



Municipality of Anchorage

Mark Begich, Mayor



Building Safety Division

P.O. Box 196650 • 4700 Bragaw Street
Anchorage, Alaska 99519-6650 • (907) 848-8301 • Fax (907) 848-8200
<http://www.muni.org>

August 26, 2004

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Stop Work Orders: Lot 7A Seaview Heights Subdivision; Permit 00-6083
Lot 7A Seaview Heights Subdivision; Permit 01-0076

Fill & Grade

Dear Mr. Isabelle,

On today's date, I posted two stop work orders on your projects referenced above. Reasons for the stop work orders are:

00-6083: An independent estimate shows approximately 45,000 cubic yards on site. No more fill can be brought to the site until the following items are approved and installed. If the engineering solution includes any additional fill being brought on site, a conditional use permit will be required before any work commences. Based upon Municipality of Anchorage Policy 3-84, it is necessary for natural resource extractions greater than 50,000 cubic yards to obtain a conditional use permit. Requirements for a conditional use permit are identified in Title 21 Section 21.50.070, attached.


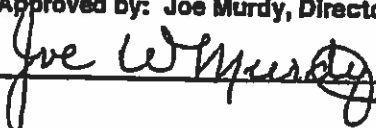
1. Remove fill from Lot 7A or obtain documentation from owner allowing its placement and final design.
2. Bring slopes and setbacks into compliance with approved permit or submit engineered alternatives for approval and install after approved.
3. Submit a drainage design to the permit for approval that does not impact adjacent properties or rights-of-way. Dimond Boulevard may not allow proper drainage, as swales are not existing.
4. Provide compaction tests at current level and for each additional 12" lift, showing 90% compaction, as fill is relocated.

01-0076: Structure roof is not constructed per approved plans. Roof must be shored or retrofitted prior to snowfall to prevent collapse. Change order must be obtained prior to commencement of work.

Sincerely,


Ron Thompson
Building Official

RT/vg

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|---|---|--|-------------------------------|
|  | DEVELOPMENT SERVICES DEPARTMENT POLICY / PROCEDURE | P&P No. 6 | Page 1 of 1 |
| | | Effective date: May 1, 2002 | |
| Subject: Criteria for Determining Natural Resource Extraction | | Supercedes No. Policy Memo 3-84 | Dated: November 1, 1984 |
| | | Approved by: Joe Murdy, Director  | |
| I. PURPOSE: To establish the Criteria for Determining Natural Resource Extraction for the Development Services Department (DSD). | | | |
| II. POLICY: This policy is intended to replace Policy Memo # 3-84 and to be used in conjunction with Title 21 to identify when a conditional use permit will not be required for resource extraction during the course of site preparation and/or subdivision. The criteria within each of the five categories below must be met for each site upon which the material is excavated. | | | |
| A. A Municipal permit or agreement for the site upon which the excavation is occurring shall have been applied for. "Permit or agreement" means: a building permit for a permanent structure; a land use permit; a grading permit; an excavation/fill borrow permit; and AWWU water or sewer extension agreement; a plat or short plat has been approved with a subdivision agreement applied for; or another applicable Municipality of Anchorage permit for the site has been applied for; | | | |
| B. Excavation upon a site must occur prior to the expiration of that agreement or permit or any extension thereof. "Site" means the described area upon which the excavation is occurring under the certain permit or agreement application. | | | |
| C. No more than 50,000 cubic yards of material will be transported from a site. | | | |
| D. Disposal of material shall not be by sales, trade, or barter. | | | |
| E. Excess material is disposed of on the same site or another site under same ownership and the overall truck traffic impact to the properties along the access route will not be more than would be created if the material were provided from the nearest commercial off-site source. | | | |
| If the above criteria are met, on site processing, crushing, screening, and stockpiling for future use of the excess excavated material will be allowed. | | | |
| III. ORGANIZATIONS AFFECTED: Development Services Department | | | |

Municipality of Anchorage

MEMORANDUM

DATE: November 1, 1984 - Effective date ^{TC}

TO: SEE DISTRIBUTION

FROM: DPW, Building Safety Division, Building Official,
John C. Bishop, P.E. ~~TC~~

SUBJECT: Policy Memo # 3-84
Criteria for Determining Natural Resource Extraction
from Site Preparation

This policy memo is intended to set forth specific criteria for determining when a conditional use is required for natural resource extraction in lieu of when excavation is considered "site preparation."

In addition to the criteria set forth in Title 21 (i.e., that natural resource extraction is permitted by conditional use in the zoning district, and the limitation on the size of the site), if an application for excavation only meets any one or more of the following criteria, it shall be determined to be natural resource extraction and not site preparation and will require a conditional use from the Planning and Zoning Commission:

1. 50,000 yards or more of material are to be removed from the site; or the site is to be completely denuded of vegetation;
2. Disposal of excess material is by sale, trade, or barter; or for use by the same owner on a property other than the lot on which the extraction is taking place; and/or
3. Extraction operations will continue more than one building season (May to October of the same calendar year).

Site preparation which does not require a conditional use by the Planning and Zoning Commission shall meet the following criteria:

1. A building or land use permit must have been applied for for a permanent structure on the lot where the excavation is occurring; or there must have been an approved plat with an approved subdivision agreement in effect for the property where excavation is occurring; and
2. The application must not fit any of the criteria listed above for conditional use.

Policy Memo # 3-84

November 1, 1984

Page 2

Zoning districts which list natural resource extraction as conditional use on tracts of not less than 5 acres are PLI, R-1, R-1A, R-2, R-2A, R-2D, R-3, R-6, R-7, R-9, R-11, D-2, D-3, B-4, I-1, I-2, and I-3. Zoning districts which list natural resource extraction as conditional use without restriction on lot size are R-5, R-5A, and Unrestricted. Natural resource extraction is not permitted in R-4, R-8, R-10, R-0, B-1, B-2A, B-2B, B-2C, and B-3.



John C. Bishop, P.E.
Building Official

JCB/ds

DISTRIBUTION:

Joe Stimson, Zoning & Platting Division
Jonathan Houk, Chief Zoning Officer
Kathy Johnson, Zoning Plan Reviewer

Landscaping maintenance includes but is not limited to appropriate watering, pruning, insecticide spraying, fertilizing, plant replacement and other necessary functions as required to bring all plant materials to a vigorous healthy growing condition.

Line, front property means the line dividing a parcel of land from a street, public right-of-way, easement or other principal means of access to the parcel.

Loading space, off-street means a space located on premises for pickup and delivery at the premises.

Lot means a parcel of land shown as an individual unit on the most recent plat of record.

Lot, corner means a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot, depth of means the mean horizontal distance between the front and rear property lines of a lot, measured in the general direction of its side property lines.

Lot, front. The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and double-frontage lots, all sides of a lot adjacent to streets shall be considered front-ages, and yards shall be provided as required in the schedule of district regulations and in the supplementary district regulations.

Lot, interior means a lot other than a corner lot, with frontage only on one street.

Lot lines means the property lines bounding the lot.

Lot, through and double-frontage lot means a lot other than a corner lot with frontage on more than one street.

Lot, transverse means a lot which is approximately at right angles to the general pattern of other lots in the same city block.

Lot width means the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured between the midpoints of such lines, provided that such measurements shall not extend beyond the lot lines of the lot being measured. This standard shall not apply to the flag pole portion of flag shaped lots. Flag shaped lot width shall be measured at the midpoint of the lot including the flag pole area of the lot.

Motorhouse exemption means an easement appurtenant to a lot or parcel permitting entry upon another lot or parcel for the purpose of maintaining, repairing or reconstructing a structure on the former lot or parcel.

Major residential street means a street that carries from 500 to 2,000 average daily trips as determined in accordance with section 21.54.060.

Mineral resources operations, natural resources extraction and mineral or natural resources development means commercial or industrial operations involving removal of timber, native vegetation, peat, rock, gravel, oil, sand, gravel or rock, or any mineral and other operations having similar characteristics.

Misstructure means a completely enclosed structure containing three or more areas or rooms available for lease or rent to any individual or group of individuals for the purpose of the general storage of household goods and noncommercial personal property.

Mobile home means a detached, single-family dwelling designed for long-term human habitation and having complete living facilities, constructed and fabricated into a complete unit at a factory and capable of being transported to location of use on its own chassis and wheels, identified by a model number and serial number by its manufacturer, and designed primarily for placements on an permanent foundation.

Mobile home park means any parcel or adjacent parcels of land in the same ownership which is utilized for occupancy by more than two mobile homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers.

Moist space is a group of attached or detached buildings, providing individual sleeping or living room accommodations, containing air or more rooms with all means having direct access to the outside without the necessity of passing through the main lobby of the building, including such courts or meter lodges.

Nightclub, unlicensed means an enterprise, that, for consideration, provides entertainment to its patrons in the form of floorshows; dance recitals; live, recorded, or electronically enhanced music; patron dancing; or performances by live or recorded professional or amateur entertainers, but does not offer or sell to its patrons either alcoholic beverages as defined by AS 04.21.060 or adult entertainment as defined by AMC 10.40.060. Then clubs and cultural performance venues as set forth in AMC 10.6A, discotheques, nightclubs, bars, lounges, dance halls, bistros, and any facility that meets the terms of this definition are often, but not exclusively, open during one or more of the hours between 11:00 p.m. and 7:00 a.m. This definition includes theaters or auditoriums with fixed seating, facilities used exclusively for nonprofit charitable or nonprofit educational purposes, religious facilities, adult-oriented establishments as defined by AMC 10.40.060, publicly owned and operated recreation centers or parks, and public and private schools.

Nonconforming use means a structure on land lawfully used or occupied and which does not conform to the regulations of the use district in which it is situated.

On-site remediation means removal of volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes within 300 feet of the location where the material was originally contaminated.

Open recreation use, commercial means recreational activities conducted outside of any permanent building and operated as a business.

