

CLERK'S OFFICE

APPROVED

Date: 2-25-03
IMMEDIATE RECONSIDERATION
FAILED 2-25-03

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: January 28, 2003

ANCHORAGE, ALASKA
AO No. 2003-26

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
2 21.15.123A. TO INCLUDE RAILROAD RIGHT-OF-WAY AND ALLOWING
3 RAILROAD RIGHT-OF-WAY ACQUISITIONS IN THE RIGHT-OF-WAY
4 ACQUISITION PLAT PROCEDURES.

5
6 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

7
8 **Section 1.** Anchorage Municipal Code section 21.15.123A. is hereby amended as
9 follows: *(the remainder of the section is not affected and therefore not set out)*


10
11
12 **21.15.123 Approval of Subdivision Plats Right-of-Way Acquisition Plat.**

13
14 A. *Generally.* A plat for a subdivision created by a government agency's
15 acquisition of a street, [or] railroad or trail right-of-way is subject to
16 approval under this section and is not subject to any other approval
17 procedure for plats under this chapter.

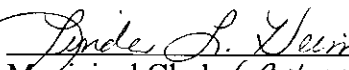
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19 *** *** ***

20
21 **Section 2.** This ordinance shall be effective immediately upon its passage and
22 approval by the Assembly.

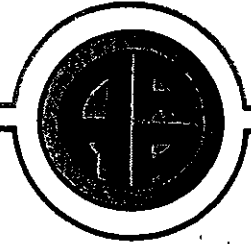
23
24 PASSED AND APPROVED by the Anchorage Assembly this 25th day of
25 February 2003.

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27
28
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30 
Chair of the Assembly

31
32 ATTEST:

33
34 
35 Municipal Clerk (Acting)
36
37

ALASKA RAILROAD CORPORATION



Corporate Address: P.O. Box 107500, Anchorage, Alaska 99510
 327 West Ship Creek Avenue, Anchorage, Alaska 99501
www.alaskarailroad.com

RECEIVED

JUN 13 2002

MINISTRY OF REVENUE
 TAX SERVICES UNIT

Real Estate Department
 Telephone: (907)265-2670
 Fax Number: (907)265-2450

525.00
 CHECK
 0598A 06-25-02 06:54

June 12, 2002

Mr. Jerry Weaver
 Municipality of Anchorage
 Department of Community Planning and Development
 Zoning and Platting
 632 W. 6th Avenue
 Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

Please consider this letter a formal request to modify Anchorage Municipal Code 21.15.123 (A) to include the term "railroad" in the definition of a right-of-way acquisition plat. At your request, I have enclosed a check in the amount of \$525.00 for the expense of this ordinance change.

Thank you for handling this request, Jerry; it is very much appreciated. If you need to contact me to discuss, I can be reached at (907) 265-2325.

Sincerely,

Chris Anderson
 Leasing Supervisor

cc: Kraig Hughes, Director of Capital Projects
 Mark Peterburs, Project Manager

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003-26

Title: Ordinance amendment allowing the Alaska Railroad Corporation to use the right-of-way procedures of AMC 21.15.123 A

Sponsor:

Preparing Agency: Planning Department

Others Impacted: Alaska Railroad Corporation

CHANGES IN EXPENDITURES AND REVENUES:

(In Thousands of Dollars)

	FY02	FY03	FY04	FY05	FY06
Operating Expenditures					
1000 Personal Services					
2000 Non-Labor					
3900 Contributions					
4000 Debt Service					
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -
Add: 6000 Charges from Others					
Less: 7000 Charges to Others					
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and Temp					
PUBLIC SECTOR ECONOMIC EFFECTS:					

Approval of this ordinance amendment should have no significant impact on the public sector.

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MUNICIPAL ATTORNEY
03 JAN 10 PM 2:23
HD

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the ordinance should have no significant impact on the private sector.

Prepared by: Jerry T. Weaver Jr., Zoning Administrator

Telephone: 343-7939

Validated by OMB: 

Date: 1/16/03

Approved by: 
(Director, Preparing Agency)

Date: 1/9/03

Concurred by: _____
(Director, Impacted Agency)

Date: _____

Approved by: _____

Date: _____



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 55-2003

Meeting Date: January 28, 2003

From: Mayor

Subject: AO 2003- 26

Planning and Zoning Commission Recommendation on an Ordinance Amendment to the Right-of-Way Acquisition Provisions of AMC 21.15.123 A.

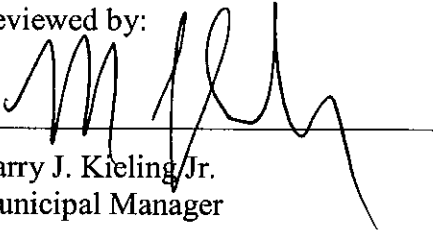
1 The Alaska Railroad Corporation has requested this ordinance amendment which will allow the
2 corporation to utilize the Municipal right-of-way acquisition procedures when acquiring right-of-
3 way for railroad improvements.
4

5 These procedures were originally developed to allow public agencies the opportunity to "plat" their
6 acquisitions and comply with State Statutes and Municipal Code with respect to the requirements of
7 having a plat approved by the local platting authority before acquiring portions of a larger parcel.
8

9 The Municipal Law Department has determined that the Alaska Railroad Corporation is a
10 governmental agency and will qualify in using this procedure. The public benefits from the
11 recordation of these right-of-way plats in that the requisite survey information is available to the
12 surveying community.
13
14
15

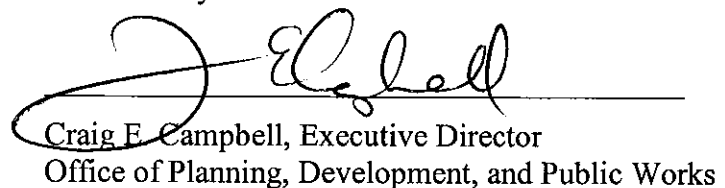
Approval of the ordinance is recommended.

Reviewed by:



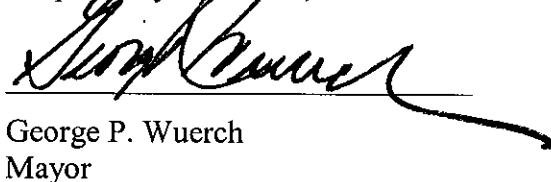
Harry J. Kieling Jr.
Municipal Manager

Reviewed by:



Craig E. Campbell, Executive Director
Office of Planning, Development, and Public Works

Respectfully submitted,



George P. Wuerch
Mayor

Prepared by:



Susan R. Fison, Director
Planning Department

DRAFT

**MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-**

A RESOLUTION RECOMMENDING APPROVAL TO THE ASSEMBLY OF AN ORDINANCE AMENDMENT TO ANCHORAGE MUNICIPAL CODE SECTION 21.15.123 A WHICH ALLOWS THE ALASKA RAILROAD TO USE THE RIGHT-OF-WAY ACQUISITION PLAT PROCEDURES WHEN ACQUIRING RAILROAD RIGHT-OFWAY.

