

## TABLE OF CONTENTS

1			
2			
3	<b>CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION .....</b>		<b>1</b>
4	<b>21.02.010 Purpose .....</b>		<b>1</b>
5	<b>21.02.020 Boards and Commissions Generally .....</b>		<b>1</b>
6	A. Summary Table of <u>Major</u> Decision-Making and Review <u>BodiesResponsibilities</u> .....		1
7	B. Composition of Boards and Commissions .....		11
8	C. Conduct of Boards and Commissions .....		11
9	<b>21.02.030 Assembly .....</b>		<b>18</b>
10	A. Review and Decision-Making Responsibilities .....		18
11	B. Other Powers and Duties .....		18
12	C. Rules of Procedure .....		18
13	<b>21.02.040 Planning and Zoning Commission .....</b>		<b>19</b>
14	A. Review and Decision-Making Responsibilities .....		19
15	B. Other Powers and Duties .....		19
16	C. Delegation of Authority .....		20
17	D. <u>Recommended</u> Qualifications .....		20
18	<b>21.02.050 Platting Board .....</b>		<b>20</b>
19	A. Review and Decision-Making Responsibilities .....		20
20	B. Other Powers and Duties .....		20
21	C. Delegation of Authority .....		21
22	<del>21.02.060 .....</del>	<del>Zoning Board of Examiners and Appeals</del>	<del>21</del>
23	<del>    .....</del>	<del>    D.</del>	<del>21</del>
24	<del>    .....</del>	<del>    Recommended Qualifications</del>	<del>21</del>
25	<del>    .....</del>	<del>    .....</del>	<del>21</del>
26	<del>A. Review and Decision-Making Responsibilities .....</del>	<del>.....</del>	<del>21.02.060</del>
27	<del>Zoning Board of Examiners and Appeals .....</del>	<del>.....</del>	<del>21</del>
28	<del>    B. Other Powers and Duties .....</del>	<del>.....</del>	<del>A.</del>
29	<del>    .....</del>	<del>    Review and Decision-Making Responsibilities</del>	<del>21</del>
30	<del>    .....</del>	<del>    .....</del>	<del>21</del>
31	<del>21.02.070 .....</del>	<del>Board of Adjustment</del>	<del>21</del>
32	<del>    .....</del>	<del>    B.</del>	<del>21</del>
33	<del>    .....</del>	<del>    Other Powers and Duties</del>	<del>21</del>
34	<del>    .....</del>	<del>    .....</del>	<del>21</del>
35	<del>A. Review and Decision Making Responsibilities .....</del>	<del>.....</del>	<del>C.</del>
36	<del>    .....</del>	<del>    Qualifications</del>	<del>22</del>
37	<del>    .....</del>	<del>    .....</del>	<del>22</del>
38	<del>B. Composition .....</del>	<del>.....</del>	<del>21.02.070</del>
39	<del>Board of Adjustment .....</del>	<del>.....</del>	<del>22</del>
40	<del>21.02.080 .....</del>	<del>Urban Design Commission</del>	<del>22</del>
41	<del>    .....</del>	<del>    A.</del>	<del>22</del>
42	<del>    .....</del>	<del>    Review and Decision-Making Responsibilities</del>	<del>22</del>
43	<del>    .....</del>	<del>    .....</del>	<del>22</del>
44	<del>A. Review and Decision Making Responsibilities .....</del>	<del>.....</del>	<del>B.</del>
45	<del>    .....</del>	<del>    Composition</del>	<del>23</del>
46	<del>    .....</del>	<del>    .....</del>	<del>23</del>
47	<del>B. Other Powers and Duties .....</del>	<del>.....</del>	<del>C.</del>
48	<del>    .....</del>	<del>    Qualifications</del>	<del>23</del>
49	<del>    .....</del>	<del>    .....</del>	<del>23</del>
50	<del>C. Qualifications .....</del>	<del>.....</del>	<del>21.02.080</del>
51	<del>Urban Design Commission .....</del>	<del>.....</del>	<del>23</del>
52	<del>21.02.090 .....</del>	<del>Geotechnical Advisory Commission</del>	<del>23</del>
53	<del>    .....</del>	<del>    A.</del>	<del>23</del>

1	.....	<u>Review and Decision-Making Responsibilities</u>	
2			23
3	A. Authority.....	B.	
4	.....	<u>Other Powers and Duties</u>	
5			23
6	B. C. ....	<u>Recommended</u> Qualifications	
7			24
8	<b>21.02.100</b> <del>Municipal Staff</del> .....	<b>21.02.090</b>	
9	<del>Geotechnical Advisory Commission</del> .....	<b>25</b>	
10	A. <del>Office of Planning, Development, and Public Works</del> .....	A.	
11		<u>Authority</u>	
12			25
13	B. <del>Department of Health and Human Services</del> .....	B.	
14		<u>Qualifications</u>	
15			25
16	<b>C.</b> <del>Administrative Hearing Officer</del> .....	<b>21.02.100</b>	
17	<del>Municipal Staff</del> .....	<b>25</b>	
18			
19			
20			

# CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

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## 21.02.010 PURPOSE

This ~~Chapter~~chapter identifies the roles and responsibilities of ~~various~~-appointed and elected boards, ~~as well as and commissions and~~ the duties of the municipal staff, in the administration of this ~~Title~~title.

## 21.02.020 BOARDS AND COMMISSIONS GENERALLY

### A. Summary Table of Major Decision-Making and Review Bodies<sup>+</sup> Responsibilities<sup>1</sup>

1. Table 21.02-1 summarizes the major review and decision-making responsibilities of the Assembly, the municipal staff, and the other entities that have roles in the ~~administration of the~~ procedures set forth in ~~Chapter~~chapter 21.03, *Review and Approval Procedures*. ~~The referenced notes are set forth immediately below the table. Other duties and responsibilities of the~~ Such other entities are ~~set forth in~~ referred to in this chapter as the “boards and commissions within the scope of this chapter” and include: the Planning and Zoning Commission; the Platting Board; the Zoning Board of Examiners and Appeals; the Board of Adjustment; the Urban Design Commission; and the Geotechnical Advisory Commission.
2. Table 21.02-1 is a summary tool and includes many, but not all, duties of these entities. Other duties and responsibilities are set forth in subsequent sections of this Chapterchapter and this title and other parts of the Municipal Code. Some other duties and responsibilities not listed in the table may require public hearings.
3. The referenced notes are set forth immediately below the table.
4. Even though not referenced in this ~~Chapter~~chapter, other boards, commissions, government agencies, and non-governmental agencies may be asked to review some applications, including, but not limited to, ~~zoning map amendments~~rezonings, site plans, and subdivisions. Title 21 matters referred to other agencies will generally follow the procedures established in ~~Chapter~~chapter 21.03, *Review and Approval Procedures*.

