



MAYOR
Verne E. Rupright

CITY PLANNER
Tina Crawford

WASILLA PLANNING COMMISSION

Dan King, Seat A
Daniel Kelly Jr., Seat B
Steven DeHart, Seat C
Doug Miller, Seat D
Glenda Ledford, Seat E
Clark Buswell, Seat F
Robert Webb, Seat G

**CITY OF WASILLA
PLANNING COMMISSION MEETING AGENDA
WASILLA CITY COUNCIL CHAMBERS**

Wasilla City Hall, 290 E. Herning Avenue, Wasilla, AK 99654 / 907-373-9020 phone

REGULAR MEETING

7 P.M.

JUNE 14, 2011

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. APPROVAL OF AGENDA
- V. REPORTS
 - A. City Attorney
 - B. City Council
 - C. City Planner
 - D. City Public Works Director
- VI. PUBLIC PARTICIPATION *(five minutes per person, for items not scheduled for public hearing)*
- VII. CONSENT AGENDA
 - A. Minutes of May 24, 2011, meeting.
- VIII. NEW BUSINESS *(five minutes per person)*
 - A. Public Hearing
 - B. Committee of the Whole
 1. Noise Ordinance recommend by the Mayor's Task Force on Industrial Uses;

2. Parks Master Plan recommended by Parks and Recreation Commission; and
3. Draft Wasilla Area Plans.

IX. UNFINISHED BUSINESS

X. COMMUNICATIONS

- A. Permit Information
- B. Enforcement Log

XI. AUDIENCE COMMENTS

XII. STAFF COMMENTS

XIII. COMMISSION COMMENTS

XIV. ADJOURNMENT

I. CALL TO ORDER

The regular meeting of the Wasilla Planning Commission was called to order at 7:00 PM on Tuesday, May 24, 2011, in Council Chambers of City Hall, Wasilla, Alaska by A.C. Buswell, III, Chairman.

II. ROLL CALL

Commissioners present and establishing a quorum were:

Mr. J. Dan King, Seat A
Mr. Daniel Kelly, Jr., Seat B
Mr. Steven DeHart, Seat C
Mr. Doug Miller, Seat D
Ms. Glenda Ledford, Seat E
Mr. Clark Buswell, Seat F
Mr. Robert Webb, Seat G

Staff in attendance were:

Mr. Archie Giddings, Public Works Director
Mr. Bert Cottle, Temporary Deputy Administrator
Ms. Tina Crawford, City Planner
Ms. Tahirih Klein, Planning Clerk

III. PLEDGE OF ALLEGIANCE

A. Commissioner Ledford led the Pledge of Allegiance.

IV. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was approved as presented.

V. REPORTS

A. City Attorney
No report given.

B. City Council
Mr. Giddings provided a brief summary of the City Council regular meeting.

C. City Planner
No report given.

D. City Public Works Director

Mr. Giddings stated the legislators are almost done with their project discussions and there were two projects that are high priorities that were passed in regards to updates to major right-of-ways.

VI. PUBLIC PARTICIPATION *(five minutes per person, for items not scheduled for public hearing)*

There were no public comments.

VII. CONSENT AGENDA

A. Minutes of April 12, 2011, meeting.

GENERAL CONSENT: Minutes were approved as presented.

VIII. NEW BUSINESS *(five minutes per person)*

A. Public Hearings

1. **Resolution No. 11-09:** Recommending that the Wasilla City Council approve a rezone from Rural Residential to Commercial for Lot A9, Section 19; Lot B4, Section 20, and Lot 2, Roger's Rooste Subdivision; Township 17 North, Range 1 West, Seward Meridian, Alaska. Generally located at mile 3.5 on the north side of Knik-Goose Bay Road.

Chair Buswell and Commissioner Miller recused themselves from discussion and voting due to family and work conflicts.

Chair Buswell passed the duties of the chair to Commissioner King at 7:20 PM.

MOTION: Commissioner Kelly moved to postpone Resolution Serial No. 11-09 until a meeting in July 2011.

