ANCHORAGE, ALASKA
AO No. 2023-70(S)


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

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

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

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

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

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

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

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

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

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

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

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Title 16 provisions that would govern
the allowed camps described in this section, if any, are hereby waived as
necessary and reasonable for such uses until December 1, 2023. This section
shall govern the operation requirements and standards for allowed camps as
defined herein, and the procedures for the Anchorage Health Department’s
review and approval of an operations plan as part of an application for a permit
under Section 2. There are no changes to current text of Anchorage Municipal
Code chapter 16.125 by this ordinance. Deletions indicated below are to this
ordinance and not to current Code. [is hereby amended to read as follows (the
remainder of the section is not affected and therefore not set out):]

[Chapter 16.125 - HOMELESS AND TRANSIENT SHELTER AND
SANCTIONED CAMP LICENSING AND PERMITTING

16.125.001 - Purpose and intent.

The purpose of this chapter is to establish minimum standards of care
and operation for homeless shelters and sanctioned camps in the
municipality, enable and maintain data collection and monitoring of the
homeless population, to maintain appropriate oversight in order to
provide individuals and families experiencing homelessness with the
care and services needed, and mitigate impacts of neighboring
residents, businesses, property owners and the users of the shelters
and camps. The requirements of this chapter are not intended to be
overly burdensome on homeless shelter and sanctioned camp operators. The intent of the assembly is to permit homeless and transient shelters, and sanctioned camps to locate and operate with as much autonomy as is reasonably allowable. This chapter is intended to specifically detail the Municipality’s commitments to the success of shelter and sanctioned camp operations.

(AO-No.-2021-55(S-1), § 1, 6-22-21)

16.125.005 – Powers of the department.

A. The powers of the department include, but are not limited to:

1. Licensing and monitoring for compliance homeless and transient shelters and sanctioned camps in all areas of the municipality.

2. Coordinating and developing policies, programs, and planning related to licensure and operation of homeless and transient shelters and sanctioned camps regulated by this chapter.

3. Publishing and adopting guidance consistent with the provisions of this chapter and supportive to facilitate compliance and the quality of shelter and sanctioned camp services regulated by this chapter.

4. Publishing and adopting rules and regulations reasonable and necessary to carry out the purposes and provisions of this chapter.

5. Entering into contracts and agreements necessary to carry out the functions, powers, and duties of the department under this chapter.

6. Investigating shelters, sanctioned camps, applicants, administrators, caregivers, licensees, employees of licensees, individuals associated with licensees, and other persons for compliance with this chapter, including such persons or entities the department reasonably believes are operating a shelter or camp with or without a license or who may be in violation of this chapter.

7. Enforcing requirements of this chapter.

(AO-No.-2021-55(S-1), § 1, 6-22-21)

16.125.010 – License or permit required.

A. A homeless and transient shelter and a sanctioned camp may not operate within the municipality after January 1, 2023 unless it has obtained the applicable homeless and transient shelter or sanctioned camp license or provisional license from the municipality for the premises and the license remains in conformity with the provisions of this chapter. Upon approval by the assembly, the director will issue the following licenses under this chapter:
1. An overnight shelter license, in accordance with section 16.125.015.
2. A day shelter license, in accordance with section 16.125.025.
3. A sanctioned camp permit, in accordance with sections 16.125.200 - 240.

B. Any homeless and transient shelter license issued under this chapter is for three years and renewal shall be for three years thereafter. However, if the license was suspended, subject to a plan of improvement, or the applicant or licensee previously held a shelter license that was revoked, the director may establish a shorter duration for the renewed license.

C. The municipality will issue only one overnight homeless shelter or transient license for a single premise. These facilities may also have a day shelter license. Colocated licenses may be submitted on a single application. A sanctioned camp permit may not be colocated.

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(AO No. 2021-55(S-1), § 1, 6-22-21)

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16.125.075 - Insurance requirements.

A. A homeless and transient shelter and sanctioned camp shall maintain insurance coverage at all times as required by this section. It is unlawful to provide shelter services regulated by this chapter without the required insurance coverage in effect.

B. A homeless and transient shelter and sanctioned camp shall maintain comprehensive general liability insurance, including transportation coverage, if applicable, with a company authorized to write insurance policies in the State of Alaska, or by demonstrating sufficient self-insurance funding to guarantee

1. In an amount not less than $500,000.00 per occurrence, and $500,000.00 aggregate, for a facility licensed for nine through forty clients; or

2. $1,000,000.00 per occurrence, and $2,000,000.00 aggregate, for a center licensed for 41 or more clients; or

3. the director may waive the insurance requirement if the applicant is a government unit.

