



## **DRAFT ISSUES & CONCERNS TECHNICAL MEMORANDUM**

Prepared for:

### **The Consortium of Chugiak-Eagle River Community Councils**

Supporting the development of separate land use regulations for Chugiak-Eagle River  
Anchorage Municipal Code Title 21, Chapter 10

March 3, 2008

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### **1) Introduction**

This technical memorandum was prepared for the Consortium, a non-partisan advisory body of local Community Council representatives organized to oversee the development of a separate chapter of land use regulations for Chugiak-Eagle River within Anchorage's Municipal Code, Title 21. This effort is supported by the Anchorage Assembly, which on March 28, 2006 unanimously passed (AO 2006-72) Chapter 10 as a placeholder in the final draft of AMC Title 21.

As background to this memorandum, the Chugiak-Eagle River (C-ER) area is located north of the Anchorage Bowl, and covers a 65 square mile land base with a population of approximately 34,000 residents<sup>1</sup>. In 1975 the area was annexed to the Municipality of Anchorage, over the objections of the residents who desired greater self governance and already existed as a distinct community<sup>2</sup>. As the Anchorage-Bowl's land base has become highly developed (77% in 1998)<sup>3</sup> residents in C-ER have become very concerned about the important role of land use regulations and zoning in shaping their own community's growth, development patterns, character and lifestyle for the future. Only 40% of the C-ER's land base is developed<sup>4</sup> and a number of residents feel strongly that regulations that "don't fit us will change C-ER into a place we don't want to live".

C-ER concerns escalated as the Municipality of Anchorage began re-writing its own Title 21 zoning code as part of implementation of the Anchorage Bowl Comprehensive Plan in spring 2002. Recognizing that the proposed new land use regulations addressed predominantly urban and suburban issues, a community council effort began to update the separate C-ER Comprehensive Plan as a basis for developing a separate zoning chapter as did Girdwood in the 1990's (Girdwood AMC Chapter 21.09). Additionally, they secured state funding to hire professional land use and legal consultants to support the effort.

Now, as the Consortium is finally in a position to begin the task of writing the separate chapter, this memorandum is intended to serve as an assessment of priorities, key issues, and concerns that need to be addressed within this citizen-led effort. The document is organized to address general and area-wide concerns first, followed by Community Council and area specific issues.

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<sup>1</sup> Chugiak-Eagle River Comprehensive Plan (2006) page 5.

<sup>2</sup> <[http://en.wikipedia.org/wiki/Eagle\\_River%2C\\_Alaska](http://en.wikipedia.org/wiki/Eagle_River%2C_Alaska)> 2-12-08.

<sup>3</sup> Anchorage 2020: Anchorage Bowl Comprehensive Plan (2001) page 22.

<sup>4</sup> Chugiak-Eagle River Comprehensive Plan (2006) page 15.

## **2) Community-Wide Issues and Concerns**

### **A. Chugiak-Eagle River Comprehensive Plan Update (December 2006)**

C-ER's comprehensive plan for the region dictates public policy in terms of land use, housing, transportation, and utilities. As the C-ER Comprehensive Plan's Goals, Objectives and Policies will be the guidelines for the separate land use regulations, following is a summary of the plan (not verbatim policy, but rather, abbreviated highlights and key elements):

#### **General Demographics:**

- C-ER currently has a population around 34,000 which, assuming a 2% growth rate, is projected to grow by 2025 to 52,695 residents
- The area has a very high proportion of single, family owner occupied units at about 11,000 units currently. About 7,300 new units are expected to be constructed by 2025.
- Compared with Anchorage, C-ER residents have significantly higher median household income (\$55,546 vs. \$68,652) and also a higher education level
- In terms of employment, most residents work in Anchorage but the local economic base expanded to about 13% in 2003 and is expected to reach 15% by 2025; there is a desire to retain a predominantly local serving economic base with industrial development primarily focused around the Birchwood Airport;

#### **Land Use Pattern:**

- C-ER is largely a residential community with a mix of rural and suburban development and limited higher density residential occurring near arterials and in downtown Eagle River
- 60% of the total land area is undeveloped and there are around 19,000 total acres of developable land
- Residential lot sizes are predominantly large as the majority of the population is served by individual on-site water and wastewater systems. Public sewer and water service is available only within a "service area" which is anticipated only to expand to include Powder Ridge and Eklutna 770. There is however excess capacity in both water supply and wastewater treatment infrastructure.

#### **Goals, Objectives and Strategies – Land Use / Community Design**

- Orderly and efficient growth that supports a mix of rural, suburban, and urban lifestyles while reserving sufficient commercial and industrial land.
- Separation of incompatible uses – MOA may require layouts and designs to protect the functional and aesthetic character of adjacent development
- Maintain the area's small town character
- Use development patterns and site designs that protect natural amenities, scenic vistas, and general community character
- Minimize adverse impacts to natural systems, preserve natural vegetation, address development impacts, and protect public safety with respect to natural hazards
- Reserve sufficient rights-of-way for roads, trails, snow storage, and regulate visual impacts on the National Scenic Byway (e.g., communication towers and high voltage lines)

#### **Goals, Objectives and Strategies – Commercial and Industrial Development**

- Provide employment opportunities and adequate goods and services

- Concentrate, cluster, and buffer commercial and industrial activities
- Use design guidelines to ensure the compatibility of commercial areas with the human scale and create attractive buildings that are responsive to the climate, natural setting, and give identity to the area; establish criteria for neighborhood commercial areas

**Goals, Objectives and Strategies - Housing and Residential Development**

- Manage supply to meet needs, preserve community character, and take into account community facility and service needs
- Higher density near commercial centers and major transportation corridors where compatible and appropriate; address aesthetic and traffic flow issues
- Ensure identified areas remain rural with large residential lots; provide rural subdivision standards to maintain rural character, link roads and trails; address environmental and wildfire issues
- Transition buffering between rural and urban densities and residential/non-residential development
- Provide for compatible home based business
- Multi-family residential – Address safety, aesthetics, snow storage, landscaping, open space and adjacent development through design standards
- Prevent conversion of residential properties to commercial