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<sup>+</sup> ~~NOTE: This draft table will continue to evolve throughout the entire drafting process as discussions continue and new policy decisions are made. For example, the need for hearings is included on the draft table — we have attempted to assign this designation to the appropriate fields based on the current draft text. However, the need for a hearing, versus a consent agenda-type approval, is one of the incentives being explored as a means to induce developers to organize and/or attend preliminary meetings.~~



**TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 ADMINISTRATION DECISION-MAKING AND REVIEW ROLES RESPONSIBILITIES**

*NOTE: This table summarizes the general/major review and decision-making responsibilities for the procedures contained in Chapter 21.03.*

*Exceptions to these general rules apply; See Chapter 21.03 for complete details on each procedure.*

**A = APPEAL = Authority to Hear and Decide Appeals**

**D = DECISION = Responsible for Review and Final Decision**

**H = HEARING = Public Hearing Required**

**R = REVIEW = Responsible for Review and/or Recommendation** \_\_\_\_\_ **H = Hearing = Public Hearing Required Only**

**D = Decision = Responsible for Final Decision to Approve or Deny** \_\_\_\_\_ **A = Appeal = Authority to Hear and Decide Appeals**

Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBEA	Board of Adjustment BOA	Urban Design Commission UDC	Geotechnical Advisory Commission GAC	Municipal Staff MS
Amendments to Comprehensive Plan, Substantive	21.03.030.B	D-H	R-H				R [4]	R
Amendments to Comprehensive Plan, Cosmetic	21.03.030.C	D	R					R
Amendments to Text of Title 21	21.03.040	D-H	R-H [1]	R-H [1]			R [4]	R
Rezoning (Map Amendments)	21.03.050	D-H	R-H			R [5]		R
Preliminary Plat	21.03.060.C.3	D-H [4]	D-H		A	R -if delegated by Planning	R [4]	R

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Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBE A	Board of Adjustment OA	Urban Design Commission UDC	Geotech- Advisory Commis- sion AC	Municipal Staff MS
						Board [5]		
Final Plat	21.03.060.C.4		D-H [2]			R		D [2]
Minor Subdivision Abbreviated Plat	21.03.060.D	A [3]	A-H [6]		A-H [6]			D
Right-of-Way Acquisition Plat	21.03.060.E		A					D
Conditional Uses	21.03.070	D-H			A-H	R [5]		R
Site Plan Review, Administrative	21.03.080.B	A						D
Site Plan Review, Major	21.03.080.C	A-H				D-H	R [4]	R

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Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBE A	Board of Adjustment BOA	Urban Design Commission UDC	Geotechnical Advisory Commission GAC	Municipal Staff MS	
Public Facility Site Selection (except schools)	21.03.090-B		D-H				R [4]	R	
School Site Selection	21.03.090.B 25.25	D-H					R [4]	R	
Public Facility Site Selection and Project Landscaping Review	21.03.090-G			A				D-H	R
Special Flood Hazard Permits	21.03.100			A-H				D	
Land Use Permits	21.03.110			A-H				D	
Certificates of Zoning Compliance	21.03.120			A-H				D	
Sign Permits	21.03.130			A-H				D	

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Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBE A	Board of Adjustment BOA	Urban Design Commission UDC	Geotech- Advisory Commis- sion GAC	Municipal Staff MS
Temporary Use Permits	21.03.140			A-H				D
Record of Survey Maps	21.03.150		A					D
Vacation of Public Property Other Than Utilities	21.03.160	A-H	D					R
Vacation of Public Utility Easements	21.03.160	A-H						D
Street Name Alterations/Verification of Nonconforming Use	21.03.170 180	A-H		A-H				D
Certification of Nonconforming	21.03.180 190			A-H				D



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Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBE A	Board of Adjustment OA	Urban Design Commission UDC	Geotechnical Advisory Commission GAC	Municipal Staff MS
Use Minor Modifications								
Minor Modifications/Variations [from all other provisions of this title except chapter 21.08, Subdivision Standards]	21.03.190-200			AD-H				DR
Variations [from all other the provisions of this Title except Chapter chapter 21.08, Subdivision Standards]	21.03.200		D-H	D	A			R

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Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBE A	Board of Adjustment BOA	Urban Design Commission UDC	Geotechnical Advisory Commission GAC	Municipal Staff MS
Variances from the provisions of Chapter 21.08, Subdivision Standards] Variances from bulk regulations in CBD Districts]	21.03.20006.020.B.2.K		D-H	D		A		R
Variances from current AMC 21.40.150.H, 21.40.160.H, 21.40.170.H] Other Administrative Decisions	21.03.200		D		A-H			RD

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Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBEA	Board of Adjustment OA	Urban Design Commission UDC	Geotechnical Advisory Commission GAC	Municipal Staff MS
Community Interest Towers Interpretation Of Zoning District Boundaries	21.01.050.C			A-H				D
Other Administrative Decisions	2						A	D

NOTES:  
 [1] Code amendments relating to chapter 21.08, *Subdivision Standards*, originate with and require a hearing by the Planning Board. All other code amendments originate with and require a hearing by the Planning and Zoning Commission.  
 [2] A hearing is required for final plats differing from preliminary plats. Otherwise a final plat may be granted administrative approval.  
 [3] See 21.03.060.D.5.d. *Appeals*.  
 [4] The entity has review responsibility only when appropriate, as specifically provided in this title.  
 [5] The UDC may review and make recommendations on rezonings, conditional uses, and platting cases for sites within the CBD districts and sites within any mixed-use district, if delegated such responsibility by the entity with final decision-making authority for the application.

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Section	Assembly ASBLY	Planning and Zoning Commission PZC	Planning Board PB	Zoning Board of Examiners and Appeals ZBEA	Board of Adjustment BOA	Urban Design Commission UDC	Geotechnical Advisory Commission GAC	Municipal Staff MS
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[6] The appeal body for decisions on abbreviated plats depends on the body making the initial decision. See section 21.03.060.D., *Abbreviated Plat Procedure*.

**NOTES:**

[1] Code amendments relating to Chapter 21.08, Subdivision Standards, originate with and require a hearing by the

**KEY TO ABBREVIATIONS:**

ASBLY = Anchorage Assembly

PZC = Planning and Zoning Commission

PB = Platting Board—All other code amendments originate with and require a hearing by the Planning and Zoning Commission.

[2] A hearing is required for final plats differing from preliminary plats. Otherwise a final plat may be granted administrative approval.

[3] See 21.03.060.D.5.d., *Appeals*. ZBEA = Zoning Board of Examiners and Appeals

BOA = Board of Adjustment

UDC = Urban Design Commission

GAC = Geotechnical Advisory Commission

MS = Municipal Staff

1  
2           **B.       Composition of Boards and Commissions<sup>22</sup>**

3                   **1.       Size of Appointed Bodies**

4                   The Planning and Zoning Commission, ~~Urban Design Commission~~, Platting  
5                   Board, Zoning Board of Examiners and Appeals, ~~Urban Design Commission~~,  
6                   and Geotechnical Advisory Commission shall each consist of nine members.  
7                   The Board of Adjustment shall consist of three members, ~~as described in~~  
8                   ~~Section 21.02.070~~.

9                   **2.       Qualifications for Appointive Office**

10                   Members of appointed boards and commissions shall be qualified in  
11                   accordance with ~~Section~~AMC section 4.05.035 ~~of the Anchorage Municipal~~  
12                   ~~Code~~<sup>33</sup> and shall also meet any other qualifications for membership to specific  
13                   boards and commissions set forth in this ~~Chapter~~chapter.

