

**Comments from  
Chugiak Community Council**

**On**

**Title 21 Public Review Draft #2  
January 2006**

**Submitted to MOA Planning  
March 3, 2006**

## General Comments

- **Separate Chugiak-Eagle River Chapter in Title 21**

Title 21 is being rewritten primarily for the benefit of the Anchorage Bowl and to implement its Anchorage 2020 – Anchorage Bowl Comprehensive Plan (“Anchorage 2020”). According to Planning’s website, Anchorage 2020 is a primary reason for the existence of the Title 21 Rewrite Project:

*Since (1977), there have been numerous specific amendments to Title 21 provisions but these have been done on an as-needed basis, without an evaluation of the overall Title as to its organization, need for updating, or ease of use by the general public. Over time, some Title provisions have become dated, and cross-referencing of information has become more cumbersome and difficult for users, particularly for those not familiar with the Title.*

*These problems have become more pronounced with the adoption of the Anchorage 2020 – Anchorage Bowl Comprehensive Plan. This plan introduces planning principles and policies that the current Title 21 is not equipped to handle. As a result, Title 21 requirements can be contrary to the policies of the comprehensive plan. For example, policies promoting mixed-use development in certain areas of the Bowl such as Major Employment Centers, Redevelopment/Mixed Use Areas, or Town Center areas cannot be easily achieved with the current regulations for commercial zones in these areas.*

*Many of the strategies listed in Anchorage 2020 for plan implementation involve revisions to specific chapters or provisions of Title 21. Due to the increased disparity between the Title’s provisions and comprehensive plan policies, the Municipality has determined that an overall diagnostic review of the Title is necessary, followed by a rewrite of the overall Title, the scope of which will be determined through the diagnostic analysis. (Source: [www.muni.org/planning/prj\\_Title21\\_Descrip.cfm](http://www.muni.org/planning/prj_Title21_Descrip.cfm))*

There are 27 references to Anchorage 2020 in the original draft Title 21 modules. Such references are down to four in Public Review Draft #2 but this does not hide the fact that Title 21 is being rewritten for the benefit of the Anchorage Bowl.

The Title 21 Rewrite Project and its sweeping changes are not geared to Chugiak-Eagle River. Although the Title 21 Rewrite has been in-progress since 2002, the Municipality is only now trying to address our concerns with a fast-tracked update to our comprehensive plan and two proposed zoning districts geared to Chugiak-Eagle River:

- ✓ The Chugiak-Eagle River Comprehensive Plan is only now being updated from a 1993 version. The plan is being represented as the primary input into the Title 21 Rewrite; however, the plan was intentionally written to be general in nature and cannot address all the minute, sweeping changes proposed in the Title 21 Rewrite. Incidentally, there is no mention of promoting mixed-use development in the Chugiak-Eagle River Comprehensive Plan.

- ✓ In our opinion, the RL-1 (Low Density Residential with Mobile Homes) and RC (Rural Commercial) zoning districts proposed in Draft #2 were designed with little thought and restraint. Were these districts to be implemented as designed, those zoned areas would likely become a blight on the community. For additional comments on these two proposed zoning districts, see the separate document prepared jointly by the Birchwood Community Council and the Chugiak Community Council.

In addition, we are concerned that we still do not know which rural (Class B) commercial and industrial zoning districts are supposed to apply to us since there are none defined (except for the newly-proposed RC district).

It appears that there is a considerable lack of understanding of how Chugiak-Eagle River is different from the Anchorage Bowl. There is general confusion about how Anchorage 2020 applies to the Chugiak-Eagle River Comprehensive Plan. The answer is that they are two distinct design elements: Anchorage 2020 guides the development of the Anchorage Bowl only. The Chugiak-Eagle River Comprehensive Plan guides development in Chugiak-Eagle River only. The most important of Chugiak-Eagle River's differences is our desire to preserve our lifestyle, to determine how we want our individual communities to develop, and to operate our services areas in our own fashion.

It seems to us that many of the Draft #2 regulations would result in a reduction of property rights and would hinder the creativity of landowners. To ensure that Chugiak-Eagle River is not forever burdened with land use regulations geared to the Anchorage Bowl, and which just do not fit our style, we request that a reservation be added to the Title 21 Rewrite for a future chapter that shall be specifically geared to Chugiak-Eagle River (like Girdwood). An organized project with community input could build this chapter from the ground up to define land use regulations that make sense for us (just as Draft #2 regulations make sense for the Anchorage Bowl).

- **Required Improvements for Chugiak-Eagle River**

- ✓ For all Class A and Class B districts, add a requirement for developers to build and pay 100 percent of the cost of collectors.
- ✓ For all Class A and Class B districts, add a requirement for developers to build and pay 100 percent of the cost of on-site snow storage areas (for street plowing).
- ✓ For Class A residential districts, make it optional for neighborhoods to have street lighting.

- **Zoning Districts**

- ✓ Add “rural”, “suburban” and “urban” distinctions back into the zoning districts.
- ✓ Chugiak does not want dense development and we discourage mixed-use districts and conservation subdivisions in Chugiak.

- **Fix Loopholes in Water Supply and Wastewater Systems Regulations**

There is no regulatory oversight of Class C Water Systems. Nor is there any regulatory oversight of on-site wells and on-site wastewater systems for two-family dwellings (duplexes).

We are citizens who, now and in the future, are entirely dependant on a healthy adequate supply of local groundwater. Our chosen lifestyle of living in and around large lot, single-family, detached homes, also depends on keeping our groundwater safe. Therefore, we request that all such jurisdictional loopholes in regulatory oversight be eliminated. Furthermore, we request that the Municipality assign the highest priority to protecting our watershed areas and sub-surface water quality when developing zoning districts and associated land uses.

- **Title 21 Rewrite Benefits to the Public**

According to Planning’s website, the Title 21 Rewrite is going to provide the following public benefits:

- ✓ *Streamline the review process, fewer hearings*

Unfortunately, we believe that the opposite will occur as the rewrite does not appear to reduce the number of hearings; however, the number of regulations has greatly increased.

- ✓ *Increase user-friendliness*

Current Anchorage Municipal Code is much easier to read and understand than this rewrite. If a person wants to research a current zoning district, all the information on that zoning district is accessible in one place. With this rewrite, zoning district information is scattered all over the document and a person really has to search around to find the data that deals with a particular zoning district.

- ✓ *Protect neighborhoods and property values*

With all of the nonconformities that are going to be created with the future areawide rezone, the effect might be that property values will decrease since banks do not like to deal with illegal or legal nonconformities.

## CHAPTER 21.01: GENERAL PROVISIONS

Reviewed - No comments.

## CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

### 21.02.020 Boards and Commissions Generally

p. 16, line 6

As stated above, 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 past evidence to suggest that Planning, P&ZC, Platting Board, and the Assembly have utilized concepts from Anchorage 2020 as a guideline for making decisions on issues and cases in the Chugiak-Eagle River area. Hence, we are greatly apprehensive about the knowledge and ability of these decision-makers to make decisions that affect our area.

