



Municipality of Anchorage

MEMORANDUM

DATE: November 5, 2020

TO: Platting Board

THRU:  Michelle J. McNulty, AICP, Planning Director

FROM:  Shawn Odell, Senior Planner

SUBJECT: S12545, Canyon View Estates Subdivision, request for rehearing alleging new evidence or changed circumstances.

On May 20, 2020 the Platting Board held a public hearing, accepted oral testimony, and closed the public hearing with no action taken in this case. On June 3, 2020, the Platting Board considered the information and testimony presented both written and oral. The Platting Board denied a motion to reopen the public hearing and approved Case S12545, Canyon View Estates Subdivision, Lots 1 through 27 and Tracts A, B, and C, a 60-month phasing plan. However, the Platting Board denied the request for vacation (elimination) of three (3) Public Use Easements, 2016-013102-0, 2016-013103-0, & 2016-013104-0, and denied variances to AMC 21.08.030K.2 *Dimensions*, to exceed the lot width-to-depth ratio of one-third for lots 2-8, lot 14 & 15, and AMC 21.08.050H.4 *Pedestrian Facilities-Trails* to provide easements or construct trails, pathways, or walkways. The Summary of Action was approved by the board on August 5th, 2020. Then, on September 16, 2020, the Platting Board approved the Findings of Fact.

On August 24, 2020, members of the public filed with the municipal clerk a written motion alleging new evidence or changed circumstances, pursuant to section AMCR 21.10.503. Enclosed is a copy of the parties of interests' motion for rehearing.

The procedures for AMCR 21.10.503 - New evidence—Changed circumstances are:

- A. An allegation of new evidence or changed circumstances may be the basis for reopening the public hearing or a rehearing of a matter previously decided by the board. Any such allegations shall be raised by written motion for rehearing or reopening the hearing, and shall be filed with the municipal clerk no later than twenty (20) days after the board's initial decision becomes final pursuant to section 21.10.304D.
- B. Upon the filing of a motion under this section, the board shall expedite its consideration of the motion and shall determine whether to rehear or reopen the matter. The board shall reopen the public hearing or rehear the matter previously decided if the board determines:

1. If true, that the alleged new evidence or changed circumstances would substantially change the decision of the board; and that
 2. The person alleging the new evidence or changed circumstances acted promptly and with diligence in bringing the information to the board's attention.
- C. If the board holds a rehearing, it shall determine the extent of the subject matter to be presented and shall indicate the limitations on the public hearing.
- D. A decision made by the board, as the result of a motion or rehearing under this section, is not an initial decision pursuant to subsection A. above; subsequent motions alleging new evidence or changed circumstances shall be automatically rejected by the municipal clerk without hearing or reconsideration by the board.

The Platting Board must decide whether to grant Joan Priestley, *et all* (parties of interest) request for rehearing alleging new evidence or changed circumstances. The claim, as stated in the attached motion, is, that the Board's denial of the vacation request and variances has created significant new circumstances that necessitate extensive changes to the design of the plat when compared to the original subdivision plat.

MUNICIPALITY OF ANCHORAGE PLATTING BOARD

FINDINGS OF FACT AND DECISION

**S12545 CANYON VIEW ESTATES SUBDIVISION, LOT 1 – 27 AND TRACTS
A, B AND C.**

WHEREAS, Hultquist Homes, LLC (owner) sought approval of a subdivision (AMC 21.08.030) of two lots and two tracts into twenty-seven lots and three tracts, vacation (elimination) of three Public Use Easements along Canyon Road, and with variances from AMC 21.08.030K.2 *Dimensions*, to exceed the lot width-to-depth ratio of one-third for lots 2-8, lot 14 & 15 and AMC 21.08.050.H.4 to provide easements or construct trails, pathways, or walkways, generally located south of Spendlove Drive, north of Fairkytes Road, and along Canyon Road, in Anchorage, and

WHEREAS, the Platting Board held a public hearing on May 20, 2020 and closed the public hearing for testimony. The Platting Board held a hearing on June 3, 2020, considered the information and testimony presented both written and oral, failed a motion to reopen the public hearing, and approved the preliminary plat, the phasing plan, denial of the two variances, denial of the request for vacation, and

WHEREAS, the Platting Board is required to ensure that the subdivision application meets the requirements of AMC 21.03.200, *Subdivisions*, AMC 21.03.230, *Vacations* and AMC 21.03.240, *Variances*, and

NOW, THEREFORE, BE IT RESOLVED that the Platting Board adopts the following findings and conclusions.

FINDINGS:

1. The application for vacation (elimination) of three Public Use Easements: 2016-013102-0, 2016-013103-0, and 2016-013104-0, did not meet the approval criteria of AMC 21.03.230 *Vacations*. The petitioner did not show that the easements are surplus to the current and future needs of the public. Keeping the use area for drainage purposes and snow storage is also as important as the roadway surface itself. Maintaining that for public use in the area and for protection of the houses built in the area is an important use that needs to be preserved for the public.
2. The request for a variance from AMC 21.08.030K.2 *Dimensions* to exceed the lot width-to-depth ratio of one-third for Lots 2 through 8, and 14 and 15, did not meet the approval criteria of AMC 21.03.240 *Variances*. The petitioner agreed to remove the request and The Board did not believe that deletion of this variance request results in the public being presented with a substantially different proposal and with notice for the public hearing and comments. Moreover, the vast majority, if not all the public comments received and heard, were against this variance request to begin with.

3. The application for a variance from AMC 21.08.050H.4 *Pedestrian Facilities-Trails* to provide sidewalks, walkways, trails and pathways did not meet the approval criteria of AMC 21.03.240 *Variances*. The petitioner agreed to remove the request and The Board did not believe that deletion of this variance request results in the public being presented with a substantially different proposal and with notice for the public hearing and comments. Moreover, the vast majority, if not all public comments received and heard, were against this variance request to begin with.
4. In regards to the subdivision and the 60-month phasing plan:
 - a. The Platting Board took into consideration public testimony and studied the case packet, particularly public safety; land use and how it affects the livability of the neighborhood; and off-site impacts from drainage, private well, on-site septic systems.
 - b. Board Member Cross noted that this area has substantial drainage issues and that 90 percent of the concern expressed by the public was regarding the drainage from north to south, down the hill, and crossing the culverts. Part of the reason for approval of the plat is due to the research and development the petitioner will have to put into this to get it going and it will greatly benefit the area that is completely wrought with flooding and road issues. Even if a subdivision is not developed and just the research and studies are completed, everyone will have a much better idea of what needs to be done with that road in order to dramatically improve it. The neighbors are frustrated and not impressed with the road.
 - c. Board Member Lipson slightly disagreed with Board Member Cross' characterization that drainage was 90 percent of the issues, because a considerable amount of testimony was also heard about cutting 27 driveways into Canyon Drive on a Collector Road, which is also her biggest issue. She stated the following findings:
 1. She referred to page 11 of the staff report noting that, essentially, the Planning Director waived the petitioner's argument, then consulted with other municipal departments before granting approval to allow residential driveways to a Collector Road. Her understanding is that by voting not to allow the plat to proceed, or addressing the driveways as a condition of the plat, this Board could override the Planning Director's approval power. Because the Planning Director did not issue a separate opinion on the matter, all we have to rely on are the arguments made

by the public, which were overwhelmingly against 27 driveway cuts; and the petitioner's arguments articulated on pages 43 through 45 in the staff report.

2. For the most part, she finds the petitioner's arguments to be compelling, including the reference to the flexibility to the Hillside District Plan, to reduce overall cut-and-fill, and minimize drainage impacts between the lots.
3. What she is struggling with is the arguments that are against shared driveways. The primary reason they were deemed impractical by the petitioner is that they tend to result in longer driveways, which increased the clearing of vegetation. She thinks this argument, in reality, is secondary to the next stated argument, which is a negative impact in home value, and to a lesser extent, maintenance complex for homeowners. Maintenance complex is not particularly compelling because that goes to reduced marketability.
4. In her opinion, reduced marketability is not a compelling reason to permit 27 driveways onto a Collector Road. Without knowing why Director McNulty and staff determined that shared driveways were undesirable for reasons unrelated to marketability; and given the very valid concerns raised by the neighbors and the people that are actually maintaining the road, she is having a hard time finding that these 27 driveways created by this plat meets to the maximum extent feasible the criteria under AMC 21.03.200C.9, which are criteria in approving a preliminary or final plat. The Board is required to find that to the maximum extent feasible this plat is promoting public health, safety, and welfare.
5. Subsection B mitigates the facts of incompatibility between land uses, the residential densities in the subdivision, and land uses and residential densities in the surrounding neighborhood, including but not limited to visual, noise, traffic, and environment affects.
6. Subsection C provides for the proper arrangement of streets in relation to existing or proposed streets.
7. Subsection E provides for efficient movement of vehicular and pedestrian traffic.

8. Subsection I facilitates the orderly and efficient layout and use of the land.
 9. The concern is less with the traffic coming in and out of any given driveway at any given time, and more with the idea that now you are making 27 cuts. We heard testimony about glaciation and cutting the road that many times. It seems excessive and a solution that reduced the number of cuts might be feasible.
- d. Board Member Porter shared Board Member Lipson's driveway concerns, but he is also tempered by the concept that regardless of how the driveways are configured, it will not actually reduce the amount of people using the driveways. For the most part, it is unlikely to imagine that two people would be queued up from two different lots waiting to go out of the driveway because residential use is very low. There would be one to two, at the most, maybe three cars that would use it on a daily basis. Consolidating the driveways will not reduce the amount of people attempting to turn onto the road. It will only consolidate them and reduce the distance between the driveways, potentially, of which he does not see a difference. Without a careful analysis of every driveway, it is quite possible the petitioner and others are correct that it will increase the amount in areas with longer driveways and more cuts.
 - e. The Board understood that this is a large project that is going to take a substantial amount of time. The Phasing Plan is appropriate for the size of the property being developed.
 - f. The conditions of approval will require the subdivider to prove to the MOA On-Site Water and Wastewater Services Division that AMC Title 15 regulations are met for each lot. The required information includes soils testing, percolation testing, and groundwater monitoring. There are approximately sixteen different items that the subdivider must resolve. Furthermore, there are three pages of conditions of approval, so the subdivider has a lot of work to do before recording a final plat. The Board found that, considering all of the facts, this is a reasonable subdivision.
 - g. The Board heard testimony from a gentleman that has a piece of property he initially stated is landlocked, but then heard testimony that he does have road access from another location. While it may not be as convenient as something else, he actually does have legal access. Imposing on this development an easier

access to his lot is not something he is entitled to. That is something he could negotiate with the owner of this property, but has apparently elected not to do so.

- h. Testimony was also heard from the Glen Alps Road Board objecting because the roads that lead up to this project are maintained by this road board. He believed they stated the mill rate was 1.25 for the cost of maintaining was on the owners. Under AMC 21.03.020M.1 as a condition of approval, we are obligated to allocate, where possible, pro rata costs being imposed on other properties. To the extent that the owners of these areas are going to have their snow removed by other taxpayers, they should participate. He noted that the lot owners of these lots are automatically included in the Glen Alps Road Service Area by this plat.


CONCLUSIONS:

The Platting Board took into consideration the written analyses of staff, testimony of the petitioner, and public comment, both written and oral that was presented at the May 20, 2020 and June 3, 2020 public hearing. The Platting Board reviewed the subdivision, the phasing plan, vacation, and the variances in conformance with Title 21 and the goals and objectives of the applicable elements of the *Hillside District Plan*.


Based on the foregoing Findings and Conclusions, be it resolved by the Anchorage Municipal Platting Authority that the subdivision, the phasing plan, are found to comply with the approval criteria contained in AMC 21.03.200 and are approved pursuant to the Anchorage Municipal Code. The vacation and the variances are not found to comply with the approval criteria contained in AMC 21.03.230 and AMC 21.03.240 and are denied pursuant to the Anchorage Municipal Code.

NOW, THEREFORE, be it resolved by the Platting Authority that the Platting Board adopts the above stated Findings and Conclusions.

ADOPTED by the Platting Board this 16th day of September 2020.



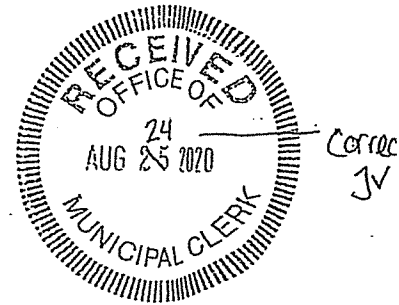
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To: Barbara Jones, Anchorage Municipal Clerk
and City Clerk staff

Re: Hultquist developers' Preliminary Plat Application # **12545**

MOTION FOR RECONSIDERATION AND REHEARING

Background: Early in May and June of this year, the Platting Board met and approved Application # **12545** by the Hultquist development company, to create 27 Lots on Canyon Road, in south Anchorage. Public testimony concluded at the May meeting.

After the June meeting, some local residents timely filed a Notice of Intent to Appeal with the Planning Department Director. That action triggered the necessity for the Platting Board to approve a written summary of the decisions that it had made, in the Hultquist case.

Then the Platting Board approved a Summary of Action (a written report detailing its decisions) at the meeting on August 5th (Exhibit 1- PB 6/3/20 Summary of Action). The Board has also approved Minutes of the May 20th meeting (Exhibit 2- PB 5/20/20 Minutes) and June 3rd meeting (Exhibit 3- PB 6/3/20 Minutes). Those Minutes have been very helpful; excerpts are included, in this Motion.

Michelle McNulty, the Director of the Planning Department, personally advised us that the Action Summary approved by the Platting Board members on August 5th was the “final, appealable decision” (Exhibit 4- August 5 - 6th emails). That action commenced a 20 day time period to file either a perfected Notice of Appeal or a Motion for Reconsideration. The last day to file this Motion is Tuesday, August 25, 2020.

Pursuant to AMC **21.03.050.A.4.d.iv**, this timely Motion For Reconsideration And Rehearing is based on *changed circumstances* and on what might be considered as *new evidence*. In accordance with **21.03.050.A.5.a and 5.b**, and **21.14.040**, we are qualified “parties of interest” (Exhibit 5- Title 21 chapters about standing and procedure).

We are requesting that the Platting Board members reconsider their decision to approve the Hultquist plat application # **12545** for 27 Lots. Specifically, we are asking the Platting Board to act in accordance with **21.03.050.A.5.b.i**, and “substantially change its decision,” to now disapprove the entire Hultquist application, and direct the Hultquists to submit a new PRELIMINARY plat, for the following reasons:

At the June meeting of the Platting Board, the members unanimously denied all the variances and vacations that the Hultquists had originally requested.

The four variances would have kept the developers from losing land that they had included as part of the Lots in their plat plan. The three vacations would have transferred large amounts of land to the developers, at no cost to them, for their future private use and profit. The plat plan that they presented for review by the public, including the

total number of Lots, their sizes and positioning, claimed and used all the land involved with the variances and vacations.

Therefore, these four variances and three vacations were all absolutely essential to create a plat with 27 Lots and no trails. By denying the Hultquists' requests for all the variances AND all the vacations that they needed, the Platting Board, itself, has created significant "new circumstances" that necessitate extensive, "material" plat changes.

As explained below, these new changes are of such magnitude that they negate and make obsolete the present plat application. These new, changed circumstances are sufficient to require the Hultquists to just start over, and submit an entirely new and substantially different plat plan to the Platting Board. This new plat can also be analyzed and commented upon by interested citizens in a new public hearing, of course.

ISSUES FOR REVIEW

A. The denial of the four variances

A short time into the first Platting Board meeting on May 20th, the applicants suddenly announced that they were abandoning their request for four crucial variances.

With all due respect to Chair Walker, we believe that it is not correct to state that "those that spoke were aware of the proposed change, and have already had the opportunity to speak on this specific issue" (see Exhibit 3- 6/3/20 PB Minutes, p. 10). The applicants brought forth their

sudden change of position with NO advance notice, and we were not prepared at all for this abrupt, new state of affairs.

There was no time whatsoever, for any citizen to analyze the effect on the plat as a whole, and on individual Lots, as well, of their withdrawal of all the variances. Perhaps partly due to the enormous audio difficulties, some of those who testified obviously were completely unaware of this new situation. They spent their three minutes discussing why the variances should be denied.

Here is the bigger issue about the situation with the variances-

Without these variances, many lot lines will change, and now several lots will not meet the minimum 1.25 acre size. Lot # 2 and Lot # 15 cannot exist at all without the variances, so they will disappear, entirely (Exhibit 6- Plat with 27 Lots- Planning Department Report p. 79*). Lots 3 – 8 will likely become Lots 3 – 7 or even 3 - 6, so yet another lot (at least) will disappear. Lot # 1 is now “iffy,” also. They needed the variances, just to exist, at all.

So the denial / withdrawal of the four variance requests, without anything else, will create “substantial changes” and will sufficiently change the plat, that the Board should now reject it entirely, and direct the applicants to start over.

* Note- several different Planning Department Reports (PDRs) were submitted to the Platting Board. All Exhibits in this Motion are drawn from the most recent and most inclusive PDR, dated May 20, 2020. This Report was made available to the Platting Board by posting it on the Municipality website, well before the Board’s June 3rd meeting, and may have been delivered, directly.

B. The denial of vacations of the three easements

The Platting Board members also unanimously disapproved all of the vacations that the Hultquists had requested. The 1 page Application Narrative utterly failed to demonstrate any reason for granting such vacations. We applaud the discernment of the Board members, in making that determination.

City officials and Platting Board members have clearly indicated that they recognize several continuing needs that all the PUEs will serve. From the Traffic Engineer:

“The Traffic Engineering Department does object to vacation of the existing public use easements shown on the preliminary plat. . . . The additional area within the remaining portion of these easements could be used to meet the potential needs for additional trail and drainage easements along the alignment of Canyon Road.” (Exhibit 7- Traffic Engineering Department comments, PDR p. 333)

By denying these vacations, the Platting Board has in effect affirmed and approved the original three Public Use Easements (PUEs) that Anchorage had purchased from the Rohaley family for a sizeable amount of money, in 2016 (discussed below).

Mr. Whitfield accurately summarized the impact of denying the vacations:

“If the PUE vacation is denied, . . . there will be 60 feet of ROW dedication . . . underneath three PUEs of various widths. . . [The PUEs] are roughly 100 feet all the way through, and do not follow the constructed portion of the roadway.” (Exhibit 2, 5/20/20 PB Minutes, p. 6).

Here are the definitions in Title 21, explaining the legal difference between the two terms:

21.14.040- Definitions

Easement

A non-possessory interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.

Right-of-way

A defined area of land, reserved or dedicated for a street, alley, walkway, trail, utility, or other public purpose.

Even with these legal distinctions, they are both "public places," as defined in Title 24. As such, they shall be maintained in their original, pristine and natural state:

24.30.010 Streets and Right of Ways

Definitions

Public place means and includes streets, avenues, ways, boulevards, drives, circles, courts, places, alleys, sidewalks, and planting strips, bicycle paths, squares, triangles, **easements and rights-of-way reserved, granted or dedicated for the use of the public, and the space above or beneath the surface of such places, except parks.** For purposes of this title, "public place" shall not include telecommunications, electrical, gas, telephone or other easements granting rights only to utilities.

Maintenance means the preservation of the public place and its facilities as nearly as possible in its original condition as constructed or improved.

Without the vacations gifting all that land to the developers, our understanding is that all the PUEs bought by the Municipality automatically will convert to City-owned Right Of Ways, (ROWs) going forward. These legal changes will definitely create significant “changed conditions,” that will force an entirely new plat plan.

We might be incorrect. Thanks to the COVID situation, we have had virtually NO access to legal resources for awhile. It is impossible for us to adequately research and substantiate the concept that the PUEs convert to ROWs.

However, even if the easements do not convert to ROWs, just keeping the PUEs in existence will sufficiently change the plat, that the Board should now reject it entirely, and direct the applicants to start over. Here is our explanation of that position.

- 1. The vacation request for the two Public Use Easements that run parallel with Canyon Road (2016- 013102 and 2016-013103)*

The Platting Board denied these two particular vacation requests. Those actions have definite legal ramifications, and will necessitate relatively huge plat changes. Originally, the Hultquists wanted the PUE reduced from its present 100+ feet width, down to a 60 foot length that would be converted to an ROW, running along Canyon Road (discussed below).

The ROW depicted in the Hultquists’ plat application is only 60 feet wide, and is measured from the center of Canyon Road. This street, itself, is 30 feet wide. So the ROWs in the present plat extend only 15 feet outwards beyond the edge of the street, on either side of Canyon Road (Exhibit 8- enlarged plat, PDR p. 63).

With this vacation request, it seems that the Hultquists assumed that all the rest of the land contained in the PUEs would basically be bestowed on them (at no cost), and these two PUEs would be terminated. Exhibit 9- diagram of Muni PUE 2016 013102, PDR p. 270-272, and Exhibit 10- diagram of Muni PUE 2016 013103, PDR p. 279-281, show the magnitude the land area that would be transferred to the applicants, as a present.

The 27 Lot plat diagram that the Hultquists submitted (with all the lot size calculations, Lot locations and all other measurements), was based on the assumption that every one of their extraordinary requests for land would be granted.

Then, during the May Platting Board meeting, the Hultquists changed their position about the PUEs. The developers decided that they instead would prefer a 70 foot wide ROW along Canyon Road, with 30 additional feet kept as a PUE (15 feet outwards on each side). Their unstated assumption appears to be that all three PUE lands beyond that width would still be *defacto* gifted to them, via the vacations.

Measuring from the center of the street, this 70 foot wide ROW would add 5 feet more extending beyond each side of Canyon Road. Now the ROW would reach a total of 20 feet beyond the edge of Canyon Road on each side, with 30 additional feet of PUE (that would be 15 feet further out, on each side of Canyon Road).

As a Platting Board member (Exhibit 2, 5/20/20/ PB Minutes, p. 5) and the Planning Department staff (Exhibit 3, 6/3/20 PB Minutes, p. 3) noted, a 70 foot ROW with 30 additional feet as a PUE is NOT legally equivalent to a 100 foot ROW, nor to a 100 foot PUE.

The difference, as they stated, is that the Municipality will continue to *defacto* publicly own ROW areas, which are reserved and dedicated exclusively for public uses. They informed us that all such ROW land footage must be excluded from any lot size measurements by the developers.

A close look at the present plat diagram confirms that the developers understand this legal reality. In the plat that they submitted, all the Lot lines extend down to, and end at, their (assumed) 15 foot ROW area that would run along each side of Canyon Road (again see Exhibit 8-enlarged plat diagram, PDR p. 63). The Lot sizes, total number of Lots, and their layout in this plat, were all based on the assumption that the variances and vacations would all be approved.

In contrast to ROWs, PUEs are deemed to be owned by the private developers, so all that extra square footage can be included in calculations of the lot sizes.

The PUEs, as the name implies, are dedicated exclusively to public uses. Apart from lot size, these PUE areas must be excluded from any private use calculations, such as the minimum length requirements to determine the placement of wells and septic systems. 21.06.030 also mandates certain minimum setback requirements, for lands adjacent to public easements.

The Private Development writer explained the reality very well-

“Due to topography and drainage concerns related to the required trail and driveway construction, and the potential for additional embankment and/or drainage improvement construction outside the limits of the proposed 60 foot ROW, Private Development finds that the usage of portions of the existing PUEs may be required.” (Exhibit 11- PDR p. 4)

Mr. Walker also recognized the importance of this expanded ROW/PUE-

“Keeping the use /area for drainage purposes and snow storage is also as important as the roadway surface, itself.” (Exhibit 2-6/3/20 PB Minutes, p. 6).

The PUEs will remain in place, and will likely impact every Lot. However, we do not know the exact location of the boundaries of these PUEs. In addition, the Glen Alps Road Service members commented that the minimum width of these PUEs was 100 feet. The PUEs are considerably WIDER on the western side of the plat area (Exhibit 12-Dale Doolen letter, PDR p. 417-418).

Therefore, we believe that a survey should be commissioned, so the exact PUE locations can be determined, and mapped over the new plat Lot lines. Please add that requirement to the Plat Notes.

The Planning Department Senior Planner wrote that:

“Canyon Road is classified as a Class 1C Neighborhood Collector road in the *Official Streets and Highways Plan*, with a required minimum of 60 feet. Staff has made a condition of approval to dedicate the 60 feet of ROW.” (Exhibit 13- PDR, p. 15)

Reviewing the Summary of Action components, the only reference to any ROW is found at # 6, and it states that the developers will “dedicate 60 feet of ROW for Canyon Road, centered on the center line of the existing constructed road.” (see Exhibit 1- Summary of Action).

WHAT HAPPENED TO THE 70 FOOT ROW, that the developers requested at the May meeting? The Hultquists made a “substantial change” in their Application, but has it been forgotten?

We note with interest that Title 21 includes the right for the Muni to require more than the minimum 60 feet ROW, when deemed appropriate.

21.08.040.A.2

“Street right-of-way widths shall conform to the Official Streets and Highways Plan (OS&HP). These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles. When steep slopes or other terrain features dictate, slope easements that exceed normal right-of-way requirements will also be required. Notwithstanding the above, the maximum dedication width that may be required for an arterial or collector street is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision.” (Emphasis added.) (Exhibit 14- 21.06.040.A.2)

No quid pro quo or concession or negotiation with any developer is needed. We believe that the Board recognized the great public benefit of such an increased ROW. Mr. Cross stated that such a change would be “a dramatic improvement.” (Exhibit 2, 5/20/20 PB Minutes, p. 6)

We further believe that the Board, if it had known about the extent of its authority under this Title 21 section, would have exercised its right to require a 70 foot ROW, regardless of its denial of the vacation requests.

Therefore, we are asking the Platting Board members to act on this (kind of) new evidence, correct their previous oversight, and incorporate this new, changed condition into the determination of the

ROW size in the Summary of Action. We generally think that situation would be more beneficial to all Anchorage citizens, especially the local residents, going forward.

In that event, there would be another result of this new, changed condition. The square footage of every Lot will be smaller- perhaps significantly smaller- and all the new Lot sizes must be recalculated. Most all the Lot lines will have to be changed and redrawn.

Remaining Lots 10 – 14 will all be smaller. They may have to be combined, to meet R-10 minimum Lot size requirements. They may instead become Lots 10 – 13 or 10 - 12. A number of Lots may no longer meet the 3 : 1 width-to-length ratio, and must be widened or eliminated. That expansion could easily result in the loss of yet another Lot in the northern and eastern clusters of Lots.

Also, with this new exclusion of footage, we believe that some Lots will not meet the minimum lot size for R-10, and these Lots must disappear from the plat, entirely. Specifically Lot 2 (again), along with potentially two or more other Lots, will not be large enough on the north side of the plat, and they will cease to exist.

2. The vacation request for the third ROW area (2016 013104)

The denial of this particular vacation request creates additional, significant and disruptive “changed conditions” to the plat proposal. In the developers’ Application, they really never discussed in detail their request for a vacation of this specific PUE (Exhibit 15- S4 vacation narrative, PDR p. 52).

The tiny plat diagram in the Application does not sufficiently highlight this ROW; either (Exhibit 16- S4 plat diagram, PDR p. 62). Can anyone figure out where the current Muni easements / ROWs are located, from looking at this busy, crowded and miniscule plat diagram?

Instead, one needs to review the diagram of this PUE found much later in the PDR, to appreciate the real situation (Exhibit 17- diagram of Muni PUE **2016 013104**, PDR p. 287-289). To the extent that Board members might not have seen this diagram before, it could be considered as "new evidence."

This third public easement is clearly shown as including a large strip that parallels Canyon Road on the south side (Exhibit 18- PUE and plat map, from PDR p. 345). It, too, runs along Canyon Road- and it ALSO includes more than three acres on the north and east sides of Canyon Road.

Note that this Muni PUE actually extends all the way out to the east side of the Hultquist parcel, to the eastern monument line. It comprises the entire triangular area south of the monument, located in the most southeast part of the Hultquist parcel. This PUE includes all the land below # 30 Section line.

This PUE also affects Lots 15 and 16 on the Hultquist's plat. These Lots do not just "have an easement." Rather, Lots 15 and 16 ARE an easement. The PUE encompasses the entire land that the Hultquists show as Lot 16, more than 50% of Lot 15, and also part of Lot 14.

So Lots 15 and 16 go away entirely, because they are completely engulfed by the PUE parcel. As discussed below, the Hultquists cannot do anything (such as build a house on this land) that would impede the use, enjoyment and access of these entire Lots by the public.

Lot # 14 will face some possibly existential challenges, also. The driveway of Lot 14 becomes longer, and the house set farther back-changes which will likely impact the location of the well and septic systems of that Lot.

Keeping these PUEs / ROWs for strictly public uses is also in line with the purpose for which Anchorage spent a large sum of money to acquire these lands, in the first place, back in 2016. The sales documents and deeds for all three PUEs / ROWs, at PDR pages 265 - 286 are very specific about this issue (Exhibit 19- deed for **2016 013102**, PDR p. 265-269, Exhibit 20- **deed for 2016 013103**, PDR p. 274-278, and Exhibit 21- **deed for 2016 013104**, PDR p. 282-286)

All three deeds read exactly the same. I have enlarged the first one, for an easier read. They all clearly state that Anchorage contracted to buy these parcels with public money, for **PUBLIC purposes, in perpetuity.** So dedication of these three PUEs to a PUBLIC purpose is still the active contractual obligation of Anchorage, to its citizens. In addition, the Project Manager/ROW also formally accepted each PUE land "for public purposes." (Again see Exhibits 19, 20 and 21).

We believe that those restrictions on the deeds forever prohibit the Municipality from gifting this wonderful and attractive, public land to any private enterprise, for its own profit.

A number of excellent public uses for that triangle area have been proposed, including: a community garden; a nice trail; a park with benches and flowering plants; a dog run; a volleyball court; a horseshoe pitching area; a meditative labyrinth that people could walk (Google it- they are fascinating); even a parking lot for the ever-growing overflow traffic from folks driving to Chugach State Park. We can't wait to get started.

C. All the new trails

The applicants also withdrew their request for special treatment, that would exempt them from constructing several long, important trails through their property. Depending on the location of the new trails, this new requirement could necessitates a new plat, and create a new right of review by citizens.