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(AO No. 2021-55(S-1), § 1, 6-22-21)

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I. Allowed [Sanctioned] camp definition; operations plan required.

A. Definition. An allowed [sanctioned] camp means a temporary sheltering area that designates separate spaces for individual tents or temporary small structures providing basic shelter and may include support services organized and managed as temporary accommodations for unhoused people and may be hosted by a faith-
based organization, not-for-profit organization, or government unit. **Allowed (Sanctioned)** camps are a form of humanitarian settlements where people reside and can receive centralized protection, humanitarian assistance, and other services from the municipality and other humanitarian service providers. They are not meant to be a substitute for emergency overnight congregate or non-congregate shelter or housing. Existing permanent structures or buildings in the **allowed (sanctioned)** camp area may not be used for overnight sheltering, but may be used to provide amenities or support services to the residents.

**B.** An **allowed (permit for a sanctioned)** camp requires an operations plan approved by the director of the Anchorage Health Department. The director's approval is a discretionary administrative decision. For purposes of this Section 1 of the ordinance, “director” shall mean the director of the Anchorage Health Department. [at the discretion of the assembly. There is no right to a permit, it is a privilege and shall be revocable by the director or the assembly at any time.]

**II.** [16.125.210–] Purpose of allowed (sanctioned) camps.

The purpose of sections 16.125.200 -.250 is to establish minimum standards of site selection and operation for emergency housing facilities known as **allowed (sanctioned)** camps to address the lack of homeless shelters and other temporary sheltering in the municipality, to enable and maintain data collection and monitoring of the unhoused population and low barrier users, to maintain appropriate oversight to provide individuals and families experiencing homelessness with the care and services needed and mitigate impacts on neighboring residents, businesses, property owners and the users of the shelters. The requirements of these sections are intended to promote community trust while establishing manageability for **allowed (sanctioned)** camp operators. The assembly intends to permit **allowed (sanctioned)** camps to locate and operate within a framework consistent with existing municipal code and best practices of temporary and emergency relief responses.

**III.** [16.125.220–] Application procedures and applicable standards.

**A.** An applicant for any new **allowed (sanctioned)** camp permit must submit to the planning department director an application and operations plan per Section 2.B. of this ordinance. [on a form prescribed by the director, and which shall provide all information necessary to ensure that the applicant complies with the standards in this chapter. If the applicant is also required to apply for a land use permit under title 21 then it may be concurrent with this application, and the Title 21 application shall be submitted to the planning department. The planning director shall submit a report and decision on the Title 21 application to the health department director, whom shall include it with the assembly.] Required information for the operations plan includes,
but is not limited to, that needed to determine compliance with this section and information required by subsections 16.125.040A.1., 2., 3., 5., 9., 10., 11., 13., 14., 15., 16., and 17. If the applicant is the municipality, the director shall require a different division within the department to be the applicant exclusive of the division staff that review the operations plan submitted [application].

B. An allowed [sanctioned] camp may [shall], whether through community assistance or direct funding, make the following services for individuals available and describe how provided in the operations[ing] plan:

1. [regular clinical and support services as determined by the needs of the population staying at each camp.]

[2.] Potable water.

[3.] Sanitation collection.

[4.] Harm reduction, including sharps containers and Narcan.

[5.] Food.

[6.] Gathering space.

[7.] Accessible by case management services and all providers, i.e., an open campus.

[8.] Security, to include adequate fencing to protect campers from wildlife and other dangers, and an access plan, including established entry and exit points.

[9.] Action and mitigation-oriented good neighbor agreement between providers and nearby community councils.

[10.] If residents are to bring their own tents, structural support for tents, including wooden pallets or other platforms to allow tents to be off the ground and adequate rain protection.

[11.] Fire extinguishers approved by the fire department [suppression devices].

[12.] The amenities and standards required of sanctioned camps by title 21, subsection 21.05.080B.3.e.]

