

PLANNING AND ZONING COMMISSION MEETING
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska

MINUTES OF
August 7, 2006
6:30 PM

A. ROLL CALL

Present Toni Jones, Vice Chair
Bill Wielechowski
Art Isham
Shaun Debenham
Lamar Cotten
Thomas Vincent Wang
Cycelia Gumennik
Nancy Pease

Excused Don Poulton, Chair

Staff Angela Chambers
Al Barrett
Doug Lesh
Ana Taylor
Margaret O'Brien
Sharon Ferguson
Tom Nelson

B. MINUTES

COMMISSIONER ISHAM moved for approval of the minutes of June 5, 2006, June 12, 2006, June 22, 2006, June 28, 2006 and July 10, 2006. COMMISSIONER GUMENNIK seconded.

AYE: Cotten, Pease, Gumennik, Jones, Isham, Wang,
Wielechowski,
Debenham

NAY: None

PASSED

COMMISSIONER ISAHM moved for approval of a two-year time extension request for subdivision agreement 04-015 for The Terraces Subdivision (case S-11143), subject to this correction. COMMISSIONER WIELECHOWSKI seconded.

AYE: Cotten, Gumennik, Jones, Isham, Wang, Wielechowski, Pease,

Debenham

NAY: None

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS -
None

F. REGULAR AGENDA

G. PUBLIC HEARINGS

1. **S-11491** South-Central Timber Development. To subdivide one tract of land into two tracts of land with variances from AMC 21.80.200 (Design standards-Legal and physical access) and from AMC 21.80.300D (Design standards-Lot depth to width ratio). Plat to be heard by the Planning and Zoning Commission. Campbell Canyon Subdivision, Tract B.

2. **2006-065** South-Central Timber Development. A Conditional Use in the R-10SL to allow a Planned Unit Development (PUD) of 11 single family homes. Campbell Canyon Subdivision, Tract B. Located at the east end of Aletha's Mountain Way and to the east of Shivalik Circle.

VICE CHAIR JONES was recused from this case and left the Chambers. ACTING CHAIR ISHAM explained that cases S-11491 and 2006-065 would be heard simultaneously. Time periods allowed for testimony would be increased to 15 minutes for the petitioner, 7 minutes for groups, and 5 minutes for individuals.

Staff member MARGARET O'BRIEN described the requests before the Commission for a plat, variances, and vacation. The property is undeveloped and is zoned R-10SL. Proposed Tract B-1 contains approximately 19 acres and is proposed to be developed with 11 single-family dwellings under the provisions of a planned unit development (PUD). Proposed Tract B-2, which contains approximately 27 acres, is to remain as undisturbed open space and is proposed to be in future ownership of homeowners. There are environmental constraints on the site involving steep topography, avalanche hazard zones, wetlands, streams, and major drainage ways. The topography ranges from 5% to 6% in the vicinity of the home sites up to over 50% within Tract B-2. The avalanche hazard zones have been mapped and are shown on the site concept plan. None of the home sites is proposed to be located in the moderate or high avalanche hazard zones. The eastern third of the site is impacted by wetlands, streams, and drainage ways. These wetlands fall under the jurisdiction of the Corps of Engineers (COE). The wetland mapping is being verified by COE staff that have made a number of site visits. The streams are being mapped by Municipal Watershed Management Staff, who also have made site visits. A pioneer road was bulldozed during soils testing and that road did divert some of the streams, impacting the wetlands and drainage ways. However, the petitioner has submitted a restoration plan to the COE and has undertaken the remediation work to restore the stream channels and wetland that were disturbed.

The homes are proposed to be served with on-site septic systems and a community well. Preliminary soils tests were done in September 2005; however, Municipal On-Site Services is requiring that soils tests be conducted during the high water season in May or October, so more tests are required. The community well is under the jurisdiction of Alaska Department of Environmental Conservation (ADEC). On-Site Services requires documentation that ADEC has approved the new community Class A well or, if the existing community well on Lot 17B outside of the subdivision is used, documentation must be provided that ADEC has approved expansion of that well to serve this development. The new and existing water system are under the ownership of the current petitioner.

