

H1B-3

COMMITTEE REPORT

HOUSE

*Return
CRA to*

3/13/74

Volunteer

Mr. Speaker:

Date 1/12/75

The Committee on CRA has had HR 2

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 HR 2 AND THAT
CS FOR HR 2 DO PASS

"and" recommends it BE REFERRED TO THE _____
COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman



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April 24, 1975

Honorable Sam Cotten
House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Sam:

Thank you for your answer to our letter regarding our opposition to HB 3. We have received replies from many of your fellow House members and feel it would be helpful if we clarified our position further.

First, we wish to repeat that we believe HB 140, if enacted, is the proper, equitable way to approach the problems of open space, park and recreation area.

We realize, also, that HB 3 would not mandate that municipalities utilize this method of taxation. Only that they could do so.

I believe, however, that you will agree with me that if past experience is a true criteria, when laws are passed by the state granting the municipalities certain powers not formerly held, the municipality loses little time in taking advantage of the power so granted.

The amendments proposed by the House Community and Regional Affairs Committee does improve the bill considerably by bringing it closer to the concept of HB 140, but it does not remove the prime result of the bill, which is to unfairly tax a few people in order to enhance the environment of the public at large.

The belief of many people is that the cost incurred by the subdivider will be passed on to the purchaser of the lots and therefore, this would, in fact, be an equitable tax. True, it would be passed on to the purchaser, but not true is it an equitable tax. It only provides that the purchasers (still a relatively small number of people) would be carrying the burden for the public at large; and while it is true that the location of the amenities for which he is paying, if they are located in the near vicinity of his property, is an asset to him and

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he may well be willing, and hopefully able, to pay for it. Should he then be compelled to pay several thousand dollars for this "privilege" while his neighbor outside the subdivision enjoys the same "privilege" at no cost?

Many of our problems arise because of the young age of our municipalities and the lack of planning for parks and open space in the past. But surely we should not now require that new property owners pay to provide these amenities for those who did not provide for them in the past. It could easily cost a lot purchaser, after implementation of this act, several thousand dollars more in increased price to provide the required space for public use. If this cost was spread amongst all the beneficiaries, it would be a small, possibly justifiable sum for each. Comments have been made to me that the present property owners, through taxes, have already paid for those amenities presently provided and that new owners should pay for future amenities. This is not true. Property being subdivided has, in the past, been taxed at the same rate and the money used for the same purposes as other property. There is no justification for changing this equitable system.

The true intent of this bill, and the most objectional portion, is evident in the provision for "payments in lieu of dedication". Is there any way you can construe this to mean anything other than taxation of the few to provide amenities for others? If we are all going to benefit, let us all pay!

We would not object to this bill if it was limited to those residential subdivisions of sufficient size wherein the land dedicated would be for the use and enjoyment of those people living within the area subdivided. We are unalterably opposed to the "payments in lieu of dedication" portion.

We have all seen the "bad" subdivisions where land was stripped of vegetation prior to building and possibly this still may be a factor to consider in some parts of our state. We do not believe it is that kind of a problem in the municipalities now holding parks and recreation powers. I know of no small lot residential subdivisions of any appreciable size in the Greater Anchorage Area Borough that has not provided for "green" and/or open areas in the past few years. It is difficult, if not impossible, to gain plat approval of the Borough committees and Assembly of any plat not providing such amenities.

We join with you in the desire to provide parks and open space for the use and enjoyment of us all. HB 3 is not an equitable way to provide it.

Sincerely,



Audie L. Moore, Co-Chairman
Legislative Committee
Alaska Association of Realtors
3300 C Street
Anchorage, Alaska 99503

ALM/skl

AMENDMENT # 1

OFFERED IN THE HOUSE:

House
Community & regional
BY: Affairs Committee

To: Community and
Regional Affairs
Amend

HOUSE BILL No. 3

SENATE BILL No. _____

PAGE: 1

LINE: 10, 20, 26

On page 1, line 10, after the word 'municipality' add the words " with parks and recreation powers".

On page 1, line 20, after the word 'division' add the sentence "The Legislative body shall adopt a general plan containing a recreation element, and the park recreation facilities shall be in accordance with definite principles and standards contained therein."

On page 1, line 26, add subsection (d) "Any land to be dedicated shall be reasonably adaptable for use for active park and recreational services and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of the proposed park and recreational areas shall include size, shape, topography, geology, tree cover, access, and location."

AMENDMENT #2

OFFERED IN THE HOUSE:

By: Finance

To: _____ HOUSE BILL No. HR 3

SENATE BILL No. _____

PAGE: _____

LINE: _____

page 1 line 10 - delete "regulation" and
insert "ordinance"; delete
"all".

line 12: delete "regulation" and
insert "requirement".

HB 3 (last year's HB 445)

Supported by LWR, ski clubs

Permissive - allows municip. to create ordinances

Larry Kimball submitted some changes, Smith would support it as CS10B

Formula - payments in lieu are at the going rate for land in the subdivision

2/13/75 Kevin Waring

Hackney's point - shouldn't municipalities have to have powers of pks & rec
(add that language) so they can expend the funds (in lieu of land)

K - It would be good planning for even those boroughs w/out the powers
to get the land now instead of having to buy it later

Add to municipalities: who ~~have~~ assumed ^{with} the pks & rec powers'

Amendment: The legislative body ~~has~~ ^{shall} adopt ... pks. rec. facilities
~~shall~~ must be in accordance.

Subsection (c) becomes (d)

HB 85

Doric - the property value - if there's an easement will already
be diminished, so why grant tax exemption