14                   **3.       Board and Commission Appointment and Confirmation**

15                   a.       Appointments to boards and commissions within the scope of this  
16                   ~~Chapter~~chapter shall be made by the Mayor and confirmed by the  
17                   Assembly in accordance with the rules set forth in ~~Section~~section  
18                   5.07(b) of the Anchorage Municipal Home Rule Charter and  
19                   ~~Section~~AMC section 4.05.030 ~~of the Anchorage Municipal Code~~.

20                   b.       When transmitting to the Assembly for confirmation the name of  
21                   appointees to the ~~Planning and Zoning Commission, the Platting~~  
22                   ~~Board, the Urban Design Commission, the Zoning Board of~~  
23                   ~~Examiners and Appeals, the Board of Adjustment, and the~~  
24                   ~~Geotechnical Advisory Commission, boards or commissions within~~  
25                   ~~the scope of this chapter~~, the Mayor shall cause a notice of a ten-day  
26                   comment period inviting public comment on the qualifications of such  
27                   appointees to be published in a newspaper of general circulation in  
28                   the Municipality. The notice shall advise that comments shall be in  
29                   writing and filed with the municipal clerk. Upon receipt, the municipal  
30                   clerk shall forward comments received to the Mayor and the  
31                   Assembly. The Assembly shall not take action on any appointment to  
32                   the named boards or commissions until after the close of the public  
33                   comment periods.

34                   **4.       Vacancies**  
35                   **[RESERVED]<sup>4</sup>**

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<sup>2</sup> NOTE: Adapted from current AMC 21.10.010.

<sup>3</sup> NOTE: This is a new cross-reference to the Boards and Commissions portion (Title 4) of the AMC. Many provisions under Title 4 pertain to the boards and commissions described in this chapter (e.g., requirement that the appointee be a "qualified voter of the Municipality."

<sup>4</sup> NOTE: Staff has suggested a new requirement that the Administration fill vacancies within a certain period of time, with perhaps a penalty for non-compliance. The nature of such a penalty still is being discussed, though it has been suggested that perhaps the PZC could be prohibited from taking action on cases after a certain period of months of being under strength. Is there general support for such a provision?

**C. Conduct of Boards and Commissions<sup>54</sup>**

This ~~subsection~~ sets forth procedures that ~~are common~~ apply, unless otherwise indicated, to all ~~appointed~~ boards and commissions ~~under within the scope of this chapter, including the Planning and Zoning Commission, the Platting Board, the Zoning Board of Examiners and Appeals, the Board of Adjustment, the Urban Design Commission, and the Geotechnical Advisory Commission.~~

**1. Absence of Member**

Any member of an appointed board ~~of or~~ commission ~~under this chapter~~ anticipating an absence from a meeting of their board of commission shall so advise the chair or secretary prior to the meeting.

**2. Agenda**

~~Each board and commission shall adopt a general agenda order for all meetings.~~ The specific agenda for each regular meeting of an ~~appointed~~ board or commission ~~under this chapter~~ shall be prepared by the secretary and shall be distributed to each member at least seven days prior to the meeting, except for special meetings, ~~the procedure for which is set forth in AMC section 1.25.015.~~

**3. Meeting Time and Location**

~~Each board and commission shall establish a regular meeting time and location for regularly scheduled meetings, and shall adopt procedures for publicizing changes to such time and location when necessary, pursuant to AMC section 4.05.090.~~

**4. Officers**

~~Each board and commission shall have a chair and a vice-chair, pursuant to AMC 4.05.070; shall establish procedures for the selection of such officers; and shall adopt rules assigning the duties of such officers.~~

**5. Code of Ethics**

In addition to and amplifying the provisions of ~~Anchorage Municipal Code Chapter~~ ~~AMC chapter~~ 1.15, the Planning and Zoning Commission, the Platting Board, the Urban Design Commission, and the Zoning Board of Examiners and Appeals and their members, in the performance of their quasi-judicial, adjudicatory responsibilities in all matters before them, including all matters which their members should reasonably know or expect to come before them, shall:

- a. Make their decisions solely on the applicable law and the evidence in the record presented to the panel through the clerk or secretary of the

<sup>54</sup> ~~NOTE: This section consolidates various common provisions from the resolutions that currently appear outside of Title 21. Per staff direction, this section includes materials that are applicable to all bodies and so appear only once in the Code (e.g., how disclosures of potential or actual conflicts of interest are to occur). This consolidation was done so that all the bodies will work under the same general procedural rules, and thus there will be less opportunity for errors.~~

~~Later sections of this chapter include, for each body: the powers and duties of that body, and how and to whom it can delegate authority. Other matters that are more specific to each body (e.g., agenda order, meeting time and location, election of officers) are left out of the code, with the intent that such materials can be adopted by each body as its own rules. Generally, there is concern that including such minor provisions in the code (e.g., agenda order) could open the door to procedural appeals if errors are made.~~

1 board or commission or, when permitted, submitted to the panel in an  
2 open hearing on the record;

- 3           **b.** Be impartial in fact and in appearance in the performance of their  
4 functions, which means that the panel and its members shall make  
5 their decisions without any actual or seemingly apparent personal or  
6 financial bias, prejudice, prejudgment or partiality with respect to any  
7 person, party, or principle of law; and
- 8           **c.** Conduct their proceedings according to the applicable procedures  
9 provided by law.

10           **6. Conflict of Interest**

- 11           **a.** No member of an appointed board or commission under this chapter  
12 shall participate in any decision in which the board or commission  
13 determines either that such member has a conflict of interest, as  
14 defined in ~~Anchorage Municipal Code~~ **AMC** 3.60.070; or that such  
15 member has a personal interest or involvement in the case that would  
16 prevent that member from fairly evaluating the case; or that, based on  
17 all surrounding circumstances, participation by such member would  
18 create the appearance of impropriety in the proceedings.
- 19           **b.** The determination shall take into consideration the interest of the  
20 public in boards and commissions that have familiarity with the  
21 community and its past and future development. No member shall be  
22 excused from participation solely on the basis of personal familiarity  
23 with the case or the parties involved.
- 24           **c.** Any member who has a possible conflict of interest in a pending  
25 matter shall bring this information to the attention of the chair before  
26 the staff begins its presentation or as soon thereafter as the member  
27 recognizes his or her possible conflict. It shall be the responsibility of  
28 each member to fully disclose facts showing any known conflict of  
29 interest or other personal interest or involvement. Where appropriate,  
30 the conflict may be discussed in executive session.
- 31           **d.** Immediately upon discovering the existence of any conflict of interest  
32 prohibited by this ~~Section~~ **subsection 6.**, the Municipal Code, or any  
33 state law applicable to local government officials, the board or  
34 commission member shall fully disclose on the record in open session  
35 of the board or commission the nature of and the facts creating the  
36 conflict and shall be disqualified from any participation in or  
37 communications with other members of the board or commission on  
38 the matter with which a conflict exists.
- 39           **e.** A member who has a possible conflict of interest in a matter for  
40 decision may participate in the discussion of that matter and the  
41 decision upon that matter only upon the affirmative vote of a majority  
42 of all remaining Commission members present. Such vote shall be  
43 recorded on the public record.<sup>5</sup>

1 f. Any member found by the Board to have a conflict of interest with  
2 regard to a particular matter shall not participate in any manner in that  
3 matter.

