

**CITY OF WASILLA
RESOLUTION SERIAL NO. 09-30**

A RESOLUTION OF THE WASILLA CITY COUNCIL REQUESTING THAT THE MATANUSKA-SUSITNA BOROUGH REMOVE THE CITY OF WASILLA FROM THE DRAFT MATANUSKA-SUSITNA BOROUGH EARTH MATERIAL EXTRACTION ORDINANCE, ORDINANCE SERIAL NO. 09-110, SPECIFICALLY TO APPLICABILITY.

WHEREAS, the City was previously granted planning powers with the exception of platting powers by the Matanuska-Susitna Borough and the City has the authority to review and issue permits in the City; and

WHEREAS, the Matanuska-Susitna Borough proposes to revoke Wasilla's planning powers for the regulation of gravel mining within the City Limits and then impose the Matanuska-Susitna Borough's Earth Material Extraction ordinance, Ordinance Serial No. 09-110, within the cities of Houston, Palmer and Wasilla per MSB 28.30.020(B); and

WHEREAS, the City has an adopted Comprehensive Plan which sets the context for the implementing ordinances and zoning districts which specify how land is to be developed within the City limits; and

WHEREAS, WMC defines "resource extraction" in WMC 16.04.070; identifying the zones in which resource extraction is a permitted or excluded use within the City, and the type of permit required, all per WMC 16.20.020; and provides general and specific approval criteria in WMC 16.16.050, General Approval Criteria, (A)1-21; and WMC 16.16.060 Specific Approval Criteria, (F)1-10; all of which must be addressed before resource extraction can be permitted within the City Limits; and

WHEREAS, the City has a Planning Department to administer the Land Development Code; and

WHEREAS, the City has a Planning Commission, a quasi-judicial body, comprised of seven citizens of the City which conduct public hearings and make quasi-judicial decisions on applications for resource extraction; and

WHEREAS, the City has a Public Works Department with a Professional Civil Engineer on staff; and

WHEREAS, the City is largely developed; and

WHEREAS, the property in the City has a high per square foot price; and

WHEREAS, the City is the most familiar with land use and trends in the city; and

WHEREAS, the City is incorporated in the State of Alaska as a First Class City; and

WHEREAS, the City has and operates a Class-A water system with multiple wells and well head protection sites; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission is not comprised entirely of citizens of Wasilla and is primarily involved with making quasi-judicial decisions and legislative recommendations regarding rural property outside incorporated urban areas; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission does not have experience with Urban Class-A Cities; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission is not familiar with Wasilla's Comprehensive Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Wasilla City Council hereby respectfully requests that the Matanuska-Susitna Borough recognize our Class-A City status, our right to protect our public utilities and our urban expertise by removing the City of Wasilla from the proposed Matanuska-Susitna Earth Material Extraction ordinance, Ordinance Serial No. 09-110.

POSTPONED INDEFINITELY by the Wasilla City Council on January 11, 2010.

VOTE: Harris, Holler, Katkus, Larson and Woodruff in favor.





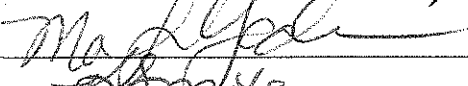

**CITY OF WASILLA
LEGISLATION STAFF REPORT**

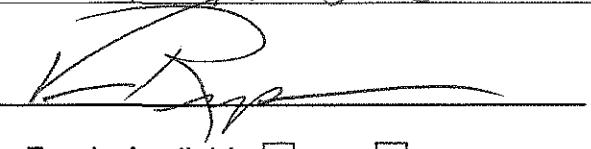
RE: RESOLUTION 09-30, AN ORDINANCE OF THE WASILLA CITY COUNCIL REQUESTING THAT THE MATANUSKA-SUSITNA BOROUGH REMOVE THE CITY OF WASILLA FROM THE DRAFT EARTH MATERIAL EXTRACTION ORDINANCE, ORDINANCE SERIAL NO. 09-110, SPECIFICALLY TO APPLICABILITY.

Agenda of: October 26, 2009

Date: October 14, 2009

Originator: Office of Community & Economic Development - Planning

Route to:	Department	Signature/Date
X	Public Works Director	 10/15/09
X	Finance Director	 10/15/09
X	Deputy Administrator	
X	City Clerk	

REVIEWED BY MAYOR VERNE E. RUPRIGHT: 

FISCAL IMPACT: yes or no Funds Available yes no

Account name/number:

Attachments: WPC Resolution No. 09-17 (3 pp)

SUMMARY STATEMENT: The City Planning Commission, at their meeting of October 13, 2009, adopted Resolution Serial No. 09-17 which requests that the Matanuska-Susitna Borough exclude the City of Wasilla from its Earth Material Extraction Ordinance applicability.

The Borough began the "Material Extraction" Ordinance more than a year ago. In the original ordinance it was non-area wide with Palmer, Houston and Wasilla exempted.

There was considerable concern expressed by the gravel mining industry. The Borough asked for and received numerous comments. Several companies and the state commented that the regulations in the proposed ordinance would substantially raise the cost of gravel. One company noted that, since the ordinance was non-area wide, gravel production inside the cities would have a competitive advantage.

