



Area-G
Home
And
Landowners
Organization, Inc.

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Area G Home and Landowners Organization, Inc.

December 2, 2011

Jerry Weaver
Title 21 Rewrite Project
Municipality of Anchorage, Planning Department
P.O. Box 196650
Anchorage, Alaska 99519

RE: PZC Case 2011-104 Proposed Amendments to Provisionally Adopted title 21

The HALO public meeting of Dec 1, '11 devoted considerable time discussing proposed changes to the provisionally adopted Title 21 Rewrite. Only four changes that would directly impact land in the HALO area were discussed.

HALO, Inc is a non-profit organization formed in 1969 as an advocate for land issues effecting Southeast Anchorage. HALO's boundaries encompass eight community councils.

HALO'S recommendations follow.

Sincerely,

Wayne Westberg
Chair

A. 21.03.020C Meetings

HALO recommends changing the proposed wording to the following:

c. The applicant ~~is encouraged to shall~~ use as its first choice the community council(s) meeting of the project area as the community meeting when the community council(s) meeting is available. If the community council(s) meeting for the project area is not scheduled in a timely manner, the applicant shall organize a community meeting. If the project area spans more than one community council and the applicant chooses to attend community council meetings, the applicant shall attend the community council meetings of all applicable community councils.

B. 21.03.210 Code Amendments

HALO does not support the proposed change and urges the inclusion of Planning and Zoning Commission review of all changes to Title 21, including, especially, within the first two years after passage of Title 21.

C. 21.07.020 Stream Setbacks

HALO stresses adherence to the Hillside District Plan. Maintain 50 ft setbacks per the intent of the Hillside District Plan (HDP).

In its goals and implementation steps, the HDP frequently cites the importance of streams and specifically states that 50' setbacks are required.

Concerning Development Standards, the HDP states:

Watercourse protection: Natural watercourses are the backbone of the Hillside drainage system. Actions are needed to maximize the protection of this important function, for drainage as well as other environmental goals. Wherever possible and practicable, stream corridors shall be further protected to ensure their natural function and contribution to the Hillside drainage and recharge system. Methods of protection are outlined below, in order of most protected to least. ...

Setbacks: Minimum setbacks for watercourses identified on contemporary Municipality of Anchorage mapping **shall be fifty feet** horizontally from the ordinary high-water mark on each side of streams, and ten feet horizontally from the edge of each side of drainageways. Protection and maintenance easements can also be applied in this situation. ...

Per the Wetlands Management Plan, the requirement for a 65-foot creek setback comes from the wetlands designation and is still required if the stream runs through a wetland. If it does not run through wetlands, then the 50-foot setback would be applicable. (HDP pages 6-30 and 31)

Also,

- Watercourse Setback
... Streams shown on Map 2.11 are current as of December 2007, **with 50-foot setbacks**, described on page 6-30. (p. 2-47)

The HDP anticipated that these requirements would be implemented through Title 21:

Setback standards adopted through this plan will be established in Title 21 of the municipal code. When that is done, any legally existing structures, disturbances, or uses that would be in violation of the new setback would be considered legally nonconforming (i.e., grandfathered) as of the date of the setback ordinance and would have rights to exist into the future in their existing condition. (p. 3-15)

The HDP mentions setback requirements in Title 21 with the clear indication that the Provisionally Adopted 50' setbacks were expected to remain.

Other improvements (in Title 21, Chapter 8) include new requirements for developer performance guarantees and requirements for the identification of stream channels prior to the submittal of preliminary plats. (p2-31)

The HDP recognizes the extensive public support for protecting the natural environment:

The natural and recreational qualities of the Hillside, its wildlife, large areas of undeveloped lands, close contact with nature, dark night skies, parks, and wilderness trails are treasured by both Hillside residents and visitors. **The public expressed strong support for protecting these qualities**, maintaining the integrity of the area's natural environment and rural character, and improving recreational opportunities. **Maintaining water quality is a priority**, particularly protecting well water and Potter Marsh.(p2-38)

The HDP has an entire chapter on drainage issues and solutions and specifically calls out existing regulations (i.e. a 25' setback) as inadequate:

Causes of Drainage Problems

Development affects runoff by disrupting natural drainage systems. Some natural **drainage ways and wetlands have been damaged or diverted** by land development. Remaining wetland, streams, and natural drainage ways provide vital storm water management functions but currently are not managed to serve this function on a sustainable basis. (p. 3-2)

Existing regulations and drainage design criteria do not adequately address these and other unique conditions of the Hillside and are not always adequately enforced. Existing development built to old standards in conjunction with newer, denser development has a cumulative effect on downstream drainage and the potential to create or exacerbate drainage problems. (p.3-4)

D. 21.07.110.E Standards for All Single-Family Residential Structures

HALO does not support the proposed change. HALO urges the adoption of the provisionally adopted text for design standards for single family homes.