



What you Need to Know About a Planning Commission

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WHAT YOU NEED TO KNOW ABOUT A PLANNING COMMISSION

What is a Planning Commission?

The planning commission is a body of citizens that serve local government. The commission is an advisory group to the governing body on issues and activities related to planning, platting, and land use regulation and community development in general. The planning commission is responsible for keeping planning and land use-related topics and issues in perspective for the community and should not become lost in the daily decisions and details of life.

Authority for Planning in Alaska

Alaska State law requires that home rule, first and second class boroughs, unified municipalities, and first class and home rule cities outside of boroughs provide planning, platting and land use regulation. All other classes of municipalities (second class cities) may, but are not required to, exercise these powers. For communities within the Unorganized Borough, the State Department of Natural Resources (DNR), Division of Mining, Land, and Water Management, acts as the platting authority.

Depending on a city's or a borough's classification, the state statutes governing planning have different applications. Descriptions of local governments and

authorities granted to them are provided here to help you understand where your municipality "fits."

Municipal Government in Alaska

In Alaska there are only two forms of municipal government: cities and boroughs. The term "municipality" is the generic term that encompasses all classes and forms of cities and boroughs.

There are three classes of cities: first class, second class and home rule. There are four classes of boroughs: first, second, home rule and unified home rule. The unified home rule municipality is a borough in which all cities within its boundaries have been dissolved and which has adopted a home rule charter under a special procedure in Title 29.

Home Rule verses General Law Municipalities

All of the municipalities in Alaska fall into one of two categories. They are either general law or home rule. General law municipalities (first and second class cities and first and second class boroughs) must comply with all the relevant provisions of the state statutes that govern municipalities. Most of these statutes are assembled together and are found in Alaska Statutes (AS) Title 29, commonly known as the State Municipal Government.

Home rule municipalities are cities and boroughs that have adopted a home rule charter. Many of the provisions of Title 29

that govern general law municipalities do not apply to home rule municipalities. For example, the statutory standards (AS 29.40.019 – 29.40.200) that must be met for granting of a variance by a general law municipality do not apply to variances granted by a home rule municipality. The home rule municipality may set its own standards for granting the variance.

Cities Inside and Outside Boroughs

There is also a major difference between cities that are inside a borough and those that are outside. All boroughs, both general law and home rule, must exercise planning powers on an areawide basis, that is, both inside and outside its cities. Therefore cities, whether general law or home rule, inside a borough have no planning, platting, or land use regulation authority. However, AS 29.40.010(b) authorizes a borough to delegate to a city any of its powers and duties that are governed by AS 29.40 (the chapter of the Municipal Government that governs the exercise of planning, platting, land use regulation). A number of cities within boroughs have been delegated some or all of their borough's planning and land use regulation powers.

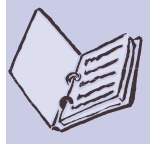
A home rule city inside a borough has only those planning and land use regulation powers granted to it by the borough. Unless the borough is home rule, the exercise by a home rule city of delegated powers would still be governed by the provisions of Title 29 because the borough can delegate only those powers it possesses, and it possesses only general law borough powers.

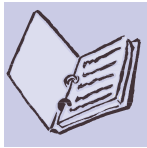
Home rule cities that are outside boroughs must exercise planning, platting, and land use regulation powers but, with minor exceptions, are not governed by AS 29.40. First class cities outside boroughs must and second class cities outside boroughs may exercise these powers as provided in AS 29.40.

Composition of the Planning Commission

Each city or borough establishing a planning commission passes an ordinance that identifies the number of members, their qualifications, their duties, how vacancies are filled, the frequency of regular meetings, who serves as their staff, and general operating procedures. One of the first things you should do as a new commissioner is to review the local ordinance establishing your planning commission.

A general law municipality is required to establish a planning commission consisting of five residents unless the ordinance establishing the commission requires a greater number of members. Members of a planning commission in a general law municipality are appointed to three-year terms by the mayor, subject to confirmation by the legislative body. The assembly or city council may interview planning commission applicants before confirming an appointment. If one or more home rule or first class cities within a general law borough have sufficient population to entitle the city to a seat on the commission,





the borough mayor must make that appointment from a list of recommendations submitted by the city council. A home rule municipality may establish its own method for appointment, terms, and number of members.

