

Comments on Public Review Draft #1, Title 21
Comment deadline: September 16, 2005

General Overview:

-The format of Title 21 is not user-friendly to the layman.

Review between the current land use regulations and the proposed re-write are difficult; parts I assumed were deleted actually were relocated or changed and relocated. Instead of actually turning to a zoning district for a complete list of what is permitted, sized, etc we now have to chase information down thru various chapters (and you first have to know where to look).

-I certainly hope you don't expect to come before the public and Assembly for final approval without first publishing a draft Users Guide. Whenever a regulation seemed incomplete, it states, "...in the Users Guide"...many, many times.

-Having reviewed the Anchorage Bowl Comp Plan first I can almost understand why MOA felt it necessary in Title 21 to micro-manage every aspect of development and re-development standards to ensure the compact, clustered employment centers and related housing, etc. in the 100 square mile bowl area are orderly, functional, convenient, & as attractive as possible. What I fail to understand is the application of this micro-managing to the outlying rural/semi-rural areas of the MOA. It is not realistic to expect the entire 1,955 square miles of this northernmost community to exactly duplicate the development and growth patterns of the bowl/transportation area within 20 years. At best, this is governmental social engineering; at worst, the abrogation of individual property rights.

-Another overall observation is the realization that our Fire Depts will have to be revamped and beefed up (equipment as well as manpower) since this compact development of all types sitting on top of each other will result in each fire call having the increased potential for far-reaching disaster. With the compaction will come an increased stress level of the residents within, so I also anticipate having to beef up the Police and Medical emergency Depts..perhaps what we save on transportation infrastructure can be directed to these other needs.

Chapter 04 (Zoning districts)

-In the purpose statement for R-1 thru R-4, a comma was deleted between the words, “non-commercial” and “recreational” thereby changing the original intent. Was this intentional?

-I endorse the way R-5 thru R-10 have been stated on page 132. It’s obvious these are the rural areas (re-affirmed later on in other sections). However, I object to the elimination of having the front property line begin at centerline of the road, thereby changing the “size” of the lot/acreage. In the rural areas of Eagle River where BLM tracts were the original means of acquisition, the property owners built the roads; few are dedicated, some have no easement but a road exists, some have a road but not within the easement, etc. This is another case where applying Title 21 to rural/semi-rural areas just doesn’t make sense.

-The R-9 current zoning district regulations found at 21.40.110.D.3 were not carried forward in the re-write. When the Chugiak area was first zoned in 1985, this was the compromise arrived at between the citizens of this area and the MOA. The examples given demonstrate the range of uses that had been in existence since this area was settled and prior to our being part of the unified MOA. Whether something is “intrusive” can effectively be determined by how many complaints have generated by that particular property. It is grossly unreasonable and unfair to these residents of Chugiak to eliminate our enjoyment of our rural lifestyle to satisfy the desire to homogenize the MOA rather than celebrate and encourage the diversity now available within MOA boundaries.

-At 21.04.020.D.2.a I endorse restricting multi-family buildings to 8 or less units.

-I agree with the decision to split out the original PLI district into 3 distinct parts. I would recommend that the Parks and Recreation wording be changed to DELETE “designated by the Assembly as parks”, and INSERT “under Parks and Recreation management”. Then, when MOA does the re-zone, go back through all existing PLI, and change to the appropriate district under the new Title 21 which will avoid much confusion in the future.

-Has any thought been given to the inability to effectively plan for future infrastructure when an area has been zoned Mixed Use?

Chapter 5 (Use regulations)

21.05.010.B Doesn't this conflict with the statement that if a use isn't listed, it's prohibited, even considering the statement at D? Confusing.

-at 21.05 Table of Allowed Uses; Confusing. Why are there listings that are blank across the board? Are they prohibited?

-21.05.030.8.a (definition of mobile home park) Would it be possible to reconsider using 2 mobile homes, instead expand to 4 or 5 as the cut-off of what defines a mobile home park (and all its development requirements). Mobile homes are the traditional form of affordable housing. Parents with grown children having families of their own could conceivably purchase a parcel, develop the lot in the proper district (probably rural) and enjoy separate dwellings but common ownership of the property and afford a lifestyle that wouldn't be possible any other way.

