

H/B - 140

"An Act relating to the adoption of official maps by home rule and first class cities outside organized boroughs and first and second class boroughs."

2/11/75

COMMITTEE REPORT

HOUSE

629
Rules

Mr. Speaker:

Date

4-7-75

The Committee on C&RA has had HB 140

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR HB 140 AND THAT

CS FOR HB 140 DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

Sam R. Titus
Kathleen O'Sullivan
Lawrence T. ...
Ellie Hershberger

Members NOT concurring in the Majority report:

Devin ... recommends: NO REC

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Sam R. Titus

Chairman

House Committee on
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes
February 26, 1975
9:00 am

Meeting was called to order at 9:10 by Chairman Cotten for discussion of HB 140. Present were:

REp. Sam cotten, Chairman
Rep. Kathryn Ostrosky, Vice Chairman
Rep. Al Ose
Rep. Oral Freeman
Rep. Larry Davis
Rep. Glenn Hackney
Rep. Mike Hershberger
Don Berry, Municipal League
Jack Chenoweth, Director, Local Government Assistance
Kevin Waring, Director, Community Planning
Barbara Englert Thomas, Staff
Andrea Guernsey, Staff

Mr. Freeman started by saying again that he wanted to change the word "shall" to "may" in line 12. He doesn't like mandatory laws for municipalities. He said 99% of the problems with local government seem to occur in Anchorage for some reason and then they impose a law on the rest of the State to correct thier problem. Chairman Cotten asked Mr. Waring if other areas of the State besides Anchorage had problems. Kevin answered that other areas of the State, mostly the large boroughs, support this kind of legislation. This bill serves to clarify because the statutes don't define an official map or give a time limit

Mr. Cotten wondered if they couldn't do it by ordinance.

Mrs. Ostrosky, sponsor of the bill, said it calls attention to the need for advance planning.

Chairman Cotten said if there was no time limit anyway it wouldn't make any difference if we did change shall to may. Kathryn said her cosponsors objected to using may.

Rep. Ose thought the Mat-Su Borough would have a hard time of it, surveying and staking all the undeveloped land. Rep. Hershberger thought the crux of the bill was in line 14-the map shall show existing and future streets etc. They aren't required to map the whole borough only the municipal center.

Mr. Cotten asked Mr. Berry if the Municipal League had any comment on the bill. He replied, no it was not on their policy statement. Mr. Berry then left at 9:30.

Mr. Freeman stated that he had spent some time on the executive board of the Municipal League and that they liked the idea of self government and the individuals in the Legislature weren't necessarily qualified to tell them how to run their business.

Mr. Hackney wanted to know what would happen to the municipalities if they don't comply? The bill doesn't provide for a time limit or any penalties; its more a directive, Cotten said.

Rep. Hershberger asked Rep. Davis what impact this would have on the North Slope Borough. Larry said it would be hard to plan and map out.

Chairman Cotten left at 9:35 and Vice Chairman Ostrosky took over the meeting.

Mr. Ose doesn't favor the bill. It might be good for Anchorage but not the Mat-Su Borough. Glenn thinks if it is directed towards Anchorage they should say for themselves and it should not be put on the whole state.

Mr. Hershberger suggested amending the bill to restrict the areas covered by the map. After the word "ordinance" on line 12, take out the word "an", add an s to the word "map" and then add "of incorporated or non-incorporated cities, villages and townsites". Mr. Waring commented that this would still address the areas with the problem.

Mr. Hackney doesn't see the reason for the bill. Doesn't seem to be any over-riding good. Chairman Ostrosky reiterated that the reason was advance planning, to put emphasis on having a comprehensive plan. Glenn didn't think you could foresee the future adequately enough to plan. Kathryn asked Kevin how other states have dealt with the problem. Kevin said that many states have legislation like this. The map is a document for use in planning. We need further definition because different legal interpretations have arisen. Paragraph A defines what the map should contain; Paragraph B sets down the procedures and paragraph C states that the map doesn't involve taking of property. Rep. Ostrosky says this is a chance for a new state to plan out its communities and avoid ugly cities an urban sprawl.

Mr. Hackney made a motion to table the bill; seconded by Al Ose. Vice-Chairman Ostrosky called for a vote. In favor to table were: Davis; Freeman; Ose; Hackney and Hershberger. Ostrosky was opposed.

Meeting was adjourned at 9:50.

TAPE #6
side 1
0-1022

HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Meeting Minutes
March 21, 1975

Meeting was called to order at 9:00 for discussion of HB 16 and HB 140. Present were:

Rep. Sam Cotten, Chairman Rep. Larry Davis
Rep. Kathryn Ostrosky Rep. Al Ose
Rep. Oral Freeman Rep. Mike Hershberger--absent
Rep. Glenn Hackney
Barbara ENglert Thomas, Staff
Andrea Guernsey, Staff
Kevin Waring, Director, Community Planning
Don Berry, Municipal League
Rep. Jim Duncan, Sponsor, HB 16
Al Judson, Firemen

HB 16

Duncan said this was the same bill as in the Senate, only the figures were different.

(58) Mr. Judson gave a small dissertation on why fire protection needed more money: shortages, all costs have gone up tremendously.

(166) Rep. Freeman asked if communities are required to spend X dollars for fire protection out of revenue? Not now, Duncan said, but HB 15 would earmark for fire.

(203) Freeman-If there is a village that gets only fire protection revenue sharing the increase from \$5 to \$15 would mean a lot of change, but for Anchorage the money would be the same but percentage wise would be smaller.

(368) Ose explains. If they raise fire protection to \$15 the increase would be %300 but Anchorage would have to take a decrease in other areas. (400) the top figure would have to go up equally.

(536) Mr. Berry suggests a committee substitute for the Senate bill.

(643) Freeman has reservations but moves to report HB 16 and SB 40 out.

The Committee amended SB 40 to \$15 and moved it and HB 16 out of committee.

HB 140

(873) Rep. Ostrosky moves to untable. Suggested amendments: line 12-change shall to may, delete "an", add an "s" to map. After map add "of cities and townsites". Line 23-add after "building", "or other structure located within a bed of a".

She asked Mr. Waring for comments but he had none.

(967) Freeman would rather see a committee substitute.

CSSB 111am

Committee moved the bill out. (Eagle River) (1026)

HOUSE COMMUNITY & REGIONAL AFFAIRS COMMITTEE

Meeting Minutes
March 25, 1975

Meeting was called to order at 9:00 for discussion of HB 140, 265, 266. Present were:

Rep. Sam Cotten, Chairman	Rep. Mike Hershberger
Rep. Kathryn Ostrosky	Rep. Glenn Hackney
Rep. Al Ose	Rep. Oral Freeman
Rep. Larry Davis	
Barbara Englert Thomas, Staff	
ANDrea Guernsey, Staff	
Bob Pavitt, planning consultant	
Don Clocksin, Alaska Legal Services'	
Dave LeBlonde, A.G.'s office	
Mike Harper, Deputy Commissioner, C&RA	

HB 140

(15) Mr. Pavitt gave testimony saying that 42 states now had some sort of official map act. The committee substitute is good, changing shall to may is OK. It's good for the planners and subdividers to be pre-advised of the plans of the municipality. He offered a suggested amendment to be placed after paragraph A.

(291) Cotten asked about the intent of section E. Bob said in essence what they're talking about is a tax rebate. He thinks the bill should clarify the tax status of the land to avoid a rip off.

(373) Why is the amendment necessary, Cotten asked. There should be a statement as to the effect of the map, what it does and what it doesn't do. (442) Rep. Ostrosky, sponsor, thinks the suggestion is good.

(463) end discussion of HB 140.

HB 265, 266

(480) Mr. Clocksin gave a short run down of the background of the bill. It came out of the Bush Justice Conference held in Minto. Addresses the problem of a lot of unincorporated villages who don't have enough sufficient funds to pay for an attorney.

(570) Cotten asked if he expected many first class cities to make requests. Clocksin didn't think so but knew of one request right now (Angoon).

