

Introduced: 3/9/72
Referred: Resources and
State Affairs

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 729

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND 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) As
12 a condition to approval by the platting board of a proposed subdivision
13 for new housing construction, a subdivider shall dedicate a designated
14 net acreage per cent of the gross area on the plat for park and open
15 space purposes, according to the following formula: $H = \left[\left(\frac{B}{A} \right) XC \right] XG$
16 H = percentage of net acreage required for neighborhood park purposes
17 A = average lot size in proposed subdivision (sq. ft.)
18 B = the number of square feet in an acre available for residential
19 development
20 C = maximum dwelling units per lot allowed by the applicable zoning
21 ordinance
22 E = average persons per dwelling unit in the zoning district
23 G = acreage standard for neighborhood parks divided by the number of
24 people that acreage should serve.

25 (b) For purposes of the formula specified in (a) of this section,
26 the platting board shall determine the number of square feet in an
27 acre available for residential development "B", and the acreage standard
28 for neighborhood parks and the number of people that acreage should
29 serve "G".

1 (c) A city acquiring a parcel of improved or unimproved land
2 through foreclosure, purchase, condemnation, exchange or otherwise may
3 dedicate all or part of the parcel for park and open space purposes if
4 the governing body, after consideration of the advice of the planning
5 commission, the results of the application of the formula specified in
6 (a) of this section, and an absence or lack of proximate park and open
7 space sites to accommodate the population of the area, determines that
8 the best use of the property is for park and open space purposes.

9 (d) To facilitate development of ample parks and open space
10 areas within the city, the governing body may provide for sale, ex-
11 change or other disposition of parcels acquired under this section
12 for the sole purpose of consolidating or rearranging parks and open
13 space areas to provide improved facilities.

14 (e) Up to five per cent of the amount of land required to be
15 dedicated under (a) of this section, shall be dedicated without compen-
16 sation. Any percentage required to be dedicated above five per cent
17 shall be compensated at fair market value by the local governing body
18 for the area in which the land is located.

19 (f) The amount of local contribution required under (e) of this
20 section shall be reduced by a reimbursement to the local governing
21 body of up to 50 per cent by the state; however, if available, federal
22 funds shall reduce the state contribution and if federal funds exceed
23 the amount of the state contribution, the excess over the state contri-
24 bution inures to the benefit of the local government.

25 (g) This section does not apply to a subdivision if, under a
26 plan or program other than the formula specified in this section, a
27 park or open space area at least as large as the area required to be
28 dedicated under (a) of this section is provided within the gross area of
29 the subdivision on a permanent basis.

1 (h) In this section "subdivision" means "subdivision" as defined
2 in AS 40.15.190(2).

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

4 Sec. 29.08.220. DEDICATION OF PARKS AND OPEN SPACE AREAS.
5 AS 29.10.128, relating to dedication of parks and open space areas,
6 applies to home rule cities.

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

8 Sec. 07.12.100. DEDICATION OF PARKS AND OPEN SPACE AREAS.
9 AS 29.10.128, relating to dedication of parks and open space areas,
10 applies to home rule boroughs.

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

12 Sec. 29.15.290. APPLICATION OF LAWS GOVERNING FIRST CLASS CITIES.
13 All laws and parts of laws empowering and regulating first class
14 cities on special assessments, public utilities, airports, public
15 service rates, franchises, acquisition and disposition of property,
16 motor vehicles and motor vehicle operators, [AND] schools, and dedi-
17 cation of parks and open space areas, apply to second class cities.

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

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

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

25 Sec. 29.25.297. PARKS AND RECREATION. The council may provide
26 for the location, construction, operation and maintenance of parks,
27 trails, playgrounds and community centers and the preservation of the
28 scenic and historic resources of the community, subject to the same
29 provisions governing dedications of park and open space areas as are

1 set out for first class cities in AS 29.10.128.

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

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

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

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

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

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

1 chapter is maintained.

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

12 * Sec. 10. AS 43,18,010 is amended by adding a new subsection to read:

13 (j) During each fiscal year the state shall pay to a city or an
14 organized borough an amount equal to 50 per cent of the nonfederal
15 share of estimated reasonable costs for that year of the development,
16 care, and maintenance of parks and open space areas in accordance with
17 a plan submitted and approved by the division of parks under AS 38.05.-
18 295(b). Funds shall be allocated only for use to further the purposes
19 aided under this section and after the local government applies for,
20 and makes reasonable efforts to secure available federal assistance
21 for such purposes.

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

23 (a) In areas of the unorganized borough where there is no
24 political subdivision of the state with a zoning power, the division
25 of lands, Department of Natural Resources, shall exercise the zoning
26 power by adopting zoning regulations. The provisions of AS 29.10.128(a)
27 and (d) apply to subdivisions proposed within the area of the unorganized
28 borough outside incorporated cities, except that the division of lands
29 shall exercise the responsibilities conferred upon platting boards

1 under AS 29.10.128(a).

2 * Sec. 12. This Act takes effect July 1, 1972.

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