Duties of the Commission

State statute (AS 29.40.020 (b)(1) and (2)) and local charters or ordinances define the authority and responsibilities of the planning commission – duties, number of commissioners, term and manner of appointment, etc. Some planning commissions also have bylaws that provide further detail.

The duties of the planning commission will vary from community to community depending on factors such as support for planning on the governing body, the community's rate of growth, prospective infrastructure development responsibilities prescribed by ordinance, and community attitudes about planning.

The following list of duties shows the range of activities with which a planning commission may become involved.

Prepare a Comprehensive Plan

The comprehensive plan, which is discussed in more detail in the next chapter, contains policy statements about community development and a map displaying intended land-use in the community. It can be the most important document the

commission will prepare. If properly prepared and followed, the plan will be the blueprint for making land-use and development decisions for many years.

Act as the Platting Authority

As the platting authority, the planning commission reviews and approves subdivisions, minor or short plats, and replats, as well as dedications, and vacations of public land, rights-of-way, and easements.

Review and Recommend Land Use Regulations

Land-use regulations are a way to implement the comprehensive plan. The commission is closely involved in the preparation and amendment of land use regulations and other implementation methods and provides recommendations to the city council or assembly. Alaska Statute (AS 29.40.040(a)(3)) permits the preparation of other regulatory measures that further the goals and objectives of the comprehensive plan, such as design review, overlay zones, or regulations for development on steep slopes or floodplains.

Review and Recommend the Rezone of Property

The commission reviews proposed zoning changes and recommends to the city council or assembly whether a zoning change should be granted. The city council or assembly has the final decision, since rezones are approved by ordinance. Rezones, if approved, occur as amendments to the official zoning map.

Act on Variances and Conditional Use Permits

The commission has the authority to approve or deny applications for variances and conditional use permits. These terms are defined in the glossary and their review by the commission is explained in Chapter Six, Plan Implementation.

Review and Advise on Land Acquisition and Disposal

Many municipalities have received land entitlements from the State. Others have or will receive land under the provisions of the Alaska Native Claims Settlement Act. The planning commission may review plans and make recommendations on what land should be acquired or disposed and how the land should be used.

Hear Appeals from Administrative Decisions

Title 29 [AS 29.40.050 (a) and (b)] authorizes the creation of a Board of Adjustment to hear appeals from "an administrative decision of a municipal employee, board, or commission made in the enforcement, administration, or application of a land use regulation adopted under this chapter." Typically, the city council or borough assembly is authorized by ordinance to act as the Board of Adjustment; however, the planning commission may also be authorized by ordinance to hear appeals from administrative decisions.

Review and Recommend Capital Improvements

Most planning commissions review and comment to the city council or assembly on the municipality's capital improvements program. Since the commission is regularly involved in decision-making about community development, it has a good sense of the municipality's development needs. The commission will also have a good perspective on the relationship between capital projects and the goals and objectives of the comprehensive plan.

Review the Annual Planning Budget

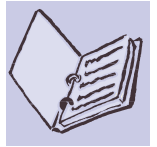
The commission works closely with planning staff and has an interest in funding for planning programs. The commission should review the planning budget and provide recommendations to the city council or assembly before they adopt it.

Review and/or Help Develop the Planning Department's Annual Work Program

The commission should help prepare and/or review the planning staff's annual workload so that the work plan reflects municipal and commission priorities.

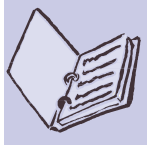
Hold Public Meetings and Hearings

This may seem too obvious to mention; however, it's perhaps the most important activity the commission undertakes. Public meetings and hearings provide an opportunity for direct interaction between the commission and local residents. It gives local residents an opportunity to see



How does planning assist with community development?

- Shapes the future
- Identifies issues
- Finds out people's values
- Ties programs together
- Gets the public involved
- Attracts better development
- Increases certainty
- Protects natural resources
- Provides more efficient public services
- Minimizes land use conflicts
- Promotes good design



the commission "in action," and it gives commission members the chance to hear first-hand about residents concerns.

