lead consultant, included  
11 representatives of the Administration, Planning, Transportation,  
12 Project Management & Engineering, On-Site Services, and  
13 AWWU, as well as three community representatives from the  
14 CAC.  
15

16 The project manager and lead consultant, responsible for serving as liaison  
17 between the Policy Committee, Oversight Committee, Technical Committee, and  
18 CAC, created a process and plan that responds to the policies of *Anchorage 2020*  
19 and the input of stakeholders and other community participants.  
20

21 The Plan's lead consultant team performed extensive public outreach over the last  
22 2 1/2 years, including stakeholder interviews, over 30 Citizen Advisory Committee  
23 meetings, a community-wide survey, and 3 sets of community workshops. The  
24 consultant's website provided extensive information on the projects as well as a  
25 means for citizens to track the progress and provide input into the Plan.  
26

### 27 28 Plan Overview 29

30 The Hillside District Plan boundaries are generally described as the area south of  
31 Abbott Road, east of the New Seward Highway, and bounded on the east and  
32 south by lands owned by the State of Alaska, including Chugach State Park.  
33

34 The Hillside contains almost two-thirds of the vacant residential land in the  
35 Anchorage Bowl suitable for single-family. Much of the Hillside land use patterns  
36 are already established. The lower Hillside is mostly developed with public sewer  
37 and water, although some scattered tracts with good site conditions remain vacant.  
38 A large majority of the privately owned central Hillside is already subdivided and  
39 built upon. The upper Hillside contains considerable vacant land but is  
40 constrained by environmental conditions and lack of infrastructure. *Anchorage*  
41 *2020* addressed the Hillside in the following ways:  
42

- 43 • Traditional low-density development continues on the upper Hillside.  
44

- 1 • Strategic and limited revisions to zoning and public water/sewer  
2 extensions permit additional small-lot subdivisions on the lower  
3 Hillside.
- 4
- 5 • Significant environmental features are protected and integrated into  
6 new subdivisions and public facilities.
- 7
- 8 • Transportation and other land use decisions reduce traffic congestion  
9 and trip generation.
- 10
- 11 • Hillside wildfire dangers are addressed through an active  
12 management program.
- 13

14 The second component of *Anchorage 2020* relevant to the HDP is the Growth  
15 Allocation Map. Overall growth projections were spread out fairly evenly over five  
16 sectors of the Anchorage Bowl; the southeast Hillside generally corresponds to the  
17 area covered by the HDP. This is the largest area of the five subareas, with by far  
18 the largest area of vacant land, but is one of the two subareas with the smallest  
19 growth allocation.

#### 20

#### 21

#### 22 **Key Plan Recommendations**

23

24 Land Use: The HDP accommodates growth primarily through development of  
25 vacant lands. The HDP *Land Use Plan Map* for the most part maintains existing  
26 low-density, rural residential character. One change is the creation of the Furrow  
27 Creek Transition Area, which, through land assemblage and development  
28 standards, would allow up to 3 units per acre. No additional neighborhood  
29 commercial areas are recommended.

30

31 On-Site Water and Wastewater: The HDP supports the viability of current and  
32 future reliance on on-site wastewater systems on the Hillside and concludes that  
33 as long as there is proper siting, design, construction, operation, and maintenance  
34 of these systems that on-site wastewater systems will continue to operate  
35 effectively. The HDP presents five strategies to maintain high water quality into  
36 the future—Neighborhood Wastewater Systems, strategies to address lots with on-  
37 site problems, well water protection program, on-site wastewater system standards  
38 and changes to the Recommended Maximum Perimeter of Public Sewerage. The  
39 Plan extends this boundary in the Furrow Creek Transition Area and reduces the  
40 boundary in upper Potter Valley.

41

42 Approaches to Infrastructure Funding and Management: *Anchorage 2020* called  
43 for the establishment of an Urban /Rural Services Boundary through the HDP  
44 process. While the HDP does not establish a specific boundary, it makes clear  
45 that the vast majority of the Hillside should continue to develop with relatively

1 limited infrastructure, as compared to the rest of the Anchorage Bowl. Yet the  
2 HDP does indicate that this "limited intensity" infrastructure is in need of an  
3 upgrade. Problems such as through-traffic, congestion, flooded basements,  
4 glaciating roads, and overused trailheads, seem unable to handle existing  
5 development, let alone continued development of vacant land. Furthermore, much  
6 of the infrastructure is maintained privately, through homeowners associations,  
7 and limited road services, and as such lacks the funding, coordination, and  
8 authority to address some of the significant issues on the Hillside.

9  
10 The creation of a new management and funding mechanism to address Hillside  
11 drainage and infrastructure needs is a core plan recommendation. The  
12 management entity would provide a means to fund and manage drainage  
13 improvements for existing and future development. The crux of moving ahead with  
14 these recommendations will be setting up the system with some form of local  
15 control and fair cost allocation.

16  
17 Roads, Trails, and Access to Chugach State Park: The HDP seeks to balance  
18 increased connectivity to reduce congestion, improve emergency access and  
19 evacuation routes, and accommodate future development with preserving the  
20 existing character of the Hillside. The HDP updates the *Areawide Trails Plan Map*.  
21 In addition, the HDP recommends road connections (Map 4.1) to improve  
22 circulation, access, and evacuation routes. Trailheads with access to Chugach  
23 State Park are proposed, and the HDP recommends some form of a Chugach  
24 State Park Access Service Area to spread funding for park access beyond Hillside  
25 residents. Finally, the HDP recommends extending the Parks and Recreation  
26 Service Area to include all residents of the Hillside and to extend the service area  
27 one mile inside of the Chugach State Park boundary, to fairly assess users of  
28 existing and planned parks (e.g., Section 36) and to allow municipal funds to be  
29 expended in areas within the Park, where appropriate.

30  
31 New Development Standards: The environmental sensitivity of the land and  
32 cumulative impacts of development require new development processes. The  
33 HDP proposes development policies and strategies to guide development that  
34 prioritize existing systems, including natural drainage ways, in an effort to minimize  
35 the scale and cost of infrastructure investments. The HDP proposes Built/Green  
36 Infrastructure, an integrated system of roads and trails, drainage ways and open  
37 space that connects across and serves multiple subdivision areas. Additional  
38 recommendations, like conservation subdivisions, provide incentives in the form of  
39 a small density bonus in an effort to encourage development that preserves open  
40 space, natural drainage patterns, and viewsheds. The Plan recommends the  
41 Building Safety Service Area be extended to the full extent of the southeast  
42 Hillside.

43

1 **Issue-Response, PZC Revisions, and Staff Recommendations**

2  
3 Following a Public Review Draft and its review period, the Public Hearing Draft of  
4 the HDP was released on May 1, 2009. The Planning and Zoning Commission  
5 (PZC) held a worksession on June 8 and a public hearing on June 15. Issue-  
6 Response documents were prepared and presented to the Commission on  
7 August 31 and October 12 (Attachments 7 and 8). A PZC and staff subcommittee  
8 was formed to review the detail of the Plan and present recommendations to the  
9 PZC as a whole on October 12.

10  
11 The Commission approved the HDP Public Hearing Draft on October 12, 2009  
12 (Attachment 1, PZC Resolution No. 2009-047). The approval consisted of a large  
13 number of revisions to the Plan as Attachment A of the resolution. Included in the  
14 resolution's attachment are the following 8 items:

- 15  
16 1. Plan preface;  
17 2. Revised Appendix B - Summary of HDP Implementation Actions;  
18 3. Revised Appendix C - HDP Land Use Plan Map Information;  
19 4. Revised Map 2.2 Hillside Land Use Plan;  
20 5. Revised Map 4.1 Roadway Connections;  
21 6. Revised Map 4.4 Existing/Proposed Trail Routes;  
22 7. Revised Map 5.6 Wastewater Soil Types; and  
23 8. Revised Map 5.7 Sewer Perimeter Boundary.

24  
25  
26 **Exception to Planning and Zoning Commission Recommendations**

27 The Administration recommends that the Assembly adopt the Hillside District Plan  
28 with the Planning and Zoning Commission revisions PZC Resolution 2009-047,  
29 with attachments, with one exception.

