

CHUGIAK COMMUNITY COUNCIL

P.O. Box 671350
Chugiak, Alaska 99567

December 14, 2006

TO: Municipality of Anchorage
Department of Planning
P.O. Box 196650
Anchorage, AK 99519-6650
(4700 South Bragaw Street)
Phone: 343-7900
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SUBJECT: Chugiak Comments on Title 21 Rewrite Public Hearing Draft
Chapters 1, 2, 8, and 13; P&Z Case No. 2006-147

Dear Sir/Madam:

At the monthly meeting of the Chugiak Community Council (the "Council") held on November 16, 2006, the Council discussed P&Z Case No. 2006-147. This case is an ordinance amending Anchorage Municipal Code Title 21 to add a new Chapters 21.01 (General Provisions); 21.02 (Boards, Commissions, and Municipal Administration); 21.08 (Subdivision Standards); and 21.13 (Enforcement). The case will go before the Municipal Assembly but no public hearing or meeting date has been set yet.

The Council unanimously passed a motion to request that the Municipality make changes or add clarifications to the draft chapters as described below.

You may contact me at 688-5356 if you have any questions.

Sincerely,

Linda Kovac
Secretary-Treasurer
Chugiak Community Council

CHAPTER 21.01: GENERAL PROVISIONS

21.01.030 Purpose of this Title

Pg. 2, lines 16-17: Purpose of this Title

This language is not strong enough and would weaken the protection of residents' quality of life and protection of the environment in the long-term, and would increase the benefit of developers in the short-term. The Municipality's solid long-term economy would take care of itself if the Municipality would focus on creating a place where people want to come and **stay**.

Pg. 2, lines 30-31: Purpose of this Title

This language is not strong enough to protect the environment for the long-term but would increase the short-term benefit of developers.

21.01.090 Transitional Provisions

Pg. 8, lines 1-7: Uses, Structures, and Lots Rendered Nonconforming

Clarify if grandfathering will be allowed and in what cases. If grandfathering will be allowed for lots, structures, and uses that become nonconforming as the result of implementing these new Title 21 regulations, then the term "nonconforming" should not be used to describe such lots, structures, and uses. The term "nonconforming" has negative connotations which might cause problems for the property owner when the property is sold in the future and could lower the sales price.

Many landowners might become owners of nonconforming lots, structures, and uses as a consequence of implementing these new Title 21 regulations. Landowners of such nonconformities should not have to file paperwork and pay fees to legalize their individual situations. Instead, the Municipality should have the responsibility to file applications and seek verification of nonconforming status, at no cost to these landowners.

Clarify if the Municipality would pay the difference in property value to the property owner should the property owner's property be rezoned to a less valuable zoning designation.

CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

21.02.020 Boards and Commissions Generally

Pg. 2, lines 12-15: Qualifications for Appointive Office

There is a general lack of acknowledgement that Anchorage 2020 does not apply to Chugiak-Eagle River and that Anchorage 2020 does not overlap with the Chugiak-Eagle River Comprehensive Plan. There is also evidence to suggest that Municipal Staff, Planning & Zoning Commission, Platting Board, and the Assembly have utilized concepts from Anchorage 2020 as a guideline for making recommendations and decisions on issues affecting the Chugiak-Eagle River (C-ER) area. Hence, the Council is greatly apprehensive about the knowledge and ability of these entities to make decisions that affect the C-ER area. Our concern is heightened with the recently proposed ordinance that would expand the powers and duties of the Urban Design Commission.

Title 21 needs to include clear language that requires all entities that have the power to make recommendations or decisions on issues affecting the C-ER area to be educated about the differences between the Anchorage Bowl and C-ER. These entities include the Assembly, Planning & Zoning Commission, Platting Board, Zoning Board of Examiners and Appeals, Board of Adjustment, Urban Design Commission, Geotechnical Advisory Commission, and Municipal Staff.

It must be mandatory that these entities be familiar with:

- *Chugiak-Eagle River Comprehensive Plan;*
- *Chugiak-Eagle River Central Business District Revitalization Plan;*
- *Chugiak-Eagle River Long-Range Transportation Plan;*
- *Eagle River Greenbelt Plan;* and
- Other plans or zoning districts that might be developed specifically for C-ER.

