

**JOINT MEETING OF THE  
ANCHORAGE MUNICIPAL ASSEMBLY and  
PLANNING AND ZONING COMMISSION**

**Alyeska Prince Hotel  
Columbia Ballroom  
Girdwood, Alaska**

**MINUTES OF\*  
July 20, 2005  
7:00 PM**

ASSEMBLY CHAIR ANNA FAIRCLOUGH reviewed the matter before the Assembly and Planning and Zoning Commission this evening, a review of Chapter 9, Land Use Regulations for Girdwood. This chapter will be incorporated into the rewrite of Title 21. There has been one joint worksession with the Assembly and Planning and Zoning Commission on this item. CHAIR FAIRCLOUGH reviewed the procedures for the meeting and explained that both bodies anticipate closing the public hearing in this matter this evening. If no action is taken this evening, the next meeting will be held in Anchorage with the Planning and Zoning Commission taking action on August 29, 2005, followed in mid-September or early October by the Assembly. She explained that this evening's meeting would conclude no later than 11:00 p.m. Testimony this evening is limited three minutes. All issues brought out in testimony this evening will be documented and responded to by Staff.

**1. CALL TO ORDER**

ASSEMBLY CHAIR FAIRCLOUGH called this meeting of the Anchorage Municipal Assembly to order at 7:19 p.m. COMMISSION CHAIR POULTON called this meeting of the Planning and Zoning Commission to order at 7:19 p.m. He explained this is a special meeting conducted jointly by the Assembly and Planning and Zoning Commission for the sole purpose of taking public testimony on the Girdwood Land Use Regulations portion of Title 21, Chapter 9. No action will be taken on this matter this evening. The Commission plans to deliberate and take action at a special non-public hearing to be held in Anchorage at the Z.J. Loussac Library on August 29, 2005.

**2. ROLL CALL**

**Members Present**

Assembly

Anna Fairclough, Chair  
Dan Coffey, Vice Chair  
Paul Bauer

Planning and Zoning Commission

Don Poulton, Chair  
Nancy Pease  
Shaun Debenham

Chris Birch  
Dick Traini  
Debbie Ossiander  
Janice Shamberg  
Ken Stout  
Dan Sullivan

Bill Wielechowski  
Art Isham  
Toni Jones  
Meg Simonian\*  
Greg Jones, Vice Chair\*

\*Arrived at 7:24 p.m.

**Members Absent**

Pamela Jennings  
Allan Tesche

Johnny Gibbons

*Staff*

Tom Nelson  
Erika McConnell  
Brian Dean

**3. PLEDGE OF ALLEGIANCE**

**4. NEW PUBLIC HEARING**

- A. Ordinance No. AO 2005-81** An ordinance amending Anchorage Municipal Code Title 21 to add a new Chapter 21.09 for **Girdwood Land Use Regulations**, amending Chapter 21.40 to add Girdwood Use Districts, and amending the zoning map.

1. Assembly Memorandum No. AM 440-2005.

The public hearing was opened.

DIANE POWERS, representing the Girdwood 2020 Association, indicated a letter has been submitted explaining Girdwood 2020 is a 501(C)(4) organization that represents about 600 Girdwood residents, property owners and businesses. The mission of Girdwood 2020 is to support development of Girdwood as a world-class, four-season destination through environmentally responsible development that protects Girdwood's most valuable asset, its unique setting. The current R-11 district regulations created in 1983 are woefully inadequate and do not recognize the substantial environmental, geological and community character differences between Anchorage and Girdwood. Anchorage 2020 wants higher standards, but standards that work and that are clear and precise. They are concerned that this goal is not being

achieved with some parts of Chapter 9. Girdwood 2020 became involved with what has evolved into Chapter 9 of Title 21 in 2002. Three members of Girdwood 2020's executive committee spent three years working with various municipal consultants in what has been an arduous and frequently frustrating process. Their concern has been, and continues to be, that the proposed regulations do not represent the desires of the community. There has not been time to prepare detailed comments and one member of the committee is gone for the summer, as are many Girdwood residents. Girdwood 2020 asked to slow down the process, noting that the proposed regulations are extremely detailed yet very broad in their reach, which makes them particularly difficult for the typical property owner to understand. These regulations are too important to be rushed through without the opportunity for full deliberation and understanding by the entire community. Furthermore, Girdwood 2020 questions the need for the amount of regulation in Chapter 9. The first report produced by Clarion Associates acknowledged that the residents of Girdwood wanted "clear and simple" standards. Clarion's report stated "They generally seem to favor fewer rather than more rules within the context of ensuring that community character is maintained and respected by new development. Girdwood 2020 is concerned that the proposed regulations will turn Girdwood into another homogenous, high-end resort area to which service-related employees must commute. The truly wonderful thing about Girdwood is the community character created by mixing a wide-ranging diversity of residents with a stunning physical environment. They felt that quality growth should not just mean more expensive. Girdwood 2020 suggested adding language that ensures a golf course can be built. The proposed language is somewhat contradictory and subject to interpretation, which could invite a lawsuit. Specifically, Girdwood 2020 asked that an evaluation of the economic impact of these regulations be required before they are adopted, including the cost to builders and developers and the cost to the taxpayer for the additional staff required to administer them.

COMMISSIONERS G. JONES and SIMONIAN arrived at 7:24 p.m.

MS. OSSIANDER stated the process used to evaluate Title 21 changes specifically identified certain types of development and then put an economic overlay on them. For instance, a review was done of one large retail development and one multi-family housing development. There are so many zoning categories proposed in Chapter 9 it would be cost prohibitive to do an economic analysis on each. She asked if there is one that has a higher need for an economic analysis. MS. POWERS stated she would like to see an analysis of how the individual homeowner would be impacted by the regulations, particularly by changes in setback requirements.

