

ANCHORAGE, ALASKA
AO No. 2023-70(S-1)
SAMPLE – Clean version without Legislative Markup

1 **AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY WAIVING OR**
2 **MODIFYING CERTAIN PROVISIONS OF [AMENDING] ANCHORAGE**
3 **MUNICIPAL CODE CHAPTER 16.125, TITLE 21 AND TITLE 23 TO DEFINE AND**
4 **ESTABLISH A SINGLE PILOT PROJECT ALLOWED [SANCTIONED] CAMP[S]**
5 **IN THE MUNICIPALITY OF ANCHORAGE ON [AS] A TEMPORARY BASIS [USE**
6 **TYPE], PROVIDE SITE REQUIREMENTS AND RESTRICTIONS, OPERATIONAL**
7 **STANDARDS, [A STREAMLINED PERMITTING PROCESS] [REQUIRE A**
8 **REVOCAABLE PERMIT,] AND AUTHORIZE USE OF RELOCATABLE**
9 **ANCILLARY AND TEMPORARY BUILDINGS AS EMERGENCY SHELTER OR**
10 **TEMPORARY STRUCTURES FOR ALLOWED [SANCTIONED] CAMPS]; AND**
11 **WAIVING PLANNING AND ZONING COMMISSION REVIEW FOR GOOD**
12 **CAUSE].**
13

14
15 **WHEREAS**, Anchorage Municipal Code subsection 25.70.040A.1. prohibits
16 camping on municipal land, and AMC section 8.45.010 prohibits trespass on both
17 public and private land; and
18

19 **WHEREAS**, The Municipality of Anchorage discourages the establishment of
20 campsites where prohibited and, whenever possible, prefers indoor sheltering or
21 housing, to protect and assist people of concern; and
22

23 **WHEREAS**, Good site planning and management positively affect the health and
24 well-being of a community and facilitate the safe, equitable, and efficient delivery of
25 goods and services, and promote self-reliance and dignity, enabling an environment
26 for livelihoods and economic inclusion; now, therefore,
27

28 **WHEREAS**, the Municipality does not currently fund or maintain a permanent,
29 general-population emergency shelter; and
30

31 **WHEREAS**, it is essential to recognize that the population experiencing
32 homelessness has a diversity of needs, including mental health and substance
33 misuse needs, and as much as possible, those needs should be considered during
34 the planning of allowed [SANCTIONED] camps, emergency shelter, and other
35 services; and
36

37 **WHEREAS**, the Municipality prefers alternatives to prohibited camps, provided they
38 effectively protect and assist people of concern, and this need may be met in a
39 transitional sense by providing for allowed [SANCTIONED] camps with minimal
40 rules for health, safety and security of the occupants in temporary tents or individual
41 shelters; and
42

1 **WHEREAS, allowed [SANCTIONED]** camps of a temporary duration are an
2 imperfect solution but should be utilized as a pathway to housing and other needed
3 supports, as they are far preferable to the unsanctioned, unsanitary, and
4 environmentally-damaging prohibited encampments now impacting green spaces
5 and neighborhoods throughout the Municipality; and

6
7 **WHEREAS, allowed [SANCTIONED]** camps are not classified as shelters; and

8
9 **WHEREAS,** the Assembly’s goal is to have **allowed [SANCTIONED]** camps begin
10 operations and accepting residents in July 2023 to immediately begin ameliorating
11 and mitigating the impacts and effects of prohibited camping on the residents and
12 visitors of the Municipality, necessitating haste and justifying waiver of Planning and
13 Zoning Commission review under AMC section 21.03.210; **and**

14
15 **WHEREAS, the Assembly passed and approved AR 2023-182(S-1), As**
16 **Amended, at its June 6 regular meeting which in Section 5 supports bringing**
17 **forward an ordinance to temporarily waive any Title 21 and Title 23**
18 **requirements which would hinder the usage of temporary structures on**
19 **impermanent foundations in allowed camps; and**

20
21 **WHEREAS, AR 2023-188(S-1) also reduced the number of proposed sites for**
22 **allowed camps from five to one, vacant land at 40th Avenue and Denali Street,**
23 **the former National Archives site, and requested groups “work collaboratively**
24 **with the Municipality to make this pilot allowed camp site successful”;**

25
26 **WHEREAS, the intent of the Assembly is to identify a single location for a pilot**
27 **project for an allowed camp to be put in service as soon as possible during summer**
28 **2023; now, therefore**