Exactly where will the trails be? How many of them will happen, and how wide are the trails? Will they be "walkways," "pathways" or true "trails," per **21.08.050.H.1-3**? (Exhibit 22- **21.08.050.H.1-3** Trails). Equally important- who will be responsible for maintaining these trails, in the future? We assume it will be the new Homeowners' Association, but there is no definite statement in the conditions in the Plat Notes.

How will the trails lie, relative to the road Right-Of-Ways owned by Anchorage? Will the trails run below Rabbit Creek, in the 100 foot ROW dedication area (as stated in Ordinance **AO 84-235**, SL # 4, passed back in 1984)- or will they be placed above Rabbit Creek, ignoring the mandate in that ordinance? (Exhibit 23 - **AO 84-235**, PDR p. 64-66)

Nancy Pease wisely stated in her testimony, that such a change of trail location would be an "undeclared variance." Such a change would require at least a new variance request. It perhaps even requires an

amendment by the Assembly of the original Ordinance 84-235, that clearly mandated land for a trail south of Rabbit Creek in SL # 4.

The plat as submitted contains just one “conceptual trail line,” way south of Rabbit Creek. We note in passing that all land south of Rabbit Creek is right in the middle of serious bear country- both black bears and brown bears. It is the heart of the narrow “wildlife corridor,” there. This might not be the wisest location for a major hiking trail.

Having studied the plat and Plat Notes 5-11, we really just cannot envision where all these new trails are going to go, or how they are going to look (again see Exhibit 3- PB 6/3/20 Minutes, p. 8). How much land will they remove from the Lots in the present plat?

Several 20 foot wide trails were mandated, that of course are missing from the plat. All Lot sizes on the plat were calculated without any trail dimensions accounted for. A swath 20 feet wide taken away from a Lot can severely impact its size, which can have ripple effects on adjacent Lots. The new trails requirement could create the “substantial change” to the design, which dictates starting over with a new plat.

Also, Note 11 in the Action Summary just somewhat vaguely states that the developers “will construct a gravel pathway on one side of Canyon road.” On which side? The location of this pathway on the north or south side of this important area could make a BIG difference to pedestrians and hikers.

Sunshine blockage, spewing water, ice, glaciation and other environmental factors all should be carefully considered. Citizens deserve the opportunity to review and comment on all these new, major trails, that can “substantially change” the present plat that was submitted by the Hultquists.

- D. There are other serious problems, including claimed lot dimensions and slopes, that further magnify the need for the Hultquists to start over with a new and accurate plat plan.

Note- we understand that the following list is technically not “new evidence,” but when the developers start over with a new plat, they will also have to address and clean up these other significant problems, that have been identified but not emphasized. We just want to bring them to the attention of the Platting Board.

1. Other Lot width-to-length ratio discrepancies

From our analysis of the measurements listed on the plat plan, Lot 23 for certain, and maybe Lot 22, do not meet the standard 1:3 width-to-length ratio mandated for R-10 zoning (Exhibit 24- plat with lot widths, PDR p. 73).

Even the smaller side length (488 feet) of Lot 23 requires a width of at least 162.66 feet, for the 3:1 size requirement. But the width shown is only 158 feet. So this Lot is not in compliance with the AMC. For Lot 22, if the longer lot side length (510.70 feet) is used, then the minimum width needs to be 170.23 feet- not the 155.73 feet stated on the plat plan.

So these Lot lines need to expand. These lots need to be made wider, which perhaps will require the removal of one Lot on that southern side of Canyon Road.

2. Slope discrepancies will necessitate even more Lots going away

The developers’ own lot size chart (Exhibit 25- slope chart, PDR p. 37) shows that Lot # 17 has a slope of 25.9%, but states that it is only 2.675

acres. According to **Table 21.04-2**, with that steep a slope, Lot 17 needs to be a full 5 acres large (Exhibit 26- AMC slope chart, PDR p. 12).

Doubling the size of this lot to 5 acres will consume all of the acreage of Lots 18 and 19, so those two Lots must disappear. **Table 21.04-2** also shows that Lot # 17 needs to be at least 300 feet wide.

In addition, the On-Site Water and Wastewater commenter questioned the size and slope (more than 25%) of Lots 16, 18, 21, 22 and 27 (Exhibit 27- On-Site Water & Wastewater report, PDR p. 328-329). If we are reading this report correctly, those Lots all appear to have a slope that mandates enlarging their size and width. Those changes require taking out other Lots, and significantly changing the overall plat layout.

We believe that these problems, alone, are sufficient to require a new plat plan.

3. The disappearing Section line easement, with its mandatory 66 foot wide public dedication

In the Certificate to Plat issued by the Alyeska Title Insurance Company in December of 2019, # 8 specifically lists "Reservation of section line easement 33 feet in width along each side of the section line. . ." (66 feet, total!) as an "exception to title" (Exhibit 28 - Alyeska Certificate, PDR p. 254-255). This phrase refers to East-West Section line 30-31, which stretches right across Lot 14, 15, 21 and 22 (Exhibit 29- Section line easement drawing, from PDR p. 345).

In addition, the Hultquists bought the parcels from the Rohaleys in December of 2019, knowing that the purchase was "Subject to the reservation of section line easement 33 feet in width along each side of

the section line, as provided by 43 U.S.C. 932” (Exhibit 30- deed dated 12/9/19, PDR p. 260-261).

In the Bear Valley Community Council (BVCC) presentation on 12-11-19, the applicants admitted that there is a Section line easement, which they intended to vacate (Exhibit 31- BVCC summary by S4, PDR p. 68-69). They acknowledged the Section line easement AGAIN at the Glen Alps CC meeting, held on 12-12-19 (Exhibit 32- GACC summary by S4, PDR p. 75-76). All vacations have been denied, but there is no representation of this Section line easement on the plat application.

The whole Section line 30-31 (between the east and west geologic monuments) and its surrounding 66 foot wide easements have not been drawn on the proposed plat. Because this Section line indeed has a wide public access easement, and public importance, this situation will impact the plat plan and the allowable number and size of Lots. We think that this is an important omission, that could result in fewer Lots, still.

- E. The Hultquists have not submitted a completed Application that can be adequately reviewed, so it should be rejected.

21.03.200.7.b- Action by Platting Authority

. . . the platting authority shall, based on the approval criteria of subsection C.9. below, take action on the preliminary plat within 90 days after the submittal date, or shall return the plat to the applicant for modification or correction. The reasons for denial of a plat shall be stated in the records of the platting authority. (Emphasis added.)

The Hultquists have actually submitted two similar but different plats, mixed together in their application. The Water & Wastewater agency employee noted this irregularity, in the report included in the packet submitted to the Board (Exhibit 33- W&WW report about boundary problems, PDR p. 328).

“Property boundaries for proposed Lots 8 – 27 shown on Pannone Engineering Services site plan do not match those shown on S4’s site plan.”

That means 74% of the lots are different! Not just the boundaries, but the positioning and the size of many of the Lots are very different, also.

Here is a representative comparison list (Exhibit 34- Pannone and S4 pages, PDR p. 107-113).

<u>Lot #</u>	<u>Pannone</u>	<u>S 4</u>	<u>% Difference</u>
14	66,356	72,465	109%
23	78,341	81,995	105%
25	64,780	67,370	104%
26	58,406	65,459	112% (!)
27	55,633	67,689	122% (!!)

What are we to make of discrepancies of this magnitude? To make things even more interesting, Mr. Pannone did not include the square footage on every one of his individual lot diagrams. How are we supposed to evaluate this plat, and perform independent calculations, when they submitted two plats at the same time? What are we to think of their numbers? Can we trust any of the calculations?

What about some other numbers? S4 made a chart of all their claimed lot sizes and slopes (Exhibit 35- S4 chart, PDR p. 37). It lists Lot 13 (just 1.586 acres), with a claimed slope of 19.8%. What if the slope

calculation is off by just 4% (which is the smallest discrepancy in the chart of lot acreages comparisons)?

That means the real slope of Lot 13 is .79% higher, or 20.59%, so that lot should be 2.5 acres. Same with Lot 27 (just 1.554 acres) with a claimed slope of 19.7%. Even just 4% higher would be a real slope of .788% more, or 20.48, so that Lot should be 2.5 acres, as well.

The variety of small and large numerical discrepancies, along with the problems discovered in the extensive analyses performed by Dr. Burke, Ted Moore and others (including their statements about the applicants digging ditches to divert water from the test holes) are very alarming. They tend to diminish the trust that the public has the right to expect in a developer's calculations.

The Platting Board would perform a tremendous service to the public, if it mandated that all plat submissions must be made under oath. Each member of an applicant's team will swear to the veracity of all their measured and derived numerical entries, that the numbers absolutely are true and correct, and not altered, fabricated or otherwise manipulated.

SUMMARY

The Platting Board's denial of the variances and vacations created significant and substantial "changed conditions" to this plat Application. We believe that it is not a prudent action to approve a plat with 27 lots, after denying all the special exemptions that are absolutely necessary for this plat to have anything near 27 Lots- especially considering all the other problems, discussed above.

We understand that the Board has decided that the new idea of 70 foot ROW and 30 foot PUE, by itself, was not sufficient to merit a new public hearing.

Mr. Porter said:

“The question before the Board is if adding ten feet of ROW is a substantial change and would change how the public feels about it.” (Exhibit 3, 6/3/20 PB Minutes, p. 4).

Also Mr. Whitfield:

“The issue at hand is if this is new information that the public believes was presented by the petitioner regarding the 70 foot ROW with easements.” (Exhibit 3, 6/3/20 PB Minutes, p. 5).

However, the combined alterations caused by denying all the variances AND all the vacations together created changes that are “substantial and material” to the plat plan.

We feel that the Board members perhaps just did not realize the true extent to which all the cumulative changes, that they created by their variance and vacation denials, taken together, would affect the plat. The totality of changes make it necessary that the developers be ordered to start fresh, with an entirely new PRELIMINARY plat.

Mr. Porter accurately summed up the situation: “If the PUE is left in place, then the whole plat is almost moot. . . .” (Exhibit 2, 5/20/20 PB Minutes, p. 5).

Citizens cannot begin to envision or submit comments about what all these extensive plat changes will look like, including the all-important trails and new ROW dimensions, and the greatly diminished number of

Lots, their sizes and slopes. We need to be able to review a new AND “SUBSTANTIALLY DIFFERENT” original plat design.

The new plat layout will have at least 6 Lots removed, possibly 7. We also hope that the Applicants can reconcile the serious numerical discrepancies between the S4 and the Pannone lists of Lot sizes, and submit more accurate calculations. At least 2 Lots will have to become 2.5 acres, and one Lot will expand to 5 acres.

The new plat plan will include several wonderful, long trails, and 100 foot wide swaths of dedicated PUEs / ROWs. Lots 15 and 16 will disappear, because their land is all within a PUEs. All those cumulative changes are sufficiently huge to transform the Application into an entire new plat.

Failure to restart this process deprives citizens of our right to study the brand new Lot size calculations and trail designs, to voice our thoughts about all these changes, and to review the Hultquists’ new numbers, to do our best to verify them independently. We believe that such denial would be contrary to our fundamental, substantive and procedural due process rights.

The Platting Board members also discussed the mandate in Title 21 for an applicant to wait a year to present a “substantially similar” plat.

21.03.200.C.7.g- Resubmittal Following Denial

No new application for the same or substantially the same preliminary plat shall be accepted by the platting authority within one year of denial of the original application. The waiting period required by this section may be waived in an individual case, based upon new evidence or changed

circumstances, by the affirmative vote of a majority of the platting authority.

We believe that this "one year waiting period" issue is not relevant, in this particular case. The developers will be submitting a completely new PRELIMINARY plat layout, that is VERY ("substantially") DIFFERENT from the 27 Lot application that they have brought, already. They can bring the new design right away.

The new plat layout will have at least 6 fewer Lots, and possibly will now have an internal street to accommodate the desired dimensions of new Lots 1 - 6 or 1 - 7 on the north side of Canyon Road, and perhaps another one for the south side.

Internal cul-de-sacs would terminate just about all the problems associated with both the easements AND the lack of variances. So those driveways would no longer connect directly to Canyon Road. That would be a wonderful change.

The new plat will also show several new trails, and the contours of the 100 foot PUEs and the triangular area PUE. This will be a way different Application.

We ask that the Platting Board members take that position, also. Note that we think it is not really necessary to have a formal rehearing. Grant this Motion for Reconsideration, and direct the developers to submit a new, completely different and original, PRELIMINARY plat design. That is our actual desired outcome.

Thank you for your attention to this Motion for Reconsideration.

Date: August 24, 2020

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Summary of Action

**MUNICIPALITY OF ANCHORAGE
PLATTING BOARD
SUMMARY OF ACTION
June 03, 2020**

A. ROLL CALL

Board Members Present: Clayton Walker, Jr. (Chair), Valerie Ritz, Kevin Cross (Vice Chair), Becky Lipson, Jana Weltzin, Don Porter.

Board Members Excused: Mark Seward

Board Members Absent: None.

Staff Present: Shawn Odell, Dave Whitfield

B. SUMMARY OF ACTION AND MINUTES

1. Action Summaries – Approved
 - a. Wednesday, May 20, 2020
2. Minutes – Approved
 - a. Wednesday, May 6, 2020

C. SPECIAL ORDER OF BUSINESS

1. Disclosures – Mark Seward (S12545) was not present at the 5/20/20 hearing and did not listen to the recording. He was recused from participating.
2. Information Item: None

D. CONSENT AGENDA - None

1. Time Extensions
2. Findings of Fact
3. Commercial Tract
4. Others
5. Resolutions for Approval

21.08.040 C walkways, D-trails
21.08.050 E, street improvements
21.08.050 H - sidewalks, walkways,
3-pathways

E. OLD BUSINESS

1. Public Hearings
2. Other

S12545 Canyon View Estates Subdivision, Lots 1 thru 27, & Tracts A, B, & C

- A. Denial of the request for vacation (elimination) of three (3) Public Use Easements, 2016-013102-0, 2016-013103-0, 2016-013104-0. 1-3
- B. Denial of a variance from AMC 21.08.030K.2 *Dimensions*, to exceed the lot width-to-depth ratio of one third for lots 2-8, lot 14 & 15.
- C. Denial of a variance from AMC 21.08.050H.4 *Pedestrian Facilities-Trails* to provide sidewalks, walkways, trails and pathways.
- D. Approval of the Phasing plan.
- E. Approval of the plat for 60 months subject to the following conditions:
 1. Resolve utility easements.
 2. Place the following notes on the plat:
 - a. The property owner and 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.
 - b. Property owners and 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.
 - c. There are streams located on this plat and the stream protection setbacks will be as specified in AMC 21.07.020 or as specified in future adopted provisions of AMC 21. Portions of streams contained within mapped wetlands are subject to setbacks as described in the Anchorage Wetlands Management Plan.
 - d. Tract B dedicated by this plat is to be owned and maintained by the homeowner's association.
 - e. Access to Lots 1-27 will require review and approval of the Municipal Traffic Engineering Department. Each lot will be limited to a single driveway. Driveways shall be designed to municipal driveway standards with an area for turning around to allow access to

Canyon Road in a forward motion. Maximum width for all driveways at intersection with right-of-way is 20 feet.

- f. Driveway culverts for all lots within this subdivision shall be minimum 24-inch diameter Corrugated Polyethylene Pipe (CPEP), with flared end treatments on both ends, unless otherwise approved by the MOA.
3. Establish a homeowner's association and provide a copy of the Covenants, Conditions, and Restrictions (CC&R's) to Planning for review and approval.
 4. Provide determination from the Corps of Engineers that 2.5 acres of wetlands are contained in Tract B or modify the tract to ensure 2.5 acres of wetlands is set aside.
 5. Dedicate the western 30 feet of Fairkytes Circle right-of-way matching the existing dedicated peripheral right-of-way.
 6. Dedicate 60 feet of right-of-way for Canyon Road centered on the center line of the existing constructed road.
 7. Dedicate a 20-foot Trail Easement to Canyon Road and Fairkytes Circle.
 8. Dedicate a 20-foot Public Use Easement to Tract B and Fairtykes Circle.
 9. Dedicate a 20-foot Trail Easement where the trail is outside of the 100-foot Public Use Easement within Tract A. Location of Conceptual Trail to be mapped by Surveyor and approved by the Non-Motorized Transportation Coordinator.
 10. Each development phase shall clear a minimum 10-foot swath of all vegetation within the trail easement that runs along the 20-foot trail easement or public use easement and provide "Non-Motorized Path" access signage at the terminuses.
 11. Enter into a subdivision agreement with Private Development to construct a gravel pathway on one side of Canyon Road and any required drainage improvements within the Canyon Road right-of-way.
 12. Resolve with Private Development the need for, and location of, drainage easements and drainage improvements.
 13. Resolve with Private Development the need for drainage improvements to the existing Canyon Road, including modifications to drainage ditches and installing additional cross culverts.

?
?
where?
where?

which side?

14. Submit to Private Development for review and approval, a Storm Water Management Report that includes a hydrological analysis to determine peak flows used for sizing the proposed driveway culverts, and details the proposed solution(s) for handling additional subsurface flows encountered during construction of the driveways. A subdrain system is recommended in the ditch adjacent to the north side of Canyon Road.
15. Submit to Private Development for review and approval a comprehensive site grading and drainage plan meeting the requirements of Project Management & Engineering Department Operating Policy and Procured No. 5 (available from Private Development) 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. Any required drainage improvements shall be designed per the most current Design Criteria Manual (DCM).
16. Dedicate a 30-foot wide access easement to access (021-021-07) U.S. Government Lot 4, T12N, R2W, Section 30 from Tract C as shown as Exhibit A.
17. Submit to the MOA Onsite Water and Wastewater Division approvals for the following:
 - a. Submit data, tests and engineering reports to the Onsite Water and Wastewater Section that substantiates that there is adequate and safe potable water for each proposed lot and neighboring lots.
 - b. To satisfy the requirements of AMC 15.65.405 and 410, the following shall be addressed prior to final plat approval:
 - i. The engineering report shall address known nitrate levels within 250 feet of the subdivision.
 - ii. The engineer shall show the location of existing wells and septic systems on surrounding lots (including replacement disposal field sites), if within 250 feet of the proposed wells and septic systems.
 - iii. Property boundaries for proposed Lots 8 through 27 shown on Pannone Engineering Service's site plan do not match those shown on S4's site plan. The lot boundaries shall be revised to match and the proposed well and septic reserve areas adjusted accordingly.
 - iv. AMC 15.65.210C.6.a requires that the test hole be backfilled and mounded to slope away from the groundwater monitoring pipe to prevent entry of

surface runoff. From the engineering report, it sounds like this was not done. Prior to final plat approval, the test holes shall be brought into compliance with code and an additional groundwater reading shall be taken during a high groundwater season and reported on the soils logs.

- v. The soils logs indicate that 24 percolation tests were run for over an hour, all on the same day by the same person. The engineering report shall address how this is plausible.
- vi. Mathematical errors have been noted in the percolation test results for multiple soils logs, particularly TH5A, TH12, TH24 & TH32. Errors shall be corrected.
- vii. Wastewater reserve areas shall meet all code required separations, including but not limited to the following:
 - a. MOA mapping of streams and major drainageways is scheduled for spring of 2020. Separations to surface water features will need to be confirmed once this is complete.
 - b. Areas exceeding a 25 percent slope shall be delineated. Based on the contours shown on the S4 site plan, it appears that proposed Lots 16, 17, 18, 21, 22 and 27 have slopes exceeding 25 percent within the reserve area or within 50 ft down-gradient from the reserve area.
 - c. For proposed Lot 24, a portion of the reserve area is less than 10 feet from the property line fronting Canyon Road.
- viii. The submitted soils log for proposed Lots 1, 2, 20 and 25 are unsuitable due to the percolation rate greater than 120 minutes per inch. A suitable soils log shall be submitted for proposed Lots 1, 2, 20 and 25. Note, the resulting reserve area or platted drainfields will have to be outside the 30 ft radius of the unsuitable test hole.
- ix. For proposed Lot 9, a soils log is required and the well and septic reserve area locations shall be shown on the site plan.

- x. For proposed Lot 11, the perked layer is 1 foot thick, so the minimum 2 feet of accepting soil has not been demonstrated. An additional percolation test is required in the GM/SM layer.

- xi. For any lot where the reserve area requirements are not being used (15.65.410 Table 7), a design for the original on-site wastewater disposal system and one replacement subsurface disposal field shall be submitted. The design shall specify the maximum number of bedrooms and the entire drainfields shall be located within the 30-foot radius of the percolation test(s).
 - a. For each applicable lot, a note shall be placed on the plat stating the maximum number of bedrooms the home can have corresponding to the design of the wastewater system.

 - b. For each applicable lot, the original and replacement fields shall be shown on the final plat and a note shall be placed on the plat stating, "The area to be used for wastewater disposal system and replacement subsurface disposal fields on each lot shall be unavailable for use for driveways, parking areas or structures."

Advisory Note: If single driveways per lot are proposed, a subdrain system is recommended in the ditch adjacent to the north side of Canyon Road. Single driveways have been proposed to use 24-inch culvert and flared end sections. This will decrease usable ditch area for drainage thus the need for a subdrain system.

F. NEW BUSINESS

- 1. Public Hearings
- 2. Appearance Requests - None
- 3. Other - None

G. PERSONS TO BE HEARD - None

H. REPORTS - None

PLATTING BOARD
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

5/20/20
Minutes

MINUTES OF
May 20, 2020
6:30 PM

Due to COVID-19, this meeting was conducted virtually.

A. ROLL CALL

Present Clayton Walker
Don Porter
Kevin Cross
Valerie Ritz
Jana Weltzin
Becky Lipson

Excused Mark Seward

Staff Collin Hodges
Francis McLaughlin
Shawn Odell
Dave Whitfield

B. APPROVALS

1. ACTION SUMMARIES

a. Wednesday, May 6, 2020

BOARD MEMBER CROSS moved to approve the action summaries. BOARD MEMBER RITZ seconded.

AYE: Walker, Porter, Cross, Ritz, Weltzin, Lipson

NAY: None

PASSED

2. MINUTES - None

Exh 2. 1-42

BOARD MEMBER CROSS moved in Case S12544 to approve the plat for 60 months, subject to Conditions 1, 2, and 3 (a- d) shown on pages 3 and 4 of the staff report. BOARD MEMBER RITZ seconded.

BOARD MEMBER CROSS noted that he intends to support the motion as this is simply moving the property lines for the train tracks to exist within the easement. None of this negatively effects surrounding neighborhoods and no negative testimony was received.

AYE: Walker, Porter, Cross, Ritz, Wéltzin, Lipson
NAY: None

PASSED

- c. CASE: S12545 (SO)
SUBDIVISION: Canyon View Estates, Lots 1 through 27,
and Tracts A, B, and C
PETITIONER: Hultquist Homes
REQUEST: Subdivision of two (2) lots and two (2) tracts into
twenty-seven (27) lots and three (3) tracts; vacation
(elimination) of three (3) Public Use Easements (PUE) along
Canyon Road; and variances from AMC 21.08.030K.2.
Dimensions, to exceed the lot width-to-depth ratio of one-third
for Lots 2 through 8, and Lots 14 and 15.

SHAWN ODELL presented the staff report and recommendations on behalf of the Municipality's Planning Department. He corrected the following conditions:

Condition E.2.d. should read, "Tract B dedicated by this plat is..."

Condition E.2.f. should read, "...with flared end treatments on both ends, unless otherwise approved by the MOA."

Condition 10 to strike "and grub" to read, "Each development phase shall clear a minimum 10-foot swath..."

TOM DREYER with S4 Group represented the petitioner. He concurred with all department recommendations and the four amendments, with the exception of Condition A that they would like to propose to read, "Approval of the vacation of the three Public Use Easements with the following added condition:

A.1. - The petitioner must comply with all MOA required design and engineering as specified in the conditions of approval and provide a right-of-way width of 70 feet with a 15-foot wide easement on each side for roadway, access, trail, and drainage easements, so the total right-of-way plus easements width would be 100 feet. Also, any easements required going beyond the 100 feet width will also be shown on the plat.

The Board discussed significant public concern regarding traffic; drainage; public access; foot and construction traffic.

STEVE PANNONE with Pannone Engineering and BRANDON MARCOTT with Triad Engineering responded to questions.

CHAIR WALKER opened the hearing to public testimony. The following individuals had submitted an email request to be contacted by the Planning Department during the public hearing to testify via teleconference:

TIMOTHY THOMAS
DIANNE HOLMES, Rabbit Creek Community Council
TED MOORE
JOAN PRIESTLY
GAIL MORRISON
NANCY PEASE
JOANN BANTZ
TIMOTHY CONNOLLY
MARC JUNE
ROGER MARKS
JOE CONNOLLY, Glen Alps Road Board Area
ADAM ROBINSON
AMY ROBINSON
JOAN TRAVOSTINO
SEAN DOMAGALSKI
PETER ROBINSON
SARAH WOOLLEY
JOHN TUCKEY
ERIC WASSERMAN
TOM BURKE
RICKY BURKE
GREG KUIJPER, Glen Alps Community Council
KATIE KUIJPER

MR. DREYER was assisted by WILL WEBB with Kinney Engineering in providing rebuttal testimony.

CHAIR WALKER closed the public hearing.

BOARD MEMBER LIPSON moved in Case S12545 to approve the request for vacation (elimination) of three Public Use Easements. BOARD MEMBER RITZ seconded.

CHAIR WALKER intends to deny the vacation request. The question is how the 100 feet is going to be used by the municipality. As he understood it, the municipality has paid to have the Public Use Easement right-of-way, and the Board should not be put in the position of giving pieces of it away.

BOARD MEMBER PORTER clarified that the PUE is very different from right-of-way because right-of-way is not computed in the lot area. Whereas, the PUE or other easements are computed inside the lot area, which goes to their width-to-depth ratios. If the PUE is left in place, then the whole plat is almost moot because the petitioner now has to go back and decide what actual right-of-way is being dedicated, or if they are just going to build the road in a PUE.

Exh 2-2-44

BOARD MEMBER CROSS pointed out that if the PUE is reduced from 100 feet down to a 70-foot right-of-way, the right-of-way is owned by the MOA. In order to get back up to 100 feet, 15 feet will be created on either side for drainage.

BOARD MEMBER PORTER clarified that the petitioner only has a PUE at this point and time, they do not have right-of-way. He asked staff that if the Board were to deny the variance request to eliminate the PUE in favor of dedicating right-of-way and the plat that is asking to dedicate 60-feet, then the petitioner will have to return to negotiations with the Planning Department.

MR. WHITFIELD explained that the Official Streets & Highways Plan classifies this as a 1.c. Collector Roadway with a minimum right-of-way width of 60 feet, and the plat proposal is to dedicate 60 feet. The MOA is requesting, at a minimum, a 60-foot right-of-way dedication. If the Public Use Easements vacation is denied, the PUEs will continue to exist along with the 60-foot of right-of-way dedication, so there will be 60 feet of right-of-way dedication centered over the existing constructed roadway underneath three Public Use Easements of various widths. The variance widths are roughly 100 feet all the way through and do not follow the constructed portion of the roadway.

BOARD MEMBER CROSS expressed that it sounds that the petitioner's proposal is 70 feet with 15-foot wide easements, and that seems to be a dramatic improvement.

MR. WHITFIELD replied that it could be an improvement, but the proposal made by the applicant has not been fully vetted municipal agencies. The idea was proposed to Private Development, but has not been routed or reviewed by other agencies. He could not say for certain that all of the issues or concerns that might be brought up by other reviewing agencies would be resolved as a result of them dedicating 70 feet of right-of-way and 15 feet of easement on either side.

BOARD MEMBER PORTER asked staff if the plat was approved at 60 feet and the PUE vacation was denied, is there still the opportunity for the petitioner to return offering 70 feet.

MR. WHITFIELD explained that it would depend on whether the request was the same as this request. If it was a substantially different application, the Board could consider it.

In response to Chair Walker's question if the Board could postpone this and allow the reviewing agencies to comment on the requested change, MR. WHITFIELD replied, yes, the Board could do that as well.

BOARD MEMBER PORTER clarified that if the vacation request was denied, the Board would not be able to direct the petitioner to work it out with the Planning Department as to whether it would be a 60 or 70-foot width, as part of the denial.

BOARD MEMBER CROSS expressed that he is hesitant to vote on this taking into consideration the size of the application, and the hours he spent reviewing it, and how much information has changed. He would prefer to postpone it.

EXH 2 4-5
45

BOARD MEMBER WELTZIN concurred that this is a large volume of documentation. She has not had the time to fully consider the changes and would support a motion to postpone this matter.

Motion to Postpone

BOARD MEMBER WELTZIN moved to postpone Case S12545 to the June meeting to address the issues of dedication of 70 feet with dedication of 15 feet of easement on either side of the right-of-way dedication and route to the reviewing agencies requesting comments. BOARD MEMBER PORTER seconded.

AYE: Walker, Porter, Cross, Ritz, Weltzin, Lipson
NAY: None

PASSED

Chair Walker reiterated for the record that the public hearing is closed.

- 2. Appearance Requests
- 3. Other
- G. PERSONS TO BE HEARD - None
- H. REPORTS - None
 - 1. Chair
 - 2. Secretary
 - 3. Committee
- I. BOARD MEMBERS' COMMENTS - None
- J. ADJOURNMENT

Hearing no objections, the meeting adjourned at 10:56 p.m.

PLATTING BOARD
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

6/3/20
Minutes

MINUTES OF
June 3, 2020
6:30 PM

Due to COVID-19, this meeting was conducted virtually.

A. ROLL CALL

Present Clayton Walker
Don Porter
Kevin Cross
Mark Seward
Valerie Ritz
Jana Weltzin
Becky Lipson

Excused None

Staff Shawn Odell
Dave Whitfield

B. APPROVALS

1. ACTION SUMMARIES

a. Wednesday, May 20, 2020

BOARD MEMBER CROSS moved to approve the action summaries. BOARD MEMBER LIPSON seconded.

AYE: Walker, Porter, Cross, Seward, Ritz, Weltzin, Lipson
NAY: None

PASSED

2. MINUTES

a. Wednesday, May 6, 2020

BOARD MEMBER CROSS moved to approve the minutes. BOARD MEMBER RITZ seconded.

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47

AYE: Walker, Porter, Cross, Seward, Ritz, Weltzin, Lipson
NAY: None

PASSED

C. SPECIAL ORDER OF BUSINESS

1. Disclosures

BOARD MEMBER SEWARD disclosed that he was absent from the May 20, 2020 meeting when Case S12545 was initially heard and will recuse himself from participating in the matter.