30  
31 The staff supported recommendation for Policy 13-B is as follows:

32  
33 "Permit the use of neighborhood wastewater treatment systems as a  
34 viable treatment technology for the Hillside District outside of the  
35 Recommended Maximum Perimeter of Public Sewerage after policies  
36 13-C, 13-D, 13-E, 13-F, 13-G, 13-H, and 13-K are implemented."

37  
38 Neighborhood systems are supported in the Plan only outside of the  
39 Recommended Maximum Perimeter of Public Sewerage provided that the  
40 Municipality increases its capacity to provide standards for the systems and  
41 assumes permitting and monitoring oversight.

42  
43 The Planning and Zoning Commission proposed a change to Policy 13-B of the  
44 HDP as follows which would allow on-site neighborhood systems within the  
45 AWWU certificated service area under certain conditions (see Attachment A,  
46 Chapter 5, Item 6, Policy 13-B):

1  
2 "Allow on-site cluster systems within the HDP area after policies  
3 13C-H and 13-K are implemented.  
4

5 Within the AWWU perimeter of public sewerage, a proposal for any  
6 on-site cluster systems would be subject to a determination,  
7 through a site plan review, that the sewer extension would pose  
8 greater disturbances to terrain, wetlands, or bedrock than the  
9 cluster system. A maximum system of (10) units may be  
10 established by the municipal oversight authority. Any on-site cluster  
11 septic system would be subject to proper regulatory standards and  
12 environmental review."  
13

14 The Administration does not support the amendment to Policy 13-B recommended  
15 by the Planning and Zoning Commission. Anchorage Water and Wastewater  
16 Utility Board of Directors stated neighborhood cluster systems should be  
17 discouraged except where an extreme need is demonstrated and adequate  
18 safeguards are in place to protect the public health and safety. (See Attachment  
19 2, AWWU letter dated December 7, 2009, AWWU Board Resolution No. 2008-  
20 02(S) dated March 12, 2008, and Conditions for Implementation of Neighborhood  
21 "Cluster" Wastewater Systems.) AWWU plans to withdraw its certificated service  
22 area boundary from locations where neighborhood systems are allowed, in order  
23 to clearly delineate responsibility and avoid an inefficient patchwork of various  
24 service providers. In addition, there is concern related to the increased potential  
25 for subsurface disposal system failure in such environmentally sensitive areas as  
26 wetlands and shallow bedrock terrain.  
27

### 28 29 Implementation 30

31 Some of the implementation measures described in the HDP are already included  
32 in the provisionally approved *Title 21 Rewrite* and updates to the *Design Criteria*  
33 *Manual*. Other policies, such as the Trails Map 4.4 replacing the *Areawide Trails*  
34 *Plan Map* for the Hillside, the adoption of the *Land Use Plan Map*, and the updated  
35 boundary of the Recommended Maximum Perimeter of Public Sewerage are  
36 implemented immediately through the HDP with this adopting ordinance.  
37

38 However, with approval of the Hillside District Plan, it is anticipated there will be  
39 some additions to the standards in Title 21, and additions or modifications to other  
40 municipal administrative policy documents requiring additional steps as part of the  
41 implementation process. In some instances, new systems or programs must be  
42 created to implement plan policies. Two examples are the Hillside District Funding  
43 & Management Entity and the establishment of the Well Water Protection  
44 Program. In these instances, HDP adoption is the first step; additional work,  
45 including work with the general public and Hillside residents, is needed. Finally,  
46 some recommendations, such as the extension of the Parks and Recreation



1 Service Area, require an ordinance and affirmative public vote prior to  
2 implementation.

3  
4 In order to adopt the Hillside District Plan as an element of the Municipality's  
5 Comprehensive Plan, this ordinance amends both the existing Anchorage  
6 Municipal Code chapter 21.05, and the equivalent provisions in the recently  
7 adopted revision to Title 21. The recently adopted section to be amended is  
8 identified as AO 2006-172, Attachment A (section 21.01.080 B.), which is not  
9 intended to take effect until the remaining chapters in the rewrite of Title 21 are  
10 adopted.

11  
12 **THE ADMINISTRATION SUPPORTS THE RECOMMENDATIONS OF THE**  
13 **PLANNING AND ZONING COMMISSION IN RESOLUTION 2009-047 REVISION**  
14 **EXCEPT AS MODIFIED, FOR POLICY 13-B, IN THIS ORDINANCE; AND**

15  
16 **THE ADMINISTRATION RECOMMENDS APPROVAL OF AN ORDINANCE**  
17 **ADOPTING AND IMPLEMENTING THE HILLSIDE DISTRICT PLAN AS AN**  
18 **ELEMENT OF THE COMPREHENSIVE PLAN, AMENDING ANCHORAGE**  
19 **MUNICIPAL CODE SECTIONS 21.05.030 AND 21.05.120 TO ADD THE**  
20 **HILLSIDE DISTRICT PLAN, AND AMENDING ANCHORAGE ORDINANCE 2006-**  
21 **172, ATTACHMENT A, TO REVISE PROVISIONALLY ADOPTED**  
22 **SECTION 21.01.080.**

23  
24 Prepared by: Tyler P. Robinson, Planning Department and  
25 JoAnn B. Contreras, Planning Department  
26 Approved by: Jerry T. Weaver, Jr., Acting Director, Planning Department  
27 Concurred by: Greg Jones, Executive Director  
28 Office of Community Planning & Development  
29 Concurred by: Dennis A. Wheeler, Municipal Attorney  
30 Concurred by: George J. Vakalis, Municipal Manager  
31 Respectfully submitted: Daniel A. Sullivan, Mayor

32  
33  
34 Attachments: 1. Planning and Zoning Commission Resolution No. 2009-047, with  
35 Attachment A  
36 2. Anchorage Water and Wastewater Utility Letter to Planning and Zoning  
37 Commission dated December 7, 2009  
38 3. Planning and Zoning Commission Minutes of June 15, 2009  
39 4. Planning and Zoning Commission Minutes of August 31, 2009  
40 5. Planning and Zoning Commission Minutes of October 12, 2009  
41 6. Planning and Zoning Commission Staff Report of June 15, 2009  
42 7. Planning and Zoning Commission Issue-Response of August 31, 2009  
43 8. Planning and Zoning Commission Issue-Response of October 12, 2009  
44 9. Comments Received  
45 10. Hillside District Plan Public Hearing Draft dated May 7, 2009

**Content ID:** 008613**Type:** Ordinance - AO

AN ORDINANCE ADOPTING AND IMPLEMENTING THE HILLSIDE DISTRICT PLAN AS AN ELEMENT OF THE COMPREHENSIVE PLAN, AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 21.05.030 AND 21.05.120 TO

**Title:** ADD THE HILLSIDE DISTRICT PLAN, AND AMENDING ANCHORAGE ORDINANCE 2006-172, ATTACHMENT A, TO REVISE PROVISIONALLY ADOPTED SECTION 21.01.080 (PLANNING AND ZONING COMMISSION CASE 2009-090)**Author:** maglaqui**Initiating Dept:** Planning**Description:** Hillside District Plan Adoption, element of the Comprehensive Plan**Keywords:** Hillside District Plan**Date Prepared:** 1/19/10 3:59 PM**Director Name:** Jerry T. Weaver, Jr.**Assembly Meeting Date:** 2/16/10**Public Hearing Date:** 3/23/10

<b>Workflow Name</b>	<b>Action Date</b>	<b>Action</b>	<b>User</b>	<b>Security Group</b>	<b>Content ID</b>
Clerk_Admin_SubWorkflow	2/5/10 9:23 AM	Exit	Joy Maglaqui	Public	008613
MuniManager_SubWorkflow	2/5/10 9:23 AM	Approve	Joy Maglaqui	Public	008613
MuniManager_SubWorkflow	2/4/10 11:06 AM	Checkin	Joy Maglaqui	Public	008613
MuniManager_SubWorkflow	2/3/10 9:33 AM	Checkin	Joy Maglaqui	Public	008613
Legal_SubWorkflow	1/26/10 6:40 PM	Approve	Rhonda Westover	Public	008613
Finance_SubWorkflow	1/26/10 5:31 PM	Approve	Lucinda Mahoney	Public	008613
OMB_SubWorkflow	1/26/10 8:17 AM	Approve	Cheryl Frasca	Public	008613
OCPD_SubWorkflow	1/25/10 12:24 PM	Approve	Tawny Klebesadel	Public	008613
Planning_SubWorkflow	1/22/10 2:52 PM	Approve	Jerry Weaver Jr.	Public	008613
AllOrdinanceWorkflow	1/22/10 2:51 PM	Checkin	Susan Perry	Public	008613
OCPD_SubWorkflow	1/22/10 11:24 AM	Reject	Tawny Klebesadel	Public	008613
Planning_SubWorkflow	1/19/10 4:33 PM	Approve	Jerry Weaver Jr.	Public	008613
AllOrdinanceWorkflow	1/19/10 4:09 PM	Checkin	Susan Perry	Public	008613