Title 21 needs to include regulations that, in clear language, require all decision-makers (Assembly, PZC, PB, ZBEA, BOA, UDC, and Municipal Staff) to be educated about the differences between the Anchorage Bowl and Chugiak-Eagle River. It must be mandatory that all decision-makers are familiar with the Chugiak-Eagle River Comprehensive Plan, the Chugiak-Eagle River Central Business District Neighborhood Plan, the Chugiak-Eagle River Long-Range Transportation Plan, plus any other plans or zoning districts that might be developed for Chugiak-Eagle River. This education must include an understanding of obvious, as well as subtle, differences between Chugiak-Eagle River and the Anchorage Bowl. For example, obvious differences include the fact that Chugiak-Eagle River is less densely developed, has large tracts of undeveloped land available, and has different services areas that are operated in a fundamentally different way. Subtle differences include a desire to maintain our small town atmosphere, rural lifestyle, and cultural identity.

p. 17 - *Table 21.02-1: Summary of Major Title 21 Decision-Making and Review Responsibilities*

To school site selection, add "R-H" under PB. (Had the Platting Board been involved with the Eagle River High School site selection, the controversy over the Yosemite Drive upgrade to urban collector standards might never have occurred.)

Where are site condos covered?

Where is telecommunication tower construction covered?

Where is development and design standards' alternative equivalent compliance covered?

Add a table of such items (in plain language) so a reader can determine quickly what type of procedure is required for the reader's particular interest. Otherwise, the reader has to wade through all the different procedures looking for something that might fit his/her needs.

The "Director" has too much power for any one person to have.

Add a separate row for Neighborhood Conservation Overlay Districts (NCOs) and identify the UDC as the decision-maker as per Draft #2, p. 163, line 43.

In some cases there are multiple decision-making bodies per procedure. Although there are footnotes at the end of the table that address these redundancies, the footnotes are not helpful in determining when one decision-maker is chosen over another. Please specify the instances.

p. 20, line 25 – Code of Ethics

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

#### **21.02.080 Urban Design Commission**

p. 28, line 18

We are concerned how Chugiak-Eagle River would be represented by the Urban Design Commission (UDC). What do UDC members currently know about Chugiak-Eagle River? What Chugiak-Eagle River-specific documents are utilized in UDC's decision-making?

## **CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES**

#### **21.03.020 Common Procedures**

p. 34, line 8

A new table is recommended that lists all of the applications and the procedures needed for each.

p.38, line 19 - Community Meetings

We strongly support the requirement that developers speak to the community about up-coming projects sufficiently prior to construction to allow design changes to address community concerns.

Add that community meetings shall be conducted prior to telecommunication tower construction.

p. 39, line 16 – Notice of Community Meeting

There is not enough time allowed here for such a meeting to get onto a council's agenda to sufficiently notify council members of the subject matter. Some councils meet once a month with possible cancellations over the summer and holidays. Some councils meet quarterly. For this to work, the applicant has to be at the mercy of the councils' schedules and not the other way around.

p. 40, line 11 – Notice

We have witnessed “fast-tracked” projects in Chugiak-Eagle River where the community did not have adequate time or an opportunity to give input on what turned out to be very sizeable projects. We expect that the Municipality shall adhere to the application/notification requirements listed in Draft #2 for all procedures and nothing shall be fast-tracked for the benefit of developers. The Municipality must require public notice when a project is being done piecemeal by an unscrupulous developer to avoid stricter regulations and longer timelines.

p. 40 - *Table 21.03-1: Summary of Notice Requirements*

Where are site condos covered?

Where are Overlay Districts covered?

Where are Neighborhood Conservation Overlay Districts (NCOs) covered?

Where is telecommunication tower construction covered?

Abbreviated plats should be published and community councils notified as these plats are a major concern to Chugiak-Eagle River.

The "(" symbol in the cells represent checkmarks, right?

Add another column for Notice Required by “Municipal Website”. Make checkmarks in the “Municipal Website” column to match those listed in the “Published” column plus add “Administrative Site Plan Review”.

p. 42, line 18 – Adjacent Property Owners

Add that Planning shall provide notice by mailing to such additional persons or geographic areas as the Director may designate.

p. 44, line 1 – Concurrent Processing

Concurrent processing is a fine idea unless the decision-making bodies are switched around for convenience of scheduling or managing workloads. We absolutely do not want: UDC making PZC-type decisions; PZC making PB-type decisions; etc. The expertise of each board is unique and should be applied only to matters of their field of expertise.

p. 45, line 12 – Findings of Fact

This is an excellent regulation and should definitely stay in the code.

### **21.03.050 Rezoning (Zoning Map Amendments)**

p. 56, line 5 – Rezoning with Special Limitations

Has there been an effort to examine the types of special limitations that currently exist on B-3 zoning in Chugiak? Is there a specific way forward on this issue? What is it? Eliminating or reducing the amount of special limitations should be examined as a possibility.

### **21.03.060 Subdivisions and Plats**

p. 59, line 12-13 - Abbreviated Plat

Chugiak-Eagle River is not huge like the Anchorage Bowl. What would be considered a small plat to the Bowl is huge to us. We believe the definition of abbreviated plat is too broad and should allow no more than three lots for Chugiak-Eagle River. Any plat involving more than three lots should require posting and a hearing.

### **21.03.070 Conditional Uses**

p. 70, line 20

Clarify which household living uses and procedures apply to site condos. Site condos should probably be classified as a major site plan review or conditional use in many districts so that the public may have a chance to comment.

### **21.03.080 Site Plan Review**

p. 73, line 1

Do site condos fall under this process? Can site condos be an administrative site plan review and/or a major site plan review? When would it be administrative and when would it be major?

### **21.03.090 Public Facility Site Selection**

p. 77, line 30 – Approval Criteria

Add this criteria: Whether the road and drainage systems must be upgraded.

### **21.03.100 Road and Trail Review**

p. 79, line 12 – Urban Design Commission Review and Approval

Will UDC members be familiar with the Chugiak-Eagle River Long-Range Transportation Plan? Will they know that plans identified the Anchorage Long-Range Transportation Plan that relate to the Glenn Highway may not necessarily reflect the opinion of Chugiak-Eagle River?



**21.03.120 Land Use Permits through 21.03.130 Certificate of Zoning Compliance**

p. 81, line 34 – p. 87, line 38

There is general confusion over the issuance and requirements of Land Use Permits, Building Permits, Certificates of Zoning Compliance, Conditional Certificates of Zoning Compliance, Certificates of Occupancy, and Conditional Certificates of Occupancy.

Chugiak does not want to be voted into the Anchorage Building Safety Service Area (ABSSA) but there are parts of Chugiak-Eagle River who may want to have the opportunity to vote.

Are there going to be increases in the fees for land use permits? Will there be additional fees for certificates of zoning compliance? How much?

p. 82, line 12

We recommend that the requirement for a land use permit be increased from a minimum of 120 sq. feet of planned construction to a minimum of 150 sq. feet. This would benefit the owners of many large lots in Chugiak-Eagle River.

p. 82, line 17

We support the recently adopted land-grubbing ordinance (AO 2005-179) that will protect the land and prevent clear-cutting (like a developer has recently done in downtown Eagle River). Update this code from the new ordinance.

p. 82, line 23 – p. 83, line 33

What criteria, exactly, is the building officer reviewing for land use permits inside ABSSA verses outside ABSSA?

p. 83, line 35 – Improvements Required (Site Condos?)

Holding single lots accountable to the same regulations as a subdivision would benefit the Chugiak-Birchwood-Eagle-River Rural Road Service Area (CBERRRSA) since rights-of-way and easements would be extended along lot lines to facilitate through-road construction.

