



## **Homer City Hall**

491 E. Pioneer Avenue

Homer, Alaska 99603

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

# **City of Homer Agenda**

**Planning Commission Worksession  
Wednesday, March 04, 2020 at 5:30 PM  
City Hall Cowles Council Chambers**

**CALL TO ORDER, 5:30 P.M.**

**AGENDA APPROVAL**

**DISCUSSION TOPIC(S)**

- A. Staff Report 20-21, Tree Preservation **p. 55 of regular meeting packet**
- B. Discussion of regular meeting agenda items

**COMMENTS OF THE AUDIENCE** (3 minute time limit)

**COMMENTS OF THE COMMISSION**

**ADJOURNMENT 6:20 PM**





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# **City of Homer Agenda**

## **Planning Commission Regular Meeting**

**Wednesday, March 4, 2020 at 6:30 PM**

**City Hall Cowles Council Chambers**

### **CALL TO ORDER, 6:30 P.M.**

### **AGENDA APPROVAL**

**PUBLIC COMMENTS** The public may speak to the Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

### **RECONSIDERATION**

**CONSENT AGENDA** All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda.

- A. Minutes of the February 19, 2020 Planning Commission Meeting **p. 3**
- B. Memo from the Homer Planning Commission to the Homer City Council Re: HAWSP **p. 13**

### **PRESENTATIONS / VISITORS**

### **REPORTS**

- A. Staff Report 20-18, City Planner's Report **p. 17**

### **PUBLIC HEARINGS**

### **PLAT CONSIDERATION**

- A. Staff Report 20-19, A.A. Mattox 2020 Addition Preliminary Plat **p. 23**

### **PENDING BUSINESS**

- A. Staff Report 20-20, Medical District Planning **p. 35**

### **NEW BUSINESS**

- A. Staff Report 20-21, Tree Preservation **p. 55**

## **INFORMATIONAL MATERIALS**

- A. City Manager Report for February 24, 2020 City Council Meeting **p. 115**
- B. Kenai Peninsula Borough Notice of Decisions
  - Nils O Svedlund Subdivision Nomar 2020 Addition **p. 119**

**COMMENTS OF THE AUDIENCE** Members of the audience may address the Commission on any subject. (3 min limit)

## **COMMENTS OF THE STAFF**

## **COMMENTS OF THE COMMISSION**

## **ADJOURNMENT**

Next Regular Meeting is Wednesday, March 18, at 6:30 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Meetings will adjourn promptly at 9:30 p.m. An extension is allowed by a vote of the Commission

Session 20-04, a Regular Meeting of the Planning Commission was called to order by Vice Chair Smith at 6:30 p.m. on February 19, 2020 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS PETSKA-RUBALCAVA, BENTZ, HIGHLAND, BOS, SMITH

ABSENT: COMMISSIONER VENUTI (EXCUSED), DAVIS (EXCUSED)

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY PLANNER ENGBRETSSEN  
DEPUTY CITY CLERK KRAUSE

The Commission met for a worksession/neighborhood meeting from 5:30 p.m. until 6:20 p.m. prior to the meeting on the proposed Medical District. Deputy City Planner Engebretsen facilitated questions and answers on many aspects of the proposed district including but not limited to the proposed boundaries, allowing heliports by conditional use permit, building heights, signage, property values and higher property assessments implemented on the Borough level.

#### **APPROVAL OF THE AGENDA**

Vice Chair Smith called for a motion to approve the agenda as presented.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA**

Lane Chesley, resident and representing the interests of South Peninsula Hospital, commented on the Medical District, advocating for a heliport by conditional use permit. He annotated the requirements for a heliport and the differences between a helipad and heliport allowing fuel storage and refueling operations to provide for optimum service to patients.

Mr. Chesley in response to questions from the Commissioners explained the requirements, fueling needs, time constraints, added operational expenses for a helicopter to travel to Homer from Anchorage, stop at the Hospital and to refuel at the airport, and the cost savings that having a local service would provide for patients by allowing this use in the district specifically for the hospital.

Vice Chair Smith announced that he was advised they could continue the question and answer period at this time.

City Planner Abboud provided the definition of helipad and heliport for clarification noting that the Commissioners can discuss the definitions to refine the definitions and if there is a conditional use then Commission can add the terms to the conditional use permit that are appropriate for the district.

Deputy City Clerk Krause pointed out the necessity to suspend the rules to entertain a lengthy discussion at this time on the agenda since it was the Public Comment period on agenda items.

Chair Smith called for additional public comments. Seeing no one in the audience coming forward to comment he inquired if there was a motion to suspend the rules to continue the discussion.

BOS/HIGHLAND MOVED TO SUSPEND THE RULES TO ALLOW DISCUSSION ON THE MEDICAL DISTRICT FOR HELIPAD AND HELIPORT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Discussion ensued between the Commission and Mr. Chesley on Helipads and Heliports. The following topics or points were covered:

- Hospital changing from a Helipad into a Heliport
- Creating the Medical District provides an opportunity to discuss allowing the use as conditional
- Parking Garage with Heliport on top floor

## **RECONSIDERATION**

### **ADOPTION OF CONSENT AGENDA**

- A. Planning Commission Regular Meeting Minutes of January 15, 2020
- B. Decisions & Findings Document for CUP 20-03, to allow townhouse developments at 436 & 450 Soundview Ave.

Vice Chair Smith requested a motion to approve the Consent Agenda.

HIGHLAND/BOS – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS/PRESENTATIONS**

### **REPORTS**

#### **A. Staff Report 20-14, City Planner's Report**

City Planner Abboud provided a summary of Staff Report 20-14 and commented further on the following:

- Planning Department tasked with plastic bag ban enforcement
- Attendance by Commissioner Bentz and Petska-Rubalcava to the Annual Conference in Anchorage
- Presented Commissioner Bentz with the award that she was given at the conference

City Planner Abboud responded to questions on the process and how the plastic bag ban would be enforced.

## **PUBLIC HEARING(S)**

## **PLAT CONSIDERATION**

## **PENDING BUSINESS**

#### **A. Staff Report 20-15, Medical District Planning**

Deputy City Planner Engebretsen reported on the comments received as laydowns from two concerned residents and the various attendees at the neighborhood meeting. She requested the commissioners to provide their input on the neighborhood meeting or the medical district noting that she will not be in attendance at the March 4, 2020 meeting to facilitate a discussion with the Commission but will be providing a staff report. Topics or comments made were as follows:

- Using or applying ideas from the Community Design Manual with regards to landscaping
  - o These should be incorporated into the city code to establish what is desired for the district.
- Hohe boundary or boundaries in general defined by roads or the property lines
  - o moving the Hohe boundary line 1 lot deep, mixed use of existing medical and residential, those uses are allowed in RO so it would not really be required
  - o Purpose is to have fewer applications for a conditional use permit in this district

- Nature of buildings on each side of the street supports moving the boundary 1 lot deep
    - Staff will provide a map for the next packet depicting the boundary at one lot deep
- Concerns for costs of road improvements and sidewalks
  - Main Street Sidewalk is a top priority of the City Council
  - There is no way to pre-determine the costs
  - There are many streets around the hospital that are eligible for the program and the city does pay for the costs of a sidewalk in some situations
  - There are some avenues but will not be solved in the zoning discussion
- Higher or lower assessments
  - Staff will check with the Borough Assessor on that issue
- Height of 85 feet
  - It was considered too high by some residents, make it allowable by location in the district ex: Fairview and North
  - Anything over 35 feet in height is a Conditional Use
  - Lowering the building height may increase the footprint thus developing some impacts for downslope neighbors by creating additional impermeable surfaces
  - Soil conditions and earthquakes
  - Considerations for parking, fire prevention, etc. when increasing building height
  - Viewshed over footprint
- Landscaping used as a buffer
- Traffic Study – Council has a goal to update the Transportation Plan but Planning staff has recommended waiting until the reconstruction of Pioneer & Lake Street has been completed since there will be alterations to the traffic.
  - Staff will double check on the possibility of a traffic counter installed by the State
- Setback in relation to building height of five stories – Staff will get further information on standard operating procedures for office buildings and parking garages

A brief discussion between Commissioners and staff ensued on allowing heliports in the Medical District and the previous discussion on amending city code to allow heliports in the East End Mixed Use and General Commercial 2 noting that these districts are closer to the airport where it is reasonable to assume such a use would be allowed versus allowing heliports or helipads in the Medical District to allow land use rights for one entity over another. This could be included in the recommendations to Council and included in a Staff Report at a future meeting. Additional discussion progressed on the pros and cons of having the benefit of a local service, fueling, storage of helicopters, lack of complaints on helicopters flying over the area.

Vice Chair Smith noted that there was consensus to not to allow heliports in the proposed Medical District.



SMITH/BOS MOVE TO ADDING AS A NEW BUSINESS AGENDA ITEM HELIPORTS IN EAST END MIXED USE AND GENERAL COMMERCIAL 2 DISTRICTS AND AMENDING CITY CODE TO REFLECT THAT CHANGE.

Discussion ensued on the desire to discuss this topic at a future meeting and specific details such as speaking to the airport on availability of space, the current allowed uses at the airport and on the Spit and that there is no immediate desire to discuss.

SMITH/BOS MOVED TO AMEND THE MOTION TO INCLUDE THE VERBIAGE, “IN JUNE” AFTER THE WORDS NEW BUSINESS.

There was no further discussion.

VOTE. (Amendment) NO. HIGHLAND, BENTZ.

VOTE. (Amendment) YES. BOS, RUBALCAVA, SMITH.

Motion failed.

Vice Chair Smith called for additional discussion on the main motion.

Discussion on the reasons for objection on the timeline were cited as the number of business items on the Commission’s worklist and this is not a priority and the preference not to have additional helicopter traffic flying over the community.

VOTE. (Main). YES. SMITH, RUBALCAVA, BOS.

VOTE. (Main). NO. BENTZ, HIGHLAND.

Motion failed.

Additional discussion ensued on the 85 feet height and that the Planning staff can provide some additional information on designating areas of the district for taller buildings and the availability of land to develop in those areas, how much difference does slope affect the height, view shed is not as important as the ability to construct a tall building to provide services to the community that are desired.

Commissioner Bentz offered that in the beginning there were questions on what the goal of this (Medical District) was and the question came up, “is clustering services what the community wants?” and it was determined that it was; Providers and patients are walking back and forth between services so yes there is value in clustering services. There were public comments on why they were trying to put different businesses together and she believes that they should include this as a whereas in the ordinance going forward.

Deputy City Planner Engebretsen explained briefly that for tall/cell towers staff used the existing code outlined in Residential Office District in the proposed Medical District. The sign code is similar to Residential Office but allows more signage, currently in Residential Office six feet of signage is allowed, with some exceptions, and up to 50 feet of signage will be allowed in the proposed Medical District. She continued noting the difficulty in viewing signage at the existing size currently allowed in Residential Office.

City Planner Abboud provided some clarifications on the tower code for the Commission.

Commissioner Bos advocated for inserting a number of 60 feet for the building height.

Deputy City Planner confirmed that staff will conduct additional research on building height and roof pitches.

A brief discussion ensued on the standard floor height in building construction today; planning for growth before it happens; taking the time to discuss aspects such as landscaping being beneficial; reviewing the Community Design Manual to bring back recommendations for amending the ordinance at the next meeting as far as design.

Further discussion continued on the signage requirements of 36 square feet for free standing signage; wall signage in relation to setbacks and landscaping; consideration of the residential aspects of the area; allowing illumination of signage, internal and external.

## **NEW BUSINESS**

### **A. Staff Report 20-16 Resolution 20-008(S) Seafarer's Memorial**

City Planner Abboud provided a summary of Staff Report 20-16 noting that City Council is proposing to allow no further improvements around the Seafarer's Memorial other than a public walkway.

Discussion and comments were made on the following:

- Clarification on the actual Seafarer's Memorial Park was only 100 feet x 100 feet area and was incorrectly stated in the Resolution as a 2.52 acres
- Parking is around the area not dedicated to the memorial
- Premature action before they have big picture analytics since a parking study and traffic study is in motion and a preference to have that information before making a decision
- The intent of the resolution is to prevent or prohibit expansion of the parking lot and a result of the public comment and to protect the open space.
- Resolutions can be changed in the future
- Parking areas are allowed in Open Space Recreational by Conditional Use and is not considered a zoning or rezoning action.

- The action was already brought before the Commission and it was denied but that does not negate the fact that another application could come before this commission again in the future.
- Recommended improvements on the existing parking lot be a benefit but preserving the existing coastline as is
- Recommended amending Resolution 20-008(S), Line 12 to reflect, "Whereas Seafarer's Memorial area is a 10,000 sf dedicated space on a 2.52 acre lot"
- Recommended Line 16 should be amended to reflect the spatial area used for parking by the square footage instead of the number of spaces since many comments were made on the increased efficiency needed for the existing parking.
- Recommended amending Line 69 in the same manner as line 16 to reflect square footage not the number of parking spaces to preserve the historical use

Vice Chair Smith called for a motion.

BENTZ/BOS MOVED TO RECOMMEND CITY COUNCIL FURTHER AMEND RESOLUTION 20-008(S) BY INSERTING THE FOLLOWING LANGUAGE:

ADDING AFTER LINE 61: WHEREAS, RESOLUTION 96-27 DESIGNATED A 100 FOOT BY 100 FOOT AREA AS THE SEAFARER'S MEMORIAL PARK; AND

ADDING AFTER LINE 76: BE IT FURTHER RESOLVED, THIS RESOLUTION EXCLUDES THE SEAFARER'S MEMORIAL PARK AS DESCRIBED IN RESOLUTION 96-27

There was a brief clarification on continuing individual recommendations from the Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried

Recommendations from the Commission continued as follows:

- Recommended amending line 30-31 to delete the "s" from the word "Ocean" and insert "Alaska" before the word "Islands" this will correct the name of the facility
- Recommended amending Line 73 to delete the word "in"
- Recommended support of the intent of the resolution to protect the area

B. Staff Report 20-17, SAD Priorities for the HAWSP

Vice Chair Smith introduced the item by reading of the title into the record.

City Planner Abboud reviewed Staff Report 20-17 and pointed out the following:

- Funding for HAWSP is 3/4 of one percent original ballot language was provided and any projects related to water and sewer are eligible not just special assessment districts
- The manual listed 10 project criteria that apply to all HAWSP funded projects

- Briefly outlined Title 17 requirements for formation of a Special Assessment District
- The Commission previously recommended using the Land Use Map to prioritize the projects.
- It would be helpful to have the answers to the previously submitted questions before the Commission can provide criteria for evaluating special assessment district applications
- Difficulties are presented when trying to separate funding special assessment districts from other projects such as water plant debt, system maintenance, and knowing what the current balance of the fund is; any future obligations; and what the projected revenue would be.

Discussion between the Commission and staff ensued with comments, questions and statements on the following:

- Current number of waiting applications and inquiries
- Water only projects without sewer, and the health and safety issues that may result
- The cost to bring water to specific areas of the city
- How will they maintain the funding if all projects are approved.
- What the fund balance actually was or is and how that will be maintained

Commissioner Bentz commented that the challenge is understanding the feasibility of projects and once that feasibility is determined the Council as the decision making body should prioritize which projects get funded. She continued by stating that the criteria is the method to determine if a project is feasible and could be funded. Such things as does the project close a loop, similar to a conditional use permit, should be considered. Then if it is considered feasible in the next phase Council should have a decision tree to determine which projects get funded so if they are presented with 10 projects they can use the decision tree to make that decision.

Commissioner Bentz further noted that the Municipality of Anchorage is incorporating decision trees into their policy documents and it is really great tool. She posed the question, "Do they start out with this higher level concept? It is great for prioritization, considering such points as is it a critical need, does it get ranked higher or when they get into the prioritizing by different zoning districts. She believed that the Commission can assist in providing feedback on specific points in the decision making process but it is not making recommendations to whether to fund a \$10 million dollar project or a \$1 million dollar project. That is a decision for Council. If the Commission recommends points in their decision making for prioritization that were relevant for planning that is where the Commission could provide more specific recommendations as far as how the decision tree would look.

Vice Chair Smith commented that these projects are budget driven and the Commission does not understand the budget as the Council is presumed to understand; and questioned whether the first come first serve concept is the best approach since that does not necessarily take into account the larger community. If the decision tree concept includes evaluation of project funding based upon the greatest need, does a particular SAD facilitate maximum spread of

resources. He recommended creating two decision trees based on the funding request, one where smaller projects can be based on first come first serve and then larger projects have a different process.

Commissioner Bentz suggested using a decision process like the Capital Improvement Plan for projects noting the small and large projects that are included in that process and that could be reviewed annually by Council.

Deputy City Clerk Krause provided a summary of the current process that is outlined in Title 17 for the Commission and that receipt of applications are variable throughout the year in response to questions.

Commissioner Bentz suggested an annual approval period with applications accepted at any time of the year and building out the application process so that criteria met in the first phase before presented to Council and they are making decisions on a feasible project that is supported by the neighborhood. Council could approve the projects in March.

Deputy City Clerk Krause stated that letters were sent to the two applicants that were interested in forming a SAD, when the moratorium was implemented, that they could reapply, in response to question from City Planner Abboud.

Further discussion, comments and questions on the following ensued:

- System wide projects should be evaluated and prioritized using the Comprehensive Plan Future Land Use Map
- Increasing the application fee to appropriately cover the costs and Staff time involved in the process
- Refer funding considerations to the Finance Department
- Include questions from the third paragraph on page 3 of Staff Report 20-17 (page 57 of the packet)

Commissioner Bentz noted in reference to that paragraph when recommending the use of a decision tree these criteria could be used by Council such as:

- Is this a health and safety issue
- Will it increase maintenance costs
- Is there XX amount of funding available

City Planner Abboud reiterated using the Land Use map and avoiding future rural residential districts.

## **INFORMATIONAL MATERIALS**

A. City Manager Report for January 13, 2019 City Council Meeting

## **COMMENTS OF THE AUDIENCE**

## **COMMENTS OF THE STAFF**

## **COMMENTS OF THE COMMISSION**

Commissioner Bos stated it was a good meeting.

Commissioner Bentz informed the Commission that Kachemak Bay Research Reserve is hosting a one day training on Estimating Your Local Marine Economy as an introductory training which is meant to be a way think about the value and ways our marine economy may be impacted by natural hazards. She will be forwarding a flyer to the Clerk to share.

Vice Chair Smith apologized for miss-spoken names and then stated that he hopes to see cross their desk the possibility of a Cultural Center, he is working with a phenomenal group bringing the Traditional Native Games, the second annual event is March 6-8, 2020 at the High School. He hopes that things develop to where they can have a Cultural Center where events like this can be held.

## **ADJOURN**

There being no further business to come before the Commission, the meeting adjourned at 9:00 p.m. The next regular meeting is scheduled for Wednesday, March 4, 2020 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a Neighborhood Meeting for the Medical District in lieu of a worksession scheduled at 5:30 p.m. prior to the meeting.

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RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: \_\_\_\_\_



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### Memorandum PL 20-04

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: PLANNING COMMISSION

THRU: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: FEBRUARY 27, 2020

SUBJECT: RECOMMENDATIONS ON HAWSP SPECIAL ASSESSMENT DISTRICT EVALUATION CRITERIA

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The Planning Commission discussed and reviewed the HAWSP Policy Manual, pertinent information from Title 17.02 related to Special Assessment Districts, Resolution 20-012(A), Ordinance 99-14(S)(A), Water/Sewer Systems from the Comprehensive Plan (pages 6-4 through 6-7) at their regular meeting on February 19, 2020 under New Business. After a lengthy discussion the Commission recommended the following:

- System wide projects should be evaluated and prioritized using the Comprehensive Plan Land Use Recommendations (Pages A-2 thru A-10)
- Increasing the application fee to appropriately cover the costs and Staff time involved in the process
- Refer funding considerations to the Finance Department
- Create and Use a Decision Tree for Approval of Small and Large Projects to be Funded by HAWSP including questions such as the following:
  - o Does it solve an untenable issue?
  - o Will it increase maintenance costs?
  - o Will it lead to declining rates by providing necessary improvement to the system?
  - o Is it a choice between water or sewer?
  - o Is there as health and safety issue?
  - o Is there funding available?

Following is the minutes excerpt of the Planning Commission February 19, 2020 regular meeting.

**Excerpt from the February 19, 2020 Meeting Minutes**  
**NEW BUSINESS**

A. Staff Report 20-17, SAD Priorities for the HAWSP

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- It would be helpful to have the answers to the previously submitted questions before the Commission can provide criteria for evaluating special assessment district applications
- Difficulties are presented when trying to separate funding special assessment districts from other projects such as water plant debt, system maintenance, and knowing what the current balance of the fund is; any future obligations; and what the projected revenue would be.

Discussion between the Commission and staff ensued with comments, questions and statements on the following:

- Current number of waiting applications and inquiries
- Water only projects without sewer, and the health and safety issues that may result
- The cost to bring water to specific areas of the city
- How will they maintain the funding if all projects are approved.
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Vice Chair Smith commented that these projects are budget driven and the Commission does not understand the budget as the Council is presumed to understand; and questioned whether the first come first serve concept is the best approach since that does not necessarily take into account the larger community. If the decision tree concept includes evaluation of project funding based upon the greatest need, does a particular SAD facilitate maximum spread of resources. He recommended creating two decision trees based on the funding request, one where smaller projects can be based on first come first serve and then larger projects have a different process.

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Deputy City Clerk Krause stated that letters were sent to the two applicants that were interested in forming a SAD, when the moratorium was implemented, that they could reapply, in response to question from City Planner Abboud.

Further discussion, comments and questions on the following ensued:

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Commissioner Bentz noted in reference to that paragraph when recommending the use of a decision tree these criteria could be used by Council such as:

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City Planner Abboud reiterated using the Land Use map and avoiding future rural residential districts.





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## Planning

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(p) 907-235-3106

(f) 907-235-3118

TO: Homer Advisory Planning Commission  
FROM: Rick Abboud AICP, City Planner  
DATE: March 4, 2020  
SUBJECT: Staff Report 20-18 City Planner's Report

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### City Council

The City Council and Hiring Committee have been busy interviewing City Manager candidates.

### **2.24.20**

Committee of the Whole – Discussion of city facilities where the future need and possible siting of a new public works facility and consideration of using current police facility to support the fire department.

Regular meeting – Ordinance 20-12, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 17.02.040 Initiation of the Special Assessment District to Update the Steps in the Special Assessment District Process. City Clerk. Introduction February 24, 2020, Public Hearing and Second Reading March 9, 2020  
Memorandum 20-031 from City Clerk as backup

Resolution 20-019, A Resolution of the Homer City Council Approving the City of Homer 2020 Land Allocation Plan. City Manager. Recommend Adoption.  
Memorandum 20-032 from Deputy City Planner as backup

Ordinance 19-47(S-2), An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 2.76 Economic Development Advisory Commission, Requiring Economic Finding to Accompany Recommendations from City Commission, Establishing an Official Mayoral Appointment to the Kenai Peninsula Economic Development District Board of Directors City of Homer Seat and Encouraging Appointment of Task Forces to Address Timely Community Issues Creating an Annual Process for the City to Review and take Action on Prioritized Economic Development Issues, and Amending Homer City Code 2.58.020 Creation of City Boards and Commissions to Delete (e) Economic Development Advisory Commission. Lord/Venuti. Introduction February 10, 2020 Public Hearing and Second Reading February 24, 2020  
Memorandum 20-033 from Councilmember Lord as backup  
One person commented.

POSTPONED to March 9, 2020 with discussion.

Ordinance 20-08, An Ordinance of the City Council of Homer, Alaska, Amending Homer city Code Chapter 5.42 Single Use Plastic Carryout Bags, Section 5.42.020 Definitions to Remove Bags made of any Material labeled as Biodegradable as an Exception and Define Compostable. Venuti. Introduction February 10, 2020, Public Hearing and Second Reading February 24, 2020.

There were no public comments.

ADOPTED with discussion as amended.

