

**Assembly Title 21 Committee Meeting Notes  
Wednesday, February 22, 2006**

**Chapter 21.12 Enforcement**

**Pg. 494 Entitlements L 14-18**

**Committee:** I would like to see compliance able to be achieved without so many restrictions. It's worrisome that there are so many things that have to be done prior to coming into compliance.

**Planning:** This is carried over from existing language. It is useful for enforcement efforts. It's a cost-effective way to bring things into compliance.

**Committee:** What if you said "in the absence of approval by a regulatory body"?

**Planning:** One thing this language prevents is a wayward official from doing whatever he wants.

**Committee:** It seems like too much.

**Public:** This seems good for big projects, but it's too restrictive for single family.

**Pg. 494, L 23-4**

**Committee:** Can there be a situation where there's a reasonable time frame for fixing the problem? What if they can't do it until the ground thaws? Does the violation still occur daily?

**Planning:** Then they'll have a fixed date to be in compliance.

**Committee:** Then there is a time frame beyond what is implied in this language.

**Planning:** This only happens after all the letters, calls, etc. have been exhausted and they say no to doing anything.

**Pg. 494 L 31-34**

**Committee:** How are private enforcement actions working now?

**Planning:** It 's not working. This is revised. It was changed to make it easier for Community Councils to take enforcement actions forward.

**Committee:** Enforcement is a matter of resources.

**Pg. 495 Violations L 32 - 33**

**Committee:** Does this preclude someone cutting down a tree that is sick?

**Planning:** This is meant to be when something is not allowed in the Title.

**Committee:** Then what about using "not permitted" instead of "inconsistent"?

**Public:** What about when you have a setback on a waterway, where nothing can be touched?

**Planning:** We made provisions for some intrusion into a setback, like providing for a dock.

**Committee:** What about the spruce bark beetle problem? On one hand we encourage people to get rid of those trees and here we say in this spot you can't. It seems problematic.

**Planning:** This is more for a situation where you have visual enhancement and then say have to fix the driveway. If you take trees, then you have to replant.

**Committee:** I am not sure this language says that. You may need to look at this and make sure it represents what you really want to say.

**Pg. 496 L 1-5**

**Committee:** Is it a violation here if you have broken cars on your property?

**Planning:** This refers to people who have so many vehicles that it changes the property use to a storage yard.

**Committee:** Where is the threshold?

**Public:** In line 4 I'd like to delete the word snow.

**Planning:** You can't look at these words alone. They go with language in other sections that do allow some flexibility.

**Pg. 496 L 25-26**

**Committee:** I want an adjective before the word departure, like immediate or significant.

**Pg. 496 L 28**

**Committee:** When taking away an entitlement, check to make sure this corresponds to the Assembly's recent ordinance change.

**Pg. 497 L 37-43 Restoration of Disturbed Areas**

**Committee:** What is the extent of the remediation required here?

Potentially if you fix the drainage on one lot you might have to fix something that happens naturally.

**Public:** You can't allow disturbed materials to go off your own property.

**Committee:** You're saying that it's defined like that at the federal level?

**Public:** Yes

**Pg. 501 12-19 Procedures for Private Enforcement Actions**

**Public:** I'm afraid of what could happen here if a citizen has a personal agenda and just wanted to hurt someone.

**Committee:** The changes here are jurisdictional. It would allow someone in Mt View to potentially take action on someone in the Dimond area.

**Public:** Rival businesses in Mt. View and where ever could file on each other.

**Committee:** This is rarely used. It lets independent people solve their own problems.

**Planning:** Once the violation is submitted to the hearing officer, it's reviewed and then returned stating why it's a violation or not.

**Public:** I think the original 1-mile radius limitation would be better.

**Planning:** I can work more than a mile from my home and have an interest in both areas.

**Public:** But only people within 500 feet of the violation are notified?

**Pg. 501 L 28**

**Committee:** Community Councils have no” jurisdiction”, they have boundaries.

**Pg. 503 L 10 Issuance of Compliance Order**

**Public:** The \$1,000 is too low here. What if I spend \$100,000 to fight the violation and it’s overturned. I can only be reimbursed \$1,000.

**Committee:** In theory it should keep frivolous law suits from occurring.

**Pg. 504 Payment of Costs by Complainant L 12-17**

**Committee:** In the last draft we said that an attorney should look at this. Did that happen?

**Planning:** We always provide a copy to the city attorney but I’m not sure if they looked at this particular section.

**Committee:** I urge you to make sure that it gets done.

**Chapter 21.13**

**Pg. 508 L 26**

**Committee:** Amortization is currently only for signs, why say “characteristic of a use, structure or lot”? This seems to say we are anticipating using amortization in those areas too.

**Pg. 509 Assisted Living L 18-19**

**Public:** Why can’t assisted living be defined more thoroughly here?

**Committee:** It is.

**Planning:** I think that the reference to AS Chapter 47.33 should be removed since this could change.

**Public:** I don’t like to have to refer to another document.

**Committee:** Nursing would be another term that is referred to another document. There are references throughout this document and I think they are all right.

**Public:** There are all kinds of airport references included in the draft . It is not consistent.

**Planning:** That’s something we are working on.

**Pg. 509 Average Slope L 24-31**

**Public:** This definition could be reworded and simplified.

**Committee:** It doesn’t make sense to not be able to build on a lot which has one small section that is steep. Make sure this is consistent with the earlier chapter on slope restrictions.