It is not clear in Draft #2 where site condos are addressed. We presume that this section is intended to make site condos conform to subdivision standards. If this is not a correct assumption, where are site condo regulations? Are there additional site condo regulations besides the ones listed here?

Again, we recommend that site condos require a major site plan review or be a conditional use so that the public may testify at a hearing.

Chugiak has clearly stated that we do not want site condo development in Chugiak.

We recommend that Title 21 make mention of the Uniform Common Interest Ownership Act (UCIOA), the Alaska state law that allows flexibility for developers of condominiums, cooperatives and planned communities while offering protection to consumers, such as requiring extensive disclosure before sale. It covers such matters as insurance, tort, and contract liability. Potential buyers should be aware of this law.

p. 83, line 42

Define “permit applicant” to include municipal entities such as the Anchorage School District (ASD).

p. 84, line 25 through p. 85, line 11

The Draft #2 code says, “The municipal engineer may require the permit applicant to provide information or analyses to determine impacts as set out in the Anchorage 2020 plan's policies for transportation, transportation design and maintenance, and water resources on public facilities and adjacent areas, including without limitation the following: ...”

As the code is specific to determining impacts on Anchorage 2020's policies for transportation, etc., is this code exempting Chugiak-Eagle River developers from any of the standards? In this case, we hope it is the intention that all of these standards apply to Chugiak-Eagle River as well. Any mention of Anchorage 2020 should be deleted.

p. 85, lines 9-11 – Fire Hydrants

This provision to require fire hydrants in a subdivision design should be broadened for Chugiak-Eagle River to require fire hydrants for any development or upgrade project involving an AWWU water main.

p. 86, line 1 - Oversizing

Add code that states that the developer is required to build and pay 100% of the cost of oversizing in Chugiak-Eagle River.

### **21.03.130 Certificate of Zoning Compliance**

p. 87, line 32 - Standards

What are the specific documents or inspections required to obtain a Certificate of Zoning Compliance outside of ABSSA?

### **21.03.170 Verification of Nonconforming Status**

p. 91, lines 29-34

The Title 21 Rewrite has such sweeping changes that there are going to be tons of nonconformities. It is not fair to landowners who become owners of nonconforming lots, structures, or uses to make the landowners resolve these issues. It should be the Municipality that has to file applications and seek verification of nonconforming status, at no cost to the landowner.

### **21.03.200 Appeals**

p. 97, line 15

Where are the appeal procedures for the Assembly, PB, PZC, and UDC?

### **21.03.240 Neighborhood or District Plans**

p. 109, line 6

Our council has discussed neighborhood and district plans at length. Neighborhood and district plans would give specificity to items contained in a comprehensive plan. Such plans would be guidelines for development but would not have the force of law like Title 21 land use regulations. As we have witnessed some Assemblymembers say that comprehensive plans are “advisory” (and therefore can be rejected), we do not have confidence that such plans could be used effectively to achieve our community goals. Rather, Chugiak-Eagle River needs to develop its own set of specific land use regulations to manage its unique development with the force of law.

### **21.03.250 Master Planning**

p.114, line 22

The biggest problem with existing master planning is that developers can take way too long to implement their plans and the plans can be modified so often, that the result is no one knows what the plan is anymore. Take, for example, the Powder Reserve master plan. This plan has been modified around 15 times. It would take a detailed analysis but the residential density seems to have grown over the years. Unfortunately, decision-makers may not have known exactly what they were approving each time a modification was requested and granted.

There are instances where the public could be greatly benefited if area and/or development master planning were requirements for the landowner rather than options.

p. 118, line 4 and line 23

Add a limit to the number of times the applicant can request a modification to the area master plan. We recommend a limit of ten times for the existence of the area master plan. Furthermore, the applicant should be limited to no more than one modification per year. After the tenth modification, the area master plan shall no longer be modified. As the Draft #2 code is written, an applicant can request an unlimited number of modifications and with whatever frequently the applicant wishes.

p. 118, lines 9-11 and lines 27-29

Add a duration limit to the area master plan schedule. We recommend a limit of 14 years for the area master plan to be in existence. After 14 years, the area master plan shall expire. As the Draft #2 code is written, an applicant can put off building anything forever as long as the applicant keeps getting extensions.

p. 119, lines 4-7

Add: If the modification proposes any changes to the comprehensive plan's land use map (density or location) that were not previously approved by the Assembly, then a new application is required.

p. 122, lines 11-15

Add a limit to the number of times the applicant can request a modification to the development master plan. We recommend a limit of two times for the existence of the development master plan. Furthermore, the applicant should be limited to no more than one modification per year. After the second modification, the development master plan shall no longer be modified. As the Draft #2 code is written, an applicant can request an unlimited number of modifications and with whatever frequently the applicant wishes.

Add a duration limit to the development master plan schedule. We recommend a limit of a total of 7 years for the development master plan to be in existence. After 7 years, the development master plan shall expire. As the Draft #2 code is written, an applicant can put off building anything forever as long as the applicant keeps getting extensions.

Add: If the modification proposes any changes to the comprehensive plan's land use map (density or location) that were not previously approved by the Assembly, then a new application is required.

p. 122, lines 19-20

To what does this phrase refer? "without a request for a schedule modification as outlined in section 5"

p. 122, line 23 – Institutional Master Planning

Add language that makes it clear that this section applies to school selection sites and subsequent development of those sites.

p. 128, lines 12-15 – Approval Criteria

Add this criteria: Whether the existing road and drainage systems are sufficient to serve the subject property.

## **CHAPTER 21.04: ZONING DISTRICTS**

### **21.04.010 General Provisions**

p. 133 – *Table 21.04-1: Zoning Districts Established*

Add "rural", "suburban" and "urban" distinctions back into the zoning districts.

The district name for RS-2 is listed as "Low-Density Residential (one-half acre)"; however, this is misleading as the minimum lot area is 20,000 square feet, not one-half acre.

Chugiak has clearly stated that we do not want site condo development nor do we want mixed-use districts in Chugiak.

#### **21.04.020 Residential Districts**

- p. 136, line 3 – RM-1: Low Density Mixed Residential District  
Does RM-1 allow site condos?
- p. 136, line 18 – RM-2: Higher Density Mixed Residential District  
Does RM-2 allow site condos?
- p. 136, line 33 – RM-3: Multi-Family Residential District  
Does RM-3 allow site condos?  
Does RM-3 allow single-family dwellings?
- p. 136, line 40 – RM-4: Residential Mixed-Use District  
Does RM-4 allow site condos?  
Does RM-4 allow single-family dwellings?

#### **21.04.030 Commercial and Office Districts**

- p. 139, line 9 - Commercial and Office Districts  
Which commercial districts are applicable to rural areas (Class B)? All listed districts are urban (Class A).

#### **21.04.040 Mixed-Use Districts**

- p. 147, line 39  
There is no mention of any desire to utilize mixed-use zoning in the recently updated Chugiak-Eagle River Comprehensive Plan.

We highly discourage mixed-use districts in Chugiak and therefore do not believe this section nor RM-4 district zoning should apply to Chugiak.

- p. 149, lines 1-3  
The Draft #2 code states ‘The NMU district may be used for the “neighborhood commercial centers” identified in the Anchorage 2020 Anchorage Bowl Comprehensive Plan.’  
As the stated purpose of this section is to address the Anchorage Bowl’s specific policies for transformation, describe how Chugiak-Eagle River is served by this code. Is Chugiak-Eagle River exempted from any parts of this code?

