

CHAPTER 21.08: SUBDIVISION STANDARDS

21.08.010 Purpose

Issue # 1.0: Preserving C-ER's community character amidst higher density development

Comments and Discussion:

PA C08 Pg. 3, A. General

It also will be important not to overlook other comprehensive plans that the Municipality has produced such as those for Chugiak-Eagle River, Turnagain Arm, and Girdwood. While these plans contain some implementation recommendations that mirror those in the 2020 plan (e.g. protection of natural resources), there are some important differences reflecting the distinctive physical and other differences such as community priorities between these places and the Anchorage Bowl. Code revisions need to take these distinctions into account.
(Clarion 2002 1126 T21 Diagnosis, Pg. 12)

The phrase "...to ensure the functional and efficient layout and appropriate use of land so as to achieve property lots of reasonable utility..." is not defined. Could C-ER's large lots be seen as an under-utilization of property?
(Birchwood 2006 1113 PHD C08)

This title does not very well address the needs and lifestyles of the more rural areas of the MOA, so it is understandable why many people feel that it is essential that a separate chapter is required for the Eagle River Area.
(Aksamit_Loken 2006 0316 D2; Jager 2005 1004 D1)

C-ER has seen considerable new dense residential development over the last several years, some of it adverse. Consequently, the community councils are hearing more and more comments from residents and business owners advocating for more control over C-ER's residential density. C-ER is not running out of room like the Anchorage Bowl; and, therefore, C-ER does not feel the need to have denser and taller development as is now required in the Anchorage Bowl.
(Brewer 2005 1103 General; C-ER Comp Plan Update; Chugiak 2006 0828 P&Z Case No 2006-125; Chugiak 2006 1214 PHD C08; 2006 Dittman Consortium Community Survey; Eagle River Valley 2007 0427 PHD C13)

The C-ER Comp Plan Update states that the Title 21 rewrite recognizes that the C-ER community's growth, development patterns, character and lifestyle differ somewhat from those in the Anchorage Bowl. The C-ER Comp Plan recommends that a separate chapter for C-ER in the new Title 21 regulations is the best implementation method to address these differences. The C-ER Comp Plan Update also provides the following general guidelines on the subject:

- Ensure an orderly, efficient pattern of development that reflects the diverse needs of the community and encourages growth that is consistent with historical land uses, community character and the natural environment;
- Maintain Chugiak-Eagle River's small town character;
- Preserve and enhance the identity of established community areas and neighborhoods (repeated);
- Ensure that residential densities are compatible with current densities in the immediate surrounding areas.

(C-ER Comp Plan Update 2006 1212)

Regulation Committee Recommendation:

- Add a Purpose section to Chapter 10 that describes the general reasons for the existence of Chapter 10 and that states that it addresses the differences between C-ER and the Anchorage Bowl regarding community growth, development patterns, character and lifestyle, and service areas.
- Add language to Chapter 10 that defines the boundaries of C-ER.

Consortium Board Recommendation:

07/10/07:

- Add a Purpose section to Chapter 10 that describes the general reasons for the existence of Chapter 10 and that states that it addresses the differences between C-ER and the Anchorage Bowl regarding community growth, development patterns, character and lifestyle, and service areas.
- Add language to Chapter 10 that defines the boundaries of C-ER.

Issue # 2.0: Design Standards and Public Input for Site Condo Development (multi-family development)

Comments and Discussion:

Anchorage has relatively weak subdivision standards, yet we were very surprised to observe numerous examples of developers building "site condominiums" in an apparent attempt to avoid complying with even these modest subdivision standards.

Generally, a "site condo" in Anchorage is a single-family building erected in a yard that is not created through the subdivision process; there are no lot lines and the purchaser owns only the structure, not the land on which the structure sits. There are many variations, with varying levels of density, but the common feature is no lot lines. There is no monumentation required, and no official review that is typically done through the platting process. Many site condos are created without any sort of review. There is no connection to surrounding properties since only private streets are created; each site condo development becomes, in effect, its own island. Open space is rarely, if ever, provided. Roadways often are not built to public standards. Site condos are required to obtain a building permit only, and the building official has no authority to require improvements.

The Municipality has several concerns about these site condos. The lack of peripheral improvements, like development of roads to municipal standards, is a major concern. Staff also is concerned about the lack of monumentation, since there will be no mechanism to resolve future boundary disputes. Further, staff notes that the homeowner fees being collected from site condo residents are low, and probably will not be sufficient to handle future maintenance problems, like street repairs. This means that site condo residents will likely attempt to have the Municipality fix these problems at taxpayer expense.

As part of the Title 21 rewrite, a new process is needed to provide more administrative review of site condos or prohibit this type of development. Also, some basic standards will need to be drafted, including monumentation, to improve the quality of development.

The development of a new process and standards should be sensitive to the time and costs that will be added to review as the rules are tightened. We spoke with some developers of site condos, and they generally agreed that some very bad construction already has been done through the site condo loophole. They urged that the site condos not be prohibited altogether, however. They said that they would support a review process for site condos...

Many of the same concerns that apply to site condos also apply to multi-family development, especially apartment complexes.
(Clarion 2002 1126 T21 Diagnosis Pgs. 22-23)

We need to decide to what extent site condos will be subject to the standards of chapter 21.08 and 21.07. We have already moved many important provisions (e.g. common open space requirements) from the subdivision chapter to 21.07 to make them applicable to all development, not just subdivisions. But discussion is still necessary on whether site condos can or should be made subject to all or parts of this chapter 21.08.
(T21 Module 3 Clarion footnote Pg. 1; Birchwood 2006 1113 PHD C08)

Multi-family dwellings (site condos) are permitted uses in several residential zoning districts requiring only a land use permit or a building permit. They require no administrative site plan review (no decision by Municipal Staff), no major site plan review (no decision by the Planning and Zoning Commission), and no public hearing (no formal debate by the public). This process might overlook some planning concerns such transportation layout, traffic impact, neighborhood density, buffers, school capacity, utilities, emergency access, pedestrian facilities, etc.
(Regulation Committee comment referring to T21 D2 Pg. 183)

Wells' comments:

- Have our Planner advise us on Site Condos, Steep Slope Development, regulations, our two hottest issues.

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Convene a subcommittee to determine if there are loopholes in municipal procedures and design standards by reviewing loopholes Regulation 21.90 "Multiple Dwelling Unit Residential Development on a Single Lot or Tract" [AR 2004-108(S-2)] and AO 2004-094 (postponed indefinitely). Make recommendations to the Consortium Board.
- Add language to Chapter 10 requiring a conditional use permit for site condos (see Planning Department Memorandum 2004 0614 P&Z Case No. 2004-105).

Consortium Board Recommendation:

07/10/07:

- Current regulations for site condo development are inadequate. Add regulations to Chapter 10 that specify:
 - ✓ minimum qualifications for developers proposing to develop site condos;
 - ✓ maximum number of family dwelling units per square foot;
 - ✓ sloped area projects shall be developed differently from flat area projects;
 - ✓ minimum distances from roadways and property boundaries to buildings for privacy and buffering;
 - ✓ increased landscaping with increased density;
 - ✓ placing street lights and fire hydrants inside of landscaping;
 - ✓ restrictions on clear-cutting, retaining natural vegetation where feasible, and planting new vegetation (see T21 Rewrite Module 3 for ideas);
 - ✓ esthetics, e.g., views of vegetation versus views of garages;
 - ✓ utilities to be located along the front lot lines versus along back lot lines (to allow trees to frame development);
 - ✓ cross-sections of private roadways to be wide enough for adequate drainage and snow storage;
 - ✓ the number of driveways to be minimized;
 - ✓ development of pedestrian connectivity between buildings and parking areas;
 - ✓ development of trails out of project area connecting to other trails; etc.
- Add language to Chapter 10 requiring a conditional use permit for site condos.
- Address this issue again during the review of T21 Chapter 21.07: Development and Design Standards.
- Request the Land Use Planner to analyze the Assembly resolutions and ordinances listed above and develop stricter land use regulations for site condos.

21.08.020 Applicability

Issue # 3.0: Applicability of standards to governmental agencies

Comments and Discussion:

PA C08 Pg. 3, A. General

Clarify that the Municipality of Anchorage (MOA), the Anchorage School District (ASD), and the Heritage Land Bank (HLB) must also follow all subdivision standards when developing or subdividing, e.g., building and paying for collectors, drainage upgrades, etc.
(Wells 2006 1108 PHD C08)

“Person” is defined in the Definitions Chapter 21.14 as any individual, lessee, firm, partnership, association, joint venture, corporation, or agent of the aforementioned groups, or the state of Alaska or any agency or political subdivision thereof. Thus “person” already includes the MOA and the ASD and their specific inclusion is unnecessary.

