

## **CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS**

p. 333, line 18 – Committee asks for clarification of the functions of “natural areas” Planning enumerates preservation value as wetlands, flood control, wildlife habitat, etc.

p. 333, line 35 – *Alternative Equivalent Compliance* – Committee calls attention to the Real Estate Advisory Task Force document, specifically page 16, as significant amount of work went into this and language as written may not capture Task Force recommendations as well as Dean Architect’s comments. Task Force wanted more direct access to Planning and Zoning, avoid unnecessary delay. Potentially the process outlined could cause plans to be approved twice. Planning and Code Enforcement acknowledge this section is very important and will review Task Force and Dean Architect remarks. Committee: Developers like alternative compliance – be creative, do what they do best. Public: Please quantify “in timely fashion” line 31. Adding 90 days could determine whether a project gets in the ground this year or next. Planning discussed timeframes of Chapter 3 and workloads. Uncomfortable stating exact timeframe. Committee suggests “find rough average and then maybe go beyond.”

p. 336, line 18 –Currently 100 feet setback in R-10.

p. 336, line 28 – Setback in R-5, R-6, R-7, R-9, I-1 and I-2 has changed from 25 feet to 50 feet. Many public comments on setbacks and they have been varied. Planning explains national accepted standard is 100 feet for purposes of filtering pollutants and runoff. Planning determined to go from 25 to 100 feet was too big of a step right now. Smaller lots already developed will remain at 25 (though comments from public indicate some want that changed). Properties will be grandfathered if within 25-50 foot setback but will not be able to add on to a structure and increase the encroachment into setback. Public comment that this setback is problematic if stream bisects a lot and takes 100 feet out of the middle of a lot. Question to be answered by Planning as to how many properties impacted by bisection. New subdivisions will try to avoid this problem and put streams on lot lines. Enough GIS information is available to get a rough idea. All streams have

not been mapped in the Bowl, Eagle River or Girdwood. General discussion of definition of stream, as public commented that state's is different. Code enforcement explained that Storm Water Management Group identified stream characteristics. Page 566 has definition. State definition is any flow of water that does not result from rainfall or snowmelt. Applicable to Title 15 for wells and septic. Constant problems for developers trying to site their homes. Committee: What is the experience? Is there some great harm being done to our streams? Planning says "yes, all our urban streams are out of compliance because of runoff." Research shows a greater setback needed. Planning believes definition of stream is very close to the state's definition.

p. 336, line 22-23 – "except as provided in 6 below." Committee: This is not clear enough. The only way you could disturb any part of a setback is if it has a recreation, education, or scientific purpose. Committee member would like to see language similar to Utilities (p. 338, line 45) "regrading to original contours and revegetation with native species" be included in buffer/setback requirements, as currently written you can't do anything in that buffer. Need more flexibility than is permitted. Should be able in some circumstances to clear and replant for reasons other than utility, recreation, education or science. Planning explained why this is not allowed as undisturbed natural vegetation provides the functions that are needed for water filtration. Clearing land and revegetation itself disturb ground and contribute to sedimentation and pollution. When root mat ground cover is disturbed, there is a period of time when the land is not able to filter pollutants. Committee member advises that this nondisturbance in buffer area is an issue that is going to come up again.

Discussion about the current bad state of Anchorage streams due to activities in the 25 foot setback. Committee: In urban area why is this 50 feet necessary and what if someone wants to remodel an old house on a stream and build new one. Planning clarified that in some zoning districts the 25 foot setback is being maintained, predominantly in developed areas. See p. 336, lines 33-39. Acknowledged many Peters Creek properties may not be noncompliant. Committee comment that not allowing any work in buffer will exacerbate problems. Planning: Intent is to preserve undeveloped areas. Survivability of new vegetation is an issue also and there are cumulative problems with disturbances in setbacks. Planning to take a look at how many properties affected along Peters Creek and attempt to address their circumstances as many homes on both sides will be nonconforming. Planning states list of streams is not all inclusive.

p. 336, lines 40-41 – Committee asked if this means where streams come out of culverts they are then required to have setback. Planning: Yes.

p. 337, lines 18-20 – Committee asked if 15 feet is far enough back from water bodies (lakes). Planning stated that at this time no setback is required. Public concern if trees have to remain then property owner loses view. Planning emphasized that this 15 foot buffer is to protect lakes from nitrates, fertilizer runoff, etc. Without a buffer, eutrophication (algae growth in lakes) and bacterial eutrophication is speeded up. Committee member asks about economic impact and recommends eliminating “no disturbance is permitted” provision. In essence, this means one literally cannot walk on the buffer. Planning reiterated that the intent is to have a vegetation buffer to mitigate the problems we have now with our lakes and the growth of weeds and eutrophication. Campbell Lake, as an example, has lawn sprinkler systems running right into the lake. Discussion about Fire Lake (artificial) and float planes. Planning states that at lines 21-24 they have provided for this with exemptions for docks, boathouses, floatplane storage sheds. Committee member suggests a more effective tool would be to follow the example on the Kenai where people were shown how best to protect the edge of the river rather than prohibit any disturbance whatsoever.