ED JENKIN, Director of Engineering for Chugach Electric Association (CEA), noted that under Table 21.09.050-1 on page 44, utility facilities are shown to need a conditional use (CU) permit for installation in industrial land use districts. He felt it was inconsistent to permit the industrial uses necessary for the further development of Girdwood but then require a CU to provide the utilities to support those. If those are permitted and allowable uses, he questioned why utilities or the individuals applying for service would need to go through a CU permit process and an additional public hearing to acquire electrical facilities. He noted that on page 81 are two sections referencing the undergrounding of utilities. These sections do not designate whether the utilities referenced are existing or if the regulations pertain only to new facilities. As there is no discussion of the amount of utilities to be undergrounded, how to set priorities, and how the cost of undergrounding would be collected, it is assumed this refers to new utilities only. CEA also assumes that if utilities undergrounding is called out in Chapter 9, that would supersede the general requirements now in place in Title 21. If this is not the case, CEA would recommend referencing the existing underground ordinance. CEA appreciates the fact that the writers of the plan want to avoid the disturbance of natural vegetation and improve aesthetics in general in the Girdwood area, but this causes conflict in some areas in terms to safely, reliably, and cost-effectively providing electrical service. The one area of greatest concern is the discussion of underground utilities in gR3 and gR5 districts found on page 81. It states the disturbance of natural vegetation should be avoided and the utilities must be in the road right-of-way, which forces CEA closer to traveled ways than the utility typically prefers. CEA does install facilities, but typically not the pad-mounted equipment, in road rights-of-way. The desire is to avoid conflicts with snow storage, snow removal, and vehicular accidents.

MR. COFFEY did not recall reading about screening standards and asked if there are such standards in Chapter 9 so that a CU would not be required in an industrial area. MR. JENKIN replied that there are requirements for screening in the plan, but he was not sure where. MR. COFFEY asked whether Mr. Jenkin could provide language that would provide for preservation of natural vegetation, while recognizing that some facilities must be built outside of the road right-of-way. MR. JENKIN indicated he had some written comments that he intended to send to Staff.

PER BJORN-ROLI stated it is his opinion that Chapter 9 should not be adopted in its current form unless many of the issues that will be testified to are addressed and corrected. The first concern he had outlined in his memorandum dated July 19, 2005 is the creation of nonconforming properties

by new setback requirements. He guessed that 20% or more of current tax lots in Girdwood with homes on them would become nonconforming. Being nonconforming in the Municipality with no remedy is not good. The remedy in the current title to become conforming, with the new fees that have been adopted, would be quite expensive; there is also no guarantee that a home can be built, if the property is currently nonconforming. He suggested that the setbacks be eliminated and returned to the current requirements or the issues with nonconformities be dealt with before Chapter 9 is adopted. His second concern related to floor area ratios. There are current floor area ratios in the form of 30% lot coverage and 35-foot maximum height. He felt that adding the provision for floor area ratio was unfortunate. He stated that what is being done Outside does not need to be done in Girdwood. He also had concern with regard to fire safety. He noted that several letters have been submitted on this topic and all of them have been ignored. He stated Girdwood is a tinderbox and he felt that fire safety regulations should be inserted into the code. He noted that his written comments contain more concerns. He stated these regulations, which have grown from four pages to over 100 pages, lack common sense.

MR. COFFEY asked whether the provision that a structure can encroaching into the 10-foot setback on one side and not on the other would be sufficient to address Mr. Bjorn-Roli's concern with respect to setbacks. MR. BJORN-ROLI understood this was for parking, but if it is with respect to the building, that would help. However, if a home is already located within 10 feet of the property line, the situation is problematic. He felt the issue of nonconformities should be further studied. MR. COFFEY understood that the size of a residence on a acre lot could be 6,250 square feet (SF), but properties of up to 4 acres could still have 50% lot coverage so a house could be 30,000 SF. MR. BJORN-ROLI understood the size of a structure is frozen at 6,250 SF in Girdwood. MR. NELSON explained there is a floor area ratio requirement for lots greater than 12,500 SF of .5 or 6,250 SF, whichever is greater. MR. BJORN-ROLI still disagreed with the provision.

MS. OSSIANDER asked if there is a specific document containing the fire regulations Mr. Bjorn-Roli referenced. MR. BJORN-ROLI replied that he did have such a document and those regulations are referenced in the written testimony that George McCoy will offer this evening. MS. OSSIANDER thought the issue of nonconforming properties would be further discussed, noting that it was a topic at the worksession. She asked if there was a specific reason that the Girdwood Land Use Committee wanted more time to review Chapter 9. MR. BJORN-ROLI replied that the community received the plan at the beginning of spring and the final draft was not available until April, so there has been only 60 to 90 days to review the document. This

amount of time is not sufficient when Anchorage has had over two years and many of the residents of Girdwood are absent in the summer months. He thought that Tom Nelson's passionate speech to the Girdwood Board of Supervisors brought this matter forward to a hearing this evening.

MR. BIRCH asked if it is fair to say that the community would appreciate having Title 21 being considered for application in Girdwood at the same time as in Anchorage. MR. BJORN-ROLI replied that if the issues of concern are addressed, he did not believe that would be necessary. He did not think separate regulations should be drafted for Girdwood when regulations are being discussed for Anchorage. He felt both regulations should be acted upon simultaneously.

COMMISSIONER WIELECHOWSKI asked whether Staff was aware how many properties would become nonconforming under the new regulations. MR. NELSON replied that there is documentation of six nonconforming structures under the current regulations, but there has not been an accurate determination of the number of nonconforming structures that would be created under the proposed code. The Department is aware of the concern and there are provisions in the draft code to allow flexibility in the application of the recommended setback requirements. There are exceptions for wedge shaped lots, as well as for more standard configured lots that allow for an existing structure to be within the setback on one side if the difference can be made up on the other side of the lot. In the Department's judgment, this might address those that might possibly be nonconforming otherwise. No analysis had been done of how many lots would still be nonconforming, even with these provisions.