Open space means those areas of a subdivision, planned unit development or condominium that are not occupied by structures. Open space may include parkland, play areas, walkways, trails and roads. The open space may be communal or private, or a combination thereof, and may be

devoted to active or passive use or be formally landscaped or in vegetation.

Outdoor means an enclosed parking or curbside of such area other than a street, alley or way used for the temporary parking and available for public use for compensation or as an exhibit or customer.

Parading space, off-street means off any street, alley or other right adequate for parking an action for opening both doors and side wing room on a parking lot with street or alley.

Personal services means an act for consideration or not, which demands of an individual, wife, a licensee, repair, treatment or technical, technical or experienced with the practice of a profession and sale of goods.

Pharmacy means a retail act only to prepare, preserve, compound, prescribe and dispense drugs, medical supplies and food.

Planned unit development. A development in a residential use planning and zoning ordinance combination of uses, the plan for conformity to the regulations established or more zoning districts with the built, type of use, density, lot cover required open space.

Prisoner has the same meaning AS 03.90.001 as to state prisoners persons convicted of a felony in 11.41 Offenses Against the Person of an offense with the same or similar elements in another jurisdiction they have successfully completed a parole and probation and are so in supervision of the court, the Alaska Department of Corrections, another state or the

of the building. No flashing, blinking, or animated self-illuminated signs shall be permitted, and no signs of incandescence or vapor illumination for any sign on the building shall be directly visible from the property.

Visual enhancements landscaping.

Except as provided in subsection 3 of this subsection, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.

Buffer landscaping. Buffer landscaping shall be planted along each lot line except at vehicular and pedestrian ingress and egress points.

21.05.060.M; AO No. 77-383; AO No. 85-1481

60 Conditional use standards—Gasoline service stations.

Site location. The site location shall be as follows:

1. At the intersection of any two class I or greater streets, according to the official streets and highway plan.
2. Along any class II or greater street, according to the official streets and highway plan.

Site design and development. Site design and development standards are as follows:

1. **Minimum site dimensions.**
 - a. Minimum lot size is 14,000 square feet.
 - b. Minimum frontage on any one street is 100 feet.
 - c. Minimum building setback from any street right-of-way is 40 feet.

4. Minimum building setback from any interior property line is 20 feet.

5. Minimum front setback from any property line is 15 feet.

2. **Architectural treatment.** In cases where there is existing development of a particular architectural character, the planning and zoning commission may require that the service station be unique and attractively designed in keeping with the prevailing architectural character, rather than of stock design.

3. Curb cuts.

a. There shall be only two access points on concrete approaches per street frontage.

b. The width of the curb cuts and their respective distances from any property line or street intersection shall be subject to the approval of the traffic engineer or the state highway department.

4. Parking and drainage.

a. All driveway approaches and parking areas and the general area to front of the service station and around the pump islands shall be paved with asphaltic composition or concrete.

b. Drains for any areas shall be shown on the site plan. If the plan indicates that the surface drainage will be carried off the site, the plan will be subject to the approval of the public works department.

5. **Trash.** All outside trash areas shall be completely enclosed. Trash storage facilities shall be constructed of materials compatible with the main building.

6. **Utilities.** All utilities, including electric and telephone utilities, shall be placed underground.

7. **Walls.** In certain cases, the planning and zoning commission may require that a wall or fence be erected on all interior property lines. Where required, the wall or fence shall be solid in texture, at least six feet in height, and maintained in an attractive manner. The height of the wall or fence shall be reduced to 80 inches within any street setback area or corner setback area. If entrance to an existing alley or shopping center area is permitted, such walls shall be reduced to 30 inches in height, for ten feet on each side of such entrance.

8. Parking.

a. Parking vehicles on the site of a service station is prohibited, except for such vehicles which are in the process of being serviced, those vehicles belonging to employees on their tour of duty, and those, including no more than two trucks, which are owned by the business.

b. Parking is prohibited where it will obstruct the view of the traffic at intersections.

9. **Lighting.** All exterior lighting of the building and site shall be so arranged and shielded that there will be no glare onto adjacent properties or public rights-of-way.

10. Landscaping.

a. **Visual enhancement landscaping.** Except as provided in subsection 5 of this subsection, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized installations shall be planted with visual enhancement landscaping.

b. **Buffer landscaping.** Buffer landscaping shall be planted along each lot line except at vehicular and pedestrian ingress and egress points.

C. **Signs.** Signs may be required by the planning and zoning commission or by pertinent district regulations as specified in chapter 21.40.

D. **Outside displays.** Outside display of merchandise shall be limited to petroleum products and auto-related equipment.

21.05.070 Conditional use standards—Neighborhood resource extraction.

A. **Required materials.** In addition to the materials required by section 21.15.020.B, an applicant for a natural resource extraction conditional use shall submit the following:

1. A site plan description, including:
 - a. Drainage.
 - b. Existing and proposed topographical contours (ten-foot contour).
 - c. Work depths.
 - d. Overburden and debris disposition.
 - e. Erosion and sediment control plans.
 - f. All waste disposal disposition.
 - g. Detailed vegetation plans.
 - h. Water table information.
2. Proposed hours of operation.
3. A landscaping plan for the period of natural resource extraction operations and for final restoration of the site.
4. A security plan to prevent casual trespass.
5. A description of natural resource extraction and proceeding operations proposed for the site.
6. Location of points of vehicular access to the site and projected traffic counts for each.
7. An estimate of the quantity of materials to be removed from the site and unstable, with supporting calculations conforming to generally accepted engineering principles.
8. Such other materials as the director of the department of community planning and development may require by regulation pursuant to chapter 3.40.

The site plan shall be subject to review and approval of the department of public works for drainage, erosion and sedimentation control, for conformance with the 200 Arveride Water Quality Management Plan; and for compliance with generally accepted sound engineering principles.

B. *Standards for approval.* The planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use meets the following standards:

1. Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them deadends. Where access roads intersect arterials, suitable traffic controls shall be established.
2. The extraction operations will not pose a hazard to the public health and safety.
3. The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land uses.
4. The restoration plan for the site ensures that, after extraction operations cease, the site will be left in a safe, stable and aesthetically acceptable condition.
5. The proposed use meets such additional standards for natural resource extraction conditional uses as the director of the department of community planning and development may establish by regulation pursuant to chapter 3.40.

C. *Conditions.* The planning and zoning commission shall attach such conditions in the approval of a natural resource extraction conditional use as it finds are necessary to conform the use to the standards set forth in subsection B of this section.

(GAAB 21.05.090.M; AO No. 79-214; AO No. 77-388; AO No. 83-89; AO No. 84-91, 10-1-86)

21.60.060 Conditional use standards—Storage yards.

The following standards shall apply to storage yards:

- A. *Traffic access.* The proposed site shall have direct access from a street of class I or greater designation as shown on the official streets and highways plan.

B. *Location of site.* The proposed site shall not be located within 200 feet of any school, hospital, public building or other places of public assembly.

C. *Minimum lot size and width.* The minimum lot size for a storage yard in any district where they are permitted by special exceptions shall be two acres. The minimum lot width shall be 100 feet.

D. *Screening landscaping.* Screening landscaping shall be planted on the perimeter of the storage yard, except for vehicles and pedestrian ingress and egress points.

E. *Drainage; protection of water supply.* Prevention of the dammed water runoff from the site onto adjoining lands or streets. A drainage plan which carries water off the site shall be subject to the approval of the public works department. Fillers to prevent contamination of the dammed water supply or to prevent excessive surface runoff from the site onto adjoining lands or streets shall be subject to the approval of the public works department. Fillers to prevent contamination of the dammed water supply or to prevent excessive surface runoff from the site onto adjoining lands or streets shall be subject to the approval of the public works department. Fillers to prevent contamination of the dammed water supply or to prevent excessive surface runoff from the site onto adjoining lands or streets shall be subject to the approval of the public works department. Fillers to prevent contamination of the dammed water supply or to prevent excessive surface runoff from the site onto adjoining lands or streets shall be subject to the approval of the public works department.

(GAAB 21.05.090.M; AO No. 77-388; AO No. 83-91, 10-1-86)

21.60.085 Conditional use standards—Mini-storage facilities.

The following standards shall apply to mini-storage facilities:

- A. *Size of site; traffic access.* The proposed site shall contain no less than one acre and no more than five acres and shall have direct access from a street of class I or greater designation as set forth in the official streets and highways plan.
- B. *Yard requirements.* The planning and zoning commission may specify such yard requirements as necessary to adequately protect the integrity of surrounding areas and uses.

C. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 50 percent.

D. *Minimum height of structures.* Maximum height of structures shall be two stories.

E. *Parking.* Adequate off-street parking shall be provided as follows:

1. Two parking spaces per apartment.
2. One parking space for every 800 square feet of office space.
3. One parking space for each ten storage units.

F. *Landscaping.*

1. All areas not devoted to building structures, drives and walkways shall be landscaped or paved.
2. Visual enhancement landscaping shall be planted along each lot line adjoining a right-of-way. Buffer landscaping shall be planted along each lot line adjoining a residential district.

G. *Paving and drainage.*

1. All driveways and walkways shall be paved.
2. Drainage flow patterns shall be shown on the site plan or a separate approved map. If plans indicate that surface drainage will be carried off the site plan will be subject to the approval of the public works department.

H. *Curb cuts.* Access shall be limited to one access per street frontage. The width and distance of any access from any property line or street intersection will be subject to the approval of the traffic engineer or the state department of transportation.

I. *Permitted accessory uses.* The site may contain no more than one on-site dwelling unit.

J. *Lighting.* Exterior lighting shall be so arranged and shielded as to prevent glare on adjacent properties or rights-of-way.

E. *Fencing.* Any site located residential zoning districts shall be fenced with a minimum height of six feet.

L. *Outside storage of vehicles.* Any outside storage of vehicles or motorized equipment shall be located in additional fencing required by the zoning ordinance.

M. *Storage of hazardous materials.* Storage of hazardous materials, explosives, radioactive or other hazardous substances shall be in accordance with applicable laws and regulations.

