

Code Ordinance

By: Planning  
Introduced: July 10, 2017  
Public Hearing: July 24, 2017  
Amended: July 24, 2017  
Adopted: July 24, 2017  
Yes: Burney, Dryden, Graham, Harvey, Ledford, O'Barr  
No: None  
Absent: None

**City of Wasilla  
Ordinance Serial No. 17-18 (AM)**

**An Ordinance Of The Wasilla City Council Repealing Wasilla Municipal Code Chapter 16.33, Landscaping Standards, And Reenacting Chapter 16.33, Landscaping Standards, That Provides A Revised Regulatory Framework For Landscaping And Land Clearing Requirements With Updated Regulations That Are Consistent With The City's Comprehensive Plan And Are Responsive To The Needs Of City Residents And Business Owners.**

---

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

**Section 2. Repeal and Reenactment.** WMC 16.33, Landscaping Standards (incorporated as Attachment A), is hereby repealed in its entirety, and replaced with the following language:

**16.33.010 Purpose.**

**The purpose of the landscaping standards in this chapter is to ensure that new landscaping and the retention of existing vegetation, where appropriate, is an integral part of all development. These standards are intended to:**

- A. Promote the environmental and community benefits of a healthy, diverse, and well-managed urban forest;**
- B. Visually enhance the community image through new landscaping improvements and/or retention of existing vegetation for industrial, commercial, community use, and multi-family residential development;**

Bold & Underline, added, Strikethrough, deleted

- C. Provide flexible requirements that encourage and allow for creativity in landscape design;**
- D. Promote the use of existing vegetation and retention of trees, woodlands, habitat, and urban forest, where appropriate;**
- E. Encourage the use of native plants to improve plant establishment, survival, and vitality;**
- F. Soften the appearance and break up the visual impact of extensive paved parking areas and surfaces;**
- G. Separate, screen, and buffer adjacent incompatible land uses through the use of landscape plantings, fencing, and other appropriate landscape architectural features;**
- H. Reduce noise, dust pollution, and glare;**
- I. Provide for erosion control, runoff reduction, and pollutant mitigation;**
- J. Preserve air and water quality;**
- K. Eliminate or reduce the need for irrigation by providing landscaping that is well-suited to the environment and climate; and**
- L. Ensure that landscaping design is consistent with accepted *Crime Prevention through Environmental Design (CPTED)* principles.**

**16.33.020 Applicability.**

**Except as provided in this chapter, every administrative approval, use permit, elevated permit, and conditional use permit approved under this title shall be conditioned upon compliance with an approved landscaping plan that conforms to the requirements of this chapter.**

Bold & Underline, added. ~~Strikethrough~~, deleted

**16.33.030 Exemptions.**

**The following uses are exempt from the landscaping requirements in this chapter:**

- A. Temporary uses;**
- B. Single-family homes;**
- C. Duplex (when only one duplex per lot);**
- D. Areas authorized by the city for public or private parks, playgrounds, playing fields, or golf courses that will be retained in pervious ground cover. Parking lots, community centers, clubhouses, and other typical accessory uses or structures must comply with the landscape requirements in this chapter;**
- E. Airport lease lots; and**
- F. Legal nonconforming commercial buildings except when there is a change of use of the building (e.g. retail to office, office to retail, retail to automotive uses). At that time, the landscaping must be brought into compliance with the regulations in this chapter to the greatest extent possible, as determined by the city planner.**

**16.33.040 Landscape plan.**

- A. Submittal. A landscape plan that adequately indicates compliance with applicable landscaping standards in this chapter must be submitted with the development/permit application. Landscape plans for commercial developments with a gross floor area greater than 5,000 square feet and/or a lot size greater than one acre and multi-family residential developments, must be prepared and sealed by a licensed landscape architect registered in**

Bold & Underline, added, Strikethrough, deleted

the state of Alaska or a professional with similar landscaping expertise, as approved by the city planner.

**B. Plan components. Where a landscape plan is required, the plan shall include the following. Design must take into consideration existing trees and incorporate existing trees and vegetation where practical to lower adverse impacts of development.**

- 1. Calculations, dimensions, notes, and details necessary to describe the landscape elements and their relation to the site boundary and site improvements;**
- 2. The common name of each plant used;**
- 3. The number, height, and caliper of each plant;**
- 4. The locations where different plant types will be used;**
- 5. The locations, size, and type of vegetation to be preserved in its natural state;**
- 6. The location, area, and type of native vegetation to be removed;**
- 7. Location of any retaining walls and/or fences;**
- 8. Location of existing or proposed utilities and easements of record;**
- 9. Location of all property lines, including all streets that border the lot/parcel;**
- 10. Location of any existing or proposed structures or parking areas;**
- 11. North arrow and scale; and**
- 12. Areas of vegetation to be used for on-site retention/detention of stormwater and drainage, unless shown on civil drawings.**

Bold & Underline, added. Strikethrough, deleted

**16.33.050 General landscaping requirements and standards.**

**A. Minimum Lot area to be landscaped. A minimum of 15 percent of the total lot area must be covered with landscaping. The planting of grass and annual flowers alone does not constitute landscaping in the context of this chapter.**

**B. Clearing restrictions. No lot may be cleared of native vegetation prior to issuance of a permit for a use of a lot under this title.**

**1. Exemptions. The following uses are exempt from the clearing restrictions in this section:**

**a. After approval of a preliminary plat for a subdivision, vegetation may be cleared in the following areas as shown on the preliminary plat:**

**i. Roads and rights-of-way;**

**ii. Water, sewer, and utility easements; or**

**iii. Drainage or stormwater facilities.**

**2. Violations. The entire area of vegetation cleared from a lot contrary to the requirements of this section shall be replaced with ground cover and the site perimeter/project boundary landscaping required in this chapter within 12 months of the clearing. This section shall apply to all lot areas cleared prior to or subsequent to the adoption of this chapter.**

**C. Preservation of existing vegetation.**

**1. Existing trees. Existing healthy trees must be preserved to the greatest extent practical to sustain an age-diverse urban forest and to minimize tree canopy cover losses.**

Bold & Underline, added, Strikethrough, deleted

2. Shoreline protection area. Native vegetation shall be preserved and there shall be no clearcutting or placement of fertilizer in any area of a lot that is within 75 feet of the mean high water mark of any body of water, including a lake, stream, creek, or river.
3. Native plant material area. Natural vegetation that is sufficient to meet the intent of the standards set out in this chapter may be retained in place of all or part of any required landscaping. Existing trees may be credited toward the landscape requirements on a 3:1 basis for a coniferous tree 10 feet or more in height or a 3:1 basis for a deciduous tree six inches or greater caliper. Cottonwood trees (*Populus balsamifera* and *Populus trichocarpa*) may not be used to meet this requirement.
4. Individual trees. The following protection requirements must be met:

  - a. Critical root zone. The critical root zone (CRZ) is, and will remain, substantially undisturbed. The CRZ is represented by a circle, centered on the tree trunk and having a radius of one and one-half feet for each one inch of trunk diameter measured at four and one-half feet above ground level. Although an undisturbed circular area centered on the tree generally assures less critical root loss, modifications to the CRZ perimeters resulting in non-concentric, irregular, and/or smaller areas are acceptable for tree preservation if either of the following conditions are met:
  - b. Maximum disturbance. The modified root zone includes at least 50 percent of the concentric CRZ, contains no less total contiguous area

Bold & Underline, added. Strikethrough, deleted

- than the concentric CRZ, and includes no disturbance or encroachments by improvements within the structural root plate area.
- c. Existing conditions. The tree has demonstrated long-term viability within the same sub-standard root zone and that area will not be further reduced or adversely impacted. In some cases, a certified arborist may be required to delineate the functioning root zone and confirm avoidance of further impacts.
- d. Structural root plate. The structural root plate is represented by a circle, centered on the tree trunk and having a radius of one-half feet for each inch of trunk diameter measured at four and one-half feet above ground level, but no less than six feet and no more than 10 feet.
- e. Canopy. No more than 25 percent of the canopy has been or will be removed and the pruning is done according to American National Standards Institute (ANSI) standards (A300).
- f. Protective barriers. Trees designated for preservation must be protected from all potentially harmful activity during development by the temporary installation of protective barriers. Barriers must be constructed of chain link fence, orange laminated plastic fencing, or wood posts and rails, consistent with professional arboricultural practices and must be installed along the perimeter of all required preserve areas prior to any land clearing, demolition, grading, or construction. No potentially harmful activity may take place within

Bold & Underline, added. Strikethrough, deleted

the protective barrier, including, but is not limited to, grade change, trenching, compaction, grubbing, or root raking.

D. Plant materials. Plant material must be true to name, variety, and size and must conform to all applicable provisions of American Standards for Nursery Stock, latest edition, and meet the following:

1. Minimum plant size.

a. Shrubs must be a minimum of 24 inches in height at time of planting.

b. Trees must be a minimum of 10 feet in height or a minimum of two-inch caliper, whichever is larger, at time of planting.

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

3. Species. All landscaping shall utilize native plant species or other vegetation that is appropriate for the area.

4. Diversity. The diversity of any trees required to be planted on a site shall comply with the following limits to avoid uniform site tree decline from pests or disease and to increase the aesthetic appeal:

<u>Number of new trees planted on site</u>	<u>Maximum percentage of any one species planted</u>
<u>5 – 19</u>	<u>65%</u>
<u>20 – 49</u>	<u>40%</u>
<u>50 or more</u>	<u>30%</u>

Bold & Underline, added, Strikethrough, deleted



5. Installation. All required landscaping must be installed in a sound manner utilizing established professional standards and consistent with the requirements in this chapter.

6. Ground covers and mulch. All ground cover around vegetation in required planting beds must consist of dead vegetative matter, or a product with similar appearance, unless otherwise approved by the city planner.

E. Planting location.

1. Placement. Installation of plants in appropriate locations is essential to long-term survival. Locations should match mature plant size to available soil volume and other conditions necessary for healthy growth. Appropriate separation must be provided from pavement, structures, streets, driveways, curbs, sidewalks, signs, lights, and utilities.

2. Vehicle overhang. All required landscape planting beds must be protected from vehicular damage. Vehicular use areas shall provide raised curbs, wheel stops, bollards, or other effective means to permanently protect landscape areas from damage by vehicle encroachment. Vehicles may not overhang into landscape areas beyond the designed boundaries of vehicular use areas.

3. Utility easements/overhead utilities.

a. Only plants that will not create persistent utility maintenance or interference problems may be installed where overhead utilities exist.

Bold & Underline, added. Strikethrough, deleted

- b. Trees may not be planted directly below powerlines to prevent them from being energized or disrupting service.
  - c. Understory trees and vegetation within a utility easement may not achieve heights greater than 10 feet or intrude from the side closer than 15 feet to power lines, or exceed clearances otherwise required by applicable ANSI and/or National Electric Safety Code (NESC) standards, whichever is greater.
  - d. Canopy trees and large maturing species must be planted at minimum of 30 feet from power lines or exceed clearances otherwise required by applicable ANSI and/or NESC standards, whichever is greater.
4. Visibility clearance areas/sight distance. Landscaping within the sight distance/sight triangle areas must be designed, installed, and maintained to allow visibility between three feet and nine feet above grade. The trunks of mature trees trimmed of foliage to nine feet and newly planted trees with immature crown development allowing visibility are generally acceptable within this area.