CONSENT AGENDA - INTRODUCTION

AMENDED AND APPROVED  
DATE 4-10-84

Submitted by: Chairman of the Assembly  
At the Request of  
the Mayor  
Prepared by: Department of Community  
Planning  
For Reading:

Anchorage, Alaska  
AO No. 84- 21 (as amended)

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM U (UNRESTRICTED) TO R-6 (SUBURBAN RESIDENTIAL), R-7 (INTERMEDIATE RURAL RESIDENTIAL), R-10 SL (ALPINE/SLOPE RESIDENTIAL WITH SPECIAL LIMITATIONS), R-3 SL (MULTIPLE-FAMILY RESIDENTIAL WITH SPECIAL LIMITATIONS), B-4 SL (RURAL BUSINESS WITH SPECIAL LIMITATIONS), PLI (PUBLIC LANDS AND INSTITUTIONS), AND W (WATERSHED) FOR SECTIONS 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23 AND 24 OF R3W, T11N, S.M., AND 4, 5, 6, 7, 8, 9, 16, 17 AND 18 OF R2W, T11N, S.M., OR PORTIONS THEREOF; AS DEPICTED IN EXHIBIT A, GENERALLY LOCATED EAST OF THE OLD SEWARD HIGHWAY AND SOUTH OF LITTLE RABBIT CREEK, COMMONLY REFERRED TO AS THE SOUTH ANCHORAGE, G-5 AREA, CONTAINING 10,000 ACRES MORE OR LESS. (RABBIT CREEK COMMUNITY COUNCIL)

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. The zoning map is amended by designating sections 1, 2, 3, 4, 10, 11, 12, 13, 14, 15, 22, 23, and 24 of R3W, T11N, S.M., and 4, 5, 6, 7, 8, 9, 16, 17, and 18 of R2W, T11N, S.M., or portions thereof, R-1A (Single-Family Residential with Special Limitations), R-6 (Suburban Residential), R-7 (Intermediate Rural Residential), R-7 (Intermediate Rural Residential with Special Limitations), R-10 SL (Alpine/Slope Residential), R-3 SL (Multiple-Family Residential with Special Limitations), B-4 SL (Rural Business with Special Limitations), PLI (Public Lands and Institutions), and W (Watershed) as depicted in Exhibit A attached.

SECTION 2. The R-3 SL district established by Section 1 shall be subject to the following special limitations establishing design standards for the property:

- A. DEVELOPMENT SHALL CONFORM TO A SITE PLAN REVIEWED AND APPROVED AS FOLLOWS:
1. The authority designated by ordinance shall review the site plan in accordance with the standards in these special limitations.
  2. The authority reviewing a site plan may impose conditions upon the approval of the site plan that it finds necessary to:
    - a. Conform the site plan to the standards in these special limitations; or
    - b. Enforce the development of the site in accordance with the site plan, including but not limited to, requiring:
      - ° the recording of negative easements, development rights transfers, or covenants, conditions and restrictions governing the use of the site;
      - ° the posting of a performance guarantee for the provision of site improvements as provided in Anchorage Municipal Code 21.87.030.
  3. Site Plan review shall consist of two phases. The first phase will review a Master Site Plan to locate the public facilities infrastructure, demonstrate residential density distribution patterns, establish general phasing plans and buffering. The second phase will review a Final Site Plan to establish the final details of the project.
  4. A Master Site Plan is subject to approval by the Planning and Zoning Commission after a Public Hearing. Notice of the Public Hearing shall be given in the manner provided for zoning map amendments. A Final Site Plan is subject to approval by the Director of Community Planning without a public hearing in the same manner as a cluster housing development Final Site Plan under Section 21.45.190I.2.h(1). Upon the applicant's request, the Planning and Zoning Commission may combine a Final Site Plan review with its review of a Master Site Plan.

5. No building or structure shall be constructed or placed on the property and no existing vegetation on the property shall be cleared except in accordance with a site plan approved by the Planning and Zoning Commission in accordance with this section and the provisions incorporated by reference herein. Prior to that approval, the Planning Director may approve specific limited clearing of vegetation for utility placements, access road construction, soil testing, well drilling, surveying or to collect other data necessary for plan approvals which he finds will not circumvent the intent of these special limitations.
6. A Notice of Zoning Action shall be recorded with the District Recorder's Office within 30 days of Assembly approval of this ordinance to provide notice that these parcels are regulated by the Special Limitations of this section. A legal description and the approved number of dwelling units shall be included for every tract or parent tract. No building permit may be issued prior to recording this notice.
7. An application to modify a site plan shall be reviewed in the same manner as an application for site plan approval, provided that if the reviewing authority determines that the proposed modifications to a Master Site Plan will have minimal off-site impacts, no public hearing on the modification is required. The authority that approved a site plan may modify the site plan:
  - a. When changed conditions cause the site plan no longer to conform to the standards in these special limitations.
  - b. To implement a different development plan conforming to the standards in these special limitations.
8. An appeal from a decision of the Planning and Zoning Commission regarding a site plan under these special limitations shall be brought in accordance with Section 21.30.010-.100. An appeal from a decision of the Community Planning Director on Final Site Plan Approval shall be treated as an application to the Planning and Zoning Commission for Master Site Plan approval.

B. MASTER SITE PLAN

1. Submission Requirements

- a. The applicant shall submit 18 copies of the Master Site Plan to the Community Planning Department, supported by a narrative identifying the considering principal environmental constraints and major engineering/design features affecting development, and documenting the improvements required to develop the project in accordance with the standards in this section. To the extent practicable, these constraints and design considerations shall be indicated on the site plan.
- b. Before submitting the Master Site Plan to the Planning and Zoning Commission, the applicant shall submit the plan to any Community Council whose boundaries contain part of the area subject to the site plan. The Community Council will have 30 days to review and comment upon the site plan, or a longer time agreed upon by the Applicant and the Council.
- c. The site plan shall generally identify:
  - ° the type, availability and location of public facilities and utilities;
  - ° the total number of proposed dwelling units;
  - ° the location, distribution and density of housing types;
  - ° site design measures necessary to minimize impacts to adjacent areas and critical environmental features, to ensure proper service to the area of development, and to illustrate compliance with the Design Standards;
  - ° the configuration and final ownership of the proposed open space and roadway circulation systems.

2. Design Standards

- a. No site plan shall be approved under this section unless it conforms to the following policies in addition to the applicable provisions of Title 21:
- ° The site plan shall conform to the Comprehensive Plan in the manner provided by Anchorage Municipal Code Chapter 21.05, and conform to the Hillside Wastewater Management Plan, including the transition area standards of Technical Report #3 of the Hillside Wastewater Management Plan.
  - ° Existing vegetation shall be retained unless its removal is specifically approved as provided in these special limitations. Natural vegetation supplemented as necessary by planting shall be used as a buffer to surface water bodies and adjacent to developed residential areas of lower densities.
  - ° The site design shall reflect hydrology, wind conditions, soil and bedrock conditions and other environmental factors.
  - ° The total number of dwelling units in the area subject to the site plan shall not exceed that permitted by the use district for that area.
  - ° The site plan shall conform to the standards for public facilities and open space in Attachment A, incorporated by reference herein.

C. FINAL SITE PLAN

1. Submission requirements

- a. Unless a Final Site Plan and a Master Site Plan have been scheduled for common review, a Final site Plan may be submitted only after a Master Site Plan for the subject property has been approved by the Planning and Zoning Commission. The submission requirements for a Final Site Plan are the same as for a cluster housing development Final Site Plan under section 21.45.190 I 2 (g).

