

21.01: General Provisions

21.01.080 Comprehensive Plan

at Table 21.01-1 (after line 20, page 5) Comprehensive Plan Elements

- Will the Anchorage 2020 Land Use Map be a separate element or a component of the Anchorage 2020 Comprehensive Plan?
- Is the Hillside District Plan an element? Why isn't it listed?
- Doesn't Eagle River have a 1995 approved Trails (recreational) Plan? Why isn't it listed?

21.01.90 Transitional Provisions

21.01.090.E Investment-Backed Expectations (page 9, line 23)

- Re-visit this and open for review and comment prior to final approval of the entire Title 21 re-write.

21.02: Boards, Commissions, and Municipal Administration

-Overall general comment: Draft #2 contained a "Summary Table of Major Decision Making and Review Responsibilities". Please re-insert the Table back into this chapter. Community council officers are often asked by the public to decipher where to go, or who to see, regarding the actions named.

The general public needs to be able to readily understand this and this Table was a perfect snapshot of jurisdictional actions. The consultant hired by the MOA encouraged graphics, illustrations, charts, tables, etc. to supplement text for clarity. The necessity of the Table can't be overstated. Without the Table you might as well delete 21.02.100 referencing the review and decision making responsibilities of municipal staff (the director or his delegate, department heads, etc)

21.02: Urban Design Commission

21.02.080 Powers and Duties

21.02.080.A.2.e (page 13 at line 13)

- We are very uncomfortable being asked to review and comment on segments referencing parts of the land use regulations whose final form is unknown, perhaps having been modified, deleted, or relocated. Please revisit prior to giving final approval of the entire re-write of Title 21.

21.08 Subdivision Standards

General comments:

- 1) Staff provided a line by line comparison of cluster housing (current code) as opposed to conservation subdivision (proposed code). I'm not

sure what question arose during any work session but if it was important enough for the Plat Board to ask for it, I think the PNZ should also have that same benefit. I have attached copies here for your use.

-2) The MOA's consultant, Clarion Associates had this footnote in Module Three. I am asking you to pursue this information with Staff because site condo development and review, is a VERY BIG ISSUE in the Eagle River area and causing us many problems and we would like the situation that causes this to be addressed and corrected in the re-write. Clarion said, "We need to decide to what extent site condos will be subject to the standards of this chapter (08) and 21.07. We have already moved many important provisions (e.g. common open space requirements) from the subdivision chapter to 21.07 to make them applicable to all development, not just subdivisions. But discussion is still necessary on whether site condos can or should be make subject to all or parts of this chapter (08)."

21.08.010 Purpose

21.08.010.A General (page 3 at line 8)

This section states, " These standards are enacted generally to promote the health, safety, **convenience**, and welfare of the present and future inhabitants of the municipality; to secure adequate utilities and public facilities, consideration of school and open space needs, and the protection of sensitive natural areas; to ensure the functional and efficient layout and appropriate use of land so as to achieve **property lots of reasonable utility**; and to facilitate the orderly growth and harmonious development of the municipality".

- We question the meaning and concept of the phrase "property lots of reasonable utility". Many property lots in Birchwood, indeed throughout the municipality, are measured in acreage rather than square footage. We also know that improved large lots are seen as "under-utilization of property" in the new re-write. So who will define what this means? Will it be Title 21, some policy of an administrative department, or the current property owner?

21.08.30 Design Standards

21.08.030.H.7.a Grading [on Slopes] (page 8 at line 21)

This section states, " For subdivisions where all the lots created are one acre or greater in area, grading shall be limited to the road right-of-way..."

-Change to read, "Where the majority of lots created in the platted subdivision are one acre or greater...". Some subdivisions are developed in phases. Some have only one or two rows of one acre or greater acting as a transition buffer. Make this apply to phased subdivisions of larger tracts and to those that buffer abutting but different development. What harm comes from protecting the natural environment and preventing construction drainage alteration? Please.

21.08.40 Dedication

21.08.040.C Walkways (page 11 at lines 29-30)

States, “The minimum width of a walkway dedication shall be 10 feet. If the walkway is paved, the paving shall be a minimum of six feet wide”.