LANA JOHNSON, Girdwood resident and small business owner, stated she would have a nonconforming property because her hot tub would not be legal under the proposed regulations. She stated she did not understand much of Chapter 9. When this process was begun some time ago, the community asked for clear and concise land use regulations and received neither. Instead, the community is faced with one of the most complex documents she has ever encountered and she has been told she has a short time to respond to that document. She questioned why these regulations were being rushed. She stated the document was 10 years in the making and it is unfair to rush it through in a matter of weeks, particularly when many members of the community are gone for the summer. She felt everyone should be given the opportunity to digest and understand the document before there are discussions of adoption. Everyone in Girdwood agrees that the next stage of development should be done right, but she did not believe anyone felt that over 100 pages of regulation are necessary to do so. Many people have

concern with the setback requirements and she has even more concern with the natural vegetation requirement. She did not support preserving alders or devil's club. Some people are concerned that these regulations would turn Girdwood into a sterile community with no heart. She did not want things to look the homogenous in this community. She explained that people live in Girdwood because it is distinctive. She felt the regulations go too far.

CHAIR POULTON noted that during the worksession Mr. Nelson explained the reasoning behind this chapter. He asked that Mr. Nelson explain that reasoning and the research and applications that was taken from locations in the Lower 48. He understood that this chapter of Title 21 was given special consideration to recognize and accommodate the uniqueness of Girdwood. MR. NELSON stated Girdwood is being treated differently than the rest of Anchorage because as a small mountain resort community, there are distinct differences. Girdwood's economy is based on outdoor recreation, drawing visitors to the community. Girdwood has a natural setting that must be preserved. Girdwood has different climatic circumstances that must be taken into consideration. Chapter 9 was crafted with the inclusion of new design standards around these attributes. He noted that this is not a new process, it has been ongoing for some time. He indicated that the comments this evening would be addressed in an issue/ response summary.

GEORGE McCOY indicated he had submitted four pages of written comments and a summary listing the points he wished to make as well as an attachment that is correspondence between the Municipal Forester and the Girdwood Fire Chief. He cited the sheet entitled "Summary of Economic Effects," which has no numbers only nebulous verbiage. There have been three consultants involved in creating land use regulations for Girdwood: Beck and Associates, Sandra Wick, and Clarion Associates and none of these consultants, nor anyone in the Planning Department, has any idea what will be the impacts of these regulations. He believed that these regulations would require more staff, which translates to more tax dollars. He asked who knows how much this would cost the developer or builder. He believed permitting fees would increase. These regulations will increase the workload of the Planning and Zoning Commission. He asked that the adoption of these regulations be delayed until the adoption of the rest of Title 21. When the Girdwood Area Plan (GAP) was adopted in 1995 the community was promised a revision of zoning in two years and now 10 years later the Department is trying to rush through these regulations. There are interrelationships between Chapter 9 and the rest of Title 21, but no one knows what Title 21 will look like. He stated the chapter suggests 32 zoning district yet Girdwood has only 3,000 residents. He noted that building on the lot he owns in Alyeska Subdivision, which he built on in 1996, he would have

to go to 14 places in these regulations. He believed that many nonconforming properties would be created through this chapter. The house he built in 1996 would be nonconforming under these regulations.

MS. OSSIANDER indicated she had not received Mr. McCoy's comments. CHAIR FAIRCLOUGH indicated they were included in all packets, but additional copies could be made available.

MR. McCOY added that he is frightened. People in Girdwood live in a forest and love trees, except for alders and cottonwood, which are weeds. He talked with the Fire Chief who agreed that the area is ripe for a fire. People need to be encouraged to clear out vegetation. What were previously tundra, meadow and grassland are now 40-foot alders. The likelihood of fire in this valley is increased by not allowing people to create defensible space.

DOUG WU stated he has lived in Girdwood for five years because he fell in love with the town. He felt there should be more time to digest Chapter 9. He noted that Steven Covey said self-esteem is related to one's sense of self-control and he felt that in many ways the community of Girdwood is feeling a lack of control over the future development of the valley. If people feel they are unable to feel control, they become apathetic and pessimistic and withdraw. He stated that of those he talked with in Girdwood most were ignorant of Title 21 and what effect it would have on the community. He stated he became involved because he is involved with the Chamber of Commerce. He stated the zoning districts that are established would define the future character of the valley. He did not see how the regulations reflect the GAP in terms of retaining the small town culture, year-round recreational opportunities, quality of life, and retention of open spaces. There are great grassroots driven ideas for development of Girdwood, including diversifying the economy, encouraging sustainable development, renewable energy, and eco tourism, but none of these ideas are incorporated into Chapter 9. He asked that municipal funds be used to have local public meetings televised, which would educate more people about what is happening. He noted that the majority of the population does not get information until too late and then they are agitated. He stated he would like to get involved with the master planning process, which he has mentioned to Tom Nelson and Erika McConnell, Art Eash and Robin Ward with the Municipality.

JEFF DEMAIN stated he had submitted a two-page letter. He is a five-year resident of Girdwood and commercial property owner and is part of the group developing Glacier City Center, a city village center on Hightower Road. He appreciated the detail in Chapter 9, but that detail has become "the devil."

On page 68, gC-8 focuses on his particular property and require a setback of 20-foot on the side rather than 10-foot. That setback is to allow greater space between two buildings on properties greater than 21,000 SF, but the only two properties in this zone are his and the new post office, which is built. There are already 60 feet between his property and the post office building. This regulation would require him to move 20 feet further away from the property line. He asked that gC-8 have a 10-foot setback.