The subdivision is within the police, fire, and building safety service areas, but not an Anchorage

road and drainage service area. The petitioner has to petition to join the Section 6 Campbell Airstrip Limited Road Service Area prior to the sale of any home sites. The internal road is proposed to be private, but is required to be constructed to municipal standards under a subdivision agreement. Trails have been a concern for both the applicant and the surrounding neighborhood. When the six-lot subdivision for Campbell Canyon Subdivision was recorded the applicant at that time provided two 20-foot wide trails. One of the trails crosses the northwest corner; it is known as the Dome Trail. The other trail, known as the Near Point Knoll Trail, extends eastward parallel to the south boundary of Proposed Tract B, at the mid-point of which it extends southward to Chugach State Park. The latter trail is the subject of a partial vacation in order to move portions of the trail away from development. Furthermore, the platted trail easement crosses a driveway serving Unit 1 in the PUD. Watershed Management has outlined concerns with crossing the creeks, drainage ways, and wetlands, which would be required if the trail is extended east from the private road system. Watershed Management indicates that multiple stream crossings would be required, with culverts, which would expose underground water that would daylight and drain onto the trail causing erosion in the summer and icing in the winter. It would also pass through wetlands under the COE jurisdiction, so the COE would have to approve any trail extension in this location. As an alternative to creating a trail, condition 20 has been added stating, "Resolving the feasibility and location for an extension of a 20-foot wide trail easement to the east boundary (to reach Chugach State Park) with Watershed Management, the Army Corps of Engineers, Municipal Project Management and Engineering, and the Municipal Trails Coordinator to address the impact of a trail extension on the wetlands, streams, the potential for erosion, any adverse impact on the headwaters of Campbell Creek and the usability of the trail given the steep slopes. If determined to be feasible, the trail easement shall be GPS'd (Global Positioning System) and the easement shown on the final plat." This trail would hopefully run in the vicinity and parallel to the south boundary of Tract B-2 away from the home sites and in a location that would minimize disturbance to a fragile environment, particularly since the streams, wetlands and drainage ways feed the headwaters of Campbell Creek.

The standards for the variances appear to have been met. Tract B-2 is intended to be undisturbed open space. No road is intended and one could not be built to municipal standards due to slopes of 50% or greater. There are environmental conditions that support maintaining this tract as open space. The tract will not be further subdivided.

The Department also does not object to partial vacation of the previously platted trail easement, which is addressed in the language of the recommendations. The Department also recommends approval of the preliminary plat subject to the 21 conditions contained in the revised Department recommendation provided at this meeting.

COMMISSIONER PEASE asked what portion of the trail would be vacated and would the relocated trail be suitable in terms of terrain. MS. O'BRIEN noted that an attachment to the preliminary plat shows the portion of the trail proposed for relocation. The area to be vacated is shown with cross-hatching and is located between the well house and dwelling units. The relocated trail is shown in a heavy and dashed line in a location south of the well house. She stated there is not a proposed realignment for the trail crossing the driveway serving Unit 1 and condition 21 addresses that by requiring "Realigning the portion of the Near Point Knoll Trail to relocate the existing trail easement that crosses the driveway serving Unit 1, the exact location to be resolved with Project Management and Engineering, Watershed Management Services, and the Municipal Trails Coordinator." COMMISSIONER PEASE saw that the proposed relocation south of the well house is on terrain that is twice as steep as the current location. She asked if Chugach State Park or a trails specialist commented on the suitability of that location. MS. O'BRIEN replied that Municipal Trails Coordinator Lori Schanche has reviewed it and the final alignment will be GPS'd and investigated in terms of the appropriateness of the location. The final easement, which may change from what is shown on the preliminary plat, will be shown on the final plat. COMMISSIONER PEASE noted that the Dome Trail appears to cross military land and the other trail crosses other private property. She asked whether either provides permanent long-term access to Chugach State Park. MS. O'BRIEN replied that the Dome Trail was provided in

response to heavy testimony when the preliminary plat was heard in 2004 for the six-lot subdivision. The petitioner has provided a public trail easement within the boundaries of his property. The Near Point Knoll Trail is also a public easement. COMMISSIONER PEASE asked if there is public access easement on the military property to ensure the portion being dedicated with this plat will be a permanent pedestrian access to Chugach State Park. Likewise, the trail to the south of the well house appears to go onto private property. MS. O'BRIEN replied that Near Point Knoll goes to Tract C, which is owned by this petitioner, and goes directly to the Park. When the Dome Trail was provided, the requirement was that any access over military land would have to be negotiated with the military. COMMISSIONER PEASE understood the Dome Trail does not have guaranteed permanent access through the military land as future access could be subject to military use of that property and the Near Point Knoll Trail also does not have permanent access because it is located across private property. MS. O'BRIEN explained the Near Point Knoll Trail does have an easement across Tract C and a public hearing would be required in order to vacate that.

