

In the Matter Of:

WASILLA PLANNING COMMISSION MEETING

EXCERPT OF WASILLA PLANNING COMMISSION MEETING

June 09, 2015

PACIFIC RIM REPORTING

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**CERTIFIED
TRANSCRIPT**

EXCERPT OF WASILLA PLANNING COMMISSION MEETING

June 9, 2015

1 (Beginning of requested excerpt)

2 (2:29:26)

3 COMMISSIONER DEAN: I believe we'll open up
4 to audience comments again, and then we'll get back to
5 you to ask some questions.

6 UNIDENTIFIED SPEAKER: Okay.

7 COMMISSIONER DEAN: So is there anyone in
8 the audience wishing to speak? You have three minutes.
9 Mr. Graham would like to -- well, sir?

10 UNIDENTIFIED SPEAKER: I can wait.

11 COMMISSIONER DEAN: Okay. All right.
12 That's okay. That's okay, sir.

13 MR. WHALEY: I just wanted to --

14 COMMISSIONER DEAN: State your name again.

15 MR. WHALEY: I think I'm the first permitted
16 cows in the city, so you probably should put me on that
17 list.

18 COMMISSIONER DEAN: Can you state your name?

19 UNIDENTIFIED SPEAKER: (Indiscernible.)

20 MR. WHALEY: Up on the stairs.

21 UNIDENTIFIED SPEAKER: (Indiscernible.)

22 MR. WHALEY: On the website. Okay.

23 COMMISSIONER DEAN: Can you state your name
24 again, please?

25 MR. WHALEY: I'm Wayne Whaley.

1 COMMISSIONER DEAN: Thank you.

2 MR. WHALEY: Yeah. And I have lived on the
3 other side of the city, where I don't have access to the
4 city, except for Fairview Loop, and for 33 years now we
5 lived down in the valley, so we've had a farm down there
6 for quite a while.

7 And soil conservation would be really -- you
8 know, I did this wildlife project down there, and I did
9 have questions about cows, why farm animals are allowed
10 around water -- (indiscernible) -- because I created a
11 wildlife pond with a pasture around it, so that's
12 interesting information you ought to include, and I got
13 it from the federal soil conservation.

14 And just a quick comment: You guys did
15 good, you know, on that tonight. This is not an easy
16 thing, these kind of variances, but you can't -- people
17 get these properties, and unless the city wants to
18 condemn them and make them into parks, that's the best
19 solution.

20 I did the one on Lucille, and he got denied
21 without findings, and we had to go through the appeal
22 process, the one you were just talking about. And it
23 worked out. He had two lots. We combined them, took
24 two buildings, put them into one, made it a duplex or
25 something, I don't know, but we worked it out with the

1 appeal officer. But it's really nice when we can work
2 it out with you guys.

3 And it's not a perfect thing coming in the
4 first time. In fact, I don't know that we had an idea
5 we'd have that many neighbors coming in. I always
6 expect some, but it was a pretty good hit tonight. We
7 have no idea what we're going to get hit with, either
8 from you or them, and so we do have to try something.

9 And it's good to try to just fix it and make
10 something that works good for everybody, so you found
11 your way to the right path there, I think.

12 It's kind of cumbersome to pull a permit and
13 start over again, because you have your 60 days, so it's
14 really better to continue it, if we think there is a ray
15 of hope of making something work.

16 And I feel strongly about variances. I've
17 fought them all my life, and they wouldn't be there if
18 we didn't have these substandard lots and --
19 (indiscernible) -- and water bodies that move, like on
20 the Matanuska, there is acre lots over there that are a
21 quarter acre now.

22 You know, we have those situations. We need
23 the variance. It's a tool.

24 COMMISSIONER MEANS: Do you know Ed Musial
25 up there in Sutton?

1 MR. WHALEY: The junkyard guy?

2 COMMISSIONER MEANS: No, he has got the most
3 beautiful yard in Sutton on the river.

4 MR. WHALEY: Oh, yes, yes, yes. I did the
5 property next to it. I know the guy very well.

6 COMMISSIONER MEANS: Oh, my gosh, an example
7 of what you just said.

8 MR. WHALEY: I'm probably done, but, yes,
9 and that's why we need variances, some way out for the
10 people. Thank you.

11 (2:33:45)

12 (End of requested excerpt)

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TRANSCRIBER'S CERTIFICATE

I, SONJA L. REEVES, hereby certify that the foregoing pages numbered 1 through 6 are a true, accurate and complete transcript of the requested excerpt from the June 9, 2015 Wasilla Planning Commission Meeting, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

October 26, 2015



SONJA L. REEVES, TRANSCRIBER

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WASILLA PLANNING COMMISSION MEETING

EXCERPT OF WASILLA PLANNING COMMISSION MEETING on 06/09/2015 Index: neighbors..years

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In the Matter Of:

WASILLA PLANNING COMMISSION MEETING

EXCERPTS OF WASILLA PLANNING COMMISSION MEETING

July 14, 2015

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**CERTIFIED
TRANSCRIPT**

EXCERPTS OF WASILLA PLANNING COMMISSION MEETING

July 14, 2015

1 (Beginning of requested excerpt)

2 (10:00)

3 COMMISSIONER PINARD: Yes. So I have a
4 question for the lawyers. So since --

5 COMMISSIONER LEDFORD: Commissioner Pinard,
6 please state your name.

7 COMMISSIONER PINARD: Commissioner Pinard.
8 I'm sorry.

9 So I understand that, like, you know, like,
10 it is both of them, it's facing the street, so it's
11 nothing that we can really, like, say about, like,
12 regarding neighbors.

13 But my concern is, like, as a public. Can
14 we -- if we approve this variance, can we ask them, the
15 owner, to plant trees so it would, like, for vision, you
16 know, for public to look better than, like, it's just,
17 like -- can we ask somehow to plant trees?

18 MR. PAYNE: This property, as I understand
19 it, is faced on three sides by -- three sides by the
20 street. One is an alley and then two different streets.
21 It's pretty much sidewalk to street on two sides. And
22 the other side is a parking lot, so we're talking about
23 the north side of the lot where there is a vacant lot is
24 what you're --

25 COMMISSIONER PINARD: No, actually not. I

1 went over there and took pictures. Actually, I was
2 talking about, like -- let me see which face it is. I'm
3 looking for a map.

4 COMMISSIONER DEAN: Commissioner Pinard, are
5 you meaning basically the front of it?

6 COMMISSIONER PINARD: I was talking about
7 the south, like, in the south face, like, in the south.
8 There is a space for trees over there that would --
9 could go along. I have pictures.

10 COMMISSIONER DEAN: So I don't see where it
11 shows the south. Commissioner Pinard, which direction
12 is that --

13 COMMISSIONER PINARD: I'm talking about on
14 the south of the building, along the building.

15 COMMISSIONER DEAN: Like in orientation to
16 the front door of the building, where is that?

17 COMMISSIONER PINARD: See, this is the north
18 up here. So this is the north. This is the south. So
19 south side right here.

20 UNIDENTIFIED SPEAKER: I believe that would
21 be the front.

22 COMMISSIONER PINARD: It would be the front?

23 COMMISSIONER DEAN: I guess my only concern
24 with that is that this building is a commercial
25 building. As a business owner myself, if you're going

1 to try to sell a commercial building -- granted this was
2 not compliant, but it has been since before they had --
3 I don't know. I wouldn't want to block the signage
4 possibility.

5 COMMISSIONER PINARD: Where I come from is,
6 like, you know, we come up, like -- under the overlay
7 don't -- like, the project that we have actually, like,
8 is not in place.

9 I understand we're not there right now, and
10 so we're looking for the beautification of the area and
11 all of that. Okay. So under that, right now this thing
12 doesn't meet code because the setback is off, so my
13 point of view of it was, like, you know, since we are
14 kind of, like, we don't want to have to move the
15 building or anything to make the setback.

16 So I was just, like, thinking if we could
17 make an amendment that, like, we would have trees that
18 would not, like, you know -- if you have a sign, you
19 have a sign on the front, like, in the corner or
20 something, but I think on the south side, maybe we could
21 have trees.

22 MR. PAYNE: I understand what you're saying
23 now. I think usually when you have a setback, an issue
24 of the variance -- like we have two variance issues
25 coming up today. When you guys want to -- when a

1 council or commission wants to add on conditions, such
2 as plant three trees or do this or that, usually you
3 have to have a rational and reasonable nexus between
4 what they are asking for and what you're doing so you're
5 not able to open up territory beyond what they are
6 asking for.

7 Right now, he is asking just to be held in
8 compliance basically with standards that we have now
9 that were in place then. This building wasn't built to
10 code in the eighties.

11 So I don't really see much of a reasonable
12 nexus between what you're wanting to -- making him plant
13 trees, a beautification project, and him coming into
14 compliance with a variance.

15 You guys could disagree with me and then
16 require him if you want to.

17 COMMISSIONER PINARD: I'm disagreeing with,
18 like, you know, if the building, it was far away from
19 what's supposed to be in the setback, it would not --
20 for visually, it would be nicer than if it is closer to
21 the street.

22 MR. PAYNE: Well, I agree completely with
23 what you're trying to do.

24 COMMISSIONER PINARD: A tree, just in my
25 point of view, is trying to just, like, cause less

1 impact for the building to be so close to the street.
2 That's where I was coming from.

3 MR. PAYNE: I understand what you're saying.
4 I think you just have to have -- I know you have to have
5 a reasonable and rational nexus between what is being
6 asked or what is being done and what you're trying to
7 do, because we couldn't just walk in there right now as
8 it is and force him to plant trees.

9 So having him coming in for a variance, you
10 really -- you're not supposed to hold over their head
11 and try to demand things you want to see done outside of
12 the variance.

13 If he was asking to remove a certain amount
14 of trees because he wanted to expand his parking lot and
15 that was in violation of our code on how many trees
16 you're supposed -- how much natural foliage you're
17 supposed to maintain, well, then, yeah, you could
18 require trees be planted on a different part of the lot
19 to come in compliance with the code, and that's all
20 rationally related.

21 Here, this is a building already built.
22 It's been built since before most of us lived here,
23 several of us lived here, and he just is trying to sell
24 it and the bank is telling him, "Hey, listen, you're out
25 of compliance on these setbacks, so we just need you to

1 come into compliance with the setbacks, then you can
2 sell it."

3 It's a little bit different. There is not
4 much of a nexus between trying to create some
5 beautification requirements and him trying to have his
6 building that's already been built brought into code
7 compliance.

8 So that's the way I look at it. You guys
9 could see it differently, but know this is the exact
10 time to do this, but it would be between you and the
11 code members.

12 So I guess what I'm saying is: Yes, you can
13 do what you want to do, if there is a rationally related
14 nexus. And the people who determine if there is a
15 rationally related nexus are you. It's not really a
16 legal decision; it's a factual determination.

17 Does that make any sense? Did I make any
18 sense?

19 UNIDENTIFIED SPEAKER: Makes sense to me.

20 MR. PAYNE: A little bit?

21 COMMISSIONER PINARD: No.

22 COMMISSIONER MEANS: Commissioner Means. So
23 if we ask the applicant if he would be willing to plant
24 some trees -- it's on. Light is on.

25 COMMISSIONER DEAN: Just get closer.

1 COMMISSIONER MEANS: So if we ask the
2 applicant if he would be willing to plant trees in
3 exchange for approving this variance, would that be out
4 of line?

5 MR. PAYNE: Well, I would think that it's
6 kind of a blackmail in some respects if it's not
7 rationally related.

8 If it's rationally related -- and you guys
9 can determine. We determined that having flower boxes
10 built as part of this because it's so close to the
11 sidewalk that if someone slips and falls, they need
12 something to brace themselves on, well, maybe you could
13 squint and turn your heads and said, "Okay," but,
14 otherwise, you could require anybody coming in for a
15 small variance to do anything you wanted.

16 Like, we would like to have a swimming pool
17 for the public built on that property. That's
18 absolutely asinine ridiculous, too far afield, but
19 that's the same point. It's supposed to be rationally
20 related to what you're doing, not just having --
21 cracking open someone to do whatever you wanted to.

22 But if you guys determine that, "Hey,
23 listen, we're giving you this variance. Had we not
24 given you -- had this variance been given in the
25 beginning, you would have been taking out trees and

1 foliage. That would have made -- you would have been
2 required to put in some to make up for the some that
3 you're taking away," well, maybe it is rationally
4 related, but that would be something for you to decide.

5 The law is: You can do those kind of
6 things, but it has to be rationally and reasonably
7 related to what you're working towards. So if you find
8 that it is, require some trees. If you find that it
9 isn't, then don't require some trees. That's not a
10 legal question.