p. 337, line 38 – Committee: Is boundary delineation being done by Corps of Engineers rather than Watershed Management Division? Planning: They work in conjunction; use same scientific reasoning. Planning added the language that the procedures and methods of the Corps of Engineers will be used (lines 41-44). Needed a standard for “qualified professional” (see Fn 7)

p. 338, lines 12-13 – Committee asks if the Anchorage Wetlands Management Plan which is incorporated and adopted by reference is out of date. It is also an element of the Comprehensive Plan in Chapter 1. Planning: Not that old, updated 6-7 years ago and updated every 10 years by Corps. What changes? Discover more; get additional information that warrants reclassification, identified wetlands may no longer be. Studies are ongoing.

p. 338, lines 32-37 – *channel alteration*. About 15 years ago Peters Creek flooded or glaciated and threatened homes. Committee wants language added with regard to exemption for emergencies. Planning: Emergency measures should get concurrence on the spot, i.e. Girdwood flood, they took backhoes and dug out channels around the clock.

339, line 16 – Committee suggests adding [shall be preserved] “to the maximum extent possible” [all existing vegetation]. Public questioned whether the language “municipality finds to be a threat” means someone in the city has to verify that a tree is a threat before homeowner can deal with it. Will muni accept liability or is homeowner liable? Committee recommends adding word “damaged” as well as dead trees.

p. 339, lines 28-30 -- Redundant language. Third time saying this.

p. 339, line 31 – Committee: Why redefining Class A, B, C if we have a wetlands management plan. No need to reinsert language when simple reference would suffice. Planning: This is a rollover from current code. Did planning answer all of Clarion’s questions in footnote 9? Look into it.

p. 341, lines 11, 13 18 – Committee comment that it is sometimes challenging to get agreement on what is visually significant and what is innovative. May be helpful to add “accomplished to the maximum amount feasible.” Code enforcement explained that “encourage” and “discourage” are purpose statements and defined by standards.

p. 341, line 30 – Discussion about slopes greater than 30% to remain undisturbed. Planning: Eagle River Comp Plan in 1993 called for nondisturbance of slopes greater than 25%. Precedent set in 1984 area wide zoning with 30% limit, though Comp Plan later called for 25%. Eagle Crossing an example of significant alteration of landscape. Where do you apply 30% threshold? Because of the experience of going through this determination for every plat, this section establishes basic criteria so expectations are clear as to what can be disturbed and what cannot be graded.

p. 341, line 33 – Planning added exemption if it’s a small, isolated area.

p. 342, lines 1-2 – *cut and fill slopes shall be entirely contained within a lot* – Committee asked if this applies only to small lots? Why does it have to stop at lot line? Planning to clarify that this applies to individual lots as opposed to subdivisions. Committee: subsection iii is very prescriptive and should be limited to single lot development. Would rather have platting staff deal with this for subdivisions and hope that it is applied topographically specific.

p. 342, line 26 – Building Code requires that anything over 4 feet be specifically engineered to meet needs of lot. Planning: 4 feet came from standards applied in other hillside circumstances in Lower 48. Suggestion made to make it more site dependent and use character of the slope rather than IBC requirement for retaining walls. Adding language “requires an engineered solution” discussed. (Not necessarily good.) What is potential financial impact? Planning: Concern is that development is going higher into steep areas. Home builders will have to work more with natural landscape. Committee does not favor a blanket prohibition.

343, line 13 and 16 – What is a cartway? Defined in chapter 13, p. 543.

p. 343, line 26 – *To the maximum extent feasible* – Committee wants “economic” inserted. Planning: term is defined on p. 555 and economics not included, gave example of a current situation in Eagle River now where 2 lots are being developed and person downhill is getting all the runoff. There are natural drainage impacts and development drainage impacts, but all parties do not agree which is which.

p. 343, line 36 – Committee: “all” is a problem (development shall mitigate all negative or adverse drainage impacts on adjacent and surrounding sites). An absolute prohibition creates paranoia. Hard to judge “all.”

p. 344, lines 1-5 – *winter erosion blanket*. Public: Need a final date here, when does the exemption go away?

p. 344, line 7 – Committee: Strike “where the landowner” (requires buried utilities). All new lines go under. Utility chooses which to bury. Planning stated language came from Chugach Electric.

p. 344, lines 12-19 – *Wildlife Conflict Prevention Areas*. Committee: This will affect many houses. Why no campgrounds allowed? Planning: Recognizing existing campgrounds but not a good idea to establish new ones in areas with bear conflict. This is innocuous, not very hard language. This section does not take property or regulate; it only says you have to have bear proof containers. Very extensive recommendations from bear study (based on anecdote and experience) were actually watered down significantly. Guidelines make people aware and hope they practice this. Comp Plan requires this and an element of the community feels very strongly about it.