COMMISSIONER WIELECHOWSKI noted there were public comments about not allowing this to be a gated community and that the petitioner become a member of the Basher LSRA. He asked if the latter is not something the Commission could require. MS. O'BRIEN replied that Condition of approval 15 requires the petitioner to petition to join the Section 6 Campbell Airstrip Limited Road Service Area. The existing members of the LRSA have to vote on that petition, so the Department cannot require that the petitioner join it. It is recommended that the petition be put forward prior to selling any home sites so that there is only one owner to vote in that subdivision. If the vote fails, an LRSA must be created for the proposed development. COMMISSIONER WIELECHOWSKI asked for comment on this being a gated community. MS. O'BRIEN asked to defer answering this question until after the petitioner's presentation.

Staff member DOUG LESH reviewed the conditional use request for a PUD to allow a planned residential community of 11 single-family homes on proposed Tract B-1. The PUD request is intended to clarify a maximum density, general building pad locations, maximum pad

sizes, internal driveway locations, open space, landscaping, vegetation retention, grading and drainage improvements, and a broad range of building styles. The parcel is zoned R-10SL, alpine residential slope district. According to the site plan the development will consist of 11 wood framed houses with a minimum 2,100 SF of floor area and two to three car garages. While the intent of the underlying R-10 zoning is applicable, the specific provisions of that district with regard to building setbacks and the like do not specifically apply. The concept of the PUD is based on the philosophy that larger sites should be planned and designed as a functional unit rather than conforming to the inflexible rules of traditional zoning district regulations. The surrounding area is characterized by low-density, detached, single-family detached development. The density of the proposed subdivision is .29 DUA. This is a similar intensity of residential development and, as such, demonstrates compatibility with existing and planned land uses the area. The development also meets the intent of the R-10SL zoning district, which is intended for use in areas where natural features and environmental factors such as slopes, vegetation, alpine forest, soils, slope stability and geologic hazards exist that require unique and creative design for development. The site is impacted by avalanche zones on the northwest boundary and wetlands and streams along the east. The topography is a south to north downhill slope of an average 25%. The proposal takes these issues into consideration by leaving the vast majority of land impacted by these constraints in an undisturbed natural state and clusters development on property with the most gradual topography from 16% to 28%, with areas of 5% to 6% slopes in the area of the proposed home sites. This approach will serve to minimize grading operations, including cut and fill, and preserve the natural characteristics of the site. The petitioner indicates 1.5 acres will be used for building coverage with the remaining 17.9 acres to be utilized as open space. The majority of existing vegetation will be retained, as noted on the landscaping plan submitted by the petitioner. Tract B-2 will also be retained as undisturbed open space. MR. LESH stated that 62 public hearing notices were mailed and comments were received from two property owners and two citizen groups by the time the Staff report was written. Eleven more public comments were received after the packet was issued. The primary issue of concern appears to be that no specific

pedestrian access has been shown on the site plan to access Chugach State Park to the east. Overall, the design of the PUD is considered to successfully consolidated usable open space and natural features while serving to maintain population densities and lot coverage in a way that is consistent with the Comprehensive Plan.

COMMISSIONER PEASE stated she located one map where the Near Point Knoll Trail extends onto Tract C, but she could find no maps indicating if it is dedicated to the border with Chugach State Park. MS. O'BRIEN referred to page 204 of the packet, the recorded preliminary plat 2005-118 that shows the trail going to the north boundary of Chugach State Park.

The public hearing was opened.

TOM DREYER, representing the petitioner, introduced DAVE GRENIER, civil engineer, and DAN YOUNG who is dealing with hydrological issues. Also on the team are Mike Anderson of Anderson Engineering who has been doing soils and septic testing, Arthur Mears who has performed avalanche studies, and Pat Athey who has been performing wetland studies and preparing reports. He noted that some of the first designs for development in this area included the entire 40 acres that encompasses Tract C and envisioned large R-10 lots and a road near Near Point Knoll. After further review, the decision was made to develop the site as is being proposed. The area being developed is 19.4 acres in Tract B-1 and 27 acres in Tract B-2. The trail issue has been important to the area residents and to the developer because individuals who buy in this subdivision will appreciate access to the Park. In the original subdivision an easement was dedicated for the Dome Trail and for Near Point Knoll Trail that goes through Tract C to Chugach State Park. MR. DREYER stated that the petitioner has no objection to the proposed conditions of approval. He used a topographic map to show the location of the trail near Unit 1 and the well house, explaining that exact locations for the trail relocation will be resolved and coordinated with the departments that have an interest in the location of the trail. With this plat, there will be trail access to the south and to the east.

COMMISSIONER WIELECHOWSKI asked for comment on the concern that this is a gated community. MR. DREYER indicated that this would not be a gated community.