(AO No. 78-28; AO No. 84-91, 10-1-86)

21.60.090 Conditional use standards—Junkyards.

The term "junkyard" shall include any area used for the storage of used vehicles, boats, trailers, and other vehicles, and shall apply to junkyards.

A. *Location of site.* The proposed site shall be located within 500 feet of a school, hospital, public building, or other sensitive use.

B. *Traffic access.* The proposed site shall have direct access from a street of class I or greater designation as shown on the official streets and highways plan.

C. *Minimum lot size and width.* The minimum lot size for a junkyard shall be one acre and the minimum lot width shall be 150 feet.

D. *Screening.* Screening landscaping shall be planted on each lot line, except for the street frontage.

E. *Drainage; protection of water supply.* The proposed site shall be located in a drainage basin of the dammed water or excessive surface runoff from the site onto adjoining lands or streets shall be subject to the approval of the public works department.

F. *Permitted accessory uses.* The site may contain no more than one on-site dwelling unit.

G. *Lighting.* Exterior lighting shall be so arranged and shielded as to prevent glare on adjacent properties or rights-of-way.

June 30, 2003

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Lot 7B Block 2 Seaview Heights Subdivision; Permit 00-6083 Required Engineer Inspection of Grading

Dear Mr. Isabelle,

I visited Lot 7B, Block 2, Seaview Heights Subdivision on June 26, 2003 to investigate a complaint about the slopes of the fill. Phillip Calhoun, Code Enforcement Officer accompanied me on the visit. The complaint alleged that the fill, which is in progress, does not meet the approved grading plan for permit 00-6083.

UBC 3317.1 requires professional engineering inspections of grading operations. UBC 3317.5 requires a permit holder to follow approved plans and to engage an engineer to perform engineering inspections. UBC 3317.2 and 3317.3 require the civil engineer to verify line, grade, surface drainage, and compaction. UBC 3317.7 indicates that the civil engineer needs to notify the owner and the building official if the grading is not performed per the approved plans. UBC 3317.8 indicates that the building official shall perform inspections at various stages to verify that adequate control is being maintained by the professional consultants.

The fill permit was issued under the 1997 Uniform Building Code [UBC]. UBC 3314.3 requires toes of fill slopes to be set back at least half the height of the slope but not more than 20 feet. It is not clear that the toe setbacks are maintained. The approved grading plan requires a maximum of slope of 1 unit vertical to 2 units horizontal per UBC 3313.5, and it appears the final slope exceeds this at some locations. UBC 3313.4 requires fill to be 90% compact, and it appears that the fills are end dumped loose. UBC 3316.1 requires the faces of fill slopes to be prepared to prevent erosion. If the slopes are in their final form they require erosion protection. UBC 3313.3 requires that fills cannot have irreducible material with dimensions greater than 12 inches. We observed a large chunk of reinforced concrete clearly visible out of the side of the fill.

I understand that the work is in progress, but engineering inspection reports are needed to verify that the grading is in compliance with the approved plan. There are no inspection reports for the grading in the permit record. It is not clear that the grading plan is being adhered to. Please submit all of the engineer inspection reports for the permit record, in order to verify that the operation is in conformance with the approved plan and which might recommend corrective actions. Please have the engineer provide a letter outlining a response to the concerns above and include a revised grading plan if there are changes per UBC 3317.2. Please submit these documents to the permit record by the July 25, 2003 to prevent any further action. Thank you for cooperating on this matter.

Respectfully,

Scott M. Haan P.E.
Chief of Building Inspections

SH/vg



Municipality of Anchorage

Mark Begich, Mayor



Building Safety Division

P.O. Box 196650 • 4700 Bragaw Street
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<http://www.muni.org>

July 14, 2003

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Lots 7A and 7B, Block 2, Seaview Heights Subdivision; Permit 00-6083 - Verify that work in progress conforms with approved permit.

Dear Mr. Isabelle,

I visited Lots 7A and 7B, Block 2, Seaview Heights Subdivision on June 26, 2003 and again on July 10, 2003 to investigate a complaint. Phillip Calhoun, Code Enforcement Officer accompanied me on the June 26, 2003 visit. The complaint alleges that the fill, which is in progress, does not meet the approved grading plan for permit 00-6083.

It appears that some fill material is placed on Lot 7A and that some slopes are not set back from Lot 7A per the approved plans in the permit. It also appears that the fill slope exceeds a 2 vertical to 1 horizontal gradient at a couple of locations. The complaint also alleges that the amount of fill is more than provided for in the permit. There was supposed to be a berm placed below the toe of the slope based on a previous agreement, and that has not yet been installed.

Please provide verification that the toes of slopes meet required setbacks and that slope gradients do not exceed 2:1 [UBC 3317.2 and 3317.3]. Please submit for review, updated engineered grading plans if the project is modified from the original approved plans. Please take corrective actions if the fill is found to be across property lines, violates setbacks or exceeds the gradients in the approved plans [UBC 3314.3, 3313.5]

I understand that the work is in progress but it is unclear if the work exceeds the scope of the approved plans. Please provide the verification and make any required corrections by August 1, 2003 to prevent any further action. Thank you for cooperating on this matter.

Respectfully,

Scott M. Haan P.E.
Chief of Building Inspections

SMH/vg



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Mark Begich, Mayor



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August 6, 2003

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Lot 7B, Block 2 Seaview Heights Subdivision; Permit 00-6083
Verify work in progress conforms with approved permit.

Dear Mr. Isabelle:

As mentioned in my letter to you dated July 14, 2003 there have been complaints that the grading operation on Lot 7B, Block 2, Seaview Heights Subdivision is not in compliance with the approved grading plan for Permit 00-6083. I visited the site and found that the slopes appear to exceed 2 horizontal to 1 vertical [error in previous letter], the set backs from property lines are unclear, and the drainage berm at the toe of the slope that you agreed to with Kate Remme was not installed.

In the July 14, 2003 letter I requested that by August 1, 2003, the berm be installed and slope angles and set backs be verified with a survey as required by the 1997 UBC Section 3317.1. The letter noted that any uncovered deficiencies needed to be corrected. Please provide required documentation for the permit record and updated engineered plans if the grading plan is changed. A stop work order will be issued for the construction on the property until the issues are resolved. I can be reached at 343-8330 to discuss this matter.

Respectfully,

Scott M. Haan P.E.
Chief of Building Inspections

SMH/vg



Municipality of Anchorage

Mark Begich, Mayor



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P.O. Box 196650 • 4700 Bragaw Street
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August 15, 2003

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Lot 7B, Block 2, Seaview Heights Subdivision, Permit 00-6083 Corrections required for conformance with code requirements

Dear Mr. Isabelle:

On August 6, 2003 a stop work order was issued for construction on Lot 7B, Block 2, Seaview Heights Subdivision because the grading work appeared to violate code requirements and the approved permit. I visited the site and met with Mr. Crockett, Mrs. Crockett, Mrs. Isabelle and yourself to discuss solutions to the current dilemma.

A survey was performed and verified that the access driveway to your property was built on the Crockett's property. It appears that the fill at this location is approximately 30 feet deep. The code requires the toes of fill slopes to be set back from property lines half the fill height. It also requires that fill slopes not exceed 2 horizontal to 1 vertical without a geotechnical engineering evaluation.

The Crocketts agreed that you could access your property across their property with a time limit of 30 days for the condition to be corrected. In addition, within the 30 days a written proposal is required that is agreed on by both parties for an acceptable solution if the fill cannot meet code required set backs. This document needs to be submitted for the permit record. The stop work orders are lifted on this basis.

Mr. Isabelle indicated the neighbor to West, Mr. Mann, was agreeable to having fill placed on his property. A written signed agreement is required for the permit record because this does not meet set back requirements.

If the issues are not resolved within 30 days, a stop work order will be issued for all work on the property until an updated grading plan that meets code requirements for setbacks and slopes is approved by Building Safety plan review. Please submit the signed agreements for the permit record.

In addition, Kate Remme has indicated that she would rather keep the trees at the property line than have a berm at the location.

Respectfully,

Scott M. Haan P.E.
Chief of Building Inspections

SMH/vg



Municipality of Anchorage

Mark Begich, Mayor



Building Safety Division

P.O. Box 196650 • 4700 Bragaw Street
Anchorage, Alaska 99519-6650 • (907) 343-8301 • Fax (907) 343-8200
<http://www.muni.org>

September 29, 2003

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Lot 7B, Block 2, Seaview Heights Subdivision.
Permit 00-6083 and 01-0076 – Stop Work Order

Dear Mr. Isabelle,

I visited Lot 7B, Block 2, Seaview Heights Subdivision on August 6, 2003 to investigate a complaint that grading was being conducted in violation of the approved permit. We agreed about the remedial work that is required to achieve compliance. I have verbally communicated that I need a survey and calculations to verify compliance with code requirements, so that a change order can be issued for the permit. These documents have not yet been submitted.

We have stopped the work on this project, effective September 29, 2003, as our verbal agreement was to obtain compliance by the first week of September. A stop work order is issued for all work on the property until the appropriate documents are submitted for the permit record, reviewed, and approved. The stop work order can be appealed to the Building Board. Thank you for cooperating on this matter.

Respectfully,

Scott M. Haan, P.E.
Chief of Building Inspections

SMH/vg



Municipality of Anchorage

Mark Begich, Mayor



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<http://www.muni.org>

June 15, 2004

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Lot 7B, Block 2 Seaview Heights Subdivision; Permits 00-6083 and 01-0076.
Verify work in progress conforms to approved permit.

Dear Mr. Isabelle,

This letter pertains to active permits 00-6083 and 01-0076 on Lot 7B, Block 2, Seaview Heights Subdivision. I visited the site with Jim Stubbs on June 10, 2004 to assess the progress of the grading permit. A proposed as-built with hand written revisions was submitted on October 3, 2003. An as-built survey was submitted on October 30, 2004 after repeated calls to the surveyor. These were submitted because of concerns about fill crossing property lines, which resulted in changes to the driveway location. A meeting can be arranged to discuss the issues by contacting Vicki at 343-8301.

