

Correspondence



RABBIT CREEK COMMUNITY COUNCIL (RCCC)

A Forum for Respectful Communication & Community Relations



1057 West Fireweed Lane, Suite 100 / Anchorage, AK 99503

Michelle McNulty, Director
Department of Planning
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507

Robert Doehl, Director
Development Services
Municipality of Anchorage
4700 Elmore Road
Anchorage, AK 99507

October 29, 2020

Dear Ms. McNulty and Mr. Doehl:

The Rabbit Creek Community Council (RCCC) is elevating to your offices our request for action to correct violations of Anchorage Municipal Code (AMC) Title 21 and land use permits on a residential site, Villages View Estates Tract B. This violation is the size of a gravel pit, involving approximately 6 acres of unauthorized grading and fill on steep slopes in an area zoned R10, single use residential (see attached aerial photo).

RCCC is concerned about the Municipality's failure to address this violation within prescribed timelines or with appropriate penalties or fines. Neighbors began contacting Code Enforcement in May and June about the constant hauling of material to and from the site. When these complaints did not result in field investigation, RCCC submitted a written inquiry on July 7, 2020 (see attached). Despite follow-up emails and a second letter from RCCC on September 4, our Council has received no written reply to our specific requests for a timely determination and remediation of AMC Title 21 violations (previous e-mails and letters are attached).

Via an October 7th phone call with staff from Development Services, RCCC learned that Municipality staff posted a Notice and Order (to stop work) on September 9th, after a field inspection. The violator did not respond with a written statement of intent and timeline within the allotted 14 business days, and still had not done so in early October. The Council finds the lack of follow up and corrective action unacceptable.

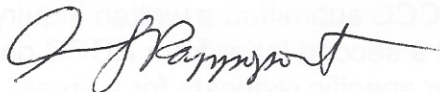
The RCCC is therefore elevating these concerns to your office, with a request for a complete response to our July 7th and September 4th letters, which enumerate specific questions about Title 21 violations (see attached letters). In addition, because the Notice and Order are based only on AMC Title 23 (Building Code) violations, we request your assurance that staff will ensure that all Title 21 (Land Use Planning) violations will be corrected. Any Charging Document preparatory to a hearing, or any Stipulated Order, per AMC Title 21.25, should include the Title 21 violations.

We hereby highlight these concerns from our earlier letters:

1. Please clarify why Municipal Code Enforcement did not follow up on this site before the violation reached such a great magnitude. How can land use violations be discovered and stopped at an earlier stage before they are so extensive that alternative, compatible land uses are no longer possible?
2. Please state what penalties are warranted (taking into consideration that this is a second-time violation at this site, and that a violation of this extreme magnitude sets a dangerous precedent).
3. Please ensure that the Municipality does not grant a retro-active Title 23 permit for 6 acres of grading and fill, when it appears that only 1 acre (40,000 square feet) is permitted under existing R-10 standards and the site disturbance envelope prescribed by Title 21.07.020.C.3. A retro-active permit that meets Title 23 safety standards would still violate Title 21 and set a dangerous precedent for hundreds of acres of undeveloped R10 land across the Upper Hillside.

We ask you to ensure that there are no further delays on enforcement and request your response by November 6th so that we can update RCCC members at our next meeting. Please let us know which managerial staff will follow this, and when all of the Title 23 and Title 21 violations, remediation, and penalties will be determined. As endorsed at our most recent RCCC meeting, October 8th, please also ensure that staff respond in writing to the specific violations and lapses raised in our earlier letters.

Sincerely,



Ann Rappoport, Co-chair
Rabbit Creek Community Council



Ky Holland, Co-chair
Rabbit Creek Community Council

Attachments

cc: Bradley Larson, Land Use Enforcement
Richard Fern, Land Use Enforcement
Donald Hickel, Building Safety
Suzanne LaFrance, Anchorage Assembly
John Weddleton, Anchorage Assembly