COMMISSIONER PEASE asked if the Trails Coordinator or a Chugach State Park representative looked at the trail alignment along the southern boundary of Tract B as to its suitability. MR. DREYER stated that the petitioner would work with agencies to put the trail in an appropriate location.

COMMISSIONER PEASE noted that in case 2006-065 Code Enforcement had asked that the stream buffers should meet the codified standards of AMC 21.45.125.C and that be referenced on the site plan and the Commission relay its decision to the Platting Board. She asked if that is incorporated in the recommendations. MR. LESH responded that the PUD process overrides the specific provisions of the R-10 zoning district, including the need for a 100-foot stream setback. Condition 9 states, "Resolving the need for stream protection setbacks and the need for any associated notes to be included on the site plan for streams associated with wetlands as determined appropriate by the Municipal Wetlands Coordinator and in accordance with the Anchorage Wetlands Management Plan."

BRUCE TALBOT, resident of Stuckagain Heights, explained the locations of existing trails as drawn on the schematic for the proposed trail easement vacation prepared by Lantech dated 5/27/2006. He indicated that as part of the 2005 platting action, trail users worked with the petitioner and Municipal Trails Coordinator to locate trails so as to avoid lots. Also in 2005, the Platting Board resolved that, in consideration of building in the remainder of Tract B, access to the east boundary of Tract B would be considered. He noted that when the road was put in this spring and fall, some parts of the easement were bulldozed. He proposed realignment of the trail around Unit 1. There are now trees blocking the easement at the well house, resulting from the bulldozing on the pioneer road. He supported a realignment of the trail in that area as well. He felt people would support creating a new easement that goes all the way to the west boundary of Chugach State Park. The access at Near Point Knoll goes up to a 3000-foot peak. He also agreed with the Staff recommendation to work with the Wetlands and Trails Coordinators in locating the trail and suggested that Chugach State Park be included as well. There were original proposals to locate the trail near Campbell Creek, but it is rougher and there are more wetlands, although there is a parking lot in that location. The property being proposed is drier and more buildable. The wetlands are not too great an obstacle to developing the trail in the location being proposed.

COMMISSIONER PEASE asked if the trail to the eastern boundary accesses a different experience in Chugach State Park. MR. TALBOT replied that the trail to Near Point was used by locals to get up Near Point. It is steep, but it does not provide access to the Upper North Fork of Campbell Creek. To get to the Upper North Fork of Campbell Creek one would have to go over the Dome or over Near Point, which is a 2000-foot ascent and descent on the other side to get to Long Lake. The Dome Trail goes across military land and there is no guarantee it will be permanent. This platting is the last opportunity to achieve a trail to the east in this fashion. COMMISSIONER PEASE noted the Basher Community Council originally wanted a trail along the north boundary of Tract B and now it seems the proposal is for a trail along the south boundary. MR. TALBOT replied that he proposed the trail along the north boundary of Tract B at the Council meeting and they approved it, but since that time he has looked at both options. The newly proposed option is drier; it does not have a parking lot, but it is a neighborhood trail, so he did not anticipate much traffic.

COMMISSIONER WIELECHOWSKI asked for Staff comment on Mr. Talbot's proposal. MS. O'BRIEN stated this proposal coincides with what the petitioner has presented to the Commission. The trail will wander rather than traveling in a straight line.

COMMISSIONER DEBENHAM asked if there is a name for the trail to the east. MR. TALBOT replied that there is not currently a trail in that location. He stated there is a trail that accesses Chugach State Park, but it is on the edge of Near Point and is quite steep. This is the last opportunity to request an easement for the other trail. COMMISSIONER DEBENHAM asked if the suggested trail accesses the Upper North Fork of Campbell Creek. MR. TALBOT replied in the affirmative, noting there is 7000 acres of Chugach State Park and public land in the Upper North Fork of Campbell Creek. COMMISSIONER DEBENHAM asked if Mr. Talbot supports the proposed development with the conditions recommended by the Department. MR. TALBOT replied in the affirmative, with the addition of Chugach State Park to the list of those who should agree on the location of the trail. The Staff report does not specify the location he recommended, but he felt that was good because it offers flexibility to put the trail where it is most appropriately located.

COMMISSIONER PEASE asked if it would be clarifying to reword condition 20 delete "to the east property boundary (to reach

Chugach State Park)" and insert "to the North Fork Valley of Chugach State Park." MR. TALBOT suggested that the appropriate reference is to the Upper North Fork of Campbell Creek. He thought the east boundary of Tract B-2 is an accurate reference.