All the correspondence last summer requested professional engineering oversight to verify that the scope of the fill was within the limits of the approved permit. The fill appears to exceed approved 2 horizontal to 1 vertical slope limits and the location of the toe of the slope from property lines is unclear. There does not appear to be any compaction taking place and the fill appears to be end-dumped on the slopes. At this time no documentation has been submitted verifying that the amount of fill, toe locations, fill slopes, lifts or compaction are being installed in accordance with the approved permit. 1997 Uniform Building Code UBC 3317.1 requires inspections by licensed civil engineers for engineered fills. Please submit a report from a licensed engineer showing the work is within the approved parameters by June 18, 2004 or the work must stop on the project until the report is submitted.

The driveway configuration requires an engineered retaining wall or slope stability analysis along the south property line due to the setbacks and slope grades. Although requested during the fall of 2003, the calculations for the proposed gabion retaining wall have not yet been submitted for review. The retaining wall design needs to be submitted by July 2, 2004 or work must stop on the project until the situation is resolved.

Respectfully,

Scott Haan, P.E.
Deputy Building Official

SH/vg

INSPECTION REPORT

MUNICIPALITY OF ANCHORAGE – BUILDING SAFETY DIVISION

4700 SOUTH BRAGAW STREET, ANCHORAGE, ALASKA

INSPECTIONS: Voice: (907) 343-8300 Fax: (907) 249-7777 INFORMATION: (907) 343-7962

NAME: DEL ISABELLE

PERMIT NUMBER: 00-6083

ADDRESS: W. DIMOND BLVD

DATE:

PHONE #1: 243-5815 PHONE #2:

LOT: 7B

BLOCK: 2

SUBDIVISION: SEAVIEW HEIGHTS

COMMENTS:

TYPE OF INSPECTION:

#1:

#2:

#3:

No non-compliances observed.

Do not conceal until re-inspected.

C.O. approved.

Corrections essential as explained below.

Will re-examine at next inspection.

C.C.O. approved (comments below).

COMMENTS:

Reinspection?

1) PROVIDE ENGINEER'S INSPECTION REPORT FOR:

- VERIFY AMOUNT OF FILL
- SLOPE SETBACKS FROM PROPERTY LINES
- 90% COMPACTION
- 2:1 SLOPES
- WORK IN CONFORMANCE W/ APPROVED PLANS

PLEASE SUBMIT BY JUNE 25, 2004 & CALL FOR REINSPECT.

INSPECTOR: SCOTT HAAN

DATE: 6/17/04

**WHEN CORRECTIONS ARE MADE, PLEASE CALL FOR INSPECTION
DO NOT REMOVE THIS NOTICE.**

INSPECTION REPORT

MUNICIPALITY OF ANCHORAGE -- BUILDING SAFETY DIVISION

4700 SOUTH BRAGAW STREET, ANCHORAGE, ALASKA

INSPECTIONS: Voice: (907) 343-8300 Fax: (907) 249-7777 INFORMATION: (907) 343-7962

NAME: DEL ISABELLE

PERMIT NUMBER: 00-6083

ADDRESS: NHN W. DIMOND BLVD

DATE: 7/6/04

PHONE #1: 830-9617 PHONE #2:

LOT: 7B

BLOCK: 2

SUBDIVISION: SEAVIEW HEIGHTS

COMMENTS: VERIFY FILL / TOE OF SLOPE SETBACKS

TYPE OF INSPECTION:

#1:

#2:

#3:

No non-compliance observed.
 Corrections essential as explained below

Do not conceal until re-inspected.
 Will re-examine at next inspection.

C.O. approved.
 C.C.O. approved (comments below).

COMMENTS:

Reinspection?

NOTE: 1997 UBC APPENDIX 33 FIGURE A-33-1 REQUIRES TOE OF SLOPE SET BACK THE LESSER OF HALF THE FILL HEIGHT OR 20' FROM THE PERMIT AREA BOUNDARY. "CROSS SECTION LORI DR# " APPROVED MAY 8, 2001 SHOWS NOTES INDICATING APPROVED SET BACKS.

- 1) VERIFY EXISTING ELEVATIONS ALONG SOUTH PROPERTY LINE. REMOVE ANY FILL OFF NEIGHBORING PROPERTY TO
- 2) PULL TOE OF SLOPE 20' OR HALF FILL HEIGHT SOUTH FROM SOUTH PROPERTY LINE OR PROVIDE ENGINEERED ALTERNATIVE.
- 3) GRADE SLOPES 2:1 OR PROVIDE ENGINEERED ALTERNATIVE.
- 4) PROVIDE ENGINEERING INSPECTIONS FOR ITEMS ABOVE

START RESOLVING COMMENTS IMMEDIATELY. ITEMS COMPLETED BY 7/20/04.

INSPECTOR: SCOTT HAAN

DATE: 7/6/04

WHEN CORRECTIONS ARE MADE, PLEASE CALL FOR INSPECTION
DO NOT REMOVE THIS NOTICE.



Municipality of Anchorage

Mark Begich, Mayor



Building Safety Division

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<http://www.muni.org>

August 6, 2004

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Lot 7B, Block 2 Seaview Heights Subdivision; Permit 00-6083
Verify Work in Progress Conforms with Approved Permit.

Dear Mr. Isabelle,

This letter pertains to the active grading permit on Lot 7B, Block 2, Seaview Heights Subdivision, 00-6083. I visited the site with Jim Stubbs on August 5, 2004 to meet with you to dig a test hole on Lot 7A to determine the location of natural grade in the vicinity of the permitted work.

An inspection was performed for permit 00-6083 on July 5, 2004. The report requested four items to be completed by July 20, 2004. These included determining the amount of fill along the south property line, providing slope set backs per approved plans or getting an engineered alternative approved and installed, providing slope angles per the approved plans or getting an engineered alternative approved and installed, and removing fill off the neighboring property.

A stop work order was issued on August 5 because these items were not completed in the specified time frame. In addition, provide an engineered report verifying the amount of fill and provide compaction tests for the fill brought in since the last report. This action may be appealed to the Board of Building Regulation Examiners and Appeals. Contact Vicki Gonzalez at 343-8301 for information on filing an appeal.

Respectfully,

Scott Haan, P.E.
Deputy Building Official

SH/vg



Municipality of Anchorage

Mark Begich, Mayor



Building Safety Division

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<http://www.muni.org>

August 26, 2004

Del Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Stop Work Orders: *Fill & Grade*
Lot 7A Seaview Heights Subdivision; Permit 00-6083
Lot 7A Seaview Heights Subdivision; Permit 01-0076

Dear Mr. Isabelle,

On today's date, I posted two stop work orders on your projects referenced above. Reasons for the stop work orders are:

00-6083: An independent estimate shows approximately 45,000 cubic yards on site. No more fill can be brought to the site until the following items are approved and installed. If the engineering solution includes any additional fill being brought on site, a conditional use permit will be required before any work commences. Based upon Municipality of Anchorage Policy 3-84, it is necessary for natural resource extractions greater than 50,000 cubic yards to obtain a conditional use permit. Requirements for a conditional use permit are identified in Title 21 Section 21.50.070, attached.

1. Remove fill from Lot 7A or obtain documentation from owner allowing its placement and final design.
2. Bring slopes and setbacks into compliance with approved permit or submit engineered alternatives for approval and install after approved.
3. Submit a drainage design to the permit for approval that does not impact adjacent properties or rights-of-way. Dimond Boulevard may not allow proper drainage, as swales are not existing.
4. Provide compaction tests at current level and for each additional 12" lift, showing 90% compaction, as fill is relocated.

01-0076: Structure roof is not constructed per approved plans. Roof must be shored or retrofitted prior to snowfall to prevent collapse. Change order must be obtained prior to commencement of work.

Sincerely,


Ron Thompson
Building Official

RT/vg



**DEVELOPMENT SERVICES
DEPARTMENT
POLICY / PROCEDURE**

P&P No. 6

Page 1 of 1

Effective date: May 1, 2002

Subject:

**Criteria for Determining
Natural Resource Extraction**

Supersedes No.

Policy Memo 3-84

Dated:

November 1,
1984

Approved by: Joe Murdy, Director

I. PURPOSE:

To establish the Criteria for Determining Natural Resource Extraction for the Development Services Department (DSD).

II. POLICY:

This policy is intended to replace Policy Memo # 3-84 and to be used in conjunction with Title 21 to identify when a conditional use permit will not be required for resource extraction during the course of site preparation and/or subdivision.

The criteria within each of the five categories below must be met for each site upon which the material is excavated.

A. A Municipal permit or agreement for the site upon which the excavation is occurring shall have been applied for. "Permit or agreement" means: a building permit for a permanent structure; a land use permit; a grading permit; an excavation/fill borrow permit; and AWWU water or sewer extension agreement; a plat or short plat has been approved with a subdivision agreement applied for; or another applicable Municipality of Anchorage permit for the site has been applied for;

B. Excavation upon a site must occur prior to the expiration of that agreement or permit or any extension thereof. "Site" means the described area upon which the excavation is occurring under the certain permit or agreement application.

C. No more than 50,000 cubic yards of material will be transported from a site.

D. Disposal of material shall not be by sales, trade, or barter.

E. Excess material is disposed of on the same site or another site under same ownership and the overall truck traffic impact to the properties along the access route will not be more than would be created if the material were provided from the nearest commercial off-site source.

If the above criteria are met, on site processing, crushing, screening, and stockpiling for future use of the excess excavated material will be allowed.

III. ORGANIZATIONS AFFECTED:

Development Services Department

Municipality of Anchorage

MEMORANDUM

DATE: November 1, 1984 - Effective date ^{TC}

TO: SEE DISTRIBUTION

FROM: DPW, Building Safety ~~Division~~, Building Official,
John C. Bishop, P.E. ~~TC~~

SUBJECT: Policy Memo # 3-84
Criteria for Determining Natural Resource Extraction
from Site Preparation

This policy memo is intended to set forth specific criteria for determining when a conditional use is required for natural resource extraction in lieu of when excavation is considered "site preparation."