(586) Mr. Harper made a few comments. His Department endorses the project. ON the question of additional staff he said that the local government specialists weren't prepared to answer questions about legal problems.

(653) Ose wondered how many hours of legal time \$50,000 would buy, and how many villages will request. There won't be a lack of equests Harper said, but there is no way of telling how many projects themoney will fund. In order to determine if they need assistance the Dept. will have to set requiremns. (760) Clocksin noted that there was no way to set the exact costs right now, it will have to be on an

House Committee on
COMMUNITY & REGIONAL AFFAIRS

Meeting Minutes
February 24, 1975
9:00 am

Meeting was called to order at 9:25 by Chairman Cotten. Present were:

Representative Sam Cotten

" Al Ose

" Oral Freeman

" Mike Hershberger

" Kathryn Ostrosky

Barbara Englert Thomas, Staff

Andrea Guernsey, Staff

Kevin Waring, Director, Planning Division, C&RA

Art Hartenberger, Director, Planning, Juneau Borough

Meeting was for discussion of HB 140-Official maps. Mr. Waring began.

1300-Waring-This bill is identical with the one introduced last year. The Municipal League does not necessarily support this particular bill but supports the concept of official maps. Also endorsed by the Planning Association of Alaska. This bill defines what an official map is. Title 29 already authorized for official maps. Map lays out the future development plans of city and provides notice to property owner of what the municipality will eventually want. Bill is beneficial to both parties—municipality reserves the right and has the time to acquire and the owner knows where and when he can build. The bill is a sound concept and provides fair provision for informing property owners.

1350-Cotten-Does a municipality already have the power to condemn?

Waring-Yes, they have the power of eminent domain. As condition of plat approval they can usually require dedication of streets, etc.

1370-Cotten-Say a person constructs a warehouse on their property. That would probably influence the decision of the planning commission, wouldn't it?

1390-Waring-Yes or else it would cost municipality money to reroute whatever they planned on putting there, or having to condemn and acquire a fairly new structure. (Gave example of 5 years ago in Anchorage when they didn't have an official map someone built a hotel on the land they wanted to put a hiway and the city had to reroute the bypass. Situation could have been avoided with official map.)

1423-Freeman-Is there anything in the law which prevents people from adopting an official map? Mr. Waring replied no. The bill clarifies existing legislation.

1435-Freeman-He is suspicious of mandatory legislation. Doesn't like the word "shall". Local people don't have much of a choice.

1449-Waring- The statutes already require an official map along with a comprehensive plan.

HB 140 cont'd

- 1458-Art said the official map in Juneau is basically the comprehensive plan in map form. There are lots of communities with comprehensive plans which have not been adopted by ordinance.
- 1479-Chairman Cotten observed there seems to be a lack of requirements.
- 1482-Mr. Freeman said the reason for that was because many of the comprehensive plans were ridiculous and the municipalities didn't want to adopt them by ordinance.
- 1510-Art said it was in the best interest to have an official map, otherwise the State would come in and tell the municipality what to do.
- 1537-Representative Cotten that in Section D the State could already do that.
- 1544-Mr. Waring thought that the language didn't mean the Borough had to but that they would have the same consistent policy. Keeps the property owners from being surprised by the municipalities. Main purpose of map is right of ways.
- 1570-Mr. Freeman asked if the map could be amended. Kevin said yes it could and was quite common to update it. Oral thought that was not really protecting the public then if the map could be so easily changed. Kevin said the map could be modified but the original represented the best plan.
- 1608-Representative Ostrosky remarked that it forces the community to take a long long range look at plan.
- 1616-Mr. Cotten asked what is the process for amending the map. Art said that through a series of public hearings recommendations are made to the planning commission who in turn recommend to the borough assembly and it is adopted by ordinance.

Art also brought up the point that the communities would have to spend lots of money to have all this land surveyed. What kind of price tag does that require?

- 1673-Mr. Hershberger thinks that the communities ought to spend the money. There is too much lack of planning.
- 1686-Mr. Cotten thought section B contained some confusing language. The 18 month and 5 year figures. Kevin answered that the five years applied to the map itself. The assembly has to review and reapprove the map every five years. The 18 month figure comes from the Greater Anchorage Borough.
- 1720-Mr. Waring offered a suggestion for line 22. After the word building, add the words "or other structure located within the bed of a street" etc. Left out in typographical error probably.
- 1741-Hershberger moved that the language be adopted as an amendment.
- 1750-Chairman Cotten said it could be added without objection.
- 1756-Mr. Freeman wanted to change the shall to may in line 12. Representative Ostrosky the sponsor, thought that might be too permissive and wasn't quite clear on the difference.
- 1767-Mr. Waring reiterated that existing legislation already made planning, platting and zoning mandatory for first and second class boroughs thus making an official map mandatory.

Meeting was adjourned at 10:00.

OFFICIAL MAP ACT

What Is It?

Amends the Alaska Statutes to specify what types of public improvements may be on a local government's official map.

Enables first and second class boroughs and first class cities in the unorganized borough to reserve land for future streets, schools, park land and trails.

Establishes a reasonable length of time for the acquisition of such sites.

Why Do We Need It?

Local communities need a tool to implement their comprehensive plan in the face of rapid projected growth for the years ahead.

Taxpayers will otherwise bear the brunt for high costs of condemnation if expensive buildings or development are allowed on a site for future public improvements or facilities.

Without site reservation prior to or coincident with development, schools tend to be left with marginal site locations when subdivision development preempts all available good land.

Parks and trails which are the setting for the Alaskan "good life" become prohibitively expensive if not acquired as part of an overall plan.

Property owners and prospective buyers deserve to know what to expect in the way of future public improvements such as a street, school or park on or adjacent to their property.

How Does It Work?

The local community through its elected body enacts its official map after public input and adequate planning.

The map is effective for a five-year period after which time it is reviewed. Property is released from any reserve restriction automatically unless an additional five-year extension is approved by ordinance. Each local body sets its specific terms and procedures for implementation of the act.

Compliance with the act is obtained by setting an 18-month reservation on any site for future public acquisition if the owner proceeds to initiate development in violation of the map. Specifically this would be from the time of application for a building permit, special exception, or submission of a preliminary plat.

If the local government does not acquire the property within the 18 months, the reservation becomes void. The property owner would receive an option to purchase that would reflect the amount of taxes accruing to the property site during this reserve 18-month period.

The local governing body will establish provision for review of hardship cases.

The local governing body may adopt and modify by ordinance the map upon recommendations of the planning commission and consistent with the general plan.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

Introduced:

Referred:

IN THE _____

BY _____

_____ BILL NO. _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the adoption of official maps by first class cities in the unorganized borough and first and second class boroughs."

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

* Section 1. As 07.15 is amended by adding a new section to read:

Sec. 07.15.345. OFFICIAL MAP. (a) The assembly of a first or second class borough may adopt and modify, by ordinance, an official map based upon the recommendations of the planning commission and consistent with the comprehensive plan. The map may show existing and proposed future streets, schools, park land and trails and the area needed to acquire, widen and enlarge them. It shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground and shall be attested to by a registered land surveyor. After adoption a certified copy of the map shall be recorded in each recording district within which any of the land shown on the map is located.

(b) For the purpose of preserving the integrity of such official map, no plat shall be recorded and no permit shall hereafter be issued for any building in the bed any street, school site, park land or trail etc. shown or laid out on such map except as provided in this section. However, the reservation of particular property for public use under the map shall cease and become void 18 months after an owner of the property reserved makes application for a preliminary plat, or for a building permit for the location or construction of a building or structure within the area reserved, unless during that time the borough has filed the property or filed eminent domain proceedings to acquire the property. Property reserved on the map but not acquired within five years after the reservation is recorded in the district recorder's office, shall automatically be released from the restrictions

of the map unless affirmative action is taken by ordinance to hold or reserve the property on the map for another five year period.

(c) The adoption of an official map does not of itself give the borough a right, title, or interest in areas identified for public purposes but authorizes the borough to acquire an interest without paying compensation for buildings or structures which are erected in those areas without a permit or in violation of the conditions of a permit.

