

Title 21 Draft #2 Review,

Note: page references are to the hard copy, not on-line copy

General Notice: Adequate time was not allowed for Community Councils to review this entire document's contents. We ran out of time, and reviewed sections randomly so do not read a lack of comment to mean approval by omission.

#### Pg.82 **LAND USE PERMITS**

It is unwise and confusing to combine in **one section** the distinct and separate requirements for land use permits (required outside the Building Safety SERVICE AREA) and building permits (required inside the Building Safety SERVICE AREA, subject to Title 23) As any future codification and modifications issue, the differences between these two service areas could, unintentionally or otherwise, become altered or merged without benefit of public notice and legislative approval. Make this two separate sections (as now exists in current Code) and refer to the phrase "Land Use Permit" and "Building Permit" by their proper and applicable names as currently used in the Code, each with their separate requirements.

#### Pg.114-122 **Master Planning**

General question. Why do we need two types of Master Plans? Do they operate independently? Is one required to obtain the other?

#### Pg.135-139 **Residential Districts.**

When describing Purpose & Intent, and compared to existing Code, you are substituting the word Purpose for Intent and writing text to describe types of residences & leaving out meaningful purpose /intent descriptions. As with all codification & alterations over time, purpose & intent are replaced by brevity until even the makers forget the rationale. Please re-insert the purpose & intent from previous drafts back into the relevant text so the reader will know "why".

#### Pg.135, L 25: Purpose statement for RS-1 (was old R-1,R-1A)

Substitute first sentence to read, "This district intended as urban and suburban SF residential area with low population densities"

Pg.135, L 32-33: Purpose for RS-2 (Was old R-7)

Add to first sentence to read, “The RS-2 district is designed to encourage low-density residential development, and is intended for those land areas where large-lot development is desirable as an adjunct to the more typical urban/suburban residential zoning districts”

Pg.135, L 38-39: Purpose for RT (Was R-2A,R-2D)

Change first sentence to read, “The RT district is intended for low-density urban and suburban SF & 2-family residential areas.”

Pg 137-8 ADD into the purpose statement for RL-2 & RL-4 the same intent already stated in RL-3 that reads; ...”Where public facilities (public water & sewer) may be provided in the future, the regulations are intended to ensure that development during the interim period does not exceed the geological & hydrological capacities for safe & healthy maintenance of human habitation.” Why shouldn’t these zone districts have the same protection intent as other districts that are expressed in acreage rather than square footage?

Pg 140 at L 1-2 (shown as item 6) & L 7-9 (shown as item 9) render this intent unsuitable & undesirable for the current Eagle River areas. Please delete them or state that these two intent items do not apply to our area.

**Pg.140 Neighborhood Commercial District.**

This was taken out of the Mixed use districts section & the section was renamed. However, the mixed use references were not removed from the text in this section, specifically at Line 16 allowing upper story residential, Line 21 referencing Mixed Use Standards, and on page 141 at Line 2 referencing commercial mixed use center. Is this typo oversight or intentional creative expansion on the mixed use concept?

**Pg.141 L 4-18 Auto Commercial Corridor District.**

In the Title 21 meetings, Staff felt that AC district would be suitable for the Peters Creek node of commercial use. Do they still feel that way?

**Pg.147, Office Commercial District (Was R-0)**

Generally, you have moved this out from under the Mixed Use District section, and then leave in guidelines for mixed use. Misplaced or mislabeled?

**Pg.148 Neighborhood Mixed Use District**

L25 states 'between 4 & 30 acres' but when referencing the Table on pg. 303 it says '>4-25 acres'. Which is correct? Additionally, at pg.149 L2-3, would this be suitable for commercial nodes found at North Birchwood & also at Peters Creek? If so, the District Specific Standards found on pg.149 under 'b.' don't seem to quite fit existing commercial areas regarding population concentration, intersection-confined development, no expansion along street corridors.

**Pg.149 L 25-27 Community Mixed Use.**

Does this apply to the Bowl Comp Plan areas exclusively? Paperwork presented to the C-ER CAC Comprehensive Plan committee stated the Eagle River downtown area would be re-zoned to this classification district. (Additionally, if our nodal commercial development at N. Birchwood & Peters Ck didn't qualify under NMU or RC for Chugiak is dropped for some reason, would this be the proper fit?) It is very difficult to determine how Title 21 may or may not fit for areas like Chugiak-Eagle River when we don't KNOW how or what or where the new zoning will be out here.

