



## CITY OF WASILLA

290 E. HERNING AVE.  
WASILLA, ALASKA 99687  
PHONE: (907) 373-9050  
FAX: (907) 373-0788

### COUNCIL MEMORANDUM NO. 91-83

FROM: Mayor Stein

DATE: October 24, 1991

RE: Planning Powers - Ordinance 91-45

The Mat-Su Borough Assembly approved a borough code ordinance (MSB 1.10.115) enabling the transfer of planning powers to cities. That ordinance provides that "the Borough may compensate cities for planning expenses on an annual basis subject to approval of the Borough Assembly".

In our Ordinance 91-37 the City consented to the delegation of planning powers contingent on the authority to "tax" for those powers. According to their legal counsel, the Borough may not delegate taxing authority.

Ordinance 91-45 amends our consent ordinance to reflect acceptance of planning powers "contingent on compensation....on an annual basis".


The Borough Assembly must pass additional ordinances to specifically delegate planning powers to Wasilla. The administration intends to request by Council resolution that the Borough act to delegate powers and duties of:

- (1) Long-range planning
  - (2) Zoning, including code and enforcement
  - (3) Capital improvement program planning
- Effective July 1, 1992.

#### Choices:

- (1) Council may take no action. Status quo, however, will not allow delegation of powers "with taxing authority" because taxation is a power that the Borough may not delegate.
- (2) Council may repeal Ordinance 91-37 and abandon delegation issues.
- (3) Council may support the amendment by introducing Ordinance 91-45 and scheduling a public hearing for the next Council meeting.

Administration recommends that we continue with the process to accept planning powers and introduce Ordinance 91-45 for public hearing

  
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John C. Stein, Mayor

Enclosure: Mat-Su Borough Ordinance 91-108 (Amended) Passed 10-1-91

ORDINANCE SERIAL NO. 91-108 AM

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH PROVIDING FOR THE DELEGATION OF CERTAIN PLANNING AND LAND USE REGULATION POWERS

WHEREAS, AS 29.40.010(b) provides that if a city in a borough consents by ordinance, the borough assembly may by ordinance delegate any of its responsibilities for planning, platting and land use regulation powers and duties to the city; and

WHEREAS, cities within the borough have indicated a willingness to assume certain planning and land use regulation powers; and

WHEREAS, pursuant to the authority granted and subject to the conditions contained in AS 29.40.010(b), the assembly authorizes each city within the borough to exercise the powers of land use regulation and land use plan amendments to their comprehensive plans within the boundaries of the city; and

WHEREAS, the borough reserves the right as specified under AS 29.40.010(b) to revoke any power or duty delegated under this section without necessarily obtaining the consent of the city.

BE IT ENACTED:

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

Section 2. Amendment. MSB 1.10.115 is amended as follows:

A. The borough has the responsibility for planning, platting and zoning on an areawide basis except as provided in Section 1.10.115(C) and 1.10.115(D) of this chapter.

B. The planning commission is responsible for preparing and recommending to the assembly a comprehensive plan and means for

implementation of the plan except as provided in Section 1.10.115(C) and 1.10.115(D) of this chapter.

C. The borough may by ordinance delegate to each city within the borough the responsibility for planning, platting and land use regulation powers and duties if consented by city ordinance.

D. The borough reserves the right to revoke any power or duty delegated under this section without obtaining the consent of affected cities.

E. The borough may compensate cities for planning expenses on an annual basis subject to approval of the borough assembly.

Section 3. Effective date. Ordinance serial no. 91-~~108~~ shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

Introduction: 9-17-91

Public Hearing: 10-1-91

ADOPTED by the Matanuska-Susitna Borough Assembly this 15<sup>th</sup> day of October, 1991.

Dorothy A. Jones  
Dorothy A. Jones, Borough Mayor

ATTEST:

Linda A. Dahl  
Linda A. Dahl, Borough Clerk  
(SEAL)