

Submitted by: Assembly Member  
Rivera

Assembly Chair

Constant

Prepared by: Assembly Counsel's  
Office

(S-1) For reading: July 11, 2023

## 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 **REVOCABLE 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 camps, emergency shelter, and other services; and  
35

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

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

7  
8 **WHEREAS**, allowed camps are not classified as shelters; and

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

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

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

26  
27 **WHEREAS**, the intent of the Assembly is to identify a single location for a pilot  
28 project for an allowed camp to be put in service as soon as possible during summer  
29 2023; now, therefore

30  
31 **THE ANCHORAGE ASSEMBLY ORDAINS:**

32  
33 **Section 1.** Anchorage Municipal Code Title 16 provisions that would govern the  
34 allowed camp described in this Ordinance are hereby waived as necessary and  
35 reasonable for such use[s] until December 1, 2023. This section shall govern the  
36 operation requirements and standards for allowed camps as defined herein, and the  
37 procedures for the Anchorage Health Department’s review and oversight of an  
38 operations plan. There are no changes to current text of Anchorage Municipal Code  
39 chapter 16.125 by this ordinance. Deletions indicated below are to this ordinance  
40 and not to current 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 director  
 9 of the Anchorage Health Department. The director’s approval is a  
 10 discretionary administrative decision. For purposes of this Section 1  
 11 of the ordinance, “director” shall mean the director of the Anchorage  
 12 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 operations  
 34 plan includes, but is not limited to, that needed to determine  
 35 compliance with this section and information required by subsections  
 36 16.125.040A.1., 2., 3., 5., 9., 10., 11., 13., 14., 15., 16., and 17. If the  
 37 operator is the municipality, the director shall require a different  
 38 division within the department to review the operations plan submitted.  
 39

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

- 43 1. Potable water.
- 44 2. Sanitation collection.
- 45 3. Food.
- 46 4. Gathering space.
- 47 5. Accessible by case management services and all providers,  
 48 i.e., an open campus.
- 49 6. Security, to include adequate fencing to protect campers from  
 50 wildlife and other dangers, and an access plan, including  
 51 established entry and exit points.

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- 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

1 Section 1 of this ordinance. The pilot project allowed camp described  
2 in Section 6 of this Ordinance does not require prior approval of the  
3 director for the site location; however, the operator shall comply with  
4 the director's requirements for compliance with this section. A mobile  
5 home, motor home, temporary structure on an impermanent  
6 foundation, a permanent structure existing prior to the allowed camp  
7 application, or a relocatable ancillary building may be used for  
8 communal amenities or to provide administrative space or support  
9 services for the residents of the allowed camp. The following  
10 standards and restrictions apply:

- 11 1. Shall be located on vacant lots, parking lots, or other open  
12 spaces with minimal trees or significant vegetation in the core  
13 of the living area, allowing clear sight lines across a majority of  
14 the entire campsite. They shall not be located within densely  
15 wooded areas, public trails, greenbelts, children's playgrounds,  
16 or rights of way with grading and fill or more development.  
17
- 18 2. The pilot project site must accommodate the temporary  
19 housing and necessary on-site facilities and amenities,  
20 including, but not limited to, the following:
  - 21 a. Sanitary portable toilets in the number required by the  
22 director for the population of the allowed camp. If  
23 portable toilets are used they shall be placed to minimize  
24 odor impacts on adjacent properties.
  - 25 b. Hand washing stations by the toilets and by the food  
26 areas.
  - 27 c. In lieu of a. and b. above, an existing permanent or a  
28 temporary structure with water and sewer connections  
29 or on-site systems compliant with Title 23 (Section 3 of  
30 this ordinance) providing toilet and bathing facilities may  
31 be provided.
  - 32 d. Refuse receptacles for trash, recycling, and garbage.
  - 33 e. Perimeter fencing including established entry and exit  
34 points.
- 35
- 36 3. No new permanent foundations will be constructed on site for  
37 the allowed camp.  
38
- 39 4. No more than sixty (60) residents shall be allowed at an allowed  
40 camp, excluding an administrator, staff and support services  
41 personnel. The director may establish a lower limit to the  
42 number of residents as site conditions dictate.  
43
- 44 5. Separation aisles of at least six feet (6') shall be maintained for  
45 gurney and firefighter access and at least six feet (6')  
46 separation shall be maintained from fences and property lines.  
47 The separation between individual units on the site shall be ten  
48 feet (10') of space between tents or temporary small structures  
49 in numbered areas unless otherwise required by the director or  
50 Fire Department.  
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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

1 add a new subsection to read as follows:  
2

3 **23.10.104.16 Shelter Units Located in Allowed Camps.**  
4

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

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

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

27 **Section 4.** Anchorage Municipal Code chapter 23.95 is hereby amended to read  
28 as follows:  
29

### 30 **Chapter 23.95 - RELOCATABLE ANCILLARY BUILDINGS**

#### 31 **23.95.100 Building permit: Exemption.**

32 Relocatable ancillary buildings, which meet the requirements of section  
33 23.95.200 qualify for a building permit. Relocatable ancillary buildings are  
34 exempt from the requirements of section 23.10.101.9, Moved buildings, and  
35 section 23.10.104.3, Temporary structures of the Anchorage Administrative  
36 Code, or any successor or local amendment thereto.  
37

38 (AO No. 2020-85, § 1, 10-27-20)  
39

#### 40 **23.95.200 Requirements for building permit.**

41 A relocatable ancillary building which meets all of the following  
42 requirements qualifies for a building permit:  
43

- 44 A. The relocatable ancillary building shall comply with the provisions of  
45 the technical codes for new buildings or structures relating to fire,  
46 building and life safety concerns and are current as of the date of the  
47 building plan review, except the relocatable ancillary building is not  
48 required to have:  
49 1. Plumbing facilities;  
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- 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)

1 **Section 5.** The Anchorage Health Department shall develop standard model  
2 rules of conduct, policies and procedures, good neighbor policy, and operating plans  
3 and make them available to prospective applicants for an allowed camp permit.  
4

5 **Section 6.** [NOTE: This AO section is new in the S-1 version.] The Assembly  
6 approves a pilot project for one allowed camp at [site name/location to be  
7 inserted by amendment]. Notwithstanding the requirements of the other  
8 Sections of this Ordinance, this pilot project allowed camp may commence activities  
9 necessary to prepare the site for operations, such as erecting perimeter fencing,  
10 tents or sites for tents and/or other structures on impermanent foundations.  
11 Immediately. Operations and service may not commence until approved by the  
12 Planning Director and Health Department Directors, whom shall as soon as  
13 practicable review the operations and site plan. The directors of these departments  
14 may require the operator to modify the work completed and the operations and site  
15 plans for good cause.  
16  
17

18 **Section 7.** This ordinance shall be effective immediately upon passage and  
19 approval by the Assembly.  
20

21 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
22 \_\_\_\_\_, 2023.  
23

24  
25  
26 \_\_\_\_\_  
27 Chair  
28

29 ATTEST:  
30  
31

32 \_\_\_\_\_  
33 Municipal Clerk