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Sent: Saturday, February 8, 2025 4:48 PM
To: Senate Community and Regional Affairs
Subject: SB 50

Public Testimony Regarding Senate Bill 50
Relating to the Comprehensive Plans of First and Second Class Boroughs
Alaska State Legislature

To the Honorable Members of the Senate:

I am writing to provide testimony regarding Senate Bill 50, which pertains to the comprehensive plans of first and second class boroughs in Alaska. While I understand the bill's intent to provide boroughs with greater flexibility in developing comprehensive plans for physical, social, and economic development, I have significant concerns about how this bill may unintentionally create issues for certain communities, particularly rural and remote areas, and how it may lead to legal, constitutional, and administrative complications. Below are the key issues I would like to address, along with proposed solutions for remedying them.

1. Legal and Constitutional Concerns

Overextension of Local Authority: SB 50 grants significant powers to local governments in the creation of comprehensive plans. While this may be beneficial in some cases, it could overextend local government authority, especially in matters that affect private property rights. Allowing local governments to regulate broad areas like land use and housing without sufficient safeguards could infringe on constitutional property rights. There is the potential for legal challenges should municipalities impose unreasonable regulations that restrict property use without adequate compensation.

Proposed Solution: To remedy this, the bill should include stronger safeguards to ensure that local governments cannot overreach in ways that violate property rights. Additionally, clear limits should be set on the scope of land use and zoning regulations, ensuring they are consistent with constitutional protections.

Conflicts with State Law: SB 50's expansion of local powers could result in conflicts between borough-level comprehensive plans and state laws or regulations. There is a real concern that local plans might contradict state-level development goals, leading to legal battles over which set of regulations takes precedence.

Proposed Solution: I recommend that the bill include provisions for collaborative planning between state and local governments, ensuring that borough plans do not conflict with statewide initiatives. This collaboration could involve the creation of a state-level review process to ensure that local plans align with broader state development policies.

2. Overlapping Laws and Administrative Challenges

Regulatory Overlap: There are already numerous state laws and regulations governing land use, housing, and transportation planning. By allowing boroughs to create comprehensive plans in these areas, SB 50 could result in overlap of regulations that might confuse developers, landowners, and local governments. This redundancy could lead to inefficiencies and administrative burden, particularly in smaller communities with limited resources.

Proposed Solution: To prevent redundancy, the state should clarify the division of responsibility between state and local government in these areas. Clear guidelines should be set out for when boroughs can develop their own plans and when they must adhere to existing state regulations. This would ensure that boroughs have autonomy without causing confusion or inefficiencies.

Limited Resources for Smaller Boroughs: Many first and second class boroughs, especially in rural and remote areas, lack the necessary resources to effectively develop and implement comprehensive plans. Without proper funding or technical assistance, smaller boroughs may struggle to meet the demands of such an expansive bill, potentially leading to poorly executed or ineffective planning.

Proposed Solution: The state should create a support program to assist smaller boroughs in developing comprehensive plans that are realistic and sustainable. This could include financial assistance, technical support, and training for local officials. Such support would help ensure that smaller boroughs can engage in comprehensive planning without facing undue hardship.

3. Impact on Rural and Remote Communities

Inflexibility for Rural Needs: The bill does not account for the unique challenges faced by rural and remote communities, which often differ significantly from urban areas. Issues like limited infrastructure, small-scale economies, and cultural considerations require tailored planning approaches, which a one-size-fits-all bill may not accommodate.

Proposed Solution: I urge that the bill include specific provisions for rural and remote boroughs. These provisions could allow rural boroughs to develop plans that are more suited to their unique circumstances, rather than being forced to adhere to uniform requirements that may not apply to their realities. Such flexibility would allow for more appropriate and effective local development.

4. Recommendations for a Better Solution

Tailored Guidelines for Rural Boroughs: Instead of imposing a uniform approach, the state should develop tailored guidelines for boroughs based on their geographic location, population size, and economic activities. These guidelines would allow for differentiated planning that meets the diverse needs of Alaska's communities, whether urban or rural. By accounting for the specific circumstances of each borough, we can ensure that the plans are more effective and applicable to each area's needs.

State Support for Rural Boroughs: A comprehensive support program should be created to help rural boroughs overcome the challenges of developing comprehensive plans. This program could provide funding for community outreach, data collection, and technical assistance. Additionally, the state could partner with tribal organizations and indigenous communities to ensure that the plans reflect the unique needs of these groups.

Clearer Division of Responsibilities: The state should establish clear distinctions between state and local regulatory responsibilities, ensuring that boroughs have the authority to plan locally while avoiding conflicts with state-level initiatives. This would prevent confusion and ensure that both state and local governments can effectively collaborate on development issues.

5. Conclusion

In conclusion, while SB 50 provides opportunities for boroughs to plan for their future development, it also raises several concerns related to legal authority, conflicting regulations, and the unique needs of rural communities. I strongly encourage the legislature to address these concerns by including safeguards for property rights, offering additional support for rural boroughs, and clarifying the division of responsibilities between state and local governments. This approach will allow for more effective, equitable, and sustainable planning across all of Alaska's diverse communities. Unfortunately we do not have an one-size-fits-all solution in this expansive states territory yet.

Thank you for considering my testimony.

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