Ordinance 20-13, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 2.72.010 Homer Planning Commission Established; 2.64 Port and Harbor Advisory Commission Section 2.64.010 Commission – Creation and Membership; and Chapter 2.67 Economic Development Advisory Commission Section 2.76.010 Commission – Creation and Membership to Remove the Mayor and City Manager or Designee as Consulting Members of the Commissions. Aderhold. Recommended Dates Introduction February 24, 2020, Public Hearing and Second Reading March 9, 2020. INTRODUCED with discussion.

City Manager Koester noted on-going city facility tours and city mapping available on the website.

### **3.9.20**

Worksession – HAWSP

Regular meeting – Ordinance 20-xx, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 17.02.040 Initiation of a Special Assessment District to Clarify the Special Assessment Petition Application Process. City Clerk. Recommended dates Introduction February 24, 2020 Public Hearing and Second Reading March 9, 2020

#### Kachemak Bay Advisory Planning Commission

I received an email from Bruce Wall, a KPB Planner soliciting the Homer City Council for interest in filling an ex officio member of the proposed Kachemak Bay Advisory Planning Commission.

There has been interest expressed in activating the Kachemak Bay Advisory Planning Commission. We will be advertising to fill the 7 vacant seats. In addition to the 7 voting seats, KPB 21.02.050(D) states:

The mayor shall select for appointment the ex officio member of the Kachemak Bay Advisory Planning Commission from a list of recommended qualified nominees, as defined in KPB 21.02.060(B), submitted by the Homer City Council.

KPB 21.02.060(B) states:

To qualify as a nominee for the Kachemak Bay Advisory Planning Commission ex officio member, an individual must serve on the City of Homer Advisory Planning Commission.

KPB 21.02.080(B) states:

.... The ex officio member of the Kachemak Bay Advisory Planning Commission shall serve on seat H. The ex officio member's term shall coincide with that member's term on the City of Homer Advisory Planning Commission.

If you have an interest in this please review the attachment to this report and contact Mayor Castner.

### Litigation

The Cycle Logical CUP is being prepared for a hearing at the Alaska Supreme Court.

We have received notice that the Windjammer CUP will be appealed to the Alaska Superior Court.

### Work list

- Green Infrastructure –
- Medical district – on agenda
- Transportation plan – Memo to council
- Signs – ordinance turned in for attorney review \*\*
- Tree preservation – researching for a future worksession

Consideration for future worklist Items. Eventually we will be considering what regulation might be appropriate for land that is found to be subject to hazards. In the meantime, we could review the Design Manual for consideration of items that would be better (or already) addressed in code and give further consideration to the appropriateness of the standards.

I think a goal of codifying specific criteria and giving better guidance for requirements along with the creation of a ‘friendlier’ manual would serve us well. We can work on this as time permits, as there is not a particular need to complete the task in a short time frame.

### City Council report sign up

3.9.20 Petska-Rubalcava

3.23.20 Smith

4.13.20

4.27.20

**Attached:** KPB notice of vacancies for Kachemak Bay Advisory Planning Commission





## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

### NOTICE OF VACANCIES

NOTICE IS HEREBY GIVEN that the Kenai Peninsula Borough is soliciting applications from persons interested in serving on the Advisory Planning Commissions listed below:

#### **Kachemak Bay**

7 current openings

Advisory planning commissions (APCs) review certain land use activities proposed within the APC boundary and make recommendations to the Kenai Peninsula Borough Planning Commission. These activities include proposed plats, material sites, borough land classification, and land use plans. Appointments will be made by the Borough Mayor and then confirmed by the Borough Assembly on April 21, 2020. Applicants must be registered voters and reside within the boundaries of the Advisory Planning Commission.

See attached map.

Completed applications should be submitted by 5:00 p.m., Friday, March 27, 2020.

The Advisory Planning Commission Application is available online at:

<https://www.kpb.us/planning-dept/planning-commissions/about-apcs>

For more information, contact the planning department at 907-714-2206, or call toll free within the borough at 1-800-478-4441.



Date: 2/20/2020



Kachemak Bay Advisory Planning Commission Boundary

The information depicted hereon is for a graphical representation only of best available sources. The Kachemak Peninsula Borough does not warrant the accuracy for any errors on this map.







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report 20-19

TO: Homer Planning Commission **20-19**  
FROM: Julie Engebretsen, Deputy City Planner  
THROUGH: Rick Abboud, City Planner  
DATE: March 4, 2020  
SUBJECT: A.A. Mattox 2020 Addition Preliminary Plat

**Requested Action:** Approval of a preliminary plat subdividing one large lot into four smaller lots.

#### General Information:

Applicants:	Jason Weisser Weisser Homes, LLC PO Box 2913 Homer, AK 99603	Orion Surveys PO Box 15025 36570 Maria Rd Fritz Creek AK 99603
Location:	Pennock St	
Parcel ID:	17730281	
Size of Existing Lot(s):	1 acre	
Size of Proposed Lots(s):	9,500, 9,684, 10,676 and 13,684 square feet	
Zoning Designation:	Urban Residential District	
Existing Land Use:	Vacant	
Surrounding Land Use:	North: Vacant/Flex high school South: Residential East: Residential West: Apartments	
Comprehensive Plan:	1-C-1 Promote infill development in all housing districts.	
Wetland Status:	Small wetlands area mapped and shown on preliminary plat	
Flood Plain Status:	Zone D, flood hazards undetermined.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 55 property owners of 57 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This subdivision is within the Urban Residential District. This plat subdivides a one acre lot into four smaller lots. The developer will need to work with Public Works on water and sewer

utility access (this is a standard requirement). Additionally, Pennock Street is less than 60 feet in width and does not meet the requirements of HCC 21.050(c). Additional right of way is required.

**Homer City Code 22.10.051 Easements and rights-of-way**

- A. The subdivider shall dedicate in each lot of a new subdivision a 15-foot-wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

**Staff Response:** The plat does not these requirements. Dedicate a 15 foot utility easement along rights of way.

- B. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the Council.

**Staff Response:** The plat meets these requirements.

- C. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the City Council, or as required by the Kenai Peninsula Borough Code.

**Staff Response:** The plat meets these requirements.

**Preliminary Approval, per KPB code 20.25.070 Form and contents required.** The commission will consider a plat for preliminary approval if it contains the following information at the time it is presented and is drawn to a scale of sufficient size to be clearly legible.

- A. Within the Title Block:
  - 1. Names of the subdivision which shall not be the same as an existing city, town, tract or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion;
  - 2. Legal description, location, date, and total area in acres of the proposed subdivision; and
  - 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor;

**Staff Response:** The plat meets these requirements.

- B. North point;

**Staff Response:** The plat meets these requirements.

- C. The location, width and name of existing or platted streets and public ways, railroad rights-of-way and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;

**Staff Response:** The plat meets these requirements.

- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries and prominent natural and manmade features, such as shorelines or streams;

**Staff Response:** The plat meets these requirements.

- E. All parcels of land including those intended for private ownership and those to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitation of reservations that could affect the subdivision;

**Staff Response:** The plat meets these requirements.

- F. The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision; [Additional City of Homer HAPC policy: Drainage easements are normally thirty feet in width centered on the drainage. Final width of the easement will depend on the ability to access the drainage with heavy equipment. An alphabetical list of street names is available from City Hall.]

**Staff Response:** The plat meets these requirements.

- G. Status of adjacent lands, including names of subdivisions, lot lines, lock numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff Response:** The plat meets these requirements.

- H. Approximate location of areas subject to inundation, flooding or storm water overflow, the line of ordinary high water, wetlands when adjacent to lakes or non-tidal streams, and the appropriate study which identifies a floodplain, if applicable;

**Staff Response:** The plat meets these requirements.

- I. Approximate locations of areas subject to tidal inundation and the mean high water line;

**Staff Response:** The plat meets these requirements.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots;

**Staff Response:** The plat meets these requirements.

- K. Within the limits of incorporated cities, the approximate location of known existing municipal wastewater and water mains, and other utilities within the subdivision and immediately abutting thereto or a statement from the city indicating which services are currently in place and available to each lot in the subdivision;

**Staff Response:** The plat meets these requirements. Information is on file in the Public Works Department.

- L. Contours at suitable intervals when any roads are to be dedicated unless the planning director or commission finds evidence that road grades will not exceed 6 percent on arterial streets, and 10 percent on other streets;

**Staff Response:** The plat meets these requirements.

- M. Approximate locations of slopes over 20 percent in grade and if contours are shown, the areas of the contours that exceed 20 percent grade shall be clearly labeled as such;

**Staff Response:** The plat meets these requirements.

- N. Apparent encroachments, with statement indicating how the encroachments will be resolved prior to final plat approval; and

**Staff Response:** The plat meets these requirements.

- O. If the subdivision will be finalized in phases, all dedications for through streets as required by KPB 20.30.030 must be included in the first phase.

**Staff Response:** The plat meets these requirements.

**Public Works Comments:**

1. In accordance with Homer City Code 11.04.040 The City shall require new subdivisions to dedicate right-of-way according to widths specified in HCC 11.04.060. Dedicate the 9.85 feet of right-of-way along lots 28-A, 28-B, 28-C and 28-D.
2. The property owner will need to work with Public Works on providing water and sewer services to all 4 lots.

**Staff Recommendation:**

Planning Commission recommend approval of the preliminary plat with the following comments:

1. In accordance with Homer City Code 11.04.040 The City shall require new subdivisions to dedicate right-of-way according to widths specified in HCC 11.04.060. Dedicate the 9.85 feet of right-of-way along lots 28-A, 28-B, 28-C and 28-D.
2. Dedicate a 15 foot utility easement along rights of way per HCC 22.10.051(a).
3. Work with Public Works on water and sewer utility connections.

**Attachments:**

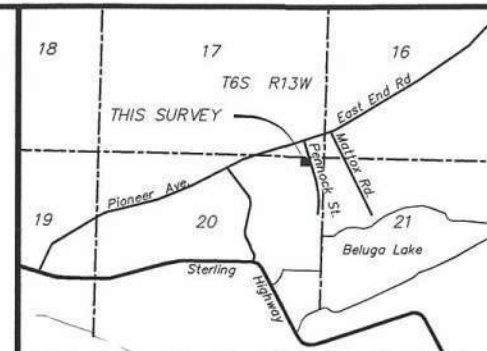
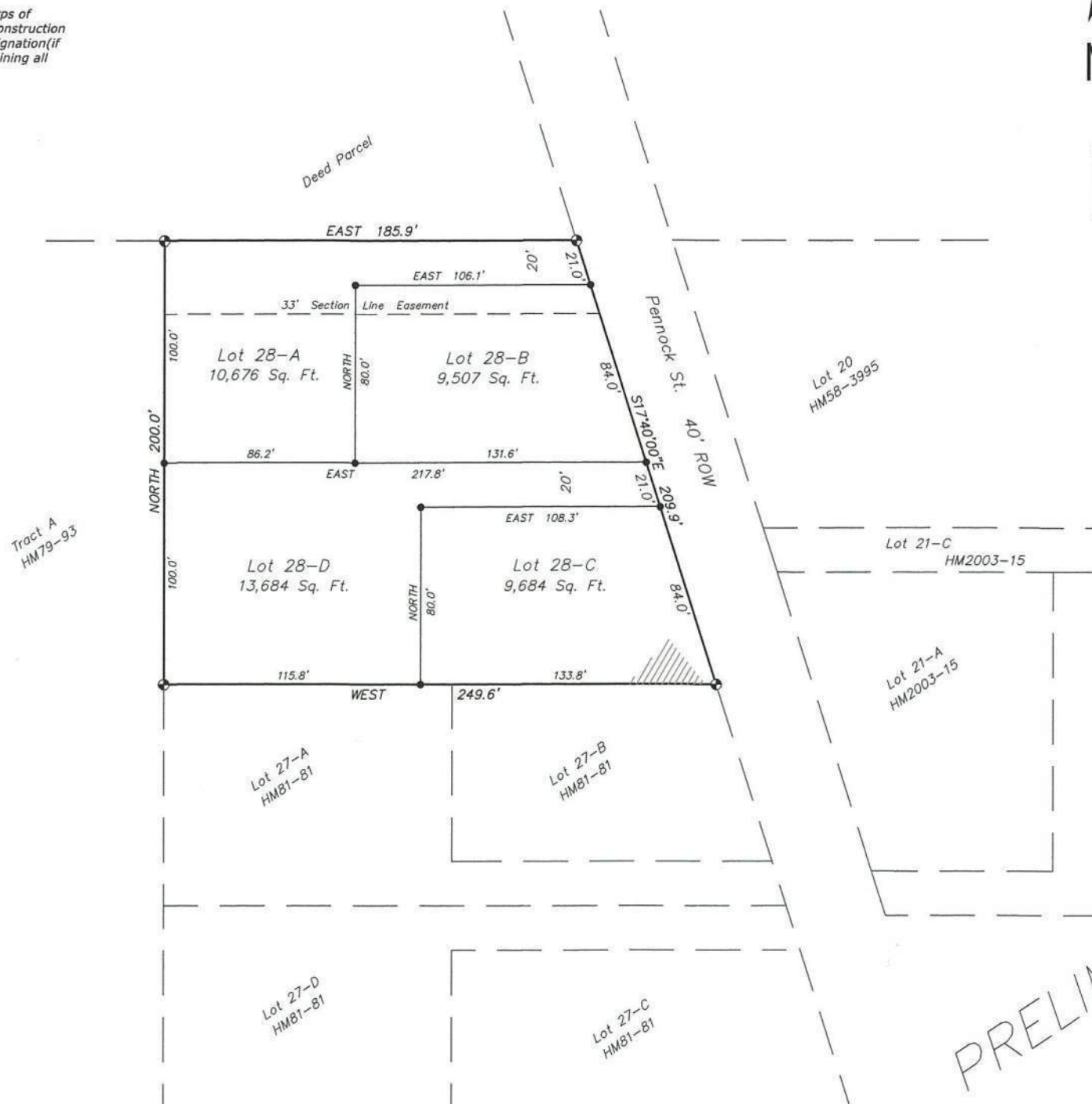
1. Preliminary Plat
2. Surveyor's Letter
3. Public Notice
4. Aerial Map

NOTES:

1. This subdivision is subject to Homer City Code.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
3. Property owner should contact the Army Corps of Engineers prior to any onsite development or construction activity to obtain the most current wetland designation (if any). Property owners are responsible for obtaining all required local, state, and federal permits.

LEGEND

- Record survey monument
- Set 2" Aluminum Cap on 5/8"x30" rebar
- //// Wetland per Kenai Watershed Forum mapping



VICINITY MAP 1" = 1/2 Mile

Ownership Certificate:

We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

By Jason Weisser, member  
Weisser Homes LLC  
PO Box 2913  
Homer, AK 99603

Notary's Acknowledgement:

For  
Acknowledged before me this \_\_\_\_ day  
of \_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Official  
Kenai Peninsula Borough



A.A. MATTOX 2020 ADDITION

A REPLAT OF LOT 28,  
A.A. Mattox 1958 Addition No. 2 HM003995  
Within NE1/4 NE1/4, Sec. 20, T6S, R13W, 5M  
City of Homer, Kenai Peninsula Borough  
Homer Recording District, Third Judicial District, Alaska  
Containing 1.29 Acres

Owners:  
Weisser Homes LLC  
PO Box 2913  
Homer, AK 99603

Prepared by:  
Orion Surveys  
PO Box 15025,  
36570 Maria Road,  
Fritz Creek, AK 99603  
(907) 399-7028  
tom@orionsurveys.com

Scale: 1"=40'

Date: 4/13/2020

FB: 19

Job# 828

KPB File No. 2020-



WASTEWATER DISPOSAL:  
Plans for wastewater disposal that meet regulatory requirements are on file at the Alaska Department of Environmental Conservation.

Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_

RECEIVED

FEB 14 2020

CITY OF HOMER  
PLANNING/ZONING



Orion Surveys  
PO Box 15025  
Fritz Creek, AK 99603

February 13, 2020,

Planning Staff,  
City of Homer Planning Department  
491 East Pioneer Avenue,  
Homer, AK 99669

Re: A.A. Mattox 2020 Addition, preliminary plat submittal

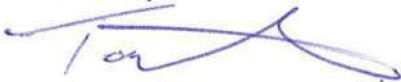
Staff,

Please find enclosed two full size copies and one reduced (11"x17") copy of this plat and check #270 for the \$300.00 plat submittal fee.

This proposed plat subdivides Lot 28 A.A. Mattox 1958 Addition No. 2 Plat HM58-3995 into four lots. No additional right of way needs to be dedicated. Each lot has access to Pennock Street. These lots will be served by Homer City water and sewer both of which are present in Pennock Street ROW. We intend to ask for an exception for ROW width for Pennock Street. All the subdivisions along this street have held with the original 40' width dedication and Pennock Street is constructed.

Please contact me if you have any questions.

Sincerely



Tom Latimer

encl  
Full size paper plats (2)  
Reduced paper plat (11"x17")  
Plat fee \$300.00, Check #270

4

RECEIVED

FEB 14 2020

CITY OF HOMER  
PLANNING/ZONING





## NOTICE OF SUBDIVISION

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

Proposed subdivision under consideration is described as follows:

### **A.A. Mattox 2020 Addition Preliminary Plat**

The location of the proposed subdivision affecting you is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the City of Homer Planning and Zoning Office. Subdivision reviews are conducted in accordance with the City of Homer Subdivision Ordinance and the Kenai Peninsula Borough Subdivision Ordinance. A copy of the Ordinance is available from the Planning and Zoning Office. **Comments should be guided by the requirements of those Ordinances.**

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, March 4, 2020 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

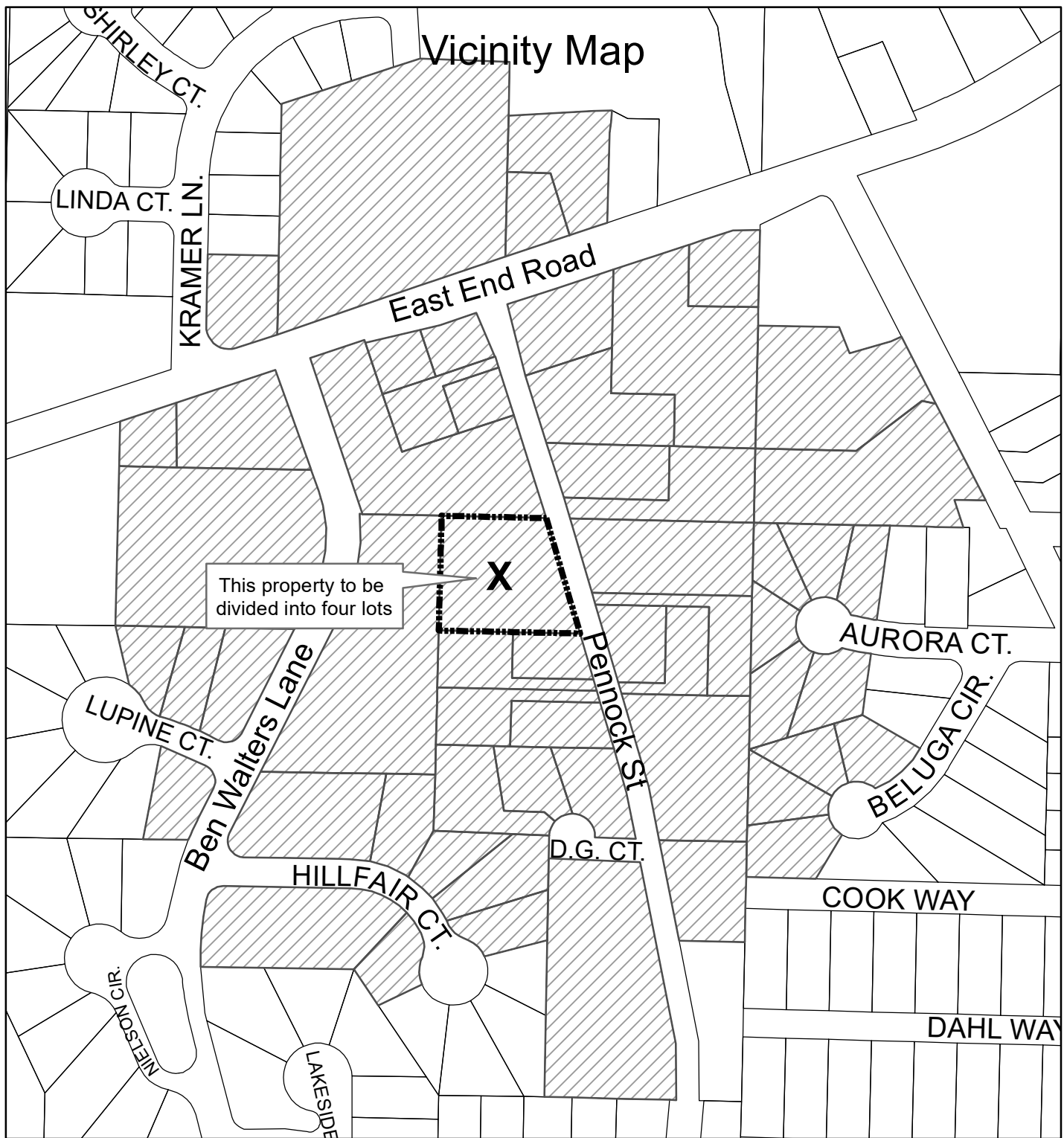
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Travis Brown in the Planning and Zoning Office, 235-3106.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 500 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**



City of Homer  
Planning and Zoning Department

February 20, 2020

## A.A. Mattox 2020 Addition Preliminary Plat

Marked Lots are w/in 500 feet  
and property owners notified.

