



## CITY OF WASILLA

290 E. HERNING AVE.  
WASILLA, ALASKA 99654-7091  
PHONE: (907) 373-9050  
FAX: (907) 373-9085

Code Ordinance  
Requested By: Planning Commission  
Prepared By: Planning  
Introduction Date: 06/09/97  
Public Hearing Date: 06/23/97

### ORDINANCE SERIAL NO. 97-39

**AN ORDINANCE OF THE CITY OF WASILLA, ALASKA, AMENDING SECTION 16.43.402, ADMINISTRATIVE APPROVAL AND USE PERMITS, SECTION 16.43.502, PROCEDURE FOR ELEVATIONS AND SECTION 16.43.506, PROCEDURE FOR COMMISSION APPROVAL WITH REGARD TO NOTICE PREPARATION AND MAILOUT REQUIREMENTS FOR DEVELOPMENT REQUESTS.**

WHEREAS, Chapter 16.43, the Wasilla Development Code of the Wasilla Municipal Code, establishes procedures and time frames for the preparation and mail out of public notices for permit reviews and public hearings that are required in the code; and,

WHEREAS, experience over the past several months has shown that the current procedures and time frames set forth in the Wasilla Development Code are not consistent for mail out notices required at different levels of permit review; and,

WHEREAS, the current level of activity for permits and rezone requests, in conjunction with the effort required to notify all property owners within 1,200 feet of a request, has shown that the time frames in the current code do not allow adequate time to research and prepare the mailing lists for each case, nor does it allow adequate time for out of state property owners to respond; and,

WHEREAS, the Planning Commission has recommended certain changes to Chapter 16.43, the Wasilla Development Code, that it believes will improve the function of the Wasilla Planning Office and ensure, to the extent possible, that the highest level of accuracy is attained for each mailing list and notice that is prepared for all permit reviews;

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

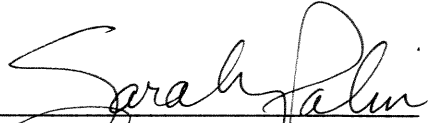
SECTION I. Classification. This is a code ordinance.

SECTION II. Purpose. To amend Chapter 16.43, Wasilla Development Code, of the Wasilla Municipal Code to ensure that the public notice preparation and mailing in the Planning Office has adequate time to be done properly, and that out of state land owners have a reasonable opportunity to respond.


SECTION III. Enactment. Chapter 16.43, Wasilla Development Code, of the Wasilla Municipal Code is hereby amended as shown in Attachment A.

SECTION IV. Effective Date. This ordinance becomes effective upon adoption.

ADOPTED by the Council of the City of Wasilla on this 14<sup>th</sup> day of July, 1997.

  
\_\_\_\_\_  
SARAH H. PALIN, Mayor

ATTEST:

  
\_\_\_\_\_  
MARJORIE D. HARRIS, CMC  
City Clerk

**ATTACHMENT "A"**  
**for**  
**Ordinance Serial No. 97-39**

16.43.402 Administrative Approval and Use Permits. An Administrative Approval ("AA") or a Use Permit ("UP"), as defined in section 16.43.204 or listed on the district use chart in section 16.43.602 are within the authority of the Planner to approve. Developers must file an application with the Planner and receive a permit or approval prior to commencement of the use.

C. Use Permit. If the accepted application is for a use permit, the Planner shall, within ~~five~~ three (53) days of acceptance of the application, issue a public notice ~~draft use permit~~ for review and comment, ~~based upon the General Approval Criteria in section 16.43.508.~~

1. Public Notice. The Planner shall mail or electronically transmit the public notice ~~draft use permit~~ to the applicant, reviewing parties, Commission members, and to the owners of property, as listed on the Matanuska Susitna Borough property tax rolls, located within a minimum of 1,200 feet of the lot lines of the development. The public notice ~~draft use permit~~ shall be posted in City hall and on the site. ~~Staff will allow a minimum of 10 days (14 calendar days) from the date of public notice mailing before making a decision to issue a use permit.~~