(d) At the request of the state, the assembly may reserve land for the state in the same manner and on the same terms that it reserves lands for the borough.

(e) Any owner of property reserved on the official map shall receive an option to purchase from the municipality at the time the owner files a preliminary plat or requests a building permit. The option should reflect the amount of taxes accruing to the property during the 18 month reserve period.

*Section 2 AS 29.10.244 is added to read:

AS 29.10.244 OFFICIAL MAP. First class cities in the unorganized borough may provide for an official map in the manner provided in AS 07.15.345.

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

X-Office of MCT
Planning Department
November 4, 1969
V. S. M. ©

OFFICIAL MAP
CASE NO. 69-43-OFF. MAP

Addendum to report submitted
December 27, 1968-August 13, 1969

The attached proposed Official Map Ordinance provides for essentially the following:

1. A procedure for initiation and preparation for an Official Map
 2. A procedure for adoption of the Official Map requiring:
 - a. maps
 - b. public hearing
 - c. notice to property owners
 - d. ordinance
 - e. filing the Official Map with the register of deeds
 3. A requirement that the officer responsible for issuing building permits shall deny all requests involving the area reserved
 4. A procedure for appeal if a permit is denied requiring:
 - a. application
 - b. referral to the Planning Commission
 - c. hearing
 - d. findings
 5. Opportunity (six months) to acquire the land should it be determined that a building permit must be issued by consideration of justice and equity.
- alt?

This ordinance has been discussed and developed by both the Planning Director and the City Attorney. Although there is not complete agreement on all sections, it is recommended that this ordinance be approved by the Commission.

PROPOSED OFFICIAL MAP ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE RELATING TO OFFICIAL MAPS
AND THE EFFECT THEREOF, AND ESTABLISHING
PROCEDURES IN CONNECTION THEREWITH FOR
PROCESSING APPROVAL, FILING AND APPEALS
THEREUNDER

THE CITY OF ST. LOUIS PARK DOES ORDAIN:

Section 1. Official maps as authorized by Minnesota Statutes, Sections 462.351 through 462.364 shall be regulated as follows:

Section 6:400. Title. This ordinance shall be known, cited and referred to as the "St. Louis Park Official Map Ordinance," except as referred to herein, where it shall be known as "this ordinance."

Section 6:402. Purpose and Intent. Municipalities are faced with mounting problems in providing means of guiding future development of land so as to insure a safer, more pleasant and more economical environment for residential, commercial, industrial, and public activities and to promote the public health, safety, morals and welfare. Municipalities can prepare for anticipated changes and by such preparations bring about significant savings in both private and public expenditures. Municipal planning, by providing public guides to future municipal action, enables other public and private agencies to plan their activities in harmony with the municipality's plans. Municipal planning will assist in developing lands more wisely to serve more effectively, will make the provision of public services less costly, and will achieve a more secure tax base. It is the purpose of the City Council of the City of St. Louis Park to provide a uniform procedure for adequately conducting and implementing its municipal planning for the City of St. Louis Park through proper use of Official Maps as authorized by the laws of the State of Minnesota. Land that is needed for future street purposes and as sites for other public facilities and services is frequently diverted to non-public uses which could have been adjusted to meet the public need or could have been located on other lands without hardship or inconvenience to the owners. When this happens, public uses of land may be denied, or it may be obtained later only at prohibitive cost or at the expense of dislocating the owners and occupants of the land, or it may force the City to forego the needed public facility, or result in the selection of an inferior location. Identification on an Official Map of land needed for future public uses permits both the public and private property owners to adjust their building plans equitably and conveniently before investments are made which will make such adjustments difficult to accomplish. The City of St. Louis Park, through action on its City Council, having adopted a Comprehensive Plan for the City and as a part thereof having adopted a Land Use Plan, a Thoroughfare Plan and a Community Facilities Plan, by this ordinance relating to Official Maps expresses its intent to implement the policies and objectives stated therein.

Section 6:404. Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance and the following words and terms wherever they occur in this ordinance are defined as follows:

Subd. 1. "Comprehensive Plan" means a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the City of St. Louis Park and its environs and may include, but is not limited to, the following: Statements of policies, goals, standards, a land use plan, a community facilities plan, a transportation plan. The City's Comprehensive Plan represents policies, aims, and objectives for development of the City of St. Louis Park.

Subd. 2. "Land Use Plan" means a compilation of policy statements, goals, standards, and maps, and action programs for guiding the future development of private and public property. The term includes a plan designating types of uses for the entire City as well as a specialized plan showing specific areas or specific types of land uses, such as residential, commercial, industrial, public or semi-public uses or any combination of such uses.

Subd. 3. "Thoroughfare Plan" means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development and function of streets and highways in the City.

Subd. 4. "Community Facilities Plan" means a compilation of policy statements, goals, standards, maps and action programs for guiding the future development of the public or semi-public facilities of the City such as recreational, educational and cultural facilities.

Subd. 6. "Official Map" means a map adopted in accordance with this ordinance and laws of the State of Minnesota in such case provided showing the location of existing and future public land and facilities existing streets, proposed future streets and the area needed for widening of existing streets.

Section 6:406. Adoption. The City Council may by ordinance adopted by an affirmative vote of a majority of all members thereof, adopt, amend, or repeal Official Maps in the manner hereinafter set forth.

Section 6:408. Initiation of Proceedings. Proceedings for adoption, amendment, or repeal of Official Map may be initiated by (1) a recommendation of the Planning Commission; or (2) by action of the City Council on its own initiative, recommendation of an Advisory Commission, request of an outside agency, or petition of five (5) or more residents.

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Section 6:409. Reference to the Planning Commission. Except in case of an initial recommendation by the Planning Commission, any proposed Official Map shall be submitted to the Planning Commission and its recommendation thereon shall be submitted to the City Council, before further proceedings are taken, provided that the said Planning Commission shall meet, consider said proposed change, and submit its recommendation to the City Council within sixty (60) days after submission of the matter to it. If no recommendation is transmitted by the Planning Commission within sixty (60) days after referral of the proposal to the Planning Commission, the City Council may take action without further awaiting such recommendation.

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Section 6:410. Sketch Maps and Reports. All proposals for proceedings for Official Maps, however initiated, shall be accompanied by a sketch map or plat showing the lands proposed to be included and the public purpose to be served. Prior to the hearing, the City Council may request a report of the City Engineer as to the feasibility of any construction involved, and the City Planner shall submit a written report on the effect of the proposal on the Comprehensive Plan.

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Section 6:412. Notice. The City Council upon receiving the recommendation of the Planning Commission respecting any proposed Official Map, or after sixty (60) days from the submission thereof to the Planning Commission without a recommendation by the commission, may consider the same, and if a majority of the Council are in favor thereof, notice of a regular or special meeting, at which a public hearing will be had thereon, shall be given by publication at least once in the official newspaper, not less than ten (10) days and not more than thirty (30) days prior to said hearing, stating the time and place thereof, description of property to be included and a general statement of the nature of the purpose of the hearing. Not less than ten (10), nor more than thirty (30) days prior to said hearing, a copy of said notice shall also be mailed by the City Clerk to all owners of said land, as the same appear upon the records of the County Auditor of Hennepin County, and addressed to the last known address, as shown by said Auditor's records. If attempt is made in good faith to serve all persons in the manner and at the times above provided, failure to serve one (1) or more through inadvertance shall not invalidate the proceedings. Proof of service shall be made by the affidavit of the persons serving same and shall be filed with the City Clerk.

Section 6:414. Hearings. At the time set for the hearing, the City Council shall hear arguments for and against such proposed Official Map and may continue said hearing from time to time not exceeding sixty (60) days from the original date specified in the notice of hearing. Final vote on the proposed change shall be taken within said sixty (60) days.

Section 6:416. Maps. The Official Map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the Official Map. The accuracy of the future acquisition lines shown on the Official Map shall be attested to by a registered land surveyor.