- p. 149, lines 25-26  
The Draft #2 code states ‘The CMU district may be used for the “town centers” and the “redevelopment/mixed-use areas” identified in the Anchorage 2020 Anchorage Bowl Comprehensive Plan.’

As the stated purpose of this section is to address the Anchorage Bowl's specific policies for transformation, describe how Chugiak-Eagle River is served by this code. Is Chugiak-Eagle River exempted from any parts of this code?

#### **21.04.050 Industrial Districts**

p. 153 - Industrial Districts

Which industrial districts are applicable to rural areas (Class B)? All listed districts are urban (Class A).

#### **21.04.060 Chugiak-Eagle River Districts**

p. 154, line 18

See the separate document prepared jointly by the Birchwood Community Council and the Chugiak Community Council for comments on RL-1 and RC zoning districts.

#### **21.04.070 Other Districts**

p.157, lines 24-30 – DR: Development Reserve District

Draft #2 code states that large-lot, single-family, residential development would be allowed by right in DR. Should such development occur, are there any design standards or dimensional standards that would apply? How many dwellings could be built and at what spacing? Would permits be required for land use and on-site well and septic systems? Would the need to secure future municipal easements and rights-of-way be reviewed? Would there be any consideration given to natural resource protection?

Although the landowners have no foreseeable plans for the development of these large areas in Chugiak, the landowners change their minds frequently. In Chugiak, this creates much uncertainty and anxiety about possible negative impacts to the existing community. We would prefer that such areas in Chugiak be zoned residential depicting large-lot, single-family, detached dwellings.

#### **21.04.080 Overlay Zoning Districts**

p.162, line 1 – NCO: Neighborhood Conservation Overlay District

Is there an appeal process for any steps along the way? What is it?

Draft #2 Title 21 regulations fail to ensure that Chugiak's lifestyle and community character will continue to endure. We also doubt that NCO districts are a realistic way of fixing the proposed regulations in order to achieve this goal. We doubt the success of realizing NCO districts because they are extremely involved, must meet much stricter requirements than a normal rezone, and go through more decision-making bodies than a normal rezone:

- These additional NCO requirements cover eligibility criteria, determination of eligibility, preparation of a “Neighborhood Conservation Plan”, a vote of 51 % of the property owners within the proposed district, and finally meeting required Assembly findings.
- A normal rezone would have to go through the Director and PZC, and finally be approved by the Assembly. By contrast, an application for an NCO district would first have to be approved by the UDC. If the UDC does not recommend designation as an NCO then the NCO application stops (p. 163, lines 42-43); therefore, the UDC is the decision-maker. If the UDC does recommend designation as an NCO, then the application has to go through the Director and PZC, and finally be approved by the Assembly.

As previously discussed, Chugiak-Eagle River needs to develop its own set of specific land use regulations to manage its unique development with the force of law. The way we want to achieve this is by developing our own chapter in Title 21 as Girdwood has done.

p. 173, line 8 – Flood Hazard Overlay District Nonconforming Uses

Will homeowners who have structures within the FHO be nonconforming when the Title 21 Rewrite is adopted? Will there be a cost to such homeowners to legalize their property? If so, what is the cost and how often would it have to be paid?

## **CHAPTER 21.05: USE REGULATIONS**

### **21.05.010 Tables of Allowed Uses**

p. 181

In rural areas with on-site wells and/or on-site wastewater systems, add the following requirements:

- Must obtain MOA- or State-approval of on-site wells and on-site wastewater disposal systems, including Class C Water Systems and two-family dwellings (duplexes). If no such regulatory oversight exists for a particular case, then the use should not be permitted.
- Perform on-going water quality monitoring on a case by case basis as required.
- Perform an annual inspection of septic capacity on a case by case basis as required.

to, but not limited to, the following uses:

<b>Use</b>	<b>Type</b>
Dwelling, Two-Family	allowed
Residential Care Facility	allowed
Roominghouse	allowed
Adult Care (Up to Eight Clients)	allowed
Adult Care (Nine or More Clients)	allowed
Child Care (Up to Eight Clients)	allowed
Child Care (Nine or More Children)	allowed
Community Center	allowed
Religious Assembly	allowed
Boarding School	allowed
Elementary School	allowed
High School or Middle School	allowed
Vocational or Trade School	allowed
Health Care Facility	allowed
Health Services	allowed
Club/Lodge/Meeting Hall	allowed
Amusement Establishment	allowed
Fitness and Recreational Sports Center	allowed
Movie Theater	allowed
Theater Company or Dinner Theater	allowed
Restaurant	allowed
Funeral Services	allowed
Heavy Equipment Sales and Rental	allowed
Vehicle Service and Repair, Major	allowed
Extended-Stay Lodgings	allowed
Hostel	allowed
Hotel	allowed
Motel	allowed
Manufacturing, Light	allowed
Accessory Dwelling Unit (ADU)	accessory
Bed and Breakfast	accessory
Dormitory	accessory

In Chugiak-Eagle River, a drainage plan should be required for all uses.



p. 183 - *Table 21.05-1: Table of Allowed Uses – Residential Districts*

The “Use Category” headings are not repeated on each page making this table difficult to read.

Add the page numbers where each use is described.

In RL-1, RL-2, RL-3, RL-4, and RS-2 (see comment p. 432) residential districts, the following uses should be PERMITTED:

- Community or police substation
- Fire station

In RL-1, RL-2, RL-3, and RL-4 residential districts, the following use should be PERMITTED:

- Cottage Crafts  
Add requirements for an affirmative vote of the majority of the neighbors and a one-time permit tied to the cottage craft to be granted by the Municipality.

In all residential districts, the following uses should be CONDITIONAL (with a public hearing in front of PZC):

- Residential care (8 or fewer residents)
- Residential care (9 or more residents)

In RM-3 and RM-4 residential districts, the following use should be CONDITIONAL (with a public hearing in front of PZC):

- Transitional living facility

p. 186 - *Table 21.05-2 Table of Allowed Uses – Commercial, Industrial, Mixed –Use, and Other Districts*

The “Use Category” headings are not repeated on each page making this table difficult to read.

Add the page numbers where each use is described.

In the AC commercial district, the following use should NOT BE PERMITTED:

- Correctional community residential center

In NC and AC commercial districts, the following uses should be CONDITIONAL (with a public hearing in front of PZC):

- Residential care (8 or fewer residents)
- Residential care (9 or more residents)
- Roominghouse

In the OC commercial district, the following use should be CONDITIONAL (with a public hearing in front of PZC):

- Dwelling, multifamily

In the AC commercial district, the following uses should be CONDITIONAL (with a public hearing in front of PZC):

- Transitional living facility
- Health care facility or nursing facility (1-16 patients)
- Meat and seafood processing, storage, and sales

In the NC commercial district, the following use should have a MAJOR SITE PLAN REVIEW (with a public hearing in front of UDC):

- Fire station

In all commercial districts, the following uses should be CONDITIONAL (with a public hearing in front of PZC):

- Type 2 tower
- Type 3 tower

In the OC commercial district, the following use should be PERMITTED:

- Financial institution

In the NC commercial district, the following use should be designated PERMITTED/MAJOR SITE PLAN REVIEW:

- Bar

In the AC commercial district, the following use should be PERMITTED:

- General personal services

#### **21.05.040 Public/Institutional Uses: Definitions and Use-Specific Standards**

p. 210, line 33 – Use-Specific Standards (also apply to “Religious Assembly”)

In the case of religious assembly use in all districts, add a dimensional standard setting a maximum combined footprint of all structures located on a single lot. The amount of square footage of the combined footprints should complement the size of the lot.

p. 214, line 1 – Elementary School

Add a requirement for a Traffic Impact Analysis.

p. 215, line 17 – High School or Middle School

Add a requirement for a Traffic Impact Analysis.

p. 215, line 26 – Vocational or Trade School

Add a requirement for a Traffic Impact Analysis.

p.219, line 4 – Telecommunication Facilities

Add requirements to preserve the scenic beauty along the “Glenn Highway National Scenic Byway” (passes through the entire length of Chugiak-Eagle River). This code needs ADOT buy-in for towers located on state rights-of-way. Municipal and state regulations should try to reduce the amount of telecommunication cell tower construction being done along the Glenn Highway while giving the public more (any?) of a say.

