

Introduced: 3/2/71
Referred: State Affairs and
Local Government

1 IN THE HOUSE

BY FISCHER

2 HOUSE BILL NO. 240

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to subdivisions."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 07.05.040(a) is amended to read:

9 (a) In areas of the unorganized borough where there is no
10 political subdivision of the state with a zoning power, the division
11 of lands, Department of Natural Resources, shall exercise the zoning
12 power by adopting zoning regulations. The provisions of AS 40.15.-
13 075 - 40.15.077 apply to subdivisions proposed within the area of the
14 unorganized borough outside incorporated cities, except that the
15 division of lands shall exercise the responsibilities conferred upon
16 planning commissions under those sections.

17 * Sec. 2. AS 40.15 is amended by adding a new section to read:

18 Sec. 40.15.075. DEDICATION OF PARK AND OPEN SPACE. (a) When
19 an area of land is proposed for a subdivision, a subdivider shall
20 submit as part of the plat for subdivision approval a plan which
21 dedicates an area of land for the location of a park or open space
22 reasonably necessary to service the residents of the proposed subdivi-
23 sion. However, the subdivider shall not be required to dedicate an
24 area for a park or open space which constitutes more than 10 per cent
25 of the gross area of the proposed subdivision.

26 (b) The city or borough planning commission having jurisdiction
27 of a proposed subdivision shall by resolution adopt standards to be
28 applied in determining the amount of land required to be dedicated
29 under (a) of this section. The standards adopted shall be based on

1 the number and type of dwelling units to be included in a subdivision,
2 as well as studies and surveys conducted by the commission to determine
3 the need, if any, for park or open space sites demonstrated in existing
4 subdivisions having various types and numbers of dwelling units within
5 the municipality.

6 (c) The commission may alter the selection of park and open space
7 sites proposed to be dedicated under the subdivider's plan in (a)
8 of this section. In exercising this authority the commission shall
9 consider variations in the relative desirability and market value of
10 the land included in the area of a particular proposed subdivision
11 and may adjust the total amount of land required to be dedicated in
12 accordance with the comparative value of that land with the average
13 value of all land within the subdivision.

14 Sec. 40.15.077. PAYMENT IN LIEU OF DEDICATION. In lieu of
15 dedication of park or open space sites under sec. 75(a) of this chapter,
16 a subdivider may pay to the city a sum of money equal to the value of
17 land that would otherwise be required to be dedicated for a park or
18 open space purpose when the planning commission determines on the
19 basis of reasons set out in writing, with reference to the particular
20 subdivision, that it is not in the public interest to make the actual
21 dedication. All funds received under this section shall be held by
22 the city in a special account and shall be used only for acquiring
23 land for park and open space purposes for the benefit of the persons
24 in the subdivision for which the payment was made. The commission
25 may by resolution provide for deferred payment or payment by install-
26 ment or in a lump sum, upon a subdivider's posting of a surety bond
27 guaranteeing payment.
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