

8. Slaughterhouses;

9. Uses and structures which are determined by the commission to be potentially noxious or injurious to other properties by reason of production or emission of excessive dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions;

10. Quarters for caretaker, guard or other persons whose permanent residency on the premises is required for operational safety, or protective purposes or as quarters or accommodations for persons engaged in certain industrial operations whose residency in the vicinity satisfies conditions or requirements of the work;

11. Power plants.

B. The following uses may be permitted by obtaining a conditional use permit, and must be enclosed on all sides by a site-obscuring fence not less than six feet in height if the use is located on a lot which abuts an arterial or higher classification road as recognized by the city of Palmer, or the lot abuts or is immediately across a recognized public right-of-way or easement from any lot not zoned industrial:

1. Salvage, wrecking or junk yard. (Ord. 10-015 § 5, 2010; Ord. 06-003 § 3, 2006; Ord. 454 § 4, 1992)

17.36.040 Building height limit.

The maximum building height shall be three stories or 50 feet above grade. (Ord. 454 § 4, 1992)

17.36.050 Lot area.

Lot area shall be as follows:

A.1. Minimum lot area: 7,200 square feet,

2. Minimum lot width: 60 feet;

B. Setback Requirements. All buildings and structures must be set back 25 feet from any public right-of-way and from any lot line adjoining a residential district. (Ord. 454 § 4, 1992)

17.36.060 Parking.

Parking requirements shall meet the requirements of Chapter 17.64 PMC. (Ord. 454 § 4, 1992)

Chapter 17.54 RR RURAL RESIDENTIAL DISTRICT

Sections:

- 17.54.010 Intent.
- 17.54.020 Permitted uses.
- 17.54.030 Conditional uses.
- 17.54.040 Standards for a conditional use permit.
- 17.54.050 Prohibited uses.
- 17.54.060 Building height limit.
- 17.54.070 Minimum lot requirements.
- 17.54.080 Parking.

17.54.010 Intent.

The rural residential (RR) district is established to provide for a diverse residential zone with large lots and low density that will stabilize and protect the rural characteristics of areas which, because of location, topography, level of services, or other natural or development factors, are best served by such designation. Home based commercial business and agricultural activities may also be allowed as accessory or conditional uses to a limited extent that is not harmful to the primarily rural residential character of the area. (Ord. 12-004 § 4, 2012)

17.54.020 Permitted uses.

Permitted principal uses and structures in the RR district are:

- A. One-family dwellings;
- B. One accessory dwelling unit;
- C. Two-family dwellings;
- D. Bed and breakfast;
- E. Child care facilities and preschools, both operating as day care only;
- F. Churches, synagogues, temples, chapels, mosques or similar places of worship and related structures;
- G. Greenhouses, truck gardens, raising of bush and tree crops, flower gardens and nurseries, when incidental to residential use;
- H. Home occupations;
- I. Parks and playgrounds;
- J. Recreational shop buildings not used for commercial purposes;
- K. Storage of travel trailers, campers, pleasure boats and motor homes neither used nor occupied as living quarters, not to include commercial storage;
- L. Storage sheds;
- M. Senior care facility operating up to a 24-hour basis;

N. Assisted living centers operating on a 24-hour basis;

O. Hospice facilities. (Ord. 12-004 § 4, 2012)

17.54.030 Conditional uses.

Uses which may be permitted in the RR district by obtaining a conditional use permit are uses such as, but not limited to, the following:

A. Community and publicly owned recreational centers;

B. Driving ranges and golf courses;

C. Home based commercial business;

D. Public and private schools and learning centers;

E. Public facilities such as fire stations, libraries and museums;

F. Public utility installations and substations, but not including corporate offices, storage or repair yards, warehouses, and similar uses;

G. Seasonal roadside stands for the sale of produce and flowers;

H. Special needs day care facilities. (Ord. 12-004 § 4, 2012)

17.54.040 Standards for a conditional use permit.

In addition to the requirements of PMC 17.72.050, the following standards shall be met for a conditional use permit:

A. The use shall not unreasonably interfere with or cause undue annoyance to residential uses by reason of visual appearance, bright or flashing lights, odor, noise, dust, traffic, or other negative effects.

B. Neither the deliveries of bulk goods or materials, nor the on-street parking of related vehicles, shall adversely impact the normal traffic associated with the neighborhood.

C. Sufficient access is provided.

Conditions may be imposed by the commission with respect to location, screening, fencing, buffering, hours of operation, traffic, landscaping, or otherwise if reasonably necessary to satisfy these standards. (Ord. 12-004 § 4, 2012)

17.54.050 Prohibited uses.

Prohibited uses and structures in the RR district are all uses and structures not specified as permitted outright, conditionally permitted, or as accessory. (Ord. 12-004 § 4, 2012)

17.54.060 Building height limit.

The maximum building height shall be 35 feet above grade. (Ord. 12-004 § 4, 2012)

17.54.070 Minimum lot requirements.

A. Minimum lot width: 100 feet.

B. Minimum lot area: one acre.

C. Minimum setback requirements:

- 1. Front yard: 30 feet.
- 2. Side yard: 30 feet.
- 3. Side yard on street side of corner lot: 30 feet.
- 4. Rear yard: 30 feet.

D. Maximum lot coverage by all buildings: 30 percent. (Ord. 12-004 § 4, 2012)

17.54.080 Parking.

Parking spaces shall meet the requirements of PMC 17.64.010 through 17.64.031. (Ord. 12-004 § 4, 2012)

The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

Disclaimer: The City Clerk's Office has the official version of the Palmer Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 17.57 AG AGRICULTURAL DISTRICT

Sections:

- 17.57.010 Intent.
- 17.57.020 Permitted uses.
- 17.57.030 Permitted accessory uses and structures.
- 17.57.040 Conditional uses.
- 17.57.050 Standards for a conditional use permit.
- 17.57.060 Prohibited uses.
- 17.57.070 Building height limit.
- 17.57.080 Minimum lot requirements.
- 17.57.090 Parking.

17.57.010 Intent.

The intent of the AG district is to promote the continuing vitality of agriculture and other uses generally associated with rural land uses. (Ord. 12-005 § 4, 2012)

17.57.020 Permitted uses.

Permitted principal uses and structures in the AG district are:

- A. Single-family residential dwelling;
- B. General farming of agricultural products, agricultural activities, including the raising or growing of crops, livestock, poultry, bees and other farm animals. Including one principal residential structure and one additional residential structure per farm for farm employee housing, and farm labor housing;
- C. Horse and/or animal shows and arenas, petting farms, animal display, and stables;
- D. Parks, greenbelts, and nature trails, playgrounds and equipment typical of public or school playgrounds, such as slides, swings, etc. (not including motorized vehicles or rides);
- E. Grain, seed and feed stores;
- F. Vegetable and fruit stands;
- G. Farm equipment sales and repair;
- H. Gardens and greenhouses, seasonal U-pick fruit and vegetable operations;
- I. Home occupations;
- J. Food sales and processing of any fruits/produce, bakeries selling baked goods containing produce grown primarily on site (e.g., minimum 25 percent);
- K. Historical agricultural exhibits;
- L. Gift shops for the sale of agricultural products and agriculturally related products;
- M. Gift shops for the sale of non-agriculturally related products such as antiques or crafts (limited to 25 percent of gross sales);

N. Bed and breakfast establishments;

O. Travel trailers, campers and motor homes not used or occupied as living quarters. (Ord. 12-005 § 4, 2012)

17.57.030 Permitted accessory uses and structures.

Uses and structures customarily subordinate or incidental to the principal permitted use or structure. Buildings or structures subordinate and incidental to agricultural uses include, but are not limited to, stables, barns, paddock areas and storage areas. (Ord. 12-005 § 4, 2012)

17.57.040 Conditional uses.

Uses which may be permitted in the AG district by obtaining a conditional use permit are:

A. Residential planned unit development in accordance with Chapter 17.84 PMC;

B. Churches and related buildings, provided no part of any church building shall be located nearer than 30 feet from an adjoining lot or street line;

C. Utility substations;

D. Public and private schools;

E. Public buildings and structures;

F. Museums, historic and cultural exhibits;

G. Hospitals, cemeteries, mental health facilities, commercial recreational facilities, sanitariums, residential care facilities, special needs day care facilities, nursing homes, convalescent homes, and homes for the aged;

H. Commercial campgrounds;

I. Parking or storage of heavy equipment, tractors, graders or trucks, unrelated to agricultural activity, which are used for gain;

J. Child care facilities; provided, that no part of any building is located nearer than 30 feet from an adjoining lot or street line;

K. Wind generators or communication towers;

L. Direct marketing of produce, farm market, on-farm market or roadside stand if the sales are greater than 5,000 square feet in building area;

M. Restaurant operations related to the agricultural use on the site;

N. Natural resource extraction. (Ord. 12-005 § 4, 2012)

17.57.050 Standards for a conditional use permit.

A. In addition to the requirements of Chapter 17.72 PMC, conditional uses shall be provided with access determined to be adequate by the Palmer planning and zoning commission.

B. On-site water and wastewater disposal systems will be allowed providing DEC approval is obtained. (Ord. 12-005 § 4, 2012)

17.57.060 Prohibited uses.

Prohibited uses and structures in the AG district are all uses and structures not specified as permitted outright or conditionally permitted. (Ord. 12-005 § 4, 2012)

17.57.070 Building height limit.

The maximum building height shall be 35 feet above grade except for buildings used for agricultural purposes such as barns and silos. (Ord. 12-005 § 4, 2012)

17.57.080 Minimum lot requirements.

A. Minimum lot width:

1. Lots five acres or larger, 300 feet;
2. Lots less than five acres, 60 feet.

B. Minimum lot area:

1. One acre.

C. Minimum setback requirements:

1. Front yard, 25 feet;
2. Side yard, 10 feet;
3. Rear yard, 25 feet.

D. Maximum lot coverage by all buildings shall not exceed 30 percent. (Ord. 12-005 § 4, 2012)

17.57.090 Parking.

A. Parking spaces shall meet the requirements of Chapter 17.64 PMC.

B. For uses permitted by right, parking facilities may be located on a grass or gravel area for seasonal uses. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking.

C. For uses permitted by conditional use permit, parking may be either gravel or paved as determined by the Palmer planning and zoning commission, based on applicant estimates for seasonal parking and the intensity of the use. Overflow parking areas may be required by the commission to accommodate seasonal peak demand. (Ord. 12-005 § 4, 2012)

Chapter 17.58 BP BUSINESS PARK DISTRICT

Sections:

- 17.58.010 Intent.
- 17.58.020 Permitted uses.
- 17.58.030 Permitted accessory uses and structures.
- 17.58.040 Conditional uses.
- 17.58.050 Prohibited uses and structures.
- 17.58.060 Building and structure height limit.
- 17.58.070 Lot area.
- 17.58.080 Parking and loading.
- 17.58.090 Setback requirements.
- 17.58.100 *Repealed.*
- 17.58.110 Buffer fencing and/or landscaping.

17.58.010 Intent.

The BP district is established as a district in which the specific intent is:

- A. To provide use of the land in the business park for employers to use for light manufacturing, processing, warehousing, wholesaling, and distribution;
- B. To permit large storage areas for commercial applications, as required. (Ord. 10-005 § 3, 2010; Ord. 565 § 4, 2000)

17.58.020 Permitted uses.

The permitted commercial and industrial uses and activities include but are not limited to:

A. Commercial:

1. Wholesaling and distribution operations;
2. Wholesale fur dealers, repair and storage;
3. Wholesale furniture and home furnishings stores;
4. Wholesale radio and television stores;
5. Wholesale household appliance stores;
6. Wholesale industrial hardware stores;
7. Pharmaceutical supply houses;
8. Merchandise vending machine sales and service;
9. Wholesale camera and photographic supply houses;
10. Business service establishments, including commercial and job printing;
11. Taxicab stands and dispatching offices;

12. Wholesale sales and showrooms;
13. Laboratories and establishments for production, fitting and repair of eyeglasses, hearing aids, prosthetic appliances and the like;
14. Plumbing and heating service and equipment dealers;
15. Wholesale paint, glass and wallpaper stores;
16. Wholesale electrical or electronic appliances, parts and equipment;
17. Wholesale aircraft and marine parts and equipment stores;
18. Auctions;
19. Farm equipment stores;
20. Wholesale automotive accessories, parts and equipment stores;
21. Automotive, truck and trailer rental agencies;
22. Lumber yards and builders' supply and storage;
23. Plant nurseries;
24. Truck washes;
25. Frozen food lockers;
26. Crematoriums;
27. Veterinarian clinics and boarding kennels; provided, that such an activity be conducted within a completely enclosed building, except that outdoor exercise yards may be permitted;
28. Snow disposal sites subject to established standards and annual permit;
29. Garden supply stores;
30. Aircraft and boat display lots, new and used;
31. Motorcycle and snow machine display lots, new and used.

B. Industrial:

1. Airplane, automotive, truck or light and heavy equipment assembly, remodeling, maintenance or repair; provided, that these activities are contained within a building or a fence;
2. Beverage manufacture, including breweries;
3. Boat building;
4. Cabinet shops;
5. Machine or blacksmith shops;
6. Manufacture, service or repair of light consumer goods such as appliances, furniture, garments or

tires;

7. Metal working or welding shops;

8. Motor freight terminals;

9. Paint shops;

10. Steel fabrication shops or yards;

11. Vocational or trade schools;

12. Utility installations;

13. Warehousing. (Ord. 10-005 § 3, 2010; Ord. 583 § 3, 2002; Ord. 565 § 4, 2000)

17.58.030 Permitted accessory uses and structures.

A. Light or heavy equipment storage yards accessory to a storage, repair or maintenance building on the same property or on adjacent property under the same ownership.

B. Uses and structures customarily accessory and clearly incidental to permitted principal uses and structures. (Ord. 10-005 § 3, 2010; Ord. 583 § 4, 2002; Ord. 565 § 4, 2000)

17.58.040 Conditional uses.

Uses which may be permitted in the BP district by obtaining a conditional use permit are:

A. Insurance and real estate offices;

B. Financial institutions;

C. Business and professional offices;

D. Employment agencies;

E. Direct selling organizations;

F. Cleaning, laundry or dyeing plants. (Ord. 10-005 § 3, 2010; Ord. 565 § 4, 2000)

17.58.050 Prohibited uses and structures.

A. Residency other than caretaker, guard or other persons whose permanent residency on the premises is required for operational safety, or protective purposes, or for persons engaged in certain industrial operations whose residency in the vicinity satisfies conditions or requirements of the work;

B. Dwellings except for quarters for caretaker, guard or other persons whose permanent residency on the premises is required for operational safety, or protective purposes, or as quarters or accommodations for persons engaged in certain industrial operations whose residency in the vicinity satisfies conditions or requirements of the work;

C. Junkyards and salvage yards;

D. Manufacture or packaging of hazardous materials including fertilizer, soap, turpentine, varnish, paint, charcoal, distilled products, or glue;

E. Open storage of cinders, coal, feed, grain, gravel, manure, muck, sand or topsoil;

F. Operation of asphalt batching plants or hot-mix plants;

G. Landfills;

H. Outdoor storage of stripped, wrecked or otherwise inoperable vehicles or equipment. (Ord. 10-005 § 3, 2010; Ord. 583 § 5, 2002; Ord. 565 § 4, 2000)

17.58.060 Building and structure height limit.

The maximum building or structure height shall be 50 feet above grade. (Ord. 10-005 § 3, 2010; Ord. 565 § 4, 2000)

17.58.070 Lot area.

The maximum lot coverage is unrestricted, provided adequate setback, off-street parking and loading and buffer landscaping is provided as set out in PMC 17.58.080, 17.58.090 and 17.58.110. (Ord. 10-005 § 3, 2010; Ord. 565 § 4, 2000)

17.58.080 Parking and loading.

Parking and loading requirements are set out in Chapter 17.64 PMC. (Ord. 10-005 § 3, 2010; Ord. 565 § 4, 2000)

17.58.090 Setback requirements.

All buildings and structures must be set back 25 feet from any public right-of-way and from any lot line adjoining the boundary of the business park, and 10 feet from all other lot lines. (Ord. 10-005 § 3, 2010; Ord. 565 § 4, 2000)

17.58.100 Open storage and fences.

Repealed by Ord. 10-005. (Ord. 583 § 6, 2002; Ord. 565 § 4, 2000)

17.58.110 Buffer fencing and/or landscaping.

A. A buffer consisting of a screening fence a minimum of six feet in height or buffer landscaping shall be provided along an exterior lot line forming the boundary of the BP district. This landscaping shall consist of shrubs, trees or a combination which will attain a mature height of at least six feet, with an average height of eight feet, planted at intervals less than 10 feet on center. The landscaping bed shall be at least four feet in width. Deciduous trees or bushes may not make up more than 50 percent of the mixture. Naturally occurring stands of indigenous trees such as birch, willow or alder are accepted as meeting this standard.

B. All areas not covered by buildings, roads, or used for parking or storage, shall be covered with grasses or other appropriate ground cover.

C. Installation and Maintenance. All screening fences or landscaping requirements must be met within 24 months of occupancy, and continue to meet such requirements thereafter. All dead shrubs and trees shall be replaced to maintain the landscaping. (Ord. 10-005 § 3, 2010; Ord. 565 § 4, 2000)

Chapter 17.24 R-2 LOW DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.24.010 Intent.
- 17.24.020 Permitted uses.
- 17.24.030 Conditional uses.
- 17.24.040 Prohibited uses.
- 17.24.050 Building height limit.
- 17.24.060 *Repealed.*
- 17.24.061 Lot area restrictions.
- 17.24.064 Setback requirements.
- 17.24.066 Open space requirements.
- 17.24.070 Parking.

