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1 **CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL**
2 **ADMINISTRATION**

3 **21.02.010 PURPOSE**

4 This chapter identifies the roles and responsibilities of appointed and elected boards and
5 commissions and the duties of the municipal staff in the administration of this title.

6 **21.02.020 BOARDS AND COMMISSIONS GENERALLY**

7 **A. Summary Table of Major Decision-Making and Review Responsibilities¹**

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

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TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES									
<p>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</p> <p>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 Only</p>									
	Section	ASBLY	PZC	PB	ZBEA	BOA	UDC	GAC	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 [5]	R [4]	R
Final Plat	21.03.060.C.4			D-H [2]					D [2]
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
Public Facility Site Selection (except schools)	21.03.090		D-H					R [4]	R
School Site Selection	25.25	D-H						R [4]	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
Temporary Use Permits	21.03.140				A-H				D
Record of Survey Maps	21.03.150			A					D

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

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for 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 Only**

	Section	ASBLY	PZC	PB	ZBEA	BOA	UDC	GAC	MS
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
Verification of Nonconforming Use	21.03.180				A-H				D
Minor Modifications	21.03.190				A-H				D
Variances [from all other provisions of this title except chapter 21.08, <i>Subdivision Standards</i>]	21.03.200				D-H				R
Variances [from the provisions of chapter 21.08, <i>Subdivision Standards</i>]	21.03.200			D-H		A			R
Variances [from bulk regulations In CBD Districts]	21.06.020. B.2.K		D-H						R
Other Administrative Decisions					A-H				D
Interpretation Of Zoning District Boundaries	21.01.050.C				A-H				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, *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.
- [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*.

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES									
<p><i>NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.</i></p> <p>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 Only</p>									
Section	ASBLY	PZC	PB	ZBEA	BOA	UDC	GAC	MS	
KEY TO ABBREVIATIONS:									
ASBLY = Anchorage Assembly									
PZC = Planning and Zoning Commission									
PB = Platting Board									
ZBEA = Zoning Board of Examiners and Appeals									
BOA = Board of Adjustment									
UDC = Urban Design Commission									
GAC = Geotechnical Advisory Commission									
MS = Municipal Staff									

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B. Composition of Boards and Commissions²

1. Size of Appointed Bodies

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

2. Qualifications for Appointive Office

Members of appointed boards and commissions shall be qualified in accordance with AMC section 4.05.035³ 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 AMC section 4.05.030.
- b. When transmitting to the Assembly for confirmation the name of appointees to the boards or commissions within the scope of this chapter, 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.

1 **C. Conduct of Boards and Commissions⁴**

2 This subsection sets forth procedures that apply, unless otherwise indicated, to all
3 boards and commissions within the scope of this chapter.

4 **1. Absence of Member**

5 Any member of an appointed board or commission anticipating an absence
6 from a meeting of their board or commission shall so advise the chair or
7 secretary prior to the meeting.

8 **2. Agenda**

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

14 **3. Meeting Time and Location**

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

19 **4. Officers**

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

23 **5. Code of Ethics**

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

30 **a.** Make their decisions solely on the applicable law and the evidence in
31 the record presented to the panel through the clerk or secretary of the
32 board or commission or, when permitted, submitted to the panel in an
33 open hearing on the record;

34 **b.** Be impartial in fact and in appearance in the performance of their
35 functions, which means that the panel and its members shall make
36 their decisions without any actual or seemingly apparent personal or
37 financial bias, prejudice, prejudgment or partiality with respect to any
38 person, party, or principle of law; and

39 **c.** Conduct their proceedings according to the applicable procedures
40 provided by law.