Initiate Planning Projects

The planning commission can initiate planning projects when it recognizes a problem or a need. Projects requiring significant staff time or budget appropriations will need city council or assembly approval.

Coordinate with Other Agencies' Plans

State and federal agencies undertake planning and capital construction projects that can significantly impact a municipality. The commission may want to review these projects and provide recommendations to the city council or assembly.

Other Duties as Authorized by Ordinance

The city council or assembly may grant the commission authority that is not mentioned in this listing. This could include, for example, recommending building codes, a street numbering system, or recommending the condemnation of hazardous buildings.

Why do Communities Need to Plan?

Communities can realize tangible benefits from planning.

Planning Saves Money

A community can achieve efficiencies in operating government as the result of good planning decisions. For example, construction of a residential subdivision at a long distance from services will prove costly. Residents of the development may request water and sewer, fire, police, road maintenance, and the other services already provided in developed areas of the community and place unanticipated demands on the budget. The same development located adjacent or near to existing services would create a lower long-term demand on the budget through reduction in utility extension costs, maintenance, and related manpower requirements. In other words, water and sewer lines, streets, and other improvements can be more efficiently constructed when planned in advance. Preparation for growth can often result in lower taxes for necessary services.

Planning Establishes Ground Rules

Planning establishes ground rules and standards for developers and residents alike. If a community has a comprehensive plan and land use regulations, this gives a clear signal that accepted standards and procedures apply to community development. Developers know the ground rules, and the public knows the standards that will apply during the evaluation of a proposal. Having ground rules will not eliminate conflicts, but everyone involved or interested in a development activity will be "reading from the same page."

Planning Can Promote and Support Economic Development

The planning process allows residents and decision-makers to examine alternatives and choose courses of action that can promote employment and economic well-being. The City of Kenai, for example, included development of an important city-owned property as a key planning element in its comprehensive plan. By doing this, the City was able to reach out to the broader community to determine the importance and value of the property and how it might be developed to benefit the community.

Planning Provides a Forum for Reaching Consensus

Achieving consensus is a vital aspect of community planning. A planning effort should involve a broad segment of the population to assure that all community groups are heard. This gives the community a sense of "ownership" in the planning process. A comprehensive plan should be consistent with community values. Community-wide consensus has not been reached if a plan is drawn up by a small group of people who basically agree with each other. It is only when differing viewpoints and values are brought together and the forces of negotiation, persuasion, and compromise are at work, that true planning takes place. Consensus in this context means the formulation of goals to which a majority (or more) of the community will agree.

Planning Can Promote Good Design

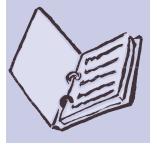
Community design is the deliberate process of building the community on the basis of agreed-to architectural, aesthetic, and other objectives. It represents an effort to create a proportional balance between the man-made and the natural environments.

Planning Can Protect Property and Property Values

Planning can protect property and property values by separating a potentially harmful or disagreeable land use from surrounding residential and commercial uses and by helping to protect stable neighborhoods. For example, building setbacks promote fire safety. Planning can promote stable neighborhoods and help homes retain their values. Property values can also be enhanced when the community plans for parks, trails, playgrounds, and other amenities. Maintaining or enhancing property values help support revenues in municipalities that levy a property tax.

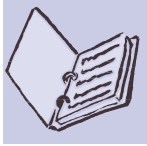
Planning Can Reduce Environmental Damage and Conserve Resources

Planning can help a community identify areas where development may be inadvisable because of environmental conditions. These conditions may include avalanche or landslide hazards, areas vulnerable to earthquake damage, stream bank erosion, or other conditions that could threaten development with damage or destruction. For example, buildings in areas that flood repeatedly create recurring problems that could have been avoided if the buildings



“ Nothing is permanent but change. ”

Heraclitus



were properly located or constructed in the first place. Using a planning process, areas that have important habitat or wildlife values can be classified. Measures can then be adopted to protect, conserve, and enhance those values. Some communities located within Alaska's coastal zone use the coastal management planning process to achieve this. Other communities coordinate their planning efforts with those of fish and wildlife management groups and agencies.