0 250 500 Feet



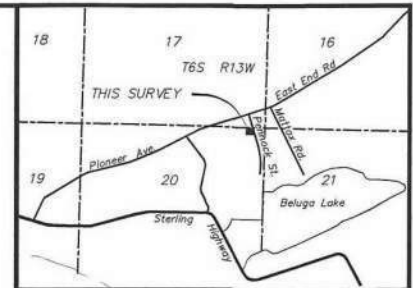
*Disclaimer:  
It is expressly understood the City of  
Homer, its council, board,  
departments, employees and agents are  
not responsible for any errors or omissions  
contained herein, or deductions, interpretations  
or conclusions drawn therefrom.*

**NOTES:**

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**LEGEND**

- Record survey monument
- Set 2" Aluminum Cap on 5/8"x30" rebar
- Wetland per Kenai Watershed Forum mapping



**VICINITY MAP** 1" = 1/2 Mile

**Ownership Certificate:**

We hereby certify that we are the owners of the real property shown and described hereon and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

By Jason Weisser, member  
Weisser Homes LLC  
PO Box 2913  
Homer, AK 99603

**Notary's Acknowledgement:**

For  
Acknowledged before me this \_\_\_\_ day  
of \_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_

**Plat Approval**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_.

By: \_\_\_\_\_ Date \_\_\_\_\_  
Authorized Official  
Kenai Peninsula Borough



**A.A. MATTOX 2020 ADDITION**

A REPLAT OF LOT 28,  
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Date: 4/13/2020

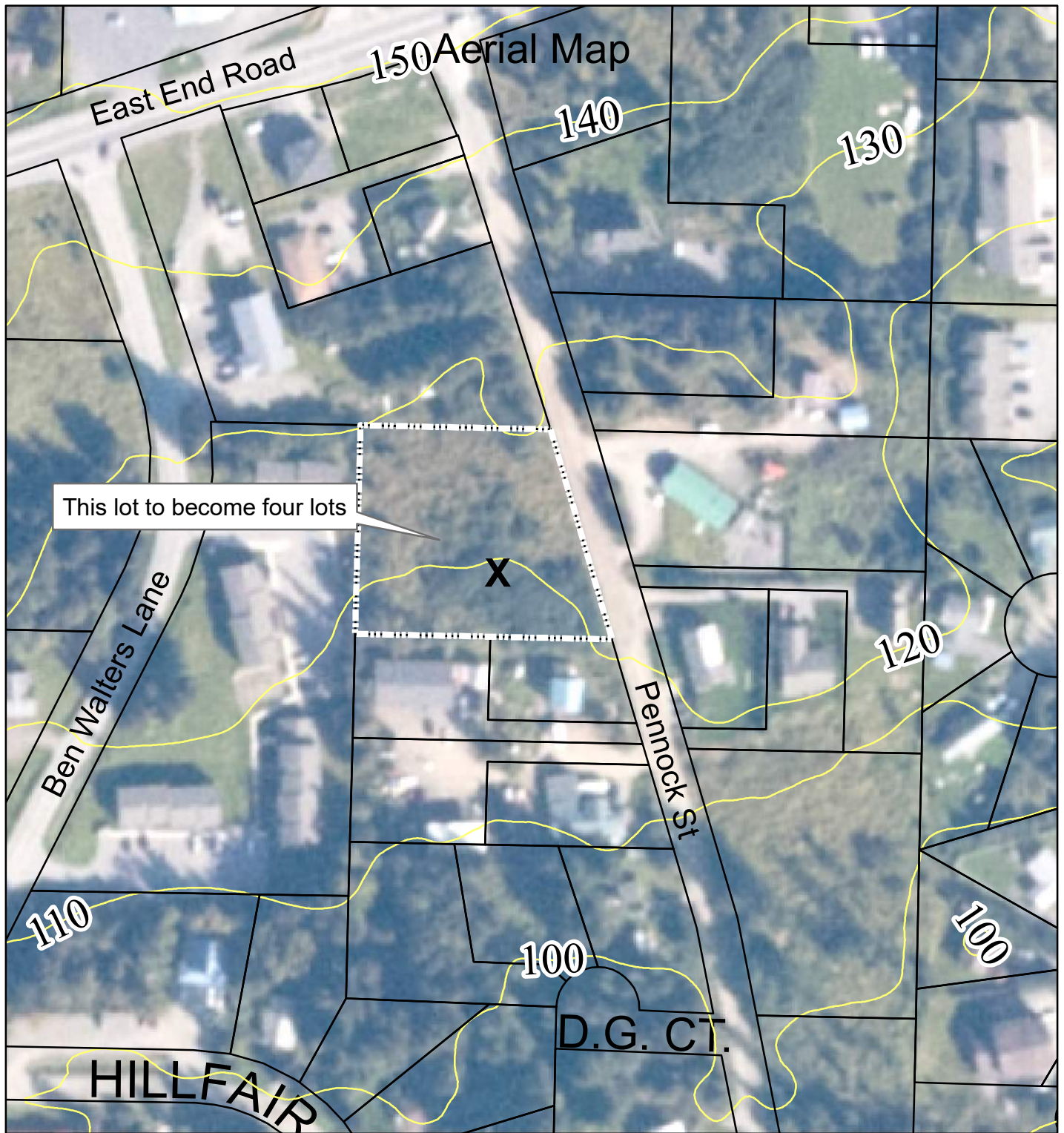
KPB File No. 2020-



**WASTEWATER DISPOSAL:**

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Engineer \_\_\_\_\_ License # \_\_\_\_\_ Date \_\_\_\_\_



City of Homer  
Planning and Zoning Department  
February 20, 2020

## A.A. Mattox 2020 Addition Preliminary Plat

0 150 300 Feet



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# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

### Staff Report PL 20-20

TO: Homer Planning Commission  
THROUGH: Rick Abboud, City Planner  
FROM: Julie Engebretsen, Deputy City Planner  
DATE: March 4, 2020  
SUBJECT: Medical District

---

**Requested action:** Review any comments or testimony received.

### Introduction

At the last work session, the Commission held a neighborhood meeting and heard from area property owners. Items that citizens requested more information on included building height, expanding the boundary to include the first lot on the east side of Hohe Street, and how their tax assessments might be affected by this zoning change.

### Boundary

Staff created an additional map with a “Hohe Extension” that includes the first lot on the east side of Hohe. It is presented for discussion.

### Tax value

Staff has emailed the Kenai Peninsula Borough Tax assessor for a response to tax questions.

Staff Question: The city is looking at changing the zoning rules around the South Peninsula Hospital. The area is currently a mixed use zone called Residential Office, which allows for homes, apartments, and certain commercial uses such as hospitals and offices. The new zoning rules would be very similar but more in favor of businesses. During a recent public meeting, home owners asked if the zoning change would increase their property values and thus their taxes. Can someone answer that question for me?

Answer from Les Crane, KPB Land Appraiser: The KPB assessing department has been monitoring this particular area of Homer, as it has been going through a transition much like the residential areas in close proximity to Central Peninsula Hospital over the last 10 – 15 years.

Currently KPB is valuing the land in the Residential Office district as a Residential Land type. Over the last several years we have noted that several of the residential properties in and

around the South Peninsula Hospital were purchased and transitioned into medical offices and clinics.

Generally speaking, commercial zoned properties do sell at a higher value when compared to the typical residential zoned lot.

If the proposed Medical District is approved, KPB Assessing Dept. will be taking a close look at sales that occur in the new zoning area and will also be looking at the highest and best use for these properties and whether they should remain valued as residential lots or if they need to be transitioned to commercial.

### Building Height

Staff has done some research on roof pitch and building height. Building design to this level of detail is outside staff expertise! In looking at larger and taller buildings, it is apparent that a flat roof design is common. This makes sense; snow shed off a multi-story building is a safety hazard, and mechanical and telecommunications equipment is needed at the rooftop level – City Hall is a small scale example of that. The college buildings are also flat roof structures, but with some architectural relief to give the roofline visual interest. While flat top buildings are not generally as pleasing as say a gabled roof, they are also lower in elevation if view shed is a concern.

Example, you might fit a 5 story building in 65 feet of building height, with a flat roof. That same building with a 4:12 roof pitch would be almost 82 feet high. Please note all these calculations change based on the size of the building (building run), wall height, and roof pitch. It may be the Commission wants to have a height and number of stories above grade height regulation... such as 4 stories and a max height of 60 feet, not including elevator shafts.

### **Next Steps**

Staff will provide more discussion of building height and landscaping at the next meeting. Tentatively, we could hold a public hearing on April 15 or May 6<sup>th</sup>.

### **Staff Recommendation:**

Consider any new testimony or comments received about the district.

### **Attachments**

1. Email from Jeff Murphy dated February 26, 2020
2. Draft Map 2 19 20
3. Draft Map with Hohe Extension
4. Draft Medical District Ordinance
5. Draft sign code amendments
6. Draft Tower code amendment

**From:** Brians Appliance <info@briansappliance.com>  
**Sent:** Wednesday, February 26, 2020 10:51 AM  
**To:** Travis Brown  
**Subject:** RE: Notice from City of Homer Planning Office

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Travis,

Thank you for contacting me. I have no idea why your correspondence was returned. I have received multiple notices in the past regarding various properties that the Borough has sent to PENSCO on my behalf. I will check with them and see what is going on. Again, thanks for letting me know.

On another note, after reviewing the attached material I was concerned to see that my piece of property adjacent to the hospital was not included in the proposed Medical Zone, and fail to understand why.

I thought maybe steep slope concerns but then not only do we have in place regulations to protect steep slope development that any project would have to conform to, but in addition, there is an area of 1 to 1 ½ acres in the bottom center/right side of the piece that is not steep slope and can be developed without impacting the hillside. (While standing in the hospital parking lot it may be difficult to visualize but when I actually walked the property with professional contractors, it was easy to see.) Be that as it may, as I mentioned above, steep slope protections are already in place so it is not that, and I can see no other possible reason to exclude this property which has dedicated access, water, sewer, electricity and gas, and abuts the hospital, from the Medical Zone. If there was ever a piece that should be included, it is this one!

I would like it included.

Hopefully exclusion of my property was just an oversight, but if not, perhaps your office can apprise me of the logic for excluding it?

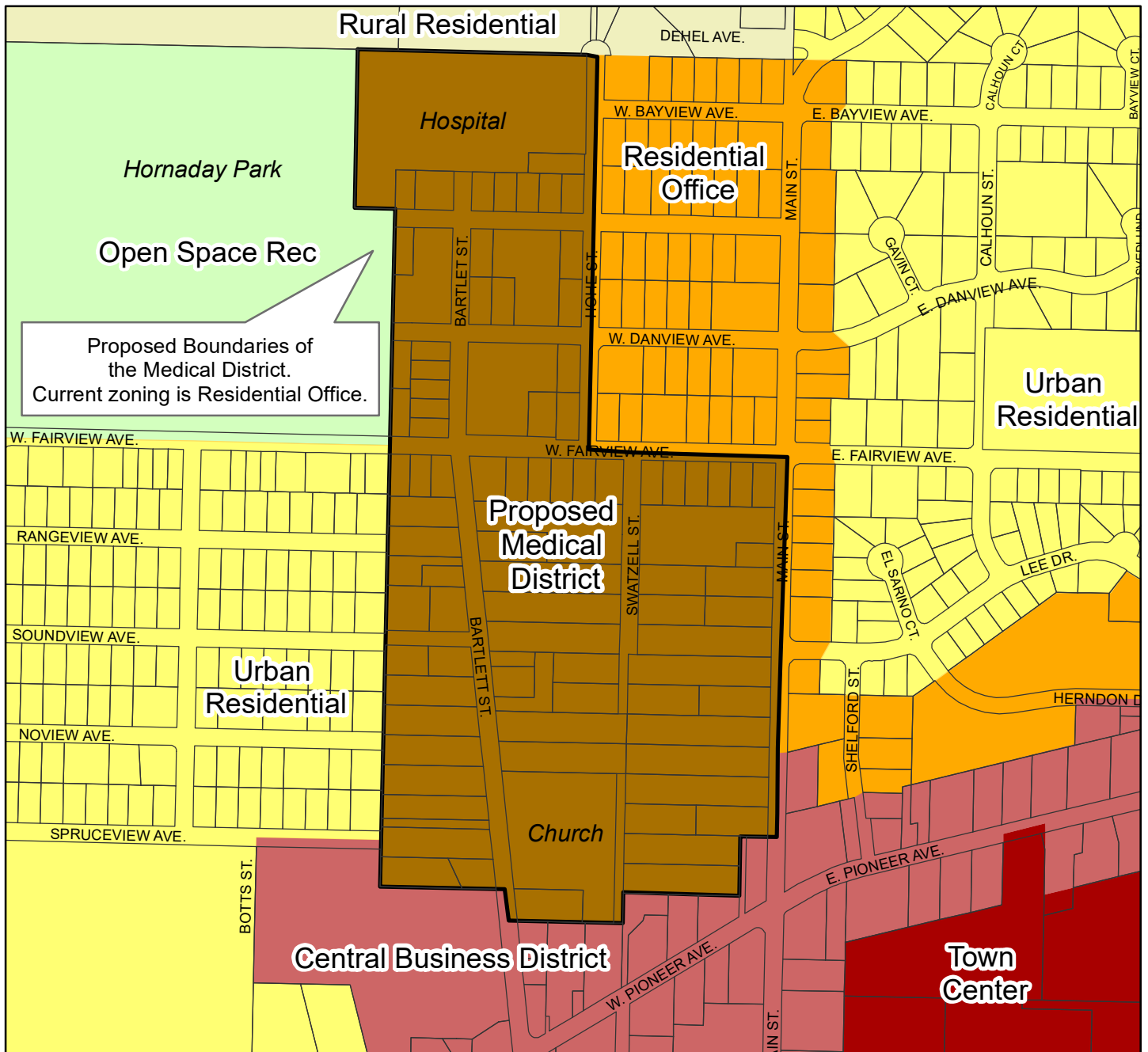
Thanks for all you help Travis.

Jeff Murphy





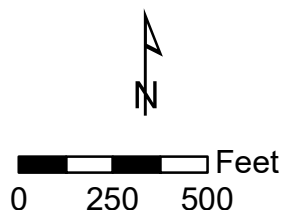
# Proposed Medical District Boundaries and Current Zoning



## Legend

### Current Zones

- Central Business District
- Town Center
- Rural Residential
- Urban Residential
- Residential Office
- Open Space Rec
- Medical District Draft Boundary



39



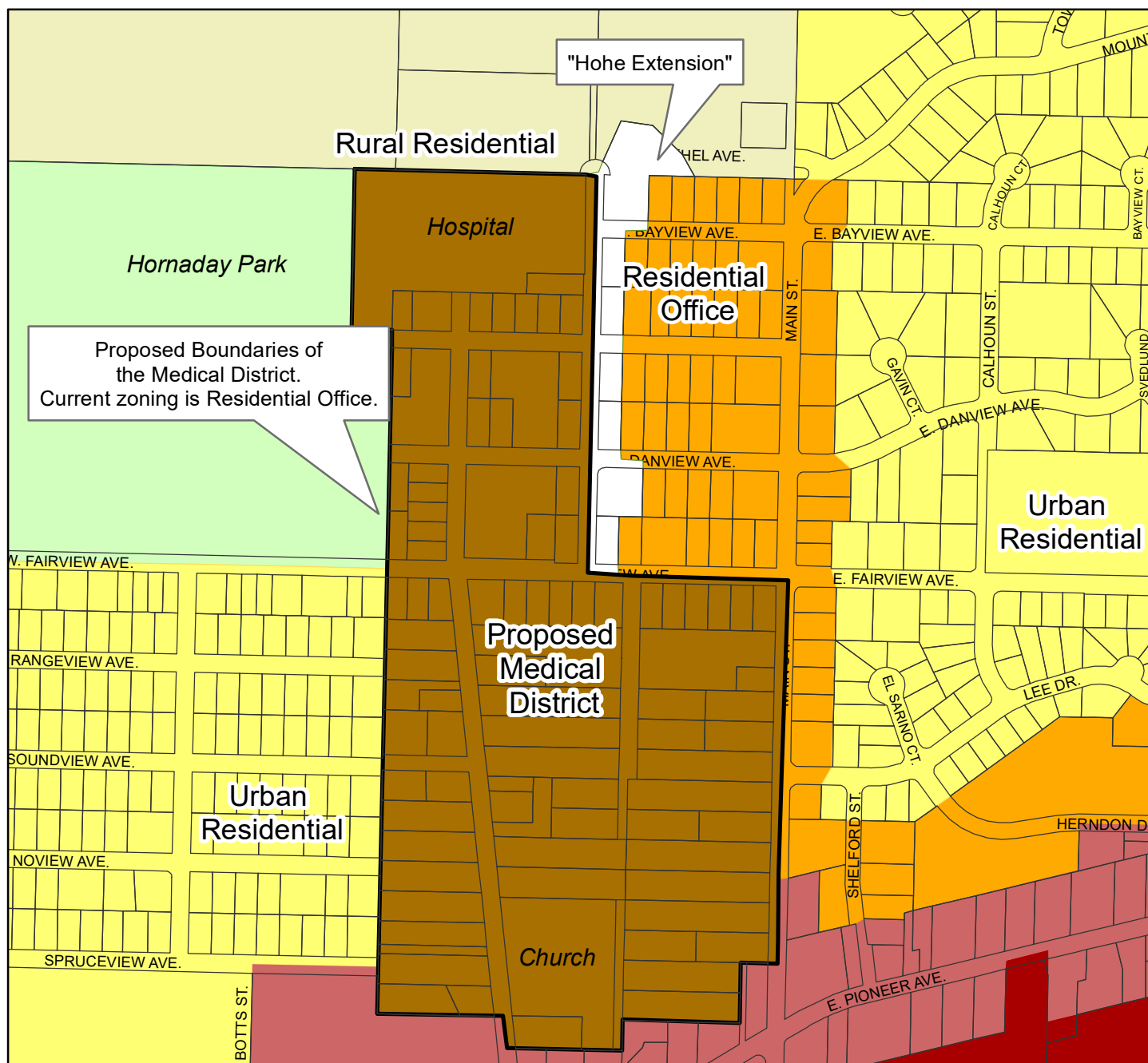
City of Homer  
Planning and Zoning Department

1/29/2020

**Disclaimer:**  
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# Proposed Medical District Boundaries With Hohe Extension and Current Zoning



## Legend

- Medical District Draft Boundary
- Medical Boundary Hohe Extension

## Current Zones

- Central Business District
- Town Center
- Rural Residential
- Urban Residential
- Residential Office
- Open Space Rec



0 250 500 Feet



City of Homer  
Planning and Zoning Department

2/26/2020

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**Chapter 21.XX**

**M MEDICAL DISTRICT**

**Sections:**

- 21.XX.010 Purpose.
- 21.XX.020 Permitted uses and structures.
- 21.XX.030 Conditional uses and structures.
- 21.XX.040 Dimensional requirements.
- 21.XX.050 Site and access.
- 21.XX.060 Traffic requirements.
- 21.XX.070 Site development standards.
- 21.XX.080 Nuisance standards.
- 21.XX.090 Lighting standards.

**21.XX.010 Purpose.**

The purpose of the medical district is to provide an area near the hospital to support allied industries and other professional office and limited commercial uses. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.

**21.XX.020 Permitted uses and structures.**

The following uses are permitted outright in the Medical District:

- a. Single-family and duplex dwelling, excluding mobile homes;
- b. Multiple-family dwelling, provided the structure conforms to HCC 21.14.040(a)(2) and excluding mobile homes;
- c. Public parks and playgrounds;
- d. Rooming house, bed and breakfast;
- e. Townhouses; (compliant w 21.53.010 (g) and (h))
- f. Home occupations; provided they conform to the requirements of HCC 21.51.010;
- g. Professional offices and general business offices;
- h. Clinics
- i. Day care facilities
- j. Day care homes
- k. Personal services;

- 32 l. Museums, libraries and similar institutions;
- 33 m. Nursing facilities, convalescent homes, homes for the aged, assisted living homes;
- 34 n. Religious, cultural and fraternal assembly;
- 35 o. Storage of the occupant's personal commercial fishing gear in a safe and orderly manner and  
36 separated by at least five feet from any property line as an accessory use incidental to a  
37 permitted or conditionally permitted principal use;
- 38 p. Private exterior storage of the occupant's personal noncommercial equipment, including  
39 noncommercial trucks, boats, campers and not more than one recreational vehicle in a safe and  
40 orderly manner and separated by at least five feet from any property line as an accessory use  
41 incidental to a permitted or conditionally permitted principal use;
- 42 q. Other customary accessory uses to any of the permitted uses listed in the Residential Office  
43 District; provided, that no separate permit shall be issued for the construction of any detached  
44 accessory building prior to that of the main building;
- 45 r. The outdoor harboring or keeping of dogs, small animals and fowl as an accessory use in a  
46 manner consistent with the requirements of the Homer City Code and as long as such animals  
47 are kept as pets and their numbers are such as not to unreasonably annoy or disturb occupants  
48 of neighboring property;
- 49 s. Recreational vehicles, subject to the standards set out in HCC 21.54.320;
- 50 t. As an accessory use, one small wind energy system per lot having a rated capacity not  
51 exceeding 10 kilowatts;
- 52 u. Mobile food services
- 53 v. Retail as an accessory use to a permitted principle use
- 54 w. Sale of durable and non-durable medical supplies and equipment
- 55 x. More than one building containing a permitted principal use on a lot;
- 56 y. Parking lots
- 57 **21.XX.030 Conditional uses and structures.**  
58 The following uses may be permitted in the Residential Office District when authorized by  
59 conditional use permit issued in accordance with Chapter 21.71 HCC:
  - 60 a. Planned unit developments, excluding all industrial uses;
  - 61 b. Public or private schools;
  - 62 c. Hospitals;

- 63 d. Public utility facilities and structures;
- 64 e. Mortuaries;
- 65 f. Group care homes;
- 66 g. Helipads, but only as an accessory use incidental to a hospital conditional use;
- 67 h. One small wind energy system having a rated capacity exceeding 10 kilowatts; provided, that
- 68 it is the only wind energy system of any capacity on the lot;
- 69 i. Other uses approved pursuant to HCC 21.04.020.

70 **21.XX.040 Dimensional requirements.**

71 The following dimensional requirements shall apply to all structures and uses in the Medical

72 District:

73 a. The minimum lot size is 7,500 square feet.

74 b. Building Setbacks.

75 1. Buildings shall be set back 20 feet from all dedicated rights-of-way.

76 2. All buildings shall be set back from all other lot boundary lines according to the number

77 of stories as follows:

Number of Stories	Setback (in feet)
1 story	5 feet
1 1/2 stories	6 feet
2 stories	7 feet
2 1/2 stories	8 feet

78 c. Building Height.

79 1. The maximum building height is 35 feet, except as provided in subsection (c)(2) of this

80 section.

81 2. If approved by conditional use permit, multifamily residential and commercial

82 buildings up to 85 (Or 60 feet, 5 stories above grade/roofpitch not to exceed/feet in

83 height may be allowed.)

84 d. No lot shall contain more than 8,000 square feet of building area (all buildings combined),

85 nor shall any lot contain building area in excess of 30 percent of the lot area, without an

86 approved conditional use permit.

**21.XX.050 Site and access.**

a. A zoning permit for any nonresidential use or structure shall not be issued by the City without an approved site plan and an approved level two right-of-way access plan that conform to the standards of Chapter 21.73 HCC.

b. All access points to rights-of-way shall conform to the standards of a level two right-of-way access plan stated in Chapter 21.73 HCC. This applies to all uses and structures.

**21.XX.060 Traffic requirements.**

A conditional use permit is required for every use that:

a. Is estimated to generate more than 100 vehicle trips during any hour of the day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

b. Is estimated to generate more than 500 vehicle trips per day calculated utilizing the Trip Generation Handbook, Institute of Transportation Engineers, 9th Edition;

c. Is estimated to generate an increase in the traffic to more than 100 vehicle trips during any hour of the day due to a change in land use or intensity of use; or

d. Is expected to generate traffic that will detract from the safety of, or degrade by one level of service, the highway, road, street, alley or intersection.

**21.XX.070 Site development standards.**

a. All single-family and duplex residential development in the Residential Office District shall comply with the level one site development standards contained in HCC 21.50.020.

b. All residential development of three units or more and all nonresidential development on lands in this district shall conform to the level two site development standards set forth in HCC 21.50.030 subsections (a) through (e), and HCC 21.50.030(f)(1)(a) and HCC 21.50.030(f)(2). Parking lots with a minimum of 24 spaces or more shall provide a minimum of 10% landscaped area in dividers, islands or buffers or any combination thereof, adjacent or within the parking area.

c. New non-residential construction shall be screened from existing single family or duplex dwellings by a fence or landscaping so as to obscure the view of the parking lot and loading areas from the adjacent dwelling.

**21.XX.080 Nuisance standards.**

The nuisance standards of HCC 21.59.010 apply to all development, uses, and structures in this zoning district.

**21.XX.090 Lighting standards.**

The level one lighting standards of HCC 21.59.030 apply to all development, uses, and structures in this zoning district.



**21.60.060 Signs on private property.**

a. Signs shall be allowed on private property in the City only in accordance with Table 1. If the letter “A” appears for a sign type in a column, such sign type is allowed without prior permit approval in the zoning district represented by that column. If the letter “P” appears for a sign type in a column, such sign type is allowed only with prior permit approval in the zoning district represented by that column. Special conditions may apply in some cases. If the letter “N” appears for a sign type in a column, such sign type is not allowed in the zoning district represented by that column under any circumstances. If the letters “PH” appear for a sign type in a column, such sign type is allowed in the zoning district represented by that column only with prior approval by the Commission after a public hearing.

b. Although permitted under subsection (a) of this section, a sign designated by an “A” or “P” in Table 1 shall be allowed only if:

1. The sum of the area of all building and freestanding signs on the lot does not exceed the maximum permitted sign area for the zoning district in which the lot is located as specified in Table 2; and

2. The characteristics of the sign conform to the limitations of Table 3, Permitted Sign Characteristics by Zoning District, and with any additional limitations on characteristics listed in Table 1 or Table 2.

c. A sign type that is not listed on the following tables is prohibited.

Key to Tables 1 through 3			
RR	Rural Residential	GBD	Gateway Business District
UR	Urban Residential	GC1	General Commercial 1
RO	Residential Office	GC2	General Commercial 2
INS	Institutional Uses Permitted in Residential Zoning Districts (a)	EEMU	East End Mixed Use
		MC	Marine Commercial
CBD	Central Business District	MI	Marine Industrial
TC	Town Center District	OSR	Open Space Recreation
<b>MD</b>	<b>Medical District</b>	PS	Public Sign Uses Permit
A = Allowed without sign permit P = Allowed only with sign permit N = Not allowed PH = Allowed only upon approval by the Planning Commission after a public hearing.			