This education should include an understanding of the obvious and subtle differences between C-ER and the Anchorage Bowl. Some obvious differences are that C-ER is less densely developed than the Bowl, C-ER has large tracts of undeveloped land available, and C-ER has different service areas than the Bowl which are operated in a fundamentally different ways. Subtle differences include C-ER's desire to maintain its small town atmosphere, rural lifestyle, and cultural identity.

Pg. 3, lines 9-15: Code of Ethics

Add the Assembly and the Geotechnical Advisory Commission to the list of entities that must abide by a code of ethics.

21.02.040 Planning and Zoning Commission

Pg. 8, line 10: Planning and Zoning Commission

The Council has concerns that the Planning and Zoning Commission's broad vision for land use development might be too broad to implement C-ER's unique vision. The Council suggests creating a "**Chugiak-Eagle River Planning and Zoning Commission**" to make decisions on the same types of issues that the Planning and Zoning Commission would have authority over except that:

- The Chugiak-Eagle River Planning and Zoning Commission would address issues located in C-ER;
- The Planning and Zoning Commission would address issues located outside of C-ER.

Pg. 9, lines 13-16: Recommended Qualifications

If a "**Chugiak-Eagle River Planning and Zoning Commission**" is not created, then add language that states that at least two members of the nine-member commission shall be C-ER residents, C-ER property owners, or C-ER business owners.

21.02.050 Platting Board

Pg. 10, lines 7-9: Recommended Qualifications

Add language that states that at least two members of the nine-member board shall be C-ER residents, C-ER property owners, or C-ER business owners.

21.02.060 Zoning Board of Examiners and Appeals

Pg. 10, lines 32-35: Qualifications

Add language that states that at least one member of the three-member board shall be a C-ER resident, C-ER property owner, or C-ER business owner.

21.02.070 Board of Adjustment

Pg. 11, lines 10-12: Qualifications

Add language that states that at least two members of the nine-member board shall be C-ER residents, C-ER property owners, or C-ER business owners.

21.02.080 Urban Design Commission

Pg. 11, line 13: Urban Design Commission

The Council has concerns that the Urban Design Commission's sense of aesthetics might be counter to C-ER's sense of aesthetics. The Council suggests creating a "**Chugiak-Eagle River Design Commission**" to make decisions on the same types of issues that the Urban Design Commission would have authority over except that:

- The Chugiak-Eagle River Design Commission would address **both urban and rural** issues located in C-ER;
- The Urban Design Commission would address issues located outside of C-ER.

Pg. 12, lines 13-16: Recommended Qualifications

If a "**Chugiak-Eagle River Design Commission**" is not created, then add language that states that at least two members of the nine-member commission shall be C-ER residents, C-ER property owners, or C-ER business owners.

21.02.090 Geotechnical Advisory Commission

Pg. 12, lines 32-37: Qualifications

Add language that states that at least two members of the nine-member commission shall be C-ER residents, C-ER property owners, or C-ER business owners.

CHAPTER 21.08: SUBDIVISION STANDARDS

21.08.010 Purpose

Pg. 3, lines 2-17: Purpose

This language is not strong enough and would weaken protection of residents' quality of life and protection of the environment in the long-term, and would increase the benefit of developers in the short-term. The Municipality's solid long-term economy would take care of itself if the Municipality would focus on creating a place where people want to come and **stay**.

21.08.020 Applicability

Pg. 3, lines 29-33: Before Certificate of Zoning Compliance

Clarify what documents, etc. are required for areas outside of the Anchorage Building Safety Service Area (ABSSA) to obtain a Certificate of Zoning Compliance. The Council assumes that required documents could include:

- As-Built Drawing;
- Summary of Building Inspections for Site-Build Construction (#PUR-102);
- Certification that the Alaskan building energy efficiency standards listed in the International Energy Conservation Code of 2006, with Alaska-specific amendments dated October 1, 2006, have been met (15 AAC 155.010 and 15 AAC 155.030);
- ADEC Certification;
- MOA Certificate of On-Site Systems Approval; or
- Other like documentation

21.08.030 Design Standards

Pg. 4, line 22: Drainage Design

This entire new section on drainage design is desperately needed in C-ER but should have additional language that provides for increased protection of the environment.