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 an allowed [an application for a sanctioned] camp permit from the planning department, 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 [application] to completion. When complete, the director shall give written notice to the applicant. The director may approve the operations plan, approve with required modifications, or reject it. The director may recommend modifications to the applicant and on assent incorporate into the operations plan prior to approval. The director shall produce a written report of its review of the operations plan.
operations plan and forward it to the planning director. [and shall
provide for mailed, posted, published, and community council
notice in the manner required by AMC section 21.03.020H. at least
fourteen (14) days before the assembly meeting at which a public
hearing and decision on the permit is scheduled by the chair of
the assembly. Introduction of the assembly resolution at a prior
meeting is not required. The notice shall direct that public
comments may be sent to the director or to the assembly. At least
ten days before the public hearing, the director shall submit a
proposed resolution for assembly consideration of the
sanctioned camp permit with the director’s report and
recommendation, the application, and the planning departments
report and decision on any Title 21 permit application. The
director may supplement the resolution packet with public
comments received by submitting an informational
memorandum to the municipal clerk no later than the day before
the assembly meeting. After holding a public hearing, the
assembly shall approve, approve conditionally, approve with
modifications, or deny the application. If the sanctioned camp
permit is denied by the assembly, the corresponding Title 21
permit shall become void.]

IV. [16.125.230 –] Fees, reduction of development fees.
A. The application fee is $25.
B. Upon approval of the director, an allowed [sanctioned] camp permit
applicant is eligible for discounted development fees in
accordance with section 16.125.080.
C. An allowed [sanctioned] camp may make the following services
available and if one or more are provided shall be eligible for municipal
fee relief as described in section 12.35.055 by application to and
decision by the municipal manager.
   1. Drainage
   2. Electricity
   3. Wi-fi or other internet accessibility

V. [16.125.040 –] Request for [T]ermination or revocation of allowed
 sanction[ed] camp permit.
If the director finds the operations of the permitted 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.

[A. If the sanctioned camp permittee fails to take action against a
resident who violates the terms and conditions of its permit, it
may result in immediate termination of the permit. If the
municipality learns of acts of violence by residents of the
sanctioned camp and the permittee has not adequately
addressed the situation to protect residents and neighbors, the permit may be immediately terminated.

**B.** Upon determination that there are grounds for revocation, the director may give written notice to the permit holder describing the alleged violation. Within seven (7) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven (7) day period, the director shall sustain or revoke the permit. When a permit is revoked, the director shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from the director’s decision to revoke a permit may be filed with the director and heard by the administrative hearings office. Grounds for revocation include:

1. There has been a violation of any approval criteria or condition of application.
2. The number of available shelter beds within the municipality make continued operations of the sanctioned camp unnecessary.

[NOTE: AO Section 2 below is deleted from the ordinance, there is no change proposed to current AMC 21.03.030.]

**Section 2.** Anchorage Municipal Code section 21.03.030 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.03.030 - Administrative permits.

**A.** Applicability. It shall be a violation of law for any person to engage in a land use for which an administrative permit is required by this title without first obtaining such a permit. An administrative permit is required for the following uses:

1. Premises containing uses where children are not allowed (subsection 21.05.020B.);
2. Roominghouse (subsection 21.05.030B.4.);
3. Telecommunication tower and antenna (subsection 21.05.040K.);
4. Unlicensed nightclub (subsection 21.05.050D.8.c.);
5. Hostel in a residential zoning district (subsection 21.05.050J.3.); and
6. Bed and breakfast (subsection 21.05.070D.3.).
7. Sanctioned camps (subsection 21.05.080B.3.e.).

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(AO 2012-124(S), 2-26-13; AO No. 2021-89(S), § 21, 2-15-22)

[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[3]. 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 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. A permit approved by the director under the procedures of this ordinance is required. A mobile home, motor home, temporary structure on an impermanent foundation, a permanent structure existing prior to the allowed camp application, or a relocatable ancillary building may be used for communal amenities or to provide administrative space or support services for the residents of the allowed camp. The following standards and restrictions apply:

1. Subject to the director’s approval that the site plan and operations plan demonstrate compatibility with the character of the neighboring lots and district, allowed camps may be issued in any zoning district where homeless and transient shelters or transitional living facilities are allowed by right or by conditional use. Permits under this ordinance may be issued in other zoning districts, including the Girdwood area (AMC ch. 21.09) and Chugiak-Eagle River area (AMC Ch. 21.10) only with approval of the Assembly.

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

3. The proposed site must be sufficient in size to accommodate the temporary housing and necessary on-site facilities and amenities, including, but not limited to, the following:
   a. Sanitary portable toilets in the number required by the director for the population of the allowed camp. If portable toilets are used they shall be placed to
minimize odor impacts on adjacent properties.

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

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

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

e. Perimeter fencing including established entry and exit points.

4. No new permanent foundations will be constructed on site for the allowed camp.

5. Shall be within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter (1/4) mile of a bus stop, the applicant must demonstrate the ability for residents to access the nearest public transportation stop (such as shuttle buses) or that the intended residents of the camp are to have independent modes of transportation.

