

POSSIBLE MOTION

I MOVE TO approve Resolution
2014-18 on first and final reading.

Sponsors: Mayor/Hackett

CITY AND BOROUGH OF SITKA

RESOLUTION 2014-18

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA JOINING ALASKA CONFERENCE OF MAYORS IN RECOMMENDING AN AMENDMENT TO ALASKA STATUTE 35.30.010 PROVIDING FOR STRONGER AUTHORITY BY LOCAL PLANNING AUTHORITIES AND ELECTED OFFICIALS FOR PUBLIC PROJECTS

WHEREAS, Alaska Statute 35.30.010 – Review and Approval by Local Planning Authorities, requires the Alaska Department of Transportation and Public Facilities to obtain approval from local planning authorities and elected officials before commencing construction of a public project, such as a highway improvement; and

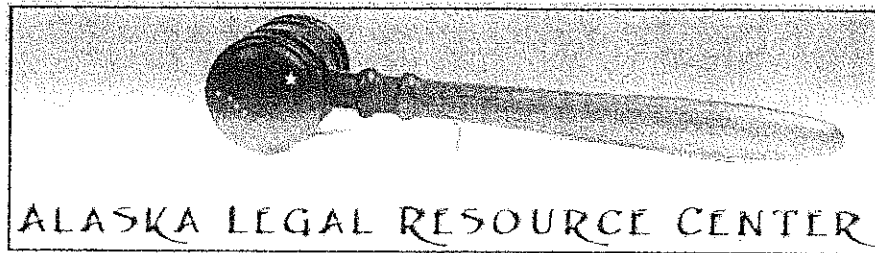
WHEREAS, “before commencing construction” of a public project allows the Department of Transportation and Public Facilities to advance a public project without local planning authority until the project plan is final, ready for construction, which is at a point of no return for the department and gives little meaning to the statute; and

WHEREAS, the Department of Transportation and Public Facilities needs to obtain local planning review and approval for public projects before the final design or alternative is approved and accepted by the department, to meet the intent of the statute; and

NOW, THEREFORE BE IT RESOLVED that the Assembly of the City and Borough of Sitka recommends an amendment to Alaska Statute 35.30.010 providing for stronger authority by local planning authorities by deleting “before commencing construction: and by inserting, “before plans are approved by the department and an approved alternative is accepted by the department.”

Signed: _____
Mim McConnell, Mayor

Attest: _____
Colleen Ingman, MMC
Municipal Clerk



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	Alaska Statutes			
	Alaska Administrative Code			

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Alaska Statutes.

Title 35. Public Buildings, Works, and Improvements

Chapter 30. Consistency With Local Government Plans and Ordinances

Section 20. Compliance With Municipal Ordinances.

previous: Section 10. Review and Approval By Local Planning Authorities.

next: Section 30. Waiver.

AS 35.30.020. Compliance With Municipal Ordinances.

A department shall comply with local planning and zoning ordinances and other regulations in the same manner and to the same extent as other landowners.

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Alaska Statutes.
Title 35. Public Buildings, Works, and Improvements
Chapter 30. Consistency With Local Government Plans and Ordinances
Section 10. Review and Approval By Local Planning Authorities.
previous: Chapter 30. Consistency With Local Government Plans and Ordinances
next: Section 20. Compliance With Municipal Ordinances.

AS 35.30.010. Review and Approval By Local Planning Authorities.

- (a) Except as provided in (b) of this section, before commencing construction of a public project,
- (1) if the project is located in a municipality, the department shall submit the plans for the project to the planning commission of the municipality for review and approval;
 - (2) if the project is located within two miles of a village, the department shall submit the plans to the village council for review and comment;
 - (3) if the project is located within one-half mile of the boundary of an area represented by a community council established by municipal charter or ordinance, the department shall submit the plans to the community council for review and comment.
- (b) Prior approval by a municipal planning commission may not be required before the commencement of construction of a highway or local service road if
- (1) the department and the municipality have entered into agreement for the planning of the project under AS 19.20.060 or 19.20.070 and the plans for the project are completed in accordance with the terms of that agreement;
 - (2) the municipality has adopted a municipal master highway plan under AS 19.20.080 and the highway or local service road is consistent with the plan adopted; or
 - (3) the department has entered into agreement with the municipality for the planning of transportation corridors under AS 19.20.015 and the plans for the project are completed in accordance with the provisions of that agreement.
- (c) If final disapproval by resolution of the governing body of the affected municipality or village is not received within 90 days from the date the project was submitted to the municipality or village, the department may proceed with the project.

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Alaska Statutes.
Title 19. Highways and Ferries
Chapter 20. Cooperation By and With the State
Section 80. Municipal Master Highway Plan.

previous: [Section 70. Local Service Highways.](#)
next: [Section 90. \[Renumbered as AS 19.10.270\]](#)

AS 19.20.080. Municipal Master Highway Plan.