### Key to Tables 1 through 3

For parenthetical references, e.g., “(a),” see notes following graphical portion of table.

#### Table 1

Sign Type	R R	U R	R O	IN S (a)	<u>M</u> <u>D</u>	CB D	T C	GB D	GC 1	GC 2	EEM U	M C	M I	OS R	PS
<b>Freestanding</b>															
Residential (b)	A	A	A	A	<u>A</u>	A	A	A	N	N	N	N	N	A	P H
Other (b)	N	N	N	P	<u>P</u>	P	P	P (i)	A	A	A	P	P	N	P H
Incidental (c)	N	N	A (d)	A (d)	<u>A</u>	A	A	A	A	A	A	A	A	N	N
<b>Building</b>															
Banner	N	N	N	N	<u>N</u>	N	N	N	N	N	N	N	N	N	N
Building Marker (e)	A	A	A	A	<u>A</u>	A	A	A	A	A	A	A	A	A	N
Identification (d)	A	A	A	A	<u>A</u>	A	A	A	A	A	A	A	A	A	N
Incidental (c)	N	N	A (f)	A	<u>A</u>	A	A	A	A	A	A	A	A	N	N
Marquee	N	N	N	N	<u>P</u>	P	P	P	P	P	P	P	P	N	N
Projecting	N	N	N	N	<u>P</u>	P	P	P	P	P	P	P	P	N	N
Residential (b)	A	A	A	N	<u>A</u>	A	A	A	N	N	N	N	N	A	N
Roof, Integral	N	N	N	P	<u>P</u>	P	P	P	P	P	P	P	P	N	N
Suspended	N	N	N	P	<u>P</u>	P	P	P	P	P	P	P	P	N	N
Temporary (g)	P	P	P	N	<u>P</u>		P	P	P	P	P	P	P	N	N
Wall	A	A	A	A	<u>P</u>	P	P	P	P	P	P	P	P	A	A
Window	N	N	A	N	<u>P</u>	P	P	P	P	P	P	P	P	N	N
<b>Miscellaneous</b>															
Flag (h)	A	A	A	A	<u>A</u>	A	A	A	A	A	A	A	A	A	A

## Notes to Table 1:

- a. This column does not represent a zoning district. It applies to institutional uses permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, nonprofit, or public safety/benefit nature, i.e., schools, churches, and hospitals.
- b. No commercial message allowed on sign, except for a commercial message drawing attention to goods or services legally offered on the lot.
- c. No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.
- d. Only address and name of occupant allowed on sign.
- e. May include only building name, date of construction, or historical data on historic site; must be cut or etched into masonry, bronze, or similar material.
- f. No commercial message of any kind allowed on sign.
- g. The conditions of HCC 21.60.130 apply.
- h. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulations as such.
- i. The main entrance to a development in GBD may include one ground sign announcing the name of the development. Such sign shall consist of natural materials. Around the sign grass, flowers and shrubs shall be placed to provide color and visual interest. The sign must comply with applicable sign code requirements.

**Table 2. Maximum Total Sign Area Per Lot by Zoning District****Table 2 Part A**

The maximum combined total area of all signs, in square feet, except incidental, building marker, and flags (b), shall not exceed the following according to district:

RR	UR	RO	RO (e)	INS (a)	OSR	PS (d)	<b>MD</b>
4	4	6	50	20	4	32	<b>50</b>

**Table 2 Part B**

In all other districts not described in Table 2 Part A, the maximum combined total area of all signs, in square feet, except incidental, building marker and flags, shall not exceed the following:

<b>Square feet of wall frontage (c):</b>	<b>Maximum allowed sign area per principal building:</b>
750 s.f. and over	150 s.f.
650 to 749	130 s.f.
550 to 649	110 s.f.
450 to 549	90 s.f.
350 to 449	70 s.f.
200 to 349	50 s.f.
0 to 199	30 s.f.

In all districts covered by Table 2 Part B, on any lot with multiple principal buildings or with multiple independent businesses or occupancies in one or more buildings, the total allowed sign area may be increased beyond the maximum allowed signage as shown in Table 2 Part B, by 20%. This additional sign area can only be used to promote or identify the building or complex of buildings.

In all districts covered by Table 2 Part B, freestanding signs, when otherwise allowed, shall not exceed the following limitations:

Only one freestanding sign is allowed per lot, except one freestanding public sign may be additionally allowed. A freestanding sign may not exceed 10 feet in height. The sign area on a freestanding sign (excluding a public sign) shall be included in the calculation of maximum allowed sign area per lot and shall not exceed the following:

One business or occupancy in one building – 36 sq ft

Two independent businesses or occupancies or principal buildings in any combination – 54 sq ft

Three independent businesses or occupancies or principal buildings in any combination – 63 sq ft

Four or more independent businesses or occupancies or principal buildings in any combination – 72 sq ft

50

51 Notes to Table 2, Parts A and B

52 a. The INS column does not represent a zoning district. It applies to institutional uses  
53 permitted under the zoning code in the RR, UR and RO zoning districts. Institutional is defined  
54 as an established organization or corporation of a public, nonprofit, or public safety or benefit  
55 nature, e.g., schools churches, and hospitals.

56 b. Flags of the United States, the State, the City, foreign nations having diplomatic relations  
57 with the United States, and any other flag adopted or sanctioned by an elected legislative body of  
58 competent jurisdiction. These flags must be flown in accordance with protocol established by the  
59 Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of  
60 these conditions shall be considered a banner sign and shall be subject to regulation as such.

61 c. Square feet of wall frontage is defined as total square footage of wall surface, under the  
62 roof, that faces the major access or right-of-way of the business. In the case of a business located  
63 on a corner lot, square footage of wall frontage is the total square footage of wall surface, under  
64 the roof, on the side of the business with the most square footage.

d. The PS column does not represent a zoning district. It applies to public signs permitted under the zoning code, in all zoning districts.

e. This RO column applies only to lots in that portion of the RO district that abuts East End Road, **Bartlett Street, Hobe Street**, and Pennock Street. Within this area, there is allowed a maximum of 50 square feet total area of all signs (including the ground sign referred to below), except incidental, building marker, and flags (see note (b) above). One ground sign, with a maximum total area of 16 square feet, will be permitted per lot. Each ground sign shall not exceed six feet in height, measured from the base to the highest portion of any part of the sign or supporting structure.

f. **In the Medical District, only one freestanding sign is allowed per lot, except one freestanding public sign may be additionally allowed. A freestanding sign may not exceed 10 feet in height or 36 square feet in area.**

**Table 3. Permitted Sign Characteristics by Zoning District**

Sign Type	RR	UR	RO	INS (a)	<b>MD</b>	CBD	TC	GBD	GC1	GC2	EEMU	MC	MI	OSR	PS (e)
Animated (b)	N	N	N	N	<b>N</b>	P	P	N	P	N	P	P	N	N	N
Changeable Copy (c)	N	N	N	P	<b>P</b>	P	P	P	P	P	P	P	P	N	PH
Illumination Internal	N	N	N	P	<b>P</b>	P	P	P	P	P	P	P	P	N	N
Illumination External	N	N	N	P	<b>P</b>	P	P	P	P	P	P	P	P	N	PH
Neon (d)	N	N	N	N	<b>N</b>	P	P	N	P	P	P	P	P	N	N

Notes to Table 3:

a. The INS column does not represent a zoning district. It applies to institutional uses permitted under the zoning code, in the RR, UR and RO zoning districts. Institutional is defined as an established organization or corporation of a public, nonprofit, or public safety/benefit nature, i.e., schools, churches, and hospitals.

b. Animated signs may not be neon or change colors or exceed three square feet in area.

c. Changeable copy signs must be wall- or pole-mounted, and may not be flashing.

d. Neon signs may not be flashing and may not exceed 32 square feet.

e. The PS column does not represent a zoning district. It applies to public signs permitted under the zoning code, in all zoning districts.

[Ord. 14-34 § 1, 2014; Ord. 12-26 § 1, 2012; Ord. 12-01(S)(A) §§ 2 – 6, 2012].



## Tall Towers

Staff recommends tall tower regulations stay the same for this area. HCC 21.58.030 would be amended as follows:

### **21.58.030 Permission for communications towers.**

- a. Except as provided in subsection (b) of this section, a communications tower is permitted as a principal or accessory use or structure in each zoning district.
- b. A communications tower that exceeds the following maximum height for the zoning district in which the communications tower is located is permitted only when authorized by conditional use permit issued in accordance with Chapter 21.71 HCC.

District	Maximum Height (feet)
CBD	60
TC	60
GBD	60
GC1	120
RO	85
<b><u>MD</u></b>	<b><u>85</u></b>
UR	60
RR	85
CONS	60
GC2	120
EEMU	120
MI	120
MC	120
OSR	60
BCWPD	120







# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

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Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

## Staff Report PL 20-21

TO: Homer Planning Commission  
FROM: Rick Abboud, AICP, City Planner  
DATE: March 4, 2020  
SUBJECT: Tree Preservation

### Introduction

The Commission added “Tree Preservation” to the worklist. Due to schedule change for Commissioner Training, which I had proposed for this meeting, I am introducing the discussion on tree preservation.

### Analysis

Currently, trees are sparsely addressed in code.

21.50.020 Site development standards – Level One

c. Landscaping Requirements. All development activity on lands shall conform to the following:

1. Development activities shall not adversely impact **other** properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, **intentional or inadvertent fill or root damage to neighboring trees**, or other damaging physical impacts. The property owner and developer shall take such steps, including installation of culverts or buffers, or other methods, as necessary to comply with this requirement.

Other requirements for landscaping do not prescribe anything particular to trees, just that buffering may be accomplished by using one or several options, which could include trees.

The next place that has any reference to landscaping with trees is the Design Manual that applies to CUP's in the Central Business District (CBD), Gateway Business District (GBD), and Scenic Gateway Corridor Overlay District (SGCOL). The manual is problematic because it basically a suggestion and uses general terms that the Commission has to make a values judgement based on a case-by-case bases (don't get me started with the “retain natural vegetation to the maximum extent possible” conundrum – yes we need to update or replace – another time).

Currently the city has virtually no code addressing trees except for timber growing and harvesting operation in the watershed (technically not much 'city' in the watershed). Now we need to think about the community desire for such regulations.

In my research, I have not found municipalities in Alaska that address the retention of trees in other areas besides public land (parks and street trees) and requirements of development, such as required buffers or perhaps a planting standard for multi-family and commercial development (see Fairbanks North Star Borough Landscape Manual and Muni Landscaping).

The Alaska Department of Natural Resources, Developing Community Tree Ordinances publication, provides some guidance for tree ordinances. A more in-depth review of tree ordinance development is found in the North Carolina State Extension Developing Successful Tree Ordinances publication.

I have provided an overview of our regulations, other Alaskan communities, and suggestions for tree ordinance development. Now may be the time to consider what direction we may want to go with this subject.

This may also be a good point to start a discussion on the landscaping requirements for parking lots, commercial development, rights-of-way, or other City lands.

### **Staff Recommendation**

Please review materials and discuss possible options in consideration of community support and capacity.

### **Attachments**

Community Design Manual Landscaping **p. 57**

Fairbanks North Star Borough Landscape Manual **p, 63**

Municipality of Anchorage Landscaping **p. 101**

ADNR Tree Ordinance development **p. 105**

Developing Successful Tree Ordinances NC State Extension **p. 107**

# Community Design Manual

## LANDSCAPING & SCREENING

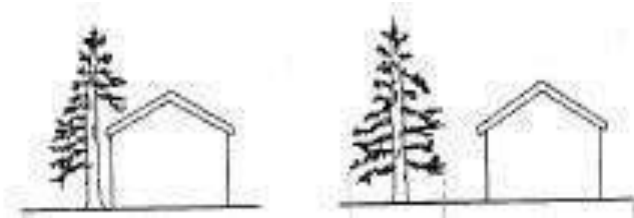
Formal landscaping provides a pleasing transition between the natural setting and the built environment and between adjacent built environments. Landscaping may not be considered adequate compensation for poor site or building design; it shall be used to enhance new development (regardless of how attractive the buildings on a site may be) and to soften the visual impacts of such urban necessities as parking lots and mechanical equipment. Natural vegetation, together with existing views of the water and land views is an integral part of the Homer setting and should be preserved on both developed and vacant parcels. Views through or framed by natural vegetation may be achieved while retaining the existing vegetation which characterizes Kachemak Bay.

1. **Development should be located so as to preserve, to the maximum extent possible, the best and most attractive natural features of the site.** Development should avoid areas of environmental sensitivity and minimize negative impacts and alteration of natural features.
2. **Control vegetation to preserve existing significant views.** The following standards promote retention of existing views and apply to both commercial and residential properties:
  - a. Selective thinning - Larger tree stands which, over time, have closed off significant views may be selectively thinned. Limit thinning to maintain a balance of timber and continuous canopy.

*Trees make up an integral part of this view. A balance between trees and view should be retained*



- b. Trees within view - Allow trees to be a part of the view. Limited numbers of trees should not be considered an obstruction to a view.
  - c. Trimming trees. When trimming or limbing up trees to preserve views, maintain a healthy balance between the crown and trunk of the trees.
  - d. Tree Topping. Avoid topping or trimming which alters the natural symmetry of a tree unless necessary for safety reasons or as emergency situations dictate.
3. **Avoid removing significant vegetation.** Complete removal of significant vegetation to create new views where views do not currently exist, or to create panoramic views out of existing limited views is not permitted.
4. **Provide adequate room for retained vegetation.** Identify how retained trees will be protected both during and after construction.
- a. Location of structures. Buildings, retaining walls, utilities and paved surfaces must be far enough away from retained trees to allow room for construction activities (including grading and excavation) and to assure a proper growth environment after construction.



***Neither the building footprint or the area of construction should encroach into the drip line of trees to be protected***

b. Area of construction. In no case shall construction activities take place within the drip line of the tree (root zone) without extra precautions.

c. Tree well. Provide a tree well or other form of protection where the surrounding grade must be raised.

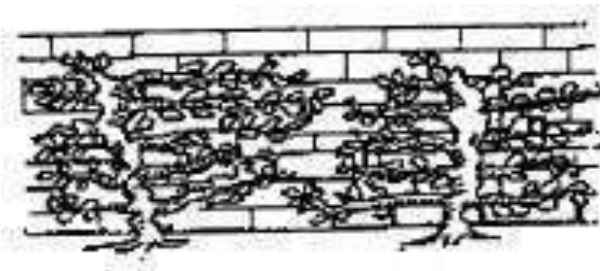
5. **Protect existing trees during construction.** Significant vegetation to be retained must be protected during construction by installation of an effective system. The system must be approved by the Public Works Department, and must be in place during construction.

***Limits of disturbance must be carefully defined and delineated. Areas of nondisturbance must be protected.***



6. **Replace lost trees which were intended to be retained.** Any tree proposed or required to be retained and which is subsequently lost or destroyed must be replaced with at least three 6-foot trees of an appropriate species.

7. **Choose plantings which are compatible with existing vegetation.** Plantings must be of a type which will thrive amid existing vegetation without killing or overtaking it. Avoid mixing incompatible plants which require different planting environments or micro-climates. Avoid haphazard mixture of textures, colors and plant types.
8. **Locate vegetation to preserve significant views.** Views and vistas from public rights-of-way shall be considered when determining placement of vegetation. While it is not the intent to avoid all trees in the foreground of a view, consideration should be given to the expected height of trees and how they might be located to "frame" the view.
9. **Retain the natural symmetry of trees.** Trimming of trees shall be done in a manner that preserves the tree's natural symmetry. Topping shall be avoided unless required for health/safety reasons. Limbing-up may be appropriate if sufficient crown is retained to preserve the tree's health.
10. **Use shrubs or vines on blank walls.** Blank walls shall include a narrow planting area with shrubs or vines giving coverage to the wall.



*Shrubs and vines provide good coverage to walls which lack architectural interest*

11. **Outside storage of materials and equipment and trash, if otherwise allowed, should be screened from view from adjacent streets and residential areas.** Such screens should be opaque and may consist of walls, fences, landscaped berms, evergreen plantings, or any combination thereof.
12. **Enclosed storage of materials, equipment and trash is encouraged.** The enclosure will be built to be complementary to the primary structure or landscaped or located so as to not be visible from the street.
13. **Elements such as, but not limited to; HVAC units, telephone boxes, fuel tanks and electrical transformers, shall be integrated into the site design through the use of landscaping, berms or fences and should be as unobtrusive as possible.**

**14. Landscaping will be planned in such a way as to preserve views from public rights-of-way.**

Consideration will be given to the expected height of trees and how they might be located to frame the view.

**15. Landscape plants will be chosen to be compatible with existing native vegetation and to thrive in Homer's climate.**

**16. All disturbed lands will be revegetated within nine months or the next growing season, whichever is sooner.**

**17. Conform to all other landscape criteria in the Homer City Code.**

Vacant Parcels in All Zones:

**Limit Clearing to no more than 50% of significant vegetation and retain vegetation in all required buffers and setbacks.** Clearing limitations apply to all vacant parcels with no approved **Development Activity Plan, Storm Water Plan, or Zoning** permit for development.





Fairbanks  
North  
Star  
Borough

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Fairbanks North Star Borough

# LANDSCAPE MANUAL

(A comprehensive guide including supplements from the Title 18 Zoning Code)



Adopted  
April 25, 1988

The Fairbanks North Star Borough is  
an Equal Opportunity Employer

July 2016

# Introduction

This Landscape Manual, published by the Fairbanks North Star Borough Landscape Review Board, is intended as a supplement to the FNSB Landscape Ordinance to provide information useful to those who are required to comply with the Landscape Ordinance. This Manual does not add additional requirements and in case of a conflict, the Landscape Ordinance takes precedence. A copy of the ordinance is attached for your reference (see Appendix).

The landscaping as detailed in this manual is required only for properties located within the Special Landscape Area (SLA) overlay zoning district. Contact the Fairbanks North Star Borough Department of Community Planning at (907) 459-1260 or [planning@co.fairbanks.ak.us](mailto:planning@co.fairbanks.ak.us) for more information.

This manual is based heavily upon the landscape manual produced by the City of Fairbanks Landscape Review and Beautification Commission.

# Landscape Design Standards

## Summary of Requirements

### Residential

Type of Construction	Landscaping/Screening Requirements
Single family, duplex or triplex:	<ul style="list-style-type: none"><li>▪ No requirements</li></ul>
4-Plex – 12-Plex:	<ul style="list-style-type: none"><li>▪ One (1) tree per dwelling unit</li></ul>
Greater than 12-Plex:	<ul style="list-style-type: none"><li>▪ Same as Commercial (see below)</li></ul>

### Storage/Warehouse/Industrial

Type of Landscaping/Screening Required	Summary of Requirements
Street Parking Lot Screening Only	<ul style="list-style-type: none"><li>▪ Street Parking Lot Screening</li><li>▪ Trash Screening (see below)</li></ul>

### Miscellaneous

Type of Construction	Landscaping/Screening Requirements
New development adjacent registered historical structure	<ul style="list-style-type: none"><li>▪ Buffer landscaping as approved by Landscape Review Board (see below)</li></ul>
Existing Building – Unchanged	<ul style="list-style-type: none"><li>▪ No requirements</li></ul>
Existing Building – Change in Use	<ul style="list-style-type: none"><li>▪ Comply with this ordinance (see below)</li></ul>

**NOTE:** Additional requirements could apply if there are easements and/or rights-of-way related to the property in question (for example, utility easements). More restrictive site triangles may be required due to speed and sight distances on given properties. Consult with the Alaska Department of Transportation and/or the FNSB Department of Community Planning.

# Landscape Design Standards

## Summary of Requirements

### All Other New Construction and Change of Use Construction

Type of Landscaping and/or Screening Required	Summary of Plantings, Beds and/or Structures Required	Parameters/Conditions for Plantings/Structures
Street Parking Lot Screening	<p>Minimum Planting Requirements:</p> <ul style="list-style-type: none"> <li>One (1) deciduous or evergreen tree per each 25 lineal feet of street frontage or fraction thereof;</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>One (1) approved shrub planted for each required tree.</li> </ul>	<p>Required trees/shrubs may be planted anywhere along street frontage area provided that:</p> <ul style="list-style-type: none"> <li>Total number of required trees and shrubs are planted;</li> <li>A minimum planting bed of 25sf with no dimension less than 5ft is provided for each tree;</li> <li>Each bed consists of at least one tree;</li> <li>Distance between beds and open street areas do not exceed 90 lineal feet.</li> <li>Does not interfere w/ easements or rights-of-way (see below);</li> <li>All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10 on pg.15).</li> </ul>
Perimeter Parking Lot Screening	<p>Minimum Planting Requirements:</p> <ul style="list-style-type: none"> <li>One (1) deciduous or evergreen tree for each 35 lineal feet of interior parking lot frontage or fraction thereof;</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>One (1) approved shrub planted for each required tree.</li> </ul>	<p>Required trees/shrubs may be planted anywhere along interior lot line frontage area provided that:</p> <ul style="list-style-type: none"> <li>Total number of required trees and shrubs are planted;</li> <li>A minimum planting bed of 25sf with no dimension less than 5ft is provided for each tree;</li> <li>Planting beds consist of at least 1 tree;</li> <li>The distance between planting beds and open interior lot areas does not exceed 120 lineal feet;</li> <li>Does not interfere w/ easements or rights-of-way (see below);</li> <li>All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10 on pg.15).</li> </ul>

# Landscape Design Standards

## Summary of Requirements

### All Other New Construction and Change of Use Construction continued...

Type of Landscaping and/or Screening Required	Summary of Plantings, Beds and/or Structures Required	Parameters/Conditions for Plantings/Structures
Interior Parking Lot Screening for lots with greater than 75 parking spaces	<ul style="list-style-type: none"> <li>One (1) planting bed for first 75 parking spaces;</li> </ul> <p><b>AND</b></p> <ul style="list-style-type: none"> <li>One (1) additional planting bed for each additional 25 spaces or fraction thereof.</li> </ul>	<ul style="list-style-type: none"> <li>Each planting bed shall consist of a minimum of 2 trees and 1 shrub;</li> <li>Minimum planting area shall be not less than 80 sq ft w/no dimension less than 8 ft;</li> <li>Planting beds may be consolidated; however, a minimum of 2 separate planting beds shall be provided where multiple beds are required;</li> <li>All planting beds must be protected from vehicular damage by the provision of some form of vehicle stop such as a curb or wheel stop (see fig.10 on pg. 15).</li> </ul>
Trash Screening	<ul style="list-style-type: none"> <li>Visual screens not less than seventy-five (75%) opaque</li> </ul>	<ul style="list-style-type: none"> <li>Shall consist of living plant material, natural or man-made construction material or a combination thereof.</li> </ul>
Buffer Landscaping (between different land use areas as determined by FNSB Title 18 zoning ordinance)	<ul style="list-style-type: none"> <li>A continuous planting bed an average of 10 feet in width and not less than 8 ft with provision for protection from vehicular damage such as a curb or wheel stop (see fig.10 on page 15 for examples).</li> </ul>	<ul style="list-style-type: none"> <li>Shall consist of evergreen trees at least five ft in height with a ratio of height to spread no less than five to three and deciduous trees a minimum of eight ft in height with no more than 50% being deciduous planted at average intervals no greater than ten feet on center;</li> </ul> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Two rows of evergreen trees a minimum of 6 ft in height and an average of 8 ft in height, with a ratio of height to spread no less than five to three, planted at average intervals no greater than ten feet on center.</li> </ul>

**NOTE:** Additional requirements may apply if there are easements and/or rights-of-way related to the property in question (for example, utility easements). More restrictive site triangles may be required due to speed and sight distances on given properties. Consult with the Alaska Department of Transportation and/or the FNSB Department of Community Planning.

