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## **CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION**

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### **21.02.010 PURPOSE**

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

### **21.02.020 BOARDS AND COMMISSIONS GENERALLY**

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

1. Table 21.02-1 summarizes the review and decision-making responsibilities of the entities that have roles in the administration of the procedures set forth in Chapter 21.03, *Review and Approval Procedures*. The referenced notes are set forth immediately below the table. Other duties and responsibilities of the entities are set forth in the subsequent sections of this Chapter.
2. Even though not referenced in this 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, site plans, and subdivisions. Title 21 matters referred to other agencies will generally follow the procedures established in Chapter 21.03, *Review and Approval Procedures*.

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<sup>1</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 TITLE 21 ADMINISTRATION AND REVIEW ROLES**

**NOTE: This table summarizes the general 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.**

**R = Review = Responsible for Review and/or Recommendation  
 D = Decision = Responsible for Final Decision to Approve or Deny**

**H = Hearing = Public Hearing Required  
 A = Appeal = Authority to Hear and Decide Appeals**

	Section	Assembly	Planning and Zoning Commission	Platting Board	Zoning Board of Examiners and Appeals	Board of Adjstmnt	Urban Design Commission	Geotech. Advisory Commssn	Municipal Staff
Amendments to Comprehensive Plan, Substantive	21.03.030.B	D-H	R-H						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
Rezoning (Map Amendments)	21.03.050	D-H	R-H						R
Preliminary Plat	21.03.060.C.3			D-H		A	R - if delegated by Platting Board	R	R
Final Plat	21.03.060.C.4			D-H [2]			R		D [2]
Minor Subdivision	21.03.060.D		A [3]	A		A-H			D
Right-of-Way Acquisition Plat	21.03.060.E			A					D
Conditional Uses	21.03.070		D-H			A-H			R
Site Plan Review, Administrative	21.03.080.B		A						D
Site Plan Review, Major	21.03.080.C								
Public Facility Site Selection	21.03.090.B		D-H						R
School Site Selection	21.03.090.B	D-H							R
Public Facility Site Selection and Project Landscaping Review	21.03.090.C		A				D-H		R

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	Section	Assembly	Planning and Zoning Commission	Platting Board	Zoning Board of Examiners and Appeals	Board of Adjstmnt	Urban Design Commission	Geotech. Advisory Commssn	Municipal Staff
Special Flood Hazard Permits	21.03.100				A-H				D
Land Use Permits	21.03.110				A				D
Certificates of Zoning Compliance	21.03.120				A				D
Sign Permits	21.03.130				A-H				D
Temporary Use Permits	21.03.140				A				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	21.03.170	A-H							D
Certification of Nonconforming Use	21.03.180				A				D
Minor Modifications	21.03.190				A				D
Variances [from all other provisions of this Title except Chapter 21.08, <i>Subdivision Standards</i> ]	21.03.200				D				R
Variances [from the provisions of Chapter 21.08, <i>Subdivision Standards</i> ]	21.03.200			D		A			R

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Section	Assembly	Planning and Zoning Commission	Platting Board	Zoning Board of Examiners and Appeals	Board of Adjstmnt	Urban Design Commission	Geotech. Advisory Commssn	Municipal Staff
Variances [of current AMC 21.40.150.H, 21.40.160.H, 21.40.170.H]	21.03.200		D					R
Community Interest Towers	?			A				D
Other Administrative Decisions	?			A				D
NOTES: [1] Code amendments relating to Chapter 21.08, Subdivision Standards, originate with and require a hearing by the 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, <i>Appeals</i> .								

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

**1. Size of Appointed Bodies**

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

**2. Qualifications for Appointive Office**

Members of appointed boards and commissions shall be qualified in accordance with Section 4.05.035 of the Anchorage Municipal Code<sup>3</sup> and shall also meet any other qualifications for membership to specific boards and commissions set forth in this Chapter.