(Case 2002-182)

WHEREAS, the Alaska Railroad Corporation has requested an ordinance amendment to allow the corporation to use the right-of-way acquisition procedures of AMC 21.15.123, and

WHEREAS, notices were published, and a public hearing was held on November 4, and continued to November 21, 2002; and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

- A. The Commission makes the following findings of fact:
 - 1. The ordinance amendment will allow the Alaska Railroad Corporation to utilize the right-of-way acquisition procedures as do other governmental agencies when acquiring right-of-way for improvement projects.
 - 2. The Municipal Law Department has determined that the corporation is a governmental agency and qualifies in using the ordinance for right-of-way acquisitions for improvement projects
 - 3. There were no objections from the community in general or the review agencies.
 - 4. The Planning Department recommended approval of the ordinance amendment.
- B. The Commission recommends approval to the Assembly of the ordinance amending the right-of-way acquisition procedures of AMC 21.15.123 A.

Planning and Zoning Commission
Resolution 2002-
Page 2

PASSED AND APPROVED by the Municipal Planning and Zoning
Commission this 21st day of November 2002.

Susan R. Fison
Director

Daphne Brown
Chair

(Case 2002-182)

COMMISSIONER COFFEY seconded.

COMMISSIONER KLINKNER moved to postpone case 2002-205.

COMMISSIONER COFFEY seconded.

COMMISSIONER KLINKNER explained he had reviewed this case and it seemed to him there were significant issues that warrant bringing this item up for more extensive discussion. He was also contacted by Commissioner Brown who asked that this item be postponed until she is present to address it, given her interest in the area.

CHAIR JONES asked that Staff recommend a date certain to which this item could be postponed. COMMISSIONER COFFEY did not support placing this item on the November 18, 2002 agenda, given that evening has been set aside to deal with community council redistricting. MS. AUTOR suggested this item could be placed on the November 21 agenda. COMMISSIONER KLINKNER so amended his motion.

AYE: Adams, Klinkner, Penney, Jones, Coffey, Knepper, Klein

NAY: None

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS

- 1. 2002-182** Chris Anderson. An Ordinance amending Anchorage Municipal Code Subsection 21.15.123.A to include Railroad Right-Of-Way and allowing Railroad Right-Of-Way acquisition plat procedures.

COMMISSIONER COFFEY noted that Commissioner Starr was the primary advocate of postponing this matter when it came before the Commission two weeks ago. Given Mr. Starr's absence this evening, he felt it would be appropriate to postpone the matter to allow Mr. Starr to address it.

COMMISSIONER COFFEY moved to postpone case 2002-182 to November 21, 2002.

COMMISSIONER KLINKNER seconded.

AYE: Adams, Klinkner, Penney, Jones, Coffey, Knepper, Klein
NAY: None

PASSED

- 2. 2002-133** Municipality of Anchorage. An ordinance amending AMC Title 21 by adding definitions pertaining to Land Clearing in Subsection 21.35.020.B, Definitions and Rules of Construction; adding a new section to AMC Chapter 21.45 to require pre-approval before Clearing Land of Vegetation; and creating exceptions and penalties therefor.

Staff member TOM NELSON stated a memorandum and substitute ordinance prepared by the Legal Department was received by the Planning Department this afternoon. Copies were distributed to Commission members who had not received the documents earlier today by email and/or facsimile. Copies were also made available to some members of the public.

COMMISSIONER COFFEY noted that members of the Land Clearing Committee had received these documents just this evening. He thought it might be appropriate to hear this item later on the agenda in order to allow these individuals to review the documents.

COMMISSIONER ADAMS moved to reorder the agenda to place case 2002-133 after 2002-201.

COMMISSIONER COFFEY seconded.

AYE: Adams, Klinkner, Penney, Jones, Coffey, Knepper, Klein
NAY: None

PASSED

F. REGULAR AGENDA - None

CHAIR PRO TEM PENNEY indicated he was aware of areas on the south side of West Northern Lights that could be developed and Aero will be put through, so additional traffic will be using West Northern Lights in the future. He also recalled there are currently discussions with the Airport regarding acquisition of matching right-of-way for the extension of Aero.

Main Motion

AYE: Starr, Klinkner, Penney, Brown, Coffey, Knepper, Klein

NAY: None

PASSED

E. UNFINISHED BUSINESS AND ACTIONS ON PUBLIC HEARINGS

1. **2002-182** Chris Anderson. An Ordinance amending Anchorage Municipal Code Subsection 21.15.123.A to include Railroad Right-Of-Way and allowing Railroad Right-Of-Way acquisition plat procedures.

Staff member JERRY WEAVER explained this is an ordinance amendment the Alaska Railroad brought forward approximately six months ago. They want to acquire property to do track re-alignment between the Municipality of Anchorage and the Mat-Su Borough. There were discussions about the most appropriate method to acquire properties and it was determined that the right-of-way acquisition plat procedure was appropriate, but the code did not allow them to do that. The right-of-way acquisition plat ordinance was originally developed for the State to use and the Municipality has used it as well. The applicant is required to show the project, the boundaries, to set out the areas being acquired, and to provide survey information for their acquisition. The ordinance has worked well in the approximately 20 years it has existed.