Does Klondike’s business communications’ apply to this section (gravel company on the Old Glenn Hwy)?

p. 226, line 7-9 – Tower Submittal Information

Does this required information include evidence that the applicant appeared before the community council representing the site? Where do we find out what specific information must be submitted?

**21.05.070 Accessory Uses and Structures**

p. 272 - *Table 21.05-4: Table of Accessory Uses – Residential Districts*

There is a typo in the second column heading. It should be “RS-1” instead of “RS”.

p. 276, lines 15-18

The Draft #2 code states “Fulfill housing policy #15 of Anchorage 2020: Anchorage Bowl Comprehensive Plan, which provides that accessory housing units shall be allowed in certain residential zones;”

As the stated purpose of this section is to address the Anchorage Bowl’s specific policies for transformation, describe how Chugiak-Eagle River is served by this code. Is Chugiak-Eagle River exempted from any parts of this code?

p. 285, line 12 – Garage or Carport, Private Residential

The Draft #2 code states that garage size “shall cumulatively be no larger than 50 percent of the total gross area of the principal dwelling.” We believe that defining garage size based on the size of the principal dwelling is an arbitrary calculation for large-lot rural areas. This methodology does not fit our lifestyle where there is often a need to safely store vehicles, boats, motor homes, recreational vehicles, etc. inside a garage. For many rural home owners, the requirement to have enough indoor garage space to accomplish this function could not be met if garage size were to be determined by this proposed calculation.

Garage and carport size for rural, large-lot, residential zoning in Chugiak-Eagle-River, including RL-1, RL-2, RL-4, and rural portions of RS-2 (existing R-7) should be limited by the dimensional standard of 30% maximum lot coverage as per current regulations. In addition, garage and carport size for RL-3 (existing R-8 and R-9) should be limited by the dimensional standard of 5% maximum lot coverage as per current regulations.

We further recommend that should individuals/groups desire stricter regulations on garage size, then these individuals/groups should develop, adopt, and enforce homeowner covenants that state such.

*Note: For additional comments on garages in the RL-1 and RC zoning districts, see the separate document prepared by the Birchwood and Chugiak Community Councils.*

p. 285, lines 28-39 – Home- and Garden-Related Use

Add workshops to the list of allowed subordinate accessory uses to residential dwelling use.

p. 285, line 40 – Home Occupation

For rural large-lot zoning in Chugiak-Eagle-River including: RL-1, RL-2, RL-3, and RL-4, we recommend that there be an option for relaxed standards for home occupations. Therefore we generally approve of the relaxed home occupation regulations listed on p. 155, line 21 through p. 156, line 3 but wish to add these restrictions:

- Only one home occupation shall be permitted on any lot.
- There shall be no change in the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation other than one sign not exceeding one square foot in area, non-illuminated, and mounted flat against the principal building.
- The hours of operation during which an employee or co-worker, clients, or customers are allowed to come to the home in connection with the business activity are limited to between 8:00 a.m. and 8:00 p.m. Monday through Saturday. Care and feeding of animals is exempted from this provision.
- A maximum of two operable business vehicles may be parked outdoors on a single lot at any given time. This limit includes business vehicles associated or not associated with home occupations.
- Parking of such vehicles is prohibited in any setback area.

However, this expanded use would require an affirmative vote of the majority of the neighbors and a one-time permit to be granted by the Municipality.

*Note: For additional comments on home occupations in the RL-1 and RC zoning districts, see the separate document prepared by the Birchwood and Chugiak Community Councils.*

## **CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS**

### **21.06.010 Dimensional Standards Tables**

p. 297, *Table 21:06-1: Table of Dimensional Standards – Residential Districts*

The headings are not repeated on each page making this table very difficult to read.

### **21.06.020 Measurements and Exceptions**

p. 305, line 1

For Chugiak, add a residential density limit to 20 dwelling units per acre. For Chugiak-Eagle River, there are on-going discussions about limiting residential density to 20 dwelling units per acre that would apply to the entire area.

p. 308, *Table 21.06-5: Setbacks from Projected Rights-of-Way Centerline*

The *Chugiak-Eagle River Long-Range Transportation Plan* is not in alignment with the classifications for collectors and arterials listed in this table. The plan must be updated to correct this flaw.

p. 311, line 23 – Height Exceptions

For Chugiak-Eagle River, add a limit that restricts all residential structure heights to no greater than thirty five feet and commercial structure heights to no more than forty five feet (except that structures shall not interfere with Federal Aviation Administration regulations on airport approaches).

## **CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS**

### **21.07.010 General Provisions**

p.321, line 35 - Alternative Equivalent Compliance

Is an alternative equivalent design approved forever? Can the Municipality make the alternative design nonconforming in some future rezoning effort (e.g., requiring all signs to comply with new regulations after the initial signs were permitted and built in compliance with existing regulations).

p. 322, line 21 – Decision-Making Responsibility

There should be a hearing associated with this decision-making so the public can have a voice.

p. 323, line 1-4 – Effect of Approval

This is an excellent regulation and should definitely stay in the code.

## 21.07.020 Natural Resource Protection

p. 323, line 5

Add the section on “Avalanche Areas” back in from Module 3, Chapter 7, p.13, line 1-26.

Add the section on “Wildfire Hazard Areas” back in from Module 3, Chapter 7, p. 16. Add regulations that would support forest health by requiring property owners and utility companies to remove brush and dead trees in wildfire hazard areas. In environmentally sensitive areas, require that this vegetation be removed with the least amount of disturbance.

Add requirements to preserve the scenic beauty along the “Glenn Highway National Scenic Byway” (passes through the entire length of Chugiak-Eagle River). Requirements should exceed merely having a thin buffer of trees between the highway and adjacent development. Regulations should also aim to reduce the amount of telecommunication cell tower construction being done along the Glenn Highway.