Section 6:419. Filing. After adoption, amendment or repeal of an Official Map, a certified copy of the official map, or sections thereof with a copy of the adopting, amending or repealing ordinance attached shall be filed with the register of deeds as provided in Sections 462.351 to 462.364 of the Minnesota Statutes.

Section 6:420. Effect. After an official map has been adopted and filed, the issuance of building permits by the municipality shall be subject to the provisions of this section. The officer responsible for issuing building permits shall deny all applications for permits to expand existing buildings or structures or to establish new buildings or structures within the area identified for a public purpose on the Official Map or on property outside any building lines as shown on said Official Map. Whenever any street or highway is widened or improved or any new street is opened, or interests in lands for other public purposes are acquired by the City, it shall not be required in such proceedings to pay for any building or structure placed without a permit or in violation of conditions of a permit within the limits of the mapped street or outside of any building line that may have been established upon the existing street or within any area thus identified for public purposes. The adoption of an official map does not give the municipality any right, title, or interest in areas identified for public purposes thereon, but the adoption of the map does authorize the municipality to acquire such interests without paying compensation for buildings or structures erected in such areas without a permit or in violation of the conditions of a permit.

St. Louis Park, Minnesota

Section 6:422. Appeals. If a building permit is denied because of the requirements of this ordinance, the City Council shall have the power, upon appeal filed by the owner of the land and upon receiving the recommendation and advice of the Planning Commission, to grant a building permit in such location in any case in which the Council finds, upon the evidence and arguments presented to it, (a) that the entire property of the appellant of which such area identified for public purposes forms a part cannot yield a reasonable return to the owner unless such a permit is granted, and (b) that balancing the interest of the municipality in preserving the integrity of the Official Map and of the Comprehensive Plan and the interest of the owner of the property in the use of his property and in the benefits of ownership, the grant of such permit is required by considerations of justice and equity. Failure of the Planning Commission to report on the proposal within sixty (60) days after such referral or such period as may be designated by the City Council, shall be deemed to have satisfied the requirements of this ordinance. The City Council shall hold a hearing on the appeal and there shall be published a notice of said hearing in the official newspaper once at least ten (10) days before the day of the hearing. If the City Council authorizes the issuance of a permit, the City Council or other boards or commissions having jurisdiction shall have six (6) months from the date of the decision of the Council to institute proceedings to acquire such land or interest therein, and if no such proceedings are started within that time, the officer responsible for issuing building permits shall issue the permit if the application otherwise conforms to local ordinances. The City Council shall specify the exact location, ground area, type of construction, height, building bulk and other details as to the extent and character of the

building for which the permit is granted, provided such specifications are permitted within the zoning district applicable to the site and provided such specifications are not contrary to the building code.

Section 6:24. Separability. Should any section, subdivision, clause or other provision of this ordinance be declared by a court of competent jurisdiction to be invalid such decision shall not affect the validity of the ordinance as a whole nor of any part thereof other than the part so declared to be invalid.

Section 2. Violation and Penalty. Any person, firm, corporation, or voluntary association which violates or refuses to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof be subject to a fine of not more than Three Hundred Dollars (\$300.00) for every offense or to imprisonment not exceeding ninety (90) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense.

Adopted by the City Council _____ 1969.

Mayor

Attest:

City Clerk

Reviewed for administration:

Approved as to form and legality:

City Manager

City Attorney

What happens if it is
deductible part - bor on kn!
unfair to dr. who keeps
open space in hands of private
homeowner?



*density
open space
Wesley*

American Society of Planning Officials
1313 East Sixtieth Street Chicago Illinois 60637 Telephone 312: 324-3400

Planning Advisory Service

September 23, 1970

Miss Donna Matthews
8916 Gloralee Street
Anchorage, Alaska 99502

Dear Miss Matthews:

This letter is in reply to your inquiry of September 10, 1970, concerning official maps and dedication of land for park/school/open space in subdivisions.

We are in the middle of a report on subdivision dedication and reservation requirements for park land and school sites. Unfortunately, this will not be ready for release for several months. Nonetheless, I will give you what information I can at this time hoping that the report will also be of value to you when it is released.

density formula

In establishing requirements for the dedication of land in subdivisions most communities (according to ICMA's 1969 Municipal Year Book) use a formula which fixes the percentage of land to be dedicated. The others rely on other kinds of formulas, the principal one being to relate open space to be dedicated in a subdivision to the density of the development. The requirement based on density of population is probably fairer than a flat requirement--e.g. 5 per cent or 10 per cent of the land to be dedicated for recreational purposes--because a low density subdivision may have sufficient open space provided on the individual lots. On the other hand, you give the community more assurance that developers will dedicate or furnish sufficient recreational land with a density formula for those people who will inhabit more densely developed subdivisions. However, the density formula is technically more difficult to determine and keep up to date than if a flat percentage of land requirement is used.

Philip Green, in his chapter on subdivision from Principles and Practice of Urban Planning (1968), comes out strongly for requiring a provision of certain recreational facilities in subdivisions to be scaled to the number of families to be housed in the subdivision instead of a flat requirement of land. I quote the salient paragraph from his chapter:

"Once again, to assure the strongest legal basis, the regulations should contain definite standards as to when, where and how much land will be required. It is legally unwise, for example, to provide merely that the plat approval agency may

require dedication of such recreation areas as it deems necessary. On the other hand, a flat requirement that 5 or 10 per cent of the land area of every subdivision be dedicated for recreational purposes, while uniform and perhaps legal, might produce unnecessary land in some large-lot subdivisions and bits and pieces of poorly-sited, difficult to maintain recreational areas in other subdivisions. Perhaps the most reasonable solution is to require provision of certain recreational facilities scaled to the number of families to be housed in the subdivision, coupled with a requirement that land shown on the comprehensive plan as park or school sites be dedicated or reserved, a maximum limit on the percentage of land within the subdivision to be dedicated could be included."

like what

There are some general guidelines for development the provisions which we can recommend, irrespective of which method you employ.

Principles and Practice of Urban Planning states on page 463:

"Several definite guidelines are becoming apparent, however, for those wishing to maximize the chances of a favorable court decision. First, there should be specific statutory authorization for such a requirement, and the requirement should be stated in the written subdivision regulations and not left to the discretion of the plat approval agency. Second, the regulations should provide that any payments received will be paid into a special park and school fund and not mixed with the general revenues of the city (otherwise the courts will probably treat them as a non-uniform tax). Third, the regulations should specify that the payments which are made are to be spent for the benefit of the specific areas from which they come. Fourth, the amount of payment required should be reasonable and bear some relation to the actual costs generated by the subdivision."

We are enclosing a portion of our report to the Connecticut Development Commission, New Directions in Connecticut Planning Legislation, February, 1966. This section provides a good clear discussion of dedication and payments-in-lieu. You will notice that in this report we recommend that the payment provision be computed on the basis of the value of land that otherwise would be required to be dedicated. An example of such an ordinance comes from Saratoga County, New York, which requires a percentage dedication unless the subdivision is too small:

"Owner is required to dedicate 5 per cent of his tract for recreational uses. For any acreage in excess of 5 per cent the owner will be compensated at fair market value prior to subdivisions. If the Planning Board considers an owner's tract too small and that the dedication of 5 per cent would make a site unusable

September 23, 1970

for public purposes, the Town Board may direct the owner to make a money payment-in-lieu of land. The payment must be equal to 5 per cent of the market value of the total tract prior to subdivision and must be used by the town for the purchase of land to be used for recreational purposes by the neighborhood for which payment was made."

We are enclosing xeroxed copies of official map ordinances. These will illustrate how other communities have handled this method for land reservation. None are especially recommended because, of course, every community will have to design their ordinance to fit their particular needs.

We hope that these comments and references will be useful.