(PZC 2006 1213 Issue-Response PHD Issue # 171)

Regulation Committee Recommendation:

- No action needed.

Consortium Board Recommendation:

07/10/07:

- Add language to Chapter 10 clarifying that the Municipality of Anchorage (MOA), the Anchorage School District (ASD), and the Heritage Land Bank (HLB) must also follow all subdivision standards and procedures when developing or subdividing, e.g., building and paying for collectors, drainage upgrades, etc.

Issue # 4.0: Clarify Requirements for Certificate of Zoning Compliance

Comments and Discussion:

PA C08 Pg. 3, B.2. Before Certificate of Zoning Compliance
C-ER lies outside of the Anchorage Building Safety Service Area (ABSSA); and; therefore;
builders are required to get a Land Use Permit. Closing-out a Land Use Permit is not required
with current municipal code.
(2006 Dittman Consortium Community Survey)

The Certificate of Zoning Compliance will serve the same function as the current Certificate of
Occupancy (to close-out a Building Permit). However, the Certificate of Zoning Compliance will
also apply to the Land Use Permit.
(Kovac 2007 0515 PHD 08)

Clarify what is necessary (documents or other items) for a builder outside of ABSSA to obtain
the Certificate of Zoning Compliance. Required documents could include:

- As-Built Drawing;
- Summary of Building Inspections for Site-Build Construction (#PUR-102);
- Certification that the Alaskan building energy efficiency standards listed in the
International Energy Conservation Code of 2006, with Alaska-specific amendments dated
October 1, 2006, have been met (15 AAC 155.010 and 15 AAC 155.030);
- ADEC Certification;
- MOA Certificate of On-Site Systems Approval; or
- Other like documentation

(Chugiak 2006 1214 PHD C08)

Regulation Committee Recommendation:

- Address this issue during the review of T21 Chapter 21.03: Review and Approval
Procedures.

Consortium Board Recommendation:

07/10/07:

- Add language to Chapter 10 eliminating the need for a Certificate of Zoning Compliance
as regards inspections and as-builts. This could be defined in the section of Chapter 10
that deals with the Land Use Permit.
- MOA Certification of On-Site Systems would still be required in all cases.
- Should portions of C-ER wish to join the Anchorage Building Safety Service Area
(ABSSA), those areas can raise the issue in their neighborhoods and vote on the issue.

21.08.030 Design Standards

Issue # 5.0: Conflicting standards

Comments and Discussion:

PA C08 Pg. 4, A.2. Compliance with Comprehensive Plan

According to MOA Planning, the more specific plan is the guiding document, therefore, if the C-ER Comp Plan conflicts with Title 21 then Title 21 overrides.

(Assembly 2006 0525 D2)

Amend to read "It is vital that the more specific design and development standards that are contained in T21 and are intended to apply to individual development applications apply over the general goals and policies of the comprehensive plan where there may be a potential conflict when dealing with development applications.

(PZC 2006 1213 Issue-Response PHD Issue # 11)

Regulation Committee Recommendation:

- No action needed.

Consortium Board Recommendation:

07/10/07:

- No action needed.

Issue # 6.0: Areawide Drainage Plan

Comments and Discussion:

PA C08 Pg. 4, D. Drainage Design

T21 code states that all drainage facilities shall comply with the standards of Section 21.07.040 but this section has not yet been released for public review. A drainage design section is desperately needed in C-ER but the section should have additional language that provides for protection of the environment.

The C-ER Comp Plan Update states:

- Preserve natural drainage ways and ensure that area drainage needs are integrated into development plans.
- Promote the use of stormwater retention/detention facilities and retain natural wetlands for stormwater treatment where practicable.
- For development on steep slopes, during all phases of construction, incorporate control measures to prevent flooding, minimize erosion, assure safety, and prevent eroded material from entering established drainage systems, natural water courses and roadways
- Discharge or divert storm run-off, to the maximum extent possible, to natural drainageways or retain and treat on site.
- For new schools, take into account on- and off-site drainage.
- Develop and implement an areawide drainage plan and implement through T21 and other regulations.

(C-ER Comp Plan Update, Chugiak 2006 1214 PHD C08)

Regulation Committee Recommendation:

- Request CBERRRSA's input on possible C-ER regulations for drainage requirements for residential, commercial, and industrial development.
- Address this issue during the review of T21 Section 21.07.040: Drainage, Stormwater Runoff, Erosion Control.

Consortium Board Recommendation:

07/10/07:

- Conducting an areawide drainage plan is necessary and is recommended by the C-ER Comprehensive Plan; however, it is probably not financially feasible until after Chapter 10 is implemented.
- Address this broad issue again during the review of T21 Section 21.07.040: Drainage, Stormwater Runoff, Erosion Control. Recommend looking at Chapter 10 regulations requiring: on-site, controlled-release, stormwater detention systems with oil-water separators; levies for flood control; prohibition against removing root mats; review and analysis of the existing drainage systems surrounding the development area; grease traps for septic tanks; snow dump for C-ER; etc. Such future regulations should apply to all developers, not just subdividers.
- Request CBERRRSA's input.

08/01/07:

- Upon further discussion by the Board, it was recommended to add language to Chapter 10 giving CBERRRSA's Board of Supervisors (BOS) the option to review drainage plans.

Issue # 7.0: Streets on steep slopes

Comments and Discussion:

PA C08 Pg. 5, F.2.b. Streets - Street Grades

The language states that a grade on a residential street in a subdivision should not exceed 15%. However, in some cases in C-ER, the grade must be steeper than 15%. It is recommended that the grade not exceed 20% with 20% permitted with special approval only. (Chugiak 2006 1214 PHD C08)

Regulation Committee Recommendation:

- Request CBERRRSA's input on possible C-ER regulations for maximum street grades.

Consortium Board Recommendation:

07/10/07:

- Add language to Chapter 10 stating that a grade on a municipal residential street in a subdivision should not exceed 20% with 20% permitted with special approval only.
- Add language to Chapter 10 limiting density in steep areas (the steeper the slope, the bigger the lot).
- Request CBERRRSA's input.

08/01/07:

- Upon further discussion by the Board, it was recommended to leave the maximum street grade at 15% as the language currently states in the provisionally approved code.

Issue # 8.0: Cul-de-Sacs and Street Connectivity

Comments and Discussion:

PA C08 Pg. 5, F.5. Streets - Cul-de-Sacs

There is no issue with the cul-de-sac design standards presented but cul-de-sacs raise another issue: street connectivity. Street connectivity is paramount but some residents do not want to be forced in areas like Peters Creek to build multiple bridges over waterways. The bridges would be hard to maintain and expensive. The use of discretion and flexibility is necessary and T21 code is very strict.

(2006 Dittman Consortium Community Survey; Assembly 2006 0525 D2)

Regulation Committee Recommendation:

- Request CBERRRSA's input on possible C-ER regulations regarding cul-de-sacs.
- Address this issue during the review of T21 Chapter 21.07: Development and Design Standards

Consortium Board Recommendation:

08/01/07:

- Address this issue during the review of T21 Chapter 21.07: Development and Design Standards.
- Request CBERRRSA's input on possible C-ER regulations regarding cul-de-sacs.

Issue # 9.0: Alleys in residential subdivisions

Comments and Discussion:

PA C08 Pg. 6, F.6. Streets - Alleys

Alleys should be prohibited in C-ER residential districts because they must be plowed, encourage crime, and land is lost to their development.

(Chugiak 2006 1214 PHD C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 prohibiting alleys in residential subdivisions unless there is a health or safety issue.
- Request CBERRRSA's input on possible C-ER regulations regarding alleys.

Consortium Board Recommendation:

08/01/07:

- The Board was undecided. Some members thought that all alleys should be prohibited in residential subdivisions. Some members thought that alleys should be allowed in residential subdivisions but the plans should be reviewed for access, traffic impacts, and lighting and have a requirement for private maintenance.
- Request CBERRRSA's input.

Issue # 10.0: Subdivisions on steep slopes

Comments and Discussion:

There are conflicts between the steep slopes subdivision design regulations and areas zoned R-10 that necessitate variances. Due to the topography and the required lot size, it is not always possible to meet the subdivision design standards such as a 3:1 lot depth to width ratio. When platting a 1.25 acre – 7.5 acre lots, staff asks “why should this ratio even apply?” Greater flexibility is needed in order to create subdivisions that conform to the terrain in terms of the road layout, driveway configuration, and building location, especially in relation to on-site septic and well requirements.