**Goals, Objectives and Strategies - Public Facilities and Services:**

- Reserve suitable sites; in acquiring school sites, ensure that site selection, design, and development do not adversely impact the surrounding community
- Evaluate local vs. areawide service preferences
- Provide fire protection and emergency medical services to all under-served in CER; address fire prevention through building codes, subdivision standards and recommendations for making water available for fire suppression
- Support providers of special needs populations; use community participation to locate public and private residential rehabilitation centers
- Establish and acquire public, deed-restricted parks, trails and open spaces that integrate in a network including on private land during plating according to standards (with compensation where excess of standard is requested)
- Identify areas planned and not planned for public water and wastewater, and do not extend utility systems designated for low density development except to resolve public health problems
- Relate land development practices to the general capacity of the area to accommodate on-site systems
- Coordinate utility installation and time to keep pace with community growth and needs
- Provide a transportation network at an acceptable level of service that minimizes environmental impacts and is compatible with planned land use patterns to also include: urban transit; sidewalk and trails; downtown pedestrian and circulation planning; subdivision/suburban connectivity and emergency access that recognizes environmental constraints; industrial future access needs including alternatives to upgrading Birchwood Loop North.
- Give full consideration to preserving the existing rural lifestyle in low density areas in the design of transportation improvement projects

- Street lighting – support existing and new street light improvement districts and service areas (e.g. petition to annex prior to subdivision and platting); minimize light pollution
- Preserve historic sites and structures

### **Land Use Plan**

- The Land Use plan map captures C-ER’s long-term vision for future development and lays out the location and extent of residential, commercial, industrial, parks, and institutional uses that will be needed to accommodate forecasted growth.
- The plan relates to policies in other elements of the Comprehensive Plan including the Chugiak-Eagle River Long-Range Transportation Plan; Official Streets and Highways Plan, Eagle River Central Business District Revitalization Plan and area-specific and community facility plans.
- Implemented by establishing regulatory controls (zoning and platting) to set the basic land use pattern of the community.
- Title 21 regulations, zoning changes and land use decisions are intended to conform to the Comprehensive Plan and Land Use Map (with updates and amendments as needed as conditions change)

### **Land Use Plan Classifications - Residential**

- < 1 – 1 dwellings per acre - large-lot, single-family residences in a rural environment.
- 1 – 2 dwellings per acre - neighborhoods with a semi-rural atmosphere and consisting generally of single-family homes
- 3 – 6 dwellings per acre - variety of urban/suburban single-family residential neighborhoods
- 7 – 10 dwellings per acre - attached single-family housing, small-lot homes, and two-family housing choices
- 11 – 15 dwellings per acre - range of single- and multi-family housing in neighborhoods and offers a diversity of housing choices
- 16 – 30 dwellings per acre - diversity of multi-family and attached housing choices and an efficient use of residential land near public services and downtown Eagle River

### **Land Use Plan Classifications – Non-Residential**

- Town Center - Focal point of activity for Chugiak-Eagle River, integrating community-serving retail, public services, and civic facilities. A range of retail shopping and services, including grocery stores and day care centers, provide most of the daily needs of residents in surrounding neighborhoods.
- Commercial - Areas that are already developed for commercial purposes and lands best suited for commercial use in the future. Concentrated at strategic locations, rather than allowed to expand along major arterials. Commercial designations are clustered at nodes in:
  - Eklutna
  - Peters Creek
  - North Birchwood
  - Old Glenn Highway in Chugiak
  - South Birchwood
  - South Fork

- Eagle River - A major concentration of commercial use is designated in central Eagle River, anchored by development at the north Eagle River interchange and the south Eagle River interchange.
  - Intersection of Eagle River Road and Eagle River Loop Road
  - Exception - The commercial area in Chugiak along the Old Glenn Highway from the old center of Chugiak to the North Birchwood interchange is so designated for highway frontage only.
- Industrial - Provides areas for existing and future industrial development; Land Use Plan map does not show all locations for small, light industrial use. Limitations on activities should apply near residential areas.
  - Park and Natural Resource – Provides for active and passive recreation, conservation of natural areas, and trail corridors connecting neighborhoods.
  - Community Facility - areas developed for active public and institutional use, and designated for future use.
  - Transportation Facility - Existing or planned public facilities that are directly related to transportation by rail and air.
  - Development Reserve - Applied to areas that generally are suitable for development but whose location and absence of public facilities and lack of projected demand make near-term and intermediate-term development

***B. Dittman Survey: Opinions and Perceptions of Chugiak/Eagle River Residents Regarding Land Use and Development*** (November 2006)

As an accurate reading of public opinion is key to successful policy direction, a survey was commissioned by the Consortium to provide a statistically valid representation of community sentiment on community land use and zoning issues. The survey was conducted among 401 C-ER adult residents randomly chosen from the most current phone directory by professional telephone interviewers. The potential sample error associated with the sample and population size is +/- 4.9%.

**Key Findings:**

- The primary attraction of the Chugiak/Eagle River area is related to its “non-urban”, “small-town” characteristics.
- Looking to the future, nearly nine out of ten respondents believe future growth in the Chugiak/Eagle River area should be guided by a separate set of land-use regulations, rather than regulations applied to the Anchorage Municipality area as a whole.
- Looking at housing-type in terms of “density”, Chugiak/Eagle River residents strongly recommend the least dense approach.
- The support for protecting “personal property rights” could be one of the main reasons approximately four out of five Chugiak/Eagle River residents report they support the concept of “grandfathering”.
- As far as new construction of residential housing is concerned, there are some broad differences of opinion regarding whether “the market” or “local government” should determine design and appearance issues.
- A broad majority (61%) of respondents report they approve of the way their area is handling it’s population growth; however, a little over one-third (35%) are not so sure

**Total Responses by Percentage:**

***Strong Agreement—Virtual Consensus***

- 88% Stand-alone single-family detached housing is the highest priority among housing types
- 87% Chugiak/Eagle River should be guided by separate land-use regulations
- 84% Current residential building height restrictions should be left as-is
- 81% Buffer and transitional zones should be required between different types of zoning
- 80% Mostly or completely satisfied with parks
- 78% Strict zoning is important to the future of Chugiak/Eagle River
- 78% Support “grandfathering” current land use

***Substantial Agreement —Basic Community Alignment***

- 75% Size of garages and out-buildings should be determined by lot size
- 73% Housing density is recommended at less than six units per acre
- 68% Current regulations governing home-based businesses should be left as-is
- 67% Mixed-use zoning should be allowed to combine residential housing units above groundfloor commercial units
- 67% Builders/developers should pay for “oversizing” new roads and sewers
- 67% Personal property rights are more important than community environmental rights
- 66% Roads in and out of new subdivisions should be connected

***General Agreement—Some Differences***

- 64% Builders/developers pay for sidewalks in neighborhoods
- 62% Current “set back” requirements left as-is
- 61% Approve of the way Chugiak/Eagle River is accommodating and adjusting to population growth
- 61% Continue current land-use permit system
- 57% Oppose more property zoned for light industrial use

