

By: Planning
Public Hearing: 07/13/10
Adopted: 07/13/10

**WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 10-11(AM)**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND WMC 16.04.070, DEFINITIONS; AMEND WMC 16.08.060, APPLICATION FEES, TO PROVIDE FOR FEES FOR ALL APPLICATIONS UNDER WMC TITLE 16; AMEND WMC 16.12.010.A, APPROVALS BY PLANNER, TO DELETE THE REFERENCE TO SUBDIVISION APPROVAL UNDER WMC 16.28.030; ADOPT WMC 16.16.080, APPROVAL OF PLANS FOR COMMERCIAL TRACTS; REPEAL WMC 16.28.030 THROUGH WMC 16.28.100; AND ADOPT WMC 16.30, SUBDIVISIONS, TO ESTABLISH DESIGN AND CONSTRUCTION STANDARDS FOR SUBDIVISIONS IN THE CITY.

WHEREAS, the City of Wasilla ("City") strongly supports development within its boundaries that conserves the City's natural resources, promotes outdoor recreation, and improves the community's appearance; and

WHEREAS, the amendment to Title 16 improves upon prior language and to establish design and construction standards for subdivisions in the City; and

WHEREAS, on July 13, 2010, after due consideration, the Wasilla Planning Commission determined that the proposed code amendments and enactment of new code is consistent with the goals and policies of the City Comprehensive Plan; and

WHEREAS, WMC 16.04.070, Definitions, is hereby amended to read as follows:

"Borough code" means the code of ordinances of the borough, as amended from time to time.

"Commercial tract" means an existing single lot or tract lawfully subdivided by the platting authority and designated by the commission as a commercial tract which may be further divided into fragment lots in accordance with Section 16.16.080.

"Commercial tract site plan" means a map of a commercial tract depicting building footprints, vehicular and pedestrian circulation improvements; parking areas, landscaping, driveway access points to the property, site drainage and any fragment lots to be contained within the commercial tract.

"Dedication" means the offer of an interest in real property by the owner for the use of the public or for a specified public purpose, and acceptance for such use by or on behalf of the public.

"District" means the development standards district established in the city by the borough.

"Fragment lot" means a division of a commercial tract for purposes of facilitating construction or financing of a commercial development requiring multiple phases of construction. The term "fragment lot" does not include properties outside of the boundaries of an approved commercial tract.

"Platting authority" means the person, board or commission designated as such in the borough code.

"Public improvements" means roads, walkways, drainage, ditching, signage, cut/fill slopes, trails, bike paths, walkways, public parks and recreational facilities, monumentation, authorized encroachments, utilities and areas needed for snow storage areas and other improvements as required.

"Public works director" means the director of the public works department or designee.

"Right-of-way" means a strip of land reserved, dedicated, used or to be used for a street, alley, walkway, trail, airport, railroad or other public or private purpose.

"Subdivider" means a person having an ownership interest in land that is the subject of a subdivision application.

"Subdivision" means the division of a tract or parcel of land into two or more lots, sites or other divisions, or the combining of two or more lots, tracts or parcels into one lot, tract or parcel for the purpose, whether immediate or future, of sale, or lease of more than 10 years including any resubdivision.

"Tract" means an unsubdivided remnant of a subdivision.; and

WHEREAS, the definitions of "engineer" and "surveyor" in WMC 16.04.070, Definitions, are hereby amended to read as follows:

"Engineer" means **a person who is registered as a professional engineer under the law of the state of Alaska** [THE WASILLA CITY ENGINEER OR DESIGNEE].

"Surveyor" means a **person who is registered as a** professional land surveyor **under the law of** [WHO IS REGISTERED AND LICENSED IN] the state of Alaska.; and

WHEREAS, WMC 16.08.060, Application fees, is amended to read as follows:

16.08.060 Application fees.

The commission shall establish a schedule of fees for **applications** [ACTIONS] under this **title** [CHAPTER] by resolution. The fees in this schedule may be waived or reduced by the mayor **for an applicant that is a** [WHEN THE] city, borough, state, **or**

federal [OR A LOCAL] government [BODY OR] agency that offers a reciprocal fee waiver to the city [IS THE APPLICANT AND IS ONE WHO RECIPROCATES].; and

WHEREAS, WMC 16.12.010.A is hereby amended to read as follows:

16.12.010 Approvals by planner.

A. Section 16.20.020 includes a use chart describing the type of permit needed before initiating a use of land. There are three types of permit: (1) administrative approval ("AA"); (2) use permit ("UP"); and (3) conditional use ("CU"). This chapter describes the procedures that apply to administrative approvals and use permits; Sections 16.16.010 through 16.16.040 describe the procedures that apply to the elevation of administrative approvals and use permit decisions to the commission pursuant to Section 16.12.040, and to conditional uses. Applications are also required for rezonings (Section 16.16.070), [FOR SUBDIVISIONS (SECTION 16.28.030),] for signs (Section 16.32.060) and for variances (Section 16.28.110).; and

WHEREAS, WMC 16.16.080, Approval of plans for commercial tracts, is hereby adopted to read as follows:

16.16.080 Approval of plans for commercial tracts.

A. A commercial tract may be divided into fragment lots that need not have direct access to a public right-of-way but instead have indirect access to a public right-of-way through streets or driveways that provide traffic circulation within the commercial tract.

B. Fragment lots may be created in the commercial and industrial zoning districts, and in other zoning districts with the approval of the commission.

C. Platting authority and commission approval. The subdivision of land into one or more commercial tracts is subject to approval of a preliminary and final plat by the platting authority. The division of a commercial tract into fragment lots is subject to approval by the commission of a site plan for the commercial tract and fragment lots that meets the standards of Section 16.08.015 and this section.

D. The division of a commercial tract into fragment lots shall meet the following standards:

1. The fragment lots shall facilitate the phasing of commercial development on the commercial tract.

2. Each fragment lot shall meet the minimum lot size requirements of the zoning district in which the commercial tract is located.

3. Each fragment lot shall be treated as a lot for the purpose of applying setback and lot coverage requirements to structures on the fragment lot.

4. The site plan for the commercial tract shall include parking areas that conform to the requirements of Section 16.24.040, and provide not less than the minimum number of parking spaces that are required for all permitted uses of the fragment lots.

5. The site plan for the commercial tract shall provide sufficient access and internal circulation to all fragment lots that do not have direct access to a public right-of-way to meet standards established by the state fire marshal for emergency vehicle access and egress.

6. The site plan for the commercial tract shall minimize direct access to public rights-of-way.

7. The site plan for the commercial tract shall include the landscaping required by Chapter 16.33.

8. The owner of the commercial tract shall record covenants, conditions and restrictions approved by the planner that govern the use and development of all fragment lots in the commercial tract, including without limitation rights of access, allocation of parking, maintenance of common elements, and any specific restrictions on the use or development of the fragment lots that the planner may require to carry out the purposes of this title. The recorded covenants, conditions and restrictions shall incorporate the approved site plan for the commercial tract; and

WHEREAS, WMC 16.28.030 through 16.28.100, are hereby repealed in their entirety; and

WHEREAS, WMC Chapter 16.30, Subdivisions, is hereby adopted to read as follows:

16.30.010 Purpose; Application.

The purpose of this chapter is to establish specific design and construction standards for subdivisions in the city. These design and construction standards implement the Wasilla comprehensive plan, and shall be interpreted consistently with that plan. The design and construction standards in this chapter are supplemented by the design and construction standards for subdivisions in the borough code. Where the design and construction standards

in this chapter conflict with the design and construction standards for subdivisions in the borough code, the design and construction standards in this chapter shall govern.

16.30.020 Development standards district.

Pursuant to borough code 27.20.010(C), the borough assembly has established the area within the boundaries of the city, as changed from time to time, as a development standards district. This chapter applies to all subdivisions within the district.

16.30.030 Preapplication conference.

A. The planner shall review all submissions for preapplication conferences for subdivisions in the city, and shall attend all such preapplication conferences, except those for waiver subdivisions and abbreviated plats. At the preapplication conference the planner shall inform the subdivider of the city's zoning regulations, subdivision design and construction standards and public improvement requirements.

B. The subdivider shall supplement the preliminary plat application and submissions as required to address comments by the city at the preapplication conference.

16.30.040 Preliminary plat review.

The planner shall review each application for preliminary plat approval, or to modify a preliminary plat, for a subdivision in the city, and circulate the application to all affected city departments for review and comment. The planner shall report to the platting authority whether the application conforms to the

requirements of this title, and any other comments from affected city departments, before the platting authority acts on the application.

