

HB

184

# COMMITTEE REPORT

## HOUSE

FURTHER: JUDICIARY

February 13, 1979

Date: 12 14 79

Mr. Speaker:

The Committee on C&RA has had HB 184

"An Act relating to the delegation of planning and zoning authority by boroughs."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title  
 new title
- and recommends \_\_\_\_\_
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

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[Signature]

CHAIRMAN

HB 184 TITLE & SPONSOR SUMMARY

13:44

3/20/79

PAGE 1 OF 2

AMENDED TITLE:

AN ACT RELATING TO THE DELEGATION OF PLANNING AND ZONING  
AUTHORITY BY BOROUGHES

PRIME SPONSORS: MALONE.

CO-SPONSORS:

CURRENT STATUS: 3/12/79 IN (H) JUDICIARY

HB 184 HOUSE ACTION

13:45

3/20/79

PAGE 2 OF 2

DATE	SEQ	PAGE	LEGISLATIVE ACTION
02/13/79	01	0210	FIRST READING -- COMMITTEE REPORTS
03/12/79	02	0539	CRA -- DF07 JUDICIARY RULES
****	**	**	*** *** ***

*HB 184 Bill passed as part of HCS CS 58 137 am H*

Continued herefolded @ 903827



# Alaska State Legislature

## House of Representatives

Committee on

Community & Regional Affairs

COMMITTEE MINUTES

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business

DATE: 3/12/79

BILL NUMBER AND TITLE: HB 184 Delegation of Planning and Zoning Powers

ORIGINAL SPONSOR : Malone

OTHER SPONSORS:

RECEIVED FROM:

FURTHER REFERRALS:

MEMBERS PRESENT: Parr Zharoff  
Parker Carney  
Carnay Metcalfe  
Branson O'Connell

MEMBERS ABSENT:  
None

INDIVIDUALS CONTACTED:

WITNESSES TESTIFYING:

Malone Allows assembly to delegate all or part of planning and zoning power vested by State law. There are five first class cities in Kenai..Borough is now in a position of needing to approve zoning in the cities. Borough has delegated enforcing authority. Zoning ordinances make planning work and the cities have the major responsibility for planning within city boundaries. Practically speaking, responsibility in some cases rests in cities rather than in boroughs.

Parr -- Are planning and zoning considered legislative powers?  
You can't delegate legislative power to a non-elected body (such as the Planning Commissions) City Council would have to be the final body of review.

Veronica Clark Planning supervisor for C&RA  
Dept. has some reservations on HB 184:

- 1.Planning, platting, and zoning are mandatory powers of the Borough even though these powers are not always exercised.
2. Makes good sense to exercise planning on an areawide basis. A city plan might effect neighboring area or have regional impact. Some local entity should be responsible. Regional perspective needed.

Palmer McCarter and Veronica Clark

Suggested addition of 2 amendments. Palmer referring to p.1 Line 18 of amendments speaks to concern that city would know what standards were expected.

Various amendments to the amendments proposed by C&Ra were discussed.  
It was decided to support the original bill in unamended form.

COMMITTEE ACTION: Passed out of Committee

TAPE #3 SIDE 2

Sections 1665-2350

*HB 184 passed as part of HCS CS SB 137 am H*

Introduced: 2/13/79  
Referred: Community & Regional  
Affairs and Judiciary

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 184

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the delegation of planning and  
7 zoning authority by boroughs."

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

9 \* Section 1. AS 29.33.070(b)(2) and (3) are amended to read:

10 (2) delegate other planning and zoning powers conferred by  
11 this chapter [ADMINISTRATIVE AND ENFORCEMENT RESPONSIBILITIES] to a  
12 [THE] city within the borough [, PROVIDED THAT BOROUGH JURISDICTION IS  
13 NOT IMPAIRED];

14 (3) revoke or modify any part or all of the [WITHDRAW] powers  
15 delegated under this subsection.

16 (c) Before a borough may delegate to a city within the  
17 borough planning and zoning powers conferred by this chapter,  
18 it must notify the city in writing of borough standards for the exercise  
19 of delegated powers.