Sincerely,

Karen E. Hapgood

(Mrs.) Karen E. Hapgood
Assistant Planner

KEH/ad

encls: on loan - PAS Report No. 119

to keep - xerox copies of official map ordinances

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

SKIP - ASPD - 1213 East 100th St
Chicago, Illinois
1213 East 100th St
Chicago, Illinois
1213 East 100th St
Chicago, Illinois

generated by such uses over residential developments.
street rights-of-way when provision is made for increased traffic
from business or industrial properties (the exception is additional
C. No land or cash dedication for public purposes shall be required
for residential purposes.
upon ultimate dedication at the time of subdivision or development
executed with the owner(s) of such property for dedication based
tract of five (5) acres or more, but an agreement shall be
D. No dedication shall be required for public purposes for land in

For Dedication From:

0 - 5 units per acre	6% of the net residential area
6 - 25 units per acre	12% of the net residential area
25 - 100 units per acre	20% of the net residential area

needs generated by) the specific area involved.
sliding scale, related to the density proposed for (and thus the
requirements for residential areas shall be established on a
Planning Commission) or if no plans exist, land dedication
facilities as indicated by the Master Land Use Plan or by the
sites, parks, playgrounds, and other outdoor recreational
C. Provision shall be made for the allocation of areas for school



DELETE

W. S. ...

1213 East 100th St
Chicago, Illinois
1213 East 100th St
Chicago, Illinois
1213 East 100th St
Chicago, Illinois
SKIP - ASPD - 1213 East 100th St
Chicago, Illinois

2. No land or cash dedication shall be required in those instances of Planned Unit Development where an equivalent amount of privately owned open space will be provided by the developer for the use of the residents of the development, and where the preservation of such open space is guaranteed.
3. The allocation of areas for public use may be made available by one of the following methods as required by the Planning Commission:

(1) Parks, Playgrounds and Recreational Sites

- (a) The dedication to public use on the plat of the parcel proposed for subdivision, of a parcel of land equal to at least the percentage indicated by the net density of said parcel proposed for subdivision.
- (b) The conveyance by deed to an appropriate public body of a parcel of land equal to at least the percentage indicated by the net density of the parcel proposed for subdivision.
- (c) A conveyance or reservation to the owners of land within the proposed subdivision of a parcel of land equal to at least the percentage indicated by the net density of the parcel proposed for subdivision for use of the property owners within said subdivision.
- (d) Cash equal to the market appraisal of a parcel of land equal to at least the percentage indicated by the net density of the parcel proposed for subdivision.
- (e) Such other method that may be mutually agreeable to the subdivider and to the Planning Commission.

DELETE

(2) School Sites

A reservation for acquisition by the School Board, within eighteen (18) months, of land in such reasonable amount as may be determined by the Commission. Said reservation shall be made in such a manner as to provide for a release of the land to the subdivider in the event no public agency proceeds with the purchase. The eighteen (18) months reservation shall begin with the date all or any part of the proposed subdivision is officially recorded.

CHECK LEGALITY

TRUCK FOR PROBABLY 15

CONTRACT BETWEEN DEVELOPER & SCHOOL BO

NOT ASSIGNED TO PUBLIC USE

(3) Dedicated Public Sites:

Each public site, roadway, ^{PUBLIC} utility easement and/or other area to be dedicated shall be so designated as to indicate the purpose of said dedication, ~~and to whom it is to be dedicated.~~

(4) Scenic & Historical Sites:

Due regard shall be shown for preserving outstanding natural and cultural features such as scenic spots, water courses or historical sites. Dedication to and acceptance by a public agency is usually the best means of assuring their preservation.

DELETE

RIGHTS OF REFUSAL OF PROPOSED DEDICATIONS

7. - Drainage

- a. The Planning Commission shall not approve any subdivision having inadequate storm and/or sanitary drainage as determined by the Borough ^{DIRECTOR OF PUBLIC WORKS} Engineer and the Borough Sanitary Engineer.

THE PRECEDING DOCUMENT(S) MAY NOT FILM
LEGIBLY BECAUSE OF POOR QUALITY OF THE
ORIGINAL.

OFFICIAL MAP ACT

Enabling legislation is needed to allow the adoption of official maps. The rationale for an official map is described in this selection from Land-Use Controls Quarterly:

The need for construction of new public improvements is rising continuously as development moves out steadily from urban centers. Reservation of land for future street, school, park, and other public facility sites in areas subject to impending development is vital so that communities may prevent unfortunate developments within these areas. An official map, based on planning studies and approved by the local government, has much potential, for it allows the community to reserve, with the intent of later acquiring, needed public lands in developing areas. From the public standpoint, the official map is designed to delay any proposed development long enough for the community to buy property before construction makes it unduly expensive. An official map should be considered primarily as a short-term regulatory adjunct to a property acquisition campaign. From the private standpoint, the map serves as a notification and warning of the location of proposed public improvements.

We recommend that enabling legislation allow first- and second-class boroughs and first-class cities in the unorganized borough to adopt by ordinance official maps for street, school, and park land reservations showing detail sufficient to permit the establishment of future acquisition lines on the ground. The reservation of a particular property for public use under the map should lapse and become void eighteen months after the owner of the property reserved makes application for a building (construction or land use) permit within the area reserved unless during that time the property is acquired or eminent domain proceedings are filed to acquire the property.

If the land is not acquired within five years after filing the map in the district recorder's office, the property should be released from the restrictions of the map. Provisions should be included for variances and relief under certain conditions. We recommend also that the State have authority to participate with the local governments in planning routes to be reserved and in later acquisition of those rights-of-way needed by the State.

GREATER ANCHORAGE AREA BOROUGH

PLANNING AND ZONING COMMISSION RESOLUTION NO. 2-

A RESOLUTION URGING ENACTMENT OF ENABLING LEGISLATION TO PERMIT ADOPTION BY LOCAL UNITS OF GOVERNMENT OF "OFFICIAL MAPS"

WHEREAS, the need for construction of new public improvements is rising at a rapid rate as development moves steadily out from the urban centers; and

WHEREAS, reservation of land for future street rights-of-way, schools, parks, and other public facility sites in areas subject to development is vital so that communities may prevent development on these sites; and

WHEREAS, an "official map", based on appropriate planning studies and adopted by the local unit of government, as much potential in allowing the local community to reserve these needed lands with the intent of later acquiring them; and

WHEREAS, the "official map" is intended, from the public standpoint, to delay development of these sites sufficiently long enough to permit the local community to acquire said sites prior to construction upon them; and

WHEREAS, an "official map" is to be considered a short term regulatory device adjuncted to property acquisition; and

WHEREAS, from the private standpoint, the map serves as a notification and warning of the impending location of proposed public improvements;

NOW, THEREFORE, BE IT RESOLVED that the Greater Anchorage Area Borough Planning Commission recommends to the Eighth State Legislature of the State of Alaska the amendment of enabling legislation to allow first and second class Boroughs and first class Cities within the unorganized Borough to adopt, by ordinance, an "official map" for street, school, parkland and trail right-of-way reservations, said official map to show projected rights-of-way and areas of use in sufficient detail to permit the establishment of future acquisition lines on the ground;

FURTHER, BE IT RESOLVED, that said enabling legislation should contain provisions whereby the reservation of a particular property for a particular public use should lapse and become void eight months after the owner of the property makes application for a building, construction, or land use permit within the area reserved unless during said eighteen months time the property is actually acquired or eminent

domain proceedings are filed to acquire said property by the local unit of government.

FURTHER, BE IT RESOLVED, that said enabling legislation should contain provisions stipulating that if said reserved land is not acquired within five years after the date of filing of the official map in the office of the district recorder, said property shall be released from the restrictions of the map.

FURTHER, BE IT RESOLVED, that said enabling legislation should include proper provisions for a variance and relief from said reservation under appropriate conditions and that the State of Alaska be granted the authority to participate with local units of government in planning highway routes, school and park land use to be reserved and in later acquisition of those rights-of-way.

Introduced:

Referred:

IN THE _____

BY _____

_____ BILL NO. _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to the adoption of official maps by first class cities in the unorganized borough and first and second class boroughs."