Discussion moved to the Commission.

VOTE: The motion to postpone Resolution Serial No. 11-09 failed with Commissioner Kelly in favor and Commissioner's Ledford, Webb, Dehart, Miller, King opposed.

a. City Staff

Ms. Crawford provided a summary of the applicant's submittal and background information on the proposed rezone.

Discussion moved to the Commission.

b. Applicant

Mr. Paul Gardner handed out a letter to the Planning Commission and then read it into the record.

Mr. Jeff Holler provided a statement why he believes this rezone should be approved and stated his concerns with traffic and how this may help slow it down.

Discussion moved to the Commission.

c. Private person supporting or opposing the proposal

Commissioner King opened the public hearing for Resolution Serial No. 11-09.

Mr. George Ball stated he is not against the rezone or development of the property as long as a stop light is installed to help with traffic.

Ms. Ronnie McKenzie stated she is an adjacent property owner and she is against the rezone, she then handed out her comments and then read them into the record.

With no one else present to speak, Commissioner King closed the public hearing on Resolution Serial No. 11-09.

d. Applicant

Mr. Gardner addressed comments about traffic, drainage, development of property, and junk.

MOTION: Commissioner DeHart moved to adopt Resolution Serial No. 11-09 as presented.

Discussion moved to the Commission.

VOTE: The motion to approve Resolution Serial No. 11-09 as presented passed unanimously.

Chair Buswell resumed with the duties of the chair at 8:03 PM.

(The regular meeting recessed at 8:03 PM and resumed at 8:08 PM.)

2. **Resolution No. 11-10:** Recommending that the Wasilla City Council approve a rezone from Rural Residential to Commercial for Lots A14, A15, A16, A17 and D10, Township 17 North, Range 1 West, Section 10, Seward Meridian, Alaska. Generally located on the north side of Palmer-Wasilla Highway and south of the Parks Highway.

a. City Staff

Ms. Crawford stated that staff found this request consistent with the criteria.

b. Applicant

Mr. Terry Ellis stated that he was present to answer questions from the Commission.

c. Private person supporting or opposing the proposal

Chair Buswell opened the public hearing for Resolution Serial No. 11-10 for public input.

With no one present to speak, Chair Buswell closed the public hearing on Resolution Serial No. 11-10.

d. Applicant

No comments.

MOTION: Commissioner Webb moved to adopt Resolution Serial No. 11-10 as presented.

VOTE: The motion to approve Resolution Serial No. 11-10 as presented passed unanimously.

X. UNFINISHED BUSINESS

There was no unfinished business.

IX. COMMUNICATIONS

No statements made regarding the following items.

- A. Permit Information
- B. Enforcement Log

X. AUDIENCE COMMENTS

No one present.

XI. STAFF COMMENTS

A. Staff Comments

Ms. Crawford provided an update on the electronic message signs.

XII. COMMISSION COMMENTS

Commissioner Ledford opined that it was an informative meeting.

Commissioner Kelly congratulated the Commission on passing the two rezones and extended his appreciation for the input received by the public.

Commissioner Webb stated he thought it was important to get more commercial zoning along Knik-Goose Bay and noted that it was a good meeting.

Commissioner DeHart stated he concurs with Commissioners Webb's comments and added that he is still learning.

Commissioner Miller asked about the progress with Vine Road.

Mr. Giddings stated it is on the long range transportation plan.

Commissioner King stated it was a good meeting and agrees that Knik-Goose Bay Road will be a major through way.

Chair Buswell stated that he appreciates all the members on the Commission and their views.

XIII. ADJOURNMENT

The regular meeting adjourned at 8:17 PM.

ATTEST:

A.C. BUSWELL, III, Chairman

TAHIRIH KLEIN, Planning Clerk

Adopted by the Wasilla Planning Commission -, 2011.

