

Submitted by: Assembly Chair LaFrance and
Assembly Member Sulte
Prepared by: Assembly Counsel's Office
For reading: January 10, 2023

**ANCHORAGE, ALASKA
AO No. 2023-8**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY SUBMITTING TO THE**
2 **QUALIFIED VOTERS RESIDING WITHIN THE PROPOSED ANCHORAGE**
3 **BOWL CHUGACH STATE PARK ACCESS SERVICE AREA (ABCSPASA) AT**
4 **THE REGULAR MUNICIPAL ELECTION ON APRIL 4, 2023 A BALLOT**
5 **PROPOSITION TO CREATE THE ABCSPASA, AND TO AMEND SECTIONS OF**
6 **THE ANCHORAGE MUNICIPAL CODE TO CONFORM TO THE RESULTS OF**
7 **THE ELECTION.**

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9
10 **WHEREAS**, Chugach State Park is located almost entirely within the Municipality of
11 Anchorage;

12
13 **WHEREAS**, it has been reported that visits to Chugach State Park increased by
14 approximately 50 percent between 2019 and 2022, and that as many as 1.5 million
15 people visit the park annually;

16
17 **WHEREAS**, increasing use of Chugach State Park, by visitors and residents located
18 across the municipality, has a concentrated effect on roads and neighborhoods
19 located near the few existing access points;

20
21 **WHEREAS**, it is beyond the means of many local road service areas to undertake
22 projects to address the wear and tear on neighborhood roads and other issues
23 caused by increasing Chugach State Park use;

24
25 **WHEREAS**, Chugach State Park access issues are especially pronounced in the
26 Anchorage Bowl;

27
28 **WHEREAS**, these concerns are not new and in 2010 the Hillside District Plan
29 prioritized addressing these issues with Chugach State Park Access Policy 14-C,
30 which proposed creating a new funding and management program targeted at
31 improved Chugach State Park access with trailhead and parking facilities;

32
33 **WHEREAS**, Anchorage Municipal Charter section 9.01(a) provides that “[a] service
34 area may be created, altered, or abolished only with the approval of a majority of
35 those voting on the question within the area affected”;

36
37 **WHEREAS**, approval of the service area described in this ordinance would not
38 affect or limit the powers or responsibilities of any limited road service area, or rural
39 road service area;

40
41 **WHEREAS**, if approved by voters, the creation of a Chugach State Park Access

1 service area for the Anchorage Bowl would allow the Municipality to later submit to
 2 Anchorage Bowl voters ballot propositions with the question of whether to bond for
 3 the capital improvements expense and to budget for maintenance and operations
 4 of projects that support access to Chugach State Park and ameliorate the
 5 neighborhood effects of access by park users; now, therefore,

6
 7 **THE ANCHORAGE ASSEMBLY ORDAINS:**

8
 9 **Section 1.** Pursuant to Anchorage Municipal Charter § 9.01(a), a ballot proposition
 10 in substantially the following form shall be submitted to the qualified voters of the
 11 Municipality currently residing within the proposed-to-be-created Anchorage Bowl
 12 Chugach State Park Access Service Area, with boundaries described in section 2,
 13 below:

14
 15 **PROPOSITION NO. ____**
 16 **Creation of the Anchorage Bowl Chugach State Park Access Service Area**

17
 18 This proposition creates the Anchorage Bowl Chugach State Park
 19 Access Service Area (ABCSPASA), to include all areas of the
 20 Municipality north of McHugh Creek, but: excluding Fire Island,
 21 excluding areas currently contained within the Eagle River-Chugiak
 22 Parks and Recreation and Girdwood Valley Service Areas, and
 23 excluding areas of the Municipality within Tax District 15 (which
 24 contains Rainbow, Indian, Bird Creek and Portage). Creation of the
 25 service area would allow the municipality to submit to voters bond
 26 propositions for projects that support access to portions of Chugach
 27 State Park that are located in the service area and ameliorate the
 28 neighborhood effects of access by park users. The service area
 29 would not levy taxes upon approval of this proposition; taxes may
 30 only be levied if voters subsequently approve a bond proposition that
 31 authorizes levying and spending for a particular project or projects
 32 and an annual tax levy for the maintenance and operations of the
 33 approved improvements constructed. Voters in Eagle River,
 34 Chugiak, Birchwood, Girdwood and Turnagain Arm would not be
 35 taxed for any voter-approved bonds for this service area.