# Landscape Design Standards

## What do we mean when we say...?

1. **Street Parking Lot Screening** – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between a street or public right of way and a parking lot.
2. **Perimeter Parking Lot Screening** – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between an interior property line and a parking lot.
3. **Interior Parking Lot Screening** – refers to landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer to break up the large interior expanse of a parking lot. Under this definition, the term “interior parking lot” includes all on-site parking spaces including access roadways and parking aisles; the term “interior parking lot” does not include the first row of street perimeter parking or island extensions of street or perimeter landscaping.
4. **Trash and/or Garbage Areas** – are any exterior centralized areas that include dumpsters, garbage receptacles, bins and trash cans.
5. **Screen** – refers to the method of reducing the visual impact of vehicle use areas and garbage collection areas. Screens may consist of berms, approved plants, fences, walls or a combination thereof. Trash and garbage screens shall be 75% opaque.
6. **Parking Lot Surface Improvement** – applies to existing parking lots which are upgraded with a paved or chip asphalt surface.
7. **Buffer Landscape** – describes a continuous landscape area which separates and partially obstructs the view of two separate land uses or properties from one another (for example, a commercial property from a residential property). Buffer landscaping must provide year-round screening. Buffer landscaping may include berms and/or decorative fences in conjunction with required trees and shrubs.
8. **Deciduous** – describes a tree or shrub with foliage that is shed annually.
9. **Evergreen** – refers to a tree or shrub that retains its foliage throughout the year.
10. **Shrub** – refers to a trunk-less woody plant, smaller than a tree consisting of several stems growing from the base.
11. **Tree** – refers to a woody perennial plant that grows to a height of several feet and typically has a single erect main stem with side branches.
12. **Berm** – describes an earthen embankment or wall.

# Landscape Design Standards

## Approved Plant Materials and Ground Cover

**The following are plants that have proven hardy in the Fairbanks area. Other trees and shrubs may be used if approved by the Landscape Review Board:**

### **Trees, evergreen:**

White Spruce, Lodge Pole Pine, Scotch Pine.

### **Trees, deciduous:**

Paper Birch, Showy Mountain Ash, European Mountain Ash, Canada Red Cherry – Choke Cherry, European Bird Cherry – May Day, Amur Choke Cherry, Crabapple, Aspen, Cottonwood/Balsam Poplar, Tamarack (Eastern Larch), Siberian Larch.

### **Shrubs:**

Dwarf Pea, Peking Contoneaster, Silverberry, Amur Maple, Goose berry, Rose Tree of China, Black Currant, Alpine Currant, Spirea, Roses, Potentilla, Lilacs, Nanking Cherry. Creeping Juniper, Common Juniper, Muhgo pine, Red-osier, Siberian or Dwarf Dogwoods, Siberian Pea Shrub, Serviceberry, Honeysuckles, Lilacs, Nanking Cherry, Russian Olive.

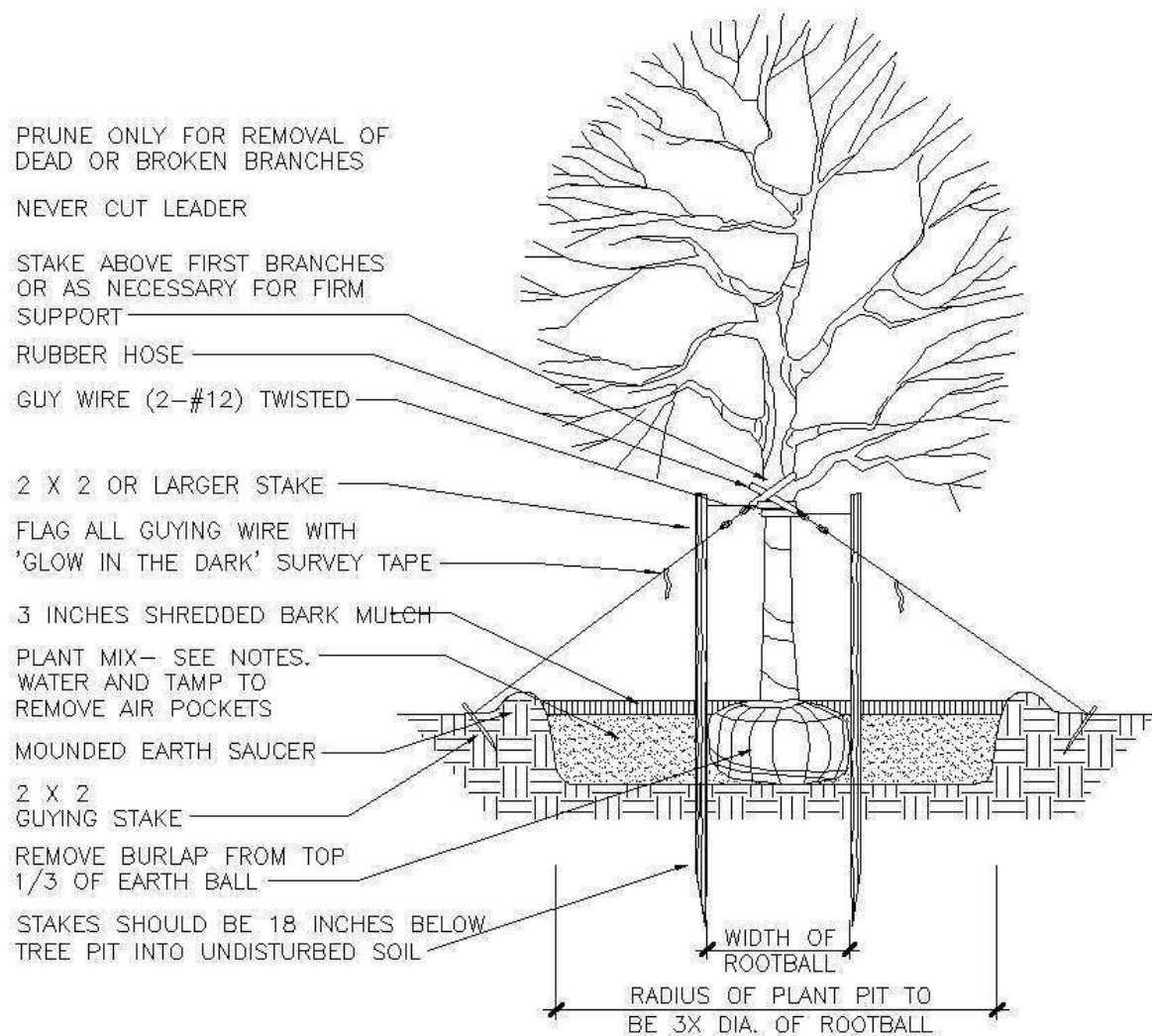
### **Ground Cover:**

Grass, Boulders, Mulch, Wood or Bark Chips, Planted Berm, Screed Gravel, Annual Flowers.

### **Remember:**

**The species and method of planting you choose will greatly impact the survival of your plantings. We encourage you to consult with an expert for the “best planting methods” available for each individual species you choose to plant.**

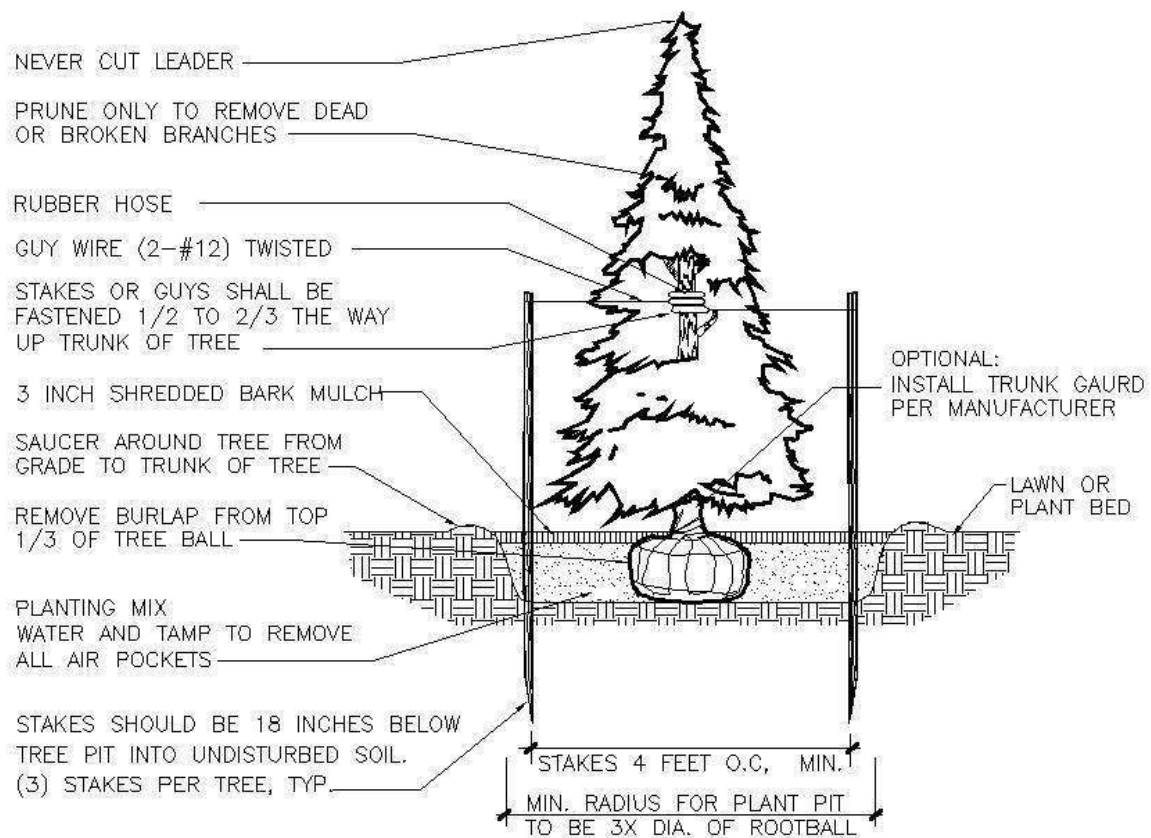
**Figure 1 – Planting Details / Deciduous**



## Deciduous Tree Planting Detail

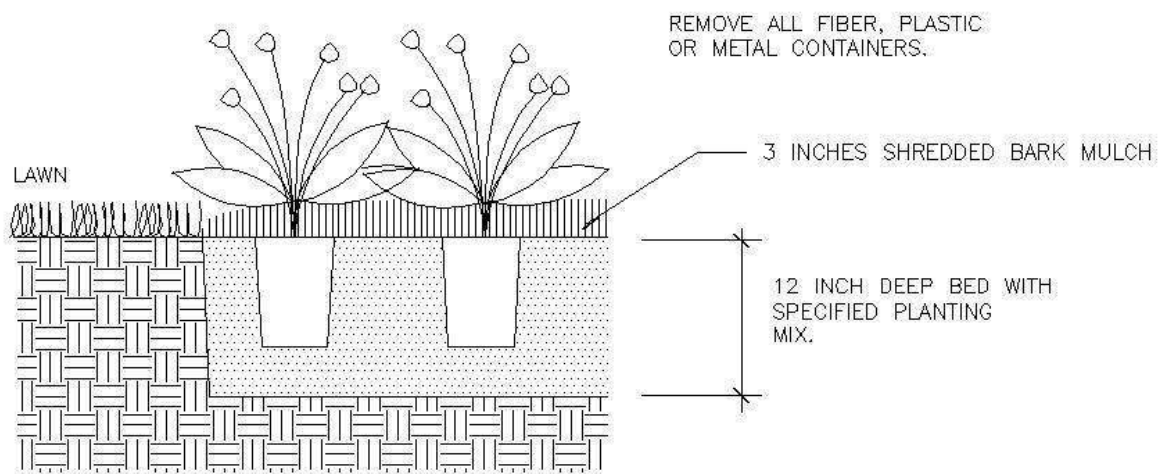


**Figure 2 – Planting Details / Evergreen**



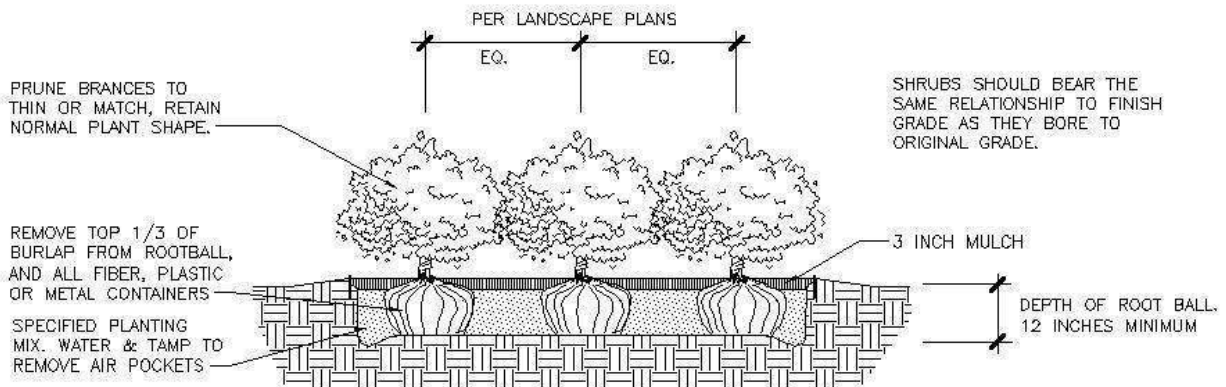
## Evergreen Tree Planting Detail

**Figure 3 – Planting Details / Perennial**



**Perrenial Planting Detail**

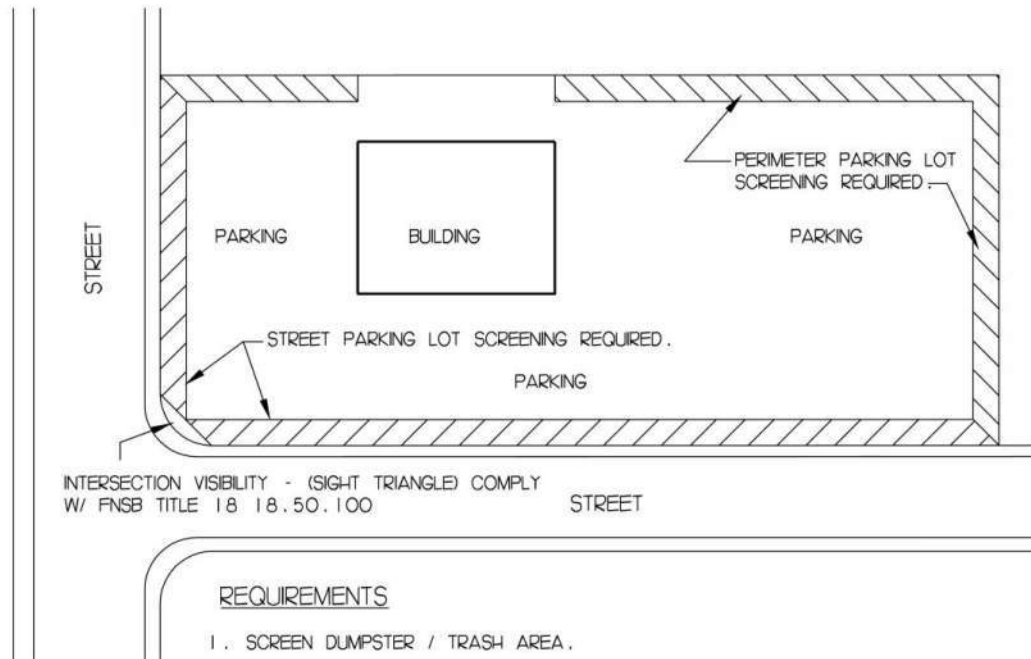
**Figure 4 – Planting Details / Shrub**



## Shrub Bed Planting Detail

**Figure 5 – Landscape Requirement Example**

LANDSCAPE REQUIREMENTS  
BASIC REQUIREMENTS

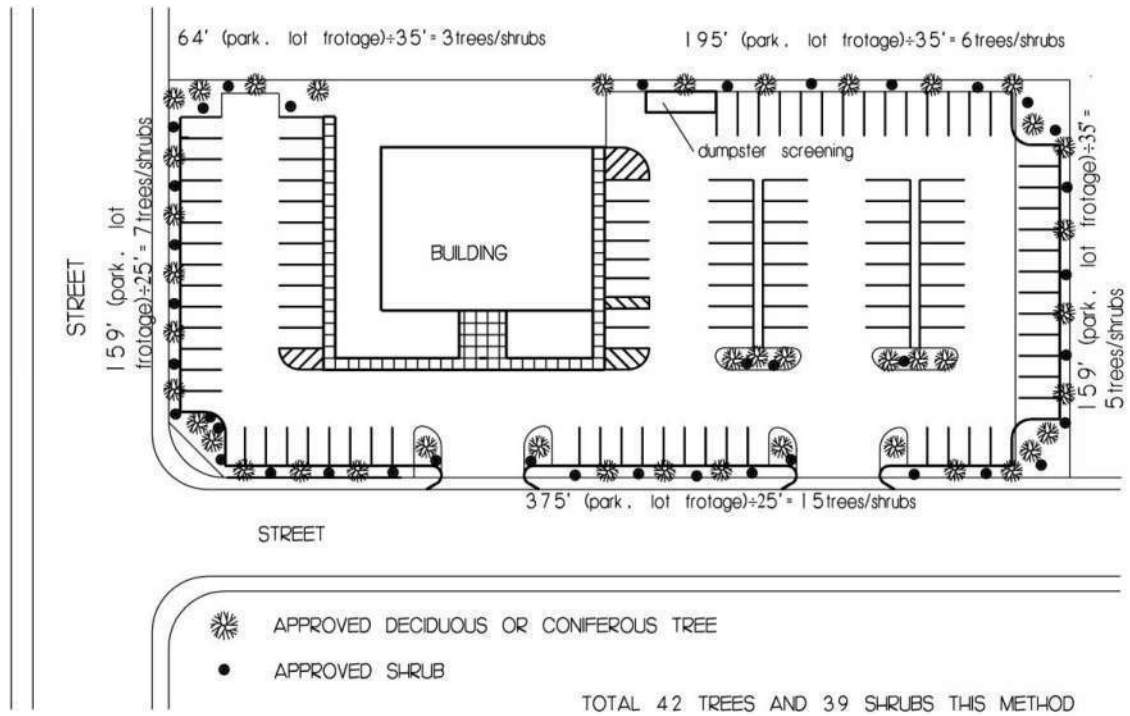


REQUIREMENTS

1. SCREEN DUMPSTER / TRASH AREA.
2. DESIGN MUST IDENTIFY UTILITIES.
3. PARKING LOTS >100 REQUIRE INTERIOR PARKING.
4. BUFFER LANDSCAPING REQUIRED AT REGISTERED HISTORICAL BUILDINGS, BETWEEN DIFFERING USES AND AS MAY BE REQUIRED BY FNSB SPECIAL USE PERMIT.

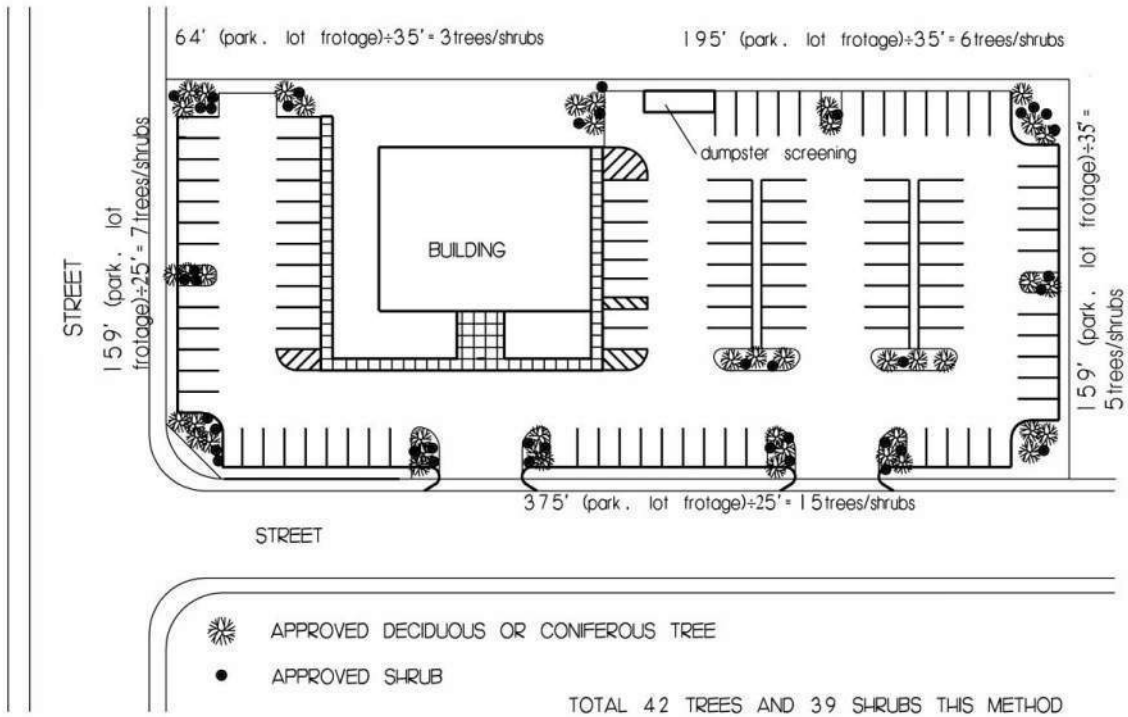
**Figure 6 – Example Landscape Solution 1 / Continuous**

