



## CITY OF WASILLA

290 E. HERNING AVE.  
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### COUNCIL MEMORANDUM NO. 95-20

From: City Planner

Date: February 22, 1995

Subject: Ordinance No. 95-14, amending Title 16 (Wasilla Development Code) of the Wasilla Municipal Code, to regulate the use of land for the purposes of Criminal Transition Facilities, within the City of Wasilla.

#### BACKGROUND

The Wasilla Planning Commission considered the above referenced issue at two (2) worksessions last Fall, and, at the regular meetings on January 27, and February 14, 1995. At the regular meeting on Feb. 14, the Commission set Ordinance No. 95-14 for public hearing at the next regular Commission meeting on February 28, 1995.

Since the Commission set this issue for public hearing, staff has heard from the Mat-Su Borough staff that the Alaska Department of Corrections (ADOC) may once again be interested in establishing a criminal transition facility ("halfway house") in the Wasilla area. As a result, staff recommends that the Council introduce this ordinance while the issue is concurrently being considered by the Commission. Comments received at the public hearing and the Commission's recommendation can be relayed to the Council before final action is taken.

Staff will notify the public at the Feb. 28th public hearing that this issue will likely be set for another public hearing before the Council on March 13, 1995. After the public hearing on Ordinance No. 95-14, staff recommends that the Council consider adoption at the same meeting on March 13, 1995. Staff will try to verify the implication of the RFP circulated by ADOC, however, staff has already been contacted by a potential service provider interested in establishing a correctional transition facility in the Wasilla area.

The Commission has closely followed the recent controversy surrounding the proposal to establish a criminal transition facility in the Century Park Subdivision. In examining the Wasilla Development Code, the Commission determined that the code does not distinguish between institutional uses such as criminal transition facilities and other residential uses such as group dwelling units and multifamily residential.

In response to this issue, staff and the Commission have jointly developed a definition of criminal transition facility that would distinguish between an institutional use of land, which can be regulated more strictly and residential uses which are protected by the Fair Housing Act.

The recommendation of the Commission is to Criminal Transition Facilities to the CA--Core Area, the I--Intermediate and the IPL--Institution and Public Lands zoning districts as conditional uses. Under the present code procedures, a conditional use permit is reviewed by staff before a development permit is issued. The surrounding land owners within 600 feet are notified by mail, however, and have an opportunity to comment on the request before a development permit can be issued by staff. This process will make staff aware of the concerns of surrounding land owners when considering what conditions of approval should reasonably be required of the proposed adult business.

There are no fixed or mandatory development standards recommended by the Commission in Ordinance 95-14. It is the intent of the ordinance that each request will be considered in relation to its own unique set of circumstances. Conditions of approval will be developed to address each request to develop a criminal transition facility based on the merits of the developer's proposal, the surrounding development context, the concerns of surrounding property owners and the recommendations of staff. If a proposal is found to be inconsistent with surrounding permitted development, such that no reasonable conditions of approval can be placed on the request to make it consistent, then staff has the option of denying the request outright.

In the future, the Commission has considered the possibility of making the conditional use permit procedure similar to the existing major development permit process. This would require a public hearing before the Planning Commission prior to issuance of a development permit by staff. The Commission, with the recommendations of staff, would make the decision and determine what conditions of approval are appropriate to each request. This would bring any potential controversy directly to the Commission, however, and would reduce the chain of appeal by one level.

The Commission believes that the language recommended in Ordinance No. 95-14 can serve as the basis for further regulation of this land use, if needed in the future. For the present, Ordinance 95-14 would at least provide for public notification and limit the zones where such a land use could possibly be developed.

## **RECOMMENDATION**

Staff recommends that the Council introduce Ordinance No. 95-14 and set it for public hearing and adoption at the March 13, 1995 regular council meeting.