17.24.010 Intent.

The R-2 district is intended for residential areas with a combination of multifamily structures consisting of four or fewer dwelling units, single-family residences and a low-to-medium population density. Nonresidential uses have been permitted on the basis of whether or not they are compatible with the predominantly residential character of this district. (Ord. 05-002 § 4, 2005; Ord. 454 § 4, 1992)

17.24.020 Permitted uses.

Permitted principal uses and structures in the R-2 district are:

- A. No more than a total of four dwelling units per lot. This may be a combination of single-family dwellings, two-family dwellings and/or multiple-family dwellings with four or fewer units;
- B. Boarding and roominghouses with four or fewer units;
- C. Home occupations;
- D. Parks and playgrounds;
- E. Child care facilities and preschools, both operating as day care only;
- F. Other compatible uses;
- G. Storage of travel trailers, campers, pleasure boats and motor homes neither used nor occupied as living quarters;
- H. Gardens and greenhouses when incidental to residential use;
- I. Churches, synagogues, temples, chapels, mosques or similar places of religious worship, and related structures; provided, that no part of any building or structures used for such purposes shall be located nearer than 30 feet to any adjoining lot or street line. (Ord. 05-002 § 4, 2005; Ord. 489 § 7, 1995; Ord. 454 § 4, 1992)

17.24.030 Conditional uses.

Uses which may be permitted in an R-2 district by obtaining a conditional use permit are:

- A. Public and private schools;

- B. Public buildings and structures;
- C. Residential planned unit development;
- D. Residential care facilities for four or fewer patients and special needs day care facilities;
- E. Utility substation. (Ord. 05-029 § 5, 2005; Ord. 05-002 § 4, 2005; Ord. 489 § 8, 1995; Ord. 454 § 4, 1992)

17.24.040 Prohibited uses.

Prohibited uses and structures in the R-2 district are all uses and structures not specified as permitted outright, including, without limitation, the following:

- A. Parking or storage of heavy equipment, tractors, graders or trucks which are used for gain;
- B. Mobile homes which are used for occupancy outside of a mobile home court. (Ord. 05-002 § 4, 2005; Ord. 454 § 4, 1992)

17.24.050 Building height limit.

The maximum building height shall be 35 feet. (Ord. 05-002 § 4, 2005; Ord. 454 § 4, 1992)

17.24.060 Lot area.

Repealed by Ord. 05-002. (Ord. 454 § 4, 1992)

17.24.061 Lot area restrictions.

A. Minimum lot width:

- 1. For a lot of record as of January 17, 1978, zero to 50 feet;
- 2. For a lot of record created after January 17, 1978, 60 feet.

B. Minimum lot area:

- 1. For a lot of record as of January 17, 1978, 5,000 square feet;
- 2. For a lot of record created after January 17, 1978, but before July 1, 2005, 7,200 square feet;
- 3. For a lot of record created after June 30, 2005, 8,400 square feet.

C. Minimum lot area per dwelling unit:

No. of Dwelling Units	Lot Area Per Unit	Minimum Total Lot Size
1	8,400 Sq. Ft.	8,400 Sq. Ft.
2	5,000 Sq. Ft.	10,000 Sq. Ft.
3	4,160 Sq. Ft.	12,500 Sq. Ft.
4	3,750 Sq. Ft.	15,000 Sq. Ft.

D. Maximum lot coverage by all structures containing dwelling units shall not exceed 35 percent, exclusive of attached garages. (Ord. 05-029 § 6, 2005; Ord. 05-002 § 4, 2005)

17.24.064 Setback requirements.

Minimum setback requirements are as follows:

- A. Front yard, 25 feet;
- B. Side yard for a lot of record created before July 1, 2005, six feet;
- C. Side yard on street side of a corner lot for created before July 1, 2005, 10 feet;
- D. Side yard for a lot created after June 30, 2005, 15 feet;
- E. Rear yard, 25 feet. (Ord. 05-002 § 4, 2005)

17.24.066 Open space requirements.

- A. All residential uses require a minimum of 200 square feet of open space for outdoor activities per dwelling unit. No dimension of the open space shall be less than 10 feet. This open space requirement does not apply to any building which has a footprint constructed before January 17, 1978, and which footprint has not been significantly altered.
- B. Open space shall not be used for storage, driveway, vehicle or other parking, above ground building utilities or services, or any structures (other than a fence). Open space shall not be used to satisfy setback requirements. Open space may be used for lawn, shrubs, or trees. (Ord. 05-002 § 4, 2005)

17.24.070 Parking.

Parking requirements shall meet the requirements of Chapter 17.64 PMC. (Ord. 05-002 § 4, 2005; Ord. 454 § 4, 1992)

The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

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Chapter 17.26 R-3 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL DISTRICT

Sections:

- 17.26.010 Intent.
- 17.26.020 Permitted uses.
- 17.26.030 Conditional uses.
- 17.26.040 Prohibited uses.
- 17.26.050 Building height limit.
- 17.26.060 *Repealed.*
- 17.26.061 Lot area restrictions.
- 17.26.064 Setback requirements.
- 17.26.066 *Repealed.*
- 17.26.068 Fencing requirements.
- 17.26.070 Parking.
- 17.26.080 Site plan requirements and access control.

17.26.010 Intent.

The R-3 district is intended for residential areas with a combination of multiple-family structures consisting of eight or fewer dwelling units, and single-family residences with a medium population density. Nonresidential uses have been permitted on the basis of whether or not they are compatible with the predominantly residential character of this district. (Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

17.26.020 Permitted uses.

Permitted principal uses and structures in the R-3 district are:

- A. No more than a total of eight dwelling units per lot. This may be a combination of single-family dwellings, two-family dwellings and/or multiple-family dwellings with eight or fewer units;
- B. Boarding and roominghouses with eight or fewer units;
- C. Home occupations;
- D. Parks and playgrounds;
- E. Child care facilities and preschools, both operating as day care only;
- F. Other compatible uses and accessory uses, such as storage structures for use by residents of the development;
- G. Storage of travel trailers, campers, pleasure boats and motor homes neither used nor occupied as living quarters;
- H. Gardens and greenhouses when incidental to residential use;
- I. Churches, synagogues, temples, chapels, mosques or similar places of religious worship, and related structures; provided, that no part of any building or structure used for such purposes shall be located nearer than 30 feet to any adjoining lot or street line. (Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

17.26.030 Conditional uses.

Uses which may be permitted by the R-3 district by obtaining a conditional use permit are:

- A. Public and private schools;
- B. Public buildings and structures;
- C. Residential planned unit development meeting the requirements of Chapter 17.84 PMC;
- D. Mobile homes that are used for occupancy in a mobile home court;
- E. Residential care facilities with eight or fewer patients and special needs day care facilities;
- F. Utility substation. (Ord. 05-029 § 7, 2005; Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

17.26.040 Prohibited uses.

Prohibited uses and structures in the R-3 district are all uses and structures not specified as permitted outright, including, without limitation, the following:

- A. Parking or storage of heavy equipment, tractors, graders or trucks which are used for gain;
- B. Mobile homes which are used for occupancy outside of a mobile home court. (Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

17.26.050 Building height limit.

The maximum building height shall be 35 feet. (Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

17.26.060 Lot area restrictions.

Repealed by Ord. 05-003. (Ord. 586 § 3, 2002)

17.26.061 Lot area restrictions.

A. Minimum lot width:

- 1. For a lot of record as of January 17, 1978, zero to 50 feet;
- 2. For a lot of record created after January 17, 1978, 60 feet.

B. Minimum lot area:

- 1. For a lot of record as of January 17, 1978, 5,000 square feet;
- 2. For a lot of record created after January 17, 1978, but before July 1, 2005, 7,200 square feet;
- 3. For a lot of record created after June 30, 2005, 8,400 square feet.

C. Minimum lot area per dwelling unit:

No. of Dwelling Units	Lot Area Per Unit	Minimum Total Lot Size
1	8,400 Sq. Ft.	8,400 Sq. Ft.

2	5,000 Sq. Ft.	10,000 Sq. Ft.
3	4,160 Sq. Ft.	12,500 Sq. Ft.
4	3,750 Sq. Ft.	15,000 Sq. Ft.
5	3,480 Sq. Ft.	17,400 Sq. Ft.
6	3,180 Sq. Ft.	19,100 Sq. Ft.
7	2,940 Sq. Ft.	20,600 Sq. Ft.
8	2,700 Sq. Ft.	21,600 Sq. Ft.

D. Maximum lot coverage by all structures containing dwelling units shall not exceed 40 percent, exclusive of attached garages. (Ord. 05-029 § 8, 2005; Ord. 05-003 § 4, 2005)

17.26.064 Setback requirements.

Minimum setback requirements are as follows:

A. One to four dwelling units per lot:

1. Front yard, 25 feet;
2. Side yard:
 - a. Side yard for a lot of record as of July 1, 2005, six feet.
 - b. Side yard on a street side of a corner lot of record before July 1, 2005, 10 feet.
 - c. Side yard for a lot created after June 30, 2005, 15 feet;
3. Rear yard, 25 feet.

B. More than four dwelling units per lot:

1. Front yard, 25 feet;
2. Side yard:
 - a. Side yard for a lot of record as of July 1, 2005, six feet;
 - b. Side yard on a street side of a corner lot of record before July 1, 2005, minimum 10 feet;
 - c. Side yard for a lot created after June 30, 2005, 20 feet.
3. Rear yard, 25 feet.

C. Subsection (B) of this section notwithstanding, the setback for a lot containing more than four dwelling units with a side or rear yard abutting or immediately across an alley from property zoned R-1 or R-1E shall be at least 25 feet on that side or sides. The setback measurement shall begin at the R-3 property's edge of the alley right-of-way. (Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

17.26.066 Fencing and open space requirements.

Repealed by Ord. 05-003. (Ord. 586 § 3, 2002)

17.26.068 Fencing requirements.

A lot, which abuts or is immediately across an alley from an R-1, R-1E, or R-2 residential zone and which contains five or more dwelling units, shall have a six-foot six-inch solid or interlap fence on the side or sides abutting or across an alley from the lower-density residential zones. The fence shall be well built, finished and maintained. (Ord. 05-003 § 4, 2005)

17.26.070 Parking.

Parking requirements shall meet the requirements of Chapter 17.64 PMC. Parking lots of structures containing five or more dwelling units shall not be located within the front setback dimensions; however, traffic lanes and access to parking lots may be located in the setbacks. (Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

17.26.080 Site plan requirements and access control.

Chapter 17.62 PMC regarding site plan requirements and access control shall apply after February 26, 2002, to the construction of more than four total dwelling units on a lot. (Ord. 05-003 § 4, 2005; Ord. 586 § 3, 2002)

The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

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Chapter 17.27 R-4 HIGH DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.27.010 Intent.
- 17.27.020 Permitted uses.
- 17.27.030 Conditional uses.
- 17.27.040 Prohibited uses.
- 17.27.050 Building height limit.
- 17.27.060 Lot area restrictions.
- 17.27.064 Setback requirements.
- 17.27.066 Open space requirements.
- 17.27.068 Fencing requirements.
- 17.27.070 Parking.
- 17.27.080 Site plan requirements and access control.

17.27.010 Intent.

The R-4 district is intended for residential areas with a combination of multiple-family structures and single-family residences with a high population density. Nonresidential uses have been permitted on the basis of whether or not they are compatible with the predominantly residential character of this district. (Ord. 05-004 § 3, 2005)

17.27.020 Permitted uses.

Permitted principal uses and structures in the R-4 district are:

- A. One-family dwellings;
- B. Two-family dwellings;
- C. Multiple-family dwellings;
- D. Boarding and roominghouses;
- E. Home occupations;
- F. Parks and playgrounds;
- G. Child care facilities and preschools, both operating as day care only;
- H. Other compatible uses and accessory uses such as storage structures for use by residents of the development;
- I. Storage of travel trailers, campers, pleasure boats and motor homes neither used nor occupied as living quarters;
- J. Gardens and greenhouses when incidental to residential use;
- K. Churches, synagogues, temples, chapels, mosques or similar places of religious worship, and related structures; provided, that no part of any building or structure used for such purposes shall be located nearer than 30 feet to any adjoining lot or street line. (Ord. 05-004 § 3, 2005)

17.27.030 Conditional uses.

Uses which may be permitted by the R-4 district by obtaining a conditional use permit are:

- A. Public and private schools;
- B. Public buildings and structures;
- C. Residential planned unit development meeting the requirements of Chapter 17.84 PMC;
- D. Mobile homes that are used for occupancy in a mobile home court;
- E. Residential care facilities with eight or fewer patients and special needs day services facilities;
- F. Utility substation. (Ord. 05-029 § 9, 2005; Ord. 05-004 § 3, 2005)

17.27.040 Prohibited uses.

Prohibited uses and structures in the R-4 district are all uses and structures not specified as permitted outright, including, without limitation, the following:

- A. Parking or storage of heavy equipment, tractors, graders or trucks which are used for gain;
- B. Mobile homes which are used for occupancy outside of a mobile home court. (Ord. 05-004 § 3, 2005)

17.27.050 Building height limit.

The maximum building height shall be 50 feet. (Ord. 05-004 § 3, 2005)

17.27.060 Lot area restrictions.

A. Minimum lot width:

- 1. For a lot of record as of January 17, 1978, zero to 50 feet;
- 2. For a lot of record created after January 17, 1978, 60 feet.

B. Minimum lot area:

- 1. For a lot of record as of January 17, 1978, 5,000 square feet;
- 2. For a lot of record created after January 17, 1978, but before July 1, 2005, 7,200 square feet;
- 3. For a lot of record created after June 30, 2005, 8,400 square feet.

C. Minimum lot area per dwelling unit:

	No. of Dwelling Units	Lot Area Per Unit	Minimum Total Lot Size
	1	8,400 Sq. Ft.	8,400 Sq. Ft.
	2	5,000 Sq. Ft.	10,000 Sq. Ft.
	3	4,160 Sq. Ft.	12,500 Sq. Ft.
	4	3,750 Sq. Ft.	15,000 Sq. Ft.

5	3,480 Sq. Ft.	17,400 Sq. Ft.
6	3,180 Sq. Ft.	19,100 Sq. Ft.
7	2,940 Sq. Ft.	20,600 Sq. Ft.
8	2,700 Sq. Ft.	21,600 Sq. Ft.
9 or more	2,700+ Sq. Ft.	(as required)

D. Maximum lot coverage by all structures containing dwelling units, exclusive of attached garages, shall not exceed 40 percent, except for nine or more multiple units which may not exceed 50 percent. (Ord. 05-029 § 10, 2005; Ord. 05-004 § 3, 2005)

17.27.064 Setback requirements.

Minimum setback requirements are as follows:

A. One to four dwelling units per lot:

1. Front yard, 25 feet;
2. Side yard:
 - a. Side yard for a lot of record as of July 1, 2005, six feet.
 - b. Side yard on a street side of a corner lot of record before July 1, 2005, 10 feet.
 - c. Side yard for a lot created after June 30, 2005, 15 feet;
3. Rear yard, 25 feet.

B. More than four dwelling units per lot:

1. Front yard, 25 feet;
2. Side yard:
 - a. Side yard for a lot of record as of July 1, 2005, six feet.
 - b. Side yard on a street side of a corner lot of record before July 1, 2005, 10 feet.
 - c. Side yard for a lot created after June 30, 2005, 25 feet;
3. Rear yard, 25 feet.

C. Subsection (B) of this section notwithstanding, the setback for a lot containing more than four dwelling units with a side or rear yard abutting or immediately across an alley from property zoned R-1 or R-1E shall be at least 25 feet on that side or sides. The setback measurement shall begin at the R-4 property's edge of the alley right-of-way. (Ord. 05-004 § 3, 2005)

17.27.066 Open space requirements.

For structures with nine or more dwelling units:

- A. All residential uses require a minimum of 200 square feet of open space for outdoor activities per dwelling

unit. No dimension of the open space shall be less than eight feet. This open space requirement does not apply to any building which has a footprint constructed before January 17, 1978, and which footprint has not been significantly altered.

B. Open space shall not be used for storage, driveway, vehicle or other parking, above ground building utilities or services, or any structures (other than a fence). Open space may not be used to satisfy setback requirements. Open space may be used for lawn, shrubs, or trees. (Ord. 05-004 § 3, 2005)

17.27.068 Fencing requirements.

Lots abutting or immediately across an alley from an R-1, R-1E, or R-2 residential zone which contain five or more dwelling units shall have a six-foot six-inch solid or interlap fence on the side or sides abutting or across an alley from the lower-density residential zones. The fence shall be well built, finished and maintained. (Ord. 05-004 § 3, 2005)

17.27.070 Parking.

Parking requirements shall meet the requirements of Chapter 17.64 PMC. Parking lots of structures containing five or more dwelling units shall not be located within the front setback dimensions; however, traffic lanes and access to parking lots may be located in the setbacks. (Ord. 05-004 § 3, 2005)

17.27.080 Site plan requirements and access control.

Chapter 17.62 PMC regarding site plan requirements and access control shall apply after February 8, 2005, to the construction of four or more dwelling units on a lot. (Ord. 05-004 § 3, 2005)

The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

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Chapter 17.28 C-L LIMITED COMMERCIAL DISTRICT

Sections:

- 17.28.010 Intent.
- 17.28.020 Permitted uses.
- 17.28.030 Conditional uses.
- 17.28.040 Prohibited uses.
- 17.28.050 Building height limit.
- 17.28.060 *Repealed.*
- 17.28.062 Lot area restrictions.
- 17.28.064 Setback requirements.
- 17.28.066 Open space requirements.
- 17.28.068 Fencing requirements.
- 17.28.070 Parking and landscaping.