EXAMPLE LANDSCAPE SOLUTION 1  
CONTINUOUS METHOD

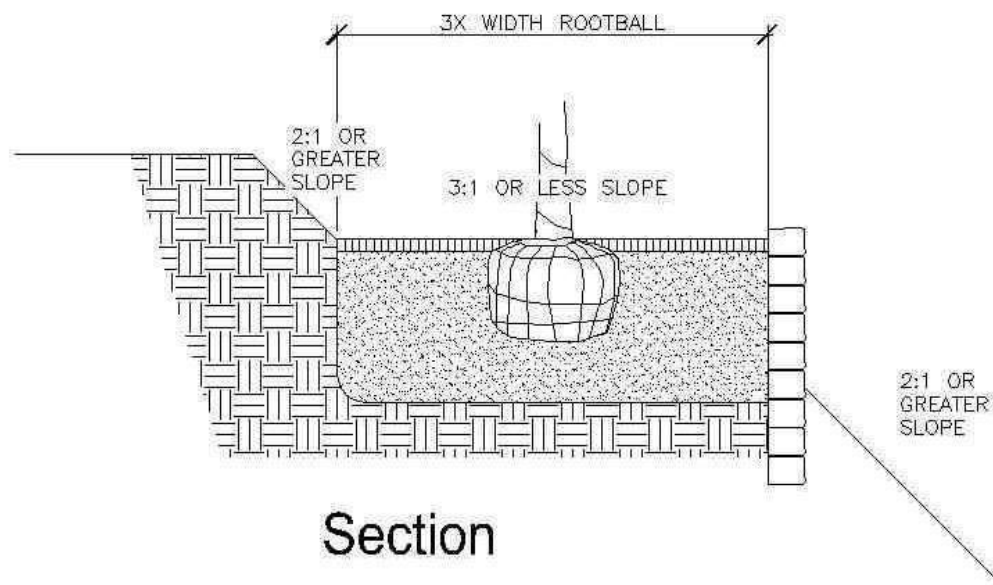


**Figure 7 – Example Landscape Solution 2 / Discontinuous**

EXAMPLE LANDSCAPE SOLUTION 2  
DISCONTINUOUS METHOD

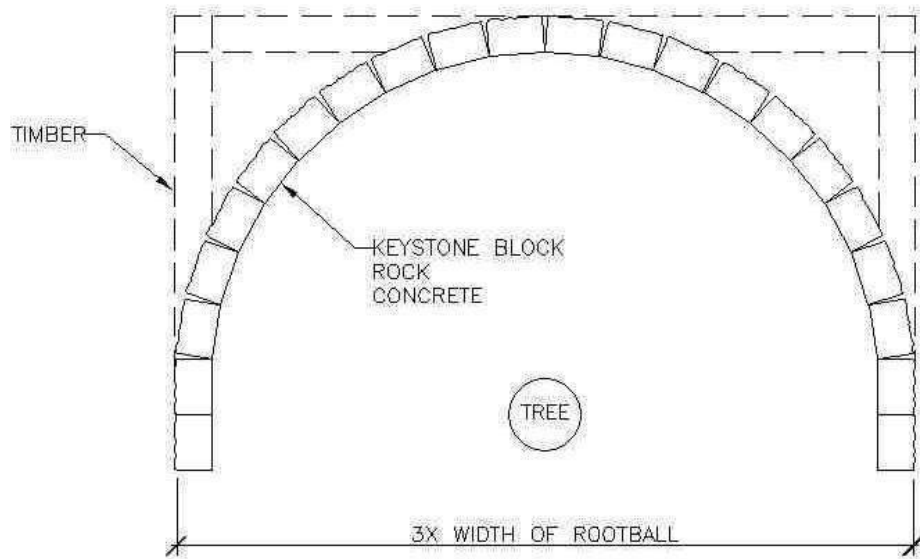


**Figure 8 – Planter for Slopes Greater than 3:1 / Section**



Planter for Slopes Greater than 3:1

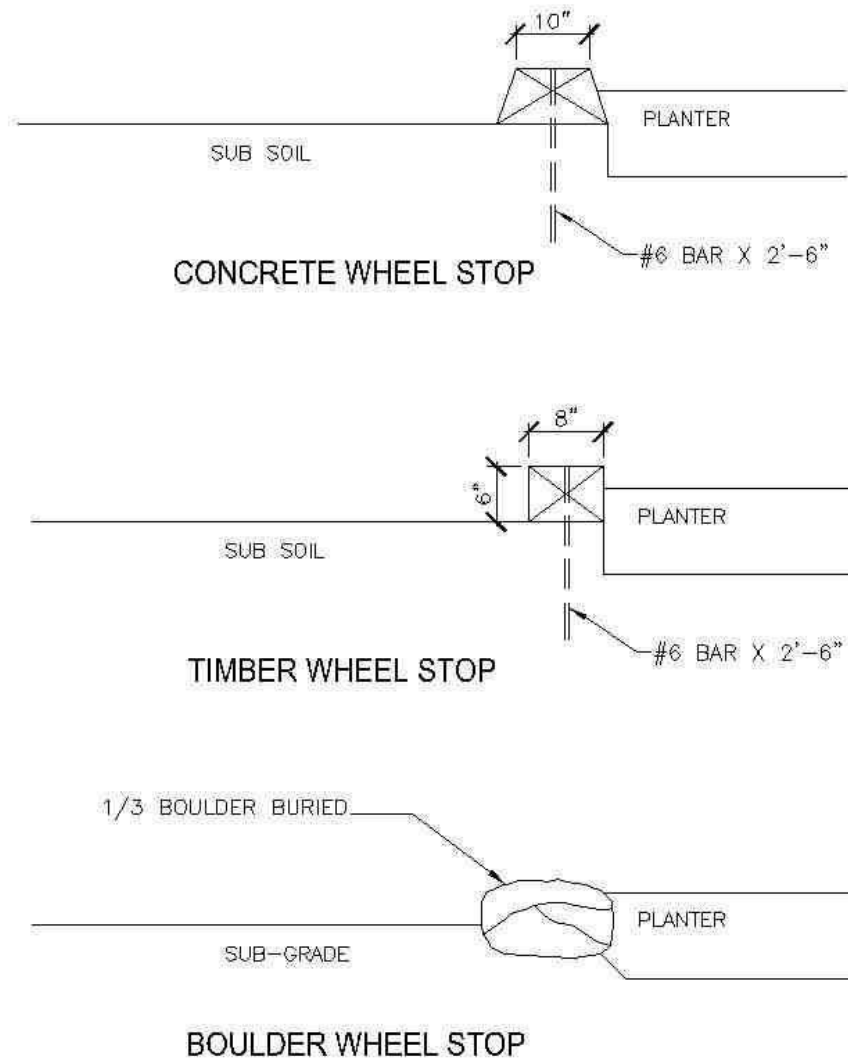
**Figure 9 – Planter for Slopes Greater than 3:1 / Plan**



**Plan**  
**Planter for Slopes Greater than 3:1**



**Figure 10 – Planting Bed Protection Options**



## Planting Bed Protection

# APPENDIX

FNSBC Title 18 Zoning Ordinance Excerpts  
Concerning the Landscape Review Board

FNSBC Landscape Ordinance 2007-04 and Title  
4 Concerning the Landscape Review Board

## Chapter 18.92

### OVERLAY DESIGNATIONS

#### Sections:

- 18.92.010 Purpose.
- 18.92.020 Procedures.
- 18.92.030 DC – Downtown core designation.
- 18.92.040 HS – Historically significant designation.
- 18.92.050 MHS – Mobile home subdivision designation.
- 18.92.060 CF – Correctional facilities designation.
- 18.92.070 GWP – Groundwater damage protection.
- 18.92.080 ANSA – Airport noise sensitive area.
- 18.92.090 WS – Waterways setback designation.
- 18.92.100 WP – Waterways protection designation.
- 18.92.110 SLA – Special landscape area.**
- 18.92.120 CT – Communications towers designation.
- 18.92.130 MN – Military noise.

#### **18.92.010 Purpose.**

An overlay designation is applied to a certain geographic area, already designated with one or more of the zoning districts as provided herein, to effectuate additional and unique regulations on land use development that are necessary for the public health, safety and welfare but are difficult or impossible to implement because of the standardized regulations of the underlying conventional zoning district or districts. The restrictions imposed by an overlay designation are in addition to, and not in lieu of, the restrictions placed by the underlying zoning district on the property subject to the overlay designation. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

#### **18.92.020 Procedures.**

A request for or an amendment to an overlay designation shall be initiated in accordance with the procedures applicable to requests for rezones. (Ord. 94-088 § 5, 1995; Ord. 92-006 § 3, 1992; Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

#### **18.92.030 DC – Downtown core designation.**

A. Purpose. This designation is intended to be used as a recognition of past building practices within a specific area of the Fairbanks central business district where such practices have now made it physically impossible to provide for off-street parking as is required by this title.

B. Regulations and Standards. Any new construction or any change in the use of, or addition to, an existing building or structure in the downtown core designation shall not be required to provide for off-street parking as otherwise set forth by this title. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

**18.92.090 WS – Waterways setback designation.**

A. Purpose. This designation is intended to protect the banks of rivers, sloughs and waterways in the developed areas of the borough and to restrict structural development in the Chena River floodway and flood hazard areas. The zone has been further designed to prohibit most structural development within the zone unless the structures are directly related to recreational waterfront purposes. This zone does not convey public use of private property.

B. Regulations and Standards. Permitted uses in this zone are: dock, deck or boat launch. Conditional uses are: boat houses, roads, bridges, trails, bike paths, bank stabilization and utilities. There shall be no minimum lot area except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water are unavailable. Setback from ordinary high water mark (except for permitted structures) shall not be less than 25 feet. (Ord. 2000-08 § 2, 2000; Ord. 2016-30 § 4, 2016)

**18.92.100 WP – Waterways protection designation.**

A. Purpose. This designation is intended to promote riparian habitat, prevent erosion, minimize natural hazards and promote waterway ambiance and aesthetics. Natural vegetation is to be preserved to the greatest extent possible. Preservation of wildlife and the restoration of disturbed areas to a more natural state is also intended. This zone does not convey public use of private property.

B. Regulations and Standards. Permitted use in this zone is preservation of natural vegetation. Conditional uses are clearing of natural vegetation, physical structures necessary to access property via the waterway such as boat docks, stairways, walkways, etc., roads or bridges, trails and bike paths, utilities, and riverbank stabilization. There shall be no minimum lot area except as may be required by the State of Alaska Department of Environmental Conservation in areas where community sewer and water is unavailable. (Ord. 2003-16 § 2, 2003; Ord. 2000-09 § 2, 2000; Ord. 2016-30 § 4, 2016)

**18.92.110 SLA – Special landscape area.**

A. Purpose. This designation is intended to protect and enhance the borough's economic and aesthetic resources thereby promoting the public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design and responsible development in the Fairbanks North Star Borough. The designation accomplishes this purpose by requiring buffering of residential areas from commercial uses, and setting minimum standards for street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash and garbage area screening.

B. Regulations and Standards.

1. Scope and Applicability. The boundaries of this overlay zone shall be as described in a zoning map approved by the assembly. Property included in this overlay zone shall be subject to the regulations and standards imposed in this chapter. The overlay zone designation requirements shall apply to the construction of a new parking lot, expansion of an existing parking lot or a surface improvement to an existing parking lot.

## 2. Exemptions.

a. Individual residential lots with fewer than four dwelling units located on the lot.

b. Property of which the principal use is the sale of vehicles is not required to comply with the prescriptive method but must use one of the other methods.

c. Property located within the city of Fairbanks, as long as their landscaping ordinance is in effect.

3. Landscape Plan. Where a landscape plan is required by this designation, the plan shall include:

a. The common name of each plant used;  
 b. The number, height and diameter of each plant;  
 c. The locations where different plant types will be used;  
 d. The locations, size and type of vegetation to be preserved in their natural state;

e. Location of any retaining walls and fences;  
 f. Location of existing or proposed utilities and easements of record;  
 g. Location of all property lines including all streets which border the lot;  
 h. Location of any existing or proposed structures or parking areas;  
 i. North arrow and scale;  
 j. Site drainage and drainage patterns, unless shown on civil drawings.

4. Approved Plant Materials. The landscape review board shall adopt and publish a landscape manual, which shall include a list of approved plant and ground cover materials and general landscaping information. The manual may be revised as needed and made available at the planning department and on the borough website.

C. Landscape Design Standards. The following areas of a lot shall be developed and maintained in accordance with the landscape standards set forth hereinafter using only approved plant and ground cover materials:

1. Street parking lot screening;
2. Perimeter parking lot screening;
3. Interior parking lot screening;
4. Trash and garbage areas; and
5. Buffer landscape (when required).

## D. General Design Standards.

1. Plant material shall be true to name, variety and size and shall conform to all applicable provisions of American Standards for Nursery Stock, latest edition.

2. All plant material shall be healthy, of a suitable type for the site conditions being used in and hardy to the projects area.

3. All single stem deciduous trees shall be a minimum of one inch diameter measured six inches from the ground level. For multi-stemmed trees each stem shall be one inch caliper.

4. Evergreen trees shall be a minimum of five feet in height unless specified elsewhere in this section.

5. Natural vegetation which is sufficient to meet the intent of the standards set out in this section may be retained in place of all or part of any required landscaping. Existing trees shall be credited toward the landscape requirements on a 1:1 basis.

6. Shrubs shall be a minimum of 18 inches at planting.

7. The planting of grass and annual flowers alone does not constitute landscaping in the context of this section.

8. Multiple residential dwelling units (apartments and condominiums) with fewer than 12 units shall provide landscaping consisting of one approved tree for each dwelling unit. If exterior off-street parking is provided, the trees shall be located and maintained to provide parking lot screening. If parking is provided within the building the required trees may be placed anywhere on site. Trash and garbage screening is required.

9. Storage, warehouse and industrial uses which occupy the major floor area of a building need only comply with the street parking lot screening requirements. Trash and garbage screening is required.

10. Sight triangle areas at street intersections shall be maintained as required by this title and as specified in the landscape manual.

11. All required landscape planting beds shall be protected from vehicular damage in accordance with the guidelines as set forth in the landscape manual.

12. New development which is constructed adjacent to a structure listed on the National Register or listed as a local historic site shall provide buffer landscape in addition to parking lot screening regardless of the location of parking spaces.

13. Each street or interior lot screening requirement shall be separately evaluated.

14. Trees and shrubs shall not be planted under or over primary power lines, gas lines, communication cables or within water and sewer utility easements unless pre-approved in writing by the utility owner. Trees and shrubs shall not be planted in a public road right-of-way unless an encroachment permit or letter of nonobjection has been issued by the controlling agency.

15. Trash and garbage areas including dumpsters shall be provided with approved screening on at least three sides. Screening shall be provided such that the trash and garbage areas cannot be viewed from adjacent streets.

16. Buffer landscaping shall be provided between a residential zoning district (rural estate through multiple-family residential/professional office) and any adjacent nonresidential zoning districts. Buffer landscaping may also be required pursuant to conditions set forth by a conditional use permit. When required, buffer landscaping shall be provided between lot lines and buildings in addition to parking lot screening requirements. Required buffer landscaping shall be approved by the landscape review board. It is not the intent of this section to require buffer landscaping between permitted uses within the same zoning district.

17. The maximum allowable slope for required planting beds shall not exceed 3:1. A steeper slope may be approved provided an approved retaining system is constructed. The retaining system must provide a slope no greater than 3:1 for the entire required width of the tree planting area (reference landscape manual).

E. Technical Design Standards. One of the following three design methods shall be used in order to comply with the landscaping requirements and standards imposed in this section:

1. Prescriptive Design Method. Street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash area screening shall be provided with landscaping as follows:

a. Street parking lot screening may either be continuous, discontinuous or a combination of both. Street parking lot screening shall be provided contiguous with each common street frontage which abuts a lot. Screening shall be provided based on the planting of one deciduous tree or evergreen tree per each 25 lineal feet of street frontage or fraction thereof. In addition, one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the street frontage provided: (i) the total number of required trees and shrubs are planted; (ii) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet; (iii) a planting bed consists of at least one tree; and (iv) the distance between planting beds and open street areas may not exceed 90 lineal feet.

b. Perimeter parking lot screening may be continuous or discontinuous as required by this section. Perimeter parking lot screening shall be provided on the basis of planting one deciduous tree or evergreen tree for each 35 lineal feet of interior lot frontage or fraction thereof. In addition, one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the interior lot line frontage provided: (i) the total number of required trees and shrubs are planted; (ii) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet, (iii) a planting bed consists of at least one tree; and (iv) the distance between planting beds and open interior lot areas may not exceed 120 lineal feet.

c. Interior Parking Lot Screening. In addition to the street and perimeter parking lot screening requirements, as specified above, interior parking lot screening is required and shall apply to all parking lots with more than 75 parking spaces. The intent for interior parking lot landscaping is to break up the large interior expanse of the parking lot. Interior parking lot landscaping shall be provided with one planting bed area for every 25 parking spaces. The minimum planting area shall be not less than 80 square feet with no dimension less than eight feet. A minimum planting bed shall consist of two trees and one shrub. Planting beds may be consolidated, however a minimum of two separate planting beds shall be provided. Interior parking lot landscaping may also be provided based on two percent of the total area of the parking lot. Planting beds, tree and shrub requirements and planting bed geometry shall be as specified above.

d. Buffer Landscape. When required shall provide year-round screening and shall consist of the following: A continuous planting bed shall be provided. The planting bed width shall be an average of 10 feet with a minimum width of not less than eight feet. Two rows of trees shall be provided and shall be planted at average intervals no greater than 10 feet on center. The trees shall have a minimum diameter at planting of one and one-half inches in diameter and shall be a minimum of eight feet in height. No more than 50 percent of the trees shall be deciduous. An approved manmade decorative fence may substitute for one row of trees and the planting bed may be reduced to a minimum width of eight feet.

2. Professional Design Method. A landscape plan, prepared and sealed by a licensed landscape architect registered in the state of Alaska or a professional with similar expertise in landscaping as determined by the landscape review board, which is equivalent to the prescriptive design method shall be considered as meeting the intent of the landscape ordinance. All landscape plans which utilize the professional design method shall be reviewed and approved by the landscape review board.

3. **Alternative Compliance Method.** Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape design requirements. Conditions may arise where normal compliance is impractical or impossible, such as facilities that sell vehicles, or where maximum achievement of the borough's objectives and goals can only be obtained through alternative compliance. Such landscape plans shall be reviewed and approved by the landscape review board on a case-by-case basis.

**F. Plan Submittal and Inspection Requirements.**

1. A preliminary landscape plan shall be submitted to the planning department in conjunction with the zoning permit application. A performance bond or suitable guaranty shall be posted until such time as the landscaping is completed and approved. The amount of the bond or guaranty shall be as determined by the landscape review board or according to a schedule adopted annually by the board based on amount of linear feet subject to landscaping requirements.

2. A final and complete landscape plan shall be submitted to the planning department for final approval upon completion of construction. The landscape review board shall perform an inspection of the property following submission of the final and complete landscape plan and notify the planning department whether the property complies with all required landscape standards.

G. **Maintenance.** It shall be the duty of the owner of the property to maintain all required landscaping. If required landscaping dies, becomes damaged or destroyed, relandscaping of those areas or landscaping elements shall be replanted in an approved manner. (Ord. 2007-04 § 2, 2007; Ord. 2016-30 § 4, 2016)

**18.92.120 CT – Communications towers designation.**

A. This designation is intended to regulate the establishment and placement of communications towers within the densest areas of the borough.

**B. Regulations and Standards.**

1. **Scope and Applicability.** The boundaries of this overlay zone shall be as described in a zoning map approved by the assembly. Construction of a communications tower or placement of a telecommunications antenna on an existing structure other than a tower or antenna previously permitted under this section shall be subject to the regulations and standards imposed herein.

2. **Exemptions.** The regulations and standards in this section do not apply to properties in the RA-40, RA-20, RA-10, LI or HI zoning districts.

3. **Regulations and Standards.** Communications towers on properties with the CT designation shall be considered conditional uses and comply with the requirements set forth in FNSBC 18.96.160, regardless of the underlying zoning district. (Ord. 2009-05 § 12, 2009; Ord. 2016-30 § 4, 2016)

**18.92.130 MN – Military Noise.**

A. **Purpose.** This designation is intended to provide information and notice to property owners, future property owners, developers, public officials and others that the designated properties may be affected by military aircraft and arms noise. This designation is intended to encourage land uses compatible with the military mission in



## Chapter 18.96

### SUPPLEMENTARY REGULATIONS

#### Sections:

- 18.96.010 Purpose.
- 18.96.020 Buildings per lot.
- 18.96.030 Accessory structures.
- 18.96.040 Exception to required yards.
- 18.96.050 Exceptions to building height requirements.
- 18.96.060 Off-street parking and loading requirements.
- 18.96.070 Signs.
- 18.96.080 Home occupations.
- 18.96.090 Fences.**
- 18.96.100 Street intersection visibility.
- 18.96.110 Standards for travel trailer parks and campgrounds.
- 18.96.120 Storage of hazardous substances.
- 18.96.130 Standards for junkyards.
- 18.96.140 Lighting.
- 18.96.150 Standards for public utility and service uses.
- 18.96.160 Standards for communications towers.
- 18.96.170 Standards for residential cluster development.
- 18.96.180 Standards for ministorage and other self-storage establishments.
- 18.96.190 Standards for dwellings in residential districts.
- 18.96.200 Restriction on structural changes in residential districts.
- 18.96.210 Standards for large scale development.
- 18.96.220 Standards for sexually oriented businesses.
- 18.96.230 Standards for outdoor shooting ranges.
- 18.96.240 Standards for commercial marijuana establishments.

#### **18.96.010 Purpose.**

The purpose of this chapter is to establish general building and performance standards. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

#### **18.96.020 Buildings per lot.**

A. In the rural and agricultural through the TF, two-family residential districts, both inclusive, not more than one principal building may be located on one lot. In all other districts, more than one principal building may be located on one lot provided the requirements of this title are met and where, in the MF, multiple-family residential district and the MFO, multiple-family residential/professional office district, the exterior walls of the principal buildings are separated by a distance of not less than 10 feet.

B. Within all districts, when two or more contiguous lots are under common ownership, each of which may or may not lack adequate area and dimension to qualify for a use allowed under the requirements of the zoning district in which said lots are located, said lots may be used as one lot.

C. In the TF, two-family residential district, when two contiguous lots are simultaneously developed with a building having a common wall coinciding with interior

- a. Political signs shall be allowed in all zones.
- b. In all residential zoning districts all signs are unlimited.
- c. In all other zoning districts, the number of political signs is unlimited.
- d. When a political candidate is advertised, the candidate is responsible for ensuring the conditions of this section are met. (Ord. 88-070 § 5, 1988; Ord. 88-032 § 2, 1988; Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

#### **18.96.080 Home occupations.**

A home occupation, as defined herein, may be conducted in a residential dwelling unit or mobile home or in a building that is accessory to that residential dwelling unit or mobile home. The extent of operation of a home occupation shall not exceed the following:

A. The home occupation shall be clearly an incidental, secondary and accessory use of the premises and shall be conducted wholly indoors for that portion of the activity occurring at the premises.

B. Not more than 50 percent of the floor area of the residential dwelling unit shall be devoted to the home occupation. Home occupations may be located in one or more accessory buildings; however, cumulative area devoted to the home occupation shall not exceed 50 percent of the floor area of the principal residential dwelling unit. For purposes of calculation, garages are not considered as floor area of the residential dwelling unit.

C. Except for one sign, there shall be no external visual or audible evidence of any kind of the home occupation, including but not limited to:

- 1. Heavy commercial vehicle delivery;
- 2. Outside storage;
- 3. Noise, dust, odors, noxious fumes or other nuisances.

D. Signs. Signs shall be a maximum of eight square feet and self-illumination or purposeful illumination is prohibited.

E. Parking. Home occupations that generate four or more customer vehicles simultaneously shall be considered a commercial or professional office use and shall be located in an appropriate zoning district as set forth herein.

F. Any home occupation that exceeds these standards shall be considered a commercial or professional office use and shall be located in an appropriate zoning district as set forth herein. (Ord. 2015-41 § 18, 2015; Ord. 2002-70 § 2, 2003; Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

#### **18.96.090 Fences.**

In the SF-20, single-family residential district, through the MFO, multiple-family residential/professional office district, both inclusive, fences and nonbuilding walls shall not exceed eight feet in height, except as set forth elsewhere in this title and in other ordinances. (Ord. 88-010 § 2, 1988; Ord. 2016-30 § 4, 2016)

#### **18.96.100 Street intersection visibility.**

A. On corner lots in all zoning districts, no fence, wall, sign, hedge, berm or other structure that impedes or obstructs the visibility of traffic on the adjacent streets shall be placed between the height of two and one-half feet and eight feet above the finished grade of the adjacent street within a triangular area formed by the intersection point of

By: Valerie Therrien  
Revised for  
Introduction: 04/26/07  
Advanced: 04/26/07  
Amended: 06/14/07  
Adopted: 06/14/07  
Notice of Intent to  
Reconsider filed: 06/15/07  
Notice of Intent to  
Reconsider  
Withdrawn: 06/28/07  
Adopted: 06/14/07

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2007-04

AN ORDINANCE ESTABLISHING A LANDSCAPE REVIEW BOARD, ADDING A NEW SECTION TO CHAPTER 18.48 TO PROVIDE FOR A SPECIAL LANDSCAPE AREA OVERLAY ZONE, AMENDING 18.54.060 ZONING PERMIT REQUIREMENTS TO INCLUDE LANDSCAPING, AND AMENDING 1.04.050 TO ADD A VIOLATION OF THE ZONING PERMIT AND LANDSCAPING REQUIREMENTS TO THE FINE SCHEDULE

WHEREAS, appropriate community planning assists and advances the goals of a growing, thriving community; and

WHEREAS, community planning efforts that include landscaping requirements in selected areas will help attract and expand economic development by protecting and showcasing the unique scenic beauty of our community; and

WHEREAS, landscaping requirements can help both protect existing property values and encourage future residential and business investment in our community; and

WHEREAS, landscape buffering can help minimize conflict in a growing community between residential and commercial uses; and

WHEREAS, landscaping helps project a positive community image to our residents and visitors.

CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT

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NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. This ordinance is of a general and permanent nature and shall be codified.

Section 2. The Fairbanks North Star Borough Code of Ordinances is amended by adding the following new section to Chapter 18.48 Overlay Designations:  
18.48.110 SLA--Special Landscape Area

A. Purpose. This designation is intended to protect and enhance the borough's economic and aesthetic resources thereby promoting the public health, safety and general welfare of the citizens and contributing to the quality of life by encouraging a high level of design and responsible development in the Fairbanks North Star Borough. The designation accomplishes this purpose by requiring buffering of residential areas from commercial uses, and setting minimum standards for street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash and garbage area screening.