It is a stated intention in the *Chugiak-Eagle River Comprehensive Plan* to develop and implement an areawide drainage plan in order to preserve natural drainageways and ensure that area drainage needs are integrated into development plans. There should be a future section in Title 21 specifying such regulations.

p. 323, line 14 – Stream, Water Body, and Wetland Protections

Draft #2 does not seem to take into account that, with more parking lot and subdivision development, there is more surface water runoff (exposed springs and increased water usage) producing more stream sediment. The resulting deltas could restrict salmon migration which could require costly repairs to re-channelize the deltas. We recommend that municipal stream flowrates be restricted to no more than 10% of current flowrates and that subdivision developers produce maps showing proper and acceptable surface water drainage rates.

p. 324, line 22

Add RC zoning to the list. Increase the setback requirement to 70 feet to allow for more runoff and snow removal for all zones listed.

p.324, line 29

How can stream quality be maintained with only 25 feet of setback? This setback should be increased to 35 feet. These setbacks will eventually become less deep with runoff and snow melt.

p.326, line 15 – Prohibited Activities

Instead of limiting prohibited activities to just “no person”, the code should read “no person or organization or the Municipality of Anchorage”.

p. 327, line 1 - Recreation, Education, or Scientific Activities

Which activities are permitted and by which government agencies?

p. 327, line 6 - Preservation and Restoration of Vegetation

Who is supposed to do the planting of native plants and who is supposed to remove the undesirable plants? What are the consequences to individuals for not performing these duties?

p. 327, line 21 – Implementation of Anchorage Wetlands Management Plan

We witnessed a change from Class A wetlands to Class C wetlands to accommodate a developer's wishes in Chugiak. This particular area had been a sizeable pond/swampy area that had been home to nesting waterfowl such as swans and other migratory waterfowl.

Changes to such wetland classification seem to happen without the knowledge of the public. If there are no regulations in place to allow the public to give testimony on such wetland classification changes, then add code that states this.

p. 328, line 24 – Application of Plan to Approved Projects

For how long is a new Corps of Engineers permit valid? How often do the ground rules change?

p. 329, lines 12-17 - Steep Slope Development Applicability

There are steep-slope communities in Chugiak-Eagle River who have expressed a desire to protect areas with slopes that are less steep than the protection called for in the Chugiak-Eagle River Comprehensive Plan.

p.329, line 37 – Raising or Lowering of Natural Grade

This section prohibits construction if more than 4 feet of cut or fill is required at any point on the lot. This limit is likely to prevent construction on any lot that has a substantial grade. Further, there does not seem to be a similar limitation for lots with less than 20% slope; therefore, cut and fill on a 19% slope is unlimited but on a 20% slope it is limited to 4 feet.

p. 331, line 42 – Wildlife Conflict Prevention Areas

Draft #2 has watered-down the requirements so much from Module 3 that there is hardly any protection left for wildlife, merely a reduced chance of encountering wildlife. Add some or all of the wildlife habitat protection back in from Module 3, Chapter 7, p. 14 – 16.

p. 331, line 45

Include the entire Eklutna River (from Chugach State Park down to its mouth).

p. 332, line 3

Is enforcing these regulations on Ship Creek military land feasible?

### **21.07.030 Open Space**

p. 333, line 9 - Private Open Space Applicability

Chugiak, unanimously, believes that developers must provide private open space; however, Draft #2 has watered-down the requirements way too much from Module 3. We recommend the following minimum requirements:

- In RS-1, RT, RM-1, RM-2, RM-3, and RM-4 developments containing five or more units: 30 percent of total land area.
- Commercial districts: 15 percent of total land area.
- Mixed-Use districts: 15 percent of total land area.
- Industrial districts: 10 percent of total land area.

Tax and personal liabilities must be clearly defined for private open space. If foreclosed upon, the 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.

Open space must be of good quality. We do not want to see landowners divesting themselves of unsuitable land and passing it off as open space. Again, Draft #2 has watered-down these requirements too much. Add back in the regulations specifying the characteristics of land to be dedicated from Module 3 (Chapter 7, p. 23, line 1 – p. 24, line 34). These characteristics include locational criteria, unity, usability, location, access, topography, and ineligible areas.

p.334, lines 12-16 – Use of Private Open Space Areas

Yards, decks, balconies, etc. should NOT be considered private open space! Delete these lines for Chugiak-Eagle River.

p. 334, line 36 – Fee In Lieu Prohibited

If future drafts of the Title 21 Rewrite propose that there can be payments of fees in-lieu of private or open space dedication, then the funds collected must be utilized within the service area from which they were collected. Therefore, for Chugiak-Eagle River, the funds must go to into the capital budget of ERCPRSA.

### **Public Open Space**

Chugiak’s views were mixed on requiring developers to provide public open space. Some people think that it is too much of a hardship for developers. Some people feel that obtaining park land in this fashion is done for many young cities; and, since the percentage proposed to be dedicated as park land in Module 3 is a national standard, this percentage would be fair here as well. This may be the only way the Municipality can obtain lands for parks and other public facilities since paying for the land would be prohibitive. These people recommend that ten acres per 1,000 projected residents should be dedicated as public open space (Module 3, Chapter 7, p.22, line 37).



### **21.07.040 Drainage, Stormwater Runoff, Erosion Control**

p. 335, line 1

Add regulations that would require all new developments to provide on-site leaching ponds to prevent the new runoff from the new development from going into natural drainageways (see comment p. 323, line 14).

### **21.07.050 Utility Distribution Facilities**

p. 336, line 16-17

Seasonal variances should have a seasonal expiration date. The variance should expire within one year.

p.339, line 30-37

This code says that if a nonconforming utility line needs to be relocated, then the Municipality has to pay the relocation cost. In Chugiak-Eagle River, it should be the responsibility of the utility company to pay 100 percent of the relocation cost as the road and associated road right-of way were there first. The utility company should not be rewarded for mis-locating the utility lines in the first place.

### **21.07.060 Transportation and Connectivity**

p. 340, line 14 – Traffic Impact Analysis Required

Add a requirement that the developer must submit a completed TIA 21 days prior to the hearing date to allow review by Traffic and the public. Often, a developer does not produce a TIA until the day before the hearing so no one has time to review it. Also, since a TIA is produced and paid for by the applicant, a TIA might provide biased information. Traffic needs time to analyze each TIA for plausibility and accuracy.

It should be required that, if a “Study Area” has been identified in the *Chugiak-Eagle River Long-Range Transportation Plan*, then the Municipality must prepare a long-range transportation connectivity plan for developers. This way, developers would know where they must build collectors and arterials.

p. 341, line 23 – Street Connectivity

Chugiak supports connecting subdivisions and we support development of residential cul-de-sacs in conjunction with attached collectors to minimize cut-through traffic. Chugiak discourages the development of alleys (must be plowed, might require street lighting to discourage crime, and land is lost to their development).

Do not require two access points to subdivisions in which the topography prevents such road construction, e.g., Eagle River Valley, South Fork, Eklutna Valley.

p. 342, lines 11-18

In Chugiak-Eagle River, municipal and state pedestrian access easements are not maintained. Perhaps the responsibility for such maintenance will be legally determined in the future.

p. 343, line 44 - Sidewalks

In Chugiak, there is a lot of rural residential property zoned R-7 (20,000 sq ft lots) that have no sidewalks. Draft #2 maps R-7 to RS-2. If redevelopment occurs in these areas, Chugiak still does not want sidewalks along this residential property.

Add a requirement that a paved pathway shall be installed on one side of all arterials and rural collectors in rural areas.

### **21.07.080 Landscaping, Screening, and Fences**

p. 347, line 39-40

There are unscrupulous developers who would try to circumvent this regulation by developing properties piecemeal. Add additional regulation that would prevent this from occurring.

