

**CITY OF WASILLA  
ORDINANCE SERIAL NO. 06-36**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 16.08.010, PERMIT REQUIRED, TO LIMIT CIRCUMSTANCES UNDER WHICH REAPPLICATION MAY BE MADE AFTER DENIAL OF A PERMIT APPLICATION.**

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

\* **Section 2. Amendment of section.** WMC 16.08.010, Permits required, is amended as follows:

16.08.010 Permits required; **Reapplication.**

A. The developer of a use shall apply for and obtain the appropriate approval prior to the establishment of a use or any site work except surveying.

1. Duration. Permit approvals are valid only during developer's compliance with this title and the terms and conditions of approval. However, approvals and permits expire automatically twelve (12) months after issuance if no significant construction, activity or occupancy has commenced.

2. Extensions. Requests for extensions of an approval period or after a twelve (12) month period are a new application and subject to the appropriate approval process. The planner or commission may place limits on the duration of an approval or establish a longer duration.

3. Conditions. The council, commission or planner may place conditions upon issuance of any approval which are necessary or desirable to ensure that a rule,

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policy, standard or intent will be implemented in a manner consistent with this title, the comprehensive plan and any rule, policy or standard implementing them.

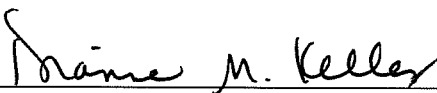
4. Compliance. Any permit or approval issued under this title shall require compliance with the state fire code and any other federal, state or local regulations which are applicable to the activity.

5. Liability. The issuance of a permit or approval under this title or enforcement or lack of enforcement of any such permit or approval shall not be deemed grounds for city liability arising out of the errors or omissions of the permittee or the person who received the approval.

**B. Reapplication following denial. After denial of an application for a permit or approval under this title, the approving authority shall not accept or act upon an application for a permit or approval for substantially the same use of the same property, unless the applicant demonstrates to the approving authority that a material change in circumstances has occurred.**

**Section 3. Effective date.** This ordinance shall take effect upon adoption of the Wasilla City Council.

ADOPTED by the Wasilla City Council on August 28, 2006.

  
\_\_\_\_\_  
DIANNE M. KELLER, Mayor

ATTEST:

  
\_\_\_\_\_  
KRISTIE SMITHERS, MMC  
City Clerk



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**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**RE: ORDINANCE SERIAL NO. 06-36: AMENDMENT TO TITLE 16, LIMITING CIRCUMSTANCES UNDER WHICH APPLICATIONS MAY BE MADE AFTER THE DENIAL OF A PERMIT APPLICATION.**

Agenda of: August 14, 2006

Originator: Council Member Marty Metiva

Date: July 18, 2006

Route to:	Department	Signature/Date
X	Deputy Administrator Planning, Economic Development, Human Resources	L. Hawley 8/2/06
X	City Clerk	[Handwritten Signature]

**REVIEWED BY MAYOR DIANNE M. KELLER:**

**FISCAL IMPACT:**  yes\$ or  no

Funds Available  yes  no

Account name/number:

Attachments: Proposed Ordinance

**SUMMARY STATEMENT:**

At the June 26, 2006 Council meeting members of the Council expressed an interest in amending WMC Title 16 to restrict the filing of a land use application that is similar to an application that recently was denied. At its July 10, 2006 meeting, the Council adopted AM No. 06-38, instructing the City Attorney to draft an amendment to WMC Title 16 that would provide that the City Planner will not accept an application for a rezoning, use permit, conditional use permit, variance, or other administrative approval under WMC Title 16 if substantially the same application for the same property has been denied, unless the applicant has demonstrated a substantial change in circumstances that is material to the application meeting the standards for approval.

Ordinance Serial No. 06-36 would amend WMC 16.08.010 by adding a new subsection B providing that after denial of an application for a permit or approval under WMC Title 16, the approving authority shall not accept or act upon an application for a permit or approval for substantially the same use of the same property, unless the applicant demonstrates to the approving authority that a material change in circumstances has occurred.





	Approved	Denied
Action taken		
Other:		
Date of Commission Action:		
Verified by:		

**WASILLA CITY PLANNING COMMISSION**

**PCM No. 06-06**

**TITLE:** PROPOSED AMENDMENT TO WMC 16.08.010  
**MEETING DATE:** AUGUST 28, 2006  
**REQUESTED BY:** Planning Commission  
**PREPARED BY:** Sandra Garley, Deputy Administrator  
**DATE PREPARED:** 08/18/06

**RECEIVED**  
**AUG 18 2006**  
 CLERK'S OFFICE  
 CITY OF WASILLA

**SUMMARY STATEMENT:**

Within the last two years the Planning Commission has been asked to make decisions on permit requests which were *re-applications* with virtually no change in circumstances from the original submittals. This practice often requires extensive amounts of staff time and commissioner's review time when the facts and circumstances of the requests have not changed and likely the outcome, after mail-outs, deliberation, and action will not change. In an effort to eliminate redundancy, staff and the public have requested the City Council consider a proposed amendment be drafted limiting reapplication for permits when no substantial change in circumstances has occurred.

**STAFF RECOMMENDED MOTION PLANNING COMMISSION MEETING OF 08/08/06:**

Approve WPCM 06-06 enabling a code amendment by adding appropriate language to limit an applicant's ability to reapply for the same request unless a material change in circumstances has occurred. New language to be inserted under new subsection (B) under 16.08.010.

**PLANNING COMMISSION ACTION:**

The Wasilla Planning Commission voted unanimously to support the proposed amendment to WMC 16.08.010 limiting an applicant's ability to reapply for substantially the same use, unless a material change in circumstances has occurred.

  
 Stan Tucker, Chairman