17.28.010 Intent.

The C-L district is established as a district in which the principal use of land is for a combination of dwellings and commercial enterprises. The commercial enterprises are of a nature to serve the daily or frequent convenience shopping and personal service needs of residences, thus serving a population and trade area which is less than that served by the central business district. The specific intent as established for this district is:

- A. To provide buffer zone(s) between the heavy uses allowed in the general commercial area and the residential areas;
- B. To permit an intermingling of commercial structures and housing;
- C. All of the permitted principal uses listed in PMC 17.28.020 shall be uses conducted wholly within an enclosed building. (Ord. 10-011 § 3, 2010; Ord. 05-026 § 4, 2005; Ord. 454 § 4, 1992)

17.28.020 Permitted uses.

Permitted principal uses in the C-L district are:

- A. One single-family dwelling per lot;
- B. Single- or multiple-family dwellings as part of a mixed use development on and above the second floor or below the ground level of the structure;
- C. Truck gardens, raising of bush and tree crops, flower gardening and greenhouses;
- D. Home occupations;
- E. Churches;
- F. Banks;
- G. Barber or beauty shop;
- H. Bakery shop, candy or ice cream store or delicatessen;

- I. Cafe or restaurant;
- J. Clothing, dress, or shoe store;
- K. Office building, financial and professional offices;
- L. *Repealed by Ord. 10-011*;
- M. Dentist, doctor, optometrist, medical, or dental clinic;
- N. Pharmacy, dry goods, grocery, meat market or locker plant;
- O. Dry-cleaner or laundromat;
- P. Clothing alterations or shoe repair;
- Q. Florist, gift shop, music store, stationery, variety store, hobby and model shop;
- R. Book, camera, luggage, jewelry or toy store;
- S. Senior citizen centers;
- T. Hospitals and homes for the elderly;
- U. Child care facilities and preschools;
- V. Special needs day care facilities;
- W. Accessory uses customarily incidental to any of the above uses. (Ord. 10-011 § 3, 2010; Ord. 05-042 § 7, 2006; Ord. 05-026 § 4, 2005; Ord. 489 § 9, 1995; Ord. 454 § 4, 1992)

17.28.030 Conditional uses.

Uses which may be permitted in the C-L district by obtaining a conditional use permit are:

- A. Utility substations;
- B. Funeral parlors;
- C. Residential care facilities;
- D. Brewpubs;
- E. Wineries;
- F. Public and private schools. (Ord. 10-011 § 3, 2010; Ord. 09-012 § 4, 2009; Ord. 09-001 § 4, 2009; Ord. 05-026 § 4, 2005; Ord. 489 § 10, 1995; Ord. 454 § 4, 1992)

17.28.040 Prohibited uses.

Prohibited uses and structures in the C-L district are all uses and structures not specified as permitted outright, including, for example, large retail establishments and the outside storage of heavy equipment, such as tractors, graders or trucks, used for gain. (Ord. 05-026 § 4, 2005; Ord. 606 § 4, 2004; Ord. 454 § 4, 1992)

17.28.050 Building height limit.

The maximum building height shall be 35 feet above grade. (Ord. 05-026 § 4, 2005; Ord. 454 § 4, 1992).

17.28.060 Lot area.

Repealed by Ord. 627. (Ord. 454 § 4, 1992)

17.28.062 Lot area restrictions.

Lot areas shall be subject to the following restrictions:

- A. Minimum lot width is 60 feet.
- B. Minimum lot area is 7,200 square feet.
- C. Residential square footage shall not exceed commercial square footage in a mixed use structure. (Ord. 10-011 § 3, 2010; Ord. 05-026 § 4, 2005; Ord. 627 § 4, 2004)

17.28.064 Setback requirements.

Minimum setback requirements:

A. For ground level dwelling units (except for buildings existing as of January 17, 1978, in a recognized historic district, in which case the building setback for ground level residential use shall be the existing building setback), any part of a dwelling unit and residential garages, the setbacks are:

- 1. Front yard, 25 feet.
- 2. Side yard, 15 feet.
- 3. Rear yard, 25 feet.

B. For residential uses above the ground level and nonresidential uses not abutting or immediately across an alley from an R-1 or R-1E zone, the setbacks are:

- 1. Front yard, none.
- 2. Side yard, none.
- 3. Rear yard, none.

C. For nonresidential uses abutting or immediately across an alley from an R-1 or R-1E zone, the setbacks are:

- 1. Front yard, none.
- 2. Side yard, 25 feet.
- 3. Rear yard, 25 feet.

The width of the alley may be included in the side or rear setback measurement. (Ord. 05-026 § 4, 2005; Ord. 627 § 5, 2004)

17.28.066 Open space requirements.

A. All residential uses require a minimum of 200 square feet of open space for outdoor activities per dwelling unit. No dimension of the open space shall be less than 10 feet. This open space requirement does not apply to any building which has a footprint constructed before January 17, 1978, and which footprint has not been

significantly altered.

B. Open space shall not be used for storage, driveway, vehicle or other parking, above ground building utilities or services, or any structures (other than a fence). Open space may be used for lawn, shrubs, or trees. (Ord. 05-026 § 4, 2005; Ord. 627 § 6, 2004)

17.28.068 Fencing requirements.

Lots abutting or immediately across an alley from any residential zone which contains four or more dwelling units or any nonresidential use shall have a six-foot, six-inch, solid or interlap fence on the side or sides abutting or across an alley from residential zones. The fence shall be well built, finished and maintained. (Ord. 05-026 § 4, 2005; Ord. 627 § 7, 2004)

17.28.070 Parking and landscaping.

Parking and landscaping shall meet the requirements of Chapter 17.64 PMC. (Ord. 10-011 § 3, 2010; Ord. 05-026 § 4, 2005; Ord. 454 § 4, 1992)

The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

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Chapter 17.32 C-G GENERAL COMMERCIAL DISTRICT

Sections:

- 17.32.010 Intent.
- 17.32.020 Permitted uses.
- 17.32.025 Standards for a large retail establishment permit.
- 17.32.026 Procedures for a large retail establishment permit.
- 17.32.030 Conditional uses.
- 17.32.040 Prohibited uses.
- 17.32.050 General conditions.
- 17.32.060 Building height limit.
- 17.32.062 Lot area restrictions.
- 17.32.064 Setback requirements.
- 17.32.066 Open space requirements.
- 17.32.068 Fencing requirements.
- 17.32.070 *Repealed.*
- 17.32.080 Parking.

17.32.010 Intent.

The C-G district is established as a district in which the principal use of land is for commercial enterprises to provide for commercial enterprises which serve the needs of a large population and a large land area, and to provide a centralization of service by allowing heavier uses. (Ord. 05-027 § 3, 2005; Ord. 454 § 4, 1992)

17.32.020 Permitted uses.

Permitted principal uses in the C-G district are:

1. Any use permitted in the limited commercial district;
2. Motels, hotels;
3. Bar, cocktail lounge, liquor and beer sales, including brewpubs and wineries;
4. Drive-in cafe or restaurant;
5. Private club of fraternal, religious or philanthropic associations and union hall;
6. Home appliance, electrical or electronic equipment, instrument, medical appliance, office equipment, plumbing equipment and store fixture sales, service and repair;
7. Hardware store, general merchandise, pet shop;
8. Surplus or secondhand store, pawnshop;
9. Department store, furniture and household goods, sales and repairing, glass and mirror sales, paint, flooring;
10. Tailor shop or furriers;
11. Blueprinting and photostating, engraving, photo developing, print shop, publishing, rubber stamp or

sign painting;

12. Beauty or business college and studio or school of art, design, dancing, drama, modeling or photography;

13. Collection or employment agency, janitor service, taxi or vending machines;

14. Dental laboratory, funeral parlor, mattress repairing, taxidermy or upholstery;

15. Telegraph or telephone office or travel agency;

16. Radio and TV studios;

17. Veterinarian clinic, except no boarding of animals;

18. Nursery and Christmas tree sales;

19. Billiard hall, bowling alley or theater;

20. Utility substation;

21. Motorcycle, boat and bicycle sales, parts and service;

22. Auto parts;

23. Service station, tire sales and service, battery sales;

24. Automobile and farm machinery sales; provided, that any open area used for the incidental repair of automobiles or farm machinery is located not less than 70 feet from the front lot line nor less than 25 feet from any other street line, unless such incidental repair is conducted and wholly confined within a building;

25. Garages including automobile repairing, painting, body and fender, or upholstery if all operations are conducted wholly within a completely enclosed building. If adjoining any R district, it shall have no openings other than stationary windows facing the R district;

26. Recreational vehicle and units, modular housing units, mobile homes, trailer repair and supporting parts and accessory sales; provided, that any open area used for the incidental repair of boats, automobiles, recreational vehicles and units, modular housing units, and mobile homes and trailers is located no less than 70 feet from the front lot line nor less than 25 feet from any other street line, unless such incidental repair is conducted and wholly confined within a building;

27. Tool and light equipment rental;

28. Large retail establishments;

29. Accessory uses customarily incidental to any of the above uses. (Ord. 09-012 § 5, 2009; Ord. 09-001 § 5, 2009; Ord. 05-027 § 3, 2005; Ord. 606 § 5, 2004; Ord. 454 § 4, 1992)

17.32.025 Standards for a large retail establishment permit.

A. Intent. The standards in this section govern development plans and their review for large retail establishments. They promote architectural variety, access amenities, site improvements, and mitigation of community impacts. Where these standards conflict with other provisions of this title, these standards and the

terms of the development plans approved under this section shall govern.

B. Traffic Impacts.

1. Vehicular Access. There shall be a minimum of two primary vehicular accesses. Primary and secondary vehicular access shall be from a street designated collector or greater on the city's most recent traffic study or analysis.

2. Traffic Impact Analysis.

a. The developer shall submit a traffic impact analysis prepared by an engineer licensed by the state of Alaska under AS Title 8. Operational analysis and determination of level of service (LOS) for the traffic impact analysis prepared under this section must be in accordance with the Transportation Research Board's publication Special Report 209, Highway Capacity Manual (most current version).

b. The minimum acceptable LOS at intersections and on road segments both on the development's opening date and 10 years after the development opens are as follows. Subject to subsection (C)(5) of this section, these minimums are not met for noncity roads, then the city need not grant the LRE permit, except in its best interests.

i. LOS C, if the LOS on the date of application is LOS C or better;

ii. LOS D, if the LOS on the date of application is LOS D or poorer; or

iii. If the LOS is poorer than LOS D, a lower minimum LOS is acceptable if the operation of the road does not deteriorate more than 10 percent in terms of delay time or other appropriate measures of effectiveness from the LOS before the development's opening date.

c. The traffic impact analysis must address the following:

i. Intersections on roads where traffic to any approach is expected to increase as a result of the proposed development by at least five percent of the approach's capacity.

ii. Segments of roads between intersections where total traffic is expected to increase as a result of the proposed development by at least five percent of the segment's capacity.

iii. Each driveway or approach road that will allow egress from or ingress to a road for the proposed development.

iv. Parking and circulation routes within the proposed development to the extent necessary to ensure that traffic does not back up onto a roadway.

v. Pedestrian and bicycle facilities that are part of the road network affected by the development.

d. For a development expected to generate less than 250 vehicle trips during the peak traffic hour of an adjacent road, the traffic impact analysis must consider the following:

i. Projected traffic as the development's anticipated opening date, excluding the traffic generated by the development; and

ii. Projected traffic at the development's anticipated opening date, including the traffic generated by the development.

e. For a development expected to generate at least 250 vehicle trips during the peak traffic hour of an adjacent road, in addition to the projected traffic volumes before and after the completion of the proposed development, the traffic impact analysis must consider the:

- i. Projected traffic 10 years after the development opens, excluding traffic generated by the development; and
- ii. Projected traffic 10 years after the development opens including the traffic generated by the development.

f. A traffic impact analysis prepared under this section must identify the following:

- i. Locations where road improvements are necessary to mitigate traffic impacts, including locations where the LOS is less than acceptable under this section (A) due to the development at either the opening date or 10 years after the development opens or (B) at either the opening date or 10 years after the development opens without the development and what improvements are necessary to prevent the LOS from deteriorating further.
- ii. Road improvement alternatives that will achieve an acceptable LOS or minimize degradation of service below an already unacceptable LOS (A) on the opening date of the development and (B) 10 years after the development opens for a development expected to generate 250 or more vehicle trips during the peak hour of the adjacent road on the opening date of the development.
- iii. Bicycle or pedestrian improvements necessary to accommodate bicycle and pedestrian traffic as negotiated between the city and the applicant; and
- iv. Improvements needed for internal circulation and parking plans.

g. The city will review and comment upon a traffic impact analysis prepared and submitted under this section. The city will, in its discretion, request clarification or further analysis of the impacts that it considers necessary to adequately consider the risks presented to the traveling public by the proposed development. If alternative means are proposed by an applicant for mitigation of the traffic impacts of a proposed development, the city will select the alternative that provides the greatest public benefit, at the least private cost, and that meets the appropriate LOS on an impacted city road. If the city accepts a means of mitigation, the mitigation must be successfully completed before an occupancy certificate is granted.

C. Traffic Impact Mitigation.

1. Developments expected to generate 250 or more vehicle trips during the peak hour of the adjacent road on the opening date of the development shall make improvements as follows:

- a. Improvements to a road or intersection shall be made to maintain an acceptable LOS if a road or intersection has an acceptable LOS under subsection (B)(2)(b) of this section without traffic generated by the development and an unacceptable LOS under subsection (B)(2)(b) of this section with traffic generated by the development at the opening date of the development or 10 years after the development opens.

2. If a road has an unacceptable LOS under subsection (B)(2)(b) of this section without traffic generated by the development, either at the opening date of the development or 10 years after the opening of the store, the developer shall make improvements to the adjacent roads so the operation of the roads does

not deteriorate more than 10 percent in terms of delay time or other appropriate measures of effectiveness with the addition of the traffic generated by the development at the opening date of the development or 10 years later.

3. A development for which a traffic impact analysis report has been approved shall use signs and markings on approaches to highways within the development that conform to the Alaska Traffic Manual. The city adopts by reference the Alaska Traffic Manual, consisting of the Manual on Uniform Traffic Control Devices for Streets and Highways, 1988 Edition, including Revisions 1 through 7, issued by the United States Department of Transportation, Federal Highway Administration, and the State of Alaska Supplement, as revised as of January 27, 1992. Internal circulation and parking layout must provide sufficient queuing distance within the development between the road and potential internal block points to ensure no traffic backs up onto the highway, including bicycle or pedestrian facilities.

4. If a traffic impact analysis discloses impacts upon pedestrian and bicycle traffic, a developer shall take steps to mitigate the impact.

5. The city may, in its best interest, relax the requirements for mitigation under this section, if it finds in writing that the:

- a. Roads only marginally achieve an acceptable LOS without the traffic generated by the development and would likely fall below an acceptable LOS within five years; or
- b. Traffic generated by the development results in an unacceptable LOS and the cost of mitigating the impacts is disproportionate to the cost of the development.

D. Landscaping and Screening. The landscape plan shall provide for landscaping that reasonably reduces visual, sound, and/or traffic distraction impacts of vehicular movements. The variety of materials selected shall be compatible with the climate, planting location, and landscaping function.

1. Landscaping shall be equal to 15 percent of the total lot area.

2. Landscaping shall consist of a combination of components such as lawn area, landscape beds, ground cover plants, shrubs, evergreen trees, deciduous trees, earthen berms and wooden fences. No single landscaping component may occupy more than 50 percent of the area to be landscaped.

- a. Evergreen and deciduous trees shall be planted at intervals no greater than 15 feet on center and shall be a minimum of five feet in height at planting.

3. All parking lots visible from public rights-of-way shall be screened with a combination of trees, shrubs or other plant materials, possibly in combination with fences and berms.

4. Where a side, or portion thereof, of an LRE parcel is adjacent to a residential zone, an earthen berm, no less than six feet in height, with evergreen trees a minimum of five feet in height at planting at intervals of 15 feet on center shall be provided on such side or portion thereof. A solid wooden fence, no less than six feet in height, may be substituted for the berm. Due to the high winds in Palmer, an interlap fence (alternating board on each side) may also be used, and may be preferable to solid. For purposes of this subsection, "adjacent" means touching or across from an alley or residential street. "Adjacent" does not mean across from a commercial, collector, or arterial street.

5. All landscaping structural requirements (e.g., drainage, grading, concrete, rock or keystone bed structures, sidewalks) must be met at occupancy. Topsoil addition and final grading and seeding and all

plantings of flora must be met within 12 months of occupancy, or within the first growing season after occupancy, whichever comes first. The owner, lessee, etc., shall continue to meet such requirements thereafter and replace all dead shrubs and trees to maintain the landscaping in good condition.

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

E. Setbacks. The minimum setback for any building shall be 35 feet from the nearest property line.

F. Parking.

1. A detailed parking plan shall address the convenience and safety of patrons, adequate winter lighting, landscaping amenities, and the configuration of parking spaces, walkways, and other amenities. Aesthetic features, landscaping, and the design of parking areas shall, wherever practicable, reduce the appearance of large expanses of parking from neighboring streets and enhance the view of the establishment from its principal point(s) of access.

2. No more than 60 percent of the off-street parking area for the lot, tract or area of land devoted to the large retail establishment shall be located between the front facade of the large retail establishment and the abutting streets (the front parking area).

3. The minimum number of parking spaces is determined by PMC 17.64.010. Additional landscaping and community space may be required where the applicant wishes to provide parking that exceeds 115 percent of the minimum standards of this title.