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

* Section 1. AS 07.15 is amended by adding a new section to read:

Sec. 07.15.345. OFFICIAL MAP. (a) The assembly of a first or second class borough may adopt and modify, by ordinance, an official map based upon the recommendations of the planning commission and consistent with the comprehensive plan. The map may show existing and proposed future streets, schools, park land and trails and the area needed to acquire, widen and enlarge them. It shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground and shall be attested to by a registered land surveyor. After adoption a certified copy of the map shall be recorded in each recording district within which any of the land shown on the map is located.

(b) For the purpose of preserving the integrity of such official map, no plat shall be recorded and no permit shall hereafter be issued for any building in the bed any street, school site, park land or trail etc. shown or laid out on such map except as provided in this section. However, the reservation of particular property for public use under the map shall lapse and become void 18 months after an owner of the property reserved makes application for a preliminary plat or for a building permit for the location or construction of a building or structure within the area reserved, unless during that time the borough acquires the property or files eminent domain proceedings to acquire the property. Property reserved on the map but not acquired within five years after the reservation is recorded in the district recorder's office, shall automatically be released from the restrictions

of the map unless affirmative action is taken by ordinance to hold or reserve the property on the map for another five year period.

(c) The adoption of an official map does not of itself give the borough a right, title, or interest in areas identified for public purposes but authorizes the borough to acquire an interest without paying compensation for buildings or structures which are erected in those areas without a permit or in violation of the conditions of a permit.

(d) At the request of the state, the assembly may reserve land for the state in the same manner and on the same terms that it reserves lands for the borough.

(e) Any owner of property reserved on the official map shall receive an option to purchase from the municipality at the time the owner files a preliminary plat or requests a building permit. The option should reflect the amount of taxes accruing to the property during the 18 month reserve period.

*Section 2 AS 29.10.244 is added to read:

AS 29.10.244 OFFICIAL MAP. First class cities in the unorganized borough may provide for an official map in the manner provided in AS 07.15.545.

Note Changes

(Please return)
to S. Stark

dnp - Luk
R.K.

OFFICIAL MAP ACT

GAAS Commission
request to legislators
12/1/11

Enabling legislation is needed to allow the adoption of official maps.

The rationale for an official map is described in this selection from Land-

Use Controls Quarterly:

Yodan

The need for construction new public improvements is rising continuously as development moves out steadily from urban centers. Reservation of land for future street, school, park, and other public facility sites in areas subject to impending development is vital so that communities may prevent unfortunate developments within these areas.

An official map, based on planning studies and approved by the local government, has much potential, for it allows the community to reserve, with the intent of later acquiring, needed public lands in developing areas. From the public standpoint, the official map is designed to delay any proposed development long enough for the community to buy property before construction makes it unduly expensive.

An official map should be considered primarily as a short-term regulatory adjunct to a property acquisition campaign. From the private standpoint, the map serves as a notification and warning of the location of proposed public improvements.

We recommend that enabling legislation allow first- and second-class boroughs and first-class cities in the unorganized borough to adopt by ordinance official maps for ^(SCHOOL AND PARK LAND) street reservations showing detail sufficient to permit the establishment of future acquisition lines on the ground. The reservation of a particular property for public use under the map should lapse and become void eighteen months after the owner of the property reserved makes application for a building (construction or land use) permit within the area reserved unless during that time the property is acquired or eminent domain proceedings are filed to acquire the property.

If the land is not acquired within five years after filing the map in the district recorder's office, the property should be released from the restrictions of the map. (Provisions should be included for variances and relief under certain conditions) We recommend also that the State have authority to participate with the local governments in planning routes to be reserved and in later acquisition of those rights-of-way needed by the State.

GREATER ANCHORAGE AREA BOROUGH

PLANNING AND ZONING COMMISSION RESOLUTION NO. 8-71

A RESOLUTION URGING ENACTMENT OF ENABLING LEGISLATION TO PERMIT ADOPTION
BY LOCAL UNITS OF GOVERNMENT OF "OFFICIAL MAPS"

WHEREAS, the need for construction of new public improvements is rising at a rapid rate as development moves steadily out from the urban centers; and

WHEREAS, reservation of land for future street rights-of-way, schools, parks, and other public facility sites in areas subject to development is vital so that communities may prevent development on these sites; and

WHEREAS, an "official map", based on appropriate planning studies and adopted by the local unit of government, has much potential in allowing the local community to reserve these needed lands with the intent of later acquiring them; and

WHEREAS, the "official map" is intended, from the public standpoint, to delay development of these sites sufficiently long enough to permit the local community to acquire said sites prior to construction upon them; and

WHEREAS, an "official map" is to be considered a short term regulatory device adjunct to property acquisition; and

WHEREAS, from the private standpoint, the map serves as a notification and warning of the impending location of proposed public improvements;

NOW, THEREFORE, BE IT RESOLVED that the Greater Anchorage Area Borough Planning Commission recommends to the Seventh State Legislature of the State of Alaska the enactment of enabling legislation to allow first and second class Boroughs and first class Cities within the unorganized Borough to adopt, by ordinance, an "official map" for street, ^{School, Park, Library, etc.} right-of-way reservations, said official map to show projected rights-of-way ^{ADD AREAS OF USE} in sufficient detail to permit the establishment of future acquisition lines on the ground;


FURTHER, BE IT RESOLVED, that said enabling legislation should contain provisions whereby the reservation of a particular property for a particular public use should lapse and become void eighteen months after the owner of the property makes application for a building, construction, or land use permit within the area reserved unless during said eighteen months time the property

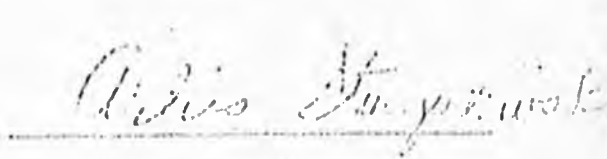
is actually acquired or eminent domain proceedings are filed to acquire said property by the local unit of government.

FURTHER, BE IT RESOLVED, that said enabling legislation should contain provisions stipulating that if said reserved land is not acquired within five years after the date of filing of the official map in the office of the district recorder, said property shall be released from the restrictions of the map.

FURTHER, BE IT RESOLVED, that said enabling legislation should include proper provisions for a variance and relief from said reservation under appropriate conditions and that the State of Alaska be granted the authority to participate with local units of government in planning highway routes ^{SCHOOL AND PARK LAND} to be reserved and in later acquisition of those rights-of-way.

PASSED AND APPROVED this 3rd day of February, 1971 by the Greater Anchorage Area Borough Planning and Zoning Commission.


Vernon R. Higgins
Secretary


Artiss Sturgulevski
Chairman

Introduced:
Referred:

IN THE _____

BY _____

" BILL NO. "

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTH LEGISLATURE - FIRST SESSION

A BILL

For an Act entitled: "An Act relating to the adoption of official maps
by first class cities, ^{by the boroughs, boroughs} and first and second class
boroughs."

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

* Section 1. AS 07.15 is amended by adding a new section to read:

Sec. 07.15.345. OFFICIAL MAP. (a) The assembly of a first
or second class borough may adopt and modify, by ordinance, an official
map based upon the recommendations of the planning commission. The map
may show existing and proposed future streets, highways, ^{parkways} parkways, and
the area needed to acquire, widen and enlarge them. It shall be pre-
pared in sufficient detail to permit the establishment of the future
acquisition lines on the ground and shall be attested to by a registered
land surveyor. After adoption a certified copy of the map shall be re-
corded in each recording district within which any of the land shown on
the map is located.

(b) For the purpose of preserving the integrity of such official
map, no permit shall hereafter be issued for any building in the bed of
any street, highway, ^{school, or park land} parkway, ^{etc.} shown or laid out on such map except as
provided in this section. However, the reservation of particular property

for public use under the map shall lapse and become void 18 months after
an owner of the property reserved makes application for a building per-

preliminary plat or

omit

mit for the location or construction of a building or structure within the
area reserved, unless during that time the borough acquires the property
or files eminent domain proceedings to acquire the property. A Property
reserved on the map but not acquired within five years after the reservation
is recorded in the district recorder's office, shall automatically be
released from the restrictions of the map unless affirmative action is
taken by ordinance to hold or reserve the property on the map for another
five year period.