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Proposed Noise Control Ordinance

Sections:

xx.xx.010	Declaration of intent.
xx.xx.015	Definitions.
xx.xx.020	Prohibited acts.
xx.xx.025	Noise standards.
xx.xx.030	Exemptions.
xx.xx.035	Violations and penalties.
xx.xx.040	Applicability.

xx.xx.010 Declaration of intent.

The City of Wasilla hereby finds and declares that noise, volume-enhanced sounds and their concomitant vibration are significant sources of environmental pollution which represents a present and increasing threat to public peace and to the health, safety and welfare of the residents of the City. Loud noise and amplified sounds have an adverse effect on the psychological and physiological well-being of persons. It is the intent of this chapter to provide for the prohibition of certain levels of noise and amplified sounds and their resulting vibration within the City. It is also the intent of this chapter to mitigate the effects of incompatible land uses in accordance with the City of Wasilla Comprehensive Plan.

xx.xx.015 Definitions.

When used in this title, the following words and phrases shall have the meanings set forth in this section:

“A-weighted sound level” means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network, using a sound level meter. The unit of reporting is dB(A). Sounds measured with the A-weighting network approximate the response of human hearing when measuring sounds of low to moderate intensity. The specific weighting characteristics and tolerances are those given in American National Standards Institute SI.4-1983, section 5.1.

“Ambient Sound Level” means that measured value which represents the summation of sound from all the discrete sources affecting a given site at a given time, exclusive of extraneous sounds and those from the source under investigation. Ambient sound level shall consist of a ten (10) to fifteen (15) minute Leg measured using weighted or C-weighted scale, depending on which parameter is being used, and the “slow” meter response. Then the noise of interest would be measured using the appropriate weighted scale and the “fast” response. “Fast” response reflects the transient nature of the sound better, while “slow” makes it easier to quantify the background level by damping some of the normal range of sound levels. Ambient sound levels measured in dB(C) will only be compared to noise measured using the C-weighted scale.

“C-weighted sound level” means an uncorrected level with only the extreme ends of the sound spectrum truncated beyond the frequency range of typical human hearing.

“Device” means any mechanism which is intended to produce or which actually produces sound when operated or handled.

“Leg” means equivalent A-weighted sound level (Leg), which means the constant sound level that in a given situation and time period conveys the same sound energy as the actual time varying A-weighted sound.

“Noise Sensitive Area” means an area where a school, hospital, nursing home, church, court, psychiatric facility, or public library is located.

“Person” means any individual, association, partnership, or corporation and includes any officer, employee, department, agency, or instrumentality of a federal, state or local government.

“Powered model vehicle” means any self-propelled airborne, waterborne, or land borne, plane, vessel, or vehicle which is not designed to carry persons, including but not limited to any model airplane, boat, car, or rocket.

“Public right-of-way” means any street, avenue, boulevard, highway, sidewalk, alley, or similar place normally accessible to the public which is owned or controlled by a governmental entity.

“Real property boundary” means a line along the ground, and its vertical extensions, which separates the real property owned by one person from that owned by another person or by the public.

“Sounds” means an oscillation in pressures, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity, and frequency.

“Source property” means the land on which the activity causing the noise is taking place, or the land from which the noise causing activity is originating.

Vibration means an oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

xx.xx.020 Prohibited acts.

A. No person shall operate or permit the operation or playing of any radio, stereo, television, phonograph, loudspeaker, speaker system, amplified drum, amplified musical instrument, sound amplifier, or similar sound amplifying device on a source property that produces, reproduces, or amplifies sound in such a manner that it raises the total sound levels above the permissible sound limits set forth in Table 1 when measured at or within the boundary of the property of the receiving land.

Table 1: Maximum Permissible Sound Level Limits

Weeknights 10:00 p.m. – 7:00 a.m.	50 dB(A)
All other times	60 dB(A)

B. No person shall operate or permit the operation or playing of any radio, stereo, television, phonograph, loudspeaker, speaker system, amplified drum, amplified musical instrument, sound amplifier, or similar sound amplifying device on a source property that produces, reproduces, or amplifies sound in such a manner that it raises the total sound levels above the permissible sound limits set forth in Table 2 when measured at or within the boundary of the property of the receiving land. These sound levels shall be measured using the C-weighted sound level with the sound level meter set for C-weighting, “fast” response.

