

Submitted by: Assembly Members Johnston,
Evans
Prepared by: Dept. of Law
For reading: December 2, 2014

ANCHORAGE, ALASKA
AO No. 2014-140(S)

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21, *LAND*
2 *USE PLANNING* (NEW CODE – EFFECTIVE JANUARY 1, 2014) SECTION
3 21.03.100E., *IMPROVEMENTS ASSOCIATED WITH LAND USE PERMITS*, TO
4 PROHIBIT IMPLEMENTATION OF THE *CHUGACH STATE PARK ACCESS PLAN*
5 THROUGH THE LAND USE PERMIT PROCESS; AND SECTION 21.08.040,
6 *DEDICATION*, TO ADDRESS CHUGACH STATE PARK ACCESS DEDICATION
7 SEPARATELY FROM TRAIL DEDICATION.
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10 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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

17 **1. Purpose**

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

25 **2. Improvements Required**

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

37 **3. Exceptions**

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

40 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 require the dedication of public vehicular or pedestrian access to permit or preserve future access to the Park unless, after consideration of the factors in paragraph 2 below, it determines that access at the subdivision is not appropriate and is not necessary to preserve future access to the Park. 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 Chugach State Park Access 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;
 - g. Recommendations from affected community councils and advisory boards entitled to notice under sections 21.03.020 or 21.10.030; and
 - h. Other factors to ensure an equitable balance between current private residential use and potential public access.
3. The access point locations identified in the **Chugach State Park Access 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 to the park 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.
 6. Any party aggrieved by a decision of the platting authority may appeal the decision as indicated in Table 21.02-1.

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__.

Chair of the Assembly

ATTEST:

Municipal Clerk