**Pg. 515 Engineer L16-17**

**Public:** Shouldn't "Civil" be eliminated in front of "Engineer" here. There are all kinds of engineers.

**Planning:** I looked this up and thought that for what we are covering, civil works well. We have to make sure we don't use the term engineer to only mean civil when an electrical or other engineer is required.

**Pg. 519 Health Authority Certificate L 23**

**Committee:** Check this definition for consistence with State of Alaska.

**Pg. 524 On-Site Remediation L 31-33**

**Committee:** Is the 300 feet from the location consistent with the EPA requirements?

**Public:** What happens if a lot is larger than 300 feet? I'm thinking of AS & G where they have their bagger. The material has to be moved more than 300 feet.

**Pg. 525 Permit, Land Use L 25-28**

**Committee:** Shouldn't "to this title" be changed to "code".

**Pg. 525 Person L 35-36**

**Committee:** I think that LLC and company should be added here.

**Pg. 527 Property Line L 19-20**

**Committee:** This seems to be used interchangeably with lot line. Are they interchangeable when lot line is more commonly used?

**Planning:** They are not the same language, but they mean the same.

**General Comments about Definitions**

**Committee:** It might be helpful to define cluster housing and rural.

**Planning:** I'm not sure if we use the word rural, it is difficult to define. But we do use the term unit development.

**Public:** We need to define Hostels.

**Committee:** Please submit your ideas.

**Public:** What about ecological design? We have the opportunity to be more conservation based here.

**Committee:** There are some sections that have addressed these ideas.

**Planning:** We'd encourage you to make comments.

**Chapter 21.01 General Provisions**

**Pg. 6 Purpose of this Title L 16-17**

**Committee:** I would like to add "promote economic development" here.

**Pg. 6 L 20**

**Committee:** What does a "balanced" diverse supply mean?

**Planning:** It means that there is a balance of all kinds of housing within an area.

**Pg. 6 L 24-25**

**Committee:** What is sense of place?

**Planning:** It means you live in Anchorage instead of Milwaukee.

**Committee:** I think that I know that.

**Planning:** We are responding to the goals of the community.

**Pg. 6 L 29**

**Committee:** What about protecting existing trees and vegetation? In some situations that would not be ideal.

**Pg. 6 L 33**

**Committee:** There is nothing listed for protection against wind, erosion and old age.

**Pg.7 Application of Governmental Units L 9-14**

**Committee:** Shouldn't the airport be under the constraints of the municipality?

**Planning:** Our attorney says they are under municipal constraint, but the state says no.

**Committee:** The railroad would be another issue

**Public:** We would plead that this be resolved.

**Pg. 8 L 18-20**

**Committee:** I hope it is not a practice to put 1 lot in 2 zones.

**Public:** We would appreciate adding language saying that split zoning should be avoided if at all possible.

**Pg. 9 L 17**

**Committee:** Where it says "judges invalid" it should say "invalidates" to make it consistent.

**Pg. 11 L 18-20**

**Committee:** Why say "the goals, recommendations, policies and maps of the Comprehensive Plan" here? Why not just say "the plan and all its elements"?

**Planning:** So the different areas can be treated accordingly.

**Committee:** Planning and Zoning does not always look at the Chugiak/Eagle River Comprehensive Plan and have even made decisions for our area using the 20/20 Plan.

**Committee:** This could be a problem. That is why I am pushing for a whole new section for Chugiak/Eagle River.

**Pg. 11 Violations Continue L 29-31**

**Public:** I have a problem with this. Why should the city be able to go back and collect this fine if the original violation is no longer a violation?

**Committee:** Potentially the city could go back and collect on any violation they wanted.

**Planning:** This is only for violations we are currently working on.

**Pg. 12 L 27-30**

**Committee:** How are we handling tracking or phasing a project?

**Planning:** You have to have a complete application, all the information required for a project.

**Committee:** How does a contractor who started a project in the old plan continue? Will new additions be under the old or new plan?

**Planning:** It would be under the new plan

**Committee:** Watch your language. A complete plan isn't done if you have 50 acres and are only developing 10 acres at a time.

**Pg. 15 Chapter 21.02**

**Committee:** Should we eliminate the UDC and maybe make the Planning and Zoning bigger? It is a major policy question.

**Planning:** Planning and Zoning can look at an issue or defer to the UDC.

**Committee:** The department has not required UDC approval before. I'm concerned that we are already using Title 21 before it's adopted.

**Public:** Say I'm having a problem with parking. I need a variance and have to get a conditional use permit. I have to go to two separate entities.

**Planning:** They are different issues.

**Public:** Won't one affect the other?

**Planning:** No

**Committee:** Why don't we consider doing what we used to do. When you have two problems you only have to go to one board. I'd like to see this simplified. Planning & Zoning is an important central body

**Public:** The poor citizen doesn't want to have to get educated by Title 21.

**Committee:** You've added a lot of fees by this change.

**Pg. 19-23**

**Committee:** The reference to AMC 4.05.035 is not complete. Much of this section is brand new stuff, including the language on qualification of members, conflict of interest, appointment and conduct.

**Planning:** These changes are recommended by ZEMA and some others. We already have requirements for qualification of members.

**Committee:** We should give the chair the authority to reduce time given for testimony.

**Next meeting:** March 1st, Planning Dept., Conference Room 9:30 am–11:30 am. We will start on page 24.