D. CONSENT AGENDA - None

1. Time Extensions
2. Finding of Facts
3. Commercial Tracts
4. Other
5. Resolutions for Approval

E. OLD BUSINESS

1. Public Hearings
2. Other

Board Member Seward recused himself and left the meeting for the evening.

- a. CASE: S12545 (SO)
SUBDIVISION: Canyon View Estates, Lots 1 through 27, and Tracts A, B, and C.
PETITIONER: Hultquist Homes
REQUEST: To subdivide 2 (two) lots and 2 (two) tracts into 27 (twenty-seven) lots and 3 (three) tract; a variance from AMC 21.08.030K.2 (lot depth-to-width ratio); a variance from the requirement to construct trails, pathways, or walkways; and vacation of 3 (three) Public Use Easements.

Exh 3 2-13 48

CHAIR WALKER noted for the record that the public hearing in this matter was heard in May and closed at that time.

SHAWN ODELL presented the staff report and recommendations on behalf of the Municipality's Planning Department. He explained that a decision in this case was postponed in order to gather additional information surrounding the vacation of the Public Use Easements in exchange for the dedication of a 70-foot wide right-of-way with a 15-foot wide Public Use Easement on each side of the existing roadway. Again, the petitioner is proposing to dedicate the right-of-way for Canyon Drive to a width of 70-feet with a 15-foot wide Public Use Easement on each side for roadway, access, trail, and drainage easements. Total right-of-way plus the width of the easements would be 100 feet. He further explained that the difference between rights-of-way and easements is a matter of ownership versus use rights. The right-of-way is owned by the public wherein easements are owned by the property with use rights provided to the public. Chapter 8, Title 21 allows the municipality to require no more than 70 feet of right-of-way dedication. In general, the municipal reviewing agencies had either no comment or no objection to the request, with the exception of the Traffic Engineering and Private Development Departments that recommended approval, subject to the conditions/recommendations shown in the June 3 memorandum provided. In addition, there have been multiple inquiries from the public regarding the petitioner's right-of-way modification request as to whether this is a significant change to the original request and allow the public the opportunity to comment on the proposed language. Should the Board determine this is a significant change, they have the option to reopen the public hearing and send new public hearing notices within the 21-day time limit.

CHAIR WALKER clarified that the decision before the Board is if the request made is substantially different than what was submitted in the original application. If so, the public should be given the opportunity to weigh in on the change. The petitioner's original request was to approve a vacation of the three Public Use Easements. Staff recommended denial of the request and concerned members of the public also wanted the Board to deny the request because the municipality had paid money for the easement. His understanding is that the developer is seeking the vacation to have greater property ownership that allows them to complete the development that has been laid out. With regard to AMC 21.03.230 that applies to a vacation, it places the burden of proof on such party to prove there is no value and is excess to the need of the municipality. He is of the opinion that the petitioner has not carried the burden of proof necessary with respect to establishing that the Public Use Easements required of 2016-013102-0, 2016-013103-0, and 2016-013104-0 are, in fact, excess to the present and future needs of the municipality.

BOARD MEMBER CROSS moved in Case S12545 to reopen the public hearing due to new information. BOARD MEMBER WELTZIN seconded.

BOARD MEMBER WELTZIN expressed that she will not vote in favor of the vacation if the public hearing is not reopened because the public should be allowed to comment on this particular change and how it would impact their lives.

BOARD MEMBER CROSS noted that 24 individuals stayed until after 11:00 p.m. the night of the public hearing to contest this. It is not up to the Board to determine if the public's concerns are valid. The Board may not feel this is a substantial change, but the public may

Exh 3 3-1349

feel otherwise. Considering the number of individuals involved, they have the right to hear what has been changed and ask additional questions.

BOARD MEMBER PORTER pointed out that the petitioner's original proposal was for 60 feet of right-of-way and the additional 15 feet, which did not equal 100 feet. Now the petitioner is requesting 70 feet plus 15 feet on either side, which is 100 feet. Regardless of the current discussion, the question before the Board is if adding 10 feet of right-of-way is a substantial change and would change how the public feels about it. It is a substantial change because the petitioner was requesting a more restrictive 60 feet, and now they are willing to do 70 feet. That's great, but in his opinion, it is a significant change regardless of the fact that it equals the 100 feet; and regardless of the fact that it is probably the right thing to do in equaling the investment that was made to purchase the original use easements. It is also the maximum that the city can request, in terms of right-of-way, and all these need to be vetted. All other topics have been heard and, he believes, it should not be reopened to include full public testimony, but should be reopened to public testimony addressing only the right-of-way width issue. 70

BOARD MEMBER LIPSON appreciated the fact that there was a considerable amount of testimony on this matter, but she did not view this as the type of substantial change that ordinarily would trigger reopening a public hearing. The petitioner may want to eliminate the potential claim that members of the public might have to challenge the ultimate decision of the Board, if it is not in favor of how the public wanted. Because the issue was raised that other aspects of the petitioner's proposal were changed, specifically the deletion of the two other variance requests, she thinks it is worth hearing from the public whether or not the deletions, in some way, impacted their decision just for resolution of that issue. She is also in favor of limiting public testimony, but would limit it more broadly to include reference to the vacation and the two variance requests.

BOARD MEMBER WELTZIN noted that she is in favor of allowing the public to speak freely during the 3-minute time limit.

CHAIR WALKER pointed out that the petitioner's request was made during the public hearing, and those that spoke were aware of the proposed change, and have already had the opportunity to speak on this specific issue. Has the petitioner carried the burden of proof that these three Public Use Easements have no value, in the present or future, to the public? There is no change between what was requested originally and what the Board is being asked of now, so he did not see any particular need to revisit public testimony on that issue any more than we need to hear from the petitioner.

BOARD MEMBER PORTER asked for clarification that the petitioner has revised their request from 60 feet to 70 feet of right-of-way, but are also rescinding their request on two other variances.

CHAIR WALKER replied, yes, the petitioner is rescinding the two variance requests, and by dropping the variances they are bringing their development into compliance with the code.

BOARD MEMBER LIPSON asked that should the Board delay this and reopen the public hearing, can more information be requested of the reviewing agencies, specifically regarding the driveway.

MR. WHITFIELD explained that the Board could, but it would be out of the ordinary. The issue at hand is if this is new information that the public believes was presented by the petitioner regarding the 70 feet of right-of-way with easements. The comments received from the reviewing agencies addressed the application and, in this case, the driveways, so there is no reason to seek further comment from the agencies.

BOARD MEMBER CROSS stated that the information may seem minor to the Board, but the public needs to understand what changes were made and how it affects them, even if it is beneficial, not detrimental.

BOARD MEMBER PORTER pointed out that staff stated this evening that they had not changed their position and still recommended denial of the vacation, but the staff report indicated they have no objection to the request. He asked staff for clarification regarding their recommendation of the Public Use Easement vacation request.

MR. WHITFIELD expressed that the direction by the Platting Board, at the last hearing, was to compile more comments with respect to the 70 feet of right-of-way dedication with 15 feet of easement on either side. Staff did that by sending it out to reviewing agencies and compiling comments, and provided them to the Board. The Planning Department's original recommendation was to deny the vacation and is unchanged.

MOTION TO REOPEN PUBLIC HEARING

AYE: Porter, Cross, Ritz, Weltzin
NAY: Walker, Lipson

FAILED

vacations

BOARD MEMBER CROSS moved in Case S12545 to approve the request for vacation (elimination) of three Public Use Easements: 2016-013102-0, 2016-013103-0, and 2016-013104-0. BOARD MEMBER RITZ seconded.

BOARD MEMBER CROSS does not intend to vote in favor of the vacation.

BOARD MEMBER LIPSON will not be voting in favor of the vacation and appreciated staff honoring the Board's request by further consulting with the various agencies. She does not think the petitioner has shown that the right-of-way is surplus to the current and future needs of the public.

→ BOARD MEMBER PORTER asked staff for clarification why 70 feet plus 30 feet of easement is no different than 100 feet of use easement, and why staff is recommending denial.

MR. WHITFIELD stated that the easement is roughly 100 feet in width, but varies. In staff's review of the application, the petitioner's argument for vacation of the easements did

Exh 3 5-13 51

not demonstrate that the easements were excess to municipal needs and, therefore, staff recommended denial. That being said, staff did go back to the reviewing agencies and provided their comments to the Board.

CHAIR WALKER finds that a lot of public testimony was heard concerning excess water and drainage in the area. Keeping the use area for drainage purposes and snow storage is also as important as the roadway surface itself. Maintaining that for public use in the area and for protection of the houses built in the area is an important use that needs to be preserved for the public. For this reason, he will be voting for denial of the vacation request.

AYE: None
NAY: Walker, Porter, Cross, Ritz, Weltzin, Lipson

FAILED

1:3, Lots 2-8,

BOARD MEMBER LIPSON moved in Case S12545 to approve a variance from AMC 21.08.030K.2 Dimensions to exceed the lot width-to-depth ratio of one-third for Lots 2 through 8, and 14 and 15. BOARD MEMBER RITZ seconded.

BOARD MEMBER LIPSON will not be voting in favor of this motion. The petitioner has agreed to remove the request. For the record, she did not believe that deletion of this variance request results in the public being presented with a substantially different proposal and with notice for the public hearing and comments. Moreover, the vast majority, if not all the public comments received and heard, were against this variance request to begin with.

AYE: None
NAY: Walker, Porter, Cross, Ritz, Weltzin, Lipson

FAILED

Trails

BOARD MEMBER LIPSON moved in Case S12545 to approve a variance from AMC 21.08.050H.4 Pedestrian Facilities-Trails to provide sidewalks, walkways, trails and pathways. BOARD MEMBER WELTZIN seconded.

BOARD MEMBER LIPSON will not be voting in favor of this motion as the petitioner has agreed to remove their request. She adopted the findings stated in the last motion.

AYE: None
NAY: Walker, Porter, Cross, Ritz, Weltzin, Lipson

FAILED

Phasing Plan

BOARD MEMBER CROSS moved in Case S12545 to approve the Phasing Plan. BOARD MEMBER RITZ seconded.

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BOARD MEMBER CROSS noted that regarding the homework the petitioner must do, he thinks they are in for a large uphill climb. He is in favor of going forward with the Phasing Plan.

CHAIR WALKER added that this is a large project that is going to take a substantial amount of time. The Phasing Plan is appropriate for the size of the property being developed.

AYE: Walker, Porter, Cross, Ritz, Weltzin, Lipson
NAY: None

PASSED

BOARD MEMBER CROSS moved in Case S12545 to approve the plat for 60 months, subject to the following conditions, including edits noted by either being ~~stricken~~ or in bold:

1. Resolve utility easements.
2. Place the following notes on the plat:
 - a. The property owner and 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.
 - b. Property owners and 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.
 - c. There are streams located on this plat and the stream protection setbacks will be as specified in AMC 21.07.020 or as specified in future adopted provisions of AMC 21. Portions of streams contained within mapped wetlands are subject to setbacks as described in the Anchorage Wetlands Management Plan.
 - d. All tracts Tract B dedicated by this plat are is to be owned and maintained by the homeowner's association.
 - e. Access to Lots 1-27 will require review and approval of the Municipal Traffic Engineering Department. Each lot will be limited to a single driveway. Driveways shall be designed to municipal driveway standards with an area for turning around to allow access to Canyon Road in a forward motion. Maximum width for all driveways at intersection with right-of-way is 20 feet.
 - f. Driveway culverts for all lots within this subdivision shall be minimum 24-inch diameter Corrugated Polyethylene Pipe (CPEP), with flared end treatments on both ends, unless otherwise approved by the MOA.
3. Establish a homeowner's association and provide a copy of the Covenants, Conditions, and Restrictions (CC&R's) to Planning for review and approval.

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4. Provide determination from the Corps of Engineers that 2.5 acres of wetlands are contained in Tract B or modify the tract to ensure 2.5 acres of wetlands is set aside.
5. Dedicate the western 30 feet of Fairkytes Circle right-of-way matching the existing dedicated peripheral right-of-way.
6. Dedicate 60 feet of right-of-way for Canyon Road centered on the center line of the existing constructed road.
7. Dedicate a 20-foot Trail Easement to Canyon Road and Fairkytes Circle.
8. Dedicate a 20-foot Public Use Easement to Tract B and Fairtykes Circle.
9. Dedicate a 20-foot Trail Easement where the trail is outside of the 100-foot Public Use Easement within Tract A. Location of Conceptual Trail to be mapped by Surveyor and approved by the Non-Motorized Transportation Coordinator.
10. Each development phase shall clear and grub a minimum 10-foot swath of all vegetation within the trail easement that runs along the 20-foot trail easement or public use easement and provide "Non-Motorized Path" access signage at the terminuses.
11. Enter into a subdivision agreement with Private Development to construct a gravel pathway on one side of Canyon Road and any required drainage improvements within the Canyon Road right-of-way.
12. Resolve with Private Development the need for, and location of, drainage easements and drainage improvements.
13. Resolve with Private Development the need for drainage improvements to the existing Canyon Road, including modifications to drainage ditches and installing additional cross culverts.
14. Submit to Private Development for review and approval, a Storm Water Management Report that includes a hydrological analysis to determine peak flows used for sizing the proposed driveway culverts, and details the proposed solution(s) for handling additional subsurface flows encountered during construction of the driveways. A subdrain system is recommended in the ditch adjacent to the north side of Canyon Road.
15. Submit to Private Development for review and approval a comprehensive site grading and drainage plan meeting the requirements of Project Management & Engineering Department Operating Policy and Procured No. 5 (available from Private Development) 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. Any required drainage improvements shall be designed per the most current Design Criteria Manual (DCM).
16. Dedicate a 30-foot wide access easement to access (021-021-07) U.S. Government Lot 4, T12N, R2W, Section 30 from Tract C as shown as Exhibit A.

17. Submit to the MOA Onsite Water and Wastewater Division approvals for the following:
- a. Submit data, tests and engineering reports to the Onsite Water and Wastewater Section that substantiates that there is adequate and safe potable water for each proposed lot and neighboring lots.
 - b. To satisfy the requirements of AMC 15.65.405 and 410, the following shall be addressed prior to final plat approval:
 - i. The engineering report shall address known nitrate levels within 250 feet of the subdivision.
 - ii. The engineer shall show the location of existing wells and septic systems on surrounding lots (including replacement disposal field sites), if within 250 feet of the proposed wells and septic systems.
 - iii. Property boundaries for proposed Lots 8 through 27 shown on Pannone Engineering Service's site plan do not match those shown on S4's site plan. The lot boundaries shall be revised to match and the proposed well and septic reserve areas adjusted accordingly.
 - iv. AMC 15.65.210C.6.a requires that the test hole be backfilled and mounded to slope away from the groundwater monitoring pipe to prevent entry of surface runoff. From the engineering report, it sounds like this was not done. Prior to final plat approval, the test holes shall be brought into compliance with code and an additional groundwater reading shall be taken during a high groundwater season and reported on the soils logs.
 - v. The soils logs indicate that 24 percolation tests were run for over an hour, all on the same day by the same person. The engineering report shall address how this is plausible.
 - vi. Mathematical errors have been noted in the percolation test results for multiple soils logs, particularly TH5A, TH12, TH24, & TH32. Errors shall be corrected.
 - vii. Wastewater reserve areas shall meet all code required separations, including but not limited to the following:
 - a. MOA mapping of streams and major drainageways is scheduled for spring of 2020. Separations to surface water features will need to be confirmed once this is complete.
 - b. Areas exceeding a 25 percent slope shall be delineated. Based on the contours shown on the S4 site plan, it appears that proposed Lots 16, 17, 18, 21, 22 and 27 have slopes exceeding 25 percent within the reserve area or within 50 ft down-gradient from the reserve area.

- c. For proposed Lot 24, a portion of the reserve area is less than 10 feet from the property line fronting Canyon Road.
- viii. The submitted soils log for proposed Lots 1, 2, 20 and 25 are unsuitable due to the percolation rate greater than 120 minutes per inch. A suitable soils log shall be submitted for proposed Lots 1, 2, 20 and 25. Note, the resulting reserve area or platted drainfields will have to be outside the 30 ft radius of the unsuitable test hole.
- ix. For proposed Lot 9, a soils log is required and the well and septic reserve area locations shall be shown on the site plan.
- x. For proposed Lot 11, the perked layer is 1 foot thick, so the minimum 2 feet of accepting soil has not been demonstrated. An additional percolation test is required in the GM/SM layer.
- xi. For any lot where the reserve area requirements are not being used (15.65.410 Table 7), a design for the original on-site wastewater disposal system and one replacement subsurface disposal field shall be submitted. The design shall specify the maximum number of bedrooms and the entire drainfields shall be located within the 30-foot radius of the percolation test(s).
 - a. For each applicable lot, a note shall be placed on the plat stating the maximum number of bedrooms the home can have corresponding to the design of the wastewater system.
 - b. For each applicable lot, the original and replacement fields shall be shown on the final plat and a note shall be placed on the plat stating, "The area to be used for wastewater disposal system and replacement subsurface disposal fields on each lot shall be unavailable for use for driveways, parking areas or structures."

Advisory Note: If single driveways per lot are proposed, a subdrain system is recommended in the ditch adjacent to the north side of Canyon Road. Single driveways have been proposed to use 24-inch culvert and flared end sections. This will decrease usable ditch area for drainage thus the need for a subdrain system.

BOARD MEMBER RITZ seconded.

BOARD MEMBER CROSS noted that this area has substantial drainage issues and that 90 percent of the concern expressed by the public was regarding the drainage from north to south, down the hill, and crossing the culverts. Part of the reason he is in favor of the plat is due to the research and development the petitioner will have to put into this to get it going and it will greatly benefit the area that is completely wrought with flooding and road issues. Even if a subdivision is not developed and just the research and studies are completed, everyone will have a much better idea of what needs to be done with that road

in order to dramatically improve it. The neighbors are frustrated and not impressed with the road. If the petitioner is willing to invest this amount of money into approving it with hopes of potentially building houses, he will support the motion.

BOARD MEMBER PORTER intends to support the motion. He not only agreed that there is a substantial amount of items to address drainage and septic development as required by the conditions of approval, but he also has to trust the municipal process in that they have to review each septic system and each drainage condition. All of these items on an individual lot basis and on a subdivision basis will be carefully reviewed by the permitting agencies prior to construction and after construction.

BOARD MEMBER LIPSON slightly disagreed with Board Member Cross' characterization that drainage was 90 percent of the issues, because a considerable amount of testimony was also heard about cutting 27 driveways into Canyon Drive on a Collector Road, which is also her biggest issue. She stated the following findings:

1. She referred to page 11 of the staff report noting that, essentially, the Planning Director waived the petitioner's argument, then consulted with other municipal departments before granting approval to allow residential driveways to a Collector Road. Her understanding is that by voting not to allow the plat to proceed, or addressing the driveways as a condition of the plat, this Board could override the Planning Director's approval power. Because the Planning Director did not issue a separate opinion on the matter, all we have to rely on are the arguments made by the public, which were overwhelmingly against 27 driveway cuts; and the petitioner's arguments articulated on pages 43 through 45 in the staff report.
2. For the most part, she finds the petitioner's arguments to be compelling, including the reference to the flexibility to the Hillside District Plan, to reduce overall cut-and-fill, and minimize drainage impacts between the lots.
3. What she is struggling with is the arguments that are against shared driveways. The primary reason they were deemed impractical by the petitioner is that they tend to result in longer driveways, which increased the clearing of vegetation. She thinks this argument, in reality, is secondary to the next stated argument, which is a negative impact in home value, and to a lesser extent, maintenance complex for homeowners. Maintenance complex is not particularly compelling because that goes to reduced marketability.
4. In her opinion, reduced marketability is not a compelling reason to permit 27 driveways onto a Collector Road. Without knowing why Director McNulty and staff determined that shared driveways were undesirable for reasons unrelated to marketability; and given the very valid concerns raised by the neighbors and the people that are actually maintaining the road, she is having a hard time finding that these 27 driveways created by this plat meets to the maximum extent feasible the criteria under AMC 21.03.200C.9, which are criteria in approving a preliminary or final plat. The Board is required to find that to the maximum extent feasible this plat is promoting public health, safety, and welfare.
5. Subsection B mitigates the facts of incompatibility between land uses, the residential densities in the subdivision, and land uses and residential densities in

- the surrounding neighborhood, including but not limited to visual, noise, traffic, and environment affects.
6. Subsection C provides for the proper arrangement of streets in relation to existing or proposed streets.
 7. Subsection E provides for efficient movement of vehicular and pedestrian traffic.
 8. Subsection I facilitates the orderly and efficient layout and use of the land.

BOARD MEMBER LIPSON further stated that she does not like to go against staff's opinion because she values staff's expertise and careful consideration of all the factors. She does think that staff extensively considered the issue, but that extensive consideration is NOT reflected anywhere in the information that was presented to this Board. In the future, she suggested having Director McNulty available for a public hearing on an issue that everyone can realistically anticipate to be contentious, or to better explain why staff is adopting the petitioner's position as opposed to just a signature line. An approval signature on an issue of this magnitude was unsatisfying for her and for a lot of the members of the public that the Board heard testimony from last month.

She clarified that if the Board chooses to deny the plat and it looks as if the other Board members are leaning in favor of approving the plat, under AMC 21.03.200C.7.g., the petitioner would be able to bring the same or substantially same preliminary plat within one year of denial of the original application. A plat that showed shared driveways is not for all applications, but for the vast majority, to her, would be substantially different than the plat that is before us. Likewise, the waiting period required by that section may be waived in an individual case based upon new evidence or changed circumstances by the affirmative vote of a majority of the Platting Authority. She would support this plat with a better driveway solution, but is really struggling with it as it is being presented.

MR. WHITFIELD pointed out that offering an amendment to the motion adding a condition requiring shared driveways is an option, rather than voting to deny the plat.

BOARD MEMBER LIPSON does not want to create a plat note or a resolution that would create more hurdles down the road. Would it be a recommendation to resolve the shared driveway access because her concern is that shared driveway access may not be available for each lot?

BOARD MEMBER PORTER shared Board Member Lipson's driveway concerns, but he is also tempered by the concept that regardless of how the driveways are configured, it will not actually reduce the amount of people using the driveways. For the most part, it is unlikely to imagine that two people would be queued up from two different lots waiting to go out of the driveway because residential use is very low. There would be one to two, at the most, maybe three cars that would use it on a daily basis. Consolidating the driveways will not reduce the amount of people attempting to turn onto the road. It will only consolidate them and reduce the distance between the driveways, potentially, of which he does not see a difference. Without a careful analysis of every driveway, it is quite possible the petitioner and others are correct that it will increase the amount in areas with longer driveways and more cuts.

BOARD MEMBER LIPSON appreciated Board Member Porter's comments regarding traffic, but her concern is less with the traffic coming in and out of any given driveway at any given time, and more with the idea that now you are making 27 cuts. We heard testimony about glaciation and cutting the road that many times. These are her biggest concerns. It seems excessive and a solution that reduced the number of cuts might be feasible.

CHAIR WALKER added the following findings of fact:

1. The Board heard testimony from a gentleman that has a piece of property he initially stated is landlocked, but then we heard testimony that he does have road access from another location. While it may not be as convenient as something else, he actually does have legal access. Imposing on this development an easier access to his lot is not something he is entitled to. That is something he could negotiate with the owner of this property, but has apparently elected not to do so.
2. Testimony was also heard from the Glen Alps Road Board objecting because the roads that lead up to this project are maintained by this road board. He believed they stated the mill rate was 1.25 for the cost of maintaining was on the owners. Under AMC 21.03.020M.1 as a condition of approval, we are obligated to allocate, where possible, pro rata costs being imposed on other properties. To the extent that the owners of these areas are going to have their snow removed by other taxpayers, they should participate. He suggested adding a condition of approval, perhaps a plat note that the lot owners of these lots will have to participate in the Glen Alps Road Board mill rate.

MR. WHITFIELD explained that this particular property is in the Glen Alps Service Area. It is his understanding that they will be required to pay for road maintenance of that roadway. The Board can add it as a condition, but it is already intended to be a requirement regardless of whether it is added as a condition this evening.

CHAIR WALKER noted for the record that the property owners are automatically included in the Glen Alps Road Service Area by having this plat, so he did not see a need for the plat note.

AYE: Walker, Porter, Cross, Ritz, Weltzin
NAY: Lipson

PASSED


F. NEW BUSINESS - None

1. Public Hearings
2. Appearance Requests
3. Other

Exh 3 13-159

From: "McNulty, Michelle J." <michelle.mcnulty@anchorageak.gov>
Date: August 6, 2020 at 9:21:54 AM AKDT
To: Joan Priestley <onecreativeword@yahoo.com>
Subject: RE: PB findings concerning the Hultquist app.

Hi, Joan.

 The Summary of Action is the appealable decision and is what was approved last night. Per AMC 21.03.050, "Once the final appealable decision of the platting board is adopted, any party of interest may, within 20 days, file an appeal or allege new evidence or changed circumstances. The appeal is perfected by the filing of a notice of appeal, appeal fee, and cost bond in accordance with this section."

The record consists of all files, the minutes, and the decision. This will be available in September.

Best,
Michelle

Michelle J. McNulty, AICP, Director
Planning Department
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650
Tel. (907) 343-7901
Fax (907)343-7927
michelle.mcnulty@anchorageak.gov

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

From: Joan Priestley <onecreativeword@yahoo.com>
Sent: Wednesday, August 5, 2020 11:40 PM
To: McNulty, Michelle J. <michelle.mcnulty@anchorageak.gov>
Subject: Re: PB findings concerning the Hultquist app.

Dear Michelle-

Thanks for the clarification. But it gives rise to one more question- I am just not certain when their decision becomes appealable. Does the clock to file an appeal start ticking after tonight, when they (presumably) approved the Summary of Action, or not until they approve the written summary that they will receive at the Sept. meeting??

EXH 4 1-60

Thanks for your input about this issue.
Sincerely
Joan Priestley

Sent from my iPhone

On Aug 5, 2020, at 3:20 PM, McNulty, Michelle J.
<michelle.mcnulty@anchorageak.gov> wrote:

Hi, Joan.

The Summary of Action is on the agenda for tonight's Platting Board meeting. The record will be prepared thereafter and presented to the Platting Board for their approval at the September meeting.

Best,
Michelle

Michelle J. McNulty, AICP, Director
Planning Department -
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650
Tel. (907) 343-7901
Fax (907)343-7927
michelle.mcnulty@anchorageak.gov

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

From: Joan Priestley <onecreativedoc@yahoo.com>
Sent: Tuesday, August 4, 2020 5:45 PM
To: McNulty, Michelle J. <michelle.mcnulty@anchorageak.gov>
Subject: PB findings concerning the Hultquist app.

Exh 4 2-361

Dear Michelle-

I thought they would discuss and approve the findings that you wrote up, at the upcoming meeting on Wed.

But I do not see anything about that issue on the agenda. Please advise. An appeal and another procedure can't move forward until their final decision is given.

Sincerely

Joan Priestley

Exh 4 3-3 **62**

- d. To appeal a platting board decision regarding the approval or denial of a preliminary plat:
 - i. Any party of interest shall first file with the director, within seven days of the platting board's decision on the preliminary plat, a written notice of intent to appeal and a request for a written decision based upon the record made at the hearing.
 - ii. If such request is received in the stated time, the director shall prepare proposed written findings of fact and decision to submit to the platting board at its next regularly scheduled meeting, or as soon thereafter as possible.
 - iii. Platting board review of the written findings of fact and decision shall have priority over regular agenda items, and shall be approved, as amended by the board if necessary, and become the final appealable decision of the board.
 - iv. Once the final appealable decision of the platting board is adopted, any party of interest may, within 20 days, file an appeal or allege new evidence or changed circumstances. The appeal is perfected by the filing of a notice of appeal, appeal fee, and cost bond in accordance with this section.

5. **New Evidence or Changed Circumstances**

a. Allegations of new evidence or changed circumstances shall not be considered or decided by the board of adjustment. Allegations of new evidence or changed circumstances shall be raised by written motion for rehearing, filed with the municipal clerk within 20 days after the date of service of the initial decision of the lower administrative body.



- i. The municipal clerk shall reject any motion filed more than 20 days after the date of service of the initial decision of the lower administrative body, without hearing or reconsideration by the lower administrative body.
- ii. A decision of the lower administrative body on any issues remanded from the board of adjustment is not an initial decision as described in subsection 5.a. above.
- iii. The municipal clerk shall reject any motion alleging new evidence or changed circumstances filed in response to a lower administrative body's decision on any issue(s) presented on remand.

b.

If the written motion for rehearing is filed in a timely manner, the administrative body from which the appeal is taken shall decide whether to reopen and rehear the matter. A rehearing shall be held if the lower administrative body determines:



- i. If true, that the alleged new evidence or changed circumstances would substantially change the decision of the body, and
- ii. The party alleging new evidence or changed circumstances acted promptly and with diligence in bringing the information to the body's attention.

c. After a decision by the lower administrative body on alleged new evidence or changed circumstances, the time for appeal shall begin to run. Any party of interest may file an appeal within ten days after the date of service of the decision.

21.14.040

Parking, Unbundled

Parking rented and sold separately from building space, so occupants only pay for the amount of parking they want.

Party of Interest

all of us

The applicant, the owner of the subject property, the owner of property within the notification area for the subject application, and anyone that presented oral testimony at a public hearing or written testimony on the application.

Pathway

A stable surface, usually paved, located along a roadway, for multiple pedestrian and non-motorized uses and purposes.

Pedestrian Feature

A permanent object that provides pedestrians with increased convenience, comfort, and utility, and which is publicly accessible and not limited to a tenant or establishment such as seating for a restaurant. Pedestrian features include:

- Seating such as benches accommodating several people;
- Secondary/informal seating opportunities such as steps, pedestals, low walls, or edges of fountains, accommodating several people;
- A space for standing with objects to lean against, such as bollards, short fences, or irregular building facades, accommodating several people;
- A tree or raised planter;
- A work of art such as a water feature, sculpture, cultural exhibit, or clock feature;
- A winter city feature such as a wind screen, or outdoor stove or space heater; or
- Other object supporting pedestrian utility, such as a gazebo or kiosk.