11 COMMISSIONER MEANS: Thank you.

12 (18:15)

13 (End of requested excerpt)

14 ***

15 (Beginning of requested excerpt)

16 (2:21:20)

17 MR. PAYNE: Just really briefly. I didn't
18 interrupt you with your motion --

19 COMMISSIONER LEDFORD: I'm sorry.

20 MR. PAYNE: That's fine. There are a couple
21 of things I wanted to bring to your attention that you
22 might want to be concerned about, is that what you're
23 doing should be rationally related to the law, and
24 you're talking about that very well, but also what do
25 the other properties have.

1 It's sounding very random. You know, "You
2 pick a number." "Oh, no, you pick a number." "Oh, 42,
3 43." "Let's start at 45 and go down like an auction."

4 That's not rationally related to anything.
5 That's too random, in my opinion. You can disagree, but
6 what I'm telling you, but if they appeal, the Court of
7 -- the Superior Court is going to look at this and they
8 are going to, number one, look at the other lots, what
9 were the other lots given, what do the other lots --
10 what's an average variance? What other variances are
11 out there, number one.

12 Number two, they are going to look at the
13 process that we used here. The last hearing, which I
14 didn't attend, and this hearing. And it sounds some --
15 you're not talking about why a lot of the times.

16 I hear some people say, "Well, my decision
17 is based on the size of the lot and the other variances
18 that have been given," so that's rationally related to
19 what we're doing here.

20 COMMISSIONER MEANS: We have discussed that
21 here tonight.

22 MR. PAYNE: I understand that, but other
23 comments are not related to that at all: "I feel."
24 "I'm not comfortable."

25 There is no rational basis related to, like,

1 lot size, topography of the lot, other lots nearby. So
2 just for the next lawyer that might have to touch this
3 if it's appealed, because it's clearly a very
4 contentious issue and no one is walking away from this
5 happy, just you need to -- your comments need to be
6 rationally related to some reasonable grounds, not just
7 feelings or -- it needs to be clear.

8 The second part of the puzzle, for appellate
9 purposes I would say, is that if you leave the lot
10 unbuildable, I think there could be a taking. I think
11 if you leave it completely unbuildable, like I heard
12 talk, a lot of you are just going to deny the whole
13 thing, no variances at all.

14 Well, then is it a buildable lot? Is it a
15 useable lot? Can it be used for the purposes that they
16 have been paying taxes on?

17 And I don't know if you've read the letter
18 that was dropped in our lap two or three minutes ago
19 that talked -- I think it's from the estate of Myrtle
20 Nussbaumer, how much they have been paying taxes on this
21 as a buildable lot and tried to get out of it as a
22 buildable lot and were allowed to at one point, from
23 what I read.

24 So just for appellate purposes, I think you
25 need to be really clear about what your rationale is,

1 especially when you finally make a decision, whatever
2 that decision is, because it's your decision to make. I
3 don't care what decision you make. Just make sure you
4 say, "I'm making my decision for these reasons, these
5 are the reasons that we're doing this."

6 And Tina will help you with your findings of
7 facts, but it can't just sound like an auctioneer with
8 no rational basis.

9 And one thing you probably should put on the
10 record is what the difference is between 40 and 45.
11 Right now we have been quibbling between 40 and 45 for,
12 I don't know, 20 minutes now, and no one has really
13 indicated. "The difference between 40 and 45 for me, as
14 a council person, is this." It's just "I feel," and
15 that's going to cause us problems.

16 COMMISSIONER MEANS: Well, perhaps maybe
17 what we should do is just vote on the -- I don't know
18 what it's called.

19 COMMISSIONER LEDFORD: We voted on the 45.

20 COMMISSIONER MEANS: The variance. Forget
21 about amending it. Let's just vote straight up on the
22 variance and see how it goes.

23 MR. PAYNE: Yeah, lawsuits are fine.

24 COMMISSIONER MEANS: Well, it may just pass,
25 but I mean, I know if we amend it, it will pass, and

1 we're struggling here to make it pass. We're trying to
2 make something workable, make this a useable, as much as
3 we can, by protecting the neighborhood, the environment,
4 the use of the land by the current owner, even though
5 they purchased and signed with all of the conditions in
6 place, all the restrictions. I mean --

7 MR. PAYNE: Well, you also dived into "why
8 don't you just amend your plat and combine your lots."
9 That's not anything we should ever get into.

10 Who cares who owns an adjoining lot. Maybe
11 I'll buy it before he leaves tonight and he still wants
12 to develop his lot.

13 And I have been here before when this
14 commission has tried to tie up another unrelated parcel
15 and put some sort of labor on that or responsibility on
16 that parcel when we're only here on this parcel. So
17 that's another question.

18 And if you also want to start amending
19 other, like, I want to change your variance request to
20 this, or we're going to move -- give you a variance on
21 the side, you can build to zero, well, then you have to
22 start talking about should we republish, because that's
23 not the request that was out there.

24 Maybe someone wouldn't have cared about this
25 variance, but, yeah, you're dealing with a zero, so

1 there's things to think about, but the only reason I
2 interrupted is we were having a little powwow here, and
3 you need to have it rationally related what you're
4 talking about.

5 And I'm not trying to be rude or put anybody
6 out, but I don't want to do the -- well, I won't be
7 doing the appeal, but I don't want there to be an
8 appeal. I want -- that no one is going to walk out of
9 here happy, and I think there is litigious folks and
10 pretentious issues.

11 COMMISSIONER MEANS: I mean, the surveyor
12 made comments in the previous meeting, and I thought,
13 "Oh, great, here we go." You know, I'm going, "Crap, I
14 don't want to be part of that."

15 (2:26:43)

16 (End of requested excerpt)

17 ***

18 (Beginning of requested excerpt)

19 (32:34)

20 COMMISSIONER LEDFORD: Okay. Any more
21 discussion?

22 COMMISSIONER PINARD: I just have one thing
23 to say about, like, these adopting the minimum square
24 footage for a residential home.

25 COMMISSIONER LEDFORD: Oh, wait. We're

1 going to that one next.

2 COMMISSIONER PINARD: Oh, I thought we just
3 got done, and I thought we just going to finish. And I
4 was like, oh, I have some questions.

5 MS. CRAWFORD: I need to at least intro it,
6 and then we can come back.

7 COMMISSIONER PINARD: I was, like, I have
8 just a fast comment about --

9 MS. CRAWFORD: Okay. So in your packet,
10 starting on page 45, you just have -- this is a rough
11 suggestion for possibly adopting a minimum housing size.

12 So in talking with Commissioner Pinard
13 earlier today, there is no building code adopted for
14 residential, single-family, duplex or triplex, and I
15 believe even a four-plex.

16 MS. RIVET: Correct.

17 MS. CRAWFORD: It's only when you have five
18 units in one building that the borough fire chief does
19 building plans review. So anything four and under,
20 there is no building code they're required to meet.

21 Now, if you're getting a mortgage, your
22 mortgage company may require that you build -- you know,
23 have your plans drawn to a building code. That's an
24 independent decision that each bank or mortgage company
25 makes. If you're building on your own, you don't have

1 to meet any code. There is no adopted building code in
2 the city. There is no minimum housing size in the city.

3 And in the past, it hasn't been a problem.
4 Most people buy out here because they can have a bigger
5 home for less money than they can get in Anchorage, and
6 that's been the draw. I can now have a really nice home
7 here, and I couldn't have it there, but we're now seeing
8 the detached four-plexes, which Commissioner Means
9 brought up earlier.

10 And that's what's on page 47, and 48 is just
11 the floor plan. Now, those are sitting at about 1,000
12 square feet to 1,200, at least these particular ones,
13 but then the other push is the things that start on page
14 49. And this is just a brochure from one company.
15 There are, I'm sure, thousands of companies doing this,
16 but these are anywhere from 160 to 200 square feet.

17 A lot of sheds you get at Lowe's are bigger
18 than that. And I've been watching it. I've been paying
19 attention to it. I've been hearing about it. I've been
20 looking at them, going, how can someone live in that.
21 You have a loft upstairs. You don't really have a
22 bathroom. You know, your kitchen comes out when you
23 open up a panel on your wall and it consists of a
24 microwave, a hotplate, you know.

25 So I'm not saying that you can't do it, but

1 it's now becoming more popular. And in fact, I had a
2 developer come in and wanted to on his lot put in a
3 model home for these tiny homes. The way these are
4 designed, they're on axles, so they're not allowed in
5 the city limits, because they're considered a mobile
6 home or an RV, and you cannot have them.

7 But there is nothing to stop someone from
8 putting these on an engineered foundation and making
9 them permanent. And so, I mean, I don't know how to say
10 it any other way then I personally was very thankful
11 when the Parks Highway expansion went out west and got
12 rid of the little shacks along Pittman Road.

13 COMMISSIONER DEAN: The village. Yeah, we
14 call that the villages.

15 MS. CRAWFORD: Skid row, or whatever you
16 wanted to call it. I mean, there is affordable housing,
17 and then there is housing that really isn't providing
18 any quality of life.

19 I had someone actually want to come in and
20 get a permit for her and her two teenage sons to live in
21 one of these. I mean, there is a quality of life, and
22 then there is an expectation of preservation of property
23 rights that have to be weighed too, and we're talking --
24 I mean that there is now an interest, and right now
25 there is nothing to stop. If they were to do that, they

1 could start showing up on, you know, one per lot.

2 (36:29)

3 (End of requested excerpt)

4 ***

5 (Beginning of requested excerpt)

6 (37:25)

7 COMMISSIONER MEANS: So you've watched
8 Saturday Night Live, and there was Tina,
9 Point/Counterpoint, or whoever, Jane Curtin. I want to
10 be the counterpoint part.

11 And I'm not going to call you the names that
12 they did on TV, but I have lived for 14-plus years in
13 320 square feet. It's 10-by-32. It's attached inside a
14 44-by-54-foot building that's my shop.

15 I am completely satisfied with my quality of
16 life. I have everything I need. Now I have a future
17 spouse, and we are building a 46-by-60 shop, and it has
18 a 14-by-32-foot, which is 448 square foot living area
19 that we're incorporating into the back of it for the two
20 of us.

21 So, you know, I looked at Archie's
22 suggestion of around 1,000 feet for a living structure.
23 There is huge value and quality of life in small. I
24 mean, I have 14-plus years of experience with that here
25 in the city of Wasilla. It's not for everyone. It's

1 extremely economical. I have no financial burdens at
2 all.

3 I mean, my shop more than pays for all of my
4 living expenses. It's a 100 percent tax write-off for
5 all the utilities, because I run my business out of the
6 place I live in. It's got all kind of little advantages
7 that don't appeal to anyone but 1 or 2 percent of the
8 population like me. And I appreciate who I am and where
9 I am, but my counterpoint if simply we should find a
10 minimum, but I don't think it should be too big.

11 Maybe start out with a number as a
12 threshold, you know, and if you want smaller, bring it
13 to the commission or something and have a reason that it
14 might be acceptable, maybe something along those lines.

15 And I'm just thinking about the fringe like
16 myself, because I'm going to be in the borough and I
17 have no -- I bought a \$25 driveway permit and it's just
18 free run, go Loren go. So I'm -- you know, I wanted to
19 be in the city, somebody else outbid me and I'm gone.
20 And it's actually for the best. I got a much better
21 place for a much better price. I couldn't be happier,
22 but I still want to consider the small percentage of
23 people that want to try to live small.

24 When I saw that hit the book, I went -- and
25 then I looked at it again online and I went, "Wow."

1 Because I've looked at them before and thought about
2 purchasing, and I think there is a place in the city --
3 if you want to get on city water and sewer and have a
4 smaller quarter-acre lot, one of them little 400- or
5 500-footers could probably work, but it wouldn't be for
6 everybody. So that's my counterpoint. Thank you.

7 (40:07)

8 (End of requested excerpt)

9 ***

10 (40:25)

11 (Beginning of requested excerpt)

12 MR. GIDDINGS: One way -- we're already --
13 it's controlled because you can only put one on a lot,
14 and so it almost doesn't pay because the lot's worth
15 more than putting a small -- you can't put a bunch of
16 these, so we have some breaks on it now.

17 My initial number was a 24-by-32, 750 square
18 feet. And this was a higher number.

19 (40:52)

20 (End of requested excerpt)

21 ***

22 (41:24)

23 (Beginning of requested excerpt)

24 COMMISSIONER MEANS: Yeah, I don't think
25 that's a good way to go. I mean, small lot/small house,

1 one, I think that makes sense, if it becomes approvable.

2 (41:35)

3 (End of requested excerpt)

4 ***

5 (42:00)

6 (Beginning of requested excerpt)

7 COMMISSIONER LEDFORD: I lived in an 1,150
8 square foot house with four kids, but it was down south,
9 and they live outside. Those are totally different ball
10 games.