(Clarion 2002 1126 T21 Diagnosis)

PA C08 Pg. 7, H.1.b. Subdivisions on Slopes - Applicability

Section 21.07.020C, step slope development, calls for a prohibitions on building on areas with 100% slopes that are greater than 30 percent (17 degree incline). This is unreasonable as practice proves that houses can be built on slopes much steeper than 17 degrees without harm to the slope of neighboring properties. Steep slopes can successfully support homes without environmental or safety problems. Professionals working for the MOA are fully capable of designing and building homes on any site in the area without harming anyone or the land. For those of us who own slope lots, this limit threatens to take away years of work, investment, and dreams of a home.

(Reed 2005 0905 D1)

PA C08 Pg. 7, H.3.b. Subdivisions on Slopes - Design Standards

Phases of steep-slope subdivisions of 5 acres+ that include any lots less than 40,000 square feet in area shall use the conservation subdivision process at Section 21.08.070. This means that a steep slope subdivision of mostly large lots and a few lots less than 40,000 square feet in area shall be designed like a conservation subdivision.

(Regulation Committee comment)

High density housing in alpine topography is a major concern: slope variances are allowed too often, steep drive ways, no yards, no sight distance in winter from the driveway (high density impacts schools, overcrowding). Need to setup required well and septic distance on sloped lots.

(Eagle River Valley 2007 0427 PHD C13)

The C-ER Comp Plan Update states:

- Preserve vegetation in steep slope areas in order to prevent soil erosion to the maximum extent practicable.
- Through the Municipality, preserve open space in steep slope areas through planning methods, subdivisions, conservation subdivisions, and master plans.
- For development on steep slopes, address factors such as site coverage, gradient, soil type, hydrology, vegetation and the substrata.
- For development on steep slopes, during all phases of construction, incorporate control measures to prevent flooding, minimize erosion, assure safety, and prevent eroded material from entering established drainage systems, natural water courses and roadways.
- Implement steep slope development guidelines through Title 21.

(C-ER Comp Plan Update, Chugiak 2006 1214 PHD C08)

Wells' comments:

- Have our Planner advise us on Site Condos, Steep Slope Development, regulations, our two hottest issues.

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 requiring more municipal and public oversight of subdivisions on steep slopes and prohibiting short plats in this case.
- Convene a subcommittee to make specific recommendations on building on steep slopes.

Consortium Board Recommendation:

08/01/07:

- Amending the short plat procedure is a separate issue from steep slope issues. Address short plats again during the review of T21 Chapter 03: Review and Approval Procedures.
- Address the 3:1 lot depth to width ratio requirement for large lots during the review of T21 Chapter 07: Development and Design Standards.
- Additional discussion is required on this huge subject including addressing drainage concerns and how close homes should be built to roads or lot boundaries. Further discussion was tabled.
- Request CBERRRSA's input on steep slopes.

Issue # 11.0: Grading lots on steep slopes

Comments and Discussion:

PA C08 Pg. 8, H. 7. Subdivisions on Slopes - Grading

The language should state "where the majority of the lots created are 40,000 square feet or greater...", not "where all the lots created are 40,000 square feet or greater ..." as some subdivisions are developed in phases and some have only one or two rows of one acre or greater acting as a transition buffer. Make this apply to phased subdivisions of larger tracts and to those that buffer abutting but different development.

(Birchwood 2006 1113 PHD C08)

Regulation Committee Recommendation:

- No action needed.

Consortium Board Recommendation:

08/01/07:

- No action needed.

Issue # 12.0: No lot dimension standards for certain types of development with on-site septic systems

Comments and Discussion:

PA C08 Pg. 9, K. 3. Lot Dimensions

AMC Chapter 15.65 Wastewater Disposal applies to on-site wastewater disposal systems for single-family residences only. There are no municipal or state regulations governing on-site wastewater systems for two-family residences (duplexes), Accessory Dwelling Units (ADUs), Planned Unit Developments (PUDs), or site condominiums. On-site wastewater systems for other types of dwellings are supposedly regulated by ADEC.

(Chugiak 2006 1214 PHD C08, On-Site Tech Board 2007 0613 PHD)

Support the development of new state or municipal regulations that would close loopholes in regulatory oversight of on-site water and wastewater systems.

(C-ER Comp Plan Update)

Regulation Committee Recommendation:

- See associated Issue # 20.

Consortium Board Recommendation:

08/01/07:

- Discussion was tabled since the MOA On-Site Wastewater System Technical Review Board is currently trying to determine what loopholes exist between AMC and ADEC and make subsequent recommendations to the MOA.
- Members believed that this subject should be addressed in Chapter 15: Environmental Protection.

Issue # 13.0: Width of driveways to facilitate snow storage

Comments and Discussion:

PA C08 Pg. 9, L. Lot Frontage and Access

T21 Draft #2 stated that "... the total width of driveway entrances to a residential lot from a street shall not exceed 40 percent of the frontage of the lot on the street at the property line and 30 percent at the curb. However, a driveway may always be a minimum of 14 feet wide at the curb, and the maximum width of a driveway at the curb is 20 feet. This provision does not apply to flag lots or townhouse lots. The total width of driveway entrances to a commercial or mixed-use lot from a street shall not exceed 40 percent of the frontage of the lot on the street at the property line, or 34 feet, whichever is more." These requirements were removed in the provisionally adopted version of Chapter 21.08. These requirements would have allowed for snow storage.

(Assembly 2006 0525 D2)

Regulation Committee Recommendation:

- Request CBERRRSA's input on possible C-ER regulations for driveway entrances for residential, commercial, and industrial development.
- See associated Issue # 29.

Consortium Board Recommendation:

08/01/07:

- Generally, the Board believes it would be a good idea to restrict the width of a driveway where it intersects with the roadway in order to reduce the amount of snow handling.
- The Board wondered how much enforcement is being done presently to require property owners to keep their cleared snow off the public roadways.
- Request CBERRRSA's input.

Issue # 14.0: Residential Access via Collectors or Arterials

Comments and Discussion:

PA C08 Pg. 9, L. 2. Lot Frontage and Access

The code states that, unless approved by the director, access to a residential use on a residential lot shall not be from a collector or greater street as designated on the Official Streets and Highways Plan (OSHP). However, the OSHP is out-of-date for C-ER and does not list the collectors for Eklutna, Inc.'s Powder Reserve property. The language should be changed to state that access to a residential use on a residential lot shall not be from a collector or greater street as designated in the OSHP or as otherwise designated by the Municipality.
(Chugiak 2006 1214 PHD C08)

Regulation Committee Recommendation:

- No action needed.

Consortium Board Recommendation:

08/01/07:

- No action needed.

21.08.040 Dedication

Issue # 15.0: Trail dedication for Chugach State Park, etc.

Comments and Discussion:

PA C08 Pg. 11, D.1. Trails - Access to Chugach State Park, Community Use Areas, and Natural Resource Use Areas

The Platting Authority shall require the dedication of a public pedestrian easement for a trail designated on adopted municipal plans, and for connectivity with a trail or access point identified in the most current Chugach State Park Access Inventory, master plan, or trail plan, when it finds that the trail cannot reasonably be located in an existing dedicated public easement or right-of-way. The Platting Authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness and utility, and reflect the general locations and patterns of existing public access routes. An acceptable pedestrian easement for shall be a 20-foot-wide dedicated public easement centered on an existing, recognized, new, or relocated trail.

The Platting Authority shall require the dedication of a vehicular right-of-way for public access to trails and park access points. An acceptable vehicular right-of-way shall be a public street that is platted, constructed, and dedicated in accordance with relevant provisions of this Code. The Platting Authority shall require the dedication and construction of an appropriately sized public parking area or on-street parking for park users that is located at or adjacent to a park access point or the commencement of the pedestrian easement or trail.
(Chugach Park Access Coalition 2005 0916 D1)

Address the park access issues of trail area public parking and maintaining a reasonable degree of public access through adjacent land to the trail. Consider the below text as a minimum for Chugach State Park access from any public or private property in the MOA: The platting authority shall, at a minimum, require the dedication of a public pedestrian easement for a trail designated on adopted municipal plans, and for connectivity with a trail or access point identified in the most current Chugach State Park Access Inventory, master plan, or trails plan, when it finds that the trail cannot reasonably be located in an existing dedicated public easement or right-of-way. The platting authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness, and utility, and reflect the general locations and patterns of existing public access routes. An acceptable pedestrian easement shall be a 20 foot wide dedicated public easement centered on an existing, recognized, new, or relocated trail.

The platting authority shall require the dedication of a vehicular right-of-way for public access to trails and park access points as defined in an adopted plan. An acceptable vehicular right-of-way shall be a public street that is platted, constructed, and dedicated in accordance with relevant provisions of this code."