41 **6. Conflict of Interest**

42 **a.** No member of an appointed board or commission under this chapter
43 shall participate in any decision in which the board or commission

- 1 determines either that such member has a conflict of interest, as
2 defined in AMC 3.60.070; or that such member has a personal
3 interest or involvement in the case that would prevent that member
4 from fairly evaluating the case; or that, based on all surrounding
5 circumstances, participation by such member would create the
6 appearance of impropriety in the proceedings.
- 7 **b.** The determination shall take into consideration the interest of the
8 public in boards and commissions that have familiarity with the
9 community and its past and future development. No member shall be
10 excused from participation solely on the basis of personal familiarity
11 with the case or the parties involved.
- 12 **c.** Any member who has a possible conflict of interest in a pending
13 matter shall bring this information to the attention of the chair before
14 the staff begins its presentation or as soon thereafter as the member
15 recognizes his or her possible conflict. It shall be the responsibility of
16 each member to fully disclose facts showing any known conflict of
17 interest or other personal interest or involvement. Where appropriate,
18 the conflict may be discussed in executive session.
- 19 **d.** Immediately upon discovering the existence of any conflict of interest
20 prohibited by this subsection 6., the Municipal Code, or any state law
21 applicable to local government officials, the board or commission
22 member shall fully disclose on the record in open session of the
23 board or commission the nature of and the facts creating the conflict
24 and shall be disqualified from any participation in or communications
25 with other members of the board or commission on the matter with
26 which a conflict exists.
- 27 **e.** A member who has a possible conflict of interest in a matter for
28 decision may participate in the discussion of that matter and the
29 decision upon that matter only upon the affirmative vote of a majority
30 of all remaining Commission members present. Such vote shall be
31 recorded on the public record.⁵
- 32 **f.** Any member found by the Board to have a conflict of interest with
33 regard to a particular matter shall not participate in any manner in that
34 matter.
- 35 **7. Ex Parte Contacts Prohibited⁶**
- 36 **a.** The intent of this subsection is to ensure that applicants in quasi-
37 judicial proceedings required under this title receive fair and impartial
38 hearings. For purposes of this subsection, the term “quasi-judicial”
39 applies to any proceeding in which the Assembly or a board or
40 commission is required to investigate facts, ascertain the existence of
41 facts, hold hearings, weigh evidence and draw conclusions, and
42 exercise discretion of a judicial nature.
- 43 **b.** As established by AMC section 3.60.065, members of boards and
44 commissions acting in a quasi-judicial capacity shall refrain from
45 permitting ex parte contacts or communications⁷ with any person

- 1 regarding any matter pending before or which may be reasonably
2 expected to be pending before them.
- 3 c. If a member of a board or commission, acting in their quasi-judicial
4 capacity, obtains information outside of the public hearing process,
5 whether through inadvertent ex parte communications with interested
6 parties or through specific personal knowledge of a case, they shall
7 fully disclose the information or knowledge to the board or
8 commission during the public hearing, along with the source of that
9 information.
- 10 d. Such ex parte communications or personal knowledge of a case shall
11 not constitute a conflict of interest or other basis for excuse from
12 participation in any case. Ex parte contacts shall be also prohibited
13 for matters under reconsideration by the board.
- 14 e. The prohibition against ex parte contacts remains in effect as long as
15 a matter may reasonably be expected to come before the board or
16 commission, until after all appeals and remands for further
17 consideration and reconsideration have concluded, or the time for
18 such proceedings has expired.
- 19 f. As part of the gathering of evidence to make a quasi-judicial decision
20 under this title, a board or commission may visit the site of a
21 development application.
- 22 i. Such a site visit shall not constitute a formal hearing, and
23 members shall not discuss the case during the visit, unless a
24 quorum of the board or commission is present and a duly
25 noticed hearing is opened pursuant to the rules of the board
26 or commission.
- 27 ii. A member may visit a development site individually, or a
28 group of members that does not constitute a quorum may
29 visit the site. In such cases, such member(s) shall write a
30 report documenting the visit for the other members of the
31 board or commission, and shall provide such report to the
32 Director prior to the hearing for addition to the case record.
33 Such a report is not necessary if a quorum of the members of
34 a board or commission attend the site visit.