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

7. The following separation distance restrictions apply:

a. Permitted allowed camps for more than 45 persons shall be located at least five hundred (500) feet from all the following uses:

i. other allowed camps.

ii. marijuana establishments

iii. premises with a beverage dispensary license.

iv. premises containing uses where children are not allowed are defined in AMC Section 10.40.050.

v. correctional institutions.

b. Except for allowed camps limited to families with children or women, low barrier allowed camps shall be at least five hundred (500) feet from all the following uses:

i. schools.

ii. playgrounds.

iii. child care centers.

iv. community centers.

v. neighborhood recreation centers.

c. The separation distances above for permitted
allowed camps for 45 or fewer persons shall be four hundred (400) feet.

d. The separation distance herein shall be measured by the shortest practicable pedestrian route from the nearest access point in the perimeter fencing of the proposed allowed camp to:
   i. The closest lot line of a school (for applicants exempted from 2.b. above), child care center, community center, neighborhood recreation center;
   ii. The edge of a playground or athletic field (including abutting parking lots); and
   iii. A main public entrance of the building containing any other use listed above.

8. Separation aisles of at least six feet (6’) shall be maintained for gurney and firefighter access and at least six feet (6’) separation shall be maintained from fences and property lines. The separation between individual units on the site shall be ten feet (10’) of space between tents or temporary small structures in numbered areas unless otherwise required by the director or Fire Department.

9. Additional requirements may be imposed by the Director in order to mitigate the impacts of the allowed camp operations on adjacent uses, consistent with the intent to provide allowed camps expressed in this ordinance.

B. Application procedure. Applications for a permit under this ordinance shall be submitted to the director on a form supplied by the department. The application must contain the content and information sufficient to determine it complies with this section and include an operations plan per Section 1 of this ordinance in order to be considered complete.

1. The director shall forward the operations plan submitted by the applicant to the health department director as soon as practicable. If the health department director rejects the operations plan for the allowed camp, the planning director shall deny the permit.

2. The director shall provide for a 10-day public comment period before rendering a decision on the complete application. Notice shall be provided, at a minimum, by publishing in the manner described in AMC 21.03.020H.4., posting on the proposed site in the manner described in AMC 21.03.020H.5., and e-mail to the Federation of Community Councils for forwarding to all community councils. The 10-day period commences the day after publishing the notice.

C. Permit to be posted on-site. Upon issuance, the permit shall immediately be posted on-site at a conspicuous location
available for reading by the general public. The posted permit shall include the hours of operation, contact information for questions or concerns, and the following appeal information:

Any owner of property within 500 feet from this site may appeal the grant of the permit by filing a written notice of appeal with the Municipality’s Administrative Hearing Officer (Suite 740, City Hall, 907-343-4535) within 7 calendar days of issuance or posting of the permit, whichever is later. No late-filed appeals will be accepted.

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

E. Violations of permit. Permit violations will be treated as violations under Title 21 or Title 16, as if the permit were a conditional use permit issued under AMC 21.03.080 (Conditional uses). Accordingly, and without limitation on other enforcement options, Land Use Enforcement shall have jurisdiction to investigate complaints and issue enforcement orders and take other appropriate action in accordance with Chapter 21.14 (Enforcement), and the Anchorage Health Department may investigate and issue enforcement orders in accordance with Section 1 of this ordinance and Title 16 (Health). If the health department director requests termination or revocation commence, the director shall do so in accordance with this subsection. A permit may be revoked as follows:

1. If the allowed camp permittee fails to take action against a resident who violates the terms and conditions of its permit, it may result in immediate termination of the permit by the director. If the municipality learns of acts of violence by residents of the allowed camp and the permittee has not adequately addressed the situation to protect residents and neighbors, the permit may be immediately terminated by the director. The director may immediately suspend or terminate a permit if circumstances exist that pose an imminent danger to life or safety of the residents or neighbors.

2. Upon determination that there are grounds for revocation
or grounds other than in Section E.1. for immediate termination, the director may give written notice to the permit holder describing the alleged violation. Within seven (7) days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven (7) day period, the director shall sustain or revoke the permit. When a permit is revoked, the director shall notify the permit holder by first class and certified mail of the revocation and the findings upon which revocation is based. Appeals from the director’s decision to revoke a permit may be filed with the director and heard by the administrative hearings office. Grounds for revocation include:

a. There has been a violation of any approval criteria or condition of application.

b. The number of available shelter beds within the municipality make continued operations of the allowed camp unnecessary.

F. Any permit granted under this ordinance shall automatically expire no later than December 1, 2023. Expiration of the permit does not relieve the permittee from any obligations under the permit, including as to litter and site restoration, until released in writing by the Director. No permits under this ordinance shall be granted after September 1, 2023.