**Pg.154 Chugiak-Eagle River Districts-**

Submitted combined comments with Chugiak Council in separate document. The combined comments addressed only RL-1 & RC zone districts

**Pg. 157 Other Districts**

**L 13-18: AD District, Purpose & Specific Standards.**

No purpose or intent is even stated! (I assume this may be because the areas named are not under the control or ownership of the MOA)

**Pg.157, Development Reserve District**

Generally, this is a cop-out. All Comp Plans will have been recently updated to 2020-2025. We will be undergoing an area-wide rezone. Infrastructure intensity & location will have been made for the next 20 years via comp plans, transportation call-outs, utility master plans, etc. Zone the property, all property, and let the owner or buyer go thru the re-zone and/or master plan process. Comp plans must plan areas for future development...and if that rationale is really based on logical reasoning, then

holders of vacant land, regardless of size & ownership, should have the same reasoning applied to their property also. This is very biased and prejudicial to only require this for private citizens while allowing this option to remain open-ended for government entities & corporations.

**Pg.158, Marine District,**

L 1-2 This is an example of a relatively subjective objective. When those of us in Eagle River attempted to use similar wording in our Comp Plan regarding Community Design (as well as other areas through-out the document) Community Planning & Ms McConnell implied this was frowned upon...and then YOU do the identical thing here?

**Pg.158, Parks & Recreation District,**

L 9-10: Change to read. "The PR district is intended to include public open space and lands under management authority of Parks & Recreation Depts." There are lands currently being managed & used by Parks & Rec that haven't been formally dedicated because of a lack of an approved master plan. We should not exempt those properties. Switching the words so that 'open space' follows the word 'public' further clarifies the intent, where before, one could confuse open space as meaning certain preserved natural drainage or slope areas.

**Pg.159 Overlay Zoning Districts**

L 37-42 There is nothing written here to indicate the purpose or intent for establishing an overlay zone district. However, upon reading the definition in Chapter 13, I see this is where the purpose is listed. Why not move it to page 159 under "Purpose"? Question. Is this a separate **zone** district? If so, why follow the underlying base zoning district regs? If not, what happens if the overlay application covers 2 different underlying zone districts? And why do you call it an "Overlay District" in Chapter 13, but not here? Can you apply another Overlay over an existing Overlay District, such as a NCOD over an existing NCOD?

General question regarding **Airport Height & Flood Hazard Overlay Zoning Districts**: Don't other governmental regulations already establish these & we have to follow them anyway? Or is the purpose of a MOA overlay to place additional restrictions on areas already covered?

**Pg.165, Neighborhood Conservation Overlay District**

L 9-13 Doesn't this conflict with the definition of Overlay District in Chapter 13 that states an overlay can permit uses otherwise disallowed?

**21.05 Use Regulations**

General question: Where is the definition for Condominium, Site-Condos, etc?(Can't find any development & design standards for this type of dwelling unit either, nor a definition either)

Pg.199 L 40. Correct this since neither 'household' nor 'family' is defined in Chapter 13. Definitions are necessary for clarification purposes throughout Title 21 and all definitions should be located or re-stated in chapter 13.

**Pg.201, Manufactured Home Community**

L 42-44, Definition. Are you saying that if I own 2 lots here in Chugiak, zoned RL-1 (old R-5A) next to each other, each lot housing a mobile home, I am now maintaining a Manufactured Home Community & have to comply with those applicable regulations? That seems unfair. I live on one lot & my son's family lives on the other although I own both. Line 20 on page 202 then states MHC's require a minimum of 2 acres..is that two 2 acre lots...because each of my lots are 1.25 acres? Grandfathering me in won't help if the MOA finds that a CU can 'cure' this..the average property owner doesn't have that kind of money available.

**Pg. 229 Farming, Animal Husbandry**

L 17-23 The Large Domestic Animal Ordinance has been approved. Change this to conform to that document, as well as other pertinent places.