In Chugiak, it is not uncommon for homeowners to own several small adjacent lots with one dwelling situated on one of the lots. Taken together, the lots comprise a “home”. This section would force homeowners to comply with these landscaping, screening, and fence regulations on the unoccupied adjacent lots. Add an exclusion for this specific case, i.e., unoccupied lots of such “homes”.

p. 357, line 20

The minimum should be three trees per lot to increase chances that at least one tree will survive.

p. 357, line 27 – Tree Retention Priorities

It might be difficult for lots having multi-family dwellings with on-site well and septic systems to comply with the tree retention priorities listed here. The amount of land available is less than one would think and the “good” trees might be in a “bad” spot. There needs to be adequate space on the lot to provide for at least one additional leach field site and this site must be located at least 100 feet away from any well.

p. 358, line 12

Is there going to be a copy of the *Anchorage Master Tree and Shrub List* in Title 21? How do we find a copy? Rather than limiting the trees and shrubs that may be utilized, it may be more appropriate to specify plants that are invasive and prohibit them from use.

p. 361, line 15 - Surety

In general, this section requires that a type of extended warranty be created from funds provided by the developer. The funds would be equal to 125% of the value of the landscaping be held for 24 months by the Director to assure that the landscaping survives and is maintained. This appears to require that the developer maintain the landscaping even after the sale of the development.

This condition is not appropriate for a municipal ordinance. It is appropriate language for a contract between a contractor and a landowner. As part of the municipal code, it brings landscaping to a higher standard than is currently required for conforming to most state and federal regulations. For example, there are no requirements that a developer provide a bond to maintain handicap access to a building for two years.

This requirement should be eliminated.

p. 361, line 35 - Maintenance

How is the Municipality going to enforce this?

p.361, line 39

Change “property owner” to “property owner or the Municipality of Anchorage”.

p. 363, line 38 - Rooftop Mechanical Equipment

Rooftop screening would collect snow, would increase the live load on the building, and could cause interior water damage. This means increases in maintenance and repair costs and a shortened life span for the roof. It is recommended that rooftop equipment be screened significantly less than what is proposed.

p. 364, line 42 – Fences Applicability

Rewrite this section to make it less confusing. It is our understanding that this section, does apply to: new single-family, two-family and townhouse subdivisions with fewer than 2 lots and 2 dwellings; and everything else. Please add an “applicability table” so readers can quickly determine whether or not this section applies to them.

p. 365, lines 14-19 - Maximum Height

As previously discussed, in Chugiak, there is a lot of rural residential property zoned R-7 which Draft #2 is mapping to RS-2. This RS-2 property should be included in the category with the RL-1 to RL-4 zoning that limits fences to six feet high in front setbacks.

p. 365, lines 20-22

Add RC zoning to the list.

Another exemption should be that the eight foot maximum height does not include the extra height that would be added by fence outriggers, barbwire, or razor ribbon.

p. 365, line 37 - Prohibited Materials

This section prohibits rock walls if the rock was collected from a waste pile (unless the rocks were purchased). This waste rock can look great. Are rock walls simply prohibited?

**21.07.090 Off-Street Parking and Loading**

p.386, line 13 - Parking Lot Design Standards – Commercial Developments

Add RC zoning to the list.

p.386, line 18 - Parking Lot Design Standards – Multi-Family Developments

Update the old zoning names to the new zoning names.

p. 390, lines 1-12 – Parking Lot Snow Storage in Multi-Family Developments of Five or More Units

It is an excellent idea to require that 20% of the area devoted to the parking lot be set aside for snow storage.

**21.07.100 Residential Design Standards**

p. 396, lines 13-17 – Single- and Two-Family Residential Dwelling Roof Design

There are many houses in Chugiak that have an “architecturally” flat roof, for example, in Thunderbird Heights. Will these houses become nonconforming and will homeowners then have to pay a fee so their homes can exist legally?

p. 396, line 18-26 – Single- and Two-Family Residential Dwelling Paved Driveways

There are a great many homes in Chugiak that have gravel driveways. Will all of these driveways become nonconforming and will homeowners then have to pay a fee so their homes can exist legally?

p. 400, line 22 - Townhouse Residential Orientation

This code states that no front wall of any multi-family structure shall be located within 40 feet of any other multi-family structure’s front wall. However, more than 40 feet is required if there is a road in between the two buildings.

**21.07.110 Public/ Institutional and Commercial Design Standards**

p. 403, line 37

We like the way these standards are presented. The menu choices are flexible for the developer and provide for many great design features.

**21.07.120 Large Commercial Establishments**

p. 412, line 36

We like the way these standards are presented. The menu choices are flexible for the developer and provide for many great design features.

p. 415, line 10 - Prohibited Materials

This section states that neon tubing shall not be an acceptable building/roofline outline feature. The tasteful use of lighting can enhance the architecture of buildings. For example, Denver and San Diego have colorful, neon roof-lined buildings. We agree that neon is not appropriate as an outline feature in Chugiak-Eagle River but the Anchorage Bowl is a different matter. Anchorage is supposed to be “The City of Light”.

**21.07.130 Exterior Lighting**

p. 417, line 16

Some Chugiak-Eagle River communities, where exterior lighting would otherwise be required, want to opt out of these requirements. Residential exterior lighting should only be required where the residents want it and where it would significantly enhance public safety.

Require developers to minimize exterior 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.

**21.07.140 Operational Standards**

P 417, lines 33-40 - Standard

The Draft #2 codes states, “No use may cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which it is located. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises.

The term “excessive” is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare, or convenience.”

This section is too subjective. What if “excessive” is interpreted less strictly than the federal or state standards? List the titles of the federal or state standards that apply here and their effective dates. Describe the appeal process.

## **CHAPTER 21.08: SUBDIVISION STANDARDS**

### **21.08.020 Applicability**

p.421, line 30 – Before Certificate of Zoning Compliance

What precisely is required for a certificate of zoning compliance for areas outside of ABSSA?

### **21.08.030 Design Standards**

p. 423, line 33 - Street Grades

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

p. 425 – *Table 21.08-1: Lot Area and Width Requirements for Slope Affected Subdivisions*

This table is difficult to read because the headings are not repeated on the second page.

p. 426, line 2 – Avalanche Zones

Define “red zone”. How are these determinations made? What are allowed uses within the red zone?

p. 426, lines 13-14

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. On-site wastewater systems for all other types of dwellings are supposed to be regulated by ADEC.

### **21.08.040 Dedication**

p. 428, line 20 – Street Dedication

Change the maximum dedication width that may be required for an arterial from 70 feet to 150 feet. (Reference *Design Criteria Manual – Street Standards*) (CBERRRSA recommendation)

p. 428, line 35 - Alleys

The use of alleys is not appropriate for Chugiak-Eagle River 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.

p.429, line 13 - Access to Chugach State Park

Broaden the scope of this section to include other parks and trailheads where there has been historical use.

p. 430, lines 7-12

Who is responsible for this maintenance?

p. 431, lines 6-7

Allowing each utility to size their own easements is unacceptable. Maximum utility easement size should be set by the Municipality and once a plat is finalized these easements cannot change.

### **21.08.050 Improvements**

p.431, line 11

For Chugiak-Eagle River, add the following improvements:

- Collectors which shall be built and paid for entirely by the developer,
- On-site snow storage areas which shall be built and paid for entirely by the developer,
- Other improvements necessitated by the existence of a developer's development which shall be paid for entirely by the developer. Such improvements include, but are not limited to, the installation of roadway screening, traffic signals, turn lanes, intersection improvements, drainage upgrades, etc.