4. The owner and lessees shall prohibit storage or overnight camping of trailers or recreational vehicles.

G. Pedestrian Access. The establishment shall provide sufficient accessibility, safety, and convenience to pedestrians. Unobstructed sidewalks shall link the site to existing public sidewalks, its entrances, and abutting residential and commercial areas. Sidewalks shall also be provided along the full length of any building where it adjoins a parking lot. Sufficient sidewalks or barriers shall be provided between parked cars and buildings to prevent vehicles from protruding into reasonable pedestrian passages. Sidewalks shall be separated from adjacent streets by an area sufficient for snow storage and to provide a buffer for pedestrians from vehicular traffic.

H. Outdoor Lighting. A photometric and outdoor lighting plan to mitigate negative impacts on adjacent uses shall be submitted for approval. Outdoor lighting fixtures shall be arranged and shielded so that area lighting shall not shine unreasonably into the sky or onto adjacent property. This reasonableness standard may consider the zoning and uses of the adjacent parcels.

1. The outdoor lighting plan shall contain the following information:

a. Plans to indicate the location, type, intensity, and height of luminaries including both building and ground-mounted fixtures.

b. A description of the luminaries, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer.

c. Photometric data, such as that provided as catalogue illustrations from the manufacturer, showing the angle of light emission and the foot-candles on the ground.

I. Outdoor Storage or Display Areas. Products stored or displayed outside shall not be visible from abutting

property. Areas for the outdoor storage and sale of seasonal inventory shall be permanently defined and screened with walls and/or fences. The height of stored materials shall not exceed the height of the screening wall or fence. Materials, colors, and the design of screening walls and/or fences and their covers shall be complementary to those used as predominant materials and colors on the building.

J. Trash Collection and Recycling. Trash handling and recycling shall be screened from public streets and pedestrian ways, internal pedestrian sidewalks, and residentially used or residentially zoned property by landscaping or architectural features in conformity with the external design and materials used by the establishment. Screening shall be designed to abate noise and to confine loose trash. The routes and hours of trash collection may be limited as necessary to reduce the effects of noise or traffic on surrounding residential areas.

K. Snow Storage or Removal. A plan for snow storage or removal from the site shall be submitted and approved. Use of sidewalks, circulation drives, and landscaped areas for snow storage shall be prohibited.

L. Community Spaces. In large retail establishments over 70,000 square feet, appropriate interior and exterior public areas shall be provided and maintained for customers and visitors to the site to congregate and relax. Public areas shall be no less than three percent of the square footage of the structure.

M. Delivery and Loading Spaces. Delivery and loading operations shall be designed and located to mitigate visual and noise impacts on adjacent R-zoned property. Routes and hours may be limited as necessary to reduce the effects of noise or traffic on surrounding residential areas. Commercial trailers, shipping containers, and similar equipment used for transporting merchandise shall remain on the premises only as long as required for loading and unloading operations, and shall not be maintained on the premises for storage purposes.

N. Aesthetic Characteristics.

1. Facades and Exterior Walls, Including Side and Back Walls. The building shall be designed in order to reduce the appearance of massive scale or a uniform and impersonal appearance and to provide visual interest. Long building walls shall be broken up with projections or recessions.
2. Detail Features. The design shall provide architectural features that contribute to visual interest at the pedestrian scale and reduce the massive scale effect by breaking up the building wall, front, side, or rear, with color, texture change, and repeating wall offsets, reveals, or projecting ribs.
3. Roofs. The roof design shall provide variations in roof lines and heights to add interest to, and reduce the massive scale of, large buildings. Parapet walls shall be architecturally treated to avoid a plain or monotonous style.
4. Materials and Colors. The buildings shall have exterior building materials and colors which are aesthetically pleasing and compatible with the overall development plan. Construction material shall provide color, texture and scale. Predominant exterior building materials shall not include smooth-faced concrete block or prefabricated steel panel.
5. Entryways shall be designed to orient customers and add aesthetically pleasing character to buildings by providing inviting customer entrances that are protected from the weather. Each entrance shall be a clearly defined, highly visible customer entrance featuring no less than three of the following: canopies or porticos; overhangs; recesses/projections; arcades; raised corniced parapets over the door; peaked roof forms, arches, outdoor patios; display windows; architectural details such as tile work and moldings

which are integrated into the building structure and design; integral planters or wing walls that incorporate landscaped areas and/or places for sitting.

a. Structures over 80,000 square feet shall have a minimum of two entryways.

6. Screening of Mechanical Equipment. Roof- or ground-mounted mechanical equipment shall be screened to mitigate noise and views in all directions. If roof-mounted, the screen shall be designed to conform architecturally with the design of the building, whether it is with varying roof planes or with parapet walls. Ground-mounted mechanical equipment shall be screened. The screen shall be of such material and be of sufficient height to block the view and noise of the equipment.

O. The development plan for a large retail establishment shall include, and govern the improvement of, the entire commercial parcel.

P. Northern Design Elements. Provision of design elements may be required that address Palmer's distinct geography, low light angles, length of days, cold temperatures, wind, snow and ice.

Q. Construction shall not commence without a large retail establishment permit signed by the city manager. (Ord. 05-038 § 3, 2005; Ord. 05-027 § 3, 2005; Ord. 606 § 6, 2004)

17.32.026 Procedures for a large retail establishment permit.

A. Application. A developer must apply to the city for a large retail establishment (LRE) permit. The application shall include a site plan and all components of the development plan. The fee established in the current, adopted budget shall accompany the application.

B. Public Meeting. The city manager or designee will review the plans with the applicant to assure compliance with the standards set in this section, and the applicant may make necessary amendments to the site plan and development plan. A public meeting shall be held where the applicant shall display all plans and public comments shall be received on the development plans. The meeting shall be advertised in the newspaper of general circulation in which the city regularly advertises its council meetings. The public notice shall run at least once a week for two weeks, with the first publication at least 10 days before the date of the meeting.

C. Response to Public Comments. After the public meeting, the applicant and the city manager shall duly consider the public comments and the applicant may make amendments to the site plan and development plan.

D. City Manager Review. When the city manager determines the application and plans meet the requirements of PMC 17.32.025, the manager will give tentative approval, subject to such special limitations as the manager may deem reasonable arising out of the comprehensive plan, mitigation of adverse impacts of the project on the neighborhood or public facilities, or the public health and safety.

E. Objections to Special Limitations. If the applicant objects to any of the manager's proposed special limitations, the applicant may request review of the special limitations by the city council. The applicant shall clearly denote each objection and state why the applicant objects to it. The applicant's objections shall be forwarded to the city council with the manager's proposed special limitations.

F. Public Hearing. The council shall hold a public hearing regarding the large retail establishment permit only if the applicant objects to the manager's special limitations. The council shall not hold a public hearing on the LRE permit if the applicant does not object to the manager's special limitations or if the manager proposes no special limitations. The hearing shall cover the manager's tentative approval, the manager's proposed special

limitations, and the applicant's objections. Notice for the public hearing shall be given in accordance with PMC 17.80.030, as if the LRE were a zoning map amendment.

G. Final Determination. If there is no public hearing, then the decision of the manager, to include the manager's proposed special limitations, is final. If there is a public hearing, then after the public hearing the council shall determine whether the permit shall be approved. After due consideration of the public input, the council may approve the permit if the applicant's plans meet the requirements of PMC 17.32.025, subject to such special limitations as the council deems are reasonably related to the comprehensive plan, mitigation of adverse impacts of the project on the neighborhood or public facilities, or the public health and safety.

H. Effective Permit. The permit shall not be effective until signed by the city manager and also signed by the applicant agreeing to comply with the plans approved by the council and such special limitations as set by the council. A copy of the plans and limitations shall be attached to the permit. The permit shall contain a provision that any violation of the terms, conditions, or limitations of the permit will subject the permittee and the large retail establishment to all remedies at law or in equity, to include without limitation, injunctive relief and a civil penalty for each violation of up to \$300.00 after due notice and an opportunity to cure the violation. (Ord. 07-029 § 30, 2007; Ord. 05-038 § 4, 2005; Ord. 05-027 § 3, 2005; Ord. 606 § 7, 2004)

17.32.030 Conditional uses.

Uses which may be permitted in the C-G district by obtaining a conditional use permit are:

- A. Laundry and linen supply service, dry-cleaning businesses;
- B. Propane or butane service;
- C. Car washes;
- D. Crematory;
- E. Welding service and supplies;
- F. Mental health facility;
- G. Residential care facilities. (Ord. 05-027 § 3, 2005; Ord. 489 § 11, 1995; Ord. 454 § 4, 1992)

17.32.040 Prohibited uses.

Prohibited uses and structures in the C-G district are all uses and structures not specified as permitted outright, including:

- A. Parking or storage of heavy equipment, such as tractors, graders or trucks;
- B. Manufacturing, compounding, processing or treatment of products except that which is clearly incidental and essential to the retail or wholesale store or business. (Ord. 05-027 § 3, 2005; Ord. 454 § 4, 1992)

17.32.050 General conditions.

All selling, dealing in or displaying of goods or merchandise by shops, stores or businesses shall be entirely conducted and located within a permanent building unless otherwise specifically excepted. (Ord. 05-027 § 3, 2005; Ord. 454 § 4, 1992)

17.32.060 Building height limit.

The maximum building height shall be 50 feet above grade. (Ord. 05-027 § 3, 2005; Ord. 454 § 4, 1992)

17.32.062 Lot area restrictions.

Lot areas shall be subject to the following restrictions:

- A. Minimum lot width is 60 feet.
- B. Minimum lot area is 7,200 square feet.
- C. Residential square footage shall not exceed commercial square footage. (Ord. 05-027 § 3, 2005; Ord. 626 § 4, 2004)

17.32.064 Setback requirements.

Minimum setback requirements:

A. For ground level dwelling units (except for buildings existing as of January 1, 1978, in a recognized historic district, in which case the building setback for ground level residential use shall be the existing building setback), any part of a dwelling unit and residential garages, the setbacks are:

- 1. Front yard, 25 feet.
- 2. Side yard, 15 feet.
- 3. Rear yard, 25 feet.

B. For residential uses above the ground level and nonresidential uses not abutting or immediately across an alley from an R-1, R-1E or R-2 zone, the setbacks are:

- 1. Front yard, none.
- 2. Side yard, none.
- 3. Rear yard, none.

C. For nonresidential uses abutting or immediately across an alley from an R-1, R-1E or R-2 zone, the setbacks are:

- 1. Front yard, none.
- 2. Side yard, 25 feet.
- 3. Rear yard, 25 feet.

The width of the alley may be included in the side or rear setback measurement. (Ord. 05-027 § 3, 2005; Ord. 626 § 5, 2004)

17.32.066 Open space requirements.

A. All residential uses require a minimum of 200 square feet of open space for outdoor activities per dwelling unit. No dimension of the open space shall be less than 10 feet. This open space requirement does not apply to any building which has a footprint constructed before January 17, 1978, and which footprint has not been significantly altered.

B. Open space shall not be used for storage, driveway, vehicle or other parking, above ground building utilities or services, or any structures (other than a fence). Open space may be used for lawn, shrubs, or trees. (Ord. 05-027 § 3, 2005; Ord. 626 § 6, 2004)

17.32.068 Fencing requirements.

Lots abutting or immediately across an alley from any residential zone which contain four or more dwelling units or any nonresidential use shall have a six-foot, six-inch, solid or interlap fence on the side or sides abutting or across an alley from residential zones. The fence shall be well built, finished and maintained. (Ord. 05-027 § 3, 2005; Ord. 626 § 7, 2004)

17.32.070 Lot areas.

Repealed by Ord. 626. (Ord. 454 § 4, 1992)

17.32.080 Parking.

Parking requirements shall meet the requirements of Chapter 17.64 PMC. (Ord. 05-027 § 3, 2005; Ord. 454 § 4, 1992)

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The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

Disclaimer: The City Clerk's Office has the official version of the Palmer Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website:

<http://www.cityofpalmer.org/>

City Telephone: (907) 745-3271

Code Publishing Company

Open spaces shall not be used for storage, display, delivery, or other parking, except ground-level parking spaces or services of any structure (other than a fence). Open spaces may be used for lawn, shrubs, or trees. (Ord. 16-037 § 2.2005, Ord. 16-039 § 2.2004)

17.32.088 Fencing requirements.

Fence abutting or immediately across an alley from any residential zone which contains four or more dwelling units or any nonresidential use shall have a six-foot, six-foot, solid or inflexible fence on the side or sides abutting or across an alley from residential zones. The fence shall be well built, finished and maintained. (Ord. 16-037 § 2.2005, Ord. 16-039 § 2.2004)

17.32.070 Lot areas.

Repealed by Ord. 16-039 § 4.1002.

17.32.080 Parking.

Parking requirements shall meet the requirements of Chapter 17.04 of the Code. (Ord. 16-037 § 2.2004, Ord. 16-039 § 2.2002)

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**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-023**

SUBJECT: Revise language to establish an appeals process to an administrative decision

AGENDA OF: August 21, 2014

ACTION: Continue discussion for an appeals process to an administrative decision

Attachment(s): Resolution No. 14-005
Ordinance No. 14-0xx
Form - Notice of Appeals Of A Decision Or Order Made By The Zoning Administrator To The Planning Commission
PMC 17.98 Appeals to Hearing Officer
P & Z minutes from August 16, 2007
City Council minutes from September 11, 2007

Summary: Ordinance No. 454 adopted by City Council on November 24, 1992 contained a statement regarding an appeal for Conditional Use Permits and for Variances but did not contain an appeals process to an administrative decision from the Planning and Zoning department.

On September 11, 2007, City Council enacted Chapter 17.98 Appeals to a Hearing Officer, which contains an appeals process to a decision of the Commission but does not contain an appeals process to an administrative decision from the Planning and Zoning department.

The lack of an appeals process to an administrative decision was brought about recently when a citizen of Palmer did not agree with staff's interpretation of the code. The citizen did not agree with staff's interpretation of code regarding a single family dwelling as part of a mixed use development only being located on and above the second floor or below the ground level of the structure in the General Commercial District. The citizen asked how to appeal staff's decision. Currently, there is no appeals process to staff's interpretation of the code.

Recommendation: Adopt draft ordinance and move forward to City Council with recommendation for adoption.



Reverse language to establish an appeals process to an administrative decision.

SUBJECT:

August 21, 2014

AGENDA OF:

Continues discussion for an appeals process to an administrative decision.

ACTION:

Resolution No. 14-002

ATTACHED:

Ordinance No. 14-01

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PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 14-005

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION RECOMMENDING CITY COUNCIL APPROVE THE ESTABLISHMENT OF AN APPEALS PROCESS TO AN ADMINISTRATIVE DECISION,

WHEREAS, currently there is no process established for an appeal to an administrative decision in Title 17, Zoning of the Palmer Municipal Code; and

WHEREAS, Ordinance No. 454 adopted on November 24, 1992 contained brief language regarding an appeal to a Hearing Examiner for a Conditional Use Permit in PMC 17.72.080 and a right of an appeal from a Hearing Examiner for a Variance in 17.76.100; and

WHEREAS, Ordinance No. 07-018 adopted on September 11, 2007 amended section 17.72.080 and enacted chapter 17.98, Appeals to a Hearing Officer, which contains an appeals process to a decision of the Commission but does not contain an appeals process to an administrative decision from the Planning and Zoning Department;

WHEREAS, recently a citizen did not agree with staff's interpretation of the code which highlighted the necessity for an appeals process to an administrative decision from the Planning and Zoning Department; and

WHEREAS, on July 17, 2014, a public meeting was held to discuss the establishment of an appeals process to an administrative decision. The Planning and Zoning Commission voted unanimously in favor of establishing an appeals process to an administrative decision.

NOW, THEREFORE, BE IT RESOLVED that the Palmer Planning and Zoning Commission does hereby recommend the City Council approve the establishment of PMC 17.95, Appeals To The Planning Commission, attached as a council ordinance.

Passed by the Planning and Zoning Commission of the City of Palmer, Alaska, this 21st day of August, 2014.

Michael W. Madar, Chairman

Kimberly A. McClure
Planning & Code Compliance Technician

PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 14-062

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION RECOMMENDING CITY COUNCIL APPROVE THE ESTABLISHMENT OF AN APPEALS PROCESS TO AN ADMINISTRATIVE DECISION.

WHEREAS, currently there is no process established for an appeal to an administrative decision in the zoning of the Palmer Municipal Code; and

WHEREAS, Article 1, Section 14, 1975 adopted on November 27, 1993 contained that language regarding an appeal to the Planning Examiner for a Certificate of Use, Form or Plan, 17.13 and a part of an appeal from a Board of Appeals in 17.14, and

the Board of Appeals in 17.14 was amended on September 11, 2007 regarding other

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Commission Information

Initiated by: Planning and Zoning Commission

Commission Agenda:

Action:

Vote:

Council Information

Introduced by: City Manager

Introduced:

Action:

Vote:

Yes:

No:

CITY OF PALMER, ALASKA

ORDINANCE NO. 14-0xx

AN ORDINANCE OF THE PALMER CITY COUNCIL ESTABLISHING 17.95 APPEALS TO THE PLANNING COMMISSION

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is help invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Chapter 17.95 is hereby enacted to read as follows:

Chapter 17.95 Appeals To The Planning Commission

Sections:

- 17.95.005 Definitions.
17.95.010 Stay on appeal.
17.95.020 Appeal to the Planning Commission.
17.95.030 Notice of hearing.
17.95.040 Preparation of record.

- 17.95.050 Ex parte contact.
- 17.95.060 Conduct of hearing.
- 17.95.070 Decision.