- b. Any elements of the Public Facilities and Open Space Design Standards not fully resolved in the Master Site Plan shall be satisfied in the Final Site Plan Approval.
- c. A final site plan need not address all of the property included within the Master Site Plan.

SECTION 3. The R-10 SL district established by Section 1 shall be subject to the following special limitations establishing design standards for the property:

- A. Lot shall have a minimum area of 54,450 square feet (1-1/4 acres), including 1/2 the area of abutting dedicated rights-of-way.
- B. Property situated within the southeast quarter of Section 13 is exempt from the requirements of A if developed through the cluster development process.

SECTION 4. The B-4 SL district established by Section 1 shall be subject to the following special limitations regarding the uses of the property:

- A. Only the following principal uses and structures are permitted:
  - 1. grocery stores, delicatessens and food specialty shops;
  - 2. meat and seafood markets;
  - 3. retail bakeries;
  - 4. hardware stores;
  - 5. shoe repair shops;
  - 6. bookstores and stationery stores;
  - 7. drugstores;
  - 8. self-service laundry and self-service dry cleaning shops;
  - 9. beauty shops;
  - 10. barbershops;
  - 11. restaurants, tearooms, cafes, and other places serving food or beverages\* conducted entirely within fully enclosed buildings, but specifically excluding any drive-in eating facilities;
  - 12. knit shops, yarn shops, dry goods, dress-making and notions stores;
  - 13. small appliance repair shops;
  - 14. photography studios, art studios;
  - 15. post offices;



16. on-premises dry cleaning establishments using a perchlorethylene process or similar nonflammable, nonaqueous solvent, provided, however, that large commercial and industrial laundry and dry cleaning plants are prohibited;
17. laundry and dry cleaning pickup stations;
18. single-family and two-family dwellings;
19. noncommercial parks, playgrounds, and government buildings in keeping with the character of the district;
20. libraries;
21. medical and dental offices; and offices of attorneys, accountants, engineers and other professions regulated under State Law;
22. family residential care, day care and 24-hour child care facilities;
23. insurance and real estate offices;
24. retail food stores and liquor stores;\*
25. department or variety stores;
26. clothing store;
27. furniture and home appliances store;
28. catalog showroom;
29. music and record store;
30. hobby store;
31. florist;
32. gift and card shop;
33. bank or similar financial activity with predominant service to local depositors and customers, not including drive-in facilities;
34. frozen food locker;
35. local administration offices for charitable and eleemosynary agencies of a noncommercial nature;
36. sporting goods stores and bicycle shops.

\* Uses involving the sale, dispensing or service of alcoholic beverages may be permitted by Conditional Use only.

B. The following uses and structures are prohibited:

1. drive-in eating establishments;
2. commercial recreation establishments, including, bowling alleys, pool halls, amusement arcades and the like;

SECTION 5. The B-4 SL district established by Section 1 shall be subject to the following special limitations establishing design standards for the property:

- A. Development of the property shall conform to a site plan approved by the Anchorage Planning and Zoning Commission. The Commission shall review the proposed site plan for the subject property as an Appearance Request (with a public hearing), and approve the site plan if the Commission finds that it conforms to this ordinance and the design standards for conditional uses set forth in Anchorage Municipal Code 21.50.020 A and B.
- B. Minimum yard requirements:
  1. residential uses:
    - a. front yard: 20 ft.
    - b. side yard: 5 ft.
    - c. rear yard: 10 ft.
  2. all other uses:
    - a. front yard: 20 feet, provided however, that no structure shall be built closer than 30 feet from the centerline of any Class I street, nor closer than 40 feet from the centerline of any Class II street as designated on the Official Streets and Highways Plan;
    - b. side yard: 10 feet, where the lot adjoins a residential district boundary; otherwise, none, provided, however, that if any side yard is provided, it shall be not less than five feet the purpose being that adjoining commercial buildings shall either directly abut or shall maintain a minimum of five feet between such buildings;
    - c. rear yard: 25 feet.
- C. Maximum lot coverage by all buildings: 50%;
- D. Maximum height of structures. Except as otherwise provided in this Title, no portion of a principal structure shall exceed 25 feet in height.

- E. Signs. Signs may be allowed in connection with any permitted use, subject to the provisions of the supplementary district regulations, however, no sign shall be visible from the New Seward Highway.
- F. Ground cover. All areas not devoted to buildings, structures, drives, walks or off-street parking facilities or other authorized installations shall be covered with one or more of the following: gravel, concrete or asphaltic compound, lawn grass, shrubbery, trees or other suitable ground cover materials. A parking lot landscaping plan shall be submitted and approved by the Community Planning Department.
- G. All adjacent uses shall be buffered in accordance with the standards of the Hillside Wastewater Management Plan.
- H. At least thirty (30) percent of the site shall be open space, including the buffer zone. Parking, roads and easements shall not be included as part of this open space requirement.

SECTION 6. The R-7/SL district established by Section 1 shall be subject to the following special limitations establishing design standards for the property:

- 1. The average dwelling units per acre shall be not greater than 0.8.
- 2. The minimum lot size is 20,000 square feet.
- 3. Only single-family detached structures are permitted.

SECTION 7. The R-1A/SL district established by Section 1 shall be subject to the following special limitations establishing design standards for the property:

- 1. For parcels within the north half of the northeast quarter of Section 14:
  - a. Development of the parcel shall proceed under a site plan conforming to 21.190.1.2 and the requirements of the 'Design Standards' subsection of Section 2 of this ordinance.


2. For parcels within the northeast quarter of Section 14 and the northwest quarter of Section 13:
  - a. Development of the parcel shall proceed under a site plan conforming to 21.190.1.2 and the requirements of the 'Design Standards' subsection of Section 2 of this ordinance.
  - b. Development shall proceed in accordance with rural residential densities (21.40.080, 100 - 110) in areas not within the 'Recommended maximum perimeter of Public Sewerage' specified in Map 9 of the Hillside Wastewater Management Plan.

SECTION 8. The special limitations set forth in this ordinance prevail over any inconsistent provisions 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.

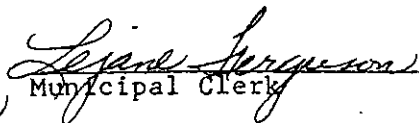
SECTION 9. The Director of Community Planning shall change the zoning map accordingly.

SECTION 10. This ordinance shall be effective ten days after passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 10<sup>th</sup> day of April, 1984.

  
\_\_\_\_\_  
Chairman

ATTEST:

  
\_\_\_\_\_  
Deputy Municipal Clerk

PLEASE NOTE: On 4-3-84, the assembly approved the zoning of the Cange Yarman Property to R-3SL 6 DUA.

mm3/pa01

ATTACHMENT A

Public Facilities and Open Space Design Standards

1. "The developer shall submit detailed roadway circulation, storm drainage, water and sewerage plans consistent with the requirements of these limitations. The Planning Commission shall approve these plans consistent with the requirements of these special limitations and such other conditions as the Commission may impose to meet the intent of these limitations and to achieve the intent of these standards. Municipal departments shall review final roadway circulation, storm drainage and water sewerage plans, engineering design, operational - maintenance costs consistent with the requirements imposed by the Commission and consistent with adopted standards and criteria of the Municipality. The results of the review shall be available to the Commission when it reviews the master plan."