COREY HEINZ, representing the Chugach State Park Access Coalition, stated access to the Park is becoming increasingly important in Anchorage as the city continues to grow. His organization supports condition 20 and agrees that the southern route proposed by the petitioner is the best, given that it has an existing easement at the beginning, it is outside of Tract B-1, and the right access could minimize wetland impact. There is some concern when the language in condition 20 is to resolve the feasibility of the trail and he preferred the condition say that the trail will be built. There is also concern with private roads next to the Park boundary that block access. He asked for a condition that reads, "The applicant shall provide a limited parking area located to minimize impacts to property owners in the vicinity of 6 parking spaces in a widened area of the road near the proposed trailhead near Lot 1."

COMMISSIONER COTTEN asked under what scenario the trail would not be feasible. MS. O'BRIEN replied that the word "feasibility" was inserted in the condition because the trail needs to minimize impacts and be usable. The use of this word was meant to not tie the petitioner to a specific location and to allow maximum flexibility. The petitioner has stated on the record their intent to create the trail. COMMISSIONER COTTEN understood the issue is how the trail is to be developed, not whether it would be developed. MS. O'BRIEN agreed with this assessment. COMMISSIONER COTTEN asked for comment on the suggestion to provide a parking area. MS. O'BRIEN stated that in South Anchorage there is a subdivision where a cul-de-sac bulb was designed to leave sufficient turning radius for vehicles and parking spaces outside of that radius. COMMISSIONER COTTEN asked whether or not the Department would agree with this requirement. MS. O'BRIEN indicated the Department would not object, but the construction standard would have to be resolved with PM&E to ensure that the improved right-of-way is sufficiently wide to allow parking.

TOM HARRISON, Superintendent of Chugach State Park, recognized and expressed appreciation of maintaining the existing access to the Dome and to Near Point. He felt it was important to note that both those trails exit Tract B, one to Fort Rich and another to another private development.

Neither trail abuts the Park and neither trail goes up the North Fork. He noted there was a previous condition that "Future development of Tract B shall provide access to Chugach State Park." He asked that the word "feasibility" in condition 20 be clarified as was stated in the record to mean the location of a trail, not whether the trail would be built. He indicated that one potential is to cut off a spur and provide direct access to the western end of the Park. There are engineering and administrative controls that could mitigate harm to the creek and wetlands. Without this access to the Park could be forever lost. He stated that the wetlands survey revealed legitimate and salient concerns with the trail design and placement, but not its existence. He encouraged that the access through Tract B be retained.

COMMISSIONER PEASE asked that Mr. Harrison speak to the need for trail access along the west boundary of the Park. MR. HARRISON replied that all the comments received after the packet preparation expressed interest in access to the Park. There is currently no easy access to get up the North Fork section. He thought that it would be beneficial to provide residents in this area access so they would not have to travel elsewhere to gain access. Multiple small access points are good for the Park, the environment, and the community.

TED MOORE, 35-year resident of the Anchorage Hillside and frequent Park user, supported the subdivider providing public access to the North Fork of Campbell Creek. He noted that because of the lack of access through Stuckagain Heights, this delightful valley is not often visited. It is the intent of Title 21 and any good planning code that a subdivider should not be allowed to subdivide in a manner that prevents access to lands beyond, be they publicly or privately owned. Title 21 requires construction of a road access to the boundary of adjoining properties, which would eliminate any parking concerns. In the case of parkland where vehicular access may or may not be needed or desired, it is sensible to allow a pedestrian trail easement instead, so long as the developer makes provisions for adequate public parking at the trailhead. He understood that the Anchorage Waterways Council has expressed concern with the impact of the trail in or near the floodplain of the creek, but he could not understand the position taken by Municipal Watershed Management Services that the construction of any upland trail would not be consistent with the Comprehensive Plan environmental section. They assert that any trail in that area would harm creeks and wetlands by exposing underground water, causing erosion, and redirecting creeks.

These are strong statements with no supporting data provided. He stated he is a civil engineer by profession and has personal experience constructing foot trails. He walked the area of the possible upland routes. The wetlands near the eastern boundary are only a few hundred feet wide and he stated that a foot trail featuring stepping stones or a boardwalk could be constructed across that area in such a way that it would not significantly impact present wetland qualities of the area or have downstream impacts. He noted that almost any trail in any park crosses wetlands and streams. Trails causing erosion are the exception, not the rule. He urged the Commission to direct the developer to work with appropriate government agencies to select a trail route allowing reasonable public access into the parkland at the North Fork of Campbell Creek, along with adequate public parking at the trailhead.

