

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING MSB 17.73.095 DOMESTIC WASTEWATER SYSTEM PLAN REVIEW.

AGENDA OF: March 16, 2021

ASSEMBLY ACTION:

Adopted without objection 4-6-21

(Signature)

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:

MB

Route To:	Department/Individual	Initials	Remarks
	Originator - A. Strawn	Alex Strawn	Digitally signed by Alex Strawn Date: 2021.03.04 11:27:41 -09'00'
	Planning and Land Use Director	Alex Strawn	Digitally signed by Alex Strawn Date: 2021.03.04 11:28:20 -09'00'
	Borough Attorney	<i>Ed for NS 3/5/21</i>	
	Borough Clerk	<i>KBT for LM 03/08/21</i>	

ATTACHMENT (S) : Fiscal Note: YES ☐ NO ☒

ADEC Interim Guidance: Conventional Onsite Wastewater Systems (2 pp)

Planning Commission Resolution 21-02 (2 pp)

MSB 17.73 (15 pp)

Ordinance Serial No. 21-013 (2 pp)

SUMMARY STATEMENT:

This ordinance is at the request of Assembly Member Sumner.

In 2018, Ordinance 18-013 was adopted. In part, Ordinance 18-013 created a requirement (MSB 17.73.095) for multifamily developments to obtain ADEC approval for their domestic wastewater system.

In 2019, ADEC changed their review and approval process. ADEC no longer reviews conventionally constructed wastewater systems. Instead, they are using an approval process that is sometimes referred to as "Permit by Rule." The "Permit by Rule" process effectively approves the development without review as long as the development is done in compliance with the applicable requirements. No written approval is issued in the "Permit by Rule" process, thus rendering the MSB 17.73.095 requirement useless and

obsolete.

This ordinance is intended to ensure that domestic wastewater systems associated with multifamily developments are installed in accordance with all applicable State of Alaska regulations.

RECOMMENDATION OF ADMINISTRATION:

Staff respectfully recommends adoption of Ordinance 21-013.



Interim Guidance: Conventional Onsite Wastewater Systems Effective September 30, 2019

The section of Engineering Support and Plan Review (ESPR) has been working towards programmatic and organizational changes in order to prioritize section tasks. The higher priority focus areas were determined to include: discharges to Waters of the US, higher risk discharges, and areas where the density of smaller scale subsurface wastewater discharges are impacting, or have a higher risk of impacting, groundwater aquifers and surface waters.

In order to redirect staff time to address a significant back log of plan review submittals, reorganization of the section to focus on priority tasks, and to continue efforts towards creating other efficiencies, the ESPR section has determined the current workload must be reduced.

Therefore, in addition to the conventional wastewater systems that are currently exempt from plan approval, an Alaska registered professional engineer may design and oversee construction, without prior approval, for conventional onsite wastewater systems serving residential or commercial buildings located on a single lot with a total on lot design flow less than 2,500 gpd as long as the following requirements are met:

- the conventional wastewater system must not serve buildings operated as part of a larger commercial operation, regardless if located on a separate lot, with a total facility design flow of 2,500 gpd or more
- the facility operations in the entirety must only produce domestic wastewater; if any part of the facility operations result in the production of non-domestic wastewater, prior plan approval is still required; private residence garage floor drains are not considered a source of non-domestic wastewater for the purpose of this guidance
- the design flow must be calculated using 150 gpd per bedroom for residential units or in accordance with the UPC or EPA manual using typical design flows for that type of facility
- the system construction must meet all construction standards and other requirements of 18 AAC 72 and the Onsite Wastewater System Installation Manual
- the system must be registered within 90 days of construction by submitting a completed and sealed Documentation of Construction (DOC) form and paying the \$115 registration fee; it is the engineer's responsibility to ensure the system is properly registered.

Conventional onsite wastewater systems that do not meet these requirements must continue to have department approval prior to construction. Please refer to the Additional Guidance below for how this may further affect projects that have already been submitted for review.

To stay informed on other upcoming changes, please join the [dec.wastewater.systems listserv](mailto:dec.wastewater.systems.listserv@list.state.ak.us) at list.state.ak.us.