In addition to the criteria set forth in Title 21 (i.e., that natural resource extraction is permitted by conditional use in the zoning district, and the limitation on the size of the site), if an application for excavation only meets any one or more of the following criteria, it shall be determined to be natural resource extraction and not site preparation and will require a conditional use from the Planning and Zoning Commission:

1. 50,000 yards or more of material are to be removed from the site; or the site is to be completely denuded of vegetation;
2. Disposal of excess material is by sale, trade, or barter; or for use by the same owner on a property other than the lot on which the extraction is taking place; and/or
3. Extraction operations will continue more than one building season (May to October of the same calendar year).

Site preparation which does not require a conditional use by the Planning and Zoning Commission shall meet the following criteria:


1. A building or land use permit must have been applied for for a permanent structure on the lot where the excavation is occurring; or there must have been an approved plat with an approved subdivision agreement in effect for the property where excavation is occurring; and
2. The application must not fit any of the criteria listed above for conditional use.

Policy Memo # 3-84

November 1, 1984

Page 2

Zoning districts which list natural resource extraction as conditional use on tracts of not less than 5 acres are PLI, R-1, R-1A, R-2, R-2A, R-2D, R-3, R-6, R-7, R-9, R-11, D-2, D-3, B-4, I-1, I-2, and I-3. Zoning districts which list natural resource extraction as conditional use without restriction on lot size are R-5, R-5A, and Unrestricted. Natural resource extraction is not permitted in R-4, R-8, R-10, R-0, B-1, B-2A, B-2B, B-2C, and B-3.



John C. Bishop, P.E.
Building Official

JCB/ds

DISTRIBUTION:

Joe Stimson, Zoning & Platting Division
Jonathan Houk, Chief Zoning Officer
Kathy Johnson, Zoning Plan Reviewer

Landscaping maintenance includes but is not limited to appropriate watering, pruning, insecticide spraying, fertilizing, plant replacement and other necessary functions as required to bring all plant materials to a vigorous healthy growing condition.

Line, front property means the line dividing a parcel of land from a street, public right-of-way, easement or other principal means of access to the parcel.

Loading space, off-street means a space located on premises for pickup and delivery at the premises.

Lot means a parcel of land shown as an individual unit on the most recent plat of record.

Lot, corner means a lot located at the intersection of two or more streets. A lot abutting on a curved street shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

Lot, depth of means the mean horizontal distance between the front and rear property lines of a lot, measured in the general direction of its side property lines.

Lot, front. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and double-frontage lots, all sides of a lot adjacent to streets shall be considered front-ages, and yards shall be provided as required in the schedule of district regulations and in the supplementary district regulations.

Lot, interior means a lot other than a corner lot, with frontage only on one street.

Lot lines means the property lines bounding the lot.

Lot, through and double-frontage lot means a lot other than a corner lot with frontage on more than one street.

Lot, transverse means a lot which is approximately at right angles to the general pattern of other lots in the same city block.

Lot width means the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured between the mid-points of such lines, provided that such measurement shall not extend beyond the lot lines of the lot being measured. This standard shall not apply to the flag pole portion of flag shaped lots. Flag shaped lot width shall be measured at the mid-point of the lot including the flag pole area of the lot.

Minimum access means an easement, easement, or parcel permitting entry upon another lot or parcel for the purpose of maintaining, repairing or reconstructing a structure on the former lot or parcel.

Major residential street means a street that carries from 500 to 2,000 average daily trips as determined in accordance with section 21.35.060.

Mineral resources operations, natural resources operations and mineral or natural resources development mean commercial or industrial operations involving removal of timber; peat, gravel or rock; or any mineral and other operations having similar characteristics.

Miscellaneous means a completely enclosed structure containing three or more areas or rooms available for lease or rent to any individual or group of individuals for the purpose of the general storage of household goods and noncommercial personal property.

Mobile home means a detached, single-family dwelling designed for long-term human habitation and having complete living facilities, constructed and fabricated into a complete unit at a factory and capable of being transported to location of use on its own chassis and wheels, identified by a model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation.

Mobile home park means any parcel or adjacent parcels of land in the same ownership which is utilized for occupancy by more than two mobile homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers.

Motel means a group of attached or detached buildings, providing individual sleeping or living room accommodations, containing six or more rooms with all rooms having direct access to the outside without the necessity of passing through the main lobby of the building, including auto courts or motor lodges.

Municipal, unincorporated means an enterprise, that, for consideration, provides entertainment to its patrons in the form of floorshows; dance recitals; live, recorded, or electronically enhanced music; professional or amateur entertainers, but does not offer or sell to its patrons either alcoholic beverages as defined by AS 04.31.060 or adult entertainment as defined by AMC 10.40.060. This club and cultural performance venues as set forth in AMC 10.40A, discotheques, nightclubs, bars, lounges, dance halls, bistros, and any facility that meets the terms of this definition are often, but not exclusively, open during one or more of the hours between 11:00 p.m. and 7:00 a.m. This definition includes theaters or auditoriums with fixed seating, facilities used exclusively for nonprofit charitable or nonprofit educational purposes, religious facilities, adult-oriented establishments as defined by AMC 10.40.060, publicly owned and operated recreation centers or parks, and public and private schools.

Nonconforming use means a structure on land lawfully used or occupied and which does not conform to the regulations of the use district in which it is situated.

On-site remediation means removal of volatile and semi-volatile contaminants from soils, sediments, slurries and filter cakes within 500 feet of the location where the material was originally contaminated.

Open recreation use, commercial means recreational activities conducted outside of any permanent building and operated as a business.

Open space means those areas of a subdivision, planned unit development or condominium that are not occupied by structures. Open space may include parkland, play areas, walkways, trails and roads. The open space may be communal or private, or a combination thereof, and may be

devoted to active or passive use or formally landscaped or re-vegetation.

Parade means an organized parading or exercising of tanks

Parading, public means a use or activity other than a street, alley way used for the temporary parking and available for public use for compensation or as an exhibit or entertainment.

Parading space, off-street means any street, alley or other right-of-way for parking an automobile for opening both doors and side windows on a parking lot with street or alley.

Personal services means an act for consideration or not, which consists of an individual, sole, partnership, or other legal entity, technical or experienced in the practice of a profession and in the field of grade.

Pharmacy means a retail use only to prepare, preserve, compound, prescribe and dispense drugs, medical supplies and health

Planned unit development. A development in a residential use planning and zoning commission jurisdiction of use, the plan for conform to the regulations established or more zoning districts with residential, type of use, density, lot cover required open space.

Prisoner has the same meaning as 21.30.071 as to state prisoners convicted of a felony in 11-41 (Offenses Against the Person of an Offense with the same or similar elements in another jurisdiction they have successfully completed parole and probation and are in the supervision of the court, the Alaska Department of Corrections, another state or mu

of the building. No flashing, blinking, or animated self-illuminated signs shall be used, and no source of incandescent or vapor illumination for any sign on the building shall be directly visible from the property.

Visual enhancement landscaping.

Except as provided in subsection 3 of this subsection, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized disturbances shall be planted with visual enhancement landscaping.

Buffer landscaping. Buffer landscaping shall be planted along each lot line except at vehicular and pedestrian ingress and egress points.

(21.60.060.M; AO No. 77-381; AO No. 86-1-85)

60 Conditional use standards—Gasoline service stations.

Allowing standards shall apply to gasoline stations:

Site location. The site location shall be as follows:

1. At the intersection of any two class I or greater streets, according to the official streets and highway plan.
2. Along any class II or greater street, according to the official streets and highway plan.

Site design and development. Site design and development standards are as follows:

1. **Minimum site dimensions.**
 - a. Minimum lot area is 14,000 square feet.
 - b. Minimum frontage on any one street is 100 feet.
 - c. Minimum building setback from any street right-of-way is 40 feet.

d. Minimum building setback from any lotline property line is 20 feet.

e. Minimum pump island setback from any property line is 15 feet.

2. **Architectural treatment.** In cases where there is existing development of a particular architectural character, the planning and zoning commission may require that the service station be unique and attractively designed in keeping with the prevailing architectural character, rather than of stock design.

3. Curb cuts.

a. There shall be only two access points on concrete approaches per street frontage.

b. The width of the curb cuts and their respective distances from any property line or street intersection shall be subject to the approval of the traffic engineer or the state highway department.

4. Paving and drainage.

a. All driveway approaches and parking areas and the general areas in front of the service stations and around the pump islands shall be paved with asphalt concrete or concrete.

b. Drains and flow lines shall be shown on the site plan. If the plan indicates that the surface drainage will be carried off the site, the plan will be subject to the approval of the public works department.

5. **Trash.** All outside trash areas shall be completely enclosed. Trash storage facilities shall be constructed of materials compatible with the main building.

6. **Utilities.** All utilities, including electric and telephone utilities, shall be placed underground.

7. **Walls.** In certain cases, the planning and zoning commission may require that a wall or fence be erected on all lotline property lines. Where required, the wall or fence shall be solid in nature, at least six feet in height and included in an appropriate name. The height of the wall or fence shall be reduced to 80 inches within any street setback area or corner setback area. If entrance to an abutting alley or shopping center area is permitted, such walls shall be reduced to 50 inches in height for ten feet on each side of such entrance.

8. Parking.

a. Parking vehicles on the site of a service station is prohibited, except for such vehicles which are in the process of being serviced, those vehicles belonging to employees on their tour of duty, and those, including no more than two trucks, which are owned by the business.

b. Parking is prohibited where it will obstruct the view of the traffic at intersections.

9. **Lighting.** All exterior lighting of the building and site shall be arranged and shielded so that there will be no glare onto adjacent properties or public rights-of-way.

