

ASSEMBLY TITLE 21 COMMITTEE
Summary of Discussion in Meeting August 12, 2005
Public Review Draft #1 Discussion Chapter Three

Chapter 21.03: Review and Approval Procedures (continued from August 5)

21.03.060 – Subdivisions and Plats

p. 59, line 38 – *Action On Preliminary Plat*. Zoning staff recommends eliminating 90-day time period as has been problematic. Other approval processes do not have time limit. Could put Planning into time bind if staff limited. What exactly does “taking action” mean? Is postponement an action? 90 days is primarily for applicant reassurance. Planning does not recall not making the time deadline in the past.

p. 60, line 33 – effective date of preliminary plat at discretion of Platting Board of 24 up to 60 months (existing is 18 months) Homebuilders would like to see consistency w/ abbreviated plats having 24 months rather than 18. (Page 66, line 17 change 18 to 24)

p. 63, line 36 – *Procedure when Final Plat Differs from Preliminary Plat*. Submission 60 days before Platting Board meeting plus 90 days to take action from submission is quite a length of time. Planning needs reasonable time to route applications for review and comment. Handled in order that they come in. Zoning staff strongly favors not reducing 60 days prior to scheduled meeting. Current code for a differing final plat is 30 days and is not enough time for staff review and notice requirements. 21 days notice required for public hearing. This section is rarely applied as seldom does a final plat differ from the preliminary. Planning explained that if final and prelim match up, it’s all administrative, but a different final plat is a “surprise” and need time to review and advertise. The line for a major difference is drawn at 10%. See 21.03.080G.2.b.iii. at p. 74, line 22.

p.64, line 42 – Discussion whether need to clarify (e) “adequate and convenient open space” and whether necessary if development and design standards of 21.07 and 21.08 are clear. Keep (a) and (k) but eliminate the rest? These criteria are carried over from current code.

page 65, line 10 – *Abbreviated Plat Procedure*. A table would be helpful for guidance on submission time, notice, action, expiration, etc. Proposed User Guide would be best place for such table. The abbreviated plat section has been carried

over, but is there any way to state ore re-word it more clearly?

p. 66, line 17-22 – *Duration of Preliminary Approval*. Why so much shorter? Policy issue as to how long the period for short plat should be w/o public scrutiny. Needs to be done quickly. Zoning staff agrees to change 18 to 24 months.

p. 67, line 25 – *Duration of Approval (Right-of-Way Acquisition Plat)* Right-of-way plat is different from short plat – government versus private. Should not treat differently. Suggest change 18 to 24 months to accomplish consistency and to cover 2 building seasons.

21.03.070 – Conditional Uses

No comments.

21.03080 – Site Plan Review

p. 72, line 8 – *Urban Design Commission’s Review, Hearing and Decision*. Assembly concerns about how much responsibility be given UDC if the commission can “shut down” a project. Assembly will take a look at more efficiency by perhaps having commissions narrowed and responsibilities merged. Planning explained intent is to cut out redundancy as they are seeing more and more design review issues before P&Z and under this concept UDC will get involved with site plan review, building design, aesthetics. Currently public landscape is their main responsibility. Suggestion to have a reference back to 21.02.080 (p. 28 draft) as to powers and duties of UDC. Planning explained the advantage to this new process is more certainty than under CU process. Clarified Urban Design review is not review of construction detail and any decision can be appealed to P&Z.

p. 73, line 26 – *Amendments to Approved Site Plans* – Clarified that public hearing or UDC hearing for amendment of site plan depends on whether it is minor or major. Major revision starts the process over. Objective is to decrease number of projects going through commission review. Minor Amendments are defined on p. 74 at (b)iii “changes in building envelop, setback, and similar provisions of ten percent or less.” This will be judgment call on part of administrative official. Committee member approves of this.

21.03.090 Public Facility Site Selection

p. 75, line 4 – applicability to “any trail alignment not part of a road construction project.” This needs to be clarified so as not to be so global. Questions as to what triggers this provision – when would it apply to a sidewalk or path being moved. Planning reiterated section applies to publicly owned land and agrees to clarify (i.e. trails, soccer fields). The intent is to address location and not design and example given of Ship Creek and Coastal Trail projects. Trails are not required to go through site selection or site plan review. Suggested language by Committee member “any trail not aligned w/ a road.” Discussion that this, too, problematic. Connectivity important. Clarified that this section does not apply to alteration of a trail on school property. Suggestion to perhaps give a minimum distance before coming w/in purview of this review. Needs to be clear “yes” or “no.” Too much gray area as to whether it is a site selection issue. Need to look closely at exemptions when rewriting to determine what would come out. Need to answer SOA right-of-way question. (If they take over 5 acres would they have to go through P&Z.) Is there an issue w/ RR realigning track?

p. 76, line 1 – Add to approval criteria 1-7 another criteria of “financial feasibility, including operations and maintenance costs.” Committee member will address the problems with criteria #7 (government offices in Central Business District) at another time.

21.03.100 Special Flood Hazard Permits

No new comments. All exists in Code.

21.03.110 Land Use Permits

p. 78 line 27 – *Outside Building Safety Service Area*. Excavation of more than 300 cubic feet is too strict. That is approx. one dump truck load (297 cubic feet actually). This could be a garden. Committee member interested in amending to 600 cubic feet. The provision has been in Code since 1969. Planning suggests should correlate with Building Safety Service Area. 300 cubic feet is 10 yards and recommendation is to express amounts in yards not square feet.