*IM 21-020
OR 21-013*

Additional Guidance

The ESPR section currently has an extensive backlog of plan review submittals. If a wastewater system design that does not require plan review under this interim guidance has already been submitted for review, or has already received construction approval, the following actions may be taken:

- The Department will not accept payment for any pending plan review fee for wastewater systems that meet the above criteria; the engineer and owner will be informed via email that registration of the system with a Documentation of Construction (DOC) form is required.
- If a plan review fee has already been processed for a system meeting the above criteria, the engineer may request to withdraw the application but no refund will be issued; upon request, the Department will waive the DOC fee for systems registered within one year of the date this guidance is effective.
- If a request for Approval to Construct (ATC) is currently under review, the engineer may still request to withdraw the application but no refund will be issued and the DOC fee will not be waived; the withdrawal request may be denied if the plan review engineer has noted major deviations from prescribed standards or has other concerns.
- If an ATC has already been issued and is current as of the effective date of this guidance, the engineer may
 - submit a request for Final Approval to Operate (FATO) in accordance with the ATC letter so the project can be closed under current regulations, or
 - request the ATC be voided; the system must then be registered in accordance with this policy and the \$115 registration fee paid; the Department may deny this request if conditions were placed on the ATC or the system otherwise did not meet all construction requirements.
- If an ATC has been issued but has expired as of the effective date of this policy and no FATO request has been submitted then
 - if the system is already constructed, the engineer must apply for FATO within 90 days, or
 - if system has not yet been constructed, the ATC is void and a DOC with the \$115 registration fee must be submitted in accordance with this guidance or future regulations.
- If a FATO request has already been submitted, no action is needed; the Department will be addressing the backlog.

If there are any questions regarding this guidance, please contact Tonya Bear, ESPR acting section manager, at 451-2177 or tonya.bear@alaska.gov.

To stay informed on other upcoming changes, please join the [dec.wastewater.systems listserv](mailto:dec.wastewater.systems.listserv@list.state.ak.us) at [list.state.ak.us](mailto:dec.wastewater.systems.listserv@list.state.ak.us).

*IM 21-020
OR 21-013*

By: A. Strawn
Introduced: January 18, 2021
Public Hearing: February 1, 2021
Action: Adopted

**MATANUSKA-SUSITNA BOROUGH
PLANNING COMMISSION RESOLUTION NO. PC 21-02**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLANNING COMMISSION
RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING 17.73.090 DOMESTIC
WASTEWATER SYSTEM PLAN REVIEW.

WHEREAS, in 2018 Ordinance 18-013 was adopted. In part,
Ordinance 18-013 created a requirement (MSB 17.73.095) for
multifamily developments to obtain Alaska Department of
Environmental Conservation (ADEC) approval for their domestic
wastewater system; and

WHEREAS, in 2019, ADEC changed their review and approval
process. ADEC no longer reviews conventionally constructed
wastewater systems; and

WHEREAS, the change in ADEC's approval process has rendered
the MSB 17.73.095 requirement useless and obsolete; and

WHEREAS, the proposed amendment will require the developer to
submit documentation to the Borough certifying that the domestic
wastewater system associated with their multifamily development is
in full compliance with all applicable ADEC regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Matanuska-Susitna
Borough Planning Commission hereby recommends approval of

1M 21-020
OR 21-013

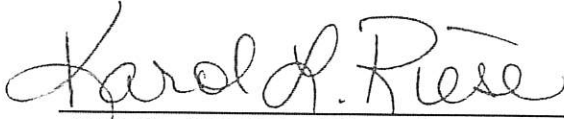
Ordinance Serial No. 21-013 amending MSB 17.73.090 Domestic Wastewater System Plan Review.

ADOPTED by the Matanuska-Susitna Borough Planning Commission this 1st day of February, 2021.