10. Landscaping.

a. **Visual enhancement landscaping.** Except as provided in subsection b of this subsection, all areas not devoted to buildings, structures, drives, walks, off-street parking facilities or other authorized disturbances shall be planted with visual enhancement landscaping.

b. **Buffer landscaping.** Buffer landscaping shall be planted along each lot line except at vehicular and pedestrian ingress and egress points.

c. **Signs.** Signs may be regulated by the planning and zoning commission or by pertinent district regulations as specified in chapter 21.40.

d. **Outside displays.** Outside display of merchandise shall be limited to petroleum products and auto-related equipment.

(O.A.B. 21.06.060.M; AO No. 85-91, 10-1-85)

21.60.070 Conditional use standards—Natural resource extraction.

1. A site plan description, including:
 - a. Drainage.
 - b. Existing and proposed topographical contours (ten-foot contour).
 - c. Work depths.
 - d. Overburden and debris disposition.
 - e. Erosion and sediment control plans.
 - f. All waste disposal dispositions.
 - g. Detailed revegetation plans.
 - h. Water table information.
2. Proposed hours of operations.
3. A landscaping plan for the period of natural resource extraction operations and for final restoration of the site.
4. A security plan to prevent casual trespass.
5. A description of natural resource extraction and processing operations proposed for the site.
6. Location of points of vehicular access to the site and projected traffic counts for each.
7. An estimate of the quantity of materials to be removed from the site and timetable, with supporting calculations concerning generally accepted engineering practices.
8. Such other materials as the director of the department of community planning and development may require by regulation pursuant to chapter 2.60.

The site plan shall be subject to review and approval of the department of public works for drainage, erosion and sedimentation control; for maintenance with the 200 Arterial Water Quality Management Plan; and for compliance with generally accepted sound engineering principles.

B. *Standards for approval.* The planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use meets the following standards:

1. Principal access to the site shall minimize roads shall be treated in a manner so as to use of residential streets, and access to the site shall be made in a manner so as to make them desirable. Where access roads intersect arterials, suitable traffic controls shall be established.
2. The extraction operations will not pose a hazard to the public health and safety.
3. The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land uses.
4. The restoration plan for the site states that, after extraction operations cease, the site will be left in a safe, stable and aesthetically acceptable condition.
5. The proposed use meets such additional standards for natural resource extraction conditional uses as the director of the department of community planning and development may establish by regulation pursuant to chapter 3.40.

C. *Conditions.* The planning and zoning commission shall attach such conditions to the approval of a natural resource extraction conditional use as it finds are necessary to conform the use to the standards set forth in subsection B of this section.

(OAB 21.05.000.M; AO No. 79-214; AO No. 77-388; AO No. 83-49; AO No. 85-91, 10-1-85)

21.50.000 Conditional use standards—Storage yards.

The following standards shall apply to storage yards:

- A. *Traffic access.* The proposed site shall have direct access from a street of class I or greater designation as shown on the official streets and highways plan.

Supp. No. M-1

AMC 21.50-9

B. *Location of site.* The proposed site shall not be located within 200 feet of any school, hospital, public building or other place of public assembly.

C. *Minimum lot size and width.* The minimum lot size for a storage yard in any district where they are permitted by special exception shall be two acres. The minimum lot width shall be 100 feet.

D. *Screening landscaping.* Screening landscaping shall be planted on the perimeter of the storage yard, except for vehicles and pedestrian ingress and egress points.

E. *Drainage; protection of water supply.* Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive surface runoff from the site into adjoining lands or streams. A drainage plan which carries water off the site shall be subject to the approval of the public works department. Failure to prevent contamination of the domestic water supply or to prevent excessive surface runoff from the site into adjoining lands or streams shall be cause for the conditional use to be rescinded and the storage yard shall be removed at the cost of the owner of the land upon which it is located.

(OAB 21.05.000.M; AO No. 77-888; AO No. 85-91, 10-1-85)

21.50.005 Conditional use standards—Miscellaneous facilities.

The following standards shall apply to miscellaneous facilities:

- A. *Site of site; traffic access.* The proposed site shall contain no less than one acre and no more than five acres and shall have direct access from a street of class I or greater designation as set forth in the official streets and highways plan.
- B. *Yard requirements.* The planning and zoning commission may specify such yard requirements as necessary to adequately protect the integrity of surrounding areas and uses.

C. *Maximum lot coverage by all buildings.* Maximum lot coverage by all buildings is 50 percent.

D. *Minimum height of structures.* Maximum height of structures shall be two stories.

E. *Parking.* Adequate off-street parking shall be provided as follows:

1. Two parking spaces per apartment.
2. One parking space for every 300 square feet of office space.
3. One parking space for each ten storage units.

F. *Landscaping.*

1. All areas not devoted to building structures, drives and walkways shall be landscaped or paved.
2. Visual enhancement landscaping shall be planted along each lot line adjoining a right-of-way. Buffer landscaping shall be planted along each lot line adjoining a residential district.

G. *Paving and drainage.*

1. All driveways and walkways shall be paved.
2. Driveway flow patterns shall be shown on the site plan or a separate approved map. If plans indicate that surface drainage will be carried off the site plan will be subject to the approval of the public works department.

H. *Curb cuts.* Access shall be limited to one access per street frontage. The width and location of any access from any property line or street intersection will be subject to the approval of the traffic engineer or the state department of transportation.

1. *Permitted accessory uses.* The site may contain no more than one on-site dwelling unit.
2. *Lighting.* Exterior lighting shall be so arranged and shielded so as to prevent glare on adjacent properties or rights-of-way.

Supp. No. M-1

AMC 21.50-10

K. *Fencing.* Any site located residential zoning districts city with existing residential zoning shall be fenced with a structure with a minimum six-foot.

L. *Outside storage of vehicles.* Any outside storage of vehicles or motorized equipment at retail from buildings used in addition to additional loading require storage of American vehicles or any other American vehicles shall.

(AO No. 79-28; AO No. 85-91, 10-1-85)

21.50.000 Conditional use of yards.

The term "yards" shall include purpose of this section, the terms "lot yard" and "setback or strip yard." The standards shall apply to yards:

- A. *Location of site.* The proposed site shall be located within 500 feet of school, hospital, public building, retail subdivision or place of public.
- B. *Traffic access.* The proposed site shall have direct access from a street of greater designation as shown on the official streets and highways plan.
- C. *Minimum lot size and width.* The minimum lot size for a yard in a residential zoning district shall be two acres. The minimum lot width shall be 100 feet.
- D. *Screening.* Screening landscaping shall be planted on each lot line, except in clear and pedestrian ingress and egress points.
- E. *Drainage; protection of water supply.* Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive surface runoff from the site into adjoining lands or streams.



Municipality of Anchorage

Mark Begich, Mayor

C.C. Wenzel Blane



Building Safety Division

P.O. Box 196650 • 4700 Bragaw Street
Anchorage, Alaska 99519-6650 • (907) 343-8301 • Fax (907) 343-8200
<http://www.muni.org>

October 14, 2004

M.S. Isabelle
P.O. Box 220021
Anchorage, AK 99522-0021

RE: Response to Letter Dated October 5, 2004
Stop Work Orders: Lot 7B, Block 2 Seaview Heights Subdivision;
Permits 00-6083 and 01-0076

Dear Mrs. Isabelle,

This letter is in response to your letter dated October 5, 2004 which was in response to the August 26, 2004 stop work order notification letter. The stop work orders and Building Safety code interpretations may be appealed to the Board of Building Regulation Examiners and Appeals.

Building Safety staff will continue to remain available to meet and discuss code requirements and outline documents required to be submitted to approve the changes from the approved design. Building Safety will continue to expeditiously review pertinent information as it is submitted to resolve the issues. The following items respond to the concerns raised in your October 5, 2004 correspondence.

#1 – There was a typo in the letter. The stop work orders are for the property that corresponds with permit 00-6083 and permit 01-0076.

#2 – It is unclear how a municipal inspection would have been called for at 50%, 75% or 100% completion if the amount of fill was not being monitored closely. People had been dumping fill unannounced, and a locked gate was installed in the summer of 2004 to stop the practice. Multiple requests were made for the amount of fill to be verified by a survey using the approved existing elevation contours submitted with the permit. What we received was Exhibit "A", Tobben Spurkland's June 25, 2004 letter indicating "Del Isabelle stated that 28,165 cu. yards has been placed." This was not the survey we requested, and was disapproved. A stop work order was issued on June 26, 2004 to gain compliance. The June 28, 2004 letter, Exhibit "B", assumes an average fill depth of 20 feet. Existing contours were referenced after the stop work order was lifted. The 20 foot average depth assumption was found to be inaccurate. A test hole dug on August 23, 2004 verified the fill to be 10 feet deeper.

Steve Schrader, a licensed civil engineer that works for the Municipality's Project Management and Engineering Department estimated fill amounts near the permitted limit on August 25, 2004. If more accurate information based on a survey and existing contour elevations is submitted by the permittee's engineer, it will be reviewed. Such information needs to consider the existing contours that were submitted for the permit and the information from the August 23, 2004 test hole.

#3 – The fill needs to be removed from Lot 7A to the pre-existing grade or an agreement needs to be reached with the Lot 7A owners for the fill to remain. The remedial work agreed to achieve compliance, which is noted in "exhibit C", was to remove the fill from Lot 7A. It was mistakenly assumed that all fill was removed from lot 7A to the pre-existing grade as agreed in the September 30, 2003 letter, "exhibit D". A survey indicating all the fill to the pre-existing grade was removed from Lot 7A was never submitted, as requested. It was assumed that the 2003 survey "exhibit E" verified natural grade had been reached and that slope setbacks had been verified between lot 7A and 7B, as requested. The 2003 survey indicated some fill was removed from the corner but did not indicate that the pre-existing grade was reached. Ten feet of fill below the current soil surface was verified on Lot 7A by a test hole dug on August 23, 2004.