29
30 **THE ANCHORAGE ASSEMBLY ORDAINS:**

31
32 **Section 1. Anchorage Municipal Code Title 16 provisions that would govern**
33 **the allowed camp[s] described in this Ordinance are hereby waived as**
34 **necessary and reasonable for such use[s] until December 1, 2023. This**
35 **section shall govern the operation requirements and standards for allowed**
36 **camps as defined herein, and the procedures for the Anchorage Health**
37 **Department’s review and oversight of an operations plan. There are no**
38 **changes to current text of Anchorage Municipal Code chapter 16.125 by this**
39 **ordinance. Deletions indicated below are to this ordinance and not to current**
40 **Code.**

41
42 **I. Allowed camp definition; operations plan required.**

43
44 **A. Definition. An allowed camp means a temporary sheltering area that**
45 **designates separate spaces for individual tents or temporary small**
46 **structures providing basic shelter and may include support services**
47 **organized and managed as temporary accommodations for unhoused**
48 **people and may be hosted by a faith-based organization, not-for-profit**
49 **organization, or government unit. Allowed camps are a form of**
50 **humanitarian settlements where people reside and can receive**
51 **centralized protection, humanitarian assistance, and other services**

1 from the municipality and other humanitarian service providers. They
2 are not meant to be a substitute for emergency overnight congregate
3 or non-congregate shelter or housing. Existing permanent structures
4 or buildings in the **allowed** camp area may not be used for overnight
5 sheltering, but may be used to provide amenities or support services
6 to the residents.
7

8 **B. An allowed camp requires an operations plan approved by the**
9 **director of the Anchorage Health Department. The director's**
10 **approval is a discretionary administrative decision. For purposes**
11 **of this Section 1 of the ordinance, "director" shall mean the**
12 **director of the Anchorage Health Department.**
13

14 **II. Purpose of allowed camps.**

15
16 The purpose of Section 1 of this Ordinance is to establish minimum standards
17 of operation for emergency facilities known as **allowed** camps to address
18 the lack of homeless shelters and other temporary sheltering in the
19 municipality, to enable and maintain data collection and monitoring of the
20 unhoused population and low barrier users, to maintain appropriate oversight
21 to provide individuals and families experiencing homelessness with the care
22 and services needed and mitigate impacts on neighboring residents,
23 businesses, property owners and the users of the *allowed camps*. The
24 requirements of these sections are intended to promote community trust
25 while establishing manageability for **allowed** camp operators. The assembly
26 intends to permit *an allowed* camp to operate within a framework consistent
27 with existing municipal code and best practices of temporary and emergency
28 relief responses.
29

30 **III. Procedures and applicable standards.**

31
32 **A. The operator of the pilot project allowed camp shall submit an**
33 **operations plan to the director. Required information for the**
34 **operations plan includes, but is not limited to, that needed to**
35 **determine compliance with this section and information**
36 **required by subsections 16.125.040A.1., 2., 3., 5., 9., 10., 11., 13., 14., 15., 16.,**
37 **and 17. If the operator is the municipality, the director shall require a**
38 **different division within the department to review the operations plan**
39 **submitted.**
40

41 **B. An allowed camp may, whether through community assistance or**
42 **direct funding, make the following services for individuals available**
43 **and describe how provided in the operations plan:**

- 44 1. Potable water
- 45 points.
- 46 7. Action and mitigation-oriented good neighbor agreement
- 47 between providers and nearby community councils.
- 48 8. If residents are to bring their own tents, structural support for
- 49 tents, including wooden pallets or other platforms to allow
- 50 tents to be off the ground and adequate rain protection.
- 51 9. Fire extinguishers approved by the fire department.

10. Other services or amenities proposed by the applicant.

C. If they are included in the target and eligible resident population, areas shall be designated as appropriate specifically for women, families with children, or other vulnerable populations.

D. When the director receives the operations plan for the pilot project allowed camp, the director shall expedite review and as soon as is practicable determine if it is complete. The director may confer informally with the applicant to bring the operations plan to completion, and to direct minimal changes necessary to protect health and welfare.

IV. Request for termination or revocation of allowed camp permit.

If the director finds the operations of the pilot project allowed camp is in violation of the approved operations plan, or grounds for immediate termination or a noticed revocation process set out in Section 2.E. of this ordinance, the director may request the planning department commence termination or revocation.

[NOTE: AO Section 2 below changes from amending AMC 21.05.080 to a temporary waiver that does not amend Code. There is no change proposed to current text of AMC section 21.05.080.]

Section 2. Anchorage Municipal Code Title 21 provisions that would govern the allowed camps use described in this section are hereby waived as necessary and reasonable for such uses until December 1, 2023. Instead this section shall govern the land use regulation for allowed camps.