COMMISSIONER STARR noted that the municipal Law Department has claimed the Alaska Railroad is a government agency in this application. He asked if that was correct or they are a government-owned entity. MR. WEAVER stated this question was posed to the Law Department and they indicated in their review that the Alaska Railroad would be a governmental entity under this procedure. COMMISSIONER STARR asked if the Railroad is an

“entity” or “agency”, noting that “agency” is used in the code. MR. WEAVER stated that, in discussions with the Law Department, it was determined that the Railroad is an agency eligible to use this procedure. COMMISSIONER STARR asked whether, if this code amendment is not done, would the Railroad have to follow AMC 21.15.100. MR. WEAVER replied that, in a normal subdivision process, there are improvement requirements, survey requirements, and various standards. AMC 21.80 and 21.85 would not have to be met under this proposal. The project dealt with in the code amendment is much more limited than a subdivision application. The applicant in that process is not required to show peripheral properties, only what is being acquired. In the past, the Railroad has followed municipal subdivision procedures that have been processed in a public hearing forum. CHAIR PRO TEM PENNEY understood the proposed procedure also does not require the Railroad to apply for variances. MR. WEAVER confirmed this was correct. He explained it was determined it is in the best interest of the Municipality to have this modified ordinance to allow governmental agencies to plat what they acquire and provide survey data. He stated it is impractical to think this agency can plat in a conventional way. COMMISSIONER STARR asked if changing AMC 21.15.123 to include railroads allows the Railroad to automatically use the abbreviated plat procedure in 21.15.125. MR. WEAVER replied that the Railroad cannot use the abbreviated plat procedure. COMMISSIONER STARR noted that page 11 of the packet, a letter from the municipal Law Department to the Railroad's associate general counsel refers to abbreviated platting procedure. MR. WEAVER explained this situation precipitated the need for the ordinance amendment. COMMISSIONER STARR noted that AMC 21.15123.D indicates the request goes to the Platting Officer and would not receive a Platting Board review. He asked who is the Platting Officer. MR. WEAVER replied that he is the Platting Officer and platting authority for abbreviated plat procedures rests with him. COMMISSIONER STARR asked whether the Platting Officer would be the sole reviewer for all the track straightening platting for the Railroad. MR. WEAVER replied that the Platting Officer would be the authority for those reviews. COMMISSIONER STARR asked how much area is covered by the track straightening project. MR. WEAVER suggested that Ms. Anderson respond to this question.

COMMISSIONER BROWN asked if an announcement is published of abbreviated platting procedures and an agency review process occurs. MR. WEAVER replied that there is an abbreviated agency review and notification is given as other abbreviated plats are in the local newspaper. COMMISSIONER BROWN indicated there is an opportunity for public comment in that process. MR. WEAVER replied that there is the opportunity for public comment, as well as an appeal procedure.

The public hearing was opened.

CHRIS ANDERSON, representing the Alaska Railroad, stated there are approximately five locations between Anchorage and Knik that will require track realignment. The second half of that area lies in the Mat-Su Borough. The Mat-Su Borough has amended their code similarly to this for those locations.

COMMISSIONER STARR referred to page 5 of the packet, a letter from Ms. Anderson that speaks to the Railroad's process for permitting utilities and road crossings. He asked if this means it is not necessary to follow the right-of-way acquisition process if the acquisition involves a road. MS. ANDERSON explained her letter was alluding to the fact that the Railroad has a process within its real estate department for permitting to state agencies and private interests. COMMISSIONER KLINKNER stated this is a reference to permitting for other entities to cross the railroad tracks. COMMISSIONER STARR asked what is the process if a property with a road or trail on it is being acquired. MS. ANDERSON replied that, assuming the road is owned by ADOT, the Railroad would have to deal with that entity. COMMISSIONER STARR asked what would occur when an acquisition involves a municipal road. MS. ANDERSON replied that the process does not differ when dealing with a private party. COMMISSIONER STARR asked what process must be followed after the right-of-way is acquired. He asked if the public that uses those roads have input. MS. ANDERSON stated there is a public process. This ordinance impacts the level of surveying involved, which is a function of time and money. These acquisitions are not to develop subdivisions so the intent of this ordinance is so the Railroad is not held to the standard of a subdivision. CHAIR PRO TEM PENNEY understood if a plat application is made in order to straighten out a track, under the current situation the Railroad would have to have a public hearing, obtain variances for property abutting a right-of-way, etc. MR. WEAVER stated there are many issues associated with the current procedure.

From a practical point of view, a government agency cannot easily meet those standards. He added that, if the Railroad is acquiring an area that has a road right-of-way or trail, they will need to compensate that entity and work out with that entity that acquisition or that entity will not willingly give that area. COMMISSIONER STARR was concerned that this verbiage does not take into account the changes that might occur with regard to roads and trails in the future.

COMMISSIONER KLINKNER remarked that, if the Railroad acquires someone's property and a remnant remains, the Railroad compensates for severance, that is, the reduction in value of the property because it is no longer part of a larger parcel. CHAIR PRO TEM PENNEY noted that the Platting Officer still must follow all the requirements of Title 21.

COMMISSIONER COFFEY asked how this would be different if there was a full platting process. COMMISSIONER STARR replied that there would be a public hearing. MS. ANDERSON stated there is an extensive public process that is part of the process that is mandatory when utilizing federal funds for construction. COMMISSIONER STARR understood that, if this is the case, there is effort to do drawings, etc. in any case, so where is the savings with this proposed process. MS. ANDERSON stated there has been a three-year process for this realignment, the NEPA process is underway, and the next step is surveying, then appraising, and then dealing with negotiations for acquisition. She added that the Railroad is not permitted to leave an uneconomic remnant parcel.

COMMISSIONER STARR asked whether, in the federal wetlands process, there is a public notification process for residents of the area. MS. ANDERSON replied in the affirmative.

GENE SCHUMAKER stated he was raised on a farm and has camped in areas in the state and encountered Alaska Railroad land that is marked "no trespassing." He asked what the Railroad intends to do with that land. CHAIR PRO TEM PENNEY explained that the matter before the Commission is an ordinance amendment regarding right-of-way platting. MR. SCHUMAKER stated that no one seems to know where the rights-of-way are located. He stated when he finds an area to camp it is marked "no trespassing." CHAIR PRO TEM PENNEY indicated this Commission has no purview over that issue. MR. SCHUMAKER did not understand why he would not be allowed to camp.

The public hearing was closed.

COMMISSIONER STARR moved for approval the ordinance amendment to include to include Railroad in the Allowing Right-of-Way Acquisitions in Subsection AMC 21.15.123.A.

COMMISSIONER KLEIN seconded.

COMMISSIONER STARR did not support his motion because he was unclear on the legalities of the amendment and the interpretation of what would be the public process. He thought that bypassing the requirements of AMC 21.15.100 by using AMC 21.15.123.A would lead to confusion with regard to when public process would or would not be followed. He had concern with the opportunity for the Platting Officer to stay on task on the details of a request. He saw no significant problems in the Railroad having to follow the complete platting process for these areas. That process works and gives ample consideration to land use changes when significant tracts are being modified or subdivided.

COMMISSIONER BROWN supported the motion. She stated she views this as allowing a roadway acquisition for the greater good of the public. She likened it to the acquisition occurring on Elmore Road that is for the greater good of the public. She noted there is a public process when right-of-way is acquired. She did not believe this amendment was something that would allow any acquisition process to be done without public awareness. The public hearing process is not the same, but there is the ability for the public to be involved. The people affected may not like this, but this is an important thing that must be accomplished.