**F. Installation.**

- 1. Timing. All landscaping structural requirements (e.g. drainage, grading, concrete, rock or keystone bed structures, sidewalks) must be in place prior to occupancy. If occupancy occurs outside the planting season, all landscaping must be in place no later than June 30 of the following year. Topsoil addition and final grading, seeding, and plantings must be in

Bold & Underline, added. Strikethrough, deleted

place within 12 months of occupancy, or within the first growing season after occupancy, whichever comes first.

2. Tree protection and preservation.

a. Tree roots. In addition to the minimum areas required by this chapter for planted and preserved trees, curb, sidewalks, and other concrete around trees must be minimized and more flexible materials utilized to accommodate tree roots (e.g. crushed rock, porous pavers).

G. Guaranty. The granting of an application for a use including a structure having a gross floor area greater than 5,000 square feet shall be conditioned upon the applicant furnishing a guaranty for the provision of any required landscaping. The guaranty must be equal in amount to the estimated cost of the required landscaping, must be valid for a minimum of two years from date of inspection of the landscaping by the city, and be in one of the following forms:

1. A cash deposit in escrow with a responsible financial institution authorized to do such business in the state, under an escrow agreement that provides the deposit will be held in trust for the benefit of the city, will not be used as security for any other obligation, and will be released to the city if the city certifies that the applicant has not completed the required landscaping.

2. A surety bond from a company authorized to do such business in the state, payable to the city if any required landscaping is not completed, posted either by the applicant or a contractor obligated by written

Bold & Underline, added. Strikethrough, deleted

contract to the applicant for construction of all of the required landscaping.

3. An irrevocable letter of credit with a responsible financial institution authorized to do such business in the state provided that the letter of credit will be held in trust for the benefit of the city, will not be used as security for any other obligation, and funds will be released to the city if the city certifies that the applicant has not completed the required landscaping.

16.33.060 Types of landscaping.

A. Site perimeter/project boundary.

1. Purpose. Create an aesthetically appealing visual appearance from the road right-of-way.
2. Applicability. Landscaping is required along the perimeter of all lot lines adjacent to the right-of-way.
3. Perimeter landscaping.
  - a. Minimum of a 10-foot wide landscaped planting bed. Driveways and sidewalks may cross such strips to provide approved site access.
  - b. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed, one tree per 30 feet, mulch, boulders, and decorative fencing panels.

B. Parking lot and vehicular use areas – street, perimeter, and interior.

Bold & Underline, added, ~~Strikethrough~~, deleted

1. Purpose. All parking lots and vehicular use areas must be screened from view from the right-of-way and/or adjacent residential areas to soften the appearance of these areas.
2. Applicability. Landscaping is required for all parking lots and vehicular use areas except as provided in this section.
3. Exemptions. The following are exempt from the requirements in this subsection:
  - a. Vehicular display areas for automobile sales or rentals. However, all other standards in this chapter must be met.
  - b. Truck wells, loading docks, and other areas designated exclusively for the loading and unloading of vehicles.
4. Parking lot perimeter. All parking lots visible from a public right-of-way must be screened with a combination of trees, shrubs, perennial flowers, boulders, and decorative fencing panels and must be consistent with the following:
  - a. Minimum of a 10-foot wide landscaped planting bed. Driveways and sidewalks may cross such strips to provide approved site access.
  - b. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed.
  - c. A minimum of one tree per 30 feet of planting bed.
  - d. A three-foot high vegetative hedge (or other similar vegetative screening) is required along street lot lines and must be planted between the required 10-foot wide planting bed and the parking lot.

Bold & Underline, added. Strikethrough, deleted

**5. Parking row terminations.**

- a. All rows of parking stalls shall be terminated at each end with a landscape area having the full length of the adjoining parking stall and containing at least one planted or preserved tree. The landscape area must be sufficiently sized to provide the minimum root zone for a preserved tree or support the growth of a newly planted tree. Where a double row of interior parking stalls ends, the terminating landscape area shall be combined as one continuous area to maximize rooting area except when a dividing pedestrian and/or handicap accessibility route may be appropriate and is approved by the city planner.**
- b. Exemptions. The following are exempt from the requirements in this subsection:**
  - i. Parking lots in the industrial zoning district.**
- c. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed.**

**6. Continuous parking stalls.**

- a. Each row of parking must contain 15 or less continuous stalls without interruption by a landscape area. Each landscape area must be consistent with the dimensions required for parking row terminations above.**
- b. If any of the following conditions exist, no more than 12 continuous stalls may be provided:**

Bold & Underline, added. Strikethrough, deleted

- i. The total number of on-site parking spaces exceeds 50;
- ii. The total number of on-site parking spaces exceeds the number required by the minimum parking requirements in Title 16 by more than 10 percent; or
- iii. The dimensions of drive aisles and/or parking stalls exceed the standards in Title 16.

c. Exemptions. The following are exempt from the requirements in this subsection:

- i. Parking lots in the industrial zoning district

7. Parking lot interior. All interior landscaping must comply with the following minimum standards:

<u>Landscaping requirements for surface parking areas</u>	
<u>Number of parking spaces</u>	<u>Required interior landscaped area</u>
<u>0 to 4</u>	<u>Five percent of the total area of the parking lot</u>
<u>5 to 20</u>	<u>10 percent of the total area of the parking lot</u>
<u>21 or more</u>	<u>15 percent of the total area of the parking lot</u>

- a. Each landscaped area shall be no smaller than 100 square feet and must be protected by permanent curbs or structural barriers;

Bold & Underline, added, ~~Strikethrough~~, deleted

- b. No part of a landscaped area shall be less than four feet in width or length except those parts of landscaped areas created by turning radii or angles of parking spaces;
- c. No parking space shall be more than 60 feet from a required landscaped area;
- d. The landscaped area may include bio-retention facilities; and
- e. Trees in surface parking areas;
  - i. One tree is required for every 10 parking spaces; and
  - ii. Trees shall be selected in consultation with the city planner.
- f. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed.

**C. Street trees/street buffers.**

- 1. A minimum of one street tree per 30 feet of frontage along a right-of-way is required for any new commercial or multi-family residential development.
- 2. Existing street trees shall be retained unless the city public works director approves their removal. The public works director, in consultation with the city planner, shall determine the number, type, and placement of additional street trees to be provided in order to:
  - a. improve public safety;
  - b. promote compatibility with existing street trees;
  - c. match trees to the available space in the planting strip;
  - d. maintain and expand the urban forest canopy;

Bold & Underline, added. Strikethrough, deleted



e. encourage healthy growth through appropriate spacing;

f. protect utilities; and

g. allow access to the street, buildings, and lot.

3. Exemptions. The following are exempt from the street tree requirements in this section:

a. Lots that border an unopened right-of-way may request an exemption from the requirement to plant street trees;

b. Changing a use or establishing a temporary/intermittent use;

c. Additions to an existing structure of 1,000 square feet or less; or

d. Expansion of surface area parking by less than 10 percent in area and less than 10 percent in number of parking spaces.

D. Screening and buffering.

1. Purpose. The purpose of the buffer is to minimize or eliminate adverse impacts between adjoining uses and is intended to protect the lower intensity use from the higher intensity use and provide an aesthetically attractive barrier between the uses. It shall function to reduce or eliminate incompatibility between uses such that the long-term continuation of either use is not threatened by impacts from the other. For purposes of this section, adjoining means lots/parcels that share a common property line. It does not include lots/parcels separated by a public right-of-way.

2. Exemptions. The following are exempt from the requirements in this subsection:

Bold & Underline, added. Strikethrough, deleted

- a. Development of a less intensive use;
  - b. Between uses located on the same lot/parcel;
  - c. Between uses on adjoining lots/parcels, if under the same ownership;  
or
  - d. Breaks in required screening are permitted to provide pedestrian and vehicular access. Breaks in required screening for vehicular access shall not exceed the width of permitted curb cuts.
3. Required screening/buffering. Buffers shall be provided according to the following standards, which are based on the character of the adjoining land uses:
- a. Residential and non-residential. All residential uses shall be buffered from all non-residential uses, other than passive recreation, conservation, or agricultural uses, according to the buffer types established in this section and the following non-residential categories:
    - i. Residential. All multi-family uses exceeding four dwelling units per acre shall provide a Type-A buffer supplemented with an opaque fence, wall, or berm for all adjoining single-family and duplex residential uses.
    - ii. General commercial. General commercial uses consistent with the permitted commercial uses in the Rural Residential and Commercial zoning districts shall provide a Type-B buffer supplemented with an opaque fence, wall, or berm.

Bold & Underline, added. Strikethrough, deleted

- iii. Industrial. Industrial uses consistent with the industrial uses in the Industrial, Commercial, or Rural Residential zoning districts shall provide a Type-C buffer supplemented with an opaque fence, wall, or berm.
- b. Non-residential. Heavy commercial and industrial uses shall provide a Type-B buffer for all adjoining general commercial, neighborhood commercial, and other non-residential uses less intensive than heavy commercial or industrial.
- c. No existing use. For the purposes of buffering, where no use exists on adjoining land and none is proposed by a valid permit application, the use of the adjoining land will be assumed to be the most intensive use allowed by the existing zoning.
- d. Other uses or circumstances. In addition to the screening and buffering requirements in this section, the following uses must also provide the additional landscaping to provide an adequate buffer:

<u>Table A</u>	
<u>Use or Circumstance</u>	<u>Minimum Requirement</u>
<u>Drive-in businesses abutting or across an alley from a lot in a residential zoning district.</u>	<u>Six-foot high screening along the abutting or alley lot lines and a five-foot deep landscaped area inside the screening, when a drive-in lane or queuing lane abuts a lot</u>

Bold & Underline, added. Strikethrough, deleted

<u>Table A</u>	
<u>Use or Circumstance</u>	<u>Minimum Requirement</u>
	<u>in a residential zoning district.</u>
<u>Drive-in businesses, other than gas stations, in which the drive-in lane or queuing lanes are across the street from a lot in a residential zoning district.</u>	<u>Three-foot high screening.</u>
<u>Gas stations in RR zones or, in C zones, across the street from a lot in a residential zoning district.</u>	<u>Three-foot high screening along street lot lines.</u>
<u>Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zoning district.</u>	<u>Six-foot high screening along the abutting or alley lot lines.</u>
<u>Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zoning district.</u>	<u>Three-foot high screening along the street lot line.</u>
<u>Outdoor storage in an Industrial zoning district abutting a lot in</u>	<u>Screened from all lot lines by the facade of the structure or by six-</u>