Any site which would otherwise require a Conditional Use Permit for a homeless and transient shelter or a transitional living facility may, upon filing of a complete application, be granted a temporary permit under this ordinance Section 2 in lieu of a Conditional Use Permit by the director of the Planning Department (“director” in this Section 2). Where a transitional living facility would be permitted by right, the site must be granted a temporary permit under this ordinance for an allowed camp only if the operations plan is approved by the health department director. The application must contain the content and information sufficient to determine it complies with this section in order to be considered complete and eligible for a permit:

A. Allowed camps. An allowed camp has the meaning as defined in Section 1 of this ordinance. The pilot project allowed camp described in Section 6 of this Ordinance does not require prior approval of the director for the site location; however, the operator shall comply with the director’s requirements for compliance with this section. A mobile home, motor home, temporary structure on an impermanent foundation, a permanent structure existing prior to

1 the allowed camp application, or a relocatable ancillary building
2 may be used for communal amenities or to provide
3 administrative space or support services for the residents of the
4 allowed camp. The following standards and restrictions apply:

5 1. Shall be located on vacant lots, parking lots, or other open
6 spaces with minimal trees or significant vegetation in the
7 core of the living area, allowing clear sight lines across a
8 majority of the entire campsite. They shall not be located
9 within densely wooded areas, public trails, greenbelts,
10 children's playgrounds, or rights of way with grading and
11 fill or more development.

12
13 2. The pilot project site must accommodate the temporary
14 housing and necessary on-site facilities and amenities,
15 including, but not limited to, the following:

16 a. Sanitary portable toilets in the number required by
17 the director for the population of the allowed camp.
18 If portable toilets are used they shall be placed to
19 minimize odor impacts on adjacent properties.

20 b. Hand washing stations by the toilets and by the food
21 areas.

22 c. In lieu of a. and b. above, an existing permanent or a
23 temporary structure with water and sewer
24 connections or on-site systems compliant with Title
25 23 (Section 3 of this ordinance) providing toilet and
26 bathing facilities may be provided.

27 d. Refuse receptacles for trash, recycling, and
28 garbage.

29 e. Perimeter fencing including established entry and
30 exit points.

31
32 3. No new permanent foundations will be constructed on site
33 for the allowed camp.

34
35 4. No more than sixty (60) residents shall be allowed at an
36 allowed camp, excluding an administrator, staff and
37 support services personnel. The director may establish a
38 lower limit to the number of residents as site conditions
39 dictate.

40
41
42 5. Separation aisles of at least six feet (6') shall be maintained
43 for gurney and firefighter access and at least six feet (6')
44 separation shall be maintained from fences and property
45 lines. The separation between individual units on the site
46 shall be ten feet (10') of space between tents or temporary
47 small structures in numbered areas unless otherwise
48 required by the director or Fire Department.

49
50 6. Additional requirements may be imposed by the Director
51 in order to mitigate the impacts of the allowed camp

1 **operations on adjacent uses, consistent with the intent to**
2 **provide allowed camps expressed in this ordinance.**

3
4 **B. Procedure. The pilot project allowed camp shall submit a site plan to**
5 **the director, which must contain the content and information**
6 **sufficient to determine it complies with this section**

7 **The director shall provide for a means to receive public**
8 **comments regarding the pilot project allowed camp siting and**
9 **operations as soon as practicable and closing no sooner than**
10 **September 30, 2023. Notice describing how to submit public**
11 **comment shall be provided, at a minimum, by publishing in**
12 **the manner described in AMC 21.03.020H.4., posting on the**
13 **proposed site in the manner described in AMC**
14 **21.03.020H.5., and e-mail to the Federation of Community**
15 **Councils for forwarding to all community councils.**

16
17 **C. Permit to be posted on-site. Upon issuance, the permit shall**
18 **immediately be posted on-site at a conspicuous location**
19 **available for reading by the general public. The posted permit**
20 **shall include the hours of operation, contact information for**
21 **questions or concerns.**

22
23 **D. All issued permits will immediately be posted on the**
24 **Municipality's website at**
25 **<https://www.muni.org/CityViewPortal/Planning/Locator> and shall**
26 **not be considered issued until so posted. Any owner of property**
27 **within 500 feet of a site permitted under this ordinance may**
28 **appeal the grant of the permit by filing a written notice of appeal**
29 **with the Administrative Hearing Officer within 7 calendar days of**
30 **issuance of the permit or on-site posting, whichever is later. No**
31 **late-filed appeals will be accepted. The Administrative Hearing**
32 **Officer shall conduct an informal hearing under AMC Title 14**
33 **(Administrative enforcement) within 5 days of receipt of the**
34 **appeal. For purposes of adjudication, the Administrative Hearing**
35 **Officer shall use Title 14 (Administrative Enforcement) and treat**
36 **the permit as if granted under AMC 21.03.080 (Conditional uses).**