36
 37 Shall the Anchorage Bowl Chugach State Park Access Service Area
 38 be created as described above? (AO 2023-____)

39
 40 Yes [] No []

41
 42 **Section 2.** Anchorage Municipal Code chapter 27.30 is hereby amended to add a
 43 new section 27.30.085 to read as follows:

44
 45 **27.30.085 Anchorage Bowl Chugach State Park Access Service Area.**
 46

- 1 A. There is established, pursuant to section 9.01 of the Charter, a service
2 area within the municipality to be the Anchorage Bowl Chugach State
3 Park Access Service Area (ABCSPASA) of the municipality, as
4 outlined on the map located in section 27.30.700. The Anchorage
5 Bowl Chugach State Park Access Service Area shall consist of all
6 areas of the municipality north of McHugh Creek, excluding Fire
7 Island; areas currently contained within the Eagle River-Chugiak
8 Parks and Recreation and Girdwood Valley Service Areas; and areas
9 of the municipality located south of a boundary line described as
10 running: from the mouth of McHugh Creek following the mainstem of
11 McHugh Creek upstream to its origin at McHugh Lake, then following
12 the high water mark of McHugh Lake around its western and northern
13 shore continuing to the easternmost point of McHugh Lake, then
14 easterly to the eastern boundary of Township 11 North, Range 2 West,
15 Seward Meridian, Alaska, then northerly to the northern boundary of
16 Township 11 North, Range 2 West, Seward Meridian, Alaska, then
17 easterly to the eastward boundary of the municipality.
- 18 B. The Anchorage Bowl Chugach State Park Access Service Area shall
19 provide capital improvements that support access to Chugach State
20 Park and ameliorate the neighborhood effects of access by park
21 users, and the maintenance thereof. Capital improvements may only
22 be for or incidental to roads that are classified by the municipality's
23 Official Streets and Highways Plan in section 21.01.080 as minor
24 arterials, collector and neighborhood streets that leading from streets
25 of higher classifications and are generally used by the public for
26 access to Chugach State Park trail heads. Taxes may only be levied
27 as authorized by the voters.
- 28 C. When a proposed project for the Anchorage Bowl Chugach State Park
29 Access Service Area would be located, in whole or in part, within the
30 boundary of a limited road service area or a rural road service area,
31 the municipality shall provide notice of the proposed project and
32 consult with the board of supervisors for the limited road service area
33 or rural road service area, prior to including the proposed project in a
34 capital improvement program and budget, and prior to proceeding with
35 construction of the project. The powers and responsibilities of limited
36 road service areas and rural road service areas shall not be affected
37 or limited by the Anchorage Bowl Chugach State Park Access Service
38 Area. However, Anchorage Bowl Chugach State Park Access Service
39 Area projects may only proceed if the municipality first enters
40 cooperative agreements with all parties when the project is within the
41 boundaries of a limited road service area, a rural road service area, or
42 roads owned by the State of Alaska.

43
44 **Section 3.** Anchorage Municipal Code section 27.30.700 is hereby amended to
45 read as follows (*the remainder of the section is not affected and therefore not set*
46 *out*):

27.30.700 Service Area Maps.

This section contains the following maps.

*** **

27.30.080 Anchorage Parks and Recreation Service Area

27.30.085 Anchorage Bowl Chugach State Park Access Service Area

27.30.090 Eagle River-Chugiak Park And Recreational Facilities Service Area

*** **

ANCHORAGE BOWL CHUGACH STATE PARK ACCESS SERVICE AREA (27.30.085)

[Insert Map Attached as Exhibit A]

*** **

Section 4. Section 1 of this ordinance shall be effective immediately upon passage and approval by the Assembly. The proposition contained in section 1, and sections 2 and 3 of this ordinance shall be effective upon certification of the election if, but only if, said proposition is approved by a majority of the voters voting on the question.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2023.

Chair

ATTEST:

Municipal Clerk

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MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 31-2023

Meeting Date: January 10, 2023

1 **From:** Assembly Chair LaFrance
2

3 **Subject:** AN ORDINANCE OF THE ANCHORAGE ASSEMBLY SUBMITTING TO THE
4 QUALIFIED VOTERS RESIDING WITHIN THE PROPOSED ANCHORAGE
5 BOWL CHUGACH STATE PARK ACCESS SERVICE AREA (ABCSPASA)
6 AT THE REGULAR MUNICIPAL ELECTION ON APRIL 4, 2023 A BALLOT
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8 OF THE ANCHORAGE MUNICIPAL CODE TO CONFORM TO THE RESULTS
9 OF THE ELECTION.
10

11 The number of visitors to Chugach State Park continues to increase, with many people
12 accessing the park from the Anchorage Bowl. This increased traffic strains the surrounding
13 neighborhoods, including the access roads, which are maintained by local and rural road
14 service areas. Roads and drainage services-capital improvements and maintenance of roads
15 constructed-are provided by service areas at varying levels throughout the Anchorage Bowl
16 and generally do not provide for improvement of access points to the Park. The proposed
17 services by this proposition for the Anchorage Bowl are outside of Municipal areawide powers,
18 limiting the resources available for addressing the impacts caused by recreational access.
19