TOM MEECHAM, member of the Chugach State Park Access Coalition and three-term member of the Chugach State Park Citizens Advisory Board, favored extension of the trail to Near Point Knoll and to the western boundary of the Park. He did not understand why the developer has proposed a private road and he did not know how that differed from a gated community. He thought it was incongruous to require the developer to vote on a LRSA and have a private road system. He questioned whether the road might be gated in the future because it is private or how it is identified to the public that the public is not invited on the road. He did not see anything in the proposed rewrites of Title 21 that would address where or where not private roads or gated communities are desirable. He supported the extension of the trail to the western boundary of the Park and felt it is a fair trade off to have a small, widened area in the road for parking, which was done in the Grandview neighborhood. He noted that he learned recently that the developer's initial well did not produce a sufficient yield for a community water service and he has since drilled another well that also had a disappointingly low yield. He assumed that if sufficient water cannot be found to support the proposed planned community that the developer would return with a site plan proposing individual water supply to the residences. He spoke in support of the conditions requiring a trail to the west boundary of the Park and that Chugach State Park be included in team that will plan its location.

COMMISSIONER COTTEN asked for an explanation of the difference between a private road and a gated community. MR. LESH explained that a gated community would have a gate at the entrance. As proposed, this development would have a

private road, but no gate is proposed. The petitioner would have to come to the Commission with a gate specifically identified on the site plan, if that is desired.

COMMISSIONER COTTEN asked if a private road allows owners to restrict access. MR. LESH replied that it is possible to restrict vehicular access; however, pedestrian access is allowed across the property.

COMMISSIONER WIELECHOWSKI noted that page 97 of the packet indicates there is no requirement for fire hydrants. He also saw no requirement for fire suppression systems in the homes. He noted that this is a hillside area and it would seem that a fire suppression requirement is desirable. MS. O'BRIEN stated the subdivision is required to meet the International Fire Code. Without hydrants, each home must have a 300-gallon water tank for fire suppression purposes. COMMISSIONER WIELECHOWSKI asked if that has been reviewed by the Fire Department and determined to be sufficient. MS. O'BRIEN stated that the requirement for a 300-gallon holding tank for fire suppression purposes is based on comments from the Fire Department.

MR. MEECHAM asked that the Commission clarify that the proposed easement for trail access does not originate on a private road and be subject to private road conditions.

COMMISSIONER WANG asked that Staff respond to whether it is meaningful to provide parking on a private road and, if not, whether it is appropriate to require that there be public access to that parking area. MS. O'BRIEN replied that the area proposed for parking is an extension of Aletha's Mountain Way. Half of that is dedicated right-of-way and there is a condition requiring dedication of the eastern 30 feet. Aletha's Mountain Way is a public road that could be developed to provide parking area for vehicles. She noted that there is nothing in Title 21 that supports the requirement to provide a public parking area to serve users that are not in the subdivision.

CHRIS MANN, resident of Stuckagain Heights, stated she was puzzled in reading the two analyses why a request was made to subdivide Tract B into Tract B-1 and B-2. She concluded that the property in a community interest is Tract B-1 only. The statement is made that Tract B-2 will be in the future ownership of the residents of Tract B-1, but that is not in the packets she had read. She felt it would solve many problems to not subdivide Tract B. The problems that arise from subdividing the property into Tract B-1 and Tract B-2 is that the average slope of Tract B-1 is 25%, so that a

density of .4 units per acre is allowed. A May 8, 2006 memorandum from Brian Dean to Jerry Weaver states that 7 units would be allowed on Tract B-1, not 11 units. It also states in that memorandum that Land Use Enforcement has no objection to including Tract B-2 in the calculation, which would allow more units. In addition, if there were only one tract, there would be no requirement for a variance for legal and physical access. She also remarked that condition 13 requires that the well be moved outside of the red avalanche zone and possibly the blue avalanche zone, and presumably this will impact building sites 6 and 7 and the location of the Near Point Knoll Trail. The 100-foot radius around the well house covers building sites 6 and 7. She asked if this is allowable. She noted that if drilling for the well does not produce sufficient flow rate for water supply, then the Near Point Knoll Subdivision well would need to be used. Hopefully it will be determined that there is sufficient water supply for Near Point Knoll with 20 sites, Campbell Canyon with 6 sites, and Canyon Villa Estates with 11 sites, and holding tanks of 300 gallons per household. She noted that the Department states that individual lots are not being platted whereas the declaration of Canyon Villa clearly refers to lots with boundaries; she felt this should be clarified.

LARA BAKER, property owner in Near Point Knoll, stated he plans to begin building in 2008. He supported the proposed actions before the Commission, feeling that this is a rational use of the land that has minimal impact on the land around it. This plat will provide more access to Chugach State Park. He noted that whether or not there is a private road, there is plenty of access to the Park.