Came up with what is practicable and workable but only one real standard (bear proof container) or if you are commercial. Committee: Are we sure all streams mentioned are wildlife corridors?

p. 344, lines 29-30 – *designed to facilitate wildlife passage* – Intent is to let wildlife through along corridor rather than enter property where humans are. Planning to look at the list of streams and may exclude certain areas if they are not bear areas. (below Glenn)

pp. 345-346 – *Open Space*. Committee very surprised that Planning kept private open space in this draft and eliminated public open space provisions that were in first draft. Why? Planning explained public open space presented number of challenges (setting up equitable process, dedicated fund to acquire, tie to geographic area). Most development in 10-30 years will be small, infill redevelopment. Amount that you could require most, Parks & Rec does not want. Consultant does not agree and believes public open space should be included. Lots of public feedback on this version wanting them to restore it. Others in support. Hotly debated issue and will affect Chugiak area. Committee member believes Eklutna would have preferred public over private. Impact fees have a lot of value. If we could get school sites out of new large developments, that would be incredible benefit. Planning is reconsidering.

Planning: public very concerned during debate on 2020 that there be play areas and open spaces in immediate proximity to households in higher density areas. The Assembly was adamant that private open space be provided. Easier and more effective as private open space requirement. Committee questions if this requires covenants to maintain private open space? Planning says no. Committee has many concerns: What happens when open space supposed to be joint ownership and then one owner gets foreclosed? Everyone in subdivision has to pay taxes on open space property. Liability coverage is a problem. Planning: This is a continuation of what we have now, which is very minimal. This proposal increases open space requirement. Only applies to multi family 6 units or more and commercial mixed use. Line 27. Currently 100 sq feet and going to 300. Public: Do math, factor in parking (this will force parking under units). We would have only about 700 sq feet per unit on 8,000 sq foot lot. Planning will check economic impact.

p. 345, line 29 – *Commercial/Mixed-Use development: 15 percent of total*

*land area*. Planning to review this 2b section also. Planning explained that open space does not all have to be lawn or ground level yard area. Can be rooftop gardens, balconies, etc.

p. 346, line 8 – Public: want to take out word “maximum.” Planning: p. 555 defines entire term, so cannot take it out.

p. 346, line 22 – Is snow storage credited? Planning: No. See p. 407.  
Committee: cross reference or put it in here too.

p. 346, lines 27-28 – Committee: look at economic impact of this.

p. 347, lines 4, 5 – Does Director have to approve any use of open space? Code Enforcement explained that that is not what is intended here. When someone comes up with another use that is not normally seen but falls within open space allowance, here are other possible uses (walking, biking, picnicking, fishing, preservation, parks, environmental education, wildlife habitat protection) the director will consider when approving.

p. 347, line 38 – Committee will continue to push for *fee in lieu of*. (This was proposed earlier for public open space).

p. 347, line 41 – *Drainage, Storm water Runoff, Erosion Control*. What is status of this ordinance? Will Planning add language or a cross reference?

p. 348, beginning line 1 – This incorporates underground ordinance that recently passed dealing with distribution lines. Overtime, existing overhead lines have to be undergrounded. Committee asks what sections were rewritten for clarity (or Clarion) as they do not want to revisit ordinance but would like to know changes. Planning explained main change with ordinance was expenditure of 4% down to 2% (p. 351, line 27).

p. 349, lines 22-23 – Committee: Subsection C4 (“*a variance issued under this subsection shall expire within two years of its issuance*”) is wrongly placed and should be subsection C2 because it refers to variances under subsection C2 for temporary overhead lines. Planning will investigate.

p. 352, line 24 – Public: currently code requires undergrounding before freezing weather. If this goes through, you could have a live line staying on top of ground an additional year. Builders have had to battle to get them in

before October. Take out [if placed underground] “within one year of installation” and replace with “by September of the following year” instead of “within one year.” Planning believes will review.

No meeting October 21, due to Assembly budget work sessions.

Begin page 353, Transportation and Connectivity, next meeting

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