Table 2: Maximum Permissible Sound Level Limits

Weeknights 10:00 p.m. – 7:00 a.m.	3 dB(C) above ambient sound levels
Friday, Saturday 11:00 p.m. – 7:00 a.m.	3 dB(C) above ambient sound levels
All other times	5 dB(C) above ambient sound levels

xx.xx.025 Noise standards.

A. Except as provided in subsection B. below, no person shall operate or cause to be operated on private property a new commercial or industrial use creating sound in such a manner as to create a sound level that exceeds the limits set forth for the adjacent land use category in Table 1 when measured at or within the property line of the receiving land use without first obtaining a conditional use permit application. If there are mixed uses on adjacent parcels the most restrictive sound category shall apply.

Table 1: Maximum Permissible A-weighted Sound Levels

Land Use of Sound Source	Land use of Adjacent Property				
	Day	Night		Commercial	Industrial
	Monday through Friday 7a.m. to 10 p.m. or 9 a.m. to 10 p.m. on weekends	Monday through Friday 10 p.m. to 7 a.m.	Weekend 10 p.m. to 9 a.m.		
Commercial	60 dB(A)	50dB(A)		80 dB(A)	80 dB(A)
Industrial	75 dB(A)	60dB(A)		80 dB(A)	80 dB(A)

B. The provisions of this ordinance shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency, the emission of sound in the performance of emergency work, the emission of sound during a special event properly permitted under this code, or the emission of sound generated by devices specified herein when inside a vehicle moving on or about any public right of way.

C. The provision of this ordinance shall not apply to sound created in conformance with a valid temporary noise permit granted pursuant to city ordinance.

D. For any sound which is of short duration, between the hours of 7 a.m. and 7 p.m. the levels established in Table 1 maybe increased by:

1. Five (5) dB(A) for a total of fifteen minutes in any one hour, or
2. Ten (10) dB(A) for a total of five minutes in any one hour, or
3. Fifteen (15) dB(A) for a total of one and one half minutes in any one hour period.

xx.xx.030 Exemptions.

The following sounds are exempt from the provisions of this chapter at all times:

A. Sounds originating from aircraft in flight or during takeoff, landing, taxing, or run-up, or by routine maintenance as required by the Federal Aviation Administration;

B. Sound created by emergency equipment and emergency work necessary in the interest of health, safety, or welfare of the community;

C. Sound created by safety or protective devices, such as relief valves, where noise suppression would defeat the safety effect of the device;

D. Sounds produced by the operation of any mechanically powered saw, drill, sander, router, lawn or garden tool, lawnmower, or other similar device;

E. Sounds created by fire alarms, security alarms or warning devices;

- F. Sounds created by natural phenomena or unamplified human voice;
- G. Sounds originating agricultural or forest harvesting activities;
- H. Sounds created by surface carriers engaged in intrastate and interstate commerce;
- I. Sounds created by the lawful discharge of firearms;
- J. Sounds created from equipment used for construction or maintenance;
- K. Sounds originating from organized athletic events, or events occurring on athletic fields, playgrounds, parks, or other public recreational facility owned and operated by a government entity.

L. The restriction set forth in this ordinance do not apply to emergency work of public utilities or to emergency repair work necessary to protect or shelter persons, animals, or property from the weather.

M. Sounds created by the lawful use of power model vehicles.

xx.xx.035 Violations and penalties.

A. Violations of this chapter shall be infractions, and each occurrence of a prohibited act shall constitute a separate violation.

B. In addition to the other remedies provided in this section, violations of this chapter are subject to the remedies and penalties provided in Chapter 1.20.

xx.xx.040 Applicability.

This chapter shall apply in all areas of the City of Wasilla.