In rebuttal, MR. DREYER thought the issue of the military easement to the north is interesting and suggested that perhaps the MOA should work with the military to secure a trail up the ridgeline. He did not object to adding Chugach State Park as an agency that would comment on the trail access to the Park. He remarked in terms of the feasibility of the trail that there would be some kind of trail easement. He clarified that the subdivision will not be gated. In order to have a gate, a gate would be part of the site plan with full designs for approval by the Commission. He stated there is no restriction on vehicular use of the road. He noted that every mall has private parking, as do condominium developments. He remarked that one of the most salient reasons for an open access is for emergency services; the access must remain open for emergency access. All subdivisions must comply with International Fire Code

and the developer will comply with all Fire Department requirements. He explained that it is a common practice to separate a tract where greenbelt spaces are provided, which is being done with Tract B-2. There are not lots; there may be drawings depicting building pad areas and sufficient area for septic systems. He thought there was general agreement regarding the trail issue.

COMMISSIONER COTTEN reiterated that condition 20 is not a matter of actual feasibility of developing a trail, but rather determining its actual location. MR. DREYER agreed this is the case. COMMISSIONER PEASE asked for response to the proposal to widen the roadbed of Aletha's Mountain Way to accommodate parking. MR. DREYER asked for some leeway to provide some parking in that general area; he did not want the location of parking specified and preferred to resolve the location of parking with Public Works.

MR. DREYER added that the trail easement would be public and it could not be closed to the public by a gate or other means.

The public hearing was closed.

COMMISSIONER PEASE moved for approval of the revised Department recommendation to approve the partial vacation of the 20-foot trail easement known as the Near Point Knoll Trail subject to relocating the trail as shown on the Site Plan of the Proposed Trail Easement Vacation and subject to relocating the trail that crosses the proposed driveway serving Unit #1, the location to be resolved with Project Management and Engineering, Watershed Management Services, the Municipal Trails Coordinator, and Chugach State Park. COMMISSIONER WANG seconded.

COMMISSIONER PEASE supported her motion, finding that the petitioner and the public feel comfortable that relocating the trail to avoid crossing driveways and minimize driveway impacts and to keep it farther away from development sites is desirable and feasible, given the terrain. The addition of Chugach State Park to the involved agencies is appropriate since the primary purpose of this trail is access to the Park.

AYE: Cotten, Gumennik, Isham, Wang, Wielechowski, Debenham, Pease

NAY: None

ABSTAIN: Jones

PASSED

COMMISSIONER PEASE moved for approval of the variances from 21.80.200 (legal and physical access) for Tract B-2 and AMC 21.80.300.D (1:3 lot width-to-depth ratio) for Tract B-1. COMMISSIONER GUMENNIK seconded.

COMMISSIONER PEASE stated the petitioner appears to have treated this steep, somewhat sensitive parcel in an aesthetic and environmentally sensible way to create desirable building sites and to preserve the natural setting.

AYE: Cotten, Gumennik, Isham, Wang, Wielechowski, Debenham, Pease

NAY: None

ABSTAIN: Jones

PASSED

COMMISSIONER PEASE moved for approval of the plat for 18 months subject to the Staff conditions 1 through 21 as revised, amending condition 20 to delete "feasibility and" and add after "the east property boundary of Tract B-2" the phrase "to reach Chugach State Park to provide access to the North Fork of Campbell Creek" and adding after "Municipal Trails Coordinator" the phrase "Chugach State Park staff", delete "address the impact" and insert "seek to minimize the impact", and insert "maximize" before "usability of the trail", and deleting "If determined to be feasible"; adding a new condition 22 "Resolve with Project Management and Engineering the appropriate location for a sufficiently wide roadbed development to allow parking for approximately 6 cars with access to the trailhead." COMMISSIONER COTTEN seconded.

COMMISSIONER PEASE felt it was commendable that the petitioner, the agencies, and the public have come together to meet the need for trail access in a way that enhances the general area, as well as the subdivision. She found that the Anchorage Areawide Trails Plan Policy Statement 16 supports replacing existing trails with similar trails, hence the need to relocate portions of the Near Point Knoll Trail. Further, the previous plat 2005-118 discussed access to the

western boundary of Chugach State Park. The Dome Trail connects to military land and is therefore subject to military management, which creates a need to secure good access to the Park across the petition site. Also, the Near Point Knoll Trail across Tract C may be subject to residential development impacts, which supports a trail along Tract B-2. This is an important opportunity, and perhaps the only opportunity, to reach the North Fork Valley of Campbell Creek. The wetlands probably bear on the placement of the trail, but need not preclude its construction. The public has, through letters and comments, expressed the desire and need for a trail to the Park. The Superintendent expressed the benefit of diffusing users to multiple entry points. The petitioner appears to be in general agreement that the trail can be done and is willing to work with the agencies to locate it. She stated that the recommendations from Staff appear to be generally acceptable to the developer in order to meet the difficulties of developing this steep, high elevation parcel. She solicited commissioner comments on whether minimizing adverse affects is the correct language with respect to aligning the trail.