B. Regulations and Standards.

1. Scope and applicability.

The boundaries of this overlay zone shall be as described in a zoning map approved by the assembly. Property included in this overlay zone shall be subject to the regulations and standards imposed in this chapter. The overlay zone designation requirements shall apply to the construction of a new parking lot, expansion of an existing parking lot or a surface improvement to an existing parking lot.

2. Exemptions.

(a) Individual residential lots with fewer than four dwelling units located on the lot .

(b) Property of which the principle use is the sale of vehicles is not required to comply with the prescriptive method but must use one of the other methods.

(c) Property located within the City of Fairbanks, as long as their landscaping ordinance is in effect.

3. Landscape plan. Where a landscape plan is required by this designation, the plan shall include:

(a) The common name of each plant used;

(b) The number, height and diameter of each plant;

(c) The locations where different plant types will be used;

(d) The locations, size and type of vegetation to be preserved in their natural state;

(e) Location of any retaining walls and fences;

(f) Location of existing or proposed utilities and easements of record;

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(g) Location of all property lines including all streets which border the lot;  
 (h) Location of any existing or proposed structures or parking areas;  
 (i) North arrow and scale;  
 (j) Site drainage and drainage patterns; unless shown on civil drawings.

4. Approved plant materials. The Landscape Review Board shall adopt and publish a landscape manual, which shall include a list of approved plant and ground cover materials and general landscaping information. The manual may be revised as needed and made available at the planning department and on the borough web site.

C. Landscape design standards.

A. The following areas of a lot shall be developed and maintained in accordance with the landscape standards set forth hereinafter using only approved plant and ground cover materials:

1. Street parking lot screening;
2. Perimeter parking lot screening;
3. Interior parking lot screening;
4. Trash and garbage areas; and
5. Buffer landscape (when required).

D. General design standards.

1. Plant material shall be true to name, variety and size and shall conform to all applicable provisions of the American Standards for Nursery Stock, latest edition.
2. All plant material shall be healthy, of a suitable type for the site conditions being used in and hardy to the projects area.
3. All single stem deciduous trees shall be a minimum of one inch diameter measured six inches from the ground level. For multi-stemmed trees each stem shall be one inch caliper.
4. Evergreen trees shall be a minimum of five feet in height unless specified elsewhere in the ordinance.
5. Natural vegetation which is sufficient to meet the intent of the standards set out in this ordinance may be retained in place of all or part of any required landscaping. Existing trees shall be credited toward the landscape requirements on a 1:1 basis.
6. Shrubs shall be a minimum of 18 inches at planting.
7. The planting of grass and annual flowers alone does not constitute landscaping in the context of this ordinance.
8. Multiple residential dwelling units (apartments and condominiums) with fewer than 12 units shall provide landscaping consisting of one approved tree for each dwelling unit. If exterior off street parking is provided, the trees shall be located

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and maintained to provide parking lot screening. If parking is provided within the building the required trees may be placed any where on site. Trash and garbage screening is required.

9. Storage, warehouse and industrial uses which occupy the major floor area of a building need only comply with the street parking lot screening requirements. Trash and garbage screening is required.

10. Sight triangle areas at street intersections shall be maintained as required by this Title and as specified in the landscape manual.

11. All required landscape planting beds shall be protected from vehicular damage in accordance with the guidelines as set forth in the Landscape Manual.

12. New development which is constructed adjacent to a structure listed on the National Register or listed as a Local Historic Site shall provide buffer landscape in addition to parking lot screening regardless of the location of parking spaces.

13. Each street or interior lot screening requirement shall be separately evaluated.

14. Trees and shrubs shall not be planted under or over primary power lines, gas lines, communication cables or within water and sewer utility easements unless pre-approved in writing by the utility owner. Trees and shrubs shall not be planted in a public road right of way unless an encroachment permit or letter of non objection has been issued by the controlling agency.

15. Trash and garbage areas including dumpsters shall be provided with approved screening on at least three sides. Screening shall be provided such that the trash and garbage areas cannot be viewed from adjacent streets.

16. Buffer landscaping shall be provided between a residential zoning district (Rural Estate through Multiple-Family Residential/Professional Office) and any adjacent non-residential zoning districts. Buffer landscaping may also be required pursuant to conditions set forth by a conditional use permit. When required, buffer landscaping shall be provided between lot lines, and buildings in addition to parking lot screening requirements. Required buffer landscaping shall be approved by the Landscape Review Board. It is not the intent of this ordinance to require buffer landscaping between permitted uses within the same zoning district.

17. The maximum allowable slope for required planting beds shall not exceed 3:1. A steeper slope may be approved provided an approved retaining system is constructed. The retaining system must provide a slope no greater than 3:1 for the entire required width of the tree planting area. (Reference Landscape Manual)

E. Technical design standards. One of the following three design methods shall be used in order to comply with the landscaping requirements and standards imposed in this Chapter.

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1. Prescriptive design method. Street parking lot screening, perimeter parking lot screening, interior parking lot screening and trash area screening shall be provided with landscaping as follows:

a. Street parking lot screening may either be continuous, discontinuous or a combination of both. Street parking lot screening shall be provided contiguous with each common street frontage which abuts a lot. Screening shall be provided based on the planting of one deciduous tree or evergreen tree per each 25 lineal feet of street frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the street frontage provided: a) the total number of required trees and shrubs are planted; b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than 5 feet; c) a planting bed consists of at least one tree; and d) the distance between planting beds and open street areas may not exceed 90 lineal feet.

b. Perimeter parking lot screening may be continuous or discontinuous as required by this section. Perimeter parking lot screening shall be provided on the basis of planting one deciduous tree or evergreen tree for each 35 lineal feet of interior lot frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the interior lot line frontage provided: a) the total number of required trees and shrubs are planted; b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than 5 feet, c) a planting bed consists of at least one tree; and d) the distance between planting beds and open interior lot areas may not exceed 120 lineal feet.

c. Interior parking lot screening. In addition to the street and perimeter parking lot screening requirements, as specified above, interior parking lot screening is required and shall apply to all parking lots with more than 75 parking spaces. The intent for interior parking lot landscaping is to break up the large interior expanse of the parking lot. Interior parking lot landscaping shall be provided with one planting bed area for every 25 parking spaces. The minimum planting area shall be not less than 80 square feet with no dimension less than eight feet. A minimum planting bed shall consist of two trees and one shrub. Planting beds may be consolidated however a minimum of two separate planting beds shall be provided. Interior parking lot landscaping may also be provided based on 2 percent of the total area of the parking lot. Planting beds, tree and shrub requirements and planting bed geometry shall be as specified above.

d. Buffer landscape. When required shall provide year around screening and shall consist of the following: A continuous planting bed shall be provided. The planting bed width shall be an average of ten feet with a minimum width of not less than eight feet. Two rows of trees shall be provided and shall be planted at average intervals no greater than ten feet on center. The trees shall have a minimum diameter at planting of one and one half inches in diameter and shall be a minimum of eight feet in height. No more than 50 percent of the trees shall be deciduous. An

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approved man made decorative fence may substitute for one row of trees and the planting bed may be reduced to a minimum width of eight feet.

2. Professional design method. A landscape plan, prepared and sealed by a licensed landscape architect registered in the State of Alaska or a professional with similar expertise in landscaping as determined by the Landscape Review Board, which is equivalent to the *Prescriptive design method* shall be considered as meeting the intent of the landscape ordinance. All landscape plans which utilize the professional design method shall be reviewed and approved by the Landscape Review Board.

3. Alternative compliance method. Project conditions associated with individual sites may justify approval of alternative methods of compliance with the landscape design requirements. Conditions may arise where normal compliance is impractical or impossible, such as facilities that sell vehicles, or where maximum achievement of the borough's objectives and goals can only be obtained through alternative compliance. Such landscape plans shall be reviewed and approved by the landscape review board on a case-by-case basis.

F. Plan submittal and inspection requirements.

1. A preliminary landscape plan shall be submitted to the planning department in conjunction with the zoning permit application. A performance bond or suitable guaranty shall be posted until such time as the landscaping is completed and approved. The amount of the bond or guaranty shall be as determined by the Landscape Review Board or according to a schedule adopted annually by the Board based on amount of linear feet subject to landscaping requirements.

2. A final and complete landscape plan shall be submitted to the planning department for final approval upon completion of construction. The landscape review board shall perform an inspection of the property following submission of the final and complete landscape plan and notify the planning department whether the property complies with all required landscape standards.

G. Maintenance.

It shall be the duty of the owner of the property to maintain all required landscaping. If required landscaping dies, becomes damaged or destroyed, re-landscaping of those areas or landscaping elements shall be re-planted in an approved manner.

Section 3. 18.06.010 Definitions shall be amended to add the following definitions in the correct alphabetical order:

Buffer landscape. Buffer landscape is a continuous landscape area which separates and partially obstructs the view of two separate zoning districts from one another. Buffer landscaping must provide year around screening. Buffer landscaping may include berms and, approved decorative fences in conjunction with required trees and shrubs. Decorative fences, when used as a buffering element, shall be approved by the Landscape Review Board. The decorative fence shall have a minimum height of 7 feet. A chain link fence does not meet the intent of a decorative fence.

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Interior parking lot screening. Interior parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer to break up the large interior expanse of the parking lot. Under this definition, interior parking lot shall consist of all on-site parking spaces including access roadways and parking aisles; interior parking lot screening does not include the first row of street perimeter parking or island extensions of street or perimeter landscaping.

Parking lot surface improvement. Existing parking lots which are upgraded with a paved or chip and asphalt surface.

Perimeter parking lot screening. Perimeter parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between an interior property line and a parking lot.

Screen. A method of reducing the visual impact of vehicle use areas and garbage collection areas. Screens may consist of berms, approved plants, fences, walls or a combination thereof. Trash and garbage screens shall be 75 percent opaque.

Street parking lot screening. Street parking lot screening is landscaping consisting of approved trees and shrubs that provide a natural and partial barrier or buffer between a street or public right-of-way and a parking lot.

Trash and garbage areas. Trash and garbage areas are exterior centralized areas that include dumpsters, garbage receptacles, bins and trash cans.

Section 4. 18.54.060, Zoning permits, is amended as follows:

A. Generally. The requirement of obtaining a zoning permit is deemed necessary and appropriate. A review of the zoning permit application ensures the development's conformance with the regulations and provisions of this title and other ordinances.

B. Requirements. Before any excavation, construction, relocation or installation is started for a new use, a zoning permit shall be obtained by the owner, or his/her authorized representative, of any land in both the incorporated and unincorporated areas of the borough. The zoning permit application shall include the necessary information and be submitted in accordance with the standards and procedures as adopted by the borough and as required in this title and other ordinances.

1. Except for conditional uses, changes made to any land or use in the GU-1 district and outside any designated Special Landscape Area overlay zone do not require a zoning permit.

2. The clearing or grading of a lot does not require a zoning permit.

3. Construction activities as described in Section 301(b) of the Uniform Building Code do not require a zoning permit.

C. Issuance. The department of community planning shall complete the review of a zoning permit application within five business days of the time of submission, or within fifteen business days of the time of submission if the property is

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located in the Special Landscape Area. The department shall not approve a zoning permit application until it is satisfied that the proposed development meets the regulations and provisions of this title and other ordinances. A zoning permit shall not be issued for property located within the Special Landscape Area unless a preliminary landscape plan is submitted, approved and a performance bond or other guaranty is obtained in accordance with section 18.48.110 F. If approved, the department shall issue the zoning permit allowing construction to commence.

D. Any applicant denied a zoning permit due to non-compliance of the landscaping requirements may appeal to the landscape review board. The appeal shall be made in writing and submitted within one week upon rejection of the zoning permit. If an applicant, owner or developer wishes to appeal a decision of the landscape review board, they shall appeal to the board of adjustment using the appeal procedure and process provided in this Title. In addition to the other requirements of an appeal under this Title, the appeal shall be accompanied by a copy of the submitted landscape design.

Section 5. Title 2 of the Fairbanks North Star Borough Code of Ordinances is amended to add the following Chapter:

#### Chapter 2.105 Landscape Review Board

##### 2.105.010 Board—Established.

A. There is created a landscape review board consisting of five members, serving without compensation, to be appointed by the mayor subject to confirmation by the borough assembly.

##### 2.105.020 Terms and Qualifications.

A. The membership of the board shall, if possible, consist of three architects, landscape architects or other individuals with expertise in landscaping. Of the five members first appointed, one shall be appointed for one year, two for two years, and two for three years; thereafter, appointments to the commission shall be for three years except where an interim appointment is necessary to complete the term of a commissioner who resigns or dies while in office.

B. The landscape review board shall be available to meet and render a decision upon five days public notice.

##### 2.105.030 Duties, powers and responsibilities.

The landscape review board shall have the following duties, powers and responsibilities:

A. Act when requested in an advisory capacity to the borough assembly on landscaping and urban beautification matters.

B. The power necessary to perform all tasks legally required to be performed

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by the board subject to the applicant's right of appeal to the board of adjustment.

C. Advise owners of private property in relation to beautification of such property when anyone contemplating the erection of any building or the making of any improvement submits the plans and designs or sketches thereof to the commission for advice and suggestions for which no charge shall be made by the commission.

D. Cooperate with other borough boards and commissions to promote plans and programs aesthetically compatible with policies and programs of the board.

E. Make recommendations to the planning commission and assembly regarding the designation and placement of property within the Special Landscape Area overlay zone.

F. Adopt and subsequently amend a Landscape Manual.

2.105.040 Appeals. Decisions of the landscape review board shall be appealed to the board of adjustment using the appeal procedure and process provided in Title 18.

Section 6. The FNSBC Section 1.04.050 is amended by adding a violation of landscaping requirements and zoning permits to the fine schedule as follows:

1.04.50 Fine Schedule

<u>CODE SECTION</u>	<u>OFFENSE</u>	<u>PENALTY/FINE</u>	<u>MANDATORY WARNING REQUIRED</u>
<u>18.54.060</u>	<u>Failure to Obtain a Zoning Permit</u>	<u>\$300.00</u>	<u>Yes</u>
<u>18.48.110</u>	<u>Failure to Comply with Landscaping Requirements</u>	<u>\$300.00</u>	<u>Yes</u>

Section 6. Effective date. This ordinance shall be effective at 5:00 p.m. on the 30th borough business day following its adoption.

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357

PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF JUNE. 2007.

  
Luke Hopkins  
Presiding Officer

ATTEST:

  
Mona Lisa Drexler, CMC  
Municipal Borough Clerk

358

359 Ayes: Foote, Winters, Musick, Therrien, Hopkins

360 Noes: Bartos, Beck, Frank, Rex

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By: Luke T. Hopkins, Mayor  
Introduced: 02/14/13  
Advanced: 02/14/13  
Adopted: 03/28/13

FAIRBANKS NORTH STAR BOROUGH

ORDINANCE NO. 2013-25

AN ORDINANCE CONTINUING THE LANDSCAPE REVIEW BOARD  
FOR SIX YEARS

WHEREAS, Fairbanks North Star Borough Boards and Commissions are authorized not to exceed six years; and

WHEREAS, the following commission was last reauthorized as indicated:

Landscape Review Board (2007)

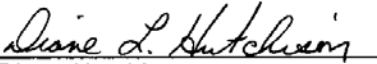
NOW, THEREFORE, BE IT ORDAINED by the Assembly of the Fairbanks North Star Borough:

Section 1. Classification. This ordinance is not of a general and permanent nature and shall not be codified.

Section 2. The Board and Commission that are listed will be continued for a period not to exceed six (6) years from the effective date of the ordinance.

Section 3. Effective date. This ordinance shall be effective at 5:00 p.m. on the first borough business day following its adoption.

PASSED AND APPROVED THIS 28<sup>th</sup> DAY OF MARCH, 2013.

  
Diane Hutchison  
Presiding Officer

ATTEST:

  
Mona Lisa Drexler, MMC  
Municipal Borough Clerk

Ayes: Davies, Lawrence, Dodge, Kassel, Hutchison  
Noes: Howard, Sattley, Roberts, Dukes



# Municipality of Anchorage

## Landscaping

Landscaping may be required by several independent sections of the municipal code:

- [Zoning district](#) regulations (AMC 21.40)
- [Parking](#) areas (AMC 21.45.080.X.6 and .10)
- Lots fronting the Glenn and Seward highways (AMC 21.45.130.B)
- [Conditional uses](#) (as imposed by the Planning and Zoning Commission)
- Platting actions, when land is subdivided (AMC 21.80.340)
- Site plan reviews (as imposed by the Planning and Zoning Commission or the Urban Design Commission)

There are four types of landscaping defined in the code:

- [Visual Enhancement](#)
- [Buffer](#)
- [Screening](#)
- [Arterial](#)

The buffer standard is higher than the visual enhancement standard, as it requires a wider planting bed and more trees and shrubs. The screening standard is higher than the buffer standard. Where there are overlapping requirements, the highest standard governs unless the code specifically provides otherwise. If landscaping is required but no standard is specified, the Visual Enhancement standard applies (see AMC 21.45.120.C.)

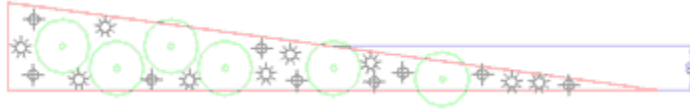
Natural vegetation may be retained in place to satisfy part or all of any landscaping requirement.

In some cases (such as public projects, or the highway screening required by AMC 21.45.130) a landscaping plan must be approved by the Urban Design Commission. The Planning Department serves as staff for the Commission.

Landscaping that is required by any section of the code or by a plat note must be installed and maintained by the property owner. Failure to do so is a violation of the municipal code.

If you use the [online version of the code](#), try searching on "21.45.125" "21.45.130" or "21.80.340" for more information. To look up parking lot landscaping, search on "15 more spaces " (if you search on "21.45.080" you will have to scroll through 19 extraneous hits and most of the parking regulations to get there.) Please note that recent amendments may not have been published yet. Land Use Enforcement will be happy to verify the current code language for you.

## Visual Enhancement Landscaping



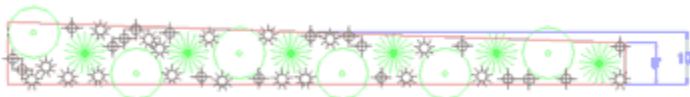
[Click to enlarge](#)

AMC 21.45.125.C.1: Visual enhancement landscaping shall conform to the following standards:

- a. Average minimum planting bed width shall be eight feet, except for foundation plantings;
- b. Evergreen trees a minimum of five feet in height with a ratio of height to spread no less than five to three, or deciduous trees a minimum of eight feet in height (one-inch caliper), planted at average intervals no greater than 20 feet on center, are required;
- c. Shrubs a minimum of 18 inches in height, and ground cover or mulches, placed so as to cover the ground in three years, are required; and
- d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

In the illustration above, the planting bed has an 8 foot average depth. There is no minimum depth.

## Buffer Landscaping



[Click to enlarge](#)

AMC 21.45.125.C.2: Buffer landscaping shall conform to the following:

- a. The planting bed width shall be an average of ten feet with a minimum width not less than eight feet, except for buffer yards required under section 21.45.200;
- b. Evergreen trees a minimum of five feet with a ratio of height to spread no less than five to three, and deciduous trees a minimum of eight feet in height (1½ -inch caliper) with no more than 50 percent being deciduous, planted at average intervals no greater than ten feet on center, are required;

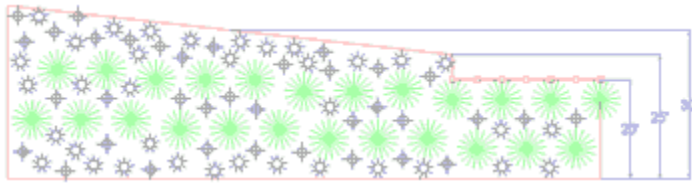


c. Shrubs, a minimum of 18 inches in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required; and

d. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

In the illustration above, the planting bed has a 10 foot average depth with a minimum depth of 8 feet.

## Screening Landscaping



[Click to enlarge](#)

AMC 21.45.125.C.3: Screening landscaping shall conform to the following standards:

a. Average planting bed width shall be 30 feet, with a minimum of not less than 25 feet. A decorative wood fence seven feet in height may be provided in lieu of ten feet of the required 30 feet;

b. Two rows of evergreen trees, a minimum of six feet in height and an with average height of eight feet, with a ratio of height to spread no less than five to three, planted at average intervals no greater than ten feet on center, are required;

c. Shrubs a minimum of 2½ feet in height, and ground cover or mulches, placed so that the ground will be covered within three years, are required;

d. Earthen berms may be substituted for part of the required minimum tree height, utilizing a ratio of two feet of berm height per one foot of tree height (e.g., if trees are planted on a three-foot-high berm, the minimum height of the trees may be reduced by 1½ feet, thus giving an overall height of the trees plus berm of 9½ feet);

e. Natural vegetation which is sufficient to meet the intent of the standards set out in this subsection may be retained in place of all or part of any required landscaping.

In the illustration above, the section on the left has a 30 foot average depth with a minimum depth of 25 feet. The section on the right has a decorative wood fence in lieu of ten feet of the required 30 foot bed width.

## Arterial Landscaping



[Click to enlarge](#)

AMC 21.45.125.C.4: Arterial landscaping shall conform to the following standards:

- a. Arterial landscaping shall be provided along all collectors or arterials adjacent to sites with a commercial zoning classification of B-1A, B-1B and B-3.
- b. This landscaping shall be in lieu of any parking lot landscaping required along an arterial or collector street.
- c. The minimum planting bed width shall be six feet, provided that, if there is a vehicle overhang, the minimum bed width shall be eight feet.
- d. All plantings shall be spaced so as to provide continuous ground coverage within three years.
- e. One of the following kinds of plant materials shall be used:
  - (1) Hedges in a combination of one-third evergreen plant material and two-thirds deciduous plant material which attain a mature height of at least four feet;
  - (2) Hedges using all deciduous plant material plus an opaque screening structure of at least four feet in height;
  - (3) A combination of trees and shrubs which attain a mature height of at least four feet.

In the illustration above, the 8 foot planting bed allows for a 2 foot vehicle overhang, while curbs or wheel stops must be used to prevent vehicles from overhanging the 6 foot planting bed.

# Developing Community Tree Ordinances

Alaska Department of Natural Resources / Division of Forestry / Community Forestry Program  
550 W. 7th Ave., Ste. 1450 / Anchorage, AK 99501-3566 / 269-8465/8466 / [www.dnr.state.ak.us/forestry](http://www.dnr.state.ak.us/forestry)



Our community trees play a major role in the health and livability of our cities and towns. Trees offer shade, clean the air, muffle noise, add beauty to our neighborhoods and business districts, enhance property values, reduce energy costs, provide wildlife habitat and instill community pride. Ordinances can implement programs to better manage the community forest resource to maximize these benefits.

## Why Ordinances are Important

- Reduce liability for city governments
- Ensure public safety
- Reduce conflicts among citizens
- Establish authority for tree-related issues
- Prevent and control damaging insects and diseases
- Reduce tree-related costs
- Establish professional standards for tree work
- Incorporate trees as part of community development

If designed properly to meet your community needs, ordinances are an important management tool for your community forest resource.

## Authority

There are various municipal state codes that permit the establishment of ordinances, shade tree commissions and the authority to plant, remove, maintain and protect municipal trees.

## Ordinance Sections

- Define trees (public vs. private) and definitions
- Establishment and authority of tree commission
- Determine duties and responsibilities for both homeowners and the municipality
- Define prohibited activities
- Establish insurance requirements for tree work
- Establish penalties, claims, and appeals process
- Establish enforcement process
- Develop permits, issuance, and inspection system
- Establish authority to develop and modify standards and specifications

## Standards and Specifications

- International Society of Arboriculture and National Arborists Association standards
- American Standard for Nursery Stock
- Safety standards for arboricultural work
- Planting and removal standards
- Maintenance standards (fertilizing, pest management, cabling, watering, etc.)
- Preferred species list
- Standards for tree protection
- Design/landscape specifications

## Fit Ordinances to Your Community

The following is a step-by-step procedure for developing ordinances that enable you to better manage your community forest resource.