Public facilities shall be designed and constructed to have minimal impacts on adjacent residential areas. Where good engineering practice dictates that the data required by this section be compiled or reviewed by a civil engineer, such data shall be submitted only with certification from a Registered Alaskan Civil Engineer. All utility locations, installations, material, and sizing shall be approved by the utility with jurisdiction prior to Master Site plan approval. Each utility shall submit a summary of their review, including a cost analysis, to the Planning Commission. Public facilities shall provide essential public services in a safe, convenient and economical way, in accordance with the following standards:

a. Water

The site plan shall include information demonstrating that the domestic and fire flow water needs for the proposed area of development have been met. This information shall demonstrate that aquifer sources utilized by adjacent areas will not be adversely affected by the supplying of water to the proposed development and that the supply can be maintained over a sustained period of time. A 24-hour rated pump test shall be required.

b. Sewerage

The site plan shall include a plan for sewerage. This plan shall conform to the Hillside Wastewater Management Plan in the designation of proposed trunk and lateral improvement districts. In addition, development shall not proceed until sewerage facilities are available, except for those parcels and structures for which the Commission has determined that public sewerage facilities are not required and on-site facilities have been approved by DHEP.

c. Storm Water Drainage

To the extent practicable, the site plan shall ensure that storm water is retained on-site. Storm water drainage/water quality management plans are subject to the review of the Department of Public Works. The site plan shall conform to the following standards:

1. Development shall be buffered by not less than a 65-foot creek maintenance easement adjacent to major surface water sources. (Such major water sources include those identified in the Wetlands Management Plan as Conservation or Preservation wetlands, those listed on the Flood Hazard Insurance Maps, those located in the Coastal Zone Management Plan, or those determined to be significant in terms of water resources, drainage, flood prevention, or natural resources by the Planning and Zoning Commission.) The easement shall be 65 feet on each side of the mean high waterline of the stream or water body.
2. An erosion and sedimentation plan for the site shall be subject to approval by the Department of Public Works. The erosion and sedimentation control plan shall conform to Anchorage Municipal Code and to the following standards:

Measures shall be implemented to attenuate flows, remove oil, grease and other petroleum products and filter suspended sediment from the project's storm water drainage structures prior to discharge into any natural body of water or into a municipal drainage structure which in turn discharges untreated storm water into a natural body of water. Discharge to surface bodies of

d. Circulation

The site plan shall include a circulation plan identifying the residential and collector streets of the proposed project. Interior residential streets may be realigned during Final Site Plan Review (provided that the realignment does not constitute an evasion of the intent of the master plan in the opinion of the reviewing authority. The circulation review shall conform to the following standard: With the exception of essential through connections, circulation for the proposed development shall be within the boundaries of that development. The Department of Public Works shall review and submit its findings on the circulation plan to the Planning Commission.

2. Open Space

A minimum of fifty percent of the site shall be retained as usable open space. Usable open space means open space within a proposed development site excluding areas devoted to roadways, parking, decks, balconies, buildings, and artificial surfaces. This open space may be used as a buffer between rural residential areas and high density urban development, and when so used shall follow the policies of the Hillside Wastewater Management Plan. Dedicated usable open space may include publicly dedicated park land when it is within the same zoning boundary and Master Plan. The open space shall be designated on the site plan as undisturbed open space or landscaped open space. Both undisturbed and landscaped open space shall be noted as common open space or private open space. As provided by the approved site plan, all common open space shall be dedicated to the public or conveyed to the surrounding or adjacent home owners association. Usable open space may include publicly dedicated parkland when it is within the same zoning boundary and master plan. Private open space which is undisturbed may be required to be contained in a scenic easement. Undisturbed open space shall coincide with critical environmental features. The Planning and Zoning Commission may require additional open space if they find it necessary to provide adequate buffers between the conflicting residential areas.

3. Where a Master Plan encompasses less than all the land in the R-3 SL district established in Section 1, the Commission may permit a number of dwelling units consistent with:

- i. an equitable allocation of that number of units to various areas within that description in light of the intent of these special limitations.
- ii. the number of dwelling units permitted within the legal description, computed by multiplying the permitted number of units per acre by the number of acres in that legal description.

mm3/mao4 .



**PARCEL INFORMATION**

<b>APPRAISAL INFORMATION</b>		01
Legal VIEWPOINT SOUTH TR A1	Parcel 020-281-46-000 Owner POTTER CREEK DEVELOPMENT LLC	#
# Descr VACANT LAND Site Addr	3801 CENTERPOINT DR #104 ANCHORAGE	AK 99503 0000

<b>RELATED CAMA PARCELS</b>			<b>Cross Reference (XRef) Type Legend</b>			Get "Type" explanation Bring up this form focused on the related parcel
Related Parcel(s)	XRef Type	Leased Parcels	Econ. Link E = Old to New I = New to Old Renumbr N = New to Old X = Old to New	Replat R = Old to New F = New to Old Combine C = New to Old P = Old to New	Uncouple U = Old to New Q = New to Old Lease L = GIS to Lease M = Lease to GIS	

<b>REZONE</b>	Case Number Case Type Legal	# of Parcels	Hearing Date

<b>PLAT</b>	Case Number Action Type Legal	Grid	Proposed Lots 0 Action Date	Existing Lots

<b>PERMITS</b>	Permit Number Project Work Desc  Use

<b>BZAP</b>	Action No. 84-105 Action Date 07/10/1984 Resolution	Status APR Type SP	Ruling Approved Site Plan

<b>ALCOHOL LICENSE</b>	Business Address  License Type Status	Applicants Name Conditions

**PARCEL INFORMATION**

**OWNER**  
 POTTER CREEK DEVELOPMENT LLC

3801 CENTERPOINT DR #104  
 ANCHORAGE AK 99506 0000  
 Deed 3212 0000059  
 CHANGES: Deed Date Mar 17, 1998  
 Name Date Mar 31, 1998  
 Address Date Jul 05, 2007

**PARCEL**  
 Parcel ID 020-281-46-000  
 Status # 01  
 Renumbr ID 000-000-00-00000  
 Site Addr  
 Comm Concl RABBIT CREEK  
 Comments REF 020-281-44

**TAX INFO**  
 2011 Tax 5,634.36 Balance 0.00 District 042

**LEGAL**  
 VIEWPOINT SOUTH  
 TR A1

Unit SQFT 1,484,960  
 Plat 840403  
 Zone R3SL Grid SW3638

HISTORY	Year	Building	Land	Total
Assmt Final	2009	0	444,000	444,000
Assmt Final	2010	0	444,000	444,000
Assmt Final	2011	0	444,000	444,000
Exemptions				0
State Credit				0
Tax Final				444,000

**PROPERTY INFO**

#	Type	Land Use
01	RESIDENTIAL	VACANT LAND

**SALES DATA**

Mon	Year	Price	Source	Type

**PARCEL INFORMATION**

**OWNER**  
 POTTER CREEK DEVELOPMENT LLC  
  
 3801 CENTERPOINT DR STE 104  
 ANCHORAGE AK 99503 0000  
 Deed 3212 0000059  
 CHANGES: Deed Date Mar 17, 1998  
 Name Date Mar 31, 1998  
 Address Date Jul 05, 2007

**PARCEL**  
 Parcel ID 020-281-50-000  
 Status # 01  
 Renumbr ID 020-281-48-00000  
 Site Addr 6520 ENGLAND AVE  
 Comm Concl RABBIT CREEK  
 Comments REF 020-281-45.47

**TAX INFO**  
 2011 Tax 11,589.93 Balance 0.00 District 003

**LEGAL**  
 VIEWPOINT SOUTH  
 TR A-4  
  
 Unit SQFT 3,525,267  
 Plat 980020  
 Zone R3SL Grid SW3638

HISTORY	Year	Building	Land	Total
Assmt Final	2009	0	822,200	822,200
Assmt Final	2010	0	763,500	763,500
Assmt Final	2011	0	763,500	763,500
Exemptions				0
State Credit				0
Tax Final				763,500

**PROPERTY INFO**

#	Type	Land Use
01	RESIDENTIAL	VACANT LAND

**SALES DATA**

Mon	Year	Price	Source	Type

**PARCEL INFORMATION**

**OWNER**  
 POTTER CREEK DEVELOPMENT LLC  
  
 3801 CENTERPOINT DR STE 104  
 ANCHORAGE AK 99508 0000  
 Deed 3212 0000059  
 CHANGES: Deed Date Mar 17, 1998  
 Name Date Mar 31, 1998  
 Address Date Jul 05, 2007

**PARCEL**  
 Parcel ID 020-281-51-000  
 Status # 01  
 Renumbr ID 020-281-48-00000  
 Site Addr  
 Comm Concl RABBIT CREEK  
 Comments REF 020-281-45.47