37
38 **E. Land Use Enforcement shall have jurisdiction to investigate**
39 **complaints and issue enforcement orders and take other**
40 **appropriate action in accordance with Chapter 21.14**
41 **(Enforcement), and the Anchorage Health Department may**
42 **investigate and issue enforcement orders in accordance with**
43 **Section 1 of this ordinance and Title 16 (Health). If the health**
44 **department director requests termination the director shall do**
45 **so.**

46
47 **F. The pilot project allowed camp shall automatically expire no later**
48 **than December 1, 2023. Expiration of the permit does not relieve**
49 **the permittee from any obligations under the permit, including as**
50 **to litter and site restoration, until released in writing by the**
51 **Director.**

1
2
3 **Section 3.** Anchorage Municipal Code section 23.10.104 is hereby amended to
4 add a new subsection to read as follows:
5

6 **23.10.104.16 Shelter Units Located in Allowed Camps.**
7

8 Shelter units located within Allowed Camps, excluding common fabric tents
9 typically available at retailers rated by the manufacturer for 4 persons or
10 less, may be set up without obtaining a building permit and certificate of
11 occupancy under the following restrictions and requirements:
12

- 13 A. Sleeping units shall not exceed 100 square feet gross floor area.
14 B. Hygiene and community units shall not exceed 800 square feet gross
15 floor area.
16 a. Exception: Units meeting the requirements of Relocatable
17 Ancillary Buildings under AMC 23.95 may exceed this limit.
18 C. Units shall be capable of supporting 25 psf snow load and be able to
19 resist the wind design load for the location.
20 D. Units shall be restrained to resist wind load. The attachment shall be
21 designed by an Alaska licensed civil or structural engineer.
22 E. Wall/roof panel finish material shall be tested in accordance with
23 ASTM E84 and the flame spread shall not exceed 200 and the smoke
24 developed index shall not exceed 450 (Class C finish material).
25 F. Units shall be located and arranged to allow for emergency
26 responder access and snow removal.
27 a. A minimum clear space of 5 feet shall be provided on sides
28 subject to snow shedding.
29 b. A minimum clear space of 10 feet shall be provided in front (on
30 the door side) of each unit.
31 c. Units may be located adjacent to each other forming clusters with
32 up to 8 units per cluster. Clusters of units shall be located 10 feet
33 minimum from permanent structures, property lines, support
34 structures and other clusters.
35 G. The accumulation of trash, combustibles, and other obstructions
36 shall not be allowed in the required clear space.
37 H. Units and the required clear space shall be maintained free from the
38 accumulation of snow and ice. Snow shall not be allowed to
39 accumulate on the unit.
40 I. Electrical permit required:
41 a. A licensed electrical contractor shall obtain a permit to provide
42 electrical service and/or connection to the unit(s). The electrical
43 connection shall consist of an approved flexible cord, attachment
44 cap and receptacle approved for the location.
45 b. The unit shall comply with the National Electrical Code as noted
46 by NEC 550.4 (A). A code compliance inspection shall be
47 performed, and necessary corrections made before power is
48 connected. A licensed electrical contractor shall obtain a permit
49 and make the correction. The permit for providing electrical
50 service and/or connection may include the corrections when
51 performed by the same contractor.

- 1 c. Installations involving more than one unit require an electrical
2 design sealed by an Alaska licensed electrical engineer.
- 3 J. Occupants shall have access to on-site toilet and bathing facilities.
- 4 K. If the unit is connected to a water supply or wastewater system, a
5 licensed plumbing contractor shall obtain a retrofit permit and
6 perform the work. A public water supply shall be isolated by a
7 reduced pressure backflow assembly.
- 8 L. If the unit is to be connected to a natural gas or propane supply, a
9 retrofit permit shall be obtained by one of the following:
- 10 a. A licensed plumbing contractor, or
- 11 b. A licensed mechanical contractor that employs a licensed
12 plumber or gas fitter.
- 13 M. Service equipment located adjacent to vehicle lanes shall be
14 protected with bollards or other substantial barrier.
- 15 N. Units shall comply with fire code and operational processes as
16 determined by the fire marshal. These include, but are not limited
17 to:
- 18 a. An Anchorage Fire Department (AFD) approved, currently
19 serviced fire extinguisher shall be located inside the unit.
- 20 b. Propane tanks shall be protected from vehicle impact and shall
21 be located in accordance with the fire code.
- 22 c. Unit locations shall not impact fire lanes or emergency vehicle
23 access to the units or nearby structures.
- 24
- 25 O. Units that do not meet all restrictions and requirements listed in
26 items A. through M. shall require a building permit in accordance
27 with this code.
- 28
- 29