4 7. **Ex Parte Contacts Prohibited<sup>66</sup>**

5 ~~a. Ex parte contacts and communications are defined for the purposes~~  
6 ~~of this subsection as the receipt, either directly or indirectly, of verbal,~~  
7 ~~visual, or written communications outside a duly noticed, open~~  
8 ~~hearing on the record at which all parties and all board or commission~~  
9 ~~members have an opportunity to be present.~~

10 a. ~~Members of adjudicatory or quasi-judicial~~ The intent of this subsection  
11 is to ensure that applicants in quasi-judicial proceedings required  
12 under this title receive fair and impartial hearings. For purposes of  
13 this subsection, the term “quasi-judicial” applies to any proceeding in  
14 which the Assembly or a board or commission is required to  
15 investigate facts, ascertain the existence of facts, hold hearings,  
16 weigh evidence and draw conclusions, and exercise discretion of a  
17 judicial nature.

18 b. ~~As established by AMC section 3.60.065, members of boards and~~  
19 ~~commissions acting in a quasi-judicial capacity shall refrain from~~  
20 ~~permitting<sup>7</sup> ex parte contacts or communications<sup>7</sup> with any person~~  
21 ~~regarding any matter pending before or which may be reasonably~~  
22 ~~expected to be pending before them.~~

23 c. ~~As established by Anchorage Municipal Code Section 3.60.065, ex~~  
24 ~~parte contacts shall not influence<sup>8</sup> quasi-judicial proceedings.~~ ~~If a~~  
25 ~~member of a member of adjudicatory or quasi-judicial board or~~  
26 ~~commission, as identified in this Section acting in their quasi-judicial~~  
27 ~~capacity, obtains information outside of the public hearing process,~~  
28 ~~whether through inadvertent ex parte communications with interested~~  
29 ~~parties or through specific personal knowledge of a case, they shall~~  
30 ~~fully disclose the information or knowledge to the board or~~  
31 ~~commission during the public hearing, along with the source of that~~  
32 ~~information.~~

33 d. Such ex parte communications or personal knowledge of a case shall  
34 not constitute a conflict of interest or other basis for excuse from  
35 participation in any case. Ex parte contacts shall be also prohibited  
36 for matters under reconsideration by the board.

37 e. The prohibition against ex parte contacts remains in effect as long as  
38 a matter may reasonably be expected to come before the board or  
39 commission, until after all appeal~~appeals~~ and remands for further

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<sup>6</sup> NOTE: This language adapted in part from current AMCR 21.12.370, which was formerly specific to the Zoning Board of Examiners and Appeals, and also 21.10.040(C)(1)(d).

<sup>7</sup> NOTE: “Refrain from permitting” replaces the more restrictive “refrain from and not permit.” This revision is consistent with the disclosure policy in the next provision and avoids procedural challenges based on the inevitable unintended ex parte contact.

<sup>8</sup> NOTE: “...shall not influence...” replaces “are prohibited... by...” This edit clarifies that ex parte contacts are not fatal to a process, but should be dealt with in accordance with this specific procedure. The word “however” was also removed from the beginning of the second sentence to further accomplish this clarification that ex parte contacts may be remediated.



1 consideration and reconsideration have concluded, or the time for  
2 such proceedings has expired.

3 f. As part of the gathering of evidence to make a quasi-judicial decision  
4 under this title, a board or commission may visit the site of a  
5 development application.

6 i. Such a site visit shall not constitute a formal hearing, and  
7 members shall not discuss the case during the visit, unless a  
8 quorum of the board or commission is present and a duly  
9 noticed hearing is opened pursuant to the rules of the board  
10 or commission.

11 ii. A member may visit a development site individually, or a  
12 group of members that does not constitute a quorum may  
13 visit the site. In such cases, such member(s) shall write a  
14 report documenting the visit for the other members of the  
15 board or commission, and shall provide such report to the  
16 Director prior to the hearing for addition to the case record.  
17 Such a report is not necessary if a quorum of the members of  
18 a board or commission attend the site visit.

19 **8. Consent Agenda**

20 Any appointed board or commission ~~under~~ within the scope of this chapter  
21 may establish a consent agenda. The consent agenda shall consist of all  
22 matters brought before the board or commission for action that do not require  
23 a public hearing. All items on the consent agenda shall be approved by  
24 motion without debate. An item may be removed from the consent agenda  
25 prior to the approval at the request of any member of the board or  
26 commission present at the meeting. Items removed from the consent agenda  
27 shall be considered on the regular agenda.

28 **9. Meetings Open to Public<sup>98</sup>**

29 ~~a.~~ All meetings of the appointed boards and commissions under this  
30 chapter shall be open to the public except when executive session is  
31 authorized as ~~otherwise~~ provided in paragraph b. below AMC section  
32 4.05.100. Except when voice votes are authorized, the vote shall be  
33 conducted in such a manner that the public may know the vote of  
34 each person entitled to vote. This section does not apply to any votes  
35 required to be taken to organize a board or commission.

36 ~~b.~~ A board or commission may at any time go into executive session  
37 from which the general public may be excluded by a vote of the  
38 majority of the members taken at a public meeting. No subjects may  
39 be considered at the executive session except for those mentioned in  
40 the motion calling for an executive session unless auxiliary to the  
41 main question. No action may be taken at the executive session,  
42 except to give direction to an attorney or labor negotiator regarding  
43 the handling of a specific legal matter or pending labor negotiations.

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<sup>98</sup> NOTE: This section adapted from the various "open to public" provisions currently found in the T21 operating resolutions, and also A.S. 44.62.340.

~~Only the following subjects may be discussed at an executive session:~~

- ~~i. Matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the government unit;~~
- ~~ii. Subjects that tend to prejudice the reputation and the character of any person, provided the person may request a public discussion;~~
- ~~iii. Matters that by law, Municipal Charter, or ordinances are required to be confidential; and~~

~~Matters involving consideration of government records that by law are not subject to public disclosure.~~

**10. Quorum – Official Action**

- a. A majority of the full membership of the board or commission shall constitute a quorum for the transaction of business, as provided in AMC 4.05.080.
- b. Action by the board or commission shall require the favorable vote of a majority of the fully constituted board or commission. The fully constituted board or commission shall include all appointed members not excused for conflict of interest in the board or commission action.

~~**9. Reconsideration or Rehearing of Decisions**~~

~~Decisions of any appointed board or commission under this chapter may be brought up for reconsideration or rehearing only if:~~

- ~~a. There was substantial procedural error in the original proceeding;~~
- ~~b. The board or commission acted without jurisdiction in the original proceeding; or~~
- ~~c. The original decision was based upon fraud or misrepresentation.~~

~~Any person seeking reconsideration or a rehearing must file a request with the municipal clerk, together with materials supporting one or more of the grounds stated in this subsection, within 15 days of the original decision. The board or commission, by majority vote, may schedule a rehearing only if it finds the allegations to be correct. A rehearing shall be conducted in the same manner as the original proceedings before the board or commission.~~

**11. Removal of Member**

A member of any appointed board or commission underwithin the scope of this chapter may be removed from office in the following circumstances:

- a. If the member is found by the Board of Ethics to have participated in any matter with a conflict of interest therein; or

1                   b.       If the member fails to meet the attendance requirements set forth in  
2                   Sectionsection 4.05.060; or

3                   c.       If the office becomes vacant pursuant to Sectionsection 7.01 of the  
4                   Municipal Charter, *Determining Vacancies*.