**TAX INFO**  
 2011 Tax 5,932.34 Balance 0.00 District 003

**LEGAL**  
 VIEWPOINT SOUTH  
 TR B-1  
  
 Unit SQFT 626,349  
 Plat 980020  
 Zone R3SL Grid SW3638

<b>HISTORY</b>		Year	Building	Land	Total
Assmt Final	2009	0	390,800	390,800	
Assmt Final	2010	0	390,800	390,800	
Assmt Final	2011	0	390,800	390,800	
Exemptions				0	
State Credit				0	
Tax Final				390,800	

**PROPERTY INFO**

#	Type	Land Use
01	RESIDENTIAL	VACANT LAND

**SALES DATA**

Mon	Year	Price	Source	Type

# ASHBURN & MASON P.C.

## LAWYERS

DANI CROSBY • MATTHEW T. FINDLEY • MERA MATTHEWS • DONALD W. MCCLINTOCK III  
A. WILLIAM SAUPE • MOIRA K. SMITH • JACOB A. SONNEBORN • THOMAS V. WANG • REBECCA A. WINDT  
OF COUNSEL MARK E. ASHBURN • JULIAN L. MASON III

June 3, 2011

*Via Email and Hand-Delivery:*

Planning & Zoning Commission  
Municipality of Anchorage  
4700 Elmore Road  
Anchorage, AK 99507  
Attn: Jerry Weaver, Jr., Director  
Email: [WeaverJT@ci.anchorage.ak.us](mailto:WeaverJT@ci.anchorage.ak.us)

**RECEIVED**

JUN 03 2011

COMMUNITY DEVELOPMENT DEPT

RE: Cases: S-11864-1 and Rezone Case 2011-032

Dear Members of the Planning & Zoning Commission:

This firm has been requested by Potter Creek Development to draw your attention to the Assembly's action on May 24, 2011 in passing Anchorage Ordinance 2011-4 (S). The Assembly's decision bears directly on and controls the secondary access issue raised by Fire Plan Review requiring a secondary access for this Project<sup>1</sup> by resolving the issue at a legislative level. These requirements should be deleted from an otherwise very detailed and thorough analysis by staff of the plat and rezone request.

As the record shows and as is intuitive to anyone who has lived in Anchorage over the last few decades, our topographically diverse community contains many major collector roads that only have one way in or out. Examples are in the record (R. 307 to 316), but it does not require a Google map to recognize that collector roads such as Eagle River Road, Hiland Road, Yosemite Drive (where the new Eagle River High School was

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<sup>1</sup> Case S-11864-1: R.9 Finding 17, and R. 15 and Staff's Recommendation for Approval Condition C.3 in R.25: "Providing a second access prior to recording a final plat". It resolves the need for the Effective Clause in Case 2011-032: R.15. "This rezoning shall not become effective until the applicant has resolved road construction for secondary access to the property."

Jerry Weaver, Jr.

Page 2

June 3, 2011

built recently with Fire Department approval), Stuckagain Heights and the Alyeska Highway in Girdwood have all enjoyed multiple subdivision growth over the last few decades. These roads for various reasons will never be able to secure a secondary access.

The Assembly approval of AO 2011-4 (S) has directly repudiated the effort of the Anchorage Fire Department to selectively apply the International Fire Code (“IFC”) to developments along Potter Valley Road. As a result, the requirement for Approval Condition C.3 and the above referenced findings and Effective Clause should be deleted by the Commission.

AO 2011-4 (S) changes the applicable building and other model code provisions in the Municipality to the 2009 edition. A substantial part of the controversy around the original AO-2011-4 was the adaptation of these uniform codes to local conditions by local amendments. One code provision under the IFC that was addressed by local amendment was Section D107.1. D107.1 in the 2009 code as well as its earlier iterations back to at least 2000 provided:

Developments of one-or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of section D104.3

Certain exceptions to this requirement existed including sprinklers or the exercise of discretion by the fire code official.

At some point, the fire code officials began construing D107.1 to mean that separate subdivisions along a collector should be aggregated to see whether the 30 dwelling threshold was exceeded and in particular applied that interpretation to developments along Potter Valley Road. The inequity of that application is obvious unless the intent of the fire department was to essentially stop development along huge swaths of Anchorage; certainly giving piecemeal exceptions would not be fair and would treat different developments differently.

This issue was addressed and resolved by the Assembly on May 24, 2011 in AO 2011-4 (S). Section 2 provides that it is immediately effective upon “passage and approval.” It clearly is the applicable law to this development.

Jerry Weaver, Jr.

Page 3

June 3, 2011

The local amendments approved are attached in pertinent part and provided three new exceptions to the requirement in D107.1<sup>2</sup>. The one that is pertinent is exception #4:

4. The number of dwelling units within multiple developments connected by access streets or peripheral streets (defined by 21.75.035) or any road with collector or greater status shall not be aggregated to determine whether a separate approved fire apparatus road is required. [emphasis added]

As can be seen from the above, the Assembly has resolved the question of the fire department's reliance on this provision to require secondary access. Potter Valley Road is a collector. Although we are aware that the fire department feels strongly about the need for secondary access, we also believe that this is a community wide problem that should not be selectively imposed on one developer. The petitioners have in fact already spent considerable funds securing an appropriation for construction of the secondary access only to have the appropriation vetoed at the State level. Since then, the Municipality has dropped this project as a priority as is their political prerogative; however, it is not fair or equitable to transfer that responsibility onto one development.

We understand the concerns of the Fire Department as they relate to health and safety issues; however, there are other methods available to address them. These include, as outlined in the record, incorporation into the project CC&R's the principles listed in the MOA Fire-Wise program.

Please delete condition C.3 from Case S-11864-1 and the Effective Clause in the Rezone Case 2011-32 from your vote of approval. At the hearing we will propose the deletions from your findings consistent with this result.

---

<sup>2</sup> The hand written clerks notes are also attached for reference and provide regarding the added exceptions: "Amend 23.45.D107.1. ... These exceptions shall not require the installation of an approved automatic sprinkler system or a secondary access road."

Jerry Weaver, Jr.  
Page 4  
June 3, 2011

Very truly yours,

ASHBURN & MASON, P.C.



Donald W. McClintock

Attachments  
DWM:haw

Cc: Margaret O'Brien  
David Grenier  
client

p:\clients\10311\pzletter06032011 final.docx



CLERK'S OFFICE  
**AMENDED AND APPROVED**  
Date: 5-24-11  
IMMEDIATE RECONSIDERATION  
FAILED 5-24-11

Submitted by: Chair of the Assembly at the  
Request of the Mayor  
Prepared by: Community Development  
Department  
For reading: April 26, 2011

**ANCHORAGE, ALASKA**  
**AO No. 2011-4(S)**

1 **AN ORDINANCE REPEALING AND REENACTING ANCHORAGE MUNICIPAL**  
2 **CODE TITLE 23 TO ADOPT 2009 AND OTHER RECENT EDITIONS, AND**  
3 **ADOPTING LOCAL AMENDMENTS OF THE FOLLOWING CODES:**  
4 **ADMINISTRATIVE; BUILDING; MECHANICAL; PLUMBING; ELECTRICAL; FIRE;**  
5 **FIRE PROTECTION SERVICE OUTSIDE SERVICE AREAS; ENERGY**  
6 **CONSERVATION; EXISTING BUILDINGS; ABATEMENT OF DANGEROUS**  
7 **BUILDINGS; SAFETY CODE FOR ELEVATORS AND ESCALATORS; SAFETY**  
8 **STANDARD FOR PLATFORM LIFTS AND STAIRWAY CHAIRLIFTS;**  
9 **RESIDENTIAL; SCHOOL RELOCATABLES; MOBILE AIRCRAFT SHELTERS;**  
10 **GRADING, EXCAVATION AND FILL; AND FUEL GAS.**

11  
12 **THE ANCHORAGE ASSEMBLY ORDAINS:**

13  
14 **Section 1.** Anchorage Municipal Code title 23 is hereby repealed in its entirety and  
15 reenacted to read as follows:  
16