Bold & Underline, added. Strikethrough, deleted

Table A

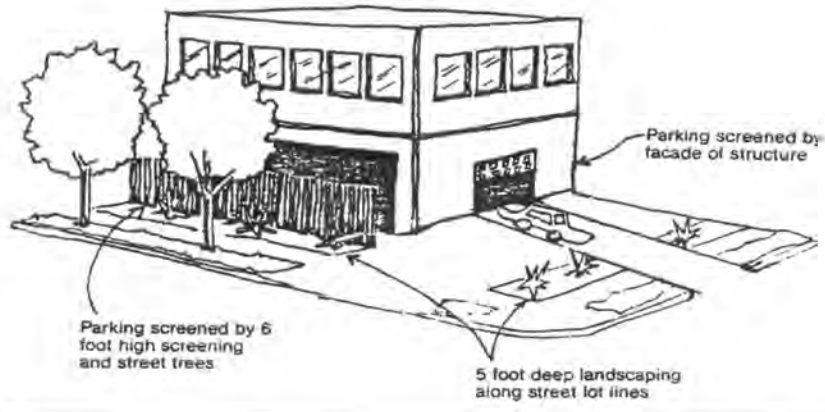
<u>Use or Circumstance</u>	<u>Minimum Requirement</u>
<u>the Commercial zoning district.</u>	<u>foot high screening; and five-foot deep landscaped area between all street lot lines and the six-foot high screening (Exh. B).</u>
<u>Outdoor storage in an Industrial zoning district abutting a lot in a residential zoning district.</u>	<u>50-foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by six-foot high screening (Exh. C).</u>
<u>Outdoor storage in an Industrial zoning district across the street from a lot in a residential zoning district.</u>	<u>Screened from the street by the facade of a structure, or by six-foot high screening.</u>
<u>Parking garage occupying any portion of the street-level and/or street-facing facade between five and eight feet above sidewalk</u>	<u>Five-foot deep landscaped area along street lot line; or Screening by the exterior wall of the structure; or Six-foot high</u>

Bold & Underline, added, Strikethrough, deleted

**Table A**

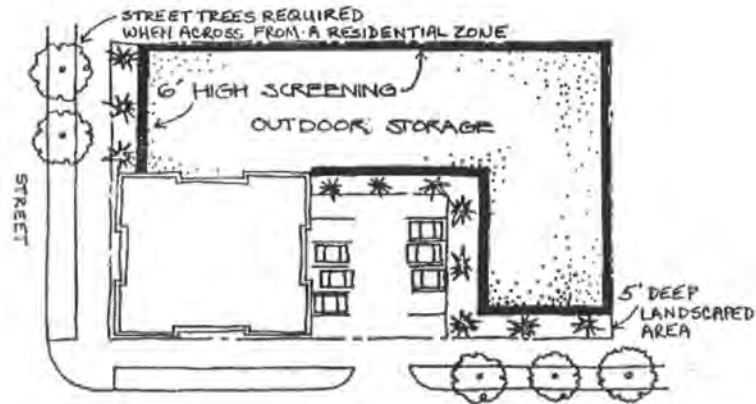
<b><u>Use or Circumstance</u></b>	<b><u>Minimum Requirement</u></b>
<b><u>grade.</u></b>	<b><u>screening between the structure and the landscaped area (Exh. A).</u></b>
<b><u>Unenclosed parking garage on lots abutting a lot in a residential zoning district.</u></b>	<b><u>A five-foot deep landscaped area and six-foot high screening along each shared lot line.</u></b>
<b><u>Parking garage that is eight feet or more above grade.</u></b>	<b><u>Three and one-half foot screening along the perimeter of each floor of parking.</u></b>
<b><u>Outdoor areas associated with pet or child daycare centers.</u></b>	<b><u>Screened from all property lines by the facade of the structure or by six-foot-high screening between the outdoor area and all property lines.</u></b>

Bold & Underline, added. Strikethrough, deleted

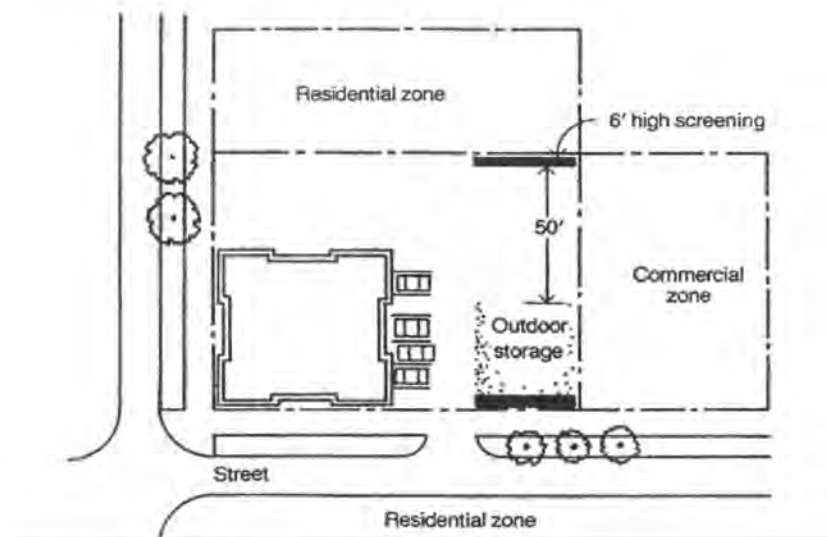


**Exhibit A - Screening of parking within or under a structure.**

**Bold & Underline, added, Strikethrough, deleted**



**Exhibit B - Screening of open storage areas in industrial zoning districts.**



**Exhibit C - Screening of open storage areas in industrial zoning districts.**

**4. Standards.**

- a. Location. Where a use is required to provide buffering for adjoining uses, the buffering must be along all side and rear lot lines where the use abuts the other use. No buffers are required along front property lines unless buffering is included in screening requirements for outdoor storage or other conditions described in this chapter.**

Bold & Underline, added. Strikethrough, deleted



**b. Composition.**

- i. Types. Where buffering is required, the following buffer types define the minimum width and plants required per 100 linear feet of buffer:**

<b><u>Buffer Type</u></b>	<b><u>Buffer Width</u></b>	<b><u>Canopy Trees</u></b>	<b><u>Understory Trees</u></b>	<b><u>Shrubs</u></b>
<b><u>A</u></b>	<b><u>12 feet</u></b>	<b><u>2</u></b>	<b><u>1</u></b>	<b><u>10</u></b>
<b><u>B</u></b>	<b><u>16 feet</u></b>	<b><u>2.5</u></b>	<b><u>2</u></b>	<b><u>20</u></b>
<b><u>C</u></b>	<b><u>20 feet</u></b>	<b><u>3</u></b>	<b><u>3</u></b>	<b><u>30</u></b>

- ii. Plants. The prescribed buffer plants may be existing natural vegetation, existing vegetation supplemented with additional plantings, or entirely new plantings. The suitability of existing vegetation to provide adequate buffering will be evaluated based on the minimum plants required. For effective buffering year-round, at least 50 percent of buffer trees shall be evergreen species. The selection and installation of buffer plants and buffer maintenance shall be according to the provisions in this chapter.**

**iii. Supplemental structures.**

- 1. If an opaque fence, wall, and/or berm are required to supplement the plants within a buffer, it must be a minimum of six feet in height. Where an existing fence or wall on abutting property meets these requirements, no additional**

Bold & Underline, added. ~~Strikethrough~~, deleted

structure is required within the buffer. The existing fence or wall must be in good condition.

2. For new fences or walls, all support posts must be on the side of the developing property so that the more finished appearance faces the abutting property.

3. Existing natural vegetation, or existing vegetation supplemented with additional plantings, may be approved by the city planner for use instead of the fence or wall.

5. Refuse containers and areas. Trash and garbage areas, including dumpsters, must be located within a gated enclosure that is opaque on all sides.

6. Service and off-street loading areas. Screening with a continuous row of evergreen trees must be provided such that the service and off-street loading areas may not be viewed from adjacent streets.

7. Mechanical and electrical equipment. All ground level equipment must be screened with landscaping or a combination of decorative fencing and landscaping that screens the equipment from view from adjacent streets. Landscaping must be consistent with ANSI and/or NESC standards, whichever is more restrictive.

8. Screening of surface parking areas. Surface parking areas abutting or across an alley from a lot in a residential zoning district must be screened with a minimum of a six-foot high buffer along the abutting lot line or the lot line along the alley.

Bold & Underline, added. ~~Strikethrough~~, deleted

E. Waivers. When one of the specific uses listed in this subsection is proposed for expansion, the applicable requirements for that use shall be met. The city planner may reduce or waive the requirements where they are physically infeasible due to the location of existing structures or required parking.

F. Treatment of blank facades. A minimum of 50 percent of the blank façade of a building facing the street that is wider than 35 feet must be “broken up” with landscaped areas that include trees, shrubs, perennial flowers, and boulders.

16.33.070 Inspection.

A landscape plan showing the actual landscaping installed on the site must be submitted to the Planning department for final approval and inspection. The inspection will determine whether it complies with all applicable landscaping requirements for the permit.

16.33.080 Maintenance and replacement.

A. It is the duty of the owner of the lot/parcel to continuously maintain all required landscaping. If any required landscaping dies, becomes substantially damaged, or destroyed, it must be replanted in a similar manner within the same growing season that the damage or destruction occurs or no later than June 30 of the following year, whichever is earliest. When landscaping that is part of an approved landscaping plan is removed, disturbed or damaged, or is not maintained, in addition to any other remedy under this title, the city may require the lot owner to replace the landscaping on the lot consistent with the current provisions of this chapter.

Bold & Underline, added, Strikethrough, deleted

B. Grassy areas shall be maintained according to standard practices, which include regular mowing, weeding, fertilizing, and watering.

C. All required buffering must be maintained by the landowner proposing the more intensive use.

16.33.090 Hardship waiver/variance.

The planning commission may waive or modify a requirement concerning the density, location, or height of landscaping as provided in this chapter.

A. Pre-application conference. The applicant shall schedule a pre-application conference with the city planner to review the proposed waiver or modification.

B. Application and site plan. After the pre-application conference, the applicant shall submit an application for the waiver or modification to the city planner with the appropriate application fee. The application shall include a site plan depicting all information relevant to the requested waiver or modification. The city planner may require that the site plan be produced by a registered professional engineer, architect, landscape architect or land surveyor.

C. Public hearing. The planning commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in Section 16.16.040 for a conditional use.

D. Decision. The planning commission may approve an application only if the commission finds that the application meets all of the following standards:

1. Either (i) natural vegetative features within or adjacent to the property, or the shape, topography, drainage or other physical features of the

Bold & Underline, added. Strikethrough, deleted

- property, make compliance with the landscaping requirements of this title impracticable or contrary to the public interest; or (ii) compliance with the landscaping requirements of this title will have an adverse effect on other property;
2. The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;
  3. The waiver or modification is not sought solely to relieve pecuniary hardship or inconvenience;
  4. The waiver or modification will not significantly affect adjacent property or water bodies; and
  5. The waiver or modification is consistent with the spirit and intent of this chapter.

16.33.100 Violations/penalties.

All applicable landscaping standards of this chapter must be documented on city-approved development permits/plans. Failure to comply with such standards will subject the development to stop work orders, code enforcement citations, and/or financial penalties.

- A. Tree removal. The penalty for the unauthorized removal of a preserved tree, including its effective removal by irreparable injury causing an unnatural decline, will be the cost necessary to replace the total tree trunk diameter measured at four and one-half feet above ground level removed with the same total caliper inches of standard replacement trees. Where the actual

Bold & Underline, added, Strikethrough, deleted

diameter of the removed tree cannot be directly measured, city officials may estimate the size from any tree remains, photographs, or other reliable evidence.

