

By: Planning
Introduced: 11/25/08
Public Hearing: 01/13/09
Adopted: 01/13/09

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 09-01**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION APPROVING A REQUEST TO FORWARD A RECOMMENDATION OF APPROVAL TO CITY COUNCIL REGARDING ADOPTION OF AMENDMENTS TO WMC 16.24.010 REGARDING DENSITY AND DIMENSIONAL REQUIREMENTS; AMENDING WMC 16.24.020 REGARDING MAXIMUM RESIDENTIAL DENSITY AND MINIMUM LOT AREA; AND ENACTING WMC 16.24.025 TO PERMIT DEVIATIONS FROM THE RESIDENTIAL DENSITY AND DIMENSIONAL REQUIREMENTS WHERE ADDITIONAL OPEN SPACE IS CREATED UNDER AN APPROVED CONSERVATION SUBDIVISION DESIGN, AND ESTABLISHING THE PROCEDURE FOR APPROVAL OF A CONSERVATION SUBDIVISION.

WHEREAS, the City of Wasilla ("City") strongly supports development within its boundaries that conserves the City's natural resources, promotes outdoor recreation, and improves the community's appearance; and

WHEREAS, the Wasilla Planning Commission formed a special subdivision rewrite committee in November of 2006 made up of two surveyors, an engineer, a realtor, a homebuilder, and a concerned citizen who were asked to meet regularly and discuss needed code amendments and new code for adoption by the City; and

WHEREAS, the subdivision rewrite committee met regularly twice per month until a draft subdivision code, including a section on conservation subdivision design, was drafted; and

WHEREAS, the creation of the conservation subdivision code gives a non-required option to subdividers that can result in the creation of private and public open space that promotes the goals of the City Comprehensive Plan and of the City Council;

while benefiting the developer and future lot owners by providing an open space amenity; and

WHEREAS, the public hearing date and time was publicly advertised; and

WHEREAS, on January 13, 2009, the Wasilla Planning Commission held a public hearing on this request; and

WHEREAS, the Wasilla Planning Commission deliberated on this request taking into account the information and recommendations of the staff, public testimony - both written and verbal comments, the applicable provisions of the City Comprehensive Plan, and other pertinent information brought before them; and

WHEREAS, on January 13, 2009, after due consideration, the Wasilla Planning Commission determined that the proposed code amendments and enactment of new code is consistent with the goals and policies of the City Comprehensive Plan; and

WHEREAS, WMC 16.24.010, Density and dimensional requirements, is hereby amended to read as follows:

16.24.010 Density and Dimensional Requirements.

A. This chapter states [THE FOLLOWING ARE THE] requirements governing density of residential development, building height, building setback requirements, [FOR BUILDINGS FROM LOT LINES] and parking.

B. Where [IN CALCULATING] the number of dwelling units that is permitted [ALLOWED] on a lot or the number of parking, loading or storage spaces that is required under the provisions of this chapter is not a whole number, the number shall be expressed in decimal form, truncated at two digits to the right of the decimal point, and rounded:

1. To the next larger whole number where the digits to the right of the decimal are .50 or greater.

2. To the next smaller whole number where the digits to the right of the decimal are less than .50.

For example, in calculating the maximum residential density of a lot with an area of 13,478 square feet where a maximum of one dwelling unit is permitted for every 10,000 square feet of lot area, the resulting fraction of 1.3478 would be truncated to 1.34, and rounded to 1.0 permitted dwelling units [THE PLANNER SHALL ROUND FRACTIONAL UNITS ABOVE TWO UP

TO THE NEXT WHOLE NUMBER IF THAT FRACTION EQUALS OR EXCEEDS. (EXAMPLE: FOUR UNITS ARE REQUIRED IF THE DENSITY CALCULATING YIELDS 3.50 UNITS. IF THE DENSITY CALCULATION YIELDED 3.48 UNITS, ONLY THREE UNITS WOULD BE ALLOWED)]. ; and

WHEREAS, WMC 16.24.020, Density, is hereby amended to read as follows:

16.24.020 Maximum residential density; Minimum lot area.

A. In addition to any limitation on the number of dwelling units on a lot under WMC 16.20.020, the maximum number of dwelling units per square foot of lot area, and the minimum area of a lot, permitted in the RR, R1, R2, RM and C zoning districts shall be as stated in the following table:

	DISTRICTS			
	<u>RR</u>	<u>R1</u>	<u>R2</u>	<u>RM, C</u>
Maximum residential density	1/20,000, or duplex/20,000 with City water	1/Lot	1/10,000	No Limit
<u>Minimum lot area</u>	<u>20,000 square feet</u>	<u>10,000 square feet</u>	<u>10,000 square feet</u>	<u>10,000 square feet</u>

B. Subsection A of this section does not apply to a conservation subdivision approved under WMC 16.24.025.

C. Where state law or the borough code requires that the residential density of a lot be less than the maximum residential density permitted under subsection A of this section, or that the minimum area of lot be greater than the minimum permitted under subsection A of this section, the requirement of state law or the borough code shall govern.; and

WHEREAS, WMC, 16.24.025, Conservation Subdivision Design, is hereby adopted to read as follows:

16.24.025 Conservation Subdivision Design.

A. Authorization. A subdivision conforming to the requirements of this section may be approved as a conservation subdivision. All lots in a conservation subdivision shall be used only for residential uses, open space, or supporting utility facilities. In a conservation subdivision, a lot may be smaller than permitted under WMC 16.20.020. A only when the square footage by which the lot is being reduced becomes a part of an open space area within the subdivision and the lots within that subdivision meet the area requirements in subsection B. For purposes of this chapter, "Open Space" is a lot in a

subdivision that complies with the requirements for open space in this section, has been set aside by the subdivider for common use and enjoyment, and has been approved by the City Planner through the procedures in Chapter 16.30.