(Bailey 2006 0419 D2)

Add language to this section which denotes any required pedestrian easement as a minimum requirement. During platting, it may be desirable to incorporate vehicle parking at public access areas (either on or off-street) or maintaining rights-of-way that can, at a future date, be widened to include vehicular access into the Park for such diverse reasons as Park maintenance, municipal fire prevention/safety, or public access.

(Colter 2006 0428 D2)

The code states, "An acceptable pedestrian easement shall be at least 20 feet wide..."
Why make the easement the width of a roadway, thereby actively encouraging motorized abuse. Recommend not requiring an impervious surface and changing the easement width to 10 feet maximum.
(Birchwood 2006 1113 PHD C08)

67% of C-ER residents believe that personal property rights are more important than the community's right to protect the environment.
(2006 Dittman Consortium Community Survey)

Access must be shown on a plan. Neither Mt. Baldy access nor Little Peters Creek are on the trail maps. We should have something that says historic access and that it will be maintained in kind, i.e., motorized vehicles, etc. On Mt. Baldy, the historic access has always been up the side and the easement was the old Wallace Mtn. Rd. So there are conflicts there because people want to go the way they have always gone and I would have preferred to give them a 20 ft easement up the side instead of a 60 ft roadway easement.
(Caywood 2007 0629 PA C08)

Regulation Committee Recommendation:

- Request ERCPRSA's input on possible C-ER regulations for trail dedication.
- Leave the width requirement for the pedestrian easement at a minimum of 20 feet as stated in the code.
- Add language to Chapter 10 stating that such trail easements shall be minimally cleared.
- Add language to Chapter 10 requiring that historic and planned access be shown on a designated trail plan to be updated every three years, and requiring that historic access shall be maintained in kind, e.g.: pedestrian traffic; equestrian traffic; motorized vehicles; etc.
- Add language to Chapter 10 requiring the dedication and construction of an appropriately sized public parking area or on-street parking for park users that is located at or adjacent to a park access point or the commencement of the pedestrian easement or trail.

Consortium Board Recommendation:

08/01/07:

- Add language to Chapter 10 stating that such trail easements shall be minimally cleared.
- Request local Assemblymembers' clarification on the definition of "trail dedication". How broad is the definition?
- Recommends adding language to Chapter 10 requiring that planned access be shown on a designated trail plan to be updated every three years, and requiring that historic access shall be maintained in kind, e.g.: pedestrian traffic; equestrian traffic; motorized vehicles; etc.
- Recommends changing the width requirement for the pedestrian easement to be a maximum of 20 feet.
- Local developers, whose property is adjacent to Chugach State park, do not think it is fair requiring them to pay for and build public parking areas for Chugach State Park on their property. The Board believed that parking areas are needed; however, Chugach State Park and, to a lesser degree, the MOA should pay for and build them. Additional discussion required.
- Recommends adding language to Chapter 10 requiring that proposed parking areas to Chugach State Park be evaluated for its impact to the surrounding neighborhood including, but not limited to, traffic and noise.
- Request ERCPRSA's input.

Issue # 16.0: Responsibility for maintaining streams, bodies of water, or wetlands

Comments and Discussion:

PA C08 Pg. 12, E. Riparian Protection and Maintenance Easements

Who does the maintenance? There is confusion over who has stream maintenance responsibility and for how long the responsible party must perform the maintenance. (Chugiak 2006 1214 PHD C08)

The National Marine Fisheries Service (NMFS) supports the 100 foot setback from ordinary high water mark of streams and rivers corridors required for development in RL-4 zoned areas. (*Wells 08/29/07 Note: RL-4 zoning is the old R-10 zoning.*) A setback of this size allows continued stream functions including stabilization of the stream bank which lessens bank erosion while allowing for lateral movement of the stream; maintaining water quality by acting as a filter for sediment and nutrients from runoff; and maintaining healthy stream temperatures, allowing for aquatic invertebrates and vegetation to thrive, which then leads to further improvements in water quality. When a stream system has good water quality and is supporting primarily vegetative and invertebrate life, the chances that the stream can repair itself after periodic events such as flooding or even accidental urban pollution increases... Currently the 100 foot setback is only mandatory for the RL-4 zoning district with smaller setbacks of 50 feet, and 25 feet for all other zonings excluding those under wetlands legislation...very few other cities have the option of protecting salmon bearing streams...identify side channels that may currently be dry but could be reconnected during the spring snow melt...conservation of stream function does not end at the setback and should include rules for land use beyond the setback (storage of toxins, storm water runoff, septic systems, etc.)...Vegetative cover is an important factor in the effectiveness of a stream buffer...slope of the bank should also be considered when determining setback area. (NMFS 2006 0301 D2)

Leave setbacks as they are currently defined.
(2006 Dittman Consortium Community Survey)

Wells' comments:

- Ch.7 at pg. 323 - 328.B for Stream, Water Body, & Wetland Protection states that these 5 pages of protection standards do not apply to existing SF residences, existing roads & utilities within setbacks/easements, activities in response to flood emergencies by government agencies, or permitted functional restoration/enhancement. It also states that it doesn't change any federal, state, or local laws, easements, covenants, or deed restrictions in effect. I think we can say that state & federal government bodies have the maintenance responsibility, which can be permitted to others by the government agency. I don't think a service area has authority of its own, but there appears to be a contradiction at Item 3 on pg. 21. There is a related issue under Drainage Systems shown in Improvements at Item 3 on pg. 21 talking about required additional easement width if the municipality accepts maintenance responsibility.
- New setbacks proposed (measured each side of the stream) are 100' for RL-4 (R-10 slope), RL-1, 2, 3 (R-5A, 6, 7, 8, 9) & industrial will be 50' & will exclude utility & water wells under certain conditions, and all other zone districts will be 25'. All setbacks will be a 'no disturbance/storage' zone. Slope is considered as all setbacks are measured horizontally. The listing of streams, etc will be carried forward from existing regulations. Wetlands are also regulated & a section states that setbacks can be applied as a credit towards private open space or landscape requirements. Are these new setbacks desired for new development out here?
- Ch.7 at Pg 331-332 covers Wildlife Conflict Prevention Corridors along streams (named) & applies to 200' each side of the stream with a list of standards & guidelines. Suggest we all read this to see how this area will be affected & discuss it with our Planner.

- Should we ask our Planner to investigate if there is anything in the Anchorage Coastal Zone Mgmt Plan or the Wetlands Mgmt Plan that also affect us out here?
- If the second bullet of the regulation committee is approved, who should pay & build this? Does having this protect or endanger riparian areas? Again, I am thinking of the language in Item 3 at pg. 21.

(Wells 2007 0829 D2 C07, PA C08)

Regulation Committee Recommendation:

- Request CBERRRSA's and ERCPRSA's input on possible C-ER regulations designating responsible parties for riparian maintenance and describing under which conditions such maintenance would be done.
- Add language to Chapter 10 requiring the dedication and construction of an appropriately sized public parking area or on-street parking for park users that is located at or adjacent to a park access point or the commencement of the pedestrian easement or trail?
- If no specific input is provided, then address the setback issue when during the review of T21 Chapter 21.07: Development and Design Standards with a recommendation to keep existing setbacks as they are currently.

Consortium Board Recommendation:

10/03/07:

- Request input from CBERRRSA's BOS on possible C-ER regulations designating responsible parties for riparian maintenance and describing under which conditions such maintenance would be done.
- Further discussion of wildlife corridors required when reviewing Chapter 07: Development and Design Standards.
- Possibly add language to Chapter 10 requiring the dedication and construction of an appropriately sized public parking area or on-street parking for park users that is located at or adjacent to a park access point or the commencement of the pedestrian easement or trail. Additional discussion is required.
- Recommend leaving setbacks as they are currently defined in AMC T21.

21.08.050 Improvements

Issue # 17.0: No zoning districts specific to C-ER

Comments and Discussion:

PA C08 Pgs. 14-15 Table 21.08-1: Improvement Areas Defined
There are no Class B (rural) commercial, industrial, or mixed use districts.
(Chugiak 2006 1214 PHD C08)

Wells' comments:

- It appears that zoning districts will again be renamed (see Ch.4, final draft) and we will have to re-address this Table 21.08-1 more fully after other chapters are reviewed. Should R-5 be Class B, rather than Class A? There is no R-6 listed. Do we want mixed use allowed in Class B and what should we name it...planning suggested RC?
- Remember that we have to give it a unique district name, like RL-1 thru 4, NC, etc. because there is a regulation that says zoning district standards and uses must be enforced municipal wide.