B. Tree damage. If a preserved tree has sustained irreparable damage to its normal growth character by topping, “hat racking,” or other pruning exceeding 30 percent of the total canopy, the fine may be based on the total caliper inches of limbs removed, up to the trunk diameter measured at four and one-half feet above ground level and full tree replacement may be required.

C. Protection barriers. The penalty for the failure to install or maintain one or more tree protection barriers required by city development/permit approval will be the cost of one standard replacement tree. Subsequent citations on the same site for failure to install or maintain the required barriers will be the cost of a standard replacement tree for each uninstalled or unmaintained barrier.

16.33.110 Disclaimer.

Nothing in this chapter may be understood to impose any liability for damages or a duty of care or maintenance upon the city or any of its employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub, or other plant on their property under their control in such a condition as to prevent it from constituting a hazard or an impediment to travel or vision along any street or public place.

**Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on July 24, 2017.

  
BERT L. COTTLE, Mayor

ATTEST;

  
JAMIE NEWMAN, MMC, City Clerk

[SEAL]

Bold & Underline, added. ~~Strikethrough, deleted~~

**ORDINANCE SERIAL NO. 17-18  
ATTACHMENT "A"  
WMC TEXT TO BE REPEALED**

Sections:

- 16.33.010 Purpose.
- 16.33.020 Required landscaping.
- 16.33.030 Landscaping standards.
- 16.33.040 Guaranty of required landscaping.
- 16.33.050 Land clearing restrictions.
- 16.33.060 Maintenance.
- 16.33.070 Waivers or modifications.

**16.33.010 Purpose.**

The purposes of the landscaping standards in this chapter are to stabilize soils, reduce dust and erosion, protect natural vegetation, sustain wildlife and fish, protect shorelines, reduce runoff, facilitate groundwater recharge, reduce noise, enhance the community's environment and visual character, provide attractive and functional separation and screening between uses, and to attract visitors and tourists to the city for the economic benefit of everyone in the community.

**16.33.020 Required landscaping.**

A. Except as provided in subsection B of this section, every administrative approval, use permit and conditional use permit approved under this title shall be conditioned upon compliance with an approved landscaping plan that conforms to the requirements of this chapter.

B. Administrative approvals, use permits and conditional use permits for the following are exempt from subsection A of this section:

1. A single-family dwelling and accessory uses on a lot containing no more than one dwelling unit.
2. All uses located within the Wasilla Municipal Airport.

**16.33.030 Landscaping standards.**

A. Landscaped Area. No less than five percent of the total lot area shall be devoted to landscaping. All landscaped areas shall be covered with native vegetation, trees, shrubs, lawn



**ORDINANCE SERIAL NO. 17-18**  
**ATTACHMENT "A"**  
**WMC TEXT TO BE REPEALED**

seeding areas or wildflower seeding areas. Landscaped areas shall be located to define, soften, and/or screen the appearance of buildings and off-street parking areas.

B. Minimum Planting. A minimum of six newly planted trees and twelve (12) newly planted shrubs shall be provided per acre of required landscaped area on a lot.

C. Alternative Landscaping Features. The planner may permit the substitution of alternative landscaping features such as hanging baskets, flower boxes, barrels, pedestrian plazas, fountains, walkways, furnishings such as benches, retention ponds, catch basins, or bioswales for part of the landscaped area required under subsection A of this section.

D. Shoreline Protection Area. Native vegetation shall be preserved, and there shall be no clearcutting or placement of fertilizer in any area of a lot that is within seventy-five (75) feet of the mean high water mark of any body of water, including a lake, stream or river. The area within a lot that complies with the requirements of this subsection shall be treated as part of the landscaped area that is required under subsection A of this section.

E. Parkway Landscaping. Any area in the right-of-way of a public street or highway that is located between the lot line and roadway pavement, curb or sidewalk that is disturbed or devoid of landscaping, and that is covered with topsoil and planted with ground cover, trees or shrubs meeting city specifications shall be treated as part of the landscaped area that is required under subsection A of this section.

F. Utility Easement Landscaping. Landscaping within public utility easements is encouraged but shall be limited to topsoil, seed, flower plantings, small shrub plantings or native vegetation.

G. Screening or buffering shall be provided between lots as follows:

**ORDINANCE SERIAL NO. 17-18**  
**ATTACHMENT "A"**  
**WMC TEXT TO BE REPEALED**

1. Screening or buffering shall be located on any lot line where there is no building wall on the lot line and where the lot line separates:

- a. A commercial use from a residential use;
- b. An industrial use from a residential use;
- c. A public use from a residential use; or
- d. A single-family or duplex residential use from a multifamily residential use.

2. Screening may consist of a fence, a berm, or fence constructed on top of a berm, having a total height of not less than six feet. A berm used to provide screening shall be constructed entirely on the lot that is the subject of the application, and shall not interrupt natural drainage courses. To ensure privacy between buildings of different heights, tree plantings may be required to make screening more effective.

3. An area of native vegetation located adjacent to the lot line on the lot that is the subject of the application, that is at least twenty-five (25) feet deep, and which has a screening effect equivalent to a fence or berm, may be substituted for a fence or berm required under this subsection.

H. Seeded Areas. All seeded areas shall be covered with topsoil to a minimum depth of four inches after compaction, and shall be sown with either wildflower seed mix or lawn seed mix. Seed mixtures used for ground cover shall not contain seeds from invasive species as defined in USDA Pamphlet R10-TP-130B, Selected Invasive Plants of Alaska 2004.

I. Landscaping required under this title shall be placed in a manner that does not interfere with the installation, maintenance or repair of any public utility, restrict pedestrian or vehicular traffic, or obscure traffic control signs or devices.

**ORDINANCE SERIAL NO. 17-18**  
**ATTACHMENT "A"**  
**WMC TEXT TO BE REPEALED**

**16.33.040 Guaranty of required landscaping.**

A. The granting of an application for a use including a structure having a gross floor area greater than five thousand (5,000) square feet shall be conditioned upon the applicant furnishing a guaranty for the provision of any required landscaping. The guaranty shall be equal in amount to the estimated cost of the required landscaping, and shall be in one of the following forms:

1. A cash deposit in escrow with a responsible financial institution authorized to do such business in the state, under an escrow agreement that provides the deposit will be held in trust for the benefit of the city, will not be used as security for any other obligation, and will be released to the city if the city certifies that the applicant has not completed the required landscaping.

2. A surety bond from a company authorized to do such business in the state, payable to the city if any required landscaping is not completed, posted either by the applicant or a contractor obligated by written contract to the applicant for construction of all the required landscaping.

**16.33.050 Land clearing restrictions.**

A. No lot with an area equal to or greater than seven thousand two hundred (7,200) square feet may be cleared of native vegetation, except as permitted in this subsection.

1. After approval of a preliminary plat for a subdivision, vegetation may be cleared in the following areas as shown on the preliminary plat: roads and road rights-of-way, and water, sewer and utility easements. To assure the health and survival of trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

**ORDINANCE SERIAL NO. 17-18  
ATTACHMENT "A"  
WMC TEXT TO BE REPEALED**

- a. Mechanical injuries to roots, trunk, and branches;
- b. Injuries by chemical poisoning;
- c. Injuries by grade changes;
- d. Injuries by excavations; and
- e. Injuries by paving.

2. After the issuance of a permit for a use of a lot under this title, up to seventy (70) percent of the lot area may be cleared for development, with the clearing of any larger area being subject to prior commission approval.

3. As required for wildfire protection by any agency having jurisdiction.

B. The entire area of vegetation cleared from a lot contrary to the requirements of subsection A of this section shall be replaced with ground cover within twelve (12) months. This section shall apply to all lot areas cleared prior to or subsequent to the adoption of this chapter.

**16.33.060 Maintenance.**

The owner of a lot shall maintain continuously all landscaping and natural vegetation on the lot that is required under this title. Maintenance shall include the replacement of dead or substantially damaged trees and shrubs with an equal number of healthy trees or shrubs. When landscaping that is part of an approved landscaping plan is removed, disturbed or damaged, or is not maintained, in violation of this title, in addition to any other remedy under this title, the city may require the lot owner to replace the landscaping on the lot consistently with the current provisions of this title.

**16.33.070 Waivers or modifications.**

A. The commission may waive or modify a requirement in this title concerning the density, location or height of landscaping as provided in this section.

**ORDINANCE SERIAL NO. 17-18**  
**ATTACHMENT "A"**  
**WMC TEXT TO BE REPEALED**

1. Preapplication Conference. The applicant shall schedule a preapplication conference with the planner to review the proposed waiver or modification.

2. Application and Site Plan. After the pre-application conference, the applicant shall submit an application for the waiver or modification to the planner with the appropriate application fee. The application shall include a site plan depicting all information relevant to the requested waiver or modification. The planner may require that the site plan be produced by a registered professional engineer, architect, landscape architect or land surveyor.

3. Public Hearing. The commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in Section 16.16.040 for a conditional use.

4. Decision. The commission may approve an application only if the commission finds that the application meets all of the following standards:

a. Either (i) natural vegetative features within or adjacent to the property, or the shape, topography, drainage or other physical features of the property, make compliance with the landscaping requirements of this title impracticable or contrary to the public interest; or (ii) compliance with the landscaping requirements of this title will have an adverse effect on other property;

b. The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;

c. The waiver or modification is not sought solely to relieve pecuniary hardship or inconvenience;

**ORDINANCE SERIAL NO. 17-18**  
**ATTACHMENT “A”**  
**WMC TEXT TO BE REPEALED**

- d. The waiver or modification will not significantly affect adjacent property or water bodies; and
- e. The waiver or modification is consistent with the spirit and intent of this chapter.

## CITY COUNCIL LEGISLATION STAFF REPORT

**Ordinance Serial No. 17-18: Repealing Wasilla Municipal Code Chapter 16.33, Landscaping Standards, And Reenacting Chapter 16.33, Landscaping Standards, That Provides A Revised Regulatory Framework For Landscaping And Land Clearing Requirements With Updated Regulations That Are Consistent With The City's Comprehensive Plan And Are Responsive To The Needs Of City Residents And Business Owners.**

Originator: Tina Crawford, AICP, City Planner *TC*

Date: 6/28/2017

Agenda of: 7/10/2017

Route to:	Department Head	Signature	Date
X	Public Works Director	<i>[Signature]</i>	6/28/17
X	Finance Director	<i>[Signature]</i>	6-28-17
X	Deputy Administrator	<i>[Signature]</i>	6/28/17
X	City Attorney	<i>[Signature]</i>	6/28/17
X	City Clerk	<i>[Signature]</i>	6/28/17

Reviewed by Mayor Bert L. Cottle: *[Signature]* 6/29/2017

**Fiscal Impact:**  yes or  no

**Attachments:** Ordinance Serial No. 17-18 (37 pages)

Planning Commission Resolution Serial No. 17-14 (19 pages)

June 13, 2017 Draft Planning Commission Minutes (6 pages)

**Summary Statement:** After reviewing numerous land clearing waiver requests for commercial development in the city, the Planning Commission and staff began reviewing the language in the landscaping standards in Title 16 of the Wasilla Municipal Code. The goal was to identify ways to provide clear language and reasonable standards for commercial development in the city that are consistent with the 2011 Comprehensive Plan and the purpose and intent statement of the existing landscape regulations and do not require review and approval by the Planning Commission except in unusual circumstances.