11 (42:16)

12 (End of requested excerpt)

13 ***

14 (42:30)

15 (Beginning of requested excerpt)

16 MS. CRAWFORD: We just said we're an urban
17 area though when it comes to farm animals.

18 COMMISSIONER DEAN: You did, or we did.

19 MS. CRAWFORD: Is this an urban design-type
20 thing, and maybe it is and maybe it isn't, so it's
21 something to think does this fit in with our urban
22 growth pattern?

23 And the thing that I have a problem with,
24 and it's not a fair statement, so I'm just going to put
25 on the record it's not a fair statement, but what I find

1 from a planner, it's really disappointing when you find
2 someone who shoves in a four-plex or an eight-plex on
3 the back side of an industrial property that doesn't
4 have any amenities, it's not an attractive place to
5 live.

6 Okay, today, the day it's built, it looks
7 fine, it's all shiny and new and pretty, but over time,
8 it doesn't get that attractive, then it's not
9 maintained, people start -- the rents get lower. Then
10 you get -- unfortunately, you know, they run down, you
11 start to get crime in them.

12 We have some off Whispering Woods, I think
13 Quiet Circle, that are a police magnet, so, I mean,
14 there is the potential someone could be trying to take
15 these in through a PUD process and bring in a five,
16 ten-acre parcel and put a whole bunch of them on it on
17 one big lot and put community water and sewer. And then
18 it would be in front of you for a PUD and then to the
19 city council.

20 And if you don't have any codes that talk
21 about it at all, you don't talk about why it's a good or
22 bad thing, then how do you tell them no or yes? I mean,
23 maybe they're right next to a high-end subdivision.
24 Okay, if they're out on ten acres in the middle of ten
25 acres, maybe it's not a big deal, but if they're, you

1 know, on Bridgestone, or, you know, I don't know, or a
2 lot next to some neighborhood like that, is that a good
3 fit?

4 So it's a conversation that needs to happen,
5 because it can end up in front of the commission.

6 (44:31)

7 (End of requested excerpt)

8 ***

9 (44:50)

10 (Beginning of requested excerpt)

11 MS. CRAWFORD: Because the way I took it,
12 it's really your arctic entry. It's the size of an
13 arctic entry. Okay, so if I were --

14 COMMISSIONER DEAN: My garage is bigger than
15 that.

16 MS. CRAWFORD: -- had a lot of money, maybe
17 I start out in my arctic entry and then I start adding
18 onto my home and I build a bigger home around it, so it
19 could be a startup for someone who doesn't have a lot of
20 money. But then should that be on a lot that's got some
21 buffering and separation, versus a bunch of them jammed
22 in on little tiny areas of something.

23 (45:18)

24 (End of requested excerpt)

25 ***

1 (49:25)

2 (Beginning of requested excerpt)

3 COMMISSIONER LEDFORD: Oh, audience
4 comments. Anybody in the audience wants to comment?

5 Okay. Any commissioner comments?

6 COMMISSIONER MEANS: I would comment that it
7 was exasperating and hard and enjoyable, and I think we
8 did as good as we could with what we had on this
9 variance tonight.

10 I had no idea that it could be this
11 involved, and yet my concern was for everyone out there
12 and trying to make the very best decision. And I know
13 it was like an auction. It seemed like the right
14 approach, even though legally it probably wasn't, but
15 the end result was exactly the same. I guess we just
16 had to approach it from a better perspective, or
17 something to be defensible legally.

18 And so I'm not -- I don't live there. I'm a
19 real basic person. I just fly my options as fast and
20 hard as I can, and if it works, great; if it don't, we
21 move on and just keep going.

22 So that stumped me a little bit, but I
23 really appreciate the information, trying to keep us
24 straight from our legal advice. And I thought -- I
25 wouldn't have missed this for the world, and I didn't

1 want to come. So I'm glad I was here.

2 COMMISSIONER LEDFORD: Any other comments?

3 Hearing none, we'll adjourn.

4 (Off record.)

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TRANSCRIBER'S CERTIFICATE

I, SONJA L. REEVES, hereby certify that the foregoing pages numbered 1 through 26 are a true, accurate and complete transcript of the requested excerpts from the July 14, 2014 Wasilla Planning Commission Meeting, transcribed by me from a copy of the electronic sound recording to the best of my knowledge and ability.

November 5, 2015



SONJA L. REEVES, TRANSCRIBER

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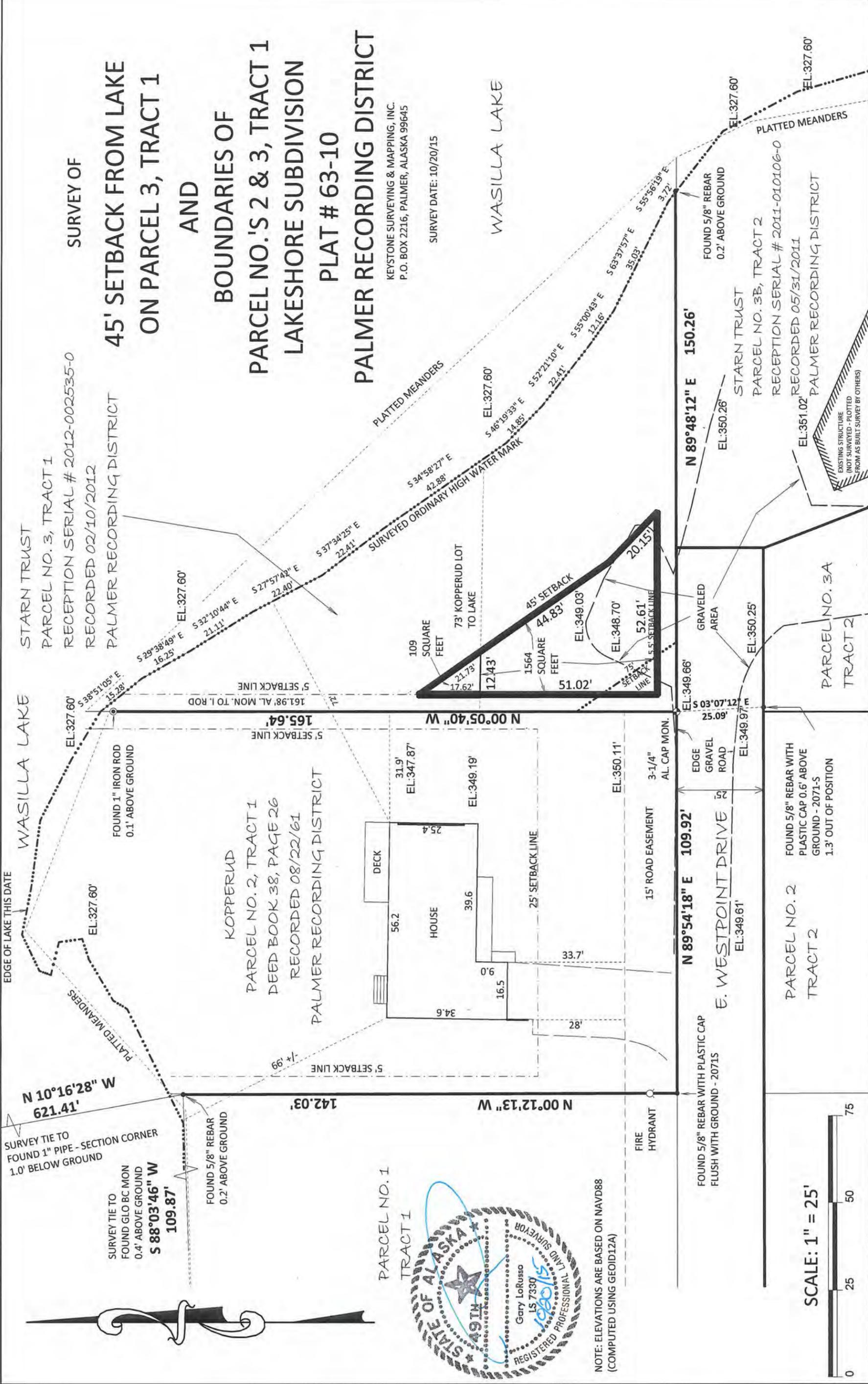
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	spouse 18:17	thing 4:11 11:13 12:9 14:22 21:20,23 22:22
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	write-off 19:4	



SURVEY OF
45' SETBACK FROM LAKE
ON PARCEL 3, TRACT 1
AND
BOUNDARIES OF
PARCEL NO.'S 2 & 3, TRACT 1
LAKESHORE SUBDIVISION
PLAT # 63-10
PALMER RECORDING DISTRICT

KEYSTONE SURVEYING & MAPPING, INC.
 P.O. BOX 22216, PALMER, ALASKA 99645

SURVEY DATE: 10/20/15

WASILLA LAKE

STARN TRUST
 PARCEL NO. 3, TRACT 1
 RECEPTION SERIAL # 2012-002535-0
 RECORDED 02/10/2012
 PALMER RECORDING DISTRICT

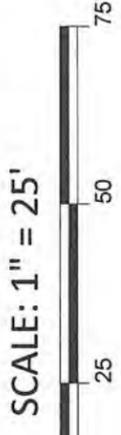
STARN TRUST
 PARCEL NO. 3B, TRACT 2
 RECEPTION SERIAL # 2011-010106-0
 RECORDED 05/31/2011
 PALMER RECORDING DISTRICT

KOPPERUD
 PARCEL NO. 2, TRACT 1
 DEED BOOK 38, PAGE 26
 RECORDED 08/22/61
 PALMER RECORDING DISTRICT

PARCEL NO. 1
 TRACT 1



NOTE: ELEVATIONS ARE BASED ON NAVD88
 (COMPUTED USING GEOID12A)



GARY LORUSSO

KEYSTONE SURVEYING AND MAPPING

*P.O. Box 2216
Palmer, Alaska 99645*

Phone: (907) 376-7811

Fax: (907) 376-7800

Email: garyl@mtaonline.net

11/07/15

Noel Kopperud

Alex Kopperud

RE: Square footage of Parcel No. 3, Tract 1, Lakeshore Subdivision, Plat # 63-10

The square footage of this parcel appears to have never been accurately determined. We have surveyed the limits of the subject parcel and can offer the following:

- 1) The original survey of Parcel No. 3, Tract 1 as shown on Plat # 63-10 determined a parcel size of 27,200 square feet. This was a gross error not typically seen on other platted lots. It appears that the person who prepared this plat used the dimensions from the previously filed plat of Lakeshore Subdivision Plat # 60-4 which shows the south boundary dimension of 160' and the west boundary dimension of 170'. Multiplying 160' x 170 feet would give you a square footage of 27,200 feet. However, this method is for calculating the area of a square or rectangle, not a triangle. In order to get the area of the triangle, you would have to then divide this number in half to arrive at the correct area of a triangle which in this case would equal 13,600 square feet.
- 2) However, this area would still be in error as the hypotenuse of the triangle on the plat is the lake side of the parcel. This hypotenuse was drawn and dimensioned as a straight line between two points and did not take into consideration the fact that the actual lakeshore was

significantly different. The 1960 plat also shows the same incorrect square footage which is most likely where the incorrect square footage on the 1963 plat was derived.

- 3) The actual lakeshore is shown partially by the line on the 1963 plat with the dimensions of 102.3 and S 54 46' 30" E. On the 1960 plat the shoreline is clearly shown separate from the straight line triangle hypotenuse and appears to be in substantially the same location as it is found today.
- 4) The area of Parcel No. 3 according to the Matanuska Susitna tax records is 0.36 acres which would equate to a square footage of between 15,468 square feet and 15,903 square feet depending on rounding. Matanuska Susitna Borough tax records are used for assessment purposes only and are not meant to be an accurate reflection of the true square footage of the parcel unless they are taken from surveyed data that is in itself not erroneously stated. The assessment numbers are taken from aerial photos and other sources and in this case are incorrectly stated.
- 5) Exhibit B of Resolution serial No. 15-10 (page 7 of 7) is a drawing created by Denali North. It states the square footage of the parcel as 10,076. It shows a simplified ordinary high water line with a date of 11/15/12. There appears to be no other date on the drawing. In the title block it states "under no circumstances should any data hereon be used for construction or establishing boundary or fence lines. This is not a lot corner survey."
- 6) An actual survey of the boundary performed by this firm on October 20, 2015 which surveyed the OHWM at multiple locations and also surveyed the remainder of the boundaries of the subject parcel and Parcel No. 2 of Tract 1 has determined that the actual square footage of Parcel No. 3, Tract 1 to be 9,788 square feet.

Please let me know if I can be of further assistance.

Respectfully,

Gary LoRusso
Keystone Surveying and Mapping, Inc.