- a. Change floor area of 100 square feet to 120 square feet
- c. 900 cubic feet = 33 cubic yards. Recommend to be consistent with Building Codes – 50 cubic yards.
- e. This is new language “clearing and grubbing 2,000 square feet” (5% of an acre) and needs to be clarified (versus cutting trees down). Planning explained this provision came out of Girdwood meetings and not suggesting it should be muni-wide as was written for different circumstance and could unfairly hit rural people. Any clearing on any undeveloped lot of at least 2 acres needs permit 21.67.050E.

p. 79, line 9 – “commenced within 12 months” (work begun once land use permit issued) is double from current language. “Inspection” language has always been in there (since the borough) but not been enforced unless a problem. Suggestion to print “annual inspection” on permit.

p. 79, lines 23-29 – Consider striking. Clarify where it is applicable.

p. 80, lines 1-2 – appeals of land use permit decisions relating to Title 23 is not new language. Subsection does not apply to appeals of associated with land use permits.

Question as to whether this entire land use permit section is in conformance with the final “site condo ordinance” that passed last year. Planning believes Clarion may have worked from earlier proposed ordinance and not final ordinance and will conform language where appropriate. Suggestion to move land use permit section to subdivision standards but Planning explained this applies to more than subdivisions – for example, condo developments that are not subdivisions and approvals Outside Building Safety Service Area.

p. 81, line 8 – As to when traffic analysis is required, addressed in 21.07.060 at p. 353.

p. 81, lines 18-19 – What does “including without limitation visual continuity of improvements” mean? Do you have to see mountains? No answer. Planning not familiar with language. Will check to see if Clarion incorporated it or came from a draft of site condo ordinance. TIA is referred to inconsistently as “analysis or

assessment” and Planning will make consistent.

p. 82, line 14 – *Oversizing*. Committee member sees this as problematic. Outside of road service areas how will this apply? Language “as soon as budgeted funds are available” could leave developers on the hook until funds available. Planning explained Muni’s responsibility re arterials and collectors (based on functions beyond immediate needs of immediate frontage area) and if oversizing required and not yet budgeted, it will be in next bond proposition, but cannot guarantee because dependent on voter approval. Issue has to be dealt w/ in Chugiak Eagle River area. Needs further examination. Suggestion to ask Mr. Holton to comment. Raising fundamental policy questions. This ordinance was passed by Assembly in 2003. Reexamine language.

21.03.120 Certificate of Zoning Compliance

p. 83, line 9 – This *Certificate of Zoning Compliance* is an all new section. This mirrors procedures for certificates of occupancy inside Building Safety Service Area and expands to areas outside.

p. 83, line 38 – Question as to whether there is possibility of appeal to Assembly for improvements associated w/ land use permits. Discussion that any Platting Board decision can be appealed to BOA, as Assembly no longer sits as BOA.

p. 83, lines 28-31 – “additional conditions” are permit conditions. Very important to have “examination of the building” for applicable codes. Strong support for this provision came from Girdwood. Will help in financing and in closing. Discussion how this section protects the builder, buyer, owner.

21.03.130 Sign Permits

No comments.

21.03.140 Temporary Uses

Need a reference back to table of uses in 296 and need to be consistent. This section needs more clarification on specifics. Planning to look closely at temporary uses and specific exemptions on p. 218 (public institutions) and exemptions in

Title 23.

21.03.150 Record of Survey Maps

No comments.

21.03.160 Vacation of Plats and Rights-of-Way

p. 88, line 23 – Need a definition of a “public square.” Planning and Clarion concur. Current provision comes from state law.

Street Naming (First Public Draft Section 21.03.170). Previous draft had a section carried over from current code on street naming. Clarion recommended not codifying as no discretionary latitude. There is existing policy and procedure.

21.03.170 Verification of Nonconforming Status

Discussion that this particular section is going to cause the most problems as the revisions will create a lot of nonconformities. This will be one of the most hotly debated sections. Rewrite is going to cause a lot more nonconformities. Hot topic coming up and consensus that there needs to be a real streamlined, simple and inexpensive process. Current fee schedule is \$115 per/hour and that’s pretty much the standard amount of time. Suggestion to possibly get nonconformity determination “at counter” at time of permit and have it written up then, or, maybe a 6 month freebie or something like that. Planning looking at amortization in some cases rather than grandfathering (example dumpsters). This section codifies a process already happening.

21.03.180 Minor Modifications

p. 90, lines 30-33 – Question as to why limit to one application for minor modification. Discussion back to what constitutes minor modification. This section sets out what is allowed and happens now – cannot use minor modification process for major modifications.

21.03.190 Variances

No comments.

21.03.200 Appeals

p. 99, line 24 – *Conduct of Hearing*. Committee members concur no oral argument shall be heard before BOA. This is language passed by ordinance last year.

p. 101 – *Appeals to Zoning Board of Examiners and Appeals*. Question as to why an application for a mobile home park is not in this section when earlier drafts included it. Planning will double-check history. Need to look at Homeless Plan

p. 102, line 14 – Confirmed that 20 day time period was approved by Legal and the ordinance passed this year.

Hardship Relief Petitions (First Public Draft 21.03.220). Questioned why earlier draft had this section and now it is excluded. Clarion put it in (believe it would help to avoid litigation), and Planning took it out. Planning will review that decision with legal.

Meeting Adjourned Noon. Begin next meeting page 103 (Use Classification Requests)