[section 21.05.080 is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.05.080 - Temporary uses and structures.

A. Purpose. This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

B. General temporary use standards.

1. Required permits. All temporary uses shall obtain any permits required by other municipal departments, such as the clerk’s office, the health department, the building safety department, or the police department.

2. Uses allowed. Except as specified below, any use allowed in a district, pursuant to Table 21.05-1, Table 21.09.050-1, or Table 21.10-4, is allowed on a temporary basis in that district. Such temporary uses shall comply with the requirements of subsection D. below. Any such temporary use that is established for more than the allowed time limit as determined in subsection 21.05.080D.3. shall be considered a permanent use and shall make all
improvements required by this title.

3. Other uses and structures allowed. The following temporary uses and structures shall be allowed in any zoning district or as specified below, in accordance with the standards of this section.

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e. Sanctioned camps. A sanctioned camp has the meaning as defined in section 16.125.200 of this code. An administrative permit approved by the director is required. Notwithstanding Title 23, a mobile home, motor home, temporary structure on an impermanent foundation, a permanent structure existing prior to the sanctioned camp application, or a relocatable ancillary building may be used for communal amenities or to provide support services for the residents of the sanctioned camp. The following standards apply:

i. Subject to the director’s approval that the site plan and operations plan demonstrate compatibility with the character of the neighboring lots and district, sanctioned camps shall be allowed on a lot or adjacent lots in the R-3, R-3A, R-4, R-4A, B-3, I-1, DR, PLI, and TA districts in the Anchorage bowl, in the gC-1, gC-2, gC-4, gC-6, gC-9, gC-10, gl-1, gl-2, GOS, GD and GRR districts in the Girdwood area, and in the CE-R-2M, CE-R-5, CE-R-5A, CE-B-3, CE-I-1, CE-I-3, CE-DR, CE-PLI, and CE-TR districts in the Chugiak-Eagle River area.

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

ii. The proposed site must be sufficient in size to accommodate the temporary housing and necessary on-site facilities, including, but not limited to, the following:

(A) Sanitary portable toilets in the number required by the director for the population of the sanctioned camp. Portable toilets shall be placed to minimize odor impacts on adjacent properties.

(B) Hand-washing stations by the toilets and by the food areas;
(C) in lieu of (A) and (B), a temporary structure with water and sewer connections providing bathrooms may be provided.

(D) Refuse receptacles for trash, recycling, and garbage; and

(E) perimeter fencing including established entry and exit points.

iii. No permanent structures will be constructed for the sanctioned camp.

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

v. Shall be within a quarter (1/4) mile of a bus stop with seven (7) days per week service, whenever possible. If not located within a quarter (1/4) mile of a bus stop, the applicant must demonstrate the ability for residents to access the nearest public transportation stop (such as shuttle buses) or that the intended residents of the camp are to have independent modes of transportation.

vi. Approved sanctioned camps shall be located at least one thousand (1,000) feet from all the following uses:

(A) other sanctioned camps.

(B) marijuana establishments

(C) premises with a beverage dispensary license.

(D) premises containing uses where children are not allowed are defined in AMC Section 10.40.050.

(E) correctional institutions.

vii. Except for sanctioned camps limited to families with children or women, shall be at least one thousand (1,000) feet from all the following uses:

(A) schools.

(B) playgrounds.

(C) child care centers.

(D) community centers.

(E) neighborhood recreation centers.

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

ix. The director’s report and approval shall be forwarded to the health department director at least fourteen days before the assembly’s consideration of a sanctioned camp permit application under chapter 16.125. If the assembly denies the Chapter 16.125 permit application, the administrative permit approved under this subsection shall become void.

f. Other allowed temporary uses.

i. Up to nine one-day garage/yard sales per year per dwelling unit.

ii. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fundraisers.

iii. Temporary uses that occur wholly within an enclosed permanent building.

iv. Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, shall be allowed for 30 days within a 12-month period in all residential districts.

v. In the PLI district, temporary licensed commercial uses and associated temporary structures, for not more than 90 days total duration within a 12-month period. The temporary use may be in operation 90 continuous days or any combination of days in intermittent operation. This provision does not apply to the use of construction trailers on an active construction project.

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D. General requirements for all temporary uses and structures. All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this title:

1. The temporary use or structure shall not have substantial adverse or noise impacts on nearby residential neighborhoods.

2. The temporary use shall comply with all applicable general and specific regulations of this section unless otherwise expressly stated.