16.43.500 Planning Commission Approvals. Approvals by the Commission are intended to address uses and issues of community wide importance and are therefore subject to a broader public process and higher standards than approvals by the Planner. (Ord. 96-29 Attachment A 1996)

16.43.502 Procedure for Elevations. Once a permit approval has been elevated for review (see section 16.43.406), the following procedures apply:

A. Public Notice. If the Planners' approval is elevated the Planner shall;

1. Place the application on the agenda of the next available meeting of the Commission;

2. Publish the agenda item in a newspaper of general circulation or place a public service announcements on radio or television. The published notice must set out the time, date and place of the hearing, the name of the applicant the address or general location of the property and subject or nature of the action;

3. Within ~~five~~ three (53) days of elevation, issue a public hearing notice. ~~draft recommendation based upon the criteria of this title;~~

4. Mail or electronically transfer a copy of the public hearing notice ~~agenda item and draft recommendation~~ to the applicant, the Commission members, the neighborhood association if the neighborhood has an approved neighborhood plan and to appropriate reviewing parties;

5. The public hearing notice ~~agenda item and draft recommendations~~ shall be sent to ~~the owners of property, as listed on the Matanuska Susitna Borough property tax rolls, located within a minimum of 1,200 feet of the lot lines of the development.~~ The public notice shall be posted in City hall and on the site. Staff will allow a minimum of 10 days (14 calendar days) from the date of public notice mailing before scheduling a public hearing on the request before the Planning Commission; the property owners of record adjoining the site. The Planner may ~~expand the area for notification, based on an assessment of the impacts of the proposed use;~~

B. Decision. The Commission shall review the Planners ~~draft~~ recommendation, and may hear comment(s) from reviewing parties, the applicant and the public. The Commission shall decide

either to deny, approve or approve with conditions, or the Commission may with concurrence of the applicant return the approval to the Planner for further review as a new use permit application. (Ord. 96-29 Attachment A 1996)

16.43.506 Procedure for Commission Approvals. The following procedures apply to approvals by the Commission including conditional uses, rezonings and variances.

A. Application. A completed application on a form supplied by the City and appropriate fee shall be submitted to the Planner. Within two days of receipt of the application, the Planner shall determine if the application is complete and the submission requirements are met. If the requirements are not met, the Planner shall return the application to the applicant for modification or correction. If the Planner fails to act on the application within two days, the application shall be considered complete and accepted for review.

B. Public Notice. If the application is accepted the Planner shall;

1. Place the application on the agenda of the next available meeting of the Commission;

2. Publish the agenda item in a newspaper of general circulation or place a public service announcements on radio or television. The published notice must set out the time, date and place of the hearing, the name of the applicant, the address or general location of the property and subject or nature of the action;

3. Within five (5) three days of acceptance, issue a public hearing notice draft recommendation based upon the criteria of this Title;

4. Mail or electronically transfer a copy of the public hearing notice agenda item and draft recommendation to the applicant, the Commission members, the neighborhood association if the neighborhood has an approved neighborhood plan and to appropriate reviewing parties;

5. The public hearing notice agenda item and draft recommendations shall be sent to the owners of property, as listed on the Matanuska Susitna Borough property tax rolls, located within a minimum of 1,200 feet of the lot lines of the development. The public notice shall be posted in City hall and on the site. Staff will allow a minimum of 10 days (14 calendar days) from the date of public notice mailing before making a decision to issue a use permit. the property owners of record adjoining the site. The Planner may expand the area for notification, based on an assessment of the impacts of the proposed use;

6. The Planner will post the notice on the site at least five days prior to the hearing. The notice shall be posted so that it may be easily seen from the public right-of-way. The applicant is responsible for maintaining the notice.

C. Comment Period. Written comments on the proposal and public hearing notice draft recommendation must be received prior to the start of the public hearing. The Commission may extend the written comment period to a another date and time after completion of public testimony.



## CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-9085

### WASILLA PLANNING COMMISSION RESOLUTION NO. 97-07 (Revised)

A RESOLUTION OF THE WASILLA PLANNING COMMISSION (WPC) OF THE CITY OF WASILLA, RECOMMENDING THE AMENDMENT OF THE WASILLA DEVELOPMENT CODE TO ELIMINATE THE REQUIREMENT FOR DRAFT RECOMMENDATIONS BY STAFF TO ACCOMPANY THE MAIL OUT OF PUBLIC HEARING NOTICES REQUIRED FOR CERTAIN PERMIT REQUESTS.

WHEREAS, the Wasilla Planning Commission (WPC) and staff have had nearly nine months ~~within which~~ to evaluate the Wasilla Revised Development Code ~~which was~~ adopted in August, 1996; and,

WHEREAS, experience with rezone requests filed since the adoption of the new code indicates that the requirement for staff to include preliminary recommendations in the mail out notice process ~~on some requests~~ is premature. The recommendations can not be adequately researched and arrived at without the benefit of public feedback; and,

WHEREAS, the expedited time frame for some public hearing notices ~~have~~ has resulted in public hearing comments that some property owners residing outside the community are not adequately notified of a request; and,

WHEREAS, the reaction of the public to the above issues can tend to prejudice a permit or rezone request before all the facts are known, in addition to creating a great deal of misunderstanding among the public, as well as petitioners; and,

WHEREAS, this can tend to put staff and the Planning Commission in an awkward situation;

NOW, THEREFORE, BE IT RESOLVED, by the Wasilla Planning Commission of the City of Wasilla, respectfully suggests that the following sections of Chapter 16.43, the Wasilla Revised Development Code of the Wasilla Municipal Code, be amended as follows:

16.43.402 Administrative Approval and Use Permits. An Administrative Approval ("AA") or a Use Permit ("UP"), as defined in section 16.43.204 or listed on the district use chart in section 16.43.602 are within the authority of the Planner to approve. Developers must file an application with the Planner and receive a permit or approval prior to commencement of the use.

C. Use Permit. If the accepted application is for a use permit, the Planner shall, within ~~five~~ three (53) days of acceptance of the application, issue a public notice ~~draft use permit~~ for review and comment. ~~based upon the General Approval Criteria in section 16.43.508.~~

1. Public Notice. The Planner shall mail or electronically transmit the public notice ~~draft use permit~~ to the applicant, reviewing parties, Commission members, and to the owners of property, as listed on the Matanuska Susitna Borough property tax rolls, located within a minimum of 1,200 feet of the lot lines of the development. The public notice ~~draft use permit~~ shall be posted in City hall and on the site. Staff will allow a minimum of 10

days (14 calendar days) from the date of public notice mailing before making a decision to issue a use permit.

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16.43.502 Procedure for Elevations. Once a permit approval has been elevated for review (see section 16.43.406), the following procedures apply:

A. Public Notice. If the Planners' approval is elevated the Planner shall;

1. Place the application on the agenda of the next available meeting of the Commission;

2. Publish the agenda item in a newspaper of general circulation or place a public service announcements on radio or television. The published notice must set out the time, date and place of the hearing, the name of the applicant the address or general location of the property and subject or nature of the action;

3. Within ~~five~~ three (3) days of elevation, issue a public hearing notice, ~~draft recommendation based upon the criteria of this title;~~

4. Mail or electronically transfer a copy of the public hearing notice ~~agenda item and draft recommendation~~ to the applicant, the Commission members, the neighborhood association if the neighborhood has an approved neighborhood plan and to appropriate reviewing parties;

5. The public hearing notice ~~agenda item and draft recommendations~~ shall be sent to the owners of property, as listed on the Matanuska Susitna Borough property tax rolls, located within a minimum of 1,200 feet of the lot lines of the development. The public notice shall be posted in City hall and on the site. Staff will allow a minimum of 10 days (14 calendar days) from the date of public notice mailing before scheduling a public hearing on the request before the Planning Commission; the property owners of record adjoining the site. The Planner may expand the area for notification, based on an assessment of the impacts of the proposed use;