Pg. 5, lines 18-21: Street Grades

A grade on a residential street in a subdivision should not exceed 15%. In some cases in C-ER, the grade must be steeper than 15%. It is recommended that the grade not exceed 20% with 20% permitted with special approval only.

Pg. 5, lines 40-41: Street Intersections

The text states, "Corner roundings at intersections shall conform to the standards of the municipal engineer." However, "standards of the municipal engineer" are not standards.

The text should be changed to: "Corner roundings at intersections shall conform to the standards listed in the Design Criteria Manual (DCM), current edition, or as approved by the municipal engineer."

Pg. 6, lines 15-16: Alleys

Alleys should be prohibited in C-ER although it may be appropriate for portions of the Anchorage Bowl. Alleys must be plowed, they encourage crime, and land is lost to their development.

Pg. 6, line 27: Street Names and Addresses

The word "promulgate" should be changed to "develop".

Pg. 9, lines 22-23: Lot Dimensions

AMC Chapter 15.65 Wastewater Disposal applies to on-site wastewater disposal systems for **single-family residences** only. There are no municipal or state regulations governing on-site wastewater systems for two-family residences (duplexes). On-site wastewater systems for all other types of dwellings are supposedly regulated by ADEC.

Pg. 10, lines 8-10: Lot Frontage and Access

The language states that access to a residential use on a residential lot shall not be from a collector or greater street as designated on the Official Streets and Highways Plan (OSHP). However, the OSHP for C-ER is entirely out-of-date and does not list all of the collectors. In addition, collectors for Eklutna, Inc.'s C-ER property, are not listed on the OSHP, e.g., existing and planned collectors for the Powder Reserve.

The language should be changed to state that access to a residential use on a residential lot shall not be from a collector or greater street as designated on the Official Streets and Highways Plan (OSHP) or as otherwise designated by the Municipality.

21.08.040 Dedication

Pg. 11, lines 22-25: Alleys

Although alleys may be appropriate for the Anchorage Bowl, they are not appropriate for C-ER. Alleys must be plowed, they encourage crime, and land is lost to their development.

Pg. 11, lines 26-30: Walkways

For C-ER, add language that would require property owners to clean their own walkways of snow.

Pg. 12, lines 33-38: Riparian Protection and Maintenance Easements

Clarify who is responsible for the maintenance and for how long the responsible person must perform the maintenance.

Pg. 13, lines 32-33: Utility Easements

This language states that the platting authority may approve different widths for utility easements when justified by site conditions or utility needs. This language gives the utility company an unfair advantage over the wishes of the property owner. This language should be changed to add that the property owner's input would be part of the decision made by the platting authority.

Pg. 14, lines 3-5: Utility Easements

This language states that the platting authority shall require the dedication of utility easements when the utility company demonstrates a need for it. Again, this language should be changed to add that the property owner's input would be part of the decision made by the platting authority.

21.08.050 Improvements

Pg.15, lines 5-6: *Table 21.08-2: Required Improvements by Improvement Area*

Add additional rows to *Table 21.08-2* for C-ER Class A Improvement Areas and for C-ER Class B Improvement Areas, for the following improvements:

- Collectors (which shall be built and paid for entirely by the subdivider or developer)
- Snow storage areas within public rights-of-way (which shall be built and paid for entirely by the subdivider or developer)
- Snow storage areas for residential developments having privately-owned accesses and parking lots (which shall be built and paid for entirely by the subdivider or developer)
- Other improvements to **existing** infrastructure as necessitated by the existence of the new development (which shall be built and paid for entirely by the subdivider or developer). Such improvements include, but are not limited to:
 - ✓ Drainage upgrades;
 - ✓ Intersection improvements, e.g., traffic signals, turn lanes;
 - ✓ Installation of roadway screening.

Some C-ER communities want to opt out of street lighting requirements for residential zoning districts. Therefore, require developers to exclude street lighting unless the residents want it and it would significantly enhance public safety. Add another row to *Table 21.08-2*, for C-ER that states street lighting is optional for Class A residential districts.

