

Draft letter on Villages Scenic Parkway grade and fill violations

August 12, 2020

Code Enforcement, Development Services
Municipality of Anchorage
4700 Elmore Rd
Anchorage, AK 99507

Dear Mr. Larson and Mr. Fern:

We request timely action to correct the land use permit violations and Title 21 violations on a residential site, Villages View Estates Tract B, raised to your attention in a July 7, 2020, email by the Land Use and Transportation Committee (LUTC) of Rabbit Creek Community Council (RCCC) (attached). This was followed with two subsequent emails further detailing continuing violations on this site (attached).

We received a partial response from Code Enforcement Officer Richard Fern that the 5,000-cubic-yard limit in the approved permit was exceeded, and that the violation(s) would be corrected at some future time when the owner applies for a change order or a new permit. The owner apparently acknowledged his violations to Mr. Fern in mid-July. Mr. Fern wrote to RCCC LUTC that "there is nothing on the property that cannot be corrected within the permitting process."

This response does not address the concerns of several neighbors and the Council:

- It does not present a timeline for prompt correction of the violations;
- It does not address violations of the development standards for R10 zoning or Steep Slope Development.

RCCC is concerned about a possible retro-active permit for 6 acres of grading and fill, when it appears that only 1 acre (40,000 square feet) is permitted under R10 standards and the site disturbance envelope prescribed by 21.07.020.C.3. This would set a dangerous precedent for the hundreds of acres of undeveloped R10 land across the upper Hillside. Moreover, this would not represent bona fide code enforcement.

Please respond to these specific, enumerated concerns expressed in RCCC LUTC's July 7 email:

1. Does the quantity and footprint of grade and fill meet each of these standards: Zoning standards under Title 21.04.020.P.1.a, b, and h; and Steep Slope Development standards under 21.07.020.C.1.c, d, f, and h, and .C.3.b, c, d and e?

This includes:

21.04.020.P.1.h Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

21.04.020.P.2 District Specific Standards capping the amount of impervious surface based on average slope of the lot.

21.07.020.C.1.c Encourage only minimal grading that relates to the natural contour of the land and discourage mass grading of large pads and excessive terracing;
21.07.020.C.1.d. Encourage. . . grading design. . . that integrates into the natural terrain with minimal re-contouring, in accordance with adopted goals and policies;
21.07.020.C.1.h. Encourage the retention of natural, indigenous vegetation that provides wildlife habitat, helps retain runoff, and maintains the area's visual character;
21.07.020.C.3.b That contiguous of any lot which is 5,000 sf or larger with slopes steeper than 30 percent shall remain undisturbed;
21.07.020.C.3.c Site disturbance envelope. . .clearing, grubbing, or grading outside the site disturbance envelope is prohibited. . . The size of the site disturbance envelope shall be as follows: . . . lots five acres or greater: 40,000 square feet maximum
C.3.c.iii. Areas outside the site disturbance envelope shall not be used for stockpiling materials or excess fill, construction vehicle access, storage of vehicles during construction, or similar uses. . . Temporary construction fencing shall be installed around the perimeter of the site disturbance envelope.

2. It seems clear that the site has several violations of Title 21. Please inform RCCC what restoration and revegetation will be required to minimize the footprint of grading and fill.

3. Please inform RCCC of the timeline for correction of all violations. It appears that Code Enforcement is intended to follow a timely process, beginning with a Notice of Complaint, a 10-day grace period to correct any violations, and then a Notice of Violation.

Thank you for your attention to our concerns.

Sincerely,

Ann Rappoport, Co-chair
Rabbit Creek Community Council

Ky Holland, Co-chair
Rabbit Creek Community Council

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Attachments