Pedestrian Movement Zone

The middle portion of an enhanced sidewalk, located between the sidewalk's street interface and building interface zones. The pedestrian zone provides for the primary function of sidewalks, and is kept clear of any obstructions to pedestrian movement.

Pedestrian Oriented

A characteristic of a development or district that emphasizes the street sidewalk and/or connecting pedestrian access to the site and building(s), such that a person can comfortably walk from one location to another, and optional pedestrian activities such as strolling, window shopping, or relaxing can take place. Pedestrian oriented characteristics include: buildings placed within a short setback distance from the sidewalk; primary entrances and windows on building facades which face the street; a mix of civic, commercial, and/or residential uses; shared open spaces and plazas; architectural details and visual interest at the pedestrian scale; pedestrian features such as wide walkways, seating, bicycle facilities, public art, landscaping, lighting, and wayfinding signs; and northern climate features such as atriums, canopies, transit shelters, wind protection, and orientation for sunlight access.

Permit, Building

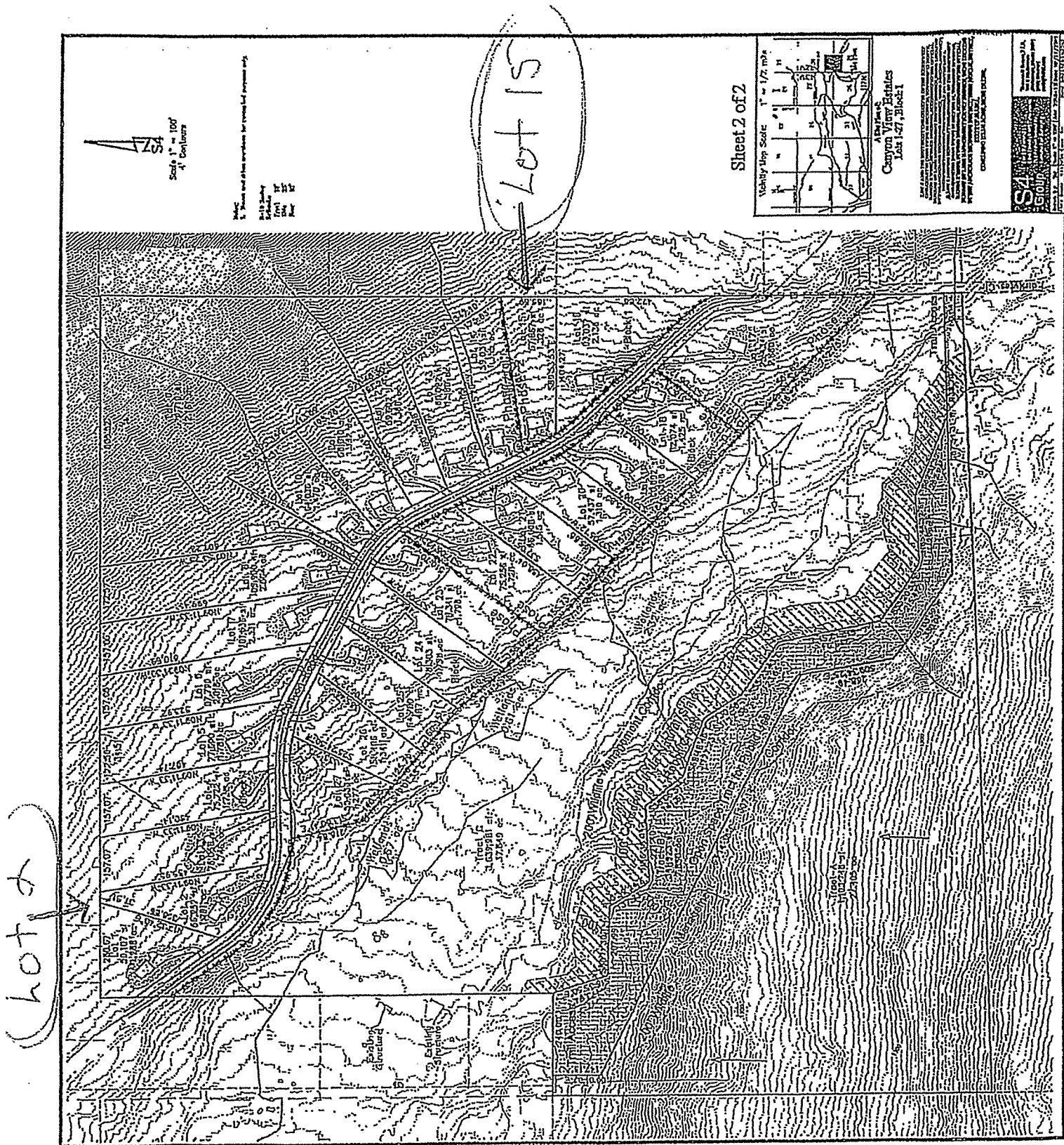
A land use permit issued by the municipality pursuant to the municipal code and the building code authorizing the erection, construction, reconstruction, restoration, alteration, enlargement, conversion, remodeling, demolition, moving, or repair of a building or structure within the building safety service area.

Permit, Land Use

An official document issued by the municipality pursuant to this title required for the erection, construction, establishment, moving, alteration, enlargement, repair, placement, or conversion of any building, structure, or land in any district established under this title.

EXH 5 2-2 64

Problems with lot 2 & lot 15





MEMORANDUM

DATE: March 12, 2020
TO: Current Planning Division Supervisor,
Planning Department
THRU: Kristen A. Langley, Traffic Safety Section Supervisor,
Traffic Engineering Department
FROM: Randy Ribble, Assistant Traffic Engineer
SUBJECT: Traffic Engineering Department Comments

RECEIVED
MAR 12 2020
PLANNING DEPARTMENT

S12545 Canyon View Estates

- Subdivide two (2) lots and two (2) tracts into twenty-seven (27) lots and 3 tracts
- Vacation of existing three (3) existing Public Use Easements
- Variance from 21.08.030 K.2 (Lot Dimensions)
- Variance from 21.08.0040 C and D (Walkway and Trail Dedication)
- Variance for constructing walkways per 21.08.050 C.1 and Hillside District Plan.

Preliminary Plat

These 27 lots and 3 tracts will have primary access to Canyon Road. Canyon Road is designated as a collector roadway per the 2014 Official Streets and Highways Plan. The Traffic Engineering Department recommends approval of the plat as shown with the following comments:

Dedication of the 60 foot of right of way for Canyon Road.

Modify the proposed plat note 12 to read as follows

"12. Access to Lots 1-27 will require review and approval of the Municipal Traffic Engineering Department. Each lot will be limited to a single driveway. Driveways shall be design to municipal driveway standards with an area for turning around to allow access to Canyon Road in a forward motion. Maximum width for all driveways at intersection with right of way is 20 feet"

Vacation of existing three (3) existing Public Use Easements

The Traffic Engineering Department does object to vacation of the existing public use easements shown on the preliminary plat. The information provided in the application does not clearly address that the remainder of the public use easements outside of the proposed dedication is in excess of municipal needs. The additional area within the remaining portion of these easements could be used to meet potential needs for additional trail and drainage easements along the alignment of Canyon Road within this proposed subdivision.

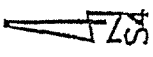
Variance for Lot Dimensions per 21.08.030 K.2

The Traffic Engineering Department has no objection to granting this variance.

(333)

Mailing Address: P.O. Box 996650, Anchorage, Alaska 99509-6650

EXH 7 1-66



Scale 1" = 100'
5' Contours

Notes:
1. Houses and Drives are shown for easement lots.
2. Drains and Drainage Ditches are shown for easement lots.
3. Rows are shown outside of the street.

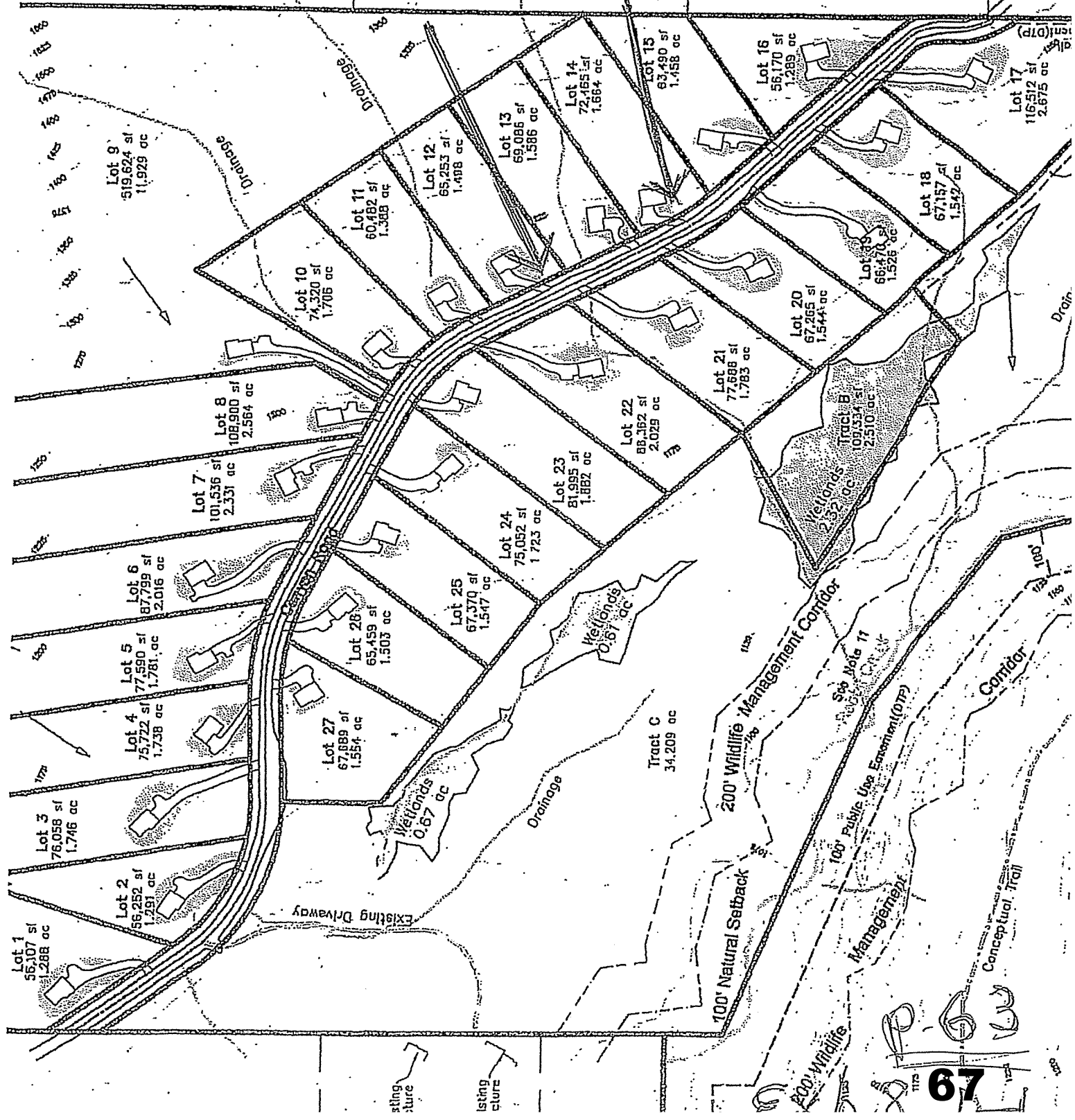
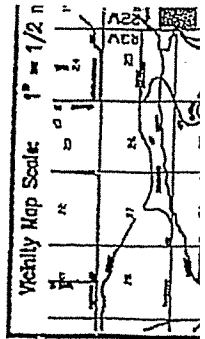
PL-10 Zoning
Setbacks:
Front 10'
Side 5'
Rear 10'

ROW is 150
outside the
street

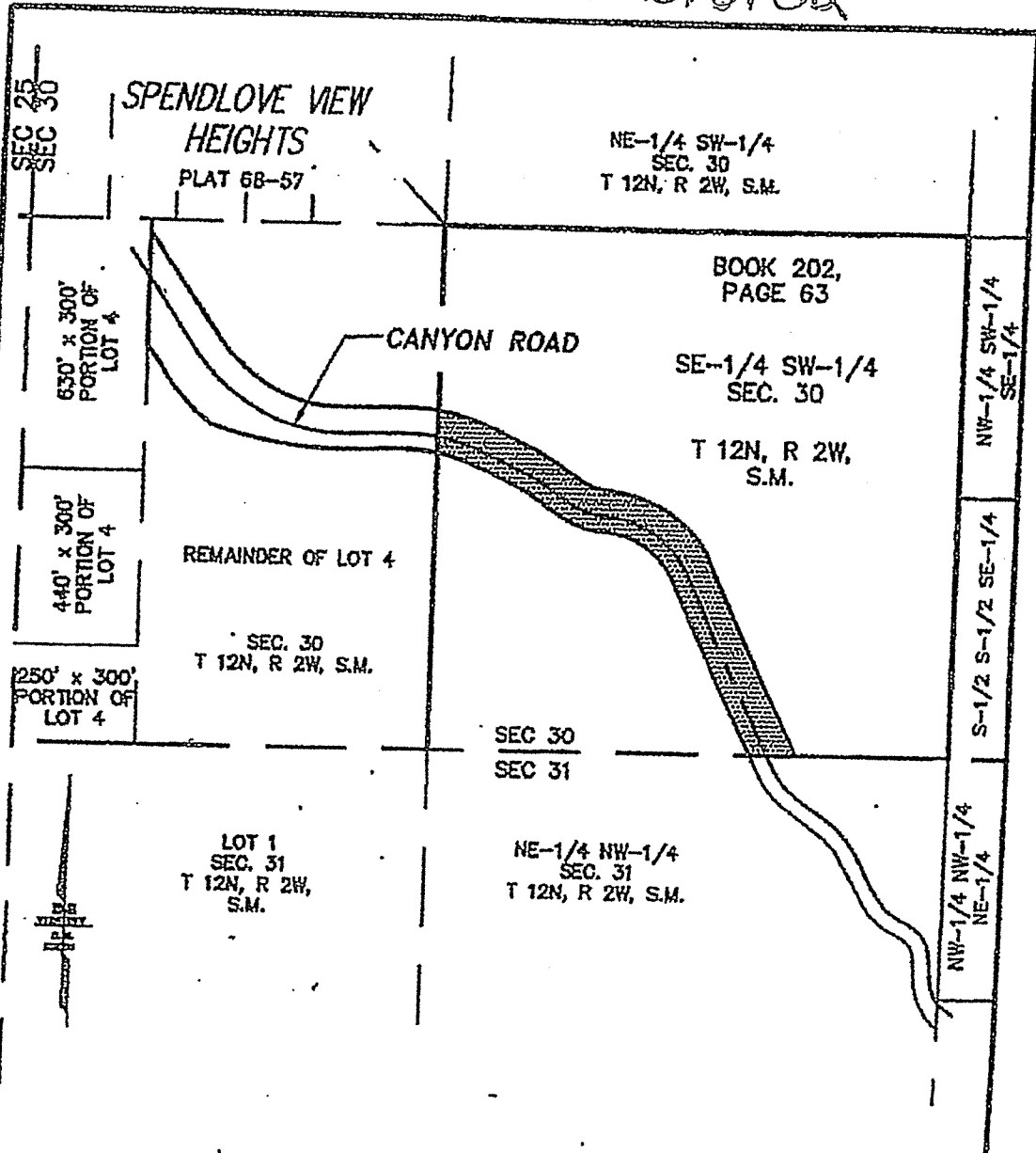
all lot lines
are 15 feet
from Canyon
Road

P. 63


Sheet 2 of 2



2016-013102



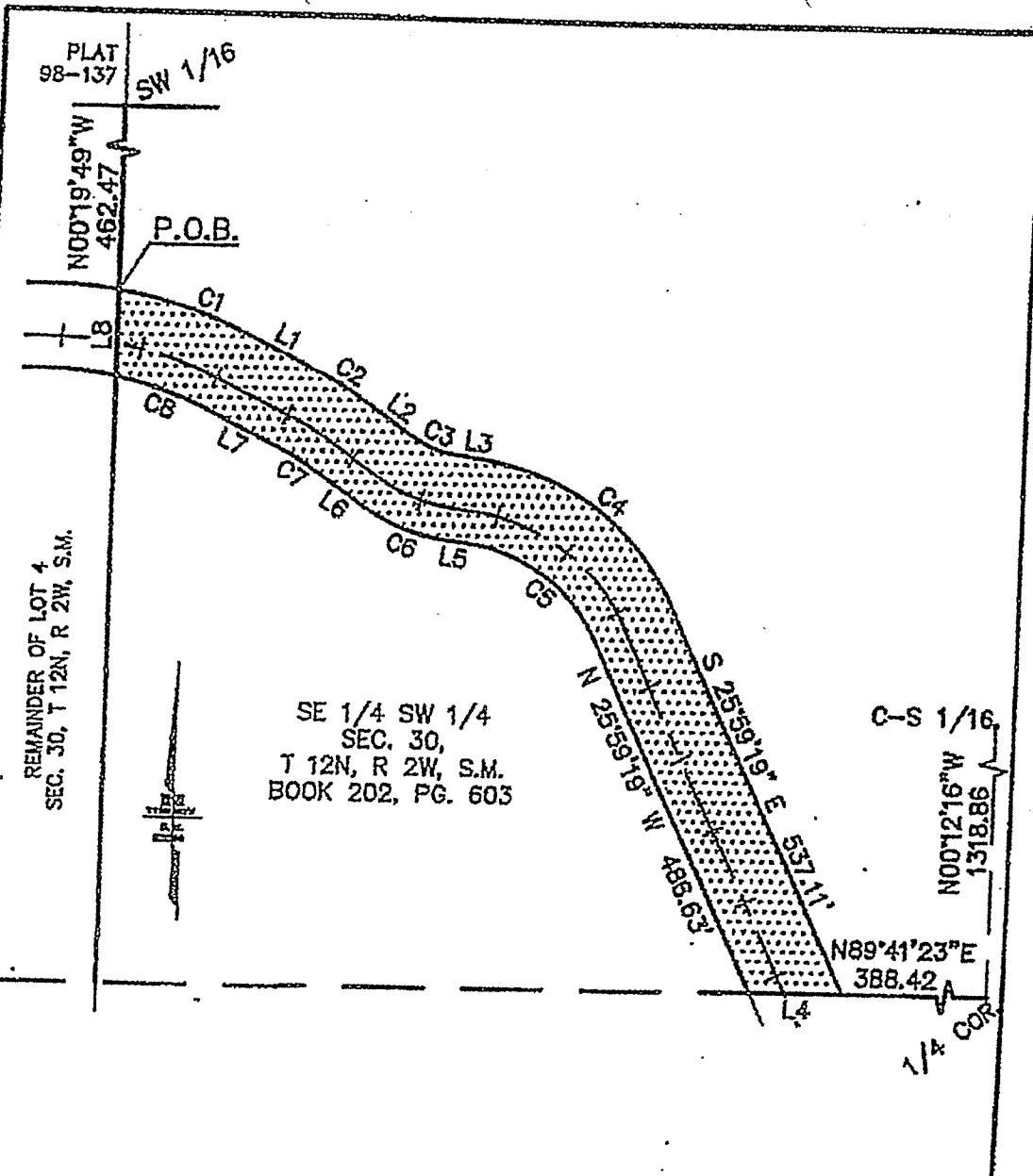
SEE SHEET 2 FOR ACQUISITION PARCEL DETAIL. SEE SHEET 3 FOR LINE AND CURVE TABLES. SHEET 1 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PAGE # 13-58	
	OWNER'S INITIALS: <i>ZPO</i>	EXISTING PARCEL AREA: ±1,742,400 S.F.	ROW ACQUISITION TYPE: PUE
	PAGE 6 OF 9 DATED 3/25/16	ROW ACQUISITION AREA: ±134,006 S.F.	SCALE: 1"=400'
		GRID: SW2842	DATE: 08-12-15 PARCEL No. 2




270

EXH 9 - 1-68



SEE SHEET 1 FOR PARCEL OVERVIEW. SEE SHEET 2 FOR ACQUISITION PARCEL DETAIL. SHEET 2 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PM&E # 13-56	
	OWNER'S INITIALS: <i>RLR</i>	EXISTING PARCEL AREA: ±1,742,400 S.F.	ROW ACQUISITION TYPE: PUE
	PAGE 7 OF 8 DATED 1/27/14	ROW ACQUISITION AREA: ±134,008 S.F.	SCALE: 1"=200'
		GRID: SW2942	DATE: 08-12-15 PARCEL No. 2



Line Table


Line	Bearing	Distance
L1	S 64°12'12" E	115.30'
L2	S 55°50'23" E	91.42'
L3	S 81°57'59" E	39.81'
L4	S 89°41'23" W	116.51'
L5	N 81°57'59" W	39.81'
L6	N 55°50'23" W	91.42'
L7	N 64°12'12" W	115.30'
LB	N 00°19'49" W	108.61'

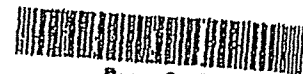
Curve Table

Curve	Length	Radius	Delta	Chord Bearing	Chord Length
C1	168.80'	565.00'	17°07'40"	S 72°46'01" E	168.27'
C2	38.68'	265.00'	8°21'49"	S 60°01'17" E	38.65'
C3	61.56'	135.00'	26°07'36"	S 68°54'11" E	61.03'
C4	307.75'	315.00'	55°58'40"	S 53°58'39" E	295.66'
C5	205.17'	210.00'	55°58'40"	N 53°58'39" W	197.11'
C6	109.44'	240.00'	26°07'36"	N 68°54'11" W	108.49'
C7	23.36'	180.00'	8°21'49"	N 60°01'17" W	23.33'
C8	120.83'	460.00'	15°03'00"	N 71°43'42" W	120.48'

SEE SHEET 1 FOR PARCEL OVERVIEW. SEE SHEET 3 FOR LINE AND CURVE TABLES.

SHEET 3 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION	
		PM&E #	13-56
	OWNER'S INITIALS: <u>3/25/16</u>	EXISTING PARCEL AREA:	±1,742,400 S.F.
	PAGE <u>8</u> OF <u>8</u> DATED <u>NR</u>	ROW ACQUISITION TYPE:	PUE
		ROW ACQUISITION AREA:	±134,006 S.F.
		SCALE: N/A	DATE: 08-12-15
		GRID: SW2942	PARCEL No. 2



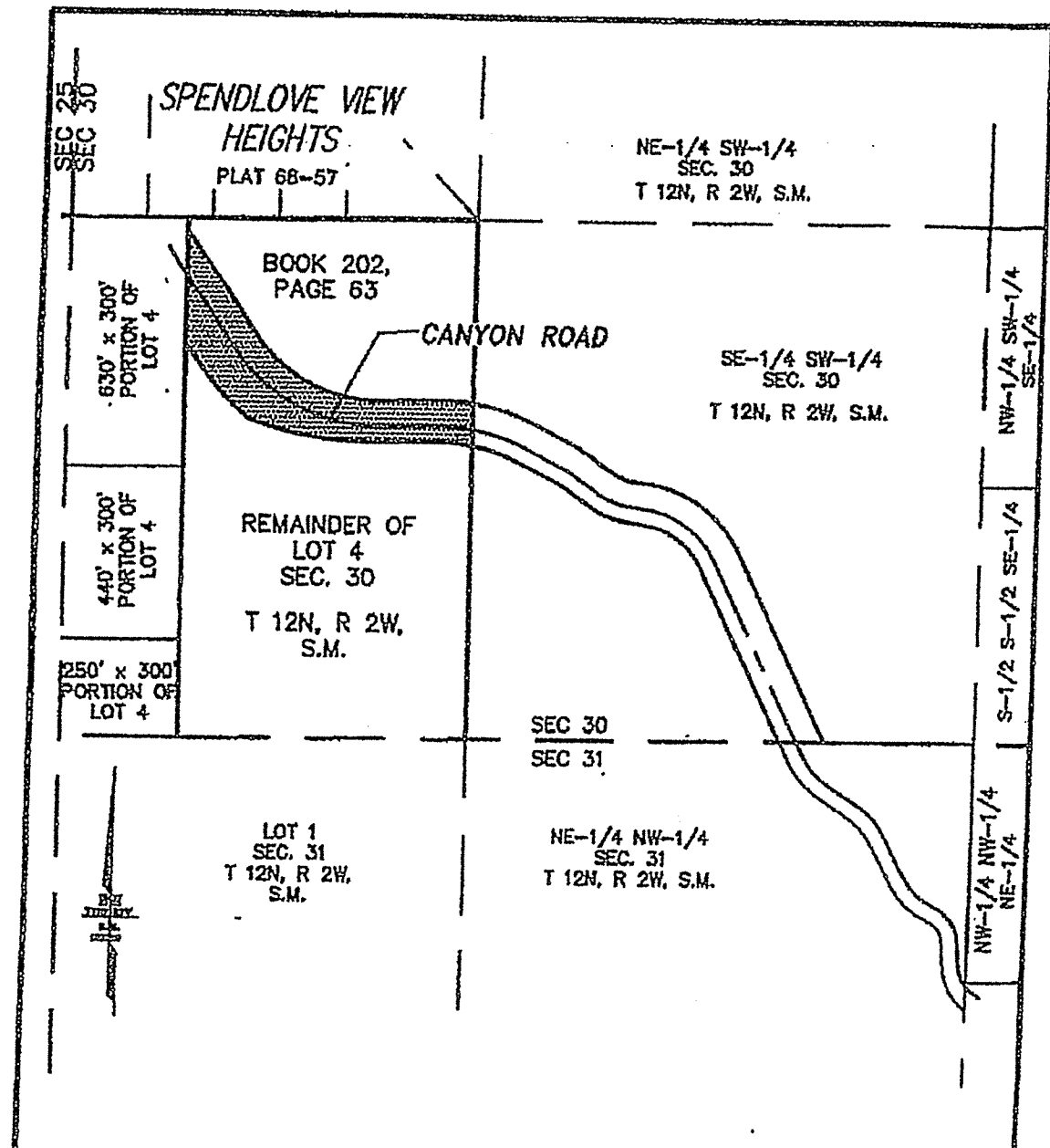
Page 8 of 9

2016-013102-0


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Exh 9 3-**70**

2016-013103

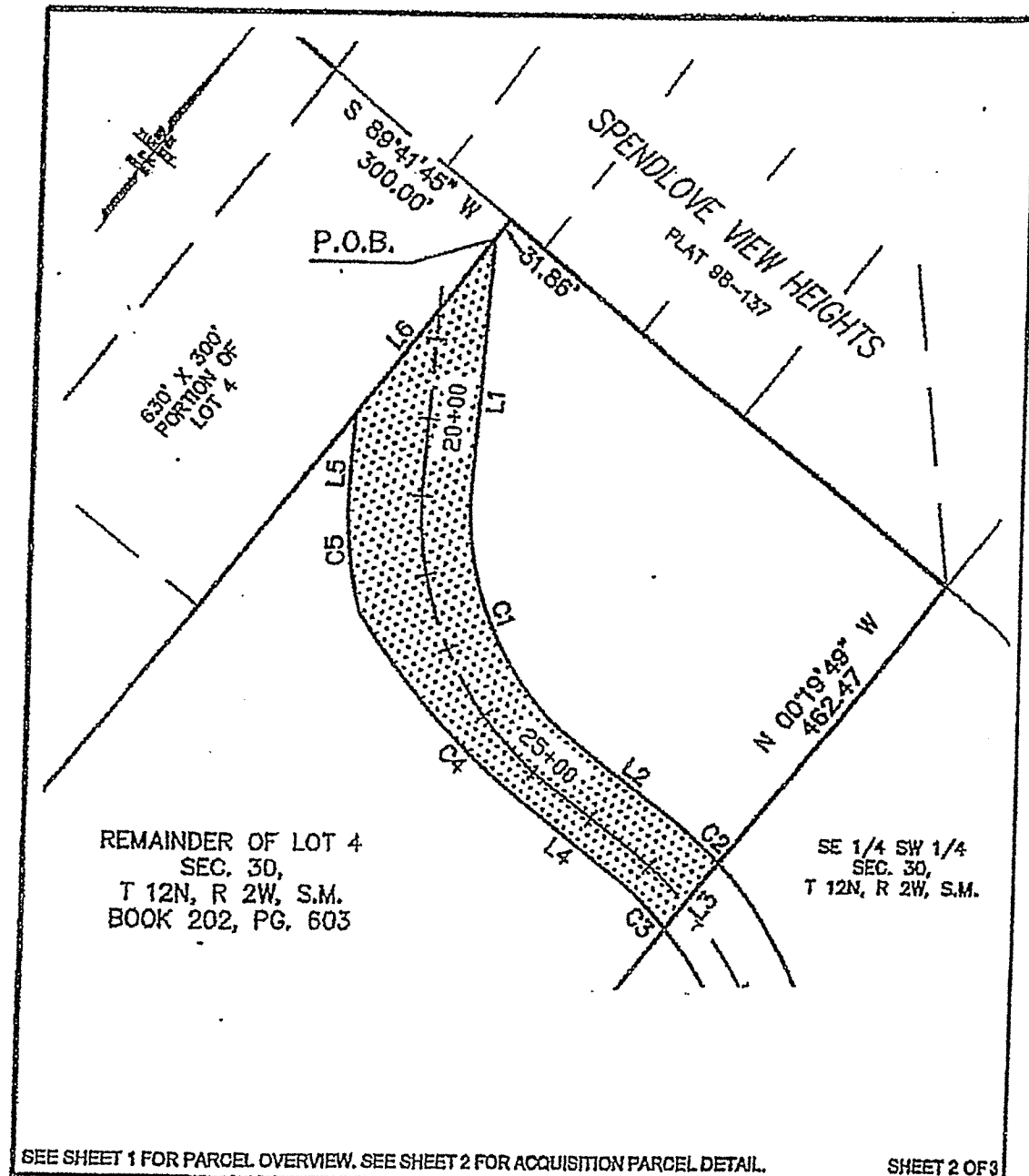


SEE SHEET 2 FOR ACQUISITION PARCEL DETAIL, SEE SHEET 3 FOR LINE AND CURVE TABLES. SHEET 1 OF 3


PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PMBE # 13-58	
	OWNER'S INITIALS: <i>RBR</i>	EXISTING PARCEL AREA: ±988,198 S.F.	ROW ACQUISITION TYPE: PUE
	PAGE 6 OF 8 DATED 7/2/16	SCALE: 1"=400'	DATE: 08-12-15
		GRID: SW2942	PARCEL No. 3



279
5x6 in 1-73



SEE SHEET 1 FOR PARCEL OVERVIEW. SEE SHEET 2 FOR ACQUISITION PARCEL DETAIL. SHEET 2 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PM&E # 13-58	
	OWNER'S INITIALS: <i>WLR</i>	EXISTING PARCEL AREA: ±986,198 S.F. ROW ACQUISITION TYPE: PUE ROW ACQUISITION AREA: ±117,471 S.F.	DATE: 08-12-16 PARCEL No. 3
	PAGE 7 OF 8 DATED 3/25/16	SCALE: 1"=200' GRID: SW2942	



Page 7 of 8
2016-013103-0

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Exh 10 272

Line Table		
Line	Bearing	Distance
L1	S 34°45'10" E	313.08'
L2	N 89°04'38" E	152.05'
L3	S 00°19'49" E	106.61'
L4	S 89°04'36" W	152.05'
L5	N 34°45'10" W	79.87'
L6	N 00°17'59" W	282.82'

Curve Table					
Curve	Length	Radius	Delta	Chord Bearing	Chord Length
C1	377.44'	385.00'	56°10'14"	S 62°50'17" E	362.50'
C2	94.69'	585.00'	8°35'33"	S 86°07'38" E	94.46'
C3	93.69'	460.00'	11°40'12"	N 85°05'18" W	93.53'
C4	341.05'	959.33'	20°09'32"	N 80°50'38" W	339.28'
C5	174.72'	545.00'	18°22'05"	N 43°56'13" W	173.97'

SEE SHEET 1 FOR PARCEL OVERVIEW. SEE SHEET 3 FOR LINE AND CURVE TABLES.

