



Requested by: Administration
Prepared by: Administration

CITY OF WASILLA

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RESOLUTION NO. WR90-01

A RESOLUTION OF THE CITY COUNCIL OF WASILLA, ALASKA RECOMMENDING THE AMENDMENT OF SECTION 17.43.842 OF THE WASILLA DEVELOPMENT CODE (MSB 17.43) TO ALLOW SHORELINE SETBACK EXEMPTIONS FOR STRUCTURES CONSTRUCTED PRIOR TO NOVEMBER 16, 1982.

WHEREAS, in 1973 the Matanuska-Susitna Borough adopted setback requirements which include a 75' (seventy-five foot) waterfront setback and remain in place today; and

WHEREAS, the Matanuska-Susitna Borough adopted the Wasilla Development Code (MSB 16.44) on November 16, 1982 which provided for a 75' (seventy-five foot) waterfront setback within the City of Wasilla, which has been enforced since that date; and

WHEREAS, under MSB Chapter 17.55.020(C) Setbacks and Easements states "This section does not apply to structures where construction was completed prior to January 1, 1987, if the present owner or owners of the property had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structures. The Director of the Planning Department or the designee of the director shall upon application by a property owner, determine whether a property qualifies for an exception under this subsection."; and

WHEREAS, the Wasilla Development Code does not provide for a Shoreline Setback Exception; and

WHEREAS, at the present time there is no avenue of relief for properties located within the city limits of Wasilla which are in violation of the shoreline setback requirement; and

WHEREAS, the Wasilla Planning and Utilities Commission Resolution 89-03 recommended revisions to the wording of the Wasilla Development Code to reflect a provision for those seeking Shoreline Setback Exceptions; and

WHEREAS, a public hearing on this resolution was duly advertised and conducted on January 22, 1990;

NOW, THEREFORE BE IT RESOLVED, that the City Council of Wasilla does now hereby recommend to the Matanuska-Susitna Borough Assembly that an amendment empowering the Matanuska-Susitna Borough to grant Shoreline Setback Exceptions within the city limits of Wasilla, as follows, "17.43.842(C) Waterbody Protection. Requests for Shoreline Setback Exceptions for structures constructed prior to November 16, 1982 are applied for and granted through the Matanuska-Susitna Borough."

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 governing body of the City of Wasilla this 12th day of February, 1990.

APPROVED:



John C. Stein, Mayor

ATTEST:



Erling P. Nelson, CMC
City Clerk