-Perhaps the difference between a walkway, sidewalk, or trail is so subtle that I can’t understand it, but you have to get some consistency and co-ordination between this section, trails at page 12 on lines 7-8, and page 19 in the Table after line 8. In this section on walkways, Draft #2 walkway minimums were 20 feet minimum with a 4 foot minimum paved width. We recommend a minimum paved width of 5 ft be stated here.

21.08.040.D.1.a Trails (page 12 at lines 7-8)

States, “An acceptable pedestrian easement shall be at least 20 feet wide..”

-We wonder why one would want to make this the width of a roadway, thereby actively encouraging motorized abuse. This trail will be taking you into a natural and pristine environment, inviting abuse by its remote location as we know so well by current events. Don’t require an impervious surface, and change the easement width to 10 feet maximum.

21.08.060 Subdivision Agreements

21.08.060.D Payment of Costs of Required Improvements

21.08.060.D.4 a thru d

-This section is too lengthy to write out but the entire intent has been changed from the original regulation by changing the title in this section from “Arterial and Collector Streets within Anchorage Roads and Drainage Service Area” to “Arterial and Collector Streets” and eliminating further references to ARDSA within the body of the text throughout. The original regulations were separate within ARDSA since they bonded for their share of the municipal cost while the other service areas, Girdwood, Eagle River, and the numerous limited road service areas were governed under what is shown in this re-write as 21.08.080.D.5 since they do not bond and provide a more limited service with a corresponding lower mill rate levy. **This is a major, major change** and will have an adverse impact on these other service areas. Please do not allow this without balloted voter approval.

21.08.70 Conservation Subdivisions

-General Comments. First, I think the Plat Board had so many questions that Staff produced the comparison chart for them and that is why we think you should also view that. We are aware that the Plat Board will be the jurisdiction for subdivision development but you should have that overview for understanding and comprehension. We would like to point out how changes have

progressed from the original re-write to this final re-write. We think the MOA may have gone too far in trying to get maximum utilization of the land.

21.08.070.B Applicability (page 31 at lines 6-7)

States, “The conservation subdivision option may be used on any parcel with a minimum of at least two acres in any residential district in which single-family housing is permitted...”

In Draft #1, this was 10 acres and only applied in R-1 thru R-6, R-9, and R-10. In Draft #2 it was again reduced to 5 acres and applied in any residential district. Now they say any residential district and a 2 acre minimum. Too much.

21.08.070.D Reduction in Minimum Lot Area Allowed (page 31, lines 12-30)

-This makes reference to 21.06 and we don't know if further changes have taken place or not. Re-eview this section when chapter 6 is finally before us for public hearing so we can make informed comment.

21.08.070.E Lot Coverage Allowed (page 31 at lines 32-33)

-States, “Maximum lot coverage requirements for lots in a conservation subdivision, as set forth in 21.06, may be increased no more than 10%”. Since we don't know what the re re-write of 12.06 will be, please let us re-review this when all chapters are finally out for public approval. We also question the meaning, if this references 10% per each lot or 10% per conservation subdivision plat.

21.08.070.F Minimum Open Space (page 21 at line 36-37)

-“ (paraphrased)...under no circumstances shall the amount of common open space provided be less that 20% of the property shown on the plat”. Draft #1 was 35%. Again, we think they have taken maximum utilization too far.

21.13 Enforcement

21.13.030 Violations

21.13.030.C.6 (page 3 at lines 35-38)

Paraphrased, this still says, “The outdoor storage of snow, intentional or otherwise, is prohibited”. Give this its own separate line, like 6.b, and explain this applies in public R/W, parking lots, snow sites, etc. As written this implies I have to store my shoveled driveway snow indoors! Worse, this could outlaw the making of snowmen, or Rondy's snow sculpting.

If you don't reword this, our Chairman intends to send this to the Jay Leno Show where all the world will know how silly the municipality is!

21.13.40 Remedies and Penalties

21.13.40.A.7.d Abatement (page 6 at line 17)

-States, "When charges for abatement remain unpaid after 30 days from billing,..." Please change to read, "When charges for abatement remain unpaid after 30 days from receipt of billing..." Between the regional post office and the postman, things can be delayed. Give the violator a safeguard. The Courts do.

Respectfully submitted by
Bobbi Wells, Chair as approved by
Birchwood Community Council
Nov 13, 2006 to PNZ

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