Pg.229 This states, line 4-6, that the use-specific standards apply regardless of whether the use type is permitted by right, etc. and covers commercial (business). Then lines 34-36 tells us what 'animal service' covers. Does this include the Animal Rescue groups operated by the various non-profits, who then would be covered on page 230 under paddocks, kennels, and also pet services? How about Friends of Pets?

Pg.231, L 13 & 35. What kind of “maintenance” facilities would be accessory to a convention center, meeting hall, amusement, entertainment, Rec center, movie theater, and nightclubs? Is this a typo error?

**Pg.272-273 Tables of Accessory Uses-Residential**

Farm, hobby.....include as permitted use in RL-4 district. Many lots in Eagle River/Chugiak are RL-4. Rural areas grow edibles in quantities that an urban area would consider a crop rather than a garden.

Paddocks, Stable, or Barn...include in RL-4 as permitted use. They have outdoor animals too.

**Pg.274-275 Tables of Accessory Uses-Other Districts**

Outdoor keeping of Animals; Allow as “S” in PR district. In our very large regional parks in rural areas, the allowance of dog lots, petting zoos, & other uses that might generate future revenue should be allowed.

Paddocks, Stable, or Barn : Allow as “S” in PR district. Same as comments as outdoor keeping of animals. Allowing a contractor to operate such a riding facility on public lands is already the practice elsewhere and served public need very well.

**Pg.285, Garage or Carport, Residential**

L 26-27 Delete the mandated requirement that limits garages to an individual size, and go with the current total percentage of lot coverage which is adequate for the light, air, & space rationale. Your proposed formula is illogical in a forested, large lot rural/semi-rural area like Chugiak-Eagle River. Many homes in our area are smaller for heating efficiency, having larger accessory structures. This is a northern climate and this restriction flies in the face of what the police constantly preach to the citizenry. We have 2-3 car families, the old plow truck or garbage trailer, RV's, snow machines, ATV's, boats, trailers, the garden tractor or riding lawn mower. All need protection from the elements, including the criminal element. Keep it out of sight and locked up. Why would you make a regulation that prevents us from doing what the police are telling us? Or why should it be illegal for me to share my garage with my elderly neighbor who doesn't have a garage? And if I restore classic cars for a hobby & cannot keep the non-running ones outdoors, here you won't allow me to build a garage/shop large enough to keep in compliance with other proposed land use regulations. This is a property rights issue & a blanket covenant at its worst. Further, this is how we purchased our properties and how we chose to use them is a matter of individual preference and lifestyle. What we build

on our property should be our choice, knowing our property rights end at our property line. We have a very stable population in the Birchwood area (check your population stats) and this is very, very unfair. Concerning another argument put forth, the footprint size of a structure doesn't determine the principal use of the lot; it's the hour-by-hour use that makes it principal.

**Pg.285, Home & Garden Related Use**

L 34-36 Why should my neighbor not be able to sell or trade me the herbs & vegetables she raises? This is a very common practice in rural areas. Why don't you consider this as a home occupation?

**Pg.285-287 Home Occupations**

L 13-20 The Chugiak-Eagle River rural area is some distance from the major employment centers & mostly composed of lots measured by acreage rather than square footage. Our properties are large enough that impact to our neighbors is not intrusive or disruptive as it might be in an urban area. We also enjoy a different character and lifestyle than other areas of the municipality. The new technology in communications has certainly helped many to work from home. The size limitations currently carried forward from existing Code are not adequate for our use, character, or lifestyle out here and we propose they be changed as follows for the RL-1 thru RL-4 zone districts in Chugiak-Eagle River:

“Non-residential uses which are not intensive in nature which, for some reason, do not meet the regular home occupation limits, are allowed in the RL-1 thru RL-4 zoning districts with a municipal site license permit. Securing such a site license permit shall require notification of property owners within a 500 foot radius of the applicant's property. Two-thirds of those property owners must consent to issuance of the permit. The total cost of the permit & process shall not exceed \$100.00 & be sufficient until the discontinuance of the home occupation. The site license permit would be a new type of procedure & not be confused with the Site Plan Review Process found on page 73. (The subparts labeled A,C,D,E,F,G,& H of the current 21.45.150 Code shall be carried forward & also apply here.)

