

# Huffman/O'Malley Community Council

P.O. Box 113006, Anchorage, AK 99511

[www.HuffmanOmalleyCC.org](http://www.HuffmanOmalleyCC.org)

## October 2004 Newsletter

Next meeting October 21st 7-9 pm,

Christian Church of Anchorage, corner of Lake Otis and O'Malley Roads  
Coffee and tea provided, please feel free to bring sweets.

### AGENDA FOR OCTOBER 21ST

In addition to all the cases listed in the upcoming hearings at the end of this newsletter, the HOCC Agenda for the next meeting will also include DeArmoun Phase II re: public review of newest options; Chugach Electric re: proposed high voltage lines proposed in the area; Capital Improvements Projects Budget and the Pintail/Elmore intersection lighting currently on list; and review and recommendations re: MOA website.

### LARGE ANIMALS & PROTECTION OF HILLSIDE LIFESTYLE

By current code, you can have an unlimited number of horses on your property as long as you own them. However, if you board even one of someone else's horses the Municipality has made the opinion you are a commercial business, most of which are on hillside which is zoned for residential. All of us know that hillside has always been a rural and suburban area with horses and home-based businesses, but code doesn't specifically say that so the Municipality has been citing people.

Early 2004, the Planning Department introduced an ordinance to govern properties with large animals and fill this gap in code, though the first draft was a horrible attempt. In March the community had a meeting at O'Malley's On The Green and came to consensus for a different approach. Rather than strictly govern and limit as the Planning Department wishes, the community would like to see an ordinance that fosters responsible animal ownership, promotes good land stewardship, and above all protects neighbors from impacts that affect everyone's quiet enjoyment of their property.

The first public hearing before the Planning and Zoning Commission was on September 20th. About 100 people came in support of the hillside lifestyle and horse owners. About 25 testified in representation and did a wonderful job of getting their points across to the Commission. The P&Z Commission requested a subcommittee be formed to compose the ordinance in a way that will set boundaries, but will also reflect the community's position.

After the subcommittee compiles its recommendations, it will be scheduled before the Planning and Zoning Commission again, to be followed by another public hearing for final approval by the Assembly. If you want to be notified of upcoming meetings and hearings, please contact Ryan Stencel at 345-4316 or e-mail at [council@huffmanomalleycc.org](mailto:council@huffmanomalleycc.org) if you are not already on the list.

### LAKE OTIS GRAVEL PIT DEVELOPMENT

Although extensive, it is important to the community that all of the following be published. The following are points that were made by MOA staff and answers to questions to the developer's representatives during the meeting held at the MOA's Permit Center this past week as recorded by Janice Shamberg (A BIG thank you Janice). The meeting was attended by the heads of all departments dealing with the development, adjoining property owners, and concerned citizens.

**Slopes:** Required slopes are 2:1 with one terrace. There are very few areas with slopes 2:1 at the present time. Sloughing off of soil in those areas has been due to little topsoil and no proper compaction. This will not be the case with the remediated slopes. Restoration must begin next spring. The neighborhood covenants for "The Terraces" will require the homeowners to maintain slope vegetation. Revegetation must be to an 80% standard (no more than 20% die-back). The grading permit is for 700,000 yards of material. One hundred thousand will be used to restore the slopes to a 2:1 grade.

**Bonding:** MOA charges 120% of the cost (In this case \$300,000) to complete work should the developer not finish the job. This money will not be returned to the developer until the slopes are restored. The developer is held responsible until the warranty period expires, at which time it all is turned over to the Homeowners Association.

**Encroachments:** There are property owners who feel encroached upon (Lots K and O). The City will investigate this and does not want the owners to have to expend their own funds.

**Excavation:** Peat current being excavated out of the southeast corner will be used fix the slopes.

**Hydrology Report:** There are adjacent properties with wells which have not been included in the hydrology report. The City will look into this.

**Permits:** Permits for building under the slopes are not given until after slope restoration is completed and accepted. There will be no more platting, installation of utilities or building beyond the first 50 homes currently being done in the SE corner. The subdivision agreement and permits run with the land, not with the owner and/or developer. By law, the MOA cannot require a public hearing on the Final Plat.

**Subdivision agreement:** The agreement gives two years for slope remediation, so they were not required to be done this year. Due to the need for the peat being excavation in the SE corner for remediation, it will be done next spring.

### LAKE OTIS GRAVEL PIT -cont.

**Zoning:** Zoning is for residential, single family homes only.

**Winter work:** Utility work, grading and staging work for the slopes could be done this winter, depending upon the weather.