5                   In such cases, the member shall automatically cease to be a member of his or  
6                   her board or commission and a vacancy shall exist.

7                   12.       **Public Hearings<sup>9</sup>**  
8                   Public hearings shall be conducted according to the rules adopted by each  
9                   board or commission.

10                  13.       **Representatives**  
11                  Persons appearing before an ~~appointed~~ board or commission ~~under this~~  
12                  ~~chapter~~ may appear in person or through a personal representative or  
13                  attorney. The representative shall provide satisfactory proof of his or her  
14                  authority upon the request of the board or commission.

15                  14.       **Reconsideration or Rehearing of Decisions<sup>10</sup>**  
16                  a.        **Motion by Board or Commission Member**  
17                  A member of a board or commission within the scope of this chapter  
18                  may move to reconsider or rehear a decision made pursuant to this  
19                  title by that board or commission, so long as such member voted on  
20                  the prevailing side in the original decision, and so long as such  
21                  motion is made within 24 hours of the initial vote.

22                  b.        **Filing of Request by Any Party of Interest**  
23                  A party of interest may request that a decision of an appointed board  
24                  or commission under this chapter be brought up for reconsideration or  
25                  rehearing only if:

26                           i.        There was substantial procedural error in the original  
27                           proceeding;

28                           ii.       The board or commission acted without jurisdiction in the  
29                           original proceeding; or

30                           iii.       The original decision was based upon fraud or  
31                           misrepresentation.

32                           For purposes of this subsection, a “party of interest” for a particular  
33                           application shall include the applicant, the owner of the subject  
34                           property, an owner of property within the notification area for the  
35                           subject application, or anyone that presented oral or written testimony  
36                           at a public hearing on the application. A party of interest seeking  
37                           reconsideration or a rehearing must file a request with the municipal  
38                           clerk, together with materials supporting one or more of the grounds  
39                           stated in this subsection, within 15 days of the original decision. The  
40                           board or commission, by majority vote, may schedule a rehearing  
41                           only if it finds the allegations to be correct. A rehearing shall be  
42                           conducted in the same manner as the original proceedings before the  
43                           board or commission.

1                   **15. Resolutions**

2                   All recommendations and decisions made by ~~the appointed~~ boards and  
3                   commissions under this ~~chapter~~ shall be made by written resolution and  
4                   shall include precise findings made. Resolutions shall be numbered  
5                   consecutively within each year, according to sequence of approval and shall  
6                   be signed by the chair and the secretary. The motion adopting the resolution  
7                   shall show the vote of each member.

8                   **16. Secretary**

9                   The Director shall be the secretary of each appointed board and commission  
10                  in this chapter. In the Director's absence, another member of the planning  
11                  staff shall act as secretary. The secretary shall keep a record of all meetings  
12                  of each board or commission and shall keep such files as may be required.

13                  **17. Applicability of Other Provisions**

14                  The provisions of this ~~Section~~ 21.02.020 shall not be a limitation on  
15                  more restrictive rules regarding the conduct of boards and commissions set  
16                  forth elsewhere in the Anchorage Municipal Code or within this  
17                  ~~Chapter~~ specifically.

18 **21.02.030 ASSEMBLY**<sup>4011</sup>

19                  **A. Review and Decision-Making Responsibilities**

20                  The Assembly of the Municipality of Anchorage, constituted in accordance with the  
21                  provisions of Article IV of the Anchorage Municipal Home Rule Charter and other  
22                  applicable laws, shall have the review and decision-making responsibilities set forth in  
23                  Table 21.02-1, to be carried out in accordance with the terms of this ~~Title~~.

24                  **B. Other Powers and Duties**

25                  In addition, the Assembly shall have the following powers and duties, to be carried out  
26                  in accordance with the terms of this ~~Title~~.

- 27                  1. Adopt policies, plans, design guidelines, and ordinances to implement the  
28                  municipal function of planning for the economic, social, and land use needs of  
29                  the community;
- 30                  2. Take any other action not delegated to the Planning and Zoning Commission,  
31                  Platting Board, Zoning Board of Examiners and Appeals, Board of  
32                  Adjustment, Urban Design Commission, ~~the Director, the Traffic Engineer,~~  
33                  ~~and the Municipal Engineer~~ or municipal staff, as the Assembly may deem  
34                  desirable and necessary to implement the provisions of this ~~Title~~.

35                  **C. Rules of Procedure**

- 36                  1. In its exercise of authority over ~~Title~~ 21 cases, the Assembly shall adhere  
37                  to any applicable procedures specified in ~~Chapter~~ 21.03, *Review and*  
38                  *Approval Procedures*.

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<sup>40</sup> NOTE: New section. No Assembly authority or procedures are described in the current chapter 21.10.

1 2. ~~In general, the~~The rules of the Assembly and conduct of hearings shall be as  
2 established under ~~Title~~title 2 of the Anchorage Municipal Code.

3 3. Where the procedures of this ~~Title~~title grant authority to review and/or make  
4 recommendations on a land use matter to a board or commission subordinate  
5 to the Assembly, the Assembly shall not take final action<sup>4412</sup> until it has  
6 received and taken notice of the review comments and recommendations of  
7 such subordinate body or bodies.

8 **21.02.040 PLANNING AND ZONING COMMISSION**

9 **A. Review and Decision-Making Responsibilities**

10 As authorized by ~~Section~~section 12.02 of the Anchorage Municipal Home Rule  
11 Charter and ~~Section~~section 4.40.100 of the Anchorage Municipal Code, there shall be  
12 a Planning and Zoning Commission, which shall have the powers and duties set forth  
13 in Table 21.02-1, to be carried out in accordance with the terms of this ~~Title~~title.

14 **B. Other Powers and Duties**

15 In addition, the Planning and Zoning Commission shall have the following powers and  
16 duties, to be carried out in accordance with the terms of this ~~Title~~title:

17 1. Develop, review, and make recommendations to the Assembly regarding  
18 policies, plans, and ordinances to implement the municipal function of  
19 planning for the economic, social, and land use needs of the community;

20 2. Review and make recommendations to the Assembly and school board  
21 regarding the annual capital improvement program of the Municipality and  
22 school district;

23 3. Review and make recommendations to the Mayor regarding the annual work  
24 program of the Department ~~of Community Planning and Development~~. The  
25 Director ~~of the Department of Community Planning and Development~~ shall  
26 submit the annual work program to the Commission for review before  
27 preparing the annual budget;

28 4. Promulgate regulations to implement, ~~interpret~~, or make specific the  
29 provisions of this ~~Title~~title, except provisions of ~~Chapters~~chapters 21.08,  
30 *Subdivision Standards*; and

31 5. Exercise such other powers, and perform such other duties, as are provided  
32 by law.