Verify that the *Design Criteria Manual* matches Title 21 design standards and allows rural collectors in suburban areas, for example, Oberg Road in Peters Creek.

p. 432 - *Table 21.08-2: Improvement Areas Defined*

Add "rural" and "urban" distinctions back in.

In Chugiak, there is a lot of residential property currently zoned R-7 that has no public sewer utilities and is completely rural in nature. These residential properties were platted with smaller lots prior to current regulations requiring 40,000 sq ft lots for on-site septic systems. As Chugiak Community Council's representatives on the current Chugiak-Eagle River Comprehensive Plan Update Project, we know that there is no plan to install public sewer utilities in these areas in the foreseeable future.

Draft #2 is mapping existing R-7 zoning to proposed RS-2 zoning. RS-2 is further identified as an urban (Class A) improvement area.

Class A improvements are inappropriate for these rural R-7 properties, whereas, Class B improvements are appropriate. Therefore, create a new zoning district for these rural R-7 properties or allow RS-2 zoning to refer to either Class A or Class B improvement areas.

*Note: See separate Birchwood-Chugiak Community Councils' document for discussion on RC Class B improvements.*

p. 432 - *Table 21.08-3: Required Improvement by Improvement Area*

CBERRRSA suggests the following change to *Table 21.08-3* for Class B streets:  
*Paved Interior Streets – IMPROVEMENT REQUIRED*

Add another row to *Table 21.08-3*, specific to Chugiak-Eagle River, that states collector development is required in both Class A and Class B improvement areas with 100% of the costs to be borne by the developer.

Add another row to *Table 21.08-3*, specific to Chugiak-Eagle River, that states that on-site snow storage areas are required (for street plowing) in both Class A and Class B improvement areas with 100% of the costs to be borne by the developer.

Add another row to *Table 21.08-3*, specific to Chugiak-Eagle River, that states that street lighting is optional for Class A residential districts.

p. 434 – *Table 21.08-5: Strip-Paved Streets, Minimum Standards*

The minimum standard for right-of-way width for all of the streets listed in *Table 21.08-5* should be 60 feet. This will ensure that future road expansion will not be limited in Chugiak-Eagle River. (CBERRRSA recommendation)

p. 436 – *Table 21.08-9: Minimum Sidewalk and Walkway Improvements*

This table is difficult to figure out.

Add a requirement that all rural collectors shall have a paved walkway (not gravel). Gravel trails should be limited to nature trails, equestrian trails, and multi-use trails that accommodate equestrian usage. On *Table 21.08-9*, under remarks about gravel walkways, delete the words “For Class B improvement areas or nature trails”, leaving just “Nature trails”. (CBERRRSA recommendation)

p. 438, lines 29-42 – 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 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.

p. 439, lines 14-21 - 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 supposed to be 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

P 443, line 45 - Other Streets

Add another section specifically geared to Chugiak-Eagle River:

### **Streets within Chugiak-Birchwood-Eagle River Rural Road Service Area (CBERRRSA)**

Developers (including municipal entities such as ASD) 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 (OSHP); 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.

p. 444, line 24 - 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. In Chugiak-Eagle River the subdivider shall build and pay 100 percent of the cost of this oversizing.

p. 444, line 31 - 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.

p. 445, lines 7-10 – Street Lighting

Some Chugiak-Eagle River communities want to opt out of these requirements where street lighting would otherwise be required. Residential street lighting should only be required where the residents want it and where it would significantly enhance public safety.

Require developers to exclude street lighting in those zoning districts that do not require street lighting unless it would significantly enhance public safety.

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.

In Chugiak-Eagle River, the responsibility for street light maintenance is somewhat fuzzy. The Eagle River Street Light Service Area (ERSLSA) taxes certain subdivisions and maintains street lights in those subdivisions. CBERRRSA maintains a select few street lights in downtown Eagle River.

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 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**

p.449, line 1

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.

Chugiak does not want conservation subdivisions for these 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 denser community than would have occurred with construction using standard zoning requirements.

p. 449, line 25-27 – Reduction in Minimum Lot Area Allowed

It is our understanding, in reviewing Draft #2 code, that conservation subdivision lot sizes can become quite small in area but there is protection to keep setbacks at reasonable widths. Draft #2 has watered-down the minimum lot area requirements way too much from Module 3. We recommend that the minimum lot area be the larger of:

- 80% of the minimum lot area required in the applicable zoning district; or
- 5,000 square feet.

(Module 3, Chapter 8, p.29, lines 30-34)

p. 450, lines 4-13 – Minimum Open Space

Draft #2 has watered-down the minimum open space requirements way too much from Module 3. We recommend that the difference in area of lot sizes in a conservation subdivision from the minimum required lot sizes for the applicable zoning district shall be added to the private open space requirement for a regular subdivision. This sum would be the minimum amount of common open space required.

p. 450, line 14 – 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 ERCPRSA as “public open space”. Add regulations that state this.

## **CHAPTER 21.10: SIGNS**

Not reviewed.

## **CHAPTER 21.11: NONCONFORMITIES**

p. ii, line 1

If the Municipality rezones property to a less valuable zoning designation, will the Municipality pay the difference in value to the owner? Will grandfathering occur?

### **21.11.010 General Provisions**

p. ii, line 39 – Determination of Nonconformity Status

The Title 21 Rewrite has such sweeping changes that there are going to be thousands of nonconformities. Many landowners will suddenly, and through no fault of their own, become owners of nonconforming lots, structures, and uses. These landowners should not have to file paperwork and pay the associated fees to legalize their situation since the municipal rezone is the cause of the nonconformity. Rather, it should be the Municipality that has to file applications and seek verification of nonconforming status, at no cost to the landowner.

This is an example of the economic hardship such fees could cause many citizens:

*January 21, 2005*

*There are too many small businesses in our area to name, but many of us are concerned about Grandfather Rights. In the Star Newspaper article dated Aug. 12, 2004 they mention a \$3,500 noncompliance permit, which I feel is an excessive amount! I don't understand why we should have to pay any fee. I feel the Grandfather Rights needs to be clarified. If there is a fee, would it be a one time fee or annually?*

*I will be 67 on Feb. 5th. My husband died July 10, 1995. I live on his Social Security and the small income from my business. If I had to pay \$3,500, the State would make more money than me. This would definitely cause me a hardship. I have no other way to earn an income.*

*Norma Jean Newman, Chugiak*

## **CHAPTER 21.12: ENFORCEMENT**

Reviewed - No comments.

## **CHAPTER 21.13: RULES OF CONSTRUCTION AND DEFINITIONS**

### **21.13.030 Definitions**

p. 522, lines 5-8 - Lot Line, Front

Front lot line is defined "That boundary of a lot measured along the edge of the right-of-way of a dedicated street, private street or road easement that abuts that line. In the case of a corner lot, all lines that meet this description are front lot lines."

This is not true for many rural properties in Chugiak-Eagle River. In many cases, the front lot line goes to the middle of the street.

p.533, lines 16-17 - Steep Slope

Steep slope is defined "A slope that is 20 percent or greater."

Just for verification, a 20% slope is 11 degrees?

### **Add these definitions:**

Define "red zone".

Define "site condo" and "site condominium".

Define "strip-paving".

Define "zero lot line".

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