Borough staff then changed their ordinance to include the cities. All three cities protested that inclusion. There have been several meetings between the industry and the Borough as well as between the cities and the Borough.

The Borough Planning Commission has a recommendation before them to exclude the cities and include the original ordinance language. The City Planning Commission adopted a Resolution requesting the City be excluded from the ordinance requirements.

Whether the Borough Planning Commission adopts our language or not it is still important that this resolution be presented to the Borough Assembly, prior to them adopting the final ordinance.

STAFF RECOMMENDATION: Adoption of Resolution Serial No. 09-30.

COUNCIL MEETING DATE: 12/14/09

Date Prepared: 12/08/09

FROM: Marvin Yoder, Deputy Administrator
Jim Holycross, City Planner

TO: Wasilla City Council

REGARDING: Wasilla City Council Resolution Serial No. 09-30

On October 26, 2009, at the Regular Wasilla City Council Meeting it was requested that the Planning Commission revisit WPC Resolution Serial No. 09-17, regarding the Matanuska-Susitna Borough Ordinance Serial No. 09-110 (gravel extraction).

On November 10, 2009, The Wasilla Planning Commission once again reviewed the Matanuska-Susitna Borough's proposed Gravel Extraction Ordinance (Ordinance Serial No. 09-110). At that meeting they stood by their original decision by supporting their previous resolution, Resolution Serial No. 09-17. That resolution requested that the Matanuska-Susitna Borough remove the City of Wasilla from the draft Matanuska-Susitna Borough Earth Materials Extraction Ordinance (Ordinance Serial No. 09-110).

The Planning Commission stated that if the Borough does exempt the City in their ordinance, and the City Council directs the Planning Commission to do so, then the Planning Commission can begin the proper process of a thorough review of the City's code language for resource extraction.

The Planning Commission respectfully recommends that the City Council adopt Resolution 09-30 as originally proposed.

By: Planning
Public Hearing: 10/13/09
Adopted: 10/13/09

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 09-17**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION REQUESTING THAT THE MATANUSKA-SUSITNA BOROUGH REMOVE THE CITY OF WASILLA FROM THE DRAFT MATANUSKA-SUSITNA BOROUGH EARTH MATERIAL EXTRACTION ORDINANCE SERIAL NO. 09-110.

WHEREAS, the City was previously granted planning powers with the exception of platting powers by the Matanuska-Susitna Borough and the City has the authority to review and issue permits in the City;

WHEREAS, the Matanuska-Susitna Borough proposes to revoke Wasilla's planning powers for the regulation of gravel mining within the City Limits and then impose the Matanuska-Susitna Borough's Earth Material Extraction Ordinance Serial No. 09 -110 within the cities of Houston, Palmer and Wasilla per 28.30.020(B);

WHEREAS, the City has an adopted Comprehensive Plan which sets the context for the implementing ordinances and zoning districts which specify how land is to be developed within the City limits;

WHEREAS, WMC defines "resource extraction" in WMC 16.04.070; identifies the zones in which resource extraction is a permitted or excluded use within the City, and the type of permit required, all per WMC 16.20.020; and provides general and specific approval criteria in WMC 16.16.050, General Approval Criteria, (A)1-21; and WMC 16.16.060 Specific Approval Criteria, (F)1-10; all of which must be addressed before resource extraction can be permitted within the City Limits;

WHEREAS, the City has a Planning Department to administer the Land Development Code;

WHEREAS, the City has a Planning Commission, a quasi-judicial body, comprised of seven citizens of the City which conduct public hearings and make quasi-judicial decisions on applications for resource extraction;

WHEREAS, the City has a Public Works Department with a Professional Civil Engineer on staff;

WHEREAS, the City is largely developed;

WHEREAS, the property in the City has a high per square foot price;

WHEREAS, the City is the most familiar with land use and trends in the city;

WHEREAS, the City is incorporated in the State of Alaska as a First Class City;

WHEREAS, the City has and operates a Class-A water system with multiple wells and well head protection sites;

WHEREAS, the Matanuska-Susitna Borough Planning Commission is not comprised entirely of citizens of Wasilla and is primarily involved with making quasi-judicial decisions and legislative recommendations regarding rural property outside incorporated urban areas;

WHEREAS, the Matanuska-Susitna Borough does not own or operate any public utilities;

WHEREAS, the Matanuska-Susitna Borough does not have an urban fully functional Public Works Department with in house street, water and sewer maintenance responsibilities;

WHEREAS, the Matanuska-Susitna Borough Planning Commission does not have experience with Urban Class-A Cities; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission is not familiar with Wasilla's Comprehensive plan.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla Planning Commission hereby respectfully requests that the Matanuska-Susitna Borough recognize our Class-A City status, our right to protect our public utilities and our urban expertise by removing the City of Wasilla from the proposed Matanuska-Susitna Earth Material Extraction Ordinance Serial No. 09-110.

APPROVED by the Wasilla Planning Commission on October 13, 2009.

APPROVED:



Stan Tucker, Chairman

ATTEST:



Jim Holycross, City Planner

VOTE: Passed Unanimously