- Form an ad hoc committee (involve municipal officials, department heads, and the public)
- Define community needs and issues
- Gain assembly approval to proceed with ordinance development
- Acquire various example ordinances
- Utilize/modify sections to fit your community needs
- Write draft ordinance
- Seek public input
- Have city attorney and assembly review draft document
- Hold public meeting
- Revise ordinance as needed
- Submit to assembly for approval

## Other Types of Ordinances

- Landscape requirements for new developments
- Tree protection during new development
- Open space preservation ordinances
- Rare and historic tree protection/preservation
- Parking specifications/landscaping

*Reprinted from John Beauchamp and Vincent Cotrone,  
Pennsylvania State University Cooperative Extension Svc.  
August, 1995*



## Developing Successful Tree Ordinances

*Communities use tree ordinances as tools to protect trees, preserve green space, and promote healthy, managed urban forests. To protect trees and prevent their loss in the urban environment, communities need to understand tree ordinances, their limitations, and their proper implementation.*

Tree ordinances establish official policies for how a community wants to maintain and protect its trees. They set standards for selection, planting, maintaining, and conserving community trees. Ordinances seek to establish a legal means of protecting the public interest.

### Where Tree Ordinances Work Best

#### [Skip to Where Tree Ordinances Work Best](#)

Properly applied ordinances prescribe community tree management to maximize the benefits provided by trees. Different kinds of ordinances can be used to conserve urban forests near streets, in parks, around public and commercial buildings, and in neighborhoods.

*Street Tree Ordinance:* Contains provisions regarding planting, maintenance, and removal of trees within the rights-of-way. A street tree ordinance may contain provisions for dealing with private trees when they impact public interest or pose a public hazard.

*Tree Protection Ordinance:* Protects or conserves desirable trees, tree canopy, or trees with historic significance on public and private property. Some tree protection ordinances require a permit before protected trees can be removed, encroached upon, or pruned.

*Landscape Ordinance:* Establishes required landscaping provisions, such as number, placement, and types of suitable plants or trees. May require trees or landscaping in parking lots or buffer yards.

*Buffer Ordinance:* Protects amenities (views) of adjacent property owners in commercial and residential developments, and protects water quality in streams and other water bodies. Establishes specifications for acceptable noise buffers, visual buffers, and riparian buffers.

Tree protection regulations typically do not stand alone, with the exception of street tree ordinances, but are often incorporated within other ordinances. Regulations are often created by amending existing zoning ordinances or unified development ordinances (UDO) and may be found in the landscaping and vegetative buffer sections of these ordinances.

### Why protect and enhance your community forest?

*A tree ordinance can help protect and enhance the benefits of your community forests by establishing a permanent and official tree protection policy. Ordinances establish municipal authority over public trees; set standards for tree planting, maintenance and management; outline enforcement, fees and fines; and define nuisance conditions on private trees.*

*Environmental, social, and economic benefits flow from a healthy, well-managed community forest. Healthy community forests:*

- *reduce air and noise pollution,*

- *save energy by shading and cooling,*
- *furnish habitat for wildlife,*
- *enhance aesthetics of a property, and*
- *contribute to community image, pride, and quality of life.*

## **Fostering Community Support**

### [Skip to Fostering Community Support](#)

Fostering community support is absolutely critical to ensure ordinance effectiveness. The community needs to be centrally involved in the ordinance process, from development and implementation to the evaluation of its effectiveness. Successful tree ordinances rely upon citizens' support.

Before you start drafting an ordinance, develop a working relationship with interested civic groups:

- tree board or tree commission
- community clubs, such as garden clubs and the Women's Club
- local chapter of Keep America Beautiful
- environmental groups, such as the Sierra Club
- heritage or preservation societies
- neighborhood associations
- homeowners' associations

## **How community members get involved**

Join the tree board or tree commission.	Attendance at meetings allows a dialogue regarding the status and needs of the tree ordinance.
Contact your planning board	Ordinances are often reviewed by planning and zoning commissions and are then recommended to city or county commissioners. Discussions with the planning commission can facilitate ordinance implementation.
Establish dialogue with commercial developers.	Implementation of an ordinance requires the input and support of commercial developers (homebuilders, realtors, and general contractors). Early dialogue is most beneficial.
Contact city and county officials.	Passage of an ordinance will be enhanced if appropriate city and county officials are involved in the process: city council members, mayor, city and county managers, county commissioners, city or county arborist.

## ***Balancing community interests and values***

A well-crafted tree ordinance can help keep water and air clean, provide wildlife with food and cover, improve the appearance and livability of neighborhoods, enhance property values, and spur economic growth. Achieving multiple goals requires balancing the often-competing interests of environmental protection and economic development. Balance can be achieved by working collaboratively with all stakeholders to create an ordinance that is acceptable and workable. A balanced ordinance is one that:

- is created in a decision process accessible to all groups who want to participate;
- is based on the best available data and information that is deemed relevant by all stakeholders;
- satisfies the interests and values of multiple stakeholders through creative management strategies; and
- spreads the benefits and costs of tree protection fairly among members of the community.

*Developing a tree ordinance takes time. It may take months or even years to accomplish. To be successful you will need community support and a patient, thorough approach.*

*A tree ordinance is one of the few ways that members of your community can have input regarding development standards. The ordinance should reflect the goals of the community.*

***Be prepared to add new members to your group throughout the process!***

*Working groups or ordinance boards depend upon public awareness. Use media and face-to-face contacts to ensure community buy-in, support, and involvement. Help to develop public interest and educate citizens on the value of community trees.*

*If a tree ordinance already exists in your community:*

- Determine community satisfaction and dissatisfaction with the current ordinance.
- Determine if the stated purpose and goals of the ordinance are consistent with community standards.
- Determine if the management strategy is working for the community. Is progress being made and standards met that are identified in the current ordinance?
- Compare development in your community to the provisions in your existing tree ordinance. Is the ordinance accomplishing its goal and stated purpose?
- Identify characteristics or issues specific to your community, such as unique species or areas of special interest.
- Modify the ordinance to address any new concerns.

*If a tree ordinance does not exist in your community:*

- Determine community interest and sentiment regarding a new ordinance.
- Survey your community and assess the quality of natural resource conservation.
- Develop a management strategy for natural resource conservation.

- Identify characteristics or issues specific to your community (unique species or areas of special interest) related to natural resource conservation.
- Determine if your community needs special authorization from the state government to create a tree protection ordinance.

## **A Successful Framework**

### [Skip to A Successful Framework](#)

The framework of a successful tree ordinance incorporates several key components.

#### ***Goals and Purpose***

A tree protection ordinance should begin with a clearly stated goal and purpose, because these elements provide the basis for interpreting the ordinance and evaluating its effectiveness. To achieve tree protection, establish well-defined objectives and decide on enforcement mechanisms for your ordinance. Your goals might include:

- establishing and maintaining maximum tree cover,
- maintaining trees in a healthy condition through good cultural practices, and
- selecting, situating, and maintaining street trees appropriately to maximize public benefits and minimize hazard, nuisance, hardscape damage, and maintenance costs.

#### ***Location and Scope***

The ordinance should specify the geographic locations and types of development that will be covered under its provisions. Some ordinances are limited to placement and protection of trees in street rights-of-way and parking lots. Other ordinances may seek to preserve trees in new residential developments. Some municipal ordinances may affect properties only within the municipal boundaries, while others may pertain to development within the extraterritorial planning jurisdiction (ETJ).

#### ***Management Strategy***

Your community's unique environmental and economic assets will require a tree management strategy suited to your circumstances. Because a tree ordinance facilitates resource management, it must be part of a community's larger, comprehensive, natural resource management strategy. You must survey your current situation. Remember that one size does not fit all—one ordinance will not satisfy every community. Review ordinances from other communities when planning your own. A review of ordinances from comparable communities can help establish precedence for specific items. However, it is important to have a management strategy that is suited to your community.

#### ***Basic Performance Standards***

Most ordinances are based on a set of tree protection standards that developers, landowners, business owners, and others must meet. Standards can include requirements for locating, planting, and maintaining street trees; methods for protecting trees during construction; and minimum tree coverage that must be maintained in a new development. A tree ordinance should identify acceptable conditions and practices. A successful tree ordinance sets achievable performance standards. Effective



performance standards protect the whole urban forest as opposed to individual trees. Well-crafted ordinance standards are easily understandable and flexible.

### ***Administrative Responsibilities***

Determine and establish administrative responsibility before you begin writing the ordinance. Your community may allocate responsibilities to one individual (perhaps a tree program manager) or among multiple individuals and departments. Designate administrative responsibilities:

- Identify position(s) responsible for implementing provisions of the ordinance.
- Assign responsibilities to specific positions and people (urban forester or city arborist).
- Confirm the authority necessary to carry out specified duties.

Centralized tree management under a tree manager, other municipal departments, or a citizen tree advisory board may share complementary responsibilities. Communication is essential to avoid overlapping responsibilities, which will depend upon the requirements of your community's tree ordinance. The management of the community's urban forest will suffer if duties are poorly defined or conflict with existing responsibilities.

### ***Enforcement and Penalties***

Communities ensure compliance with their tree ordinance through enforcement and penalties. Consistent enforcement is the most successful method of ensuring compliance. Key elements of enforcement include:

- review of site development plans,
- review of tree protection plans, and on-site inspections.

Plans submitted by developers must be verified in the field to assure compliance with the tree ordinance. The ordinance should identify:

- the position responsible for enforcement (often an urban forester, a city arborist, or an inspector in the inspections department);
- any items that constitute a violation and the penalties associated with the violations; and
- mechanisms for handling the offense, including appeals.

### ***Components of a Tree Ordinance***

There are many types of ordinance formats to choose from, depending on your community's needs. Select a format that accomplishes your vision as simply as possible. Your ordinance may contain the following sections:

*Title*—briefly describes the ordinance.

*Authority*—establishes the community's authority to adopt the ordinance. To create tree protection regulations, local governments may require legal authorization from the state government through enabling legislation. Legislation is unnecessary if the ordinance is developed and enforced pursuant to

existing planning and zoning authority, or if the town or city authorized the ordinance within its charter. Street tree ordinances are usually enacted without enabling legislation.

*Justification and Vision*—explains the community’s reasoning behind adopting the ordinance. This section includes a community’s vision, its tree and natural resource aspirations, and a statement of the community’s willingness to develop a structure to preserve, conserve, and move toward that vision.

*Purpose and intent*—defines reasons the ordinance exists. A strong purpose-and-intent section determines future enforceability. This section sets forth the goals to be achieved through the ordinance.

*Definitions*—lists and describes key terms used in the ordinance. Many communities find it is necessary to define such terms as “tree,” “drip line,” “critical root zone,” “specimen tree,” and many others. For complex terms and concepts, illustrations are often helpful.

*Administrative responsibilities*—defines responsibility for enforcement, review of tree protection plans, and interpretation of definitions. This section details the qualifications of the city or community arborist and assigns the duty of developing arboricultural standards relative to tree care, protection, construction impacts, and administrative guidelines for ordinance compliance.

*Tree board establishment*—gives private citizens the authority to review and propose revisions to the tree ordinance; provides community education related to tree conservation; plans Arbor Day activities; and provides public forums for citizens concerned about community trees.

*Applicability*—sets forth the authority of the local government over certain classes of trees and vegetation as defined in the ordinance. Communities may claim jurisdiction over trees on public and/or private property, requiring local government agencies and private citizens to follow the ordinance.

*Provisions for trees and vegetation on public and/or private land*—establishes performance standards for tree planting and maintenance, and for activities that impact trees on public and/or private land. Permitting procedures, restrictions on development activities, standards on tree protection during construction, and tree removal, replanting, and mitigation would be included in this section. Requirements to file tree plans for assessment, protection, landscape, replanting, or other plans are also contained here.

*Penalties and Appeals*—establishes penalties for violations, variance procedures, administrative and economic penalties, and mechanisms for administrative appeals.

*Repeal conflicting provisions*—sometimes called “conflicts and severability,” this section repeals conflicts with previous tree ordinances or other regulations such as zoning ordinances. It keeps the ordinance intact if any section of the ordinance is “severed” because of a constitutional or court ruling.

*Performance evaluation*—provides for periodic performance evaluation of the ordinance. The provision should include a mechanism for revision of the ordinance if the goals are not achieved.

*Effective date*—states when the tree ordinance becomes effective.

## **Writing a Tree Ordinance**

[Skip to Writing a Tree Ordinance](#)

Before writing a draft ordinance, establish a working group of stakeholders who represent the diversity of the community and who will work together to draft the ordinance. The stakeholders should begin the process by defining their interest in and goals for shaping the ordinance. Based on these interests and goals, the group crafts a collective vision for the community of what the ordinance should achieve.

Once the vision is crafted, specific objectives are developed to help the community achieve this vision. To assure the objectives are achieved, stakeholders should brainstorm a multitude of methods, practices, standards, and procedures, negotiating among the parties to find management strategies that are workable and balanced. These management strategies are then converted to performance standards which, along with other basic components of the ordinance, are then developed into a draft ordinance.

When the draft ordinance is complete, solicit public comments and forward copies to the community council, commission, and/or administrators. Be prepared for questions. Allow time to hear as many public comments as needed. Record public comments and review them with stakeholders and public officials.

### ***Ordinance Standards and Flexibility***

Basic performance standards should be flexible. The goal is to develop basic standards that avoid vagueness or excessive technical details. A vaguely written standard that uses phrases such as “minimal disturbance” or “reasonably feasible” without further defining their meaning may not be enforceable or survive a legal challenge. If technical detail is needed, it may be better to write a basic performance standard that refers to a technical manual, such as *ANSI A300 Standards for Tree Care Operations; Tree, Shrub, and Other Woody Plant Maintenance—Standard Practices*, than to write an excessively detailed standard within the ordinance. Referring to a technical manual that is changed and updated on a regular basis will help prevent the ordinance from becoming outdated.

Flexibility can be achieved by allowing the city arborist or urban forester to make decisions on a case-by-case basis. These decisions could be based on site-specific physical and biological factors. Flexibility is also achieved in the ordinance by including and ensuring a fair appeal process. The appeal process provides a check against the authority of the program administration, helping to ensure that decisions are being based on all pertinent information.

### ***Evaluating and Revising the Ordinance***

Evaluating the effectiveness of an ordinance after it has been adopted helps to ensure that the community is achieving the desired outcome. Formal reviews rely on statistical sampling methods and data collection and analysis. Formal reviews usually result in reports. Informal reviews can rely on staff or expert observations, or upon citizen feedback, and result in annual presentations of ordinance effectiveness. A provision should be included in the ordinance that allows for periodic evaluations, ensuring that the ordinance is effective and up-to-date. By providing for regular evaluations, the need for revising the ordinance can be identified before a crisis develops.





## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Manager

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## Memorandum

TO: Mayor Castner and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: February 24, 2020  
SUBJECT: City Manager Report

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### Facility Tour Reminder

As a reminder, departments continue to be offering tours of City facilities. While open to the public, these are designed for Councilmembers to become familiar with the complex organization you are in charge of and the hardworking employees who provide City services. The next tour is this Friday from 12:15-1:15pm at the Sewer Treatment Plant and promises to be fascinating. Anyone can sign up online through the City's website.

### Online map updates

Several web maps displaying public works and parks information are now accessible via an ArcGIS Online web link embedded in the City of Homer website. The Interactive maps display basic information regarding the city's water, sewer and road systems, the location and layout of city maintained campgrounds, and a detailed map of the Hickerson Cemetery. Unlike the previous PDF maps, the web maps provide an interactive, searchable platform that enhances spatial orientation and allows for easy information gathering through popups and search queries. ESRI's aerial imagery is used as the base-map (which is fairly up to date for Alaska standards) and is navigable to any extent, further enhancing user orientation and location finding. These features will be particularly useful in assisting with common inquiries fielded by public works staff. For example, with detailed parcel information and water and sewer main locations, PW maps can easily help prospective homebuyers evaluate vacant lots for water and sewer service; visitors to the cemetery can directly search out and navigate to the location of an interred person using web app tools, and campers can find which campsite may best suit their needs by interactively exploring the campground and greater vicinity.

### Alaska Municipal League Trip Report

I traveled with Councilmembers Smith, Lord and Port and Harbor Director to Hawkins to Juneau the week of February 17<sup>th</sup> to participate in the Alaska Municipal League (AML) Legislative Fly-in and meet with state and federal officials. As usual, it was a fast paced whirl wind of a trip.

After a welcome address from Juneau Mayor Beth Weldon, AML spent the morning briefing members on bills in play that may be of interest to municipalities. Governor Dunleavy's proposal to place a spending limit on appropriations, and how certain details of that lay out, will be an interesting issue to follow. Changes to Title IV, laws that govern alcohol sales, 115 issues to be controversial after 7 years of Senator

Micchice working on rewrites. Many municipalities see it as a local control issue and are advocating a greater say in how many package store and liquor license a community can have. This is especially important for hub communities. Legislation that raises small amounts of revenue, notably gambling and increases to the Motor Fuel Tax, were really the only revenue generating measures currently before the Legislature, and it did not appear that given an election year that would change anytime soon. Homer will be following Rep. Stutes legislation, HB 246 that establishes the Alaska Marine Highway Corporation, similar to the Railroad. This is a long bill that probably won't see final passage this year but is a great discussion point as the Legislature struggles with how to bring stability to the Marine Highway System.

Over lunch Senators Micchice, Coghill and von Imhof addressed the group emphasizing the need for solutions and coming together – a refrain we have heard for some time. Senator von Imhof, Co-Chair of Senate Finance spoke of a 'four-point plan' for the budget, including how to use the Permanent Fund, details of which are laid out in SB 104 and SB 103. The Governor's relatively new Office of Management and Budget Director, Neil Steininger gave an informative and soft spoken overview of the Governor's budget and successfully avoided questions on policy.

Unfortunately we had to cancel our appointment with friend of the Peninsula Representative Chuck Kopp to hear Senator Murkowski speak to AML after addressing a Joint Session on the hill. Born in Ketchikan, Alaska, she empathized with how reductions to the Alaska Marine Highways System (AMHS) have crippled communities and reminded the group that solutions need to maintain eligibility for federal highway dollars, which constitute approximately 25% of AMHS operating dollars. I was able to follow up informally with Representative Kopp at the Legislative Reception held later that evening.

Councilmembers Lord, Smith and I met with Representative Stutes' staff and expressed Homer's solidarity with Kodiak regarding AMHS. It was great to be able to provide her a copy of Resolution 19-079 "Considering Unacceptable the Reduction to Funding for the Alaska Marine Highway System in FY20..." After meetings on the hill, Port and Harbor Director Hawkins joined us at the Federal Building for a visit with Rear Admiral Bell. We were able to give him an update on the significant progress the Large Vessel Harbor has made and ask for Coast Guard support and participation as we entered into the feasibility, preliminary design and environmental phase. Admiral Bell agreed to send us a letter documenting Coast Guard's need for safe moorage in Homer, and we will be following up with him. He also talked about replacing the Naushon with a Small Boat Safety Detachment when she was decommissioned, a service that is greatly needed in Kachemak Bay and beyond.

The busy Tuesday ended with a Legislative reception where we were able to connect informally with many of the Legislators and their staff. When I worked in the capital building, I always recall the AML reception as a must go and attendance certainly reflected that sentiments have not changed in that regard.

Wednesday morning started off with a lineup of commissioners and deputy commissioners updating the group on everything from REAL ID implementation to the effect of cuts in ADOT maintenance budgets. Pat Pitney, the Legislative Director of Finance who replaced long serving David Teal when he retired and worked as Governor Walker's OMB Director, gave the Legislatures impression on the Governor's proposed budget and answered questions on the proposed solutions (or partial solutions, as seemed to be the consensus given it is an election year). After a lunch panel made up of leadership from the House, including Speaker Edgemon, we had our most important meeting of the trip with DOT Commissioner MacKinnon (ADOT) and Governor Dunleavy's staff, Ben Stevens regarding the Large Vessel Harbor and our ask for them to continue to be a partner with us by committing \$750,000 over three years to the General Investigation Study. Central Region DOT has suggested these funds come from Cruise Ship Passenger Vessel funds – which would require an appropriation by the Legislature. We were

made on erosion on the Homer Spit as the Army Corps of Engineers is working on securing full federal funding for a General Investigation Study. We were able to secure a commitment for a letter of support for that project. Our afternoon rounded out with meetings with our local delegation (Rep. Vance and Sen. Stevens) where we shared with them the updates on the Large Vessel Harbor and the Homer City Council's response to Governor Dunvelay's solicitation for 'the Alaska we want.'

Thursday morning Alaska Municipal League was pleased by an appearance from Governor Dunleavy, the first time he has addressed the group after many invites. His presentation was light on details, but he was well spoken and used many illustrative metaphors, including asking if we wanted to look like Iceland or Venezuela in the future. He emphasized the importance of the Permanent Fund Dividend on Alaska's economy in the form of increased spending and how that positively effects government. After a 'deep dive' into economic development issues, AML wrapped up. Thursday afternoon I facilitated a strategic planning session for Alaska Municipal Manager's Association, Councilmembers Lord and Smith met with Senator Micchice on the Large Vessel Harbor and then began the struggle to get home given the massive storms covering all of Alaska last week. Some ended up in Seattle, others were stranded in Anchorage for days – needless to say it was a long journey for all and I am sure we are glad to be home.







# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

February 11, 2020

## NOTICE OF DECISION KENAI PENINSULA BOROUGH PLAT COMMITTEE MEETING OF FEBRUARY 10, 2020

Re: Nils O. Svedlund Subdivision Nomar 2020 Addition Preliminary Plat  
KPB File Number: 2020-005

The Plat Committee reviewed and granted conditional approval of the subject preliminary plat during their regularly scheduled meeting of February 20, 2020 based on the findings that the preliminary plat meets the requirements of the Kenai Peninsula Borough Code 20.25; 20.30; 20.40 and 20.60.

### **AMENDMENT MOTION**

An amendment motion to grant exception to KPB 20.30.150, streets-intersection requirements, passed by unanimous consent based on the following findings of fact.

*Standard 1: That special circumstances or conditions affecting the property have been shown by application.*

#### *Findings*

3. The Homer Advisory Planning Commission approved the preliminary plat with a 20' radius curve return on December 4, 2019.
4. Alaska DOT suggested fee dedication of the public use easements shown on the plat.
6. The subdivision is affected by a 10' public use easement adjoining E. Pioneer Avenue recorded in Book 61, Page 29, HRD, and a 20' radius curve return right of way easement adjoining the public use easement and Main Street recorded in 2018-001390-0 HRD.
7. The 10' public use easement and 20' radius curve return provide additional width to accommodate a safe, constructible intersection.
8. Per the surveyor, the 10' public use easement and 20' radius curve return easement contain a constructed six foot tall retaining wall, curb, and gutter.
9. Per aerial imagery, the intersection of Main Street and E. Pioneer Street is constructed.
10. Per the submittal, the edge of the constructed pavement of the intersection is contained within the 10' public use easement and the 20' radius curve return easement.
11. Alaska DOT acquired the 20' radius curve return easement in 2018 and could have obtained a full 50' radius curve return at that time if it was required.

*Standard 2: That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title.*

*Standard 3: That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.*

#### *Findings*

2. The preliminary plat proposes to dedicate a curve return with a radius of 20' at the intersection of Main Street and E. Pioneer Avenue.

3. The Homer Advisory Planning Commission approved the preliminary plat with a 20' radius curve return on December 4, 2019.
4. Alaska DOT suggested fee dedication of the public use easements shown on the plat.
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11. Alaska DOT acquired the 20' radius curve return easement in 2018 and could have obtained a full 50' radius curve return at that time if it was required.

A party of record may request that a decision of the Plat Committee be reviewed by the Planning Commission by filing a written request within 10 days of notification of the decision in accordance with KPB 2.40.080.

For additional information please contact the Planning Department, 907-714-2200 (1-800-478-4441 toll free within the Kenai Peninsula Borough).