- 35 **8. Consent Agenda**
36 Any appointed board or commission within the scope of this chapter may
37 establish a consent agenda. The consent agenda shall consist of all matters
38 brought before the board or commission for action that do not require a public
39 hearing. All items on the consent agenda shall be approved by motion
40 without debate. An item may be removed from the consent agenda prior to
41 the approval at the request of any member of the board or commission
42 present at the meeting. Items removed from the consent agenda shall be
43 considered on the regular agenda.

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9. **Meetings Open to Public⁸**
All meetings of the appointed boards and commissions under this chapter shall be open to the public except when executive session is authorized as provided in AMC section 4.05.100. 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.
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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.
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- 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.
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11. **Removal of Member**
A member of a board or commission within the scope of this chapter may be removed from office in the following circumstances:
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- a. If the member is found by the Board of Ethics to have participated in any matter with a conflict of interest therein; or
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- b. If the member fails to meet the attendance requirements set forth in section 4.05.060; or
- 23
24
- c. If the office becomes vacant pursuant to section 7.01 of the Municipal Charter, *Determining Vacancies*.
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- In such cases, the member shall automatically cease to be a member of his or her board or commission and a vacancy shall exist.
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12. **Public Hearings⁹**
Public hearings shall be conducted according to the rules adopted by each board or commission.
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13. **Representatives**
Persons appearing before a board or commission 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.
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14. **Reconsideration or Rehearing of Decisions¹⁰**
a. ***Motion by Board or Commission Member***
A member of a board or commission within the scope of this chapter may move to reconsider or rehear a decision made pursuant to this title by that board or commission, so long as such member voted on the prevailing side in the original decision, and so long as such motion is made within 24 hours of the initial vote.

1 **b. Filing of Request by Any Party of Interest**

2 A party of interest may request that a decision of an appointed board
3 or commission under this chapter be brought up for reconsideration or
4 rehearing only if:

5 i. There was substantial procedural error in the original
6 proceeding;

7 ii. The board or commission acted without jurisdiction in the
8 original proceeding; or

9 iii. The original decision was based upon fraud or
10 misrepresentation.

11 For purposes of this subsection, a “party of interest” for a particular
12 application shall include the applicant, the owner of the subject
13 property, an owner of property within the notification area for the
14 subject application, or anyone that presented oral or written testimony
15 at a public hearing on the application. A party of interest seeking
16 reconsideration or a rehearing must file a request with the municipal
17 clerk, together with materials supporting one or more of the grounds
18 stated in this subsection, within 15 days of the original decision. The
19 board or commission, by majority vote, may schedule a rehearing
20 only if it finds the allegations to be correct. A rehearing shall be
21 conducted in the same manner as the original proceedings before the
22 board or commission.

23 **15. Resolutions**

24 All recommendations and decisions made by boards and commissions under
25 this title shall be made by written resolution and shall include precise findings
26 made. Resolutions shall be numbered consecutively within each year,
27 according to sequence of approval and shall be signed by the chair and the
28 secretary. The motion adopting the resolution shall show the vote of each
29 member.

30 **16. Secretary**

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

35 **17. Applicability of Other Provisions**

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

39 **21.02.030 ASSEMBLY¹¹**

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

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

1 applicable laws, shall have the review and decision-making responsibilities set forth in
2 Table 21.02-1, to be carried out in accordance with the terms of this title.

3 **B. Other Powers and Duties**

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

- 6 1. Adopt policies, plans, design guidelines, and ordinances to implement the
7 municipal function of planning for the economic, social, and land use needs of
8 the community;
- 9 2. Take any other action not delegated to the Planning and Zoning Commission,
10 Platting Board, Zoning Board of Examiners and Appeals, Board of
11 Adjustment, Urban Design Commission, or municipal staff, as the Assembly
12 may deem desirable and necessary to implement the provisions of this title.