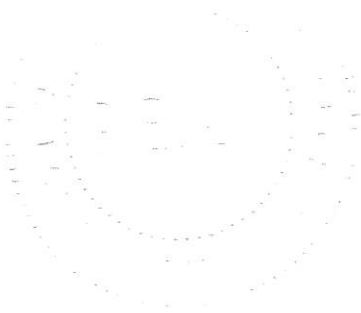
COLLEEN VAGUE, Chair

ATTEST




KAROL RIESE, Planning Clerk

(SEAL)



YES: Commissioner Anderson, Ortiz, Chesbro, Vague, Glashan, and Mossanen

No: 

CHAPTER 17.73: MULTIFAMILY DEVELOPMENT DESIGN STANDARDS

Section

Article I. Adoption

17.73.010 Title

17.73.020 Intent and purpose

17.73.030 Application of provisions

17.73.040 Density

Article II. Application Requirements

17.73.050 Approval required

17.73.060 Administrative review

17.73.070 Planning commission review

17.73.080 Appeals process

17.73.090 Conflicting provisions

17.73.095 Domestic wastewater system plan review

17.73.100 Nonstructural fire and life safety plan review

17.73.110 Violation and enforcement

Article III. Incentives

17.73.120 Earning incentive points [Repealed]

Article IV. Standards

17.73.130 General design standards

17.73.140 Height [Repealed]

17.73.150 Access roads; Design/parking

17.73.160 Bicycle storage/parking [Repealed]

*1M 21-020
OR 21-013*

17.73.170 Lighting

17.73.180 Pedestrian circulation

17.73.190 Landscaping

17.73.200 Service area screening

17.73.210 Fencing and walls [Repealed]

17.73.220 Useable open space [Repealed]

17.73.230 Mixed use opportunities [Repealed]

17.73.240 Affordable housing [Repealed]

Article V. Definitions

17.73.250 Definitions

ARTICLE I. ADOPTION

17.73.010 TITLE.

(A) This chapter shall be known and cited as the “multifamily development design standards ordinance of the Matanuska-Susitna Borough.”

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.020 INTENT AND PURPOSE.

(A) The overall goals of this chapter are to provide safe, affordable multifamily developments that promote a healthy lifestyle in the Matanuska-Susitna Borough (also referred to as “borough”). Also, this chapter encourages compatible multifamily development with surrounding land uses, and provides development incentives to encourage innovative multifamily development and affordable housing. Issues related to multifamily development, such as water quality, traffic impacts, design standards, and other associated concerns, are addressed by this chapter. This chapter establishes appropriate density levels for multifamily development throughout the borough.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 2, 2008; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.030 APPLICATION OF PROVISIONS.

*1M 21-020
OR 21-013*

(A) This chapter applies to all multifamily developments, including substandard dwellings, which meet or exceed the density threshold of this chapter, regardless of the form of ownership. This chapter applies to:

- (1) all new multifamily developments started after the effective date of the ordinance codified in this chapter.
- (2) all structural additions totaling 300 square feet and greater to an existing multifamily development.

(B) The provisions of this chapter are not applicable and may not be used for multifamily developments or buildings within the cities of Houston, Palmer, or Wasilla.

(C) The provisions of this chapter are the responsibility of the developer.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 3, 4, 2008; Ord. 07-058, § 1, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.040 DENSITY.

(A) Density thresholds are used by this chapter to determine if the chapter applies. The density thresholds are determined using the following subsections:

- (1) Residential development constructed at a density greater than two dwelling units per 40,000 square feet of lot area; or
- (2) Any development exceeding six dwelling units, regardless of lot size.
- (3) This chapter shall apply to substandard dwellings offered for compensation in the form of money, services, or barter that are constructed at a density:
 - (a) equal to or greater than one dwelling per 40,000 square feet of lot area, calculated at 0.000025 multiplied by the lot area; and
 - (b) exceeding two dwellings regardless of lot size.
- (4) This density threshold does not apply to short-term transient accommodations, as defined by this chapter and subject to regulations by MSB 3.32.010, 3.32.020, and 3.32.030 and subsequent amendments. Short-term transient accommodations shall be exempt from the standards of this chapter.

*1M 21-020
OR 21-013*

(B) Density ceiling is the maximum number of dwelling units that can be built per 40,000 square feet. A density ceiling applies when allowed through the application of this chapter and unless otherwise established within a SPUD or another codified standard.