COMMISSIONER DEBENHAM asked whether Commissioner Pease would be willing to remove condition 22 and add it as an amendment. COMMISSIONER DEBENHAM explained that there might be some dissent regarding adding condition 22. ACTING CHAIR ISHAM indicated that Commissioner Debenham could move to amend to delete condition 22. COMMISSIONER DEBENHAM moved to amend to delete condition 22. COMMISSIONER COTTEN seconded.

COMMISSIONER DEBENHAM noted that the petitioner has agreed to provide access to three trails, but he did not support requiring the petitioner to provide parking. He explained that the petitioner is not creating demand for that parking, rather that parking is for public use on a trail that is crossing private land. He thought it was probably the city's responsibility to widen that road and create a parking area.

COMMISSIONER COTTEN asked if the discussion is removing condition 22 from the motion or to discuss the merits of condition 22 separately. ACTING CHAIR ISHAM explained that the amendment is to delete condition 22. COMMISSIONER COTTEN agreed with deleting condition 22 in order to vote on it separately. He stated he supports including condition 22 and would vote in favor of it as a separate item. MS. STALDER explained that the amendment on the floor is to delete condition 22. If the main motion is amended to delete that condition, it could not be re-inserted. COMMISSIONER COTTEN understood that Commissioner Debenham wished to vote on

conditions 1 through 21 and then on condition 22 as a separate item. COMMISSIONER DEBENHAM explained that the amendment to delete is appropriate.

COMMISSIONER WANG supported retaining condition 22 and did not support the amendment. He noted that the petitioner did not object to this condition and he thought those parking spaces would be a benefit for the people who live in that development.

Amendment

AYE: Debenham

NAY: Cotten, Gumennik, Isham, Wang, Wielechowski, Pease

ABSTAIN: Jones

FAILED

COMMISSIONER WIELECHOWSKI supported the main motion. He felt the developer had done a good job working with the community. He was pleased to see that consensus had been reached between the parties. He believed this subdivision strikes a balance in creating new homes and also providing needed access to Chugach State Park. He felt the subdivision complies with Anchorage 2020, maintains the rural character of the area, and avoids incompatible uses.

COMMISSIONER GUMENNIK supported the motion. She stated her main concern was the 20-foot wide trail easement extending to Chugach State Park and, with the amendment Staff provided this evening, that was addressed.

COMMISSIONER PEASE felt that requiring a widened roadbed was not particularly onerous given that there will be private roads and no requirement to extend a road to the Park boundary. The community and the Commission recognize this is a local access point. She did not intend to impose an onerous provision, but rather to require a reasonable provision that helps prevent any burden to homeowners.

COMMISSIONER DEBENHAM supported the motion. He felt it was wonderful there are three additional accesses to Chugach State Park. He did think it is unfortunate to burden the developer in any way that is not necessary, as his previous amendment indicated.

ACTING CHAIR ISHAM also supported the motion.

Main Motion

AYE: Cotten, Gumennik, Isham, Wang, Wielechowski, Debenham, Pease

NAY: None

ABSTAIN: Jones

PASSED

COMMISSIONER PEASE moved for approval of the Final Conditional Use for a Residential PUD in the R-10SL District in Accordance with AMC 21.50.130 C (Residential planned unit developments, subject to Staff conditions 1 through 23.
COMMISSIONER COTTEN seconded.

COMMISSIONER PEASE noted there was not much testimony from the public regarding the conditional use. She thought the conditions lay out a good plan for development of a difficult parcel with adequate municipal oversight, mapping of wetlands, and involvement of the COE.

AYE: Cotten, Gumennik, Isham, Wang, Wielechowski, Debenham, Pease

NAY: None

ABSTAIN: Jones

PASSED

VICE CHAIR JONES resumed the Chair.

- 3. 2006-107** Glacier City Development, LLC. A conditional to allow a hotel in a mixed use commercial development in the gC8 zoning district. Girdwood Elementary School Subdivision, Tract E3. Located on the west side of Hightower Road.

POSTPONED

- 4. 2006-108** Glacier City Development, LLC. A site plan review for a restaurant within a mixed use commercial development in the gC8 zoning district. Girdwood Elementary School Subdivision, Tract E3. Located on the west side of Hightower Road.