(Wells 2007 0829 PHD C04, PA C08)

Regulation Committee Recommendation:

- Address this issue during the review of T21 Chapter 21.04: Zoning Districts.

Consortium Board Recommendation:

10/03/07:

- Address this issue during the review of T21 Chapter 21.04: Zoning Districts.

Issue # 18.0: Responsibility for constructing subdivision improvements

Comments and Discussion:

PA C08 Pg.15, Table 21.08-2: Required Improvements by Improvement Area
For C-ER Class A (urban) and C-ER Class B (rural) Improvement Areas add specific required improvements to be constructed by the subdivider or developer:

- Collectors;
- Snow storage areas within public rights-of-way;
- If adequate snow storage capacity cannot be provided within the road rights-of-way, provide an alternative, code-compliant, snow storage area;
- Snow storage areas for residential developments having privately-owned accesses and parking lots;
- Other improvements to existing infrastructure as necessitated by the existence of the new development. Such improvements include, but are not limited to:
 - ✓ Drainage upgrades;
 - ✓ Intersection improvements, e.g., traffic signals, turn lanes;
 - ✓ Installation of roadway screening.

(2006 Dittman Consortium Community Survey; Chugiak 2006 0828 P&Z Case No 2006-125, Chugiak 2006 1214 PHD C08)

There should be snow storage area requirements for all zoning, not just site condos.
(Assembly 2006 0525 D2)

Wells' comments:

- Payment is set by Subdivision Agreements at page 25, not in Table 21.08-2.
- Collectors: This table lists streets by location (interior, access, peripheral), not by classification (local, country lane, collector, arterial, expressway, freeway). Not appropriate in this table, and developer responsibility is stated at pg. 25 at 21.08.060.D.1 for C-ER. Pg. 16 at b. makes reference to classifying the categories of streets, herein stated by location designations, by the Traffic Engineers Manual.
- Snow storage areas within public rights-of-way: Pg.10 says 70' max., pg.16 calls for 50'-60'. Is that enough? Also, Pedestrian Plan states width for snow storage...7' plus location within right-of-way.
- If adequate snow storage capacity cannot be provided within the road rights-of-way, provide an alternative, code-compliant, snow storage area: In Ch.7 at pg. 334 it states that common open space areas can be used for snow storage and references 21.07.090.H.6.b.ii found on page 390 under Snow Storage in Multi-Family Development of 5 or more units. Pages 389-390 also discuss some rules (where, how high, length of time stored) regarding snow storage in all zoning districts, or are we talking about a standard Snow Disposal Site Area for the community as covered in Ch.5 at pg. 268 which lists the regulations governing concentrated storage & disposal of snow transported from other locations? Who would be required to build & pay for this? Would this be considered to be covered under Stormwater Drainage?
- Snow storage areas for residential developments having privately-owned accesses and parking lots: See discussion in previous question. Maybe reduce to 3 dwelling units in Multi-family developments? Or are we talking about places like Eaglewood? Do we have some subdivisions that have private parking Lots? Do the regulations proposed in the previous question cover this or not?

- Other improvements to existing infrastructure as necessitated by the existence of the new development. Such improvements include, but are not limited to:
 - ✓ Drainage upgrades: Drainage components and regulations are listed at pg. 20-21, while the standards being proposed at 21.07.040 haven't been formulated yet. The question is, does our local road board do this? I think answer is no as their responsibility covers drainage maintenance & probably only deals with drainage in the way of ditches or french drains. Doesn't the municipal engineer determine this during plan review?
 - ✓ Intersection improvements, e.g., traffic signals, turn lanes: Aren't these only determined by a TIA or the municipal engineer? See pg. 20.
 - ✓ Installation of roadway screening: See pg 23 referencing Ch 7 requirements, pg. 351.
- There should be snow storage area requirements for all zoning, not just site condos: Read Ch 7 at pg 334 and 389-390. Because development of Site Condos is not a subdivision since lot lines don't change, what chapter covers Site Condos? Multi-family development appears to be rental units, not ownership units. Townhouses and Row houses require subdivision of lot lines. Who can supply the answer?
- If the actual proposal is to have our own Tables of Improvement Areas Defined as well as Required Improvements by Improvement Area, then either add Snow Storage or a note that Drainage also means snow storage.
- Who picks up the cost is defined elsewhere, not in these Tables. Who pays outside of the ARDSA area is already defined in 21.08.060.D.1 on pg. 25 and the careful crafting of that language and its placement in the proposed rewrite was accomplished by the Assembly's legal counsel at the direction of Debbie Ossiander. We should not tinker with this without their input.

(Wells 2007 0829 D2 C05, D2 C07, PA C08)

Ossiander's additional comments on Wells' comments above:

- Collectors: I'm not sure I understand the comment under Collectors. I do want you to know that we had an uphill fight in order to get the wording we did for developer responsibility for collector road construction outside of ARDSA.
- Snow storage areas within public rights-of-way: I did not catch the difference called for in widths for snow storage location within public rights of way. I have not discussed the "correct" amount with anyone....Scott Schnell would be a good resource for this question.
- If adequate snow storage capacity cannot be provided within the road rights-of-way, provide an alternative, code-compliant, snow storage area: The discussion on snow storage in Chapter 8 is primarily centered around new requirements for multi-family. It does not cover community wide snow storage sites. My understanding is that common open space could be used for snow storage.
- Snow storage areas for residential developments having privately-owned accesses and parking lots: You can not legally restrict multi-family housing to three dwelling units. I would not advise that at all. Yes, some subdivisions have private parking lots. The subdivision standards in Chapter 8 would still cover them.
- Other improvements to existing infrastructure as necessitated by the existence of the new development. Such improvements include, but are not limited to:
 - ✓ Drainage upgrades: I don't have the chapter in front of me at the moment so I'm unsure what specific drainage standards are being referenced. Again, I suggest contacting Scott Schnell in our street maintenance department. He is very knowledgeable about local requirements. Yes, the municipal engineer has requirements for drainage and checks plans to be sure drainage is adequate.
 - ✓ Intersection improvements, e.g., traffic signals, turn lanes: Yes, intersection improvements are under the control and direction of the municipal traffic engineer.

(Ossiander 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 requiring the above listed improvements for subdivisions and site condos.
- See associated Issue # 22.

Consortium Board Recommendation:

10/03/07:

- Add language to Chapter 10 adding specific required improvements to be constructed by the subdivider or developer where appropriate:
 - ✓ Collectors;
 - ✓ Snow storage areas:
 - Within public rights-of-way for all zoning districts and site condos, except R-10;
 - If adequate snow storage capacity cannot be provided within the road rights-of-way, provide an alternative, code-compliant, snow storage area within the subdivision but out of the traveled way;
 - Snow storage areas for residential developments having privately-owned accesses and parking lots;
 - ✓ Other improvements to existing infrastructure as necessitated by the existence of the new development. Such improvements include, but are not limited to:
 - Drainage upgrades;
 - Intersection improvements, e.g., traffic signals, turn lanes;
 - ✓ Installation of roadway screening.
- Request CBERRRSA's input.

Issue # 19.0: Rural collectors having a paved walkway

Comments and Discussion:

PA C08 Pg. 20, Table 21.08-8: Minimum Sidewalk, Walkway and Trail Improvements
All rural collectors should have 1-1/2" AC (paved) walkways, not gravel walkways. Gravel trails should be limited to nature trails, equestrian trails, and multi-use trails that accommodate equestrian usage.
(Chugiak 2006 1214 PHD C08)

Wells' comments:

- Walkways are defined at pg. 538, Draft #2 as a public dedicated right-of-way which crosses within a block to facilitate pedestrian access to adjacent streets & properties. They do not parallel any streets, roads, or vehicular route. See explanation for the 1-1/2" AC for Walkways listed in Table. See also Chapter 7 at pg. 344 which defines locations for walkways. Further, at pg. 344 in the first paragraph, last sentence it states that, "In districts where the minimum lot size is 40,000 sq. ft. or greater, sidewalks, walkways, and trails shall be provided in accordance with the Areawide Trails Plan..." It also states sidewalks are what go beside streets, then exempts sidewalks on both sides of the street for local streets where the lots are 40,000 sq. ft. or greater...but state they will be paved.
- Trails may connect to a street system but there does seem to be a gray area as I have heard discussion of having a sidewalk on one side with a trail on the other and the Table does say that trails follow the Trails Plan and then gives a gravel option in Class B Improvement areas.