(1) Two density ceilings are provided.

(a) Core Area (As Delineated in the MSB Core Area Comprehensive Plan).

(i) The maximum number of dwelling units allowed within the core area is 18 units per 40,000 square feet.

(b) Non-Core Area.

(i) The maximum number of dwelling units allowed outside of the core area is 12 units per 40,000 square feet.

(2) Regardless of location, substandard dwellings that are being offered for compensation in the form of money, services, or barter are subject to the following density ceilings:

(a) one substandard dwelling per 40,000 square feet; or

(b) two substandard dwellings, regardless of lot size.

(Ord. 18-013, § 2, 2018; Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 5, 6, 2008; Ord. 07-058, § 2, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

ARTICLE II. APPLICATION REQUIREMENTS

17.73.050 APPROVAL REQUIRED.

(A) Multifamily development permit application approval is required prior to commencement of a multifamily development that meets or exceeds the density threshold of this chapter.

(B) A complete application includes the following:

(1) nonrefundable multifamily development permit fee;

(2) three copies of the following documents:

(a) permit application;

(b) certified site plan (see definition);

(i) The landscape and drainage plans may be included as part of the certified site plan;

*IM 21-020
OR 21-013*

(c) *[Repealed by Ord. 12-169, § 2, 2013]*

(d) drainage plan;

(3) *[Repealed by Ord. 12-169, § 2, 2013]*

(4) additional information as determined by the director.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 7, 2008; Ord. 07-058, § 3, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.060 ADMINISTRATIVE REVIEW.

(A) Each application for multifamily development will be approved administratively, unless a variance or other modification to the standards of this chapter is requested.

(B) The planning and land use director or designated staff shall determine whether an application for a multifamily permit is complete. An incomplete application shall be returned to the applicant with a written explanation of application deficiencies within seven working days of the date the application is received in the planning and land use department.

(C) Decisions will be rendered within ten working days from the date the application is determined complete.

(D) The director may revoke any approved application if the development does not conform to the approved application.

(E) If the proposed multifamily development contains or will contain any substandard dwellings offered for commercial compensation in the form of money, services, or barter, and if the minimum criteria for a multifamily development permit are met, the director will notify surrounding property owners in accordance with MSB 17.03, Public Notification. Within 30 days of acceptance of the completed application, the director shall issue a decision on the application with conditions to address concerns raised by surrounding property owners within the notification area, if deemed appropriate by the director.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.070 PLANNING COMMISSION REVIEW.

(A) In the event the applicant wishes to vary from any of the standards of this chapter, the planning commission may grant variances from the standards contained in this chapter. The planning commission will base its decision on the variance review criteria described in MSB 17.65.

*IM 21-020
OR 21-013*

(B) The planning commission may consider comments from the department of emergency services when granting a variance.

(C) The planning commission may require conditions of approval when granting a variance to support the overall objectives of the multifamily standards.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 8, 9, 2008; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.080 APPEALS PROCESS.

(A) The appeal of a decision shall be conducted in accordance with the process outlined in MSB 15.39.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 4, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.090 CONFLICTING PROVISIONS.

(A) If any provisions of this chapter are inconsistent with one another or if they conflict with provisions found in other adopted borough, state, federal, or local codes, ordinances, or regulations, the more restrictive provision will apply.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.095 DOMESTIC WASTEWATER SYSTEM PLAN REVIEW.

(A) All multifamily developments not connected to a municipal sewer system are required to obtain ADEC approval of a domestic wastewater system plan in accordance with 18 AAC 72.200.