COMMISSIONER KLINKNER stated, unlike in the case of a subdivision where property is being divided into lots, design and alignment and right-of-way selection issues for something like a railroad or another federally funded project are addressed through another separate process. The Municipality would not have much opportunity to get involved in resolving design issues through the subdivision process, even if it purported to apply it to the Alaska Railroad. The right-of-way plat procedure has been the subject of delicate negotiations over the years with the State of Alaska, which has been brought from the position that they did not need to acknowledge the Municipality's existence in taking rights-of-way to the point that they are now getting rights-of-way mapped and surveyed.

AYE: Klinkner, Penney, Brown, Coffey, Knepper, Klein
NAY: Starr

PASSED

F. REGULAR AGENDA - None

G. PUBLIC HEARINGS

1. **2002-124** Leonard Hyde. A public hearing site plan review per AO 2001-25 for master plan approval. Centerpoint Subdivision, Tracts A&B. Generally located west of C Street, north of W. 40th Avenue, south of W. 36th Avenue and east of Eureka Street.

POSTPONED TO DECEMBER 9, 2002

2. **2002-230** Dan Coffey. An ordinance amendment to Title 21 regarding Multi-Lot Commercial Signage by Conditional Use.

POSTPONED TO DECEMBER 9, 2002

I. REPORTS

1. **Chair** - None
2. **Secretary** - None
3. **Committees** - None

J. COMMISSIONER COMMENTS

COMMISSIONER STARR remarked on the problems encountered this evening with the technology in the Assembly Chambers. MR. WEAVER agreed that the situation is embarrassing and frustrating, as it is also for the Municipal Clerk. COMMISSIONER BROWN felt that the request for a telephone hook-up this evening was not appropriate. She felt there were other avenues for a specialist or expert witness to present information to the Commission. COMMISSIONER KLINKNER stated in the court system, if an individual wants to appear by telephone, they must notify the court in advance and get permission to do so, and make sure the other parties are notified as well. COMMISSIONER COFFEY did not favor

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading:

ANCHORAGE, ALASKA
AO No. 2002-_____

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION
2 21.15.123 A TO INCLUDE RAILROAD RIGHT-OF-WAY AND ALLOWING
3 RAILROAD RIGHT-OF-WAY ACQUISITIONS IN THE RIGHT-OF-WAY
4 ACQUISITION PLAT PROCEDURES.
5

6 THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:
7

8 **Section 1.** Anchorage Municipal Code section 21.15.123 A is hereby amended as
9 follows: *(the remainder of each section is not affected and therefore not set out)*
10

11
12 **21.15.123 Approval of subdivision plats-Right-of-way acquisition plat.**
13

14 A. *Generally.* A plat for a subdivision created by a government agency's
15 acquisition of a street, {or} railroad or trail right-of-way is subject to approval under this
16 section and is not subject to any other approval procedure for plats under this chapter.
17

18 ***

19
20 **Section 2.** This ordinance shall be effective immediately upon its passage and
21 approval by the Assembly.
22

23 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
24 _____ 2002.
25
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29 _____
Chair of the Assembly

30
31 ATTEST:


32 _____
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34 Municipal Clerk
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**MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT
MEMORANDUM**

E.1.a.

DATE: October 15, 2002

TO: Planning and Zoning Commission

THROUGH:  Susan R. Fison, Director

FROM:  Jerry T. Weaver Jr., Zoning Division

CASE NO: 2002-182

APPLICANT: Alaska Railroad Corporation

REQUEST: Ordinance Amendment to Include Railroad in the
Allowing Right-of-Way Acquisitions in Subsection of
AMC 21.15.123 A.

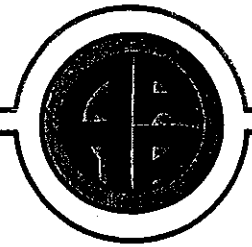
The Alaska Railroad Corporation has requested this ordinance amendment which will allow the corporation to utilize the Municipal right-of-way acquisition procedures when acquiring right-of-way for railroad improvements.

These procedures were originally developed to allow public agencies the opportunity to "plat" their acquisitions and comply with State Statues and Municipal Code with respect to the requirements of having a plat approved by the local platting authority before acquiring portions of a larger parcel. The Municipal Law Department has determined that the Alaska Railroad Corporation is a governmental agency and will qualify in using this procedure.

The public benefits from the recordation of these right-of-way plats in that the requisite survey information is available to the surveying community.

This ordinance amendment is supported by the department and staff recommends the Planning and Zoning Commission approved the ordinance as proposed.

ALASKA RAILROAD CORPORATION



Corporate Address: P.O. Box 107500, Anchorage, Alaska 99510
327 W. Ship Creek Avenue, Anchorage, Alaska 99501

02-182

RECEIVED

AUG 14 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & DEVELOPMENT

Project Management/
P.E.T.S Department
Telephone: (907)265-2209
Fax Number: (907) 265-2619
Email: andersonc@akrr.com

August 9, 2002

Mr. Jerry Weaver
Municipality of Anchorage
Department of Community Planning and Development
Zoning and Platting
632 W. 6th Avenue
Anchorage, Alaska 99519-6650

Dear Jerry,

The Alaska Railroad Corporation (ARRC) is in the process of acquiring property in order to realign track between Anchorage and Wasilla by reducing the curvature and decreasing the current running time from 95 minutes to approximately 58 minutes. Straighter track is inherently safer due to reduced track and equipment wear, consistency in train handling, increased sight distance, and reduced maintenance requirements. This all leads to reduced frequency of train derailments.

ARRC has requested that the Anchorage Municipality modify Anchorage Municipal Code 21.15.123 (A) to include the term "railroad" in the definition of a right-of-way acquisition plat. It is anticipated that this request will go before the General Assembly on October 21, 2002. I would offer the following comments to support this request.

The first aspect of the Code requires that the platting request be originated by a government agency.

21.15.123 (A). Generally. A plat for a subdivision created by a government agency's acquisition of a street or trail right-of-way is subject to approval under this section and is not subject to any other approval procedure for plats under this chapter.

As referenced in William Hupprich's letter to you on March 14, 2002 (see attached), he indicates that in the Alaska Railroad Corporation Act that the continued operation of the Alaska Railroad by the corporation as provided in this chapter is considered an essential government function of the state. You and I have discussed this issue and I believe that you are in agreement that the Alaska Railroad qualifies as a governmental agency, as required by the Anchorage Municipal Code 21.15.123 (A).