***No Clear Agreement***

- 54% Oppose greater limitation and regulation of where outdoor animals may be kept
- 53% Local government pay for parks and open spaces
- 53% Builders/developers pay for up-grades to existing roads, drainage and infrastructure
- 53% Local government pay for snow removal storage areas
- 52% Builders required to follow local government architectural design standards
- 52% Builders/developers pay for through-streets in subdivisions
- 51% Connected paved trails not important
- 50% Oppose more property zoned for commercial use
- 49% Affordable housing higher priority than attractive housing
- 47% Builders/developers pay for street lighting in neighborhoods
- 44% Local government pay for paved pathways and trails

### **C. Stakeholder Interviews on Issues and Opportunities Associated with a Separate C-ER Land Use Chapter** (Jan-Feb. 2008)

Stakeholder interviews were recently conducted by Land Design North to gain input from a range of community representatives with a strong interest and/or views on the separate chapter effort. Participants were interviewed on a strictly confidential basis between January and February 2008 and asked to describe issues, opportunities, challenges and other thoughts relevant to the effort. Stakeholders are individuals who represent major community interests and included local Assembly members; business association representatives; Native Village of Eklutna; Eklutna, Inc; developers; community activists; and Municipality of Anchorage Planning/Zoning staff. The findings are aggregated according to seven overarching considerations to provide strategic direction and prioritize ideas for developing special land use regulations.

**1) It is imperative to complete C-ER's separate chapter.** This effort must move forward and be successful for a number of reasons:

- Anchorage's Title 21 Regulations (and its rewrite) are the implementation of the 2020 Comp Plan for the Anchorage Bowl. C-ER has a different comprehensive plan and goals which should be implemented through land use regulations that reflect these differences.
- C-ER is 40% developed and 60% vacant; "Regulations that don't fit us can transform C-ER into a place we don't want to live" (as evidenced by the downtown self storage, or the idea of condo's stretching marching up East Glacier – it may make sense in Anchorage, but not here . . . . )
- Because C-ER has taken on its own chapter, the Anchorage T21 re-write is now ignoring C-ER concerns and making the code even less tailored to unique community needs. "The legs have been cut from under Debbie Ossiander, Assembly person working on the T21 rewrite, and she is not able to make C-ER specific changes because "you have your own chapter" . . . .
- C-ER residents are "self-selected" because they desire something different from what Anchorage offers—the rural character, small town feel, mountains and valleys. C-ER is one of the few places in Alaska with a highly vested and stable population where it is realistic and possible to achieve a market niche based around higher standards, limited densities, and a desire for community identity and character. Developers, however, all have to adhere to the "lowest common denominator" because banks will only lend to 7% above the value of nearby new construction. If C-ER does not adopt design and quality standards, the community will continue to suffer because the worst, cheapest developers set the bar too low for the market (as reflected in the recent site condo developments).

**2) The task of writing the separate chapter by regular citizens is a challenging and massive undertaking.** Because it is imperative to complete this effort, a number of strategies must be used:

- It is critical to prioritize – working line by line and word by word is not a realistic option given limited resources and time. A do-able approach is to focus on changing regulations that are obviously unsuited to C-ER, make the 100 most critical changes, adopt the chapter and then in future rounds of changes in a responsive or evolutionary fashion of "learning from past mistakes" . . . . for example the clear cutting on Old Glenn isn't legal now.
- It is important to build on and use the Title 21 rewrite work where it fits – some of it "is pretty good"; this will let the separate chapter benefit from the work that has been done over the past five years and also allow consistency and easier application by MOA staff. It is suggested that as the assembly adopts sections that the Consortium should be "one step behind" and use adopted re-write as the base for changes.
- Since substantive changes are the biggest priority, no procedural changes should be considered initially; this will save from "re-inventing the wheel" and fighting the MOA on unimportant details like "the form used to apply for a conditional use permit". That said, minor "procedural" changes that are

meaningful to responsive government could and should be considered – like holding P&Z hearings in Eagle River, and giving more importance to Road Board, Parks Board, and Community Council input when the P&Z Commission considers making a decision in C-ER.

- Since the MOA will be approving and applying the final chapter it is important to communicate and work with Staff to ensure a workable product and build buy-in (MOA Planning Department would be happy to meet once a month, get legal involved, etc.)
- Developers will not participate in any public processes because they “get beat up”, however they need to be on board to some extent during the Chapter 10 development process. As an alternative, get their engineers and planners involved in helping define best practices, design standards, criteria and code that everyone can be happy with.
- The separate chapter effort must be inclusive of the entire community and stakeholders, and work toward consensus building, and creative problem solving out of conflict rather than the “toxic debate” that can sometimes debilitate communities. Out of this effort should come greater capacity and stronger relationships that support self-governance.

**3) C-ER is unique and different from Anchorage** physically and in terms of what its residents want—and these differences should be reflected in the land use regulations:

- C-ER is a desirable area to live because it supports a “diversity of lifestyles” – quality of life is a big issue as was clearly pointed out in the Dittman Survey:
  - Smaller, semi-rural
  - Not Anchorage, close to urban
  - Less zoning, large lots,
  - Nice, quiet, friendly
- Different areas have very specific land use goals, needs and concerns that are not necessarily reflected in Anchorage “flat-land” standards:
  - 1) Town Center – Main Street (B3, visual cohesiveness, snow storage)
  - 2) Suburban (clear cutting, snow storage, density, compatibility with adjacent uses)
  - 3) Rural – animals, flexibility in multi use, work vehicles, mobile homes, 2 cars, connexes, passive recreational uses; cottage/home based businesses
  - 4) Slope/Hillside – visual impact of cuts/fills, road standards
  - 5) Village (historic Native Village of Eklutna) – flexibility for “mother in law” type arrangements
  - 6) Large parcel (Eklutna Inc.) – Ability to master plan and involve community in a win-win approach
  - 7) Commercial – Protect from residential, plan for traffic needs
  - 8) Industrial – Birchwood airport area – is it enough?
- C-ER has different “Level of Service” needs and preferences than Anchorage because of its scale, location and land base. Residents “want to operate services how we want”.
  - For example, C-ER residents have their own road board, but must use Anchorage road standards that are too wide, too expensive, encourage unsafe driver speeds, and cause massive cuts/fills that are not suited to C-ER’s. Since Eagle River has destination and local traffic only and pays for its own roads, it should be able to use a narrow road standard that

preserves the rural character, fits better into the landscape, is significantly less expensive, and helps with natural drainage by reducing the impervious surface.

- Properties well outside the fire service area are required to conform to 8% slope standards intended to allow emergency service access including for fire trucks. It will affect home insurance costs, but there should be an ability in developments outside the area to not conform, as long as “buyer beware” with legal provisions for disclosure are in place so that people know what they are buying.
  - C-ER developers and residents prefer to not participate in MOA’s building inspection program because of the extra time, costs, and limitations
  - Developers need to pay their fair share for off-site impacts and not just leave it up to existing residents; for example, the Eagle River Limited Road Service Area Board should be given fees by developers for off-site impacts that can be reinvested back into the road system
- The separate chapter can add cohesion and limit the “ugly hodge podge” that came out of the previous code and create a legacy that enhances and builds from what is special about the area. It can also protect scenic views, natural vegetation and aesthetic characteristics that attract people to the area.

