

Planning and Zoning Commission

May 20, 2024

Case #: **2024-0006**

Case Title: **Title 21 Text Amendments: H.O.M.E.
Initiative**

Agenda Item #: **E.1.** Supplementary Packet #: **8**

(numbering continues from the original 3/18 meeting packet supplements)

☒ Comments submitted after the packet was finalized:

- Huffman O'Malley Community Council Comments dated May 19, 2024, regarding:
 - Case 2024-0006, AO 2023-87(S)
 - AO 2024-45 and 2024-45(S) (*not a PZC case*)

Sent by email: **X** yes no

Kimmel, Corliss A.

From: Huffman O'Malley Community Council
Sent: Sunday, May 19, 2024 2:39 PM
To: Blake, Lori A.; Kimmel, Corliss A.
Cc: Sulte, Randy; Johnson, Zachary H.; HALO President
Subject: Huffman O'Malley Community Council (HOCC) Response to AO 2023-87, 2-24-45 and 2024-45(S)
Attachments: HOCC Response on AO 2023-87 and AO 2024-45 & 45(S).pdf; HOCC Response on AO 2024-45 & 45(S).pdf

[EXTERNAL EMAIL]

Good afternoon,

Attached is the official response from Huffman O'Malley Community Council (HOCC) on AO 2023-87, 2024-45 and 2024-45(S). It is HOCC's assertion all three proposed AOs are closely related and in fact, cannot be separated one from the other. HOCC had a unanimous vote against the entire suite of AOs; AO-2023-87, AO 2024-45 and 2024-45(S). HOCC urges a "no" vote.

Please see the attached responses.

Thank you.

Sincerely,

Rachel Ries

HOCC President

HOCCPresident@gmail.com

HOCC meets the third Thursday monthly, from August through May, at Huffman Elementary and on Zoom. You can find the meeting information on our website at [https:// www.communitycouncils.org/ HOCC](https://www.communitycouncils.org/HOCC)

Submitted by Huffman O'Malley Community Council

To Assembly, Municipality of Anchorage

Copied to

Planning & Zoning, Municipality of Anchorage

Office of the Mayor, Municipality of Anchorage

Assemblyman Randy Sulte, District 6

Assemblyman Zac Johnson, District 6

Federation of Community Councils (FCC)

Anchorage Home and Landowners Organization (HALO)

The Huffman O'Malley Community Council has reviewed AO 2023-87, AO 2024-45 and 2024-45(S) and would like to offer the following comments as a broad response to this issue-at-large. We hope these insights are constructive.

1. AO 2023-87 fits the definition of an areawide rezone. Regardless of its marketing or the finer legal arguments being made about language, the intent of AO 2023-87 is to rezone the entire MOA. This fits the intent of the current legislation regarding rezoning actions. Huffman O'Malley opposes AO 2023-87 as an ordinance *void on its face* due to lack of adherence to current mandates that areawide rezones properly notify the public with written notice to all residents.
2. AO 2024-45(S) introduces a more complex process that diminishes public participation, which seems counterintuitive.
 - a. A regular rezone with no changes to the land use map or Title 21 text will follow the usual rigorous public process, including mailed notifications to impacted property owners.
 - b. A rezone combined with changes to the land use map and Title 21 would undergo a less thorough public process, excluding notifications to property owners about zoning changes. The justification for this is 'efficiency,' suggesting that public input is seen as unnecessary and inefficient.
 - c. The intent appears to be to allow the areawide rezoning proposed in 'H.O.M.E.' to proceed without the usual public process, particularly without mailing notices to impacted property owners. Under this proposed process, properties can be rezoned without the owners being informed, which is unacceptable.
3. Are the proposed changes regarding concurrent consideration of rezones, text amendments, and comprehensive plan amendments truly improvements?

The 5th 'Whereas' on page 1, line 27 states: 'WHEREAS Anchorage Municipal Code section 21.03.070 already contemplates the processing of conforming amendments to the zoning map concurrent with a proposed amendment to the comprehensive plan, subject to the approval criteria of rezoning, but does not explicitly provide a procedure ...'

Comprehensive Plan amendments often travel with proposed rezones, with each having separate decision-making processes and criteria. Effective governance respects public involvement. The proposed procedure complicates the process and cuts out public notification and critical procedures generally accepted for rezones. If the proposal is beneficial, why not inform and involve the public?

