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4/27/20

**CITY OF HOMER
HOMER, ALASKA**

Evensen/Mayor

RESOLUTION 20-038

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
RESTATING THE CITY'S RIGHT OF WAY MAINTENANCE POLICY TO
BE CONSISTENT WITH CLIMATE ACTION AND CITIZEN NEEDS

WHEREAS, City of Homer resources have been affected by the COVID-19 Pandemic; emergency operations take priority and implementing new City Code is logistically less preferable than resolving to do the same; and

WHEREAS, In 2016 the City adopted Ordinance 16-51 and updated City Code 11.36, which established that trees and vegetation could be cut, cleared, or mowed throughout street side right-of-way (ROW) "without limitation"; and

WHEREAS, While policy suggested that removal of vegetation would only occur following a finding of necessity issued by the City Manager, the practice has been interpreted to require complete and total clear-cutting of ROW areas as determined by the Public Works Department; and

WHEREAS, Absent administrative review, oversight, permit or work-order procedures, clearing has been inconsistently applied; clearing for harvest by third party has occurred within ROW areas; and trees and vegetation that apparently posed no threat (as defined by purpose for removal) have been removed; and

WHEREAS, Removal included vertical cutting of trees and vegetation outside of the ROW but overhanging the ROW to heights exceeding 16 feet; and

WHEREAS, Neither the policy nor the practice has accounted for slow growth rates of tall tree species in the Homer area; and

WHEREAS, Neither the policy nor the practice has accounted for benefits of subterranean root systems of ROW trees for (A) stabilization of soils and underlying substrates, particularly at or near sloped surfaces, and (B) as natural and historic agents capable of sustainably mitigating erosion; and

WHEREAS, Neither the policy nor the practice has accounted for benefits of ROW trees for climate change; and negative effects stemming from so-called "urban deforestation" could operate contrary to the City of Homer's Climate Action Plan; and

43 WHEREAS, Ordinance 16-51 included annexed portions of the City, including ROW of
44 outlying streets of twenty foot widths; and

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46 WHEREAS, Complaints by citizens and appearance of destabilization of soils led to a
47 moratorium on tree cutting and clearing (19-073S) plus establishment of a ROW policy
48 evaluation team; and

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50 WHEREAS, Among the early findings of ROW policy evaluation team was (A)
51 established milestone that major clear-cutting for annexed streets is effectively complete,
52 and (B) legal opinion suggesting predominance of neighborhood covenants over roadway
53 operations in situations, for example, where covenants of subdivisions include trees/timber
54 or street/roadway claims; and

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56 WHEREAS, Soils and geologic materials of the greater Homer bench are glacial and
57 river-related in nature, bearing mixed, unconsolidated, and loose properties; these materials
58 are highly prone to erosion, particularly near sloped surfaces; and

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60 WHEREAS, Army corps of engineers previously found bluffward erosion rates vary
61 from 2.0 feet/year (average) to 19.7 feet/year (maximum) along the Homer Bluff; and, for
62 planning purposes zones of hazard overlay have been suggested throughout Homer; and

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64 WHEREAS, Trees and vegetation within ROW positions benefit the City and property
65 owners by means of beautification, sight barriers, sound barriers, stabilization of soils,
66 erosion prevention, slope stability/reinforcement, and floodwater retention (e.g., during
67 heavy rainfall); and

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69 WHEREAS, ROW Trees offer natural mitigation of climate change, creating for example
70 (1) near ground-level canopy that helps maintain moisture levels key to ecosystems, (2)
71 habitat for birds and other stressed/threatened species, and (3) shade-based cooling to offset
72 heat levels; and

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74 WHEREAS, Borough practices for ROW maintenance involve small-width ditch
75 maintenance, minimal roadside clearing (horizontally and vertically), snow removal
76 operations consistent with narrow streets (and narrow ROW maintenance areas), and
77 avoidance of landmark trees; and

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79 WHEREAS, ROW Maintenance policy that benefits all parties should be enacted to
80 allow efficient City operations, benefit community and citizens, and improve coordination
81 with the City's Climate Action Plan by generally mimicking operational practices of the
82 Borough.

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84 NOW, THEREFORE, BE IT RESOLVED that a new section of the Homer City Code be
85 created that:

- 86 A) Recognizes the value of trees and vegetation in the rights-of-way; and
- 87 B) Provides for a documented system of site-specific permitting and work orders to
88 allow as-needed removal or trimming of all varieties of vegetation; and
- 89 C) Provides for a documented system that allows others to apply for permits to
90 harvest within the ROW where appropriate; and
- 91 D) Provides administrative process for Public Works Department that restricts ROW
92 and road maintenance activities in accord with certain covenants of subdivisions,
93 and provides documented process to seek pre-approval and agreement from
94 subdivision representatives before activities may commence; and
- 95 E) Allows prescriptive clearing and brushing up to four (4) feet of all established
96 roads, without regard to position of roadway centerline; which shall be the
97 "maintenance zone"; and
- 98 F) Allows preemptive, permanent protection of landmark trees as well as trees
99 occurring along or near sloped surfaces within maintenance zone; and
- 100 G) Limits vertical intrusions removal to a height of no more than ten (10) feet above
101 ground level; and
- 102 H) Officially guides and recommends utilities be installed, where possible, without
103 need for clear-cutting from edge of roadway; preferable installation may involve
104 boring or clearing only a strip along easement corridor or less, as needed.

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106 PASSED AND ADOPTED by the City Council of Homer, Alaska, this ____ day of _____,
107 2020.

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109 CITY OF HOMER

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113 _____
114 KEN CASTNER, MAYOR

115 ATTEST:

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117 _____
118 MELISSA JACOBSEN, MMC, CITY CLERK

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120 Fiscal Note: N/A