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Duane Dvorak,  
City Planner



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### WASILLA PLANNING COMMISSION RESOLUTION NO. 95-03

A RESOLUTION OF THE WASILLA PLANNING COMMISSION OF THE CITY OF WASILLA, ALASKA, RECOMMENDING THE APPROVAL OF ORDINANCE NO. 95-14, AMENDING TITLE 16, THE WASILLA DEVELOPMENT CODE, TO REGULATE LAND USE FOR THE PURPOSE OF CRIMINAL TRANSITION FACILITIES WITHIN THE CITY OF WASILLA.

WHEREAS, the Wasilla Planning Commission (WPC) has considered the issue of Criminal Transition Facilities at several public meetings; and

WHEREAS, the WPC recognizes that Title 16 (Wasilla Development Code) of the Wasilla Municipal Code, does not regulate land use for the purpose of Criminal Transition Facilities; and


WHEREAS, the WPC now wishes to recommend that the Wasilla City Council adopt certain amendments to the Wasilla Municipal Code to address this issue;


NOW, THEREFORE, BE IT RESOLVED, that the Wasilla Planning Commission of the City of Wasilla, hereby recommends that the Wasilla City Council approve Ordinance No. 95-14, to amend Title 16, the Wasilla Development Code, to regulate land use for the purpose of Criminal Transition Facilities within the City of Wasilla.

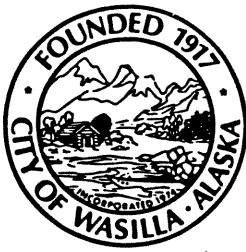
I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 28th day of February, 1995.

RESPECTFULLY SUBMITTED:

APPROVED:

  
Marilyn L. Stewart, Planning Clerk

  
John A. Cannon, Chair



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Item 7-A

### PLANNING COMMISSION MEMORANDUM - 95-03

**Date:** February 10, 1995

**To:** Wasilla Planning Commission

**From:** Duane Dvorak, City Planner

**Re:** Discussion of language to amend Title 16, the Wasilla Development Code, to address Criminal Transition Facilities (Halfway Houses).

The Commission reviewed language to address the above issue at a work session on November 29, 1994 and at the regular meeting on January 24, 1995. At the last meeting, the Commission requested that this issue be brought back for further discussion as unfinished business at the February 14, 1995, regular meeting.

Since the last meeting, staff has placed this issue in a separate memorandum from the Adult Business issue. This was done to facilitate the discussion and allow each issue to be handled independently by the Commission. Based on the discussion at the last meeting, staff recommends that the scope of the halfway house issue be reduced to the definition of "criminal transition facility", related terms, and which zone(s) this use should be placed into.

In the attached draft ordinance, references to Juvenile Offender Facilities, Rehabilitative Facilities and Nursing Homes have been removed. Staff recommends that these related concepts be considered by the Commission at another time since they were not the focus of the original event that made "Halfway Houses" an issue. This should help expedite the review process in the interest of quickly developing a consensus and a recommendation for the City Council on this issue.

Once the Commission has discussed the proposed language and recommended changes to the staff, the new code language should be scheduled for a public hearing, after which the Commission can make a recommendation and forward the proposed amendments to the City Council. As noted by staff last month, the Commission made a commitment to hold a public hearing on this issue at the public meeting on halfway houses that was held last year.

The proposed new language is shown in the attached draft of Ordinance 95-XX (attached). The draft ordinance is based on the recently codified version of Title 16, the Wasilla Development Code.

## **RECOMMENDATION**

Staff recommends that the Commission consider the attached draft ordinance to ensure that it is representative of the direction the Commission has taken on this issue. When the Commission is satisfied with the language as proposed, or, as may be amended by the Commission, a motion to set the proposed amendments for public hearing is appropriate.

## **APPROPRIATE MOTION**

Should the Commission agree with the definitions and code amendments recommended by staff (or as may be further amended by the Commission), the following motion is appropriate:

Move to approve, in concept, the definitions and code amendments addressing criminal transition facilities (halfway houses) and other related terms, as shown in Ordinance No. 95-XX and as referenced in the staff report dated February 10, 1995, and to schedule a public hearing on this issue for the regular meeting on February 28, 1995.



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Duane Dvorak, Planner