

Introduced: 2/4/75  
Referred: Community and  
Regional Affairs

1 IN THE SENATE

BY RODEY AND CROFT

2 SENATE BILL NO. 125

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  
24 SUBJECT TO THE LOCAL ORDINANCES AND REGULATIONS, UNLESS THE LOCAL ORDIN-  
25 ANCES AND 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 muni-  
28 cipality may acquire property located within a municipality exercising  
29 the powers conferred by AS 29.33.150 - 29.33.245 which results in a

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

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

12 070(c).