<sup>44</sup> NOTE: This could be made more restrictive by adding "conduct hearings or [take action]..." A more restrictive approach may not be warranted in Title 21, since the Assembly or staff may wish to retain some ability to "fast track" projects.

**C. Delegation of Authority<sup>1213</sup>**

The Planning and Zoning Commission may delegate to ~~the Urban Design Commission~~other bodies the authority to review and ~~decide~~comment upon, ~~with regard to site design, landscaping and structure design:~~

- ~~1. A conditional use; or~~
- ~~2. A special limitation.~~

**~~D. Qualifications<sup>13</sup>~~**

~~At least four members of applications, but the Planning Commission shall retain final decision-making authority over such applications.~~

**D. Recommended Qualifications<sup>14</sup>**

At least four members of the Planning Commission should possess degrees in architecture, planning, landscape architecture, or law, as well as practical experience and knowledge of planning issues in the Municipality.

**21.02.050 PLATTING BOARD**

**A. Review and Decision-Making Responsibilities**

As authorized by ~~Section~~section 4.40.110 of the Anchorage Municipal Code, there shall be a Platting Board, which shall have the powers and duties set forth in Table 21.02-1, to be carried out in accordance with the terms of this ~~Title~~title.

**B. Other Powers and Duties**

In addition, the Platting Board shall have the following powers and duties, to be carried out in accordance with the terms of this ~~Title~~title:

1. Review, and make recommendations to the Assembly, regarding all proposed amendments to ~~Chapter~~chapter 21.08, *Subdivision Standards*, and all proposed regulations to implement, interpret, or make specific ~~Chapter~~chapter 21.08, *Subdivision Standards*. The Assembly shall not adopt such an amendment or regulation until it has been reviewed by the Platting Board;
- ~~2. Promulgate regulations to implement, interpret, or make specific Chapter 21.08, Subdivision Standards in accordance with the provisions of Chapter 3.40.~~
- ~~3. Authorize extensions of subdivision agreements as provided in [Section 21.87.020, "Time limit for completion of improvements"].<sup>14</sup>~~

<sup>12</sup> NOTE: The current references to the ability of the Planning and Zoning Commission to delegate cases to a hearing officer have been deleted. See discussions of this issue below.

<sup>13</sup> NOTE: Per staff request, this is a suggested new qualifications statement. The intent behind requiring qualifications in only some members is to provide a balance of those with professional qualifications, also those who have a more general knowledge of the issues being heard by the body.

- 1                   4. ~~Hear and decide appeals under [subsection 21.15.150.I] ["Improvements~~  
2                   ~~associated with building or land use permits (decisions of the Municipal~~  
3                   ~~Engineer)"]<sup>15</sup>.~~  
4                   2.       Authorize extensions of subdivision agreements as provided in section  
5                   21.08.060.C., Time Limit for Completion of Improvements;  
6                   3.       Hear and decide appeals under section 21.03.110.E., Improvements  
7                   Associated with Land Use Permits; and  
8                   4.       Exercise such other powers, and perform such other duties, as are provided  
9                   by law.

10           C.       **Delegation of Authority**<sup>1615</sup>

11           The Platting Board may delegate to the Urban Design Commission the authority to  
12           review and decidecomment upon, ~~with regard to site design and landscaping:~~

- 13           4. ~~—~~ A a preliminary or final plat;<sup>2</sup> or

14           A a site plan subject to review by the Platting Board. However, such delegation shall  
15           be limited to issues of site design, landscaping, and structure design, and the Board  
16           shall retain final decision-making authority over such applications.

17           D.       **Recommended Qualifications**<sup>16</sup>

18           No formal qualifications are required for members of the Platting Board. Members  
19           shall be provided with training by the Municipality to exercise their responsibilities.

20   **21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS**

21           A.       **Review and Decision-Making Responsibilities**

22           As authorized by ~~Section~~section 4.40.130 of the Anchorage Municipal Code, there  
23           shall be a Zoning Board of Examiners and Appeals, which shall have the powers and  
24           duties set forth in Table 21.02-1, to be carried out in accordance with the terms of this  
25           Title: title.

26           B.       **Other Powers and Duties**<sup>1717</sup>

27           In addition, the ~~Platting~~Zoning Board of Examiners and Appeals shall have the  
28           following powers and duties, to be carried out in accordance with the terms of this  
29           Title: title:

- 30           1.       Hear and decide appeals from enforcement orders ~~and denials of permit or~~  
31           ~~certificate applications under Sections~~pursuant to section 21.30.110 through

<sup>14</sup> NOTE: This section added in anticipation of the passage of planning case # 2002-110.

<sup>15</sup> NOTE: This section added in anticipation of the passage of planning case # 2002-110.

<sup>16</sup> NOTE: The proposed revision of UDC powers does not appear to disturb this Platting Board delegation provision. However, modifications to the site plan process may eliminate or modify the site planning authority of the board, which are not specifically enumerated above in any event.

<sup>17</sup> NOTE: Provisions carried forward from AMC 21.10.025.

~~21.30.170, and 21.55.040. [cross-references not yet updated]~~03.210.B.,  
*Appeals to Zoning Board of Examiners and Appeals;*

- ~~2. Promulgate regulations concerning permitted uses under Section 21.40.015. [cross-references not yet updated]~~
2. Adopt general rules or make findings in specific cases regarding proposed changes of nonconforming uses, pursuant to section 21.11.020.B., *Change of Use*;
3. Interpret or make specific the provisions of this title, except provisions of chapters 21.08, *Subdivision Standards*;
4. Hear and decide appeals relating to section 21.11.030.D., *Legalization of Nonconforming Dimensional Yard Setback Encroachments*;
5. Review and ratify decisions of the Director regarding unlisted uses, pursuant to section 21.03.210, *Use Classification Requests*; and
6. Exercise such other powers, and perform such other duties, as are provided by law.

C. **Qualifications**<sup>18</sup>

The Zoning Board of Examiners and Appeals shall include at least one attorney (preferably with land use experience), at least one surveyor, at least one civil engineer, and at least one planner.

**21.02.070 BOARD OF ADJUSTMENT**<sup>18,19</sup>

A. **Review and Decision-Making Responsibilities**

As authorized by ~~Section~~section 5.07 of the Anchorage Municipal Charter and ~~Section~~section 4.05.020 of the Anchorage Municipal Code, there is a Board of Adjustment, which shall decide appeals in accordance with ~~Chapter~~chapter 21.03.210, *Appeals*, from:<sup>19</sup>

1. Decisions regarding the approval or disapproval~~denial~~ of a plat or variance from the provisions of ~~Chapter~~chapter 21.08, *Subdivision Standards*; and
2. Decisions regarding the approval or disapproval~~denial~~ of applications for approval of conditional uses.

<sup>18</sup> NOTE: This section reflects changes to the land use code under the recently drafted ordinance AO-2003-58. This section contains no specific rules of procedure, reflecting the absence of such provisions in the recent ordinance language. Formerly, the BOA section was not in compliance with Charter Section 5.07, which required "quorum and voting requirements" to be part of any authorization for the Assembly to act as the Board of Adjustment. Since the Assembly is no longer acting as the BOA, the provisions in the recent ordinance now meet municipal requirements. Without specific rules, the BOA is empowered (by AMC 4.05.120) to establish its own rules. Should the Assembly wish to provide such rules, we need feedback on this draft to determine if general rules will be developed, or if boilerplate rules should be specifically adapted to the BOA section.