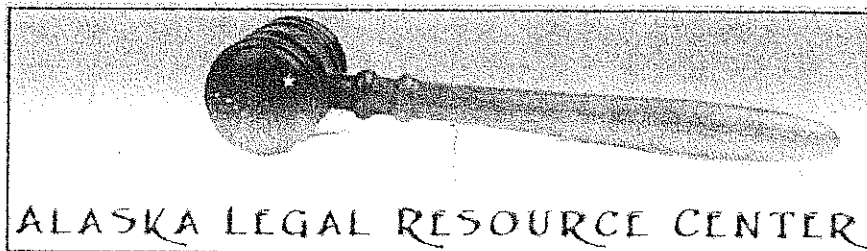
A municipality of over 5,000 population, according to the latest available census, together with the department, shall develop and adopt a master highway plan, which shall insure the proper location and integration of the Alaska highway connections in the municipality. In selecting and designating the master highway plan, they shall take into account the important principal streets that connect residential areas with business areas and the streets that carry important rural traffic into and across the municipality, in order to ensure a system of highways upon which traffic can be controlled and protected in a manner to provide safe and efficient movement of traffic in the municipality.

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Alaska Statutes.

Title 19. Highways and Ferries

Chapter 20. Cooperation By and With the State

Section 15. Local Control of State Transportation Corridors.

previous: Section 10. Connecting Highways.

next: Section 17. Local Control of Traffic Control Systems.

AS 19.20.015. Local Control of State Transportation Corridors.

(a) A municipality, by resolution of its governing body, may request of the department the assumption of the department's responsibilities relating to planning of transportation corridors that are to be located within the boundaries or operating area of the municipality. After receipt of the request, the department shall provide by agreement for assumption by the municipality of the department's responsibilities relating to planning of transportation corridors, unless the commissioner determines that assumption of responsibilities by the municipality is not practicable or not in the best interests of the state. The parties may by mutual agreement provide for joint or cooperative assumption of responsibilities by the department and the municipality.

(b) If the commissioner determines that assumption of responsibilities by a municipality under this section is not practicable or not in the best interests of the state, the commissioner shall notify the municipality of that finding and specify reasons for it. If the municipality requests reconsideration of the decision, the commissioner shall hold a hearing in the municipality within 30 days following mailing of the request. Following the hearing the commissioner may affirm, modify, or reverse the initial decision and shall specify in writing the reasons.

(c) Provisions of this title governing planning of transportation corridors by the department, and regulations adopted under the provisions, govern the administration of projects assumed by a municipality under this section, and for that purpose supersede any conflicting provisions of ordinance or charter.

(d) The commissioner may require terms or conditions in an agreement under this section necessary to ensure compliance with the requirements of this section and otherwise considered to be in the public interest. If necessary, the commissioner may require as a condition of an agreement under this section approval of the agreement by the federal government.

(e) The provisions of this section apply only to the extent permitted by federal laws and regulations.

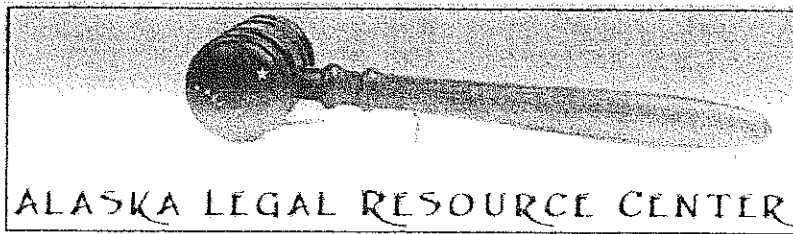
(f) [Repealed, Sec. 88 ch 74 SLA 1985].

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Alaska Statutes.
Title 35. Public Buildings, Works, and Improvements
Chapter 5. Administration
Section 40. Powers of Department.

previous: [Section 30. Duties of Department.](#)
next: [Section 50. Federal Aid.](#)

AS 35.05.040. Powers of Department.

The department may

- (1) acquire property;
- (2) exercise the power of eminent domain;
- (3) take immediate possession of real property, or any interest in it under a declaration of taking or by other lawful means;
- (4) acquire rights-of-way for present or future use;
- (5) dispose of excess property or property rights;
- (6) accept and dispose of federal funds or property available for public works construction, maintenance, or equipment;
- (7) enter into contracts or agreements relating to public works with the federal government and political subdivisions, and also enter into contracts with a foreign government if approved by the federal government;
- (8) exercise any other power necessary to carry out the purpose of this title;
- (9) lease or grant land or any interest in land to the Alaska Housing Finance Corporation for a purpose set out in AS 18.55.100 - 18.55.960 on terms and conditions prescribed by the department;
- (10) procure directly materials, labor, and contractual services for planning, designing, and constructing public facilities of the state.

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