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

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

b. When transmitting to the Assembly for confirmation the name of appointees to the Planning and Zoning Commission, the Platting Board, the Urban Design Commission, the Zoning Board of Examiners and Appeals, the Board of Adjustment, and the Geotechnical Advisory Commission, the Mayor shall cause a notice of a ten-day comment period inviting public comment on the qualifications of such appointees to be published in a newspaper of general circulation in the Municipality. The notice shall advise that comments shall be in writing and filed with the municipal clerk. Upon receipt, the municipal clerk shall forward comments received to the Mayor and the Assembly. The Assembly shall not take action on any appointment to the named boards or commissions until after the close of the public comment periods.

**4. Vacancies  
[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>5</sup>**

This section sets forth procedures that are common to all appointed boards and commissions under 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 or commission under this chapter anticipating an absence from a meeting of their board or commission shall so advise the chair or secretary prior to the meeting.

**2. Agenda**

The 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.

**3. Code of Ethics**

In addition to and amplifying the provisions of Anchorage Municipal Code 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 board or commission or, when permitted, submitted to the panel in an open hearing on the record;
- b. Be impartial in fact and in appearance in the performance of their functions, which means that the panel and its members shall make their decisions without any actual or seemingly apparent personal or financial bias, prejudice, prejudgment or partiality with respect to any person, party, or principle of law; and
- c. Conduct their proceedings according to the applicable procedures provided by law.

**4. Conflict of Interest**

- a. No member of an appointed board or commission under this chapter shall participate in any decision in which the board or commission determines either that such member has a conflict of interest, as

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<sup>5</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.

defined in Anchorage Municipal Code 3.60.070; or that such member has a personal interest or involvement in the case that would prevent that member from fairly evaluating the case; or that, based on all surrounding circumstances, participation by such member would create the appearance of impropriety in the proceedings.

- b. The determination shall take into consideration the interest of the public in boards and commissions that have familiarity with the community and its past and future development. No member shall be excused from participation solely on the basis of personal familiarity with the case or the parties involved.
- c. Any member who has a possible conflict of interest in a pending matter shall bring this information to the attention of the chair before the staff begins its presentation or as soon thereafter as the member recognizes his or her possible conflict. It shall be the responsibility of each member to fully disclose facts showing any known conflict of interest or other personal interest or involvement. Where appropriate, the conflict may be discussed in executive session.
- d. Immediately upon discovering the existence of any conflict of interest prohibited by this Section, the Municipal Code, or any state law applicable to local government officials, the board or commission member shall fully disclose on the record in open session of the board or commission the nature of and the facts creating the conflict and shall be disqualified from any participation in or communications with other members of the board or commission on the matter with which a conflict exists.
- e. A member who has a possible conflict of interest in a matter for decision may participate in that decision only upon the affirmative vote of a majority of all remaining Commission members present. Such vote shall be recorded on the public record.
- f. Any member found by the Board to have a conflict of interest with regard to a particular matter shall not participate in any manner in that matter.

**5. Ex Parte Contacts Prohibited<sup>6</sup>**

- a. Ex parte contacts and communications are defined for the purposes of this subsection as the receipt, either directly or indirectly, of verbal, visual, 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.
- b. Members of adjudicatory or quasi-judicial boards and commissions shall refrain from permitting<sup>7</sup> ex parte contacts or communications

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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 21.10.010(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.



with any person regarding any matter pending before or which may be reasonably expected to be pending before them.

- c. As established by Anchorage Municipal Code Section 3.60.065, ex parte contacts shall not influence<sup>8</sup> quasi-judicial proceedings. If a member of a member of adjudicatory or quasi-judicial board or commission, as identified in this Section, obtains information outside of the public hearing process, whether through inadvertent ex parte communications with interested parties or through specific personal knowledge of a case, they shall fully disclose the information or knowledge to the board or commission during the public hearing, along with the source of that information.
- d. Such ex parte communications or personal knowledge of a case shall not constitute a conflict of interest or other basis for excuse from participation in any case. Ex parte contacts shall be also prohibited for matters under reconsideration by the board.
- e. The prohibition against ex parte contacts remains in effect as long as a matter may reasonably be expected to come before the board or commission until after all appeal and remands for further consideration and reconsideration have concluded or the time for such proceedings has expired.