16.30.050 Final plat review.

The planner shall review each application for final plat approval for a subdivision in the city, to determine whether the final plat shall comply with the city's zoning regulations, subdivision design and construction standards and public improvement requirements, and report that determination to the platting authority before the platting authority acts on the application.

16.30.100 Design and construction standards – General.

In addition to the design and construction standards for subdivisions in the borough code, the design and construction standards in this chapter apply to all subdivisions in the city. Where the design and construction standards in this chapter conflict with the design and construction standards for subdivisions in the borough code, the design and construction standards in this chapter shall govern.

16.30.110 Design and construction standards — Public improvements.

A. The subdivider shall install all required public improvements for the subdivision, or if the platting authority has approved the subdivision for development in phases, for the current phase of the subdivision. All required public improvements shall be designed to provide for future extension to and service of contiguous areas.

B. The street system in the subdivision must be designed for the most advantageous development of the entire neighborhood and appropriate contribution to regional transportation.

C. The public works director in consultation with the commission shall establish standards for public improvements that may be required under this chapter. Such standards become effective upon approval by the council by resolution. All public improvements shall be constructed in accordance with the standards approved by council resolution under this section.

16.30.120 Design and construction standards – Improvement construction.

A. The final plat for a subdivision shall not be recorded until all of the following have occurred:

1. All public improvements required for the subdivision other than roads have been completed and accepted by the city; and

2. Either all road improvements required for the subdivision have been completed and accepted by the city, or the subdivider has entered into a subdivision agreement with the borough for road improvements required for the subdivision. A subdivider may not enter into a subdivision agreement with the borough until the city has determined that the road improvements required for the subdivision are not less than eighty-five (85) percent complete.

B. All plans, surveys, soil reports and design documents of public improvements submitted by the subdivider must be prepared by or under the

supervision of the engineer or surveyor and in accordance with the laws of the state of Alaska governing such practices.

C. After the improvements are constructed, the subdivider shall submit to the public works director evidence of the completion of construction and as-built drawings prepared by the subdivider's engineer for all public improvements required for the subdivision.

D. The subdivider shall convey all public improvements required for the subdivision to the city by bill of sale or deed upon the acceptance of all of the improvements by the public works director.

16.30.130 Design and construction standards – administration fee.

The subdivider shall pay the city's actual cost associated with the construction of water and sewer improvements in the subdivision in accordance with Title 13. The subdivider shall pay the city for plan checking, surveillance and administrative overhead associated with road construction in accordance with a fee schedule adopted by the public works director and approved by the council.

16.30.140 Design and construction standards – Maintenance guarantee.

The subdivider shall warrant that the public improvements required for the subdivision will remain in good condition for a period of one year after the date the city accepts the public improvements, and shall make all repairs to and maintain the public improvements in good condition during that one (1) year period at no cost to the city. The subdivider shall guarantee the performance of this warranty with a corporate surety bond from a company authorized to do such business in the state, a cash deposit in escrow or a bank letter of credit, in each

case in a principal amount not less than ten (10) percent of the estimated cost of the improvements required for the subdivision, that shall be payable to the city in the event that the subdivider fails to perform its warranty obligations under this section.; and

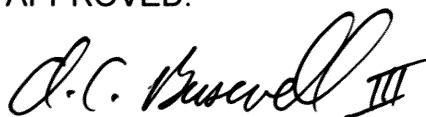
WHEREAS, in accordance with AS 29.40.010(b), the City hereby consents to the delegation as provided by this ordinance of platting power by the Matanuska-Susitna Borough Assembly establishing a Wasilla Development Standards District; and

WHEREAS, Ordinance Serial No. 09-14(AM) is repealed.

NOW, THEREFORE BE IT RESOLVED, that the Wasilla Planning Commission approves of these code amendments and enactment of the proposed new code and hereby forwards their support for adoption to the Wasilla City Council and to take effect upon the later to occur of (i) adoption by the Wasilla City Council; and (ii) the effective date of an ordinance of the Matanuska-Susitna Borough establishing a Wasilla Development Standards District.

ADOPTED by the Wasilla Planning Commission on July 13, 2010.

APPROVED:



A.C. Buswell, III, Chairman

ATTEST:


Marvin Yoder, Deputy Administrator

VOTE: Passed Unanimously