(Wells 2007 0829 D2 C07, D2 C13, PA C08)

According to the most recent T21 Rewrite definitions:

- A "sidewalk" is an improved right-of-way for pedestrian circulation that is part of the street right-of-way.
- A "trail" is a way designed and used for equestrian, pedestrian, cross country skiing and /or cycling or other similar forms of non-motorized transport.
- A "walkway" is a surface, either improved or not, for the purpose of pedestrian and other non-motorized use, which connects two points and is not aligned along a vehicular public right-of-way. Note that this "Public Hearing Draft" definition of "walkway" differs from the one listed in Well's comment above from "Draft #2".

(Kovac 2007 1003 PHD C14)

Regulation Committee Recommendation:

- Add language to Chapter 10 clarifying that all new rural collectors shall have 1-1/2" AC (paved) walkways, not gravel.

Consortium Board Recommendation:

10/03/07:

- Add language to Chapter 10 clarifying that all new "Rural Collectors" shall have 1-1/2" AC (paved) walkways, not gravel.

Issue # 19.1: Street Lighting Improvements

Comments and Discussion:

PA C08 Pg. 20, I. Street Lighting

Some C-ER communities want to opt out of street lighting requirements for residential zoning districts. Therefore, require developers to exclude street lighting unless the residents want it and it would significantly enhance public safety. Add another row to Pg. 16, Table 21.08-2, for C-ER that states street lighting is optional for Class A residential districts.
(Chugiak 2006 1214 PHD C08)

For developers who include street lighting in their subdivisions, as part of the platting process, require the developer to:

- Petition to annex the subdivision into an existing street light service area prior to the time that residents exist in the subdivision or
- Create subdivision covenants that include the establishment of a homeowners' association and which state that it is the duty of the homeowners' association to maintain the subdivision's street lights.

Require developers to minimize light pollution by designing lighting to avoid excessive brightness or glare, to properly aim the light, to avoid shining directly onto neighboring properties, and to properly time the light.

(C-ER Comp Plan Update)

Wells' comments:

- Since Optional means not required, just drop the Required in Class A.

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 implementing the policies and strategies identified in the Chugiak-Eagle River Comprehensive Plan Update.
- See associated Issue # 25.

Consortium Board Recommendation:

10/03/07:

- Add language to Chapter 10 implementing the policies and strategies identified in the Chugiak-Eagle River Comprehensive Plan Update:
For developers who include street lighting in their subdivisions, as part of the platting process, require the developer to:
 - ✓ Petition to annex the subdivision into an existing street light service area prior to the time that residents exist in the subdivision or
 - ✓ Create subdivision covenants that include the establishment of a homeowners' association and which state that it is the duty of the homeowners' association to maintain the subdivision's street lights.
- Require developers to minimize light pollution by designing lighting to avoid excessive brightness or glare, to properly aim the light, to avoid shining directly onto neighboring properties, and to properly time the light. Further discussion needed when reviewing 21.07.130 Exterior Lighting.
- When reviewing Chapter 04: Zoning Districts, determine which zoning districts must have street lighting and which zoning districts could have the option to have street lighting. Discussion to include street lighting in conservation subdivisions.

Issue # 20.0: Existence of loopholes in the municipal and state code that regulates on-site well and wastewater systems

Comments and Discussion:

PA C08 Pg. 22, N.2. Water Supply Facilities - No Access to Public Water System
AMC Chapter 15.55 Water Wells applies to on-site water wells for single-family residences only. There is no municipal or state regulatory oversight of Class C Water Systems (water systems serving less than 25 individuals or less than 15 connections) or of on-site water wells for two-family dwellings (duplexes). On-site water wells for other types of dwellings are supposed to be regulated by ADEC. The Municipality should not allow structures to be built without regulatory oversight of these systems.
(Chugiak 2006 1214 PHD C08)

PA C08 Pg. 22, O.2. Sanitary Sewer Facilities - No Access to Public Sewer System
AMC Chapter 15.65 Wastewater Disposal applies to on-site wastewater disposal systems for single-family residences only. There is no municipal or state regulatory oversight of on-site wastewater systems for two-family residences. On-site wastewater systems for other types of dwellings are supposedly regulated by ADEC. The Municipality should not allow two-family residences to be built without regulatory oversight of these systems.
(Chugiak 2006 1214 PHD C08)

Our concern is that the public health may not be adequately protected with these higher density developments. We request that this "loophole" be addressed in the rewrite of Title 21.
(On-Site Tech Board 2007 0613 PHD)

Wells' comments:

- Isn't it Title 15, Environmental Services, that governs the square footage requirement necessary to support a SF dwelling unit on site septic system, not Title 21?
- ADEC regulations are found in 18 AAC 72 and 80 for on-site systems.
- Both the MOA and the State currently require that all systems be designed and signed off by an Alaska licensed engineer.

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 that states for on-site septic systems, a minimum of 40,000 square feet of area is required for each family unit. For example: a single-family attached home would require a minimum 40,000 square lot; a duplex would require a minimum 80,000 square feet, etc.
- Add language to Chapter 10 that prohibits building of structures with on-site well and/or on-site septic systems that are not regulated. Require that all such system designs be signed off by an engineer.
- See associated Issue # 12.

Consortium Board Recommendation:

10/03/07:

- Discussion was tabled since the MOA On-Site Wastewater System Technical Review Board is currently trying to determine what loopholes exist between AMC and ADEC and make subsequent recommendations to the MOA.
- Members believed that this subject should be addressed in Chapter 15: Environmental Protection.

Issue # 21.0: Installing fuel oil tanks as a subdivision improvement

Comments and Discussion:

Should fuel oil tanks be addressed in T21? They are regulated by the State.
(Chugiak 2006 1214 PHD C08)

Regulation Committee Recommendation:

- No action needed.

Consortium Board Recommendation:

10/03/07:

- No action needed.

21.08.060 Subdivision Agreements

Issue # 22.0: Responsibility for paying for subdivision improvements

Comments and Discussion:

PA C08 Pg. 26, D. Payment of Costs of Required Improvements Outside the Anchorage Roads and Drainage Service Area

Does this section adequately describe that improvements to residential, commercial and industrial developments shall be built and paid for entirely by the subdivider/developer for all those improvements listed under E. Payment of Costs of Required Improvements Inside the Anchorage Roads and Drainage Service Area (Pgs. 25-29)?
(Kovac 2007 0515 PHD C08)

The code should specifically state that the subdivider/developer shall pay 100 percent of all costs associated with construction...for the following items:

- Administrative and Recording Costs Relating to Public Improvement Guaranties;
- Inspection, Surveillance, and Testing;
- Administration of Agreement;
- Arterial and Collector Streets:
 - ✓ Interior Collector Streets;
 - ✓ Interior Arterial Streets;
 - ✓ Peripheral Streets;
 - ✓ Access Streets;
- Other Streets;
- Curbs, Sidewalks, and Walkways Adjacent to Streets;
- Sidewalks and Walkways not Adjacent to Streets;
- Storm Drains, Inlets, and Manholes;
- Water Improvements;
- Sanitary Sewer Improvements;
- Electrical and Telecommunication Facilities;
- Deferred Utilities;
- Street Lighting;
- Traffic Control Devices;
- Landscaping;
- Snow storage areas within public rights-of-way;
- If adequate snow storage capacity cannot be provided within the road rights-of-way, provide an alternative, code-compliant, snow storage area;
- Snow storage areas for residential developments having privately-owned accesses and parking lots;
- Other improvements to existing infrastructure as necessitated by the existence of the new development. Such improvements include, but are not limited to:
 - ✓ Drainage upgrades;
 - ✓ Intersection improvements, e.g., traffic signals, turn lanes;
 - ✓ Installation of roadway screening.

(Birchwood 2006 1113 PHD C08, C-ER Comp Plan, Chugiak 2006 1214 PHD C08, 2006 Dittman Consortium Community Survey; Wells 2006 1108 PHD C08)

Wells' comments:

- Doesn't Land Use Permits in T21 and Title 23 cover this? Current Code 21.15.150, or rewrite at Ch 3, pg. 83 list what improvements and Ch 8 at pg. 25 in this review cover who pays?

(Wells 2007 0829 D2 C03, PA C08)

Ossiander's comments:

- I would not advise that a lot be added to what the developer is expected to do...because it will not make it past the rest of the Assembly.
- The planning department is very interested in classifying streets by topology (streets should be constructed differently and have different amenities depending on their location and use).
- Often the developer is not the subdivider. I would caution you against listing specific requirements for one versus the other because they may be situational and negotiated between themselves. Eklutna, Inc. is a prime example of a subdivider. They sell lots to homebuilders. Why require Eklutna, Inc. to landscape? Also consider the person who owns a 2-1/2 acre parcel and wants to make 4 lots. He is a subdivider. His parcel may be on a street that does not follow the legal right-of-way. Will he be precluded from developing?
- I don't understand "deferred utilities". Would this be cable?
- I also hear from many people who do not want residential street lighting. Most, if not all, of the items listed are already requirements.