20 The ordinance submitted with this memorandum would send to voters residing within the
21 Anchorage Bowl (as depicted in Exhibit A, and formally defined in Section 2 of the ordinance)
22 the question of whether to create a “Chugach State Park Access” service area. Creation of the
23 service area would allow the Municipality to submit to voters bond propositions in future
24 elections for projects that support access to portions of Chugach State Park that are located in
25 the service area and ameliorate the neighborhood effects of access by park users.
26

27 The service area would not levy taxes upon its creation, voters must subsequently approve a
28 bond proposition that authorizes levying and spending taxes for a particular project or projects.
29 The projects are limited to those on or incidental to roads classified as minor arterials, collector
30 or neighborhood streets according to the Municipality’s Official Streets and Highways Plan
31 adopted in 2014 as an element of the Comprehensive Plan, and that are generally used by the
32 public to access Chugach State Park. (See
33 <https://www.muni.org/Departments/OCPD/Planning/Publications/Documents/OSHP%20Com>
34 [plete%20Document1.26.15.pdf](https://www.muni.org/Departments/OCPD/Planning/Publications/Documents/OSHP%20Com)) Voters in Eagle River, Chugiak, Birchwood, Girdwood and
35 Turnagain Arm areas would not be taxed for any voter-approved bonds for this service area.
36

37 The ordinance is consistent with, and would implement one of the policies adopted in the 2010
38 Hillside District Plan. As outlined in the Plan, Policy 14-C, *Chugach State Park Access* calls
39 for the “Create[ion of] a new funding and management program targeted at improved Chugach
40 State Park access with trailhead and parking facilities.” The background for the policy was
41 outlined in the Plan as follows:
42

1 The Hillside District Plan recommends that a new mechanism
2 created to raise funds from the Anchorage Bowl as a whole to
3 improve and better manage access to Chugach State Park. Needed
4 improvements include new trails, new trailheads, improvements to
5 access roads, and improved trail management. . . .

6
7 This recommendation is based on the fact that use of the State Park
8 is generated from the entire Anchorage Bowl. No mechanism
9 currently exists to improve access to the park. For at least the last
10 two decades, the legislature has consistently provided very limited
11 resources for needed improvements to state parks. It is not fair to
12 ask for these improvements solely from new developments adjoining
13 the park. It is also not reasonable to ask Hillside residents to solely
14 fund road maintenance when, on some roads, a significant portion of
15 the road use is for recreational access by people outside their
16 neighborhoods. Given that solutions to access issues will require a
17 combination of municipal and state action to the benefit of Anchorage
18 residents, it is not reasonable to presume this responsibility should
19 lie wholly with the State.
20

21 2010 HILLSIDE DISTRICT PLAN at Policy 14-C, page 6-16.

22
23 The Plan outlined three options to effectuate the policy, one of which was:

- 24
25 • A new Bowl-wide access district requiring a vote and using
26 general obligation bonds.

27 *Id.*

28
29 This is the approach proposed by the ordinance submitted with this memorandum.

30
31 It is in the Municipality's economic best interest to leverage the access to the Chugach State
32 Park for tourism and local quality of life—but that must be done in a way that is fair to Hillside
33 residents, and responsive to neighborhood impacts caused by increased Chugach State Park
34 access. To promote that fairness, the municipality must give notice and consult with any local
35 or rural road service area that has a proposed project within its boundaries prior to including it
36 in a capital improvement program and budget, and prior to proceeding with construction of the
37 project. In addition, after approval of a bond proposition to fund a project, the municipality must
38 enter a cooperation agreement or MOU with the local or rural road service area, or with the
39 State of Alaska depending on the location of the project.
40

41 The proposed ordinance would provide significant voter control over the service area, as the
42 service area would levy taxes and spend funds only in connection with voter-approved bond
43 propositions, or with non-tax revenue such as grants or donations.
44

45 The service area could raise funds for required local matching of potential federal and state
46 grants for Chugach State Park facilities, including roads. The municipal contribution for grants
47 typically ranges from less than 10 percent to 20 percent of the award. Without a mechanism to
48 raise the matching funds, these opportunities are not available to the Municipality.
49

1 | This ordinance itself is not anticipated to have any economic effects, so a summary of same is
2 | not provided.

3 |

4 | **It is recommended that the Assembly approve the attached ordinance.**

5 |

6 | Prepared by: Assembly Counsel's Office

7 |

8 | Respectfully submitted: Suzanne LaFrance Assembly Chair
9 | District 6, South Anchorage, Girdwood & Turnagain Arm

Exhibit A