DENALI NORTH

847 W. Evergreen Avenue
Palmer, Alaska 99645

November 17, 2015

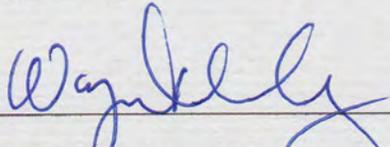
Dear Mr. Starn,

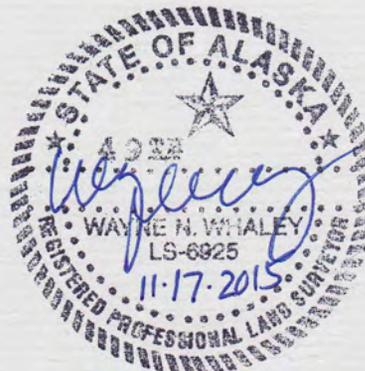
I have reviewed the submittals from Noel & Alex Kopperud involving Mr. Lorusso's survey they have provided. They seem to be relatively the same answers except for a 3 year newer survey of the ordinary high water. Water boundaries are not consistent they change with higher and lower lake levels, possible erosion etc. Keystone Survey is a more accurate survey than our preliminary site plan used for planning purposes. My previous discussions with the City they requested a site plan for the initial setback variance request, not a full permit drawing. We anticipated more survey work and a full permit drawing once the final house plans were completed and surveying the current boundary prior to construction with the final approved setbacks staked on that date.

In regards to the surveyed square footage Denali North came up with 10,076 sq. ft. with 4-5 meander points on 11/15/2012 and Keystones 9,788 square footage with 12-13 meander points and current survey on 10/20/2015 is only a 3% difference or a difference of 288 square feet. Both square footages create substandard conditions with normal setbacks. In the hearings I explained the different square footages which are shown on my site plan. The Mat-Su Borough square footage is noted as 0.36 Acres and $0.36 \times 43,560 = 15,682$ sq. ft. rounded to the nearest foot as shown on my site plan. The old platted meander line as I explained may have been drawn from record BLM notes since many of the old plats were just paper plat's and areas weren't as important since there were no planning regulations, setbacks or minimum square footage requirements. This lot is now served by City water and sewer which is better than using well and onsite septic which is the case on Parcel No. 2, Tract 1. The required variance is to setbacks not square footage, the commission wanted to compare house square footage versus lot square footage with no real consistent answer.

If you have any additional questions please feel free to contact me at 907-376-9535

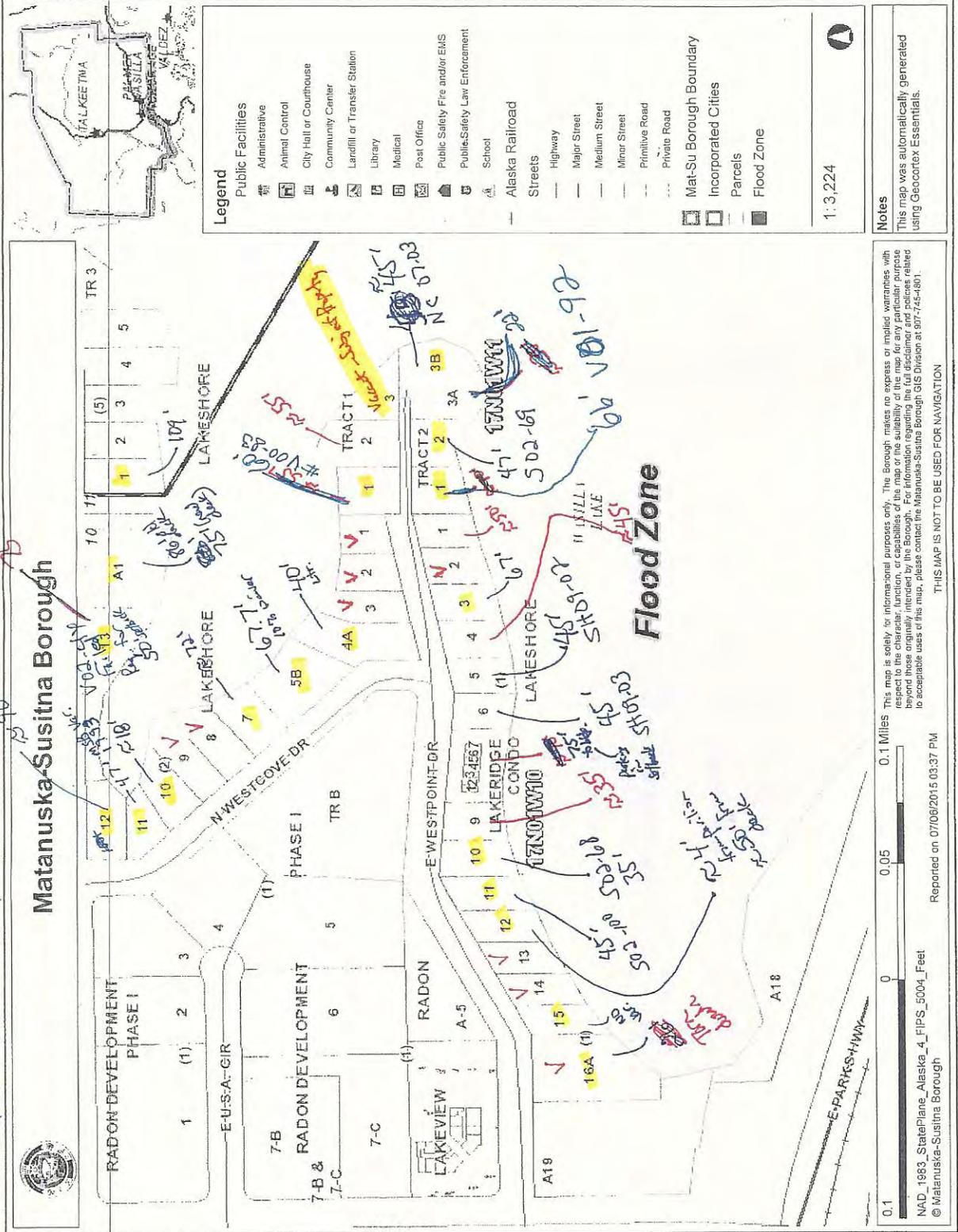
Respectfully,


Wayne N. Whaley R.L.S.



75' Set back adopted by MSB - 7/31/73

Blue - Survey in files
 Red - Sketched on map (approx.)



Residential
COMPARATIVE TABLE OF LOTS FRONTING WASILLA LAKE WITHIN CITY LIMITS

ADDRESS	TAX ID#	LOT SIZE (Acres)	SHORELINE SETBACK	VARIANCE, SHORELINE SETBACK AMNESTY, OR NONCONFORMING DETERMINATION	LIVING AREA (square feet)	BUILDING COVERAGE (% Lot Area)
918 E. Westpoint Drive	4524801L016A	0.86	Vacant - Approved development meets 75' setback	None	N/A	N/A
936 E. Westpoint Drive	5224801L045	0.31	75'	None	Commercial	N/A
954 E. Westpoint Drive	5224801L014	0.31	Vacant	None	N/A	N/A
972 E. Westpoint Drive	5224801L013	0.31	Vacant	None	N/A	N/A
990 E. Westpoint Drive	5224801L012	0.34	50' from home and ±4' from pavilion	None	3,160	0.21
1000 E. Westpoint Drive	5224801L011	0.32	45'	S02-100	2,400	0.17
1018 E. Westpoint Drive	5224801L010	0.24	35'	S02-68	3,502	0.34
1036 E. Westpoint Drive	5224801L009	0.24	35'±	None	1,716 - 1 st 342 - 2 nd	0.20
<i>Variance Concedes</i>						
1090 E. Westpoint Drive	5224801L006	0.34	75'	None	Varies	0.07
1100 E. Westpoint Drive	5224801L005	0.29	45'	S09-03	960	0.37
1144 E. Westpoint Drive	5224801L004	0.29	45'±	S09-02	4,648	0.05
1166 E. Westpoint Drive	5224801L003	0.29	67'	None	672	0.05
1168 E. Westpoint Drive	5224801L002	0.30	Vacant	None	640	0.05
1190 E. Westpoint Drive	5224801L001	0.27	50'±	None	N/A	N/A
1200 E. Westpoint Drive	1037702P001	0.57	66'	None	384	0.03
1240 E. Westpoint Drive	1037702P002	0.32	47'	V01-92	744	0.03
1245 E. Westpoint Drive	1037702P003A	0.31	22'	S02-69	2,925	0.22
1260 E. Westpoint Drive	1037702P003B	0.41	45'±	V01-92	2,250	0.16
1225 E. Westpoint Drive	1037701P002	0.36	55'±	NC07-03	2,112	0.12
1201 E. Westpoint Drive	1037701P001	0.35	60'	None	N/A	0.19
1191 E. Westpoint Drive	5225B02L001	0.21	Vacant	None	2,000	0.15
167 E. Westpoint Drive	5225B02L002	0.26	Vacant	V00-83	3,173	0.21
401 N. Westcove Drive	2253B02L004A	0.52	40'	None	N/A	
2445 N. Westcove Drive	2253B02L005B	0.57	67.7'	Nonconforming Determination	3,022	0.13
491 N. Westcove Drive	2246B02L007	0.36	72'±	10% Administrative Variance	4,190	0.17
523 N. Westcove Drive	5225B02L008	0.37	Vacant	None	1,280	0.08
545 N. Westcove Drive	5225B02L009	0.46	Vacant	None	N/A	
567/571 N. Westcove Drive	5225B02L010	0.25	18'±	None	2,032	0.18
1018 E. Lake Shore Avenue	5225B02L011	0.31	47'	MSB Variance	3,264	0.30
1090 E. Lake Shore Avenue	5225B02L013	0.78	90'±	None	2,320	0.17
1190 E. Lake Shore Avenue	17N01W10A001	0.54	75'	None - Denied 50' setback variance 2003	Unknown - 3 units	?
1210 E. Lake Shore Avenue	5225B05L001	0.34	109'	None	2,388	0.09
					2,352	0.16

Supplemental - 309

NOTES: Shoreline Setback Amnesty may be granted for structures constructed prior to January 1, 1987 if meets criteria in WMC 16.24.030(C). MSB adopted 75' shoreline setback in 1973

? SH14-01	Gadberry, Deborah	Lot 1, Lake Lucille Southshore 1036 1775 W. Tillicum
V10-01	Frommer, Steffen	Lots 1&2, Blk 8, Kennedy Addition 1032
AM10-01	McGraw, Patricia	Lot 12, Blk 1, Parks Manor 1048
AM10-02	Ort, Stanley T. Trust	Lot 8, Blk 3, GVC II DIV IV 2323
SH09-01	McWhirk, Shane	Lot 1, Blk 2, Creekside Estates 1014
✓ SH09-02	Church, Donald	Lot 5, Blk 1, Lakeshore 1962 - 5224 <i>Built 1983</i>
✓ <i>45' from dock to water</i>		<i>Permit #57 6/8/83 - 75' setback - w/ willa Lake</i>
✓ SH09-03	Church, Donald	Lot 6, Blk 1, Lakeshore 1962 - 5224
✓ <i>45' from dock to water</i>		<i>Permit #56 6/8/83</i>
AM08-01	Teseniar, Adeshka	Lot 17, Blk 1, Lacy Lane 2894 1691 N. Lacy Loop
AM08-02	Thomas, Robert	Lot 18, Blk 2, Northern Capitol Estates 1102 2375 W. Success Drive
SH07-01	Poole, Robert	Tract 6-1, Olson S/D 1046 Parks Highway
AM07-01	Hale, Jesse	Lot 2, Blk 1, Indian Hills 1637 1275 Hoka Way
NC07-01	Lucas, Kibe	Lot 1, Blk 3, Adventure Estates 1190 N. Fanciful
NC07-02	Boyer, Norman	Lot 16, Blk 5, Spirit Ridge #1 2672 Ghatteroy Circle
✓ NC07-03	Husa, Mel	Lakeshore 1963, Tr 2 P3B
✓ <i>431 from house to dock</i>		<i>8/30/1986 survey - Bought house in 1962</i>
LN06-01	Caswell, Melody	109705L009 450 Graybark Drive
LN06-02	AHFC	17N01W15B025 1201 S. Century Circle
LN06-03	Michaels, Divis	Lot 1, Blk 11, 1032 490 S. KGB Road