SHEET 3 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PM&E # 13-56	
	OWNER'S INITIALS: <i>ZLR</i>	EXISTING PARCEL AREA:	± 988,198 S.F.
	PAGE 8 OF 8 DATED <i>7/25/16</i>	ROW ACQUISITION TYPE:	PUE
		ROW ACQUISITION AREA:	± 117,471 S.F.
		SCALE: N/A	DATE: 08-12-16
		GRID: SW2842	PARCEL No. 3



Page 8 of 8

2016-013103-0

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EXH 10 3733

Planning Dept Report, p. 4

Dedicate a 20-foot trail easement from Canyon Road ROW to Fairkytes Road ROW.

Dedicate a 20-foot Trail Easement from the Fairkytes Road ROW to Tract B.

Trail Improvement Recommendations:

Private Development finds that the petitioner has not provided a compelling argument for the variances related to constructing a trail adjacent to Canyon Road as required by the Hillside District Plan (HDP). Therefore, the petitioner shall construct a gravel pathway on one side of Canyon Road, within the subdivision limits, as required by Table 21.08-7.

The petitioner shall clear a minimum 10-foot wide swath of all vegetation and grind all tree stumps within the trail easement from Canyon Road to Fairkytes Road and within the trail easement from Fairkytes Rd Right-of-Way to Tract B.

Subdivision Agreement Requirements:

The petitioner shall enter into a subdivision agreement with Private Development for the Canyon Road trail construction and any required drainage improvements within the Canyon Road ROW.

Plat Note Requirements

Add the following note to plat: Driveway culverts for all lots within this subdivision shall be minimum 24-inch diameter Corrugated Polyethylene Pipe (CPEP), with flared end treatments on both ends.

PUE Vacation Discussion:

Due to topography and drainage concerns related to the required trail and driveway construction, and the potential for additional embankment and/or drainage improvement construction outside the limits of the proposed 60-foot ROW, Private Development finds that the usage of portions of the existing PUEs may be required. It has not been demonstrated that portions of the existing PUEs are in excess of municipal needs at this time. Private Development will reconsider the Vacation requests if additional ROW and/or easement dedication extending beyond the proposed 60-foot ROW width are proposed on a subsequent preliminary plat.

Department Recommendations:

Private Development has no objection to the variance from 21.08.030.K.2.

Exh 11 1-1

Kimmel, Corliss A.

From: Whitfield, David R.
Sent: Tuesday, March 3, 2020 4:10 PM
To: Kimmel, Corliss A.; Blake, Lori A.
Subject: FW: Comments regarding S12545 Canyon View Estates

Dale Doolen letter

RECEIVED

MAR 03 2020



Dave Whitfield, Manager/Planning Officer, Current Planning Division
Municipality of Anchorage - Planning Department, 4700 Elmira Street, Anchorage, Alaska 99507
(907) 343-6329
David.Whitfield@anchorageak.gov

PLANNING DEPARTMENT



From: Dale Doolen <daledoolen@gmail.com>

Sent: Monday, March 2, 2020 8:55 PM

To: Whitfield, David R. <david.whitfield@anchorageak.gov>

Cc: McNulty, Michelle J. <michelle.mculty@anchorageak.gov>; Odell, Shawn M. <shawn.odell@anchorageak.gov>; Mormilo, Stephanie L. <stephanie.mormilo@anchorageak.gov>; John Weddleton <john@weddleton.com>; Joe Connolly <joe@chugachpeaks.com>; Greg Kuijper <mntntop74@gmail.com>; Tom Burke <tburke.ak@gmail.com>; Ted & Ginny Moore <tgmoore@gci.net>

Subject: Comments regarding S12545 Canyon View Estates

Dear Mr. Whitfield,

On Mar 2, 2020, at 12:57 PM, Ted Moore <tgmoore@gci.net> wrote and addressed very succinct email comments to you. I absolutely support Ted (and the majority of the residents) who have over 50 years of residency in Rabbit Creek Valley. He writes "truth to power" and I would hope that common sense will overcome the desire to change existing MOA standards for short term gains.

Specifically, I would repeat the following:

Public Use Easement vacation requests:

Financial responsibility for capital improvements to, and maintenance of, Canyon Road lies with the Glen Alps Board of Supervisors. Accordingly, during the design phase of the subdivision, the city should have consulted with them regarding any proposed deviations from the status quo of the road. No such consultations took place, nor was the Road Board even informed that changes affecting this road were being discussed.



The public use easement acquisition and recently completed upgrade to the portion of Canyon Road that traverses this proposed subdivision was done with funds specifically appropriated by the State Legislature to improve access to Chugach State Park. The original homesteader road traversing the Rohaley property had a long history of drainage issues necessitating expensive maintenance costs. The land that was purchased from the property owner for these easements has a minimum width of 100 feet in order to allow these drainage issues to be addressed, and to provide

sufficient room to accommodate necessary cut and fill slopes, utilities and pedestrian pathways as called for in the OSHP. The width acquired for the westernmost portion of the project exceeds 100 feet because additional width was needed to accommodate significant cuts and fills for the road and driveway approaches.



A significant creek flows year-round in the ditch that parallels Canyon Road on its north side. Careful management of this creek to minimize damage to the road is essential, and requires public ownership to protect the land on *its* north side.

Title 21 specifies that the MOA should not vacate public ROW or easements unless there is no public value now or ever. This existing Public Use Easement has both current and future public values: To manage drainage on sloping terrain, to provide sufficient room for utilities, to promote public safety.

Collector Road status and individual driveways:

The Muni's OSHP classifies Canyon Road as a Neighborhood Collector. The guidelines contained within the OSHP state "Discourage direct access to collectors in new subdivisions; use reverse lot design". A secondary guideline allows *limited* direct driveway access to collectors in areas of low density residential development *only* if the collector will not become a major link in the future to more densely developed areas.

As noted above, Canyon Road was recently upgraded using State funding specifically provided to improve access to Chugach State Park. Thus, the upgrade was funded because Canyon Road *is a major link* between Chugach State Park and more densely developed areas. On most days vehicles using the road are park traffic outnumber local resident's vehicles.

S4's proposed plat calls for direct driveway access off Canyon Road to *every one* of their 27 proposed lots. In response to questioning on this S4's Tom Dreyer blandly assures the public that "the OSHP and the MOA Traffic Department allows direct driveway access in special situations like this". He does not explain what those *special situations* consist of.

Ted spoke with Stephanie Mormilo a few weeks ago, and she informed him that the Traffic Department had not taken a position with regard to allowing direct driveway access for this subdivision.

Serious drainage problems afflict the terrain through which Canyon Road passes as it crosses this proposed subdivision. For years prior to the construction of the improved road the Glen Alps Road Service Area had to pour money into temporary fixes of ditch erosion and clogging that on numerous occasions led to failures of the road

(418)

A10

Exh 12 276

Planning Dept Report, p. 15

Road Improvements and Dedication

Canyon Road is a strip paved road with drainage ditching on the north side. The road is located within the Glen Alps Service Area within a PUE. With state grant funding, the road recently received surfacing and drainage upgrades to address on-going maintenance issues. Canyon Road is classified as a Class IC Neighborhood Collector in the Official Streets and Highways Plan, with a required minimum width of 60-feet. Staff has made a condition of approval to dedicate the 60 feet of ROW. In addition, the petitioner will be required to resolve with Private Development the need and location of drainage easements along the property, submit a drainage plan, and construct a trail on one side of Canyon Road.

There is an existing driveway that provides access to a portion of Lot 4 of Section 30 (021-021-07) from Canyon Road through proposed Tract C. The current owner has submitted a legal description and exhibit completed by a professional survey company to document the driveway access that has been used since construction of the home. Staff is requesting a condition of approval that the 30-foot easement be dedicated on the plat according to the description provided in "Exhibit A" by the property owner.

Variance Request

The petitioner is requesting variances from AMC Title 21 to provide a subdivision within the upper hillside of Anchorage that meets the purpose of the low-density residential alpine zoning district. To create this subdivision design, the applicant is requesting variances from the following:

1. AMC.21.08.030K.2 *Dimensions*, to exceed the lot width to depth ratio of one-third for lots 2-8, lot 14 & 15.
2. To provide easements or construct trails, pathways, or walkways as per code. The petitioner stated in the narrative that they would donate proposed Tract A to the Municipality of Anchorage in exchange that they will not be required to:
 - Dedicate any additional trail easements across their proposed development.
 - Construct any trails across their proposed development.
 - Construct any trails adjacent to the existing Canyon Road.
 - Construct any improvements to Canyon Road.

The petitioner's narrative did not cite the specific code section that the variance request is from. Staff believes the variance request is from the following section of code that relates to pedestrian facilities:

- a. AMC 21.08.050.H.4 *Pedestrian Facilities-Trails*- Trails shall be located and constructed as determined by the Areawide Trails Plan and other adopted municipal plans.

EXH 13

1-1 (15)

5. In class A improvement areas, there shall be no more than one flag lot facing onto each cul-de-sac/pulb.

M. Landscaping

The platting authority shall consider and require, where appropriate, landscaping and screening under section 21.07.080, *Landscaping, Screening, and Fences* to separate property from incompatible uses or structures, including but not limited to streets designated for collector or greater capacity on the *Official Streets and Highways Plan*, commercial, or industrial uses. The area containing the landscaping shall be shown as an easement or open space area on the plat. The landscaping shall be installed before final plat approval, or its installation shall be guaranteed under section 21.08.060, *Subdivision Agreements*, or by other performance guarantees acceptable to the platting authority. The landscaping shall be maintained by the property owner or designee.

N. Reserve Strips

Privately owned strips may not be reserved to control access to public rights-of-way.

O. Electrical and Telecommunication Utilities

The width and alignment of transmission easements within subdivisions shall conform to the *Utility Corridor Plan*. The platting authority shall preclude structures or uses of land within or beneath areas of electrical or telecommunications ground or aerial easements that are incompatible with electrical distribution or transmission facilities.

P. General Subdivision Standards Are Minimum Standards

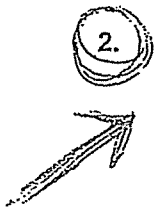
1. The design standards in this chapter are minimum standards. The platting authority may impose more restrictive standards when it finds they are necessary to conform the design of a proposed subdivision to the approval criteria for subdivisions or to meet other requirements set forth in this title.
2. When the platting authority finds that it is not feasible to conform the design of a proposed subdivision to meet the approval criteria for subdivisions or other requirements set forth in this title, the platting authority may reject a proposed subdivision in its entirety.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-131, 1-12-16)

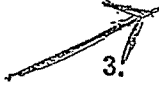
21.08.040 DEDICATION

A. Streets

1. All street rights-of-way shall be dedicated to the public, unless a variance for private streets is approved by the platting board. Applicants for a variance for private streets shall demonstrate the following:
 - a. Why a private street is appropriate and preferable to a publicly dedicated street;
 - b. That a private party is willing and able to maintain a private street to public standards; and
 - c. That a private street presents no conflict or obstruction to the orderly expansion of the public street system.



2. Street right-of-way widths shall conform to the *Official Streets and Highways Plan* (OS&HP). These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles. When steep slopes or other terrain features dictate, slope easements that exceed normal right-of-way requirements will also be required. Notwithstanding the above, the maximum dedication width that may be



required for an arterial or collector street is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision.

The platting authority may approve the dedication of a half-street only when the other half of the street has been dedicated or when the platting authority reasonably anticipates that the other half of the street will be dedicated. When a subdivision borders a dedicated half street, the platting authority shall require the dedication of the other half of the street, unless it determines that the street would be unnecessary or undesirable.

B. Alleys

The platting authority may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading, or parking. The minimum width of an alley right-of-way shall be 20 feet.

C. Walkways

The platting authority shall require the dedication of pedestrian walkways where it finds that pedestrian walkways are necessary to provide for convenient and safe pedestrian circulation, to protect pedestrians from hazardous traffic, or as required in section 21.07.060, *Transportation and Connectivity*. The minimum width of a walkway dedication shall be 10 feet. The platting authority may require a wider dedication for reasons of topography, project use, or construction needs (if the walkway is to be paved).

D. Trails

The platting authority shall require the dedication of access for trails designated on adopted municipal plans, unless an alternative access point within the subdivision is clearly agreed to be preferable for dedication. For pedestrian access, a right-of-way dedication is the preferred method of providing access, but the platting authority may instead approve a public use easement dedication or an access tract where appropriate. If the platting authority approves an alternate location for trail access as a substitute for an existing easement or right-of-way, the existing unused easement or right-of-way shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail access routes as necessary to integrate trail and subdivision design.

1. Access to Community Use Areas and Natural Resource Use Areas

- a. The platting authority shall require the dedication of public pedestrian access for a trail designated on adopted municipal plans, for connectivity with a trail or access point to a large Community Use Area or Natural Resource Use Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* or the *Chugiak-Eagle River Comprehensive Plan*). The platting authority may modify the alignment, width, and scope of trail access routes as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness, and utility, and reflect the general locations and patterns of existing or planned public access routes. Acceptable pedestrian access shall be platted in accordance with relevant provisions of this title and be at least 20 feet wide, centered on an existing, recognized, new, or relocated trail.
- b. The platting authority shall require the dedication of a vehicular right-of-way for public access to trails, parks, and other public lands as defined in subsection D.1. above that are identified in an adopted municipal plan. Acceptable vehicular right-of-way shall be a public street that is platted and dedicated in accordance with relevant provisions of this code.

E. Access to Chugach State Park

- 1. During review and action on subdivisions at or near the boundary of the Chugach State Park, the platting authority shall require the dedication of public vehicular or pedestrian

January 22, 2020

**Canyon View Estates Subdivision (CVE)
Vacation of Easements
Narrative**

1. *The statement by the applicant alleging the right-of-way is surplus to the current and future needs of the public and the reasons for determining the right-of-way is surplus.*

Response: We are proposing replacing the PUE's with a 60' wide dedicated to the MOA right-of-way. The proposed ROW completely fulfills the current & future needs of Canyon Road.

2. *The Municipality will not entertain any vacation of right-of-way on a street on the Official Streets and Highways Plan (OS&HP) unless it can be shown without a doubt that the right-of-way is clearly in excess of all future needs for right-of-way.*

Response: The proposed ROW width is according to MOA design specifications, and the existing PUE's are in excess of requirements of Canyon Road.

3. *Any right-of-way lying on the half-mile grid will not be considered for vacation unless it can without a doubt be shown that the right-of-way is clearly in excess of all future needs for right-of-way.*

The existing PUE's lie outside of the half-mile grid system.

4. *Any right-of-way lying on the quarter mile grid will not be considered for vacation unless it can without a doubt be shown that the right-of-way is clearly in excess of all future needs for right-of-way.*

The existing PUE's lie outside of the quarter mile grid system.

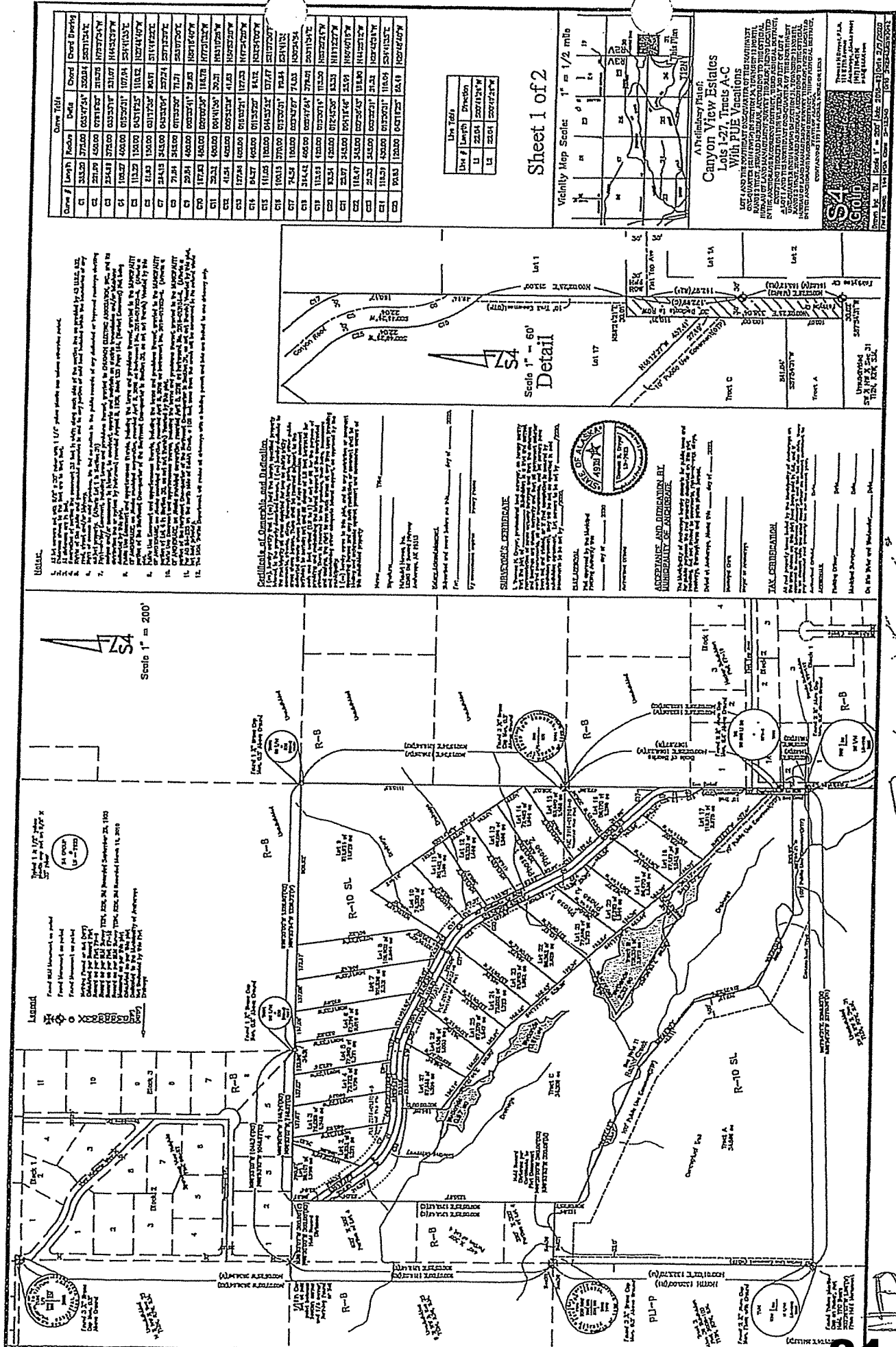
5. *In all cases it must be proven that the remaining property in the area can be adequately served and the traffic circulation is enhanced by the vacation of right-of-way.*

All of the surrounding property is well served by the proposed ROW, which is an upgrade to the existing PUE's. There are no changes in traffic circulation by this vacation of the PUE's.

6. *The Municipality will consider realignment of right-of-way by vacation and rededication where it can be clearly shown the right-of-way realignment will enhance traffic circulation and will provide for the movement of traffic with generally the same beginning and ending points as the original right-of-way.*

This vacation is not re-aligning the course of Canyon Road, but is merely a house keeping matter of upgrading the PUE's to a dedication to the MOA of a 60' wide right-of-way.

EXH 15 1-1



Notes:

1. All areas are shown on 1/4" = 1" scale sheets and unless otherwise noted.
2. All areas are shown on 1/4" = 1" scale sheets and unless otherwise noted.
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11. All areas are shown on 1/4" = 1" scale sheets and unless otherwise noted.
12. All areas are shown on 1/4" = 1" scale sheets and unless otherwise noted.

Definition of Corner and Direction
 The corner of a lot shall be the point where the boundary lines of the lot meet. The direction of a boundary line shall be the direction in which the line runs when viewed from the corner.

Surveyor's Certificate
 I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the same.

Acceptance and Indication by Municipality of Jurisdiction
 The Municipality of Anchorage hereby accepts jurisdiction over the above described property and indicates its approval of the same.

Tax Certificate
 The above described property is subject to taxation by the Municipality of Anchorage.

Map
 The map is a true and correct copy of the original survey as shown to me by the owner of the same.

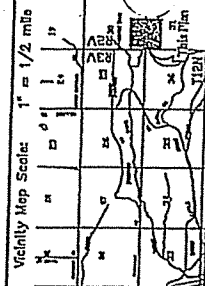
On the Part and Behalf of
 Surveyor

Map
 The map is a true and correct copy of the original survey as shown to me by the owner of the same.

On the Part and Behalf of
 Municipality of Anchorage

Line	Length	Direction
L1	220.4	S07°15'W
L2	220.4	S07°15'W

Sheet 1 of 2



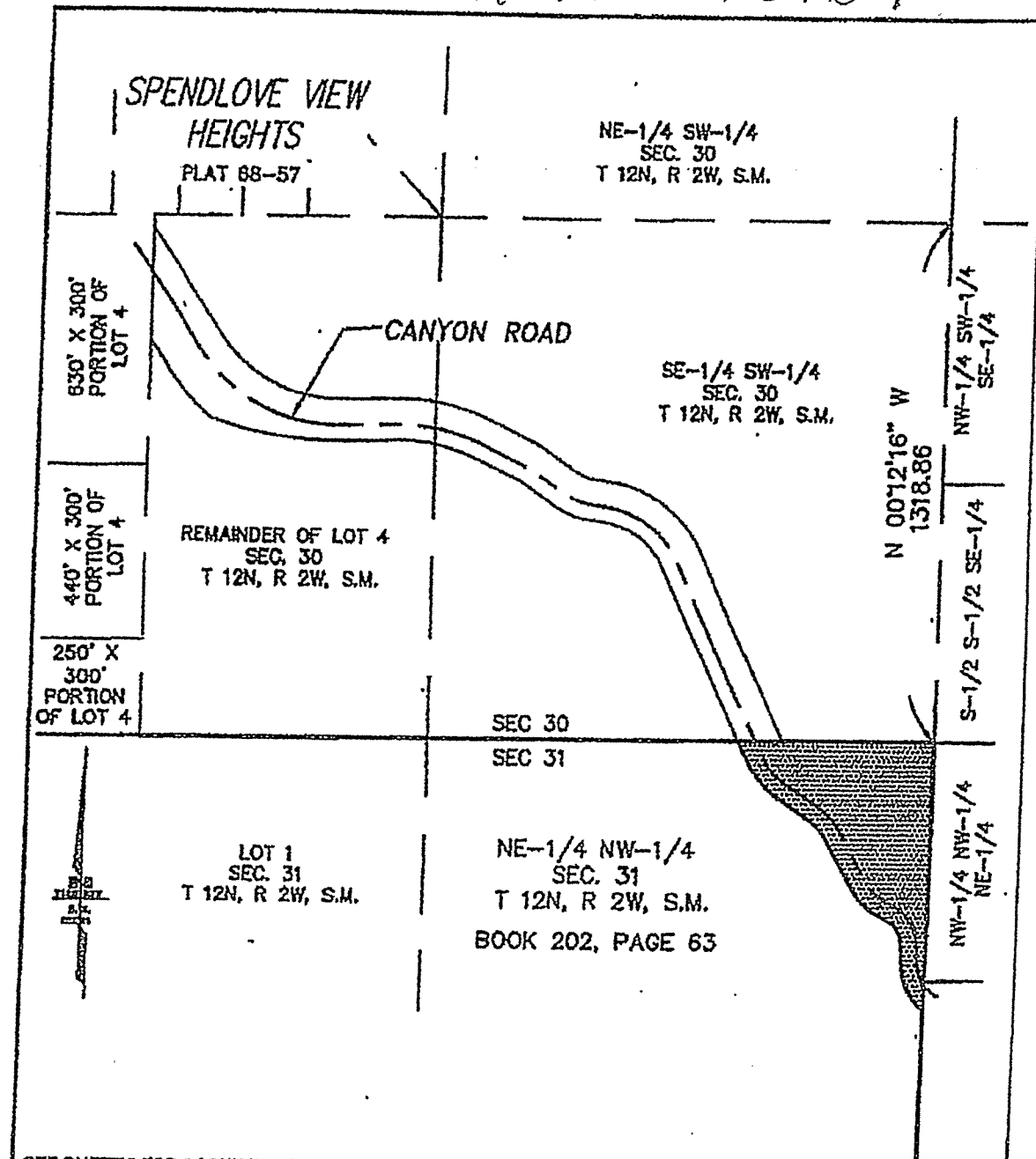
Canyon View Estates
 Lots 1-27, Tracts A-C
 With PUE Variations

LET AND THE CONTIGUOUS QUARTER OF THE MAINWYND...
 BEING PART OF THE TRACT OF LAND...
 WITH PUE VARIATIONS...
 THE ABOVE DESCRIBED PROPERTY...
 BEING PART OF THE TRACT OF LAND...
 WITH PUE VARIATIONS...


Row the area where the road

P.60

2016-013104

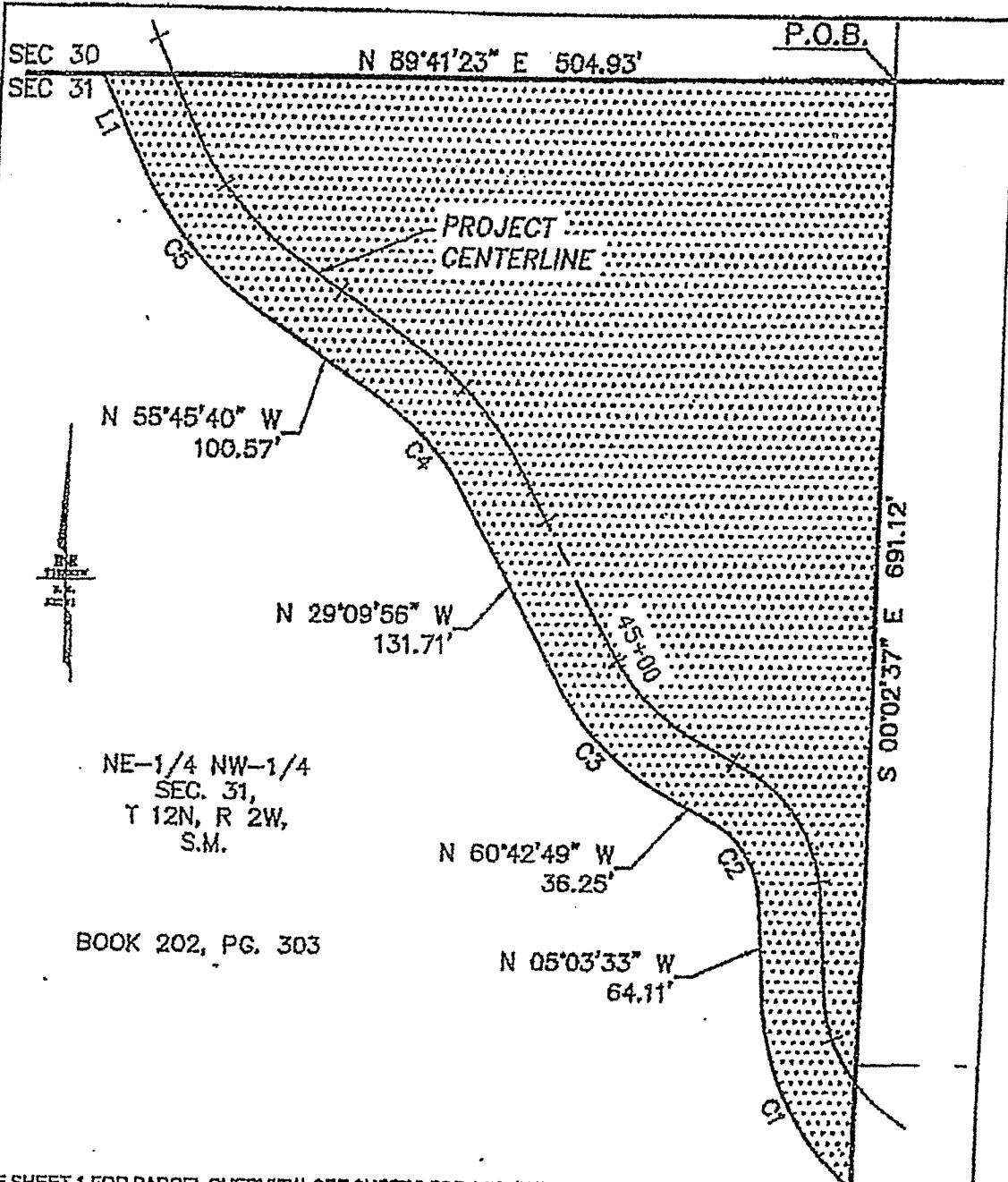


SEE SHEET 2 FOR ACQUISITION PARCEL DETAIL. SEE SHEET 3 FOR LINE AND CURVE TABLES. SHEET 1 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PM&E # 13-56	
	OWNER'S INITIALS: <i>ARR</i>	EXISTING PARCEL AREA: ±1,742,400 S.F.	ROW ACQUISITION TYPE: PUE
	PAGE <u>6</u> OF <u>8</u> DATED <u>3/25/16</u>	SCALE: 1"=400' GRID: SW3042	ROW ACQUISITION AREA: ±157,600 S.F. DATE: 08-12-15 PARCEL No. 10




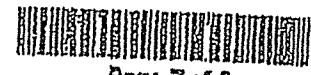
Exh 17 1-2



SEE SHEET 1 FOR PARCEL OVERVIEW. SEE SHEET 2 FOR ACQUISITION PARCEL DETAIL.