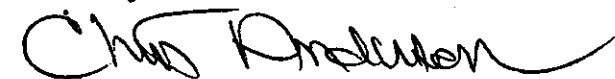
Mr. Jerry Weaver
Municipality of Anchorage
August 9, 2002
Page 2

It is ARRC's intent to acquire property for right-of-way purposes, not subdivide property for resale as is a normal real estate practice. A subdivision plat would open up issues of access, utility easements, and subdivision development and construction standards. It would also require additional boundary, utility and possibly topo/asbuilt surveys, as well as additional monuments on the exterior boundary lot lines and existing right-of-way. This would add substantial time and cost to the project, when it is not the intent to create a subdivision.

When the Anchorage Municipal Code was written, the primary focus appears to have been the Department of Transportation. This is understandable, as the Alaska Railroad has not changed their track location since inception in 1923. Presently ARRC has a need to improve the safety and efficiency of its operations by realigning sharp curves between Anchorage and Wasilla. ARRC is a public entity requiring right-of-way for public use. We have our own process for permitting utilities and road crossings. There will be no permanently occupied structures erected in the realignment locations, so the requirements for lot design, length of streets on blocks etc. really would not apply. It is our opinion that the public's interest is being sufficiently protected and we think that a more streamlined process for property acquisition plats is justified on this realignment project.

It is ARRC's perspective that the intent of this project follows the intent of the requirements for a right-of-way acquisition plat under Anchorage Municipal Code 21.15.123 (A) and we would respectfully request Municipal approval to add the term "railroad" to this code under Ordinance 2002-182.

Sincerely,



Chris Anderson
Program Manager, Land Acquisition and Right-of-Way

Cc: Kraig Hughes, Director of Capital Projects

ALASKA RAILROAD CORPORATION



Corporate Address: P.O. Box 107500, Anchorage, Alaska 99510
327 W. Ship Creek Avenue, Anchorage, Alaska 99501

OFFICE OF THE GENERAL COUNSEL
TELEPHONE (907) 265-2461
FACSIMILE (907) 265-2443
E-mail: hupprichw@akrr.com

March 14, 2002

Jerry T. Weaver, Jr.
Platting Officer
Municipality of Anchorage
Dept. of Community Planning & Development
Zoning and Platting
P.O. Box 196650
Anchorage, Alaska 99519-6650

Re: Alaska Railroad Corporation ("ARRC") is a "Government Agency" for Purposes of Submitting a Right-of-Way Acquisition Plat under AMC 21.15.123

Dear Mr. Weaver:

Chris Anderson from our Real Estate department asked that I write to you and express a formal legal opinion that ARRC is a "government agency" as that term is used in AMC 21.15.123. As this term does not appear to be defined anywhere in Anchorage Municipal Code ("AMC"), it is necessary to review other reliable authority to determine whether ARRC is a "government agency." The logical starting point is the Alaska Railroad Corporation Act, AS 42.40.010 et seq., which is the state statute that created ARRC and governs its operations. ARRC's legal status is clearly set for in AS 42.40.010 which states in relevant part as follows:

Sec. 42.40.010. Establishment of the Corporation. There is established the Alaska Railroad Corporation. The corporation is a public corporation and is an instrumentality of the state within the Department of Community and Economic Development. . . . **The continued operation of the Alaska Railroad by the corporation as provided in this chapter is considered an essential government function of the state.** (emphasis supplied)

The Alaska Railroad Corporation Act also provides in AS 42.40.900 that the "corporation and its board members and employees enjoy the same rights, privileges, and immunities as the state and state officers." Reading these two provisions together one can reasonably conclude that because ARRC is an instrumentality of the state that performs an "essential government function," and by law is entitled to the same rights and privileges afforded to

Jerry T. Weaver, Jr.
March 14, 2002
Page 2

the state, ARRC is undeniably a "government agency."

The issue of whether ARRC is a "government agency" for purposes of AMC 21.15 was addressed by the Anchorage Municipal Attorney's office several years ago. An opinion authored by former Assistant Municipal Attorney Scott A. Brandt-Erichsen concluded that ARRC was in fact a "government agency" as that term is used in AMC 21.15.015. Mr. Brandt-Erichsen based his conclusion on the Illustrated Book of Development Definitions which defines "government agency" as "any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district or other government unit." According to Mr. Brandt-Erichsen, this book is frequently used by MOA to fill in definitions where the AMC is silent. Mr. Brandt-Erichsen also referenced Black's Law Dictionary which defines "government agency" as "a subordinate creature of the sovereign created to carry out a government function, frequently a political subdivision or corporation." ARRC falls well within both of these definitions. A copy of Mr. Brandt-Erichsen's opinion is enclosed herewith for your review.

Based upon the foregoing, ARRC is clearly a "government agency" for the purposes of AMC 21.15.123 and is therefore entitled to utilize the abbreviated right-of-way acquisition platting procedure authorized by said section. Please feel free to contact me if you have any questions or comments concerning this matter or if you require additional information concerning ARRC's status as a "government agency."

Very truly yours,



William R. Hupprich
Associate General Counsel

Enclosure as noted

cc Chris Anderson, ARRC Leasing Supervisor

M U N I C I P A L I T Y O F A N C H O R A G E

MEMORANDUM

DATE: October 18, 1991

TO: Dave Brennen, Code Enforcement Manager

THRU: *KC* Ken Canfield, Public Works Director

THRU: *DL* Larry D. Crawford, Municipal Manager

THRU: Richard L. McVeigh, Municipal Attorney *RLM*

THRU: Ann Waller Resch, Deputy Municipal Attorney *AWR*

FROM: Scott A. Brandt-Erichsen, Assistant Municipal Attorney *SB*

SUBJECT: Applicability of Anchorage Zoning Requirements to Alaska Railroad Land

This memorandum is intended as a supplement to my August 2, 1991, memorandum on the same subject. To the extent this memorandum appears to conflict with the prior advice, that August 2, 1991, memorandum is superseded. The August 2, 1991, memorandum was drafted responding to the three basis upon which the ARR asserted that it was exempt from Anchorage zoning requirements. It did not address all possible basis upon which the Alaska Railroad Corporation (ARRC) might be exempt from zoning requirements, or more particularly, the requirements of AMC 21.15.015.

Whether in fact the ARR would be held by a court to be exempt from these sections is a very close question. There is a strong argument in favor of the ARR being exempt from the Municipality's zoning requirements, but subject to its planning requirements. Thus, in terms of land use regulations, only the platting portion of our requirements will apply.