B. Maximum Number of Lots. The maximum number of lots per square foot of the gross area of a conservation subdivision shall be as stated in the table and shall not violate state law or borough code:

<u>Maximum number of lots per square foot of gross area</u>			
<u>DISTRICTS</u>			
<u>RR</u>	<u>R1</u>	<u>R2</u>	<u>RM/C</u>
<u>1/20,000</u>	<u>1/10,000</u>	<u>1/10,000</u>	<u>1/10,000</u>

For the purposes of this subsection, "gross area" of a subdivision means the entire area within the exterior boundaries of the subdivision. The maximum number of lots permitted in a conservation subdivision is determined without taking into account lots that either have been set aside for open space under this section, or on which habitable structures are not allowed and whose sole purpose is to contain utilities.

C. Purpose. The purpose of a conservation subdivision is to preserve the environment and promote public recreation values on private land by establishing standards that allow greater flexibility in subdivision design, allowing smaller lot sizes in exchange for dedicating portions of the subdivision to protect water quality and wetlands and to provide for trails, gardens, parks, and other uses that promote conservation of the environment and outdoor recreation while not increasing the overall number of housing units.

D. Conservation Design. The City strongly supports the use of

conservation design in the creation of subdivisions. A conservation design subdivision complies with the purpose and intent of the Wasilla comprehensive development plan as such a design encourages the most appropriate use of space, providing adequate open space for light and air, improving the City's appearance, providing for orderly growth in the City, facilitating adequate provisions for community utilities and facilities such as water, sewage and electrical distribution systems, and promoting the health, safety, and general welfare of the public. Conservation subdivisions provide subdividers alternative ways to preserve nature and encourage community development.

E. Delineation of Open Space. A conservation subdivision design and any open space must be delineated and identified on the plat and shall be subject to subdivision approval under Chapter 16.30. Examples of acceptable uses of open space include neighborhood parks and playground areas; picnic areas; gardens and grass fields; nature trails for summer and/or winter activities; ponds or lakes; wetlands or forest areas.

F. Preservation of Open Space.

1. Open space shall be set aside by the subdivider through a conveyance to a homeowners' association, the residential lot owners as tenants in common, or a nonprofit or municipal corporation where such nonprofit or municipal corporation agrees in writing to accept the conveyance.

2. The subdivider shall convey the open space by a deed approved by the City Planner and recorded at the time of recording of the final plat for the conservation subdivision. Where the property is deeded to an entity,

that entity shall have provisions in its organizational document for the transfer of the property to another qualified entity in the event that the entity owning the property ceases to exist. The deed conveying the open space shall require the preservation of natural vegetation and other natural features and prohibit structures in the open space except as shown on a site plan that is approved by the City Planner. After preliminary plat approval, any change to the site plan shall be subject to approval by the City Planner in the same manner as changes to the preliminary plat. After recording of the final plat for the subdivision, the approved site plan may be changed only with the approval of the City Planner and the owner or owners of the open space property.

3. The deed conveying the open space shall state the permitted use(s) of the open space, and provide standards for scheduled maintenance of the open space.

G. Minimum Open Space Dimensions. The smallest dimension of each lot that is to be open space under this section shall not be less than one hundred (100) feet. Exceptions to this one hundred (100) foot minimum may be permitted for linear features such as stream and trail corridors which extend over the length of the property or where there are unusual topographical constraints or irregularly shaped property boundaries which the subdivider could not reasonably be expected to change. The minimum area of any single open space lot is one acre unless the area of the lot plus that of all contiguous open space is at least one acre.

H. General Open Space Guidelines.

1. No portion of the land dedicated as open space may be located within the boundaries of a road right-of-way.

2. Community wells and community septic systems shall only be permitted on open space dedicated to the subdivision lot owners. Protective well radii may be allowed in open space.

3. No structure shall be permitted on a lot dedicated to open space unless it does not conflict with the use of the lot as open space and the structure is included in the approved site plan for the open space. Only structure(s) or building(s) that do not conflict with the intent of this section shall be permitted within the open space and each such structure or building must be approved by the City Planner.

4. The City Planner may require open space within a conservation subdivision to adjoin with open space within the same or another conservation subdivision(s) or with any other land restricted from development.

I. Maintenance of Open Space. The owner(s) of open space shall be responsible for the maintenance and management of such space. The maintenance and management requirements for a specific conservation subdivision shall be included in the approved site plan for that open space. Open space that is conveyed to a nonprofit corporation shall be maintained by the nonprofit corporation. Open space that is conveyed to a municipal corporation shall be maintained by the municipal corporation. Open space that is conveyed to a homeowners' association shall be maintained by the homeowners' association. Open space that is conveyed to lot owners as tenants in common

shall be maintained by a homeowners' association or nonprofit corporation formed by the subdivider for that purpose. The entity responsible for maintaining open space shall have a perpetual existence, have provisions in its organizational document for transfer of the maintenance responsibility to another qualified entity in the event that the entity becomes unwilling or unable to continue maintaining the open space, and shall enter into an agreement to manage and maintain the open space that is approved by the City Planner and is enforceable by the city and by lot owners in the subdivision.

J. Approval Process. The site plan and the preliminary and final plats for a conservation subdivision shall be subject to review and approval by the City under Chapter 16.30.; and

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves of these code amendments and enactment of the proposed new code and hereby forwards their support for adoption of this code to the Wasilla City Council.


ADOPTED by the Wasilla Planning Commission on January 13, 2009.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE:

YES: Wall, Laub-Elkins, Tucker, Webb
NO: Kelly, Buswell