MR. COFFEY asked if this remark is contained in Mr. Demain's June 14, 2005 letter. MR. DEMAIN replied in the affirmative.

KEITH TRYCK referenced page 65, setbacks and suggested reverting to R-11 setbacks of 5-feet on sides, 10 feet in the rear yards and 20 feet on front. He did not understand what was being gained by instituting other setbacks. He gave an example of a neighboring developed property being 5 feet from the property line and a new development that must provide 10 feet, so the latter provides two-thirds of the separation area. On page 73 "Minimum Vegetation Coverage" he asked for a change from 30% natural vegetation and 50% total permeable surface to 20% to 40%, at a minimum. He questioned what would be considered "natural vegetation," noting that he has many flower gardens on his property that are not alder or devil's club. On page 75 he asked to change "replace with Sitka spruce or hemlock only" to "replace with native Alaskan species." On page 80, he asked that fencing be increased to 50% of the perimeter. On page 95 under "Prohibited Materials", natural wood is not allowed, but his deck is natural wood. He noted that gray is a calming color in Alaska and that is what natural wood provides.

MS. OSSIANDER asked the location of the last citation. MR. TRYCK indicated it is on page 96, not page 95. MS. OSSIANDER asked if changing to R-11 setbacks is desirable in all residential categories. MR. TRYCK replied he wants R-11 setbacks in existing subdivisions that were established under those rules. MS. OSSIANDER asked for clarification of Mr. Tryck's comment regarding the chart on page 73 establishing natural vegetation and total permeable surface percentages. MR. TRYCK explained he would like the percentages in single-family to be the same as multi-family. MS. OSSIANDER asked that Mr. Tryck complete his remarks.

MR. TRYCK was concerned with the burden of time and cost. He noted that a friend of his with a franchise in Anchorage applied for building permits on the same day for a franchise in Anchorage and another in the valley, the one in the valley was permitted in 72 hours and the one in Anchorage took months and months. He stated page 4, prohibits excavation of 300 CY, which is one dump truck load. Secondly, only 900 CY of fill or grade can occur on a

lot, which is three dump truck loads, so if there is an extensive driveway a permit would be required. Big rocks or fill for landscaping or gardens could not be brought onto a lot under this provision. There is also a limitation on clearing or grubbing no more than 2,000 SF. He indicated he would make his remarks available in writing.

COMMISSIONER SIMONIAN asked if Mr. Tryck could propose language to define natural vegetation in such a way that would satisfy him so the percentages were not reduced. MR. TRYCK replied that he has not thought of this because too much is happening too quickly. He stated he has only dealt with sections applicable to him and he knew there were other residents who had other concerns. He stated these regulations should be easy to understand, not complex.

MARCO ZACCARO with Z Architects in Girdwood indicated he submitted a letter on June 7, 2005. He stated he and some builders have met with the Planning Department over recent months and the Department has been responsive in addressing all of their concerns. His letter lists other concerns he would like to see addressed. One idea that merits further discussion is allowing building area over the arcades that are required in all commercial districts. He thought the arcades are desirable, but in other towns like Whistler and in Europe, usable space is allowed over the arcades; this would make them more palatable. He has asked the Planning Department to include language to allow these under some sort of administrative review. MR. NELSON stated that language would be developed in this regard.

ELLEN TWINAME noted item three in Mr. Zaccaro's letter refers to page 48 of Chapter 9, one of the tables of allowed uses, and specifically cottage crafts. She thought cottage crafts should also be allowed in gR-2 because there are already many such uses in that zone. She wanted to be sure that existing uses are not eliminated.

MR. COFFEY stated he was struck by the fact there are 32 zoning districts in these regulations. He asked if Ms. Twiname had any comments on this number of districts. MS. TWINAME thought if there were not 32 then her concern with her neighborhood would not exist; she felt the regulations were very specific. MR. COFFEY questioned what is accomplished by making each of these zones so unique and specific. He asked if the number of zoning districts could be reduced. MS. TWINAME felt some of the districts could be combined. She noted that uses are already mixed throughout Girdwood.

MS. OSSIANDER asked if there are other areas in Girdwood where cottage crafts exist. MS. TWINAME was aware of a candle maker on Alyeska

Highway. MS. OSSLANDER noted the regulations allow cottage crafts only in commercial, not residential, districts. MS. TWINAME indicated these uses are located throughout Girdwood.

COMMISSIONER DEBENHAM noted that if the number of zoning districts is reduced, many things would not be segregated. He asked if the community of Girdwood was amenable to having multi-family and single family dwellings in the same district, and having cottage crafts in residential neighborhoods. MS. TWINAME felt that cities are better when there is mixed use and a variety of activities. This mixture of uses makes for a more interesting environment.

BILL SCHWARTZ stated he has many comments, but before starting, he wanted to emphasize the importance of the remarks of Mr. Tryck, Mr. McCoy and Mr. Trautner, which he felt were well taken. He, like Mr. McCoy, questioned why this community needs 32 zoning districts. He stated he was on the GBOS for nine years and he agrees that regulations are needed. The GAP gave a good step forward and perhaps needs revision, but it does not need to be overdone. He stated he has a structure on a 50-foot wide lot in Old Girdwood, which is a big lot for that area. That structure will become illegal under these regulations because it is closer than 10 feet to the lot lines on both sides. He felt these regulations were designed to create building permits and generate revenue through fees. He suggested that Girdwood be allowed to vote on building permits, which he personally favors. He stated these regulations are very confusing. He noted that after he has read something he goes back to the index to find something he could remember reading. If the index is not useful, the document is not good. He suggested that everything pertaining to one district should be contained in one section, even if this requires repetition within the document. He noted that there are cottage crafts all over the community.

