

**MINUTES OF THE REGULAR MEETING OF TITLE 21  
COMMITTEE  
6-7-07**

The Committee first discussed the proposed schedule. After discussion among the Committee members and Staff, Ms. Ossiander and Ms. Selkregg were ok with the schedule. Mr. Coffey objected to the extended time line (into April, 2008) primarily because that schedule would take us into the next election with the possibility of new assembly members having to deal with something with which they have no familiarity. Mr. Coffey's position is that this project has been on the Assembly's agenda for over 5 years and it is time to bring it to a conclusion. Mr. Coffey suggested that more resources be directed to the project, rather than to stretch out this process until April, 2007

Ms. Selkregg and Ms. Ossiander both noted that the Committee can respond to changes and perhaps accelerate the schedule if appropriate. They also noted that the schedule can certainly be amended as we proceed.

Staff responded that their intention is to complete the Assembly process prior to any new members being seated.

Ms Ossiander asked that we pass this schedule on to the Assembly for informational purposes and clarify that the times listed for Assembly action are still tentative. Mr. Coffey objected for the reasons stated.

Next the Committee discussed the Economic Impact Analysis. Staff advised that the Consultants would be in Anchorage on July 12<sup>th</sup> and 13<sup>th</sup>. After discussion, it was agreed to schedule a meeting of the Committee with the Consultants on July 12<sup>th</sup> from 9:00 to 11:00 a.m. Mr. Coffey will discuss with Assembly Members the desirability of a Work Session of two (2) hours on Friday, July the 13<sup>th</sup> with the full Assembly.

The Committee then began its review of Chapter 12-Non-Conformities. The Committee is using the June 7, 2007 Draft which is available on line.

Tom Nelson provided an overview and a history of the work to date on this Chapter. Then the Committee began its review of the Chapter.

In the introductory section (21.12.010 A.), it was noted that one of the concepts used in the current draft is “characteristics of use”. The definition of “characteristics of use” is found in chapter 14 (Definitions), but is also dealt with in section 12.060.

The Committee also discussed the issue of “conditional use” (21.12.010 B. 3. a. , page 2, line 29-35) and continuation of that use as a right so long as the use is permitted by the new zoning as a conditional use.

The following minutes identify the section or sub-section being discussed and the comments related to that discussion:

21.12.010, Section D, page 3, lines 4 through 8: The issues were the inclusion of the phrases “characteristics of use” and “or other action”. The Committee directed inclusion of “characteristics of use”, but not the phrase “or other action”.

The committee also discussed the last sentence on lines 7 and 8 which defines the term “land”. It was suggested that the last sentence be deleted. Staff will review and respond.

21.12.010, Section F, page 3, lines 12 through 31: The public comment was that, when a permit is necessary, then section 12.060 requires expenditure of 10% more to move to conformity. However, it was noted that that requirement only comes into effect if the permit is for construction with a value of 2.5% of the assessed value.

21.12.010 Section G, page 3, line 34: a member of the public recommended that we replace “Title 23” with “Municipal Code”. The Committee concurred with this recommendation.

Section 21.12.020, Sections A. B. & C. page 4, lines 4 through 15.

Mr. Coffey suggested clarify the second sentence in section A (line 6) by adding the word “only” at the beginning of the sentence. He also asked about the meaning of “other sections”, line 6 and “expanded or enlarged” line 9 and got clarification.

Ms. Ossiander stated mobile homes should be afforded the same protections as single family homes in this section. The Committee generally agreed with Ms. Ossiander. Staff will respond and provide information on related sections in Chapter 12 which may require amendment to allow this.

Section 21.12.030 B, page 5, lines 4 through 21: This section has been substantially revised since the last public document. The precept which underlies this revision is the idea of “moving to conformity” rather than requiring immediate conformity. Generally, the committee approved this sub-section which provides more discretion for the director to make a decision on a “change of use” and no longer requires a hearing before ZBEA.

Section 21.12.030 C page 5 lines 22 through 40 and all of page 6: This Section deals with damage or destruction.

A discussion was had about the specific provisions such as the 30 day public comment process (page 6, lines 3 and 4). Generally, it was agreed that this is an appropriate process.

Next, the approval criteria in sub-section 2, page 6, lines 26 through 38 was discussed. A member of the public addressed the issues raised by sub-section c lines 33-34. What is going to be required in these circumstances? The use of the word “adequate” seemed unclear. According to staff, the term means

“sufficient to service the use”. The public participant is worried about using an analysis involving defining the term “impact”. The concern is that allowing a “re-build” should not require the owner to “re-build” the neighborhood. There will be further discussion on this subsection.

In the same sub-section, line 38, the Committee, after discussion of the pros and cons and with Staff’s concurrence, agreed to delete “or minor modifications”. This will allow the Director the authority to approve minor modifications which may improve the use and/or the structure after damage and re-building.

21.12.030, Subsection D, page 7, line 4: The committee agreed to the deletion of the phrase “or by public statement”.

The Committee concluded its discussion at this meeting with 21.12.030 E., page 7, lines 19 through 34 which deals with “overcoming presumption of abandonment:. However, the Committee did not complete this discussion. The issues discussed concerned an owner’s responsibilities versus those of a tenant, the fact that each of the requirements for overcoming the presumption has to be met, the provisions of sub-section E. 4. and the use of the term “In addition” at line 28. This discussion will continue at the next meeting on 6-14-07 at 9:00 to 11:00 a.m. at the Permit Center.

Respectfully Submitted

The Members of the Title 21  
Committee