(see page 2 notes)

(c) The adoption of an official map does not of itself give the
borough a right, title, or interest in areas identified for public pur-
poses but authorizes the borough to acquire an interest without paying
compensation for buildings or structures which are erected in those areas
without a permit or in violation of the conditions of a permit.

(d) At the request of the state, the assembly may reserve land for
the state in the same manner and on the same terms that it reserves lands
for the borough.

~~(e)~~ If land reserved on the map is not yielding a fair return, the
assembly may sit as a board of appeals and shall have power to grant a
permit for a building which will as little as practicable increase the
cost of opening such street, highway, ^{School at Park Lane} parkway, or tend to cause a
change of such official map; and such board may impose reasonable require-
ments as a condition of granting such permit. Such board shall refuse
a permit where the applicant will not be substantially damaged by placing
his building outside the mapped street, highway or parkway.

omit

* Section 2 AS 29.10.244 is added to read:

AS 29.10.244. OFFICIAL MAP. First class cities in the unorganized
borough may provide for an official map in the manner provided in AS 07.15.345.

(1)
Carol Dennis
Jan 1974

FLOODPLAINS

This report will review past and pending floodplain legislation

1968: National Flood Insurance Act authorized sale of flood insurance to areas that used appropriate land use control measures consistent with flood plain management. (This federally subsidized insurance is 10x less expensive than private insurance firms)

1969 13NOV69 GAAB Resolution 322
This resolution recognized that the GAAB had several flood hazard areas (Chester, Campbell & Glacier Creeks). In order to qualify for the new national flood insurance the GAAB said it intended to comply with criteria (specified in Federal Register 34: 9553-60) prior to 30 June 1970.

Dec 69

Amendment to National Flood Insurance Act of 1968
Local land use and control measures which have to be adopted in order to qualify for flood insurance do not need to be enacted before Dec. 31, 1971.

1970 12June70
The federal Insurance Administration of HUD authorized sale of flood insurance (pursuant to section 1336 of Nat. Flood Act of 1968) for portions of GAAB effective 12June70.

16Nov70 GAAB Ordinance No. 122-70

Added Chapter 23 (Regulation and Control of Flood Hazard Areas) to Code of Ordinances. Established flood hazard areas

Chester, Campbell and Glacier Creeks as a result of US Army Corps Engineers reports of June 68, June 68, & Aug 69.

Required a permit to develop any lot, structure, or right-of-way within a flood hazard area. A permit would be issued if (1) there was no expansion of flood hazard area due to proposed development and (2) if there was adequate protection from inundation without any appreciable interference with the flow of any water course.

6March70

Federal criteria, to which a community's land use and control measures must conform in order to qualify for flood insurance, was published in Federal Register 35:4200-09.

1972

Sept 25, 1972

The Borough Assembly held a public hearing on an Ordinance 136-72 (Floodplain Regulations). The Assembly postponed action on Ordinance 136-72 until specific requests of the Assembly have been met. These requests are: (1) Prepare two foot interval contour maps (rather than 10 foot) to show floodway and floodway fringe areas. (2) Prepare a list of numbers and locations of all inadequate culverts and give an indication of replacement costs. ("Inadequate culverts and bridge openings are largely responsible for flooding of all streams in the area"- US Army Corps April 72 report on Chester, Campbell, Fish & Ship Creeks) (3) Notify all landowners affected by floodplain regulations of any new public hearing.

April 72

Special Flood Hazard Report Greater Anchorage Area
Chester, Campbell, Fish, & Ship Creeks prepared by
Corps of Engineers, US Army

1973

April 73

Meadow Creek US Army Corps of Engineers Flood Plain
Information Report

May 1973

Rabbit Creek US Army Corps of Engineers Flood Plain
Information Report

19Nov 73 GAAB Ordinance 73-167

Amends Chpt 23 of Code of Ordinances to include Rabbit, Meadow, Fish, and Ship Creeks in flood hazard areas, thus making them eligible for federal flood insurance. (According to Dick Hart-Borough- the Federal Insurance Administration (of HUD) from Washington, DC has not yet formally accepted Rabbit, Fish, Meadow, & Ship Creek for national flood insurance. He expects them to be accepted

According to Mr. Hart, at present Chester & Campbell (Glacier-?) Creeks are eligible for flood insurance under an emergency or temporary program.

It is possible that BAAB is not complying with the National Flood Act of 68 and its 69 Amendment because as yet the GAAB does not have a land use control measure for flood hazard areas. This non-compliance may mean that Chester and Campbell Creeks are in fact ineligible for flood insurance as would be Fish, Meadow, Ship & Rabbit Creeks.

This I have to check on further,

1974

According to Dick Hart at the Borough

- (1) The cost analysis of replacing all inadequate culverts has been done
- (2) The re-drawing of maps using a 2 ft. contour interval rather than 10 ft. interval is underway. Aerial photography is in progress now. The US Army Corps will redraw (check) maps. This is expected to take until the end of the summer
- (3) It is anticipated that the next hearing on floodplain regulations will take place at the end of the summer.

1975

According to Dick Hart

New federal legislation just passed makes it mandatory for a community to have land use control measures with regard to floodplains or lose all federal monies with regard to those flood hazard areas.

This I have to check on further,

TERMS

FLOODWAY: stream channel and adjacent land necessary to carry and discharge floodwaters without increasing flood heights more than one foot above the level of the 100 year flood

FLOODWAY FRINGE: the area of land lying between the outer limit lines of the floodway and the 100 yr. flood

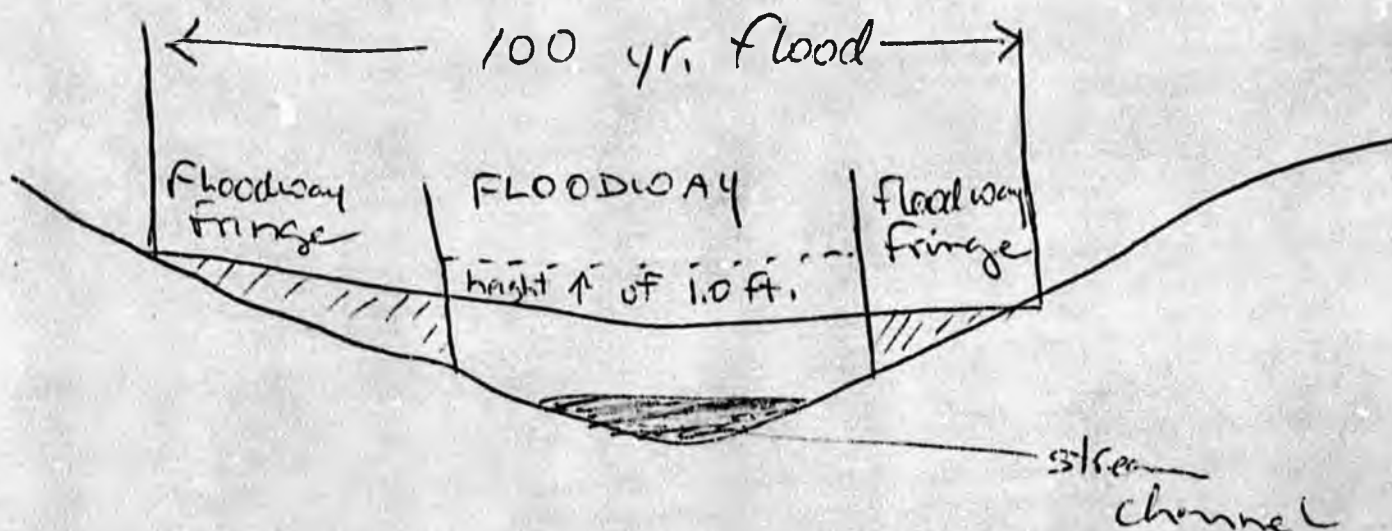
floodway + floodway fringe = floodplain

100 yr flood (Intermediate Regional Flood) a flood that has a 1% chance of occurrence in any one year (or an average frequency of occurrence of once in one hundred years)

100 yr. flood projections are ~~drawn~~^{derived} from data obtained in the general area

Regulatory Flood: the flood used to define the outer boundary lines of the flood hazard area. In the case of Ordinance 136-72 it is the 100 yr. flood.