The use of a dwelling unit for a home occupation use shall be clearly incidental & subordinate to its residential use. These standards are met by and limited to the following:

(1) No more than the lesser of 40% or 650 sq.ft. of the gross floor area of the dwelling unit is devoted to the home occupation use; or

(2) 100% of an accessory structure is devoted to the home occupation use; or

(3) 20% of the gross floor area of the dwelling and 90% of the accessory structure is devoted to the home occupation.”

L 30-39: This is also not suitable for the Chugiak-Eagle River area. Several sports charter fishing guides live here and their boats are housed on the property in the off-season. The residential remodelers often use a ‘box van’ in their home occupation. Both examples are licensed commercially, carry commercial insurance, and sport advertising on the unit. Any of the ‘vehicles’ listed here may or could be stored in accessory structures, or are necessary to the operation of the business. Are there any other businesses anywhere in the MOA that is legally limited regarding the number of vehicles they may have in their business? Delete the one vehicle limit.

#### **Pg.287 Home Occupations**

L 18; Question. What is vehicle repair? Is it changing a flat tire, changing the oil, repair of body damage, or what? Every homeowner does ‘vehicle maintenance and repair’ on his property. Perhaps sticking with a description such as found on page 245 for “Vehicles Services and Repair, Minor” might better convey to the reader exactly what you meant here. In either case, having a neighborhood mechanic nearby would be beneficial to a neighborhood as long as it wasn’t a large, full-service type of establishment such as one would find in downtown Eagle River. At least you could walk home from there. Rural areas have limited public services, such as convenient public transit or taxi service.

#### **Pg.289 Private Outdoor Storage of Noncommercial Equipment Accessory to a Residential Use**

L 1-4 Another example of land use regulations that don’t fit forested, large-lot rural character or lifestyle. If you don’t have a garage, why not keep this stuff in the back yard, screened and out of sight? And if you are in an urban area served by an alley, why keep it in the front?

#### **Pg.289 Vehicle Repair/Rebuilding, Outdoor, Hobby**

L 12-21 If properly screened from other properties, why would it make a difference if you have more than one outdoor vehicle? Please change to three (3). Any more than that is bordering on the definition of a junk yard, maybe.

**Pg.289 Prohibited Accessory Uses & Structures**

L 23-28 **Connex** containers. Ugly things, but are instant secure, skid-mounted storage for those that need them. In rural areas, on large properties, these are utilized to store seasonal items, construction materials stockpiled for your remote property, and feed storage (rodent resistant container). Is there a way to allow use in large-lot rural properties, properly screened, & to the rear of the lot? In bush Alaska, these are used as dwelling units! They are recyclable, almost vandal & animal proof, available thru several long-established commercial businesses, and sometimes just plain necessary.

**Pg.290 Commercial Motor Vehicle Repair**

L 7-10 I think this should be allowed as an expanded home occupation. I can think of 6 of these in the Chugiak-Eagle River area that are in high demand & in several cases are highly recommended by insurance adjusters locally. The limit should be raised to 3 vehicles (one in the shop, one waiting for pick-up by the customer, and one waiting for repair). Please let those with this talent be self-employed, keep overhead minimized by beginning as a home business, and a method for them to do this. This proposed regulation also appears to prevent neighbors from charitably helping out a handicapped or senior neighbor or one that is less fortunate than they are. Why prevent that?

**Pg.290 Parking of Business Vehicles, Outdoor**

L 11-21 : This is also not suitable for the Chugiak-Eagle River area. Several sports charter fishing guides live here and their boats/trailer are housed on the property in the off-season. The residential remodelers often use a 'box van' in their home occupation. Both examples must be licensed commercially, carry commercial insurance, and sport advertising on the unit. There are also occasions where dump truck drivers, living in one area, but commuting to the employer's yard in a major employment center, end up working in the area where they live. They are not paid for commute time & employers will allow them to take the rig home at shift end. By doing that, the trucker saves time, hauls more loads, and is also one less vehicle on the highway at peak commute hours. The employer gains by getting the project completed more quickly. This is only problematic in an urban area. The one-ton diesel rigs driven by the teen-age neighbor make more noise than these rigs. Please allow this in the RL-1 thru RL-3 zone districts in Chugiak-Eagle River.

### **Pg.290 Temporary Uses**

L 35-36 this doesn't make sense. "...any use allowed in a district, pursuant to Tables (found on page 183 thru 196, Tables of Allowed Uses) is allowed on a temporary basis in that district. Please explain! I thought those Tables were permanent uses and I find no category there for Temporary Uses.