20 (d) If a borough delegates to a city within the borough  
21 legislative powers conferred under this chapter, the city must submit  
22 to the borough assembly for approval the city's planning and zoning  
23 ordinances. If disapproval by resolution of the borough assembly is not  
24 received within 90 days from the date the ordinance was submitted to the  
25 borough assembly, the city's planning and zoning ordinances shall be  
26 considered approved.

*CRA  
Amendments*

Introduced: 2/13/79  
Referred: Community & Regional  
Affairs and Judiciary

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CPA  
Amend.

THE LEGISLATURE OF THE STATE OF ALASKA  
ELEVENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 184

Title "An Act relating to the delegation of planning and zoning authority by boroughs."

Requested by Malone Date March 12, 1979

II. FISCAL DETAIL

Agency Affected Community and Regional Affairs

Program Category Affected Community Development

Budget Request Unit(s) Affected \_\_\_\_\_

EXPENDITURES (Thousands of Dollars)

	FY 79	FY 80	FY 81	FY 82	FY 83	FY 84
100 PERSONAL SERVICES		0	0	0		
200 TRAVEL		0	0	0		
300 CONTRACTUAL		0	0	0		
400 COMMODITIES		0	0	0		
500 EQUIPMENT		0	0	0		
600 LAND & STRUCTURES		0	0	0		
700 GRANTS, CLAIMS, ETC.		0	0	0		
TOTAL		0	0	0		

FUNDING (Thousands of Dollars)

GENERAL FUND		0	0	0		
FEDERAL FUNDS		0	0	0		
OTHER (Specify)						

POSITIONS

FULL TIME		0	0	0		
PART TIME		0	0	0		
TEMPORARY		0	0	0		

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE March 12, 1979 PREPARED BY Doug Griffin  
 AGENCY Community & Regional Affairs - LGAD  
 PHONE 465-3918

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

Article 4. Planning, Platting and Zoning.

Section

70. Planning, platting and zoning

90. Zoning

Sec. 29.33.070. Planning, platting and zoning. (a) First and second class boroughs shall provide for planning, platting and zoning on an areawide basis.

(b) The assembly by ordinance may

(1) designate the council of a city within the borough as a board of adjustment within the city;

(2) delegate other planning and zoning administrative and enforcement responsibilities to the city, provided that borough jurisdiction is not impaired;

(3) withdraw powers delegated under this subsection. (§ 2 ch 118 SLA 1972; am § 1 ch 17 SLA 1977; am § 7 ch 93 SLA 1977)

Effect of amendments. — The first 1977 amendment, in subsection (b) deleted "If a city within a borough is located more than 25 miles from a boundary of the borough seat" from the beginning of the introductory language and substituted "a city within the borough" for "the city" in paragraph (1).

The second 1977 amendment substituted "First and second class boroughs" for "Boroughs" at the beginning of subsection (a).

Cited in Moore v. State, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976).

Sec. 29.33.090. Zoning. (a) In accordance with the comprehensive plan, the assembly shall regulate and restrict the use of land and improvements by districts or contract zoning to permit specific uses provided for in the contract. Regulations shall be uniform for each class or kind of building, structure, land or water area within each district, but the regulations may differ among districts and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments. In this section, "contract zoning" means a zoning reclassification to a less restricted use when the owner of the rezoned property, either through an agreement with the assembly or a covenant in favor of the borough, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed. The assembly shall hold a public hearing on the proposed contract zoning.

(d) The assembly shall regulate and restrict the use of state land within the borough which is vacant, unappropriated and unreserved and which is found suitable for classification and disposal for homesite entry under AS 38.08.010. Compliance with the provisions of this subsection is a prerequisite to issuance of homesite entry permits for land within the borough.

(am § 1 ch 104 SLA 1974; am § 3 ch 142 SLA 1977)

Effect of amendment a permit specif contract" to t subsection (a fourth senter The 1977 (d)

As the re affected by 1 out.

Editor's n 1977, providi longstanding the Constitut VIII, sec. 1) 31.05.350). settlement

Sec. 29

Stated in Sup. Ct. Op P.2d 986 (1976)

Sec. 29

Quoted in Sup. Ct. Op P.2d 986 (1976)

Sec. 29

Cited in No. 1084 (1976)

Chapter

Section 20. Section

Sec. 1 exercise incorpor chapter seek to borough SLA 19

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