3. Unless otherwise stated in this title, temporary uses in
residential districts shall last no longer than 90 days.
Temporary uses in nonresidential districts shall last no
longer than 180 days, with a possible 180-day extension,
in accordance with AMC 23.10.104.

4. All temporary signs associated with the temporary use or
structure shall be removed when the activity ends.

5. The temporary use or structure shall not violate any
applicable conditions of approval that apply to a principal
use on the site.

6. The temporary use regulations of this section do not
exempt the applicant or operator from any other required
permits, such as health department permits.

7. If the property is undeveloped, it shall contain sufficient
land area to allow the temporary use or structure to occur,
as well as any parking and traffic movement that may be
associated with the temporary use, without disturbing
sensitive or protected resources, including required
buffers, 100-year floodplains, stream protection setbacks,
wetlands, areas of slope greater than 20 percent, and
required landscaping.

8. If the property is developed, the temporary use shall be
located in an area that is not actively used by an existing
approved principal use, and that would support the
proposed temporary use without encroaching or creating
a negative impact on existing buffers, open space,
landscaping, traffic movement, pedestrian circulation, or
parking space availability.

9. Tents and other temporary structures shall be located so
as not to interfere with the normal operations of any
permanent use located on the property.

10. Off-street parking shall be adequate to accommodate the
proposed temporary use.

11. Applications for temporary structures to be located in or
near the 100-year floodplain shall be in accordance with
subsection 21.03.090, Flood Hazard Permits.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

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

23.10.104.16 Shelter Units Located in Allowed Camps.

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

A. Sleeping units shall not exceed 100 square feet gross floor area.
B. Hygiene and community units shall not exceed 800 square feet
gross floor area.
   a. Exception: Units meeting the requirements of Relocatable Ancillary Buildings under AMC 23.95 may exceed this limit.

C. Units shall be capable of supporting 25 psf snow load and be able to resist the wind design load for the location.

D. Units shall be restrained to resist wind load. The attachment shall be designed by an Alaska licensed civil or structural engineer.

E. Wall/roof panel finish material shall be tested in accordance with ASTM E84 and the flame spread shall not exceed 200 and the smoke developed index shall not exceed 450 (Class C finish material).

F. Units shall be located and arranged to allow for emergency responder access and snow removal.
   a. A minimum clear space of 5 feet shall be provided on sides subject to snow shedding.
   b. A minimum clear space of 10 feet shall be provided in front (on the door side) of each unit.
   c. Units may be located adjacent to each other forming clusters with up to 8 units per cluster. Clusters of units shall be located 10 feet minimum from permanent structures, property lines, support structures and other clusters.

G. The accumulation of trash, combustibles, and other obstructions shall not be allowed in the required clear space.

H. Units and the required clear space shall be maintained free from the accumulation of snow and ice. Snow shall not be allowed to accumulate on the unit.

I. Electrical permit required:
   a. A licensed electrical contractor shall obtain a permit to provide electrical service and/or connection to the unit(s). The electrical connection shall consist of an approved flexible cord, attachment cap and receptacle approved for the location.
   b. The unit shall comply with the National Electrical Code as noted by NEC 550.4 (A). A code compliance inspection shall be performed, and necessary corrections made before power is connected. A licensed electrical contractor shall obtain a permit and make the correction. The permit for providing electrical service and/or connection may include the corrections when performed by the same contractor.
   c. Installations involving more than one unit require an electrical design sealed by an Alaska licensed electrical engineer.

J. Occupants shall have access to on-site toilet and bathing facilities.

K. If the unit is connected to a water supply or wastewater system, a licensed plumbing contractor shall obtain a retrofit permit and perform the work. A public water supply shall be isolated by a reduced pressure backflow assembly.
L. If the unit is to be connected to a natural gas or propane supply, a retrofit permit shall be obtained by one of the following:
   a. A licensed plumbing contractor, or
   b. A licensed mechanical contractor that employs a licensed plumber or gas fitter.

M. Service equipment located adjacent to vehicle lanes shall be protected with bollards or other substantial barrier.

N. Units shall comply with fire code and operational processes as determined by the fire marshal. These include, but are not limited to:
   a. An Anchorage Fire Department (AFD) approved, currently serviced fire extinguisher shall be located inside the unit.
   b. Propane tanks shall be protected from vehicle impact and shall be located in accordance with the fire code.
   c. Unit locations shall not impact fire lanes or emergency vehicle access to the units or nearby structures.

O. Units that do not meet all restrictions and requirements listed in items A. through M. shall require a building permit in accordance with this code.