-21.05.050.A.1 (Note: Altho listed under commercial uses, this is further qualified by the statement that these standards apply regardless of whether permitted by right, site plan or conditional use)The definition of Animal Husbandry is the care and management of outdoor animals. Currently R-5 thru R-9 permits the outdoor harboring of animals (In R-3 the outdoor harboring of animals limitation on distance from any lot line effectively prohibits the ability to meet the limitations). Setting a limitation of 15 acres and the 100 foot property line limitation will eliminate 85-95% of all outdoor harboring of animals in the rural/semi-rural areas. While this may be OK within the denser development of the MOA, this is neither reasonable nor acceptable in the rural areas. The current limitations found in Titles 15,17, and 21 are adequate to protect the public health, safety, and welfare, and are carried forward at 21.05.070.D.16 under permitted accessory uses.

-21.05.050.3 and 4 (Kennels, Paddocks & Stables) Same argument as above. There is a qualifying statement and unreasonable limitations that eliminate a vast majority of uses practiced in the rural residential districts. What makes the use commercial/business is the practice of breeding, boarding, buying, bartering of animals. Boarding your neighbors horse, having a sled dog lot where you breed to someone else's animal or trade one of your dogs for another more desirable dog is the recreational passion and practice of many rural households. As with the R-9 elimination of the home

based business, many of the commercial listed uses just don't "fit" with the rural districts. (see 21.05.070 comments for further discussion)

-21.05.070.D.12.b.ii and iii (Garage/Carport, residential) Another case where this might make sense in the urbanized and compacted Anchorage Bowl, but not the rural/semi-rural areas. This is a winter city and this flies in the face of what the police preach to us. We have many motorized vehicles: 3-4 car families, RV's, snowmachines, ATV's, boats, travel trailers, All need protection from the elements, including the criminal element. Keep it out of sight and locked up. This footprint limitation is far too restrictive in the rural areas and most of the urban areas. Why should it be illegal for me to keep my handicapped neighbor's car in my garage if I have the room? Or to repair it myself for the senior citizen that lives next door? And if I restore classic cars and cannot keep the junk ones outdoors, you won't allow me to build a garage/shop large enough to keep in compliance with 21.05.070.22.b regulation.

-21.05.070.D.13.b Why should my neighbor not be able to sell or trade me the herbs and vegetables she raises? This is a common use in the rural areas.

21.05.070.D.22 The restoration of classic cars with the requirements for screening and prohibition of large garages should allow at least two outdoor vehicles.

21.05.070.E.1 Connex's are usually not on a permanent foundation and allow those in rural areas to quickly have accessory storage that can be locked up. Some of us use these to store construction materials for our recreational cabin until the season arrives that we can further transport them to the cabin location. Some of us store animal feed in them. Please reconsider prohibiting this type of useful storage...perhaps placement or compatible colors. In bush Alaska they are used for dwelling units.

-21.05.070.E.2 I can't find the referencing regulation, 21.05.070.D.23. Where is this?

-21.05.070.E.5 Again, the rural areas in R-9 districts currently provide for this. We would like to continue this service. At least we can walk home from our local repair shop.

-21.05.070.E.6 In the large lot rural areas, bringing the company vehicle home is widely practiced, both by the employee or the owner. Please make an exception for rural/semi-rural areas, perhaps a limit on whether your lot/acreage can accommodate this use without being intrusive.

21.05.080.C.1 Cloth garages are used for temporary uses and a cheaper alternative to the stick built garage. It protects from the elements and the eyes of the vandal. It isn't any more intrusive than pitching a tent for a week-end BBQ or a sleepover by the kids, or a yard sale on a rainy week-end. This is silly.

21.06.-1 at page 309 Please do not lower the maximum lot coverage for the rural districts R-5 and R-6 by another 10%. The current limitation of 30% is what we calculated in when we bought our property and out in the rural areas we follow a different lifestyle and do not have the benefit of the full services the residents of the bowl area do.

21.13.030

Please define Animal Husbandry

Under AMORTIZATION; Please eliminate the words 'structure' and 'lot' unless you can point me to something in this re-write that says these non-conforming uses are to amortized. Am I the only one that read in the Bowl Comp Plan the idea that ALL non-conformities should be charged an annual fee to promote the destruction of ALL existing non-conformities? After all, that's the same Comp Plan that said we should re-write Title 21 and do area-wide rezoning to implement that Comp Plan and now it's being applied to all 1,955 square miles of the Municipality.

Under Property Line; Please carry forward the original definition by DELETING the words, "right-of-way, or".

Time constraints did not allow review of other chapters

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