75' setback adopted by MSB - 7/3/23

- LN06-04 Nancy, Stephan 17N01W15B011
340-360 Palmer-Wasilla Highway
- LN06-05 Bjernstad, G. Estate Lot 6, Blk 3, 1251
1040 S. Century
- LN06-06 Nancy Stephan 17N01W15B014
400/410 Palmer-Wasilla Highway
- SH06-01 Nunley 17N01W15A009
1500 S. Bertha Lane
- AM05-01 McCain, William Lot 10, Blk 1, Mission Hills Ph I
- SSE05-01 Michels, Daniel Lot 36, Snider Subdivision Add #1 - 1055
485 W. Pioneer Drive
1989 survey - Built ~ 1980
- V02-44 Showers, Don Lot 13, Blk 2, Lakeshore Subdivision (FAILED)
- V02-105 Schenderline, Edward Lots 1&2, Blk 8, Kennedy Addition
- ✓ S02-68 Palin, Todd Lot 10, Blk 1, Lakeshore 1963 Subdivision
~ 35' from deck to water 1988 as built survey
- ✓ S02-69 Michels, Anita Parcel 2, Tr 2, Lakeshore Subdivision 1963
~ 47' from deck to water built ~ 1976-82
- ✓ S02-100 Pursche, Ray Lot 11, Blk 1, Lakeshore Subdivision 1962
~ 45' from deck to water 8/22/1989 survey
- V01-83 Mallonee, Rudy Lots 3&4, Kennedy Addition
- ✓ V01-92 Hamblen, Laura Parcel 1, Tract 2, Lakeshore Plat No. 60 1963
- V96-18 Steel, Jean Lots 20-22, Buena Vista 1006

meets 75' for lake

- Lot 20 - 25' var. fr. creek
- Lot 21 - 55' front + 50' rear from creek
- Lot 22 - 60' var. from creek

V02-97 Denied - side yard setback

Add V00-83

or not 02-64 side yard setback

Tina Crawford

From: Tina Crawford
Sent: Tuesday, July 14, 2015 11:13 AM
To: 'Claudia Pinard (c3farias@gmail.com)'; 'Claudia Pinard (claudia@mcmillendesigns.com)'
Subject: FW: question on sq ft of homes

Hi Claudia! Tahirih said you stopped by yesterday – sorry I missed you! Give me a call or stop by if you still have questions. Regarding the square footage of the homes in the area, I included an information and a chart on pages 133-134 that should help.

Talk to you soon,
Tina

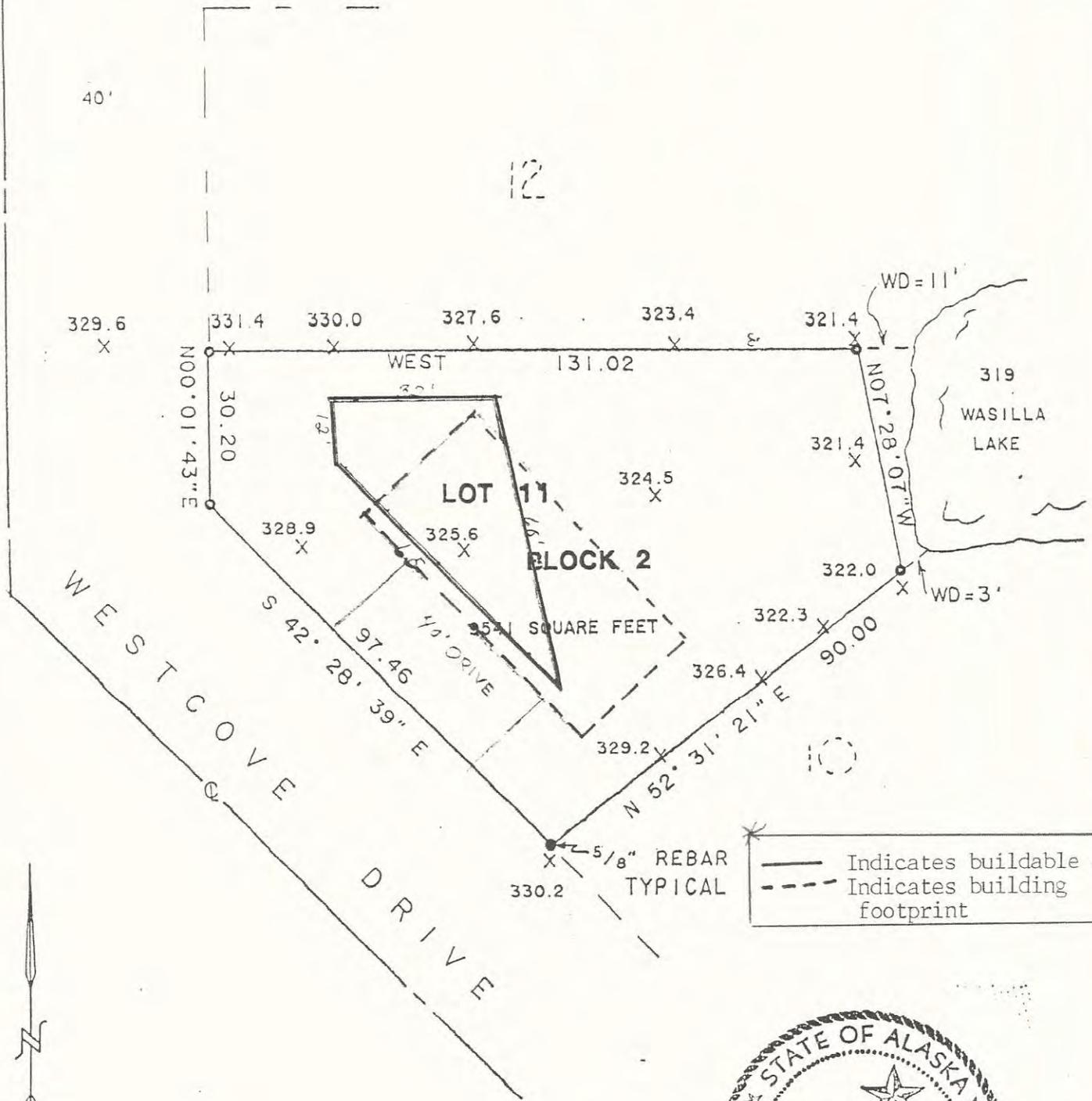
Tina Crawford, AICP

City Planner
City of Wasilla Planning Department
290 E. Herning Avenue
Wasilla, AK 99654
(907) 373-9022
(907) 373-9021 fax

From: Tahirih Revet
Sent: Monday, July 13, 2015 3:33 PM
To: Tina Crawford
Subject: question on sq ft of homes

So I don't forget, Claudia stopped by and she will be in tomorrow afternoon to clarify on some things, but one of her questions was on if we knew the square footage of each home on each lot around the lake in the area of the variance for Starn.

12



— Indicates buildable area
 - - - Indicates building footprint



**LOT SURVEY
 ELEVATIONS**

SCALE 1" = 30'
 DATE 6 - 3 - 93

LOT 11, BLOCK 2
LAKESHORE SUBDIVISION
PALMER RECORDING DISTRICT

**DOLLERHIDE
 ENGINEERING**
 F. R. DOLLERHIDE, P.E.
 POST OFFICE BOX 871812
 WASILLA, ALASKA 99687

July 3, 1993
 860 Colonial Dr.
 Wasilla, AK

Planning and Utilities Commission
 City of Wasilla
 290 E. Herning
 Wasilla, Alaska

Dear Commissioners,

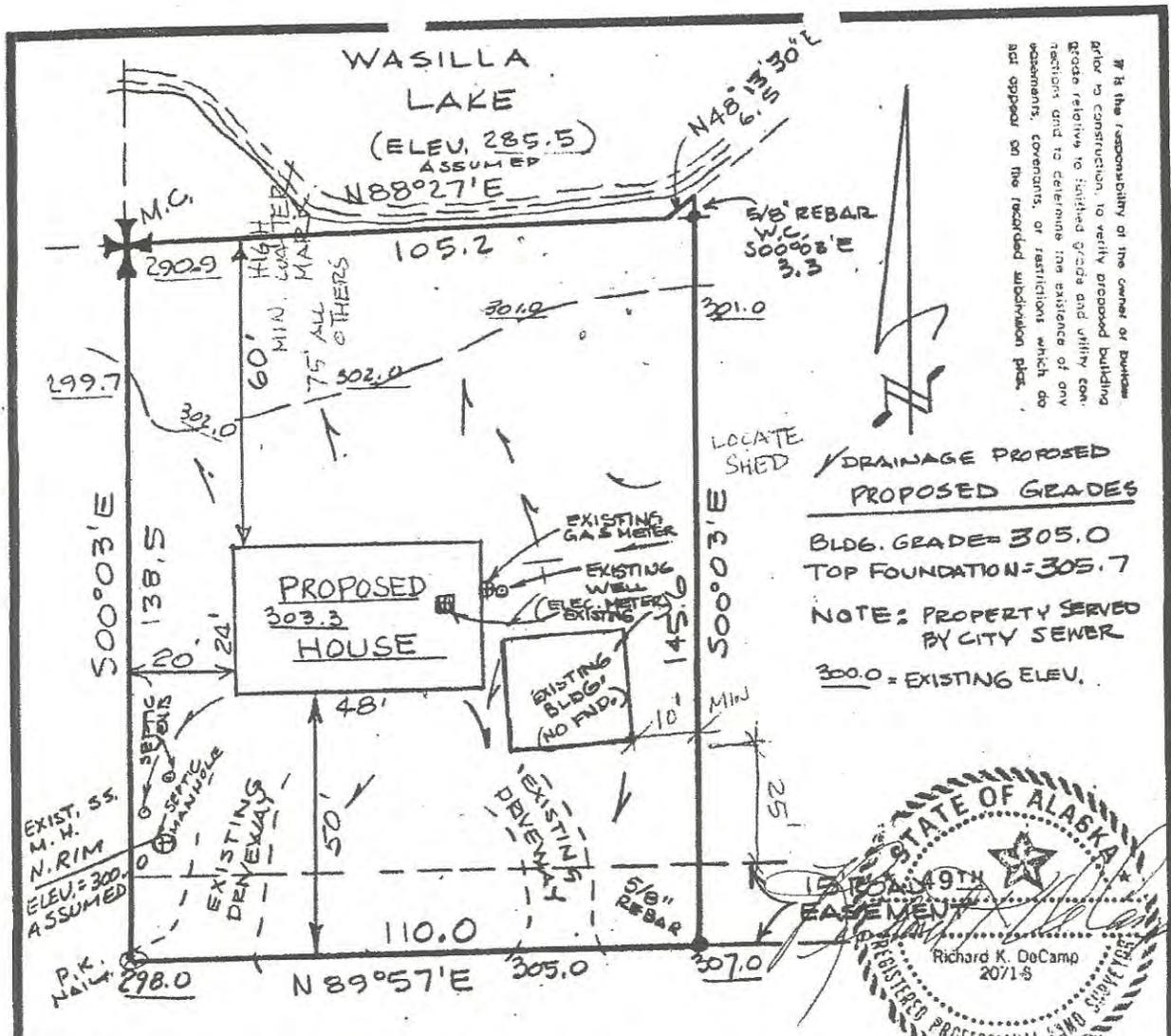
Please consider my opposition to the variance requested for Block 2, Lot 11, Lakeshore Subdivision. The Borough's road and lake setback ordinances do not allow the placement of a building as large as the proposed duplex onto the lot. A building with a smaller footprint can be built on the lot. Such a development would allow a reasonable use of the property and minimize the reduction of the setbacks through a variance.

In addition to this alternative, you may consider that the petitioners' reasons for the current request do not fulfill the requirements of the variance ordinance. First, the small size of the lot is indeed a general condition found among many of the lakefront properties in the subdivision. Second, the denial of a duplex would not preclude other, reasonable use of the property; a smaller building can be built that would minimize the variance distance needed.

Sincerely,

Mike Bronson
 Mike Bronson

Post-It™ brand fax transmittal memo 7671		# of pages	1
To	<i>Dawn Webster</i>	From	<i>Marlyn Stewart</i>
Co.	<i>MJB</i>	Co.	<i>Co D</i>
Dapt.	<i>Planning Dept</i>	Phone #	<i>373-9050</i>
Fax #	<i>945-19876</i>	Fax #	<i>373-9085</i>



It is the responsibility of the owner or purchaser prior to construction to verify proposed building grade relative to finished grade and utility connections and to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat.

DRAINAGE PROPOSED
 PROPOSED GRADES
 BLDG. GRADE = 305.0
 TOP FOUNDATION = 305.7
 NOTE: PROPERTY SERVED BY CITY SEWER
 300.0 = EXISTING ELEV.



