

Introduced: 3/12/71
Referred: State Affairs,
Local Government and Finance

1 IN THE HOUSE

BY ROSE

2 HOUSE BILL NO. 315

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 parks and open space areas within
7 cities, organized boroughs and the unorganized borough;
8 and providing for an effective date."

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

10 * Section 1. AS 29.10 is amended by adding a new section to read:

11 Sec. 29.10.128. DEDICATION OF PARKS AND OPEN SPACE AREAS. (a)

12 As a condition to approval by the platting board of a proposed sub-
13 division for new housing construction, a subdivider shall agree to
14 dedicate a designated area on the plat comprising at least 10 per
15 cent of the gross area included within the proposed subdivision.

16 (b) A city acquiring a parcel of improved or unimproved land
17 through foreclosure, purchase, condemnation, exchange or otherwise
18 may dedicate all or part of the parcel for park and open space
19 purposes if the governing body, after consideration of the advice
20 of the planning commission, determines that the best use of the
21 property is for park and open space sites given the number and
22 type of existing or anticipated dwelling units within the immediate
23 area of the property and a corresponding absence or lack of proxi-
24 mate park and open space sites to accommodate the population of the
25 area.

26 (c) To facilitate development of ample parks and open space
27 areas within the city, the governing body may provide for sale,
28 exchange or other disposition of parcels acquired under this section
29 for the sole purpose of consolidating or rearranging parks and open

1 space areas to provide improved facilities.

2 (d) In this section "subdivision" means "subdivision" as defined
3 in AS 40.15.190(2).

4 * Sec. 2. AS 29.08 is amended by adding a new section to read:

5 Sec. 29.08.220. DEDICATION OF PARKS AND OPEN SPACE AREAS.

6 AS 29.10.128, relating to dedication of parks and open space areas,
7 applies to home rule cities.

8 * Sec. 3. AS 07.12 is amended by adding a new section to read:

9 Sec. 07.12.100. DEDICATION OF PARKS AND OPEN SPACE AREAS.

10 AS 29.10.128, relating to dedication of parks and open space areas,
11 applies to home rule boroughs.

12 * Sec. 4. AS 29.15.290 is amended to read:

13 Sec. 29.15.290. APPLICATION OF LAWS GOVERNING FIRST CLASS CITIES.

14 All laws and parts of laws empowering and regulating first class
15 cities on special assessments, public utilities, airports, public
16 service rates, franchises, acquisition and disposition of property,
17 motor vehicles and motor vehicle operators, [AND] schools, and dedi-
18 cation of parks and open space areas, apply to second class cities.

19 * Sec. 5. AS 29.20 is amended by adding a new section to read:

20 Sec. 29.20.065. PARKS AND RECREATION AREAS. The board of
21 trustees of a city of the third class may provide for the location,
22 construction, operation and maintenance of parks, trails and play-
23 grounds, subject to the same provisions governing dedications of
24 park and open space areas as are set out for first class cities in
25 AS 29.10.128.

26 * Sec. 6. AS 29.25.297 is amended to read:

27 Sec. 29.25.297. PARKS AND RECREATION. The council may provide
28 for the location, construction, operation and maintenance of parks,
29 trails, playgrounds and community centers and the preservation of the

1 scenic and historic resources of the community, subject to the same
2 provisions governing dedications of park and open space areas as are
3 set out for first class cities in AS 29.10.128.

4 * Sec. 7. AS 07.15 is amended by adding a new section to read:

5 Sec. 07.15.727. PARKS AND RECREATION. The second class borough
6 may provide for the location, construction, operation and maintenance
7 of parks, trails and playgrounds in the area outside cities, subject
8 to the same provisions governing dedications of park and open space
9 areas as are set out for first class cities in AS 29.10.128. The
10 exercise of powers under this section in the area outside cities is
11 at the option of the borough and is not subject to the restrictions
12 on acquiring additional powers specified in secs. 720 and 730 - 800
13 of this chapter.

14 * Sec. 8. AS 07.17 is amended by adding a new section to read:

15 Sec. 07.17.022. PARKS AND RECREATION. A third class borough
16 may provide for the location, construction, operation and maintenance
17 of parks, trails and playgrounds in the area outside cities, subject
18 to the same provisions governing dedications of park and open space
19 areas as are set out for first class cities in AS 29.10.128. The
20 exercise of powers in the area outside cities under this section is
21 at the option of the borough and is not subject to the restrictions
22 on acquiring additional powers specified in secs. 720 and 730 - 800
23 of this chapter.

24 * Sec. 9. AS 38.05.295 is amended to read:

25 Sec. 38.05.295. PARKS AND RECREATION AREAS. (a) The commis-
26 sioner shall establish a policy and prescribe rules and regulations
27 by which parks and recreation areas, including public scenic overlooks
28 and cultural sites, shall be developed and managed in a manner that
29 will best serve the interests of the people of the state. The

1 commissioner may classify public lands as parks, scenic overlooks,
2 cultural sites and recreation areas as long as the general intent of
3 this chapter is maintained.

4 (b) The director of the division of parks shall by regulation
5 establish for observance by local governments criteria and guidelines
6 relating to development, preservation, maintenance and operation of
7 parks located or enlarged after July 1, 1971 within home rule and
8 general law cities and organized boroughs of any class. For this
9 purpose and in order to qualify for state aid for parks and open space
10 areas under AS 43.18.010(j) the local governments shall submit at a
11 time and in a form designated by the director an overall plan for
12 park and open space development within the municipality as well as
13 specific plans for individual park and open space projects.

14 * Sec. 10. AS 43.18.010 is amended by adding a new subsection to read:

15 (j) During each fiscal year the state shall pay to a city or an
16 organized borough an amount equal to 50 per cent of the nonfederal
17 share of estimated reasonable costs for that year of the development,
18 care, and maintenance of parks and open space areas in accordance with
19 a plan submitted and approved by the division of parks under AS 38.05.-
20 205(b). Funds shall be allocated only for use to further the purposes
21 aided under this section and after the local government applies for,
22 and makes reasonable efforts to secure available federal assistance
23 for such purposes.

24 * Sec. 11. AS 07.05.040(a) is amended to read:

25 (a) In areas of the unorganized borough where there is no
26 political subdivision of the state with a zoning power, the division
27 of lands, Department of Natural Resources, shall exercise the zoning
28 power by adopting zoning regulations. The provisions of AS 29.10.128(a)
29 and (c) apply to subdivisions proposed within the area of the

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unorganized borough outside incorporated cities, except that the
division of lands shall exercise the responsibilities conferred upon
platting boards under AS 29.10.128(a).

* Sec. 12. This Act takes effect July 1, 1971.