17.95.005 Definitions.

“Appeal packet” means the packet which contains the notice of hearing date, appeal letter, the appeal record and briefs.

“Appellant” means the party who files an appeal application pursuant to this title.

“Appellee” means the party responding to the appeal application.

“Interested persons” means any person who would be adversely affected by the decision.

17.95.010 Stay on appeal.

An appeal stays the decision or order appealed until a written decision is rendered by the planning commission; provided, that the planning commission may, upon motion, vacate the stay if it is determined to protect the public’s health, safety and welfare.

17.95.020 Appeal to the Planning Commission

Any interested person may appeal a decision or order of the zoning administrator to the planning commission by filing a written notice of appeal with the zoning administrator on a form provided by the zoning administrator within fifteen (15) calendar days after date of the decision or order. The notice of appeal shall state with specificity the grounds for the appeal, include the appellant’s mailing address or that of the appellant’s attorney, and be accompanied by a nonrefundable filing fee, established in the current, adopted budget.

17.95.030 Notice of hearing.

Upon the timely filing of an appeal, the zoning administrator by regular mail or personal service shall deliver notice of the appeal within three business days to the appellant and the owner of each property that is the subject of the decision or order appealed from. The notice shall include:

1. A brief description of the decision or order appealed from; and
2. The appellant’s notice of appeal.

17.95.040 Preparation of record.

- A. The zoning administrator shall submit the appeal to the planning commission at the next regular planning commission meeting occurring at least fifteen (15) business days after the filing of an appeal to allow timely notice for required public hearing. The city planner shall forward all pertinent information related to the appeal to the planning commission for review.
- B. The zoning administrator shall publish a notice in a newspaper of general circulation within the city not less than five days nor more than 20 days prior to the date of hearing. Such notice shall state the nature of the appeal, the location of the property that is the subject of the appeal, and the time and place of hearing. Notice by regular mail of the time and place of hearing shall be given to each interested party and to each record owner of any property that immediately adjoins the property that is the subject of the appeal.
- C. Failure to send notices to persons specified in this section or failure of a person to receive a notice shall not invalidate the proceedings.

17.95.050 Ex parte contact.

A planning commissioner shall be impartial in all decisions, both in fact and in appearance. No planning commissioner may engage in ex parte contact with any person interested in an appeal concerning the appeal either before or after the appeal hearing.

17.95.060 Conduct of hearing.

- A. Only persons who have submitted written arguments to the planning commission prior to the meeting may present oral arguments at the hearing. A written argument must include the name, physical and mailing addresses of the person submitting the argument.
- B. At the hearing, oral argument shall be subject to the following order and time limitations, unless the planning commission, for good cause shown, permits a change in the order or an extension of time:
 - 1. Zoning administrator or representative, five minutes to present the city position and to set forth the evidence and reasons relied upon for the decision.
 - 2. Appellant or representative, five minutes.
 - 3. Each interested person supporting or opposing the appeal, five minutes.
 - 4. Appellant, for rebuttal, five minutes.

17.95.070 Decision.

- A. The planning commission shall base the decision upon the record and argument presented at the hearing. The planning commission may affirm, reverse, or modify the decision or order of the zoning administrator in whole or in part.
- B. The planning commission's decision shall be in writing and shall state that it is a final decision, include the planning commission's findings of fact and conclusions of law, and notify the parties of their right to appeal under PMC 17.98.
- C. The planning commission's decision shall be mailed by regular mail or personally delivered by the zoning administrator within ten (10) business days after the planning commission's decision was final to the appellant and each interested person submitting written testimony at the hearing.

Section 4. Effective date. Ordinance No. 14-0xx shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this _____ day of _____, 2014.

DeLena Goodwin Johnson, Mayor

Janette M. Bower, CMC, City Clerk



City of Palmer • Department of Community Development

645 E Cope Industrial Way • Palmer, AK 99645

Phone: 907-745-3709 Fax: 907-745-5443

www.cityofpalmer.org

Notice Of Appeals Of A Decision Or Order Made By The Zoning Administrator To The Planning Commission

Any "interested persons" as defined in PMC 17.95.005, adversely affected by a decision or order of the Zoning Administrator, may appeal the decision or order within fifteen (15) calendar days of the action. This application, along with a \$250 non-refundable filing fee must be submitted to the City Clerk.

Attach a letter to this application which clearly and concisely states with specificity the grounds of the appeal. If applicable, city specific sections of the Palmer Municipal Code, which you believe conflict with the decision or order of the Zoning Administrator.

For information on the appeal process, please see Palmer Municipal Code Chapter 17.95, or contact the City Clerk.

Interested Person Filing the Appeal: _____
(Per PMC 17.95.005)

Appellant's Representative: _____

Home phone: _____ Work phone (optional): _____

Mailing address: _____

City: _____ State: _____ Zip: _____

Physical Address: _____

City: _____ State: _____ Zip: _____

Email address: _____

Date of Decision or Order of Zoning Administrator: _____

Appellant's Signature: _____ Date: _____

Printed Name: _____

FOR OFFICE USE ONLY:
Received by: _____ Date: _____
Fees Paid: _____

Chapter 17.98 APPEALS TO HEARING OFFICER

Sections:

- 17.98.005 Definitions.
- 17.98.010 Hearing officer.
- 17.98.015 Stay on appeal.
- 17.98.020 Notice of appeal – Appeal fee.
- 17.98.030 Preparation of appeal record.
- 17.98.040 Written arguments.
- 17.98.050 Distribution of appeal packet – Notice of hearing.
- 17.98.060 Conduct of hearing.
- 17.98.070 Scope of review.
- 17.98.080 Decision.
- 17.98.090 Remedies.

17.98.005 Definitions.

“Appeal packet” means the packet which contains the notice of hearing date, appeal letter, the appeal record and briefs.

“Appeal record” consists of the entire community development file pertaining to the case under appeal, including all original papers and exhibits, and the transcript of the proceedings before the commission.

“Appellant” means the party who files an appeal application pursuant to this title.

“Appellee” means the party responding to the appeal application.

“Interested persons” means any person who would be adversely affected by the decision. (Ord. 07-018 § 5, 2007)

17.98.010 Hearing officer.

A. To be appointed as a hearing officer, a person must be an attorney at law in the state of Alaska who possesses knowledge of this title, general land use regulations, and principles of due process. An attorney may not act as hearing officer in any case in which he or she has any direct or indirect financial interest, and must certify to the absence of any such interest before receiving the appeal record on a form provided by the clerk. A hearing officer may not be a current city employee or a current member of the council or commission.

B. A hearing officer shall be impartial in all decisions, both in fact and in appearance. The hearing officer shall not engage in ex parte contact with any person concerning the appeal either before or after the appeal hearing.

C. The manager or clerk shall solicit persons who are willing to serve as hearing officers, and shall maintain a list of interested persons determined to be qualified.

D. Upon an appeal being filed, the manager shall appoint the hearing officer and shall report the appointment to the council.

E. Compensation of the hearing officer shall be determined by council legislation prior to the hearing. (Ord. 07-018 § 5, 2007)

17.98.015 Stay on appeal.

An appeal stays the decision or order appealed until a written decision is rendered by the hearing officer; provided, that the hearing officer may, upon motion, vacate the stay if it is determined to protect the public's health, safety and welfare. (Ord. 07-018 § 5, 2007)

17.98.020 Notice of appeal – Appeal fee.

A. As set forth in this title, a decision of the commission may be appealed by filing an appeal application with the clerk on a form provided by the clerk. The appeal application shall clearly state the grounds of the appeal, and include the appellant's mailing address or that of the appellant's representative.

B. Except as provided in subsection (C) of this section:

1. An appeal application shall include a nonrefundable filing fee, established in the current, adopted budget, and a deposit, established in the current, adopted budget, for preparation of the appeal record, advertising and mailing costs.
2. Upon receipt of the appeal record, the clerk shall reasonably determine the cost of preparation of the appeal record, advertising and mailing costs. If the costs exceed the amount of the deposit, the clerk shall invoice the appellant for the excess. The invoice shall be paid within 15 business days of receipt of the invoice by the appellant or the appeal will be dismissed. The clerk shall return to the appellant all amounts in excess of the actual costs of preparing the appeal record, advertising and mailing.

C. Within the time frame for filing the appeal application, an appellant may request the city waive payment of part or all of the fee and costs described in subsection (B) of this section because of the appellant's indigence. The request shall include a sworn financial statement in a form approved by the clerk. The clerk will grant or deny the request based on a determination of whether the appellant is indigent. (Ord. 07-029 § 34, 2007; Ord. 07-018 § 5, 2007)

17.98.030 Preparation of appeal record.

A. Upon the timely filing of an appeal, the clerk shall request the record from the city staff. The city staff shall provide the record to the clerk within 30 calendar days of the request. The record shall contain all pertinent records including:

1. A verbatim transcript of the proceedings before the commission from which the appeal has been taken.
2. Copies of all documentary evidence, memoranda and exhibits, correspondence and other written material submitted to the commission prior to the decision from which the appeal is taken.
3. A copy of the written decision of the commission, including its findings and conclusions.

B. Upon completion of the record, the clerk shall mail or personally serve the appeal record on the hearing officer, the appellant, the applicant, if not the appellant, and each other interested person who has submitted a written request for a copy of the appeal record. Interested persons requesting a copy of the record shall be charged on a per page basis. (Ord. 07-018 § 5, 2007)

17.98.040 Written arguments.

A. Brief of Appellant. The appellant may file a written brief of points and authorities in support of those

allegations of error specified in the appeal letter with the clerk's office not later than 15 calendar days after service of the appeal record. The clerk shall mail or otherwise deliver a copy of the appellant's brief to the city staff and hearing officer assigned responsibility for the appeal.

B. Brief of Appellee. The appellee may submit to the clerk a written reply to the appeal letter and any brief no later than 30 calendar days after service of the appeal record. The clerk shall mail or otherwise deliver a copy of the appellee's brief to the appellant, city staff and hearing officer assigned responsibility for the appeal.

C. Reply Brief. The appellant may file a written reply brief to appellee briefs submitted pursuant to subsection (B) of this section. The appellant's reply brief is due no later than 10 calendar days after service of notice that the appellee briefs have been filed.

D. Form of Briefs. All briefs shall be typewritten on eight-and-one-half-inch by 11-inch pages. The text of the brief shall be double-spaced other than quotations from the record, case law or other applicable law or exhibits which cannot be retyped on eight-and-one-half-inch by 11-inch pages. The brief of the appellant is limited to 25 pages exclusive of exhibits. The brief of the appellee is limited to 25 pages exclusive of exhibits. The reply brief is limited to 10 pages exclusive of exhibits. The clerk shall not accept a brief unless it is in the form prescribed by this section and filed within the time prescribed by this section. (Ord. 07-018 § 5, 2007)

17.98.050 Distribution of appeal packet – Notice of hearing.

Following the time set for receipt of written arguments from the appellant and appellee, the clerk shall prepare and distribute to the hearing officer an appeal packet containing the notice of appeal, the appeal record, written comments by interested parties, and any briefs filed in accordance with PMC 17.98.040. Notice of the hearing date shall be published in a newspaper of general circulation and shall be mailed or personally served to the appellant and appellee. Interested persons requesting a copy of the record shall be charged on a per page basis. (Ord. 07-018 § 5, 2007)

17.98.060 Conduct of hearing.

A. The meeting at which the hearing officer hears an appeal shall be open to the public and a record of the hearing shall be made.

B. The hearing shall be subject to the following order and time limitations:

1. City staff: 10 minutes to present the decision of the commission;
2. Appellant: 15 minutes;
3. Appellee: 15 minutes;
4. Interested persons: three minutes each;
5. Appellant, for rebuttal: five minutes.

C. The hearing officer may question each of the parties listed under subsection (B) of this section.

D. The hearing officer may adjourn the hearing for deliberative purposes. (Ord. 07-018 § 5, 2007)

17.98.070 Scope of review.

A. The hearing officer shall hear an appeal solely on the basis of the appeal packet and oral testimony as described in PMC 17.98.060(B).

B. The hearing officer may exercise his or her independent judgment on legal issues raised by the appellant. The term "legal issues," as used in this section, means those matters that relate to the interpretation or construction of ordinances or other provisions of law.

C. The hearing officer shall defer to the judgment of the commission regarding disputed issues or findings of fact unless a substitution of his or her independent judgment pursuant to subsection (D) of this section is made. Findings of fact adopted expressly or by necessary implication by the commission may be considered as true if they are supported in the record by substantial evidence. The term "substantial evidence," for the purpose of this section, means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence.

D. Notwithstanding the provisions of subsection (C) of this section, the hearing officer may substitute his or her independent judgment for that of the commission on any disputed issues or findings of fact. Such judgment must be supported on the record by substantial evidence. (Ord. 07-018 § 5, 2007)

17.98.080 Decision.

A. The hearing officer shall decide an appeal on the basis of the appeal packet, in accordance with the standards of PMC 17.98.070.

B. The hearing officer may affirm or reverse the decision of the commission in whole or in part. A decision reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on appeal except where the case is remanded in accordance with PMC 17.98.090(A).

C. Every decision of the hearing officer to affirm or reverse the decision of the commission pursuant to subsection (A) of this section shall be in writing and shall be based upon and include findings and conclusions adopted by the hearing officer. Such findings must be reasonably specific so as to provide the community, and, where appropriate, reviewing authorities, a clear and precise understanding of the reason for the hearing officer's decision. The hearing officer may seek the assistance of the city staff in the preparation of findings.

D. Every final decision of the hearing officer shall clearly state it is a final decision with respect to all issues involved in the case, and that the parties have 30 days from the date of mailing, or other distribution of the decision, to file an appeal to the superior court.

E. A decision by the hearing officer to remand the case on one or more issues, in accordance with PMC 17.98.090(A), is not a final decision with respect to any issue involved in the appeal. Notwithstanding the foregoing, all matters decided by the hearing officer (except those remanded pursuant to PMC 17.98.090) will be deemed a final decision following the lower administrative body's decision, provided no appeal is perfected within the time period specified in PMC 17.72.080.

F. A hearing officer's decision remanding a case on one or more issues, in accordance with PMC 17.98.090(A), will include the following statements:

1. The decision is the final decision with respect to all matters resolved therein when, following the lower administrative body's decision on remand, no appeal is perfected within the time period specified in this section; and
2. The parties have 30 calendar days from the expiration of said time period to appeal to the superior court. (Ord. 07-018 § 5, 2007)

17.98.090 Remedies.

A. Where the hearing officer reverses or modifies a decision of the commission in whole or in part, its decision shall finally dispose of the matter on appeal, except that the case shall be remanded to the commission where the hearing officer determines either that:

1. There is insufficient evidence in the record on an issue material to the decision of the case; or
2. There has been a substantial procedural error which requires further public hearing.

A decision remanding a case shall describe any issue on which further evidence should be taken, and shall set forth any further directions the hearing officer deems appropriate for the guidance of the commission.

B. The commission shall act on the case upon remand in accordance with the decision of the hearing officer in the minimum time allowed by the circumstances. Cases on remand following a decision of the hearing officer shall take precedence over all other matters on the commission's agenda. (Ord. 07-018 § 5, 2007)

The Palmer Municipal Code is current through Ordinance 14-016, passed May 27, 2014.

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VOTE ON MOTION: MCU

2. Text amendment to Title 17, Zoning, Authorizing the Planning and Zoning Commission to hear Variance Requests.

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE, to recommend approval of Ordinance 07-021 authorizing the Planning and Zoning to hear variance requests.

Ms. Jansen provided the staff report:

- City Council requested the legislation for a hearing officer be drawn up and forwarded to them;
- the city clerk worked with the city attorney and Cindy Cartledge, attorney for the Council on process matters during the last appeal;
- addressed application fees and separate fee for the hearing officer on the new ordinance; and
- stated that variances may only be granted if the request meets state regulations.

Commissioner Madar inquired why the ordinance is being brought before the Commission; Ms. Jansen advised it was done at the direction of the City Council.

Commissioner Brown asked what the hearing officer would look at during an appeal; Ms. Jansen responded they would look at whether proper procedures were followed.

Commissioner Kerslake inquired what the next step in an appeal would be after a hearing officer; Ms. Jansen stated it would be Superior Court.

Commissioner Madar stated he had concerns about one person making the decision on an appeal and felt that the elected council should be the ones to make the decision. Commissioner Brown pointed out that the hearing officer would review procedural issues rather than render a new decision.

VOTE ON MOTION: MCU

 3. Text amendment to Title 17, Zoning, Enacting 17.98, Appeals to a Hearing Officer

COMMISSIONER SILVA moved, seconded by COMMISSIONER Hamming, to recommend approval of Ordinance 07-018 enacting Chapter 17.98 Hearing Officer.

Ms. Jansen provided the staff report:

- The proposed ordinance would change the appeal process by substituting a hearing officer for the City Council;
- add definitions to the code; and the
- the previous appeal of a conditional use permit lead to the decision by the City Council to change the process.

Commissioner Hamming asked for clarification as to whether it was the council's desire to be totally out of the appeals process or to have legal council during the process. The

decision on a conditional use permit is made by the appointed Planning and Zoning Commission; Commissioner Hamming spoke in favor of keeping the process nonpolitical by having it heard by a hearing officer.

Commissioner Madar spoke against the ordinance and stated it is the City Council's responsibility to make those decisions.

Commissioner Brown asked staff on what grounds a hearing officer could overturn a decision on a conditional use permit. Staff responded that the council and the hearing officer have a lot of latitude in making their decisions; the findings can be subjective.