**6. Consent Agenda**

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

**7. Meetings Open to Public<sup>9</sup>**

- a. All meetings of the appointed boards and commissions under this chapter shall be open to the public except as otherwise provided in paragraph b. below. Except when voice votes are authorized, the vote shall be conducted in such a manner that the public may know the vote of each person entitled to vote. This section does not apply to any votes required to be taken to organize a board or commission.
- b. A board or commission may at any time go into executive session from which the general public may be excluded by a vote of the majority of the members taken at a public meeting. No subjects may be considered at the executive session except for those mentioned in the motion calling for an executive session unless auxiliary to the

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<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.

<sup>9</sup> NOTE: This section adapted from the various "open to public" provisions currently found in the T21 operating resolutions, and also A.S. 44.62.310.

main question. No action may be taken at the executive session, except to give direction to an attorney or labor negotiator regarding the handling of a specific legal matter or pending labor negotiations. 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
- iv. Matters involving consideration of government records that by law are not subject to public disclosure.

**8. Quorum – Official Action**

- a. A majority of the full membership of the board or commission shall constitute a quorum for the transaction of business.
- 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.

**10. Removal of Member**

A member of any appointed board or commission under 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

- b. If the member fails to meet the attendance requirements set forth in Section 4.05.060; or
- c. If the office becomes vacant pursuant to Section 7.01 of the Municipal Charter, *Determining Vacancies*.

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

**11. Representatives**

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

**12. Resolutions**

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

**13. Secretary**

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

**14. Applicability of Other Provisions**

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

**21.02.030 ASSEMBLY<sup>10</sup>**

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

The Assembly of the Municipality of Anchorage, constituted in accordance with the provisions of Article IV of the Anchorage Municipal Home Rule Charter and other applicable laws, 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.

**B. Other Powers and Duties**

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

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<sup>10</sup> NOTE: New section. No Assembly authority or procedures are described in the current chapter 21.10.

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

**C. Rules of Procedure**

1. In its exercise of authority over Title 21 cases, the Assembly shall adhere to any applicable procedures specified in Chapter 21.03, *Review and Approval Procedures*.
2. In general, the rules of the Assembly and conduct of hearings shall be as established under Title 2 of the Anchorage Municipal Code.
3. Where the procedures of this Title grant authority to review and/or make recommendations on a land use matter to a board or commission subordinate to the Assembly, the Assembly shall not take final action<sup>11</sup> until it has received and taken notice of the review comments and recommendations of such subordinate body or bodies.

**21.02.040 PLANNING AND ZONING COMMISSION**

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

As authorized by Section 12.02 of the Anchorage Municipal Home Rule Charter and Section 4.40.100 of the Anchorage Municipal Code, there shall be a Planning and Zoning Commission, 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.

**B. Other Powers and Duties**

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

1. Develop, review, and make recommendations to the Assembly regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community;
2. Review and make recommendations to the Assembly and school board regarding the annual capital improvement program of the Municipality and school district;
3. Review and make recommendations to the Mayor regarding the annual work program of the Department of Community Planning and Development. The Director of the Department of Community Planning and Development shall

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<sup>11</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.

submit the annual work program to the Commission for review before preparing the annual budget;

4. Promulgate regulations to implement, interpret, or make specific the provisions of this Title, except provisions of Chapters 21.08, *Subdivision Standards*; and
5. Exercise such other powers, and perform such other duties, as are provided by law.

**C. Delegation of Authority<sup>12</sup>**

The Planning and Zoning Commission may delegate to the Urban Design Commission the authority to review and decide 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 the Planning Commission shall 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 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.

**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:

1. Review, and make recommendations to the Assembly, regarding all proposed amendments to Chapter 21.08, *Subdivision Standards*, and all proposed regulations to implement, interpret, or make specific Chapter 21.08, *Subdivision Standards*. The Assembly shall not adopt such an amendment or regulation until it has been reviewed by the Platting Board.

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<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.

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>
4. Hear and decide appeals under [subsection 21.15.150.I] ["Improvements associated with building or land use permits (decisions of the Municipal Engineer)"].<sup>15</sup>
5. Exercise such other powers, and perform such other duties, as are provided by law.