PROPOSED PLOT PLAN

TRACT AMENDED PLAT OF
 LOT 1, BLOCK 1, LAKESHORE SUBDIVISION
 AV. HAGEN PROP.
 PALMER RECORDING DISTRICT, ALASKA

REVISIONS	BY	DATE
REVISED PROPOSED HOUSE LOCATION	RKD	2-15-01

KEN DeCAMP - LAND SURVEYING
 P.O. BOX 875614, WASILLA, ALASKA 99687
 PHONE: (907) 376-3206

PREPARED FOR:
DICK & LINDA JENSEN

DRAWN BY: RKD	DATE: 7-26-00	DWG. NO.: —	FIELD BOOK: 24
CHECKED BY: "	SCALE: 1" = 30'	PLAT FILING NO. 63-10	SEC., TWP. & RG. SEC. 11, T17N R1W, S4



CITY OF WASILLA

290 E Herning Avenue
Wasilla, AK 99654-7091
Phone: (907) 373-9050
Fax: (907) 373-9092

RECEIVED
SEP 20 2000
Planning Department

NOTICE OF APPLICATION FOR VARIANCE

Mail out Date: September 13, 2000 Public Hearing Date: Sept. 26, 2000 Case #: V00-83

Applicant(s): Linda Jensen

Request: An application for variance of 15' from the 75' waterbody setback requirement to allow the development of a single-family structure to be constructed on Tract 1, Parcel 1, Lakeshore Subdivision more commonly known as 1201 E Westpoint Drive. This is within an RM--Multifamily Residential development district.

Mailing Address: 1201 E Westpoint Drive
Wasilla AK 99654

A public hearing will be held on September 26, 2000, 7:00 p.m., in the City of Wasilla, Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing this notice to the return address indicated. Your written comments on this project must reach the Wasilla Planning Office on or before September 20, 2000. All other comments will be excepted or heard through the closing of the scheduled public hearing. Written comments can be submitted to:

City of Wasilla 907-373-9094
Planning Office 907-373-9089 (FAX)
290 East Herning Avenue
Wasilla AK 99654

Anyone wishing to review the application for this case is encouraged to contact the Planning Office for additional information. If there is not enough room below, please use separate sheets and include them with this form.

Name Suzanne Chapelle, Dick Hansen CLARENCE & SYBYL GENTLE
Address 1240 E. Lake Shore Ave 1210 LAKESHORE DR
Lot 3 Block 5 Subdivision Lake Shore LOT 1, BLK 5, LAKESHORE

Questions & Comments: We appose this variance for the following reasons: I This variance will encroach upon a quiet cove that serves as a wildlife coridor for ducks, grebes, swans, eagles and spawning fish. # II There are numerous lots in the cove, some of which do not even have present structures which can make strong arguments as well for variance. # III There is an existing structure, which makes the property useful. # IV A better case can be made for a variance at the back of the lot. The 15 ft easement is of doubtful future use due to the proximity of this lot to the end of the peninsula and the extremely low traffic there.
Suzanne Chapelle Dick Hansen
Clarence Gentle Sybyl Gentle

VICINITY MAP ON REVERSE SIDE

ADMINISTRATION Phone: (907) 373-9055 Fax: (907) 373-9096	CLERK'S OFFICE Phone: (907) 373-9090 Fax: (907) 373-9092	FINANCE Phone: (907) 373-9070 Fax: (907) 373-9085	LIBRARY Phone: (907) 376-5913 Fax: (907) 376-2347	MUSEUM Phone: (907) 373-9071 Fax: (907) 373-9072
PARKS AND RECREATION Phone: (907) 373-9053 Fax: (907) 373-9092	PLANNING Phone: (907) 373-9094 Fax: (907) 373-9089	POLICE Phone: (907) 373-9077 Fax: (907) 373-9051	PUBLIC WORKS Phone: (907) 373-9095 Fax: (907) 373-9054	

COW 000101



CITY OF WASILLA

290 E Herning Avenue
Wasilla, AK 99654-7091
Phone: (907) 373-9050
Fax: (907) 373-9092

RECEIVED

SEP 18 2000
Planning Department

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Mail out Date: September 13, 2000 Public Hearing Date: Sept. 26, 2000 Case #: V00-83

Applicant(s): Linda Jensen

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907-373-9094
907-373-9089 (FAX)

Anyone wishing to review the application for this case is encouraged to contact the Planning Office for additional information. If there is not enough room below, please use separate sheets and include them with this form.

Name AL & JEAN COMISKEY
Address 1166 E WESTPOINT DRIVE
Lot 81 Block 83 Subdivision _____

Questions & Comments: WE HAVE NO OBJECTION UNLESS

IT MIGHT OBSTRUCT THE VIEW OF THE
ADJACENT LOTS WHICH APPEARS TO BE
HIGHLY LIKELY. OBSTRUCTING THE VIEW WOULD
DEGRADE THE VALUE OF OTHER LOTS.

A. J. Comiskey
Jean M. Comiskey

VICINITY MAP ON REVERSE SIDE

ADMINISTRATION Phone: (907) 373-9055 Fax: (907) 373-9096	CLERK'S OFFICE Phone: (907) 373-9090 Fax: (907) 373-9092	FINANCE Phone: (907) 373-9070 Fax: (907) 373-9085	LIBRARY Phone: (907) 376-5913 Fax: (907) 376-2347	MUSEUM Phone: (907) 373-9071 Fax: (907) 373-9072
PARKS AND RECREATION Phone: (907) 373-9053 Fax: (907) 373-9092	PLANNING Phone: (907) 373-9094 Fax: (907) 373-9089	POLICE Phone: (907) 373-9077 Fax: (907) 373-9051	PUBLIC WORKS Phone: (907) 373-9095 Fax: (907) 373-9054	

COW 000104



CITY OF WASILLA

290 E Herning Avenue
Wasilla, AK 99654-7091
Phone: (907) 373-9050
Fax: (907) 373-9092

RECEIVED

SEP 15 2000

Planning Department

NOTICE OF APPLICATION FOR VARIANCE

Mail out Date: September 13, 2000 Public Hearing Date: Sept. 26, 2000 Case #: V00-83

Applicant(s): Linda Jensen

Request: An application for variance of 15' from the 75' waterbody setback requirement to allow the development of a single-family structure to be constructed on Tract 1, Parcel 1, Lakeshore Subdivision more commonly known as 1201 E Westpoint Drive. This is within an RM--Multifamily Residential development district.

Mailing Address: 1201 E Westpoint Drive
Wasilla AK 99654

A public hearing will be held on September 26, 2000, 7:00 p.m., in the City of Wasilla, Council Chambers. Comments may be submitted in writing by filling in the spaces provided below and mailing this notice to the return address indicated. Your written comments on this project must reach the Wasilla Planning Office on or before September 20, 2000. All other comments will be excepted or heard through the closing of the scheduled public hearing. Written comments can be submitted to:

City of Wasilla
Planning Office
290 East Herning Avenue
Wasilla AK 99654

907-373-9094
907-373-9089 (FAX)

Anyone wishing to review the application for this case is encouraged to contact the Planning Office for additional information. If there is not enough room below, please use separate sheets and include them with this form.

Name Curtis Menard
Address 1001 E USA CIRCLE
Lot 4 Block 1 Subdivision Radon

Questions & Comments:

I am opposed to allowing the variance. New to the encroachment on the lake, water quality, erosion, loss of vegetation, and esthetic degradation. I am sure the owners can re-work their plan to follow the same rules & regulations as other homeowners on the lake.

VICINITY MAP ON REVERSE SIDE

ADMINISTRATION Phone: (907) 373-9055 Fax: (907) 373-9096	CLERK'S OFFICE Phone: (907) 373-9090 Fax: (907) 373-9092	FINANCE Phone: (907) 373-9070 Fax: (907) 373-9085	LIBRARY Phone: (907) 376-5913 Fax: (907) 376-2347	MUSEUM Phone: (907) 373-9071 Fax: (907) 373-9072
PARKS AND RECREATION Phone: (907) 373-9053 Fax: (907) 373-9092	PLANNING Phone: (907) 373-9094 Fax: (907) 373-9089	POLICE Phone: (907) 373-9077 Fax: (907) 373-9051	PUBLIC WORKS Phone: (907) 373-9095 Fax: (907) 373-9054	

COW 000105

Supplemental -- 318

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME HABITAT AND RESTORATION DIVISION

TONY KNOWLES, GOVERNOR

333 RASPBERRY ROAD
ANCHORAGE, ALASKA 99518-1599
PHONE: (907) 344-0541
FAX: (907) 267-2464

September 20, 2000

City of Wasilla
City Planning Office
Attn: Ms. Helen Kaye
290 E. Herning Avenue
Wasilla, AK 99654-7091

Dear Ms. Kaye:

Re: Request for Variance from Setback Requirements
Wasilla Lake – Waterbody No. 247-50-10300-0010
Case No. V00-83

The Alaska Department of Fish and Game (ADF&G) has reviewed the request for a variance to the 75-foot waterbody setback. The applicants are proposing to build a single-family residence less than 75 feet from Wasilla Lake on Tract 1, Parcel 1, Lakeshore Subdivision, more commonly known as 1201 E. Westpoint Drive.

Wasilla Lake has been specified as being important for the spawning, rearing or migration of anadromous fish, pursuant to AS 16.05.870(a). It is utilized by sockeye salmon for spawning and by sockeye and coho salmon juveniles for rearing. After emergence from the stream gravel in early spring, juvenile sockeye and coho salmon rear in Wasilla Lake for up to two years prior to outmigration. The shallow littoral zone of Wasilla Lake is used extensively by these salmon fry for feeding and cover during this rearing period. Resident fish species also frequent these areas to feed.

Protecting and maintaining the natural vegetation occurring along shorelines and within buffers and setbacks are extremely important for maintaining water quality and for the continued propagation of fish resources. Restoration efforts are currently underway or are in the planning stages for many shoreline areas in the Matanuska-Susitna Borough. Restoration is expensive and generally occurs only after significant damage to water quality and to fish habitats and resources has occurred. Preserving natural shoreline vegetation buffers is the best way to ensure fish and wildlife remain abundant in the valley and to preserve property values by protecting water quality.

 Printed on Recycled Paper

COW 000107

Supplemental -- 319

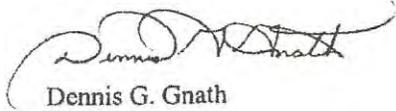
Ms. Helen Kaye

- 2 -

September 20, 2000

The ADF&G recommends against granting a variance adjacent to Wasilla Lake. In addition, we believe that structures can be repositioned or reduced in size without encroaching into the 75-foot setback. Thank you for the opportunity to comment. If we can be of further assistance, please contact either Cevin Gilleland or myself at 267-2285.