- 17 **TITLE 23 BUILDING CODES**
- 18 23.05 Building Regulations
  - 19 23.10 Anchorage Administrative Code
  - 20 23.15 International Building Code, 2009 Edition, including Appendices  
21 A, C, G, and H
  - 22 23.20 International Mechanical Code, 2009 Edition
  - 23 23.25 Uniform Plumbing Code, 2009 Edition, including Appendices A,  
24 B, D, E, I, and L
  - 25 23.30 National Electrical Code, 2008 Edition, including the Appendices
  - 26 23.45 International Fire Code, 2009 Edition, including Appendices B—  
27 G, I, J, and K
  - 28 23.55 Fire Protection Service Outside Service Areas
  - 29 23.60 International Energy Conservation Code, 2006 [2009 Edition
  - 30 23.65 International Existing Building Code, 2009 Edition, including  
31 Appendix A
  - 32 23.70 Abatement of Dangerous Buildings Code
  - 33 23.75 American National Standards Institute/American Society of  
34 Mechanical Engineers ANSI/ASME A17.1 2007 Safety Code for  
35 Elevators and Escalators including Appendices
  - 36 23.76 American National Standards Institute/American Society of  
37 Mechanical Engineers ANSI/ASME A18.1-2005 Safety Standard  
38 for Platform Lifts and Stairway Chairlifts
  - 39 23.85 International Residential Code, 2009 Edition. Chapters 1--10,

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**23.45.4603.4 Sprinkler systems.**

Add two new subsections as follows:

**4603.4.3 Group E occupancies.** An approved automatic fire extinguishing or fire sprinkler system shall be installed in a Group E occupancy in accordance with section 903.2.3 as amended, whenever additions or level 2 or level 3 alterations are made to an existing structure containing an E Occupancy.

**4603.4.4 Pit sprinklers.** Sprinklers shall be installed in the bottom of all existing elevator pits below the lowest projection of the elevator car but no higher than 24" from the bottom of the pit.

**23.45.4603.4 Sprinkler systems.**

Delete and 4603.4.2 in the last sentence and replace it with thru 4603.4.4.

**23.45.4603.6 Fire alarm systems.**

Amend section 4603.6 by adding the following to the end of the exception ...meeting the minimum sound pressure levels: 65 dBA in occupancies in Group R and I-1; and 60 dBA in other occupancies.

**23.45.4603.6.5.1 Group R-1 hotel and motel manual fire alarm system.**

Amend section 4603.6.5.1 by deleting exception #2.

**23.45.Chapter 47.**

Amend IFC chapter 47 by adding section D107 as a referenced code section to IWUIC-09 under ICC.

**23.45.Appendices.**

Adopt appendices B through G, I, and J and new appendix K.

**23.45.D102.1 Access and loading.**

Amend section by deleting 75,000 pounds and replacing it with 80,000 pounds (36288 kg).

**23.45.D107.1 One- or two-family dwelling residential developments.**

Amend section D107.1 by adding exceptions 3, 4 and 5 as follows:

**Exceptions:**

3. Where there are more than 30 but not more than 100 dwelling units on a single public or private fire apparatus access road and all dwelling units are constructed in accordance with the International Wildland-Urban Interface code, access from two directions shall not be required.

4. The number of dwelling units within multiple developments connected by access streets or

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peripheral streets (defined by 21.75.035) or any road with collector or greater status shall not be aggregated to determine whether a separate approved fire apparatus road is required.

- 5. A secondary access road shall not be required if it is determined by the municipal engineer that construction of such a road cannot practicably be built because of significant obstacles such as topographical conditions, public lands such as dedicated parks or other public lands with restricted access or other insurmountable obstacles that the municipal engineer finds to exist preventing construction of a secondary access road.

**23.45.APPENDIX K**

Appendix of the IFC is revised by adding APPENDIX K as follows:

**APPENDIX K**

**FIRE PROTECTION SYSTEM STATUS REPORTING.**

**K101**

**General**

**K101.1 Scope.** Fire protection system service reports shall be in accordance with this appendix and all other applicable requirements of the International Fire Code.

**K102**

**Required Reporting**

**K102.1 Reporting.** All fire service companies providing services in the Building Safety Service Area shall provide a legible copy of the fire system service report to the Division of Fire Prevention, Anchorage Fire Department. System service reports shall contain the following information:

1. Company name, address, and phone number.
2. Inspector's first and last name and State of Alaska Fire System Permit number issued under 13 AAC 50.035.
3. Contact phone number: office and cell if available.
4. System Status (1-4).
5. Deficiencies shall be typed or legibly hand written and shall be printed text (no cursive/long hand handwriting).
6. All reports shall have building name, occupancy inspected, and address clearly identified on the first page, and all subsequent pages shall have the building name and date of inspection on the top of the page.
7. All reports shall have the building contact person's name and phone number on the front page.

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**Section 2.** This ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 24<sup>th</sup> day of May, 2011.

Debbie Ossander  
Chair of the Assembly

ATTEST:

Bobbi S. [Signature]  
Municipal Clerk

Building code Amendments.....draft.....

Am 11/2  
P 57  
5-version  
Failed

1. Amend section 23.15.426.3 and other relevant citations referencing Residential care/Assisted living facilities to add language exempting small assisted living facilities (5 or fewer residents) from automatic sprinkler system requirement.

Reason: Cost about \$8,700 per home if on city water, additional \$4,000.(for a water bladder in crawl space) if on private well. Current licensed facilities are exempt, so cost will be on any new facilities. MOA code now states such facilities must meet state regs which require "sufficient staff to evacuate each resident within 3 minutes; if sprinklers present residents have 15 minutes." This change expands MOA regulations in an area now managed by the state. Only known fire fatality in assisted living occurred in Fairbanks some time ago when resident using oxygen was also smoking.

P 154  
Approved

2. Amend Chapter 23.75 Elevator controls to extend timeline for compliance with emergency recall and in-car operation regulations. Extend compliance to give elevators with raise of 75 feet or more ten years to comply, and elevators with raise of 25 to 75 feet 14 years to comply.

Reason: Cost....Existing language gives 5 years for elevators with raise of 75 feet, 7 years for those with raise of 25-75 feet. The cost to modernize is approximately \$45K per hydraulic elevator and \$100-150K per traction elevator. All new elevators come with these controls in place, so only impacts older existing elevators. There have been no known problems with existing elevators.

passed  
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3. Amend 23.45.D107.1 One or two family dwelling residential developments, amend by adding three additional these exceptions. These exceptions shall not require the installation of an approved automatic sprinkler system or a

1. ~~Where there are more than 30 dwelling units connected entirely by a single public or private interior street, cul-de-sac or stub street (defined by 21.75.035) a secondary access shall be required.~~ <sup>Secondary access road.</sup> The number of dwelling units within multiple developments connected by access streets or peripheral streets (defined by 21.75.035) or any road with collector or greater status shall not be aggregated to determine whether a separate approved fire apparatus road is required.

passed  
4

2. A secondary access road shall not be required if it is determined by the <sup>municipal</sup> city engineer that construction of such a road cannot practicably be built because of significant obstacles such as topographical conditions, public lands such as dedicated parks or other public lands with restricted access or other insurmountable obstacles that the <sup>municipal</sup> city engineer finds to exist preventing construction of a secondary access road.

add for residential  
R-1

Failed  
5

3. Secondary access shall be deemed to exist if one or more existing interior streets in a subdivision is connected to an existing right of way.

**Kimmel, Corliss A.**

---

**From:** Chambers, Angela C.  
**Sent:** Tuesday, June 07, 2011 7:56 AM  
**To:** 'Connie Yoshimura'; 'Tony Hoffman'; 'Dave Grenier'; 'Ric Davidge'; 'Donald W. McClintock'  
**Cc:** Kimmel, Corliss A.  
**Subject:** RE: questions on S118641 Potter Highlands  
Connie,

Thank you. I will place this in the file for the record. I am assuming you want this in the file for both the rezone and the plat, as our recommendation was for both cases.