B. Decision. The Commission shall review the Planners ~~draft recommendation~~, and may hear comment(s) from reviewing parties, the applicant and the public. The Commission shall decide either to deny, approve or approve with conditions, or the Commission may with concurrence of the applicant return the approval to the Planner for further review as a new use permit application. (Ord. 96-29 Attachment A 1996)

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C. Comment Period. Written comments on the proposal and public hearing notice ~~draft recommendation~~ must be received prior to the start of the public hearing. The Commission may extend the written comment period to a another date and time after completion of public testimony.

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 20<sup>th</sup> day of May 1997.

ATTEST:

APPROVED:

\_\_\_\_\_  
Helen Y. Kaye, Planning Clerk

\_\_\_\_\_  
John A. Cannon, Chair

(SEAL)

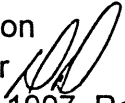


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Unfinished Business Item 7-C

### PLANNING COMMISSION MEMORANDUM - 97-14

DATE: May 16, 1997  
TO: Wasilla Planning Commission  
FROM: Duane Dvorak, City Planner   
SUBJECT: Information for the May 20, 1997, Regular Meeting

RE: Revised amendments to Planning Commission Resolution No. 97-07, regarding public notice requirements of Chapter 16.43, Wasilla Revised Development Code.

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Staff has revised Resolution No. 97-07 that the Commission has already approved previously to spell out the time period for mail out public notices and public hearing notices. This was done based on the discussion at the Commission work session held on March 22, 1997.

Staff has only addressed the one option of spelling out the time frame. If the Commission wishes to address the other option discussed, i.e. placing requests on the next available meeting agenda and allowing the Commission to schedule the hearing date and time, then it would be appropriate for the Commission to amend this resolution prior to adoption.

Staff believes the approach contained in the Resolution 97-07 (Revised) is more consistent with the existing process and will provide developers a more predictable time frame for reviews. Developers are much less likely to have a problem with a process that spells out the review period than one that is undefined and open ended.

#### Recommendation

Staff recommends that the Commission approve Resolution No. 97-07 (Revised) so that this issue can be forwarded to the City Council for further consideration.



DRAFT

WASILLA PLANNING COMMISSION  
RESOLUTION NO. 97-07 (Revised)

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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 20<sup>th</sup> day of May 1997.

ATTEST:

APPROVED:

\_\_\_\_\_  
Helen Y. Kaye, Planning Clerk

\_\_\_\_\_  
John A. Cannon, Chair

(SEAL)

ORDINANCE NO. 97-39

Subject: **Amendments to Chapter 16.43, Wasilla Development Code, of the Wasilla Municipal Code, to ensure consistency for public notice preparation and to allow adequate time for public responses.**

Meeting Date: **06/09/97**

**RECOMMENDATION AND MOTION:  
Introduce Ordinance Serial No. 97-39 and schedule for public hearing at the next regular meeting on 06/23/97.**

Administration Recommendation: Introduce and set for public hearing.

Reviewed by Sarah H. Palin, Mayor: \_\_\_\_\_

Route To:	Department:	Approval (Initials):	Remarks:
1	Clerk's Office		
2	Finance		
3	Library		
4	Museum		
5 XX	Planning		
6	Police		
7	Public Works		
8 XX	Admin.		
9	City Attorney		

Attachment (s):      Fiscal Note: YES \_\_\_\_\_ NO XX  
(List other attachments; i.e., maps, bid information, etc.)

Staff Recommendation: **Introduce Ordinance Serial No. 97-39 and schedule for public hearing at the next regular meeting on 06/23/97.**

Summary Statement:

The Commission wishes to make the mail out process consistent for different levels of permit review so that all mail outs will go to the same distance. The Commission believes that additional time should be allowed to prepare the mailing list and notice and that more time should also be allowed for the responses of out-of-state property owners.