<sup>19</sup> NOTE: Map and text interpretations, a typical BOA function, are not included in the board's current powers. In fact, the interpretation powers are still unclear in this draft.



1           **B.       Composition**

2                     There shall be a three-member Board of Adjustment, whose members are nominated  
3                     by the Mayor and confirmed by the Assembly for three-year staggered terms. The  
4                     Board's seats shall be designated Seats 1, 2, and 3.

5           **C.       ~~Qualifications~~<sup>20</sup>**

6                     ~~The Board of Adjustment shall include at least one attorney and at least one planner.~~

7           **21.02.080 URBAN DESIGN COMMISSION**

8           **A.       Review and Decision-Making Responsibilities**

9                     There shall be an Urban Design Commission, which shall have the powers and duties  
10                    set forth in Table 21.02-1, to be carried out in accordance with the terms of this  
11                    ~~Title;title.~~

12           **B.       Other Powers and Duties<sup>2021</sup>**

13                    In addition, the Urban Design Commission shall have the following powers and duties,  
14                    to be carried out in accordance with the terms of this ~~Title;title~~:

- 15                    1.       Advise the Mayor and Assembly regarding urban design matters;
- 16                    2.       Review and ~~decide~~ ~~make recommendations regarding~~ special limitations of  
17                    zoning map amendments, conditional uses, and plats in accordance with  
18                    authority delegated by the Planning and Zoning Commission or Platting Board  
19                    under this ~~Title;title~~;
- 20                    ~~3.       Review and decide upon applications for highway screening landscaping~~  
21                    ~~approval under [Section 24.15.030];~~
- 22                    ~~4.       Review and decide upon individual street and highway landscape plans in~~  
23                    ~~accordance with Section 24.15.030;~~
- 24                    ~~5.       Review and make recommendations to the Planning and Zoning Commission~~  
25                    ~~regarding rezoning, conditional use, and platting cases for sites within the~~  
26                    ~~central business district (CBD), and for sites within any mixed use or town~~  
27                    ~~center districts as defined in Chapter 21.04, Zoning Districts. (possible to~~  
28                    ~~move this to Table 21.02-1)~~
- 29                    ~~6.       Review and make recommendations to the administrative official charged with~~  
30                    ~~making decisions on site plans and other administratively reviewed cases for~~  
31                    ~~sites within the central business district (CBD), and for sites within any mixed~~

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<sup>20</sup> NOTE: This draft section carries forward the provisions, as amended or proposed for amendment, of AMC 21.10.028. This section reflects modifications based on the proposed changes to the UDC in planning case # 2003-040. Several new UDC authorities are also included, as noted. As discussed in the Diagnosis and Outline, the authority of the UDC is a major policy issue and will continue to require ongoing discussion.

1 use or town center districts as defined in Chapter 21.04, *Zoning Districts*.<sup>24</sup>  
2 (*possible to move this to Table 21.02-1*)

3 3. Determine eligibility for a proposed Neighborhood Conservation Overlay  
4 District and assist in the preparation of a Neighborhood Conservation Plan  
5 pursuant to section 21.04.070D.

6 4. Review and make recommendations to the Mayor and Assembly regarding  
7 any state or municipal plan or program affecting urban design or aesthetics in  
8 the Municipality. The Planning and Zoning Commission shall review these  
9 plans prior to transmittal to the Mayor and Assembly.

10 5. Review and make recommendations on design standards and guidelines,  
11 ordinances affecting urban design, and urban design studies and plans to the  
12 Mayor and Assembly. These standards, ordinances, and plans shall be  
13 reviewed by the Planning and Zoning Commission prior to submittal to the  
14 Mayor or Assembly.

15 ~~9. Annually, before preparation of the capital improvement program, prepare and~~  
16 ~~submit to the Mayor a list of public facility projects needing improvements but~~  
17 ~~not scheduled for major remodeling, construction, or reconstruction. The list~~  
18 ~~shall include cost estimates for each project and indicate each project's~~  
19 ~~priority.~~

20 6. Review, adopt, and recommend to the Mayor and Assembly any updates and  
21 amendments to the street and highway landscape plan and the capital  
22 improvements plan, and recommend measures to implement those plans.  
23 This plan shall be reviewed by the Planning and Zoning Commission prior to  
24 submittal to the Mayor and Assembly.<sup>22</sup>

25 7. Exercise such other powers, and perform such other duties, as are provided  
26 by law.

27 C. Recommended Qualifications<sup>2322</sup>

28 At least four members of the Urban Design Commission ~~shall~~should possess degrees  
29 in architecture, planning, landscape architecture, horticulture, engineering or law, ~~as~~  
30 ~~well as~~or practical experience and knowledge of design issues in the Municipality.

<sup>24</sup> NOTE: Sections 5 and 6 were added based on feedback regarding UDC capabilities received during Clarion visits to Anchorage. This language is based on no prior ordinance and presumes the desire for a greater, more substantive role for the UDC. The status of the UDC ordinance and related discussions will determine the viability of this provision.

<sup>22</sup> NOTE: This section reflects modifications based on the proposed changes to the UDC in planning case # 2003-040, updated and revised by proposed ordinance AO 2003-\_\_\_

<sup>23</sup> NOTE: Per staff request, this is a suggested new qualifications statement. The intent behind requiring qualifications in only some members is to provide a balance of those with professional qualifications, also those who have a more general knowledge of the issues being heard by the body.

**21.02.090 GEOTECHNICAL ADVISORY COMMISSION<sup>24,23</sup>**

**A. Authority**

1. The Geotechnical Advisory Commission shall serve as a technical advisory board in the Municipality as established in Section 4.50.050 of the Anchorage Municipal Code.
2. The Commission shall act in an advisory capacity to the Assembly, the Mayor, boards, commissions, and heads of ~~executive municipal~~ departments and agencies, and shall have the following powers and duties:
  - a. To make recommendations and give advice on geotechnical ~~matters, including but not limited to revisions to the Anchorage Environmental Atlas engineering issues and natural hazards risk mitigation.~~
  - ~~b. To make such special studies on geotechnical matters as may be designated from time to time.~~
  - b. To recommend and review special studies be performed relating to geotechnical engineering and natural hazards risk mitigation issues.
  - c. To act in an advisory capacity ~~to the Platting Board and Planning and Zoning Commission~~ regarding proposed subdivision ~~plats development~~ located in high or moderate snow avalanche hazard zones ~~and proposed development location,~~ in areas designated with high or very high susceptibility to seismically induced ground failure, and in areas susceptible to other natural hazards.

**B. Qualifications<sup>25</sup>**

At least ~~five~~four members of the Geotechnical Advisory Commission shall possess ~~appropriate technical qualifications, including professional registrations and certifications, practical experience, and civil engineering registration in the State of Alaska and have~~ knowledge of ~~geotechnical past studies utilized by of the natural hazards affecting~~ the Municipality. ~~The remaining members shall have skills and experience that complement the overall mission of the commission (e.g., structural engineering, geology, hydrology, seismology, planning).~~

**21.02.100 MUNICIPAL STAFF<sup>26,24</sup>**

Municipal departments shall have the review and decision-making responsibilities set forth in Table 21.02-1, to be carried out in accordance with the terms of this ~~Title~~title. The departments also shall have such additional powers and duties as may be set forth elsewhere

<sup>24</sup> NOTE: This section reiterates and expands upon the language of 4.50.050 creating the Geotechnical Advisory Commission.