At base is the question of whether the ARR must comply with a public facility site plan review under AMC 21.15.015. The focus for this section is in the definition of public facility in the subsection H. This subsection defines public facility as "any of the following owned, or leased for no less than 10 years, by a government agency not exempt from municipal land use regulation:" If the ARR is: 1) a government agency; and 2) not exempt by law from municipal land use regulation, it must comply with the public's facility site plan requirements.

The first of these questions, despite ARR's arguments to the contrary, would likely be answered in the affirmative by a court. The nature of the ARR is governmental in character, the ownership, if the corporation folds, reverts to the state and definitions of government agency from both zoning sources and

Dave Brennen
October 18, 1991
Page 2

legal sources would encompass the ARR. The illustrated book of development definitions defines government agency as "any department, commission, independent agency or instrumentality of the United States, of a state, county, incorporated or unincorporated municipality, township, authority, district or other governmental unit." This is a book frequently used by the Municipality to fill in definitions where the code is silent. Black's Law Dictionary defines governmental agency as "a subordinate creature of the sovereign created to carry out a governmental function, frequently a political subdivision or corporation." Based upon these definitions, and a number of the characteristics of the ARR Corporation, it would likely be held as a government agency for the purposes of this definition.

The second question is whether the ARR is exempt by law from Municipal land use regulation. Arguably, the ARR is exempt by the principle of sovereign immunity. This argument runs along the lines that in the absence of a waiver of sovereign immunity, the State and its agencies are exempt from local land use regulation. "Municipal Zoning regulations or restrictions usually do not apply to the State or any of its subdivisions or agencies, unless the legislature has manifested a contrary intent." McQuillin, Municipal Corporations § 25.15, Vol. 8, p. 48. The State's waiver of sovereign immunity for local land use regulation in AS 35.30 did not include the ARR. The State has waived sovereign immunity as to platting under AS 40.15.200. This waiver does apply to the ARR. Therefore, the State has not waived sovereign immunity from local zoning regulations for the ARR.

The Municipality's argument in favor of subjecting the ARR to zoning requirements is based upon the broad grant of powers to home rule municipalities in Article 10 of the State Constitution, and the specific provisions of AS 29.40.010 granting the Municipality authority to regulate land use within its borders. Based upon this broad grant of powers, the Municipality has a good argument that the ARR would be subject to local zoning requirements. However, the principal of sovereign immunity from local land use regulations for the State and State agencies would defeat this argument.

This immunity is limited to situations in which the state agency is acting in a governmental capacity. Where the ARR acts in a proprietary capacity it will be subject to zoning requirements. See 1971 Borough Attorney opinion (attached) referencing Applicability of Zoning Regulations to Governmental Projects, 61 ALR 2d 970. Lessees of the ARR may also be subject to municipal zoning requirements.

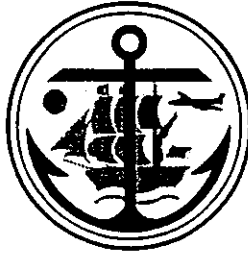
Dave Brennen
October 18, 1991
Page 3

The project at issue here, the ARR headquarters, is a governmental rather than proprietary project. Thus, it is exempt from zoning restrictions.

The state of the law thus leaves an apparent gap in the zoning powers delegated by the state to the Municipality. I recommend that the Municipality seek clarification of (i.e. a grant of) Municipal zoning authority over the ARR when it acts in its governmental capacity. Until such time as a clarification is obtained the ARR should be treated as subject to Municipal planning requirements but exempt by the principle of sovereign immunity from Municipal zoning requirements for governmental uses.

S:RAILRD3-4/rh

**Municipality
of
Anchorage**



P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4545
Fax: (907) 343-4550
<http://www.ci.anchorage.ak.us>

George P. Wuerch, Mayor

OFFICE OF THE MUNICIPAL ATTORNEY

June 12, 2002

William Hupprich
Associate General Counsel
Alaska Railroad Corporation
PO Box 1075000
Anchorage, Alaska 99510

Re: ARRC's status as a "Government Agency" for purposes of submitting a Right-of-Way Acquisition Plat pursuant to AMC 21.15.123

Dear Mr. Hupprich:

In a recent letter to the Municipality's Platting Officer, you expressed the opinion that ARRC is a "Government Agency" for purposes of AMC 21.15.123. Your letter did not request that the Municipality take any particular action, however, I have inferred from calls both from you and from Ms. Anderson, of ARRC's Real Estate department, that you are waiting for some response or action from the Municipality.

We agree that ARRC is a government agency for purposes of AMC 21.15.123. We do not agree however, that this fact alone entitles ARRC "to utilize the abbreviated right-of-way acquisition platting procedure authorized by said section".

The procedures provided for in AMC 21.15.123 apply to applications for platting subdivisions for street or trail right-of-ways. In the event that ARRC were to submit an application for platting relating to street or trail right-of-ways it has acquired, the procedures of AMC 21.15.123 should apply. A rail line is not a street or trail, however. See definition of "Street", AMC 21.35.020. Therefore, if an application seeks platting relating to its acquisition of railway right-of-way, the procedures of AMC 21.15.123 would not apply.

William Hupprich
June 12, 2002
Page 2 of 2

Incidentally, your letter referenced a legal opinion authored by a former Assistant Municipal Attorney in 1991 on the subject of ARRC's status in a different context. Please take notice that the Municipal Attorney has rescinded any precedential effect that legal opinions, dated prior to 1995, may have had.

I trust that this letter satisfactorily responds to your calls and to the subject of your letter to the Platting Officer. If not, please do not hesitate to direct further inquiry directly to this office.

Sincerely,



William Whitaker
Assistant Municipal Attorney

cc: Jerry T. Weaver, Jr.
Susan R. Fison
William A. Greene

Municipality of Anchorage
MEMORANDUM

RECEIVED

OCT 07 2002

MUNICIPALITY OF ANCHORAGE
COMMUNITY PLANNING & DEVELOPMENT

DATE: October 7, 2002
TO: Jerry Weaver, Manager, Zoning and Platting Division, Planning Department
FROM: Joe Murdy, Director, Development Services Department
SUBJECT: Development Services Review Comments, Planning and Zoning Commission cases for the meeting of October 21, 2002

Development Services has reviewed the following cases and has comments as noted.

<u>Case #</u>	<u>Legal Description</u>	<u>Grid</u>	<u>Page</u>
2002-182	Ordinance amendment (railroad right-of-way)		1
2002-184	Moorehand, Tract 3A, Lot 4B	2333	4
2002-185	Athenian Village, Tract G-5	1735	8
2002-186	Anchorage Baptist Temple, Tract A	1539	13
2002-187	Pine Street right-of-way		21
2002-189	Goose Lake Land Exchange, Tract 1	1635	23
2002-110	Ordinance amendment (dedication of public facilities)		28

Case #: 2002-182
Type: Ordinance amendment (railroad right-of-way)

PROJECT MANAGEMENT AND ENGINEERING

No comments received.