(Ossiander 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 requiring the subdivider/developer to pay 100 percent of the costs for the above listed improvements for residential, commercial and industrial developments.
- See associated Issue # 18.

Consortium Board Recommendation:

10/03/07:

No action required because the provisionally approved code states that:

"Outside of the Anchorage Roads and Drainage Service Area, the subdivider/developer shall pay 100 percent of all costs associated with construction, including but not limited to design, engineering, project administration and inspection, testing, surveillance, related bank fees and interest payments, fair market value of right-of-way, as well as all work, labor, and materials furnished for the construction of required improvements. The exception shall be those utilities whose tariffs provide cost participation." (PA C08, Pg 25)

Issue # 23.0: Oversizing drainage structures for a new subdivision in anticipation of future adjacent subdivisions

Comments and Discussion:

PA C08 Pg. 27, 8. Storm Drains, Inlets, and Manholes (but inside ARDSA)

This section states that a subdivider would be reimbursed by the Municipality for installing oversized drainage facilities within ARDSA at the request of the Municipality; however, in C-ER, oversizing should be handled accordingly:

“Within the Chugiak-Birchwood-Eagle River Rural Road Service Area (CBERRRSA), developers and shall build and pay for oversizing drainage facilities (storm drains, inlets, and manholes) as requested by the Municipality. The only exception would be if the oversizing has been programmed in the six-year capital improvement program and sufficient funds have been appropriated for reimbursement in the capital improvement budget for the current fiscal year. The next upstream developer shall be required to reimburse the original developer’s cost for the oversizing if the next developer completes his/her development within five years.”
(Chugiak 2006 1214 PHD C08; 2006 Dittman Consortium Community Survey)

Wells’ comments:

- 21.03.120.6, Land Use Permit Improvements, at pg. 86 also talks about oversizing and who pays and when.
- Would suggest that we make sure that oversizing of Drainage Facilities is something that IS includible in a 6-year CIP.
- If this were in a subdivision with private roads, something not maintained by our road service area, who would be responsible for the maintenance and the cost?
- If our service area had to maintain this, would a raise in the areawide mill rate be required and would it pass on the ballot?

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Request CBERRRSA’s input on oversizing.
- Add the above language to Chapter 10 allowing for possible reimbursement to subdividers/developers for oversizing drainage structures at the request of the Municipality.

Consortium Board Recommendation:

10/03/07:

- Add the following language to Chapter 10 allowing for possible reimbursement to subdividers/developers for oversizing drainage structures at the request of the Municipality:
“Within the Chugiak-Birchwood-Eagle River Rural Road Service Area (CBERRRSA), developers and shall build and pay for oversizing drainage facilities (storm drains, inlets, and manholes) as requested by the Municipality. The only exception would be if the oversizing has been programmed in the six-year capital improvement program and sufficient funds have been appropriated for reimbursement in the capital improvement budget for the current fiscal year. The next upstream developer shall be required to reimburse the original developer’s cost for the oversizing if the next developer completes his/her development within five years.”
- Request CBERRRSA’s input.

Issue # 24.0: Site condos and their water improvements

Comments and Discussion:

PA C08 Pg. 28, 9. Water Improvements (but inside ARDSA)

Condo associations and site condos don't have DEC certified water systems. The subdivider is responsible for water systems within condo sites. AWWU is the single server to the edge of the site and all buildings share the same AWWU connect. AWWU won't maintain what it can't get to. Eventually these systems will begin to fail and residents will demand that the city fix their water problems if their homeowners associations will not.

(Assembly 2006 0525 D2, Chugiak 2006 1214 PHD C08)

Regulation Committee Recommendation:

- No action needed.

Consortium Board Recommendation:

10/03/07:

- Require a conditional use permit for site condos within C-ER to allow additional municipal oversight of proposed site plans and proposed utility usage.

Issue # 25.0: Paying for Street Lighting

Comments and Discussion:

PA C08 Pg. 28, 13. Street Lighting (but inside ARDSA)

Parts of C-ER would like to opt out of the requirement to have street lighting.

(Chugiak 2006 1214 PHD C08)

Add language that would require developers to minimize street light pollution by designing lighting to avoid excessive brightness or glare, to properly aim the light, to avoid shining directly onto neighboring properties, and to properly time the light if on a timer.

(Chugiak 2006 1214 PHD C08)

For C-ER, add language that would require street lighting maintenance plans before street lighting is installed in new subdivisions. As part of the platting process, require the developer to:

- Petition to annex the subdivision into the Eagle River Street Light Service Area (ERSLSA) prior to the time that residents exist in the subdivision; or
- Create subdivision covenants that include the establishment of a home owners' association and which state that it is the duty of the home owners' association to maintain the subdivision's street lights.

(Chugiak 2006 1214 PHD C08)

Wells' comments:

- How would the developer know what his potential buyers might want? Do we have to change the Improvement Table at pg.15 where it is required in urban areas?
- Eagle River Street Light Service Area has a maintenance plan. Some home owners' associations aren't in the Eagle River Street Light Service Area and take care of their own needs through the home owners' association.
- Homeowners associations and covenants are governed by the State. The MOA does not enforce or have control over this.
- Street Light pollution should soon be addressed in Chapter 7 at pg. 417, Light Standards or Design Criteria Manual.

(Wells 2007 0829 D2 C07, PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 that would allow subdivider/developer to opt out of street lighting requirements for C-ER Class (urban) Improvement Districts.
- Add the above language to Chapter 10 requiring the subdivider/developer to minimize street light pollution and have street light maintenance plans.
- See associated Issue # 19.1.

Consortium Board Recommendation:

11/07/07:

- Refer to recommendations listed for associated Issue # 19.1.

21.08.070 Conservation Subdivisions

Issue # 26.0: Densities of conservation subdivisions

Comments and Discussion:

PA C08 Pg. 33, B. Conservation Subdivisions – Applicability

The new code states that there is a minimum of 2 acres in any residential district in which detached single-family housing is permitted. T21 Module 3 required a minimum of 10 acres in the R-1, R-2, R-3, R-4, R-5, R-6, R-9, and R-10 zoning districts. Should there be a 10 acre minimum for C-ER?

(Birchwood 2006 1113 PHD C08)

Conservation subdivisions do not fit into Chugiak's vision for itself. Chugiak wants to preserve and enhance the identity of its established community. Residents live a rural lifestyle characterized by single-family, detached homes on large treed lots. By contrast, conservation subdivisions offer areas of concentrated development surrounded by trees.

Conservation subdivisions should be compatible with surrounding land use patterns.

(C-ER Comp Plan Update; Chugiak 2006 0828 P&Z Case No 2006-125)

Add a requirement that conservation subdivisions shall conform to the residential densities and locations depicted on the C-ER Comp Plan Update Land Use Map.

Chugiak believes conservation subdivisions would allow an overall grosser density community than would have occurred with construction using standard zoning district requirements. That is because a standard subdivision has less buildable area than the entire subdivision's area due to topography, water features, easements, etc. so building standard dwellings would result in less dwellings.

(Chugiak 2006 1214 PHD C08)

Wells' comments:

- We could raise to 10 acres overall, or state in Improvement area "B", 10 is the minimum. Current rewrite says 2 acres, and if we continued to allow that in the Improvement area "A", then it would greatly assist in providing affordable housing in the more densely developed areas with nearby services they could walk to.
- 21.08.070.A states that conservation subdivision must be SF (pg.33,D.2) homes and, at "A", states the overall number of lots cannot exceed the maximum number of lots allowed in a conventional subdivision by the zoning district. Our land use map has a residential density range and if we wrote that, I think the developer could legally use the number of lots for the highest residential range given rather than what the neighborhood zoning says. We will have to keep this in mind when we do chapter 4 and whether we allow conservation subdivision or condos, etc. in what districts.

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 that would allow conversation subdivisions on any parcel that is a minimum of 10 acres in any residential district in which detached single-family housing is permitted.
- Add language to Chapter 10 that would require conservation subdivisions to conform to the residential densities depicted on the C-ER Comp Plan Update Land Use Map.

Consortium Board Recommendation:

11/07/07:

- Add language to Chapter 10 that would allow conversation subdivisions on any parcel that is a minimum of 10 acres in any residential district in which detached single-family housing is permitted.
- Add language to Chapter 10 that would require conservation subdivisions to conform to the residential densities depicted on the C-ER Comp Plan Update Land Use Map.

Issue # 27.0: Design of conservation subdivisions

Comments and Discussion:

PA C08 Pg. 33, C. Conservation Subdivision Design Process

A site plan should be required including provision for usable open space.

