



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-9085

COUNCIL MEMORANDUM NO. 94-52

From: City Planner

Date: August 2, 1994

Subject: Wasilla Planning Commission recommendation regarding the proposed annexation and rezone of 12 enclave parcels located within or alongside the Wasilla Municipal Boundary.

BACKGROUND

The Commission first became aware of the annexation and rezone at the July 12, 1994 regular meeting. The petition for an annexation by legislative review was not prepared for presentation at that meeting. The Commission postponed action on the issue until the July 26, 1994 regular meeting.

At the July 26, 1994 regular meeting, staff recommended that the Commission postpone action until the August 24, 1994 regular meeting and set the issue for public hearing at that time. The petition was still awaiting information prior to completion. Staff indicated that the postponement would allow adequate time to notify the surrounding property owners of a public hearing. For the purposes of Commission review, the emphasis for the public hearing was expected to focus on the issue of zoning for the proposed annexation territory.

The Commission declined to make a recommendation on the issue of annexation. As the Commission was not specifically assigned to review of the annexation by the City Council, it did not believe that it was duty-bound to make a recommendation (WMC 8.01.100.I). The Commission felt that the issue of zoning the proposed annexation territory was premature. The Commission believes that the issue of zoning is more appropriate for consideration only after an annexation has been completed and the territory becomes part of the City.

The Commission felt that the code provision providing for the land to come into the City as I--Intermediate zoning was adequate as an interim measure. This provision is set forth in Section 17.43.303 (Annexation Rule) of the Mat-Su Borough Code, in relevant part, as follows:

“All territory which may hereafter be annexed to the city shall be classified as 'Intermediate' until otherwise classified; or, where the area annexed was zoned some other district prior to annexation, the same district shall apply until otherwise classified.”

Should the twelve (12) lots be annexed, the Commission felt that it would be more comfortable holding a required public hearing to consider appropriate zoning before making a recommendation to the City Council.

Staff believes that it may be prudent to consider eliminating the zoning issue from the annexation petition. The required steps contained in the zoning procedure are intended to protect landowners by ensuring, to the extent possible, that zoning changes affecting their property are not

undertaken arbitrarily or capriciously by the local government. Because the proposal is for annexation by legislative review, an involuntary method of annexation, it is extremely important that the annexation process does not inadvertently bypass procedural requirements of the zoning process. Given that annexation by legislative review is an adversarial method of annexation, staff recommends that the Council consider a review of the annexation petition and procedures by the city attorney prior to submitting the petition to the Local Boundary Commission.

Lands annexed into the City will be regulated by the Intermediate zone or the previous land use regulations, if any, administered by the Mat-Su Borough. Development that occurs after annexation has to comply with one of these options. If the land is currently unregulated then at least the Intermediate zone will place some conditions on development. Any development that is legally permitted in the proposed annexation territory prior to the effective date of annexation will be grandfathered under the Wasilla Development Code for the life of that use or structure.

RECOMMENDATION

The Wasilla Planning Commission recommends that the City Council drop the issue of zoning designation from the annexation petition, should the Council decide to submit the proposed annexation to the Local Boundary Commission. Staff also recommends that the city attorney review the annexation petition and procedures before initiating the annexation.

APPROPRIATE MOTION

Should the Council agree with the Commission and staff recommendations, the following motion is appropriate:

Move to postpone action on a petition to annex twelve (12) enclave parcels that are surrounded by land that is within the existing municipal boundary of the City of Wasilla, pending a review of the petition and the procedure by the city attorney. When the city attorney's review is completed, this issue will be brought back before the City Council for further consideration.

Duane Dvorak, Planner