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


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 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 camps with minimal rules for health, safety and security of the occupants in temporary tents or individual shelters; and
WHEREAS, allowed 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 camps are not classified as shelters; and

WHEREAS, the Assembly’s goal is to have allowed 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”; and

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

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code Title 16 provisions that would govern the allowed camp described in this Ordinance are hereby waived as necessary and reasonable for such use[s] 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 oversight of an operations plan. 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.

I. Allowed camp definition; operations plan required.

A. Definition. An allowed 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 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 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 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.

II. Purpose of allowed camps.

The purpose of Section 1 of this Ordinance is to establish minimum standards
of operation for emergency facilities known as allowed 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 allowed camps. The
requirements of these sections are intended to promote community trust
while establishing manageability for allowed camp operators. The assembly
intends to permit an allowed camp to operate within a framework consistent
with existing municipal code and best practices of temporary and emergency
relief responses.

III. Procedures and applicable standards.

A. The operator of the pilot project allowed camp shall submit an
operations plan to the director. 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
operator is the municipality, the director shall require a different
division within the department to review the operations plan submitted.

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

1. Potable water.
2. Sanitation collection.
3. Food.
4. Gathering space.
5. Accessible by case management services and all providers,
i.e., an open campus.
6. Security, to include adequate fencing to protect campers from
wildlife and other dangers, and an access plan, including
established entry and exit points.
7. Action and mitigation-oriented good neighbor agreement between providers and nearby community councils.
8. 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.
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 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. 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.

2. The pilot project site must 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, an existing permanent or 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.

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

4. 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.

5. 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.
6. 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. Procedure. The pilot project allowed camp shall submit a site plan to the director, which must contain the content and information sufficient to determine it complies with this section. The director shall provide for a means to receive public comments regarding the pilot project allowed camp siting and operations as soon as practicable and closing no sooner than September 30, 2023. Notice describing how to submit public comment 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.

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.

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. 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 the director shall do so.

F. The pilot project allowed camp 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.

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

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 program is offered and 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 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.  

(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