Commissioner Silva asked how the ordinance was drafted; staff responded ordinances from the City of Wasilla, the City of Anchorage, and the Mat-Su Borough were all reviewed and the ordinance is a compilation of the best parts of those ordinances.

Commissioner Hamming asked whether the hearing officer would look at procedures and findings of fact to determine whether the facts were correct; staff responded in the affirmative. Commissioner Hamming then spoke in favor of the ordinance.

VOTE ON MOTION: Motion failed 3 to 3.

Madar	Kerslake	Hamming	ALee	Silva	Brown	Kircher
N	N	Y	Y	Y	N	

Staff advised that the decision might be appealed and may come up for discussion on August 28, 2007; she suggested that members of the Commission come to the meeting to provide comments.

4. Text amendment to Title 17, Zoning, Enacting 17.90, Accessory Dwelling Units

COMMISSIONER MADAR moved, seconded by COMMISSIONER KERSLAKE, to suspend the rules to discuss the text amendment.

VOTE ON MOTION: MCU

Staff presented information regarding the new Accessory Dwelling Unit (ADU) ordinance:

- The ordinance is a new chapter in the code and will address the size of the ADU, location, application process, allowable districts for ADU's, number of ADU's allowed per lot;
- The ordinance is based on ordinances from Santa Cruz, CA, Anchorage, and two model ordinances; and
- The owner of the property must live on site more than six months out of the year and sign a statement that they understand the rules and limitations.

Discussion followed regarding:

- Detached ADU's, and their possible locations especially as it relates to the front plane of the principle dwelling unit;

- Backup Generator Project upgrade; and
 - Traffic issues caused by the Fair.
3. Friday Fling Update

Jeff Johnson reported on the following items:

- Friday Fling Market origination with the Greater Palmer Chamber of Commerce;
- Market in operation for the past five years;
- “Veggies in Motion” art exhibition funded by the Mat-Su Health Foundation and Mat-Su Regional Hospital;
- Friday Fling Walkabout participation by 800 people;
- Market held 52 booths, 42 booths per week were averaged in 2007;
- Goal to select vendors who market Alaska Made items;
- Between 400 and 500 persons at the Market at one time; and
- Increased business traffic in town on Fridays.

F. AUDIENCE PARTICIPATION

David Holladay:

- voiced concern regarding the Mat-Maid property;
- spoke of email correspondence from Kristan Cole regarding interest in the Palmer Mat-Maid facility;
- urged the council to request that Governor Palin set aside the property for Palmer development; and
- described the Borough tax assessment of the property as \$300-400,000.

Mark Parmelee:

- spoke of the audience resources available to speak to resolution no. 07-015.

G. PUBLIC HEARINGS



Item 1 – Public Hearing – Ordinance No. 07-018: Amending Palmer Municipal Code Section 17.08.215, Hearing Officer Definition; Section 17.72.080 Appeal, to Refer Appeals to a Hearing Officer; and Enacting Chapter 17.98, Appeals to a Hearing Officer (IM 07-039)

Mayor Combs opened the public hearing for ordinance no. 07-018. There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

MOVED BY:	Pippel	To adopt ordinance no. 07-018
SECONDED BY:	Vanover	

Council Member Pippel:

- commented on the Planning and Zoning Commission recommendation;
- described the previous appeal hearing heard at the council level;
- spoke in favor of the hearing officer process; and
- commented on the inability to fill the current boards, commissions, and/or council.

Council Member Wood:

- spoke of the role of a Board of Adjustment;
- recommended the ordinance be sent back to Administration to examine utilization of a Board of Adjustment; and

- stated he was unable to support a hearing officer.

Mayor Combs:

- questioned the ability of citizens to comprehend the magnitude of an appeal;
- described the hearing officer as an arbitrator; and
- voiced support of the ordinance as written.

Attorney Gatti:

- commented on the previous appeal process;
- spoke of Board of Appeals and Adjustments and stated the Board may seek advice from an attorney;
- commented on the skills and qualifications of a hearing officer attorney;
- recommended the council undertake the hearing officer process;
- expanded on the need for implementation of a process prior to the filing of another appeal;
- commented on the council's role in a quasi-judicial capacity; and
- described the issues involved in an appeal as being complex and the need for an attorney to sort out the issues.

Council Member Hanson:

- voiced support of the hearing officer process;
- described the recent appeal as a highly technical exercise; and
- commented on public opportunities to respond to a Planning and Zoning Commission issue.

VOTE ON MOTION: Carried by 6-1 voice vote.				
	Yes:			No:
Pippel	Erbey	Vanover	Wood	
Hanson	Best	Combs		

Item 2 – Public Hearing – Ordinance No. 07-021: Amending Palmer Municipal Code Chapter 17.76, Variance, Whereby All Variance Requests are Heard Before the Planning and Zoning Commission and Establish a Variance Appeal Process (IM 07-040)

Mayor Combs opened the public hearing for ordinance no. 07-021. There being no one who wished to speak, the public hearing was closed and the matter was brought before the council.

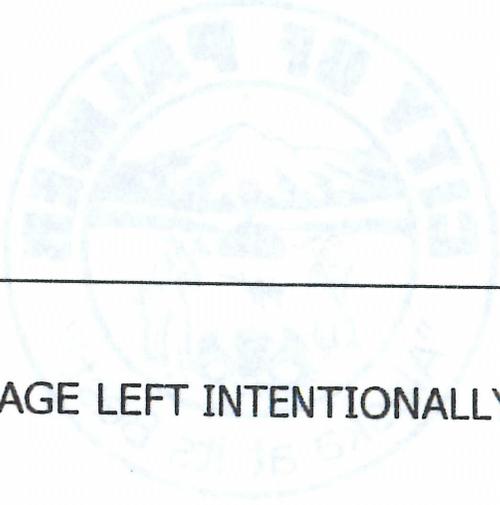
MOVED BY:	Hanson	To adopt ordinance no. 07-021
SECONDED BY:	Pippel	

VOTE ON MOTION: Carried by 6-1 voice vote.				
	Yes:			No:
Pippel	Erbey	Vanover	Wood	
Hanson	Best	Combs		

Item 3 – Public Hearing – Ordinance No. 07-023: Amending Palmer Municipal Code Title 17, Zoning, by Enacting Chapter 17.49 A-M Airport Mixed Use District (IM 07-038)



New Business



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**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-021**

SUBJECT: Referring PMC 15.08.3103, Temporary Buildings or Structures to the Planning and Zoning Commission as directed by City Council

AGENDA OF: August 21, 2014

ACTION: Review and discuss referral of PMC 15.08.3103 to the Planning and Zoning Commission

Attachment(s): PMC 15.08.3103, Temporary Buildings or Structures
AM #14-058: Authorize Placement of a Temporary Building for more than Six Months on Property Located at 139 W. Arctic Avenue for Brew HaHa Coffee
AM #13-040: Authorize Extension of Temporary Building for Matanuska Electric Association on Property Located at 163 E. Industrial Way
AM #12-013: Authorize Extension of Temporary Building for Colony Cup Espresso on Property Located at 1800 S. Glenn Highway, Palmer

Summary: On August 13, 1996, City Council adopted Ordinance No. 504 enacting 15.08.3103 requiring any temporary building or structure in place for longer than six months to have City Council approval. Attached are some of the most recent temporary structures that required City Council approval to remain for longer than six months. City Council is requesting input from the Planning and Zoning Commission regarding the referral of PMC 15.08.3103.

Recommendation: Forward comments to City Council.

CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-021



Referring PNC 12.08.3103, Temporary Buildings or Structures to the
Planning and Zoning Commission as directed by City Council

SUBJECT:

August 21, 2014

AGENDA OF:

Review and discuss referral of PNC 12.08.3103 to the Planning and
Zoning Commission

ACTION:

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15.08.3103 Temporary buildings or structures.

Amend by adding a sentence as follows:

No temporary building or structure shall remain in place longer than six months without City Council approval.

(Ord. 504 § 3, 1996)

Compile Chapter

The Palmer Municipal Code is current through Ordinance 14-021, passed June 24, 2014.

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12.2.2.103 Temporary Buildings or Structures

Amend by adding a sentence as follows:

No temporary building or structure shall remain in place longer than six months without City Council approval.

(Ord. 204 § 2 (2008))

Original Document

City of Seattle
1100 5th Avenue, Suite 2000
Seattle, WA 98101
Phone: (206) 435-3371

The Primer Municipal Code is current through Ordinance 14
2017 passed June 26, 2017.
Disclaimer: The City Clerk's Office has the official version of the
Code. For an official copy, please contact the City Clerk's
Office or visit www.seattle.gov/cityclerk.
This document is provided for informational purposes only.

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**CITY OF PALMER
ACTION MEMORANDUM NO. 14-058**

Subject: Authorize Placement of a Temporary Building for More than Six Months on Property Located at 139 W. Arctic Avenue for Brew HaHa Coffee

Agenda of: July 22, 2014

Council Action: _____

Approved for presentation by:

City Manager Joseph A. Hansen
City Attorney _____
City Clerk _____

Certification of Funds:

Total amount of funds listed in legislation:	\$ _____	0
This legislation (✓):		
<input checked="" type="checkbox"/> Has no fiscal impact		
Creates:		
_____ A negative fiscal impact in the amount of:	\$ _____	
_____ A positive fiscal impact in the amount of:	\$ _____	
_____ Funds are budgeted.		
Funds are budgeted from this (these) line item(s):		
a) >	\$ _____	
b) >	\$ _____	
a) Funds originally budgeted in line item :	\$ _____	
Difference in budgeted funds:	\$ _____	
b) Funds originally budgeted in line item :	\$ _____	
Difference in budgeted funds:	\$ _____	
_____ Funds are not budgeted.		
Budget amendment required in the total amount of:	\$ _____	
Affected line item(s):		
>	\$ _____	
>	\$ _____	
_____ General fund unassigned balance (after budget modification)	\$ _____	
_____ Enterprise unrestricted net position (after budget modification)	\$ _____	
Director of Finance signature certifying funds:	_____	

Attachment(s):

- Request from Joshua Cooley to place new temporary building at 139 W. Arctic Avenue
- Building Permit 95-99 for 8' x 12' mobile building with Lot layout
- Aerial property map showing Tract 3 T.A. Smith Subdivision

Summary statement: Palmer Municipal Code 15.08.3103 requires City Council approval for a temporary building or structure to remain in place for longer than six months within the City limits. Joshua Cooley is requesting Council approval to replace an existing mobile building with a new temporary building to expand the operation of Brew HaHa Coffee at 139 W. Arctic Avenue on T.A. Smith Tract 3.

Background: Building Permit #95-99 was issued on November 29, 1995 for a mobile building to be placed on T.A. Smith Tract 3 for a drive through espresso coffee shop. On August 13, 1996, Title 15 was amended to require City Council approval for a temporary building or structure to remain in place for longer than six months. The existing 1995 mobile building was constructed on a trailer frame and has housed Brew HaHa Coffee since November 2012.

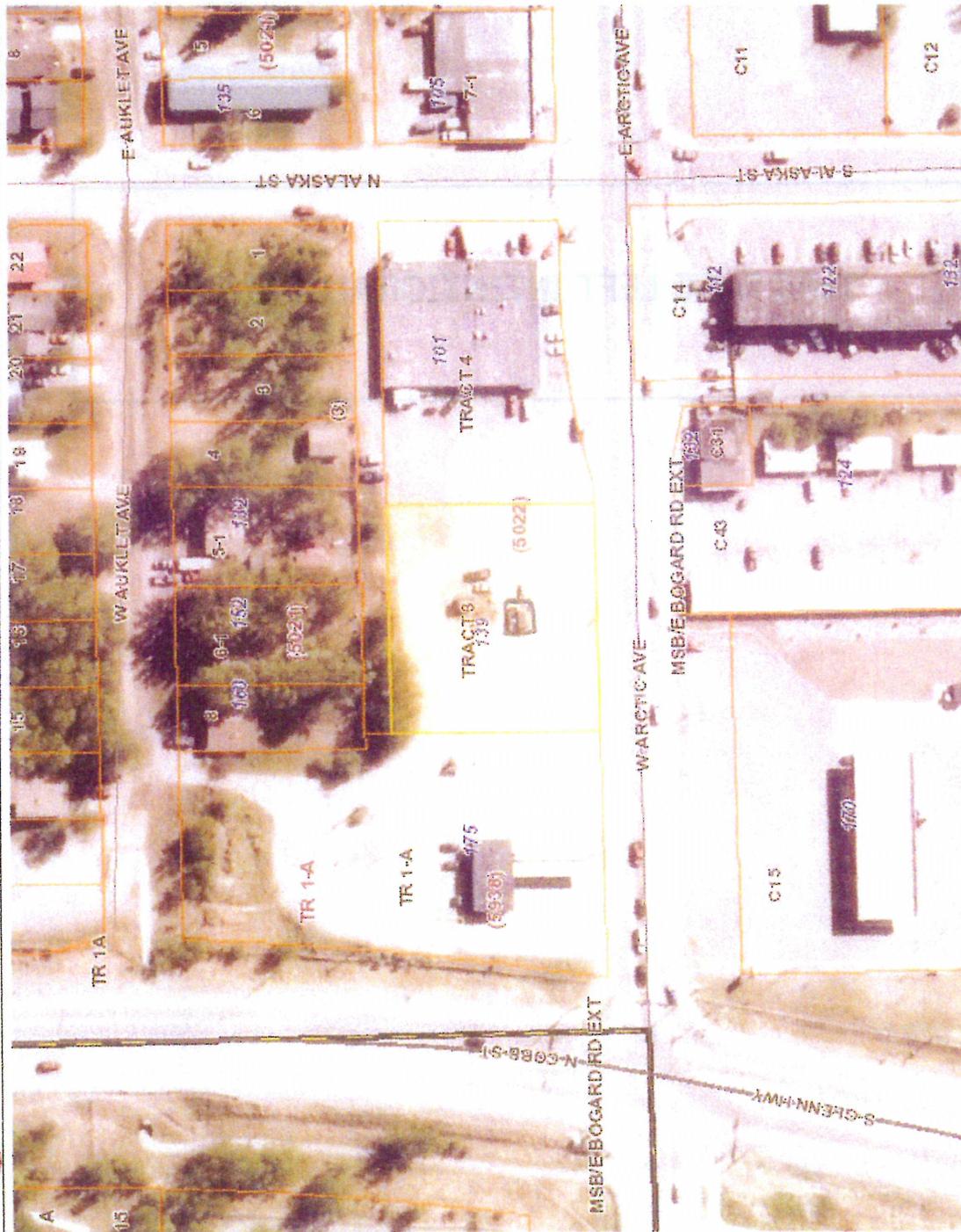
Joshua and Kimberly Cooley are the owners of Brew HaHa Coffee and have requested a permit to replace the existing 8' x 12' mobile building with a 12'3" x 16'7" temporary building constructed on skids. The Cooleys are seeking Council approval to place this temporary building at their current 139 W. Arctic Avenue location and authorization to remain at this location for more than six months.

The Finance Department reports that Brew HaHa has a current Business License and is in good standing on reporting and remitting of sales tax.

Administration recommendation: Approve action memorandum 14-058.



Matanuska-Susitna Borough



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 - Administrative
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 - Community Center
 - Landfill or Transfer Station
 - Library
 - Medical
 - Post Office
 - Public Safety
 - School
- Alaska Railroad
- Streets
 - Highway
 - Major Street
 - Medium Street
 - Minor Street
 - Primitive Road
 - Private Road
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- Incorporated Cities
- Parcels

1:1,329

Notes
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CITY OF PALMER
ACTION MEMORANDUM NO. 13-040

Subject: Authorize Extension of Temporary Building for Matanuska Electric Association on Property Located at 163 E. Industrial Way

Agenda of: May 14, 2013

Council Action: Authorized

Approved for presentation by:

City Manager *J Douglas B. Griff*
City Attorney _____
City Clerk *JH*

Certification of Funds:

Total amount of funds listed in legislation:	\$ _____ 0
This legislation (✓):	
<input checked="" type="checkbox"/> Has no fiscal impact	
Creates:	
_____ A negative fiscal impact in the amount of:	\$ _____
_____ A positive fiscal impact in the amount of:	\$ _____
_____ Funds are budgeted.	
Funds originally budgeted:	\$ _____
Difference in budgeted funds:	\$ _____
_____ Funds are budgeted from this (these) line item(s):	
➤	\$ _____
_____ Funds are not budgeted.	
Budget amendment required in the total amount of:	\$ _____
Affected line item(s):	
➤	\$ _____
Unrestricted/undesignated fund balance (after budget modification)	\$ _____
Director of Finance signature certifying funds:	<u><i>[Signature]</i></u>

Attachment(s):

- Request for extension from Jim Brooks, MEA Facilities Maintenance Manager
- Building Permit 2012-045 and Lot Layout diagram

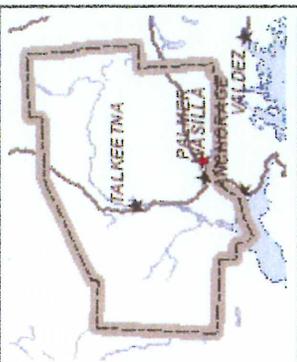
Summary statement: Palmer Municipal Code 15.08.3102 requires City Council approval for a temporary building or structure to remain in place for longer than six months within the City limits. Matanuska Electric Association (MEA) is requesting Council approval for an ATCO building to remain in place at 163 E. Industrial Way until September 1, 2015.

Background: Building Permit #2012-045 was issued on June 1, 2012 to place a temporary ATCO building on MEA property located at 163 E. Industrial Way. The building was needed as alternate office space for MEA staff during construction activities at their Eklutna Generating Station. The construction is still ongoing and as a result, the company needs to extend its use of this ATCO building.

