

Introduced: 3/27/85  
Referred: Transportation  
and Finance

1 IN THE HOUSE

BY SZYMANSKI

2

HOUSE BILL NO. 326

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to scenic corridors along state  
7 highways."

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

9 \* Section 1. AS 19.22 is amended by adding new sections to read:

10 Sec. 19.22.040. SEWARD HIGHWAY SCENIC CORRIDOR. The Seward  
11 Highway along Turnagain Arm, running from the coastal bluff above  
12 Potter Marsh to the Kenai Peninsula Borough, is designated as a scenic  
13 corridor.

14 Sec. 19.22.050. DESIGNATION OF SCENIC CORRIDORS BY THE DEPART-  
15 MENT. (a) In addition to the scenic corridor designated in AS 19.-  
16 22.040, the department may designate scenic corridors after developing  
17 standards for their designation.

18 (b) Before designating a scenic corridor under (a) of this  
19 section, the department shall conduct joint studies in cooperation  
20 with the Department of Natural Resources. The joint studies shall  
21 include

22 (1) considerations of the overall safety, utility, economy,  
23 and scenic beauty of the proposed scenic corridor;

24 (2) the design and appearance of structures and equipment  
25 on the proposed scenic corridor;

26 (3) right-of-way, landscaping, and view management guide-  
27 lines specific to the proposed scenic corridor; and

28 (4) siting and design guidelines for road maintenance  
29 systems along the proposed scenic corridor.

1 (c) The department shall plan, develop, maintain, and take other  
2 appropriate steps to provide for a scenic corridor whether it is  
3 designated by law or under (a) of this section.

4 (d) The department shall adopt regulations necessary to imple-  
5 ment AS 19.22.040 - 19.22.500.

6 Sec. 19.22.060. LIMITATIONS ON COMMERCIAL OR INDUSTRIAL ESTAB-  
7 LISHMENTS WITHIN SCENIC CORRIDORS. (a) A person or business entity  
8 of any kind may not erect, modify, or maintain a commercial or indus-  
9 trial establishment within a scenic corridor without a permit from the  
10 commissioner of the department. The commissioner shall consider the  
11 following factors in determining whether to issue a permit:

12 (1) the impact of the establishment on the scenic beauty  
13 and recreational value of the scenic corridor;

14 (2) various ways to minimize the adverse impact of the  
15 establishment on the scenic corridor, including setbacks, screening,  
16 and improved landscape and architectural design;

17 (3) the hardship imposed on the landowner in relation to  
18 alternative uses that might be made of the land;

19 (4) the public need for the establishment in relation to  
20 existing or potential establishments of a similar nature.

21 (b) The commissioner may exempt certain classes of industrial or  
22 commercial establishments from the requirements of this section upon a  
23 finding that they are unlikely to adversely affect the scenic beauty  
24 and recreational value of the scenic corridor.

25 (c) This section does not apply to an industrial or commercial  
26 establishment existing before the effective date of this Act.

27 Sec. 19.22.070. LIMITATIONS OF OUTDOOR ADVERTISING AND JUNKYARDS  
28 WITHIN SCENIC CORRIDORS. Notwithstanding any other provision of law  
29 and except as provided in AS 19.25.105, outdoor advertising or

1 junkyards may not be erected or maintained within a scenic corridor.  
2 This section does not apply to outdoor advertising or junkyards exist-  
3 ing before the effective date of this Act.

4 Sec. 19.22.080. LOCAL CONTROL OF RESIDENTIAL DEVELOPMENTS WITHIN  
5 SCENIC CORRIDORS. The commissioner of the department shall request  
6 municipalities to develop or amend zoning or other regulations with  
7 respect to residential developments within scenic corridors to mini-  
8 mize the adverse effect on the scenic beauty and recreational value of  
9 the scenic corridor. If a municipality does not establish regulations  
10 within a reasonable time, the commissioner shall adopt regulations to  
11 preserve and protect the scenic beauty and recreational value of the  
12 scenic corridor from residential development.

13 Sec. 19.22.090. FINES. A violation of this chapter is punish-  
14 able by a fine not to exceed \$500 a day.

15 Sec. 19.22.100. INJUNCTION. The attorney general may bring an  
16 action to enjoin a violation of this chapter.

17 Sec. 19.22.500. DEFINITIONS. In this chapter

18 (1) "commercial or industrial establishment" means a facil-  
19 ity used for the production, sale, or exchange of any goods or service  
20 including gasoline stations, restaurants, motels, factories, quarries,  
21 sand and gravel pits, and automotive sales lots;

22 (2) "department" means the Department of Transportation and  
23 Public Facilities;

24 (3) "junkyard" has the meaning given in AS 19.27.110;

25 (4) "outdoor advertising" has the meaning given in AS 19.-  
26 25.160;

27 (5) "residential development" means any alteration of the  
28 land for residential purposes including dwelling houses, trailer  
29 parks, or campsites;

1           (6) "scenic corridor" means land and water within one-half  
2 mile of the right-of-way of a highway in the state highway system  
3 officially designated by the department as scenic;

4           (7) "state highway system" means all highways located in  
5 this state that are officially designated as state highways under  
6 AS 19.10.020.

7 \* Sec. 3. AS 19.22.020(d) and 19.22.030 are repealed.