FLOODPLAIN

N/A

(Reviewer: Jack Puff)

LAND USE ENFORCEMENT

Right-of-way acquisitions potentially create nonconformities under AMC 21.55.120. Other preliminary plats must show "The location of known existing facilities and structures within the proposed subdivision" (AMC 21.15.110.B.3.g.7) In the normal plat review process, nonconformities are identified and resolved. In contrast, AMC 21.15.123 exempts right-of-way acquisitions from the normal plat review process and does not provide a mechanism for such nonconformities to be identified and documented. Since AMC 21.15.123 is before the

Commission, Land Use Enforcement requests that the Commission consider a further amendment to require right-of-way acquisition plats to show the location of known existing facilities and structures, and to require documentation of nonconformities created under AMC 21.55.120.

Land Use Enforcement has no adverse comment regarding the proposal to apply AMC 21.15.123 to railroads.

(Reviewer: Don Dolenc)

RIGHT-OF-WAY

We have no comment at this time.

(Reviewer: Lynn McGee)

ADDRESSING

I have no comments on this case.

(Reviewer: Ted Ringstad)

BUILDING SAFETY PLAN REVIEW AND INSPECTION

I have no comments on this case.

(Reviewer: James Gray, P.E.)

NPDES STORM WATER REVIEW

No comments received.

Department position: If approval of this case is granted, Development Services recommends the following:

Right-of-way acquisitions potentially create nonconformities under AMC 21.55.120. Other preliminary plats must show "The location of known existing facilities and structures within the proposed subdivision" (AMC 21.15.110.B.3.g.7) In the normal plat review process, nonconformities are identified and resolved. In contrast, AMC 21.15.123 exempts right-of-way acquisitions from the normal plat review process and does not provide a mechanism for such nonconformities to be identified and documented. Since AMC 21.15.123 is before the Commission, Land Use Enforcement requests that the Commission consider a further amendment to require right-of-way acquisition plats to show the location of known existing facilities and structures, and to require documentation of nonconformities created under AMC 21.55.120.

MUNICIPALITY OF ANCHORAGE
DEPARTMENT OF CULTURAL & RECREATIONAL SERVICES
PARKS & RECREATION DIVISION

RECEIVED

MEMORANDUM

OCT 04 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: September 30, 2002
TO: Jerry T. Weaver, Supervisor, Zoning and Platting Division, Planning Department
THRU: John Rodda, Manager *JR*
FROM: *TK* Tom Korosel, Park Planner
SUBJECT: Planning and Zoning Case Reviews—Anchorage Parks and Recreation Service Area

Parks and Recreation has the following comments:

CASE NO. **CASE**

- 2002-182** **Ordinance amending Title 21 regarding railroad right-of-way (to include railroad ROW acquisition with certain actions subject to reduced platting requirements.).**
Parks and Recreation supports survey and platting standards that adequately address and protect public interests, including ownership interest in park and other public lands that may be affected by right-of-way acquisition.
- 2002-184** **Zoning conditional use for an off-street parking lot (8907 Golovin St.).**
No comment.
- 2002-185** **Zoning conditional use for a quasi-institutional use (expand services at existing Ernie Turner Center, 4330 Bragaw St.).**
No comment.
- 2002-186** **Zoning conditional use for a day-care center (expand capacity at Anchorage Baptist Temple, 6401 E. Northern Lights Blvd.).**
No comment. The site adjoins a portion of Chester Valley Park greenbelt.
- 2002-187** **Site plan review for a public roadway (Pine Street improvements, Reka Dr. to DeBarr Rd.).**
The proposed project adjoins Russian Jack Springs Park. The *Areawide Trails Plan* shows a planned multi-use paved trail along this portion of Pine Street, along the westerly boundary of Russian Jack Springs Park. The proposed project is expected to increase accessibility to the park, as well as have other direct impacts, including relocating a portion of stream channel (Middle Fork of Chester Creek) within the park. The Parks and Recreation Commission has granted concept approval (focussing on conceptual alignment "B") with respect to potential impacts on adjoining park lands, with the following conditions/recommendations.
1. *Project Management and Engineering shall obtain approval of an updated master plan for Russian Jack Springs Park as may be appropriate and/or required with respect to impacts from the proposed project.*
 2. *PM&E shall work with Parks and Recreation staff to resolve design issues associated with the project, including:*

Municipality Of Anchorage
ANCHORAGE WATER & WASTEWATER UTILITY

MEMORANDUM

RECEIVED

SEP 19 2002

MUNICIPALITY OF ANCHORAGE
PLANNING & ZONING DIVISION

DATE: September 18, 2002
TO: Zoning and Platting Division, OPDPW
FROM: Hallie Stewart, Engineering Technician
SUBJECT: Planning & Zoning Commission Hearing Date of October 21, 2002
AGENCY COMMENTS DUE September 23, 2002

AWWU has reviewed the case material received on August 19, 2002, and has the following comments.

02-182

Title 21

1. AWWU has no objection to the request to modify AMC 21.15.123(A) to include the term "railroad" in the definition of a ROW acquisition plat.

02-184

Moorehand, Tracts 3A & 4B (conditional use) Grid 2333

1. An AWWU sanitary sewer main is located within the Golovin Street right-of-way.
2. Water to the referenced area is provided by the ALPAT Water utility.
3. AWWU has no objection to the proposed conditional use for an off street parking lot.

02-185

Athenian Village, Tract G-5 (conditional use) Grid 1735

1. AWWU water and sanitary sewer mains are available to the referenced tract.
2. AWWU has no objection to the proposed conditional use for quasi-institutional use.

02-186

Anchorage Baptist Temple, Tract A (conditional use) Grid 1539

1. AWWU water and sanitary sewer mains are available to the referenced tract.
2. AWWU has no objection to the proposed conditional use for a day care center.

02-187

T13N, R3W, Sec 22 - Pine Street Improvements, Reka Drive to Debarr Road (site plan review) Grid 1436

1. An AWWU sanitary sewer main is located within the Pine Street right-of-way.
2. AWWU water mains are located within the Reka Drive and Pine Street intersection and within the Debarr Road and Pine Street intersection.
3. Locates are required prior to any excavation.
4. AWWU has no objection to the proposed street improvements.