A Brief History of Planning, Platting, and Zoning

Community planning in the United States is not a new concept. Colonial Philadelphia, Williamsburg, and the new capital of Washington, D.C. were "planned" towns where the streets and public buildings were designed before development began. These cities followed the model established by European cities that incorporated an overall design in their development. Boulevards were arranged in relation to monumental public buildings and extensive parks to enhance the visual impression of the city. These designs were the work of architects who worked much the same way a painter designs a canvas. The concept of community design continued in the United States until the early 1900s.

Community planning began in earnest in the 1930s and 1940s as federal expenditures helped fund numerous planning studies. With the passage of Section 701 of the

Federal Housing Act in 1954, local planning activity increased dramatically. Many communities used the "701" moneys to create community plans to meet both the federal funding requirements as well as deal with local issues. The program was discontinued in 1981.

Passage of the Housing Act was followed closely by many federal programs that strongly influence community development. Programs included the Urban Redevelopment Administration and the Overall Economic Development Program in the 1960s, the Coastal Zone Management Act in the early 1970s, the Intermodal Surface Transportation Enhancement Act (ISTEA) in the 1990s, and the Transportation Enhancement Act of 2001 (TEA 21). There was also other federal legislation that offered money or encouragement for community and regional planning. The Alaska Coastal Management Program (ACMP) was a direct result of these federal initiatives and provided many communities with resources for community planning. Other communities in Alaska have received resources for community planning through state grant programs and local budgets.

State provisions for planning came with the adoption of Alaska Statute Title 29 in 1959 (listed under Territorial Law of 1913 as municipal code) and Title 38 in 1959. Title 29 set forth provisions for comprehensive planning, platting and zoning at the city

and borough level in Alaska. Title 38 set forth platting requirements of the State of Alaska Department of Natural Resources (DNR) which is the platting authority inside and outside municipalities where there is no platting authority.

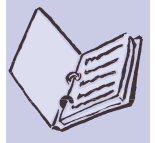
Zoning gained acceptance and legal validity as a tool to guide overall city development in 1926 following the U.S. Supreme Court decision Ambler Realty v. City of Euclid. Zoning was a reaction to the rapid growth of cities, where original town designs were being outstripped by the rate of expansion. Conventional zoning assigned a development designation or use to every acre of land. These designations generally included residential, commercial, or industrial. The separation of certain uses and buildings through zoning protected property values and avoided unsafe mixtures of residential and industrial districts.

The primary force behind land subdivision control came from the Standard City Planning Enabling Act of 1928 (Act). The Act provided for planning commission approval of plats. The plat review process helped assure that residential streets would have adequate capacity to handle future traffic and that lots would be of adequate size and shape and have frontage on a public way. Prior to 1928, the main purpose of subdivision regulation was to provide a more efficient method for selling land by permitting a seller to record a plat which divided a large parcel of land into sequentially numbered blocks and lots.

Sales of land were then recorded in the office of the county clerk. Following World War II, subdivision regulation entered another phase with emphasis shifting to the needs of new subdivision residents for public open space, parks and recreation facilities, and adequate streets bordering the subdivision. Local regulations now imposed requirements for mandatory dedication of roads, parkland, school sites, and open space. By 1968 over 95 percent of municipalities of 5,000 population or more had adopted subdivision control ordinances based on state statutes modeled after the Act.

In more recent years, communities have used subdivision regulations to guide growth and to manage development until adequate public facilities are in place. Others have used subdivision controls to preserve natural features such as wetlands, floodplains, and sensitive habitat areas or to achieve other environmental goals such as the control of erosion or stormwater runoff.

Today, Alaskan communities are planning for a variety of reasons. Notwithstanding the State's legal requirements to have a comprehensive plan in order to implement their zoning and subdivision powers, communities are planning in order to take control of their future.



Zoning Ordinance:

- Guides overall development
- Separates incompatible uses
- Describes standards for development

Subdivision Ordinance:

- Regulates division of land into building lots
- Assures that lots are adequate in size and shape
- Provides efficient method for selling lots
- Ensures placement of public facilities