The two most significant landscaping/land clearing issues experienced when developing land within the city has been the restriction on land clearing. Currently, only 70 percent of a lot may be cleared for development and the code lacks specificity regarding the number of required plantings required on the site. In addition to 70 percent clearing restriction, the current regulations require a property owner to revegetate the site when it has been cleared in violation of the regulations; regardless of when it occurred or who cleared the lot. This restriction has created the need for the Planning Commission to review 15 land clearing waiver requests over

the last four years in order for development to occur on the site. During the public hearings to consider the land clearing waiver requests, the Planning Commission has consistently heard from applicants that it is more efficient to clear the entire site and then replant with appropriate vegetation versus leaving small areas of natural vegetation that may not survive or are not very attractive (often the vegetation is just regrowth and not mature trees). Additionally, the Planning Commission and applicants have expressed frustration regarding the lack of specific planting requirements for vegetation, which has resulted in negotiations occurring at the public hearing.

In order to identify and address the issues, the Planning Commission discussed the landscaping and land clearing regulations at 14 public meetings during the Committee of the Whole portion of the meeting before finalizing the regulations contained in Planning Commission Resolution Serial No. 17-14. The resolution was unanimously approved at the June 13, 2017 meeting.

The proposed landscape regulations provide clear and reasonable planting requirements that help the developer more accurately determine the cost of the development while still ensuring consistency with the goals in the 2011 Comprehensive Plan and the purpose and intent of the current landscape regulations. The major changes to the current landscaping and land clearing regulations include eliminating the land clearing restriction to only clear 70 percent of the lot prior to development and clear and reasonable planting requirements. The proposed landscaping requirements contain the same elements required in the current landscaping regulations but now contain specific planting quantities and types that are consistent with the proposals that have been submitted to the Planning Commission for consideration and other newer commercial landscaping in the city. If approved, this will allow the entire lot to be cleared of vegetation and then replanted with attractive landscaping around the perimeter and interior of the site that enhances the appearance and attractiveness of commercial developments within the city.

Note: Due to the extensive changes to the format and the specified requirements in the regulations, the request is to repeal the existing regulations contained in Attachment A to Ordinance Serial No. 17-18 and adopt new landscaping and land clearing regulations contained in the body of that ordinance.

**Staff Recommendation:** Introduce and set the ordinance for public hearing.



By: Planning  
Public Hearing: 06/13/17  
Adopted: 06/13/17

**WASILLA PLANNING COMMISSION  
RESOLUTION SERIAL NO. 17-14**

**A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE WASILLA CITY COUNCIL REPEAL WASILLA MUNICIPAL CODE CHAPTER 16.33, LANDSCAPING STANDARDS, AND ADOPT IN ITS PLACE A NEW CHAPTER 16.33, LANDSCAPING STANDARDS, PROVIDING A REVISED REGULATORY FRAMEWORK FOR LANDSCAPING AND LAND CLEARING REQUIREMENTS WITH UPDATED REGULATIONS THAT ARE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN AND ARE RESPONSIVE TO THE NEEDS OF RESIDENTS AND BUSINESS OWNERS.**

---

WHEREAS, the Planning Commission has received numerous requests over the past few years from property owners to be allowed to clear more than 70 percent of their property to allow reasonable, cost-effective, and efficient development; and

WHEREAS, the Planning Commission determined that the landscape regulations should be reviewed and revised to be consistent with the City's 2011 Comprehensive Plan, the desires of the residents to have attractive landscaping on commercial properties, and the needs of the commercial developers and business owners to have reasonable and clear expectations for landscaping requirements when developing or redeveloping commercial properties within the city limits; and

WHEREAS, the Planning Commission discussed proposed revisions to the City landscape regulations during the Committee of the Whole at the September 8, 2015, October 13, 2015, June 14, 2016, July 12, 2016, August 9, 2016, September 27, 2016, October 11, 2016, November 15, 2016, December 13, 2016, January 19, 2017, February 9, 2017, March 14, 2017, April 13, 2017, and May 16, 2017 regularly scheduled meetings; and

WHEREAS, the Planning Commission is required to make a recommendation to the Wasilla City Council for all amendments to the Wasilla Land Development Code (Title 16 of the Wasilla Municipal Code), which implements the City's 2011 Comprehensive Plan; and

WHEREAS, a notice of the Planning Commission public hearing date and time was published in the Frontiersman on June 4, 2017; and

WHEREAS, on June 13, 2017, the Wasilla Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the current provisions of the Wasilla Municipal Code and the 2011 Comprehensive Plan; and

WHEREAS, after due consideration, the Wasilla Planning Commission determines that the proposed amendment is appropriate and is consistent with the goals and objectives of the WMC and the Comprehensive Plan;

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission hereby approves this resolution recommending that the City Council repeal Wasilla Municipal Code Chapter 16.33, Landscaping Standards, and adopt WMC Chapter 16.33, Landscaping Standards, as outlined below:

**Amendment of section.** WMC 16.33, Landscaping Standards, is hereby approved as outlined below:

**16.33.030 PURPOSE**

The purpose of the landscaping standards in this chapter is to ensure that new landscaping and the retention of existing vegetation, where appropriate, is an integral part of all development. These standards are intended to:

- A. Promote the environmental and community benefits of a healthy, diverse, and well managed urban forest
- B. Visually enhance the community image through new landscaping improvements and/or retention of existing vegetation for industrial, commercial, community use, and multi-family residential development;
- C. Provide flexible requirements that encourage and allow for creativity in landscape design;
- D. Promote the use of existing vegetation and retention of trees, woodlands, habitat, and urban forest, where appropriate;
- E. Encourage the use of native plants to improve plant establishment, survival, and vitality;
- F. Soften the appearance and break up the visual impact of extensive paved parking areas and surfaces;
- G. Separate, screen, and buffer adjacent incompatible land uses through the use of landscape plantings, fencing, and other appropriate landscape architectural features;
- H. Reduce noise, dust pollution, and glare;
- I. Provide for erosion control, runoff reduction, and pollutant mitigation;
- J. Preserve air and water quality;
- K. Eliminate or reduce the need for irrigation by providing landscaping that are well-suited to the environment and climate; and
- L. Ensure that landscaping design is consistent with accepted *Community Prevention through Environmental Design (CPTED)* principles.

#### **16.33.020 APPLICABILITY**

Except as provided in this chapter, every administrative approval, use permit, elevated permit, and conditional use permit approved under this title shall be conditioned upon compliance with an approved landscaping plan that conforms to the requirements of this chapter.

### **16.33.030 EXEMPTIONS**

The following uses are exempt from the landscaping requirements in this chapter:

- A. Temporary Uses
- B. Single-family homes
- C. Duplex (when only one duplex per lot)
- D. Areas authorized by the city for public or private parks, playgrounds, playing fields, or golf courses that will be retained in pervious ground cover. Parking lots, community centers, clubhouses, and other typical accessory uses or structures must comply with the landscape requirements in this chapter.
- E. Airport lease lots
- F. Legal nonconforming commercial buildings except when there is a change of use of the building (e.g. retail to office, office to retail, retail to automotive uses). At that time, the landscaping must be brought into compliance with the regulations in this chapter to the greatest extent possible, as determined by the city planner.

### **16.33.040 LANDSCAPE PLAN**

- A. Submittal. A landscape plan that adequately indicates compliance with applicable landscaping standards in this chapter must be submitted with the development/permit application. Landscape plans for commercial developments with a gross floor area greater than 5,000 square feet and/or a lot size greater than one acre and multi-family residential developments, must be prepared and sealed by a licensed landscape architect registered in the state of Alaska or a professional with similar landscaping expertise, as approved by the city planner.
- B. Plan Components. Where a landscape plan is required, the plan shall include the following. Design must take into consideration existing trees and incorporate existing trees and vegetation where practical to lower adverse impacts of development.
  - 1. Calculations, dimensions, notes, and details necessary to describe the landscape elements and their relation to the site boundary and site improvements;
  - 2. The common name of each plant used;
  - 3. The number, height, and diameter/caliper of each plant;
  - 4. The locations where different plant types will be used;

5. The locations, size, and type of vegetation to be preserved in its natural state;
6. The location, area, and type of native vegetation to be removed;
7. Location of any retaining walls and/or fences;
8. Location of existing or proposed utilities and easements of record;
9. Location of all property lines including all streets that border the lot/parcel;
10. Location of any existing or proposed structures or parking areas;
11. North arrow and scale; and
12. Areas of vegetation to be used for on-site retention/detention of stormwater and drainage, unless shown on civil drawings.

### **16.33.050 GENERAL LANDSCAPING REQUIREMENTS AND STANDARDS**

- A. Minimum Lot area to be landscaped. A minimum of 15 percent of the total lot area must be covered with landscaping. The planting of grass and annual flowers alone does not constitute landscaping in the context of this chapter.
- B. Clearing restrictions. No lot may be cleared of native vegetation prior to issuance of a permit for a use of a lot under this title.
  1. Exemptions
    - a. After approval of a preliminary plat for a subdivision, vegetation may be cleared in the following areas as shown on the preliminary plat:
      - i. Roads and rights-of-way;
      - ii. Water, sewer, and utility easements; and
      - iii. Drainage or stormwater facilities.
  2. Violations. The entire area of vegetation cleared from a lot contrary to the requirements of this section shall be replaced with ground cover and must install the site perimeter/project boundary landscaping required in this chapter within 12 months of the clearing. This section shall apply to all lot areas cleared prior to or subsequent to the adoption of this chapter.
- C. Preservation of Existing Vegetation.
  1. Existing healthy trees must be preserved to the greatest extent practical to sustain an age-diverse urban forest and to minimize tree canopy cover losses.
  2. Shoreline protection area. Native vegetation shall be preserved and there shall be no clearcutting or placement of fertilizer in any area of a lot that is within 75 feet of the mean high water mark of any body of water, including a lake, stream, creek, or river.

3. Native plant material area. Natural vegetation that is sufficient to meet the intent of the standards set out in this chapter may be retained in place of all or part of any required landscaping. Existing trees may be credited toward the landscape requirements on a 3:1 basis for a coniferous tree 10 feet or more in height or a 3:1 basis for a deciduous tree six inches or greater caliper. Cottonwood trees (*Populus balsamifera* and *Populus trichocarpa*) may not be used to meet this requirement.
4. Individual trees. The following protection requirements must be met:
  - a. Critical root zone. The critical root zone is, and will remain, substantially undisturbed. The critical root zone (CRZ) is represented by a circle, centered on the tree trunk and having a radius of one and one-half foot for each one inch of trunk diameter (DBH). Although an undisturbed circular area centered on the tree generally assures less critical root loss, modifications to the CRZ perimeters resulting in non-concentric, irregular, and/or smaller areas are acceptable for tree preservation if either of the following conditions are met:
  - b. Maximum disturbance. The modified root zone includes at least 50 percent of the concentric CRZ, contains no less total contiguous area than the concentric CRZ, and includes no disturbance or encroachments by improvements within the structural root plate area.
  - c. Existing conditions. The tree has demonstrated long-term viability within the same sub-standard root zone and that area will not be further reduced or adversely impacted. In some cases, a certified arborist may be required to delineate the functioning root zone and confirm avoidance of further impacts.
  - d. Structural root plate. The structural root plate is represented by a circle, centered on the tree trunk and having a radius of one-half foot for each inch of trunk diameter (DBH), but no less than six feet and no more than 10 feet.
  - e. Canopy. No more than 25 percent of the canopy has been or will be removed and the pruning is done according to ANSI standards (A300).
  - f. Protective barriers. Trees designated for preservation must be protected from all potentially harmful activity during development by the temporary installation of protective barriers. Barriers must be constructed of chain link fence, orange laminated plastic fencing, or wood posts and rails, consistent with professional arboricultural practices and must be installed along the perimeter of all required preserve areas prior to any land clearing, demolition, grading, or construction. No potentially harmful activity may take place within the protective barrier. This includes, but is not limited to grade change, trenching, compaction, grubbing, or root raking.