**C. Delegation of Authority<sup>16</sup>**

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

1. A preliminary or final plat; or
2. A site plan subject to review by the Platting Board.

**21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS**

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

As authorized by Section 4.40.130 of the Anchorage Municipal Code, there shall be a Zoning Board of Examiners and Appeals, 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.

**B. Other Powers and Duties<sup>17</sup>**

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

1. Hear and decide appeals from enforcement orders and denials of permit or certificate applications under Sections 21.30.110 through 21.30.170, and 21.55.040. [cross-references not yet updated]
2. Promulgate regulations concerning permitted uses under Section 21.40.015. [cross-references not yet updated]
3. Exercise such other powers, and perform such other duties, as are provided by law.

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<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.

## 21.02.070 BOARD OF ADJUSTMENT<sup>18</sup>

### A. Review and Decision-Making Responsibilities

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

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

### B. Composition

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

## 21.02.080 URBAN DESIGN COMMISSION

### A. Review and Decision-Making Responsibilities

There shall be an Urban Design Commission, 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.

### B. Other Powers and Duties<sup>20</sup>

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

1. Advise the Mayor and Assembly regarding urban design matters;
2. Review and decide special limitations of zoning map amendments, conditional uses, and plats in accordance with authority delegated by the Planning and Zoning Commission or Platting Board under this Title;
3. Review and decide upon applications for highway screening landscaping approval under [Section 24.15.030.];

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<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.

<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.

4. Review and decide upon individual street and highway landscape plans in accordance with Section 24.15.030;
5. Review and make recommendations to the Planning and Zoning Commission regarding rezoning, conditional use, and platting cases for sites within the central business district (CBD), and for sites within any mixed use or town center districts as defined in Chapter 21.04, *Zoning Districts*. (possible to move this to Table 21.02-1)
6. Review and make recommendations to the administrative official charged with making decisions on site plans and other administratively reviewed cases for sites within the central business district (CBD), and for sites within any mixed use or town center districts as defined in Chapter 21.04, *Zoning Districts*.<sup>21</sup> (possible to move this to Table 21.02-1)
7. Review and make recommendations to the Mayor and Assembly regarding any state or municipal plan or program affecting urban design or aesthetics in the Municipality. The Planning and Zoning Commission shall review these plans prior to transmittal to the Mayor and Assembly.
8. Review and make recommendations on design standards and guidelines, ordinances affecting urban design, and urban design studies and plans to the Mayor and Assembly. These standards, ordinances, and plans shall be reviewed by the Planning and Zoning Commission prior to submittal to the Mayor or Assembly.
9. Annually, before preparation of the capital improvement program, prepare and submit to the Mayor a list of public facility projects needing improvements but not scheduled for major remodeling, construction, or reconstruction. The list shall include cost estimates for each project and indicate each project's priority.
10. Review, adopt, and recommend to the Mayor and Assembly any updates and amendments to the street and highway landscape plan and the capital improvements plan, and recommend measures to implement those plans. This plan shall be reviewed by the Planning and Zoning Commission prior to submittal to the Mayor and Assembly.<sup>22</sup>
11. Exercise such other powers, and perform such other duties, as are provided by law.

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<sup>21</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-\_\_.



**C. Qualifications<sup>23</sup>**

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

**21.02.090 GEOTECHNICAL ADVISORY COMMISSION<sup>24</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, and heads of executive departments, 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.
  - b. To make such special studies on geotechnical matters as may be designated from time to time.
  - c. To act in an advisory capacity to the Platting Board and Planning and Zoning Commission regarding proposed subdivision plats 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.

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

At least five members of the Geotechnical Advisory Commission shall possess appropriate technical qualifications, including professional registrations and certifications, practical experience, and knowledge of geotechnical studies utilized by the Municipality.

**21.02.100 MUNICIPAL STAFF<sup>26</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. The departments

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<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.

<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.

also shall have such additional powers and duties as may be set forth elsewhere in this Title and other ordinances of the Municipality. The following departments have the general responsibilities set forth below.

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

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

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

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

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

The Mayor may designate one or more members of the municipal staff as an administrative official. An administrative official established under Title 14 of the Anchorage Municipal Code may administer and enforce this Title and exercise such 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.