**4) Zoning code and land use regulations are a complex modern “policing” power and the impacts and costs should clearly be balanced with private property rights and clear community value and goals:**

- Every regulation has the potential to add significant time, hassle, and money to development process and/or land transactions.
- Where changes are proposed, existing uses must be grandfathered, and non-conformities dealt with in a fair and reasonable manner.
- Banks do not like “non-conforming properties” which reduce property values and slow land transactions; there should be a way of easily bringing into conformity or getting variances “without fees or significant paperwork”. Perhaps a way of registering non-conformities so they are “legal” as far as the banks and title companies are concerned.
- C-ER must balance its historical “live and let live” tolerance with the idea of “heavy handed regulation that stops all change.” You can’t have it both ways.
- Although it is easier to “imagine” the perfect code than write it, people know that they want:
  - Code that is easy to interpret, not subject to staff interpretation or personality driven
  - Clear upfront requirements for developers and consistency in messages (e.g., If platting passes, P&Z approves, why can Development Services make you change your design)
  - The process should be fair and equal for all developers, and by-right development projects should be able to proceed without a vocal minority of NIMBYs derailing it or slowing the process to a stand still.
  - No loopholes and not the current system where it is easier to get forgiveness than permission
  - No vague, obtuse, or weasel statements (for example, changes in how setbacks from centerlines are measured that de-facto allow for greater density without changes in the actual allowed density per acre)
  - Limits on fees and costs, especially for non-conformities
  - Developers want choices that let them analyze the options and costs and make decisions on a case by case basis that suits the project. For example, rather than prescriptive code,

a menu system with points is desirable that might allow a developer to put in fewer light poles if they are of a much higher quality.

- Restrictive design and development standards are the only way to “raise the bar” for all developers; C-ER should expect and make developers conform to proven aesthetic standards (e.g., garage placement, sign codes, lighting, sidewalk/trails, compatible colors, trees, group mailboxes, decks not facing the street)
- Code that is enforceable and well-suited to the physical environment (e.g., snow removal equipment allowed)
- Start with the basics in a simple “delete and modification approach”
- Make the code a living document that is regularly updated and refined and create a legal entity with responsibility for regularly amending according to community needs (perhaps a “Quasi-Legislative body” with participation from the Consortium, plus Road and Parks Board members, plus two Planning and Zoning Commissioners). Chapter 10 should be “built to be self-corrective”
- User-friendly format and/or consistent and mirroring MOA format (e.g. C-ER Chapter 10.2 cross references chapter 2 of the Title 21 rewrite).
- Fair and equitable costs for developers required to oversize infrastructure
- Require the government to do quality development, pay for costs of needed upgrades associated with schools,
- Require an as-built as a plot plan base to close the land use permit so that banks and title companies do not have so many last minute issues with sellers
- Err on the side of tolerance - “with screening”
- Do not add extra layers of government where they are not needed - Developers must respond to ICBO Uniform Building Code, liability concerns, and lenders requirements and government hoops (like the inspections required in Anchorage do not deliver a better project, they just cost more time and money)
- Not like Girdwood’s – too complicated
- Tailored to each area within C-ER, likely within existing classifications or districts
- Should be able to override ADOT when they want to overbuild a state road project or make aesthetic choices that do not reflect real local concerns (e.g., the split rail fence which is not built to last, is already breaking, etc.)

#### **5) C-ER must be realistic about what you can regulate and not regulate:**

- Higher density equals \$ to developers, but to residents, “the fewer the better.” This creates a strong tension that regulation will not resolve; efforts to down zone densities would be unacceptable to landowners, banks and lenders and would unravel the entire effort.
- The trend away from rural and large lots owing to market forces is a national, historic trend which zoning cannot stop. Once land becomes valuable enough, upscale, denser development arrives, and large landowners usually sell out for profit or because they can no longer afford to live in the area. Public services come into an area, and to pay for them, even greater densities are sought.
- You cannot legislate good taste and common sense. Design guidelines and standards can be necessary or helpful but good development depends on elements that go beyond regulation:

- Market forces – our development would be unacceptable in many locations but in our market conditions even poor development sells
- Good site planning and consideration of views, topography, and the attributes that make the area special
- Skilled design professionals, developers and builders
- Development is governed by a number of state and federal regulations, and infrastructure funding issues outside of this project and T21, which will impact land use patterns of the community:
  - Public infrastructure - roads, water lines, sewer
  - Water quality issues from drainage ways to multifamily septic systems – EPA, Army Corps, DEC, Title 15

**6) You have to be careful with zoning because you “get what you ask for”:**

- You can choose less restrictive zoning, such as allowing more dogs, but that means that you end up living with noises and smells. Although regulations seem “restrictive” and “limiting”, they have been developed over time because they help prevent land use incompatibilities, reduced property values, and neighbor conflict
- Choosing development standards based on lack of services could preclude a number of homes from ever having services. For example, developing a subdivision outside the fire service area with 14% roads means that emergency services will never be possible even if an area chooses to pay for that service at a later date.
- Less involved and costly permitting may serve the homeowner who is building a deck off his own house, but it also can lead to issues like where Fire Eagle was built on unstable soil and houses are now buckling.
- Highly prescriptive ordinances can restrict “good developers” even when they are intended to “help” and can also add expenses and procedures that make it hard for development to pencil out.

**7) There are a range of thoughts about how this separate chapter fits into increased independence and self-determination for the C-ER area:**

- C-ER has such strong social and economic ties to Anchorage, that the new chapter which addresses and recognizes C-ER’s differences will “quell” any talk of succession and resolve existing rifts
- C-ER’s separate chapter is important as a strong step toward independence and more significant changes in the relationship with the municipality (succession, 1<sup>st</sup> class city within MSB, etc)