(Chugiak 2006 0828 P&Z Case No 2006-125)

There should be buffers between existing housing and the new high density housing of conservation subdivisions. Rural lifestyles could be threatened should new road connections or proximity cause existing rural neighborhoods to butt up against new, highly urbanized, residential neighborhoods. There should be buffers to protect residents from land uses incompatible with their chosen lifestyles.

(2006 Dittman Consortium Community Survey; Chugiak 2006 0828 P&Z Case No 2006-125)

It is recommended that all roads within conservation subdivisions be public roads.

Add a requirement that all other subdivision standards in Chapter 21.08 (beyond lot size) be implemented just as if the conservation subdivision was a regular subdivision, for example, residential interior street rights-of-way would be 60 feet wide, paved or strip-paved, etc.

(Chugiak 2006 0828 P&Z Case No 2006-125, Chugiak 2006 1214 PHD C08)

The director should be able to require a Traffic Impact Analysis to review the capacity of existing signalization, turn and traffic lanes, etc. to determine if any improvements to existing roads will be necessary to accommodate the new traffic.

(Chugiak 2006 0828 P&Z Case No 2006-125)

Special consideration should be given to the design of lots on the downhill side of roadways as there been washouts of homes located on such lots.

(Chugiak 2006 0828 P&Z Case No 2006-125)

Wells' comments:

- What is approval procedure now required in the rewrite? Where?
- Which subdivision standards aren't required already?
- Pg 34 at F makes some accommodations for development when in the Class "B" Improvement area. Are these enough?
- It's important to remember this is a form of affordable housing when we start making additional requirements on developers...otherwise they are going to turn to Site Condos to make money!

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 that would:
 - ✓ Require a site plan for conservation subdivisions.
 - ✓ Provide protection from negative impacts to existing neighborhoods from new conservation subdivision development;
 - ✓ Require that the subdivision standards in Chapter 21.08 apply to conservation subdivisions.

Consortium Board Recommendation:

11/07/07:

- Further investigation on approval process for conservation subdivisions is required.
- Add language to Chapter 10 that would require a site plan for conservation subdivisions.
- Add language to Chapter 10 that would provide protection from negative impacts to existing neighborhoods from new conservation subdivision development.
- Add language to Chapter 10 that would require that the subdivision standards in Chapter 21.08 apply to conservation subdivisions, especially road and drainage construction requirements.

Issue # 28.0: Conservation subdivision open space

Comments and Discussion:

PA C08 Pg. 34, F. Minimum Open Space

The code states that under no circumstances shall the amount of common open space provided be less than 30% of the property shown on the subdivision plat. T21 Module 3 required a minimum of 35%. Should this requirement be changed to 35% for C-ER? (Birchwood 2006 1113 PHD C08)

Should snow storage be an approved use of conservation subdivision common open space and how much?

(Regulation Committee comment)

Wells' comments:

- Read pg. 334 on snow storage as well as pg 389 as was discussed under Issue #18 at the 3rd bullet under 'Comments Made'. Plus review the cheat chart for better understanding.
- Clarion pointed out that conservation subdivisions in other areas often provide from 35-70% open space. Why can't we ask for something more than 30% set-aside in Class B Improvement areas?

(Wells 2007 0829 D2 C07, PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 that would require the common open space in conservation subdivisions to be usable open space.
- Add language to Chapter 10 that would allow common open space to be used for snow storage but that the snow stored must originate from the conservation subdivision and no more than 15% of the common open space can be used for snow storage.

Consortium Board Recommendation:

11/07/07:

- Add language to Chapter 10 that would require the amount of common open space provided to be no less than 40% of the property shown on the subdivision plat.
- Add language to Chapter 10 that would require the common open space in conservation subdivisions to be usable open space.
- Add language to Chapter 10 that would allow common open space to be used for snow storage but that the snow stored must originate from the conservation subdivision and no more than 15% of the common open space can be used for snow storage.

Issue # 28.1: Conservation subdivision dedication and recording

Comments and Discussion:

PA C08 Pg. 34, G. Dedication and Recording

Chugiak is not assured that a property owners' association would actually perform the duties regarding the preservation of common open space thus putting the common open space in jeopardy. Were this to occur, this common open space might ultimately wind up being sold to another developer for back taxes.

(Chugiak 2006 1214 PHD C08)

Tax and personal liabilities must be clearly defined for the common open space that is a result of designing the smaller conservation subdivision lots. If foreclosed upon, the common open space must remain open space and ownership transferred to the Eagle River-Chugiak Parks and Recreation Service Area (ERCPRSA) as "public open space".

(Chugiak 2006 1214 PHD C08)

Wells' comments:

- Should we also add the requirement of a plat note regarding the common USEABLE open space preservation?
- Is it legal if ownership, even during foreclosure, is transferred to our Parks & Rec Service Area or could it be seen as a 'taking'?

(Wells 2007 0829 PA C08)

Regulation Committee Recommendation:

- Add language to Chapter 10 that would require that all conservation subdivision common open space must be secured by a deed restriction or other acceptable methods to prevent the open space from being used for anything other than open space. Such deed restriction, covenant, or other acceptable instrument shall survive foreclosure by any private or public entity.
- Add language to Chapter 10 that, if foreclosed upon, the common open space shall remain open space and ownership transferred to the Eagle River-Chugiak Parks and Recreation Service Area (ERCPRSA) as "public open space".

Consortium Board Recommendation:

11/07/07:

- Add language to Chapter 10 that would require that all conservation subdivision common open space must be secured by a deed restriction or other acceptable methods to prevent the open space from being used for anything other than open space. Such deed restriction, covenant, or other acceptable instrument shall survive foreclosure by any private or public entity.
- Add language to Chapter 10 that, if foreclosed upon, the common open space shall remain open space and ownership transferred to the Eagle River-Chugiak Parks and Recreation Service Area (ERCPRSA) as "public open space".

Other issues that were raised during the review:

Issue # 29.0: Responsibility for maintaining sidewalks, walkways and pathways including sweeping, removing snow, storing snow, etc.

Comments and Discussion:

Current code states that the owner or occupant of any premises bordered by an alley shall maintain such alley as far as the centerline thereof in a clean and sanitary condition.
(AMC24.80.080)

Current code states that an occupant of land upon which is located an accessible parking space (provides parking for persons with disabilities) or which is adjacent to a public sidewalk (any improved walkway intended for use by the public on or adjacent to a parcel of real property located in an R-O, B-1, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, I-3 or PLI zoning district) shall be responsible for the removal of any accumulation of snow and the removal or treatment of any ice that may accumulate, form or be deposited thereon. No person shall place, leave or deposit upon any street, avenue, alley, sidewalk or other public place any accumulation of snow or ice which has been removed from a private driveway or parking area.
(AMC24.80.090)

As established by the CBERRRSA Road Board, the clearing of all driveways and mailbox snow berms is the sole responsibility of each property owner.
(CBERRRSA)

For C-ER, add language that would require property owners to clean their own walkways of snow.
(Chugiak 2006 1214 PHD C08)

Wells' comments:

- See Chapter 7 at page 345. Sidewalk maintenance also means repairing broken concrete or potholes, cracks, etc in the sidewalks and paved trails, sweeping in the summer, etc. (Several States, including Idaho, require all this of the homeowner as well as the mowing maintenance of the right-of-way strip between the sidewalk and the actual roadway used for snow storage.)
- Also if our service area increased their services to be identical to other service areas, chances of being combined with the main service areas in Anchorage proper would be increased.
- Maintenance with the State could be handled through a TORA. We agree to do it, they provide the money.

(Wells 2007 0829 D2 C07, PA C08)

Regulation Committee Recommendation:

- Request from CBERRRSA and ERCPRSA:
 - ✓ Input on possible C-ER regulations designating responsible parties for snow maintenance on municipal sidewalks, walkways, and trails and describing under which conditions such maintenance would be done.
 - ✓ Estimates on possible tax increases to property owners if local service areas increased their level of service;
 - ✓ Recommendations on how to handle snow maintenance on state sidewalks, walkways, and trails.
- See associated Issue # 13.

Consortium Board Recommendation:

11/07/07:

- This issue is an areawide issue and not confined to subdivisions.
- Request input from both CBERRRSA's BOS and ERCPRSA's BOS:
 - ✓ Input on possible C-ER regulations designating responsible parties for snow maintenance on municipal sidewalks, walkways, and trails and describing under which conditions such maintenance would be done.
 - ✓ Estimates on possible tax increases to property owners if local service areas increased their level of service;
 - ✓ Recommendations on how to handle snow maintenance on state sidewalks, walkways, and trails.

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