4. Combining changes to the Comprehensive Plan, text amendments, and rezones into one AO is overly complicated. Each aspect has different approval and public notice criteria. No clear case has been made for this complication, which effectively decreases public notice. With changes as impactful as a rezone, reducing public participation is unwise. Good ideas should welcome public scrutiny.
5. There is no code preventing assembly members from addressing the Planning and Zoning Commission (PZC). While tradition advises against it, there is no rule. Section 2 of the proposal limits contacts with the PZC to just the sponsors of an action, taking away the right of other assembly members to speak. Is this the intended outcome?
6. At the work session on 5/3/24, examples of Title 21 text amendments were presented to justify the AO 2024-45(S) proposal. However, these examples are not comparable to an areawide rezoning. Better precedents are previous areawide rezonings, such as those in Girdwood in 2005-81(S). The Title 21 text amendment that created Girdwood's current zoning districts was accompanied by an amended Zoning Map, with notice provided to all property owners. The Municipality also conducted areawide rezonings in the Anchorage Bowl and Chugiak-Eagle River in the 1970s and 1980s, applying the zones established in the code to all properties in the area.
7. While the ordinance aims to facilitate the passage of areawide rezoning under 'H.O.M.E.,' we must consider potential future misuse. a. Why would anyone pursue a regular rezone when an assembly member could push it through using this new method? Section 3 allows 'a member of the assembly ... may propose a plan amendment at any time.'

b. The proposed AO opens many doors, and Section 5 allows any text amendment and related rezone to be completed with just 7 days' notice. Although the Charter may allow this, it is a questionable policy. The new process makes it easy to rezone valuable industrial land to big-box retail or convert trailer parks to commercial use quickly and without cost, which is a poorly thought through policy that does little to nothing to mitigate secondary and tertiary results. Nor does it allow for adequate recourse when residents realize unintended or negative outcomes.

Since inception, Huffman O'Malley Community Council has supported the Hillside District Plan. The council does support simplifying our codes and processes. AO 2023-87, AO 2024-45 & 2024-45(S) are not the way.

The council is skeptical of this ordinance. Its late introduction to the agenda, the short notice for the public hearing, and the timing of the release of the substantially changed "S" version restrict public exposure and participation. This has created suspicion in the public square.

We respectfully request that the public be given adequate time to study and understand the purpose, intent, and expected outcomes of this proposal. We also request this action be treated as a rezone and the public notification process be adhered to. This includes allowing time for each citizen and community council to meet and consider this plan's potential ramifications, both positive and negative.

We also urge a "no" vote on AO 2023-87, AO 2024-45, 2024-45(S) and all subsequent S-versions until the public process had been correctly followed in good faith for an areawide rezone.

This response was voted on May 16, 2024, with a unanimous vote against AO 2023-87, 2024-45 and 2024-45(S).

Thank you.

///SIGNED///

Rachel Ries

President, Huffman O'Malley Community Council

HOCCPresident@gmail.com

TO: The Anchorage Assembly

CC: Assemblyman Randy Sulte, District 6
Assemblyman Zac Johnson, District 6

FROM: Huffman O'Malley Community Council

RE: AO 2024-45 and AO 2024-45(S)

DATE: May 20, 2024

The Huffman O'Malley Community Council is deeply concerned about the implications of AO 2024-45 and its substitute version, AO 2024-45(S).

Community Councils, as outlined in the Municipal Charter, are intended to “afford citizens an opportunity for maximum community involvement and self-determination.”

This mandate ensures that community councils are engaged at every stage of major decision-making processes that impact our lives. AO 2024-45 undermines this by removing public notice requirements and significantly reducing opportunities for public participation in decisions affecting their homes and properties.

AO 2024-45 severely limits public involvement in modifications to our Comprehensive Plan, text amendments, and rezoning efforts. Each of these areas requires different approval and public notice criteria. Collectively, this ordinance reduces both the notification process and the chances for the public to voice their concerns. Current codes mandate that an area-wide rezone, such as the one proposed in the ‘H.O.M.E.’ ordinance, necessitates mailing notices to all affected property owners. AO 2024-45 aims to advance the H.O.M.E. initiative by eliminating public hearings, cutting out mailed notices, and circumventing substantial public participation.

The aim of any proper public process is to ensure governmental transparency. Adequate notification of proposed changes, sufficient time for residents to review and comprehend these changes and clear hearings before a respectful and attentive legislative body are both anticipated and appropriate. AO 2024-45 dismantles this transparency.

We strongly urge a “no” vote on AO 2024-45, any substitute versions, and any legislation that reduces the public’s opportunity for maximum community involvement and self-determination.

CF:
President, Anchorage Home and Landowners Organizations (HALO)