



Protecting the public's right to Park access.....

16 September 2005

Municipality of Anchorage Planning Department
P.O. Box 196650
Anchorage, Alaska 99519

Re: Title 21, Public Review Draft #1

Dear Planning Staff:

I am writing on behalf of Chugach Park Access Coalition (CPAC) with comments on the Title 21, Public Review Draft #1. CPAC is incorporated as a non-profit corporation whose primary purpose is the preservation of continued opportunities for public access to Chugach State Park.

CPAC represents the interests of thousands of Park users in the Anchorage area. We are concerned that the right to reasonable and convenient public access to Chugach State Park is being gradually eroded by piecemeal development and ineffective municipal ordinances. We have observed the gradual loss of public access at traditional access points on the Park's borders in Eagle River area and in south Anchorage, and the existing Title 21 ordinances do not adequately address this issue.

Although the Planning staff seems hesitant about the appropriateness of incorporating access provisions into Title 21, CPAC believes providing these requirements in the MOA's land use code is appropriate and just as much in the public interest as requirements for other public safety and health requirements contained in the code. As such, developers should be required to provide access as part of the subdividing process.

CPAC has been actively involved in the Title 21 rewrite process. The following is a chronology of our input to the Title 21 process:

- *January 2005.* CPAC submitted specific comment to the draft Module 3. Comments were not incorporated.
- *August 2005.* CPAC met with Tom Nelson and planning staff to discuss CPAC comments. Tom Nelson agreed to "take another look at 21.07.060 D 3 c (requiring proposed streets to extend to public parks, in addition to unsubdivided lands). Tom also agreed to reconsider the proposed addition of 21.07.060 D.3.c.2 (requiring streets and pathways in the vicinity of parks to be dedicated to the public, and prohibiting gated communities, etc.). Title 21 has and should continue to require rights-of-way to be dedicated to the public and provide access to private undeveloped land; the two



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proposed additions emphasize that the public also has a right to access its own park land. At this meeting, Mr. Nelson stated that the Planning Department was supportive of access to Chugach State Park. He suggested that CPAC provide input to the Parks Plan – recommending that the Chugach State Park Access Inventory be incorporated in the Parks Plan. He implied that by doing so, Planning staff could make consultation with the Inventory a requirement in the subdivision platting process.

- *August 2005.* CPAC provided testimony at a public hearing for the Parks Plan. The Planning and Zoning Commission clearly got the message on how important access to CSP is to the community. At that meeting, the Planning and Zoning Commission voted to recommend that the Anchorage Bowl park plan be adopted, subject to revisions enhancing Chugach State Park (CSP) access. The Commission's resolution recommended that the draft Anchorage Bowl Park Plan:
 - State that the CSP Access Inventory is to be used as the "best guide" in preserving access to CSP,
 - Acknowledge concerns regarding gated communities and private roads near CSP,
 - Initiate review of the CSP Access Inventory for possible adoption, and
 - Establish a joint municipal/state task force for resolving future CSP access and parking issues.

Although the Planning and Zoning Board's action is a step in the right direction, we still believe that Title 21 should specifically require developers to provide public access to Chugach State Park when land adjacent to the Park is being proposed for subdivision and development. It is simply not right, or in the greater public interest, to permit a subdivider to close off public access to the Park and create a "private" Chugach Park for those few residents who may be fortunate enough to own land abutting the Park. Also, Title 21's jurisdiction is the entire municipality, while the Parks Plan is only applicable to the Anchorage Bowl but not Eagle River or Girdwood.

To this end, we would like to see the following language adding the requirement to provide public pedestrian and vehicular easements or rights-of-way during the platting of new subdivisions (or language that accomplishes the same intent). We also request that staff address the parking issue in Title 21 and recommend the proposed language below (or language that accomplishes the same intent). We also urge the Title 21 project staff to incorporate the other changes we have recommended that were discussed with the Planning staff in our August meeting.



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21.08.040 DEDICATION

E. Trails

1. The Platting Authority shall require the dedication of a public pedestrian easement for a trail designated on adopted municipal plans, and for connectivity with a trail or access point identified in the most current Chugach State Park Access Inventory, master plan, or trail plan, when it finds that the trail cannot reasonably be located in an existing dedicated public easement or right-of-way. The Platting Authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness and utility, and reflect the general locations and patterns of existing public access routes. An acceptable pedestrian easement for shall be a 20-foot-wide dedicated public easement centered on an existing, recognized, new, or relocated trail.
2. The Platting Authority shall require the dedication of a vehicular right-of-way for public access to trails and park access points. An acceptable vehicular right-of-way shall be a public street that is platted, constructed, and dedicated in accordance with relevant provisions of this Code.
3. The Platting Authority shall require the dedication and construction of an appropriately-sized public parking area or on-street parking for park users that is located at or adjacent to a park access point or the commencement of the pedestrian easement or trail.

Thank you for this opportunity to again submit suggested revisions and additions to Title 21 regarding the platting process and preservation of public access to Chugach State Park.

Sincerely,

Cory Hinds
President

cc: The Honorable Mayor Mark Begich
Anchorage Assembly