SHEET 2 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PM&E # 13-56	
	OWNER'S INITIALS; <i>PH</i>	EXISTING PARCEL AREA: ±1,742,400 S.F.	ROW ACQUISITION TYPE: PUE
	PAGE 7 OF 8 DATED 7/25/16	ROW ACQUISITION AREA: ±157,600 S.F.	SCALE: 1"=100'
		GRID: SW3042	DATE: 08-12-15 PARCEL No. 10



Exh 17 2-3


8388

Line Table		
Line	Bearing	Distance
L1	N 25°59'19" W	58.70'

Curve Table					
Curve	Length	Radius	Delta	Chord Bearing	Chord Length
C1	135.75'	168.75'	46°05'24"	N 28°06'15" W	132.12'
C2	58.28'	60.00'	55°39'16"	N 32°53'11" W	56.02'
C3	104.62'	190.00'	31°32'53"	N 44°58'22" W	103.30'
C4	74.27'	160.00'	26°35'44"	N 42°27'48" W	73.60'
C5	124.71'	240.00'	29°46'21"	N 40°52'29" W	123.31'

SEE SHEET 1 FOR PARCEL OVERVIEW. SEE SHEET 3 FOR LINE AND CURVE TABLES.

SHEET 3 OF 3

PUBLIC WORKS DEPARTMENT PROJECT MANAGEMENT & ENGINEERING DIVISION		CANYON ROAD EXTENSION PM&E # 13-56	
	OWNER'S INITIALS: <u>AR</u>	EXISTING PARCEL AREA: ±1,742,400 S.F.	
	PAGE <u>8</u> OF <u>8</u> DATED <u>7/25/16</u>	ROW ACQUISITION TYPE: PUE	ROW ACQUISITION AREA: ±157,600 S.F.
		SCALE: N/A	DATE: 08-12-15
		GRID: SW3042	PARCEL No. 10



Page 8 of 8

2016-013104-0

Exh 17 3-3

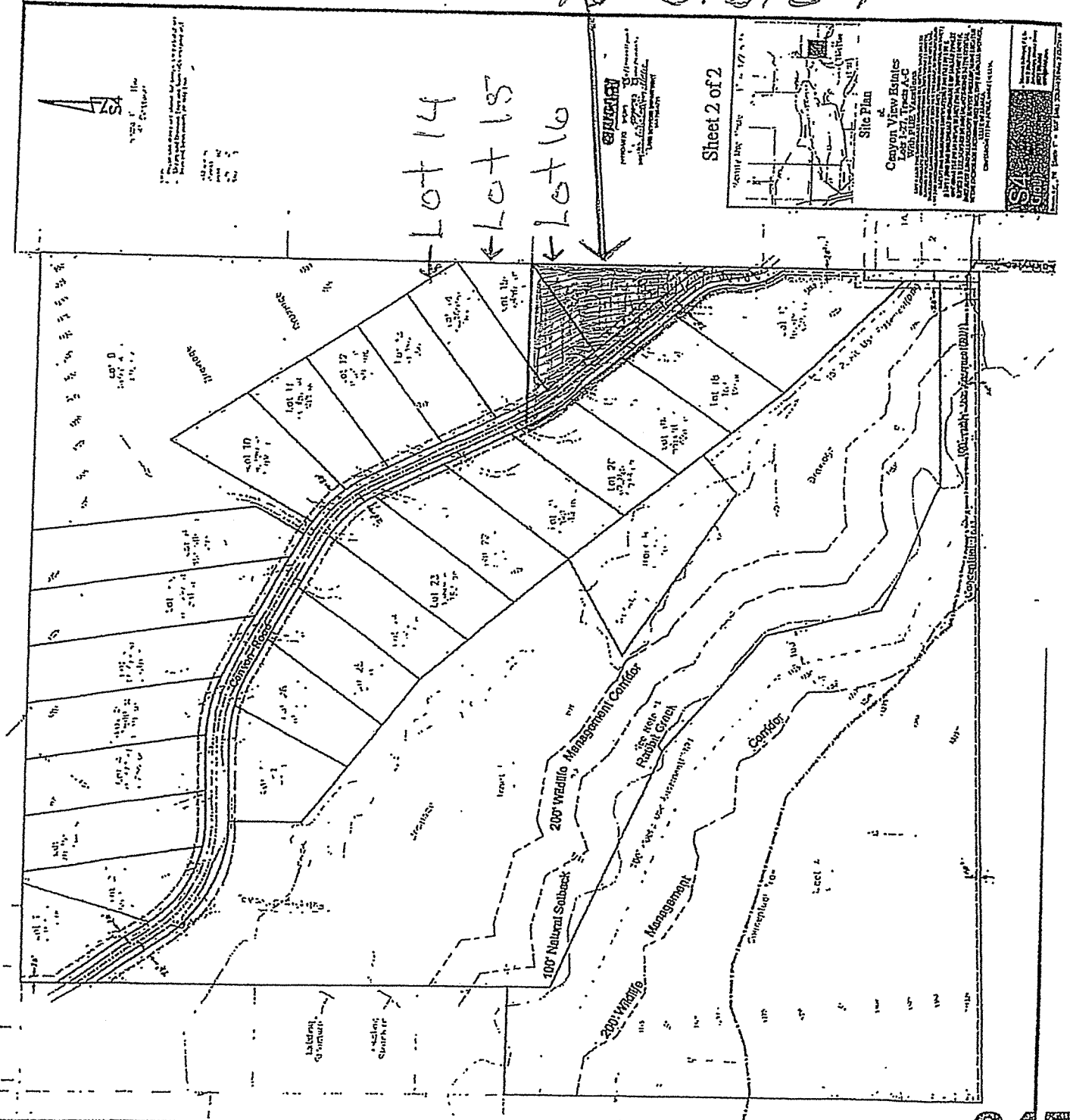
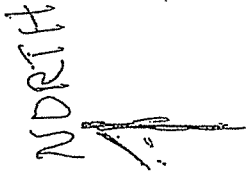
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RECEIVED

FEB 20 2020

PLANNING DEPARTMENT

MUNI PUE 2016-013104



345

EXH 18 851

W.

ALASKA

2016-013102-0

Recording District 301 ANCHORAGE

04/05/2016 02:23 PM

Page 1 of 9



Please return to:
Municipality of Anchorage
Project Management & Engineering
P.O. Box 196650
Anchorage, Alaska 99519-6650
Attn: Fran Murphy

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No.13-55, ROW File No.C-13-14
Tax #021-021-32
Parcel #2

PUBLIC USE EASEMENT

The GRANTORS, DONALD L. ROHALEY AND WASSILISSIA ROHALEY, whose mailing address is 7100 Huffman, Anchorage, AK 99516, for good and valuable consideration, conveys and warrants to MUNICIPALITY OF ANCHORAGE, an Alaska municipal corporation whose address is P.O. Box 196650, Anchorage, Alaska, 99519-6650, GRANTEE, and to its successors and assigns, an easement in perpetuity pertaining to the following described real estate:



A portion of the SE ¼ of the SW ¼ of Section 30, Township 12 North, Range 2 West, Third Judicial District, Seward Meridian, Alaska, Located in the Anchorage Recording District.

The Basis of Bearings for this legal description are based on the Anchorage BOWL 2000 adjustment, a local surface grid coordinate system developed by the Alaska Department of Transportation.

A portion of the SE ¼ of the SW ¼ of Section 30, Township 12 North, Range 2 West, Seward Meridian, Alaska; being more particularly described by metes and bounds as follows:

BEGINNING at a point on the common westerly line of said SE ¼ of the SW ¼ of Section 30 and easterly line of Government Lot 4 of Section 30, THE TRUE POINT OF BEGINNING, said point being on a non-tangent curve to the right; THENCE, a distance of 168.90 feet along said curve to the right, having a central angle of 17° 07' 40", a radius of 565.00 feet, and a long chord which bears S 72° 46' 01" E, 168.27 feet to the point of tangency; THENCE, S 64° 12' 12" E, a distance of 115.30 feet to a point of curvature to the right; THENCE, a distance of 38.68 feet along said curve to the right having a central angle of 08° 21' 49", a radius of 265.00

Exh 19 1-5

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #021-021-32
Parcel #2

feet, and a long chord which bears S 60° 01' 17" E, 38.65 feet to the point of tangency; THENCE, S 55° 50' 23" E, a distance of 91.42 feet to a point of curvature to the left; THENCE, a distance of 61.56 feet along said curve to the left, having a central angle of 26° 07' 36", a radius of 135.00 feet, and a long chord which bears S 68° 54' 11" E, 61.03 feet to the point of tangency; THENCE, S 81° 57' 59" E, a distance of 39.81 feet to a point of curvature to the right; THENCE, a distance of 307.75 feet along said curve to the right, having a central angle of 55° 58' 40", a radius of 315.00 feet, and a long chord which bears S 53° 58' 39" E, 295.66 feet to the point of tangency; THENCE, S 25° 59' 19" E, a distance of 537.11 feet to a point on the southerly line of Section 30, same being the northerly line of Section 31; THENCE, S 89° 41' 23" W, along the common line between Sections 30 and 31, a distance of 116.51 feet to the southwest corner of the herein described tract; THENCE, N 25° 59' 19" W, a distance of 486.63 feet to a point of curvature to the left; THENCE, a distance of 205.17 feet along said curve to the left, having a central angle of 55° 58' 40", a radius of 210.00 feet, and a long chord which bears N 53° 58' 39" W, 197.11 feet, to the point of tangency; THENCE, N 81° 57' 59" W, a distance of 39.81 feet to a point of curvature to the right; THENCE, a distance of 109.44 feet along said curve to the right, having a central angle of 26° 07' 36", a radius of 240.00 feet, and a long chord which bears N 68° 54' 11" W, 108.49 feet, to the point of tangency; THENCE, N 55° 50' 23" W, a distance of 91.42 feet to a point of curvature to the left; THENCE, a distance of 23.36 feet along said curve to the left, having a central angle of 08° 21' 49", a radius of 160.00 feet, and a long chord which bears N 60° 01' 17" W, 23.33 feet, to the point of tangency; THENCE, N 64° 12' 12" W, a distance of 115.30 feet to a point of curvature to the left; THENCE, a distance of 120.83 feet along said curve to the left, having a central angle of 15° 03' 00", a radius of 460.00 feet, and a long chord which bears N 71° 43' 42" W, 120.48 feet to a point on said common westerly line of said SE ¼ of the SW ¼ of Section 30 and easterly line of Government Lot 4 of Section 30; THENCE, N 00° 19' 49" W, along said common line, a distance of 106.61 feet to THE TRUE POINT OF

Page 2 of 8



Page 2 of 9

2016-013102-0

Exh 19 2-5

266
87

BEGINNING, and containing 3.076 Acres (134,006 Square Feet), more or less.

for a public street, highway, walkway, trail, public transportation facility and appurtenances and corridor for utilities of every kind and nature including, but not limited to, the right to construct, reconstruct, maintain, repair, operate and improve a public street, highway, walkway, trail, public transportation facility, drainage, drainage facility and/or electric, telephone or telecommunications, gas, water, sewer, or other utility transmission or distribution facilities together with the right to license, permit or otherwise agree to the exercise of these rights by any other person, or entity.

All improvements are the property of Anchorage, removable at its option. The failure of the GRANTEE to exercise any of its rights granted herein shall not be construed as a waiver or abandonment of the right.

GRANTORS:

DONALD L. ROHALEY (deceased)

Date: _____

Helen Ramondos
WASSILISSIA ROHALEY
By Helen Ramondos, Power of Attorney

Date: 3-25-16

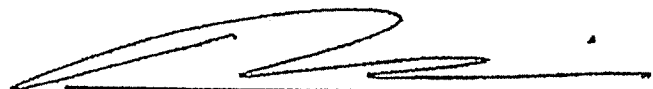


EXH 19 3-5 88²⁶⁷

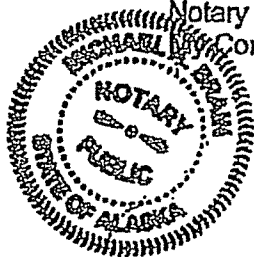
MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #021-021-32
Parcel #2

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss:
)

The foregoing instrument was acknowledged before me this 25th day of MARCH, 2016, by Helen Ramondos, Power of Attorney for Wassilissia Rohaley.



Notary Public for the State of Alaska
Commission Expires: 7/26/15



EXH 19 4-5

268
89

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #021-021-32
Parcel #2

CERTIFICATE OF ACCEPTANCE

This is to certify that the Municipality of Anchorage, Project Management and Engineering Department, Grantee herein, acting by and through its Director, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

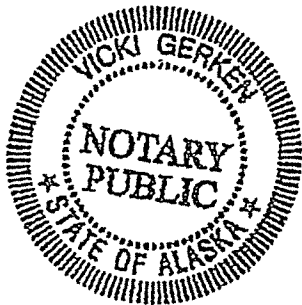
MUNICIPALITY OF ANCHORAGE

Russell H. Oswald
By: Russell H. Oswald, Acting Director
Project Management & Engineering Department

Date: 3/30/2016

STATE OF ALASKA }
THIRD JUDICIAL DISTRICT } ss:

The foregoing instrument was acknowledged before me this 30 day of March, 2016, by Russell H. Oswald, P.E., L.S., acting on behalf of J.W. Hansen, Director of the Project Management and Engineering Department for the Municipality of Anchorage, an Alaska municipal corporation, on behalf of the corporation.



Vicki Gerken
NOTARY PUBLIC in and for Alaska
My Commission Expires: 4-26-2018

EXH 19 5-5 309

cc

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L
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K
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2016-013103-0

Recording District 301 ANCHORAGE
04/05/2016 02:23 PM Page 1 of 8



Please return to:
Municipality of Anchorage
Project Management & Engineering
P.O. Box 196650
Anchorage, Alaska 99519-6650
Attn: Fran Murphy

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmon Road to Chugach State Park
Project No.13-56, ROW File No.C-13-14
Tax #021-021-04
Parcel #3

PUBLIC USE EASEMENT.

The GRANTORS, DONALD L. ROHALEY AND WASSILISSIA ROHALEY, whose mailing address is 7100 Huffman, Anchorage, AK 99516, for good and valuable consideration, conveys and warrants to MUNICIPALITY OF ANCHORAGE, an Alaska municipal corporation whose address is P.O. Box 196650, Anchorage, Alaska, 99519-6650, GRANTEE, and to its successors and assigns, an easement in perpetuity pertaining to the following described real estate:

A portion of the remainder of Government Lot 4, Section 30, Township 12 North, Range 2 West, Seward Meridian, Alaska, Located in the Anchorage Recording District, Third Judicial District.

The Basis of Bearings for this description are based on the Anchorage BOWL 2000 adjustment, a local surface grid coordinate system developed by the Alaska Department of Transportation.

A portion of the remainder of Government Lot 4, Section 30, Township 12 North, Range 2 West, Seward Meridian, Alaska; being more particularly described as follows:

BEGINNING at a point, on the westerly line of said remainder; THE TRUE POINT OF BEGINNING, THENCE, S 34° 45' 10" E, a distance of 313.08 feet to a point of curvature to the left; THENCE, a distance of 377.44 feet along said curve to the left, having a central angle of 56° 10' 14", a radius of 385.00 feet, and a long chord which bears S 62° 50' 17" E, 362.50 feet, to the point of tangency; THENCE, N 89° 04' 36" E, a distance of 152.05 feet to a point of curvature to the right; THENCE, a distance of 94.59 feet along said curve to the right, having a central angle of 09° 35' 33", a radius of 565.00 feet, and a long chord which

EXH 201-274-91

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #021-021-04
Parcel #3

bears S 86° 07' 38" E, 94.48 feet to a point on the common westerly line of said Government Lot 4 and the SE ¼ of the SW ¼ of Section 30; THENCE, S 00° 19' 49" E, along said common line, a distance of 106.61 feet to a point on a non-tangent curve to the left; THENCE, a distance of 93.69 feet along said curve to the left, having a central angle of 11° 40' 12", a radius of 460.00 feet, and a long chord which bears N 85° 05' 18" W, 93.53 feet to the point of tangency; THENCE, S 89° 04' 36" W, a distance of 152.05 feet to a point of curvature to the right; THENCE, a distance of 341.05 feet along said curve to the right, having a central angle of 20° 09' 32", a radius of 969.33 feet, and a long chord which bears N 80° 50' 38" W, 339.29 feet to the beginning of a non-tangential curve to the right; THENCE, a distance of 174.72 feet along said non-tangential curve to the right, having a central angle of 18° 22' 05", a radius of 545.00 feet, and a long chord which bears N 43° 56' 13" W, 173.97 feet to the point of tangency; THENCE N 34° 45' 10" W, a distance of 79.87 feet to a point on the said westerly line of the remainder of Government Lot 4; THENCE N 00° 17' 59" W, along said westerly line, a distance of 282.82 feet to THE TRUE POINT OF BEGINNING, and containing 2.697 Acres (117,471 Square Feet), more or less.

for a public street, highway, walkway, trail, public transportation facility and appurtenances and corridor for utilities of every kind and nature including, but not limited to, the right to construct, reconstruct, maintain, repair, operate and improve a public street, highway, walkway, trail, public transportation facility, drainage, drainage facility and/or electric, telephone or telecommunications, gas, water, sewer, or other utility transmission or distribution facilities together with the right to license, permit or otherwise agree to the exercise of these rights by any other person, or entity.

All improvements are the property of Anchorage, removable at its option. The failure of the GRANTEE to exercise any of its rights granted herein shall not be construed as a waiver or abandonment of the right.



Exh 20

2-5

275

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MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmon Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #021-021-04
Parcel #3

GRANTORS:

DONALD L. ROHALEY (deceased)

Date: _____

Helen Ramondos
WASSILISSIA ROHALEY
By Helen Ramondos, Power of Attorney

Date: 3-25-16



Exh 20

3-593

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #021-021-04
Parcel #3

CERTIFICATE OF ACCEPTANCE

This is to certify that the Municipality of Anchorage, Project Management & Engineering Department, Grantee herein, acting by and through its Director, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

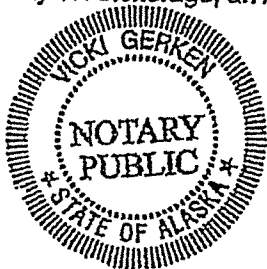
MUNICIPALITY OF ANCHORAGE

Russell H. Oswald
By: Russell H. Oswald, Acting Director
Project Management & Engineering Department

Date: 3/30/2016

STATE OF ALASKA }
THIRD JUDICIAL DISTRICT } ss:

The foregoing instrument was acknowledged before me this 30 day of March, 2016, by Russell H. Oswald, P.E., L.S., acting on behalf of J.W. Hansen, Director of the Project Management and Engineering Department for the Municipality of Anchorage, an Alaska municipal corporation, on behalf of the corporation.



Vicki Gerken
NOTARY PUBLIC in and for Alaska
My Commission Expires: 4-26-2018



ca

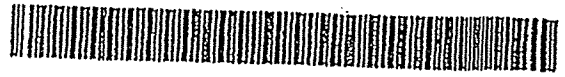
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2016-013104-0

Recording District 201 ANCHORAGE

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Page 1 of 8



Please return to:
Municipality of Anchorage
Project Management & Engineering
P.O. Box 196650
Anchorage, Alaska 99519-6650
Attn: Fran Murphy

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmour Road to Chugach State Park
Project No.13-56, ROW File No.C-13-14
Tax #042-081-40
Parcel #10

PUBLIC USE EASEMENT

The GRANTORS, DONALD L. ROHALEY AND WASSILISSIA ROHALEY, whose mailing address is 7100 Huffman, Anchorage, AK 99516, for good and valuable consideration, conveys and warrants to MUNICIPALITY OF ANCHORAGE, an Alaska municipal corporation whose address is P.O. Box 196650, Anchorage, Alaska, 99519-6650, GRANTEE, and to its successors and assigns, an easement in perpetuity pertaining to the following described real estate:

A portion of the NE ¼ of the NW ¼ of Section 31, Township 12 North, Range 2 West, Third Judicial District, Seward Meridian, Alaska, Located in the Anchorage Recording District.

The Basis of Bearings for this description are based on the Anchorage BOWL 2000 adjustment, a local surface grid coordinate system developed by the Alaska Department of Transportation.

A portion of the NE ¼ of the NW ¼ of Section 31, Township 12 North, Range 02 West, Seward Meridian, Alaska; being more particularly described as follows:

BEGINNING the quarter corner common to Sections 30 and 31; THE TRUE POINT OF BEGINNING, THENCE S 00° 02' 37" E, along the north-south ¼ line of Section 31, a distance of 691.12 feet to the most southerly corner of the herein described tract, being on a non-tangent curve to the right; THENCE, a distance of 135.75 feet along said non-tangent curve to the right, having a central angle of 46° 05' 24", a radius of 168.75 feet, and a long chord which bears N 28° 06' 15" W, 132.12 feet to the point of tangency; THENCE, N 05° 03' 33" W, a distance of 64.11 feet to a point of curvature to the left; THENCE, a distance of

EXH 21 1-5

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MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmon Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #042-081-40
Parcel #10

58.28 feet along said curve to the left having a central angle of $55^{\circ} 39' 16''$, a radius of 60.00 feet, and a long chord which bears $N 32^{\circ} 53' 11'' W$, 56.02 feet to the point of tangency; THENCE, $N 60^{\circ} 42' 49'' W$, a distance of 36.25 feet to a point of curvature to the right; THENCE, a distance of 104.62 feet along said curve to the right, having a central angle of $31^{\circ} 32' 53''$, a radius of 190.00 feet, and a long chord which bears $N 44^{\circ} 56' 22'' W$, 103.30 feet to the point of tangency; THENCE, $N 29^{\circ} 09' 56'' W$, a distance of 131.71 feet to a point of curvature to the left; THENCE, a distance of 74.27 feet along said curve to the left, having a central angle of $26^{\circ} 35' 44''$, a radius of 160.00 feet, and a long chord which bears $N 42^{\circ} 27' 48'' W$, 73.60 feet to the point of tangency; THENCE, $N 55^{\circ} 45' 40'' W$, a distance of 100.57 feet to a point of curvature to the right; THENCE, a distance of 124.71 feet along said curve to the right, having a central angle of $29^{\circ} 46' 21''$, a radius of 240.00 feet, and a long chord which bears $N 40^{\circ} 52' 29'' W$, 123.31 feet to the point of tangency; THENCE $N 25^{\circ} 59' 19'' W$, a distance of 56.70 feet to a point on the common line between Sections 30 and 31; THENCE, $N 89^{\circ} 41' 23'' E$, along said common line, a distance of 504.93 feet to THE TRUE POINT OF BEGINNING, and containing 3.618 Acres (157,600 Square Feet), more or less.

for a public street, highway, walkway, trail, public transportation facility and appurtenances and corridor for utilities of every kind and nature including, but not limited to, the right to construct, reconstruct, maintain, repair, operate and improve a public street, highway, walkway, trail, public transportation facility, drainage, drainage facility and/or electric, telephone or telecommunications, gas, water, sewer, or other utility transmission or distribution facilities together with the right to license, permit or otherwise agree to the exercise of these rights by any other person, or entity.

All improvements are the property of Anchorage, removable at its option. The failure of the GRANTEE to exercise any of its rights granted herein shall not be construed as a waiver or abandonment of the right.



MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #042-081-40
Parcel #10

GRANTORS:

DONALD L. ROHALEY (deceased)

Date: _____

Helen Ramondos
WASSILISSIA ROHALEY
By Helen Ramondos, Power of Attorney

Date: 3-25-16



Exh 21

3-5

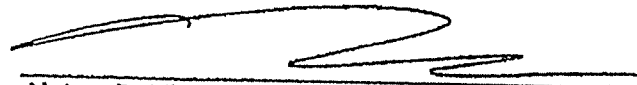
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MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #042-081-40
Parcel #10

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss:

The foregoing instrument was acknowledged before me this 25th day of March, 2016, by Helen Ramondos, Power of Attorney for Wassilissia Rohaley.



Notary Public for the State of Alaska
Commission Expires: 7/26/18



Exh 21

4-5

285

99

MOA/PM&E/ROW
Canyon Road Improvements,
Upper DeArmoun Road to Chugach State Park
Project No. 13-56, ROW File No. C-13-14
Tax #042-081-40
Parcel #10

CERTIFICATE OF ACCEPTANCE

This is to certify that the Municipality of Anchorage, Project Management & Engineering Department, Grantee herein, acting by and through its Director, hereby accepts for public purposes the real property, or interest therein, described in this instrument and consents to the recordation thereof.

MUNICIPALITY OF ANCHORAGE

Russell H. Oswald

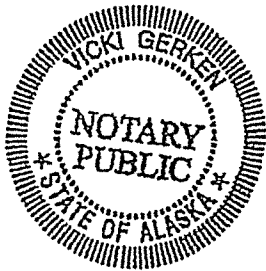
Date: 3/30/2016

By: Russell H. Oswald, Acting Director
Project Management & Engineering Department

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

} ss:

The foregoing instrument was acknowledged before me this 30 day of March, 2016, by Russell H. Oswald, P.E., L.S., acting on behalf of J.W. Hansen, Director of the Project Management and Engineering Department for the Municipality of Anchorage, an Alaska municipal corporation, on behalf of the corporation.



Vicki Gerken
NOTARY PUBLIC in and for Alaska
My Commission Expires: 4-26-2018



determine the length of the access street that the subdivider shall improve. Access streets shall be improved in accordance with table 21.08-4.

2. **Peripheral Streets**

- a. The platting authority may require the improvement of peripheral streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access.
- b. Peripheral streets whose improvement is required under this subsection shall be improved in accordance with table 21.08-4, provided that peripheral streets used for access to individual lots shall be improved in accordance with tables 21.08-3 and 21.08-5.

3. **Half Streets**

The municipal engineer or the platting authority may require the improvement of an access street or a peripheral street to a half street standard in the urban area in accordance with the half-street standards in the *Design Criteria Manual*, if underground utilities will be installed before street construction, or if no utilities are anticipated under the street section.

G. **Curbs and Gutters**

Where required, the subdivider shall construct curbs and gutters in accordance with the *Design Criteria Manual* and *Municipality of Anchorage Standard Specifications* (MASS), or, in the case of a state-maintained road, the current standard specifications of the state department of transportation and public facilities. Curbs shall be of the American Association of State Highway and Transportation Officials (AASHTO) vertical type.

1. **Exceptions**

Curb and gutter within the arc of a residential scale cul-de-sac shall be of the roll-curb variety, as identified in the *Municipality of Anchorage Standard Specifications* (Curb Type 2).

H.

Pedestrian Facilities

1. **Sidewalks**

- a. Sidewalks are required as determined by the transportation and connectivity standards in section 21.07.060.
- b. Sidewalks shall be improved in accordance with table 21.08-7 below.
- c. Sidewalks at bus stops shall comply with the specifications of the *Design Criteria Manual*.

2. **Walkways**

- a. Walkways are required as determined by the transportation and connectivity standards in section 21.07.060.
- b. Walkways shall be improved in accordance with table 21.08-7 below, as determined by the platting authority.
- c. Walkways in dedicated pedestrian easements may be improved or unimproved, as determined by the platting authority.

3. **Pathways**

- a. Pathways shall be located and constructed as determined by the *Anchorage Non-Motorized Transportation Plan: Pedestrian Plan*, the *Anchorage Non-Motorized Transportation Plan: Bicycle Plan*, and other adopted municipal plans.

b. Where a pathway and a sidewalk are co-located, the facility shall be constructed according to the specifications for a pathway.

4. **Trails**

Trails shall be located and constructed as determined by the *Areawide Trails Plan* and other adopted municipal plans.

TABLE 21.08-7: MINIMUM SIDEWALK, WALKWAY, AND TRAIL IMPROVEMENTS				
Type of material	Minimum width	Separation from curb	Right-of-way	Notes
Sidewalks				
4" PCC	5	0	N/A	As a general rule, sidewalks should only be attached to the curb where on-street parking is allowed.
4" PCC	5	7	N/A	
Pavers	5	0 or 7	N/A	Decorative concrete or brick pavers
Walkways				
4" PCC	5		N/A	Walkways through commercial developments as required by 21.07.060 and 21.07.090 are generally not located in easements
4" PCC	5		10'	Not recommended where peat is surcharged
1 1/2" AC	5		10'	Generally used for improved walkways creating through-block connections; between cul-de-sac bulbs; connecting to parks, trails, other open space
Gravel	5		10'	May be used in class B improvement areas
Unimproved			10'	
Pathways				
1 1/2" AC	6	7		
Trails				
1 1/2" AC	See Trails Plan	7		
Gravel		7		For class B improvement areas or nature trails
Unimproved				Generally for existing historical trails or trails through parks and open space

I. **Street Lighting**

1. Street lighting apparatus shall meet municipal standards for materials and design and be provided with underground power. The location of the streetlight poles shall be approved by the traffic engineer and shall comply with standards contained in the *Design Criteria Manual*.
2. Street lighting constructed for neighborhood collector streets within subdivisions located in rural zones defined as class B improvement areas in table 21.08-1 and governed by the *Hillside District Plan* shall be non-continuous and shall provide the collector (low) level lighting specified in table 5.1 of the *Design Criteria Manual* at intersections.

J. **Traffic Control Devices**

Traffic and street name signs and traffic signals shall be installed in accordance with the requirements of the traffic engineer and the *Alaska Traffic Manual*, per the requirements of AS 28.01.010.

BAO: 84-235

Handwritten initials and scribbles in the top left corner.