D. Plant Materials. Plant material must be true to name, variety, and size and must conform to all applicable provisions of American Standards for Nursery Stock, latest edition, and meet the following.

1. Minimum plant size

a. Shrubs must be a minimum of 24 inches in height at time of planting.

b. Trees must be a minimum of 10 feet in height or a minimum of two-inch caliper at DBH, whichever is larger, at time of planting.

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

3. Species. All landscaping shall utilize native plant species or other vegetation that is appropriate for the area.

4. Diversity. The diversity of any trees required to be planted on a site shall comply with the following limits to avoid uniform site tree decline from pests or disease and to increase the aesthetic appeal:

<u>Number of new trees planted on site</u>	<u>Maximum percentage of any one species planted</u>
5 – 19	65%
20 – 49	40%
50 or more	30%

5. Installation. All required landscaping must be installed in a sound manner utilizing established professional standards and consistent with the requirements in this chapter.

6. Ground covers and mulch. All ground cover around vegetation in required planting beds must consist of dead vegetative matter, or product with similar appearance, unless otherwise approved by the city planner.

E. Planting Location

1. Placement. Installation of plants in appropriate locations is essential to long-term survival. Locations should match mature plant size to available soil volume and other conditions necessary for healthy growth. Appropriate separation must be provided from pavement, structures, streets, driveways, curbs, sidewalks, signs, lights, and utilities.

2. Vehicle Overhang. All required landscape planting beds must be protected from vehicular damage. Vehicular use areas shall provide raised curbs, wheel stops, bollards, or other effective means to permanently protect landscape areas from damage by vehicle encroachment. Vehicles may not overhang into landscape areas beyond the designed boundaries of vehicular use areas.

3. Utility Easements/Overhead Utilities

- a. Only plants that will not create persistent utility maintenance or interference problems may be installed where overhead utilities exist.
- b. Trees may not be planted directly below powerlines to prevent them from being energized or disrupting service.
- c. Understory trees and vegetation within a utility easement may not achieve heights greater than 10 feet or intrude from the side closer than 15 feet to power lines, or exceed clearances otherwise required by applicable ANSI and/or NESC standards, whichever is greater.
- d. Canopy trees and large maturing species must be planted at minimum of 30 feet from power lines or exceed clearances otherwise required by applicable ANSI and/or NESC standards, whichever is greater.

4. Visibility Clearance Areas/Sight distance. Landscaping within the sight distance/sight triangle areas must be designed, installed, and maintained to allow visibility between three feet and nine feet above grade. The trunks of mature trees trimmed of foliage to nine feet and newly planted trees with immature crown development allowing visibility are generally acceptable within this area.

F. Installation

- 1. Timing. All landscaping structural requirements (e.g. drainage, grading, concrete, rock or keystone bed structures, sidewalks) must be in place prior to occupancy. If occupancy occurs outside the planting season, all landscaping must be in place no later than June 30 of the following year. Topsoil addition and final grading, seeding, and plantings must be in place within 12 months of occupancy, or within the first growing season after occupancy, whichever comes first.
- 2. Tree protection and preservation
  - a. Tree roots. In addition to the minimum areas required by this chapter for planted and preserved trees, curb, sidewalks, and other concrete around trees must be minimized and more flexible materials utilized to accommodate tree roots (e.g. crushed rock, porous pavers)

G. Guaranty. The granting of an application for a use including a structure having a gross floor area greater than 5,000 square feet shall be conditioned upon the applicant furnishing a guaranty for the provision of any required landscaping. The guaranty must be equal in amount to the estimated cost of the required landscaping, must be valid for a minimum of two years from date of inspection of the landscaping by the city, and be in one of the following forms:



1. A cash deposit in escrow with a responsible financial institution authorized to do such business in the state, under an escrow agreement that provides the deposit will be held in trust for the benefit of the city, will not be used as security for any other obligation, and will be released to the city if the city certifies that the applicant has not completed the required landscaping.
2. A surety bond from a company authorized to do such business in the state, payable to the city if any required landscaping is not completed, posted either by the applicant or a contractor obligated by written contract to the applicant for construction of all of the required landscaping.
3. An irrevocable letter of credit with a responsible financial institution authorized to do such business in the state provided that the letter of credit will be held in trust for the benefit of the city, will not be used as security for any other obligation, and funds will be released to the city if the city certifies that the applicant has not completed the required landscaping.

#### **16.33.060 TYPES OF LANDSCAPING**

##### A. Site Perimeter/Project Boundary

1. Purpose. Create an aesthetically appealing visual appearance from the road right-of-way.
2. Applicability. Landscaping is required along the perimeter of all lot lines adjacent to the right-of-way.
3. Perimeter Landscaping
  - a. Minimum of a 10-foot wide landscaped planting bed. Driveways and sidewalks may cross such strips to provide approved site access.
  - b. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed, one tree per 30 feet, mulch, boulders, and decorative fencing panels.

##### B. Parking Lot and Vehicular Use Areas – Street, Perimeter, and Interior

1. Purpose. All parking lots and vehicular use areas must be screened from view from the right-of-way and/or adjacent residential areas to soften the appearance of these areas.
2. Applicability. Landscaping is required for all parking lots and vehicular use areas except as provided in this section.
3. Exemptions
  - a. Vehicular display areas for automobile sales or rentals. However, all other standards in this chapter must be met.
  - b. Truck wells, loading docks, and other areas designated exclusively for the loading and unloading of vehicles.

4. Parking lot perimeter. All parking lots visible from a public right-of-way must be screened with a combination of trees, shrubs, perennial flowers, boulders, and decorative fencing panels and must be consistent with the following:
  - a. Minimum of a 10-foot wide landscaped planting bed. Driveways and sidewalks may cross such strips to provide approved site access.
  - b. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed.
  - c. A minimum of one tree per 30 feet of planting bed.
  - d. A three-foot high vegetative hedge (or other similar vegetative screening) is required along street lot lines and must be planted between the required 10-foot wide planting bed and the parking lot.
5. Parking row terminations
  - a. All rows of parking stalls shall be terminated at each end with a landscape area having the full length of the adjoining parking stall and containing at least one planted or preserved tree. The landscape area must be sufficiently sized to provide the minimum root zone for a preserved tree or support the growth of a newly planted tree. Where a double row of interior parking stalls ends, the terminating landscape area shall be combined as one continuous area to maximize rooting area except when a dividing pedestrian and/or handicap accessibility route may be appropriate and is approved by the city planner.
  - b. Exemptions.
    - i. Parking lots in the industrial zoning district
6. Continuous parking stalls
  - a. Each row of parking must contain 15 or less continuous stalls without interruption by a landscape area. Each landscape area must be consistent with the dimensions required for parking row terminations above.
  - b. If any of the following conditions exist, no more than 12 continuous stalls may be provided:
    - i. The total number of on-site parking spaces exceeds 50;
    - ii. The total number of on-site parking spaces exceeds the number required by the minimum parking requirements in Title 16 by more than 10 percent; or
    - iii. The dimensions of drive aisles and/or parking stalls exceed the standards in Title 16.
  - c. Exemptions.
    - i. Parking lots in the industrial zoning district

7. Parking lot interior. All interior landscaping must comply with the following minimum standards:

<u>Landscaping requirements for surface parking areas</u>	
<u>Number of parking spaces</u>	<u>Required interior landscaped area</u>
<u>0 to 4</u>	<u>Five percent of the total area of the parking lot</u>
<u>5 to 20</u>	<u>10 percent of the total area of the parking lot</u>
<u>21 or more</u>	<u>15 percent of the total area of the parking lot</u>

- a. Each landscaped area shall be no smaller than 100 square feet and must be protected by permanent curbs or structural barriers.
- b. No part of a landscaped area shall be less than four feet in width or length except those parts of landscaped areas created by turning radii or angles of parking spaces.
- c. No parking space shall be more than 60 feet from a required landscaped area.
- d. The landscaped area may include bio-retention facilities.
- e. Trees in surface parking areas
  - i. One tree is required for every ten parking spaces; and
  - ii. Trees shall be selected in consultation with the city planner.

C. Street Trees/Street Buffers

1. A minimum of one street tree per 30 feet of frontage along a right-of-way is required for any new commercial or multi-family residential development.
2. Existing street trees shall be retained unless the city public works director approves their removal. The public works director, in consultation with the city planner, shall determine the number, type, and placement of additional street trees to be provided in order to:
  - a. improve public safety;
  - b. promote compatibility with existing street trees;
  - c. match trees to the available space in the planting strip;
  - d. maintain and expand the urban forest canopy;
  - e. encourage healthy growth through appropriate spacing;
  - f. protect utilities; and
  - g. allow access to the street, buildings and lot.

3. Exemptions. The following are exempt from the street tree requirements in this section:
  - a. Lots that border an unopened right-of-way may request an exemption from the requirement to plant street trees;
  - b. Changing a use or establishing a temporary/intermittent use;
  - c. Additions to an existing structure of 1,000 square feet or less; or
  - d. Expansion of surface area parking by less than 10 percent in area and less than 10 percent in number of parking spaces.

D. Screening and Buffering

1. Purpose

- a. Minimize or eliminate adverse impacts between adjoining uses. The buffer is intended to protect the lower intensity use from the higher intensity use and provide an aesthetically attractive barrier between the uses. It shall function to reduce or eliminate incompatibility between uses such that the long-term continuation of either use is not threatened by impacts from the other. For purposes of this section, adjoining means lots/parcels that share a common property line. It does not include lots/parcels separated by a public right-of-way.

2. Exemptions

- a. Development of a less intensive use;
- b. Between uses located on the same lot/parcel
- c. Between uses on adjoining lots/parcel, if under the same ownership
- d. Breaks in required screening are permitted to provide pedestrian and vehicular access. Breaks in required screening for vehicular access shall not exceed the width of permitted curb cuts.