MARK SAUGSTAD, Girdwood property owner, stated it is July 20<sup>th</sup> and the reds are running, somewhat accounting for a lower turnout to this meeting than when there are discussions of a golf course. He did not think Girdwood was ready to adopt the proposed regulations and needs more time to digest them. He asked that consideration be given to allowing the community more time for review. He favored these regulations being considered at the same time as the rest of Title 21.

MR. TRAINI asked what is a realistic timeline for review. MR. SAUGSTAD stated the community received this information in April/May and has had only two workshops. Too many items do not fit. MR. TRAINI asked if through the end of October would be an appropriate timeline. MR. SAUGSTAD

suggested that the review period extend through the winter with final review at this time next year.

KATHY SAUGSTAD stated she has lived or spent weekends in Girdwood for 32 years. She attended all four planning workshops on these regulations and her perception of those workshops was that the facilitators were not listening to what people had to say. People made suggestions and ideas and were told why their suggestions would not work. She felt the community needs more time to review the proposed regulations. She thought these regulations should be developed as part of Title 21. She did not think that Girdwood needs 100 more pages of regulations than the rest of Anchorage.

JEFF SHERMAN stated he has resided in Girdwood for 22 years and has 30 years of experience in construction. He and his wife are currently involved in residential construction in the Lower 48. He stated he served on the Girdwood Land Use Committee subcommittee and when the subcommittee ran into problems, it referred to the GAP for guidance. Both the community and Assembly adopted that document. It calls for Winner Creek ski area development, a golf course, residential development on Crow Creek Road by the Heritage Land Bank, and also for retaining the character of Girdwood, which means keeping a sense of scale to structures vis-à-vis the size of lots. Many people want Girdwood to be a world-class resort, others cherish it for the community that it is, but planning and guidance is needed to produce both a world-class resort and retain the community character. The planning requirements for Aspen or Vale are approximately 300 pages. He noted that the four pages that now exist for Girdwood regulations are for residential only. In order to do commercial development, a conditional use permit must be secured. Girdwood has an operating gold mine and an industrial area. He stated the five residential areas follow the density and size of lots existing in Girdwood now. In order to mirror the hodge-podge character and ad hoc development in Girdwood, a higher number of zoning districts has been proposed. There is no restriction on the number of trees that can be cut on a homeowner's lot; the regulations are sensitive to the need to remove trees for view, sunlight, fire hazard, etc.

MR. COFFEY stated the GAP has 13 color-coded areas and asked if that would be a sufficient number of zoning districts. MR. SHERMAN replied that the setbacks have to be tailored to the size of lots that were platted some time ago, in addition to future development. There may be a different setback in one area than in another. He stated that in the subcommittee discussions there were always reasons why a particular area needed a different zoning district. A specific look is desired in the town center and different requirements on properties that radiate out from that area. He stated he did

not want a triplex next to his single family home. MR. COFFEY noted that there are 11 commercial districts proposed in Chapter 9, while the revision to Title 21 is proposing 6 commercial districts for all of Anchorage. He stated that the 13 color-coded areas shown in the GAP appear to be specific and he questioned whether the level of specificity in Chapter 9 is necessary. MR. SHERMAN explained that the commercial lots on the highway are grandfathered in, so a commercial area was created for those lots with fewer restrictions than other commercial lots. Sensitivity to existing uses resulted in the number of zoning districts that are proposed. He noted that the regulations for Whistler and other areas have even more zoning districts.

COMMISSIONER SIMONIAN asked if there is a way to grandfather existing uses without creating a specific zoning district. MR. SHERMAN stated that as this chapter is reviewed, the "devil is in the detail." He agreed that work is needed on the details of these regulations and it is easier to do that with more districts than fewer because more property owners would be affected by a change if the zoning districts were broader. COMMISSIONER SIMONIAN asked if the subcommittee discussed specific districts versus requiring a conditional use permit for many uses, as is the case under the existing R-11 zone. MR. SHERMAN replied this was a struggle because Girdwood has been under R-11 for some time. He stated that creating smaller districts could work to a developer's advantage in that they can get by-right uses rather than a conditional use permit.

JOE HARMON, 34-year Girdwood resident and dentist with a practice in Girdwood, stated he has served on the GBOS and considers Girdwood his home. He stated he is the owner of one of only two multi-family developmental lots. He thought the regulations present an idealistic approach to development, but create difficulties for existing lots. He stated the regulations make no sense where they talk about the many places that multi-family can be developed because there are only two existing multi-family lots. The regulations say there shall be no snow storage or parking in the setbacks and snow has to be removed, but when these lots were originally platted large setbacks were not considered. The regulations also require that if there are 10 units on a multi-family lot there must be 1,000 SF of play area, but across from his lot is a soccer field and across from the other multi-family lot are miles of trails. He understood why some of these requirements are desirable for new development. He stated that people are frustrated because this document is so involved and it does not apply easily to existing lots. He felt there was no need for larger setbacks on his or the other multi-family lot or for a children's play area on those lots. He noted that currently snow is plowed from the road onto his lot, which is probably illegal. He

thought that the requirement for snow storage in setbacks on existing platted lots was not workable; there must be area for parking as well.

MR. COFFEY asked for a citation of the requirements for multi-family developments in Chapter 9. DR. HARMON replied the requirement for a children's play space is on page 51 and the requirement for parking is on page 81.

COMMISSIONER DEBENHAM noted that Map 21.09 shows gR-4 and gR-5 as multi-family use districts. It appears there are not many properties with those zoning designations. He asked if Dr. Harmon was suggesting there should be more undeveloped property with gR-4 and gR-5 designations rather than gR-3 single family. DR. HARMON felt this would be necessary as more people come to the valley. His concern is that a great deal of land will be used for only a few people.

MS. OSSIANDER noted that page 76 of Chapter 9 prohibits on-street parking everywhere except in the Old Townsite. She asked if this is workable during the winter. DR. HARMON replied that it is not, depending on the conditions. MS. OSSIANDER asked if people currently park on the street. DR. HARMON thought this was likely the case, particularly for visitors.