There was 15 feet of fill removed from lot 7A in 2003 after a stop work order was issued. A test hole on August 23, 2004 verified an additional 10 feet of fill lot 7A. Did Mr. Crockett place 10 feet of fill to help get the misplaced right-of-way to the right elevation? Mr. Crockett denies placing 10 feet of fill adjacent to Lot 7B. When was the additional 15 feet of fill, which was removed in 2003, placed? Mr. Crockett has documents showing he top soiled his lawn in 2001. It was reported that the 10 feet of fill verified with the August 23, 2004 test hole was not top soil. Additional evidence will be reviewed when submitted.

#4 Slopes were permitted to be 2 horizontal to 1 vertical. The slopes are steeper than approved. The as-built toe of the slope between lot 7A and lot 7B is closer to the property line than was approved. The as-built slopes need to be modified to comply with the approved design or an engineered alternative needs to be submitted which addresses slope stability and drainage. The gabion wall was submitted to address the setbacks along Lori Drive. The gabion retaining wall can be approved at natural grade when a method for retaining water in the right-of-way is provided. Natural grade was verified by a test hole dug on August 23, 2004 to be 10 feet below the current surface.

As indicated several times, the 1:1 slope sketch indicating that "my engineer thinks this might work" needs to show how drainage is controlled, needs to be accompanied by slope stability calculations, needs to be referenced on the approved plan, and needs to be stamped by the engineer. Slope stability calculations and drainage mitigation measures have not been provided for the slopes steeper than 2:1 or closer than half the fill height from the property line.

#5 Drainage impacts to neighboring properties have surfaced during construction. PM&E has requested a drainage design for the modified final configuration, which will not impact neighboring properties or the right-of-way.

#6 Fill is required to be placed in 12 inch lifts and compacted. Compaction tests are required periodically to verify 90% compaction. It is impossible to verify 90% compaction by testing once during a 50,000 cubic yard fill. The meaning of "...showing 90% compaction, as fill is relocated..." is to have additional compaction tests as the fill is removed from Lot 7A and the slopes are repaired to be in compliance with the approved plans or an approved change order when it is submitted.

#7 Del was told he could start shoring the roof to prevent a collapse while plans and calculations were compiled. He proceeded to install a roof covering. The work can proceed after appropriate documents are submitted, reviewed, approved, and written approval is supplied.

It is unfortunate that stop work orders were issued for these permits. Building Safety is tasked with ensuring construction proceeds in accordance with approved plans and meets code requirements. When possible it is Building Safety policy to "guide" safe construction and responsible development. Control needs to be maintained by professional engineers employed by the permittee for grading projects over 5,000 cubic yards to ensure construction complies with the

M.S. Isabelle
October 14, 2004
Page 3 of 3

approved permit. Unfortunately, fill amounts were not monitored closely, fill material was not monitored closely, fill crossed property lines, fill exceeded approved slope angles, and has been installed without compaction testing. Cooperation was not provided to verify compliance until after stop work orders were issued. Building Safety staff has discussed code requirements and permit requirements numerous times. Building Safety will continue to help explain the necessary steps to lift the stop work orders and finalize the permits. All decisions and interpretations may be appealed to the Anchorage Building Board.

Respectfully,



Ron Thompson, P.E.
Building Official



**MUNICIPALITY OF ANCHORAGE
Building Safety Division**



MEMORANDUM

Fax Cover Sheet

RECEIVED
OCT 05 2006

October 5, 2006

BY:.....

To: Del Isabelle

Number of Pages inc. Cover (14)

From: Bob Nibert

Phone: 343-8344

Fax #: 343-7997

Attached is Chapter 23.105 which is the code requirement that affects the work on change order 2. This change order was due to the emergency repairs for the stabilization of the erosion that is impacting Lot 8 (Mann) property by importing non-organic fill.

Had this code been followed, the Municipality of Anchorage would have allowed you to continue with this work. I refer you to specific sections of this code that need to be adhered to in order to meet Municipality requirements:

Sections 23.105.106.8 - provide a design plan of contour of fill, slope cross section and quantity of fill stamped by a licensed soil engineer, due to quantity and questionable type of fill.

23.105.106.3 will be required before any work can progress.

As you stated to me, in time the material you placed will eventually reach compaction by letting nature dry the fill. This is unacceptable. The Municipality requires that fill meets requirements of 23.105.110.4.

The Municipality of Anchorage **STOP WORK** order will continue in place until the above requirements are met and approved by the building official. If you have any questions, please contact me.

Bob Nibert

Code Abatement Supervisor

**Del Isabelle Property
Seaview Heights, Block 2, Lot 7B
Permit # 00-6083 (Grading Permit)**

**Summary by Ron Wilde
July 28, 2009**

Site Observation

A review of the site showed that the current grading configuration does not comply with any Building Safety approved drainage plan. Almost all of Isabelle's lot drains to the low spot on its eastern and southeastern boundary. A swale near the southern toe of the slope channels all water from the main slope to this low spot. See photo #1. Further, fill originating on Isabelle's lot crosses the property line with its toe on Crockett's property (lot 7A). See photos #2, and #3.

Del Isabelle has not graded this lot in accordance with the approved Change Order #1 which shows almost all run-off water going to Dimond Blvd. He has also not graded his lot in accordance with the 2006 submittal for the Change Order #2, which showed a variation of the drainage plan for the main slope, but was not reviewed since the issue at the time was only for the emergency repair of the west slope that was encroaching on a neighboring lot. Current grading does not comply with either plan. Both of these plans show no fill extending onto Crockett's property.

Drainage

According to Cate Remme during Spring break-up water from Isabelle's property has been ponding on both her and Isabelle's property, backing up onto her lot near her septic system. Photos in the file substantiate this. The Isabelle fill has moved the original low spot to a low spot eastward near the property line. While it is true that properties east of the property line also drain to this low spot, currently almost all of the run-off from the Isabelle property drains to this location.

The approved Change Order #1 grading design shows almost all of the run-off from Isabelle's property draining to Dimond Blvd. However, Dimond does not appear to have ditches adequate for receiving water from the Isabelle property.

Fill on Crockett's property

Bob Crockett maintains that Isabelle placed fill on his property. Photos show fill extending from Isabelle's lot onto Crockett's lot. The record indicates that in 2006 Isabelle submitted evidence to Building Safety to resolve the issue surrounding the fill on Crockett's property. However, there is no information in the file that definitively resolves this issue. A note from a surveyor was found that gave the actual elevation at Crockett's northwest property corner in 2003, however, the grading work began before this date. Further, nothing was found in the file that specifically set any given elevation for Isabelle to work to, or specifically gave Isabelle direction that he did not have to remove the fill from Crockett's property.

I understand that in 2006 Building Safety determined through aerial photos and survey information that the fill on Crocket's property was placed prior to Isabelle's grading project covered by permit number #00-6083.

Fill on other lots

Isabelle has also filled onto Lot 8, just to the west. Much of the fill that was used to build Lori Drive is actually on this adjacent lot. I understand that this lot owner did not object. However, no scope of the fill work on Lot 8 was found in the file.

It appears that Isabelle may have also filled onto the lot to the north. Satellite imagery from sources such as MOA's Advanced Mapper seems to indicate that fill extends beyond the boundary. See photos #4 and #5.

Grading done in 2007

Isabelle was apparently allowed to continue grading in 2007 without resolving the drainage issue. The 2007 grading work actually exacerbates the drainage issue instead of resolving it since now almost all drainage from Isabelle's lot is channeled directly to the low spot at Isabelle's east and southeast boundary.

There does not appear to have been any new drainage plan submitted for the grading work that was done in 2007. There is no record of any new grading plan in the file. In a memo and a sticky note message to Jay in September 2007 I pointed out that the current work did not meet any prior approved grading plan. Jay's response was that it may comply when it was finished. In a Hansen activity log entry for October 24, 2007, Bob Nibert noted that Isabelle had completed all work required by the notice and original plans, and that Isabelle would finish the site grading and call for conditional till next summer for landscaping and driveway completion. Since the house is still not finished I assume Bob meant that the grading had been done in accordance with the original plans. However, as noted, the grading was not done in accordance with either an approved or submitted grading plan.

Recommendations

Building Safety has repeatedly asked for a revised grading and drainage plan for this project. I recommend that to resolve this matter we need to do the following:

1. Require an accurate topographic survey showing the currently existing contours. It should extend beyond the toe of all slopes not on Isabelle's property.
2. Require a drainage and grading plan with final contours to show how the water arising on Isabelle's property will be managed. (Note: this is a minimum requirement for all changes to grading plans) This drainage and grading plan needs to be submitted as a change order and go through the normal Building Safety review and inspection process.
3. Resolve all matters of fill placement on adjacent properties in writing. The survey should show what is on adjacent property, while the revised drainage and grading plan would show how it is to be resolved. Any agreements with adjacent property owners

should be in writing, accompanied by drawings that show the extent and scope of fill on the property.

4. Address all of the non-compliance items listed under “Code Requirements – Misc. Comments” later in this report. Resolution should be written and included in the file.

Summary of Submitted Design Documents

Original Design

The original submittal was minimal. The file folder shows that it was approved by Jeff Hurd. 10-21-2000. No approval-stamped drawing was found.

Change Order #1

The only approval-stamped design for the main fill project was Change Order #1, approved by Cynthia Kustin on May 8, 2001. This design showed almost all water from the lot collected in swales and along a terrace that channeled the flow to Dimond Blvd.

The current configuration of soil does not conform at all to the C.O. #1 design. The current configuration sheds almost all water from the lot into the low spot along the east and southeast boundary of Isabelle’s lot.

Change Order #2

A revised configuration was given in Change Order #2. The revisions were significant. The terrace was crossed out and a new holding trench at the main slope toe was provided. Half the lot still drained to Dimond. This revised configuration, however, was not approved. Bob Nibert crossed it out writing “Not in Scope.” Instead, a portion of the drawing to the south and west of the building was circled and titled “Emergency Fill Area unchanged.” Apparently excavation into the hill adjacent to the west property line was sloughing and encroaching into the neighbor’s property. No before and after contours were provided. Jay Crewdson approved this without any before and after contours to show the designed plan. Instead he summarized the grading code on a sheet 2 of 2 and appended it to his approval. The revised grading configuration for the main portion of the lot was neither reviewed nor approved.