02-189

Goose Lake Exchange, Tract 1A (site plan review) Grid 1635

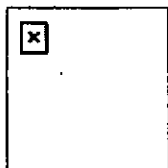
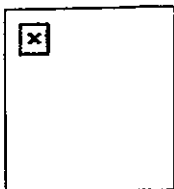
1. Conditions of platting action S-10919 must be met.
2. Private system plans must be submitted to AWWU for review and approval prior to any construction.

If you have any questions, please call me at 343-8009 or AWWU planning at 564-2739.

Pierce, Eileen A

From: Cross, Jim E. (Dev Svs)
Sent: Thursday, September 05, 2002 8:27 AM
To: Eileen Pierce; Gloria Bartels; Margaret O'Brien; Patty Ayres
Subject: Coments on Cases due September 23.

SEP 05 2002
MUNICIPALITY OF ANCHORAGE



Municipality of Anchorage
Development Services Department
Building Safety Division

MEMORANDUM

DATE: September 5, 2002
TO: Jerry T. Weaver, Jr., Platting Officer, CPD
FROM: James Cross, PE, Program Manager, On-Site Water & Wastewater
SUBJECT: Comments on Cases due September 23, 2002

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

2002 - 182 A request for a ordinance amending Title 21 regarding railroad right-of-way.

No objections.

2002 - 184 A request for a zoning conditional use for an off street parking lot.

No objections.

2002 - 185 A request for a zoning conditional use for a quasi-institutional use.

No objections.

2002 - 186 A request for a zoning conditional use for a day care center.

No objections.

2002 - 187 A request for a site plan review for a public roadway.

No objections.

2002 - 189 A request for a site plan review for a biomedical health center.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

TONY KNOWLES, GOVERNOR

4111 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
(TDD 269-0473)
(907) 269-0520 (FAX 269-0521)

August 21, 2002

RE: MOA Zoning Comments

AUG 26 2002
MUNICIPALITY OF ANCHORAGE
PLANNING DEPARTMENT

Mr. Jerry Weaver, Platting Officer
Department of Development & Planning
Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Dear Mr. Weaver:

The Department of Transportation and Public Facilities (ADOT&PF) reviewed the following zoning cases and has no comment:

- 2002-110 Ordinance: amending AMC Titles 14, 21, and 23
- 2002-182 Ordinance: Amending Title 21 Railroad right-of-way
- 2002-184 Conditional Use: Parking Moorehand TR3A Lt 4B
- 2002-185 Conditional Use: Quasi-Institutional Sec 28 T13N R3W
- 2002-186 Conditional Use: Day Care Center Anchorage Baptist Temple
- 2002-187 Site Plan: Review public roadway
- 2002-189 Site Plan: Review for a biomedical health center
- 2002-194 Variance: Encroachment Nunaka Valley/Block D, Lot 18
- 2002-195 Variance: Encroachment Chugach Mountain Estates/Block 3, Lot 8, 7700 Chaimi Loop
- 2002-196 Variance house/garage encroachment (3801 Rabbit Creek Road)
- 2002-197 Variance : Church on Class 1 Drake/Block 4, Lot 1 Variance Church on Class IC
- 2002-198 Variance: East Addition, Block 25A, Lot 6 Variance for 6 parking spaces

Thank you for the opportunity to comment on these zoning cases. If you have any questions, please contact me at 269-0522.

Sincerely,



Sandra L. Cook
Area Planner

/eh

Pierce, Eileen A

RECEIVED

AUG 22 2002

METRO PLANNING & TRANSPORTATION DEPARTMENT

From: Staff, Alton R.
Sent: Thursday, August 22, 2002 10:15 AM
To: Ayres, Patty R.; Pierce, Eileen A
Cc: Taylor, Gary A.
Subject: Zoning Case Reviews

2002-158 People Mover no longer has fixed route bus service to Service High School. The area will be served with deviated fixed route service when our route restructure is implemented.

2002-187 People Mover will not generally operate along the Pine and Reka. Detoured buses will use this route when there is a closure on Bragaw between Reka and Debarr Road.

Public Transportation Department has no comment on the following cases:

- 2002-110
- 2002-141
- 2002-142
- 2002-148
- 2002-150
- 2002-152
- 2002-154
- 2002-168
- 2002-176
- 2002-177
- 2002-178
- 2002-181 THROUGH 186

Thank you for the opportunity to review.

Alton R. Staff, Operations Supervisor
Public Transportation Department, People Mover
3650-A E. Tudor Road
Anchorage, 99507

02-182

Case No. 2002-182

No comment.

Case No. 2002-184

No comment.

Case No. 2002-185

No comment.

Case No. 2002-186

According to the 6th Edition of the ITE Trip Generation Manual, the increase to the daycare conditional use from 90 students to 170 students will increase the number of trips by about 360 trips per day. The number of trips during the morning (7 to 9 am) and evening (4 to 6 pm) peak periods will be about 68 trips. This should not have a significant effect on the local traffic circulation.

Case No. 2002-187

The Transportation Planning Division supports the Pine Street Improvement Project (Reka Drive to DeBarr Road). This project has several important benefits. One of the benefits is the creation of a secondary access for the neighborhood east of Bragaw Street and south of DeBarr Road. At the present time, this high density residential neighborhood has only one point of access located at Bragaw Street and Reka Drive. The new Pine Street connection between DeBarr Road and Reka Drive will provide another emergency access point for police and fire. The second access point will also help to distribute traffic between two intersections and thus reduce the traffic delay problems at Bragaw Street and Reka Drive.

The Transportation Planning Division agrees with the traffic projections for the new Pine Street connection. According to the Municipal Transportation Demand Model, traffic on Pine Street should be about 2,600 in the year 2023 if it is assumed that the new road connection from Russian Jack Park to Pine Street is completed and used as the primary access to the park. This is a fairly typical volume for a collector street of this type.



MUNICIPALITY OF ANCHORAGE

Department of Health and Human Services



Date: September 23, 2002
To: Rich Cartier, Planning Technician
From: Jeffrey Urbanus, Environmental Specialist
Subject: Environmental Services Division Comments Due 09/23/02

Case No 2002-182: No Comment JW

Case No 2002-184: No Comment Angela

Case No 2002-185: No Comment AI

Case No 2002-187: A dust control plan should be submitted to DHHS prior to plan approval to mitigate dust during construction when the road is being used as a right-of-way, for control of dust from the route of any possible detours, and to control trackout of particulate matter (dirt or mud) from the construction site onto the right-of-way.

Sharon

Case No 2002-189: No Comment Sharon

RECEIVED

SFP 2 4 2002

MUNICIPALITY OF ANCHORAGE
COMMUNITY PLANNING & DEVELOPMENT

