Municipality of Anchorage
P.O. Box 196650
Anchorage, Alaska 99519-6650

Attention: Cathy Hammond, Supervisor

Re: Title 21 Re-write

Dear Ms. Hammond:

We have reviewed the January 2006 Public Review Draft #2 of Title 21 and are encouraged by the improvements over the previous version. As you are probably aware, the Community Councils of the Chugiak/Eagle River Area have voted in favor of a separate chapter in Title 21 for the Chugiak/Eagle River Area. We are of the opinion that a separate chapter would be a time consuming process that would cause further delays in the adoption of this Title. Further modifications to the present Draft could be accomplished that would make this Title more suitable to the Chugiak/Eagle River Area and possibly reduce the existing opposition to the present document. The following are our recommendations.

21.01.030
Paragraph B states one of the purposes of this Title is to promote *affordable* housing, yet many of the requirements of this Title make development and construction of housing more expensive than the present requirements.
Paragraph G requires protecting existing trees, vegetation, etc. The requirements for protecting the existing environment are overly burdensome and is the infamous "Tree Clearing Ordinance" all over again. That Ordinance was defeated for numerous very good reasons. This appears to be an effort to slide it in again, hoping no one will notice. Removal of some of these requirements would increase the acceptability of this Title. Also, the opening statement of this paragraph states the purpose of this title is to protect the public health, safety, and welfare. Paragraph G does nothing to protect the public health, safety, and welfare. Recommend paragraph G be revised to read "Encouraging the protection of existing trees and vegetation…"

21.01.060.B states that where there are conflicts between Title 21 and the Comprehensive Plan, Title 21 will govern. So this means that all the time and effort put into the Anchorage Comp Plan and the Eagle River Comp is essentially meaningless. Since this Title does not very well address the needs and lifestyles of the more rural areas of the MOA, it is understandable why many people feel that it is essential that a separate Chapter is required for the Eagle River Area.

Table 21.01-1, under the Chugiak/Eagle River Area refers to the 1-12-93 Eagle River Comp Plan. This should be revised to refer to the updated Comp Plan.

21.01.090.A requires that penalties under the previous Title must be paid even though the original violation is no longer a violation under the new Title. This is kind of like

requiring someone to continue serving the remainder of his prison term even after new evidence has proven him not guilty. Delete this requirement.

On Page 13, Paragraph .3.a, delete "[insert effective date]". Replace with "date of adoption of this title". This should take place throughout the document. This will eliminate the need to go back through the entire document at a later date and insert a certain date in numerous places.

On page 17, in Table 21.02-1, under "land use permits", delete "hearing". A public hearing should not be required for a 10' by 15' shed on a five acre lot.

On page 18, in Table 21.02-1, under "minor modifications", delete "hearing". There is no benefit to having a public hearing for a minor modification.

On page 19, paragraph B.1., the requirement to have three members is too rigid. Recommend replacing "shall" with "should". This will allow some flexibility in the future.

On page 24, paragraph c., should be deleted. The power of subpoenas is excessive power for Boards and Commissions.

On page 24, paragraph 13, recommend that you re-insert the filing of request by any party of interest from Draft #1.

On page 24, paragraph 15, change "The Director shall be the secretary…" to "The Director or his appointee shall be the secretary…". There is no reason the Director can not appoint a secretary.

On page 27, paragraph C., revise to read that the Urban Design Commission has the authority to review plats in the urban areas. The **Urban** Design Commission should not be involved in a review of 10 acre lots in a rural area.

On page 28, 21.02.070.C. change "shall" to "should". There are only three people on this board and you are mandating what two of them have to be. Allow some flexibility.

On page 28, 21.02.080.B.3, revise to read "Determine eligibility for a proposed **urban** neighborhood … and assist in the preparation of a **urban** neighborhood conservation plan…". The Urban Design Commission should not be involved in decisions in rural areas.

On page 35, paragraph b.i and b.ii, change "15%" to "25%" as it was in Draft #1. 25% is a reasonable percentage.