L23-25 Question. Are you telling me that if I hold a spring and a fall garage sale, each sale running for a Friday, Saturday, and Sunday I don't need a permit unless I decide to have an additional one day sale?

L 15-18 We need a permit for Eagle River's Bear Paw, Little League events at Lion's Park, and school plays at the local high school? Please explain. How about story-hour at the local library?

L 26-27 I need a permit if all 11 of my neighbors gather at my house for a neighborhood potluck block party? This doesn't make sense.

L 28-29 So a one-evening Community Council or Homeowner's Assn needs a permit to meet if it's inside a building? Please explain.

### **Pg.307 Setbacks from Projected Rights-of-Way**

L 34-37 In the rural areas of Chugiak where BLM lots were the original means of acquisition, later clouded by Native Land Selection, the property owners build the roads (where I live there wasn't a road until it was extended to my lot in 1980): few are dedicated, some have no easement but a road exists, some have a road but it's outside the easement, etc. How do you intend to apply this measure of this setback in these situations?

### **Pg.324 Dvlpmt & Design Stds.**

L. 13-28 I question whether natural resource protection is the primary rationale behind these buffer-setback standards. Here we have large lots that have double the setback requirements of smaller residential & (presumably also) commercial uses. Why require a greater buffer/setback on land not as intensely utilized as other zone district lots?

### **Pg.333 Private Open Space**

L 23, under the In-Lieu Option: "Determination of the economic value of the space now consumed by the chosen amenity"...how do you set that value? Whose value, the developer, the public, the user?

L 26: Are fountains a suitable amenity in a winter city? I believe we tried that before & couldn't seem to keep them suds-free in the summer or flowing in the winter, and finally gave up because of repair cost.

**Pg.333, Open Space**

credit for private open space mostly deal with preserving the function of the environment thereby ruling out uses for normal recreation mentioned later under uses for common open space...and according to this section will be 50% of the private open space set-aside. The remaining applicable set-aside is solely for the exclusive use of the dwelling unit (yard, deck, balcony) and must be at least 600 sq.ft. per unit. I think the In-Lieu options will not be exercised because there won't be sufficient remaining area to place them within the development. Can you increase the minimum requirements found on page 333 or else reinstate the requirement for Public Open Space so that children of these dense residential developments are ensured of having a dedicated public park for active use nearby?

This entire section does not follow the Chugiak-Eagle River Comprehensive Plan Guidelines for our area growth and development. See Parks, Open Space, Rec in Goals and Objectives, plus our slope protection begins at 25%. Our Plan also requires a Deed Restriction to preserve private open space & to be written so that it survives foreclosure by any entity, public or private.

**Pg.342 Transportation &Connectivity**

L 11: Two concerns regarding the width of pedestrian/trail access; the first concern is keeping kids in pick-ups OFF these trail connections, either thru bollard placement or reduced width of easements. The other concern is winter maintenance; when you require a trail width wider than the blade of the maintenance equipment, you double the maintenance time and cost.

Pg.343, L 3-6 regarding placement of sign at dead-end of future road connection: This will be problematic in the Chugiak area with its many acres of vacant land available. Either make a turnaround at this dead-end for emergency response equipment (which, if outside the line-of-sight of habitation, will them be used as a party place by juveniles) or place your signage at the nearest intersection to this dead-end street (which helps emergency response equipment & visitors, but now alerts juveniles to an available party place.) There is a big problem in our area with these informal recreation meeting places.

L 10: Are these 4 EXISTING public streets located off-site? In most cases, this won't fit in the Chugiak-Eagle River area.

Pg.344, L 22: Change to read, "...LOCATED within one-quarter mile..."

L 35: Here they reference a minimum 5 foot width but at page 342, line 11, they state 10 foot as a set width. My preference, if you intend to be consistent, is 5 foot (reason stated under comments for line 11 reference)

Pg.345 Please re-insert the language requiring that all trails be built in a visible location for the safety of users. Remember our first trail was from Dimond Blvd down the C street corridor. People wanted it set back into the trees. We did that. Pedestrians became victims & the trails were misused by motorized vehicles, running into pedestrians as they sped along. We then put armed rangers on the trails and gave them 3-wheelers to patrol upon. Still the abuses continued & complaints escalated. So we cut down the trees between the street & the trail to create visibility, losing the ambiance but increasing the safety. Let's not repeat that experience or cost again.