(Ord. 18-013, § 3, 2018)

17.73.100 NONSTRUCTURAL FIRE AND LIFE SAFETY PLAN REVIEW.

(A) All multifamily dwellings:

(1) shall comply with current Alaska State Fire Code;

(2) may be subject to a nonstructural fire and life safety plan review before construction may begin;

(3) *[Repealed by Ord. 07-058, § 5, 2007]*

*1M 21-020
OR 21-013*

(B) *[Repealed by Ord. 07-058, § 5, 2007]*

(C) *[Repealed by Ord. 07-058, § 5, 2007]*

(D) *[Repealed by Ord. 07-058, § 5, 2007]*

(E) *[Repealed by Ord. 07-058, § 5, 2007]*

(F) The following design standards shall be required:

(1) Separation distances between habitable buildings shall be no less than 20 feet, unless approved by the State Fire Marshal or the local fire marshal where a state deferment exists;

(2) *[Repealed by Ord. 12-169, § 2, 2013]*

(3) Hard-wired smoke and carbon monoxide detectors shall be installed in all multifamily dwellings.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 10, 2008; Ord. 07-058, § 5, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.110 VIOLATION AND ENFORCEMENT.

(A) Except as otherwise specified in this chapter, violations of this chapter are infractions.

(B) Remedies, enforcement actions, and penalties shall be consistent with the terms and provisions of MSB 1.45.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

ARTICLE III. INCENTIVES

17.73.120 EARNING INCENTIVE POINTS. [Repealed by Ord. 12-169, § 2, 2013]

ARTICLE IV. STANDARDS

17.73.130 GENERAL DESIGN STANDARDS.

(A) *[Repealed by Ord. 12-169, § 2, 2013]*

(1) No more than 60 percent of the lot area shall be occupied by impervious surface areas;

(2) *[Repealed by Ord. 12-169, § 2, 2013]*

*IM 21-020
OR 21-013*

(3) *[Repealed by Ord. 07-058, § 7, 2007]*

(4) *[Repealed by Ord. 12-169, § 2, 2013]*

(5) Comply with Americans with Disabilities Act of 1990 (ADA) Requirements. In addition to ADA, all buildings exceeding four units must comply with all of the Fair Housing Act of 1968 requirements;

(6) *[Repealed by Ord. 12-169, § 2, 2013]*

(7) *[Repealed by Ord. 12-169, § 2, 2013]*

(8) Perimeter setbacks are the minimum required yards measured from the perimeter property lines or public access easement(s), whichever is the more restrictive. The following perimeter setbacks apply:

(a) front: 25 feet;

(b) rear: 20 feet; and

(c) side: ten feet;

(9) *[Repealed by Ord. 12-169, § 2, 2013]*

(10) Minimum interior setbacks are measured between habitable buildings, detached garages, and other detached accessory buildings.

(a) *[Repealed by Ord. 12-169, § 2, 2013]*

(b) detached garages: ten feet; and

(c) other detached nonhabitable accessory buildings: ten feet;

(11) *[Repealed by Ord. 12-169, § 2, 2013]*

(12) Roof overhangs may project from the outside wall no more than two feet into the setback, and are not considered as part of the setback.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), §§ 12, 13, 2008; IM 07-289, page 2 (part), presented 11-13-07; Ord. 07-058, § 7, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.140 HEIGHT. [Repealed by Ord. 12-169, § 2, 2013]

*IM 21-020
OR 21-013*

17.73.150 ACCESS ROADS; DESIGN/PARKING.

(A) All primary vehicle access to a multifamily development, at a minimum, shall be from a residential road as described by the borough's Subdivision Construction Manual;

(B) The following standards shall apply:

(1) Vehicle Access and Circulation.

(a) Any multifamily developments exceeding the thresholds of MSB 17.61.050 will submit a traffic impact analysis (TIA) as directed;

(b) The director has the authority to restrict or require additional access to the development when the need to do so is dictated by one or more of the following conditions:

(i) the development causes or increases hazardous traffic conditions; or

(ii) there is inadequate access provided for emergency vehicles; or

(iii) the development causes hazardous conditions to exist which would constitute a clear and present danger to the public health, safety, and general welfare;

(c) To provide for increased traffic movement on congested streets and to eliminate road capacity conflicts, the director may consult with the planning transportation division or the public works department for findings that may restrict the location of driveways or approach roads on streets and require the location of driveways and approach roads to be placed on adjacent streets, or in a new location;

(2) *[Repealed by Ord. 08-018(SUB), § 16, 2008]*

(3) Multifamily residential developments shall not have primary access to an arterial street(s), unless approved by the appropriate governing entity; and

(4) The internal drive system will connect to the perimeter public street system to provide for inter-connectivity with public amenities, adjoining neighborhoods, and adjacent developments; and

(5) For emergency service purposes, all internal drive systems shall conform to MSB 11.20 and be named.