13 **C. Rules of Procedure**

- 14 1. In its exercise of authority over title 21 cases, the Assembly shall adhere to
15 any applicable procedures specified in chapter 21.03, *Review and Approval*
16 *Procedures*.
- 17 2. The rules of the Assembly and conduct of hearings shall be as established
18 under title 2 of the Anchorage Municipal Code.
- 19 3. Where the procedures of this title grant authority to review and/or make
20 recommendations on a land use matter to a board or commission subordinate
21 to the Assembly, the Assembly shall not take final action¹² until it has received
22 and taken notice of the review comments and recommendations of such
23 subordinate body or bodies.

24 **21.02.040 PLANNING AND ZONING COMMISSION**

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

26 As authorized by section 12.02 of the Anchorage Municipal Home Rule Charter and
27 section 4.40.100 of the Anchorage Municipal Code, there shall be a Planning and
28 Zoning Commission, which shall have the powers and duties set forth in Table 21.02-
29 1, to be carried out in accordance with the terms of this title.

30 **B. Other Powers and Duties**

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

- 33 1. Develop, review, and make recommendations to the Assembly regarding
34 policies, plans, and ordinances to implement the municipal function of
35 planning for the economic, social, and land use needs of the community;
- 36 2. Review and make recommendations to the Assembly and school board
37 regarding the annual capital improvement program of the Municipality and
38 school district;

- 1 3. Review and make recommendations to the Mayor regarding the annual work
2 program of the Department. The Director shall submit the annual work
3 program to the Commission for review before preparing the annual budget;
- 4 4. Promulgate regulations to implement or make specific the provisions of this
5 title, except provisions of chapters 21.08, *Subdivision Standards*; and
- 6 5. Exercise such other powers, and perform such other duties, as are provided
7 by law.

8 **C. Delegation of Authority¹³**

9 The Planning and Zoning Commission may delegate to other bodies the authority to
10 review and comment upon applications, but the Commission shall retain final
11 decision-making authority over such applications.

12 **D. Recommended Qualifications¹⁴**

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

16 **21.02.050 PLATTING BOARD**

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

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

21 **B. Other Powers and Duties**

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

- 24 1. Review and make recommendations to the Assembly regarding all proposed
25 amendments to chapter 21.08, *Subdivision Standards*, and all proposed
26 regulations to implement, interpret, or make specific chapter 21.08,
27 *Subdivision Standards*. The Assembly shall not adopt such an amendment or
28 regulation until it has been reviewed by the Platting Board;
- 29 2. Authorize extensions of subdivision agreements as provided in section
30 21.08.060.C., *Time Limit for Completion of Improvements*;
- 31 3. Hear and decide appeals under section 21.03.110.E., *Improvements*
32 *Associated with Land Use Permits*; and
- 33 4. Exercise such other powers, and perform such other duties, as are provided
34 by law.

35 **C. Delegation of Authority¹⁵**

36 The Platting Board may delegate to the Urban Design Commission the authority to
37 review and comment upon a preliminary or final plat, or a site plan subject to review

1 by the Platting Board. However, such delegation shall be limited to issues of site
2 design, landscaping, and structure design, and the Board shall retain final decision-
3 making authority over such applications.

4 **D. Recommended Qualifications¹⁶**

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

7 **21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS**

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

9 As authorized by section 4.40.130 of the Anchorage Municipal Code, there shall be a
10 Zoning Board of Examiners and Appeals, which shall have the powers and duties set
11 forth in Table 21.02-1, to be carried out in accordance with the terms of this title.

12 **B. Other Powers and Duties¹⁷**

13 In addition, the Zoning Board of Examiners and Appeals shall have the following
14 powers and duties, to be carried out in accordance with the terms of this title:

- 15 1. Hear and decide appeals from enforcement orders pursuant to section
16 21.03.210.B., *Appeals to Zoning Board of Examiners and Appeals*;
- 17 2. Adopt general rules or make findings in specific cases regarding proposed
18 changes of nonconforming uses, pursuant to section 21.11.020.B., *Change of*
19 *Use*;
- 20 3. Interpret or make specific the provisions of this title, except provisions of
21 chapters 21.08, *Subdivision Standards*;
- 22 4. Hear and decide appeals relating to section 21.11.030.D., *Legalization of*
23 *Nonconforming Dimensional Yard Setback Encroachments*;
- 24 5. Review and ratify decisions of the Director regarding unlisted uses, pursuant
25 to section 21.03.210, *Use Classification Requests*; and
- 26 6. Exercise such other powers, and perform such other duties, as are provided
27 by law.