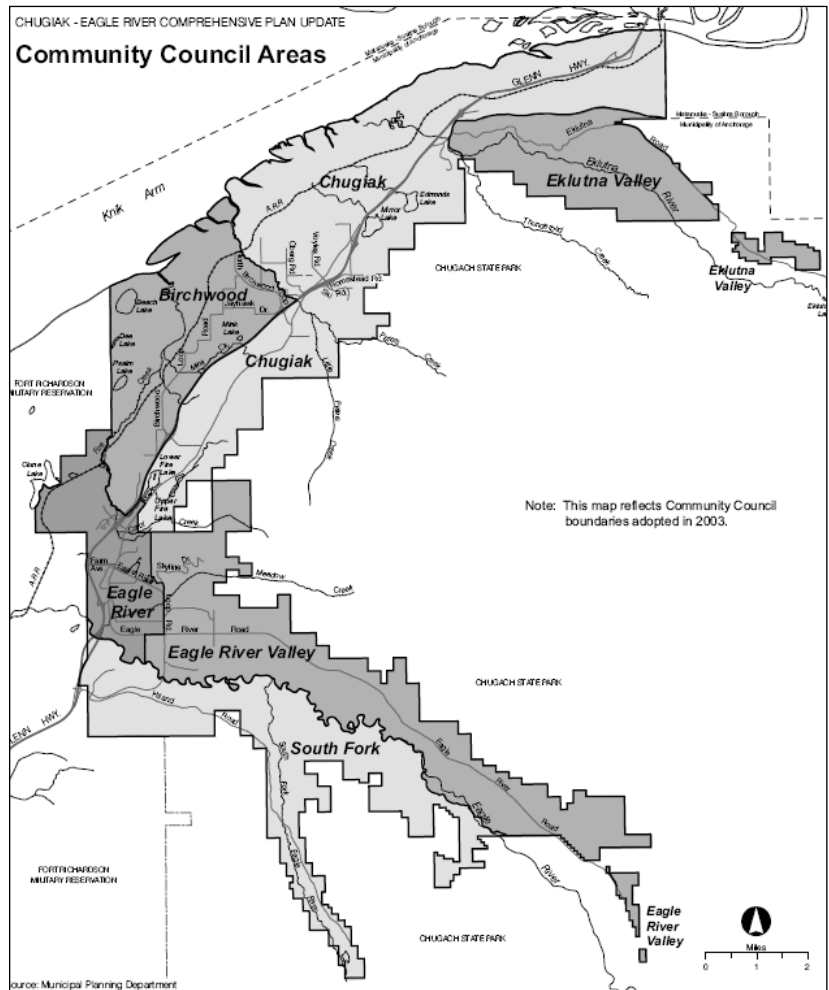
Despite the range of thoughts, there is however strong agreement about the need for more meaningful self-governance, locally-responsive regulations, and the need for a separate chapter which reflects the diverse needs and goals of Chugiak-Eagle River.

### 3) Community Council & Area Specific Issues and Concerns

Major points are summarized below, and full records are available that represent area-specific input developed by each of the six Community Councils (see map, right). The points were presented in an advertised public forum on February 6, 2008.

Community Councils are established under Anchorage's Municipal Charter (Article VIII, Section 8.01) "To afford citizens an opportunity for maximum community involvement and self-determination." In terms of representative public process, community councils have open membership and meetings, bylaws, and elected officers. The findings presented are a mix of concerns ranging from views held by the entire Community Council to individual resident's concerns.

Presentations were delivered in order of "size of population", starting with the least populated area, Eklutna Valley (grouped in with Chugiak in the population table, next page).



### Vacant Land Suitability by Sub-Area, 2005

Sub-area	Suitable	Marginal	Unsuitable	Total
Birchwood	1,968	593	557	3,118
Chugiak	752	745	695	2,192
Eagle River	144	875	310	1,329
Eklutna	2,576	3,254	3,204	9,034
Eagle River Valley	616	2,038	756	3,410
Peters Creek	1,266	392	399	2,057
South Fork	459	3,050	968	4,477
<b>Total</b>	<b>7,781</b>	<b>10,947</b>	<b>6,889</b>	<b>25,617</b>

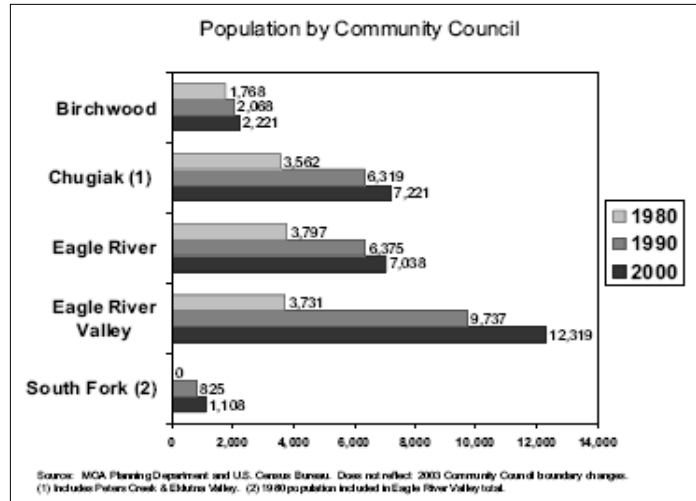
Source: MOA Planning Department

**Source:**  
Community Council map, population data, and vacant land suitability data are from the Chugiak-Eagle River Comprehensive Plan, 2006.

## Eklutna Valley Community Council

### Major Issues:

- Minimum Lot Size: The Title 21 re-write reduces slightly the lot size in R-9 zoning; the community council would prefer not to modify this, and would resist any move to increase lot minimums (although one non-resident investor would support smaller lots).
- Lot Coverage: There is universal agreement in EVCC that there should be no separate footprint limitation on the footprint of accessory building for all districts, but rather the total footprint of all buildings should be limited to a reasonable coverage (much less than 30% as proposed by Birchwood given the large lot sizes in EVCC – perhaps a sliding or flat number, or maybe 15% on the first 2 acres (the minimum lot in Eklutna Valley) and 5% on all acres above that. Provisions should maybe match slope and site suitability with coverage limits).
- Accessory Dwelling: One respondent expressed a desire to build an accessory dwelling, and the EVCC agreed to generally support this position.
- Non-Operable Vehicles: There was not EVCC agreement on the best standard, but there is shared concern over the number of non-operable vehicles allowed on lots. Some think 3 is enough, others want provisions for screening, or time limits (no longer than five years for any one vehicle), and more vehicles on larger lots.
- Office, business, or professional Conditional Use for R-10: It is unclear how this works with A0-86-43 (their zoning amendment) but most EVCC members thought this would be acceptable assuming there were conditions that protected the surrounding area from adverse effects. Further information on this issue and clarification is desired.
- Hobby Farm as a permitted use for R-10 district: All respondents thought this should be allowed, although potentially with conditions on steeper properties.
- Park, Playgrounds and Playfields: These were permitted in R-10 and would be changed to administrative site review. The majority was okay with the change, but a few would prefer permitting.
- Cloth Garages and Connex Containers: EVCC generally agrees they should be allowed but potentially only following an administrative site review, as a temporary structure, or as a conditional use, or consistent with the rest of MOA. All residents agree these should be screened from public view where allowed.
- Building Permits: Land use permits are ample to protect the environment and neighbors, and there is no support for requiring building permits.
- Setbacks on B-3 SL: The investor group feels that the B-3 SL setbacks unreasonably restrict use of their B-3 lot (which is bisected by the road), but as this is a provision of AO 86-43, this should not impact the revision.
- General Purpose and Intent Language: Propose Birchwood’s draft language be clarified to: “and by encouraging residential development *in the urban zoned districts* to occur at or near zoned densities”.
- Zoning improves our quality of life by protecting from negative external affects at the cost of limiting my own activities; it is a matter of balance.



