



ASSOCIATED GENERAL CONTRACTORS of ALASKA

Ms. Toni Jones
Chair, Planning and Zoning Commission
Municipality of Anchorage
PO Box 196650
Anchorage, AK 99519-6650

Re: Title 21 Public Hearing

Dear Chairman Jones;

When AGC joined in the rewrite of Title 21 in the summer of 2002, we were in full agreement that the existing statute needed to be updated. This undertaking was ambitious and required considerable time and effort from all parties. Throughout this four year period, AGC estimates that the total time AGC members and AGC staff members devoted to this project exceeded 3000 hours.

When the progress started AGC envisioned a new Title 21 that would be:

- More responsive to time sensitive decisions
- More flexible in allowing attainment of the goals of Title 21,
- More sensitive to the cost impacts that delays and bureaucratic requirements have on projects, and
- More understanding that there are many different means of making Anchorage a more attractive community.

Thus far, AGC is not optimistic that these goals were shared by those drafting the proposed Title 21. We understand and accept that not all of our comments will be incorporated into the new Title 21. We also understand that some of our comments are basically policy decisions that will be made by parties other than the Planning Department. We do not understand and do not accept the simple fact that many of our noncontroversial comments have been ignored by the Planning Department. We had earlier submitted a list of 25 comments to the Planning Department covering the chapters in question, only two comments were addressed. This has drawn out the process and continues to do so and added an un-needed level of confrontation.

Some of the Policy Issues that should have been discussed before now are:

1. The issue of Grandfathering Rights and the cost to existing building owners, private and public, of complying with the new requirements. Anchorage 2020 is very clear in that it will apply to new development only.

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2. Whether or not the Urban Design Commission should be allowed to sunset.
3. Whether or not the Planning Department should be held to time limits in making and publishing their decisions. From a position of fairness and timeliness we feel they should.

It is extremely difficult to comment on only portions of a document like Title 21. Future chapters may require that we comment on earlier chapters. We trust that the Planning and Zoning Commission will allow comments on chapters that have been reviewed when later chapters change the intent or interpretation. We have not yet seen any current information, within the past year, on Traffic Impact Analyses, Lighting Standards or the Areawide Trails Plan which are referenced.

Please see the attached list of comments relative to Chapters 1, 2, 8 and 13. We would like to reserve the right to make additional comments on these chapters as later chapters are issued.

As usual, AGC is willing to explain more fully why we believe the attached items represent items that deviate significantly from the principles identified above.

Sincerely,

J.A. Fergusson
Chairman, Title 21 Taskforce

AGC Comments
Title 21 Re-write
Chapters 1, 2 8 and 13
November 7, 2006

1. 21.01.090 D.1.a – The revision extended the deadline for review from 6 months to 12 months. This seems to be going the wrong way.
2. 21.02.020 B – AGC believes that the Urban Design Commission be eliminated since it currently serves no useful function and tends to prolong the approval process. AGC's suggestion was not only ignored, but duties for Urban Design Commission are greatly expanded in the new rewrite. AGC still does not see that the UDC provides a useful function or a function that is so unique it needs to be separated from the Planning and Zoning Commission. At meetings AGC attended it was suggested that the expanded role of the Urban Design Commission was necessary to remove some of the workload currently handled by Planning and Zoning. Such a move would seem to lead to the inevitable conclusion that future approvals will take longer and therefore cost more. If the Urban Design Commission is considered necessary for the proper functioning of the new Title 21, then steps should be taken to assure that their inclusion does not extend the time required to receive permits. Any suggestion that merely adds time to the process seems contrary to the guidelines for revising the process and should be rejected absent compelling arguments to the contrary.
3. Section 21.08.030 H.-Provide that if a reasonable building pad is available the % of slope shall apply to the pad and not the entire lot. Also the definition of "Average Slope" needs to be re-worked.
4. Section 21.08.030 L.2-Delete this paragraph unless the MOA can show or document a compelling reason to substantiate this very expensive requirement. Other solutions like working with the utilities would be more equitable than basically increasing all easements by an arbitrary 50%. It would appear that an above ground easement, power line for example, should be treated differently than an underground waterline.
5. Section 21.08.030 M-this paragraph is in conflict with 21.08.040 H and paragraph M should be deleted.
6. Section 21.08.030 O.2-The platting authority should have latitude to accept a design that for real and compelling reasons may contain portions that are less than the standards contain in Title 21. That decision best rests with the platting authority.

7. Section 21.08.040 D and E-For consistency the paragraph regarding "Access to Chugach State Park" should be combined with the paragraph regarding "Trails". Revise the very excessive 20 foot wide public easement to a more reasonable 10 foot wide.
8. Section 21.08.040 E.1 This paragraph is in conflict with paragraph 21.08.050 M.4 Paragraph F requires an easement across private property for MOA maintenance and paragraph M indicates maintenance will only be performed on MOA lands. If the MOA is not going to maintain the property they do not need an easement therefore paragraph F should be deleted.
9. Section 21.08.040 F.2.c-The MOA should either act more quickly on taking the reserve track or make a larger payment than just the accrued property taxes. At a minimum it should be 200% of the property taxes per annum.
10. Section 21.08.050 E.2-Delete the words "homeowners' association". This option would continue the pattern established by the authors of requiring homeowners association through out the MOA. That is a personal preference not something indicated in the Anchorage 2020 Plan.
11. Section 21.08.050 H.2-Revise to allow Asphalt Sidewalks (AC). In the late winter of 2006 a concrete sidewalk costs \$5 to \$6 per square foot and an asphalt sidewalk costs \$2 to \$2.50 per square foot.
12. Table 21.08-9-Revise to allow the option of a 7ft wide AC sidewalk. Note this was indicated as preferred by the representatives of the handicap community because this width allowed the passing of motorized wheel chairs. Note also need clearer definitions of sidewalks vs. walkways.
13. Section 21.08.050 M.1-Delete the remainder of the sentence after "sanitary sewer;"
14. Section 21.08.050 M.3 and M.4-These paragraphs are in conflict with each other and with paragraph 21.08.040 F.1-All three paragraphs should be combined into one consistent paragraph.
15. Section 21.08.050 M.7 Delete "Unless waived by the municipal engineer" and insert "where required by soil conditions".
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17. Section 21.08.050 M.7 Delete "Unless waived by the municipal engineer" and insert "where required by soil conditions".

18. Section 21.13.010.E: Needs to provide for an extension if violation remains uncorrected for reasons beyond the violators control, i.e. a landscaping violation could not be reasonably abated in winter.
19. Section 21.13.020.A.2: Delete in its entirety. See comments for Section 21.13.060.
20. Section 21.13.030.C.6: Delete the word snow.
21. Section 21.13.040.A.5: This paragraph is superseded by the Federal Governments SWWPP and should be deleted.
22. Section 21.13.060-General-This section needs to be deleted. The MOA as a standard of care does not abdicate its authority to a private citizen or a community council. If the private citizens or community councils cannot convince the Director to act they should not be allowed to run amuck. It establishes or continues a very poor precedence. A developer could very well experience costs far in excess of the \$1,000 covered in Section 21.13.060F. While the section would appear to protect the entity filing a frivolous complaint of cost in excess of \$1,000 it would not protect the MOA from action by the aggrieved party to recover their total damages. After all the frivolous complaint was filed in accordance with the MOA's Title 21. If the Planning Department does not delete this section at a minimum it should only be open to those with true standing in an issue.