L 14: Change back to read, "Pedestrian amenities including bollards & refuse containers for the pedestrians...". Maybe this would help with the candy wrappers, water bottles, & doggie do-do that litter the trails now. The Trail Watchers could travel on bicycle with a pull cart & collect the garbage. Why are refuse containers a problem...or is it the bear problem thing?

Please find a way to keep bicyclists on the trails and off the main streets. They are so vulnerable to life-threatening injury and confusion exists between bicyclists & motor vehicle operators as to status.

#### **Pg.347 Landscaping, Screening, & Fences**

L 18. Define identity. Many famous planners, architects that have been invited to our city have mentioned that we look like Anycity, USA & that is really sad. Other parts of Title 21 refer to being compatible with identity. We need a definition of what this is.

L 21. I don't think we have to worry about public open space under the new Title 21 since it is not required.

L 24. The word "municipality's" is redundant. Drop it.

#### **Pg.366-394 Off Street Parking & Loading**

Reviewed but not commented upon as it is much too complicated for the average reader or property owner to make informed comments

**Pg.396 Residential Design Standards, Paved Driveways**

L 18-26 Generally, rural areas with on-site systems find uphill paved roadways to be a point-source of pollution as far as run-off goes, and their driveways are not paved. Can an exemption be made here such as exists for Girdwood and RL-1 thru RL-4 or on lots of 1 acre or more?

**Pg.396-8 Standards for Limited Single & Two-Family Residential**

My observation is that in the Chugiak-Eagle River area where we have a number of homes in the old R-7 which is now re-designated RS-2, we are going to have a number of non-conforming structures.

General Question regarding all forms of residential: We are a northern city, a winter city. Energy costs probably will remain high. Why aren't we requiring the "Arctic-entry" that other northern cities follow (as detailed in very first Winter Cities conference)? I also note that under the requirements for commercial structures (beginning on page 409) the concept for northern climate design is stressed. Don't you think that some of what we learned about the beneficial effects of following northern climate design on physical and mental health would be applicable for residential construction for row or multi-family storied structures? Most of our day is spent at home. The additional construction cost could offset what we spend now for public safety.

NOTE: Chapter 7, from page 340 on: I find this to be major micro-managing, down to infinite detail, with complicated calculations, charts, etc. This is becoming a very sinister document.

**Pg 398-403 Development Standards for Townhouse & Multi-Family Residential (4 stories or less)**

General: Don't we have a standard for Site Condos? These sections were reviewed. They appear very detailed and incorporate some northern climate considerations. The only negative is found in dimensional standards & measurements. This has got to be the most stressful kind of living on families: compact, dense, no public open space. They are also the type of housing, including condos/townhouses that are purchased for investment purposes while the property owner lives on more spacious property, especially in the Eagle River area. Sad.

**Pg.403-412 Public/Institutional & Commercial Design Standards**

Pg.403-412 I know these 9 pages explain what the Table on page 405 is for, and why. And that it applies to all public/institutional, commercial, and 5+ storied multi-family uses. I just don't know where.

I had difficulty picturing any use in downtown Eagle River or Peters Creek qualifying under these guidelines. I like the northern climate mandates.

I then reviewed what was deleted, and I could comprehend that text.

I trust the developers are better at comprehension than I on this section. If they also have a problem, I suggest going back to deleted text

**Pg. 412-417 Large Commercial Establishments**

Reviewed without comment. Seems rational, logical, and do-able.

**Pg.417 Operational Standards**

This section demonstrates that the format & arrangement of the new re-write of Title 21 mandates that anyone attempting to comply must read this ENTIRE 541 page document (plus the User's Guide) just to make sure of compliance. It is fragmented, designed only for developers, & will require additional municipal employees to implement and oversee it. This is not a user-friendly format and I wish we could reconsider the format, if not the entire document.

Submitted by the Title 21 Review Committee of the Birchwood Community Council.

Val Jokola  
Diane Payne  
Bobbi Wells

Composed & Submitted by Bobbi Wells, Chair  
March 2, 2006