(C) Street Design.

*IM 21-020
OR 21-013*

(1) Street design shall minimize automobile and pedestrian conflicts and strive to create low-profile, safe, modest parking areas. All public street design standards shall comply with the borough's Subdivision Construction Manual. The following standards shall apply:

(a) The development's street design shall create a hierarchy of streets and drives for the development. To the extent possible, the design of all through-access drives shall be consistent with, and aligned with, residential drives or through-access drives in adjacent existing or planned development sites.

(D) Private Access Drives.

(1) Minimum private access drive width must be no less than 20 feet in width.

(a) For road design and access standards, see the borough's Subdivision Construction Manual.

(b) Parking along private access drives is prohibited unless designed to accommodate the standards of this chapter.

(E) Parking Standards. Minimum parking spaces required per dwelling unit:

(1) efficiency unit: 1.0 per dwelling unit;

(2) one- to two-bedroom units: 1.5 per dwelling unit; and

(3) three- or more bedroom units: 2.0 per dwelling unit.

(F) Vehicle Parking Space Design Requirements.

(1) Standard:

(a) length: 20 feet;

(b) width: ten feet; and

(c) vertical clearance: seven feet;

(2) Barrier-free (ADA):

(a) one barrier-free parking stall shall be provided for every 25 required parking stalls.

(i) width: eight feet plus a five-foot adjacent access aisle;

(ii) length: 20 feet; and

*IM 21-020
OR 21-013*

(iii) vertical clearance: eight feet.

(Ord. 12-169, § 2 (part), 2013; Ord. 08-018(SUB), § 16, 2008; Ord. 07-058, § 8, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.160 BICYCLE STORAGE/PARKING. [Repealed by Ord. 12-169, § 2, 2013]

17.73.170 LIGHTING.

(A) Lighting standards provide visual safety in high traffic areas within the development while preventing excessive lighting and glare on adjacent properties.

(B) Exterior lighting shall comply with the following standards:

(1) Pedestrian pathways must have adequate lighting with increased illumination around building entrances and transit stops.

(2) All parking areas exceeding 18 on-site parking stalls must have adequate lighting.

(3) Lights in parking lots must be non-glare and must be mounted no more than 20 feet above the ground.

(4) *[Repealed by Ord. 12-169, § 2, 2013]*

(5) Glare and illumination associated with exterior lighting shall be contained on the subject property and not impact adjacent properties.

(Ord. 12-169, § 2 (part), 2013; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.180 PEDESTRIAN CIRCULATION.

(A) *[Repealed by Ord. 12-169, § 2, 2013]*

(B) On-site pedestrian paths shall comply with the following standards:

(1) *[Repealed by Ord. 12-169, § 2, 2013]*

(2) *[Repealed by Ord. 12-169, § 2, 2013]*

(3) within all multifamily developments, each residential building will be connected by a path to the vehicular parking area;

*IM 21-020
OR 21-013*

- (4) crossings shall be designed and located for pedestrian safety wherever required pedestrian paths intersect with vehicle access driveways or parking lots;
- (5) required paths shall be paved with hard surface materials as defined in the most recent version of the ADA Standards for Accessible Design; and
- (6) path widths shall be no less than five feet.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 9, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.190 LANDSCAPING.

(A) *[Repealed by Ord. 12-169, § 2, 2013]*

(B) Landscaping. The existing natural landscape, especially healthy plants, shrubs, and trees indigenous to the area, should be preserved to an extent that is reasonable and feasible. Further, if it is not prudent to retain existing vegetation or no existing vegetation exists, the site shall be designed to accommodate landscaping. The following landscaping standards apply:

(1) Landscape Plan.

(a) The applicant's proposed landscape plan will indicate the project's compliance with these standards.

(2) Plant Materials.