Standard Project Flood: the largest flood that can be experienced from the most severe combination of meteorological and hydrological conditions (conditions that are reasonably characteristic of the geographical region)



SUMMARY of pending legislation
Ordinance 136-72 "Floodplain Regulations"

All lands in GAAB affected: ie Girdwood, Eagle River, etc.

Zoning map adopted by reference; subsequent maps adapted by amendment

To delete land from official maps, submit data which is substantiated by Army Corps and Public Works Dept

To add land to maps: after public hearing; approved by Assembly; technical data provided by US Army Corps

Annual update and review of maps; review conducted by Borough, substantiated by Corps, submitted to Planning Comm. & Assembly for final adoption

Boundaries of floodway and floodway fringe shall be determined from maps. Interpretation of exact boundaries by GAAB Planning Commission.

Uses in Floodway:

- a) all uses are permitted provided they do not require structures, fill, or storage of materials
- b) the following uses are allowed only upon issuance of a special land hazard permit and provided they do not increase flood heights
 - (1) extraction of sand, gravel, & natural resources
 - (2) RR, streets, bridges, utility lines and pipe lines
 - (3) storage yards for equipment, machinery, or materials
 - (4) other uses similar in nature to uses described

Uses in Floodway Fringe:

- a) all uses permitted provided they do not require structures, fill, or storage of materials
- b) the following uses are allowed upon issuance of a special land hazard permit provided they do not increase flood heights
 - (1) extraction of sand, gravel & Natural resources
 - (2) RR, streets, bridges, utility and pipe lines
 - (3) storage yards for equipment, machinery or materials
 - (4) other uses similar in nature to uses described

c) all other uses and structures that are adequately flood proofed or protected

- EXAMPLES (1) the top finished surface of the 1st. floor shall be 1 ft. above the level of 100 yr. flood. LR, DR, baths, kitchens, & BR shall be located 1 ft. above regulatory flood level (100 yr. flood level). (2) structures anchored to resist flotation (3) installation of water tight doors (4) cutoff ~~XXXXX~~ valves on sewer lines; elimination of gravity flow basement drains (5) buried fuel oil tanks need to be anchored; vent and fill pipes need to have openings 1 ft. above level of 100 yr. flood (6) all furnaces and electrical distribution centers shall be located at least 1 ft. above level of 100 yr. flood. (7) required bridges, leaves,

culverts, dikes (8) impose operational controls, surerties,
and deed restrictions (9) modified waste and water supply
facilities (10) limited use and operation

Administration and Enforcement

Borough chairman shall designate an official to administer &
enforce ordinance

Board of Adjustmenthas the power to hear & decide
City- City Council appeals & to authorize variances
Borough- borough Assembly (a majority vote of full members
is needed)

The BAAB Board of Examiners and Appeals shall assist the Boards of
Adjustment

Appeals alleging error in enforcement or interpretation:
Appeal to Board of Examiners (in writing) within 10 days
The Examiners decision may be appealed to B. of Adjustment
within 20 days

Appeals for variances

Appeal to Examiners (in writing) within 10 days(Personally I'm
not sure what this 10 day time period refers to). A public
hearing shall be held. A majority vote of the full membership of
the Board of Examiners is required to grant a variance. An
appeal to the Board of Adjustment must be made within 20 days
days or forfeited. NO NEW EVIDENCE OR ISSUES SHALL BE CONSIDERED
BY THE BOARD OF ADJUSTMENT. A majority vote of the full
membership is necessary to grant a variance by the Board of
Adjusters.

Any variance granted shall become null & void if the variance
is not exercised within one year or if a structure or
characteristic use is moved, removed, or discontinued.

An appeal from the board of Adjustment may be taken to the
Superior Court of the State of Alaska, Third Judicial District.

Nonconforming Uses

Non nonconforming structure shall be substantially altered
until certification of zoning compliance shall have been
issued by Planning Dept

Any structure , or use, which was lawful previous to ordinance,
but is non conforming after the ordinance is subject to the
following conditions:

- (1) no use shall be expanded, changed, enlarged or latered
- (2) no structural alteration or addition shall exceed 50% of its
value at the time of its becoming a nonconforming use.
- (3) if use is discontinued for 12 months any future use
shall conform to ordinance
- (4) if any use or structure is destroyed up to 50% of its
market value, it can be reconstructed only in conformity
with ordinance

Amendments

Changes to Ordinance may be initiated thru the Planning Comm. Recommend to Assembly. No action may be taken until after a public hearing.

Penalties for violation

Misdemeanor, upon conviction fines of \$200 \$300.00 per day
(Each day a separate offense)

Things yet to be done:

- (1) Check Federal requirements: FR 34 NRK 35 (pg 1)
- (2) Check to see if Borough is complying (pg 3A)
- (3) Obtain flood plain regulations from other states & boroughs
- (4) Compare GAAE 1970-72 to these other regulations
- (5) Check for Federal legislation (refer pg 3A-197)
- (6) ~ 4% of Anchorage Bowl is in flood hazard area. What % of population is residing in flood hazard area?

Insert A

The recording of the official map shall establish a reservation of the areas shown for future acquisition by the borough for the public purpose indicated thereon. The official map shall be notification to developers and subdividers as to the planned future location of major streets, schools, parks and trails, but does not relieve the borough of the obligation to ~~purchase~~ acquire these areas in the manner prescribed by law at such time as the assembly determines such acquisition to be necessary.

M E M O R A N D U M

TO: Susan Andrews
EDP Coordinator
Division of Legislative Finance
Room 409
Capitol Building

FROM: Chief Clerk
House of Representatives

SUBJ: Legislation
Identification _____

Secretary of the Senate

The following information is transmitted for the bill or resolution named above:

1. **KEYWORDS** - Keywords are important words from the title or from the body of the legislation under which the measure will be listed in the alphabetic index.

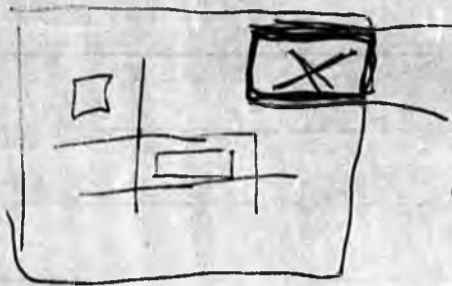
*Official maps - adoption of
boroughs and cities - official map*

2. **STATUTE REFERENCES** - List sections of the statutes added, amended, repealed, or repealed and reenacted.

29 33 100

3. **DEPARTMENTS** - List departments or agencies referred to or principally affected by the legislation.

Restrict



Does the minis. always have the Condensation rights

Is the option New available

sec. (b.) what if the owner files a permit, say, 2 months before the 5 year plan runs out? must they still wait ^{18 mos.} 5 yrs. or can the Boro decided to by opportunistic action of ordinance would the prop for another 5 yrs.

sec. (c) what this means is (option redemption of this act.) the Boro has this right.

sec. (d) ???

possible abuses? land plan? ^{obviously} not consistent w/ public interest.

2943.050 (may)!!

permanent?!! what if the plan is reusable?

[sec. 6] add

Between (Building, or other structure) located w/in the bed of, street school site



45140

HEARING

Notified

Present

Testified

2/24/75 Commissioner Lee McAnerney, CRA X X
 Kevin Waring, Director Community Planning, CRA X X X
 Art Hantenberger, Director, City & Borough of Juneau X X X

3/21/75
 Bob Pavitt, Planning Consultant ~~X~~ X
 9-9882
 Kevin Waring, CRA X X
 Municipal League X X

3/25 Pavitt X X X
 CRA X
 ML X

4/7/75 Pavitt 9-9882 X
 CRA, Waring X
 Municipal League X