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

Chapter 23.95 - RELOCATABLE ANCILLARY BUILDINGS [1997 EDITION]

23.95.100 Building permit: Exemption.

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

(AO No. 2020-85, § 1, 10-27-20)

23.95.200 Requirements for building permit.

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

A. The relocatable ancillary building shall comply with the provisions of the technical codes for new buildings or structures relating to fire, building and life safety concerns and are current as of the date of the building plan review, except the relocatable ancillary building is not required to have:
   1. Plumbing facilities;
   2. Water service;
   3. Permanent foundation;
4. Active fire alarm system, provided the relocatable ancillary building is less than 1,000 square feet in size and has at least two exit doors;
5. Fire sprinkler system; or
6. Accessibility for the disabled, provided another structure available on the site for a fundamentally similar purpose or [SIMILAR EDUCATION] program is offered and [IN THE PERMANENT BUILDING] accessible to the disabled.

B. The relocatable ancillary building must be secured to prevent overturning or sliding by lateral forces, including wind, and to minimize movement during seismic activities.

C. A plan for the proposed location of the relocatable ancillary buildings shall be approved by the municipal Fire Department and the Development Services Department.

D. An electrical permit and reinspection for the relocatable ancillary building is required following each relocation thereof.

E. A plumbing permit and reinspection for any relocatable ancillary building having plumbing facilities or water service is required following each relocation thereof.

(AO No. 2020-85, § 1, 10-27-20)

23.95.300 Definitions.

[A.] A relocatable ancillary building shall meet one of the following definitions:

A. A publicly or privately owned moveable educational classroom or support facility meeting the Group E occupancy definition of the Building Codes contained in Title 23 and constructed for multi-year use in conjunction with one or more publicly or privately owned permanent building and which meets all of the following criteria:
   1. Is a public or private educational facility which serves a public education purpose;
   2. Is ancillary to a permanent building and serves the same general purpose and function as the permanent building;
   3. Is located in close proximity to the permanent building; and
   4. Is used as a classroom for students who have access to the plumbing facilities and water service of the permanent building or is used as a storeroom solely for classroom supplies.

B. A publicly owned moveable facility designated as an emergency shelter under section 16.120.040, when the emergency shelter plan has been activated under section 16.120.020.

[C. A structure designed for rapid deployment, assembly or disassembly and readily moveable in less than a day, and for temporary and transitional shelter, communal amenities for the residents, or support services.]
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 a allowed [sanctioned] camp permit.

Section 6. Notwithstanding AMC section 21.03.210, this ordinance shall not require Planning and Zoning Commission review prior to Assembly action, and the 21-day published notice requirement of AMC subsection 21.03.020H.4. is waived; this ordinance shall comply with Charter § 10.01(b) notice requirements.

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
From: Assembly Members Martinez, Johnson, and Cross


This Substitute version of the AO significantly makes changes to the original proposed AO to take a temporary approach to allow the utilization of sanctioned camps within the Municipality of Anchorage for the rest of 2023. It is an initial step for developing permanent changes to the Anchorage Municipal Code to permit allowed camps as a use type regulated by Title 21, and for operations plan standards in Title 16 and oversight by the Anchorage Health Department. Significant changes were made to track the changes from the Sanctioned Camp Community Task Force original proposed AR 2023-188 and the final passed and approved AR 2023-188(S-1), As Amended. The change in direction in that resolution from launching multiple sanctioned, or allowed, camp areas and encouraging property owners to apply to establish and operate their own sanctioned camps to a pilot program for one allowed camp on municipal property also drives many of the changes in direction contained in this S-version of the proposed ordinance. The substantive changes include:

- Anchorage Municipal Code will not be amended at all by the S-version. Instead, a temporary procedure is established that waives any conflict or barrier in current Code and allows the Director of the Planning Department to issue a permit for an allowed camp. The Director will issue no new permits after September 1, and all permits will all expire December 1, 2023. These deadlines may be changed before those dates by subsequent ordinance. The sponsors intent is to continue working on a more permanent code change
establishing a new use type and procedures that would be guided by the experience from the temporary procedures proposed here. This temporary procedures by a non-Code ordinance approach has been taken in the past to address extenuating circumstances and allow temporary land uses to mitigate the impacts of those on the community. This approach is well suited for the circumstances today as homeless unsheltered persons have set up prohibited campsites throughout the municipality. A comparison of permitted allowed camps and those prohibited campsites is attached in Exhibit A.