MEA proposes to keep the ATCO building in place until September 2015 at which time they will either remove the building or will take the steps necessary to bring the structure into conformance with code as a permanent structure.

Administration recommendation: Approve action memorandum 13-040.

Matanuska-Susitna Borough



Legend

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 - City Hall or Courthouse
 - Community Center
 - Landfill or Transfer Station
 - Library
 - Medical
 - Post Office
 - Public Safety
 - School
- Alaska Railroad**
- Streets**
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1:3,994

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CITY OF PALMER
ACTION MEMORANDUM NO. 12-013

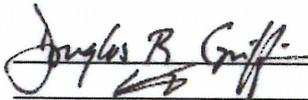
Subject: Authorize Extension of Temporary Building for Colony Cup Espresso on Property Located at 1800 S. Glenn Highway, Palmer

Agenda of: January 24, 2012

Council Action: Authorized

Approved for presentation by:

City Manager
City Attorney
City Clerk



JH

Certification of Funds:

Total amount of funds listed in legislation: _____

This legislation (✓):

Has no negative fiscal impact

_____ Funds are budgeted from this (these) line item(s):

_____ Funds are not budgeted. Budget modification is required. Affected line item(s):

Unrestricted/undesignated fund balance (after budget modification) \$ _____

Director of Administration signature certifying funds: *JH*

Attachment(s):

- Request for extension from Susan Clark, Psalm 37 4 Enterprises, Dba Colony Cup Espresso
- Lot Layout diagram from Building Permit # 2001-048
- November 17, 2011 Planning and Zoning Commission Minutes regarding request
- PMC 15.08.3102

Summary statement: Palmer Municipal Code 15.08.3103 requires City Council approval for a temporary building or structure to remain in place for longer than six months within the City limits. The owners of the Colony Cup coffee stand, located in a temporary building, are requesting Council approval to remain at their current location at 1800 S. Glenn Highway.

Background: Building Permit #2001-048 was issued on May 22, 2001, for the construction of a 8' x 20' temporary building to be used as a coffee stand on a portion of the Palmer Business Park property located at 1800 S. Glenn Highway. Within six months of the completion of construction, the owners of the coffee stand requested Council approval to remain on site for five years. On January 8, 2002, the City Council authorized the temporary building to remain on the property through January 2007. A second five year period was approved by Council on December 12, 2006. This second five year period expires in January 2012.

The current owner of the coffee stand, Susan Clark of Psalm 37 4 Enterprises doing business as Colony Cup Espresso, has requested an additional five year extension from January 2012 through January 2016.

The Planning and Zoning Commission considered this request for extension at their November 17, 2011, meeting and unanimously voted to recommend that the City Council approve the extension for an additional five year period. The Commission's recommendation is based on the fact this is has been a thriving business in Palmer for ten years, provides employment, and contributes to the City's sales tax.

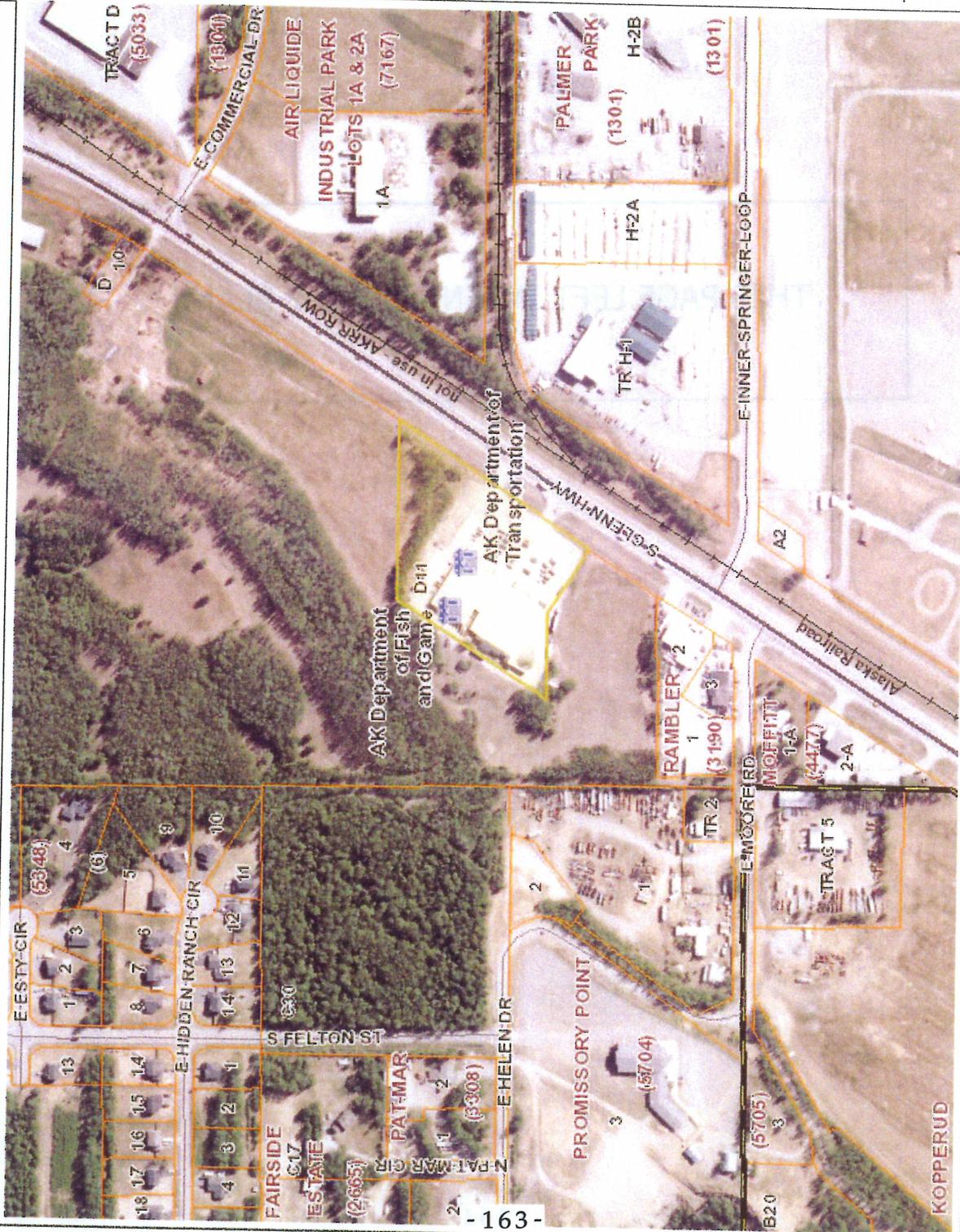
The Finance Department notes that this business has an excellent record on reporting and remitting payment of their sales tax. There is no record of any code compliance or land use complaints regarding this use.

Administration recommendation: Approve action memorandum 12-013.

City Manager
City Attorney
City Clerk



Matanuska-Susitna Borough



Legend

- Public Facilities**
 - Administrative
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 - City Hall or Courthouse
 - Community Center
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- Parcels**

1:4,756



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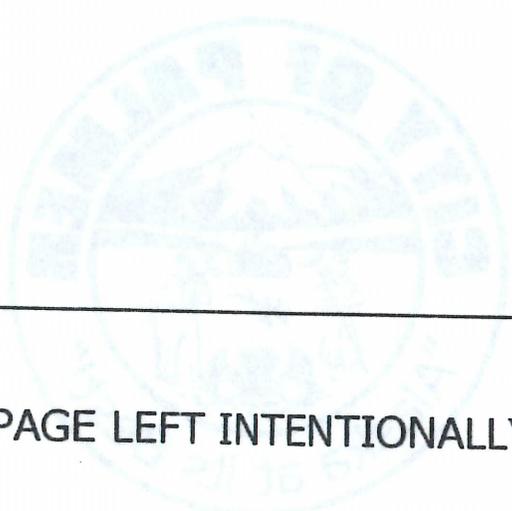
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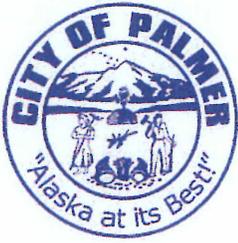
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Plat Reviews



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**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 14-020**

SUBJECT: Tax Parcel C10 in Section 5, Township 17 North, Range 2 East, Seward Meridian

AGENDA OF: August 21, 2014

ACTION: Review and comment

Attachment(s): 1) Memorandum
2) Abbreviated Plat Distribution package from MSB Platting Division

Summary: The request is to create 2 lots from Tax Parcel C10, in Section 5, Township 17 North, Range 2 East, Seward Meridian, to be known as BRS Subdivision, located inside Palmer city limits.

Recommendation: The staff comments regarding the abbreviate plat distribution packet are attached.



SUBJECT: Tax Parcel C10 in Section 2, Township 13 North, Range 3 East, Seward
Meridian

AGENDA DATE: August 21, 2014

ACTION: Review and discuss

Attachments: 1) Parcel Map

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DEPARTMENT OF COMMUNITY DEVELOPMENT

Sandra Garley
Director

David Meneses
Building Inspector

Beth Skow
Library Director

MEMORANDUM

TO: Paul Hulbert, Chief of Platting
FROM: Kimberly McClure, Planning Technician
DATE: July 30, 2014
SUBJECT: Tax Parcel C10, Section 5, Township 17 North, Range 2 East,
Seward Meridian; to create 2 lots from tax parcel C10 to be known
as BRS Subdivision

Inside City Limits

Outside City Limits

We have distributed the abbreviated plat for the subject project and have received the following comments from the following departments:

1. City Manager: No changes necessary.
2. Building Inspector: No changes necessary.
3. Community Development: On November 12, 2013, this parcel was rezoned to R-1E, Single-family Residential Estate. Access is from East Helen Drive. The proposed lots meet the required minimum lot area of 20,000 square feet per lot as required in the R-1E district. The City supports the Borough's requirement for plat approval to be conditional upon removal of the house shown on Lot 1, otherwise the house would not meet the required minimum ~~front~~^{side} yard setback of 25'.^{15'}
4. Fire Chief: No changes necessary.
5. Public Works: **See attached emailed comments and attached map.**
6. Planning and Zoning Commission: This plat is scheduled to be reviewed at the August 21 P & Z meeting. Any additional comments will be forwarded after that meeting.

Kimberly McClure

From: Tom Healy
Sent: Sunday, July 27, 2014 3:48 PM
To: Kimberly McClure
Cc: Greg Wickham
Subject: BRS Subdivision
Attachments: Scan_20140727_150828.pdf

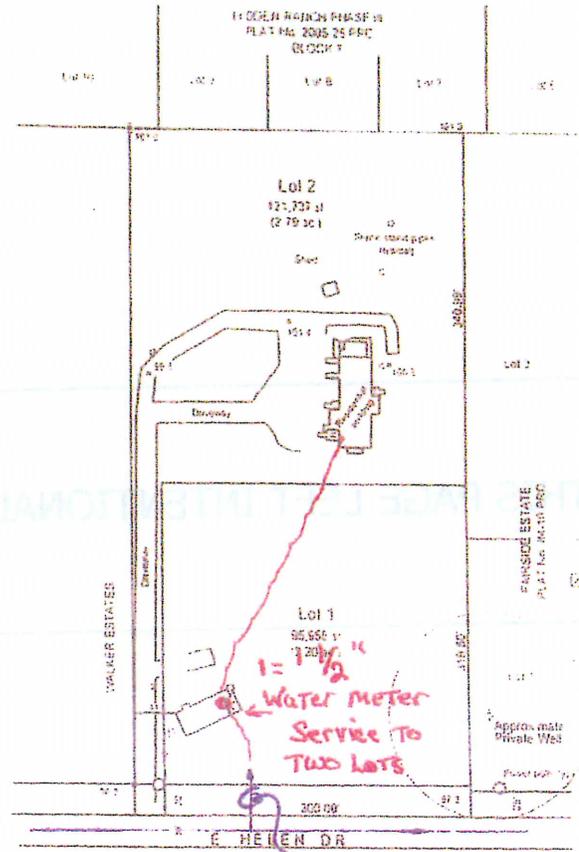
Reference the attached copy of the site plan for the proposed BRS Subdivision of Tax Parcel 10, presently there is one inch-and-a-half water service to the building closest to Helen Drive (Lot 1), and that service line extends north to the building that will be on Lot 2. This is okay for a single lot, but not for two lots. Our water service rules prohibit one water service serving two properties. The subdivider must disconnect the line where it leaves the house on Lot 1 and install a new water service from the water main to Lot 2. This new line should run up the "pole" of the flag lot so it is entirely within Lot 2. An alternative is for Lot 1 to grant Lot 2 an easement to install a new water service from the main, run it across Lot 1 and connect to the existing water service going to Lot 2 just north of the building on Lot 1 (where it has been disconnected from the building on Lot 1). Either way, the buildings on Lots 1 and 2 cannot be on the same service line and must have separate shut-off valves next to Helen Drive.

Also, it appears from the site plan that Lot 1 has access to the driveway that will be Lot 2's flag pole. Unless Lot 2 grants Lot 1 access to the flag pole, Lot 1 must build a separate driveway.

I assume the best place for these easements is on the subdivision plat.

Let me know if you have any questions. Thanks.

Tom Healy
Public Works Director
City of Palmer, AK
(907) 761-1350 (w)
(907) 863-0741 (c)



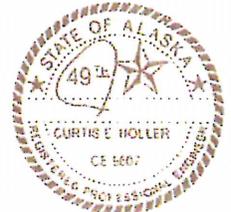
12" Water Main

1 1/2" Key Box + Service Line

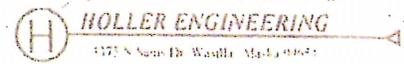
No Driveway for Lot 1

12151
"E" Helen Drive

- NOTES:**
- 1. Detailing provided by others
 - 2. All locations is approximate
 - 3. Spot elevations provided by surveyor



Proposed BRS Subdivision TP C 10 S 117 N R 21,
Testhole Location & Usable Area Map



Job # 11023 | 05.12.14 | Scale: 1"=100'

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Received

JUL 14 2014



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488

PHONE 861-7874 • FAX 861-8407

City of Palmer

Comments Due: JULY 31 2014

DATE: July 11, 2014

Abbreviated Plat Distribution List

AK Dept. of Transportation – Anchorage
AK Dept. of Transportation – Palmer
AK Dept. of Transportation – Aviation
AK DNR, Division of Mining/Land/Water
AK DNR, Public Access Defense
AK DF&G, Habitat Mgmt. & Permitting
AK DF&G, Division of Sport Fish
AK Railroad, Engineering Department
Corp of Engineers

MSB – Emergency Services
MSB – Community Development
MSB – Cultural Resources
MSB – Capital Projects, Engineering
MSB – Dept of Public Works, O&M
MSB – Assessments
MSB – Code Compliance
MSB – Planning Division
MSB – Permit Center

City of: Palmer
Community Council:
Fire Service Area:
Road Service Area:
MSB – Borough Attorney

MEA
MTA
Enstar
GCI
MSB - Assembly District #2

TAX MAP: PA 12

ASSEMBLY DISTRICT: 2 Pre-App: September 9, 2013

TITLE:

BRS SUBDIVISION

LEGAL:

SECTION 05, T17N, R02W, SEWARD MERIDIAN, ALASKA

PETITIONER:

BRS INVESTMENTS, LLC

ADDRESS:

179 E. NELSON AVENUE WASILLA AK 99654

SURVEYOR:

JOHN SHADRACH, RLS

ADDRESS:

PO BOX 871497 WASILLA AK 99687

ENGINEER:

HOLLER ENGINEERING, CURTIS HOLLER PE

ADDRESS:

3375 N. SAMS DRIVE WASILLA AK 99654

Attached is information which has been received by the Matanuska-Susitna Borough Platting Division for the proposed **ABBREVIATED PLAT**.

The request is to create two lots from Tax Parcel C10, Parcel #2 MSB Waiver 74-88, recorded at 79-154W, to be known as BRS SUBDIVISION, containing 5 ± acres, Section 25, Township 17 North, Range 02 East, Seward Meridian, Alaska. Access is E. Helen Drive, a City of Palmer owned and maintained street. Parcel is within City of Palmer limits. Flag lots are acceptable, pursuant to MSB 43.20.300(D) Flag lot.