28 **C. Qualifications¹⁸**

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

32 **21.02.070 BOARD OF ADJUSTMENT¹⁹**

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

34 As authorized by section 5.07 of the Anchorage Municipal Charter and section
35 4.05.020 of the Anchorage Municipal Code, there is a Board of Adjustment, which
36 shall decide appeals in accordance with chapter 21.03.210, *Appeals*, from:

1. Decisions regarding the approval or denial of a plat or variance from the provisions of chapter 21.08, *Subdivision Standards*; and
2. Decisions regarding the approval or denial 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.

C. Qualifications²⁰

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

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 Duties²¹

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 make recommendations regarding 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. Determine eligibility for a proposed Neighborhood Conservation Overlay District and assist in the preparation of a Neighborhood Conservation Plan pursuant to section 21.04.070D.
4. 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.
5. 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.
6. 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.

1 This plan shall be reviewed by the Planning and Zoning Commission prior to
2 submittal to the Mayor and Assembly.

3 7. Exercise such other powers, and perform such other duties, as are provided
4 by law.

5 **C. Recommended Qualifications²²**

6 At least four members of the Urban Design Commission should possess degrees in
7 architecture, planning, landscape architecture, horticulture, engineering or law, or
8 practical experience and knowledge of design issues in the Municipality.

9 **21.02.090 GEOTECHNICAL ADVISORY COMMISSION²³**

10 **A. Authority**

11 1. The Geotechnical Advisory Commission shall serve as a technical advisory
12 board in the Municipality as established in section 4.50.050 of the Anchorage
13 Municipal Code.

14 2. The Commission shall act in an advisory capacity to the Assembly, the Mayor,
15 boards, commissions, and heads of municipal departments and agencies, and
16 shall have the following powers and duties:

17 a. To make recommendations and give advice on geotechnical
18 engineering issues and natural hazards risk mitigation.

19 b. To recommend and review special studies be performed relating to
20 geotechnical engineering and natural hazards risk mitigation issues.

21 c. To act in an advisory capacity regarding proposed development
22 located in high or moderate snow avalanche hazard zones, in areas
23 designated with high or very high susceptibility to seismically induced
24 ground failure, and in areas susceptible to other natural hazards.

25 **B. Qualifications**

26 At least four members of the Geotechnical Advisory Commission shall possess
27 professional civil engineering registration in the State of Alaska and have knowledge
28 of past studies of the natural hazards affecting the Municipality. The remaining
29 members shall have skills and experience that complement the overall mission of the
30 commission (e.g., structural engineering, geology, hydrology, seismology, planning).

31 **21.02.100 MUNICIPAL STAFF²⁴**

32 Municipal departments shall have the review and decision-making responsibilities set forth in
33 Table 21.02-1, to be carried out in accordance with the terms of this title. The departments
34 also shall have such additional powers and duties as may be set forth elsewhere in this title
35 and other ordinances, rules, and operating procedures of the Municipality.

¹ 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.

² NOTE: Adapted from current AMC 21.10.010.

³ 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.”

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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.”

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

⁹ 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.

¹⁰ 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.

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

¹² 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.

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

¹⁴ 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.

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

¹⁶ 2005 NOTE: Proposed new section.

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

¹⁸ 2005 NOTE: Proposed new section.

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

²⁰ 2005 NOTE: Proposed new section.

²¹ 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.

²² 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.

²³ 2005 NOTE: This 2005 draft includes edits by GAC members.

²⁴ 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.