- It would seem that the same zoning principles would be appropriate for CER and the Anchorage Bowl, but we simply do not agree with the prevailing opinions. The separate chapter gives us the opportunity to develop zoning regulations that suit our preferences.
- There is always a tension between people whose primary use of an area is to live in, vs. whose primary use is to make money. Both uses are legitimate, but money generation activities tend to impose external costs on residents.

### South Fork Community Council

#### Major Issues:

- The area includes new developments along Highland Road like ERAHS, and the new Eagle Pointe subdivision along with large lot developments of one acre or greater. Area residents are passionate about larger lots and low densities because they are passionate about the Alaskan landscape and the quality of life that spacious living provides.
- Residents are alarmed by the high density developments marching up the main valley on the north side, and the mistakes of hewing development into the landscape with devastating consequences. Because of the social and environmental impacts, the South Fork strongly opposes both compact and high density development in C-ER.
- South Fork is looking for new developments that:
  - o Incorporate trails in rural areas, and sidewalks on both sides of the street in urban areas
  - o Natural environment retained in all residential settings – design with nature – “it is the space between the building that matters most”
- On the title 21 re-write, it is a power grab on a massive level. No document is any better than the intent of the people who wield it, so the new chapter must create a document that is clear, concise and unambiguous that does not compromise rights
- Pro-development entities have an alliance with the Planning Department. Small lots, high density and compact housing proposed by the “other side” are diametrically opposed to “the highest and best use”
- The separate chapter needs to do things differently in C-ER and preserve what we have while we develop and build

### Birchwood Community Council

#### Major Issues:

- Revisions within Chapters 1, 2 and 3 of Title 21 are generally acceptable area-wide, with the exception of some items in Chapter 3
- The Title 21 Re-write drafts of Chapters 4, 5, 6 and 7 are most critical to our area where we might have some control
- Concern about zoning starts at impacts to an individual’s property, goes to how it affects the council area, and then how it affects the C-ER area
- Do not diminish minimum lotsizes, setbacks, building heights, or lot coverage; also, do not extend public water and sewer
- R2A – Current and proposed conditional uses seem very intense for such small lots, and are concerned about on-site system; are there better alternatives?

- R-5A – Birchwood has most of the lots with this zoning in C-ER and the MOA rewrite is not carrying this zoning forward. No one wants to be non-conforming, and owners want to retain current uses with R-6 by-right uses, accessory uses, site plan review, conditional uses (except item 8) and maximum height. Do not apply new way of measuring lots in Birchwood 21.06.030.
- R-5A, R-6, R-9 – Continue with existing minimum lot size and do not “weasel” reductions by changing the way setbacks are written. The 1.125 acres is important for supporting on-site septic. We are not out of land to develop and there is no reason to cut the minimum sizes. Also, we all have garages, outbuildings, storage spaces, and barbeques that should not have size limitations – accessory buildings should be kept as a percentage of lot coverage as stated in current code for these districts.
- PLI – Split PLI and Parks and Recreation into separate zoning districts with own uses and intents
- I-1 and B-3- Older draft RC (Rural Commercial) designation in Draft 2 could work for Birchwood with some revisions
- Mixed Use – Birchwood did not carry forward mixed use in the comp plan update as it is not appropriate in a rural area with on-site systems

#### Chapter 5, Use Regulations

- Residential definitions are not clearly defined – need to be clear (e.g, can they be stacked). Also better notice requirements.
- Define parks and open space to include passive recreational use
- Remove fire and police training stations – these are suitable in I-1
- 21.05.060 intent statement “muddies the water” and not clear about dog mushing and Kennels (Birchwood is the dog mushing capital of entire MOA). This needs modification/clarification.
- 21.05.070 Accessory uses and structures – eliminate references to dimensional standards. Total lot coverage is better given our lifestyle
- 21.05.070D.12 Home Occupations- Use previous version of R-5A text with some modifications (but not in R2A)
- 21.05.070.D.17.b – change to allow two (2) business vehicles
- 21.05.070.E.1 Connex trailer – These are highly practical and durable; allow 40’ connex screened/landscaped to the rear of property or potentially two 20’ trailers

#### Chapter 6, Dimensional Standards and Measurements

- We do not know what to do about R2A (see reference sheets)
- Setback measurement standards reduce lot sizes. We want the definitions to change back to support legal opinion provided.

#### Chapter 7, Development and Design Standards

- 21.07.020 Listed setbacks only pertain to NEW development, but should specifically list that existing development follows the current or old setback; clarify for re-development situations
- Steep slope development – Title 23 requirements are not applicable outside of the BSSA – this needs correction
- Wildfire conflict – 200’ on either side of streams is very wide to not allow roads or driveways “unless there is no alternative”

- Campground prohibition – does this make ER Campground Illegal?
- How are voluntary guidelines enforced?
- Is there a way to write Public Open Space Requirements and reserve tract set-asides back into Title 21?

#### Chapter 8

- Rural / Urban definitions needs to be corrected for C-ER. Also, definitions in Ch 14 should pick up rural and urban definitions as in Comp plan

#### Chapter 2, Boards, Commissions

- Want public notice and review procedures for site condos, potentially using conditional use. Also, what about review and approval of Conservation Subdivisions?

#### Chapter 3, Review and Approval

- Certification of Zoning Compliance (pg. 26 at A & D) – Confusion in stating that this and certificate of occupancy are one and the same. Needs clarification
- Minimum PUD site area – change this into 3 different splits (2 acre for first split, 5 acres for the next only in R-5 – R-7. The new split would be a 10 acre minimum for R-6, R-8, and R-9 which is more appropriate for rural areas with limited public infrastructure).
- Pg 33-34 Zone District Table – Add an F.5. that reads “PUDs in the C-ER area shall conform with regard to uses and residential density to the Chugiak-Eagle River Comprehensive Plan/Map and the standards of this section”
- Land Use Permits – Unwise and confusing to combine land use permits and building permits in same section – change to two sections: one in BSSA, and one outside of BSSA.