COMMISSIONER PEASE noted that the requirement for 1,000 SF of play area is for a preschool children's play area. She asked if there are play areas near Dr. Harmon's multi-family lot. DR. HARMON replied that the soccer field across from his property is a play area. Swings and sandboxes are available down the valley.

COMMISSIONER SIMONIAN thought the requirements for a playground and snow removal are in fact incorporating issues that are outlined in the GAP. She wondered if Dr. Harmon has a fundamental disagreement with some of the guidelines in the GAP that are being implemented through these regulations. DR. HARMON responded that his concern is that these requirements are specific to his lot and the other multi-family lot.

BREAK
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ASSEMBLY CHAIR FAIRCLOUGH stated that during the break consideration was given to the testimony vis-à-vis the August 29, 2005 date for deliberation and action by the Planning and Zoning Commission. She understood that both the Assembly and Planning and Zoning Commission, as well as the Staff, are in agreement that the public hearing would be closed this evening. The Assembly and the Planning and Zoning Commission will

hold joint worksessions in the ensuing six weeks in an attempt to resolve the issues that have been brought up at this hearing. Before the August 29, 2005 meeting the Assembly and Planning and Zoning Commission will attempt to return to Girdwood, present changes to Chapter 9, and take additional testimony. If Staff is not able to prepare the changes to the document, the August 29, 2005 date might move further.

MR. BIRCH thought that the suggestion to incorporate this chapter into the overall revision of Title 21 might warrant some discussion.

COMMISSIONER T. JONES agreed with the process proposed and felt that at the future meeting, particularly after coming back to Girdwood, the bodies will be better prepared to either make a final decision or extend the process further. She stated it is important that those who wish to offer comment this evening continue to do so without regard to whether the bodies are returning to Girdwood in the future.

MR. COFFEY stated the Assembly has a Title 21 Committee and he and Ms. Ossiander will attempt to have a committee process commensurate with the work outlined by Assembly Chair Fairclough. These meetings will be public meetings at which people can give additional comment. The schedule for these meetings will be included on the city agenda and on the municipal web page.

MR. TRAINI suggested that the Assembly hold one of its Title 21 Committee meetings in Girdwood. MR. COFFEY indicated this would be done.

The public hearing was continued.

SEAN ROLNICK stated he has been a continuous tourist in the valley for the last four years and for three of those he has worked at the Crow Creek Mercantile. He stated he has not read this regulation, but explained that what makes Girdwood a great place for him is the sense of community. This is evidenced in the way people pull together when things need to get done. He was frightened to see the future and fate of the valley in the hands of people who do not live in the valley.

ASSEMBLY CHAIR FAIRCLOUGH stated she has lived in Alaska since 1960 and has skied Alyeska for a very long time. She stated that she is familiar with the valley and many Anchorage residents visit the Forest Fair and spend time in Girdwood. She noted that Mr. Birch and Ms. Shamberg attend GBOS meetings as Assembly representatives for south Anchorage.

MATT PARSONS, property owner in Raven Mountain Estates, stated his subdivision consists of 30 homes with no municipal water, power, phone service, sewer, or winter road maintenance; it is remote Alaska property. This subdivision has special zoning needs. A separate zone, gR-2A was established that met some of these needs, but there are more. If the Municipality wants to run water, sewer and power up the road and plow it, the subdivision residents could conform easier to the regulations, but if not, separate zoning is in order. If the zoning districts are consolidated, the zoning of Raven Mountain Estates is unique enough to remain separate. His concerns are that heavy equipment that is relied upon to plow the roads should be allowed, snow machines that are needed in the event of an avalanche should be allowed, and building materials should not be restricted because homes are built by homeowners without power and out-of-pocket. He suggested that alternative sewer disposal systems should be considered on these steep slopes and in this watershed.

JIM BARNETT resident of South Anchorage and a golf course developer in the Girdwood valley, thanked the Commission and Assembly for holding this hearing. He noted that Mr. Nelson has made a tremendous commitment to Girdwood over the last 20 years and, as author of the GAP, he should be commended. He stated he found that many of those who testified spoke of impacts on residential properties and their own properties and the detail of the 32 zones and regulation issues that are contained in Chapter 9. His concern is that the Municipality owns 5,000 acres in this valley and he hoped the Assembly would look after it with care. He thought this chapter has some fairly serious implications for the development of this property, not only the south Girdwood valley golf course, but also the Glacier/Winner Creek area. He noted that open space is being used differently in this document than it was handled in the GAP. To build a golf course, continues lands are needed, so it is necessary to go past and through open spaces. He was not sure if fairways are allowed for open space, but according to the chart in Chapter 9, a golf driving range is not allowed. According to the five-page chart, open space has very limited purposes and he was not sure there was the ability to take development into open space, which could be a substantial impediment to the development of the 5,000 municipally owned acres in the valley. He pointed out that there is a general statement in Chapter 9 about the master planning process and open space on page 5, which he felt was insufficient.

COMMISSIONER SIMONIAN asked if Mr. Barnett's testimony is that the GAP contemplated developing a golf course and the Chapter 9 regulations might prohibit that. MR. BARNETT replied in the affirmative. He stated the 1995 GAP contemplated a golf course and his interpretation of the GAP was that open space could be used as part of the master development plan for the

southern golf course while still incorporating the commercial recreation designated areas in the plan. The use of open space is stricter in Chapter 9. This is not only true of the southern golf course site, but could also be true with the Winner Creek project in the upper valley.

MR. TRAINI commented that when the GAP was passed in 1995 the Assembly contemplated that golf course being built.