3. Required screening/buffering. Buffers shall be provided according to the following standards, which are based on the character of the adjoining land uses:

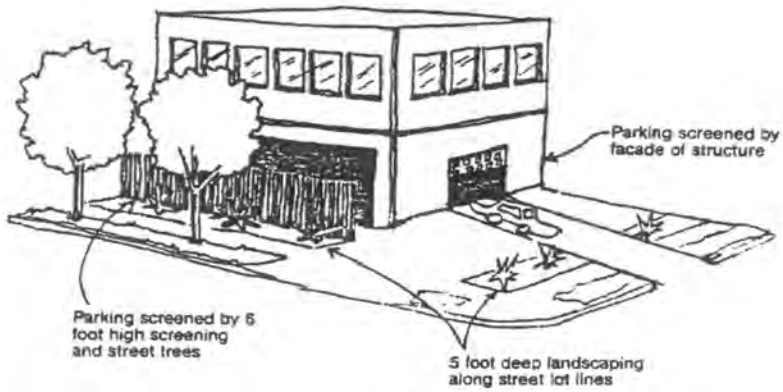
- a. Residential and non-residential. All residential uses shall be buffered from all non-residential uses, other than passive recreation, conservation, or agricultural uses, according to the buffer types established in this section and the following non-residential categories:
  - i. Residential. All multi-family uses exceeding four dwelling units per acre shall provide a Type-A buffer supplemented with an opaque fence, wall, or berm for all adjoining single-family and duplex residential uses.
  - ii. General commercial. General commercial uses consistent with the permitted commercial uses in the Rural Residential and Commercial zoning districts shall provide a Type-B buffer supplemented with an opaque fence, wall, or berm.
  - iii. Industrial. Industrial uses consistent with the industrial uses in the Industrial, Commercial, or Rural Residential zoning districts shall

- provide a Type-C buffer supplemented with an opaque fence, wall, or berm.
- b. Non-residential. Heavy commercial and industrial uses shall provide a Type-B buffer for all adjoining general commercial, neighborhood commercial, and other non-residential uses less intensive than heavy commercial or industrial.
- c. No existing use. For the purposes of buffering, where no use exists on adjoining land and none is proposed by a valid permit application, the use of the adjoining land will be assumed to be the most intensive use allowed by the existing zoning.
- d. Other uses or circumstances. In addition to the screening and buffering requirements in this section, the following uses must also provide the additional landscaping to provide an adequate buffer:

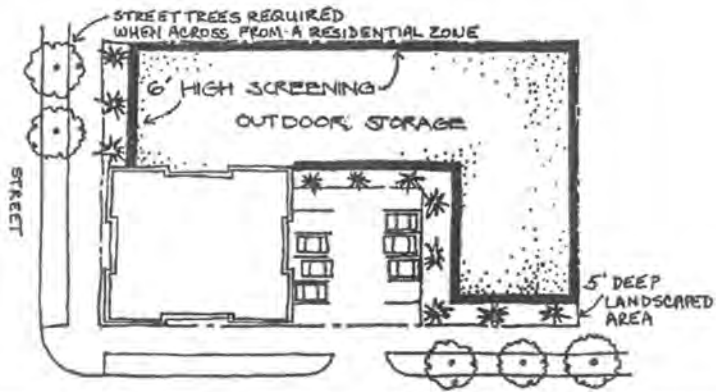
<b>Table A</b>	
<b>Use or Circumstance</b>	<b>Minimum Requirement</b>
<u>Drive-in businesses abutting or across an alley from a lot in a residential zoning district</u>	<u>Six-foot high screening along the abutting or alley lot lines; and a five-foot deep landscaped area inside the screening, when a drive-in lane or queuing lane abuts a lot in a residential zoning district</u>
<u>Drive-in businesses, other than gas stations, in which the drive-in lane or queuing lanes are across the street from a lot in a residential zoning district</u>	<u>Three-foot high screening</u>
<u>Gas stations in RR zones or, in C zones, across the street from a lot in a residential zoning district</u>	<u>Three-foot high screening along street lot lines</u>
<u>Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zoning district</u>	<u>Six-foot high screening along the abutting or alley lot lines</u>
<u>Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zoning district</u>	<u>Three-foot high screening along the street lot line</u>

**Table A**

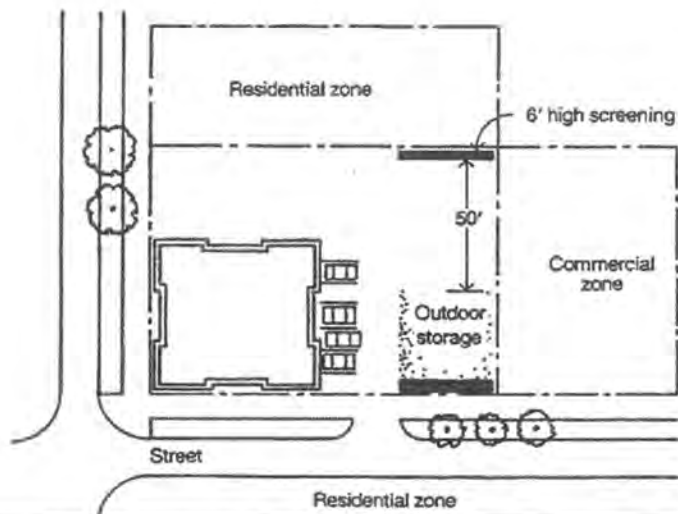
<u>Use or Circumstance</u>	<u>Minimum Requirement</u>
<u>Outdoor storage in an Industrial zoning district abutting a lot in the Commercial zoning district</u>	<u>Screened from all lot lines by the facade of the structure or by six-foot high screening; and five-foot deep landscaped area between all street lot lines and the six-foot high screening (Exhibit B)</u>
<u>Outdoor storage in an Industrial zoning district abutting a lot in a residential zoning district</u>	<u>50-foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by six-foot high screening (Exhibit C)</u>
<u>Outdoor storage in an Industrial zoning district across the street from a lot in a residential zoning district</u>	<u>Screened from the street by the facade of a structure, or by six-foot high screening</u>
<u>Parking garage occupying any portion of the street-level and/or street-facing facade between five and eight feet above sidewalk grade</u>	<u>A five-foot deep landscaped area along the street lot line; or Screening by the exterior wall of the structure; or Six-foot high screening between the structure and the landscaped area (Exhibit A)</u>
<u>Unenclosed parking garage on lots abutting a lot in a residential zoning district</u>	<u>A five-foot deep landscaped area and six-foot high screening along each shared lot line</u>
<u>Parking garage that is eight feet or more above grade</u>	<u>Three and one-half foot screening along the perimeter of each floor of parking</u>
<u>Outdoor areas associated with pet or child daycare centers</u>	<u>Screened from all property lines by the facade of the structure or by 6-foot-high screening between the outdoor area and all property lines</u>



**Exhibit A - Screening of parking within or under a structure**



**Exhibit B - Screening of open storage areas in Industrial zoning districts**



**Exhibit C - Screening of open storage areas in Industrial zoning districts**

4. Standards.

a. Location. Where a use is required to provide buffering for adjoining uses, the buffering must be along all side and rear lot lines where the use abuts the other use. No buffers are required along front property lines unless buffering is included in screening requirements for outdoor storage or other conditions described in this chapter.

b. Composition

i. Types. Where buffering is required, the following buffer types define the minimum width and plants required per 100 linear feet of buffer:

<u>Buffer Type</u>	<u>Buffer Width</u>	<u>Canopy Trees</u>	<u>Understory Trees</u>	<u>Shrubs</u>
<u>A</u>	<u>12 feet</u>	<u>2</u>	<u>1</u>	<u>10</u>
<u>B</u>	<u>16 feet</u>	<u>2.5</u>	<u>2</u>	<u>20</u>
<u>C</u>	<u>20 feet</u>	<u>3</u>	<u>3</u>	<u>30</u>

ii. Plants. The prescribed buffer plants may be existing natural vegetation, existing vegetation supplemented with additional plantings, or entirely new plantings. The suitability of existing vegetation to provide adequate buffering will be evaluated based on the minimum plants required. For effective buffering year-round, at least 50 percent of buffer trees shall be evergreen species. The selection and installation of buffer plants and buffer maintenance shall be according to the provisions in this chapter.

iii. Supplemental structures.

1. If an opaque fence, wall, and/or berm are required to supplement the plants within a buffer, it must be a minimum of six feet in height. Where an existing fence or wall on abutting property meets these requirements, no additional structure is required within the buffer. The existing fence or wall must be in good condition.
2. For new fences or walls, all support posts must be on the side of the developing property so that the more finished appearance faces the abutting property.
3. Existing natural vegetation, or existing vegetation supplemented with additional plantings, may be approved by the city planner for use instead of the fence or wall.

5. Refuse Containers and areas. Trash and garbage areas, including dumpsters, must be located within a gated enclosure that is opaque on all sides.

6. Service and Off-street loading areas. Screening with a continuous row of evergreen trees must be provided such that the service and off-street loading areas may not be viewed from adjacent streets.



7. Mechanical and Electrical equipment. All ground level equipment must be screened with landscaping or a combination of decorative fencing and landscaping that screens the equipment from view from adjacent streets. Landscaping must be consistent with ANSI and/or NESC standards, whichever is more restrictive.
8. Screening of surface parking areas. Surface parking areas abutting or across an alley from a lot in a residential zoning district must be screened with a minimum of a six-foot high buffer along the abutting lot line or the lot line along the alley.

E. Waivers

When one of the specific uses listed in this subsection is proposed for expansion, the applicable requirements for that use shall be met. The city planner may reduce or waive the requirements where they are physically infeasible due to the location of existing structures or required parking.

F. Treatment of Blank Facades

A minimum of 50 percent of the blank façade of a building facing the street that is wider than 35 feet must be "broken up" with landscaped areas that include trees, shrubs, perennial flowers, and boulders.

**16.33.070 INSPECTION**

- A. A landscape plan showing the actual landscaping installed on the site must be submitted to the Planning department for final approval and inspection. The inspection will determine whether it complies with all applicable landscaping requirements for the permit.

**16.33.080 MAINTENANCE AND REPLACEMENT**

- A. It is the duty of the owner of the lot/parcel to continuously maintain all required landscaping. If any required landscaping dies, becomes substantially damaged, or destroyed, it must be replanted in a similar manner within the same growing season that the damage or destruction occurs or no later than mid-June of the following year, whichever is earliest. When landscaping that is part of an approved landscaping plan is removed, disturbed or damaged, or is not maintained, in addition to any other remedy under this title, the city may require the lot owner to replace the landscaping on the lot consistent with the current provisions of this chapter.
- B. Grassy areas shall be maintained according to standard practices, which include regular mowing, weeding, fertilizing, and watering.
- C. All required buffering must be maintained by the landowner proposing the more intensive use.

### **16.33.090 HARDSHIP WAIVER/VARIANCE**

The commission may waive or modify a requirement concerning the density, location, or height of landscaping as provided in this chapter.