#### Chugiak Community Council

*(NOTE: This community council developed 20 pages of line by line itemized notes with “Issue” and “Recommendation”; as this very comprehensive document is available in full, it is only covered briefly below)*

#### Major Issues:

- Provisions in Anchorage’s Title 21 code have become dated and cumbersome, and there are even more pronounced problems now that it is intended to implement the Anchorage 2020 Plan. A number of policies cannot be achieved within the existing Title 21 (Major employment centers, Redevelopment/ Mixed Use Areas, and Town Center Areas).
- As MOA developed Title 21 re-write drafts multiple references to Anchorage 2020 and sweeping changes clearly are not geared to C-ER. Further, there is confusion about how Anchorage 2020 applies to the C-ER comp plan. We see the 2020 plan as guiding the development of the Anchorage Bowl only, and a considerable lack of understanding of how C-ER is different from the bowl. New Title 21 regulations would result in a reduction of property rights and hinder landowners. There is also evidence to suggest that Planning, P&Z, Platting Board, and the Assembly have utilized unsuited concepts from Anchorage 2020 for making decisions on issues and cases in C-ER.

- Important to C-ER is a desire to preserve our lifestyle, determine how we want our individual communities to develop and to operate our service areas in our own fashion.
- To ensure that C-ER is not forever burdened with misapplied land use regulations, we have requested a new chapter specifically geared to C-ER (like Girdwood)
- This project, with community input, is building this chapter from the ground up to define regulations that make sense for us (just as new Title 21 regulations make sense in the Anchorage Bowl)
- Current MOA code is much easier to read and understand than the rewrite.
- Protect neighborhoods and property values – with all the nonconformities that will be created, the effect might be that property values decrease since banks do not like to deal with illegal or legal non conformities
- Our separate Chapter 10 needs to include regulations that, in clear language give clear guidance to all decision makers (Assembly, P&Z, PB, ZBEA, BOA, UDC, and Municipal Staff) and property owners
- Obvious differences include the fact that C-ER is less densely developed, has large tracts of undeveloped land available, and has different service areas that are operated in a fundamentally different way. Subtle differences include the desire to maintain our small town atmosphere, rural lifestyle and cultural identity

#### Eagle River Valley Community Council

*(NOTE: This community council had an emergency and a change in presenters at the last minute. The representative listened to all community presentations and stated that they felt that their council's important issues had been covered)*

#### Eagle River Community Council

- The core area of Eagle River consists of commercial and residential (limited industrial) use. There needs to be adequate space and planning for current and future business growth. Economic independence and growth are important to the Eagle River Area. There appears to be little foresight/planning for a "Town Center". The planning and development of a "Community Center" has happened elsewhere in Anchorage (i.e., Mountain View and Muldoon)
- Residential, especially high density continues to push into the business district. For example, the development behind Carl's Jr. There is limited area for commercial growth
- Development of commercial and residential land in the core area of Eagle River continues to overtax the limited access on the Old Glenn Highway. There doesn't appear to be a concern over how development near or adjacent to the Old Glenn Highway will be integrated into the existing traffic pattern. This is apparent with the two new out-patient hospital office buildings near the car wash.
- Multi-family dwellings (apartments and/ or condos) needed to support growth in Eagle River is limited. Adequate zoning and planning is required to support this development.
- Opportunities in drafting separate C-ER zoning code: Address specific concerns related to our community; to determine/govern our lifestyle; to allow us to integrate/balance economic growth with population growth.
- Challenges and/or problems in drafting a separate C-ER zoning chapter: Diversification of our community – from a business district to a rural setting; and, will the permitting office support or even recognize a separate zoning code or will they continue to push, without basis or code, their will?

- Specific things to change: The permitting office is difficult to work with related to Eagle River issues. They also don't seem to understand our community, and are often condescending; also, The power of the Planning and Zoning Commission seems to be dictatorial. I don't believe we have fair representation on the board.
- Helpful advice about the Chapter 10 effort:
  1. Organize Chapter 10 to match up to the other Title 21 chapters. For example, 10.2 should relate to Chapter 2 in Title 21. This will help in cross referencing?
  2. Prioritize issues by chapter. For example, start by addressing the top ten items/concerns. Address additional items/concerns if time and budget allows.
  3. Understand that this will be an ongoing process in the future. Chapter 10 should evolve as our community does.

#### 4) Next Steps-Task 2

The next steps in moving forward the proposed Chapter 10 document is the identification of appropriate language and issues that should be addressed. In discussions with the Consortium, the following process as "Task 2" is to be pursued:

##### 1. Identification of Text Changes (March Work Agenda)

Chapter 10 of Title 21, the *Chugiak/Eagle River Land Use Regulations* is to be formatted as "modifications, additions, and deletions" to the Title 21 Rewrite. It is intended to be neither a complete and separate zoning code nor as severable from Title 21. All proposed changes will be based on the most current public review draft that is available (or approved) as part of the MOA Title 21 Re-write process. Changes will be for issues that are appropriate to Chugiak/Eagle River and are not intended to address larger issues that relate to administrative or procedural issues that are not of particular relevance to Chugiak/Eagle River.

Using the Consortium input to Phase I, LDN will identify specific text changes to the proposed Title 21 re-write that have been suggested by the Consortium. To the extent possible, this will be provided as specific modifications, additions, or deletions to specifically cited paragraphs within the re-write document. This then will be reconciled with proposed changes that were suggested by stakeholders, either through their interviews, their written comments, or through redline changes that they may provide.

Changes will be classified within a hierarchy:

Level 1 changes will be those for which no or little controversy is expected.

Level 2 changes will be those which require discussions with the Consortium and a decision with respect to whether the Consortium wishes to address them in this Chapter 10 development.

Level 3 changes will be an identification of issues that are not contained in the re-write and are more "global" in issue and require discussion with respect to whether they should be addressed in the re-write. They will be described in simple narrative form.

##### 2. Consortium Meeting 1-April Meeting

LDN will send the proposed changes to the Consortium via email within 5 calendar days of the early April meeting with the Consortium. The Consortium will review the changes prior to the meeting and will notify LDN of Level 1 changes which they believe should be moved to Level 2 or Level 3, which LDN will then

move to the appropriate level. LDN will then meet with the Consortium and will review the identified Level 2 and 3 changes. Consortium members will be prepared to discuss the issues.

The first purpose of Meeting 1 is to ratify the Level 1 changes and to sort the Level 2 and Level 3 issues into a list of issues that the Consortium feels are worthy of addressing. The Level 2 and Level 3 issues will be sorted into a list of the most important 20 changes or issues that the Consortium wishes to have addressed within the next month. For each change/issue, LDN and the Consortium will determine a specific course of action and responsibilities with respect to how to resolve each listed change/issue. These then will be the agenda for the next month's work program and will set the agenda for the next Consortium meeting.

The second purpose of Meeting 1 is to designate a Consortium Working Group which will assist LDN with discussion of issues in preparation for Meeting 2. The is to be a group of from 3 to 5 individuals who will meet with LDN one time during the April work period for resolution of issues and to act as a sounding board for the issues.

