

July 28, 2005

## TITLE 21 REWRITE COMMENTS FROM SENATOR FRED DYSON

The zoning portions of the land use codes must or at least should consider the concerns of landowners who live in semi rural settings. Urban people will seldom even think about these issues.

- Materials and/or vehicles that are stored on a homeowner's property should not be the concern of the local government or the neighbors if they are not visible to the street or neighbors. This means that a homeowner/renter should be able to repair an airplane or ATV or antique car in his garage/shop or yard as long as it is not visibly disturbing to the neighbors. There should be no enforcement against a non-impact "problem"
- In addition, Alaskans must be able to store a boat or snow machine or ATV or snowplow at home for future use. Fencing or parking under a deck should be allowed as a screen from offended neighbors.
- Similarly, if a homeowner is accumulating building materials for a remote cabin to transport to a cabin site by snow machine or float plane when the season is right, he should be able to do so for some period say 5-7 months. Current code does not allow for any materials that are for an off site use. Many area residents have cabin sites in bush Alaska.
- We must not allow zoning that discriminates against working people and small businesses by prohibiting citizens from driving their work truck home if it has a logo on the door.
- On-site wells and septic systems can be the safest, most cost effective, and environmentally sound way of dealing with drinking water and human waste. We must not have land use laws that impede these most effective ways of protecting human health. Massive, expensive public utility systems are not the answer for all situations. Of course, these on-site systems must be well designed, installed and maintained.
- We must not preclude private citizens from building their own homes or using innovative technology in the construction. The building industry is producing some new developments for construction and insulation that

needs to be encouraged not discouraged. Our building codes must allow for innovation and owner participation in the design and construction. Similarly, we must allow a generous time frame for the completion of an owner built house, and allow him/her to do it in stages.

- Chugiak/Eagle River has prospered with no building codes for private homes for 50 years. Homeowners, contractors, and lending institutions are easily capable of constructing high quality homes without a government inspector looking over their shoulder. If a lending institution or home buyer does not have the expertise to detect an unsafe home, there are expert home inspectors around who will do the inspections for a reasonable cost. The primary incentive to enforce quality construction must remain with the person or lender with direct fiscal interest.
- Our codes must not sacrifice personal freedom unduly to just gain “nice” neighborhoods. “Nice” and “attractive” and “pleasant” are good things but freedom is essential. Please do not make our town nice but dull and limiting and devoid of character and worse, a place where free people are not free.
- The Chugiak/Eagle River area has many very talented entrepreneurs who have or will start small businesses out of their homes. We must not preclude them from doing so. The only restriction we should have are those that are in place before the business starts. If a new business wants to work outside of the current rules, they should go through the variance process. If a business is in place legally in a neighborhood, they should not be adversely impacted by city people moving in around them. The old solution of “grandfathering” the old in place business is not a good enough solution--- in that it generally precludes the business from expanding or changing to respond to the marketplace. Newcomers to an area should not be able to force changes on the old timers in the area.
- The same principles should apply to hobbies/businesses that were in place, such as raising horses and dogs for fun and business. We have a horse pulled sled business and dog teams that have been in the area for decades. The newcomers should not be able to drive them out.

*Thank you for considering these comments.  
Fred Dyson*