Sincerely,



Dennis G. Gnath
Habitat Biologist
Region II
(907) 267-2285

cc: R. Brown, MSB (Platting)
S. Lee, MSB (Code and Compliance)
D. Rutz, ADF&G

COW 000108

Supplemental -- 320

Cottonwood Creek

1998 Sockeye ^{escapement} Spawning Counts 27,930
Coho " " 2,114

1999 Sockeye escapement counts 39,272
Coho 46%

Commercial Harvest N. Cook Inlet

COX ~~WSP~~ ADEFG - 12% water quality supplemented
in 1997. Two year sampling

1998 Wasilla Lake Limnological

sampling

DO

PO

color

Total phosphorus - some of the highest in state

Total Nitrogen

1999 - Analyses in April

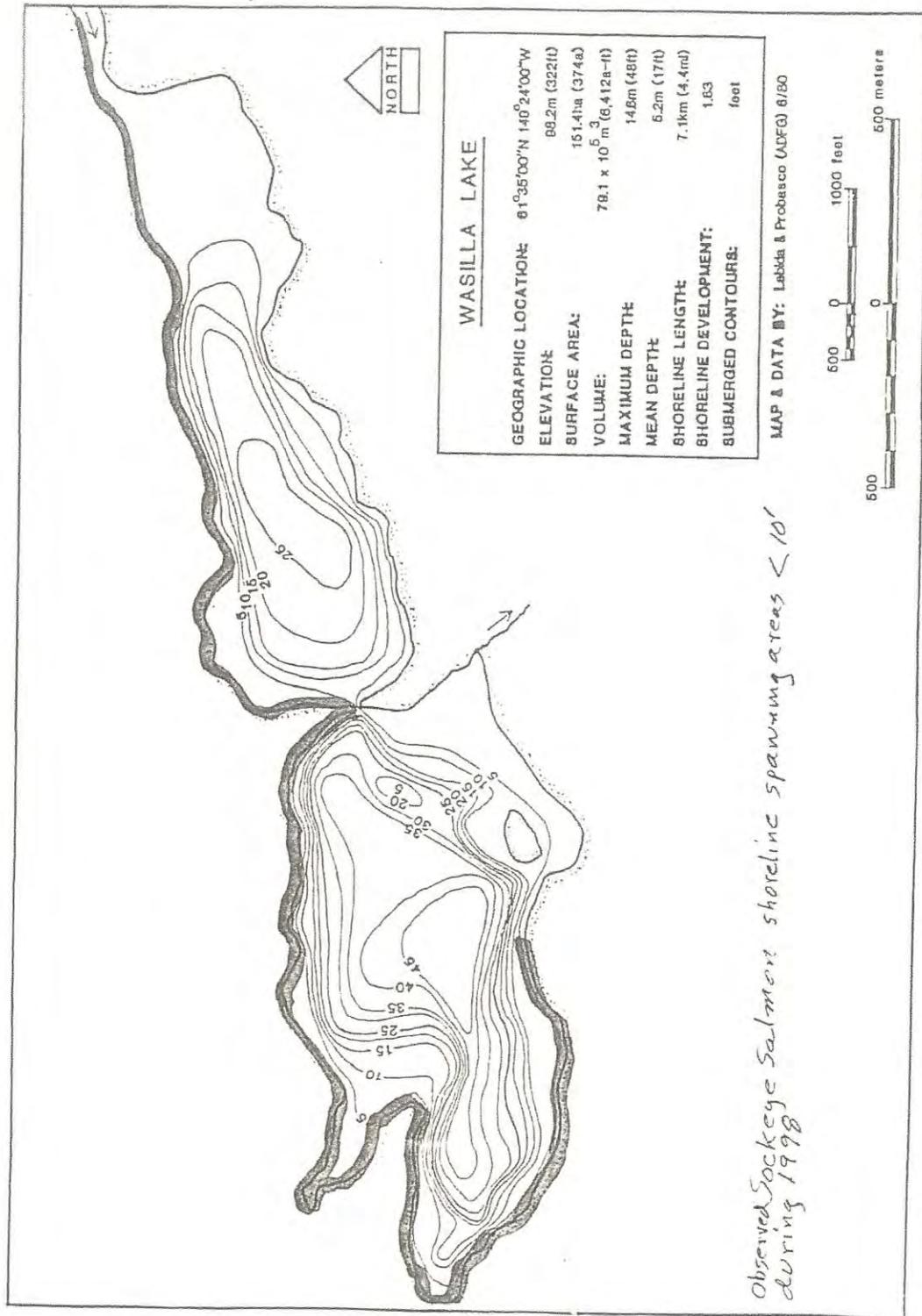


Figure 13. Wasilla Lake bathymetric map.



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-9085

Mrs. Myrtle Nussbaumer
29620 Linn Drive
Corvallis, OR 97333

Certified Mail: #P-505 699 119

RE: STOP WORK ORDER ON TRACT 1 PARCEL 3 LAKESHORE SUBDIVISION

Dear Mrs. Nussbaumer:

Posted herewith is a Stop Work Order notice asking that land fill activities on your lot cease until a proper permit and development plans are approved.

I inspected the site at 10:15 a.m., Wednesday, May 01, 1996, with the landfill operator, Mr. Mel Husa, the State of Alaska Department of Environmental Conservation (ADEC) Officer, Bruce Erickson and Helen Kaye, the Planning Clerk.

We found that all of the vegetation had been cut or covered, except for trees and bushes near the water line and fill has been placed to a depth of ten feet or more. We estimated the quantity at 700 cubic yards. The fill has been placed so that the edge of the slope is perhaps two or three feet from the edge of Wasilla Lake. The angle of the slope is very steep and greater than a 1:1 (or 45%) grade presenting a high probability of sloughing materials into the lake.

Immediate Correction Required

The City asks that a siltation fence be installed by Saturday, May 04, 1996, at the base of the slope to prevent eroding materials from entering the lake. Such a fence is to consist of filter fabric and stakes to meet the approval of the ADEC.

Permit Application

The City asks that you apply for a land use permit for the placement of fill materials as required by the Wasilla Development Code 16.43.162 and 16.43.202 AC #5 and #6.

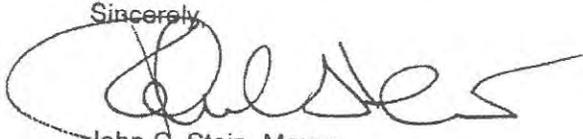
COW 000219

Supplemental -- 323

Application forms are enclosed and must include a site plan showing the original and proposed final contours of the fill and proposed surface restoration, if any.

We very much appreciate your cooperation and that of Mr. Husa in resolving the issues surrounding this project.

Sincerely,



John C. Stein, Mayor

Attachment:

XC: Mel Husa, excavator
Bruce Erickson, ADEC
Noel Kopperud, neighbor
Kevin Gillilan, Biologist

COW 000220

Supplemental -- 324

Myrtle M. Nussbaumer

29620 Linn Drive
Corvallis, Oregon 97333
(503) 758-2071

April 27, 1996

To whom it may concern:

I have given my permission
to Mel Kusa to remove the necessary
logs or any equipment I cut & placed
on Wasilla Lake to dump in the
fill
list.

Myrtle Nussbaumer

Myrtle M. Nussbaumer
29620 Linn Drive
Corvallis Oregon 97333



Mel Kusa
PO Box 74068
Wasilla, Alaska 99687

CLERKS OFFICE

MAY 28 1996

RECEIVED

May 23, 1996

Via fax to 373-9085,
with original to follow via mail

DUANE DVORAK
CITY OF WASILLA
290 E. Herning Avenue
Wasilla, AK 99654-7091

Re: Parcel 3, Tract 1, Lakeshore Subdivision (Amended)

Dear Mr. Dvorak:

I am writing as a follow up to the letter and stop work order issued by Mayor Stein, on or about May 2, 1996. I have enclosed copies of the correspondence and stop work order for your convenient reference.

I believe Mel Husa, who imported the fill to the area next to the lake, tied a silt fence in place, to the trees at the bottom of the fill, and next to the water's edge. I did pick up a zoning permit application, which I gave to Mr. George Williams, in Palmer. I have not heard anything more and no further work has been done on the lot as of this date.

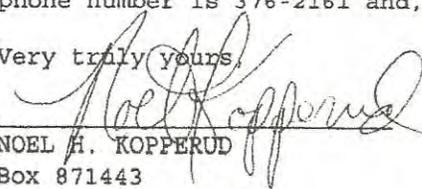
My purpose in writing to your office is to request that I receive notice of any further activity of any kind on this matter.

I appreciated receiving a copy of the initial stop work order and correspondence.

I discussed with Mayor Stein, who investigated in your absence, the fact that our property is immediately adjacent to the lot which has been used as a fill disposal site. My family and I are very concerned about contamination of Wasilla Lake and further damage to our property. Under the circumstances, I would formally ask that we be treated as interested persons with a right to notice.

For our part, we would be willing to help avoid damage to the lake and do as much as we can to further an overall resolution of the problem caused by the unstabilized fill on the steep pile above Wasilla Lake. My day time phone number is 376-2222 and the fax number at our office is 376-2440. My home phone number is 376-2161 and, again, I am willing to help.

Very truly yours,


NOEL H. KOPPERUD
Box 871443
Wasilla, AK 99687

/klp
Enc.

COW 000216

Supplemental -- 326

* RETURN TO

AGREEMENT

Myrtle M. Nusabaumer, of 29620 Lynn Drive, Corvallis, OR 97333 and Noel R. Kopperud, of P.O. Box 871443, Wasilla, AK 99687, on this 13th day of June, 1996, agree as follows:

1. Noel Kopperud agrees to rent and provide a backhoe with operator, to 8-10 yard dumptrucks with drivers, two laborers, and a small bulldozer or other equipment necessary to do such regrading and sloping at 2:1 slope toward the lake, as is required to stabilize the new fill material presently dumped in a stock pile onto Myrtle Nusabaumer's Parcel 3, Tract 1, Lakeshore Amended Subdivision, Plat 63-10, Palmer Recording District, Third Judicial District, State of Alaska.
2. Noel Kopperud also agrees to locate a site for disposal of excess material and pay any fees necessary for such disposal.
3. Noel Kopperud also agrees to purchase top soil necessary to cover the gravel waste material presently on the site and pay all costs for transporting the top soil to the site.
4. Myrtle Nusabaumer agrees to make arrangements with Mr. George Williams to supervise all work necessary to complete Wasilla zoning permit # 96-044 pertaining to such work on Parcel 3, Tract 1, for stabilization of the fill.
5. Myrtle Nusabaumer also agrees to arrange and pay for hydro seeding of the entire area, after top soil is in place.
6. Noel Kopperud agrees to supply all water and labor necessary to keep the hydro seeding area watered, as directed by Mr. Williams, until the fill is stabilized. Noel Kopperud shall also be responsible for removal of the silt fence, when permitted by the City of Wasilla.
7. In exchange for such work, Myrtle Nusabaumer agrees to sell Noel Kopperud Parcel 3, of Tract 1, Lakeshore Subdivision, in three years, at the following price, and terms:
at the appraised price at the time of sale with credit of no more than \$2,000 for work completed to improve the lot.
8. In the interim, between completion of the regrading and the date of sale of the parcel, or for a minimum period of three years following this agreement, or until such time thereafter as Myrtle Nusabaumer, or her estate, shall sell or transfer the property to a third party, Noel Kopperud may maintain a lawn, trees, and picnic table on the regraded lot.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the day and year hereinabove set forth

Myrtle M. Nusabaumer
MYRTLE NUSABAUMER

Noel R. Kopperud
NOEL R. KOPPERUD

BOOK 0851 PAGE 462

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

The foregoing instrument was acknowledged before me this 3rd
day of June, 1996, by MYRTLE AUSSHAMMER.

Myrtle Ausshammer
Notary Public in and for Alaska
My Commission Expires: 2-2-1997



STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

The foregoing instrument was acknowledged before me this 11th
day of June, 1996, by NOEL H. KOPPERUD.

Sandra K. Chatterson
Notary Public in and for Alaska
My Commission Expires: 10/15/97



96-008188
18-

PALMER LEG. DISTRICT
REQUESTED BY M. Kopperud

'96 JUN 11 AM 8 51

Tax Map # 51037T01P003 (p_id:64578) | STARN GLEN HARDING TR Since Jul 2012 (Owner:2041761) | 1245 E WESTPOINT DR | Bldg Value: | CertBld: 0 | CertLnd: 50000 | Land Value: 50000
 MAP: WA 11 | MillRate: 11.974 | MiscBldg: 0 | Original Acre: 0.36 | Parcel Status: Active | Record District: Palmer | Taxable: 0.36 | Total Value: 50000 | Subdivision: LAKESHORE 1963
 TRS: S 17N 1W 11B | STARN GLEN HARDING TR STARN WM A JANSON NANCY L TRES % WILLIAM STARN PO BOX 1782 PALMER AK 99645-1782 (Name na_id:2041761)
 *** HISTORY *** 2015

(1) Assessment.Building Structural Elements & Features

Inventory Values Addl Info

(1) Assessment.Land Appraisal Information Land Id. 63177

Land Adjustments Addl Info Front/Adjust

Neighborhood Code 06	Land Size 0.36 <input type="checkbox"/> Exclude	Total Units 1	Valuation Unit Type Site
Land Use Zoning RM	Land Unit Type Acres	Unit Price \$18,000.00	Total \$18,000
Actual Land Use		Unit Price AG	Total AG
Rate Schedule ST 08		Land Value <input type="checkbox"/> Override	Final Adjustment
Adjustments Net Land Adj \$32,000	Site	Total AG Value	Total Land \$50,000
Neighborhood			

Notes
Frontage Adjustment Reason: NO BLDG SITE
rs01832 - 6/14/2013 2:20:51 PM

CLERICAL ENTRY ONLY
Original Acres 0.36 Original Sq.Ft.
Taxable Acres 0.36 Area in Sq. Ft. 15862
 OK NO VALUE LAND Land Re-val

Record Inquiry (1/1)

Browse Exit Lnd Smry
Front w/Bldg
Front - Land Only



CODE ORDINANCE

Introduced by: Borough Manager

MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 92-079

AN ORDINANCE OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH DELEGATING PLANNING AND LAND USE REGULATORY AUTHORITY TO THE CITY OF WASILLA, AMENDING MSB 15.04 AND 15.38, REPEALING MSB 17.43, AND ADOPTING 17.45

WHEREAS, AS 29.40.010 and MSB 15.04.010 require the borough to provide planning, platting, and land use regulation on an areawide basis; and

WHEREAS, the city of Wasilla has consented, by ordinance, to the borough's delegation of planning and land use regulatory authority to it within the city limits pursuant to AS 29.40.010(b), with compensation to the city for planning expenses on an annual basis subject to approval of the Matanuska-Susitna Borough Assembly; and

WHEREAS, MSB 1.10.115(B) provides that the borough may reimburse cities for planning expenses on an annual basis subject to an annual appropriation; and

WHEREAS, any annual appropriation to the city for planning expenses may not be sufficient to fully fund the city's planning and land use regulatory endeavors; and

WHEREAS, the borough may, without first obtaining the consent of the city, revoke any power or duty delegated to the city pursuant to AS 29.40.010(b).

