



	Approved	Denied
Date Action Taken:	6/22/09	
Other:		
Verified by:	<i>Kristie</i>	

WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 09-30

TITLE: NOTICE OF APPEAL FOR CASE NO. 09-02 AND APPOINTMENT OF HEARING OFFICER IN ACCORDANCE WITH WASILLA MUNICIPAL CODE 16.36.010.

Agenda of: June 22, 2009
 Originator: Kristie Smithers, City Clerk

Date: June 15, 2009

Route to:	Department	Signature/Date
X	Finance	<i>[Signature]</i> 6/16/09
X	Deputy Administrator	<i>[Signature]</i>
X	City Clerk	<i>[Signature]</i>

REVIEWED BY VERNE E. RUPRIGHT: *[Signature]*

FISCAL IMPACT: yes \$ _____ or no Funds Available yes no

Account name/number:

Attachments: Copy of Appeal Application

SUMMARY STATEMENT:

In accordance with WMC 16.36.070.B, please be advised that on June 3, 2009, an appeal application was filed in the Office of the City Clerk by Brad Laybourn in regard to the adoption of Planning Commission Resolution Serial No. 09-13(AM).

In accordance with 16.36.020.C, please confirm the appointment of Eric Jensen, as Hearing Officer, to the case. Mr. Jensen is a resident of Wasilla and a practicing attorney. I feel he will be able to be fair and impartial with his decision on this case. Mr. Jensen is unaware of any conflicts in relation to this case.

ACTION: To appoint Eric Jensen as hearing officer in Appeal Case No. 09-02 (Planning Commission Resolution No. 09-13(AM)).



City of Wasilla
290 E. Herring Ave.
Wasilla, AK 99654-7091
Phone: (907) 373-9090 / Fax: (907) 373-9092
E-mail: clerk@ci.wasilla.ak.us
www.cityofwasilla.com

RECEIVED

JUN 03 2009

**OFFICE OF THE CITY CLERK
CITY OF WASILLA**

**APPLICATION FOR APPEAL
FOR A DECISION OR ORDER MADE BY THE
CITY OF WASILLA PLANNING COMMISSION**

An "interested person" as defined in WMC 16.36.010, may appeal a decision or order of the Planning Commission within 5-business days of the action. This application along with a \$500 **non-refundable** filing fee and a \$500 deposit, total \$1,000, must be submitted to the City Clerk.

For information on the appeal process, please see Wasilla Municipal Code, 16.36. A copy of WMC Title 16, Land Development Code will be provided upon request.

Interested Person (Per WMC 16.36.010): Brad Laybourn

Mailing Address: PO Box 875486
Wasilla, Alaska 99687

Day Phone No.: 373-1321 Evening Phone No.: same

Cell Number: 232-1586 Fax Number: _____

Email Address: none

Planning Case Number: C09-01 Planning Commission Resolution No. 09-13 (Am)

Date of Decision or Order of the Planning Commission: 5/12/2009

As stated above, you are required to pay a deposit in addition to the non-refundable filing fee. Provided you are entitled to a refund of a portion of the deposit, whom do you wish the refund check to be made payable to: Brad Laybourn

Under separate cover, please clearly and concisely state with **specificity** the grounds of the appeal. If applicable, cite specific sections of the Wasilla Municipal Code, which you believe conflict with the decision or order of the Planning Commission.

Signature: Bradley Laybourn Date: 06/03/09

Printed Name: Bradley K. Laybourn

FOR OFFICE USE ONLY:	
Accepted in Clerk's Office by: <u>AJC</u>	Date: <u>6/3/09</u>
Fees: <input checked="" type="checkbox"/> \$500 non refundable filing fee (receipt attached)	<input checked="" type="checkbox"/> \$500 deposit paid (receipt attached)

Laurie J. Magiera
Bradley K. Laybourn
Alan D. Laybourn
Douglas K. Laybourn
Diamond D. Laybourn
PO Box 875486
Wasilla, AK. 99654
907-232-1586

To City of Wasilla
290 E. Herning Ave,
Wasilla, AK 99654
Re: Application of Appeal
Planning Case File #C09-1
Resolution # 09-13 (AM)

The following general approval criteria from WMC 16.16.050 are among the reasons for appealing the proposal for an outdoor shooting range.

Item#1

16.16.050(2) Plans:

Other City adopted plans such as the Parks and Recreation plan for the entire Sports Center have not been adequately considered. We feel a firing range would be in conflict with the proposed ball fields and trails. This issue did not go through the Parks and Recreation Commission. There was no input from them to see if this proposal would be substantially consistent with other City adopted plans. A copy of the plan for the Sports Complex area was requested but was not available to the appellants.

We do not feel this criteria was met. More public input is needed.

Item#2

16.16.060 (K) #3 Safety features:

Safety issues for the range itself were addressed. However there was no discussion of firearm safety and how to handle it in the shared parking area with the multi use Sports Complex or the danger to the general public using the Sports Complex by violators of the rules who had been expelled from the range. The potential result of over head misfires was not addressed.

We do not feel this criteria was met. More public input and discussion is needed.

Item#3

16.16.050 (4) Reviewing Parties:

Seven notices were sent to the property owners. There were six written responses. One written response was in favor of the firing range. Five written responses were opposed. At the public hearing of the five property owners present, four spoke against and one spoke for the range. We do not feel due deference was given the property owners and this criteria was not met.

Item#4

16.16.050 (7) Traffic:

There was no discussion of the presence of fire arms and the possible result in unsafe streets or dangers to pedestrians. We feel more public input is required to satisfy this criteria.

Item#5

16.16.050 (14) Off Site Impacts:

The site plan states the shooting range is 100' from the nearest property line and approximately 200' from the Sports Center. The site plan presented orients the direction of fire in the general vicinity of three residences. Staff stated for this criteria that implementing safe firing practices was intended to stop projectiles from leaving the site. We feel this is inadequate. Where there was planning commission discussion about reorienting the shooting range no such decision was made. There was no discussion of the off-site impacts (noise, noxious odors, or lead pollution) on the future development of surrounding properties and no discussion of the off-site impacts (noise, odors, or lead pollution) on the people utilizing the Sports Complex or other area residents. We do not feel this criteria was met. More public input is needed.

Item#6

16.16.050 (A) General Approval:

The written findings of fact attached to "Wasilla Planning Commission Resolution Serial No. 09-13 (AM)" do not include any that show the proposed use can occur harmoniously with other activities allowed in the district and will not disrupt the character of the neighborhood as required. The applicant did not show that the proposed use fulfilled these requirements. There was no discussion regarding these requirements.

We do not feel the criteria was met.

A shooting range is not harmonious with the Sports Complex and proposed ball fields and trails. We also feel that the proposed use will disrupt the character of the neighborhood. More public input is need.

Submitted and Signed 06/03/09

A handwritten signature in cursive script that reads "Bradley Layton".