LARRY DANIELS noted there were approximately 80 people at this meeting out of a population of 2,000 people in Girdwood, which is evidence that Girdwood cares about its community. He stated he managed the hotel development in Girdwood through completion, including the CU process in the 1980s, which was a time-consuming process and one that is difficult to predict. He stated he was a member of the GLUC subcommittee that worked on Title 22 and Title 21 for four years. The need for regulations has not been communicated to the community and more time is needed to do so. He recommended delaying consideration of Chapter 9 until Title 21 is being considered for the entire Anchorage community. He felt that regulation is needed to guide the development of the 5,000 acres owned by the Heritage Land Bank and to prevent undesirable development patterns. He stated that accessory dwellings are allowed in the new regulations and those should be included for existing lots. He also felt the provisions in 21.09.030 on page 5 should be strengthened so that projects identified in the GAP can make reasonable land trades for open space. He felt a specific period of time should be set to address issues with nonconforming lots.

MS. OSSIANDER understood that Mr. Daniels was involved in the process to develop these regulations, but was concerned with the CU permit process. She noted that much of the regulations appear to rely on a CU permit or a major site plan. She asked why Mr. Daniels thought the CU process worked so badly, yet it appears to be called for more in the new regulations than in the existing regulations. MR. DANIELS replied that other processes than CU, specifically master plan and area master plan and major site plan reviews, were contemplated when Chapter 9 was discussed but because they do not yet exist elsewhere in Title 21, they by default fall back into CU. This is why he thought it was advisable to wait until all of Title 21 is adopted.

RAINBOW HERFINDAHL stated she moved to Girdwood when she was two years old and has lived in Girdwood for 25 years. Her brother, sister and daughter were born in Girdwood. She stated she does not understand what is contained in Chapter 9. She wanted to explain that people are asking for more time, at least concerning development in the Crow Creek area. She stated that when James Girdwood moved to this area in the 1800s, Girdwood

was very different. Girdwood started up Crow Creek Road and that area has an historical feel. It is a pristine place and people are still living there in an historical manner. She stated that as a long-term Girdwood resident she was concerned and felt it would be a great shame to lose that part of the community's history.

COMMISSIONER PEASE asked whether, if there were some consolidation of zoning districts, Crow Creek would merit its own zoning district. MS. HERFINDAHL replied in the affirmative.

MATT BERMAN stated he has resided in Girdwood for 25 years. He worked on the GLUC subcommittee with Mr. Daniels, Mr. Sherman, Mr. Bjorn-Roli and others to help draft these regulations. He asked that the Commission and Assembly appreciate the efforts of the Planning Staff. He stated he has been working on this process with the Department and with Mr. Nelson in particular for at least five years. He felt the Planning Staff had shown a high degree of professional competence and patience dealing with issues that came before the subcommittee. He felt this is a difficult document because of the challenge that is presented by trying to meet the GAP objectives. It is inherently difficult to encourage resort expansion and development at the same time as protecting a small town atmosphere. This is why there are 32 zoning districts; there is a different zoning district for new development than for existing development. He felt it was important for the Assembly and Commission to realize this document represents compromise. There were between 8 and 10 individuals participating on the subcommittee and no one got what they wanted. This document is an attempt to balance differing views. The issue Mr. Barnett brought up about open space was debated extensively and the language in the document reflects a compromise. He wanted to be sure the Assembly and Commission realizes that many people are not at this meeting because they have gone through the document and accept it. He believed that undoing the compromises that were carefully negotiated with the community would lead to more problems than it solves.

LAURIE MILLER-TRYCK agreed with testimony given by Per Bjorn-Roli, George McCoy, Lana Johnson, Diane Powers, and Keith Tryck. She stated she is a gardener and skier and is familiar with the atmosphere in Girdwood. She stated there is hysteria among R-2 lot owners in the community who fear what these regulations will potentially impact. She stated that she has been landscaping her lot at Garmish Road and Alyeska Highway over the past several years and the new regulations tell her what vegetation she can put on her property, which she found that absurd. She asked that more thought be given to the definition of "natural vegetation." She stated she grew up in the Pacific Northwest, the daughter of a logger, and recalled environmental

extremists coming into the area and everyone starting to clear-cut private property. This is the potential threat to R-2 lots in Girdwood. She felt it was unfair to change R-2 lots by applying new setbacks and vegetation descriptions. She asked that the Assembly and Commission look at many of the people who are driving the adoption of this document and whether they would be affected. She suggested that the changes contained in Chapter 9 be applied to new, not existing, subdivisions so as to not disenfranchise her family from doing what they want on their property in the future.

CATHERINE ASHLEY resident on Garmish Road in a Snowbird Condominium, noted that Dr. Harmon mentioned that he and Mr. Bjorn-Roli have the two multi-family lots in Girdwood. She spoke one month ago with the developers of Mr. Bjorn-Roli's lot, which is almost next door to her condominium, and they were talking about putting in 12 condominiums in four triplexes that they intend to sell for \$500,000 each. She believed they were talking about setbacks because they need to put the condominiums on the curb in order to develop that number of buildings. They said the buildings would be three stories high, similar to the Snowbird Condominiums. There are 11 condominiums in her development and her one-bedroom unit currently sells for \$160,000. The 2-bedroom 1.5-story condominiums above her are selling for almost \$250,000. People were thinking that if valuable condominiums were being put in next door, they would increase the value of the existing condominiums, but now if the new condominiums are going to be four-story and built to the curb with no setbacks, she wondered where cars would park. She stated that sort of development would devalue her condominium. She stated that across from her condominium are beautiful homes valued at \$500,000 each that have existed for years; at least one of those homeowners has complained that the condominiums across from him will devalue his property.

The public hearing was closed.