*Angela C. Chambers, AICP*

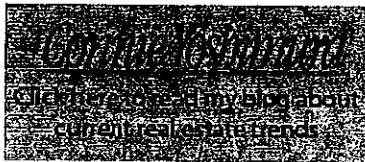
*Section Supervisor  
MDA Planning Division  
Current Planning Section  
4700 Elmore Road  
PO Box 196650  
Anchorage, AK 99507*

*tel. (907) 343-7940  
fax (907) 343-7927*

---

**From:** Connie Yoshimura [mailto:cyoshimura@gci.net]  
**Sent:** Monday, June 06, 2011 4:53 PM  
**To:** Chambers, Angela C.; 'Tony Hoffman'; 'Dave Grenier'; 'Ric Davidge'; 'Donald W. McClintock'  
**Subject:** RE: questions on S118641 Potter Highlands

Angela,  
Thank you for your phone call advising Potter Creek Development that the planning dept. is requesting a postponement of Case 2011-032 and S-11864-1. These cases have previously been postponed from April 11 and May 2, 2011 in order to resolve matters between staff and the petitioner. The petitioner requests that the cases be heard tonight.



3801 Centerpoint Drive #104  
Anchorage, AK 99503  
[cyoshimura@gci.net](mailto:cyoshimura@gci.net)  
907-762-7570

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**From:** Chambers, Angela C. [mailto:ChambersAC@ci.anchorage.ak.us]  
**Sent:** Monday, June 06, 2011 3:58 PM  
**To:** 'Tony Hoffman'; Dave Grenier; 'Connie Yoshimura'; Ric Davidge  
**Subject:** FW: questions on S118641 Potter Highlands

FYI

*Angela C. Chambers, AICP*

*Section Supervisor  
MOA Planning Division  
Current Planning Section  
4700 Elmore Road  
PO Box 196650  
Anchorage, AK 99507*

*tel. (907) 343-7940  
fax (907) 343-7927*

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**From:** Weaver Jr., Jerry T.  
**Sent:** Monday, June 06, 2011 2:37 PM  
**To:** Chambers, Angela C.  
**Cc:** O'Brien, Margaret R.  
**Subject:** FW: questions on S118641 Potter Highlands

fyi

Jerry

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**From:** Nancy Pease [mailto:nancypease@alaska.net]  
**Sent:** Monday, June 06, 2011 11:08 AM  
**To:** Barrett, Al W. (Zoning); Weaver Jr., Jerry T.  
**Cc:** Schanche, Lori E.  
**Subject:** questions on S118641 Potter Highlands

Hello, Al,  
I have a few general questions on this plat from my first review. I expect to have some more questions as I scrutinize it more closely. But for now:

1. Can you be sure to have a detailed map for use on the overhead that shows all the pertinent road and trail easements in the vicinity? This includes ROWs and easements on Finland over to Golden View, both parts of

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Greece Drive, Villages Scenic Parkway, etc.

2. The HDP showed a road connection between the proposed cul-de-sac and upper Greece Drive. Please address.
3. Where is the access and building site and septic info for Lot 6? Lot 31 is referenced in plat notes but not Shown: please show.
4. What conservation conditions or access provisions are attached to the wetlands polygons, and are these in homeowners covenants (non-enforceable by the city) or in some form enforceable by the city?
5. What is the width of the polygon along the southern most stream, and does this meet HDP standards?
6. What trail easements are provided to VSP, which is a long cul-de-sac? Is the remaining part of Greece Drive east to VSP, dedicated public easement, and can this be a pedestrian connection? Please check with Lori Schanche to ensure that the pedestrian connectivity to the east meets standards. Please provide a vicinity map so that we can see the directness of the connections versus the lengths along existing roadways.
7. North-south ped access: Is there any public right of access across Greenbelt Tract A-4-A? If not, are members of the public supposed to use the cul-de-sac to connect to the from PV Road to trail easements in Paradise Valley? If the cul-de-sac is the pedestrian connection, the cul-de-sac needs a pathway to maintain pedestrian connectivity. Please consult with Lori.
8. I do not find any notation of 785' x 20 feet "to-be-vacated" on the plats. Please label all vacations so that we clearly understand.

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(20110606) \_\_\_\_\_

The message was checked by ESET Smart Security.

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**Kimmel, Corliss A.**

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**From:** Chambers, Angela C.  
**Sent:** Tuesday, June 07, 2011 7:54 AM  
**To:** Kimmel, Corliss A.  
**Subject:** FW: questions on S118641 Potter Highlands

For the file. There should be a copy marked Exhibit in the file from last night, but this can go in as a back up.

Thanks!

*Angela C. Chambers, AICP*

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**From:** Connie Yoshimura [mailto:cyoshimura@gci.net]  
**Sent:** Monday, June 06, 2011 5:00 PM  
**To:** Chambers, Angela C.  
**Subject:** FW: questions on S118641 Potter Highlands

Here are responses to Nancy Pease's questions. Please make sure she receives them.

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**From:** Chambers, Angela C. [mailto:ChambersAC@ci.anchorage.ak.us]  
**Sent:** Monday, June 06, 2011 3:58 PM  
**To:** Tony Hoffman; Dave Grenier; 'Connie Yoshimura'; Ric Davidge  
**Subject:** FW: questions on S118641 Potter Highlands

FYI

*Angela C. Chambers, AICP*

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6/7/2011

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**From:** Weaver Jr., Jerry T.  
**Sent:** Monday, June 06, 2011 2:37 PM  
**To:** Chambers, Angela C.  
**Cc:** O'Brien, Margaret R.  
**Subject:** FW: questions on S118641 Potter Highlands

fyi

Jerry

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**From:** Nancy Pease [mailto:nancypease@alaska.net]  
**Sent:** Monday, June 06, 2011 11:08 AM  
**To:** Barrett, Al W. (Zoning); Weaver Jr., Jerry T.  
**Cc:** Schanche, Lori E.  
**Subject:** questions on S118641 Potter Highlands

Hello, Al,

I have a few general questions on this plat from my first review. I expect to have some more questions as I scrutinize it more closely. But for now:

1. Can you be sure to have a detailed map for use on the overhead that shows all the pertinent road and trail easements in the vicinity? This includes ROWs and easements on Finland over to Golden View, both parts of Greece Drive, Villages Scenic Parkway, etc.  
 SEE LARGE SCALE MAP
2. The HDP showed a road connection between the proposed cul-de-sac and upper Greece Drive. Please address. DEVELOPER WANTS TO KEEP PROJECTS SEPARATE---TWO DIFFERENT PRODUCTS (1/2 LOTS VS. 1.5 + AC LOTS)
3. Where is the access and building site and septic info for Lot 6? Lot 31 is referenced in plat notes but not shown: please show. SEE LARGE SCALE/REVISED BLDG PLAN. THERE ARE ONLY 30 LOTS---TITLE BLOCK WAS NOT UPDATED FROM THE ORIGINAL APPLICATION
4. What conservation conditions or access provisions are attached to the wetlands polygons, and are these in homeowners covenants (non-enforceable by the city) or in some form enforceable by the city? WETLANDS ARE REGULATED BY BOTH THE CITY AND THE CORPS OF ENGINEERS; A PLAT NOTE 18 K ADDRESSES THIS ISSUE.
5. What is the width of the polygon along the southern most stream, and does this meet HDP standards? THE POLYGON IS PER THE FIELD SURVEY. THE SEPTIC STREAM SETBACK IS SHOWN. THE 25 FT STREAM SETBACK IS WITHIN THE SEPTIC SETBACK
6. What trail easements are provided to VSP, which is a long cul-de-sac? Is the remaining part of Greece Drive east to VSP, dedicated public easement, and can this be a pedestrian connection? Please check with Lori Schanche to ensure that the pedestrian connectivity to the east meets standards. Please provide a vicinity map so that we can see the directness of the connections versus the lengths along existing roadways. THERE IS DEDICATED RIGHT OF WAY PER THE PLAT ALONG GREECE DR. THAT CAN BE USED BY PEDESTRIANS
7. North-south ped access: Is there any public right of access across Greenbelt Tract A-4-A? If not, are

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6/7/2011

members of the public supposed to use the cul-de-sac to connect to the from PV Road to trail easements in Paradise Valley? If the cul-de-sac is the pedestrian connection, the cul-de-sac needs a pathway to maintain pedestrian connectivity. Please consult with Lori.

YES, THE CUL-DE-SAC CAN BE USED FOR PEDESTRIAN ACCESS

8. I do not find any notation of 785' x 20 feet "to-be-vacated" on the plats. Please label all vacations so that we clearly understand.

SEE LARGE SCALE MAP IN THE VICINITY OF THE CUL-DE SAC.

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