- The application for a permit is to the Planning Department, not to the Anchorage Health Department (AHD). The application must include an Operations Plan that is forwarded to the AHD for its review and approval. The AHD Director can work with the applicant to modify the Operations Plan for compliance with and best practices under Section 1; the Planning Director shall ensure compliance with the land use regulations established by Section 2 and depending on the structures proposed for use may circulate to the Building Official for Section 3 review. The Planning Director cannot issue the permit if the AHD Director rejects the Operations Plan.

- Notice of the application, after its complete, will be posted on the property, published on the Municipality’s public notices webpage, and e-mailed to the Federation of Community Councils for dissemination to all community councils. The Planning Director must wait 10 days for public comments before making a decision on the application. This approach provides for a fast tracked public process in order to issue permits quickly this summer. The permanent changes anticipated for Code amendments would follow a more rigorous public process, such as that for conditional uses.

- Section 1 details the requirements of an Operations Plan, and tracks some of the information necessary similar to Homeless and Transient Shelter Licensing in AMC chapter 16.125. But it does not amend code, the requirements are numbered within the ordinance, starting with Section 1.I. on p. 4, line 44. A definition for “Allowed Camps” is provided here, and operations standards the applicant should provide. These are modeled after the requested standards, amenities and services recommended by the Sanctioned Camps Community Task Force, AR 2023-188(S-1), As Amended, and code adopted by Olympia, Washington. The AHD Director may work with the applicant to suggest changes before approving the Operations Plan, but may also require some changes for approval. A nominal fee is required, to demonstrate the applicant is serious about the process. The AHD Director is authorized to request immediate or noticed termination of the permit for the allowed camp, if operations are inadequate to protect the residents and neighbors.

- Section 2 is deleted, so Code is not amended to require an administrative permit under Title 21, and Section 3 becomes Section 2 in the S-version. It sets out the application process to the Planning Department, restrictions and standards. Some significant changes from the original ordinance are:
  - Allowed camps may only be approved in zoning districts that allow a homeless and transient shelters or transitional living facilities are
permitted, either by right or by conditional use approval. Those are R-3, R-3A, R-4, R-4A, B-1B, B-3, and PLI districts in the Anchorage Bowl, and the CE-R-3, CE-B-3, CE-PLI and CE-DO districts in the Chugiak-Eagle River area. Those two use types are not listed in the Girdwood area Table of Allowed uses. However, allowed camps may be permitted in any other zoning district with additional public process by Assembly approval of a resolution.

- Separation distance from identified protected uses is changed from the overly prohibitive original ordinance proposal, to 500 feet when the site is for more than 45 residents, and 400 feet if for 45 or fewer residents. The distance is measured from the nearest access point in the required perimeter fencing for the allowed camp, and not from lot line to lot line.

- Once approved, the permit must be posted on the site, and notice of the procedure for objections to it, which may be filed with the Administrative Hearings Officer.

- Provisions for enforcement, suspension and termination of the permit are provided, both immediate if life safety risks are present, and by prior notice to the permittee.

- Section 3 of the S-version provides an exemption from the building permit and certificate of occupancy requirements of Title 23, Building Codes, and was drafted with much assistance from the Acting Building Official. So long as the requirements are complied with and approvals obtained, the longer process for permits and inspections for permanent buildings and structures is avoided. This enacts a new AMC section 23.10.104.16 specific to the buildings that would be at the allowed camp sites, including administrative office buildings and hygiene or community buildings. This section replaces the amendment to AMC ch. 23.95, Relocatable Ancillary Buildings, in Section 4. However, relocatables would still be allowed under that chapter, but temporary structures on impermanent foundations such as Pallet Shelters would be allowed under Section 3’s code amendment.

The S-version is a streamlined process that is temporary and serves as a springboard for us to learn what works and doesn’t, to better inform the future permanent changes to Code to add this new use. This ordinance is necessary to make the request of the Sanctioned Camp Community Task Force and AR 2023-188(S-1), As Amended, possible and legal as soon as possible within the Municipality.

Attached in Exhibit A are photos comparing communities with sanctioned camps to those of unsanctioned camps in Anchorage and Santa Cruz, CA..

We request your support for the ordinance.

Prepared by: Assembly Counsel’s Office
Reviewed by: Legislative Services Office
Respectfully submitted:  George Martinez, Assembly Member  
District 5, East Anchorage

Zac Johnson, Assembly Member  
District 6, South Anchorage

Kevin Cross, Assembly Member  
District 2, Eagle River
Examples of Sanctioned Homeless Camps in:

1.) Denver, CO
2.) San-Diego, CA.
3.) Los Angeles, CA
4.) Olympia, WA.
Examples of *Unsanctioned Homeless Camps* in Anchorage and, shown at bottom, in Santa Cruz, CA.