ASSEMBLY CHAIR FAIRCLOUGH asked that each Commissioner address comments to the audience. COMMISSIONER PEASE stated she was born and raised in Anchorage and lives at the end of Potter Marsh. She appreciated the uniqueness of Girdwood and the passion that its residents feel for their community and stated she would take their comments into careful consideration. COMMISSIONER T. JONES stated she has resided in Anchorage since 1972 and lived in Fairbanks prior to that. She has seen much change occur in Anchorage and in Girdwood, as well as Eagle River/Chugiak. She felt the Commission has a responsibility to conduct meetings in Girdwood. COMMISSIONER SIMONIAN stated she was born and raised in Anchorage. She appreciated the attendance at this hearing and

the intense involvement many people have had in the process that has gone on for several years. She encouraged continued involvement in the process, hoping the Commission can help shepherd change in Girdwood in a way that embraces the community. COMMISSIONER ISHAM stated he has lived in Eagle River/Chugiak for approximately 20 years. He explained he became involved in planning zoning because of some things that happened in the Eagle River Valley, so he was sympathetic to the concerns Girdwood residents have expressed. COMMISSIONER WIELECHOWSKI stated he is originally from New Jersey and has seen a lot of bad development. He wants to ensure Girdwood is developed to complement its natural surroundings. COMMISSIONER DEBENHAM stated he was born and raised in Anchorage. He appreciated the attendance at this hearing and expressed a commitment to adopting regulations for the people. COMMISSIONER G. JONES stated he has lived in Anchorage 42 years and has seen bad development. He stated he would like to see Girdwood set a standard that has not been set in the Anchorage area. He stated that clearly when regulations represent this much of a change they have the intent to guide something that will be very different. He stated he would, through this process, be looking at what features should be preserved and enhanced in Girdwood and encouraged more written and verbal testimony on that point. COMMISSION CHAIR POULTON stated he has lived in Eagle River since 1985 and raised both his children there. One of his daughters lives in Girdwood with her husband. He has been involved in the public process for 12 to 15 years on the Eagle River Parks and Recreation Board, Platting Board, and the Planning and Zoning Commission. He stated he tries to do right by the residents of the community on behalf of the Municipality.

ASSEMBLY CHAIR FAIRCLOUGH thanked the Commissioners for their work preparing documents for the Assembly.

MS. SHAMBERG stated she has represented Girdwood for the last 4.5 years on the Assembly and has come to greatly understand what the community wants to preserve. She stated that as one of the area's two representatives, she would do her best to be sure everyone understands what Girdwood as a whole wants to see preserved.

MR. TRAINI stated he first served on the Assembly in 1991 and has come to Girdwood many times since. He stated Girdwood reminds him of where he grew up in Washington state before the forest was shut down and logging ceased. He did not want something similar to happen in Girdwood.

MS. OSSIANDER stated she has been a Chugiak resident since 1978. She spent 11 years on the Anchorage School Board before being elected to the

Assembly. She stated she is familiar with the Girdwood school and issues related to the school. She stated that as a member of the Assembly she is particularly interested in articulating the needs for the rural parts of Anchorage.

MR. BAUER stated he is very aware of density issues in east Anchorage, which he represents. He stated he is from on the East Coast and has traveled much in Europe and has seen resort towns, which are beautiful and workable. He stated he has been a resident of Anchorage for 15 years and has visited Girdwood nearly every year. He stated he was open to input from the Girdwood community.

MR. BIRCH stated he is the second Assembly representative for South Anchorage and he found it refreshing to see the turnout at this public hearing, which is an indication of the importance of this document and the potential for planning and zoning impacts on this community. He felt the message he heard was to not rush the adoption of these regulations and to do it right. He stated he would pay close attention to what is said and written. He noted that he started skiing in Girdwood in 1968 and the community has changed for the better since that time.

MR. STOUT stated he has lived in Anchorage since 1970 and has spent quite a lot of time in Girdwood. He stated Girdwood is an interesting and unique community and he has sympathy with what could be the impact of the proposed regulations. He expressed appreciation for the turnout at this hearing.

MR. SULLIVAN stated he came from Fairbanks many years ago and has lived in Anchorage since 1959. He stated he broke his leg skiing in Girdwood in 1964. He stated Girdwood is a magical place. He stated that at a lunch today the former head of Alaska Airlines spoke of Telluride, Colorado, which tried to develop a brand to differentiate itself from other ski resorts. Girdwood has a unique character that should be preserved.

MR. COFFEY stated he was the bartender at the Double Musky in 1968 and he has many fond memories of Girdwood. He stated a great deal of work has been done by many people in developing the proposed regulations and the job of the Assembly is to reflect the wishes and needs of the community. The Assembly Title 21 Committee will return to Girdwood before August 10, 2005. That meeting will be noticed and he encouraged attendance. He hoped to correct the glaring mistakes, not destroy the compromises that were reached, and reach an accommodation that most people find acceptable.

ASSEMBLY CHAIR FAIRCLOUGH stated she and Ms. Ossiander both represent the area from Muldoon to Eklutna and both are concerned with rural issues. She asked that specific comments or specific requests for change from Commissioners and Assembly Members be put in an email copied to Assemblymembers Birch and Shamberg and Mr. Nelson. She thanked Staff for their hard work.

MR. NELSON gave credit to those who spent time with Staff reviewing the issues and giving Staff the best sense of what is unique about Girdwood and how to best protect it. He looked forward to having the opportunity to hold worksessions and consider how the regulations could be made better. He lauded the members of the GLUC subcommittee and the builders who spent many hours with Staff to craft the draft that is under review.

ASSEMBLY CHAIR FAIRLCOUGH and VICE CHAIR COFFEY thanked Barbara Gruenstein, Anchorage Municipal Clerk, for her extraordinary efforts to arrange this meeting.

COMMISSIONER T. JONES commended Ms. Gruenstein and everyone responsible for the sound equipment for this meeting.

## 5. ADJOURNMENT

The meeting was adjourned at 10:00 p.m.