

**ANCHORAGE, ALASKA
AO No. 2014-140**

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21, *LAND USE PLANNING* (NEW CODE – EFFECTIVE JANUARY 1, 2014) SECTION 21.03.100E., *IMPROVEMENTS ASSOCIATED WITH LAND USE PERMITS*, TO PROHIBIT IMPLEMENTATION OF THE *CHUGACH STATE PARK ACCESS PLAN* THROUGH THE LAND USE PERMIT PROCESS; AND SECTION 21.08.040, *DEDICATION*, TO ADDRESS CHUGACH STATE PARK ACCESS DEDICATION SEPARATELY FROM TRAIL DEDICATION.

(Planning and Zoning Commission Case No. 2014-0211)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Section 21.03.100E., *Improvements Associated with Land Use Permits*, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

E. Improvements Associated with Land Use Permits

1. Purpose

The purpose of this section is to determine what off-site public infrastructure improvements are reasonably necessary to serve a development, determine the portion of the demand for off-site public infrastructure improvement which is created by a development, and provide for dedications or improvements which are directly proportional to the development's demand for the public infrastructure improvements.

2. Improvements Required

The issuance of a land use permit under this section for the construction of a residential, community, commercial, or industrial structure on a lot, shall be subject to the permit applicant providing the easements, dedications, and improvements required for a subdivision in the same improvement area under chapter 21.08, *Subdivision Standards*. In applying the provisions of chapter 21.08, *Subdivision Standards*, under this section, the term "lot" shall be substituted for the term "subdivision," the term "permit applicant" shall be substituted for the term "subdivider," and the term "building official" shall be substituted for the term "platting authority."

3. Exceptions

The requirements in subsection E.2[1]. above shall not apply to a land use permit to the extent that:

- a. All construction associated with a single dwelling unit is

located on a single lot, tract, or parcel, regardless of zoning district;

b. The traffic engineer determines that a street dedication or improvement is not required for traffic circulation;

c. A dedication or improvement has been provided to the applicable standard of chapter 21.08, *Subdivision Standards*;

d. A dedication or improvement will be provided under a subdivision agreement that has been entered into under section 21.08.060, *Subdivision Agreements*, or under an established assessment district;

e. The municipality has already appropriated funds to construct an improvement; or

f. The permit is for repairs, maintenance, emergencies, electrical, mechanical, or plumbing.

g. Additionally, this subsection 21.03.100E. shall not be used to implement the *Chugach State Park Access Plan*. No easements, dedications, or improvements to implement the *Chugach State Park Access Plan* shall be required through the land use permit process.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 2. Anchorage Municipal Code Section 21.08.040, *Dedication*, is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

21.08.040 DEDICATION

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D. Trails

The platting authority shall require the dedication of access for trails designated on adopted municipal plans, unless an alternative access point within the subdivision is clearly agreed to be preferable for dedication. For pedestrian access, a right-of-way dedication is the preferred method of providing access, but the platting authority may instead approve a public use easement dedication or an access tract where appropriate. If the platting authority approves an alternate location for trail access as a substitute for an existing easement or right-of-way, the existing unused easement or right-of-way shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail access routes as necessary to integrate trail and subdivision design.

1. **Access to [CHUGACH STATE PARK,] Community Use Areas[,] and Natural Resource Use Areas**

- a. The platting authority shall require the dedication of public pedestrian access for a trail designated on adopted municipal plans, for connectivity with a trail or access point to a large Community Use Area or Natural Resource Use Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* or the *Chugiak-Eagle River Comprehensive Plan*)[, AND FOR CONNECTIVITY WITH A TRAIL OR ACCESS POINT IDENTIFIED IN THE MOST CURRENT *CHUGACH STATE PARK ACCESS PLAN*]. The platting authority may modify the alignment, width, and scope of trail access routes as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness, and utility, and reflect the general locations and patterns of existing or planned public access routes. Acceptable pedestrian access shall be platted in accordance with relevant provisions of this title and be at least 20 feet wide, centered on an existing, recognized, new, or relocated trail.
- b. The platting authority shall require the dedication of a vehicular right-of-way for public access to trails, parks, and other public lands as defined in subsection D.1. above that are identified in an adopted municipal plan [OR THE *CHUGACH STATE PARK ACCESS PLAN*]. Acceptable vehicular right-of-way shall be a public street that is platted and dedicated in accordance with relevant provisions of this code.

E. Access to Chugach State Park

1. During review and action on subdivisions at or near the boundary of the Chugach State Park, the platting authority shall implement the *Chugach State Park Access Plan* in determining whether or not the plat shall dedicate a pedestrian or vehicular right-of-way or easement to access the park.
2. In determining whether or not such access shall be provided, the platting authority shall consider the guidance of the plan, as well as the following criteria:
 - a. The size of the parcel to be subdivided;
 - b. The purpose of the subdivision;
 - c. The proximity of other existing and potential future access points, and their similarities or differences;
 - d. The proximity of any undeveloped secured site;

e. How dedication of an access point at the location will impact current private land use and current legal access;

f. Whether a comparable alternative access point could be made available through public land; and

g. Other factors to ensure an equitable balance between current private residential use and potential public access.

3. The access point locations identified in the plan may not be exact and may require some latitude in actual placement, considering feasibility and safety.

4. When pedestrian access is to be provided, new rights-of-way, easements, or access tracts should be a minimum of 20' wide; however, the platting authority may require a different width in order to provide safe trails wide enough to buffer neighboring residences. Dedicated right-of-way is preferred for pedestrian access, but public use easements or access tract dedication may be considered when justified.

5. Where vehicular access is to be provided to the park boundary that also provides access to new subdivision lots, the developer shall construct public improvements to front the subdivision lots along with a regulation turnaround. Where vehicular access does not provide access to new subdivision lots, the developer shall not be required to construct the road. At such time that the state develops a new park access or trailhead at that location, the state will be responsible for constructing the vehicular access road.

F[E]. Riparian Protection and Maintenance Easements

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(Re-letter remaining sections)

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

Section 3. Notwithstanding AMC table 21.02-1, section 21.02.030, and section 21.03.210, this ordinance shall not require review by the Planning and Zoning Commission.

Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 20__.

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ATTEST:

Chair of the Assembly

Municipal Clerk