

# Huffman/O'Malley Community Council

P.O. Box 113006, Anchorage, AK 99511

[www.HuffmanOmalleyCC.org](http://www.HuffmanOmalleyCC.org)

## January 2005 Newsletter

Next meeting January 20th 7-9 pm,

Christian Church of Anchorage, corner of Lake Otis and O'Malley Roads  
Coffee and tea provided, please feel free to bring sweets.

### AGENDA FOR JANUARY 20, 2005

January's agenda includes the December agenda because the meeting was cancelled; in addition, the subjects discussed in this newsletter; the Municipality's proposed changes to council operations (not good changes and we seem to be in a blackmail position); the Hillside District Plan commencement, and a Resolution regarding the Large Animal Ordinance. For a copy of December's agenda please go to our website.

### IMPORTANT COMMUNITY MEETING

On January 13th at 7:00 pm, O'Malley's On The Green, HOCC will be hosting a community meeting regarding the Large Animal Ordinance that is currently making its way back to the Planning & Zoning Commission. The Planning Department and community have two distinctly different approaches to this Ordinance.

Current code allows for an unlimited number of animals on your property, healthy limits set by Animal Control, with very few problems over the years. The Municipality has adopted a policy that if you board even ONE horse for someone else, you are considered a commercial operation in a residential zone and thereby prohibited. We all know this goes against what hillside and the other affected areas have always been and what we want it to remain, but we have been unable to make the Planning Department understand.

The differences in the proposed ordinance and the community's viewpoint are as follows:

First, the Turnagain Arm District should not be restricted to having barns ONLY by conditional use permit. This district should be treated no differently than any of the other zoning districts.

Second, the Planning Department wants to limit the size of your accessory structures (sheds, garages, barns, etc.) to twice the size of your home or 4,000 square feet, whichever is larger. The community sees this as ridiculous. You should not have to build a house that exceeds your requirements for the ability to have a barn or garage. The community wants to use current municipal code of 30% lot coverage, with no further restrictions on size of structures.

Third, The Planning Department wants to limit the number of horses on a property rather than the current method of leaving it to the animal experts. By the Municipality's calculation you would be allowed four animals for the first 40,000 square feet of property space, with an additional 20,000 square feet required for each additional animal. The maximum allowed on a property without a conditional use permit would be eight animals on 2.75 acres. Anything above these limits would require a conditional use permit and public hearing. From the community's standpoint on this issue, if the property and animals are being cared for and the neighbors are not being adversely affected, there should be no such limits. The only limits on number of animals being from Animal Control who is responsible for facilities permits for any barn with four or more horses.

Technically, the community has set their limit for requiring a conditional use permit at ten animals per acre. This allows Animal Control to decide animal density on a case-by-case basis and when those numbers get to a density that may affect the neighbors, a conditional use permit and public hearing would be required.

Fourth, the Planning Department and the community are irreconcilably separated on the subject of Conservation Plans for properties. Many of you participated in the March meeting at O'Malleys On The Green and will remember much community discussion about the value of Conservation Plans in protecting private property rights and your neighbors from affects. The community is not asking for anything that is not done in other states with similar ordinances. For instance, King County Washington, which is one of the biggest ordinances the Planning Department's draft is based on, limits horses to four per acre, unless you have a Conservation Plan. In that case, it is the Conservation Plan that determines how many animals your property can healthfully sustain.

Conservation Plans are the best way, at no cost to the Municipality or its taxpayers, to provide site-specific, comprehensive, plans that address such things as manure management, water quality, buffering, drainage, and soil erosion. The property owners have been advocating for this element to the ordinance not to replace existing code for Animal Control or Department of Health and Human Services, but to enhance property owners' stewardship and to give the Municipality tools to properly address the issue based on good science.

Private property rights are at the heart of the issue. Whether you have horses or not, this ordinance is important to everyone who lives in these areas and those concerned about retaining your private property rights.

Please join us at the meeting at O'Malley's On The Green to discuss and come to final community consensus on the Ordinance we would like to put forward and have passed in place of the Planning Department's version.

For more information, please contact Ryan Stencil at 830-3578 or e-mail her at [akstenc@aol.com](mailto:akstenc@aol.com).

### STOVER SUBDIVISION REZONE

The rezone adjacent to Huffman Road, east of Gregory Street has been approved by the Assembly for final approval. The platting hearing (which is where most of the concerns are dealt with) is scheduled for February 2nd.

The surrounding neighbors and the Council's concerns regarding this rezone have been adequately addressed by the developer's preliminary plat. There is a 65' buffer around the creek. We will continue to watch to make sure that approval of the plat is satisfactory.

### **GREGORY SUBDIVISION**

The Gregory Subdivision rezone (Case 2004-133) is awaiting final approval by the Assembly on January 11th. The platting (Case S11317) for the property is scheduled for February 2nd. Also on the 2nd will be the hearing concerning a variance (Case S11326) regarding street lighting that the developer has applied for. One of the council's concerns regards a vegetative buffer to be retained on the west of the property because slope stabilization, drainage, and wetland protection. This vegetation will also help to protect the adjacent neighborhood from the traffic noise of New Seward Highway and provide a visual buffer from the golf course.

### **EAST AND WEST SIDES OF LAKE OTIS - MONA ST. REZONES**

The first property to be discussed will be the east side of Mona and includes only .73 acres, a proposed rezone for this property by Matt Matthews. We are still awaiting a hearing date to be scheduled. If approved, this rezone will allow one more house to be constructed.

The second part of this is the portion of Mona St. to the west of Lake Otis. Although denied by the Assembly as spot zoning last year, this rezone for 2.21 acres has been reapplied for and is scheduled in front of the Planning & Zoning Commission on February 2nd.

All of the properties involved in these rezones are non-conforming R-6 as they do not meet the 1.25 acre requirement. However, all of the properties in this area were purposely rezoned in anticipation of sewer coming through. This three properties per acre also matches the Hillside Waste Water Management Plan vision. The R-6 zoning has to do with allowed uses, lot size is inconsequential. With both of these proposed rezones, the mandatory buffering between adjacent R-6 properties is the highest priority for the HOCC. It is important that existing neighbors be allowed to continue to use and enjoy their properties as were expected when they purchased.

### **AWWU TOWER PROPERTY REZONE**

At the July HOCC meeting, the representative from AWWU made an agreement with HOCC that the fence for this property would be installed 40' inside the property line; this agreement was also part of passage by the Planning & Zoning Commission. This case is still awaiting its January 25th hearing in front of the Assembly for final approval of P&Z recommendations. The fence was installed at the property line.

### **ASSISTED LIVING FACILITIES**

The Assisted Living Facilities Ordinance has been resurrected from the depths of the Municipality. This Ordinance is very important to everyone and we need your comments. The staff report can be viewed online at: <http://munimaps.muni.org/planning/pzdocs/staffcomments/2003-143.pdf>

### **OTHER VARIANCES & PLATS**

There are two variances that have come through. The first is an administrative-approved variance regarding an existing home in the McMahan Subdivision. The house slightly encroaches on the setbacks. The home was built long ago and we have recommended approval.

The second variance concerns a property on Cange Street. Again, a long existing home that is within the setback. The odd thing with this property is that the setback is 100' rather than the typical R-6 setback of 50'. The property owner has secured approval of all the surrounding neighbors and the Council will be supporting the required variance.

Case S11331 is to Plat one 5-acre tract into two lots. The property is South of E. 104th Avenue and West of Loudermilk Circle. Unless an issue comes up and while we don't like to lose another large parcel, the Council will be supporting this replat.