

**SUBJECT:** A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ESTABLISHING A STATE LEGISLATIVE PRIORITY REQUESTING THAT THE ALASKA LEGISLATURE AMEND STATE LAW REGARDING APPORTIONMENT OF THE BOROUGH PLANNING COMMISSION FOR SITUATIONS WHERE A BOROUGH HAS DELEGATED PLANNING POWER TO CITIES.

**AGENDA OF:** January 2, 2024

**Assembly Action:** Approved under the consent agenda 01/02/24 - BJH

**AGENDA ACTION REQUESTED:** Present to the Assembly for consideration.

Route To	Signatures
Originator	<div>1 2 / 2 0 / 2 0 2 3</div> <div>X N S f o r A s s e m b l y</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Borough Attorney	<div>1 2 / 2 0 / 2 0 2 3</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Borough Manager	<div>1 2 / 2 0 / 2 0 2 3</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i c h a e l B r o w n</div>
Borough Clerk	<div>1 2 / 2 0 / 2 0 2 3</div> <div>X B r e n d a J . H e n r y f o r</div> <div>S i g n e d b y : B r e n d a H e n r y</div>

**ATTACHMENT (S):** Resolution Serial No. 24-017 (3 pp)

**SUMMARY STATEMENT:** This resolution is sponsored by the Borough Manager based upon the Assembly's general discussion at the December 19, 2023 regular Borough Assembly meeting.

Under Alaska law, boroughs get their powers from state law. Under AS 29.35.150 and AS 29.35.180(a), the Matanuska-Susitna Borough is directed to provide for planning, platting and land use regulation on an areawide basis. This means that the 'normal' rule under state law is that the Matanuska-Susitna Borough would exercise planning powers within the city limits of Palmer, Wasilla, and Houston.

Planning and Land Use statutes under state law are found in AS 29.40. The first statute in that chapter provides:

AS 29.40.010. Planning, platting, and land use regulation.

(a) A first or second class borough shall provide for planning, platting, and land use regulation on an areawide basis.

(b) If a city in a borough consents by ordinance, the assembly may by ordinance delegate any of its powers and duties under this chapter to the city. The assembly may by ordinance, without first obtaining the consent of the city, revoke any power or duty delegated under this section.

Again, the 'normal' rule is that a borough provides for planning on an areawide basis. Related to this, state law also mandates that cities have proportional representation on the borough planning commission.

AS 29.40.020(a) reads:

Each first and second class borough shall establish a planning commission consisting of five residents unless a greater number is required by ordinance. A member shall be appointed by the borough mayor for a term of three years subject to confirmation by the assembly, except that a member from a home rule or first class city shall be selected from a list of recommendations submitted by the council. Members first appointed shall draw lots for one, two, and three year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly. If a first or second class borough has a population of less than 20,000 or more than 75,000, the commission membership shall be apportioned so that the number of members from home rule and first class cities reflects the proportion of the borough population residing in home rule and first class cities located in the borough.

(emphasis added)

In the Matanuska-Susitna Borough, Palmer is a home rule city and Wasilla is a first class city. The issue facing the Matanuska-Susitna Borough is that all 3 cities in the Borough (the cities of Palmer, Wasilla, and Houston) have been delegated their own planning power. As such these cities provide and administer their own planning and land use regulations.

However, current state law still mandates that a city resident must be on the Matanuska-Susitna Borough Planning Commission. This is a poor policy because the Matanuska-Susitna Borough Planning Commission does not advise city councils on city land use

regulations, city comprehensive plans, and does not decide issues on city conditional use permits or other city land use permits. By continuing to mandate a city resident be on the borough planning commission, the state law elevates the status of city residents above those living outside the cities and makes those residents outside the cities less able to participate in their government.

For this reason, this resolution establishes a Matanuska-Susitna Borough legislative priority to seek an amendment to state law regarding the apportionment requirements of the planning commission.

Specifically, state law should be amended to exempt the borough from the mandated proportionality requirement in situations where a borough has delegated planning power to a city. This change would leave it to the borough to decide who the borough planning commission members are. Members could be residents of a city, but it would not be required.

Suggested language is adding a sentence at the end of AS 29.40.020 to read:

Apportionment is not required for any city that has been delegated the power to provide for planning and land use regulation under AS 29.40.010(b).

**RECOMMENDATION OF ADMINISTRATION:** Respectfully request approval.