BE IT ENACTED:

* Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the borough code.

* Section 2. Adoption of new section. MSB 15.04.020(D) is hereby adopted to read as follows:

(D) The Wasilla Planning and Utilities Commission shall act as the city planning and land use regulatory authority pursuant to MSB 17.45.

* Section 3. Amendment of section. MSB 15.38.010(2) is hereby amended to read as follows:

(2) [2.] Appeals under the Wasilla Special Land Use District [Development Code which appeals are to the Wasilla City Council under MSB 17.44.433]; and

* Section 4. Repeal of section. MSB 15.38.135 is hereby repealed in its entirety.

* Section 5. Repeal of chapter. MSB 17.43 is hereby repealed in its entirety.

* Section 6. Adoption of new chapter. MSB 17.45 is hereby adopted to read as follows:

Chapter 17.45

WASILLA SPECIAL LAND USE DISTRICT

17.45.010 Purpose and intent.

This chapter shall be known as the planning and zoning ordinance of the Matanuska-Susitna Borough for the city of Wasilla. The purpose of this chapter is: to implement the comprehensive development plan for the city of Wasilla, to encourage the most

appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open space for light and air; to lessen the congestion on streets; to give an orderly growth to the city; to prevent undue concentrations of population; to improve the city's appearance; to facilitate adequate provisions for community utilities and facilities such as water, sewage and electrical distribution systems, transportation, schools, parks and other public requirements; and in general to promote public health, safety and general welfare.

17.48.020 Comprehensive development plan.

(A) The most recent Wasilla city comprehensive development plan adopted by the borough is incorporated by reference to the ordinance codified in this section.

(B) The comprehensive development plan for the city of Wasilla is part of the comprehensive development plan of the Matanuska-Susitna Borough and, as such, any change in the goals, policies, objectives, criteria, standards or elements within such plan will require review by the Matanuska-Susitna Borough Planning Commission and adoption by the borough planning commission and assembly.

(C) All amendments to the zoning map or ordinance must be in accordance with the comprehensive development plan. Borough administration will be notified of any proposed amendments and given an opportunity to review the proposals prior to adoption by the city of Wasilla.

17.40.010 Delegation of authority.

(A) Pursuant to AS 29.40.010(b) and MSB 1.10.115, the city has consented, and the borough hereby delegates to the city, planning authority to develop and from time to time amend a comprehensive development plan and other long range development plans for the city subject to approval by the borough planning commission and assembly. Planning authority delegation to the city does not include amendment or administration of the Matanuska-Susitna Borough Coastal Management Plan.

(B) Pursuant to AS 29.40.010(b) and MSB 1.10.115, the city has consented, and the borough hereby delegates to the city, the authority to adopt, amend, administer, and enforce land use regulations within the city limits of Wasilla provided that:

(1) City land use regulation must be in compliance with the most recent Wasilla city comprehensive development plan adopted by the borough.

(2) The city shall transmit copies of all amendments of the land use regulations or official zoning map to the borough planning department.

(3) Land use regulations must be adopted by a duly adopted ordinance of the Wasilla City Council.

(4) Land use regulation powers delegated to the city of Wasilla do not include the platting authority contained in MSB title 16 or flood damage prevention contained in MSB chapter 17.29.

Page 4 of 7
2006/01/02 06.000

ORD NO. 92-079
AM NO. 92-233

(C) The borough will not be responsible for the prosecution of land use violations arising within the city of Wasilla, or for the defense, prosecution, or enforcement of decisions of the Wasilla Planning and Utilities Commission, the Wasilla City Council, or the hearing officer appointed by the Wasilla City Council.

(D) The borough is not responsible for the defense and indemnification of the city of Wasilla against any claims for damages, or other liability including but not limited to, personal injury, property damage, or economic loss arising from the exercise of planning or land use regulatory authority by the city of Wasilla, the Wasilla Planning and Utilities Commission, the hearing officer, or any administrative officer of the city.

(E) The city of Wasilla shall indemnify, defend, and hold and save the borough, its elected and appointed officers, agents and employees, harmless from liability of any nature or kind, including costs, expenses, and attorney's fees for or on account of any and all legal actions or claims of any character resulting from injuries, death, economic loss, or damages sustained by any person, or property arising from the city of Wasilla, or its officers', agents', employees', and subcontractors' performance in any way whatsoever.

17.41.000 Compensation for planning expenses.

MS 29.40.010 and MSB 1.10.115(E) provide that the borough may compensate cities for planning expenses on an annual basis, subject to approval of the borough assembly. Any compensation to the city

Page 5 of 7
11/1/92068.cms

ORD NO. 92-079
AM NO. 92-233

of Wasilla for planning expenses shall be in an amount approved by the assembly through the annual budget process. Annual appropriations shall be specifically addressed in a memorandum of agreement between the borough and the city.

17.40.450 Relinquishment of authority by city.

If the city wishes to relinquish the authority delegated pursuant to AS 29.40.010(b) and MSB 1.10.115, the city must adhere to the following procedures:

(A) The Wasilla City Council must by ordinance request that the borough resume all authority and duties delegated by this chapter.

(B) The relinquishment of authority by the city of Wasilla shall not take effect until the borough has rescinded the delegated authority and adopted by ordinance the necessary land use regulations to exercise the previously delegated powers.

(C) At such time as the city relinquishes the delegated authority and the borough rescinds the delegated authority, any compensation to the city of Wasilla for planning expenses shall be refunded to the borough on a pro rata basis.

(D) The city shall provide the borough with all relevant files, documents, maps and plans necessary for the resumption of the delegated authority.

Section 7. Effective date. This ordinance shall be effective only after the Wasilla City Council has adopted by ordinance, land use regulations in compliance with the most recent city comprehensive development plan adopted by the borough; upon

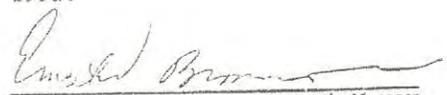
Page 6 of 7
PLF/121/02068.ORD

ORD NO. 92-079
AM NO. 92-233

signing of a memorandum of agreement between the city and borough;
and upon adoption of this ordinance by the borough assembly.

INTRODUCTION: 8-4-92 PUBLIC HEARING: 8-25-92

ADOPTED by the Matanuska-Susitna Borough Assembly this 25th
day of August, 1992.


Ernest W. Brannon, Borough Mayor

ATTEST:

Linda I. Dahl, Borough Clerk
(SEAL)



Requested by Administration
Prepared by Administration
CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99687
PHONE: (907) 373-9050
FAX: (907) 373-0788

RECEIVED

FEB 1 1990

PUBLIC LANDS/
CODE COMPLIANCE

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

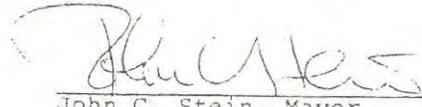
WHEREAS, the Wasilla Planning and Utilities Commission Resolution 89-03 recommended revisions to the wording of the Wasilla Development Code to reflect a provision for those seeking Shoreline Setback Exceptions; and

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."

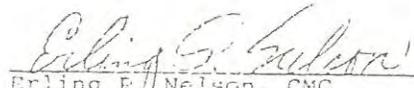
I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the governing body of the City of Wasilla this 12th day of February, 1990.

APPROVED:



John C. Stein, Mayor

ATTEST:



Erling F. Nelson, CMC
City Clerk



Matanuska Susitna Borough
Permit Center



Legend

City Boundary

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska Susitna Borough Planning & Development Division at 907-745-4801.

Supplemental -- 939

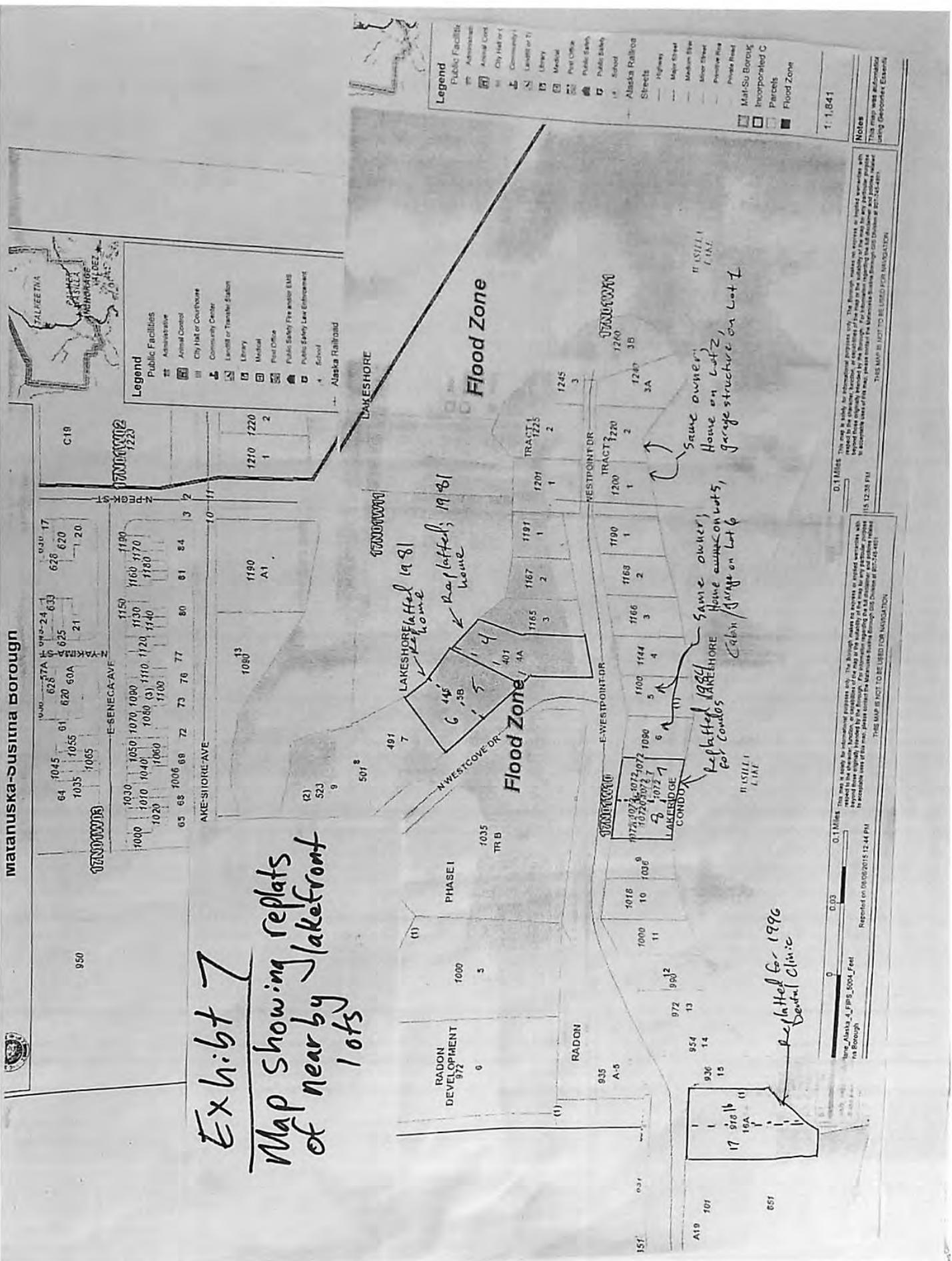


Exhibit 7
Map Showing replats
of near by lakefront
lots

- Legend**
- Public Facilities
 - Administration
 - Animal Care
 - City Hall or Courthouse
 - Community Center
 - Landfill or Transfer Station
 - Library
 - Medical
 - Police Office
 - Public Safety Fire and/or EMS
 - Public Safety Law Enforcement
 - School
 - Alaska Railroad
- Streets**
- Highway
 - Major Street
 - Medium Street
 - Minor Street
 - Private Road
- Other**
- Multi-Subdividing
 - Incorporated C
 - Parcels
 - Flood Zone
- 1:1,841

Notes

This map was prepared using Geographic Information Systems (GIS) data. The Borough makes no warranty or implied warranties with respect to the information provided by the Borough. For more information on the availability of the information and public use of the information, please contact the Matanuska-Susitna Borough GIS Department at 907-264-4800.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

0.1 Miles

Replatted for 1996 Dental Clinic

Replatted 1984 East Condos Cabin Storage on Lot 6

Replatted 1981 Home on Lot 2, garage structure on Lot 7

Replatted 1981 Home

Replatted 1981 Home