Change Orders #3 and #4

These changes pertained to a gabion retaining wall. C.O. #3 was modified by C.O. #4. These change orders were reviewed for structural issues. Jay Crewdson (Building Safety) approved them both. I was consulted on structural issues relative to the retaining walls and at the time the grading work was in progress in 2007 raised the question that no revised plan had yet been approved.

Neither the purpose for the retaining wall, nor the grading in the area was addressed in the submitted documents. The southern contours with respect to the gabion wall were not shown on the documents. Some plan dimensions needed to locate the wall were not given.

Code Requirements – Misc. Comments

Engineering

The project exceeds 5,000 cubic yards and is therefore “engineered” fill. The original design was done by Fred Walatka, a registered Civil Engineer. I could not find a soils report for the project. A soils report would have been required for the project since it is “engineered” fill.

Fill material

Photos show that organic and large concrete materials were probably buried. Letters by Isabelle refer to what he considered to be a “dump permit” that he felt allowed him to use whatever material was available. The photos therefore probably depict what went into the fill. Isabelle was not issued a “dump permit.” All material in the fill was supposed to comply with the Grading Code. Further, Building Safety was supposed to have approved all new sources and the proposed haul route.

In 2007 there are some records showing that Building Safety inspectors verified the suitability of some of the fill material.

Compaction

In 2007 there are some records showing that at least one set of compaction records were submitted. No such records were available for prior work.

Slopes

It is unclear what grade the current slopes are. A revised topographic map with existing and proposed final contours is recommended.

Setbacks

Code-required setbacks on adjacent lots have not been maintained.

Benching

Benching is required for fill placed on slopes exceeding 20 percent. Nothing in the record indicates that there was any benching.

Restriction of a Drainage Path

The drainage path from Lot 8 to Lot 7B has been impeded by the construction of Lori Drive. No culvert was placed.

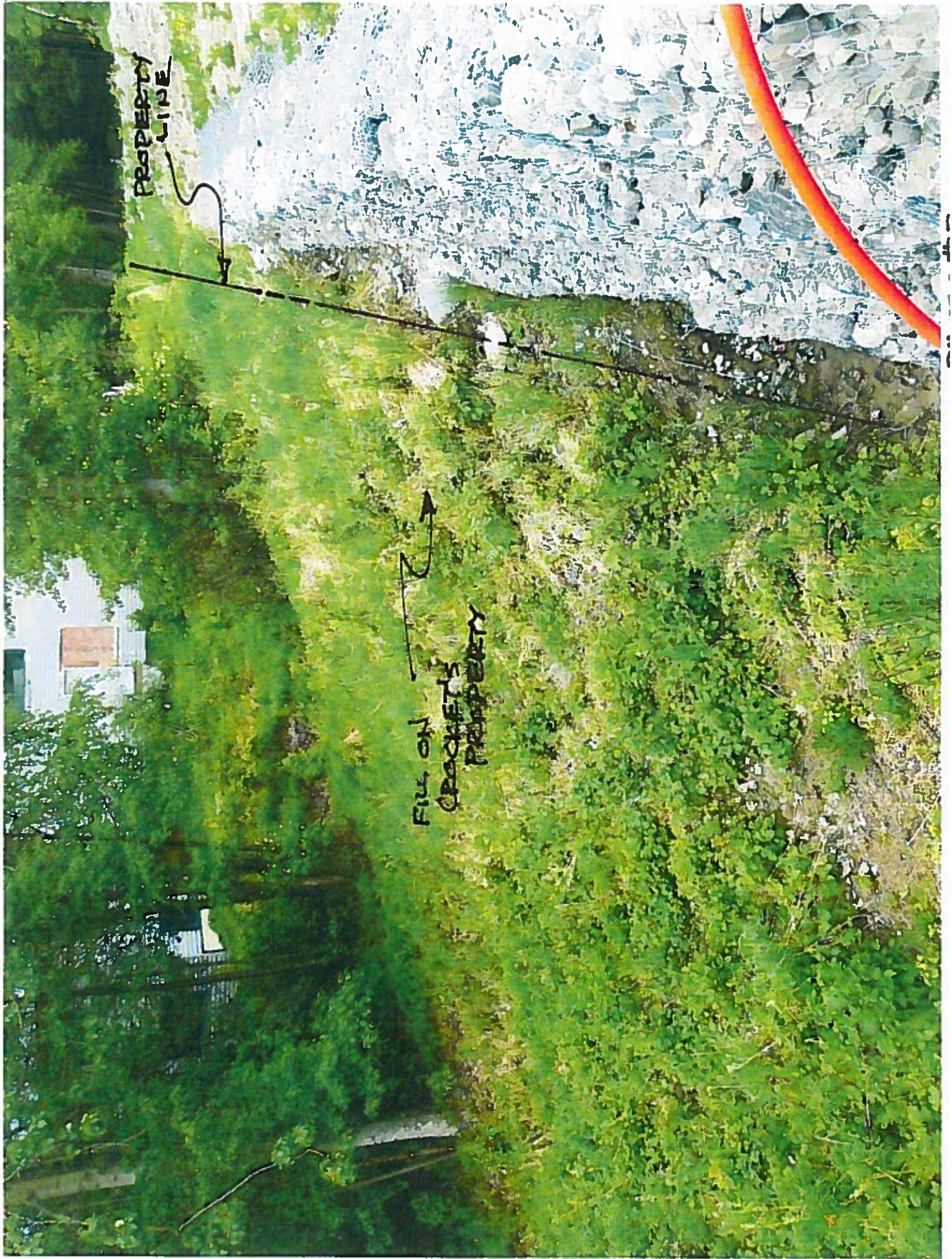
Terracing

Terracing is required on this project because of the height of the fill. No terraces have been placed.

Inspection

This is a grading permit for well over 5,000 cubic yards of material. It should have had "professional inspection" by the engineers who did the design, both by the soils engineer and the civil engineer.



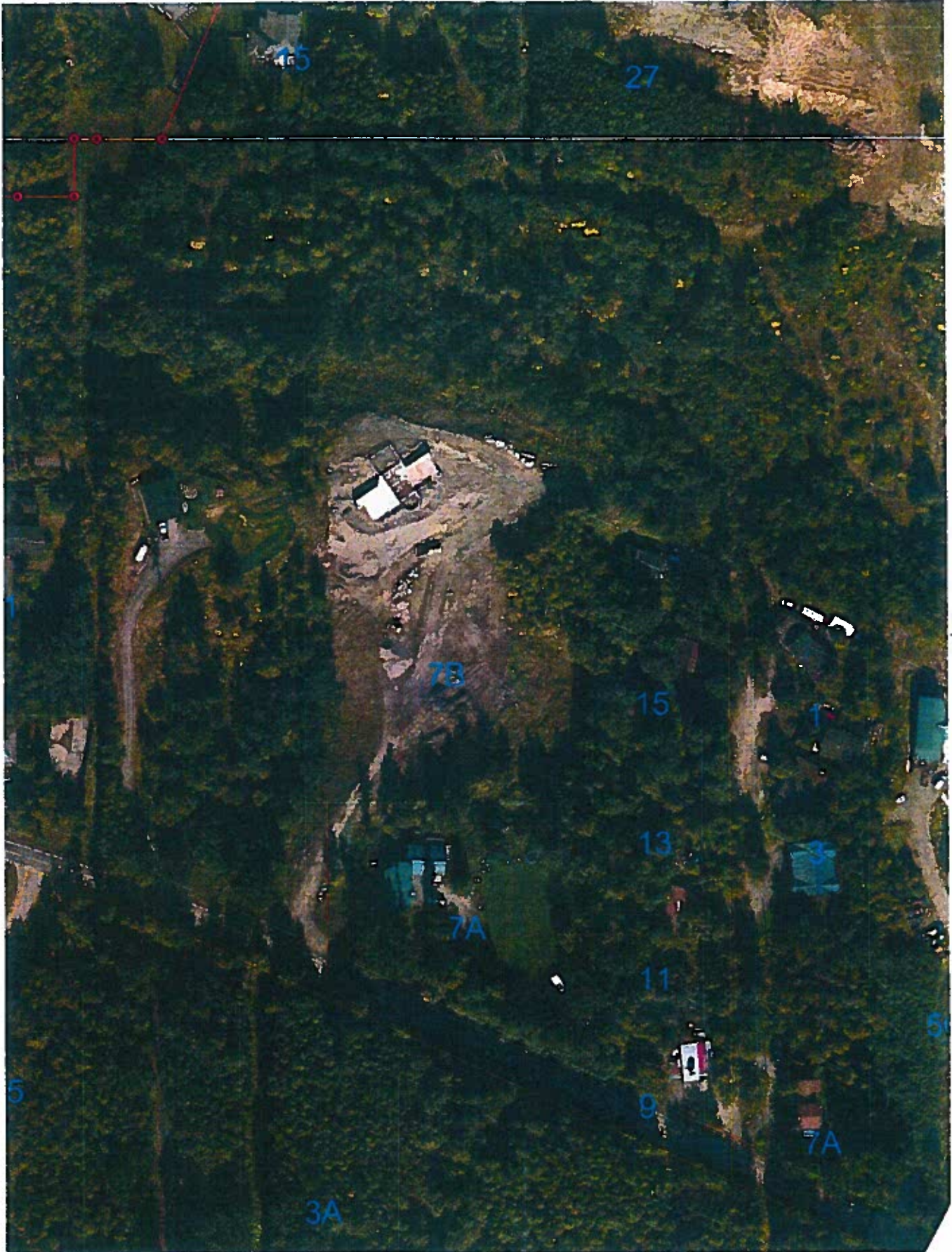


PROPERTY LINE

FILL ON
CROCKET'S
PROPERTY



PAOTO #4





ADVANCED MAPPER