<sup>25</sup> NOTE: Per staff request, this is a suggested new qualifications statement. The intent behind requiring qualifications in only some members is to provide a balance of those with professional qualifications, also those who have a more general knowledge of the issues being heard by the body.

<sup>26</sup> NOTE: Per direction from the legal department in May 2003, this section contains generic language about staff responsibilities under the code. This approach should allow maximum flexibility, in case duties shift among departments, or in case of reorganization under the new administration. We have relocated the old provisions from the code into the file of submittal requirements that is being submitted along with this draft chapter.

1 in this ~~Title~~title and other ordinances, rules, and operating procedures of the Municipality. ~~The~~  
2 following departments have the general responsibilities set forth below.

3 **~~A. Office of Planning, Development, and Public Works~~**

4 ~~The staff of the Office of Planning, Development, and Public Works shall act in an~~  
5 ~~advisory and support capacity to the Assembly and the boards and commissions~~  
6 ~~listed in this Chapter. In accordance with the specific roles for departments under the~~  
7 ~~office of planning, development, and public works, the office shall review or coordinate~~  
8 ~~the review of all applications under this Title.~~

9 **~~B. Department of Health and Human Services~~**

10 ~~In addition to other authority conferred on municipal officials within the Department of~~  
11 ~~Health and Human Services by general law, this Department shall have the authority~~  
12 ~~under this Title to verify compliance with conditions of land use approval relating to~~  
13 ~~public health, including, but not limited to, water quality and air quality; storage and~~  
14 ~~handling of hazardous materials; and site remediation.~~

15 **~~C. Administrative Hearing Officer<sup>27</sup>~~**

16 ~~The Mayor may designate one or more members of the municipal staff as an~~  
17 ~~administrative official. An administrative official established under Title 14 of the~~  
18 ~~Anchorage Municipal Code may administer and enforce this Title and exercise such~~  
19 ~~other powers and perform such other duties as are provided by law.~~

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<sup>27</sup> NOTE: This section clarifies and provides a cross-reference to the code enforcement role of the "Title 14" administrative hearing officer. This section does not carry forward the old "Title 21" hearing officer provisions.

<sup>1</sup> 2005 NOTE: Various edits to the table have been made based on comments received and to conform the table to new text of 21.03. The table is intended as a summary of the major procedures – not an exhaustive list of every possible procedural action under title 21.

<sup>2</sup> NOTE: Adapted from current AMC 21.10.010.

<sup>3</sup> NOTE: This is a new cross-reference to the Boards and Commissions portion (title 4) of the AMC. Many provisions under title 4 pertain to the boards and commissions described in this chapter (e.g., requirement that the appointee be a “qualified voter of the Municipality.”

<sup>4</sup> 2005 NOTE: Added new material on agenda order, officers, duties of officers, and meeting time and location in the 2005 draft. This section consolidates various common provisions from the resolutions that currently appear outside of title 21. Per staff direction, this section includes materials that are applicable to all bodies and so appear only once in the Code (e.g., how disclosures of potential or actual conflicts of interest are to occur). This consolidation was done so that all the bodies will work under the same general procedural rules, and thus there will be less opportunity for errors.

<sup>5</sup> 2005 NOTE: Per a comment from the public, this section has been changed in the 2005 version to address both the decision AND the discussion leading up to that decision.

<sup>6</sup> 2005 NOTE: This section has been edited to include a new intent statement, new description of “quasi-judicial,” and a proposed new subsection dealing with site visits. Staff should review carefully to ensure the new text matches how site visits are actually conducted. Further, the Municipal Attorney’s office should be consulted on the proposed new language.

<sup>7</sup> 2005 NOTE: Coordinate the previous draft definitions from 21.02 and 21.13. Definition from previous draft: “For purposes of this subsection, “ex parte contacts and communications” are defined as the receipt, either directly or indirectly, of verbal or written communications outside a duly noticed, open hearing on the record at which all parties and all board or commission members have an opportunity to be present.”

<sup>8</sup> 2005 NOTE: Revised to refer to AMC title 4 for information on executive sessions.

<sup>9</sup> 2005 NOTE: This subsection has been relocated here; in the previous draft, it was in the Common Procedures in 21.03. Such procedures are quite different for each of the bodies. The procedures should not be in the code itself, but rather should be adopted as part of operating rules for each body.

<sup>10</sup> 2005 NOTE: Per staff request, this section has been changed to distinguish between reconsiderations brought by a prevailing voting member of a board or commission, versus any party of interest.

<sup>11</sup> NOTE: New section. No Assembly authority or procedures are described in the current chapter 21.10.

<sup>12</sup> NOTE: This could be made more restrictive by adding “conduct hearings or [take action]...” A more restrictive approach may not be warranted in title 21, since the Assembly or staff may wish to retain some ability to “fast-track” projects.

<sup>13</sup> 2005 NOTE: This section rewritten to clarify that the other bodies have only review authority and the PZC still makes final decisions.

<sup>14</sup> NOTE: Per staff request, this is a suggested new qualifications statement. The intent behind requiring qualifications in only some members is to provide a balance of those with professional qualifications, also those who have a more general knowledge of the issues being heard by the body.

<sup>15</sup> 2005 NOTE: Rewritten to parallel the delegation of authority language in the Planning and Zoning Commission section.

<sup>16</sup> 2005 NOTE: Proposed new section.

<sup>17</sup> 2005 NOTE: Provisions carried forward from AMC 21.10.025. Cross-references updated in 2005 draft.

<sup>18</sup> 2005 NOTE: Proposed new section.

<sup>19</sup> NOTE: This section reflects changes to the land use code under the recently drafted ordinance AO 2003-58.

<sup>20</sup> 2005 NOTE: Proposed new section.

<sup>21</sup> 2005 NOTE: In 2005 draft, removed sections regarding landscaping review, since such review is replaced by the new landscaping standards in the new code. OLD NOTE: This draft section carries forward the provisions, as amended or proposed for amendment, of AMC 21.10.028. This section reflects modifications based on the proposed changes to the UDC in planning case # 2003-040. Several new UDC authorities are also included, as noted. As discussed in the Diagnosis and Outline, the authority of the UDC is a major policy issue and will continue to require ongoing discussion.

<sup>22</sup> NOTE: Per staff request, this is a suggested new qualifications statement. The intent behind requiring qualifications in only some members is to provide a balance of those with professional qualifications, also those who have a more general knowledge of the issues being heard by the body.

<sup>23</sup> 2005 NOTE: This 2005 draft includes edits by GAC members.

<sup>24</sup> 2005 NOTE: Per direction from the legal department in May 2003, this section contains generic language about staff responsibilities under the code. Most detail has been removed in this 2005 draft. This approach should allow maximum flexibility, in case duties shift among departments, or in case of reorganization under the new administration.