**112th Berm:** The developer will be moving the berm south when restoration of the northern slope occurs.

**Dust and Air Quality:** Dust control is being discussed with Larry Taylor of Air Quality, Dept. Heath and Human Services. They are considering requiring fences to catch the dust. Pioneer Pit has not provided air quality reports. Steve Morris of the Health Dept. will contact neighbors regarding air quality concerns.

**Access off Cange:** The Developer will close the new hole that was opened on Cange to stop truck entry.

**Hours:** The developer is only allowed to work 7 am to 10 pm every day except Sunday, and not at all on Sunday. Noise cannot exceed 60 decibels.

**Violation Complaints:** Any violations, with the exception of trespass (which must be reported to APD by the owner) should be reported to Dick Tremaine. His phone number is 345-0157.

**Abandoned Vehicles:** They've been moved to the center of the pit and they are not operable. That's a zoning violation and they will have to be removed.

**Zoning along Cange:** At this time there are no plans to rezone the single tract along Cange, formerly R-6, into lots. The developer is not allowed to go outside the zoning approved by the Assembly unless done by reapplication.

**Grading percent:** The slope from Lake Otis to the rear of the development will be between 1-2%.

**Land swap by the city:** The Health Dept. does not believe the air quality is bad enough to affect the neighbors and claim that impacts "would be negligible". Having been unsuccessful completing a land swap for the other gravel pit, the mayor is not inclined to try one here.

**Park/Open Space:** There will be a trail around the perimeter of the slopes. There is one 10-12,000 square foot park for the entire subdivision, but the average lot size is 9,200 square feet, so there will be big enough back yards for children.

**Drainage:** Storm drains leading to Furrow Creek cannot handle the additional storm water generated from this site. Retention, dry wells and overflows will be used in the pit to retain storm water onsite. The developer is being asked to use a no net increase approach to be used. MOA will work upstream to reduce the flow. DOT is working downstream by the Old Seward Hwy to fix that drainage.

If you have any further questions or concerns regarding this development, please contact either our Assemblyman Dick Tremaine at the above phone number, or Mike Abbott, City Manager at 343-7107.

### SEPTEMBER 13th P&Z HEARING

The September 13th P&Z hearing was an unusual night and we're still confused. The council had five cases before the Commission that night: Case 2004-127 Turnagain View Subdivision to decrease the vegetative buffer adjacent to DeArmoun Road; The Rabbit Creek Church Site Plan Review; The rezoning of the AWWU tower property to PLI adjacent to the High School; Case 2004-132 rezone from R-6 to R-1, Stover Subdivision, adjacent to Huffman Road east of Gregory Street; and Case 2004-133 rezone from R-6 to R-1, Gregory Subdivision.

The Rabbit Creek Church Site Plan Review was postponed to allow the Commission time to review material submitted late. The Turnagain View Subdivision case was postponed to October 4th to allow time for the developer to come to agreement with the affected Homeowner's Association. The AWWU rezone was approved with no complications, there will be a 40' native vegetation buffer on the east and south boundaries, and a 6-foot high sight obscuring fence will be installed on the inner side of that boundary. Conditions that were worked out with the AWWU representatives and the council at a previous council meeting.

The remaining three are what made the night so unusual. All three property owners were represented by Lantech, Inc., the engineers. All three cases were also under Al Barrett of the Planning Department. For the first time in memory, our council was asking for the same limitations on the three rezones as the Planning Department. On all three cases, the rezonings were passed by the Commission with the requested special limitations removed.

The three cases are now headed to the Assembly for final approval. The council will continue to work to get the necessary provisions inserted at the Assembly level. No date for the Assembly hearing has been set as of this date.

### **RABBIT CREEK CHURCH SITE PLAN APPROVAL**

By current code any church construction does not go to public hearing, it is only approved internally within the Planning Department (Jerry Weaver specifically, and approved by Tom Nelson). In April of this year such a case came about in the Rabbit Creek Council area. An existing approximately 20,000 sq ft. church facility applied to construct an additional approximately 26,000 sq ft building and increase the parking lot to accommodate 251 vehicles. The new facility would be a gymnasium and school.

Mr. Weaver gave full approval for the construction with no consideration for either our council, Rabbit Creek's council, or the affected residents' concerns. The HOCC's concerns that were conveyed were: ability for the aquifer in the area to adequately supply the facility and the surrounding residents with water; ability for property to deal with that amount of waste (septic/holding tank), current building is on 4,000 gallon holding tank; no provisions for on-site snow storage or runoff because of proximity to Rabbit Creek; inadequate and minimal vegetation retention between the parking lot and adjacent properties; impacts because of parking lot lighting and noise need to be addressed; currently lacking traffic impact analysis and one of the two entrances for this facility is on a road currently maintained by the residents not the city; and hours of operation and other operational standards must be set because this church operates under R-6 zoning.