AMENDED AND APPROVED
DATE 2-19-85

Submitted by: Chairman of the Assembly
At the Request Of the Mayor
Prepared by: Department of Community Planning
For Reading: November 20, 1984

Anchorage, Alaska
AO No. 84-235

AN ORDINANCE AMENDING THE ZONING MAP AND PROVIDING FOR THE REZONING FROM R-8 (RURAL RESIDENTIAL DISTRICT - LARGE LOT) TO R-10 (RESIDENTIAL ALPINE/SLOPE DISTRICT) WITH SPECIAL LIMITATIONS FOR THE SE¹/₄ SW¹/₄ AND A PORTION OF LOT 4, SECTION 30, T12N, R2W, S.M. AND THE N¹/₂ NW¹/₄ OF SECTION 31, T12N, R2W, S.M. AS DEPICTED ON EXHIBIT A ATTACHED (HILLSIDE EAST AND GLEN ALPS COMMUNITY COUNCIL)

THE ANCHORAGE ASSEMBLY ORDAINS:

SECTION 1. That the Zoning Map be amended by designating the following described property as a R-10 (Residential Alpine/Slope District) with special limitations zone:

The SE¹/₄ SW¹/₄ and a portion of Lot 4, Section 30 and the N¹/₂ NW¹/₄ of Section 31, T12N, R2W, S.M. as depicted in Exhibit A attached.

SECTION 2. This Zoning Map amendment is subject to the following special limitations establishing design standards for the property:

1. Minimum lot size of 1 1/4 acre/ with a maximum number of lots to be 58.
2. Maximum of 20 lots to be finally platted each calendar year.
3. That no lots be built within 400 feet of Rabbit Creek until after May 1, 1986.
***** See reverse side for other special limitations.

~~SECTION 3.~~ 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 Special Limitations 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.

continued Special Limitations:

4. Dedication of 100 feet along the Rabbit Creek on the south side for public use.
5. Trade lands on the north side of the creek with Parks and Recs. department with no platting within 400 feet back of the creek until May, 1986. Amount of lands to be traded not yet determined. If no land trade takes place, a 100 foot zone from the creek will be conserved in its natural state but held privately.
6. An independent engineer will ensure that all lots meet the codes before sale.
7. The single lane road will be dedicated as a public two lane road.
8. Certain wetlands, approximately 2 1/2 acres, as to be determined by the Corps of Engineers will be conserved as a homeowner's natural park providing the Municipality of Anchorage does not want the land.
9. Each lot will be guaranteed for adequate on-site septic and water system prior to sale as certified by DHEP.
10. Not more than 20 lots per year will be developed.
11. A maximum of 58 lots will be developed for the subdivision.
12. Minimum lot size no less than 1 1/4 acre.
13. The Rabbit Creek Community Council and Preservation Association of Rabbit Creek will be allowed to review any land trade beforehand.
14. Site plan review following the platting of the first 20 lots or January 1/1/87 whichever occurs first and a masterplan for the more densely developed portions.

SECTION 4. The Director of Community Planning shall change the Zoning Map accordingly.

SECTION 5. This ordinance shall be effective ten days after passage and approval.

PASSED AND APPROVED by the Anchorage Assembly, this 19th day of February, 1985

Jane Anger
Chairman

ATTEST

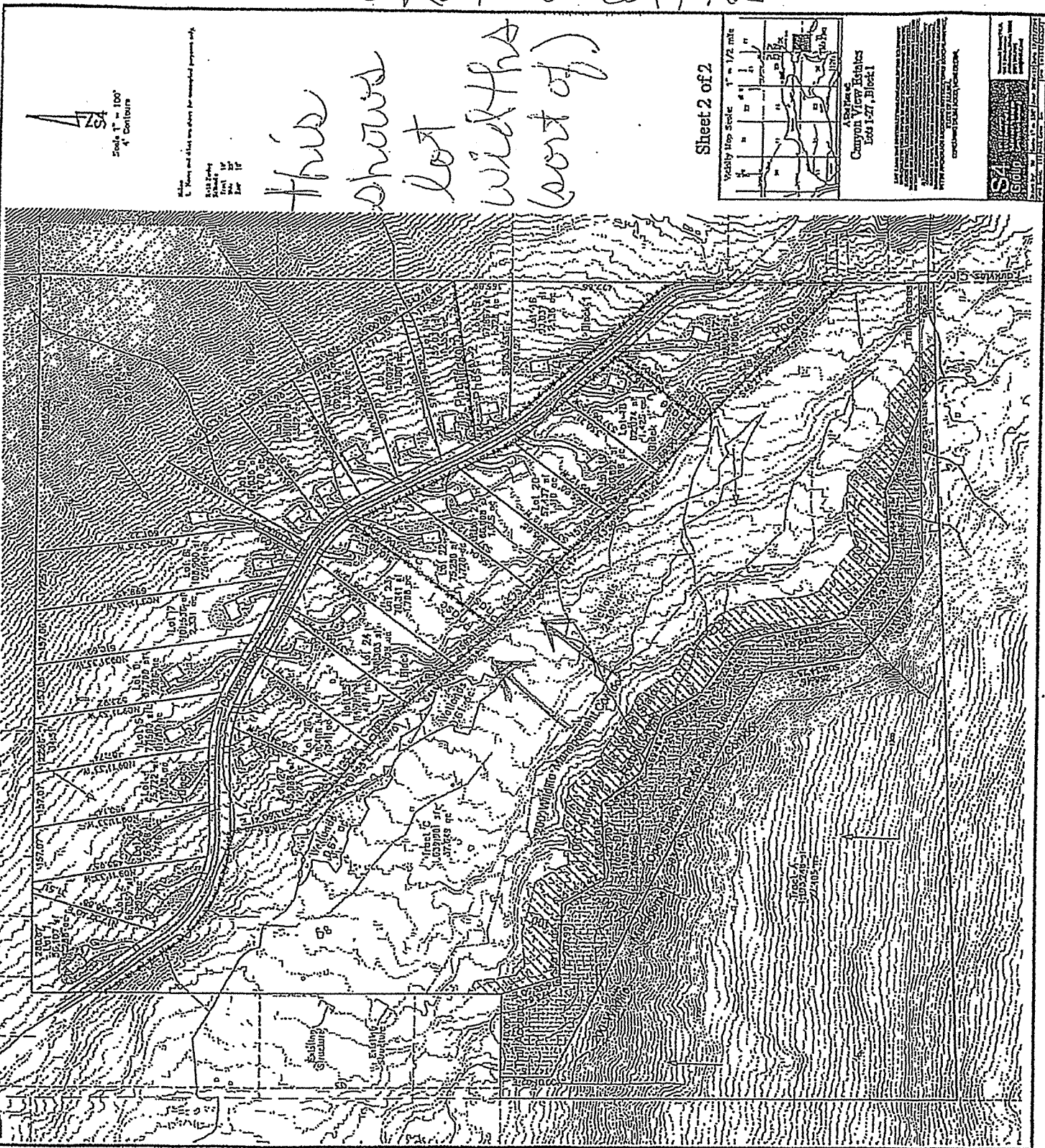
Ruby E. Smith
Municipal Clerk

(78-033-2)
(021-021-04)
(042-081-01)

js13/nao7

Plot with lot width

this shows lot width (west of)



54 slope chart

Response: Canyon View Estates provides extra-large lots that provide adequate and convenient open spaces on each individual lot. The lots are all above the minimum lots size of 1 & 1/4 acres. There are also three tracts; Tract A, which is 34.586 acres, Tract B, which is 2.502 acres, and Tract C, which is 34.623 acres. Below is a chart of the lot acreages.

Canyon View Estates		
Lot	size acres	Average slope %
1	1.288	14.9
2	1.291	13.0
3	1.746	10.7
4	1.738	12.3
5	1.781	12.2
6	2.016	13.7
7	2.331	15.0
8	2.561	19.9
9	12.161	38.6
10	1.706	16.8
11	1.388	17.2
12	1.498	19.3
13	1.586	19.8
14	1.664	17.0
15	1.458	14.7
16	1.289	13.2
17	2.675	25.9
18	1.550	18.7
19	1.550	19.1
20	1.584	12.7
21	1.750	12.1
22	1.831	11.0
23	1.698	10.8
24	1.662	14.8
25	1.547	13.8
26	1.603	13.0
27	1.554	19.7

Slope chart

← over 25% -
lot must be 5 acres

e. Provides for the efficient movement of vehicular and pedestrian traffic:

Response: Canyon View Estates provides efficient means of vehicular and pedestrian movement by providing access to existing Canyon Road that has been recently improved and

The subdivision meets the district specific standards for lot and site requirements of Table 21.04-2. The petitioner provided a lot table that includes the average slope of each lot and the size in acreage. Each lot was also checked for the minimum lot width allowed, however the petitioner applied for a variance to lot width-to-depth ratio for some of the lots and that is discussed under the variance section. Any modifications of lots will require the petitioner to provide an updated table that conforms to the district specific standards.

**TABLE 21.04-2
 LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT**

Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20

Average slope is calculated by the following formula:

$$S = \frac{I * L}{A} * 0.0023$$

Where;
 S = Average slope of lot or tract in percent
 I = Contour interval (20 feet or less)
 L = Sum of length of all contours on lot or tract in feet
 A = Area of the lot or tract in acres

Bedrock AMC 21.04.030.P.2.b

When one-third or more of required soils borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the table in this subsection. Any required soil boring that does not extend to a depth of at least 16 feet shall be deemed for the purposes of this subsection to have encountered bedrock.

This standard has been met. The applicant submitted a bedrock depth analysis report with data that shows bedrock is well below the threshold of 16 feet. This included 1983 test hole logs, property records for surrounding properties, Canyon Drive geotechnical report, and the petitioner's test hole logs.

(12)
 Exh 26 1-108 12

On-Site Water report



Municipality of Anchorage
Development Services Department
Building Safety Division



MEMORANDUM

DATE: March 03, 2020
TO: Dave Whitfield, Platting Officer
FROM: Rebecca Carroll, On-Site Water and Wastewater Section
SUBJECT: Comments on Cases due March 4, 2020

See
next
page

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

S12545 Canyon View Estates Subdivision

Submit data, tests and engineering reports to the Onsite Water and Wastewater Section that substantiates that there is adequate and safe potable water for each proposed lot and neighboring lots.

To satisfy the requirements of AMC 15.65.405 and 410, the following shall be addressed prior to final plat approval:

- The engineering report shall address known nitrate levels within 250 ft of the subdivision.
- The engineer shall show the location of existing wells and septic systems on surrounding lots (including replacement disposal field sites), if within 250 ft of the proposed wells and septic systems.
- Property boundaries for proposed Lots 8 through 27 shown on Pannone Engineering Service's site plan do not match those shown on S4's site plan. The lot boundaries shall be revised to match and the proposed well and septic reserve areas adjusted accordingly.
- AMC 15.65.210C.6.a requires that the test hole be backfilled and mounded to slope away from the groundwater monitoring pipe to prevent entry of surface runoff. From the engineering report, it sounds like this was not done. Prior to final plat approval, the test holes shall be brought into compliance with code and an additional groundwater reading shall be taken during a high groundwater season and reported on the soils logs.
- The soils logs indicate that 24 percolation tests were run for over an hour, all on the same day by the same person. The engineering report shall address how this is plausible.
- Mathematical errors have been noted in the percolation test results for multiple soils logs, particularly TH5A, TH12, TH24 & TH32. Errors shall be corrected.
- Wastewater reserve areas shall meet all code required separations, including but not limited to the following:

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Exh 27 1-109

- Mapping of streams and major drainageways is scheduled for spring of 2020. Separations to surface water features will need to be confirmed once this is complete.
- Areas exceeding a 25 percent slope shall be delineated. Based on the contours shown on the S4 site plan, it appears that proposed Lots 16, 17, 18, 21, 22 and 27 have slopes exceeding 25 percent within the reserve area or within 50 ft down-gradient from the reserve area.
- For proposed Lot 24, a portion of the reserve area is less than 10 feet from the property line fronting Canyon Road.
- The submitted soils log for proposed Lots 1, 2, 20 and 25 are unsuitable due to the percolation rate greater than 120 minutes per inch. A suitable soils log shall be submitted for proposed Lots 1, 2, 20 and 25. Note, the resulting reserve area or platted drainfields will have to be outside the 30 ft radius of the unsuitable test hole.
- For proposed Lot 9, a soils log is required and the well and septic reserve area locations shall be shown on the site plan.
- For proposed Lot 11, the perked layer is 1 foot thick, so the minimum 2 feet of accepting soil has not been demonstrated. An additional percolation test is required in the GM/SM layer.
- For any lot where the reserve area requirements are not being used (15.65.410 Table 7), a design for the original on-site wastewater disposal system and one replacement subsurface disposal field shall be submitted. The design shall specify the maximum number of bedrooms and the entire drainfields shall be located within the 30-foot radius of the percolation test(s).
 - For each applicable lot, a note shall be placed on the plat stating the maximum number of bedrooms the home can have corresponding to the design of the wastewater system.
 - For each applicable lot, the original and replacement fields shall be shown on the final plat and a note shall be placed on the plat stating, "The area to be used for wastewater disposal system and replacement subsurface disposal fields on each lot shall be unavailable for use for driveways, parking areas or structures."

Certificate to Plat

CERTIFICATE TO PLAT

We find the following exceptions to title to be addressed on any Plat or Re-Plat:

1. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
2. Reservations and exceptions as contained in U.S. Patent No. 1176384 and/or in Acts authorizing the issuance thereof.
3. Taxes and/or Assessments, if any, due the Municipality of Anchorage.
4. Any questions that may arise due to shifting or change of the high water mark or high water line of Rabbit Creek.
5. Any prohibition or limitation on the use, occupancy or improvements of the land resulting from the right of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.
6. Any adverse claim based upon the assertion that some portion of said land is tide or submerged lands, or has been created by artificial means or has accreted to such portion so created.
7. Rights of the public and governmental entities in and to that portion of said land lying below the high water mark of Rabbit Creek.
8. Reservation of section line easement 33 feet in width along each side of the section line as provided by 43 U.S.C. 932.
9. Rights of the public and governmental agencies in and to any portion of said land included within the boundaries of any road, street and/or highway.
10. Right of access to said premises. We find no notice in the public records of any dedicated or improved roadways abutting subject property. (Affects Lot 1 in Section 31)
11. Right-of-Way Easement, including terms and provisions thereof, granted to CHUGACH ELECTRIC ASSOCIATION, INC., and its assigns and/or successors in interest, to construct, operate and maintain an electric transmission and/or telephone distribution line or system by instrument recorded August 8, 1956, Book 135 Page 164. (Blanket Easement)

12. Public Use Easement and appurtenances thereto, including the terms and provisions thereof, granted to the MUNICIPALITY OF ANCHORAGE, an Alaska municipal corporation, recorded April 5, 2016 as Instrument No. 2016-013102-0. (Affects a portion of the Southeast One-quarter of the Southwest One-quarter in Section 30, as set out therein)
13. Public Use Easement and appurtenances thereto, including the terms and provisions thereof, granted to the MUNICIPALITY OF ANCHORAGE, an Alaska municipal corporation, recorded April 5, 2016 as Instrument No. 2016-013103-0. (Affects a portion of Lot 4 in Section 30, as set out therein)
14. Public Use Easement and appurtenances thereto, including the terms and provisions thereof, granted to the MUNICIPALITY OF ANCHORAGE, an Alaska municipal corporation, recorded April 5, 2016 as Instrument No. 2016-013104-0. (Affects a portion of the Northeast One-quarter of the Northwest One-quarter in Section 31, as set out therein)
15. Resolution No. AR 2018-386 confirming and levying special assessments for Canyon Road Area Gas Line Extension Special Assessment District Number 18-04, including the terms, provisions and assessments therein, recorded January 19, 2019, as Instrument No. 2019-002830-0.

Corrected by Resolution No. AR 2019-123, including the terms and provisions therein, recorded May 3, 2019, as Instrument No. 2019-014089-0.

(Affects Lot 4 in Section 30 and Lot 1 in Section 31)

16. Deed of Trust, including terms and provisions thereof, securing the amount shown together with any other amounts due thereunder:

Amount	: \$650,000.00 together with any other amounts due thereunder
Trustor/Borrower	: Hultquist Homes, Inc., an Alaska corporation
Trustee	: Alyeska Title Guaranty Agency
Beneficiary/Lender	: The Estate of Wassilissia J. Rohaley
Dated	: December 9, 2019
Recorded	: December 10, 2019 as Instrument No. 2019-047062-0

NOTE: This report is to be used for the purposes herein stated, and is not to be used for the basis for the closing of any transaction affecting title to the herein subject property. Liability herein is limited to the compensation received therefore.

NHN NSN, Anchorage, AK 99516

Sincerely,



Janelle Keller
 Authorized Signer for
 Alyeska Title Guaranty Agency

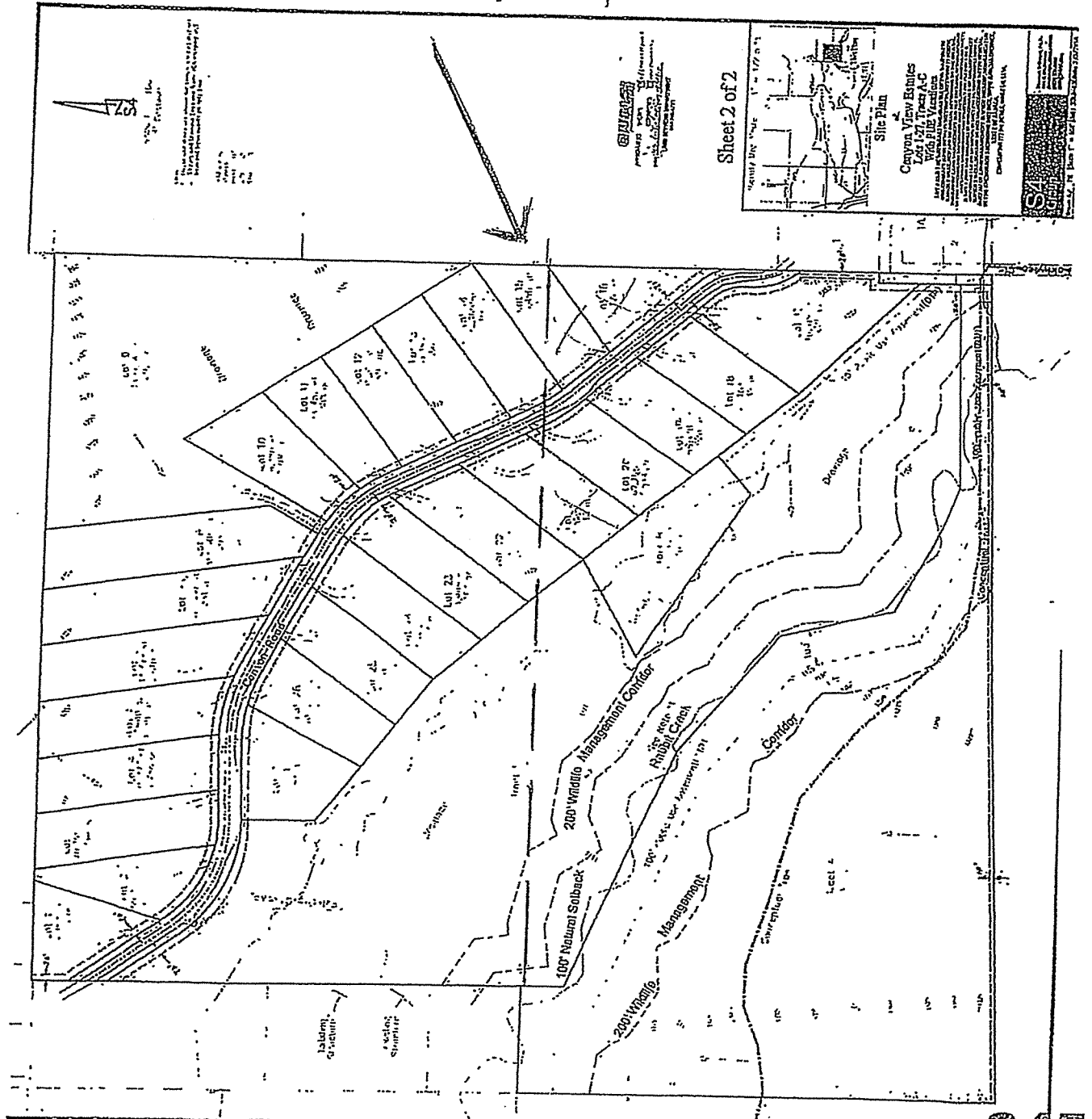
255
 Exh 20 112

Public section
line easement
33 feet on each
side

RECEIVED

FEB 20 2020

PLANNING DEPARTMENT



345

Exh 29

113

A
L
A
S
K
A

2019-047061-0

Recording Dist: 301 - Anchorage
12/10/2019 10:40 AM Pages: 1 of 3



Deed with Section Line Easement

PERSONAL REPRESENTATIVE'S DEED

63026 SK/ATGA

The Grantor, HELEN RAMONDOS, Personal Representative of the ESTATE OF WASSILISSIA J. ROHALEY, Deceased, under Superior Court Probate Case No. 3AN-18-00428PR, Third Judicial District, State of Alaska, whose address is 7100 Huffinan Road, Anchorage, AK 99516, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, does hereby convey and quitclaim unto the Grantee, HULTQUIST HOMES, INC., an Alaska corporation, whose address is 12570 Old Seward Highway, Suite 204, Anchorage, AK 99515, and to the successors and assigns of the Grantee, the following described real property:

PARCEL NO. 1:

Lot 4 and the Southeast One-Quarter of the Southwest One-quarter (SE1/4 SW1/4) in Section 30, Township 12 North, Range 2 West, Seward Meridian, according to the official Bureau of Land Management Survey thereof, being located in the Anchorage Recording District, Third Judicial District, State of Alaska.

PARCEL NO. 2:

Lot 1 and the Northeast One-quarter of the Northwest One-quarter (NE1/4 NW1/4) in Section 31, Township 12 North, Range 2 West, Seward Meridian, according to the official Bureau of Land Management Survey thereof, being located in the Anchorage Recording District, Third Judicial District, State of Alaska.

SUBJECT TO ALL reservations, easements, exceptions, restrictions, covenants, by-laws, conditions, plat notes and rights-of-way of record, if any, and as set forth below.

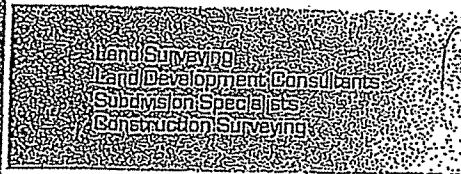
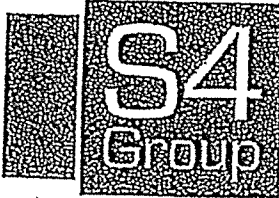
SUBJECT TO gas assessments, if any, due the Municipality of Anchorage; affects Lot 4, Section 30 and Lot 1, Section 31.

SUBJECT TO any questions that may arise due to shifting or change of the high water mark or high water line of Rabbit Creek; any prohibition or limitation on the use, occupancy or improvements of the land resulting from the right of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water; any adverse claim based upon the assertion that some portion of said land is tide or submerged lands, or has been created by artificial means or has accreted to such portion so created; and rights of the public and governmental entities in and to that portion of said land lying below the high water mark of Rabbit Creek.

Personal Representative's Deed, Page 1 of 3

Law Office of Jeremy Collier PC, 851 E Westpoint Dr #212, Wasilla AK 99654 Tel 907-357-4500 Fax 907-357-4510

Exh 30 1-2 260 114



BVCC meeting

124 E 7th Avenue, Anchorage, Alaska 99501 www.S4AK.com 907-306-8104

December 16, 2019

Ms. Michelle McNulty, MOA Planning Director
4700 Elmore Road
Anchorage, Ak 99507

(Also emailed to: BVCC chair Mr. Scott Pexton: srpexton@icloud.com)

Project: Canyon View Estates

Re: Bear Valley Community Council Summary of Community Meeting of 12/11/19

Dear Ms. McNulty,

This Letter serves as the 'Summary of Community Meeting' as per Title 21.03.020.C.6. The property's legal description is:

To be known as: Canyon View Estates.

Commonly known as: The Rohaley property.

Legal Description:

A.) LOT 4 AND THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (SE1/4 SW1/4) IN SECTION 30, TOWNSHIP 12 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ACCORDING TO THE OFFICIAL BUREAU OF LAND MANAGEMENT SURVEY THEREOF, BEING LOCATED IN THE ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT; EXCEPTING THEREFROM THE WESTERLY 300 FEET OF LOT 4.

B.) LOT 1 AND THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NE1/4 NW1/4) IN SECTION 31, TOWNSHIP 12 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ACCORDING TO THE OFFICIAL BUREAU OF LAND MANAGEMENT SURVEY THEREOF, BEING LOCATED IN THE ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

CONTAINING 132.166 ACRES, MORE OR LESS.

The project includes the following task:

1. Subdivision & Site Plan.

On 11/5/19, we held a pre-application conference with the planning department as per Title 21.03.020.B.2.a. Representatives from the MOA included Planning, Traffic Engineering, Platting, Current Planning, P.M.&E, the Fire Department, On-site services, Private Development, other departments, the owners and the owner's representatives.

Note: The area south of Rabbit Creek is within the Bear Valley Community Council (BVCC), and the area north of Rabbit Creek is in the Glen Alps Community Council (GACC)

We consulted with the BVCC board members. The mailing list for the surrounding area was created by the MOA Planning Department and we mailed by first class mail over 140 Notices of Community Meeting on November 20, 2019, which is at least 21 days before the meeting. We scheduled the Community Meeting at Bear Valley Elementary School at the regularly scheduled BVCC Community Council meeting.

On December 11, 2019 we held the BVCC CM (Community Meeting) at 7:00 in the library of Bear Valley Elementary School. There was approximately 8 people from the BVCC area that attended, along with the owners, and the petitioner's representative, and about 8 people from other CC's. There was a discussion of the project from 7:29 to 8:13 p.m.

Summary of Questions & Responses

Question: Why do you have two phases?

Response: As per the underlying zoning special limitations, only 20 lots can be created per year.

Question: Why aren't you proposing shared driveways?

Response: Homeowners do not like shared driveways because of who is or isn't responsible for the clearing and maintenance of the driveway.

Question: Does this follow the hillside district plan?

Response: Yes, it does.

Question: Your wildlife corridor should be larger.

Response: The wildlife corridor is 400 feet wide, as per Title 21.

Question: Are you complying with all special ordinances?

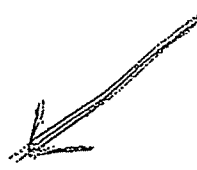
Response: Yes, we are.

Question: Aren't you required to make a trade on the north side of Rabbit Creek?

Response: The SL only applies to trades before 1986.

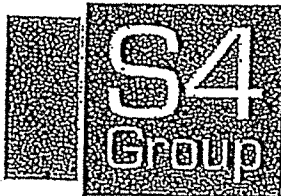
Question: What are the results of your soil tests, have they passed?

Response: They all passed, except for two that we will have to re-position.



Question: What about the vacation of the section line on your map? I believe this will negatively affect the community.

Response: We are proposing to vacate the section line easement. With Canyon Road being built, there is no need for the section line easement.



Land Surveying
 Land Development Consultants
 Subdivision Specialists
 Construction Surveying

EACC meeting

124 E 7th Avenue, Anchorage, Alaska 99501 www.S4AK.com 907-306-8104

December 16, 2019

Ms. Michelle McNulty, MOA Planning Director
 4700 Elmore Road
 Anchorage, Ak 99507

(Also emailed to: GACC chair Mr. Greg Kuijer: mtntop74@gmail.com)

Project: Canyon View Estates



Re: Glen Alps Community Council Summary of Community Meeting of 12/12/19

Dear Ms. McNulty,

This Letter serves as the 'Summary of Community Meeting' as per Title 21.03.020.C.6. The property's legal description is:

To be known as: Canyon View Estates.

Commonly known as: The Rohaley property.

Legal Description:

A.) LOT 4 AND THE SOUTHEAST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER (SE1/4 SW1/4) IN SECTION 30, TOWNSHIP 12 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ACCORDING TO THE OFFICIAL BUREAU OF LAND MANAGEMENT SURVEY THEREOF, BEING LOCATED IN THE ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT; EXCEPTING THEREFROM THE WESTERLY 300 FEET OF LOT 4.

B.) LOT 1 AND THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (NE1/4 NW1/4) IN SECTION 31, TOWNSHIP 12 NORTH, RANGE 2 WEST, SEWARD MERIDIAN, ACCORDING TO THE OFFICIAL BUREAU OF LAND MANAGEMENT SURVEY THEREOF, BEING LOCATED IN THE ANCHORAGE RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

CONTAINING 132.166 ACRES, MORE OR LESS.

The project includes the following task:

1. Subdivision & Site Plan.

On 11/5/19, we held a pre-application conference with the planning department as per Title 21.03.020.B.2.a. Representatives from the MOA included Planning, Traffic Engineering, Platting, Current Planning, P.M.&E, the Fire Department, On-site services, Private Development, other departments, the owners and the owner's representatives.

Exh 32 1-118 **75**

Note: The area south of Rabbit Creek is within the Bear Valley Community Council (BVCC) and the area north of Rabbit Creek is in the Glen Alps Community Council (GACC)

We consulted with the GACC board members. The mailing list for the surrounding area was created by the MOA Planning Department and we mailed by first class mail over 140 Notice of Community Meeting on November 20, 2019, which is at least 21 days before the meeting. We scheduled the Community Meeting at Bear Valley Elementary School at the regularly scheduled GACC Community Council meeting.

On December 12, 2019 we held the GACC CM (Community Meeting) at 7:00 in the library of Bear Valley Elementary School. There was approximately 12 people from the GACC area that attended, along with the owners, and the petitioner's representative, and about 6 people from other CC's. It should be noted that the Rabbit Creek Community Council held their regular CC meeting congruent with this GACC meeting. There was approx. 18 RCCC members present. We presented the project & there was a discussion of the project from 7:20 to 8:02 p.m. The following questions were from all of the CC's present.

Summary of Questions & Responses

Q: What is the sectional line easement?

A: We are proposing to vacate the section line easement. With Canyon Road being built, there is no need for the section line easement. Section line easements are on many section lines. Section lines are the original survey lines of the mile-square grid system. Many of the large roads in Anchorage are built on section lines.