Pg. 18, lines 15-16: *Table 21.08-7: Additional Spillover Parking Spaces Required for Each Lot Fronting on a Street without On-Street Parking*

The number of spaces per unit seems low.

Pg. 19, lines 8-9: *Table 21.08-8: Minimum Sidewalk and Walkway Improvements*

All rural collectors shall have paved walkways, not gravel walkways. Gravel trails should be limited to nature trails, equestrian trails, and multi-use trails that accommodate equestrian usage. Therefore, change the table accordingly:

- On *Table 21.08-8*, under remarks about gravel walkways, delete the words “For Class B improvement areas or nature trails”, and add the words “Nature trails”.
- Add another row to *Table 21.08-8* that states the type of material for walkway along rural (Class B) collectors shall be 1-1/2” AC (paved).

Add the definitions of “AC” and “PCC” to Chapter 14.

Pg. 19, lines 13-16: Street Lighting

Add language that references the *Municipality of Anchorage Standard Specifications (M.A.S.S.)*.

Pg. 21, lines 12-24: No Access to Public Water System

AMC Chapter 15.55 Water Wells applies to on-site water wells for **single-family residences** only. There is no municipal or state regulatory oversight of Class C Water Systems (water systems serving less than 25 individuals or less than 15 connections) or of on-site water wells for two-family dwellings (duplexes). On-site water wells for other types of dwellings are supposed to be regulated by ADEC. The Municipality should not allow structures to be built without regulatory oversight of these systems.

Pg. 21, lines 36-43: No Access to Public Sewer System

AMC Chapter 15.65 Wastewater Disposal applies to on-site wastewater disposal systems for **single-family residences** only. There is no municipal or state regulatory oversight of on-site wastewater systems for two-family residences. On-site wastewater systems for other types of dwellings are supposedly regulated by ADEC. The Municipality should not allow two-family residences to be built without regulatory oversight of these systems.

21.08.060 Subdivision Agreements

Pg. 24, line 15: Payment of Costs of Required Improvements

For C-ER, add the following improvements and associated payment of costs:

- Developers shall build and pay for collector development if the collector is identified in the Chugiak-Eagle River Long-Range Transportation Plan (CERLRTP), or is identified following an evaluation of a CERLRTP Study Area or a Traffic Impact Analysis by the Municipality, or is otherwise required by the Municipality. The only exception would be if the collector development has been programmed in the six-year capital improvement program and sufficient funds have been appropriated for reimbursement in the capital improvement budget for the current fiscal year (see C-ER Comp Plan Update).
- Developers shall build and pay for improvements to existing infrastructure as necessitated by the existence of the new development. Such improvements shall include, but shall not be limited to, the installation of drainage upgrades, intersection improvements, traffic signals, turn lanes, roadway screening, etc.
- Require all development with public rights-of-way to provide adequate snow storage area within the rights-of-way (see C-ER Comp Plan Update).
- Require new higher density residential development with privately owned accesses and parking lots to provide snow removal and/or adequate areas for snow storage on-site to address snow removal and storage on private property, e.g., site condos (see C-ER Comp Plan Update).

Pg. 24, line 33: Arterial and Collector Streets

This section states that a subdivider would be reimbursed by the Municipality for building arterial and collector streets; however, in C-ER the subdivider shall build and pay 100 percent of the cost of these streets:

“Within the Chugiak-Birchwood-Eagle River Rural Road Service Area (CBERRRSA), developers and subdividers shall build and pay 100 percent of the cost of all local streets within the boundaries of the development. The developer shall additionally pay 100 percent of the cost of all collectors that are identified in the Official Streets and Highways Plan (OSHHP); identified in the Chugiak-Eagle River Long-Range Transportation Plan (CERLRTP); identified following an evaluation of a CERLRTP Study Area or a Traffic Impact Analysis by the Municipality; or is otherwise required by the Municipality. The developer shall additionally pay 100 percent of the cost of all peripheral streets and access roads whose construction may be required by the Municipal Engineer. The only exception would be if the collector development has been programmed in the six-year capital improvement program and sufficient funds have been appropriated for reimbursement in the capital improvement budget for the current fiscal year (see C-ER Comp Plan Update).”