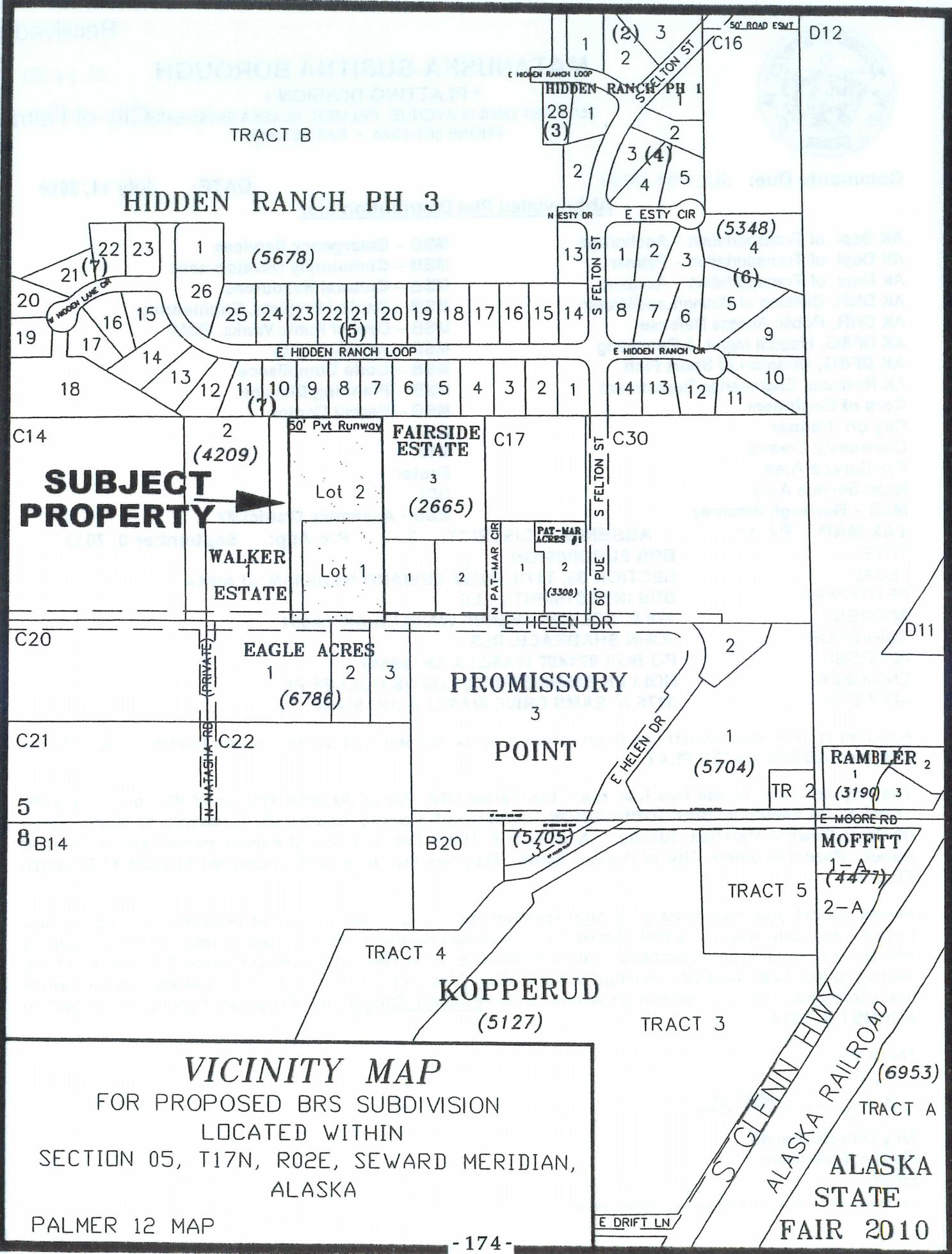
Please submit your comments in writing, specifying any requirements that your department or agency may need or any data which you feel should be incorporated on the preliminary plat to help us more effectively enforce our subdivision regulations. All comments, existing files and correspondence that you may have relating to this case must be submitted to the Platting Division by JULY 31, 2014 so that we may incorporate this information into our recommendations to the Platting Officer, for the public hearing to be held on **AUGUST 6, 2014**.

Thank you,

Amy Otto-Buchanan
Platting Technician

Email: amy.otto@matanuska.ak.us

Case Name: BRS Case #: 2014-084 Tax ID: 117N02E05C010



**SUBJECT
PROPERTY** →

WALKER
ESTATE

FAIRSIDE
ESTATE

PROMISSORY
POINT

KOPPERUD

RAMBLER

MOFFITT
1-A
2-A

ALASKA
STATE
FAIR 2010

VICINITY MAP
FOR PROPOSED BRS SUBDIVISION
LOCATED WITHIN
SECTION 05, T17N, R02E, SEWARD MERIDIAN,
ALASKA

PALMER 12 MAP

RECEIVED

JUL 09 2014

OWNER'S STATEMENT

PLATTING

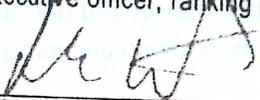
This information is required for submission per MSB 43.05.050. Please **type or print** all non-signature items in ink.

PROPOSED SUBMITTAL NAME: BRS SUBDIVISION

I submit the enclosed items concerning the above-referenced submittal for review. By my signature I certify that the property is (check one):

- Privately owned and that I am the owner.
- Owned by a sole proprietorship and I am the proprietor.
- Owned by a partnership of which I am a general partner.
- Owned by a corporation of which I am a principal executive officer of at least the level of vice-president, or a duly authorized representative responsible for the overall management of this subdivision. (Submit copy of authorization).
- Owned by a municipal, state, federal or other public agency, of which I am a principal executive officer, ranking elected official, or other duly authorized employee.

Original Signature (please sign in ink)



July 2nd, 2014
Date

7362 W Paeus Hwy #012
Mailing Address

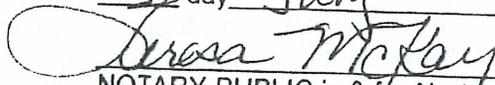
907 830-8382
Phone

Ross D. Wauthen - owner
Name & Official Title (print)

N/A
Company or Agency (if applicable)

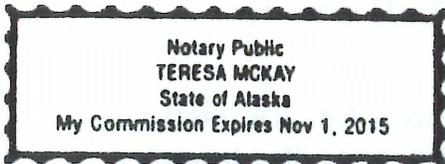
NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn to before me this 2 day July, 2014



NOTARY PUBLIC in & for Alaska

My Commission Expires: 11-1-15





HOLLER ENGINEERING

Water, Wastewater & Soils Consulting

3375 N Sams Dr Wasilla Alaska 99654 • 376-0410

RECEIVED

MAY 12 2014

PLATTING

May 12, 2014

Paul Hulbert
MSB Platting Officer
350 East Dahlia Avenue
Palmer, Alaska 99645

Re: *BRS Subdivision Lot 1 & 2; Useable Areas. HE#14023*

Dear Mr. Hulbert:

At the request of John Shadrach, we have performed a soils investigation and related preliminary design work for the referenced proposed subdivision. The project will create 2 new lots from an existing 5 acre tract. Our soils evaluation included review of 2 existing testholes, review of the provided elevation information and our other observations at the site. See the attached testhole location, drainage and spot elevation map for details.

Topography. The parent parcel is nearly level, with an average grade of about 0.5% to 1% and no slopes over 25%. Gentle grades are generally directed west, southwest or northwest. The total elevation differential from spot elevations on the provided map is approximately 5'.

Soils & Vegetation. Most portions of the parcel have been cleared. A 3-level 8-plex apartment building exists on the north lot, and a small house lies near the west border of the south lot. Soils logged in the 2 testholes had a 3.0' to 3.5' thick layer of topsoil and soft loess silts over a base of clean sand or sandy gravel. The soils encountered are consistent with our prior experiences in this area. Copies of the testholes and a location/topography map are attached.

Groundwater. Groundwater was not logged in either of the 2 testholes, which were dug to 12' and 14'. Based on the available information and provided topography, groundwater will not be a limiting factor.

Useable Areas. The proposed lots have a few limitations on areas defined by MSB code as *useable septic area* or *useable building area*. Useable septic areas will be limited by lotlines, setbacks to water wells and possibly water lines. For building areas, lotlines, utility easements and ROW/PUU setbacks will be limiting factors. However, each proposed lot contains adequate unencumbered area to easily meet the useable area requirements.

Based on the available soils & water table information, topography, MSB Title 43 Code definitions, and our observations at the site, *proposed lots 1 & 2 will each contain over 10,000 square feet of contiguous useable septic area, and an additional 10,000 square feet of useable building area.*

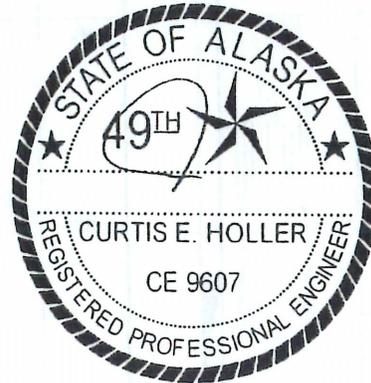
Drainage Plan. As no road construction is proposed, no drainage plan is required. Due to the relatively flat terrain, general drainage patterns are not well defined however there was no indication of ponded water or drainage issues. No significant changes are expected due to this project.

Thank you for your assistance, and please feel free to call with any questions you may have.

Sincerely,


Curtis Holler, PE

c: BRS, w/attachments



SOIL EXPLORATION LOG

BORING: TB-1

Prepared for: Alaska Road Boring Company, Contract # AANHS 243-98-3093

Project Name/Location: Lot 1, Fairside Estates, Subdivision, Palmer, AK., P.R.D.

Soiling Description

Location: Goodwin Residence, Edge of lawn

Terrain: Flat

Date Drilled 7-28-98

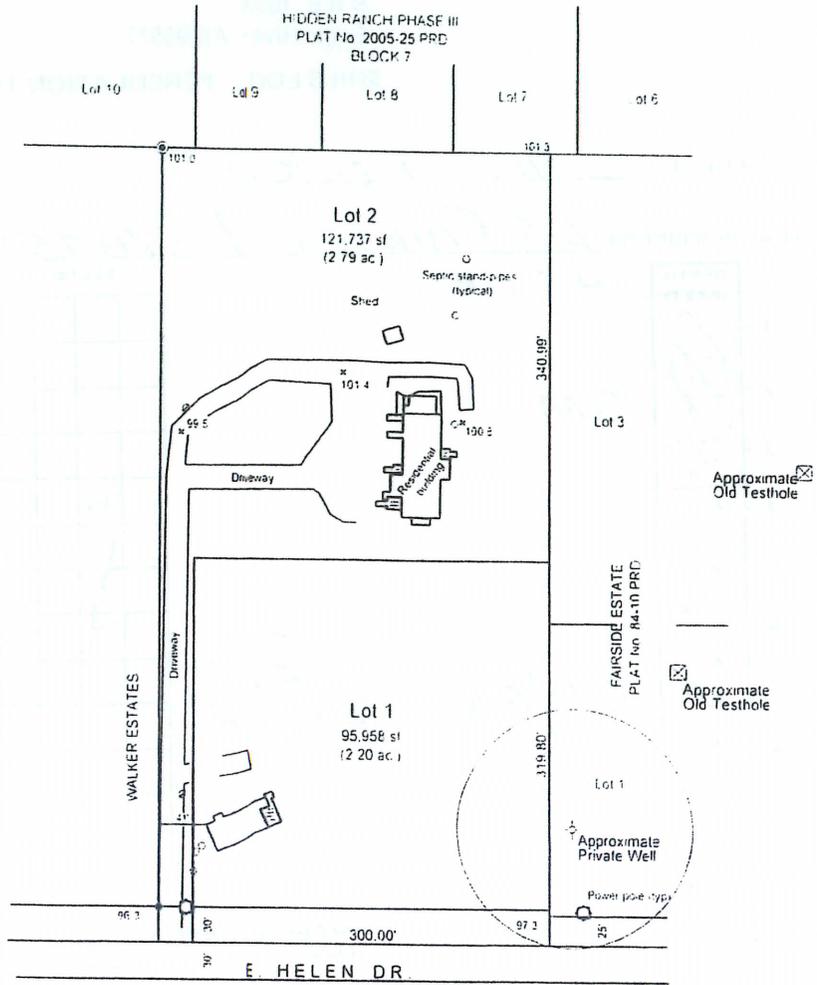
Vegetation: Grass

Drilling Method: SSA

Logged by ESC

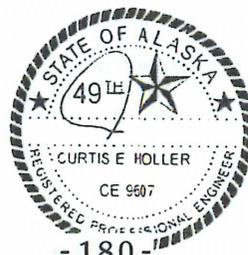
Weather: Cloudy, showers

DEPTH (meters)	SOILS LOG	Sample		USCS	DESCRIPTION	WATER CONTENT
		TYPE	NO.			
0				ML	Lawn underlain by brown SILT Layers red/tan SILT	
1				SP	Gray medium SAND (deficient in fine sand) (glacial till)	33
2						
3			2			38
4						
5			3	SW	Grades well-graded SAND with some GRAVEL (gravel is rounded and smooth) Bottom of Hole (Refusal)	12
6						



Notes

- 1) Basedrawing provided by others
- 2) Well location is approximate
- 3) Spot elevations provided by surveyor



Proposed BRS Subdivision TP C10 S5 117N R2E
 Testhole Location & Useable Area Map



HOLLER ENGINEERING

3375 N Sans Dr. Wasilla, Alaska 99654

Job # 14023

05/12/14

Scale: 1"=100'

OWNERSHIP CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ASSURE THIS PLAN OF SUBDIVISION BY MY FREE CONSENT

BRS INVESTMENTS, LLC
 5 CHADWICK CROSS REALTY
 179 E. WELDON AVE.
 ANCHORAGE, ALASKA 99501

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SIGNED TO BEFORE ME
 THIS _____ DAY OF _____
 2020

NOTARY FOR THE STATE OF ALASKA
 My Commission Expires _____

PLANNING AND LAND USE DIRECTOR'S CERTIFICATE

I CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE LITWINKA SUBURBAN BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLANNING AUTHORITY BY PLAT RESOLUTION NO. _____

DATED _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDS MANAGER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, BY WHICH THE PLAT IS LOCATED

DATE _____ PLANNING AND LAND USE DIRECTOR _____

ATTEN: _____ PLANNING CLERK _____

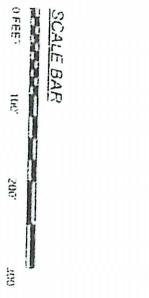
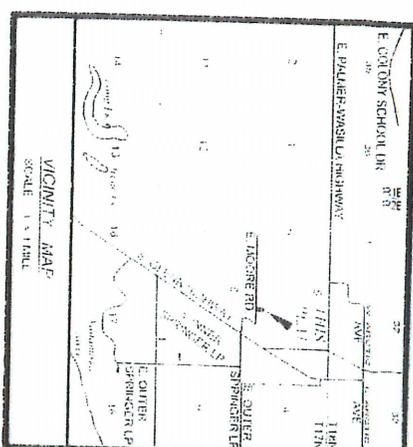
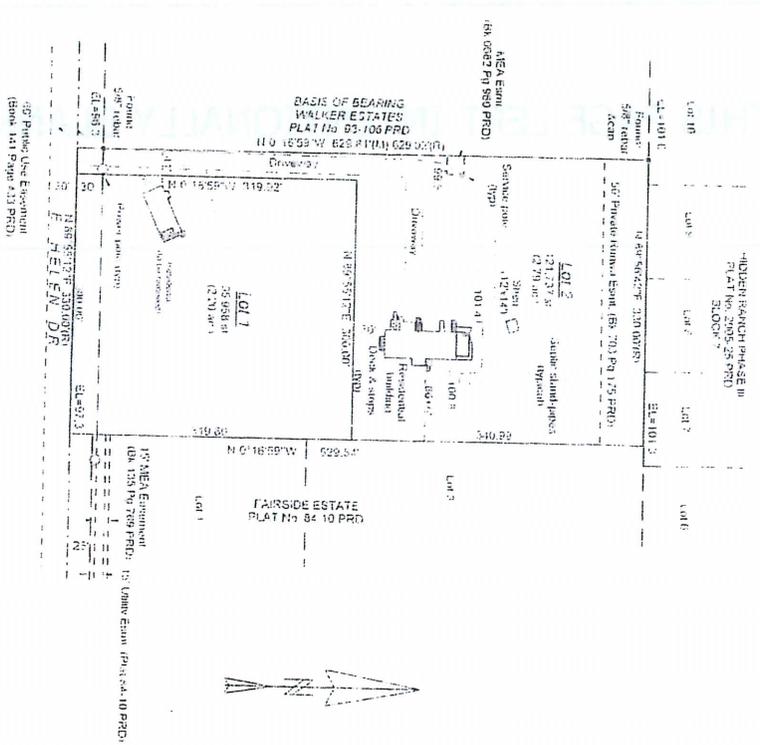
CERTIFICATE OF PAYMENT OF TAXES

I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS THROUGH _____ AGAINST THE PROPERTY INCLUDED IN THE SUBDIVISION OR RESUBDIVISION HEREON HAVE BEEN PAID

DATE _____ ESCROW TAX COLLECTION OFFICIAL _____

NOTES

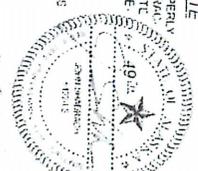
1. THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER TO OBTAIN A DETERMINATION OF THE APPLICABLE REQUIREMENTS APPLICABLE TO THE DEVELOPMENT OF THE PROPOSED SUBDIVISION HEREON.
2. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WHICH GOVERNS THOSE SYSTEMS.
3. A FINANCIAL AGREEMENT OF RECORD AFFECTING THIS PROPERTY WAS GRANTED TO MATWASKA ELECTRIC ASSOC. LLC ON APRIL 1, 1977 AT BOOK 13, PAGE 169, PER _____



JOHN SHADRACH, R.L.S.
 Registered Professional Land Surveyor
 1700 East 67th Ave
 Anchorage, Alaska 99504
 (907) 579-2200

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE INFORMATION CONTAINED HEREON ACTUALLY EXIST AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

REGISTERED LAND SURVEYOR 15432



A PRELIMINARY PLAT OF BRS SUBDIVISION

A SUBDIVISION OF THE WEST 330 FEET OF THE EAST 1720 FEET OF THE NORTH ONE-HALF OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SE. 17TH R2E, S4M, 3W-1/4 SEC. 2, TOWNSHIP 17 NORTH, RANGE 2 EAST SEWARD MERIDIAN, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

CONTAINING 9.0 ACRES, MORE OR LESS.

DRAWN BY: JE	FIELD BOOK	PROJECT
DATE: 2/23/20	DRAWING SCALE: 1" = 100'	CHECKED: _____

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