Q: Are there right-of-way's for the entrance and exit of the greenbelt?

A: To the east, the Rabbit Creek trails access is from the existing ROW's, to the west, the trails access directly to the Section 36 Park.

Q: What trails are you planning on building along Rabbit Creek?

A: The existing trails along Rabbit Creek will remain as natural trails.

Q: Is there only one way in and one way out (single-access) of the subdivision?

A: Yes, just like every lot past Jeanne Street along Upper DeArmoun Road & Canyon Road.

Q: Is 27 lots all that you are proposing for this project?

A: Yes, we are only asking for approval of the 27 lots. Tract C, which is about 37 acres in size, will remain undeveloped at this point in time. Of course, someone may develop that tract at a later date, and would have to go through a full public review. The underlying zoning allows for a total of 58 lots.

Q: Is the number of driveways onto Canyon Road allowed in code?

A: Yes, The OSH&P and the MOA Traffic Department allows direct driveway access in special situations like this.



Municipality of Anchorage
Development Services Department
Building Safety Division



MEMORANDUM

DATE: March 03, 2020 *Lot boundary discrep -*
 TO: Dave Whitfield, Platting Officer *ancies*
 FROM: Rebecca Carroll, On-Site Water and Wastewater Section
 SUBJECT: Comments on Cases due March 4, 2020

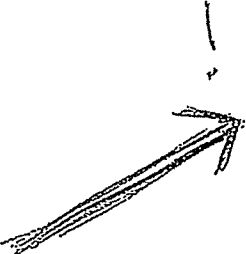
The On-Site Water & Wastewater Program has reviewed the following cases and has these comments:

S12545 Canyon View Estates Subdivision

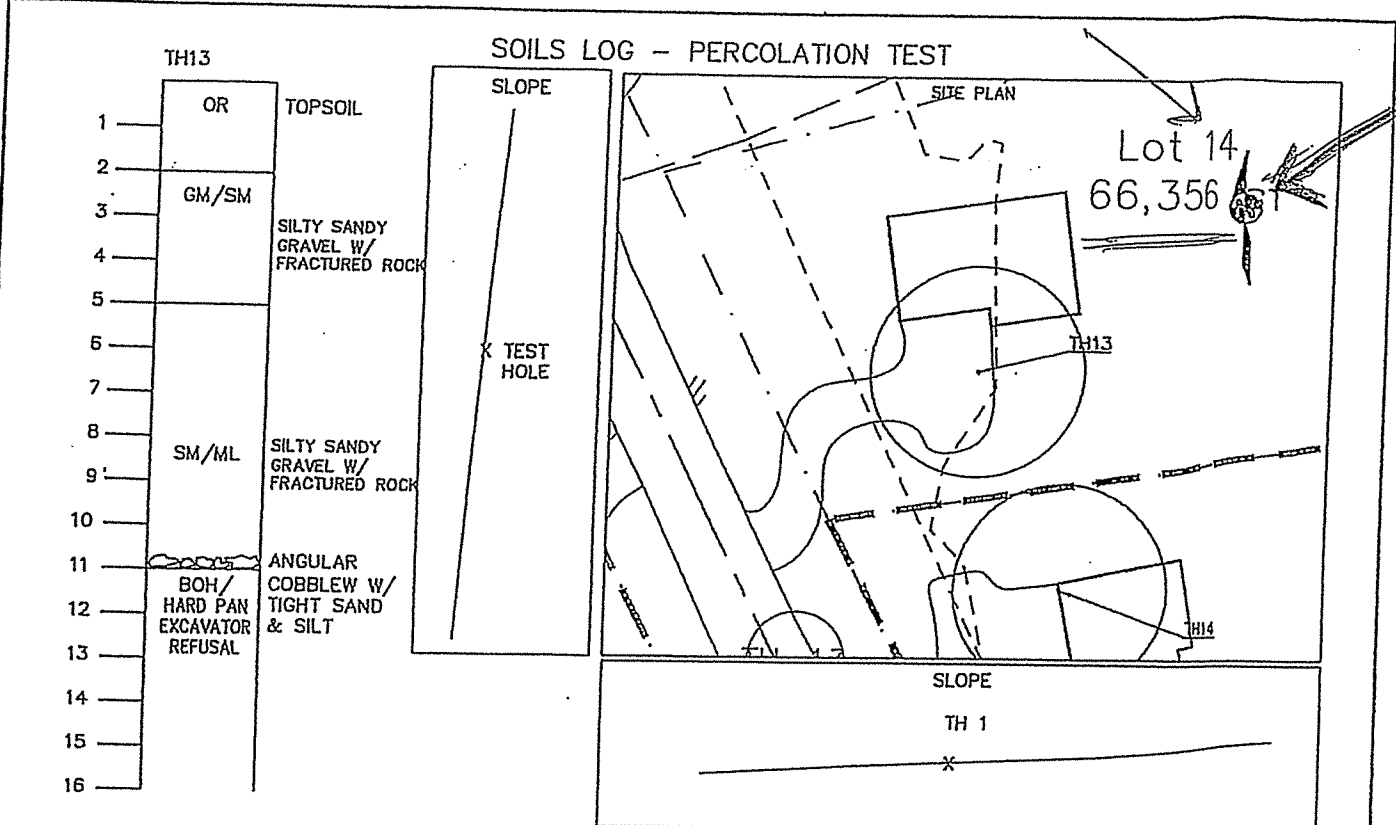
Submit data, tests and engineering reports to the Onsite Water and Wastewater Section that substantiates that there is adequate and safe potable water for each proposed lot and neighboring lots.

To satisfy the requirements of AMC 15.65.405 and 410, the following shall be addressed prior to final plat approval:

- The engineering report shall address known nitrate levels within 250 ft of the subdivision.
- The engineer shall show the location of existing wells and septic systems on surrounding lots (including replacement disposal field sites), if within 250 ft of the proposed wells and septic systems.
- Property boundaries for proposed Lots 8 through 27 shown on Pannone Engineering Service's site plan do not match those shown on S4's site plan. The lot boundaries shall be revised to match and the proposed well and septic reserve areas adjusted accordingly.
- AMC 15.65.210C.6.a requires that the test hole be backfilled and mounded to slope away from the groundwater monitoring pipe to prevent entry of surface runoff. From the engineering report, it sounds like this was not done. Prior to final plat approval, the test holes shall be brought into compliance with code and an additional groundwater reading shall be taken during a high groundwater season and reported on the soils logs.
- The soils logs indicate that 24 percolation tests were run for over an hour, all on the same day by the same person. The engineering report shall address how this is plausible.
- Mathematical errors have been noted in the percolation test results for multiple soils logs, particularly TH5A, TH12, TH24 & TH32. Errors shall be corrected.
- Wastewater reserve areas shall meet all code required separations, including but not limited to the following:



Pannone Lot 14



DATE PERFORMED: 03OCT19
NO GROUNDWATER: 11OCT19

WAS GROUND WATER ENCOUNTERED? N
IF YES, AT WHAT DEPTH? -NA-
DEPTH TO WATER AFTER MONITORING? DRY
DATE: 11OCT19

SOIL TEST RESULTS/ANALYSIS
 • PERCOLATION RATE 1.3 mpt(min/inch)
 (Hydrologic Soils Group: HSG A)
 • PERC HOLE DIAMETER 6"
 • TEST RUN BETWEEN 2 FT AND 3 FT.
 • TEST RUN FOR OVER AN HOUR, LAST THREE READINGS PROVIDED.

READING	DATE	NET TIME	WATER LEVEL READING	NET DROP	RATE (MPI)
1	03OCT19	—	4.500"	—	—
2		6 MIN	10.500"	6.0"	1.0
3		—	4.500"	—	—
4		7 MIN	10.500"	6.0"	1.2
5		—	4.500"	—	—
6		8 MIN	10.500"	6.0"	1.3

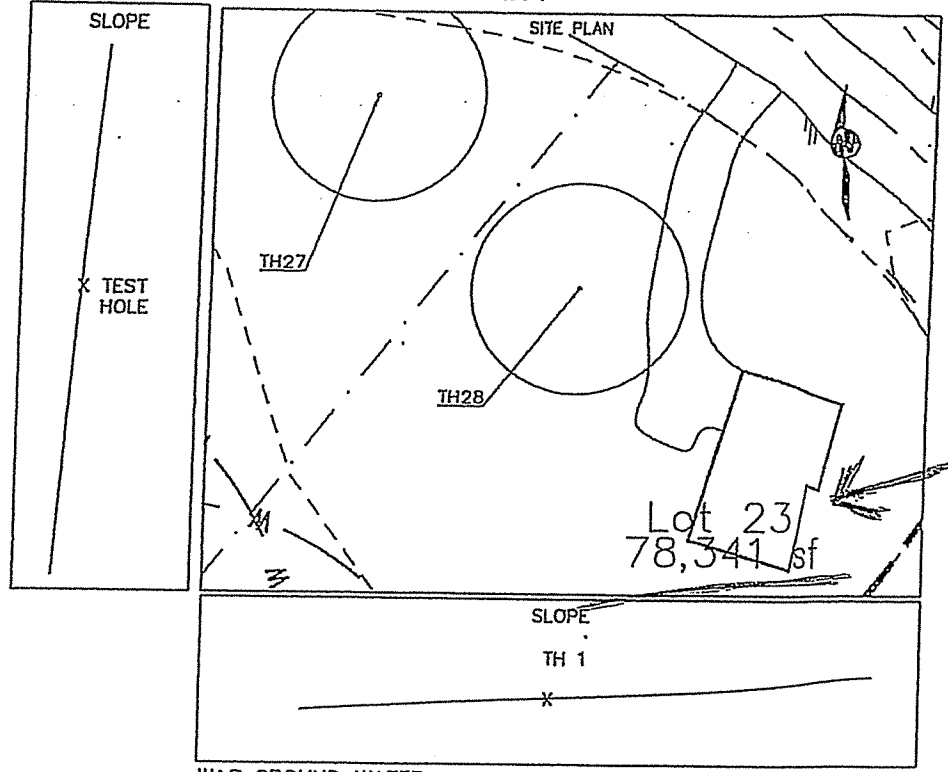
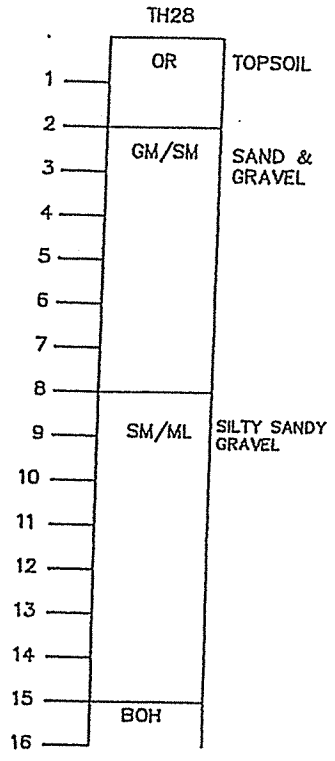
COMMENTS: Test hole excavated by WHITE RAVEN
 PERFORMED BY: AARON PARADIS. I CERTIFY THAT THIS TEST WAS PERFORMED IN ACCORDANCE WITH ALL STATE AND MUNICIPAL GUIDLINES IN EFFECT ON THE DATE OF THIS TEST.

NOTES:		PANNONE ENG SVC, LLC P.O. BOX 1807 PALMER, AK 99645 PHONE (907) 745-8200 FAX (907) 745-8201		Date	12/17/2019
SOILS REPORT				Scale	NTS
DRAWN		CANYON VIEW EST PH1 B1 L14 SITE: CANYON ROAD ANCHORAGE, AK	P.I.D. NO PERMIT NO. OSPXXXXXX Sheet 14 of 107		
JRL					
SOILS LOGS					

Exh 34 2 **122**

LOT 23

SOILS LOG - PERCOLATION TEST



DATE PERFORMED: 03OCT19
NO GROUNDWATER: 11OCT19

WAS GROUND WATER ENCOUNTERED? N

IF YES, AT WHAT DEPTH? -NA-

DEPTH TO WATER AFTER MONITORING? DRY

DATE: 11OCT19

SOIL TEST RESULTS/ANALYSIS

- PERCOLATION RATE 2.3 mpi(mIn/inch) (Hydrologic Soils Group: HSG A)
- PERC HOLE DIAMETER 6"
- TEST RUN BETWEEN 3 FT AND 4 FT.
- TEST RUN FOR OVER AN HOUR, LAST THREE READINGS PROVIDED.

READING	DATE	NET TIME	WATER LEVEL READING	NET DROP	RATE (MPI)
1	03OCT19	—	5.900"	—	—
2		10 MIN	10.725"	4.8"	2.1
3		—	5.900"	—	—
4		10 MIN	10.230"	4.3"	2.3
5		—	5.900"	—	—
6		10 MIN	10.200"	4.3"	2.3

COMMENTS: Test hole excavated by WHITE RAVEN

PERFORMED BY: AARON PARADIS. I CERTIFY THAT THIS TEST WAS PERFORMED IN ACCORDANCE WITH ALL STATE AND MUNICIPAL GUIDLINES IN EFFECT ON THE DATE OF THIS TEST.

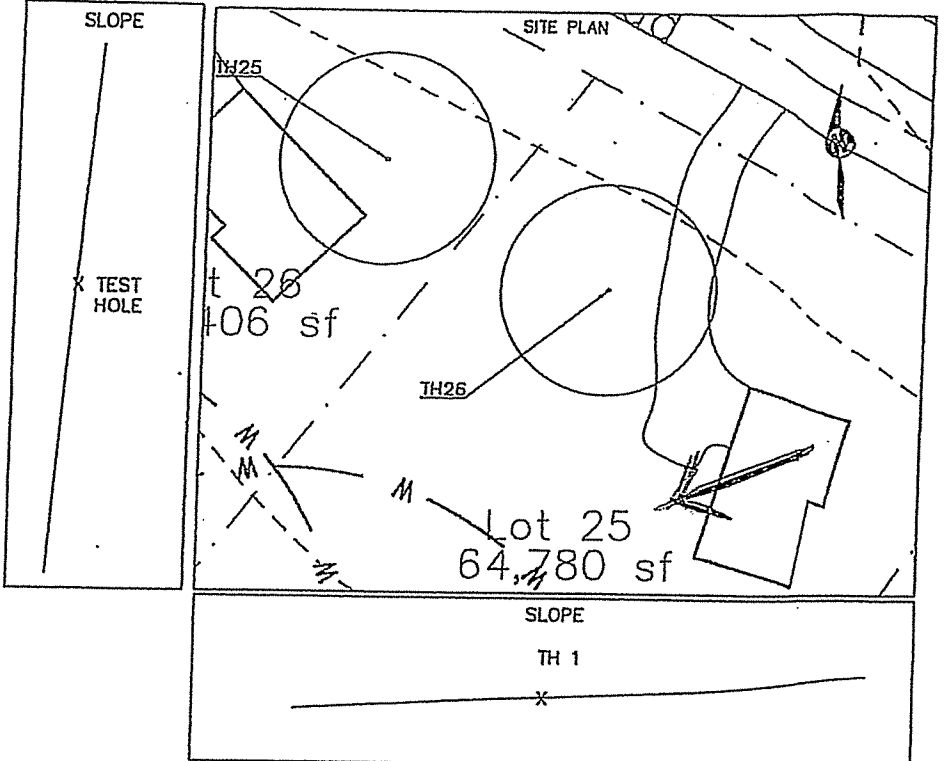
NOTES:	PANNONE ENG SVC, LLC P.O. BOX 1807 PALMER, AK 99645 PHONE (907) 745-8200 FAX (907) 745-8201		Date
SOILS REPORT			12/17/2019
	CANYON VIEW EST PH1 B1 L23 SITE: CANYON ROAD ANCHORAGE, AK		Scale
			NTS
			P.I.D. NO
DRAWN	JRL		PERMIT NO.
			OSPXXXXXX
SOILS LOGS			Sheet
			16 of 17

EXH 34 3-123

Lot 25

SOILS LOG - PERCOLATION TEST

1	OR	TOPSOIL
2	GM/SM	SAND & GRAVEL
3		
4		
5		
6	SM/ML	SILTY SANDY GRAVEL
7		
8		
9		
10		
11		
12	BOH	
13		
14		
15		
16		



DATE PERFORMED: 03OCT19
NO GROUNDWATER: 11OCT19

WAS GROUND WATER ENCOUNTERED? N
IF YES, AT WHAT DEPTH? -NA-
DEPTH TO WATER AFTER MONITORING? DRY
DATE: 11OCT19

- SOIL TEST RESULTS/ANALYSIS**
- PERCOLATION RATE >120 mpi (min/inch) (Hydrologic Soils Group; HSG A)
 - REQUIRES AWWTS & ERS**
 - PERC HOLE DIAMETER 6"
 - TEST RUN BETWEEN 2 FT AND 3 FT
 - TEST RUN FOR OVER AN HOUR, LAST THREE READINGS PROVIDED.

READING	DATE	NET TIME	WATER LEVEL READING	NET DROP	RATE (MPI)
1	03OCT19		5.900"		
2		30 MIN	6.055"	0.155"	193.6
3			5.900"		
4		30 MIN	6.000"	0.1"	300
5					
6					

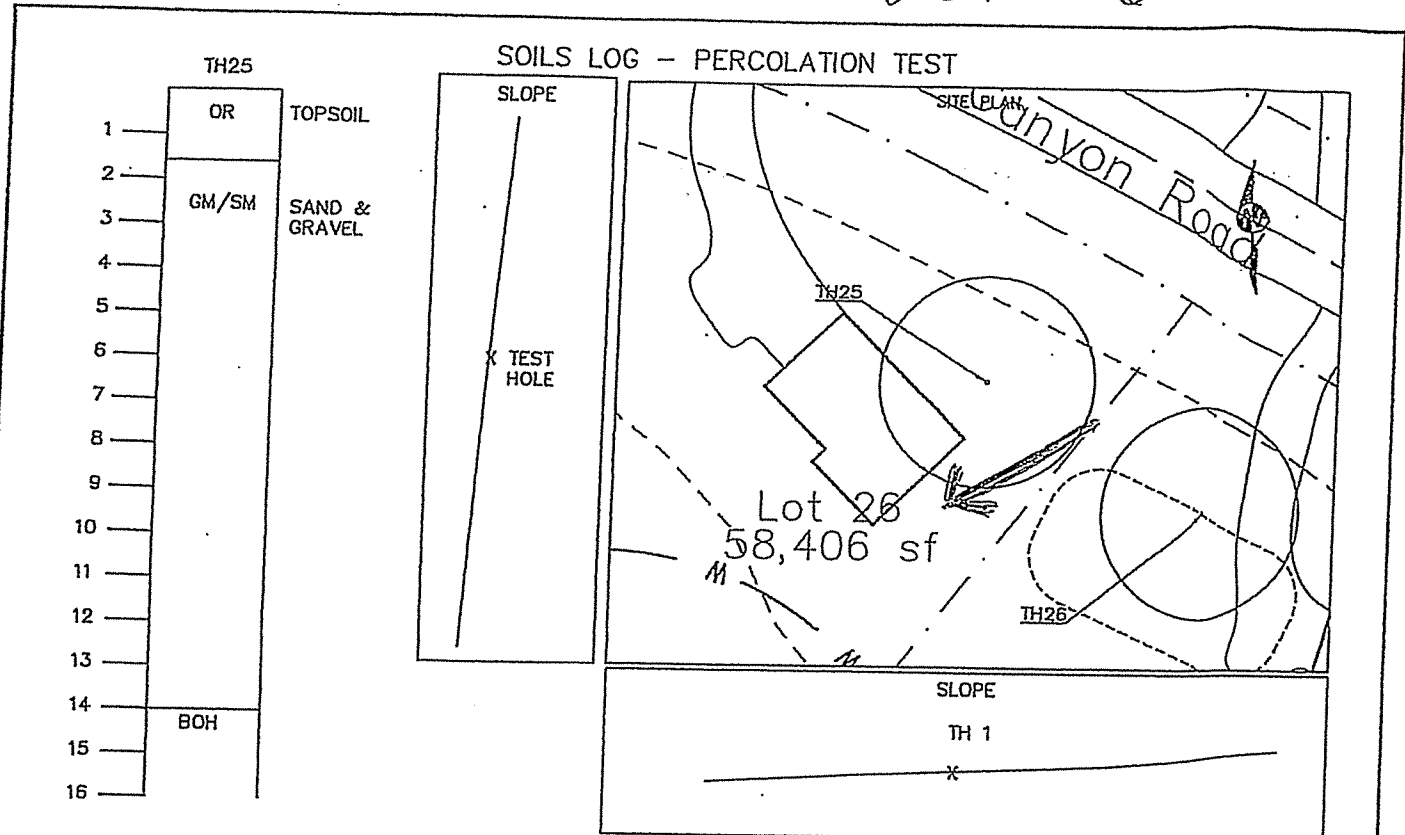
COMMENTS: Test hole excavated by WHITE RAVEN
PERFORMED BY: AARON PARADIS. I CERTIFY THAT THIS TEST WAS PERFORMED IN ACCORDANCE WITH ALL STATE AND MUNICIPAL GUIDELINES IN EFFECT ON THE DATE OF THIS TEST.

NOTES: SOILS REPORT	PANNONE ENG SVC, LLC P.O. BOX 1807 PALMER, AK 99645 PHONE (907) 745-8200 FAX (907) 745-8201		Date	12/17/2019	
			Scale	NTS	
	DRAWN		JRL	P.I.D. NO	
	SOILS LOGS		PERMIT NO.	OSPXXXXXX	
		Sheet	15 OF 17		

CANYON VIEW EST PH1 B1 L25
SITE: CANYON ROAD
ANCHORAGE, AK

EXH 34 4124

26
26



DATE PERFORMED: 03OCT19
NO GROUNDWATER: 11OCT19

WAS GROUND WATER ENCOUNTERED? N
IF YES, AT WHAT DEPTH? -NA-
DEPTH TO WATER AFTER MONITORING? DRY
DATE: 11OCT19

SOIL TEST RESULTS / ANALYSIS
 • PERCOLATION RATE 10.1 mpt(min/inch)
 (Hydrologic Soils Group: HSG A)
 • PERC HOLE DIAMETER 6"
 • TEST RUN BETWEEN 2 FT AND 3 FT.
 • TEST RUN FOR OVER AN HOUR, LAST THREE READINGS PROVIDED.

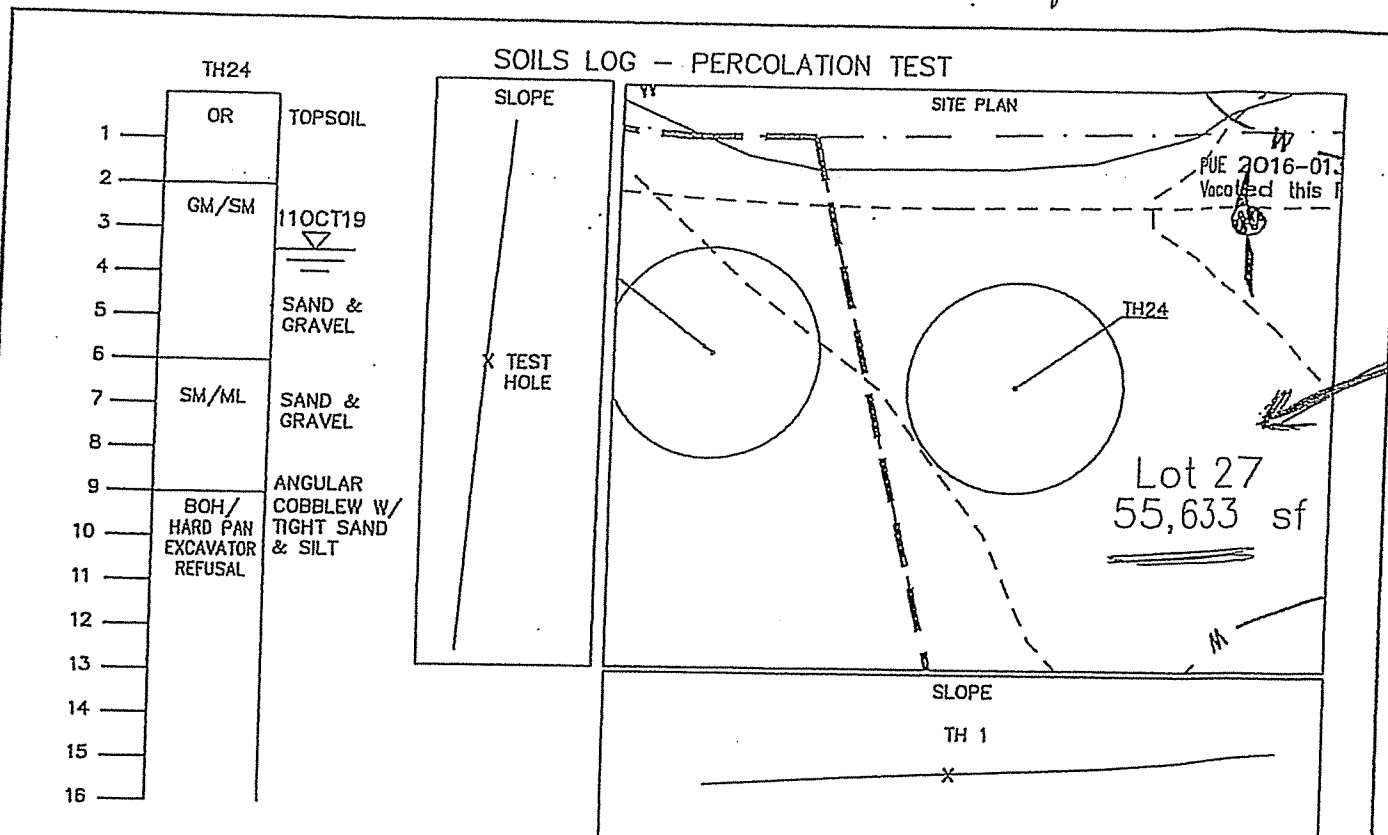
READING	DATE	NET TIME	WATER LEVEL READING	NET DROP	RATE (MPT)
1	03OCT19	—	5.900"	—	—
2		30 MIN	9.030"	3.13"	9.6
3		—	5.900"	—	—
4		30 MIN	8.930"	3.03"	9.9
5		—	5.900"	—	—
6		30 MIN	8.860"	2.97"	10.1

COMMENTS: Test hole excavated by WHITE RAVEN
 PERFORMED BY: AARON PARADIS. I CERTIFY THAT THIS TEST WAS PERFORMED IN ACCORDANCE WITH ALL STATE AND MUNICIPAL GUIDLINES IN EFFECT ON THE DATE OF THIS TEST.

NOTES: SOILS REPORT	PANNONE ENG SVC, LLC P.O. BOX 1807 PALMER, AK 99645 PHONE (907) 745-8200 FAX (907) 745-8201		Date	12/17/2019
			Scale	NTS
			P.I.D. NO.	
			PERMIT NO.	OSPXXXXXX
			Sheet	15 of 17
DRAWN	JRL	CANYON VIEW EST PH1 B1 L26 SITE: CANYON ROAD ANCHORAGE, AK		
SOILS LOGS				

Exh 34 5-125

27



DATE PERFORMED: 03OCT19

WAS GROUND WATER ENCOUNTERED? Y
 IF YES, AT WHAT DEPTH? -6.0'-
 DEPTH TO WATER AFTER MONITORING? 3.5'
 DATE: 11OCT19

SOIL TEST RESULTS/ANALYSIS
 • PERCOLATION RATE 38.8 mpi(min/inch)
 (Hydrologic Soils Group: HSG A)
 • PERC HOLE DIAMETER 6"
 • TEST RUN BETWEEN 2 FT AND 3 FT.
 • TEST RUN FOR OVER AN HOUR, LAST THREE READINGS PROVIDED.

READING	DATE	NET TIME	WATER LEVEL READING	NET DROP	RATE (MPI)
1	03OCT19		5.900"		
2		30 MIN	7.002"	1.10"	27.2
3			5.900"		
4		30 MIN	6.730"	0.84"	35.7
5			5.900"		
6		30 MIN	6.670"	0.77"	38.9

COMMENTS: Test hole excavated by WHITE RAVEN
 PERFORMED BY: AARON PARADIS. I CERTIFY THAT THIS TEST WAS PERFORMED IN ACCORDANCE WITH ALL STATE AND MUNICIPAL GUIDLINES IN EFFECT ON THE DATE OF THIS TEST.

NOTES:		PANNONE ENG SVC, LLC P.O. BOX 1807 PALMER, AK 99645 PHONE (907) 745-8200 FAX (907) 745-8201		Date	12/17/2019
SOILS REPORT				Scale	NTS
DRAWN		CANYON VIEW EST PH1 B1.L27 SITE: CANYON ROAD ANCHORAGE, AK	PERMIT NO. OSPXXXXXX	P.I.D. NO	
JRL				Sheet	26 OF 27
SOILS LOGS					

EXH 34 126

Response: Canyon View Estates provides extra-large lots that provide adequate and convenient open spaces on each individual lot. The lots are all above the minimum lots size of 1 & 1/4 acres. There are also three tracts; Tract A, which is 34.586 acres, Tract B, which is 2.502 acres, and Tract C, which is 34.623 acres. Below is a chart of the lot acreages.

Canyon View Estates	Lot	size acres	Average slope-%
	1	1.288	14.9
	2	1.291	13.0
	3	1.746	10.7
	4	1.738	12.3
	5	1.781	12.2
	6	2.016	13.7
	7	2.331	15.0
	8	2.561	19.9
	9	12.161	38.6
	10	1.706	16.8
	11	1.388	17.2
	12	1.498	19.3
	13	1.586	19.8
	14	1.664	17.0
	15	1.458	14.7
	16	1.289	13.2
	17	2.675	25.9
	18	1.550	18.7
	19	1.550	19.1
	20	1.584	12.7
	21	1.750	12.1
	22	1.831	11.0
	23	1.698	10.8
	24	1.662	14.8
	25	1.547	13.8
	26	1.503	13.0
	27	1.554	19.7

54 lot sizes & slopes



e. Provides for the efficient movement of vehicular and pedestrian traffic:

Response: Canyon View Estates provides efficient means of vehicular and pedestrian movement by providing access to existing Canyon Road that has been recently improved and