- A. *Pre-application conference.* The applicant shall schedule a pre-application conference with the city planner to review the proposed waiver or modification.
- B. *Application and site plan.* After the pre-application conference, the applicant shall submit an application for the waiver or modification to the city planner with the appropriate application fee. The application shall include a site plan depicting all information relevant to the requested waiver or modification. The city planner may require that the site plan be produced by a registered professional engineer, architect, landscape architect or land surveyor.
- C. *Public hearing.* The commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in Section 16.16.040 for a conditional use.
- D. *Decision.* The commission may approve an application only if the commission finds that the application meets all of the following standards:
  - 1. *Either (i) natural vegetative features within or adjacent to the property, or the shape, topography, drainage or other physical features of the property, make compliance with the landscaping requirements of this title impracticable or contrary to the public interest; or (ii) compliance with the landscaping requirements of this title will have an adverse effect on other property;*
  - 2. *The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;*
  - 3. *The waiver or modification is not sought solely to relieve pecuniary hardship or inconvenience;*
  - 4. *The waiver or modification will not significantly affect adjacent property or water bodies; and*
  - 5. *The waiver or modification is consistent with the spirit and intent of this chapter.*

### **16.33.100 VIOLATIONS/PENALTIES**

All applicable landscaping standards of this chapter must be documented on City-approved development permits/plans. Failure to comply with such standards will subject the development to stop work orders, code enforcement citations, and/or financial penalties.

- A. Tree removal. The penalty for the unauthorized removal of a preserved tree, including its effective removal by irreparable injury causing an unnatural decline, will be the cost necessary to replace the total tree trunk diameter (DBH) inches removed with the same total caliper inches of standard replacement trees. Where the actual DBH of the removed tree cannot be directly measured, city officials may estimate the size from any tree remains, photographs, or other reliable evidence.
- B. Tree damage. If a preserved tree has sustained irreparable damage to its normal growth character by topping, "hat racking," or other pruning exceeding 30% of the total canopy, the fine may be based on the total caliper inches of limbs removed, up to the trunk diameter (DBH) and full tree replacement may be required.
- C. Protection barriers. The penalty for the failure to install or maintain one or more tree protection barriers required by city development/permit approval will be the cost of one standard replacement tree. Subsequent citations on the same site for failure to install or maintain the required barriers will be the cost of a standard replacement tree for each uninstalled or unmaintained barrier.

**16.33.110 DISCLAIMER.**

Nothing in this chapter may be understood to impose any liability for damages or a duty of care or maintenance upon the city or any of its employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub, or other plant on their property under their control in such a condition as to prevent it from constituting a hazard or an impediment to travel or vision along any street or public place.

ADOPTED by the Wasilla Planning Commission on June 13, 2017.

APPROVED:

  
Jessica Dean, Chairman

ATTEST:

  
Tina Crawford, AICP, City Planner

VOTE: Passed Unanimously

---

**REGULAR MEETING**

**I. CALL TO ORDER**

The regular meeting of the Wasilla Planning Commission was called to order at 6:01 PM on Tuesday, June 13, 2017, in Council Chambers of City Hall, Wasilla, Alaska by Jessica Dean, Chair.

**II. ROLL CALL**

Commissioners present and establishing a quorum were:

Eric Bushnell, Seat A  
Darrell Breese, Seat B  
Jessica Dean, Seat C  
Simon Brown, Seat D  
Brian Mayer, Seat E

Staff in attendance were:

Archie Giddings, Public Works Director  
Tina Crawford, City Planner  
Leslie Need, City Attorney  
Tahirih DesJardin, Planning Clerk

**III. PLEDGE OF ALLEGIANCE**

A. Commissioner Giddings led the Pledge of Allegiance.

**IV. APPROVAL OF AGENDA**

GENERAL CONSENT: The agenda was approved as presented.

**V. REPORTS**

A. City Deputy Administrator

Ms. Carden provided information regarding the City's 4<sup>th</sup> of July events and parade and gave an update on her attendance at the International Shopping Centers in Nevada. She also provided information on new business licenses, a proposed one cent sales tax to pay for the new public safety building, and a proposed one and one-half percent MSB sales tax.

B. City Public Works Director

Mr. Giddings stated that the City Council approved a resolution recommending that the MSB deny a conditional use permit for a marijuana business located just outside the city limits on the Parks Highway.

C. City Attorney

Ms. Need provided an update on the Kopperud appeal.

D. City Planner

Ms. Crawford stated that the City Council approved the sign code revisions with two amendments.

E. Matanuska-Susitna Borough - Long Range Transportation Plan Update

Ms. Jessica Smith, MSB Long Range Transportation Planner, provided a presentation on the MSB Long Range Transportation Plan.

**VI. PUBLIC PARTICIPATION** *(Three minutes per person for items not on agenda)*

No one stepped forward.

**VII. CONSENT AGENDA**

A. Minutes of May 16, 2017, regular meeting

GENERAL CONSENT: Minutes were approved as presented.

**VIII. NEW BUSINESS** *(five minutes per person)*

A. Public Hearing

1. **Conditional Use Permit #17-02 (Reso. 17-13)**

Applicant: Tamas Deak, KPB Architects

Owner: J2S2 Properties

Request: Approval of a 12,287 SF bingo facility

Total Area: 2.52+/- acres

Location: 2430 & 2460 E. Parks Highway  
Lots 2 and 3, Carson Plaza Subdivision

Zoning: Commercial

a. City Staff

Ms. Crawford provided a summary of Conditional Use Permit #17-02 (Resolution Serial #17-13).

b. Applicant:

Ms. Sandra Powers, Tudor Bingo Hall owner, stated they are looking forward to opening up the bingo hall the first part of October 2017 and that they are looking to hire locally. She also stated they are looking forward to working with local non-profit organizations.

Discussion moved to the Commission.

c. Private person supporting or opposing the proposal

Chair Dean opened the public comment portion of the public hearing.

Mr. Dennis Smedley stated he works for the company that would be working on the new project and hopes the Commission approves the project.

Mr. John Powers, Tudor Bingo owner, recommended that the Commissioners visit the bingo facility in Anchorage to see how it is run and to get an idea of how the one they are proposing to open in Wasilla.

Commissioner Brown stated that he works with a non-profit organization that is associated with the Tudor Bingo and is impressed with the work they do.

Mr. Stu Graham stated he is on the City Council but is speaking as a resident of the City and expressed concern with a portion of Lot 3 being used as a gravel parking lot.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

d. Applicant

Mr. Smedley stated that the eastern portion of Lot 3 is planned for snow storage.

Discussion moved to the Commission.

MOTION: Commissioner Brown moved to approve Conditional Use Permit No. 17-02 (Resolution Serial No. 17-13), as presented.

Discussion moved to the Commission.

VOTE: The motion to approved Conditional Use Permit No. 17-02 (Resolution Serial No. 17-13) as presented, passed unanimously.

- 2 Item: **Land Clearing Waiver #17-03 (Reso. #17-16)**  
Request: Approval to allow 93.6% of Tract F to remain cleared of vegetation, which is 23.6% more than the 70% clearing allowed in WMC 16.33.050(A)(2) in order to open a car wash. Note: This lot was cleared of 100% of the vegetation by a previous owner.  
Applicant: Wayne N. Whaley, P.L.S., Agent  
Owner: Alaska Car Wash LLC  
Total Area: 0.92 acres ±  
Location: 1900 E. Palmer-Wasilla Highway  
Tract F, Cottonwood Creek Mall Subdivision  
Zoning: Commercial

a. City Staff

Ms. Crawford provided a summary of the request for the requested Land Clearing Waiver #17-03 (Resolution Serial #17-16).

Commissioner Mayer asked about wastewater from the car wash and asked if there will be any issues.

Mr. Giddings stated that the car was recently connected to City sewer so there shouldn't be any issues.

b. Applicant:

Mr. Wayne Whaley, Denali North, provided a statement on the proposed landscape waiver and proposed landscaping for the car wash.

c. Private person supporting or opposing the proposal  
Chair Dean opened the public comment portion of the public hearing.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

d. Applicant  
No further comments.

MOTION: Commissioner Mayer moved to approve Land Clearing Waiver #17-03 (Resolution Serial #17-16), as presented.

Commissioner Brown asked the Public Works Director is there are any traffic issues with the driveway onto the E. Palmer-Wasilla Hwy.

Mr. Giddings stated that the DOT approved the driveway and it is grandfathered in.

VOTE: The motion to approve Land Clearing Waiver #17-03 (Resolution Serial No. 17-16) as presented, passed unanimously.

3. **Resolution Serial No. 17-14:** Recommending that the Wasilla City Council repeal Wasilla Municipal Code Chapter 16.33, Landscaping Standards, and adopt in its place a new Chapter 16.33, Landscaping Standards, providing a revised regulatory framework for landscaping and land clearing requirements with updated regulations that are consistent with the City's comprehensive plan and are responsive to the needs of residents and business owners.

Ms. Crawford provided a brief overview of the previous discussions and the proposed landscape standards.

a. Private person supporting or opposing the proposal  
Chair Dean opened the public comment portion of the public hearing.

Mr. Stu Graham stated that he is on the City Council but is speaking as a resident of the City. He suggested that the acronym "DBH" be defined in the resolution.

Ms. Crawford stated that she would add a definition in the ordinance that will be presented to the City Council for adoption.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

MOTION: Commissioner Bushnell moved to approve Resolution Serial No. 17-14, as presented.

VOTE: The motion to approve Resolution Serial No. 17-14 as presented, passed unanimously.

4. **Resolution Serial No. 17-15:** Recommending that the Wasilla City Council amend Wasilla Municipal Code Section 16.08.015, Site Plan – As-built Survey, to provide an exemption for residential accessory structures with a gross floor area of 500 square feet or less from the site plan requirements when certain conditions are met; and other minor revisions.

Ms. Crawford provided a brief summary of the recommendation of the proposed revisions to the site plan requirements for residential detached accessory buildings with a gross floor area of 500 square feet or less.

- a. Private person supporting or opposing the proposal  
Chair Dean opened the public comment portion of the public hearing.

Mr. Stu Graham stated that he is on the City Council but is speaking as a resident of the City. He expressed concerns with the proposed revisions and potential mistakes in locating property lines.

With no one else stepping forward, Chair Dean closed the public comment portion of the public hearing.

**MOTION:** Commissioner Simon moved to approve Resolution Serial No. 17-15, as presented.

Discussion moved to the Commission.

**VOTE:** The motion to approve Resolution Serial No. 17-15 as presented, passed unanimously.

#### B. Committee of the Whole

**MOTION:** Commissioner Mayer moved to enter into the Committee of the Whole at 7:12 PM.

Entered into the Committee of the Whole for the following item:

1. Discussion regarding possible revisions to the regulations for farm animals in Wasilla Municipal Code Section 16.16.060(E).

**MOTION:** Commissioner Bushnell moved to exit the Committee of the Whole at 7:25 PM.

### X. UNFINISHED BUSINESS

No unfinished business.

### XI. COMMUNICATIONS

No statements made regarding the following items.

- A. Permit Information
- B. Enforcement Log



C. Matanuska-Susitna Borough Planning Commission agenda

**XII. AUDIENCE COMMENTS** (*three minutes per person*)

No comments.

**XIII. STAFF COMMENTS**

No comments.

**XIV. COMMISSION COMMENTS**

Commissioner Bushnell stated he was in Washington D.C. for the last meeting to advocate for property rights.

**XV. ADJOURNMENT**

The regular meeting adjourned at 7:26 PM.

\_\_\_\_\_  
JESSICA DEAN, Chair

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
TAHIRIH DESJARDIN, Planning Clerk

Adopted by the Wasilla Planning Commission -, 2017.