It was then left up to the residents to appeal to force a public hearing. We all owe a debt of gratitude to these citizens who fought to protect us all from a dangerous precedent. The point was not whether the building should be constructed, but for it to be constructed right and the surrounding residents protected from potential impacts.

The residents' appeal was successful and the case was scheduled before the Planning and Zoning Commission for October 4th. To everyone's surprise because we were only expecting provisions inserted to address the concerns, the P&Z Commission unanimously voted to not approve the application in part because of their upholding elements of the 2020 Plan designed to protect the residents.

### **ABANDONED VEHICLES**

Recently the Municipality awarded Aurora Transportation Services the abandoned & junk vehicle contract; this contract includes junk items as well. The snow is about to fall and we need all abandoned and junk vehicles off the roads so the snowplows will be able to do their jobs efficiently and effectively. In order for us, the Anchorage Police Department (APD), to remove these vehicles we need your help in reporting them to us. Please call our junk vehicle hotline at 786-8854, 24/7. We check this hotline everyday, Monday thru Friday 7:00 a.m.-5:30 p.m. Once a vehicle is reported we will have a community service officer (CSO) go out to the reported location and white tag the vehicle(s). If the vehicle is not removed within 72 consecutive hours APD will add this vehicle to a daily pickup list that is faxed to the contractor every morning Monday thru Friday. The last known registered owner will receive a civil citation in the amount of \$374.42, via certified return receipt requested, for abandoning this vehicle on a Municipal street or right-of-way.

Thank you for your continued commitment to our community. We are very appreciative of your assistance with this matter. Mindy McCulley, Impound Supervisor, Anchorage Police Department, (907) 786-8892, mmmcculley@ci.anchorage.ak.us

### **UPCOMING HEARINGS**

#### **November 1st Planning & Zoning Commission:**

- Case 2004-164, an Ordinance amending Title 21 regarding nonconforming uses and lots of record.
- 2004-158, Rezoning .73 acres from R-6 to R-1SL, Mona Street, property adjoining the Lake Otis Gravel Pit.
- Case 2004-155, an Ordinance amending Title 21 regarding lodging definitions.
- Case 2004-070, an Ordinance amending Title 21 regarding the undergrounding of utilities.
- Case 2004-159, an Ordinance amending Title 21 to allow non-profit organization offices in R-1 and R-1A (single-family) zoning districts.

#### **November 8th Planning & Zoning Commission:**

- Case 2004-170 Capital Improvement Projects' Budget for 2005
- Case 2004-171 Amendment to Title 21 re: standards for conditional uses and site plan reviews

#### **December 1st Planning Board:**

Case S11317 to plat & subdivide 2 tracts into 21 lots and vacation of 60' road easement, Colony Builders, Gregory Subdivision.

#### **December 6th Planning & Zoning Commission:**

Case 2004-168, amendment to 21.40.020B re: temporary uses in PLI districts.

#### **December 13th Planning & Zoning Commission:**

-Case 2004-021, Master Plan Review for the new parks master plan. The previous version was done in 1985.

### **COMMUNITY POLL**

1. Has the new South Anchorage High School affected you? How? What ideas do you have for solving the issues that you see?
2. If you live on Elmore Road, do you prefer your mailbox at your driveway or a centrally located bank of boxes? A letter is coming from the Postal Service regarding this question.
3. Do you feel that the area is being policed appropriately regarding school traffic? Is there room for improvement?
4. We have been asked by the Police Department to list the area's concerns and problems. What are the specific problems you are most concerned about in your area? Do we have any high crime areas?
5. A previous HOCC meeting dealt with inebriates camps on hillside, are you aware of the problem? Do you have specific knowledge of any problem areas that need to be addressed or areas of trails or parks that are of concern to you?
6. The council has to address the traffic issues on Huffman Road at both the Pintail Street and Elmore Road intersections. Do you have any suggestions?
7. The current design for lower Huffman Road (between Old Seward and Lake Otis) is similar to current conditions with the exception of a center turn lane. Do you think this is adequate?
8. The council is consistently explaining and defending the "hillside lifestyle". What does this term mean to you and what are your priorities to protect?
9. Do you have any ideas that would enable the council to better represent your needs and concerns?

Please e-mail your responses to council@huffmanomalleycc.org, call Ryan at 345-4316, or mail your responses to P.O. Box 113006, Anchorage, AK 99511.