

Introduced: 2/18/75
Referred: Community &
Regional Affairs and Judiciary

1 IN THE HOUSE

BY MILLER AND PARKER

2 HOUSE BILL NO. 172

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to state compliance with local planning,
7 platting and zoning ordinances; and providing for an
8 effective date."

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

10 * Section 1. AS 35.10.020 is amended to read:

11 Sec. 35.10.020. CONSULTATION WITH MUNICIPAL PLANNING COMMISSIONS.

12 Before the construction of a public works in a municipality, the depart-
13 ment shall confer with the planning commission of the municipality to
14 determine that the welfare of the public is properly protected and its
15 agencies and instrumentalities shall comply with all local planning and
16 zoning ordinances and the local regulations in the same manner and to the
17 same extent as other landowners. However, if a state agency clearly
18 demonstrates an overriding state interest, a waiver to the compliance
19 requirements may be granted by the governor. [REAL PROPERTY OF THE STATE
20 WHICH IS LEASED, SOLD, EXCHANGED OR OTHERWISE TRANSFERRED FOR VALUE TO
21 OTHER THAN A PUBLIC ENTITY SHALL CONFORM SO LONG AS HELD IN PRIVATE USE
22 TO LOCAL PLANNING AND ZONING ORDINANCES AND REGULATIONS IN THE SAME
23 MANNER AND TO THE SAME EXTENT AS REAL PROPERTY OF OTHER LANDOWNERS SUBJECT
24 TO THE LOCAL ORDINANCES AND REGULATIONS, UNLESS THE LOCAL ORDINANCES AND
25 REGULATIONS ARE LESS STRINGENT THAN COMPARABLE STATE STANDARDS.]

26 * Sec. 2. AS 09.55 is amended by adding a new section to read:

27 Sec. 09.55.275. REPLAT APPROVAL. No agency of the state or munici-
28 pality may acquire property located within a municipality exercising the
29 powers conferred by AS 29.33.150 - 29.33.245 which results in a boundary

1 change unless the agency or municipality first obtains from the municipal
2 platting authority preliminary approval of a replat showing clearly the
3 location of the proposed public streets, easements, rights-of-way, and
4 other taking of private property. Final approval of replat shall be
5 similarly obtained. However, if a state agency clearly demonstrates an
6 overriding state interest, a waiver to the approval requirements of this
7 section may be granted by the governor. The platting authority shall
8 treat applications for replat made by state or local governmental agencies
9 in the same manner as replat petitions originated by private landowners.

10 * Sec. 3. This Act takes effect immediately in accordance with AS 01.10.-

11 070(c).

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