(a) Retain, at a minimum, 10 percent of the existing ground cover, natural plant species, and healthy tree canopy of the lot, including the understory and foliage; or

(b) Install landscaping for 10 percent of the area within a 100-foot radius of each structure on the property. Installed landscaping shall be:

(i) a species known to reach a minimum height of at least three feet and tolerant of the climate zone; and

(ii) established within two years of the project's application.

(3) Perimeter Landscaping.

(a) The perimeter(s) of the subject development adjacent to developed or developable properties, other than a street edge, require a perimeter landscape buffer.

*1m 21-020
OR 21-013*

(i) Vegetation used for the perimeter buffers shall be, at a minimum, three feet in height at the time of installation.

(ii) Vegetation used for the perimeter buffers shall be species known to reach a minimum height of six feet and tolerant of the local climate zone.

(b) Perimeter buffers shall be landscaped with a combination of evergreen trees or shrubs at a ratio of one per 40 linear feet of edge, measured on center. Fractional requirements will be rounded up.

(c) All perimeter landscaping located on corner lots shall be located and maintained so as not to obstruct vehicular/driver visibility in accordance with the American Association of State Highway and Transportation Officials (AASHTO) standards.

(d) Exception. If the application has multiple lots that will be part of one large multifamily development, perimeter landscaping is only required around the perimeter of the overall development area.

(4) Perimeter Fences and Walls.

(a) A perimeter fence or wall is not required but may be installed. If a perimeter fence or wall is installed, in addition to the perimeter landscaping, then the following standards apply:

(i) walls and fences shall be constructed of high-quality materials, such as treated wood, decorative blocks, brick, stone, wrought iron, chain link, and other natural and appropriate building materials.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 10, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.200 SERVICE AREA SCREENING.

(A) Service areas often create noise and visual impacts on adjacent uses and neighborhoods. The following standards visually screen on-site service areas, including trash collection areas, from public rights-of-way and adjacent properties;

(B) Trash containers and collection areas must be oriented away from public streets or adjacent property lines;

(C) Trash collection areas will be located a minimum of 20 feet from any adjacent property line;

(D) Trash containers must be secured from the effects of wind; and

*1M 21-020
OR 21-013*

(E) Trash containers and collection areas will be screened using any of the following methods:

- (1) fence or wall at least five feet in height;
- (2) one three-foot-wide row of vegetation screening, using vegetation at least five feet in height; or
- (3) any combination of the above.

(Ord. 12-169, § 2 (part), 2013; Ord. 07-058, § 11, 2007; Ord. 06-188(SUB), § 2 (part), 2007)

17.73.210 FENCING AND WALLS. [Repealed by Ord. 12-169, § 2, 2013]

17.73.220 USEABLE OPEN SPACE. [Repealed by Ord. 12-169, § 2, 2013]

17.73.230 MIXED USE OPPORTUNITIES. [Repealed by Ord. 12-169, § 2, 2013]

17.73.240 AFFORDABLE HOUSING. [Repealed by Ord. 18-013, § 4, 2018]

ARTICLE V. DEFINITIONS

17.73.250 DEFINITIONS.

(A) For purposes of this chapter, the following definitions shall apply. All other definitions are listed in MSB 17.125, Definitions.

- “Developer” means the legal or beneficial owner or owners of a lot or of any land included in a proposed multifamily development.
- “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation or a portion of the land area of a planned development, residential development or site condominium project designed and intended for residential construction.
- “Grade plane” means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between

*1M 21-020
OR 21-013*

the building and the lot line or, where the lot line is more than six feet (1,829 mm) from the building, between the building and a point six feet (1,829 mm) from the building.

- "Height, building" means the vertical distance from grade plane to the average height of the highest roof surface.
- "Substandard dwelling" means a structure used for human habitation, including a structure mounted on skids or wheels, which lacks one or more of the following:
 - (a) footings, pilings, or permanent foundations; or
 - (b) water plumbed to run within the dwelling; or
 - (c) meets the standards of the Alaska State Department of Environmental Conservation waste water and septic systems.

(Ord. 18-013, § 5, 2018; Ord. 12-169, § 3, 2013; Ord. 08-018(SUB), § 17, 2008)

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OR 21-013