On page 42, paragraph 4.b, delete"or owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of

parcels",…" This is excessive in rural areas. In some cases, this could apply to people five miles away.

On page 45, delete paragraph N. This penalizes the applicant for lack of action on the part of the Municipality.

On page 55, paragraph 6., delete the word "natural". The "natural" environment is no more important than all the other factors of the environment. This sounds like another "tree clearing ordinance" attempt and does not coincide with 21.01.030 "purpose".

On page 56, paragraph G.1.d, delete the word "natural". Same reason as above.

On page 59, paragraph.ii.(A), Change 8 lots to 10 lots.

On page 59, paragraph ii.(C) (3), change "ten acres" to "twenty acres". What is objectionable about dividing a 40 acre parcel into two 20 acre parcels?

On page 65, paragraph b.i makes reference to the "user's guide" as do many other paragraphs in the Title. This Title should not be submitted to the Assembly for approval until the user's guide has been made available for public review and comment. There have been numerous comments and revisions to this Title and the user's guide should be subject to the same review.

On page 74, paragraph f., revise so the urban design commission review, hearing, and decision applies to urban areas only. They should not be involved in rural areas.

On page 78, paragraph 8. change "shall" to "should". There may be good reasons these offices should not be located in the Central Business District. Allow some flexibility.

On page 83, paragraph E.1seems to require an exception before you can build a 125 square foot shed. It seems that this could be simplified to avoid the time and trouble of getting an exception to build a storage shed on a five acre lot.

On page 86, paragraph 6 states that reimbursement will be made as soon as budgeted funds are available. There needs to be a time limit on the maximum time before reimbursement is made, otherwise funds may never be budgeted. I suggest six months as a maximum.

On page 86, delete paragraphs 7 and 8. This fee will be passed on to the users of the development but they receive no benefit from the added cost.

On page 87, paragraph A states that a certificate of zoning compliance is required at the completion of **any development.** A review of the definition of "development" reveals that it includes the construction of **any** structure, the disturbance of land (land disturbing activity is defined as **any** use of the land by **any** person for **any** activity that results in a change …) . This means that a certificate is required for a 90 square foot storage shed on

a 10 acre lot, a vegetable garden, change of use from a horse barn to a storage shed, cutting down a tree—forestry is no longer defined, but has previously been defined as cutting down a tree—demolition of a structure—which would include tearing down a rotting shed, removal of vegetation—which would include picking your potatoes in the fall, etc. This definition of Development is seriously flawed and certainly does not consider the lifestyle of the Chugiak/Eagle River Area. This definition alone is adequate reason to demand a separate Chapter for the Chugiak/Eagle River area. This again sounds like an effort to sneak in the "Tree Cutting Ordinance" hoping no one will bother to read the definitions. Recommend this definition be completely revised.

On page 90, paragraph D.4 states the approval of a vacation expires after 24 months. This requires action by the MOA. If they do not act, the vacation is not effective. The public has no way to force the MOA to act so lack of action by the MOA results in a disapproval. This should be revised to state that the vacation is approved if the MOA does not act.

On page 91, paragraph E.3 allows the MOA to devote a vacated area to whatever purpose it wants. This sounds like a taking without compensation. It also defeats one of the purposes of a vacation which is to make a small parcel of land useable by joining it with an adjacent larger parcel.

On page 92, paragraph B.2 states that "in no circumstance shall any decision making body approve…". I think the Assembly should have (and probably does have) the power to approve or disapprove, in spite of what is stated here.

On page 93, paragraph C.3, reference is again made to "development". Again, this covers such a complete range of normal day activities that it is completely inappropriate.

Also on page 93, paragraph D., recommend that the word "only" be deleted.
There could be many good reasons that arise that haven't been thought of yet.

Thank you for this opportunity to comment on this draft of the Title 21 re-write. Additional comments will be forthcoming but will not meet the deadline of March 3, 2006.

Ron Aksamit

Eva Loken