Pg. 26, lines 31-37: Storm Drains, Inlets, and Manholes

This section states that a subdivider would be reimbursed by the Municipality for installing oversized drainage facilities at the request of the Municipality; however, in C-ER, oversizing should be handled accordingly:

“Within the Chugiak-Birchwood-Eagle River Rural Road Service Area (CBERRRSA), developers and shall build and pay for oversizing drainage facilities (storm drains, inlets, and manholes) as requested by the Municipality. The only exception would be if the oversizing has been programmed in the six-year capital improvement program and sufficient funds have been appropriated for reimbursement in the capital improvement budget for the current fiscal year. The next upstream developer shall be required to reimburse the original developer’s cost for the oversizing if the next developer completes his/her development within five years.”

Pg. 26, lines 38-44: Water Improvements

A member of the public stated at the 02/01/06 Assembly Title 21 Committee Meeting that condo associations and site condos do not have ADEC-certified water systems within the Municipality. On 02/13/06, Erika McConnell/Planning sent an email to Chugiak stating that she was going to research this issue to verify if it is true or not. We have not yet received a response.

Pg. 27, lines 15-18: Street Lighting

Add language that would require developers to minimize street light pollution by designing lighting to avoid excessive brightness or glare, to properly aim the light, to avoid shining directly onto neighboring properties, and to properly time the light if on a timer.

For C-ER, add language that would require street lighting maintenance plans before street lighting is installed in new subdivisions. As part of the platting process, require the developer to:

- Petition to annex the subdivision into the Eagle River Street Light Service Area (ERSLSA) prior to the time that residents exist in the subdivision; or
- Create subdivision covenants that include the establishment of a home owners' association and which state that it is the duty of the home owners' association to maintain the subdivision's street lights.

21.08.070 Conservation Subdivisions

Pg.30, line 38: Conservation Subdivisions

Add a requirement that developers shall conform to the residential densities and locations depicted on the Chugiak-Eagle River Comprehensive Plan - Land Use Map.

Add a requirement that all other subdivision standards must be implemented just as if the conservation subdivision was a regular subdivision, for example, street widths would be 70 feet, etc.

The only mention of utilizing conservation subdivisions in the recently updated Chugiak-Eagle River Comprehensive Plan is to preserve steep slope areas.

Conservation subdivisions do not fit into Chugiak's Vision Statement, approved October 20, 2005:

"Chugiak is a rural area of large, forested lots which house single families. Residences are conveniently located near small businesses which are oriented to supporting the local neighborhoods. Chugiak wishes to preserve the stability of our community and promote its continuity. We will protect the character of our community, our historical identity, and our natural environment. Our intent is for Chugiak to remain a rural/suburban area with larger residential, single-family, treed lots. It is also our intent to promote local business and industry that is compatible with our primary residential occupancy."

Chugiak does not want conservation subdivisions for these additional reasons:

- Chugiak wants to preserve and enhance the identity of our established community. We live a rural lifestyle characterized by single-family, detached homes on large treed lots. By contrast, conservation subdivisions offer areas of concentrated development surrounded by trees.
- Chugiak is not assured that a property owners' association would actually perform the duties regarding the preservation of common open space thus putting the common open space in jeopardy. Were this to occur, this common open space might ultimately wind up being sold to another developer for back taxes.
- Chugiak believes conservation subdivisions would allow an overall grosser density community than would have occurred with construction using standard zoning district requirements.

Pg. 31, line 33: Lot Coverage Allowed

Clarify 10%. Does it mean 10% of the original lot coverage? Does it mean 10% of the overall lot area?

Pg. 32, lines 7-15: Dedication and Recording

Tax and personal liabilities must be clearly defined for the common open space that is a result of designing the smaller conservation subdivision lots. If foreclosed upon, the common open space must remain open space and ownership transferred to the Eagle River-Chugiak Parks and Recreation Service Area (ERCPRSA) as “public open space”. Add regulations that state this.

CHAPTER 21.13: ENFORCEMENT

Reviewed - No comments.

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