The third purpose of Meeting 1 is to prepare for a public meeting to be held in late April or early May. The Consortium will review the agenda for the meeting and determine roles and responsibilities.

### 3. April Work Program (Preparation for Public Meeting and May Consortium Meeting)

LDN will generate an Issue Paper for each of the individual 20 changes/issues that were determined to be of priority by the Consortium. Each Issue Paper will provide the following:

- a. Chapter, Section, and paragraph referenced within Title 21 Rewrite
- b. Summary of the issue/concern
- c. Summary of input from Consortium or Stakeholders
- d. Summary of areas of conflict in opinions/input
- e. Summary of possible courses of action
- f. Recommended course of action (if apparent)

LDN will coordinate with stakeholders as necessary to more fully develop an understanding of specific issues and where possible, to gain an understanding of resistance that may exist with respect to possible Chapter 10 language.

LDN will meet with the Consortium Working Group at approximately the midpoint between the two Consortium meetings. LDN will review the Issue Papers one by one. The Working Group will provide direction to LDN with respect to additional information needed, or will provide a recommended course of action, if possible to reach consensus.

LDN will continue work based on the direction of the Working Group and will update the Issue Papers that were provided. Recommended course of action as directed by the Working Group will be provided. The Issue Papers will be provided to the Consortium five calendar days prior to the early May Consortium meeting. The Consortium Chair, after conferring with the Working Group, will determine the order of the agenda for the next Consortium Meeting.

### 4. Public Meeting—Late April/Early May

LDN shall assist the Consortium with the development of an agenda for a public meeting to address the development of Chapter 10. The public meeting shall be in a workshop format and is intended to:

- a. Introduce the proposed Chapter to the public
- b. Report findings

- c. Identify key issues/changes that have been proposed
- d. Request identification of other issues of concern to the public
- e. Gather input with respect to identified changes/issues

The meeting will be chaired by the Consortium with the assistance of LDN. The Consortium will determine the date and place for the meeting. The meeting will include the following:

- a. Introduction of the project -- Consortium
- b. Report of findings -- LDN
- c. Identification of key issues -- Consortium
- d. Breakout sessions
  - i. Administrative and Procedural Issues – 1 Consortium rep/1 LDN rep
  - ii. Residential Land Use and Zoning Issues – 1 Consortium rep/1 LDN rep
  - iii. Commercial/Industrial Land Use and Zoning Issues – 1 Consortium rep/1 LDN rep

At the completion of the meeting, LDN will prepare a meeting summary.

#### 5. Consortium Meeting 2—May Meeting

LDN will begin the meeting by reviewing the input from the public meeting. LDN will specifically report input to already-identified issues and will note new changes or issues that were identified by the public. Where issues are new, LDN will categorize them as Level 1, 2, or 3.

LDN will then review the 20 Issue Papers that were produced in the month of April on a one by one basis, following the order established by the Consortium. For each issue, the Consortium will either a) gain consensus and direct LDN to provide the modification, addition, or deletion, b) decide that additional information is necessary and direct LDN to coordinate or research specific issues, or c) decide that the issue is too difficult for consensus and will table the issue to either another date or indefinitely.

The Consortium will proceed issue by issue through the agenda. Approximately 20 minutes before adjournment, the Consortium will determine which changes/issues to address at the next meeting and which issues out of the Level 2 and Level 3 issues earlier identified should be added to the LDN work tasks for the next month. This will include the identification of issues identified by the public. The number of issues that are moved forward for the next month's work program shall be based on the level of agreement and progress that was achieved in the previous month's work and May meeting. The target for issues to be worked on in the next month (May) is expected to be approximately 20 changes/issues, including those left over from the May meeting.

#### 6. May Work Program (Preparation for June Consortium Meeting)

The May work program will iterate that of the April work program, with refinement of issues that were so directed by the Consortium, and the addition of Issue Papers for those changes/issues identified at the May Consortium meeting. LDN will meet once with the Working Group and provide draft Issue Papers as with the April work program.

#### 7. Consortium Meeting 3—June Meeting

The June Consortium meeting will continue with the analysis of Issue Papers and changes as occurred in the May Consortium meeting. As in the May meeting, the Consortium will establish the order of issues to be addressed for the June meeting. In this meeting the Consortium will again establish the June work program for LDN. The June work program shall identify changes/issues that can reasonably be expected to be dealt with in the limited time available at the July meeting.

#### 8. June Work Program (Preparation for July Consortium Meeting)

As with the previous work programs, LDN will follow the direction of the Consortium, will develop additional Issue Papers for those issues for which consensus is expected (based on the progress achieved at the Consortium meetings), and will coordinate at the mid-point of the month with the Working Group.

As part of the June work program, LDN will generate a single document that will incorporate all modifications, insertions, and deletions that will comprise Chapter 10. LDN will also provide appropriate “front end” language for Chapter 10. The general outline that will be used shall be as follows:

- a. Purpose
- b. Application of Chapter 10
- c. Modifications, Insertions, and Deletions to Title 21

The Issue Papers will be provided to the Consortium members, as well as the full Chapter 10 document (as a work in progress) 5 calendar days prior to the July Consortium meeting.

#### 9. Consortium Meeting 4—July Meeting

The Consortium will review a limited number of Issue Papers for those issues that can be reviewed in the time available at the first half of the meeting. In the last half of the meeting the Consortium shall review and approve the draft Chapter 10 document subject to the inclusion of agreed changes that resulted from the first half of the meeting.

#### 10. July Work Program

**LDN shall package the proposed Chapter 10 in three-ring binder format. LDN shall prepare draft letters and resolutions necessary to forward Chapter 10 to the Municipality of Anchorage Department of Community Planning and Development. The binder shall include the following:**

- a. **Letter from Consortium Chair**
- b. **Resolution from the representative Chugiak/Eagle River Community Councils, signed by each**
- c. **Proposed Chapter 10**
- d. **Collection of all Issue Papers for the changes that are represented.**
- e. **CCER Issues and Concerns Technical Memorandum**
- f. **Summary of Public Meeting**

**A total of 50 binders shall be prepared for use by the Consortium in moving the project forward.**

#### 11. Administrative and Continuing Support

**During the development of the Issue Papers and attendance at Consortium meetings, LDN will meet on a monthly basis with MOA Planning staff and review work progress. LDN shall determine**

**the general level of support that might be achieved by the administration for courses of action or changes that are anticipated.**

**After the production of the draft Chapter 10, LDN will provide administrative support to the Consortium and attend meetings as necessary to move Chapter 10 forward before the MOA administration, the Planning and Zoning Commission, and the Anchorage Assembly.**