30 **Section 4.** Anchorage Municipal Code chapter 23.95 is hereby amended to read
31 as follows:

32

33 **Chapter 23.95 - RELOCATABLE ANCILLARY BUILDINGS**

34 **23.95.100 Building permit: Exemption.**

35 Relocatable ancillary buildings, which meet the requirements of section
36 23.95.200 qualify for a building permit. Relocatable ancillary buildings are
37 exempt from the requirements of section 23.10.101.9, Moved buildings, and
38 section 23.10.104.3, Temporary structures of the Anchorage Administrative
39 Code, or any successor or local amendment thereto.

40

41

42 (AO No. 2020-85, § 1, 10-27-20)

43

44 **23.95.200 Requirements for building permit.**

45

46 A relocatable ancillary building which meets all of the following
47 requirements qualifies for a building permit:

48

- 49 A. The relocatable ancillary building shall comply with the provisions of
50 the technical codes for new buildings or structures relating to fire,
51 building and life safety concerns and are current as of the date of the

1 building plan review, except the relocatable ancillary building is not
2 required to have:

- 3 1. Plumbing facilities;
- 4 2. Water service;
- 5 3. Permanent foundation;
- 6 4. Active fire alarm system, provided the relocatable ancillary
7 building is less than 1,000 square feet in size and has at least
8 two exit doors;
- 9 5. Fire sprinkler system; or
- 10 6. Accessibility for the disabled, provided another structure
11 available on the site for a fundamentally similar purpose or
12 program is offered and accessible to the disabled.

- 13 B. The relocatable ancillary building must be secured to prevent
14 overturning or sliding by lateral forces, including wind, and to minimize
15 movement during seismic activities.
- 16 C. A plan for the proposed location of the relocatable ancillary buildings
17 shall be approved by the municipal Fire Department and the
18 Development Services Department.
- 19 D. An electrical permit and reinspection for the relocatable ancillary
20 building is required following each relocation thereof.
- 21 E. A plumbing permit and reinspection for any relocatable ancillary
22 building having plumbing facilities or water service is required
23 following each relocation thereof.

24
25 (AO No. 2020-85, § 1, 10-27-20)

26
27 **23.95.300 Definitions.**

28
29 A relocatable ancillary building shall meet one of the following definitions:

- 30 A. A publicly or privately owned moveable educational classroom
31 or support facility meeting the Group E occupancy definition of
32 the Building Codes contained in Title 23 and constructed for
33 multi-year use in conjunction with one or more publicly or
34 privately owned permanent building and which meets all of the
35 following criteria:
 - 36 1. Is a public or private educational facility which serves a
37 public education purpose;
 - 38 2. Is ancillary to a permanent building and serves the same
39 general purpose and function as the permanent building;
 - 40 3. Is located in close proximity to the permanent building;
41 and
 - 42 4. Is used as a classroom for students who have access to
43 the plumbing facilities and water service of the permanent
44 building or is used as a storeroom solely for classroom
45 supplies.
- 46 B. A publicly owned moveable facility designated as an
47 emergency shelter under section 16.120.040, when the
48 emergency shelter plan has been activated under section
49 16.120.020.

50
51 (AO No. 2020-85, § 1, 10-27-20)

Section 5. The Anchorage Health Department shall develop standard model rules of conduct, policies and procedures, good neighbor policy, and operating plans and make them available to prospective applicants for an allowed camp permit.

Section 6. *[NOTE: This AO section is new in the S-1 version.] The Assembly approves a pilot project for one allowed camp at [site name/location to be inserted by amendment]. Notwithstanding the requirements of the other Sections of this Ordinance, this pilot project allowed camp may commence activities necessary to prepare the site for operations, such as erecting perimeter fencing, tents or sites for tents and/or other structures on impermanent foundations. Immediately. Operations and service may not commence until approved by the Planning Director and Health Department Directors, whom shall as soon as practicable review the operations and site plan. The directors of these departments may require the operator to modify the work completed and the operations and site plans for good cause.*

Section 7. This ordinance shall be effective immediately upon passage and approval by the Assembly.

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

Chair

ATTEST:

Municipal Clerk

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33